

Monika Tomkiewicz  
Institute of National Remembrance  
ORCID 0000-0001-5012-3699

## THE PROSECUTION AND PUNISHMENT OF THE PERPETRATORS OF CRIMES COMMITTED AGAINST JEWS IN PONARY AND OTHER EXECUTION SITES IN THE VILNIUS REGION

### Introduction

The question of criminal liability for crimes committed during World War Two has been discussed at international fora since the early 1940s. Key documents in this regard were issued in 1942 in the form of the Declaration of St James's Palace (also known as the London Declaration) of 13 January 1942 on the German terror system and the Declaration of 7 October 1942 announcing the establishment of the United Nations War Crimes Commission (UNWCC).<sup>1</sup> Finally, by a decree of the Presidium of the Supreme Soviet of the USSR, the Extraordinary State Commission for Ascertaining and Investigating Crimes Perpetrated by the German-Fascist Invaders and their Accomplices was established. The members of this commission carried out the first inspections of the crime scenes, prepared medical reports and drew up the first

---

<sup>1</sup> Declaration of St James's Palace of 13 January 1942 and Moscow Declaration on Atrocities of 1 November 1943. See T. Cyprian, J. Sawicki, *Nieznana Norymberga. Dwanaście procesów norymberskich* (Warsaw, 1965), pp. 321–326.

lists of the criminals responsible for the murders committed on the territory of the USSR. Subsequently, courts and tribunals were set up to try the criminals on the basis of special regulations introduced by the Soviet Ministry of Security. These measures were further strengthened by the Moscow Declaration of 1 November 1943.<sup>2</sup>

### The Case of the Ponary Crime in the Trial at the International Military Tribunal in Nuremberg

State commissions were set up in areas occupied by the Red Army to record crimes and identify perpetrators to be brought to justice in the future. At the same time, the so-called Big Four agreed that perpetrators of war crimes would be tried by the courts of the countries on whose territory they had committed the crime. The Agreement of 8 August 1945, signed by representatives of the 23 signatories to the London Agreement for the Prosecution and Punishment of the Major War Criminals of the European Axis, established the International Military Tribunal and adopted its Constitution, which set out the rules of procedure for crimes against peace, crimes against humanity and war crimes. During the thirteen Nuremberg trials between 1945 and 1949, 405 public hearings were held, during which 2,630 documents were submitted by the prosecution and 2,700 by the defence. Two hundred forty witnesses were heard, and more than 200,000 testimonies were taken. The trial of the prominent war criminals before the International Military Tribunal in Nuremberg, which took place between 20 November 1945 and 1 October 1946, also included crimes committed in the territory of the Reichskommissariat Ostland, i.e. in the territory of the former Polish Voivodeship of Vilnius (Polish: Wilno). Crimes committed between 1941 and 1944 in Ponary near Vilnius were included in the section on the General Plan East. They were given the status of the most serious category, i.e. war crimes and crimes against humanity, and were included in sub-section III of the deed of indictment's chapter on crimes committed in the USSR and other Soviet republics. The deed of indictment before the International Military Tribunal in Nuremberg states that "in the Lithuanian Soviet Republic, the murder of Soviet citizens took on mass forms; thus, at least 100,000 people were

---

<sup>2</sup> Cyprian, Sawicki, *Nieznana Norymberga*, pp. 321–326.

murdered in Ponary [...]”<sup>3</sup> The Soviet prosecutors considered the “Report of the Extraordinary State Commission for Ascertaining and Investigating Crimes Perpetrated by the German-Fascist Invaders and their Accomplices on the Crimes of Hitlerite Invaders in the Lithuanian Soviet Socialist Republic” as the key document in their investigation. It contained the results of medical and forensic examinations carried out in Ponary since August 1944 and numerous minutes of witnesses’ interrogations. Extremely important for the preparation of the deed of indictment were the German documents secured earlier, in particular the “Barbarossa” plan, orders introducing the death penalty in the occupied eastern territories of severe offences committed by persons acting against the Reich and the legislation of the occupied eastern territories; special penal provisions concerning Jews and Poles; reports by Einsatzgruppen A and the Supreme Command of the German Armed Forces (Oberkommando der Wehrmacht, OKW) on the treatment of Jews, civilians and Soviet prisoners of war in the occupied eastern territories. Equally valuable was the archive of the Reich Minister for the Occupied Eastern Territories, Alfred Rosenberg, which survived almost intact and was confiscated by the Russians. It was mainly on the basis of these documents that the chief Soviet prosecutor, General Roman Rudenko, prepared his closing speech. He emphasised the cruelty of the Ponary massacre and the role played by the respective German formations, starting with Einsatzgruppe A and ending with the Vilnius Sonderkommando.<sup>4</sup> The proceedings of the Nuremberg Tribunal concerning the Eastern Territories ended on 31 August 1946, and the judgment was passed a month later, but this did

---

<sup>3</sup> Archiwum Instytutu Pamięci Narodowej [Archives of the Institute of National Remembrance, hereinafter AIPN], Główna Komisja Badania Zbrodni Hitlerowskich w Polsce [Chief Commission for the Investigation of Hitlerite Crimes in Poland, hereinafter GK], 150/1011, Operational Group A Report, fols 1 and 7; *ibid.*, 373 Nor, Report of the Wehrmacht Command on the Situation in the Occupied Areas, fols 1, 2; *ibid.*, 409 Nor, The “Barbarossa” Plan, fol. 1, 4; G.N. Aleksandrow, *Norymberga wczoraj i dziś* (Warsaw, 1974), pp. 8–9; J.J. Heydecker, J. Leeb, *Proces w Polymerize* (Warsaw, 2009), pp. 263–273.

<sup>4</sup> In German: Sonderkommando der Sipo und SD, in Lithuanian: Ypatingas Burys, in the Polish community the name “Strzelcy ponarscy” (The Ponary Riflemen) was used (*szaulisi*). The formation was directly subordinated to the Security Police and the SD. The unit was commanded by a member of the Gestapo or criminal police, until 1943 by SD personnel officer Martin Weiss, and later by Fiedler. It consisted of four or five members of the SD and SS, several members of the Fifth Column and agents, and a trained police commando of 45 to 150 men made up of Lithuanian volunteers. Initially, the members of the special unit were responsible for maintaining order on the streets and securing industrial plants. However, their main task was to execute people considered enemies of the Third Reich at Ponary, 12 kilometers from Vilnius. For more, see M. Tomkiewicz, *Zbrodnia ponarska 1941–1944* (Warsaw, 2022), pp. 54–62.

not close the way to the trial of other Nazi criminals on the basis of the Moscow Declaration and the Constitution of the International Military Tribunal.<sup>5</sup>

### The Case of the Massacre of Ponary before the German Courts

Also, in post-war Germany, guided by Law No. 4 of 30 October 1945, the Allied Control Council for Germany established new German courts, which were obliged to try criminals accused of war crimes and crimes against humanity. The basic category of these crimes included extermination, individual crimes, imprisonment and torture committed against civilians for racial, religious or political reasons. On the other hand, the Control Council Law No. 10 of 20 December 1945 covered “the punishment of persons guilty of war crimes, crimes against peace and against humanity.”

It should be noted that in the early years after the war, German prosecutors initiated follow-up investigations on the basis of reports of crimes committed in their respective territories. It was on the basis of a denunciation on 24 May 1949 that the former commander of the Vilnius Sonderkommando, Martin Weiss, who had been in hiding since the end of the war, working as a janitor under the false name Friedrich Kadgien, was arrested in Ochsenfurt, Bavaria. Finding him had been a priority for the Central Jewish Committee in Munich since the end of the war. Very soon, preparations began for the trial against Weiss.<sup>6</sup>

Weiss was essentially the first person tried for crimes committed in the Ostland in proceedings before a German court against members of the Einsatzgruppen and Einsatzkommandos and members of the Sicherheitspolizei und Sicherheitsdienst. The trial began on 25 January 1950 before the Jury of the Landgericht in Würzburg. In addition to Weiss, August Herring, the commander of the EK 3A in Vilnius, was also on the bench of the accused at the time. They were charged with taking part in the mass crimes committed in Ponary. On the basis of the final judgment of 3 February 1950, the commander of the Vilnius Ponary Riflemen, Weiss, was sentenced

---

<sup>5</sup> AIPN, GK, 150/961, Soobshcheniye Chrezvychaynoy Gosudarstvennoy Komissii po ustanovleniyu i rassledovaniyu zloveyaniy nemyetsko-fashistkikh zakhvatchikov v Litovskoy Sovyetskoy Sotsyalisticheskoy Ryespublike, fols 1–4; G.M. Gilbert, *Dziennik norymberski* (Warsaw, 2012), p. 312.

<sup>6</sup> AIPN, GK, 164/1088, vol. 1, The Martin Weiss case file, Letter of the Consulate General of the Republic of Poland in Frankfurt am Main to the Main Commission for the Investigation of Hitlerite Crimes in Warsaw, 19 July 1949, fol. 16.

to life imprisonment for actively and knowingly aiding and abetting in the killing of some 30,000 people escorted from Łukiszki to Ponary and for personally killing seven people. August Herring was sentenced to life imprisonment for aiding and abetting in the killing of at least 4,000 people in Ponary and for personally murdering one person. In the trial of both defendants, in its final decision, the court relied on the testimony of 40 witnesses.<sup>7</sup> Twenty years later, a life sentence was upheld for Weiss under an order issued by the Bavarian Ministry of Justice on 25 January 1971. Still, he was awarded clemency and released in 1977 after serving 27 years. As far as Herring<sup>8</sup> was concerned, the same Bavarian ministry had already changed his life sentence to 15 years' imprisonment on 18 March 1959, and on the basis of a decision of 20 December 1959, the sentence was upheld. The role of the Polish side in this case should also be highlighted. Namely, in December 1949, the Polish Military Mission for War Crimes in Berlin submitted a request to the American authorities for Martin Weiss's extradition. However, the American authorities refused to extradite Weiss to Poland because the commander of the Vilnius Sonderkommando had been validly sentenced to life imprisonment by a German court. Nevertheless, the case against Weiss and Herring was initiated by the Main Commission for the Investigation of Hitlerite Crimes in Poland and was later conducted by the Warsaw County Court. On 19 February 1972, the court suspended these proceedings due to the impossibility of apprehending Martin Weiss and August Herring, who were in the territory of Germany. The Polish side handed over the evidence gathered during the investigation in March 1971 to the Prosecutor's Office of the USSR in Moscow, which was also handling the Ponary massacre case.<sup>9</sup>

The possibility of applying the statute of limitations to Nazi crimes was first raised in the early 1950s. The issue of prosecuting war criminals gained momentum

---

<sup>7</sup> Bundesarchiv Ludwigsburg [hereinafter BA L], Ks 15/49, Criminal trial against Martin Weiss and August Herring, fol. 122; A. Rückerl, *Nazistowsky przestępcy przed sądem* (Heidelberg, 1982).

