

VICTIMS OF COMMUNISM IN POLAND AND JUSTICE YEARS LATER: THE CASE OF COLONEL JAN PALUBICKI

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INTRODUCTION

This article addresses the issue of legal measures aimed at restoring justice to victims of communism. The long period of time in which numerous Poles became victims of the communist regime has caused many difficulties in restoring damages against them. Justice could not be achieved due to the passage of time, lack of decommunization of the judicial community, procedural obstacles, lack of knowledge about the scale of victims, and practices of the communist regime. The method of analysis is the case study of Colonel Jan Palubicki, who was imprisoned and tortured by the communist authorities in the post-war period.

I. HISTORICAL CONTEXT

It is difficult to present the vast issue of victims of communism in Poland in a short presentation. This is because it is difficult to grasp both the temporal and subjective framework indicating what being a “victim of communism” consists of. Suffice it to recall that communism was an ideology that influenced the actions of individuals from the beginning of the twentieth century, when there was still no independent Poland. As a political form, it appeared after 1917 in Russia and in other countries later. Poland, just after gaining independence in 1918, fought a great, victorious battle against the Soviet hordes in 1920, which meant that communism did not come to Poland until after 1944. Communist power formally collapsed in Poland as a result of the 1989 elections, which is obviously an incorrect date, as the elections held were only 35% free—such was the vote limit for non-communist parties and committees. To this day, the influence of former communists, their children,

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and collaborators in the security system is extremely large and threatening to the state and social structure.

Why was communism a violent ideology? In the name of false ideas, the existing social order was rejected, and the liberation of man from oppression, especially that imposed by religion, was sought. It sought the creation of a “new man” and the complete annihilation of all opposition.¹ This was due to the immanent sense of superiority of the communists, since communism was supposed to represent the highest stage of the evolution of human societies.² In the writings of the Soviet communists, it was declared outright that “[a]ll religions and all gods are the very poison that intoxicates and puts to sleep the spirit, will, and conscience. All of them must be given an unrelenting battle.”³ To ensure the subjection of citizens to communism, it was necessary, as F. J. Sheen diagnosed it, to remove all traces of conscience, morality, and truth, so that a collective conscience, state morality, and party truth could be formed in their place.⁴ Thus, Church members, intellectuals, people capable of independent thought, and anyone who could be arbitrarily categorized as a “class enemy” were persecuted.⁵ These crimes were undertaken as a result of a mistaken idea.⁶

The victims of communism included the entire population of Poland. The victims were those who fought the communist organizations back in the pre-independence era. The victims were the soldiers and volunteers who faced the Red Army’s march on Poland in 1920. The victims were those who were murdered and persecuted in the interwar period. The victims were all those who ended up in lands occupied by Soviet Russia—both during the 1920 war and then after the 1921 Riga Treaty—then those who lived in Soviet Russia, those who lived in eastern Polish territories after their occupation by the Soviet Army in 1939, those who became victims of communist persecution during

1. W. Cleon Skousen, *Komunista obnażony. Zdemaskowanie komunizmu i przywrócenie wolności*, Zysk i s-ka, Poznań 2022.

2. Thierry Wolton, *Historia komunizmu na Świecie. Ofiary*, Wydawnictwo Literackie, Warszawa 2023, s. 487.

3. Zob. Grzegorz Kucharczyk, *Czerwone karty Kościoła*, Wydawnictwo Dębogóra, Dębogóra 2008, s. 223.

4. Fulton J. Sheen, *Kościół, komunizm i demokracja*, Wydawnictwo AA, Kraków 2024, s. 19.

5. Więcej w: Richard Pipes, *Rosja bolszewików*, Wydawnictwo Magnum, Warszawa 2005.

6. Stephane Courtois et al., *Czarna księga komunizmu. Zbrodnie, terror, prześladowania*, Wydawnictwo Dębogóra, Dębogóra 2017.

World War II, and those who lived in Poland and the Soviet republics after 1945 until the 1990s.⁷

It is necessary to mention here that World War II began in Poland. On September 1, 1939, Nazi Germany invaded Poland. Already on September 17, Germany's ally—Soviet Russia—entered Poland from the east. On September 22, 1939, a joint “friendly and joyous” victory parade of Red Army and Wehrmacht troops was held in Brest-on-the-Bug. It was attended, among others, by Heinz Guderian and Semyon Krivoshein—paradoxically of Jewish descent, which did not bother the Germans at the time. After the initial parade, the anthems of Germany and the Soviet Union were played. The commander of the Polish defense of Brest was arrested by the People's Commissariat for Internal Affairs (NKVD) and later murdered in Katyn. Similar parades of Russian and German armed forces were held in other cities of occupied Poland. The earlier conclusion of an anti-Polish pact between the Soviet Union and Germany was, in the opinion of historians, the direct cause of the outbreak of war. Hitler decided to strike Poland only after the conclusion of the Molotov-Ribbentrop Pact. Stalin, faithful to its provisions, did everything to help Hitler for a long time.⁸

One of the largest communist massacres was the murder of some 22,000 Polish citizens, including more than 10,000 officers of the Polish Army and State Police, at Katyn and other locations. These were mostly reserve officers interned by the Russians, mostly intellectuals, doctors, professors, teachers, lawyers, civil servants, and businessmen.⁹

