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Mass Terror and the Court: The Military Collegium of the USSR

MARC JANSEN & NIKITA PETROV

Abstract

Apart from its role in the Moscow show trials during 1936–38, the Military Collegium of the USSR Supreme Court under V.V. Ul'rikh also tried some 40,000 'enemies of the people' behind closed doors, sentencing most of them to death. These pseudo-trials of no more than a few minutes took place in prisons or NKVD offices in Moscow or (through the Collegium's assizes) provincial centres. There was no serious investigation of the evidence, and the court turned a blind eye to apparent cases of torture. The judges personally attended executions, occasionally even participating in them. The punishments had been determined beforehand by the political leadership under Stalin by way of lists, with the Military Collegium only 'legalising' the sentences. The defendants originated from the Soviet elite. The aim of this article is to throw more light on this side of the Collegium's activities, mainly based on archival sources. The article suggests that this quasi-legal procedure was adopted by the leadership under Stalin, in preference to purely administrative measures, because it was considered to be less likely to endanger the elite's loyalty.

We did not break the law, did not sign just like that. These are lies. Ul'rikh gave reports. There was a court, an indictment, there were sentences: everything as it should be, everything according to the law (Lazar' Kaganovich interviewed by G.A. Kumanev in Kumanev 1999, p. 116).

From an organ of justice, [the Military Collegium] was turned into an appendage of the power apparatus, a weapon of arbitrary rule and lawlessness, a terrible machine of mass repressions [Soviet military jurists N. Chistyakov and V. Maslov (1991, p. 76)].

THE MILITARY COLLEGIUM OF THE USSR SUPREME COURT played an essential role in Soviet political justice, particularly during the Stalin years and immediately after. It was formed in 1923 and Valentin Trifonov was appointed its first president, with Vasili Ul'rikh as his deputy. To begin with it was intended to be a court of first instance

This article is based on part of a study conducted by the authors into the Military Collegium of the USSR Supreme Court under Stalin (work in progress). We would like to thank M. Ellman, F.J.M. Feldbrugge, J. Kirkpatrick and E. van Ree for their advice.

for examining cases of exceptional importance, as well as an organ to supervise military tribunals. In January 1926, Ul'rikh succeeded Trifonov as president, holding the position for no less than 22 years, until August 1948.¹ The Collegium was brought to bear against the enemies of the Soviet state, real and imagined, and conducted some of the main political trials of the 1920s and early 1930s.

From July 1934 onwards, all cases concerning counter-revolutionary crimes (treason, espionage, terror, sabotage) were transferred from the OGPU Collegium to the Military Collegium and its subordinate military tribunals. As a result, the Military Collegium's importance as a court of first instance grew enormously. Moreover, immediately after the Kirov murder of 1 December 1934 it was decreed that persons accused of terrorist activities were to be tried in an accelerated and simplified procedure: the indictment was to be handed to the accused only 24 hours before the trial; the case was to be heard without prosecutors, defenders, and witnesses; appealing against a sentence or pleading for pardon were not allowed; and a death sentence was to be carried out immediately after being passed.² For more than two decades, this 1st December Law established the procedure for political justice by the Military Collegium. All in all, between 1934 and 1955, the Collegium passed sentence on 47,459 people, most of whom received the death penalty.³

In accordance with the 1st December Law, the Military Collegium under Ul'rikh examined the main suspects connected with the Kirov murder, with the political leadership (especially Stalin) determining the course of the investigation, the indictment, the organisation and conduct of the trial, and the verdict. During 1936–38, Ul'rikh, on behalf of the Military Collegium, presided over the great Moscow show trials, which were aimed at settling with the former Bolshevik leaders, now 'enemies of the people'. In this case, the 1st December Law was not applied; formally, the trials were conducted with full accordance to legal requirements with prosecutors and counsel for the defence participating, and journalists and diplomats attending. However, these pseudo-judicial staged trials were meant only for external effect and, in point of fact, were no less unlawful. The sentences that were delivered at these trials had been decided beforehand by Stalin and the Politburo, and although the defendants were allowed to apply for pardon, applications were examined within a few hours and declined.

¹Army Military Jurist (*armvoenyurist*) Vasilii Vasil'evich Ul'rikh (1889–1951) was a Russian of German–Baltic origin. Born in Riga (Latvia), he graduated from the local Polytechnic Institute in 1914. A Bolshevik since his student years, after the revolution he joined the state security service of the new Soviet state, the VChK or *Cheka*. At the same time, although lacking any relevant training, he was engaged as a judge. In 1920 he was appointed President of the Military Tribunal of the Internal Security Troops, subsequently becoming a member of the Collegium of the RSFSR Revolutionary Military Tribunal. In 1921 he rose to President of the Military Collegium of the RSFSR Supreme Tribunal. During those same years, in a strange combination of functions from our point of view, but not in Soviet terms, he took an active part in a number of *Cheka* operations as deputy chief of the counter-espionage department. It was only in October 1923 that he began working for the judicial organs full-time.