<sup>8</sup> August Hering died on 17 November 1992 at the age of 82 ("Einfach am Baum totschlagen," *Berliner Zeitung*, 5 February 1950, p. 2).

<sup>9</sup> AIPN, II Ds. 96/68/W.54/72, The Martin Weiss case file – Gestapo in Vilnius, Order of the District Court in Warsaw suspending the criminal proceedings in the case of M. Weiss and A. Herring, 19 February 1972, fol. 29; *ibid.*, GK, 164/1088, vol. 1, The Martin Weiss case file, Phone dispatch of the Polish Military Mission for War Crimes in Berlin to the Main Commission for the Investigation of Hitlerite Crimes in Warsaw, 9 February 1950, Letter of the Head of the Polish Military Mission for War Crimes in Berlin, Major W. Kozłowski, to the Main Commission for the Investigation of Hitlerite Crimes in Warsaw, 20 March 1950, p. 92.

in 1956 after Chancellor Konrad Adenauer visited Moscow, where agreements were made for the return of German prisoners of war from the USSR to Germany. From then on, they acted in a dual role – as witnesses in trials and as full-time employees of the judiciary at various levels. Moreover, from then on, investigations were no longer initiated upon receipt of a report that a suspect had committed a criminal act but were already undertaken on the basis of any circumstantial evidence of a criminal act. Thus, the Public Prosecutor's Office in Frankfurt am Main in 1959 initiated a case against members of Einsatzkommando 3 and the Sicherheitspolizei, operating in the General Commissariat of Lithuania. The focus of these proceedings was the persecution and crimes committed against Polish citizens of Jewish nationality in Ponary. At the preliminary stage of the proceedings, evidence was collected, and a deed of indictment was prepared against SS-Hauptsturmführer Heinrich Ditz and six co-defendants (ex SS-Untersturmführer Erich W., ex SS-Obersturmführer Peter E., ex SS-Obersturmführer Heinrich E., ex SS-Untersturmführer Herbert A., ex SS-Scharführer Paul L. and ex SS-Sturmführer Max G.) Heinrich Ditz was accused of having “ordered the shooting of 2,000 Jewish men, women and children in Ponary at the end of 1942 [...] and of having personally shot several Jews who began to scream or lost consciousness.”<sup>10</sup> Ultimately, no investigation was initiated against the principal defendant. The investigation was discontinued due to insufficient evidence of guilt.<sup>11</sup>

Despite the lack of legally binding convictions, the 1959 investigation by the Public Prosecutor's Office in Frankfurt am Main became a model for subsequent trials. The identification and later interrogation of all major Ostland officers was the starting point for the prosecutions of German justice for crimes committed on the territory of the Reichskommissariat Ostland. For the German prosecution, one of the leading figures to be interrogated was the Reich Commissioner, Gauleiter Heinrich Lohse – one of the first officers of the Commissariat to be arrested by the British troops in 1945. After a trial in 1948, he was sentenced to 10 years' imprisonment. He was released early on health grounds in 1951 after serving only

---

<sup>10</sup> The article quotes the original transcript from the trial records of the Public Prosecutor's Office in Frankfurt am Main.

<sup>11</sup> *Die geheime Notizen des K. Sakowicz, Dokumenten zur Judenvernichtung in Ponary*, ed. R. Margolis, J.G. Tobias (Nürnberg, 2003), p. 4.

three years. Lohse was summoned as a witness to the Itzehoe Regional Court on 7 July 1960. The case in which he was to testify concerned the involvement of the civil administration of the Commissariat in the solution of the Jewish question in the eastern territories. In his testimony, Lohse emphatically stated that these were tasks assigned to the police, the SS and special units, not the civil administration. He emphasised that due to his lack of adequate knowledge of the operation of the Łukiszki prison in 1941–1944 and the mass atrocities committed in Ponary, he could not respond to them. There are several inaccuracies in his argument. His alleged ignorance of the Ponary massacre is astonishing since he was aware of the report by Gewecke, the Gebietskommissar (Territorial Commissioner) of Szawle, about the executions of Jews in the area under his command. The prosecutor in charge of the case pointed out that, in accordance with Hitler's decree of 17 July 1941 on the police protection of the territory of the USSR, the Reichskommissar cooperated with the Higher SS and Police Commander and was therefore aware of the guidelines sent to these bodies. This subordination, according to Lohse, had no bearing on the links between administrative matters and the liquidation of the Jews. The prosecutor in charge of the case, however, presented him with a document signed by him, "Provisional Guidelines for the Treatment of Jews in the Reich District Ostland." Lohse's explanation for this evidence was that he acquainted himself with the documents of this kind only perfunctorily and, after signing them, passed them on according to jurisdiction to Wilhelm Burmeister, who headed Hauptabteilung I and was responsible for administrative matters. Also, in this case, his testimony was inconsistent, as the prosecutor had the documentation in the case of A. Rosenberg, presented before the Military Tribunal in Nuremberg, which contained the information that the document had gone to all official units of the Ostland, including the Reich Commissioner for the Eastern Countries.<sup>12</sup>

The large number of proceedings initiated necessitated the establishment of a special institution for the comprehensive prosecution of National Socialist crimes. Thus, on 6 November 1958, an agreement between the Ministers of Justice of the Länder created a joint institution of all the Federal Länder's justice administrations called

---

<sup>12</sup> BA L, B 162/29571, Minutes of the interrogation of the accused Heinrich Lohse, 7 July 1960, fols 304–305; H. Weiß, *Biographisches Lexikon zum Dritten Reich* (Frankfurt am Main, 1998).

the Central Office for the Investigation of National Socialist Crimes in Ludwigsburg (Zentrale Stelle der Landesjustizverwaltung zur Aufklärung nationalsozialistischer Verbrechen). The Central Office initiated more than a dozen investigations into crimes committed in the occupied eastern territories between 1941 and 1944. Over time, however, it became apparent that the investigations into Nazi crimes committed in the occupied eastern territories were primarily based on the Central Office's own sources of information and research conducted exclusively in German archives. Only occasionally was legal assistance requested from competent foreign authorities (mainly Poland and Lithuania) with evidence of the crimes. At the beginning of 1960, information about the planned statute of limitations for Nazi crimes began to appear again in the German press. This mainly concerned trials in which sentences of up to 10 years' imprisonment were passed for crimes involving deprivation of liberty, property, and bodily harm. However, the statute of limitations for murder and bodily injury resulting in death was 15 years after the end of the war. From 9 May 1960, it was no longer possible to prosecute crimes classified as murder.<sup>13</sup>

Using the new guidelines of 14 May 1962, the Jury of the Landgericht in Berlin began the trial against the commander of Einsatzkommando 9. The commander of Einsatzkommando 9, SS-Obersturmbannführer Albert Filbert, and the co-defendants in the trial, i.e. the former head of the Einsatzkommando's personnel section, SS-Sturmbannführer Wilhelm Greiffenberg, Gerhard Schneider, Chief Criminal Commissioner Bodo Struck, the administrative employee Konrad Fiebig and the member of the police section Heinrich Tunnat, were indicted. The main defendant, Filbert, who had been hiding under a changed name since the end of the hostilities, was arrested on 25 February 1959 and imprisoned in the Moabit detention centre in Berlin. He was mainly charged with issuing orders whereby,

---

<sup>13</sup> BA L, B 162/86, Die Verfolgung nationalsozialistischer Straftaten durch Staatsanwaltschaften und Gerichte im Gebiet der Bundesrepublik Deutschland seit 1945, fol. 19; H. Sołga, *Niemcy o Niemcach. Bilans ścigania zbrodniarzy hitlerowskich w Republice Federalnej Niemiec* (Warsaw, 1988), pp. 19–20; J. Barcz, *System prawny RFN wobec norm prawa międzynarodowego – doktryna i praktyka konstytucyjna* (Warsaw, 1986); *Przedawnienie i ściganie zbrodni przeciwko pokojowi, zbrodni wojennych i zbrodni przeciwko ludzkości w systemie prawa RFN. Materiały z konferencji naukowej, Warszawa 28 IV 1980*, ed. by J. Barycz and P. Maćkowiak, 'Studia z dziedziny stosunków prawnych z zagranicą' Series (Warsaw, 1981); M. Becker, *Sądownictwo niemieckie i jego rola w polityce okupacyjnej na ziemiach polskich wcielonych do Rzeszy 1939–1945* (Warsaw, 2020), pp. 305–306; H. Rottleuther, "Karrieren und Kontinuitäten deutscher Justizjuristen vor und nach 1945. Mit allen Grund- und Karrieredaten auf beiliegender CD-ROM," *Schriftenreihe Justizforschung und Rechtssoziologie* 9 (2010), p. 58.



from 4 July 1941 onwards, “Jewish victims were dragged out of their flats and then hurried in columns to Ponary.” Ultimately, the court ruled that Filbert was responsible for the murder of at least 4,000 Jews in the Vilnius area between 4 and 20 July 1941, 40 Jewish people in Wilejka and about 100 Jews in Mołodeczno at the end of July 1941. The total number of those murdered between July and October 1941 in operations under Filbert’s command was 6,800 people. The defendant, Struck, on the other hand, was accused of helping to lead the liquidation of the Vitebsk ghetto, where nearly 800 people were killed. Schneider was responsible for the shootings in Mołodeczno, where about 100 people were killed; Greiffenberg was accused of murdering 100 Jewish people in Wilejka, while Tunnat was charged with depriving 80 people of their lives in Mołodeczno. The court sentenced the main defendant to life imprisonment. In the end, Filbert spent only thirteen years in prison and was subsequently released due to prison overcrowding. The other co-defendants received lighter sentences (Schneider and Struck ten years, Tunnat and Greiffenberg three years, and Fiebig was acquitted).<sup>14</sup>

### The Case of the Ponary Massacre in the Polish Legal System

In Poland, as early as 1942, attempts were made to create a legal basis for the future accountability of perpetrators of war crimes and crimes against humanity. This was sanctioned by the Declaration of St James’s Palace, signed on 13 January 1942 by the representatives of nine occupied states, which announced the judicial punishment of those responsible for the crimes committed.<sup>15</sup> A significant breakthrough was the establishment of the War Crimes Bureau in London in 1943. The first formal legislation on the subject was the Decree of the President of the Polish Republic in Exile “On Criminal Liability for War Crimes,” promulgated on 30 March 1943,<sup>16</sup> which sanctioned punishments for acts committed to the detri-

---

<sup>14</sup> Alfred Filbert died on 30 July 1990 at the age of 85 (BA L, Ks 1.62 [23.61], Judgment against Albert Filbert, 22 June 1962, fol. 5).