The victims of communism were all those who offered any resistance to Soviet rule after 1945, when the communists took power in Poland as a result of electoral fraud and violence. Resistance to the communists was widespread. To a great extent, it was a response to the terror used by the communists. At the end of World War II, there were 80,000 anti-communist partisans and members of civilian organizations engaged in methods of small-scale sabotage, among others, and about 180,000 to 200,000 people in underground groups.¹⁰ The last member of the resistance, Jozef Franczak, was killed in a

7. Por. Andrzej Nowak, *Kłeska imperium zła. Rok 1920*, Biały kruk, Kraków 2020; Joanna Wieliczka-Szarkowa, *Czarna księga Kresów*, Wydawnictwo AA, Kraków 2012; Robert Conquest, *Wielki terror*, IPN, Warszawa 2024.

8. Aleksander Bregman, *Najlepszy sojusznik Hitlera. Studium o współpracy niemiecko-sowieckiej (1939-1941)*, „Frona”, Kraków 2009.

9. Allen Paul, *Katyń. Stalinowska masakra i tryumf prawdy*, Świat książki, Warszawa 2006.

10. Wojciech Polak, *Opresja*, Biały Kruk, Kraków 2024, s. 27-37; Jolanta Drużyńska, Stanisław M. Jankowski, *Wyklęte życiorysy*, Rebis, Poznań 2009.

manhunt eighteen years after the war, on October 21, 1963.¹¹ Most of the independent armed organizations collapsed due to the lack of response from the United States and Great Britain. These organizations were also affected by the Polish Workers' Party's (PPR) falsification of elections to the Legislative Sejm in January 1947, and the consequent final recognition by the U.S. and Britain of the Soviet-imposed rule in Poland. Years later, they were called miscreant soldiers or "the unbroken." The vast majority of repression took a quasi-legal form.¹² Anti-communist partisans and numerous opponents of the communist system were convicted in Soviet-style rigged criminal trials.¹³ We should remember those who, in judges' and prosecutors' robes, served the communist system together with the torturers from the security office.¹⁴ All the time in Poland there are efforts to uncover communist crimes, and in particular, to identify the burial places of these victims.¹⁵ Apart from some isolated cases, relatively few communist criminals have been punished.¹⁶

Victims of repression from 1945 to 1990 included all social groups. The actions of the communist authorities varied in scale. Mass terror ended in 1956. However, the communist authorities continued to use violence. Martial law was imposed in 1981, during which more than 120 people were killed. Judges handed down harsh punishments to union activists and oppositionists.¹⁷ The disappearances and deaths of many others have not been explained. In 1984, Blessed Father Jerzy Popiełuszko, the Solidarity chaplain, was cruelly killed. As late as 1989, other Solidarity chaplains died at the hands of unknown perpetrators (most likely the KGB): Rev. Stefan Niedzielak, at the hands of secret police functionaries, Rev. Stanisław Suchowolec, and Rev. Sylwester Zych. The files of their cases were partially lost in theoretically non-communist Poland. The Senate Committee on Human Rights and the Rule of Law discussing these consensuses stated that "the explanations submitted

11. Joanna Wieliczka-Szarkowa, *Żołnierze wyklęci. Niezłomni bohaterowie*, Wydawnictwo AA, Kraków 2013, S. 403-411.

12. B. Kopka, *Księga bezprawia. Akta normatywne kierownictwa resortu bezpieczeństwa publicznego (1994-1956)*, IPN, Warszawa 2011.

13. Peter H. Solomon, Jr., *Soviet Criminal Justice under Stalin*, Cambridge University Press, Cambridge 1996.

14. Ryszard Terlecki, *Miecz i tarcza komunizmu. Historia aparatu bezpieczeństwa w Polsce 1944-1990*, Wydawnictwo Literackie, Kraków 2007; Iwona Kienzler, *Kaci Polski Ludowej. Oprawcy systemu stalinowskiego w Polsce*, Bellona, Warszawa 2023, s. 34.

15. Tadeusz M. Płużański, *Bestie 2, 2kolory*, Warszawa 2013, s. 220-226,

16. Vide: Tadeusz M. Płużański, *Oprawcy. Zbrodnie bez kary*, Szanec, Warszawa 2012.

17. Małgorzata Kuć, „Najwyższy wymiar niegodziwości” – orzecznictwo Sądu Najwyższego okresu Stanu wojennego, w: Alicja Grześkowiak (red.), *Prawo karne stanu wojennego*, Wydawnictwo KUL, Lublin 2003, S. 163-179.

confirm the fact that officers of the Fourth Department of the Ministry of the Interior used unlawful and even criminal actions against the clergy.”