²'Postanovlenie TsIK i SNK SSSR o vnesenii izmenenii v deistviuyushchie ugovolno-protsessual'nye kodeksy soyuznykh respublik' 1 December 1934, *Sbornik zakonodatel'nykh i normativnykh aktov o repressiyakh i rehabilitatsii zhertv politicheskikh repressii* (1993) (Moscow, Respublika), pp. 33–34.

³Gosudarstvennyi arkhiv Rossiiskoi Federatsii (GARF), f. 7523, op. 89, d. 4408, l. 32.

The show trials were, however, only the tip of the iceberg of the Great Terror. Tens of thousands of people considered to be dangerous to the state were also tried and sentenced by the Military Collegium behind closed doors in an outwardly legal procedure based on lists.⁴ These lists, drawn up by the NKVD, contained the names of leading Party, Soviet, *Komsomol*, Trade Union, Red Army and NKVD officials, as well as writers, artists and prominent representatives of economic institutions, who had been arrested by the same NKVD. For each person accused, the NKVD proposed a sentence (in most cases, the death penalty) that subsequently had to be confirmed by Stalin together with a small circle of close Politburo colleagues. Although Stalin and his Politburo colleagues were therefore in effect acting directly as the court, the Military Collegium still had to legalise the sentences. The Presidential Archive in Moscow contains 383 such lists, dated from 27 February 1937 to 29 September 1938, containing the typed names of some 44,500 people,⁵ with the proposed category of punishment, as well as the signatures of Stalin and his associates and their remarks, written in pencil.

On a smaller scale, the system had been applied before and would be applied again later. On the larger scale of the late 1930s however, the 'simplified procedure' of the 1st December Law was first applied in the autumn of 1936, shortly after Ezhov had been appointed head of the NKVD. On 4 October 1936 the Politburo (without Stalin, who was in Sochi) approved the 'measures of judicial punishment' proposed by Ezhov and Vyshinskii for 585 'active participants in the Trotskiist–Zinov'evist counter-revolutionary terrorist organisation'; the persons involved were enumerated in a list.⁶ In doing so, the Politburo did not merely approve this 'simplified procedure of judicial examination', it in fact passed sentence itself. Henceforth, this became the usual procedure in realising Party justice at the highest level. Of the 585 individuals on the list, 114 were sentenced by Military Collegium assizes in Leningrad on 10 and 11 October.⁷

From February 1937 onwards, the Politburo began making regular use of such lists. These were not, however, examined by the entire Politburo, only by Stalin and a few close adjutants, whose approval was given by writing 'for' (*za*) on the lists and appending their signature. The first such list was approved on 27 February 1937, at the opening of the notorious Central Committee plenary session which played a major role in expanding the terror; it contained the names of 479 people for whom execution was proposed. The established procedure was that Ezhov, his deputy Frinovskii and a number of highly placed NKVD officers drew up lists based on the information received from provincial NKVD administrations; the lists were then sent on to Stalin and a select group of Politburo members (in order of frequency, Molotov, Kaganovich, Voroshilov, Zhdanov, Mikoyan, Ezhov and Kosior) for confirmation. Finally, the cases were forwarded to Ul'rikh and the Military Collegium

⁴This topic has been dealt with only in a few, rather superficial articles, mainly in Russian. See especially, Chistyakov & Maslov (1991) and Suvenirov (1995).

⁵Arkhir Prezidenta Rossiiskoi Federatsii (APRF), f. 3, op. 24, dd. 409–419. See also: *Stalinskie rasstrelnye spiski* (2002).

⁶APRF, f. 3, op. 24, d. 242, ll. 173–174.

⁷APRF, f. 3, op. 24, d. 413, ll. 373–375.

in order to legalise them. This procedure functioned without a problem until September 1938.

The lists were prepared by a secret 'special group' in the NKVD, which divided the persons named in the lists into three categories, the first signifying execution, the second ten years imprisonment and the third between five and eight years imprisonment (the third category was abandoned after July 1937). In fact, Ul'rikh was already involved at this preliminary stage: according to the commission led by N.M. Shvernik during the de-Stalinisation campaign of the early 1960s, the measure of punishment was determined by leading NKVD officers, Military Collegium President Ul'rikh, and USSR Deputy Procurator Roginskii (Vyshinskii's right-hand man) beforehand.⁸ After this, Stalin and his associates examined the lists, added their signatures and sometimes made amendments when they deemed the sentence proposed was too severe or too lenient; now and then a name was crossed out, and in some cases they even added exclamations such as: 'Beat him, beat him'.

