

# **PHASE III: THE SOVIET OCCUPATION OF ESTONIA FROM 1944**

## **INTRODUCTION**

His Excellency the President of Estonia, Lennart Meri, wrote in his letter of 14 August 1998 to members of the Commission:

“It is my hope that the Commission can help my country to move confidently into the future after having identified all the individuals and groups responsible for the many tragedies visited on her half a century ago.”

The Commission was established to look into the historical record of the massive violation of human rights in Estonia during and after the Second World War. The Commission divided its investigation into three segments: the first Soviet occupation (1940–1941, report published in 2004), the German occupation (1941–1944, report published in 2001), and the second Soviet occupation (from 1944, report published in 2008).

The Commission thanks Toomas Hiio and members of the research team for the thirty four research papers on which the Commission’s conclusions that follow below are based. The papers are the product of painstaking research that used a great variety of sources. Especially useful were the remarkably rich archives of the Estonian state.

## **DEFINITION OF TERMS**

In order to make clear precisely whom we are discussing, the Commission has adopted the convention of using the term “Estonian” to denote only citizenship. Where we deem it necessary to identify specific ethnic or religious groups of Estonian citizenship, we use the appropriate term. We use “ethnic Estonians” to identify the majority population.

The Commission decided at its first meeting to use the definitions of “Crimes Against Humanity” set out in Article 7 of the 1998 Rome Statute of the International Criminal Court which is appended to this Report. Although these definitions were arrived at many years after the events that we have studied, we are confident that they represent a standard that is appropriate to those events. This is, furthermore, not a judicial commission; any legal action that may be taken as a result of the Commission’s findings will be the responsibility of the appropriate authorities of the Republic of Estonia. On reviewing the events on which this Report is based, the Commission also concluded that certain of those events met the definition of War Crimes as set out in Article 8 of the Rome Statute.

## **HISTORICAL BACKGROUND**

After being an independent country for more than twenty years, Estonia was occupied and annexed by the Soviet Union in June 1940. In 1941–1944 it was occupied by Nazi Germany. From February to November 1944 German forces were driven out of Estonia by the Red Army. Soviet rule was re-established in Estonia by force, and sovietisation followed.

In autumn 1944 about 70,000 individuals left Estonia, most of them civilians. They escaped the advancing Red Army by getting to Sweden or Germany in boats.

The preparations for continuing the sovietisation that was launched in 1940–1941 began behind Soviet lines in 1943. Various operational groups were organised that would take over the administration in Estonia after the reoccupation of Estonian territory. The Red Army Estonian Rifle Corps formed in 1941–1942 (especially its political departments), along with Soviet and Party personnel evacuated from Estonia in 1941 and Soviet citizens of Estonian origin, were used as human resources for sovietisation.

The principal individuals responsible for implementing the Soviet regime's domestic security policies in what was once again called the Estonian Soviet Socialist Republic (ESSR) are those described below.

The 1st Secretary of the Central Committee (CC) of the Estonian Communist Party (ECP), Karl Säre, was left in Estonia in 1941 to organise an underground partisan movement. He was arrested by the Germans in 1941 and probably died in a concentration camp in Germany at the end of the war. He was replaced in 1941 by the 2nd Secretary, Nikolai Karotamm, who from 1944–1950 was the 1st Secretary.

Johannes Lauristin, chairman of the government (known as the ESSR Council of People's Commissars), died during the evacuation in August 1941, and was replaced in 1944 by Arnold Veimer.

Johannes Vares (Barbarus), Chairman of the Presidium of the Supreme Soviet of the ESSR (the quasi-parliament), committed suicide or was killed by agents of Soviet State Security in 1946. He was succeeded by Eduard Päll.

The People's Commissar of Internal Affairs from 1944 was Aleksander Resev, and the People's Commissar for State Security was Boris Kumm. Hans Kruus was the People's Commissar for Foreign Affairs. (From 1946 on, the term "people's commissar" was changed to "minister".)

At the same time, special supervisory bodies were formed to sovietise the Baltic countries. In October 1944 an Estonian Bureau of the Central Committee of the USSR Communist Party was set up in Moscow. It played a decisive role until its closure in 1947. It included a Chairman (1944–1946 Nikolai Shatalin, 1946–1947 Georgi Perov), and also Nikolai Karotamm, Arnold Veimer, and a special representative of the central government's police and security agencies (in 1944–1945 – Nikolai Sazykin, in 1945–1947 – Nikolai Gorlinski).

