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OUTLINE OF THE ISSUE OF THE AID PROVIDED TO JEWS
DURING THE GERMAN OCCUPATION OF POLAND IN THE FILES
OF CRIMINAL PROCEEDINGS INITIATED ON THE BASIS
OF THE POLISH COMMITTEE OF NATIONAL LIBERATION DECREE
OF 31 AUGUST 1944 IN THE POST-WAR CRACOW VOIVODESHIP*

Despite the fact that 76 years have passed since the end of the Second World War, there are still no historical works of a synthetic nature that would provide a comprehensive picture of the issue of the aid provided to the Jewish population in particular regions of Poland.¹ Research

* Some of the criminal cases appearing in this article were analysed in the book: R. Gieroń, *Półmrok. Procesy karne w sprawie przestępstw okupacyjnych popełnionych przez chłopów wobec Żydów w województwie krakowskim*, Kraków 2020.

¹ See: A. Krochmal, 'Pomoc Żydom w czasie II wojny światowej w świetle polskich i niemieckich źródeł archiwalnych', in *Z dziejów stosunków polsko-żydowskich w XX wieku*, ed. E. Czop, E. Rączy, Rzeszów 2009, pp. 38–29. This gap was filled by Elżbieta Rączy, who developed this issue for the area of the present-day Podkarpackie voivodeship. This area was conventionally called in her work 'Rzeszowszczyzna' (E. Rączy, *Pomoc Polaków dla ludności żydowskiej na Rzeszowszczyźnie 1939–1945*, Rzeszów 2008). For other works presenting this issue in different regions of the country, see, among others, A. Pyżewska, 'Pomoc dla ludności żydowskiej w Okręgu Białystok w latach okupacji niemieckiej', in *Polacy i Żydzi pod okupacją niemiecką 1939–1945. Studia i materiały*, ed. A. Żbikowski, Warszawa 2006, pp. 941–60; K. Samsonowska, 'Pomoc dla Żydów krakowskich w okresie okupacji hitlerowskiej', in *Polacy i Żydzi*, pp. 827–90; D. Siepracka, 'Stosunki polsko-żydowskie w Łodzi podczas okupacji niemieckiej', in *Polacy i Żydzi*, pp. 691–762;

conducted so far has shown that gathering comprehensive material on this issue from the period of the German occupation is difficult for several reasons. The basic problems are as follows: the very broad territorial distribution of archives in many countries of the world; the extremely detailed nature of the information being sought; the need to consult thousands of pages of documents in many languages; and the incomplete nature of surviving source materials.² It can also be assumed that many cases of assistance were not reflected in any sources.³

Apart from archival material directly or indirectly mentioning the subject of aid, it is interesting to note the various court cases initiated after the war against those who collaborated with the German occupier in the extermination of the Jewish population. These materials have rarely been considered in the context of the issue of aid up to now, and they contain names and details of people who helped

ead., 'Postawy Polaków wobec ludności żydowskiej w Kraju Warty', in *Zagłada Żydów na polskich terenach wcielonych do Rzeszy*, ed. A. Namysło, Warszawa 2008, pp. 195–210; T. Domański, 'Udział Polaków w pomocy Żydom na wsi kieleckiej 1939–1945', in *Pomoc świadczona ludności żydowskiej przez Polaków w latach 1939–1945 ze szczególnym uwzględnieniem Kielecczyny*, ed. J. Gapys, A. Dziarmaga, Kielce 2016, pp. 55–70. The issue of Polish literature on the subject was presented by D. Libionka, 'Polskie piśmiennictwo na temat zorganizowanej i indywidualnej pomocy Żydom (1945–2008)', *Zagłada Żydów. Studia i materiały* 2008, vol. 4, pp. 17–80. Other important studies discussing the issue of aid include: T. Berenstein, A. Rutkowski, 'O ratownictwie Żydów przez Polaków w okresie okupacji hitlerowskiej', *Biuletyn ŻIH* 1960, vol. 35, pp. 3–46; eid., *Pomoc Żydom w Polsce 1939–1945*, Warszawa 1963; S. Datner, *Las sprawiedliwych. Karta z dziejów ratownictwa Żydów w okupowanej Polsce*, Warszawa 1968; W. Bielawski, C. Pilichowski, *Zbrodnie na Polakach dokonane przez hitlerowców za pomoc udzieloną Żydom*, Warszawa 1981; P. Friedman, *Their Brother's Keeper*, New York 1957; K. Iranek-Osmecki, *Kto ratuje jedno życie. Polacy i Żydzi 1939–1945*, London 1968; M. Paldiel, *The Path of the Righteous: Gentile Rescuers of Jews Turing the Holocaust*, Hoboken (NJ) 1993; M. Gilbert, *The Righteous. The Unsung Heroes of the Holocaust*, New York 2004; T. Prekerowa, 'Who Helped Jews During the Holocaust in Poland?', *Acta Poloniae Historica* 1997, vol. 76, pp. 153–70; *Księga Sprawiedliwych wśród Narodów Świata. Ratujący Żydów podczas Holocaustu. Polska*, vols 1–2, ed. I. Gutman, S. Bender, S. Krakowski, Kraków 2009; M. Urynowicz, 'Zorganizowana i indywidualna pomoc Polaków dla ludności żydowskiej eksterminowanej przez okupanta niemieckiego w okresie drugiej wojny światowej', in *Polacy i Żydzi*, pp. 209–79; N. Tec, *When Light Pierced the Darkness. Christian Rescue of Jews in Nazi-Occupied Poland*, New York 1986; G.S. Paulsson, *Utajone miasto. Żydzi po aryjskiej stronie Warszawy (1940–1945)*, Kraków 2007; Z. Schnepf-Kołacz, 'Pomoc Polaków dla Żydów na wsi w czasie okupacji niemieckiej. Próba opisu na przykładzie Sprawiedliwych wśród Narodów Świata', in *Zarys krajobrazu. Wieś polska wobec zagłady Żydów 1942–1945*, ed. B. Engelking, J. Grabowski, Warszawa 2011, pp. 195–254.

² On archival sources for research on the issue of aid see: Krochmal, *Pomoc Żydom*, pp. 38–55; A. Skibińska, *Źródła do badań nad zagładą Żydów na okupowanych ziemiach polskich. Przewodnik archiwalno-bibliograficzny*, Warszawa 2007.

³ Krochmal, *Pomoc Żydom*, p. 53.

the persecuted.⁴ Therefore, the subject of this article constitutes an attempt to show the significance of files concerning criminal proceedings initiated on the basis of the decree of the Polish Committee of National Liberation (also known as the Lublin Committee) of 31 August 1944⁵ in post-war Cracow voivodeship⁶ as

⁴ Urynowicz, 'Zorganizowana i indywidualna pomoc', p. 214; E. Rączy, 'Znaczenie dokumentacji sądowej w badaniach nad stosunkami polsko-żydowskimi w czasie II wojny światowej na przykładzie regionu podkarpackiego', *Humanities and Social Sciences* 2018, vol. 25, no. 3, pp. 277–83; S. Piątkowski, 'Oprawcy, prześladowcy, ratownicy. Problematyka Zagłady w aktach radomskiej ekspozytury Prokuratora Specjalnego Sądu Karnego w Lublinie', *Zagłada Żydów. Studia i Materiały* 2008, vol. 4, pp. 494–97.

⁵ On 31 August 1944, the PKWN (Polish Committee of National Liberation) promulgated a decree on the punishment of fascist-Nazi criminals guilty of the murder and abuse of civilians and prisoners of war, as well as traitors to the Polish Nation, called the August Decree or 'Sierpniówka' (*Dziennik Ustaw* [Journal of Laws of the Republic of Poland; hereinafter: Dz.U.] 1944, no. 4, item 16). This legal act has been amended up to five times (Dz.U. 1945, no. 7, item 29; Dz.U. 1946, no. 69, item 376; Dz.U. 1947, no. 65, item 390; Dz.U. 1948, no. 18, item 124; Dz.U. 1949, no. 32, item 238). At present, only Article 1(1) of the Decree, which has the character of a special criminal provision, remains in force (R. Ignatiew, 'Komentarz do art. 1 pkt 1 dekretu z dnia 31.08.1944 r. o wymiarze kary dla faszystowsko-hitlerowskich zbrodniarzy winnych zabójstw i znęcania się nad ludnością cywilną i jeńcami oraz dla zdrajców Narodu Polskiego', in *Zbrodnie przeszłości. Opracowania i materiały prokuratorów IPN*, vol. 2: *Ludobójstwo*, ed. R. Ignatiew, A. Kura, Warszawa 2008, pp. 104–06). The introductory provisions of Poland's 1997 Criminal Code introduced life imprisonment in place of the death penalty (Article 13.1, introductory provisions of Criminal Code), Dz.U. 1997, no. 88, item 554. In its final wording, the decree defined the following offences: (1) taking part in the murder of persons from among the civilian population or military persons or prisoners of war (Art. 1 pt. 1 of the August Decree); (2) indicating or capturing persons wanted or persecuted for political, national, religious or racial reasons (Art. 1 pt. 2 of the August Decree); (3) acting to the detriment of the Polish State, a Polish legal person, persons from among the civilian population or military persons or prisoners of war, in a manner or under circumstances other than those provided for in Art. 1 (art. 2 of the August Decree); (4) extortion under threat of persecution or otherwise acting to the detriment of wanted or persecuted persons (art. 3 of the August Decree); (5) participation in a criminal organisation whose aim is crimes against peace, war crimes or crimes against humanity (art. 4 of the August Decree). See A. Pasek, *Przestępstwa okupacyjne w polskim prawie karnym z lat 1944–1956*, Wrocław 2002, p. 40; E. Kobierska-Motas, *Ekstradycja przestępców wojennych do Polski z czterech stref okupacyjnych Niemiec 1946–1950*, vol. 2, Warszawa 1992, p. 7; L. Kubicki, *Zbrodnie wojenne w świetle prawa polskiego*, Warszawa 1963, pp. 66–67; A. Rzepliński, 'Ten jest z ojczyzny mojej? Sprawy karne oskarżonych o wymordowanie Żydów w Jedwabnem w świetle zasady rzetelnego procesu', in *Wokół Jedwabnego*, vol. 1: *Studia*, ed. P. Machcewicz, K. Persak, Warszawa 2002, pp. 355–56; A. Lityński, *O prawie i sądach początków Polski Ludowej*, Białystok 1999, pp. 63–64; J. Wojciechowska, *Przestępcy hitlerowscy przed specjalnym sądem karnym w Toruniu (1945–1946)*, Toruń 1965, p. 16.

