

Institute of National Remembrance

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Investigation into KL Auschwitz – Birkenau

In December 1939, the Government of the Republic of Poland in exile in a special resolution announced the use of retaliation for innocent Polish victims against the Germans, and especially towards managerial spheres.



The Polish Underground State actively participated in documenting the crimes committed by the occupiers. Resistance reports were sent to the Polish government-in-exile and to the authorities of the Western

Allies. Thanks to them, the names of the greatest criminals responsible, among others, for the genocide committed in extermination camps even before the end of the war were on arrest warrants published by the United Nations War Crimes Commission.

Decree of the Polish Committee of the National Liberation of August 31, 1944 and actions based on it

In August 1944, a decree was issued by the Polish Committee of National Liberation on the Polish territories occupied by the Red Army on "punishment for fascist-Nazi criminals guilty of murder and ill-treatment of civilians and prisoners of war, and for traitors of the Polish Nation" (commonly referred to as the "August Decree"). Article 1 point 1 of the decree - in force to this day - provides that who gave the voice to the authorities of the German state or allied with them, and took part in the murder of persons from among civilians or military persons or prisoners of war, shall be punished by death (presently - life imprisonment).

Investigations regarding the crimes committed in the KL Auschwitz-Birkenau camp were first undertaken by the Prosecutor's Office of the First Ukrainian Front in February 1945. However, their results were not fully available to the Polish party and Soviet officers took away a large number of documents found in the liberated camp. In April 1945, the Commission for the Investigation of German-Nazi Crimes in Oświęcim began its activity. From November 1945, it was active in the structures of the Main Commission for the Investigation of German Crimes in Poland. The commission secured evidence that had not previously

been seized by the Soviet law enforcement authorities, conducted interrogations and medical examinations of former prisoners as well as an inspection of the camp area. The Polish authorities requested the extradition of the captured and identified SS men. More than 700 former camp staff members were brought before Polish courts. The perpetrators of the most serious crimes were trialed by a court specially appointed for this purpose - the Supreme National Court. In April 1947, the former KL Auschwitz commandant Rudolf Höss was sentenced to death. In December 1947, prisoners of the camp crew were sentenced in a Krakow trial. Among the 40 defendants, former camp commandant Arthur Liebehenschel was tried. In addition to him, 22 other accused were sentenced to death. Further trials against former members of the Auschwitz-Birkenau KL crew were conducted before regional courts, but the prosecution of criminals became increasingly difficult. This resulted, among others, from the growing distrust in relations between communist Poland and the authorities of the Allied states, which were less and less willing to consider extradition requests. For this reason, lawsuits regarding crimes committed by members of the KL Auschwitz-Birkenau crew ended in Poland in the first half of the 1950s. After 1956, a significant number of tried Nazi criminals were released. Another blow to the effective prosecution of perpetrators was brought by the Amnesty Act adopted in 1956, which stated, among others, that proceedings were not instituted, and that proceedings initiated were also discontinued in cases related to the acts of the "August Decree". It is true that the provision of Art. 1 point 1 was excluded, but this also meant that crimes were subject to abolition, e.g. participation in a German

criminal organization (e.g. service in the SS), or surrendering persons to German authorities (e.g. the so-called shmaltsovník). At the same time, the work of the Commission for the Investigation of Nazi Crimes ceased.

Suspension of the time-barred period

The Act of 1964 suspended the limitation period in cases of murders committed by officers of the German Third Reich or persons cooperating with the German authorities. However, Polish criminal law still deviated from international standards in the field of prosecution of war crimes. The new Criminal Code of 1969 did not contain any provisions on criminal liability for war crimes, crimes against peace and crimes against humanity. Such a far-from-perfect situation lasted until the fall of the Polish People's Republic.

Further proceedings regarding the broadly understood activity of the Auschwitz-Birkenau extermination camp were initiated in the second half of the 1960s. Three investigations concerned the crimes committed during the camp's operation, the killings of prisoners evacuated from the camp on the routes called Death Marches and medical and pseudo-medical experiments conducted on the prisoners in the camp. None of these proceedings was concluded with the issuance of a substantive decision. In the second half of the 1970s and in the 1980s, investigations were terminated by orders to suspend proceedings. In the justifications of the suspension orders it was concluded that access to the archives located in Germany is difficult and the prospect of bringing the perpetrators to a Polish court was

distant. In the 1980s, the prosecution of crimes committed in KL Auschwitz practically froze again.

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