<sup>15</sup> *Ściganie i karanie sprawców zbrodni wojennych i zbrodni przeciwko ludzkości (wybór dokumentów)*, ed. C. Pilichowski (Warsaw, 1978), *passim*.

<sup>16</sup> *Dziennik Ustaw RP Londyn* (The Journal of Laws, Republic of Poland, London) (1943), Part 1, No. 3, item 6. This was the world’s first piece of legislation on war crimes. The basic provision of this decree read: “Whoever, contrary to the norms of international law, commits an act to the detriment of the Polish State, a Polish legal person or a Polish citizen, shall be liable to imprisonment.”

ment of the Polish state and Polish citizens. Poland also soon began to cooperate with the United Nations War Crimes Commission (UNWCC), creating the first list of war criminals.<sup>17</sup>

No less important was the establishment of the Polish-Soviet Extraordinary Commission for the Investigation of German Crimes in August 1944 by a resolution of the Polish Committee of National Liberation. On 31 August 1944, the Polish Committee of National Liberation (PKWN) issued a decree concerning “The Punishment of Fascist-Hitlerite Criminals Guilty of Murder and Ill-treatment of the Civilian Population and Prisoners of War, and the Punishment of Traitors of the Polish Nation.” Under Article 1, crimes committed against Polish citizens are still prosecuted. On 12 September 1944, another decree of the PKWN, “On Special Criminal Courts for Punishing Fascist-Hitlerite Criminals”, was passed based on the Decree of 31 August 1944. In January 1946, the Supreme National Tribunal was established with the primary objective of trying the biggest Nazi criminals on the Polish territory. The public prosecutor’s offices and the courts also prosecute war crime perpetrators. Thus, under, among others, on the provisions of Article 1, point 1 of the August Decree:

(1) In December 1949, the Court of Appeals in Warsaw sentenced Eugeniusz Faulhaber to death for the murder of approximately 4,000 Polish citizens of Polish and Jewish nationality in Ponary on 5 May 1943 and the shooting of 62 people in Kaunas on 4 July 1944;

(2) The Voivodeship Court in Olsztyn, by its judgment of May 1954, sentenced Bronisław Dąbrowski for the liquidation of the Jewish ghetto in Miory in 1941 to the death penalty (followed by a review of the judgment by the Supreme Court in Warsaw of 29 June 1954 and a change of the sentence to 5 years’ imprisonment and deprivation of public rights for two years);

(3) In March 1950, the Court of Appeals in Poznań sentenced Bolesław Kniażiewicz to the death penalty for the murders of civilians in Parafianów, County of Dżisna, in the summer of 1942, for the liquidation of the ghetto in Dokszyce, and for the hunts for guerrillas (the President of the Republic of Poland exercised

---

<sup>17</sup> D. Plesch, *Human Rights After Hitler: The lost History of Prosecuting Axis War Crimes* (Washington, 2017), pp. 123–125.

his right of pardon and, on 6 June 1951, the sentence was changed to 15 years' imprisonment).<sup>18</sup>

Although the legal infrastructure to prosecute war criminals already existed in the country, there was still no institution to document the crimes committed. On 29 March 1945, the Presidium of the PKWN established the Main Commission for the Investigation of German Crimes in Poland, which functioned as the Main Commission in Warsaw with field offices constituting District Commissions. The most crucial task imposed on this institution was to complete documentation enabling the prosecution of Nazi criminals for the crimes they committed during World War Two. The petitions for the extradition of war criminals drawn up in the first years of its activities and the lists of perpetrators completed for the purposes of the United Nations War Crimes Commission are still the basis for the prosecution of Nazi crimes in individual countries, including Poland, where the entity in charge is the investigative division of the Institute of National Remembrance. In 1949, the institution was renamed the Main Commission for the Investigation of Hitlerite Crimes in Poland. The year 1965 saw its dynamic development and intensification of activities related to the search for perpetrators of war crimes. In the 1960s, as a result of the debate in the media about the statute of limitations for war crimes, the activities of the Main Commission intensified. It was established that only homicides fulfilling the characteristics of the crimes listed in Article 1(1) of the August Decree could be investigated, while the trial of other criminal acts was subject to the statute of limitations. As a result, investigations were suspended due to the lack of access to foreign archival sources and the inability to interrogate witnesses and apprehend perpetrators living outside Poland.

From that time until the political transformation of Poland, no further criminal legislation was enacted providing for responsibility for crimes against peace, crimes against humanity and war crimes. This state of affairs was changed by the provisions of Article 105 § 1 of the Penal Code and Article 43 of the Polish Con-

---

<sup>18</sup> Oddziałowa Komisja Ścigania Zbrodni przeciwko Narodowi Polskiemu w Gdańsku [Branch Commission for the Prosecution of Crimes against the Polish Nation, hereinafter OKGd], S 87.2006. Zn, Investigation into crimes committed in 1941–1944 against the Jewish population in the Vilnius region, Vol. 1–42. For more, see M. Tomkiewicz, *Zbrodnie w Ponarach 1941–1944* (Warsaw, 2008), pp. 283–285.

stitution, enacted at the turn of 1997 and 1998, which stipulate that war crimes, crimes against peace and crimes against humanity are not subject to the statute of limitations. On 4 April 1991, when the institution was renamed, the scope of competence of the Main Commission for the Investigation of Crimes Against the Polish Nation – the Institute of National Remembrance – was extended to include Stalinist crimes. The commission conducted investigations only until the perpetrator was identified and handed them over to the prosecutor's office. The provisions still in force today were regulated by the Act of 1998 on the Establishment of the Institute of National Remembrance – Commission for the Prosecution of Crimes against the Polish Nation, on the basis of which the prosecutors of the Main and Branch Commissions for the Prosecution of Crimes against the Polish Nation, in accordance with the Penal Code in force, renew the suspended and initiate new proceedings concerning Nazi crimes, communist crimes and acts fulfilling the characteristics of crimes against peace, crimes against humanity and war crimes. Considering its territorial jurisdiction, the Branch Commission for the Prosecution of Crimes against the Polish Nation in Gdańsk had several investigations pending concerning crimes against Polish citizens of Polish and Jewish nationality committed between 1941 and 1944 in the north-eastern Borderlands of the Second Republic of Poland.<sup>19</sup>

One of the first post-war cases conducted by Polish courts against a perpetrator who committed criminal acts in the area of the former Polish Voivodeship of Vilnius was the trial against Arkadius Sakalauskas, a former member of the Vilnius Sonderkommando, tried in September 1949 by the District Court in Warsaw. He was alleged to have been a member of the Vilnius Sonderkommando from 1941 to 1943 and to have taken part in the murder of Jewish people in Ponary, as well as to have arrested around 800 Jews and led them to the Łukiszki prison. On 23 November 1949, after a two-month trial, the court sentenced Sakalauskas to the death penalty, permanent loss of public and civil rights and forfeiture of all his

---

<sup>19</sup> J. Sawicki, B. Walawski, *Zbiór przepisów specjalnych przeciwko zbrodniarzom hitlerowskim i zdrajcom narodu z komentarzem* (Cracow, 1945), pp. 5–20; E. Kobierska-Motas, *Ekstradycja przestępców wojennych do Polski z czterech stref okupacyjnych Niemiec 1946–1950*, part 1 (Warsaw, 1991), p. 49; A. Machnikowska, *Wymiar sprawiedliwości w Polsce w latach 1944–1950* (Gdańsk, 2008), pp. 20–21; S. Kaniewski, “Główna Komisja Badania Zbrodni przeciwko Narodowi Polskiemu – Instytut Pamięci Narodowej. Kierunki i perspektywy działań,” *Studia Juridica* 35 (1998), *passim*.

property. The convict appealed to the Supreme Court in August 1950, but his appeal was rejected. The convict then sent a letter to the President of Poland, requesting the right of clemency and commutation of the death sentence to imprisonment. President Bierut did not exercise this right, and Sakalauskas was executed on 16 November 1950.<sup>20</sup>

In April 1970, a criminal action against Vilnius Sonderkommando members Władysław Butkun (Vladas Butkūnas) and Juozas Miakisz (Juozas Mekišius) was initiated by the Prosecutor's Office of the Lithuanian SSR. The prosecution accused Butkun and Miakisz of being members of the Vilnius Sonderkommando from July 1941 and of taking part in the shooting and escorting of convicts from Łukiszki to the massacre site in Ponary. Both left for Poland after the war, so the General Prosecutor's Office of the People's Republic of Poland was commissioned to establish their whereabouts. The case continued on the Polish territory at the Voivodeship Prosecutor's Office in Warsaw. The case of another defendant, Jan Borkowski (Jonas Barkauskas), a member of the Vilnius Sonderkommando, was added to the ongoing trial. The trial took place before the Voivodeship Court in Warsaw, and the defendants were Józef Miakisz, born in 1911, Władysław Butkun, born in 1916, and Jan Borkowski, born in 1916. The main hearing was held in the Criminal Division IV of the Voivodeship Court in Warsaw between 23 and 25 October 1973. The judgment was passed on 30 November 1973, and on its basis, the court sentenced all defendants to the death penalty with permanent deprivation of public rights, together with a sentence of confiscation of property in its entirety. However, on 7 September 1974, the Council of State, exercising its right of clemency, commuted the sentence to 25 years' imprisonment.<sup>21</sup>

On 26 August 1976, the Deputy Public Prosecutor of the Olsztyn Voivodeship Public Prosecutor's Office presented charges against another member of the Vilnius Sonderkommando, Wiktor Gilwiński (Wiktoras Galwanauskas), accusing him of taking part in mass killings between 1941 and 1944 in Vilnius and other localities. During the trial, Gilwiński pleaded guilty to the charges brought against him of tak-

---

<sup>20</sup> M. Tomkiewicz, *Więzenie na Łukiszkach w Wilnie 1939–1953* (Warsaw, 2018), p. 221.

