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Cold War Show Trials in Estonia: Justice and Propaganda in the Balance

Abstract: The paper demonstrates how Soviet judicial institutions and the prosecution of crimes internationally not subject to statutes of limitations as a whole were used to achieve the political aims of the Soviet regime. More specifically, the author considers show trials held in the occupied Baltic countries in the early 1960s, highlighting their general organizational scheme, domestic and foreign policy aims, propaganda media coverage, manipulation of witnesses, and discrediting of expatriate circles.

Introduction

Starting in 1960, a wave of show trials of persons accused of Nazi crimes, including participation in the Holocaust, rippled through the Soviet bloc as part of the Cold War. These trials had several important features in common. From the end of World War II until the mid-1950s, political show trials took place in countries under the control of the Soviet Union in which communists and socialists, former comrades-in-arms of the Soviets, were convicted, and even sentenced to death, with the aim of consolidating Soviet control.¹ Alongside the direct consolidation of power, these trials played an important role in the Cold War propaganda battle, where they were meant to demonstrate the immutability of the Soviet regime. The trials were held in classic Stalinist style, with arrest and the bringing of charges generally guaranteeing a conviction.²

Two factors worked together to make contemporary historians accept unquestioningly the results of Soviet show trials concerning World War II: the importance of the Holocaust in today's world and the inaccessibility of relevant archives of the Soviet state security services, which would have shed a light on

1 See George H. Hodos, *Show Trials: Stalinist Purges in Eastern Europe, 1948–1954* (New York, 1987).

2 For instance, the trial of the first secretary of the Czechoslovak Communist Party, Rudolf Slansky, and others in Prague in 1951. See Ronald Radosh, 'A Tale of Two Trials: Soviet Propaganda at Home and Abroad', *World Affairs* (2012), May/June (<http://www.worldaffairsjournal.org/article/tale-two-trials-soviet-propaganda-home-and-abroad>, last accessed on 7 February 2014).

the motives for launching these trials.³ Due to the archival restrictions, an assessment of these cases is often only possible by drawing conclusions from, and/or making comparisons with, similar trials. The show trials of Nazi criminals staged by Soviet authorities in Estonia in the 1960s are the focus of the following article.

Punishment of Nazi Crimes

After World War II, the world faced questions of penalizing war criminals more seriously than ever before. The development of international justice had made great strides since World War I: the earlier Hague and Geneva conventions were considered customary international law by World War II, regardless of whether a country had ratified a particular convention.

Massive numbers of war crimes against civilians and prisoners of war were committed, especially on the Eastern Front in the war between the Soviet Union and Germany. In 1944, the Polish-American lawyer Raphael Lemkin introduced the term “genocide” in the sense of the murder of a people.⁴ As a result of political agreements, this term entered into circulation in the context of World War II primarily in connection with the killing of Jews. In August 1945, the Soviet Union and the Western Allies signed the London Agreement, resulting in an international war tribunal to try suspects accused of war crimes committed (by the losers) during World War II. Germany’s higher public officials and military leaders, who were accused of starting World War II and of war crimes, were tried at the International Military Tribunal at Nuremberg and by U.S. military tribunals organized at the Subsequent Nuremberg Trials.

From the postwar development of international law, it is important in the context of this paper to highlight the updating of the Geneva Conventions in 1949, the UN Convention on the Prevention and Punishment of the Crime of Genocide

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- 3 Show trials held in the Soviet Union have been examined perhaps to the greatest extent through the Latvian example, mostly in connection with the conviction in absentia of accused persons who lived in the United States or other Western countries. Since most of the authors who have examined these trials are themselves of Latvian origin, they have faced reproaches regarding the politicization of those examinations, accusations that they are attempting to whitewash the crimes of their own people, and charges that they support neo-Nazism.
 - 4 Raphael Lemkin, *Axis Rule in Occupied Europe: Laws of Occupation; Analysis of Government; Proposals for Redress* (Washington, 1944).

signed in 1948,⁵ and particularly the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity signed in 1968.⁶

Despite the rapid development of international justice, the Nuremberg International War Tribunal Trial, conducted in 1945–46 on the basis of the London Charter (or Nuremberg Charter) between the Allied countries, where 24 of Germany's higher political and military leaders were tried, remained the only one of its kind.⁷ Conflicts between the Soviet Union and the Western countries emerged vividly even during the trial. The crimes of the adjudicator countries themselves were discernible, yet they still managed to maintain the image of the victorious Allies and enforce victors' justice.

An embellished image of this trial developed over the decades of the Cold War, while largely ignoring the Soviet Union's experiences in holding staged political show trials.⁸ The Subsequent Nuremberg Trials held by the United States occupying authorities in 1946–49 were conducted in the spirit of the principles of Nuremberg, relying on Control Council Law No. 10 of the Allied countries occupying Germany. At the same time, the occupying Allied countries held numerous trials of lower-level accused persons in Germany's occupation zones on the basis of military tribunals from their own countries.⁹ In these and subsequent years, thousands of citizens of Nazi Germany and countries that it had occupied or that it had cooperated with were tried for war crimes and crimes against humanity in various countries based on domestic laws and procedures.

5 Convention on the Prevention and Punishment of the Crime of Genocide, 9 December 1948. ([http://www.un.org/ga/search/view_doc.asp?symbol=a/res/260\(III\)](http://www.un.org/ga/search/view_doc.asp?symbol=a/res/260(III))), last accessed on 12 January 2014).

6 Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity, 26 November 1968 (<https://treaties.un.org/doc/Publication/UNTS/Volume%20754/v754.pdf>), last accessed on 12 January 2014).

7 The International Military Tribunal for the Far East was formed under the leadership and domination of the United States to punish the crimes committed by Japan. In general, it was supposed to function according to the same principle as the Nuremberg Tribunal. In 1946–48, 28 major political and military leaders were put on trial in Tokyo, along with thousands of less important figures. The Tokyo trials did not have the international weight or influence on the development of international law comparable to the trials in Nuremberg.

8 See, for instance, Francine Hirsch, 'The Soviets at Nuremberg: International Law, Propaganda, and the Making of the Post-war Order', *American Historical Review* 113 (2008), no. 3, pp. 701–731.

9 See also Gerd R. Ueberschär (ed.), *Der Nationalsozialismus vor Gericht: Die alliierten Prozesse gegen Kriegsverbrecher und Soldaten 1943–1952* (Frankfurt, 1999).

Under the conditions of the emerging Cold War, the trial of Nazi criminals became ever more politicized. The Nuremberg Trial itself was political by its nature, regardless of its legal basis, and thus could easily be criticized from this aspect.¹⁰ Now that Germany is reunified, the Federal Republic of Germany could theoretically review the verdicts of the Nuremberg Trials,¹¹ but given contemporary political, legal, and moral developments, this is unlikely. Regardless of their shortcomings, the Nuremberg Trials have become an iconic landmark in the evolution of modern international criminal justice (*Völkerstrafrecht* in German). Together with more recently established Holocaust studies, they form an important moral standard of contemporary Western civilization.

The Cold War significantly affected the investigation of Nazi crimes and the bringing of suspects to justice throughout the world for decades and has left a lasting trace in the historical narratives of many peoples.¹² In addition to the essentially different legal systems and judicial practice of different countries, the Iron Curtain divided the world into two cordoned-off spaces. Cooperation across the Iron Curtain in proving the guilt of Nazi criminals was slow to develop. If information was exchanged, it was still marked by palpable mistrust and suspicions regarding the authenticity of the other side's evidence. The possible shielding of criminals from the opposite side could accompany this. Persons suspected of committing such crimes were used as military and (security) police specialists in the service of governments on both sides of the Iron Curtain, perhaps simply more covertly on the eastern side.¹³

10 Eric A. Posner, 'Political Trials in Domestic and International Law', *Duke Law Journal* 55 (2005), no. 75, pp. 75–152; Susanne Jung, *Die Rechtsprobleme der Nürnberger Prozesse: dargestellt am Verfahren gegen Friedrich Flick* (Tübingen, 1992).

11 Antwort der Bundesregierung auf die Kleine Anfrage der Abgeordneten Jan Korte, Petra Pau, Ulla Jelpke, weiterer Abgeordneter und der Fraktion Die Linke, Deutscher Bundestag, Drucksache 16/3452 (<http://dipbt.bundestag.de/dip21/btd/16/037/1603744.pdf>, last accessed 17 December 2014).

12 As an example taken from the Estonian context, the perception of Estonians and other peoples living on Russia's western border as "fascists" is widespread in Russia as a result of Soviet treatments of history, which was also effectively disseminated in Western countries through propaganda channels.

13 Richard Breitman and Norman J.W. Goda, *Hitler's Shadow: Nazi War Criminals, U.S. Intelligence, and the Cold War* (online resource, 2010, <http://www.archives.gov/iwg/reports/hitlers-shadow.pdf>, last accessed December 17, 2014).

Trials of Nazi Crimes in the Soviet Union

The Soviet Union set up “Extraordinary State Commissions” (ESC) with representation in even the smallest administrative units in territories liberated from German rule and recaptured.¹⁴ The first political show trials were held during the war in 1943 in the Soviet Union based on the work of these commissions, resulting in the submission to the Nuremberg Tribunal of Soviet accusations concerning war crimes and economic demands for compensation for war damages.¹⁵ USSR Supreme Soviet Presidium Enactment No. 39 “Concerning Terms of Punishment for Fascist German Criminals Guilty of Killing and Torturing the Soviet Civilian Population and Imprisoned Red Army Soldiers; For Spies, Traitors of the Homeland and Their Accomplices from among Soviet Citizens” was issued in April 1943 to punish Nazi crimes.¹⁶ Public hanging was prescribed as the punishment for war criminals and Soviet citizens who acted as spies and traitors of the fatherland.

Immediately after the Soviet occupation resumed in October 1944, the corresponding regional commission also set to work in Estonia. It was supposed to complete its investigation within two weeks.¹⁷ There was no possible way to thoroughly and objectively ascertain the war crimes and crimes against humanity committed in the preceding four years and to identify material losses during this

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- 14 Chrezvychainaia gosudarstvennaia komissiiia po ustanovleniiu i rassledovaniuu zlo-deianii nemetsko-fashistskikh zakhvatchikov i ikh soobshchnikov i prichinnennogo imi ushcherba grazhdanam, kolkhozam, obshchestvennym organizatsiiam, gosudarstvennym predpriiatiiam i uchrezhdeniiam SSSR / 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 (abbreviated ESC).
- 15 See Niels Bo Poulsen, ‘The Soviet Extraordinary State Commission on War Crimes: An Analysis of the Commission’s Investigative Work in War and Post-War Stalinist Society’ (PhD-thesis, Copenhagen, 2004); Victor Prusin, ‘Fascist Criminals to the Gallows! The Holocaust and Soviet War Crimes Trials, December 1945–February 1946’, *Holocaust and Genocide Studies* 17 (2003), no. 1, pp. 1–30; Tanja Pentter, ‘Collaboration on Trial: New Source Material on Soviet Post-War Trials against Collaborators’, *Slavic Review* 64 (2005), no. 4, pp. 782–90.
- 16 ‘Ukaz Prezidiuma Verkhovnogo Soveta SSSR no. 39 ot 19 aprelia 1943 goda “O merakh nakazaniia dlia nemetsko-fashistskikh zlodeev, vinovnykh v ubiistvakh i istiazaniiaikh sovetskogo grazhdanskogo naseleniia i plennykh krasnoarmeitsev, dlia shpionov, izmennikov rodiny iz chisla sovetskikh grazhdan i dlia ikh posobnikov”’, E. Zaitsev (ed.), *Sbornik zakonodatel’nykh i normativnykh aktov o repressiiax i rehabilitatsii zherty politicheskikh repressii* (Moscow, 1993), pp. 66, 148.
- 17 Eesti Riigiarhiiv (Estonian State Archives, ERA) f. R-364, n. 1, f. 1, l. 3.

short period.¹⁸ At that time, it was important for the USSR to present to the world as many “Soviet citizens” as possible who perished at the hands of the German side, even if they were not really Soviet citizens, and to establish the “greatest sufferer” image with an eye to dividing up the spoils after victory.

Soviet authorities began arresting and punishing those who had cooperated with the German occupying authorities everywhere immediately after the front line had passed through the area. According to data since disclosed by the Russian Federal Security Service (FSB), over 320,000 local residents were arrested in the Soviet Union in 1943–53. Since the vast majority of material on arrests is in the classified archives of the Russian Federation’s security services, and historians have virtually no access to them,¹⁹ there has been little analysis of their content.²⁰ According to the available information, over 5,000 people were arrested in Estonia in the autumn of 1944, with over 12,000 arrests the following year. By the end of 1949, over 27,000 had been arrested on political grounds. About 20,000 had been deported to the eastern Soviet Union in March of that year.²¹ It can be presumed that people who had cooperated more closely with the German authorities mostly joined the tens of thousands of people who fled from Estonia to the West before the advance of the Red Army. The investigation of arrested persons was in most cases conducted quickly and cursorily during the first postwar years. According to the investigation practices of that time, the confession of the accused or the testimony of a witness was generally sufficient to prove the guilt of the accused. Domestically, the Soviet Union did not base the conviction of people who had cooperated with the Germans on the definition of war crimes but rather on its own criminal code and relevant regulations, and it convicted people in accordance with the section dealing with betrayal of the fatherland. The Soviet Union used the

18 As a result of the ESC’s working campaign, a large amount of data of widely differing content and quality was gathered and presented to the Union-wide commission. This data was summed up as unsubstantiated total losses that were inflated for propaganda purposes. The data presented by the commission was canonized in the USSR over the subsequent years.

19 The corresponding files from the archives of the Soviet Ministry of Internal Affairs in Estonia, Latvia, and Lithuania were handed over to the national archival system after the restoration of national independence, and they can be accessed for research work. Their use is regulated by domestic legislation protecting personal data.

20 Penter, ‘Collaboration on Trial’, p. 783.

21 Meelis Saueauk, ‘Data about Persons Arrested in Estonia during the Soviet Repressions in 1944–1990’, Toomas Hiio, Meelis Maripuu and Indrek Paavle (eds.), *Estonia since 1944: Reports of the Estonian International Commission for the Investigation of Crimes Against Humanity* (Tallinn, 2009), p. 309.

term “war crimes” primarily in communication with other countries, for instance, when demanding the extradition of Estonians from Finland who had fought in the Finnish Army. This was purely a case of stigmatizing people, because the Soviets had no information whatsoever connecting those persons with war crimes. The actual motive was to punish those who had fought against the Red Army; in the event of extradition, they were convicted of “betrayal of the fatherland.”²²

The first public trials were held during the war in order to influence society more broadly. Yet a more opportune time for them came after the end of the war, when the Soviet Union competed in its own way with the Nuremberg Trials. The first people to be publicly convicted were primarily captured German prisoners of war and a few isolated collaborators. In November 1945, the Communist Party’s Central Committee adopted two decisions for holding public trials of the major German military leaders and penal institutions.²³ Convictions and executions took place in two waves. At the seven trials held at the end of 1945 and the beginning of 1946, 84 persons were sentenced to death by public hanging. At the nine trials carried out at the end of 1947, the fate of another 137 persons was decided.²⁴

Subsequent trials of accused prisoners of war were held in camera, and in connection with the temporary abolition of the death penalty in the Soviet Union (1947–50), 25 years imprisonment in the Gulag became the prevailing punishment. About 34,000 German prisoners of war were convicted in the Soviet Union

22 Meelis Saueauk, ‘Soomepoisid raudeesriide taga Nõukogude võimu all’ (Finnish Boys behind the Iron Curtain under the Soviet Regime), *Soomepoisid – võitlus jätkub* (Finnish Boys: The Struggle Continues) (Tallinn, 2010), pp. 180–1.

23 Postanovlenie politbiuro TsK VKP(b) ob organizatsii otkrytykh sudebnykh protsessov, 10 November 1945, Rossiiskii gosudarstvennyi arkhiv sotsial’no-politicheskoi istorii (Russian State Archive of Socio-Political History, RGASPI), f. 17, o. 162, d. 37, l. 157; Postanovlenie politbiuro TsK VKP(b) o provedenii sudebnykh protsessov nad byvsheimi voennosluzhashchimi germanskoi armii i nemetskikh karatel’nykh otriadov, 21 November 1945, *ibid.*, l. 159–60 (http://www.hrono.ru/dokum/194_dok/, last accessed on 23 March 2014).

24 Valentin Iushkevich, ‘Uchastie organov gosbezopasnosti v podgotovke i provedenii otkrytykh sudebnykh protsessov nad natsistskimi voennymi prestupnikami’, *Istoricheskie chteniia na Lubianke. 2001: Otechestvennye spetssluzhby v poslevoennyye gody 1945–1953 gg* (Velikii Novgorod, 2002), pp. 76–83.

in 1949–50. Examination of these trials by both German²⁵ and Russian²⁶ historians has vividly illustrated that they were political and propagandistic in nature. This is also proven by the fact that in the first 10 years after the collapse of the Soviet Union (1991–2001), 13,035 citizens of foreign countries (mostly former German prisoners of war) were rehabilitated by Russian Federation military tribunals—over three-quarters of the more than 15,000 applications submitted for rehabilitation.²⁷ For prisoners of war, however, being placed under investigation meant conviction as a rule.

