UDC 94(477.87)"1938/1939" DOI 10.24919/2519-058X.33.317476

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Bibliographic Description of the Article: Pahiria, O. (2024). The problem of Polish military's complicity in the execution of Carpathian Sich members on the Veretskyi Pass in Marchof 1939. *Skhidnoievropeiskyi Istorychnyi Visnyk [East European Historical Bulletin]*, 33, 166–180. doi: 10.24919/2519-058X.33.317476

THE PROBLEM OF POLISH MILITARY'S COMPLICITY IN THE EXECUTION OF CARPATHIAN SICH MEMBERS ON THE VERETSKYI PASS IN MARCH OF 1939

Abstract. The purpose of the article – based on a broad scope of available sources, foremost documents discovered in the Polish archives, to reconstruct events on the common border between Hungary and Poland in March of 1939 related to the involvement of Poland's military formations in violence against the combatants of Carpatho-Ukraine's armed forces on the Veretskyi Pass. The research methodology is based on general scientific principles of objectivity and historicism, which allows for considering the studied phenomena based on objective regularities in their internal relations and interaction with specific historical circumstances. At the same time, the following methods have been used: chronological, analysis and synthesis, internal and external critique of sources, and legal historical, which has allowed to sum up, consider the historical context of events, and avoid political stereotypes and prejudices. The scientific novelty consists in a detailed reconstruction of specific historical circumstances of the execution of the Carpathian Sich riflemen on the Veretskyi Pass, determining an approximate number of victims, defining the character of the acts of violence from an international humanitarian law perspective and its link with Poland's broader policy in the Ukrainian issue in 1938 – 1939. The Conclusions. In March of 1939, Poland acted not only as an energetic mastermind and inspirator of anti-Ukrainian policies of the Hungarian occupational authorities in Transcarpathia but also as an accomplice in the violence campaign in Carpatho-Ukraine which included participation in the killings of its citizens on the territory of a neighbouring state. New archival evidence indicates that summary executions of Carpathian Sich riflemen on the Veretskyi Pass took place on March 22, 1939, and not on March 17–18, 1939 as previously assumed. Their main perpetrators were the servicemen of Poland's Border Protection Corps (KOP). The minimal number of victims as documented by the Polish reports was 43. Herein, one should not exclude the possibility of individual executions on this strip of the newly created Polish-Hungarian border before and after March 22, 1939, however, they did not have the same scale. This, in turn, allows to refute assumptions that have dominated Ukrainian scientific and popular literature for a long time indicating the number of victims at 500-600, which eventually was not confirmed by the materials of archaeological excavations on the murder sites. The execution of the Carpathian Sich riflemen should be qualified as war crimes for they were committed in violation of the fundamental norms of valid international humanitarian

law – the Hague Convention and Geneva Convention – concerning members of Carpatho-Ukraine's National Defence. The crimes were sponsored by the state since the greenlight on their perpetration was given by the high military leadership of the Second Polish Republic, which was reflected in the materials of deliberations on March 15, 1939 with the participation of high-ranking commanders of the Polish troops deployed on the border with Carpatho-Ukraine.

Keywords: Carpatho-Ukraine, Carpathian Sich, Second Polish Republic, Czecho-Slovakia, Veretskvi Pass, war crimes

ПРОБЛЕМА ПРИЧЕТНОСТІ ПОЛЬСЬКИХ ВІЙСЬКОВИХ ДО РОЗСТРІЛІВ КАРПАТСЬКИХ СІЧОВИКІВ НА ВЕРЕЦЬКОМУ ПЕРЕВАЛІ У БЕРЕЗНІ 1939 р.

Анотація. Мета статті – на основі широкого спектру доступних джерел, насамперед, віднайдених документів у польських архівах, реконструювати події на спільному кордоні між Угорщиною та Польщею у березні 1939 р., пов'язані з участю військових формувань Польщі у насильстві проти комбатантів збройних сил Карпатської України на Верецькому перевалі. Методологія дослідження базується на загальнонаукових принципах об'єктивності й історизму, що уможливили розглянути досліджувані явища на основі об'єктивних закономірностей, у їх внутрішньому взаємозв'язку та взаємодії з конкретними історичними умовами. Водночас використовувалися такі методи: хронологічний, аналізу та синтезу, внутрішньої та зовнішньої критики джерел, історико-правовий, що дало підставу зробити узагальнення, врахувати історичний контекст подій, уникнути політичних стереотипів і упереджень. Наукова новизна полягає у детальній реконструкції конкретних історичних обставин розстрілів карпатських січовиків на Верецькому перевалі, встановленні орієнтовної кількості жертв, визначенні характеру насильства з точки зору тогочасного міжнародного права та їх зв'язку з ширшою політикою Польщі щодо українського питання у 1938—1939 рр. Висновки. У березні 1939 р. Польща виступила не тільки енергійним натхненником й інспіратором антиукраїнської політики угорської окупаційної влади на Закарпатті, але і співучасником насильства в Карпатській Україні, взявши участь у вбивстві своїх громадян на території сусідньої держави. Нові архівні дані свідчать, що групові розстріли карпатських січовиків на Верецькому перевалі мали місце 22 березня 1939 р., а не 17–18 березня 1939 р., як вважалося раніше. Головними виконавцями виступили службовці польського Корпусу охорони прикордоння. Мінімальна кількість жертв, яка фіксується у польських зведеннях, становила 43 особи. При цьому не виключається здійснення поодиноких страт на цій ділянці новоствореного польсько-угорського кордону до та після 22 березня 1939 р., однак вони, очевидно, не мали такого масштабу. Це, зі свого боку, дає підставу спростувати припущення, які довгий час фігурували в українській науковій та популярній літературі, про 500-600 загиблих, що, зрештою, не було підтверджено матеріалами археологічних розкопок на місцях вбивств. Розстріли карпатських січовиків треба кваліфікувати як воєнні злочини, оскільки вони здійснювалися у порушення основоположних норм тогочасного міжнародного гуманітарного права – Гаазьких та Женевської конвенцій про права військовополонених – щодо членів Національної Оборони Карпатської України. Злочини мали організований характер, оскільки карт-бланш на їх здійснення було надано вищим військовим керівництвом Другої Речі Посполитої, що було зафіксовано у матеріалах наради від 15 березня 1939 р. за участю командувачів польських військ, розгорнутих на кордоні з Карпатською Україною.

