



Review Article

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Reflections on the Historiography of Post-War Justice and the Holocaust in Lithuania

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Abstract: The article gives a brief overview of the historiography of post-war justice in Lithuania. It begins with an introduction to post-Holocaust justice, outlining the functioning of the post-war war crimes trials in Soviet Lithuania, including the institutional framework, the retribution law, the nature of legal proceedings, and the procedural changes that took place over time. The article then presents the historiographical approaches historians have used to investigate these trials and depicts the current developments in this field of study. It shows that following the fall of the Soviet Union, the first works on post-war justice lacked an in-depth analysis and instead concentrated on how the Soviet regime had utilized these legal proceedings for political purposes. The article presents not only the micro-historical studies that historians have conducted on selected court cases in recent years, but also explores the ways in which the relationship between the Holocaust and the Soviet war crimes trials, as well as the visual representation and mediation of these trials, have been investigated. It then briefly discusses the missing categories of analysis that need to be integrated into the study of post-war justice in the case of Lithuania. The article finishes by presenting the debates and controversies surrounding this historical topic. It shows that the Soviet campaign of post-war retribution is embedded in the “narratives of doubt.” The credibility and reliability of the legal records compiled by KGB officials are constantly questioned not only by the legal and political authorities, but also by historians.

Keywords: Lithuania; the Holocaust; war crimes trials; post-war justice; historiography

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1 An Introduction to Post-Holocaust Justice in Lithuania

During the Second World War, Lithuania was under the occupation of two different foreign powers. The Soviet Union had annexed Lithuania in 1940. This annexation was followed in 1941 by the German occupation, which ended in 1944 when the country was re-annexed again by the Soviet Union and became one of the Soviet republics. The wartime history of the Nazi occupation was marked by extreme acts of violence, including the extermination of almost all Lithuanian Jewry by both the Nazis and their local collaborators. Nevertheless, the Soviet retribution, which began immediately after the country's re-annexation, sought not only to confront the crimes committed in Nazi-occupied Lithuania, but also attempted to legitimize the Soviet rule, which was threatened by an armed resistance, that is guerrilla warfare, which began in 1944. Therefore, the post-war prosecution of war criminals in the Lithuanian Soviet Socialist Republic (LSSR), as in other parts of the Soviet Union, was not merely a consequence of the war, but it was linked to the acts of "purification and reintegration" that were to contribute to the construction of "a new socialist polity" (Weiner 2002,136). The Soviet authorities attempted to link the accused local defendants to the fascists (Holland 2019, 26) and create an enemy group of "bourgeois nationalists." The Soviet retribution campaign of the Second World War had to guarantee that the "enemy" would be punished, delegitimized, and neutralized.

Until the early 1960s, the defendants in these criminal cases were punished in accordance with Article 58 of the Soviet Criminal Code in (an open or closed) Military Tribunal. In most cases, paragraphs 1a (treason punishable by death or 10 years' imprisonment) or 1b (treason by military personnel punishable by death sentence) of this article were applied. This article of retribution was abolished with the entry into force of the Criminal Code of the LSSR in September 1961. At the end of the 1940s, none of the accused defendants received the death penalty, which had been abolished in 1947, and again reinstated for this category of crimes in 1950. In addition, in 1955, those prosecuted for collaboration with the Germans during the war could apply for rehabilitation. The perpetrators of Nazi crimes (or *karateli*),¹ such as members of auxiliary police battalions and other death squads, however, were not eligible to request amnesty (Holland 2019, 9). The situation changed in the late 1950s, when the Gulag system was abolished and the sentences of Gulag prisoners, including convicted war criminals, were commuted. Following this prison reform, some interned Nazi collaborators were released (Holland 2019, 24).

¹ The term "*karateli*" means "punishers" or "torturers," in this context it refers to the perpetrators who carried out punitive operations or were members of death squads.

