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and apparently involved NKVD-Gestapo cooperation; German orders in 1940 in connexion with Polish officers in Russia; Some suspicion of some German understanding or condonation of their fate (paragraphs 24-33).

IV The Nuremberg Trials (1945-1946)

Paras 34 - 47

HMG held aloof at Nuremberg from the Soviet accusation of German guilt but did not wish to appear to oppose it; a suggestion in the Foreign Office that the inculcation of one of the suspect nations might not entirely exculpate the other (paragraphs 34-40); evaluation of a report from M Skarzynski (paragraphs 41-3); the Russian case suffered heavily from the omission of the Katyn charge from the Tribunal's final judgment; subsequent disparagement of Russian testimony at the inconclusive hearings did not, however, correspond with the contemporary opinion of the British War Crimes Executive (paragraphs 44-7).

V The Congressional Enquiry (1950-1952)

Paras 48 - 55

An American Congressional enquiry into the Katyn Massacre in 1951-2 did not produce any new evidence of conclusive significance. This non-judicial enquiry was not well received in the Foreign Office where, however, there was a growing disposition to agree with its predictable verdict of Soviet guilt (paragraphs 48-55).

VI Later Developments (1952-1972)

Paras 56 - 68

In 1956 an IRD unattributable brief referred to belief in Soviet responsibility (paragraph 56); Mr Khrushchev's alleged offer to Mr Gomulka to accept responsibility (paragraph 57); German publication in 1957 of alleged NKVD order for liquidation of prisoners in 1940 (paragraph 58); Lord Lansdowne's letter of 1960 (paragraph 59); further publications on Katyn from 1960s; suspension of judgment on Katyn has been increasingly strained by the accumulation of pointers to Soviet responsibility; despite public pressure, however, there is no evident advantage in departing from the policy of disclaiming British standing in "the murder

**CONFIDENTIAL**

and disappearance of Polish officers on Soviet territory" (paragraph 2) or, in "breaking the silence that we have preserved for nearly 30 years on the Katyn massacre" (paragraphs 60-8).

ANNEXES

- A. Article by Mr Ian Colvin in the Daily Telegraph: 17 August 1972
- B. Memorandum by Professor B H Summer of Research Department: 17 February 1944
- C. Paper by Sir Denis Allen: 25 October 1945
- D. Memorandum by Mr F B Bourdillon of Research Department: 10 April 1946
- E. Tehran telegram No 210 from Sir Reader Bullard: 15 February 1946
- F. Nuremberg telegram from British War Crimes Executive: 6 July 1946.



**CONFIDENTIAL**

THE KATYN MASSACRE AND REACTIONS IN THE FOREIGN OFFICE  
MEMORANDUM BY THE HISTORICAL ADVISER

I. The Basis

1. At this time of day it is hardly necessary, even were it possible, to try to reassess in detail the grisly and conflicting evidence as to responsibility for the Katyn Massacre. This evidence was originally presented in the reports following the German announcement on 13 April 1943 of the discovery in Katyn Forest near Smolensk of the mass graves of 10,000 or 12,000 (in fact of something over 4,000) Polish officers, some bound with rope, allegedly Russian, and all shot by bullets admittedly German. Such early and, in intention at least, authoritative records included those published from the German side in 1943, from the Soviet side in the following year and some from Polish quarters, as follows:

- (i) German reports of 26 April and 10 June 1943 by Lieutenant Ludwig Voss, Military Police Secretary in a Special Commando of the Secret Military Police, concerning the discovery of the graves at Katyn and their excavation from 29 March to 7 June 1943.<sup>1</sup>
- (ii) Undated German medical reports of 1943 by Professor Gerhard Buhtz and Dr Huber on the excavation.<sup>2</sup>
- (iii) Protocol, dated 30 April 1943 at Smolensk, of the German-sponsored International Forensic Medical Commission (representatives from German-dominated countries plus Switzerland), which visited the graves on 29-30 April 1943.<sup>3</sup>
- (iv) Eight-point report of 17 April 1943 compiled by the Polish Red Cross in Warsaw, and presented to the German authorities there, concerning a six-hour visit

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1 These reports, together with related police documents and evidence, are printed in Amliches Material zum Massenmord von Katyn (Berlin, 1943), pp 15-36.

2 Ibid., pp 38-113.

3 Ibid., pp 114-35.

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to Katyn the preceding day by Mons K J Skarzynski, its Secretary-General. 4

- (v) Report, dated 24 January 1944 at Smolensk, of the Soviet "Special Commission for ascertaining and investigating the circumstances of the shooting of Polish Officer Prisoners by the German-Fascist Invaders in the Katyn Forest", ie the Russian enquiry under the chairmanship of Academician N N Burdenko during September 1943-January 1944. This report included a report of the investigations from 16 to 23 January 1944 of the Russian experts in forensic medicine headed by Professor V I Prozorovski. 5
- (vi) "Facts and documents concerning Polish prisoners of war captured by the USSR during the 1939 campaign": a

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4 ibid, pp 137-8, in the text included in a telegram sent by the Polish Red Cross to the International Red Cross on 21 April 1943. (A slightly variant English text is printed in US Congress, House of Representatives Select Committee on the Katyn Forest Massacre 1951-2. Hearings... - USGPO, Washington 1952 - part 3, pp 397-8, as part of the evidence then submitted by M Skarzynski.) The eight-point report of 17 April 1943 was based upon a five-point report of 16 April by M Skarzynski to the Polish Red Cross; cf (vi) below and note 6. M Skarzynski subsequently explained (ibid, p 390) that this measure of Polish collaboration with the German authorities was undertaken "according to the instructions received by the Underground": of further note 11 below. The eight-point report was subsequently included in a longer and unpublished report by M Skarzynski to the Polish Red Cross; cf ibid pp 396-7, also paragraphs 4(v), 4l-3 below. M Skarzynski further included in his evidence to the Congressional Committee in 1952 part of a report of the Polish Technical Commission on the Progress of Work at Katyn: cf ibid pp 406-10.

5 The Soviet report was published in Pravda and Izvestiya on 26 January 1944. An English text, as included in Annex B below, was printed in Soviet Monitor, Nos 4151-9 of 26-27 January 1944: C 1171/8/55 of 1944 (file references are henceforth of the same year as the document in question unless otherwise indicated). The report is conveniently reproduced with an English translation in US House of Representatives, Select Committee, op cit part 3, pp 228-309).

**CONFIDENTIAL**

report of February 1946 comprising 454 pages duplicated in English, together with a summary of it dated March 1946, drawn up by a Special Commission appointed by the former Polish government in London (N 4406/108/55). It would appear that this report was written by Dr Viktor Sukiennicki and has come to be regarded as the main report on Katyn by the authorities of the Polish emigration. <sup>6</sup>

- (vii) A Polish "Supplementary Report on Facts and Documents concerning the Katyn massacre" of October 1947 prepared in London (N 2599/2599/55 of 1948)<sup>7</sup> supplemented the report of February 1946. This supplement included extracts (eg p 1805, p 1811, pp 1814-5) from a report there unascrbed but in fact by Dr Marian Wodzinski, expert in forensic medicine of the Technical Commission of the Polish Red Cross, working at Katyn from 29 April to 3 June 1943. <sup>8</sup>

2. There has been a recent revival of concern with Katyn in Great Britain, notably as a result of the "Katyn Campaign"<sup>9</sup> there in 1971. This campaign, seeking to clnch Soviet responsibility for the massacre, was promoted in cooperation with the Polish emigration in London and elsewhere, and was largely orchestrated, with catholic overtones, by Mr Louis FitzGibbon. <sup>9</sup> The campaign coincided with BBC television-programmes on Katyn on 19 April and 13 October 1971, and was followed by articles published by Lord Bethell in the Sunday Times magazine of 28 May 1972 and by Mr Ian Colvin in the Daily Telegraph of 5 July and of 17 August (Annex A). In the light of this revived interest it

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<sup>6</sup> A text of the report of February 1946 is printed op cit, part 6, pp 1636-1801 (cf also J K Zawodny, Death in the Forest - Notre Dame, 1962, p xvi). This report includes, p 1716, an abstract of M Skarzynski's report of 16 April 1943: cf note 4 above.

<sup>7</sup> A text of the Supplementary Report is printed U S House of Representatives, Select Committee, op cit, Part 6, pp 1802-23.

<sup>8</sup> Dr Wodzinski's report, dated London, September 1947, but apparently based on contemporary records, is published in full in Zbrodnia Katynska (London 1948), pp 199-241, and in an English translation of the third edition of this book entitled The Crime of Katyn (Polish Cultural Foundation, London, 1965), pp 191-228.

<sup>9</sup> Louis FitzGibbon, The Katyn Cover-Up (London 1972), Introduction et passim.

**CONFIDENTIAL**

was decided that in public statements (cf, however, paragraph 65 below) it should be explained as necessary that the position of HMG remains as previously explained in Parliament, notably by Lord Aberdare in the House of Lords in a debate there on the Katyn "mass murder in Russia" on 17 June 1971, and subsequently on 29 June and 21 July. In the debate Lord Aberdare stated that "Her Majesty's Government have absolutely no standing in this matter", and on 21 July he grounded this upon the circumstances that "we are speaking of the murder and disappearance of Polish officers on Soviet territory". 10

3. This was the line taken in parliament in 1945 in the run-up to the Nuremberg trials (cf paragraph 34 below). While this prudent and long-held position persists, it is noticeable that all three of the recent articles have featured records drawn from the recently opened wartime archives of the Foreign Office and containing strong expressions of view on Katyn by, notably, Sir Owen O'Malley, HM Ambassador to the wartime Polish Government in London. Thus it may not be amiss to attempt some advance-survey, however summary, of our early records on Katyn which may sooner or later receive sudden publicity from British researchers or indeed from investigators from the Soviet Union or other closely interested countries.

4. The most important British diplomatic evaluations of the early evidence on the Katyn massacre would appear to be, with relevant minutes:

- (i) Sir Owen O'Malley's despatch No 51 of 24 May 1943 (C 6160/258/55) commenting upon the original German revelation.
- (ii) Sir Owen O'Malley's despatch No 25 of 11 February 1944 (C 2099/8/55) commenting upon the report of the Soviet Special Commission.
- (iii) Memorandum of 17 February 1944 by Professor B H Sumner of the Research Department on the Soviet report (C 2957/8/55: Annex B).
- (iv) Paper of 25 October 1945 on Katyn by Mr, later Sir Denis, Allen of Northern Department (N 16482/664/55: Annex C), arising from parliamentary questions.

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10 Hansard, 5th series, H of L, vol cccxx, col 773, and vol cccxxi, col 961.



