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The Birth and Persistence of the Katyn Lie

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A stylized world map in shades of blue and white, serving as a background for the top section of the cover.

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THE BIRTH AND PERSISTENCE OF THE KATYN LIE

Witold Wasilewski

THE BIRTH AND PERSISTENCE OF THE KATYN LIE

*Witold Wasilewski**

As a result of the German invasion of Poland in September 1, 1939 and then the Soviet invasion on September 17, half of Poland's territory came under Soviet rule. In the spring of 1940, the Soviets murdered about 22,000 Polish officers—including prisoners of war and high-profile citizens—in Katyn and in other locations. After the German invasion of the Soviet Union on April 13, 1943, Radio Berlin announced the discovery of the bodies of Polish officers killed by Bolsheviks in the Katyn region. On April 15, 1943 Radio Moscow published a communiqué from the Soviet Information Bureau that blamed the Germans for the massacre of Polish officers. This communiqué gave birth to the false Soviet version of the murder of Polish prisoners of war, which became known as the Katyn lie. In the subsequent months the Katyn lie was reinforced by fabricated “evidence” provided by the Soviet security departments NKVD and NKGB. In early 1944, the Special State Commission, headed by Nikolai Budenko, presented to the world the complete official Soviet version of the atrocities against Poles. After World War II, the Soviet fabrication was perpetuated and spread to all countries of the communist bloc and to many circles in the west. This article details the spread of the Katyn lie, as uncovered through newly available documents in official Russian historical archives.

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CONTENTS

I. INTRODUCTION	672
II. REACTIONS TO THE DISCOVERIES AT KATYN.....	674
III. FABRICATING HISTORY AT KATYN.....	675
IV. THE KATYN LIE AS PROPAGANDA FOR THE SOVIET STATE: THE BURDENKO COMMISSION	682
V. CONCLUSION	693

I. INTRODUCTION

In the spring of 1940, pursuant to a March 5th order of the Political Bureau of the VCP (b), the People's Commissariat for Internal Affairs (NKVD) murdered about 22,000 Polish prisoners of war and other Polish citizens that had been arrested in the Polish territories annexed to the Soviet Union.¹ The victims were mainly Polish military officers.² The Katyn Forest was one the various locations of their execution.

The truth about the Katyn massacre came from an unexpected source. In the early spring of 1943, after information from the local population and an informal investigation, German authorities decided to search the Katyn Forest.³ The search led to the discovery of the bodies of the murdered Polish officers, the last piece of evidence linking the NKVD to the murders. After the defeat at Stalingrad, Joseph Goebbels, interested in undermining the credibility of the Soviet Union, began a propaganda offensive. On April 13, 1943, Radio Berlin announced that German authorities discovered the bodies of Polish officers in the Katyn Forest near Smolensk.⁴ This news generated wide interest throughout the world.⁵ Delegations—including journalists from the occupied and neutral countries, allied officers held

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1. Matthew Day, *US 'Hushed Up Katyn Massacre'*, TELEGRAPH (UK), Sept. 11, 2012, <http://www.telegraph.co.uk/news/worldnews/Europe/poland/9535828/US-hushed-up-Katyn-massacre.html>.
 2. Benjamin B. Fischer, *The Katyn Controversy: Stalin's Killing Field*, CIA, <https://www.cia.gov/library/center-for-the-study-of-intelligence/csi-publications/csi-studies/studies/winter99-00/art6.html> (last updated June 27, 2008).
 3. See Inessa Jazhborovskaya, *The Katyn Case: Working to Learn the Truth*, RUSS. ACAD. SCI. SOC. SCI., 2011, at 34–35.
 4. 149 CONG. REC. 8,556 (statement of Rep. Paul E. Kanjorski).
 5. KATYŃ : DOKUMENTY ZBRODNI. T. 4, ECHA KATYNIA : KWIECIEŃ 1943 - MARZEC 2005 [KATYN: DOCUMENTS OF A CRIME,ECHOES OF KATYN] 43 (Wojciech Materski et al. eds., 2006) [hereinafter KATYN: DOCUMENTS OF A CRIME].

in German camps, and forensic doctors—were dispatched to the Katyn Forest; they all confirmed the terrible truth.⁶

On April 15, 1943, in response to the German revelation, Radio Moscow published a communiqué from the Soviet Information Bureau that expressed outrage, blamed the Germans for the massacre of Polish officers, and promised punishment of “the German-Fascist murderers” for this crime.⁷ The very first paragraph, implying that Germany’s propaganda offensive was an effort to provoke the USSR, establishes the key argument about German responsibility for the crime:

In the past two or three days Goebbels’s slanderers have been spreading vile fabrications alleging that Soviet authorities effected a mass shooting of Polish officers in the spring of 1940, in the Smolensk area. In launching this monstrous invention, the German-Fascist scoundrels do not hesitate at the most unscrupulous and base lie in their attempt to cover up crimes which, as has now become evident, were perpetrated by themselves.⁸

The second paragraph of the communiqué, which also appeared in press publications, is also extremely important. This paragraph foreshadows the future construction of a fraudulent version of the events that the Soviet Union and its communist allies developed. The Soviet Union officially declared:

The German-Fascist reports on this subject leave no doubt as to the tragic fate of the former Polish POWs who in 1941 were engaged in construction work in areas west of Smolensk and who, along with many Soviet people, residents of the Smolensk region, fell into the hands of the Soviet Fascist hangmen in the summer of 1941, after the withdrawal of Soviet troops from the Smolensk area.⁹

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6. H.R. REP. No. 2430, at 35–38 (1952).
 7. KATYN: A CRIME WITHOUT PUNISHMENT 306–07 (Anna M. Cienciala, Natalia S. Lebedeva & Wojciech Materski eds., Marian Schwartz, Anna M. Cienciala & Maia A. Kipp trans., 2007) (presenting Document 102 titled “Communiqué Issued by the Sovinformburo Attacking the German ‘Fabrications’ about the Graves of Polish Officers in the Katyn Forest”).
 8. *See id.* at 306. *See also* KATYN: DOCUMENTS OF A CRIME, *supra* note 5, at 44–45.
 9. KATYN: A CRIME WITHOUT PUNISHMENT, *supra* note 7, at 306. However, the text refrains from giving a detailed reconstruction of the fate of the Poles. Instead, the text basically deals with the crimes of the Nazis and of their taking of the captives to slavery in the summer of 1941, rather than a particular murder of Polish prisoners of war. Clearly, the authors

This communiqué gave birth to the false Soviet version of the murder of Polish prisoners of war, which ultimately become the Katyn lie.¹⁰

II. REACTIONS TO THE DISCOVERIES AT KATYN

The German announcement in April 1943 about the discovery in the Katyn Forest led the Polish government, which already had evidence of the Soviet guilt, to consider the German version of events as the most probable explanation and to attempt to clarify the fate of the Poles through international institutions and their own studies. On April 17, 1943, the Polish government asked the International Red Cross in Bern to investigate the matter.¹¹ At this time, the focus of the press was not on the crime itself, but on the German efforts to benefit from the crime.¹²

Days later, the Soviet newspaper *Pravda* attacked Poland for asking the International Red Cross to investigate and for cooperating with the German provocateurs from the Goebbels group.¹³ In contrast, the Polish attitude was very restrained. The Polish government withdrew its request to the International Red Cross under pressure from Winston Churchill, who echoed the concerns of Franklin D. Roosevelt.¹⁴ During the remaining years of World War II and after its completion, the United States and Great Britain followed a policy of concealing the truth and pushing the Katyn problem aside, laying the foundation of Anglo-American policy towards the Katyn crime.

