

**Close Designs and
Crooked Purposes**
*Forced Repatriations of Cossacks and
Yugoslav Nationals in 1945*

Nikolai Tolstoy

Introduction by Charles Crawford

Editor's Note: This Occasional Paper is the transcript of a discussion at the CRCE in 2011. I am grateful to Annie Beadle and Valeria Eapen for their editorial assistance.

In July 1995, the European Court of Human Rights concluded unanimously that the British Government had violated Tolstoy's rights in respect of Article 10 of the Convention on Human Rights, although this referred strictly to the amount of the damages awarded against him and did not overturn the guilty verdict of his libel action. *The Times* commented in a leading article:

In its judgment yesterday in the case of Count Nikolai Tolstoy, the European Court of Human Rights ruled against Britain in important respects, finding that the award of £1.5 million levelled against the Count by a jury in 1989 amounted to a violation of his freedom of expression. Parliament will find the implications of this decision difficult to ignore.

The Constitution of the CRCE requires that its Trustees and Advisers dissociate themselves from the analysis contained in its publications, but it is hoped that readers will find this study of value and interest.

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Centre for Research into Post-Communist Economies
57 Tufton Street
London SW1P 3QL
crce@trident-net.co.uk
www.crce.org.uk

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CLOSE DESIGNS AND CROOKED PURPOSES

Forced Repatriations of Cossacks and Yugoslav Nationals in 1945

**Based on a CRCE Discussion with Nikolai Tolstoy
In the Chair: Charles Crawford CMG, March 2011**

Thank you all for coming. It's wonderful always to come here, and especially to see such a full room. I'm Charles Crawford, and a former diplomat; my first job was in Yugoslavia, after Tito died. I was in South Africa for four years at the end of apartheid, on the Soviet Desk when the Soviet Union collapsed, three years in Moscow after the end of communism – the early Yeltsin period. Two years as Ambassador in Bosnia after the war; then I ran the policy in London to get rid of Slobodan Milosevic. Perhaps rather too successfully because I was then posted to Belgrade as Ambassador after he toppled. Finally I spent four years in Warsaw as Ambassador when Poland joined the European Union.

But I suppose my main career effort, if you like, was the former Yugoslavia space. I've spent a lot of time there, but it's a difficult place to get to the bottom of – there's an awful lot of it, and it's very regional, and each region has its own specificities.

Whilst preparing for this evening I found an article in the *New Statesman* by Nikolai Tolstoy dated 2000 – at least it claimed it was by him and I think it probably was. He wrote about meeting a Polish lady, Jagna Wright, who wrote a film called *The Forgotten Odyssey*¹, the story of one point seven million Poles who were transported to Siberia by Stalin. In the article it was stated that no television, no British TV network, had been ready to show this film.

The grounds advanced for not showing it were 'polite rejection' – people are not interested in events of this obscurity – and a fear that audiences simply would not be able to believe that a crime of this magnitude had happened. This was the argument the TV channels used for not showing this Polish film.

¹ For more information see <http://www.derekcrowe.com/post.aspx?id=31>

Then Nikolai goes on to say that he raised with the Foreign Office – this is back in 2000 – the barbaric treatment of thousands of Russians and Yugoslav prisoners-of-war in Southern Austria in 1945. Should the British government show some regret, or compensation? He did not get very far with that, but he passed a copy to the correspondent Zoe Polanska, who as a sixteen year old girl had been one of the people deported. She also wrote to the Foreign Office asking what their view was, and received ‘a patronising reply’. It says here, ‘She was mistaken’, and implying that she had imagined the whole affair. ‘Anyone who doubts the arrogance and inhumanity of our diplomatic representatives’ – that would have included me at the time! – ‘may consult this correspondence on my website [ie Nikolai’s website]’

I clicked on the link and it does not work, so we will have to try to bring that up to date because it is obviously an amazing story.

Last year I went to Great Missenden for the Mass² commemorating the terrible events that happened in Slovenia, and in particular for the Slovenian victims of these ‘machinations’ in 1945. I wrote an article about it for Radio Free Europe, and rather rudely I’m going to quote from my own article:

Canon Timothy Russ was the Catholic Priest who gave the main oration there. He described the killings as a ‘massive disorder, a massive wickedness, a massive sadness.’ And he placed this example of Marxist brutality in a wider European school of banal philosophical thought, that denied any Christian or natural moral order, and insisted that people had no intrinsic worth. The result of this philosophical disorder has been the mass elimination of people who thought differently, or people who are just in the way.

As a result of that, Keith Miles has been pursuing this with the Foreign Office on behalf of the British Slovene Society. And he got a reply from David Lidington, whom I met the other day at the Foreign Office – I did not talk about this, I was there for something else. Anyway, Mr.

² For more information see:
http://www.rferl.org/content/Regret_Is_Not_Enough_In_Slovenian_Tragedy/2205847.html

Lidington said ‘Oh, you know, these are very difficult times,’ and he expressed ‘a sense of regret,’ at the loss of life that had occurred.

And my article said that is the kind of language appropriate to a severe car accident. Not the systematic annihilation of thousands of fellow Europeans that the British helped to bring about.