Ключові слова: Карпатська Україна, Карпатська Січ, Друга Річ Посполита, ЧСР, Верецький перевал, воєнні злочини.

The Problem Statement. In 1938 – 1939, pursuing its national interests Poland, together with Germany and Hungary, took part in the dismantlement of the Czecho-Slovak Republic (ČSR) – a major European democracy, which constituted a cornerstone of the international security system in Central Europe and a significant obstacle on the path of Nazi aggression. Following the Munich conference (29 – 30 September 1938), the Polish armed forces took part in the partition of the ČSR, which also included an episode with Hungary's occupation of Carpatho-Ukraine in March of 1939.

One of the most controversial topics in the scholarly and socio-political debates over the violence in Carpatho-Ukraine has been the issue of Poland's involvement in the execution of members of the Carpathian Sich on the Veretskyi Pass. This issue has been the subject of a bitter dispute in contemporary memory politics and, occasionally, in relations between Poland and Ukraine. As an example, one can mention Poland's MFA demarche over the opening of the Memorial to the Heroes of Carpatho-Ukraine in the village of Klymets', Lviv Oblast, on October 15, 2017, which was accompanied by the reburial of the remains of 22 Carpathian Sich riflemen uncovered by representatives of the "Dolia" society during search works on the Veretskyi and Uzhok Passes in 2008 – 2015. In this context, on October 17, 2017, the Polish MFA summoned Ukraine's ambassador Andriy Deshchytsia. During the meeting, Deputy Foreign Minister Bartosz Cichocki expressed his "astonishment" over the participation of Ukraine's Deputy Prime Minister for European and Euro-Atlantic Integration Ivanna Klympush-Tsintsadze (whose grandfather Dmytro Klympush was the Chief Commandant of the Carpathian Sich in 1938 – 1939) and other Ukrainian government officials, along with the Guard of Honour of the Armed Forces of Ukraine, in the solemn opening of the Memorial dedicated to the fallen Sich riflemen. The Polish MFA in its official communique drew special attention to the inscription on the Memorial's plaque: "To Carpatho-Ukraine's Heroes executed by Polish and Hungarian occupiers in March of 1939", and presumptuously stated that "so far no evidence was presented to support the claim about the mass execution of the Carpathian Sich riflemen in March of 1939, let alone Polish accountability for this crime" (Tereshchuk, 2017; Polshchu oburyv, 2017).

The Analysis of Research and Publications. For a long time, in Ukrainian historiography dominated a version based on unverified oral history accounts collected by the Ukrainian historians and local enthusiasts on the onset of Ukraine's independence which claimed that on March 17, 1939, the captured Carpathian Sich riflemen of Galician origin in 7-8 columns each 70–80 people under Hungarian convoy were taken from a camp in Kryva and a prison in Tiachiv (Tiachevo) and transported to the Veretskyi Pass. On the next day, they were passed over to the Polish border guards, who in two locations, 1.5-2 km from the frontier, on the outskirts of Verbiazh and Nova Rostoka villages and between Petrosovytsia, Zhypany and Lazy executed by shooting around 500-600 Sich members from Galicia (Dovhei, 1996, pp. 159–161; Khudanych, 2005, pp. 56–69; Khlanta, 2009, pp. 133–135; Ofitsynskyi, 2018, pp. 4–7). The indicated numbers, as well as the very fact of mass shootings with the participation of Polish military formations, were repeatedly questioned in Polish historiography (Wojnar, 2018b, pp. 14, 25; Wojnar, 2018a, pp. 192; Jarnecki & Kołakowski, 2017, pp. 325). Some historians (Marek Wojnar) even saw in Ukrainian efforts to emphasize the Polish trace in the killings an attempt by "Ukrainian memory architects" to construct an "anti-Volyn" narrative (Wojnar, 2018b, p. 25). Among Polish military historians it is being asserted that incidents involving Polish troops opening fire at Ukrainian military refugees from Carpatho-Ukraine were predominantly sporadic without the approval of the high miliary command (Dabrowski, 2007, pp. 332, 352; Deszczyński, 2003, pp. 332–333).

In current Ukrainian historiography, several attempts have been made to highlight the role of the Ukrainian issue in Poland's foreign policy and the broader international context in 1938 – 1939 (Hetmanchuk, 2008; Hetmanchuk, 2003, pp. 46–55; Trofymovych, L. & Trofymovych, V. 2013; Trofymovych, L. & Trofymovych, V., 2018, pp. 309–328; Trofymovych, L. & Trofymovych, V., 2019, pp. 251–270; Vidnianskyi, 2019, pp. 67–93; Vidnianskyi, Hrytsiuk & Lysenko, 2019, pp. 4–24; Pahiria, 2024, pp. 131–145). However, the issue of the involvement

of the Polish military in the execution of the Ukrainian combatants on the newly established border with Hungary has not occupied a proper place in the wider analysis of Polish aims vis-à-vis the Ukrainian issue on the eve of World War II.

