

## Professor Dr. Orsos Ferenc - Legally Innocent

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**ABSTRACT**

Today it is known that the mass murdering known as the Katyn massacre, was carried out on orders of the Political Bureau of the Central Committee of the Bolshevik Soviet Communist Party, a decision that was made on 5<sup>th</sup> March 1940. In 1943 the Germans have published an extensive statement that among other things established that the killings have been carried out with 7.65 mm calibre cartridges, produced by Germany. The works of the international committee were carried out by the following scientists: professor Orsos (Hungary), Speelers (Belgium), professor Markov (Bulgaria), Dr. Tamsen (Denmark), professor Saxen (Finland), professor Miloslavac (Croatia), professor Palmieri (Italy), professor Hajek (Czechoslovakia), professor Naville (Switzerland), professor Subik (Slovakia) and as observer Dr. Costedoat (France). The unanimous conclusion of the experts was that the corpses have been buried for approximately three years. Professor Orsos had personally examined 150 corpses. In 1945 the Hungarian Academy of Sciences excluded him, then in 1946 the People's Tribunal declared him a criminal of war. In November 2012 - after 66 years - the Tribunal of Budapest abolished the proceedings started in 1946 by the Pazmany Peter University. The Court left 8 (eight) days for appeals.

**Conclusion:** Professor Dr. Orsos Ferenc is not a war criminal and there are no operative legal proceedings concerning his person.

**Keywords:** Orsos Ferenc, Katyn, Criminal of War

**Introduction**

In WW II, in 1943 during the invasion of the Soviet Union by German forces, in the forest near Katyn the German Army had found in mass graves the bodies of more than 4,100 Polish officers. These killings have thus been named after Katyn.

Today it is known that the mass murdering known as the Katyn massacre, was carried out on orders of the Political Bureau of the Central Committee of the Bolshevik Soviet Communist Party, a decision that was made on 5<sup>th</sup> March 1940 [1]. The order was carried out by the internal security forces (NKVD/ People's Commissariat for Internal Affairs), against the Polish officers and high-ranking officer held as prisoners of war on the territory of the Soviet Union. According to different estimates the number of the victims was around 28,000.

The victims were then buried in mass graves in the forests around Katyn near Smolensk, in Tver near Medno and in Pjatichatka, today the suburb of Kharkov. Both the killings and the burials were carried out in great secrecy.

In 1943 the Germans have published an extensive statement that among other things established that the killings have been carried out with 7.65 mm calibre cartridges, produced by Germany. These kinds of cartridges have been exported to the

Soviet Union, Poland and Baltic states towards the end of the '20s. The executions have not been carried out by an execution squad, but by the personnel of the NKVD with 7.65 mm calibre Walther pistols. The prisoners were kneeling on the edge of the already prepared graves and then were shot on the top of their head, at close range, 15-20 cm. The bullet entered at the nape, went through the brain, exited the head near the bridge of the nose and resulted in instant death with minimal bleeding (In some cases the prisoner was shot in the head inside the buckers). Those who fell into the grave alive have been stabbed several times with bayonets [2]. Among the exhumed victims there were quite a number of prisoners whose mouth was stuffed with sawdust and their heads were covered with a bag. In these cases there was a rope around the neck that was attached to the hands tied in the back. This means that some of the officers realised what was going on and tried to resist. These were tied up and basically they strangled themselves while trying to escape. The method of sending a bullet through the peak of the skull was used since 1937 during mass killings. Thousands of victims found at Kurapaty near Minsk were executed this way. According to the calculations of Byelorussian historian Vladimir Adamusko, between 1937 and 1938 they executed some 125,000 Byelorussians with the same method.

**The Katyn Forest**

In the Katyn forest the 4.143 victims of the camp no. 13 Kozelsk camp have been buried in eight mass graves. The "L" shaped

and the biggest of the ditches, measures 18 m at its longer side and 16 m at its shorter side, both being 8 m wide and 3 m deep. In this gigantic burial ditch there were approximately 3,000 victims laid in twelve layers. One of the last executions in the forest near Katyn has taken place on 11<sup>th</sup> May. The graves were then planted with shrubs, saplings [3].