<sup>21</sup> Sąd Wojewódzki w Warszawie [Voivodeship Court in Warsaw, hereinafter SWwW], IV K 130/73, Criminal Case against Józef Miakisz, Władysław Butkun, Jan Borkowski, Order Extending the Time Limit for Pre-Trial Proceedings in the Criminal Case No. 295, fols 475, 1317–1320.

ing part in the mass executions in Ponary and escorting the victims from Łukiszki to the execution site. On 3 June 1977, the Olsztyn District Court sentenced him to 25 years imprisonment, deprivation of public rights for ten years and confiscation of all his property for these acts. However, on 2 December 1977, the Criminal Chamber of the Supreme Court, following a review of the judgment, changed the sentence of 25 years' imprisonment to the death penalty, and on 13 March 1978, the Council of State, exercising its right of clemency, changed the death penalty back to 25 years' imprisonment. This sentence was upheld.<sup>22</sup>

About a dozen cases concerning Nazi crimes committed in the territory of the former Voivodeship of Vilnius were conducted by judges and prosecutors of the Branch Commission for the Prosecution of Crimes against the Polish Nation in Łódź and later in Gdańsk. To date, about 30 trials have been legally concluded concerning acts committed in the Vilnius region between 1939 and 1956 against the population of Polish and Jewish nationality. Among the most important are the cases conducted by the Gdańsk Commission: the investigation marked with the reference symbol S 1.2000. Zn crimes committed between 1941 and 1944 against the population of Polish nationality in Ponary near Vilnius; the investigation marked with the reference symbol S 18.2000. Zn crimes committed against prisoners of the camp in Prawieniszki near Kaunas between 1941 and 1944; the investigation marked with the reference symbol S 96.2001. Zn the shooting of approximately 400 inhabitants of Święciany in 1942 in connection with a retaliatory action; the investigation marked with the reference symbol S 87.2006. Zn crimes committed between 1941 and 1944 against the population of Jewish nationality in the Vilnius region. The Gdańsk Commission's investigations aimed not only to complete the settlement of war crimes cases but also to clarify all the circumstances of the events and to draw up a complete list of witnesses and perpetrators.

### The Case of the Ponary Massacre Before the Soviet Justice System

While the hostilities were still in progress, the USSR also began preparations to bring to account the perpetrators of crimes committed during World War

---

<sup>22</sup> OKGd, S 87.2006.Zn, vol. 13, Judgment of the Voivodeship Court in Olsztyn, II K 59/76, pp. 2473–2486.

Two. On 2 November 1942, a decree of the Presidium of the Supreme Soviet of the USSR established the Extraordinary State Commission for Ascertaining and Investigating Crimes Perpetrated by the German-Fascist Invaders and their Accomplices. Representatives of the Commission registered the crimes, carried out forensic-medical examinations at execution sites and created the first list of German criminals responsible for organising and committing the murders on the territory of the USSR. In July 1944, a report was drawn up in Vilnius “in connection with the crime of genocide committed by the Germans against Soviet citizens during the occupation of the Vilnius region between 24 June 1941 and 9 July 1944.” Representatives of the Soviet military unit and local residents of Ponary, Nowosiołki and Chotbeje inspected the execution site in Ponary. The commission interrogated several hundred witnesses and drew up a historical-geographical sketch of the wartime events.<sup>23</sup>

Shortly after that, the USSR’s Ministry of Security established courts and tribunals designed to try the criminals. Members of the Vilnius Sonderkommando were tried by the following Soviet bodies: the Military Collegium of the Supreme Court of the USSR, the Military Tribunal of the NKVD of the Lithuanian SSR, the Military Tribunal of the Ministry of the Interior’s Troops of the LSSR, the Tribunal of the Soviet Army and the Naval Fleet, and extrajudicial bodies – the Special Commission under the USSR’s Ministry of Security. War crimes were qualified in accordance with point 1 of the Decree of the Presidium of the Supreme Soviet of the USSR of 19 April 1943 “On the Punishment of German-Hitlerite Criminals Guilty of Murder and Ill-treatment of the Civilian Population and Red Army Prisoners of War, and the Punishment of Spies, Traitors to the Nation and their Accomplices” and Article 58 “1a” and “1b” of the Russian Soviet Federative Socialist Republic’s Criminal Code. The “Smersh” counter-intelligence units of the Third Belarussian Front, officers of the LSSR’s Ministry of Public Security and the investigative

---

<sup>23</sup> Central Archives of the Ministry of Defence of Russia in Moscow, documents without reference symbols sent to the Branch Commission in Gdańsk via the Consulate General of the Russian Federation in Gdańsk, 13 November 2002: Report and Addendum to the Report drawn up in connection with the genocide in Ponary, a village of the Vilnius region, introduced at a rally of the inhabitants of Ponary, Nowosiołki and Chotbej on the basis of their testimonies on the above matter, 14 July 1944; LVVA, P-132 T 30 April 48, Communiqué of the Extraordinary State Commission on the extermination of the population in the town of Ponary, 2 January 1946, fols 82–99.

departments of the NKGB and KGB of the LSSR were responsible for arresting the selected perpetrators. In most cases, final decisions in secret trials were made within 24 hours of the arrested person's arraignment, and sentences were final and not subject to appeal. Those sentenced to death under the decree were executed by firing squad or hanged from the gallows in a public execution, and their bodies were displayed in public for a specified period of time.<sup>24</sup>

One of the first people captured by the "Smersh" organs of the Third Belarussian Front was a Lithuanian, a member of the Vilnius Sonderkommando Bronisław Żelwis. He was accused of complicity in the crimes committed at Ponary and of serving in the German Security Police from September 1943 and later in the Vilnius Special Division. He served in the unit until July 1944, after which he was arrested. The "Smersh" counterintelligence department of the First Air Army presented Żelwis with charges under Article 58-1 "a" of the RSFSR's Criminal Code, to which he pleaded guilty. The case was referred first to the 2nd "Smersh" Division of the Third Byelorussian Front and then to the court of the War Tribunal of the Third Byelorussian Front, with a simultaneous change of the legal qualification from Article 58-1 "a" of the RSFSR's CC to the charge under point 1 of the Decree of the Presidium of the USSR's Supreme Soviet of 19 April 1943. The judgment was passed on 27 September 1944 at a closed session in Kaunas. Żelwis was sentenced to capital punishment by shooting and to confiscation of personal property.<sup>25</sup>

Also, an officer of the Lithuanian Security Police (Sauguma), Lithuanian Antanas Granickas, was tried under point 1 of the decree of the Presidium of the Supreme Soviet of the USSR of 19 April 1943. In July 1941, he volunteered for service in the Vilnius Sonderkommando. He took an active part in the executions at Ponary, Nemenczyn and Nowe Świąciany on several occasions, and in autumn 1944, he carried out mass killings at Fort IX in Kaunas. He then joined an SS unit

---

<sup>24</sup> М.В. Кожевников, *История советского суда 1917–1956 гг.* (Moscow, 1957), pp. 340–341; Н.С. Алексеев, *Злодеяния и возмездие. Преступления против человечества* (Moscow, 1986), *passim*; E. Rojowska, "Wpływ dekretów radzieckich Rady Najwyższej ZSRR na polskie prawo karne dotyczące karania zbrodniarzy wojennych," *Studia Prawnoustrojowe* 15 (2012), pp. 183–192.

<sup>25</sup> Lietuvos Ypatingasis Archyvas in Vilnius [Lithuanian Special Archives, hereinafter LYA], K-1 Ap 58 B 43319/3, Questionnaire of the detainee Bronisław Żelwis, 15 August 1944; Minutes of the interrogation of Bronisław Żelwis, 29 July 1944, 31 July 1944, 2 August 1944, 8 August 1944, 14 August 1944; Deed of indictment, 20 September 1944; Judgment of the War Tribunal of the Third Byelorussian Front, 27 September 1944, fols 8–82.



that took part in fighting on the Hel Peninsula, from where he was evacuated by sea to the Bornholm Island area, where he was captured by the “Smersh” counter-intelligence organs of the 132nd Rifle Corps of the Second Byelorussian Front. In the same trial, the intelligence officer Władysław Kowalewski was tried,<sup>26</sup> who worked as an investigator for the NKVD authorities between 20 November 1940 and 22 July 1941. After the outbreak of the German-Russian war, he was evacuated by the People’s Commissariat to Kalinin for sabotage training. On 5 March 1942, given his experience as an agent, German intelligence offered him the opportunity to work as a secret agent. Kowalewski immediately agreed and signed a declaration of loyalty to the security organs. He was then given the codename “508”, later changed to “Maks”. His first task was to denounce and report on the mood of the workers at the carpentry factory in Kaunas, where he was employed. During his agent’s operations, which lasted from March 1942 to July 1944, 10 people were arrested on the basis of his reports, three of whom were executed by shooting. He was one of the exemplary agents, so from January 1943, in accordance with Sauguma’s orders, he was already engaged only in special tasks in Lithuania, consisting of exposing guerillas, paratroopers, Soviet activists and former party members.<sup>27</sup> On 3 October, at a closed session, the Military Tribunal of the 43rd Army sentenced Antanas Granickas and Władysław Kowalewski to death by shooting and to confiscation of property. The sentence was final and not subject to appeal, and the execution took place on 21 February 1946.<sup>28</sup>

In turn, in September 1951, the Lithuanian security police charged Ypatingas Burys member Jonas Germanavičius, who had served throughout Ypatingas Burys’

---

<sup>26</sup> Władysław Kowalewski (born in 1919 in Vilnius) – a Lithuanian, former member of the Komso-mol. Until 1941, he worked as an investigator of the LSSR’s NKVD. From July 1944, he was on guard duty at Fort IX in Kaunas, and then went with evacuated prisoners to Sztutowo. In February 1945, he was sent to the front with an SS unit. After the German capitulation, he took refuge on the island of Bornholm, where he was arrested by counter-intelligence agents. Captured on 21 June 1945 and tried by the Military Tribunal of the 43rd Army at a closed session under the chairmanship of Lt. Col. Sheremetev for a crime under Article 58-1 “b” of the RSFSR’s CC. On the basis of the Judgment of 3 October 1945, he was sentenced to execution by firing squad and to confiscation of all property (LYA, F.K-1 Ap 58 B 44678/3, fols 161–166).

