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CRIMINAL PROCEEDINGS AGAINST COLONEL FELIKS MICHAŁOWSKI (1952-1953)

In May 1943, the 1st Polish Infantry Division named after Tadeusz Kosciuszko was created in the USSR. It was the nucleus of the future Polish Armed Forces created in the territory of the USSR. With the formation of the 1st Infantry Division, the Military Information was created otherwise called Military Counterintelligence¹. Military Information was one of the most criminal institutions in the Stalinist Poland. From 1949 to 1953, the bodies of this institution arrested 2665 people, includ-

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¹ See. S. Cenckiewicz, *Długie ramię Moskwy. Wywiad wojskowy Polski Ludowej 1943-1991*, Poznań 2011; A. Pietrzak, *Główny Zarząd Informacji wobec flagowców 1949-1956*, Warsaw 2011; L. Pawlikowicz, *Tajny front zimnej wojny. Uciekinierzy z polskich służb specjalnych 1956-1964*, Warsaw 2004; P. Semków, *Informacja Marynarki Wojennej w latach 1945-1957*, Warsaw 2006; J. Poksiński, „TUN” Tatar-Utnik-Nowicki. *Represje wobec oficerów Wojska Polskiego w latach 1949-1956*, Warsaw 1992; idem, *Victis Honos, Spisek w wojsku*, Warsaw 1994; W. Tkaczew, *Powstanie i działalność organów Informacji Wojska Polskiego w latach 1943-1948. Kontrwywiad wojskowy*, Warsaw 1994; idem, *Organa Informacji Wojska Polskiego 1943-1956*, Warsaw 2007.

ing 518 officers, 713 non-commissioned officers, 1139 privates and 295 civilians². As a result of these actions, mock trials and judicial murders on innocent people were performed on a large scale, including 20 senior officers of the Polish Army. One of the victims of this criminal institution was Col. Feliks Michałowski, an officer of the Polish Army, a secret informer of the Military Information from 1949 to 1951³.

THE DREAM ABOUT THE ARMY

Feliks Michałowski was born on May 29, 1907 in Warsaw, in a family of craftsmen. His interest in the military made him belong to the physical education and military training group during his high school education. He joined the Association of Young Pioneers. In the Riflemen's Association he was the commander of the Warsaw-Śródmieście Branch. In August 1927, he was admitted to the School of Infantry Officers in Ostrow Mazowiecka. After three years of study, he was awarded the rank of second lieutenant, and in 1933 he was promoted to the rank of lieutenant. The next stage of his military education was the 'application course' at the Tank Training Center in Modlin. After graduating, as captain, he became a platoon commander at the Tank Cadets' Training School in Modlin. During the defense of Warsaw, in September 1939 he defended the capital as commander of the Captain Bolesław Kowalski 2nd Light Tank Company in the Panzer Group. After entering German captivity, he spent the war years in the oflags of Prenlau, Neubrandenburg, Gross Born together with a group of Polish officers, among others with the future prisoner of Military Information Lt. Col. Dipl. Stefan Mossor. He belonged to PPR (the Polish Workers Party) and was lat-

² See S. Cenckiewicz, *Długie ramię Moskwy. Wywiad wojskowy Polski Ludowej 1943-1991*, Poznań 2011; A. Pietrzak, *Główny Zarząd Informacji wobec flagowców 1949-1956*, Warsaw 2011; L. Pawlikowicz, *Tajny front zimnej wojny. Uciekinierzy z polskich służb specjalnych 1956-1964*, Warsaw 2004; P. Semków, *Informacja Marynarki Wojennej w latach 1945-1957*, Warsaw 2006; J. Poksiński, „TUN” Tatar-Utnik-Nowicki, *Represje wobec oficerów Wojska Polskiego w latach 1949-1956*, Warsaw 1992; idem, *VictisHonos*, „Spisek w wojsku”, Warsaw 1994; W. Tkaczew, *Powstanie i działalność organów Informacji Wojska Polskiego w latach 1943-1948. Kontrwywiad wojskowy*, Warsaw 1994; idem, *Organa Informacji Wojska Polskiego 1943-1956*, Warsaw 2007.

³ Communist law in force in the People's Republic of Poland has come along with many publications. Among the particularly valuable papers devoted to this law are the works by Adam Lityński, especially *Historia prawaPolskiLudowej*. 5th ed., Warsaw 2013. See also, A. Rzepliński, *Sądownictwo w PRL*, Warsaw 1990; *Księga świadectw. Skazani na karę śmierci w czasach stalinowskich i ich losy*, ed. K. Madej, J. Żaryn and J. Żurek, Warsaw 2005. The Communist law of the People's Republic of Poland, where the boundary of research was established in 1956, was dealt by A. Stawarska-Rippel, *Prawo sądowe Polski Ludowej 1944-1950 a prawo Drugiej Rzeczypospolitej*, Katowice 2006; G. Jakubowski, *Sądownictwo powszechne w Polsce w latach 1944-1950*, Warsaw 2002; P. Kładoczny, *Prawo jako narzędzie represji w Polsce Ludowej (1944-1956)*, Warsaw 2004; Z. A. Ziemia, *Prawo przeciwko społeczeństwu. Polskie prawo karne w latach 1944-1956*, Warsaw 1997. Some aspects of the law of the People's Republic of Poland, and in particular those that became the basis of the functioning of the military judiciary, were described by K. Szwagrzyk, *Prawnicy czasu bezprawia. Sędziowie i prokuratorzy wojskowi w Polsce 1944-1956*, Kraków-Wrocław 2005, pp. 33-61; E. Romanowska, *Karzące ramię sprawiedliwości ludowej. Prokuratury wojskowe w Polsce w latach 1944-1955*, Warsaw 2012, pp. 31-133; M. Zaborski, *Ustrój sądów wojskowych w Polsce w latach 1944-1955*, Lublin 2005.