Some of you must have read Timothy Snyder’s book *Bloodlands*³, which talks about the amazing turmoil and bloodshed and madness that went on between Hitler and Stalin – these two industrial-age ideologies, crashing backwards and forwards in Central Europe. As I say here, in some passages, ‘this book reads more like a work of moral philosophy than history.’ And he has this sentence:

‘But the numbers, like all the others, must not be seen as five point seven million people – which is an abstraction few of us can grasp – but it is five point seven times one. It is all about individuals. It is for us as scholars to seek these numbers, to put them into perspective. It for us as humanists to turn the numbers back into people. If we cannot do that, Hitler and Stalin have shaped not only our world, but our humanity.’

This is why I have written on my website about Katyn, and about these sort of things. What is the perfect crime? We have all read Agatha Christie novels and those detective novels of all different shapes and sizes – Michael Innes for a different generation, I am sure you all read those.

In those books, the perfect crime is the one where you do not know who did it. In my view the perfect crime is where you do know who did it, and he is here at the cocktail party, and you walk up to him brightly, and say hello, whilst pretending it did not happen.

That is the perfect crime, because he has made you acquiesce in it. It is much more perfect than getting away with it furtively – getting away with it in broad daylight is what counts.

³ Timothy Snyder, *Bloodlands. Europe Between Hitler and Stalin* (Vintage Books: London, 2011).

And the communists, particularly in Europe, have got away with it in broad daylight, and they have carried on getting away with it – as we all know – one way or the other. The mass graves which are still being dug up in Slovenia are a testimony to how far they have got away with it.

Even now there is a move in Slovenia to put a former communist, anti-fascist fighter –who took part in the struggle against Hitler – on a coin. A Euro coin, with this fellow’s name on it – are we happy, as fellow Europeans, that former communist heroes appear on our coinage, and can be used anywhere in Europe? ⁴

I say this as someone who is proud that our country is not in the Eurozone. But there may be some here who are in the Eurozone, or want to be in the Eurozone. These are things to think about, these symbols. Are they getting away with it again?

We have got some people in the audience who were there in 1945, including John Corsellis. John Corsellis was then a member of the Friend’s Ambulance Unit; and he sent me this document about the events. And we are going to hear all about them now from Count Nikolai. But at the end, he quotes Grenadier Guards Captain Nigel Nicolson – and this is a British Army Officer talking about it – three weeks that he says should live in infamy, ‘one of the most disgraceful operations that British soldiers have ever been ordered to undertake.’ And it has taken so long – decades – for these stories to come out; and they are still coming out.

So, we are gathered here together today, I am afraid, to look back at these terrible events; but privileged to have the people who were part of them one way or another here – it is amazing they are still alive. But we are also lucky to have people who care about them; people who think that it is important to have a little flame of truth flickering, even if a lot of people want to blow it out.

I first came into contact with Nikolai Tolstoy indirectly as it were when I bought a copy of his book *The Minister and the Massacres*, which of course in 1985/1986 was a big drama going on in the British law courts, and then beyond the British law courts. I bought his book then – I was

⁴ For more information see: <http://charlescrawford.biz/blog/ministers-and-massacres>

going to bring it along for you [Nikolai] to autograph, but I have just moved house and it is still packed, so I am afraid I couldn't.

I think most of you know Nikolai, so I need not spend a lot of time introducing him. He has written wonderful books: *Stalin's Secret War*, *Victims of Yalta*, *The Minister and the Massacres*; but also a gothic book for children, *The Founding of Evilhold School*; *The Half-Mad Lord* – this is one to get if you do not have it, a biography of Thomas Pitt, an eccentric peer who attempted to assassinate Napoleon with a specially invented pistol; *The Quest for Merlin*; and other books about some mysteries and mythologies from early English and Welsh history.

He is a man who loves the truth, and has actually dedicated his life to looking into things; in dark places, which a lot of people do not really want to think about. So without more ado we will pass over to Nikolai.

Nikolai Tolstoy: Good evening, everyone. It is very kind of you to assemble here. I first came up against Soviet and British officialdom – both, funnily enough, on the same day, when I was a rather hotheaded teenager in 1956. I had read that Bulganin and Khrushchev were arriving as the first Soviet leaders on an official visit to Britain, and were even going to be received by the Queen – I’m sure not by her wish – at Buckingham Palace, and I was very annoyed by this. Someone had given me – I think one of my Polish friends, for they were of course very angry – a big poster which simply said ‘Keep the Red Beasts out’! I took it to Victoria station, but nobody else was objecting. In fact, I remember that there were about one or two hundred British people there, who *welcomed* them, holding up copies of the *Daily Worker* bearing the headline ‘Welcome Comrades!’

Well, I waited and actually saw Khrushchev get out and (appropriately) be embraced by Anthony Eden. So I held up my ‘Keep the Red Beasts out,’ and immediately somebody ripped it straight out of my hand. I thought, ‘It’s these ruddy Communists,’ and turned around, and saw one scruffy-looking man, so (I was around nineteen then) I punched him on the nose. However, about four other people leapt on me, and there was a bit of a struggle. It turned out they were the British Railway Police, who had strict orders to see that nobody objected in any way whatsoever – even just standing, holding a poster – and I was whisked off, and taken for the night to a police station in Leicester Square, where a very charming police sergeant came in to give me my breakfast the next morning. He proved curious to know why I objected.

