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Maria Stanowska*

Rehabilitation of people repressed for activity for the independence of Poland in the years 1944–1956 in the practice of the Warsaw Court

1. REPRESSIONS OF OPPONENTS TO SYSTEMIC CHANGES IN POLAND IN THE YEARS 1944–1956

In consequence of World War II Poland found itself in the sphere of influence of the Soviet Union and this empire significantly reduced the sovereignty of the Polish state as well as imposed systemic changes which were not accepted by the majority of the population. To enforce their implementation various methods were used to break any kind of resistance towards the authorities, most violent and acute in the years 1944–1956. State terror was applied in that period.

Victims to the repression included approximately 8 600 killed, 25 000 murdered, 50 000 deported to the Soviet Union, 240 000 arrested (even children over 13 years old could be arrested) and approximately 25 000 executed or tragically dead in prisons[1]. It cannot be excluded that some of the figures given above are underestimated. According to Maria Turlejska, in the years 1944–45 approximately 50 000 Home Army[2] soldiers and in 1945 approximately 50 000 Poles from Pomerania, Upper Silesia and Great Poland regions were deported to the Soviet Union. Approximately 10 thousand were murdered without a court sentence – in the course of investigation, in the streets or fields, buried in the gardens surrounding county security offices or cemeteries (often in secret). The number of political prisoners sentenced for anti-state offenses for long-term imprisonment reached approximately 100 000 or even 150 000[3].

* The author is a Doctor of law sciences, retired Member of the Office for Studies and Analyses of the Supreme Court.

1 *Bijące serce partii. Dzienniki personalne Ministerstwa Bezpieczeństwa 1945–47,* A.K. Kunert, R. Stolarski (eds.), Vol. I, Warszawa 2001, p. 11.

2 Home Army – an underground independence military organization, part of the Armed Forces of The Republic of Poland operating during World War II in the country, reporting to the Commander-in-Chief and the Government of the Republic of Poland in exile. Created in result of the re-organization of the Service for Poland's Victory (established on 27 September 1939) into the Union for Armed Struggle (13 November 1939) which was renamed Home Army on 14 February 1942. Home Army is believed to be the largest and best organized underground army operating in the occupied Europe. The order to dissolve the Home Army was given by the Chief Commander on 19 January 1945. On the structures of the Polish Underground State viz. Jan Karski [in:] *Tajne państwo: opowieść o polskim podziemiu* (1st edition of the book *Story of a secret state*, appeared in the USA in the second half of 1944).

3 M. Turlejska, *Te pokolenia żałobami czarne... Skazani na śmierć i ich sędziowie,* Warszawa 1990, pp. 26 and 106–107.

Unknown remains also the number of people sentenced to death as it can only been estimated. According to M. Turlejska, in the years 1944–1948 alone, over 2 500 people were sentenced for political offenses[4]. My own calculations point to a figure of no less than 3 000 people[5]. Jerzy Poksiński estimates that in the years in question some 4 400 people received a death sentence[6]. Penal repressions were extended also to farmers for failure to satisfy the compulsory delivery of grain, livestock and milk requirements. 518 000 farmers were punished for the above in the years 1952–1955[7]. A large number of people were also detained and tortured in the detention wards of public security offices even though no formal penal proceedings against them were in progress.

In spite of the existence of good normative acts in the field of substantive and procedural law from the interwar period, hurried steps were taken to adopt new ones, more adequate to cracking down the nation[8]. For this purpose, the Home National Council[9], performing the function of a temporary parliament, equipped the executive power with the authority to pass decrees with the power of a law[10]. The Polish National Liberation Committee adopted a large number of acts used to repress people undertaking independence-oriented activity and, in particular, the decree of 23 September 1944 Criminal Code of the Polish Army[11] (hereinafter referred to as c.c.PA), the decree of 30 October 1944 on the protection of the State[12], including the sanction of capital punishment in every provision.

The Council of Ministers issued decrees: of 16 November 1945 on crimes particularly dangerous at the time of the reconstruction of the state[13], replaced with the decree of 13 June 1946 of the same name[14] (the so-called small criminal code, hereinafter referred to as s.c.c.), decree of 22 January 1946 on responsibility for the September defeat and for letting fascist influences invade state life[15] and the decree of 16 November 1945 on summary proceedings[16]. The latter (in force till 1 January 1970) caused that in cases in which summary proceedings were applicable, common courts could adjudicate capital punishment or life sentence as well as at least 3-year imprisonment irrespective of the penalties foreseen for a given crime in the law. Moreover, adjudications made in this course could not be appealed against[17].

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[4] M. Turlejska, *Te pokolenia...,* p. 26.
[5] M. Stanowska, *Sprawy polityczne z lat 1944–1956 w świetle orzeczeń rehabilitacyjnych Sądu Najwyższego w latach 1988–1991,* „Studia Iuridica" 1995, Vol. 27, pp. 68–69.
[6] J. Poksiński, *'My, sędziowie, nie od Boga...'. Z Dziejów Sądownictwa Wojskowego 1944–1956*. Materials and documents, Warszawa 1996, p. 14.
[7] Cz. Kozłowski, *Namiestnik Stalina,* Warszawa 1993, p. 123.
[8] Z.A. Ziemba calls the criminal law of the years 1944–56 an anti-society law making the latter the title of his book on the subject – Z.A. Ziemba, *Prawo przeciwko społeczeństwu,* Warszawa 1997.
[9] An underground body established in a private flat in Warsaw on the night of 31 December 1943/1January 1944 by representatives of the Polish Workers' Party, K. Kersten, *Narodziny Systemu Władzy. Polska 1943–1948,* Warszawa 1989, p. 41.
[10] The Home National Council gave this power by the law of 15 August 1944 (Journal of Laws No. 1, Item 3) first to the Polish National Liberation Committee, established by the law of 21 July 1944 (Journal of Laws No. 1, Item 1), and subsequently passed this power over by virtue of the law of 3 January 1945 (Journal of Laws No. 1, Item 1) to the Interim Government of the Republic of Poland established by virtue of the law of 31 December 1944 (Journal of Laws No. 19, Item 99).
[11] Journal of Laws No. 6, Item 27 with amendments.
[12] Journal of Laws No. 10, Item 50.
[13] Journal of Laws No. 53, Item 300.
[14] Journal of Laws No. 30, Item 192.
[15] Journal of Laws No. 5, Item 46.
[16] Journal of Laws No. 53, Item 301.
[17] Summary proceedings were not applicable to crimes committed by people liable before military courts (Article 1, Sect. 4 of the decree on summary proceedings).

