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**Auschwitz and the State Security
Prosecution, Propaganda and Secrecy
in the GDR**

BF informiert 45 (2022)

Federal Archives
– Stasi Records Archives –
10106 Berlin
publikation.stasiunterlagenarchiv@bundesarchiv.de

Translation: Aileen Sharpe, www.sharpe-languages.com

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Token fee: € 5
Berlin 2022

ISBN 978-3-946572-31-2
urn:nbn:de:0292-97839465723126

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In Auschwitz the Germans ran a giant slaughterhouse, organised like a factory, in which mainly Jewish citizens from Germany and German-occupied Europe were systematically robbed and heinously murdered in their hundreds of thousands, even millions, on a relentless daily basis, for years on end, just like in a modern industrial enterprise.¹ (Walter Rosenberg alias Rudolf Vrba, inmate no. 44070)

According to the will of the RFSS [Reichsführer SS – Heinrich Himmler], Auschwitz became the largest human extermination facility of all time.² (Rudolf Höß, 1940–1943 Commandant in Auschwitz)

¹ Rudolf Vrba: Als Kanada in Auschwitz lag. Meine Flucht aus dem Vernichtungslager. Munich 1999, p. 5.

² Martin Broszat (ed.): Rudolf Höß. Kommandant in Auschwitz. Autobiographische Aufzeichnungen. Munich 1979, p. 124.

Instead of a preface: Why Auschwitz and only Auschwitz?

This study is based on the searches for a theme page on the website of the Federal Commissioner for the Stasi Records on the occasion of the 50th anniversary of the verdict handed down in the first Auschwitz trial in Frankfurt am Main on 19/20 August 1965. The idea of addressing, in this context, how the German Democratic Republic (GDR) and, more particularly, its State Security dealt with Auschwitz, stems from the Federal Commissioner Roland Jahn himself. In the summer of 2015, basic presentations and initial search results on a few case studies documenting the GDR's handling of the crimes committed in Auschwitz were posted online.³

It soon became clear that these documents contained information on other cases with links to Auschwitz that made a reconstruction seem worthwhile. The investigation could not be widened to include other extermination camps (Belzec, Chelmno/Kulmhof, Majdanek, Sobibor, Treblinka) for work capacity reasons. In addition, based on the knowledge currently available, in contrast to the Federal Republic of Germany, only two criminal proceedings were conducted in the Soviet Occupation Zone or the GDR concerning the crime of killing committed in these extermination camps.⁴ Moreover, the records of the proceedings which dealt with the crimes in Treblinka cannot be found.⁵ In a further criminal trial before Güstrow Regional Court in 1952, a former policeman was ultimately sentenced to a total of 14 years and six months in prison, after the Supreme court had overturned the first, more lenient verdict. As the driver of a truck, he had transported numerous inmates from the Lodz/Litzmannstadt ghetto to Chelmno/Kulmhof extermination camp, where he helped to cram them into gassing vans.⁶

³ <https://www.stasi-unterlagen-archiv.de/informationen-zur-stasi/themen/beitrag/staatssicherheit-und-auschwitz/> (last accessed: 6.4.2022).

⁴ Adalbert Rückerl (ed.): *NS-Vernichtungslager im Spiegel deutscher Strafprozesse*. Munich 1977; Sara Berger: *Experten der Vernichtung. Das T4-Reinhardt-Netzwerk in den Lagern Belzec, Sobibor and Treblinka*. Hamburg 2013, p. 19; Hans-Christian Jasch, Wolf Kaiser: *Der Holocaust vor deutschen Gerichten. Amnestieren, Verdrängen, Bestrafen*. Ditzingen 2017, pp. 68–77 and 124–138.

⁵ <https://junsv.nl/junsv-01/junsv/ddr/ddrtato01.html> (last accessed: 3.5.2022).