II. LEGAL CONTEXT

The legal foundation for defining and prosecuting communist crimes in Poland is established by the Act on the Institute of National Remembrance Commission for the Prosecution of Crimes against the Polish Nation [*Ustawa o Instytucie Pamięci Narodowej – Komisji Ścigania Zbrodni przeciwko Narodowi Polskiemu*], adopted by the Polish Parliament on December 18, 1998, and made effective on July 1, 2000. This landmark legislation emerged after nearly a decade of debate in post-communist Poland, addressing the legacy of totalitarian rule and achieving justice for the victims of both Nazi and communist oppression.¹⁸

The Act replaced and significantly expanded the earlier Main Commission for the Investigation of Crimes against the Polish Nation, which had been established in 1991 as a successor to the General Commission for Research on Fascist Crimes, created in 1945. The transformation from “Investigation” to “Prosecution” reflected a crucial shift from purely historical research toward active criminal prosecution, and the explicit inclusion of communist crimes alongside Nazi crimes marked a watershed moment in Polish transitional justice.

The genesis of the 1998 Act reflected several converging factors in Polish politics and society during the 1990s. First, growing public pressure emerged from victims’ organizations, particularly associations of former political prisoners, underground resistance fighters (“cursed soldiers”), and their families, who demanded recognition of their suffering and accountability for perpetrators who continued to live freely, and in some cases prosperously, in democratic Poland. Second, the opening of secret police archives revealed the extensive scale of surveillance, infiltration, and repression carried out by the communist security apparatus against millions of Polish citizens. Third, international developments in transitional justice, particularly the establishment of international criminal tribunals for the former Yugoslavia and Rwanda, demonstrated the possibility of retrospective prosecution for crimes against humanity and influenced Polish legal thinking.

The Act established the Institute of National Remembrance (IPN) as an independent state institution with a unique hybrid mandate combining archival, research, educational, and prosecutorial functions. The grant of

18. Dz. U. 1998 nr 155 poz. 1016.

prosecutorial powers to an institution, also responsible for historical research and public education, has generated both domestic and international controversy regarding potential conflicts of interest and the politicization of history. Critics argue that combining these functions undermines scholarly objectivity and makes historical research subservient to prosecutorial objectives. Defenders contend that the integration allows for comprehensive documentation and investigation of crimes that would otherwise escape justice due to the passage of time and destruction of evidence.

The IPN's legal status as an independent institution, neither fully part of the regular prosecution service nor an ordinary government agency, reflects an attempt to insulate it from direct political control. The President of the IPN is appointed jointly by the Sejm (lower house) and Senate (upper house) of Parliament, with the consent of the President of Poland, for a five-year term. This appointment mechanism aims to ensure broad political consensus and independence; though in practice the IPN has often been subject to political controversy, and its leadership has reflected the ideological orientations of the governing coalitions.

The Act has been amended several times since 1998, reflecting evolving political priorities and legal developments. Article 2 of the Act on the Institute of National Remembrance provides the statutory definition of communist crimes, which serves as the legal foundation for all investigations and prosecutions conducted by the IPN's Commission for the Prosecution of Crimes against the Polish Nation. The precise formulation of this definition merits careful examination, as it establishes the scope, elements, and limitations of what constitutes a communist crime under Polish law.

Article 2, paragraph 1 of the Act states:

Communist crimes, within the meaning of the Act, are acts committed by officials of the communist state in the period from November 8, 1917, to July 31, 1990, consisting in the use of repression or other forms of human rights violations against individuals or groups of people, or in connection with their use, constituting crimes under Polish criminal law in force at the time they were committed. Communist crimes also include acts committed by these officials during the period referred to in the preceding sentence, which constitute prohibited acts as defined in Articles 187, 193, or 194 of the Regulation of the President of the Republic of Poland of July 11, 1932, the Criminal Code or Article 265 § 1, Article 266 § 1, 2 or 4 or Article 267 of the Act of April 19, 1969, the Criminal Code, committed against documents within the meaning of Article 3(1) and (3) of the Act of October 18, 2006 on the disclosure of information about documents of state security authorities from 1944–1990 and the content of those documents (Journal of Laws of

2021, item 1633 and of 2022, items 1459 and 1512) to the detriment of the persons to whom those documents relate.

Paragraph 2 supplements this regulation with the following definition:

An official of the communist state, within the meaning of the Act, is a public official, as well as a person who was subject to protection equal to that of a public official, in particular a state official and a person holding a managerial position in a statutory body of communist parties.

There is, therefore, a clear distinction between the legal definition of communist crimes and the related concept of victims of communism. Communist crimes and their victims in historical terms, includes a number of other crimes, which are ideologically motivated and do not meet the conditions for inclusion in this definition. To make the distinction, it would be appropriate to use the categories of “communist crimes” (in accordance with the law) and “crimes of communists,” which would not be a legal category, but a historical and ideological one.

III. METHODOLOGY

The method of detailed analysis is a case study of Colonel Jan Palubicki, imprisoned and tortured in the post-war period by the communist authorities, carried out on the basis of the materials of court proceedings and materials made available to me by the Colonel’s family, to whom I express my special thanks.

This study also employs a multi-methodological approach, drawing upon legal analysis, historical research, archival documentation, statistical data, comparative law, and international human rights law. Primary sources include Polish legislation, judicial decisions, archival materials from the Institute of National Remembrance (IPN), parliamentary debates, and official government reports. Secondary sources encompass scholarly monographs, peer-reviewed journal articles, conference proceedings, and documentary collections from both Polish and international researchers.