⁶ The territorial scope of this article is determined by the borders of the former Cracow voivodeship, as finally established in July 1945. In 1945, Kraków province was reduced in size on its eastern side, and the following poviats were detached from it: Jasło, Mielec, Dębica and Gorlice. In the north, the voivodeship was enlarged by including the poviats of Miechów and Olkusz (Dz.U. 1945, no. 27, item 167). The area covered 15 poviats: Biała, Bochnia, Brzesko, Chrzanów, Dąbrowa Tarnowska, Cracow, Limanowa, Miechów, Myślenice, Nowy Sącz, Nowy Targ, Olkusz, Wadowice, Tarnów, Żywiec. In 1945, the region covered an area of 15,918 km². It was inhabited by 2,133,400 people (M. Korcuć, *Zostańcie wierni tylko Polsce. Niepodległościowe oddziały partyzanckie w Krakowskim [1944–1947]*, Kraków 2002, p. 12).

a source for research on aid provided to the Jewish population during the period of German occupation in Poland. The term 'aid' used in this work refers to all actions taken to save the lives of Jews, regardless of their motives.⁷ The materials analysed so far have been used mainly in connection with research on negative behaviour of the Polish population during the German occupation. However, this article will show other research possibilities that are inherent in this kind of documentation.

Aid to Jews in the light of records of criminal proceedings

The article makes use mainly of the collections of the Archives of the Institute of National Remembrance Branch in Cracow.⁸ The collection examined here, bearing the catalogue number AIPN Kr 502, includes the group of the so-called 'August' prosecution and court files, containing 4,263 archival units.⁹ In the files of post-war criminal proceedings stored in this group, information concerning cases of aid provided to Jews was found in 126 archival units (3 per cent).

The preliminary searches conducted revealed that single files, or significant parts of files, are also to be found in various state archives. The National Archive in Cracow holds the second most important collection of sources used in this article. They constitute a part of the file collections resulting from the activity of the Court of Appeal¹⁰ and the Regional Court in Cracow, as well as the prosecutors' offices of those courts. It is worth noting that in the Court of Appeal file group, materials concerning aid were found in as many as 40 archival units (constituting approximately 17 per cent of the cases gathered in this group initiated on the basis of the August decree). In the remaining archival collections examined, far fewer

⁷ Rączy, *Pomoc Polaków*, p. 19.

⁸ By order of the Minister of Justice of 9 February 1966, the files of the August decree cases were transferred to the Archives of the Main Commission for the Investigation of Nazi Crimes, and then, after the transformation of this institution, to the Institute of National Remembrance Archives (Urynowicz, 'Zorganizowana i indywidualna pomoc', p. 214).

⁹ The number of references does not correspond to the number of criminal proceedings as some large cases, which are contained in several volumes, have more than one catalogue number.

¹⁰ According to Dagmara Szałtek, the Cracow Court of Appeal file group contains approximately 240 cases initiated on the basis of the August decree. D. Szałtek, 'Dla płaszcza, walizki i jabłka. Zbrodnie na Żydach ukrywających się we wsiach Falkowa, Wieniec i Janowice w świetle powojennych dokumentów procesowych', *Zagłada Żydów. Studia i Materiały* 2008, vol. 4, p. 423.

such cases were recorded.¹¹ However, the numbers given above are not definitive. There may be more criminal cases with references to, and broader descriptions of other aid activities from the area being examined here. It is also worth conducting a search through the files of the Provincial Court in Cracow and in the materials which cover the activities of the Military District Court in Cracow.

The size of the analysed archives varied, with some court cases even amounting to several volumes of files. On the other hand, the prosecutors' case files, which ended in a motion of dismissal in most cases, consisted of only a dozen or a few dozen documents. The examined materials included, among other things, minutes of the questioning of witnesses and explanations given by defendants, indictments or motions of dismissal of proceedings, agents' materials, decisions regarding the application of preventive measures against suspects, motions for evidence, minutes of subsequent hearings, judicial sentences, overturned rulings, and instruments of appeal with regard to the grounds of judgements and judgements themselves of the Polish Supreme Court. These materials, when taken together, constituted a very extensive source.

The largest number of cases of aid provided to Jews appeared in documentation concerning the poviats of Cracow, Miechów and Dąbrowa Tarnowska (together constituting almost half of all recorded aid-related activities). This concerned the number of criminal cases in this area after the war and should not be linked to the actual scale of aid in the entire area under investigation here, as well as the number of actual cases of harming and informing on Jews. Also of note was the high rate of cases from outside Cracow voivodeship. These cases concerned aid provided in the pre-war Polish voivodeships of Tarnopol, Lwów (now Lviv) and Stanisławów (now Ivano-Frankivsk) that today lie in Ukraine.¹²

On the basis of the examined files of criminal proceedings, we are unable to answer the question as to why aid was provided.¹³ Data concerning the motivation behind such acts appeared very rarely. They concerned both remuneration and

¹¹ These are the collections with the reference numbers: 29/1304, [Prosecutor's Office of the Court of Appeal in Cracow]; 29/1305, [Prosecutor's Office of the District Court in Cracow]; 29/1989, [District Court in Cracow].

¹² Thus, the files analysed in this study can be valuable material also for researchers of Polish-Jewish relations in the area of Eastern Galicia.

¹³ On the subject of motivation see: Rączy, *Pomoc Polaków*, p. 101.

pre-war acquaintances. It should be remembered that the reasons declared in the interrogations do not necessarily have to be true. Based on the preserved court documentation, we also cannot provide exact data concerning the time when given acts of aid started and ended.¹⁴ Indeed, information on the timing of aid activities or the moment of their termination was recorded in less than half of the recorded cases. These data are fragmentary and very general in nature, merely reporting on the time of year or a date in years. Dates in terms of exact days are rarely recorded.

However, a catalogue of forms of assistance can be established. The most common was the long-term and temporary hiding of Jews. Other, much rarer forms of support were, in turn: emergency aid and other forms of assistance, the provision of food and the supply of false documents.¹⁵ In the documentation analysed here, there are approximately 300 people who helped Jews in one way or another. Although most of them were of Polish nationality, they also included Ukrainians and *Volksdeutschen*. Among them, one can find representatives of all social strata, from peasants to members of the intelligentsia, with the vast majority being rural people. After the war, indictments were filed against several dozen of these people, accusing them of committing the acts described in the August decree.

Information concerning aid provided to Jews in the testimonies of survivors, neighbours and defendants

Reading the testimonies of survivors in court documents, we sometimes find they include information about people who aided them or contributed to their rescue. In some court cases, rescued Jews, either called as witnesses for the defence or on their own initiative, testified in favour of the accused. However, these were small in number (most Jews did not live to the end of the occupation, while some of those who did survive left Poland). It sometimes happened that the accused asked for help, through someone else, for a Jewish family which – at the risk of their own lives – they had helped during the war.¹⁶ An example of a case in which we

¹⁴ See *ibid.*, p. 251.

¹⁵ Cf. Rączy, *Pomoc Polaków*, p. 69; Urynowicz, 'Zorganizowana i indywidualna pomoc', p. 245.

