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THE RED (UN)RULE OF LAW. THE ISSUE OF HUMAN RIGHTS VIOLATIONS IN THE MILITARY JUSTICE SYSTEM OF “PEOPLE’S” POLAND. THE CASE OF MILITARY DISTRICT COURTS (1946–1955)

Abstract

The network of Military District Courts, which encircled the Polish People's Republic (also known as People's Poland) in the first post-war decade, was a fundamental tool for installing communist power and building a new “worker-peasant” system for the party and state decision-makers. Courts served primarily to crack down on political opposition and (declining) armed resistance. Despite their theoretically military nature, the Military District Courts [WSRs] sentenced mainly civilians, and the reasons for sentences lay in political and ideological calculation rather than in real, objective crimes. In this sense, the WSRs should be regarded as a clear manifestation and symbol of the lawlessness of the “people's” justice system, infringing fundamental human rights.

Keywords: Military District Courts, lawlessness, human rights, political judgments, People's Poland

Introduction

“My worst memories of the entire service in the military justice system are linked to this court. Lawlessness, death sentences executed on the best sons of the nation, despair of families of the very often innocently convicted persons. I had to watch the crimes committed by the blind, heartless and unjust Temida” – this is how Zygmunt Mączyński, a former trainee in this court, evaluated the functioning of the Military District Court [Polish abbrev. WSR] in Warsaw in the early 1990s¹. In the

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¹ Z. Mączyński, *Niesprawiedliwa, zbrodnicza Temida*. „Wy nie wiecie, co to jest NKWD” [Injustice, Criminal Themis. ‘You don't know what the NKVD is’], „Prawo i życie”, 1991, no. 5, p. 10.

paper, I would like to touch upon some sketchy issues related to the WSRs in the context of human rights violations, based on the analysis of historical literature on the subject and archival sources (mainly the WSR's own materials stored in the IPN Archives).

The network of Military District Courts, which encircled the Polish People's Republic (also known as People's Poland) in the first post-war decade, was a fundamental tool for installing communist power and building a new "worker-peasant" system for the party and state decision-makers. Courts served primarily to crack down on political opposition and (declining) armed resistance. Despite their theoretically military nature, the WSRs sentenced mainly civilians, and the reasons for sentences lay in political and ideological calculation rather than in real, objective crimes. In this sense, the WSR should be regarded as a clear manifestation and symbol of the lawlessness of the "people's" justice system, infringing fundamental human rights.

Genesis of the WSR network

On 31 August 1944, the Polish Committee of National Liberation [Polish abbrev. PKWN] issued the Decree "On the imposition of penalties on Fascist and Nazi criminals guilty of murder and abuse of representatives of the civilian population and prisoners of war, and traitors to the Polish Nation"². In September 1944, based on the PKWN decisions and the Army's orders, among other things, the Supreme Military Prosecutor's Office and the first military garrison court (in Lublin) were established, and a new criminal code of the Polish Army³ and the law on the system of military courts and the military prosecutor's office were introduced. Immediately afterwards, on 30 October 1944, the PKWN Decree "On the protection of the state" was announced (effective retroactively from 15 August)⁴.

² Journal of Laws of 1944, No. 4, item 16 (as amended).

³ PKWN Decree of 23 November 1944 – Penal Code of the Polish Army, Journal of Laws of 1944, No. 6, item 27.

⁴ Cf. F. Musiał, *Polityka czy sprawiedliwość? Wojskowy Sąd Rejonowy w Krakowie (1946–1955)* [Politics or Justice? Military District Court in Kraków (1946–1955)], Kraków 2005, pp. 36–58. For more on communist legal acts and military judiciary see incl.: J. Poksiński, „TUN”. *Tatar – Utnik – Nowicki. Represje wobec oficerów Wojska Polskiego w latach 1949–1956* [Tatar - Utnik - Nowicki. Repressions Against Officers of the Polish Army in 1949–1956], Warsaw 1992, pp. 11–89; K. Szwagrzyk, *Prawnicy czasu bezprawia. Sędziowie i prokuratorzy wojskowi w Polsce 1944–1956* [Lawyers of the Lawless Time. Military Judges and Prosecutors in Poland 1944–1956], Kraków–

Military instances gained the right to try civilians accused of political crimes on the grounds of these (and other, more detailed) solutions. In this way, a framework in which the WSRs would soon begin to function was created⁵.