Sovietisation was mostly carried out in the years 1944–1950. The forced collectivisation of agriculture began in 1947, and was completed after the mass deportation of Estonians to the Soviet hinterland in March 1949 (see below). All private farms were confiscated, and farmers were forced to join the collective farms.

In 1944–1950 all local self-government units were dissolved, to be replaced by Soviet-style administrative units for each region, district, and village. In 1944 and 1945, parts of the Estonian Republic's territory with a mostly Russian-speaking population were taken away from Estonia and attached to the Leningrad and Pskov regions of the USSR's Russian Republic (RSFSR).

At the same time, massive Soviet-style industrialisation of the Estonian economy began. In particular, the mining of oil-shale in Northeast Estonia was expanded to provide fuel for power plants and heating systems.

Estonian territory became one of the westerly military outposts of the Soviet Union. It was heavily militarised, as tens of thousands of Soviet troops entered the republic. Military installations were mostly built by the forced labour of German prisoners-of-war. Also taking part were some new army conscripts, along with a number of men from labour and construction battalions of Estonians who had served in various German units in 1941–1944 or had been in the Red Army's Estonian Rifle Corps in 1941–1945.

From 1945 to 1956 Estonian national units of the Soviet Army (made up only of Estonians) were stationed in Estonia. Most Estonian conscripts did their compulsory service in these units. In 1956, however, all of the USSR's ethnically based military formations were abolished, due to Moscow's fears that they might be infected with ethnic nationalism.

The peak of forced sovietisation came at an Estonian Communist Party (ECP) meeting in March 1950. Before, during and after the session, "leading officials" of the ECP, the Council of Ministers, and other official bodies who had lived in Estonia in 1918–1940 (including those who had engaged in underground communist activity), as well as so-called June communists (people who had actively cooperated with Soviet authorities after the June 1940 occupation), were dismissed from office. Most of them were accused of so-called "bourgeois nationalism". Some were arrested and sentenced to 25 years' imprisonment, including former ESSR ministers Nigol Andresen and Aleksander Jõeäär. Former minister Augustin Hansen was sentenced to death and executed.

Their posts were taken over by communists sent from other parts of the Soviet Union, including Johannes (Ivan) Käbin, who became 1st Secretary of the ECP and held this post for 28 years, until 1978.

The campaign against "bourgeois nationalism" affected many other spheres of Estonian life, especially those of higher education, literature, music and the arts. It was also a feature of the (relatively mild) Estonian version of Stalin's anti-semitic program, which, coming in the wake of the creation of Israel, was aimed at preventing the re-emergence of Jewish communal life, and eliminating the influence of Jewish communists in political and literary circles.

An armed resistance movement of so-called forest brothers was active until the mass deportations of March 1949, although the last surviving guerrillas were not arrested or killed until the 1970s. The total number of participants in, and supporters of this movement through the period is estimated at about 30,000; more than 2000 individuals were killed. There were also hundreds of deaths on the side of the Soviet authorities – "Soviet and Party workers", as well as state security officials and troops. Among those killed by both sides were innocent civilians.

Besides the armed resistance of the forest brothers, a number of underground nationalist organisations of schoolchildren were formed. Most of them were uncovered by security organs, and their members sentenced to long terms of imprisonment.

After Stalin's death in March 1953 the number of directly punitive actions against the Estonian population decreased rapidly. The military tribunals were confined to dealing only with military cases, while the Special Board of the Ministry of State Security was abolished. In 1953–1954 the ministry itself was downgraded and renamed the State Security Committee, generally known as the KGB.

During the entire existence of the Soviet Union the State Security system was an all-Union body, led by the central structure in Moscow. The subordination of the People's Commissariats (or

Ministries) of State Security and Internal Affairs to the Council of People's Commissariats (or Councils of Ministers) of a given Union republic was only a formality.

However, the death of Stalin did not end the sufferings of those who had been arrested or deported for political reasons. The release of deportees and political prisoners from the prison camps or from forced exile began in 1954, but the great majority of those who had survived were not allowed back to Estonia until 1956–1958. The last men and women who had been arrested in the late 1940s or early 1950s were released only in the 1980s.

The attempt to integrate Estonian society into the Soviet system was not successful. Although direct large-scale armed resistance was defeated in the late 1940s and early 1950s, most of the population remained in varying degrees anti-Soviet. This fact helped the Estonians to organise a new resistance movement in the late 1980s, regain their independence in 1991, and then rapidly develop a modern society.