The Purpose. Drawing on a broad scope of available sources (archival documents, archaeological data, oral history accounts, and memoirs) to reconstruct the events on the common border between Hungary and Poland in March of 1939 concerning the involvement of Poland's military formations in violence against the fighters of Carpatho-Ukraine's armed forces on the Veretskyi Pass. Since similar summary executions on other Carpathian Passes – the Yablunytskyi (Tatarskyi) and the Uzhok Passes – require special focus, they are not presented in this article. The publication is a follow-up to the author's scientific research of the topic of Polish violence in Carpatho-Ukraine (Pahiria, 2014, pp. 34–59; Pahiria, 2016, pp. 292–323; Pahiria, 2017).

The Results of the Research. Shortly after the outbreak of hostilities in Carpatho-Ukraine on March 14-15, 1939, Poland took measures to reinforce the protection and coverage of its southern border in the Carpathians with the view to prevent the potential penetration by groups of the Ukrainian political and military refugees into the Polish territory. In the night between 14 and 15 March of 1939, following orders by Marshal Rydz-Śmigły, a "D" mobile operational (strike) group of forces under the command of General Mieczysław Boruta-Spiechowicz was set up with headquarters in Lviv (later – Stryi). At the same time, a separate temporary command of the southern border commanded by Army Inspector General Kazimierz Fabrycy was established to oversee the strip of the border between Duklja and Zhabie. A group of forces under the command of General Juliusz Zulauf consisting of the Border Protection Corps (KOP) "Karpaty" regiment and various infantry and cavalry units responsible for border covering were also subordinated to the above-mentioned command. The total number of military assets deployed along the Polish southern border was equivalent to one and a half infantry divisions, reinforced by cavalry, armoured vehicles, and artillery. The Fabrycy group of forces had the following tasks: covering the state border line, preventing border crossings by the Carpathian Sich units into the territory of Eastern Galicia, disarming and interning Czechoslovak military and security forces. At the same time, the improvised formation commanded by Boruta-Spiechowicz of mountainous infantry brigade strength (established on the basis of the 22nd mountainous infantry division stationed in Przemyśl), was tasked to act as a potential "battering ram" conducting a 'lightening' incursion into Carpatho-Ukraine to the maximum depth of several dozen kilometres with the objective to carry out "pacification" of the Ukrainian armed resistance pockets in the border area. Units of the "D" operational group of forces received orders to push out any armed groups which would try to enter the Polish territory, as well as help KOP units in detaining individual refugees. A separate group's task was to assist the Romanian armed forces in the occupation of the eastern strip of the region and to serve as a buffer in the separation/deconfliction between the Hungarian and Romanian forces (Deszczyński, 2003, pp. 322-323). The deployment of Polish combat troops along the Carpatho-Ukrainian border was an unprecedented move which broke the Polish Army's peacetime management system (Wyszczelski, 2013, p. 290).

The Polish diplomacy and military intelligence informed in detail Warsaw on the conduct of the Hungarian operation to occupy Carpatho-Ukraine. The stiff resistance offered by the Carpathian Sich to the Hungarians caused anxiety in the Polish ruling circles which were concerned over possible international complications surrounding the events in the south of the Carpathians and possible Germany's encroachment. Fears of the Germans playing

a "Ukrainian card" against Poland were alive in Warsaw (Archiwum Akt Nowych, MSZ, sygn. 5437, p. 85). In particular, the Polish side was alarmed by reports about the advance of German forces towards Western Slovakia, as well as the agreement reached between Bratislava and Berlin on Germany assuming protectorate over Slovakia.

On March 16, 1939, Poland's ambassador to Berlin Józef Lipski urged the Polish Ministry for Foreign Affairs to push the Hungarian side to accelerate their offensive due to fears that following Slovakia the Germans would grant protectorate to Carpatho-Ukraine (AAN, MSZ, sygn. 5437, p. 44; Żerko, 1998, p. 251). When ultimately the news broke on the Hungarian takeover of the region's capital – Khust at 16:00 later that day, Lipski was still nervous and tried to prevent Carpatho-Ukraine's President Avgustyn Voloshyn from "making any manoeuvres with the Germans" (AAN, MSZ, sygn. 5437, p. 46).

At the same time, Warsaw was concerned that the armed resistance in Carpatho-Ukraine, which did not have precedents in the entire ČSR and the whole East-Central Europe, would spill over its southern frontier into East Galicia and provoke internal disturbances against the backdrop of escalation of the Polish-Ukrainian relations. Given the involvement of many Ukrainian refugees from Poland in the armed struggle against the invading Hungarian troops, a 'lightening' operation called to suppress the Ukrainian resistance in the border areas suddenly surfaced on Poland's agenda.

According to reports by the Polish consul in Sevlush Piotr Kurnicki dated 18 March 1939, due to a weak control exercised by Hungarian troops over the occupied area, the dispersed Sich units mainly composed of Galicians assembled in the Synevyr-Horb-Nimetska Mokra mountainous triangle while maintaining several villages under their control (AAN, MSZ, sygn. 5437, p. 88; Centralne Archiwum Wojskowe, VIII.800, sygn. 61/6, p. 39; AAN, Sztab Główny w Warszawie 1919 – 1939, cz. I, sygn. 616/362, p. 126). The Polish leadership was especially worried over reports indicating concentrations of large Carpathian Sich forces near the village of Yasinia, whence they allegedly intended to cross the border into Poland. Most likely, this fact pushed Warsaw to develop military plans envisaging the occupation of this area, which were later discarded because of the protests from Budapest (AAN, MSZ, sygn. 5437, pp. 62–63; DIMK, pp. 602–603).