Meanwhile, in the first months of 1945, a rapid increase in the number of military garrison courts could be observed. The Warsaw court was established in May, as the eighth one (after Białystok, Chełm, Katowice - in an embryonic form, Lublin, Przemyśl, Siedlce and Rzeszów). Already earlier, in February, six military districts were separated, in which military circuit courts were established (in Kraków, Lublin, Łódź, Poznań, Toruń and Warsaw)⁶.

At the later stage – on 16 November 1945 – the State National Council issued a decree “On particularly dangerous crimes during national reconstruction⁷. It was to be in force since 17 December and to replace the decree of 30 October 1944. In theory, it somewhat limited the competence of military courts in relation to civilians, but in practice, they were still used to smash the underground and the opposition. At the same time, the Council of Ministers issued a decree “On summary proceedings”, which was binding for the general judiciary, and in practice also for the military one⁸.

In June 1946, in turn, a new “Decree on particularly dangerous crimes during the period of national reconstruction”, called the Small Penal Code [Polish abbrev. MKK] was issued, which replaced the provi-

Wrocław 2005, *passim*; M. Zaborski, *Ustrój sądów wojskowych w Polsce w latach 1944–1955* [The System of Military Courts in Poland in 1944–1955], Lublin 2005, *passim*.

⁵ Cf. M. Zaborski, *U źródła sądownictwa państwa totalitarnego: zmiany ustroju sądownictwa powszechnego w tzw. Polsce Lubelskiej (22 lipca 1944 – 31 grudnia 1944): zarys problematyki* [At the Sources of the Judiciary of a Totalitarian State: Changes in the System of Common Judiciary in the So-Called Poland in Lublin (22 July 1944 – 31 December 1944): Outline of the Problem], „Czasy Nowożytnie”, 2005, vol. 18/19, pp. 35–40.

⁶ M. Paszek, *Wojskowy Sąd Rejonowy w Katowicach (1946–1955). Organizacja i funkcjonowanie* [Military District Court in Katowice (1946–1955). Organisation and Operation], Katowice–Warsaw 2019, *passim*.

⁷ Decree of the National National Council of 16 November 1945 on crimes particularly dangerous in the period of state reconstruction, Journal of Laws of 1945 No. 53, item 300.

⁸ F. Musiał, *Procesy pokazowe jako forma represji. Rozprawy Zarządów Głównych WiN* [Show Trials as a Form of Repression. Hearings of WiN Main Boards] [in:] *idem*, *Raj grabarzy narodu. Studia i materiały do dziejów aparatu represji w Polsce „ludowej” 1945–1989* [The Nation Gravediggers’ Paradise. Studies and Materials on the History of the Apparatus of Repression in ‘People’s Poland’], Kraków 2010, pp. 39–50; *idem*, *Polityka czy sprawiedliwość?...*, pp. 36–58.

sional document of November of the previous year⁹. The MKK, together with the Military Penal Code and the “Decree on particularly dangerous crimes”, for the following years was the most frequently used legal “bludgeon” in civilian cases (of course, not only) within the whole system of the “people’s” judiciary.

