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**Summary of doctoral dissertation**  
**titled “Crimes against martyrial heritage”**  
**written under the supervision of dr hab. Maciej Trzeciński, prof. nadzw. UWr**

The following paper is devoted to a narrow research problem, which is the phenomenon of crimes against martyrial heritage. This phenomenon has not yet been a subject of complex research, and the martyrial heritage itself has not been provided a definition in the scope of the legal protection of cultural heritage. Moreover, the significance of the martyrial *sacrum*, national memory, the memory of struggle and martyrdom, the memory of victims of crimes of genocide and war crimes, and other similar values would seem to call for differentiation of the issue in question from crime against “common” cultural heritage.

The chief aim of this dissertation is the realisation of identificatory function of criminalistics, by means of an extensive analysis and description of crimes against martyrial heritage and the state’s response to such crimes. This aim was realised particularly with use of complex qualitative research based on the analysis of criminal proceeding files (preparatory and court files). A vast amount of data about crime was collected, and the research embraced 90% of the available material related to court proceedings regarding the discussed issue.

The first chapter describes definitions pertaining to legal protection of cultural heritage, introduces an innovative definition of martyrial heritage, which has been postulated in the doctrine for a number of years, as well as deals with the dogmatic analysis of the criminal law system of cultural heritage protection both in Poland and other countries of choice. This part of the paper also includes a preliminary overview of potential and real threats to martyrial heritage, together with relevant examples. Therefore, this chapter is an introduction to the discussed topic and provides a baseline for later considerations.

The following two extensive chapters (chapters two and three) are of key importance. They comprise an analysis of the collected data regarding crime against tangible and intangible

martyrial heritage. The considerations were grouped with use of questions known as ‘seven golden questions in criminalistics’, so that research conclusions are possibly profound and systematised, and can present a genuine picture of the phenomenon in question. These chapters provided an answer to the question of the phenomenology of crime, as well as efficiency and adequacy of criminal punishment of punishable acts committed.

The results of the study lead not only to a complete description of the existing phenomenon, but also allowed for recognition of the etiology of crime and establishing the general issues related to legal cultural heritage protection. These matters are also discussed in chapter four of this dissertation.

Based on the recognised etiology and symptomatology of crime in question, chapter five focuses on the preventive function of criminalistics. Suggestions of preventive measures were presented, both practical and legal (*de lege ferenda*), the implementation of which should allow for a substantial decrease in the threat of crimes against martyrial heritage.

At the end, the results of the study and conclusions from other parts of this paper were summarised.

It was established that although the phenomenon of crimes against martyrial heritage does exist, its scale is rather limited. Its character is multi-faceted and in actuality it comprises a number of independent criminal tendencies, often targeted against other legal interests and violating martyrial heritage only “at the opportunity”. The evaluation of social harm of the acts committed is often understated, and criminal law regarding this topic remains inconsistent. A vital factor enabling or even inspiring a vast majority of confirmed socially harmful acts is the flawed operation of state institutions, whose responsibility is the protection of cultural heritage.

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