

# **THE SHELEPIN FILE**

**PLANNED AND EXECUTED MURDERS  
OF UKRAINIAN POLITICAL LEADERS**

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# **THE TRIAL OF THE ASSASSIN**

## **MOSCOW'S AGENT, BOHDAN STASHYNSKY, SENTENCED IN KARLSRUHE FOR MURDERING DR. LEV REBET AND OUN LEADER STEPAN BANDERA**

The trial of Bohdan Stashynsky, the self-confessed murderer of the Ukrainian Nationalist leader Stepan Bandera, and the anti-communist publicist, Dr. Lev Rebet, began before the High Court of the German Federal Republic in Karlsruhe on Monday, October 8th, 1962.

The trial of Stashynsky was of historical importance to the Ukrainian people and the great interest which the emigre Ukrainians were showing in it is therefore understandable. It is 35 years since the notorious trial in Paris of Schwarzbart, the murderer of Symon Petlura, the Ukrainian Commander-in-Chief. This is therefore the second time in recent history that world attention has been focussed on Ukraine and Bolshevik methods of dealing with their opponents.

The Ukrainian communities throughout the world were shocked, first by the murder of Stepan Bandera, and second, by the confession of his executioner. Numerous demonstrations have indicated the anger and indignation felt at this further proof of Moscow's crimes, and Ukrainian communities have generously donated to the fund which makes it possible to publicise the trial for the Ukrainian cause.

Stashynsky was tried by a panel of five judges under the Presidency of Dr. H. Jagusch. The other judges were Drs. Weber, Wiefels, Hengsberger, and Schumacher. The prosecutor was Dr. Kuhn and the Counsel appointed by the State for the defendant was Dr. H. Seydel of Karlsruhe.

Dr. Hans Neuwirth of Munich, Mr. Charles Kersten of Milwaukee, former U.S. Congressman, and Dr. Jaroslav Padoch, appeared for the widow and Family of Stepan Bandera. The widow of Dr. Lev Rebet was represented by Dr. Miehr.



## **The Accused**

On August 12, 1961, the day before the Berlin wall went up, a man crossed from East to West Berlin and identified himself to the interrogation authorities as Bohdan Stashynsky. Since that date he has been in the custody of the West German Federal Republic.

The full confession which he made has been the subject of many investigations and was found credible. The confession formed the basis of the indictment. It explains the death of both Ukrainians, Dr. Lev Rebet and Stepan Bandera, and states that both were assassinated by poison for political reasons. Since the confession it has become clear that Stashynsky did not act on the instruction of any "foreign" power but that he was given his orders by the highest authority in the Soviet Union. His reward was the highest military honour — the Order of the Red Banner — and a certificate issued by the President of State Voroshilov and the Secretary of the Supreme Soviet. The honours were handed to him by Shelepin, head of the State Security Service (KGB).

The trial of Stashynsky illustrated that the Soviet authorities have no scruples in their desire to silence their enemies, even if it means penetrating sovereign territory and breaking all the principles of international law.

The trial also showed the people of the free world the significance in Soviet eyes of the Ukrainian people and their leaders.

There is no doubt that in the person of Stashynsky, the double murderer at the trial, the criminal methods of Moscow which tries to suppress the liberation struggle of the Ukrainian people by the most ruthless means, even the liquidation of Ukrainian fighters for freedom outside Ukraine, were manifested. The trial revealed the Moscow organisers of murder, of espionage — the superiors and bosses of Stashynsky.

The main task of the High Court in Karlsruhe was to investigate the criminal activities of the agent Stashynsky in the territory of the German Federal Republic. But Stashynsky's criminal activities in Ukraine, in 1951-52, could not be concealed during the trial. He has confessed to denouncing members of the Ukrainian Nationalist Movement, and to collaboration in the persecution of the Ukrainian people who supported the struggle for the liberation in Ukraine.

The indictment was only made public at the opening of the trial. It was simple in form and accused Stashynsky of carrying out two political murders on German Federal Territory and of spying activities on behalf of the Soviet Union. Stashynsky was rewarded for his services with the highest possible honour and therefore, behind the contemptuous figure in the Karlsruhe dock stood the Soviet authorities who hold in captivity the peoples of many nations,

including Ukraine, the authorities who are prepared to use any method, to commission any crime, even murder, to maintain their colonial empire.

During his interrogation in the Court on Monday, Stashynsky confirmed his previous confession. He gave detailed information about his family life, how he became involved and recruited to work for the KGB by the Railway Police; how he was threatened by Capt. Sitnikovsky of the KGB for his family's activities in the Ukrainian underground movement.

Stashynsky said that his first task for the KGB was to penetrate into the Ukrainian underground movement and find out the circumstances and the people involved in the killing of the communist writer Yaroslav Galan. After he had carried out that task he was included in the special group which operated against the insurgents.

Later, he spent two years on an espionage course in Kyiv. Prior to going to Kyiv his alias was Oleh and during the spy course he was known as Moroz. Later still when he went to Poland he was Kachor and then assumed the personality of a German repatriate from Poland Josef Lehmann.

Replying to the President, Stashynsky gave a detailed account of the national, political, religious and economic conditions in Western Ukraine during the Polish, German and Russian occupations with special reference to his own village of Borshchovychi, near Lviv.

Stashynsky overemphasised the local strife between the Polish and Ukrainian people and completely disregarded the struggle of the Ukrainian Insurgents against Hitler Germany.

During Monday afternoon he described in detail his coming from the East to the West and the methods he used to acquaint himself with the emigré Ukrainian Nationalist Movement. He told of his visit to Rotterdam in May 1958, at the time of the Commemorative Rally at the grave of the O.U.N. leader Evhen Konovalets, murdered by a Russian time-bomb in 1938, and of taking photographs there by which to identify Ukrainian leaders. He also described how he received his instructions for further activities in the West from his superior "Sergey."

Stashynsky also spoke of collecting information about American forces and bases in Germany.

Two important things emerged from Tuesday's hearing of the Stashynsky trial in Karlsruhe. The first was that the order for the murder of Dr. Lev Rebet came from Moscow — "the man from Moscow" as Stashynsky repeatedly called his special instructor. The second was the two contradictory lines of Stashynsky's defense — "I was a soldier and compelled to carry out orders," and, "I was a victim of the system."

The day started with the President of the Court trying to get from Stashynsky more details about the various towns in which he alleged

he worked under KGB instructions and about the locale of his native village in Western Ukraine. He was asked about Lviv (Lemberg) where he carried out his first "commission" and about the details of his movements in Munich, the scene of his two murders.

He was questioned, too, in detail about his movements in Essen where he went to familiarize himself with his Lehmann alias. Though sometimes hesitant on the details of his movements, Stashynsky showed no such hesitation when he described his briefings by "Sergey." He described in detail how he was instructed in the use of the murder weapon and the experiment with a dog.

After describing how he made himself familiar with the habits and movements of Rebet, by the use of rooms opposite to where Rebet lived and worked, he stressed that at this stage he had no idea that he was to be asked to murder Rebet.

### **The "Man from Moscow"**

This instruction was given to him on a visit to East Berlin where he first met "the man from Moscow," introduced by the inevitable Sergey. Asked about his reaction to the instruction, Stashynsky said he was "shocked" but that he made no protest, either to Sergey or to "the man from Moscow." He also said that at this meeting he was told that the weapon had already been used and that "it was 100 per cent foolproof."

The details of his shadowing of Rebet in Munich had all the ingredients of a Hitchcock film. Though there was some hesitation in some of his answers about his movements, there was no hesitation at all when he described how the murder weapon was concealed and carried. He described the arrangements made for the delivery of the weapon and said that if all else failed "it would be delivered by "Diplomatic Bag" to Munich."

Probably the most important part of Tuesday's hearing was at the end when the moral question of why he agreed to carry out the murder was probed by the President.

He had used the word "traitor" in his several statements. Did not this suggest he knew the moral implications behind the word? Did he think it right to kill Rebet? Did he believe in God?

### **The Moral Issues Involved**

After some hesitation Stashynsky said "I cannot answer that question" and his answer to the others were evasive. Replying to Mrs. Rebet's Counsel who suggested that it was an honour for him to be selected for these special tasks, he said: "It was not an honour."

He repeated several times that he came from a "decent" home with a religious background and therefore had doubts when faced with a task that posed moral questions. But he saw that political killings

did occur and was convinced of their necessity. He had been taught that the leaders of organisations were dangerous and, once disposed of, it was simple to deal with the rank and file. When pressed about his thoughts after the killing of Rebet, Stashynsky said that he had weighed it carefully in his mind and had decided that on political grounds, and within the Soviet system, "it was right and lawful."

Throughout the trial, spectators have been struck by Stashynsky's apparent complete lack of emotion. When holding the model murder weapon in his hands and describing the Rebet killing, his voice was firm and clinical — the expert demonstrating a scientific process.

### **Murder of Bandera a Russian Government Decision**

It seems that the film of Bandera's Funeral, which Stashynsky saw in November 1959 shocked him profoundly. When he saw Bandera's body and the numerous Ukrainians who came to pay their last homage, doubts began to enter his mind about the killing. The views expressed by his superiors, that the Ukrainian Liberation Movement and its leaders were "traitors," preventing Ukrainians from returning "home" — this view was shaken after he had seen this film.

A number of important points arise out of Wednesday's hearing.

1. Stashynsky said quite categorically on Wednesday, 10th October, that the killing of Bandera was not ordered by "lesser fry" in the Soviet hierarchy. He stressed again and again that the decision had come through Shelepin, head of the Security Service, and after the question had been decided by the government through the Central Committee. In this regard he instanced that he was told that all responsibility would be taken in the delivery to him of the murder weapon and, if necessary, the "diplomatic bag" would be used to get it to Munich.

2. Stashynsky said that in the case of Bandera the decision had been to use an improved, double-barrelled weapon; (a) because it was important that the attempt should be successful and (b) because the eventuality of Bandera having a "bodyguard" with him had to be considered. Though the finding of two bodies apparently dead from "heart failure" was too fantastic for anyone to believe, Bandera's liquidation was considered so important by the Russian government that even this risk would be taken.

3. In the instructions about the delivery of the weapon to him, Stashynsky said Moscow took full responsibility. He was instructed on what precautions to take and what to do in any case of difficulty.

4. Stashynsky had been told that the most favourable conditions for carrying out Bandera's murder was when he found him alone and he spoke of one occasion when such an opportunity arose, with Bandera in his garage, but Stashynsky had doubts when he was close to his victim — unaware of how near death he was. Later, when he realised the consequences of failure to himself for not carrying out his instructions, he busied himself with finding duplicate

keys. A new weapon was sought from Moscow and the plan for the eventual killing went ahead.

5. The main conclusion from Wednesday is that Stashynsky is the typical 'Soviet man.' His terminology when describing the underground liberation movement, OUN, etc. — showed his conditioning to the acceptance of the idea that the OUN committed "crimes" and their aims were interpreted narrowly as purely nationalist. For instance, on the first day he spoke only of local differences between Poles and Ukrainians and said nothing about the wider struggles against the Germans and the Russians. He spoke also of the emigré movement being in league with France, Britain, Germany and the Americans and when asked by Mrs. Bandera's Counsel about his motives for killing Bandera, he said Bandera was the "leader" of the emigration and of OUN, but said nothing about his significance to the wider liberation movement, especially in Ukraine.

6. Examples of Stashynsky's use of Soviet phraseology are numerous — when the Russians occupied Western Ukraine he said "the country was reunited with Russia" — and the use of these terms supports the Russian Communist line.

7. The strength of Stashynsky's defense that he was "carrying out the orders given him by his superiors" was shown on Wednesday night when the President, quoting from the German Federal Criminal Code suggested that such a defense might prove "extenuating circumstances."

The hearings of the Stashynsky trial on Thursday and Friday, 11th and 12th October, confirmed our view that the line of his defense has not changed. The evidence also confirmed that Stashynsky was being trained by the KGB as a professional killer and that his next victim was to be Jaroslaw Stetzko, former Ukrainian Prime Minister, President of the Anti-Bolshevik Bloc of Nations (ABN), and leading member of OUN.

### **OUN the Main Target of KGB**

Suggestions from East Berlin sources at the opening of the trial that it was "an anti-Soviet show rigged up by the West German Secret Service" (Berliner Zeitung 8. 10. 62) were disproved by Stashynsky himself. This quotation was a shorter version of a press conference in East Berlin by Werhun, (another Communist Agent) in April 1962 at the time when the Stashynsky's trial was first scheduled to begin. These suggestions also show that Russian propaganda can find no better arguments to try to mislead Ukrainian opinion about the murder of Bandera.

Stashynsky gave evidence of his "trailing" of Mr. Stetzko, and his familiarity with Mr. Stetzko's background was shown when Mr. Neuwirth asked him: "Who is Dankiv?" (Mr. Stetzko's assumed name) and without hesitation Stashynsky replied: "That is Stetzko, Prime Minister of Ukrainian Government when the Germans came!"



**STEPAN BANDERA**

(b. 1. 1. 1909, d. 15. 10. 1959)

*Leader of the Organization of Ukrainian Nationalists (OUN);  
murdered by the Russian agent Stashynsky in Munich.*



## **"Soviet Man" or KGB Agent**

The attempt by Stashynsky on Thursday morning to portray himself as a pathetic figure — the "Soviet Man" — a victim of the system and compelled to do things which were repugnant to him, was nullified in the afternoon, particularly when replying to Counsel for Bandera and Rebet. During the morning he spoke about "conflicts," about "my heart being in my throat" when he saw his subsequent victim Bandera. But these "conflicts" were always resolved according to the KGB instruction and, as the President of the Court put it to Stashynsky: "But you never missed."

The pattern of all Stashynsky's "conflicts" were revealed during these last few days. When his own interests did not conflict with those of the KGB, he obeyed the KGB. Earlier in the week he had spoken of being instructed by the KGB that he must become reconciled with his parents — "come to a terms with them." When Dr. Neuwirth asked on Thursday afternoon: "Why was this necessary?" Stashynsky shrugged his shoulders: "Because they (the KGB) insisted."

## **Future Fields in the West**

After the killing of Bandera and his return to Moscow, Stashynsky said he was to be trained for other work in the West. He spoke specifically of England and America. He was to study Western culture, literature and language in preparation for this new task. He had read Canaris's book about the methods used by the Gestapo, had analysed the book and concluded that the methods of the Gestapo were identical with those used by the KGB.

But the KGB were slow to make arrangements for his re-training and his courtship of Inge Pohl had created new "conflicts."

One gathered that had the KGB speeded up their arrangements for Stashynsky's re-education and appointment to another field of operation, plans for his "escape" to the West would never have been made.

It was not until he became aware of some mistrust on the part of his superiors that plans for his "escape" were prepared.

## **Stashynsky's Doubts and Conflicts**

Stashynsky, while trying to create his sympathetic picture on Thursday morning, said he spoke to Sergey about the "widows and children" of his intended victims. Sergey's reply was: "Some day they will be grateful that a "traitor" was killed!" Dr. Miehr took up this question in cross-examination when he referred to Stashynsky's use of the word "traitor" in his statements. Dr. Miehr said Stashynsky might have used the word in relation to those who were against Russia. But from his family background he must have known of the

struggles of the Ukrainian people against the Poles, Germans and Russians, invaders of Ukraine from before 1917 and after and that the word "traitor" had a different connotation for Ukrainians. Stashynsky's reply, arrogantly thrown back at Dr. Miehr was that he was not "a professor of history!"

Dr. Neuwirt also pursued the question of Stashynsky's pretended ignorance of Ukrainian history. The KGB Agent said "No" each time when he was asked did he know about Petlura (Symon Petlura was President of Ukraine in 1918 and was killed in Paris by the Russian Agent Schwarzbart on May 25, 1926.), about Chuprynka (Taras Chuprynka was Commander-in-Chief of the Ukrainian Insurgent Army and was killed in action on March 5, 1950, in Bilohorshcha, near Lviv — **quite close to Stashynsky's native village.**) He said he did not know Halychyn, Dobriansky, Smal-Stocki — all prominent Ukrainians in USA. (Halychyn was found dead in 1961 on the stairs of an underground station in New York.)

Such ignorance on the part of a man whose family were intimately involved with the Ukrainian Liberation Movement was too complete to be real.

### **Expert Evidence on Poison and Stashynsky**

Expert witnesses on Friday gave evidence about the poison used to kill Bandera and Rebet and about the neutralising tablets Stashynsky said he had used when about to commit the murders. These showed that the poison was cyanide with some nicotine extract and that this was found in post mortem examination of Bandera.

The examination officers said Stashynsky showed no sign of being under stress or that he was under any compulsion to make the confession. This was confirmed by Stashynsky's own evidence.

The first examining officer said that at first he was sceptical about Stashynsky's statement but as he went on he found the statements plausible. Stashynsky told him about the two murders he had committed. **When speaking of the actual murders his tone of voice was no different from when describing other incidents.**

Dr. von Butlar, an officer of the Federal German Intelligence Service and an expert on Soviet Affairs, gave a history of Shelepin, the structure of the KGB, and spoke about OUN and its activities. Replying to Stashynsky's Counsel, Dr. von Butlar said that the organisation of Bandera was active in exile and in Ukraine. Dr. von Butlar also spoke about "the Lippolz story" (East Berlin "canard" that Bandera was allegedly killed by Myskiw, a close associate, who, in fact, was in Rome at the time of Bandera's death.) After Bandera's death and the "explanation" of it put out by Liebholz (alias Lippolz) in East Berlin in October 1961, radio-telegrams to a Russian Agent in the West were intercepted. The "telegrams" asked for information about press reactions to the "Lippolz story."

Dr. von Butlar also described the three Liberation organisations OUN (R), led by Stepan Bandera; OUN (M), led by Col. Melnyk, and OUN (Z), led by Dr. Rebet; he stated that in Soviet eyes OUN (R) was regarded as the strongest.

### **"Liberalisation" in the Soviet Union**

Dr. von Butlar, replying to a defense question, said that after Stalin's death there had been "some kind" of liberalisation in the Soviet Union. In all serious cases decisions were made only by the highest government authorities.

(That the "satellites" had no control over KGB activities had been shown earlier by Stashynsky's evidence. Orders and instructions to KGB agents in Warsaw or East Berlin came direct from Moscow and were acted on without any consideration of the "satellite" governments, so-called sovereign republics.)

### **Stashynsky Fully Responsible for His Actions**

Professor Rauch, psychiatrist, said Stashynsky was well-educated and well-controlled, intelligent and resourceful. He had been trained to control his emotions and in all regards was a well trained agent. He was not given to phantasy, but was a realist. He relied for decisions on authority and even in the "escape," the initiative had come from his wife. He lacked active imagination and could not conceive the results of his activities.

He was, said Prof. Rauch, a product of early training, which had developed only the necessary facets of his character and suppressed others.

Asked by the defense if there was any possibility of an emotional disturbance in early life making a marked impression on Stashynsky's character, Dr. Rauch said there was no reason to suspect this and Stashynsky was **fully responsible for what he did.**

### **Jaroslav Stetzko to be Third Victim**

Born in 1912, Jaroslav Stetzko became a member of the illegal Ukrainian Military Organisation (UVO) while still a youth. As an Executive Committee member in Western Ukraine he was responsible for ideological and political publications.