Characteristics of the WSR network

In such a structural and legislative context, the reorganisation of the structures of the military judiciary began in January 1946. It would have taken place earlier if it had not been for discussions and disputes over competencies, among others, between the command of the Polish People’s Army [Polish abbrev. LWP], the Supreme Military Court and the Ministry of the Interior [Polish abbrev. MBP]. As part of the reorganisation, garrison courts were abolished, but seven district courts were retained. First, however, the organisational order of the Ministry of Defence of 20 January 1946 ordered to create the network of Military District Courts as special courts to function ultimately in each voivodeship¹⁰. In practice, they began to be formed in February but they did not commence their activities until March and April of that year at the earliest (in the case of Warsaw, the beginnings of judicial activity could be justifiably placed as late as May)¹¹.

What is extremely important, the establishment of the WSRs by an order, and not by a statute or a normative act introducing a new law, undermines the legitimacy of their existence, even in the light of the then jurisprudence. This one and many other reasons lead to a conclusion that the Military District Courts functioned without any legal basis¹².

⁹ Decree of the Council of Ministers of 13 June 1946 on crimes particularly dangerous in the period of state reconstruction (small penal code), Journal of Laws of 1946, No. 30, item 192.

¹⁰ See the text of the order in: M. Zaborski, *Oni skazywali na śmierć... Szkolenie sędziów wojskowych w Polsce w latach 1944–1956* [They Sentenced to Death ... Training of Military Judges in Poland in 1944–1956] [in:] *Skryte oblicza systemu komunistycznego. U źródeł zła...* [The Hidden Faces of the Communist System. At the Sources of Evil...], R. Bäcker, P. Hübner (ed.), Warsaw 1997, pp. 142–145.

¹¹ For more on this, see: R. Ptaszyński, *Wojskowy Sąd Rejonowy i Wojskowa Prokuratura Rejonowa w Szczecinie w latach 1946–1955* [Military District Court and Military District Prosecutor’s Office in Szczecin in 1946–1955], Szczecin 2010, pp. 17–67; see also incl. T. Szczygieł, *Czy funkcjonujące w latach 1946–1955 w Polsce wojskowe sądy rejonowe były sądami wojskowymi?* [Were the Military District Courts Operating in Poland in 1946–1955 Military Courts?], „Wojskowy Przegląd Prawniczy”, 2018, no. 1, pp. 5–18.

¹² See: M. Zaborski, *Ustrój sądów wojskowych...*, pp. 224–225

As befits their official name, Military District Courts were military units, and therefore the internal structural and personnel scheme of the courts was based on the (updated) posts of the Minister of National Defence. The posts established the material basis for the operation of WSRs with regard to armament, means of transport, etc. The functioning of all courts created in the first months of 1946 was contingent on the dispositions contained in Articles 38 – 43 of the law on military courts and the military prosecution system¹³. On this general basis, individual courts organised their own detailed rules of operation by issuing instructions, organisational orders, daily orders, internal orders, etc.

It does not change the fact that the WSRs became very specific units of the LWP. Unlike any other unit, they did not receive their own numbers. Even though they were assigned to military districts, they did not follow the Army's allocation logic, but "civilian" administrative-territorial units: voivodeships¹⁴.

As part of the reforms carried out at the beginning of 1946, a total of fourteen WSRs was established in Białystok, Bydgoszcz, Gdańsk, Katowice, Kielce (initially with its seat in Radom), Kraków, Koszalin (with its seat in Szczecin; since May 1946 as the WSR in Szczecin with a branch in Koszalin), Lublin, Łódź, Olsztyn, Poznań, Rzeszów, Warsaw and Wrocław; Later, in 1950, three new WSRs were set up in in Opole, Zielona Góra and again in Koszalin¹⁵. Meanwhile, in 1946, the state's territory was divided into 14 zones; in each, a group of about 250,000 members of the Security Office [Polish abbrev. UB], the Citizens' Militia [Polish abbrev. MO] and the Volunteer Reserve of Citizens' Militia [Polish abbrev. ORMÓ] operated under the supervision of the State Security Commission¹⁶. They provided the courts with "material" for their work, apprehending people considered enemies of the new authorities.

