

**“Military Justice from the perspective of the 14th Infantry
Division in 1945-1957”**

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The problem of military judiciary has not yet been described in detail by researchers of this issue. Recently, the subject matter of the activities of the Military District Courts and to a lesser extent the Military District Prosecutors' Office is the dominating phenomenon. The works of R. Ptaszyński¹, B. Łukaszewicz,² J. Żelazko³, K. Szwagrzyk⁴ and R. Leśkiewicz⁵ come to the fore. Filip Musiał⁶, Maria Turlejska⁷, Andrzej Rzepliński⁸ and Jerzy Poksiński⁹ referred to the general problem of the judiciary after 1944 (including the military one). The works of Adam Lityński¹⁰ and Tadeusz Maciejewski¹¹ should also be considered valuable in this matter.

In addition to the activities of the Military District Courts and Military District Prosecutors' Offices, the functioning of the military courts after the Second World War should be mentioned. It is impossible not to mention here the works of Marcin Zaborski¹² and Bogdan Dziecioł¹³

¹R. Ptaszyński "Military District Court and Military District Prosecutor's Office in Szczecin in 1946-1955" Szczecin 2010,

²B. Łukaszewicz "Military District Court in Olsztyn 1946-1955. Sketches for the monograph "Olsztyn 2000,

³J. Żelazko "People's Justice. Convicted by the Military District Court in Łódź 1946-1955 "Łódź 2007,

⁴R. Leśkiewicz "Organization and activity of the Military District Court in Poznań 1946-1955. The apparatus of repression in People's Poland 1944-1989 "No. 1/2/2005; idem" Military District Court in Poznań 1946-1955. Organization, functioning, actogenic processes "Warsaw-Poznań 2009.

⁵K. Szwagrzyk "Głogoła Wrocławska 1945-1956" Wrocław 1996, idem "Military District Court in Wrocław" Wrocław 2002,

⁶R. Leśkiewicz "Organization and activity of the Military District Court in Poznań 1946-1955. The apparatus of repression in People's Poland 1944-1989 "No. 1/2/2005; idem" Military District Court in Poznań 1946-1955. Organization, functioning, actogenic processes "Warsaw-Poznań 2009.

⁷R. Leśkiewicz "Organization and activity of the Military District Court in Poznań 1946-1955. The apparatus of repression in People's Poland 1944-1989 "No. 1/2/2005; idem" Military District Court in Poznań 1946-1955. Organization, functioning, actogenic processes "Warsaw-Poznań 2009.

⁸R. Leśkiewicz "Organization and activity of the Military District Court in Poznań 1946-1955. The apparatus of repression in People's Poland 1944-1989 "No. 1/2/2005; idem" Military District Court in Poznań 1946-1955. Organization, functioning, actogenic processes "Warsaw-Poznań 2009.

⁹R. Leśkiewicz "Organization and activity of the Military District Court in Poznań 1946-1955. The apparatus of repression in People's Poland 1944-1989 "No. 1/2/2005; idem" Military District Court in Poznań 1946-1955. Organization, functioning, actogenic processes "Warsaw-Poznań 2009.

¹⁰R. Leśkiewicz "Organization and activity of the Military District Court in Poznań 1946-1955. The apparatus of repression in People's Poland 1944-1989 "No. 1/2/2005; idem" Military District Court in Poznań 1946-1955. Organization, functioning, actogenic processes "Warsaw-Poznań 2009.

¹¹R. Leśkiewicz "Organization and activity of the Military District Court in Poznań 1946-1955. The apparatus of repression in People's Poland 1944-1989 "No. 1/2/2005; idem" Military District Court in Poznań 1946-1955. Organization, functioning, actogenic processes "Warsaw-Poznań 2009.

¹²M. Zaborski "The structure of military courts in Poland in the years 1944-1955" Lublin 2005; idem "Tasks of military courts in Poland in 1944-1956" "Palestra" 2004, no. 7-8; idem "Training of new type judges in People's Poland, part I Secondary Law Schools, Palestra 1998, No. 1-2, idem "Special Military Courts in Poland in 1944-1955 (PKP Military Court, KBW Military Court and Military District Courts) Palestra No. 3-4, 2004; idem "They sentenced to death. Training of military judges in Poland in 1944-1956 [in] The hidden countenance of the communist system. At the source of evil ..., ed. R. Backer, P. Hubner, Warsaw 1997.