## **CRIMINAL EVENTS IN ESTONIA FROM 1944**

### **1. The continuation of the prosecution and conviction of previous Estonian political leaders**

As the Red Army pushed into Estonia in the early spring of 1944, it brought with it the repressive regime that had functioned in Estonia from June 1940 until shortly after the German invasion of the Soviet Union in June 1941.

The Commission's conclusions on this period (the first Soviet occupation) were published in 2004. They set out in considerable detail the process by which the Soviet administration arrested, prosecuted and either exiled, imprisoned, or shot almost all the members of independent Estonia's political leadership. Particular attention was given to eliminating everyone who had served as a minister in any of the governments of the Estonian Republic since the establishment of the provisional government in 1918.

The Soviet authorities' rationale for their actions in the first occupation, and again in the second, rested on the deliberate falsification of history. In the Soviet view, the first legitimate, post-tsarist government in Estonia had been Bolshevik, and had been overthrown by reactionary forces acting in concert with foreign armies. Veterans of the War of Independence (1918–1920) were therefore vulnerable to charges of having engaged in anti-Soviet activities.

In this context one has to keep in mind that Estonian independence was recognised by Soviet Russia through the signing of the Tartu Peace Treaty in February 1920. In the early 1920s Estonia was also recognised by most independent countries, and joined the League of Nations in 1921.

In the Soviet view, however, since all the succeeding "bourgeois democratic" governments of Estonia were illegitimate, everyone who had served in them as ministers could be charged with having played a role in an illegal government set up on Soviet territory.

In 1944, as in 1940, Soviet authorities made no mention of the existence of the secret protocol contained in the non-aggression pact between the Soviet Union and Nazi Germany of 23 August 1939 (the Molotov-Ribbentrop agreement), which assigned Estonia to the Soviet sphere of

influence. Under this protocol, the Soviet Union was free to occupy Estonia without interference from Germany.

The elections of July 1940, in which only candidates approved by the Communist Party were permitted to campaign, were described by the Soviet authorities as entirely free and democratic. The result of the elections, in which officially 84.1% of citizens voted and 92.8% of those voting supported candidates who requested, at the first session of the new “parliament”, that Estonia become a Soviet Socialist Republic within the Soviet Union, was characterised as the expression of the long-suppressed yearning of the Estonian people to join the USSR.

This series of falsifications had justified an outright attack on Estonian society during the first Soviet occupation, culminating in the arrest and deportation in June 1941 of about 10,000 people.

To the extent that the task of punishing former Estonian leaders had not been completed before the German invasion, the Soviet authorities were determined to do so when the Red Army reoccupied Estonia. Thus ten of the 12 former ministers in Estonian governments who had not been dealt with during the first occupation were arrested. They either died under interrogation, or were shot, or were sentenced to long terms of imprisonment in Gulag labour camps that very few of them survived.

## **2. The prosecution and conviction of members of the Otto Tief Government**

On 18 September 1944 in Tallinn the pre-1940 Prime Minister of the Republic of Estonia, Jüri Uluots, who had assumed (as provided for by the Estonian Constitution) the duties of Estonia’s president, formed a government under the leadership of Deputy Prime Minister and Minister of Internal Affairs Otto Tief. The aim of the government was to restore Estonian independence. A State Gazette was published, announcing that the government had been formed. Four days later, Red Army troops occupied Tallinn. When the Soviet Union did not recognise the Tief government, its members left Tallinn and went to the western coast of Estonia, from where a boat was to take them to Sweden. However, the boat arrived too late and only two members of the government succeeded in avoiding arrest. The others were arrested by Soviet security organs. The majority were sent to Moscow and convicted by the Military Division of the USSR Supreme Court for their participation in the government. Most were sentenced to 10 years’ imprisonment plus five years of forced exile. However, Commander-in-Chief Jaan Maide, Eduard Inglist and Juhan Reigo were sentenced to death and executed in 1945. Those who survived imprisonment were released in the years after Stalin’s death, but remained under surveillance by the security organs until their deaths.

## **3. The continuation of prosecution and conviction of state officials of the Republic of Estonia**

Just as earlier political leaders of Estonia were arrested in 1944 (see section 1 above), so too were most of the higher and medium-level state officials who had survived the Soviet and German repressions of 1940–1944 and remained in Estonia. They were mostly sentenced to imprisonment. Due to the transition from Soviet to German occupation in 1941, and the reverse transition in 1944, there were a number of former mostly mid-level state officials of the Republic of Estonia who remained in their positions throughout. They were not removed from office and

arrested until the late 1940s or early 1950s. As a rule they were accused of belonging to the *Omakaitse* (Home Guard) during the German occupation, which in many cases had been their ex-officio responsibility, or of cooperating with ‘fascist invaders’ when they remained in office in 1941, or even of owning prohibited books. In many cases their responsibilities in the public service of the pre-war republic are also described in the archival documents.

