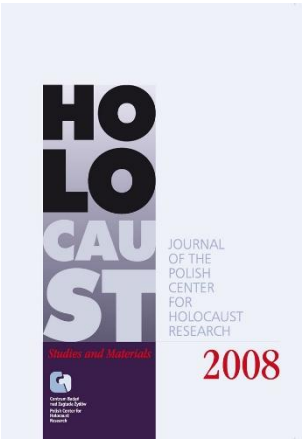


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"I swear to fight for a free and mighty Poland, carry out the orders of my superiors, so help me God."Jews in the Home Army. An Episode from Ostrowiec Świętokrzyski

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"I swear to fight for a free and mighty Poland, carry out the orders of my superiors, so help me God." Jews in the Home Army. An Episode from Ostrowiec Świętokrzyski

In this volume of our journal, we publish fragments of Hinda Malachi's diary written in October 1943, containing a passage about the murder of a group of Jews from Ostrowiec Świętokrzyski by members of the Polish underground:

> We were approached by a Pole who organised a gang that was to join the normal Polish sabotage army in future. The boys willingly joined the band, including our nephew, [Szlomo Szerman – A.S., D.L.], Dudek Grojskop, Szl[ama] Cwajgman, I[cek] Keinig and others. A Swiss from Kunowo, who came to see them, brought some bulletins and similar materials. Finally, the group left for the Kunowo area and spent there two winter months, until 12 February [1943], in a forest. On that day, representatives of the army reported to their cell demanding to see the weapons, and announced that they would now set off to join the main army. But it was a mere pretext that only Poles could come up with. When the boys put the guns away, they were all shot. In the morning, Nasielski [?] and Szlomo Cwajgman came back and told us what had happened. I quarrelled with Szlomek about it so many times, because I did not believe in it. I read their bulletins [advising] to recruit people who had money, as much as possible. The boys went to great expense, and Heniek [Chanina Szerman, the author's husband, changed his name to Malachi after he left for Israel – A.S., D.L.] also covered the lion's share, sending large food parcels. And I am amazed, there were smart boys there and they did not see through this insincere game. They still believed that a major was coming from England by airplane to lecture or things like that.[1]

This fragment does not refer directly to the organisational affiliations of the Poles who were in touch with the Ostrowiec ghetto. However, we can surmise that those were members of the Home Army (Armia Krajowa, AK).

[1] Hinda and Chanina Malachi, "Diary", ed. Jan Grabowski and Lea Balint, Holocaust Studies and Materials no. 1 (2008): 209–234.

The Ostrowiec Świętokrzyski ghetto was established in April 1941. There were about 16,000 Jews in it.[2] From mid-1942, under the influence of news coming from other ghettos, more and more people tried to escape and hide outside or inside the ghetto in specially built bunkers. On 11/12 October 1942, a liquidation "action" took place. Almost 1,000 people were murdered on the spot, and the rest were deported. Before deportation to Treblinka, several hundred people managed to survive, mainly young men and women selected to work in Ostrowiec, Starachowice, Bodzechów and other local labour camps. Those who were hiding in the bunkers also survived the action. About 700 people were initially in the rump ghetto. Eventually, there were almost 3,000 of them. In such circumstances, Jewish youths began to think about leaving the ghetto. The implementation of this plan, as described by Hinda Malachi, ended tragically.

Two people survived the massacre. One of them, Szlama Icek Cwejgman,[3] survived the war, emigrated to the USA and settled in New York. Probably it was his testimony regarding the murder of his compatriots that led to the post-war investigation. However, we do not know how and when the material landed in the hands of the Provincial Public Security Office (Wojewódzki Urząd Bezpieczeństwa Publicznego) in Kielce, from where, on 18 March 1949, the original was sent to the District Public Security Office (Powiatowy Urząd Bezpieczeństwa Publicznego) in Ostrowiec Świętokrzyski, where the investigation was carried out. Later, in June 1949, Cwejgman gave another extensive testimony in the Polish consulate in New York. Another testimony, this time in the Polish consulate in Tel Aviv (13 March 1949), was also given by Chanina Szerman, Hinda Malachi's husband.

On 29 January 1949, two Ostrowiec residents were arrested: Leon Nowak and Edward Perzyński. The suspect Józef Mularski, at the time a resident of Poznań, was arrested on 9 February 1949. The grounds for the arrest were the testimonies of Nowak and Perzyński as well as Mularski's first testimony given the day before the arrest. All three detainees, initially put in custody of the Public Security Office (Urząd Bezpieczeństwa Publicznego) in Ostrowiec, and then (from 29 March 1949) in a prison in Sandomierz, were former soldiers of the Armed Combat Union and the Home Army (Związek Walki Zbrojnej, ZWZ-AK), Opatów District. Mularski, pseudonym "Zapała", "Krzysztof" (born in 1908), was a graduate of a teacher training school. He was active in the underground from autumn 1939. He was the head of the organisational section of the ZWZ. Later he headed the local Revenge

[2] About 11,000 came from Ostrowiec alone; the rest were refugees and the resettled e.g. from Vienna, Łódź, Radom, Ćmielów, Konin, Piotrków, Płaszów and Warsaw.

[3] Actually Icek Szlama Zweigman, son of Abram and Maria-Ruchla née Rubinsztajn, born on 12 August 1914 in Ostrowiec Świętokrzyski, locksmith by profession, single, AIPN Warsaw, SWK, vol. 182, ch. 114.

Union (Związek Odwetu)[4], and he took part in several sabotage actions.[5] Nowak, pseudonym "Rudy", 36, was a locksmith and a welder. He completed three classes of primary school and worked in Zakłady Ostrowieckie. In 1943, he was arrested by the Gestapo and until the end of the war he was imprisoned in concentration camps, initially in KL Auschwitz, later in Mauthausen.[6] When they were arrested, all of them were members of the Polish United Workers' Party (Polska Zjednoczona Partia Robotnicza, PZPR).[7]

References to the murder of the Ostrowiec Jews appear several times in historical literature. Probably the first to mention it was Adam Rutkowski, in his study of 1955 on the Holocaust in the Radom District. He referred to the pertinent court sentence, submitted to the Jewish Historical Institute (Żydowski Instytut Historyczny, ŻIH). Following Rutkowski, also without giving any details, this fact was noted in works of other historians, Polish and foreign, but what is significant, never in studies concerning the underground in the Kielce Region.[8] However, only the investigation and trial materials kept in the IPN Archives in Warsaw enable us to demonstrate the motives and circumstances of this crime in a fairly precise manner.[9] The investigation as such was carried out routinely. The strategy of the defendants was also rather

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[4] The sabotage organisation of the ZWZ was established on 20 April 1940 on the order of the ZWZ commander, Colonel Stefan Rowecki "Grot". It was reorganised into the Sabotage Directorate (Kierownictwo Dywersji, Kedyw). In Radom and Kielce Districts, the AK-Kedyw was established in February 1943.

[5] Information from: Wojciech Borzobohaty, *"Jodła". Okręg radomsko-kielecki ZWZ-AK* (Warsaw, 1984), pp. 166, 168, 170. In this study, he is mentioned as a cadet. All the information in the footnotes concerning organizational structure of the Opatów District of the ZWZ-AK comes from this publication. In Mularski's memoirs, attached to the investigation material, he presents himself as a lieutenant. (Wspomnienia z czasów konspiracji niepodległościowej ob. Mularskiego Józefa, ps. „Krzysztof", ppor. rezerwy, cz. I 10 XI 1947, cz. II 11 XI 1947 [Memoirs from the times of the pro-independence underground of citizen Mularski Józef, pseudonym "Krzysztof", second lieutenant of the reserve, vol. I 10 November 1947, vol. II 11 November 1947], in Biuro Historyczne were written by Major Garas).

[6] In the studies concerning the Kielce ZWZ-AK, he is not mentioned.

[7] Perzyński, pseudonym "Rawicz" (born in 1920), welder by profession, completed seven classes of elementary school, was also Mularski's subordinate. Perzyński took part in the action to destroy the bridge on the Kamienna River in Ostrowiec on 11 September 1942. According to Borzobochaty, he commanded this action and Mularski took part in it (*op. cit*., 171). Hillebrandt, who considered this action very important, does not mention Mularski's participation but refers to his memoirs, *Partyzantka na Kielecczyźnie 1939- 1945* (Warsaw, 1967), 42.

[8] Adam Rutkowski, "Zagłada Żydów w dystrykcie radomskim", *Biuletyn ŻIH* 15–16 (1955), 133. Following him, others wrote on this subject, including: S. Krakowski, *The War of the Doomed. Jewish Armed Resistance in Poland, 1942- 1944* (New York, London, 1984), 118. Reference to this issue can also be found in the Ostrowiec Book of Remembrance.

[9] AIPN Warsaw, Sąd Wojewódzki w Kielcach (Provincial Court in Kielce) 182 I – 183 II (SWK 182 I – 183 II), Akta w sprawie karnej przeciwko Józefowi Mularskiemu i innym, oskarżonym o to, że 9 II 1943 r. w Bukowie gm. Kunów pow. opatowski dokonali zabójstwa 12 obywateli polskich narodowości żydowskiej [Files in the criminal case against Józef Mularski and others, accused of murdering 12 Polish citizens of Jewish origin on 9 February 1943 in Bukowie, Kunów community, Opatów District] 1949–1958, 1956–1965, ch. 552, ch. 104.

typical. Initially, they admitted their guilt, but later, they either partly changed their testimonies or (like the best educated of them, Mularski) retracted them. Mularski accused his superiors (who allegedly had given him the order to get rid of the Jews) as well as his colleagues and subordinates, among them, primarily, the late Mieczysław Wąs, pseudonym "Rogacz", member of the ZWZ-AK, commander of the sabotage detachment of the Opatów District, eventually the commander of an AK partisan detachment. He could not defend himself as he died in combat on 6 July 1943.[10] Otherwise, he would certainly have been arrested as his complicity in the murder was beyond dispute. In the investigation materials, other names and pseudonyms of living or dead members of the local underground appear. Nowak and Perzyński maintained that they had only followed orders issued by Mularski, who represented the ZWZ-AK.

The sequence of events leading up to the murder can be reconstructed from the testimonies of the defendants and from Jewish testimonies and accounts (Cwejgman's, Szerman's, Moszek Singer's and Leon Rozengarden as well as from the accounts written by a resident of the Ostrowiec ghetto, Mendel Welman[11]). In November 1942, several Jews working in Ostrowiec Steel Mill, who were also members of a group of young conspirators, established contact with Nowak, from the local structures of the Polish underground. He, after consulting his acquaintance (superior?), Mularski, started to lure them with the possibility to join the AK detachment. Initially, as it seems, the aim of the Poles was to obtain money from the Jews. However, when several determined Jews landed in the forest near Bukowie, and they stayed there for a long time, it became a problem, because there was no realistic possibility to use them in combat; we can presume that nor would those who commanded the AK Area or District approve it. After all, no partisan activity was carried out there at that time and Mularski's claim that the Jews were led out from the ghetto by consent of the Radom-Kielce AK area command is highly doubtful. On the other hand, those who escaped from the ghetto were recruited by the emerging communist partisan units. It was impossible to include Jews in the partisan activity, because there were no partisan units yet. It was rather an independent initiative of people seeking easy gain. As the Jewish testimonies show, a lot of effort was made to assure the future victims that they were dealing with high-ranking representatives of the underground. When it transpired that no further gain could be obtained and the Jews treated the matter seriously, the decision was taken to murder them and thus solve the problem. Who issued such a decision? It seems that it was Mularski's initiative, as he must have had some authority in the group, if only because he had recently completed a monthly sabotage course in Warsaw. He did not, however, take part in the murder himself. He used his subordinates including members of the AK unit in Kunów, involved in "taking the Jews out" of the ghetto. Another shocking aspect of this case was the fact that the Jews had been sworn as AK members directly before their execution. We can doubt whether Mularski got precise instructions

[10] W. Borzobohaty, *op. cit.*, 171–172.