After confirmation by the leadership, the NKVD forwarded the lists to the Military Collegium, which subsequently examined the cases on the basis of the 1st December Law and passed sentence in accordance with the categories determined beforehand; exceptions were very rare (see Roginskii 2000, pp. 494–496). Although in itself no more than a formality, some cases did not even make it to this extremely simplified judicial procedure by the Military Collegium: former NKVD officials who had been put on the lists, together with a few military officers and others, were shot without a formal court decision by way of the 'special procedure', their fate being decided by a commission of Vyshinskii (or his deputy Roginskii), Ul'rikh and Ezhov (or his deputy Frinovskii).⁹

All in all, the lists contained some 44,500 names; after excluding those names crossed out and duplications, 43,768 names were left. In fact, not all of the people in these lists were sentenced by the Military Collegium. Between 1 October 1936 and 30 November 1938, the Military Collegium sentenced 31,456 people to death and 6,857 to various prison terms, making a total of 38,313. These figures were produced by the Supreme Court for the Commission on Pardoning of the USSR Supreme Soviet. According to other figures from the same source, the Military Collegium sentenced 14,732 people during 1937 and 24,435 during 1938, totalling 39,167.¹⁰ The difference might be explained by the inclusion in the figure for 1937–38 of sentences by military tribunals that had been examined by the Military Collegium after appeal; in any case, the figure for the period of 1 October 1936–30 November 1938 only relates to sentences issued by the Military Collegium itself.

One reason for the disparity between the number of names in the lists and the number of sentences issued by the Military Collegium seems to be that the Military Collegium was permanently overloaded with proceedings, therefore cases were handed over to other organs to pass judgement. The Military Collegium had regular sessions in Moscow only, and was unable to send its assizes (*vyezdnye sessii*) to the regions of

⁸APRF, f. 3, op. 24, d. 449, l. 88; *Reabilitatsiya* (2003, p. 591).

⁹Note of the Shvernik Commission of 18 February 1963: APRF, f. 3, op. 24, d. 449, l. 89; *Reabilitatsiya* (2003, p. 592).

¹⁰GARF, f. 7523, op. 89, d. 4408, l. 32.

the USSR often enough to pass timely sentence on all those mentioned in the regional lists confirmed by Stalin. The Military Collegium assizes visited some regions once a year at most, and others never at all. In the meantime, local prisons were overloaded with those who had been listed; although their cases had been investigated long before and their fate had in fact already been decided in Moscow, a formal judicial decision had yet to be taken. Sometimes, when it was clear the Military Collegium assizes would not visit a given region during the following months, the cases of those listed were forwarded to the local military tribunal or the provincial court's Special Collegium, and sometimes even to the local administrative bodies, the *troikas*, in order to legalise the sentence. This was done on the regional NKVD chief's initiative and, as a rule, with Ezhov's approval.

In the spring of 1938, the Military Collegium assizes under I.T. Nikitchenko visited Khabarovsk in the Far East. From there, however, they were unable to reach such distant places as Kamchatka, Sakhalin and Nikolaevsk-na-Amure, where a large number of people on the lists were located. In order to solve the problem, on 24 April a telegram sent by Deputy NKVD chief Frinovskii, Deputy USSR Procurator Roginskii and Ul'rikh allowed Nikitchenko, on behalf of the Military Collegium, to pass sentence *in absentia* on first category cases (execution); second category cases were to be handed over to the local tribunals (*Reabilitatsiya* 2003, p. 608).

A second reason for the disparity between listed names and sentences was that the procedure of the Great Terror became disarranged in its final stage. In August–September 1938 a great number of lists were signed in Moscow. On 12 September 1938 alone, for instance, Stalin and his associates approved 3,167 death sentences through the Military Collegium (Jansen & Petrov 2002, p. 103). At the same time, however, a change of leadership took place in the NKVD, resulting in a diminishing of the scale of the repressions. In practice, in October the Military Collegium stopped examining cases relating to the lists: the last execution of 1938 on the basis of Military Collegium sentences occurred in Moscow on 4 October. In December 1938, a brief period began in which cases were even reviewed. As a result, many of those named in the latter lists of 1938 were sentenced significantly later not only by the Military Collegium, but also by other judicial organs such as tribunals or courts of general jurisdiction. Frequently, they were not sentenced to death as designated in the lists but received other punishments, sometimes even being released. So, the fact that those named in the lists were to be tried by the Military Collegium, did not mean that all were indeed sentenced by it.

The Military Collegium consisted of its president Ul'rikh, his deputy I.O. Matulevich and 15 members. 'Special cases' were placed in Ul'rikh's hands and details were accessible to only four or five reliable colleagues including Matulevich, Nikitchenko and I.V. Detistov, and kept secret from all others (Ushakov & Stukalov 2000, pp. 21–22). After Stalin's death, Detistov explained that Ul'rikh 'did not allow any discussions concerning cases of the Military Collegium's special jurisdiction', claiming that in this respect he was accountable 'only to the Party Central Committee'.¹¹ According to Detistov,

¹¹Rossiiskii gosudarstvennyi arkhiv sotsial'no-politicheskoi istorii (RGASPI), f. 589, op. 3, d. 7431, l. 130.