¹⁶ Cf. Piątkowski, 'Oprawcy', pp. 485–98; Urynowicz, 'Zorganizowana i indywidualna pomoc', pp. 209–364.

find this type of material were the proceedings initiated against Mikołaj Jarema¹⁷ and his son Lesław,¹⁸ who were suspected of the following:

in the autumn of 1942 or 1943 in Szyce in the powiat of Olkusz, in going along with the authorities of the German state, they acted to the detriment of persons persecuted for racial reasons in such a way that they captured an individual of Jewish origin and then handed him over to the Navy Blue Police, with the result that this individual could have suffered death at the hands of the Germans.¹⁹

In the files, we find the following testimony of Kamila Zagórska, a girl whom the Jarema family took care of during the German occupation:

In 1941 I was living with my mother in Lwów. In 1939, my father went to the Polish-German war, from where he has not returned to this day [...] Since my mother was of Jewish nationality and although before 1939 she had assumed Polish nationality, i.e. she had been baptised, nevertheless, in 1941, my mother was arrested by the German authorities and deemed a Jewess²⁰ and deported to Auschwitz, from where she never returned, it follows that she was executed there. I, as a minor without a father or mother or any family, was taken in by a lady called Wiśniewska, who took care of me and took me with her to her home. As Mrs Wiśniewska was afraid to keep me in her home [...] that same year, 1941, she took me with her and brought me to her cousin, or sister, who is the wife of Mikołaj Jarema, living at that time in the village of Szyce near

¹⁷ During the Second World War, Mikołaj Jarema was a soldier of the Home Army. He disclosed his identity in 1945 (Oddziałowe Archiwum IPN w Krakowie [Archives of the Institute of National Remembrance Branch in Cracow; hereinafter: AIPN Kr], 502/4193, Protocol of the interrogation of suspect Mikołaj Jarema, Olkusz, 13 March 1951, p. 15; AIPN Ka, 00185/1, General-information file of the WUSW in Katowice; AIPN Kr, 010/5380, Case of evidentiary-observation concerning Mikołaj Jarema; AIPN Kr, 00142/1, General-information file of the WUSW in Cracow/Nowy Sącz/Tarnów).

¹⁸ During the occupation period, Lesław Jarema, *nom de guerre* 'Lech', was a Home Army soldier. He revealed himself in 1945 (AIPN Kr, 502/4193, Protocol of the interrogation of the suspect Lesław Jarema, Olkusz, 16 March 1951, p. 17v; AIPN Kr, 080/1, so-called 'saved records' WUSW file in Kraków).

¹⁹ AIPN Kr, 502/4193, Request for discontinuation of investigation, Olkusz, 9 May 1951, p. 56.

²⁰ In the source texts quoted, it has been decided to retain the original terms of the words 'Jew' and 'Jewess'.

Cracow, in Olkusz powiat. Leaving me in the care of Mikołaj Jarema from Szyce, Mrs Wiśniewska went back and I hid under the care of Mikołaj Jarema; they hid me partly for the whole time of the occupation, that is, until the liberation of Poland. After the liberation of Poland in 1945, Mikołaj Jarema left with his family for Bytom, and I left with them, where I continued to live under their care until 1947. In 1947, through Mikołaj Jarema, I was sent to an orphanage in Czeladź. [...] Despite the fact that nowadays the state is responsible for my upkeep and education, nevertheless, during holidays or Christmas breaks, I come to the Jaremas as good friends, who took care of me from a young age and gave me all the help they could. I know that during the occupation, when I was staying with the Jaremas, some Jewish people came to their house; I saw them a few times and they stayed with the Jaremas for a couple of days at a time, but I do not know whether they were Jews in hiding or not, as I have not been informed about this matter.²¹

Eliasz Geller,²² who survived the war also testified in this case:

I know that in 1944 my friend Ludwik Rudnicki of Jewish nationality was hiding at Mikołaj Jarema's in Szyce and in Cracow, but for how long, I cannot give any information [...] The above-mentioned [Rudnicki] was hiding for up to two months at Wolińska's in Cracow, which the Jaremas also knew about. I know about the fact that Ludwik Rudnicki was hiding at the Jaremas', because he told me personally [...] After the liberation [in] 1945 I found out from Rudnicki and his wife that during the occupation the Jaremas were hiding a girl of Jewish nationality.²³

As we can see, these two testimonies complement each other. Finally, in May 1951, due to the lack of grounds for indictment, the investigation in this case was discontinued. On the basis of the preliminary investigation it was established that in the autumn of 1942 or 1943:

²¹ AIPN Kr, 502/4193, Protocol of interrogation of witness Kamila Zagórska, Olkusz, 29 May 1951, pp. 22v-23.

²² On some documents he is erroneously written as "Eriasz". See e.g. *ibid.*, Request for discontinuation of investigation, Olkusz, 9 May 1951, p. 57.

²³ *Ibid.*, Minutes of the hearing of the witness Eliasz Geller, Olkusz, 27 March 1951, p. 21.

in the afternoon, three individuals entered Jarema's shop, where Lesław Jarema was behind the counter, and demanded he sell them cold meat, and when they met with a refusal, they started to behave in a suspicious manner, referring to Lesław Jarema in an increasingly aggressive manner. At this, Lesław Jarema ran out of the shop, stopped for a while and then returned to the shop, where he no longer saw the men, but noticed that the drawers were open, so he ran out again and saw one of the men running away. On hearing Lesław Jarema shouting, one of the passers-by stopped this individual and together with the suspect led him back to the shop.²⁴

Several people then gathered in the shop. The village leader was called and ordered the chief of the guard, Józef Rosa and Jan Litewka, to take the captured man away. It was not until he was in Rosa's house that the detainee admitted that he was a Jew. The investigator drawing up the application for remission stated that:

Lesław Jarema, in grabbing the unknown individual, had only the protection of the shop in mind, and his father was in the shop already after the individual had been detained, while the act of handing him over to the authorities was initiated and completed by village leader Stanisław Gabaj through Józef Rosa, who took the captured individual to the police station in Ojców.²⁵

The fact that the Jarema family had been hiding Kamila Zagórska and Ludwik Rudnicki was for the investigators evidence of "the absence of any racial hatred, but also of the most far-reaching positive attitude towards people of Jewish origin, to the point of placing themselves in danger".²⁶

Interesting material can also be found in the case file against Janina Tomczyk (*née* Gosławska). She faced the accusation that in Cracow during the period of German occupation: "she persuaded Alfred Weinert to shoot the Jew Dr Bergner" and that she had reported to the German police (together with

²⁴ Ibid., Request for discontinuation of investigation, Olkusz, 9 May 1951, p. 56.

²⁵ Ibid., p. 57.

²⁶ Ibid.

Józefa Guzik) that one Antonina Czajkowska was hiding Jews. This was to lead to the arrest of Czajkowska and a Jewish woman living with her.²⁷ The case was initiated on the basis of a report by Antonina Czajkowska, submitted in March 1950 to the Prosecutor's Office of the Court of Appeal in Cracow. The testimony of Maks Weissberg, who on 26 September 1950 reported to the General Consulate of Poland in Paris providing an explanation concerning the deeds of which Janina Tomczyk (*née* Gosławska)²⁸ was accused, as well as providing information about the help she had given him, was crucial in clarifying the circumstances of the case: "I stayed with citizen Janina Gosławska from 18 June 1942 until the liberation. My brother Józef stayed with her for only three weeks, after which he was arrested and deported to the Ghetto."²⁹ Gosławska was exceptionally good and caring to me"³⁰. In the survivor's testimony, we can also read about the dangers of hiding Jews and about relations with the owners of the property where they lived, namely Władysław and Antonina Czajkowski:

The Czajkowskis found out that I was a Jew and were very hostile towards me and the Gosławski family. C[itizen] Władysław Czajkowski came to our flat, took me by the collar and wanted to take me to the Gestapo. While doing so, he shouted at full volume, addressing the Gosławski family, "You are holding a Jew, I must finish you off". At the request of Janina Tomczyk *née* Gosławska,

²⁷ AIPN Kr, 502/2508, Request for discontinuation of investigation, [Cracow], 28 November 1950, p. 3.

²⁸ For more on this, see: *ibid.*, Letter of Maks Weissberg, Paris, 18 February 1950, p. 30; *ibid.*, Testimony of Maks Weissberg, Paris, 26 November 1950, p. 80–80v; *ibid.*, Notarial Declaration concerning Mrs. Gosławska and Tomczyk [Certified translation from French], Paris, 16 May 1950, pp. 70–73.

²⁹ According to a notarial declaration of 16 May 1950, Justyna Gosławska and Janina Tomczyk took in Józef Weissberg, who registered with them under a false name of Jan Wykusz [in the documentation examined, the name Wykusz was also noted – R.G.]. After some time, Weissberg brought his younger brother Maks to them. When Józef was arrested, the two women took care of his brother: "without a moment's hesitation, knowing full well that I was an Israelite [*sic*] and that they had risked their lives, they not only kept me, but their warm-heartedness steadily increased. They recognised me as their son and I bore their name and they kept me without any remuneration" (*ibid.*, Notarial Declaration concerning Mrs. Gosławska and Tomczyk [Certified translation from French], Paris, 16 May 1950, pp. 70–70v).