[11] AŻIH, 301/3055, Mendel Welman's account, 3 January 1948. The author of the account did not know the names of the Poles, he only heard that one of them still lived in Ostrowiec.

to liquidate the Jews from the district [AK] command under the pretext that they constituted a danger for both the organization and the local population (because of criminal activity of the group's members). Mularski's memoirs reveal that he was in serious conflict with the Opatów District commander, Captain Witold Sągajłło "Sulima", who did not think much of him. What is more, after murdering the Jews, Mularski's position in the underground structure visibly eroded.[12] During the trial, there were even suggestions that Mularski had been sentenced to death.[13]

However, the court was not interested in a complete elucidation of those matters. No one from the district command was summoned as a witness. In the course of the investigation, no scene of crime inspection was carried out, including the exhumation of the murdered. One of the court sessions took place on 13 September 1949, outside the court's seat, in Sandomierz. Several Jews were present at the trial, including Józef Ziemian. According to the trial transcript, the Jews "regretted that the trial took place in Sandomierz and that it was not mentioned in the newspaper and that no reporter was present there." On 28 November 1949, the Court of Appeal in Kielce sentenced Mularski and Nowak to death and Perzyński to fifteen years of imprisonment. After many requests to pardon him, Bolesław Bierut commuted the death sentence to life imprisonment. The first to be released was Perzyński, who was on parole in November 1956.[14] Mularski, who filed for extraordinary appeal, left the prison in January 1957[15] and Nowak was released on parole in early 1959.[16]

Mularski showed astounding determination in defending his good name. On 13 May 1957, on the Attorney General's motion and on the basis of the same evidence, the Provincial Court in Kielce annulled the sentence of September 1949 and found Józef Mularski to have been a victim of "mistakes and perversions." As early as two weeks later, Mularski's lawyer sent a brief to the court, in which we read that his client intended to apply to the Council of Ministers for compensation for the time he spent in prison.[17] The case was finally decided in 2000 when Józef Mularski was granted high damages and compensation by the District Court in Kielce on the basis of the law of 23 February 1991[18] on the annulment of the decision concerning people persecuted for their activity for the independent existence of the Polish State! This decision, taking into consideration the content of the testimonies of witnesses

[12] In the above-quoted memoirs of Mularski, we find sarcastic remarks about "Sulima", who – as Mularski confesses with uninhibited sincerity – thought him to be a "disobedient troublemaker carrying out criminal activity on his own." It was because of "Sulima" that Mularski was sidetracked in underground activity in May 1943. Probably, it could have been in connection with the murder of the Ostrowiec Jews. He also took part in a sabotage course in April 1943 and some actions but he was no longer active in Kedyw structures, although earlier he had been allegedly offered command of a partisan unit (See: Memoirs, 7–8).

[13] It is difficult to verify this issue as there is no documentation on the Opatów AK District.

[14] Decision of the Provincial Court in Kielce to release Edward Perzyński on parole of 13 November 1956, ch. 7.

[15] Decision of the Supreme Court in Józef Mularski's case of 12 January 1957, ch. 545.

[16] Decision of the Provincial Court in Opole to release Leon Nowak of 4 February 1959, ch. 89.

[17] AIPN, SWK, vol. 183, 79.

[18] Dziennik Ustaw No. 34, item 149 with subsequent changes.

and Mularski himself during the investigation, is astonishing, if not odd, unless murdering Jews is a form of pro-independent activity. The authors requested the District Court in Kielce to make the trial files available to them. The arguments of the Provincial Court in Kielce, exonerating Mularski in 1957, are also difficult to accept. The court found the testimonies of all the suspects false and therefore incredible and thus dismissed them as evidence in the case. At the same time, the court virtually did not refer to the account and the testimony of the only eye-witness of the murder, the injured party Cwejgman, who could not attend any of the sessions in person, because he lived in the United States at that time. Nonetheless, his very extensive and detailed account and testimony were admitted as evidence. The court ignored them completely, attaching primary importance to the fact that Mularski was subjected to physical coercion during the investigation. Even such circumstances did not change, after all, the very essence of the case or the validity of the witnesses' testimonies, primarily those given by Cwajgman himself. After all, Court decisions of the second half of the 1950s in the cases concerning crimes on Jews would require more serious analysis. Here, let us remember that on the basis of the amnesty of 27 April 1956, ongoing proceedings were discontinued and no new criminal investigations, punishable under the "August decree", were opened, except for capital crimes (art. 1 point 1 of the decree).

The murder in the forest near Bukowie was not the only one committed by members of the Polish pro-independence underground in the Kielce region. Some of them were tried for it after the war.[19] Cases of killing Jews in the last days of the occupation or after it were frequently motivated by the intentions to "eliminate" witnesses of other crimes committed on people of Jewish origin. This was the case in Ostrowiec Świętokrzyski:

> On 12 March 1945, there was a robbery in Fajga Krongold's flat. There were rumours in the city that she was in possession of a list of Poles who were involved in killing the Ostrowiec Jews during the occupation in one way or another. Two young people, allegedly former AK soldiers, entered Felicja Kwaitkowska alias F. Krongold's flat with the intention to take the list. However, inside they found several people and, in the ensuing commotion, opened fire, killing four people and wounding several others.[20]

Whether this crime was in any way connected with the events of 9 February 1943 cannot be established at the moment.[21]

We publish the most important fragments of the investigation and trial materials below. Attempts were made to preserve the style of the original.

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[19] See: Alina Skibińska and Jakub Petelewicz, *Udział Polaków w zbrodniach na Żydach na prowincji regionu świętokorzyskiego*, "Zagłada Żydów. Studia i materiały" [Holocaust Studies and Materials] 1 (2005), 114–147.

[20] W.R. Brociek, A. Penkalla, R. Renz, *Żydzi ostrowieccy. Zarys dziejów* (Ostrowiec Świętokrzyski, 1996), 117.

[21] People charged with this murder and sentenced to death by a Radom court are not mentioned in the trial file of the case discussed here.

I. The witnesses speak

The account of Szlama Icek Cwejgman [Zweigman], longhand, vol. 182, ch. 48– 67, no date.

Several weeks after the resettlement of the Ostrowiec Kielecki Jews, i.e. in November 1942, an illegal meeting of several young men took place with a view to seek contact with members of an underground organisation. After two or three weeks, one of the group, Noech Cukierman, managed to establish contact with members of the org[anisation]: Leon Nowak, engineer of locomotive No. 7 of the "Transport" division in Zakłady Ostrowieckie. Nowak promised Cukierman to inform the staff of the org[anisation] that a group of Jewish volunteers wanted to join them. Several days later, Nowak gave an answer in the following letter.

To the volunteer Jew[ish] group in Ostrowiec. You can be admitted in our ranks to take part in liberating ourselves from the shackles of the common enemy. In order to give you conditions of admission, we can arrange a meeting. The reply is to be given via Leon and the letter is to be burnt after reading as you are very well aware of the danger we face if the matter were to be discovered. Signature: Zych's Staff.[22]

The meeting was set for Monday, 30 November in rectification [sic] of the german [sic] Jeger in Żabia Street in Ostrowiec, because there was a Jewish group's work detail there. At the set time, our collaborator, a Jew[ish] policeman, without [his] superior's knowledge, led us to the above-mentioned place. We started to discuss the condition in a camouflaged place, the envoys of the org[anisation] were: Lieutenant Topór and cadet Józef,[23] both of them unknown to us. From our group[:] Icek Kenig, Josek Frydland, Noech Cukierman and myself, Szlama Icek Cwajgman. The conditions presented by the delegates of the org[anisation] were 10,000 zloty per person. We stated that despite all our willingness, we were not in a position to pay such a sum. When asked why the org[anisation] demanded such an expensive [sic] price, they replied that actually it did not mean that we were required [to pay], but it was supposed to be some kind of a donation from the Jew[ish] population, which at that time was only about 1,500 people.[24] Anyway, they said[:] try to collect as much as possible and we will meet again. Another meeting was fixed for 8 December in a letter handed in by Leon Nowak, but this time with the captain of the staff himself. The policeman Ch. Szerman, Balter and Cukierman went to this meeting and at the fixed time, they met with the captain and Leon Nowak in Polna Street, between Iłżecka and Siennicka Streets. The captain pointed out that to make it easier for us to join them, he did not demand the originally mentioned sum of 10,000 zloty per person, but only as much as we could get. The money, he said, could be handed over to Leon in several instalments. On 9 December, Leon Nowak came to the fixed place in the ghetto and there, at a table with vodka and hors

[22] We do not know the designate of this pseudonym (codename). The Opatów District was assigned the following codenames: "Strumień", "Fiołek", "Grzegorz".

[23] We do not know who they were.

[24] The number of Jews living in Ostrowiec ghetto.

d'oeuvres on it, he got the first instalment of 12 thousand zloty[25] and promised that after a few days we would get a receipt from the captain, and this is what happened. We agreed to give the second instalment on 15 December, and in the evening of that day, Leon Nowak with an unknown mem[ber] of the Org[anisation] got 9 thousand zloty from us.

On 19 December, we received a letter from the staff to prepare the first group of 6 people. Our group was to include 18 people, and there were to be three departures from the ghetto, 6 people in each group. On Tuesday, 22 December, another letter came and informed us that the next day at 6 p.m., those departing were to be at the ghetto gate and the policeman at our service. Szerman, after contacting the other side about whether our liaison people were present, was to lead them out and hand them over to the liaison people we knew. The order was carried out. Several days later, we received a note via the liaison man Nowak from the first group, with fixed passwords, [informing us] that it seemed to them that we were dealing with the organisation. During the week between Christmas and New Year, Cukierman received a letter from the staff, which read that the org[anisation] needed fabric for three men's suits, two overcoats and leather for several pairs of shoes. The excuse was that the fabric was needed for the mem[bers] of the org[anisation], who worked as liaison people between towns and had to be neatly and well-dressed so that they would not be suspected by various agents. The fabric was delivered by the police[man] Szerman and his brother (who later died) to the liaison men Zygmunt and Franek outside Smużyński's locksmith's workshop on the corner of Bałtowska and Polna Streets.

On Saturday, 2 January, at 1 p.m., we again received a letter that the second group of 6 people was to leave the ghetto as the first did. It was mentioned in the letter that the group should march in an orderly manner, because at the same time, in another part of the town, a certain organisational work would be done. The group left the ghetto at the fixed time and about fifteen minutes later we heard a shot and then some part of the group returned. It turned out that a Polish policeman's son recognised the group and started to scream "Jews!" He was shot by the liaison man and in this situation not everyone could get to the fixed place where a wagon waited for them. After an hour, we learnt from the ukrainians [sic] who came to the ghetto for the people to work that the factory cooperative had been attacked by unknown people who took more than 500 thousand zloty. The fact that the organisation informed us about it in the first place gave us a lot of encouragement and faith in it. The next day, those who could not leave the evening before left.

Soon, we were again told to give the money one more time and the fabric for several women's costumes. After contacting L. Nowak via Cukierman, Nowak came with another stranger, on Monday 4 January in the evening. They were handed 7 thousand zloty and fabric for two costumes. All the fabric supplied the first time, as well as the second time, was required to have been [manufactured] before the war. The demand was fulfilled, the fabric was given at my place. The next day, i.e. on 5

[25] Present were: Nowak with another unknown man, from us Cukierman, Balter, Szerman and I [footnote by the account's author].

January 1943, the last group and I left the ghetto. The same evening after coming to the den,[26] the liaison men Zygmunt and Franek came with the condition to give 2 thousand zloty from every newly arrived person. We promised to send someone to the ghetto the next day to obtain and deliver the sum. At dawn, Kenig left the den on his way to the ghetto, where they got the 7 thousand zloty and which was handed to L. Nowak as well.

On Friday, that week, Zygmunt, Franek and a new individual came to the den. The man said that he was a major and was sent by the Polish government in London to visit all the 110 dens and we were the fortieth group to be visited. He learnt from conversations that the staff demanded money from us. He pretended to be angry about that and promised to discuss it with the captain. The liaison men visited us twice or three times a week and supplied us with food. We did not stress the insufficient quantity of it and steep prices they charged, because the aim was more important. Constant questions: when, when? Because in the beginning it was agreed that after two weeks in the den we would join a detachment operating in the Świętokrzyskie Mountains area. We were supplied with two revolvers, a few grenades and one rifle.