CONFIDENTIAL

- (v) Memorandum of 10 April 1946 by Mr F B Bourdillon of Research Department on the newly available "Polish Red Cross Report on the Katyn Mass Graves" comprising two reports of 1943 and 1945 respectively by M Skarzynski (N 5269/108/55; Annex D). 11

II. Wartime Reactions (1943-1945)

5. The timing of the German announcement of the Katyn massacre turned out well for the Germans. It came at a period of tension between the Soviet government and the Polish government in London. The Polish government, like the German, requested an investigation by the International Red Cross. The Soviet and British governments did not agree with this, and the Soviet government severed relations with the Polish government on 25 April 1943. On the same day a private letter was apparently written from Katyn by Lieutenant Gregor Slowenczik, a journalist from Vienna then attached to the propaganda-service of the headquarters of Heeresgruppe Mitte at Smolensk. Lieutenant Slowenczik, who had become the local German superintendant of the propagandist exploitation of the Katyn Massacre, is reported to have written, with some self-enlargement, on 25 April: "My proudest success has come today: breaking off of diplomatic relations between the USSR and Poland - Everybody is congratulating me." Lieutenant Slowenczik claimed to be the propagandist "inventor" (Erfinder) of Katyn, and that in reply to his initiative on this he had received the approval of Hitler himself with "the order to cooperate with the Poles and to do everything possible to enable the families to get the names of the victims and to get everything on the bodies of the victims". 12

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11 Documents (i) and (ii) above are now printed by Louis FitzGibbon, op cit, pp 95-110 and pp 177-180 respectively, together with (pp 113-5) a telegraphic report of 15 May 1943 on Katyn from the Polish underground to the Polish government, enclosed in Sir O O'Malley's despatch No 52 of 24 May 1943 (C 6161/258/55). Documents (i) and (ii) were extensively used by Mr Colvin, who also used document (iii) very summarily. He has not so far drawn public attention to document (iv) though it also is now in the open files, unlike document (v) which is due for release, together with the other records for 1946 on 1 January 1977 under the thirty-year rule.

12 Lieutenant G Slowenczik to Frau Czizek (in Vienna), Katyn, 25 April 1943: text of letter printed in Die Neue Zeitung (organ of US Military Government in Munich), 1 February 1946. Also US House of Representatives, Select Committee, op cit, part 3, p 392.

**CONFIDENTIAL**

6. In the run-up to the breach of Soviet-Polish relations Sir Archibald Clark Kerr, later Lord Inverchapel, HM Ambassador in Moscow, had telegraphed on 20 April 1943 (C 4396/258/55): "Most secret. My own feeling is that although the Poles may be thinking in terms of a rupture, it is not at this that Russians are aiming. They are rather looking about wildly for a means to defend themselves. The Polish Ambassador (in Moscow) of course believes what the Germans say is true. In a horrible way it seems to fit in with the Poles' story of the disappearance of 8,300 officers (cf paragraph 8 below). Then anger and unconvincing terms of Russian denials suggest a sense of guilt. This is disturbing for it is uncomfortable to reflect upon the consequences of an enquiry which might show that guilt was there. I feel therefore that to pursue the proposal made to the International Red Cross might be to court something little short of a disaster." This passage is the only contemporary reaction from Sir A Clark Kerr to the Katyn disclosure so far traced. The list of British evaluations (cf paragraph 4) does not include any full assessment of the evidence by our embassy in Moscow. This considerable omission was noticed in the Foreign Office at the time, but it was judged prudent not to ask that it be filled. On 4 May, Mr Anthony Eden (Lord Avon) in parliament deplored "the cynicism which permits the Nazi murderers of hundreds of thousands of innocent Poles and Russians to make use of a story of mass murder, in an attempt to disturb the unity of the Allies".<sup>13</sup>

7. On 24 May 1943 Sir Owen O'Malley, in a bold, able and emotive despatch, strongly presented the case for Russian responsibility for the Katyn massacre about April-May 1940, in accordance with the German thesis, as against the Russian thesis of German responsibility for the killings in the autumn of 1941. (The corpses were nearly all wearing thick winter-clothing.) In this despatch Sir O O'Malley employed substantially the method which he subsequently described in relation to his second despatch: "I say 'it would be futile to try to appraise the trustworthiness of the testimony of witnesses' on either side, and rely rather on arguments drawn from circumstances in respect of which there is no dispute". (Letter of 13 April 1944 to Sir Alexander Cadogan: N 16482/664/55 of 1945). This cogent if rather sweeping dismissal of a mass of conflicting evidence from either side enabled Sir Owen to concentrate upon arguments largely drawn from Polish sources in London.

8. The Polish arguments notably included:

- (i) Before and, particularly, after the restoration of Soviet-Polish relations in July 1941 repeated Polish enquiries were made about some 15,000 Polish

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<sup>13</sup> Hansard, 5th series, H of C, vol 389, col 30.

**CONFIDENTIAL**

prisoners including over 8,000 officers held in three camps at Kozielsk, Ostashkov and Starobielsk till the spring of 1940, and subsequently missing from the total of some 250,000 Polish prisoners in the Soviet Union. These Polish enquiries elicited from the Soviet authorities evasive and confused replies (eg Stalin in December 1941: "All Poles have been released"; "they have escaped ...to Manchuria")<sup>14</sup> with no suggestion that the prisoners had been removed to the Smolensk area. Whereas, after the German revelation, the Soviet government quickly maintained that the Poles had been in camps near Smolensk and had been overrun by the advancing Germans. Incidentally, in May 1942 Mr, now Sir Frank, Roberts of Central Department minuted (C 4929/19/55) on this "burning question" for the Poles that "the Soviet behaviour has been to say the least very odd and disingenuous". At that time, however, Sir A Clark Kerr was instructed not to intervene in "this Russo-Polish question" in support of the Polish Ambassador, who was currently criticising Anglo-Soviet negotiations for a treaty.

- (ii) Relatives of the Polish prisoners had received letters from them up to mid-April 1940, roughly the period when they were murdered by the Russians according to the German accusation. Thereafter, according to generally accepted testimony,<sup>15</sup> no letters were received. A Polish authority has commented on this absence of "letters written after the spring of 1940 up to June 22, 1941 - one such letter could offset the whole German accusation."<sup>15</sup> It is remarkable that this statement was held to stand without qualification ten years after the publication in 1952 of a letter of 18 March 1941 from the Polish Red Cross in Warsaw to the Committee of the International Red Cross in Geneva, stating in part: "The Polish Red Cross has received a large amount of letters from prisoners detained in officers prison camps in Russia until Spring 1940. From then on, until November, all correspondence with officers interned in Russia ceased. Since November, some letters, but in negligible quantity, were received again."<sup>16</sup> The same letter, however, stated that the Polish Red Cross

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14 Marshal Stalin to General Sikorski, 3 December 1941: Documents on Polish-Soviet Relations 1939-45, (General Sikorski Historical Institute, London, 1961) Vol I, pp 232-3.

15 Cf J K Zawodny, Death in the Forest, p 87.

16 U S House of Representatives, Select Committee, op cit, part 3, p 387.

**CONFIDENTIAL**

had learnt in July 1940 that 400 Polish officers from the three "frontier camps" and also one at Pavelishtchev Bor had been transferred to two camps at Grazovec in the Vologda district. The few late letters may very well have come from these few survivors.<sup>17</sup> So far, however, no proof of this circumstance has been traced. In its absence yet another question, and a key one, in regard to Katyn must be held to remain open, technically at least, even if seems unlikely that the generally accepted testimony should be upset.

9. Both the above arguments bear heavily against the Russians and find considerable support in the circumstantial evidence, as in regard to the clothing of the victims, the dating of newspapers found upon them, and the compression of corpses telling against their having been tampered with.<sup>18</sup> This evidence adds up ominously. It includes very damaging if not wholly conclusive evidence from a Polish Major Solski whose diary, found at Katyn, broke off at an entry for 9 April 1940 describing his transport from a railway-station near Smolensk in a prison-van "somewhere to a forest; it looks like a summer resort. Here a thorough personal search."<sup>19</sup> Professor Stanislaw Swianiewicz, unlike Major Solski, survived to testify that on 30 April 1940 at a station near Smolensk he was detached by the Russians from a prison-train of Polish officers from Kozielsk,<sup>20</sup> in all probability the camp of origin of most of the Polish corpses at Katyn.<sup>21</sup> Such is the grim testimony to be weighed against the possibility in logic at least, in regard to the broad significance of argument (1) above, that in 1941-2 the Russian authorities, with their

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17 In support of this of the evidence of M Skarzynski in U S House of Representatives, Select Committee, *op cit* part 3, p 403.

18 Cf J K Zawodny, *op cit* pp 83-6; House of Representatives, Select Committee, *op cit*, part 1, pp 10-12, 25-6, part 2, p 42, part 5 p 1610, part 6, pp 1812, 1817; The Crime of Katyn (cf n 8 above) pp 201, 206, 216; J Mackiewicz, The Katyn Wood Murders (London, 1951) pp 145-6, Amliches Material zum Massenmord von Katyn, pp 116-17.

19 Cf J K Zawodny, *op cit* p 110.

20 The Crime of Katyn, pp 57-60, also pp 21f. The substance of this account, which Professor Swianiewicz had reported to the Polish authorities in 1942, is cited anonymously in U S House of Representatives, Select Committee, *op cit*, part 6, p 1662.

21 Cf *ibid*, p 1793-4.

**CONFIDENTIAL**

native secretiveness and oriental concern for face, might have been reluctant to admit to Polish enquirers that the worst period of the war for Russia had included a massive administrative breakdown whereby thousands of Polish prisoners were left to German mercy through Soviet incompetence: if not, indeed, through Soviet evil design in conveniently abandoning Polish leaders to their fate under the Germans as Soviet forces in fact did three years later in the Warsaw uprising (cf, however, para 30 below and para 3 of Sir Reader Bullard's telegram of 1946 at Annex E). In any case, though, argument (ii) may seem to be still the gravest of all the pointers to Russian guilt, and one which has never been satisfactorily countered.

10. It may be hardly necessary to retrace further Sir O O'Malley's forceful arguments pointing to Soviet guilt, recently revived at length by Mr Colvin and Mr FitzGibbon. They have underlined the degree of assent which these arguments commanded in the Foreign Office, not least from Sir Alexander Cadogan who minuted on 18 June 1943: "There may be evidence, that we do not know of, that may point in another direction. But on the evidence that we have, it is difficult to escape from the presumption of Russian guilt" (C 6160/258/55). Such assent had already been indicated, if succinctly, in Sir L Woodward's official history of British Foreign Policy in the Second World War (vol ii, p 626; short version of 1962, p 204). Neither Mr Colvin nor Mr FitzGibbon cites Mr Eden's minute of 25 February 1944 to Mr Winston Churchill (C 2420/8/55) on Sir O O'Malley's second despatch: "The present despatch strengthens the conclusion reached in the earlier one that the cumulative effect of the evidence is to throw serious doubts on Russian disclaimers of responsibility. . . I understand that Professor [Sir Donald] Savory has sent you a copy of his own investigation into this question. His report. . . is based on Polish material. The conclusions it reaches are borne out by Sir O O'Malley's analysis. Nevertheless the evidence is conflicting and whatever we may suspect, we shall probably never know." The Prime Minister replied next day: "This is not one of those matters where absolute certainty is either urgent or indispensable".

11. On the day before he wrote to the Prime Minister, Mr Eden had minuted (C 2099/8/55): "All the same it is puzzling that the Germans should have kept this information bottled up so long." It may appear especially puzzling since on German official admission<sup>22a</sup> a Polish working-party attached to the German forces had dug up Polish corpses at Katyn in the summer of 1942, apparently with foreknowledge that they should be there: whereas such knowledge is said in Amtliches Material<sup>22</sup>

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<sup>22</sup> Amtliches Material, pp 9-10, 25-6.

