

Institute of National Remembrance

<https://ipn.gov.pl/en/news/919,The-IPN-Prosecutor-informs-that-Michael-Ks-age-does-not-preclude-adjudication.html>

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The IPN Prosecutor informs that Michael K.'s age does not preclude adjudication

Committing war crimes and crimes against humanity - these are the accusations which will be presented to Michael K. after his extradition to Poland. The accused is a 98-year-old Ukrainian, permanently residing in the United States, who on 23 July 1944 - as a company commander of the Ukrainian Self Defense Legion - ordered the pacification of the Chłaniów, Kolonia Chłaniów and Kolonia Władysławin villages in the Lublin region. As Prosecutor Jacek Nowakowski, Head of the Branch Commission for the Prosecution of Crimes against the Polish Nation in Lublin explained, Michael K.'s age is not an obstacle for a judgment to be passed.

The Institute of National Remembrance has been investigating the case since 2013, but only now will it be possible to press charges against the individual suspected of committing these crimes - the IPN will apply to the Ministry of Justice to start the request procedure for the extradition of Michael K., which will allow him to stand trial before a Polish court.

Why has the motion for issuing an arrest warrant for Michael K. taken so long?

We had to make sure that Michael K.- a US citizen- is the person who ordered the pacification of the residents of Polish villages on 23 July 1944. We were able to establish this by examining a list of salaries of the Ukrainian Self Defense Legion, signed by Michael K., found in the archive. His handwriting was compared with materials supplied for analysis by the American side. The expert opinion of graphologists was a determining factor.

The fact that Michael K. served in the Ukrainian Self Defense Legion has, however, been known for a long time. An article about the crimes committed by the Ukrainian Legion can be found in the IPN publication “Pamięć i Sprawiedliwość” [Remembrance and Justice], published by the Institute of National Remembrance in 2005.

We had some pieces of the puzzle. We knew that the crime in question had been committed by the Ukrainian Self Defense Legion which Michael K. was a member of, and that there is a person with the same surname living in the United States. There, however, has to be a clear distinction- the fact that someone was a member of an organisation which committed crimes does not automatically imply that this particular individual had also been a criminal. The principle of collective responsibility does not apply here. We have to be able to prove our accusations before a specific person can be charged with committing a given crime or heading the perpetration. So far, the IPN has been conducting the investigation "on"

the case, and now we have issued a decision pressing charges against a particular person – which has been made possible through the gathering of appropriate evidence. The nature of the proceedings has changed from being "on" the case to proceedings "against the person". In order to be able to continue the legal process thus bringing charges against the suspect it is vital to carry out his extradition.

Is Michael K. also going to hear charges of involvement in the suppression of the Warsaw Rising?

The findings of historians regarding the combat route of the Ukrainian Self Defense Legion, indicate that Michael K. probably took part in the fighting in the Warsaw area during the Warsaw Rising. But, in this particular case, we want to put him on trial only in connection with the pacification of the villages in the Lublin area.

What is the evidence in the case?

Archival material, based on which we carried out a comparative study of the handwriting of Michael K., moreover, the testimonies of members of the Ukrainian Self Defense Legion during trials conducted in the former Ukrainian Soviet Socialist Republic. We also have Michael K.'s diary, published in the form of a book.

Today, Michael K. is 98 years old. What are the possibilities of conducting this trial efficiently?

Currently, his age does not prevent us from carrying out the investigation process. Any accompanying circumstances of this case

will now be examined by the American side, which will be reviewing our request.

Is the investigative division of the IPN going to cooperate on this issue with the Simon Wiesenthal Center, which has been pursuing German criminals for years?

The possible request for the extradition of Michael K. will be addressed directly to the Americans, which means that this will be a procedure between Poland and the United States. The motion will be sent to the US Department of Justice, and whether it will come into force or not, will be decided by the American court. We can certainly benefit from the knowledge and experience of the Israeli side in the carrying out of similar processes. Moreover, we cooperate with the Wiesenthal Center and present the Center with information relating to our current activities.

What specific charges will Michael K. hear after his extradition?

He will be accused of ordering pacification activities leading to the killing of the inhabitants of Polish villages, the burning down of farm buildings and residential areas as well as grand larceny. According to international law, this pacification - conducted on unarmed civilian territories - qualifies as a war crime and a crime against humanity.

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