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Katyń before the *népbírószágok*: How the Hungarian people's courts suppressed the truth on the massacre of Polish officers

Abstract

As the judicial practice of the Hungarian people's courts (*népbírószágok*) in matters related to Katyń remains relatively unknown, this article's objective is to address this area of historical (as well as legal) research. It focuses on demonstrating general outlines of the problem by a detailed analysis of some of the most notable cases against Hungarian major war criminals. It seeks to explain the role these proceedings played within the policy of obliterating the memory of Katyń and why the members of pre-war ruling elite were charged on the grounds of their activities concerning the Katyń massacre. Furthermore, this article attempts to demonstrate in what way these accusations were important in proceedings against major Hungarian war criminals. What was the legal basis invoked whenever the defendants were accused of Katyń-related issues? How did the People's Courts handle these charges? And finally, what (if any) was the eventual role of the Soviets in the proceedings?

As the matter under examination lies at the crossroads of history and law (as legal judgments that mentioned Katyń in their content are the center of the analysis), the methodology used compiles the process traditionally used in historical research with standard legal interpretation tools. Combining both methods while analyzing the object through the lens of the judiciary perspective, this article places the outcomes of the examined legal proceedings in a broader historical context that allows noticing the legacies produced by People's Courts sealing the Soviet lies in mid 1940s.

This article posits that during proceedings and in judgments, Katyń was only discussed at the margins of primary considerations. Besides, at the current stage of scientific development, there's a lack of evidence that the Soviets exerted any pressures on the Hungarian judiciary, at least in the aspects concerning matters related to Katyń. Neither were they interested in using Hungarian judiciary channels to pursue their own specific Katyń-related goals, still less to use them as a tribune to minimize their failure in attributing the responsibility for this crime to the Nazis in Nuremberg. It seems, therefore, that Katyń-related cases before the *népbírószágok* were solely intra-domestically oriented, and their goals never went beyond one of the instruments of obliterating the memory of Katyń within Hungarian society. Still, they produced some concrete social effects nonetheless. Firstly, as

the criminal prosecutions were just only one of the plethora of instruments set in motion to eradicate the memory about Katyń in Hungary, their deterrent or dissuasive effect (especially during the Stalinist era) should not be underestimated. Secondly, by placing Katyń within the context of the anti-semitic crimes for which some of the defendants were sentenced to death, the legacy left by the People's Courts dramatically complicated the decoupling process of the Soviet murder of Polish officers from the rest of Nazi/Arrow Cross propaganda. This confusion makes the Katyń tragedy a hostage of the discussion on the People's Court's role as such. Finally, as the analysis below is limited to some most notable cases of Hungarian major war criminals, this article plays only an indicative role. Therefore, setting aside these conclusions, one should not forget that many additional questions (e.g. the total number of people sentenced or otherwise punished for "Katyń propaganda," comparative approaches with similar processes in other East-Central European states) still beg further research.

Keywords: Katyń, people's court, Hungary, retribution, antisemitism.

Introduction

The 1940 Katyń massacre holds a unique place in the Polish collective memory.¹ After the NKVD had shot 22,000 members pre-war elite² in a treacherous and unscrupulous manner,³ the USSR took efforts to wipe out the name "Katyń" from public debate all over the world. Nonetheless, despite a decades-long struggle for the truth, many issues related to the Katyń massacre have not been thoroughly researched yet.⁴ One such issue is the role that the Hungarian People's Courts (*népbíróságok*) played in maintaining the Soviet lies on their 1940 crime

¹ For the most recent authoritative list of publications on Katyń massacre and related issues: cf. D. Bębnowski, F. Musiał, "Introduction: The Katyń Massacre, Current Research (up to 2018)," *The Katyń Massacre: Current Research*, eds. D. Bębnowski, F. Musiał, Warszawa-Kraków 2020, pp. 8–57; see also S. Kalbarczyk, "The Murder of 7,305 Prisoners as Part of the Katyń Massacre in Light of Polish Historical Research: State of the Research. Research Postulates," [in:] *The Katyń Massacre: Current Research*, pp. 129–145.

² Polish state organs generally accept this death total. Cf. i.e. "Decision to Commence the Investigation into Katyń Massacre," Instytut Pamięci Narodowej, 1.12.2004, <https://ipn.gov.pl/en/news/77,dok.html> (accessed: 17.03.2021). See also cf. "The Katyń Massacre – Basic Facts," Instytut Pamięci Narodowej, 5.03.20202, <https://ipn.gov.pl/en/news/3921,Katyn-Massacre-Basic-Facts.html> (accessed: 28.12.2020) and the sources quoted therein. This number also seems to be accepted by other historians, who as a point of reference for calculations usually quote the so-called "Shelepin's memorandum" cf. e.g. *Katyń. Dokumenty zbrodni*, vol. 4. *Echa Katynia*, eds. W. Materski et al., Warszawa 2006, pp. 118–20, 332 f.; G. Sanford, *Katyn and the Soviet Massacre of 1940: Truth, Justice and Memory*, London 2007, p. 94.

³ For more details see *Katyń: A Crime without Punishment*, eds. A.M. Cienciala, N.S. Lebedeva, W. Materski, New Haven 2007, pp. 121–206. See also G. Sanford, *Katyn and the Soviet Massacre...*, pp. 90–96.

⁴ For more information on some gaps in the current scientific knowledge concerning the Katyń tragedy see the interview with Wojciech Materski: M. Replewicz, W. Materski, "Prof. Materski: Katyń jest nadal prawdą trudną do zaakceptowania dla Rosjan," *Dzieje.pl*, 3.04.2015 [updated 14.07.2016], <https://dzieje.pl/aktualnosci/prof-materski-katyn-jest-nadal-prawda-trudna-do-zaakceptowania-dla-rosjan> (accessed: 28.12.2020).

intended to obliterate of memory of Katyn. Although some singular cases have been analyzed slightly more thoroughly,⁵ a specific examination of judicial practice in this field is still not available.⁶

The analysis below attempts to fill this knowledge gap, but taking into consideration the thousands of decisions People's Courts issued during their five years of existence, this task borders on the impossible. Nonetheless, examining some proceedings against major Hungarian war criminals — if only because of their political consequences for later developments in this country — can deliver some starting material to build up a general outline of the problem sketched above. Consequently, as the analysis of other cases lies outside of the present article's scope, a more detailed examination of this topic (in Hungary and other East-Central European countries) still begs more exhaustive research. Thus the role of this article is to indicate the problem rather than dwell on details.

Although institutionally people's courts existed in different Eastern and East-Central European states, some objective factors advocate for putting the practices of the ones Hungary under special scrutiny.⁷ As such, without deny-

⁵ The fates of some members of Internationale Ärztzekommission have been already discussed elsewhere. See e.g. Attila Mester's doctoral thesis, where he analyzed Ferenc Orsos's story: A. Mester, *Katyn lengyel és magyar viszhangja 1943–1989*, doctoral thesis at Debreceni Egyetem, 2015, pp. 106–112, 115–122, 159–165, <https://dea.lib.unideb.hu/dea/handle/2437/221179> (accessed: 28.12.2020). See also the interview with Tadeusz Wolsza: M. Puchłowski, T. Wolsza, "Jak Sowietci mścili się na lekarzach katyńskich," *Interia Historia*, 20.04.2018, <https://nowahistoria.interia.pl/aktualnosci/news-jak-sowieci-mscili-sie-na-lekarzach-katynskich,nId,2571755> (accessed: 28.12.2020). On the fate of Alexandru Birkle see I. Constantin, "Rolul medicului legist român Alexandru Birkle în apărarea și susținerea adevărului cu privire la masacrele de la Katyn," [in:] *Polska i Rumunia: Od historycznego sąsiedztwa do europejskiego partnerstwa/Polonia si Romania, de la vecinătate istorică la parteneriatul european*, ed. S. Iachimovschi, Suceava 2009, pp. 259–264. See also M. Borák, "Zločin v Katyni a jeho české a slovenské souvislosti," [in:] *Evropa mezi Německem a Ruskem. Sborník prací k sedmdesátinám Jaroslava Valenty*, eds. M. Šesták, E. Voráček, Praha 2000, pp. 505–522 for an examination of the case of Slovak physician Jan Šubík. For Markov's story, see *Katyn. Dokumenty zbrodni*, vol. 4, pp. 401–418.

