

MSC 2020**International Scientific and Practical Conference «MAN. SOCIETY.
COMMUNICATION»****WAR CRIMES OF THE SD "ZHESTYANAYA GORKA"
TEILKOMMANDO**

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Elena.Makarova@novsu.ru**Abstract**

Based on the analysis of declassified archival documents, the article examines operational-search measures for the investigation and prosecution of those guilty of war crimes of the SD Teilkommando in Zhestyanaya Gorka, Batetsky District, Novgorod Region. In 1942-1943, near the village of Zhestyanaya Gorka, the servicemen of the Teilkommando killed more than 2,600 people, shooting and causing injuries incompatible with life to civilians. The authors investigate the operational-investigative measures carried out by the employees of the Soviet special services since 1944, and the results of the Novgorod open trial of 1947 on charges of war criminals who acted on the territory of the region. Special attention is paid to the issue of abolishing the statute of limitations for prosecution for war crimes and crimes against humanity in international and national normative legal acts, which allowed the resumption of investigations into the crimes of the SD Teilkommando in Zhestyanaya Gorka in 1960-1980s and collect materials to verify the fact of mass murder of Soviet citizens by SD punishers. The relevance of the study is determined by the resumption in 2019 of the investigation of mass shootings by the Nazis and the initiation of a criminal case by the Investigative Committee of Russia on the grounds of a crime under Art. 357 of the Criminal Code of the Russian Federation — genocide upon the discovery of a mass grave of civilians in the area of the village of Zhestyanaya Gorka.

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Keywords: Genocide, KGB of the USSR, Main Investigation Department of the Russian Federation, Mass shootings, Teilkommando of the Security Police and SD



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1. Introduction

The SD security service in the Nazi German intelligence system was in an exceptional position. In the occupied territory (including the territory of the modern Novgorod region), the SD carried out a political investigation, searched for, arrested and destroyed party and Soviet activists, NKVD workers, partisans and underground fighters, Jews and Gypsies, monitored the loyalty of the population, took civilians hostage, conducted punitive operations (Kiknadze, 2015a, 2020). Special teams of the SD, Sonderkommandos, were subdivided into divisions, Teilkommandos, and squads, Aussenstelle.

The SD Teilkommando arrived in the small village of Zhestyanaya Gorka, located 30 km north-west of Veliky Novgorod, on the banks of the Luga River in early 1942. The subdivisions promptly served the rear of the 38th Army Corps, commanded by General Herzog. The headquarters of the association was located in the village of Raglitsy, on the right bank of the Luga, less than a kilometer from Zhestyanaya Gorka. The Teilkommando was commanded by SS Obersturmführer Aman and SS Hauptscharführer Zitzmann. The mass killing of people lasted for a year. When there was less "work", in December the status was downgraded to Aussenstelle under the command of Zitzman and included in the Oredezht Teilkommando; some of the executions were carried out by the gendarmes of Münch. The group consisted of 33 punishers — immigrants from the Latvian SSR. The fact that the Germans willingly recruited Baltic collaborators into punitive formations was known for a long time. The social base of collaboration was especially great in the first months of the war, when the population of the occupied territories did not yet know what the "new order" was (Tsukanov, 2015).

The Main Investigation Department of the Investigative Committee and the General Prosecutor's Office of Russia in May 2019 opened a criminal case on the grounds of a crime under Art. 357 of the Criminal Code of the Russian Federation — genocide. Employees of the KGB department in the Novgorod region, with the help of operational-search measures, established the names of German, Latvian and Russian executioners and some of their victims. On January 1, 2020, the Second Additional Protocol to the European Convention on Legal Assistance in Criminal Matters, ratified by the Russian Federation, entered into force. It became possible to create international investigation teams on general topics. Employees of the Central Office for the Investigation of the Crimes of National Socialism in Ludwigsburg (FRG) handed over to the Russian side the credentials of two persons who served in Zhestyanaya Gorka.

2. Problem Statement

The issue of the participation of national collaborationist formations on the side of the Wehrmacht was practically not covered by Soviet historians (Makhalova, 2019; Vorobiev & Kashirina, 2019). The very information about these armed units ran counter to the theory of "the indestructible friendship of the peoples of the Soviet Union in the struggle against a common enemy". In the post-Soviet period, especially in the Baltic countries, the theory of "two occupations": Soviet and Nazi, began to be supported at the state level. At the same time, the participation of national formations in punitive actions on the territory of Russia is either understated or completely hushed up (Kovalev, 2011). The course of rewriting the history of World War II and whitewashing the national cadres who fought in the SS units of the Hitlerite army and formations that performed punitive functions in the territories occupied by the Nazis became state policy.