Preparatory proceedings, though formally subordinated to the prosecutor, were in fact subordinated to the public security bodies. It was also these bodies that decided about the application of temporary detention[18]. This allowed for violation of basic principles of the rule of law in the criminal proceedings conducted. It was everyday practice for public security officers to apply sophisticated tortures in proceedings, even proceedings not always formally initiated against real or alleged political opponents.

The enormous scale of the violation of the rule of law by the investigation officers of the public security bodies are evidenced by the criminal proceedings instituted against, among others, Roman Romkowski – vice-minister in the Ministry of Public Security, Anatol Fejgin – head of the 10th Department of the Ministry of Public Security and Józef Różański – head of the Investigation Department of the Ministry of Public Security, all terminated with a conviction[19].

Following an agreement between the Minister of Justice, the Minister of National Defense and the General Prosecutor, in 1956, the so-called Mazur (J. Wasilewski) Commission[20] was established to investigate the activity of military investigation and judicial bodies[21] and also the General Prosecutor's Office and the Prosecutor's Office for the capital city of Warsaw. The results of the work of the Mazur Commission were particularly valuable as regards the activity of military investigation and judicial bodies. The Commission had at its disposal the results of court trials in which all those convicted in the cases related to the so-called conspiracy in the army[22] were rehabilitated. The proceedings revealed that the conspiracy accusations had been as a whole doctored and the convicting adjudications based on testimonies and statements extorted through torture. The commission brought charges of the applications of inadmissible methods of investigation, against some people even a charge of murder or heavy body injury in result of the application of criminal investigation methods, motioning for instituting criminal proceedings against the people concerned. However, as indicated by J. Poksiński's findings, the General Prosecutor's Office initiated investigations only against some of the perpetrators using inadmissible investigation methods. In spite of the confirmation of the use of criminal investigation methods only Władysław Kochan and Mieczysław Notkowski were sentenced by the Supreme Military Court to 5 years of imprisonment[23]. Proceedings against many other Military Information officers charged with

[18] In practice, the role of the coroner was gradually eliminated to be finally abolished in the fundamental amendment to the criminal code of 1928 made in the years 1949–1950.

[19] On 11 November 1957 the Voivodeship Court in Warsaw sentenced R. Romkowski and J. Różański to 15 years imprisonment and A. Fejgin to 12 years of imprisonment. The Supreme Court mitigated the punishment of Różański to 14 years. Investigations were also instituted against other public security offices – more about it [in:] M. Stankowska, *Próby rozliczenia z przeszłością w wymiarze sprawiedliwości* [in:] *Ius et Lex. Księga Jubileuszowa in honour of Professor Adam Strzembosz,* Lublin 2002, pp. 305–309.

[20] The Head of the Commission was Marian Mazur, Deputy Prosecutor General who was replaced by Jan Wasilewski, also Deputy Prosecutor General, when the former became Prosecutor General.

[21] The investigation covered only Military Information, Chief Military Prosecutor's Office and the Supreme Military Court. Military courts and Military Prosecutor's Office of lower ranks where violation of the rule of law also occurred, were not investigated.

[22] Dozens of people convicted for the so-called conspiracy in the army, including 37 officers with capital punishment (twenty of which were executed) were rehabilitated in the second half of the 50s following the resumption of proceedings viz. J. Poksiński, *'Spisek w armii'. Victis honos,* Warszawa 1994.

[23] Sentence of 1959. Both defendants were also degraded in 1960 to private – information after J. Poksiński, '*My, sędziowie*..., pp. 54 and 70.

the application of inadmissible investigation methods were discontinued under the amnesty laws of 22 November 1952[24] and of 27 April 1956[25]. The motions put forward by the Commission for disciplinary dismissal of a few officers as well as degradation to a lower military rank of almost forty other officers (including people against whom an investigation was initiated)[26].

The failure to enforce the motions for holding both the people guilty of creating a system of extorting testimonies through physical violence and direct executioners of these criminal methods criminally liable was a consequence of the necessity to liberalize the severity of the prosecution of the Security and Information officers recommended by the Polish United Workers' Party. It was Jan Wasilewski, the head of the commission investigating the manifestations of the violation of the rule of law, who had to justify his proceedings against security officers[27].

The motions of the Commission regarding people responsible for violating the rule of law in the General Military Prosecutor's Office were not enforced, either. Criminal proceedings against Stanisław Zarakowski and Henryk Ligięza were not initiated[28]. The same concerned the motion of the Commission for lowering the military ranks of eight prosecutors and the motion for prohibiting four of them to work in the system of justice[29].

Judges adjudicating in the cases of the so-called conspiracy in the army adjudicated capital punishment (of 37 officers) and always objected to reprieve. Hence, with respect to several judges: Feliks Aspis, Juliusz Krupski, Teofil Karczmarz and Mieczysław Widaj, who adjudicated in many cases and thus had an opportunity for a thorough and in-depth examination of the alleged military conspiracy, the Mazur (J. Wasilewski) Commission put forward a motion that an investigation be conducted to establish whether they had committed court murder or at least the crime of the abuse of power and failure to comply with the obligation[30]. The investigation was not instituted[31]. It is also doubtful whether they bore any consequences (apart from being transferred to the reserve yet before the commencement of the works of the Commission)[32]. Also, the motions of the Commission as regards the prohibition of work in the system of justice and the lowering of military ranks of a number of judges were not implemented[33].

[24] Journal of Laws No. 46, Item 309.
[25] Journal of Laws No. 15, Item 57.
[26] Information given after J. Poksiński, '*My sędziowie*..., pp. 280–282.
[27] The statement made by J. Wasilewski is presented by H. Dominiczak, *Organy bezpieczeństwa PRL 1944–1990. Rozwój i działalność w świetle dokumentów MSW,* Warszawa 1997, pp. 122–124.
[28] J. Poksiński, '*My, sędziowie*..., pp. 244–249, 282.
[29] The negatively assessed prosecutors included: Józef Feldman, Maksymilian Lityński, Marian Frenkiel, Stanisław Banaszek, Mieczysław Dytry, Zenon Rychlik, Mieczysław Mett and Helena Wolińska. The negative assessment of the Commission concerned also four prosecutors being Russian officers who returned to the Soviet Union: A. Skulbaszewski, A. Lachowicz, J. Amons and L. Azarkiewicz – information given after J. Poksiński, '*My, sędziowie*..., pp. 261 and 282.
[30] On the basis of the report of the Mazur (J. Wasilewski) Commission, published in the monograph by J. Poksiński, '*My, sędziowie*..., pp. 262–274.
[31] J. Poksiński, '*My, sędziowie*..., p. 283.
[32] On the basis of the archive materials of the Supreme Court I established that T. Karczmarz, not having law education, became judge of the Supreme Court in 1955 and remained in the position till 30 April 1957.
[33] The negative opinion of the Commission covered two Soviet officers: president of the Supreme Military Court – W. Świątkowski and his deputy – A. Tomaszewski, recalled to the Soviet Union as well as 7 judges: Oskar Karliner, Leo Hochberg, Aleksander Warecki, Piotr Parzeniecki, Stefan Michnik, Kryspin Mioduski and Zygmunt Krasuski. Only Col. O. Karliner was degraded to private by order of the Minister of National Defense of 1980. K. Mioduski and Z. Krasuski as well as L. Hochberg worked in the Military Chamber of the Supreme Court – information given after J. Poksiński, '*My, sędziowie*..., pp. 57, 80–81, 156, 276 and 283.