er a member of PZPR (the Polish United Workers' Party). On his return to the country, in June 1945, in accordance with his education and convictions, he began serving in the Polish Army under Soviet command (Polish People's Army), considering like many Communists in those years, that his primary duty was to actively participate in the process of socialist transformation. As Deputy Head of 2nd Division – 2nd Board of the GZI (Main Directorate of Information of the Polish Army), Major Babula wrote in 1952 Michałowski was 'the only pundit on tanks'⁴. As a specialist in the field of armored weapons was directed to the Tank Officers Training Course in Modlin. On 18 September 1945, he was promoted the rank of Major, and less than two months later, Lieutenant Colonel. Soviet General Jan Mierzycan assessed Lt. Col. Michałowski: 'A highly intelligent officer, hardworking, demanding not only in relation to his subordinates but also himself. Work in a timely and punctual manner. He is constantly working on deepening his expertise. He has military knowledge at the level of a good regimental commander. He shows considerable interest in political and social affairs and takes an active part in them. An honest and true democrat appropriate for the current post. In the future, he can be used for both the work at the headquarters and the commander of the regiment. Overall: very good officer'⁵. His extensive military experience was used by delegating him on July 2, 1946 from the Chief Inspectorate for Armored Weapons to the post of commander of the 8th Tank Regiment in Tarnów⁶.

THE RECRUITMENT

With the formation of new Military Information Offices in the Polish Armed Forces (PSZ) in the USSR, these bodies were expanded - in September 1944 the General Command's Main Directorate was created, and in March 1945 the name was changed to the GZI (Main Directorate of Information of the Polish Army), which remained until the reorganization in January 1957.

For the first two years in the Military Information, only Soviet officers from the Soviet military counter-intelligence 'Smiersz' were employed derived from the transformation and secondment of some NKVD units⁷. However, in the later years of the first decade of the People's Republic of Poland, most of the command posts included Soviet officers⁸. In addition to the Soviet officers, most of the officers were

⁴ Archives of the Institute of National Remembrance Bureau of Document Archiving (AIPN BU), 2386/13528, Memorandum, n. 284.

⁵ Ibidem, Service characteristics, n. 82.

⁶ Ibidem, extract from the register (Military service and work), n. 78.

⁷ The first chief Information officer was the Soviet officer, Lieutenant Colonel Piotr Kożko, and his deputies were Colonel Yevgenyi Zadrzyński, Colonel Anatol Fejgin, Colonel Jan Poniedziałnikow.

⁸ See. K. Szwagrzyk, *Rola oficerów sowieckich w aparacie bezpieczeństwa Polski („cywilnym” i wojskowym)*, [in:] *W objęciach Wielkiego Brata. Sowietci w Polsce w latach 1944-1993*, ed. K. Rokicki i S. Stępień, Warsaw 2009, p. 206. See A. Lityński, *Prawo Rosji i ZSRR 1917-1991, czyli historia wszechzwiązkowego komunistycznego prawa (bolszewików)*. Krótki kurs, Warsaw 2010.

the so-called political apparatus officers (political commissars *politruca*), as well as line officers, former partisans of the People's Army and persons recommended by the PPR / PZPR, usually without any professional qualifications, but with a proper socio-political background⁹.

The strengthening of the GZI took place in 1949¹⁰, when Konstanty Rokossowski¹¹ became the Minister of National Defense. As early as on 24 January 1950 he issued an order in which he subordinated the GZI to the Minister of National Defense i.e. himself. This was, however, only formal subordination in fact the GZI was not part of any command structure. Heads of the GZI, who were two officers of the Soviet security service Col. Dmitri Wozniesiński, from 1950-1953 the head of the GZI and his deputy Col. Antoni Skulbaszewski (former chief of the Military Prosecutor's Office, the chief director of the mock trials of the officers of the Polish Army) in practice fulfilled the direct orders of high security officers of the Soviet security organs and also reported to them¹².

However, it would be wrong to believe that Rokossowski was a figurehead in Poland. On IV (8-10 May 1950) Plenary Meeting of KC PZPR¹³ Rokossowski became a member of the Politburo of KC PZPR (the Central Committee of the Polish United Workers Party), i.e. de facto a top-ranking politician. This meant the strengthening of Soviet influence not only on the military but also on the political basis.

From the beginning of the formation of the Military Information Offices the scope of the institution's influence has been broadened – in the form of 'a nationwide intelligence needed to illuminate military-related processes', as defined in the resolution of 31 October 1944¹⁴, which meant practically unlimited surveillance of citizens. It should also be noted that within the framework of the Military Information Structures, an agent network was created for the surveillance of personnel and soldiers in subdivisions and the cataloguing of 'suspicious' soldiers. The agency network covered the entire structure of the armed forces. Therefore, the information authorities undertook decisive repressive actions. All levels of command were

⁹ See J. Poksiński, „TUN”..., pp. 60-66.

¹⁰ On November 6, 1949 Konstanty Rokossowski became the Minister of National Defense See <http://katalog.bip.ipn.gov.pl/showDetails.do?idx=RO&katalogId=1&subpageKatalogId=1&pageNo=1&nameId=2432&osobaId=10356&> (20 July 2017).

¹¹ According to the statute, the GZI was subject to the commander of the Polish Army. From November 1945 these organs were subordinated to the deputy minister of National Defense Gen. Marian Sychalski, and after his removal - General Edward Ochab (March 1949), and when the Minister of National Defense was Konstanty Rokossowski (November 1949) the authorities were subordinated directly to him. GZI was subject to District Information Boards in numbers corresponding to the number of existing military districts, while the districts also included aviation and navy.

¹² PZPR. *Zjazdy i Plenarne posiedzenia KC*, W. Ciempiel, Warsaw 1983, p. 14.

¹³ Kierownictwo PPR i PZPR wobec wojska 1944-1956, „Dokumenty do dziejów PRL”, n. 16, J. Poksiński, A. Kochański, K. Persak, Warsaw 2003, p. 73.

¹⁴ Kierownictwo PPR i PZPR wobec wojska 1944-1956, „Dokumenty do dziejów PRL”, n. 16, J. Poksiński, A. Kochański, K. Persak, Warsaw 2003, p. 73.

scrutinized. Both command groups and groups of soldiers in particular subdivisions were included in the surveillance.

To this end, secret informers were recruited to work out individual environments and individuals. One of such people was to be Lt. Col. Michałowski selected by the information. 'Lieutenant Colonel Michałowski will be recruited by us to deal with officers of the old Polish Army working in the Main Inspectorate of the Armored and Motorized Forces of the Polish Army' - informed Major Fonkowicz, Head of Information Department, OW No. 1¹⁵.

