

Institute of National Remembrance

<https://ipn.gov.pl/en/news/8653,A-European-Arrest-Warrant-issued-against-a-German-citizen-former-operational-off.html>

21.05.2024, 07:07

12.08.2021

A European Arrest Warrant issued against a German citizen – former operational officer of the East German security service (Stasi)

At the request of the prosecutor of the IPN's Branch Commission for the Prosecution of Crimes against the Polish Nation in Poznań, the District Court in Poznań issued a European Arrest Warrant against a German citizen, Manfred N., former operational officer of the East German security service (Stasi).

The former Stasi officer is a suspect in the investigation conducted by the IPN's Branch Commission for the Prosecution of Crimes against the Polish Nation in Poznań regarding the fact that on 29 March 1974, in order to prevent people from crossing the state border between East and West Berlin, he fired a gun into the back of the Polish citizen, Czesław K., at the Friedrichstrasse railroad border crossing in East Berlin. As a result, the officer caused serious injuries to the victim's internal organs and, as a consequence, his death.

Earlier, on the same day, Czesław K. showed up in Poland's Embassy in East Berlin, where, pretending to be in a possession of an explosive device and threatening to use it, he tried to obtain permission to enter West Berlin. A security service officer - resident of Department I of the Poland's Ministry of Internal Affairs at the Embassy informed the Stasi about the situation. The East German security service decided to "box the Polish citizen outside the Embassy when possible". The Stasi officers assumed that it was not an option that Czesław K. would leave the GDR, and in order to prevent it, it might be necessary to use firearms, which was reported to the Poland's Ministry resident at the Polish Embassy.

To keep up the pretence, the Stasi officers came to the Polish Embassy in East Berlin with documents necessary for Czesław K. to cross the border into West Berlin. And after that, they left the Embassy along with him and drove towards the border crossing at the Friedrichstrasse railway station.

After a "check-in" had been arranged at the border crossing, K. was allowed to proceed in the direction of West Berlin. As he was heading for the underground tunnel, an ununiformed Stasi officer, Manfred N., fired into his back from a distance of approximately 2 meters. Severely wounded Czesław K. was then taken to hospital, where he died of his injuries.

Following the incident, the Stasi issued a report on the "thwarting of a terrorist attack" in which they stated that Czesław K. had unexpectedly drawn a firearm from his coat pocket while checking in at the Friedrichstrasse border crossing and pointed it at uniformed border guards and other people at the crossing. At that moment, one of the officers, in order to protect the lives and health of the threatened individuals, had fired a shot at the assailant with his service weapon. This description was so edited in order to justify the use of the firearm and 'legalise' the killing of the Polish citizen.

During the talks held immediately after the incident between representatives of the People's Republic of Poland and the GDR, the Polish side insisted on a scenario, according to which Czesław K. had committed suicide and his decomposed body was found in a forest near Berlin, which would help "avoid all questions" in Poland. For procedural reasons, however, the East German authorities did not agree to this solution, presenting the case in official documents as "the elimination of the assailant threatening with a weapon". The Stasi officers involved in this "thwarting of a terrorist attack" were subsequently awarded high state honors. The officer who fired the shotgun at Czesław K. was awarded the Bronze Order of Merit in Struggle for the People and the Homeland on the grounds that he had "eliminated a terrorist using a firearm," while his superiors emphasized in their official reports that he "always proves his loyalty to the Party and state leaders and is guided by the principle of class struggle" when making decisions.

The findings made during the investigation led by the IPN's Branch Commission for the Prosecution of Crimes against the Polish Nation in Poznań indicate without doubt that the GDR security service set a trap for Czesław K., assuming in advance that he would be prevented from leaving East Berlin even at the cost of his life. The perpetrator fired the fatal shot deceitfully, without warning, in the back of the victim, in a way that his death could be

foreseen and in a situation in which the victim posed no threat. In fact, Czesław K. did not possess any explosive device, he was shot secretly as he was leaving East Berlin, and to give the appearance of legality to their actions, the East German authorities pretended that he had possessed a firearm, with which he had allegedly threatened the border guards.

The actions of the Stasi officers were thus aimed at preventing Czesław K. from crossing the border at any cost, in violation of elementary human rights and in the name of achieving the political objectives of a totalitarian state. This act was in fact an execution carried out without a court sentence.

Securing the state border was one of the most vital, if not the most important political issues in the GDR. In order to stem the tide of refugees heading west, the Berlin Wall was erected in 1961 and security measures along the border between the two German states were heightened at enormous expense. The Wall became a symbol and synonym of the "Iron Curtain". The border regime was one of the most formalized and strictest in the world. Anyone attempting to cross the border illegally was treated as an enemy to be captured or killed at all costs. In addition to taking technical measures, border guards were ordered to "prevent anyone from crossing the border, arrest those attempting to violate the border or annihilate them, and protect the national border under all circumstances." It was an integral part of the regime to order the border guards to shoot at refugees from 1947 until the fall of the Berlin Wall. The number of identified victims ranges, depending on sources, from about 300 to over 900 dead. The way that "we have to secure the borders under all circumstances" blatantly violated human rights in East Germany, and above all the right to life, the highest value in the international hierarchy of human rights. Moreover, international treaties protected the freedom to move at the time by stipulating that "everyone is free to leave any country, including his own. The GDR's national legislation, including its constitution, also seemingly recognized the primacy of these rules, but the state practice was different. A concept that put the ban on crossing borders above the right to life blatantly and fundamentally violated the basic principles of justice and human rights protected by international law.

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