

# PHASE I : THE SOVIET OCCUPATION OF ESTONIA IN 1940–1941

## INTRODUCTION

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

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

The Commission was established to look into the historical record of the massive violation of human rights in Estonia during and after the Second World War.

The Commission has divided its investigation into three segments: the first Soviet occupation (1940–1941), the German occupation (1941–1944, report is published in 2001), and the second Soviet occupation (from 1944).

The Commission thanks Toomas Hiio and members of the research team for their valuable reports on which the Commission’s conclusions are based.

## DEFINITION OF TERMS

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

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

ties of the Republic of Estonia. On reviewing the events on which this Report is based, the Commission also concluded that certain of those events met the definition of War Crimes as set out in Article 8 of the Rome Statute.

## HISTORICAL BACKGROUND

On 24 February 1918, the Estonian Salvation Committee issued the “Manifesto to All the People of Estonia” and declared Estonia an independent republic. Prior to this, areas populated by Estonians belonged to the provinces of Estonia and Livonia of the Russian Empire. The so-called Baltic Special Rule that applied in those provinces guaranteed extensive autonomy: their own civil code applied, local administration belonged to cities and the local nobility, and the majority of the population belonged to the Evangelical Lutheran Church.

In February 1918, the German Imperial 8th Army occupied Estonia and power in Estonia was in the hands of the High Command of the 8th Army from February through November. After the Armistice of Compiègne, an agreement was signed in Riga on 19 November 1918 between the chief commissioner of the German government in Estonia and Latvia August Winnig and representatives of the Estonian Provisional Government whereby Germany transferred supreme power in Estonia to the provisional government. At the same time, Soviet Russia massed Red Army units at the Estonian border and attacked Narva on 28 November 1918. The Provisional Government of the Republic of Estonia declared a general mobilisation on 29 November. The Estonian War of Independence began. The fleet of Great Britain and volunteers from Finland, Denmark and Sweden supported the Estonian Army. Red Army units were driven out of Estonia in January and February 1919. The Peace Treaty of Tartu between the Republic of Estonia and Soviet Russia was signed on 2 February 1920. Soviet Russia recognised Estonian independence. Finland recognised Estonia on 7 July 1920, Great Britain, France and Italy followed suit on 26 January 1921, as did the United States of America on 28 July 1922.

Estonia became a member of the League of Nations on 22 September 1921.

According to the Constitution adopted in 1920, Estonia was a democratic parliamentary republic. A 100-member single chamber parliament was elected for a term of three years. There was no head of state. The leader of the government – the *Riigivanem* (Prime Minister) – fulfilled the ceremonial duties of the head of state when necessary. The census of 1922 indicates that 87.6% of Estonia's population was Estonian. That proportion was 88.1% in the census of 1934. The larger national minorities were Russians, Germans, Swedes, Latvians, Jews and Poles. Parliament passed the national minorities cultural autonomy act in 1925. Until 1941, Russians, Germans, Jews and Swedes could complete secondary school education in their own language.

The communist party was banned. Estonian communists operated underground as of 1920 as the Estonian section of the Comintern. Estonian communists attempted a rebellion on 1 December 1924 under the guidance of agents sent from the Soviet Union. It was put down the same day. Thereafter, support for the communists dwindled almost to the point of non-existence. The leadership of the Estonian communists operated out of the Soviet Union.

The backing of a right wing radical popular movement known as the *Vabadussõjalaste Liit* (Estonian War of Independence Veterans' League) grew in the early 1930's. The members of this so-called *Vaps* movement attacked the parliamentary system using populist propaganda and demanded the adoption of a new Constitution giving the president sweeping powers. The draft of the new Constitution proposed by the *Vaps* movement through popular initiative received 2/3 of the votes in the referendum of 1933. The new Constitution went into effect on 24 January 1934. In order to prevent the presumable victory of the *Vaps* candidate in the upcoming presidential election, *Riigivanem* (prime minister) Konstantin Päts declared a state of national emergency on 12 March 1934 and asked the Commander-in-Chief of the Estonian Army from the time of the War of Independence, Lieutenant General Johan Laidoner to accept the position of Commander-in-Chief of the Armed Forces again. *Vaps* organisations were shut down and their leaders were jailed. *Vaps* members and their sympathisers were removed from the civil service, the army and municipal governments. Since parliament, the *Riigikogu*, was prescribed in the Constitution as a permanent institution, the government dissolved it on 2 October 1934 but left it in a so-called "dormant state": a new election was not called. The activity of

political parties was halted in March of 1935. The *Isamaaliit* (Fatherland League) popular movement was established and it was the only legally permitted political movement.

The *Rahvuskogu* (National Assembly) was convoked in 1937 and it worked out a new Constitution that went into effect on 1 January 1938. The Constitution prescribed a two-chamber parliament: the *Riigivolikogu* (National Representative Assembly) was the lower house of parliament consisting of 80 representatives elected by the people, and the *Riiginõukogu* (State Council) was the upper house of parliament consisting of 40 representatives of local municipal councils, the two largest churches, two universities and professional governing bodies (so-called chambers) and 10 members appointed by the president. As head of state, the president had broad powers and was the head of the executive branch of government; the prime minister was the chairman of the government. Konstantin Päts was elected president in April of 1938. The activity of political parties remained outlawed. Fifty-five representatives of the pro-government *Isamaaliit* and 25 representatives of the opposition were elected to the *Riigivolikogu* in 1938. The state of national emergency remained in effect.

The affairs of state of the Republic of Estonia were run in an authoritarian manner from 1934 to 1940. President Päts granted an amnesty in May of 1938 by which 183 political prisoners were released from prison. Most of them (104) were communists and their sympathisers that had been sentenced to long prison terms for subversive activity in 1923–1938, along with 79 members of the *Vaps* movement. In the summer of 1940, 36 individuals who had been convicted of espionage for the Soviet Union and 7 individuals who had been imprisoned for political offences were in prison in addition to criminal offenders.

## THE OCCUPATION OF THE REPUBLIC OF ESTONIA AND ITS INCORPORATION INTO THE SOVIET UNION

On 23 August 1939, the People's Commissar for Foreign Affairs of the Soviet Union (hereinafter the USSR) Vyacheslav Molotov and Minister of Foreign Affairs of Germany Joachim von Ribbentrop signed a non-aggression pact between the Soviet Union and Germany. An additional secret protocol of the pact prescribed the division of spheres of influence in Eastern Europe. Estonia was included in the sphere of influence of the Soviet Union.

Germany attacked Poland on 1 September 1939 and WW II began. The Red Army of the Soviet Union also attacked Eastern Poland on 17 September 1939. The USSR forced Estonia into a mutual assistance pact on 28 September 1939, according to which army, naval and air force bases at the disposal of the USSR were set up on Estonian territory beginning in October of 1939 with a total of approximately 25,000 Soviet troops. At the same time, about 15,000 men were in active service in the Estonian Army.

Chancellor of Germany Adolf Hitler called upon all Germans living in Estonia, Latvia, Lithuania, Italy and the Soviet Union to relocate to Germany in a speech given on 6 October 1939. The resettlement of Germans had been co-ordinated with the USSR in negotiations. About 14,000 Germans (the so-called resettlers, *Umsiedler* in German) left Estonia between October of 1939 and May of 1940. After the occupation of Estonia by the USSR, approximately an additional 7500 individuals (the so-called late resettlers, *Nachumsiedler* in German) left Estonia for Germany between January and April of 1941 on the basis of the agreement signed by the USSR and Germany.