Unlike the Polish government, the Soviet government acted decisively and ruthlessly. On April 25, 1943, the Soviet government,

(not yet familiar with all the strengths of the opponent) were afraid of being called to provide details. Yet, the conclusion about the murder of the officers appears irresistible to readers. The Soviets were not prepared for this situation. This development probably encouraged them to emphasize the topic of German provocation, not the murder itself, and to use very aggressive rhetoric.

10. In terms of language, "Katyn lie" is a structure analogous to that of Auschwitz—each name designates a specific historical phenomenon.
11. *The Katyn Massacre, WWII Behind Closed Doors*, PBS, <http://www.pbs.org/behindcloseddoors/in-depth/katyn-massacre.html> (last visited Apr. 11, 2013).
12. See ADAM MOSZYŃSKI, LISTA KATYŃSKA : JEŃCY OBOZÓW KOZIELSK, OSTASZKÓW, STAROBIELSK, ZAGINIENI W ROSJI SOWIECKIEJ 1988–89 (1982); ALAN PAUL, KATYŃ: STALIN'S MASSACRE AND SEEDS OF POLISH RESSURECTION 237–38 (2003).
13. See *The Katyn Massacre, WWII Behind Closed Doors*, *supra* note 11.
14. See *id.* See also TADEUSZ CIEŚLAK ET AL., SPRAWA POLSKA W CZASIE DRUGIEJ WOJNY ŚWIATOWEJ NA ARENIE MIĘDZYNARODOWEJ : ZBIÓR DOKUMENTÓW 347–48 (1965).

based on the belief that the Polish government supported the German efforts to shift the German responsibility for the Katyn crime to the USSR, broke relations with Poland.¹⁵ In the subsequent months, the Soviets began preparations for installation of the communist regime in Poland and focused on developing a very complex structure of forgery, building a legend of the German crime against the Poles.¹⁶ These efforts were designed to legitimize the Katyn lie in international public opinion.

III. FABRICATING HISTORY AT KATYN

The fabrication of the fundamental lies is well known today thanks to Russian researchers' work with documents from the Russian archives (mainly the State Archive of the Russian Federation and, to a lesser extent, Russian State Archive of Socio-Political History), which Natalia Lebedeva and Wojciech Materski have already discussed in great detail.¹⁷ The Polish public may now access these documents thanks to a team working under the leadership of Lebedeva and Materski.¹⁸ Original documents are available to

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15. See EDWARD J. ROZEK, *ALLIED WARTIME DIPLOMACY: A PATTERN IN POLAND 127–28* (1958). Molotov wrote a letter to the Polish Ambassador in the USSR regarding Poland's "slandorous campaign." The letter concluded by stating that "the present Government of Poland, having slid down the path of accord with Hitler's Government, ha[d] actually discontinued Allied relations with the U.S.S.R., and ha[d] adopted a hostile attitude towards the Soviet Union." *Id.*
 16. See *id.* at 133–35. In an effort to establish "a strong and independent Poland" with "a government friendly to them," the Soviets pursued their own investigation of the Katyn massacre, propagated official and media reports regarding Germany's responsibility, created a Polish Army that was politically controlled by the Soviets, and raised underground organizations. The Soviets' actions were "so effectively propagandized that it misled Western public opinion as to the real Soviet objectives." *Id.*
 17. See, e.g., Natalia S. Lebedeva, *Komisja Specjalna I Jej Przewodniczący Burdenko*, in *ZBRODNIA KATYŃSKA MIĘDZY PRAWDĄ I KŁAMSTWEM* 56–101 (2008); Wojciech J. Materski, *From the Beginning of a Propaganda War About the Katyn Massacre: Soviet Special Commission (The Commission Burdenko)*, in *REPRESJE SOWIECKIE WOBEC NARODÓW EUROPY 1944-1956*, at 20–28 (Dariusz Rogut & Arkadiusz Adamczyk eds., 2005).
 18. The edited versions of the "preliminary investigation" of Merkulov-Krugłowa and the so called "Burdenko Commission" are contained in *Katyni: Dokumenty Zbrodni* (Katyn: Documents of a Crime), volume 4. Some of the edited documents are quoted directly from the originals, but the editors, Lebedeva and Materski, have reordered them to represent the historiography.

researchers on site in Moscow, and I had the opportunity to review them.¹⁹

To construct a detailed, falsified contra-argument to the German accusation to prove German responsibility for the Katyn crime, the Soviets took advantage of the moment when the Soviet Army regained the Smolensk territory at the end of September 1943. Analyzing authorship of the Soviet-developed Katyn lie and the fabrication of evidence for the internal investigation purposes is complex. On September 22, 1943, when the Red Army was “30-35 km [outside] of Katyn,” Chief of Propaganda and Agitation of the Central Committee of the VCP (b), Georgi Alexandrov, wrote to the secretary of the Central Committee Andrei Shcherbakov, pointing out the need for “preparatory steps to expose the German provocation” and proposing the establishment of a special committee consisting of representatives from the Extraordinary State Commission for the Investigation of Crimes of the German-Fascists and their Accomplices.²⁰ The Politburo of the VCP (b), the highest political authority of the USSR, decided to implement the general plan Alexandrov had proposed.²¹ However, the Politburo made some modifications. Namely, it limited the first phase of work exclusively to the activities of special security services and it designated the work as secret.²² Only later did the Politburo allow other institutions to join the investigation.²³ This strategy ensured that the security apparatus of the Soviet state shaped a key part of the Katyn investigation. This delay of civilian access to and investigation of the crime scene