The Military Collegium work was organised in such a way, that there was much its own members did not know, even concerning what was going on in the Collegium itself. Everything was classified as secret. Instructions originated from Ul'rikh or his deputy. Ul'rikh himself wrote reports for Stalin or sometimes reported to him in person, and received instructions from Stalin personally.¹²

Indeed there is an abundance of sources confirming that Ul'rikh regularly reported to Stalin on his activities, both orally (as his visits to Stalin in the Kremlin bear witness) and, more often, in writing (Volkogonov 1989, p. 222). We also know that he strictly adhered to Stalin's instructions with respect to those being tried.

When in January 1940 the Collegium's judicial secretary Mazur was enlisted for 'special cases', Ul'rikh warned him that he would be dealing with state secrets:

There is nothing to be astonished at, as the trials will be unusual. Not a word should be said to anybody about what is being heard or seen in the court sessions. The names of those condemned should be forgotten, and nothing at all should be remembered of what has been going on in the courtroom. Violation of this leads to bad consequences.¹³

From his senior colleague Batner, Mazur learned, in strict confidence, that the special cases were examined in a simplified and accelerated procedure according to lists that had been approved by the Central Committee, which meant that the measure of punishment had been decided beforehand. Apart from Ul'rikh, nobody in the Military Collegium really knew, however, whether the Central Committee had indeed taken such a decision, as 'the correspondence concerning these cases was in the hands of Ul'rikh personally'.¹⁴

When Ivan Detistov joined the Military Collegium in August 1938, Ul'rikh informed him of the 'simplified procedure of examining cases concerning enemies of the people', which had been introduced after the Kirov murder 'with the approval of the leading organs'. He added that there were approved lists in which the measure of punishment had been indicated.¹⁵

A Military Collegium court session entailed three of its members assembling with one of them (often, but not necessarily, Ul'rikh) acting as President, dressed in full military uniform and decorations (Tiif 1989, pp. 123–124; Adamova-Sliozberg 1999, pp. 26–27). No prosecutors or defenders attended these sessions, and there was no audience, only a secretary and guards (Sokolov 2001, p. 145). For the sake of secrecy (and because, remarkably enough, neither the Military Collegium nor the Supreme Court had its own courtroom), between late 1936 and 1941 (and most actively in 1937–39) Military Collegium sessions in Moscow were held in Lefortovo prison, at the premises of the interrogation section, and on rare occasions, in other prisons including Butyrki. Ul'rikh, Matulevich, Nikitchenko, D. Ia. Kandybin, A.M. Orlov and others presided by turns.¹⁶

¹²RGASPI, f. 589, op. 3, d. 7431, l. 305.

¹³RGASPI, f. 589, op. 3, d. 7431, l. 120.

¹⁴RGASPI, f. 589, op. 3, d. 7431, l. 119.

¹⁵RGASPI, f. 589, op. 3, d. 7431, l. 187.

¹⁶RGASPI, f. 589, op. 3, d. 7431, ll. 33, 139, 187.

After Stalin's death, Secretary Mazur elaborated on the procedures that were followed:

Cases were examined in Lefortovo prison in an accelerated and simplified way, violating legal procedure. The indictment was handed to the accused sometimes even less than 24 hours [before the court session]. The trial was conducted within 15–20 minutes. The accused only had to answer if he acknowledged his testimony given during the preliminary investigation. If the answer was affirmative, the judicial investigation was declared finished at that point, and the accused was given the right to pronounce his concluding remarks.

However, sometimes the accused denied the charge, often referring to the unbearable torture with which the investigators had obtained the testimony. In that case:

excerpts from his testimony during the preliminary investigation were read out, as well as excerpts from the testimony by other persons, with the accused denying this testimony as a rule. All the same, the judicial investigation was declared finished at that point, and the court withdrew to the deliberation room in order to pass sentence, returning after a very short time to read out the verdict.

The verdict had been written out beforehand by the presiding judge or members of the court, up to the words 'is sentenced to'. Sentences were passed in accordance with the categories indicated in the lists; Mazur did not know of any cases where the Military Collegium, acting independently of the NKVD or the Central Committee, had changed these categories. There was no right of appeal.¹⁷

In an apparent demonstration of legality, the trial was attended by one of the deputies of the USSR Procurator, who was also present in the deliberation room. After Stalin's death M.A. Durinov, at the time an orderly officer at Lefortovo, described to the Party Control Commission how, assisted by the guards, he brought the prisoners into what was for now the courtroom and returned them to the box after their case had been examined. According to him, after each five cases the court withdrew to the deliberation room in order to pass sentence, subsequently returning to the courtroom in order to read out the sentences in the same sequence. Death sentences were carried out the same day by the commandant and his team.¹⁸

According to Durinov, the Military Collegium made long working days in Lefortovo, working Monday to Friday from 11 or midday to midnight or one in the morning.¹⁹ Detistov added that occasionally two Military Collegium courts held sessions in Lefortovo prison at the same time, each examining 20–30 cases a day and sometimes even more, and working without taking breaks; 'that is why breakfast, dinner and tea were served to the judges and the procurator in the deliberation room'. The food was paid for by the NKVD, sometimes also by the Supreme Court.²⁰

¹⁷RGASPI, f. 589, op. 3, d. 7431, ll. 118–120.

