

# Neuropathology in 1984: a deadly shot into the heart of Europe

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## Abstract

Just 40 years ago, Europe was divided into the Eastern communist bloc, which included the Czechoslovak Socialist Republic (ČSSR) and was dominated by the now historical Soviet Union, and the Western bloc comprising democracies such as Austria. The Iron Curtain, a heavily guarded and deadly border zone, separated the two blocs and constrained, in prison style, the populations of the Eastern bloc. The present neuropathological article relates the sad fate of František Faktor, a 33 years-old Czech who was shot by ČSSR border guards when attempting to flee to Austria at the border between *Česke Velenice* and *Gmünd*. František Faktor was found dead on November 5<sup>th</sup>, 1984, on Austrian soil some 500 meters from the border. ČSSR authorities claimed that he was shot when still within their territory, then ran some 900 meters to the other side of the border and died there. Neuropathology demonstrated a gunshot injury of the spinal canal, with transverse lesioning of the spinal cord predominating at Th10 that must have resulted in immediate paraplegia. This finding proved that ČSSR border guards had shot on Austrian territory, resulting in a major diplomatic *éclat* between both countries. After the implosion of the communist governments of the Eastern bloc in 1989, relations between Czechia and Austria started to normalise. By now, the *Gmünd/Česke Velenice* region has developed an exemplary good local neighbourhood and the former border has become virtually irrelevant. Attempts to bring justice have started in Czechia as well as other countries behind the past Iron Curtain, and some former Czechoslovak officials held responsible for border killings were legally prosecuted. The present article demonstrates how a small medico-scientific discipline such as neuropathology can contribute to assess critical political events in our world.

**Keywords:** Neuropathology, Border incident, Fugitive victim, Refugee killing, Iron Curtain, Spinal cord injury, Spinal cord transverse lesion, Gunshot injury

**"Who controls the past controls the future:**

**who controls the present controls the past."**

– George Orwell (1903-1950), *Nineteen Eighty-Four* (1984) [1]

## Background

Imagine. Imagine the world of 1984, yes, Nineteen Eighty-Four. Imagine not exactly the Orwellian scenario of Big Brother, but a rather similar one; a world of two huge blocs bristling with weapons, which could pulverise our planet to an uninhabitable desert, a possibility continuing until present. Indeed, after World War II (WW II), the Communist East separated from the democratic West by construction of a heavily guarded and deadly border zone, the Iron Curtain, running through the very heart of Europe from near the North Cape to the Black Sea [2]. Originally claimed by the East to be a military defence installation, the Iron Curtain soon served in prison style to contain its own population. This situation, 40 years ago, a blink of an eye in the history of our planet, may at present seem rather unimaginable to most younger Europeans.

Science needs stories, and here is one that offers even more. Imagine a person like Orwell's main character Winston who wrestles with oppression in his dictatorial part of the world where he was unlucky to be born in. Imagine no Orwellian type of happy ending, where Winston finally gets to love Big Brother and to transform into conformity. Imagine our person here as a hero who voted with his feet against the ruthless totalitarian system in which he had to live, and fell as a victim of inhumanity in the midst of Europe.

Imagine an early afternoon of late October 1984 in an idyllic landscape of forests with interspersed meadows and fields after the harvest in the Northern Part of Lower Austria [3]. This place is near to *Gmünd*, an originally medieval town founded by the *Kuenringer* knights, famed to have imprisoned Richard the Lionheart in *Dürnstein* in the *Wachau* Danube river valley. The town of *Gmünd* perfectly illustrates the historical developments in Central Europe, reflecting the turmoil Europe suffered in the 19<sup>th</sup> and 20<sup>th</sup> centuries. By 1900, *Gmünd* had become an industrial centre in the Austrian part of the multi-ethnic *Habsburg* Austro-Hungarian double monarchy, with some 10.000 inhabitants [4]. *Gmünd* was located at the important Emperor-Francis-Joseph-Railway line in the midst between Vienna and Prague. This location favoured the construction of a huge refugee camp during WW I aimed to take

