

ON VIOLATIONS OF HUMAN RIGHTS BY THE COMMUNIST REGIME IN POLAND

O NARUSZANIU PRAW CZŁOWIEKA PRZEZ REŻIM KOMUNISTYCZNY W POLSCE

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ABSTRACT

During the communist regime, the Polish judicial apparatus was construed as a tool to liquidate the opposition. Many people were killed, imprisoned, tortured, dispossessed, and their families persecuted and condemned to lives of abject poverty. After the fall of communism, the perpetrators of these atrocities were not confronted with their crimes and continued to function surreptitiously. Their shame and guilt have been suppressed, while the wrongs suffered by the victims have not been remedied, and thus continue to hang over the nation like *the Sword of Damocles*. The unexpunged culpability and corrupted conscience inherited by their descendants continue to foment social resentments. The aim of the article is to suggest the approach to restoring social equilibrium taking as the premise that the legacy of historical violence must be remedied, and the wrongs must be rectified *a priori*. The scientific methods used in the article are restitution, restoration, reconciliation, and mediation. The sense of social and individual justice is

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at the core of humanity. Where this is lacking, social unrest arises and spills over with violence. The crimes of the communist regime must be conceded to prevent an impending revolution. Compassion toward the suffering can pave the way to forgiveness, and through that, to reconciliation.

KEYWORDS

communist judicial crimes, apology, reconciliation

ABSTRAKT

W czasach komunistycznych polski aparat sądowy służył do likwidacji opozycji. Tysiące osób zostało zamordowanych, setki tysięcy uwięzionych, torturowanych, wywłaszczonych, a ich rodziny prześladowane i skazane na życie w skrajnej nędzy. Prawa człowieka zostały pogwałcone przez uzurpatorski rząd. Po upadku komunizmu sprawcy tych przestępstw nie zostali skonfrontowani ze swoimi zbrodniami i nadal funkcjonowali bez przeszkód. Ich sumienia zostały stłumione, a krzywdy poniesione przez ofiary nie zostały naprawione i dlatego nadal wiszą nad narodem jak 'Miecz Damoklesa'. Nieodkupione winy i skorumpowane sumienia odziedziczone przez ich potomków nadal rozjątrzą społeczne oburzenie. Aby przywrócić równowagę społeczną należy zweryfikować dziedzictwo historycznej przemocy i naprawić krzywdy. Metody badawcze zastosowane na potrzeby niniejszej pracy to restytucja, zadośćuczynienie, pojednanie i mediacja. Poczucie winy i strachu przed zemstą, podobnie jak uraza i krzywdy, tworzą toksyczne środowisko. Akceptacja odpowiedzialności za zbrodnie, wyrażenie skruchy i prośby o przebaczenie są warunkiem *sine qua non* do społecznego pojednania. Poczucie sprawiedliwości społecznej i indywidualnej leży u podstaw człowieczeństwa. Tam gdzie tego brakuje pojawiają się niepokoje społeczne, które prowadzą do przemocy. Zbrodnie reżimu komunistycznego muszą zostać rozliczone, aby zapobiec nieuchronnej rewolucji.

SŁOWA KLUCZOWE

zbrodnie komunistyczne, krzywdy, pojednanie, zadośćuczynienie

The Polish 'Sword of Damocles' – corrosive legacy of violence of the communist regime: the inherited guilt of the perpetrators of judicial crimes and unhealed trauma of the victims are a time-bomb in post-communist Poland

INTRODUCTION¹

I am a daughter of a hero who sacrificed his life for Poland twice, first as a soldier fighting against German invasion during the second world war (WWII), then again, when he became an intelligence officer for the Polish government in exile against the Soviet occupation under the communist regime. Toward the end of the Stalinist era, in 1955, my Father, Antoni Nadolny alias ‘Energiczny’ (‘Energetic’) was sentenced to death by the communist judges appointed by the Soviet rulers of Poland. His life was miraculously saved by the amnesty that followed the sudden death of President B. Bierut, and death sentences were changed to 15 years in prison. My Father was held in the most severe political prisons during my entire childhood and youth. I have never recovered from the traumatic events that befell my family. My name is Bożysława Maria-Magdalena Nadolna.

I presently advocate for the rights of the children of prisoners who are innocent victims of political persecutions and indifferent peacetime governments. I believe that settlement of grievances is a better approach than retaliation to solve conflicts, and that courts are not capable of facilitating justice. As a solution, I propose the adoption of a reconciliation process leading towards untangling of the present intense conflict between the Polish judicial hierarchy who are responsible for crimes against humanity, and their victims.

I wish to bring my proposal under the following theme: ‘Reconciliation, not retribution.’ To present my argument I wish to give a representative example of typical crimes of the communist judiciary against children, a wonton execution of a patriotic father of two little children orchestrated by treacherous courts:

This happened in Poland on 22 October 1948. A seven-year-old child wrote the following letter to Bolesław Bierut:²

¹ This is a conference paper from the Conference LVIII CICA – XVI SECURITY FORUM KRAKOW 2021, held on 13–14 May 2021 in Krakow.

² Bolesław Bierut was the President of the Polish People’s Republic between 1947 and 1956.

Dear Mr President,

My name is Martusia Koba.

Our teacher said at school that Mr. President is the father of all Polish children and that he is very sensitive to their pain and sorrow. And I am extremely sad. It has been over a year since my Daddy was arrested. Yesterday at the court hearing, Mr Judge said that my Daddy is condemned to death. Mr President, please save my Daddy! We ask you so wholeheartedly, together with my little brother Wojtuś! Please save our Daddy, and if you can, please return him home to us.

Our Mummy has to work, and I with little Wojtuś feel completely abandoned, and we cry because we are alone. I am only seven years old, and Wojtuś cannot even talk yet.

My Daddy's name is Władysław Koba³ and he is in Rzeszów, in the prison called "Zamek" (Castle).

Our Mummy says that Mr. President holds the highest power in Poland, and therefore we beg You, Mr. President, please do not let our Daddy be killed!

I and Wojtuś, we will be grateful to You forever, and when Wojtuś will be a little older I will tell him who saved his Father's life.

Mr. President, I beg of you – please do not refuse the plea of a Polish child.

Marta Koba, Przemyśl, Basztowa Street 13, on the 22 October 1948.

³ Władysław Antoni Koba (also known by the war names (noms de guerre) *Marcin Gruda, Rak, Tor, Zyla*) was a soldier of the Polish Army, Home Army and Freedom and Independence, who fought in the Polish defence war against German invasion, took part in the Polish resistance movement in World War II as well as the Anti-communist resistance against the communist take-over after the war. Accused of anticommunist activities, he was arrested on 26 September 1947, put in the infamous Rzeszów Castle prison, sentenced to death on 21 October 1948 and executed on 31 January 1949 after B. Bierut refused to spare his life. His family was denied access to his body which was hidden in an unknown place. It was only found in 2015 and buried with due honours after 67 years after his murder.

But Mr. President did not spare the life of Martusia's Father, and Mjr Koba⁴ was secretly executed three months later.⁵ He was convicted to die for anti-communist activities. Like an animal carcass, his tortured body was dumped in a ditch. There was not even a grave on which to mourn. His sentence was overturned, and his conviction was annulled posthumously forty years later, in 1992.⁶ Although his honour was restored, his life and the family life that his children had the right to enjoy with their father were lost. As fate would have it, his bones were found and exhumed by Prof. K. Szwagrzyk⁷ of the Institute of National Remembrance (Instytut Pamięci Narodowej) in 2015 and his remains were buried with military honours in the presence of his son Wojtus. Unfortunately, his daughter, the author of this letter, did not live long enough to see this as she died after a short and painful life. Her "little brother" is still alive and is today a witness to the tragic lives of the children who are the victims of communism. Through the intervention of 'divine justice', 'The Sword of Damocles' fell on President Bierut, 'the executioner of Polish patriots',⁸ when he lost his own life in power struggles among his Soviet comrades.