In 1934, in Lviv, he was arrested by the Polish police, and in the notorious "Bandera Trial, 1935-36" he was sentenced to five years imprisonment. He was released in 1939 as a result of the collapse of Poland and resumed his activities in OUN.

After the death of Konovalets (killed by Soviet Agent in Rotterdam in 1938) Mr. Stetzko was given the task of making preparation for the Second OUN Conference.

When Ukrainian Independence was restored on June 30, 1941, Mr. Stetzko became Prime Minister of the Ukrainian Government

and when he and Bandera rejected the German ultimatum to revoke the proclamation of Ukrainian Independence, he and Bandera were arrested. In 1941 he was taken to Berlin and from there sent to the concentration camp in Sachsenhausen.

Released in 1944 he again became a leading figure in OUN and was soon elected President of the Anti-Bolshevik Bloc of Nations. During numerous visits all over the free world he has propagated the liberation of all non-Russian nations from Moscow colonialism.

Mr. Stetzko has just returned from the Congress of the Asian Anti-Communist League (APACL) in Japan.

### **Bandera — the Victim — Speaks for Himself**

Dr. Jagusch, President of the Court, read a biography of Stepan Bandera which showed clearly the role he played in the Ukrainian Liberation Movement throughout his life, both in emigration and in Ukraine. From his account, Bandera's active participation in the struggle for Ukrainian liberation from Moscow was shown.

### **Khrushchov, a Party to Murder**

Stashynsky said clearly that the order for the killing of Bandera came from the Central Committee of the Communist Party and the government. He mentioned Shelepin with his assistants Aleksey Alekseyevich and Georgy Aksentyevich, as those responsible for passing the order.

The very close relationship between the government, Central Committee and the ministries (including KGB) was clearly elucidated by Dr. von Butlar. His explanation showed that without doubt the decision to kill Bandera could not have been reached without the active and willing consent of Khrushchov.

It is also clear to all observers in the Court that Khrushchov is directly implicated in the murder of Bandera.

The hearing of the Stashynsky trial on Monday, 15th October, began with the accused reminding the Court of his motives for the murders: threatened by the Soviet police he found himself in the ranks of KGB; became a convinced communist to whom the Ukrainian Resistance Movement leaders Bandera and Rebet were "enemies of the people"; he acted under the pressure of the orders which were given him by the highest authorities.

### **Attorney General Demands Two Life Sentences**

Having clearly analysed both the statements of Stashynsky and the corroborating evidence, as well as experts' evidence, the Prosecution considered Stashynsky fully responsible for the double murder

he committed on German territory and demanded 3 years imprisonment for spying and two life imprisonments for murder, and that Stashynsky should be deprived of his citizen's rights for life.

Very important and well presented were the speeches in Court by the Counsel appearing for the victims. Dr. Neuwirth, by comparing and contrasting the types of people in the service of the Russian imperialism, made an analogy of Mr. Khrushchov with the accused. Stashynsky retained outward relations with the Ukrainian people but inside he was Russian, traitor to his people, a **renegade**.

Well balanced and convincing was the speech by Dr. Padooh, and the strongest in words and in its direct indictment of the Russian Communist Government was the speech by Mr. Kersten which we here reproduce in full.

Moving and without hatred for the accused were the speeches by Mrs. Rebet, and in particular, by Miss Natalia Bandera, the daughter of the victim. She resolutely repudiated the words supposedly said to Stashynsky by Sergey, that the children of the victims would one day be grateful to him, because he murdered the "traitors."

### **Sympathy of the Court for Ukrainian Liberation Movement**

From all the speeches it was clear, that both victims, Prof. Lev Rebet and S. Bandera, the OUN leader, gave their lives for the freedom of Ukraine, which is linked with the freedom of mankind, and that the main culprit, the real murderers, the Russian Communist State, should be brought to justice beside Stashynsky.

The question of the real murderer being not in the person of Stashynsky, was taken up by the Defense, Dr. Seydel, who brilliantly presented the case of his client. He treated the problem of the Ukrainian fight for independence with understanding and respect.

### **Stashynsky Admits His Guilt**

Stashynsky recognized his guilt and begged the High Court to be guided by mildness while considering his sentence.

### **The Verdict**

On Friday, 19th October 1962, the High Court pronounced its sentence. Stashynsky was condemned to eight years hard labour. In the judgement of the Court he was an aid in these murders. The real culprits were the Soviet Russian government, who planned, organised and ordered the murders.

# Mr. Kersten's Plea at Stashynsky's Trial

*Plea of Charles J. KERSTEN, former Member of the U.S. Congress (5th Dist. Wisconsin) on behalf of the widow of Stepan Bandera at the murder trial of Bohdan Stashynsky — Federal Court of Germany, Karlsruhe, October 15, 1962.*

MAY IT PLEASE THE COURT:

As a member of the American Bar I appreciate the courtesy granted me to appear in association with my colleagues, Mr. Neuwirth and Mr. Padoch, in behalf of Mrs. Bandera, the widow of one of the victims of the defendant.

The High Court has done the free world a great service particularly by bringing the facts of the Stashynsky case to public attention, in the democratic tradition of Western civilization, especially in its objective questioning.

The Court brought out clearly that **any** Free World nation could be the hunting ground for the Soviet KGB.

The mystery of the cyanide gun that makes murder look like death from a heart attack has been exposed. Operations of the Russian Communists on foreign soil are not likely to be successful elsewhere.

It was proved that the defendant, after killing Mr. Bandera and Mr. Rebet, was to have a wider scope of action in the future. Stashynsky was graduated to a lifetime job of high level professional killer of "enemies of the Soviet Union." He was a brilliant product of Russian Communist training. He was to learn English. Eventually, his field would probably be Great Britain and the United States.

If Stashynsky had not defected some stubborn anti-Soviet UN delegate, for example, might one day be found dead in New York, victim of a "heart attack" produced by this masterpiece of Soviet science.

The Court has inquired about the motives for his killings.

The motive of killing Bandera told the defendant by his KGB masters was that Bandera used terror to prevent the return of immigrants from Germany to the Soviet Union. In this respect the smear of Bandera was a complete fraud. The widow of Bandera, to save the good name of the deceased, for which she has the legal right, desires to remove this fraudulent smear.



The killing of Mrs. Bandera's husband was no ordinary murder perpetrated by an individual. It was not just a gang killing.

The evidence shows that the murder of Bandera was decreed by the government of the Soviet Union. Soviet Russian science was enlisted to fabricate a new weapon for which the West did not have a defense. The perpetrator was put through a long period of government training. He was assisted in the careful preparation for the crime by a large section of the KGB. The Presidium of the Supreme Soviet awarded the perpetrator with the Order of the Red Banner.

The reason the Soviet government, headed by Khrushchov, decided to kill him was because Stepan Bandera was the leader of the widespread underground resistance in Ukraine to Russian Communist Occupation. Bandera was a symbol of the struggle for a free and independent Ukraine, a non-Russian nation of 45 million people with their own traditions, culture, language and civilization.

Ukrainian national resistance to every foreign occupation — particularly Russian Communist occupation — has been proven over and over again.

Russian Communist methods of suppressing Ukraine's never-ending struggle for freedom are as ruthless as any in the recorded history of tyranny. In the years 1932-33 the Russian Communists removed all the food and seed produced in the country, creating a man-made famine that took the lives of over 5 million people. In the vicinity of Vinnytsia some 10,000 Ukrainian prisoners were murdered by the NKVD during the years 1938-40, at the time when Khrushchov was the first secretary of the Communist Party in Ukraine, i.e., the Russian Governor in Ukraine.

At about the time when Khrushchov was meeting with President Eisenhower in Geneva in 1956 his tanks were crushing the bodies of over 500 Ukrainian women — political prisoners — into the ground when to protect them from NKVD they had formed a ring around their men in a concentration camp in Kingir.

As Soviet Russian secret service killed Bandera in 1959 and Rebet in 1957, so they killed the Ukrainian leader, Petlura in Paris in 1926 and Col. Konovalts in Rotterdam in 1938. It was their plan to take the life of Mr. Stetzko, President of the Anti-Bolshevik Bloc of Nations (ABN) and former Prime Minister of Ukraine.

On this occasion I would like to point out that the American Committee on Communist Aggression of the U.S. House of Representatives issued the Special Report of the Congress entitled, **Communist Takeover and Occupation of Ukraine**. This Report was submitted to the House of Representatives on Dec. 31st, 1954 by the Committee on Communist Aggression, of which it was my honour to be chairman. Massive Ukrainian national resistance to Communist rule is described on page 31 and elsewhere in this Report. The accused testified to resistance during the trial.



**EVHEN KONOVALETS**

(b. 14. 6. 1891, d. 23. 5. 1938)

*Founder and head of the Ukrainian Military Organization (UVO)  
and of the Organization of Ukrainian Nationalists (OUN);  
murdered by a Russian agent in Rotterdam.*

Our Committee held extensive hearings — the sworn testimony of hundreds of witnesses — in the United States and Europe, including Germany, in 1953-54 with regard to all the Captive Nations. The Committee issued 26 Reports on the Captive Nations. It was our conclusion that the internal resistance of the enslaved nations to Russian Communism was the greatest deterrent to war.

Not until resistance to Communist occupation is finally liquidated can the Soviet Russian imperialists safely launch military operations for world conquest.

The escape of Stashynsky was a shock felt at the Russian Communist summit. Stashynsky held state secret involving criminal action in the free world by the highest echelons of the Soviet Government.

Communist propaganda spread the false story that an Ukrainian, Myskiw, had poisoned Bandera at the direction of Federal Minister Oberländer under the orders from General Gehlen.

Also in connection with this trial, the press services of the Satellites made the same false charges, spreading the story that the German intelligence, of which the expert has given testimony here, organized the murder. Unbelievable, but true, there were assertions in this false propaganda that the highest Court of the German Federal Republic is acting according to instructions. To all these false charges I can say as an American that this trial was held in the highest traditions of democracy and justice.

I was deeply impressed by the objective and human way in which every opportunity was given to the accused during the Court trial proceedings.

The Communists felt safe in thus trying to smear Oberländer, General Gehlen and the German government by using Myskiw's name because Myskiw had died in the meantime. But this story exploded when it turned out that Myskiw was in Rome on the day when Bandera was murdered and was seen there by many people.

The stark facts of Stashynsky's revelations were confirmed in every respect by overwhelming documentary and other evidence, in the trial before this Court — even to the Communist radio's frantic efforts to locate Stashynsky after he fled, admitting, thereby, that Stashynsky was their agent. This was a very painful affair for the Communists. It involved Shelepin — and more.

This much must be said for Stashynsky. He was formed in the de-humanizing mould of Communist training from youth, so well described by the Communist theoretician, Lunacharsky:

"We hate Christianity and Christians. Even the best of them must be looked upon as our worst enemies. They preach the love of our neighbours and mercy, which is contrary to our principles. Christian love is an obstacle to the development of the revolution. Down with

the love of our neighbours. What we want is hatred. We must learn to hate and it is only then that we shall conquer the world."

This was the milieu in which Stashynsky was trained. But even then he fled and brought to the West the facts with which to unmask Soviet Russian Government criminal action that is more deadly than the assault of a rattle snake which, at least, warns before it strikes.

Stashynsky, as a member of the KGB consciously carried out the orders of the Soviet Council of Ministers. Mrs. Bandera does not seek vengeance but justice for Stashynsky, recognizing that he was not arrested in the course of his crimes, but fled to the west and voluntarily told the full story of the Soviet Government crimes and his part in it. This has helped the free world and he should be given credit for it.

Mrs. Bandera points to Voroshilov's signature to the Order of the Red Banner awarded to the perpetrator as a signed confession of first degree murder of her husband by the Soviet Government itself.

Mrs. Bandera seeks justice against the real murderers of her husband.

Surely this is not the forum in which Mrs. Bandera may sue for financial damages against the guilty Council of Ministers of the Soviet Union. But it is our intention, in the proper tribunal to seek judgment in her behalf for actual and punitive damages against the Soviet Government.

It is also true that this Court cannot impose a criminal punishment upon the real culprits. But the Council of Ministers of the Soviet Union, Mr. Shelepin and Mr. Khrushchov should be haled before an international tribunal for this murder and for any other crimes.

They have ruthlessly destroyed her husband and her family life and they should be made to pay. If any money is ever collected from the Soviet Government either by attaching their property in the Free World or otherwise, it is Mrs. Bandera's wish to turn it over to the Ukrainian Red Cross.

But, more important to Mrs. Bandera is to ask this Court's judgment and declaration that it was the Soviet Government that is guilty of the murder of her husband.

I have said that this was not a gang murder. But in a very real sense it is a gang murder. The Soviet Council of Ministers entered into a criminal conspiracy to take the life of Stepan Bandera on foreign soil and ordered Stashynsky to carry out their mission.

This was the conspiracy of a gang to commit a crime.

It may be said that this Court's judgment holding the Soviet Government guilty of the murder of Stepan Bandera in Munich, Germany on the 15th of October, 1959 — three years ago today — would be without adequate precedent.

But the heart attack weapon used in this case is without precedent. Awarding the highest State honours for perpetrating murder is without precedent. Training agents for clandestine killing on foreign soil in peace time is without precedent. A government using murder as an instrument of policy is without precedent.

I believe the judicial process of this Court is not powerless to protect the sovereignty of its own government from such contemptuous and flagrant acts. The West must develop unprecedented means to cope with unprecedented dangers.

The Council of Ministers of the Soviet Union, in this case, has been proved guilty of murder in the first degree. This Court may not be able to prescribe the punishment for the real culprit. But it can render an historic judgment and declaration finding the Soviet Government guilty of murder, a judgment that will hearten a large part of mankind that is afflicted with the Russian Communist Conspiracy.

This Court's judgment that the Bolshevik government in this case to be a conspiracy to commit murder, will be heard around the world.

Such a judgment will be like the sword of St. Michael the Archangel to help unmask the Soviet Russian leaders to show them before mankind for what they really are. It will reduce their power to hold nations in slavery and their power to make war.

If this becomes the result of the Stashynsky trial then the cause of Freedom and Peace has been advanced and Stepan Bandera has not died in vain.

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9 St E 4/1962

## SENTENCE AND ORAL OPINION OF THE COURT

*in the criminal case*

against

the Soviet subject

Bohdan Stashynsky, of no fixed abode,  
born in Borshtshevize (Borshchovychi) near Lemberg (Lviv) on November 4, 1931,  
at present in custody on a charge of murder,

pronounced by the President of the 3rd Court of Criminal Appeal of the  
Federal High Court on Friday, October 19, 1962 (7th day of proceedings), on the  
strength of the main hearing on October 8th, 9th, 10th, 11th, 12th, 15th and  
19th, 1962, in which the following took part:

President of the Senate, Dr. Jagusch  
as President of the Court,

Federal Judge Weber,

Federal Judge Dr. Wiefels,

Federal Judge Dr. Hengsberger,

Federal Judge Dr. Schumacher  
as advisory judge,

Federal Attorney Dr. Kuhn  
and .

Judge Oberle of the provincial court  
as representatives of the Federal Attorneyship,

Chief Clerk of Court Hatz  
as certificating official of the court.

### I N T H E N A M E O F T H E P E O P L E

- I. The accused is found guilty on two charges of aiding and abetting a murder and on a charge of treachery.
- II. He is sentenced to a total punishment of  
*eight years penal servitude.*
- III. Allowance will be made for imprisonment pending trial.
- IV. The costs of the proceedings will be borne by the accused.

*By order of the Court*



## ORAL OPINION OF THE COURT

The main arguments on which the sentence is based are as follows:

The accused comes of a peasant family in a village of West Ukraine near Lviv. This region in which he spent his youth is characterized by conflicts between hostile national groups for supremacy, against the background of the long political fight of the Ukrainian people for political and cultural self-determination. As the son of Ukrainian parents he was also to a certain extent on the side of the strong Polish national group in the village. His youth — and he has given the court a credible and realistic account of this period in his life — was overshadowed by fierce, political, and at times bloody conflicts between the long-established Ukrainians and the Poles, to whom this territory was ceded after the first world war. He himself experienced in his own family the results of forcible pressure and counter-pressure. At the end of 1939, when Poland was divided between Hitler and Stalin, the Soviets invaded this territory. This resulted once more in acts of violence between the Ukrainians, Russians and Poles. In 1941, when Hitler waged war on the USSR, the Ukrainians' hopes of the restoration of their state independence were very soon shattered. During this period, so the accused told the court, there were, to begin with, fierce clashes between the Ukrainians and the Poles, and soon also action against the German occupation, and subsequently against the Russian partisans. In 1943/44, when the German troops retreated to the west, the fight was directed against the Soviet troops who were once more advancing. For years both an open war and a partisan struggle in the underground were waged against the renewed Soviet rule. In 1946, after the war ended, the accused was only 14 years old. What

a childhood! What a degradation and disparagement of human life he must have witnessed! What a disparagement of human rights, of the fundamental claim to an existence free, at least externally, of struggles between national groups, war, Nazi and Communist dictatorship! But that is not all: one must visualize this more or less local picture as part of the already historical, eventful, political fight of the Ukrainian people in its various forms for their cultural and state independence and for the realization of their own political ideas against the various political rulers, — fight which still continues today, a fight which in the first place was waged against tsarist Russia and Austria, then against the Soviet Union and Poland, subsequently against the German occupation, and finally against the Soviets again.

In spite of the dismal picture of his youth, the accused has shown in the main proceedings of this trial that he learnt to have morally sound feelings and thoughts; the warped materialism which very soon got him in its clutches only partly covered up his fundamental moral structure but did not eliminate it completely. In 1950 when he was 19 years old and a college student, the state power already seized hold of him and turned this inexperienced and docile young man into a political tool. The reason was apparently an insignificant youthful prank. The Soviet secret police, the MGB, won over this susceptible youth, who, confused by the grim events of his childhood, was not yet capable of discriminating and judging for himself, as a spy and informer against Ukrainian underground groups. The MGB threatened him with reprisals against his family and in this way won him over as a renegade and alienated him from his family and his fellow-countrymen.

Since he was naive he did not suspect the cunning methods of the secret police. His family would be spared, so he was promised, in return for his services as an agent. What a thing to expect of a young man! However, he "proved his worth" in clearing up a political plot and became an MGB agent whose task it was to expose Ukrainian underground groups. In this respect, too, he was, as he himself has testified, successful. From now onwards he lived exclusively in the sphere of influence of the Soviet MGB; he became a Communist and was trained as an agent. And from now onwards he was under the pressure of the political system which a plaintiff has described so aptly: the absolute negation of human values, the negation of man as a creature in God's image by the Soviet sham religion of a degenerate, anti-humane materialism: man as a mere product of albumen and water, who can be drilled in automatic reflexes, man as the interchangeable tool of social utopias, fundamentally only worth the sum-total of his reflexes that are useful to society. For two reasons we in particular must show especial understanding for the scars and damage which such drill leaves on the human soul, — we, Goethe's and Lessing's fellow-countrymen, who, in the heart of Europe, in the course of twelve years under the criminal influence of the likes of Hitler, Goebbels and their clique became the scourge of civilized humanity, — we, the people of whom 18 million members are at present still obliged to live in the Soviet sphere of power. For an almost equal period, namely for eleven years, the accused was the tool and subject of the MGB-KGB.

