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**THE KATYN MASSACRE: A VIEW TO THE ESTABLISHMENT
OF INTERNATIONAL RESPONSIBILITY**

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The Soviet Union promoted the reoccupation of those parts of Poland that were located east of the Curzon line. Having taken control of those areas, it prepared to distribute the land to the peasantsLima, Peru and implement those democratic reforms. During the battle to regain areas east of the Curzon line, the Soviet Union captured nearly 10,000 Polish officers. General Anders refused to fight on the German Soviet front due to the border dispute between the Soviet Union and Poland. There was a significant sector of Poles residing in the Soviet Union who were not anti-Soviet and accepted the Soviet Union's claim to the territories east of the Curzon line. On April 16, the Soviet government issued an official statement denying «the damaging falsification of alleged mass shootings by Soviet bodies in the Smolensk area in the spring of 1940». The head of the Soviet secret police, Lavrenti Beria, in a letter marked as top secret written on March 5, 1940, recommended their execution, calling them «permanent and incorrigible enemies of Soviet power». On June 22, 1941, the Nazi invasion of the Soviet Union followed, and Stalin stunned as he witnessed the advance of Hitler's armies crossing the «red line» of the Soviet border, ignoring the non-aggression pact that was signed.

Since the mid-1990s, therefore, the Katyn Massacre has once again been the subject of a dispute. Within the Russian Federal Archives Agency there are published electronic copies of secret documents on the Katyn massacre, where between 1940 and 1941 more than 20,000 Poles were killed on Stalin's orders. The copies were posted on the website of the Archives Agency by decision of Russian President Dmitri Medvedev. The Katyn massacre was denied for half a century. Only in 1989 the last Soviet leader Mikhail Gorbachev acknowledged the responsibility of the USSR for that massacre. The first Russian President, Boris Yeltsin, handed over documents to the Polish President, Lech Walesa, proving the massacre.

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The court called itself incompetent regarding the lawsuit for the violation of art. 2 of the Convention. As well as later, it reaffirmed its position through the sentence issued by the great chamber in 2013 when by thirteen votes against four the court established that it lacked the necessary competence to examine the complaint corresponding to the application of art. 2 of the Convention. It was established that under art. 38 of the Convention, the State failed with the duty to fulfill its obligations. In relation to the legal procedures developed throughout the application and the activities that this entails. The Court reiterates that it did not find the violations alleged by the plaintiffs. The Court rejects the claims for costs and expenses.

The Grand Chamber affirmed that the next of kin of victims of serious human rights violations other than enforced disappearance could be considered victims of a violation of art. 3, but later concluded that, since the death of the applicants' relatives was certain, there was no sufferings. The Grand Chamber carefully avoided evaluating whether the authorities did not respond to applicants' requests for information, and the insurmountable obstacles that were imposed on them.

The IACHR concluded that the measures taken by the defendant to recover the remains of people executed nearly 30 years earlier were not sufficient and ordered, as a measure of reparation, in addition to the ongoing investigations and criminal proceedings. The IACHR applies a broad notion of the right to know the truth and related consequences, encompassing the individual and social dimensions. The IACHR emphasized that «no evidence is required to demonstrate the serious impact on the mental and emotional well-being of the relatives of the victims». Furthermore, an investigation cannot be carried out «as a mere formality predestined to fail». Contrary to the findings of the ECHR, truth and justice are inextricably related. One without the other would be an empty notion of any concrete content. Under the pretext of security Legal, the limited its competence *ratione temporis* to the obligation of States to investigate serious human rights violations, based on obscure calculations and ignoring the most obvious characteristics of the case.