⁶ Some authors, even if they touch upon the judicial practice in Katyn-related cases, mention this problem at the margin of the main analysis. In this vein cf. e.g. A. Mester, "Katyn 'magyar áldozatai' a Rákosi-korszakban (1945–1956)," [in:] *Debreceni Szemle. Tudomány és kultúra* 24, 2016, no. 1, p. 29 f. Cf. e.g. K. Szerencsés, "Az ítélet: halál." *Magyar miniszterelnökök a bíróság előtt*, Budapest 2009, p. 23; K. Ungváry, *Magyar megszálló csapatok a Szovjetunióban, 1941–1944. Esemény — Elbeszélés — Utóélet*, Budapest 2015, p. 233.

⁷ For example, the period of existence and functioning of the people's courts, which was the longest in Hungary (1945–1950), Romania (May 1945–April 1946), Bulgaria (December 1944–March 1945), see A. Burakowski, "Bulgaria," [in:] *Sprawiedliwość, zemsta, rewolucja. Rozliczenia z wojną i okupacją w Europie Środkowej i Wschodniej*, red. A. Paczkowski, Gdańsk 2016, pp. 39–63 and A. Burakowski, "Rumunia," [in:] *Sprawiedliwość, zemsta, rewolucja...*, pp. 175–201 (notably: pp. 50, 57 ff., 188, 192, 196). Furthermore, the number of cases handled by the people's courts in Hungary was much higher than in other states. According to Ildikó Barna and Andrea Pető, "1 in 10 Hungarians had a personal knowledge of cases tried by people's tribunals: either they themselves were witnesses or defendants in such cases or because of the involvement of some

ing the existence similar proceedings in other countries of the region, it is clear that they did not have a comparable impact in matters related to Katyń, let alone on legacies in politics and the collective memory of society.

In essence, the consideration below seeks to answer the following questions. Firstly, what were the goals the Hungarian authorities wanted to achieve by using the judicial channels to eradicate the name “Katyń” from the collective memory, and — more precisely — what (if any) were the specific tasks attributed to the People’s Courts in the implementation of this policy? Secondly, why were members of the pre-war ruling elite charged on the grounds of their activities concerning the Katyń massacre, and how did these accusations influence proceedings against defendants in cases under examinations? Thirdly, what were the legal bases invoked in indictments and sentences? While analyzing the particular cases, another problem will be addressed: were the allegation tied to the previous Katyń-related activities handled in isolation or rather with some other accusations raised against the same defendant? Fourthly, this article seeks to outline the issue of Katyń before the Hungarian People’s Court from the Soviet perspective. As all of the proceedings under discussion here were taking place simultaneously with the Nuremberg trial, the question to what extent proceedings against Hungarian war criminals and the process before the International Military Tribunal informed each other will also be addressed. Lastly: this article will briefly address the legacy left by the proceedings under analysis, notably their influence on the perception of Katyń in Hungarian collective memory.

This article is divided into four parts. Part 1 restates some critical facts concerning the Katyń massacre to allow the reader a better understanding of the practices of the People’s Courts. Part 2 briefly outlines the legal framework within which the People’s Judging was operating. Part 3 is focused on the cases of major

family members in these proceedings,” I. Barna, A. Pető, *Political Justice in Budapest after World War II*, Budapest 2015, p. 1. The total number of persons sentenced by the people’s courts has been in dispute for many years: for the purpose of this article, I accept Tibor Zinner’s calculation, that is 27.000 persons punished in proceedings before the *népbíróóságok*, cf. T. Zinner, “Háborús bűnösök pereit. Internálások, kitelepítések és igazoló eljárások 1945–1949,” *Történelmi Szemle* 1, 1985, p. 137. See also L. Karsai, “Crime and Punishment: People’s Courts, Revolutionary Legality, and Hungarian Holocaust,” [in:] *Intermarium* 4, 2000–2001, no. 4, p. 5. On the total number of cases brought before the people’s tribunals in Romania — cf. *Final Report of the International Commission on the Holocaust in Romania Presented to Romanian President Ion Iliescu*, Bucharest 2004, Jewish Virtual Library, 11.11.2004, <https://www.jewishvirtuallibrary.org/jsource/Holocaust/Romania/twelve.pdf> (accessed: 5.01.2021). Chapter 12 is of particular interest regarding the subject of this article. On the practice of the Bulgarian courts — see A. Burakowski, “Bulgaria,” p. 57. In the case of Czechoslovakia the story seems to be a bit more complex, but the people’s court practice never attained the extent comparable with its Hungarian counterparts, cf. G. Gąsior, “Czechosłowacja,” [in:] *Sprawiedliwość, zemsta, rewolucja...*, pp. 63–97. Focusing on Hungary is also justified by the place the so-called “Katyń propaganda” occupied in information policy of the Hungarian fascists before 1945, and by the fact the Katyń question was touched upon during trials of some of the major Hungarian war criminals. Both problems are discussed on next pages of the present article.

Hungarian war criminals, which included direct references to issues related to Katyń. Part 4 pursues a comparative approach: it juxtaposes the Hungarian experiences with the judicial practice of other states of the region. The article closes with concluding remarks that summarize the most important findings of the analysis. Some comments on the legacies of the *népbíráskodás* jurisprudence for the next decades are also recapitulated therein.

Part 1

All facts restated in this Part are undisputed. In April 1943, Germans discovered the bodies of Polish Army officers previously held in the Kozielsk camp and murdered at Stalin's order issued on 5 March 1940, later accepted by all other members of the Politburo. As the Nazis did not confer the investigation of this case to the International Red Cross Committee,⁸ the German Health Ministry set up the International Commission of Physicians for Katyń (Internationale Ärztekommision von Katyn). Although it was composed of prominent experts in pathology and anatomy, all of its members (except prof. François Naville) were either citizens of satellite states of the Third Reich or countries under German occupation. Hungarian pathologist Ferenc Orsós played an instrumental role in the Commission's proceedings. He also co-authored theses of the inquiry protocol, which he handed over to the German Health Minister (*Reichsgesundheitsführer*) Leonard Conti at the press conference in Berlin on 4 May 1943.⁹ The Commission unequivocally supported Nazi claims that the actual perpetrators of Katyń crime were the Soviets.

Still, for Goebbels and his *Propagandaministerium* in general, the truth about Katyń was just a means to achieve political goals — never a goal in itself. In other words: by broadcasting the news about Katyń, the Nazis wanted, i.e., to incite fear among German populace so that they would be ready to sacrifice all they had (including their lives) in the upcoming fight against Red Army that was fast approaching German-held territories. Thus, by manipulating the findings on the Katyń massacre, Goebbels was transmitting a communique that people the Soviets would apprehend would be shot in the same manner as Polish officers in 1940.

⁸ W. Wasilewski, "The Katyń Issue: International Aspects during World War II," [in:] *The Katyń Massacre: Current Research*, p. 78; C. Weber, *Der Krieg der Täter. Die Massenerschießungen von Katyn*, Hamburg 2015, pp. 193 f., 199–202, 209.