In the autumn of 1954 he realized that he was being trained as an agent against the German Federal Republic. From now onwards he became the German national, Josef Lehmann. He was thoroughly instructed in all the details of Lehmann's life. At the end of 1954 he was sent to East Berlin where, as this court has experienced, the intelligence services of the Soviets and Poles and of the Soviet Occupied Zone of Germany all work hand in

hand. He was to become accustomed to the life and conditions here. At the beginning of 1956 his first tasks as an agent were assigned to him. He became the liaison-man of the KGB to the latter's agent Nadishtshyn (Nadiychyn), alias Bissaga (Bysaha), in Munich. The idea of abducting the Ukrainian emigrant politician and writer Rebet was now discussed with Nadiychyn. From spring 1956 to February 1957 he was set the task of winning over a certain person, whom I shall designate as X, for the KGB and he did his utmost to carry out this task. From 1956 to 1958 he carried out various commissions as an agent against the newspaper editor Borys and the Ukrainian politician Stetzko; he was sent to Rotterdam to make observations, and he also carried out several tasks as a spy against the German Federal Republic and against the U.S. forces. But I have partly anticipated certain details of his career.

April 1957 brought the beginning of an inner and external catastrophe as far as Stashynsky was concerned. He had been instructed to spy on the emigrant politician Rebet, the spiritual leader of a group of Ukrainian emigrants who were politically active in Munich. In the summer of 1957 he was suddenly ordered to murder Rebet. A weapon with which he was to squirt prussic acid in his victim's face was demonstrated to him, and a special agent from Moscow showed him how to use it. He was told that he need have no misgivings about the effects and consequences. This weapon, so it was stressed, had already been used most successfully against human beings, and would cause instantaneous death and leave no traces behind. The weapon was then demonstrated on a dog which was tied to a tree. The animal — and Stashynsky described this scene realistically and haltingly in court — raised its muzzle towards him inquisitively and trustingly, as he pressed the trigger of the weapon. This was the first time in all his life that he killed a living creature. Sergey carefully took the leash with him, but left the dog's carcass lying. Truly a symbol for what was to happen later!

At this point the following facts must be borne in mind: the days of the two eras of murder under Stalin, when the dictator still raged against his former co-fighters and against the Soviet peoples and had millions of persons killed, the days of the bloody Yezhovshchina up to 1938 and of arbitrary murders between 1945 and 1953, were, it is true, over. Even Khrushchov, according to his own words in public, had at that time feared for his life. Of the members and candidates of the Central Committee of the Communist Party of the Soviet Union as many as 112 were liquidated in the course of the years up to 1953. With Khrushchov's notorious speech the 20th Party Congress of the Communist Party of the Soviet Union ushered in the restoration of the so-called socialist lawfulness. What that meant as far as the home policy of the Soviet Union was concerned, is of no interest in this trial. Externally this murder trial has unfortunately definitely proved that so-called co-existence and so-called socialist lawfulness by no means exclude so-called individual terrorism, — all of them terms used in the Communist vocabulary. Stalinism is dead. But individual murderous terrorism still lives on. The real change which has taken place thus has not the least connection with lawfulness: the Soviet secret service no longer commits murder arbitrarily and of its own accord. Murder is now only carried out at the explicit orders of the government. Political murder has now, as it were, become an institution. A co-plaintiff has very aptly quoted Djilas: "Talks with Stalin": "Stalin's world has not disappeared, its character... has been preserved unchanged." Individual terrorism now threatens those who are an obstacle to the repatriation plans of the Soviet regime. And Rebet was such a person.

Moscow's orders to murder Rebet completely changed the life of the accused. Hardly anyone who has been present during this lengthy trial will be of the opinion that Stashynsky was the very man to kill off the political enemies of the Soviet Union. He is intelligent and gifted and more

inclined to be soft-hearted, — a person who by nature is peaceable. Without the Soviet system, which, like the national socialist system, regards political murder by the state as justifiable and necessary, he would probably now be a teacher somewhere in Ukraine. But unfortunately he belongs to that large group of persons who at the command of their own state, to which they are subordinate, commit crimes. He personifies the individual who is first of all trained in the doctrine of hatred and propaganda and is then degraded to the rank of a deliberate killer. This does not exonerate him from punishable guilt. He knew: thou shalt not kill! The task expected of him was repugnant to his nature. The victim and the victim's family, all of whom he had never seen, stirred his pity. On the other hand, however, the method by which the murder was to be committed did not demand any special effort or skill. And at that time he was still trained to unquestioning obedience. He has given the court a clear account of his inner conflict. His wrong training politically made him regard Rebet as a traitor to and an enemy of the Soviet Union. And with this thought he finally appeased his conscience, at least for the time being. He obeyed the orders he had received, travelled to Munich with the weapon concealed on his person, and on October 12, 1957, found an opportunity as directed, even though an inner voice told him again and again to avoid this opportunity. He kept exactly to the instructions he had received to lie in wait for Rebet at the office where he worked, — No. 8 Karlsplatz. True, he knew that he might perhaps find a better opportunity to commit the deed somewhere else, but he said to himself: orders are orders, — if he comes, then I shall have to do it; if he doesn't come, then my orders for today are finished and perhaps finished for good. But at 10 o'clock Rebet approached the building. Mechanically the accused went towards him in the hall and fired a large quantity of the deadly poison in the face of his unsuspecting victim. He held the weapon — a short

tube, only as thick as a finger — wrapped up in a piece of newspaper. It was all perfectly simple. There was no need to take careful aim; there was no struggle, no screaming, no blood, merely a low smacking sound as he pressed the trigger. Rebet immediately reeled forwards and a little while later was found dead further up in the house. Stashynsky left the building, went to the Hofgarten, where he threw the weapon into a brook, travelled back to East Berlin and reported that he had carried out the deed successfully. In the prescribed language of the KGB the term used on such occasions is: to greet an acquaintance!

There is certainly something depressing about the facts established from this first evidence in the trial. The political leadership of the Soviet Union, the leadership of a world power which is wont to be proud of its history and civilization, and moreover the present leadership of the country that has given the world a Pushkin, Gogol, Chekhov, Leo Tolstoy and Fyodor Dostoevsky, and in more recent times Mayakovsky, Sholokhov and Pasternak, — the political leadership of this country, a member of the United Nations which entertains correct diplomatic relations with the German Federal Republic, considers it expedient to have a murder by poison, decided at least on a government level, committed on the sovereign territory of the German Federal Republic as a state order. On the certain assumption that this deed would not come to light, this same leadership acts in defiance of all international rules of decency, of the German penal laws and of its own laws in order to liquidate a political opponent. But every political murder, like a political lie, is in the end directed against its instigator. The Federal High Court knows from a previous trial that the Soviet Union used a member of its embassy in Bonn for espionage in the German Federal Republic. This court is now obliged to ascertain with regret that the political leadership of the Soviet Union also officially orders and has murders carried out on German territory.

But to return from the high-ranking wirepullers to the accused. He was completely responsible for his actions when he committed the deed. Apart from his understandable state of excitement in view of the nature of the deed he was about to commit, on the morning of the day in question he took a tablet as a protection against prussic acid vapours. Whatever this tablet may have contained, the convincing opinions of the experts, Professor Mueller and Professor Rauch have shown that this tablet could not have diminished the accused's responsibility for his actions in the legal sense. And in spite of the fact that Rebet was suffering from a complaint of the coronary arteries, it has been ascertained that the action of the accused caused his death. Rebet was ascending the stairs. Immediately after the weapon was fired, he reeled and fell and died shortly afterwards. He must have inhaled a fatal quantity of prussic acid. According to expert opinion, a single breath under the circumstances in question contains up to ten times the fatal quantity. In addition, there is also the possibility of death having been caused by a convulsive contraction of a coronary artery as a result of shock at the assault. But this possible cause of death, too, would have emanated from the accused. By convincing experiments the expert has definitely proved that prussic acid, applied in the manner ascertained, has a fatal effect on human beings, that it can actually be applied in this manner, and also that there are such protective drugs or antidotes as the one described by the accused. Indeed, they are already used in the case of accidents with prussic acid.

After this first killing Stashynsky was assigned to a different kind of agent activity for some months. In 1958 the special agent Sergey instructed the accused to watch the memorial service for Colonel Konovalets, who championed the idea of an independent Ukraine and was assassinated in Rotterdam in 1938. Sergey asked Stashynsky whether it would be possible to carry out a plot by planting a bomb at the grave after the

memorial service. But Stashynsky, who now already felt himself burdened by guilt as an accessory to murder, pointed out that in that case women and children would be the victims. As regards Rebet's death no suspicion that he had been murdered had so far been voiced, since it was assumed that he had died of heart-failure due to a complaint of the coronary arteries.

Thereupon the KGB, at the instructions of the same Moscow government department, in the autumn of 1958 set the accused the task of watching the movements of the emigrant politician Stepan Bandera, who as the leader of a big, active OUN group likewise lived in Munich. Stashynsky spied out all the circumstances of Bandera's life and it was not long before he learnt that he was to murder Bandera. In April 1959 the accused was summoned to Moscow. There he received authoritative orders to carry out the murder. Stashynsky pointed out that Bandera had a body-guard who usually accompanied him. Thereupon he was given a double-barrelled pistol of the same type with which to carry out the murder. Stashynsky now experienced the same inner conflict which he had felt the first time he committed a murder. He realized and felt the moral and legal reprehensibility of such deeds; he was repelled by the idea, but he was still incapable of detaching himself from the servile obedience which had been drilled into him, and for the time being he appeased his conscience again with illusions of his political usefulness. But this time the inner conflict was already much harder, and at first good even triumphed over evil. In the middle of May 1959 a favourable opportunity presented itself. Bandera drove into his garage alone. Stashynsky, who was watching him and was holding the weapon in readiness, was suddenly seized by doubts and pity; he felt the pressure of the orders he had received and at the same time seemed to hear voices which allayed the pangs of his conscience. But he was still bound by the political discipline that had been instilled into him. Western conditions, so remote

and different from the way of living and from the mentality that he had known so far, were still something strange to him, even though his fiancée had already made him acquainted with them. For a brief moment he thought of fleeing. But how was he, the murderer of Rebet, going to start life anew in the West? He was still dominated by the KGB. But he had not the heart to commit the murder. "He doesn't know how near he is to death. Let him live," he said to himself and ran away and threw the weapon into the Kögelmühlbach. At first he felt a certain relief. But very soon he once more felt the pressure of the orders that he had received. He now resorted to camouflage methods. He examined the lock on the door of the house in which Bandera lived in order to be able to produce some evidence of his activity as an agent and thus mollify Moscow. Whilst doing so, he broke two key-bits, which were found two and a half years later in the dirt and dust that had accumulated in the large box of the lock.

In October 1959 he again received orders from Moscow to commit the murder, together with another weapon. Once again the accused travelled to Munich. He was back again in the old vicious circle: spying on Bandera, postponing the deed, and breathing with relief until next morning, spying anew, waiting and looking at the clock: will Bandera come by 1 o'clock, or won't he? Can I go away, or will I have to kill him? It was the old conflict between discipline, the pressure of orders, and his better feelings. The "old authority" triumphed, which, as the psychiatrist so convincingly said, still dominated the accused. The germs of the "new authority," which urged him to turn over a new leaf and to abandon crime, were still too weak. — Bandera came home shortly before 1 o'clock. Stashynsky went into the house unnoticed, and from then onwards he acted in a kind of cunning automatism. Unexpectedly he heard the charwoman, Mrs. Huber, leaving the flat above and coming down the stairs, whilst Bandera was likely to enter

the house at any moment. The accused pretended he was going to use the lift and let Mrs. Huber pass. Meanwhile Bandera, who had opened the entrance-door of the house, was trying to get his key out of the lock. Again there was an unexpected delay. But Stashynsky fiddled about with his shoe. Then he walked towards Bandera, who obviously did not suspect him and was still standing by the door. He went past Bandera, took hold of the outside door-knob with his left hand, and, saying something to his unsuspecting victim, fired the contents of the double-barrelled pistol into his face. Turning his back on Bandera, he pulled the door to and hurried away. He threw the door-key down a drain and the weapon, as on a previous occasion, into the Kögel-mühlbach. That same day he travelled back to East Berlin and reported on the achievement of his mission. In the language of the KGB, he had now "greeted" Bandera successfully. There were cuts, made by glass splinters, on Bandera's face. A post-mortem examination which was carried out immediately revealed prussic acid in his stomach. He had inhaled prussic acid vapours and, in addition, had also swallowed drops of this poison. Death by violence was immediately suspected.

A celebration was held in Stashynsky's honour in the Soviet prohibited zone of Karlshorst. There are still people in that sphere of influence who regard the idea of committing a murder by poison for the Soviet Union as an honour and a distinction. — Stashynsky was summoned to Moscow. There the then president of the KGB, Shelepin, not a trained agent himself, conferred the Order of the Red Banner on him for the successful execution of an important government task. The diploma which he received was signed by Voroshilov, head of state. The conferment, however, was kept a secret and, contrary to the usual custom, no mention of it was made in the "Pravda." But Stashynsky later received a testimonial from the KGB which in veiled terms confirmed the task he had carried out and the conferment. Stashynsky produced the original testimonial in this court and it is undoubtedly

genuine. Stashynsky had to give Shelepin an account of the murder. He was surprised at various questions that were asked regarding insignificant details, — as for instance, the exact spot in the house where he had fired the weapon, and whether Bandera was really carrying some red tomatoes in his hand. He did not know that Shelepin had meanwhile read certain press reports which did not tally with his own report of the deed as regards these details. In the meantime, however, it was ascertained that there was a simple explanation for these deviations. To his horror Stashynsky now learnt that he was to be employed as a professional murderer — his own expression — in the future, too, once the Bandera case had been forgotten. But he was now firmly determined to prevent this from happening. He used this opportunity to trick his superiors inasmuch as he began to talk about his fiancée whom he had known since 1957; he described her as pro-Soviet and asked for permission to marry her. It was his plan — though at this stage it was still somewhat vague — not to return from some task in the West at a later date. Shelepin as a KGB man now committed a cardinal error: he gave Stashynsky permission to get married on condition that his fiancée passed the test in Moscow as trustworthy.

Thus matters now took a decisive turn. A change had meanwhile been gradually taking place in the mentality and attitude of the accused. The "old authority" had begun to totter. The thought of the murders that he had committed sickened him and troubled his conscience greatly. His fiancée had shown him an entirely different world and mentality. A "new authority" was gradually taking root in his soul. He has told this court objectively that his fiancée on one occasion, referring to his way of thinking, said: "How can you be so blind, seeing that you are not stupid in other respects." A little while previously Stashynsky, who lacks imagination, saw a picture in East Berlin which showed Bandera lying in his coffin. For the first time he saw the consequence of such a deed, his deed in this case, with his own eyes. This, so he has told the court,



was the moment when he definitely decided to turn over a new leaf, for he now clearly realized the level to which he had sunk. He was determined at all costs not to be forced to kill anyone else. But he needed help to carry out this decision. And he hoped for and expected this help from a permanent union with his fiancée. For this reason he was astute and tenacious of purpose when it was a question of obtaining permission to marry. As he himself has said here in court, this permission involved his own soul. He felt that he had come to a parting of the ways. And from now onwards he began to apply the methods that he had learnt *against* the KGB. It was decided that for the present he should tell his fiancée that he was an agent of the Soviet Occupied Zone in order to observe her reaction. Moscow would then act accordingly. Instead of which, however, he told her who he really was, with the exception of the murders that he had committed, and informed her about the intentions of the KGB and about his own intentions. His fiancée's visit to Moscow was a success inasmuch as she passed muster as trustworthy from the political point of view. In April 1960 Stashynsky and his fiancée were married in a church in East Berlin and then moved to Moscow according to instructions. They told their relatives that they were in Warsaw on business. Once in Moscow, they began to deceive the KGB systematically. For various reasons, however, Stashynsky felt repulsed and insulted. In spite of his "services" and the order that had been conferred on him, he discovered a secret tape-recorder concealed in his apartment. The post which he and his wife received from their relatives was also checked. He and his wife were refused permission to undertake a joint trip to East Berlin at Christmas, as had been promised them, to visit his wife's parents. Obviously one of them was always to remain behind in Moscow as a hostage. He was informed by his superiors that his wife who was three months pregnant must have an abortion performed, since a

child was a hindrance to anyone employed in the service of the KGB. Other signs of distrust were also evident. Stashynsky was no longer on good terms with the special agent Sergey. In January 1961, after a lot of fuss, Stashynsky's wife was finally given permission to travel to her parents, but the accused was not allowed to accompany her. He gave her certain instructions. Since she had strained herself lifting during her pregnancy, she was in need of special care. In this way she managed to postpone her return until the birth of the child in April 1961. But Stashynsky was not allowed to visit her. On August 9, 1961, however, the child died unexpectedly. The new special agent suspected that this might be the work of some Western secret service. Stashynsky, however, seized this opportunity to tell his superior that in view of his wife's overwrought state there was danger of her revealing his activity as an agent to someone or other. And he pointed out that he was the only person who could prevent her from doing so. The new special agent wanted to eliminate the distrust harboured against Stashynsky. The latter was allowed to travel to Berlin with an escort and his movements were then constantly watched in East Berlin. And this constant surveillance continued even after it was ascertained that the child had died a natural death. He and his wife thereupon decided to flee on the day of their child's funeral, on August 12, 1961, before the funeral, since it would have been too late to do so afterwards. In spite of the fact that they were being watched by three cars in the streets nearby, they managed to escape unnoticed across a stretch of land planted with trees and shrubs, from Dallgow to Finkenkrug, and from there to East Berlin and then by electric train to West Berlin. On arriving there, they reported to a U.S. official department through the mediation of the German police headquarters.