Today we know that the very concept of the alleged existence of 'anti-state and espionage-diversionary' organizations in the Polish Army from 1946-1951, grouping officers from the Polish Army of the Second Republic of Poland, was carried out in the Military Information Agency at that time as part of the class struggle¹⁶. Therefore, Lt. Col. Michalowski, in addition to his military knowledge, as was written 'at the level of a good commander of the regiment', but also (perhaps above all) knowledge of the environment was at the center of the interest of the repressive authorities.

But Lieutenant Colonel Michalowski was not recruited immediately. In the first place, it was decided to use the form of psychological pressure to destroy his conviction of his own competence and values. Therefore, it was not without significance that he was promoted to the post of commander of the 8th Tank Regiment in Tarnów. Lieutenant Colonel Michałowski accepted the authority of the Communists and was loyal to them.

In the new reality, he started to work with energy. As Jerzy Poksiński wrote, he was also in charge of the operation of the regiment connected with the broadly understood strengthening of public order and protection and propaganda groups before the elections to the Legislative Sejm. For co called the strengthening of the people's power he was praised by the Minister of Labor and Social Policy No. 023 / OP / 46 of 14 August 1946¹⁷. He was very diligent and ambitious.

One of the first undertakings of the repressive authorities was the recruitment from Lieutenant Colonel's surroundings as many as possible secret agents and provocateurs. During the operations against him, the composition of his surroundings was selected, he was given specific tasks for the people who initiated the talks according to the instructions and orders of the repressive authorities.

In one of the notes one can read '(...) Lieutenant Colonel Michałowski regarding the officers promoted during the democratic system of Poland, as well as those of the regiment who are democratically minded, uses various types of discredit in the presence of the whole regiment(...)¹⁸. One of them was his deputy for political and educational af-

¹⁵ AIPN BU, 2386/13528, n. 77.

¹⁶ See J. Poksiński, „TUN”..., idem, *Victis Honos...*

¹⁷ J. Poksiński, *Victis Honos...*, p. 151.

¹⁸ AIPN BU, 2386/13528, Information on the commander of the 8th Tank Regiment Col. Michalowski, k. 107.

fairs, Major Madej, who constantly and systematically undermined the authority of his commander, prevented him from performing commanding duties, and thus lowering the value of the regiment. Lt. Col. Michałowski tried to discipline his subordinate by writing reports and imposing disciplinary sanctions on him. 'As a result, I was forced to punish him disciplinarily, and he in retaliation initiated a hostile action against me on the line of the political-educational apparatus,' wrote Lt. Col. Michałowski over a year later i.e. 28 December 1948¹⁹. However, being aware of his own impunity Madej did not take note of the contents of a written or oral order²⁰. He referred to Lt. Col. Michalowski with superiority and arrogance to the point that he declared 'I will finish you, Colonel, in a day'²¹.

In June 1947, the party executive of the Cracow district demanded Lt. Col. Michalowski's self-criticism and that the report on Major Madej and imposed disciplinary sanctions on him should be withdrawn and smooth cooperation should start. When Major Madej did his job, he became not only superfluous, but as a direct transmitter of the command decision was uncomfortable and therefore quickly disappeared. He was mustered out from the army and removed from the party²².

The justification that he was a Volksdeutch and Gestapo secret agent was exceptionally pretextual. It should be assumed that until that moment he had been a comfortable executant for military information of the ordered repressions against Lt. Col. Michałowski.

Besides Major Madej Lieutenant Colonel was under surveillance by other informants. The obtained materials characterized him as a Sanation officer, a careerist, who repeatedly humiliated his subordinates. They tried to show that he did not enjoy the trust of the staff, did not show his own initiative, and also made mistakes²³. However, as stated in the files – as '(...) party member you need to be shown the essence of these errors'²⁴.

These actions were taken for the mental breakdown of the Lt. Col. Michalowski. Soon he was transferred to a lower position, because 'his work as regiment com-

¹⁹ Ibidem, Notes on Major Madeja, a former deputy of the 8th Tank Regiment for political-educational matters, n. 152.

²⁰ In Officers' Order No. 33 of 20 May 1947, Lt. Col. Michałowski wrote: 'I am reprimanding Capt. Madej, my deputy for the political and educational issues, because on 19. 05 at the time of the officer's briefing, when Lt. Col. Smreczko was reporting to me he did not stand at attention when the command was given as did the other officers, but stood with legs apart setting a bad example to the other officers.' One day later he issued another Officer Order No. 34, in which he ordered: '1. I recommend Capt. Madej my deputy for the political and educational issues to adhere to the strict rules of military discipline, and in particular the absolute storing of all the disclosed letters in the working file given each time for storage in a secret office. 2. At the same time, I pay attention to the need to deal with all the issues highlighted in his writings with my annotation.' AIPN BU, 2386/13528, Officer's Order No. 33 and 34, n. 127-129.

²¹ AIPN BU, 2386/13528, Michałowski's letter to the Minister of National Defense, Marshal of Poland, Michal Rola Zymierski, n. 125.

²² Ibidem.

²³ Ibidem, Characteristics for the Head of the Combat Training Department of the Chief Inspectorate of Armored Weapons, n. 81

²⁴ Ibidem, Request for opinion on Lt.Col. Michalowski, n. 143.

mander did not give proper results²⁵. He was transferred from the commander of the regiment to the head of the Combat Training Department at the Chief Inspectorate of Armor.

THE AGENT

On October 19, 1948, Colonel Michałowski was registered by the 1st Division of the GZI as a secret informer under the pseudonym 'Basia'²⁶. As documented '(...) Because of his stay in the camp, Lieutenant Colonel Michalowski knows a number of officers who are currently in the Polish Army and has the opportunity to precisely characterize them. Materials officially received from Lt. Col. Michałowski show that he must be very helpful in our work especially on pre-war officers. In view of the above and the fact that in the 7th Division of the General Command where the Lieutenant Colonel works does not have the appropriate purposeful agent it would be appropriate to have him recruited for permanent cooperation. (...)'²⁷.