I had heard a bit from people in our Russian community about the ghastly business, when the British and Americans principally, but other countries in Europe too on a much smaller scale, handed over approximately two and a quarter million Soviet nationals; also people who were not Soviet nationals, who under any form of international agreement or international law should not have gone back, but were nevertheless handed over knowing perfectly well what their fate was to be.⁵ Well, I did not express it like that to him then, but I knew something

⁵ I have discussed the implications of forced repatriation with regard to international law in my paper ‘The Application of International Law to Forced Repatriation from Austria in 1945’ (Stefan Karner, Erich Reiter, and Gerald Schöpfer (ed.), *Kalter Krieg: Beiträge zur Ost-West-Konfrontation 1945 bis 1990* (Graz, 2002), pp. 131-53).

of the few details of individuals I met in church, and so on. He said, 'It's funny you should say that, because eleven years ago I was with the British Army in Austria, and I was a sergeant [I forget which battalion], and we had to put these Russians on trains to send them back. We ourselves were just waiting to go back to Blighty, and we saw them flinging themselves off the trains, trying to break their necks and commit suicide'. He said he never did understand what it had been about. I replied that I really objected to their meeting the Queen, to which he said, 'I agree with you certainly there, and probably on the rest of it'.

The next day I appeared in a magistrate's court and was fined – the Government was obviously, as ever, hyper-frightened about these things. But somebody rushed up and said, 'I'll pay your fine', which was sixteen guineas, then a princely sum to think about. Years later my mother and my stepfather Patrick O'Brian, the naval novelist, were at their home in the south of France and a judge – an admirer of Patrick's – came to call on them. He had been the magistrate who had fined me, and he said it was the one thing in his whole career that he deeply regretted. So people do sometimes have honourable second thoughts.

I came upon the actual, the real nature of the tragedy pretty well by chance. If I had not, somebody else might have written about it; but there were certain circumstances which made it a rather difficult subject to raise, and one too that to some extent certainly could not be written now, or even ten or twenty years ago, simply because so much of the evidence derives from eyewitnesses. A new law was brought into effect around 1972, which reduced the opening up of archives to thirty years – before that, I think it was fifty years. It was decided to bring the deadline up to 1945, because it was obviously desirable that it should include the whole of the War. Then, a Ukrainian friend of mine found out that they were going to include documents related to the forced repatriation. I rushed along to see what there was, and quite soon I realized there was a vast amount of stuff. So I thought, I will write a book about it. Quite soon I obtained a commission from an enterprising publisher, but I had no idea quite how much work it would involve.

First of all, of course, was the obvious source: the thousands of documents released by the British government; but that was merely the beginning of it. I was very nervous that the government would suddenly remove the documents, and I can remember friends who had read about

Harry Palmer and Smiley and Co., saying, ‘Nikolai, you have read too many of these thrillers; the British Government is never going to do anything like that’. But I was not altogether easy. And so we withdrew the money my young wife and I had saved in a building society, and had every single document photocopied – as I recall, about five thousand of them. It was expensive for us, and used up all our savings at that time. And then I got to work.

But I soon found that the real work, the laborious work, was tracking down people who were there. Most of my life I had worked on a totally different period of history – events of the fourth and fifth centuries A.D. - and I have never yet been able to track down an eyewitness from that time! But it was very different then, because of course this was about 1973, and there were an awful lot of people alive then who had participated in the War. So I set to work, and actually I think one of the biggest responses was to a letter I published in *The Daily Telegraph*, appealing for anyone who knew anything to come forward.

I obtained amazing eyewitness accounts from people – British officers, British private soldiers, and so on. It was not just concerning the Cossacks in Austria – there were thirty-five thousand Russian prisoners brought to England after the D-Day landings, who were then sent by boat from Liverpool and Glasgow, either right round the North Cape to Archangel, or – because the War had not ended then – around through the Straits of Gibraltar, the Dardanelles, and up to Odessa. People gave me horrifying eyewitness accounts of these people being taken – and there was no question of checking what they had done in the war, or anything else – they were taken and marched off. I am thinking for the moment of a Russian friend; because at that time there were few people in England who could speak Russian, so most of the officers were actually White Russians – like my father or myself (my father was born in Moscow, and I in England) –who spoke Russian.

They witnessed these events, and on this particular occasion Prince Leonid Lieven saw all the prisoners being herded into a huge warehouse on the quay at Odessa. Then an enormous sawmill started up, and made a deafening noise, but over that he could hear machine-guns firing in the warehouse, where many of the prisoners were massacred. He reported this, and I found the reports in the Foreign Office files, but of course nothing was done about it.