care of masses of expelled and displaced persons from the war-ravaged parts of the Habsburg monarchy, mostly from Galicia (now Western Ukraine) and Istria (now Croatia). Over the years, the camp housed a total of 200.000 persons, of which 30.000 were killed by measles, typhoid fever or typhus and buried at the still existing camp cemetery [5]. WW I left *Gmünd* as a border town with a new frontier in its backyard, man-drawn by the Peace Treaty of St. Germain, without the important railway station nor its surrounding backyard area nor its infrastructure that now belonged as *České Velenice* across the river to the newly founded Czechoslovak Republic. Franz Kafka (1883-1924) documented the new border situation in his "Letters to Milena" (Jesenská) whom he met in *Gmünd* in 1920 [6]. After the annexation ("Anschluss") of Austria as "Ostmark" to the Nazi-governed German Reich in 1938, the local frontier was abolished and the backyard area added again to the *Gmünd* municipality. About 400 inhabitants of *Gmünd* then relocated to the former Czechoslovak part [6]. In 1944, 1700 Jews were imprisoned in a camp in *Gmünd*, and one third of them did not survive. As railroad centre, *Gmünd* suffered a devastating bombardment by air raid in March 1945, with 336 persons killed [7]. After WW II, history repeated itself, the frontier returned to its post-WW I location, and *Gmünd* became again the receptacle for the expelled and displaced [4]. Thus *Gmünd* and its transfluvial Czech twin town *České Velenice* were again separated, now by the Iron Curtain between the Republic of Austria and the Czechoslovak Socialist Republic (*Československá socialistická republika*, ČSSR), a member of the communist Eastern bloc dominated by the former Soviet Union.

Imagine the inhabitants of *České Velenice* during the communist era that is now called "totality" in Czech. The inhabitants later on participated in a sociological study on the impact of the border situation including the topic of border guarding. The study concludes that "everybody adopted to the rule at one level or another, which implied, according to the circumstances, both compliance and resistance at the individual level."; thus, *České Velenice* encapsulates the basic features of communist rule in a particularly condensed way, with regard to both its 'publicly available' and its 'hidden transcripts' [8].

Imagine *Wielands* (*Velenice* in Czech), a small farming Austrian village located at a few kilometres to the Southwest of *Gmünd*. As an exception, *Wielands'* border to its North was not heavily fortified although permanently patrolled by ČSSR border guards. A fugitive from ČSSR to Austria would have had to cross about 3 km of forest with some fences, to avoid touch signalling devices designed to alert the border guards, then to finally arrive at an open field already in Austrian territory. Living nearby, you would have known perfectly. Yet, you would probably not have known nor wanted to know how close tragedy can be.

## The victim

Imagine a 33-year-old mechanic from the city of *České Budějovice* or *Budweis*, world famous for *Budweiser Budvar* beer. František Faktor's name and picture are in the public domain, showing a young man with a somewhat self-effacing facial expression (Fig. 1). At that time, he lived in *Vyšné*, a hamlet a mere one kilometre North of the border with Austria, and worked at the economically important Czech Railways workshops in *České Velenice*. Not much more is known about his personal life, except that he allegedly boasted about being able to flee to Austria, according to reports by people close to him.



**Figure 1.** František Faktor's picture from his Railways ID card, available in articles by several Austrian newspapers at the time, as well as on various internet sites, e.g. <https://www.facebook.com/photo/?fbid=918904573600872&set=a.478515610973106>, last accessed on Nov. 14, 2024, <https://www.pametnaroda.cz/sites/default/files/styles/930x520/public/1.%20Frantisek%20Faktor.jpeg?itok=QaNF8MW5>, last accessed on Oct. 19, 2024 (with comment "zdroj: archiv M. Petrůčka"); <https://www.extra.cz/zlociny-komunistu-frantiska-32-zastrelili-jako-posledniho-cloveka-na-hranicich-umiral-v-lese-dlouhe-hodiny-f59d0/galerie/5> (with comment "Paměť národa, M. Petrůček, publikováno se souhlasem"), last accessed on Oct. 19, 2024; as well as in the exhibition of the House of Contemporary History in *Gmünd*.



**Figure 2.**

**A.** Edge of a grove where František Faktor's body was found in half-sitting position, leaning against the trunk of the large spruce at right. Photograph by H. Budka (2024). **B.** A memorial plate that had been fixed to the trunk was recently removed by unidentified persons. Its picture is still available on the web <https://www.extra.cz/zlociny-komunistu-frantiska-32-zastrelili-jako-posledniho-cloveka-na-hranicich-umiral-v-lese-dlouhe-hodiny-f59d0/galerie/4>.