On 16 June 1940, Molotov presented an ultimatum to the Estonian Envoy in Moscow August Rei in which he accused Estonia of violating the mutual assistance pact and demanded the deployment of a supplementary contingent of troops in Estonia and the formation of a new government. The government of Estonia decided to accept the ultimatum: Estonia could not depend on support from abroad and the government considered armed resistance hopeless. An additional 6 Red Army rifle divisions, a tank brigade and naval and air force units were brought into Estonia on 17 June. Together with the forces brought into Estonia earlier, there were over 100,000 USSR military personnel in Estonia by 21 June. Still in June of 1940, the leadership of the Baltic Naval Fleet was relocated to Tallinn and the High Command of the 8th Army of the Red Army was relocated to Tartu.

The government of Prime Minister Jüri Uluots resigned on 18 June 1940. The secretary of the Central Committee of the Communist Party of the Soviet Union (hereafter CPSU) and the leader of the Leningrad branch of the CPSU, member of the Politburo of the Central Committee of the CPSU Andrei Zhdanov arrived in Tallinn on 19 June and dictated the composition of the new government to President Päts. President Päts appointed this government to office under pressure from Zhdanov on 21 June 1940.

From 21 June to 25 August 1940, the state institutions, police force, army, financial and economic system of the Republic of Estonia were liquidated, the reorganisation of educational institutions according to the pattern of the USSR was begun and civil associations were dissolved. Similar actions were carried out in Latvia and Lithuania as well. Elections of new “parliaments” organised by the governments according to the orders of representatives of the USSR were carried out simultaneously in the three Baltic countries on 14 and 15 July 1940. Sessions of these “parliaments” also took place simultaneously from 21 July, during which they declared their countries soviet socialist republics and applied for acceptance in the USSR. The “parliaments” declared land the property of the state, thus eliminating private ownership of land, and also declared the nationalisation of banks and industrial enterprises.

The General Secretary of the Central Committee of the CPSU Iosif Stalin, the Politburo of the Central Committee of the CPSU and the Central Committee of the CPSU itself directed the processes in Estonia, Latvia and Lithuania. Their decisions concerning reorganisations in the Baltic countries have been published in part by the present day. Zhdanov, who resided in the Legation of the USSR in Tallinn from 2 July 1940 until the end of July, co-ordinated the reorganisations in Estonia. The local co-ordinator of the incorporation of Estonia into the USSR was Vladimir Bochkarev, who operated as trade representative and advisor at the legation of the USSR in Tallinn since the end of the 1930's. He was appointed envoy of the USSR in Estonia in June of 1940 and worked as the representative of the Central Committee of the CPSU and of the Council of the People's Commissars of the USSR from September of 1940 to August of 1941.

The government of Prime Minister Johannes Vares placed in office on 21 June 1940 received its orders from Zhdanov, Bochkarev and other officials of the Soviet legation, and also from the representatives of various fields (finance, economy, foreign trade, the People's Commissariat of Internal Affairs, the railway) who had been sent to Estonia.

In early August of 1940, the Supreme Soviet of the USSR officially registered the acceptance of Estonia, Latvia and Lithuania into the USSR. The replacement of former national structures with soviet structures began. The “parliaments” of Estonia, Latvia and Lithuania declared themselves ‘provisional Supreme Soviets’ on 25 August 1940 and adopted new constitutions that were composed according to the example of the constitutions of already existing union republics of the USSR. The

Politburo of the Central Committee of the CPSU had approved the text of the declarations (these were the same in all three countries) made by the “parliaments” on 25 August in advance. The “governments” that had been appointed to office on 21 June 1940 resigned and Councils of People’s Commissars consisting almost without exception of members of the Communist Party were placed in office. The Politburo of the Central Committee of the CPSU had approved their compositions in advance.

The conclusive sovietisation of Estonia took place from August of 1940 to the summer of 1941. By the decision of the Politburo of the Central Committee of the CPSU and on the order of the People’s Commissar for Defence of the USSR Semeon Timoshenko, the Estonian Army (like that of Latvia and Lithuania) was reorganised in August of 1940 as a territorial rifle corps of the Red Army and placed under the control of the political leaders of the Red Army. The monetary system of the USSR and the penal, civil and litigation codes of the Russian SFSR were put into effect in Estonia (like in Latvia and Lithuania) in the autumn and winter of 1940. Local municipal governments were sovietised in January of 1941: the Presidium (a permanent body of the Supreme Soviet) of the provisional Supreme Soviet of the Estonian SSR (hereinafter ESSR) appointed by its decision the compositions of the Executive Committees of the Soviets of Workers’ Representatives’ of counties, towns and rural municipalities by name without formally electing the soviets.

The CPSU directed all processes at both the national and local levels in the USSR. The Estonian Communist (Bolshevist) Party (hereinafter ECP) had been formally joined with the CPSU in October of 1940 and held its congress in February of 1941. Individuals who had come from the Soviet Union were appointed to most of the leading posts by the congress.

The commission concludes that as of 17 June 1940, the USSR occupied the Republic of Estonia (like Latvia and Lithuania as well) using the threat of military power. The objective of the USSR was the permanent incorporation of the Baltic countries with its own territory. The “voluntary” joining of the Baltic countries with the Soviet Union was staged and the forced sovietisation of these countries began.

The occupation of Estonia, just like that of Latvia and Lithuania, was the fulfilment of the long-term expansionist objectives of the USSR. The tactical starting point for the occupation of Estonia, Latvia and Lithuania was the non-aggression pact signed in August of 1939 between the USSR and Germany. The military necessity of safeguarding the borders of

the USSR at the time of WW II, which is sometimes cited as the grounds for the occupation of Estonia in 1940 does not justify the actions of the USSR.

The actions of the Vares’ government appointed to office in Estonia on 21 June 1940 and the “parliament” elected on 14–15 July 1940 were directed by representatives of the USSR in Tallinn according to directives of the Politburo of the Central Committee of the CPSU. As a result of this, the decisions adopted by these institutions are not decisions made in the interests of the Republic of Estonia but rather in the interests of the USSR in order to annex Estonia.

The commission concludes that responsibility for the annexation of the Republic of Estonia and its incorporation into the USSR rests primarily with Stalin and the leadership of the CPSU and in particular with its Politburo that made or approved all the more important decisions in the occupation of the Republic of Estonia. Responsibility also rests with the Central Committee of the CPSU and the Council of People’s Commissars (government) of the USSR since the decrees and decisions of these two bodies formed the basis on which the sovietisation of the Republic of Estonia was carried out beginning in August of 1940. The roles of Zhdanov and counsellor of the Legation of the Soviet Union in Tallinn, and later Envoy, Bochkarev, both of whom co-ordinated the annexation of Estonia locally, must be emphasised separately.

The commission concludes that responsibility for assisting with the annexation of Estonia rests with those citizens of the Republic of Estonia who together with the Soviet officials prepared for and carried out the take-over of power, and also the actual measures for the annexation of Estonia. In particular, this group includes:

- 1) the members of the Vares’ government appointed to office on 21 June 1940 who were also responsible for the measures implemented by virtue of their position;
- 2) the members of the *Riigivolikogu* (National Representative Assembly) elected on 14 and 15 July 1940 who made the formal decision to liquidate the Republic of Estonia;
- 3) the members of the Council of People’s Commissars of the ESSR appointed to office on 25 August 1940 who directed the implementation of measures for the sovietisation of Estonia in 1940–1941;
- 4) The Bureau and members of the Central Committee of the ECP who directed the practical implementation in Estonia of the directives of the Politburo of the Central Committee of the CPSU and of the Central Committee of the CPSU.

