

# Institute of National Remembrance

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European Arrest Warrant for Stefan Michnik, a former judge of the Military District Court in Warsaw

The Branch Commission for the Prosecution of Crimes against the Polish Nation in Warsaw is conducting an investigation against Stefan Michnik, a former judge of the Military District Court in Warsaw. He is suspected of committing thirty crimes constituting communist crimes, falling within the scope of crimes against humanity, which involved issuing unlawful sentences adjudicating capital punishment and imprisonment for persons working towards sovereignty of the Polish State.

The suspected crimes were perpetrated in the years 1952- 1953 in Warsaw. In the course of the proceedings evidence material was gathered that gave grounds for assuming that judge Stefan Michnik compromised the principle of objectivity, and when ruling in criminal matters he was primarily guided by ideological premises, seeking physical elimination of people perceived by the former authorities as political opponents. His assessment of evidence was discretionary, without any objective evidence against the defendants, and thus he unjustifiably imputed alleged acts to them. Moreover, when forming

the punishment, he adopted a principle that the defendants "are highly dangerous for the rest of the society", not taking into account any circumstances in their favour (young age, no previous criminal record, repentance).

Stefan Michnik, among others, presided over a body of judges of the Military District Court in Warsaw, which in 5 January 1953 passed a death sentence on the activist of the independence organization "Kraj". Moreover, as the chairman of the formation of the Military District Court in Warsaw, on 3 March 1953 he handed down a death penalty to a courier of the Second Corps of General Władysław Anders. On 24 April 1953, judge Stefan Michnik gave a death penalty to a person accused of participation in the Union of Armed Struggle, Home Army and the "Freedom and Independence" Association. In fact, fulfilling professional military service during the Second Republic of Poland and formations, which were their continuation during the Second World War, led judge Stefan Michnik to pass a death sentence of 19 November 1951 to a Major of the Army Reserve on the grounds of his attempting to overthrow the system.

The charges against the former judge Stefan Michnik also involve repeated unlawful deprivation of liberty the persons who were in opposition to former authorities, including members of the Polish People's Party, the underground organizations such as "Kraj", "Ruch Uniwersalistów", by violating regulations of those times and prolonging temporary custody.

The suspect Stefan Michnik, who still holds Polish citizenship, has no permanent residence in Poland. He currently resides in the Kingdom of Sweden and at least since 2008 avoids any contact with representatives of the Polish judiciary and the Polish diplomatic mission. He also refuses to accept any correspondence concerning the investigation. This clearly indicates that the suspect uses the fact of living outside the country to obstruct the investigation carried out against him.

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