⁹ T. Wolsza, "Katyń 1940: Witnesses and Testimonies from the Place of the Crime," [in:] *The Katyń Massacre: Current Research*, p. 99; A. Paul, *Katyń: Stalin's Massacre and the Triumph of the Truth*, Ithaca, NY, 2010, pp. 235 f.; C. Weber, *Der Krieg der Täter...*, pp. 214–216. For the text of protocols of the Commission and some other documents collected by Germans cf. "Protokol der Internationalen Ärztekommision," [in:] *Amtliches Material zum Massenmord von Katyn. Im Auftrage des Auswärtiges Amtes auf Grund urkundlichen Beweismaterials zusammengestellt*, Berlin 1943, pp. 114–118.

Secondly, while discussing Katyń-related issues, German media usually underlined — more or less drastically — that the “true murderers” were allegedly Jewish perpetrators acting under the guise of Communist ideology.¹⁰ Even though the press in Hungary was never totally controlled by the state (thus, not every journal was ready to accept the Nazi narrative), as the frontline neared the country’s border, the political influence of the fascists increased dramatically. From 1944 onward, it was mainly the Arrow Cross-aligned newspapers that discussed Katyń-related issues.¹¹ From 19 March 1944 onwards, when the Wehrmacht entered Hungarian territory, and the new pro-Nazi Cabinet presided by Döme Sztójay took over, the aggressive campaign linking Katyń with Jews along the lines of Nazi propaganda got even stronger. The message was disseminated by way of thousands of leaflets, posters, billboards, and other pictorial media, displayed all across the country until the end of WWII.¹² The Interior Minister also issued a special decree imposing mandatory screenings of Fritz Hippler’s documentary *Im Wald von Katyn*.¹³ According to its provisions, this film was to be shown before every other movie. Exhibitors who failed to comply with this administrative order were threatened to lose their operating permits.¹⁴ At this stage of WWII, the German and Hungarian narratives on Katyń were almost identical, and their bent was equal part antisemitic and anti-Bolshevik. In effect, in the upcoming fight with the Soviets, the fear of being shot by the Red Army on the spot made Hungarians ready to make extreme sacrifices.¹⁵ More importantly, this mass campaign affected — to the great surprise of the Soviet command — the staunch resistance of both of Hungarian army and civilian population.¹⁶ Thus the conquest of Hungary cost the Soviets dearly in terms of military personnel, and the casualties were

¹⁰ As C. Weber recently observed, “Goebbels integrated information related to Katyń in a much larger propaganda scheme, purposing to increase Germans’ readiness to maintain the efforts to sustain the war by broadcasting the fear about the extremely brutal consequences for them had the Red Army entered German soil (so-called *Kraft-durch-Furcht-Propaganda*). After the Battle of Stalin-grad, the Nazi propaganda machine produced horror pictures to demonstrate the ‘Jewish-Bolshevist Tyranny,’ and, in this way, salvage the undermined myth of German invincibility,” see C. Weber, *Der Krieg der Täter...*, p. 149 [transl. — A.G.].

¹¹ A. Mester, *Katyń lengyel és magyar visszhangja 1943–1989*, p. 117.

¹² *Ibid.*, p. 96.

¹³ The documentary was screened in Hungarian cinemas as *A katyni erdőben*. Parts of the film are accessible online: *A katyni erdőben-LIQiseW5erE*, <https://vimeo.com/211261902> (accessed: 9.01.2021).

¹⁴ A m. kir. belügyminiszter 102.294/1944. B. M. számú rendelete A katyni erdőben című mozgófénykép kötelező bemutatása, [in:] *Belügy Közlöny*, Budapest, 1944, Julius 2. 28 Szam. Nr. 460 p. 1080. The decree was adopted on 24.06.1944.

¹⁵ A. Mester, *Katyń lengyel és magyar visszhangja 1943–1989*, pp. 96–98.

¹⁶ K. Ungváry, *The Battle for Budapest: 100 Days in World War II*, transl. L. Löb, London-New York 2011, pp. 27–210.

particularly heavy in the siege of Budapest.¹⁷ In light of these facts the public sway of the Arrow Cross Party has been unequivocally established.¹⁸

Part 2

During WWII, Hungarian state organs (the army, police, gendarmerie, etc.) committed numerous crimes (both abroad and within their domestic jurisdiction). Therefore in 1945 the Hungarian Provisional Government launched the retribution policy. Its legal framework was determined, i.e., by decree 81/1945,¹⁹ which led to the establishment of 24 People's Courts (*népbíróságok*). These quasi-judicial organs had the exclusive competence to try persons accused of crimes explicitly enumerated in its text.²⁰ On the whole, the decree targeted two categories of criminals:

- a) war criminals (§§11 & 13 respectively);
- b) those who committed crimes against the people (§15).

While §11 targeted persons responsible for waging a war of aggression, §13 criminalized war crimes in a sense closer to the understanding of the term in the light of international law. So-called crimes against the people encompassed

¹⁷ According to Ungváry, who quotes Soviet sources, the Red Army sustained around 240.000 casualties (including 80.026 dead), see *ibid.*, p. 374. It's also worth pointing out the extreme cruelty with which the soldiers retaliated, which took shape of indiscriminate attacks on innocent civilians, murders on the spots, rapes, and mass deportation. See *ibid.* pp. 332–357. The terror was so drastic that Mátyás Rakósi, leader of the Hungarian Communist Party, begged the Soviet leadership to stop it, apparently fearing (and for good reason), that by murdering, raping and deporting innocent people Red Army gave credence the Arrow Cross slogans and — by doing so — interfered with the HCP's main goal of taking over the country, cf. L. Borhi, *Dealing with Dictators: The United States, Hungary and East Central Europe, 1942–1989*, Bloomington 2016, pp. 57 ff.

¹⁸ As a result, around 1944/1945 Hungarian society was profoundly afflicted with a version of the “Katyń syndrome,” which survived much longer the end of the war: A. Mester, *Katyń lengyel és magyar viszhangja 1943–1989*, pp. 99–101. Some of its traces were observable during the anti-Soviet insurrection of 1956. See A. Mester, “Katyń ‘magyar áldozatai’ a Rákosi-korszakban (1945–1956),” p. 34. However, a small number of liberals based in Budapest, who were members of the underground opposition movement, could distinguish the truth from falsehood and kept the Hungarian public informed on the issue through underground publications, see A. Mester, *Katyń lengyel és magyar viszhangja 1943–1989*, p. 249.

¹⁹ 81/1945. ME. számú rendelete a népbíróságokról (jan. 25.), [in:] *Magyar Közlöny* 1945/3. szám, 1945. február 5, hétfő (hereinafter — “the decree”).

²⁰ This decree was thoroughly examined elsewhere. See e.g. L. Karsai, “Crime and Punishment...”; T. Hoffmann, “Post-Second World War Hungarian Criminal Justice and International Law — The Legacy of the People's Tribunals,” [in:] *The Historical Origins of International Criminal Law*, vol. 2, Brussels 2014, pp. 735–763; I. Barna., A. Pető, *Political Justice in Budapest after World War II*, pp. 13–27; T. Hoffmann, “Crimes Against the People — A Sui Generis Socialist International Crime?,” *Journal of the History of International Law* 21, 2019, pp. 299–329. The issue of to what extent the adoption of the decree was mandated by Art. 14 of the Armistice Agreement and to what extent some domestic political concerns determined the hasty elaboration of decree 81/1945 falls out of scope of the present considerations.

crimes committed by Hungarian authorities against its citizens.²¹ The Provisional Government introduced decree 81/1945 in a very hasty manner. It was subsequently modified, adjusted or otherwise amended on a regular basis. One of its earliest modifications was decree 1440/1945. Its §6 added a new point to §11 (§11 [6]). This new provision extended the scope of the term “war criminal,” which now applied to persons, who

for an extended period were engaged in a constant and continuous activity undertaken in any printed form (irrespective of how a document in question was reproduced), by public speech before an assembly or by radio, which was suitable to influence public perception significantly to steer the country into the direction detrimental to its interests to push it to go on war, and to continue the war on a mass scale.