An objective investigation of war crimes, including one within the framework of the All-Russian project "Without a statute of limitations", is extremely important for preserving the historical memory of the tragedy of World War II. The state in the field of military-historical knowledge is a significant factor in the national security of the state (Kiknadze, 2015b).

3. Research Questions

The first burials were uncovered in the Zhestyanaya Gorka area back in 1947 by a forensic medical expert commission headed by the chief forensic medical expert of the Leningrad Military District A. P. Vladimirsky. The members of the commission examined and described 130 corpses, of which 50 were female, aged 15 to 65 years. In total, according to experts, at least 2,600 people were buried in the grave pits. Damage incompatible with life such as combat injuries were excluded. At least 1100 people with similar injuries were found in three grave pits near the nearby village of Chernoe (TsA FSB, n. d. a, p. 335-340).

The research aims to highlight the following issues:

1. To study the process of investigating the crimes of the SD Teilkommando in Zhestyanaya Gorka in the post-war period and the results of the Novgorod Tribunal in 1947.
2. To analyze the regulatory framework for the abolition of the statute of limitations for prosecution for war crimes and crimes against humanity as a basis for the resumption of the investigation of the crimes of the SD Teilkommando in Zhestyanaya Gorka
3. To characterize the operational-search measures to verify the fact of the mass murder of Soviet citizens by SD punishers in the village of Zhestyanaya Gorka by officers of the KGB of USSR.

4. Purpose of the Study

The aim of the study is to study the process of bringing to justice those guilty of war crimes of the SD Teilkommando in Zhestyanaya Gorka in the Soviet period on the basis of an analysis of declassified archival documents, decisions of military tribunals and regulations establishing the inapplicability of the statute of limitations to war crimes and crimes against humanity.

5. Research Methods

The article is based on declassified documents studied by the authors in the Central Archives of the FSB of Russia (CA FSB of the Russian Federation), the archive of the FSB Directorate for the Novgorod Region (CAFSBNO) and the State Archives of the Novgorod Region (GANO). Using the method of analyzing international and national normative acts that establish the inapplicability of the statute of limitations to war crimes and crimes against humanity, the grounds for conducting an investigation into the crimes of the Teilkommando in Zhestyanaya Gorka are determined.

6. Findings

The process of investigating the crimes of the SD Teilkommando in Zhestyanaya Gorka began immediately after the liberation of the territory of the Batetsky District of the Novgorod Region. The Extraordinary State Commission for the Establishment and Investigation of the Atrocities of the German Fascist Invaders (ChGK) on December 2, 1944 had already drawn up an act of mass executions near the village of Zhestyanaya Gorka. The act indicated that a detachment of SD troops stationed in the village from October 1941 to 1943 carried out mass executions of detained citizens, communists, activists and prisoners of war, who were brought in in groups and alone. The executions were carried out outside the village, the corpses were thrown into pits prepared in advance. The names of the dead collective farm chairman Shilov and collective farm chairwoman Fyodorova, the chairmen of the village councils Matveyev and Arsyukov were named. Testimony was given by four villagers who watched the Germans and Latvians escort the arrested to the execution site (TsA FSB, n. d. b, p. 230-233, 241-244; GANO, n. d, p. 68-70).