¹⁸RGASPI, f. 589, op. 3, d. 7431, ll. 32–33.

¹⁹RGASPI, f. 589, op. 3, d. 7431, ll. 32–33.

²⁰RGASPI, f. 589, op. 3, d. 7431, l. 127.

V.S. Malinin, a Lefortovo prison official at the time, later informed the Control Commission that the meals were rather copious; apart from hot dinners, there were various cold snacks including different kinds of sausages, cheese, butter, black caviar, pastries, chocolate, fruits and fruit juice. The bill might run to 4,000 roubles.²¹ According to Durinov, the food came from the prison buffet and kitchen.²² [Chistyakov and Maslov claim that when presiding Ul'rikh had a glass before him of what seemed to be tea, but was in fact brandy, which he drank in small gulps (Chistyakov & Maslov 1991, p. 76).]

As a large percentage of the cases were to be examined outside Moscow, Military Collegium assizes [*vyezdnye sessii*] were regularly sent out to the USSR provincial or republican centres, the initiative for this being taken by the Soviet leadership. So, in February 1937, Ezhov and Vyshinskii proposed to Stalin that Military Collegium assizes be sent to a number of regions of the Soviet Union in one and a half months in order to examine cases of sabotage, espionage and terrorism in West Siberia, Krasnoyarsk, Sverdlovsk, Omsk, Gor'kii, Kuibyshev, Saratov and Stalingrad provinces, as well as Azerbaidzhan and Armenia.²³

According to Matulevich, up to seven Military Collegium assizes could be sent out simultaneously; almost all members occasionally took part, whereas cases in Moscow were examined mainly under Ul'rikh's presidency. 'Before leaving, the assizes did not investigate the evidence of the judicial cases, as it was not on hand in Moscow; they only saw it later in the corresponding regional NKVD organs. The only thing the court received from Ul'rikh was a list of people whose cases were to be examined', with an indication of the punishment categories mentioned before. As always, Ul'rikh affirmed that the lists had been approved by the leading organs; moreover, 'all cases to be examined by the assizes had been examined by an NKVD commission including the USSR Procurator or his Deputy beforehand'. The assizes had to be accompanied by a representative of the Main Military Procuracy or the USSR Procuracy who was to take part in the examination of cases, just as the USSR Deputy Procurator did in Moscow.²⁴

Upon arrival, the regional NKVD organs supplied the assizes with the relevant cases in bundles. The court sessions took place in the regional NKVD building, where 25–30 cases were examined in a day. As in Moscow, the verdicts had been prepared beforehand, with the Military Collegium assizes only formalising the measure of punishment already determined by the NKVD and sanctioned by the political leaders.²⁵ A certain Dubrovskii, sentenced by the Military Collegium assizes in Leningrad on 25 December 1936, later testified that several hundred prisoners passed through in about a week; the sentences had been written beforehand and each case was rushed through the court within a few minutes.²⁶

²¹RGASPI, f. 589, op. 3, d. 7431, l. 48.

²²RGASPI, f. 589, op. 3, d. 7431, ll. 32–33.

²³APRF, f. 3, op. 24, d. 413, ll. 376–378; Maslov & Chistyakov (1990) p. 35.

²⁴RGASPI, f. 589, op. 3, d. 7431, ll. 140–141.

²⁵RGASPI, f. 589, op. 3, d. 7431, ll. 146–147.

²⁶RGASPI, f. 589, op. 3, d. 7431, l. 150.

When, in January 1938, Matulevich went down to Saratov province with the assizes, they examined 207 cases within five days, that is, some 40 cases a day, condemning 164 people to death and the other 43 to various terms of imprisonment. One of the latter, Party member S.A. Galkin, later wrote in a statement:

The court session, if it can be called so, took place in the NKVD building. Apart from the court members, the trial was attended by all regional NKVD leaders and by the investigators who had repeatedly interrogated me. At two at night the indictment had been handed to me in the prison cell, and at ten in the morning I had already been sentenced. At the trial, the only thing I was asked was whether I pleaded guilty. When I answered that I was not guilty of anything and wanted to explain this, presiding judge Matulevich rudely cut me short, saying all was clear to the court.

In his concluding remarks Galkin wanted to elucidate the real facts, but he was interrupted in the same way, after which the court, without withdrawing for deliberation, read out the verdict straight away, sentencing Galkin to ten years.²⁷

After Stalin's death, the behaviour of the Military Collegium assizes under Matulevich in Saratov province in January 1938 was investigated by the procuracy of the Volga military district. The investigation led Captain of Justice Solov'ev, an assistant military procurator, to conclude that Soviet laws had been grossly violated: evidence was not investigated, complaints about the NKVD's wresting of confessions were ignored, sentences were based on insufficient evidence and had been decided beforehand, and so forth.