COMMUNISM AS RELIGION

Leader of the Soviet Union, Joseph Stalin, displaced divine power when he forbade following religion and proclaimed himself the Lord of life and death, demanding blind obedience and annihilating all opposition. The 'cult of Stalin' replaced the cult of God. Lenin provided the background for this process in his speeches and writings, according to William van den Bercken.⁹ Stalin's personality cult was instituted on the occasion of his

⁴ Andrzej Zagórski, *Małopolski słownik biograficzny uczestników działań niepodległościowych 1939–1956*, vol. 1, Kraków, Towarzystwo Sympatyków Historii, 1997.

⁵ Mjr. Władysław Koba was executed on 31 January 1949, in the Rzeszów Castle prison.

⁶ On February 5, 1992, Warsaw Military District Court voided the sentence.

⁷ The team of the Independent Research Department of the Institute of National Remembrance, headed by Prof. Krzysztof Szwagrzyk found and exhumed Mjr Koba's remains in 2015.

⁸ Bolesław Bierut died on 12 March 1956 in Moscow, after attending the 20th Congress of the Communist Party of the Soviet Union. His death was sudden, and many theories ensued about the circumstances of his death.

⁹ W. van den Bercken, *Ideology and atheism in the Soviet Union. Religion and society*, Hague, Netherlands. [Transl. by H. Th. Wake, Berlin 1989 Chapter 2, 'Lenin and religion', p. 62]: "One separate remark on religion can be found in an article on Tolstoy: Lenin

fiftieth birthday in 1929, during the regal celebrations resembling national religious festivals. He became God-like in propaganda and policies and questioning his authority, even telling a joke about him, was punished by death, like heresy. In his name rivers of blood flowed, and millions of people were brutally murdered.

THE COMMUNIST JUDICIARY SYSTEM

Ubi iudicat qui accusat, vis, non lex, valet
[Where the (same) person who accuses is (also)
the person who judges, violence, not law, prevails]¹⁰
In nomine domini incipit omne malum
[All evil is committed in the name of God]¹¹

The new communist power installed in Poland after World War II constituted the Soviet political agency. The judiciary system was established for the purpose of utilizing law as the instrument of legalizing occupation of the country by the Soviet Union and legitimizing its brutal methods of eliminating the opposition. In absence of social support or endorsement for communist anti-religious ideas among the staunchly Catholic population, with fresh memories of the Red Army attacks on Poland ordered by Lenin in 1920, the Soviet Army attacks against the Polish Army in 1939, and above all else, mass murders committed on Stalin's orders on Polish officers in the Katyń massacres – the communist take-over of Poland could only take place by means of extreme violence of the Soviet apparatus of totalitarian repressions, and by the threat of military power of the Red Army which surreptitiously occupied the strategic positions all over the country.

calls the writer's greatest fault, 'preaching of one of the most disgusting things on earth, namely religion, and trying to put clergy with moral convictions in place of those officially appointed which comes down to the cultivation of most refined and therefore doubly revolting popovscina.'

¹⁰ W.E. Sweet, *Latin proverbs, wisdom from ancient to modern times*, Illinois, Wauconda Publilius Syrus, Sententia, 2002, p. 692.

¹¹ A medieval proverb, implying that the most sacred pretences often serve as an excuse for the infliction of the greatest injuries. *Dictionary of Latin quotations, proverbs, maxims, and mottoes, classical and medieval, including law terms and phrases*, London 1866.

The new ‘justice’ rules were modeled on the Soviet legal system. The law was used officially as an instrument of the so-called ‘class struggle’ and functioned as the mechanism of eradicating all opposition to Soviet occupation of Poland. Severe sentences were issued not just for the armed opposition or spying against Russian military units stationed in Poland, but even for listening to the radio or laughing at a joke. The old penal code was not sufficient to eradicate all manifestations of anti-communist sentiments. For this purpose were introduced not only changes imported directly from the Soviet Union penal code, but Soviet functionaries were employed to play the key courts and secret police roles, even without knowing the Polish language. The judiciary apparatus was employed on the basis of their political loyalty to the Soviet Union, not on qualifications, and judges issuing too lenient sentences was punished.

Assessment of the judiciary based on military courts for civilians summarises Adam Lityński: ‘At the end of WWII (1944), Polish citizens living on Polish territory were judged predominantly by the military courts of the Soviet Red Army and Soviet secret security forces – NKVD (People’s Commissariat of Internal Affairs). In addition to that, Polish civilians were judged by the military courts of the People’s Army entering Poland from the east, from the Soviet Union. The military court system of the Polish Army was in fact under the control of the Soviet Union. As the war finished, martial law has officially ended on 17 December 1945. Already in January 1946 the communist regime set up military courts for civilians in each administrative district. Those military courts were dealing exclusively with the civilians and not with the military staff – neither officers nor soldiers – affairs. They had a special task: to propagate the concept of the class struggle and to physically destroy the opposition – both real and a fictional one. Military courts were following the orders of the communist party and ceased their activity in 1955. They were the most important and the most tragic institutional phenomenon in the whole history of the so-called judicial system of communist People’s Poland.’¹²

The greatest number of death penalties were issued by application of laws constituted in two decrees: the ‘Decree of June 13, 1946, On crimes

¹² A. Lityński, ‘O sądach wojskowych dla osób cywilnych w Polsce (1946)’, [*Military Courts for Civilians in Poland (1946)*], *Studia Iuridica Lublinensia*, vol. 25, no. 3, 2016, pp. 523–541 (abstract).

particularly dangerous in the period of state reconstruction,¹³ and the ‘Decree of the Polish Committee of National Liberation of 23 September 1944 – the Penal Code of the Polish Army’¹⁴

The following quote reveals deliberate construing of laws as weapons to annihilate political opposition: ‘Inclusion of a chapter concerning political crimes punishable with serious penal sanctions (including capital punishment) into the military code of 1944, as well as moving civil cases of people accused of such acts under the jurisdiction of military courts, led to a situation where this code in judiciary practise since the beginning of the Polish People’s Republic became one of the most repressive legal acts, taking into account the number of death penalties adjudged under its provisions’¹⁵

The Soviet Union imposed in Poland a system of law that violated all human rights.

VIOLATIONS OF HUMAN RIGHTS

Se damnat iudex, innocentem qui oprimit
[A judge who condemns an innocent man, condemns himself],
(Publilius Syrus, Sententia 614)¹⁶

The communist judicial system violated every human right, each and every article as stated in *The Universal Declaration of Human Rights (UDHR)*, and *The Declaration of the Rights of the Child*.

There were many Polish patriots like Mjr. Koba, whose human rights were violated by the criminal communist judicial system – they were tor-

¹³ Dekret z dnia 13 czerwca 1946 r. o przestępstwach szczególnie niebezpiecznych w okresie odbudowy państwa (tzw. mały kodeks karny (MKK)), [The Decree of June 13, 1946, On crimes particularly dangerous in the period of state reconstruction], the so called ‘Little Penal Code’ in which there were 13 articles demanding death penalty.

¹⁴ “Dekret PKWN – Polskiego Komitetu Wyzwolenia Narodowego z dnia 23 września 1944 r. – Kodeks Karny Wojska Polskiego (KKWP).” [Decree of the Polish Committee of National Liberation of 23 September 1944 – the Penal Code of the Polish Army.]. Dz.U. 1944 nr 6 poz. 27).