People in charge of the work of the so-called secret sections operating in the Ministry of Justice and the Court of Appeal and the Voivodeship Court in Warsaw in the years 1950–1954 were treated with even more leniency. The Minister of Justice, Zofia Wasilkowska, set up a commission to investigate the activity of the secret sections. Although, as the later rehabilitation proceedings revealed, these courts sentenced to death on no grounds a large number of people[34], the Commission (by the majority of votes) motioned only for initiating disciplinary proceedings against five judges most active in the secret sections[35]. Only I. Rubinow was found guilty of offending the office of the judge with infringement of the basic principles of the rule of law in connection with being the head of the so-called secret section in the period from September 1950 to September 1953 and sentenced to a disciplinary punishment of being retired without reduction of remuneration and simultaneously found not guilty of part of the charges. M. Stępczyński was acquitted of all the charges in spite of the fact that he sentenced B. Chajęcki, K. Moczarski, J. Rycelski and E. Krak to death without due grounds. He also took part in convicting to capital punishment Julian Czerniakowski and Zbigniew Ejme (the sentences were carried out)[36].

In my study[37], I discuss in detail the question of the violation of the rule of law by investigation and judicial bodies in the years 1944–1956 as well as the liability incurred by them for the related abuses.

II. REHABILITATION OF THE VICTIMS OF REPRESSING ADJUDICATIONS – GENERAL INFORMATION

Rehabilitation trials intended to repair the damage done by the system of justice in the years 1944–1956 were having place (although on a limited scale) already in the second half of the 50s, mainly in the course of resumed proceedings[38]. From 1988, the Supreme Court began to receive extraordinary appeals, more rarely petitions for the resumption of proceedings, starting rehabilitation proceedings. The proceedings were resumed because in the earlier proceedings a crime was committed or new facts or evidence emerged. In the extraordinary-revision appeals or cassation proceedings courts were accused of making an adjudication ridden with a serious infringement of substantive and procedural law.

[34] Bronisław Chajęcki (the sentence was executed, Chajęcki was rehabilitated posthumously in 1958), Kazimierz Moczarski, Eustachy Krak and Jan Rycelski were acquitted in 1956, August Emil Fieldorf (the sentence was executed, in 1958 the proceedings were discontinued due to lack of evidence and only in 1989 due to not having committed the crime). All the rehabilitation proceedings revealed that testimonies and explanations were extorted.

[35] Those were judges: Ilia Rubinow – responsible for the secret section in Warsaw courts, Emil Merz – responsible for the secret section in the Supreme Court and Marian Stępczyński, Kazimierz Czajkowski and Feliks Roszkowski.

[36] It is worth noting that from 16 December 1955 M. Stępczyński was delegated to perform the duties of a Supreme Court Judge and from 16 September 1958 became a Supreme Court Judge which he remained till his death in 1964 (on the basis of archive materials of the Supreme Court). Also E. Merz and J. Czajkowski were still Supreme Court Judges – Merz till his retirement in 1962 and Czajkowski till 1972.

[37] M. Stanowska, *Próby*..., pp. 305–317, 326–334.

[38] Till 1957 dozens of hundreds of the convicted were rehabilitated. Approximately 6 thousand political prisoners were released under the law of 27 April 1956 on amnesty (see: M. Turlejska, *Te pokolenia*..., pp. 60 and 108).

In the years 1988–1991, following the examination of extraordinary revisions[39], the Supreme Court rehabilitated 1274 people, out of which 693 people (that is over 54 percent were convicted in the years 1944–1956[40]. An analysis of 306 rehabilitation cases before the Supreme Court in the years 1988–1991 revealed that in the second half of the 50s adjudications were changed to the advantage of the defendant in the form of court supervision. It consisted primarily in mitigating very severe penalties. Occasionally, it was preceded by a change of the legal classification of the offense to a lighter one[41].

Since 1996 rehabilitation in political case proceeded with the use of extraordinary cassations. An analysis of extraordinary cassations in criminal cases which were brought to the Criminal Chamber of the Supreme Court in the years 1996–2002, covering all adjudications in cases of political character, indicates that as many as 743 people received full rehabilitation in this course, the majority of them, 392 people (52.8%) having been convicted in the years 1944–1956[42].

The extraordinary cassations in penal cases which were brought to the Military Chamber of the Supreme Court in the years 1996–2005 were also examined. The cassations appealed against adjudications concerning 177 people, including 124 people convicted in the years 1944–1956, made prior to 1989[43]. 103 people, including 99 people convicted for crimes of political character, the majority of them – 73 people (73.7%) convicted in the years 1944–1956, were fully rehabilitated[44].

After 1989, an effective way was sought to conduct the rehabilitation of people convicted for different forms of opposition to the totalitarian system so that the adjudications the validity of which was to be ruled null and void, would no longer be questioned.

The first attempt of this kind was made by the Senate of the Republic of Poland in its resolution of 1 December 1989. Pursuant to that resolution steps were to be taken, among others, to deem unlawful the legal acts from the years 1944–1948 which violate human rights. It was to lead to automatic reversal of judgments passed on their basis. The Senate also advocated declaring unlawful the judgments made in the so-called secret section of common and military courts. Finally, it also demanded that the stalinist crimes committed after World War II were declared genocide. The concept of automatically declaring all adjudications made after 31 December 1943 invalid was also presented in the draft law prepared by Prof. Tadeusz Zieliński[45].

[39] The annual reports of the Criminal Chamber and the Military Chamber of the Supreme Court show that extraordinary revisions in political cases were lodged also in the following years. In the years 1992–1995, the Criminal Chamber received 786 such revisions (it is not known how many people covered by the revisions were convicted in the years 1944–1956). In the years 1992–1996, the Military Chamber received revisions concerning 1 399 people but only 159 people were convicted in 1944–1956.