Given the sensitive and politically contested nature of this topic in contemporary Poland, particular attention is paid to maintaining scholarly objectivity and distinguishing between established historical facts, ongoing historiographical debates, and politically motivated interpretations. Where controversies exist within the scholarly literature or among different schools of historical interpretation, these are noted and the various positions are presented fairly.

A. The Case of Jan Palubicki

These are all more or less well-known cases. I, however, would like to show you what the communist persecution consisted of and what the fate of the victims was using the lesser-known example of the Jan Palubicki case. He did not belong to a special interest group. He was a soldier, one of many Polish soldiers. He was not killed. He survived. However, his experiences greatly impacted his entire life and that of his family.

Jan Palubicki was born on April 2, 1897, in Klonia, Chojnice County, as one of eight children of Augustyn and Anastasia, née Jazdżewska. He completed six grades at the Folk School in Nowe Glinki, and then was educated at the Collegium Marianum in Pelpin and the gymnasium in Brodnica. In October 1919, he received his high school diploma on the basis of a certificate from the Brodnica Gymnasium. In the same month, he passed the officer's exam at the General District Command in Poznań and was nominated second lieutenant. During his military service in Poznań, Jan Palubicki studied law for four semesters and political economy for six semesters at the University of Poznań. He completed this education by taking the first and second economic exams.

In 1928, he married Maria Andrzejewska. In 1929, his first daughter, Teresa, was born.

From 1928 to 1934, Jan Palubicki taught at the Artillery Reserve Cadet School in Vladimir Volynsky, initially as commander of the sixth school battery and later as major-commander of the school squadron. Due to his high level of education, his training, and his command skills, he was promoted to subsequent officer ranks. In March 1938, he was promoted to the rank of lieutenant colonel.

On August 14, 1938, Jan Palubicki was transferred to the Artillery Cadet School in Torun, where he took up the post of director of science; there he taught mathematics, including trigonometry, among other things. The school's students were high school graduates with the rank of cadet, who intended to become officers in the artillery corps. Palubicki's position was to act as the school commandant's plenipotentiary for directing teaching methods and supervising the education of ensigns; the position was the equivalent of a university pro-rector.

Jan Palubicki was a well-educated person and held a high social position as a professional officer in the Polish Army, as well as a director at a school for higher-ranking officers. On February 22, 1939, Jan Palubicki acquired a landed estate in Smetovo through a public tender.

During the war period, after participating in the September campaign, Jan Palubicki carried out underground activities, including under the aliases “Grad,” “Grom,” “Janusz;” under clandestine names: Jerzy Gradowski, Hans Gürke, Skulimowski, and since 1945, Jan Borowy. In Toruń, Brodnica and Grudziądz, he established an underground organization of about 2,000 members, including about 450 military cadres.

In October 1943, he was appointed commander of the Pomeranian District by Home Army Commander General Tadeusz Komorowski (alias “Bor”). The period of his command saw the greatest development of Home Army activity in the area. This is because Jan Palubicki reorganized the Pomerania District and began to merge with the Home Army all the clandestine organizations that were active in Pomerania (the Polish Army of the Rising, the Secret Military Organization “Gryf Pomorski,” the Polish Combat Organization, the “Sword and Plough,” the Grey Ranks, the Secret Scout Troop and the Pomeranian National Armed Forces). At its peak, the Pomerania District had several thousand soldiers.¹⁹

In 1944, his first wife, Maria, died.

At the request of the Commander of the Western Area, Colonel J. Szczurek-Cergowski, on January 1, 1945, Lieutenant Jan Palubicki was promoted to the rank of colonel by Home Army Commander General Leopold Okulicki.

Jan Palubicki, by a secret order dated January 5, 1945, forbade assistance to Soviet troops, having been motivated by the Katyn case, the deportation of Poles to Siberia, the Red Army’s attitude toward the Warsaw Uprising and Moscow’s attempts to partition and impose a communist system on Poland. He received an order from Home Army Commander General Leopold Okulicki (alias “Niedźwiadek”), dated January 19, 1945, to dissolve the Home Army. Until the date of the dissolution of the Home Army, he performed the duties of District Commander.²⁰

However, he remained underground and was later appointed commander of the District. He was a member of the Maritime Directorate of the Delegation of the Armed Forces at Home. He acquainted subordinate officers with the

19. Dawid Rogoziński, *Działalność podziemia niepodległościowego w latach 1945–1946 w świetle sprawozdań Miejskiego i Powiatowego Urzędu Bezpieczeństwa Publicznego w Toruniu*, *Rocznik Toruński* 2016, t. 43, s. 134; Waldemar Brenda, *Pogranicze Prus Wschodnich i Polski w działaniach polskiej konspiracji w latach II wojny światowej*, *Komunikaty Mazursko-Warmińskie* 2007, nr 4, s. 503-519.

