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The full truth about the Katyn massacre must come out

Until the full truth is uncovered about the Katyn massacre the Russian authorities have an on-going obligation under international law to investigate this war crime that has gone unpunished since the Second World War, Amnesty International said today.

As the Grand Chamber of the European Court of Human Rights is considering the case brought against Russia by some of the relatives of more than 20,000 Polish prisoners of war who were killed during the 1940 Katyn massacre, Amnesty International submitted its legal opinion on the case this week.

“For nearly 50 years, first Soviet and then the Russian authorities denied their responsibility for the murder of tens of thousands of Polish prisoners of war,” said Marek Marczynski, Europe and Central Asia Deputy Programme Director at Amnesty International.

“They dragged their feet with the investigation into the mass murder for nearly 15 years after that until finally in 2004 they decided to close it in secret proceedings, quoting national security interest for doing so.”

“Amnesty International has repeatedly reminded governments that using secrecy and national security interest is not a lawful excuse to discharge their legal obligations under international law.”

In 2007, 15 relatives of those who were killed complained to the European Court of Human Rights about the adequacy of the investigation by the Russian authorities into the 1940 Katyn massacre.

Their relatives were among the 22,000 Polish police and army officers who were taken to Soviet camps and prisons following the Red Army's invasion of the Republic of Poland in September 1939. They were subsequently killed by the Soviet secret police without trial in April and May 1940. Most of them were buried in mass graves in western Russia's Katyn forest.

Earlier this week Amnesty International presented its [written observations](#) on the case of Janowiec and Others v. Russia to the Grand Chamber of the European Court of Human Rights.

“It was clear well before 1939 that mass murder of prisoners of war was prohibited under international law. States are under an ongoing obligation to investigate those crimes until the full truth is disclosed and until the families can access suitable, effective remedies,” Marczynski said.

According to international law investigation of war crimes should aim at establishing the facts and identifying all of those who are criminally responsible, at all levels. The results of the investigation should determine whether any prosecution is possible or appropriate.

The drafters of the European Convention on Human Rights worded it in such a way as to allow prosecutions of past crimes, including those committed during the Second World War. The Convention was adopted to prevent repetition of human rights violations on the scale of those committed during that

war.

“The obligation to investigate war crimes and other crimes under international law extends to such crimes committed prior to the drafting and entry into force of the European Convention on Human Rights,” said Marczynski.

The actions of the Soviet Union immediately following the Second World War confirm that it recognized both the prohibition of war crimes as well as the obligation to investigate and prosecute them. Soviet officials supported the work of the International Military Tribunal in Nuremberg. They even attempted to charge several German suspects with the responsibility for the Katyn massacre.

“The current European Court case shows that the victims and their families will never stop in their fight for justice. They are right in doing so as this is exactly what they are entitled to under international human rights law,” said Marczynski.

Background

The Council of Europe states continue to investigate and prosecute alleged perpetrators of crimes committed during World War II. For example, in 2001 Germany prosecuted Julius Viel as well as Anton Malloth, securing convictions of both of them in two separate trials.

In other cases, Anthony Sawoniuk was convicted in the United Kingdom in 1999, and John Demjanjuk was convicted in Germany in 2011.