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19. The opportunity to access documents of team 7021, inv. 114, vol. 6 (Kruglov-Merkulov Commission) and inv. 114, vol. 8 (Burdenko Commission) at the Gosudarstvennyi arkhiv Rossiiskoi Federatsii (GARF) was of key significance [hereinafter GARF Documents]. For help during my query in Moscow, I would like to thank Hieronim Grala, Magdalene Gumkowska and all sympathetic Russian people. *See also ArcheoBiblioBase: Archives in Russia: B-1*, INT’L INST. OF SOC. HIST. (Feb. 8, 2013), <http://www.iisg.nl/abb/rep/B-1.tab1.php> (for a description of GARF and its archives).
 20. KATYN: DOCUMENTS OF A CRIME, *supra* note 5, at 121. *See also* KATYN: A CRIME WITHOUT PUNISHMENT, *supra* note 7, at 226–27.
 21. KATYN: A CRIME WITHOUT PUNISHMENT, *supra* note 7, at 226–29 (describing the implementation and scope of “the Special State Commission for Ascertainning and Investigating the Circumstances of the Shooting of the Polish Prisoners of War by the German Fascist Invaders in the Katyn Forest,” more commonly known as the Burdenko Commission).
 22. *See* GEORGE SANFORD, KATYN AND THE SOVIET MASSACRE OF 1940: TRUTH AND MEMORY 136–38 (2005) (recounting the formation of the secret Soviet commission to investigate the massacre).
 23. *Id.* at 139 (recounting the introduction of outside parties to the investigation).

regarding the Soviet secret police's activity suggests that the secret police were better suited for operational front-line work and indicates a limited trust towards civilian investigation.

For these reasons, there was a delay in granting Nikolai Burdenko, a member of the Extraordinary State Commission, access to the Katyn site. Burdenko requested permission to begin conducting fieldwork on September 27, just two days after the entry of the Red Army to Smolensk.²⁴ He and his infamous committee appeared on the crime scene several weeks later. The NKVD and the People's Commissariat for State Security (NKGB) effectively took full control over the initially weak coordination of the investigation. Certain initial indecisiveness as to the tactics of investigation may have resulted from the unusual nature, even by Soviet standards, of the crime committed.

The nervous Politburo decision-makers who approved the death order of the Polish officers in March 1940 were pushing for quick and decisive action at the expense of methodical and professional investigation. The officers who carried out the death orders from NKVD Chief Lavrenty Beria hastened to camouflage their crimes.²⁵ Even trusted members of the scientific establishment of the party, including Burdenko, were excluded.²⁶ Joseph Stalin eventually endorsed the preparation and manipulation of the crime scene.²⁷

As a result of these efforts, it was the murderers of the Polish officers who had the first opportunity to conduct a preliminary investigation of the Katyn crime; this laid the groundwork for further concealment. In September and October 1943, NKVD and NKGB officers from headquarters in Moscow and from the NKVD Board of the Smolensk Oblast arrived at the crime scene. These were the very same people who best knew about the murders, because they participated in them. Leonid Rajchman, a head of counterintelligence of the NKGB, commanded the initial operations in the Katyn region. Deputy People's Commissar of Internal Affairs Sergei Krugłow and People's Commissar of State Security Vsevolod Merkulov guided and oversaw the whole operation from Moscow. Both men were members of the "troika" the NKVD designated to implement the Katyn order on March 5, 1940.²⁸ The two of them made several on-site inspections in 1943.²⁹

24. See KATYN: A CRIME WITHOUT PUNISHMENT, *supra* note 7, at 226. See also GARF Documents, *supra* note 19, doc. 38, at 122.

25. See KATYN: A CRIME WITHOUT PUNISHMENT, *supra* note 7, at 227.

26. See *id.* at 228.

27. Cf. *id.* at 228–29 (indicating the top Soviet officials agreed to share the Burdenko report as an official investigative report).

28. Cf. INESSA JAŻBOROWSKA, ANATOLIJ JABŁOKOW & JURIJ ZORIA, KATYŃ: ZBRODZIA CHRONIONA TAJEMNICĄ PAŃSTWOWĄ 285–86 (1998).

From the beginning of October 1943 to January 1944, officers of the NKVD and NKGB made efforts to hide the truth about the crimes and create a false picture of the fate of Polish prisoners of war. Operational activities of the officers under Krugłow and Merkulov, partially described later as “the initial investigation into the so-called Katyn matter” involved, *inter alia*: 1) securing the site of a crime and concealment of bodies from outsiders; 2) opening, between October and December 1943, the pits with bodies; and 3) preparing evidence for the future “exhumations” in order to draw manipulated conclusions about innocence and guilt.³⁰ The second task involved the fabrication of documents with dates from the second half of 1940 and first half of 1941, demonstrating the Soviet attempts to show that the Polish victims were still alive during that time frame. The fabricated documents were slipped into the corpses to be later “discovered” as evidence of German guilt.³¹ These actions, which rank among the most secret and arcane of the secret service, were very enigmatically incorporated in the report on the outcome of the investigative committee led by Krugłow and Merkulov.³² Such conduct is clear from the analysis of documents at the Russian archives and has been confirmed by the Military’s Prosecutor General of Russia.³³

The main focus of the Krugłow-Merkulov team was, however, the collection of live testimony—that is collecting false testimony in writing, preparing witnesses to confirm the false version of events, and ruthlessly eliminating any witnesses who would dare to proclaim the truth. Of interest were people with knowledge of the circumstances of

The specific contribution of individual officers is visible in the files “Investigation of Merkulov and Kruglov,” Государственный архив Российской Федерации (ГАРФ) (GARF). In fact, the investigation dealt with the work of two departments, whose work was coordinated by the semi-official inter-ministerial “committee” of Merkulov and Kruglov.

29. See KATYN: A CRIME WITHOUT PUNISHMENT, *supra* note 7, at 227.
30. See *id.* at 227–28.
31. The record shows for example, a paper written by Stanislaw Kuczynski on June 20, 1941, which was evidently added. Kuczynski did not die in Katyn. Burdenko Commission expert Zubkov Konstantin cited other “discovered” papers from the exhumation (for example, the cited piece of the body No. 53). See Lebediewa, *supra* note 17, at 65–67; GARF Documents, *supra* note 19, unit 7021, inv. 114, vol. 9, k. 6–8.
32. See Lebedeva, *supra* note 17, at 64–65 (stating that Krugłow and Merkulov’s work was described in a way that clarified that the Germans were deployed in Katyn Forest and were responsible for the crime).
33. See *id.* at 65. The General Military Prosecutor of the Russian Federation has obtained evidence in this case from those directly involved in the forgery.

the crime as well as those who had nothing to do with it.³⁴ The favorite and frequently used method was to intimidate and blackmail the targeted persons by threatening them with accusations of collaboration with the Germans during the occupation.³⁵

NKGB authorities working on the 1943-1944 preliminary investigation took advantage of the military counterintelligence investigations by SMERSH that focused on charges of collaboration with the Germans that began even before their arrival in the Katyn region.³⁶ It should be remembered that Soviet citizens who were at risk of being accused of collaboration with the Nazis were usually willing to bend to the will of their interrogators from the triumphant Soviet state.³⁷ At the same time, investigators gathered evidence of people whose authentic but partial knowledge of the conditions under German occupation would, when placed in the right context, serve to build the falsified version of events. Force was typically applied towards persons who had previously been called as witnesses by the German and the international commissions.³⁸ These people were forced to change their testimony.³⁹