The Military Collegium met in the NKVD building, and in spite of their closed character, the court sessions were attended by those NKVD officers who had conducted the investigation into the cases heard. They kept lists on which they made notes about whether a given accused confessed or not, which undoubtedly exerted a definite pressure on the accused. Those who did not plead guilty during the trial and confirm the testimony given at the preliminary investigation, were beaten up right in the corridor where the Military Collegium met.²⁸

After the event, deputy NKVD chief of Saratov province A.A. Vishnevetskii testified that an accused person who had refused to confess both during investigation and at the trial, was beaten up in front of Matulevich and Military Procurator Lipov before the death sentence was carried out.²⁹

Whereas a Military Collegium court was composed of three judges, the assizes might consist of only one Military Collegium judge. Shortly after his appointment as military procurator of Orel military district in August 1938, N.P. Afanas'ev, witnessed the arrival of the Military Collegium assizes in the person of A.M. Orlov, accompanied by a secretary. Orlov was accommodated at the station, in the railway carriage in which he had arrived, and visited Orel's prison club to conduct the trials. For the occasion, the court was completed by Orel NKVD chief Simanovskii and

²⁷RGASPI, f. 589, op. 3, d. 7431, l. 146.

²⁸RGASPI, f. 589, op. 3, d. 7431, ll. 94–95.

²⁹RGASPI, f. 589, op. 3, d. 7431, l. 108.

a second or third secretary of the provincial Party committee; these sat next to presiding judge Orlov. The provincial procurator Osipov also attended. They started work at 11 in the morning, spending an average of six or seven minutes on each case.

Orlov only asked whether the accused had read the indictment, pleaded guilty, had signed his testimony at the investigation and what he wanted to say in his concluding remarks. He did not allow any explanations, expecting only 'yes' or 'no'. The court members did not put any questions. Then Orlov declared to the accused: 'The verdict will be announced to you', subsequently giving a sign to the prison chief standing beside the escorts, after which the accused was dragged under his arms to the exit.

A few minutes later, the next accused was brought in, and the same scene was repeated (Ushakov & Stukalov 2000, pp. 24–26).

After some 20 cases, Orlov declared a break for lunch, which took place in the NKVD leadership dining room. They were treated to an abundance of different courses, snacks and wines of various makes (Ushakov & Stukalov 2000, p. 26). According to Captain of Justice Solov'ev, in Saratov the regional NKVD organs were so satisfied with the Military Collegium's behaviour that they spent up to 500 roubles a day from the NKVD budget on refreshments.³⁰ After lunch, the examinations were resumed. Those condemned to death were executed the same night, in Orlov's presence. After three or four days, Orlov travelled on in the same carriage from Orel to Kursk or Voronezh, in order to continue his bloody work there (Ushakov & Stukalov 2000, pp. 26–27).

Another peculiarity was that the Military Collegium assizes sometimes also sentenced people *in absentia*. When Nikitchenko travelled with the assizes to Khabarovsk in April 1938, they condemned to death 171 people from distant Far Eastern regions *in absentia*, evidently by telegraph; as we have seen, this was done with the approval of Ul'rikh, the USSR Procuracy and the NKVD (*Reabilitatsiya* 2003, p. 608). Nonetheless, two years later, in August 1940, after the end of the Great Terror, Nikitchenko was severely reprimanded by the Party Control Commission for 'distortion of revolutionary legality', as he had sentenced people 'without thorough verification of the evidence and without summoning those accused'.³¹ It does not seem to have been an isolated case; later, the Shvernik commission mentioned that on 2 February 1938, the NKVD had telegraphed a list to its Far Eastern department bearing the names of 127 people who had been condemned to death *in absentia* by the Military Collegium; the NKVD gave instructions to carry out the sentence (*Reabilitatsiya* 2003, p. 608). Sentencing *in absentia* was practised in later years too. One might add that these instances, in which the Military Collegium operated as an organ of extra-judicial reprisal, only confirmed the actual state of affairs.

Ul'rikh was well aware that torture was practised during interrogation. In 1954, Detistov testified before the Party Control Commission that if an accused complained that he had been beaten up by the investigators, he reported this only to Ul'rikh, who

³⁰RGASPI, f. 589, op. 3, d. 7431, l. 93.

