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"Germans have killed our Jews, so we're getting rid of them." The case of Edward Toniakiewicz

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Materials

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Death, any human death, transcends the boundaries of the present; its very nature is metaphysical. Nonetheless, it leaves behind a corpse: lifeless remains of a once-living being – real and present, and destined to rot and decay. So what is to be done with a corpse? What is to be done with the dead body of a Jew who dies in the city, in a hideout on the Aryan side? What is to be done with the body of a man murdered in the countryside? What is to be done with the body of someone who was killed by the Germans?

Disposing of a corpse was easiest in the countryside. Covering up a murder, disposing of a body, was not difficult: a hole could be dug easily in any place, the body dumped into it, the hole filled in with dirt. In a city a dead Jew could pose more difficulty. Perhaps for that reason murders in towns were less common, although of course they occurred... Jews died in urban hideouts notwithstanding – of natural causes or by suicide. Emanuel Ringelblum wrote:

> It is still worse if the Jew dies on the Aryan side. In a certain hideout a little girl died, and she was buried in the adjacent garden. When the ghetto was still in existence, Christian undertaking establishments would smuggle the bodies of deceased Jews to the Jewish cemetery. After the liquidation of the Ghetto, the situation became more difficult.[1]

Then the Jews who had been living in Warsaw on Aryan papers were buried officially as Christians in Catholic cemeteries. Among these burials was that of Michał Klepfisz's sister, Gina, who died in a Warsaw hospital. Her friends hiding on the Aryan side attended her funeral.

> A strange funeral indeed: of the ten mourners following the hearse, only Anna Wąchalska and her sister Marysia Sawicka, were Christians. The funeral was carried out in accordance with Roman Catholic rites. The grave was marked with a cross. We took our leave of Gina Klepfisz, one of the few

[1] Emanuel Ringelblum, *Polish-Jewish Relations During the Second World War*, transl. Dafna Allon, Danuta Dąbrowska, Dana Keren, Evanston: Northwestern University Press, 1974, pp. 119–120.

> Jews to be buried in a cemetery at a time when thousands of Jews were being gassed and cremated.[2]

The pianist Edwarda (Dziunia) Fajnsztajn also buried her husband, who had died of tuberculosis, in a Catholic cemetery: "Dziunia gave him a decent Christian funeral, attended by many Jews who were hiding on Aryan papers. Thus, a priest was followed by the cart with the coffin containing the body of a Jew, and Jewish mourners followed behind, whispering prayers."[3]

There were also interments – or at least attempts thereof – at the Jewish cemetery. These carried a risk, but also manifested the high esteem in which a deceased was held. In summer 1942, Feliks Cywiński sheltered a group of Jews in a flat rented expressly for that purpose at 19 Sapieżyńska Street in Warsaw. One woman who had been staying there (Mrs Finkelsztein) died of typhus. "We had no choice," recollected Cywiński,

> but to tie up the corpse, put it in a bag, and carry it outside as if it were a parcel containing food supplies or, say, papers. One of my friends drove up in his car, and we pushed the body inside and drove to the Jewish cemetery […]. I attached a piece of paper to the bag with the name of the deceased and we threw her body over the wall. There was nothing more to be done.[4]

Interment at a cemetery was counted as a sort of luxury; usually the situation was much more complicated, and disposing of a corpse was much more difficult. This was particularly so when a Jew died in a hideout, and it was necessary to remove the body without endangering the lives of others. One such desperate situation occurred in Warsaw, on Radzyminska Street, where four Jews were in hiding:

> Mrs Mermelstein and her son Stefan, and Clara Hechtman with her sixteen-year-old daughter, Gutka. […] But new misfortune befell them: Clara Hechtman became ill. At first she became melancholy; then she began to have recurrent seizures of insanity, screaming in Yiddish and flailing about with her arms. Doctors prescribed medication, but all to no avail […], her condition continued to deteriorate. The hiding place turned into a hell. The other Jews were terrified that her screams would betray their presence, and the landlady became ever more insistent that they must move out. […] One day – at the request of all the occupants of the house,

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[2] Władka Meed, *On Both Sides of the Wall. Memoirs from The Warsaw Ghetto*, trans. Steven Meed, New York: Holocaust Library, 1993, p. 81.

[3] Yad Vashem Archives, O.3/2198, Testimony of Janina Pańska, no dated.

[4] Testimony of Feliks Cywiński, in *Ten jest z ojczyzny mojej. Polacy z pomocą Żydom 1939–1945*, eds. Władysław Bartoszewski and Zofia Lewinówna, Warsaw: Stowarzyszenie ŻIH and Świat Książki, 2007, p. 301.

> the landlady's son poisoned Clara Hechtman. She was buried beneath the clay floor of the room where the Jews were hidden.[5]

The trial of Edward Toniakiewicz, who is the primary focus of this text, evinces that it was more difficult to conceal the corpses of murdered Jews in towns than in the countryside. For Toniakiewicz, troubles with the concealment of corpses and the curiosity of his neighbours became his eventual undoing.

The opening document in his file is the indictment, dated 7 January 1950, which was prepared by R. Kozioł, an assistant prosecutor [*podprokurator*] of the District Prosecutor's Office in Warsaw. According to the indictment, Edward Toniakiewicz, son of Stanisław and Ewa née Dziewulska, born 10 October 1902 in the village of Zwola in Garwolin County [*powiat*], a worker living in the city of Olsztyn, was charged as follows:

> in the year of 1943 in Warsaw, assisting the German authorities, he participated in the murder of three persons of Jewish nationality, the Lemberg family, whom he had before taken in, in return for payment, so as to hide them as persons persecuted by the Germans. Such a deed constitutes a crime laid down in Article 1, para. 1 of the Decree of Aug. 31 1944, D.U.R.P. [*Dziennik Ustaw Rzeczypospolitej Polskiej*, Journal of Laws of the Republic of Poland] no 69/46, entry 377 as well as subsequent changes.
>
> Under Article 22, para. 1. para. 3 and Article 25 para. 1 of the K.P.K. [*Kodeks Postępowania Karnego*, Code of Criminal Procedure] the case is subject to the jurisdiction of the Court of Appeals in Warsaw.[6]

The story – or at least the picture emerging from the case files – begins at 9 a.m. on Thursday, 9 June 1949 at the 22nd Militia Station in Warsaw, when Stanisław Błaszczak (age 47) submitted a verbal crime report to Corporal Bolesław Kozłowski. In his recorded testimony, he stated that he had already reported this crime in 1945. He had informed Citizen[7] Malinowski of the UB in Warsaw [*Urząd Bezpieczeństwa*, Security Office, also UPB – *Urząd Bezpieczeństwa Publicznego*, Public Security Office] about the murder of a Jewish married couple and their child, then he had left Warsaw. Upon his return four years later, he discovered that the accused Antoni Kłos,[8] had been released. Once again, Błaszczak went to

[5] Meed, *On Both Sides of the Wall*..., p. 204.