¹⁵ M. Arndt, *Kara śmierci w polskim prawie wojskowym 1944–1969*, [Death penalty in the Polish military law 1944–1969], Białystok, Wydawnictwo Uniwersytetu w Białymstoku, 2015, p. 1.

¹⁶ W.E. Sweet, *Latin proverbs, wisdom from ancient to modern times*, p. 410.

tured sadistically, some were beaten to death during interrogations, driven to insanity by dehumanising torments, condemned to death and executed, convicted to long terms in horrific political prisons, or treacherously shot in an ambush.

How did the families and children of those killed or executed by the communist judicial system live? How did the children of political prisoners live? Their mothers, fathers, wives, children, brothers, sisters, and other family members were persecuted as relatives of ‘the enemies of the state’ and left to live in abject poverty without means of support.

The desperate plea of a child for the life of her father, written by little Marta Koba expressing her pain of the imminent loss of her Daddy who was about to be murdered by the State, is one of countless examples of the violations of human rights, and especially of the rights of a child. The communist judges also committed other grievous crimes and atrocities such as the following.

VIOLATIONS OF THE RIGHTS OF THE CHILDREN OF THE CONDEMNED & THE DECLARATION OF THE RIGHTS OF THE CHILD
The Declaration of the Rights of the Child recognised that a child is, universally, a human being who must be able to develop physically, mentally, socially, morally, and spiritually, with freedom and dignity, as the fundamental right to live.

Article 1 – The child must be protected beyond and above all considerations of race, nationality, or creed.

The children not only were not protected but some were imprisoned, many were born in prison and starved, were denied hygiene, fresh air, breastfeeding by their mothers, clean warm clothes, and restful sleeping conditions. Their physical growth was stunted, health permanently damaged, mental development skewed by trauma making normal life impossible forever.

Article 2 – The child must be cared for with due respect for the family as an entity.

The children of political prisoners were forced to live in the cruel, abusive, denigrating conditions and were deprived of family life. They were

also persecuted as the children of people the communists proclaimed to be the ‘enemies of the state’, ‘renegades’, ‘traitors of the homeland’, ‘enemies of the nation’, ‘enemies of the people’. In this way, all rights were denied to these children and their families.

A sub-class of ‘the enemies of the state’ was created by officially revoking their parent’s citizen-rights under the terms of their sentences: by the court’s judgment they were ‘sentenced to forfeit citizen and civil rights of honor forever.’¹⁷ These profoundly damaging psychologically, and socially ostracizing sanctions are among the most unforgivable crimes against humanity. In particular, children become permanently traumatized and scarred when their family’s honour and good name are destroyed. Children lose their sense of identity, and with it – humanity, when their pride

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- ¹⁷ Decree of June 13, 1946, On crimes particularly dangerous in the period of state reconstruction, Art. 49. About confiscation of all property of the condemned to death:
- ‘§ 1. W razie skazania na karę śmierci lub więzienia dożywotniego, jak również w razie skazania za przestępstwa określone w art. 1§3 i art. 16§1, sąd orzeka, jako karę dodatkową przepadek całego majątku skazanego.
- § 2. W razie skazania na karę więzienia sąd może orzec utratę praw publicznych i obywatelskich praw honorowych oraz przepadek majątku skazanego w całości lub określonego przedmiotu majątkowego.
- § 3. W razie skazania na karę śmierci lub na karę więzienia sąd może orzec przepadek majątku osób pozostających ze skazanym we wspólności małżeńskiej lub rodzinnej, z wyłączeniem jednak majątku tych osób, pochodzącego z ich dorobku własnego lub spadku albo darowizny, nie pochodzącej od skazanego.
- § 4. Przepadły majątek przechodzi na własność Skarbu Państwa z zastrzeżeniem praw osób trzecich, nie przynoszących wartości przepadłego majątku.’

ENGLISH:

[Art. 49.

- § 1. In the event of a death or life imprisonment sentence, as well as in the event of a conviction for offences referred to in Art. 1 §3 and art. 16 §1, the court decides, as an additional penalty, the forfeiture of all property of the convicted person.
- § 2. In the event of a conviction to imprisonment, the court may order the loss of public and civil rights of honour and forfeiture of the sentenced person’s property in whole or a specific property.
- § 3. In the event of death or life imprisonment sentences, the court may order the forfeiture of the property of persons remaining with the convicted person in marital or family cohabitation, excluding, however, the property of these persons, derived from their own property or inheritance or donation, not from the convicted person.
- § 4. The confiscated property becomes the property of the State Treasury, subject to the rights of third parties, not subject to transferring the value of the lost property.]

in who they are is officially destroyed and any respect for their heritage and ancestry is taken away, publicly, officially, irreparably, and irrevocably.

Apart from social and psychological damages, the children of people convicted by the corrupt courts were made materially destitute by the state through the additional element of the sentence, 'confiscation of all property'. The communist judicial regime practiced imposing the penalty of 'confiscation of means', thus making paupers of the children and families of the condemned by stripping their family properties and by imposing sentences 'to forfeit all property and possessions to the state treasury'.¹⁸

¹⁸ *Dekret z dnia 13 czerwca 1946 r. O przestępstwach szczególnie niebezpiecznych w okresie odbudowy Państwa [Decree of June 13, 1946 On crimes particularly dangerous in the period of state reconstruction]*, Art. 49. About confiscation of all property of the condemned to death:

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- § 3. If sentenced to death or imprisonment, the court may order the forfeiture of the property of persons remaining with the convicted person in marital or family cohabitation, excluding, however, the property of these persons, derived from their own property or inheritance or donation, not from the convicted person.
- § 4. The property becomes the property of the State Treasury, subject to the rights of third parties, not transferring the value of the lost property.]

Article 3 – The child must be given the means requisite for its normal development, materially, morally, and spiritually.

The children of political prisoners were denied decent conditions to live in, were condemned to life below the poverty level and deprived of basic conditions for survival. Their development was deliberately hampered, obstructed, thwarted, or impeded by the regime.

Article 4 – The child that is hungry must be fed, the child that is sick must be nursed, the child that is mentally or physically handicapped must be helped, the maladjusted child must be re-educated, the orphan and the waif must be sheltered and succoured.

The children of prisoners were hungry – their mothers could not feed them adequately as they were either unemployed or held poorly paid jobs. When these children were sick, their mothers could not nurse them, since they had to go to work, and they were left alone without care. They were cold in winter because they could not afford to buy fuel to heat the home or to buy warm winter clothes or shoes. Their schooling was unassisted, and many were placed in institutions where they were cruelly abused.

Article 5 – The child must be the first to receive relief in time of distress.

The children who were severely traumatized by the violence of arrests, visits to prisons, media propaganda campaigns slandering and defaming their parents, ostracism, and rejection of their social environment were not offered any help or healing but were actively persecuted so that their mental states deteriorated through inhuman aggression. Instead of relief in times of distress, their physical and mental health was permanently damaged by prevailing violence.

CHILDREN BORN IN COMMUNIST PRISONS

Among the most inhuman violations of human rights were interrogations and torture of pregnant women. They were beaten, starved, raped, humiliated, deprived of medical care and medicines, sleep, and basic hygiene to the extent that many died. Some delivered their babies in horrific circumstances. Women were giving birth unassisted in unhygienic prison cell conditions. They starved, were left unattended in pools of blood, alone with infants whose lives they wanted to save at any cost. Unknown numbers of these

children born in prisons during interrogations and after sentencing *swam down the river*,¹⁹ that is, were disposed of like animals, and no records were preserved. A few hundred children born in communist prisons survived (about 365 surviving children were accounted for²⁰). Today, about ten of the children born in communist prisons are still alive and are able to give testimony of these crimes.