⁶ Verdict of the First Criminal Division of Güstrow Regional Court dated 22.6.1952. In: Christiaan Frederik Rüter et al. (ed.): *DDR-Justiz und NS-Verbrechen. Sammlung ostdeutscher Strafurteile wegen nationalsozialistischer Tötungsverbrechen*, vol. IV. Amsterdam, Munich 2004, pp. 417–431 [case no. 1159 a–c]. The convicted offender was pardoned and released from prison in 1956. Cf. letter regarding clemency proposals from the GDR President's office to the GDR chief

In seven other trials on the territory of the Soviet Occupation Zone (or from 1949 in the GDR), the defendants were also held responsible for their involvement in the deportation of Jews to the respective extermination camps as a result of denunciations or in the course of ghetto clearances.⁷ A comprehensive study would have to clarify whether the small number of corresponding verdicts was due to the lack of suspects and witnesses in East Germany or whether there were other more compelling reasons.⁸

This study shows how the MfS acted – depending on political expediency – as a secret police, an intelligence service or a criminal investigation body. The focus is on perpetrators, suspects and survivors living in the GDR. The relatively few cases associated with Auschwitz cannot, of course, give a representative overview of the handling of National Socialist crimes in East Germany as a whole, but they do cast some very significant spotlights on the corresponding practice in very different contexts. Among other things, this confirms what Norbert Frei once formulated as a working hypothesis with regard to ‘comparative research on coping’ in both German states: ‘In the midst of “two kinds of coping” there were not inconsiderable similarities and mutual references.’⁹

public prosecutor dated 14.6.1956; BArch, MfS, ASt. Ic no. 1/74, vol. 6, p. 120.

⁷ Communication from the Institute of Contemporary History (IfZ) Munich to the author dated 25.4.2016.

⁸ For example, after the end of the war, only three witnesses were able to report on the mass murder in Belzec concentration camp, which had served purely as an ‘extermination site’. See Nikolaus Wachsmann: KL. Die Geschichte der Nationalsozialistischen Konzentrationslager. Munich 2015, p. 342.

⁹ Norbert Frei: NS-Vergangenheit unter Ulbricht und Adenauer. Gesichtspunkte einer ‘vergleichenden Bewältigungsforschung’. In: Jürgen Danyel (ed.): Die geteilte Vergangenheit. Zum Umgang mit Nationalsozialismus und Widerstand in beiden deutschen Staaten. Berlin 1995, pp. 125–132, here 132.

Introduction

The National Socialist murder of Jews and the GDR

Around 1,300,000 people were deported between 1940 and 1945 to the ‘death factory’¹⁰ Auschwitz (Oświęcim) in eastern Upper Silesia which had been annexed by the German Reich.¹¹ The camp complex there included the main camp (Auschwitz I), Birkenau concentration camp (Auschwitz II), which must be characterised as an extermination camp from the summer of 1942 at the latest¹² as well as Buna camp (Monowitz labour camp, then Auschwitz III concentration camp and, from 1944, Monowitz concentration camp).¹³ In addition, there were 47 sub-camps or satellite camps, in which deportees also had to perform forced labour for example in agriculture, industry or mining.¹⁴ At least 1,100,000 of the deportees were murdered there, including some 70,000 to 75,000 non-Jewish Poles, 21,000 ‘gypsies’, 15,000 Soviet prisoners of war and between 10,000 and 12,000 political prisoners from all European countries occupied by the German Wehrmacht, from Germany itself or from countries in which the regimes were allied and cooperated with the German Reich.¹⁵

By far the largest number of deportees (about 960,000), however, were Jews, who were transported from all over Europe to Auschwitz, where most of them were gassed on arrival.¹⁶ Auschwitz was, according to a former inmate, ‘a world in which the old, the sick, children and pregnant women are

¹⁰ On the genesis of this term, see Karin Hartewig: Zurückgekehrt. Die Geschichte der jüdischen Kommunisten in der DDR. Weimar et al. 2000, pp. 436–442.

¹¹ Franciszek Piper: Die Zahl der Opfer von Auschwitz. Oświęcim 1993, p. 167.

¹² Jan Erik Schulte: Vom Arbeits- zum Vernichtungslager. Die Entstehungsgeschichte von Auschwitz-Birkenau 1941/42. In: VfZ 50(2002) 1, pp. 41–69; Michael Thad Allen: Anfänge der Menschenvernichtung in Auschwitz, October 1941. Eine Erwiderung auf Jan Erik Schulte. In: VfZ 51(2003) 4, pp. 565–573.

¹³ Aleksander Lasik et al.: Auschwitz 1940–1945 (Studien zur Geschichte des Konzentrations- und Vernichtungslagers Auschwitz). Oświęcim 1999; Franciszek Piper et al.: Auschwitz. Nationalsozialistisches Vernichtungslager, Państwowe Muzeum Auschwitz-Birkenau 2005.