³⁰ *Ibid.*, Testimony of Maks Weissberg, Paris, 26 September 1950, p. 80.

daughter of Justyna Gosławska, and the latter, he calmed down, but not before he beat them both.³¹

The investigation did not reveal any evidence of the suspects' guilt. The prosecutor who drew up the motion of dismissal concluded that the motive behind Czajkowska filing the denunciation was 'mutual, personal misunderstandings' and 'legal disputes' with Janina Tomczyk.³²

It was also noted that a person whose testimony was the basis for criminal proceedings came forward again after the indictment was received in order to testify in favour of one of the defendants. In the criminal case of Roman Buziak³³ and Jan Wróbel, accused of handing over two Jewish persons to the occupation authorities,³⁴ Herman Glassner testified in defence of one of them:

³¹ Ibid. In the notarial declaration of 16 May 1950 we find a detailed description of this event: "Seeing that his threats were no longer having any effect on the Gosławska ladies, one day he barged into the flat and, grabbing me by the hair, started shouting that he would undertake to end this matter by taking me on my own to the Gestapo. My carers were on their knees with tears in their eyes begging him to leave me alone, but he knocked them over and without any consideration started beating them and kicking them with the long hunting boots he was wearing. This scene was horrible to watch and both poor bruised women did not let me go and defended me fiercely and so he could not take me. Seeing this heroic resistance of the two poor and weak women, the owner finally let me go and went away, cursing and threatening them" (AIPN Kr, 502/2508, Notarial declaration concerning Mrs. Gosławska and Mrs. Tomczyk [Certified translation from French], Paris, 16 May 1950, p. 71). It is worth adding that, according to the above declaration, Justyna Gosławska and Janina Tomczyk were also oppressed for helping Józef Weissberg: "A short time later the Gestapo burst in on the Gosławski ladies and wanted to arrest them on the pretext that they had hidden an Israelite [*sic*] This concerned my brother, who had lived with them before, and they wriggled out of the matter by proving that he had been registered with them as an Aryan. In spite of all this, the two women were beaten and mistreated and the Germans [...] stole everything they owned from them" (ibid., pp. 70v–71). The issue of oppression for helping Jews, present in the August files, will be discussed in more detail in the last part of the article.

³² In the application for remission it was noted that: "the filing of the denunciation [by Czajkowska] coincides with the date of the sentence sentencing Czajkowski to 1 month's imprisonment for raiding Gosławska's house" (AIPN Kr, 502/2508, Application for discontinuance of the investigation, [Cracow], 28 September 1950, p. 3v).

³³ The Regional Court in Tarnów, in the sentence of 23 January 1947, found the defendant Roman Buziak guilty of the crimes he was accused of and sentenced him, pursuant to the article 5 § 1 and 2, to a total of 15 years of imprisonment. On February 7, 1955, he was conditionally released from prison (AIPN Kr, 502/1874, Protocol of the interrogation of a suspect, Tarnów, November 3, 1945, p. 5; ibid., Sentence of the sentence by the District Court in Tarnów, January 23, 1947, pp. 93–5; AIPN Kr, 00142/1, General Information File of the WUSW in Cracow/Nowy Sącz/Tarnów).

³⁴ It seems that this case may have been initiated and controlled by public security officers (AIPN Kr, 502/1874, Letter of Zofia Buziak to President of the Council of State of the Polish People's Republic in Warsaw, [date of receipt 21 January 1954], p. 133).

I know Jan Wróbel well, and I say that he is a very decent man, who, during the period when I was in hiding, went out of his way to help me, giving me shelter in his home, and, moreover, continually helped me with food. It is true that Wróbel went to the Polish police and informed them that my cousins were to come to Buziak's house, but in my opinion he could not have acted otherwise. Namely, the German gendarmerie, wanting to capture us, set up hostages [...] to whom they gave a deadline for our capture under threat of being shot. [...] I should add that also after the Glassners were shot, Jan Wróbel came to my aid, giving me both shelter and food, and moreover, he always warned me that the police were to come, or that it was not safe to go to a given place, etc. When I was unable to reach the place, I had to leave. When, at times, I could not get to Wróbel's house, he would bring me food to an agreed location in the bushes. I had known Jan Wróbel since before the war, and when I escaped from the Ghet[t]o, I went to him straight away, and Wróbel had already helped me by giving me accommodation and food. Wróbel was never an anti-Semite and, in my opinion, was one of the most serious and decent farmers in Porąbka Uszewska.³⁵

On 31 December 1946, Glassner testified before the court during the main hearing.³⁶ The District Court in Tarnów, in its verdict of 23 January 1947, acquitted Jan Wróbel of the charges.³⁷ It seems that Glassner's testimony concerning the defendant's attitude and actions was significant for the court. Indeed, the operative part of the judgement emphasised the fact that he had provided aid to Jews:

It follows from the case as a whole, and in particular from the testimony of Herman and Regina Glassner, that the accused Wróbel went to the aid of the Jews in hiding, hid them in his home, gave them food, and thus exposed himself and his family to the danger of losing their lives.³⁸

³⁵ Ibid., Protocol of the interrogation of the witness Herman Glassner, Tarnów, 7 February 1946, pp. 28–29.

³⁶ Ibid., Minutes of the main hearing, Tarnów, 31 December 1946, pp. 75–75v.

³⁷ Ibid., Sentence of judgement of Tarnów District Court in, Tarnów, 23 January 1947, pp. 93–95.

³⁸ Ibid., p. 95.

Sometimes surviving Jews wrote letters in defence of suspects and defendants.³⁹ Here is the content of a letter written by Zofia Nowik *née* Wolf in the criminal case of a village leader accused of a crime under Article 1, point 2 of the August decree:

I have known Władysław Trzepacz since my earliest childhood, because he was my next-door neighbour, he was already the village leader before the war, and also during the occupation; he behaved in very morally upright way towards me and my family, when already [in] 1940 the persecution of the Jewish population began, he always warned us when something bad was going to happen. In 1942 we were expelled from the village, I was forced to go into hiding and the village leader also knew about this, I often went to him at night for help, which he never refused. At the end of 1942 I changed my name, taking the birth certificate of one of my Polish friends, and left voluntarily for Germany, while the village leader knew all about this, under what name and whereabouts, but he did not betray me. I would like to point out that he never personally harmed me or my family.⁴⁰

The village leader concerned was eventually acquitted (the court found that the defendants in this case acted within the disposition of Article 6 of the August decree).⁴¹ The sentence also stressed that: “Trzepacz helped Jews in hiding”.⁴²

During the analysed proceedings, Jews were sometimes called as defence witnesses, who were to testify that the accused knew about their presence in the village, had provided aid to them and warned them of impending danger. It is worth using further examples at this point. Melchior Pomierny, the mayor of Raclawice in Olkusz poviát, accused of driving out Jews caught at a local

³⁹ “Please question us in the case of Andrzej Boduch in defence of the suspect [...] Drelich [Fuschel/ Tuschel] Salomon Goldberg” (Archiwum Narodowe w Krakowie [National Archives in Cracow; hereafter: AN Kr], 29/439/1456, Letter to the Prosecutor of Tarnów District Court, [Tarnów], [date of receipt 5 November 1948], p. 57).

⁴⁰ AN Kr, 29/439/1323, vol. 2, Letter from Zofia Nowik *née* Wolf to the Prosecutor’s Office of Tarnów District Court, Oleśnica, [date of receipt 1 August 1950], p. 40.

⁴¹ Article 6 provided that the indication or surrender to the authorities of the German or and allied state of persons prosecuted for a common crime was not punishable if the perpetrator of the indication or surrender acted in the prevailing public or private interest.

⁴² AN Kr, 29/439/1323, Sentence of the verdict of the Court of Appeal in Cracow at assizes in Tarnów, Tarnów, 20 December 1950, p. 155.

farmer's property,⁴³ requested the questioning of his sisters Maria Stochel⁴⁴ and Helena Rusek (both *née* Lewkowicz), who were to testify that:

when Maria Stochel, as a Jewess, was hiding in the Raclawice area, Antoni Stochel, who was her fiancé at the time, would bring her food and inform her whether or not she was in danger. The accused Pomierny knew about this concealment, and not only did he not take advantage of it in a way that was unfavourable to the woman in hiding, but he also informed Antoni Stochel more than once about impending danger. Moreover, Maria Stochel will confirm that the place where she was hiding was the house of the accused Pomierny's neighbour, and in particular at Jan Pomierny's, who is the accused's cousin. Pomierny knew about this hiding place, and many times he sent food to the woman in hiding through his [servants], and she herself, not being afraid of the accused or his household members, came to his home.⁴⁵

⁴³ On the subject of this issue see: D. Libionka, 'Powiat miechowski', in *Dalej jest noc. Losy Żydów w wybranych powiatach okupowanej Polski*, vol. 2, ed. B. Engelking, J. Grabowski, Warszawa 2018, p. 161; J. Grabowski, 'Społeczność wiejska, policja granatowa i ukrywający się Żydzi: powiat Dąbrowa Tarnowska 1942–1945', in *Zarys krajobrazu*, p. 151.

⁴⁴ Already in 1949, in a letter to the prosecutor's office, Maria wrote that the village leader Melchior Pomierny had helped the Jewish population during the German occupation, warned them and supplied them with food, and also asked for the release of the accused (AN Kr, 29/439/1447, vol. 1, Request of Maria Stochel [Lewkowicz] to the Court Prosecutor's Office in Warsaw, Czubrowice, [date of receipt 26 November 1949], pp. 100–100v).

