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## **THE KHARKIV TRIAL OF WAR CRIMINALS (DECEMBER 15-18, 1943): BASIS, INTERNATIONAL IMPACT AND HISTORIC SIGNIFICANCE**

The Kharkiv Trial (December 15-18, 1943) was the first and the only show trial of war criminals – Nazi servicemen, lasting up to the end of 1945 on the USSR territory. Despite its advocacy efforts, the evidence of terrible Nazi crimes connected with the civilians and prisoners of war mass executions on the occupied territories of USSR and Poland was announced in this court.

The tribunal was primarily aimed at the domestic audience. Its main target was to unite the society in the fight against the external enemy and prevent Soviet citizens from the collaboration with German invaders.

The Kharkiv Trial generally demonstrated Nazi plans of the USSR nations extermination in spite of their ethnic origin. Categories of the population that might have been totally exterminated (Jews, Romani, physically disabled people) weren't identified by Soviet investigation bodies. Soviet representatives renamed those persons using such term as “Soviet civilians”. The legal precedent of war criminal punishment was set during The Kharkiv Trial. The message of the procedure was the following, “Any type of crime committed by the High Command order does not relieve the perpetrator of its responsibility”. It served as the warning for Wehrmacht, police, SS and SD military personnel not to commit cruel mass murders.

The agreements reached between Great Britain, the USA and the USSR at the Moscow Conference and set out in the Declaration on the responsibility of the Hitlerite fascists for the atrocities committed were used by the Soviet leadership for the show trial of Nazi war criminals. The government statements became irreversible as well as the solution of Nazi Germany leaders' punishment was suggested at the Kharkiv Trial. This court led to the conducting of the Nuremberg trials. It set a legal precedent for war criminals' punishment according to the rules of criminal law application.

**Keywords:** Nazi war crimes, the Kharkiv Trial of 1943, a show trial, the Decree of 19 April, 1943, the Moscow Declaration, World War II.

**Introduction.** World War II initiated by Germany became one of the cruelest and bloodiest conflicts in the entire history of mankind. It brought the unprecedented facts of brutality, genocide, mass destruction of civilians and prisoners of war. Nazis rejected not only the norms of international law – the rules of warfare established by The Hague and Geneva Conventions but they also denied generally accepted human norms. One of the significant stages in the world community movement for the crimes of Nazi regime condemnation was The Kharkiv Trial (December 15-18, 1943) which set a judicial precedent in order to punish Nazi war criminals. The Trial was the result of fruitful collaboration between Great Britain, the USA and the USSR. These countries united not only for the aggressor destruction but also for the administration of justice.

**The analysis of sources and literature.** This article is based on such sources as interrogation protocols and judicial proceedings in the case No. H-16707 called “The Kharkiv Trial of German war criminals”. Documents and materials highlighting the international community reaction to the Kharkiv Trial were also used in this study.

Such issues as organization and conducting of the show trial in Kharkiv were the subjects of the research neither in Soviet historiography nor in modern Ukrainian one. In their studies Natalia Lebedeva<sup>1</sup> and

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<sup>1</sup> Лебедева, Н. С. (1975). *Подготовка Нюрнбергского процесса*. Москва: Наука.

Aleksandr Zviagintsev<sup>1</sup> pointed at the significant role of the Kharkiv Trial as the first legal precedent of Nazi war criminals' punishment and its influence on the International Military Tribunal formation. In his work Aleksandr Epifanov thoroughly revealed legislative framework formation of Soviet procedure. The mentioned legal base could be used for bringing to justice Nazi war criminals<sup>2</sup>. The main steps and important details of the Kharkiv Trial organization were summarized in the publication devoted to the General Directorate of Counterintelligence SMERSH activity<sup>3</sup> as well as in the work of V.J. Birstein<sup>4</sup>. Holocaust researchers Michael J. Bazylar, Kellyanne Rose Gold<sup>5</sup> and V. Prusin<sup>6</sup> in their writings commented on the positive contribution of the Kharkiv Trial in the process of the international criminal justice formation. The important conclusions based on the international significance of The Kharkiv procedure are contained in the article of Arieh J. Kochavi<sup>7</sup>.

**The purpose of the article.** The main objective of this work is to investigate domestic and external factors that led to the Kharkiv Trial of Nazi war criminals' organization and conduct. The paper also deals with the international impact and historical significance of the Kharkiv Tribunal.

**Problem statement.** Show trials played quite an important role in the USSR political life of 1930-s. They were used as the instrument for political opponents' destruction during Stalinism. The main purpose of such show trials was not only in punishment for real crimes or made-up ones. They served as the method of ideological education, intimidation and submission of the Soviet Union multinational population. As Alexander Victor Prusin aptly claimed "justice was subordinated to politics and ideology"<sup>5</sup>.

Since the outbreak of German invasion to the Soviet Union the authorities of the latter one received numerous reports of civilians and prisoners of war mass murders on the occupied territories. The information of Nazi war crimes was proclaimed by the Soviet press as well as the People's Commissariat for Internal Affairs in the form of protests<sup>8</sup>.

At the outset of German-Soviet war criminal law forms of struggle according to Nazi war criminals weren't applied. Since such issue as war rules and laws violation and the concept "war crime" itself weren't developed in Soviet jurisprudence; therefore, valid acts that could define responsibility for such kind of crimes didn't exist either. Yet, mass character and the gravity of the atrocities committed by Nazis led to the legislative framework formation in order to punish those responsible for war crimes<sup>9</sup>. Juridical and legal basis for such criminals penalizing became The Presidium of the USSR Supreme Soviet Decree No. 39 dated 19 April, 1943 "On the penalties for the Nazi villains responsible for murdering and torturing Soviet civilians and captured Red Army personnel, for spies, traitors among Soviet citizens and their accomplices" (the Decree dated 19 April, 1943)<sup>10</sup>. This legislation was vested with retroactive effect and its authorized expansion of meaning. The decision of the mentioned decree implementation was

<sup>1</sup> Звягинцев, А. Г. (2010). *Нюрнбергский процесс. Без грифа «Совершенно секретно»*. Москва: Астрель: АСТ.

<sup>2</sup> Епифанов, А. Е. (2001). Ответственность за военные преступления, совершенные на территории СССР в период Великой Отечественной войны: *диссертация на соискание ученой степени доктора юридических наук*. Москва: Академия управления МВД России.

<sup>3</sup> Безверхний, А. Г. (ред.) (2003). *«Смерш»: Исторические очерки и архивные документы*. Москва: Московские учебники и Картолитография, 316-318.

<sup>4</sup> Бирштейн, В. Я. (2018). *СМЕРШ смертельное оружие Сталина*. Москва: АИРО-XXI, 461-474.

<sup>5</sup> Bazylar, M. J., Gold, K. R. (2012). The Judicialization of International Atrocity Crimes: The Kharkov Trial of 1943. *San Diego International Law Journal*, 77, 77-138 <<https://digital.sandiego.edu/ilj/vol14/iss1/4/>> (2021, October, 27).