¹⁴ Franciszek Piper: Arbeitseinsatz der Häftlinge aus dem KL Auschwitz. Oświęcim 1995, pp. 232–237.

¹⁵ Piper: Die Zahl der Opfer von Auschwitz, pp. 166 f.; Thomas Grotum: Das digitale Archiv. Aufbau und Auswertung einer Datenbank zur Geschichte des Konzentrationslagers Auschwitz. Frankfurt/M., New York 2004, pp. 264–267.

¹⁶ Piper: Die Zahl der Opfer von Auschwitz, p. 167.

exterminated like useless waste in which any vestige of human dignity is scorned, in which a man is no more than a vermin-infested piece of livestock, useful only until his muscular tissue has devoured itself.¹⁷

Approximately 7,000 to 8,200 SS men and about 200 women¹⁸ performed their duties from May 1940 until the evacuation of the Auschwitz concentration and extermination camp complex in January 1945. It is estimated that between 6,300 and 6,500 members of SS personnel, who were formerly stationed in Auschwitz, lived to see the end of the war.¹⁹ It is likely that the majority – estimates put the number at between 5,500 and 6,000 – stayed in the Western occupation zones after 8 May 1945.²⁰ It is unclear how many of the men and women who were stationed in Auschwitz remained in Eastern

¹⁷ Gerhard Leopold Durlacher: *Streifen am Himmel. Geschichten aus Krieg und Verfolgung*. Hamburg 1988, p. 26.

¹⁸ On the size of the SS crew, see Norbert Frei et al.: *Standort- und Kommandanturbefehle des Konzentrationslagers Auschwitz 1940–1945*. Munich 2000, p. 2 and Aleksander Lasik: *Die Verfolgung, Verurteilung und Bestrafung der Mitglieder der SS-Truppe des KL Auschwitz. Verfahren. Fragen zur Schuld und Verantwortung*. In: *HvA* 21 (2000), pp. 221–298, here 227. Most of the women who worked in Auschwitz and other camps as guards, doctors in the SS hospital, as German Red Cross nurses in the camp administration and in the post and post censorship office, were uniformed civilian employees ('wartime employees') or were in the entourage of the Waffen-SS. In addition, there were the so-called SS helpers, who were specially trained and sworn into the Waffen-SS and were deployed in Auschwitz in the commandant's communications office (radio and telex office). On this, see Kathrin Kompisch: *Täterinnen. Frauen im Nationalsozialismus*. Cologne et al. 2008, pp. 188 f. and 231–235; Jutta Mühlberg: *Das SS-Helferinnenkorps. Ausbildung, Einsatz und Entnazifizierung der weiblichen Angehörigen der Waffen-SS 1942–1949*. Hamburg 2011; Simone Erpel (ed.): *Im Gefolge der SS: Aufseherinnen des Frauen-KZ Ravensbrück*. Berlin 2018.

¹⁹ This included the members of the SS-Totenkopf units who were deployed in the Auschwitz area. They were subordinate to the camp commandant in both service and military terms, and served in the camp administration (commandant's office) or guard units. In addition, there were all those individuals who were not members of the SS, but who carried out the orders of the commandant and were thus subject to SS jurisdiction, such as soldiers of the Wehrmacht or infantry regiments who were no longer fit for front-line duty. Cf. Aleksander Lasik: *Zur Soziologie der SS-Besatzung im Konzentrationslager Auschwitz. Anmerkungen und Untersuchungen*. In: Till Bastian, Karl Bonhoeffer (eds.): *Thema: Erinnern. Medizin und Massenvernichtung*. Stuttgart 1992, pp. 37–46.

²⁰ Lasik: *Die Verfolgung, Verurteilung und Bestrafung der Mitglieder der SS-Truppe des KL Auschwitz*. In: *HvA* 21 (2000), p. 229.

Europe or in the Soviet Occupied Zone and later the GDR.²¹ Some of them, for example Auschwitz doctor Horst Fischer or SS member Hans Anhalt whose case is discussed in detail below, were held criminally accountable. However, many others who had performed duties in Auschwitz, went unpunished. This is the core theme of this investigation, as well as the attempt by the GDR to instrumentalise the genocide of the Jews of Europe in the system competition with the Federal Republic.