⁴⁵ *Ibid.*, vol. 2, Application of the accused Melchior Pomierny to the Court of Appeal in Cracow, [date of receipt 2 June 1950], pp. 368–68v. In a separate request for evidence, Pomierny also asked to hear Perka Kenner in his case, who was to testify that the accused had helped her father in 1943: "he warned him about a search that was to take place at Wawrzyniec Wadowski's house in Raclawice, where she was hiding at the time. The search was indeed conducted the next day, and the witness avoided being arrested and saved her life by changing her place of residence. Moreover, the witness Kenner testifies that the accused Melchior Pomierny, while being searched by a German at the house of Adam Skotniczny, concealed from him the presence of four Jewish women, cousins of the witness, who were thus saved". (*ibid.*, pp. 359–59v). The accused requested the urgent questioning of Perka Kenner in connection with her planned trip to Israel. Probably due to the passage of time, he included in one request for evidence a request to question only one witness. As the Court of Appeal in Cracow decided in a closed session to refuse the request to question Kenner, we are unable to read her account (AN Kr, 29/439/1447, vol. 2, Excerpt from the minutes of a joint closed session of the Court of Appeal in Cracow, Cracow, 17 October 1950, pp. 400–400v).

In this case the accused also called a number of other non-Jewish witnesses who were to confirm the above circumstances.⁴⁶ Maria Pączek was to testify: “that she served during the occupation in the house of the accused Melchior Pomierny and that she saw more than once how Jews in hiding came to his house, whom he helped with food, and moreover that she herself carried food to the neighbouring houses where Jews were hiding”.⁴⁷ Maria Skotniczna was to testify that when the Jews “moved to Skała, she still carried butter for them on the orders of the accused Pomierny”.⁴⁸ Stanisław Stochel was to testify that “there was a Jew at his home during the occupation, Kenner’s father, who had often brought home bread, and when asked by the witness whom he had got it from, said that he had brought it from the village leader”.⁴⁹ Jozef Jaroń was to testify that: “as a gamekeeper in the village of Raclawice he was walking through the village and met the accused Melchior Pomierny, who told him to go to Wadowski’s house, where the Jewess Kenner was hiding, and to warn [her] that there was to be a search, which the witness did”.⁵⁰ Franciszek Kozub allegedly testified that “in 1944, when Jews in the village of Raclawice were moving to another locality, he witnessed how one Jew, Lewkowicz, came to the house of the accused Melchior Pomierny late in the evening and thanked the accused Pomierny for the help he had given him, and the accused drank vodka with this Jew and provided him with food for the journey”.⁵¹ In the course of the trial it was confirmed that the accused had given aid to Jewish people. For example:

One day the Germans came to the village in search of Jews in hiding. The Germans, together with the accused Pomierny, entered the house where the witness Helena Rusek was hiding and ordered the accused to go to the attic and check if anyone

⁴⁶ The witnesses Stanisław Mosur and Antonina Mosur: “will also confirm the fact that the accused, knowing that Jews were hiding in their house, never took advantage of it”. The witnesses Franciszek Skotniczny, Teodor Skotniczny, Jan Pomierny, Franciszek Kozub, Józef Tomczyk and Michał Skotniczny were to testify: “that there were Jews hiding in their houses, that the accused Melchior Pomierny knew about it, that he never took any advantage of it, on the contrary, he more than once notified them of the imminent danger, and that he helped the Jews by providing them with food” (ibid., Application of the accused Melchior Pomierny to the Court of Appeal in Cracow, [date of receipt 2 June 1950], pp. 368–70).

⁴⁷ Ibid., p. 369v.

⁴⁸ Ibid.

⁴⁹ Ibid.

⁵⁰ Ibid., p. 370.

⁵¹ Ibid.

was hiding there. The accused entered the attic and found that three Jewesses, including the witness Helena Rusek, were hiding in the attic. The defendant showed the Jewesses where to hide, then came down from the attic and told the Germans that there was no one in the attic.⁵²

The Court of Appeal in Cracow, in its judgement of 16 December 1950, acquitted Melchior Pomierny of the charges against him. The justification stated:

The accused Melchior Pomierny performed the office of a village administrator in Raclawice. The defendant admitted the facts, namely that he drove the Jews captured by Pączek to Wolbrom and went with them himself, as well as that he provided a cart at the request of police officer Pelant – but he did not admit guilt. [...] The defendant often helped Jews by giving them food and showing them the place where they could hide [...] The court assumed that in the act of the defendant there are no elements of the crime according to art. 1 p. 2 of the Decree of 31 August 1944. [...] The court proceedings have found that the defendant was not present at the capture of the Jews at all – he did not give any orders. On Pelant's order, he only provided a cart, which, as the village leader, he was obliged to do.⁵³

The above case shows that, under different circumstances, some people helping Jews could also act to the detriment of others.

If in a given case the court admitted the defence witnesses indicated, then we can verify their testimony in the minutes of the court hearings. For example, in the request for evidence of the accused Władysław Kusina, we read that the witness Dawid Raber was to testify that the accused:

selflessly hid the witness's sister Janina Raberówna in his house in Siercza for a long period, that at a critical time he hid Janina Raberówna in the bushes, moving her

⁵² "On another occasion, a German policeman was passing through the village in company. At one point two Jewish women were walking along the road. The Germans asked the accused who they were. The accused declared them to be 'local women.' Thanks to this explanation of the accused, the women were saved" (AN Kr, 29/439/1447, vol. 3, Sentence of the judgement of Cracow Court of Appeal, Cracow, 16 December 1950, pp. 523v–24).

⁵³ *Ibid.*, pp. 523–25.

personally, that he took her to his flat for the night and that the accused Kusina did not take part in the search for Jews and was very favourably disposed towards Jews, always giving them aid.⁵⁴

On 18 January 1950, Janina Raberówna testified before the prosecutor of the Court of Appeal in Cracow and confirmed the fact that she had been given aid.⁵⁵ Dawid Raber⁵⁶ also did the same. Finally, Kusina was acquitted of the charge that in 1942 or 1943 in Janowice he had taken part in capturing and leading to the German gendarmerie the Geminder brothers who were in hiding (as a result of which both brothers were shot by German gendarmes).⁵⁷ The court found, based on the testimony of the witnesses interviewed, that the accused had not come into contact with the Geminders: “he was at home and then in the field, where he was busy hiding Janina Raber”.⁵⁸

In another case, the survivor Herman Rick was called as a witness “in consideration of the fact that the accused [Jan] Zaraza kept this witness, who is Jewish, at the risk of his life and that of his family”.⁵⁹ During the trial, these circumstances were confirmed: “From the testimony of the witness Lejb Sporn, Herman Rick, it appears that the accused Jan Zaraza gave shelter to Jews in his home at the risk of his life during the occupation, fed them, and warned them about the authorities of the German occupier tracking them down”.⁶⁰ Zaraza was accused of taking part (together with two other co-defendants in the case) in the capture of a Jewish family hiding in Paweł Kajput’s house in the spring of 1943 in Pawężów (Tarnów powiat) before handing the detainees (along with the aforementioned defendants) over to officers who then shot them.⁶¹ On 18 October 1946, the Special Criminal Court in Cracow acquitted Zaraza. On 12 May 1948, the Supreme Court, at assizes held in Cracow, overturned

⁵⁴ AN Kr, 29/439/1614, vol. 2, Request for evidence by the accused Władysław Kusina to the Cracow Court of Appeal, [date of receipt 17 June 1950], p. 276.

⁵⁵ *Ibid.*, p. 276v.

⁵⁶ AN Kr, 29/439/1614, vol. 2, Minutes of main hearing before Cracow Court of Appeal, Cracow, 9 November 1950, p. 355v.

⁵⁷ *Ibid.*, Sentence of judgement of Cracow Court of Appeal, Cracow, 10 November 1950, pp. 398–99.

⁵⁸ *Ibid.*, p. 412.

⁵⁹ AN Kr, 29/439/1253, Letter of defence counsel of Jan Zaraza to the Special Criminal Court in Tarnów, (N/A), p. 57v.

⁶⁰ *Ibid.*, Sentence of the judgement of Cracow Special Criminal Court at assizes in Tarnów, 18 December 1946, p. 76v.

⁶¹ *Ibid.*, p. 74.

this verdict and referred the case for reconsideration.⁶² Finally, on 18 April 1950, the Appeal Court in Cracow discontinued the criminal proceedings against Jan Zaraza due to the death of the accused on 13 January 1947.⁶³

Not in all cases did the courts decide to allow the defence witnesses to testify. For example, in the case concerning the handing over of a Jew in Rzerzuśnia, Rachmiel Ickowicz was identified “in consideration of the fact that this witness was hiding in the nearest neighbourhood of the defendants during the German occupation, who knew and helped his neighbour to hide him – and in consideration of the fact of his opinion concerning both defendants”.⁶⁴ The Court of Appeal in Cracow, at a closed session, refused to examine this witness, motivated by the fact that the circumstances which he could confirm “are partly irrelevant for the assessment of guilt of the defendants, and partly can be confirmed by other witnesses admitted in this case”.⁶⁵ The same justification appeared also in other decisions of this kind.

