

# MURDERS OF HOMOSEXUAL MALES IN POLISH PEOPLE'S REPUBLIC - SELECTED ISSUES

Mgr., **Tomasz Berdzik**,  
Uniwersytet Kardynała Stefana Wyszyńskiego,  
ul. Dewajtis 5, 01-815 Warszawa, Poland,  
<tomaszberdzik@wp.pl>

## Summary

The article takes a closer look at the issue of homicides committed up to 1989 during the communist period, in which the victims were men of homosexual orientation. The author focuses on characterizing several case studies where the robbery motive was highlighted. Homosexuals are a group at particular risk of being victimized by crime. At the time,

there were many juvenile criminals operating in the country committing robberies and murders of homosexual men older than themselves.

**Keywords:** homosexual murder, homosexual homicides, robbery murders, homosexual murders in Poland, gay victim.

## Introduction

The present study was prepared in view of a research niche that exists in Polish social sciences. The author undertook to examine the phenomenon of homicides in which the victims were men of homosexual orientation all of which took place in the times of the Polish People's Republic (until 1989). At that time the subject of homosexuality was a social taboo, pushed to the margins of society and generated numerous harmful stereotypes and prejudices. The author shows that this had a significant impact on the crimes committed against the representatives of this community.

Considering the available source material, the speaker focused on compiling selected case studies and making their in-depth analysis. The research method adopted in the paper was essentially based on the analysis of file materials in confrontation with contemporary achievements of legal sciences. In editing this research paper, the files of homicide investigations conducted by law enforcement agencies, prosecutors' offices and state security services were used. Particular attention was also paid to the materials stored in the archives

of the Institute of National Remembrance which deal with the issues of the phenomenon in question. An up-to-date view at the issues indicated in the article was possible thanks to the declassification of documents intended for internal circulation, instructions, studies and guidelines that had remained beyond the reach of researchers for a long time. Apart from strictly forensic literature, a comprehensive review of this kind of auxiliary content turned out to be indispensable for reconstructing the situational context of the time.

Presenting the homicide cases, the author decided to narrow in on the research area based on victimological and forensic conditions. Additionally, a comparison of relevant issues has been made in terms of dynamic aspects determined by technological progress and contemporary forensic science in relation to forensic techniques and tactics which were used in Poland until 1989. Each case study describes, among other things: the activities carried out at the scene of the crime, verification of collected evidence, drawing an individual profile of the victim in terms of victimology.

## Important aspects of the phenomenon in question

Sexual orientation is undoubtedly one of the important aspects of analyzing the case studies from the perspective of victimological potential, it is one of the main correlates of considering individual victimogenesis when performing procedural activities aimed at collecting information on the victimized by crime.

For the purposes of this study, it is reasonable to recall at this point the definition by M.J. Lisiecki, who formulated the concept of „Homosexual homicide” Within this term he includes homicides in which the motives are revealed remaining in direct or indirect relation to the homosexual orientation of the perpetrator and/or his victim. This means that the cause of the murder should be in direct or indirect

relation to the sphere of homosexuality of either the perpetrator or his victim.<sup>1</sup>

Based on the research of files and a review of criminological and criminalistic literature, it may be deduced that there is a mutual interference between the victimological potential (including the victim's sexual orientation) and the perpetrator's motivational processes determining his or her realization of the elements of a forbidden act.

Moreover, it is reasonable to take into account the laps of time and the technological progress which translates into the observation of ongoing changes in society. What is more, temporal changes take place in a very noticeable way on the grounds of legal sciences. This observation seems to

1 Lisiecki, M.J. (2016). *Motywy zabójstw homoseksualnych. część 1. Ogólna struktura motywów zabójstw homoseksualnych. Osobowościowe i sytuacyjne tło motywacyjne*: <<https://cejsh.icm.edu.pl/cejsh/element/bwmeta1.element.ceon.element-b2114fb0-30dd-3001-aba2-7a0c8fdee42c/c/pdf-01.3001.0013.5709.pdf>>.

be particularly pertinent in the context of the subject matter of this paper, related to the perception of the victim through the prism of his or her sexual orientation, from the social perspective, which at the time has taken on an unambiguously negative overtone, a stigmatizing narrative repeated by legal and medical publications of the time. For this reason, the authors reaches for the most up-to-date scientific studies, while the quoted publications from the period of the People's Republic of Poland and the subsequent political transformation constitute only a thread of historical perception of the phenomenon, not bringing any scientific value due to the content differing from the current medical knowledge and scientific ethics. Their inclusion in the list of bibliographic items is dictated solely by an attempt to recreate the context of the situation and the realities prevailing at the time.