By accident, we met a resident of nearby "Bukowic"[27] village, Józef Szwajcer.[28] Eventually, we made friends and he revealed a secret that his brother Feliks was a member of the same organisation. Józef sold us a cavalry rifle for 300 zloty and food from time to time. On 16 January, Zygmunt and Franek appeared, but this time they did not enter the den; they stayed outside and in the field above the gorge stood an individual whom they called the sergeant. The liaison men were drunk, especially Franek. They accused us that Malenicki from our group was supposed to be in the village and asking the peasants about their real names. We all were sure that it was not true, because Malenicki did not leave the den. I, as a group commander, guaranteed this. Then, the sergeant called me in and when I reported to him in military style, he said that he did not want any of this. I explained to him that there must have been some misunderstanding. He changed into a more lenient tone and the "storm" ended with him only demanding 50 zloty for the visit. He got the money and he confiscated the rifle bought by Szwajcer, claiming that it came from an organisational bunker. On 19 January, about 11 p.m., there were eight of us in the dark of the den. A part of the group went to the ghetto to fetch parts of the machine gun stolen from a German work detail, where our boys worked, who were to go with the next eighteen and also obtain carbide for our lamps in the den. Three boys went for food to Szwajcer in Bukowie. Unexpectedly, we heard footsteps above our den, and right after that shots at the entrance of our shelter and a clear shout in Russian: "Vykhadiy, vykhadiy, job tvoja mat" ["Out, out, you sons of bitches"] !!! Not knowing what could have happened, we gave no reply. But the attackers put some straw in the hatch, half a metre in diameter, and threw in an incendiary bomb. We could

[26] The word "den" is misspelled throughout the text; the Polish words "malina" (raspberry) and "melina" (den) are mixed.

[27] Should be: Bukowie.

[28] It is probably the mysterious "Szwajcar" mentioned in Hinda Malachi's diary.

not stand the smoke, so we decided to leave. We could not put up any resistance, because we had to leave one by one through a small hatch. I leaved [sic] first. On the left side of the hatch, there stood a gentleman in a skiing cap and short fur coat. As soon as the upper part of my body appeared, he shouted "Ruki vyerkh, davay dyengi, chasiy i zoloto!!" ["Hands up! Give me your money, watch and gold!!"]. I put my hands up and immediately someone rushed to me and started to search my pockets, groping even the seams of my trousers, checking if there was something sewn in. They took away my watch, a golden ring and several dozen zloty. There were about 25 or 30 men armed with rifles and revolvers around us, facing different directions and at different distances. When all of us eight were outside, after taking everything from us, they said that our group should be bigger and asked where the rest was hiding. We answered that three of us went to get some food and some went to the town for other things. They warned us that they would come inside and if they found someone, we would all be shot. Three of them crawled inside and took some of our weapons, which were not hidden, and all our clothes. Then, they waited for the three who were to come with the food.

After their arrival, and when they robbed [us], they started to explain that they were Russian partisans and they did that to survive. One woman who was with us, 22-year-old Dorka Binental, who was shot in the left arm between her elbow and palm, replied to that: "So, you, comrades, wounded me? I would never have expected that my comrades would wound me, an active member of the party before the war." One of the attackers said ironically: "Perhaps you are not wounded, perhaps you've got your period," and the other promised to come the next evening with an ambulance and kill her. Let me stress that only the man who stood near the hatch spoke Russian; the rest spoke Polish. Later, they walked away [with] the stolen things, leaving us on the spot. The next morning some of the group with the wounded went to the ghetto and the rest stayed in the den. I was in the group that went to the ghetto. After meeting Cukierman, who was our main liaison man, and when we all met Leon Nowak, I described the course of the attack and also wrote a letter to the staff describing the incident. I expressed my conviction that the above-mentioned sergeant was the same man who commanded the group of the attackers and who spoke Russian. He was about 40–45 years old, medium height, of slim build and with a small, oval face. After 3 or 4 days we received a message via Nowak that the captain and the major were investigating the matter and we should not care much about it, because soon we would be sworn in and we would reach out goal. Nowak asked us only to give him for his service 500 zloty, without informing anyone from the staff or the liaison men. He got the money. Franek again asked for a pair of shoes and his request was also fulfilled.

On 3 February, we received a letter from the staff [saying] that on 4 February at 5, everyone was to be in the den, because we would be sworn in, and then we would march out. Before the departure, we gave them the demanded list of names and surnames in two copies. It was said that those absent would never leave. Everybody came at the fixed time, even the wounded Dorka Binental. However, she was allowed to take the oath, under the pretext that she had better conditions to heal her wounded hand, but that she would go with the next eighteen. During

the oath-taking, I saw the captain very clearly, because he did not wear sunglasses as he had when he met with us. I recognized Mularski, a former lieutenant of the Polish Army, and a former clerk of the P.K.U.[29] in Ostrowiec, a former football player of the Police Sport Club (Policyjny Klub Sportowy, P.K.S.) and graduate of a teacher training school in Ostrowiec. Also present were: Leon Nowak, one called "lieutenant" and two liaison men from Ostrowiec. I did not know the names of the three latter, who were [present] several times with Nowak at our meetings in the ghetto. Captain Mularski read out the oath, which he had written on paper, and also the answer. He gave us several minutes to think and then he asked us whether we were ready to take this responsibility. All of us answered: yes. "The right hand with two fingers up!" was the captain's order. It was carried out. Then, repeat word by word: I swear; I swear, we repeated, etc. "I swear to fight for a free and mighty Poland, carry out the orders of my superiors, so help me God,"[30] was the text of the oath. The captain's reply was: "We admit you in our ranks, all the orders are to be followed, any infraction will be punished by death, because we have no prisons."

Vodka (moonshine) and a piece of bread were given out. Suddenly, above the gorge, Zygmunt appeared, reporting "Captain, the gendarmerie in Waśniów, 30 men." In this case, we shall postpone the departure for 48 hours, said the captain. In any case, I will send the liaison man Zygmunt with the news to you tomorrow. If you have anything to take care of in the ghetto or to see somebody, do it and be here on time, because if you don't, you won't go. The next evening, Zygmunt came and told us that he did not know for sure if we were departing on Saturday, because the gendarmerie was still in Waśniów settlement which we were to cross. Again, we waited for several days. Four of us fell ill and, with a high temperature, went to the ghetto. On Monday, 8 February, we received the message that the next day we would certainly depart. The joy was overwhelming, but there were only 14 of us at the set time.

Present were: the lieutenant, two liaison men, who always came with Leon, Leon Nowak and Zygmunt. Living in two cramped underground rooms, we organised another den nearby. Józef Szwajzer showed it to us. Before the so-called departure I asked the lieutenant whether I should take some things from the second den. The answer was directed to Nowak: "Leon will come with them and see to taking only the necessary things and leaving the unnecessary ones." The order was given to Nowak, but Zygmunt came as well. They kept guns in their hands as they went with us. Three of our group went. When we reached the den they asked us if we had another exit. We answered: no. Nowak and Zygmunt stayed outside and we took the things out. When we came back, we all ate supper. In the first room, there were 5 of our boys and 5 of them; the rest of our group were busy packing blankets in another room. Unexpectedly, I heard some shots and shouts of one of the group: "Oh! Brotherly grave!" I looked left into the first room; it was already silent and dark, because

[29] In his memoirs Mularski wrote that in 1939 he worked in a laboratory of the mechanical division in Zakłady Starachowickie.

[30] It was not the exact text of the oath.

the carbide lamp had gone out because of the gunshots. In the passage between the first and the second room, I saw Nowak and another one with revolvers in their hands aiming one at me, the other [man] at the others. When I asked why we deserved that, Nowak said: silence, silence. The shot and the bullet went through my clothes, slightly grazing my left breast. I fell down, pretending to be dead. As I was falling, I dropped into a corridor 60 by 60 centimetres. In the same corridor, about 4 metres long (which was to be used as a second exit, but was not completed), one of the group, called Tolek Nasielski, was hiding. One of the bandits said: "Segregate them all." Shortly after that, I got a bullet in my face. It went through my mouth and got lodged under the skin, partly in the bone, some 2 centimetres above the temple.

Later, Zygmunt and L. Nowak knelt near me and started to shoot at the abovementioned Nasielski, talking to one another: "Give it to him between the legs." They did not have the conditions to shoot well, because the corridor was long and the end was slightly bent. They used some 20 revolver bullets for it. Apparently, they thought I was dead, because I was bleeding from my mouth and face. Then they started to leave the den, and suddenly one of those shot started to scream, "Light, give me light," and the other started to moan. Nowak returned with someone and, lighting two pocket electric torches, shot twice, saying: "Here's your light, son of a bitch." When they left the den for good, after a few minutes they tossed a grenade toward the entrance, probably to cover the tracks. But they did not succeed. After about half an hour, Nasielski, wounded only in his buttock, crawled out of the corridor, shouting the names of the boys who gave signs of life first. No one answered. I did not want to show him that I was alive, because I was afraid that they might still be standing outside and, just like the first time around, would return and perform the coup de grâce, just as they did with the two already mentioned. I considered it not only my personal duty to survive, but a general one as well, because after a few days, some of the next 18 [people] were to depart. The murder took place after 6 p.m. on 9 February 1943. I lay the whole night with the corpses, and in the morning I went to the ghetto. With my head swollen, I barely made it and met Nasielski there. From the ghetto boys, who worked in the factory, some Poles learnt about the tragedy. Nowak, afraid of revenge, apparently escaped for a few days, because Cukierman sought for him in the detachment and wanted to know the reasons for the crime. After a few days, in the evening, two Poles went to the ghetto and asked a boy where Nasielski and I lived. He said that he did not know such men. When the boy repeated it to me, visiting me in the hideout when I was ill and after he had sketched the way, the men were dressed and the way they looked like, I establishmented [sic] that one of them was L. Nowak. When Nowak came back to work in the factory, Cukierman asked him why they did that. They kept excusing themselves: "Party orders."

Several weeks later Cukierman was arrested by the Germans and executed. No one knew why. There was a rumour that it was because of fake Polish passports, but it was not true, because I was all the time from the very beginning with Cukierman, because it was I who wrote the letters to the staff. A young boy, Bluman, was arrested and executed with Cukierman. I assume that they sent the accusation, because

recently, Icek Blum was with Cukierman when he talked to Nowak in the factory. It is possible that either they or the germans [sic] took Bluman for Blum. They wanted to get rid of the witness in this way.

After liquidating the ghetto on 31st March [sic] 1943, I was sent to the camp in Bliżyn near Skarżysko. There, I met the people who initially worked in a German work detail near the scene of the crime. Those boys came from Kunów and their Polish acquaintances from Kunów told them the Polish Police and the fire brigade from Kunów were in the gorges on the crime scene, stripped the bodies of the dead and then demolished the upper part of the den with pickaxes, burying the corpses in this way. The crime scene is located between upper Udziców and Bukowie, near the Kunów settlement. Kunów is about 9 kilometres northwest of Ostrowiec on the route to Radom. Also Józef Szwajcer, or his brother Feliks, can precisely show this place, because Józef visited us several times, negotiating with us the supplies of short arms. He took 8,000 zloty downpayment from Kenig, but unfortunately, he never delivered the weapons. His brother Feliks visited us only once.

In 1945, Chanina Szerman was in Ostrowiec and wanted to report the case to the authorities but the president of the Jew[ish] committee at that time adviced [sic] him against it, because as he put it he was afraid of the revenge of the Jewish people. At that time, Szerman learnt that Nowak still lived at his old address at No. 6 or 8 Traugutta Street. Mularski was also in Ostrowiec. Szwajcer, who probably had something to do with them, lives in Bukowiec village near Kunów. The liaison man Franek works in a factory in Starachowice.

The wounded Dorka Binental went to Warsaw in late March 1943 to take part in the Warsaw ghetto uprising and disappeared without a trace.