In the arsenal of their measures, the terror of isolation played an important role. People either succumbed to the NKVD-NKGB demands or were isolated from the world, and if still resistant, were physically “liquidated.”⁴⁰ After softening potential witnesses with brutal methods, the NKVD-NKGB interrogated nearly 100 people and verified an additional seventeen statements for the Extraordinary

34. See Inessa Jaźborowska & Anatolij Jabłokow, *Katynskoje priestuplenije: barometr sostojanija prava w czelowieczeskom izmierienii*, in MIEŻDU PROSZŁYM I BUDUSZCZYM 264 (1999). Range of genuine knowledge about the crime of “locals” witnesses should not be overestimated. See also KATYN: A CRIME WITHOUT PUNISHMENT, *supra* note 7, at 227 (recounting that “witnesses” who had worked for the Germans in Smolensk were threatened with the death penalty for collaborating with the enemy, and thus “agreed to say whatever they were told”).

35. See KATYN: A CRIME WITHOUT PUNISHMENT, *supra* note 7, at 227.

36. See GARF Documents, *supra* note 19, unit 7021, inv. 114, vol. 8, k. 262–63, 255–60. The original connection with SMERSH during the massacre investigation is not obvious in my opinion.

37. See KATYN: A CRIME WITHOUT PUNISHMENT, *supra* note 7, at 227.

38. See Milena Sterio, *Katyn Forest Massacre: Of Genocide, State Lies, and Secrecy*, 44 CASE W. RES. J. INT’L L. 615, 621 (2012).

39. See, e.g., *Misinformation: The Key to Soviet Policy*, <http://www.pomniksmolensk.pl/news.php?readmore=2395> (last visited Apr. 8, 2013).

40. See Lebedeva, *supra* note 17, at 62 (discussing the “single cell” and “liquidation”).

State Commission.⁴¹ The activity of the Soviet security apparatus consisted of collecting interviews and compiling material evidence, such as German leaflets from 1943, which were then widely disseminated as the documentation of the Commission.⁴²

Reporting on the overall investigative work is not at this point necessary because, fortunately, many researchers have already addressed this issue.⁴³ However, it should be emphasized that while collecting testimonies, the investigators simultaneously were preparing selected persons for “live” testimony in the future. For example, the NKGB-NKVD forced an important witness, Parfion Kisielow, to revoke his testimony from 1943 in front of foreign journalists. His case typified the phenomenon of “inverted” witnesses.⁴⁴ The testimony of Boris Bazilevsky, deputy mayor of Smolensk during the German occupation, offers another example of careful witness preparation by the Krugłow-Merkulov team. Bazilevsky presented a complex “legend” about his connection to the Katyn case and became a member of a small group of Soviet witnesses during the Nuremberg Trial.⁴⁵

The findings of the Krugłow-Merkulov team known as “The Special Committee Composed of Representatives of Relevant Bodies” in the crucial period from October 5, 1943 to January 10, 1944, were summarized in the *Information on the Results of a Preliminary Investigation into the So-Called Katyn Matter* (*Information of a Preliminary Investigation*).⁴⁶ This document, signed by the two above-mentioned individuals,⁴⁷ concludes:

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41. See GARF Documents, *supra* note 19, unit 7021, inv. 114, vol. 6, k. 1. The Commission’s report on this time period (through January 10) indicates that ninety-five witnesses were called and a few days later Krugłow discussed ninety-three interviews. In addition, the committee had collected seventeen statements from “people who have come forward,” or, as far as I understand, have come up with their own initiative to clarify in writing.
 42. See *id.*
 43. Natalia Lebedeva and Wojciech Materski provide the most complete description of the work of both committees (ministerial and state).
 44. See *Misinformation: The Key to Soviet Policy*, *supra* note 39.
 45. See Nuremberg Trial, Proceedings vol. 17 (July 1, 1946) (transcript of Boris Bazilevsky testifying as a witness).
 46. KATYN: A CRIME WITHOUT PUNISHMENT, *supra* note 17, at 227.
 47. GARF Documents, *supra* note 19, unit 7021, inv. 114, vol. 6, k. 1–53.

1. The Polish prisoners of war were working on a road construction project from the spring of 1940 to June 1941 (that is until the beginning of the Soviet-German war) west of Smolensk.⁴⁸
2. The prisoners of war were captured by the Germans in late August and September 1941.⁴⁹
3. The shooting of Polish prisoners of war in the autumn of 1941 in the Katyn Forest was carried out by an “unknown German military institution” that was stationed in a dacha in “Kozy Gory” until the end of September 1943. Colonel Ahrens commanded the unit; his closest associates and accomplices in this crime were Lieutenant Rechst and Second Lieutenant Hott.⁵⁰
4. After the shooting of the prisoners of war on orders from Berlin in the autumn of 1941, Germany undertook proactive efforts to assign their despicable crimes to the Soviet power.⁵¹

Next, the NKVD-NKGB stressed the fact that the Germans also killed 500 Russian prisoners of war who were digging the Katyn graves.⁵² With outright hypocrisy the committee emphatically concluded that the Germans murdered the Soviet prisoners of war to cover up German crimes and as part of the German “planned policy of extermination of the ‘inferior’ Slavic nations.”⁵³ The Katyn lie, made possible by the mystification of the crime by the NKVD-NKGB and the report of the Krugłow-Merkulov committee, became the official position of the Soviet state.

The *Information of a Preliminary Investigation* did not signify the conclusion of activities of the Krugłow-Merkulov team. For example, a document entitled *A Supplement to the Information of S. Krugłow on the Results of Preliminary Investigation on the Katyn Massacre Dated 18 January 1944* summarizes successive

48. *The Truth About Katyn: Report of The Special Commission for Ascertainning And Investigating The Circumstances of The Shooting of Polish Officer Prisoners by The German-Fascist Invaders in The Katyn Forest*, SOVIET WAR NEWS WEEKLY (supplement), Jan. 24, 1944, at 1–2 [hereinafter *The Truth About Katyn*], available at http://libraries.ucsd.edu/speccoll/DigitalArchives/d804_r9-t78-1944/d804_r9-t78-1944.pdf.

49. *See id.* at 2–3.

50. *See id.*

51. *See id.* at 4.

52. *See id.* at 7.