[6] Archiwum Instytutu Pamięci Narodowej [Archive of the Institute of National Remembrance, later: AIPN], Provincial Court for the Capital City of Warsaw, GK 317/159, Case files of Edward Toniakiewicz, p. 1.

[7] Title used by the Polish communist authorities to address a person in official communication, later: Cit. – *transl.*

[8] The investigation made it clear that Antoni Kłos was in fact Antoni Kłosiewicz, and that he was not a culprit of, but a witness to the murder. Błaszczak's testimony was related to the murder committed by Toniakiewicz; his story about bodies dumped in the pond was distorted, as the reality was mixed with rumours. As explained in a memo prepared by Corporal Niewiadomski on 17 June (AIPN, GK 317/159, p. 52).

the UB, and from there was directed to the 22nd Militia Station where he retold his story to Corporal Kozłowski:

> it happened in 1944, during the Warsaw Uprising. People of Jewish nationality were hiding wherever they could, among them a Jewish family of three who stayed at Cit. Anthony Kłos' place at 13 Zawisza Street in Warsaw. The family (owners of a goose farm) lived on Narcyza Żmichowska Street. How long they stayed with Cit. Kłos, I don't know, but some folks who lived nearby were saying that Cit. Antoni Kłos had towed a straw mattress, that was leaking blood, in a pushcart, and threw it into a flooded clay pit. Some time thereafter the gestapo arrived, hauled out the floating mattress from the pit and after splitting it open retrieved human remains, which they then threw onto their truck and departed with it. Later on [the gestapo] came to Cit. Kłos [and] carried out a search – probably in connection with the remains. Since the retrieval of the remains from the clay pit no one had seen the Jewish family at Cit. Antoni Kłos' place, but Cit. Kłos and his wife had started wearing golden earrings and rings, and their lifestyle had changed; later, the Germans deported them, and after their return, they bought themselves two horses and several cows. I must mention that Cit. Kłos used to be a needy worker; he still lives at that same place. As to witnesses, I can name Czyżak's son who may have something to say about the case; where he lives now, I do not know. But he works in the M.Z.K. [*Miejskie Zakłady Transportowe*, Municipal Transportation Company] at 2 Młynarska Street. [A]nd some local residents who live near Cit. Kłos [may be called upon as witnesses, too]. I can add that I based my testimony on conversations that I had had with folks who lived nearby, and when I testified at the UBP, two witnesses were summoned [afterwards] who gave their testimony.[9]

Six days later, on 15 June 1949 at 8 a.m., Corporal Stanisław Niewiadomski of the 22nd MO [*Milicja Obywatelska,* Citizens' Militia] Station in Warsaw questioned one of the "local residents", Stanisław Kwaśniewski (b. 1920), who had lived at 49 Zawisza Street, near the flooded clay pits[10] for thirteen years . He testified:

> during the occupation in summer of 1944 or 1943, while returning from shift on a bicycle near the clay pits, I chanced upon two men with a pushcart covered with trash; it was 5 or 6 a.m., very early, human legs were sticking out from the trash. I got home, went [up] to my pigeons and, from a distance, I watched these individuals, what they would do. From the roof of his house, Czyżak watched [them] as well. He lived next door, but is dead now, he died in the Uprising. Those individuals threw the corpses into the clay pits and rolled the cart away towards Młynarska Street.

[9] Ibidem, pp. 35–36.

[10] Today, "the clay pits" are the ponds in Moczydło Park. At that time, they were part of the grounds of Ulrych's gardens, located several hundred metres from Zawisza Street.

Then Kwaśniewski called together a few neighbours and they went to the pits.

> Two human corpses were floating in the water, close to the shore: a woman, older, black hair, no clothes but for underpants; second body [was] of a young woman, about 18, also naked, only in underpants. In about an hour, an ambulance arrived at the clay pits, together with 'blue' police, they took one [corpse], sunk the other one; in two hours, when the second body bobbed up, they came again and took [it]. Right after that, a patrolman came to me and the late Czyżak; we had been detained; while I was in jail, a caretaker of [the house at] 13 Zawisza Street [was held] in another cell, I don't know his name, and yet another cell [was] full of other individuals. I also saw the second one at the MO station, the one who had been at the clay pits with the pushcart and the corpses – I think he was a 13 Zawisza Street caretaker's cousin. The late Czyżak and I were released the following day, after questioning; later I heard rumours that the murderers had been released as well. I need to mention, that when the late Czyżak and I approached them – that was still at the clay pits – and asked them what it was, they replied: "cats."[11]

An hour and a half later, at 9:30 a.m., Corporal Niewiadomski questioned the next of the "local residents" – Józef Olobry (b. 1901) of 69 Obozowa Street, who remembered that he had heard from some local residents that:

> Antoni Kłos […] murdered a jewess,[12] a Jewish girl and a Jew[ish] man, and threw them into the clay pits [some day] very early in the morning. For I had heard, the best witness would have been Czyżak, who is dead now. […] Czyżak was flying pigeons at the time and he spoke with the murderers, and rumours got around that they gave him a cut. It was said the 'blue' police were to take on the case, but later it blew over. Only in the autumn of 1945 did two UBP agents question me about the case at my place.[13]

At 10:30 Corporal Niewiadomski interviewed Bronisława Sadowska (age 67) of 79 Płocka Street, who had lived at 13 Zawisza Street for 22 years, until the Uprising. She testified:

> One day, I was in my apartment around 11a.m. – [it was] a long time before the Warsaw Uprising – when I heard a few shots fired inside our building. After a while a german in uniform, but with no cap, came out from the caretaker Toniakiewicz's apartment to the courtyard. The children playing in the courtyard scattered and things went quiet. I also became very scared at the sight of the german. Who fired the shots and why, I don't know,

[11] AIPN, GK 317/159, pp. 38–39. Hiding Jews were called 'cats' during the occupation.

