

## D. The Villain, the Traitor and the Evil One

In the series of the “August Trials”<sup>1</sup> held in Poland after the War, several more trials of *Werkschutz* took place in Częstochowa in 1946-1949, of which three deserve special attention: those of Janusz Dorożyński, Roman Kmicikiewicz and Marian Mielczarek.

All three were only seventeen years old at the time of their service in the *Werkschutz* at the Apparatebau factory! Slender boys, who had just started shaving and, in pre-war times, were interested in football and chasing girls. How did HASAG succeed in its “educational” mission of turning them into *Werkschutz* worthy of their name?

Janusz Dorożyński was born in 1926 in Częstochowa and completed primary school before the War. He was a Catholic and a Polish citizen. With the Nazi occupation, he worked in HASAG as a labourer in the casings department and, after a while, with several other young men, was set to Altenburg, to a training course for the *Werkschutz*. He began serving in the *Werkschutz* in October 1943, to which, he said, he volunteered “to protect himself”.

At the factory, he was called “Iwanek” and not by chance - the indictment mentioned that Dorożyński would consider himself a Ukrainian. His behaviour towards Jews quickly earned him the nickname of “very dangerous”. He beat Izaak Glatter with a rifle butt and broke his teeth. When Glatter once received a lashing from him and did not say “thank you” to the defendant, the defendant severely abused him, and Szymon Jesionowicz was beaten because he was suspected of smoking a cigarette in the latrine. Dorożyński also quickly learned to confiscate money and valuables from prisoners.

At the first hearing, he confessed to his actions and, when asked what his motives were, he replied, “I did it because the Germans ordered me to beat the Jews, and I listened to them, because I was young and stupid”<sup>2</sup> Was he really that stupid?

During the trial, Dorożyński denied all the accusations, “I did not say that I was Ukrainian. I only said that I was the son of a Ukrainian. I worked as a driver and I didn’t beat the Jews, the German *Werkschutz* did that. I had not done an inspection of Jews nor gave them a lashing punishment.”

When the judge remarked that his testimony, this time, contradicted what he had said before, he declared that he had given his first testimony under threat of beatings.

---

<sup>1</sup> “August Trials” - refers to the trials of Nazi war criminals and Nazi collaborators (Poles, Ukrainians, etc.), held in Poland after the war pursuant to the Decree of 31<sup>st</sup> August 1944, see: Dekret z dnia 31 sierpnia 1944, Dziennik Ustaw z. 15/12/1946, no. 69, item 377

<sup>2</sup> Charge file against Janusz Dorożyński, Częstochowa, 27/12/1946, AIPN, So Cz. Ref. no. 27, k. 3

All the Jewish witnesses came out against this “purification”. According to Leon Bojm, the accused was Ukrainian and he quickly rose in rank. And Szymon Horóńczyk added, “Once Stieglitz learned that I had a German newspaper and, when he asked me where I had got it, I answered that I had found it... In response, I received twenty-five lashes. I was asked the same question again, with the threat that, if I did not answer, I would be beaten again... Then Dorożyński intervened, and began to beat me so much that I could not recover for months”...

In the verdict, published on 12<sup>th</sup> March 1947, the court took into account his young age - the little villain, the Ukrainian-Polish, who chose nationality according to the political conjuncture and took advantage of an opportunity to play hero in front of helpless Jews, was sentenced to ten years in prison.<sup>3</sup> Due to doubt, he was not convicted of the murder of the Jew Nachtigal.

Marian Mielczarek’s background was different. In 1943, at his request, he was accepted into the ranks of the “German Community” (*Deutsche Gemeinschaft*), that is, he became a *Volksdeutsch*. Mielczarek claimed that, as a minor, it was not he who decided on the matter, but his mother. He later joined the Hitler Youth organization (*Hitlerjugend*).<sup>4</sup> Did he not realise, at the age of seventeen, that he had thus become a **traitor**? As early as November 1943, Marian was accepted for work as a *Werkschutz* in the Apparatebau.

For his trial, the tribunal managed to gather sixteen witnesses, Jews and Poles.

In their testimonies, they referred to three additional charges - the defendant was an informer for the German authorities, he was the one who killed the prisoner Nachtigal at the end of 1943 and he behaved very badly towards the Jews.

Mielczarek was sentenced to five years in prison and the “reasoning” for the verdict shows that, in the eyes of the judges, the defendant’s adherence to German nationalism, i.e. treason, was considered the greatest crime.<sup>5</sup>

#### **And the villain – what did he say?**

“That job wasn’t mine! I was a simple *Werkschutz* and just followed orders! It’s not true that I killed Jews in the ‘Small Ghetto’ during the liquidation, and it’s not true that, during the inspection, I robbed the Jews of money! And the stories that I abused the prisoners are just a fabrication! And when there was a selection in July 1943, I didn’t choose the people!”