On the same day, Lieutenant Colonel Michalowski signed a pledge to cooperate. The content of this document should be included in this paper entirely. 'I hereby commit to voluntary cooperation with Information authorities to detect the enemies of the Polish Army. The tasks I undertake will be thoroughly and conscientiously fulfilled. I am aware that for publicising the above I will be held liable for the betrayal of military secrecy. I will sign the materials 'Basia'²⁸. Since then, his service and promotion was subject to operational activity. It appears that he was recruited on patriotic feelings. However, recruitment was reinforced by compromising materials. Such recruitment consisted in summoning the candidate, presenting him the compromising materials, and accepting him as an informant after obtaining his acknowledgement to criminal acts.

In the files one reads, 'From the agent and official materials received by the Information Officers of the 8th Tank Regiment, Lt. Col. Michalowski maintained contact with the hostile element. The letter from the Public Security Office in Tarnów to the Information Officer of the 8th Regiment is a vivid proof'²⁹. The 'hostile element' was Józef Korzeniowski, a training officer of the Home Army, disclosed to the Public Security Service in Tarnów and to whom Lt. Col. Michałowski gave recommendation. He affirmed that 'he is an honest man that did not act against the democratic system, and that he knows him as his student from the Polish Army before 1939'³⁰.

²⁵ Ibidem, Characteristics for the Head of the Combat Training Department of the Chief Inspectorate of Armored Weapons n. 81.

²⁶ AIPN BU 2386/13525, Report on recruitment, n. 6.

²⁷ Ibidem, Report on recruitment, n. 4-5.

²⁸ Ibidem, Commitment for cooperation, n. 7.

²⁹ Ibidem, Information for the Head of the Defense Training Department Inspectorate, n. 138.

³⁰ Ibidem.

Throughout the period of the cooperation, Lt. Col. Michałowski received the task of exposing the silhouettes of pre-war officers by establishing social contacts with them. In the reports he characterized, among others General Stefan Biernacki, Col. Mossor, Second Lieutenant Romuald Rode, Cavalry Captain Marian Jarząbkiewicz and others in such a way as not to charge the indicated officers, he did not report any criminal activity. However, this activity was very heavy for him because he tried to break it twice. On July 29, 1949, he tried to withdraw from the cooperation. He motivated it as follows:

1. (...) the current reports of my activities did not satisfy³¹ the content of the Information Department, although they were the maximum of my possibilities in the above scope,

2. The pressure on the part of the Information Division to increase my productivity caused not only the need to observe and report as much as possible, but also caused psychological depression that affected my overall well-being, my personal and professional life,

3. Intensified observation and informant action in relation to all the people around me, raised me with aversion and self-disgust, thus deepening the above-mentioned mental depression,

4. As a result of my attitude to the superiors, I feel more and more painfully aware that I am not a full-fledged officer of a reborn army, but a temporarily employed expert³².

He also asked for a dismissal from the army. These requests were not, however, taken into account.

Lt. Col. Michałowski served as a secret informer for two years and made many reports, however, of general informational character. The information provided by the Lieutenant Colonel was not satisfactory with the repressive authorities. Throughout the period of cooperation with the Information he was under surveillance. The clear signals that the machine of terror was starting to tighten up around him was a case of the so-called conspiracy in the army.

In April 1951, Lt. Col. Michałowski was instructed to establish closer contacts with Col. Rode. He made several reports about Col. Rode, not really meaningful. About the officers with whom he served, he mostly reported: 'From the course of the talks I have nothing important to communicate'³³. In June, a resident with the nickname 'Jur' reported that Lt. Col. Michałowski was about to retire from active military service. He complained that some officers made him understand that he was a second class officer and member of the party because he was an officer before

³¹ As in records.

³² AIPN BU, 2386/13525, the letter of Lt. Col. Feliks Michałowski to the Head of Information Department OW-II, n. 158.

³³ AIPN BU, An informational report, 28.05.1951 r., n. 209.

the war. According to the agent, Lieutenant Colonel felt unnecessary in the present society. He also said that the party organization did not defend him³⁴. In July 1951, Lt. Col. Michałowski in a Party Committee on the Armored Weapons Headquarters demonstratively handed in his Party membership card. Under the Resolution of the Party Committee of the Political Board of the Central Offices of the Ministry of Defense of 30 August 1951 was excluded from the PZPR ranks.

In the Resolution, it was stated that '[...] the [P]arty C[ommittee] considers that the actual motive of his step is a calculated personal interest, or the pursuit at all costs of demobilization, against the leaders, achieving his goals with the help of a demonstration with the Party membership card, and only drawing attention to and consequently realizing his goals. The question of whether or not to be in the Party did not play a role for him. Moreover, it is not excluded that a similar demonstration by the Lt. Col. Michałowski had a specific political goal, namely by portraying his person as a persecuted martyr in the Party, undermining the Party's authority to dishonor it in the eyes of the less conscious people'³⁵.

On 28 November 1951 Lt. Col. Michałowski wrote to the head of the Information Division, in which he stated: 'After thoroughly analyzing my present opportunities, I am reporting that I am unable to continue to perform the tasks assigned to me in establishing and maintaining permanent contacts with officers in the area of work and personal life. I justify the above by the following reasons: a negative mental state caused by a disability in military service,

1. feeling of temporariness and limited suitability in military service,
2. the difference in age, service and military rank, life and professional experience, and current interests in relation to the officers with whom I could only be contacted,
3. manifestations of my personal life, which as a result of the above mentioned reasons, are limited to the performance of my duties and contacts with the immediate family'³⁶.

Despite this on 25 April 1952, he was appointed Colonel. But he continued to try to break free from the co-operation with the Information. On 10 June 1952, Information officer Lt. Lewandowski wrote a report on the exclusion of Col. Michałowski from the informational network. He justified this by the fact that '(...) the above mentioned ... for the period of cooperation with the information bodies gave only information material not presenting any operational value. At the same time, Lt. Col. 'M' refuses to cooperate with the information authorities, saying that he cannot continue to work because he is mentally disturbed by military service - his current position - he gave the statement in writing. He apparently does not want to come

³⁴ Ibidem, An informational report, 14.06.1951 r., n. 211.