It’s rather evident that the ambiguously drafted §11 (6) could criminalize the publications or speeches explicitly prohibited by law (that is — by the decrees issued by the P.G.) and other works if the court found them — even potentially — detrimental to the country. Another clause, §15 (1), which in its substance was never modified, targeted those who, as members of the Ministry, the National Assembly, or as civil servants, held a senior position or who were the initiators of legislation seriously violating the interests of the people, or knowingly participated in its adoption. However, §10 of the decree 1440/1945 modified §15 as well, by adding the new point 4 (§15 [4]), which made criminally responsible persons

who in any printed form (irrespective of how a document in question was reproduced), by public speech before an assembly or by radio, had been engaged for a long time in a permanent and continuous activity capable of deterring and reinforcing fascist and anti-democratic tendencies or racial and sectarian hatred; significantly influenced the public perception and directed it to the detriment of the country.

People’s judges were mostly appointed by political parties, but only those that supported the Provisional Government.²² The system worked under the Minister of Justice’s strict supervision, who could even dismiss the judge if he found him unreliable. What is worse: contrary to the criminal procedure in force until 1945, persons tried under the decree either lacked many standard procedural guarantees, or their rights were drastically curtailed (most notably, the decree curtailed the right to appeal judgments of first instance courts).²³ Still, despite these procedural hurdles, a sentenced person or a people’s prosecutor could lodge the review

²¹ In this sense, the idea of crimes against the people was an idiosyncratic version of the Soviet concept of the “enemy of the people” (*epaz napoda*). Still, Tamás Hoffman legitimately claims its limited affinity with crimes against humanity in the sense of Art. 6 (c) of the IMT Statute, see T. Hoffmann, “Crimes Against the People,” pp. 23 f.

²² Cf. §§39 and 42 of the decree. The people’s court handling the cases falling within the scope of §11 could sentence the accused to death, while in cases of crimes described in §15 (1), the sanction amounted from 5 to 10 years of forced labor or imprisonment for the same duration (cf. §16 as amended by the §11 of decree 1440/1945).

²³ See §53.

petition to the National Council of People's Courts (*Népbíróóságok Országos Tanácsa*, further referred to as the NOT). Their decisions were deemed final, unless the President of the State Council issued a pardon to a sentenced person — which only happened in select and specific cases.

Finally, even before the People's Courts began their work, the Provisional Government ordered the destruction of all printed texts classified as “the fascist and anti-soviet propaganda” under decree 530/1945, which contained an enumerated list of the targeted works as an annex.²⁴ The same decree imposed on the authorities the duty to destroy books glorifying Hitler, Mussolini, Ferenc Szálasi's theoretical works or commentaries to the Hungarian anti-Jewish legislation, some of Ferdynand A. Ossendowski's novels, and texts about the Katyń massacre.²⁵ The question of whether this decree informed the jurisprudence of People Courts' begs for additional research. Still, it is worth mentioning here, as it shows that the retribution policy in Hungary was — since its inception — intentionally purposed to place the Katyń massacre within the same anti-soviet/anti-Jewish and pro-Nazi context. The same reasoning was also present during the proceedings against major Hungarian war criminals, and it is to this issue we must turn now.

Part 3

In the proceedings before the *népbíróóságok*, the issue of the Katyń massacre emerged very quickly. As early as November 1945, during the Budapest People's Court proceedings against the former PM Béla Imrédy,²⁶ Katyń was mentioned for the first time. The defendant was accused of many crimes falling within the decree's scope; most of which had no connection to the murder of Polish officers by the NKVD. The issue did however emerge in prosecution's charges in the context of Imrédy's role in publishing the antisemitic and extremely far-right magazine *Egyedül Vagyunk (We Are Alone)*. The indictment — based on §11 (6) — included annexed copies of several articles aggressively targeting Jews and six other works, some of which discussed Katyń massacre along the lines of Arrow Cross propaganda.²⁷ The defendant contested these allegations, as he was the author of neither of them; moreover, he never was a member of the editorial

²⁴ Az Ideiglenes Nemzeti Kormány 530/1945 M.E. számú rendelete a fasiszta szellemű és szovjetellenes sajtótermékek megsemmisítéséről, [in:] *Magyar Közlöny*, 1945. márc. 17. p. 3–4.

²⁵ These were the following: “Beszélgetés Katynról. Bp. 1943. Haladás ny,” “Osdy Márton: Beszélgetés Katynról. Bp. 1944. Könyv- és Lapkiadó rt.” and “Nyakszirtlövés. (A katyni halálérdő.) Bp. Centrum” [original spelling].

²⁶ For documents from the proceedings against Béla Imrédy see *Imrédy Béla a vádlottak padján*, eds. P. Sipos, A. Sipos, Budapest 1999.

²⁷ All these articles are enumerated in: A Budapest népügyészség vádirata 1945 november 1. 1945, Nü.5569/1, [in:] *Imrédy Béla a vádlottak padján*, pp. 129 f. (see Point 9 listing the works mentioning the Katyń massacre).

board of the *Egyedül Vagyunk*, let alone its editor-in-chief. The problem was that György Oláh, who actually served as the chief editor, was a member of the party whose leader was no other than the defendant himself. As such, the prosecutor argued that Imrédy's intellectual inspiration was clearly to be found in these articles and — more generally — in the magazine's political line. The Budapest People's Court (which was the first instance court) accepted this "intellectual inspiration doctrine." It found Imrédy guilty on account of the breach of §11 (6), and — because the judges in charge of the case found all other accusations proven as well — it sentenced the defendant to death.²⁸ The NOT, however, took a more nuanced approach while reviewing this case. As a matter of principle, they accepted the BPC's view that any printed contribution similar to these discussed in Imrédy's case had to satisfy the people's courts as evidence of the defendant's guilt.

Nonetheless, the NOT was not satisfied with the causal link between the role of Imrédy and the articles under consideration. It acquitted the former PM of the charges of "intellectual inspiration." Still, as the NOT upheld the rest of the BPC's judgment,²⁹ Béla Imrédy was executed anyway.

For the second time, the Katyń massacre was mentioned in the "Deportation Trio" proceedings. The defendants were the former Interior Minister Andor Jaross and his two deputies, László Endre and László Baký. They were accused of organizing and executing the mass deportations of Hungarian Jews to Auschwitz in the Spring of 1944. As the BPC's analysis focused on the perpetration of the Holocaust, the word "Katyń" appeared on the margin of the considerations and only in Jaross's case. Still, some details of this case remain obscure. He was undoubtedly accused of crimes delineated in all of paragraphs mentioned above.³⁰ Regarding the Katyń massacre, the prosecutors assuredly wanted to charge him for passing and enforcing decree 102.294/1944,³¹ which was adopted under his tenure as Interior Minister, or to establish a link between Jaross's activities with the mandatory screenings of *A katyni erdőben*. Still, even though §15 (1) would seem as the appropriate legal foundation for the charges, they counterintuitively based their accusation on §15 (4), as if they had wanted to put greater emphasis on the practical influence of the film and to avoid any discussion on the responsibility for the adoption of the decree itself. Perhaps this bizarre choice originated from the suspicion that the decree was not signed by the defendant himself, but by Secretary of State Kálmán Tomcsány on Jaross's behalf. If it were true, the task to prove Jaross's guilt for his alleged legislative actions would prove difficult.

²⁸ A Budapesti Népbíróóság. Nbr. 3953/1945 11. szám, [in:] *Imrédy Béla a vádlottak padján*, pp. 371, 388 f.

²⁹ Decision of the NOT in the case Béla Imrédy: Népbíróóságok Országos Tanácsanak Ítélete NOT.304./1946./18, [in:] *Imrédy Béla, a vádlottak padján*, p. 434.

³⁰ These were notably § 11 Points 5 and 6, as well as §15 Points 1 and 4. For more details, see *Az Endre — Baký — Jaross per*, eds. J. Molnár, L. Karsai, Budapest 1994, p. 24.