**CONFIDENTIAL**

to have been obtained by the German Secret Military Police only in February 1943. If this interval of six months or more seems curious, the German official version of 1943 was significantly modified at the Nuremberg Tribunal in 1946 by Colonel Friedrich Ahrens who had commanded the German Signals Regiment 537, based at Katyn, since his arrival there, purportedly in November 1941.<sup>23</sup> Colonel Ahrens testified that in December 1941 or January 1942 he had first seen a cross marking a grave-mound and that he subsequently reported to the German military intelligence that his men had told him that shootings had taken place at Katyn. The German intelligence indicated in reply that they were already informed.<sup>24</sup>

12. In 1944 Sir O O'Malley, supposedly with the encouragement of the Prime Minister, sought considered opinions on the reports of the German-sponsored International Forensic Medical Commission and of the Soviet Special Commission from two of the most eminent British medical authorities, Lord Adrian and Sir Bernard Spilsbury. In a letter of 16 February 1944 (C 5093/8/55) Lord Adrian made the significant point that the International Commission "have not stated any opinion as to the date of the shooting. All they say is that one skull out of many showed changes which according to the experience of Prof. Orsos imply at least three years burial. Clearly they are not prepared to endorse Prof. Orsos' opinion, though they are ready to state it. I do not think the changes are well recognised signs of long burial - they are not mentioned in the ordinary text books - and the wording of the Commission's reports suggests very clearly that Prof. Orsos was the only one who attached much importance to them." Professor Orsos was the Hungarian member of the Commission and is said to have been a prisoner in Russia during the First World War. At a copious dinner at Smolensk, on the evening before the Commission's enquiry began, Professor Orsos had treated his German hosts to an antisemitic effusion (C 7261/258/55 of 1943). On his return via Berlin, Professor Orsos was evidently in touch with the German authorities there and "he was especially thanked for succeeding

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23 Cf, however, Albert Praun, Soldat in der Telegraphen und Nachrichtentruppe (Würzburg, n d - 1965f) p 148, in connexion with a routine visit by General Praun to the NKVD villa at Katyn on 24 September 1941, an interesting date in the light of the Soviet Report.

24 Cf International Military Tribunal, Trial of the Major War Criminals (Nuremberg 1947-9), vol XVII, pp 275-97.

**CONFIDENTIAL**

in his efforts to achieve a very serious, worthy, expert opinion, able to withstand any scientific criticism."<sup>25</sup> Thus there is some suggestion that Professor Orsos, the member of the Commission who "showed the greatest interest in the work<sup>26</sup> at Katyn, masterminded its report in a sense agreeable to the Germans.

13. Lord Adrian did not then know that his estimate of the work of Professor Orsos coincided very closely with that of Doctor Marian Wodzinski of the Polish Red Cross team at Katyn. There on the morning of 30 April 1943, Dr Wodzinski, an apparently reliable witness, had observed the removal of the one skull and "watched Professor Orsos' post mortem examination closely".<sup>27</sup> Whereas Professor Orsos and the other members of what Dr Wodzinski called "the so called European Commission of Experts in Forensic Medicine" spent a bare two days at Katyn, Dr Wodzinski was the expert who, under German surveillance, superintended the excavation and subsequent reburial of over four thousand corpses there between 29 April and 3 June 1943. He controverted Professor Orsos and concluded: "It was not possible to gauge by the degree of putrescence and decomposition alone exactly how long the bodies had lain under the ground."<sup>28</sup> It was on other counts, especially the dating of documents on the corpses up to April-May 1940 only, that Dr Wodzinski came to accept presumptive, but not conclusive, evidence of Russian guilt.

14. Thus it seems as clear as anything now can be in regard to the Katyn Massacre that strictly medical evidence must be treated as inconclusive. This is in accordance with the main finding of Sir Bernard Spilsbury, who in his turn replied on 8 April 1944 to Sir Owen O'Malley "that from the medical facts disclosed it is not possible in my opinion to settle the controversy between the Russians and the Germans. I am however impressed by the microscopical evidence of preservation given by the Russians as in favour of the shorter rather than the longer period of burial." (C 5093/8/55). The opinions of English experts clearly

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25 Telegram of 8 May 1943 from German Minister in Budapest: U S House of Representatives, Select Committee, op cit, part 5, p 1407.

26 The Crime of Katyn, p 195.

27 Ibid, p 196.

28 Ibid, p 226.

**CONFIDENTIAL**

could not go very far but both Sir B Spilsbury and Lord Adrian tended to support the Russian case against the German. Nor did this medical tendency stand alone.

15. On 17 February 1944 a Research Department memorandum (Annex B) was prepared by Professor B H Sumner, a notable and impartial Russian scholar. Unlike Sir Owen O'Malley, Professor Sumner attempted an evaluation of the detailed evidence produced by the Soviet Special Commission. In this evaluation, he also took account of the report of the International Forensic Medical Commission but not of the other reports printed in Amtliches Material, which were not available to him. The Research Department memorandum advanced a number of observations and conclusions, notably:

- (i) Whereas the enquiry by the International Forensic Medical Commission was conducted with extreme rapidity, the Soviet enquiry, except in its final stages, was apparently protracted and lasted several months. (The International Commission signed the protocol of its visit to the scene of the massacre after spending two days at Katyn, 29-30 April: cf, however, paragraph 13 for the work of the Polish Red Cross Commission. Immediately after the Russian reoccupation of Smolensk Soviet investigators claimed to have arrived there on 26 September 1943. It is noticeable, however, that the Soviet experts in forensic medicine only began their work of exhuming 925 corpses on 16 January 1944 and finished it on 23 January, the day before the signature of the Soviet report: cf, further, paragraph 37.)
- (ii) The Soviet report did not furnish replies to arguments (i) and (ii) in paragraph 8 above.
- (iii) On the bodies at Katyn, according to the Soviet Commission as summarized by the Research Department memorandum (paras 12-13), "were found nine documents with dates on them ranging between 12 September 1940 and 20 June 1941 (ie the day before the German attack on the USSR)...if the documents are genuine and genuinely belonged to the persons on whom they were found, they would conclusively prove that these persons were alive after the date (March-May 1940) given by the Germans for the alleged Soviet shootings... A strong point in favour of the genuineness of these nine documents is that no document was found after the 20th June 1941. If Soviet authorities were forging or substituting documents, why not completely clear themselves and incriminate the Germans", who only captured Smolensk on 16 July 1941?



**CONFIDENTIAL**

- (iv) "The report of the [Soviet] Commission may be said to make out a good, though not a conclusive, case for the perpetration of the massacres by the Germans".

16. Professor Sumner's measure of acceptance of the Soviet report has not generally been matched by later research and opinion in the Foreign Office (cf paragraph 65 below). At the time, however, the only substantive criticism in important minutes on the Research Department Memorandum (C 2957/8/55) came from Sir Alexander Cadogan, who strongly objected to its calling the Soviet Commission "a strong one", and discounted both Russian and German evidence (cf paragraphs 35 and 36 below). This minute alone is cited by Mr Colvin in his article of 17 August 1972, though he briefly mentions that several other officials "praised the approach of the Research Department analysis, which restored a valuable ambiguity." In fact Mr Denis Allen thought it "a good paper"; and Mr Frank Roberts and Sir William Malkin, the Legal Adviser, minuted successively on 7 March 1944:

"This useful paper fastens on the weaknesses in the German case, which have indeed always been apparent, but it does not to my mind dispose of the weaknesses in the Russian case. F K Roberts".

"It looks to me as if the essential point was the genuineness of the documents mentioned in paragraphs 12-13 (cf paragraph 15(iii) above). If both the documents and their connection with the bodies were genuine, they are practically conclusive in favour of the Russian case; if they were faked, the inference the other way is almost irresistible. We are not likely ever to know the truth about this, but it should at any rate justify a suspension of judgment on our part. H W M."

17. Other members of the Foreign Office then considered that Professor Sumner's memorandum rather told against the objectivity of Sir O O'Malley's despatches. On the first of these Mr D Allen had commented at the time (minute of 4 June 1943 on C 6160/258/55) that one passage "leading up to a final ghoulish vision of Stalin condemning the Poles to the knacker's yard...seems to serve no other purpose than to arouse anti-Soviet passions and prejudices in the reader's mind." Now Mr, later Lord, Harvey minuted on 20 March 1944: "The Polish Government have plumped headlong for the German case. Sir O O'Malley in his first despatch, wrote a brilliant reconstruction of events according to Polish views which he endorsed. Thanks to FORD we now have an objective analysis of the Soviet case. Sir W Malkin, who has read all the papers on the subject, has now recorded that the Soviet case is stronger than was first thought and calls at any rate for suspension of judgment". Against Mr Harvey's reference to "an objective analysis of the Soviet

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case" Mr Roberts noted that the memorandum was "written from the Soviet point of view". Sir W Malkin's view of the importance of the late-dated documents was, however, followed in a short coverer of 26 March to the memorandum, prepared for circulation to The King and War Cabinet and approved by Sir Alexander Cadogan and Mr Eden.<sup>29</sup> This covering note concluded: "The truth may never come to light. But meanwhile the evidence at present available would seem to require a suspension of judgment in regard to the whole affair" (C 2957/8/55). This represented the considered view of the Foreign Office.

18. If this considered view, avoiding judgment on Katyn, has been substantially maintained in the Foreign Office, recent review there in confidence has severely questioned the validity of the Soviet report of 1944 on grounds of circumstantial evidence, not least in regard to the late-dated documents (cf paragraph 65). These nine documents, described with some details in the Russian report, have not been published in full. Nor, apparently, have they been seen by anybody other than Russians except for a party of seventeen foreign journalists whom the Soviet authorities escorted to Katyn in January 1944 along with Miss Kathleen Harriman, daughter of the American Ambassador in Moscow, and Mr John F Melby, a Third Secretary in his Embassy. Miss Harriman, later Mrs Mortimer, subsequently explained to the Congressional Enquiry of 1952 that the documents were displayed to them in glass cases in a museum in Smolensk. At the Congressional Enquiry both Mrs Mortimer

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In regard to the circulation given to the evaluation of Katyn by Sir O O'Malley and by the Research Department Mr Colvin, in his article of 17 August 1972, emphasized what he described as the "opposition to the truth as seen by Mr O'Malley." It would appear, however, that Mr Colvin is in error in making out that the Research Department memorandum, with the annexed report of the Soviet Commission, "were both printed and circulated on a wider scale of distribution than Mr O'Malley's two reports." Sir O O'Malley's despatch of 1943 and Professor Sumner's memorandum with annex were both given restricted King and War Cabinet circulation in Confidential Print. Sir O O'Malley's second despatch was circulated in typescript to members of the War Cabinet owing to a personal ruling by Sir Winston Churchill, as noticed by Mr Colvin. It was against this difference in presentation that Sir O O'Malley protested to Sir Alexander Cadogan in a letter of 13 April 1944, which for some reason is filed among the papers on Katyn in 1945 (N 16482/664/55).

**CONFIDENTIAL**

and Mr Melby revoked their previous conclusions of German guilt for Katyn, on balance, despite the appreciable doubts which their reports of 1944 cast upon the Soviet presentation.<sup>30</sup> The press-correspondents on the tour to Katyn appear to have been somewhat non-committal and our Embassy in Moscow reported on 25 January 1944: "Some of the American correspondents told the Press Department of People's Commissariat for Foreign Affairs that they were not very impressed" (C 1097/8/55).