A research problem here is that in most such cases the only available source is the interrogation file of the person, compiled by state security officials. Moreover, the objective of security investigators and members of the Soviet tribunals was not to determine the truth, but to bring the charges into line with relevant articles of the Criminal Code of the Russian SFSR. Therefore the charges identified in the tribunals’ decisions regarding former state officials arrested after 1944 seem often to be arbitrary and based on purely circumstantial evidence derived from the individual’s office.

#### **4. The continuation of the prosecution and conviction of members of local government authorities**

A number of heads and members of former rural municipality governments, who had survived the Soviet and German repressions of 1940–1944 and remained in Estonia, were arrested by security agencies and sentenced to imprisonment or death. Most of them were accused of belonging to the *Omakaitse* (Home Guard) during the German occupation, because, for a number of them, the position of commander of the Guard’s local unit was an ex officio responsibility. Elected members of local governments were usually prosperous farmers, and during the second half of the 1940s most of them were classified as “kulaks” (rich and/or independent-minded peasants). Some of them were also suspected of contacts with the armed resistance of the ‘forest brothers’. As in the case of state officials, the charges were arbitrary in many cases. Indeed, the high proportion of former members of the local governments who were arrested is in itself proof that the evidence against them was based largely on the offices they held.

#### **5. The campaign against the Estonian resistance movement**

After separating from the retreating German forces in autumn 1944, many Estonians who had served in German units remained in Estonia. Some of them continued to fight against Red Army units, security forces, and other Soviet authorities. There was also a large number of civilians, who were afraid of possible Soviet repression and deportation and went into hiding, but did not engage in active resistance. To suppress the resistance, operational units of the Soviet security agencies came to Estonia with the Red Army. Resistance fighters were extensively supported by the local population. Many of them were either killed or arrested by security units, but the exact numbers are not known. It is estimated that at least 2000 resistance fighters were killed and thousands more arrested.

#### **6. The treatment of Estonian prisoners of war and other “traitors to the motherland”**

Both before and during the war, the Soviets had developed mechanisms for dealing with persons who they described as “traitors to the motherland”. These called for the detention, screening and interrogation of Soviet citizens who had “permitted themselves” to remain in German-occupied

territory. Following the Soviet interpretation of the events of 1940–1941, Estonians were deemed to be Soviet citizens, and therefore subject to charges of treason.

Essentially, every Estonian citizen who had lived through the war years in Estonia, as well as those who were repatriated to Estonia from German prison camps, concentration camps, or forced labour, was to be subject to detention and screening in a filtration camp.

The categories subject to detention included:

- 1) Members of the Red Army who had been taken prisoner by the Germans and, for the most part, held in brutal conditions until their release in stages through early 1942. To be taken prisoner was interpreted in the Soviet Union as treason, following a wartime speech by Stalin in July 1941, which ordered all soldiers to fight to the death.
- 2) Some (but not all) civilians who had been sent to Germany for forced labour.
- 3) Men who had served in, or been attached to, a police battalion or an Estonian unit of the German armed forces. No distinction was initially made between those who had served as volunteers and those who had been conscripted. Particular attention was paid to those who had served in the Red Army and had joined German forces either after deserting from Red Army or on being taken prisoner by the Germans.
- 4) Civilians who had in any material way been of assistance to the Germans as public officials. Generally, those who had worked to provide essential services to the civilian population were exempted from screening. Also members of a few professions (doctors, veterinarians and agronomists, among others) were subject only to a declaration that they had taken no part in political activity under the German occupation.
- 5) Men who had served in the *Omakaitse* (Home Guard), especially those who had been active in the Summer War of 1941, were singled out for special attention.

The procedure used in the filtration camps, which were set up hurriedly in 1944, was complex and inefficient. The camps became overcrowded with former soldiers as well as civilian men, women and children. Camp commanders frequently complained that all manner of people who should never have been sent for filtration were putting pressure on the camp's infrastructure.

All individuals were required to complete an exhaustive questionnaire designed to provide extensive information on their pre-war and wartime activities. Based on this and after an interview, the cases were adjudicated.

A detailed examination of Filtration Camp no. 0316 near Paldiski, which functioned from October 1944 to May 1946, shows that 21,667 people passed through the camp. Data from March 1946 indicate that over 700 people had been arrested by "Smersh" (Soviet military counterintelligence in 1943–1946), 290 of whom were sent on to other investigative units. The cases of almost 400 people were sent directly to military tribunals for trial.