## CRIMINAL EVENTS IN ESTONIA 1940–1941

### 1. THE PROSECUTION AND CONVICTION OF CITIZENS AND RESIDENTS OF THE REPUBLIC OF ESTONIA

In June of 1940, an operational group of the People's Commissariat of Internal Affairs of the USSR (hereinafter NKVD) entered Estonia together with Red Army units or right after them and administered the imprisonment of Estonian citizens and residents in the territory of the Republic of Estonia. The first arrests were made as early as June 1940 already. Within a few days of their arrest in Estonia, individuals considered more important by the NKVD operational group were taken to Leningrad or Moscow, where they were formally arrested again.

From June to August of 1940, the occupation authorities of the USSR attempted to create the impression that the laws of the Republic of Estonia continue to apply in the territory of Estonia. The Estonian political police was used to mask the actions of the NKVD operational group. Former underground communists were appointed commissars (heads of local departments) and lower officials of the Estonian political police as of the end of June, 1940 according to the decision of the minister of internal affairs of the Vares' government. Decrees issued by the communist commissars of the political police that were formally based on the law of the Republic of Estonia establishing a state of national emergency formed the basis for the arrest of people. Arrested individuals who were not immediately taken to Russia were mostly imprisoned in the Central Prison of Tallinn, where NKVD investigators brought into Estonia with the NKVD operational group interrogated them with the assistance of interpreters. After imprisonment, cases were processed on the basis of the penal code and penal proceedings code of the USSR, although their validity was not formally extended to Estonia until December of 1940.

From June to August of 1940, higher officials of the Estonian political police, some members of the military, some judges, former Estonian ministers of internal affairs, leaders of the country-wide Estonian Defence League and some of its local leaders who were accused of "repressing the labour movement, counterrevolutionary activity, espionage against the Soviet Union" and other such accusations, were all arrested. Politicians, police officials, military officials and judges who were associated with the arrest and conviction of Estonian communists since 1918 were actively pursued. Yet peo-

ple were arrested on the basis of denunciations as well. The NKVD operational group paid particularly close attention to the leaders and members of organisations of former Russian White Guards that had operated in Estonia, who were arrested first of all.

The Commander-in-Chief of the Estonian Armed Forces General Laidoner was deported on 17 July 1940 with his wife to banishment in Penza. President Päts was deported on 30 July 1940 with his son, daughter-in-law and two grandsons to banishment in Ufa. Both were imprisoned in the summer of 1941 after the beginning of the war between the USSR and Germany. General Laidoner died in Vladimir Prison in 1953 and President Päts died in a special mental hospital in Kalinin *oblast* in 1956.

The arrest of over 300 people is known of from June through August of 1940. The total number of arrests is most likely greater because not all the files of arrested persons are in Estonia or have survived and summarised data is not at the disposal of researchers.

After the formal linking of Estonia to the USSR, arrests took place from August of 1940 to the autumn of 1941 analogously to the procedure in effect in the USSR of that time. The People's Commissariat of Internal Affairs (NKVD) of the ESSR was formed on 29 August 1940 according to written order no. 001067 of the People's Commissar of Internal Affairs of the USSR. In February and March of 1941, the hitherto existing Main Administration of State Security (GUGB) was separated from the NKVD of the Soviet Union along with some other sub-units and these were subsequently combined to form the People's Commissariat of State Security (hereinafter NKGB). This reorganisation was also extended to Estonia in March and April of 1941.

The decision to imprison an individual was in most cases made by local operatives of the Main Administration of State Security or the NKGB with the approval of their superior. Decisions were approved by the People's Commissar of Internal Affairs Boris Kumm, who was appointed People's Commissar of State Security in February of 1941, or his deputy Aleksei Shkurin. Arrests were authorised by the State Prosecutor's Office of the ESSR (State Prosecutor Kaarel Paas or his deputy in special affairs Sergei Nikiforov and the prosecutors of his special department) or the military prosecutor of the NKVD Baltic District Forces (Military Prosecutor Palkin). The summaries of the indictments were approved by the same organs. County prosecutors also consented to approve summaries of indictments and forward them for judicial trial. Prosecutors of the special department of the ESSR

State Prosecutor's Office participated as prosecutors in the work of tribunals. Prisoners were convicted mostly according to various passages of Article 58 of the penal code of the Russian SFSR. In a large number of cases, indictments were not based on specific deeds but rather the general professional or social activity of the prisoner thus far and participation in civil associations.

A variety of military tribunals made most of the decisions. Military tribunals of the NKVD Baltic District Forces operated in Estonia, but the Railway, Baltic Special Military District, Red Army 8th Army, Baltic Naval Fleet and other military tribunals also passed judgements concerning Estonian citizens. Individuals taken to Leningrad or Moscow right after arrest were convicted by military tribunals in those locations. Some convictions were decided by NKVD Special Counsel (NKVD operative instrument for deciding punishments and sentencing prisoners). Trial sessions of the NKVD Special Counsel were not held and defendants were not brought before the Special Counsels. Decisions were made in absentia on the basis of documents. Individuals sentenced to prison camp were sent to prison camps in the USSR and those sentenced to death were executed in Estonia.

A civil court system also existed in the USSR. But there were only single cases, when individuals imprisoned for political purposes in 1940–1941 were tried by Supreme Court of the ESSR. After the beginning of the war with Germany, most prisoners who had not yet been sentenced were sent to the Soviet Union where local tribunals as well as NKVD Special Counsel and the criminal councils of local *oblast* courts continued to process their cases.

## 2. THE IMPRISONMENT OF CITIZENS AND RESIDENTS OF THE REPUBLIC OF ESTONIA

The NKVD imprisoned nearly 1000 citizens and residents of the Republic of Estonia in 1940 and the NKVD and NKGB imprisoned nearly 6000 in 1941. The overwhelming majority of them were convicted and sent to prison camps in the USSR where most of them died. Alternatively, they were executed in Estonia on the basis of death sentences or in the USSR when the death sentence was passed after the beginning of the war and/or the prisoner had been taken away from Estonia. According to existing data, of those arrested in 1940, at least 250 prisoners were executed and nearly 500 died in imprisonment; of those arrested in 1941, over 1600 prisoners were executed and nearly 4000 died in imprisonment.

The policy of the USSR was aimed primarily against the elite of Estonian society: national and local politicians, prominent figures in economics and finance, members of the military, active members of the Defence League, the more prosperous farmers, professionals and others were imprisoned.

Some examples: 11 men were in office as the *Riigivanem* (prime minister and head of state) over the period 1918–1940 (President in 1938–1940). Of these men, only August Rei survived by successfully escaping to Sweden in the summer of 1940. Otto Strandman shot himself before the NKVD managed to arrest him. The remaining 9 were imprisoned in 1940–1941. Three of them were executed (shot) while the remainder died in prison camp. In addition to those mentioned above, another 105 men were at some point members of Estonian governments over the period 1918–1940. Of these, 73 were alive and in Estonia at the outset of the Soviet occupation, of which 49 were imprisoned and two committed suicide. Three men of these 49 survived: one escaped while in transit to prison camp at the beginning of the war and made it back to Estonia, and two survived their prison camp sentences. Of the remainder, 15 were executed (shot) and 31 died in prison camp. One former minister was killed in action as a member of the *Omakaitse* (Home Guard) during the German occupation. A large proportion of those who remained in Estonia fled abroad as the German occupation came to an end. Of the 12 men who remained in Estonia, 10 were imprisoned after the war. In all, 3 former ministers who were in Estonia in 1940 and in 1944 were not imprisoned at all.