[40] M. Stanowska, *Orzecznictwo Sądu Najwyższego w sprawach rehabilitacyjnych 1988–1991,* „Archiwum Kryminologii" 1993, Vol. XIX, pp. 135 and 160.

[41] M. Stanowska, *Sprawy polityczne z lat 1944–1956 w świetle orzeczeń rehabilitacyjnych Sądu Najwyższego w latach 1988–1991,* „Studia Iuridica" 1995, Vol. 27, p. 69.

[42] M. Stanowska, *Rehabilitacja osób skazanych za przestępstwa i wykroczenia polityczne w wyniku uwzględnienia kasacji nadzwyczajnych (1996–2002),* „Przegląd Sądowy" 2008, No. 5, pp. 70 and 72.

[43] M. Stanowska, *Kasacje nadzwyczajne w Izbie Wojskowej Sądu Najwyższego (1996–2005),* „Studia i Analizy Sądu Najwyższego" 2010, Vol. IV, p. 310.

[44] M. Stanowska, *Pełna rehabilitacja w orzeczeniach Izby Wojskowej Sądu Najwyższego (1996–2005),* „Studia i Analizy Sądu Najwyższego" 2011, Vol. V, pp. 267–268 and 326.

[45] This draft law is referred to in the study of G. Rejman which contains a broad discussion of grounds for invalidating acts issued by the authorities – G. Rejman, *Prawo stanu wyjątkowego i odpowiedzialność karna za jego wprowadzenie a praktyka,* "Studia Iuridica" 1995, Vol. 27, p. 224 et seq.

Both the concept of declaring the legal acts unlawful and the automatic invalidation of adjudications were rejected. In result, the law of 23 February 1991 was passed on declaring invalid the adjudications made with respect to people repressed for working for the independence of the Polish State[46] (hereinafter referred to as the rehabilitation law), under which it is the court which rules an adjudication invalid after examining a particular case. Simultaneously, the scope of the application of the law was restricted in relation to different versions of the draft in two ways. Firstly, what was abandoned was the idea of declaring invalid adjudications convicting for activities consisting in exercising the human rights and freedoms (thus, for instance, people convicted for religious reasons or for opposing the authorities in any other ways were deprived of the chance). Secondly, time censorship was introduced, with 31 December 1956 indicated as the final date for independence-oriented activity. The solution was faulty but it was only the rehabilitation law that opened a new crucial stage in repairing the wrongs caused for political reasons under the communist rule. The law gave many people convicted in the years 1944–1956 a new possibility of verifying the judgment even where the judgment was lawful. Its importance cannot be underestimated as it was one of the first laws passed by the parliament in free Poland which restored honour to people who fought for free Poland.

III. METHODOLOGY OF EXAMINING REHABILITATION DECISIONS OF WARSAW COURTS AND STATISTICAL FINDINGS

The object of the present study covers the most important findings of the study of the adjudication practice of Warsaw courts in rehabilitation cases concerning people repressed for in the years 1944–1956 carried out in the Office for Studies and Analyses of the Supreme Court[47].

The analysis covered cases for the statement of invalidity of adjudications made with respect to people repressed in the years 1944–1956 for activity for the independence of Poland or for resistance to the collectivization in agriculture or for compulsory deliveries before the Voivodeship (later District) Court in Warsaw in the years 1991–2007. What was also studied were the decisions made by the Supreme Court both those closely connected to the enforcement of the rehabilitation law by Warsaw courts and those in cases of people with respect to whom Warsaw courts dismissed the petitions for declaring adjudications invalid.

The 'starting' point of the study was the date of the coming into force of the rehabilitation law[48]. The final date is 2007 because the amendment to the rehabilitation law of 19 September 2007[49] broadened significantly the time scope of the applicability of the law till 31 December 1989 and moreover declared invalid by virtue of law all decisions on internment made on the basis of the decree of 12 December 1981 on the state of war[50]. Consequently, since 2008 only single cases of petitions for declaring the invalidity of adjudications made in the years 1944–1956 appeared.

[46] Journal of Laws No. 34, Item 149.
[47] Report from study findings: Office for Studies and Analyses of the Supreme Court, M. Stanowska, *Rehabilitacja osób represjonowanych w latach 1944–1956 za działalność na rzecz niepodległości Polski w praktyce sądów warszawskich*, Warszawa 2017 (in print).
[48] 24 May 1991.
[49] Journal of Laws No. 191, Item 1372 came into effect on 18 November 2007.
[50] Journal of Laws No. 29, Item 154.

The first stage of the study focused on entries from Korepertories for the years 1991–2007 of the 8th Division of the District Court in Warsaw. What is recorded in the repertories are in the first place cases for the declaration of the invalidity of adjudications, for compensation and redress in cases of people killed or imprisoned, without proceedings closed with an adjudication as well as in cases for compensation and redress in connection with the action of Soviet prosecution bodies. By 1996, these repertories came to include also a number of other cases, among others, cases in the subject of temporary detention, placement in a psychiatric hospital, appointment of a counsel for the defence by the court. This is evidence of a very broad range of cases in the competence of the Division the adjudications of which were analysed.

From 1997, a separate repertory began to be kept solely for cases for the adjudication of the invalidity of judgments as well as for compensation and redress. The number of cases reported in the repertories in individual years presents as follows:

Table 1
Cases in the District Court in Warsaw in the years 1991–2007

Year	1991	1992	1993	1994	1995	1996	1997	1998	1999
Number of cases	2005	2618	3527	6378	1784	1048	350	592	475
Year	2000	2001	2002	2003	2004	2005	2006	2007	
Number of cases	278	256	195	209	159	189	150	52	

Source: own study.

What draws attention is a high number of cases (always over a thousand) in the period up to 1996. A marked upward trend was witnessed in the years 1993–1994 which was a consequence of the amendment to the rehabilitation law of 20 February 1993[51], giving a possibility to lodge petitions for compensation and redress in connection with the activities of Soviet prosecution bodies.

Table 2
Cases for declaring invalidity of judgments brought under the rehabilitation law received and settled in district courts in the years 1991–2007

Year	**Receipt**	**Settlement**	**Year**	**Receipt**	**Settlement**
1991	8 332	5 369	2000	617	966
1992	10 940	8 670	2001	480	962
1993	8 519	9 020	2002	288	636
1994	5 439	5 586	2003	230	446
1995	2 740	3 368	2004	220	276
1996	4 176	2 522	2005	182	324
1997	1 378	2 168	2006	122	160
1998	1 659	2 040	2007	125	118
1999	1 083	1 608	Received in the years: 1991–2007 – 46.530 cases, settlements 44.239 cases		

Source: own study on the basis of the statistical information of the Ministry of Justice.

[51] Journal of Laws No. 36, Item 159 – the law became effective as of 21 May 1993.

