

Project in Posterum

(Preserving the past for the future)

By: **Marek Jan Chodakiewicz:**

The Dialectics of Pain: (II)

The Interrogation Methods of the Communist Secret Police in Poland, 1944-1955. Glaukopis, vol. 2/3 (2004-2005).

Part II

Torture was also the norm when the unfortunates were already serving their jail sentences. According to Mateusz Wyrwich, it still has not been established how many thousands of prisoners, out of 500,000 people who were incarcerated by the Communists between 1944 and 1956, perished because of torture and other forms of maltreatment.[32] For example, over 800 witnesses have appeared to testify about torture in the Wronki prison, where, between 1945 and 1956, about 15,500 people were incarcerated, mostly political prisoners. Victims were routinely made to strip and wait in the prison yard, winter time included. Then, they were chased between two rows of wardens who beat them with truncheons and keys. The functionaries most responsible for the torture were the prison head Jan Boguwola, and his underlings: Adam Serwata, Wiktor Urbaniak, Józef Mikołajczak, Marian Kraus, Jerzy Białas, Marian Dusik, Tomasz Nowicki, and Jan Szymczak.[33]

Torture was an integral part of Poland's totalitarian reality. It was fully harmonized with the "legal" system and reflected in the official propaganda.[34]

The Legal Basis of Torture and the Communist Propaganda

No law explicitly permitted torturing anyone under Communism. However, between 1944 and 1956, the laws and regulations[35] commonly applied against political offenders were utterly dehumanizing and, hence, implicitly encouraged their abuse, including torture. Two types of distinct legal systems functioned at the time: the Soviet and the Polish. The former applied not only in Poland's eastern territories incorporated into the Soviet Union after the return of the Red Army in 1944, but also to the west of the so-called Curzon line, wherever the Soviet terror apparatus (and judiciary) happened to operate. While at the mercy of the NKVD, most commonly, the political offenders were charged under the infamous Article 58 of the Soviet penal code. According to Article 58, a Home Army soldier, who was ethnically Polish, born in pre-war Poland, and a life-long citizen of Poland could be sentenced as "traitor to the Soviet Motherland" in addition to being a "counter-revolutionary," "Hitlerite collaborator," and "fascist." [36]

Simultaneously, although always deferring to the Soviet law, the local Communists in Poland introduced their own legal regulations. More precisely, they amended the existing pre-war laws with a bevy of their own decrees. Arguably, the most important of them was the infamous Decree of August 31, 1944, against "the fascist-Hitlerite criminals and traitors of the Polish Nation." The decree was promulgated by the Communist proxy regime and used mainly as a political and legal tool of repression against the independentist fighters and politicians, who were routinely branded as "Hitlerite collaborators," "fascists," and "reactionaries." [37] The August 31, 1944 Decree was also applied to real and alleged Nazi collaborators, including for instance persons accused of participating the massacre of Jews at Jedwabne, thus from a legal point of view making it a political rather than a criminal case.[38]

The language of the August Decree was extremely violent. It reflected the language of contemporary Communist propaganda. And the Communists dubbed as "fascists" and "reactionaries" anybody who disagreed with them.[39] The independentist insurgents were of course the primary targets of the Stalinist vituperation. The guidelines for propaganda of the Central Board of Political Formatting of the Polish People's Army aptly titled "Concerning the mobilization of hatred toward the reactionary thugs" instructed the political commissars to "brand with all your strength

the criminal activities of the bastards of the NSZ and AK, Hitler's emulators. Develop hatred among the soldiers and push them against the reactionaries." [40]

Accordingly, Communist military political commissars publicly preached that during the Warsaw ghetto uprising the following forces fought against the Jewish insurgents: "the German air force, the SS, and tanks as well as Polish hooligans, Polish reactionaries and, actually, the AK." [41] Therefore, "the criminals of the AK and NSZ work hand in glove with the Hitlerites. And they should be treated just like the Hitlerite murderers." [42] A Communist pundit editorialized that "during the [Nazi] occupation the NSZ formed an auxiliary formation of the SS and Gestapo." [43] "Put on trial the AK and NSZ murderers, Hitler's helpers!" screamed the official posters in unison. [44]