<sup>6</sup> Prusin, A. (2003). «Fascist Criminals to the Gallows!»: The Holocaust and Soviet War Crimes Trials, December 1945-February 1946. *Holocaust and Genocide Studies*, 17, 1, 1-30 <<https://muse.jhu.edu/article/43136/pdf>> (2021, September, 12).

<sup>7</sup> Kochavi, A. J. (1991). The Moscow Declaration, the Kharkov Trial, and the Question of a Policy on Major War Criminals in the Second World War. *History*, 76, 248, 401-417. DOI: <https://doi.org/10.1111/j.1468-229X.1991.tb01540.x> (2021, October, 27).

<sup>8</sup> Магид, Р. (ред.) (1944). *Внешняя политика Советского Союза в период Отечественной войны: Документы и материалы*. Москва: Госполитиздат, 1, 162-167, 171-189, 200-235.

<sup>9</sup> Епифанов, А. Е. (2001). Ответственность за военные преступления, совершенные на территории СССР в период Великой Отечественной войны: *диссертация на соискание ученой степени доктора юридических наук*. Москва: Академия управления МВД России, 17-39.

<sup>10</sup> Ямпольский, В. П. (ред.) (2008). *Органы государственной безопасности СССР в Великой Отечественной войне. Сборник документов*. Москва: Русь, 4, 1, 401-402.

prescriptive and was made “mostly for political reasons”<sup>1</sup>. Furthermore, the decree was rather of propagandistic nature. The legislation text was full of expression and emotionality. Actually, even the term “crime” was changed to such definitions as “evil deeds”, “atrocities”. The punishment was meant to prevent from war crimes committing: public executions were legalized, the hanged bodies remained on the gallows for a few days. Such actions were held “for everyone to know what type of penalty would be applied, and what kind of revenge could be for those who perpetrated violence and carnage against civilians and for those who betrayed their motherland”<sup>2</sup>.

In accordance with the Decree dated 19 April, 1943 mostly foreigners who committed war crimes were brought to justice. USSR citizens were prosecuted under existing criminal legislation for state (counterrevolutionary) crimes. For example, being the members of German execution squads, Kharkiv policemen were convicted under articles 54-1a and 54-1b of the Criminal Code of Ukrainian SSR – “Treason”<sup>3</sup>. The Decree dated 19 April, 1943 was applied to collaborators only if it was necessary particularly during the show trial<sup>4</sup>.

The war crimes facts committed by Nazis on the USSR territory were used by Soviet authorities not only for the aftermath investigation and further promulgation. They also became a significant aspect of ideological education in order to unite community in the fight against the external enemy. The aim of the conducted show trials was to prevent USSR citizens from the collaboration with German invaders. The government cautioned that “just retribution and severe punishment are prepared for every traitor”.

The first show trial was held by the Military Tribunal of the North Caucasian Front on July 14-17, 1943 in the city of Krasnodar. Being members of Sonderkommando SK-10A, 11 collaborators were prosecuted for their participation in mass executions of civilians and Red Army prisoners of war. They were convicted under article “Treason” and were sanctioned under the Decree dated 19 April, 1943<sup>5</sup>.

There were some problems in Ukrainian human settlements after their liberation from the invaders, particularly in Kharkiv. Soviet authorities encountered difficulties in rebuilding destructed objects on those territories: enterprises, electricity networks, plumbing. However, the most serious losses in comparison with material ones were among “human capital”. Millions of soldiers who were the best and the most talented representatives of the nation died on the battlefields. Hundreds of thousands of civilians were killed by Nazis and starved to death. Nonetheless, some casualties were inestimable in monetary terms and could not be measured in statistics. Among them we can single out spiritual and moral traumas which the population experienced during German control. In addition, Soviet citizens were influenced by devastating impact of Nazi propaganda<sup>6</sup>. Eventually, the mentioned things destroyed the Soviet society foundations from within.

<sup>1</sup> Епифанов, А. Е. (2001). Ответственность за военные преступления, совершенные на территории СССР в период Великой Отечественной войны: диссертация на соискание ученой степени доктора юридических наук. Москва: Академия управления МВД России, 46.

<sup>2</sup> Указ О мерах наказания для немецко-фашистских злодеев, виновных в убийствах и истязаниях советского гражданского населения и пленных красноармейцев, для шпионов, изменников Родины из числа советских граждан и для их пособников, 1943 (Президиума Верховного Совета СССР). Центральный архив Федеральной службы безпеки (ЦА ФСБ Росії), ф. Р-7523, оп. 4, спр. 164, арк. 120 <<http://victims.rusarchives.ru/ukaz-prezidiuma-verkhovnogo-soveta-sssr-no-39-o-merakh-nakazaniya-dlya-nemecko-fashistskikh-zlodeev>> (2021, October, 12).

<sup>3</sup> Архів Харківського обласного управління Служби безпеки України (АХО УСБУ), ф. 4 (Р), оп. 2, спр. 34417, т. 1 (архівно-слідча справа № 20419 Сіренка Петра Кузьмича та ін.); АХО УСБУ, ф. 4 (Р), оп. 2, спр. 34417, т. 2 (архівно-слідча справа № 20419 Сіренка Петра Кузьмича та ін.); АХО УСБУ, спр. 25464 (архівно-слідча справа № 6 Гречишкіна Федора Петровича та Сопельника Михайла Федоровича); АХО УСБУ, спр. 29863 (архівно-слідча справа № 4645 Шевцова Івана Федоровича); АХО УСБУ, спр. 30508 (архівно-слідча справа № 44 Локтева Семена Климовича).

<sup>4</sup> Судебный процесс (1943). По делу о зверствах немецко-фашистских захватчиков и их пособников на территории гор. Краснодара и Краснодарского края в период их временной оккупации. Москва: ОГИЗ-Госполитиздат; Судебный процесс (1943). По делу о зверствах немецко-фашистских захватчиков на территории гор. Харьков и Харьковской области в период их временной оккупации. Москва: ОГИЗ-Госполитиздат.

<sup>5</sup> Судебный процесс (1943). По делу о зверствах немецко-фашистских захватчиков и их пособников на территории гор. Краснодара и Краснодарского края в период их временной оккупации. Москва: ОГИЗ-Госполитиздат, 42-47.

<sup>6</sup> Stevens, E. (1945). *Russia is no riddle*. New York: Greenberg, 117-118 <[https://babel.hathitrust.org/cgi/pt?id=uc1.\\$b674901&view=1up&seq=1](https://babel.hathitrust.org/cgi/pt?id=uc1.$b674901&view=1up&seq=1)> (2021, December, 15).