³¹ Cf. Part 1 of the present article.

This hypothesis seems to be partially confirmed by István Vass's (Jaross's counsel) short remark that "the presentation of *A katyni erdőben* cannot be recognized as an action taken by the accused, and this was not proved at the main hearing."³² As this position seems to be correct (during the hearings before the BPC, the word "Katyn" was mentioned just once), in Vass's opinion it is debatable if the presentation of the documentary in cinemas could have met the statutory criteria laid down in §15 (4).³³ At this point, neither the BPC's nor the NOT's decisions are straightforward. As such, the extent of the impact of issues related to Katyn on trial of the Deportation Trio's case requires additional research.

During the proceedings against *Sztójay et al.*,³⁴ Katyn also played a marginal role, however the line of reasoning and decisions of organs involved in the case are unequivocal. The main defendant was former Prime Minister Döme Sztójay. His co-defendants were mostly former cabinet ministers in his government. Sztójay's government came to power as the result of the German invasion in 12 March 1944. Its rule was marked by the staunchly loyalist stance towards the Nazis, reflected — among other things — in the flood of new anti-Jewish legislation and deportations of Jews to Auschwitz.³⁵ In Point IX of the indictment, the prosecutors Jenő Sámuel and Sándor Resofszky accused former PM Döme Sztójay and some of his government ministers (further referred to as co-defendants) that they had "issued the following decrees based on a decision of the Council of Ministers." These allegations were subsumed under §15 (1). A cursory glance at the list of legal acts annexed to Point IX is sufficient to establish that almost all of the acts in question were aimed at Jews,³⁶ including the abovementioned 1944 decree.

The BPC touched upon the issue of this decree, but only in passing. On 5 March 1946 (that is, on the second day of the process), Béla Pálosi, who presided this session, suddenly, and without any visible relation to the subject matters discussed during previous hearings, asked Sztójay about this legal act. Pálosi's remark had all the characteristics of a mere interjection, and, what is more, he made it just before the break in the court session. Sztójay answered that the decree could not have been adopted during his tenure: otherwise, he would have remembered this event. That was the end of the story. Later on, neither Pálosi nor anybody else showed interest in re-examining the matter more thoroughly.³⁷ It clearly wasn't pertinent for

³² See Vass's speech for the defense, *Az Endre — Baky — Jaross per*, eds. J. Molnár, L. Karsai, Budapest 1994, p. 431.

³³ If his remark on *A katyni erdőben* is assessed in the broader context, taking into account his views on the condition of continuity which must be met so that a person could have been sentenced on the basis of this point, it seems that the answer would be negative.

³⁴ *A magyar Quisling-kormány: Sztójay Döme és társai a népbíróóság előtt*, eds. L. Karsai, J. Molnár, Budapest 2004.

³⁵ Andor Jaross was the member of Sztójay's government. Cf. the analysis of the previous case.

³⁶ *A magyar Quisling-kormány*, pp. 147 f.

³⁷ A tárgyalás második napja, 1946. március 5, [in:] *A magyar Quisling-kormány*, p. 224.

the prosecutors, as the BPC fully subscribed to their view. In the court's final decision, Béla Pálosi went on to say that the problem could be boiled down to initiating the law-making procedure. In his opinion, this kind of action falls within the scope of §15 (1). He concluded that the responsibility for this crime was attributable to all defendants. According to him, there is no doubt that these restrictive provisions on Jews were indeed made, whether they enacted them while acting in the Council of Ministers or their capacities as Ministers in charge of particular subject issues.³⁸ Although one of the co-defendants, Lajos Szász, was acquitted on this account,³⁹ nonetheless, the NOT once again upheld the rest of the BPC's decision.⁴⁰ In effect, Sztójay and other co-defendants were sentenced for the breach of §15 (1). Because all of them were found guilty on other accounts, they were sentenced to death and executed (except for Kunder).

In hindsight, the legality of both instances' decisions can undoubtedly be disputed, as by the unconditional acceptance of the prosecutors' theses, the BCP and the NOT found that all decrees mentioned in Point IX fall within the scope of §15 (1) as legal acts seriously violating the interests of the people. To be sure: most of the legal acts listed by prosecutors were odiously antisemitic in their content and they undoubtedly played a crucial role in shaping the legislative framework preparing the ground for the Final Solution. Still, neither the BPC, nor the NOT took an effort to dwell on the question on whether any particular legal act was more detrimental to the people's interest than the others, let alone to differentiate the culprits' responsibility on a case-to-case basis. In the eyes of the judges, the mere fact that a defendant could have been somehow involved in the process of their adoption was sufficient to hold him responsible for the breach of §15 (1). Thus, although the position of both courts on the 1944 decree was problematic,⁴¹ the BPC and the NOT passed death sentences anyway.

³⁸ For the text of judgment, which the BPC delivered on 22 March 1946 in the case *Sztójay et al.* see "Itélet," [in:] *A magyar Quisling-kormány...*, p. 687. The court drew a strict division line between the allegations based on §15 (1) from these based upon §13 (2); which the Court rejected as uproven.

³⁹ "Itélet," pp. 689, 693.

⁴⁰ Council decision NÓT. I. 3846/1946, [in:] *A magyar Quisling-kormány...*, pp. 694–710.

⁴¹ The BCP's and NOT's conclusions may be attacked on many grounds. The view that the 1944 decree falls in any way within the scope of the §15 (1) may be accepted only if one agree with the prosecutors that the incriminated film seriously violated the interests of the people. Perhaps in 1945 such conclusion was warranted, but even then, it was not self-evident. Still, whatever is the answer for this question, the problem is that the prosecution claimed all decrees mentioned under Point IX were issued on the basis of a decision of the Council of Ministers, while the 1944 decree was an act issued solely by the Interior Minister on the basis of his competences, without any prior authorization of the Council of Ministers. Ironically then, in *Sztójay et al.* no person who eventually could have been held responsible for its drafting, adoption and publication was in the dock. Interior Minister Jaross and two of his deputies were sentenced in the separate trial (see above). Such was also the case of Kálmán Tomcsányi, who personally signed the 1944 decree. He was sentenced for 2 years of imprisonment, seizure of property and loss of pension (see: Budapest Főváros Levéltára

Orsós was never tried. According to Mester, the allegations raised against him omitted his Katyń expertise totally: they were strictly limited to his involvement in various anti-Jewish activities before and during WWII. In 1946 the investigation mentioned his role in Katyń case, but the proceedings were put on hold, as Orsós was still at liberty abroad. Against this backdrop, the BPC opened the extradition proceedings on account of the breach of, §11 (6) and §15 (4).⁴² The Americans, however, refused to cooperate in his case.⁴³ Therefore, in a purely legal sense, Orsós passed away in 1962 as “presumably innocent.” However, historians agree that his moral responsibility for the persecution of Jews by the fascists is beyond doubt.⁴⁴

The number of other persons prosecuted in Hungary because of their previous Katyń-related activities is still unknown. Undoubtedly, in the wake of the Hungarian post-war policy of retribution, at least some public officials, functionaries, journalists, writers, publishers, radio announcers, or high-ranking figures of the Hungarian pre-war film industry were publicly attacked for their previous role in disseminating Nazi (or otherwise antisemitic) propaganda⁴⁵ and — incidentally — for their reporting on Katyń as well.⁴⁶ Assuredly, some were sentenced for charges associated with the Katyń massacre (most notably for spreading news on the fate of the Poles murdered by the NKVD in 1940).⁴⁷ Still, in Hungarian

(BFL) XXV.1.a. 839/1946. és 2987/1946). Finally, Sztójay was incorrect when he stated that the 1944 decree could not have been adopted during his tenure. Nonetheless, the level at which the 1944 decree was adopted was not a governmental one. It follows the PM could have gotten involved in its preparation, but he did not.