53. *See* GARF Documents, *supra* note 19, unit 7021, inv. 114, vol. 6, k. 1952–53. *See also* KATYN: DOCUMENTS OF A CRIME, *supra* note 5, at 162.

achievements. Merkulov and Krugłow state in the document, citing data obtained from the Board of Foreign Intelligence of the General Staff of the Red Army, that “this unknown German military institution [under the command of ‘Arnes,’ actually Friedrich Ahrens, listed above] in the German Army had a staff of 537 on the construction battalion.”⁵⁴ The Soviets used this information to provide an altered account of the Katyn case at Nuremberg with disastrous results.

In the future, adjustments to the “reconstruction of the events” were superficial and made only in exceptional circumstances when necessitated by situations where defending the detail was too harmful for the overall consistency of the forgery and lie. For example, the original dates of “the end of August and September 1941” as a possible date of crime were changed to the “fall of 1941.” Such manipulation clearly indicates the decisive role of the Krugłow-Merkulov committee in the construction and management of the Katyn lie.

The completion of the first phase of the Krugłow-Merkulov investigation on January 10, 1944, and the completion of the drafting of the report just two days later was not accidental and was logically placed within the chronology of the construction of the Katyn lie. Since then, the information and materials gathered by this committee were to be used by an official state commission on the investigation of the Katyn crime. The formulation of final conclusions⁵⁵ on January 12, 1944, even before the end of operations by the security committee, clearly indicates that from the outset these conclusions were regarded as a guideline on the matter for the state commission and for the general public.

IV. THE KATYN LIE AS PROPAGANDA FOR THE SOVIET STATE: THE BURDENKO COMMISSION

At a meeting in Moscow of the Extraordinary State Commission on January 12, 1944, (more than three months after Nikolai Burdenko’s request to start an investigation), a Special Commission for the Findings and Examination of the Circumstances Surrounding the Shooting by the German Fascist Invaders in the Katyn Forest (near Smolensk) of the Prisoners of War (the Burdenko Commission), was set up and its composition was established.⁵⁶

The Burdenko Commission was formed by a resolution, signed by President of the Extraordinary State Commission, Nikolai Szwernik, who also acted as an alternate member of the Political Bureau of the

54. See GARF Documents, *supra* note 19, unit 7021, inv. 114, vol. 7, k. 1–9.

55. See KATYN: A CRIME WITHOUT PUNISHMENT, *supra* note 17, at 227.

56. See GARF Documents, *supra* note 19, unit 7021, inv. 114, vol. 8, k. 39.

VCP (b).⁵⁷ The Politburo approved the resolution without amendment and it was noted in the relevant protocol on January 13, 1944.⁵⁸

In the preparation of this document, Andrei Wyszynski prepared a preliminary draft, Vyacheslav Molotov and Lavrenty Beria gave it the shape of a politically “mature” working draft, and Stalin approved it.⁵⁹ It should be noted that Molotov, after consultation with Beria, made changes to the proposed composition of the committee Stalin had approved.⁶⁰ The composition of the Burdenko Commission included Nikolai Burdenko, member of the Academy of Science, was chairman of the committee; Alexei Tolstoy; Nikolai Metropolitan; General Alexander Gundorow, Chairman of the General Pan Slavic Committee; Sergei Kolesnikov, Chairman of the Executive Committee of Red Cross and Red Crescent; Vladimir Potemkin, People’s Commissar of Education RFSRS Academician; Lieutenant General Yefim Smirnov, Head of the Main Military-Sanitary Board of the Red Army; and Riodon Melnikov, Chairman of the Smolensk Regional Executive Committee of the VCP (b).⁶¹

The activities of the Burdenko Commission can be recreated thanks to documents from a briefcase stored in the Russian archives and extracted from oblivion by Russian researchers. These documents not only provide insight into the results of the Burdenko Commission but also into the behind-the-scene works of the Burdenko Commission. The Burdenko Commission held six meetings, including two on January 18 at 11:00 a.m. and 11:50 p.m.⁶² The Commission announced the results of its work on January 24, 1944.⁶³

The inaugural meeting of the Burdenko Commission in Moscow left no doubt as to the direction in which the Commission would go. Deputy Commissioner of Internal Affairs Sergei Krugłow took part in

57. See Natalia S. Lebedeva, *Katyn Massacre* 441 (undated), available at http://press.princeton.edu/chapters/p0ns/s5_9143.pdf (explaining the establishment of the Burdenko Commission).

58. KATYN: DOCUMENTS OF A CRIME, *supra* note 5, at 171.

59. See Lebedeva, *supra* note 47, at 441 (noting that Molotov and Beria made proposals to the resolution and Stalin had to approve such changes).

60. See *id.* (“Molotov, with Beria’s consent, proposed including in the commission the chair and another member of the Central Directorate of the Union of Polish Patriots, which had been created in Moscow.”).

61. See KATYN: A CRIME WITHOUT PUNISHMENT, *supra* note 17, at 227–28. Alexei Tolstoy was a famous writer of genuine achievements is one of the luminaries of Russian literature.

62. See *id.* at 318.

63. See *id.* at 319 (reprinting the Commission’s report).

its meeting on January 13, 1944.⁶⁴ Krugłow presented the findings of his commission, and these findings were accepted members by the members of the Burdenko Commission without the slightest discussion, as evidenced by transcripts of the proceedings.⁶⁵ Krugłow, focusing on the document *Information*, emphasized the evidence gathered from witnesses. Burdenko, Tolstoy, Metropolitan, Potemkin, Gundorow, and Makarov all spoke at the meeting.⁶⁶ Discussion was limited to neutral comments on the Krugłow information; an exchange between Tolstoy, Krugłow, and Burdenko is illustrative:

TOLSTOY: The most basic statement is that the Poles were still alive after our withdrawal from Smolensk.

KRUGŁOW: Very many witnesses testify that in autumn 1943 Germans escorted small groups of Poles, about 30-40 each in vehicles to the Katyn Forest.

TOLSTOY: I think that at upon opening of the graves there should certainly be some documents, cards, notes, letters dated later than 1940.

KRUGŁOW: Later than the spring of 1940; for sure it will be representative material evidence. . . .

BURDENKO: As we heard from a speech by Comrade Krugłow, this matter is serious, and I propose to discuss the plan of our work.⁶⁷

There was no discussion of essential questions on the Katyn massacre of primary interest to the world opinion either in this meeting or at any other meeting. Further deliberations that day related only to the technical and organizational aspects of work in Smolensk and Katyn.⁶⁸

The work of the Burdenko Commission consisted of collecting “evidence” for developing and supporting the fabricated version of the German responsibility for the murder of the Poles. The Commission did not investigate who perpetrated the crime. As explicitly stated in the name of this body, the Commission only investigated the “circumstances of the shooting by the German-Fascist invaders of the

64. *See id.* at 227–28.

65. *See id.* at 228.

66. *See id.* at 227–28.

67. GARF Documents, *supra* note 19, unit 7021, inv. 114, vol. 8, k. 1937–58. *See also* KATYN: DOCUMENTS OF A CRIME, *supra* note 5, at 181.