On the ground of the domestic victimological literature on non-heteronormative people, following E. Bienkowska, the particular risk of exposure to crime victimization is also emphasized by B. Hołyst, not limiting himself to the homogeneous phenomenon of violence conditioned by sexual orientation, but pointing to the increase in the dark number of crimes caused by secondary victimization, prejudice and inappropriate behavior of officers carrying out activities with a non-heteronormative person as a victim.<sup>2</sup> Conducting a discernment of the individual characteristics of the victim, his habits and addictions, socioeconomic status, interpersonal relations and other relevant elements affecting his correlation with the environment is extremely desirable from the perspective of realizing investigative versions and further stages of detection activities, especially when one does not have sufficient concrete data to generate a reliable profile of the perpetrator. The compilation of the totality of information on the victim submits to the possibility of revealing the alleged perpetrator.<sup>3</sup>

The scientific literature distinguishes the most frequent motives for homosexual murders, conditioned by a number of circumstances related to the totality of recorded cases.<sup>4</sup> The motives include, among others: the desire to enrich the perpetrator (economic motive, also called robbery), revenge for interactions with the victim that were detrimental to the perpetrator, jealousy of a relationship with another partner or betrayal (motive dictated by emotional considerations), a situation in which the perpetrator is convinced of the rightness of depriving others of life on the basis of world-view or religious considerations, often displaying mental saviour

motive and a motive motivated by hatred and prejudice. A detailed typology on homicides with a homosexual factor was presented in 1996 by Vernon J. Geberth.<sup>5</sup> The leading motive that emerges after a comprehensive synthesis of each of the cases discussed is undoubtedly the economic motive. In the overwhelming majority of cases, property belonging to the victims of various value was stolen from the scene. Among the cases discussed, motives related to necessary defense and jealousy also emerge. Of course, a mutual correlation between motives cannot be ruled out.

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Taking into account the current research results, the view, formulated in the times of the previous regime, that the community of homosexual prostitutes is a criminogenic one, should be upheld.<sup>6</sup> This is because it was the source of many juvenile homicide offenders who committed the most serious crimes against older homosexuals.<sup>7</sup>

According to 1988 data presented by a spokesman for the Commander-in-Chief of the Citizens' Police, the highest victimological of victimology among homosexuals was between the ages of 31-50 years old, as they made up 55% of the victims.<sup>8</sup>

E. Bienkowska further points out that staying in places that are notorious, using stimulants, seeking entertainment through the initiation of casual contacts, in a situation where in the same environment there is an individual set on taking advantage of the imprudence of such people, this way of crime generates an increase in the victimological potential of the potential victim.<sup>9</sup>

In the cases presented below, there is no doubt that the risky interpersonal behavior undertaken by the men, which came down to finding casual partners, was crucial in this case to create favorable conditions for the perpetrators to carry out the murder. However, a narrative of spreading hurtful judgments leading to shifting responsibility for the victim of a robbery assault, even if she he acted imprudently by inviting his abuser to her his own apartment, cannot be allowed. Such a form of stigmatization inevitably leads to a devaluation of the seriousness of the criminal act, and may, moreover, arouse undesirable insinuations about the actual circumstances that affect the outcome in the legal and criminal aspects.

### Analysis of selected case studies

The following are examples of to be developed homicides

committed in connection to an economic motive (robbery

2 Hołyst, B. (2021). *Wiktymologia Społeczna*. S. 722, 767.

3 Hołyst, B. (2018). *Psychologia Kryminalistyczna*. S. 825.

4 Chan, O. (2019). *A Global Casebook of Sexual Homicide*. S. 173-175.

5 Miller, L. (2012). *Criminal Psychology, Nature, Nurture, Culture*. S. 263-265.

6 Rak, A. (1974). *O problemie homoseksualizmu i zjawiskach towarzyszących mu na terenie m. Wrocławia*, W: *Prostytucja, homoseksualizm*. S. 45-57.