As of March 18, 1939, the territory of Carpatho-Ukraine was occupied by the Hungarian army with its units reaching the Polish border on all Carpathian passes. In contact between Hungarian and Polish troops joint celebrations were spontaneously organized there to mark the establishment of the common frontier. In the second half of March 16, 1939, in the vicinity of the Veretskyi Pass, around the Klymets railway station, a first solemn meeting between the commander of the Hungarian operation in Carpatho-Ukraine, Colonel Alajas Beldi and the commander of the Polish "D" operational group of forces, Brigadier General Mieczysław Boruta-Spiechowicz in the presence of the "Karpaty" KOP regiment was held (CAW. VIII.800, sygn. 61/6, p. 49; Magyar Nemzet, 17 Március 1939, p. 3). Later in the day, a solemn meeting between the commander of Hungarian Corps 8, Lieutenant General Ferenc Szombathelyi, and Polish General Władysław Bortnowsky took place on this section of the border.

In the morning of March 17, 1939, the Hungarian and Polish troops held ceremonial fraternization assemblies near the village of Skotarske, where the Honvéds were greeted by the commander of the KOP "Karpaty" regiment, Lieutenant Colonel Władysław Ziętkiewicz and its honourary company. Simultaneously, solemn greetings took place on the Tatarskyi (Yablunytskyj) Pass, near Yasinia. In the night between 17 and 18 March 1939, the Hungarian troops met with their Polish counterparts on the Uzhok Pass. The final act of a

symbolic fraternization between the Polish and Hungarian troops involving representatives of both armies' staffs took place on March 19, 1939, at the Beskyd railway station, where the Hungarian Colonel Beldi, Polish Divisional General Fabrycy along with the army Corps 6 staff officers from Lviv, Brigadier General Boruta-Spiechowicz and the Hungarian military attaché Lieutenant-Colonel Lendel took part (Deszczycski, 2003, pp. 333–334).

Marking the establishment of the common Hungarian-Polish border, Hungary's regent Admiral Miklos Horthy sent a greeting telegramme to Poland's President Ignacy Mościcki in which he stated that "in this historic moment, where the Hungarian soldier extends his brethren hand to his Polish counterpart on the Hungarian-Polish border, I convey my warmest greetings to Your Excellency and the Polish nation" (Magyar Nemzet, 17 Március 1939, p. 2; Slovenska Pravda, 19 marca 1939, p. 1).

A general assessment of the results of the Hungarian operation in Carpatho-Ukraine and the tasks of the Polish troops deployed along the border was given by General Fabrycy in a report addressed to the Polish General Staff on March 17, 1939. According to the General, the operation of Polish forces to cover the border and assist the Hungarian troops in the execution of their tasks was complete. Then there began its second phase which focused on the suppression of the Ukrainian movement on the territory of Transcarpathia by Hungarian security agencies. During the "clean-up" operation, General Fabrycy expected that some Ukrainian individuals would try to escape to the Polish territory (Deszczycski, 2003, p. 333). Consequently, the main task of the Polish forces deployed along the border was to eliminate them. To establish cooperation with the Hungarian side, General Fabrycy appealed to the commander of the 24/III Hungarian battalion, which assumed the duty of guarding the border near the Veretskyi Pass, with a request to regularly provide the Polish side with situation reports from the occupied territories. At the same time, he declared the readiness of his troops to assist the Honvéd in carrying out their tasks in occupied Transcarpathia (Tóth, 2015, p. 301).

As the Hungarian reprisals against the Ukrainian activists in the region gained momentum, the Polish diplomats proposed radical steps to root out the Ukrainian movement from the Transcarpathia. On March 18, 1939, the newly appointed Polish ambassador to Bratislava Mieczysław Chałupczyński, who had previously served five years as the head of the Polish consulate in Uzhhorod, in a telegramme to Warsaw proposed to recommend to the Hungarian authorities swiftly to carry "de-Ukrainization" of the region without giving this campaign any publicity. The ruthless purge had to be carried out under the guise of the "liberation of the region from communist elements", while the very notion of "Ukrainian" had to be banned by a secret degree (AAN, MSZ, sygn. 5437, p. 97; CAW, VIII.800, sygn. 61/6, p. 40; AAN, Sztab Główny w Warszawie 1919 – 1939, cz. I, sygn. 616/362, p. 137).

During the Hungarian offensive, Hortist security agencies commenced "cleaning-up" the occupied territory from "unwanted elements". The main initiators of this violence campaign were the Hungarian militaries led by the Chief of the General Staff, General Henrik Werth, who took an uncompromising stance on the Ukrainian movement while viewing it as a hostile and completely outside-inspired phenomenon (Brenzovics, 2010, p. 58). The victims of Hungarian repressions were various strata of the local population, but they mostly targeted members of the Carpathian Sich, nationally conscious intelligentsia, Carpatho-Ukraine's state and party representatives and pro-Ukrainian Greek-Catholic clergy.