When talking about 1944, as I am, we are talking about a different era. Nevertheless, you cannot extenuate hideous crimes – we do not excuse German crimes in 1944, and we should not excuse our own. But at the same time, as an historian, I feel that we must see these things in context; and that includes all sorts of other considerations operating at the time. Once Germany had surrendered, then it was of course much more straightforward. The prisoners were despatched overland by the Americans to the demarcation line between the Red Army and our side, and of course the people on the spot were usually horrified by this. But pretexts have since been given, and from time to time I meet wiseacres who tell me, ‘Well, Nikolai, your background has probably made you prejudiced, but there were actually very good reasons for this.’ Any reason *might* be justified, and, so far as I am concerned, should be properly investigated. In fact, virtually all the pretexts which have been advanced are untrue; indeed, demonstrably false. It is untrue, for example, that we recovered British and American prisoners-of-war in exchange for them, nor did anyone at the time seriously think that we would.

I could only find two occasions where this arose as a practical consideration at the time. British officers expressed reluctance to hand Russians over. And in these two cases I found – one in Norway, one in Germany – the Soviet delegates said, ‘I’m going to take this up, and you’ll probably be hearing from the Soviet Government’. And in each case the British officer said independently, ‘Oh, well, would you like me to report that to my own government?’ ‘Oh, no, no, it’s quite all right, we will forget that’. Of course, the reason is obvious: Stalin simply could not possibly admit publicly that hundreds of thousands – actually millions – of people who had escaped from the Soviet Union, were desperately reluctant not to go back to their homes. Even though they had been captured by the Nazis, and often subjected to the most hideous brutalities. All Soviet propaganda emphasised that they had come to liberate Europe, and the Allies, I fear, were playing along with this.

Only the other day, I saw someone wrote glibly in a book review in *the Times Literary Supplement* that Roosevelt and Churchill felt that the Russians had sacrificed umpteen millions of people in the War. This was of course true, and therefore the British and Americans felt the forced repatriation was an unpleasant, but nevertheless necessary, price to pay. Well, I wrote and pointed out that there is no evidence whatsoever that

Churchill or Roosevelt thought anything along such lines. In Roosevelt's case, no evidence has yet surfaced that he ever pondered the problem. But nevertheless people – I am afraid this was a professional historian, and I encounter this all too often – are happy to declare, categorically, that this is why it happened. If you were to publish such falsehoods, even if you were not an historian, about the battle of Hastings, or whatever, you would be shot down in a second; but because this is such a sensitive subject, which arouses feelings of guilt, subterfuge, and so on, suddenly any lie will apparently suffice.

Turning to the Cossacks in Austria, with whom I became particularly concerned; in part because of certain sympathies I had. I am not of Cossack origin – in fact the Nikolai I am named after was actually tortured to death in 1772 by Pugachev's Cossacks before the gates of Kazan, and as my son-in-law is called Pugachev I sometimes bring this up with him! Although I have no prejudices in that direction, naturally I feel very strongly about the sufferings of Russians, or indeed of anyone. So it is often said to me – or at least it *used* to be said to me, for they are a passing generation – by retired officers, who had gained the exalted rank of major or whatever in the War, 'You know, Nikolai, you don't really understand this, because it was very different then. You're living now, it is easier to be so pious about these sort of things. But when you were there it was all very different.' Well, in fact I generally hear this from people who were *not* actually there. It is no good saying, 'I was there', if you were stationed somewhere in Bavaria or Italy.

'There' means there, on the spot: in the case of the Cossacks, in Austria. I do not think I have ever heard a British officer who was there and actually directly involved with the Cossacks or the Yugoslavs (as they are called as a convenient shorthand) – Slovenes, Croats, Serbs, who were handed over – who was prepared to justify what happened in those terms.⁶ They actually saw what happened: it was a shocking disgrace. The handover of the Yugoslavs was not arranged to appease Tito. On the contrary: at that time, in the latter part of May 1945, Britain and the United States were preparing to go to war with him if necessary – to kick him out of North-East Italy, Venezia-Giulia, and Southern Austria, Carinthia.

⁶ Naturally, I except Lord Aldington, and a couple of his colleagues he brought to testify in court on his behalf.

Matters stood momentarily on the brink of war. But what stopped it is that for once, or certainly on that occasion, both Britain and the United States stood very firm, and huge bodies of troops, planes, fleets came up the Adriatic. Eisenhower gave orders to Patton, who was commanding a US Cavalry Corps just across the mountains from Southern Austria. Patton's order was to help the British, 'If Tito plays ball, fine. If not, kick him out'. And of course we had overwhelming air power, armour, and other forces, and easily could have done just that.

As I say, I have occasionally been told, 'Oh, you don't understand'. This would apply to all of us I suppose – 'If you were not there, it is easy to say that'. But rather more to the point is what people said, who actually *did* know what was going on. What did Field-Marshal Alexander, Supreme Allied Commander in the Mediterranean say? He said that sending these people back is sending them to their deaths, and the day after he received the report that the Cossacks were in Austria in British hands he sent an appeal to Churchill, and to his friend Eisenhower, pleading, 'Please, please take the Cossacks into Germany', adding that handing them over to the Soviets (and this is the exact wording of his telegram) 'would be fatal to their health'. Eisenhower's first reaction was that 'I can't' – he already held responsibility for about a million German prisoners-of-war in his zone, and refugees of every nationality; 'I simply can't take any more'.

But Churchill sent (all this happened within forty-eight hours) a signal to Eisenhower, appealing to him to take the Cossacks into the American zone, under the control of SHAEF in Bavaria.