It should be noted that the court of appeal against the judgements of the WSR was the Supreme Military Court [Polish abbrev. NSW]. Judges

¹³ Law on the system of military courts and the military prosecutor's office, Journal of Laws of 1944, No. 29; R. Leśkiewicz, *Badanie procesów archiwotwórczych na przykładzie akt Wojskowego Sądu Rejonowego w Poznaniu (1946–1955)* [Research on Archival Processes on the Example of the Files of the Military District Court in Poznań (1946–1955)], „Przegląd Archiwalny Instytutu Pamięci Narodowej”, 2008, no. 1, p. 91.

¹⁴ Cf. M. Paszek, *Wojskowy Sąd Rejonowy w Katowicach...*, p. 66.

¹⁵ *Ibidem*, pp. 35–40.

¹⁶ F. Musiał, *Polityka czy sprawiedliwość?...*, *passim*; see: M. Paszek, *Wojskowy Sąd Rejonowy w Katowicach...*, *passim*.

of individual first-instance military courts were also obliged to follow the case-law of the NSW and implement its guidelines¹⁷.

Most WSRs operated until the end of April 1955. At the beginning of that month, a law on “transferring to common courts the existing jurisdiction of military courts in criminal cases of civilians, officers [*sic!*] of public security authorities, the Citizens’ Militia and the Prison Service”¹⁸ was passed. The WSRs thus became one of the (few) victims of the slowly progressing thaw.

Political background of jurisdiction

As early as the beginning of 1945, Colonel Marian Muszkat, later Vice President of the Supreme Military Court, argued as follows: “among the leading tasks of our military judiciary will be to defeat the enemies of our democracy”, i.e., “saboteurs, spies, subversives, and criminals of all kinds”¹⁹. In a word, anyone appointed by the party and the UB.

In August of the following year – after the WSRs had already been established – none other than Bolesław Bierut added that military judges’ “condition for a just verdict” and “conscientious scrutiny” informed their fight for “eliminating criminal elements’ and [for] the elimination of those holding back social development in a democratic spirit”²⁰.

Leon Chajn, Undersecretary of State in the Ministry of Justice, put it more simply: “we expect harsh sentences for those who stand in the way of progress”²¹. In 1950, party ideologist Leszek Lernell reiterated that the justice system served “the basic function of the people’s state”, i.e., “to stifle the resistance of the class enemy”²². It is, therefore, “a coercive organ, using the weapon of direct repression”²³.

¹⁷ F. Musiał, *Polityka czy sprawiedliwość? ..., passim*; M. Paszek, *Wojskowy Sąd Rejonowy w Katowicach..., passim*. For more, see: E. Leniart, *Skazani za antykomunizm. Orzecznictwo Wojskowego Sądu Rejonowego w Rzeszowie (1946–1954/1955)* [Condemned for Anti-Communism. Jurisprudence of the District Military Court in Rzeszów (1946–1954 / 1955)], Rzeszów 2016, *passim*.

¹⁸ Journal of Laws of 1955, No. 15, item 83.

¹⁹ Quote from: M. Paszek, *Wojskowy Sąd Rejonowy w Katowicach..., p. 46*.

²⁰ Quote from: „*My, sędziowie, nie od Boga...*”. *Z dziejów sądownictwa wojskowego PRL 1944–1956. Materiały i dokumenty* [“We, the Judges, Not from God ...”. From the History of the Military Judiciary of the Polish People’s Republic in 1944–1956. Materials and Documents], J. Poksiński (ed.), Warsaw 1996, p. 32.

²¹ Quote from: M. Paszek, *Wojskowy Sąd Rejonowy w Katowicach..., p. 47*.

²² Quote from: Z.A. Ziemia, *Prawo przeciwko społeczeństwu. Polskie prawo karne w latach 1944–1956* [Law Against Society. Polish Criminal Law in 1944–1956], Warsaw 1997, pp. 28–29.

²³ *Ibidem*.