20. Andrzej Gąsiorowski, *Działalność partyzancka*, w: B. Chrzanowski, A. Gąsiorowski, K. Steyer, *Polska Podziemna na Pomorzu w latach 1939–1945*, Gdańsk 2005, s. 486–488; Remigiusz Ławniczak, *Armia Czerwona w powiecie świeckim (w województwie pomorskim) w 1945 roku: przestępstwa działalności wojska i stosunek mieszkańców do czerwonoarmistów*, *Studia z Dziejów Rosji i Europy Środkowo-Wschodniej*, 2023 tom 58 Nr 1, s. 129-153.

order of Supreme Commander General Władysław Anders of May 7, 1945, establishing the Delegation of Armed Forces at Home, informing them of its goals, including the defense of Poland against Sovietization.

Due to his activities, Jan Palubicki was prosecuted by the NKVD and the Office of Public Security. According to his mother's information, Jan Palubicki's brother Stanisław, who resided in Bydgoszcz, was interrogated by officers from the Security Office (UB) in 1945, who, "wanting to extract from him the news of Jan's whereabouts, hanged him by his hands from behind." This was one of the forms of torture used: hanging him from a chain by his hands cuffed behind his back, and then repeatedly pulling him up and suddenly lowering him so that his body did not touch the ground. Stanisław himself also told his family that because of his pain, he would have revealed Jan Palubicki's whereabouts and contacts to UB officers (he used the phrase "I roared with pain"), but he did not reveal them because he did not know them. After this interrogation, brother Stanisław had a crooked spine, was bent over, and could not lift his head to a normal position.²¹

In turn, the scientific study "Śladami zbrodni. Przewodnik po miejscach represji komunistycznych lat 1944 – 1956" under the scholarly supervision of Tomasz Łabuszewski presents the recollections of Edward Forycki, a Home Army soldier arrested in May 1945 and interrogated in Bydgoszcz, including the whereabouts of the Home Army commander for the Pomeranian District Jan Palubicki. Mr. Edward Forycki stated:

As soon as I was taken to the UB building, the "thrashing" began immediately . . . The Ubeks, there were about 5 of them, lined up in the investigator's room in a circle, and left me in the center of this circle. They started kicking me in the back, beating me in the front with a rubber baton, as well as with a metal rod on my head. From one blow with the rod, they cut the skin on my forehead down to the bone, and the wound healed for a few months. "Hammering" continued until I lost consciousness, then I was doused with cold water and after regaining consciousness I was beaten again . . . I remember that during the interrogation the secret police showed me a whole piece of paper with various photos of Palubicki and asked if I recognized him. . . . In the UB detention center on Poniatowskiego Street I

21. Była to jedna z kilkunastu stosowanych przez służby komunistyczne metod tortur. Zob. Więcej o metodach i funkcjach tortur w: Thierry Wolton. *Historia . . .*, op. cit. S. 275-290.

sat for 5 days, 3 of which were in the basement, where it was completely dark. There I was kept stripped naked, in cold water up to my ankles.²²

Also noteworthy is the fate of the liaison officer Leszek Biały, a co-worker of Jan Palubicki, who was arrested in February 1945 in Bydgoszcz. Leszek Biały was tortured by officers of the Security Office in Bydgoszcz and then murdered in March 1945. His corpse was not exhumed until 1957. It has been established that the officer who interrogated Leszek Biały was Bolesław Halewski (Heller).²³ The following forms of torture by UB officers were presented in later proceedings:

The cell was one meter by one meter. He was usually stripped naked for the night . . . During the 1945 period, prisoners were abused, beaten and there were incidents of people being chopped up with axes, pickaxes and the quartered bodies were put into sacks and thrown into the Brda River . . . During interrogation I was beaten, on orders . . . I stood naked in the cell for 24 hours. During the investigation . . . he put a gun to my forehead and nose to make me smell it. . . . Such a tired prisoner . . . had him forcibly laid on a chair, after which the officers held and . . . pulled down his pants and beat him with a rubber baton.

In 1957, Jan Palubicki corresponded with Leszek White's parents; he prepared the funeral speech.

If UB functionaries tortured in such a way "ranking" activists of the Home Army or even a person who did not belong to the Home Army (Stanisław Palubicki), and this was done in order to force confessions about Jan Palubicki's whereabouts, then undoubtedly much more severe and cruel must have been the torture used against Jan Palubicki, after his capture.

The activities of Jan Palubicki were of particular interest to the NKVD. Lavrenty Beria informed Joseph Stalin, among others, in a telegram dated September 1945, that sixty-seven members of the Home Army had been arrested during August and September 1945, as a result of an agent crackdown under the code name "Akowcy." Only eleven were mentioned by name, including Jan Palubicki.

An indictment was filed against Jan Palubicki, accusing him of committing an act under Article 1 of the Decree on State Protection and Article 187 of the Criminal Code. An analysis of the justification for the indictment indicates that Jan Palubicki was perceived by the communist security

22. Tomasz Łabuszewski (ed.), *Śladami zbrodni. Przewodnik po miejscach represji komunistycznych lat 1944–1956*, IPN, Warszawa 2012.

23. Mirosław Pietrzyk, Bolesław Halewski (Heller) (1919-1999) – wyjątkowo okrutny czy typowy funkcjonariusz UB?, *Aparat represji w Polsce Ludowej 1944-1989*, 2020 nr 18.

apparatus as a leading enemy of the socialist system (a commander recruiting others).