Considering that the International Red Cross has rejected to conduct the investigation of the Katyn tragedy, Germany convoked a committee in Katyn. The committee was formed by European forensic specialists, but it had no German member. The works of the committee were carried out by the following scientists: professor Orsos (Hungary), Speelers (Belgium), professor Markov (Bulgaria), Dr. Tamsen (Denmark), professor Saxen (Finland), professor Miloslavac (Croatia), professor Palmieri (Italy), professor Hajek (Czechoslovakia), professor Naville (Switzerland), professor Subik (Slovakia) and as observer Dr. Costedoat (France).

The committee operated at Katyn site between 29<sup>th</sup> April and 4<sup>th</sup> June 1943. Its main task was to establish the date of the burials, since the clarification of the date could have ended the dispute over who was to blame for the Katyn massacre. If the bodies have been buried for two years, then the NKVD was guilty without a doubt, if they were buried later it means that these crimes have been committed by the Germans. The specialists have opened eight mass graves, examined 2.730 corpses (they themselves excavated dozens of corpses), analysed them carefully (meanwhile it became clear that the corpses were stacked in layers of ten or twelve, and they were so pressed together that they could be separated only by hooks and spades).

In the committee of experts a special role was played by the Hungarian professor Orsos Ferenc, who as an expert examined the vital and post-mortem injuries, he published his observation and results then, but these are useful even today and he was also regarded as an international authority regarding this matter [4].

Professor Orsos had personally examined 150 corpses. The brilliant pathologist managed to establish the time of the massacre using methods that bear his name: the method of pollen analysis, the thickness of the intracranial calcification and the analysis of the species and growth stages of necrophagous insects; he placed the time of the killings to the spring of 1940.

The unanimous conclusion of the experts was that the corpses have been buried for approximately three years. This was proved by the multilayered calcification on the surface of the decomposing brain. This matter develops in corpses only if they are buried for more than three years [5].

In this period however there were no German troops either from the Wehrmacht (German army) or from the SS groups in this region. The findings of the forensics have been confirmed by other sources as well. The researched documents, newspapers, the age of the trees planted to mask the graves confirmed the results of Orsos and his team.

The research team could not finalize its work due to the fact that during the summer of 1943 the Wehrmacht began its regrettable retreat. A sad epilogue to the Katyn-story was the fact that after

the Red Army reoccupied the region of Smolensk, Stalin the Soviet 'despot' ordered an "investigation" of their own. Thanks to the "turn" in Church policy after 1941, several exarchs, and even the brilliant - but unfortunately communist - Russian writer - author of 'Peter I.' and 'The Road to Calvary' - Aleksey Tolstoy stated that the crime from Katyn was committed by the Nazis.

Since the team of international experts had English and American officers among its members, the United States, England and France new very well that the Soviet Union was responsible for the mass murders of Katyn. In the first week of May 1943 the Germans brought into Katyn an American prisoner of war, Colonel John van Vliet and an English prisoner, also colonel, as well as Captain Donald B. Stuart English prisoner in order to ascertain that the crimes were not committed by German forces. Colonel van Vliet wasn't the only American officer whose mouth was shut regarding the Katyn incident. George H. Earl the special rapporteur of President Roosevelt on Balkan matters presented his findings to the president, namely that the Soviets were to blame for the massacre, but he was instructed to keep silent. When he protested, arguing that this was morally wrong, as a navy officer he was dispatched to the remote South Pacific islands of Samoa, where he had to remain until the death of Roosevelt. Henry J. Simansky US Colonel of Polish origins also faced a disciplinary action when he expressed his opinion contrary to the mainstream - on the Katyn massacre.