<sup>27</sup> LYA, F.K-1 Ap 58 B 44678/3, Minutes of the court hearing of the Military Tribunal of the 43rd Army in the case of Władysław Kowalewski and Antanas Granickas, fols 8–82.

<sup>28</sup> LYA, F K-1 Ap 58 B 44678/3, Decision to bring charges, 7 July 1945; Request for prosecution, 28 September 1945; Detention decision, 27 June 1945; Minutes of the court hearing, no date; Judgment in Case No. 138 against Władysław Kowalewski and Antanas Granickas, 3 October 1945; Death penalty execution report, 21 February 1946, fols 98–186.

operation, with responsibility for crimes under Articles 58-1 “a” and 58-11 of the RSFSR’s Criminal Code. His duties between 1941 and 1944 included escorting prisoners from the Łukiszki Prison for interrogation to the headquarters of the German Security Police and participating in the firing squad at Ponary. His case was tried in October 1951 at a closed court session of the Military Tribunal of the Baltic Military District in Vilnius. The judgment was passed on 27 October, and on its basis, Germanavičius was sentenced to execution by firing squad and to confiscation of all property. A cassation appeal filed by the accused was not accepted and the sentence was executed on 14 April 1952 in Vilnius.<sup>29</sup>

It was not only the crime at Ponary that fell within the jurisdiction of the Soviet legislation but also the crimes committed during the liquidation of the Jewish ghettos and in the camps. In the case of the functionaries and guards of the labour camp in Prawieniszki near Kaunas, where mainly Poles and Jews were imprisoned, the first court hearing began in November 1944. It was held before the War Tribunal of the Kaunas City Garrison. The first to be sentenced by the Tribunal, on 27 November 1944, was Jurgis Naujokajtis – a non-commissioned officer in the SS, “a guard of the concentration camp for political prisoners who were Soviet citizens in the village of Prowieniszki” – sentenced to the maximum penalty of shooting and confiscation of property. The verdict stated that he had participated in the murder of an unknown prisoner in December 1942, in the shooting of two hostages in January 1943 because one of the prisoners had escaped from his workplace, in the murder of 12 political prisoners in the woods near the camp in July 1943, and in the execution of a Roma family of five. The sentence was final and not subject to appeal. Nonetheless, at a subsequent court hearing of the War Tribunal of the Third Byelorussian Front on 10 April 1945, at the request of the Presidium of the Supreme Soviet, Naujokajtis’s maximum sentence was commuted to 25 years in a hard labour camp.

---

<sup>29</sup> LYA, K-1 Ap 58 B 36137/3, Request for prosecution in Case No. 18919, 19 September 1951; Minutes of the preliminary hearing at the Military Tribunal of the Baltic Military District, 17 October 1951; Judgment of the Military Tribunal of the Baltic Military District, 17 October 1951; Minutes of the court hearing in Case No. 0316 against the defendant Germanavičius, 27 October 1951; Judgment No. 00274, 27 October 1951; Cassation appeal, 27 October 1951; Judgment of the Supreme Court of the USSR No. I-004053-p/51, 19 December 1951; Certificate of execution of the death penalty, 14 April 1952, fols 389–431.

In the post-war period, on the territory of the LSSR, Soviet tribunals and courts, in principle, tried most of the members of the crew of the camp in Prawieniszki. In pursuance of the judgment of the Kaunas Garrison War Tribunal on 29 November 1944, the cruellest supervisors of the guard unit from Prawieniszki were sentenced: Pavel Timofeyev, Georgi Manzurov, Vadim But, Fyodor Yemelyanov and Kirill Fomkin. Timofeyev, Manzurov, But and Yemelyanov were sentenced under Article 2 of the Decree of the Presidium of the Supreme Soviet of the USSR of 19 April 1943 to 15 years of hard labour, deprivation of public rights for five years and confiscation of personal property for “systematic, self-initiated beatings with clubs and fists of Soviet citizens imprisoned by the Germans in the camp in the town of Prawieniszki.” Kirill Fomkin was sentenced to 10 years’ imprisonment in a correctional camp. The following guards were sentenced by the judgments of the Military Tribunal of the LSSR’s NKVD Troops between January and March 1946: Osip Udaltsov (sentence of 23 January 1946, 10 years in a forced labour camp) and Georgy Kruglakov (sentence of 14 March 1946, 15 years in a forced labour camp). The Military Tribunal of the 6th Guards Army passed one of the last sentences on 20 February 1946. The accused member of the Latvian SS Legion, Alexei Agafonov, “a deputy platoon commander of the guard company in the concentration camp in the town of Prawieniszki,” was sentenced to be placed in a correctional labour camp for ten years. The last of the sentences passed by the Line Court of the Lithuanian State Railways in March 1952 concerned the “supervisor at the concentration camp in Prawieniszki,” Dominas Balnis, who was sentenced to exile to a hard labour camp for 25 years.<sup>30</sup>

## The Case of the Ponary Massacre before the Lithuanian Justice System

The Lithuanian justice system also conducted several trials concerning crimes committed in the Ostland area. In particular, the prosecution of the Lithuanian Sauguma employees was loudly echoed. These were mainly lower-level employees

---

<sup>30</sup> LYA, K-1 Ap 58 B 45665/3, Criminal case of Jurgis Naujokajtis, fols 1–111; LYA, K-1 Ap 58 B 22587/3, Criminal case of Dominas Balnis, fols 1–147; LYA, K-1 Ap 58 B 39304/3, Criminal case of Pavel Timofeyev, Georgi Manzurov, Vadim But, Fyodor Yemelyanov and Kirill Fomkin, fols 1–220; LYA, K-1 Ap 58 B 30158/3, Criminal case of Osip Udaltsov, fols 1–25; K-1 Ap 58 B 3742/3, Criminal case of Georgy Kruglakov, fols 1–107; LYA, K-1 Ap 58 B 46865/3, Criminal case of A. Agafonov, fols 1–119.

in various departments of the German and Lithuanian police and administration. In the trials in question, Bronislavas Gečiauskas was sentenced to death for his involvement in arresting Jews in 1941–1942 and, delivering them to the ghetto in Podbrzezie, and then taking the Jews to Rieše for execution. Several defendants were sentenced to 25 years' imprisonment in a correctional camp: Petras Asminavičius, for arresting Jews in 1941 and delivering them to the ghetto in Nowe Świąciany, and Petras Skrebutėnas, chief of the Świąciany county police, for participation in arresting and deporting Jews to the ghetto in Nowe Świąciany in 1941.<sup>31</sup> Also tried under the LSSR's law were other police officers who took part in the retaliatory action known as the "Świąciany massacre," which was carried out in May 1942. As many as 450 people were shot as a result. The defendants tried in this case were Jonas Kurpis, Edwardas Verikas, Bronus Chechura, Jonas Ankienas and Kazis Garła, who were sentenced by the Military Tribunal of the LSSR's NKVD in Vilnius on 7 April 1945 under Article 58-1 "b" 58-11 of the RSFSR's Criminal Code to 10 to 20 years of penal servitude. Kazis Garła was acquitted and released from jail. The judgment was final and not subject to appeal.<sup>32</sup> In addition, Jonas Maciulevicius, who was accused, among other things, of personal involvement in the Świąciany massacre, was sentenced to death by the Court of Appeals in Olsztyn on 2 May 1950. The sentence against Maciulevicius was executed on 12 December 1950 in Olsztyn prison.

However, the search continued for persons holding important positions, from chiefs to heads of the various departments of the repressive apparatus between 1941 and 1944. On this basis, in the 1960s, the perpetrators of the Ponary murders were subjected to criminal proceedings, namely the former SS-Oberscharführer of the 2nd platoon of the 1st company of the 9th police battalion in Vilnius, Horst Schweinberger, adjutant to the commissar Hingst and the organiser of the Vilnius ghetto, Franz Murer Juganowicz (he was sentenced to 25 years in prison and handed over to the Austrian authorities in 1949) and Martin Weiss.<sup>33</sup>

---

<sup>31</sup> LYA, F.K. 1 Ap 58 B 13907/3, fols 114–117, 140–141.

<sup>32</sup> LYA, K-1 Ap 58 B 10712/3, Judgment of the Military Tribunal of the LSSR's NKVD, 7 April 1945, in the case of J. Kurpis, E. Werikas, E. Gienajtis, B. Czechur, J. Anienas, K. Garła, fols 103–104, 319.

<sup>33</sup> AIPN, II Ds. 96/68/W.54/72, vol. 1, The Martin Weiss case file – Gestapo in Vilnius, Correspondence between the Ministry of the Interior and the Main Commission for the Investigation of Hitlerite Crimes in Poland, 9 July 1969, fols 59–60.