Occasionally, in spite of the fact that the identified person was allowed to testify, we cannot learn of their testimony as by the time the main hearing was scheduled, the person concerned had left Poland. For example, in the criminal case of Stefania Sypek, accused of reporting the hiding place of five Jewish fugitives in Załuże (Dąbrowa powiat) to the Germans in the spring of 1944, “the witness Aron Pinkas was identified in consideration of the fact that the accused selflessly hid his sister and helped them for a long time, which indicates that she did not act to the detriment of the persecuted people”.⁶⁶ However, he could not testify at the hearing before the Court of Appeal in Cracow, having embarked on a journey to Palestine.⁶⁷

Other people, such as neighbours and acquaintances, who were supposed to confirm the provision of aid to persecuted Jews, were also called in evidence. For example, the accused Paweł Cwińczek called witnesses who were to testify that:

⁶² AN Kr, 29/439/1253, Judgement of the Supreme Court at assizes in Cracow, Cracow, 12 May 1948, p. 94.

⁶³ Ibid., Minutes of a closed session of Cracow Court of Appeal, Cracow, 18 April 1950, p. 124.

⁶⁴ AN Kr, 29/439/1438, vol. 2, Request for evidence by defendants Andrzej Świdziński and Jan Mirowski to the Court of Appeal in Cracow, [date of receipt 27 May 1950], pp. 238–38v.

⁶⁵ Ibid., Minutes of a closed session of Cracow Court of Appeal, Cracow, 12 July 1950, p. 261.

⁶⁶ AN Kr, 29/439/1441, Application of accused Stefania Sypek for admission of witness evidence to Cracow Court of Appeal, [date of receipt 27 May 1950], p. 32.

⁶⁷ Ibid., Minutes of the main hearing before Cracow Court of Appeal, Cracow, 30 September 1950, p. 41v.

risking his own life and that of his family, he hid the Dawidowicz family, the Fendler family and their two sisters, as well as Israel, Moszek and Roman Liebenfreund, in his home for many months, fed them and gave them all the help he could and did so completely selflessly.⁶⁸

However, the aspect of providing aid was not considered relevant by the court. The defendant was acquitted of the charge that in June 1944 in Zawada (Olkusz powiat), together with others, he had captured a Jew named Hercyk and his twelve-year-old son, who were handed over to the gendarmerie. In the justification we can read that the accused did not participate in the manhunt:

When he realised that the Germans were not there and that the accused Rojek wanted to carry out the manhunt on his own, he changed his intention and under the pretext that he would bring more people from the village, he turned back to the village and went home, where he continued to work and he only found out about the detention of the Jews later, when the Germans brought them to the village.⁶⁹

An example of another case in which we find information concerning aid given to the persecuted was the case against Jan Sroga,⁷⁰ accused of committing a crime under Article 1, point 2 of the decree of 31 August 1944. The defendant, who during the occupation was the mayor of Stogniowice, requested that Jan Ciepły⁷¹ be questioned in order for him to testify that he, Jan Sroga, had helped a Jew named Goldstein to escape, thanks to which he had survived the occupation.⁷² During

⁶⁸ AN Kr, 29/439/1446, Application of defendants Paweł Ćwiączek and Jan Jarzęcki for admission of evidence to Cracow Court of Appeal, Cracow, 30 May 1950, pp. 115–16.

⁶⁹ Ibid., Judgement of Cracow Court of Appeal, Cracow, 7 August 1950, p. 157v.

⁷⁰ See: Libionka, *Powiat miechowski*, p. 159.

⁷¹ Jan Ciepły was a member of the PPS-WRN (*Polska Partia Socjalistyczna – Wolność, Równość, Niepodległość*; Polish Socialist Party – Freedom, Equality, Independence) and a participant in the Kraków ‘Żegota’ Jewish aid campaign. In 1967 he was awarded the title of Righteous Among the Nations (‘Ciepły Jan’, in *Księga Sprawiedliwych wśród Narodów Świata. Ratujący Żydów podczas Holocaustu. Polska*, ed. I. Gutman, S. Bender, S. Krakowski, vol. 1, Kraków 2009, p. 97).

⁷² The accused Jan Sroga allegedly took part “in the escape of Goldstein, a Jew, who was being led by a German patrol, and he saved him by directing him to a safe place in Klimontów, from where he was taken by the witness Ciepły, who hid him until the end of the war. Goldstein, having saved his life in this way, is now in America and corresponds with the witness” (AN Kr, 29/439/1476, Application of the defence counsel of the accused Jan Sroga to the Court of Appeal in Cracow, [date of receipt 20 June 1950], unpagged).

the main hearing, Cieply testified that: “Sroga became village leader at the request of the organisation, as we had confidence in him [...] Goldstein, who is alive today and writes to me, was hiding at Sroga’s house”.⁷³ On 20 December 1950, on the basis of the evidence gathered, the Court of Appeal in Cracow acquitted the accused, Sroga, of the charge.⁷⁴ As in the files analysed here only the judgement is provided without any detailed justification, it is difficult to answer the question whether in this case the testimony of Cieply had any significance for the court.

To sum up, very often witnesses were called to testify that the accused had warned both those hiding Jews and those in hiding of imminent danger. Moreover, motions for evidence were submitted by witnesses who were to testify that the accused knew about Jews in hiding and did not report this to the German occupation authorities, despite the fact that, for example, they would be held responsible for this by virtue of their office at that time.⁷⁵ It seems, therefore, that such applications to the court were aimed at presenting the accused in a good light.

Information concerning repression

In some of the cases analysed here (which mainly concerned blackmail, participation in manhunts, denunciation and murder of Jews in hiding) we also find information about the repression employed against those who provided help.⁷⁶

⁷³ Ibid., Minutes of the main hearing before Cracow Court of Appeal at assizes in Tarnów, Tarnów, 5 October 1950, [p. 10].

⁷⁴ Ibid., Sentence of the verdict of Cracow Court of Appeal at assizes in Tarnów, Tarnów, 20 December 1950, [p. 3].

⁷⁵ In this way, the defendants tried to demonstrate their positive attitude towards the Jewish population. If convicted, this could also have had an impact on the sentence. The witness Elias Kahane, indicated as a witness by the defence, was to testify that the accused Jan Musiał (before 1939 a sergeant in the Polish Army, during the Second World War a soldier of the Home Army) knew about him and his mother hiding in Nieciecza: “The witness Elias Kahane and his mother N. Kahane living and residing in Tarnów, were hiding in Nieciecza at the house of a certain Tomalowa, where I saw them and met them at the house of my father-in-law Marcin Żołędź, and yet I did not report their whereabouts and did not betray them”. In the said request for evidence, the accused also stated that: “I knew about the Jews hiding at Wojciech Mendryś’ place, but not only did I not betray their whereabouts, but on the contrary, I bought and arranged errands in the shop” (AN Kr, 29/439/1442, Request of the accused Jan Musiał for calling witnesses for the trial, Cracow, 19 June 1950, pp. 67–68).

⁷⁶ Repression was defined as follows: any actions by the military and civilian authorities of the Third Reich (courts and prosecutors, police authorities and security services with the complicity of the Nazi Party and its affiliated and collaborating organisations) against persons who violated the rules of contact with the Jewish population, as defined by the German laws of occupation. See: *Represje za pomoc Żydom na okupowanych ziemiach polskich w czasie II wojny światowej*, vol. 1, ed. M. Grądzka-Rejak, A. Namysło, Warszawa 2019, pp. 72. Cf. Rączy, *Znaczenie dokumentacji*, p. 279.

The following forms of repression were noted: 1) death penalty; 2) incarceration in a prison and/or camp; 3) arrest; 4) beatings; and 5) confiscation of property. Karol Garczyński, for example, was accused of having indicated to the German gendarmerie at the end of 1944 that Jewish children were being kept in Rozalia Paśławska's house at 15 Rękawka Street in Cracow, as a result of which a German patrol arrested Paśławska and Roman Kardisch, then just a few years old, who was hiding with her.⁷⁷ They were both tortured. Rozalia Paśławska testified: "The boy begged me for help, but I could not help him with anything, because the same thing was going to happen to me". Roman Kardisch was probably murdered.⁷⁸ Paśławska was released from the Montelupich Prison after a few weeks. Although the court found that the accused, Garczyński, had contributed to finding the Jewish child and arresting the Polish woman, it acquitted him. The justification stated that:

the court had no basis for assuming that the accused acted by going along with the German occupation authorities. For the accused had neither the intention nor was he aware of his act and its consequences. It was an unfortunate coincidence that at just that time when Dudziakowa hit him in the face, a German patrol arrived and intervened in the incident between Dudziakowa and the accused. The defendant, in turn, in a drunken stupor mumbled the words "they are beating me over a Jew", which was enough for the Germans to investigate the matter further and conduct a search.⁷⁹

However, Rena Kardisch, the sister of the murdered boy, was saved. During the criminal proceedings, Paśławska testified that when "two Gestapo men entered the room where they found a six-year-old Jewish boy, Roman Kardiasz [Kardisch]

⁷⁷ According to information in 'The Righteous Among the Nations Database', when a 'Polish neighbour' [probably Garczyński] discovered that the Paśławskis were hiding two children in their house, he tried to blackmail them. The Paśławska's allegedly refused to pay and so he reported them to the German authorities, https://righteous.yadvashem.org/?search=Pas%C5%82awska%20Rozalia&searchType=righteous_only&language=en&itemId=4035203&ind=0, accessed 30 June 2021.