Khrushchev's Thaw and Cold War (Show) Trials

Noticeable changes followed Stalin's death in 1953. The granting of amnesty to hundreds of thousands of previously convicted people was followed in September 1955 by an extensive amnesty of people who had cooperated with the German side during World War II. Over 50,000 people were released from forced labor camps. The number of people released from detention centers was considerably larger than the number of new arrests.²⁸ Soviet leader Nikita Khrushchev gave a

25 For instance, Andreas Hilger (ed.), *Sowjetische Militärtribunale: Die Verurteilung deutscher Kriegsgefangener 1941–1953*, vol. 1 (Cologne, 2001); idem, *Deutsche Kriegsgefangene in der Sowjetunion 1941–1956: Kriegsgefangenenpolitik, Lageralltag und Erinnerung* (Essen, 2000); idem, 'Sowjetische Justiz und Kriegsverbrechen: Dokumente zu den Verurteilungen deutscher Kriegsgefangener, 1941–1949', *Vierteljahrshefte für Zeitgeschichte* 54 (2006), no. 3, pp. 461–515; also thematic publications by Manfred Zeidler and Gerd R. Überschär.

26 For instance, Aleksandr Epifanov, 'Otvetsvennost' za voennye prestupleniia, sovershennye na territorii SSSR v period Velikoi Otechestvennoi voiny: Istoriko-pravovoi aspekt' (PhD-thesis, Moscow, 2001) (<http://www.dissercat.com/content/otvetstvennost-za-voennye-prestupleniia-sovershennye-na-territorii-sssr-v-period-velikoi-ote#ixzz2sIp4iABK>, last accessed on 12 January 2014); Viktor Konasov, 'Politika Sovetskogo gosudarstva v otnoshenii nemetskikh voennoplennykh (1941–1956 gg)' (PhD-thesis, Moscow, 1998) (<http://www.dissercat.com/content/politika-sovetskogo-gosudarstva-v-otnoshenii-nemetskikh-voennoplennykh-1941-1956-gg>, last accessed on 12 January 2014).

27 Epifanov, 'Otvetsvennost' za voennye prestupleniia.'

28 'Prezidium Verkhovnogo Soveta SSSR. Ukaz ot 17 sentiabria 1955 goda ob amnistii sovetskikh grazhdan, sotrudnichavshikh s okkupantami v period Velikoi Otechestvennoi voiny 1941–1945 gg; Dokument no. 102. Spravka o nalichii, dvizhenii i sostave zakliuchennykh v ITL i ITK MVD SSSR za period 1953–1955 gg', *Al'manakh "Rossiia. XX vek."* *Internet-proekt "Arkhiv Aleksandra N. Iakovleva"* (<http://www.alexanderyakovlev.org/>, last accessed on 12 January 2014).

speech at the 20th Congress of the Soviet Communist Party in 1956 denouncing the abuses of power and the crimes committed during the Stalin era, along with Stalin's personality cult. The period that became known as the "Thaw" brought fundamental changes in society and politics throughout Eastern Europe.

The Cold War entered a new phase, one with contradictory politics. The Soviet Union under Khrushchev had taken a new course towards "peaceful coexistence" with the West after the CPSU 20th Congress, but this took place in part at the expense of peoples under the rule of the Soviet empire. The revolution and uprisings that broke out in Hungary and Poland and were crushed by the Soviet armed forces made Khrushchev apprehensive concerning subjugated peoples. In order to stabilize the system, Russification was accelerated.

To support the weakened Soviet regime, a new framework for mobilizing and orchestrating was needed in place of the personality cult of the late Stalin. The great leader was symbolically replaced by the Soviet people, personified primarily by the Russian people. The Great Patriotic War, or more broadly, the struggle against German occupation in Eastern Europe, became the symbol for uniting the people.²⁹ The postwar generation had emerged in society, and with it, a new treatment of the war and the sufferings of the people was formed in opposition to the "attempts of imperialist countries to continue the work of the fascists to destroy the Soviet Union."³⁰ Victory over Germany and the sufferings of the people took on a monumental and sacral aspect. The Soviet Union became the world's main sufferer and its sole savior.³¹ The collaboration of peoples that had lived under German occupation and Nazi crimes their representatives might have committed were placed under the magnifying glass in a new form. The tragedy that befell the Jews of Eastern Europe was employed for propaganda purposes as an example of imperialist policy. In addition to accusing Eastern European peoples, accusing Western countries of continuing Nazi policy after the collapse of Hitler's Germany became part of the Soviet Union's "arsenal."

A propaganda campaign was started in May 1957 under the aegis of the German Socialist Unity Party (Sozialistische Einheitspartei Deutschlands, SED)³²

29 Andrew Ezergailis, *Nazi/Soviet Disinformation about the Holocaust in Latvia: Daugavas vanagi – Who Are They? Revisited* (Riga, 2005), p. 18.

30 Nina Tumarkin, 'The Great Patriotic War as Myth and Memory', *European Review* 11 (2003) no. 4, pp. 595–611.

31 Catherine Merridale, 'War, Death, and Remembrance in Soviet Russia', Jay Winter and Emmanuel Sivan (eds.), *War and Remembrance in the Twentieth Century* (Cambridge, 1999), pp. 77–83.

32 The SED was controlled by the Soviet Union.

against West German judges and lawyers who had served Hitler's regime.³³ These events formed the background for the subsequent Berlin crisis, which the Soviets caused in November 1958 by presenting their onetime allies with an ultimatum demanding that they withdraw their military forces from West Berlin within six months.³⁴

Khrushchev was on a state visit to Austria on July 3, 1959. While visiting the former Nazi concentration camp at Mauthausen, he publicly disclosed that the East German leadership had been instructed at the beginning of the year to hurl accusations of Nazism at West Germany. The international situation was critical, and the status of divided Germany was not yet unequivocally decided. The Soviet Union's aim was to use the underlying mistrust in the international community from the Nazi era and to weaken West Germany's international position with accusations of revanchism, fascism, and militarism, since West Germany had already managed to isolate East Germany internationally. In his speech, Khrushchev compared Chancellor Konrad Adenauer to Hitler and warned against West German irredentism and the spread of Nazism as long as ex-Nazis like Theodor Oberländer³⁵ were part of the government. It was decided, apparently at the end of October 1959 with the approval of the CPSU CC Politburo, to end this campaign, which initially began as a propaganda operation, with a public show trial. As if ordered, anti-Semitic graffiti appeared overnight across West Germany at the end of the year. Western countries reacted with criticism. The debates on this scandal that began in the Bundestag at the beginning of the new year also marked the end of Adenauer's "restoration policy" that had followed postwar de-nazification.³⁶

33 Former members of the Einsatzgruppe Tilsit were put on trial in Ulm, West Germany, in 1958, attracting widespread media attention and focusing greater attention than before in West Germany on wartime Nazi crimes.

34 See, for instance, Hope M. Harrison, *Driving the Soviets up the Wall: Soviet-East German Relations, 1953–1961* (Princeton, 2011).

35 Theodor Oberländer (1905–98) devised, before World War II, plans against the Jewish and Polish populations in territories that were to be conquered by Nazi Germany. During the war he supported ethnic cleansing policies, and after the invasion of the Soviet Union, he served as a contact officer on the Eastern Front. After the war he served as federal minister for displaced persons, refugees, and victims of war from 1953 to 1960, and as a member of the Bundestag from 1953 to 1961 and from 1963 to 1965.

36 Annette Weinke, *Die Verfolgung von NS-Tätern im geteilten Deutschland: Vergangenheitsbewältigung 1949–1969 oder: Eine deutsch-deutsche Beziehungsgeschichte im Kalten Krieg* (Paderborn, 2002), pp. 141–51; Philipp-Christian Wachs, 'Die Inszenierung eines Schauprozesses – das Verfahren gegen Theodor Oberländer vor dem Obersten Gericht der DDR', Wolfgang Buschfort, Philipp-Christian Wachs and

Khrushchev's speech was the public kickoff to the judicial farce in East Berlin orchestrated by the USSR and staged by the East German SED and the Ministry of State Security, which culminated with the West German government minister Oberländer being sentenced in absentia to life in prison in April 1960.³⁷ The trial was timed to take place immediately before the summit meeting between the Soviet Union and the Western Allies (in Paris in May 1960) in order to discredit West German endeavors to integrate with democratic Western countries and vice versa: to achieve the withdrawal of U.S. and British forces from West Berlin. At the beginning of the year, East German leader Walter Ulbricht had presented a proposal for holding an all-German referendum on disarming and forming a confederation and for signing a peace treaty. In April, the SED disclosed the Central Committee's action plan *Deutschlandplan des Volkes*, which referred to the possibility of Germany's reunification in light of the Camp David summit meeting.³⁸ Different social systems were not presented as an obstacle to reunification; the stumbling block was instead presented as West Germany's aggressive militarism.³⁹ Yet the Cold War instead gained new impetus when the Soviet Union shot down an American U2 spy plane over its territory on May 1, 1960. The summit meeting held in Paris a couple of weeks later became another of Khrushchev's performances revolving around the U2 plane and the captured American pilot, regardless of events in Germany.

At the end of the 1950s began a struggle against expatriate communities of peoples living under Soviet rule (predominantly consisting of people who had fled to the West during World War II). The size and influence of expatriate communities differed widely from ethnic group to ethnic group and from country to country. From the Soviet standpoint, what was taking place in North America was definitely the most important: the United States was the main ideological enemy,

Falco Werkentin (eds.), *Vorträge zur deutsch-deutschen Geschichte: Schriftenreihe des Berliner Landesbeauftragten für die Unterlagen des Staatssicherheitsdienstes der ehemaligen DDR*, vol. 14 (Berlin, 2007), p. 37.

37 Weinke, *Die Verfolgung*, p. 144; about Oberländer, see also Philipp-Christian Wachs, *Der Fall Theodor Oberländer (1905–1998): Ein Lehrstück deutscher Geschichte* (Frankfurt, 2000).

38 A certain warming of Soviet-U.S. relations took place in 1959, which culminated in a tour of the United States by Nikita Khrushchev as the first Soviet leader to visit the United States (the Camp David meeting). This created hope internationally for an end to the Cold War, and the Paris summit meeting of 1960 was seen as the next important step in that process.

39 *Deutschland im Kalten Krieg 1945–1963*. Deutsches Historisches Museum (http://www.dhm.de/ausstellungen/kalter_krieg/zeit/z1960.htm, last accessed on 6 February 2014).

and large communities of refugees from the Soviet Union (Russians, Ukrainians, Lithuanians, Latvians, Estonians, Caucasian peoples, etc.) lived there. For Estonia, the activity of its expatriate community in Sweden was undoubtedly also important. During the Cold War, these expatriates were, of course, a welcome guard on every front imaginable in the fight against communism. The expatriate theme also found its way into the domestic politics of their host countries, not to mention the foreign policy of those countries. In 1959, the president of the United States declared the annual commemoration of a week in support of the “captive nations” controlled by the Soviet Union. This became an important landmark in the anticommunist struggle of emigrant communities that had fled from Soviet rule.⁴⁰ The Soviets initially hoped that refugees would extensively repatriate, but when this hope was extinguished, the Soviets focused on recruiting agents from among the expatriates. The manipulation of information concerning the recruit’s alleged collaboration with the occupying regime, participation in crimes, and so on was an important means of influence during recruitment. Additionally, the CPSU Central Committee Presidium had issued an order in 1959 to destroy all emigrant centers hostile towards the Soviet Union within the next few years, which meant a propaganda war.⁴¹

In the hope of influencing expatriate communities through propaganda, “societies for developing cultural ties” coordinated mainly by the security organs were set up in the Soviet Union to operate among the corresponding peoples. These societies published newspapers for circulation primarily in the host countries of expatriate communities.⁴² The discrediting of expatriates and expatriate organizations that were hostile to the Soviet Union in their country of residence as well as in their native homeland became an important line of activity. Accusations of their connection to war crimes were mostly used for this purpose. At the same time, attempts were made to also discredit the governments of Western countries

40 *Public Law 86-90*, July 17, 1959. Joint Resolution. [s. J.Res. 111] Providing for the designation of the third week of July as “Captive Nations Week” (www.gpo.gov/fdsys/pkg/...73/.../STATUTE-73-Pg212.pdf, last accessed on 6 February 2014).

41 Overview of Estonian emigrants in Sweden. V. Naidenkov, Soviet embassy attaché in Stockholm, 18 December 1962, Eesti Riigiarhiivi Filiaal (Branch of the Estonian State Archives, ERAF) f. 1, n. 254, s. 23, l. 61–125.

42 The VEKSA Society (Society for Developing Cultural Ties with Estonians Abroad) was formed on April 15, 1960, to influence Estonian expatriate communities. The newspaper *Kodumaa* (Homeland) became its mouthpiece; its publication began in November 1958. Similar organizations and newspapers were started up at the same time in Latvia and Lithuania.

or certain political circles, accusing them of shielding and conniving with alleged war criminals.⁴³ The latter accusation, of course, was not entirely a fabrication. People who had participated in various crimes on the side of Nazi Germany were active on both the eastern and western sides of the Iron Curtain. In some cases, governments that employed these individuals as specialists deliberately concealed their backgrounds to some degree. In most cases, though, the governments were not aware of these individuals' pasts; the individual—aided by the chaos of the postwar years—concealed his own background.

The Soviet state, according to Khrushchev's grandiose plans, was supposed to overtake the Western countries not only economically, but in all aspects. The judicial system after Stalin was supposed to represent a new step forward on a global scale, completely different from preceding judicial systems, a humane court that stressed the equal standing of the defense and the prosecution in the proceedings. At the trial of Francis G. Powers, pilot of the downed American U2 spy plane, the Soviet defense attorney said, "The Soviet court deciding the question of the punishment of the accused proceeds not only from the circumstances of the case, but takes into consideration the individuality of the defendant and the mitigating circumstances."⁴⁴ A number of formal changes were indeed made, but the new criminal code did not change the nature of the Stalinist system, which fully developed only after Stalin's death. From a formal standpoint, the Stalinist regime had managed to create a completely misleading impression of itself, starting with the nominally democratic and progressive constitution of 1936.⁴⁵ Stalin monopolized criminal justice for political objectives: the system was designed under the

43 See Indrek Jürjo, *Pagulus ja Nõukogude Eesti. Vaateid KGB, EKP ja VEKSA arhiividokumentide põhjal* (Exile and Soviet Estonia: Views Based on KGB, ECP, and VEKSA Archival Documents) (Tallinn, 1996).

44 Kazimierz Grzybowski, 'The Powers Trial and the 1958 Reform of Soviet Criminal Law,' *The American Journal of Comparative Law* 9 (1960), no. 3, p. 425.

45 According to Soviet ideology, the Soviet Union had arrived at a significantly higher stage of social development than other countries, and correspondingly, the administration of justice also had to be at a new level. Considering what has been written above in the text, the content of the work of the Soviet judicial system could remain entirely incomprehensible, especially as viewed from the Anglo-American judicial area. The solution of a conflict between two parties did not take place in the Soviet judicial system. In the tradition of the Inquisition, the Soviet court was the "last instance for seeking universal truth." Hence a trend developed to avoid the acquittal of accused persons brought to trial or the review of court decisions through appeals in cassation. This would have implied that mistakes were made by investigative organs or lower courts, something that was not supposed to happen.

conditions of ideological war and corresponded to the scheme in which Soviet judicial power was run politically. All too often, court decisions were founded on quasi-legislation that was invisible to the defendant (and society). This quasi-legislation consisted of confidential lower-level legislation that replaced or altered the intent of publicly disclosed legal acts. As such, criminal justice as it was applied in practice in the Soviet Union differed significantly from the ordinary perception of criminal justice. Though it relaxed somewhat over the subsequent decades, the main contours of Stalin's scheme persisted until the 1980s.⁴⁶

Over about the first 10 years, numerous show trials of communists who were comrades-in-arms of the Soviets and of leftists who had cooperated with them were held in the Soviet Union and its Eastern European satellites, as well as show trials of Nazi criminals. The new regime cemented its power through those show trials of communists: those who remained in official positions knew what awaited those who deviated from the main line.⁴⁷ The last trial of such Party figures took place in Latvia in 1959. The following year, show trials of persons accused of Nazi crimes became the focus of the media. They had several traits in common with earlier trials.

The amnesty of September 17, 1955, proved useful in seeking possible culprits. It released persons who collaborated with the occupying powers out of either cowardice or ignorance but did not affect persons who were convicted of murdering and humiliating "Soviet citizens." Finding collaborators who could be accused of those charges and bringing them before a court was one field of activity for the Soviet security organs over the next 20 or so years.⁴⁸ Criminal regimes try to hide the traces of their acts, and thus the major role accorded to potential witnesses in investigating war crimes is understandable. The instructions given to the Soviet security organs for the extensive use of witness testimony originated from Andrei Vyshinskii, who became notorious during the show trials of the Stalinist Great Terror of the 1930s:⁴⁹ witness testimony is one of the oldest and most widespread types of evidence in court. And it is crystal clear that since the living word of the

46 Peter H. Solomon, *Soviet Criminal Justice under Stalin* (Cambridge, 1996), pp. 402 ff; for a treatment of the Khrushchev period, see Yoram Gorlizki, 'De-Stalinisation and the Politics of Russian Criminal Justice, 1953–1964' (PhD-thesis, Oxford, 1992).

47 See the paper by Meelis Saueauk in this volume.

48 Boris Kovalev, 'Svidetel'skie pokazaniia v ugovolnykh delakh kollaboratsionistov v Rossii', *Vestnik Novgorodskogo Gosudarstvennogo Universiteta* 33 (2005), pp. 108–13.