68. *See id.*

Katyn Forest.”⁶⁹ Gathering evidence in practice was limited to the recording of evidence gathered by the Krugłow committee. Using previously prepared materials extracted from the Katyn pits and witness testimonies selected from among those previously prepared by the NKVD-NKGB, the Burdenko Commission was able to issue its ruling within ten days.

A brief period of work and reliance on the report presented by the security apparatus does not mean, however, that the activity of the Commission had a completely fictitious character, limited just to signing in Moscow of protocols prepared by others. Members of the commission, with the help and under the supervision of the NKVD-NKGB, carried out fieldwork, including the inspection of death pits, visual inspection of bodies, and questioning witnesses.⁷⁰ At a meeting on January 18, 1944, at 11:00 a.m. it was decided that all members of the Commission would travel to the excavation site in the Katyn Forest in order to see the graves and determine how to prepare for the exhumation of corpses.⁷¹ Since January 14, excavations were conducted there under the direction of Krugłow, with Rodion Melnikova from the Commission.⁷² At the second meeting on the same day, which began ten minutes before midnight and in the presence of Victor Prozorowski and Victor Siemionowski, the Commission decided on a further division of tasks between its members into two groups: 1) excavation of corpses and forensic medical examination and 2) interviewing witnesses and systematization.⁷³

Holding two meetings in one day proves that the pace of the implementation of the tasks was of great importance. The exhaustive schedule of the working day from 9:00 a.m. to 2:00 p.m. and from 4:00 p.m. to 11:00 p.m.⁷⁴ also proves this point. While urgency was real, the involvement of the members ranged from serious (Burdenko, Potemkin, and Tolstoy) to minor (Smirnov and Gundurow). In the next few days, members of the Commission were overseeing exhumations with the participation of experts in forensic medicine and interviewed witnesses. On January 19, 1944 in Smolensk, the Burdenko Commission held its fourth meeting, interviewing and

69. GEORGE SANFORD, *KATYN AND THE SOVIET MASSACRE OF 1940: TRUTH, JUSTICE AND MEMORY* 137 (2005).

70. See *KATYN: A CRIME WITHOUT PUNISHMENT*, *supra* note 17, at 314–18 (reprinting the “Report of the Polish Red Cross Technical Commission on Its Work in Katyn,” which describes the Commission’s research at Katyn).

71. See GARF Documents, *supra* note 19, unit 7021, inv. 114, vol. 8, k. 64.

72. See *id.* k.63–64.

73. See *id.* at k. 96–97.

74. See *id.*

summarizing the results of the exhumation work, including forensic medicine experts.⁷⁵ The fifth meeting was held on January 20, in Smolensk.⁷⁶ During the meeting, Burdenko stated, “We finished interviewing witnesses, but we have to do another job. . . . Our planned work is coming to an end. We should hurry up with the audio recording. You have to choose the material, prepare it.”⁷⁷ This meant the end of the basic phase of “investigative” operations and moving to a stage of preparing the conclusions that were to be used as propaganda material. Accordingly, from January 13–20, 1944, the commission performed a series of labor-intensive activities. Regardless of the effort invested in the work carried out by the Burdenko Commission, a complex investigation and reconstruction of the events surrounding the murder of the Polish officers in such a short time was impossible.

Furthermore, the investigation was not conducted independently. The Commission used material gathered earlier by the perpetrators of the crime, exclusively and without objection. Information from the exhumation work conducted by the Commission on January 14, 1944, was based on the material prepared by the NKVD-NKGB. Preparations included tossing fake evidence into the pits of the dead.⁷⁸ The Burdenko Commission chose witnesses from among those questioned by the NKVD-NKGB, focusing merely on “jointly” selecting the “most useful,” while ignoring the rest of the earlier testimonies and not calling any new witnesses. In practice, this meant that the Commission only heard from people “prepared” by the Soviet apparatus of coercion.⁷⁹ It should be noted that the relationship between the Krugłow-Merkulov team vis-a-vis the Burdenko Commission reversed the normal policy for investigations—an investigative organ should secure evidence for the prosecuting body, but in this case, the prosecuting body secured the evidence for the investigative organ. The organ conducting the preliminary investigation imposed its version of events upon the prosecuting body, and the prosecuting organ only helped in its development. During the preparatory proceedings, a verdict was formed first, and then the Commission wrote its justification. The Commission only helped write the justification; officers of the Krugłow’s Security Ministry

75. *See id.* at k.146–48.

76. *See id.* at k.179–80.

77. *See id.* at k. 146.

78. *See* INESSA JAŻBOROWSKA, ANATOLIJ JABŁOKOW & JURIJ ZORIA, *supra* note 28, at 233–34, 258. *See also* JOLANTA ADAMSKA, ANDRZEJ PRZEWOŹNIK, *Katyni. Zbrodnia-Prawda-Pamięć*, at 359–60 (2010).

79. *Compare* GARF Documents, *supra* note 19, unit 7021, inv. 114, vol. 6, k. 1–53 and unit 7021, inv. 114, vol. 7, k. 1–9 *with* GARF Documents, *supra* note 19, unit 7021, inv. 114, vol. 8, k. 92–110, 111–42, 146–78.

participated in the investigation and complemented the Commission's work by supplementing their earlier *Information of a Preliminary Investigation*.

In light of the observation that the Burdenko Commission served a subsidiary and secondary role to the Krugłow team, a question arises as to the purpose of interviewing the same witnesses and searching the same mass graves as in the "preliminary investigation." In light of the weak logic of the construction of the Katyn lie, such activities make perfect sense. The work of the Commission was not used for reaching the truth about Katyn, or even for inventing a false version of events, as this was already done. The Commission was to prepare materials on Katyn for the purpose of Soviet propaganda. Documentation was to be presented by persons with prestige and authority higher than the NKVD, including forensic experts and scientists using professional terminology. In short, the findings of the Burdenko Commission offered propaganda material of a higher quality than that produced by the security apparatus. Some of the members of the Commission were likely concerned about the use of their reputation for such purposes and, hence, insisted on carrying out work at the crime scene and interviewing witnesses before signing off on the final documents.

The crowning of the work of the Burdenko Commission was the preparation of the communiqué and presentation for the press conference. The Commission, recognizing an urgent need to present material to the international community, organized a press conference for mostly foreign journalists, held on January 22, 1944, even though the Commission had yet to officially publish its findings from the investigation.⁸⁰ Potemkin and Tolstoy conducted the conference, with the participation of Metropolitan and Burdenko.⁸¹ During the initial part of the conference, the journalists were given a long statement, which included the important conclusion: "It can be considered as established that in the autumn, in August to September 1941, Germany shot in Kozie Gory Polish prisoners of war."⁸² In the second part, intended only for foreign correspondents, which in practice meant the Anglo-Saxons, the journalists had the opportunity to ask questions.⁸³ During the conference, testimonies of witnesses were presented; some witnesses appeared personally.⁸⁴

80. Fischer, *supra* note 2.

81. GARF Documents, *supra* note 19, unit 7021, inv. 114, vol. 8, k. 207–35.

82. *See id.* at k. 207–26 (initial part).