⁷⁸ AIPN Kr, 502/308, Protocol of taking oral notification of a crime, Cracow, 12 VII 1945, p. 2; *ibid.*, Protocol of the interrogation of Rozalia Paśławska, Cracow, 13 July 1945, p. 6; *ibid.*, Protocol of the interrogation of Tekla Dudziakowa, Cracow, 18 July 1945, 10; *ibid.*, Verdict of Kraków Special Court, Cracow, 14 December 1945, p. 83.

⁷⁹ *Ibid.*, p. 84v.

lying in bed, the girl, who was Roman's sister, was led by my daughter, Helena, out into the field".⁸⁰ In 1979, Rozalia and Bolesław Paślowski were honoured with the title of Righteous Among the Nations.⁸¹

Occasionally, we can read about repressions for providing aid to Jews in the testimonies of direct witnesses of events and people who were accused of crimes against the Jewish population. For example, former Navy Blue Police officer Stanisław Młynarczyk testified:

In 1942, in the autumn season, I, police officer Gordziejczyk and a German policeman [Heinberger] went on a night patrol, and while we were passing through the village of Żdżary by Citizen Szkotak, whose first name I do not remember, the German policeman and officer Gordziejczyk noticed two people of the Jewish faith who were arrested. I observed the house where these people had been hidden, [Heinberger] had these [detained] people under his supervision, while Gordziejczyk went on horseback to the station to get more policemen. After 15 minutes, two Gestapo men, Guzdek and one policeman, whose name I don't remember, came to the place and after questioning the people we detained, they led two more Jewish people out of the house, which was not inhabited [...].⁸²

Młynarczyk further testified that the arrested Jews were taken to the police station and then shot. The suspect omitted in this testimony the fact that their

⁸⁰ Ibid., Protocol of the interrogation of the witness Rozalia Paślowska, Cracow, 13 July 1945, p. 6.

⁸¹ https://righteous.yadvashem.org/?search=paslawska&searchType=righteous_only&language=en&itemId=4035203&ind=0, accessed 9 August 2021.

⁸² AN Kr, 29/439/1457, Minutes of the interrogation of suspect Stanisław Młynarczyk, Dąbrowa Tarnowska, 22 December 1949, pp. 12–13. Młynarczyk's testimony in the context of the particular stages of the search for hiding Jews, the role of local informers and cooperation with the German military police was also quoted by Jan Grabowski. This testimony has been placed in a footnote. See: J. Grabowski, *Judenjagd. Polowanie na Żydów 1942–1945. Studium dziejów pewnego powiatu*, Warszawa 2011, pp. 106–07. Information about the murder of the Szkotaks has also appeared in studies devoted to people repressed for helping Jews. See: W. Bielawski, *Zbrodnie na Polakach dokonane przez hitlerowców za pomoc udzielaną Żydom*, Warszawa 1987, p. 75; A.K. Musiał, *Lata w ukryciu*, vol. 1, Gliwice 2002, pp. 174, 246; *Relacje o pomocy udzielanej Żydom przez Polaków w latach 1939–1945*, vol. 2: *Dystrykt krakowski Generalnego Gubernatorstwa*, ed. S. Piątkowski, Lublin–Warszawa 2020, p. 504; *Those Who Helped. Polish Rescuers of Jews During the Holocaust*, vol. 3, ed. R. Walczak, H. Muszyński, J.P. Śliwczyński, I. Borowicz, T. Prekerowa, Warszawa 1997, p. 121; S. Wroński, M. Zwołak, *Polacy – Żydzi 1939–1945*, Warszawa 1971, pp. 344, 376, 427; W. Zajączkowski, *Martyrs of Charity*, Washington 1988, p. 281.

hosts, Józef and Teresa Szkotak, who were hiding them, were shot during this action for helping these Jewish people. However, this is how their son, Zygmunt, described the murder of his parents:⁸³

My sister Helena told me about the shooting of my parents, that is Józef and Teresa Szkotak and the four Jews who were hiding in my parents' house [...] on December 4th, 1942. In the evening hours, two Navy Blue Police officers and a German gendarme came to my parents' house, after they arrived, they fired several warning shots near the house, and then one of the [Navy Blue Police officers] rode on horseback to Radgoszcz police station, while the German gendarme and one of the [Navy Blue Police officers], whose name my sister did not give me, stayed at the house. After half an hour, a German gendarme named Guzdek and one of the criminal police, as well as several Navy Blue Police officers arrived [...] a Navy Blue Police officer, Stanisław Młynarczyk, abused my mother, he beat her and kicked her with his legs, the above incident was told to me by my brother Henryk Szkotak [...] After shooting my parents, the German gendarmerie and [the] Navy Blue Police officers took the above-mentioned Jews to Radgoszcz police station, where the Jews were shot the next day.⁸⁴

The Szkotaks were probably murdered by one of the gendarmes. When the war ended, Stanisław Młynarczyk was indicted for a number of acts committed during the occupation. One of the charges concerned taking part “in the capture of four Jews and Józef and Teresa Szkotak, with whom the Jews were hiding, all of whom were subsequently shot dead”.⁸⁵ For committing this crime (qualified under Article 1, paragraph 2 of the August Decree), on 13 October 1950, the Court of Appeal in Cracow sentenced Młynarczyk to “fifteen years and loss of public rights and civic honour for a period of ten years and forfeiture of all property of the accused”.⁸⁶ The court emphasised that the accused Młynarczyk showed

⁸³ Zygmunt Szkotak was not a direct witness of these events. At that time he was a forced labourer in Germany. He knew the course of the action from the accounts of his siblings.

⁸⁴ AN Kr, 29/439/1457, Minutes of the hearing of the witness Zygmunt Szkotak, Dąbrowa Tarnowska, 4 March 1950, pp. 105–06.

⁸⁵ *Ibid.*, Sentence of the judgement of Cracow Court of Appeal, Cracow, 13 October 1950, p. 304.

⁸⁶ *Ibid.*, p. 306v.

“special zeal” in carrying out German orders and that during “his police service he was particularly brutal towards the Polish population”.⁸⁷

The case files of people accused of taking part in roundups for Jews and Poles hiding them in Falkowa also provide us with information on repression used against people hiding Jews. At the end of 1942, a group of men, mainly members of the fire brigade and peasant guard, living in the village of Lipnica Wielka, was organised in order to capture Jewish fugitives who were being hidden by one of the local farmers. According to the testimonies of Stanisław Turski and Antoni Kielbasa, who during the occupation held the posts of village leader and deputy village leader of Lipnica Wielka, they received an order from the gendarme Josef Hinz – who supervised the police station of the so-called Navy Blue Police in Korzenna – to capture the Jews hiding at Jan Gad’s house.⁸⁸ Information about these Jews was meant to have reached the German authorities in the form of an anonymous denunciation. As a result of the operation, Jewish fugitives who were hiding at the farm of Ignacy and Maria Fryd,⁸⁹ as well as at that of Anna and Jan Kurzawa,⁹⁰ who lived in Falkowa, were captured. After some time, Ignacy and Jan were also arrested for providing this aid. It is worth mentioning that in the same year, Waław Noworol, a farmer from the village of Lipnica Wielka, was sentenced to death by the Special Civil Court in Cracow for his participation in the action

⁸⁷ Ibid., pp. 310–11.

⁸⁸ AIPN Kr, Regional Commission for the Prosecution of Crimes against the Polish Nation (hereinafter: OKŚZpNP) Kr, S 50/2014/Zn, vol. 1, Copy of Stanisław Turski’s testimony, Tarnów, 13 November 1947, pp. 77–78; *ibid.*, Copy of Antoni Kielbasa’s testimony, Tarnów, 13 April 1948, p. 79. A description of this action can also be found in Dagmara Swałek-Niewińska’s publication. However, the author does not mention the testimonies of Turski and Kielbasa. We can read in the article that the instigators of the whole action were Kazimierz Bulanda and Waław Noworol (Swałek, ‘Dla płaszczu’, pp. 424–29). Regarding this action, see also: J. Grabowski, ‘Strażacy, wiejska straż nocna i granatowa policja a zagłada Żydów na obszarach wiejskich w dystrykcie krakowskim’, in *Zagłada Żydów na polskiej prowincji*, ed. A. Sitarek, M. Trębacz, E. Wiatr, Łódź 2012, pp. 256–57.

⁸⁹ Mojżesz Baldinger was hiding on their farm (D. Swałek, ‘Dla płaszczu’, p. 424). The story of his hiding was told by the daughter of Ignacy and Maria Fryd, Aleksandra Górczyńska. <http://pamiecitozasamosc.pl/il/ignacy-fryda-i-jan-kurzawa-ze-wsi-falkowa#UNoZNI1>, accessed 2 April 2021.