According to a 13 April 1946 decree of the USSR Council of Ministers, Estonian, Latvian and Lithuanian POWs who were in filtration camps outside their own republics were to be released and sent to their homelands, mostly to work in labour battalions. This decree did not have a humanitarian purpose, but was primarily intended to mitigate the labour shortage in the Baltic countries.

The vast majority of former Estonian POWs released from the filtration camps were not dispatched to tribunals, but were sent to construction battalions, which had the task of returning Estonia's industrial base to working order.

However, most of the battalions were used not for civilian projects, but to build military installations, ports, airfields and similar establishments. The shortage of manpower in Estonia was acute, especially since, out of a total pre-war population of 1.1 million people, 70,000 had managed to escape to the West before the Soviet re-occupation, 10,000 had been deported in 1941, about 7000 were arrested in 1940–1941, thousands had been killed during the war, and about 20,000 men were serving in the ranks of the Red Army's Estonian Rifle Corps.

## **7. The treatment of arrested people under preliminary investigation and before the tribunals**

Preliminary investigation was in many cases carried through over a long period of time (in some cases over a year) and the prisoners were kept in overpopulated prisons in inhuman living conditions. During preliminary investigation the accused were interrogated repeatedly. There is ample evidence of the use of violence to coerce confession.

According to an instruction of 10 January 1939 from the Central Committee of the Communist Party of the Soviet Union, the use of violence to coerce confession had been legally allowed since 1937. After the occupation of Estonia in 1940 these methods were implemented there by the security organs. The use of violence during interrogation had to be sanctioned by Estonia's Minister for State Security, i.e., first by Boris Kumm and later by Valentin Moskalenko. The violence was especially widespread under Moskalenko, who held office from 1950 to 1953.

Those who were arrested were sentenced to long terms of imprisonment either by military tribunals or by the Special Board of the USSR Ministry of State Security. In 1944–1947 the most common punishment was ten years of forced labour or the death penalty. After the latter was abolished in 1947, the usual term became 25 years of forced labour. The death penalty was restored in 1950. Under Special Board procedures the accused were not present, and had no one to defend them. Evidence was usually scanty, if there was any at all. There was no appeal.

Convicted individuals were sent to Gulag camps in various parts of the Soviet Union. Many of them died there. Survivors were gradually released over a period of several years after Stalin's death in 1953.

According to data collected by the Commission's research team, in the years 1942–1990 at least 37,000 Estonian citizens and residents were sentenced on the basis of 'political' articles of the Soviet Criminal Code. The majority of arrests and sentences were carried out during the years 1944–1953. Soldiers and officers of the Red Army's Estonian national units who were sentenced on Soviet-controlled territory between 1942 and 1944 are included in this number. The primary sources used by the research team were the interrogation files and card files of the Soviet security organs in Estonia, held in the Estonian State Archives

## **8. Deportations**

During the first occupation the Soviet authorities used deportation to distant areas of the Soviet Union as a means of removing from Estonia people who had, or were suspected of having, anti-



Soviet or “antisocial” opinions. The mass deportations of June 1941 had taken almost 10,000 men, women and children, from every walk of life.

With the re-occupation of 1944, deportation was used once again as a weapon of social, religious and ethnic cleansing. On 15 August 1945 at least 439 people of German origin, of all ages, were rounded up and deported to remote places in the Soviet interior. These were in some cases Germans who had ignored the Nazi orders to return to Germany in 1939–1940 and 1941, and in others individuals who had been taken to Germany, but had subsequently returned. In almost all cases, they and their ancestors had lived in Estonia for generations or even centuries, were Estonian citizens, and had intermarried with ethnic Estonians. The reason for their deportation had nothing to do with their activity during the war, which was not even investigated. It was collective punishment, the deportation of an entire (albeit small) national group.

A second post-war round of mass deportation took place in March 1949, as part of the campaign waged by the Soviet security organs against resistance fighters. By applying more and more manpower, and with the help of a growing number of informers, the authorities had succeeded in breaking up some of the resistance groups, and had killed a number of their leaders.

The 1949 deportation collected over 20,000 family members of resistance fighters, and people deemed to be their actual or potential supporters. This, too, was a collective punishment, with no legal process whatever.