Anyone who hears this story without having heard the evidence or having spoken to the accused will

probably doubt its truth. All such doubts have however been eliminated during this trial. The accused is a credible witness. During the main hearing he gave the court a detailed confession. It tallies in every detail with the earlier detailed confessions which he made over a year ago to the police and to the judge who conducted the preliminary hearing. The accused has obviously an excellent memory but shows no tendency or ability to invent or embellish facts. In addition, he has mentioned details which only the perpetrator could know. He knows what the weather was like on October 12, 1957, and compares it to the weather on the day that he was interrogated four years later. His statement is corroborated by the meteorological office. Shortly after he had murdered Rebet he saw a police patrol car stop in front of the building No. 8 Karlsplatz and a crowd of people there. Both these details have been confirmed. On the day that he murdered Bandera he watched the latter drive away from his office together with a woman at 12 o'clock. This fact has also been corroborated by witnesses. He knows the exact time when the deed was committed, he knows what Mrs. Huber said as she left the flat upstairs, and he heard her go past him. It has been ascertained that at the time in question there was only one young man standing in the narrow corridor in front of the lift-door. The fact that he was waiting in front of the lift-door has also been confirmed. The two broken key-bits have been found in the dirt and dust in the box of the lock, where they must have lain for years. Stashynsky is able to describe them in detail. His information about plane trips and hotel rooms that he used two to four years ago has been proved correct. The registration slip of the Stachus Hotel, dated October 9, 1957, and confirmed by a graphological expert, was obviously written by him. The name D. which he used on this occasion has been investigated. He has given an exact description of the position of the flat in which the person who is really called D. lived. The same applies in the case of the name B. It has been proved by documents that he really

called himself Josef Lehmann, that he stayed at the Hotel "Helvetia" under this name at the time in question, and that he also got married under the name of Lehmann. The pictures taken at his wedding have been confirmed by the witness Villkow. He has identified and named Bissaga alias Nadishtshyn and also Shelepin from a picture. During a meeting with the person whom we have designated as "X" he was already photographed together with this person in 1957 without being aware of this. The hiding-places which he has mentioned have been located by the police. He has given a correct account of the memorial service in Rotterdam and he has also given a correct description of the colour, type and number-plate of Bandera's car. He recognized the house in which Mr. Stetzko lived on a photograph that was shown him. His statements about the Soviet prohibited area of Karlshorst are correct. So too are the facts he has stated regarding the locality of Munich. The news of the birth and death of his child is confirmed by genuine and dated telegrams of the Moscow post office, which he has submitted as evidence to this court. The date on the two train-tickets, which he handed over to the U.S. official department in West Berlin, is that of the day on which he and his wife fled from East Berlin. It has been ascertained that the Russian identity papers which he possessed and has submitted to this court as evidence are all genuine and that they corroborate his statements. It can be seen from a genuine Soviet exit stamp that he actually only left the Soviet Union on August 10, 1961. After his flight two wireless messages from the Soviet intelligence service, which inquired whether the East Berlin press conference with Lippolz, in which the German intelligence service was accused of having killed Bandera, had been a success and which were sent to a former Soviet agent, who has meanwhile confessed his activity, were intercepted and decoded. The state assignment and the order conferment have been confirmed by a genuine certificate of the so-called scientific research institute, which, as the expert

proved convincingly, is really a KGB institution. The exact details given by the accused about the construction of the weapon, about its application and effects, as well as about the ampoules containing a liquid which resembled water and about the two antidotes that were used have all been confirmed by scientific experiments. If prussic acid is used, the fatal results can be ascertained. The use of antidotes to counteract prussic acid is in keeping with medical experience. The post-mortem examination of Bandera's body revealed the presence of prussic acid. These facts alone are overwhelming proof.

The possibility of a provocation by the Soviet Union must be excluded. In that case Stashynsky would have received Soviet instructions to pretend that he was the perpetrator. In view of the above-mentioned proof, such a provocation, which incidentally would have had little purpose, would already have had to be prepared in 1956/57. But in that case Stashynsky would not have received instructions to make statements about the Soviet Union which compromised it most seriously. He would not have dared say that the plan to transport the weapon in the luggage of a Soviet diplomat was considered, that the orders to commit the murder were issued by the highest Soviet authority, that they were state assignments and that they were rewarded by the conferment of a high-ranking decoration. Nor has the accused been instructed to make false statements by any other authority. He is not the person to do so. He obviously knows what he wants, speaks the truth and does not allow himself to be dissuaded from doing so. Moreover it is significant for the correctness of his statements that the authorities in the Soviet Occupied Zone definitely manifested a stop-thief reaction. Whereas the Soviet Union kept silent completely both after Stashynsky's flight and during the whole of this trial, Ulbricht, its most faithful satrap, hastened to have a press conference convened and tried to blame the intelligence service of the German Federal Republic for Bandera's

murder. As everyone knows, the daily propaganda of the Soviet Occupied Zone is characterized by the fact that it simply reverses every event which might be of disadvantage to itself or to the east with obstinate monotony and thrusts the blame on the West. The propagandists of the Soviet Zone have not yet realized the fundamental psychological error of this method: by accusing the other side of thinking and doing what they are wont to do they are unintentionally exposing their own methods of action. Hence the East Berlin press conference with its alleged revelations about the murder of Bandera is to be regarded as an incident which exposed the KGB.

Finally, the entire conclusive evidence is in keeping with the character of the accused. He is lacking in imagination, dispassionate, unaffected and reserved. He has feelings but he keeps them to himself. He shows no inclination to resort to fantastic embellishments. He does not try to produce an effect. He does not try to take the stage as the central figure in a situation. Indeed, he is incapable of play-acting. Those who have heard his account and have observed his general behaviour and, above all, his reactions during this trial are hardly likely to doubt the correctness and truth of his statements. And the expert has also assessed his character in the same way.

In view of all these facts the evidence produced has convinced the Federal High Court beyond all possible doubt.

I now come to the legal arguments.

The Court of Criminal Appeal of the Federal High Court agrees to the indictment inasmuch as the two crimes constitute murder by poison. According to the law, a murderer is a person who kills a human being unlawfully, with malice aforethought. From the moment such a person begins his activity the judicature of the Federal High Court which is applicable in such cases is irrevocable and unswerving. According to this judicature, murder with malice aforethought is committed if the murderer intentionally takes advantage of the fact

that his victim is unsuspecting and defenceless. It is not a stipulation of the law that the murderer himself should have caused the victim to be unsuspecting, or should have influenced him in this respect. A person is unsuspecting if he is not on his guard at least *at the time in question* against an attack by *the perpetrator in question*. This view is also held by the Chief Court of Criminal Appeal of the Federal High Court. It is therefore of no legal significance in this case that a person such as Bandera, who had every reason to be careful, carried a weapon on his person and had a body-guard. At the time of the murder Bandera was completely unsuspecting towards the accused, as his behaviour showed. In view of the conclusive evidence of this case, the Court of Criminal Appeal sees no reason to query the judicature applied hitherto. Incidentally, these carefully planned murders would still be acts of murder even according to an amendment of the law. A person who squirts deadly poison into the face of another human being at close range and in doing so takes the latter completely by surprise and thus attacks him in such a way as to make all reasonable defence impossible, is rightly regarded as a murderer if he intends to commit the deed on his own initiative and as his own deed.

In this connection the Court of Criminal Appeal, after a careful study of the judicature and the views of jurisprudence, agrees with the opinion of defense counsel: in neither case was the accused the perpetrator of a murder though he carried out the acts of killing alone, but only a tool and an assistant. The perpetrators, that is to say the murderers, are those persons who were responsible for planning and plotting the murders down to the last detail as regards the victims selected, the place, time and method of murder, and instructed the accused to carry them out within a limited space of time, and gave him the instrument and means with which to carry out the murders. Stashynsky followed their instructions exactly. They must therefore be held responsible for his entire action in the legal sense as murderers. Since they hold

high-ranking offices in the sovereign territory of a foreign power, they are withdrawn from our efforts to ensure that justice is done, although in the long run no one can escape his just punishment. As far as the accused is concerned, many legal experts hold the opinion that a person who commits a deed entirely on his own must without exception always be condemned as the perpetrator. This argument sounds plausible, but on closer consideration gives rise to serious misgivings. The main misgiving has actually already been indicated with remarkable unanimity by all those involved in this trial, including the co-plaintiffs, who are not legal experts: since there are nowadays states which plan political murders, issue orders that they shall be carried out and ideologically train certain of their subjects to do so, the individual who is obliged to live in such a prison atmosphere is certainly in a strange and unusual position, inasmuch as his state designates as meritorious and necessary, actions which all civilized states condemn and punish as crimes. This holds good internationally, not only amongst states but also likewise in the case of a change of regime in Germany. I am referring to national socialist Germany and men like Eichmann. Those who morally resist such negative forces, stand alone within the masses when confronting them. Those who succumb to these forces, succumb to a skilful, overpowering, officially controlled mass-influence; they do not succumb to incentives which come under the general category of criminology. The above-mentioned objective theory regarding the perpetrator does not take these facts into sufficient consideration. It is moreover confined to the presupposition that we are still living in a morally uniform and stable world. And for this reason we cannot agree with this theory.

Nor has the Federal High Court ever agreed with this theory. On the contrary, all the Courts of Criminal Appeal have always decided that even a person who commits a crime alone can nevertheless simply be the assistant of some other person. This was the decision reached by the 1st

and 4th Court of Criminal Appeal in 1961 and 1962. The 5th Court of Criminal Appeal has added an important amendment, which has also been approved by us; namely that the fact that a crime is committed alone must be taken into consideration as an important indication that someone else is the real perpetrator. This applies in this case, but does not incriminate the accused any further. In short, he is not the Eichmann type who joyfully obeys his "Führer" and carries out the orders he receives with even greater emphasis. As a co-plaintiff aptly said, the accused was at the time in question a poor devil who acted automatically under pressure of commands and was misled and confused ideologically. In his innermost heart he was repulsed by these crimes which had been planned down to the smallest detail; he was not part of them; he had no personal interest in them like a hired assassin has; he only appeased his conscience with difficulty and temporarily; he was not eager to commit the murders, even though he was, unfortunately, successful. He was a typical example of an abused tool of high-ranking wirepullers, an assistant and henchman in the truest sense. For this reason it is just and fitting to condemn him only as an assistant. This does not, however, imply a fundamental mitigation of the judicature applicable in cases of murder.

The conclusive evidence has, however, also shown that Stashynsky's action cannot be excused on the legal grounds of a state of compulsion. At the moment of committing the murders he was not threatened physically and compelled to commit these acts. It is true that in view of the rigid pressure of commands exercised by the KGB such a state of compulsion might have ensued in the course of similar situations in future. But one must wait and see whether such a threat will be forthcoming. It is quite possible that the KGB in its own interests will refrain from such a threat. One cannot, as it were, stare at the arbitrary

methods of dictatorships like a rabbit stares at a snake mesmerized and find reasons to excuse a person on such grounds in advance. For that would mean that all such crimes are sanctioned automatically.

I now come to the sentence to be allotted. Upon instructions the accused himself killed two persons. But in doing so, he was only the tool of ruthless forces. He has finally realized and admitted this fact and repents of his deeds. From the outset he has confessed fully and without sparing himself and has made no attempt to gloss over facts. Of his own free will he has taken the legal consequences of the murder of Rebet, which had aroused no suspicion whatever, upon himself in order to have a clear conscience. Under extremely difficult circumstances and at great risk to himself he has broken with the past. He gave himself up to the police, and was certain of being accused of murder and of having to suffer all the consequences for his deeds, even though he may, in keeping with human nature, have hoped that there might be some way out. Under difficult moral conditions and external circumstances and in spite of his grave guilt, he has made a great effort to mend his way and has not relaxed his efforts in this respect. Indeed, one can say that he has *finally* fought a good fight and has stood the test. At great danger to himself he has brought the extremely reprehensible methods of political conflict, which are a mockery of every form of civilization, to the notice of the public. Though he has burdened himself with heavy guilt as a result of the political deformation of his moral ego and under the pressure of orders from his superiors, he is now, however, prepared to atone. There is no reason to burden him with the guilt of his wirepullers. They will not escape from their guilt, for in the long run no one can flee from their guilt. The sentence pronounced by this court is not intended to destroy the accused. As

far as humanly possible, it is to help him to atone. The separate sentences for each of the two cases of murder are 6 years penal servitude; the sentence for treachery is 1 year penal

servitude. A total sentence of 8 years penal servitude, allowance to be made for imprisonment pending trial, suffices for atonement.

## *Document 2.*

### **LEGAL ARGUMENTS BY CHIEF PUBLIC PROSECUTOR DR. KUHN**

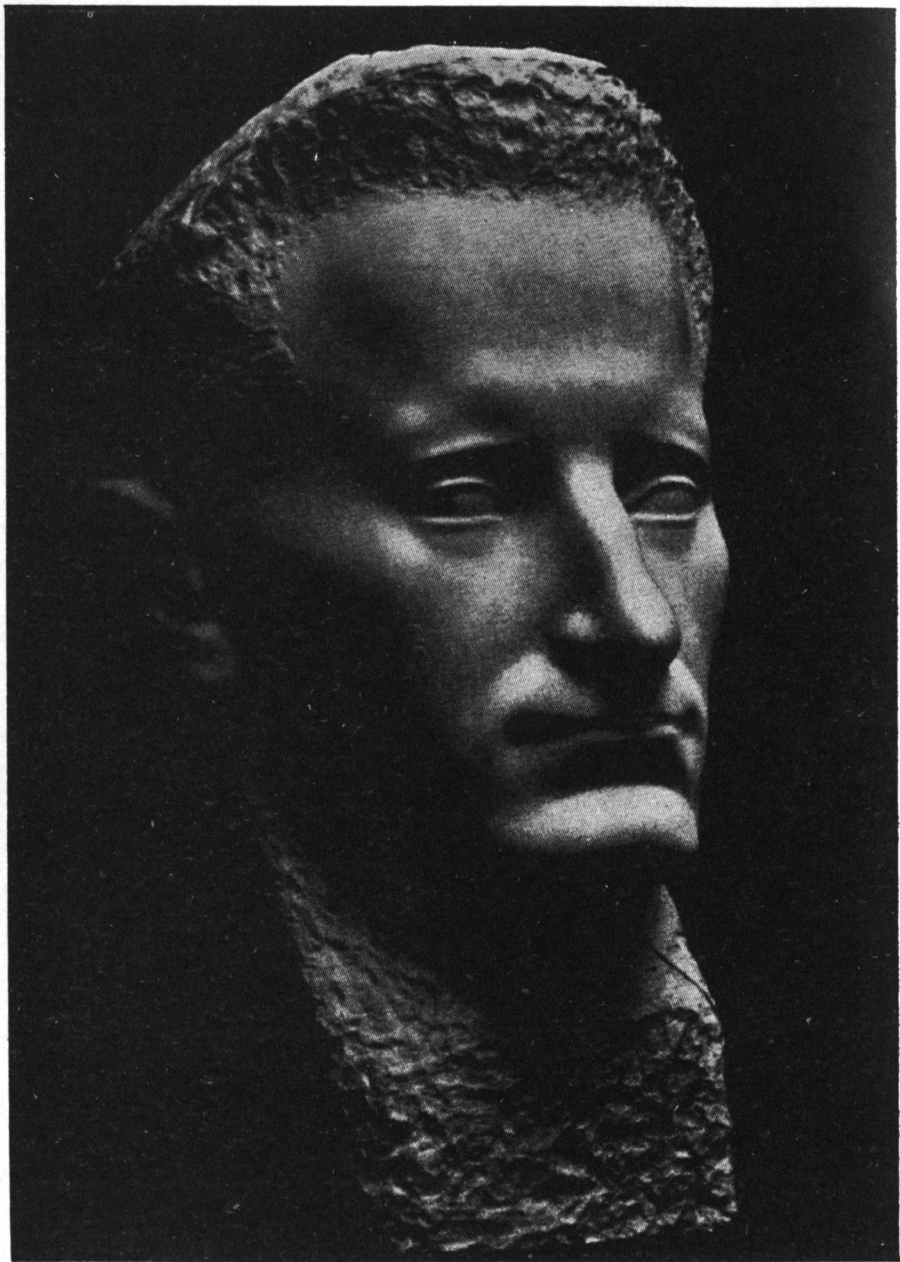
This criminal case obviously differs from the general type of cases which have so far been tried before the Federal High Court as the highest authority. Even to outward appearance this case is entirely different. Two women, both of them widows whose husbands died a violent death, appear in this trial as co-plaintiffs and in order to protect their interests are represented by lawyers. Medical experts have given a report on the findings of the post-mortem examinations and have expressed their expert opinions on the causes of death. The atmosphere in the courtroom is that of an assize court although this is a Court of Criminal Appeal of the Federal High Court, which is competent for the adjudication of crimes committed against the security of the state. Indeed, an unusual situation and an unusual trial, — in fact a trial which has aroused worldwide interest. And this is no exaggeration. There are an unusually large number of representatives of the German and, above all, of the international press and broadcasting companies present in the courtroom and they have published extremely detailed reports, some of them under big headlines, about all that has been said here during the past few days.

Cases of espionage, such as those which are usually dealt with by this court, always arouse a certain interest amongst the public since they give one a brief insight into a sphere of secret service activity which is other-

wise carefully concealed from the average person, — an activity about which many people still have completely false ideas. This trial in particular shows all too plainly that there is nothing at all romantic about the activity of a secret agent and that it is by no means a job in which one can earn money easily. The fate of the accused is indeed a warning example! Although this case is not — at least not essentially — a case of treasonable activity in the usual sense, or of the spying out and betrayal of state secrets, the wirepuller behind all the incidents involved here is a secret service, and a glance behind the scenes of this secret service justifies the interest of the public in this case.

The chief indictment is murder, murder in two cases, — the murder of Rebet and Bandera, two Ukrainian emigrant leaders, who until the time of their death lived in Munich. They suffered an untimely death at the hands of their fellow-countryman Stashynsky.

The accused was not personally acquainted with his victims; up to the time of the commission of the act he had never exchanged a single word with them. The two victims had never in any way whatever harmed him. He therefore had no personal motives for these murders. The initiative was, on the contrary, taken by another party, namely by an organization which had an interest in the death of Rebet and Bandera. This is therefore not a case of murder for personal reasons, but of



ROMAN SHUKHEVYCH—TARAS CHUPRYNKA

(b. 17. 7. 1907, d. 5. 3. 1950)

*Commander-in-Chief of the Ukrainian Insurgent Army (UPA);  
killed in action against Russian security forces in Ukraine.*

political murder, that is to say of assassination. The accused was solely the tool of an organization that wanted to liquidate, that is kill, these two leading Ukrainian exile politicians. The men of the organization in whose services the accused was employed designated the two men who were murdered as enemies of the Soviet Union, who seriously harmed the Communist regime in their native country and also the Russian people by disseminating mendacious propaganda about conditions in the Soviet Union and by collaborating with the Western secret services, whom they assisted in the recruiting of their Ukrainian fellow-countrymen behind the Iron Curtain for the purpose of espionage; in addition, they allegedly prevented many of their fellow-countrymen from returning to the Soviet Union and did so not only by means of propaganda but also by threats and violence. The leading men of the said organization had already made it plain for some time that the liquidation of refractory enemies of the state, and in this category they explicitly included the Ukrainian emigrant leaders, was in the interests of the Russian people. Finally, the accused was expressly told that Rebet and Bandera must be liquidated because of their harmful influence in Ukrainian emigrant circles. The ascertaining of the place of residence and the habits of the two men who were later murdered served as a preparation for the systematically planned assassinations. Having been instructed in the use of the special weapon with which the assassinations were to be carried out, the accused was finally sent to Munich and ordered to commit the acts of murder.