In the liberated cities the struggle primarily emerged in order to regain Soviet party influence on the entire population. The second secretary of the Kharkiv Regional Committee of the Communist Party of Ukraine (KPU) V.M. Churaiev stated that one of the principal goals in a newly liberated city was to carry out work in the sphere of propaganda and agitation among “such a worthless but, nevertheless, our Soviet population” which was under depraved and devastating Nazi influence<sup>1</sup>. The party official V.O. Rybalov was unpleasantly surprised with changes happened to Kharkiv as the result of German occupation. The issue that worried most was private trade which the Soviet government had to put up with till the state trading was generated<sup>2</sup>. Efforts for human psychology changing and attempts to resume “high moral values of a Soviet man” turned out to be the most sophisticated ones<sup>3</sup>. Not only the former White Guards, Ukrainian nationalists, people after dekulakization, persons with a criminal record (Soviet authority considered such categories of citizens as unreliable elements) happened to be among traitors and collaborators. Among the latter group there were also those who were above any suspicion in pre-war times. Being under enemy propaganda during military failures of 1941-1942, a lot of such people lost faith in the state power and had no hope for Soviet power return<sup>4</sup>. Almost two years of occupation made Kharkiv region residents co-operate with German authorities anyway. It was desperate, famished and intimidated by Nazi terror population that constituted a majority trying to survive under extreme war conditions. According to American journalist E. Stevens, USSR citizens who were under the disastrous influence of Nazi virus “would have to be reeducated and mentally disinfected before they would be healthy cells of the Soviet political system again”<sup>5</sup>.

The Krasnodar and later the Kharkiv Trials became the strongest assets in confronting Nazi propaganda. They were primarily aimed at the domestic audiences. During these courts the Soviet authorities claimed that all criminals including not only foreign invaders but local collaborators as well would be found and severely punished.

Hitlerite Germany started to investigate the Katyn massacre involving the representatives of the Polish Red Cross in forensic medical examinations. This compelled J. Stalin to make similar actions<sup>6</sup>. Being carefully considered and well organized, the Kharkiv Trial served as the act of counterpropaganda from the USSR. It is unknown why the Soviet leadership chose exactly Kharkiv avoiding such cities as Smolensk or Kyiv, for instance. We tend to believe that while the decision was being made, Kharkiv turned out to be the most appropriate place in accordance with the criteria of the selection and assigned tasks. Pre-war Kharkiv was an industrial giant of the USSR, one of the top four largest megapolises and the biggest Ukrainian city occupied by Nazis. According to the December 1941 census, 456639 Kharkiv inhabitants found themselves under the authority of occupants<sup>7</sup>, whilst the population of the captured Kyiv was 365000 citizens<sup>8</sup>. The representative of the Extraordinary State Commission for the Establishment and Investigation of the Atrocities of the Nazi Invaders in the Soviet Union A.N. Tolstoy outlined the devastating city in the following way: “I saw Kharkiv. Ancient Rome might look the same when hordes of German barbarians passed through it in the 5<sup>th</sup> century; it was a giant cemetery. There were only ruins and the remnants of charred constructions instead of the city and all the huge plants with no exception”<sup>9</sup>.

It took a while for the preparation of the first show trial against war criminals – foreign nationals. That time was used for the appropriate criminal law formation, the evidence base collection and its systematization along with the defendants, witnesses and the members of court tribunal selection. Hundreds of people intensely and selflessly worked in order to expose the horrible crimes of Nazism. They did their best to punish all perpetrators justly. It should be stated that the Kharkiv Trial organization was held under the extreme conditions of war and within a short time frame.

<sup>1</sup> Вохмянин, В. (2008). *Харьков, 1943-й. Освобожденный навсегда! Сборник документов и материалов*. Харьков: Райдер, 23.

<sup>2</sup> Вохмянин, В. (2008). *Харьков, 1943-й. Освобожденный навсегда! Сборник документов и материалов*. Харьков: Райдер, 25.

<sup>3</sup> Ibid, 25, 34-36.

<sup>4</sup> Ibid, 37-39.

<sup>5</sup> Stevens, E. (1945). *Russia is no riddle*. New York: Greenberg, 118.

[https://babel.hathitrust.org/cgi/pt?id=uc1.\\$b674901&view=lup&seq=1](https://babel.hathitrust.org/cgi/pt?id=uc1.$b674901&view=lup&seq=1) (2021, December, 15).

<sup>6</sup> Яснов, О. В. (1991). *Катынская драма: Козельск, Старобельск, Осташков: судьба интернированных польских военнослужащих*. Москва: Политиздат, 92-99.

<sup>7</sup> Скоробагатов, А. В. (2004). *Харків у часи німецької окупації (1941-1943)*. Харків: Прапор, 19.

<sup>8</sup> Коваль, М. В. (1992). Нацистський геноцид щодо євреїв та українського населення. *Український історичний журнал*, 2, 28.

<sup>9</sup> Толстой, А. Н. (1984). *Военная публицистика*. Москва: Воениздат, 273.

The representatives of different structural subdivisions of Wehrmacht, SS and police were charged in order to show a scale of crimes committed by Nazis on the occupied territory of Kharkiv region. Though everything was already clear about criminal activity of German armed forces, Gestapo and Einsatzgruppen from the Krasnodar Trial materials<sup>1</sup>, but only during the Kharkiv Trial it was firstly mentioned about SS, Sicherheitspolizei, Sicherheitsdienst and Geheime Feldpolizei (GFP) participation in mass executions of civilians and prisoners of war<sup>2</sup>.

Three executors of Nazi authorities' crime will along with their accomplice – a USSR citizen were convicted. They were:

- Wilhelm Langheld, Hauptmann (captain) – staff member of the Abwehr in the camp Dulag-205;
- Hans Ritz, SS-Untersturmführer (lieutenant) – deputy company commander of SS within Sicherheitsdienst (SD) in the city of Taganrog;
- Reinhard Retzlaf, Obergefreiter (senior corporal) – official of the 560<sup>th</sup> group of the Geheime Feldpolizei (GFP);
- Mikhail Petrovich Bulanov – driver of Sonderkommando SK 4A, collaborator<sup>3</sup>.

To identify Germans belonging to certain military units and death squads, they stood trial in military uniform with distinctive signs and medals<sup>4</sup>. State honours were considered as a promotion from German authorities for committing crimes and atrocities by military personnel of the Wehrmacht, SS and GFP on the occupied territory<sup>5</sup>.

Taking into account the testimony of defendants and witnesses as well as considering the results of forensic medical examination, Soviet investigation bodies come to the conclusion that crimes committed by Nazis weren't random facts of some Germans or military units' atrocities. It was a prearranged program of the extermination of the USSR peaceful population. A. Hitler, H. Göring, J. Goebbels, H. Himmler were announced as the main "instigators" and perpetrators of mass executions. The judicial investigation proved that officers and soldiers of German army together with execution squads participated in mass murders of civilians and prisoners of war. In particular, there was the 1st SS Panzer Division "Leibstandarte SS Adolf Hitler" under the command of SS-Oberst-Gruppenführer J. Dietrich; the 3rd SS Panzer Division "Totenkopf" under the command of SS-Gruppenführer M. Simon; Sicherheitspolizei and SD of Generalbezirk Charkiw under the command of Sturmbannführer F. Kranebitter; units of German Geheime Feldpolizei in the city of Kharkiv (police commissioner Karkhan)<sup>6</sup>.