THE CORROSIVE LEGACY OF VIOLENCE

*Iam frater fratrem, iam fallit filia matrem,
iam que pater natum, iam fallit amicus amicum*
[Now brother deceives brother, daughter lies to her mother,
also father cheats his own son, and friend cons his friend]²¹

Se damnat iudex, innocentem qui oprimit
[A judge who condemns an innocent man, condemns himself]²²

For reasons of personal gain, ambition, career, and luxurious lifestyles – over many decades the communists committed horrific crimes against the patriots defending their country. A gigantic machine of secret terror chambers and felonious judicial system based on the military occupation of Poland by millions of Soviet soldiers enslaved Polish people turning the whole country into a monstrous prison. Their crimes were lavishly rewarded with money, medals, official honors, professional promotions, trips abroad, educational opportunities, houses, cars, holidays, good food from special shops, not to mention the inexhaustible river of vodka to quench any arising pangs of conscience. Great numbers of people chose to ‘sell their souls’ and

¹⁹ The expression that a child will ‘swim down the river’ was a cynical phrase typically used among the prison guards, and the prisoners themselves, realistically stating the grim reality, that the bodies of the children who died in prison were thrown into the nearby river by the prison personnel. Frequently, their births were not even registered.

²⁰ Lista sporządzona przez Stanisława Wnorowskiego, w prywatnym posiadaniu.

²¹ W.E, Sweet, *Latin proverbs, wisdom from ancient to modern times*, Illinois, Wauconda, 2002, p. 62.

²² W.E, Sweet, *Latin proverbs*, p. 410, *Publilius Syrus*, Sententia 614.

serve the Soviet enemy by exterminating Polish patriots and persecuting their families.

The crooked judges participated in fabricating false evidence for contrived ‘crimes’ to fit them to articles of law. They then pronounced death and long-term prison sentences in the full knowledge that the alleged crimes were not committed. They sent the tortured to be secretly executed in prison dungeons. They ordered that the bodies of the murdered be dumped in ditches, desecrated without human burials. They even refused to inform the families of the deaths of their loved ones. The guilt thus accumulated continues to decay the society.

The communist apparatus of which the judiciary, the secret police, and the prisons were the core of ‘the exterminating evil’ had spouses, children, they had mothers, and extended families. They facilitated incorporation of their family members into the power system and partaking in the spoils.²³ Thus both the murderers and their families benefited from these horrific crimes, so they have a shared responsibility for shared spoils.

²³ The practice of employing relatives and filling positions with ‘our people’ has been denounced in the iconic series of books called ‘Departmental children’ (‘Resortowe dzieci’), written by three journalists: Dorota Kania, Jerzy Targalski and Maciej Marosz. The first one, ‘Media’ was published by the Fronda Publishing House on 12 December 2013, in Warsaw. The series entitled ‘Departmental children’, revealed interdependence between the media, business, political and scientific elites of the Third Republic of Poland and the political and governmental structures of the People’s Republic of Poland (PRP). The first book contained the biographies of selected people of the media of the Polish People’s Republic (PRP) and the Third Republic (III RP) (journalists, TV producers, directors, etc.) and their parents and families who held high positions in the eponymous ministries and communist institutions. The book presented a view that the careers of the journalists and media employees described in them would not be possible without family connections with the described title ministries. The incredible popularity of this book followed by several other titles in this series proves the legitimacy of the presented claims. Moreover, the introduced new term ‘Departmental children’ (‘Resortowe dzieci’) became iconic as accurately reflecting commonly perceived reality. The term ‘departmental’ indicate the communist era terminology used to name the branches of government administration, in which the families of the described characters, according to the authors of the book, worked. The research materials for the book were sourced from the documents collected in the archives of the Institute of National Remembrance; W.E. Sweet, *Latin proverbs*, p. 871.

‘THE AUGEAN STABLES’ OF POLISH COMMUNISTS

Bis peccat qui crimen negat
[*He who denies his crimes, sins twice*]²⁴

The parable presented in the story of Heracles cleaning stables full of manure accumulated over a very long period of time is very apt in relation to the present situation of accrued wrongs and atrocities, which were not dealt with, and remain neither punished nor redeemed. Such states are unhealthy, constituting serious hazards, and in the end, inevitably lead to the eruption of uncontrollable violence, usually called ‘a revolution’.

The term ‘cleaning the Augean Stables’ is often used figuratively to refer to corruption or waste developed over a long period. The ‘manure’ that must be swept away in a huge cleansing effort represents the foul legacy of the past violence against innocent people and their families, as well as the continued corruption of the guilty descendants. As in the case of the unscrupulous king Augeus, arbitration is necessary, since the ‘departmental children’ are not only not forthcoming with an extended hand to ask forgiveness but continue to subvert the victims’ efforts towards receiving recognition of the wrongs suffered and undermine even their applications for restoration of confiscated properties.

It is remarkable that the mythical story of cleaning the stables mentions the ‘removal of a wall’ to allow the sweeping flow of the cleansing waters through the stables. Such an invisible wall exists between the descendants of the guilty and the descendants of their victims. It can become ‘visible’ when parties of the conflict face each other and agree on the terms of reconciliation.

²⁴ W.E. Sweet, *Latin proverbs*, p. 871.

INHERITED GUILT – SHARED RESPONSIBILITY FOR ENJOYED SPOILS

Poenam moratur improbus, non praeterit
 [The guilty may postpone their punishment, but cannot escape it]²⁵

The descendants of the communist criminals continue to enjoy the benefits derived from the crimes committed out of greed and ambition, whilst the descendants of the victims who devoted their lives to the fight for the independence of their homeland, continue to live in poverty tormented by the memories of injustice and persecutions they experienced.

The wicked king Augeus refused to clean up his stables, ignoring the olfactory and moral challenges, and he met with the end he earned²⁶. This archetypal story is a warning to the present-day guilt-ridden generation to take heed and find the ethical fiber and courage to face up to responsibilities for the crimes and injustices that stain their consciences. They may pretend to have lost the sense of smell, but the piles of communist manure will eventually be swept away, and so will they.

THE ‘SWORD OF DAMOCLES’ IN TODAY’S POLAND – FEAR OF PUNISHMENT

Sua quemque fraus, suus timor maxime vexat
 [His own deceit, and his own fear trouble each person the most]²⁷

The joys of power and comforts of the unpunished criminals are illusory. The burden of hidden unacknowledged guilt continues to hang over them like ‘The Sword of Damocles’. The dry rot of shame in the shadowy depths of the psyche continues to seep toxic residue resulting in addictions, child

²⁵ W.E. Sweet, *Latin proverbs*, p. 46.

²⁶ **Augeas**, in Greek legend king of the Epeians in Elis, possessed an immense wealth of cattle herds kept in gigantic stables which he never cleaned. The Greek hero Heracles proposed to clean his stables unaided in one day asking for a part of the herd as his reward. The treacherous king agreed but after the task was done refused the promised payment. Enraged Heracles led an army against him and slew Augeas and his sons. The story is found in literature as early as Homer’s *Iliad*, but the first artistic representation is on a metope of the 5th-century-BC temple of Zeus at Olympia. Excerpted from ‘Encyclopaedia Britannica’

²⁷ W.E. Sweet, *Latin proverbs*, p. 912.

abuse, divorces, unexplained accidents, diseases, promiscuity, perverse practices, depression, and even mental illness or suicide. The descendants of the perpetrators are not happy people. They suffer Cain's guilt.