Immediately Eisenhower agreed. He sent a telegram to Alexander in Naples, agreeing to accept them. This order was confirmed. It was not just something that existed on paper, that people on the ground could not have known about, or which might never have actually come to fruition. On top of this, American troops – as I mentioned earlier, partly with the intention of getting rid of Tito, but partly to protect the Cossacks – received orders to come and seal off the main valley of the Drau, where the Cossacks were. So it was not even – as it was in the first few days – a question of *moving* the Cossacks to safety in Bavaria. All they now had to do was stay put, and the American troops would have come down

and taken over the head of the valley.⁷ Thus there would have been no further problem for the British: the Americans could decide what to do with them. Presumably they would not have planned and all but fulfilled this, had they contemplated eventually sending the Cossacks back to Stalin.

The Cossacks were regarded in many ways as a special case. One reason for this is that they included quite a large number – we do not know exactly how many, but perhaps three or four thousand – who were *not* Soviet citizens, and therefore *not* subject to the agreement at Yalta. I am not suggesting that we should just think only about these three thousand or so, if that is what it was; of course it is the overall numbers which are terrible. As Charles said earlier, it is three thousand times one. But that is not really the way in which I am primarily looking at it. The fact is that they should never have been sent back. Why were they sent back?

This struck me very early on but it did not strike Nicholas Bethell⁸, who wrote a book on the subject a couple of years before me. And that is understandable for all sorts of reasons. But of course it particularly struck me, being a White Russian myself. Indeed, in 1938 I was with my family in Austria. We were there three weeks after the *Anschluss*; and if we had not been able to return to Britain, my father, my family and I might well have ended up in the camp at Lienz too, and *we* would have been handed over.

The reality is that there was a deliberate order from the British Chief of Staff, Brigadier Low, later Lord Aldington, that there should be *no* screening. Indeed, his order of 21st May actually *named* the principal White Russian Cossack émigrés, insisting they must be handed back. Special measures were undertaken to *ensure* that they were taken back. General Shkuro, a famous Cossack leader of the Civil War, who had been made a Commander of the Bath by King George V at Churchill's instance, and still wore his CB, wrote a letter. He did not believe that the British would do anything quite as treacherous as this and wrote an appeal, which fell into the hands of the British 5 Corps command. Two

⁷ This was Operation Coldstream, the very existence of which is suppressed in accounts by Alistair Horne and other apologists for the atrocities.

⁸ Nicholas Bethell, *The Last Secret. Forcible Repatriation to Russia 1944-7* (Andre Deutsch Limited: London, 1974)

days before the main handover of Cossack officers, Shkuro was taken in the middle of the night – rather as the NKVD operated in Russia – and held for two nights further down the valley, after which he was sent especially in a car to be handed over to the Soviets.

There can be no question about it – it was a deliberate conspiracy. And this was a conspiracy to outwit Britain’s own commanders. When people say, ‘You are critical of Britain, critical of Churchill’, and so on – well, first of all, I am not critical of Churchill. I would be if I thought he had been responsible for any of this, but I have shown in my books that he was not, but what happened there was against Allied policy. This is what I wanted to investigate, partly of course because of the cruelty and brutality; but also I must confess because as an historian I love trying to solve riddles. And this was riddle number one; to some extent, still is. I believe I now know pretty well what happened, but there are still bits of evidence that are missing.

I published my first book, *Victims of Yalta*, in 1978⁹, in which ninety percent of the book describes the handovers all over Europe, and the history which I have briefly tried to summarise. Incidentally, I included a chapter describing what happened in neutral countries, Sweden, Switzerland, and so on; and they behaved in different ways. There was only one country in the entire world which flatly refused to hand anyone over who did not wish to be handed back. That was Liechtenstein, which had a police force of twelve, and no army. When I went to interview the Prince of Liechtenstein, I said to him, ‘But weren’t you nervous? After all, at that time the Soviets were already in eastern Austria; and who knew what their agreements were with the Allies?’ Moreover, the Prince’s main estates are not in Liechtenstein; his family possessed vast estates in Bohemia – now Czechoslovakia – and so on. He looked at me – he was a very charming, rather shy man – and he said, ‘The Soviets actually sent a delegation from SMERSH to Liechtenstein to take these people back. I spoke to them firmly, and that is the language they understand’. He was right, but few thought that in the West at the time. These are considerations which are there, I think, for condemnation, but even more importantly, for understanding, and future reference.

⁹ Nikolai Tolstoy, *Victims of Yalta* (Hodder & Stoughton: London, 1977)

Unfortunately, in my case this has not always worked out quite as perhaps I might have liked. In 1987 I published a second book, *The Minister and the Massacres* – because I had discovered much more about the role of the Minister, Harold Macmillan. At this stage I will avoid diverging into the question of Harold Macmillan’s role.¹⁰ However, I had discovered enough evidence, plus the fact that a Serbian friend of mine had said, ‘Look, you have written about the tragedy of the Russians, but what about our poor Serbs?’