7 Lisiecki, M. J. (2016). *Motywy zabójstw homoseksualnych. część 1. Ogólna struktura motywów zabójstw homoseksualnych. Osobowościowe i sytuacyjne tło motywacyjne*: <<https://cejsh.icm.edu.pl/cejsh/element/bwmeta1.element.ceon.element-b2114fb0-30dd-3001-aba2-7a0c8fdee42c/pdf-01.3001.0013.5709.pdf>>. S. 108.

8 Swieczynski, J. (1988). Niebezpieczne związki. Rzecznik prasowy Komendanta Głównego MO o homoseksualizmie. *Polityka*. 12.

9 Bienkowska, E. (2018). *Wiktymologia*. S. 61.

background).

An example of a homicide committed in connection to an economic motive, where the perpetrator carefully prepared a plan of action, making a reconnaissance research in the victim's environment and also persuading third parties to become accomplices, was a crime committed in early January 1977 in Szczecin.<sup>10</sup> The victim was a 50-year-old man, employed at the Szczecin University of Technology as a lecturer of Italian and Russian. As in the majority of homicides in the region of Łódź discussed in this paper, the discovery of the deceased's body was made by neighbors living in the same building.<sup>11</sup> One of the neighbors noticed that the door was ajar, and the inside of the apartment was in disarray, which indicated that a cursory search had been made. This was reflected in the drawers, closet, books, correspondence, underwear and personal effects scattered on the floor. The author of the study, S.Kończyk, indicated a correlation between the intellectual level of the perpetrator and the degree of his detection. He characterized the murderer, who was detected, as a primitive man, from the margins of society, without life prospects and ambitions, leading a parasitic lifestyle, who made his livelihood from committing crimes.

The killer in fact represented a low intellectual level, leaving his clothes, in which he arrived at the scene of the crime, being a carrier of both his and the victim's DNA. In the case in question, a very important circumstance made during the examination, which made it possible to undertake further investigative actions, was the analysis of the correspondence received by the deceased. In this way, a man, with a rich criminal past was found, who had left the penitentiary less than a month before the murder. He was Janusz K., however he had an alibi, the real perpetrator of the crime turned out to be his friend - Bogusław I. also connected with the criminal environment. The man was detained in his brother's apartment, he did not resist and when asked by police officers, he gave up items from the crime. When questioned about it, he said: „I don't think I need to explain anything. You know everything” Personal diaries with the initials of the murdered man were also secured. In the presence of the prosecutor, the man admitted to have committed the murders and to have appropriated property worth a total of about 35 thousand zloty at that time. Interestingly, Janusz K. together with Bogusław I. and two other detained men, in connection with the investigation intended to hijack a plane and get to West Germany or Austria, but they did not have amount of money to carry out the plan. Therefore, they decided to commit a robbery at the risk of depriving Stanisław S. of his life and Janusz K. was supposed to act as a person introducing them to a potential victim. The men appeared in the victim's apartment, taking advantage of the owner's inattention Bogusław I. stole a watch lying on the desk. When Stanisław S. realized that fact, he ordered them to leave the apartment immediately. During the next three weeks Bogusław I. repeatedly urged the other members of the group to carry out the planned scenario of the crime, but the other men did not show any initiative,

so he decided to act alone. However, he agreed with Janusz K. that after the murder he will inform him and will get his help in removing valuable objects from the apartment of the deceased and in selling them later.