49 Andrei Ianuar'evich Vyshinskii (1883–1954) was a Soviet politician, jurist, and diplomat. He is known as a state prosecutor in Stalin's Moscow show trials and the Nuremberg trials. He was the Soviet foreign minister from 1949 to 1953 and permanent representative of the Soviet Union to the UN. In 1953 he was among the chief figures

eyewitness of events calmly and objectively informs the investigation and the court about the criminal, the circumstances of the crime, and so on, it cannot fail to have immense importance in connection with the court verdict.⁵⁰

Restrictions on access to archival materials concerning the Soviet Union's political leadership and security services prevents us from clarifying when, how and by whose decision the staging of such trials was placed on the agenda and what specific objectives were set for them. Based on a comparison of sources, at the current stage of research, the beginning of preparations for show trials of Nazi crimes can be dated to 1959 at the latest, since they became public with Khrushchev's speech in Mauthausen on July 3, 1959. This was followed by the rapid preparation of court trials in the Party and security organs and the first show trial in 1960 in the German Democratic Republic (GDR) (followed by others) and trials in the Soviet Union starting in 1961. Due to lack of archival access, we cannot pinpoint the document calling for the organization of the trial, but the first evidence of this appeared in October and November 1959.⁵¹

It was clear to the security organs themselves that holding such show trials was an important precautionary measure in the struggle against one of the main anti-Soviet "crimes"—bourgeois nationalism. This is also how such trials were considered in the confidential teaching literature used by the security organs. They were meant to provide the chance to compromise prominent figures in expatriate communities abroad. Domestically, the most effective method was considered to be the implementation of precautionary measures concerning persons associated with bourgeois nationalism during the investigation. This was carried out during interrogations of persons subject to precautionary measures as witnesses during the preliminary investigation.⁵²

The use of wartime incidents to achieve various objectives continued with certain variations until the collapse of the Soviet Union. Viktor Cherkashin, one of the Soviet Union's most notable counterintelligence officers from the Cold War era (he served in Washington in 1979–86), has commented on the case of Constantine Warwariv, who fled from Ukraine at the end of the war and made a career in diplomacy in the United States in the 1970s. He writes: "Needless to

accused by the U.S. Congress's Kersten Committee during its investigation of the Soviet occupation of the Baltic states. He committed suicide in 1954 in New York.

50 Kovalev, 'Svidetel'skie pokazaniia', pp. 108–13.

51 Weinke, *Die Verfolgung*, p. 143.

52 M.G. Maiorov, *Nekotorye osobennosti rassledovaniia gosudarstvennykh prestuplenii, sovershaemykh burzhuaznymi natsionalistami* (Thesis defended at the Academy of State Security, Moscow, 1964), pp. 40–3.

say, we weren't interested in punishing Nazi collaborators. The entire incident concerned the KGB's operational interest—and in that, it was a great success. The State Department finally threw in the towel. Warwariv, whose continued presence in UNESCO tarnished Washington's reputation, was dismissed.”⁵³

The Beginning of Show Trials

A number of common traits characterize the show trials of Nazi criminals that began in 1960 in the Eastern bloc and especially in the Soviet Union.

Temporal coordination. The show trial of West German minister Theodor Oberländer and his conviction in absentia in the GDR in April 1960 followed Khrushchev's speech in July 1959.⁵⁴ Preparations began at practically the same time for show trials in the interior of the Soviet Union and in the annexed territories along its western frontier (the Baltic countries, western Ukraine) under Soviet rule, including roughly the entire territory that had been under German occupation.

Preparations for the first such trial began in **Estonia** in May 1960. The trial was held on March 6–11, 1961,⁵⁵ one month before the Eichmann trial in Israel (from April 2 to August 14, 1961) that resonated worldwide.⁵⁶ Another four similar trials were staged in Estonia in 1961–62 and 1966–67.

Trials of this type were held in **Latvia** from 1961 to 1974. In March 1961, a group of men who had served in the 18th (Latvian) Police Battalion was convicted of participating in crimes against Jews in Belorussia. Latvia's most prominent show trial (known as the Rēzekne trial) was held in October 1965. Three Latvians living in exile were tried in absentia and convicted of crimes against Jews in the Rēzekne region in Latvia. During this trial, the Soviet Union issued diplomatic notes to the governments of West Germany, the United States, and Canada, where the persons in question lived. The trial in 1974–75 of men who had served in the 21st

53 Victor Cherkashin and Gregory Feifer, *Spy Handler: Memoir of a KGB Officer; The True Story of the Man who Recruited Robert Hanssen and Aldrich Ames* (New York, 2005), p. 129.

54 Wachs, 'Die Inszenierung', p. 48.

55 Investigation file of Gerrets and others, ERAF f. 129SM, n. 1, s. 28653.

56 For the propaganda campaign in the Eastern bloc countries associated with the Eichmann trial, see Ruth Bettina Birn, 'Ein deutscher Staatsanwalt in Jerusalem: Zum Kenntnisstand der Anklagebehörde im Eichmann-Prozess und der Strafverfolgungsbehörden der Bundesrepublik', Werner Renz (ed.), *Interessen um Eichmann: Israelische Justiz, deutsche Strafverfolgung und alte Kameradschaften* (Frankfurt, 2001), p. 94.

(Latvian) Police Battalion convicted them of killings in the Liepāja area of Latvia in 1941. A trial had been held two years earlier in Hanover, West Germany, where the same events were at the center of the charges, and members of various units were ascertained as the culprits.⁵⁷

Similar trials were held in **Lithuania** at the same time: three men who had served as policemen during the German occupation were sentenced to death in Vilnius in March 1961 for participating in the murder of over 60,000 people. Trials were held in Kaunas and Vilnius in October 1962 in which a number of men who had served in Lithuanian police battalions during the German occupation were convicted in connection with mass murders that took place in the Ninth Fort of Kaunas in October 1941. Five Lithuanians were convicted of the mass murder of Jews in September 1967.⁵⁸

The first such show trial began in **Belorussia** in October 1961, followed by at least five trials in 1962–63, 1966–67, and 1971.⁵⁹

Analogous show trials began in **Ukraine** in April 1963, followed by another three trials in 1966–67.⁶⁰

Preparations for convicting local collaborators at show trials began in the same way in the **Russian Soviet Federative Socialist Republic** in October 1960 (for instance, in Novgorod) as was being done in “nationalist areas” in the Baltic region, Ukraine, and Belorussia.⁶¹ Data on trials held in the Russian SFSR is sketchy. They began at the same time as the trials described above, but they reached their peak somewhat later. Show trials included those in Krasnodar in northern Caucasia in 1963, 1965, and 1966, and in Stavropol in 1968. Other examples are trials held in Leningrad in 1966 and 1970, in Pskov in 1972 and 1973, in Novgorod in 1976 and 1978, and in Orel in 1978.⁶²

Comprehensive statistics on such Soviet show trials are not available. In 1983 the Ukrainian-American newspaper *Ukrainian Weekly* reported that 24 such show trials were held in the Soviet Union in 1961–65 alone: three in Estonia, three in Ukraine, four in Belorussia, two in Latvia, six in Lithuania, and six in Russia. In

57 Lukasz Hirsowicz, ‘The Holocaust in the Soviet Mirror’, Lucjan Dobroszycki and Jeffrey S. Gurock (eds.), *The Holocaust in the Soviet Union: Studies and Sources on the Destruction of the Jews in the Nazi-Occupied Territories of the USSR, 1941–1945* (New York, 1993), p. 41; Ezergailis, *Nazi/Soviet Disinformation*, pp. 45–55.

58 Hirsowicz, ‘The Holocaust’, p. 42.

59 *Ibid.*, p. 43.

60 *Ibid.*

61 Kovalev, ‘Svidetel’skie pokazaniia’, pp. 108–13.

62 Hirsowicz, ‘The Holocaust’, pp. 44–6.

all, 127 persons were tried and convicted, eight⁶³ of them in absentia.⁶⁴ Although there was strong political and ideological motivation for these show trials, it cannot be assumed that all of the defendants were innocent or that they were not connected at least to a certain extent with the given crimes.

Trials in Estonia

In the case of Estonia, five Cold War-era show trials of war criminals can be cited that illustrate different aspects of this action.

First Case: Mere-Gerrets-Viik

Historical background. Two trainloads of Jews (about 2,000 in all) were brought from Czechoslovakia and Germany to Estonia to the Jägala correctional labor camp under the jurisdiction of the German Security Police and the SD (Sicherheitsdienst) in September 1942. About 400–500 younger persons were selected from the arrivals and sent to the camp. The remainder were executed on the day of their arrival at the nearby Kalevi-Liiva artillery range, with the participation of camp staff of Estonian origin.⁶⁵

An article entitled “Tragedy at Kalevi-Liiva” appeared in Estonia in a local Russian-language newspaper, *Molodezh’ Estonii*, on May 22, 1960.⁶⁶ The editorial office had added a long description of the executions that took place at Kalevi-Liiva in 1942, including plenty of excerpts from interviews with witnesses and details, as if the investigation had already been completed. It goes without saying that no foreign “letter to the editor” was published in the Soviet press without being coordinated with the KGB. Thereafter, writings by survivors of that camp started appearing in Canadian newspapers.⁶⁷ Propaganda reportage in the media

63 The number of persons convicted in absentia should most likely nevertheless be greater, since four people were charged in absentia during the period under consideration in Estonia alone, of whom three were also sentenced to death in absentia. One of the persons charged committed suicide before the end of his trial.

64 Lydia Demjanjuk, “Nazi War Criminals”: Time for Truth to Emerge, *The Ukrainian Weekly*, 31 July 1983.

65 See Meelis Maripuu, ‘Annihilation of Czech and German Jews in Estonia in 1942–1943’, Toomas Hiio, Meelis Maripuu and Indrek Paavle (eds.), *Estonia 1940–1945: Reports of the Estonian International Commission for the Investigation of Crimes Against Humanity* (Tallinn, 2006), pp. 705–16.

66 ‘Tragediia v Kalevi-Liiva’ (Tragedy at Kalevi-Liiva), *Molodezh’ Estonii*, 22 May 1960.

67 For instance, in the *Toronto Daily Star*, known among newspapers for its hostility towards Nazis.

accompanied the entire subsequent preliminary investigation period and the trial in both Estonia and Canada.

On June 3, 1960, the ESSR KGB decided to initiate criminal proceedings in connection with this matter,⁶⁸ referring to information disclosed in the press, since “the main culprits in the killings under discussion have gone unpunished thus far.” There had not been any interest in the matter until then, although the basic facts about the executions that took place at Kalevi-Liiva and the identities of the camp commandant (Aleksander Laak) and his adjutant (Ralf Gerrets) had been known to Soviet state security organs since November 1944,⁶⁹ and part of this information had even been published in a book along with narratives from witnesses in 1947.⁷⁰

Ralf Gerrets was arrested as the first suspect on June 10, 1960. An investigation was initiated regarding four persons: Ain-Ervin Mere, head of the Estonian Security Police⁷¹ in 1942 (lived in Great Britain); Aleksander Laak, commandant of the Jägala camp in 1942–43 (lived in Canada); Ralf Gerrets, adjutant to the camp commandant (arrested in Estonia); Jaan Viik, a camp guard (arrested in Estonia; had already been punished once along with other guards in 1946, having been sentenced to 10 years imprisonment).

In terms of the propaganda meaning of the trial, Mere and Laak, who escaped to the West at the end of the war, are currently of the most interest in the context of this article. Among the few KGB counterintelligence materials currently accessible, there is nothing to indicate that the KGB had tried to establish contact with Laak, who lived in Canada, during the preceding years. The prosecution of the camp commandant in absentia, however, certainly suited propaganda needs.

68 Investigation file of Gerrets and others, ERAF f. 129SM, n. 1, s. 28653, vols. I–XIX.

69 Testimony of Jägala camp manager K. Rääk, 9 November and 24 December 1944, *ibid.*, vol. XIV, l. 301–6.

70 Max Laosson et al, *Saksa fašistlik okupatsioon Eestis aastail 1941–1944* (The German Fascist Occupation in Estonia in 1941–1944) (Tallinn, 1947).

71 Unlike in other occupied territories, the German Security Police in Estonia formed a security police parallel structure employing local residents (officially the German Security Police in Estonia, Group B, unofficially known as the Estonian Security Police), which carried out most of the security police functions under the control of Group A, which was small in number and formed of Germans. See also Ruth Bettina Birn, *Die Sicherheitspolizei in Estland 1941–1944: Eine Studie zur Kollaboration im Zweiten Weltkrieg* (Paderborn, 2006).

After the in absentia charges and their disclosure in both the Soviet and the international press, Laak committed suicide in Canada on September 6, 1960.⁷²

Mere was an air force officer from the Republic of Estonia and was recruited as an NKVD agent with the code name “Müller” at the beginning of Soviet rule in 1940. After war broke out between Germany and the Soviet Union, he crossed over to the German side at the front in the summer of 1941 and began serving in Estonia in the Omakaitse (Home Guard), a voluntary auxiliary police organization. In December 1941, the German occupying authorities appointed Mere head of the Estonian Political Police, which operated under the control of the German Security Police and SD. When the Estonian Security Police was formed on May 1, 1942, he was appointed its head and served in that position until March 31, 1943. Mere later served in Waffen-SS Estonian units. He went to Germany in 1944 and lived in Great Britain after the war. The USSR KGB hoped to recruit him again in 1953–57 but did not find a suitable opportunity.⁷³ The escaped agent, however, was an excellent target as a show trial defendant.

At the trial, held March 6–11, 1961, the ESSR Supreme Court sentenced Ain-Ervin Mere, Ralf Gerrets, and Jaan Viik to death. Great Britain did not extradite Mere to the Soviet Union. The two defendants who participated in the trial were executed.⁷⁴

Second Case: Jüriste-Linnas-Viks

Historical background. In July 1941, the German occupying authorities set up a prison camp in the city of Tartu with the support of members of the local Omakaitse. This facility thereafter remained in operation as a “correctional labor camp” under the jurisdiction of the German Security Police. The camp also functioned during its first months as an extermination camp, where partially in response to the Red Terror,⁷⁵ up to 4,000 local residents were executed. The head

72 One version of the story holds that Laak did not commit suicide but was instead forced to kill himself by members of an underground Jewish vengeance group who located his home through press reports on the trial. See Michael Elkins, *Forged in Fury* (New York, 1971), p. 302.

73 Ain Mere’s file (agent “Müller”), ERAF f. 138SM, n. 1, s. 9.

74 Investigation file of Gerrets and others, ERAF f. 129SM, n. 1, s. 28653, vols. I–XIX.

75 Here “Red Terror” refers to the mass arrests and the deportation campaign carried out by the Soviet regime in Estonia in 1940–41, culminating with the terrorization of the local population by Soviet destruction battalions in the summer of 1941 after war broke out between Germany and the Soviet Union.

of the camp for most of this time was Karl Linna, who moved to the United States after World War II.⁷⁶

On November 25, 1960, the ESSR KGB initiated criminal proceedings to ascertain and bring to justice the culprits of the executions carried out at the Tartu camp during the years of German occupation. The pre-trial media coverage was more reserved than that of the previously described trial. Within the framework of the criminal proceedings, charges were brought against Juhan Jüriste (the first head of the Tartu concentration camp in the summer of 1941, arrested in Estonia), Ervin Viks (who briefly served in the Tartu concentration camp special department, later served as head of Department IV of the Estonian Security Police, and then moved to Australia), and Karl Linna (the second head of the Tartu concentration camp in 1941–42 when mass executions took place; he later moved to the United States).

All the defendants were sentenced to death at the public trial held on January 16–20, 1962, Viks and Linna in absentia. The dates of the court sessions were postponed just before they were about to begin. The postponement publicly exposed the court's decorative role, as the court verdict and the report from the court session appeared in *Sotsialisticheskaia zakonnost'*, the periodical published by the Soviet Union's Prosecutor's Office, before the actual start of the court sessions. Public disclosure, however, was in this case relative: the periodical was not in mass circulation, and most copies were probably successfully reclaimed from libraries and domestic subscribers. The author of the current article is not aware of any evidence that this information became public knowledge more broadly or that it leaked from the Prosecutor's Office. Information on the mishaps of the Soviet court system first came to light in the United States in connection with the Linna case.⁷⁷ Viks, who lived in Australia, was not extradited to the Soviet Union. U.S. authorities revoked Linna's citizenship in 1981, after which a new campaign started to demand his extradition upon the recommendation of the ESSR KGB. Linna was extradited to the Soviet Union in April 1987. The court verdict from 1962 expired. Linna died in a prison hospital in the summer of that year without being brought to trial again.⁷⁸

76 See Riho Västriku, 'Tartu Concentration Camp 1941–1944', Hiio, Maripuu, Paavle (eds.), *Estonia 1940–1945*, pp. 689–704.

77 The periodical *Sotsialisticheskaia zakonnost'* (Socialist Legality), January 1962, pp. 73–4; see S. Paul Zumbakis, *Soviet Evidence in North American Courts: an Analysis of Problems and Concerns with Reliance on Communist Source Evidence in Alleged War Criminal Trials* (Chicago, 1986).