In 1994 alone, 4792 petitions of this kind were received (in total ca. 6 000). Such a high number of petitions resulted from the fact that the Voivodeship Court in Warsaw was the only one entrusted with the competence of adjudicating in cases of this kind.

Only the change of the competence of the court examining such petitions introduced in a subsequent amendment to the rehabilitation law of 3 February 1995[52] allowed to transfer the majority of the petitions to courts throughout the country. From 1997, the number of cases entered into repertories did not exceed 600 and since 2000 a marked downward trend has been observed.

The second stage of the study involved a survey of statistical data of the Statistical Managerial Information Division of the Ministry of Justice on the receipt and settlement of cases for declaring the invalidity of judgments made with respect to people repressed for activity for the independence of the Polish State in district courts in Poland in the years 1991–2007. The statistical data of the Ministry of Justice does not include the manner in which a petition for declaring invalidity was settled but only informs about compensations and redresses lawfully adjudicated following the declaration of invalidity.

The data concerning a lawfully adjudicated compensation and redress following a declaration of invalidity by district courts in Poland show in how many cases district courts in Poland granted the petitions for declaring the invalidity of a judgment fully or in part. In the analysis carried out in the District Court in Warsaw, concerning the rehabilitation proceedings themselves, I limited myself to checking whether the rehabilitated people lodged compensation claims.

The data referred to reveal that only a small number of people repressed in the years 1944–1956 made use of the rehabilitation law. As it was already pointed out in the preliminary remarks, only the number of people convicted for anti-state crimes to long-term imprisonment and capital punishment is estimated at over 100 000 while at least another 518 000 are estimated to have been punished for resistance to collectivization in agriculture and compulsory deliveries.

The mean level of amounts adjudicated in virtue of compensations and redress for painful repressions of the years 1944–1956 was rather low as illustrated by the information presented in Table 3.

In addition, not all the rehabilitated people (or their spouse, children or parents) lodged compensation or redress claims. In the District Court in Warsaw there were 2 242 cases of compensation and redress claims which made up 86.7% of cases closed with the whole or part of the petition for declaring invalidity of an adjudication being granted. Thus, the reservations concerning the adoption of the rehabilitation law referring to the financial capacity (read – difficulties) of the state were largely exaggerated[53].

[52] Journal of Laws No. 28, Item 143 – the law took effect as of 1 April 1995. Pursuant to it the court competent for examining cases for compensation and redress in connection with the activities of Soviet prosecution bodies, became the Voivodeship Court in the district of which a petition-lodging person resides.

[53] The reservations were made during the debates of the Parliament of the 10th term over the draft rehabilitation law. See: Stenographic report from the 49th session of the Parliament of the 10th term on 12 January 1991.

Table 3
Legally valid compensations and redresses adjudicated in consequence of the adjudication of invalidity in the years 1991–2007

Year	Number of people	Total value of adjudicated amounts (in PLN)	mean value of adjudicated amounts (in PLN)
1991	No data	4 570 397	No data
1992	3 923	43 951 878	11 204
1993	6 614	88 195 610	13 335
1994	7 538	88 481 588	11 738
1995	7 546	87 039 191	11 534
1996	7 269	89 714 833	12 342
1997	6 453	93 310 625	14 460
1998	6 270	112 914 844	18 009
1999	6 800	151 505 642	22 280
2000	5 060	100 552 911	19 872
2001	3 625	67 262 712	18 555
2002	1 992	50 805 193	25 505
2003	1 522	38 076 477	25 017
2004	1 596	37 952 091	23 780
2005	1 001	24 950 364	24 925
2006	511	12 959 833	25 362
2007	340	9 341 712	27 476
Total	**68 060**	**1 101 585 901**	**16 186**

Source: own study.

On the basis of repertories, it is possible to establish what courts passed repressing adjudications being objects of rehabilitation proceedings. Of course, the number of repressing judgments appealed against in the District Court in Warsaw was the highest and included 2 701 (90.7%) judgments made by military courts. 217 petitions for declaring invalidity concerned common courts judgments while 60 – judgments made by the Special Commission for Fight with Economic Abuses and Sabotage. Such a large number of military courts judgments being objects of rehabilitation proceedings results from the fact that judgments concerning pro-independence activities fell primarily within the substantive competence of military courts.

Since 1944, that is in the period of intensified repression activity of the state, the competences of military courts were increased significantly and were extended to cover civilians accused of a number of crimes of political character. The scope of the competence of military courts was significantly reduced only as of the 1 May 1955[54]. Since that moment only criminal cases of people accused of espionage were left in their competence.

[54] On 1 May 1955, the law of 5 April 1955 on transferring to common courts the hitherto competence of military courts in criminal cases of civilians, public security officers, Citizen Militia and Prison Service took effect (Journal of Laws No. 15, Item 83).

The next stage of the study consisted in mining from the repertories all the cases which involved presentation of petitions for declaring the invalidity of a judgment in the years 1991–2007. This allowed to establish what formal and substantive adjudications were made by the District Court in Warsaw in proceedings for the declaration of the invalidity of an adjudication, who appealed against substantive adjudications and what legally binding adjudications were made with respect to rehabilitation.

Table 4
Petitions for the declaration of invalidity of adjudications on the basis of the rehabilitation in the District Court in Warsaw in the years 1991–2007

Year	Petitions for the declaration of the invalidity of judgments				
	Received	Passed to other courts	Discontinued	Petitions left unexamined	Substantive settlements
1991	1028	343	11	6	668
1992	1265	323	20	29	893
1993	616	102	38	10	466
1994	467	105	42	8	312
1995	247	50	27	1	169
1996	142	26	20	5	91
1997	113	26	18	--	69
1998	148	22	16	5	105
1999	81	22	11	--	48
2000	61	15	12	2	32
2001	41	7	4	--	30
2002	32	5	5	--	22
2003	31	3	10	1	17
2004	27	2	4	--	21
2005	23	---	5	--	18
2006	19	2	6	--	11
2007	9	2	3	--	4
Total	**4 350**	**1 055**	**252**	**67**	**2 976**

Source: own study.

Table 4 presents the petitions for the declaration of the invalidity of judgments passed in the years 1944–1958 concerning people repressed, primarily for pro-independence activity, received by the District Court in Warsaw as well as the way they were settled. The table gives substantive solutions (without indication whether the petition was granted or dismissed) as well as decisions: to pass the case to other courts, to discontinue the proceedings as well as to leave a petition for the declaration of the invalidity of the judgment without examination.

On this basis it was found out that the inflow of petitions for the declaration of the invalidity of a judgment to the District Court in Warsaw constituted 9.4% of cases of this kind handled by district courts in Poland (i.e. a fairly high percentage).