As Professor Krystyna Kersten has noted perceptively, the independentist insurgents and the parliamentary opposition were the chief "reactionaries." Significantly, "reactionary" was synonymous with "bandit," "traitor," "fascist," "Hitlerite," "anti-Semite," and "Jew-killer." Whoever killed Jews was not just a traitor, but also "an agent of Hitler." Anybody who opposed the Communists was also a potential "Jew-killer," or at least could be accused of such terrible anti-Semitic deeds, and, hence, branded "a Nazi collaborator." This was a convenient propaganda device commonly employed to dupe the West into believing that the opponents of the Communists were pro-Nazi and that the brutal crushing of the independentist insurrection and the parliamentary opposition in Poland was simply a mop-up operation which fittingly concluded the anti-German struggles of the Second World War. This was also a useful tool to rally the population behind the Communists in meting out justice to alleged Polish "Hitlerites." [45] (The trick was further intended to endear the proxy regime to the Jewish community at home and abroad.) [46]

Communist law was well-harmonized with the propaganda. It seems that the intention of the authors of the August Decree was to limit, if not outright preclude, the possibility of a fair investigation and a fair trial. The objective was to punish "Nazi collaborators," whether real or alleged. In other words, the Communist policemen, prosecutors, lawyers, and judges involved in the cases pursued and tried on the basis of the August Decree were not interested in recreating the crimes, describing their details, identifying the victims, and finding the perpetrators. They were out to destroy the enemy: physically and morally. Numerous accounts of the victims of the Communist investigative and legal process seem to signal just that.

Case Studies: Ejszyszki and Jedwabne

Two separate case studies conducted by us strongly suggest that both the investigation and the court proceedings widely departed from the Western standards of justice. The most jarring abuses included the lack of professional meticulousness and the application of torture.

In the case of Ejszyszki, following the attack of the Home Army (AK) on that town on October 19/20, 1944, the Soviet secret police initially did not bother to collect any witness accounts. The NKVD policemen simply beat confessions out of most of the suspects. A few refused to give in; most confessed, gradually yielding to their tormentors. The confessions, of course, included killing Jews and collaborating with the Gestapo. Later, some of the victims retracted their confessions in court. Nonetheless, some were sentenced to death, while most were sent to the Gulag on the basis of Article 58. [47] In the case of Jedwabne, where a number of Polish inhabitants were accused of assisting the Nazis in murdering the local Jews, the police and the judiciary were concerned about establishing neither the sequence of the events nor even the date of the mass murder. [48] Using as a blue-print the imprecise and internally contradictory testimony of a second hand witness, they tortured the suspects into confessing to killing Jews and collaborating with the

Nazis. Later, the accused were tried on the basis of the August 31, 1944, Decree. [49]

In both the Ejszyszki and the Jedwabne cases the secret police seized a number of suspects, including completely innocent people, who confessed under duress to their complicity in the alleged crimes. On the other hand, at least a few prisoners customarily denied their culpability and blamed their confederates, in particular those who had been killed or were otherwise beyond the reach of the secret police. [50]

The reality of the interrogation and the trial should not obscure the fact that some of the suspects did take part in the AK assault on Ejszyszki, while others did participate in the massacre at Jedwabne. The gruesome ruthlessness of the Communist secret police and the judiciary should give us cause to pause however, before we treat the Communist interrogation records at their face value. All documents should be checked and cross-checked against other sources. Initially at least, all accounts of torture should also be treated as raw data.

Raw Data

We have drawn our raw data on the topic of torture from the following sources: historical monographs, personal testimonies, legal records, and newspaper accounts. Legal records concern both the original cases from the 1940s and 1950s as well as contemporary cases generated by the investigative arm of the Institute of National Remembrance. Polish newspapers, ranging from the dynamic leftist *Gazeta Wyborcza* [Electoral Gazette] through the most respected centrist daily *Rzeczpospolita* [Republic] to the right-wing Catholic nationalist *Nasz Dziennik* [Our Daily], routinely report on court cases regarding the trials of both Communist secret police personnel and their political opponents. Further, the popular press periodically runs investigative historical stories on the anti-Communist insurgents and their tormentors. In all sources, the topic of torture is broached openly most of the time.

The description is graphic and detailed.