The Trial was held in accordance with the western model: the defendants and witnesses were interviewed, the results of forensic medical examination were announced, the facts of mass murders of civilians and prisoners of war were established. E. Stevens claimed that "the defendants and their counsel had full latitude to speak or interpolate, and every comma of what was said was translated into German for their benefit"<sup>7</sup>. Journalists of the foreign agencies and international observers noticed the high level of the Trial preparation and conducting. American representatives of mass media had no doubt in the fairness of Soviet charges. They were convinced in the guilty of defendants and pointed out the implementation of juridical norms<sup>8</sup>.

<sup>1</sup> Судебный процесс (1943). *По делу о зверствах немецко-фашистских захватчиков и их пособников на территории гор. Краснодара и Краснодарского края в период их временной оккупации*. Москва: ОГИЗ-Госполитиздат, 12, 14.

<sup>2</sup> Архів Запорізького обласного управління Служби безпеки України (АЗО УСБУ), *спр. 20368, т. 23 (архівно-слідча справа № 24 Посевіна Олександра Олександровича)*, арк. 71-72.

<sup>3</sup> Ibid, арк. 93-94.

<sup>4</sup> АЗО УСБУ, *спр. 20368, т. 22 (архівно-слідча справа № 24 Посевіна Олександра Олександровича)*, арк. 77; АЗО УСБУ, *спр. 20368, т. 23 (архівно-слідча справа № 24 Посевіна Олександра Олександровича)*, арк. 93-94, 120.

<sup>5</sup> АЗО УСБУ, *спр. 20368, т. 23 (архівно-слідча справа № 24 Посевіна Олександра Олександровича)*, арк. 7, 48.

<sup>6</sup> Судебный процесс (1943). *По делу о зверствах немецко-фашистских захватчиков на территории гор. Харьков и Харьковской области в период их временной оккупации*. Москва: ОГИЗ-Госполитиздат, 80-81.

<sup>7</sup> Stevens, E. (1945). *Russia is no riddle*. New York: Greenberg, 128.

<[https://babel.hathitrust.org/cgi/pt?id=uc1.\\$b674901&view=1up&seq=1](https://babel.hathitrust.org/cgi/pt?id=uc1.$b674901&view=1up&seq=1)> (2021, December, 15).

<sup>8</sup> The Ambassador in the Soviet Union (Harriman) to the Secretary of State (1943). Foreign Relations of the United States: Diplomatic Papers. *The British Commonwealth, Eastern Europe, The Far East, 3, 703*. <<https://history.state.gov/historicaldocuments/frus1943v03/d703>> (2021, December, 15).

The Kharkiv Trial was prepared by experienced representatives of the repressive forces. This is illustrated by the materials of the preliminary inquiry<sup>1</sup> and especially the protocols of judicial proceedings<sup>2</sup>. During the Trial defendants were asked the identical questions to those asked at the preliminary inquiry which resulted in providing the rehearsed responses. In the question structure there was always the answer itself<sup>3</sup>. If the defendant was distracted, he was brought back to the beginning of the story and interrogators gained the information they could disclose<sup>4</sup>. To translate everything into German war interpreters and the staff of the General Directorate Counterintelligence SMERSH were involved. The latter participated in interrogations even during the preliminary investigation in the prison of Lubyanka<sup>5</sup>. They knew each of the defendants and were already familiar with the case materials; thus, during the trial they didn't let German defendants prevaricate<sup>6</sup>.

In their turn, trying to avoid the responsibility, the defendants referred to the High Command orders, discipline and the peculiarities of upbringing based on National Socialism principles. Therefore, W. Langheld and H. Ritz claimed that crimes committed on the occupied territory were the result of the education based on German racial inferiority of the USSR subhuman nations which led to the physical liquidation of the latter<sup>7</sup>. The most extensive issues connected with racial theory and its implementation on the USSR territory belonged to H. Ritz, a lawyer with higher education<sup>8</sup>. However, all their arguments were vigorously

<sup>1</sup> АЗО УСБУ, *спр. 20368, т. 22 (архівно-слідча справа № 24 Посевіна Олександра Олександровича)*; Протокол допроса військовопленного Г. Янчи о службе в лагере для военнопленных Дулаг-231. 29 ноября 1943 г. *ЦА ФСБ Росії, ф. К-72, он. 1, снр. 15*, арк. 38-78. <<http://victims.rusarchives.ru/protokol-doprosa-voennoplennogo-g-yanchi-o-sluzhbe-v-lagere-dlya-voennoplennykh-dulag-231>> (2021, December, 11); Протокол допроса обвиняемого Буланова Михаила Петровича, бывшего сотрудника гестапо, шофера зондеркоманды СД СК-4А, о злодеяниях немецко-фашистских войск на оккупированной территории СССР. 14 ноября 1943 г. *ЦА ФСБ Росії, ф. К-72, Он. 1, снр. 15*, арк. 263–277. <<http://victims.rusarchives.ru/19-11-1943-protokol-doprosa-obvinyaemogo-bulanova-mikhaila-petrovicha>> (2021, December, 11); Протокол допроса обвиняемого Рица Ганса, бывшего унтерштурмфюрера СС, заместителя командира роты СС в г. Таганроге Ростовской области о злодеяниях немецко-фашистских войск на оккупированных территориях СССР. 1 декабря 1943 г. *ЦА ФСБ Росії, ф. К-72, он. 1, снр. 15*, арк. 176-183. <<http://victims.rusarchives.ru/index.php/01-12-1943-protokol-doprosa-obvinyaemogo-rica-gansa>> (2021, December, 11); Протокол допроса обвиняемого Рица Ганса, бывшего унтерштурмфюрера СС, заместителя командира роты СС в г. Таганроге Ростовской области о злодеяниях немецко-фашистской армии на оккупированных территориях СССР. 28 ноября 1943 г. *ЦА ФСБ Росії, ф. К-72, он. 1, снр. 14*, арк. 155-171. <<http://victims.rusarchives.ru/index.php/28-11-1943-protokol-doprosa-obvinyaemogo-rica-gansa>> (2021, December, 11); Протокол допроса обвиняемого Рица Ганса, бывшего унтерштурмфюрера СС, заместителя командира роты СС в г. Таганроге Ростовской области о карательной деятельности в оккупированном городе. 26 ноября 1943 г. *ЦА ФСБ Росії, ф. К-72, он. 1, снр. 14*, арк. 141-154. <<http://victims.rusarchives.ru/index.php/26-11-1943-protokol-doprosa-obvinyaemogo-rica-gansa>> (2021, December, 11); Протокол допроса свидетеля военнопленного К. Коша об использовании «газовых автомобилей» для уничтожения советских граждан. 27 ноября 1943 г. *ЦА ФСБ Росії, ф. К-72, он. 1, снр. 15*, арк. 26-37. <<http://victims.rusarchives.ru/protokol-doprosa-svidetelya-karla-kosha-voennosluzhashego-79-y-pekhotnoy-divizii-vermakhta>> (2021, December, 11).