The organization in whose services the accused was employed was not some obscure group of political extremists, but the KGB, the State Security Committee of the Ministerial Council of the Soviet Union. And this fact is the most alarming and horrifying fact ascertained during this trial. Indeed, this fact and no other makes this trial sensational. The accused, his deeds and his guilt recede completely into the background when compared

to the startling fact that the initiative and all the decisive measures with regard to these murders were taken by a head authority of the state. The accused is thus of necessity degraded to the role of a petty recipient of orders, as it were to the role of an illegal official hangman, which was what he really was. By this statement we are not referring to the extent of his guilt, but merely wish to shed light objectively on the role he played in the murders.

I must say, the mere thought that a head state authority simply orders the homicide of persons — and that in another country — is so unusual and so monstrous as to almost seem impossible and absurd. After all, murder is penalized in all states by the highest form of punishment. In addition, according to the accepted principles of international law both cases constitute an open violation of the law. No state of its own authority may kill a person in another country, and not even if that person is a subject of the state in question. Such action constitutes a flagrant infringement of foreign territorial supremacy and sovereignty. And this fact must be stressed in particular.

When the Federal prosecution learnt for the first time about a year ago that the accused confessed to having committed murder at the orders of the KGB, it at first refused to believe his confession, and the judge at the preliminary hearing had similar doubts. The accused was first of all only taken into custody on account of treachery. It was only after extensive investigations had been undertaken regarding the person of the accused and his past and after a careful examination of his defence had been made, in so far as this was at all possible, that the charge was finally extended to include murder.

It is not possible to judge the acts committed by the accused and his guilt without taking into consideration the entire historical development of events connected with the murders. Hence it is imperative that the part played by the KGB in these murders should also be examined. For this reason the hearing of testimony and



the adduction of evidence had necessarily to include this factor too. The questions put by the President of this court and the answers given by the accused and the witnesses have already knocked the bottom out of the objection that this is a case of a mock trial. These who have followed the statements made by the accused know that he has not invented his account of events and is not telling fairytales, but is recounting his own experiences. However dreadful and alarming they may be, German judicature cannot be held responsible for them. The persons from whom the accused received his orders must be held responsible for these events and their consequences.

As already pointed out, the accused had no personal motives for murdering Rebet and Bandera. As an individual on his own — without foreign support — he would moreover not have been in a position to realize personal intentions to murder in practice. Mr. Stashynsky is a Soviet citizen and was thus subjected to considerable restrictions, as is an established fact, in his freedom of movement both in his own native country and in the entire Communist sphere of influence in which he lived. In addition, there is the factor of the Iron Curtain, which, as is known from experience, he would not have been able to get past at least a dozen times without having attracted attention to himself a single time when checked by authorities. Moreover, he carried instruments on his person which were more than unusual. In addition, his numerous journeys and his sojourns in the West cost a great deal of money, namely in West Deutsche Marks, which are certainly extremely difficult to procure in the Soviet sphere of influence even when a person is financially solvent. Nor would the accused without help from some source or other have been able to obtain the necessary information regarding the whereabouts of his victims, since the latter used aliases and took great care to conceal their identity as they had all reason to fear that acts of violence might be committed against themselves. From all these considerations it is obvious that the accused must

have constantly received considerable support for his plan. Above all, the fact must be taken into account that the weapon with which the murders were committed was a skilfully constructed instrument of murder, which was only known to a limited group of persons and which an ordinary individual would hardly have been able to procure. Everything points to the fact that the accused was in contact with an organization that had extensive possibilities and experience in carrying out assassinations by violence. Furthermore the accused was expressly told that the weapon had already been used most successfully, and there was an expert on this instrument of murder available in Moscow who came to Berlin in person specially for the Rebet case. And the same applies with regard to the numerous Soviet and foreign identity papers possessed by the accused, which were made out in various names and are in keeping with all the characteristic features of secret service conspiracy, as is known from high treason trials. These identity papers as well as travel permits, field-post numbers, etc., have been partly produced as evidence. Moreover, it is obvious from police registrations and other evidence that the statements made by the accused in this respect, too, tally completely with the truth. Above all, it has been proved beyond all possible doubt that the accused was in touch with the KGB for many years and that from 1956 onwards he was employed as an agent of the KGB in the Federal Republic of Germany. This fact has already been elucidated in detail. I only need to remind the court of the photograph on which the accused is shown together with a certain person whom the accused was to contact at the orders of the KGB seven years ago. In addition, the original of a testimonial of personal service belonging to the accused and dated December 28, 1960, is also available and it constitutes a particularly valuable piece of evidence. This testimonial states that Mr. Stashynsky worked for the scientific research institute, P.O. box 964, — a strange designation — from March 1951 to December 1960. True, the nature of his

"scientific" activity is not mentioned in the said testimonial, but his meetings, as proved, with agents of the KGB in the Federal Republic and his acts of murder in Munich leave no doubts in one's mind as to the fact that the word "scientific" is misused in this case. The expert Herr von Buttlar has proved convincingly that the alleged scientific institute, to judge from all the circumstances, is in reality a department of the KGB. The situation becomes perfectly obvious if one considers the last paragraph of this testimonial. "For successful activity in working out an important problem and on the strength of an order issued by the Presidium of the Supreme Soviet of the USSR of November 11, 1959 — and I beg to draw your attention to the date — he (the accused) was awarded the Order of the Red Banner." To judge from all the circumstances, the important problem with which the accused had been occupied was the murder of Bandera, which had been committed three weeks before the conferment of the said Order. That it would have been better had this order not been conferred can be seen from the very fact that it constitutes a valuable piece of evidence in this trial. But not only the conferment of a decoration on the murder, the actual murders too have subsequently proved to be a boomerang, as it were. The authorities in Karlshorst and Moscow could have saved themselves the expense of the champagne with which the accused and his success were toasted. These celebrations were premature and, furthermore, they do not show those persons who served the welfare of the state in this way in a favourable light. And the Soviet general in Karlshorst would have done better not to describe the successful murders as the basis for a great future for the accused. All these factors are part of the background which must be taken into consideration when judging the accused.

Further proof of the fact that the KGB must be held responsible for the murders has been established in a session in camera and I do not intend to deal with this question in more

detail. In any case the attitude adopted by the KGB after the flight of the accused indicates that he was its agent. The press conference which was held last year in East Berlin for the purpose of making organs of the German Federal Republic, namely the Federal intelligence service, responsible for the murders, was not exactly organized very skilfully. On the contrary, the so-called exposure was a miserable failure, since the alleged murderer of Bandera, according to reliable evidence, was not in Germany at the time when the murder was committed. The question of the KGB to its agent Felbe, who has since been arrested, as to whether the exposure campaign was successful and should be continued, as has been ascertained from radio messages of the KGB which were intercepted and which have been referred to in this court, was justified. In any case it is evident from these radio messages that the press conference was not held at the initiative of the authorities of the Soviet Occupied Zone but was arranged by the KGB.

It would be foolish to affirm that the Communists invented political acts of violence including the liquidation of political enemies. Such incidents have unfortunately occurred at all times, and modern history has certainly not made any progress as far as improvement in this respect is concerned. We Germans have no reason merely to criticize others! For we have not yet done with our own past. Acts of violence are not however less serious because they have been committed by others. And I do not intend to draw a generalizing conclusion from the result of this trial, namely that assassinations are an everyday occurrence. The KGB and its predecessors, known by various, constantly changing names, have not, however allowed their methods of violence, which are certainly not ideal, to be influenced by social progress. I only need to remind those present of the numerous cases of abduction that were tried in the early postwar years. Nor is this trial the first one in which the participation of the state security authorities of the Soviet Union in

murders committed on German soil has been proved. In the so-called Cheka Trial, which was held in Leipzig from February 1st to April 22nd, 1925, before the state court of justice for the protection of the Republic, it was ascertained that General Skoblevski, who was sent to Berlin by the Cheka, had orders to set up a secret organization there which, among other things, occupied itself with plans to murder the then General of the Reichswehr von Seeckt. Furthermore, a member of this secret organization who collaborated with the German police was murdered at Skoblevski's orders. Skoblevski was sentenced to death but was later sent back to the Soviet Union through the system of exchanging prisoners. I merely quote this case as an historical example. I am well aware of the fact that there have been various changes in the conditions in the Soviet Union since 1925. Nevertheless countless leading personalities of the Soviet Union admitted officially even after the overthrow of Beria that up to the time of Stalin's death the state security organs arbitrarily liquidated numerous persons. At the 21st Congress of the Communist Party of the Soviet Union, which convened from January 27th to February 5th, 1959, Shelepin, as the head of the KGB at that time, declared — and his speech has already been quoted in the course of this trial: "Under the direct leadership of the Central Committee of the Communist Party of the Soviet Union revolutionary legality has during the past years been completely restored once more, and those guilty of having violated it have been punished," and he went on to say that arbitrariness on the part of the security authorities was now no longer possible. In spite of this statement, however, the facts which have been ascertained in this trial indicate that Shelepin played a part in planning the murders committed in Munich. So much for the background! I now come to the question as to how the acts committed by the accused, which are set against this background, are to be judged from the legal point of view.

## LEGAL JUDGMENT

The accused has killed two persons. When he took aim at his victims with the special instrument of murder, he was well aware of the fact that the poison squirted from the weapon, which had been previously tried out, would paralyse the respiratory organs of the victims and cause their death shortly afterwards. Although he had carefully considered the pros and cons of his actions and their consequences a long time prior to committing the act, as has been explained at length in this trial, he committed the acts of killing and intentionally caused and approved the death of his victims. He thus killed two persons with malice aforethought.

The charge preferred against the accused is one of murder, namely treacherous homicide. A person acts treacherously if he evades an open fight, or by cunning and sly action makes it impossible or difficult for the person whom he attacks to defend himself. As regards its whole construction, its manner of application and its effect, the instrument of murder used by the accused is treacherous. The manner of operating it is unnoticeable, it does not require precise aim, and there is no need to show the weapon openly, but one can keep it concealed. There is no noise when it is fired, and the appearance of this cylindrical apparatus gives no indication of the purpose for which it is used or of its deadly effects. The person who is attacked is completely unsuspecting. No self-defence or resistance and no disturbance of the procedure of carrying out the act on the part of the person who is attacked is to be expected; the victim immediately becomes unconscious. And afterwards, at least as a general rule, no trace of deadly poison can be ascertained. The accused was well aware of the fact that this specially constructed weapon was most suitable for carrying out cowardly, treacherous attacks on the life of other persons. Above all, he was certain that Rebet and Bandera would not be afraid of the instrument

of murder which was concealed in a newspaper, and that it would therefore be an easy matter for him to kill them without having to fear any self-defence or resistance on their part. As a result of the rapid effect of the poison neither of the victims was, in fact, able to utter a cry of help. A person who, during an ordinary encounter in the hall of a building that is inhabited, unexpectedly and completely unnoticed squirts a deadly poison, which immediately renders the victim unconscious and leaves no traces, out of a hollow cylinder wrapped in newspaper, is acting treacherously according to Paragraph 211 of the Penal Code. For this reason the accused must be pronounced guilty of murder in two cases.

The question as to whether the accused is also guilty of genocide according to Paragraph 220a of the Penal Code has already been examined in the preliminary hearing. This fact of the case, which, since the German Federal Republic joined the Convention on the Prevention and Punishment of Genocide of December 9, 1948, has been inserted in the Penal Code, is not included in the indictment. Nor has the main trial revealed any new and essential proof which points to the fact that the purpose of the murders was to destroy a certain national group as such, either wholly or partly.

There can be no doubts as to the responsibility of the accused from the criminal and penal point of view. He is an intelligent man who fully realized the significance of his actions. He was also capable of directing his will accordingly. In this connection I wish to refer to the testimony given by the expert Professor Dr. Rauch, according to which a diseased psychical state and mental disorder or derangement cannot be ascertained in the case of the accused. Prof. Dr. Rauch has in particular also stated that, to judge from all the circumstances, there can be no question of the accused having overcome any inhibitions he might have had by taking tablets.

Mr. Slashynsky cannot excuse his conduct by maintaining that he acted

on the binding orders of the KGB, which he designates as a military organization. The KGB is not a military organization but a civil authority with secret service and state political tasks. Even though absolute obedience may be demanded of the personnel of the KGB and a certain military discipline may prevail there, this does not alter the fact that it is an authority outside the military sphere of command.

Even if one were to regard the orders to commit murder as commands, they would not have been binding for the accused since they were not lawful. Quite apart from the fact that murder is punished with the severest form of penalty not only in the German Federal Republic but also in all other civilized states, the orders to murder Rebet and Bandera in Munich are a violation of the acknowledged principles of international law.

I have already stressed in another connection that no state has the right to kill a person in another country, since such action constitutes a serious infringement of foreign sovereignty. And the persons from whom the accused received his orders were well aware of the fact that they were overstepping their competency, for this is a self-evident and indisputable truth. The entire nature of the conspiracy, carried to excess — and the suspicion was formed of a veritable epidemic of legends — and the secrecy with which the entire plan was carried out would have been superfluous if one had not had good reason to shun the light of publicity.

Nor did the accused erroneously regard the orders to murder which were issued to him as lawful and binding. True, at the time of committing the acts he was a convinced Communist and on the strength of the long and intensive training he had been given by the persons who issued these orders was used to the idea that the liquidation of enemies of the state was right and in the interests of the welfare of the Russian people. But there can be no doubt about the fact that when he committed the murders in Munich he was well aware that

international law and the German legal orders were of another opinion. After he had received instructions to murder Rebet he regarded the fact that he had been chosen to carry out these orders as definite proof of the confidence placed in him, since the "prestige" of the Soviet Union thus to a very large extent depended on his discretion and on his trustworthiness. He clearly stated this in this trial, inasmuch as he pointed out that the Western world — and the place where the murders were committed is located there — judges such murders differently than does the KGB, namely as what they really are, as crimes. For this reason and because he was afraid of being called to account for his crimes, he set about his task extremely carefully, — from the very outset when he watched the movements of his victims until he committed the murders, and after the murders when he got rid of the instrument of murder as fast as he could. He also knew the dangers to which he was exposed simply because he had knowledge of these murders, and he did not doubt that any failure or hesitancy on his part in carrying out the orders he had received would lead to misgivings regarding his trustworthiness, which might result in his isolation and later, after he had killed Rebet, in his lawless liquidation. On the strength of his upbringing by his parents and, moreover, on the strength of his Christian training he was well aware that his conduct was immoral. In seeking to find a justification for the murder of Rebet and Bandera, who were leading resistance fighters and — at least in his opinion — themselves responsible for mass-murders, he was merely trying to quiet his guilty conscience. He had no serious doubts about the fact that the orders issued to him and their execution were not lawful but unlawful.

The objection on the part of the accused, to the effect that he would not have been able to defy the orders to murder without having to fear the most drastic reprisals against himself and the members of his family in the Soviet Union, must be taken seriously. In this connection the accused has

stated that if he had returned from the Federal Republic without having accomplished his task and if he had not carried out the murders, then he would have been subjected to complete isolation, which would have been equal to a death sentence, for being untrustworthy and having knowledge of the plots to murder. After the death of Rebet and after having received orders to murder Bandera, he would have been lawlessly liquidated. His relatives in Ukraine would at least have had to expect to be deported to Siberia. Indeed, I believe the accused when he affirms that his position whilst he was involved in the murders steadily became worse and that it became more and more difficult and dangerous for him to get out of this situation.

The KGB obviously expected blind obedience from him and allowed him no free decision of his own. But no one can exonerate himself from their criminal guilt on the strength of blind obedience, for recognition of such a principle would do away with the responsibility of the individual. A person who voluntarily works for an organization which does not respect the opinion and will of the individual must also bear the consequences. The accused never made the least attempt to end his collaboration with this organization even though he was well aware of its methods.

Only if it is a case of compulsion according to Paragraph 52 of the Penal Code, that is to say if the person in question is forced to commit the deed, can he be excused. But only if his own will is crushed by threats or violence with attendant danger to his person and his life. From the evidence that has been adduced, however, it is obvious that this was not the case here. For the accused at the time in question still regarded the murders as politically expedient and useful — even though he already had some doubts — and he ultimately carried them out because he subordinated himself blindly and without discrimination to the regime and not because he feared for his life and his freedom. In this connection he said on one occasion in this trial that at that time

he did not yet want to become a traitor.

Moreover, the fact must be taken into consideration that the accused was only under the immediate pressure of orders in the Soviet sphere of influence but not by any means in the German Federal Republic, where he committed the murders. In the Federal Republic he was out of the immediate clutches of those persons from whom he had received his orders and he therefore now had an opportunity to act in keeping with his own personal will and his own personal ideas. He would certainly have had a chance to defy the orders he had received by remaining in the Federal Republic and going into hiding there. If he had felt that he was threatened by the Soviet organization in question, he could have placed himself in the care of the authorities of the Federal Republic and could have asked for their protection. In view of the fact that human lives were at stake, such a thing would have been perfectly reasonable and essential. If the accused had not wanted to go to such lengths at that time, he could at least have deceived the persons from whom he had received his orders, without undue risk to himself, by pretending that the murders could not be carried out. He could have made some blunder which would have brought him in touch with the police, and he could then have given such an account of the incident that he would have been released from the orders that he had received. In any case, if he had "failed" in this way at the very outset, he would not have had to face unduly serious difficulties. At the outset the accused was not, therefore, in a hopeless situation, in which he could not save his own life and the lives and freedom of his nearest relatives by any other means than by the commission of the murders. As an intelligent person he could undoubtedly have found some way out of the situation and some solution without resorting to murder. There was therefore no state of compulsion in this case.

In addition to murder, the accused is also guilty of treasonable relations (Paragraph 100e of the Penal Code and Paragraph 7 of Appendix A of the Military Agreement). From 1954 onwards he was in training for his employment as a secret agent in the Federal Republic, and from 1956 onwards he had meetings with other agents, acted as a secret courier, and was engaged in carrying out observations in the knowledge that he was in this way serving the efforts on the part of those persons who gave him his orders to find out state secrets of the Federal Republic and military secrets.