³⁵ Ibidem, the Resolution of the Party Committee of the Political Board of the Central Offices of the Ministry of Defense of 30 August 1951 on exclusion Lt. Col. Feliks Michałowski from the PZPR, n. 236-237.

³⁶ Ibidem, Declaration, 28.11.1951, n. 48.

close to the enemy base, making himself a worthless contributor. Accordingly, it is expedient to exclude him from the network as unnecessary burden³⁷.

The consent was granted by Major Żytomierski and on 11 June 1952 Colonel Michałowski was excluded from the network. However, a month later, deputy head of the 2nd Division of the Management Board of the Ministry of Defense, Major Babula wrote, 'He believes that Michałowski's exclusion from the network was made too hastily and as a result did not bring any operational benefits. In parallel with the continuity of communication one could implement the plan of 23.6.1952. At this stage, Skibiński's unilateral statements are not sufficient to arrest him. The concept of Michałowski's dismissal from the Polish Army is also not feasible because there is no basis for this. The Command characterize him as a good specialist and an officer undertaking his obligations. He is currently the only specialist on armored weapons in the district'³⁸.

IN THE CUSTODY OF INFORMATION

It would seem that by breaking off the cooperation with the Information authorities, Michałowski became a free man. But the reality turned out to be quite different. It was not easy to get out of the agent network, especially for people who were recruited based on compromising material. In the order of the Minister of National Defense No. 3 / Inf. October 23, 1952, it was pointed out that (...) compromise material and material evidence should be prepared before recruitment, so that the matter can be referred to the court at any time³⁹. One did not have to wait long for repression. Since then, the Colonel's surveillance has been even more active.

Reading the files we feel the horror of human helplessness against the omnipotent machine of Information authorities. There is a visible mechanism of crushing human dignity, the officer's honor by the unbridled authority of the totalitarian state. On 23 June 1952, Col. Michałowski was given the Individual Files (ARP) No. 1575 and the codename 'Dangerous' with a tinge "Polish Underground Organization"⁴⁰. The activities were already readable to Colonel. The informants reported that 'Col. Michałowski has been recently completely isolated from the environment at work, in class he sits alone in the corner, speaks only on business'⁴¹.

³⁷ AIPN BU, 2386/13525, a report authorizing the exclusion from the network of information authorities, n. 11-12.

³⁸ *Ibidem*, Memorandum concerning operational work on the operational invigillation of the individual figurant (ARP) (invigillated person) No 1575, codename 'Dangerous' see. „Organizacja podziemna polska”, n. 286-287.

³⁹ *Memoriał dr Mieczysława Szerera* złożony w dniu 13 V 1957 r. Komisji do Badania Odpowiedzialności za Łamane Praworządności w Sądownictwie Wojskowym, „Zeszyty Historyczne” 1979, n. 41, p. 82-83.

⁴⁰ AIPN BU, 2386/13528, The decision to carry out an individual operational invigillation, n. 7-8.

⁴¹ AIPN BU, 2386/13528, The decision to carry out an individual operational invigillation, n. 7-8.

On October 23, 1952, Colonel Michałowski was arrested on suspicion of belonging to an illegal organization and conducting espionage in the army, although three months earlier, 23 July Lt. Lewandowski in a business note reported that he was speaking to Col. Władysław Kochan, (since July 1948, the head of the 4th GZI Branch (Board), who said that ‘there are no other people at the moment who would know about his [Michałowski] affiliation-activities within a diversionary intelligence organization that existed in the army’⁴². However, despite the lack of any evidence and any evidence indicating Col. Michałowski’s guilt, it was deputy head of the GZI Ministry of National Defense, Col. Skulbaszewski, in a strictly confidential letter of 16 October 1952, who gave consent to arrest the colonel⁴³. The letter states that ‘the investigation should go in the following direction:

1. obtain information about his [Michałowski’s] current activities as part of an espionage and diversionary military organization,
2. the scope of activity and its methods and the composition of the cell, which according to the data of the arrested Skibiński was to be organized in OW-Z,
3. reconnaissance of his [Michałowski] current espionage and diversionary contacts in the area of the command, armored forces and OW-1’⁴⁴.

In cases run by Military Information as well as public security organs, an entire system of torture, humiliating the dignity of the person, bringing the suspects to extreme exhaustion was created. This lawlessness was most evident in the preparatory proceedings⁴⁵. A characteristic feature of the investigations conducted by the repressive authorities in the case of political offenses was the omitting of acts of fundamental procedural importance (eg issuing of criminal liability, application of a protective measure). Another element of the use of the criminal process for the rapid repression against political opponents was in contradiction with the law, both military and universal, the use of temporary detention. The prisoners in the investigation were convinced that the repressive authorities were all-powerful, and were supported by the facts: ‘If we want,’ explained one of the Information officers to one

⁴² Ibidem, Memorandum, n. 279.

⁴³ Ibidem.

⁴⁴ Ibidem,

⁴⁵ See works of Adam Lityński: A. Lityński, *O (nie) prawo-rządności socjalistycznej w Polsce Ludowej*, „Cuius Regio, Eius Religio II” Lublin 2008; idem, *Ku likwidacji instytucji sędziego śledczego w Polsce Ludowej*, [in:] *Problemy nauk penalnych. Prace ofiarowane Pani Profesor Oktawii Górniok*, Katowice 1996; idem, *Inaczej o pierwszej dekadzie Polski Ludowej. Obraz sądów karnych*, [in:] *Z dziejów prawa Rzeczypospolitej Polskiej*, ed. A. Lityński, Katowice 1991; idem, *Na drodze ku nowej procedurze karnej: o postępowaniu przygotowawczym w latach 1943-1950*, [in:] *Przestępstwa sędziów i prokuratorów w Polsce lat 1944-1956*, Warsaw 2000; idem, *Początki prawa komunistycznego w Polsce. Prawo karne wojskowe przed wrześniem 1944 r.*, “Pamięć i Sprawiedliwość”. Bulletin of the Chief Commission for the Investigation of Crimes against Polish Nation the National Institute of National Remembrance, Warsaw 1996, v. XXXIX; idem, *Początki służby sprawiedliwości w Polskich Siłach Zbrojnych w ZSRR (1943r.)*, [in:] *Dawne prawo i myśl prawnicza. Prace historyczno-prawne poświęcone pamięci Wojciecha Marii Bartla*, ed. J. Malec, W. Uruszczak, Kraków 1995; idem, *Pół wieku kodyfikacji prawa w Polsce (1919- 1969). Wybrane zagadnienia*, Tychy 2001.

prisoner, “we will do a search today of all the members of the Supreme Court, and tomorrow they will sit on a stool and confess to everything we want”⁴⁶. Because the more fanciful accusations were made, the crueller the investigation was. Until the end of the existence of this institution its officers committed crimes. In the 1950s, one of the Military Intelligence investigators responded to the accused person who pointed out that in the state of the proletariat dictatorship one must not beat its people: “The dictatorship of the proletariat is me, my colleague and the gun”⁴⁷.