My first reaction was that their fate represented a different problem. It did not come under the Yalta agreement, and frankly I knew little about it. But then more evidence came trickling my way, and Croat friends and Slovene friends – rather, they became my friends – wrote to me, and I suddenly realised that actually to understand the tragedy of the Russians, it is also necessary to understand the tragedy of the Yugoslavs. They go together, including the conspiracies which sent them back. Of course, it was in a way a much more palpable conspiracy in the case of the Yugoslavs, because the Yalta Agreement had absolutely nothing to do with them.

Sometimes again pious folk say to me, ‘Well, you know, an awful lot of them were war criminals’. ‘All right, please name them’. And if there were war criminals – I have never been given a name, but there may have been some – there already existed agreements between the Allies, East and West, that arranged for war criminals to be handed over for trial. Indeed, quite a number of them were, whatever nationality they held. This was not why the victims of 5 Corps were handed over at all – it was simply so that Tito could slaughter them *en masse*, just as he had slaughtered any who had been unable to cross the Karavanken mountains into Austria; and the British authorities on the spot obligingly returned tens of thousands more to be slaughtered. As we now know, and as Charles has mentioned – he and I were there a few years ago, and we went to see further ghastly mass graves – plenty had been discovered before that, but this was for me particularly horrible – in a mountain. But

¹⁰ I have brought the evidence up to date in the light of new evidence in my article ‘The Mysterious Fate Of The Cossack Atamans’ (Harald Stadler, Rolf Steininger, and Karl C. Berger (ed.), *Die Kosaken im Ersten und Zweiten Weltkrieg* (Innsbruck, 2008), pp. 151-67).

they are still finding them all the time – it is not a piece of ancient history, and even if it were we still ought to be looking at it¹¹.

Well, Lord Aldington, then Brigadier Toby Low, who was Chief of Staff to 5 Corps at the time, eventually – through a slightly curious and even half-amusing chain of circumstances – issued a libel writ against me. Not for the books I had written: he was careful to pretend that he had not actually read them; although, given that he was named and identified as one of the authors of the crime – not the principal, but *a* principal – very reluctantly issued a libel action against me. Twice, when my lawyers said, ‘We are sure you will wish to sue Nikolai Tolstoy’, he declined. He was at that stage suing another man called Nigel Watts, who had published a leaflet bringing the accusation, which covered two sides of A4 paper. However, I had actually written it. I knew poor Nigel Watts did not actually know anything about the tragic history. And twice my lawyers wrote to say, ‘Our client wrote this, he is the author - so no doubt you will wish to sue him’. Twice, Aldington’s lawyers replied, ‘Oh, no, no; Lord Aldington has no quarrel with Count Tolstoy whatsoever.’ Then my lawyers explained to me, ‘You can actually insist that he sues you.’ Well, I was not going to let poor Nigel Watts take the rap – especially as he could not really defend himself – so then I said, ‘Yes, I will insist’. Lord Aldington’s lawyers’ response was, ‘Ah yes, of course, he always wanted to sue Count Tolstoy, and here is the writ.’

The trial itself took place towards the end of 1989. It caused a huge sensation at the time, as some will remember. All I can say is that it was a very odd trial; and being familiar with the Soviet trials in the 1930s, I suppose I should have been more wide awake. I wish I had known more, but paradoxically in some ways I actually do not; because the trial publicised the crimes far more effectively – as it turned out, which I had not anticipated – than any of my books had done. And if it had not been for the trial, my books themselves would probably have passed into history, to be occasionally picked up and dusted.

The trial caused a sensation, and swiftly became regarded by both press and public as a blatantly political trial. The judge at one point actually turned to me, and said, ‘I believe, Count Tolstoy, you must be heavily biased by your Russian ancestry’. As Nigel Nicolson remarked, ‘I did

¹¹ See <http://www.crce.org.uk/lessons/>

not hear the judge turn to Lord Aldington and say, “I suppose you are biased by your English ancestry”.’ On another occasion, Judge Davies reminded the jury to regard me as ‘a self-styled historian’.

Extraordinary things took place during the trial, extending, with the judge’s eager connivance, to introduction of false evidence. The judge’s summing up was effectively an extended three-day apologia for Lord Aldington. Interestingly, Aldington’s case rested, not on the fact that wicked things had not happened, nor that wicked things had not been ordered by his Corps Headquarters, but that he himself had returned to England before the final, fatal orders were issued. He based this defence on the fact that he departed for England in the latter part of May 1945 to contest the general election. Just before my book came out, I actually interviewed him – he was very reluctant, but in the end he had agreed. On that occasion, as in prior correspondence, he asserted that he had left at the very end of May: i.e. *after* the crucial orders were issued. The moment his writ was issued, I learned from his lawyers’ submissions that now he now remembered leaving as early as 22nd May.

It may appear that this was not such a big difference, but it must be understood that orders were being issued day by day – so that the precise date was crucial to his defence. If he was there on the 23rd, then it was he who personally issued the order which required troops to shoot to kill anyone seeking to avoid being delivered to the Soviets; and that included women, children, and babies. That is what actually happened; women, children and babies, were deliberately wounded and killed. This included many who were not even resisting being thrown into cattle trucks, but who happened to get in the way, and so on.

