



Written by [James Heiser](#) on April 18, 2012

Court Rules Against Russia in Katyn Massacre Case

Over 70 years after Soviet forces secretly murdered approximately 22,000 Polish intellectuals and military officers in the Katyn Forest, the European Court of Human Rights has declared that atrocity to have been a “war crime.” However, unlike other “war crimes” of the Second World War, the calculated butchering of tens of thousands of Poles will have very little impact on a government that went to great lengths to avoid aiding the investigation: the Russian government will be required to pay 5,000 euros (approximately \$6,500) to cover the court costs of the fifteen descendants of Katyn victims who brought the case before the court.



[According to a story from Reuters](#), the case came about because of a “complaint by 15 descendants of 12 victims over the adequacy of Russia’s enquiry into the massacre”. On April 13, 1990, the Soviet government expressed its “[profound regret](#)”— but several decades later the Russian government still continued to be uncooperative when attempts are made to investigate the massacre. In fact, as noted in the Reuters article, the Soviet admission in 1990 of responsibility for massacre led to a inquiry which “abandoned in 2004.” Furthermore, [as reported for The New American in December 2010](#), those who continued pushing for a deeper inquiry into the Katyn massacre—including the late president of Poland—had a bad habit of dying under mysterious circumstances:

[In 1943,] Polish General Sikorsky, who had asked for an investigation of the Katyn Massacre, died in a mysterious aircraft accident off Gibraltar. Sikorsky was in a position to bring the massacre to the front of Allied political discussions, but his death weakened dramatically the voices that could call attention to Katyn. His adjutant, Joseph Rettinger, did not accompany the General on this deadly flight. Rettinger would later appear, however, as a liaison with the Polish underground and as a intermediary in the founding of what would become the European Union. He was (at least) a Soviet agent and perhaps double or triple agent who also had close ties to the European Union.

Six months ago, on April 10, 2010, another equally mysterious airline crash, which resulted in the death of the President of Poland as well as 95 other Polish political leaders, added more questions about Katyn. Krzysztof Nowak of the Katyn Forest Memorial Committee believes that these two air travel disasters involving important Polish leaders who were asking hard questions about what happened in the Katyn Forests in 1940 were more than just coincidence. “Put the pieces together,” Krzysztof “Kris” Nowak told me. “The higher you rise above this, the more you see the pieces fitting together.” The Polish leaders were traveling to Smolensk on the 70th anniversary of the massacre, and the Soviet-built Tupolev 154 aircraft had just been overhauled in December 2009.

In a statement by the European Court of Human Rights (ECHR), the losses suffered by those who



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brought the case before the court were acknowledged: “(The applicants) suffered a double trauma: losing their relatives in the war and not being allowed to learn the truth about their death for more than 50 years.” Of course, the court thereby attempted to sidestep the fact that *everyone* had known for decades that the Soviet NKVD (predecessor to the KGB) had committed the crime: the problem was getting the Soviet Union to admit it. Now, the ECHR has issued a ruling on the massacre; as the ECHR statement declares: “It (the court) found that the mass murder of the Polish prisoners by the Soviet secret police had been a war crime.”

As noted in [an article for the Los Angeles Times](#), the ECHR specifically cited the “callous disregard” which the Russian government had shown for the victims and the relatives by refusing to cooperate with the ECHR and concealing the results of the inquiry which was terminated in 2004. According to the *Los Angeles Times*:

The court “could not see any legitimate security considerations which could have justified the keeping of that decision secret,” the ruling said, noting that the Russian parliament had acknowledged in 2010 that Stalin ordered the summary executions carried out by agents of the dreaded NKVD secret police.

Russia’s RIA Novosti news agency focused on an accompanying jurisdictional ruling by the court: Because the killings took place before Russia joined the convention on human rights that brought about the Strasbourg court, the jurists had no authority to order further investigation.

Polish Justice Minister Jaroslaw Gowin said the ruling underscored Moscow’s disregard for international law and disinterest in fully exposing and putting to rest a painful World War II atrocity.

“It is not for the first time that Russia has a problem with following the standards of a European state of law,” Gowin told Poland’s TVN24.

According to [The Moscow Times](#), the ECHR ruling is being viewed in a very different light in the circles of the Russian government:

In Moscow, Leonid Slutsky, the chairman of the committee in charge of relations with the former Soviet nations in the lower house of parliament, said the European Court of Human Rights had tried to walk a middle line in its ruling.

“The judges apparently sought to partly satisfy the Polish party without hurting Russia too much,” Slutsky said, according to the RIA Novosti news agency.

He said the issue requires deeper consideration, adding that he wasn’t sure that the judges had studied all materials available.

Slutsky said the court ruling is unlikely to have any impact on Russian-Polish ties, saying that while the issue remains an irritant, relations between Moscow and Warsaw are gradually becoming more constructive thanks to economic cooperation.

The ruling constitutes a moral victory for the Polish people — once again, the horrific fact of the crime perpetrated by the USSR has been established before the whole world. But with Russian politicians prepared to simply dismiss the calculated murder of over 22,000 people as “an irritant,” one is reminded of how little has changed in the mentality of “post-Soviet” Russia. Lacking the equivalent of a [“denazification”](#) program in the aftermath of the collapse of the Soviet regime, few individuals were ever held responsible for their crimes committed during the long decades of Soviet tyranny, and a former KGB officer can be elected to a third term as Russian president. The symbolic award of court costs — without any further punitive action against the Russian government for its alleged attempt to



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obstruct justice — is simply one more arrogant act by a regime which views dealing with the ramifications of past crimes to be “an irritant.”

Graphic: Illustration for a DVD entitled Katyn offered by [Amazon.com](#)



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