Guilt and dread of retribution, just as resentment and suffering, create toxic environments. Apart from a few and ineffective exceptions, those who committed these crimes in the service of a foreign evil empire, who tortured and killed patriots for defending their country, and condemned their families to misery, poverty, hardship, and disgrace were never put to face responsibility for these crimes. The guilt of the murderers was not exiated, not atoned for, not even acknowledged. For as long as the descendants of the guilty ones do not admit to their inherited guilt and ask for forgiveness the toxic atmosphere will continue to poison social relationships.

THE RIGHT TO JUSTICE AS SOCIAL NECESSITY

'The Court may be the court, but justice must be on our side', said an old woman to her son, handing him over a couple of grenades on his way to his court hearing resonated true in a popular film.²⁸ In historical times the common expectations of justice were expressed by fables and 'fairy-tales,' in which the wicked always met with demise, and honesty and sincerity won ultimate rewards. Prolonged abuses of power and authority were portrayed as desolation caused by wicked warlocks or weak old kings, resulting in savage weather, dragon devastation of the country, desertification of the fields, catastrophic floods, 'end of era' decay. The old harmful power must be killed and replaced by a new order.

'Social justice' is an enduring concept of fairness within a society, even though the term itself has only emerged in recent times. Today the concept of 'fairness' and equality of all people is as alive as ever and finds its expression in expectations of balance in wealth, opportunities, fulfilment of elementary needs, human rights, assurance of basic necessities of life. Over the decades these sentiments also evolved towards expectations of equality in all relationships regardless of gender, race, inherited or purchased privileges, and the like. At long last social psyche arrived at the

²⁸ The now iconic saying: 'Sąd sądem, a sprawiedliwość musi być po naszej stronie' appeared in a popular movie *Sami Swoi*, 1967, and entered Polish language by storm during the communist era. It is often quoted as a statement of the common perception of the difference between justice and injustice [*Our Folk*, 1967].

point of evolution of expecting the fulfilment of individual and collective potential, on merit.

Totalitarian powers no longer can expect complacency and submission of the population. Whilst we are witnessing even now mass-scale manipulations by mendacity, hypocrisy, dissimulation, and downright lies, the bubble of illusory wins will burst as inevitably as the destruction of wicked magicians in the legends of old. It is time to bring up words of wisdom attributed to Abraham Lincoln: 'You can fool all of the people some of time; you can fool some of the people all of the time, but you can't fool all the people all the time'.²⁹

The victims of communist atrocities, their children, grandchildren, and the following generations expect justice. 'Justice' does not necessarily mean 'punishment' for the guilty. However, accepting responsibility and acknowledging the wrongs perpetrated on the innocent is the first step toward the healing of the harm. Acceding that what was done was wrong and ought not to have happened, however simple in the concept, is a *sine qua non* precondition to reconciliation. Affirming the human rights of the victims and offering an apology by the descendants of the perpetrators is the first step to bringing back balance to social relations.

RESPONSIBILITY AND THE RECKONING VERSUS PUNISHMENT

Widely postulated demands of 'punishment for the crimes of the communist regime' as a precondition to a cleansing process following the collapse of Soviet domination in Poland after the fall of communism failed at the time. The reckoning did not happen. Instead of the Nuremberg-like trials of the perpetrators of mass murders, genocide, extermination, dispossession of entire generations, the Polish people had the betrayal of *the round table farce*³⁰.

The Nuremberg trials were a way of dealing with unspeakable atrocities committed by Germany during World War II. They were uncompromising because the scale of German crimes and contempt for human beings shocked the rest of the world. They were held for the purpose of bringing German war criminals to justice for crimes against humanity.

²⁹ In *The New York Times*, 27 August 1887. According to The Collected Works of Abraham Lincoln.

³⁰ Solidarity and the Fall of Communism, International conference Warszawa-Gdańsk, 3–4 June 2009, <http://depot.ceon.pl>, pdf.

The trials were structured with the Geneva Convention as the exponent of human rights. The defendants, who included Nazi Party officials and high-ranking military officers along with German industrialists, lawyers, and doctors, were indicted on such charges as crimes against peace and crimes against humanity.

Even though most of the perpetrators haughtily denied any wrongdoing even in the face of stark evidence, the Nuremberg trials provided some closure and offered certain consolation to the still-living victims and their families. Although the legal justifications for the trials and their procedural innovations were controversial at the time, the trials, the court sentences, and the executions appeased peoples' outrage as a band-aid of sorts.

The Nuremberg trials are now regarded as a milestone toward the establishment of a permanent international court, and an important precedent for dealing with later instances of genocide and other crimes against humanity.

CRIME AND PUNISHMENT – THE INTERNATIONAL CRIMINAL COURT

The International Criminal Court (ICC) is an intergovernmental organisation and international tribunal that sits in The Hague, Netherlands, and has jurisdiction to prosecute individuals for the international crimes of genocide, crimes against humanity, war crimes, and the crime of aggression. It is intended to complement existing national judicial systems and it may therefore exercise its jurisdiction only when national courts are unwilling or unable to prosecute criminals. The ICC is the first and only permanent international court with such powers. The Rome Statute of the International Criminal Court defines 'crime against humanity' as any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack: Imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law.

The ICC began operations on 1 July 2002, upon the entry into force of the Rome Statute, a multilateral treaty that serves as the court's foundational and governing document.

The ICC lacks universal territorial jurisdiction and may only investigate and prosecute crimes committed within member states, crimes committed by nationals of member states, or crimes in situations referred to the Court by the United Nations Security Council. The author is of the view that justice cannot be reasonably expected in the present political situation.

Moreover, the judicial system as presently exercised in the Polish courts not only has slender chances to fulfil the expectations of justice for the victims of communism but it would have been inevitably exposed to perversion since the same judges and their descendants would be hearing the cases against themselves and performing the judgements. This avenue must be discarded *a priori*.

The author propounds the view that the path of reckoning and punishment for the crimes delivered by the courts, that is, by the same system that created the horrific damages to the whole country and its people, not just the immediate victims, would not be appropriate or beneficial not only for the victims but for the nation as a whole. It would create further divisions and resentments, without offering benefits. At the same time, enormous financial, as well as time-consuming costs would cripple, impede, harm, and thwart the process of healing. Additionally, the psychological consequences of re-collecting and recounting their tragedies would inevitably cause reliving of the atrocities, reopening of old wounds and thus would be dangerous to health of the victims.

The author considers the punitive approach as a path of compounding and multiplying the wrongs, without offering beneficial outcomes. And yet, the crimes committed cannot be left without a remedy, as open wounds on the social body continue to fester.

A different approach is sought as more appropriate alternative and better suited for modern times – the path to reconciliation. Instead of a new war of attrition – we can look for common benefits, instead of deepening divisions. Of course, the biggest challenge is to bring both sides together, willing, ready, and able to accept, at least partially, the other side's rights.

NEMESIS AS A SYMBOL OF UNIVERSAL JUSTICE

And though circuitous and obscure, the feet of Nemesis how sure!
English poet Sir William Watson³¹

Hidden crimes, secret murders, unspoken atrocities are like a dormant volcano, threatening to explode into open violence, unless a remedy is offered, accepted, and appropriately enacted. In ancient times such subterranean individual and collective psychological processes were gathered into the concept of 'Nemesis',³² the divine vengeance for crimes unpunished, in particular the crimes against humanity.