These guidelines were taken to heart by the management of the Department of Justice of the Ministry of National Defence and later by the Board of Military Justice (i.e., institutions superior to the WSRs). From time to time, they sent circulars to these courts calling for greater severity and determination in liquidating enemies of the state. Only one argument could convince them: the firing squad, as stated in one of the circulars²⁴. No one required the judges to establish the guilt or innocence of the accused reliably; it was only (and as much as) a matter of implementing the ideological guidelines formed by the totalitarian state.

Long after the liquidation of the WSRs, party ideologists quite openly argued that these courts were “on the front line of the class struggle, they were on the front line of the bloody fight against the bands of the counter-revolutionary underground. Such tasks were imposed on Military District Courts as could not be coped with by the then newly-formed apparatus of ordinary courts”²⁵. The tasks also concerned the ideological propaganda sphere, and that is why the Military District Courts should also be considered the primary judicial tool for the realisation of the ideological propaganda message around show trials in that period.

The judges themselves were perfectly aware of that. In November 1956, during one of the party’s accountability discussions, the former head of the Warsaw WSR, Colonel Aleksander Warecki, made no secret of the fact that “district judiciary was given [...] political tasks; tasks of fighting those who rose against people’s power [...]. We, the officers of the district judiciary, were told that we were on the front line of the fight against the class enemy”²⁶.

Already before, the high activity of the Warsaw Court was explained directly by ideological motives. Although in the late 1940s, the armed opposition in the form of “the cursed soldiers” (*żołnierze wyklęci*) had been virtually smashed, not unlike the real political opposition, the military judiciary had not lost its “spark”. As Aleksander Warecki stressed in his report for 1949, “the class struggle continues in the field and is still developing with considerable force [...]. The remnants of reaction, fuelled by diversionary-spying Anglo-Saxon agents, are putting up desperate resistance to the working class, moving from victory to victory on the road to building a socialist

²⁴ See: *Wytyczne polityki karnej w sprawach „kontrrewolucyjnych” (wybór dokumentów)*, [Criminal Policy Guidelines in "Counter-Revolutionary" Cases (Selection of Documents)], F. Musiał (ed.), „Zeszyty Historyczne WiN”, 2004, no. 21, pp. 354–359.

²⁵ J. Drohomirecki, H. Kostrzewa, *XXX-lecie sądownictwa wojskowego w PRL* [30th Anniversary of Military Judiciary in the People’s Republic of Poland], „Wojskowy Przegląd Prawniczy”, 1973, no. 3, p. 317.

²⁶ Quote from: „*My, sędziowie, nie od Boga...*” ..., p. 172.

system in Poland”²⁷. Both the “desperate resistance” and the subsequent “victories” were to last only as long as the authorities wished. The concrete practices developed in the WSRs for conducting a given criminal trial were only a side effect of those ideological assumptions.

All in all, there is no doubt that – as Filip Musiał emphasises – throughout the first post-war decade these courts “constituted an element of the repressive apparatus, whose task was most often to legalise the crime – pronounce a sentence suggested or even imposed by the party or the Security Office”²⁸.

Statistics

It is estimated that altogether the WSRs sentenced almost 3,500 people to death. The number may be slightly inflated, but this problem requires more in-depth research. In any case, according to nationwide estimates, at least 39 per cent of the death sentences imposed were carried out. The year 1946 was particularly intense in this regard²⁹.

The WSR in Warsaw pronounced the highest number of death sentences in the country; according to some statistics, there were 878 of them, of which the highest number was also carried out – 328 (i.e., more than 37 per cent). Analysis of the statistical reports of this Court indicates that these figures should be lowered by at least 200³⁰, which, however, does not significantly affect the dominant position of the capital’s Court. Indeed, the second-ranked WSR in Kraków was far behind the Warsaw institution regarding death sentences: 392 verdicts, of which 172 executions were eventually conducted. On the other hand, the capital WSR was inferior to several others (Białystok or Kraków) in the proportion between the number of sentences passed and executed³¹. Nonethe-

²⁷ The Institute of National Remembrance Archives [Archiwum Instytutu Pamięci Narodowej, AIPN], 945/115, Sprawozdanie opisowe z działalności WSR w Warszawie w 1949 r. [Descriptive Report on the Activities of the WSR in Warsaw in 1949], 8 II 1950, k. 12–16.