A later post-war deportation took place in April 1951, when 353 Jehovah’s Witnesses with their family members were deported to Siberia. This action was part of a large-scale USSR-wide operation, in the course of which Jehovah’s Witnesses were systematically deported from Moldavia, Ukraine, Byelorussia, Lithuania and Latvia. Most of the Estonians were released in 1956, but some families were allowed to return only in 1958–1959 and the last family returned in 1964.

## **9. Institutions of Soviet repression**

The institutions of Soviet repression have to be divided into operational state security organs (paragraphs 1–4 below), tribunal and court institutions (paragraphs 5–9), and institutions of imprisonment and forced labour (paragraphs 10–12).

1) From 1944 the main USSR-wide institution responsible for state security was the People’s Commissariat for State Security (NKGB). In 1946 it was renamed the Ministry of State Security (MGB). In 1953–1954, as mentioned earlier, the MGB was downgraded and reorganised as the State Security Committee (KGB).

2) A separate institution was ‘Smersh’ (shortened form of the phrase “death to spies”). Until 1943 the state security “special” departments of the military were located within the structure of military formations. In 1943 they were reorganised as ‘Smersh’ counterintelligence departments in direct subordination to the People’s Commissariat of Defence (led by Joseph Stalin). Although ‘Smersh’ was an institution with the functions of military counterintelligence and secret police in the army, its departments also arrested and investigated a large number of civilians in occupied foreign territories or liberated Soviet territories. In 1946 ‘Smersh’ was returned to the MGB special departments, but its functions remained largely the same.

3) Although formally each of the USSR's republics had its own Ministry of State Security, the system was centralised and the subordination of local security ministries to each republic's Council of Ministers was only a formality. Local party organs had no direct authority over the security organs, but worked in cooperation with them, exchanging information.

4) In 1944 destruction battalions of the People's Commissariat of Internal Affairs (NKVD) were re-established in Estonia. They had the task of fighting against the armed resistance and operating as supporters and informers for the Soviet authorities in rural municipalities. Members of these battalions were recruited locally by NKVD officers. The effectiveness of the battalions was relatively low because of a lack of motivation and training. Alongside regular security forces, they were used against the "forest brothers" during larger operations. They were abolished in 1954. At that time there was one battalion in each of 39 regions, although most were not fully manned.

5) Various tribunals sentenced Estonians. The most important of them were the Military Tribunals that were ultimately subordinate to the Military Division of the USSR Supreme Court. These administrative tribunals handled political cases against civilians as well as military personnel.

6) The Military Division of the USSR Supreme Court itself handled the country's most important political cases, including, as mentioned earlier, those of some members of the Otto Tief Government. The Military Division was headed for a long time by Vasili Ulrikh.

7) Hundreds of other Estonians were sentenced by the Special Board of the USSR security organs. Like the military tribunals, this was an institution of administrative punishment. Decisions were made on documentary evidence alone, and the accused were not present.

8) A few political cases were handled by the Estonian SSR Supreme Court.

9) After Stalin's death in 1953, the Special Board structure was abolished and military tribunals were deprived of jurisdiction over civilians.

10) Most political prisoners were sent after sentencing to forced labour camps in distant areas of the Soviet Union. These came under the Main Administration of Camps (Gulag) of the USSR Ministry of Internal Affairs. There were no Gulag camps in Estonia, although filtration camp no. 0316 near Paldiski was subordinated to the Gulag.

11) The ESSR Ministry of Internal Affairs had a Department of Prisons, which managed some ten prisons in Estonia. These were used for the detention of prisoners under preliminary investigation, and also for convicted minor criminals.

12) The same ministry had a Department of Correctional Labour Camps. This was designed to exploit an unpaid workforce of common criminals. It also operated a transit prison through which political prisoners were sent to Gulag camps. An unknown number of political prisoners were not dispatched in this way, but were held in correctional labour camps in Estonia.

## **10. Mobilisation of Estonian men into the Red Army late in World War II**

The mobilisation of Estonian men into the Red Army began immediately after Estonia was re-occupied in autumn 1944. The exact number of mobilised men is not known but it is estimated at about 10,000. Even though the contingent of mobilised men was screened by ‘Smersh’ officials, a number of Estonians who had served in the German armed forces earlier, were mobilised into the Red Army. Most of the mobilised Estonians were sent to the training and reserve regiment of the Red Army Estonian Rifle Corps.