<sup>2</sup> АЗО УСБУ, *спр. 20368, т. 23 (архівно-слідча справа № 24 Посевіна Олександра Олександровича)*.

<sup>3</sup> Ibid, арк. 130; Протокол допроса обвиняемого Буланова Михаила Петровича, бывшего сотрудника гестапо, шофера зондеркоманды СД СК-4А, о злодеяниях немецко-фашистских войск на оккупированной территории СССР. 14 ноября 1943 г. *ЦА ФСБ Росії, ф. К-72, он. 1, снр. 15*, арк. 268 <<http://victims.rusarchives.ru/19-11-1943-protokol-doprosa-obvinyaemogo-bulanova-mikhaila-petrovicha>> (2021, December, 11).

<sup>4</sup> АЗО УСБУ, *спр. 20368, т. 22 (архівно-слідча справа № 24 Посевіна Олександра Олександровича)*, арк. 48.

<sup>5</sup> АЗО УСБУ, *спр. 20368, т. 23 (архівно-слідча справа № 24 Посевіна Олександра Олександровича)*, арк. 93.

<sup>6</sup> Протокол допроса военнопленного Г. Янчи о службе в лагере для военнопленных Дулаг-231. 29 ноября 1943 г. *ЦА ФСБ Росії, ф. К-72, он. 1, снр. 15*, арк. 49, 74 <<http://victims.rusarchives.ru/protokol-doprosa-voennoplennogo-g-yanchi-o-sluzhbe-v-lagere-dlya-voennoplennykh-dulag-231>> (2021, December, 11); Протокол допроса обвиняемого Рица Ганса, бывшего унтерштурмфюрера СС, заместителя командира роты СС в г. Таганроге Ростовской области о карательной деятельности в оккупированном городе. 26 ноября 1943 г. *ЦА ФСБ Росії, ф. К-72, он. 1, снр. 14*, арк. 145 <<http://victims.rusarchives.ru/index.php/26-11-1943-protokol-doprosa-obvinyaemogo-rica-gansa>> (2021, December, 11); АЗО УСБУ, *спр. 20368, т. 23 (архівно-слідча справа № 24 Посевіна Олександра Олександровича)*, арк. 38, 53, 76.

<sup>7</sup> АЗО УСБУ, *спр. 20368, т. 23 (архівно-слідча справа № 24 Посевіна Олександра Олександровича)*, арк. 62, 77.

<sup>8</sup> Протокол допроса обвиняемого Рица Ганса, бывшего унтерштурмфюрера СС, заместителя командира роты СС в г. Таганроге Ростовской области о злодеяниях немецко-фашистских войск на оккупированных территориях СССР. 1 декабря 1943 г. *ЦА ФСБ Росії, ф. К-72, он. 1, снр. 15*, арк. 177-179. <<http://victims.rusarchives.ru/index.php/01-12-1943-protokol-doprosa-obvinyaemogo-rica-gansa>> (2021, December, 11).

rejected by the trial prosecutors. The leading Soviet lawyer A.N. Trainin asserted that “the commands to throw women and children into the fire and to make people die in agony using gas wagon were not military orders, but the incitement to commit crimes. The performers of such actions were fully criminally liable along with their superiors”<sup>1</sup>. As a result, the defendants pleaded guilty and were convicted in accordance with the Soviet laws – the Decree of 19 April, 1943<sup>2</sup>.

The case materials contained not only the evidence of the defendants being guilty but they also described the crimes of German occupation authorities in Kharkiv region in general as well as on the entire territory of USSR. The Krasnodar and Kharkiv Trials revealed Nazi plans of the extermination against “Soviet people” despite their ethnic origin. In order not to focus on the categories of people that must be destructed (Jews, Romani, physically and mentally disabled persons) the investigating authorities used a euphemism “Soviet civilians”<sup>3</sup>.

The defendants not only reported about their own crimes, but were also forced to characterize politics of German Government and the High Command in general. To demonstrate the scope of the tragedy the information containing the number of killed civilians and prisoners of war in different locations of USSR was added to the statements made by the accused and witnesses<sup>4</sup>.

Another issue that Soviet leadership attached great importance to highlighting in detail during The Kharkiv Trial was the usage by Nazis specially equipped trucks which were called “Gaswagen” or “dushogubka.” These vehicles were used for mass destruction of civilians by poisoning them with carbon oxide. The first section of “The indictment in the case of atrocities of German-fascist invaders on the territory of Kharkiv and Kharkiv region” was fully devoted to the application of “Gaswagen” by Nazis for the mass murder of civilians<sup>5</sup>. The defendants and witnesses not only described the appearance of “dushogubka” and the method of its operation thoroughly, but they also had sufficient knowledge of the locations where such a vehicle was used<sup>6</sup>.

<sup>1</sup> Трайнин, А.Н. (2004). *Избранные труды*. Санкт-Петербург: Юридический центр Пресс, 595.

<sup>2</sup> АЗО УСБУ, *спр. 20368, т. 23 (архівно-слідча справа № 24 Посевіна Олександра Олександровича)*, арк. 115, 209-210.

<sup>3</sup> Судебный процесс (1943). *По делу о зверствах немецко-фашистских захватчиков и их пособников на территории гор. Краснодара и Краснодарского края в период их временной оккупации*. Москва: ОГИЗ-Госполитиздат, 43-44; Протокол допроса обвиняемого Буланова Михаила Петровича, бывшего сотрудника гестапо, шофера зондеркоманды СД СК-4А, о злодеяниях немецко-фашистских войск на оккупированной территории СССР. 14 ноября 1943 г. *ЦА ФСБ Росії, ф. К-72, оп. 1, спр. 15*, арк. 266-268 <<http://victims.rusarchives.ru/19-11-1943-protokol-doprosa-obvinyaemogo-bulanova-mikhaila-petrovicha>> (2021, December, 11); АЗО УСБУ, *спр. 20368, т. 22 (архівно-слідча справа № 24 Посевіна Олександра Олександровича)*, арк. 77, 193, 198; АЗО УСБУ, *спр. 20368, т. 23 (архівно-слідча справа № 24 Посевіна Олександра Олександровича)*, арк. 187.

<sup>4</sup> АЗО УСБУ, *спр. 20368, т. 23 (архівно-слідча справа № 24 Посевіна Олександра Олександровича)*, арк. 119; АЗО УСБУ, *спр. 20368, т. 22 (архівно-слідча справа № 24 Посевіна Олександра Олександровича)*, арк. 44, 61; Протокол допроса обвиняемого Рица Ганса, бывшего унтерштурмфюрера СС, заместителя командира роты СС в г. Таганроге Ростовской области о злодеяниях немецко-фашистской армии на оккупированных территориях СССР. 28 ноября 1943 г. *ЦА ФСБ Росії, ф. К-72, оп. 1, спр. 14*, арк. 161 <<http://victims.rusarchives.ru/index.php/28-11-1943-protokol-doprosa-obvinyaemogo-rica-gansa>> (2021, December, 11).

