


EURÓPSKY DEŇ PAMIATKY OBETÍ TOTALITNÝCH REŽIMOV



**MINISTERSKÁ KONFERENCIA EÚ
PRI PRÍLEŽITOSTI EURÓPSKEHO DŇA
PAMIATKY OBETÍ TOTALITNÝCH REŽIMOV**

EUROPEAN DAY OF REMEMBRANCE FOR VICTIMS OF TOTALITARIAN REGIMES

MINISTERIAL CONFERENCE

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In post-war Poland, German crimes – that have recently been euphemistically called Nazi crimes – were punished. In contrast, communist crimes have only been penalised since Poland regained independence in 1989.

Unfortunately, the Republic of Poland in the legal sense is a continuation of the Polish People's Republic. This results in certain legal implications; the Polish judicial system can only punish those criminals who have infringed Polish communist criminal law. That represents a very considerable difference because in the actual sense, according to historians' findings, communist security service officers are traitors to the Polish nation. Although this fact is undeniable, the prosecutorial division of the IPN cannot punish security service officers only for having been officers, analogously to the post-war procedures against SS officers who were persecuted for organisational membership. I would like to make it clear: with regard to communist crimes, justice may be administered only on those who have violated binding legal regulations, in this case, communist law.

The Institute of National Remembrance was founded in 2000, which was associated with a new stage in the prosecution of German crimes – called Nazi crimes – and communist crimes. The Institute has very extensive powers to investigate and prosecute German and communist crimes, which translates into thousands of historical investigations. Few are concluded with acts of indictment, and even less in conviction, yet the prosecution itself has meaning. I can also confirm this from a personal perspective because I have been working at the IPN for sixteen years now, four of which were spent in the Prosecutor's Office of the Institute. Therefore, I know how important these investigations are for historians – and how valuable they will be to future generations. Because even in situations where there are no accusations or convictions, this evidence has enormous merit.



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Up to 20 July 2016, prosecutors from the investigative division of the IPN have issued 336 indictments against 518 people, of which two indictments against two persons concerned German crimes, while 334 indictments against 516 persons were related to communist crimes. This result should be considered significant in comparison with the effects of pursuing perpetrators by other post-communist countries.

The highest sentence in IPN's history, namely ten-years' imprisonment, was imposed on Władysław P. The convicted served some of his sentence before being released for health reasons (a decision to suspend the sentence was issued). Władysław P. died on 19 January 2016. He was sentenced because as an officer of the District Public Security Office in Jarosław, he committed two murders of independence activists by firearm in 1946 in Jarosław and in 1948 in Cieszacin Mały near Jarosław. His acts, as a functionary of the communist state in the course of performing his official duties, were aimed at the physical elimination of victims as potential opponents of the-then government.

Among the investigations in relation to which relatively high prison sentences were passed, it is also interesting to note two cases of an eight-year imprisonment. Although these judgments may not be very repressive, that the perpetrators were identified and stigmatised is of crucial significance. It is also worth mentioning the resounding condemnation of General Czesław Kiszczak by the investigative division of the IPN. He was the last Security Service head in Poland, responsible for the functioning of a criminal organisation, a symbolic figure, who nevertheless was finally sentenced by an independent Polish court.

The prosecution of totalitarian crimes is very expensive; but it must be clearly stated that despite the costs incurred by the IPN for such tasks, such costs appropriately reflect the intended purpose – the punishment of criminals. The function and principle of justice are not only in the condemnation of those who deserve it, but also a clear demonstration of the fact that punishment is unavoidable. This gives

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rise to the hope that if in the future similar events were to take place, sooner or later the perpetrators would be brought to justice. It is precisely for this reason that the IPN supports all efforts leading to a situation where that initiated by the Bolshevik Revolution in 1917 and the Nazis rise to power in Germany in 1933, and what Europe experienced as a result of the Molotov-Ribbentrop Pact of 23 August 1939, is not only thoroughly researched and accurately described by historians – but also judged.