## **11. Post-1953 repression – the commuting of sentences, but the continuation for some Estonians of enforced residence in exile**

The release of prisoners and deportees from the Gulag camps and from the different types of forced exile began soon after Stalin’s death. The first amnesty was given on 27 March 1953. The greatest number of former prisoners and deportees returned to Estonia in 1956–1958. The number of returned Estonians is estimated at about 30,000, including survivors of those who were arrested or deported in 1940–1941. Release did not automatically give everyone permission to return to Estonia. Most did receive this permission, but beginning in 1956, ‘especially dangerous former state criminals and members of their families’, i.e political prisoners, were forbidden to return to Estonia. According to existing data, this ban affected at least 2,627 people, who were allowed to return to Estonia only with the permission of the leadership of the government or the quasi-parliament (ESSR Supreme Soviet). Only a limited number of these people received permission during subsequent years. The ban remained in effect until the Soviet Union broke up in 1991.

Return to Estonia did not always mean the restoration of all rights. Former political prisoners and deportees were kept under surveillance, attempts were made to induce them to collaborate with the KGB, and they met problems in finding accommodation, continuing their interrupted studies, receiving permission to travel abroad, and in many other spheres of life.

## **PRINCIPLES OF RESPONSIBILITY**

The commission considers that responsibility for the crimes committed in respect of the above-mentioned events should be assigned in two ways.

First, we deem certain people responsible by virtue of the positions they held, for having given orders which resulted in crimes against humanity.

In other cases, responsibility is determined solely by the actions of an individual.

## **DETAILED ASSESSMENT OF RESPONSIBILITY**

The commission studied the functions and activities of Soviet institutions that operated in Estonia or made decisions concerning Estonia from 1944, and of local institutions subordinate to them that operated as implementers of decisions. This study permitted the identification as

follows of offices and individuals who bear responsibility for crimes against humanity committed in Estonia from 1944.

The overall creation and supervision of the processes involved was in the hands, above all, of one individual and certain key institutions of the USSR, namely:

1. until his death in 1953, Joseph Stalin as General Secretary of the Communist Party and Chairman of the Council of Ministers,
2. the Central Committee of the Communist Party, especially its Politburo, and
3. the Council of Ministers.

An implementing institution, the Estonian Bureau of the Communist Party's Central Committee (1944–1947), and its chairmen Nikolai Shatalin and Georgi Perov should also be added to this list.

Thus, these institutions bore overall responsibility for the crimes against humanity committed in Estonia. More particularly, the Ministry of State Security must be singled out, along with the successive individuals who ran it, Lavrenti Beria, Sergei Kruglov, Vsevolod Merkulov, and Viktor Abakumov, who also headed the Main Administration for Counter-Intelligence, 'Smersh'.

General responsibility was shared by:

1. the Bureau of the Central Committee of the Estonian Communist Party, headed first by Nikolai Karotamm and then by Johannes (Ivan) Käbin, and
2. the Estonian Council of Ministers, headed by Arnold Veimer.

Responsibility for specific deeds constituting crimes against humanity that were carried out after 1944 lies primarily with members of the state security and 'Smersh' institutions, as well as members of the destruction battalions. Individuals who must be singled out are:

- the representatives in Estonia of the central USSR agencies for state security and internal affairs, Lieutenant Generals Nikolai Sazykin and Nikolai Gorlinski,
- successive ESSR Ministers of State Security Boris Kumm and Valentin Moskalenko and their subordinates, especially successive heads of the investigations department, Idel Jakobson and Donat Pupyshev and their chief operatives,
- ESSR Prosecutor Kaarel Paas, and
- members of the various tribunals and courts that carried out political trials.

The leading roles in the operational suppression of the Estonian national resistance were taken by:

- the Department for Combating Banditry of the ESSR Ministry of Internal Affairs (in 1944–1947) and
- the 2-N Department of the ESSR Ministry of State Security (1947–1953).

The heads of these departments – Vladimir Glushanin, Grigori Zhivaga, Dmitri Taevere, Ivan Peregontsev, and Alexei Gavrilov – must be singled out.

Other important roles were played by:

- the ESSR Ministry of Internal Affairs more broadly, under successive ministers Aleksander Resev, Johan Lombak, Valentin Moskalenko and Mikhail Krassman,
- its department of prisoners-of-war and internees (heads – Viktor Lvov and Nikolai Sanchuk),
- its department of prisons (head – Mikhail Fedotov),
- its department of correctional labour camps (head – Ivan Struchalin),

and

- the counterintelligence organisation ‘Smersh’, headed in Estonia by Konstantin Kolk.

All these organisations were directly involved in crimes against humanity committed against Estonian citizens and residents.