Bogusław I. telephoned the victim trying to lure him away under the pretext of a stolen watch. Stanisław S. refused and told him to give the watch to Janusz K. The perpetrator repeated his proposal of a joint murder with Janusz K., but the latter refused. Determined to get rich, he decided to get into the apartment of Stanisław S. using deception. He obtained information about the name of a neighbor living directly above Stanisław S. and then knocked, at the same time apologising for the noise that could be heard at Stanisław's flat, given that the ‚alleged’ neighbor was giving a party one floor above. When the victim, convinced that he was talking to his neighbor, opened the door, the perpetrator rushed into the apartment, hitting him in the face with his fist, as a result of which he fell down to the floor. When the murderer closed the door from the inside the assailant got up and ran to the window and pushed a flower pot out into the street and still managed to tear the curtain and drapery from the window. The murderer dragged him to the middle of the room, sat on him and, pressing him to the floor, began to hit him on the face. He did this with his fists and then with a wooden shoe. The attacked man tried to cover his face with his hands and managed to bite his attacker's finger. Then the aggressor bit Stanisław S. on the wrist and, enraged, inflicted blows to the head with all his might. Then, when a considerable amount of blood started to flow from the victim's nose and throat, after a moment of agony he stopped showing any vital reflexes. The killer made sure the victim was not breathing and his pulse was not palpable, but to be sure, he reached for his tie and twisted a noose around the victim's neck. He intended to take a bath and spend the night in the deceased's apartment, but the fear of exposure caused by the sounds of a struggle made him change his mind. About two hours passed between the murder and the ransacking of the apartment. He packed the above-mentioned items to a suitcase and kept it in a lost and found office at the railway station in Szczecin, where in the following days he tried to sell the looted items among his friends, waitresses in a restaurant and in a marketplace. He also planned to lock the victim's apartment and return there later to once again search for other valuable items that he may have overlooked on the day of the murder. He did not do so, however, because he was startled by a neighbor coming down from a higher floor of the building. He decided, however, to make sure that the victim's body had been found, for which purpose he took a bus whose route ran directly by the crime scene. He noticed a light on in the premises where he had committed the crime the previous day. He gave up the opportunity to return to Stanisław S.'s apartment and threw away the stolen keys. He used the money obtained from the sale for meals in restaurants and also to buy alcohol. Traces counted as evidence pointed unequivocally to the origin of Bogusław I. Among other things, a categorical similarity of 9 fingerprint

10 Kończyk, S. (1979). Zabójstwo homoseksualisty w Szczecinie. W: *Zabójstwa w Zbydniowie i Szczecinie*. S. 30-57.

11 Berdżik, T. (2018). The analysis of modus operandi and the attempt to determine the perpetrator's motives based on the case study of the unexplained crime with the codename „Partner”. *Folia Iuridica*. 82: <<https://czasopisma.uni.lodz.pl/luridica/article/view/3172>>.

prints was found. His friends, who were persuaded by him to participate in the murder, incriminated him with their testimonies, telling in detail about the preparations made by him before the murder. It was not a trivial piece of information that Janusz K. had been involved in homosexual prostitution as a source of income since his teenage years. Janusz K. was previously a sexual partner of the murdered man, and over the period of three years, he visited Stanisław S. about 150 times. He was a passive partner and for sexual intercourse he usually received from several hundred to one thousand zlotys from the murdered man. Due to intensified investigation activities, the corpus delicti in possession of the fence was recovered. The perpetrator had previously been convicted for burglary and theft.

Based on this, investigators concluded that the killer was in a hurry when making a cursory search of the crime scene, that he was overcome by emotion for fear of being discovered, and that he was not a professional with extensive experience in this type of criminal practice involving robbery-related murders.

Victim's profile: Male, 50 years of age, university degree, lecturer, respected among colleagues and neighbors, perceived as kind, helpful, discreet, high socio-economic status, dictated by working two jobs at the university and giving private tutoring in his apartment. His sexual orientation was widely known in his surroundings, he travelled abroad a lot, mainly to Italy, he had a lot of material goods, he often invited young boys to his apartment, which wasn't unnoticed by of his neighbors.

Stefan S. was aware of his victimological potential, determined mainly by his wealth. The day before his death, he asked a neighbor for help because three men were banging on the door of his apartment before noon with the intention of entering. Among them was one of his former students, whom he later refused to tutor when he found out about his contacts with a criminal environment (conviction and serving a

sentence in prison). As a result of Stanisław S.'s firm refusal to open the door, they made numerous threats against the homeowner, making him fear for his health and life.

The murdered man had a partner, younger than himself, whom he called „Angel” and whom he trusted. The partner had the keys to Stanisław S.'s apartment, took trips with him to holiday resorts, and thanks to the victim's connections was able to get sick leaves, during which they traveled together. The men met practically every week. Interrogation of the man and the victim's cousin enabled investigators to determine what movable property was stolen from the victim's property.