#### *ADJUDICATION OF THE SENTENCE*

The accused, on whom the Court of Criminal Appeal of the Federal High Court has now to pronounce sentence, has openly made a general confession in such an impressive and honest form as is seldom heard in a courtroom. He has given a candid account of his entire moral development and has not glossed over any details, nor has he sought to excuse himself and his actions by this account. He has obviously endeavoured to give the court a true picture of his moral and spiritual state during the past 10 years in which, as the agent of a foreign secret service, he committed execrable crimes. In spite of the vile acts of murder for which he has been arrested, one is to a certain extent obliged to admit that he showed a courageous and consistent attitude during this trial, and one cannot help but be moved by his personal fate and regret that such an intelligent person should have become involved in such machinations as a result of adverse circumstances and political deception. He was still a child during World War II, when his native country was alternately occupied by the Germans and the Russians, and subsequently by the Germans again, and then finally by the Russians. During this period human life was of little value. In his native country everybody was fighting everybody else. The Ukrainians fought the Poles, the Poles fought

the Ukrainians; both of them fought against Communism and against the Germans. At that time in particular he became acquainted with the Ukrainian resistance movement, which waged an inexorable fight against the Poles and partly also against the Germans and the Russians. Places were raided and burned down, and people were massacred. And this fight even reached the small village in which the accused grew up. He only saw the senseless results of these political conflicts, without realizing their purpose. He condemned all this and yet he was dragged into these conflicts when he was only 19 years of age, — dragged into them by the KGB into whose clutches he had fallen unawares. He was to help in destroying the Ukrainian resistance movement. And he was prepared to do so since he wanted to see the senseless massacre brought to a speedy end. But after he had carried out this task, he could no longer return to his life of the past, for the fact that he was a co-worker of the KGB had meanwhile become known in his native village. Moreover, he had, as a result of his work, become estranged from his family, who had supported the Ukrainian resistance movement. Almost as if by force matters now developed in such a way that he finally became a co-worker of the KGB. After an intensive training he regarded everything that the KGB did as right. When he received orders to murder Rebet and Bandera, he was morally and spiritually unable to cope with this serious situation by reason of his development so far. Although his conscience already tormented him at that time, the ruthless principles of the regime triumphed in his mind. But soon after he had murdered Bandera his inner transformation commenced. Influenced by his wife, he fairly quickly abandoned the views he had held hitherto and recognized the inhuman methods of those persons from whom he had received his orders, — methods which he soon experienced himself personally. He

was spied on in his own home and regarded with suspicion. He was obliged to fear for his own life. And now, but unfortunately only now, he at last found an opportunity to sever his connections with the KGB and to flee to West Germany with his wife. The manner in which he has been prepared to take the blame and responsibility for the acts that he has committed and his decision to confess the murders, and, without sparing himself, to enlighten and warn the Federal authorities by exposing the methods of those persons from whom he received his orders, prove beyond all doubt that his change of attitude is genuine and sincere. He is to a certain extent the victim of the persons from whom he received his orders and who showed no mercy towards the persons who were killed because they held different political views. The acts which he has committed are in themselves, however, terrible.

The law provides that murder be punished by an absolute penalty, and extenuating circumstances, as represented by the person of the accused, cannot be taken into account in this case.

#### **MOTION:**

I move that the accused be sentenced to lifelong imprisonment in a penitentiary on each of the two charges of murder, and to a term of imprisonment of 3 years on a charge of treachery according to Paragraph 100e of the Penal Code and Paragraph 7 Appendix A of the Military Agreement, and to payment of the cost of this trial.

In addition I move

- a) that the accused be deprived of his civil rights for life,
- b) that custody be continued,
- c) that the forged identity papers taken from the accused be confiscated.

## LEGAL ARGUMENTS BY JUDGE DR. OBERLE OF THE PROVINCIAL COURT

The accused comes of a Ukrainian farmer's family in Borshtshevize (Borshchovychi) near Lemberg (Lviv), a district which was incorporated in the Soviet Union after the last world war.

After attending an elementary and a secondary school the accused began his studies at the teachers' training college in Lemberg. In the late summer of 1950 whilst he was still a student — he was training to be a teacher at a secondary school — he took a trip by train to his native village B. without having a valid ticket.

The fact that he was caught on this occasion by the Soviet railway police led to a development which, by the continuous concatenation of events that were partly inevitable and blameworthy conduct, was to determine the whole life of the accused from then onwards and, in the end, also decided the fate of two other persons.

But to return to the starting-point of my arguments.

After having been caught in the act of travelling by train without a valid ticket, the accused was taken to an office of the Soviet security service, in those days known as the MGB and later called the KGB. There he was not, however, interrogated on the facts of the case by the captain on duty, a man called Sytnikowski, which would have been the normal procedure anywhere else, where investigation and persecution of punishable offence serve solely to preserve law and order.

The interrogation had in fact an entirely different purpose, namely to win over the accused as a co-worker for activity directed against the Ukrainian resistance movement, which at that time was still waging a guerilla war against Soviet rule and in particular against the collectivization of agriculture.

Sytnikowski informed the accused that he was aware of the fact that the family of the accused was in sympathy with this resistance movement and gave him the choice of either being deprived of his freedom, i.e. being deported to Siberia for many years together with his family, or of taking an active part in the fight against the resistance movement.

The accused decided to accept the latter alternative, partly because he regarded this resistance as senseless and partly because he felt that he must act in the interests of his family and himself. The first task that was assigned to him by the MGB was to assist in the exposure of the murderer Stachur, who about two years earlier at the instructions of the resistance movement had killed the pro-Soviet writer Galan in Lemberg.

To this end the accused was smuggled into a resistance group, where he then obtained the information that he had been instructed to gather.

Since the execution of this task made it appear obvious that he was working for the MGB, it was no longer possible for him to return home and continue his studies with his parents' financial aid.

He thus saw no other alternative but to continue to remain in the services of the MGB and to become a member of a secret group engaged in activity directed against the resistance movement.

In the summer of 1952 he finally declared himself willing to work for the MGB as a secret agent in future.

He was thereupon assigned to a special training course for agents in Kyiv, where special emphasis was laid on instruction in the German language.



During this training course, which lasted over two years, it became obvious to him that he was in future to be employed as an agent in the Federal Republic of Germany.

In preparation for this activity he fixed the life's story of a German national, Josef Lehmann, which he had been instructed to learn by heart like a legend, in his memory and even visited Poland in order to acquaint himself with details of this legend.

In October 1954 he entered the Soviet Occupied Zone of Germany — near Frankfurt on the Oder — where he was received by his future superior officer Sergey.

His activity as a secret agent in the Federal Republic began in January 1956.

At that time the accused travelled to Munich on a Soviet Zone travel permit made out in the name of Josef Lehmann in order to establish contact as an instructor with an emigrant, Ivan Bysaha, who was living there and who worked as an agent for the KGB under the alias Nadiychyn.

From then until November 1956 he had at least four other meetings with Bysaha, and on these occasions he gave the latter sums of money and passed on KGB instructions to him, received written instructions himself, admonished Bysaha to hold out in his job, and finally transmitted a permit for him to return to the Soviet Union to him.

A further task which the accused was instructed to carry out, namely to ascertain the possibility of Bysaha's co-operation in an abduction of the Ukrainian exile politician Lev Rebet, already to some extent indicated the nature of the task to which he was to be assigned later on.

From April 1956 to February 1957 the accused also continued an attempt, hitherto undertaken without success by the KGB, to win over a Ukrainian emigrant in Munich.

To this end he had three meetings with the said emigrant; in the event of the latter's co-operation the accused promised him a chance to see his family, who had remained in

the Soviet Union, again. He also demanded various information from the emigrant. In particular he endeavoured to ascertain whether relations existed between the OUN and the American and German intelligence services.

In connection with this reconnaissance activity, which lasted until the summer of 1959 and which we shall not deal with in more detail, the accused was well aware of the fact that the persons from whom he received his orders were not only interested in information about internal questions pertaining to this organization but, above all, in ascertaining what connections in financial and political respect and especially with regard to intelligence services existed between the OUN and the authorities of the Federal Republic and the Three Powers.

His intelligence service activity was occasionally also directed against other objectives.

In the autumn of 1956 for instance, at the instructions of another department of the KGB, he placed information regarding money and keys in a so-called pillar-box, located on the central reserve of the autobahn near Frankfurt on Main, at night.

That same year, at Sergey's instructions, he watched the movements of American troop concentrations and made a note of the number-plates of American military vehicles, a task which he continued to carry out in the months that followed.

A decisive and momentous turning-point in the future activity of the accused occurred in the spring of 1957 when he received instructions to watch and gather information about the house in which Lev Rebet lived, the manner of his work and his habits.

In preparation for this task, the significance of which he did not at first realize, the accused was given a forged identity card of the Federal Republic, made out in the name of Siegfried Dräger, and was sent to Essen, the town where the real Dräger lived, in order to acquaint himself with the necessary details. Subsequently, namely on three visits to

Munich in April, May and July 1957, he successfully carried out his task of watching Rebet.

He realized the purpose of this task in September when a special KGB agent from Moscow instructed him in the use of the weapon with which the murder was later to be committed, namely a spray containing prussic acid. To cite his own words, the accused was uneasy, alarmed and incredulous at the task which was now expected of him.

But for reasons which will be discussed later he did not refuse to carry out this plan either at the time in question or later.

In a wood he tried out the weapon on a dog, and in doing so, he realized only too well that this experiment had a certain symbolic meaning.

On October 9, 1957, he flew to Munich and took a room at the "Stachus Hotel."

He had identity papers made out in the names of Lehmann and Dräger with him, as well as the weapon, concealed in a tin which had contained sausages, and also antidotes to counteract prussic acid.

On the two following days, on which he did not see Rebet, he did not undertake anything, according to his statement, which we are inclined to believe.

On October 12th at about 10 o'clock he caught sight of Rebet as the latter was getting off a tram. The accused thereupon went into the building No. 8 Karlsplatz in which Rebet had an office.

A little while later on hearing Rebet enter the building, the accused slipped the safety-catch off the weapon, which he had so far concealed in his coat-pocket, and slowly went towards Rebet on the stairs.

Just before they got up to each other the accused suddenly pointed the weapon, which was rolled up in a newspaper, at the face of his unsuspecting victim, as the latter was passing him, and released the trigger, an action — which as he knew — led to Rebet's death almost instantaneously.

Immediately afterwards the accused took the anti-poison ampule, got rid of the weapon, and then travelled to Frankfurt on Main that same day. Next day he flew from there to Berlin.

The KGB, to whom the accused immediately reported the successful execution of the deed, did not let the matter rest there.

From the point of view of the KGB the accused had now qualified as a murderer whom one could also use in future to liquidate political enemies.

The second act of the monstrous plot began in January 1959, when the accused received instructions to watch the movements of the leader of the OUN, Stepan Bandera.

In this case, too, he very soon ascertained details about the person, the life and the habits of Bandera.

In order to carry out this task he used identity papers made out in the name of Hans Budeit in Dortmund.

He received direct orders in Moscow to carry out the murder from the obviously high-ranking KGB official Georgiy Aksentyevich personally, who, immediately after he had issued these orders to the accused, expressed his ruthless contempt of human life by serving champagne to those present and drinking a toast to the successful execution of the murder.

On about May 10, 1959, the accused travelled to Munich. He had in his possession an improved, double-barrelled model of the weapon, which he had already received in Moscow.

A few days later he already had a favourable opportunity to carry out the murder, but on this occasion the sympathy which he had with the fate of the victim and which, as I assume, was also otherwise latent but suppressed in various ways, overpowered him and he spontaneously decided to refrain from carrying out the murder and immediately got rid of the weapon.

On the following days, so as not to be entirely inactive, he tried to open the door of the apartment house in which Bandera lived with patent keys, but these attempts proved unsuccessful and he broke two key-bits.

But this was only a respite for Stepan Bandera, for, as was to be

expected, the KGB did not desist from its efforts to liquidate him as an important political enemy.

At the beginning of October the accused was informed that, at the instructions of the head authorities in Moscow, the murder was to be carried out without delay.

The accused complied with this order and on October 14, 1959, he flew to Munich, where at noon next day he observed Bandera leaving his office and subsequently went to Kreitmayerstrasse where he lay in wait for Bandera in front of the house in which the latter lived.

When he saw Bandera arrive towards 1 o'clock he entered the building and, after an unforeseen encounter with the witness Huber, he walked towards Bandera in the hall as the latter entered the house.

At the entrance-door of the house he even said a few words to Bandera and immediately afterwards fired the double-barrelled weapon, which in this case, too, led to the speedy death of his victim.

On the same day he again broke his journey in Frankfurt and flew back to Berlin next day by plane.

About a month later he was summoned to Moscow, where, soon afterwards, in the presence of Aksen-tevich, he was personally received by the then chairman of the KGB, Shelepin, and decorated with the combat order of the Red Banner, a conferment which was confirmed by a document signed by the then head of state of the Soviet Union.

At the instructions of the KGB he spent the following period in Moscow in readiness for further tasks which were to be assigned to him and some of which were obviously to be carried out in the German Federal Republic.

To this end he also continued to take lessons in German.

On August 10, 1961, he managed to reach his wife in East Berlin, from where he daringly fled to West Berlin two days later and gave himself up to the Western authorities.

I regard the evidence produced during this trial as a reliable basis for

this re-statement of the general facts of the case, whatever production of evidence one may demand.

According to the law of procedure the purpose of the evidence produced is to convince you, the sole judges appointed to reach a decision, beyond all reasonable doubt of the guilt of the accused and of the justification of the indictment.

This purpose has in my opinion been fulfilled completely.

The purpose of the evidence produced would however even be fulfilled if, in view of the special political and historical significance which, we must admit, is attached to this trial, one were to regard it as desirable, or in fact necessary that your decision should possess a superlative power of conviction as far as the public opinion in the whole world is concerned.

It cannot, however, be the task of the trial to discuss and analyse the counter-propaganda — no other designation is applicable in this case — which is organized and controlled by those who must be held mainly responsible for the acts to be judged here.

If it is at all permissible to consider public opinion in this case, then it can only be considered in so far as those persons are concerned who take a critical but unprejudiced and objective interest in the facts of this trial and in the decision reached by this court.

But to return to the basic facts of the evidence produced. In the first place the fact must be stressed that the accused has made a full confession.

However much reason there may be to examine this confession most carefully, the question nevertheless obtrudes itself in the first place: is it conceivable that this accused, who is intelligent and capable of thinking dispassionately, would falsely take upon himself the responsibility and blame for such grave offences with so decisive consequences for his future fate, especially in a trial before the first and highest court, whose decision is a final one?

I am of the opinion that this thought in itself should prompt one to assess

the significance of this confession rightly as regards ascertaining the truth.

In addition, the following facts must be taken into consideration.

From the outset the accused has maintained his confession unchanged through all the stages of the legal proceedings up to this trial without any contradiction at all having been evident.

As regards the contents his account of the facts of the case is logical, complete and, metaphorically speaking, cast in one piece, however, sensational and monstrous these facts and incidents may be.

And measured by the impression of the personality of the accused which has been gained in this trial, his confession and his statements will, in my opinion, stand the test of all forensic practice and also, as the expert Professor Rauch showed, of a psychiatric and psychological examination.

Finally, the fact that the confession was made by the accused of his own free will after his flight is by no means unmotivated and incomprehensible, as may appear at a first consideration.

Seen objectively this voluntary confession is entirely consistent and logical if one takes into consideration the fact that the accused was to a considerable extent threatened by the clutches of the KGB.

In order to avert this danger in view of the circumstances it did not suffice to escape from the direct sphere of influence of the KGB. As the facts of this trial have shown, it was urgently necessary for the accused to place himself under the effective protection of the Western authorities without delay. Such protection could, however, only be gained if the special need for protection was obvious, that is to say if those facts were made known which showed that the accused was likely to be liquidated by the East because he was regarded as dangerous by the latter on account of the knowledge of certain secret facts which he possessed. Under these circumstances it is perfectly obvious

that the accused, because of the situation in which he found himself at that time, revealed the whole truth.

I am therefore of the opinion that the confession, after having been subjected to an inner analysis, deserves to be regarded as completely credible.

On the other hand, a confession alone would in my opinion not suffice as the sole basis for the motion to find the accused guilty on the charge preferred. In any case there can be no question of such a situation arising here. On the contrary, on the strength of the manifold additional evidence produced during this trial no reasonable doubts whatever can be maintained as regards the complete truth of the confession.

This additional discernment came to the fore in the course of investigations which by no means served the purpose of securing evidence, but on the contrary, were the result of the scepticism which was at first entertained with regard to the accused's account of the circumstances of the case. The result of these investigations was however so impressive that the prosecution no longer had any doubts regarding the commission of the act. The said facts of evidence seen as a whole definitely form an unbroken chain of circumstantial evidence which in itself suffices to prove guilt. If one were to proceed from the supposition that the acts with which the accused is charged were not revealed by himself but became known in some other way, then one would be obliged to ascertain that the circumstantial evidence which has come to light would be sufficient basic evidence to sentence the accused.

In now turning to these facts of evidence I am of the opinion that they be systematically sub-divided into those sections of action to which they directly refer. This does not however mean that they are only limited to the section in question. Every confirmation of the confession on one point gives it more credibility on other points, just as the main significance of the facts of evidence to which I shall now refer lies in their entire concatenation.

As regards the information supplied by the accused about his person, origin, family status and residence outside the Federal Republic, this tallies completely with the data on the identity papers and other documents which the accused had in his possession when he gave himself up to the authorities in West Berlin and the genuine nature of which cannot be doubted in view of outward appearance and also the opinion of the expert von Buttlar.

As regards the activity of the accused as an agent in 1956 and 1957, reliable proof from other sources of information, apart from his confession, has been produced.

This applies in particular to the attempt to recruit a certain person as an agent during three meetings, namely in April and August 1956 and in February 1957, an attempt which has been proved by the testimony of a witness and has also been partly recorded on a photograph, the origin of which has been satisfactorily explained in this trial. The fact that the accused was actually in Munich on April 6, 1956, for the purpose of the first of these meetings, is also confirmed by the fact that he was registered on that date in the visitors' book of the "Helvetia Hotel" under the name of Josef Lehmann. The contact which the accused has stated he had with the agent Bysaha tallies with the facts that were already ascertained in 1957 in the investigations conducted by the public prosecutor of the supreme court of justice in Bavaria against Bysaha, that is to say at a time when nothing was known about the accused.

As regards the technical preparation and execution of the murder of Lev Rebet and Stepan Bandera, the information given by the accused has been scientifically proved in all details. It is obvious from the opinion furnished by the expert Prof. Müller that the weapon described by the accused is capable of functioning and achieving the results described by the accused. It is also obvious from the same expert opinion that the antidote described by the accused actually affords a protection against endanger-

ing oneself. The findings of the expert Dr. Spann, who assisted in the autopsy in the case of Rebet and Bandera, likewise tally with the account given by the accused.

With regard to the Rebet case the accused has affirmed that he flew to Munich on October 9, 1957, under the name of Dräger in order to carry out the murder. Actually the name Dräger is recorded in the Air France passenger-list of October 9, 1957. The accused has also affirmed that on the evening of the same day he registered at the "Stachus Hotel" in Munich under the name of Siegfried Dräger. Upon investigation a registration slip made out in this name and dated October 9, 1957, was actually found at the "Stachus Hotel." In addition, the expert Wenzel has ascertained by methods which are scientifically reliable and exact that the handwriting on this registration slip is identical with the handwriting of the accused and that it is therefore the handwriting of the accused. It can therefore be concluded for certain that not only was the accused actually in Munich on October 9, 1957, but also that he falsely used the name and personal data of Siegfried Dräger on that occasion. The fact that the real Siegfried Dräger has not been interrogated does not, under these circumstances, represent a serious gap in the evidence. The accused has also affirmed that on October 12, 1957, after having carried out the murder of Lev Rebet, he travelled to Frankfurt, spent the night in the "Continental Hotel" there, and next day returned to Berlin by plane. Actually the name of Dräger is contained in the visitors' book of the "Continental Hotel" in an entry for the night of October 12/13th as well as in the passenger-list of Pan American Airways for October 13. The accused has also made certain statements regarding the weather on October 12, 1957, the day on which Rebet died, in Munich. The information obtained from the Meteorological Office in Munich which has been read out in this court tallies completely with the statements made by the accused. This fact is not only an additional confirmation of the presence

of the accused in the place in question on the day of Rebet's death, as has already been pointed out by other witnesses, but also shows convincingly that the day in question was marked by some unusual experience for the accused. For only an experience which sticks one profoundly enables one to remember years later what the weather was like on a certain day.