Well, we all knew Aldington was lying, but we had to search for evidence. Direct evidence (as opposed to extensive circumstantial evidence) for his departure date not having been discovered at the time of the trial, the judge emphasized to the jury, ‘You *must* believe Lord Aldington, because he has given his word on this’. However, nine months after the trial, a friend of mine unearthed in the Public Record Office¹² the signal from the Corps headquarters, which specified Lord Aldington’s date of departure. Now we knew on the basis of irrefutable

¹² Now The National Archives

evidence that he left on 23rd May, and consequently *had* issued the order which said, ‘You will shoot to kill’, and the rest of it.

He was present throughout the critical time. I conducted a word count of the transcript of the trial - it went on for two or three months - and I worked out that something like 85% of Aldington’s defence was based on his perjured alibi. ‘I wasn’t there, I wasn’t there, I wasn’t there.’ But he was there. So then we took out an action against him for perjury. This was a writ, of which my barrister – Richard Rampton QC, one of the most distinguished barristers at the bar – declared he had never seen a stronger case. Eventually, we submitted a huge affidavit.

Suddenly I was informed that the case had been ordered by Mr. Justice Andrew Collins to be heard in secret. I said to Richard Rampton, ‘Well, I have never heard of this; I thought English law was supposed to be transparent? What about Magna Carta, and so on?’ I asked, ‘Does it *have* to be heard in secret?’ He said, ‘Well no, you can apply for it to be held openly.’ But he went on to explain that he wouldn’t advise it, because the Judge, who obviously would not have arranged it to be heard in secret if he did not wish it, will undoubtedly declare that this is what is termed an ‘abuse of process’: *i.e.* that I was trying to manipulate the trial in order to obtain publicity. Thus, Collins would decide that on those grounds it must be held in secret, and he would in consequence be even more prejudiced against me than his irregular action demonstrated he was already.

So it was heard in secret, and underground – literally underground, in the basement of the Royal Courts of Justice in the Strand. The hearing lasted three days, as we produced an enormous body of damning fresh evidence. I knew there would be huge resistance, so I went to considerable lengths to track down the head of the signals unit – the special signals unit, employed by Alexander, known as the Phantom Regiment – which had sent the crucial signal. I showed him a copy of the signal, and asked, ‘Could this be wrong?’ He said that it couldn’t; he explained that clearly lots of things could go wrong generally, but they were a special unit organized to ensure Eisenhower and Alexander obtained 100% accuracy. He said, ‘Of course, if you look, you will occasionally see: “yesterday’s report is slightly in error, and should have read such and such”. You could have found one of those. However, the signals people – our unit – would have had a caravan next to Aldington’s

caravan. They would see him every day for a briefing – that message *must* be correct’. This man suddenly fell silent when it came to the case in 1989. Anyway, Judge Collins listened, and when he was presented with a copy of the signal, he declared, ‘It can’t be true’. And my counsel got up and asked, ‘Well, why not my lord?’, he answered, ‘It can’t be true, because Lord Aldington says it isn’t true’.

On that basis he dismissed the case. An appeal was heard, also in secret, and in the end my friendly solicitor said, ‘Nikolai, I don’t think you had better attend any more of these hearings, because the mere sight of you will cause an English judge to have a fit of apoplexy’. So the whole case was dismissed. I should add that at the three-day underground hearing, my barrister Alun Jones QC became momentarily furious when he was told why the evidence could not be true. He went red in the face. I have never seen a barrister react like that, and I have a lot of experience now of courts. After the session, he told my solicitor, ‘I am not continuing this case, it is farcical. The Judge has formed his judgment already, and he is not listening to the evidence’. My solicitor said, ‘Well, unfortunately we have a hearing coming up in the European Court of Human Rights, and to proceed with that we have to show that you have exhausted every domestic remedy. So please just go through the motions, however awful it is - and we can see it *is* awful’.

Alun Jones agreed, but said, ‘I’ll only do it if we obtain a full transcript [which you usually get after every trial] of the proceedings over the three days’. In my hearing, the Clerk of the Court replied, ‘Yes there is’, and, pointing to a hole in the ceiling, he said: ‘the tape recorder there works every day and records everything, and we’ll give you a transcript within 24 hours’. The day after the hearing, my solicitor went to the court, and the clerk (looking a bit embarrassed) explained, ‘Most unfortunately, there has been a mechanical failure in the tape recorder’. I have heard since from barristers who have pleaded in that court that there are actually two recorders, to ensure that this cannot happen. So we are supposed to believe that on every single day – that is to say, six separate occasions – the tape recorders broke down, and that there was, and is, no recording of what happened.

Afterwards there was an appeal, and the judges heard the appeal without there being any record of what had actually occurred at the hearing against which the appeal was directed. They declared, ‘We can guess

what happened, and Count Tolstoy's appeal is clearly frivolous' - and that was it. So I was fined one and a half million pounds, for doing what I did. Then we had a very bad time – ten years – of fighting against this system (what Cobbett called 'The Thing'). Because they were desperate to get hold of our house and my library, to stop me writing anymore. It really upset me, to see just how openly corrupt the system can be – I am not saying always is, because it is not – but certainly *can be*, when the Establishment suddenly closes ranks.