<sup>5</sup> АЗО УСБУ, *спр. 20368, т. 23 (архівно-слідча справа № 24 Посевіна Олександра Олександровича)*, арк. 72-79.

<sup>6</sup> АЗО УСБУ, *спр. 20368, т. 22 (архівно-слідча справа № 24 Посевіна Олександра Олександровича)*, арк. 59-63, 80, 202; АЗО УСБУ, *спр. 20368, т. 23 (архівно-слідча справа № 24 Посевіна Олександра Олександровича)*, арк. 75, 136; Протокол допроса обвиняемого Рица Ганса, бывшего унтерштурмфюрера СС, заместителя командира роты СС в г. Таганроге Ростовской области о злодеяниях немецко-фашистской армии на оккупированных территориях СССР. 28 ноября 1943 г. *ЦА ФСБ Росії, ф. К-72, оп. 1, спр. 14*, арк. 156. <<http://victims.rusarchives.ru/index.php/28-11-1943-protokol-doprosa-obvinyaemogo-rica-gansa>> (2021, December, 11); Протокол допроса обвиняемого Буланова Михаила Петровича, бывшего сотрудника гестапо, шофера зондеркоманды СД СК-4А, о злодеяниях немецко-фашистских войск на оккупированной территории СССР. 14 ноября 1943 г. *ЦА ФСБ Росії, ф. К-72, оп. 1, спр. 15*, арк. 270-274. <<http://victims.rusarchives.ru/19-11-1943-protokol-doprosa-obvinyaemogo-bulanova-mikhaila-petrovicha>> (2021, December, 11); Протокол допроса свидетеля военнопленного К. Коша об использовании «газовых автомобилей» для уничтожения советских граждан. 27 ноября 1943 г. *ЦА ФСБ Росії, ф. К-72, оп. 1, спр. 15*, арк. 28. <<http://victims.rusarchives.ru/protokol-doprosa-svidetelya-karla-kosha-voennosluzhashego-79-y-pekhotnoy-divizii-vermakhta>> (2021, December, 11).

Though Gaswagen wasn't the main tool for civilians' mass destruction on the occupied territories, nevertheless, it became another epitome of heinous crimes of Nazi Germany. The materials of the Kharkiv Trial were also intended to draw the international community's attention to those violent manners of crimes Nazi Sonderkommandos and Einsatzgruppen practiced for total destruction of "inferior nations". The evidence collected in Kharkiv was used by Soviet prosecutors under the numbers "USSR-43" and "USSR-32" during the International Military Tribunal session in Nuremberg<sup>1</sup>.

The public prosecutor N.K. Dunaiev emphasized that crimes were committed both "by the order of Nazi Government and German Command" and by the personal initiative of the defendants<sup>2</sup>. According to A.N. Trainin, "...Langheld, Ritz and Retzlaf were convicted not for crimes they possessed Führer or directly superiors committed but for those atrocities that the defendants committed by themselves, with their own hands, for their individual crimes. It was no excuse for following the order"<sup>3</sup>.

Soviet propaganda bodies declared the connection of the Kharkiv Trial with international agreements and emphasized that these judicial proceedings were an essential part of the international campaign for war criminals' punishment. Particularly, the declaration "On measures for the punishment of Nazi criminals for committed crimes" signed between Great Britain, the USA and the USSR at the Moscow Conference (October 19-30, 1943) was discussed (the Moscow Declaration). The agreement conclusion was initiated by W. Churchill. The information about mass murder of civilians and prisoners of war by Nazis in European countries made Churchill perform like this. In some way its role played the execution of the captured Italian officers by Germans on the island of Kos in September 1943<sup>4</sup>. Before the foreign ministers of Great Britain, the USA and the USSR met at the Moscow Conference W. Churchill had offered J. Stalin and F. Roosevelt to sign a declaration of German invaders punishment for the crimes they committed. The document stated that the perpetrators should be returned to the locations where they committed crimes in order to be judged according to the law of those countries where atrocities took place. The essential condition of the agreement was any kind of truce establishing<sup>5</sup>. The main war criminals operating in different geographical places should be punished "by general solution of the government of the Allies"<sup>6</sup>. According to British Prime Minister the publication of this Declaration had a preventive purpose and should curb the escalation of violence on the Nazi occupied territories. The confidence in the inevitability of punishment was aimed at the prevention of service personnel from committing new crimes. W. Churchill pointed out: "I highly recommend to follow the principle of courts localization that could restrain the enemy terror. British Cabinet endorsed this method and politics"<sup>7</sup>.

Nevertheless, the war was raging and extensive fights were still going on. It was unknown then who the winner would be. Obviously, the allies didn't expect that similar courts would be possible to organize and hold in the nearest future. That fact proved the confusion of the US and British Governments as they became aware of the practical application of the above-mentioned Declaration principles. The statements of Soviet propaganda about the connection between the Kharkiv Trial and the Moscow Declarations led to the concern of the US and British Governments. The representatives of those countries had a reason to be afraid of repressions against their own soldiers and officers who were held captive by Germans<sup>8</sup>. A few days after the Kharkiv Trial was over, Paul Karl Schmidt, the representative of German Foreign Ministry, threatened

<sup>1</sup> Trial of the Major War Criminals before the International Military Tribunal Nuremberg, 14 November 1945-01 October 1946. (1947). Nuremberg, 7, 573-574. <[https://www.loc.gov/rr/frd/Military\\_Law/pdf/NT\\_Vol-VII.pdf](https://www.loc.gov/rr/frd/Military_Law/pdf/NT_Vol-VII.pdf)> (2021, November, 19).

<sup>2</sup> АЗО УСБУ, *спр. 20368, т. 23 (архівно-слідча справа № 24 Посевіна Олександра Олександровича)*, арк. 208.

<sup>3</sup> Трайнин, А. Н. (2004). *Избранные труды*. Санкт-Петербург: Юридический центр Пресс, 595.

<sup>4</sup> Kochavi, A. J. (1991). The Moscow Declaration, the Kharkov Trial, and the Question of a Policy on Major War Criminals in the Second World War. *History*, 76, 248, 402 DOI: <https://doi.org/10.1111/j.1468-229X.1991.tb01540.x>.

<sup>5</sup> Громько, А. А. (ред.) (1957). *Переписка Председателя Совета Министров СССР с Президентами США и Премьер-министрами Великобритании во время Великой Отечественной войны 1941-1945 гг.* Москва: Госполитиздат, 1, 173-175.

<sup>6</sup> Лебедева, Н. С. (ред.) (2012). *СССР и Нюрнбергский процесс. Неизвестные и малоизвестные страницы истории: Сборник документов*. Москва: МФД, 147.