[12] Here and hereafter names of nationalities may not be capitalized in citations to preserve original spelling – *transl.*

[13] Ibidem, pp. 40–41.

> but in a few days, people were talking in the neighbourhood that some strange men carted off murdered [people] from that house at night – an elderly jewess, a jew and a girl – or a boy, I don't remember exactly – and sank them in the nearby clay pits; supposedly these jews had come from the goose farm. Whether the caretaker, Toniakiewicz, was hiding the jews in his cellar, I don't know. I'm not able to explain the rest of my testimony, as I have memory lapses, and I'm 67 years old.[14]

The next interrogation was held at 1:30 p.m. Bronisława Szafrańska (b. 1903) who had lived at 13 Zawiszy Street since 1914, testified:

> Toniakiewicz worked in the fort on Bema Street during the German occupation. His wife used to do laundry for the Germans, her daughter spoke German as well, she used to see off the Germans leaving her place. The Germans spent a lot of time in Caretaker Toniakiewicz's place. In the summer before the Warsaw Uprising, in 1944 or 1943, while I was crossing the courtyard going to my allotment garden, I saw Toniakiewicz, his son-in-law to be, Roman Gołębiewski, now deceased, and the third one, Toniakiewicz's cousin, taking bags stuffed with something out of [Toniakiewicz's] apartment and piling them in his storage shed. […] A few months before that I, and many other residents, saw that Toniakiewicz was digging a cellar inside that apartment of his. I asked his wife one day what they needed a cellar for – as they already had the shed - she answered that they would keep a goat and some pigs. It happened after they had taken out the sacks. My husband, who was guarding the potato patch in the community garden at night,[15] saw Toniakiewicz, Roman Gołębiewski (deceased) and that cousin of his, as they were gathering manure and trash from the field and loading it into a pushcart. My husband woke Antoni Kłosiewicz, who had been sleeping in a bed [placed] outside his window […] and told him about it; then together they went closer and saw that something was sticking out of the cart, as if human legs […]. Later, after a week, once everybody knew about the corpses in the clay pits [and] the 'blue' police and gendarmerie had launched their inquiry […], Toniakiewicz moved away – nobody knew where to – and wasn't heard of since. I learned from talking with people that no one knew that Toniakiewicz was hiding Jews in his cellar. I need to mention that the entire building was afraid of Toniakiewicz because Germans always spent a lot of time at his place.[16]

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[14] Ibidem, pp. 42–43.

[15] „Nowy Kurier Warszawski" (23 August 1943) wrote, on page 3: "As they don't want to leave their crops at the mercy of garden thieves who prowl mostly around suburban neighbourhoods, gardeners have set up parties that have been recruited from among the community garden owners and their families, and are on guard day and night. That way the entire harvest is secured for the rightful owners, who after all did not put so much work into the cultivation and nurturing of their plants just to be deprived of the crops."

[16] AIPN, GK 317/159, pp. 44–45.

The last questioning was held that day at 3 p.m. Corporal Niewiadomski learned from another resident of the 13 Zawisza Street house, Janina Rozum (b. 1903), that the Germans often visited Toniakiewicz and that

> his wife had died shortly before everyone in the house knew that he had been hiding Jews and had murdered them. That day when the Germans were at his place and the shots were fired, I wasn't there because I was working. […]. A few days later, once the corpses were found in the clay pits, the whole house was abuzz that Toniakiewicz, and that other one, did it.[17]

On Friday, June 17, Corporal Niewiadomski carried on with the investigation, interrogating further witnesses. Władysław Szafrański (b. 1900), a resident of 13 Zawisza Street, saw that:

> during the day, three Germans and a civvy came to the caretaker […], Toniakiewicz. I was inside the house at that time, standing in the entrance hall. After a short while a few muffled shots could be heard from inside Toniakiewicz's place. Afterwards the Germans and the civvy left. After the Germans had left Toniakiewicz's apartment, Toniakiewicz himself came out and, asked by the residents what had happened, stated, "What I've done is my business; I will answer for it"; he was very upset then […]. Three days later […] the caretaker's daughter, Stanislawa Toniakiewicz, was [seen] washing some blood-stained linens in the courtyard at the well.[18]

One day Władysław Czyżak (b.1928) learned from

> some locals that human corpses were floating in the water in the clay pits. When people began to gather by the water, I went as well. I saw three human bodies in the water, near to the shore: one man and two women, partly in their underclothes. People were saying that some caretaker was to have murdered them.[19]

The corpses in the clay ponds caused a sensation; another questioned – a woman who lived in the neighbourhood – testified: "before the Warsaw Uprising, in 1943 or 1944, [I saw] people rushing towards the nearby clay ponds, so I hurried too. Human bodies were floating in the water, I saw only two bodies, can't say if in underclothes or without, as I can't remember."[20]

On Monday, 20 June 1949, Corporal Niewiadomski composed a memo[21] wherein he wrote that he established that the policeman who carried out the investigation in 1943, Feliks Stolarski, lived in the Koło district on Obozowa

[17] Ibidem, pp. 47–48.
[18] Ibidem, pp. 50–51.
[19] Ibidem, p. 54.
[20] Ibidem, Hearing of Zofia Anioł (age 60), 20 June 1949, p. 55.
[21] Ibidem, p. 56.

Street. Niewiadomski had already delivered the summons directed to Stolarski to his wife.