⁴² A. Mester, *Katyń lengyel és magyar visszhangja 1943–1989*, p. 161.

⁴³ Ibid., pp. 163 f.

⁴⁴ A. Mester, “Orsós Ferenc a katyni vizsgálóbizottság debreceni tagja,” [in:] *Debreceni Szemle. Tudomány és kultúra* 19, 2011, no. 3, pp. 308, 301.

⁴⁵ Zoltán Bosnyák, Lajos Dövényi-Nagy, Kálmán Hubay, Ferenc Rejniss, Ferenc Fiala, to name just a few. For a more general overview on the journalist verification procedures, cf. G. Vámos, “Bűnösök és bűnbakok a Magyar Rádióban 1945 után,” *Eszmélet* 2012, no. 96, pp. 80–98 (see Footnote 4). On the and realities of journalistic work see *ibid.*, pp. 88 f.

⁴⁶ Cf. B. Pastor, “Filmdiktátor a népbíróóság előtt,” *Fényszóró* 1, 1945, no. 15, p.6, where the author personally attacks László Balogh, the long-standing secretary of the Országos Nemzeti Film-bizottság (the official body responsible for — among other things — film production), and the owner of Hunnia Film Company (both information after: D. Frey, *Jews, Nazis and the The Cinema of Hungary: The Tragedy of Success, 1929–1944*, London-New York 2017, pp. 202 f.). According to Pastor, “Balogh was the ‘film emperor,’ or even the ‘Nero’ of the Hungarian movie industry. He was morally corrupt and responsible for many crimes including the compulsory distribution of such films like Nazi propaganda classics: ‘Horst Wessel,’ ‘Jew Süß,’ [...] and very unpleasant film about Katyń,” *ibid.*

⁴⁷ Cf. the following cases: Kálmán Tomcsány, who signed the 1944 decree was sentenced for two years of imprisonment in 1946. (cf. Elsőfokú ítélet, Nb. XI. 2987/1946/22. szám. BFL, Nb. 839/1946. V-79932/1. 242.); For László Balogh, see “Balogh László Dr.,” *Hangosfilm*, <https://www.hangosfilm.hu/filmenciklopedia/balogh-laszlo-dr> (accessed: 30.01.2021).

practice, the “shadow of Katyń” could — at least in some instances — also influence the proceedings against soldiers.⁴⁸

Part 4

Although research in this field is still quite undeveloped, it's well established that after WWII, judicial proceedings with the clear view to erase the memory of Soviet crimes were set in motion in all Central and Eastern European states. The courts' practices were at least partially similar to these of the *népbíróságok*. Still, some differences were also apparent. In Hungary, Katyń-related cases were strictly reserved to the purview of the people's courts; in Romania, where people's courts existed for barely a single year,⁴⁹ the same matters were handled in ordinary criminal proceedings. Therefore Alexandru Brickle, who — similarly to Orsós — served as a member of the Internationale Ärztekommision, and who had managed to escape from Romania in 1947, was sentenced by the Bucharest Court of Appeal to 20 years of forced labor, ten years of deprivation of civic rights and confiscation of property.⁵⁰ In Czechoslovakia, Katyń-related proceedings mirrored the Hungarian pattern, that is: the defendants were tried by Extraordinary People's Courts (*Mimořádné lidové study*) and eventually by the National Court (*Národní soud*) in Prague, conferred with the task to purge the state from fascists. The persons accused were primarily former journalists collaborating with Nazis. Although they were tried for many crimes, the issues concerning Katyń were

⁴⁸ Cf. the case of István Luczi. For more details see: Á. Fóris, “Holokauszt a Nyugati Megszálló Csoport területén. Az Államvédelmi Hatóság Ügyészi Kirendeltségének jelentése Pápa Nándor és társai ügyében, 1950. január 12,” *Eszmélet*, 2014, no. 101, pp. 167–171. For Katyń-adjacent aspects of Luczi's case see K. Ungvári, *Magyar megszálló csapatok a Szovjetunióban, 1941–1944...*, pp. 223 f.

⁴⁹ For a general overview of the activities of people's courts in Romania see A. Muraru, “Legislation and the War Criminals' Trials in Romania,” [in:] *New Europe College Ștefan Odobleja Program: Yearbook 2009–2010*, ed. I. Vainovski-Mihai, Bucharest 2010, pp. 111–176; see also “Trial of the War Criminals,” [in:] *Final Report of the International Commission on the Holocaust in Romania...*, pp. 1–24 [378–401 of the full report]. Stenograms from Antonescu's trial have recently been published (*Stenograma procesului Maresalului Ion Antonescu*, București 2018).

⁵⁰ For more on Birkle's role in the International Commission, and proceedings against him launched after WWII cf. e.g. I. Constantin: “Rolul medicului legist român Alexandru Birkle...,” see also Mircea's Stanescu interview with Birkle's daughter Rodica Marta (born Rodica Birkle): M. Stanescu, R. Marta, “Condamnările politice și ‘legea memoriei comunismului,’” Mircea Stanescu blogspot, 25.03.2016, <http://mircea-stanescu.blogspot.com/2016/03/> (accessed: 25.01.2021). I quote the decision of Budapest Appellate Court's nr. 5696 din 22 decembrie 1940 a Curții de Apel București, secția a I-a penală, Dosar nr. 3558/1948 after the decision 513/2012 of the Romanian High Court of Cassation and Justice (Romanian înalta Curte de Casație și Justiție) delivered 31 January 2012. The year 1940, as laid down in the judgment's text, is an obvious mistake, as Birkle was sentenced in 1948.

discussed marginally and usually treated as a trope of antisemitic propaganda.⁵¹ In Bulgaria, People's Courts were also trying cases on Katyń-related activities, although at the current state of research our knowledge does not go beyond the infamous testimony of Marko Markov.⁵²

Conclusions

Although proceedings before Hungarian people's courts were undoubtedly in line with the Soviet political goal to obliterate the memory of Katyń all over the world, they were somewhat deprived of any political significance outside of Hungarian jurisdiction. When the Soviets caught someone who had knowledge of the massacre from primary sources (as a former member of the International Commission of Physicians, a holder of documents evidencing or indicating the Soviet role, former visitor in place, etc.), the persons' fate strictly depended on two factors. Firstly, on the kind of knowledge they possessed. Secondly, and even more importantly, on whether they had shared their knowledge publicly or not prior to their apprehension. If they had done so, the NKVD usually sought to coerce them to cooperate (especially to revoke his previous statements or opinions). If they had not — the Soviet organs "silenced" such inconvenient witnesses by execution on the spot or deportation. It follows that the Soviets never allowed such persons to be tried by the domestic judiciary of their vassal states, and their tactics in Hungary do not suggest any deviation from this general pattern. Without engaging in speculation on what would have been Orsós's fate had he been apprehended by the Soviets,⁵³ it's nevertheless worth noting that the Soviet military courts tried such

⁵¹ T. Dvořáková, *Novinář Julius Pachmayer před Mimořádným lidovým soudem*, master's thesis at Univerzita Karlova, 2013, p. 44, <https://dspace.cuni.cz/handle/20.500.11956/52235> (accessed: 25.01.2021). See also M. Borák, *Spravedlnost podle dekretu. Retribuční soudnictví v ČSR a Mimořádný lidový soud v Ostravě (1945–1948)*, Ostrava 1998, p. 120. The fate of Slovak member of the *Internationale Ärztekommision*, Dr Šubík's should be treated separately, as his activities were definitely not limited to informing Slovak public opinion on the Katyń massacre. See e.g. Czermińska G., "Poświęcając życie prawdzie," *Telewizja Polska*, 2014 (11:41–13:07, 20:17–21:20). For further reading on the issue cf. M. Borák, "Zločin v Katyni a jeho české a slovenské souvislosti," pp. 512–515.

