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Soviet Justice for Prisoners of War in the Postwar Period, 1945–1955

Abstract

The issue of bringing war criminals to justice has always been a focus of research. These issues have been studied by B. S. Utevsky, M. V. Kozhevnikov, A. E. Epifanov, D. Yu. Astashkin, V. B. Konasov, D. V. Kuznetsov, N. M. Markdorf, N. V. Surzhikova, and others. Despite the considerable research on this topic, a number of criminal trials involving prisoners of war remains largely unresolved. Many researchers overlook a number of specific aspects of the legal proceedings in these cases. This article identifies the main criminal law campaigns and the most characteristic features of bringing prisoners of war to justice in both political and non-political cases. The methodological basis of this work is the concept of campaign justice proposed by P. Kh. Solomon. The research source base is based on unpublished documents from the State Archive of the Russian Federation (GARF), the Russian State Archive of Socio-Political History (RGASPI), the United State Archives of the Chelyabinsk Region (OGACHO), and the Central State Archives of St. Petersburg (TsGA SPb). The main criminal-legal campaigns against war criminals from the second half of the 1940s to the early 1950s are highlighted. The legal framework for bringing war criminals to justice is revealed. The role of military prosecutors, military tribunals, the Ministry of Internal Affairs, the Ministry of State Security, and the Main Directorate for Prisoners of War and Internees in the investigation and consideration of these cases is determined. Two categories of war criminal cases are distinguished (public and closed hearing). The influence of the foreign policy situation on their organization is determined. Key shortcomings in their investigation and consideration were identified: unfounded initiation of cases, superficial and poor-quality investigations, incorrect classification of crimes, etc. It was established that from 1943 to 1952, 81,780 people were convicted under the decree of April 19, 1943, including 24,069 foreign war criminals. It was proven that the non-political nature of the cases consisted of cases of economic, official, and military crimes. The quality of the investigation in these cases was assessed as low. More than 20% of cases were returned by military tribunals for further investigation and terminated. Oversight by military prosecutors in these cases was virtually non-existent. Regular audits of judicial practice demonstrated the application of insufficiently severe punishments in these cases. The main reason for this was the contradictory instructions of the leadership. Due to the shortcomings in these cases, in the 1990s 13,035 foreigners convicted under the decree of April 19, 1943 were rehabilitated.

Keywords

Foreign war criminals, war criminals, Soviet justice, P. Kh. Solomon's concept of campaign justice, Decree of the Presidium of the Supreme Soviet of the USSR of April 19, 1943 No. 39 on political crimes, special justice, military justice, military tribunals, military prosecutor's office.

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