The following day at 9 a.m., Feliks Stolarski (b. 1900) was questioned, and his testimony enabled the reconstruction of the course of events. Stolarski had said, among other things:

> from 1940 to 1944, until the uprising, I served as a criminal investigator at the 22nd Station of the State Police ('blue').[22] In the summer of 1943, the 22nd P.P. Station received a report from a neighbourhood policeman, Sergeant Lewandowski (now deceased) that there were three drowned Jews in the clay pits on Zawisza Street. Together with three officers from the station, I went to the crime scene. We hauled three murdered persons out of the water: two women, one [was] older, one younger, and a young man. All three jews [were] undressed, [their] bodies with visible gunshot wounds and swollen beyond recognition. After retrieving the corpses, we handed them over to the Sanitary Office, which took them away in an ambulance. Based on the information gathered at the scene, we established that the corpses were brought to the clay pits and drowned there by Toniakiewicz (I can't remember his first name) of 13 Zawisza Street, and his acquaintance from the Solec district. […] That day we didn't find Toniakiewicz nor his accomplice at their homes. [But] a few days later I, together with another investigator, detained Toniakiewicz at his family's place at 34 or 36 Krochmalna Street. Brought by us to the 22nd P.P. station, Toniakiewicz maintained that he had got [*sic*] those jews (he didn't give their names) from his nephew, [who lived] at 28 Twarda Street, to shelter them in exchange for payment. He testified that he'd been keeping them for a few weeks when two german civvies came and shot the jews in his cellar and ordered him to drown their corpses in the clay pits. He testified further that a sergeant of the Polish Police had come to his apartment a few hours after the murder and had taken all the jews' clothing. […] [Toniakiewicz] indicated residents Antoni Kłosiewicz and a shoemaker, I can't remember his name, as witnesses who, in hearings, acknowledged that the murder of those jews had been committed by the germans. […] Within 48 hours I sent the entire case – together with detainee Toniakiewicz – to the special Jewish section of the Criminal Police Authority, located at the time at the corner of Aleje Ujazdowskie and Koszykowa Street. What happened with the case since – I don't know. Łuczak – his first name, I don't know – was the head of the Jewish Section of the Criminal Police Authority. He was living at 20 Bolecka Street at that time, but has not lived there since the Uprising. He is most likely dead, as the Polish underground passed a sentence on him during the occupation. I need to mention that the testimony Toniakiewicz gave was inaccurate,

[22] 'State Police' was the pre-war name. During the occupation, the official name of the formation was 'Polish Police of the General Government' (hence the acronym P.P. in the next sentence), known also as 'blue' police.

> as he'd taken clothing from his apartment – [other] things had been left behind, but he'd moved his family out and his apartment, as far as I can remember, was locked. I engaged a locksmith to open his apartment during the investigation.[23]

The following day, on Wednesday, June 22, Corporal Niewiadomski questioned Toniakiewicz's nephew, Jan, who helped clarify many details of the story. Jan Toniakiewicz (b. 1913) testified,

> in 1943 while the ghetto in War[saw] was burning, I took in three Jews who were acquaintances of mine: Mrs Lemberg,[24] I can't remember her first name, her son, Heniek Lemberg, he was about twenty then, and her daughter, I don't remember her first name, who was sixteen or seventeen years old. They'd lived somewhere on Leszno Street in Warsaw and had also owned a yard-goods store on Świętokrzyska Street, between Zielna and Wielka Streets. These Jews lived with me from April until June or July 1943. I did not get any financial reimbursement from them, we just lived together using their money to pay living expenses. The Jews had with them: the clothes they wore, good ones, a few changes of underclothes, a couple of quilts; they had no large bundles. Whether they had much gold, I did not know. Once, old Mrs Lemberg gave me twenty gold rubles to buy some food; I returned the change to her after purchasing the food. I was afraid to keep these Jews too long at my place, so when my paternal uncle Edward Toniakiewicz – also a caretaker, then at 13 Zawisza Street – dropped by mid June 1943, I suggested that he should take the jews in return for compensation. After conferring with the Jews telling them that my uncle had agreed to take them in, we reached a deal that the Jews would pay Edward Toniakiewicz two or three thousand per month. The Jews did not give him any money up front. A few days later the jews departed to my uncle's. The zhidek, Heniek Lemberg, left with my uncle by tram during

[23] Ibidem, pp. 59–60. Unfortunately, Warsaw's police chronicles from 1 August 1942 to 30 April 1944 (see Archiwum Akt Nowych [Central Archives of Modern Records, AAN], Delegatura Rządu RP na Kraj [Government Delegation for Poland], 202/II 440, „Kronika wydarzeń na terenie m.st. Warszawy od 1 sierpnia 1942 do 30 kwietnia 1944") contain a gap from April to October 1943, so the Stolarski testimony cannot be corroborated by a second source. Likewise, my research did not unearth any mentions of the murders in the daily "Nowy Kurier Warszawski" between 15 April and 31 August 1943, even though a dedicated column, "Kronika Warszawska" [The Warsaw Chronicle] reported daily on various types of crimes, suicides, and accidents in the city.

[24] The telephone directory for the capital city of Warsaw for the years 1938/1939 has no listing under the name Lemberg, however, there does exist a listing: "Z. Lemberger, tailor supl. Św. Krzyska Street 43". An entry in the Commercial Register [*Rejestr Handlowy*] of small businesses, kept in Archiwum Państwowe w Warszawie [State Archive in Warsaw], confirms the registration of a commercial establishment, "Z. Lemberger, Sewing Supplies" owned by P. Lemberger at the address 43 Świetokrzyska Street since 1936. It is possible that the Lembergers are the family in questions, and their last name had been distorted (AIPN, GK 317/159, pp. 63–66).

the day, and later that day my brother Bolesław (he's dead now) took both jewesses to the uncle's. The jews left me two quilts and some old linens on departure, [but] no money. Three days later I was at my uncle's and visited my Jews, who were in the cellar beneath the floor. I talked with them, too. A month later old Mrs Lemberg came by my place during the day and asked me to move them to a better hideout; she also gave me some addresses [to check]. I couldn't find any better hiding place at the addresses she had given me and so she went back to my uncle's place at 13 Zawisza Street. I had visited my uncle, Edward Toniakiewicz, and the jews staying with him several more times. In July, I do not recall the exact day, my uncle came by my place. I wasn't there then. I was in hiding because the Germans had caught my brother Bolesław (now deceased) with a gun. He told my wife Ewa that these jews who were staying with him were killed in his apartment by the Germans. My wife passed this on to me, and also told me that she had given my uncle the quilts, because he wanted to flee but had no money on him. [Later] I learned, I don't remember from whom, that on that same day he was caught by police detectives and taken away. I wasn't called to any police station to testify since I was in hiding from the Germans. […] One month after the murder of the jews occurred, the son of my [other] uncle, Michał Toniakiewicz, who lived at 27 Narbutt Street, asked me to come to them. When I arrived, Edward Toniakiewicz was already in Uncle Michał Toniakiewicz's apartment, as well as their acquaintance – Grabowski or Grabosz, I don't remember his name exactly – who lived somewhere in the Solec district; they were going somewhere but did not have enough money. I had on me 100 or 200 zlotys, so I gave it to my uncle Edward. I didn't learn from them why they wanted to leave. After that time, Uncle Edward came to my apartment only once, for a few minutes, when there was a roundup going on and the Germans stopped a tram. I haven't seen him since, and I haven't been to 13 Zawisza Street, either.[25]