78 Investigation file of Jüriste, Linna, and Viks, ERAF, f. 130SM, n.1, s. 28195, vol. I–X.

Third Case: Evald Mikson

Historical background. Estonian Forest Brothers operated in Estonia near the Soviet–German front line in July 1941⁷⁹ in support of the German forces. When the front line advanced beyond Estonia, the paramilitary Omakaitse organization was formed on the basis of those Forest Brother units. In the initial phase of the German occupation, members of the Omakaitse lynched people accused of perpetrating the Red Terror. The Omakaitse also participated in executions by the German authorities. Evald Mikson was one of the leaders of the local Omakaitse unit in Võnnu rural municipality in Tartu County in southern Estonia. In the autumn of 1941, he joined the Political Police in Tallinn yet was himself arrested, apparently accused of appropriating the property of people being held in custody. At the end of the war, he escaped from Estonia and settled in Iceland.⁸⁰

On June 5, 1961, the ESSR KGB initiated criminal proceedings to investigate the activity of Evald Mikson (in Iceland, he went by the name Edvald Hindriks-son) during the German occupation. His address in Iceland was also indicated.⁸¹ Specific grounds for initiating criminal proceedings are not indicated in the file (there is a reference to “published materials”), yet materials that compromised Mikson that had already been published in *Thjodviljinn* (*Þjóðviljann*), the voice of Iceland’s Socialist Party, were included in the file. These materials reached the newspaper through an Icelander who studied in Moscow and operated at the same time as the paper’s Soviet Union correspondent.⁸²

No information is available on any possible earlier interest that the state security organs may have had in Mikson personally, although his name figured in 1948 investigation files of other individuals in connection with arrests and executions that took place in 1941.⁸³ The preliminary investigation was carried out June–

79 The Forest Brothers (Estonian: *metsavennad*) were Estonian partisans who waged guerrilla warfare against Soviet rule during the Soviet invasion and occupation of the three Baltic states during and after World War II.

80 Valur Ingimundarson, ‘The Mikson Case: War Crimes Memory, Estonian Identity Reconstructions, and the Transnational Politics of Justice’, Annette Vowinckel, Marcus M. Payk and Thomas Lindenberger (eds.), *Cold War Cultures: Perspectives on Eastern and Western European Societies* (New York, 2012), pp. 321–46.

81 Investigation file of Mikson, ERAF f. 129SM, n. 1, s. 28654, vols. I, II.

82 The first materials on Mikson appeared in *Thjodviljinn* on March 14, 1961. The newspaper is accessible in the digital collection of the National and University Library of Iceland, Landsbókasafn Íslands – Háskólabókasafn (http://timarit.is/search_init.jsp?lang=en, last accessed on 13 February 2014).

83 Investigation file of Koolmeister and Luha, ERAF f. 129SM, n. 1, s. 1442.

August 1961, during which a number of testimonies were collected concerning Mikson's activity as a leader of the Forest Brothers and later of Omakaitse units in the summer of 1941. According to witnesses' statements, Mikson participated personally in the execution of persons arrested by the Forest Brothers and the Omakaitse. On August 24, the investigator nevertheless requested an extension of the deadline from the prosecutor for completing the preliminary investigation in order to acquire testimony from family members of the executed persons. On September 19, 1961, however, the ESSR KGB investigation department announced the suspension of the preliminary investigation, since the suspect's exact place of residence was reportedly not known. The file was sent to Moscow to the USSR KGB.⁸⁴ Recall that six months earlier, his address was in the file, and there were no references to any change of address.

Fourth Case: Pärnu's Omakaitse

Historical background. Much like the previous case, Forest Brothers and Omakaitse units later formed out of them operated in Pärnu County from July 1941 onward. The participation of members of the Omakaitse in repressions carried out by the German authorities connects them with several crimes.

No noticeable campaign preceded this case in the media. Materials associated with this criminal case begin with the statement drawn up in 1961 in the security organs: "It is evident from existing compromising materials concerning persons who were active assistants, etc., of the Germans in Pärnu and other places during the German occupation [...] that a special 30-man detachment also known as a 'hunting detachment' led by Captain Villem Raid and Arkadi Valdin was formed to carry out death sentences handed down by the Political Police. According to incomplete information available to the Extraordinary State Commission, over 1,000 people were shot in the city and county of Pärnu."⁸⁵ In March and April 1962, wartime members of the Pärnu Omakaitse Edmund Kuusik, August Reinvald, Julius Viks, and Teodor Kaldre were arrested. Raid and Valdin were repeatedly cited as leading figures by the arrested persons and by witnesses that were questioned. Charges were brought, and Kuusik, Reinvald, Viks, and Kaldre were sentenced to death at the trial held on December 11–15, 1962.⁸⁶ The matter no longer concerned Raid and Valdin, even though they were both on the list of persons in July

84 Investigation file of Mikson, ERAF f. 129SM, n. 1, s. 28654, vol. III, l. 111–3, 114–5, 116.

85 ERAF f. 133SM, n. 1, s. 19, l. 1–10.

86 Investigation file of Kaldre and others, ERAF f. 129SM, n. 1, s. 28668.

1962 for whom searches were to be initiated on the basis of materials gathered during the preliminary investigation.⁸⁷

Fifth Case: Lääne County Omakaitse and Ago Talvar

Historical background. Much like the two previous cases, the background of events is the Forest Brothers who operated in the summer of 1941 and the Omakaitse units that they later formed, this time in Lääne County. Ago Talvar was an organizer of a group of Forest Brothers in Lääne County in the summer of 1941 and was the head of the Lääne County Omakaitse from August 31, 1941, until March 1, 1942. Thereafter he served as head of the Omakaitse Headquarters Administrative Department in Tallinn until the end of the German occupation.

Ago Talvar lived in Sweden and was wanted by the KGB starting in 1947. From his correspondence with his wife and relatives who remained in the Soviet Union, his whereabouts were ascertained in 1958.⁸⁸ A trial had already been held in 1945 concerning executions carried out by the Lääne County Omakaitse, and four men had been sentenced to death.⁸⁹ In July 1967, four men were on trial: Roland-Rudolf Rand, Ants Tinniste, Harri Paisu, and Ago Talvar. A letter from the Estonian SSR Prosecutor Valter Raudsalu was sent to Ago Talvar in Sweden on May 13, 1967, informing him that criminal proceedings had been initiated against him and of his rights in this regard. If he did not appear, the verdict would be handed down in absentia. He was to contact the Soviet Embassy in Sweden to obtain a visa and to cover his travel expenses. A Soviet journalist was sent to check whether he had received the letter. Talvar informed the journalist that he refused to participate in this Soviet propaganda exercise.⁹⁰

Rand and Tinniste, and Talvar in absentia, were sentenced to death on July 13, 1967. Paisu was declared mentally incompetent and was sent to a psycho-neurological hospital for coercive treatment. Talvar was accused of organizing and supervising the shooting of over 100 people in Haapsalu and Lääne County.⁹¹ The real battle—the propaganda battle—was still to come for Talvar, sentenced

87 ERAF f. 133SM, n. 1, s. 19, l. 142–4.

88 *Ibid.*, s. 13, l. 69–70.

89 Investigation file of Aavasaar and others, court verdict, ERAF f. 129SM, n. 1, s. 18262–jv.

90 ERAF f. 133SM, n. 1, s. 15, l. 130–1.

91 Investigation file of Talvar and others, court verdict, ERAF, f. 129SM, n. 1, s. 29004, vol. V.

to death in absentia, and his family who remained in Estonia, and it lasted until the end of the 1980s.⁹²

Public Preparation of Trials

The prescriptive documents of the trials under consideration are represented sporadically in archives accessible to historians. The most relevant documents are preserved in Estonian archives concerning the earliest trial (Mere-Gerrets-Viik). Using information on the organization of analogous trials, we can obtain a general idea of what took place, even if it does not correspond exactly to the circumstances of each individual trial. In addition to the trials held in Estonia, the trial of Theodor Oberländer and members of the Nachtigall Battalion initiated by Soviet security organs and held in the GDR, and its preparation in Ukraine, is also used as an analog.⁹³ The preparation of such trials and the carrying out of the related investigations was part of the jurisdiction of the security organs.⁹⁴ When it was decided to initiate a particular criminal proceeding and who made the decisions still remains unknown.

In the case of show trials, the dissemination of targeted information typically began through the press along with a propaganda campaign before the official initiation of criminal proceedings. Recall at this point Khrushchev's July 1959 speech, which preceded the trial against West German minister Theodor Oberländer in East Germany. The Soviet regime presented itself as the power of the

92 The documentary film *Lemmin rakkaus* (Lemmi's Love) focuses on the story of Talvar's wife Lemmi and their children, who remained in Estonia and faced repression on two occasions by the Soviet authorities because of her husband. The existence of Ago Talvar, sentenced to death in absentia, in Sweden affects the story of this family left behind on the Soviet side for decades. *Lemmin rakkaus*, directed by Ville Mäkelä (Finland, 2011) (http://ses.fi/fileadmin/dokumentit/Finnish_documentary_films_2011.pdf, last accessed on 5 January 2015).

93 The preserved portion of GDR confidential documents that became accessible after the reunification of Germany, and the Ukrainian security service archive, which was partially accessible during the intervening years, provide important additional information concerning the organizational side of show trials.

94 The Estonian SSR Criminal Trial Code specified institutions that are considered investigative organs (Section 99), including state security organs, and the jurisdictional limits of their authorization for investigation (Section 105). In preparation for show trials, the suspects were presented with charges of betrayal of the Soviet fatherland (ESSR Criminal Code Section 62), in which case the Prosecutor's Office and the state security organs were assigned to carry out the preliminary investigation.

people. Thus it was particularly fitting to portray criminal proceedings as initiated “from below,” based on materials published in the press and according to the demands of the working people.

Public attacks against Estonia’s leading figures from the German occupation began in the press in early 1959 as well. Estonian Self-Administration Director of Internal Affairs Oskar Angelus was the first target. He was an excellent target, since the Omakaitse, the Estonian Security Police, and most penal institutions, all of which were more or less associated with actually committed crimes, were formally subordinated to him during the war. This kind of formal delegation of responsibility was the shrewd policy of the German occupying authorities, yet Angelus’s actual power over the aforementioned institutions and his direct connection to executions were nevertheless nonexistent. Even Soviet investigative organs must have concurred, since attacks against Angelus remained limited to current-affairs publications, in which he was equated with Hans Globke,⁹⁵ for instance, who had been targeted in East Germany.⁹⁶

Prior to the Mere-Gerrets-Viik trial, the article “Tragedy at Kalevi-Liiva” was published on May 25, 1960, in Estonia in *Molodezh’ Estonii*, a local Russian-language newspaper. A letter from Czechoslovakia provided the formal impetus for this article.⁹⁷ The letter was from Gita Kleinerova, one of the few Jewish inmates to survive the Jägala camp. A choir from Estonia had visited her hometown, which had motivated her to write a letter of thanks and also to recall her camp years in wartime Estonia.

On June 3, 1960, the ESSR KGB decided to initiate criminal proceedings, referring to information published in the press, since the main culprits in the killings

95 Hans Globke participated as a lawyer in working out Nazi German legislation in the 1930s. After the war, he was a close advisor to West German chancellor Adenauer. In 1963, he was sentenced in absentia to life imprisonment at a show trial held in East Germany. Completely irrelevant witnesses and experts from the Soviet Union, including three representatives from Estonia, were employed in the trial. The historian and former minister of foreign affairs of the ESSR Hans Kruus testified as an expert. See ‘The Trial of H. Globke (Interview with H. Kruus),’ Estonian National Broadcasting Corporation audio archive (arhiiv.err.ee/vaata/41397, last accessed on 3 February 2014). About Globke, see Erik Lomatsch, *Hans Globke (1898–1973): Beamter im Dritten Reich und Staatssekretär Adenauers* (Frankfurt, 2009).

96 ‘Reeturil ei ole kodumaad: Hitlerlik landesdirektor Angelus teeskleb demokraati’ (Traitors Have No Homeland: Hitlerite *Landesdirektor* Angelus Pretends to be a Democrat), *Kodumaa* (1959), no. 4; Ervin Martinson, ‘Ühe perekonna tragöödia’ (One Family’s Tragedy), *Sirp ja Vasar*, 19 July 1963.

97 ‘Tragediia v Kalevi-Liiva.’

under consideration had not been punished thus far.⁹⁸ This disclosure was seconded by articles in the North American press in the name of six former Jägala prisoners who lived in New York and one who lived in Toronto.

The local public was prepped for the show trial during the preliminary investigation, and “voices from among the people” demanded the punishment of the accused. All the relevant archival material in Estonia was controlled by the security organs, and it was according to their instructions that thematic articles and radio broadcasts were prepared. Since the authorities had a monopoly on the relevant information, they could present absurd accusations and connections, and no one had the chance to check the information presented. The background information presented was for the most part limited to information from the Extraordinary State Commission of 1944, which is limited to summarizing repressions from the period of German occupation and an assessment of the role of various institutions. Ascertaining the exact circumstances was not the objective of the forthcoming trials. The materials disclosed in the press were primarily supposed to create a suitable emotional atmosphere.

During the media campaign preceding the Mere-Gerrets-Viik trial, the demand was made to prosecute Hjalmar Mäe, who then lived in Austria and had served as the head of the Estonian Self-Administration during the German occupation, in addition to Mere as the head of the Estonian Security Police. Mäe’s brother, who lived in Estonia, implicated him in the deaths of tens of thousands of people and other such crimes. Apart from the prominent role he played under German occupation, Mäe was undoubtedly a considerable propaganda object, since he served the Austrian government as an expert on the Soviet Union. Mäe’s activity in Austria was equated with the continuation of fascist policy in Austria.⁹⁹ Documents of the security organs in Estonia do not indicate whether steps were taken against Mäe other than threats broadcast over the radio, or why they were abandoned.¹⁰⁰

98 Investigation file of Gerrets and others, ERAF f. 129SM, n. 1, s. 28653, vol. I, l. 2–3.

99 Austria was occupied by the Soviet Union and the Allied powers at the end of the war and was a hostage of the Cold War until 1955, suffering primarily from the ambitions of the Soviet Union. It was not until the death of Stalin in the Soviet Union and the end of the Korean War that political tensions eased to the point where Austrian politicians succeeded in achieving a compromise and restoring national independence.

100 Recordings of the radio broadcasts ‘The Hills of Kalevi-Liiva Accuse, I–V’. 22 September, 3 October, 9 October, 16 October, 30 October 1960. Estonian National Broadcasting Corporation audio archive.

Just before the court sessions of the Mere-Gerrets-Viik trial started, the brochure *Mõrvarid maskita* (Murderers Unmasked) was published. It was authored by Ants Saar, a writer who was a loyal Party confidant.¹⁰¹ This sheds some light on the events that were to follow. The brochure's title page states: "Compiled by Ants Saar on the basis of materials and documents published in the press."¹⁰² "Investigative journalism" did not exist in the Soviet conditions of that time, and thus these are materials that the security organs presented in a popular form for propaganda purposes. Information on this subject matter was not published in the press in any case without the approval of the security organs, to say nothing of documents directly controlled by the security organs.

The brochure outlines the events of the war and the main groups of persons targeted by the show trials. It also details the domestic and foreign policy objectives of the Soviet Union, which such trials were supposed to support. The outlined aims were:

- the activity of the Estonian Security Police: brought to the public as show trials, Mere and Viks as the accused (first and second cases);
- what took place at the Jägala camp/Kalevi-Liiva: brought to the public as a show trial (first case, Mere-Gerrets-Viik);
- what took place in the Tartu camp: was realized as a show trial (second case, Jüriste-Linnas-Viks trial), even though the central figures changed to a certain extent. The later central figure, Linnas, is mentioned only once in the brochure;
- activity of the Tartu County Omakaitse: culminated with the preliminary investigation of Evald Mikson (third case), which was discontinued without charges being brought;
- activity of the Estonian Self-Administration headed by Hjalmar Mäe: limited to the publication of propaganda publications;
- figures that stood out in Waffen-SS Estonian units: limited to the publication of propaganda materials (Johannes Soodla, Alfons Rebane, Harald Riipalu).

101 Ants Saar (1920–89) joined the Komsomol in 1940 and fought in a Soviet destruction battalion in 1941 and thereafter in the Red Army. He became a member of the Communist Party in 1943, studied at the VKP(b) Central Committee Higher Party School after the war in 1950–53, and worked at responsible positions in the press and later in the ECP CC apparatus. He served as the editor of the cultural newspaper *Sirp ja Vasar* (Sickle and Hammer) in 1953–61. He consistently represented the Communist Party's orthodox line.

102 Ants Saar, *Mõrvarid maskita* (Tallinn, 1961).

The following stands out in the publication as political objectives:

- branding expatriates as the “henchmen of fascists who fled from the Estonian homeland,” including figures from the National Committee of the Republic of Estonia¹⁰³ who worked against the German occupying authorities;
- discrediting expatriate organizations in the eyes of the governments and population of their host countries by accusing them of “fascism”;
- discrediting the governments or politicians of Western countries that maintained contacts with expatriate organizations, accusing them of “conniving with fascists and war criminals,” continuing Nazi policy, and so on. The policy of the United States, Canada,¹⁰⁴ Great Britain, and Sweden was attacked along with West German revanchism (with reference to Hans Globke);
- drawing parallels between the show trials being prepared in Estonia and the Eichmann trial that was starting in Israel.