In the GDR (as in the Federal Republic), there was a desire to consider the criminal prosecution of National Socialist perpetrators as done and dusted by the beginning of the 1950s. Once the Waldheim trials and some other ensuing trials, as evidenced in a few examples below, had demonstrated harshness in a manner that was widely arbitrary and contrary to the rule of law, the desire to prosecute crimes of this nature diminished. In East Germany, criminal prosecution came to a virtual standstill, at least as far as GDR citizens were concerned. The rapid decline in convictions for violent National Socialist crimes is a barometer for this.²²

²¹ Even if they are not the subject of this monograph, they generally also include those Reich and ethnic German civilians such as workers, employees, civil servants, engineers, foremen and supervisors who were employed by around 150–200 larger or smaller companies in a wide variety of industries (e.g. IG Farben, Topf & Söhne) as well as in the state administration in and around the Auschwitz camp complex. Because of their position and function, they were in a position to directly or indirectly influence the fate of the deportees coerced into forced labour by the SS. Corresponding convictions by courts of the Soviet Occupied Zone/GDR are proof of this. Others in turn, as shown by the example of Günther Adolphi (cf. <http://www.mz-web.de/merseburg/namensstreit-in-merseburg-gutachten-zu-guenther-adolphi-laesst-weiter-auf-sich-warten-24798354>, last accessed: 6.4.2022), were easily redeployed, for example, in the chemical industry of the GDR (including the former sites of IG-Farben-Industrie, the Leuna and Buna plants in Saxony-Anhalt). Cf. Georg Wagner-Kyora: *Der ausgebliebene Identitätswandel. Akademiker-Generationen im Leunawerk*. In: Annegret Schüle, Rainer Gries, Thomas Ahbe (eds.): *Die DDR aus generationsgeschichtlicher Perspektive. Eine Inventur*. Leipzig 2006, pp. 131–167.

²² According to statistics on convictions in the GDR for National Socialist crimes, a total of 332 verdicts were handed down in the GDR in 1951. The previous year this number was still as high as 4092 (including the Waldheim trials). In 1952, the number dropped to 139, and continued to fall in the following years to 85, 36, and 23, finally reaching an all-time low of just four verdicts in total between 1956 and 1958. Cf. Clemens Vollnhals: *Die Verfolgung von NS- und Kriegsverbrechen durch alliierte und deutsche Gerichte in der Bundesrepublik und der DDR. Ein Überblick von 1945 bis 2015*. In: Jörg Ganzenmüller (ed.):

The reintegration of former members of the National Socialist German Workers' Party (Nationalsozialistische Deutsche Arbeiterpartei – NSDAP) into almost all social spheres of the GDR (army, parties, economy and public administration) went hand in hand with, as Norbert Frei puts it, 'a centrally steered reduction in the anti-fascist level of aspiration and the ongoing exemplary and public demonstration of intransigence (Waldheim Trials)'. This led to interest in events and persons from the time before 1945 now finally shifting towards their pragmatic deployment for the construction of the new social model and for the political and legitimacy-driven conflicts in the context of the Cold War.²³

As proof of this thesis, reference should also be made in this context to the 'Law on the Enactment of Atonement Measures and the Granting of Civil Rights for Former Members and Supporters of the Nazi Party and Officers of the Fascist Wehrmacht' passed by the Provisional Volkskammer (People's Chamber) on 9 November 1949, of all days, at the request of the Socialist Unity Party of Germany (Sozialistische Einheitspartei Deutschlands – SED), together with the implementing provisions of 1 December 1949²⁴ and to the GDR Law dated 2 October 1952 'On the Civil Rights of Former Officers of the Fascist Wehrmacht and Former Members and Supporters of the Nazi Party'²⁵. It should be noted that both laws were basically superfluous at the time.²⁶ This is because Order no. 201 enacted by the Soviet Military Administration in Germany (SMAD) of 16 August 1947 had already announced, among other things, the completion of denazification and granted active and passive voting rights to those former NSDAP members who had not committed any criminal offences.²⁷

Already in the early stages of the GDR, various factors had led to an open rejection of Stalinist policies by the East German population. Incapable of

Recht und Gerechtigkeit. Die strafrechtliche Aufarbeitung von Diktaturen in Europa. Cologne et al. 2017, pp. 33–53.