²⁸ F. Musiał, *Polityka czy sprawiedliwość?...*, p. 87.

²⁹ For more, see: F. Musiał, *Polityka czy sprawiedliwość?...*, pp. 35–64, 85–101; K. Szwagrzyk, *Prawnicy czasu bezprawia...*, *passim*; M. Zaborski, *Ustrój sądów wojskowych w Polsce...*, *passim*.

³⁰ See mainly files with AIPN reference numbers: 945/38; 945/61; 945/79; 945/92; 945/99; 945/106; 945/115; 945/116, 945/129; 945/135; 945/156; 945/163; 945/198; 945/199; 945/214; 945/219; 945/231; 945/235; 945/262; 945/266.

³¹ F. Musiał, *Polityka czy sprawiedliwość?...*, pp. 35–64, 85–101; K. Szwagrzyk, *Prawnicy czasu bezprawia...*, *passim*; M. Zaborski, *Ustrój sądów wojskowych w Polsce...*, *passim*.

less, statistics related to the activity of individual WSRs do not always allow for any definitive conclusions to be drawn.

One thing is sure: although, as special military courts, the WSRs were automatically interested in officers/soldiers of the Internal Security Corps [KBW], Border Protection Forces (from 1949), as well as officers of the UB, Citizen's Militia or Prison Guard, approx. 70 per cent of their cases concerned civilians, whom they could try on the pretext of their committing political crimes³².

It is mainly for this reason that in the years 1946-1955, in the absence (at least initially) of total political control over the judiciary and due to staffing limitations, the WSRs became the main instrument of the repressive machinery and propaganda of the communist party and state apparatus against the entire society³³. As Filip Musiał stresses in general, "the availability of the military judiciary meant that it was assigned the key tasks of the regime's legal sanctioning of eliminationist actions"³⁴.

These theses are confirmed by the own materials of the largest and most important of the WSRs: the Warsaw one. Undoubtedly, civilians - men and women alike³⁵ - constituted by far the most considerable (not consistently completely dominant, though) group of those sentenced by the WSR in Warsaw. Their percentage share in the total number of convicted persons did not fall below 60% even in 1955, and in 1948-1949, i.e., during the Court's most significant activity, it reached 80%. In quantifiable indicators, the prevalence of civilians is thus even more pronounced: in total, during the entire period of the Court's functioning - let us underline that this was a military court - civilians accounted for 72.8% - 73.6% of the total accused³⁶. Thus, almost three out of four convicts did not serve in the Army, the KBW or the security apparatus (MO, UB).

For comparison, according to partial calculations, the WSR in Kielce sentenced 5,258 people in 1946-1954, 81% of whom were civilians³⁷; their number was slightly higher than in Warsaw. On the other hand, in 1946-1955, among those sentenced by the WSR in Olsztyn, 61.9% were

³² M. Paszek, *Wojskowy Sąd Rejonowy w Katowicach...*, p. 9.

³³ Cf. M. Zaborski, *Zadania sądów wojskowych w Polsce w latach 1944-1956* [Tasks of Military Courts in Poland in 1944-1956], „Palestra”, 2004, no. 7/8, pp. 174-188.

³⁴ F. Musiał, *Polityka czy sprawiedliwość?*..., p. 61.

³⁵ The calculation of the proportions between women and men in the group of convicts requires separate studies.