The staging of justification for initiating criminal proceedings against Evald Mikson through *Thjodviljinn*, the voice of Iceland’s Socialist Party, is particularly blatant. The KGB had materials published in that newspaper that had previously been disclosed in the brochure *Murderers Unmasked* in February of 1961. In the chapter on Mikson entitled “Murderer and Spy under a False Name,” even his address in Reykjavik was published.¹⁰⁵ The brochure devoted more attention to the defendants in the Mere-Gerrets-Viik trial that was held in March of that year (see first case) but also to several other persons who were not brought to trial but were used by Soviet propaganda. In the case of Mikson, the material to be disclosed was, of course, meant to influence readers in Iceland but primarily to affect the accused himself. The campaign in the Icelandic press was extensive: in the two-and-a-half months from March 14, 1961, to the formal initiation of criminal proceedings in Estonia at the beginning of June, Mikson was written

103 The National Committee was formed by Estonian politicians and their supporters in February and March 1944 as a proxy parliament, the highest authority in Estonia until constitutional institutions were put in place. The Committee’s activities were paralyzed by the arrest of hundreds of Estonian activists by the German Security Service (SD). Some Committee members were arrested, while others went underground. Due to the activities of the National Committee, the formation of a legitimate government succeeded in Estonia in August 1944. This formed the basis for the legal continuity of the Republic of Estonia until the end of the Soviet annexation.

104 Sharp rebukes aimed at Canada’s prime minister John Diefenbaker, who met representatives of the Estonian expatriate organization.

105 Saar, *Mõrvarid maskita*, pp. 85–90.

about 11 times in *Thjodviljinn*. Additionally, articles defending Mikson appeared in right-wing papers.¹⁰⁶ Propaganda articles on Mikson were published in parallel in the Estonian press, although to a lesser extent.¹⁰⁷ It is noteworthy that Mikson was accused of arresting and murdering communists in the first articles concerning his actions (appearing in March). Starting in April, when the Eichmann trial began in Israel, the Jewish origin of Mikson's victims was stressed. Both categories of victims were considered in the same article so that the reader could not miss the comparison. The articles that appeared in May primarily criticized the Icelandic authorities for not dealing with Mikson.¹⁰⁸ Even when writing specifically about Holocaust victims, Soviet literature typically did not highlight the Jewish origin of the victims but instead fused victims into a single mass of "Soviet people." The simultaneous Adolf Eichmann trial in Israel allowed the Soviets to connect Mikson to the "Jewish question," which was receiving considerable international attention at this time. This might have been seen as adding more weight to the news concerning Mikson.

Further comparing the scheme outlined in the brochure *Murderers Unmasked* and the subsequent events, it can be seen that the Soviet regime had prepared systematically for holding the show trial. Most of the relevant institutions were inundated with accusations, and individuals who could potentially be accused were located. Measures adopted later concerning the Estonian Self-Administration, which operated as the executive organ of the German occupying authorities, and persons of interest in Waffen-SS Estonian units were limited to propaganda measures (at least, there is no information to the contrary in the currently accessible archives). The Tartu County Omakaitse, with Evald Mikson as the central character, was initially selected for the "illustrative execution" of the Omakaitse as a local paramilitary organization, which tied in well with the actions of the

106 Materials implicating Mikson were published in Iceland in *Thjodviljinn*, the voice of the country's Socialist Party, based on the remnants of the onetime Communist Party. The activity of the party was coordinated by the CPSU. The articles on Mikson were written by the newspaper's then-Moscow correspondent and later editor-in-chief Árni Bergmann, who was at that time studying Russian literature in Moscow. The newspaper is accessible online (http://timarit.is/search_init.jsp?lang=en, last accessed on 13 February 2014).

107 For instance, Ervin Martinson, 'Roimar Mikson ja tema kaitsjad' (Mikson the Criminal and His Defenders), *Rahva Hääl*, 17 May 1961.

108 *Thjodviljinn*, 14, 16, and 17 March, 18, 19, 20, 22, and 23 April, 16, 18, and 31 May 1961. Many thanks to Sigurdur Emil Pálsson for summarizing and translating the articles from Icelandic.

Tartu concentration camp that operated in parallel. After the Mikson trial was abandoned, the investigation of the activities of the Pärnu County Omakaitse, and somewhat later, that of Lääne County as well, was quickly initiated.¹⁰⁹ Former leaders of the Estonian Security Police (Ain-Ervin Mere and Ervin Viks) were included in two show trials, each of which focused on the activity of one concentration camp (Jägala/Kalevi-Liiva and Tartu). The people compromised in the brochure were not always the people actually brought to trial (or targeted in propaganda literature). For instance, Karl Linnas, who was mentioned only once in the brochure in the case of the Tartu camp, later became the main figure in the case. Articles about him started appearing in the United States in May 1961. At the same time, the brochure made graphic accusations against the former policeman Aksel Luitsalu, who had emigrated to Canada, although the Soviet security organs themselves later admitted that he had been an official in the criminal police and that no charges could be brought against him.

Attempts to Recruit the Accused to Collaborate with Soviet Intelligence Organizations?

Soviet state security organs mainly used two approaches in the 1950s to attempt to recruit persons who had escaped to the West from territories that remained under Soviet control. Some of the targeted individuals had, for various reasons, collaborated with Soviet intelligence services during the first year of Soviet rule in 1940–41. Contact with them was severed during the war, and these people escaped to the West. In the new situation, attempts were made to re-recruit such people using threats to leak information on their previous cooperation with Soviet intelligence services to the expatriate community and/or to repress family members who remained in Estonia.

The other option was to use relatives of the refugees who remained in Estonia and try to approach the “object” through them. In the 1950s, threats to repress those relatives could still readily be made, but by the early 1960s, the period of mass repressions had passed. As more time went by since the refugees had left Estonia, the security organs had more chance to emphasize the emotional side,

109 Members of the Omakaitse from other counties were also put on trial over the following years, and in those trials as well, most of the defendants were sentenced to death. However, those trials got minimal press coverage in the newspapers *Kodumaa* and *Rahva Hääl*. They involved, for instance, members of the Omakaitse in Valga County in 1966; members of the Petseri Omakaitse in Pskov oblast in the Russian Federation in 1970 and 1974; and members of the Omakaitse in Viru County in 1974.

stressing the chance to meet long-lost family members again. When this approach was selected, the security organs first attempted to recruit family members living in Estonia. Their own possible cooperation with the German occupying authorities was a suitable pretext for applying pressure to them. So was simply the fact that their relative lived abroad, which was definitely something considered compromising in the Soviet Union and a hindrance in many situations in life.¹¹⁰

In the 1960s it turned out to be advantageous to release material that implicated emigrants living in the West in cooperation with the German occupiers. Internationally, the prosecution of Nazi war crimes was entering a new stage. Genocide against the Jews in wartime Europe was increasingly highlighted, and the Eichmann trial, along with its media coverage, significantly contributed to this. In addition to the judicial system, the Holocaust as a historical event started evolving into its own field of research for historians, thus affecting literature and art, and social attitudes in general.

Finding documentary evidence of Soviet intelligence recruiting or attempting to recruit an individual is exceptional. In such cases, the question inevitably arises whether the materials accessed by historians¹¹¹ were made available by mistake or deliberately.

Soviet intelligence services had relatively long-term relations with Ain-Ervin Mere (first case). He had served as the head of the Estonian Armed Forces' Headquarters Mobilization Department, and after the occupation of Estonia by the Soviet Union, he was incorporated into the Red Army along with other Estonian officers. Mere was recruited as an NKVD agent with the code name Müller on October 10, 1940, and within a short period of time, he had managed to provide valuable information. After war broke out between Germany and the Soviet Union, he crossed over to the German side at the front in the summer of 1941 and at the end of the war, he escaped to the West. The KGB became active in regard to Mere in 1956 when it identified his postwar place of residence in England, where he was one of the leading figures in the Estonian Association. The plans for his re-recruitment called for using people who had been in contact with him as an agent in 1940–41, but for various reasons these plans were not implemented.

110 Jürjo, *Pagulus ja Nõukogude Eesti*, pp. 53–76.

111 Among the materials of the Estonian SSR's KGB, 18 files compiled mostly on Estonians who lived in exile and that, in isolated cases, contain documents extending to the end of the 1960s are preserved in the National Archives collection ERAF f. 138SM (collection of ESSR State Security Committee foreign intelligence files). Based on other materials, it can be said that this is a small portion of the files that were kept on Estonians who lived in exile or in the Estonian homeland.

Approaching him through relatives also did not succeed, because Mere did not have close relatives in Estonia. The KGB appears to have abandoned plans to re-recruit Mere in 1957.¹¹² According to their operating principles, agents who defected abroad and could not be re-recruited were to be compromised, and Mere's cooperation with the Germans provided plenty of opportunity for this. It was logical in every respect to tie his activity as the head of the Estonian Security Police to the Jägala camp that was under his jurisdiction and the mass murder that was carried out there. Mere was sentenced to death in absentia, but the British government did not extradite him to the Soviet Union.

No information is available concerning contacts between Evald Mikson as a former official of the Political Police of the Republic of Estonia and the Soviet Union's NKVD in 1940–41. As a policeman dismissed from his post by the Soviet authorities, Mikson had good reason for going into hiding, and as a result, he made it through the first year of Soviet rule without being arrested. His activities during the German occupation are somewhat obscure. In addition to fighting against the Red Army, the Forest Brothers and the Omakaitse sometimes engaged in lynchings. The general situation can be characterized by the fact that quite shortly, the German occupying authorities prohibited the Estonian Omakaitse and other such groups from carrying out death sentences without court verdicts, and all detained people had to be handed over to the German authorities. Mikson's career in the Political Police under German rule, where he participated in interrogating the leading Estonian communist Karl Säre, turned out to be very brief. He was arrested, apparently on charges of appropriating the property of people being held in custody or who had been executed.¹¹³ His captivity nevertheless did not last long, and he allegedly even found work in the service of the Abwehr, the German military intelligence, before escaping to Sweden before the end of the war. In Sweden, other Estonian expatriates accused him of committing crimes while he served in the police during the German occupation. He was found guilty of war crimes and was to be extradited to the Soviet Union. Mikson nevertheless managed to be merely expelled to Norway, and from there he continued to Iceland.¹¹⁴ According to the evidence gathered by the KGB, the people arrested and executed by the Omakaitse and the police were for the most part local Soviet activists, fighters from the destruction battalions (or at least people accused of being part

112 Ain Mere's file (Agent "Müller"), ERAF f. 138SM, n. 1, s. 9; Jürjo, *Pagulus ja Nõukogude Eestí*, pp. 57–8.

113 Mikson's investigation file covering the period of the German occupation has not been preserved in the archives.

114 Ingimundarson, 'The Mikson Case', pp. 324–5.

of those battalions), and Jews. Given Soviet practice from that time in bringing similar charges, this would have been more than sufficient to sentence Mikson to death. Why did the KGB nevertheless decline to bring this case to court?

The Icelandic researcher Valur Ingimundarson has speculated that the leaders of the Socialist Party of Iceland could have discouraged that idea, believing that the political timing was not ripe, or that the government of Iceland would not extradite him anyway, or that they did not have sufficient evidence. Ingimundarson dismisses the possibility that the Soviet Union recruited Mikson, given Mikson's anticommunist views.¹¹⁵

Considering how the Soviet Union treated other people and countries, among them Sweden, Great Britain, Australia, Canada, and the United States, it is hardly likely that political relations with Iceland could have deterred them. People can be convicted and their extradition can take years. Soviet show trials were not hindered by a lack of evidence, as we will see in the cases of Oberländer and Talvar below. For propaganda purposes, it was even more useful if the convicted person was not extradited, because then the issue could be raised repeatedly if it was politically expedient, and not only the particular criminal but also the country shielding him could also be accused. Moreover, extradition could later lead to an uncomfortable situation, which we will consider below in the cases of Linnas and Talvar.

In considering the possibilities for recruitment, we can only analyze the potential considerations of the Soviet side and the options available to them, since researchers have no access to any evidence whatsoever. Mikson's anti-communist views naturally would not have made his recruitment any easier, but in such cases, other means of leverage were found to influence people.

Evald Mikson's son Atli has recalled that the attacks by Iceland's communists in 1961 against his father lasted six months (from March to August). Evald Mikson kept a constant eye on his son, forbidding him to go to the port with his friends to see the Soviet tanker, because he was afraid the Soviets might try to kidnap him.¹¹⁶ Mikson, of course, was not the same category of Soviet opponent as Stepan Bandera, a controversial leading figure in the Ukrainian exile community, whom KGB agent Bohdan Stashynsky (Bogdan Stashinskii) poisoned in Munich in October 1959, or the West German government minister Theodor Oberländer, whom

115 Ibid., p. 326.

116 'Saatan ei uinu kunagi' (Satan Never Sleeps), *Luup* (1998), no. 12. Interview with Evald Mikson's son Atli Edvaldson.

the East German intelligence service tried unsuccessfully to kidnap after he was convicted in absentia. Yet it was not difficult for them to give someone a little scare.

In any case, the ESSR KGB discontinued the preliminary investigation in September 1961, alleging that Mikson's place of residence could no longer be ascertained, and his file was sent to Moscow for reasons not known to us, from where it was returned in April 1962.¹¹⁷ After May 1961, Moscow's local mouthpiece in Iceland, *Thjodviljinn*, published nothing more about Mikson, except for one article (on October 6, 1961) primarily concerned with settling accounts with local right-wing publications.¹¹⁸ The silence was not broken even by Mikson's death in 1993. Mikson, however, opened a popular Estonian sauna in Reykjavik on September 17, 1962. And as his son recalls: "All sorts of people went there—from ordinary people to employees of the Soviet Embassy and members of the Icelandic government."¹¹⁹ Even in 1971 and 1983, the KGB stated that they still did not have specific information on Mikson's place of residence.¹²⁰

What can we make of all this? It is reasonable to assume that if the Soviet Union wanted to find suitable contact people in a small, isolated NATO member state like Iceland, it would be difficult, aside from local communists and socialists. They would have been the first to be suspected by the USSR's Western opponents. A need could nevertheless have emerged for even a neutral site near the Keflavik U.S. Naval Air Station where people could meet discreetly.

Villem Raid and Arkadi Valdin figured in the investigation of the activity of the Pärnu Omakaitse in connection with executions that had been carried out. According to Soviet investigative organs, they had been the commanders of the execution detachment and were declared wanted in the summer of 1962.¹²¹ Both men had escaped to Sweden at the end of the war, as the Soviet security organs knew. Captain Villem Raid had served with distinction in the summer of 1941 and was active in the Omakaitse during the war. At the end of the war, he allegedly served as the deputy head of one of the *Waffen-SS Jagdverband* schools for training sabotage units. We have no access to documents concerning any possible previous interest or activity by the KGB concerning Raid. Charges were not brought against him during this trial. Yet about a year later on September 13, 1963, the article "Hauptsturmführer Villem Raid and Others" appeared in the cultural weekly

117 Investigation file of Mikson, ERAF f. 129SM, n. 1, s. 28654, vol. III, l. 108–19.

118 *Thjodviljinn*, 6 October 1961.

119 'Saatan ei uinu kunagi'.

120 Investigation file of Mikson, ERAF f. 129SM, n. 1, s. 28654, vol. III, l. 119; *ibid.*, s. 28654, jv, l. 20.

121 ERAF f. 133SM, n. 1, s. 19, l. 1–10, 142–4.

Sirp ja Vasar, comparing him to Adolf Eichmann. The article was disseminated among expatriates as well. The KGB writer Ervin Martinson continued with the same theme in 1970 in his book *Elukutse – reetmine* (Occupation—Betrayal). The search for Arkadi Valdin should not have been difficult for the KGB either. For 10 years after the end of the war, the KGB had engaged in intelligence and radio games across the sea with Valdin, who had worked for the Swedish, U.S., and British intelligence services. By 1956, it became clear to the Western intelligence services that the KGB had had the upper hand in those games for years, and intelligence games in that form were abandoned. Thereafter the KGB set out to recruit Valdin into its service. His brother, who lived in Estonia, was used for this purpose, and contact was made through him. We do not have access to documents that may indicate what came of that attempt at recruitment.¹²² As with Mikson, charges were not brought against Valdin within the framework of the trial. He was also not publicly pilloried along with Villem Raid in the KGB's later propaganda campaigns.

Evidence and its Credibility

Actual crimes formed the background of all the show trials discussed here: mass murders of local residents of Estonia and of prisoners brought from other countries to Estonian territory. The way evidence was gathered, however, and its use in show trials cast doubt on the direct connection between the defendants in a particular trial and the events under consideration, thus bringing into question their personal culpability.