In the late 1950s and early 1960s, the “second wave” of justice began in the Soviet Union (Prusin 2018), including the LSSR. This period marked the professionalization and Lithuanization of the local KGB and introduced new legal practices in its investigative methods. These institutional developments resulted in the creation of a linguistic barrier for non-Lithuanian-speaking scholars to study this wave of justice, as the majority of interrogations of witnesses and perpetrators were conducted and documented in Lithuanian. During this period, the officers of the LSSR KGB were ordered to examine the collection of archival files related to the mass murder of people in Nazi-occupied Lithuania. The study of this old archival material was to facilitate the initiation of new war crimes trials. With the reintroduction of the Criminal Code of the LSSR, the suspected war criminals were now tried under Article 62, which referred to the crime of “treason against the Motherland” (punishable by imprisonment for 10 to 15 years or death). From the end of the 1950s onwards, these legal cases came under the jurisdiction of the Supreme Court of the LSSR. It should also be noted that some of those persons who were granted amnesty and were released from internment in the late 1950s were re-arrested in the 1960s, and tried again by the Supreme Court of the LSSR.

This “second wave” of retributive justice was influenced by both the domestic context of the Sovietization and the regime’s struggle against internal enemies, as well as the international fight with the ideological opponents in the midst of the Cold War (Malinauskaitė 2023, 267). The changing nature of the resistance after the suppression of the underground armed conflict that lasted until 1953, the return of political prisoners and deportees, who were perceived by the regime as “anti-Soviet elements,” and the increased influence and international visibility of the Lithuanian exile community in the United States – all of these factors led to the initiation of these legal proceedings in the 1960s against those who could be accused of assisting the Nazi regime and committing war crimes during the war (Malinauskaitė 2023, 267).

In contrast to the trials held in the immediate aftermath of the war, the court cases of the “second wave” against local perpetrators were characterized by the public nature of their proceedings. They became public spectacles and were accompanied by a broad media campaign (on radio, television, and cinema). Such trials were, in the words of legal scholar Lawrence Douglas, “aimed to do something more than deliver legal justice”; they also “embraced a didactic purpose” (Douglas 2006, 513–514). Domestically, these trials “were meant to serve as an instrument of patriotic education and restore confidence in the police and judiciary” after the period of the Stalinist repression (Davoliūtė 2021, 105). Internationally, they were “to undermine the ideological appeal of the revisionist West, unmasking the complicity of its local agents in war crimes” (Davoliūtė 2021, 105). Yet, these courts focused mostly on local non-German collaborators. As historian Anton Weiss-Wendt notes, in his examination of the 1960s war crimes trials in Soviet Estonia – and this is also true for Soviet Lithuania – these trials “barely mentioned any Germans, creating an

impression that the atrocities were conceived and carried out solely by indigenous agents" (Weiss-Wendt 2017, 232).

In contrast, the post-war trials of the 1940s and 1950s had "more frequent closed proceedings" and, as Holland contends, "did not serve the same didactic purpose and thus show more variation in the Soviet approaches to perpetrators and crimes against Jews" (Holland 2019, 5). Even though the war crimes trials against Nazi collaborators dealt with the mass atrocities against Jews, Holland argues that "the prosecution of the Holocaust in local criminal trials was a vehicle for revolutionising new territories and maintaining revolution in old ones, but did not preclude the pursuit of justice for murdered Jews" (Holland 2019, 28). She then claims that participation in the mass murder of Jews was punished but it was done "inconsistently" and "in the Soviet moral order" (Holland 2019, 29).

After the Soviet Union collapsed, the legal and social challenge of evaluating these Soviet rulings began to emerge. Some of the convicted war criminals were rehabilitated in the early 1990s as persons who had been repressed for resisting the Soviet occupation regime. These persons, who had been sentenced or imprisoned out of court by the repressive bodies of the LSSR, were declared innocent before the Republic of Lithuania and all their civil rights were restored. This legislation was revised in 1995, and the de-rehabilitation procedure was introduced. According to Lithuanian historians, this law provided a legal possibility to revise "some of the mistakes of the early restitution" (Davoliūtė and Balkelis 2009, 15). Nonetheless, to this day, the status of these individuals oscillates between that of war criminals and that of victims of the Soviet regime and its repressive legal system.