19. In the Russian account the nine late-dated documents were part of the relatively small residuum (146 documents is one figure) from the removal under German auspices from the corpses of over three thousand documents, as testified in Polish evidence.<sup>31</sup> In the light of dubious allegations in the Soviet Report (Annex B, pp 28-29) that the Germans extracted late-dated documents from the corpses and inserted other documents, it may be worth noticing that the Germans allowed more freedom than the Russians in the handling of documents, but:

- (i) the exhumation team of the Polish Red Cross, who placed such documents in envelopes at the graveside, had no right to examine the documents,
- (ii) the documents were taken some miles by a German despatch-rider, often accompanied by a Pole, to an office of the German military police under Lieutenant Voss where they "were taken over by the German authorities. The preliminary investigations and the ascertaining of names were done jointly" by Germans and Polish representatives, and the envelopes were opened in the presence of both. The documents were put into new envelopes which "were placed at the exclusive disposal of the German authorities";<sup>32</sup>
- (iii) the more important documents, especially diaries, were immediately translated by a Polish woman of German origin. This Volksdeutsche was observed to translate into German "only such extracts from the diaries as were compromising to the Soviets. Conversely, she

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30 Cf U S House of Representatives, Select Committee, op cit, part 7, p 2145.

31 J K Zawodny, op cit, p 88.

32 U S House of Representatives, Select Committee, op cit, part 3, p 408.

**CONFIDENTIAL**

omitted many paragraphs that were anti-German."<sup>33</sup> It is uncertain whether such documents were returned and replaced in their envelopes.

- (iv) Documents which could not be deciphered on the spot "were sent by the Germans to a field-laboratory in Smolensk, where, without the assistance of Poles, they were treated by laboratory methods in a more thorough way by German personnel working under the personal direction of Professor Buhtz".<sup>33</sup>

These arrangements appear to have been unchallenged by the Poles. Subsequently, however, Mr F B Bourdillon commented on the Polish Supplementary Report of October 1947 (cf paragraph I.vii): "It somewhat glosses over the efforts made by the Germans to prevent the Poles seeing the papers found in the graves until they had been inspected by the Gestapo, or from taking anything away" (N 2599/2599/55 of 1948 : cf also Annex D.)

20. At the end of the war, Norwegians from Sachsenhausen concentration-camp, notably a certain Erik Johansen, stated that documents had been forged there and placed on the corpses found at Katyn, which were actually those of prisoners from Sachsenhausen. The latter allegation may appear particularly implausible, although it could square with circumstantial testimony in the Soviet report Annex B, pp 30-32) that the Germans brought lorryloads of corpses to Katyn by night. The Norwegian story was carried by Reuters and the BBC at the end of June 1945 and was quoted in the Soviet press. In this connexion a telegram of 1 July 1945 from Sir A Clark Kerr noticed with reference to the reported German faking of documents for Katyn: "This supports findings of Soviet Commission that Germans were responsible" (N 7822/664/55). Earlier, and independently, an entry for 29 November 1943 in a clandestine diary kept by a Norwegian prisoner in Sachsenhausen had referred to the secret employment there of Jews in "a special SS printing-shop...surrounded on every side by an impenetrable double fence of barbed wire... That printing-shop is employed in forging documents and money, turning out all the fraudulent printed matter of which the Third Reich makes use. So much is beyond doubt... It's taken for granted that the thirtyeight Jews employed in there will never come out." <sup>34</sup>

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<sup>33</sup> Crime of Katyn, p 209.

<sup>34</sup> Odd Nansen, Day after Day (trans K John; London 1949) p 446.

**CONFIDENTIAL**

21. Coincidentally with the later Norwegian report, linking Sachsenhausen with Katyn, in June 1945 Stockholms-Tidningen was cited for a statement from an unnamed, high-ranking SS officer "that the 'Katyn massacre' of Polish officers was faked by Ribbentrop and Goebbels. Bodies from German concentration-camps were dressed in Polish officers' uniforms and taken to Katyn."<sup>35</sup> This contrasted with circumstantial Polish evidence that the corpses at Katyn could hardly have been tampered with and that most if not all of those identified, some 2,900 out of over 4,000, came from Kozielsk.<sup>36</sup> Mr Roberts, however, subsequently reported from Moscow, that on 28 December 1945 at a Russian trial of German soldiers for atrocities in the Leningrad district one defendant called Dürer had allegedly admitted to having been present at the German shooting and burial at Katyn of fifteen to twenty thousand Polish officers and others (N 2247/108/55 of 1946). Why the Russians did not adduce this striking testimony at Nuremberg is an interesting field for speculation.

22. Certain reports which reached the Foreign Office in 1944 also deserve attention. One of 27 March from the Press Reading Bureau in Stockholm had reported an interrogation by a member of its staff, Mr Waskiewicz, of a serious young Pole, M Pawel Ociepka from near Katowice, who had just escaped from the Wehrmacht, to Sweden. In September 1943 he had returned on leave to Upper Silesia where he found that the opinion on Katyn was (translation from French) "that the Russians had assassinated around 2000 officers and the rest fell victim to German massacres, organized to increase the impression created. As a fact

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Daily Herald of 28 June 1945: N 7822/664/55.

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Cf note 18 above.

**CONFIDENTIAL**

corroborating this theory (ciepka) instances that two wives of officer prisoners from Katowice (Mme Malik, wife of a lieutenant on the reserve, and Mme Jancik, wife of a captain on the active list) had at first received official notices announcing the death of their husbands in concentration-camps in Germany and afterwards discovered their names on the list, published in Upper Silesia, of those assassinated at Katyn" (C 4357/131/55).

23. Three weeks after this report another of 18 April 1944 from the same bureau reported in French an interrogation by M Waskiewicz of five Poles, assessed as good informants reflecting average Polish opinion in Warsaw when they left it in January 1944: "On Katyn the prevailing opinion is to accuse the Germans of being the authors. One of those interrogated again cites the example of two ladies of his acquaintance whose husbands had 'died' at Oswiecim [Auschwitz] and who, after having found their names on the Katyn list, went to seek news from the Gestapo and have not reappeared." On this paper Mr Denis Allen commented, not with special reference to Katyn: "These Stockholm interrogations of Polish escapers... show a striking unanimity on most important points and in general bear out all our information from other sources." (C 5616/131/55). It could nevertheless be that in 1943-4 there was circulating in Poland a generic folktale or inspired rumour whereby two ladies in each large town made the same tragic discovery. It is, however, noticeable that the wives in Katowice were named and to some extent identified, while the informant from Warsaw claimed personal acquaintance with the two women grimly stated to have vanished. If the two stories were, as on the face of it, distinct but concordant, then they would appear to raise a serious question, if not of German guilt for the Katyn massacre at least of some interested German tampering with graves there.

III The Russo-German Context (1939-1943)

24. In the debate on Katyn in the House of Lords on 17 June 1971 (cf paragraph 2) the Earl of Lauderdale, who had been Balkan and Danubian Correspondent of The Times in 1939-1941, observed: "The Nazi-Soviet Pact... was one of the greatest betrayals in history, and that Pact is the context of this debate."<sup>37</sup> The Ribbentrop-Molotov Pact of 23 August 1939 was pegged down after the defeat and partition of Poland in the German-Soviet Boundary and Friendship Treaty of 28 September 1939. Attached to this treaty was a secret additional protocol, signed that day in Moscow and reading: "Both parties will tolerate in their territories no Polish agitation which affects the territories of the other

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<sup>37</sup> Hansard, Parl Debs, 5th series, H of L, vol CCCXX, col 761.

party. They will suppress in their territories all beginnings of such agitation and inform each other concerning suitable measures for this purpose."<sup>38</sup> Lord Bethell, who took a prominent part in the debate on Katyn, has commented on this sinister provision: "In practice this meant that the Gestapo held regular meetings with the NKVD, its Soviet equivalent, to coordinate their efforts against any Poles so foolish as to try to reinstate their country's independence"<sup>39</sup>- if not also against any Poles so unfortunate as to be specially capable of trying later. Contacts between the Gestapo and the NKVD notably dated back to the purge of Marshal Tukhachevsky in 1937. This was, in the view of a high SS officer then in the Gestapo, "a preparatory step towards the rapprochement between Hitler and Stalin. It was the turning point that marked Hitler's decision to secure his Eastern front by an alliance with Russia, while preparing to attack the West."<sup>40</sup>

25. A further confidential protocol to the German-Soviet Treaty of 28 September 1939 provided for exchange of German and Soviet nationals. M Khrushchev in his memoirs, for what they may be worth, recalled his organization of the sovietization of Lvov "during the period just after the signing of the Ribbentrop-Molotov Pact" and the activity then of the sinister "Comrade Serov, the People's Commissar of Internal Affairs in the Ukraine. Serov's duties required him to have contacts with the Gestapo. A Gestapo representative used to come to Lvov on official business. I don't know what sort of a network the Gestapo had in the Ukraine, but it was extensive. The cover for this network was an exchange agreement whereby people on German-occupied territory who wanted to return to their homes in the former Polish territory now occupied by Soviet troops were allowed to do so; and likewise anyone in the Ukrainian population on Soviet territory who wanted to return to German-occupied Poland could do that."<sup>41</sup> It appears that Polish prisoners were in fact exchanged both ways.<sup>42</sup> And in 1945 it was in the context of

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38 Documents on German Foreign Policy 1918-1945 (London 1949f), Series D, vol VIII, p 166.

39 Nicholas Bethell, The War Hitler Won (London 1972), p 337.

40 Walter Schellenberg, The Schellenberg Memoirs (trans. L Hagen, London 1956) p 49.

41 Khrushchev Remembers (ed E Crankshaw, London 1971), p 141.

42 Cf J K Zawodny, op cit, p 128.

**CONFIDENTIAL**

the Katyn massacre that M Mikolajczyk, Polish prime minister from July 1943 to November 1944, stated his certain knowledge "that there was an agreement between the Germans and Russians concerning the exchange of Poles and Ukrainians, and that the Germans would not accept the Polish officers offered in that exchange."<sup>43</sup>

26. For the Soviet Union, according to one authority, her treaty of 28 September 1939 with Germany was by then "the product of fear".<sup>44</sup> By the Soviet-German communique issued at the time of this treaty the Soviet Union departed from her neutrality to the extent of publicly undertaking to engage with Germany "in mutual consultations with regard to necessary measures" in the event of Great Britain and France refusing to make peace and thus becoming allegedly "responsible for the continuation of the war".<sup>45</sup> Such was this Soviet-German renewal of their "fierce friendship" (Lloyd George) from the nineteen-twenties. In the ensuing economic negotiations the Russians surprised the Germans by their forthcomingness, and a senior member of the German Embassy in Moscow considered that for the German war-effort these negotiations were "a tremendous success".<sup>46</sup> It has been plausibly suggested that the Germans on their side were afraid that the thousands of Polish officers in the Soviet Union might eventually be unleashed against them, as indeed the survivors were (cf paragraph 30).

27. It would appear to have been in December 1939<sup>47</sup> that a Russo-German conference was held in Cracow "about the repatriation of the Poles under Russian domination". At the end of January 1940 the Polish

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- 43 Stanislaw Mikolajczyk, The Pattern of Soviet Domination (London 1948), p 39.
- 44 Adam B Ulam, Expansion and Coexistence (London, 1968), p 286.
- 45 Documents on German Foreign Policy 1918-1945, Series D, vol VIII, p 167.
- 46 Gustav Hilger and Alfred G Meyer, The Incompatible Allies (New York 1953), p 317.
- 47 This date is given as December 1940 in M Skarzynski's evidence of 1952: U S House of Representatives, Select Committee, op cit, part 3, p 402. Subject to further research, however, it would appear from the sequence of his other evidence and of general events that the year should probably be 1939.