(describing the military judiciary before 1989, however, the substantive value of these works is a serious source material) and Eugeniusz Bandosz (Col. LWP)¹⁴ and the LWP itself.¹⁵

In addition to the authors mentioned above, Robert Ostafiński-Bodler¹⁶ has raised the topic of military judiciary as well. The role and operation of Military Information cannot be omitted in this work, however, few publications have appeared on this subject so far.¹⁷

One should also agree with the commonly accepted view of Andrzej Rzepliński and Krystyna Kersten that one cannot lose sight of the fact that the principles of the judicial system in a constitutional state should include:

1. independence of the courts from the executive and legislative authorities,

¹³B. Dzięcioł "The role of the military judiciary in building and consolidating the People's Authority in Poland 1944-1948", doctoral dissertation written in the Department of the History of Polish People's College of Social Sciences at the Central Committee of the Polish United Workers' Party under the guidance of doc. dr hab. Ryszard Halaba, Warsaw 1977 (the work was awarded the 3rd degree prize of the Minister of the Interior on 07.10.1977) WiH, MiD IV / 96/186; idem "Securing the discipline and combat readiness of the LWP's tactical and operational unions by the war judiciary in 1943-1945" habilitation dissertation, Warsaw 1986, BAON; idem "Judiciary of the LWP. Military Legal Review "1977, No. 01; idem" POW Court in the first period of activity March 1-December 17, 1945, part. II. Jurisdiction, prevention, training. " Military Legal Review, 1984, No. 3; idem "Supreme Military Court during the period of activity of the Polish Committee of National Liberation 02.09.-31.12.1944, typescript [in] Military Historical Research Office in Warsaw reference number IV / 96/176; idem "Central organs of the military judiciary in the years of struggle to consolidate people's power in Poland 1945-1947" Military Legal Review 1973, no. 04.

¹⁴E. Bandosz "The history of the organs of the military prosecutor's office of the Polish Army in 1943-1945" Warsaw 1987, typescript in the collection of the "Karta" Center in Warsaw, idem "Development of military criminal law in 1943-1945" Military Historical Review "1986. , No. 4.

¹⁵ Błagowieszczański I. "Polish military act in World War II. T.3. Polish People's Army 1943-1945 "Ed. MON, 1973, Huszcza Z. "From the history of the Pomeranian Military District 1945-1948" Military Historical Review, 1963, No. 3-4, Jadziak E. "Polish People's Army in combat, service and work in western and northern territories 1945-1950 "Poznań Publishing House, Poznań 1983, Jurgielewicz W. "Polish People's Army 1943-1973 materials from the international scientific conference on the occasion of the XXX anniversary of the Polish People's Army September 5-6, 1973 " WIH, WAP, ASG, ed. MON. 1974, Kajetanowicz J. "Polish Army in the State Security System 1945-2010" Częstochowa 2013, Kajetanowicz J. "Polish Land Forces 1945-1960, combat composition, organizational structures and armament" Toruń 2005, Kospath-Pawłowski E. "Glory and betrayal, Polish Army in the East 1943-1945" Warsaw 2010, Mierzejewski D., Sadowski S., "Outline of the history of the Pomeranian Military District 1919-1994" Bydgoszcz 1994, Karnowski A. "Pomeranian Military District 1945-1987 outline of history "Bydgoszcz 1989, Babula J." Polish Army 1945-1989 An attempt at operational analysis "Ed. Bellona, Warsaw 1998,

¹⁶R. Ostafiński-Bodler "Military courts in the Polish Armed Forces and their competence in criminal cases 1914-2002" Toruń 2002

¹⁷Z. Palski "Military Information in 1943-1957. Military counterintelligence or political police "Warsaw 2001 and W. Tkaczew". Establishment and activity of the Polish Army Information Bodies in 1943-1948. Military counterintelligence. " Warsaw 1994

2. monopoly of courts for the final resolution of legal disputes,
3. rational court proceedings,
4. good organization of the court structure and management of the courts,
5. good emolument of the magistracy, judicial staff and courts, starting from court buildings corresponding to the dignity of publicly administered justice.¹⁸

This work pointed relationship of the USSR with the generally understood military justice system after 1944 and its impact on the activity of the judiciary (Soviet literature, cadres or organization of military courts), but thanks to the false impression of legal authority, an organized system of repression and control was created. It is also impossible to resist the impression that after the seizure of the country by the communist authorities, the military judiciary was to fulfil a specific role in that it was regulated by order, briefing or talk. This in turn could cause uncertainty, lack of self-reflection or independence in the thinking of a military judge or prosecutor.

It is also worth mentioning that the judiciary, and especially the military judiciary, inspired natural fear during the post-war period. The Military District Courts, functioning as "extraordinary military courts", which were not included in the provisions of the PKWN Decree of September 23, 1944 "Law on the structure of military courts and military prosecutor's office " played an infamous role only to "disappear" in 1955.