2 Historiographical Approaches to the War Crimes Trials of Holocaust Perpetrators

During the Soviet era, the Soviet Lithuanian authorities had control over the archival material pertaining to the cases of post-war retribution. The archives, particularly those that held content related to the history of the Second World War, were deemed as valuable sources of knowledge production that could assist in educating the public on ideologically significant historical themes. In 1959, the Central Committee of the Lithuanian Communist Party formed at the LSSR Academy of Sciences a specialized editorial working group responsible for publishing archival documents. Its leader was Boleslovas Baranauskas, a former KGB investigator. The group, assisted by a team of KGB operatives, was tasked with creating the official state historical discourse on the wartime era using archival material. Throughout the 1960s and 1970s, this editorial team published a number of books, including the series entitled *Faktai kaltina* (Facts

Accuse) and *Masinės žudynės Lietuvoje 1941–1944* (Mass Murders in Lithuania, 1941–1944). These books not only presented an ideologized historical accounts regarding the Nazi occupation of Lithuania but also contained verbatim quotations from the war crimes trial protocols and pre-trial investigations, including testimonies delivered by victims, defendants, and other witnesses. As a result, even during the Soviet era, selected parts of the investigations of the war crimes trials were made available to the public. In these publications, the Nazi occupation was portrayed as the colonization of Lithuania, while the convicted offenders were labeled as the Nazi “Fifth Column” (Rozauskas 1970, 47). The defendants were generally presented as inherently prone to committing crimes, encompassing traits such as alcoholism, hooliganism, and moral deficiency. Nevertheless, it has always been emphasized that, although there were few convicted collaborators, the Lithuanian population valiantly resisted the Nazi occupiers.

Following the collapse of the Soviet Union, the in-depth analyses of Soviet war crimes trials were nonexistent, even though the archival sources of court records became available and easily accessible to researchers. These court proceedings have received scant attention in Lithuanian historical research for various reasons. Particularly, this corpus of sources has been rejected for its propagandistic use in Soviet times. At the same time, the archival material from these trials has served as a significant source, and in some cases the only source, for writing the history of the Holocaust in Lithuania (Bubnys 2011, 2017, 2021; Zagreckas 2012; Rukšėnas 2012; Dieckmann 2016). Additionally, the data collected by the Soviet investigators have been used for the archeological investigations at the sites of mass killings (Sarcevičius 2021, 91–107).

The material of these legal proceedings is presently available at two institutions around the world. The first location is the Lithuanian Special Archives, situated at the Office of the Chief Archivist of Lithuania in Vilnius, which holds the archives of the State Security Committee of the LSSR (NKGB-MGB-KGB). These documents, that are partly digitized, provide information on operational actions of the State Security Committee’s headquarters and its territorial divisions between 1944 and 1991, as well as criminal records of individuals convicted in Soviet Lithuania. Additionally, digitized criminal records documenting the trials of Holocaust perpetrators are readily available through the Archives of the United States Holocaust Memorial Museum in Washington DC.

The first part of the works dealing with the war crimes trials in Soviet Lithuania, especially those of the “second wave,” was offered by the Lithuanian historians who saw these court cases primarily as tools of Soviet political indoctrination and propaganda. Although these works did not examine the functioning of these trials in greater detail, they were first to address the issue of Soviet retribution in general. They presented these trials primarily through the analysis of the exile perspective. In the 1960s, the major

public war crimes trials involved a defendant *in absentia*, often living in exile in one of the Western countries. For example, the Lithuanian historian Alfonsas Eidintas, in his book on the mass murder of Jews in Lithuania, only briefly touches on the subject of the Soviet post-war justice. In his work, he not only raises doubts about the fairness of these legal proceedings, but also suggests that these war crimes trials were mainly aimed at undermining the reputation of the members of the Lithuanian diaspora (Eidintas 2003, 356). In a similar vein, Kristina Burinskaitė points out that these trials were endeavoring to discredit the diaspora (Burinskaitė 2018) and expose “the members of the diaspora organizations to the public of Western states as war criminals and terrorists” (Burinskaitė 2021, 144; see also 2018). Echoing the aforementioned historians, Lithuanian historian Darius Juodis posits that the Soviet security services not only sought to deliver historical justice, but also to politicize these legal proceedings and tarnish the image of the diaspora organizations as defenders of war criminals (Juodis 2016, 246). It is often argued that the war crimes trials and their mediation campaigns, conducted by the Soviet authorities in the 1960s, were designed to create divisions among the nationalist and liberal Lithuanian-American exiles. In particular, they attempted to influence the historical consciousness of the younger members of the diaspora, who had no personal experience with the history of the occupation(s) and deportations. For example, Juozas Arvydas Starkauskas even claims that the Soviet authorities by exposing the cooperation of certain well-known members of the exile community with the Nazi occupation regime aimed to create animosity between Jews and Lithuanians living in the United States (Starkauskas 2001, 525). However, it is important to emphasize that, as the Lithuanian-American historian Saulius Sužiedėlis notes, these accusations were not merely a Soviet fabrication: “As unpleasant as it may be to admit, although there were not many such people, not all the facts about war criminals among the emigrants were made up out of thin air” (Sužiedėlis 2012).