During the takeover of Carpatho-Ukraine, the Hungarian military did not abide by international humanitarian law and refused to respect the rights of Ukrainian prisoners of war (POWs) viewing them simply as "bandits" and "terrorists". During the military operations, the Honvéds often

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without any trial executed captured Sich riflemen and their commander and killed the wounded by dumping them into the Tisza River (Dovhanych, 2007, pp. 79–82; Baleha, 1996, p. 139; Slyvka, 2009, p. 102; Segal, 2016, p. 58). For the captured Sich riflemen and Ukrainian activists, the Hungarians set up a network of prisons and camps throughout the region – in Kryva, Khust, Tiachevo, Velykyi Bychkiv, Rakhiv, Svaliava, Volovec and Velykyi Bereznyi.

In the context of Hungarian military aggression, a wave of mass violence involving both Hungarian and Polish militaries swept the occupied Transcarpathia. The participation of Polish troops in this was possible due the Second Polish Republic's own motives for committing violence against the Polish Ukrainians who had fled to the region, as well as due to its close cooperation with Hungary in the establishment of the common border in the Carpathians and repressive activities in the occupied territory.

The Poles were eager to eliminate the consequences of Carpatho-Ukraine's emergence on their borders and sought to coordinate and guide Hungarian punitive actions against the Ukrainian movement. In some cases, they independently took part in the killings of armed resistance members.

Some Polish sources mention cases of "frontier justice" exercised in the initial days of the armed conflict in Carpatho-Ukraine by employees of the Polish police, the Border Guards, and the KOP over individuals taking part in developments on the other side of the Carpathians. One of the participants of the "Lom" sabotage operation, Josef Kasparek mentioned instances of the killings of the Sich riflemen perpetrated by the Polish Border Guards by hanging them in the woods without witnesses (Kasparek, 1992, pp. 85, 89; Kasparek, 1989, pp. 365–373). One can find confirmation of the abovementioned facts in other Polish sources as well. Later, during World War II, a former Polish government official, Jerzy Stempowski in a letter to Stanisław Kot, a member of the Polish government in exile, described extra-judicial executions of the Sich members by employees of the KOP and the Polish police on the Polish-Hungarian border (Stempowski, 2014, p. 242).

New documentary evidence allows for defining a broader scale of the Polish military actions on the border and determining their state-sponsored character. In the Polish archives, Ukrainian historians discovered minutes of the Polish high military leadership's deliberations on March 15, 1939 regarding the situation on the Polish-Czechoslovakian border with the participation of the Chief of the General Staff of the Polish Army, General Wacław Stachiewicz, as well as Generals Kazimierz Fabrycy and Mieczysław Boruta-Spiechowicz, which shed light on the treatment of Carpatho-Ukraine's defenders by the Polish military. During the meeting, its participants addressed the threat of Sich armed groups being pushed by advancing Hungarian troops across the Polish border. The Chief of the General Staff, Wacław Stachiewicz announced the order by the General Inspector of the Polish Armed Forces, Marshal Edward Rydz-Śmigły to open fire upon Carpathian Sich members, while General Boruta-Spiechowicz reported his readiness to execute it. The minutes of the meeting confirm a clear position of the Commander-in-Chief of the Armed Forces of Poland in treating Carpatho-Ukraine's National Defence units, which appearance (even in the status of interned troops) in the south-eastern provinces of the Second Polish Republic was considered unwanted: "According to Mr. Marchal's [Edward Rydz-Śmigły] order, one must fire at those Sich members and if they fail to surrender, they must be immediately disarmed and interned. It is a different matter that Mr. Marchal did not want them to reach our territory at all, even if they would be interned. It better to push them back into the Rus' and let the Hungarians finish them off (...) but the principal wish of Mr. Marchal would be not to take this ballast

such as the various scums, that would want to get to us from there" (AAN. Sztab Główny w Warszawie, cz. I, sygn. 616/362, pp. 382–384).

The cited fragment of the document highlights the "green light" of the high military leadership of the Second Polish Republic on single and group summary executions of the Carpathian Sich members, who were pushed by the Hungarian forces to retreat into the Polish territory. On the one hand, it related to possible killings of members of Carpatho-Ukraine's combat units during their attempts to cross the Polish-Czechoslovakian border. On the other hand, it concerned actions, aimed at disarming and interning them with their future transfer to the Hungarian side. Given how the Hungarians generally treated Ukrainian POWs, the Poles knew their destiny would be predetermined. Rydz-Śmigły's order created conditions for acts of violence on the newly established Polish-Hungarian border. In contrast, the Polish military was ordered to show a completely different attitude towards Czechoslovak troops which were retreating into the Polish territory: they had to be disarmed and sent by railway transport to Bohemia and Moravia. The abovementioned report by General Kazimierz Fabrycy as of March 17, 1939 mentioning the task of "elimination" of Ukrainian refugees from Transcarpathia, was coherent with the oral instructions issued by the General Inspector of the Polish Armed Forces.

In the Polish archives, we found materials which confirm the execution of Rydz-Śmigły's order and provide a possibility to establish the chronology and circumstances of the killings on the Veretskyi Pass, as well as to determine an approximate number of victims.

A weekly report by the Ministry for Internal Affairs of Poland (March 21-27, 1939) contains concise information on a series of armed clashes between KOP forces and the Carpathian Sich units, which took place on March 22, 1939 near the villages of Klymets and Zhupany. In one such clash involving a unit of 60 personnel from the Ukrainian side, 43 Sich members were killed. It is worth presenting the excerpts from the found document in full: "Under the pressure of Hungarian troops, which are occupying the territory of Transcarpathian Rus', some Sich units were able to get across on the Polish side. In this context, several armed clashes took place involving KOP units carrying out duty in that district, while in one serious clash on March 22 near Klymets of Stryi county, 43 Sich riflemen were killed" (CAW, GISZ, sygn. 302.10.21, p. 52).