The following day, June 23, Corporal Niewiadomski questioned Toniakiewicz's daughter, Stanisława Gołębiewska (b. 1924) who, in her somewhat muddled account, testified:

In the autumn 1940, I volunteered to go to work in Germany. On 2 July 1943 I came from Germany to Poland while on leave and stayed at my father's at 13 Zawisza Street in Warsaw. I did not go back to Germany, but I went into hiding. Germans used to come to my father's apartment because my father worked in the fort on Bema Street, which was under German administration. First I spent several nights at my father's, and then at Mr and Mrs Obies' place on Elektoralna Street – I can't remember the number – because I was hiding from the Germans.

Occasionally, I went to see my father, but I didn't like to do so because father often drank vodka. At first I didn't know that my father was hiding

[25] AIPN, GK 317/159, pp. 63–66.

> jews in his cellar. It was only after they had been killed that I learned about it from two unknown [to me] civilians who came to see me that same day on Elektoralna Street, where I was hiding out at the Obieses'. Those civvies told us that three jews had been killed at my father's place on Zawisza Street – two women and a man, and that there were more jews here at Mrs Obies', and they had come to take them, too. Two jews, a man and a woman, they found in the attic of that house and wanted to kill them on the spot, but at our request they didn't but instead took them away. What they did do with them, I didn't know, but those civvies came [back] to Mrs Obies' that same night at 1 a.m. and said that those jews had shown them a cellar full of garments, and that they had killed them afterwards. On the command of those civvies, I went to my father's to 13 Zawisza Street on the following day, to tell him that he must bury the corpses of the jews in his cellar. I wanted to see them in that cellar, but my father and his friend, who was in the apartment at the time, a certain Władysław Grabos of the Solec district (his first name I don't know [*sic*]), didn't let me see them. I did not stay long at my father's, I took some small package and returned to Elektoralna Street to the Obieses'. Next day Father came to us at Elektoralna Street himself and he was telling us the facts of the previous day's murder, that is: "when he was alone that night two men came to his place and they said to him, 'where are those jews you keep'. First Father said, 'there are no jews here'. One of them took the carpet off the floor and opened the cellar, and told the jews to come out. As the jews didn't want to come out, the angered civvies hit my father in the face, and one of them pulled a revolver from his pocket and gave it to my father, and told him to shoot at the jews in the cellar from above. Father killed them, those three jews, with that revolver […]. The other civvy finished off the moaning jews, then one of them entered the cellar and took their gold and valuables, there was lots, and they left the apartment. While at Mrs Obies' on Elektoralna Street my father asked us – what I myself heard too – for advice on what to do with the jews now, as the corpses could not stay in the cellar. They did not decide on anything that particular day and Father went home.[26]

During the interrogation, Gołębiewska also gave her father's current address in Olsztyn. Subsequently, a radiogram was sent from Warsaw to the local police station in Olsztyn, in which Lt. Władysław Karbul, the chief of the MO Station, requested the immediate detention of Toniakiewicz, and "his transport to the 22nd MO Station of the capital city of Warsaw, at 174 Wolska Street."[27]

Two days later, on Saturday, 25 June 1949, Corporal Niewiadomski questioned Antoni Kłosiewicz (b. 1906), who said:

> in the summer 1943, I can't remember exactly what month, I was sleeping on a blanket in the garden at night, with my neighbour Władysław

[26] Ibidem, pp. 70–72.

[27] Ibidem, p. 74.

> Szafrański sleeping a few metres away. The garden was outside the windows of our house at 13 Zawisza Street and it was that night just before dawn, when it was getting light, that Władysław Szafrański and I saw Caretaker Edward Toniakiewicz together with his acquaintance, who I didn't know, taking a pushcart that they had already prepared and loaded on the top with some thrash. It was two-wheel pushcart, but what was beneath the trash, I did not know. Very early in the morning, maybe at 3 a.m., they pulled the cart from the courtyard and towards the clay pits. After half an hour Toniakiewicz's acquaintance came to the courtyard alone and brought back the empty cart; Toniakiewicz had already been there. The two of them argued over some 5,000 [zlotys]. […] Then both of them entered the apartment and soon they fled and stopped coming home. […] I know that the Polish 'blue' Police seized them both, but also that they were released a month or so later. I have not seen either of them since.[28]

Corporal Niewiadomski failed to find Władysław Grabos. Despite interviewing the residents of 7 Ludna Street, where the man had lived during the war, Grabos' whereabouts remained unknown. All he learned was that Grabos' wife and two daughters had been registered at that address from 12 February 1945 to 20 May 1946 and had thereafter relocated to Szczecin.[29]

On Monday, 27 June 1949, in response to the received radiogram, the head of the MO station in Olsztyn, Stanisław Karwacki, handed over detainee Toniakiewicz to the 22nd MO station in Warsaw.[30] Toniakiewicz was questioned the following day at 2 p.m. During this first interrogation, Edward Toniakiewicz (b. 1902) testified:

> Yes, I admit that during the occupation, one evening in the summer of 1943, I brought from my cousin, Jan Toniakiewicz of 28 Twarda Street, a Jewish family – [consisting of] an elderly mother, her son about twenty years of age, and her v[ery] young daughter – I do not know their last name – with the intent of keeping them as long as possible. In return for this I received a few gold rubles from Jan Toniakiewicz. I sheltered that family in a cellar enlarged especially for that purpose. The Jewish family brought some parcels with them, one apiece, what was inside the parcels I could not know exactly as they had those parcels with them in the cellar under my apartment. I used to buy food for the Jewish family with their money, which they gave me each time. […] I had agreed with the jews to keep them for five thousand [złotys] per month; twice I obtained from them the five thousand. One afternoon two months later, I can't remember exactly which month, two civvies and one german in military uniform

[28] Ibidem, pp. 75–76.

[29] Ibidem, Memo, 25 June 1949, p. 77; the office of the population register questioned about the Grabos' address answered: "Not listed in the current register of residents." (p. 78).