## 3. THE DEPORTATION OF CITIZENS AND RESIDENTS OF THE REPUBLIC OF ESTONIA

According to the joint decree issued by the Central Committee of the CPSU and the Council of People's Commissars of the USSR on 14 May 1941, the following were subject to deportation (from Estonia, Latvia, Lithuania, Western Ukraine, Western Belorussia and Moldavia):

- 1) active members of so-called counterrevolutionary organisations and members of their families;
- 2) former leading officials of the police and prisons, also ordinary policemen and prison guards in the event that compromising materials exist (materials concerning anti-soviet activity or connections with the intelligence services of third countries were considered compromising materials);
- 3) former owners of extensive land property, merchants, factory owners and leading officials of former governments – together with the members of their families;

- 4) former officers concerning whom compromising materials were available including those who served already in the Red Army territorial corps;
- 5) the family members of people who had by then been sentenced to death but also of members of counterrevolutionary organisations who were in hiding;
- 6) individuals repatriated from Germany, also those who were subject to resettlement in Germany (in the event of the existence of compromising materials);
- 7) refugees from the former Poland who refused to accept Soviet citizenship;
- 8) criminals who continued to commit crimes;
- 9) former prostitutes registered with the police who continued as prostitutes.

On 14 June 1941, over 10,000 people (10,861 according to some sources) were deported as whole families from Estonia. Over 5000 women and over 2500 children under the age of 16 were among the deported. About 3000 men and 150 women were separated from the others and sent to prison camps where most of them were executed or died; the remaining women and children were sent into banishment in Siberia. More than 400 Estonian Jews were also deported.

In late June and early July of 1941, approximately another 1000 men, women and children were arrested on the Estonian islands for the purpose of deporting them to the USSR as well. Most of them were spared and managed to return home due to the rapid advance of the German forces.

On 14 June 1941, about 230 Estonian officers serving in the 22nd Estonian Territorial Corps of the Red Army were imprisoned at the summer camp of the Estonian Army in southeastern Estonia. Most of them were sent to the Norilsk prison camp, where most of them either died or were executed.

The deportation of 14 June was co-ordinated locally in the ESSR by the operational headquarters of the People's Commissariat of State Security of the ESSR consisting of the following individuals: chairman Boris Kumm, People's Commissar of State Security of the ESSR; members Andrei Murro, People's Commissar of Internal Affairs of the ESSR; Shkurin, Deputy People's Commissar of State Security of the ESSR; Venyamin Gulst, Deputy People's Commissar of State Security of the ESSR; Rudolf James, head of the 2nd department of the People's Commissariat of State Security.

#### **4. THE FORCED TRANSFER OF ESTONIAN MEN TO THE SOVIET UNION IN JULY AND AUGUST OF 1941**

Estonia was the only territory occupied by the USSR in 1939–1940 that had not been overrun by German forces by the beginning of July 1941.

Men born in the years 1919–1922 were gathered together on 2–4 July 1941 and sent to Russia under the guise of mobilisation into the Red Army; Estonian Army reservists born in 1907–1918 suffered the same fate on 22–27 July. Reservists in Saaremaa born in 1907–1922 were gathered together on 1–3 August to be sent to Russia. Estonian reserve officers and military officials were gathered together on 8–16 August. Reservists born in 1896–1906 and the remaining conscripts born in 1919–1922 were gathered together on 20 August. Able-bodied men born in 1896–1906 were summoned on August 21 and 462 railway men who had thus far been spared from the call-up were enlisted on 24 August.

Naturally, men were gathered together and sent to Russia from only those areas that were still under the control of the Red Army.

The number of men gathered together in July and August of 1941 is estimated at

50,000 in total, of which 32,000–33,000 were taken to the USSR. About 3000 men perished on the way to the USSR.

#### **5. THE FORCED EVACUATION OF ESTONIAN CITIZENS AND RESIDENTS TO THE SOVIET UNION IN THE SUMMER OF 1941**

About 25,000 individuals, of whom a large proportion were citizens of the Republic of Estonia, were evacuated to the USSR in the summer of 1941. Industrial enterprises, public and governmental offices, agricultural enterprises, transportation enterprises and others were evacuated to the USSR together with their equipment, fittings and personnel. Many among the evacuated went to the USSR voluntarily (party members and so-called soviet activists and the members of their families). Also over 2000 Estonian Jews escaped from the Germans to the USSR. Thousands of people were evacuated to the USSR by compulsion under threat of imprisonment or execution.

## 6. THE KILLING OF ESTONIAN CITIZENS AND RESIDENTS IN THE SUMMER AND AUTUMN OF 1941 BY THE PERSONNEL OF THE NKVD AND NKGB, NKVD DESTRUCTION BATTALIONS AND RETREATING RED ARMY AND BALTIC NAVAL FLEET UNITS

Over 2000 civilians were killed in Estonia from June to October of 1941. This total includes up to a hundred so-called “forest brothers” (Estonian patriotic partisans) who put up armed resistance to retreating units of the NKVD, NKGB or Red Army and can for this reason be considered to have fallen in battle.

Some examples: 11 prisoners held at the Viljandi Prison were executed in the courtyard of the prison on 8 July 1941. On the night prior to 9 July 1941, 199 prisoners who could not be taken to the USSR due to the advance of the German forces were executed in Tartu. On 9 July 1941, 6 people in Lihula and 11 in Haapsalu were executed. Over 90 people were executed in Saaremaa in September of 1941, most of them in Kuressaare according to the verdict of the military tribunal of the Coastal Defence Headquarters of the Baltic Region. Most of those killed, however, were killed by retreating NKVD destruction battalions and Red Army units.

## CONCLUSION

The commission concludes that the crimes enumerated above should be considered crimes against humanity according to Article 7 of the Rome Statute of the International Criminal Court as “a widespread or systematic attack directed against any civilian population, with knowledge of the attack”. A portion of the crimes committed in Estonian territory beginning on 22 June 1941 should be considered war crimes according to Article 8 of the Rome Statute of the International Criminal Court.

## PRINCIPLES OF RESPONSIBILITY

The commission considers that responsibility for the crimes committed in respect of the above-mentioned events should be assigned in two ways. Firstly, we deem certain people responsible by virtue of the positions they held, for having given orders which resulted in crimes against humanity.

In the second instance, responsibility is solely determined by the actions of an individual.

## DETAILED ASSESSMENT OF RESPONSIBILITY

The commission studied the functions and activities of institutions of the USSR that operated in Estonia or made decisions concerning Estonia in 1940–1941 and of local institutions subordinate to them that operated as implementers of decisions, permitting the identification as follows of offices and individuals who bear responsibility for the crimes against humanity and war crimes committed in Estonia in 1940–1941.

The overall supervision of the processes involved was the jurisdiction of the central institutions of the USSR, meaning Stalin as the General Secretary of the Central Committee of the CPSU, the Central Committee of the CPSU itself and especially its Politburo, and the Council of People’s Commissars. Consequently, these institutions also bear overall responsibility for the crimes against humanity committed in Estonia. In this respect, the Main Administration of State Security of the People’s Commissariat of Internal Affairs of the Soviet Union (GUGB NKVD) must be singled out here along with the People’s Commissariat of State Security of the Soviet Union (NKGB) formed in February of 1941 on the basis of the former.

The Vares’ government that operated from June through August of 1940 shares general responsibility in Estonia; although the decisions it adopted were made under pressure from representatives of the USSR, they were the source for crimes against humanity. From August of 1940 to late summer of 1941, the Central Committee of the ECP and its Bureau headed by Karl Säre and the Council of People’s Commissars of the ESSR headed by Johannes Lauristin share general responsibility.