<sup>7</sup> Громько, А. А. (ред.) (1957). *Переписка Председателя Совета Министров СССР с Президентами США и Премьер-министрами Великобритании во время Великой Отечественной войны 1941-1945 гг.* Москва: Госполитиздат, 1, 175.

<sup>8</sup> The Ambassador in the United Kingdom (Winant) to the Secretary of State (1943). Foreign Relations of the United States: Diplomatic Papers. *The British Commonwealth, Eastern Europe, The Far East*, 3, 704. <<https://history.state.gov/historicaldocuments/frus1943v03/d704>> (2021, December, 23).

to conduct similar trials in response. He claimed that if the Kharkiv Trial met the standards established by the Moscow Declaration, German military courts would start judging American and British prisoners for violations of international law<sup>1</sup>. However, those threats remained merely words.

The Kharkiv Trial was the first court against German war criminals which shocked the world. The USSR statements about its direct connection to the Moscow Declarations put a strain on the relations between the allies. The United States Department of State approved that this Trial contradicted the implement agreements, since similar judicial proceedings should be conducted only after truce maintenance<sup>2</sup>. In its turn the Foreign Office of Great Britain claimed that the Declaration did not impose any obligation upon trying war criminals “at any place or at any time where they have a legal basis, even before the truce arrangement with Germany”. According to the British, the Kharkiv Trial was fully compatible with the spirit and text of the Moscow Declaration. However, Russians were “not strictly entitled” to claim “that the trials were in accordance with its points”<sup>3</sup>.

The United States Department of State identified the need “of these and any further trials just as news reports”<sup>4</sup> and also claimed that “under these circumstances it seems both unnecessary and undesirable for it to be stated publicly in American propaganda that the Kharkov trials either come within or without the Moscow declaration”<sup>5</sup>.

For its part, the London Political Warfare Coordinating Committee also decided to minimize comments as to conformity or non-conformity of the Kharkiv Trial with the provisions of the Moscow Declarations. This was done in order not to let Germany use the apparent contradictions between the allies according to the mentioned problem<sup>6</sup>.

Having a fear of deterioration in relations with USSR, Western countries tried to be very careful. Thus, TASS representative had a question as regards the Washington reporter statement. It was about the USA and Great Britain address to the USSR with the proposition “to postpone further trials of German war criminals until the armistice clears the way for evenly paced action”. In response the U.S. side said “that no such move had been made or even thought of”<sup>7</sup>. As for the British – they abstained from any formal comments despite their fear of the prisoners of war fates.

The Soviet authorities took into account the Allies’ reaction. Considering the fact that the primary propagandistic goal during the Kharkiv Trial was probably achieved at that time, they decided to stop at that point. Germans weren’t tried in public up to 1945. Nevertheless, court-martials and military tribunals punished war criminals according to the Decree of 19 April, 1943. It was managed without any publicity as the persons being guilty of civilians’ mass murders were taken by the Soviet punitive bodies<sup>8</sup>.

World War II was the biggest war global conflict in human history and the reason of countless tragedies of the 20th century. It brought such horrendous outputs as Holocaust, extermination camps, mass murder of civilians and prisoners of war, total destruction of human settlements, atomic bombing. In this deadly confrontation all of its participants were involved into actions which could be qualified as war crimes

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<sup>1</sup> Kochavi, A. J. (1991). The Moscow Declaration, the Kharkov Trial, and the Question of a Policy on Major War Criminals in the Second World War. *History*, 76, 248, 407. DOI: <https://doi.org/10.1111/j.1468-229X.1991.tb01540.x>.

<sup>2</sup> The Secretary of State to the Ambassador in the United Kingdom (Winant) (1943). Foreign Relations of the United States: Diplomatic Papers. *The British Commonwealth, Eastern Europe, The Far East*, 3, 706. <<https://history.state.gov/historicaldocuments/frus1943v03/d706>> (2021, December, 23).

<sup>3</sup> Kochavi, A. J. (1991). The Moscow Declaration, the Kharkov Trial, and the Question of a Policy on Major War Criminals in the Second World War. *History*, 76, 248, 405. DOI: <https://doi.org/10.1111/j.1468-229X.1991.tb01540.x>.

<sup>4</sup> The Secretary of State to the Ambassador in the United Kingdom (Winant) (1943). Foreign Relations of the United States: Diplomatic Papers. *The British Commonwealth, Eastern Europe, The Far East*, 3, 701. <<https://history.state.gov/historicaldocuments/frus1943v03/d701>> (2021, December, 23).

<sup>5</sup> Ibid, 706.

<sup>6</sup> The Ambassador in the United Kingdom (Winant) to the Secretary of State (1943). Foreign Relations of the United States: Diplomatic Papers. *The British Commonwealth, Eastern Europe, The Far East*, 3, 704.

<<https://history.state.gov/historicaldocuments/frus1943v03/d704>> (2021, December, 23); The Secretary of State to the Ambassador in the United Kingdom (Winant) (1943). Foreign Relations of the United States: Diplomatic Papers. *The British Commonwealth, Eastern Europe, The Far East*, 3, 706.

<<https://history.state.gov/historicaldocuments/frus1943v03/d706>> (2021, December, 23).

<sup>7</sup> Ibid, 707.

<sup>8</sup> Епифанов, А. Е. (2001). Ответственность за военные преступления, совершенные на территории СССР в период Великой Отечественной войны : диссертация на соискание ученой степени доктора юридических наук. Москва: Академия управления МВД России, 55.

and none of them could pretend to be the keeper of absolute good. Though war crimes of Nazi Germany outweighed everything ever known to mankind. They made states with different social and political systems unite not only for pushing the aggressor back, but also provide just punishment of Nazi war criminals. The agreements reached between Great Britain, the USA and the USSR and stated in the Moscow Declaration led the way to wide application of national legislation as for war criminals' punishment. It was noted that those who committed atrocities, murders, executions "will be sent back to the countries where their abominable deeds were done" in order to "be judged and punished according to the laws of these liberated countries"<sup>1</sup>.

Ukraine became the epicenter of bloody confrontation. During 1939-1944 military activities took place almost continuously on its territory. It was completely occupied by Nazis, experienced total destruction and mass murders of civilians and prisoners of war. Having deprived the statehood, the Ukrainian population was trapped by two opposing totalitarian regimes that both despised human life. E. Snow, a correspondent for the US magazine "The Saturday Evening Post", wrote that "the whole titanic struggle which some tend to depict as "the Russian glory", first of all, has been the Ukrainian war and the human toll is the greatest loss of this republic which can be assessed in no ledger... No single European country has suffered deeper from wounds to its cities, industry, farmlands and humanity"<sup>2</sup>.