As can be expected, Michałowski did not evade the fate of the ‘enemy of the regime’ and the ‘assassin’ of the authorities. He went through a cruel investigation. Colonel Michałowski, three weeks later, on November 13, 1952, confessed to the crimes he had been accused of. The accusation was based only on the testimony of one of the accused in the case of General Tatar and others, and his own pleading guilty to the alleged crimes. He was held criminally liable on 12 January 1953, the day after the investigation was completed. The indictment was made on 14 January 1953 by the Military Information Officer, Capt. Marian Urbaniak⁴⁸. Colonel Michałowski was accused of ‘taking o from February 1948 to October 1952 in Poland an action aimed at overthrowing the Polish people’s political system by the fact that in February 1948 he took part in the espionage diversionary organization that existing the Polish Army acting in an espionage diversionary cell in the premises of the Armored Forces and participating in the expansion of the organization, by recruiting members and organizing the betrayal and espionage, i.e. the crime of art. 86 § 1 and 2 of the Criminal Code of Polish Army (KKWP)’⁴⁹. At that time and place, as an officer in active military service acting in person and through the cooperating members of the divisive-espionage organization in the interest and favor of the imperialist states, he gathered and handed over information to the Anglo-American intelligence service being a state and military secret in the field of defense of the country, i.e. for the crime of Article 7 with Article 15 § 1 and 2 of the decree dated 13.06.1946⁵⁰.

THE SENTENCE

The trial against the accused Colonel Michalowski, began on 27 January 1953 in the Supreme Military Court. Col. Michałowski was charged together with Col. Rode.

⁴⁶ See *Trzy dokumenty ujawniające mechanizm przemocy i gwałtu w Polsce w latach 1947-1955*, „Zeszyty Historyczne” 1984, n. 67, p. 68. The Heads of the GZI Investigation Division were: Colonel Konstanty Labanov, Colonel Władysław Kochan (during the most brutal investigations) and later Colonel Mikhail Krasnov.

⁴⁷ AAN, PG, 951, Report of the Commission appointed to investigate manifestations of violation of the rule of law by employees of the General Prosecutor’s Office and the Warsaw Public Prosecutor’s Office Report of the Commission appointed to investigate manifestations of violation of the rule of law by employees of the General Prosecutor’s Office and the Warsaw Public Prosecutor’s Office, n.60.

⁴⁸ AIPN BU, 2386/13528, Indictment, n. 293-300.

⁴⁹ Ibidem, n. 300.

⁵⁰ Ibidem.

It was chaired by Major Teofil Karczmarz, who had general school education. He was the secretary of the Primary Party Organization (POP) in the Supreme Military Court (NSW), running the simplest and the smallest in number cases, but instead he was a typical informer for Colonel Wilhelm Świątkowski, the president of Supreme Military Court (NSW), who used him for the dirtiest cases. He was only able to sign the verdict. In the official opinion, we read '(...) it is difficult for him to know precisely the legal issues due to his small education and therefore he has considerable difficulties in working. However, the tasks entrusted to him are dealt very accurately with a proper understanding of the class struggle and the interests of People's Poland,' which in practice meant that 'judge' Major Karczmarz did not have to know the law, because he had enough knowledge of the tasks the Communist Party facing the Communist justice system⁵¹. The judges were: Lt. Col. Zygmunt Krasuski, Lt. Marian Mydlak. The public prosecutor was the deputy prosecutor of the Supreme Military Prosecutor's Office (NPW) Capt. Stanisław Banaszek, former corporal of Information detention, promoted fast to Captain of NPW. The indictment accused the defendant Michalowski of committing the crime of 'espionage'. After the closure of the trial, the prosecutor took the floor. He said: 'Citizens Judges of the Supreme Court! Anglo-American imperialists, in pursuit of their aggressive plans, use different scumbags, outcasts of Polish society to continue hostile work in our homeland. Such traitors and outcasts of the Polish people sit on the bench of the accused, who in the course of a long time have been serving the imperialist enemy. Both plaintiffs committed crimes of espionage in the wake of the Anglo-American intelligence service, gathering and passing over to the agents of this intelligence important to the country's defense state secrets, and their deeds constitute the crime of espionage. (...)'⁵².

The prosecutor demanded the highest punishment 'For the only punishment that is right and commensurate with the enormity of their guilt and the crime and the damage they have done to the Polish people I consider the death penalty and such a punishment I demand for the two accused'⁵³. According to allegations presented in the indictment, Colonel Michałowski was sentenced to death⁵⁴. The Council of State of 21 May 1953 did not exercise the right of grace. Five days later, at 8.15 sentence was executed.

By a decision of 28 April 1956 NSW, after examining the motion of the Supreme Military Prosecutor's Office and resuming criminal proceedings against the sentenced

⁵¹ AAN, Central File Centralna (CK), XX/1560, Personal files of Teofil Karczmarz, n. 12-13.

⁵² AIPN BU, 2386/13527, Investigation files No 47/52, n. 70-73.

⁵³ Ibidem.

⁵⁴ AIPN BU, 2386/13525, the Sentence, n. 14-20. Feliks Michałowski was sentenced under Art. 86 § 1 and 2 of the KKWP for the death penalty and Art. 46 § 1 and KKWP and art. 48 § 1 of the KKWP for the loss of public and civic rights of honor forever and confiscation of all property: pursuant to art. 15 § 2 of the Decree of 13 June 1946 and Art. 46 § 1 and the KKWP for the loss of the public and civic rights of honor forever and confiscation of all property: on the basis of Art. 32 §2 and 33§1 and 3 of the KKWP defined as a joint sentence - the death penalty with the deprivation of the rights of public and civic rights of honor forever and confiscation of all property, Ibidem, n. 20.