[30] Ibidem, p. 80.

came to my apartment and questioned me where I was keeping the jews. One of them told me to uncover the cellar under the floor, which I did. Then, they ordered the jews to come out from the cellar. All three jews came out into the room [where] their valuables were taken away, they were ordered to put them on the table. After the valuables had been taken, they ordered the Jews to return to the cellar. I admit that one of them gave me his revolver and that I fired into the cellar where the jews were. I shot twice and returned the revolver to one of them. Then one of them went into the cellar and also fired several shots. They then took all the valuables left by the jews and went off, leaving the corpses in the cellar. When they left I went down to the cellar and the corpses, but I didn't search them. I can't remember whether I buried them in the cellar that day or some other day. I didn't report the killing of the Jews to the Polish Police because I was afraid. A few days after the murder a 'blue' policeman came to my apartment and said, "you have to clean up what's inside your cellar." I didn't know the policeman and he demanded a bribe from me, which I gave, I don't remember how much. A few days later my friend, Władysław Grabos, of the Solec district, came over; to him I confessed everything and asked for his help. That night we loaded the corpses on a two-wheel pushcart that we covered with some dry manure taken from a garden, and we carried them away to the clay pits on Zawisza Street very early in the morning, and drowned them there in the water. Some men stopped us by the clay pits but I can't remember if I gave them anything because they let us go. Afterwards, my mate Władysław Grabos, my daughter, and I loaded all the bedclothes and linens on a droshky – ours and what had been left beind by the jews – and we took them away to a mate I knew, Bronek (I can't remember his surname), on Krochmalna Street (what number, I can't recall) and from there I was taken by the regular Polish Police to the station in the Wola district. From the station I was sent to the Police Headquarters at 9 Aleje Ujazdowskie, where I was held for a few weeks. I was not summoned to court until I was released. I did not return to 13 Zawisza Street, as I was afraid, and now I live in the West [western Poland – *transl*.] in Olsztyn.[31]

On 28 June, once the interrogation of the suspect was finished, Corporal Stanisław Niewiadomski began to draft a report to sum up the entire investigation. He put the facts in order, commented on them and screened the marginal and doubtful trails; in short, he built a solid basis for an indictment.

Edward Toniakiewicz was interrogated twice more. On 30 June 1949, likely influenced by a meeting with his attorney, he pleaded not guilty to the charge that "in the summer of 1943, he was to have assisted the German occupation authorities." He also recited the statement, "I acted to the detriment of the Polish people by having taken the life of three persons of Jewish nationality, whom I had before taken in, in return for payment so as to hide them as persons persecuted

[31] Ibidem, pp. 81–84.

by the Germans, that pertaining to the offence provided for in Art. 1of the Decree of 31 August 1944."[32] That same day Edward Toniakiewicz was arrested.

Six months later on 16 December 1949, the defendant interrogated by Prosecutor Kozioł "pleads not guilty to the charge that in the year of 1943 in Warsaw, assisting the German authorities, he murdered three persons of Jewish nationality, whom he had before taken in, in return for payment so as to hide them."[33] His version of events concerning firing at the Jews was also somewhat amended: "after I fired once or twice […] the german took the revolver away from me and fired several shots."[34]

The main proceedings were held in the First Criminal Division of the Court of Appeals in Warsaw on 15 March 1950. The defendant was assisted by a court-appointed attorney, L. Zbieć. The evidence given in the courtroom did not differ greatly from what Corporal Stanisław Niewiadomski had been able to establish during his investigation. Toniakiewicz pleaded not guilty to the murder charge, maintaining: "that unless I shot, they would shoot me."[35] In his further testimony he said,

> the cellar might have been 1.5 metres by 1.5 metres in size. […] I don't know who stripped the jews of their clothes. It was quite warm at the time as it was spring, so the jews were sitting in the cellar undressed. […] When the German ordered me to shoot, he handed me the revolver and the bullets [as if] jumped out by themselves […] From the jews, I didn't receive any money. I had seen that they had some valuables, such as: rings, a watch. […] I do not know who took Jewish garments. I do not know about any things; I wish to state that there were no things. The individuals who ordered me to kill the jews talked to each another in German.[36]

The witnesses repeated closely what they had testified before, only some testimonies yielded new minor details. Władysław Szafrański confirmed that he had seen some Germans entering Toniakiewicz's, but "they didn't bang [on the door], they entered quietly."[37] He also testified that as he and Kłosiewicz had been keeping a watch on the community gardens at night, they had seen the accused together with his acquaintance near sunrise, rolling the pushcart toward the clay pits.

Stanisław Kwaśniewski repeated that he had been riding his bike near the clay pits when he had noticed a human leg sticking up from the trash piled on the push cart; "On my arrival home, I climbed up to the pigeon loft and watched the

[32] Ibidem, pp. 89–90. The subsequent part of the testimony is consistent with his previous testimony.

[33] Ibidem, p. 94.

[34] Ibidem, p. 96.

[35] Ibidem, p. 6.

[36] Ibidem.

[37] Ibidem, p. 9.

[men] standing by the clay ponds. I saw as those men turned the cart over and chucked something out. I ran there and asked them what they were doing. They answered that 'Germans killed our Jews, so we're getting rid of them'."[38]

Bronisława Szarfańska retold that Toniakiewicz had come out to the courtyard, upset, once the Germans had departed, and when questioned by neighbours he retorted, "don't worry about it, it's my problem;[39]" she also had seen him carrying some bundles into his storage shed.

Antoni Kłosiewicz testified, that he had not witnessed the visit the Germans had paid the accused, because as soon as he had heard them entering the courtyard, he had escaped and hidden in a potato field. Two days afterwards, while he was sleeping outside in the courtyard,

> I was woken up by someone who was taking away my manure, [so] I got up and saw a pushcart loaded with my rubbish. So, I woke up Szafrański, and then we both saw Toniakiewicz with someone else pushing the cart towards the clay pits […].The cart was filled with trash mixed with manure. Szafrański said it was his [trash]. Seeing the accused with this cart so early in the morning, we thought that maybe he was hiding some meat.[40]

Jan Toniakiewicz testified,

> I kept Jews, these Lembergs: a mother with a son and a daughter. They were acquaintances of mine and they only gave me money for their upkeep. One Jew, Stogbaum,[41] came to me asking if I could take the Lembergs in. I agreed. Later more of them came. So that at one time I had nine people staying with me. When Stogbaum was leaving to go abroad,[42] he warned me that someone, namely this Marian, I don't remember the last name, might 'rat on' me. That's why I suggested to my uncle [Edward], that is, to the accused, that he shelter three persons. […] I had a false identification card made for the Lembergs. […] The accused demanded 2,000 or 2,500 zlotys monthly for the three of them. The Lembergs gave him the money. I did not pay the accused anything for this. I had known the Lembergs since 1940, they had a store selling textiles, lining fabric on Świętokrzyska Street before the war. Mr. Lemberg had given me about thirty pieces of lining fabric for safekeeping and as long as he was in the ghetto, I kept delivering it to him. The Lembergs had their own house on Żytnia Street. I think these 2,000 or 2,500 zlotys were for the accused and they paid separately for the upkeep. The Jews stayed in my uncle's cellar. […] I used

[38] Ibidem, p. 10.