During the trial, the man confessed to the crime and maintained his testimony. He adopted an indifferent attitude and showed no remorse or reflection on his actions. The public prosecutor emphasized the negative image of the perpetrator, his antisocial attitude and idle lifestyle, as well as his primitive motives for committing the murder. The remaining aggravating circumstances were the perpetrator's ineffective attempt at rehabilitation while serving his sentence, previous criminal record, as well as the bestial, highly brutal and carefully planned course of action.

The fact, that Stanisław S. was a socially respected person with a reputation among the scientific community and was awarded with the Golden Cross of Merit, also played a significant role in the legal and penal evaluation of the perpetrator's act.<sup>12</sup> Basing on the entirety of the circumstances, prosecutor Wanda Wołek moved for the death penalty, which the Voivodship Court in Szczecin recognized as the only just form of punishment and announced in its judgment of June 14, 1977. The death penalty was upheld by the Supreme Court, and the State Council did not exercise its right to pardon. The sentence was carried out. The perpetrator was only 22 years old at the time of the crime.

The subsequent murder cases described below also come from classified operational material.<sup>13</sup>

### Warsaw, February 3, 1980 - the case of Wiesław M and Leszek W.

On 3 February 1980 in Warsaw, two men living in a cohabitation relationship, Wiesław Mojsa and Leszek Wiśniewski, went to the „Ambassador” restaurant in order to make contact with other people of an identical of the same sex orientation and invited them to their apartment to have group sexual intercourse. Their attention was drawn by two young men who introduced themselves as students coming from Cracow and spending the winter holidays in Warsaw. The four men went to the victims' apartment where they consumed alcohol and engaged in sexual practices with each other. When the hosts fell asleep, they were strangled by their guests who used a special method of restraining their chests. The perpetrators were Tadeusz Barski, 21, and Andrzej Hwan, 18, from the margins of society, unemployed, who earned their living from homosexual prostitution and crimes committed against members of this social group. The

perpetrators were arrested and during the interrogation they revealed that they had received information from the Krakow homosexual community about the „Alhambra” and „Ambassador” clubs in Warsaw as places frequented by wealthy and older homosexual men. Already at the stage of planning the robbery they allowed the possibility of murder. They managed to steal items having a nominal value of about several dozen thousand zlotys from the apartment.

In the case described above, the brutality of the actions is undoubtedly visible, as they were determined by the desire to get rich - the sleeping victims, intoxicated with alcohol, had no chance for an effective defence.

From the perspective of legal and criminal assessment of this act, the men could only stop at stealing material things and leave the victims' apartment with them, all the more taking into account the fact that their identity (the victims said

12 *Kurier Szczeciński*. (1977). 8.

13 *Informacja dotycząca taktyki działań wykrywczych w sprawach zabójstw homoseksualistów*. (1980).

they came from Krakow - in fact they lived in Gdansk) and mobility would effectively hinder the process of detection, if these minors were wanted only on charges of the theft. The above is related to the intensification of measures adopted by the investigating authorities depending on the legal and criminal qualification of the act.

What is more, one of the perpetrators Tadeusz Barski, only two weeks later committed another crime, in the area of Gdańsk. His victim was Waldemar Olszewski, a 35-year-

old employee of blood donation station. The victim and the perpetrator met in „Alga” bar in Sopot. They went to an apartment for erotic practices. In this case, the perpetrator waited for a convenient moment, carrying out the attack only during sexual intercourse. He used a combined method, first hitting the victim in the head with a syphon and then suffocating him with the same technique which he had used earlier to deprive of life two men in Warsaw. After stealing some valuables from the apartment, he left without closing the door.

#### **Gdynia, October 29, 1978 - the case of Tadeusz K.**

A particularly untypical case, worth characterizing, when we take into consideration the modified *modus operandi* of the perpetrator, is the murder which took place in Gdynia on October 29, 1978. The corpses of a man and a woman were discovered as a result of alerting the emergency services to a fire coming from an apartment. The victims were a pediatrician T. Kurzydłowski and his disabled mother living with him. The man's body was in his pajamas, his legs were tied with a tie. The cause of death, however, were not injuries caused by the heat of the fire or intoxication with poisonous substances from the flames. Head injuries were inflicted with a kitchen axe for cutting and beating meat. The death of the doctor's mother occurred as a result of suffocation. The re-examination of the scene was crucial for further investigation activities. As a result, under the movable floor tile, a card