Colonel Michałowski overturned the NSW verdict and referred the case to supplement the preparatory proceedings. On 7 May 1956, the prosecutor of the Supreme Military Prosecutor's Office discontinued the investigation, acknowledging that there was no evidence of Col. Michałowski's guilt. However, according to historical material, all files (mainly surveillance, enforcement and pardons) gathered in this case clearly show that the sentenced Colonel Michałowski did not commit criminal offenses attributed to him. Therefore, the discontinuation of the investigation after the resumption of criminal proceedings by the court because of 'lack of evidence of guilt' was unfounded. The case was waiting for clarification 39 years. By a decision of the Supreme Military Prosecutor's Office of 30 May 1995, it was decided to change the final decision of 7 May 1956, in such a way that the fact that 'the lack of criminal offence' was accepted as the basis for the discontinuance of the investigation.

THE LIABILITY OF LAW ENFORCEMENT AUTHORITIES FOR JUDICIAL CRIMES

The issue of rehabilitation of the wrongly sentenced is closely related to the responsibility of those who, through the use of illicit methods in investigating, falsifying evidence of guilt, falsifying cases, have led to the unlawful deprivation of freedom of many innocent people⁵⁵.

The issue of liability for the breaking of the law by state repressive authorities was taken up in 1956 by several committees. On 10 December 1956, as a result of the agreement of the Minister of National Defense, the Minister of Justice and the Prosecutor General of the Polish People's Republic, the Commission was set up named after its first president Marian Mazur to investigate the former employees of the GZI, the Central Military Prosecutor's Office and the Supreme Military Courts⁵⁶.

The task of the commission was to investigate manifestations of breaking the rules of law in military coercive and justice organizations. The report of the 'Mazur

⁵⁵ W. Kulesza, *Crimenlaesaeiustitiae. Odpowiedzialność karna sędziów i prokuratorów za zbrodnie sądowe według prawa norwimberskiego, niemieckiego, austriackiego i polskiego*, Łódź 2012; A. Steinsbergowa, *Uwagi na marginesie Memoriału dr. Mieczysława Siewierskiego złożonego w dniu 13 V 1957 r. Komisji do Badania Odpowiedzialności za Łamanie Praworządności w Sądownictwie Wojskowym*, „Zeszyty Historyczne” 1983, n. 66.

⁵⁶ Commission to investigate the responsibility of the staff of the Chief Information Board, the Supreme Military Prosecutor and the Supreme Military Court. See AAN, PG, 509/20, *Sprawozdanie Komisji dla zbadania odpowiedzialności b. pracowników Głównego Zarządu Informacji, Naczelnej Prokuratury Wojskowej i Najwyższego Sądu Wojskowego*, k. 1-118; D. Maksimiuk, *Problem rehabilitacji w latach 1956-1957*, „Miscellanea Historico-Juridica” t. 8, Białystok 2009, p. 223-234; idem, *Krótką historią długo obowiązującego dekretu, czyli o tzw. małym kodeksie karnym*, Miscellanea Historico-Juridica, t. 9, Białystok 2010, p. 83-97, idem, *Rozliczenie stalinizmu na fali „odwilży” 1956 roku. Dokumenty archiwalne dotyczące odpowiedzialności sędziów i prokuratorów wojskowych za łamanie praworządności w latach 1948-1954*, Miscellanea Historico-Juridica, t. 9, Białystok 2010, pp. 109-147, idem, *Rok 1956 w Polsce. Sądy, prokuratury, prawo karne*, Białystok 2016; L.M. Hudała, *Analiza ustaw rehabilitacyjnych w niektórych państwach postkomunistycznych*, „Studia Juridica” t. 25, Warsaw 1998, pp. 193-217.

Committee' included a clear assessment of the judiciary system: 'The activities of some judges not only constitute a crime of Article 130 kkWP (the Criminal Code of Polish Army), but seem to have acquired the characteristics of a judicial murder.'

However, the often-held line of defense of accused judges and prosecutors was that they acted on the basis of applicable law and the binding interpretation. One of the strictest judges, the head of the Military District Court No. 1 in Warsaw, barely knowing Polish language, Polish law, and Polish legal theory, Col. Julian Giemborek⁵⁷, who 'tried to use the legal knowledge gained in the Soviet Union,' explained with conviction: 'raised in the conditions of the system of worship of the individual, taken over by the Stalinist theories of exacerbating class struggle (...), I pursued this direction in my work, believing that it is a necessity in the struggle for the victory of socialism. This was reflected in my judicial activity in exacerbating criminal repression in individual cases for general prevention reasons'⁵⁸.

Lt. Col. Juliusz Krupski one of the mostly charged judges of the Supreme Military Court stated: 'I imagined that in my section I was conducting a fair fight with the counterrevolution, I believed that the Party had entrusted the court with this section to defend the regime and that the fight against the counterrevolutionary conspiracy, as described in *A short course on WKP history /b /*, will become the history of our Party'⁵⁹.

Corresponding with this was the statement of Major Edward Holler, known as 'Bloody Edzio': 'I considered my work as the first line of battle against the enemy. It seemed to me that I would compensate for not taking part in the armed struggle. (...) On the first encounter I had many disappointments, but it seemed to me that since a whole team of serious and experienced people was working this way, gradually my doubts began to wane'⁶⁰.

These statements originated from the Party meeting of judiciary employees held in the post-October wave of political thaw in November 1956. They were not only to justify the actions taken by the judges, but also to be the first line of defense, as some of the judges were expected to be held criminally liable.

⁵⁷ Julian Giemborek was in 1946-1947 the president of Regional Military Court in Katowice. See M. Paszek, *Wojskowy Sąd Rejonowy w Katowicach (1946-1955)*, „Z Dziejów Prawa” 2015/8 (16), idem, *Odpowiedzialność sędziów Wojskowego Sądu Rejonowego w Katowicach za zbrodnie sądowe (1946-1955)*, „Czasopismo Prawno-Historyczne”, v. LXVII -2015, n. 2.