³¹*Reabilitatsiya* (2000, p. 343); *Reabilitatsiya* (2003, p. 608); RGASPI, f. 17, op. 127, d. 1732, ll. 142–143.

then argued that the NKVD had been allowed by the leading organs to use measures of physical pressure on enemies of the people.³²

Passing the verdict was not the last stage in the Military Collegium judges' work. After sentencing the defendants to death, the President signed an order to the Military Collegium warden for the punishments to be carried out immediately. Judges like Ul'rikh, Matulevich and Orlov personally attended executions. This is confirmed by the information Ul'rikh's mistress gave the NKVD in the late 1930s about what her lover had told her concerning the behaviour during execution of prisoners whom he had sentenced to death: I.I. Reingol'd and S.V. Mrachkovskii, two defendants of the show trial of Zinov'ev, Kamenev *et al.*, who had been shot on 25 August 1936; Tukhachevskii (executed on 12 June 1937); and Bukharin (shot on 14 March 1938). The details she gave of the execution (on 29 July 1938) of Ian Berzin, the former chief of the Fourth Directorate of the People's Commissariat of Defence were especially sinister, as they demonstrate that Ul'rikh himself even carried out death sentences occasionally: 'One day Ul'rikh came to me with blood on his greatcoat'. It turned out to be Berzin's blood:

'Ul'rikh told me that Berzin's last words had been: 'I have played such dirty tricks that there can be no mercy for me. Let an honest hand shoot me'. And Ul'rikh shot him with his own hand. According to his words, he killed him with the first shot.'³³

The Military Collegium tried members of the Soviet elite—people from their own circle. Ul'rikh in particular knew many of his victims personally. Without any scruples he sentenced to death former colleagues or people who had patronised him in the past. Even the members of the Military Collegium themselves were not secure from the same treatment. Thus, for example, the President of the Revolutionary Military Tribunal (the Military Collegium's predecessor) K.Kh. Danishevskii, was arrested in 1937 or 1938 and sentenced to death by the Military Collegium (Chistyakov & Maslov 1991, p. 75). After appearing on the Stalin lists, Ul'rikh's former boss in the Military Collegium, Valentin Trifonov, was condemned to death on 15 March 1938 in a court session lasting 15 minutes in which he pleaded guilty, and was shot immediately (Vaksberg 1990, p. 189). On 10 December 1937, Brigade Military Jurist Ian Rutman, who until recently had himself participated in the Military Collegium sessions, was arrested on a charge of being involved in an anti-Soviet Latvian nationalist organisation. On 28 August of the following year, he was tried in the prison office by Ul'rikh, assisted by A.D. Dmitriev and M.G. Romanychev; although he retracted his confession made during interrogation, his former colleagues sentenced him to death (Suvenirov 1995, p. 145; Vaksberg 1990, p. 150).

Occasionally, terror victims or their relatives turned to Ul'rikh for help, but he used to disregard their pleas. In 1937 the second husband of Ul'rikh's first wife was arrested as an 'enemy of the people', and she summoned his help, but he answered that he could do nothing. When her sister was also arrested, again nothing was to be expected of him.³⁴

³²RGASPI, f. 589, op. 3, d. 7431, ll. 125–126.

³³Beriya to Stalin, 19 January 1939, Tsentral'nyi arkhiv Federal'noi sluzhby bezopasnosti (TsA FSB), f. 3, op. 6, d. 686, ll. 17–19.

³⁴Khorev (1989); RGASPI, f. 589, op. 3, d. 15755, ll. 5–7.

In February 1940 the well-known caricaturist Boris Efimov turned to Ul'rikh, begging him to help his arrested brother, Mikhail Kol'tsov. When Ul'rikh received him in his office, he treated him good-naturedly, keeping the conversation to general themes, evidently in order to evade the facts as much as possible; but when Efimov insisted, Ul'rikh told him he could do nothing: 'Don't you understand that if he has been arrested, there has been a corresponding sanction?' Ul'rikh lied that Kol'tsov had been given 'ten years without the right of correspondence' and was probably sent to the camps, whereas in fact only a few days before he had sentenced him to death and the death sentence had already been carried out. Ul'rikh added: 'With me everything is all right; I don't have any brothers, even no relatives whatsoever. I had a father, but he died recently. I don't have to fear or bother about anybody' (Efimov 1987). And indeed, he did not.

In November 1938, in connection with the NKVD change of leadership, the simplified procedure used by the Military Collegium in examining cases was criticised by the political leadership. In this atmosphere, the Collegium started treating cases investigated by the NKVD more critically, more often remitting cases for further inquiry, passing verdicts of 'not guilty' and discharging the accused. Soon enough, however, the authorities made sure that the courts did not liberate people independently. As always, Ul'rikh agreed with the tough policy, keeping his function.