from the medical documentation on venereal examination issued to Zdzisław Szerkowski was revealed. The man had visited the victim many times and was also known to other homosexuals, which made it possible to create his profile. The perpetrator and the victim met about a month before the murder at the train station in Wejherowo. Similarly as in the previous cases, the main motive of the perpetrator was robbery of valuable objects that were noticed by him in a well furnished apartment belonging to the victim, during the visits before the tragic end. The perpetrator was apprehended, when questioned he admitted that he earned his living as a homosexual prostitute and traveled around the country looking for potential clients, and that by starting the fire he intended to cover his tracks (which proves his low intelligence quotient).

#### **Zakopane, January 9, 1983 - the case of Janusz Z.**

9 January 1983, Zakopane. Janusz Ziarko, 39, night club manager in the Orbis hotel in Zakopane, lived in a company apartment above the „Kmicic” café. He was perceived as a secretive person, who liked his work. He was reserved in establishing relations and did not open doors to strangers. In his surroundings (According to people who knew him), he was regarded as a kind and non-confrontational person towards his co-workers. He used to come to the hotel swimming pool, however he did not swim there, but only observed men swimming. Every month he was visited by his „cousin” Ryszard, who lived in Cracow and spent time at Janusz's place in Zakopane. At the turn of 1981-1982 Janusz Z. went to Wrocław several times, claiming that he was going to visit his family, but in fact he went there for social purposes. He told a waitress that Andrzej, a good friend from Warsaw, had visited him. However, none of his friends or co-workers saw the man in person. It has not been established how much time the men actually spent together. Due to his absenteeism, employees of the hotel where he worked on the morning of 12 January called the cafe, because it had never happened before that a man failed to appear at work without an excuse. A friend of Janusz Z. went upstairs and found the door to his room closed and heard no sound coming from the inside. She asked the neighbor living next door to enter through the balcony as both rooms shared a balcony. Entering through the balcony doors, she discovered the corpse of Janusz Z. The man was wearing only his underwear and had been strangled with a telecommunications cable two days earlier. The ambulance doctor,

despite the absence of vital functions, had cut the cord, thus contaminating it with his DNA. The examination of the body was also carried out by another doctor, who noticed abrasions on the skin of the neck and nose. There was a bruise on the elbow and traces of semen. Traces of feces were detected on the underwear. The interior of the room showed features typical of a crime motivated by theft. Clothing parts were scattered from closets and drawers, letters, notes, photographs, pornographic photographs were lying on the floor. A total of 52 fingerprints were secured including those belonging to an unknown perpetrator. The room was searched superficially, which gave an indication that the murderer acted under time pressure. He did not manage to steal the most valuable material possessions; victim's savings of 21 thousand zloty, two savings books, a voucher authorizing the purchase of a vehicle for 20 thousand zloty and two revaluation vouchers were left at the scene. An investigation lasting several months clearly indicated the homosexual orientation of the victim. The victim's personal documents had disappeared from the scene of the crime, he had a fairly good monthly salary, and he had been accumulating savings with the intention of buying his own car. Richard, whom the victim introduced as his cousin, was detained. The interrogated man had an alibi and was staying outside Zakopane. Ryszard admitted that he was also a homosexual and that he usually visited the murdered man once a month for social and erotic reasons. The murdered man's partner also helped to establish what items had been stolen and what the previous layout of the room looked

like.

a) robbery due to the ransacking of the apartment combined with a simulated sexual background by stripping the victim and then the perpetrator escaping through the balcony and roof of the building,

b) robbery committed by an assailant of Roma origin, who had already harassed the victim, demanded money from him and expressed disdainful language towards him.

The variants of the investigation mentioned above have not been confirmed, because despite the long-term activities undertaken by the police and the WUSW in Nowy Sącz, the perpetrator has not been caught. Due to the failure to find the

perpetrator, the prosecution investigation was discontinued. Criminal responsibility for this act expired on 12 January 2013, and the case files were burned by the prosecutor's office. Therefore, such actions should be criticised and condemned, because these materials could have been handed over to the X-Files unit in Kraków, especially that the evidence included numerous well-preserved prints of fingerprints that did not belong to the victim. This is a curious procedure, because the files of the prosecutor's investigations into a series of homosexual murders of men from the region of Łódź, despite the fact that the statute of limitations had expired, were still archived.