On Nov. 5, 1984, František Faktor was found dead by a farmer from *Wielands* on the edge of a field to a small forest. František Faktor was half-leaning against a big tree (Fig. 2), and 16 empty bullet cartridge casings were found in the field nearby. Importantly, this occurred on Austrian soil at a distance of some 500m from the border, as documented by Austrian authorities [9], and recently also by photographic imaging of the site (Figs. 2–4). The detailed location on a map is given in Fig. 5. František Faktor had suffered a bullet wound in the back that hit his vertebral column and was apparently already dead for a few days. He had an ID card from Czech Railways, a piece of soap and some money in his pockets. Another farmer from *Wielands* and his son later reported to Austrian police that in the early afternoon of Oct. 30 they had heard several rounds

of gunshots, something that was not unheard for people living there. They further reported that they had seen ČSSR border guards running on the free field from Austria back towards their country.

Immediately, the issue emerged whether František Faktor was shot on ČSSR territory but still able to run or drag himself to Austria, or whether he was killed on Austrian soil. Austrian newspapers and tabloids were full of discrepant data and speculations. Of course, shooting him in Austria would have constituted a severe violation of Austrian sovereignty, with potential bilateral and international legal consequences, as recognised by international newspapers [10]. Austria had traditionally been a neutral country between the two blocs but imagine the consequences of the shooting violating the border of a European NATO member or the US.



**Figure 3.** View from the trees depicted in Fig. 2 towards the ČSSR, showing a field of some 500 m distance to another forest where the border is situated. A tiny white spot represents a border warning sign. Photograph by H. Budka (2024).



**Figure 4.** View from a few metres from the ČSSR border in direction to Austria, the same sight that František Faktor perceived when crossing the border. The field in the foreground is already Austrian territory. The arrow indicates the spruce where his body was found, depicted in Fig. 2. Photograph by H. Budka (2024).



**Figure 5.** Map of the region with a mark showing where František Faktor's body was found north-west of *Wielands* (48°45'47.9"N 14°54'42.3"E, shown by Apple Maps in satellite view). The red line represents the frontier.

Not surprisingly, Czechoslovak authorities immediately argued for an incident on their own soil, but emerging data soon showed the contrary. At this moment, neuropathology joined the tragic theatre. A complete legal autopsy was ordered by the *Gmünd* District Court and performed at the Department of Legal Medicine of the University of Vienna by the very experienced forensic pathologist Georg Bauer, then a Docent/Lecturer and later on a Professor. Georg Bauer documented a completely penetrating gunshot wound of the lower thoracic vertebral column and sent, on Nov. 6, 1984, a fixed specimen *in toto* to me for neuropathologic assessment of the spinal cord.