⁹⁰ In exchange for a promise of financial reward, they hid an unknown Jewish woman in her thirties from Jedlicze (AIPN Kr, 502/1913, Protocol of the testimony of the witness Anna Kurzawa, Nowy Sącz, 25 February 1945, p. 23; AN Kr, 29/439/1300, vol. 1, Protocol of the interrogation of the witness Anna Kurzawa, Bobowa, 28 May 1946, pp. 14–15).

of capturing Jews and the Poles who were hiding them.⁹¹ After the war, criminal proceedings were initiated against the other peasants who took part in this action.⁹²

Another case in which we can find information about repressions and dangers faced by those helping Jews was that taken against Aniela Piwowarczykowa, accused of indicating to German officers in August 1943 in Tymbark: “Dr Józef Süß as a Jew and Adolf and Bronisław Limanek as hiding a person of Jewish nationality in their home”⁹³ On 12 September 1950, the Court of Appeal in Cracow acquitted the accused, deciding that there was no evidence to indicate that she had made the denunciation. From witnesses’ testimonies we can establish that in 1941 Maria Limanówka’s brother brought a Jew to the house of Adolf and Maria Limanówka in Wilkowisko. It was probably Dr. Süß who had false documents in the name of Józef Kania.⁹⁴ In August 1943, the German gendarmerie in Limanowa ordered the Navy Blue Police stations in Tymbark and Dobra to have the officers serving there prepare to go into the field. The German gendarmerie went to Wilkowisko together with the police officers. There, along with the village leader, they first arrived at Kaleta’s house, where they searched for his wife (a Christian convert). Having failed to find her, they went to the Limanówkas’ house.⁹⁵ There, the officers conducted a search, as a result of which Adolf and Bronisław Limanówka, as well as the Jew who was living with them, were detained. All three were taken to Limanowa. It was probably there that Süß hanged himself.⁹⁶ Adolf recalled

⁹¹ See: D. Libionka, ‘ZWZ-AK i Delegatura Rządu RP wobec eksterminacji Żydów polskich’, in *Polacy i Żydzi*, 123.

⁹² On the course of capturing the Jews and the repressions against those who helped them, see: AIPN Kr, 502/1913, [Files on the case against: Franciszek Głąb, Kazimierz Bulanda, accused of participating in roundups of Jews and hiding Poles in Lipnica Wielka and Falkowa, and mistreating the captives, i.e. acts under Article 1 § 1 b of the decree of 31 August 1944]; AN Kr, 29/439/1249, [Files in criminal case: Józef Janis, Józef Wrona, Jan Bulanda zam. Lipnica Wielka, accused under art. 1 pt. 1 of the Decree of 31 August 1944 (collaboration with the occupant, rendition of persons of Jewish nationality)]; AN Kr, 29/439/1300, [Files in criminal case: Melchior Łatka, Paweł Zieleń, Andrzej Wrona, Jan Bulanda, Leon Janis residing in Lipnica Wielka, accused under art. 1 pt. 2 of the decree of 31 August 1944 (co-operation with the occupant, capture of persons of Jewish nationality)].

⁹³ AN Kr, 29/439/1444, Act of indictment against Aniela Piwowarczykowa, Nowy Sącz, 21 April 1950, [unpaged].

⁹⁴ From the testimony of Adolf Limanówka we know that the Jew who lived with them worked occasionally in a fruit-processing factory in Tymbark “usually one or two days a week” (ibid., Minutes of the main hearing before Kraków Court of Appeal, Cracow, 12 September 1950, [p. 9]).

⁹⁵ Ibid., Judgement of Cracow Court of Appeal in Cracow, 12 September 1950, [unpaged].

⁹⁶ Ibid., Minutes of the main hearing before Cracow Court of Appeal, Cracow, 12 September 1950, [pp. 9–11].

that he was beaten during interrogation: “I was interrogated as to whether I had held Kaletowa the convert, and when I denied it, I was beaten and tortured”.⁹⁷ After some time, Adolf and Bronisław were taken away to a camp.⁹⁸

Conclusions

In conclusion to the analysis conducted above, it should be said that in the group of those recorded as having been provided with aid, about 40 per cent were Jews unknown by name. The cases studied have confirmed that sometimes one Jew, in order to survive, had to use the help of several or a dozen people, while sometimes one person helped many Jews. According to the author’s calculations (made on the basis of references to aid appearing in the analysed materials), the recorded acts of aid involved about 600 people. It is difficult to say how many of them survived. We have information on the fate of 158 people (26 per cent), 53 of whom survived until the end of the occupation. On this basis it is impossible draw conclusions regarding the effectiveness of activities providing such aid. The data presented here may confirm the thesis that the majority of those seeking shelter did not survive the occupation, and that to save does not mean to rescue.⁹⁹ It should be emphasised that these data were compiled by analysing the files of post-war criminal proceedings whose aim was to detect and judge people accused of committing crimes against Jews, where the subject of providing aid itself was a side issue. Despite this, the analysed materials are a very useful source for research on the issue of individual help given in the countryside, especially because in rural areas people helping Jews – most often peasants, but also representatives of other social strata, e.g. landowners – left very few traces of their activity. These testimonies are all the more important because they were given relatively soon after the crimes described in the decree had been committed, at a time when many direct witnesses of these tragic events were

⁹⁷ Ibid., [p. 11].

⁹⁸ They were probably sent to KL Sachsenhausen (<https://www.straty.pl/pl/szukaj>, accessed 5 August 2021); AIPN Kr, 488/1, File of deceased prisoners made on the basis of the “Main Prisoners’ Books” of the prisons in Cracow, Montelupich Street and Senacka Street, as well as the prison in Nowy Wiśnicz and the work centre in Brzeszcze from 1945 until 1954.

⁹⁹ Urynowicz, ‘Zorganizowana i indywidualna pomoc’, p. 246.

still alive.¹⁰⁰ When analysing the references to providing aid that appear in this documentation, it is important to bear in mind the procedural nature and purpose of these materials. For example, during the trial, defendants accused of crimes against Jews tried to demonstrate their positive attitude towards the persecuted Jewish population, as in the case of a conviction, the jury could take this into account and apply extraordinary leniency to them when imposing the sentence (Article 5 of the August Decree).¹⁰¹ For this reason, many of these records of aid require critical evaluation and verification based on other types of sources. In the case files, we find both detailed and well-documented cases of activities providing aid (especially the testimonies of survivors), as well as brief mentions of the subject and statements by defendants that are difficult to verify.

The archives studied do not show the scale of assistance given to Jews. It is also very difficult to properly assess the actions taken on behalf of the Jewish population, including the motivation behind them or the circumstances of the events that took place. Nevertheless, the results of the research are valuable because, on the one hand, they concern people and events about which no information can be found in other sources, while, on the other hand, supplementing our knowledge about cases described in the subject literature. Thus, this article constitutes a contribution to further research on the comprehensive study of the issue of aid provided to Jews in the Cracow voivodeship during the Second World War.

¹⁰⁰ See: R. Ignatiew, 'Praktyka śledztw OKŚZPNP w Białymstoku prowadzonych w sprawie zbrodni nazistowskich popełnionych na obywatelach polskich narodowości żydowskiej', in *Zbrodnie przeszłości. Opracowania i materiały prokuratorów IPN*, vol. 3: *Nazizm*, ed. R. Ignatiew, A. Kura, Warszawa 2009, pp. 52.

¹⁰¹ Article 5 § 1 of the August Decree stated that acting or failing to act under the influence of a threat, order or injunction did not exempt one from criminal responsibility. However, § 2 stated that in this case the court could apply an extraordinary mitigation of punishment due to the person of the perpetrator or the circumstances of the act. In 1948, § 3 was added to Article 5, which provided that the provisions contained in § 2 also applied if there were special mitigating circumstances in the case referred to in Article 1(2). For more on the line of defence of persons accused of committing crimes against the Jewish population during the Second World War, see Gieron, *Półmrok*, pp. 215–45.

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SUMMARY

The aim of this article was to present the significance of criminal proceedings files initiated on the basis of the Lublin Committee decree of 31 August 1944 (the so-called 'Augustówka' or August Decrees) in the post-war Cracow voivodeship as a source for research on aid provided to the Jewish population during the period of the German occupation of Poland. The materials subject to analysis have so far been widely used mainly in relation to research on negative behaviours of the Polish population during the German occupation. The work carried out here has shown that these files are also a useful source for research into the issue of aid. The information they contain is all the more important because the testimonies were given relatively soon after the crimes described in the decree had been committed, when many direct witnesses of these dramatic events were still alive. In some case files we find both detailed and well-documented instances of activities providing aid (especially the testimonies of survivors), as well as brief mentions of the subject and statements by defendants that are difficult to verify. For this reason, many records concerning aid need to be critically evaluated and verified based on other types of sources.

KEYWORDS

'August decrees' • providing aid to Jews • Holocaust
• General Government