[39] Ibidem, p. 11.

[40] Ibidem, pp. 11–12.

[41] As in the transcript; the spelling of the name was recorded by a court clerk listening to the proceedings. More likely: Stokbaum, Stockbaum, or Sztokbaum.

[42] Which meant that he had gone to the Hotel Polski.

to visit him and see them. Then one day I learned from Uncle Michał that the Lembergs had been killed.[43]

Stanisława Gołębiewska, the defendant's daughter, testified that she had been unaware of the Jews in hiding, and that she had seen them "only after the killing." In the last sentence of her testimony, she had tried to explain how the Jews staying with her father had come to be denounced, "I lived on Elektoralna Street and I was planning my wedding. I lived with Mr and Mrs Obies. There were Jews there, too, who were found and those Jews betrayed the Jews hiding at my father's.[44]

On the same day, 15 March 1950:

> After hearing the case of Edward Toniakiewicz on 15 March 1950, the First Criminal Division of the Court of Appeals in Warsaw, presided over by [judge] T. Cybulski and consisting of lay justices L. Żeleżkiewicz, A. Graas, and a court reporter trainee, Z. Skonieczna, in the presence of Prosecutor Kozioł […] reached the decision:
>
> To find Edward Toniakiewicz guilty of the offence charged in the indictment under the Article 1, section 1 of the Decree of 13 August 1944, and to sentence him to death. To sentence the defendant to a permanent loss of civil rights and to the forfeiture of his entire property under the Article 7 of the same decree. To exempt Edward Toniakiewicz from payment of all legal costs and court fees according to Article 4 of the Court Costs in Criminal Cases Decree and Article 481 of the code of criminal procedure.[45]

In its legal opinion, the court tried to established, among other things, what had happened with the Jews' possessions, and concluded,

> The Lembergs were well-off as they owned a textile store and a tenement building before and at the beginning of the war. At the time they relocated to the apartment of Edward Toniakiewicz, their belongings – consisting of clothing and linens – were delivered to them. Additionally, they had on them a sizeable amount of gold coins and jewellery. […] In the court's opinion, the defendant's behaviour conclusively demonstrates that at least a portion of the valuables of the murdered Lembergs had been pocketed by Toniakiewicz, and also that he had seized all the belongings that they had had with them. […] The court does not lend any credence to the defendant's testimony that when he murdered the hiding persons he acted under threat of death from the Germans. […]The Germans did not hold the defendant responsible for having hidden persons of Jewish origin, and instead left him at home [undisturbed]. […] The defendant was aware of the Jewish origin of the persons he was sheltering and that as

[43] AIPN, GK 317/159, pp. 12–13.
[44] Ibidem, p. 14.
[45] Ibidem, pp. 16–17.

such they were subject to persecution by the German authorities – that was why he expected to commit the crime with impunity.

The Court of Appeals finds the defendant guilty of murder under Article 1, section 1 of the Decree of 31 August 1944.

In determining the penalty, the court takes into account Article 54 of the penal code. The court takes into consideration the motives of the defendant who, during the time of mass destruction and the merciless persecution of the Jewish populace, assisted the occupying authorities, the betrayal of trust of the persons who turned to him in search of shelter, and the degeneration of his character and his behaviour after the murder was committed.

The court dismisses entirely the defendant's explanation that he was acting on orders, and therefore does not employ Article 5 of the Decree of 31 Aug. 1944 or mitigate the death penalty stipulated in Article 1 of the same Decree.[46]

The next document in the Toniakiewicz case file is the plea for pardon dated 16 March 1950, submitted by his daughter and addressed to "The Citizen President of the Republic of Poland". It reads,

My father, Edward Toniakiewicz has been sentenced to death by the Court of Appeals, the First Criminal Division in Warsaw […]. As such, I make a most fervent plea to the Citizen President for pardon for my father.
Believing strongly that the Citizen President, our Highest and Most Honourable Superior, considers my sincere request positively and, at the same time, orders an appeal of the proceedings –
with gratitude and utmost respect
Stanisława Gołębiowska.[47]

The case file is missing a good deal of documentation such as the defence counsel's correspondence with the court, or any records regarding the appeal.[48] Nonetheless, the appeal must have been lodged, since the last document in the folder – a copy of the Supreme Court's judgement – relates to this very subject. On Sept. 5, 1950, the Supreme Court consisting of "the presiding judge, S.C. Justice Dr. J. Zembaty, and S.C. Justice St. Gronowski and S.C. Justice Z. Chełmicki, in the presence of S.C. prosecutor, W. Bednarz, […] reversed the portion of the judgment of the Court of Appeals regarding the sentence, and sentenced Edward Toniakiewicz to fifteen years of imprisonment and ten years of loss of civil rights."[49]

[46] Ibidem, p. 24.

[47] Ibidem, p. 25. It was a standard plea, most likely written by counsel following a set template.

[48] For instance, there is no arrest warrant and no record of Toniakiewicz's detention in Olsztyn; no order appointing a public defender which makeshis name impossible to establish. Additionally, there are no prison records in the file, i.e. documents pertaining to time served, possible parole, or release from prison.

[49] AIPN, GK 317/159, pp. 25–26.