The time-limits of this work close in 1945-1957, i.e. the formation of the 14th Infantry Division to the end of its existence in 1957. The author of the work was particularly eager to show its "military" side and illustrate the reader a different point of view, in particular the view on the Polish Army cadre, characteristics of crimes, a different dimension of punishment than the one in the Military District Courts or the "climate" and the specifics of difficult post-war years in Poland and military units. What draws attention is primarily the sovietization of the army, the brutality of superiors or general demoralization of soldiers, impudence

¹⁸A. Rzepliński "Adaptation of the judiciary system to the needs of the totalitarian state in Poland in 1944-1956 [in] Crimes of judges and prosecutors ... p. 11 and K. Kersten" Stalinism in Poland (1944-1956) [in] Stalinist law. Selected issues "Warsaw 1992 (" Studies Iuridica" vol. 22) p. 9.

and rapes, robberies and plain drunkenness. The instability of soldiers' and staffs' situation was intensified by the emerging military health service, the lack of housing for the army or long separation from the family (training grounds, lack of passes and constant stay in the barracks), and there was also a deficit of all kinds of products.

The aim of this work was to show, on the example of a specific tactical relationship, many problems of the emerging military justice system just after the war. Was the jurisdiction of the 14th Infantry Division as strict as Military District Courts or other military courts? What were the staff and was the number of military judges and prosecutors sufficient for the cases? What were the relations between judges, military prosecutors and defenders? Another important purpose of the work was to answer the question whether military judges and prosecutors could be independent of NSW (the Supreme Military Court), military or political authorities.

Answering the question about the level of education of judges, prosecutors or investigating officers in the 1940s and 1950s was also very important for this work. Were they primitive, uneducated people or did they graduate from pre-war universities? The author, despite the fact that many documents were missing, defective or destroyed earlier, tried to answer the question what was the impact of the Polish Army on the judiciary of individual divisions, and how did circulars, decision of superiors, the order or the "expectation" of superiors regarding the judgment affect judges and military prosecutors. An important element of the work was at least an attempt to answer the question about the severity of punishments, the activities of commanders of individual military units included in the division or the role of investigation officers and talks with soldiers. The role of the political and educational apparatus and the "discussion" on "hostile elements" in the West and the attitude of soldiers and staff towards "imperialists" as well as the Roman Catholic church and its role after 1945 cannot be omitted in the work. The author also tried to depict the cooperation of law enforcement authorities, in particular the activity of the Polish Army Information.

The work is divided into nine chapters and subchapters. First, the author described the problem of sources of law in the Polish Army, their (unclear) establishment and interpretation problems in its application.

The existence of "two" Polish armies, gen. Berling's and general Anders' and problems related to creating the foundations of military law codes. In addition, the author later describes the legislation after 1944 and a large number of so-called decrees, both systemic ones and those regarding the subjectivity of soldiers of the Polish Army to the jurisdiction. In the following chapters, the author presents the creation of the 14th Infantry Division initially in Bydgoszcz, and basically the formation of structures of the prosecutor's office and the division's judiciary "from scratch" as well as its participation in agri-seeding works and the deployment of the division into the Lublin region. At the same time, in connection with the dismantling of the Military Field Court, soldiers from the division became subjective to operating in the Lublin region - Military District Court in Lublin. The further part of the work presents the process of the division's deployment in the Wałcz garrison since 1949. At that time Military Garrison Prosecutor's Office in Wałcz and the Military Garrison Court in Wałcz are being created. Then, after dismantling the court and the prosecutor's office, the appropriate court for the soldiers of the 14th Infantry Division becomes respectively, the Court of the 1st Infantry Corps and the Court of the 1st Army Corps. In chapters 6 and 7 of the work, the author describes the gradual reduction in the number of soldiers in the division and its disintegration. From the saved documents regarding the activities of the 14th Infantry Division - Military Information, the author attempts to show how this formation works on the example of specific cases.

As part of this study, I used many archives, sources and materials that were available to me. First, the author used civil archival materials available in the Archives of the Institute of National Remembrance Branch in Szczecin, Archives of the Institute of National Remembrance Branch in Gdańsk, Archives of the Institute of National Remembrance Branch in Poznań, Archives of the Institute of National Remembrance Branch in Bydgoszcz, Archives of the Institute of National Remembrance Branch in Lublin, Archives Institute of National Remembrance Branch in Rzeszów, Archives Institute of National Remembrance Branch in Warsaw, Archives of the Institute of National Remembrance Branch in Wrocław and Archives of the Institute of National Remembrance Branch in Łódź. In addition, I made a detailed analysis and enquiry of materials collected in all military archives in Poland. The Central Military Archives

in Warsaw, the Archives of the Ministry of National Defense in Modlin / Nowy Dwór Mazowiecki /, the Land Forces Archives in Toruń and the Military Archives in Oleśnica and the Navy in Gdynia should be mentioned here as well. The enquiry of the Archives of Air Forces in Modlin / Nowy Dwór Mazowiecki / did not show any connection with the subject of this work.

In addition, I used many available papers, press articles, interviews and source materials without which this work would not have been created.

I would like to thank all the people who contributed and helped me with the creation of this work.

I dedicate this work to my loved ones.