Tolek Nasielski crossed to the "Aryan side" and also disappeared without a trace.

Chanina Szerman escaped to the "Aryan side" during Cukierman's arrest and he is now in Palestine at the following address: . . . .

The above-mentioned Balter Hersz was in my flat when the fabric for the women's costumes was given to Nowak. He is probably in Germany. I will try to get his address.

I testified truthfully and precisely and I am ready at any time to testify before a representative of the government and if need be take an oath. I'm convinced that the current government in Poland will see to justice being done and also will get rid of its enemies. Respectfully, Szlama Icek Cwejgman.

The names and the surnames of the shot and wounded, Szlama Icek Cwejgman's longhand, vol. 182, ch. 47, no date.

Majer Lejbuś Worcman, Icek Kenig, Abus Kudławicz, Rywon Jakubowicz, Josek Frydland, Alek Glat, Dawid Grojskop, Moten Wajnsztok, Lejbuś Mauer, Szlama Szerman, Maljech Brafman, Kelman Grynberg. Wounded: Tolek Nasielski and me, Szlama Icek Cwajgman

Testimony of the witness Chanina Szerman, given and minuted in the Polish consulate in Tel Aviv of 13 March 1949, typescript, vol. 182, ch. 106

During the German occupation, I lived in the Ostrowiec ghetto. I was a member of the organisation Hanoar Hacyjoni, which grouped Zionist youth who wanted to join partisan units. Icchak[31] Cukierman and I were the liaison men between the partisans and the Ostrowiec youth. Icchak Cukierman worked in Zakłady Ostrowieckie, where he was in contact with Leon Nowak and Mularski, who were the representatives of the partisans. Leon Nowak collected our letters from Cukierman and gave us letters and instructions from the partisans. In late 1942, it was established that the Ostrowiec youth would join the regular partisan units after training in Bukowie. The youth were to depart from the Ostrowiec ghetto in groups of 14. I was the head of the second group and my brother was in the first one, which went in November 1942 to Bukowie. This group lived in so-called "foxholes" and the partisans took care of them. Józef Szwajcer on behalf of the partisans came to the ghetto and took food and clothes for those in hiding and constantly put forward new demands claiming that the partisans must be well dressed, etc. Szwajcer came accompanied by different people, a Franek a[mong] them. However, I did not know the names of those people. Probably "Franek" was also a pseudonym. Szwajcer came with all the matters to me using the password "Zych." In February 1943, the first group was to take an oath and join the regular partisan army operating in the Świętokrzyski forest. The second group, headed by me, was to leave for the "foxholes" in Bukowie. We were on our way, when we accidentally met Szlamek Zweigman, a member of the first group, who was wounded in his mouth and told us the following: On this day . . . .

The murderers did not notice that those two were still alive, because, initially, they lay as if they were dead. When our second group learnt about the murder from Zweigman, we obviously turned back. Józef Szwajcer, who did not know that we had been informed about the betrayal, came to me to the ghetto and asked why our group had not left yet. We were afraid to kill him as we did not want to reveal that there were weapons in the ghetto. Probably Szwajcer learnt from our behaviour that we knew about the murder, because he went away and after half an hour the Gestapo came to the Judenrat in Ostrowiec and said that they had received the information that in Ostrowiec there was a group of Jews, members of a partisan unit and it was headed by Chanina, that is me, and Cukierman. I managed to escape to Warsaw and Cukierman was captured by the Gestapo and murdered. Let me stress that Nasielski, who survived the massacre, died later. Szlomo Zweigman is alive and lives in the United States and I am able to give his address. Later, we learnt that the above-mentioned partisan unit was a part of the AK. The minutes were read out.

[31] Mistake, should be: Noach.

II. The accused speak

The first interrogation of the suspect Leon Nowak by the investigation officer of the District P[ublic] S[ecurity] Office in Ostrowiec, Stefan Piadłowski of 20 January 1949, vol. 182, ch. 16-19, [fragments]

. . . When the germans [sic] herded all the Jews from Ostrowiec to the ghetto, which was in Ostrowiec, and from the factory premises, then, on the premises of Zakłady [Ostrowieckie], I met Cukierman, whom I knew before. He told me that he would like to go to the forest and fight with the others, because he and others were able to do that and he asked me whether I could help him somehow. I replied that I would meet Capt. [sic] Mularski and tell him that he wanted to join the unit and then we parted. On the second day, I met Mularski and informed him that Cukierman, a Jew, and others would like to join the unit and asked him to admit them. Mularski agreed and gave me a letter in a sealed envelope and told me to hand it to Cukierman. . . . What they discussed, I do not know. Three days later, I met Cukierman in the factory again. He told me that the day after meeting Captain Mularski and others he collected from them a lot of goods from the ghetto – furs and dollars, worth together 20,000 zloty – and told me that it would be given to the unit group. . . . Let me add that apart from that I learnt on the third day from Cukierman that the third group of jews [sic] which was brought to the den was robbed by those who led them there and that one Jewess was shot in her hand. I heard the same from the shot woman: that in the robbery took part Mularski Józef from their unit, who is now in the West, Godlewski Filip, pseudonym "Poker", who is also in the West, Słotwiński, whose first name I do not know,[32] liv[ing] in Piaski, Kunowski and others. . . . In February 1943, I do not remember the precise date, I was told by a liaison man of our work detail, pseudonym "Zygmunt", to report the next day in Częstocice near the Judenrat on Captain Mularski's order. After reaching Częstocice, I met Mularski, who was waiting there, and Wąs, pseudonym "Rogacz", who is now dead, Perzyński, Kmieć, who is also dead, and we headed for Kunów via Chmielów. When we reached Kunów, there waited for us Godlewski Filip, who is currently in the West, and three strangers, who Godlewski Filip would know. After a short time, Captain Mularski Józef took out a piece of paper and read our tasks for the day: to go to the mentioned dugout where the Jews were kept. When we got there, Mularski demanded from the Jews the weapons they had, which the Jews did, and then he ordered all the Jews to go into the dugout and turned to us, ordering four of us to enter the dugout and shoot everyone. Volunteers for the job were: Wąs, pseudonym "Rogacz", Kmieć, pseudonym "Adaś", "Franek" from Kunów and Stefan from Kunów, whom I do not know. When they entered the dugout, the shots rang out. Let me stress that at that time I was standing near the dugout on guard with Perzyński Edward, and Mularski with Godlewski stood outside the entrance of the dugout. When the Jews were wiped out by those who went there, and left when the job was done, Godlewski planted some TNT in the entrance of the dugout to bury them

[32] Słotwiński, pseudonym "Ryś". Took part in sabotage actions in 1943.

inside, and it exploded after a short time. Let me stress that before the explosion, "Rogacz" took out from the dugout a blanket and the jackboots which were taken by Mularski. . . .

Question: What was the name of the organisation that you and your colleagues were members of?

Answer: This organisation that I was a member of was called the ZWZ, also my colleagues were members of it and those with whom I took part in the murder on the Jewish nationality [sic].

The second interrogation of the suspect Leon Nowak by the investigation officer of the District P[ublic] S[ecurity] Office in Kielce Leon Barański of 24 January 1949, vol. 182, ch. 20–21, [fragments]

Question: How many times did Captain Mularski Józef, pseudonym "Mat", "Zapała", collect goods from the Jews, where and for which purposes were those goods used?

Answer: As I was told by a kike called Cukierman, who was also in the ghetto and had contact with Captain Mularski, he was to take a lot of linen goods, two seal furs, and five costumes, which he was to load on a wagon and take to the partisan units. According to my conclusions, the above-mentioned things were appropriated by Captain Mularski Józef and later were his property; the incident took place in late 1942. During the occupation, as far as I knew Captain Mularski Józef, he did not work anywhere and the only way he supported himself was through the organisation.

The first interrogation of the suspect Edward Perzyński by the investigation officer of the Provincial P[ublic] S[ecurity] Office in Kielce, Leon Barański of 25 January 1949, vol. 182, ch. 27–27v, **[fragments]**

Question: Did you take an active part in the murder of February 1943 in Bukowie near Kunów on people of Jewish nationality, where 12 people were murdered?

Answer: Yes, I admit that I was present during the murder on people of Jewish nationality, although I did not take an active part in it. From our side, that is the AK organisation, present were: "Rogacz" Wąs Mieczysław, Kmieć Adam, pseudonym "Lis", Nowak Leon, pseudonym "Rudy" and someone from Kunów that I do not know. The order to murder was instructed from above [sic] by Mularski Józef, pseudonym "Zapała"; the failure to carry it out meant carrying it out on us. The murder was executed in Bukowie near Kunów on about 10 people of Jewish nationality. Those people were middle-aged, only men. The hiding-out [sic] they kept themselves in was found between the gorges, but I do not know by whom. The outward appearance was: there was a top, and at the top there was a hole (entrance and exit from the hideout) . . . . When the murder was carried out, I, Perzyński Edward, pseudonym "Rawicz", had a weapon of the 7.65 mm system and I carried out tasks on the surface, on guard, far away from the hiding-out [sic] where the Jews were.

Nowak Leon, pseudonym "Rudy", had a small arm, but I do not recall what system it was, [and] during the murder he was on the surface, on guard. Wąs Mieczysław, pseudonym "Rogacz", who is now dead, at that time had a small arm, but I do not recall what system it was, during the murder he was on the surface, on guard. Kmieć Adam, pseudonym "Lis", who is now dead, at that time had a small arm, during the murder he was inside the hiding-out with another man, unknown to me, from Kunów, and there they carried out the death sentence on the above-mentioned people . . . . Two weeks before the murder on people of Jewish nationality, we visited those Jews with Commander Mularski Józef, pseudonym "Zapała", himself to swear them in and liquidate them by poisoning them with vodka prepared by Mularski Józef, pseudonym "Zapała", himself, and he had about three litres of it. . . . After the oath-taking, he treated the Jews to the vodka which was, according to his words, poisoned.

Question: What was the purpose of murdering the people of Jewish nationality? Why did you do that?

Answer: The murder of about 10 people of Jewish nationality was carried out on the order of Mularski Józef, pseudonym "Zapała", and it is difficult for me to establish what his motivation was.

The third interrogation of the suspect Leon Nowak by the investigation officer of the Provincial P[ublic] S[ecurity] Office in Kielce, Leon Barański of 26 January 1949, vol. 182, ch. 20–21, [fragments]

Question: Who fed the Jews in the dugout in Bukowie, who brought them food and how was it financed?

Answer: In my conversation with Cukierman, the Jew, he said that the food was brought to the dugout by the liaison men, who collected it from Słotwiński from Kunów. Who gave money for it, I do not know.

Question: What tasks did you perform when the murder was carried out, that is in 1943, in February?

Answer: During the murder I stood about 100 metres away from the den on guard. I had a 6.35 mm pistol and two magazines for it.

The first interrogation of the suspect Mularski Józef of 8 February 1949 by the cadet Stanisław Pluchak, clerk of the District P[ublic] S[ecurity] Office in Ostrowiec, vol. 182, ch. 6–8, [fragments]

. . . Question: Who contacted you as the main commander of the ZWZ detachment with the Jews who were in the ghetto and later wanted to go to the forest to avoid a disgraceful death from the occupier?