⁵⁸ *Protokół z narady partyjnej aktywu partyjnego Najwyższego Sądu Wojskowego i Zarządu Sądownictwa Wojskowego, przeprowadzonej z udziałem szefa Głównego Zarządu Politycznego gen. bryg. (Janusza) Zarzyckiego i zastępcy szefa GZP WP płk. (Bronisława) Bednarza w dniach 20 i 21 listopada 1956*, [in:] J. Poksiński, „*My sędziowie nie od Boga...*” *Z dziejów Sądownictwa Wojskowego PRL 1944-1956. Materiały i dokumenty*, Warsaw 1996, p. 159. Giemborek, a native Pole, served until 1937 in the organs of Soviet justice. Repressed and rehabilitated. He came to Lublin from Leningrad in 1944 where he was a legal adviser.

⁵⁹ *Ibidem*, p. 114. Krupski graduated from the UJK, a worker during the war, a communist.

⁶⁰ *Ibidem*, p. 156. Holler after he was admitted to the army in 1948. One year later he graduated from the Faculty of Law of the UW.

However, it should be noted that the issue of personal liability of judges and prosecutors was treated very gently. Judge Dr Mieczysław Szerer played a special role in the work of the commission, although he withdrew from its composition⁶¹. The Szerer's report, exquisitely, suggestively written and seemingly credible, since the author examined the file, played an important role in both the formulation of the conclusions and, even more importantly, in the recitation of the highest party factors with which he had contact of the climate of forgiveness and political indulgence. He stated in it, with all the emphasis and authority, that 'he does not see the possibility of arresting any of the remaining judges⁶² of the Supreme Military Court in Poland and held criminally liable for violating the rules of law in the Tatar cases because he did not find evidence to assume that the judges knew that they had been cheated, so they sentenced the innocent people unintentionally'⁶³.

This view in the mouth of an experienced lawyer must be shocking, because it was contradictory not only with common sense, but with the facts and the ability to analyze them on an elementary level. The explanation of Szerer's astonishing position, which can not be explained by legal formalism, is explained in the statement by Gen. Uziembło, highly critical of the colleague's report, 'I think that by this means, Sheriff defended his own skin, having had guilty conscience at the turn of the 1940s and 1950s. He took part in the secret trials of those years (...). He had an interest in doing so'⁶⁴.

Finally, the „Mazur commission” has requested the initiation of proceedings against the three judges whose participation in the Tatar cases was the most statistically significant (Colonel Feliks Aspis, Lt. Col., Teofil Karczmarz and Marian Krupski), and the degradation to the rank of major of 2 judges (Colonel Piotr Parzycki and Lieutenant Colonel Zygmunt Krasuski), and finally in one case the transfer of personnel (Capt. Stefan Michnik)⁶⁵, but those recommendations, especially concerning criminal liability, were not implemented.

In conclusion, it should be noted that leaving Stalinist judicial crimes unsettled and leaving in military service and even promoting their perpetrators (the next

⁶¹ Memoriał dr. Mieczysława Szerera złożony w dniu 10 VI 1957 r. Komisji do Badania Odpowiedzialności za łamanie praworządności w sądownictwie wojskowym, „Zeszyty Historyczne” 1979, n. 49, p. 71-158.

⁶² It is about Soviet officers, who apparently Szerer believed, should be brought to justice. The validity of judgment goes hand in hand with the impossibility of incarnating it.

⁶³ M. Szerer, op. cit., p. 148 i 114.

⁶⁴ L. Kowalski, *Racja stanu [interview with Gen. Adam Uziembło]* [in:] idem, *Generalowie*, Warsaw 1992, p. 249-250.

⁶⁵ In 48 cases Karczmarz presided in 10, he was was 28 times a juror, in the case of Aspisa - he presided at 17 and was a juror in 2, Krupski presided in 10 and was a juror in 4, Krasuski presided in 4 and was a juror in 5, Parzecki presided in 3, and Michnik was the assessor in 9.

NSW chiefs Col. Jan Miłek and Brig.Gen. Kazimierz Jankowski) undoubtedly had an impact on the functioning of the military service of justice in later years including the period of martial law.

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Summary: In May 1943, the 1st Polish Infantry Division named after Tadeusz Kosciuszko was created in the USSR. It was the nucleus of the future Polish Armed Forces created in the territory of the USSR. With the formation of the 1st Infantry Division, the Military Information was created otherwise called Military Counterintelligence. Military Information was one of the most criminal institutions in the Stalinist Poland. From 1949 to 1953, the bodies of this institution arrested 2665 people, including 518 officers, 713 non-commissioned officers, 1139 privates and 295 civilians. As a result of these actions, mock trials and judicial murders on innocent people were performed on a large scale, including 20 senior officers of the Polish Army. One of the victims of this criminal institution was Col. Feliks Michałowski, an officer of the Polish Army, a secret informer of the Military Information from 1949 to 1951.

Keywords: Colonel Feliks Michałowski, army, repressions, court, sentence

POSTĘPOWANIE KARNE PRZECIWKO PŁK. FELIKSOWI MICHAŁOWSKIEMU (1952-1953)

Streszczenie: W maju 1943 r. w ZSRR powstała 1. Dywizja Piechoty im. Tadeusza Kościuszki. Stanowiła ona załóżek przyszłych Polskich Sił Zbrojnych tworzonych na terytorium ZSRR. Wraz z formowaniem 1. Dywizji Piechoty utworzono Informację Wojskową, czyli kontrwywiad wojskowy. Informacja Wojskowa była jedną z najbardziej zbrodniczych instytucji w stalinowskiej Polsce. W latach 1949-1953 organy tej instytucji aresztowały 2665 osób w tym 518 oficerów, 713 podoficerów, 1139 szeregowych i 295 osób cywilnych. Efektem tych działań były najczęściej sfingowane procesy i mordy sądowe na bardzo wielu niewinnych ludziach, w tym na 20 wyższych oficerach Wojska Polskiego. Jedną z ofiar tej instytucji był płk Feliks Michałowski, oficer Wojska Polskiego, w latach 1949-1951 tajny informator Informacji Wojskowej.

Słowa kluczowe: płk Feliks Michałowski, wojsko, represje, sąd, wyrok