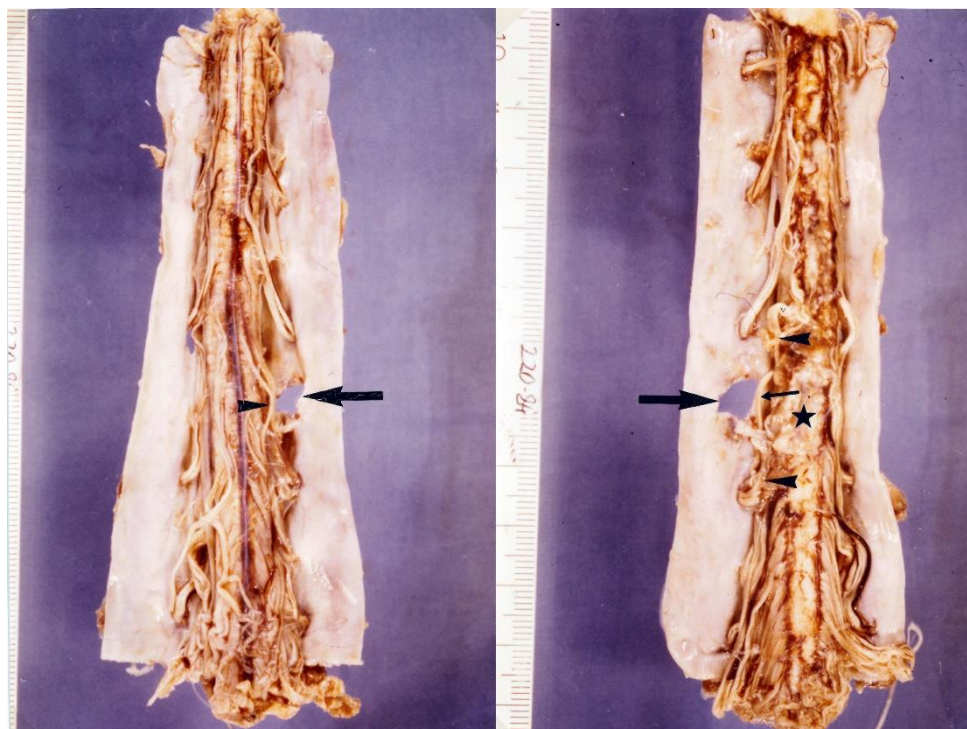
## Neuropathology

The fixed specimen comprised thoracic vertebral bodies 8 to 11 with proximal parts of ribs and surrounding soft tissues *in toto*. The vertebral arcs had been removed at the general autopsy, hence the spinal canal was open from the posterior. I

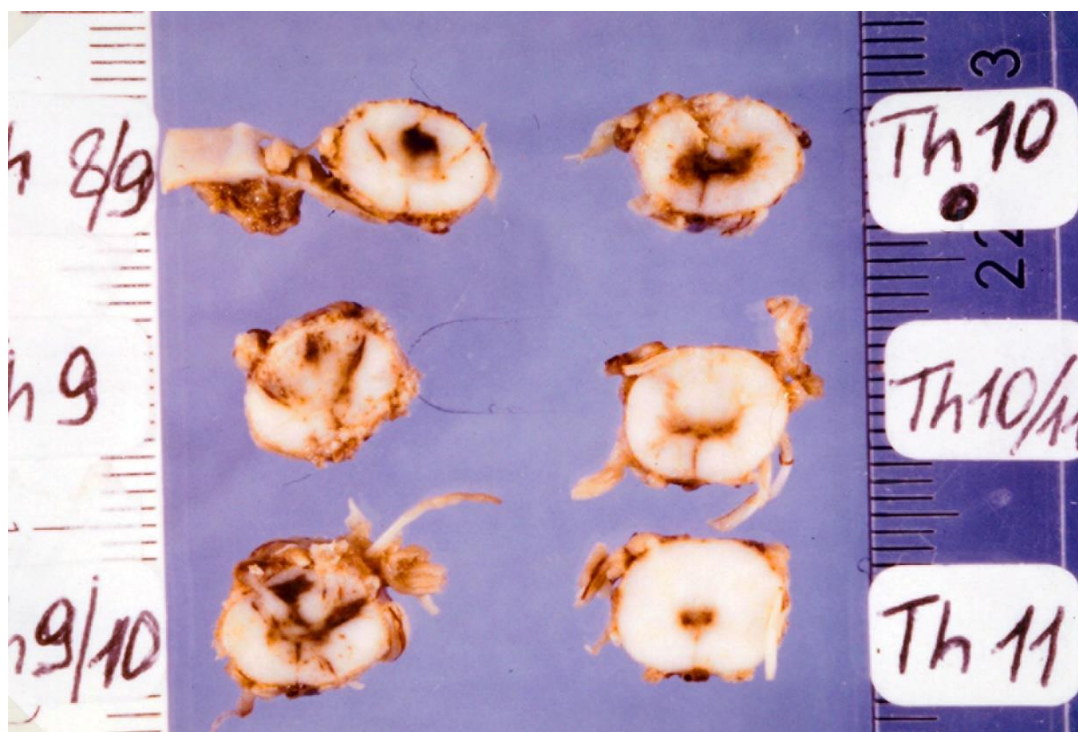
removed the spinal cord from the spinal canal. The spinal cord had a length of 12,5 cm, ranging from 1 cm cranially of the dural exit of root Th 7 to 1 cm caudally of root exit Th 11. The essential finding was an elliptic dural defect of 6 to 8 mm in diameter on the left side, with slightly ragged margins and a small subdural haemorrhage located between dural exits of dorsal roots 9 and 10, i.e. at the level of vertebral body Th 10 (Fig. 6). The adjacent surface of the cord lacked the *pia mater* and was irregularly humped and softened in a diameter of 1 cm. At this level, most of the dorsal root Th 10 was missing, while more proximal parts were present but appeared retracted and flexuous. The anterior root and spinal ganglion of Th 10 were preserved. Transverse sectioning of the spinal cord revealed hemorrhagic and softened lesions between the levels of dural root exits Th 8 and 11, with the maximum of haemorrhagic lesions at the level of the round dural defect (Fig. 7).