With regard to the Bandera case the accused stated, when first interrogated by the witness Fuchs, that he had broken two key-bits during a futile attempt to open the entrance-door of the house, No. 7 Kreitmayrstrasse, in Munich. Upon investigation of this stated fact two key-bits were actually found in the box of the lock on the door of this house, and to judge from their position and condition, they had lain there for some years. Prior to committing the murder of Bandera, the accused, according to his own statements, on October 14, 1959, took a room at the "Salzburg Hotel" in Munich under the name of Hans Budeit. An entry to this effect, dated October 14, 1959, has actually been found in the visitors' book of the "Salzburg Hotel." Next day the accused, as he has himself stated, observed Stepan Bandera leaving the Zeppelinstrasse accompanied by a woman shortly before 12 o'clock and drive away in the direction of the Ohlmüllerstrasse. As can be seen from the testimony given by the witness Fuchs, Bandera's secretary made a credible statement soon after the murder to the effect that she had ridden along to the covered market with Bandera shortly before 12 o'clock on October 15, 1959, that is to say in a direction which likewise tallies with the statements made by the accused.

In my opinion this plainly shows that the accused did actually watch Bandera an hour before the latter's death. As the accused also stated, he was somewhat confused by the appearance of a female person just before he was about to commit the murder. It has actually been ascertained that a woman, the witness Huber, left a flat on the first floor of the house No. 7 Kreitmayrstrasse just before Bandera was killed. This fact

justifies the conclusion that the accused actually was at the place where the murder was committed at the time that it was committed. The fact that the witness Huber has testified that she noticed a man, whose back was turned to her, but that she thinks his hair was fairer than that of the accused, is in my opinion of no importance. The witness herself stated that she did not take a closer look at the man. Her doubts as to his identity can therefore be explained on the grounds of a phenomenon well known to this court, namely a shift of memory which is influenced by the passage of time and by imagination. After the murder of Bandera, the accused, as he himself has stated, travelled to Frankfurt, where he took a room at the "Wiesbaden Hotel" under the name of Budeit and from where he returned to Berlin by plane next day under the name of Kowalski. Again these names were actually registered in the visitors' book of the "Wiesbaden Hotel" on October 15, 1959, and in the passenger-list of British European Airways on October 16, 1959.

And, lastly, as regards the events which directly preceded the action of the accused in giving himself up to the authorities in West Berlin and making his disclosures, it is evident from the exit stamp in the Soviet travel document which the accused had in his possession that he actually left the Soviet Union on August 10, 1961. In addition, it can be seen from the two Berlin train-tickets which were found in his possession that the accused and his wife left East Berlin on August 12, 1961.

The statements of the accused regarding the reason for his journey from Moscow to East Berlin are confirmed by the telegrams which he also had in his possession after his flight.

The fact that the accused was in the Soviet sphere of influence until just before he gave himself up to the Western authorities has been proved by an incident which was revealed last Friday during a session in camera, for which reason I cannot discuss it here.

And the testimony given by the witness Willkow, as well as the wireless messages which were transmitted to Heinz Felbe, a former official of the Federal intelligence service accused of high treason, and which have been explained in detail by the witness von Buttlar, point in the same direction.

These arguments do not constitute an exhaustive list of the facts of evidence ascertained from other sources of information. Reference could also be made to the facts ascertained by the witnesses Vanhauer and Fuchs with regard to the scene of the crime, the route by which the accused fled and the attendant circumstances, the photographs filed in the records, as well as many more data. It should also be pointed out that the aliases mentioned by the accused are not fictitious names but really exist, together with all the additional details, and, to the knowledge of this court, could easily have been ascertained by the Soviet authorities. But I do not consider it

necessary to discuss this point in more detail. The facts of evidence which have been enumerated are such eloquent proof that no reasonable doubt whatever can be entertained as regards the truth of the confession made by the accused. According to the empirical rules of life, a coincidental concatenation of these facts is absolutely out of the question. And equally logically, neither the accused as an individual person, nor any organization in whose services he might be would have been able to prove an incorrect account of the case so precisely by means of facts, evidence and documents, which documents incidentally partly originate from the Federal Republic and partly from the Soviet or Soviet Occupied Zone sphere of influence.

On the strength of careful consideration in assessing the value of the evidence, I therefore think I am justified in requesting you, gentlemen of the Senate, to base your judgment and decision on the facts of the case as stated at the outset.

#### *Document 4.*

### **LEGAL ARGUMENTS BY ATTORNEY DR. J. PADOCH**

Stepan Bandera's widow and children have authorized Mr. Kersten and myself to represent them in this trial, in which charges are preferred not only against Stashynsky present here in court, but also against those who trained him as a murderer and ordered him to carry out the crimes.

We have been authorized by Mrs. Jaroslava Bandera not to represent her "interests" and those of her fatherless children, since no material compensation could make good the loss that she has suffered, but rather and above all to defend the good name of her husband and the historic mission in the service of which he was killed, as well as the just cause of his native country before this court and the whole world.

It is an honour and a responsibility for both Mr. Kersten and myself to assume this task, even though our role in this trial is only a subsidiary one compared to that of the main representative of the co-plaintiff, Dr. Neuwirth. We are well aware of the fact that our official position in this trial before the highest German court is based only on the standards and regulations of the procedure in criminal law but also on the international affinity and friendship which exists between the Western peoples and which is becoming closer and more and more productive outside the courts, too.

We are also well aware that we are beholden to the Federal High Court for being able to appear here. It is

also a great honour and pleasure to us to be able to act as legal representatives together with our experienced German colleagues in this court. Though my pleasure is somewhat dimmed by the fact that my knowledge of the German language is imperfect.

Although I know that the main burden of representing the co-plaintiff falls to Dr. Neuwirth, I should, with the permission of the court, like to add some remarks to his excellent arguments.

In order to be able to judge the extent of the crimes and the guilt of the accused Stashynsky, it is essential to know something more about the object of his crimes and their aims. For only then shall we know why Bandera and Rebet had to die.

In order to ascertain these facts this case has been heard by the court for five whole days, and I am completely convinced that this trial has proved beyond all doubt:

1) that the formal object of the crimes of the accused was the life of Dr. Lev Rebet and of Stepan Bandera, as well as the fate of their widows and their young children, who were thus robbed of their father and provider, and

2) that the crimes of the accused were in reality directed against the fight for freedom of Ukraine, against its immediate and future development.

Dr. Lev Rebet, who was the first of Stashynsky's victims, was a leading champion of the cause of freedom of Ukraine and one of the ideologists of this fight.

Stepan Bandera was the leader and also the symbol of this fight for freedom. Long before his death those persons who on both sides of the Iron Curtain fought for the freedom of Ukraine, or supported this fight, were known by his name. This fight was conducted by three organizations which are known under the following designations: UVO, OUN and UPA, that is to say Ukrainian Military Organization, Organization of Ukrainian Nationalists, and Ukrainian Insurgent Army.

Stashynsky has talked a good deal about these organizations and their activity, but it is significant that he did not once mention them by these designations, as if he were afraid to do so. As the evidence in this trial has shown, he had no compunction about fighting against these organizations.

This was the object of Stashynsky's crimes. But what was their aim? The evidence in this trial has undoubtedly shown that the aims were the following:

a) the suppression of the fight for freedom of the Ukrainian people by the systematic extermination of its leading groups and leading personalities, on the same lines as the extermination — unfortunately so well-known in our century — not only of individuals but of entire peoples (genocide).

b) A further aim of Stashynsky's crimes was the endeavour to force the numerous Ukrainian emigrants living in the countries of the free world to abandon their efforts for the restoration of state independence in their native country and thus to deprive them of every possibility afforded them by the democratic laws of the free countries.

c) Even in this courtroom Stashynsky tried to use his crimes for a third aim: namely to defame the fight for freedom of the Ukrainian people, as well as its leading personalities before the public of the free world.

It is very significant that the accused knew nothing about the aim of the fight for freedom of his fellow-countrymen, or, to be more correct, refused to know anything. He stated that he had never heard of the murder of Petlura, the head of the Ukrainian state, and that he did not even know the name of Taras Chuprynka, the Commander-in-Chief of the Ukrainian Insurgent Army, which he commanded from the time it was founded in 1942 until his death in 1950, although Chuprynka was killed in action in the vicinity of Stashynsky's native village. And Stashynsky at that time was



already 19 years of age. On the other hand, however, Stashynsky has intentionally magnified and generalized certain incidents in his younger years and has used them to defame the fight for freedom of his own fellow-countrymen. By doing so, he has acted like a traitor.

Has Stashynsky, who has committed two murders, a right to disparage the fight for freedom of his fellow-countrymen against the powerful occupant of his country? Has he any right to excuse his own ruthless deeds with the ruthless combat of this fight? He referred to this fight on purpose. We recall that he did not mention a single word about one important fact, namely the murder of his uncle by the Bolsheviks in 1941. It was only when the question was put to him directly that he admitted that his uncle Peter was arrested in 1941, but even then he maintained that he did not know what had happened to his uncle. It is hard to imagine that a Soviet agent would not know what must have happened to someone who has still not returned from Soviet imprisonment 21 years later!

The accused has endeavoured to extenuate his guilt by referring to the Ukrainian-Polish conflicts in the 1940's, which are a thing of the distant past. He can remember these conflicts, but, on the other hand, he maintains that he knows nothing whatever about the fact that in 1944 the Polish-Ukrainian fight receded into the background completely. Even though it is an established fact that numerous joint campaigns were conducted by the Ukrainian and Polish underground movements against their common Russian enemy.

It is difficult to weigh the significance and the extent of inhuman crimes in the scales of justice and of eternal moral principles and values. But from the point of view of human moral principles it would appear that Stashynsky already committed a monstrous crime when he abused the confidence of his younger sister in him, her only brother, and denounced her friend, who would perhaps have later become her husband and the

father of her children, to the Russian secret police and thus doomed him to death.

At that time Stashynsky was still a youth and he had not yet completed his training as a Soviet Russian agent. Nor was his life at that time in any way endangered, although he now uses this factor and embellishes it with epic details in order to try and justify his murder of Bandera and Rebet.

For several years before his marriage Stashynsky was already intimately acquainted with his future wife, who, as far as her origin and her views were concerned, belonged to the freedom-loving West. For years Stashynsky had spent certain periods of time this side of the Iron Curtain. Hence one could really expect Stashynsky to have been influenced in a positive sense by the democratic freedom-loving West. But of those who have taken part in this trial or are present here as spectators, who can really believe that this has been the case?

For hundreds of years the conscience of the world has been burdened with such tragedies, irrespective of which peoples and ideas hostile powers seek to destroy and irrespective of the manner in which the perpetrator of the crime of destroying them is rewarded — whether with thirty pieces of silver, or with the Order of the Red Banner!

I think the day will come when Stashynsky and other traitors who serve foreign aims and not those of their own people and thus become the slaves of foreign powers will realize the extent of their crimes against their own fellow-countrymen. Perhaps they will then repent and return to their own people.

On behalf of the victims of Stashynsky's foul crimes, the widow, Mrs. Jaroslava Bandera and her three children — of whom the eldest, her daughter Natalia, is present here in court and is now living through the tragedy of the loss of her father a second time, I wish to state that they do not seek revenge but a just sentence for Stashynsky.

Neither the accused Stashynsky nor the persons from whom he received his orders have achieved their aim by these two murders. Political murders usually prove to be injurious to the murderers themselves in the end. The murder of Abraham Lincoln, the greatest American next to President Washington, can be quoted as a striking but by no means isolated example in this connection. The application of violence against the laws prescribed by God and by human nature can only result in a very brief success. In the long run truth and justice will always triumph. For the mills of God grind slowly but they grind exceedingly small.

The loss of these two great Ukrainian freedom fighters, who were killed on the long and thorny path of the Ukrainian people in its fight for the freedom of its own sovereign state, will however never be able to halt the triumphal march to liberation either in Ukraine or beyond its borders. In this era of the rebirth of the ideas of national self-determination and independence — for the smallest peoples, too, — no sinister force will ever succeed in preventing the Ukrainian people, whose popula-

tion is almost equal in number to that of the French people, from realizing its right to freedom and independence. Every individual is born with this right, which is bestowed by God and constitutes the profounder meaning of human life. And all peoples are likewise entitled to this right.

It is our sincere hope that the death of Bandera and of Rebet and this historical trial, which has been conducted with exemplary correctness and fairness before the highest court of free Germany, will help not only the case of right and of justice of the Ukrainian people but also all other freedom-loving peoples to be victorious in their fight against violence.

Only then will the world comprehend the profound meaning of the death of Bandera, Rebet and many other well-known and also unknown fighters for the freedom of Ukraine, and the firm though painful conviction of their widows and children will be corroborated, namely that their husbands and fathers did not die in vain, for the deeds and the life's work of those who have been killed will live on as a shining example.

#### *Document 5.*

### **SPEECH BY MISS NATALIA BANDERA**

Your Honour!

Gentlemen of the High Court!

I wish to express my sincere thanks to the court for permitting me to speak here as a member of the family of my late father Stepan Bandera and on behalf of my mother Jaroslava Bandera. Since the accused has affirmed that he was convinced during his KGB activity that my father was a traitor to Ukraine, I should like to describe my father as I remember him.

It is exactly three years ago today that my father died on the way to hospital. According to the account given by the accused, he was murdered with the aid of a poison-pistol.

This is not the first and only murder that has occurred in our family. Practically the whole family of my late father and of my mother was murdered by enemies. Both my parents came of Ukrainian Greek Catholic clergyman's families. At that time the priests and teachers in particular contributed a large share towards arousing the national consciousness of the Ukrainian people (above all of the rural population). My mother's father, Vasyl Oparivsky, did his duty as an army chaplain during the first World War and was killed in action fighting against the Poles. My grandmother, at that time barely 20 years of age, was left a widow with two small children—

my mother and her brother Lev—and was obliged to eke out a meagre living as an elementary school teacher. As a teacher she did a great deal towards fostering the national consciousness of the Ukrainian village inhabitants.

Both my grandmother and my Uncle Lev were killed during World War II. In connection with the discovery of a plot my uncle, though innocent, was shot by the Poles after they had kept him in prison for a long time. We never learned exactly how my grandmother died. We only know that she was murdered when returning to her native village from Poland.

My father also came of a clergyman's family. He had three brothers and three sisters. His mother died of lung trouble whilst still a young woman and left her husband, my grandfather Bandera, a widower with seven children. My grandfather Andriy Bandera, a clergyman, brought up his children in a religious and national spirit, and when they were still students they already actively supported the liberation cause of Ukraine. Two brothers of my father (Oleksa and Vasyl Bandera) were tortured to death in a most brutal manner in the concentration camp in Auschwitz during World War II, and his father and eldest sister were deported to Siberia.

Whilst my father was interned in the concentration camp in Sachsenhausen, my mother in the autumn of 1941 went to live in Berlin in order to be near to him. She took me — I was three months old at the time — with her. Our family now began to live a nerve-racking life, which above all began to tell on my mother's health. As soon as my father was released by the Germans and started organizing the Units Abroad of the OUN, we were constantly obliged to flee from one place to another to avoid discovery. Berlin, Innsbruck, Seefeld, then Munich and Hildesheim, and finally a lonely house in the forests in the vicinity of Starnberg were the places in Germany and Austria where we lived until 1948.

In this lonely house our whole family in 1947 — and by this time we were three children — lived crowded together in one room, without even electric light. We children were ill for a long time with measles and whooping-cough, and we also suffered from malnutrition. I was six years old at that time and I attended a village school in Söcking and had to walk nearly 4 miles through the forest every day to get there.

From 1948 to 1950 we lived in a Ukrainian refugee camp near Mittenwald under an assumed name. My father was not with us, but he visited us several times a year. And I can remember that on one occasion, when I was ill with a serious inflammation of the middle ear, I asked my mother who the strange gentleman was who had stood at my bed and stroked my cheek. I had completely forgotten my father.

From 1950 to 1954 we lived in Breitbrunn, a small village on the Ammersee, and my father came home several times a week and later on every day. My mother, however, lived in constant dread lest my father might be murdered, or that he might be killed in a traffic accident. But in spite of this anxiety, the four years we spent here were the most peaceful and happiest ones in the life of my mother, who felt at ease with the people of the village. It was only later that I realized that the Soviet repatriation commissions and agents were trying to hunt us down.

In 1952 we were in great danger and for some months we lived in hiding, together with my father, in Oberau, a small village near Garmisch-Partenkirchen. Unfortunately we three children all fell ill with mumps and were in bed for two months. During these four years we were entirely isolated from the Ukrainians and there was danger of our becoming estranged from the Ukrainian national element. In spite of his responsible and nerve-racking work my father, however, made time to teach me Ukrainian history, geography and literature and also persuaded me to read Ukrainian books. At the ages of 4 and 5 my brother and sister learnt to read and write Ukrainian



**SYMON PETLURA**

(b. 23. 5. 1879, d. 25. 5. 1926)

*President of Ukraine and Supreme Commander of the Ukrainian forces;  
murdered by the Russian agent Schwarzbart in Paris.*

before they began to attend a German school.

At that time I did not as yet know who my father really was, although I could not understand why we changed our family name. But I did not venture to ask my father the reason.

In 1954 we moved to Munich, mainly in order to save my father the daily and dangerous journey (50 miles) and because we children would be able to get a better education there. At the age of 13 I began to read Ukrainian newspapers and I read a lot about Stepan Bandera. Gradually and on the strength of my observations regarding the surnames of the many people who were frequently together with my father, I began to draw my own conclusions. On one occasion an acquaintance made a slip, and I was then certain that my father was really Stepan Bandera. But even then I realized that I dare not let my little brother and sister into this secret, since it would have been highly dangerous if they had innocently and unknowingly divulged this fact.

From 1954 until 1960, the year after my father was killed, we lived in Munich. My father was tired of always having to have a body-guard and an escort, and he was often careless. He was convinced that God would protect him and he used to say: "If anyone wants to kill me, they will find ways and means of doing so and will get rid of both my body-guard and me." He used to drive by car to the Ukrainian Catholic church, and that was where the accused noticed him the first time.

The accused has affirmed that he did not carry out the murder in May 1959 because he had inhibitions and

pangs of conscience. At that time, incidentally, those connected with my father knew that he was in danger and he was given additional protection. Today, three years after the death of my father, I am speaking here in the first place in the name of my mother, who has sacrificed the best years of her life for her husband and her children.