In the past five years, more comprehensive historical research on the investigation of these court cases has begun. These studies scrutinized individual cases of selected trials and attempted to draw some general conclusions about Soviet retributive justice (Holland 2019/2020 and Koustova 2021). For instance, Alana Holland in her research presents a microanalysis of four case studies ranging from 1944 to 1964. She acknowledges that “a microanalysis of four out of hundreds of thousands of individuals prosecuted by the Soviet Union for crimes of the Second World War is too limited” to draw conclusion about the functioning of Soviet post-war campaign of retribution; yet she argues that such investigation shows certain patterns of retribution and “facilitates a cautious analysis of how specific cases were managed” (Holland 2019, 6). Her study reveals the main patterns of “Holocaust retribution” in Soviet Lithuania and shows not only how the Soviet war crimes trials functioned and the pre-trial investigations were conducted but also depicts how the gravity of the crimes was (re)defined by the Soviet authorities over a

period of more than 20 years. Holland argues that the Soviet trials focused not on the conduct of the accused, but on determining the degree of “participation” in the executions: Non-participation (not shooting, not guarding), limited participation (guarding), and active participation (shooting, personally pulling the trigger) (Holland 2019, 28).

Emilia Koustova’s work aims to offer an overview of the judicial cases against individuals accused of committing crimes in Nazi-occupied Lithuania, ranging “from the first prosecutions after the arrival of the Red Army in 1944 to the major public trials held in Vilnius² and Kaunas³ in 1962”; nevertheless, it likewise mainly concentrates on the comprehensive quantitative and qualitative examination of selected court cases that occurred between 1944 and 1957. These trials were related to the history of the Second World War in a small Lithuanian border town, Pabradė, located in Švenčionys district (Koustova 2021). Koustova asserts that the specific cases she examined, while belonging to the realm of Stalinist justice, were “remarkably unaffected by the political conditions” (Koustova 2021, 183). She further contends that these court cases allowed witnesses to bring a new dimension to Soviet retributive justice. The participants of these legal proceedings were able to present their personal perspectives on wartime experiences and describe the actions of perpetrators (Koustova 2021, 182). According to her conclusions, 1953 (the death of Stalin), marked a significant shift in Soviet retribution, introducing a more nuanced approach to guilt and a more rigorous demand for proof. This change was then maintained in the following decades (Koustova 2021, 183). Thus, both works provide important and in-depth empirical case studies. Of course, their attempt to draw general conclusions on how Soviet post-war justice functioned under political pressure is limited, but they do provide an impetus for further research. In addition, they demonstrate that both the trials held immediately after the war and those conducted in later decades, provided an opportunity for trial

² In 1962, the war crimes trial took place in Vilnius, in which 10 local defendants, all of them members of the second (12th) Lithuanian Auxiliary Police Battalion, were convicted for their involvement in the killings of Jews in the Kaunas VII and IX Forts and in the Lithuanian province in the summer of 1941, as well as for their participation in the mass murders of Jews and Soviet citizens in Belarus. The defendants were: Antanas Impulevičius, Zenonas Kemžūra, Jonas Stankaitis, Juozas Knyrimas, Jonas Davalga, Pranas Plančiūnas, Bronius Gaižauskas, Liudas Kolka, Povilas Tinteris, and Juozas Ūselis. The Supreme Court of the Lithuanian SSR sentenced all the accused to death. Antanas Impulevičius, the commander of the second (12th) Police Battalion, was sentenced in absentia. In 1944 he fled to Germany, later he emigrated to the United States. The American legal authorities rejected the Soviet Union’s request for his extradition as a war criminal.

