

Agnieszka Skura

Death Sentences in Poland after the Polish October (1956-1997).

A Historical and Legal Study of Capital Punishment

Abstract

This dissertation examines the history of individuals sentenced to death in Poland from the political turning point of 1956, known as the Polish October, to the formal abolition of capital punishment with the enactment of the 1997 Penal Code. The death penalty is considered not merely as an institution of criminal law, but also as an expression of the relationship between the state and the individual. Its place within the legal system, the extent to which it was imposed, and the manner in which executions were carried out reflected not only changes in legislation and judicial practice, but also broader political and institutional transformations and shifting conceptions of the limits of state power over human life.

The history of capital punishment during the period under study does not follow a straightforward trajectory of gradual decline. The Polish October of 1956 brought an end to some of the repressive practices associated with the Stalinist period, but it did not amount to a complete break with the existing model of criminal justice. The death penalty remained part of the system of criminal sanctions and continued to be imposed both for the most serious ordinary offences and for acts regarded as contrary to the interests of the state. Over the following decades, however, the nature of cases resulting in death sentences changed. The most serious offences against life and health, particularly homicide, came to account for an increasing proportion of such cases, while politically motivated offences and other categories of crime gradually became less prominent.

A significant point of reference was the 1969 Penal Code, which retained capital punishment as a principal but exceptional penalty, reserved for the most serious crimes. This arrangement reflected an inherent ambivalence within the criminal justice system of the period: capital punishment was formally presented as an exceptional sanction while remaining a genuine instrument of penal policy. A particularly important turning point came with the introduction of martial law. The legislation adopted at the time increased penalties for certain offences directed against the state and provided for the possibility of summary proceedings. This period demonstrates that the practical significance of capital punishment depended not only on the wording of legal provisions but also on the prevailing political circumstances.

Following the end of martial law, the role of capital punishment gradually diminished. This was a protracted process, shaped by legislative changes, developments in judicial practice,

and changes in the manner in which death sentences were carried out. The last execution in Poland took place on 21 April 1988. This did not, however, amount to the formal abolition of the death penalty. It remained part of the legal system and could still be imposed by the courts until the end of 1997.

The study of capital punishment also requires attention to its individual dimension. Those sentenced to death did not constitute a socially homogeneous group: they differed in age, family and social circumstances, the nature of the offences of which they were convicted, and the legal grounds for their criminal liability. Nor did the imposition of a death sentence necessarily result in an execution. Between a final judgment and its enforcement lay a multi-stage procedure that included the possibility of seeking clemency. In the Polish People's Republic, the power to grant clemency was vested in the Council of State. The possibility of commuting a death sentence to a lesser penalty meant that the number of death sentences imposed did not directly correspond to the number of executions carried out.

An execution itself constituted the final and irreversible stage in a process that began with criminal proceedings and a final conviction and culminated in the taking of a person's life. Examining the organisation and conduct of executions makes it possible to consider capital punishment also from the perspective of the functioning of the state apparatus responsible for its implementation. The gradual removal of executions from public view and their institutionalisation within the prison system formed part of broader changes in penal culture and in the ways in which the state exercised its most ultimate form of punitive power.

The formal abolition of capital punishment marked the culmination of a process that had unfolded over several decades. Its course was shaped by changes in legislation, judicial and penitentiary practice, the political transformation initiated in 1989, and the growing importance of human rights standards. The 1997 Penal Code, which entered into force on 1 September 1998, no longer included the death penalty among the available criminal sanctions. Its abolition was therefore the final stage of a process that had begun earlier, with the gradual reduction in the use of death sentences, the de facto cessation of executions, and changing conceptions of the limits of the state's power to punish. The history of capital punishment thus offers a broader perspective on changing relations between the state and the individual, as well as on the evolving boundaries of legitimate state interference with human life.

Key words: capital punishment, penal policy, criminal justice, the Polish People's Republic after 1956, abolition of the death penalty