In a verdict dated June 7, 1946, ref. R 46/46, the Military District Court in Gdansk discontinued the proceedings against Jan Palubicki and other commanders. The verdict was overturned by an order of the Supreme Military Court on September 6, 1946. The Military District Court in Gdansk reviewed the case and, in a verdict dated November 25, 1946, found Jan Palubicki and others:

[G]uilty that by the end of August 1945, on the territory of the Gdansk voivodeship, they participated in an association under the name of AK, with the aim of overthrowing the democratic system—the Polish State by occupying leadership positions in it, i.e. a crime under Article 1 of the Decree on the Protection of the State of 30.10.1944 . . . and for this he sentenced . . . to imprisonment for 1 (one) year and 6 (six) months each.

In addition, the court credited Jan Palubicki with the period of his temporary detention from August 23, 1945, as part of his sentence. On February 3, 1947, his defense counsel filed a request for conditional release. Jan Palubicki was released from prison (most likely) on February 24, 1947, having served his sentence in full.

Despite Jan Palubicki's efforts, the conviction was not overturned in the 1950s.

B. Torture and Prison Conditions

"I was able to talk to him [Jan Palubicki] for a while and learned how 'Janusz' was treated in the investigation—as a result of which he periodically heard very badly, was unconscious at times and suffered from shock." In turn, Barbara Palubicka, in her memoirs about the criminal trial, reported: "Jan rangy, overgrown, with bloodshot eyes (a light bulb over his head at night), in crumpled clothes, still had a serious manner, and had not lost his values or attitude."

His son Janusz Palubicki remembers that as a child he wore stained underwear. Years later, he talked to his mother about it. He learned from her that she had sewn the underwear from a worn-out undershirt Janusz Palubicki had worn while in prison. The stains were in fact traces of the tortured colonel's blood.

After his arrest, Jan Palubicki was first held at the headquarters of the Security Office on Kładka Street in Gdańsk (from August 23, 1945, to August

31, 1945) and then was imprisoned in a prison in Gdańsk at Kurkowa Street 12.

This version of events is indicated by the account of Jadwiga Derucka, pseud. "Maria" (a liaison officer of the Pomeranian District Command of the Home Army, who was also incarcerated in Gdansk), who reported that: "The arrested were immediately taken to the Voiv. Security Office in Gdansk . . . In the corridor of the detention center in the UB building I came into contact with Janusz . . . My next meeting with Janusz was already on the prison grounds." The applicants also note that the order for the search of Janusz Palubicki was not issued until August 31, 1945, while the order for temporary arrest was issued on September 1, 1945.

From his mother's stories, known to his son, it appears that Jan Palubicki was beaten all over his body, including in the heels, with a rifle notch. He was not allowed to sleep day or night and was denied drink. During one of the many interrogations, the interrogator accused the colonel of collaborating with the Gestapo. Jan Palubicki reacted to this slander by throwing an inkwell at the officer. He was then severely beaten and had his ear drum pierced with a sharpened pencil and was then placed in a shrunken position in a cell that was so small that it was not even possible to straighten up in it.

The inability to sleep indicates that Jan Palubicki was interrogated using the so-called "convoyer method," involving continuous interrogation of the detainee over many days and nights, by several changing investigators.

Jan Palubicki was periodically held in a cell in which he could not straighten up (it was not possible to stand or lie down in the cell, only various sitting postures were possible). On April 13, 2001 his son Janusz Palubicki participated, in an on-site inspection conducted by an IPN prosecutor at the site of the former criminal-investigation prison in Gdansk at 12 Kurkowa Street, in connection with the excavation of the basement floor. I have been to the site myself. Please note that these facilities were completely buried after 1956, so that the memory of them was lost. They were only unearthed in 2000.

During the Stalinist period, prisoners in the cells were chained to a circle in the concrete floor, with part of their bodies in the water. It is likely that Jan Palubicki was for some time placed in a punishment cell, created from a small room that formerly housed a fan with a drive. It was impossible to stand upright freely in this room. The entrance to the cell was about 80 centimeters high and was closed with an iron door.

Significantly, this small room must have been specially adapted for torture by Security Office officers. The building was built between 1900 and 1903; the room was originally not intended for detaining prisoners and performing torture, which was not known to German criminal law or trial practice at the

time. Significantly, the 1950s saw the burial of part of the room in the prison's basement.

The effects of the torture were very severe and involved great suffering. In his own handwritten note, Jan Palubicki wrote that during his imprisonment he suffered a cranial injury, a ruptured eardrum and a rebound of his right kidney, which resulted in prolonged disruption of his health and a stay of three months in a prison hospital.

In her account, Jadwiga Derucka, (pseudonym "Maria") stated: c Jan Palubicki said little to his children about his stay in prison in Gdansk. Relatively little information was passed on to his wife, Barbara, who related it to her children years later. Barbara Palubicka recorded in her memoirs:

It may seem strange that I know so little years later about my husband from his AK days. I knew that the memories and consequences were painful, the present severe, the illness serious, that it was too great a price to shell out for memories. The later the more inadvisable it was. There was no one here equal to the news, trusted, with whom the husband could talk about these topics. To tell stories my husband didn't like and couldn't . . . I didn't take the news out of my husband, seeing that these were not healed relationships, only tearing open wounds that were constantly bleeding. This was sometimes done by people unknown to me and we all suffered the consequences.