³ In 1962, the members of the first (13th) Lithuanian Auxiliary Police Battalion were tried in Kaunas. They were convicted of participation in the mass murder of Jews in Kaunas and in the countryside and sentenced to death with confiscation of property. The defendants were: Boleslovas Čirvinskas, Pranas Matiukas, Jonas Palubinskas, Aleksas Raižys, Leonas Mečius, Juozas Kopūstas, Klemensas Skabickas, Stasys Bendžius.

participants, especially witnesses and victims, to express their own memories of the war, which in some cases even contradicted the official Soviet politics of memory.

Another subject that belongs to the study of Soviet Lithuania's post-war retribution is the connection between the Holocaust and the war crimes trials. Holland, in her above-mentioned study, holds that these trials should be perceived as certain sites of the Holocaust memory: "Soviet legal and penal practices generated both the physical and conceptual space for crafting memories of the Holocaust repressed elsewhere in Soviet society even" (Holland 2019, 29). At the same time, she acknowledges that these trials provided a limited amount of justice for the Jews and in some cases even "impeded a full engagement with the topic of the destruction of European Jewry" (Holland 2019, 29). Similarly, Malinauskaitė, in her study of the 1964 Klaipėda war crimes trial,⁴ argues that the conduct of such trials enabled "the collection of comprehensive information about wartime events, contributing to the emergence of new knowledge about the Holocaust" (Malinauskaitė 2022, 126).

Thus, on the one hand, these trials served to politicize the process of legal prosecution. As Violeta Davoliūtė points out, the public representation of the war crimes trials of Holocaust perpetrators contributed primarily "to the reintegration, political and symbolic, of the newly annexed western territories into the Soviet Union" and strengthened "the Soviet identity of the society" (Davoliūtė 2021, 105). On the other hand, these court cases related to wartime violence against Jews provided a space for remembering these mass atrocities and "generated contemplation about participation in the Holocaust" (Holland 2019, 28). These findings also support the current historical scholarship in the field, which underlines that even if these trials were "governed by political expediency," yet "the courtroom treatment of the Holocaust reflected the ambivalence of Soviet official attitudes towards the murder of Jews," because they exposed the mass atrocities committed against Jews (Prusin 2003, 18) and "provided (however limited) a podium for alternative memory discourses which differed from the official Soviet one" (Penter 2008, 359).

The final group of writings consists of articles that deal with the publicity and visual representation of these criminal proceedings. The major public war crimes

⁴ The Klaipėda war crimes trial, in which seven local defendants were accused of murdering 3000 people, mostly Jews, in Skuodas and its environs in the summer of 1941, took place in 1964. The defendants were: Lionginas Jankauskas-Jankus, Albinas Meidus, Jurgis Embrasus, Kazys Vyšniauskas, Aleksandras Bričkus, Jonas Mockus, and Liudas Kniupys. The Catholic priest Lionginas Jankauskas-Jankus, who lived in the United States during the trial and was an important figure in the Lithuanian-American exile community, was tried in absentia. The Supreme Court of the Lithuanian SSR found all the accused defendants guilty of the offenses under Article 62–1 of the Soviet Criminal Code. Almost all the defendants were sentenced to 15 years' imprisonment, only Kazys Vyšniauskas received a ten-year term, to be served in prison or in a high-security penal colony, with the confiscation of all property.