Table 5 shows substantive solutions adopted by the District Court of the 1st instance in Warsaw and includes the way the case was resolved. Judgments providing

for fully granting the petition for the declaration of the invalidity of a judgment constitute 82.8% of substantive adjudications. In addition, the District Court in Warsaw partially granted the petition for the declaration of the invalidity of a judgment in 3.7% of cases. In total, 86.5% of substantive judgments closed with full or partial rehabilitation and only 13.5% of the petitions were dismissed.

What draws attention is the fact that the majority of the cases, as many as 2 509 (84.3%), were received and resolved in a substantive way in the years 1991–1995, that is at the beginning of the period in which the rehabilitation law was in force. Also, in that period the percentage of petitions dismissed was slightly lower than throughout the period and amounted to 11.6% of substantive adjudications.

Table 5
Substantive judgments of the District Court in Warsaw

Year	Full invalidation	Partial invalidation	Dismissal	Year	Full invalidation	Partial invalidation	Dismissal
1991	581	31	56	2000	21	1	10
1992	759	36	99	2001	22	---	8
1993	389	16	61	2002	14	---	8
1994	262	13	37	2003	9	1	7
1995	130	2	37	2004	18	1	2
1996	74	1	16	2005	15	---	3
1997	55	5	9	2006	8	1	2
1998	76	2	27	2007	2		---
1999	31	-	17				

Source: own study.

The substantive adjudications made in the proceedings for the declaration of the invalidity of a judgment were appealed against to the Court of Appeal in Warsaw. The majority of the appeals (as many as 175) were made by the petitioner against only 46 made by the prosecutor.

The complaints by the prosecutor concerned 1.9% of the judgments granting the repressed full rehabilitation. Following the examination of the complaint the Court of Appeal maintained in force 26 judgments fully granting the petition for the declaration of the invalidity of a judgment, dismissed the petition for rehabilitation in 3 cases and in 17 cases passed them on for re-examination to the District Court while in 5 cases the proceedings were discontinued.

The petitioner appealed against 152 (37.9%) of judgments dismissing the petition for the declaration of invalidity as well as 23 (20.9%) of judgments granting the petition only partly, demanding that it be fully granted.

Following the examination of appeals against judgments partially granting the petition for declaring invalidity, the Court maintained 11, declared 2 repressing judgments fully invalid and passed 10 cases on to the court of the first instance for re-examination. After re-examination the petition was fully granted in 8 cases and in 2 cases the petitions were dismissed.

Appeals against judgments dismissing a petition for declaring judgments invalid resulted in the maintenance of 107 judgments. The Court of Appeal itself declared invalid repressing judgments in 9 cases, partly invalid in one case, passing 35 cases to the court of the first instance for re-examination. After re-examination, full petition was granted in 17 cases, partial in one, 9 petitions were dismissed and in 8 cases the proceedings were discontinued.

In the course of appeal, proceedings in a total of 13 cases were discontinued. This number included 5 cases in which the court of the first instance declared repressing judgments fully invalid and 8 cases in which the court of the first instance dismissed petitions.

Table 6
Legally valid judgments in proceedings for the declaration of the invalidity of a judgment before the District Court in Warsaw*

Year	Judgment declared invalid		Dismissal	Dicontinuation
	Fully	Partly		
1991	587	22	40	2
1992	757	35	91	5
1993	383	16	54	2
1994	259	12	33	1
1995	128	2	35	--
1996	74	1	15	--
1997	55	5	9	--
1998	76	2	26	--
1999	31	--	16	--
2000	21	1	10	--
2001	21	---	7	1
2002	14	---	7	--
2003	8	1	7	--
2004	18	1	2	1
2005	14	---	3	1
2006	8	1	2	--
2007	2	---	2	--
Total	**2456**	**99**	**359**	**13**

Source: own study.

* The result of the appellate proceedings does not find full confirmation in Table 6 giving legally valid judgments issued in proceedings under the rehabilitation law. This results from the fact that once a case is sent for re-examination, it is entered into the repertory as a new one.

Ultimately, following appeal proceedings, the number of adjudications fully granting the petition for the declaration of the invalidity of a judgment increased by 30, the number of adjudications dismissing the petition for rehabilitation decreased by 20 and the number of adjudications partially granting the petition by 10. However, the percentage of judgments granting full petition for the declaration of the invalidity of repressing judgment increased and constitutes 84.3% of substantive

judgments. Similarly, the percentage of substantive adjudications closed with full or partial rehabilitation and consequently the percentage of adjudications in which the petition was dismissed decreased to 12.3%.

The analysis of the records of the District Court in Warsaw was carried out according to uniform criteria, on the basis of a detailed questionnaire prepared in advance. The study focused primarily on the following issues: 1) type of the cases in which petitions for the declaration of the invalidity of the adjudication are made as well as the type and form of repressing adjudications made in courts of the first or second instance; 2) who addressed the petition; 3) indication of whether: a) the offense was related to pro-independence activity, b) the adjudication was made due to pro-independence activity, c) the adjudication was made for resistance against collectivization of agriculture or compulsory deliveries; 4) whether and to what extent the petitions were justified and also whether proceedings were necessary to reconstruct records; 5) position and participation of the parties in the rehabilitation proceedings; 6) scope of the recognition of the case, type and form of solutions as well as whether the decision was made public; 7) who made an appeal against the adjudication by the court of the first instance with respect to rehabilitation and how extensive it was; 8) adjudication of the court of appeal; 9) efficiency of the proceedings; 10) whether the appeal was an extraordinary appeal: a) adjudication concerning rehabilitation, b) repressing adjudication; 11) Supreme Court judgment.

The analysis covered cases under proceedings for the declaration of the invalidity of judgments closed with substantive judgments. There are three categories of cases closed with substantive judgments adjudicating full or partial invalidity of the adjudications as well as dismissing the petition for the declaration of invalidity.

Cases in which partial invalidity was declared were least numerous so the analysis covered all the cases which were available at the time when the study was carried out (82 cases against 84 people). The same applied to cases closed with a dismissal of the petition and consequently, in principal, all these cases were included in the analysis (320 cases against 328 people).

The principal reason of such a broad selection of cases closed with dismissal was the need to investigate the causes of the dismissal of petitions by courts. The coming into force of the rehabilitation law triggered a massive flow of petitions for the declaration of invalidity. It could have been expected because the petitions were lodged not only by people conducting pro-independence activities but also people who perceived the law as a chance to compensate for the damage done by unjust judgments. In particular as the scale of departure from law in the system of justice in the years 1944–56 was known to be enormous.