**CONFIDENTIAL**

Red Cross was "told by the Germans to prepare camps to receive Polish officers who were supposed to come back from interment [sic] in Soviet Russia... Of course this news electrified the families and the whole nation, 14,000 families, a figure which we didn't know exactly then. There was feverish work started at once. We organized refugee camps at Terespol, at the border of the then zone between Germany and Russia".<sup>48</sup> The Germans told the Polish Red Cross that since Russia had not ratified the Geneva and The Hague conventions "we could not expect any news from our men in Russia and that we must wait for the individual men to write first, that no inquiries could be made to Russia."<sup>48</sup>

28. In a letter recently published in the Daily Telegraph, on 1 April 1971, Mr A Mitrega, a survivor from the Soviet camp at Starobielsk (cf paragraph 8 above) for Polish officers, recalled that on 5 April 1940 "we were told by the Russian camp commander that we were going to be handed over to the Germans in occupied Poland. But it turned out later that they never arrived there."<sup>49</sup> The camp-authorities at Starobielsk are stated to have received "from the central office"<sup>50</sup> lists designating Polish prisoners for transportation. Seventy nine of them, instead of vanishing like their comrades and those from the third camp of Ostashkov, survived on transfer to another camp at Pavelishtchev Bor (cf paragraph 8.ii). Some prisoners at Starobielsk noticed that the group destined to survive included not only a comparatively large number of "Reds" such as Colonel Berling, later Commander of the Polish forces with the Red Army, but also "the majority of Starobielsk 'Volksdeutsche'"<sup>51</sup>.

29. According to a much later account by a pseudonymous defector from the NKVD, "the liquidation of the Polish officers at Katyn" was "a typical operation" by NKVD "operational troops". "The whole operation, which has led to such violent controversy in the west, was considered entirely routine and unremarkable in Soviet Russia. I did not work in the State Security system at the time of the massacre, but during my time in the State Security Service body, GUKR Smersh, and in particular when I was

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48 Ibid, p 385.

49 Cited, L FitzGibbon, The Katyn Cover-Up p 25.

50 U S House of Representatives, Select Committee, op cit, part 6, p 1670.

51 Ibid, pp 1671-2.

**CONFIDENTIAL**

working in its Third Administration, I met people who participated in and helped to organize this mass murder... The small group of Poles such as Berling, which the NKVD needed as decoys to put in their shop window, had already been picked out."<sup>52</sup> From much earlier testimony from Professor Swianiewicz (cf paragraph 9 above) it would appear that the reception of central directives at Starobielsk was closely matched at Kozielsk, whence the transport of Polish officers began on 3 April 1940. The names of the officers individually selected for inclusion in each transport were dictated in telephone-calls from Moscow to the camp-authorities at Kozielsk, so that "some of us [prisoners] hazarded the guess that a Franco-British-Soviet mixed commission (or perhaps a Russo-German one) was deciding which Polish officers were to be sent abroad... If the Germans were involved... I failed to see how it could be in their interest to get the Polish officers transferred from Russian to German captivity."<sup>53</sup> Nor, according to M Mikolajczyk (paragraph 25) did the Germans now see this. Though it appears that there was no mass-killing of Polish officers in German prison-camps.

30. It may or may not have been grim coincidence, however, that at just about the time that the Russians, on the German accusation, were perpetrating the Katyn Massacre, Herr Hans Frank, German Governor-General of Poland, told a conference of German police officials on 30 May 1940: "The offensive in the West began on 10 May. On that day the centre of interest shifted from the events taking place here... We must use the opportunity in our hands. The F hrer said to me...the men capable of leadership whom we have found in Poland must be liquidated".<sup>54</sup> The conference resulted in the German "Operation AB", liquidation of the Polish leadership. At about the same time, "about April or May, or maybe the first day of June, but not later, 1940"<sup>55</sup> according to M Skarzyski, his superior, Dr W Gorczycki, Director

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52 A I Romanov, Nights are Longest There (trans. G Brooke, London 1972), pp 136-7.

53 The Crime of Katyn, p 50.

54 International Military Tribunal, Trial of the Major War Criminals, vol vii, pp 468-9.

55 U S House of Representatives, Select Committee, op cit, part 3, p 387.

of the Polish Red Cross, received a verbal order from a representative of the German Government-General "to close the camps (at Terespol), telling us that the officers won't come back".<sup>55</sup> (By October 1940, in connexion with Soviet recruitment of Polish officers, M Merkulov, Deputy Head of the NKVD, was reported as saying of those from Kozielsk and Starobielsk "we made a great mistake with them". According to another Polish source, M Beria said, "There are not many left, because we made a great mistake in turning the majority of them over to the Germans".<sup>56</sup>)

31. Unlike the defector from the NKVD and Mr Robert Conquest,<sup>57</sup> Professor A B Ulam of Harvard University, an expert of Polish origin on Soviet affairs, has argued that "while Soviet security forces have never been known to suffer from humanitarian inhibitions, the Katyn action was... uncharacteristic of Soviet practices on such occasions. The most likely conjecture is": that the Germans, with their contacts between the Gestapo and the NKVD, by "their importunities led the Soviet officials to sanction the frightful step. The spring of 1940 before the German attack in the West was the period of the greatest Soviet nervousness about German intentions, and the greatest eagerness not to provoke Hitler."<sup>58</sup> There is no proof that German importunities did stimulate the Russians to the Katyn Massacre. But there is the evidence now that some German authorities had prompt knowledge of a destiny for the Polish officers in Russia which would ensure, by whatever means, that they would not then be returning to Poland: and that at precisely the time that the Germans were organizing their own liquidation of the Polish leadership and that the Russians were, on the later German accusation, slaughtering the Polish officers at Katyn.

32. This conjunction may appear particularly ominous in the light not only of the terms of the secret protocol of 28 September 1939 but also of the basic circumstance that neither for Russia nor for Germany was there a Polish state juridically in existence in 1940. It may be doubted whether it was likely that the Russians, then seeking to appease Germany, would have killed thousands of Poles originating from the German Government-General without some kind of understanding or condonation from the Germans. Russian respect for the juridical position was grimly underlined precisely in Kozielsk camp, where Polish officers originating from eastern Poland then under Soviet sovereignty were strictly segregated

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56 The Crime of Katyn, p 97: cf also Annex D last paragraph.

57 Cf Robert Conquest, The Great Terror (New York, 1968) p 483.

58 A B Ulam, op cit, p 344.

**CONFIDENTIAL**

from those originating from the German Government-General. On the testimony of Professor Swianiewicz "this segregation of prisoners according to an artificial and imposed new State allegiance"<sup>59</sup> was relaxed only on 3 April 1940, the day on which the transports from Kozielsk began.

33. It is supposed that the original German announcement in April 1943 of 10,000 or 12,000 dead at Katyn (cf paragraph 1) was designed to include in advance the Polish prisoners not only from Kozielsk but also from those other two camps whose inmates are nearly all untraced to this day. If there was a measure of German-Russian understanding in regard to these Polish victims it evidently had not extended to the precise localities of their liquidation. Nevertheless, it seems hardly possible to rule out some suspicion of such an understanding in general terms. On 15 April 1943 M Skarzynski, on his way to Katyn, was received in Smolensk by Lieutenant Slowenczik (cf paragraph 5), who represented to him that the Polish nation should now join the Germans in their fight against Russia. M Skarzynski replied, on his own recollection, "that every Pole would be deeply shocked by this discovery, but inevitably will link this matter with the fact that it was done at a time when Russia, the present enemy of Germany, was their friend and ally, on the basis, again, of this [Ribbentrop-Molotov] pact."<sup>60</sup> If this Soviet-German friendship did embrace some understanding as to the fate of the Polish officers in Russia, that might help to explain the depth of the lasting obscurity shrouding these events and, more particularly, the discrepancies in the otherwise surprisingly casual German accounts of their subsequent discovery of the Katyn Massacre (cf paragraph 11 above). If this was the case the Germans would by 1943 have had the Russians trapped since, whatever else the latter said, they could hardly admit to their new allies that they had butchered thousands of Poles at the suggestion, or with the connivance, of the Nazis.

IV The Nuremberg Trials (1945-1946)

34. In the autumn of 1945 the prospect of the Nuremberg Tribunal on War Criminals revived British parliamentary interest in responsibilities for Katyn. On 10 October Mr Hector McNeill, Parliamentary Under-Secretary of State for Foreign Affairs, stated in the House of Commons:

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59 The Crime of Katyn, p 50.

60 U S House of Representatives, Select Committee, op cit, part 3, p 392.

**CONFIDENTIAL**

"As the victims were of Polish nationality and the site of crime is on Soviet soil, and having regard to the terms of the Three-Power Declaration issued at Moscow on 1st November, 1943, it would be difficult and inappropriate for His Majesty's Government to take the initiative in this matter." (Hansard, H of C, vol 414, col 250). On 25 October Mr Denis Allen prepared a paper (Annex C) summarizing previous developments in regard to the Katyn massacre and annexing a draft brief for a parliamentary debate which did not in fact take place. This draft brief notably included the following passages: "HMG...have no direct evidence on the subject in their own possession... They have of course studied the reports published by the German and Soviet Commissions which investigated the scene of the massacres in 1943. In their opinion the Soviet report, which was drawn up after a lengthy period of investigation by very distinguished and highly qualified Russian experts, provides sufficient prima facie evidence of German guilt to justify the inclusion of this charge in the indictment against the major German war criminals."

35. On 25 October 1945 Mr, now Sir Thomas, Brimelow, then in Northern Department, minuted his agreement with Mr Allen's paper subject to one significant reservation to a passage in it along the line of Sir W Malkin's minute of 7 March 1944 (cf paragraph 16 above). On this Mr Brimelow observed (N 16482/664/55; Annex C): "The Soviet investigations, if accepted as genuine, show that some Poles were killed at Katyn after March 1940. They do not prove that they were all killed after that date. In other words, the Soviet investigations inculcate the Germans without entirely exculpating the Soviet authorities. On the other hand, the evidence now available about German mass murders makes it impossible to attach credence to German evidence which might be designed to mask German crimes. We must therefore suspend judgment."

36. This suggestion that the guilt of one of the suspect nations in regard to Katyn need not necessarily exclude some measure of guilt on the part of the other may seem specially interesting in the light of foregoing considerations. And the suggestion might incidentally have a bearing upon Sir A Cadogan's earlier assumption that "all evidence from both sides is faked" (C 2957/8/55) and upon Mr Colvin's gloss on that (last paragraph in Annex A). Mr Brimelow's second point, concerning German mass-murders, was also only too relevant. Mr Eden's criticism of Nazi cynicism (paragraph 6) had been even truer than he then knew. On 19 April 1943, six days after the German announcement of Katyn, the German authorities began the mass killings in the Warsaw ghetto, and some of the other German liquidations were comparable in technique to that of Katyn, where fewer than five thousand dead were found. Apart from

**CONFIDENTIAL**

some six million Jews exterminated by the Germans during the Second World War, figures admitted by them show that at least 3,700,000 Russian prisoners died in their hands.<sup>61</sup>

37. The line taken in parliament by Mr McNeil and in Mr Allen's subsequent brief (cf paragraph 34) was substantially followed by HMG through the Nuremberg trials, which began preliminary hearings on 14 November 1945. The indictment of German defendants included the charge, framed by the Soviet prosecutor, that in September 1941 eleven thousand Polish officers who were prisoners of war had been killed in the Katyn forest.<sup>62</sup> The figure of 11,000 corresponded with one of the more surprising statements in the Soviet report of 1944 (annex B), claiming that "the total number of corpses as counted by the medico-legal experts was 11,000": according to the report, also there, of these experts, "925 corpses were taken from the graves and examined". The figure of 11,000 in the Soviet indictment at Nuremberg apparently resulted from a last-minute Soviet alteration from the original figure of 925 in the charge.<sup>63</sup> This alteration would incidentally seem calculated to estop the kind of point made by Mr Brimelow.