trials of the 1960s in Soviet Lithuania were accompanied, as noted above, by a series of additional operational activities prepared by the LSSR KGB. An important part of this campaign was the creation of the series of documentaries depicting both the pre-trial investigations and the courtroom proceedings. There is a historiographical disagreement on how the representation of these legal cases in Soviet Lithuanian documentaries should be evaluated. For instance, Lithuanian film critic Živilė Pipinytė, referring to this particular genre of trial documentaries, holds that such films manipulate the “documentary” nature of cinema, stage the events, and with the voice-over narration create “the myth of imaginary reality” as well as conform ideological attitudes (Pipinytė). Similarly, historian Stončius posits that “documentary films and the situations presented in them were an active means of indoctrination, retouching the perception of historical reality” (Stončius 2022, 214). Whereas other scholars argue that even if the Holocaust as a whole was not specifically referenced in these films, both the victims and the local complicity in the mass executions carried out during the German occupation were highlighted. Malinauskaitė, in her analysis of the documentary film *Unfinished Page of a Diary* (1964), based on the film reviews by the Lithuanian film critics of the time, argues that “the film audience understood the [Jewish] identity of the victims, even if it was not explicitly mentioned” (Malinauskaitė 2021a, 245). Davoliūtė, in her study of Lithuanian cinema and its depiction of the annihilation of Jews during the Thaw, observes that such films “bear witness to the Holocaust in its full particularity not only with regard to the identity of the particular Jewish victims but to the identity of the particular Lithuanian perpetrator” (Davoliūtė 2021, 116). She asserts that despite the regime’s efforts to limit and ideologize the representation of the Second World War, the mass atrocities committed against Jews were an integral part of these films.

What is missing in the research on war crimes trials in Soviet Lithuania? First, there is a lack of studies that use a quantitative methodology to analyze a representative sample of trials from 1944 to the fall of the Soviet Union and show the dynamics of how the Soviet retributive justice functioned in different time periods. Second, to date, there is no reliable data on the exact number of defendants accused of executing Jews. According to available calculations, during the entire period of Soviet Lithuania, about 219 people were sentenced to death for the mass murder of Jews (Geleževičius 2003, 39). However, the accurate number of defendants and the comprehensive statistical data on the sentences they received have not yet been established. Third, no gender-based perspective exists. Malinauskaitė only very briefly analyzed the role of the wives of convicted offenders in the case of the 1964 Klaipėda war crimes trial (Malinauskaitė 2021b). This article discusses socio-psychological portraits of these women and how the KGB investigators interrogated them in the course of this court case. However, all of the Soviet Lithuanian war crimes trials studied by historians focused on male offenders, although some female

defendants, such as a Lithuanian female interpreter working for the German administration, as well as a supervisor at the Ukmergė prison or a member of the local activist group in Pakruojis, were also put on trial.

3 Debates and Controversies

First of all, there has been a general discussion that the Soviet era and its produced sources – “due to the complexities of correct analysis and interpretation of the phenomena and processes of that epoch” – impose “a professional challenge to a researcher” (Švedas 2010, 161). As Aurimas Švedas maintains, all sources that were left by the Soviet regime are “fragmentary, uninformative and contradictory” (Švedas 2010, 161). Not surprisingly the most contentious and contested issues among historians have been the questions of the reliability and credibility related to the Soviet legal sources documenting the war crimes trials of Holocaust perpetrators. Historian Juodis, who has comprehensively worked with the KGB records, asserts that it is challenging to form a clear judgment on the veracity of these archival documents (Juodis 2016, 25). According to him, the decision to use this material is frequently driven by very subjective and selective criteria, making these archival documents into a tool of political instrumentalization (Juodis 2016, 26). For example, the KGB documents are considered as a reliable source of information if they provide “good” information, especially when they reveal the heroism and suffering of members of the Lithuanian anti-Soviet resistance, but they are often disregarded when they record unfavorable historical events, especially if it unfolds the complex history of the Lithuanian complicity in the Holocaust. Nevertheless, he agrees that although these records have some factual discrepancies and distortion, they are important for research on historical topics during the Soviet era (Juodis 2016, 26).