#### **The American and the British Politicians**

The American and the British politicians accepted even after the war the official version of the Soviets, according to which the Katyn massacre was committed by the Germans as part of Operation Barbarossa. Of course, the United States, England and France "played up with" Stalin in Nurnberg, though they knew very well who were really responsible and whom the real murderers were. What was really confusing for the Soviet chief prosecutor in Nurnberg, Roman Rudenko, was the fact that Colonel Ahrens, commander of the 537<sup>th</sup> Communications Regiment, who was blamed by the Soviets for the murdering of the Polish officers, volunteered as witness [6]. Colonel Ahrens was able to prove with documentation that in 1940 he was elsewhere on the frontline and his arguments were accepted by the international tribunal. After Ahrens' testimony the German defence attorney, Dr. Hans Laternser, asked the president of the tribunal, Lord William Lawrence, whom he thought was responsible for the Katyn crimes, but the president of the tribunal made it clear that he is not even considering an answer for this question. As a result the Nurnberg tribunal did not deal with the mass murder of Katyn.

The encyclopaedias and other literature have the following information about Orsos Ferenc. We are only citing the information regarding the end of WW II:

"Orsos Ferenc had important evidences regarding the execution by the Soviets of the Polish officers found in the mass graves near Katyn, therefore on 6<sup>th</sup> December 1944 he left Hungary. During his absence the minutes and other documents from the Forensic Institute (Törvenyszeki Orvostani Intezet) were seized by Soviet agents. Several of his former colleagues have died a violent death, as a result in 1945 Orsos Ferenc asked the United States for protection.

Both the Hungarian and the Soviet authorities have requested the extradition of Orsos Ferenc from the West, but the Allies refused.

In 1945 the Hungarian Academy of Sciences excluded him, then in 1946 the People's Tribunal declared him a criminal of war!!!

Orsos settled in Germany (in the American zone), at first in Halle am Saale, then from 1946 onwards he lived in Mainz, where he became a professor of artistic anatomy at the university of Mainz. Orsos Ferenc remained with this university until his retirement in 1955. He passed away in Mainz."

### **What Really Happened in Budapest Regarding the Case of Orsos Ferenc**

#### **After the Soviet Forces Occupied this Territory in 1945?**

"On 13<sup>th</sup> April 1990, exactly 47 years after the Germans discovered the crimes from Katyn, the Soviet leadership admitted - through TASS news agency that 'around 15,000' Polish officers have been murdered by the agents of the NKVD. Moreover the General Secretary of the CPSU, Mikhail Gorbachev, handed over to the president of the Polish Republic, Wojciech Jaruzelski, the list of the prisoners transported from the three camps - Kozelsk, Starobilsk and Ostashkov - lists that were known to the world since the beginning of the War. Gorbachev told Jaruzelski that 'it is hard to talk about this tragedy, but someone has to', though he did not give any details regarding the location of the executions and the mass graves."

During WW I, Orsos Ferenc was a prisoner in Russia and he knew very well the brutality of the Soviet authorities, he was threatened by prison, deportation and even by assassination. This is why he had fled from Hungary in December 1944, before the frontline reached Budapest, Professor Orsos Ferenc knew that the NKVD is going to look for him. Another member of the International Forensic Committee, the Bulgarian professor, Marko Antonov Markov, who did not flee was forced in 1946 to publicly withdraw the results of his research done in 1943 at Katyn. He also had to declare that the mass murders were committed by the Germans and not by the Soviets.

To be able to unfold the real facts of the matter, one cannot rely only on encyclopaedias, books, articles, internet, thus the author of this article decided to choose an entirely new way.

The author of the present article, knowing the declaration of general secretary Gorbachev from 1990, decided to turn to the Hungarian Prosecutor General's Office and to request the legal rehabilitation of Dr. Orsos Ferenc, because for him it was clear that the Katyn massacre of the Polish officers was carried out by Soviet internal agencies. Still, in Hungary there was no official statement regarding the issue for 23 years, until 1990.