²³ Frei: NS-Vergangenheit unter Ulbricht und Adenauer, pp. 125–132, here 128.

²⁴ Das geltende Recht, Sammlung von Gesetzen und Verordnungen der Regierung der Deutschen Demokratischen Republik. Berlin 1950, pp. 292 and 305 f.

²⁵ Gesetzblatt der Deutschen Demokratischen Republik, dated 6.10.1952, no. 140, p. 981.

²⁶ Jan Foitzik (ed.): Sowjetische Interessenpolitik in Deutschland 1944–1954. Munich 2012, pp. 24 f.

²⁷ Order of the Supreme Chief of the Soviet Military Administration and Commander-in-Chief of the Soviet Occupation Forces in Germany no. 201, Guidelines for the Application of Allied Control Council Directives no. 24 and no. 38 on Denazification. In: Landesregierung Sachsen, Ministerium des Innern, Polizeibehörde: Handbuch zum Befehl Nr. 201. Dresden 1947, part 1, p. 1.

any corrective moves and without any presentable political and economic successes, the SED leadership was forced to carve out its political identity and *raison d'être* through an ongoing conflict with the Federal Republic. In the official view of the GDR's party and state leadership, this included absolutising the Communists' resistance struggle in retrospect with regard to the National Socialist dictatorship, although this certainly did not include any critical analysis of their own party's policies prior to 1933. There was also little room for the acknowledgement of other forms of persecution, resistance or other groups of victims. In this way, the party and state leadership of the East German state, whose top-level representatives had returned from exile in Moscow or from the concentration camps and prisons, sought to legitimise themselves both historically and politically. In order to distract attention away from societal problems and to facilitate identification, at least on a moral level, it also seemed appropriate to build up and convey a simplified friend-foe image that was comprehensible to large sections of the population. The GDR was to position itself as the state of the anti-fascists and the victims, the Federal Republic to be seen as the state of the perpetrators. The SED leadership passed off its policy which sought to 'eradicate bourgeois society', as it were as 'anti-fascist'.²⁸ 'Beyond that' according to Jürgen Danyel,

the term 'anti-fascism' [...] was mostly used in the context of interpretations that positioned fascism one-sidedly as the result of the policies of small imperialist, monopoly capitalist and bureaucratic military leadership groups. It basically ignored the contribution of the population at large and, more particularly workers, to the assertion and rule of National Socialism.

In this respect, the concept of anti-fascism also encompassed 'clear elements of suppression, which made it possible to cling to the fiction of the blamelessness of the majority of the population for the German catastrophe, and to historically position the GDR as a "workers' and farmers' state" outside the context of entanglement shaped by National Socialism'.²⁹ In the view of the East German communists, it was solely 'the ruling forces in Hitler's Germany that had, by unleashing World War II to secure world domination, caused so much unspeakable damage and suffering to other peoples, led the German people into a terrible abyss and reduced Germany to a pile of rubble'.³⁰

²⁸ Jürgen Danyel: Die geteilte Vergangenheit. Gesellschaftliche Ausgangslagen und politische Disposition für den Umgang mit Nationalsozialismus und Widerstand in beiden deutschen Staaten nach 1949. In: Jürgen Kocka (ed.): Historische DDR-Forschung. Aufsätze und Studien. Berlin 1993, pp. 129–147, here 134.

²⁹ Ibid.

³⁰ Max Seydewitz: Deutschland zwischen Oder und Rhein. Berlin (East) 1958, p. 6.

As described later on, it was also these ideological principles that at least hindered criminal prosecution in the GDR, since a consistently high number of convictions of mostly low-ranking ‘perpetrators closely associated with these crimes’ would have perpetuated these ‘belief principles’ ad absurdum.³¹ In addition, there were concerns that the successful tacit integration of the former NSDAP party members would be jeopardised by consistent and publicly visible criminal prosecution. Historical responsibility for the atrocities of the National Socialist regime was thus unceremoniously delegated to the West. The GDR’s own state system was able to set itself apart from this: anti-fascism was ‘the GDR’s only unassailable *raison d’être* in domestic and foreign policy terms’.³² It served as substitute legitimation, because real political legitimation could not be acquired either through democratic processes or by satisfying consumer needs. The GDR could not and would not run the risk of unsettling its own population through a comprehensive persecution of National Socialist perpetrators because it was dependent on the integration of the many former Nazis to secure its own stability. In any case, most of them tended to toe the line politically.