The communists went a long way to hide their crimes. They developed a gigantic machinery to keep their horrors secret, and punished by death the patriots who smuggled the truth out of Poland, calling them 'spies for foreign powers'. They presumed to get away with mass murders.

Today their toxic presence in social gatherings fills the atmosphere with the stench of guilt and shame, reeking of resentments, bitterness, rancor, and mutual recriminations stirring sudden confrontations, permeated by the fear of revenge and punishment. The collective psychology loaded with repressed emotions and untold traumatic memories threaten to explode like a social time-bomb. It would be unwise to let this highly unhealthy situation take its own course.

A stark illustration of the dangers of letting injustice remain unacknowledged and unaddressed presently takes place in the United States of America, where the descendants of former slaves express their frustration with the lack of recognition of their continued suffering by periodically exploding with uncontrollable anger, similar to the history of the Polish revolutions. There is a looming possibility of a civil war.

What can be done to prevent a catastrophe?

³¹ Sir W. Watson, 'Europe at the Play', in *Bartlett's Familiar Quotations*, vol. 10, 1919.

³² Nemesis is the Greek Goddess of just Vengeance and Divine Retribution. She plays an important role in the history of the Ancient World as the distributor of justice. Nemesis is the personification of divine retribution against those who commit Hubris (arrogance before the Gods). Her name means 'She Who Distributes What is Due'. Nemesis directs human affairs in such a way as to maintain balance. She is also known as Rhamnusia, and another name for her is Adrasteia, meaning 'the Inescapable'. She represents the ideas of righteous anger, due enactment, or divine vengeance.

OBJECTIVE: RECONCILIATION BETWEEN THE DESCENDANTS OF THE COMMUNISTS, AND THE DESCENDANTS OF THEIR VICTIMS

The Australian model of Reconciliation with violent past

Festina lente

[*Rush slowly – proceed judiciously*]³³

The author is proposing an alternative to administering punitive ‘justice’. Instead of the judicial process, a pathway to reconciliation is presented as an option.

The author is putting forth a model of reconciliation successfully adopted in Australia, where even worse crimes against humanity were committed, and over a longer period of time, with similar ruthless disregard for human beings and their families. The earlier governments of Australia enacted policies of deliberate extermination of indigenous people for two hundred years of occupying their country. The violations of human rights resulted in a nation torn apart by sorrow and guilt.

METHODS

Telling the truth

In 1770 British explorer Lieutenant J. Cook during his voyage around the coast of Australia declared the land to be **terra nullius**, that is, ‘no one’s land’. The then ‘Great’ Britain asserted its sovereignty over the land they called ‘Australia’ upon the false claim that this territory was legally ‘uninhabited’. Indigenous Australians were not considered as ‘human’, and in 1909 and 1937 racially discriminatory and genocidal in intent laws were passed to take away their children ‘of mixed blood’ in order to ‘assimilate’ them, to annihilate their sense of Indigenous identity. Indigenous peoples were not counted during the population census, could not own property or

³³ *Hasten slowly* – a popular advice frequently given to the young by old people: ‘take your time, the important thing is to get there, be on your guard against impetuosity’. *Dictionary of Latin quotations, proverbs, maxims, and mottos, classical and medieval, including law terms and phrases*, London, 1866.

have a passport, and were only granted citizenship rights after the referendum of 1967. The **terra nullius** fiction was overturned explicit verbis on 3 June 1992 when the High Court judges ruled that the lands of this continent were not terra nullius or 'land belonging to no-one' when European settlement occurred and that the Meriam people were 'entitled as against the whole world to possession, occupation, use and enjoyment of (most of) the lands of the Murray Islands'.³⁴

Only then, after the tabling of the *Bringing them Home* Report in Federal Parliament in 1997, grievances of Aboriginal people began to be publicly heard.

A small but potent in its emotional messages play titled *Stolen* published in 1998 followed by popular theatrical performances exposed pain and suffering of mothers and children stolen from their families. In the same year 1998 the first national 'Sorry Day' was held to acknowledge the traumatic impact of the forcible removal of children from their families.

Personal stories of trauma, grief over separation, loss of a mother, home, siblings, and unspeakable abuse told by the 'stolen children' in their adulthood and old age during television interviews brought to public awareness personal and communal tragedies. As Australians of all descent watched in horror stories of pain and suffering spanning many generations, the overwhelming compassion and realisation that 'these people are just like us, they have the same feelings', began to dissolve racial prejudices.

The public conscience was also shaken by the film *Rabbit Proof Fence* (2002),³⁵ which told a story of three real children who were removed from

³⁴ 'The Mabo Case', The Australian Institute of Aboriginal and Torres Strait Islander Studies, www.aiatsis.gov.au

³⁵ *Rabbit-Proof Fence* is a 2002 Australian drama film directed and produced by Phillip Noyce. The story was based on the 1996 book *Follow the Rabbit-Proof Fence* written as memories of real-life events experienced by Doris Pilkington Garimara. It is loosely based on a true story concerning the author's mother Molly, and her two cousins, Daisy Kadibil and Gracie. The three children escaped from the Moore River Native Settlement (which functioned as a Mission ran 'reservation') situated north of Perth city, in the state of Western Australia, where they were placed in 1931, after being kidnapped and forcibly removed from their families by the authorities. The film shows the journey of these children determined to return to their families. The film follows the Aboriginal girls as they walk 1,500 miles (2,400 km) for nine weeks along the rabbit-proof fence to return to their community at Jigalong, while being pursued by white law enforcement authorities and an Aboriginal tracker. The film exposes the inhumanity of the

their families and placed in a Mission, a religious establishment 2,400 km away from home. The three girls ran away from detention and walked home for nine weeks across the desert. They used their native intelligence and knowledge of the land to survive, to find food, water, and shelter in the desert. They follow 'the rabbit-proof fence' as the guide to lead them home and manage to evade the police sent to recapture them like criminals. They reach home without the youngest one, who was lured away by the promise of meeting her mother and was never heard of again.

Recommendation 1: Collecting and publication of real-life stories of the children of political prisoners and patriots murdered by the communist judicial system.

'The Walk for Reconciliation'

A successful peaceful process of reconciliation adopted in Australia began (in the author's opinion) with a symbolic 'Walk for Reconciliation' across Sydney Harbour Bridge which took place on 28 May 2000. About 250,000 people, Indigenous People, the original inhabitants of this land, and the newcomers who arrived from beyond the oceans during the past 200 years, made their way across the iconic Sydney landmark in a continuous stream that lasted nearly six hours. People walked wearing badges and stickers, carrying banners, flowers, and children. Their hearts were full, and their spirits were high because they all felt inspired by the greatness of the moment. The Australian and Aboriginal flags flew side by side at the top of the Bridge's arch. The walk culminated at the free concert, while Aboriginal elders performed a ritual Corroboree in a sacred place.

The symbolic expression of the prevailing tendency toward reconciliation was evident when Australians of all persuasions marched across the Sydney Harbour Bridge together with indigenous people, shoulder to shoulder with the descendants of the conquerors and multicultural immigrants.

It was the largest political demonstration ever held in Australia. This public act of support for reconciliation became a historic 'game-changing' event, a milestone from which Australians started to count the new era, not totally different from other remarkable events of such nature.

official Australian government policy of removal of Aboriginal children from their families that was enforced in Australia between approximately 1905 and 1967. Its victims now are called the 'Stolen Generations' (comment by B. Robertson).

Recommendation 2: ‘A walk across a bridge’ as a symbolic ritual of reconciliation is recommended.