In September 2012, after repeated correspondence, the office of the Prosecutor General informed me of the following: "The inquiry launched on Your request regarding the case of the People's Tribunal against the late forensic professor Dr. Orsos Ferenc was concluded.

#### **Our Findings are the Following**

On 13<sup>th</sup> July 1945, the Committee of the Hungarian Pazmany Peter University filed charges against "professors Dr. Orsos

Ferenc, Dr. Burger Karoly, Dr. Boros Jozsef, Dr. Daranyi Gyula who have fled to Germany and are considered war criminals."

On the 13<sup>th</sup> July 1945, the People's Prosecutor's Office has ordered an investigation against these professors, which was carried out by the Political Division of the Hungarian State Police and it was concluded in November and December 1945.

On 28<sup>th</sup> May 1946 the People's Prosecutor's Office has proposed the issuing of an investigation order against Dr. Orsos Ferenc.

On the 27<sup>th</sup> July 1946, the People's Tribunal from Budapest issued a warrant and ordered the beginning of prosecution against the fugitives (Bp. 472), then after a great while the trial was set in the absence of Orsos Ferenc to the 7<sup>th</sup> March 1949. The minutes of the trial were lost, but after the People's Prosecutor had made his case, the People's Tribunal of Budapest decided that it is necessary to ask for extradition.

After the People's Tribunal submitted its findings on 7<sup>th</sup> November 1949 to the Ministry of Justice, the Ministry responded through an official document - registered under No. 88.206/1949.IM.VII stating that the request for extradition is impractical.

We have not found any further significant information regarding procedural actions among the documents of the case...

There was no indictment from the prosecution against Orsos Ferenc, the measures taken against him were in the form of investigation. The tribunal issued two warrants, both were then withdrawn. There was no verdict given by the People's tribunal regarding his guilt. There was no further information found by the personnel of the Criminal Records regarding the conviction.

Your request - initiation of legal rehabilitation - addressed to Prosecutor General cannot be met, in the absence of a conviction the prosecution's office cannot take any measures regarding extraordinary legal remedy.

Regarding the order for investigation it can be concluded that from the crimes listed in it, see paragraph Nbr. (People's Tribunal) 13. § 7 (his expertise regarding the investigation of the Katyn mass graves was susceptible to make the post-war cooperation of peoples more difficult or to undermine the peace) the suspicion of committing war crimes cannot be brought against Orsos Ferenc, it cannot even be insinuated. His results in connection to the Katyn massacre did not interfere with the post-war cooperation between nations. In this question history proved the medical expert right. Moreover it cannot be established the suspicion of committing war crimes, described in paragraph 13. § 3. of the Nbr. (because with his flee to Germany and the moving of the Institute of Forensic Medicine to this country and by his inappropriate actions he helped the Arrow Cross (nyilas) movement to maintain power) because his flee to Germany and the moving of the Institute of Forensic Medicine to this country cannot be regarded as help towards the Arrow Cross movement in their quest to gain or to maintain power [7].

Dr. Orsos Ferenc was denounced by the Verification Committee of his university. During this procedure of verification on 8th May 1945 the committee decided to discharge the "professors who have fled abroad (Germany)".

### The Role of the Pazmany Peter University

At the same time the Pazmany Peter University justified its decision with the following arguments against Dr. Orsos Ferenc:

- “repeatedly giving false forensic opinions”,
- “his expertise regarding the mass graves from Katyn were false”,
- “he became member of the SS.”

These statements were not confirmed by the criminal investigation and by the prosecution. The documents prove that the removal of Dr. Orsos Ferenc from the Pazmany Peter University was suggested by cowardly aspirants hidden in the shadows of the Soviet guns during the “liberation” of Hungary by the Soviet troops - which was more of a looting really. But this was not enough for them; they initiated a trial based on false accusations. The judges, whom always say that they are independent and they reach their verdicts based on their conscience, started the procedure based on the false accusations. They concluded that the accused is absent which means that preparations for his extradition must be made [8].