We do not have access to archival documents concerning the preparation of evidence in the security organs for the show trials held in Estonia. Let us consider, for the sake of comparison, the trial of Theodor Oberländer held in East Germany at the same time according to the instructions of the Soviet Union. The historical background and propaganda raw material for the trial was the bloodbath that took place in Lviv in Western Ukraine in 1941, where within a week, Ukrainian nationalists, thousands of Jews and, among others, 38 well-known Polish professors and politicians fell victim to one or the other of the belligerents. Oberländer served at that time as a political officer in the Nachtigall German battalion composed of Ukrainian volunteers, and this unit had been the first to enter Lviv. Oberländer later served in the Bergmann unit formed of Caucasians and the activities of this unit were also added to the charges. He was referred to as “Mass-Murderer Oberländer”

122 Jürjo, *Pagulus ja Nõukogude Eesti*, pp. 134–5.

in propaganda publications, which accused him of killing hundreds of thousands of people. The Soviet side had already repeatedly described the crimes committed in Lviv, but Oberländer's possible participation in them had not come to light until then. This error had to be corrected. The Soviet Union's KGB went to a great deal of trouble from the autumn of 1959 onward to construct the necessary evidence and to prepare witnesses.¹²³ Regarding the events in Caucasia, three former combatants from that unit, two officers of Georgian origin and one German national, were prepared in the Soviet Union as the chief witnesses. One of the witnesses who continued to serve his sentence in the Soviet Union for "betrayal of the Soviet fatherland" earned his release by providing suitable testimony. The alleged German national who was also to be a witness did not even appear before the public; it is possible that this was a "phantom witness."¹²⁴ Oberländer was ultimately convicted of killing the professors executed in Lviv on the basis of the testimony of a Polish witness who, in 1959, claimed to recognize Oberländer in a photograph.¹²⁵ Later research has shown that in the turbulent conditions of that time, it cannot be ruled out that some soldiers from the Nachtigallbattalion participated in crimes. Still, the responsibility for this does not fall on Oberländer. There is, however, clear evidence that the Einsatzkommando that arrived in Lviv was responsible for the murder of the 38 professors. After the end of the Soviet regime and the reunification of Germany, Oberländer requested the review of this court decision and his rehabilitation due to lack of evidence (*durch Freispruch wegen mangelnden Tatverdachts*). He was rehabilitated in 1998, one week after his death.¹²⁶ The Oberländer case shows that evidence in Soviet show trials cannot be considered historically reliable.

Of the trials that were held in Estonia, we will take a closer look at the Mere-Gerrets-Viik trial, which is relatively well documented. The primary content of the accusation here was the September 1942 executions at Kalevi-Liiva of Czech and German Jews who had arrived in two trainloads at the Raasiku railway station near Tallinn and what was done with the surviving Jews at the Jägala concentration camp (officially named AEL no. 3). The Soviet side found out in detail about these events in November and December 1944, when the former financial manager of the camp was interrogated as a witness. The camp commandant was identified as Aleksander Laak, the mass executions were dated to September 1942, it was determined that the

123 Upravlenie Komiteta gosudarstvennoi bezopasnosti pri Sovete Ministrov Ukrainskoi SSR, 6 May 1960 (<http://memorial.kiev.ua/images/stories/2008/02/nachtigal/007.jpg>, last accessed 24 November 2014).

124 Wachs, 'Die Inszenierung', pp. 30–56.

125 Weinke, *Die Verfolgung*, p. 149.

126 Wachs, 'Die Inszenierung', pp. 51–6.

executed people originated from Czechoslovakia and Germany, and the number of executed people was established to be about 1,500.¹²⁷ The ESSR's Extraordinary Commission, in its report on the Kalevi-Liiva executions, counted 3,000 victims of the two executions. Including additional victims executed in the same place over the subsequent years, the commission arrived at a total of "about 5,000" victims.¹²⁸ A book based on the work of that same commission established the corresponding number as "over 5,000."¹²⁹ It is possible that there were executions in the same location in 1943–44, when Aleksander Laak served as head of Tallinn's central prison, but the likely number of people executed is an order of magnitude smaller.¹³⁰ There is no concrete information concerning continued executions at Kalevi-Liiva after the closure of the Jägala camp in the summer of 1943.

Henceforth we will not delve into the details of the materials and testimony gathered during the preliminary investigation. Instead, we will follow the development of the trial as such. On June 10, 1960, a week after criminal proceedings were initiated, Ralf Gerrets, the former adjutant of the camp commandant, who had lived reclusively in Estonia in the postwar years, was arrested. The security organs knew that he was living in Estonia, a fact that was not "suddenly" discovered as a result of the investigation, which is the impression left by the investigation file. In addition to him, for some incomprehensible reason, the former camp guard Jaan Viik was also arrested, even though he had already been sentenced to 10 years imprisonment in 1946 for working as a camp guard and had served his sentence.¹³¹ Charges were also brought in the same case against the former head of the Estonian Security Police Ain-Ervin Mere and the camp commandant Aleksander Laak, both of whom lived abroad. After the charges were publicly disclosed, Laak committed suicide in Canada in September 1960.

Gerrets confessed during the investigation that in 1943 he compiled a card file on 2,100–2,150 Czech and German Jews who had arrived in Estonia. About 450

127 Witness Kristjan Rääk, 9 November – 5 December 1944, ERAF f. 129SM, n. 1, s. 28653, vol. XIV, l. 301–6.

128 Overview of war crimes and damages caused by fascists in the Estonian SSR according to separate categories, ERA f. R-364, n. 1, s. 33, l. 14.

129 Laosson et al, *Saksa fašistlik okupatsioon*, p. 512.

130 Indrek Paavle, *Eesti rahvastikukaotused II/1 Saksa okupatsioon 1941–1944: hukatud ja vangistuses hukkunud* (Estonian Population Losses II/1 German Occupation 1941–1944: Executed Persons and Persons who Perished in Imprisonment) (Tartu, 2002). Mass executions took place in Estonia in the latter half of 1941, thus considerably earlier than the events at Kalevi-Liiva.

131 Jaan Viik, appeal for clemency. ERA f. R-3, n. 6, s. 8192, l. 2–3.

of them initially survived, and some of them were sent to other detention centers in Estonia, while others were executed during the subsequent months at the Jägala camp. The summary of charges drawn up against Gerrets and the others considers the size of each of the arrived trainloads to be “around 1,500.” At the same time, the overall number of people executed at Kalevi-Liiva is given as “over 5,000 citizens of the Soviet Union, Czechoslovakia, and other countries” with reference to the materials of the Extraordinary State Commission.¹³² The numbers of victims were set out in the text of the court verdict in general conformity with the confession by Gerrets, only rounded slightly upward: “nearly 1,500” and “over 1,000.”¹³³

The information gathered during the preliminary investigation relied primarily on the statements of the people under investigation themselves or the testimony of witnesses. Archival documents confirmed the connection of Ain-Ervin Mere as the head of the Estonian Security Police to the incident (the camp was under his jurisdiction) and proved that Laak and Gerrets were appointed to their positions in the camp. The carrying out of the crime and the basic circumstances (the arrival of the trains at Raasiku station, the selection of prisoners, and the execution of most of them somewhere nearby) are established in other sources aside from the materials of this trial. Descriptions of the executions and of numerous incidents in the camp were founded only on the testimony of witnesses. There is no documentary evidence for this case indicating that the KGB specially prepared the witnesses, but in the late 1990s, the recollections of older employees of the archives reached the author of this article orally. They recalled that in the early 1960s, there was a separate room at the ESSR October Revolution and Socialist Development State Central Archives¹³⁴ where KGB employees introduced archival documents to witnesses who were to take the stand at show trials and prepared them to provide testimony. In reading the statements of witnesses and listening to the explanations of witnesses in radio interviews and recordings of court sessions, the clear structure, repeated key words, and details of what is said stand out, creating the impression of memorized testimony.¹³⁵ Photographs of the executions where Czech witnesses recognized their family members were presented as

132 Investigation file of Gerrets and others, ERAF f. 129SM, n. 1, s. 28653, vol. XVIII, l. 204, 211, 221; Laosson et al, *Saksa fašistlik okupatsioon*, p. 512.

133 Investigation file of Gerrets and others, ERAF f. 129SM, n. 1, s. 28653, (II) jv, l. 137–45.

134 Currently the Estonian State Archives.

135 Explanations of witnesses on the radio: Estonian National Broadcasting Corporation archives, key word “sõjakuriteod” (war crimes): <http://arhiiv.err.ee/marksona/4144/0/date-asc/2>.

additional evidence. The photographs actually most likely originated from mass executions that took place in the Liepāja area of Latvia. The same photographs were used repeatedly in the Soviet Union (and in Soviet Lithuania and Latvia, too) as evidence of different mass executions. These photographs have also misleadingly made their way into other countries' publications through Soviet sources.¹³⁶

Nowadays it can be confirmed that 2,051 prisoners arrived in Estonia in the two trains under consideration, of whom about 1,600 were executed immediately after arrival. Some of the survivors were executed in small groups during the subsequent months at Jägala camp, and some were transferred to other camps. Over 70 of them managed to survive the war.¹³⁷ In addition to Jews, local Roma were executed in the same place. Including the Roma, the total number of people executed at Kalevi-Liiva was about 2,000.¹³⁸ But the effect of Soviet propaganda literature was unstoppable. The stone unveiled in September 2002 to mark the 50th anniversary of the mass execution at Kalevi-Liiva is a memorial stating that 6,000 Jews perished at this spot.

An analogous number of victims canonized through the Soviet judicial system has been circulated in connection with the Tartu concentration camp (second case). In 1944, the Extraordinary Commission of that time conducted sample excavations at the place where the executed people from the Tartu concentration camp were incinerated. Based on the thickness of the layer of ash at a particular spot, it arbitrarily determined the number of victims to be 12,000. This became an accepted figure.¹³⁹ During the preliminary investigation and the trial of the functionaries from the Tartu concentration camp, no attempt was made to ascertain the actual number of victims. Research work carried out after Soviet archives became accessible suggests that the number cannot be determined exactly but that it can be estimated at between 3,000–4,000 people.¹⁴⁰

136 Birn, *Die Sicherheitspolizei in Estland*, pp. 232–3.

137 Monica Kingreen and Wolfgang Scheffler, 'Die Deportationen nach Raasiku bei Reval', Wolfgang Scheffler and Diana Schulle (eds.), *Buch der Erinnerung. Book of Remembrance, Vol 2: Die ins Baltikum deportierten deutschen, österreichischen und tschechoslowakischen Juden / The German, Austrian and Czechoslovakian Jews Deported to the Baltic States* (Munich, 2003), p. 866.

138 Maripuu, 'Annihilation of Czech and German Jews', pp. 705–16.

139 The total number of victims in Estonian territory was presented as 125,307 in the Extraordinary Commission's summary, which is an arbitrary result, arrived at without concrete source material. At the end of the Soviet period, even the security organs were unable to explain to themselves what this figure was based on. This number of victims appears to this day in Russian-language publications.

140 Västrik, 'Tartu Concentration Camp 1941–1944', pp. 689–704.

Organization of Trials

The USSR constitution stipulated that:

According to Section 111, the deliberation of cases was public in all of the Soviet Union's judicial bodies to the extent that exceptions are not prescribed, whereas the defendant is guaranteed the right to defense;

Section 112 stipulated the independence of judges and that they are subject only to the law;

Section 117 stipulated that organs of prosecution carry out their functions independently of any local organs, subject only to the Soviet Union's chief public prosecutor.

Thus it could be claimed that formally, according to the constitution, the principle of separation of powers applied in the Soviet Union.

The Communist Party's exclusive leading role in Soviet society is not explicitly laid out in the constitution. Yet it is stated in Section 126 (Chapter X. Fundamental rights and fundamental duties of citizens): "[...] the most active and aware citizens from the ranks of the working class, the working peasantry, and the working intellectuals join together voluntarily in the Communist Party of the Soviet Union, which is the foremost detachment of the workers in their struggle for building up a communist society, and the leading nucleus of all organizations, both social and state, of the working people."

Concerning Estonia, primarily the ECP CC Bureau can be seen as the "leading nucleus" mentioned in the constitution, since it was the local collective organ of power that ensured the implementation of guidelines from Moscow. The Party's direct intervention in the work of the judicial branch was significant.

In conducting the show trials examined here, the ESSR KGB and the Prosecutor's Office first presented their proposals for holding the trials to the ECP CC Bureau. In connection with the Mere-Gerrets-Viik trial, the ECP CC, under the direction of First Secretary Johannes Käbin, handed down the decision on December 3, 1960:

1. To assign the ESSR Supreme Court the task of carrying out the public trial,
2. To organize a press bureau (which included journalists employed by the KGB) to shed light on the progress of the trial, which would also see to the filming of the trial,
3. To assign the Union republic's prosecutor the task of participating in the trial as the state prosecutor and to select the public prosecutors in cooperation with the ECP CC.
4. To request permission from the CPSU CC to introduce the summary of charges to the public in the press and to hold a public trial.¹⁴¹

141 ERAF f. 1, n. 4, s. 2508, l. 20–1; *ibid.*, s. 2509, l. 91.

The subsequent preparation of the trial also took place in accordance with the guidelines of Party organs. On December 6, 1960, the ECP CC Secretariat required the Estonian State Publishing House to publish a collection of materials concerning the events at Kalevi-Liiva by December 25 in cooperation with the press group that had been formed. The publication was to appear in both Estonian and Russian with a print run of 10,000.¹⁴² On January 6, 1961, ESSR Prosecutor Valter Raudsalu submitted a proposal concerning the lawyers participating in the trial to the head of the ECP CC Department of Administrative, Financial, and Trade Organizations.¹⁴³ The candidates were coordinated between the Prosecutor's Office, the KGB, and the Supreme Court. One of the three proposed lawyers was left out and replaced.¹⁴⁴

On February 3, 1962, ECP CC First Secretary Käbin requested that the CPSU CC allow the disclosure of the summary of charges of the case under consideration and hold a public trial in Tallinn. The application refers to the investigation materials published in the Soviet Union as well as in Western countries, and to the suicide of one of the accused (A. Laak), which helped weaken the positions of Estonian emigrant organizations in Western countries. The entire trial was also tied in with the general foreign-policy interests of the Soviet Union, since it undermined the leaderships of countries that supported anti-Soviet emigrant organizations.¹⁴⁵ On February 9, 1962, ESSR Deputy Prosecutor Karl Kimmel presented a recommendation (!) to Käbin to approve the public prosecutor. The candidate was agreed upon in advance with the ESSR KGB.¹⁴⁶ A factory worker was approved as the public prosecutor instead of the proposed candidate, Major General Rihard Tomberg,¹⁴⁷ a former fellow officer of the accused Ain-Ervin Mere.

The accused were charged in accordance with Section 1 of the act "Concerning Criminal Responsibility for State Crimes" adopted on December 25, 1961. The

142 Vladimir Raudsepp, *Inimesed, olge valvsad!* (People, Be Alert!) (Tallinn, 1961).

143 Among his other tasks, the head of the ECP CC Department of Administrative, Financial and Trade Organizations was also responsible for supervising state security organs, the Prosecutor's Office, and the courts.

144 ERAF f. 1, n. 218, s. 5, l. 1.

145 *Ibid.*, l. 2–3.

146 *Ibid.*, l. 5.

147 Major General Rihard Tomberg (1897–1982) served as the head of Estonian air defense since 1930. He was incorporated into the Red Army in 1940, along with the entire Estonian army, but was dismissed from active service in 1941. He was arrested in 1944 and sentenced to 25 years imprisonment plus five years of exile but was released in 1956 in an amnesty. He was the only Estonian general who was not killed or did not die in the Gulag.

ESSR Criminal Code went into effect in 1961, and accordingly, the basis for the charges became ESSR Criminal Code Section 62, subsection 1. This remained the case after 1965 as well, when the Supreme Soviet Presidium enactment “Concerning the Penalization of Persons Guilty of Crimes Committed against Peace and Humanity and War Crimes Regardless of When the Crimes Were Committed” was adopted.¹⁴⁸ This enactment was taken into account, but only in terms of the non-applicability of statutory limitations to the crime. Crimes committed against peace and humanity and war crimes did not constitute criminal offenses in the ESSR Criminal Code or in other criminal codes in the Soviet Union. All those accused in the show trials¹⁴⁹ were convicted of “betrayal of the Soviet fatherland,” to which other sections of the code could be added, for instance, the same activity in organizational form.

Based on the continuity of Estonian statehood, which is the basis for the international recognition of the Republic of Estonia, the accused people in this case were citizens of the Republic of Estonia, not of the Soviet Union, which had occupied and annexed Estonia.¹⁵⁰ Thus these convicted people, along with all other people convicted under similar charges, were automatically rehabilitated according to the act rehabilitating extrajudicially repressed and groundlessly convicted people that went into effect in the Republic of Estonia in 1992, and verdicts handed down concerning them are null and void from the moment of their proclamation.¹⁵¹

The death penalty was abolished in the Soviet Union in 1947–50. Based on Section 6 of the principles of criminal legislation, the death penalty could not be applied in the later period, when the death penalty for the corresponding crime

148 USSR Supreme Soviet Act “Concerning Criminal Responsibility for State Crimes,” December 25, 1958; as of April 1, 1961, according to Section 62 of the ESSR Criminal Code. On March 4, 1965, the USSR Supreme Soviet Presidium passed the enactment ‘Concerning the Penalization of Persons Guilty of Crimes Committed against Peace and Humanity and War Crimes Regardless of When the Crimes Were Committed.’

149 This applied to all similar charges, regardless of whether the trial was public or in camera.

150 After it occupied and annexed Estonia in the summer of 1940, the Soviet Union declared all citizens of the Republic of Estonia citizens of the Soviet Union through a unilateral act of legislation. This is contrary to the principle of the continuity of Estonian statehood, according to which citizens of Estonia retained their citizenship throughout the Soviet period.