Answer: In 1942, in December, Nowak Leon, pseudonym "Rudy", mem[ber] of my group, came to me and said that some kikes had approached him and asked whether he knew anything [about] the possibilities to escape and hide or join some forest unit. As he was willing to reward me if it was successful, I told Nowak that I

would let him know. I myself had contacted the ZW [should be ZWZ] area [command], where Albiński[33] was the commander, and asked him whether he could admit Jews in our ranks. Apart from that, I told him that the Jews wanted to offer something, to which he replied that we could keep them and hide them, but as regards further tasks and admitting them to the forest unit, he would let me know. Some time later, I contacted Nowak Leon, pseudonym "Rudy", and asked him to tell the kike that there were possibilities to escape and hide them and that the kikes should contact me as the main commander of the ZW. In 1942, before Christmas, Nowak Leon, pseudonym "Rudy", contacted me with the kike Cukierman in Polna Street in Ostrowiec. After contacting Cukierman, I asked him what he wanted and Cukierman told me that they wanted to hide or go to some forest unit, to which I replied that I could hide them, but I could not admit them into the unit, because there was not such a possibility at that time. Later in the conversation with Cukierman I asked him what they wanted to contribute to the organisation, to which Cukierman replied [asking] what I wanted and I told him that at the moment I could not answer it, but I would give a written answer, and after this conversation we parted. Three days later, I wrote a letter to Cukierman, who gave the letter to that kike Cukierman[34*]. The conditions of the compensation were included in my letter, that is: textile materials, leather or with cash, whatever was convenient for them. Cukierman replied that they could contribute in that form, but they wanted to be out of the ghetto as soon as possible. At that time I contacted Kudas Jerzy,[35] living in the town of Kunów, whom I told that I was looking for a den for Jews who wanted to escape from the ghetto. Kudas said that he had such a hideout and he could take the kikes there. After three days, I informed Cukierman in a letter via Nowak Leon, in which it was written how many people could go in a group and when, as well as the place and the time of the meeting. At the fixed time, they turned up at the agreed place, where I was with Kudas and [a man] pseudonym "Zygmunt", whom I did not know. At the fixed time, a group of six jews [sic] with Cukierman turned up. Having put those kikes in contact with Kudas and Zygmunt, I walked away. They took them and went to Kudas's den. At that time, I told Cukierman that I would let him know when the next

[33] Second Lieutenant Leopold Hipolit Krogulec, pseudonym "Albiński", "Poldek" – commander of the Revenge Union (later Kedyw) of Kielce ZWZ-AK area. He performed this function until 4 June 1943 and then he was replaced by "Ponury" directed there. From 1 September 1943, he was deputy commander of Jan Piwnik ("Ponury"), commander of Partisan Group (Zgrupowanie Partyzanckie). Later in the underground in Warsaw. He was suspected of treason and collaboration with the Germans without evidence in connection with the exposure of an informer in "Ponury's" group. Arrested in July 1944, transferred from Radom prison to Auschwitz, later to Stuttgart from where he escaped in February 1945. He served in the Polish Army. After his return to Poland, he was arrested in 1947. Subsequently rehabilitated, which did not end controversies surrounding his person in veterans' milieus. For more see: A. Starosz "Aneta", *"Z Albińskim", "Nurtem" i "Ponurym". Wspomnienia* (Skarżysko-Kamienna, 1993). "Albiński's" memoirs are kept in the Military Bureau of Historical Research (Wojskowe Biuro Badań Historycznych), III/49/45.

[34*] Unclear in the original [transl.].

[35] Platoon sergeant of the air force, Jerzy Kudaś, pseudonym "Karaś", soldier of a sabotage unit of the Opatów District.

group was to come and then we parted. A week later, a second group of kikes went there. When the second group was leaving, one of the kikes handed me about 100 (one hundred) dollars and about 6 or 7 thousand "Cracow money", stating that they would give what they could, and they entered the hideout as a group. They were escorted by Kudas, Słotwiński, both residents of Kunów. After this departure, the jews went from the hideout to the ghetto on their own, but I warned them against it, because people saw it and it was dangerous. After some time I ordered Perzyński Edward, pseudonym "Rawicz", and Nowak Leon, pseudonym "Rudy", to go to the ghetto Jews for the fabric, so the two of them went to the ghetto and brought me six metres of fabrics for the suits from the jews. In January 1943, I personally, with my deputy Wąs Mieczysław, pseudonym "Rogacz", Perzyński Edward, pseudonym "Rawicz", a man, pseudonym "Franek', whose surname I do not know, and Kmieć Adam, pseudonym "Lis", went to the Jews' den, which was near Bukowie, to swear them in and explain things concerning the attack on jews and the attacks carried out by the jews on the local population. After explaining the matter, I took the oath from the Jews. Later, we drank moonshine vodka and during the booze-up I informed the jews that if there were possibilities, they would be admitted to the unit as soon as possible and that I would inform them when to go. Apart from that, I also told them that I would change their den before they would go to the forest for reasons of danger, but the kikes insisted on going as soon as possible, but I kept comforting them that they would soon go. After this conversation, I left the Jewish den with the others. After meeting Wąs Mieczysław, pseudonym "Rogacz", we talked about getting rid of the jews, because the partisans did not want them in the forest and other AK mem[bers] pushed me to take the jews away from that area. As a commander of the ZO[36] unit, with my deputy, Wąs Mieczysław, after talking to them, it was decided to take the jews to another den or tell them to go to the ghetto or just chase them away. After that decision, taken by me, that is by Mularski Józef, pseudonym "Zapała" and my deputy "Rogacz", Perzyński Edward, pseudonym "Rawicz", Nowak Leon, pseudonym "Rudy", and Kmieć were summoned. After informing those mem[bers] of my organization, Wąs Mieczysław with other mem[bers] went to the Jewish den to take care of them. After Wąs Mieczysław's return from the jews, he told me as his commander that all the jews had been shot.

The second interrogation of the suspect Mularski Józef of 14 March 1949 by the cadet Jan Walaszczyk, investigation officer of the District P[ublic] S[ecurity] Office in Ostrowiec, vol. 182, ch. 10–13, *[fragment]*

. . . Several days later, in this way, the second group of the 10 kikes from the ghetto left. For this transaction I received then from these kikes, whose surnames I do not know, about 100 (one hundred) American dollars (paper) and about 7,000 (seven thousand) zloty of "Cracow money", from which I gave Kudas 40 (forty) dollars and 3,000 (three thousand) zloty to take care of the jews. I treated this money as a payment for his pains. As I could not have the kikes admitted to any underground

[36] Związek Odwetu – the Revenge Union.

organisation to which they wanted to be admitted, and as I could no longer mislead or cheat them and I could not obtain any more financial benefit from these kikes, in the form of money, textile material (for suits), hard leather for soles and other things, so the jews started to rebel against me and arrange fire weapons on their own and seek contact with members of the ZWZ-AK organisation and others, in order to get to the forest unit in this way. I did not allow such moves and to intimidate them I took from the jews in the dugout the following oath: "We will faithfully execute the orders of the superior and fight for freedom and independence of Poland with its enemy." Under this pretext, I wanted to make them completely dependent on me in order to convince them that they were members of some underground organisation directly subordinated to me. When this was also futile and the kikes kept seeking other contacts with the underground organisation, I decided then to liquidate the kikes by chasing them out from there or leading them onto a different territory, or by shooting them, as their (kikes') recent actions could definitely have exposed me. In order to do that, with my deputy, Wąs Mieczysław, pseudonym "Rogacz", we agreed on a further plan of action what to do with the people of Jewish nationality, staying in the dugout in Bukowie.

I, the commander of a ZWZ sabotage unit, ordered my unit deputy [sic], Wąs Mieczysław, pseudonym "Rogacz", to execute, together with the subordinate members of the unit, that is Nowak Leon, pseudonym "Rudy", Perzyński Edward, pseudonym "Rawicz" and the local ZWZ detachment in Kunów under the command of Kudas Jerzy, a death sentence by shooting all the people of Jewish nationality staying in the dugout in Bukowie near Kunów. In order to do that, I also ordered Perzyński Edward to take one bar of "szegit", 1 kilogram of explosive, to blow the whole dugout up after shooting the people of Jewish nationality staying in it, in order to leave no trace of the crime and so that no one, either a civilian or a soldier, would enter the dugout. Thus, after ordering Wąs Mieczysław, pseudonym "Rogacz", to carry out the death sentence on the people of Jewish nationality, Wąs informed the members of the sabotage unit subordinated to him of the action – that is, Nowak Leon, Perzyński Edward, and Kmieć Adam – and contacted the ZWZ unit in Kunów, from which three people were at his disposal – that is, Franek, surname unknown, Zygmunt, surname unknown and the third man I do not know at all. In this line-up, the sabotage group, commanded by Wąs Mieczysław, pseudonym "Rogacz", on my orders, went on a wagon to Bukowie, Kunów community, Opatów District, where there were 12 people of Jewish nationality in the dugout who were shot by the members of a sabotage unit subordinated to me, in accordance with the issued death sentence. After executing the said sentence, Perzyński Edward or Kmieć Adam planted the "szegit" explosive inside the dugout, which resulted in the collapse of the roof which covered the bodies of the previously shot aforementioned 12 people of Jewish nationality. After their return, Wąs Mieczysław, pseudonym "Rogacz", reported to me that the order had been carried out and that we had finished with the Jews, and to prove it to me, he showed me one "Steier"[37*] pistol and one carbine of Polish make with sawn off butt and barrel, which was the weapon

[37*] Apparently misspelled: Steyr [transl.]

taken from the kikes. Let me stress that we murdered them on our own, with no orders from above whatsoever, because I was no longer receiving any financial benefits from the jews. Moreover, I knew that the Jewish nation was particularly persecuted by the germans [sic] within the framework of the extermination action of the Jewish people, so by issuing the death sentence on 12 people of Jewish nationality and shooting them deliberately and purposefully I acted in favour of the authorities of the German state, being at that time the commander of a ZWZ sabotage unit in Ostrowiec, the Opatów District. The murder was carried out in the month of February 1943. The minutes of the interrogation concluded here and were read out. I confirm that they are consistent with what I said with my own signature, testified J[ózef] Mularski.

The fourth interrogation of the suspect Leon Nowak by the investigation officer of the District P[ublic] S[ecurity] Office in Ostrowiec, Jan Walaszczyk of 10 March 1949, vol. 182, ch. 24–26, **[fragments]**

Question: Explain to me who was with you when you murdered 12 people of Jewish nationality in Bukowie, Kunów community?

Answer: I took part in this murder, acting as a member of a ZWZ sabotage group, under the pseudonym "Rudy", together with Wąs Mieczysław, pseudonym "Rogacz", Kmieć Adam, pseudonym "Lis", (both dead), and Perzyński Edward, pseudonym "Rawicz", and three unknown men from Kunów. We committed the murder on the order of the ZWZ unit commander, Mularski Józef, pseudonym "Zapała", who was not personally involved in the shooting of those people (kikes) and his participation in the murder was indirect, because he had ordered his deputy, i.e. Wąs Mieczysław, pseudonym "Rogacz", who commanded this liquidation action, to shoot the kikes. . . .

Question: What was the background of the execution of 12 people of Jewish nationality, given that previously Mularski Józef, pseudonym "Zapała", had taken the oath from these people, whom, allegedly, he was to admit to a forest detachment?

Answer: I know from a kike called Cukierman . . . that Mularski Józef, pseudonym "Zapała", obtained substantial benefit from the kikes from the ghetto and those from the dugout which [sic] were later murdered, in the form of money, about 40,000 zloty in cash and linen goods to the tune of 20,000 zloty and dry goods. As those organisational abuses were carried out by Mularski on his own and afraid that these abuses would be discovered by the superior organisational authorities, he (Mularski) issued an order to liquidate those people of Jewish nationality, who were later shot accordingly. Moreover, I want to add that Mularski, willing to obtain further benefits for himself, used as a subterfuge alleged introduction of those people in the underground organisation and through this type of blackmail, he wheedled the above-mentioned sums of money, textile materials and other things from them (the kikes), whom he later ordered to be shot.

Question: What were the financial benefits and who gave them to you for murdering the 12 people of Jewish nationality in Bukowie?

Answer: I did not receive any financial benefits from anyone, neither before nor after shooting those people, and Mularski Józef did not give me any items to keep, received from the kikes. . . .

Question: Explain to the investigation [sic] why you testified in the previous testimony, given on 20 January 1949, that Mularski Józef and Godlewski Filip were directly involved in the shooting of people of Jewish nationality in Bukowie, near Kunów?

Answer: I testified falsely, because I thought that Mularski Józef and Godlewski Filip were dead or they had left abroad for England or America and in this way I wanted to take the burden of guilt from my back, [that is] as if I had not been directly involved in the murder. Therefore, I correct today my testimony given on 20 January 1949, because it is not true. At the same time, I would like to explain that directly involved in the murder were: I, Nowak Leon, Wąs Mieczysław, Perzyński Edward, Kmieć Adam and three men from Kunów unknown to me. On the other hand, Godlewski Filip did not take part in the murder at all and Mularski Józef, as I have already mentioned, was indirectly involved as he issued the death sentence on these people that we shot.