⁵² It's worth noting that during his hearings in Nuremberg, Markov admitted that he knew quite a lot about Katyń "from the press." He did not however mention any specific titles he had read nor any other sources from which other information he could have gotten, cf. *Katyń. Dokumenty zbrodni*, vol. 4, p. 412. Thus the question whether journalists in Bulgaria were prosecuted for their reporting on Katyń after the war also demands further inquiry.

⁵³ One can only speculate what would have happened had the US extradited Orsós to Hungary. It should be underlined, however, that all other physicians who had served in the Commission, and were later apprehended by the Soviets, received the proposition to retract their previous opinions on Katyń in return of avoidance of reprisals. Therefore, even if the cases of Birkle or Šubík seem to suggest the contrary, as a matter of fact, in the cases of those persons who inspected the site

“valuable political assets” like Zoltán Mikó, Vilmos Boros, or (presumably) Raul Wallenberg. All of them were shot after short proceedings or immediately deported to the USSR.⁵⁴ Against this backdrop, the question posed in the introduction: did the Soviets want the criminal proceedings under analysis here to inform the parallelly ongoing maxi-trial in Nuremberg against the Nazi major criminals in issues related to Katyń, must be answered negatively. Notably, at least within the archival sources that are currently accessible for researchers, there’s no evidence to support the claim the Soviets ever seriously considered using the proceedings in Hungary to exert additional pressure on the simultaneously ongoing proceedings against the Nazi elite before the IMT. Even less probable is the claim the Soviets wanted to use the findings of the Hungarian trials to offset the damage the Soviet propaganda incurred when the tribunal in Nuremberg refused to accept the version presented in the report of the Burdenko Commission. It is true that the date of Sztójay’s hearings (5 March 1946), during which *A Katyni erdőben* was briefly mentioned, which, in bizarre turn of events, coincided with the moment when the Soviets realized that their attempts to shift the blame for the massacre on Germans will possibly not convince the IMT.⁵⁵ It’s also true that the NOT’s judgment sentencing Sztójay to death equally bizarrely correlated with the date of Markov’s hearings in Nuremberg.⁵⁶ Still, as intriguing as they could be, both these coincidences are insufficient to prove that the Soviets ever wanted to “synchronize” both trials.⁵⁷

Thus, the criminal trials before the *népbíróságok* (and presumably proceedings in other states under Soviet political domination) were shaped primarily by domestic concerns, at least their handling of matters related to the Katyń massacre. It seems that the focus of Provisional Government was initially set on the eradication of all effects of Arrow Cross propaganda on the Katyń issue, but without going into much detail. In other words: their aim was to terminate the discussion without addressing its roots. In practical terms it meant that the people’s courts never dared to reopen the investigation so as not to attribute the responsibility for the massacre to its actual perpetrators. Not only was such a task politically infeasible, but — from a purely legal point of view — it probably went well beyond the scope of jurisdiction of any Hungarian court in the 1940s. All things considered, the People’s Judgement adopted a pragmatic approach. By silently accepting the Soviet narrative on the presumed German guilt, they paid tribute to the political realities. Once the Soviet lies were sealed as indisputable facts, the next step had

of the Katyń massacre (notably — former members of the Commission), the Soviets initially wanted to pressure them to change or retract their previous opinions publicly. They were not interested in deportation or — even less so — executing them on the spot.

⁵⁴ K. Ungvári, *Battle for Budapest...*, p. 234.

⁵⁵ C. Weber, *Der Krieg der Täter...*, pp. 320–324.

⁵⁶ Cf. *Dokumenty zbrodni*, vol. 4, p. 405.

⁵⁷ Cf. T. Wolsza’s argument who suggest that “when the Soviet realized that the I.M.T. would not subscribe to their views — then the Katyń issue completely disappeared from the proceedings and was omitted from the final judgment,” T. Wolsza, “Katyń 1940...,” p. 104.

to be to act on this dogma. That is, to launch the prosecution against all those who held opposing views on the matter. These basic premises determined the specific character of the proceedings, beginning with the list of defendants. The circle of persons tried before people's courts suggests that they mostly went after those who, in the judges' view, contributed to the emergence of the "Katyń syndrome" among the population. In the Hungarian context, nullifying the impact of Katyń necessitated targetting members of the ruling elite politically, morally, and — last but not least — criminally.⁵⁸ The policy of limiting the criminal sanctions only to "direct executors" (that is: some professional journalists, writers, or other persons directly involved in the dissemination of information about Katyń) could not have produced a strong enough impact on the populace to deter them from blaming the Soviets and — more importantly — to discuss the issue privately. Therefore, by targeting people like Imrédy or Sztójay, the authorities sent two different signals. The first one was addressed to the lower rank judicial organs. The mere fact that the accused and sentenced were "top people" had to be interpreted by all people's judiciary organs as a sort of recommendation to follow a similar pattern.⁵⁹ The second one was addressed to the population, and the message transmitted with the sentences was quite simple. Involvement in matters associated with Katyń was a grave crime, for which even those not directly involved in producing or circulating information on the fate of Polish officers could be severely punished.⁶⁰

Against this backdrop, it should be underlined that in all three cases under discussion the allegations of defendants' involvement in Katyń-related matters were placed on the same list with charges of significantly more serious crimes. These included waging war of aggression, perpetration of the Holocaust, mass murder,

⁵⁸ It's plausible that the scale of repression for Katyń-related issues varied from one state to another. This difference resulted from two factors. The first concerned the various degrees of the instrumentalization of the Katyń massacre by pre-1945 governments to strengthen their respective societies' readiness to sacrifice themselves in the fruitless fight against the advancing Red Army. The second was the general awareness of the issue among the populace. In Hungary, both of these requirements were fulfilled, so the persecutions had to extend not just to publishers or journalists but also the "top brass." Logically, if the efforts to mobilize society against the Soviets by using Katyń as a propaganda weapon were less successful (as was the case in Czechoslovakia), the scale of repressions of the people involved were lighter in scope. In states that switched their allegiance with the advance of the Soviets (the case of Romania and Bulgaria), they were even more limited than in Czechoslovakia.

⁵⁹ However, at the current state of research, it's premature to assess to what extent the people's courts followed the line adopted by the BCP and the NOT in matters concerning Katyń.

⁶⁰ The factors that influenced the choice of defendants to whom prosecutors ascribed the responsibility for the involvement in Katyń-related matters calls for additional research. E.g. as of now it's not perfectly clear why issues related to Katyń were discussed in Imrédy's case, while during the process of the Arrow Cross Party leader Ferenc Szálasi, whose party's propaganda exploited Katyń topic to the extreme, the Court remained totally silent on the matter. One should not forget however, that in the practice of the *népbíróddaskodás*, the above-mentioned illogicality and moral incoherence constituted a much broader problem, not limited to the issues under examination. Cf. e.g. L. Karsai, "Crime and Punishment...", pp. 7 f.

and other grave offenses enumerated in criminal law. Undoubtedly, this disparity between the gravity of the allegation of disseminating information and the crimes that fall within the scope of the jurisdiction of the contemporary International Criminal Court is striking. Still, in light of the pragmatic goals highlighted above, it does not seem to be all that striking. The indictments constructed in such a way reflected the domestic political context of the proceedings and the specific goals that Hungarian authorities deemed plausible to achieve, notably — suppressing the discussion of the Katyń massacre. By placing an accusation relating somehow to the defendant's activities concerning the Katyń massacre together with the allegations of the gravest crimes in the indictment, the prosecutor could be reasonably assured that the fate of the Polish officers would at most be mentioned at the margin of the main proceedings, if at all. More importantly, as the people's courts worked under time constraints dictated by the political calendar, the judges and Hungarian public opinion were focused on the essential allegations discussed in the courtroom. They could not pay due attention to the matters which — as the Imrédy case demonstrated — did not influence the extent of the sanction imposed by the NOT. This motivation explains why Katyń was never mentioned as a separate point in the indictment during the trials of major Hungarian war criminals, let alone singled out for a separate case. This tactic was a deliberate prosecutorial choice that increased the chances that the defendant would be sentenced for his previous Katyń-adjacent activities. Still, this part of the judgment went completely unnoticed by democratic media and the general public. All in all, it seems that by adopting this clever tactic, which deliberately omitted Katyń from taking center stage in the proceedings, the authorities succeeded in keeping a politically convenient low profile without compromising the effectiveness of the prosecution. While projecting a serious approach to prosecuting war-time offenders, they simultaneously avoided the “unnecessary publicization” of the massacre of Polish officers.