In a wider description of this encounter in the same document, more detailed information was recorded: "On 22.[0]3, between 2 a.m. and 4 a.m., in the vicinity of the border post of Klymets-Zhupany, Stryi county, a group of Sich members around 60 men strong attempted to illegally cross the border to get from Hungary into Poland. After having been noticed by KOP servicemen, the Sich members broke into a run, as a result of which the servicemen made several dozen shots at them. 43 Sich members were killed" (CAW, GISZ, sygn. 302.10.21, p. 53).

There are several contradictions and details in the two presented fragments of the report that do not correspond to the known facts. In particular, the information as of March 22, 1939 regarding the retreat of the Sich units under the onslaught of Hungarian troops seems to be completely unreliable, since it is known that the latter reached the Veretskyi Pass as early as March16. On the same day, a solemn ceremony of the Polish-Hungarian "fraternization" was held on the "thousand-year border". The struggle against the Carpathian Sich units scattered in the mountains did not cease, but it is impossible to talk about an "onslaught of troops" a week after the end of the hot phase of hostilities on the main axis of advance of the Hungarian army. Therefore, the presented circumstances of how Sich members were "pushed out" from Carpatho-Ukraine look implausible.

The first fragment provides information on several border armed clashes at once – an event, probably unusual for peaceful Poland – but without any further detail. Such generalization goes in hand with the description of the Ukrainian nationalists' activities in Eastern Galicia, Polish national democrats' boycott of Jewish trade, demonstrations in Lviv and Vilnius, citizens' withdrawal of bank funds, etc. Surprisingly, the authors decided to diminish several armed encounters on the state border, which had been a source of instability for several previous months, as well as an object of special attention by the military and political leadership of the Second Polish Republic. Instead, here presented a description of the largest clash that took place on March 22 (the dates of other skirmishes are not indicated in the document) near the Klymets border railway station with the Sich platoon (60 men), who allegedly tried to illegally cross the border into the Polish territory. One can immediately question the possibility of such a large (for the period discussed) crossing by the Sich unit through the Veretskyi Pass, considering significant concentrations of the Polish border and military units in this area. If to assume that the Sich riflemen were also natives of Eastern Galicia, then this version looks even more improbable, given the fact that many of them, beginning in the autumn of 1938, individually or in groups crossed the "green border" into Carpatho-Ukraine and were aware of the locations closely guarded by the Polish border guards (the Veretskyi Pass was one of them). In addition, the passage through the mountain at that time was difficult due to climate and weather conditions. In particular, in the report of the commandant of the Eastern Little-Poland District of the Border Guard as of March 22, 1939, it was described that the Sich members fleeing from Carpatho-Ukraine could not reach the territory of Poland due to difficult weather conditions, in particular blizzards, as a result of which the snow reached the height of three meters in some places (CAW, VIII.800, sygn. 61/6, p. 93).

However, the most glaring contradiction concerns the nature of the border incident. The first passage speaks of an armed clash, however, when familiarizing with a detailed description of the episode, one can easily ascertain that there was no encounter as such. The report's authors note that the KOP servicemen fired several dozen shots at the Sich members, who after having noticed the Poles began to run away (it is not known, though, in which direction). Herewith, 43 Sich members were killed from the group of 60. The authors did not say what happened to the rest of the group. If it was an armed clash and the Sich members were armed, the question arises: what losses did the Polish side suffer? The answer is none, because it was not an armed clash, but a group summary execution.

The conducted internal and external critique of the discovered source leads to the conclusion that the found report is almost the only documentary evidence of the execution of the Carpathian Sich members by the Polish military at the Veretskyi Pass. The official report on the events was most likely deliberately fabricated with the view to cover up the traces of the crimes. On the one hand, its authors sought to note down the very fact of the "incident" for military record, and, on the other hand, to do it in such a way as to hide its real circumstances. Despite the obvious falsifications, the report makes it possible to determine the minimum number of victims of the massacre – 43 people. This figure also correlates with the data collected by the Soviet "Extraordinary Commission for the Investigation of the Atrocities of the Hungarian-Fascist Invaders" in February of 1945. At the time, the residents of the village of Verbiazh testified that on the third or fourth day after the occupation, the Hungarian gendarmes convoyed 44 Sich members through the village, whom they shot at the pass at night. Residents concluded this from the shooting that was heard on the pass and the body parts that were later brought to the village by local dogs (Siiartova, 1967, pp. 385–386).

Over the reporting period (21–27 March 1939), this was the largest group of "transgressors" who died at the hands of KOP servicemen on the entire line of the Polish eastern and southern borders (together with three illegals in other areas). While speaking about the minimum number of victims, we are aware that their number could have been deliberately underrated. For instance, it is not known what happened to the rest of the 17 Sich members who most likely escaped the execution. It should also be considered that there may have been victims of other "armed clashes", which the cited source does not mention.

But this, in turn, allows us to reject the previous assumptions that were based on unverified recordings of eyewitness testimonies conducted in the 1990s concerning the number of 500–600 people killed. It is hard to imagine that in such a short period it was possible to assemble from different places of captivity and massacre almost a third of Carpatho-Ukraine's mobilized army.

It is also unlikely that the executions were carried out on March 17–18, 1939, as previously claimed by Ukrainian historians. The fact is that the Hungarian military was still busy with the occupation of the region these days and, most likely, could not carry out so swiftly the selection of captured Sich members of the Polish origin and their transport to the border. Furthermore, the Hungarian troops took over Tiachevo only on the evening of March 16, 1939, and they could not transfer the Ukrainian POWs from the local prison, where up to 500 people would be later concentrated, within such a short period. This also applies to the internment camp in Kryva – the largest in the occupied territory of Carpatho-Ukraine, which at the time was still at the stage of establishment.