## Conclusions

Taking into account the current research results, the view, formulated in the times of the previous regime, that the community of homosexual prostitutes is a criminogenic one, should be upheld. This is because it was the source of many juvenile homicide offenders who committed the most serious crimes against older homosexuals.

Among the main findings that emerge from the case study are factors related to social conditions and also the age and socioeconomic status of the victims. In cases that end with the detection of the perpetrator or perpetrators, an important observation is the age difference between the perpetrator and the victim.

A significant regularity is the age difference between the perpetrator and the victim. As homosexual men grew older, they became less sexually attractive, so it was more difficult for them to establish a stable relationship of erotic and emotional origin (establish a stable erotic and emotional relationship). As a result, they often decided to have casual or temporary contacts with much younger men (not always of the same sexual orientation, but also with young heterosexual men who engage in homosexual prostitution because of the lack of perspectives, tempted by the desire to earn easy money or for other reasons) in exchange for certain benefits.<sup>14</sup> These were usually money, gifts, goods bought in PEWEX (special shop with foreign goods), foreign clothes, food or accommodation. There is no doubt that the young perpetrators were aware of this and agreed to have erotic relations, not to satisfy their urges, but using their young age, beauty, body Physical shape, as features facilitating committing a crime.

There have been cases where there was no sexual initiation at all between the perpetrator and the victim, as the deprivation of life occurred while they were still drinking alcohol together, which usually preceded intercourse. Perpetrators also committed homicide during or immediately after intercourse.

It is necessary to take into account an important circumstance when conducting scientific research based on archived file documentation, especially in the case of investigations where the perpetrator has not been established, is to determine which activities were performed and which were

omitted by the trial authority. The lack of proper fixation of the forensic trace and its inclusion in the protocol drawn up during the inspection of the scene of the crime disqualifies the possibility of admitting it as evidence, while not infrequently it is precisely the objects omitted as a result of oversight or negligence on the part of the investigators that could provide information enabling the individual identification of the perpetrator on the basis of modern technology.

It is also problematic to make inferences on the basis of case files created in the previous regime, which were filled out in handwriting, their quality deteriorating significantly with the passage of time (fading of pages, ink, chipping of the paper, carelessness of the handwriting), which more significantly leads to time-consuming analysis. When, as a result of the above-mentioned burdens on the original documentation, the content does not make it possible to read unambiguous facts, it is impossible to clarify illegible or missing fragments relevant to the case study under investigation, an effective scientific argument cannot be made. Over the years, not only the carriers of information but also access to personal sources of information that can bring new circumstances to the case under consideration are being obliterated. This is determined by the migration of people associated with a change of residence as well as the degradation of memory and the death of potential witnesses.<sup>15</sup>

It is significant for the continuation of activities through the resumption of the investigation or insight into their content, given the similarity in the circumstances of the case or reasonable suspicion of a connection between the captured perpetrator and another investigation, is the method of storage of biological traces. Due to the fact that they are classified as an integral part of the investigation file, they should be properly stored until the expiration of the archiving period of the file.<sup>16</sup> There is no doubt that the homosexual community was even a hermetically sealed group, which was determined by prejudice, harmful stereotypes and lack of reliable scientific knowledge of the phenomenon in question. It is also worth noting the evolution of establishing social contacts, during the communist period it boiled down to letter correspondence, telephone conversations, meetings on picket lines or in