Many, however, fled to South America, Australia and the USA in the 1950s, such as the head of the Vilnius district of the Lithuanian Security Police, Aleksander Lileikis, who worked for the CIA in East Germany since 1952 before emigrating to the USA, and his deputy, Kazys Gimžauskas.<sup>34</sup> The anonymous complaint alleged that Lileikis, as head of the Lithuanian police during the Nazi occupation, was personally responsible for the arrest, detention and execution of Jews and those who helped Jews, suspected Communists and other civilians. The trials of Lileikis and Gimžauskas began in the United States and then continued in Lithuania after their extradition. On 2 May 1995, the Deputy Prosecutor General of the Republic of Lithuania, A. Pestininkas, opened an investigation into the Alexander Lileikis case under Article 18, Part 6 of the Criminal Code of the Republic of Lithuania and Article 1 of the Law of the Republic of Lithuania. The health of the then 90-year-old Lileikis began to deteriorate rapidly, and it was likely that he would not live to see the trial. As in the case of Lileikis, the criminal proceedings against Gimžauskas were to be conducted by the Lithuanian Prosecutor's Office. On 19 November 1997, the chief prosecutor of the Special Investigations Department of the General Prosecutor's Office of the Republic of Lithuania in Vilnius, K. Kowarskas, issued a decision to open a criminal case against Gimžauskas. However, both cases were repeatedly suspended due to the defendants' ill health. Eventually, the investigation against Gimžauskas was brought to a conclusion under pressure from the international public. He was found guilty of involvement in the crimes in Lithuania, but the court dropped the sentence due to the defendant's poor health. The trial of Lileikis, who died a few months later, was halted for the same reason. In general, the results of these investigations were never disclosed to the public.<sup>35</sup>

---

<sup>34</sup> LYA, F K-1 Ap 46 B 1103, The Juozas Arlauskas Case, fol. 1.

<sup>35</sup> OKGd, S 1.2000.Zn, vol. 46, Memorandum of the judicial decision of the U.S. District Court for the District of Massachusetts concerning the instituted civil action marked with the reference 94-11902-RGS against A. Lileikis, 15 September 1995, fols 9207-9216; *ibid.*, Vol. 46, Memo of the meeting at the Embassy of the Republic of Lithuania in Washington concerning the A. Lileikis case, 6 October 1994, fols 8654-8660; *ibid.*, vol. 44, Memorandum of an agreement between the US Department of Justice and the Office of the Prosecutor General of the Republic of Lithuania on cooperation in the prosecution of war criminals, no date, fols 8661-8662; E. Lichtblau, *Sąsiedzi naziści. Jak Ameryka stała się bezpiecznym schronieniem dla ludzi Hitlera*, Warsaw 2015, pp. 345-371; OKGd, S 87.2006.Zn, Vol. 43, Letter from the Regional Court of the Reutlingen District, 2 December 1949, fol. 8630; S 1.2000.Zn, Vol. 48, Statement by Kazys Gimžauskas, 21 March 1995, fols 9538-9540.

## The Case of the Ponary Massacre before the Austrian Judiciary

There were also several criminal trials in Austria in which the direct perpetrators of the Ponary massacre and members of Einsatzkommando 3 of Einsatzgruppe A were in the dock. Among the more than a dozen trials initiated by the Austrian justice system, the following deserve special mention: the investigation by the Regional Court in Graz against Franz Murer, Rudolf Thomas Neugebauer, Dr. Humbert Achamer-Pifrader, Dr. Walter Musil, Heinz Lackner, Franz Radif, Erich Appel, Leopold Litschauer and Franz Schwarz,<sup>36</sup> and by the Regional Court in Vienna against Franz Murer.<sup>37</sup> Among the most important of these was the trial of the adjutant of the Vilnius district commissar Hingst and the desk officer of the commissariat for Jewish affairs, Franz Murer, who was recognised and arrested in Styria, Austria, after the war in 1947. In December 1948, he was deported to the Soviet Union and tried in Vilnius, where he was found guilty of murdering Soviet citizens and sentenced to 25 years of hard labour. In 1955, he was extradited to Austria. Nazi hunter Simon Wiesenthal succeeded in having him retried in 1963. The trial for murder under Article 134 et seq. of the Austrian Criminal Code took place at the Landesgericht Graz. The trial lasted a week and ended with Murer's acquittal, although he had initially been charged with complicity in the murder of 60–80,000 Jews in Vilnius between 1941 and 1944, as well as murder in sev-

---

<sup>36</sup> LG Graz 13 Vr 1257/61, LG Graz Vg 13 Vr 3485/55, LG Graz Vg 11 Vr 6880/47 Staatsanwaltschaft Graz StA Graz 10 St 8254/62, Verfahren vor dem Landesgericht für Strafsache Graz gegen Franz Murer wegen Beteiligung an Einzel- und Massentötungen von Jüdinnen und Juden des Wilnaer Ghettos in den Jahren 1941 bis 1943 in seiner Funktion als leitender Mitarbeiter des Gebietskommissariats Wilna; LG Graz 15 Vr 976/64, LG Graz 15 Vr 559/63, Verfahren vor dem Landesgericht für Strafsachen Graz gegen Rudolf Thomas Neugebauer wegen Beteiligung an Einzel- und Massentötungen von Jüdinnen und Juden in Litauen von Juni 1941 bis Juli 1944 als Angehöriger des Einsatzkommandos 3 der Einsatzgruppe A, *passim*; LG Graz 12 Vr 562/63, Verfahren vor dem Landesgericht für Strafsache Graz gegen Dr. Humbert Achamer-Pifrader wegen Beteiligung an Einzel- und Massentötungen von Jüdinnen und Juden in Litauen von Juni 1941 bis Juli 1944 als Angehöriger des Einsatzkommandos 3 der Einsatzgruppe A, *passim*; LG Graz 15 Vr 3157/63, Verfahren vor dem Landesgericht für Strafsache Graz gegen Heinz Lackner wegen Beteiligung an Einzel- und Massentötungen von von Jüdinnen und Juden in Litauen von Juni 1941 bis Juli 1944 als Angehöriger des Einsatzkommandos 3 der Einsatzgruppe A, *passim*; LG Graz 17 Vr 557/63, Verfahren vor dem Landesgericht für Strafsache Graz gegen Franz Radif, Erich Appel und Leopold Litschauer wegen Beteiligung an Einzel- und Massentötungen von von Jüdinnen und Juden in Litauen von Juni 1941 bis Juli 1944 als Angehöriger des Einsatzkommandos 3 der Einsatzgruppe A, *passim*; LG Graz 10 St 6091/65, Franz Schwarz, *passim* (documentation made available by the United States Holocaust Memorial Museum in Washington).

<sup>37</sup> LG Wien, 4 Vr 1911/62 Beschuldiger: Franz Murer, Antrags- und Verfügungsbogen, *passim* (documentation made available by the United States Holocaust Memorial Museum in Washington).

eral individual cases (for example the murder of six Jewish women in September 1942; the murder of Jekel Lewin and Hilz during the “yellow certificate action” in the Vilnius ghetto; the murder of Abraham Kuriszki in September 1942 in the courtyard of the Łukiszki prison during the preparation of transport of 60 Jews to Ponary). Murer pleaded not guilty and blamed members of the SS and Sicherheitspolizei for the Vilnius extermination action and suggested that witnesses had misidentified him.<sup>38</sup>

## Conclusion

The presented analysis of criminal responsibility for the crimes committed in the Vilnius region leaves a feeling of inadequacy in holding the perpetrators accountable, from the Nuremberg trials to the domestic trials. A large number of perpetrators escaped criminal responsibility because they participated in the war effort between 1943 and 1945, during which they were either killed or declared missing. The Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity is still in force in all the countries concerned, which guarantees the continuation of investigative work in this area until the death of the last perpetrator. Several European institutions still carry out investigative and research work on World War Two crimes. In Germany, it is the aforementioned Zentrale Stelle der Landesjustizverwaltungen zur Aufklärung nationalsozialistischer Verbrechen Ludwigsburg; in Poland it is the Institute of National Remembrance – Commission for the Prosecution of Crimes against the Polish Nation, in Lithuania it is the Genocide and Resistance Research Centre of Lithuania, and in Austria it is the Vienna Wiesenthal Institute for Holocaust Studies. Until recently, there was a non-state civic project in Russia, the Memorial Association, which was banned by the Russian authorities in December 2021 in what the world media described as “memory erasure.”<sup>39</sup>

---

<sup>38</sup> LG Graz 13 Vr 1257/61, LG Graz Vg 13 Vr 3485/55, LG Graz Vg 11 Vr 6880/47, Staatsanwaltschaft Graz StA Graz 10 St 8254/62, Verfahren vor dem Landesgericht für Strafsache Graz gegen Franz Murer wegen Beteiligung an Einzel- und Massentötungen von Jüdinnen und Juden des Wilnaer Ghettos in den Jahren 1941 bis 1943 in seiner Funktion als leitender Mitarbeiter des Gebietskommissariats Wilna (documentation made available by the United States Holocaust Memorial Museum in Washington), Vol. 1–13.

<sup>39</sup> <https://www.rp.pl/spoleczenstwo/art19240931-memorial-zdelegalizowany-w-rosji-trwa-kasowanie-pamieci>.

## Biographies of Selected Perpetrators

**Martin Weiss** (born 21 February 1903 in Karlsruhe) – by training, he was a master tinsmith. In his youth, he belonged to the non-political youth movement “Wandervogel.” From 1923 to 1927, he lived with his brother in Argentina and Paraguay; on his return to Germany, he settled in Karlsruhe. He married in 1930 and had three children. In 1937, he became a member of the NSDAP, and on 6 September 1939, he was drafted into the Wehrmacht as a member of an SS unit. After his recruit training in Dachau, he was assigned to a workshop company and participated in the French campaign. In August 1940, he was discharged from military service and resumed work in his sheet metal company in Karlsruhe. In March 1941, he was drafted into the SS and sent to the Düben training camp in Marsch, where operational groups were formed. After completing his training and taking the oath, he was assigned to the Einsatzgruppe A, specifically EK 3 in Kaunas. He then went to a special unit in Vilnius, which he was head of until 1943. His highest military rank in the SS units was SS-Hauptscharführer. He was arrested on 24 May 1949 in Ochsenfurt and was held in one of the prisons in the American zone. The Jury of the Landgericht in Würzburg passed a final judgment against him on 3 February 1950. He was charged with knowingly and actively playing an assisting role in the execution of around 30,000 people in Ponary near Vilnius between October 1941 and July 1943 and with having committed seven murders himself. He was sentenced to life imprisonment and deprivation of honourable civil rights for life. The War Crimes Mission in Poland requested his extradition on 13 December 1949.

Source: BA L, Ks 15/49, *passim*, Judgment in the case of Martin Weiss and August Herring, 3 February 1950.

**August Herring** (born 15 October 1910 in Hibarden) – belonged to the Einsatzkommando 3 in Kaunas; at the beginning of September 1941, he was transferred to the Kommandeur der Sicherheitspolizei und des SD Litauen, Aussendienststelle Wilna. He was proven to have played an instrumental role in the murder of at least 4,000 people, mainly of Jewish origin, in Ponary between September 1941 and the



end of May 1942. Also, he murdered a woman named Kenska in Vilnius at the end of 1941. He died on 17 November 1992 at the age of 82.