The analysis above strongly suggests that neither Hungarian prosecutors nor judges in the people's courts had any clear vision of the specific rules of the decree that should have been applied to Katyń-related allegations. During Imrédy's trial, the prosecutors based their accusation on §11, and by the same token they classified the defendant's conduct as a war crime. However, in later cases, the prosecutors and courts seemed to be more inclined to consider this sort of activity as a crime against the people (§15). Was this change accidental? The answer is: probably not. By linking Katyń to criminal proceedings against the most vocal antisemites (some of them — Holocaust perpetrators), the authorities sought to influence the perception of Katyń in public opinion. In other words: to demonstrate the tragic fate of the Poles murdered by the NKVD as just one more fascist lie calculated for a pseudo-legitimization of the Holocaust. By upholding this perfidious state of confusion, the authorities made everybody who spoke honestly about Katyń

appear not just “unpatriotic” but also morally wrong and legally co-responsible for Holocaust and as such — subject to great public shame.

As of now, it isn't easy to establish what was the place of the the judicial decisions involving people connected to Katyń-related issues within the government policy. Nonetheless, one should not forget that court decisions were only one of a plethora of repressive measures employed with the obliteration of the memory of the Katyń massacre in mind. Undoubtedly, they played a reinforcing role for other, more subtle methods of eradicating this topic from public debate and private conversation.⁶¹ It seems however, that these more clandestine measures could not have produced the result pursued by the authorities had the people's courts not demonstrated what would be the fate of courageous people who dared to tell the truth.

Overall, the People's Courts in Hungary handled the issues related to the Katyń massacre in ideologically biased, unfair, and manipulative ways. Even though they were only discussed marginally, these judgments, coupled with other administrative measures, produced fatal and long-lasting effects on the perception of the Katyń massacre in Hungary. On the one hand, as most Hungarians did not accept the Stalinist political order, the Soviet lies were probably rejected by most of those who were old enough to remember the WWII period. On the other hand, the view of the Soviet lies as “confirmed” by the judgements of the *népbírószágok* seems to have been embraced by members of groups that had been excluded, marginalized or victimized (or those combating Horthy's regime) before 1945: socialists, liberals, some of the Holocaust victims, and — last but not least — communists.⁶² In effect, the progressist mainstream seemed to have accepted the Soviet narrative,⁶³ even though from the end of the 1940s until the end of the Kádár era, the possibilities

⁶¹ In the 1950s, the simple summons to the State Defense Authority (Államvédelmi Hatóság) was a sufficiently clear signal to deter an individual from speaking about this “dangerous subject” too loudly, cf. A. Mester, “Katyń ‘magyar áldozatai’ a Rákosi-korszakban (1945–1956),” p. 34 (for discussion of Sándor Kálmán's case).

⁶² Not surprisingly Moscow's narrative on the fate of the Polish officers perfectly harmonized with the feelings of many people: some members of antifascist democratic opposition camp and many Jews, including those who later perished in Auschwitz. Some leaders of Hungarian Jewry (at this moment forcibly ghettoized by Sztójay's government) expressed their distrust towards the government's reports on the Soviets' involvement in Katyń quite openly at the latest in May 1944, see R.L. Braham *The Politics of Genocide. The Holocaust in Hungary*, vol. 2, New York 2016, p. 1250.

⁶³ The scale of this support requires separate research well beyond the scope of this article. It seems however, that the course of events of WW II made at least a part of Hungarian society well disposed to believe the Soviets, and this readiness extended to the perception of the Katyń massacre. In this context cf. F. Laczó's interesting remarks, in which he mentions Endre Sós's views on Katyń: F. Laczó, “From European Fascism to the Fate of the Jews: Early Hungarian Jewish Monographs on the Holocaust,” [in:] *Catastrophe and Utopia: Jewish Intellectuals in Central and Eastern Europe in the 1930s and 1940s*, Berlin 2018, pp. 197 f. (see Footnote 102).

of discussing Katyń in Hungary were drastically limited.⁶⁴ This lack of space to openly discuss such “sensitive issues” like the 1940 Soviet murder of Polish prisoners of war, was not counterweighted by works published abroad. In hindsight, it’s safe to say that at least some books authored by Hungarians emigrées were actually counterproductive, as they continued to demonstrate the Katyń massacre through the lens of the Goebbels/Arrow Cross propaganda clichés.⁶⁵ Therefore, since the 1950s onward, the Katyń massacre’s memory in Hungary began to navigate dangerous waters. The Communist regime continuously maintained the Soviet lies. The emigration circles, in which far-right extremists held considerable sway, were still reasoning along Goebbels/Arrow Cross Party lines. To add insult to injury: because Katyń was a matter prosecuted and punished before People’s Courts, since the end of 1980s it became the hostage of a very vigorous discussion on the legacy of the *népbiráskodás* as such. The division lines between the sides of this discussion coincided with their political affiliations. After 1990 the right sought to delegitimize all criminal proceedings against the prewar elite. Therefore, Katyń was often abused as a convenient argument used to portray all political proceedings against fascists after WWII (Nuremberg not excluded) as an example of victor’s justice and nothing else.⁶⁶ The left, on the other hand, sought to defend some parts of the the People’s Courts’ legacy and adopted an equivocal stance on Katyń. Without denying Soviet guilt (after Gorbachev’s declaration in 1990 it was barely even possible), they usually omitted this topic from the narrative altogether. As such, even in the late 1990s, the Katyń massacre was still perceived as a part of the same old antisemitic trope or dangerous weapon, which is deliberately invoked to undermine the legacy of the Holocaust.⁶⁷

Thus, contrary to Polish experiences, where the Soviet massacre has a unifying or symbolic role, in Hungary the fate of the Polish officers has over many years significantly divided public opinion simply because it was deliberately placed in the broader political, social and historical context. The collapse of communism did not bring an end to this discussion. In Hungary at the turn of century, the disputes on the place of Katyń in martyrology were still ongoing, and some notable signals of the this dispute nearing its end are still recent.⁶⁸

⁶⁴ A. Mester, “Katyń ‘magyar áldozatai’ a Rákosi-korszakban (1945–1956),” pp. 28–37; On the debate on Katyń after 1956 see A. Mester, *Katyń lengyel és magyar viszhangja 1943–1989*, pp. 237–259.

⁶⁵ Cf. e.g. L. Marschalkó, F. Fiala, *A Vádoló vitófák*, London 1958. The authors correctly pointed to the NKVD as the perpetrators, but they remained unrepentant on the alleged role of Jewish prepertrators in the crime. Ferenc Orsós was seen by them as a hero who was wanted by law on no grounds (see *ibid.*, pp. 90 f.) They also trivialized the Holocaust, *ibid.*, p. 93.

⁶⁶ I. Rév, *Retroactive Justice: Prehistory of Post-Communism*, Standord, CA, 2005, p. 237.

⁶⁷ *Ibid.*

⁶⁸ In this vein cf. *ibid.* Still, for after Csurka’s death, and Victor Orbán’s public apology for the role of Hungarian state officials in perpatrion of the Holocaust, the negationist current lost its previous impetus. Some authors declaring their proximity to the liberal-left adopt a more distanced

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