But in the end, I felt apprehension of course, and strain, but I also began to feel very considerable contempt for them. For example, the Trustee in Bankruptcy wrote to me, and said, 'We are coming to inspect your library *for the second time*'. Even under English law an author's library is not seizable under bankruptcy. (I notice that in the law books, when it gives an example for 'tools of trade', it actually cites 'a lawyer's library'!).

I wrote back, quoting a letter written by my famous relative, when he discovered that his house had been searched by the police in his absence for seditious literature. He was so angry when he got home, that he wrote a letter to the provincial governor and said, 'If the police come here again, I have a pair of pistols, and know how to use them'. I do actually have a pair of muzzle-loading pistols – anyway, I never heard another word from them! I realised I could do and say anything I liked, because they were so frightened of attracting public attention. Well, of course, what upset me is that I reflected, 'Well, suddenly I'm privileged in this rather pathetic way; but what about all the people who get on the wrong side of a judge, whose cases do not generate huge publicity?' I would say it did lasting harm to the system, because in America, Russia, and on the Continent there was absolute shock and outrage at what was going on in the English courts; and it was being followed day by day.

Anyway, things eventually changed. At the beginning of 1990 the whole Communist system began to collapse. At the very beginning of the year I flew to collapsing Yugoslavia. In Belgrade, I interviewed General Milan Basta, who commanded the Yugoslav army which accepted the surrender of hundreds of thousands of Croats at Bleiburg, most of whom were subsequently massacred. Then I went to Ljubljana in Slovenia, where I interviewed Colonel Hoçevar – now dead, but I have tape-recorded it all, luckily – who actually did the deal face-to-face with Lord

Aldington on 15th May 1945. Generally speaking, historians do not expect to find totally unexpected evidence of this sort; but in this case, I have the impression that the English judges were so thick they did not realise – they thought (hoped?) Communism was there forever!

Next I was invited by President Yeltsin to go to Russia, and was given access to – not all, but the principal – Soviet secret archives. I was even invited to the Lubyanka – where I went through a big rest hall on the ground floor, with KGB men resting from whatever unsavoury labours they get up to. However, I was amused to notice on their television screens the friend I stayed with in Moscow. He is a very distinguished Russian actor, who is famous for playing Sherlock Holmes on Russian television. I saw these KGB men watching my friend Vasily Livanov as Sherlock Holmes! I could not resist writing to *The Times* when I got back, suggesting that this is where the KGB evidently get their tips.

I remember I started by seeing General Volkogonov, who was in charge of the Russian archives, and was the author of three brilliant biographies of Stalin, Trotsky and Lenin. He gave me a pleasant friendly talk about what I was going to see, and so on. He paused only twice during this conversation and once he said very pleasantly, ‘Well, I hope you can see your family still carries some weight in this country’. Later he said, ‘You know, I am baffled: why don’t people in Britain understand what all of us in Russia know to be true?’ I was then driven in ministerial cars to all the different ministries and every meeting started, I am glad to say, with a stiff glass of vodka. I was given documents which showed beyond the slightest doubt that virtually everything I had written was true. Of course this was evidence which – had I been hopelessly wrong – could have showed the exact opposite. I was allowed to photocopy everything I needed, and have placed copies in safe places not because I am not so much frightened of Moscow, as I am of London. However, Putin has now clamped down, and many of these documents are no longer accessible. As far as I know, the copies I have – which are yet to be published – are the only ones available, certainly in the West.

It is a grim subject, but one that should not be forgotten. But I would stress that what needs to be known is what actually happened. So much of what is said about it is simply untrue. I saw what David Lidington, the Minister for Europe, said recently in a televised interview. I am sure it was well-meaning, and so on (he obviously is not an historian, and no

doubt badly informed by whoever advises him). But what he said is just *not* true. To say, 'It all happened in regrettable circumstances', and waffling on about how 'it was a complicated time', and so on – you cannot say these things unless you can produce evidence to show that it was. He says, 'Oh, there was the end of the war, there was so much chaos'. Austria was *not* in chaos. I spoke to people of all ranks who were in the vicinity: including Field-Marshal Harding, commanding the neighbouring 13 Corps; to Aldington himself; not to Alexander, who sadly had died, but to his Chief of Staff General Sir William Morgan. *Nobody* who had any responsibility whatever – and also others who matter too: the ordinary private soldiers, who actually were looking after Cossacks and Yugoslavs – I never found anyone who suggested there was any chaos. Why should there have been? None of the fugitives wanted to do anything, except remain safe in British hands. These apologies for war crimes are frankly lies, and really should be exposed as lies.

Further Reading

Between Hitler and Tito. Nazi occupation and Communist Repression.
Ljubo Sirc (Andre Deutsch: London 1989)

The Cost of a Reputation. The Controversial account of Britain's most Notorious War Crime and its Legal Aftermath, Ian Mitchell,(Canongate Books:Edinburgh 1998)

Slovenia 1945. Memories of Death and Survival after World War II. John Corsellis and Marcus Ferrar, (I.B. Tauris &Co : London 2006)

Hoodwinking Churchill - Tito's Great Confidence Trick, Peter Batty,
Shepherd-Walwyn, London, 2011