Source: BA L, Ks 15/49, *passim*, Judgment in the case of Martin Weiss and August Herring, 3 February 1950; E. Klee, *Das Personenlexikon zum Dritten Reich*, Frankfurt am Main 2003, p. 246.

**Heinrich Lohse** (born 2 September 1896 in Mühlenbarbek near Itzehoe, died 25 February 1964 in Mühlenbarbek) – from 1923 in the NSDAP, from 1924 Member of Parliament in Altona for the National Socialist Bloc, from 1925 Gauleiter in Schleswig-Holstein, from 1932 Member of the Reichstag, from 1933 Oberpräsident of Schleswig-Holstein, in 1934 Gruppenführer SA, between 1941 and 1944 Reichskommissar for the Baltic States in Riga, Head of the Civil Administration of the Baltic States, from 1942 also of Belarus. In 1945, he was captured by British troops. He was tried in 1948 and sentenced to 10 years' imprisonment. In 1951, after only three years in prison, he was released early on health grounds. In 1960, Lohse was retried at the Regional Court in Itzehoe.

Source: H. Weiß, *Biographisches Lexikon zum Dritten Reich* (Frankfurt am Main, 1998), pp. 304–305; BA L, B 162/29571, Minutes of the interrogation of the defendant Heinrich Lohse, 7 July 1960, pp. 12–17.

**Heinrich Ditz** – from February 1942 to March 1944, he was employed with the rank of SS-Obersturmführer at the Kommandeur der Sicherheitspolizei und des SD Litauen, Aussendienststelle Wilna, and headed Division V there. In the middle of 1942, he participated in the shooting of a Jewish interpreter in Ponary, and in the autumn of 1942 – in the execution in Ponary of at least 20 Jewish men, women and children. During the so-called national ghetto operation, he guarded the unloading of railway wagons at the Ponary railway station.

Source: *Die geheime Notizen des K. Sakowicz, Dokumenten zur Judenvernichtung in Ponary*, ed. by R. Margolis and J.G. Tobias (Nürnberg, 2003), p. 4.

**Albert Filbert** (born 8 May 1905 in Darmstadt) was educated at a banking school and then at the Faculty of Law in Worms. In 1932, he joined the NSDAP and the SS. In 1934, he obtained his doctorate in legal sciences at the University

of Giessen. In 1936, with the rank of SS-Untersturmführer, he was employed in Department III of the SS Main Office, which was responsible for the RSHA's foreign intelligence service. In 1939, he became deputy chief of Office VI of the RSHA. From June 1941, he was commander of Einsatzkommando 9 in the USSR. In the autumn of 1943, he returned to work for the RSHA in Department V, where he led the group for combating economic crime until 1945. Arrested on 25 February 1959 and imprisoned in Moabit prison in Berlin. Prisoner no. 2806.61.

Source: AIPN, 3P (K) Ks1.62 (23.61), ff. 1–4, Criminal case of the Landgericht in Berlin against Alfred K.W. Filbert, Gerhard O.P. Schneider, Bodo Struck, Wilhelm Greiffenberger, Konrad Fiebig, Heinrich Tunnat, Judgment against Albert Filbert, 22 June 1962; Bundesbeauftragte für die Unterlagen des Staatssicherheitsdienstes der ehemaligen DDR (BStU Berlin), MfS-HA IX/11 PA 2985, pp. 4, 34.

**Władysław Butkun** *vel* **Vladas, Vincenzo Butkūnas** (born 5 March 1916 in Nowinki, Świeciany) – both his parents were Polish; in March 1938, he was drafted into the 32nd Infantry Regiment of the Polish Army in Modlin. He took part in the war against Germany, was wounded and ended up in a prisoner-of-war camp in East Prussia. As a reservist, he reported for duty at the military barracks in Vilnius. There, he changed his name to Vladas Butkūnas. He served in the Lithuanian unit of the 2nd Railway Protection Regiment. Butkūnas joined the Vilnius unit because he feared being drafted into the army and serving at the front. He served in the unit until July 1944. He then retreated with the Germans to Kaunas and Tylża and took part in escorting a transport of Jews to the vicinity of Toruń. After the war, he went into hiding for many years. During his trial before the Voivodeship Court in Warsaw, he declared that he was of Polish nationality.

Source: SWwW, IV K 130/73, fol. 43, Criminal case against Józef Miakisz, Władysław Butkun, Jan Borkowski, Minutes of the interrogation of the suspect Władysław Butkun, 10 August 1972; A. Bubnys, *Vokiečių sauguno policijos ir SD Vilniaus ypatingasis būrys* (Vilnius, 2019), p. 58.

**Józef Miakisz** *vel* **Juozas Kristupo Mekišius** (born 13 May 1911 in Mielegiany near Vilnius) – between 1933 and 1934, he served in the 13th Infantry Regiment in Pułtusk near Warsaw, and 1939, for several months, in the 85th Infantry Regiment in Lvov. In 1939, he went to Vilnius and worked as a postman until 1941. In July 1941, he joined a special unit in Vilnius as a volunteer and changed his name

to Juozas Mekišius; in the same month, he received his first order to convoy car transports of Jews from Vilnius to Ponary. Before the Red Army entered Vilnius, he made his way to Kaunas and Tylża and then took part in escorting a transport of Jews to the vicinity of Toruń. After the war, he went into hiding for many years. During his trial before the Voivodeship Court in Warsaw, he declared that he was of Polish nationality.

Source: SWwW, IV K 130/73, Criminal case against Józef Miakisz, Władysław Butkun, Jan Borkowski, Minutes of the interrogation of the suspect Józef Miakisz, 8 June 1972, ff. 35–38; A. Bubnys, *Vokiečių sauguno policijos ir SD Vilniaus ypatingasis būrys* (Vilnius, 2019), p. 58.

**Jan Borkowski** *vel* **Jonas Igno Barkauskas** (born 15 October 1916 in Niderkuny) – from 1934, he served in the 20th Battalion of the Border Guard Corps in Nowe Świąciany, in 1937 he began service in the 29th regiment of the “Strzelcy kaniowscy” (Kaniów riflemen), and in 1939–1941 he was a contract employee of the 235th regiment of the Red Army. In August 1941, he joined the Sonderkommando in Vilnius. Before the Red Army entered Vilnius, he made his way to Kaunas and Tylża and then took part in escorting a transport of Jews to the vicinity of Toruń. After the war, he went into hiding for many years. During his trial before the Voivodeship Court in Warsaw, he declared that he was of Polish nationality.

Source: SWwW, IV K 130/73, ff. 78–97, Criminal case against Józef Miakisz, Władysław Butkun, Jan Borkowski, Minutes of the interrogation of the suspect Jan Borkowski, 24 January 1973; A. Bubnys, *Vokiečių sauguno policijos ir SD Vilniaus ypatingasis būrys* (Vilnius, 2019), p. 57.

**Wiktor (Witold) Gilwiński** *vel* **Viktoras Macėjus Galvanauskas** (born 26 August 1912 in Vilnius) – served in the 33rd Infantry Regiment in Łomża from 1933 to 1936. He joined the special unit because of difficulties finding a job in Vilnius. On 3 June 1977, he was sentenced to 25 years’ imprisonment by the District Court in Olsztyn for his participation in the mass murders in Ponary.

Source: OKGd, S 87/06/Zn, Vol. 12, Investigation of crimes committed against persons of Jewish nationality between 1941 and 1944 in the former voivodeship of Vilnius, Minutes of the interrogation of the suspect Witold Gilwiński, 26 August 1976, ff. 2343–2345; Sąd Wojewódzki w Olsztynie [Voivodeship Court in Olsztyn], Sentence of the Voivodeship Court in Olsztyn in a case against Witold Gilwiński, II K 59/76; A. Bubnys, *Vokiečių sauguno policijos ir SD Vilniaus ypatingasis būrys* (Vilnius, 2019), p. 61.

**Aleksandras Lileikis** (born 10 July 1907 in the present-day Paprūdžiai near Szawle in the Kaunas district, died on 27 September 2000 in Vilnius) – was a professional Sauguma officer since 1929. Before the war, he served as deputy chief in the Mariampol district. He was transferred to Vilnius as deputy chief after the city was ceded to Lithuania by the Soviet authorities in 1939. In June 1940, when the Soviets took control of Lithuania, he fled to Germany and asked for German citizenship. Still, his application was not processed until the outbreak of the German-Soviet war in June 1941. In August 1941, he was appointed head of the Vilnius district, fled to Germany in 1944, and emigrated to the USA after the war, where he unsuccessfully applied several times to the Displaced Persons Commission for a displaced person status and then a refugee status. On 2 May 1995, the General Prosecutor's Office of the Republic of Lithuania initiated a criminal action against him under Article 18 Part 6 of the RL's Criminal Code and Article 1 of the RL's Act "On Responsibility for Genocide of the Lithuanian People." On 3 July 2000, the criminal case was suspended due to Lileikis' ill health, preventing him from attending the trial. He died of a heart attack at the age of 93 in the Vilnius University clinic.

Source: Lietuvos Centrinis Valstybės Archyvas, F. 337, Ap. 17, fol. 2741, List of employees of the Lithuanian police, January 1937; BDC Berlin Document Center, Request to grant German citizenship to Aleksander Lileikis; LYA, F.K. 1, Ap. 46, B. 1189, The A. Lileikis case, fol. 72; "Nie odpowie za Holocaust," *Gazeta Wyborcza*, 28 September 2000.

**Franz Juganowicz Murer**, known as the "Vilnius Butcher" (born 24 January 1912 in Sankt Georgen ob Murau in Austria, died on 5 January 1994) – at the beginning of his career, he was an Austrian non-commissioned officer with the rank of SS-Oberscharführer. Before his transfer to Vilnius, he served as deputy commander of the Hitlerjugend in Nuremberg between 1941 and 1943. From July 1943 onwards, he was adjutant to Vilnius District Commissar Hingst and desk officer of the Commissariat for Jewish Affairs (replacing SS-Oberscharführer Bruno Kittel in this position). In addition to the organisation of the ghetto, his duties included the handing over of the ghetto population to the punitive authorities for execution by firing squad. After the war, Murer moved to Styria in Austria. In 1947, he was recognised and arrested. In December 1948, he was deported to

the Soviet Union. Tried in Vilnius, he was found guilty of the murder of Soviet citizens and sentenced to 25 years of hard labour before being handed over to the Austrian authorities in 1955. Simon Wiesenthal managed to bring him back to trial in 1963. The trial in Graz, Austria, lasted a week and ended with Murer's acquittal.