Furthermore, historians often question these legal records due to the Soviet legal standards and the procedural rules that were applied during these trials. In Lithuania, the verdicts of the Soviet courts have been perceived as the examples of the Soviet legal terror. The fact that some of the convicted individuals were also real war criminals, for instance, collaborating in the annihilation of the Lithuanian Jewry and, therefore, deported to the Gulag, is often not debated. After the dissolution of the Soviet Union, some of the convicted individuals, as mentioned above, have been rehabilitated and presented not as perpetrators but rather as victims of the Soviet judicial system. Lithuanian historian Monika Rogers argues that the use of these documents is frequently surrounded by “the narratives of doubts” (Rogers 2023, 1). She asserts that “in the Lithuanian historical memory field, some doubts about the authenticity and objectiveness of the Soviet documents, especially when it comes to the Nazi perpetrators, have been present quite some time” (Rogers 2023, 4). As Rogers in her paper shows, these documents were

often challenged not only by historians but also “by political and legal actors” (Rogers 2023, 4). She cites the example of Artūras Paulauskas, Lithuania’s Prosecutor General, who in the early 1990s declared that “thousands of Lithuanians who had been condemned as Nazi criminals or collaborators by Soviet tribunals after World War II. [...] had been convicted without due process or on the basis of fabricated testimony or forced confessions” (Rogers 2023, 4–5).⁵

Here it is important to highlight that these “narratives of doubts” were initially created in the Lithuanian-American exile community, who in the 1980s actively reacted to the legal actions taken by the U.S. Office of Special Investigations (OSI) that accused dozens of Lithuanians as Nazi war criminals. These legal investigations prompted defensive reactions and outrage among the émigrés who accused the U.S. institutions of exploiting Soviet evidence. The members of the diaspora not only questioned the validity of the Soviet legal material, but also attempted to vindicate the accused individuals through various media channels. The Lithuanian-American attorney S. Paul Zumbakis, who defended some of the accused emigrees criticized in his book the use of Soviet evidence in North American courts and referred to the public legal proceedings of the 1950s and 1960s as staged and show trials (Zumbakis 1986, 13). In his work, he especially criticized the use of the Soviet archival sources as evidence to accuse members of the diaspora. According to him, these records “cast a serious doubt on the evidentiary value and authenticity of the documentation produced by the Soviets and their controlled states” (Zumbakis 1986, 18). Jerome S. Legge, who investigated the deportation case of Estonian war criminal Karl Linnas, assumes that for the Baltic émigrés “any use of this evidence was tantamount to legitimizing Soviet dominion over the Baltic countries” (Legge 2010, 34). Therefore, it is not surprising that both the earlier Soviet legal proceedings and the prosecution of war criminals by the OSI and its cooperation with the LSSR KGB were perceived as “a threat to Lithuania’s image, to the strength of Lithuanian identity, and to the fate of independent Lithuanian statehood” (Žemaityté 2012, 81).

These doubts are echoed to this day by some Lithuanian historians, who ascertain that the Soviet retribution, carried out by the Soviet legal system and with the involvement of the KGB, did not meet any legal standards compared to the legal framework of the democratic countries, and therefore, could not be trusted. At the same time, however, they concede that these records, while containing some factual discrepancies and distortion, are nonetheless important for Holocaust research. For instance, Bubnys claims that the KGB documents should not be considered as

5 The citation is originally taken from: Robert D. McFadden, Soviet Turmoil; Lithuania’s Prosecutor Denies Rehabilitating Nazi War Criminals, *The New York Times*, September 8, 1991, accessed November 7, 2023, <https://www.nytimes.com/1991/09/08/world/soviet-turmoil-lithuania-sprosecutor-denies-rehabilitating-nazi-war-criminals.html>.

primary sources since they were created “as a result of the KGB repression,” yet he agrees that without using this archival material “it would be impossible to study the LSP [Lithuanian Security Police] and the involvement of other types of police in the Holocaust” (Bubnys 2011, 361).

I would argue that the mistrust and doubts surrounding these records should not impede or preclude the research on post-war justice and the functioning of the war crimes trials in the Soviet era. This archival uncertainty surrounding the KGB’s legal records could be countered by using additional sources, such as memoirs or oral history interviews compiled by non-state actors following the collapse of the Soviet Union. Without studying these legal proceedings, historians would not only lack an understanding of the Soviet legal system, its politics of retribution, and the memorialization of the Second World War, but they would also be unable to investigate the mass atrocities against Jews in Nazi-occupied Lithuania. These records not only give valuable insights into the history of the Holocaust in rural areas, but also provide “people’s perspective” on the violence perpetrated against Jews.

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