14 Giza, J. (1970). *Wielkomięjskie środowisko homoseksualne – studium kryminologiczne*. S. 733-735.

15 Cur, U. (2021). *Profilowanie psychologiczne nieznanymi sprawców przestępstw*. S. 163, 174.

16 Makaruk, E. G. (2021). *Procesowe wykorzystanie śladów biologicznych, wybrane zagadnienia teoretyczne i praktyczne*.

a more intimate circle. Nowadays, the initiation of acquaintances takes place through the PRL system, most often using dating portals and applications. Activity in the virtual space makes it possible to collect data stored on servers, in the memory of the device, the history of visited sites, connections and exchanged messages on instant messengers, which is significant especially in the case of receiving information about committing a crime against life, health or sexual freedom to the detriment of a non-heteronormative person, which makes it possible to take appropriate actions in a much shorter time, also translates into narrowing the circle of typical suspects. Thus, thanks to the transfer of some forms of communication to cyberspace, with little possibility of anonymizing the perpetrator, the realization of a robbery crime scenario seems to be less and less realistic and rational scenario. In fact, it should be emphasized that since 2016, in accordance with current legislation, there is an obligation to register SIM cards by name, while applications designed for social-sexual contact require additional authentication, through authorization codes, and are not infrequently calibrated with the user's account and payment card. Some also require biometrics. In conclusion, the above-mentioned changes occurring from the political transformation to the present day mean that the scenarios related to criminogenic conditions that were successfully used by the individuals presented in this study, who originated largely from the criminal environment, have no chance of occurring now in an unchanged form.

The cases identified in this study confirm the extensive criminal bravery committed by juvenile mobile perpetrators moving freely across the national territory. Their activities were aimed at the homosexual male community, and their actions were mainly directed at the desire to enrich themselves in order to satisfy often primitive material motives. The *modus operandi* of the perpetrators was characterized by exceptional determination and brutality. It should be emphasized that the homicides presented in this article do not exhaust the whole issue of the phenomenon, but represent only a selected issue from among numerous case studies.

The analyzed cases, based on available documentation from investigative bodies and state archives, indicate that from the 1970s onward the problem of homosexual prostitution was growing in Poland. Due to the social conditions and numerous prejudices that affected sexual minorities at the time, it can be assumed that groups of young men committing crimes were fully aware that a significant part of the crimes committed against homosexual men would not be reported, which strengthened their conviction that their conduct would go unpunished. It can also be inferred from the fact that even in the case of the most serious category of crime, murder committed for low motives and reasons deserving special condemnation, the perpetrators who were successfully identified did not express remorse and the crimes they committed were not a one-off case. Noteworthy is the fact that the perpetrators migrated across the country in order to make it more difficult to unmask and bring them to justice.

In several cases, a not insignificant role was played by people from the perpetrators' closest circle - fearing criminal

responsibility and the possibility of a death sentence, they cooperated with law enforcement by incriminating the main perpetrator. A separate issue related to the research technique of the scientist is the quality and availability of materials. It should be noted that the presented cases do not represent the entirety of cases involving serious crimes committed against homosexuals during the previous state system. Many of them were time-barred, while the documentation stored in the archives was subject to disposal after a period of time provided for by separate regulations. Another circumstance having a negative impact on the overall research is the fact of a cursory treatment of cases, a lack of consideration of the causal relationship between the sexual orientation of the victim and the attitude of the perpetrator (or traces revealed at the scene indicating a robbery motive).

Hence, as indicated in the cited literature, the research conducted is incomplete. The above results in the impossibility of presenting concretized data that would make it possible to carry out authoritative research results. Hence, the author decided to make an in-depth analysis of the cases at his disposal based on archival documentation. Given the dynamic change in relation to the phenomenon in question, it cannot be ruled out that with the development of technological advances it will evolve to include hitherto unknown scenarios of crimes against this group of people particularly vulnerable to crime.

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## HOMOSEKSUALIŲ VYRŲ NUŽUDYMŲ LENKIJOS LIAUDIES RESPUBLIKOJE SITUACIJŲ ANALIZĖ

Tomasz Berdzik

### Santrauka

Straipsnyje atidžiau pažvelgta į iki 1989 metų komunistinio laikotarpio žmogžudysčių, kurių aukomis tapo homoseksualios orientacijos vyrai, problemą. Autorius sutelkia dėmesį į keletą atvejų tyrimų, kuriuose buvo analizuojamas apiplėšimo motyvas. Homoseksualai yra grupė, kuriai nuolat gresia pavojus tapti nusikaltimo aukomis. Tuo metu Lenkijoje

veikė daug nepilnamečių nusikaltėlių, vykdančių plėšimus ir vyresnių už save homoseksualių vyrų nužudymus.

**Raktiniai žodžiai:** homoseksualių žmogžudystė, homoseksualūs asmenys, žmogžudystės plėšikaujant, homoseksualių žmogžudystės Lenkijoje, gėjai aukos.