38. A letter of 25 January 1946 from Mr, later Sir Richard, Beaumont in the Foreign Office instructed Colonel Phillimore, the British Junior Counsel at Nuremberg, that the onus of preparing this case against the Germans should be left "severely to the Russians"; any help should be confined to "purely mechanical facilities" (N 568/108/55). During the trials the Katyn charge was handled exclusively by the Russians. The Attorney-General, Sir Hartley Shawcross, had written to Mr Ernest Bevin on 28 December 1945 (N 108/108/55 of 1946): "We did our best

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61 Cf Gerald Reitlinger, The House Built on Sand (London 1960), p 98.

62 Cf International Military Tribunal, Trial of the Major War Criminals, vol I, p 54.

63 Cf U S House of Representatives, Select Committee, op cit part 7, p 1946. Further evidence in this connexion, and on British and American reservations, is apparently available in Negotiating with the Russians (ed Dennett and Johnson, 1951), unavailable at the time of writing.

**CONFIDENTIAL**

to persuade the Russians not to include the charge about Katyn in the indictment, but they insisted on doing so, although I believe they are now a little doubtful of the wisdom of their decision." Sir H Shawcross added that he was unhappy about the situation which might arise if evidence were called on this issue.

39. On 15 February 1946 Sir Reader Bullard, HM Ambassador at Tehran, telegraphed an explanation of his personal belief that the Russians were responsible for the Katyn Massacre (N 2111/108/55: Annex E). Mr J Galsworthy of Northern Department minuted on this that Sir R Bullard's "doubts may be well founded - and shared by many others - but there could be no question of our 'blowing' the Russian case either in public or in private, and, in many ways, it might be as well that Katyn should be disposed of once and for all - onto the Germans." Mr D Allen considered that Sir R Bullard's telegram added nothing new and did not call for reply. Mr F Roberts, then Acting Counsellor at Moscow, stated in Moscow telegram No 681 of 18 February (N 2228/108/55): "I share Sir R Bullard's feeling that the Soviet case is as yet 'not proven'. But I also recollect that Sir William Malkin, after reviewing all the documentary and other evidence in London, regarded the Polish case against the Soviet Union as far from proven." Mr Roberts warned that "whatever the facts... the effect on Anglo-Soviet relations of any apparent tendency on our part to accept the German case about Katyn would be calamitous." A week later a letter from Mr Beaumont to Mr, now Sir Patrick, Dean, at Nuremberg (N 2228/108/55) while reaffirming the line given to Colonel Phillimore, represented "the political desirability of our appearing, in our dealings with the Russians themselves, to accept the Soviet case, and I hope that all concerned at Nuremberg will interpret our general instructions 'to hold aloof' in this sense."

40. On 25 March 1946 Sir Donald Savory, the Member of Parliament who specially interested himself in the Katyn Massacre from a Polish point of view (cf paragraph 10 above), sent Mr Bevin, with a copy to the Attorney-General, what was there described as "a supplementary report" from Polish military sources in London, bringing the Katyn evidence "up to date" (N 4406/108/55: cf paragraph 1 vi above). Mr R M A, later Lord, Hankey, then visiting London from our Embassy in Warsaw, minuted on this paper on 10 April in the light of the Nuremberg Trial: "I wish the Russians would drop it, myself; the whole thing stinks. But we can't butt in." In an ensuing minute of 10 May Mr C P C de Wesselow of Northern Department commented in conclusion: "The fact that the Russians have brought it up at Nuremberg is evidence on the whole in their favour."

**CONFIDENTIAL**

41. Mr Hankey had on 10 March 1946 remitted to Research Department (N 5269/108/55) another report on Katyn which had been given to him "by M Kazimierz Skarzynski... The report is too long to have translated by the confidential translator of HM Embassy... If it were known that M Skarzynski had given us a copy, his life would be in danger... The report shows that they [Polish Red Cross] refused to certify when the deaths were presumed to have taken place, still more who was responsible for them, but that the Germans mis-used the name of the Polish Red Cross in their propaganda campaign." Mr Hankey added: "M Skarzynski himself has been known to me since 1937 and I regard him as an exceptionally trustworthy and honest man. He visited Katyn himself at the outset of the enquiries. My own comment on the affair is that the Poles in Poland seem to have seen through the German plan and to have behaved with greater wisdom than the Poles in London." On 10 April Mr Bourdillon summarized this report, filed in entirety only in the original Polish typescript of sixty pages, in a memorandum entitled "Polish Red Cross Report on the Katyn Mass Graves" (Annex D).

42. It would not appear that M Skarzynski's report on N 5269/108/55 has ever been published; so that this file may conceivably contain fresh evidence on Katyn of some importance, though perhaps not much in view of the amount of other evidence from M Skarzynski now in print.<sup>64</sup> In any case the first part of Mr Bourdillon's memorandum adduced from M Skarzynski's report<sup>65</sup> that the technical commission of the Polish Red Cross which worked at Katyn "does not seem to have felt any doubt that the shooting was carried out by Soviet authorities in the spring of 1940, on the spot. They accepted, in fact, the German account, which, they say, was confirmed by the local inhabitants" with whom members of the commission were able to talk freely. In his summing up Mr Bourdillon further followed M Skarzynski in stressing the gravamen against the Russians, from the stopping of the Polish letters (cf paragraphs

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<sup>64</sup> Notably that from 1943 (cf paragraph 1 iv and note 4 above) and from 1952 (cf note 4 and paragraphs 8 ii, 19 ii, 27, 30, 33). Mr Zawodny, in writing Death in the Forest, was also able to use a considerable amount of manuscript material from M Skarzynski.

<sup>65</sup> Cf. US House of Representatives, Select Committee, op cit, part 3, pp 384f.



**CONFIDENTIAL**

8 ii - 9 above). And we now know<sup>66</sup> that the above arguments, together with others generally along the lines previously noticed (cf paragraphs 8-9 above), figured prominently in M Skarzynski's concluding recapitulation in this report of what he considered to be "the irrefutable evidence of direct Soviet responsibility in the Katyn massacre".

43. Mr Bourdillon, however, also observed, having regard to M Skarzynski's report, the official Soviet report and certain other sources, notably Lieutenant Slowenczik's letter (cf paragraph 5) and M Ociepka's testimony (cf paragraph 22): "There is some ground for suspicion against the Germans. Their report ('Amtliches Material') is not very convincing in its effect. The precautions taken to hedge round the Polish Commission and the international medical commission were such as to lead to the conclusion that the Germans had something serious to hide... It seems clear, too, that all was not right, from the German point of view, with the documents as found on the bodies." Mr Bourdillon concluded (Annex D) that "as the writer of the Polish Commission Report observed, 'In the Katyn affair the German conscience, if it is right to use such a term in speaking of a nation which barbarously murdered so many millions of human beings, is not in my view wholly clean'" (cf paragraph 33).

44. During the trial at Nuremberg the Soviet prosecution submitted the Soviet Special Commission's report of 1944 and claimed that it "fully established" German guilt.<sup>67</sup> The Soviet Chief Prosecutor, General Rudenko, and his deputy, Colonel Pokrovsky, who considered "the Katyn Forest incident as common knowledge",<sup>68</sup> initially resisted requests by Herr Stahmer, counsel for Marshal Goering, to call witnesses but then proposed, if the subject were opened, to call ten witnesses to the Soviet case. In this connexion Mr Justice Jackson, the chief American legal representative at Nuremberg, subsequently explained that in general "in the interests of expedition it was necessary to forego calling of witnesses so far as possible."<sup>69</sup> The tribunal ruled on Katyn on 29 June 1946 to "limit the whole of the evidence to three witnesses on either side because the matter is only a subsidiary

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66 Thanks to the valuable translation by Mr D Tonkin on ENP 10/1 of 1972 of the conclusion of this report by M Skarzynski. The bulk of this report, however, remains untranslated and so unavailable for this memorandum.

67 International Military Tribunal, op cit, vol xv, p 289.

68 Op cit, vol xlii, p 430.

69 U S House of Representatives, Select Committee, op cit, part 7, p 1950.

**CONFIDENTIAL**

allegation of fact".<sup>70</sup> Mr Patrick Dean minuted that day (N 8771/108/55) to Sir Orme Sargent, then Permanent Under-Secretary, that the British prosecution "already have instructions to take no part in this business... and the British judges are aware of the snags. With luck we shall avoid trouble".

45. Subsequently a British non-legal and unofficial analyst, Mr G F Hudson, an Oxford scholar, criticized the Russian legal performance at Nuremberg in an able if perhaps slightly angled article on "A Polish Challenge" in International Affairs for April 1950. This line of criticism reappeared in a later publication by the Royal Institute of International Affairs in which Mr S Lowery commented that General Rudenko's attempt at Nuremberg to have the Soviet report on Katyn accepted without discussion, together with "the fact that Rudenko twice changed his ground when confronted with German testimony, were an eloquent testimonial to the weaknesses of the Soviet case; moreover, the large amount of material in the hands of the Polish Government in Exile, was not submitted as evidence".<sup>71</sup> The deduction of the weakness of the Soviet case from the hearings at Nuremberg does not correspond with contemporary British legal and press opinion. A telegram of 6 July 1946 from the British War Crimes Executive (N 8817/108/55: Annex F) informed the Foreign Office that from the hearing of evidence on Katyn the "Soviet case has undoubtedly emerged very much enhanced." This telegram provides another rare specimen, after that from Sir W Malkin (paragraphs 16-17), of British legal evaluation of detailed evidence concerning the Katyn Massacre. In both cases such legal opinion rather tended in Russian favour. Professor Prozorovski, chairman of the Soviet medico-judicial commission of 1944, was now described as "undoubtedly a most effective witness", whose informed and confident handling of the key-issue of the late-dated documents was particularly noticed. The report from the British War Crimes Executive concluded: "Altogether although not of course conclusive the evidence emerged strongly in favour of the Soviet case and the German report was largely discredited and their evidence unimpressive".

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70 International Military Tribunal, op cit, vol XVII, p 273.