83. *See id.* at k. 227–35 (part for foreign journalists).

84. *See id.* at k. 237–57 (hearings before the commission in presence of foreign journalists).

In addition to false testimonies presented by Bazilevsky, Parfiona Kisielowa, and women employed in the “dacha” in the Katyn Forest, the Commission emphasized the prominence of “the father Alexander Ogloblin” as a witness “presented by the first hierarchy of the Orthodox Metropolitan Nikolai.”⁸⁵ Ogloblin was a priest from the church in the village Kurpino, situated in an area of the Katyn Forest.⁸⁶ This testimony was a creative contribution of the Burdenko Commission to the propaganda of the Katyn lie. In addition to questions, reporters were shown an exhibition of objects excavated from the death pits. Undoubtedly, this was an effort to appeal to the reporters’ emotions and possibly cause them to make the following inference: since the Soviets were showing evidence of these crimes, they could not have committed them.⁸⁷ The entire show was the joint work of the Krugłow-Merkulov and Burdenko teams. Thanks to this conference, world public opinion absorbed the Soviet version of events, not only through the Soviet mass media but also through foreign correspondents in the USSR.

It is likely that organizers of the conference also wanted to present the world with details of the Katyn lie that were, up to that point, held behind closed doors. No one considered the possibility that the international community would contest the Katyn lie. However, the Soviets wanted an opportunity to safely test the details and possible weak points of the forgery. It was the last moment for the Soviets, at a relatively low cost, to make additions and even make some adjustments in the constructed history. For example, an American journalist asked if the Committee noticed that the victims were dressed too heavily in sweaters and warm underwear for the August and September weather.⁸⁸ Potemkin replied that cool nights begin in September (ignoring August), and Tolstoy tortuously explained that the men had no other clothing.⁸⁹ Perhaps this exchange

85. *See id.* at k. 223–24.

86. *See The Truth About Katyn, supra* note 48, at 4.

87. *See id.* at 9, 12. Recalling his visit to the Katyn graves, Doctor Zhukov said, “As a result of my visit to the excavation site, I became firmly convinced that a monstrous crime had been committed by the Germans.” *Id.* at 9. The Special Commission then stated, “The conclusions drawn from the evidence given by witnesses . . . are completely confirmed by the material evidence and documents excavated from the Katyn graves.” *Id.* at 12.

88. *Cf. Investigation of the Murder of Thousands of Polish Officers in the Katyn Forest Near Smolensk, Russia: Hearing before the Select Committee to Conduct an Investigation of the Facts, Evidence, and Circumstances of the Katyn Forest Massacre*, 82nd Cong. 316 (1952) [hereinafter *Investigation of the Murder of Thousands of Polish Officers*].

89. GARF Documents, *supra* note 19, unit 7021, inv. 114, vol. 8, k. 228–29.

contributed to the replacement in subsequent Soviet documents of the August and September 1941 timeframe (alternatively, the end of August and September) with the phrase “autumn” of 1941.

The day after the press conference, January 23, 1944, the Commission held its sixth meeting in Smolensk. Burdenko stated that “the documents found are fully convincing, and determine that the time of the shooting dates for the autumn of 1941.” He explained that the Commission had interviewed all witnesses of interest and summarized their testimonies. The last task for the Commission was to edit the already developed forensic medical material.⁹⁰ Only when Burdenko assured the members that the final draft was almost ready was it possible to conclude the work in Smolensk. The Commission decided to hear one more witness, which was done in Smolensk on the same day.⁹¹ Although some Commission member suggested continuing work as long as possible, the Commission formally decided to extend the work of forensic medical experts only to January 27; the work of the Commission effectively ended within twenty-four hours after the issuance of the final communiqué. The time pressure was closely associated with the German dissemination, at the turn of 1944, of the true information about the Soviet role in the Katyn Forest massacre, in particular a detailed documentation prepared in 1943 in Berlin on the Katyn crime.⁹²

The fact that the Commission completed its work before the agreed upon date indicates that the state exerted pressure to stop work immediately. The records from the last meeting preceding the final announcement show that only some of the members of the Committee (including Burdenko) participated in drafting of the final statement,⁹³ and it’s possible that their participation was fairly limited. Without a doubt, the discussion of the form and content of the Commission’s summary did not include all of the Commission members. In fact, officers of the security ministries from NKGB-NKVD provided substantive and technical assistance to the Burdenko Commission in its preparation of the final text.⁹⁴

A short document entitled *Forensic-Medical Expertise of the Katyn Graves* was probably prepared in Moscow around January 23, 1944, at the time of the meeting of the Burdenko Commission at

90. *See id.* at k. 267–68.

91. *Investigation of the Murder of Thousands of Polish Officers, supra* note 94, at 246–47.

92. *See generally* AMTLICHES MATERIAL ZUM MASSENMORD VON KATYN (1943), available at <http://codoh.com/node/999>.

93. *See* GARF Documents, *supra* note 19, unit 7021, inv. 114, vol. 8, k. 267–68.

94. *See id.* at k. 268.

Smolensk.⁹⁵ Theoretically, this document was to serve as evidence for the Commission, which combined with other evidence allowed for reconstruction of the events studied. In practice, no expert could have evaluated this document before the formal announcement of the results a day later. This document included certain conclusions that lacked any support from the forensic medical evidence and, in fact, could never have resulted from the forensic evidence. For example, the statement that “the liquidation of Polish POWs in the Katyn Forest was done by [Ahrens, Rechst, and Hott] in accordance with a directive from Berlin”⁹⁶ had nothing to do with forensic expertise. Conclusions formulated in this document were, in light of the available contemporary knowledge, far-reaching in scope, and most importantly were false.⁹⁷ All the conclusions were designed to prove the thesis that the Germans were responsible for the crime against the Polish prisoners. The report summarized that “on the basis of macroscopic research it can be concluded that changes in the outside tissue, soft tissue and internal organs, bones, skeletal and fittings correspond with a period of two years.”⁹⁸ This timing was designed to point to the years 1941 and 1942, when Katyn was in the hands of the Germans, not Russians.

Generally, it can be concluded that between January 16–26, 1944, experts conducted actual research in the field and exhumed corpses,⁹⁹

95. See *id.* at k.193–201. See also KATYN: DOCUMENTS OF A CRIME, *supra* note 5, at 280. At the outset of the *Expertise* (that is stored in a briefcase of the Burdenko Commission and which is actually a loose typescript, not a document), without any embarrassment, a reference was made to the conclusions of the entire Commission, which in theory did not yet exist. The documents could have been backdated.