From these accounts we learn that, aside from beating, the secret policemen liked to tear the hair out of the victim's body, extinguish their cigarettes on him or her, and apply many other methods of torture. Pathological behavior of this sort was also prevalent in low profile cases. Arguably, secret policemen serving in remote provincial outposts tended to be even more cruel because they lacked immediate supervision. But even if their sadism reflected itself just in beating and not in sexual perversion, it still was the norm. There were no boundaries to the cruelty and no consideration was given to the status, sex, or health of the victim. In one instance socialist Irena Sendlerowa of the Home Army miscarried after she was abused by the UB. [51] In another case, the UB-man Edmund Kwasek tortured Józefa Gradecka of the AK who was pregnant. [52]

In our sample below we have documented more than 500 cases of torture. Almost all victims described below were ethnic Poles and Catholics, save for a single Jewish man. One hundred and fifty four victims are identified by name, including 21 women. Most of the victims of torture, except for some of the youngest ones, were involved in both the anti-Nazi and anti-Communist struggle from 1939. The victims were subjected at least to 49 types of torture. Twelve prisoners were tortured to death, while 8 were shot immediately after the torture sessions (usually following a sham trial). Eight prisoners, including three women, withstood the torture, refused to confess, and survived their ordeal. In 143 (out of 154) cases the prisoners broke down and confessed their real and alleged "crimes." Hence, our research strongly suggests that torture served its intended purpose, [53] a few exceptions notwithstanding. [54]

As for the perpetrators, although the Soviets led the way, [55] they found many eager Polish collaborators. Although no thorough search has been undertaken in the secret police personal files nationwide, the evidence accumulated here suggests that most of the functionaries of the Communist terror apparatus were ethnic Poles of lower class origin. The witnesses mention but a

few Jewish Communist perpetrators. [56] At times, the crimes were perpetrated jointly by the Soviets and Poles. For example, between 1945 and 1955 in a military restricted area of Biedrusk near Poznań, dozens of prisoners were tortured and summarily shot by Soviet and Polish Communist military intelligence officers. The executions took place in a church. The victims were lined up behind the altar and executed. [57]

Of course not everyone was physically tortured. For example, Major Zygmunt Szendzielarz ("Łupaszko") of the Wilno AK was only tormented psychologically. [58] However, preliminary research suggests that his case was an exception. His soldiers and other insurgents were tortured routinely.

We have discerned three types of situations under which torture occurred: preliminary interrogation, interrogation proper, and post-interrogation. First, while operating in the field, the Communist secret police routinely tortured captured insurgents and suspected sympathizers to extract information regarding the whereabouts of their confederates and arms stores. Second, during the interrogation proper, the secret police applied torture to extract precise information about the insurgency, political opposition, and war-time activities as well as to force the victims to confess to trumped up charges, some of which were also morally damaging (e.g. the routine but false allegations about collaborating with the Nazi police and murdering Jews and Soviets). Third, during the post-interrogation the prisoners were sometimes tortured if they deviated from their forced confession in court or just for the sake of it as they were serving their sentences in jail. To put it plainly, whereas at the initial stage of an investigation the UB officers concerned themselves with finding out the truth, the desired outcome of the intermediate stage was a full confession which freely mixed truth with fiction.

The following examples, presented chronologically, concern mostly the interrogation proper. However, in general, the evidence presented below attests to the prevalence of torture at every stage of one's experience with the Communist secret police.

Case by Case.

Between September 1944 and 1945, about 3,000 prisoners were incarcerated at a concentration camp run by the NKVD at Kałolewica, near Łuków in the Province of Lublin. According to the estimates of the underground, up to 1,800 people were shot following a grueling interrogation. Cadet officer Antoni Sztolcman ("Mewa") was one of the 16 local NSZ-AK company soldiers seized between September 28 and October 6, 1944. He and his friends were beaten daily and held in a dugout partly filled with water. Because he refused to turn in his older brother, who was a Home Army fighter, the seventeen-year-old Czesław Pękała was kicked on his head until he fainted. His NKVD interrogators also shoved thin wooden splinters under his fingernails. [59]

On October 30, 1944, Major Jakub Hałas ("Kuba") of the AK Lublin District Command fell into an NKVD trap. He died of blood infection after the blows of the torturers shattered his ribs and punctured his lungs on December 30, 1944. His underling, Lieutenant Witold Engelking ("Prot"), was captured on November 7, 1944, and beaten to death shortly after. [60]

In the fall of 1944, AK soldier Irena Antoszevska-Rembarzowa was interrogated by the NKVD in Lublin. Although pregnant, she was ordered to strip and when she refused, her Soviet interrogator beat her on her head until she fainted. [61]

In February 1940, Father Michał Pilipiec ("Michał") volunteered for the underground Union of Armed Struggle (ZWZ), and later the AK. First, he was a chaplain of the Błazowa outpost and later he became the head chaplain for the Rzeszów sub-district (obwód). Father Pilipiec continued his underground activities under the Soviet occupation until he was arrested by the NKVD and Polish Communist secret police led by Zygmunt Bieszczanin on December 3, 1944. He was brutally tortured at the Lubomirski Zamek prison in Rzeszów. He

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