71 Survey of International Affairs 1939-1946: The Realignment of Europe (London, 1955), p 147.

**CONFIDENTIAL**

46. One might suppose that there was some inclination at Nuremberg to favour the Russian rather than the German case over Katyn. Concerned British legal opinion, however, had scarcely demonstrated this before the hearings of 1-2 July and Mr Dean minuted on the telegram of 6 July: "The British team, who are not very credulous, told me that the Russians had much the best of the argument and in their view rightly so". The Times of 3 July 1946 had carried a report from Nuremberg stating, in particular: "While the mystery was left in almost as much confusion as when the defence entered rebuttals, on the weight of the evidence the tribunal heard yesterday and today from six witnesses...it cannot be said that the German assertion that the murders were committed before the Smolensk area was occupied in July 1941 was well maintained". Two years later, on 3 March 1948, Mr Hankey, in thanking Count Raczynsky for a copy of the Polish Supplementary Report of October 1947 (cf paragraph 1 vii), "told him that when the question came up at Nuremberg our lawyers had been impressed by the weight of evidence produced by the Russians to show that it had in fact been done by the Germans and that the Russians had had very much the best of the argument". (N 2599/2599/55).

47. In the final pleas at Nuremberg Dr Stahmer on 5 July 1946 claimed that no confirmation of German guilt for Katyn could be found in the Soviet report. Lord Justice Lawrence, the British President of the Tribunal, observed that it was strange that Dr Stahmer had not offered in evidence the report of the German-sponsored commission. (It squared rather ill in some particulars with some of the German evidence at Nuremberg: cf paragraph 11 above.) Mr Justice Jackson later commented that "at the conclusion, neither side was satisfied with its own showing and both asked to call additional witnesses. The Soviet, especially, complained that they had been allowed to call only 3 of the 120 witnesses that appeared before the Soviet commission. The tribunal, wisely, I think, refused to hear more of the subject. The Soviet prosecutor appears to have abandoned the charge."<sup>72</sup> This may to a certain extent suggest a corrective to Sir Winston Churchill's observation that at Nuremberg "the Soviet government did not take the opportunity of clearing themselves of the horrible and widely believed accusation against them and of

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U S House of Representatives, Select Committee, op cit part 7, p 1951.

**CONFIDENTIAL**

fastening the guilt conclusively upon the German government".<sup>73</sup>  
The Russian case has, however, suffered heavily from the omission from the final judgment of 1 October 1946 of the Nuremberg Tribunal<sup>74</sup> of the Katyn Massacre: responsibility for it was not ascribed to German authorities. This has not prevented the large Soviet Encyclopedia and other official Soviet sources from stating that it was. Whereas one may feel that, as Mr Hudson put it over twenty years ago now, "the unquiet dead of Katyn still walk the earth".

V The Congressional Enquiry (1950-1952)

48. In connexion with the tenth anniversary of the Katyn Massacre on the reckoning of the Germans and of the Polish emigration, notably General Anders, in London the latter wrote to Mr Bevin on 16 June 1950 (NP 1661/3) requesting the support of HMG for the appointment of an international tribunal to investigate the Katyn Massacre in the context of a Polish indictment, communicated by General Anders, of the Soviet Government for it. British support was refused to General Anders on 6 July in the same way that the Prime Minister had shortly before refused such a request from the Scottish-Polish Society. It had been minuted that this refusal had been based upon several considerations, foremost of which: "(a) an investigation could be conclusive only with the co-operation of the Soviet Government which of course would not be obtainable. (b) As a propaganda stunt Katyn is too closely identified with Dr Goebbels." In ensuing minutes Sir Andrew Noble, an Assistant Under-Secretary of State, wrote on 1 July 1950 that "the only advantage to be gained from reopening this question would be propaganda material for use against Russia; but Information Research Department do not consider that this would be a fruitful source of such material"; and Sir William, now Lord, Strang on 2 July: "Like Sir W Malkin, I have always suspended judgment about responsibility for the Katyn massacre".

49. Meanwhile a "Committee for the investigation of the Katyn Massacre" had been formed in the United States under the Chairmanship of Mr Bliss Lane, a former American Ambassador to Poland, and with the support of Polish emigres. Against a background of rising interest in America in the thick of the Cold War, and in a somewhat different context - the activities of an American "Forced Labour Coordination

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73 Winston S Churchill, The Second World War (London 1948f) vol IV, p 181.

74 Cf International Military Tribunal, op cit, vol I, pp 171-341.

**CONFIDENTIAL**

Committee", not considered at the highest level in the Foreign Office - Mr, later Sir Peter, Wilkinson of Information Research Department mentioned in a letter of 23 August 1951 to Mr, later Sir Edward, Tomkins at our Embassy in Washington (PR 14/67 of 1951): "We agree that the Soviet authorities were very successful in turning the events at Katyn against the Poles, but the general conclusion reached here by those having access to the confidential material was that the Russians were the culprits - a conclusion shared, I believe, by Mr Churchill, according to the account given in the IVth Volume of his war memoirs" (cf note 73). This statement in an informal and confidential letter at middle level is notable from that period for its specific indication of acceptance in the Foreign Office of Russian guilt for Katyn.

50. A month later, on 27 September 1951, Mr Tomkins reported (NP 1661/3) that Congress had set up a committee under the chairmanship of Representative Ray Madden of Indiana to investigate the Katyn Massacre. Mr Tomkins wrote: "The State Department do not take this development very seriously and they suspect that it is prompted largely by internal political motives. Most of the members of the Committee are of Polish origin or they have large numbers of Poles in their constituencies. The demand for this enquiry does not arise from the discovery of any new evidence". In Northern Department Mr L H Massey minuted on this: "The real evidence - at Katyn - was carefully obliterated by the Russians in 1944. There seems to be no useful purpose in raising these ghosts now. That matter could have been raised at the Nuremberg trial but, as is well known, the Russians opposed it". The last sentence at least of this minute may seem, on evidence, to be rather sharply angled against the Russians.

51. The hearings of the Congressional Committee ground on. One of the most sensational witnesses was an anonymous, hooded Pole who testified as John Doe<sup>75</sup> on 6 February 1952 to having watched Soviet troops execute 200 Polish officers by night at Katyn in November 1939 - a further discrepancy of date. Mr K D Jamieson of our Embassy in Washington commented in a letter of 9 April 1952 (NP 1661/9) on this witness: "His story does not seem to be particularly convincing... An ex-Polish officer who was Chief of Intelligence to Anders in Russia and who is now in Peru visited us recently... He was very scornful of this

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Cf U S House of Representatives, Select Committee, op cit, part 2, pp 143-160.

CONFIDENTIAL

witness, and indeed of the whole conduct of the investigation." It did take cognizance, however, of a number of German diplomatic documents contemporary with the discovery of Katyn which are of supplementary interest;<sup>76</sup>this is also true of some hearsay evidence<sup>77</sup> from Stalin's captured son, Jacob Dzhughashvili.

52. Among the most interesting evidence taken by the Congressional Committee was that of M Skarzynski (cf paragraphs 8 ii, 19 ii, 27, 30, 33), of Mr Justice Jackson (cf paragraph 47 above) and also of M Boris Olshansky, formerly an associate professor in Voronezh State University and a personal friend of Academician N N Burdenko, the chairman of the Soviet Special Commission on Katyn. M Olshansky confirmed the account which he had previously given in a letter published in June 1950 by Sotsialistcheskii Vestnik, a journal produced by Russian emigres in America. By this account the then ailing Professor Burdenko, in a private conversation in his flat in Moscow in April 1946, told M Olshansky in regard to Katyn: "There is no doubt such 'Katyns' were and will be happening... We had to make a complete denial of the widely spread German accusation. On personal orders of Stalin I went to the place where the graves were found. It was a spot check and all bodies were four years old. Death took place in 1940... Actually, for me as a doctor, the question is clear and there is no argument about it. Our comrades from the NKVD made a great blunder."<sup>78</sup> Academician Burdenko died in November 1946, and once again M Olshansky's evidence is but circumstantial. If the statements of Professor Burdenko and M Olshansky were accurate, they virtually destroy the validity of the report of the Soviet Special Commission.

53. On 9 April 1952 the British Cabinet endorsed the opposition of Mr Anthony Eden to a suggestion from Representative O'Konski, a member of the Congressional Committee, that it should hold formal hearings in the United Kingdom (AU 1661/12). Endeavours by the committee to

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U S House of Representatives, Select Committee, op cit, part 5, pp 1339-1416; also note 25 above.

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Ibid, part 4, p 777.

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J K Zawodny, op cit, p 158.

**CONFIDENTIAL**

secure the cooperation of Her Majesty's Government in releasing classified documents<sup>79</sup> and in other ways were also successfully resisted. Mr Eden had minuted: "I dislike all this very much". (NP 1661/5). In London Representative Madden and others conducted only private hearings, of General Anders among others. On 2 July 1952 the Congressional Committee presented its Interim Report on the Katyn Massacre (NP 1661/13). This report was interim only in respect of procedure and was accepted in the Foreign Office as the committee's final view on the responsibility for the massacre. To the surprise of few, probably, "this committee unanimously finds, beyond any question of reasonable doubt, that the Soviet NKVD (People's Commissariat of Internal Affairs) committed the mass murders of the Polish officers and intellectual leaders in the Katyn Forest".<sup>80</sup>

54. In Northern Department Mr G Littlejohn-Cook minuted on 30 July 1952: "The [Congressional] report has an obvious political bias and has not been drawn up in an exclusively judicial fashion. Some of the evidence... is by no means conclusive and some is even contradictory. The most obvious example of this is the evidence given by the notorious 'hooded witness'... It has been suggested by the Polish press in this country that such evidence should never have been included, as it tended to discredit the remainder of the evidence". Subsequently even Mr Airey Neave, a prominent supporter of the Polish case against Russia on Katyn, described the Congressional Enquiry as "an abortive attempt".<sup>81</sup>

55. At the time, however, Mr Littlejohn-Cook further pointed out that the Soviet authorities had refused an invitation to participate in the congressional enquiry, and he expressed his personal belief in Soviet guilt. He noted that while Information Research Department were, like the Secretary of State himself, against discussion of the massacre in the United Nations as requested by the Congressional Committee, IRD had observed that "the guilt of the Russians seems more and more probable". If time has since borne out that observation, it has not

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79 Cf a list of relevant documents on AU 1661/4 of 1952.

80 Cf U S Congress, House of Representatives, Report No 2430, Interim Report of the Select Committee. (USGPO 1952), p 28.

81 Airey Neave, Foreword in Louis FitzGibbon, The Katyn Cover-Up.

**CONFIDENTIAL**

contradicted an immediately following one by Mr H A F Hohler, then Head of Northern Department. In expressing general agreement with Mr Littlejohn-Cook, Mr Hohler observed in a minute of 31 July 1952 (NP 1661/13): "Although there is strong circumstantial evidence against the Soviet Government, there is no conclusive proof".

VI Later Developments (1952-1972)

56. In the decade after 1952 interest in Katyn mainly lapsed and its sporadic revival produced relatively little new evidence, certainly of any conclusive kind. In 1956 in the United States the massacre of Katyn was again raised in Congress, but with no positive result. On 17 April that year The Times carried a brief report from Warsaw that in the context of "the anti-Stalin drive" under M Khrushchev, he had "indicated that the Soviet Government has now appointed a [new] Commission, to investigate the Katyn murders." Arising from this report, which followed a visit by M Khrushchev to Warsaw that March, Information Research Department produced a brief on "The Katyn Wood Murders" on 28 April 1956 (PR 117/939). This brief was circulated by IRD to unofficial recipients as a non-attributable background paper. It stated: "Western opinion has for some years been in no doubt that the massacre in 1940 of more than 4,000 Polish officers was among the most brutal crimes committed by the Government of the Soviet Union at any time in its history". Subsequently, in 1960, Mr R H Mason, then Head of Northern Department, explained that this brief of 1956 had "quoted from the Report of the US Select Committee and accepted its conclusions. This paper was an independent research study and has no official status: it cannot be represented as embodying the official view of HMG" (NP 1661/2).