96. See GARF Documents, *supra* note 19, unit 7021, inv. 114, vol. 8, k. 194.

97. The categorical conclusions drawn from the available data were impossible considering contemporary methods. Thus the conclusions that were made were deliberately subordinated to the false thesis. It should be noted that, contrary to popular opinions, activities related to the inspection of the death pits and testing of the exhumed bodies could not—at the then existing state of knowledge—give a clear and unarguable answers to questions about the time of the murder of POWs, and so unquestionably determine the identity the perpetrators, and could be useful only when compared with data collected by other means. Earlier correct conclusions made under the auspices of the German investigation in 1943 stemmed more from the examination of documents and hearing witnesses than from medical forensic testing.

98. See GARF Documents, *supra* note 19, unit 7021, inv. 114, vol. 8, k. 198. See also KATYN: DOCUMENTS OF A CRIME, *supra* note 5, at 280.

99. *Report on the Work of the Forensic Medical Experts for the Exhumation and Examination of Corpses of Polish Prisoners of War in Katyn Forest, Together with Daily Work, February 1, 1944*, in KATYN: DOCUMENTS OF A CRIME, *supra* note 5, at 321–23. The report stated that

but their findings and conclusions presented in the were unreliable. The conclusions of the forensic-medical experts under the leadership of the Chief Medical Forensic Examiner for the USSR People's Commissariat of Health Victor Prozorowki, falsified the reality.¹⁰⁰ These falsified forensic results were included in the main report of the Burdenko Commission and ultimately became part of the Katyn lie.

The Burdenko Commission issued its communiqué on January 24, 1944. On that date, all members of the Commission formally signed the document. The communiqué was subsequently released on January 26, published in *Pravda*, and referenced by the Telegraph Agency of the Soviet Union (TASS) and other newspapers.¹⁰¹ The release of the communiqué on January 24, 1944, completed the basic work of the Commission, but Burdenko—very involved in the promotion of its product—continued his correspondence and, at least on paper, the Commission convened again many times.¹⁰²

The January 24, 1944 communiqué became the most important official Soviet text of the Katyn lies. It presents a full Soviet version of events related to the murder of Polish prisoners of war at Katyn. This document was frequently used to present the Soviet version of the Katyn crime on many occasions between the 1940s and late 1980s.¹⁰³ It was promoted in the USSR and all Eastern bloc countries, in particular in communist Poland.¹⁰⁴ The communiqué often published in whole or in part in high-volume editions, became the best-known text on the Katyn lie.

Today, it is pointless to discuss the details of this extensive, sinister report. In general, the content of the communiqué can be best summarized in several chapters that cite the testimony of witnesses and list fabricated documents. One of the chapters represents a report

the supposed 1,380 exhumed bodies that were subjected to necropsy was an overestimation, or that the research performed was very sketchy.

100. The Commission failed to produce the forensic medical expertise; it is impossible to question the expertise of experts working under the direction of Victor Prozorowki, but no doubt their knowledge was used in the wrong way.
101. GARF Documents, *supra* note 19, unit 7021, inv. 114, vol. 8, k. 317–48. *See also* KATYN: DOCUMENTS OF A CRIME, *supra* note 5, at 289–317.
102. *Minutes of 28th Meeting of the Special Commission of 23 March 1944* (from the Extraordinary State Commission), in GARF Documents, *supra* note 19, unit 7021, inv. 114, vol. 19, k. 24–25. *See also* KATYN: DOCUMENTS OF A CRIME, *supra* note 5, at 334–35.
103. *See* Richard J. Hunter, *Katyn: Old Issues Threaten Polish-Russian Economic and Political Relations*, 17 EUR. J. SOC. SCI. 288, 290–91 (2010).
104. *Cf. id.* at 290 (noting that the communiqué was translated in numerous languages for the widest possible dissemination). The communiqué was first published in *Pravda*, Moscow, in 1944.

of the forensic medical experts.¹⁰⁵ This report is dated January 24, 1944, from Smolensk, and is signed by five experts, headed by Prozorowski.¹⁰⁶

The “General Conclusion” summarizes the reasoning of the Burdenko Commission in eleven points. Of particular interest are points nine through eleven:

Of all the materials available to the Special Commission—namely, the testimony of more than 100 witnesses questioned by the Commission, the report of forensic-medical experts and material evidence recovered from the graves of the Katyn Forest the following conclusions can be made. . . .

- 9) The data of the forensic medical expertise shows without any doubt that:
 - a) the executions took place in the autumn of 1941
 - b) German executioners shooting the Polish prisoners of war used the same method of a pistol shot in the back of the skull that was applied in other cities such as Orel, Voronezh, Krasnodar, and in Smolensk as well.
- 10) The conclusions of the expert witnesses and forensic-medical experts that the prisoners of war—Poles were shot by the Germans in autumn 1941 are fully confirmed by physical evidence and documents recovered from the graves in Katyn.
- 11) Shooting prisoners of war - Poles in the Katyn Forest German fascist invaders consistently implemented their policy of extermination of the Slavic nations.¹⁰⁷

Even a cursory reading of the document shows a striking similarity of “understanding” between the Burdenko Commission and Krugłow-Merkulov findings. A more careful analysis of the final conclusions of the Special Commission and the full text of its communiqué confirms this conclusion. In all important aspects, the results of the Burdenko Commission replicated the results of the NKGB-NKVD preliminary investigation. Moreover, the communiqué can be considered as somewhat broadened and enriched version of the Krugłow-Merkulov *Information of a Preliminary Investigation*.

105. KATYN: DOCUMENTS OF A CRIME, *supra* note 5, at 310–14.

106. *See id.* at 314.

107. *See id.* at 315–16.

V. CONCLUSION

In summary, the Burdenko Commission was not able or willing to depart from the Krugłow-Merkulov false version of events. The Commission only made corrections to the legend developed by Krugłow and Merkulov where such corrections could improve the falsified evidence. In fact, the Burdenko Commission completed its work under the supervision and with active participation from the NKGB-NKVD apparatus.

The Katyn lie survived in the USSR until the collapse of the Soviet Union. It was not until April 13, 1990, when TASS disclosed the true perpetrators of the Katyn crime—the Soviet NKVD. The president of the Russian Federation presented documents evidencing the responsibility of the Politburo of the VCP (b) and Joseph Stalin for the Katyn massacre to the president of Poland in 1992. To this day, many epigones of the Katyn lies, such as Yuri Muchin, maintain that the Germans murdered Polish officers in the Katyn forest.¹⁰⁸

108. *See, e.g.*, Юрий Мухин, *Антироссийская подлость* (2003).



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