Responsibility for specific deeds carried out from June through August of 1940 lies primarily with the members of the NKVD operational group that operated in Estonia. Along with them, local functionaries are responsible since the actions of the NKVD operational group were made possible through their co-operation. Individuals who must be singled out are: Minister of Internal Affairs Maksim Unt who co-ordinated the take-over of the police institutions of the Republic of Estonia and their subsequent activity; Chief of Internal Security Harald Haberman who co-ordinated day-to-day activity in the field of internal security and who ordered the arrest of at least 9 individuals who were later executed or died in prison; Murro who was appointed director of the Police Bureau in July of 1940 and deputy director Kumm; the commissars and officials of the political police (especially Commissar of Tallinn Aleksander



Reinson) appointed to office from June through August of 1940, whose orders or activities resulted in the arrest of several hundred people who were turned over to the NKVD operational group and most of whom were later executed or perished in the prison camps of the USSR.

Responsibility for the deeds carried out from August of 1940 to late summer of 1941 lies with:

- 1) The State Security Administration of the People's Commissariat for Internal Affairs of the ESSR that was reorganised beginning in February of 1941 as the People's Commissariat of State Security of the ESSR, the jurisdiction of which included the imprisonment of individuals on political grounds. Kumm was the People's Commissar of Internal Affairs and was appointed People's Commissar of State Security in February of 1941; Deputy People's Commissar of Internal Affairs Murro was appointed People's Commissar of Internal Affairs in February of 1941;
- 2) the following leading officials of the People's Commissariat for Internal Affairs and later the People's Commissariat of State Security must be singled out: Shkurin (Deputy People's Commissar of Internal Affairs, later Deputy People's Commissar of State Security, candidate member of the Central Committee of the ECP), Sergei Kingissepp (head of the 3rd Special Department of the People's Commissariat for Internal Affairs, later Deputy People's Commissar of State Security, candidate member of the Central Committee of the ECP, Idel Jakobson (deputy head of the investigation department of the People's Commissariat for Internal Affairs, later the People's Commissariat of State Security), who together with Kumm authorised most of the arrest orders and summaries of indictment. Responsibility also extends to the heads of the local departments of the People's Commissariat for Internal Affairs and People's Commissariat of State Security Reinson (Harju County), Alfred Pressmann (Tartu, shares responsibility for the execution of 199 prisoners in July of 1941), Vassili Riis (Saaremaa, shares responsibility for the execution of prisoners in Saaremaa in September of 1941), Kaarel Paas (Narva, later State Prosecutor of the ESSR) and others;
- 3) Responsibility also lies with all other People's Commissariat for Internal Affairs and People's Commissariat of State Security officials who compiled the lists of people to be arrested, apprehended and interrogated them and compiled summaries of indictment. In addition to the Central Committee of the CPSU and the Council of People's Commissars of the USSR, the NKVD and the NKGB, the People's Commissariat for Internal Affairs and the People's Commissariat of

State Security of the ESSR, the NKVD units of convoy troops deployed in Estonia that arrested, gathered together and convoyed the people to be deported are also responsible for the deportation carried out on 14 June 1941 and the later deportation from the islands;

- 4) State Prosecutor of the ESSR Kaarel Paas, Deputy State Prosecutor of the ESSR for Special Affairs Nikiforov and the prosecutors of the Special Department who sanctioned the arrest and trial of citizens or residents of the Republic of Estonia with the presented indictment for political reasons;
- 5) Special departments of units and military formations of the Red Army and the Baltic Naval Fleet located in Estonia that also pursued, arrested and interrogated citizens and residents of the Republic of Estonia on political grounds and placed them on trial by military tribunal;
- 6) Various compositions of military tribunals – the military tribunal of the NKVD Baltic District Forces, the military tribunal of the Baltic Special Military District, the military tribunal of the Baltic Naval Fleet, the military tribunal of the 8th Army, the Railway Military Tribunal, the military tribunal of the Baltic Coastal Defence Region and other military tribunals – are responsible for the groundless convictions they handed down. These tribunals sentenced citizens and residents of the Republic of Estonia to death or imprisonment in prison camps where most of them shortly died due to labour beyond their strength and extremely difficult living conditions. The members of the NKVD Special Counsel who sentenced citizens and residents of the Republic of Estonia to prison or death in absentia on the basis of documents are also responsible, as are members of the Supreme Court of the ESSR who passed judgement on political grounds on arrested citizens of the Republic of Estonia, as a result of which they were sent to prison camps in the USSR.

The following are also responsible for killings, and other acts that in part can be considered war crimes, committed after the beginning of the war between the Soviet Union and Germany on 22 June 1941:

- 1) Members of the NKVD operational group in Estonia: head of NKVD forces in the Baltic District Major General Rakutin, Deputy People's Commissar of State Security of the ESSR Shkurin and Deputy People's Commissar of Internal Affairs of the ESSR Colonel Lobanovich, all of whom alongside other measures gave orders for the formation of destruction battalions in the territory of Estonia; the Central Committee of the ECP and the Council of People's Commissars of the ESSR also participated in the co-ordination of the activity of destruction battalions;

- 2) Members of the operational group of the destruction battalions: head of the operational group Lieutenant Colonel Okayev (Captain Mikhail Pasternak as of 21 July 1941) and its commissar, Secretary of the Central Committee of the ECP Feodor Okk. The leaders, commissars and the members of destruction battalions who are guilty of killing civilians are responsible for their own actions. A total of about 6000 people belonged to destruction battalions formed in Estonia. On this point, special attention must be paid to the actions in Estonia of destruction battalions that retreated from Latvia into Estonia;
- 3) The leaders and commissars of those units of the Red Army and Baltic Naval Fleet with members guilty of killing civilians and also those soldiers and sailors of the USSR who killed civilians in Estonia;
- 4) The Military Council of the Baltic Naval Fleet and military commissars of the Red Army deployed in Estonia who issued orders for the conscription of citizens and residents of the Republic of Estonia into the Red Army and their consequent deportation from Estonia.

## SUMMARY

Crimes against humanity committed in Estonia in 1940–1941 resulted from the policy of the leadership of the USSR, whose objective was the rapid incorporation of Estonia into the USSR and the elimination of social groups and individuals that did not conform to the ideology of the USSR. The position of the commission is that no ideology can justify the imprisonment, maiming and execution of thousands of innocent people. The activity of citizens of the Republic of Estonia in the service of their country and people, in accordance with existing laws of Estonia before the Soviet occupation, could not under any circumstances be grounds for their subsequent conviction according to the laws of the Soviet Union.

# PHASE II : THE GERMAN OCCUPATION OF ESTONIA IN 1941–1944

## INTRODUCTION

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

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

The Commission was established to look into the historical record of the massive violation of human rights in Estonia during and after the Second World War.

Following the Molotov-Ribbentrop Pact concluded by Germany and the Soviet Union in August 1939 the Soviet Union occupied the Republic of Estonia in June 1940. In 1940–1941 the Soviet Union started the incorporation of the Republic of Estonia into the Soviet Union. To achieve this aim numerous leading politicians, officials, businessmen, intellectuals, military officers and wealthy farmers of the Republic of Estonia were arrested. The state structure of the Republic of Estonia was destroyed, non-profit organisations were closed down, restrictions were set on private property and ownership. Altogether tens of thousands Estonian citizens and residents fell victim to crimes against humanity and war crimes. In June 1941 Germany invaded the Soviet Union and occupied the territory of Estonia until 1944, continuing to undermine the structure of the Estonian State and inflicting great suffering on the population. From the Soviet reoccupation in 1944 the Soviet Union reimposed its rule until Estonia recovered her independence.

The Commission has divided its investigation into three segments: the first Soviet occupation (1940–1941), the German occupation (1941–1944), and the second Soviet occupation (from 1944).