57. M Khrushchev's initiatives in 1956 produced a story, to be found years later in a number of places, <sup>82</sup> that he had offered to reveal the truth of Soviet responsibility for Katyn but that M Gomulka, who was being rehabilitated, had refused because of the strain which this would

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82 Cf the Polish emigre weekly Tydsien Polski of 21 August 1965; Erwin Weit, Ostblock Intern (Hamburg 1970), pp 78-79; Neue Zürcher Zeitung of 29 April 1971 and L FitzGibbon, op cit pp 36-7; Mr R Baker's letter of 13 May 1971 from Warsaw on ENP 10/1, and Mr K H M Duke's minute of 15 September 1972 on ENP 10/1.



place upon the Polish communist leadership. One account<sup>83</sup> adds that according to a story subsequently circulated by the Russian-born General Mieczyslaw Moczar, Polish Minister of State Farms from April 1956, he had at that time vainly supported M Khrushchev against M Gomulka in favour of revelation. The recorder of this story refers to the general's "fairy tales... How all that was possible, Moczar does not say - he was himself then only chief of the communal authority of a Polish voivodship and Gomulka was still proscribed."<sup>84</sup> Even if Gomulka was by then on his way in again, there are other difficulties in regard to M Khrushchev's attitude<sup>85</sup> and some uncertainty as between his two visits to Warsaw of March and October 1956. If there is some truth in the story its importance is obvious but subsequently Count Raczynsky referred to it as a rumour.<sup>86</sup>

58. In the following year another fragment concerning Katyn surfaced in a German newspaper, 7-Tag, published in Karlsruhe. On 7 July 1957 this popular journal printed a report allegedly dated from the NKVD office at Minsk on 10 June 1940. This purported document stated in particular: "In accordance with the order of the Main Office of the NKVD dated February 12, 1940, the liquidation of the three camps for the Polish prisoners-of-war in the area of c[ities] Kozelsk, Ostashkov, and Starobelsk was completed...on June 6 of this year... On the basis of the above-mentioned order, Camp Kozelsk was liquidated first in the period from March 1 to May 3 in the area of Smolensk by the organs of the Minsk NKVD."<sup>87</sup> It does not appear that the provenance of this text has ever been divulged. There is no proof that it is genuine, but some suggestion that it may be.<sup>88</sup> It had been said earlier that the Germans had captured NKVD records in Minsk and had in 1943 linked the Katyn Massacre with NKVD from Minsk.<sup>89</sup>

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83 Erwin Weit, loc cit.

84 Ibid.

85 Cf Nicholas Bethell, Gomulka, His Poland and His Communism (London, 1969) p 214.

86 Cf L FitzGibbon, op cit, p 35.

87 J K Zawodny, op cit, pp 114-5.

88 Ibid

89 Cf Joseph Mackiewicz, op cit, p 158, also pp 182-3.

59. In 1960 the Earl of Arran, who had served in the Diplomatic Service and the Ministry of Information during and after the war, privately raised the question whether Her Majesty's Government should not now express a belief in Russian guilt for Katyn. It was in this connexion that Mr Mason noticed the IRD brief of 1956 (cf paragraph 56). Lord Lansdowne, then a Parliamentary Under-Secretary of State, replied to Lord Arran in a letter of 30 November 1960: "We were not able to accept as sufficient evidence the findings of the Select Committee of the United States House of Representatives published in their report in 1952. The Select Committee, as you know, had no judicial status and Her Majesty's Government has never subscribed to its conclusions. I can find no evidence from examination of the files that 'the unequivocal view' of the Foreign Office was ever that this revolting crime had been committed by the Russians. In 1944, after the publication of the Soviet Investigating Commission's report, despite the weight of evidence tending to incriminate the Soviet Union, the whole state of the question was so confused that judgement by us was suspended. No new evidence has appeared subsequently to justify any change of attitude on our part." (NP 1661/2).

60. In the United States in 1962 Mr J K Zawodny, a Professor at the University of Pennsylvania, published his Death in the Forest, ascribing responsibility for the Katyn Massacre to the Soviet Government in what is still the most scholarly assessment, from the Polish angle, of the bulk of the evidence. Another important Polish contribution, to Russian detriment, to the literature on Katyn was made in the publication by the Polish Cultural Foundation in London in 1965 of The Crime of Katyn: Facts and Documents, an English version of Zbrodnia Katynska of 1948 (cf note 8 above). A piece of fresher evidence appeared in 1969 with the English publication of My Testimony, written two years earlier by Anatoly Marchenko, a Soviet dissident. He recalled meeting in Vladimir gaol in the middle nineteen-sixties a forester who had been there for twenty years "after he had accidentally witnessed the slaughter of the Polish officers in the Katyn Forest".<sup>90</sup> This forester has been credibly identified as Boris Menshagin in connexion with comparable evidence from the Russian clandestine (Samizdat) journal, "A Chronicle of Current Events".<sup>91</sup>

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Anatoly Marchenko, My Testimony (London 1969), p 157.

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Cf letter from Peter Reddaway in The Times of 16 February 1971, also Uncensored Russia (ed P Reddaway, London 1972), p 222.

**CONFIDENTIAL**

61. These circumstances were recalled in the Daily Telegraph of 22 July 1971 in connexion with a report of the previous day in the Israeli newspaper Maariv, featuring Mr Abraham Vidro, a former Polish citizen and inmate of Soviet labour-camps. Mr Vidro claimed that in one camp he had met a Soviet Major Sorokin who said that he had supervised the departure of thousands of Polish officers from a camp to Katyn Forest, where they were shot. Mr Vidro added that in another labour-camp he had met Soviet Lieutenants Suslov and Tikhonov, one of whom confessed to taking part in the killing. This new evidence is still only hearsay but it grimly complements the earlier evidence in favour of Soviet responsibility for Katyn. In the face of such developments both the Soviet and the communist Polish authorities have generally maintained their notable reluctance to revert to Katyn. One effort of Soviet rebuttal<sup>92</sup> was bleakly traditional on the pattern of 1944.

62. The only fresh testimony suggesting German guilt came in a letter in The Times of 27 February 1971 from Mr Henry Metelmann who had served in the German army on the eastern front in the Second World War. Mr Metelmann did "not think that at that late time of the war Goebbels managed to fool German soldiers in Russia on the Katyn issue. For it came much too close to our professionalism and to our sense of realism... We German soldiers...knew very well that the Polish officers were dispatched by none others than our own!" Mr Metelmann explained, however, that he had not been to Katyn and his conclusion is in itself quite inconclusive, though it may be compared with earlier evidence in the German context (cf paragraphs 20-33 above).

63. In the same year of 1971 Mr Louis FitzGibbon, a publicist, produced his Katyn: a crime without parallel. The great bulk of the main text (pp 19-161) of this book appears to be lifted almost verbatim, though with a number of omissions and some variation, from the Polish publication of 1965, The Crime of Katyn. This is, however, only listed among other books in Mr FitzGibbon's bibliography. By this remarkable device the arguments and views of Polish sources are liable to be taken by unsuspecting readers for those of Mr FitzGibbon himself. A year later Mr FitzGibbon produced another book, The Katyn Cover-Up (London 1972), in which he incidentally explains that "'Katyn - A crime without parallel' was finished in six weeks, writing against the clock and at night."<sup>93</sup> The second of these books, unlike the first, is described on the titlepage as

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"The truth about Katyn" in Soviet Weekly, 16 October 1971: cf L FitzGibbon, The Katyn Cover-Up, pp 142-5.

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Op cit, Introduction.

**CONFIDENTIAL**

"Compiled by Louis FitzGibbon". The Katyn Cover-Up describes the author's promotion in 1971 of the "Katyn Campaign", briefly noticed in paragraph 2 above.

64. The year of this campaign was also that of the debate on Katyn in the House of Lords (cf paragraphs 2 and 24). In the course of this debate Lord Hankey, with his earlier personal experience, referred to the key issue, still, of the dating of the documents on the corpses. On this he contributed what one may feel to be, in logic at least, almost the last word in the way of unofficial pronouncement: "One has to say that there is a conceivable residual doubt on this subject. I am not in any very great doubt myself, I am afraid, as to where the blame lies. I only say that if you want legal evidence, there is a legitimate residual doubt, and I do not think that it has been possible to clear it up on the evidence which has hitherto been released".<sup>94</sup>

65. Subsequent research in the Foreign and Commonwealth Office has indeed cast grave doubt upon the validity of the Soviet Report of 1944, not least as regards the authenticity of the late-dated documents produced by the Russians<sup>95</sup> (paragraph 15 iii above). In general, however, the opinion of Lord Hankey has largely matched that in the Foreign and Commonwealth Office where the terms of Lord Lansdowne's letter of November 1960 (paragraph 59 above) were substantially reproduced in November 1970 in a letter from Lord Lothian in reply to Mr Louis FitzGibbon, and in one of May 1971 from Mr Anthony Royle to Mr Michael Hamilton MP. The later letter, however, also included an assurance that "the Government is not unaware of the widely held conclusion to which the evidence appears to lead", and a similar letter was sent by Mr Joseph Godber in reply to Mr Wedgwood Benn MP at the end of June 1971. It was considered in the Foreign and Commonwealth Office that such a phrase should preferably not be used, though it should not be repudiated, in Parliament. There Lord Aberdare's statement in the debate on 17 June (cf paragraph 2) had not won ready acceptance as the last word.

66. In this connexion Lord St Oswald and Mr Airey Neave approached the Secretary of State in July 1971 and a brief was prepared in the Foreign

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Hansard, Parl Debs, 5th series, H of L, vol CCCXX, col 754.

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Cf the analysis of 1 November 1972 by Mr D Tonkin on ENP 10/1.

**CONFIDENTIAL**

and Commonwealth Office. This paper stated in particular: "It is clear from past papers that the working assumption in the Foreign Office has always been that the Russians were probably the guilty party... Nevertheless it has always been HMG's policy to refrain from stating publicly or officially that we consider the Katyn massacre was committed by the Russians... There are nevertheless certain constraints which make it difficult for HMG to avoid comment altogether... if we are not to appear inconsistent or disingenuous... Letters from Ministers to Members of Parliament over the years have also hinted at the Government's presumption of Soviet guilt, whilst avoiding any definite pronouncement." This presumption has been cumulatively strengthened. X

67. This brief, however, drew attention to "an inherent weakness" in the position of Lord St Oswald and Mr Airey Neave in seeking to "secure pronouncement establishing beyond contention" the authorship of the Katyn Massacre: "They are compelled to argue either (a) that the facts about Katyn are well-known, ie the Soviet Government was guilty, in which case no further effort to establish the authorship of the crime would appear to be necessary, or (b) that some new enquiry is first necessary to establish the facts to universal satisfaction, in which case it must be asked why HMG should now be expected to express a public view if the evidence is still incomplete, and whether any new enquiry would be likely to succeed without the cooperation of the Polish and Soviet Governments" (ENP 10/1).

68. That logic still stands, and also the conclusion: "We see no advantage in breaking the silence that we have preserved for nearly 30 years on the Katyn massacre."

ROHAN BUTLER

10 April 1973.

**CONFIDENTIAL**



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# ANNEXES