C. The Period After Release from Prison

Jan Palubicki's physical and mental suffering did not end when he left the prison in Gdansk. This is because, in practice, the harm originating in the execution of the criminal sentence (conviction) took on a new form. Property damage also occurred after leaving prison.

For the first several years after leaving prison, that is, during the period when Jan Palubicki could work as an educated person, he could not find a white-collar job. Periods of employment were interspersed with periods of hospitalization, as well as periods of unemployment. In addition, Jan Palubicki's duties—as a person with a final conviction—included keeping Security Office officials informed of his place of residence and place of work (which, in turn, was linked to the need to appear in person at the Security Office).

Thus, although formally Jan Palubicki left prison and could start a "normal" and happy life with his young wife and children. His second wife Barbara was born in 1919, after fifty-year-old Jan Palubicki left prison in 1947. She was only twenty-eight years old. The following years of his life were a period of unimaginable debasement and stripping of human dignity.

Jan Palubicki was an outstanding long-term commander. A charismatic person, inspiring admiration and devotion of his subordinate soldiers, activists of the Home Army. Despite the suffering he experienced, he constantly cared about the fate of his subordinates, as confirmed by the account of Jadwiga Derucka. In her recollections of Jan Palubicki concerning his stay in the Gdansk Prison, she stated: "he inquired how we were treated and whether we were too hungry." Also noteworthy is the tone of letters addressed to Jan Palubicki in 1957 and Barbara Palubicka in 1992 from Jan Palubicki's former subordinates, indicating great respect for the colonel.

According to Barbara Palubicka's account, Jan Palubicki lost his eyesight for some time after his release from prison on February 24, 1947. What was most acute, however, was that the period of imprisonment in Gdansk caused mental problems for Jan Palubicki (reactive psychosis). Immediately after his release from prison, he had to be hospitalized.

Jan Palubicki was left destitute. Based on the decree of September 6, 1944, on land reform, he lost his real estate in Smętowo. Most significantly, however, as a former political prisoner and a legally convicted enemy of the State, he could not get a white-collar job and toiled only in low-paid physical labor. He also could not find employment in the army.

From April 1947 to October 1948, Jan Palubicki worked at the Wałbrzych District Waste Collection Center (at the garbage dump) at 78 Red Army Street in the positions of "cashier, weighing clerk and assistant bookkeeper." However, it cannot escape notice that, in December 1947, as a result of a secondment from the company, Jan Palubicki took "a course in waste processing and sorting, including 30 practical hours" (which indicates physical labor). In reality, his work consisted of accepting recyclable waste (e.g., bones, rags) from people who brought them to the collection center and paying them small dues for doing so, as well as sorting and processing the waste.

Finding himself in a very difficult financial situation (in June 1948 Jan Palubicki is still working at the District Waste Collection Plant in Wałbrzych), as well as having a family to support (son Janusz is a little over six months old, wife Barbara is not working), on June 26, 1948, Jan Palubicki applied to the Ministry of Defense for a military pension (the so-called retirement transfer). The application was not granted until April 1951.

On September 27, 1948, Jan Palubicki was referred to the Gdansk Regional Hospital for the Mentally and Neurologically Ill in Kocborow with a diagnosis of "reactive pyramidal psychosis," a disorder caused by very strong stress; symptoms include fainting, states of immobility, a tendency to run away, as well as delusions and hallucinations. He was treated there between November 1948 and January 1949. In November 1948, the hospital

issued him a receipt for PLN 9,300 for medical expenses. In December 1948, Barbara Palubicka contacted the hospital to inquire about her husband's condition and the possibility of releasing him on furlough for Christmas.

On July 17, 1949, the second son of Jan Palubicki and Barbara Palubicka, Andrew, was born.

In November 1949, Jan Palubicki began working again at the Waste Collection Center in Walbrzych as a warehouseman. His family remained in Poznań.

In February 1950, Jan Palubicki appeared before the District Verification Commission in connection with his application for a pension. The Commission determined that Jan Palubicki was fit for non-line-of-duty service, but it must be emphasized that the communist authorities did not recognize his rank of "colonel," titling him "lieutenant colonel," which is still maintained in the Polish version of Wikipedia. It should also be added that despite his stated fitness for service, Jan Palubicki did not find employment in the army, undoubtedly due to his previous, final and indelible conviction.

From February 1951 to the end of 1953, he worked at the "Blind" Disabled Persons Cooperative in Poznań. In the company's records, he was identified as a military invalid, with a degree of fifty percent. At first, he kept records in accounting, while later he was a janitor, helped with transportation and nailed wooden boxes together.

In January 1954, Jan Palubicki was transferred to work at the "Zjednoczenie" Disabled Persons Cooperative in Poznań. Jan Palubicki was directed exclusively to physical labor. He was a dyer at the dyeing boilers, operating the boilers with water washing and chemical cleaning. This work was very tiring, and harmful to health due to contact with poisonous chemicals. During the final period of his employment, he was a porter. While working at this cooperative, he was on numerous medical breaks, for which he was not paid. For a time, he was a night watchman at the Gallantry Store in Poznań.