---

<sup>3</sup> Sentencja wyroku, Akta Dorożyński, k. 39-40

<sup>4</sup> “Akt oskarżenia przeciwko Marianowi Mielczarkowi”, Sąd Okręgowy w Częstochowie, 16 lipca 1948, AIPN, Sąd Apelacyjny Kielce (SAK), sygn.51-52, k.6

<sup>5</sup> Wyrok w sprawie M. Mielczarka, vide n. 26, ib. k. 115-117

These were the words of defence of Roman Kmicikiewicz, born in 1925, a resident of Częstochowa, the son of a German teacher at a Polish secondary school, a handsome and educated young man, of the Greek Orthodox faith. He was the main defendant in the trials of the HASAG *Werkschutz*. He was arrested in July 1946 and his trial lasted nine (!) years.

The first contact between his family and HASAG was established, when his father was asked to teach German to the Polish officials working at the factory. Through his father's efforts, Roman was accepted to work in the office (he knew German well) and, in August 1942, he was drafted into the *Werkschutz*.

With the arrival of the Jews, he began his "activities" and quickly rose to the rank of "Oberwachmann". He always ran to be the first in any action against Jews, especially when there was a possibility of "earning" something.<sup>6</sup>

Abram Kohn and the other witnesses confirmed that Kmicikiewicz became a monster for the entire camp. He beat with his fist, a stick, a rifle butt, a [length of] rubber and a whip. Polish workers were also afraid of him and they did not bring bread to the Jews when he conducted an inspection at the gate. The Pole Jan Nowak managed the electro-technical workshop at the factory, where several Jews also worked.

Once Kmicikiewicz entered and began to beat them. "I intervened and said, that it interfered with work. Sometimes he would come drunk... I once asked him why he, an intelligent fellow, agreed to serve as a *Werkschutz*. It's not a great honour." He was ashamed and admitted that his father was very opposed to his service and was pressuring him to start studying.

Was it antisemitism *per se*? According to the testimony of Stefan Grefling, the defendant's brutal behaviour stemmed from his desire to gain material advantages, which were given to him by Jews, who were afraid of his beatings. Besides, he was a young man and the power he was given went to his head.

On 8<sup>th</sup> October 1948, the verdict was read. The District Court considered all charges as established facts and imposed the **death penalty** on the defendant.<sup>7</sup>

The defendant appealed the verdict to the Supreme Court, which transferred the case to the Court of Appeals in Kielce, with a recommendation to refer the defendant for psychiatric examination.<sup>8</sup> A year later, the Kielce Court upheld the death sentence.

---

<sup>6</sup> Protokół rozprawy mównic w sprawie Romana J. Kmicikiewicza, 10.6.1947, Sąd Okręgowy w Częstochowie, AIPN, SAK, sygn. 29, k. 51, 53-54

<sup>7</sup> Sentencja wyroku, SO w Częstochowie, 8.10.1948, AIPN, SAK, sygn. 29, k. 293-297

<sup>8</sup> Wyrok Sądu Najwyższego w Warszawie w sprawie R.J. Kmicikiewicza (17.8.1949), AIPN, SAK, sygn. 30, k. 55-58

Kmicikiewicz, not giving up, filed an appeal to the Supreme Court in Warsaw, which rejected the appeal and, in its reasoning, emphasised the extent of the defendant's demoralisation, as indicated by the quantity and quality of the offences he had committed.<sup>9</sup>

One last hope remained - an appeal to the President of the Republic for clemency.

While the accused was waiting for an answer, fate was reversed. On 22<sup>nd</sup> November 1952, a law was passed in Poland granting amnesty to all confidants, policemen and kapos of all kinds, who collaborated with the Nazis and were tried on the basis of the decrees of 31<sup>st</sup> August 1944. The law opened the door to changes.

Thus, in the "decision" of the Supreme Court on 7<sup>th</sup> December 1953, it was stated that, in accordance with the new law and taking into account the positive response of the President of the Republic, **the death sentence was annulled** and replaced with a new sentence - ten years in prison. And since Kmicikiewicz had already served seven years in prison, he had only three more years left!<sup>10</sup> And who said there is no justice in the world?...

When reading about the crimes of the *Werkschutz* at the Apparatebau factory, it is difficult to avoid a few reflections:

- Who was more to blame, the system or the individual?
- Did the character of each of the guards have any influence on his actions? This question still preoccupies psychologists who study the behaviour of prisoners in concentration camps.
- Why did the category during the trials try to emphasize the defendants' affiliation with the Ukrainian minority or the *Volksdeutsche*?

And again, the pogrom in Kielce comes to mind - in view of the wave of serious accusations against the Poles that arose all over the world, it was important for the government to emphasise, in every way, that it was not the Poles who were persecuting the Jews, but Germans, Ukrainians and others.

In the "triangle of slavery" of Ukrainians, Jews, and Poles, the latter were destined to play other roles.

---

<sup>9</sup> Sąd Najwyższy w Warszawie, Wyrok w sprawę R.J. Kmicikiewicza, (9.10.1950), SAK, sygn. 30, k. 121-123

<sup>10</sup> "Postanowienie" Sądu Najwyższego w Warszawie (7.12.1953), SAK, sygn. 30, k. 203-205