The most significant episode of massive repression was the large-scale deportation of Estonians on 25 March 1949. The base document for the deportation was a top-secret order of the USSR Council of Ministers, chaired by Joseph Stalin. The leading institution in this operation was the USSR Ministry of State Security (MGB). The USSR Ministry of Internal Affairs (MVD) provided assistance. The two ministries appointed special representatives to direct the operation on the ground in Estonia. Those from the MGB were Lieutenant Generals Afanasi Blinov, Pyotr Burmak and Sergei Ogoltsov, and Major General Ivan Yermolin. Special representatives to supervise the operation in each of Estonia’s counties were appointed by the ESSR’s ministries for security and internal affairs, as well as by the Estonian Communist Party. The operation in localities was carried out under the leadership of the county departments of the ESSR security ministry, with assistance from the county departments for internal affairs, as well as from the internal troops of the USSR Ministry of State Security and local party and Soviet activists.

## **SUMMARY**

Crimes against humanity committed in post-1944 Estonia resulted from the policies of the leadership of the USSR, whose objective was the rapid incorporation of Estonia into the USSR and the elimination of social groups and individuals that did not submit to this incorporation and/or did not accept the ideology of the USSR. The position of the commission is that no ideology can justify the imprisonment, maiming, and execution of thousands of innocent people. The activity of citizens of the Republic of Estonia in the service of their country and people, in accordance with existing laws of Estonia before the Soviet occupation, could not under any circumstances be grounds for their subsequent conviction according to the laws of the Soviet Union.

The Commission takes the view that the continuation of the 1940–1941 prosecution and conviction of the former political leadership of the Republic of Estonia, including government ministers and state and local officials, was an illegal act.

The commission considers Soviet repression of the post-reoccupation resistance movement, and the arrests and punishments of members of the Otto Tief government, to have been illegal acts.

The charge of treason applied to Estonian citizens, on the spurious grounds that they were citizens of the Soviet Union, was also an illegal act.

The use of filtration camps to screen Estonian citizens, the use of military tribunals to try civilians, and the imposition of sentences in more cases, constitute crimes against humanity. The coercive use of civilians and demobilised military personnel as forced labour was illegal.

The Commission's position is that deportation is undoubtedly a crime against humanity. There cannot be any justification for the deportation of thousands of innocent civilians, mostly women, children and elderly people, because of their political, social or religious beliefs, or because they were related to so-called "anti-social elements". Although the deportees of 1949 were released after Stalin's death (most during the second half of the 1950s), the death rate among them was more than 10%.

A key reason for the Commission's position is that deportation must be distinguished from a court sentence of exile. Although such sentences were usually imposed using illegal procedures and were therefore illegal, exile was, at least normally, for a set period of time. By contrast, deportation was imposed on people without a time limit, i.e., they lost the right to return to their homeland in perpetuity.

Further discrimination, after their release, against people who had been sentenced for their beliefs or their relationships, in practically every aspect of their lives, must also be taken into account.

Although the entire process of political arrests and sentencing was illegal, it must be recognised that in some cases, notably those involving some former members of the *Omakaitse* (Home Guard), policemen and camp guards, evidence of crimes against humanity was presented, and these cases almost exclusively attracted the death penalty (in 1944–1947 and after 1950; in 1947–1950 there was no death penalty in the Soviet Union).

In the view of the Commission, in a limited number of these cases the evidence was sufficient to justify the penalties imposed. It cannot be claimed that all persons arrested by the Soviet security institutions and sentenced by the tribunals should be deemed innocent because of the illegality of the procedures to which they were subjected.

The Commission believes that the reoccupation of Estonia by the Soviet Union in 1944 was an illegal act, and consequently that resistance against the occupying power was the justified action of resistance fighters. In this context, both parties to any combat have an obligation to minimize harm to non-combatants, and to the extent that that obligation was deliberately not observed, the offending party may be open to charges of committing a crime against humanity.

The purpose of the Commission has been to identify responsibility for crimes against humanity and war crimes committed during the Soviet and German occupations. The Commission notes that following the death of Stalin in 1953, there was some general relaxation in Soviet policies, to the point where a strict definition of crimes against humanity ceased to apply. Accordingly the Commission's review goes, in general, no further than the mid-1950s.

Nevertheless, the Commission recognises that despite this relaxation, conditions in Estonia up to the restoration of independence remained repressive. Although it is not the Commission's responsibility to examine the events of this later period of the second Soviet occupation, we welcome the decision of Estonian President Toomas Hendrik Ilves to set up an institute whose purpose is to document this period. In this way, present and future generations will be able to

understand the evolving conditions under which their parents and grandparents were forced to live throughout half a century.