The analysis of cases in which petitions were dismissed allows to establish whether the repressed, in relation to whom the petitions were dismissed because they had not conducted pro-independence activity, were rehabilitated under another procedure. In addition, it should be kept in mind that the rehabilitation law provided for subjective limitations of the scope of admissibility of declaring the invalidity of adjudications in spite of the conduct of pro-independence activity. Consequently, it was of interest to investigate how courts assessed whether in a particular case a stark disproportion had place between the good sacrificed and the good gained or intended to be gained, or possibly whether the way of

operating or the applied instrument were not unduly disproportionate in relation to the intended or obtained effect.

From the most numerous group made up by cases closed with full invalidation, I randomly selected every eighth case, that is 280 cases against 318 people. The point was to maintain certain balance between the number of cases closed with the dismissal of the petition and the number of cases closed with the declaration of full invalidity.

IV. MOST IMPORTANT FINDINGS OF THE DOSSIER EXAMINATION

1. The examination confirmed the extreme severity of punishments by courts in the years 1944–1956, first of all for pro-independence activity. 49 people (7%) were given capital punishment or life sentence, 502 people (71.8% of the convicted) imprisonment penalties ranging from 3 to 15 years and only 21.2% of the convicted were treated in a fairly mild way (prison sentences of below 3 years and suspended prison sentences).

2. The statistical data of the Ministry of Justice reveal that in the years 1991 –2007 the district courts in Poland received 46 530 petitions for the declaration of the invalidity of judgments, the District Court in Warsaw receiving 9.4% of all 'rehabilitation' cases. This court issued 2 977 substantive adjudications, 82.8% of them fully granting the petition, 3.7% partly granting the petition and 13.55 dismissing the petition.

3. The subject lodging the petition in the above cases was usually the repressed himself, acting along (429 people) or with the help of a defense counsel (20 people).

The death of the repressed caused that his interests were defended by: representatives of the repressed (for 256 people) or a spokesman for social interest (for 25 people). In as many as 99% of cases (that is for 723 people), the subjects based their demands on having conducted pro-independence activity and only for 7 people (1.0%) the petition was justified in terms of standing up against collectivization in agriculture or compulsory deliveries.

4. Pro-independence activity constituted the principal ground for declaring the invalidity of a judgment, appearing as independent grounds in as many as 353 cases. In 34 cases a judgment was declared null and void because the offense for which a given person was convicted was committed to avoid repressions for pro-independence activity against themselves or others. Only in 3 cases invalidity was declared due to pro-independence activity while in 5 cases rehabilitation was possible after the application of a variety of grounds for pro-independence activity and conviction for pro-independence activity. Finally, in solely 5 cases a judgment convicting for resistance against obligatory deliveries or collectivization of agriculture was found null and void.

5. Declaration of the invalidity of a judgment is most common in cases for crimes described as membership in an illegal union – in as many as 318 cases. Dismissal in cases for crimes thus qualified occurred in 55 cases. This happened when the repressed did not conduct pro-independence activity or when they were not convicted for pro-independence activity.

The petition for the declaration of the invalidity of a judgment convicting for the crime of a criminal possession of weapons, armed robbery or hostile propaganda

was equally frequently closed with a declaration of validity or invalidity. What was of primary importance was to prove whether the conviction for the commitment of the crimes was related or unrelated to pro-independence activity.

6. Attention should be given to cases in which a judgment convicting for pro-independence activity was found null and void and the dismissal concerned only offenses the commitment of which was associated, according to the court evaluation, with the emergence of a drastic disproportion of goods. In the analyzed materials there were twelve cases of this kind. The dismissal concerned offenses qualified as murder (Article 225 of the criminal code of 1932) or as a violent attack either at a Polish armed forces unit or at people occupying state or self-government functions (Article1 of the small criminal code). Some of these judgments arouse doubts. In two cases a question arises whether the person the task of which was to indicate the place of residence of a Security Office agent or a snitch can be charged for an offense of overstepping a superior's order by direct executors of the sentence.

7. Courts adjudicating in rehabilitation cases had at their disposal, as a rule, the procedural acts of the organ which issued the adjudication to be invalidated. Occasionally, it was necessary to reconstruct the records. The conducted arduous search for materials in numerous archives was not always effective. In result, 6 cases were closed with a dismissal of the petition for absence of the repressing judgment. The evidence proceedings conducted by courts were limited in scope, usually restricted to a hearing of the repressed, his representative or witnesses. In complex cases often requiring extensive historical knowledge experts were appointed.

8. The court of the first instance passed adjudications closed with a declaration of full invalidity with respect to 310 people, dismissing the petition for invalidation with respect to 335 people, declaring partial invalidity with respect to 82 people. In respect to 55 people the petition was dismissed in the remaining part and with respect to 27 people – the case was left unexamined in the remaining part. In addition, with respect to 2 people the proceedings were discontinued and with respect to one – the proceedings were suspended.

From the substantive side, the adjudications of the court of the first instance did not arouse any objections. That is why they were rarely referred to. Yet, occasionally, the court of the first instance did not conduct evidence proceedings on an adequate level and only the orders of the court of appeal, properly implemented by the court re-examining the case allowed to pass a just decision in a very difficult, complex case. The reasons for the adjudications of the court of the first instance were often very scanty but there were also reasons which were well and adequately justified.

9. In the cases studied only 18.6% of the adjudications were appealed against. In 128 complaints full invalidation of the adjudication was sought while in 8 – dismissal of the petition. The appeals lodged resulted in full rehabilitation for 342 people (314 full invalidations and 28 decisions declaring the invalidity of a part of the convicting sentence with the petition being left unexamined in the acquitting part), with respect to 56 people a part of the convicting sentence was declared null and void, with dismissal of the remaining part while with respect to 329 people

the petition was dismissed. The reasons for the adjudications made by the court of appeal can be approved of as a whole.

10. In dozens of cases proceedings were initiated by extraordinary remedies at law. 4 adjudications were appealed against with regard to rehabilitation: two to the disadvantage (with respect to two people) which resulted in a dismissal of the petition and two to the advantage (with respect to two people) which led to a declaration of the invalidity of the judgment as a whole.

11. Dismissal of a petition for the declaration of the invalidity of an adjudication did not close the road to rehabilitation under another procedure to repressed people. Courts often pointed to such a possibility in the reasons for their petition-dismissing adjudications. Unfortunately, in spite of the existence of grounds for appealing against repressing adjudications, this possibility was rarely made use of.

Repressing adjudications were appealed against with the use of extraordinary remedies at law only in cases concerning 31 people whose petitions were dismissed, two people with respect to whom the petitions were dismissed, two people with respect to whom the convicting sentence was declared partly invalid, with the remaining part dismissed, and in the case of one person with respect to whom proceedings were suspended.