APOLOGY – public expression of compassion

When a skywriter wrote the word ‘Sorry’ in the clear sky above the Harbour, some of the walkers cheered, some had tears in their eyes, and total strangers embraced each other in a spontaneous moment of awareness of something extraordinary taking place. The Sun shone and the people were happy. The word ‘Sorry’, written in the air above the Sydney Harbour Bridge on 28 May 2000, struck the thousands below like a bolt out of the clear blue sky. For a long time, the people were demanding from Prime Minister John Howard an apology to the ‘Stolen Generations’.³⁶ His stubborn refusals to condemn the cruel past deeds revealed a lack of compassion, and his stark hubris evoked outrage. In true Nemesis retribution, soon he not only ceased being a Prime Minister but even lost his seat, even his own constituent rejected him. When he was leaving the Parliament, it was ‘the walk of shame.’

In the following weeks, the ritual of ‘Walking together’ was repeated by symbolic ‘walks across a bridge’ in several other cities.

Remarkably, ‘the walks across a bridge’ were not a protest but a peaceful demonstration of emotions. They reflected a shift in the public perception of reality. They manifested growing national awareness of the importance of reconciliation. The word ‘Sorry’ written in white letters on the blue-sky canvas was perceived as a superhuman sign from ‘heaven’. The message was clear to all witnesses: the time has come for the national apology for the wrongs committed against indigenous people by the foreign conquerors during the past 200 years.

Recommendation 3: An official Apology for past injustices at the government level is considered as a ‘sine qua non’ element of healing and reconciliation.

³⁶ *Bringing them Home* report published by the Human Rights and Equal Opportunity Commission in 1997 revealed the horrifying extent and legacy of Australia’s past policies of removing Indigenous children from their parents. These children are known as the ‘Stolen Generations.’ The report’s recommendations included that the Australian Government make an apology to Indigenous people and in particular the Stolen Generations.

Support from powerful statesmen

A few months later, in September 2000, Nelson Mandela, who served as President of South Africa from 1994 to 1999 and was the country's first black head of state and the first elected in a fully representative democratic election, during his 10-day visit to Australia addressed a huge crowd in Melbourne to mark World Reconciliation Day. He said the bridge walk was evidence of a country 'wanting to heal itself and deal with the hurt of the past'. He added that 'leaving wounds unattended leads to them festering, and eventually causes greater injury to the body of society'. Before Mandela became president, he served 27 years in prison as a political dissident. His children suffered deprivations, poverty, abuse, and father's absence.

'The Bridge Walk for Reconciliation' and similar events that took place around Australia in the weeks following were collectively the biggest demonstration of public support for a cause that has ever taken place in Australia.

The marches were a public expression of support for meaningful reconciliation between Australia's Indigenous and non-Indigenous peoples. Sir William Deane, Governor-General of Australia, said in 2000:

All of us who are convinced of the rightness and urgency of the cause of Aboriginal reconciliation will be most effective and most persuasive if we have the strength and the wisdom to speak more quietly, more tolerantly, and more constructively to our fellow Australians who are yet to be convinced.³⁷

The Australian governments' policies of removing aboriginal children from their families with the purpose of depriving them of their identity are now perceived as a crime against humanity.

Recommendation 4: Securing support from prominent world representatives is essential for establishing the international status of the reconciliation processes.

Statement of national identity – the Australian and the Aboriginal flags together

During the much-celebrated Sydney-Australia 2000 Summer Olympic Games (15 September to 1 October 2000), Indigenous athlete Cathy Freeman won the gold medal in the spectacular 400 m run and earned the

³⁷ National Museum Australia, Defining Moments, 'Walk for Reconciliation', *Walk for Reconciliation across Sydney Harbour Bridge*, 2000, www.nma.gov.au, (accessed 19 June 2021).

Olympic title in a time of 49.11 seconds. After the race, Cathy wrapped together the two symbols of her identity: the national flag of Australia and the Aboriginal flag and ran joyfully her victory lap holding both flags gently twisted above her head in a spontaneous display of triumph, cheered and applauded by the filled to the brim Olympic stadium.

Completely out of step with national sentiments Australia's controversial chief of the Commonwealth Games, Arthur Tunstall publicly exploded with a display of racist rage and issued a statement publicly reprimanding the star athlete over her use of the Aboriginal flag on a previous occasion. He even warned her about possible sanctions and threatened 'to send her home' if she ever did it again. But she did it anyway!

Bringing the truth out in the open – Reconciliation between the Communists and anti-Communists

The present state of world social and psyche evolution perceives with horror the grim harvest of millions killed by 'the communist cancer'. The communist fantasy that some ideal utopia should be achieved by killing and torturing people under the banner that 'aim justifies the means' belongs to the graveyard of monstrous historical perversions.

The maniacal secrecy with which the communist secret police (SB, UB)³⁸ and judicial criminals followed the Soviet Union's policies of extermination of Polish people proves that they were committed in full consciousness of criminality and knowledge of violations of human rights. Guilty as charged.

The present-day communist 'die-hards' secretly tube-feeding still-born projections of that bankrupt slogan 'equality for all' at the same time hold onto their own privileges for grim death, while the people in whose name they allegedly act, vegetate at poverty levels. It is sufficient to compare the salaries and retirement payments to see the cynical mystifications.

Recommendation 5: To take the first step towards reconciliation with the present-day communists, 'Departmental children' and the descendants

³⁸ 'Służba Bezpieczeństwa, SB' [Security Service], was Polish People's Republic's secret police, intelligence, and counter-espionage agency operating as Ministerstwo Bezpieczeństwa Publicznego [The Ministry of Public Security]. From 1945 to 1954 it was commonly known as 'Urząd Bezpieczeństwa' (UB), [the Department of Security], and from 1956 to 1990 as 'Służba Bezpieczeństwa' (SB) [the Security Service].

of the perpetrators of crimes against humanity must come out of hiding, 'own-up', throw off all disguises, and openly reveal themselves. They must accept responsibility for the consequences of past deeds.

Unconditional apology and formal assumption of national responsibility

Eight years after 'The Walk' Prime Minister of Australia Kevin Rudd made a national apology to Australia's Indigenous people. On 13 February 2008, Prime Minister of Australia Kevin Rudd publicly proclaimed in the Parliament of Australia an unconditional APOLOGY to Australia's Indigenous people. The Prime Minister expressed official enunciation of profound sorrow for the injustices suffered by the indigenous people since the colonization of Australia by the British. The Australian government accepted FULL RESPONSIBILITY for the crimes committed by their ancestors:

...We apologise for the laws and policies of successive Parliaments and governments that have inflicted profound grief, suffering, and loss on these our fellow Australians.

We apologise especially for the removal of Aboriginal and Torres Strait Islander children from their families, their communities, and their country.

For the pain, suffering, and hurt of these Stolen Generations, their descendants, and for their families left behind, we say sorry.

To the mothers and the fathers, the brothers, and the sisters, for the breaking up of families and communities, we say sorry.

And for the indignity and degradation thus inflicted on a proud people and a proud culture, we say sorry.

We the Parliament of Australia respectfully request that this apology be received in the spirit in which it is offered as part of the healing of the nation...³⁹

³⁹ 'Apology to Australia's Indigenous Peoples', www.aph.gov.au, (accessed 19 June 2021).

By this historical act of brave admission of culpability and barefaced courage to accept the consequences of actions committed in the past by previous generations, the poison of guilt was neutralized enabling the beginning of the healing process.

FIG. 1. APOLOGY TO AUSTRALIA'S INDIGENOUS PEOPLES, 2008



Source: The Hon. Kevin Rudd (author and signatory), Gifts Collection, Parliament House Art Collection, Canberra ACT. Commissioned by The Department of Families, Housing, Community Services and Indigenous Affairs.