³⁶ See mainly the statistical lists of the WSR in Warsaw: AIPN: 945/38; 945/61; 945/79; 945/92; 945/99; 945/106; 945/115; 945/116; 945/129; 945/135; 945/156; 945/163; 945/198; 945/199; 945/214; 945/219; 945/231; 945/235; 945/262; 945/266.

³⁷ *Inwentarz zespołu archiwalnego Wojskowego Sądu Rejonowego w Kielcach [1918] 1946-1954 [2013]* [Inventory of the Archives of the Military District Court in Kielce [1918] 1946-1954 [2013]], M. Jedynak, R. Piwko (ed.), Kielce-Kraków 2014, p. 32.

civilians, and 7.4% constituted KBW soldiers³⁸, while in Gdańsk 64.9 % were civilians and only 3.6% KBW soldiers³⁹. Thus, each court had its specificity, related to the social cross-section of its voivodeship, the number of military units, and the UB and/or MO structures.

According to Radosław Ptaszyński's general calculations based on statistics from the Main Political Board of the Polish Army [Główny Zarząd Polityczny WP], from 1946 to the third quarter of 1953, the military justice system convicted a total of 131,570 people, of whom 95,602 (i.e., 72.7%) heard sentences handed down by the WSRs⁴⁰. Even if one may harbour some doubts about the accuracy of these estimates, they perfectly illustrate the very high, even crucial, significance that the WSRs held in the system of military justice.

Interestingly, the pre-Stalinist years of 1946, 1947, and 1948 accounted for almost half (48.3 per cent) of all sentences, which shows that the tightening of the ideological-political belt, as Stalinism was being built, did not have to go hand in hand with an increase in the scale of military court jurisdiction. It was related to the fact that, as the tightening occurred, the level of real resistance to the new power was on the decrease. However, the level was undoubtedly decreasing much faster and more clearly than the group of people summoned every year before the court, including those working in the WSRs.

It is characteristic that the most common offence for which the WSRs sentenced people was a variety of forms of "banditism", "supporting bands / gangs", and "participation in illegal organisations"⁴¹. All of the above had nothing to do with any definition of a crime available in standard legislation. It was merely a pretext for depriving people considered hostile by the party-state apparatus of their liberty.

Supervision system

It is important to remember that Military District Courts did not function in isolation. Among their most important partners were institutions whose essential task was to supervise the activity of the courts as closely as

³⁸ B. Łukaszewicz, *Wojskowy Sąd Rejonowy w Olsztynie 1946–1955. Szkice do monografii* [Military District Court in Olsztyn 1946–1955. Sketches for the Monograph], Olsztyn 2000, pp. 66–67.

³⁹ D. Burczyk, *Wojskowy Sąd Rejonowy w Gdańsku (1946–1955)* [Military District Court in Gdańsk (1946–1955)], Gdańsk 2012, p. 314.

⁴⁰ R. Ptaszyński, *Wojskowy Sąd Rejonowy...*, p. 285.

⁴¹ See mainly the statistical lists of the WSR in Warsaw: AIPN: 945/38; 945/61; 945/79; 945/92; 945/99; 945/106; 945/115; 945/116; 945/129; 945/135; 945/156; 945/163; 945/198; 945/199; 945/214; 945/219; 945/231; 945/235; 945/262; 945/266.

possible so that they carried out current ideological and political guidelines. Such control could make use of the system of subordination in which the WSRs were located: from the purely military side (the Department of Justice of the Ministry of National Defence / Board of Military Justice), from the judicial side (Supreme Military Court, Supreme Military Prosecutor's Office), from the party political side (from the Basic Party Organisation to the Political Bureau of the PPR / PZPR), and from the operational side (the Ministry of Public Security, the Main Board of Information of the Polish Army, i.e. military counterintelligence)⁴². These numerous, overlapping, co-existing forms of control, alongside the appropriate selection of judicial personnel, created a dense network of supervision that tightly wrapped WSR structures. The network did not provide room for discretion in adjudication, not to mention traces of judicial independence.