Claims by individual authors that the transfer of Sich members of Galician origin was conducted based on some lists is also questionable. A dispatch of the Polish consulate in Uzhhorod dated April 11, 1939 complained about the Hungarians who had not yet handed over to the Polish side lists of captured Carpathian Sich members and materials related to the Ukrainian movement in Carpatho-Ukraine (AAN. MSZ, sygn. 5324, p. 13). Considering the speed with which the occupation of the region was carried out and the lack of personal data about the captives, the Hungarians apparently could not make their proper selection. Therefore, it is not excluded that among those killed at the Veretskyi Pass, there were also Sich members originally from Transcarpathia.

Additional details of the crime committed at the Veretskyi Pass are possible to establish based on memories and oral eyewitnesses' testimonies, which, however, are secondary compared to archival documents. In particular, the writer Vasyl Grendza-Donskyj mentioned in his diary the shooting of a group of Sich members from East Galicia on the border near the village of Nyzhni Veretzkyi (nowadays – Nyzhni Vorota) with the involvement of Polish and Hungarian soldiers, as well as the fact that the corpses of the killed laid unburied for some time, as a result of which they were dragged around the neighbouring area by wild animals. Only after the appeal of the local Greek-Catholic priest Dmytro Revytskyi, did the Hungarian authorities allow to bury the remains of the bodies a few meters away from the border, and to place a wooden cross on the grave (Hrendzha-Donskyi, 2002, pp. 317–318). According to later evidence, during the burial, local officials found cartridge cases of Polish manufacture in the bodies of those killed (Dovhei, 1996, pp. 159–161).

The fact of the executions committed at the Veretskyi Pass was confirmed during oral history research conducted by the author in the villages of Nyzhni Vorota, Zavadka, and Verbiazh, Mukachevo district, Zakarpattia Oblast in 2011. The respondents mentioned that the killings were carried out by the "Masurians", i.e. the Poles (Archives of the "Territory

of Terror" Memorial Museum, Interview with Anna Korobynets (born in 1925), July 2011, Verbiazh, Volovetsk district, Transcarpathian Oblast, interviewer O. Pahiria; Interview with Mykhailo Matola (born 1922), July 2011, Verbiazh, Volovetsk district, Transcarpathian Oblast, interviewer O. Pahiria).

Archaeological data has failed so far to prove the scale of the executions on the Veretskyi Pass. During the exhumation works carried out by the "Dolia" society in 2008 – 2011, the remains of ten bodies of Sich members were found between the villages of Verbiazh and Nova Rostova and the remains of seven more – between the villages of Lazy and Zhupany. On the latter location, bullet holes from a Polish Mauser carbine and a Polish-made Vis.35 pistol were found on two craniums. The victims were dressed in both military and civilian clothes. Czechoslovak coins from the 1920s and 1930s and a Swiss watch, which most likely belonged to a senior Sich officer, were found among personal belongings (Onyshchuk, 2009, pp. 48–50; Onyshchuk, 2011; Kozak, 2011).

Smaller-scale shootings and executions took place before March 22, 1939 on other sections of the newly formed Polish-Hungarian border. The order issued by the commander of the "D" operational group, Brigadier General Mieczysław Boruta-Spiechowicz dated March 21, 1939, praised non-commissioned officers and guards of the "Dolyna" KOP battalion ("Karpaty" regiment) for "the conscientious performance of official duties during patrolling the border, namely, firing well-aimed shots at dangerous fugitives who were killed on the spot" (Archiwum Straży Granicznej w Szczecinie. KOP Brygada Podole 185, zesp. Pułk "Karpaty" Batalion Graniczny "Dolina", sygn. 163, p. 60). From the reports of the Polish military intelligence, it is known about the execution on March 21 of a Ukrainian Lesia Dankiv, who, after being detained for illegally crossing the former Czechoslovak border, tried to escape from the KOP convoy. Three shots ended the life of the transgressor (AAN. Sztab Główny w Warszawie, cz. I, sygn. 616/362, p. 105). The "Dolyna" battalion was stationed in the Dolyna-Ludwikowka triangle (nowadays – Myslivka) – Osmoloda and was on duty on the 83 km stretch of the border from the Torunskyi to Yablunytskyi Pass.

The Conclusions. In March of 1939, Poland acted not only as an energetic mastermind and inspirator of the anti-Ukrainian policies of the Hungarian occupation authorities in the Transcarpathia, but its militaries were also involved in violence in Carpatho-Ukraine by having participated in the killings of captured Sich members. This is evidenced, in particular, by the fact that the tasks of the Polish troops deployed on Poland's southern border in the second half of March of 1939 included not only blocking the passage of Ukrainian refugees from the other side of the Carpathians and pushing them back, in the case of entering Polish territory but also carrying out a limited invasion to pacify the border areas in the event of a direct or indirect threat to Poland's security interests. Under the latter one can easily indicate the "dangerous" activities of the Carpathian Sich units in the border area.

One of the largest acts of violence against the captured Sich members took place at the Veretskyi Pass. The discovered archival documents with their critical analysis allow us to better reconstruct the circumstances and chronology of these killings, as well as to determine an approximate number of victims. They provide evidence that the group shootings at the Veretskyi Pass took place on March 22, 1939, and not on March 17–18, 1939, as previously assumed. Their main perpetrators were the servicemen of the Polish Border Protection Corps (KOP). The minimal number of victims recorded in Polish documents was 43. At the same time, individual executions on this section of the newly created Polish-Hungarian border before and after March 22, 1939 cannot be ruled out, but they most probably did not have

such a scale. This, in turn, allows to refute the previous assumptions that have dominated Ukrainian scientific and popular literature for a long time, about 500-600 victims, which, in the end, was not confirmed by the materials of archaeological excavations at the murder sites.