The second interrogation of the suspect Edward Perzyński by the investigation officer of the District P[ublic] S[ecurity] Office in Ostrowiec, Jan Walaszczyk of 8 March 1949, vol. 182, ch. 36–37, [fragments]

. . . After committing the crime, we left on a wagon to Ostrowiec, where Wąs Mieczysław submitted an appropriate report to the commander of an AK sabotage unit, Mularski Józef, pseudonym "Zapała", concerning the accomplished action, that is the shooting of 12 people of Jewish nationality in Bukowie, Kunów community.

Question: What were your motives behind the crime . . . ?

Answer: The only person interested in the crime was Mularski Józef, pseudonym "Zapała", who directed the entire policy as the commander of an AK sabotage unit, because he obtained from the mentioned people of Jewish nationality valuables in the form of money, gold, textile materials (clothes) and other items . . .

Question: Was Mularski Józef personally motivated to commit the crime or did he receive an order from above to liquidate the 12 people of Jewish nationality in Bukowie?

Answer: I cannot explain the question [sic], because I do not know that. What I know is that only he (Mularski) gave the order to his deputy, Wąs Mieczysław, pseudonym "Rogacz", to shoot the people in Bukowie, and ordered me to go with him (Wąs) and take part in this job, which I did.

The fourth interrogation of the suspect Edward Perzyński by the investigation officer of the District P[ublic] S[ecurity] in Ostrowiec, Jan Walaszczyk of 16 March 1949, vol. 182, ch. 39–40, [fragments]

Question: Were you aware of your deed if . . . you took part in the murder . . . ?

Answer: Yes, I was aware of my deed, but I acted only as a soldier of a sabotage unit on the orders issued by the commander of the unit, because he was my superior, Mularski Józef, pseudonym "Zapała". Let me stress that the order was sacred to me and if I had not carried it out, it would have been treated as a betrayal of the organisation and on failure to carry it out I would have been executed, which Mularski had told us.

The fifth interrogation of the suspect Leon Nowak by the investigation officer of the District P[ublic] S[ecurity] in Ostrowiec, Jan Walaszczyk of 17 March 1949, vol. 182, ch. 27–27v, **[fragment]**

. . . As I have already mentioned in my previous testimonies, the only person interested in the murder was Mularski Józef, pseudonym "Zapała", because he issued an order to his deputy, Wąs Mieczysław, pseudonym "Rogacz", to carry out the death sentence on 12 people of Jewish nationality in Bukowie.

The third interrogation of the suspect Mularski Józef of 26 March 1949 by investigating judge in the District Court in Radom with its seat in Ostrowiec, Felicjan Rogowski, in the presence of the second prosecutor Edward Sokał, vol. 182, ch. 74–76v, **[fragments]**

I am not guilty of taking part, with others, in the murder, [committed] on the evening of 9 February 1943 in Bukowie . . . of 12 men, Polish citizens of Jewish nationality, acting in this way in favour of the German state . . . and I explain: . . . . At this time, more or less, even before taking the oath from the Jews, I received an order from the AK commander, pseudonym "Sulima", to eliminate the Jews from the Kunów area. My deputy Mieczysław Wąs, several days after I had sworn the Jews in, was going on business to the Kunów area with Perzyński, Nowak and Kmieć Adam (the latter is dead), and told me that he would visit the Jews on the way. Immediately after he returned from duty, Wąs reported to me and among other things informed me that he had shot the Jews hiding in Bukowie. Having learnt that, I told Wąs that I would report about the murder in Bukowie to the ZO Area Command, which I did. In early March 1943, two individuals unknown to me arrived to investigate the incident in Bukowie. Wąs, in the course of the investigation, admitted that he committed the murder of the Jews alone, giving as reasons his fear of being exposed. About the murder committed by Wąs, Wąs himself wrote a letter to the Jewish Council in Ostrowiec, in which he informed the Council that the group of Jews hiding in Bukowie had been liquidated for attacks on the local population. Wąs signed the letter with my pseudonym "Zapała." Perzyński brought the letter to the Council. One day, some time after the events described above, Wąs told me that my group wished to meet me. . . . I went to the meeting where I was charged with writing the letter to the Area Command in which I unsoldierly criticized Wąs's deeds in Bukowie and, as a consequence, they would discharge me from active duty. . . . I withdraw my testimonies given in the Public Security Office on 8 February and 14

March 1949, because they do not correspond with actual facts. I signed the minutes because when I refused to sign them when they were read out to me I was put in a dark cell for three days where I stood all the time. After those three days, I was called in to sign [minutes] and I was told that if I did not sign them, I would be kept in the dark cell fed only with bread and coffee until I died like a dog. Afraid of further repressions of this type, I signed the minutes. For hiding the Jews, I received from them: 100 dollars, 7,000 zloty, 6 metres of fabric for men's clothes and leather for three pairs of high boots, from which 40 dollars and 3,000 zloty I gave Kudas for his unit and kept the rest for my group.

The sixth interrogation of the suspect Edward Perzyński of 26 March 1949 by investigating judge in the District Court in Radom with its seat in Ostrowiec, Felicjan Rogowski, in the presence of the second prosecutor Edward Sokał, vol. 182, ch. 79–79v, [fragments]

Yes, I admit that I am guilty, that in the evening on 9 February 1943, in Bukowie, Waśniów[38] community, Opatów District, acting in favour of the authorities of the German state, together with others, I took part in committing the murder of 12 men, Polish citizens of Jewish nationality. . . . I confirm completely my testimony . . . which I gave and signed voluntarily and without coercion . . . Wąs was considered the noblest and the most honest member of the group. This is why all the members moved to Wąs, leaving Mularski, and together with Wąs we moved to the AK, where Wąs was immediately promoted to the rank of second lieutenant.

III. The Trial

Minutes of the main trial, the Court of Appeal in Kielce, 28 November 1949, vol. 182, ch. 338–345 [fragments]

The defendant Józef Mularski: I plead not guilty and explain: I did not murder the Jews hiding in Bukowie, nor was I involved in this in any manner. I was the head of the ZWZ group and Wąs was my subordinate . . . . In my conversation with the Jews I did not demand anything from them for enabling them to get out from the ghetto or for hiding them. The Jews themselves proposed that they would donate something to my organisation and asked at the same time what the organisation needed. I answered that the organisation would use anything: leather, fabric etc., to which they replied, "fine". . . . In order to prevent the hiding Jews from leaving the hideout and engaging in robberies in the area I decided to visit them, swear them in and in this way turn them into a disciplined organisation. . . . Eventually, I learnt from Wąs that on 9 February 1943 all the hiding Jews had been murdered. Wąs reported it to me. He told me that he had done that on the order of the superior authorities of the ZWZ, that is the commandant "Sulima." He told me that he did that with Nowak and Perzyński. I learnt about it after the fact. I made a report about

[38] Mistake, should be: Kunów.

it to Albiński, the Area Commandant, whose seat was in Kielce.[39] He was quartered in a small village of Ostrów, near Zagórz. In mid-March of that year, some individuals arrived to carry out an investigation. Wąs tried to explain that he had done it on the basis of an issued order and that this matter of hiding Jews constituted a threat of exposure. I explained that Wąs was a good and devoted soldier and that our relationship from that time had eroded. . . . He frequently ignored my orders as my subordinate. . . . Given the contradiction in the defendant's testimony, the court disclosed it on the parties' consent without reading it out. . . . The defendant explained that the testimony given in the course of the investigation was obtained by coercion.

The defendant Leon Nowak: I plead not guilty. . . . The testimonies I gave in the UB, I had to sign, and later I withdrew (the defendant cannot explain why he did so). Given the contradiction in the defendant's testimony, the court disclosed it on the parties' consent without reading it out. . . .

The defendant Edward Perzyński: I plead not guilty and explain: I admit that I was on guard, but why I was summoned, I did not know beforehand. . . . I did not enter the Jewish den, I did not shoot, nor did I plant the explosives. I was simply unaware of the purpose of the expedition and moreover I was young and I did not have a good orientation in all this. . . . Given the contradiction in the defendant's testimony, the court disclosed it on the parties' consent without reading it out. . . . The defendant sustains his current testimony.

The sentence with the reasons for the judgement of the Court of Appeal in Kielce of 28 November 1949, vol. 182, ch. 369–372

Presiding judge of the Court of Appeal Zb. Neuman, lay judges Antoni Liber and Jan Kołodziej, recording clerk, trainee T. Obolewski in the presence of the vice-prosecutor, Nowakowski, having tried on 28 November 1949 the case of Józef Mularski, born 29 January 1908 in Ostrowiec, said community, the Opatów District, son of Ignacy and Stanisława, 2. Leon Nowak, son of Jan and Kunegunda, born 10 October 1907 in Szewna, Częstocice community, the Opatów District, 3. Edward Perzyński, son of Stanisław and Maria, born 2 April 1920 in Ostrowiec, said community, the Opatów District, accused that on 9 February 1943 in Bukowie, Kunów community, the Opatów District, acting in favour of the German state, in complicity with others, they committed a murder of twelve Polish citizens of Jewish nationality, namely . . . sought after by the Germans in the framework of the action to exterminate the Jewish nation, that is of a deed defined in article 1, point 1 of the August Decree of 31 August 1944:

1.finds the defendants Józef Mularski, Leon Nowak and Edward Perzyński guilty as charged and sentences them: the defendants Józef Mularski and Leon Nowak, on the basis of article 1, point 1 and article 7 of the quoted decree, to death and permanent forfeiture of public and honorary civil rights and forfeiture of entire property,

[39] "Albiński" was not the commandant of the area, but the commander of the Kedyw, which was undergoing reorganisation.

and the defendant Edward Perzyński, on the basis of article 1, point 1, article 7 and 5 § 1 and 2 of the quoted decree in connection with articles 59 and 58 of the Criminal Code, to 15 (fifteen years) of imprisonment with offsetting the period of provisional custody from 29 January 1949, and furthermore to forfeiture of public and honorary civil rights for a period of 10 (ten) years and forfeiture of entire property. . . .

[Reasons for the judgement]. The charges were completely proven during the main trial.

The defendants' guilt was established on the basis of their testimonies given both during the trial and during the investigation and on the basis of the testimonies of the witnesses Moszek Zyngier, Lejbuś Rozenblat, Szlama Zwajgman and Szlama Szerman, thus establishing the following facts of the case:

In connection with the fact that in 1942 Polish citizens of Jewish nationality were threatened by the extermination action, the Jews sought all manners of shelter from persecution, trying to hide with friendly families or in the forests and in other hideouts. In this manner, the Jews from the Ostrowiec ghetto also tried to escape persecution, whereas Jewish youth tried to organise themselves for active combat with the occupier, and to this end they began to seek contact with underground organizations. Preliminary talks on admitting Zionist youth to the partisan groups were carried out in November 1942 by Nojek[40] Cukierman with Leon Nowak, train engineer, employed in Zakłady Ostrowieckie, who offered to act as a middleman between the organisational "Staff" [Sztab] and the Zionist youth.

Leon Nowak, who was at that time an active ZWZ member, belonging, with Wąs Mieczysław, Perzyński Edward and others, to a sabotage group, the "Protection Union" (Związek Ochrony),[41] which was commanded by Józef Mularski, informed his commander about the content of the aforementioned conversation and some time later, direct talks between the representatives of the future Jewish partisants [sic] unit and Józef Mularski's delegates were carried out. The delegates then demanded the payment of 10,000 zloty for organisational purposes. In the light of these excessive demands the agreement was not concluded and the delegates stated that they would inform the staff captain, that is Mularski. Several days later (8 December 1942), another meeting took place between the representatives of the Jewish group and Mularski and Nowak. It was then agreed that the payment would be made as per the existing possibilities. After paying the group the sum of 12,000 zloty and on 15 December 1942 the sum of 9,000 zloty, a message came that the first Jewish group of 6 people would be admitted to the forest.