Thus, the road to Reconciliation was officially opened. Of necessity, it is going to be a long process, but the appropriate foundations were ceremonially and ritually put in place, and like a carefully cultivated tree, continue to grow.

TWENTY YEARS OF RECONCILIATORY EFFORTS

Twenty years passed. During those years much has been achieved. From 27 May to 3 June 2021 Australia celebrated the national reconciliation week 2021 under the theme: *More than a Word. Reconciliation Takes Action – 20 years of Reconciliation Australia*.

Australia's first formal process of reconciliation started in 1991. This process was set in motion by a recommendation from The Royal Commission into Aboriginal Deaths in Custody because of the disproportionate number of aboriginal people in custody, in prisons.

The Royal Commission proposed that the country urgently needed a formal process of reconciliation between Aboriginal and Torres Strait Islander and non-Indigenous peoples. The Commonwealth Parliament voted unanimously to establish a body responsible for setting up the organisation, and The Council for Aboriginal Reconciliation (CAR) was invoked by the Act of 1991, Act No. 127 of 1991, with the expectation that reconciliation would be achieved in ten years' time – by the centenary of the Federation in 2001.

Aboriginal people demanded that 'A united Australia respects this land of ours; values the Aboriginal and Torres Strait Islander heritage; and provides justice and equity for all'.

In 2000, after close to a decade of research, promotion, partnership-building, consultation, and educating, CAR presented its final reports to the Australian people:⁴⁰

AUSTRALIAN DECLARATION TOWARDS RECONCILIATION

We, the peoples of Australia, of many origins as we are, make a commitment to go on together in a spirit of reconciliation.

We value the unique status of Aboriginal and Torres Strait Islander peoples as the original owners and custodians of lands and waters.

We recognise this land and its waters were settled as colonies without treaty or consent.

⁴⁰ *The Australian Declaration towards Reconciliation and The Roadmap for Reconciliation*, www5.austlii.edu.au, (accessed 19 June 2021), [p.104, PDF].

Reaffirming the human rights of all Australians, we respect and recognise continuing customary laws, beliefs and traditions.

Through understanding the spiritual relationship between the land and its first peoples, we share our future and live in harmony.

Our nation must have the courage to own the truth, to heal the wounds of its past so that we can move on together at peace with ourselves.

Reconciliation must live in the hearts and minds of all Australians. Many steps have been taken; many steps remain as we learn our shared histories.

As we walk the journey of healing, one part of the nation apologises and expresses its sorrow and sincere regret for the injustices of the past, so the other part accepts the apologies and forgives.

We desire a future where all Australians enjoy their rights, accept their responsibilities, and have the opportunity to achieve their full potential.

And so, we pledge ourselves to stop injustice, overcome disadvantage, and respect that Aboriginal and Torres Strait Islander peoples have the right to self-determination within the life of the nation.

Our hope is for a united Australia that respects this land of ours; values the Aboriginal and Torres Strait Islander heritage; and provides justice and equity for all.⁴¹

The Report made two key arguments: that firstly, a decade of formal reconciliation was nowhere near enough to address 200 years of accumulated colonialism, oppression, and genocide—much remained unfinished; and secondly, that the majority of Australians agreed reconciliation was vital for Australia's future and supported a formal process.

This support was evident at the many People's Walks for Reconciliation across the country in 2000, in which hundreds of thousands of Aboriginal

⁴¹ By *Reconciliation Australia*, posted on 19 January 2021.

and Torres Strait Islander and non-Indigenous walkers crossed bridges in the name of reconciliation.

‘The Walks’ showed that while established by an Act of Parliament, the reconciliation process in Australia was truly a people’s movement.

Thus, it was from the recommendations of CAR and in keeping with the collective galvanism of the People’s Walks, that Reconciliation Australia was formed in 2001.

TWENTY YEARS OF RECONCILIATORY EFFORTS

This year, 2021, marks twenty years of Reconciliation Australia and almost three decades of the Australian formal reconciliation process.

Over this time, support and engagement with reconciliation has steadily grown, with far greater awareness of the complexity and magnitude of First Nations (Aboriginal) cultures and knowledge.⁴²

The process of reconciliation began with the ‘Walk across the Harbour Bridge’ and was officially sealed just eight years later by an official apology pronounced by the head of state in the Parliament.

RECOMMENDATIONS

World history contains countless records of atrocities committed by humans against humans.

The Australian process of Reconciliation emerged from an ocean of tears when the wrongs suffered by the Aboriginal people since the arrival of European conquerors came to public awareness and were officially acknowledged at the government level. The *Royal Commission into Aboriginal Deaths in Custody (RCIADIC)* (1987–1991), also known as the Muirhead Commission, was a Royal Commission appointed by the Australian Government in October 1987 to Federal Court judge James Henry Muirhead, QC.⁴³ It investigated the underlying social, cultural and legal issues behind the deaths in custody of Aboriginal and Torres Strait Islander people, in the light of the high level of such deaths in the 1980s. Alarming numbers of Aboriginal people were dying in Australian prisons.

⁴² By *Reconciliation Australia*, posted on 19 January 2021.

⁴³ *Royal Commission into Aboriginal Deaths in Custody, National Report*, vol. 5, Recommendations, April 1991, (PDF), retrieved on 7 June 2020.

During the process of inquiries, Indigenous peoples' grievances in regard to the forced removal of Aboriginal children from their families came into public view. These studies revealed multigenerational trauma and social, cultural, and psychological damages suffered by families as a consequence of violent uprooting of the children. These were identified as an important factor underlying frequent collisions with the 'white Australia's' European system of justice, foreign and incomprehensible to the Aboriginal history and culture.

Although The Commission's final report published in April 1991 concluded that the 99 deaths investigated were 'not due to police violence',⁴⁴ it opened up the possibilities for dialogue. The most important of them was perhaps the creation of The Council for Aboriginal Reconciliation by an Act of Parliament in September 1991.⁴⁵

However, before this can be accomplished, certain preliminary steps must be taken.

GENERAL RECOMMENDATIONS

National self-examination, 'reckoning of conscience' (*Rachunek sumienia*) is indispensable. Listed below are general and specific recommendations that can lead to national healing and open up the process of real *Reconciliation*.

The Australian 'Model Code of Conduct' for reconciliation ought to be developed and adopted for Polish conditions. The reconciliation process currently operating in Australia ought to be examined, adapted and initiated.

'National register of the victims of communism', a database listing people sentenced to death, executed, imprisoned, as well as a database registering their children, wives, mothers, fathers, siblings, etc. must be built.

The judiciary must be obliged to conduct self-examination – a 'Reckoning of conscience' (*Rachunek sumienia*). Punishment of the guilty of crimes against humanity is not recommended as lacking benefits for the

⁴⁴ *Royal Commission into Aboriginal Deaths in Custody*, 'Chapter 3: The Findings of the Commissioners as to the Deaths', National Report, vol. 1, Reconciliation and Social Justice Library, 1998, retrieved on 17 May 2006.

⁴⁵ Federal Register of Legislation, *Council for Aboriginal Reconciliation Act 1991, Incorporating all amendments by legislation made to 18 April 1994*, retrieved on 8 June 2020.

nation or the country. Reconciliation between victims and perpetrators is recommended instead.

International conference to be held as a 'think-tank' to find the most creative ideas and solutions of dealing with the emerging problems relating to reconciliation of the conflict between the descendants of the perpetrators of crimes against humanity, and their victims.

In conclusion, I recommend adopting in Poland the Australian model of Reconciliation to come to terms with the wrongs of the communist past, which bear remarkable similarities.

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