Histology confirmed extensive spinal cord haemorrhages, oedema and necroses, comprising at maximum both the gray matter and large parts of



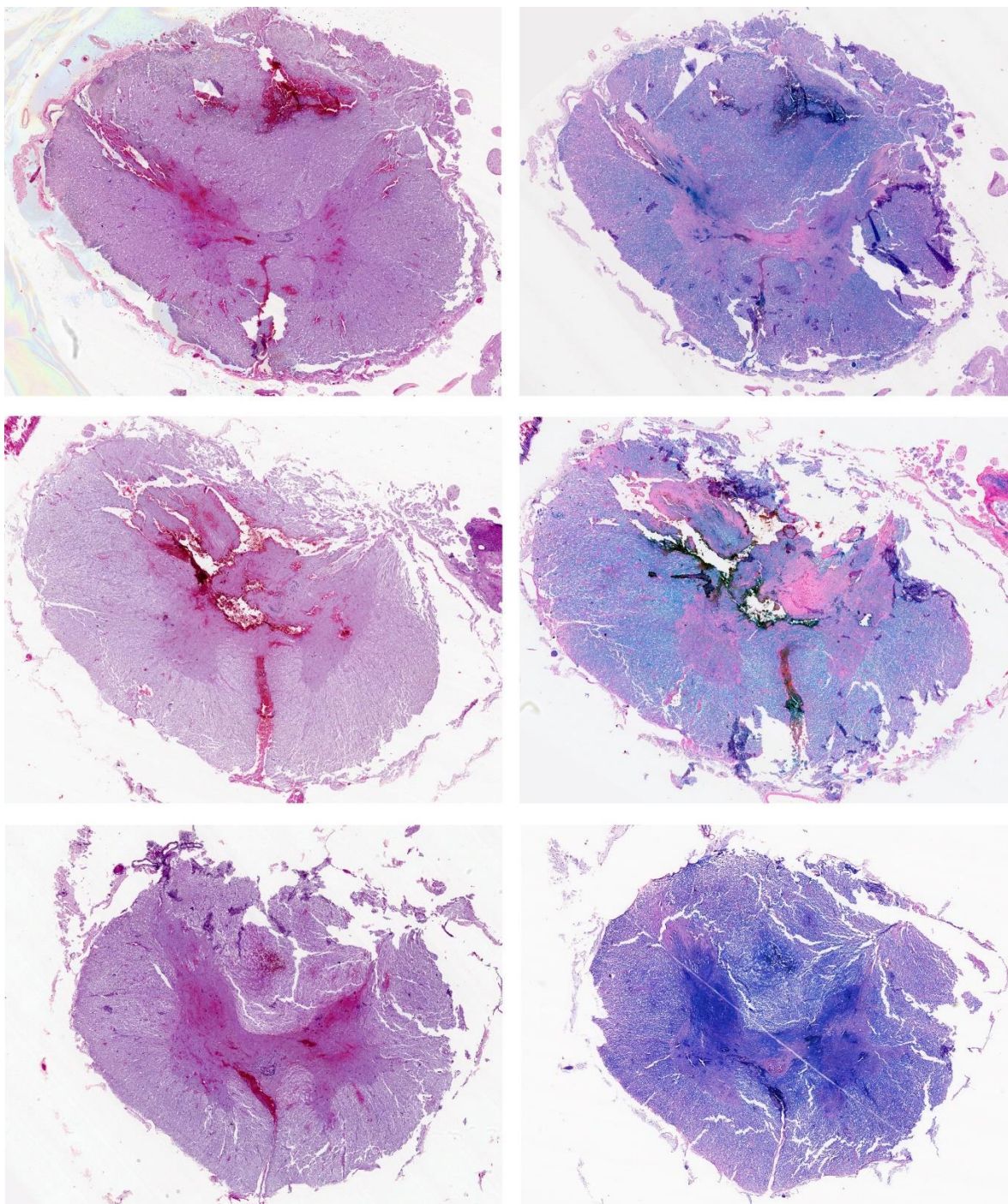


**Figure 6.** Anterior (at left) and posterior (at right) view of spinal contents dissected from the vertebral column specimen. The large arrow points to the dural hole by the bullet. The arrowhead at left points towards the intact anterior root TH 10. At right, the small arrow indicates the intact anterior root TH 10. The cranial and caudal parts of the posterior root TH 10, shot into two pieces, are indicated by arrowheads. The erosion of the spinal cord surface by the bullet is marked by an asterisk. Photographs by H. Budka (1984).