12. Finally, the proceedings on the declaration of the invalidity of the adjudication resulted in full rehabilitation for 345 people (317 decisions declaring the whole convicting sentence invalid and 28 decisions declaring the invalidity of part of the convicting sentence, with a decision to have it examined in the remaining part), with respect to 50 people decisions declaring the invalidity of a part of the convicting sentence, with dismissal of the remaining part and with respect to 299 people the petition was dismissed. In addition, 30 people whose cases were in progress earlier under the rehabilitation law and also 10 people covered by repressing adjudications who did not apply for the declaration of invalidity, were found non-guilty. With respect to two people, decisions declaring the invalidity of part of the convicting sentence were made, with non-guilty adjudication in the remaining part, and with respect to two other people – the proceedings were discontinued following an appeal with the use of extraordinary remedies at law.

13. The very large inflow of cases, difficulties in finding relevant documentation in numerous archives, the duty to have their examination conducted up to 28 July 2007 by 3 professional judges, contributed to the long duration of proceedings, in particular in the courts of the first instance. It was unfortunate as the rehabilitation law was passed as late as in 1991 and many of the repressed had died yet before it became effective. Due the enormous number of cases received to be examined by the District Court in Warsaw, the date of the first hearing was set for as many as 143 people after a lapse of 5 years from the submission of the petition.

The causes of the delay were numerous: competence disputes, necessity to suspend proceedings, adjournment of hearings. The failure of the repressed or his representative or even the court-appointed attorney, to present in court was the most common cause of the adjournment of hearings, extended evidence proceedings being only a secondary cause. Hearings were also adjourned because of the need to reconstruct records, conduct numerous activities to establish whether the conviction or detainment had actually taken place. Moreover, the

extended duration of the proceedings was also related to long intervals between hearings.

The courts of the first instance adjourned hearings at least once in 120 cases, twice in 39 cases, three times in 20 cases. Unfortunately, adjournments were even more common: 4 times (in 8 cases), 5 times (in 2 cases), 6 times (in 5 cases), 7-times (in one case) and even 11 times (in 2 cases). When the long intervals between hearings – over 6 to 12 months in 53 cases, over 2 years – in 35 cases, over 2 to 3 years – in 4 cases, and in individual cases even 4 to 7 years – are added, a frightening picture of the sluggishness of proceedings emerges.

The final closure in cases in appealed against extended indefinitely, in particular when a case was passed on to be re-examined. Even though the appeal proceedings were conducted efficiently and the Court of Appeal acted without undue delay in the prevailing majority of cases, the final adjudication was made within up to two years (counted from the receipt of the petition by the court of the first instance) in 384 cases, that is with respect to 52.6% of the repressed. The ultimate closure of the case followed even much later, within over 2–3 years in 67 cases, over 3–5 tears in 107 case, over 5–7 years in 120 cases, over 7–10 years in 42 cases, over 10–14 years in 10 cases. It was caused by the fact that on setting the dates of hearings the court which re-examined the case often took into account the fact that the proceedings before it were a continuation and not completely new proceedings. What might be the only consolation is the fact that proceedings concerning the declaration of the invalidity of convicting adjudications resulted in the rehabilitation of many of the repressed.

V. SUMMARY

The proceedings conducted under the rehabilitation law opened a possibility to compensate damages done to a lot of people repressed in the years 1944–1956 and a dismissal of a petition for the declaration of the invalidity of an adjudication did not close the road to rehabilitation under another procedure.

The procedures of obtaining rehabilitation prior to the coming into force of the law of 23 February 1991 on the declaration of the invalidity of adjudications passed with respect to people repressed for pro-independence activity for the Polish State referred to questioning the adjudications made in the years 1944–1956. Resumption of the proceedings was a way to repair the adjudications in proceedings in which a crime was committed or because new facts or evidence emerged. In the extraordinary-revision or cassation proceedings courts were charged with serious infringement of substantive or procedural law.

The new course of rehabilitation actions with respect to the repressed (including those from the years 1944–1956) for activity for the independence of the Polish State does not consist in questioning the adjudications the invalidity of which is to be declared. On the contrary, the declaration of the invalidity of the adjudications is possible when the repressed actually committed the acts they were convicted for. The only thing of importance was that the acts were committed for the sake of independence. It is for this reason that the role of the law of 1991 can hardly be overestimated.

Abstract

Maria Stanowska, *Rehabilitation of people repressed for activity for the independence of Poland in the years 1944–1956 in the practice of the Warsaw Court*

The article provides the most important information resulting from the findings of the study of the decisions of Warsaw courts in the years 1991–2007 in cases conducted under the law of 23 February 1991 on declaring invalid adjudications with respect to the people repressed for activity for the independence of the Polish State in the years 1944–56. The data obtained from the research carried out confirmed the severity of penalties given by courts in the period in question. In the years 1991–2007 district courts in Poland received 46 530 petitions for the declaration of the invalidity of adjudications. Less than 10 % of the people convicted for pro-independence activities and for resistance to collectivization in agriculture or compulsory deliveries petitioned for rehabilitation.

Keywords: *activity for the independence of the Polish State, the repressed, invalidity of the judgment, rehabilitation, extraordinary revision, extraordinary cassation, convicting sentence, resumption of proceedings*

Streszczenie

Maria Stanowska, *Rehabilitacja osób represjonowanych w latach 1944–1956 za działalność na rzecz niepodległości Polski w praktyce sądu warszawskiego*

W artykule zostały przedstawione najistotniejsze informacje o wynikach badania orzecznictwa sądów warszawskich z lat 1991–2007 w sprawach toczących się na podstawie ustawy z 23.02.1991 r. o uznaniu za nieważne orzeczeń wobec osób represjonowanych za działalność na rzecz niepodległego bytu Państwa Polskiego w latach 1944–1956. Dane uzyskane z przeprowadzonych badań potwierdziły bardzo dużą surowość kar wymierzanych we wskazanym okresie przez sądy przede wszystkim za działalność niepodległościową. Do sądów okręgowych w Polsce w latach 1991–2007 wpłynęło 46 530 wniosków o stwierdzenie nieważności orzeczenia. O rehabilitację ubiegało się więc mniej niż 10% osób skazanych za działania niepodległościowe oraz za opór przeciw kolektywizacji wsi lub obowiązkowym dostawom.

Słowa kluczowe: *działalność na rzecz niepodległego bytu państwa polskiego, represjonowani, nieważność wyroku, rehabilitacja, rewizja nadzwyczajna, kasacja nadzwyczajna, wyrok skazujący, wznowienie postępowania*