151 ‘Act concerning the Rehabilitation of Extrajudicially Repressed and Groundlessly Convicted Persons,’ 19 February 1992 (<https://www.riigiteataja.ee/akt/22216>, last accessed on 13 March 2014).

was restored as punishment for crimes committed earlier (including 1941–44). It was instead to be replaced by the lesser term of punishment that was in effect in the meantime, meaning imprisonment. Thus current legislation and general judicial practice would have precluded the death penalty at the time when these trials were held. A way was found to make an exception in the case under consideration as well as in the analogous trial held the following year (fourth case: Edmund Kuusik, August Reinvald, Julius Viks and Teodor Kaldre). A regulation passed by the USSR Supreme Soviet Presidium on the basis of applications made separately in each case by the KGB allowed the ESSR Supreme Court, as an exception, to waive the application of the provisions mitigating the penalty.¹⁵²

State prosecutor at the Jüriste-Linnas-Viks trial and later ESSR State Prosecutor Karl Kimmel later described this situation: “This is why the USSR Supreme Soviet Presidium adopted a special decision prior to this trial based on a petition from our republic according to which the court was granted the right to waive the law concerning the statute of limitations in this particular case if it was found that the defendants were guilty of the savage mass destruction of innocent people. This was confirmed beyond the shadow of a doubt.”¹⁵³ Concerning Kimmel’s commentary, it must nevertheless be noted that in the case of the centrally planned trials in the Soviet Union at that time, the petition that was submitted was definitely not an initiative of the Estonian SSR but rather a measure decided upon by the authorities in Moscow.

Documents accessible to researchers do not help to answer the question of when and by whom the penalties were actually determined. The available source materials, however, suggest that the penalty (the death penalty in all cases under consideration) was already decided before the trial. The Jüriste-Linnas-Viks trial in January 1962 confirms this: an “overview” of the progress of the trial and the predetermined court verdict were mistakenly published in the USSR Prosecutor’s Office periodical *Sotsialisticheskaia zakonnost’* before the trial even began.¹⁵⁴

152 Investigation file of Jüriste and others, ERAF f. 130SM, n. 1, s. 28195, vol. X, l. 172–3; investigation file of Gerrets and others, ERAF f. 129SM, n. 1, s. 28653, vol. XIX, l. 503; investigation file of Kaldre and others, *ibid.*, s. 28668, vol. VIII, l. 140.

153 Arvo Kallas, ‘Sõjaroimarile ei saa andestada: Eesti NSV prokurööri intervjuu’ (War Criminals Cannot Be Forgiven: Interview with the Estonian SSR State Prosecutor), *Noorte Hääl*, 14 May 1987.

154 *Sotsialisticheskaia zakonnost’*, January 1962; see Zumbakis, *Soviet Evidence*, pp. 13–4. On the role of the defense in Soviet show trials, see Juri Luryi, ‘The Role of Defence Counsel in Political Trials in the U.S.S.R.’, *Manitoba Law Journal* 7 (1977), no. 4, pp. 307–24.

Nevertheless, State Prosecutor Kimmel recalled in 1987: “I want to point out that the trial was widely publicized. All evidence was very carefully examined with all the objectivity characteristic of our work and in strict conformity to the law—archival documents, the statements of witnesses.”¹⁵⁵ Professor Ilmar Rebane, who participated in the trial as Linnas’s defense lawyer, later commented on the methodology of defense at that time. He stated, among other things: “Defense lawyers are patriots of their fatherland and cannot undertake the path of justifying a crime.¹⁵⁶ [...] In such trials, it would, in my opinion, be incorrect to focus attention on minor questions and details. [...] The defense does not consider it possible to divert the attention of the court from the main question of the trial.” The main argument of the defense was that “Linnas was not a central political figure but rather a tool in the hands of Estonia’s more principal bourgeois-nationalist figures.”¹⁵⁷

The minutes of the court sessions do not leave the impression that the defense lawyers—who were appointed by agreement between the Communist Party, the Prosecutor’s Office, the KGB, and the Supreme Soviet—sincerely represented the interests of their clients. Here and there, one is left with the impression that the defense lawyer competed with the prosecutor in presenting “juicier” charges. Unfortunately, one can only speculate whether the defense lawyers at that time knew about the court verdict “leaked” by the aforementioned periodical. Aside from this extraordinary circumstance, it can be asked to what extent defense lawyers had a real chance to defend their clients. A trial against members of the Viru County Omakaitse some 10 years later serves as an example. This trial concerned similar charges but was not turned into a show trial. The accused had

155 Kallas, ‘Sõjaroimarile ei saa andestada’.

156 The charges were presented on the basis of the section of the criminal code concerning the particularly serious state crime “betrayal of the fatherland.”

157 The abstract term “bourgeois nationalist” referred to the most important type of (domestic) enemy in the Soviet Union, combining the figure of the class enemy with the ethnic enemy. As a rule, “bourgeois nationalists” had to have both attributes. In the context of the Cold War, most expatriates could be considered bourgeois nationalists, especially if they had occupied a prominent government or social position in the independent Republic of Estonia. When it came to the war, any clear dividing line between bourgeois nationalists and “fascists” (the Soviet Union’s common term for persons who had cooperated with Germany) disappeared.

N. Grigorjeva, ‘Karistusest ei pääse’ (Punishment Cannot Be Escaped), *Rahva Hää*, 27 May 1987.

Professor Rebane participated as a defense lawyer at a total of three show trials of that time.

already been convicted and served his sentence on the basis of similar charges. Here the presentations by the defense lawyers give a different impression—even though this probably did not affect the court verdict. The defense lawyer stressed the principle that a person could not be penalized twice for the same crime, since no new significant circumstances had emerged during the investigation, and the new charge was even weaker than the previous one.¹⁵⁸

Based on this example, there are grounds for concluding that the question of citizenship mentioned above, which from the standpoint of the Soviet Union did not exist, was not the only problem regarding the legality of the court verdict. Since the court verdict was not decided by the members of the court itself, the principle of the confidentiality of holding trials had been violated, and so on, the given court verdict was null and void based on the legislation of the Soviet Union itself, and this was so from the very moment that the verdict was announced.¹⁵⁹

Section 3 of the legislation states that the Supreme Court of the Republic of Estonia has the right to declare persons guilty of genocide or other crimes against humanity ineligible for rehabilitation and that the Supreme Court will review the criminal cases of such persons as prescribed by procedure for review of court verdicts on the basis of applications submitted by citizens, their organizations, local governments, or national governmental institutions.¹⁶⁰ This means that the Supreme Court must rely on the materials of criminal cases and assess the evidence for the charges. Yet do the confessions and given statements in investigation files make it possible to assess this? In 1987, even the Soviet KGB did not trust the materials it had itself gathered enough to go before the court once again.

In 1990, just before the Republic of Estonia regained its independence, the ESSR Supreme Soviet Presidium passed the enactment “Concerning the Rehabilitation of Extrajudicially Repressed and Groundlessly Convicted Persons,” according to which it was possible to submit the appropriate application and the ESSR Supreme Court was obliged to hand down the corresponding decision.¹⁶¹ A family member of at least one defendant who was sentenced to death in 1962 at a show

158 Defence lawyer H. Levin’s rebuttal at a court session on April 5, 1974. Investigation file of Ojavere and others, ERAF f. 129SM, n. 1, s. 29070, vol. X, l. 307–8.

159 ESSR Criminal Trial Code, Section 261. Determination of court verdicts in chambers.

160 ‘Concerning the Rehabilitation of Extrajudicially Repressed and Groundlessly Convicted Persons’, 19 February 1992 (<https://www.riigiteataja.ee/akt/22216>, last accessed on 13 March 2014).

161 ESSR Supreme Soviet Presidium enactment, 19 February 1990, ‘Concerning the Rehabilitation of Extrajudicially Repressed and Groundlessly Convicted Persons’ (www.estlex.com/tasuta/?id=savedoc&aktid...1, last accessed on 13 March 2014).

trial submitted an application in 1990 for rehabilitation. The ESSR Prosecutor's Office declared that the actions of the person in question could be viewed only as counterterror for the acts of terror and groundless repressions committed by the Soviet regime in 1940–41, and therefore, the rules for rehabilitation did not apply.¹⁶²

The questions that emerge here cannot be answered definitively. The materials described above make it clear that crimes that had actually taken place formed the basis for the investigations and trials considered here. These crimes have been qualified in the international judicial area as crimes against humanity or war crimes, and the accused persons were connected with them in one way or another. But investigation results and court verdicts are not acceptable under present legal norms. Judicial practice in the show trials did not even meet the Soviet Union's own legal standards. The judiciary was in no way independent. Court sessions were primarily court performances, and the ascertainment of the personal guilt or innocence of the defendants was not the objective.

The court performance held in East Germany against Theodor Oberländer shows that these examples were not exceptions but reflected the usual procedure for Soviet show trials. Considerably more of the preparatory documentation of the Oberländer trial has reached historians, and we can read the whole script of the court session with the participants and naturally also the court verdict fully in place, all of which was approved by the SED.¹⁶³

Propaganda and Extradition

After the conclusion of judicial formalities, such trials took on another life in propaganda, as the Communist Party had decided. The books *Inimesed, olge valvsad!* (People, Be Watchful!), about the executions at Kalevi-Liiva, and *12,000*, about the Tartu concentration camp, were published.¹⁶⁴ Both books appeared in English translation¹⁶⁵ in 1962, and they were distributed through the Estonian

162 Investigation file of Kaldre and others, ERAF f. 129SM, n. 1, s. 28668, vol. VIII, l. 185.

163 Wachs, 'Die Inszenierung', pp. 51–6.

164 Raudsepp, *Inimesed, olge valvsad!*; K. Lemmik and E. Martinson (eds.), *12000: Tartus 16.–20. jaanuaril 1962 massimõrvarite Juhan Jüriste, Karl Linnase ja Ervin Viksi üle peetud kohtuprotsessi materjale* (Tallinn, 1962).

165 Raul Kruus (ed.), *People, Be Watchful! Documents and Materials on the Trial of the Fascist Murderers A. Mere, R. Gerrets and J. Viik* (Tallinn, 1962); K. Lemmik and E. Martinson (eds.), *12,000: Materials from the Trial of the Mass Murderers Juhan Jüriste, Karl Linnas and Ervin Viks, Held at Tartu on January 16–20 1962* (Tallinn, 1963).

SSR State Security Committee's First Department abroad until the end of the 1980s.¹⁶⁶ The trials were covered in several other propaganda books and in numerous newspaper articles in Estonia and abroad. At the end of 1958, the newspaper *Kodumaa* (Homeland) began publication to spread propaganda among Estonian expatriates.¹⁶⁷ As decided by the Party, a propaganda documentary film entitled *Kalevi-Liiva süüdistab* (Kalevi-Liiva Accuses) was made about the Mere-Gerrets-Viik trial.¹⁶⁸ This hackneyed propaganda film is but one example of how cinema was employed to portray the peoples of the Baltic republics as fascists. Estonian, Latvian, and Lithuanian actors assigned as a rule to play the roles of Nazis became an integral part of countless Soviet war films.¹⁶⁹

In addition to film and literature, the trial provided an impulse for the development of a sort of foreign tourism in Soviet Estonia. In 1961, a memorial stone was erected at the Kalevi-Liiva execution site in memory of the “over 5,000” executed “Soviet citizens.” That same summer, the ECP CC and ESSR Council of Ministers secret joint regulation no. 259-25 was passed, approving the objects that foreign tourists were allowed to visit. Alongside the more than 100 progressive kolkhozes and sovkhoses, schools and industrial enterprises, the Kalevi-Liiva memorial stone was the only “historical site” aside from Tallinn's museums. It should be noted that foreign tourism was still a new phenomenon in Soviet Estonia and completely under KGB control. In 1958, 53 foreign delegations visited Estonia—175 people from socialist countries and 215 from capitalist countries. The KGB recorded 46 contacts between local residents and foreign tourists during these visits.¹⁷⁰

In addition to propaganda aimed at the masses, materials from the show trials reached investigative offices in Western countries. In the first wave, the informational materials and copies of documents distributed at the trials under consideration arrived in those offices through Western journalists accredited to Moscow who were invited to Estonia to observe the court sessions. In this way, the materials from the Mere-Gerrets-Viik trial were passed on to the Central Office of

166 ERAF f. 133SM, n. 1, s. 12, l. 30–4.

167 Analogous newspapers were started up at the end of the 1950s to influence Latvian and Lithuanian expatriates as well.

168 *Kalevi-Liiva süüdistab*, directed by Vladimir Parvel and Ülo Tambek (Tallinnfilm Studio, 1961).

169 The documentary film *Fritsud ja blondiimid* (Jerrys and Blondes), directed by Arbo Tammiksaar (2008) (www.efis.ee/et/filmiliigid/film/id/819/, last accessed on 20 February 2014).

170 Jürjo, *Pagulus ja Nõukogude Eesti*, pp. 192–3.

the State Justice Administrations for the Investigation of National Socialist Crimes (*Zentrale Stelle der Landesjustizverwaltung zur Aufklärung nationalsozialistischer Verbrechen*) in West Germany. In the 1960s, this organization was also active in researching the execution of Jews carried out in Estonian territory with the participation of the German Security Police and SD. The number “6,000,” acquired via Moscow, also figured in its research materials as the possible number of victims executed at Kalevi-Liiva. However, during the investigation, they soon arrived at more realistic data.¹⁷¹ In the early 1960s, the Soviets started rendering direct “legal assistance” to investigative institutions of other countries: first to the countries of the Eastern bloc, starting from 1964 to West Germany, and later to the United States (primarily in connection with the case of Karl Linnas) and other Western countries.¹⁷² Soviet evidence, however, was viewed quite critically, as trials in the Soviet Union were obviously staged.

According to Soviet security organs themselves, 80 persons were convicted in West Germany in 1968–73 with the help of the evidence that they provided. At the same time, they also admitted the major problem that there was no legal basis in West Germany for convicting anyone of “Nazi crimes.” Instead, “premeditated killing” had to be proved, and that required particularly thorough proof. In this respect, the greatest shortcomings of the Soviets themselves were admitted, which had also been used in anti-Soviet propaganda.¹⁷³ The judicial system in the United States and in all Western countries differed significantly from the Soviet system. Evidence sent from the Soviet Union caused numerous justified suspicions and arguments over whether they proved guilt.

An important part of the process following the show trials was the demand for the extradition of defendants convicted in absentia from their host countries. As a rule, Western countries refused to do so, and the Soviet side probably did not really expect their demands to be met. Refusal to extradite defendants convicted in absentia and the presentation of new demands from time to time made it possible for the Soviet Union to present “accusations of fascism” in the press against the governments of those countries. In terms of demands for extradition, the most noteworthy turned out to be the Karl Linnas case (second case), which combined first the tug of war between the Soviet Union and the United States, and

171 Der Massenmord an der jüdischen Bevölkerung Estlands während der Jahre 1941/42, Bundesarchiv, Außenstelle Ludwigsburg AR-Z 246/59, vol. VIII.

172 Materials associated with legal assistance provided through the ESSR KGB are preserved in Estonia in the National Archives: Collection of inquiries from foreign countries connected to the investigation of war crimes, ERAF f. 133SM, n. 1, s. 1–24.

173 Ibid., s. 5, l. 141–7.

thereafter the domestic court saga in the United States for extraditing Linnas, the key issue in which was the U.S. citizenship that Linnas had acquired.¹⁷⁴ The Soviet Union began demanding Linnas's extradition during the preliminary investigation (November 11, 1961). It made a second attempt in 1962, without success. By the end of the 1970s, U.S.-Soviet relations had improved somewhat. International developments had changed the U.S. attitude towards punishing Nazi crimes. Moreover, changes in U.S. legislation in 1978 made it easier to extradite figures like Linnas.¹⁷⁵ The Soviet Union passed some of the materials concerning Linnas to the United States in 1976, and a certain exchange of information began taking place. The Soviet side had to prove the authenticity and validity of the evidence that it had provided. The questioning of some of the witnesses in the presence of American representatives and defense attorneys was requested, or even permission for them to be brought to the United States to appear in court. The Soviet side was prepared to receive American representatives in Estonia from October 1980 onward, but they refused to conduct a new preliminary investigation. Charged with providing false information (he concealed his service in a concentration camp on his application form) concerning his activities during the war, Linnas was stripped of his American citizenship in 1981.¹⁷⁶ After that important change, the Soviet Union presented another demand for his extradition, and against the protests of Linnas, a true propaganda war on both sides began. One of Linnas's main counterarguments was the absence of due process in the Soviet Union: recall that the verdict handed down in absentia concerning Linnas was not made by the court. Opposition and various court actions continued for years, becoming part of domestic political arguments in the United States.¹⁷⁷ After going through all stages of appeal, Linnas was extradited from the United States on April 24, 1987, and brought to the Estonian SSR, becoming the first person accused of war crimes to

174 The court cases of Karl Linnas and his extradition from the United States to the Soviet Union have been covered in several articles. See, for instance, Jerome S. Legge, Jr., 'The Karl Linnas Deportation Case, the Office of Special Investigations, and American Ethnic Politics', *Holocaust and Genocide Studies* 24 (2010), no. 1, pp. 26–55; Theresa M. Beiner, 'Due Process for All: Due Process, the Eighth Amendment and Nazi War Criminals', *Journal of Criminal Law and Criminology* 80 (1989), no. 1, pp. 293–337.

175 Holtzman Amendment to the Immigration and Nationality Act in 1978.

176 ERAF f. 133SM, n. 1, s. 5; translation of the diplomatic note from the U.S. Embassy, 26 October 1979, ERAF f. 133SM, n. 1, s. 8, l. 37; ESSR KGB letter to Volkov, *ibid.*, l. 87–8; U.S. New York Circuit Court memorandum, 31 July 1981 (translation into Russian), *ibid.*, s. 9, l. 103–21.