**Figure 7.** Transverse sections of the spinal cord at six levels as indicated between dural root exits Th8/9 and Th11. There are multiple and extended haemorrhages and softenings. The largest haemorrhage is present at Th10, at the level of the dural defect (upper right). Photograph by H. Budka (1984).





**Figure 8.** Histological transverse sections of the spinal cord at the level of dural exit Th 9 (upper row), at the level of the dural defect (middle row), and caudally adjacent to the preceding level (lower row). There are multiple and extended haemorrhages, oedema and softenings. Left side Haematoxylin & Eosin, right side Luxol Fast Blue & Nuclear Fast Red. Original magnification x 1,6.

the white matter (Fig. 8). There was focal early leukodiapedesis with some perivascular granulocytes and a few round cells. The proximal and distal stumps of the dorsal root Th 10 showed some axonal swelling and early myelin destruction, as well as tiny fragments of textile fibres and bone.

Given the political importance of, and public interest in, the case, I hastened to complete my investigation and sent my complete neuropathology report to the investigating Court of the City of *Krems-on-Danube* 10 days after František Faktor's body had been found.

## Interpretation

The neuropathological results fully concurred with a gunshot lesion of the spinal canal: a dural hole by the bullet, grazing of the left and dorsal cord surface and extensive transverse damage of the spinal cord with haemorrhages at the dural root exit levels Th 9 and 10. Such a spinal cord lesion appeared compatible with secondary effects of the bullet due to temporary cavity and possibly also due to damage from the initial shock wave [11]. Type and extent of the transverse spinal cord lesion must have resulted immediately in complete yet non-fatal paraplegia. The early tissue reactions demonstrated limited survival after the shooting, estimated between 12 to 48 hours.

Follow-up of this case led to the inhumane and hard-to-swallow conclusion that the involved ČSSR border guards did not take care of the critically wounded František Faktor after the shooting and abandoned him to suffer a terrible death after some day-long most painful agony.

## Political Sequels

After retrieval of František Faktor's body and the nearby bullet cartridge casings on Austrian territory, the Austrian side urgently asked for an official meeting of the 'Austrian-Czechoslovakian Commission for Investigation of Incidents on the Shared National Border'. The meeting was held on 7<sup>th</sup> November 1984 in *Gmünd* and its protocol is available in Czech language on the internet [9].

The ČSSR delegation had eight members, the Austrian seven, involving on both sides mostly administrators from the Ministries of Interior, External Affairs, and Defence, with Georg Bauer as Austrian forensic medicine expert. For the first time in these Commission meetings, no consensus was achieved on what had happened. The ČSSR side maintained that František Faktor was already shot on ČSSR territory, some 400 m from the border despite the fact that no bullet cartridges were found on that site. The Austrian side countered that František Faktor, critically wounded by gunshot, must have been unable to run 400 m to the Austrian

border and farther on across the field, in total some 900 m. The Austrian side further countered that the bullet cartridges found in the field, the bullet stuck in a tree trunk and the position of the body were all by far within Austria, arguing for the Austrian scenery of the shooting. The Neuropathological Report with the final proof for the Austrian version was provided only after the Border Commission meeting.

Between WW II and the implosion of the Soviet Bloc in 1989, František Faktor's shooting was not the first or unique incident, neither on the ČSSR border nor on other borders of the Iron Curtain. What singled out this incident as special was the proven fact that František Faktor was not killed on the territory of his own East Bloc country but on the territory of a foreign state after a successful flight across the border.

Imagine a neutral country like Austria where political implications were considerable, causing a sort of diplomatic mini-ice crisis with the ČSSR. The ČSSR ambassador to Vienna was called in to receive a harsh protest. ČSSR authorities claimed an "anti-Czechoslovak hate campaign" raging in Austria after the shooting and recalled their ambassador back to Prague [10]. The Austrian Minister of External Affairs gave a formal statement to Parliament about this "most severe violation of the Austrian-ČSSR border since years". A general debate about murder by ČSSR border guards and violation of the Helsinki Treaty of 1975 ensued. Finally, the members of the Austrian Parliament unanimously accepted a declaration that condemned the violation of Austrian sovereignty and asked for full clarification and punishment of the persons involved [12]. There is no evidence that ČSSR authorities complied with any of these demands.