The executions of the Carpathian Sich members should be classified as war crimes since they were carried out in violation of the fundamental norms of valid international humanitarian law – the Hague Convention and Geneva Convention on Prisoners of War – against members of Carpatho-Ukraine's National Defence. This was related to serious violations of Article 1 of the Hague Convention concerning the Laws and Customs of War on Land (1907) and Articles 2, 3, and 46 of the Geneva Convention relative to the Treatment of Prisoners of War (1929)¹. These acts were also a gross violation of the constitutional rights of Polish citizens, refugees from Eastern Galicia, who made up most victims. The crimes were state-sponsored since the "green light" on their perpetration was given by the high military leadership of the Second Polish Republic, which was reflected in the materials of the meeting of 15 March 1939, with the participation of the commanders of the Polish forces deployed on the border with Carpatho-Ukraine. While being directly involved in the murder of captured Sich members on the Carpathian passes, the Polish side at the same time tried in every possible way to incite the Hungarian side to carry out large-scale repressive actions against the Ukrainian movement and resistance participants in the occupied territory.

According to Art. 1 (Regulations) of the Hague Convention concerning the Laws and Customs of War on Land, adopted on 18 October 1907, the armed forces of Carpatho-Ukraine fell under the definition of a belligerent (the presence of senior leadership responsible for their subordinates, identification emblems recognizable at a distance, open carrying of weapons, compliance with the laws and customs of war) and had all the rights on par with other participants in the conflict. According to Art. 2 (Regulations) of the Hague Convention, even inhabitants of a territory which was not occupied, who, on the approach of the enemy, spontaneously take up arms to resist the invading troops without having had time to organize themselves in accordance with Article 1, shall be regarded as belligerents (with the provision of the corresponding rights) if they carry arms openly and if they respect the laws and customs of war. The provisions of the Convention applied equally to armies, militias, and volunteer units, which were some spontaneously formed units of students who volunteered to defend Carpatho-Ukraine from Hungarian aggression. They were part of Carpatho-Ukraine's National Defence and therefore, guided by Art. 1 of the Convention, were included in the "army" category. Along with the combatants, they had to enjoy the rights of POWs in case of captivity.

As of March 1939, another important international legal document was in force – the Geneva Convention relative to the Treatment of Prisoners of War (POW) adopted in 1929 (later revised and supplemented in 1949). It expanded the provisions of the 1907 Hague Convention, contained 97 articles and prohibited repression and collective punishment of POWs. The application of the Convention covered both cases of declared war or any other armed conflict that could arise between two or more parties, and cases when the state of war was not recognized by one of the parties (as it is known, Hungary officially did declare war neither on the Czech-Slovak Republic, nor on Carpatho-Ukraine). According to the provisions of the Geneva Convention, POWs included not only military personnel of the belligerents, but also members of the militia or volunteer formations that were part of their armed forces, and members of organized resistance movements. In accordance with the provisions of the Convention (Art. 2, 3, 11, 12, 13), they were guaranteed all the rights of POWs, including the right to humane treatment, respect for their person and honour, proper conditions of detention, medical care, provision of sufficient water, food, clothing, footwear, underwear, hygiene products, etc. The document required the signatory states to treat prisoners of war humanely, prohibited any acts of violence and measures of reprisal against them.

Violations by the Hungarian and Polish military of these basic international conventions, which were valid as of 1939, allows to classify them as war crimes. In international law, actions or inactions during armed conflicts that constitute serious violations of the laws and customs of international humanitarian law and are criminalized under international treaties or customary law are defined as war crimes. The International Military Tribunal in Nuremberg which administered justice to the Nazi leadership after the war, recognized that violations of the Hague Conventions of 1899 and 1907 and the Geneva Conventions of 1929 were war crimes under international law, since the validity of these conventions at the time of 1939 was recognized by all civilized countries.

It should be noted that not all violations of international humanitarian law equate to war crimes. The general conditions for defining war crimes are as follows: 1) the violation must constitute an infringement of the rules of international humanitarian law; 2) these rules must be customary in nature; 3) the violation must be serious; 4) the violation must involve individual criminal liability of the person who violates these rules. A prerequisite for war crimes is their connection with hostilities during an armed conflict. War crimes can only be committed by individuals, not by legal entities. Neither organizations nor states can be prosecuted for war crimes in international criminal tribunals.

A detailed reconstruction of other executions of captured members of the Carpathian Sich in the Yablunytskyi (Tatarskyi) and Uzhok Passes, as well as the role of Poland in persecuting members of the Ukrainian movement on the territory of Slovakia, Romania, and Hungary, will make it possible to determine a wider involvement of the Second Polish Republic in the destruction of Carpatho-Ukraine as the Ukrainian state phenomenon.

Acknowledgment. The author is grateful to Miroslaw Czech, Ivan Patryliak, and Ostap Kozak for their valuable scientific and methodical recommendations during the preparation of the article.

Funding. The author's trips to Polish archives were made possible owing to the support of Professor Wasyl Janischewskyj Scholarship Fund from the Ukrainian Canadian Research and Documentation Centre, Toronto, Canada.

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The article was received April 11, 2024. Article recommended for publishing 29/11/2024.