It should also be noted that Nowak and Cukierman kept in direct contact with Mularski and the Jewish group, so that the letters passed from the staff, that is from Mularski via Nowak to Cukierman, who then gave them to the representatives of the Jewish group, Zweigman, and the replies were sent in the same way.

Having agreed on the details of the takeover of the Jewish group, the first 6 people left the ghetto on 23 December 1942 in the evening. They were taken over

[40] Mistake, should be: Noech.

[41] Mistake, should be: the Revenge Union.

by Nowak Leon and two liaison men, who quartered the group in a dugout near Bukowie, Kunów community.

On the basis of the letter received from the group via Nowak, the Jews in the ghetto were sure that the first group was safe and that they were in fact dealing with an honest approach of an underground organisation. When the first six were fortunately quartered, the fabric for clothes and coats and leather for shoes for the organisation were handed over on Mularski's demand. As a consequence of further arrangements, in the same manner, another group of 7 went to the above-mentioned hideout on 2 January 1943. Therefore, fabric for two women's costumes and 7,000 zloty were handed over for the organisation and on 5 January 1943, the first group of Jewish volunteers was taken over, for which, again, the sum of 7,000 zloty was paid to the organisation.

Out of the Jewish volunteers quartered in the dugout in Bukowie, 5 people, 4 men and 1 woman, returned to the ghetto, so that 14 people finally stayed in the dugout, namely: Majer Lejbuś Worcman, Icek Kenig, Abuś Kudlowicz, Rywen Jakubowicz, Josek Frydland, Alek Glat, Dawid Grojskop, Moten Wajnstoch, Lejbuś Mauer, Szlama Szerman, Majlech Bradfman and Kalman Grinberg as well as Tolek Nasielski and Icek Szlama Zweigman.

The Ostrowiec Jews undoubtedly donated further assets to the organisation, either in the form of money or other, because according to Mularski's testimony, he received the sum of 100 dollars for organisational purposes and apart from that, the Jews quartered by the defendants Mularski and Nowak in the dugout near Bukowie bought weapons, which were to be their first equipment for the partisan activity.

On 5 February 1943, the defendant Mularski received, assisted by the rest of the defendants and by the now late Wąs Mieczysław – Kmieć, as well as from a further four Jewish volunteers (the two Pipek brothers and two Czerniakowski brothers), who, however, later came back to the ghetto. At the same time, the defendant Mularski promised to the Jews that in the near future they would be admitted to a forest group, a combat unit.

Contrary to this promise, on the defendant Mularski's order, a ZWZ unit under the command of Mieczysław Wąs arrived on 9 February 1942 in the evening to the mentioned dugout in order to liquidate the entire Jewish group by murdering them. In this savage murder, apart from Wąs, the defendants Nowak and Perzyński (and also Kmieć Adam and another member of the organization from Kunów) took part.

This unit, under Mieczysław Wąs's command, gathered near Chmielów, from where they went to Bukowie, to commit the acts described in the verdict. At this gathering, according to the defendant Perzyński's testimony, the defendant Mularski was probably also present. In Kunów the unit found the entire Jewish group of 14 people, because the previous day they had been informed about the planned departure to the partisan unit. Having been told to pack and prepare to depart, the defendant Nowak and the ZWZ members who came with him at some point opened fire from their revolvers and started to shoot at the Jews in the rooms of the dugout.

Icek Szlama Zweigman, who realised what was going on and saw that Nowak and another individual, kneeling in the passage in the further section of the dugout,

aimed and shot at his colleagues who were there (they had already shot 5 people in the first section), turned to Nowak with the desperate question why he was doing that, to which the latter replied with the words, "silence, silence," and shot him. The bullet went through his clothes and grazed his left breast. Then Zweigman started to pretend that he was dead. Lying among the corpses, he was hit by another bullet, which went through his face from the chin through the mouth and lodged under the skin, about 2 cm above the left temple. The shot was not fatal and Zweigman, who survived this slaughter, could testify for this trial before the Polish consul in New York, where he [i.e. Zweigman] lives, as a witness, giving a truthful testimony. Another survivor of this slaughter was Tolek Nasielski, who hid at that time in a newly built corridor; Nowak and another member of the criminal group fired several shots at Nasielski, who lay in the corridor, and one of the bullets hit him in his thigh. The rest of the 12 Jewish volunteers were shot dead.

Characteristically, when Nowak was leaving the dugout, he must have heard the moaning of the dying Szerman and the words of Mauer, who was still alive and who said, "Give me some light"; then, the defendant Nowak came back, used an obscene word and said, "Here is your light," and performed the coup de grâce on both with pistol shots. After they left the dugout for good, the perpetrators planted a previously prepared explosive ("szegit") to leave no trace and bury the corpses.

The above-mentioned Tolek Nasielski went the same night to the ghetto, but he later vanished.

Icek Szlama Zweigman stayed one more night among the 12 corpses and returned to the ghetto only in the morning. In the ghetto, Zweigman, hidden by the witness Zingera, thanks to collective help and after undergoing an operation of pulling the bullet out in primitive conditions, had to go to work in bandages and with still unhealed wounds. During his work, as the witness Lejbuś Rozenblat claimed, Zweigman noticed the engineer of the approaching locomotive and, recognising Nowak, shouted for help to save him, because he saw death in front of him, i.e. Nowak, who had shot him. Zweigman, as was already mentioned, managed to survive the occupation and he now lives in America.

To summarise the above findings based on the testimonies of the witnesses Icek Szlama Zweigman, Chanina Szerman, Moszek Zyngier and Lejbuś Rosenblat, it needs to be concluded that the defendants Mularski and Nowak, with no possibilities or intentions to admit any Jewish volunteers to the underground organization, using their defencelessness and lack of choice of the Jews during the occupation, misled them [into believing] that they would be admitted to a partisan unit, and having tricked them out of all the possible financial benefits, they decided to kill them. In performing this act, the defendant used his post of the organisational commander of the ZWZ Protection Union[42] detachment, giving his subordinates in the sabotage group the order to shoot all the Jewish volunteers quartered near Bukowie. The order was carried out in the manner described above. The execution of this criminal act took place within the framework of the Nazi-Fascist extermination action of the Jewish nation and for this reason the defendants' act should be considered as one in favour of the

[42] Mistake, should be: the Revenge Union.

German state, also because of the fact that the defendants murdered Jewish youths who wanted to take an active stance with the fight against the occupier and sought support and help in the organised partisan units and intended to reinforce those detachments and establish an independent group to fight the Nazi invaders.

The defendants' act, as a result of which 12 Polish citizens of Jewish nationality were murdered, and two more people were to be killed, deserves to be classified as a crime against humanity and has all the attributes of the crime as per article 1, point 1 of the decree of 31 August 1944 on the punishment for Fascist-Nazi criminals, guilty of murdering and torturing the civilian population and traitors of the Polish nation.

The defendants pleaded not guilty during the trial and claimed: the defendant Mularski, initially, that this act was performed by Wąs Mieczysław on his own, and then that Wąs did it without his knowledge on the order of the superior ZWZ authorities, namely, commandant "Sulima", which the defendant reported after the fact in order to punish the perpetrators. The defendant Nowak [claimed that] within the framework of organisational discipline, he went to Chmielów and only there, on the basis of the sentence read out by Wąs, he learnt that the Jews from Bukowie were to be shot for attacks they had performed, and that acting in accordance with this order, he went under Wąs's command with others to Bukowie, but he himself did not shoot anyone, because, together with Perzyński, they stood on guard. The defendant Perzyński [claimed that] he did not know at all the purpose of the march to Bukowie, under Wąs's command, especially as he thought that the Jewish group was to be taken to a partisan unit, and that during the murder he stood, with the defendant Nowak, on guard, unaware of the intentions of the remaining participants of the expedition.

The above testimonies of the defendants should be considered evasive and obviously false, motivated by their desire to avoid responsibility and the deserved punishment.

The incredibility of the above defendants' testimonies is proven not only by their mutual inconsistency, but also by the fact that the defendants gave different testimonies in the course of the investigation, in which they admitted, among other things, to some parts of their act, confirming their guilt. During the trial, the defendant Nowak, motivated by the intention to diminish his guilt, claimed that before going to Bukowie, Wąs, at the gathering in Chmielów, read out the organisation's sentence of death for the members of the mentioned Jewish group. In the light of this testimony, assuming that it is true, it is impossible that the defendant Perzyński, who was a member of the same group, did not know the reason why the detachment was heading for Bukowie.

The incredibility of the defendants' testimonies, given during the trial, is however demonstrated above all by the testimonies given in the course of the investigation, in which the defendants Nowak and Perzyński clearly admitted to taking part in the murder, but they claimed to have carried it out on the order of the defendant Mularski, who delegated some people from his sabotage detachment, including the defendants Nowak and Perzyński under the direct command of Mieczysław Wąs. Also the defendant Mularski, in his testimony given during the investigation, admitted to having told Wąs to commit the murder (the death sentence of the mentioned group), because he was afraid of exposure, given the excessively careless conduct of

the members of the group. The defendants subsequently retracted their testimonies, claiming, especially the defendant Mularski, that they were obtained by coercion; however, taking into consideration the entirety of the defendants' testimonies, it should be stated that their original testimonies in the investigation were the closest to the truth and from those testimonies it transpires that the decision to murder the Jews in Kunów was given by the defendant Mularski and the executors were the defendants Nowak and Perzyński, among others. This is demonstrated by the fact that co-defendants Nowak and Perzyński accused the defendant Mularski of such an act and, moreover, is the logical consequence of Icek Szlama Zweigman's testimony, according to which on 5 February Mularski swore in the Jewish group and promised to transfer them to the detachment in several days, informing them the day before about the imminent departure, while on 9 February the same people who took part in the oath-taking murdered the Jews. Direct interrogation of the witness Zweigman and summoning him for the trial for this reason should be considered unrealistic, because the witness Zweigman lives in New York; therefore his appearance [before the court] would have been too difficult and it should have been predicted in advance that he would not be able to come to the trial. However, the credibility of this witness's testimony is beyond doubt, because his testimonies were also confirmed by Chanina Szerman, who lives in Tel Aviv, and also by the testimonies of the witnesses Zyngier and Rozenblat given before the court.

In the light of the witnesses' testimonies, which beyond doubt proved the guilt of the defendants Mularski and Nowak, the defendant Nowak went even as far as to claim that the witness Zweigman died during the occupation. However, this statement was completely unfounded, given the fact that the witness Zweigman gave an exhaustive testimony at the consulate in New York and the witnesses Zyngier and Rozenblat recognised the witness Zweigman in a recent photograph sent from New York as the one who survived the Kunów slaughter.

Regarding the defendant Mularski's testimony, in which having withdrawn the original testimony he said that he learnt about the murder of the Jews only after the fact and then he initiated an investigation into this matter, it should be stated that the groundlessness of these statements can be established on the basis of the abovementioned motives as well as [the fact that] none of the witnesses summoned by the defendant (Stanisław Jabłoński,[43] Józef Makowski) confirmed, or could confirm, this circumstance.

The fact that the defendant Nowak was the direct perpetrator of the murder on the mentioned Jewish group is demonstrated beyond any doubt by the witness Zweigman's testimony, and his description of the defendant Nowak's appearance is irrelevant (the witness stated that Nowak wore a beard and a short moustache, which might not correspond to the truth), given that the identity of Nowak was established on the basis of the testimony of the witness Rozenblat, in whose presence Zweigman, after seeing the engineer of the locomotive No. 7, stated in horror that "this is the Nowak who shot me."

[43] Second Lieutenant Stanisław Jabłoński, "Rajkowski", officer of a sub-district of the ZWZ-AK Opatów District; after the war, chief of the UB in Busko.

The act of the defendants Mularski and Nowak, who admitted the above-mentioned Jewish volunteers to the organization and then took part in murdering them, the defendant Mularski by issuing an order and the defendant Nowak by direct involvement in the murder, testifies to their moral profile and the lack of normal human feelings, especially given that the defendants could have always sent the people back to the ghetto, where they could still have fought in a different way for their existence. By this act the defendants demonstrated that they should be completely eliminated from society, and for this reason, the defendants were sentenced to death as per the decree.