If there was a change in the Military Collegium's work after November 1938, it was quantitative, not qualitative. As evidence that nothing had changed radically, it can be noted that from the autumn of 1938 onwards the procedure of conviction according to lists was maintained, with the sentences being decided by the NKVD and approved by the leadership first, and the cases being examined by the Military Collegium only afterwards. Admittedly, it was done on a much reduced scale, and with a few modifications. For instance, instead of Stalin's signature, a formal Politburo decision was now required (although Stalin did not always feel bound by such formalities). So during the following years, the practice was continued: regularly, the NKVD sent lists of people to be convicted (leading Party, Soviet, army and NKVD people as a rule) to Stalin for confirmation, after which the cases were to be examined by the Military Collegium in a simplified procedure, in accordance with the 1st December Law. This practice was continued until 1942, after which there was a break in the sentencing on the basis of lists until 1950. Immediately after the war, the Military Collegium conducted a number of political trials in cases deemed to be of extraordinary importance, with the political authorities, as always, playing the decisive role.

Conclusion

For 22 years since 1926, Ul'rikh was the Military Collegium's undisputed chief and its means of communicating with the Party leadership. He was Stalin's number one judge. Cold-blooded, cynical and obediently serving the political leadership, he was the personification of the Military Collegium. According to N.P. Afanas'ev, the future Main Military Procurator, Ul'rikh's reliability was rewarded with the Military Collegium's physical separation from the USSR Supreme Court. It was given a beautiful private residence in the centre of Moscow, a three-storey building on

the Ulitsa 25 Oktyabrya (now Nikol'skaya *ulitsa*) at number 23 backing onto Lubyanka square and opposite the NKVD main building.³⁵

In 1948 however, despite his loyalty to Stalin's leadership, Ul'rikh was ignominiously dismissed as Military Collegium President because of what was considered insufficient leadership and incorrect behaviour at work and in daily life. Nevertheless, under his successor A.A. Cheptsov, the Military Collegium continued the practice of sentencing people on the basis of lists in the same simplified procedure in accordance with the 1st December Law. But there were important differences between Cheptsov and Ul'rikh, as became apparent when in 1952, while presiding at the trial of the Jewish Anti-Fascist Committee, Cheptsov dared to point out to the political leadership the inadequacies of the case (to no avail, as it happens).

After Stalin's death, during the rehabilitation campaign of the 1950s and early 1960s, the Military Collegium was engaged in reviewing many thousands of cases concerning people who had been wrongly condemned during the preceding decades by the same body and with the same judges. At the same time, some of these judges were called to account, resulting in their being dismissed and expelled from the Party for their 'gross violations of Soviet legality'. In a demonstration of utter hypocrisy, the higher Party organs pretended they had nothing to do with the lists on which the judges had based their sentences! In the meantime, the Military Collegium continued its original tasks, namely supervising the military tribunals and examining cases of special importance—though no longer on the basis of the 1st December Law, which had been annulled in March 1956.

Since its formation in 1923, and especially after 1934, the Military Collegium of the USSR Supreme Court was brought into action against the enemies of the state, real as well as imaginary, playing an essential role in the political justice of the Soviet Union. At times publicly, but more often behind closed doors, it tried tens of thousands who were considered to be dangerous to the state, sentencing most of them to death. As noted above, it was done in an accelerated and simplified procedure, in accordance with the 1st December Law of 1934. In actual fact, the court procedures as well as the verdicts were determined by the political leadership under Stalin, with the Military Collegium only 'legalising' the sentences: it was no more than a formality.

In spite of the outwardly legal procedure (also underlined by the attendance of a representative of the procuracy), the Military Collegium actually operated as an organ of extra-judicial reprisal, playing a role in pseudo-trials. Cases were heard in prisons and the court did no preliminary investigations into the cases. Similarly, the examination of each case took no more than a few minutes on average, and the defendants were supposed to only confirm the indictment. The judges also turned

³⁵Ushakov & Stukalov (2000), p. 21. Apparently, the reward of such premises did not satisfy Ul'rikh, who tried in vain to raise the Military Collegium's status and have it removed from the Supreme Court's authority completely. On 2 April 1938 he reported to Stalin, Molotov and Ezhov that in cases of counter-revolutionary crimes, the Military Collegium was guided directly by the supreme political authorities (*direktivnye organy*). In order to further promote the struggle against these crimes, he proposed transforming the Military Collegium into the USSR Military Tribunal, against whose decisions there was to be no appeal; pardon could be granted by the Presidium of the USSR Supreme Soviet only. Voroshilov was rather inclined to consider the proposal, but Stalin did not respond (Suvénirov 1995, p. 143; Volkogonov 1989, p. 52).

a blind eye to apparent cases of torture, with NKVD officers attending the hearings and beating recalcitrant prisoners before the judges' eyes afterwards.

The crucial question is why Stalin and his co-leaders decided to try these people in a legal procedure, although it was a fake. Public trials, understandably, served propagandistic aims, but why pseudo-trials behind closed doors? Why were these people not sentenced in an administrative procedure, like hundreds of thousands of other Great Terror victims? A probable explanation is that the people tried by the Military Collegium belonged to the Soviet elite, on whose loyalty the regime relied. By trying them in a legal procedure, however fake, the fiction was upheld that the Soviet elite was not subject to arbitrariness and lawlessness. As a consequence, it was assumed, its loyalty was not endangered.

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