I should like to refer once more to the confession made by the accused, in which he mentioned the cynical way in which Sergey "reassured" him when he said that Bandera's children would some day be "grateful" to him for his deed. This cynical remark indicates that the KGB had planned to abduct us children and take us to the Soviet Union, where they would then have tried to break our resistance by the ruthless methods which prevail there and to turn us into Communists who would have condemned their own father. An attempt of this kind, namely to turn him into a Communist, was also made in the case of the son of General Taras Chuprynka, the Commander-in-Chief of the UPA (Ukrainian Insurgent Army), who was killed in action near Bilohorshcha in West Ukraine in 1950. Sergey must have realized that this would have been the only method by which to influence the attitude of us children in this respect.

My father, whose memory lives on with us, brought us up to love God and Ukraine. He was a devout Christian and he died for God and for an independent, free Ukraine — for the freedom of the whole world.

He personified this noble ideal and he will continue to be the guiding-star of my life, as well as of the life of my brother and sister and of the entire youth of Ukraine.

# The Preparation of the Murder of Yaroslav Stetsko

The questions 1—18 under Section I (preparations for the attempt to murder Yaroslav Stetsko) were answered by Stashynsky as follows:

*In which year and month, where and from whom did Stashynsky first receive instructions to watch Stetsko-Dankiw? What data did Stashynsky receive about Stetsko?*

I received orders to ascertain information about Yaroslav Stetsko from my KGB superior officer Sergej in Berlin-Karlshorst in May 1959. When Sergej mentioned the name Stetsko, I knew which person was meant without Sergej having to enlighten me any further. From my political training with the KGB I had known for years who Stetsko was. Stetsko is the Prime Minister of the Ukrainian exile government; he was regarded by the KGB (and by the Russian men in power) as the next important person to Bandera. In the opinion of the KGB Stetsko and Bandera were, so to speak, one unit as regards their political significance. Bandera was regarded as the ideological leader of the OUN, Stetsko as the government leader. If I may be permitted to draw a comparison, — from the Russian point of view, Bandera would be equal to Khrushchov and Stetsko to Bulganin. The KGB was of the opinion that after Bandera's death Stetsko would also succeed him as the ideological leader of the OUN. The KGB regarded Konovalets, Bandera, Stetsko and Melnyk as the big symbols of the Ukrainian fight for freedom. The KGB was also aware of the fact that their names are still remembered in Ukraine. Melnik — as I was told by the KGB — is living in France. The KGB no longer regards him as dangerous.

It is of the opinion that he no longer engages actively in politics since he is too old and, in any case, is not a politician but, rather, *only* a military expert. Melnik is regarded nowadays by the KGB as a person of no consequence in the OUN. At any rate, Sergej did not concern himself with Melnik. When Sergej gave me instructions to spy on Stetsko he expressed considerable indignation at the fact that Stetsko had visited Chiang Kai-shek in Formosa and had posed as governmental head on that occasion. Stetsko had to a certain extent given his visit there the appearance of a state visit. This, said Sergej, was the limit, since Stetsko could only have visited Formosa as the representative "of a few disreputable Ukrainian exiles", but not on an official state mission. When Sergej gave me my orders he told me that Stetsko was living in Ohmstraße in Munich under the name of "Dankiw". He also told me the number of the house there, but I cannot remember it at the moment. The only new information I learnt about Stetsko from Sergej was that he was in Formosa and that he was living in Munich in Ohmstraße, under the name of "Dankiw". But I do know that the KGB ascertained his Munich address and the name "Dankiw" through one of his agents. I do not know the name of this agent.

*Why did Stashynsky himself not watch the house in which Dankiw lived, but got another man to do this job for him in return for money? What is the name of this man and where did Stashynsky get to know him?*

In May 1959 I myself watched Stetsko's apartment.

*Why was Stashynsky sure that this man would not give him away? Was a photograph taken of the house in which Dankiw lived?*

I did not take any photos of the house in which Stetsko was living at that time (Munich, Ohmstraße ?), but I did photograph the nameplates on the door. I did, however, give Sergej a detailed written report about the position and nature of the house.

*Was Stashynsky armed with the same poison-pistol or with another weapon during the time that he was instructed to watch Stetsko's movements?*

Apart from the "spray-pistol", with which I was to carry out the murder of Bandera, I had no other weapon with me at that time. The fact that I had the "spray-pistol" with me had no connection with Stetsko. During my stay in Munich at that time (May 1959) I did not watch Stetsko's movements. Even today I do not know Stetsko. Sergej never showed me a picture of Stetsko.

*To whom did Stashynsky pass on a report about shadowing Stetsko and what other instructions did he receive in this connection?*

As regards the information I ascertained concerning Stetsko (see question 3), I gave my superior officer in Berlin-Karlsborst a report. After May 1959 I did not receive any more orders with regard to Stetsko.

*Why was it obvious to Stashynsky on the strength of the instructions which he received to shadow Stetsko that the latter was to be the next murder-victim?*

It was evident to me that Stetsko was to be the next who was to be killed, since the murders of Rebet and Bandera were prepared in exactly the same way. In the case of Rebet and Bandera it all began in the same way. The preparations for the murders of Rebet and Bandera were exactly the same as those which were now being undertaken with regard to Stetsko.

*During the preparation or the carrying out of the murders in question was Stashynsky only provided with the poison-pistol, or possibly with some other weapon? I only had the "spray-pistol" with me on these occasions.*

*Was the position held by Yaroslav Stetsko in the OUN and his activity abroad known to Stashynsky? Was this question discussed by Stashynsky and any KGB officers? With whom and where? Or with Shelepin? What danger was Stetsko to the USSR — according to the KGB officers?*

I know through the KGB that Stetsko is the Prime Minister of the Ukrainian exiles (OUN) and the President of the ABN. I know that Stetsko has developed political activity in the Federal Republic of Germany as well as in all the other countries in which there are Ukrainian exiles; I also know of his visit to Formosa. In the opinion of the KGB Stetsko is the chief representative of the Ukrainians. I do not know closer details about Stetsko's activity in the Federal Republic of Germany and in other countries. I have only talked about Stetsko with my superior officer Sergej, but never with other superior officers, nor with Shelepin. In the general political training course which I had to undergo in the KGB, Stetsko and the fight for freedom of the OUN were referred to from the historical and political aspect (see also the answers to question 1). To the KGB Stetsko and Bandera were one and the same thing. For years (since the Polish trial of OUN men, in which among others Bandera was sentenced to death) both of them endeavoured to proclaim an independent Ukraine. True, the opinion held in Russia and by the KGB was that such a step would never be successful. The power of the ruling men in Russia is regarded as too great. But the names of Stetsko and Bandera are in Russia and in particular in Ukraine a kind of symbol for the independence aims of Ukraine. These two men are regarded as freedom fighters.

And this fact is unpleasant for the ruling men in Russia. In Russia and especially in Ukraine a name makes a lot of difference. If, for example, an appeal signed by Stetsko were circulated in Russia and above all in Ukraine, then everyone would know what it was connected with, namely with the idea of freedom and independence. In the opinion of the KGB and also, no doubt, in that of the Ukrainians themselves, the history of Ukraine has really been made by four men alone — Konovalets, Melnyk, Bandera and Stetsko.

According to the KGB, the Ukrainians have the idea that there are still people who are fighting for the freedom and independence of Ukraine, when they hear that men such as Stetsko are alive. Their cause, the cause of the Ukrainians, is thus still alive. And their hope is not yet dead. As long as there are men such as Stetsko, who are alive in the memory of the living, they will always be an obstacle to the rulers of the USSR. The KGB is convinced that the USSR will gain an ultimate victory in the internal political fight against the freedom and independence aims of Ukraine, once the Ukrainians are deprived of their "symbols". For this reason the KGB will continue to endeavour to liquidate men who are regarded as the "symbol" of the freedom and independence of Ukraine.

*Did Stashynsky see Stetsko personally, when and where? Who pointed Stetsko out to him? Did he shadow Stetsko, when, how and where? Did he know whether other KGB men were watching Stetsko, and was any information in this respect passed on to Stashynsky either directly or indirectly?*

I have never seen Stetsko, nor have I ever seen a photograph of him. Though he may have been present at the trial conducted against me by the Federal High Court in Karlsruhe, I do not know him. I never shadowed Stetsko myself. I do not know whether other agents of the KGB did so. I know nothing about any information which might

have been ascertained by other agents who might have shadowed him.

*Was it not dangerous for one and the same man to ascertain addresses, to shadow persons and carry out murders? Was there no danger of the conspiracy leaking out? What assistants did Stashynsky have to help him in preparing the murders of Bandera, Rebet and Stetsko?*

It was of course dangerous for one and the same man — as for instance myself — to ascertain addresses, watch the movements of a certain person and carry out murders. But it was of decisive importance to the KGB that the number of persons in the know should remain *very small*. This fact outweighed all others. For instance, I was sworn to secrecy towards everybody, even towards persons who might be my superiors. For instance, I was not allowed to even as much as mention the names of Rebet, Bandera and Stetsko to anybody (*only to Sergej*). My superiors relied on my skill and trustworthiness and were convinced that even if I should be arrested in the German Federal Republic, I would never give any secrets away. I never had anyone to assist me.

*How did he get to know Stetsko's address? How was the shadowing of the person in question carried out so as not to attract attention? Did Stashynsky from time to time have someone else shadow the person concerned? Whom?*

I received Stetsko's address from my superior officer Sergej in Berlin-Karlshorst. I did not shadow Stetsko, but I did shadow Rebet and Bandera. If one has received such a thorough training in the technique of shadowing as I did in the KGB, then one knows exactly how to behave in order to avoid arousing suspicion when shadowing someone. A person who shadows someone else must above all be attentive, careful and imaginative. I was the only person who shadowed Rebet and Bandera. I had no one to assist me. It is an absolute certainty that



a KGB man who is to carry out a murder later on, will never have an assistant, not even in the preparatory tasks, from ascertaining the places frequented by the victim to shadowing the latter, until the actual murder is committed. In this case, too, it would again be a "lone mission".

*Did Stashynsky know that Stetsko had a body-guard? From whom did he learn this?*

I do not know whether Stetsko had a body-guard. There was never any mention of this.

*Why was the murder not carried out? Since Stashynsky, whilst preparing the murder of Bandera, was at the same time also watching Stetsko's house, was he to carry out both murders during the same period of time?*

An attempt to murder Stetsko was not carried out, since the time was not ripe. In any case, the murder of Bandera had caused a considerable stir in the German Federal Republic and also elsewhere, since it was assumed that it was probably a case of political murder. It was known to the KGB that the police in Munich had no definite suspicions as to who the murderer could be, but the opinion was held in general by the KGB, including Shelepin, that the stir caused by Bandera's death must first of all be allowed to die down. I did not receive orders to murder Stetsko. But I am convinced that I should have received such orders for the winter of 1961/62, if my wife had returned to Moscow again, which the KGB kept insisting she should. I felt quite definitely that Stetsko was to be the next victim, even though nothing explicit had been said in this respect. Anyone who works for the secret service, knows what is being planned. He knows it instinctively. And my feelings have never yet deceived me in this respect.

*What information was given during the training courses about leading Ukrainian freedom fighters, and about whom? How were they characterized?*

Nothing, compare, however, the answers to question 1 and 8.

*Since Stashynsky repents of his crimes, how are the leading anti-Bolshevist freedom fighters — in Stashynsky's opinion and on the strength of his knowledge and experience of KGB methods — to protect themselves? What other methods of the KGB are known to him? What agents amongst the Ukrainian and other emigrants are known to him?*

I do not think there is any real protection against a murder ordered by the KGB. But the carrying out of such crimes could be made far more difficult. After all that I have found out about the methods of the KGB and on the strength of my experience with the KGB I would give the following advice: All important, politically active and leading members of the OUN should change their name, and also their Christian name and their residence at least every three years; they should from time to time also change the country of their residence. As aliases they should choose Christian names and surnames which are common in the country in which they live. And not Slav Christian names or surnames! The names which they choose and their address should not be given in any directories or telephone directories. For such books are an important aid to the KGB. Agents of the KGB for instance report the aliases of members of the OUN again and again to the KGB. If their names are in a directory or telephone directory, the KGB then knows the exact whereabouts of its victims, the fact that the police refuse to give information regarding the whereabouts of persons is of no consequence, since a KGB agent would, in any case, never go to the police. If the name and address of a person can be ascertained from a directory or telephone directory, there is no need to go to the police. Bandera's whereabouts, for example, were ascertained *solely* by means of the directory. He called himself Stepan Popel. Both these were Slav names.

They were given in the directory. And his real Christian name was the same as the Christian name of his alias. I would also advise against name-plates on doors giving the real name or the alias. A second alias should be chosen for the nameplate on the door and for the house in which one lives. All OUN members should be thoroughly trained in the methods of shadowing and how to protect oneself against such methods. It is absolutely essential that one should be on one's guard against everyone and should regard everyone with distrust. Complete secrecy must be the first commandment.

Otherwise I do not know of any KGB methods of murder. To my superior officer Sergej the "spray-pistol", which was given to me for the murder of Rebet and Bandera, was also a new weapon. He did however tell me that such a "weapon" had already been used effectively. I did hear that parcels containing explosives had been sent through the post and that the victim chosen had then met his death on opening the parcel. In some cases a poisoned needle was perhaps also used, which was injected from a "weapon" by means of compressed air and likewise left no trace. But I could not say for certain whether the KGB really used this type of poisoned needle. As an agent of the KGB amongst the Ukrainian emigrants I only knew Nadyitshyn (Bisaha). Maximiv was to be recruited as an agent.

*From whom did Stashynsky learn the address of the church where the Ukrainian emigrants held their divine services?*

rom my superior officer Sergej in Berlin-Karlshorst.

*For what reason is Stashynsky convinced that he himself was watched by other KGB agents whilst he was watching the victims concerned or carrying out the murders?*

I do not know whether I was being watched. But I always reckoned with this possibility, since this is one of the usual methods of the secret service. And I have reason to believe that I was watched. On one occasion Sergej showed me a photograph of a man in front of Bandera's house in Munich. Sergej said the man was Bandera. But it was not Bandera, whom I knew by sight. Another agent of the KGB must therefore have taken this photograph. I told Sergej that the man on the photo was not Bandera. Sergej looked slightly embarrassed and made some sort of excuse. But I am sure Sergej was trying to test me on this occasion.

*Does Stashynsky know which KGB department is the competent authority for the "Committee for Repatriation" in East Berlin and the "Society for Cultural Relations with Ukrainians Abroad"? With which co-workers of these two committees was Stashynsky personally acquainted?*

The "Repatriation Committee" in East Berlin comes under the authority of the KGB department which deals with emigration matters. I cannot describe this KGB department in more detail. I never heard of a "Society for Cultural Contacts with the Ukrainians Abroad". I was never acquainted with anyone on the staff of these two committees.

*"Overseas News" reported on December 16, 1965*

## **An Historic Verdict**

In the arguments on which the verdict of the Federal High Court in Karlsruhe was based it was ascertained beyond all doubt that the government of the USSR, headed by Khrushchov, bears the decisive and chief responsibility for the murder of Stepan Bandera and Lev Rebet, as well as for countless other crimes of murder committed against individual persons and entire peoples. And this guilt and responsibility were courageously and emphatically stressed by the supreme German court of justice. The court ascertained beyond all doubt that the government of the USSR itself planned, organized and carried out these crimes to their completion. A responsible part in these crimes was also played by the President of the Soviet state, Voroshilov.

This definite proof of the guilt and responsibility of the government of the USSR and the fact that it has now been morally and legally branded and condemned as the actual instigator and direct perpetrator of the crimes committed in the free world against the fighters for the independence of Ukraine, are of worldwide significance. There is perhaps no precedent for a case in which the supreme court of justice of any country has proved so clearly that the government of a certain country, which entertains regular diplomatic relations with other states, signs international conventions regarding respect of the sovereignty of other states and of the rights

of the individual, and is a member of international organizations such as the United Nations, as well as of other, similar corporations, with the help of its chief state organs plans and carries out the murder of freedom-fighters in the territory of other countries. Particular mention must be made of the objective and courageous attitude of the German court, which in the cause of truth and justice did not hesitate to designate the government of the USSR as the chief criminal. Thus a legal basis was established for further actions against the Russian state crimes and against the government of the USSR.

We should also like to stress another factor of fundamental significance: the Federal High Court has ascertained beyond all doubt that the Ukrainian people and, above all, the Organization of Ukrainian Nationalists (OUN) are waging a just fight for the national and state liberation of the Ukrainian people not only from the Russian but also from any other foreign yoke. The Federal High Court likewise expressed its sympathy with this fight and also defended the reputation of the OUN and of Stepan Bandera and refused to allow their good name to be defamed. What a difference between the verdict of the Federal Court in Karlsruhe and the trial conducted in Paris against the murderer of another hero of the Ukrainian fight for freedom, Symon Petlura, the head of the Ukrainian state! On that occasion the Russian Bolshevik agent defamed the sacred memory of Symon Petlura and the heroic liberation struggle of the Ukrainian army in those days, and no one defended the Ukrainian people.

These two facts, — the respectful attitude adopted towards the Ukrainian fight for freedom and for the state independence of Ukraine, as well as for human rights in Ukrainian territory, and the esteem shown by the court with regard to the heroes of this fight for freedom and, in particular, towards Stepan Bandera, and, on the other hand, the condemnation by the same court of the government of the USSR, on the strength of indisputable evidence which came to light in the course of the trial, as the main accused and instigator and organizer of the crimes committed, which it planned down to the smallest detail, — make this trial an event of worldwide significance for all freedom-loving mankind. All these facts enable us to make a correct, moral, legal and political diagnosis (for the policy in question which is not based on moral and legal principles is alien to the spirit of the Christian West) of the true character of Russian tyranny and of the explosive forces within the USSR, which threaten to burst this artificially created state structure asunder and which are headed by Christian, national Ukraine. These facts also inspire the right attitude in the fight against the source of the evil and decay, namely Moscow, — a fight that is waged in the name of a victory of good over evil, of justice and of Christian, national and human truths, in the name of a victory of justice over ruthless injustice.

The extent of the punishment imposed on a criminal who was the direct executor of the will and the orders of the government of the USSR, is undoubtedly too mild. The Ukrainians had hoped that the sentence would have been more severe and at least 15 years' imprisonment in a penitentiary, and that the entire question of the responsibility of the government of the USSR would have been included in this sentence. The fact that the Federal High Court adopted a milder course is naturally of little satisfaction to the Ukrainians, but in this connection another and more important fact must be taken into consideration. The Federal High Court has, on the other hand, served the cause of justice to the highest degree by condemning the chief accused, namely the government of the USSR and, at the same time, by showing its esteem for the Ukrainian fight for freedom.

In this way freedom-loving mankind had an opportunity to defend truth and justice against the chief accused. Opportunities such as this should always be used to advantage and everything else of secondary importance should be allowed to recede into the background.

Khrushchov, Shelepin and the government of the USSR should be called before an international court.

And in this respect every effort should be made, and to this end all forces, both of the enslaved peoples of the Soviet Russian peoples' prison as well as of all mankind, should be mobilized. For this is a campaign in which not only the members in exile of the peoples enslaved by Moscow but also the entire freedom-loving world must be included.

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