After the end of the war, an open trial of 19 German war criminals was being prepared in Novgorod. Artillery General K. Herzog, commander of the 38th Army Corps, and Captain F. Münch, head of the 438th Field Gendarmerie Group at the corps headquarters, were charged with the mass shootings (Petrov, 2005). According to Münch's testimony, from the 1-C department of the corps headquarters, which coordinated the actions of the army special services, they delivered a sealed envelope with the names of people and an order to shoot them as partisans, signed by General Herzog or the chief of staff of the corps, Colonel Sievert, and later Colonel Pamberg. After the execution, Münch made a note on the order of execution and passed it on to the 1-C department. There were 15 of such orders from February to July 1943. The accused Kurt Herzog categorically denied the testimony of Münch, including at a confrontation: «Мне неизвестны случаи расстрелов советских граждан жандармами и если таковые имели место, то это происходило без моей санкции. ... За период моего командования 38-м армейским корпусом я не письменных, ни устных приказов о расстрелах советских граждан никому не давал» [“I am not aware of cases of executions of Soviet citizens by gendarmes, and if there were any, it happened without my authorization. ... during the period of my command of the 38th Army Corps, I did not give written or verbal orders to shoot Soviet citizens to anyone”] (TsA FSB, n. d. a, pp. 112-118, 208-211, 215-219; TsA FSB, n. d. b, pp. 165-173; TsA FSB, n. d. c, pp. 28-32, 38-42).

The Novgorod Tribunal of 1947, guided by a decree on the abolition of the death penalty adopted in May of the same year, sentenced all defendants to a maximum term of imprisonment – 25 years in prison (taking into account the Decree of the Presidium of the Supreme Soviet of the USSR of 05/26/1947 “On the abolition of the death penalty”). Analysis of materials from 54 big volumes allows for concluding that the level of the investigation and the course of the trial fully corresponded to the established practice of considering cases on charges of especially dangerous state crimes (Astashkin, 2014). Investigators sought to obtain the personal confessions of the accused of the crime, the notorious "queen of evidence", and the testimony of witnesses. No identification of the accused by witnesses was carried out, no search was conducted for the executors of the executions. No serious evidence has been presented of the personal participation of General Herzog in the destruction of the civilian population. The trophy files of the 38th

Army Corps entered the USSR Special Archives, but the investigation did not even think of requesting these materials from Moscow. After the verdict was passed, the materials were put aside in a distant archival shelf.

In accordance with the post-war Criminal Code of the Federal Republic of Germany, most of the crimes of the Second World War in the mid-1960s had to expire. And in 1965, a heated discussion erupted on the issue of abolishing the statute of limitations for bringing to justice for the crimes of National Socialism (Sainakova, 2012). The FRG government was preparing a decision to end the prosecution of the Nazi executioners "because of the limitation period" of their crimes. The project was actively supported by the head of the Central Bureau of the Land Legal Agencies for Solving the Crimes of Nazism, created in 1958 (Plenkov, 2014), State Attorney Erwin Schüle. Operational workers of the KGB department in the Novgorod region V.M. Bogov and N.V. Mistrov collected evidence of Shule's personal participation in punitive actions in the occupied Chudovo (A FSB NR, n.d. a, p. 1-2). The documents served as the basis for a note from the USSR Ministry of Foreign Affairs to the West German embassy. The FRG government was forced to abandon the attempt to consign to oblivion the atrocities of the Nazis and freed Schüle from the leadership of the Central Department.

International legal acts, primarily the statutes of the Nuremberg and Tokyo interstate tribunals, did not give grounds for a decision to establish a statute of limitations for war crimes. By 1965, the statute of limitations for prosecution for war crimes and crimes against humanity was extended or cancelled in Western and Eastern Europe. In the same 1965, the Presidium of the Supreme Soviet of the USSR adopted an act "On the Punishment of Persons Guilty of Crimes against Peace and Humanity and War Criminals, Regardless of the Time of Committing the Crimes" with the extension to punishers who took a personal part in the murders and tortures of Soviet citizens (Vedomosti..., 1965). Generalizing were the resolutions of the UN General Assembly of November 26, 1968 "On the inapplicability of the statute of limitations to war crimes and crimes against humanity" and of December 3, 1973 "Principles of international cooperation in relation to the detection, arrest, extradition and punishment of persons guilty of war crimes and crimes against humanity". The criminals were subject to search, arrest and extradition to those countries where they committed atrocities; judicial responsibility and punishment did not depend on the time of the crime.