In 1960, Jan Palubicki was unable to perform any gainful employment. Neither he nor his wife Barbara drew a salary, nor were they income taxpayers. The lack of income and the fact that they had four children (the fifth child, Jan Palubicki's eldest daughter Teresa, was already independent) made the family's material situation dramatic.

The Palubicki family lived in poverty. Sensitive to this were the soldiers of the Underground Poland on the Coast from the organization "Secret Scouting Troop—Gdynia," who in January 1961 sent a letter to the then-Prime Minister Jozef Cyrankiewicz, requesting that Jan Palubicki be granted a special pension. They motivated this request as follows:

He currently receives a pension of 360 zlotys and periodically works as a watchman with a salary of 360 zlotys per month. The specter of starvation has banished the two older children from home (they are in an orphanage). The two younger children and the wife, who is incapable of gainful employment (tuberculosis from the labor camp in '44), live in poverty. These conditions have a very depressing effect on the mental state of a man who, at a time when he could have applied for compensation for his loss of health in prison, did not do so motivated by the country's difficult economic situation. The fate of living in poverty and humiliation hurts the multitudes of Pomeranians for whom he was a spiritual authority during the hard years of the occupation.

He received a small pension in lieu. Years later, Jan Palubicki retired from the military. Until his death, he was repeatedly treated in psychiatric hospitals; in 1974 he became completely incapacitated.

From Jan Palubicki's marriage to Barbara Palubicki five children were born: Janusz (b. 1948), Andrzej (b. 1949), Barbara (b. 1951), Jerzy (b. 1954) and Joachim (b. 1957—died after birth). The Palubickis' family situation between 1947 and 1962 was dramatic.

Due to Jan Palubicki's poor mental health and very poor financial situation, the Palubicki children spent many years of their childhood outside the family home, mainly in orphanages. Sometimes the children stayed in institutions of a therapeutic nature, but the only reason for their presence in these places was the sensitivity of health care workers to the difficulties experienced by the family (stays in the Preventory in Jaroslawiec and Rabka and the Institution for the Mentally and Neurologically Ill in Krosnice). Because of the separation, the parents could not watch over the children when they were sick. For obvious reasons, the bond between parents and children was also weakened.

Jan Palubicki was a top commander of the Home Army; many people (Home Army activists and others) were tortured before Jan Palubicki's arrest to determine his whereabouts. It should certainly be recognized that he was treated extremely cruelly in prison. Moreover, his stay in prison took its toll on his entire life.

Jan Palubicki died on October 6, 1982. He did not live to see justice. It was the time of martial law.

D. Compensation Proceedings

In 2018, his two surviving sons claimed compensation for the repression against their father in the amount of PLN 678,162 (about \$170,000). The

amount was awarded to them on the basis of the Civil Code and the Law of February 23, 1991 and on the recognition of invalid rulings made against persons repressed for “activities for the independent existence of the Polish State.” The Act covers persons who were prosecuted, accused or convicted of acts related to “activities for the independent existence of the Polish State.” This includes not only court convictions, but also decisions made by non-judicial bodies, such as internment during martial law. The temporal scope of the law covers the period from January 1, 1944, to December 31, 1989.

Annulment of the ruling is a key step on the road to compensation for repression. The decision on nullity is made by a district court or military district court. In practice, this means acquittal of the repressed person. This procedure can be initiated at the request of the repressed person himself, his relatives, or the relevant authorities, such as the prosecutor or the Ombudsman. The District Court in Gdansk, by a decision dated September 11, 2017, file number XI Ko 865/17-Un, declared the verdict of the Military District Court in Gdansk dated November 25, 1946 (in case R 447/46) to be invalid insofar as it concerned Jan Palubicki.

His son Janusz was one of the most important leaders of Solidarity in Poznan. He was interned and arrested several times. He worked at the University of Poznan, from which he was dismissed under martial law. He was sentenced to four years in prison. He stayed in a tough prison. There, he led a hunger strike to win political prisoner status for himself and others. The last time he was detained and beaten by communist militia was in 1988, and he was sentenced to a fine for participating in a demonstration.

E. The Main Problems of Seeking Justice for Victims of the Communist System

Despite the adoption of the Law on the Institute of National Remembrance, the cases of victims of communism have not been the focus of the Polish judiciary. Such trials proceeded slowly. Formal requirements were multiplied. For example, in the case of the murder of miners in the “Wujek” mine, the biggest crime of martial law was pending for twenty-eight years. The court held the proceedings in the first instance three times. The judges were changed. Each successive one began to review the file from the beginning. Each time, an attempt was made to interview all witnesses. Three prosecutors were charged in 2004 with covering up the case. However, in 2010, the court dropped the proceedings against them, due to the case being time-barred.

Unfortunately, the Polish justice system has not been up to the difficult task of clearing and evaluating communist crimes. Many of them have not

been evaluated, explained, and judged. We are constantly reminded in Poland that the conflict between the third generation of communists and the third generation of the Home Army continues today.