177 Legge, 'The Karl Linnas Deportation Case', pp. 40–4.

be handed over by the United States to the Soviet Union against his will.¹⁷⁸ Times had changed since the early 1960s, and new trends in Gorbachev's Soviet Union apparently influenced this decision.

At the same time as the Soviet demand for the extradition of Karl Linnas, the Soviet Embassy began a propaganda campaign in Canada and Sweden. Rodionov, the Soviet ambassador to Canada, complained about the activities of Baltic emigrants in Canada and the Canadian government's reaction. As a countermeasure, he asked for information on potential war criminals, including those who could be compromised. There was nobody in Canada who was very well suited for this, but in Sweden, there was Ago Talvar, who had been sentenced to death in absentia in 1967. Immediately after the extradition of Karl Linnas to the Soviet Union in April 1987, the Soviet Union's Prosecutor's Office and the KGB set about considering the possibilities for demanding Ago Talvar's extradition from Sweden. The relevant organs in the Estonian SSR had to present their positions. Karl Kortelainen, the head of the ESSR KGB, admitted that demanding Talvar's extradition was not a good idea, because despite the death sentence handed down, his participation in executions could not be proven, a new trial was not possible on the basis of the available evidence, and so any action would have to be restricted to the use of currently existing material for propaganda purposes. In February 1988, Kortelainen no longer considered the transfer to the embassy of materials and trophy documents concerning Talvar advisable, even for propaganda purposes. It must be noted that the KGB kept this conclusion to itself. Articles were placed in the press just in case that reproached Sweden for not extraditing Talvar in 1967.¹⁷⁹

It is unclear why the KGB discussed the possibility of holding a new trial when a valid court verdict existed concerning Talvar. One possibility is that they had

178 Fyodor Fedorenko was extradited from the United States in 1984 for concealing his wartime activities, yet he himself agreed to be sent to the Soviet Union. There was no court verdict concerning Fedorenko at that time. He was arrested in the Soviet Union in 1985 and sentenced to death in 1986. He was executed in July 1987. Felicity Barringer, 'Soviet Reports It Executed Nazi Guard U.S. Extradited', *New York Times*, 28 July 1987 (<http://www.nytimes.com/1987/07/28/world/soviet-reports-it-executed-nazi-guard-us-extradited.html>, last accessed on 2 February 2014).

179 ESSR Minister of Foreign Affairs Arnold Green's letter to Kortelainen, 3 April 1985, ERAF f. 133SM, n. 1, s. 12, l. 41. On March 5, 1987, the head of the Estonian SSR KGB, Kortelainen, wrote to Leonid Barkov in connection with war criminals in exile: "Ago Talvar lives in Sweden—he was sentenced to death in absentia in 1967. The necessary proof of his direct participation in the killings was not found." *Ibid.*, s. 13, l. 55; Kortelainen to the ESSR Prosecutor's Office, 19 June 1987, *ibid.*, l. 136–8; Kortelainen to Barkov, 29 February 1988, *ibid.*, s. 15, p. 11.

in mind future court actions in Sweden in the event that the Soviets did start demanding his extradition after all, similar to the Linnas court sessions in the United States. The way the Linnas court case unfolded alludes to the second possibility. When he was brought to Estonia, Linnas was offered the opportunity to submit an appeal for clemency, but on April 23, he refused to sign any document whatsoever without a lawyer. A defense lawyer was appointed for him in Estonia on April 28. On the following day, Linnas submitted his appeal for clemency in which he referred to the expiration of the court verdict that had been handed down.

In connection with the extradition of Linnas and his subsequent fate, an interview with USSR First Deputy Chief Prosecutor N. Bazhenov is instructive. It was published on May 8, and in it Bazhenov confirmed that Linnas would be given the opportunity to appeal the court verdict handed down in 1962.¹⁸⁰ Some 10 days later, an interview of Estonian SSR State Prosecutor Karl Kimmel appeared in which Kimmel thoroughly analyzed the situation that had developed around the Linnas case—at least to the extent that he could do so publicly—and outlined four different solutions allowed by the law.

First of all, Linnas could have submitted a petition for clemency, which he had done through the only document presented at this point. The second option, according to the prosecutor, was for Linnas to file an appeal concerning his court verdict according to judicial supervisory procedure;¹⁸¹ allegedly, the document referred to as Linnas's appeal for clemency essentially amounted to this. That document also referred to the expiration of the statute of limitations.

Referring to the defense's request to apply the statute of limitations, Kimmel pointed out that only the court could decide on the expiration of death sentences. If the court did not find it possible to apply the statute of limitations, the death

180 V. Lapski, 'Pärast väljasaatmist (intervjuu NSVLiidu peaprokuröri asetäitja N. Baženoviga. Seoses Karl Linnase väljaandmisega Nõukogude Liidule)' (After extradition [in connection with the extradition of the war criminal Karl Linnas to the Soviet Union, Izvestiia correspondent V. Lapski spoke with USSR First Deputy Chief Prosecutor N. Bazhenov]), *Rahva Hää*, 8 May 1987.

181 This refers to the ESSR Criminal Procedure Code, Chapter 30. Proceedings in the Supervisory Instance (Sections 340–51). A convicted offender or the lawyer defending him could not directly file an appeal on his own concerning court verdicts that had already entered into force in order to apply for initiation of judicial supervisory procedure. The right to file appeals in accordance with judicial supervisory procedure belonged to the organs of the court and prosecutor's offices of the Union republic and of the Soviet Union, to which the convicted offender or the lawyer representing him submitted the corresponding application. A court organ higher than the court that had handed down the court verdict reviewed the appeals.

penalty would be commuted to imprisonment, meaning that Linnas would have had to be sentenced to 15 years imprisonment.¹⁸² As a third option, the review of the court verdict could have been considered, but only in the event that essential new circumstances were found which were not known to the court at the time the verdict was handed down.¹⁸³ The fourth option that Kimmel outlined was the principle that was ordinarily applied, that a sentence is not carried out if more than 15 years have passed since the verdict was handed down and no new crimes were committed in the meantime.¹⁸⁴ Yet the prosecutor claimed that this kind of situation would most likely give rise to the justified objections of “the relatives of the people that had been killed and of the broad masses.”¹⁸⁵ The “voice of the masses” resounded in the form of numerous letters to the editor in the newspaper *Rahva Hää* (People’s Voice). It was a well-orchestrated mass chorus. The Soviet regime had practiced for decades how to organize these “spontaneous” outbursts of public opinion. Given the contemporaneous reports on growing public support for Estonian independence that were gaining increasing prominence in newspapers, this “voice of the masses” is unconvincing.

On May 18, 1987, the lawyer submitted an application to the court to consider the 1962 court verdict on Linnas expired, due to the long period of time that had passed since then and the fact that steps had not been taken in that period to carry out the sentence. This appeal was made possible by a nuance in USSR legislation: the non-applicability of statutory limitations regarding “persons guilty of crimes committed against peace and humanity and war crimes” had indeed been established in 1965,¹⁸⁶ but not the non-applicability of statutory limitations on

182 ESSR Criminal Code Section 54. Expiration of the execution of judgments of conviction. The Code prescribed only the principle that the death penalty was to be replaced by incarceration but did not stipulate the duration of incarceration. The 15-year penalty is the position stated by the prosecutor in regard to Linnas.

183 ESSR Criminal Trial Code Section 352. The basis for reopening a criminal case.

184 ESSR Criminal Code Section 54 (2). Expiration of the execution of judgments of conviction.

185 Kallas, ‘Sõjaroimarile ei saa andestada.’

186 It came to light in the 1960s that according to West German legislation, the statute of limitations on all crimes was 20 years, so the penalization of war criminals in West Germany would have had to be completed by 1965 at the latest. Poland protested this at the UN and was supported by the UN International Justice Codification Commission in 1965. The UN General Assembly unanimously decided that the punishability of war crimes must not be discontinued. The convention on the non-applicability of statutory limitations was completed by 1968. The enactment ‘Concerning

the carrying out of a court conviction.¹⁸⁷ The ESSR Criminal Code edition with commentary had in fact taken the position that the expiration of the execution of judgments of conviction prescribed in the Code was not applicable to Nazi crimes. The commutation of sentences handed down (including in absentia) for the death penalty to prison sentences was also not considered applicable.¹⁸⁸ Yet the commentaries provided in this volume were nevertheless not law but rather interpretations of the intent of the law by relevant lawyers. This provided defense lawyers with a certain amount of room for maneuvering. The defense lawyer was also guided in filing the appeal by Section 336 of the ESSR Criminal Procedure Code, which, among other things, prescribed the participation of the convicted offender in the court deliberation.¹⁸⁹ Acceptance of the appeal would have required a court verdict.

It is not known what discussions took place in the KGB and the court organs regarding this issue. It would have been politically impossible to grant Linnas clemency or to consider the statute of limitations of his court verdict to have expired, because in both cases, such a decision would have meant his release from detention.¹⁹⁰ It is also possible that the Soviets did not want to take the risk of reviewing the court verdict in a new political situation. The last option would have been to commute Linnas's death sentence to 15 years imprisonment, but would this have looked like a defeat as well after all those years of struggle?

A casual remark made by the prosecutor may shed some light on the considerations of the organs of power. On May 18, the same day that the defense lawyer submitted the petition to the court to acknowledge the expiration of the death sentence, ESSR Prosecutor Kimmel and Minister of Internal Affairs Marko Tibar visited Linnas in prison. Kimmel has claimed that what transpired was merely a conversation, with no judicial implications whatsoever. To Linnas's question: "When will the court's final decision be made? Apparently your laws no longer

the Non-Applicability of Statutory Limitations for Crimes Committed against Peace and Humanity' was previously adopted in the Soviet Union in 1965.

187 Investigation file of Jüriste and others, ERAF f. 130SM, n. 1, s. 28195, vol. X, l. 175, 182, 186, 187–8, 225.

188 ESSR Criminal Procedure Code. Edition with commentary Tallinn, 1972, Section 54(3), commentary 5. Expiration of the execution of judgments of conviction.

189 ESSR Criminal Procedure Code Section 336. Resolution of questions arising from the execution of court verdicts.

190 ESSR Criminal Code Section 54. Expiration of the execution of judgments of conviction. The wording of subsection (3) of the Code leaves the theoretical possibility open that if the court applies expiration in regard to death sentences, the convicted offender may escape punishment altogether.

allow the death penalty to be carried out.” Kimmel replied: “Not so fast. The decision will be made in due course, and it will be in harmony with the law. By the way, the law can be changed.”¹⁹¹ This may mean that the option was considered of once again intervening in resolving the court case, as was done in 1962 through the USSR Supreme Soviet Presidium, in order to prevent the application of some particular legal provision in the resolution of this case.

The situation in the Soviet Union in 1987 was not comparable to 1962—the political atmosphere was simmering, it was the peak of Gorbachev’s *glasnost*, and the United States or Sweden would certainly have closely followed new trials. Previously the Soviets had refused to conduct a new preliminary investigation regarding the Linnas question in response to an inquiry from the United States. A couple of weeks after the appeal was submitted, the detention center disclosed that Linnas’s health had deteriorated and that he was being sent to a medical institution. Linnas died in Leningrad on July 2 after an operation in a Ministry of Internal Affairs Hospital.¹⁹² Instead of the courts, death resolved the delicate situation that had developed for the Soviet authorities.

Summary

The show trials of Nazi criminals held by the Soviet regime in the 1960s had several attributes in common. Show trials started being held in the occupied Baltic countries simultaneously in 1961. Analogous events followed immediately in Ukraine and Belorussia, and somewhat later in western Russia. In addition to their timing, they had a common organizational outlook: Communist Party organs made a political decision and issued the necessary instructions to the security organs, which prepared evidence and formulated charges. The court organ had only a formal role in presenting the charges to the accused and formulating the convicting court verdict approved by the political leadership. The entire investigation and judicial proceedings were controlled by Party organs, which simultaneously coordinated the propaganda coverage in the press.

Show trials of persons accused of Nazi crimes had multiple objectives. Both foreign and domestic policy goals had an impact. As a Cold War foreign policy objective, expatriate communities living in Western countries (or the East-West

191 Confidential statement from ESSR Prosecutor K. Kimmel to the ECP CC, 9 June 1987, ERA f. R-1038, n. 13c, s. 576, l. 22–8.

192 Investigation file of Jüriste and others, ERAF f. 130SM, n. 1, s. 28195, vol. X, l. 263–4. The specific reasons and circumstances of the death of Karl Linnas have left a number of questions and suspicions unresolved.

relationship in Germany) were targeted, and attempts were made to discredit them both in their adopted homeland and in the host countries. Western politicians were accused of closing their eyes to Nazism (“fascism” in Soviet usage) due to their political support for the expatriates. The shaping of the perception of the Great Patriotic War was a priority. The “Soviet people” were portrayed as the main victim of World War II and the Soviet Union as the sole savior of the world and opponent of Western policy, which was depicted as the continuation of the aspirations of Nazi Germany. Show trials were put to use in domestic politics in the struggle that began in the Soviet Union against “bourgeois nationalism.”

Media coverage of the show trials was conspicuously propagandistic. The propaganda campaign began in conjunction with (or even before) the beginning of the investigation and was of an international nature. In addition to the domestic media, the Soviet side got articles published through their confidants among Western journalists and left-wing publications in Western countries that were meant to incline public opinion toward the Soviet regime. Show trials held by the Soviet Union coincided with the trial of Adolf Eichmann in Israel, which in many respects became a pivotal and pioneering case. The media coverage of the Eichmann trial (press conferences, widespread international coverage, and television) has been regarded as setting an example for Soviet show trials as well.¹⁹³ These trials happened simultaneously by chance; the Soviet trials were prepared before the Eichmann trial began. The first show trial held in Estonia, which brought the most extensive propaganda campaign of all the show trials conducted in Estonia, took place a month before the beginning of the Eichmann trial.¹⁹⁴

The basis for the accusations was war crimes and crimes against humanity that actually happened. Owing to the nature of the events (the commission of the crimes was not documented or the evidence was destroyed), indirect evidence, especially the testimony of witnesses, was of particular importance. The manipulation of witnesses was relatively easy and widespread under Soviet totalitarianism.

The key figures in the show trials were members of expatriate communities of peoples living under Soviet rule who were connected with crimes committed during the German occupation. Additionally, there were local residents among the accused persons who were actually present in court and available for punishment. The form of show trials provided the opportunity to influence accused persons and suspects living in exile through the press, and this could involve attempts to convince accused

193 Hirszowicz, “The Holocaust in the Soviet Mirror”, p. 39.

194 The trial of Gerrets and others was held in the ESSR Supreme Court on 6–11 March 1961; the trial of Eichmann began in Israel on 2 April 1961.

persons (suspects) to cooperate with Soviet intelligence organizations. The Communist Party (in the form of the ECP CC in Estonia) coordinated the organization of the trials, while the ESSR KGB, Prosecutor's Office, and court institutions fulfilled the political task assigned to them. Witness testimony and the materials of the Extraordinary State Commission that operated in the Soviet Union in 1944–45 played a major role as evidential material during the investigations and trials. Information on actual crimes was often presented, but the details, their context, and the extent (number of victims) were distorted and have not been confirmed by subsequent research. There is practically no documentary evidence. Testimony provided by the accused themselves, the objectivity of which can be questioned, served as the primary evidence in proving the personal guilt of individuals. The testimony of co-defendants played a major role in verdicts handed down in absentia.

Legal norms and proceedings concerning crimes that internationally had no statute of limitations were used to serve the political aims of the Soviet regime. In domestic politics, they helped create the myth of the Great Patriotic War and the formation of a new policy on nationalities (as a result, the image of fascist peoples along the Soviet Union's western border took root among the Russian-speaking population). In terms of foreign policy, the conviction in absentia of Estonian expatriates and those from other occupied western regions made it possible to discredit expatriate communities and the Western countries that supported them. Changes that took place at the same time on an international scale (the Eichmann trial and the conviction of Nazi criminals in Western Europe) supported the steps taken by the Soviet Union and made it possible for them to accuse the West of shielding and cooperating with war criminals.

It was not the objective to ascertain which crimes were committed and who the culprits were. This meant that what took place in the courts turned into a farce. There are grounds for considering the announced court verdicts as quasi-verdicts behind which stood not the decision of a judge based on the facts, but rather an administrative order motivated by politics and propaganda. Therefore, the convictions of potential perpetrators of war crimes and crimes against humanity, which undoubtedly had taken place, have to be considered null and void according to international legal standards.

The number of people accused in the show trials discussed here was not large.¹⁹⁵ The ESSR's Supreme Court passed sentence on a total of 14 people. Five of these

195 Considerably more people were put on trial with analogous accusations and convicted in the 1960s and 1970s, but since these trials lacked the conspicuous attributes of show trials, they have not been covered in this article.

accused persons lived outside of the Soviet Union and were sentenced to death in absentia; eight of these persons were arrested in Estonia and sentenced to death, and the sentences were carried out; one person was sent to psychiatric coercive treatment. The principle is far more important than the number of convicted persons. Given what has been described above, these verdicts cannot be accepted at face value. But how can they be critically assessed?

If the case of a person who has been rehabilitated but was connected to crimes against humanity or war crimes, were to be challenged now in the Estonian Supreme Court, it would be practically impossible to come to a decision that would meet present-day legal standards. While most suspects or accused were associated with the crimes they were tried for, the unreliability of the evidence prevents a determination of their guilt or innocence.