After the adoption of these normative acts, operational-search measures were resumed to verify the fact of the mass murder of Soviet citizens by the SD punishers in the village of Zhestyanaya Gorka. Employees of the KGB of the USSR conducted an active search for persons who served in punitive units. The operational and investigative work on the Zhestyanaya Gorka was entrusted to V. M. Bogov, L. N. Podobin and V. P. Mikheev. The operations group officers interrogated several villagers as witnesses. They named the punishers they remembered, Germans and Latvians who personally took part in the executions. Witness I. P. Skachkov said that *«Обычно к месту расстрела с группой карателей на расстрел советских людей ходил офицер Фишер Пауль. Летом к месту расстрела он ходил пешком, а в зимнее время туда же ездил на лыжах»* ["usually Officer Fischer Paul went to the place of execution with a group of punishers to shoot Soviet people. In the summer he walked to the place of execution, and in the winter he went there on ski"]. Another witness P. I. Bykova said that *«на допросах арестованные подвергались избиениям и пыткам. Во время допросов в деревне хорошо были слышны крики и стоны пытаемых. После допросов измученных людей каратели расстреливали в дневное, вечернее*

и ночное время. На расстрел водили поодиночке и группами» [“during interrogations, those arrested were beaten and tortured. During interrogations in the village, the screams and groans of the tortured were clearly audible. After interrogating the exhausted people, the punishers shot them in the daytime, evening and night. They were taken to execution individually and in groups”].

A.A. Nikolaeva was an eyewitness how the chastisers *«вели к казни двух девушек, одна место из них была блондинка, другая – брюнетка с коротко подстриженными волосами. Одежда на них была изорвана. Подведя этих девушек на место казни, каратели по ним стрелять не стали, а закололи их кинжалами» [“were leading two girls to the place of execution, one of them was blonde, the other a brunette with short-cropped hair. Their clothes were torn. Having brought these girls to the place of execution, the punishers did not shoot at them, but stabbed them with daggers”].* M. V. Belinskaya reported that *«от Васильевой Екатерины ... слышала, что латыши убили прикладом по голове какую-то цыганку. Васильева это слышала от самих латышей, которые жили в ее доме, по поводу этого случая они зубоскалили, были очень довольны, как в предсмертных муках умирала цыганка» [“from Ekaterina Vasilyeva ... I heard that the Latvians killed a gypsy woman on the head with a rifle butt. Vasilyeva heard this from the Latvians themselves who lived in her house, they scoffed about this incident, they were very pleased with how a gypsy woman was dying in her death throes”]* (A FSB NR, n.d. b, pp. 225-229, 303- 309).

Diversified operational-search activities have been carried out for several years. Answers from archives to inquiries, undercover information, testimonies of the relatives of the executed, analysis of investigative cases and other documents made up a substantial volume of the literary case “Materials of verification of the fact of mass murder of Soviet citizens by SD punishers in the village of Zhestyanaya Gorka”. According to the collected materials, the commanding staff of the Teilkommando included the Germans SS Obersturmführer Karl Abram, SS Haupscharführer Hermann Zitzmann, SS Unterscharführer Paul Fischer and SS Rothenführer Hermann Winkler. About three dozen ordinary chastisers, Baltic Germans, Latvians and Russians were identified, some of them found refuge in Germany, Canada, Argentina, Australia (A FSB NR, n.d. b, pp. 365-371). More than forty facts of executions of Soviet citizens in Zhestyanaya Gorka have become known. In addition to those named in the ChGK act, the deaths were taken by residents of the surrounding villages (A FSB NR, n.d. c, pp. 263-265). However, there were extremely few reliably established facts. There was no evidence of personal participation in the executions of any of the Teilkommando military personnel. There are no people left who could testify for the prosecution. Further operational and investigative measures did not receive a judicial perspective, and in February 1989 the case was transferred to the archive.

7. Conclusion

In 2019, volunteers of the OOD "Search Movement of Russia" during the implementation of the activities of the international project "No statute of limitations" in the area of the village of Zhestyanaya Gorka discovered the remains of 42 civilians, including three children and a pregnant woman. In general, the number of victims discovered during the excavation has increased to 500, traces of torture were found on them. The list, published by the FSB for the Novgorod region, contains the names of 19 Nazi accomplices who were directly involved in the extermination of civilians in Zhenyanaya Gorka and

Chernoe. The Main Investigation Department of the Investigative Committee of Russia and the General Prosecutor's Office of Russia gave a legal assessment of these facts and initiated a criminal case on the grounds of a crime under Art. 357 of the Criminal Code of the Russian Federation — genocide. It is planned to create a DNA databank in order to identify citizens, which, together with the collected evidence of the guilt of the members of the SD Teilkommando in the Soviet period, will help bring the investigation of the criminal case to a fair end.

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