However, a fundamental point needs to be stressed: the various forms of control did not relieve the judges of personal responsibility for their decisions and rulings. They co-created a system of judicial lawlessness that, although they were more often pawns than important figures, could not function without them. They should be perceived not as unwilling tools or even victims of the top-down mechanism of terror and fear, but rather as people entangled in the system (it was the image they were trying to build in the period of the "thaw"), as an active element of that reality, as zealous careerists (who often sincerely believed in communism), as eager executors wanting to please their superiors, and as a factor improving and radicalising the actions of the then military justice system.

The longest-serving head of the Warsaw WSR, Aleksander Warecki, in a spirit of ideological self-criticism, argued and explained himself in November 1956: "concerned and deeply convinced of the rightness of the expanding class struggle, I was not able – as I see it today – to properly oppose [...] the many pressures on this Court, especially from the Supreme Military Prosecution [...], I was not able to take a critical approach to many rulings of the Supreme Military Court [...]. In the enormous workload, we worked too frantically and hurriedly during that period, we often believed uncritically in the work of the bodies of the Supreme [Military] Prosecutor's Office and Security"⁴³.

However, Warecki added that in the whole system, the WSR was treated as "a kind of necessary evil, an albatross around the neck

⁴² Cf. „*My, sędziowie nie od Boga...*”..., p. 223.

⁴³ „*My, sędziowie nie od Boga...*”..., p. 172.

(sic!)”⁴⁴. These words were an apparent attempt to play down his role in propelling the lawless machine and even present himself as a victim. Meanwhile, though comprehensively controlled and often playing the role of the weaker ones to other party-state or military organs, individual WSRs were an inherent part, a living tissue of the system, from which Warecki tried to distance himself.

Conclusion

The judging of civilians by military units, the political and ideological conditioning of sentences, the total subordination of the judging staff to party-political supreme institutions, their involvement in the creation of an ideological vision of the world, the lack of a firm footing even in the communist legal system – these are only some of the “sins” attributed to Military District Courts. An analysis of their functioning in the first decade of “People's” Poland – a pivotal decade for the remodelling of the state system in the Stalinist (or more broadly: Soviet) fashion – fully entitles them to be described as “courts of lawlessness”⁴⁵. Moreover, lawlessness is one of the most elementary and flagrant manifestations of human rights violations in their most classic (and universally acknowledged) sense of the term.

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⁴⁴ *Ibidem*, pp. 174, 176.

⁴⁵ Cf. P. Pleskot, *Sądy bezprawia. Wokół pokazowych procesów politycznych organizowanych w Warszawie (1944–1989)* [Courts of Lawlessness. Around Political Show Trials Organised in Warsaw (1944–1989)], Warsaw 2020.

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**Czerwone (nie)rzędy prawa.
Kwestia naruszania praw człowieka
w wojskowym systemie sprawiedliwości Polski „ludowej”.
Przykład wojskowych sądów okręgowych (1946-1955)**

Streszczenie

Sieć Wojskowych Sądów Rejonowych, która opłotła Polskę ludową w pierwszej powojennej dekadzie, stanowiła dla decydentów partyjno-państwowych podstawowe narzędzie instalowania komunistycznej władzy i budowy nowego ustroju „robotniczo-

chłopskiego”. Sądy służyły przede wszystkim rozprawie z opozycją polityczną i (malejącym) oporem zbrojnym. Pomimo teoretycznie wojskowej natury, WSR skazywały przede wszystkim cywilów, a przyczyny wyroków tkwiły w kalkulacji politycznej i ideologicznej, a nie w rzeczywistych, obiektywnych przestępstwach. W tym sensie WSR należy uznać za wyrazisty przejaw i symbol bezprawia „ludowego” wymiaru sprawiedliwości, godzący w podstawowe prawa człowieka.

Słowa kluczowe: Wojskowe Sądy Rejonowe, bezprawie, prawa człowieka, wyroki polityczne, Polska ludowa