This Report is intended in the first instance to present the facts of the German occupation to the Estonian people. These facts are derived from research commissioned by the Commission from Estonian historians, using archival material avail-

able in Estonia, Germany and (to a limited extent) Russia, Israel, the United States and Sweden. The Commission believes the research reports to be of high quality, factual, and securely based on primary and secondary sources.

The Commission would like to recognize the dedication of its historians, and of Executive Director Toomas Hiio.

The Commission wishes it to be understood at the outset that overall responsibility for most, if not all of the episodes of criminality reported upon here lies with the German military and civil occupying forces. This was established during Nuremberg Trials, as well as in other connections, and German actions are recorded in several of the research reports. It is, however, also the purpose of this Report to identify those Estonians who ordered or took part in these events, and through the positions they held or their actions, share responsibility for crimes against humanity, genocide, or war crimes.

## DEFINITION OF TERMS

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

The Commission recognizes that there is debate as to the precise citizenship of several members of the Estonian Self-Administration, including Hjalmar Mäe and Alfred Wendt. It is the Commission’s opinion that the functions exercised by these individuals clearly indicate that they considered themselves to be Estonian citizens; and that the possibility that they may also technically have held German citizenship has no relevance for the conclusions of this Report.

The Commission decided at its first meeting to use the definitions of “Crimes Against Humanity” set out in Article 7 of the 1998 Rome Statute of the

International Criminal Court which is appended to this Report. Although these definitions were arrived at many years after the events that we have studied, we are confident that they represent a standard that is appropriate to those events. This is, furthermore, not a judicial commission; any legal action that may be taken as a result of the Commission's findings will be the responsibility of the appropriate authorities of the Republic of Estonia.

On reviewing the events on which this Report is based, the Commission also concluded that certain of those events met the definition of Genocide as set out in Article 6 of the Rome Statute; the killing of Estonian Jews and Estonian Roma were “acts committed with intent to destroy, in whole or in part, a national, racial or religious group.” In addition, the killing of Soviet prisoners of war in this period met the definition of War Crimes, as defined in Article 8 of the Statute.

## CRIMINAL EVENTS

The Commission believes that the following events which took place during the period of the German occupation are at least *prima facie* evidence that genocide, crimes against humanity, and war crimes were committed by, or with the active assistance of, Estonians on or outside Estonian territory:

### 1. ESTONIA AND THE HOLOCAUST

#### 1.1. THE KILLING OF ESTONIAN JEWS

Round-ups and killings began immediately following the arrival of the first German troops, who were closely followed by the extermination squad *Sonderkommando (Einsatzkommando) 1a*, commanded by Martin Sandberger, part of *Einsatzgruppe A* under Walter Stahlecker. Arrests and executions continued as the Germans advanced through Estonia. About 75% of Estonia's Jewish community, aware of the fate that otherwise awaited them, managed to escape to the Soviet Union; virtually all the remainder (between 950 and 1000 men, women and children) were killed before the end of 1941. They included Estonia's only rabbi; the professor of Jewish Studies at Tartu University; Jews who had left the Jewish community; the mentally disabled; and a number of veterans of Estonia's war of independence. Less than a dozen Estonian Jews are known to have survived the war in Estonia.

#### 1.2. THE KILLING OF FOREIGN JEWS ON THE TERRITORY OF ESTONIA

The Germans deported to Estonia an unknown number of Jews from other countries, including Lithuania, Czechoslovakia, Germany and Poland. A labor camp was established at Jägala in 1942, commanded by Aleksander Laak, an Estonian. During 1942 several transports arrived from Terezin. Some 3,000 Jews not selected for work were taken to Kalevi-Liiva and shot. The Jägala camp was liquidated in the spring of 1943: most of the prisoners were shot.

A camp complex based at Vaivara was established in September 1943, commanded by German officers (Hans Aumeier, Otto Brennais and Franz von Bodman). The complex consisted of approximately twenty field camps, some of which existed only for short periods. As the Russians advanced in autumn 1944, a number of prisoners were evacuated by sea to the concentration camp in Stutthof, near Danzig. At Klooga, approximately 2,000 prisoners were shot, their bodies stacked on pyres and burned. Killings also took place at various times in the central prison in Tallinn, in a camp in Tartu, and at other locations.

#### 1.3. THE PARTICIPATION OF ESTONIAN MILITARY UNITS AND POLICE BATTALIONS IN TOWNS AND TRANSIT CAMPS OUTSIDE ESTONIA, AND AT LABOUR AND CONCENTRATION CAMPS IN ESTONIA, WHILE ACTS OF GENOCIDE OR CRIMES AGAINST HUMANITY TOOK PLACE INVOLVING THE KILLING OR DEPORTATION OF JEWS AND OTHER CIVILIANS, IN WHICH THE UNITS PLAYED A VARIETY OF ROLES

The Commission's researchers have studied a number of the records of post-war Soviet era trials, in an effort to determine the location and activities of specific Estonian military units and police battalions at various times. Some of this material could be matched against the information provided in the book “Eesti Vabadusvõitlejad” (Estonian Freedom Fighters). Information was also obtained from individuals, and from memoirs. From this research, the Commission concludes that the Estonian Legion and a number of Estonian police battalions were actively involved in the rounding up and shooting of Jews in at least one town in Belarus (Nowogródek); in guard duties in at least four towns in Poland (Łódź, Przemysl, Rzeszow, and Tarnopol); in guard duties at a number of camps in Estonia and elsewhere; and in the deportation to Germany of an unknown number of civilians from Belarus and Poland.

## 2. THE KILLING OF ROMA IN ESTONIA

The 1934 census identified 776 Estonian Roma. The Commission's researchers have compiled a list of 243 Estonian Roma who were killed at the end of October 1942. It is known that a number of other Roma, probably from Czechoslovakia, were also killed in Estonia. Estimates put the total number of Roma murdered in Estonia at somewhere between 400 and 1000, men, women and children. A number of Estonian Roma are known to have survived the war.

## 3. THE KILLING OF AT LEAST A FURTHER 7000 PEOPLE, INCLUDING APPROXIMATELY 6000 ETHNIC ESTONIANS

The Commission's researchers have undertaken a statistical analysis of post-war (1944 onward) files from Soviet era archives, and a close analysis of existing databases. The researchers have estimated that some 6000 ethnic Estonians, apart from Jews and Roma, were killed during this period. In addition, some 1000 people of uncertain citizenship, mostly ethnic Russians, were killed. In some cases there was some form of trial; in others, no attempt at any judicial process. The majority of those killed appear to have been ethnic Estonians, and to have been accused of membership in destruction battalions, or of having Communist sympathies. There is evidence that the dead included family members of the accused. The majority of killings took place prior to the spring of 1942.

## 4. THE KILLING OF SOVIET PRISONERS OF WAR

Conditions for the detention of Soviet POWs were primitive, reflecting both the initial speed of the German advance, and the German refusal to apply international conventions to the Soviets. Mortality among Soviet POWs was heavy in the first winter of the war. A number of them had been cut off from their units for some time before their capture, and prisoners who entered the camps in poor physical condition were significantly at risk. The situation of some Soviet POWs (primarily Ukrainians, who were considered politically reliable) later improved when they were put to work on the land. Others, working in labour camps, experienced extremely harsh conditions. A careful analysis of the sparse evidence available suggests that of some 30,000+ Soviet POWs held in Estonia about 15,000 died in captivity. It is not possible to determine with any degree of precision how many POWs died of neglect and mistreatment, and how many were deliberately killed.

## 5. THE IMPOSITION OF FORCED AND SLAVE LABOUR

The Commission's researchers found evidence of the use of forced labor and slave labour at several locations within the Vaivara camp complex and elsewhere. Slave labourers are defined as those (normally Jews and some Soviet POWs) who were intended to be worked to death. Forced labourers were exploited, at times under very harsh conditions, but were not to be worked to death.

