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# [Russia, Poland, and "Rehabilitation"](#)

As revolutions against unchecked power transform the Middle East, it would be worthwhile to see how Russia and Poland come to grips with accountability for mass murders committed more than 70 years ago: In March of 1940 Stalin ordered the execution of over 22,000 Polish officers with a single bullet to the back of the head. Earlier this month, Russia offered to further the quest for accountability by "[rehabilitating](#)" the victims of that massacre. Next week, Poland's Foreign Minister Radosław Sikorski will arrive in Washington for consultations with the State Department and Congress. It would be an auspicious time to ask whether his government is prepared to accept this offer as a way of closing the file once and for all on Katyn.

For more than 40 years, Russia dismissed as lies charges that it was responsible for the murders. Instead, at the Nuremberg War Crimes Trials and after, it pinned the blame on the Nazis. Only after the fall of Communism did Russia own up to its responsibility and release relevant documents. But [not all have been released](#), especially those identifying the persons who ordered the cover-up, described by the Poles as "the Katyn Lie." And, the question remains why Russia abruptly halted its own investigation into the matter in 2004.

Efforts at reconciliation suffered a setback last April. An airplane carrying Polish Prime Minister Lech Kaczynski and his entourage to a Russian-sponsored memorial service at Katyn crashed in inclement weather at Smolensk, killing all 96 aboard. That crash is generally attributed to pilot error, but Russian hesitation at releasing ground control data has only served to [exacerbate Russian-Polish tensions](#).

Anxious to bury the ghosts of Katyn, Russia has recently offered to "rehabilitate" those that were murdered there by no longer referring to them as "enemies of the state." This was the euphemism Stalin employed to justify his execution orders, presumably on the grounds that the Polish officers would be a force to be reckoned with in his plan to crush the dream of an independent Poland.

The real question, however, is whether the "rehabilitation" offer does anything to advance the prospects of meaningful reconciliation. That decision is, of course, for the government of Poland to make, and for the families of the Katyn victims. But, some observations are in order.

If "rehabilitation" is a prelude to something more, then it is to be applauded. If not, it may end as a cruel hoax and the festering sore of Katyn will be allowed to linger for another generation or more.

Meaningful, sustainable reconciliation between Russia and Poland, and the families of the Katyn massacres, cries out first and foremost for full accountability through release of all relevant records. Secondly, under contemporary international law and practice it cries out for the offer of just compensation. It may be only symbolic, perhaps in the form of building a memorial, but compensation would be a tangible expression of contrition nonetheless.

The UN Security Council demanded contrition by Libya in the wake of the 1988 Lockerbie bombing by having them renounce their past practices of terrorism, accept responsibility, and make an *ex gratia* payment of compensation (a humanitarian gesture to the families without connoting admission of culpability). In the wake of the United States shoot-down that year of an Iranian passenger airplane, Washington similarly offered *ex gratia* payments to the victims' families.

Compensation, in whatever form, is for Poland and, independently, the families to accept or reject. But it should be encouraged, because the offer opens the path to diplomatic closure and healing.

The world will be watching. Will Russia and Poland finally close the book on Katyn with dignity? If so, it can serve as a beacon to a troubled world wrestling with closure to state-sponsored crimes.

*Allan Gerson is Chairman of AG International Law, PLLC, a Washington, D.C. firm specializing in complex issues of international law and politics. This article draws on remarks delivered at the symposium, "Katyn: Justice Delayed or Justice Denied?" at the Case Western Reserve University School of Law, Feb. 4th and 5th, 2011.*