

# Institute of National Remembrance

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Information on investigation of the Branch Commission for the Prosecution of Crimes against the Polish Nation in Krakow regarding the killings of Polish citizens on the Czechoslovakian-Austrian border.

Current information on the investigation of the Branch Commission for the Prosecution of Crimes against the Polish Nation in Krakow regarding murders committed by Czechoslovak functionaries on Polish citizens attempting to cross the border between Czechoslovakia and Austria in the years 1948–1989.

On 17 May 2016 the Branch Commission for the Prosecution of Crimes against the Polish Nation in Krakow initiated an investigation into communist crimes, being crimes against humanity, which entailed murdering Polish citizens by the Czechoslovak communist functionaries in the years 1948–1989. Polish civilians were murdered on attempting to cross over the border between Czechoslovakia and Austria. This served as a form of repression and severe victimization based on one's political and social affiliation. These murders are prosecuted according to Polish Criminal Code effectual at the time of committing the act, pursuant to Art. 148 § 1 of the Criminal Code in conj. Art. 2 sec. 1 and

## art. 3 of on the Institute of National Remembrance – Commission for the Prosecution of Crimes against the Polish Nation

The decision about launching the investigation was made when Platform of European Memory and Conscience handed over to the Institute archival material containing data on Polish citizens whose bodies were found on the Czechoslovakian-Austrian border near the town of Mikulov. They were killed mainly by electric shocks on an electric fence. During the investigation it was established that the victims made an attempt to cross the high-voltage fence on the border and their bodies were found nearby or on the fence itself.

The main purpose of the investigation, apart from bringing accusations against those responsible for creating and functioning of this type of a fence on the Czechoslovakian-Austrian border, is compiling a complete list of Polish citizens who died trying to cross the aforementioned border.

On the current stage of the investigation 31 Polish civilians were identified. In case of 6, the families were found. In all cases bodies of the victims were found during patrols by soldiers of the former Czechoslovak Border Guard, after signaling of the border violation was launched.

It should be pointed out that during the investigation, attempts are also made to find the remains of Polish citizens. In the years when the electric fence was functioning, i.e. for a period of 12 years, in the years 1952-1965, special regulations on how to deal with people who lost

their lives while trying to cross the border were in force. The bodies of these people were to be buried in nameless graves or cremated, and the ashes scattered, so that the family and other people would not know where the burial place was.

It should be noted that in addition to procedural activities carried out in Poland (hearing witnesses, obtaining documentation in Polish archives concerning individual victims), in the course of the investigation a total of a dozen applications for international legal assistance to bodies and institutions of the Czech Republic and the Slovak Republic were submitted, as a result of which some materials relevant to the proceedings have already been obtained. The above-mentioned applications were sent, among others, to the Nation's Memory Institute in Slovakia, the The Office for the Documentation and the Investigation of the Crimes of Communism in Prague, the Institute for the Study of Totalitarian Regimes in Prague and the General Prosecutors' Offices of the Czech Republic and the Slovak Republic.

On the basis of the analysis of the found documents and archival materials, a list of several dozen soldiers of the Czechoslovak Border Guard Brigades, serving during the period in which Polish citizens died, was drawn up.

At this stage, the investigation focuses primarily on obtaining official documents indicating the legal responsibility for the deaths of Polish citizens of the former Minister of the Interior of Czechoslovakia, supervising the activities of the Border Guard - Lubomir S. He was the direct superior of the main originator and creator of the so-called

"Electric Border" - General Major Ludvik Hlavacka. It should be added here that Ludvik Hlavacka was prosecuted after the collapse of the communist system by the Czech law enforcement agency, he was even charged with committing a crime, but there was no political will to judge his crimes. He died in Prague in 2005, at the age of 94, and the investigation was discontinued.

Therefore, in the recent period, additional applications for legal aid were sent to the authorities and institutions of the Czech Republic and the Slovak Republic, the subject of which is both obtaining official documents certifying the liability of persons holding the highest state functions, in particular the former Minister of the Interior of Czechoslovakia Lubomir S., as well as establishing current addresses of residence and personal files of several dozen former soldiers of the Czechoslovak Border Guard.

After obtaining the documents from the Czech and Slovak side, it will be necessary to examine them and translate the selected ones into Polish, which will make it possible to move to the next phase of the pre-trial investigation by issuing a possible decision about formulating the act of indictment, and taking further court action, including considering a request for a European Arrest Warrant.

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