## PRINCIPLES OF RESPONSIBILITY

The Commission decided that responsibility for the crimes committed in respect of the above-mentioned events should be assigned in two ways. Firstly, we deem certain people responsible by virtue of the positions they held, for having given orders which resulted in crimes against humanity. These were the most senior members of the Estonian Self-Administration, serving as Directors with, and reporting directly to Hjalmar Mäe.

In the second instance, responsibility is solely determined by the actions of an individual. We make no distinction between those who volunteered to serve the occupying power, and those who were conscripted; what governs is the actions of the individual.

## DETAILED ASSESSMENT OF RESPONSIBILITY

The Commission examined the role of the Estonian Self-Administration (known as the Directorate). The objective was to determine by whose authority and under what circumstances the Directorate came into being; whether it enjoyed any significant independence of action; how it functioned in relation to the occupying power, and to the Estonian people; and what degree of responsibility for criminal actions which occurred during the period of its activity should be attributable to those who worked under its aegis.

The Commission concluded that the Directorate was established under the authority of the Germans, and with the intention of providing a convenient structure for the administration of the territory of Estonia, which would limit the need for the Germans to use their own resources for this purpose. The position of Director was voluntary; there is no evidence that any of the leadership of the Directorate were subject to any form of coercion.

Although the Directorate did not have complete freedom of action, it exercised a significant measure of autonomy, within the framework of German policy, political, racial and economic. For example, the Directors exercised their powers pursuant to the laws and regulations of the Republic of Estonia, but only to the extent that these had not been repealed or amended by the German military command.

The Directorate's autonomy, in particular, enabled them to maintain police structures that cooperated with the Germans in rounding up and killing Estonian Jews and Roma, and in seeking out and killing Estonians deemed to be opponents of the occupiers, and which were ultimately incorporated into the Security Police. It also extended to the unlawful conscription of Estonians for forced labor or for military service under German command.

It is therefore the opinion of the Commission that the following, who served at various times as Directors, or in other senior capacities, share responsibility with the German authorities, by virtue of their office, for all criminal actions carried out in Estonia, and beyond its borders by military units or police battalions raised with their consent, during the period of the German occupation:

Hjalmar Mäe

Oskar Angelus

Alfred Wendt (or Vendt)

Otto Leesment

Hans Saar

Oskar Öpik

Arnold Raadik

Johannes Soodla

The Commission also considered the creation, and the role, of the police, initially under the command of the Director of Internal Affairs (Oskar Angelus), and later under the direct authority of the head of the Directorate (Hjalmar Mäe), until taken over by the Germans in 1944.

Although Estonian police structures were formally subordinated to the German Security Police and Order Police, evidence shows that Estonians exercised significant independence of action in arresting and interrogating suspects, and determining and carrying out sentences.

The Commission reviewed the structure and the operational competence of the police through their various reorganisations, including that of May 1942, which brought them into line with the German Security Police. The Commission believes that the police were actively involved in the arrest and killing of Estonian Jews. The police were also actively engaged in actions against Estonians deemed to be opponents of the Germans. In particular, but not exclusively, these functions were carried out by Group B, the Estonian Security Police, headed by Ain-Ervin Mere and later by Julius Ennok.

It is the opinion of the Commission that despite the criminal activities in which numbers of policemen were engaged, it is not reasonable to assign responsibility solely by virtue of their positions to every individual who worked in the various police structures during the German occupation. Those persons, whether serving in the police or elsewhere, who actually committed such crimes must bear individual responsibility for them.

However, the Commission believes that an exception to this general rule should be made in the case of members of the Political Police (Department B IV), headed by Julius Ennok. Given the specific activities of this section, the Commission believes that it is reasonable to assign responsibility for these crimes to everyone who served in Department B IV, by virtue of their office.

The Commission particularly singles out the roles of Ain-Ervin Mere; Julius Ennok; Ervin Viks and Evald Mikson, who signed numerous death warrants; Karl Linnas and Aleksander Koolmeister, commandant and senior officer respectively at camps in Tartu, and Tallinn; and Aleksander Laak, commandant at Jägala and later in Tallinn. The Commission also singles out the role of the members of the three-man tribunals which passed sentence on Soviet POWs, suspected Communist sympathisers, and "anti-social elements".

The Commission has considered carefully the role and responsibility of those who worked for the Directorate in areas other than the police, and in less senior capacities, ranging from heads of departments down to clerical workers. Although their activities contributed to the German war effort, we concluded that in the absence of evidence of specific actions taken by these individuals that gave rise to a criminal act, we could not hold them responsible for criminal acts simply by virtue of the positions they held.

Many of the lower-level administrators had held the same or similar positions under previous

regimes. The Commission believes that they belong to the large category of Estonians who may have been aware of criminal acts, but neither took part in them, nor registered any protest against them.

The Commission reviewed the role of the “forest brothers”, and their successors (*Omakaitse*) during the early stages of the German occupation. Research reports show that the bulk of the killings of alleged Communist sympathisers occurred at the hands of *Omakaitse* members, in the first two months following the German invasion. *Omakaitse* units also took part in the round-up of Jews (and possibly in their killing).

Estimates suggest that some 30,000–40,000 men were members of the *Omakaitse*. A comparison of local *Omakaitse* strength with the number of accusations of killings in those areas suggests that only a relatively small proportion of *Omakaitse* members (approximately between 1000 and 1200 men) were directly involved in criminal acts.

Members of the *Omakaitse* were eventually recruited into military units or police battalions, together with other volunteers and (at a later stage) conscripts. The Commission studied the limited material available on the activities of these units on Estonian territory and elsewhere.

The Commission has reviewed the role of Estonian military units and police battalions in an effort to identify the specific units which took part in the following actions:

- 1) escorting Jews deported from Vilnius to camps in Estonia.
- 2) providing guards for the Vaivara camp complex, the camps at Tartu, Jägala, Tallinn, and camps for Soviet POWs, in all of which prisoners were killed.
- 3) guarding the transit camp for Jews at Izbica in Poland, where a significant number of Jews were killed.
- 4) providing guards to prevent the escape of Jews being rounded up in several towns in Poland, including Łódź, Przemysl, Rzeszow, and Tarnopol.
- 5) the roundup and mass shooting of the Jewish population of at least one town in Belarus (Nowogródek).

The study of Estonian military units is complicated by frequent changes in unit designation, in personnel and in duties, some of which are poorly recorded. However, it has been possible by careful use of Soviet era trial records, matched against material from the Estonian archives, to determine that Estonian units took an active part in at least one well-documented round-up and mass murder in

Belarus. The 36th Police Battalion participated on 7 August 1942 in the gathering together and shooting of almost all the Jews still surviving in the town of Nowogródek.

In the published records, this unit was described as fighting against partisans at the time. The Commission believes that although there clearly were numerous engagements between police units and partisans, “fighting against partisans” and “guarding prisoner of war camps” were at times ways of describing participation in actions against civilians, including Jews.

Although there is little documentary evidence on this subject, individuals also reported the presence of Estonian units as guards at Łódź, Tarnopol, Przemysl and Rzeszow. Major deportations to the death camp at Belzec from the ghettos of the three latter towns took place between July and September 1942. However, neither the dates mentioned, nor the testimony given, directly implicate Estonian units in these actions.