In the opinion, the Court challenged some findings made by the Court of Appeals, such as that Toniakiewicz had not acted under German threat, and also that he had shot to kill, as he had not aimed the revolver and "in the wake of the defendant's shots, groans were heard" – therefore making it likely that he had only injured the Jews. The Court decided that the Court of Appeals had erred in determining the absence of the German threat. The justices concluded – quite logically and not without reason – that,

> the findings of the proceedings do not lead to the unquestionable conclusion that the defendant was an accomplice of the three men, allegedly Germans, who came to the defendant's apartment on the day in question. If the defendant had truly wanted to kill and rob the Jews he had been hiding in his cellar, he would have certainly done it alone, e.g., by poisoning them, to gain a higher profit; likewise, under no circumstances would he have allowed neighbours to see his accomplices, nor [his accomplices'] use of a firearm, the blast of which could have betrayed the defendant and brought unpleasant consequences. Furthermore, the defendant's apparent nervousness accompanied by hand-wringing […] lends credibility to the claim that these men cannot be regarded as the defendant's accomplices. This circumstance has been proven. […] so, one must assume that the defendant decided to shoot at the Jews only under a serious threat from [those men].[50]

Ultimately,

> the Supreme Court acknowledges that, under the threat of death from the three men, the defendant participated in the murder of the Jews, he had been hiding in his cellar, by firing several shots at them, and therefore assuming and accepting that those Jews would lose their lives as a result.. Consequently, the defendant's act constitutes a crime under Art. 1, Section 1 of the Decree of 31 August 1944; the Court of Appeals had rightly found the defendant guilty of committing an offence, and the argument in question is insubstantial as grounds for appeal.

However, owing to the fact that the defendant acted out of absolute necessity due to the threat, as codified by Art. 22 of the penal code, the Supreme Court applies extraordinary mitigation of the punishment. […] recognising that the defendant deserves a mitigation on the grounds of both: the circumstances described above, as well as his person – especially his sincere confession [that he shot], made despite an almost complete lack of evidence, the absence of a criminal record, and his elementary education (3rd grade) – all of which constitute the mitigating circumstances.

As an aggravating circumstance the Supreme Court recognises that the accused took part in the killing of three innocent persons and that he was greedy,

[50] Ibidem, pp. 30–31.

as he had been taking 2,000 or 2,500 zlotys monthly from the Jews, and that just for the hiding - they still had paid him separately for their upkeep."[51]

* * *

This story illustrates how difficult it was to dispose the body of a killed Jew in the city and, for this reason, shows one of the ramifications that made hiding Jews in the city so much different from hiding them in the countryside. But it is not the only reason why the story of the murder of the Lemberg family deserves to be told. The story shows that gossip and hearsay can be a powerful force, and how murder of Jews could sometimes be exposed by sheer chance. Likewise the witness testimonies constitute a promising source for analysing the workings of memory and its ability to preserve mental images (note e.g. "a German [...] came [...] to the courtyard; the children [...] scattered, and things became quiet"). They also constitute a veritable mine of information on quotidian life under the occupation, not only by depicting many mundane details ("guarding the potato patch in the community garden at night"), but also by exposing the social ladder and revealing a variety of resentments ("her daughter spoke German as well"). Furthermore, the story warrants retelling because it shows that the Polish police did not hand all cases over to the German police, as they were supposed to do ("what happened with the case since – I don't know"[52]), and therefore inspires further inquiries ("the Jewish Section of the Criminal Police Authority"). The story likewise exemplifies competent investigative work (Corporal Niewiadomski completed the investigation within three weeks) and reveals the post-war judiciary's approach in reasoning, notably a certain flexibility with which it interpreted and applied the August Decree.

One learns the least about the victims. Apart from the – most likely mispronounced – last name, their approximate ages, family relationships, and that before the war they had owned a yard-goods store, the Jews remain largely anonymous. Nevertheless, if one listens closely to the words of the witnesses and the accused, one begins to understand how the Jews in hiding were treated, as well as imagine what they had to live through. The testimonies shed light on the convoluted journey of Jewish belongings ("the clothes they wore, good ones,

[51] Ibidem, pp. 32–33.

[52] Had Polish police handed over the case – as was required – in all probability, Toniakiewicz would not have been released, but would have been brought before the German court. Dorota Siepracka describes a case wherein farmers, from the vicinity of Łódź, who sheltered a Jewish family, after a time robbed and murdered them. The father, having survived and witnesses the slaughter of his family – and having nothing left to lose but his life, which he no longer valued – turned himself in to the German authorities and exposed the details of the crime. The Polish villagers were arrested, accused of murder, and finally brought in front of the Special Court in Łódź [*Sondergericht Litzmannstadt*] and sentenced to death. See Dorota Siepracka, "Mordercy Żydów przed nazistowskim Sądem Specjalnym," *Pamięć i Sprawiedliwość* 6 (2004).

few changes of underclothes, a couple of quilts"), and the existing stereotype of Jewish wealth ("took their gold and valuables, there was lots"). They reveal the costs of hiding Jews ("two or three thousand zlotys per month", "five thousand per month"), and the attitudes of Poles toward those whom they were hiding ("he had got those jews […] from his nephew"). They enable one to understand the conditions in which the Jews stayed ("the cellar … 1.5 metres by 1.5 metres in size […] the Jews were sitting in the cellar undressed."), the feelings of vulnerability, anxiety, and the torments of premonitions ("old Mrs. Lemberg […] asked me to move them to a better hiding place).

We also learn about instances of mutual help among those in hiding ("Stogbaum came to me asking if I could take the Lembergs in"): that help could be offered selflessly ("they were acquaintances of mine and they only gave me money for their upkeep"), that it applied to various aspects of Jewish life ("I had a false identification card made for the Lembergs"), and that when it was given by decent people, it had a tendency to spread "Later more of them came. So that at one time I had nine people staying with me").

In this instance, however – as it usually happens – in the struggle between good and evil, the former had lost.

Tranlated by *Elżbieta Olender-Dmowska*

Abstract
The author investigates how corpses of murdered Jews were hidden in towns during the occupation. She examines the case of Edward Toniakiewicz and his murder of three Jews he was hiding in his cellar, and whose bodies he then attempted to dump into a nearby pond. The crime came to light due to his neighbour's curiosity. The investigation was conducted by the Polish 'blue' police, and its documentation was used during Toniakiewicz's trial after the war. This revealing paper acquaints the reader with various aspects of the fate of Jews hiding on the 'Aryan side'.

Keywords
murders of Jews, hiding of bodies, Polish 'blue' police, August Decree, court trials, Edward Toniakiewicz