Source: OKGd, S2/00/Zn, Vol. 4, Letter from the Ministry of the Interior informing on the conduct of preparatory proceedings by the State Security Committee of the Council of Ministers of the LSSR in cases of crimes committed by the Hitlerites between 1941 and 1944 on the territory of the LSSR, 9 July 1969, fols 714–716; *The Complete Black Book of Russian Jewry*, ed. by I. Ehrenburg, V. Grossman, and D. Patterson (New Brunswick NJ, 2003), p. 249.

## BIBLIOGRAPHY

### Archival Sources

- Archiwum Instytutu Pamięci Narodowej [Archives of the Institute of National Remembrance], Operational group reports; Criminal cases of National Socialist criminals; The Martin Weiss case file.
- Bundesarchiv Ludwigsburg, B 162 Group of records; Ks 15/49, Judgment in the case of Martin Weiss and August Herring, 3 February 1950; Ks 1.62 (23.61), Judgment in the case of Albert Filbert, 22 VI 1962 r.
- Central Archives of the Ministry of Defence of Russia in Moscow, Report and Addendum to the Report drawn up in connection with the genocide in Ponary, a village of the Vilnius region, introduced at a rally of the inhabitants of Ponary, Nowosiołki and Chotbej on the basis of their testimonies on the above matter, 14 July 1944.
- Latvijas Valsts Vēstures Arhīvs Rīga, Report of the Extraordinary State Commission for Investigating Crimes Perpetrated by the German-Fascist Invaders and their Accomplices.
- Lietuvos Ypatingasis Archyvas Vilnius, The A. Lileikis case; Minutes of court sessions of individual Tribunals; Criminal cases of individual war criminals.
- Oddziałowa Komisja Ścigania Zbrodni przeciwko Narodowi Polskiemu w Gdańsku [Branch Commission for the Persecution of Crimes against the Polish Nation in Gdańsk], Investigations into National Socialist crimes committed between 1941 and 1944 in the former Vilnius province.
- United States Holocaust Memorial Museum in Washington, Criminal cases of the Staatsanwaltschaft Graz against war criminals from the Reichskommissariat Ostland; Criminal cases of the Landesgericht Wien against war criminals from the Reichskommissariat Ostland.

### Studies

- Aleksandrow G.N., *Norymberga wczoraj i dziś* (Warsaw, 1974).
- Barcz J., *System prawny RFN wobec norm prawa międzynarodowego – doktryna i praktyka konstytucyjna* (Warsaw, 1986).
- Becker M., *Sądownictwo niemieckie i jego rola w polityce okupacyjnej na ziemiach polskich wcielonych do Rzeszy 1939–1945* (Warsaw, 2020).

- Cyprian T., Sawicki J., *Nieznana Norymberga. Dwanaście procesów norymberskich* (Warsaw, 1965).
- Die geheime Notizen des K. Sakowicz, Dokumenten zur Judenvernichtung in Ponary*, ed. by R. Margolis and J.G. Tobias (Nürnberg, 2003).
- Gilbert G.M., *Dziennik norymberski* (Warsaw, 2012).
- Heydecker J.J. and Leeb J., *Proces w Norymberdze* (Warsaw, 2009).
- Kaniewski S., "Główna Komisja Badania Zbrodni przeciwko Narodowi Polskiemu – Instytut Pamięci Narodowej. Kierunki i perspektywy działań," *Studia Juridica* 35 (1998).
- Kobierska-Motas E., *Ekstradycja przestępców wojennych do Polski z czterech stref okupacyjnych Niemiec 1946–1950*, part 1 (Warsaw, 1991).
- Lichtblau E., *Sąsiedzi naziści. Jak Ameryka stała się bezpiecznym schronieniem dla ludzi Hitlera* (Warsaw, 2015).
- Machnikowska A., *Wymiar sprawiedliwości w Polsce w latach 1944–1950* (Gdańsk, 2008).
- Plesch D., *Human Rights After Hitler: The Lost History of Prosecuting Axis War Crimes* (Washington, 2017).
- Przedawnienie i ściganie zbrodni przeciwko pokojowi, zbrodni wojennych i zbrodni przeciwko ludzkości w systemie prawa RFN. Materiały z konferencji naukowej, Warszawa 28 IV 1980*, ed. by J. Barycz and P. Maćkowiak, 'Studia z dziedziny stosunków prawnych z zagranicą' Series (Warsaw, 1981).
- Rojsowska E., "Wpływ dekretów radzieckich Rady Najwyższej ZSRS na polskie prawo karne dotyczące karania zbrodniarzy wojennych," *Studia Prawnoustrojowe* 15 (2012).
- Rottleuther H., "Karrieren und Kontinuitäten deutscher Justizjuristen vor und nach 1945. Mit allen Grund- und Karrieredaten auf beilegender CD-ROM," *Schriftenreihe Justizforschung und Rechtssoziologie* 9 (2010).
- Rückerl A., *Nazistowsky przestępcy przed sądem* (Heidelberg, 1982).
- Sawicki J., Waławski B., *Zbiór przepisów specjalnych przeciwko zbrodniarzom hitlerowskim i zdrajcom narodu z komentarzem* (Cracow, 1945).
- Ściganie i karanie sprawców zbrodni wojennych i zbrodni przeciwko ludzkości (wybór dokumentów), ed. C. Pilichowski (Warsaw, 1978).
- Sołga R.H., *Niemcy o Niemcach. Bilans ścigania zbrodniarzy hitlerowskich w Republice Federalnej Niemiec* (Warsaw, 1988).
- Tomkiewicz M., *Więzienie na Łukiszkach w Wilnie 1939–1953* (Warsaw, 2018).
- Tomkiewicz M., *Zbrodnia ponarska 1941–1944* (Warsaw, 2022).

Tomkiewicz M., *Zbrodnia w Ponarach 1941–1944* (Warsaw, 2008).

Weiß H., *Biographisches Lexikon zum Dritten Reich* (Frankfurt am Main, 1998).

Алексеев Н.С., *Злодеяния и возмездие. Преступления против человечества* (Moscow, 1986).

Кожевников М.В., *История советского суда 1917–1956 гг.* (Moscow, 1957).

## SUMMARY

The Ponary massacre, the majority of whose victims were Polish citizens of Jewish nationality, was the subject of criminal proceedings in several legal systems: Polish, German, Lithuanian, Soviet and Austrian. Its aspects were also dealt with at the International Military Tribunal in Nuremberg in the so-called “Trial of the Major War Criminals.” The defendants were accused of committing war crimes and crimes against humanity in violation of the Hague Convention of 1907, the Geneva Convention of 1929 and the general principles of criminal law derived from the laws of all civilised nations. On 20 December 1945, the Allied Control Council issued the Law On the Punishment of Persons Guilty of War Crimes, Crimes against Peace and Crimes against Humanity. On its basis, France, the United Kingdom, the United States and the Soviet Union were able to set up courts to try war criminals in their respective occupation zones. The first trials of the perpetrators of the Ponary crime before Polish courts took place in 1949 after the extradition of the perpetrators and the recognition that their acts had been committed on Polish territory. These were the proceedings of the Court of Appeals in Warsaw against Eugen Faulhaber and the Court of Appeals in Warsaw against Arkadiusz Sakalauskas. Subsequent trials – before the Voivodeship Court in Warsaw in 1974 against Jan Borkowski, Władysław Butkun and Józef Miakisz, and before the Voivodeship Court in Olsztyn in 1976 against Wiktor (Witold) Gilwiński – concerned the crimes that had been committed on the territory of the LSSR. Law no. 13 of the Allied Control Council of 1 January 1950 lifted the restrictions imposed on German courts. From then on, they could also adjudicate crimes committed against persons other than German citizens. The German Democratic Republic, on the basis of a constitutional provision, introduced the rule that the principles of international law apply to domestic law. Its Criminal Code of 1968 included a provision on the non-applicability of statutory limitations to crimes against peace, crimes against humanity and crimes against



human rights, which also included criminal sanctions for the perpetration of individual acts. The Federal Republic of Germany, contrary to international law, did not acknowledge the war crimes and crimes against humanity committed during the Hitler era as being of a unique or extraordinary nature. These crimes were treated as ordinary crimes. In the face of protests coming from all over the world, the German authorities extended the deadline for the prosecution of Hitlerite crimes from the end of 1969 to the end of 1979. Poland, on the other hand, was one of the first countries to issue a special criminal law, namely the Decree of 31 August 1944, "On the Punishment of Fascist-Hitlerite Criminals." Under this law, the punishment of perpetrators of Hitlerite crimes is still in force today. The question of the USSR's responsibility for both aggression and crimes committed during World War Two is entirely different. Due to the artificially introduced principle that "the victors are not judged," this issue was not discussed in the great powers' post-war agreements. The Soviet Union, as the main victorious state in World War Two, was treated exceptionally in the international arena. The Lithuanians, on the other hand, paid a considerable price – they lost their territorial and political integrity to the USSR and were sovietised in their entirety. Lithuania continues to have a big problem with coming to terms with its past. Condemnation and punishment of the still-living perpetrators of crimes committed against Jews and representatives of other nationalities during World War Two encounters resistance from the public. The issue of applicability of the statute of limitations to the crime of genocide has become a political problem, as can be seen from the criminal trials against commanders of the Lithuanian Security Police, which had been ongoing for many years. In Austria, too, several criminal trials were held in which direct perpetrators of the Ponary massacre and members of Einsatzkommando 3 of Einsatzgruppe A sat in the dock.

#### KEYWORDS

- Vilnius • Ponary • extermination • Northern-Eastern Borderlands
- Second Republic • Polish legal system • German legal system
- Soviet legal system • International Military Tribunal in Nuremberg
- Lithuanian legislation