The extradition was however officially halted “On the 7<sup>th</sup> November 1949 the Ministry of Justice stated - registered under No. 88.206/1949.IM.VII - that the request for extradition is impractical”, though the public was not aware of this decision. The public opinion received an input about an existing trial, this information impregnated the memory of the Hungarian society, who based on this information transformed the input into an output, i.e., that Orsos Ferenc was convicted for war crimes [9].

The impression given by real facts and truth tends to fade away very quickly in almost every person. This is particularly true if it is wittingly facilitated by our social surroundings, especially by representatives of the media.

“During his study of the structure of the Self, Freud recognised that ‘there are differences between unconscious and unconscious spiritual contents. Those contents that sometimes become conscious without any ‘resistance’ from the ‘preconscious’. The contents of the real unconscious can be brought to the surface only after the resistance is defeated and only with the help of analytic intervention. Thus according to Freud the unconscious presumes a strong, dynamic process, a psychic counter effect, a ‘suppression’; in other words unconscious equals suppression.”

In my opinion when in 1989 the leadership of the Hungarian Academy of Sciences rehabilitated its fellows removed in 1949, regarding former fellow Orsos Ferenc they must have suffered from this Freudian suppression. Moreover, every time the case of Dr. Orsos Ferenc comes up, they wave their hands, saying: “The issue is not timely yet.”

The process of suppression can be regarded as a defence mechanism of the soul, without it the conscious might acknowledge the terrible, distorted events that are incompatible with our morality.

Suppression is far more comfortable, because otherwise the person would have to sacrifice one of its most precious treasures, its inner peace. As the old saying goes: “Least said, soonest mended.”

In regard of all the above I have decided to write this issue into a book, entitled “The Truth of Dr. Orsos Ferenc.” On the 15<sup>th</sup> November 2012 I have mailed this book and the letter in which I have asked the Presidency of the Hungarian Academy of Sciences to posthumously restore the fellowship of Orsos Ferenc. At the same time I have mailed the book to the two successor institutions of the former Pazmany Peter University, asking both of them to posthumously restore Orsos Ferenc’s position as university professor.

As a conclusion I wish to inform the reader about the following: In November 2012 - after 66 years (!) - the Tribunal of Budapest abolished the proceedings started in 1946 by the Pazmany Peter University. The Court left 8 (eight) days for appeals [10,11].

In December 2012 the General Prosecutor’s Office informed the author of these lines that it will not attack the decision from November 2012 of the Budapest Tribunal. Thus the decision became final [12].

### Conclusion

Professor Dr. Orsos Ferenc is not a war criminal and there are no operative legal proceedings concerning his person.

### References

1. Vincze J, Vincze-Tiszay G. The Human Mind. Philosophy Study. 2023 13: 60-67.
2. Vincze J, Vincze-Tiszay G. The Specific Characteristics of the Biophysical System Theory. J Prog Rersearch Soc Scien. 2020. 10: 35-41.
3. Jerzewski L. Katyn, Babits Ed., Szekszard. 1990.
4. Nyiro Gy. Psychiatria. Medicina Ed., Budapest. 1962.
5. Sutarski K. Moj Katyn. (Az en Katynom. Hungarian and Polish langugies). Püski Ed., Budapest. 2010.
6. Vincze J. Prof. Dr. Orsos Ferenc - academician. NDP Ed., Budapest. 2010. 175-199.
7. Vincze J. The Truth of Dr. Orsos Ferenc NDP Ed., Budapest. 2012.
8. Vincze J. Where is rehabilitation of Prof. Dr. Orsos Ferenc? NDP Ed., Budapest. 2013. 29-36.
9. General Prosecutor: Office informed. Budapest, Sept 2012.
10. Tribunal of Budapest: The termination order. Budapest, Nov 2012.
11. General Prosecutor: Decision. Budapest, Dec 2012.
12. Vincze J. The Capital Chapter of Biophysics. 5<sup>th</sup>. NDP Ed., Budapest. 2015.