The enormity of the defendant Mularski's guilt, in the court's opinion, cannot be offset in those circumstances, even by his active and significant participation in combat against the occupier, which can be found in the defendant's description of his activity and the testimonies of the witnesses summoned by him, nor by the fact that the defendant demonstrated an appropriate attitude to the Jews in 1944.

The defendant Perzyński was sentenced to 15 years of imprisonment and it was found justified and necessary to apply extraordinary mitigations of his punishment in accordance with article 5 § 1 and 2 of the cited decree, because, taking into consideration his young age and the fact, established in his testimony, that he eagerly fulfilled his duties as a member of the organisation, the conclusion should be drawn that taking into consideration that he was involved in the murder by standing on guard, he thought that he was bound by the order and that he had no possibility to counteract it, despite the order's unlawfulness. Because of the scale of the crime, further mitigation of punishment was not applied in the defendant's case.

Regarding additional punishment and offsetting the period of provisional custody from the term of penalty of the defendant Perzyński it has been decided in accordance with provisions of the decree cited in the sentence.

IV. Found not guilty

Decision to pardon by the President of the Polish Republic of 6 October 1950, vol. 182, ch. 411 [fragment]

To the Court of Appeal in Kielce. The Office of the Attorney General of the Polish Republic – the Pardon Office informs that a citizen of the Polish Republic **has exercised** his right to pardon MULARSKI Józef and NOWAK Leon, sentenced to death by the Court of Appeal in Kielce on 28 November 1949, and commuted the death sentence of both the defendants to life imprisonment.

Sentence of the Supreme Court of 21 February 1957 on the basis of the extraordinary appeal submitted by Attorney General T. Dąbrowski, vol. 183, ch. 24–26 [fragments]

. . . overrules both sentences on appeal in the part concerning Józef Mularski and the case is hereby transferred to the provincial court in Kielce for re-trial.

Sentence and reasons for the judgement of the Provincial Court in Kielce of 13 May 1957, vol. 183, ch. 74–76 [fragments]

[The court:] Presiding judge of the Provincial Court S. Dąbrowski, lay judge W. Pobocka, recording clerk S. Bogacki, having tried on 9 May 1957 the case of Józef Mularski . . . found him not guilty and the costs of the proceeding are to be borne by the State Treasury, on the basis of article 442 of the Code of Criminal Procedure.

Reasons: the defendant Józef Mularski, accused of taking part in the murder of Polish citizens of Jewish nationality who were hiding in Bukowie. Józef Mularski in part pleaded guilty as charged and testified that after receiving the information from Nowak, he contacted Albiński and then Nowak and Cukierman, and made it possible to lead out the Jews from the Ostrowiec ghetto. In no manner was he involved in the murder of the Jews and he did not know anything beforehand about the action against the Jews hiding in Bukowie. . . . The defendant admitted to having agreed with Mieczysław Wąs, pseudonym "Rogacz", to take care of the Jews in some manner to get rid of them. Furthermore, the said defendant Mularski testified: "Thus, I, the commander of a ZWZ sabotage unit, ordered my unit deputy [sic], Wąs Mieczysław, pseudonym "Rogacz", to execute, together with the subordinate members of the unit, that is Nowak Leon, pseudonym "Rudy", Perzyński Edward, pseudonym "Rawicz" and the local ZWZ detachment in Kunów under the command of Kudas Jerzy, a death sentence by shooting all the people of Jewish nationality staying in the dugout in Bukowie." Wąs Mieczysław, pseudonym "Rogacz", together with people subordinated to him, shot 12 people of Jewish nationality in the dugout in Bukowie, in accordance with the issued death sentence and he reported it to Mularski, stating that "we have finished off the Jews." Further, he testified that: "we murdered them on our own, with no orders from above whatsoever."

Józef Mularski, interrogated in further investigation, retracted his previous testimony in which he pleaded guilty and said: "I signed the minutes, because when I refused to sign them when they were read out to me, I was put in a dark cell for three days where I stood all the time. After those three days, I was called in to sign [minutes] and I was told that if I did not sign them, I would be kept in a dark cell, fed only with bread and coffee until I died like a dog. Afraid of further repressions like that, I signed the minutes."

The fact of subjecting the defendant Mularski to physical coercion was also given by the defendant during the trial, describing the methods used against him. The trial proceedings did not contradict the defendant Mularski's claims, and being aware of the fact that the rule of law had been abused in the past, it can be established that in this case, in the course of investigation, such facts could have taken place.

The defendant's testimony constitutes a proof only when it does not raise any doubt. The indictment in this case was predominantly based on the testimony given during the investigation, which already at that time partly raised doubts about its credibility. Thus, the defendant's testimony cannot constitute proof.

In the light of the above, the entirety of the circumstances should be examined on the basis of the evidence so as to draw a relevant and accurate conclusion about the reality. Among primary evidence, the witnesses Leon Nowak and Edward Perzyński

should be mentioned; both witnesses unanimously testified that the defendant Mularski was not in any manner involved in the murder of the Jews in Bukowie and did not issue any order in this matter and that he was not present at the scene of the crime. Moreover, Leon Nowak clearly testified that Wąs, pseudonym "Rogacz", read out the death sentence on the Jews for their banditry and that the Jews were liquidated. The subsequent evidence was the testimony of: Moszek Singer, Lejbuś Rozenblat, Chanina Szerman, Iceka Szlama Zweigman and others. None of the above-mentioned witnesses testified that the defendant Mularski was present at the crime scene, or issued an order, or was in any manner involved in committing the murder on the Jews. Apart from that, the witnesses established the circumstances which were not contradicted by the defendant.

According to Chanina Szerman's testimony – and it was established that her[44] account is based on Szlama Zweigman's account – Mularski, Nowak, Franek and others arrived and threw a feast with the group of hidden Jews and told them to swear an oath and then enter the bunkre [sic], where they threw grenades into the dugout and fired shots at the people hiding inside; 12 people were killed, Szlama Zweigman and Nasielski survived. Chanina Szerman's testimony is contradictory in essence with Szlama Zweigman's testimony and thus they cannot be considered credible. Szlama Zweigman claimed that the oath had been taken from the Jews by the captain and on that they were to be led out into the Świętokrzyskie Mountains, but because of the liaison man Zygmunt's report, the departure was postponed by 40 hours. On 8 February, the Jews were informed of the date of the departure, which was to take place on 9 February 1943 at 5 p.m. In fact, "Lieutenant" Leon Nowak, "Zygmunt" came to the hideout with two liaison men, who together with Nowak came to the ghetto for money and clothes and ordered [the Jews] to pack their things and prepare for the departure. Then, without a word, Leon Nowak and the arrivals, opened fire from revolvers at the hidden [Jews] killing: Kenig, Wareman, Kudłowicz, Fridland, Jakubowicz, Dudek, Grojskop, Glat, Szerman, Wajnsztok, Majlech and Grinberg.

Thus, the Jews were not murdered on the day on which they were sworn in, as Chanina Szerman testifies, but later, which transpired from Zweigman's testimony and at that time the defendant Mularski was not at the scene of the crime. However, the proof in the matter does not categorically confirm the defendant's guilt, but they cast a substantial shadow on Mularski's conduct and this shadow remains in connection with the death of the murdered Jews.

As already mentioned above, in the course of the investigation, the defendant Mularski could have been subjected to physical coercion, but such coercion was not applied when Mularski testified before the investigation judge, and any coercion must be completely excluded in the investigation before the court. Ignoring the defendant Mularski's testimony given in the course of the investigation as doubtful because of the coercion which Mularski might have been subjected to, it should be stated however that Mularski gave a contradictory testimony before the court and that must affect the defendant's profile. Mularski, interrogated during the trial of 9 May 1957, confirmed his testimony given during the investigation, as well as the tes-

[44] Should be: his.

timony from the main trials of 13 September 1949 and of 28 November 1949. Thus, the defendant explained in the minutes of the trial of 13 September 1949 that, after receiving the information from Nowak, they contacted Albiński, commandant of the district, and the latter agreed to admit the Jews in the ZWZ organisation. According to these minutes, some time later, Wąs came and said that he was going to fetch the brothers heading for Kunów. Then Mularski told Wąs to go to the den and inform the Jews that they could not be admitted to the unit yet. In another place, had a sentence been issued, the sentence would no doubt have been sent by the authorities to me [the defendant].

In the minutes of the trial of 28 November 1949, the def[endant] testified, "Wąs was my subordinate." After shooting all the Jews, when Mularski reported to Albiński, the commandant of the ZW[45] district, from that moment the relationship between the defendant and Wąs deteriorated and Wąs often disobeyed the orders of Mularski, who was his superior. Before swearing the Jews in, Mularski received the order to liquidate the Jews in the Kunów area, from the district commander, pseudonym "Sulima." In the minutes of 9 May 1957, he initially confirmed the above fact and at the end of his testimony he added: "Wąs was subordinated only to the district, he was not subordinated to 'Sulima', and the defendant could not issue any orders to Wąs." Mularski, in these minutes, denied talking to Wąs about the Jews when he was going toward Kunów and did not tell Wąs to visit Bukowie.

In the light of such serious contradictions in the defendant Mularski's testimony, these testimonies should be considered evidence of dubious quality. The witness Leon Nowak testified that the defendant was the commander of the whole Revenge Union group, and Wąs was his deputy. Wąs could issue orders to Nowak only when the defendant Mularski was absent. The above contradictions, as well as a series of others, must constitute serious circumstantial evidence against the defendant. The testimonies of Leon Nowak and Edward Perzyński are also important in this case. The above-mentioned witnesses referred to the provision of article 96 of the Code of Criminal Procedure; thus the evidence from the witnesses' testimonies was significantly limited. In the previous trial, Nowak and Perzyński were co-defendants. Also the evidence from the testimonies was limited, but it might have been more complete than in this trial. Given that Nowak and Perzyński had been previously questioned as co-defendants, their testimonies from the interrogation or from previous trials could not be disclosed or opened.

Seeking the material truth during the trial, we should disclose all the existing evidence, of Nowak's and Perzyński's trial, but in the light of the testimonies of Nowak and Perzyński given during the trial to the effect that during the course of the investigation they were persecuted physically, such proceedings should be treated as aimless. Taking into consideration all the data of the trial proceedings in the given case, even if they do not exclude beyond doubt the innocence of the defendant, they, in any case, raise such serious doubts as to his guilt, that according to the cardinal rule of criminal proceedings, they must be interpreted in favour of the defendant. For these reasons the Provincial Court decided as in the sentence.

[45] ZWZ.

Sentence of the Provincial Court in Kielce, Third Criminal Department, of 11 September 2000, vol. 182, no pagination

The Presiding Judge of the Provincial Court Zbigniew Karamara, the Judges of the Provincial Court Alina Bojara and Paweł Anczykowski (judge rapporteur), recording clerk of the Court's secretariat Barbara Reniecka, in the presence of Prosecutor Jerzy Kraska, having tried on 10 October 1999, 25 February, 8 September 2000 the case of Józef Mularski, son of Ignacy and Stanisława . . . on Józef Mularski's motion to adjudge to him damages and compensation on the basis of article 8 point 1 and article 11 point 1 of the Law of 23 February 1991 (Dziennik Ustaw No. 34, item 149 with subsequent changes)

DECIDES AS FOLLOWS:

I.The State Treasury (the Provincial Court in Kielce) will pay Józef Mularski the sum of 8,468 (eight thousand four hundred and sixty-eight) zloty as damages with statutory interest starting from the date of the adjudication coming into force.

II.The State Treasury will pay the sum of 95,000 (ninety-five thousand) zloty as compensation with statutory interest, effective from the date of the adjudication coming into force.

III.The remaining part of the motion is dismissed.

IV.The costs of the proceedings are to be borne by the State Treasury.

Translated by *Jerzy Giebułtowski* and *Patrycja Rojek*