Imagine the autopsy with neuropathology examination would not have been done. There would have been rumours instead of proof, and questions whether ČSSR border guards would appease their merciless behaviour. In retrospect however, the behaviour of the ČSSR border guards seemed to have changed since František Faktor was the last person killed at the ČSSR-Austrian border [14].



## Final Justice and Relief

Imagine a post-1984 world that would be able to persecute all types of crime, including those claimed as “necessary” for governmental or state interests, irrespective of political influence, ideology, religion, ethnicity or nationality. Indeed, the International Court of Justice at The Hague was founded by the United Nations to take care of such a transnational ideal, but it rules only between states. By contrast, the International Criminal Court (ICC), also seated at The Hague, has the mandate to prosecute individuals for international crimes of genocide, crimes against humanity, war crimes and crimes of aggression. Surprisingly however, the ICC has been and continues to be under heavy fire from many sides, including political movements, civil groups, states and governments. Systemic border killings on foreign territory as in František Faktor’s case would align with the mandate of the ICC on crime of aggression by “invasion or attack by armed forces against territory”. Yet, only crimes committed after 2002 can be persecuted by the ICC [14]. Despite this, some national governments that succeeded Communist regimes and some national Civil Societies of Central European countries brought up the historical issue of justice for the border shootings at their Iron Curtain. A Culture of Remembrance has grown, historians have documented the evidence, and court proceedings have started in 2023. Of note, criminal prosecutions on the border killing of František Faktor and other persons were conducted against Vratislav Vajnar, the former Minister of the Interior of the ČSSR between 1983 and 1988 [15,16], and against Jan Muzikář, the former Colonel and Chief-of-Staff of the ČSSR border guards [17]. The minister, aged 92 years, did not attend the court proceedings and died one day after their opening [17]. The Colonel, aged 90 years, claimed to be not guilty on the first day and announced not to attend further court proceedings [18]. This illustrates that the age and health state of these and other potential defendants make the outcome of such criminal prosecutions a race against time. It is therefore essential for democracies to do their best to rapidly clean up the evil past. In this respect, remarkable recent news is the first conviction in Berlin of a former Stasi officer of East Germany (German Democratic Republic, “DDR”), Martin Manfred

Naumann, now 80 years old, who shot a Polish fugitive at the former intra-German border 50 years ago [19].

Imagine finally human beings who have learned from history – in contrast to a well-known negative phrase. Learning from history is evident in the *Gmünd-České Velenice* region since 1989, particularly since both nations joined the European Union (EU). The former border has become virtually irrelevant and in practice non-existing. Austrians use to shop in Czechia, and Czechs walk across the bridge to visit and enjoy local Austrian wine and company. In *Gmünd*, an exemplary House of Contemporary History tries to remind visitors of their shared tumultuous past – never to forget [20]. Another example is the Iron Curtain Trail, the European Bicycle Route of the Year 2021 between *Gmünd* and *Bratislava*, allowing to savour new life and nature in the once deadly border zone [14]. For the present and future, there is another exemplary enterprise, the first binational Health Centre in the EU at the very border called Healthacross MED Gmünd which admits indiscriminately both Czech and Austrian patients in a Best Practice Region recognized by WHO [21]. Indeed, all this has become a very long shot from the one in 1984. Imagine – would it have been imaginable 40 years ago?

And at the end, please

**"...Imagine there's no countries**

**It isn't hard to do**

**Nothing to kill or die for**

**And no religion, too...."**

– John Lennon (1940-1980, Imagine [22])

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location on the map, and to two local contemporary witnesses in *Wielands*, Mr. Rupert Kitzler, the owner of the field and grove where František Faktor died, and Mr. Franz Zeller, for local guiding during a fact-finding visit on Oct. 2, 2024 (Fig. 9). Mr. Kitzler and Mr. Zeller committed themselves to arrange for re-installing a memorial plate at the site of František Faktor's death. Ms. Carmen Haider and Susanne Schmid deserve credit for helping with archival work, and Dr. Sigrid Klotz with microphotographs, all from of the Division of Neuropathology and Neurochemistry, Department of Neurology, Medical University Vienna. Special

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**Figure 9.** Photograph of contributors to a recent fact-finding visit on Oct. 2, 2024 to the area where František Faktor died. From left: Herbert Budka, Rupert Kitzler, Franz Zeller and Harald Winkler. Photograph by Ivana Budka (2024).



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