Kharkiv is a powerful scientific, cultural, industrial and transport center of Ukraine, the biggest city captured by Nazis. During World War II Kharkiv underwent horrific devastations and at the Nuremberg trials it was stated among 14 the most destroyed human settlements of the USSR<sup>3</sup>. However, the most horrendous consequences of almost two-year German occupation concerned the problem of mass destruction of civilians and prisoners of war. During the Kharkiv Trial through the testimony of defendants and witnesses, by carrying out forensic medical examination the Military Tribunal of the Fourth Ukrainian Front found the facts of mass extermination of civilians and prisoners of war on the temporarily occupied territory of Kharkiv and Kharkiv region. The testimony of witnesses and defendants as well as the interrogation protocols and the indictment included the results of Nazi criminal policy carried out locally. It was proved beyond any doubt that those crimes weren't isolated incidents of some German servicemen or units' atrocities. They were a part of targeted policies of Nazi Germany aimed at the total or partial extermination of entire nations. By the case of ordinary performers, the court demonstrated the depth of the moral decay of a person brought up in the spirit of racial theory. As noted by B. Etcher, at the Kharkiv Trial there were convicted not only three performers of crimes, but the charges were also brought against the German Government and the General Command of Nazi Germany<sup>4</sup>.

Furthermore, at the Kharkiv Trial the evidence of Nazi terrible crimes connected with the mass murder of civilians and prisoners of war in some other Soviet areas was made public along with the killing of prisoners of concentration camps located on the territory of Poland with the help of poison gases. The whole world literally monitored the proceedings intently. The session reports were published in the press and they were also broadcasted on the radio. Being a witness of those events, a famous Soviet propagandist I. Ehrenburg wrote: "We will remember the 15<sup>th</sup> of December – on that day we stopped talking about the future Trial against criminals. We began judging them"<sup>5</sup>. The Kharkiv Trial satisfied the thirst for justice of the enslaved European peoples. It brought hope of victory over Nazism to humans and reinforced their faith in the inevitability of punishment for all horrific crimes of National Socialism. Later on, the materials of the Kharkiv Trial were used by Soviet prosecutors entitled "USSR-32" at the Nuremberg trial as the evidence of the criminal activity of the Government and the Army High Command of Nazi Germany<sup>6</sup>.

<sup>1</sup> Громько, А. А. (ред.) (1984). *Советский Союз на международных конференциях периода Великой Отечественной войны, 1941-1945: Сборник документов*. Москва: Политиздат, 1, 337.

<sup>2</sup> Ukrainian Pays the Bill (1945). *The Ukrainian Weekly*, 4, 1.

<[http://ukrweekly.com/archive/pdf1/1945/The\\_Ukrainian\\_Weekly\\_1945-04.pdf](http://ukrweekly.com/archive/pdf1/1945/The_Ukrainian_Weekly_1945-04.pdf)> (2021, December, 23).

<sup>3</sup> Рекунов, А. М. (ред.) (1987). *Нюрнбергский процесс: Сборник материалов в 8 т*. Москва: Юридическая литература, 1, 632.

<sup>4</sup> Etcher, B. (1944). *The Lessons of the Kharkov Trial*. London: Metcalfe & Cooper, 6.

<<http://134.153.184.110/cdm/compoundobject/collection/radical/id/8658/show/8650>> (2021, December, 23).

<sup>5</sup> Эренбург, И. (1943). Суд идет. *Красная звезда*, 297 (5668), 3.

<sup>6</sup> Library of Congress (1947). Trial of the Major War Criminals before the International Military Tribunal Nuremberg, 14 November 1945-01 October 1946. *Nuremberg*, 7, 445, 539, 540, 574.

<[https://www.loc.gov/frd/Military\\_Law/pdf/NT\\_Vol-VII.pdf](https://www.loc.gov/frd/Military_Law/pdf/NT_Vol-VII.pdf)> (2021, December, 23).

The show trial in Kharkiv became a legal precedent for Nazi war criminals' punishment. During it the following concept was firstly implemented: "A crime committed by the order from the High Command is no excuse for the perpetrator". This thesis became a significant element of international criminal law<sup>1</sup> which is still applied. It is particularly enshrined in Article 33 of the Rome Statute of the International Criminal Court<sup>2</sup>.

The Kharkiv Trial implemented the Allies arrangements for war criminals' punishment and it made the Governmental declarations and statements irreversible. As Israeli researcher A. Kochavi rightly pointed out, until the war ended the Kharkiv Trial had become the greatest challenge for the allied states in responding to the main principles adopted at the Moscow Conference<sup>3</sup>. At the same time this Trial was not only the test of forces, rehearsal and legal precedent for Nazi war criminals' punishment – German citizens. It also had an important impact on making a decision by the Governments of the allied states according to the punishment for the major war criminals of Nazi Germany. In the report addressed to his Administration the U.S. Ambassador to the USSR A. Harriman noted that "the Trial left no doubt of the intention of the Soviet authorities to hold the German Government and the High Command responsible for the crimes and atrocities committed on their behalf and on their orders"<sup>4</sup>.

It was Kharkiv where the foundation for modern international criminal law was laid. As noted by the American researchers of the Holocaust M. Bazylar and K. Gold, the Kharkiv Trial against war criminals led to the conducting of the Nuremberg trials and served as ad hoc for the work of the International Criminal Court and for different military tribunals of modern times<sup>5</sup>.

**Conclusions.** The Kharkiv Trial is a Soviet propagandistic response to war crimes of Nazi Germany. During its conducting the evidence of horrific Nazi crimes connected with mass murder of civilians and prisoners of war on the USSR and Poland occupied territories was made public.

The Kharkiv Tribunal was primarily intended for domestic audiences. Its aim was to unite society in the fight against the external enemy and prevent the USSR citizens from the collaboration with Nazi invaders. The Kharkiv Trial generally demonstrated Nazi plans of the USSR nations' extermination in spite of their ethnic origin. Categories of the population that should be totally exterminated (Jews, Romani, physically disabled people) and who weren't identified by Soviet investigation bodies. Soviet representatives renamed those persons using such term as "Soviet civilians".

The Kharkiv Trial set a legal precedent for Nazi war criminals' punishment and implemented the concept: "A crime committed by the order from the High Command is no excuse for the perpetrator". It served as a warning for Wehrmacht servicemen, German police, SS and SD against committing brutal mass murders. From that time authors of crimes couldn't escape inevitable punishment applied according to the law of countries where atrocities took place.

At the Kharkiv Trial Governmental declarations and statements were made irreversible. This court also became an important result of co-operation between Great Britain, the USA and the USSR dealing with war criminals' punishment. It had quite a great impact on the decisions made by the allied states Governments in relation to the Trial against Nazi Germany leaders. The Kharkiv Trial led to the conducting of the Nuremberg trials. It set a legal precedent for war criminals' punishment according to the rules of criminal law application.

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<sup>1</sup> АЗО УСБУ, *спр. 20368, т. 23 (архівно-слідча справа № 24 Посевіна Олександра Олександровича)*, арк. 208-209.

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<sup>3</sup> Kochavi, A. J. (1991). The Moscow Declaration, the Kharkov Trial, and the Question of a Policy on Major War Criminals in the Second World War. *History*, 76, 248, 406. DOI: <https://doi.org/10.1111/j.1468-229X.1991.tb01540.x>.

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