Research has also disclosed evidence of crimes against humanity, and acts of genocide, in which the 286th, 287th and 288th Police Battalions participated at various times in their existence. These include the killing of prisoners at camps in Estonia, and participation in what are described as “raids” on villages in Poland, Belarus, and Lithuania. The 287th was on duty at the Klooga camp in September 1944, when the last surviving prisoners were killed. It is not clear whether the actual killings were carried out by German SS guards, by members of a reserve unit of the Estonian SS, or by members of the 287th. It is however clear that the 287th was actively involved in gathering together the prisoners, guarding them, and escorting them to their death. The unit was withdrawn to Germany and most of its men were sent to the 20th Estonian SS Division.

Given the frequency with which police units changed their personnel, the Commission does not believe that membership in the cited units, or in any specific unit is, on its own, proof of involvement in crimes. However, those individuals who served in the units during the commission of crimes against humanity are to be held responsible for their own actions.

## GENERAL CONSIDERATIONS

The Commission decided that it could not conclude this Report without making some general comments on the situation facing Estonia during the German occupation.

There is no doubt that the year-long Soviet occupation which immediately preceded the German attack on the Soviet Union caused immense damage to Estonia's institutions and to her citizens. In particular, the mass deportations of June 1941 (at least 1% of the entire population, including 10% of the Jewish community) created an atmosphere of panic, in which the German invasion initially appeared to many as a form of liberation.

In the confusion of the first two months, until German forces occupied the whole of Estonia, the implementation on Estonian territory and against Estonian Jews of Nazi genocidal policies – evident in the murder of Estonian Jews in Pärnu and elsewhere – went largely unnoticed by the population as a whole.

By the time the roundup of Jews (and Roma) began in earnest in late August 1941, over three-quarters of the Jewish community had fled. Anecdotal evidence suggests that some of those who stayed behind did so because they refused to seek refuge in the Soviet Union.

The extermination of the remaining Estonian Jews was carried out so thoroughly, by *Sonderkommando* 1a with assistance from the *Omakaitse* and the Estonian police, that no ghetto was formed. Until the later deportation of foreign Jews to camps in Estonia, the only surviving Jews on Estonian territory were those few who had been hidden by Estonian friends or relatives.

The use of Estonian military units (including the Estonian Legion), and police battalions in various capacities in Belarus and Poland suggests at best indifference on the part of those troops and their officers to the plight of Jews; at worse, active cooperation in genocide. Estonian troops guarded several towns in Poland from which Jews were periodically deported to the death camps, to prevent their escape. On the basis of what happened elsewhere there would have been attempts to break out to the forests. There is no documentary evidence of the actions taken by Estonian troops, but the implications of their presence in and around those towns are clear.

The eye-witness account by Polish resistance fighter Jan Karski of the events at the Izbica transit

camp is equally clear. Jews were loaded into trains whose floors had been covered in quicklime, and which were then shunted onto sidings until they were dead. Karski entered the camp (which he initially thought was Belzec) by bribing an Estonian guard. This unidentified Estonian unit shared guard duties with auxiliaries of other nationalities.

The evidence for the participation of the 36th Police Battalion in the liquidation of the ghetto in Nowogródek is much clearer and compelling. In view of the repeated use of the language used to disguise this crime (“fighting against partisans”), the Commission believes that at least a portion of the activity of the Estonian police battalions constituted, or contributed to, crimes against humanity or genocide.

There is doubt about the activities of the “forest brothers”, and later the *Omakaitse* in the first few weeks after the German invasion, although this part of the subject is poorly documented. The recruitment of “destruction battalions” to support the scorched earth withdrawal of the Red Army gave rise to the Summer War in Estonia – engagements primarily between armed bands of Estonians who took opposing political positions.

Our research has shown that a significant majority of destruction battalion members were ethnic Estonians, as were the bulk of those “forest brothers” and members of the *Omakaitse* opposing them. There is every reason to believe that in the confusion of the first stage of the German invasion, crimes were committed by both sides in the conflict, and that innocent civilians were deliberately killed. Many of the hundreds of “suspects” rounded up by the *Omakaitse* and many killed by Soviet destruction battalions fall into this category.

The situation of those who wanted a return to a free and democratic Estonian state, and consequently opposed both the Germans and the Soviets, was the most difficult. They had virtually no means of expressing themselves. Their existence can be inferred from the shortage of volunteers for military and police units in the earlier stages of the German occupation.

There is anecdotal evidence from surveys of popular opinion conducted by Estonian Security Police that this passive resistance grew as it became evident that Estonia would not recover her independence under the aegis of the Germans, nor would the Soviet confiscations of land and property be reversed.



We note that over 3,500 Estonians crossed the Gulf of Finland, some to avoid conscription and others to volunteer to serve in the Finnish Army, so that they could fight against the Soviets, but not under German command. We believe that many of these men were taking the only action they believed possible at the time, to enable them to play some active role in the struggle for the eventual recovery of Estonian independence. We believe that the 1800 men who returned to Estonia in August 1944 at the urging of the last pre-war Estonian Prime Minister Jüri Uluots, continued in this belief when they returned to Estonia as Soviet forces advanced.

In essence, the main difficulty throughout the German occupation (and afterwards) was that resistance to the Germans would inevitably be construed as support for Communism and the Soviet Union; while resistance to the Soviets would be construed as support for Nazism. Despite the continued service of diplomats of the Estonian Republic in several countries, there was no Estonian government in exile, in whose name resistance could have been undertaken. There was very little “middle ground”.

The attitude until the late summer of 1944 of those few pro-democracy and pro-independence politicians who were still active, was that when the war ended, Estonia would have the opportunity at a peace conference to reassert her claims to independence. In hindsight, this was a forlorn hope. The attempt in September 1944 to restore an independent state and government, and resist the reimposition of Soviet rule, was prevented by the opposition of German forces, the refusal of the Soviets to negotiate, and the weakness of the military units at the disposal of the new government.

The people who left Estonia before the advancing Russians did so because they did not want to find themselves under Soviet occupation again. Among their numbers were those who believed that their cooperation with the Germans would have brought them before Soviet justice. Some, at least, were members of the Directorate, or of the Security Police, or had as members of military units or police battalions guarded camps or towns in which crimes against humanity or acts of genocide had been committed.

These people were, with isolated exceptions, never required to account for their actions before a court of law. The outbreak of the Cold War provided a form of amnesty for those who could claim that their struggle had been against the Soviets, even if in alliance with or subordinated to Germany. Questions about the nature of their activity during the war were, with a few exceptions, not asked. Accordingly, many refugees were able to emigrate freely to England, Australia, Canada, the United States and elsewhere.

Our research examined the fate of numbers of Estonians who had stayed in Estonia, or had fallen into Soviet hands as prisoners, and were put on trial. A few were acquitted. Others were convicted of a range of criminal activities on the basis of credible evidence. But when their convictions were based solely on collaboration with the Germans, as Soviet citizens, the convictions were unsound. Estonia had not joined the Soviet Union by any form of due process, and Estonians had every right to regard themselves as citizens of the Estonian Republic.

We recognise that the repressive policies of both of the Soviet periods of occupation, the inability of Estonia to reassert her independence during or after the German occupation, the losses of life and property that occurred as a result of the war, and the further loss of tens of thousands of Estonians who fled the return of the Soviets, made Estonia and Estonians a victim nation. After the war it was only natural that Estonians in exile and Estonians still in Estonia primarily attributed this victimhood to the “oppressor in residence”, the Soviet Union. This explains why it was difficult to deal with the German occupation.

The Commission believes being a victim does not preclude acts of perpetration. A people which respects the rule of law should recognise crimes when they have been committed, and condemn them and those who committed them.

It is unjust that an entire nation should be criminalized because of the actions of some of its citizens; but it is equally unjust that its criminals should be able to shelter behind a cloak of victimhood.