At a meeting of the Conference of Ministers of the Interior at the end of January 1948, then deputy chairman of the SED, Walter Ulbricht, had held out the prospect of dissolving the denazification commissions (which actually happened four weeks later by Order no. 35 of the Soviet Military Administration in Germany), while at the same time emphasising that the Criminal Police and the judiciary would ‘continue their activities for years to come’. But he also said:

We must appeal to the whole mass of working people, including the nominal Nazis, and to the mass of the technical intelligentsia who were Nazis. We will say to them openly: We know that you were Nazis but we will not talk about it any further. It’s up to you to cooperate honestly with us [...] If the quality of work is poor, the person concerned will be held responsible because he sabotaged construction, not because he was a Nazi.³³

The statistics prove that these were not meaningless phrases. In July 1953, for example, 25 percent of the plant managers in all factories of the Mansfeld combine, as well as 83.3 percent of the technical managers, 42.9 percent of the commercial managers, and a total of 57.9 percent of the executive

³¹ Adalbert Rückerl: *NS-Verbrechen vor Gericht. Versuch einer Vergangenheitsbewältigung*. Heidelberg 1984, pp. 241 f.

³² Edgar Wolfrum: *Geschichte als Waffe. Vom Kaiserreich bis zur Wiedervereinigung*. Göttingen 2002, p. 119.

³³ Quoted from: Hartewig: *Zurückgekehrt*, p. 259.

employees were former members of the NSDAP. Similar figures are available for the executive level of the main administration of the State Secretariat for Chemicals and the main administration of the nonferrous metals industry.³⁴ Even in the State Planning Commission, the central economic administration and steering body of the GDR, the number of former NSDAP members in their ranks reached a peak of 5.3 percent in the late 1950s. In the subordinate Ministry for Coal and Power, the figures in the respective sectors were as high as 12.3 and 15.3 percent.³⁵

Even in the second half of the 1940s, the political pronouncements and resolutions of the SED were characterised by the ‘unequivocal confession of the (joint) guilt of all Germans’ and linked to the demand for appropriate consequences. This changed gradually after the founding of the GDR. Now a ‘process of guilt absolution’ began. It enabled the GDR and its population to switch first from the side of the perpetrators to the side of the victims, and at a later date to the winner’s rostrum of history.³⁶ Ultimately, this meant ‘the acquittal of the GDR population of all guilt and, by extension, the drawing of a line under the past’.³⁷ This blanket acquittal applied in particular to the ‘proletariat’ which in 1933 had supported the NSDAP to a ‘quite considerable extent’ since it accounted for 27 percent of its voters and 31 percent of its members.³⁸

The ideologically motivated exculpation of workers by the SED is exemplified by the treatment of the workforce of the Topf & Söhne company in Erfurt. The furnace construction company was ‘the main technical service provider for the Holocaust’. By delivering and installing the crematoria, it not only ‘made possible the elimination of the traces of systematic mass murder’,³⁹ but also provided the extraction and ventilation units which ‘gave

³⁴ Alexander von Plato, Almut Leh: ‘Ein unglaublicher Frühling’. *Erfahrene Geschichte im Nachkriegsdeutschland 1945–1948*. Bonn 1997, p. 97.

³⁵ Dierk Hoffmann: *Lasten der Vergangenheit? Zur Personalrekrutierung und zu Karriereverläufen in der zentralen Wirtschaftsverwaltung der SBZ/DDR*. In: Stefan Cruzberger, Dominik Geppert (eds.): *Die Ämter und ihre Vergangenheit. Ministerien und Behörden im geteilten Deutschland 1949–1972*. Paderborn 2018, pp. 109–122, here 114.

³⁶ Cf. Joachim Tornau: ‘Nationale Traditionen unseres Volkes’ Anspruch und Wirklichkeit des Antifaschismus in der DDR; <http://webdoc.gwdg.de/edoc/p/fundus/4/tornau.pdf> (last accessed: 6.4.2022).

³⁷ *Ibid.*

³⁸ Jürgen W. Falter: *Hitlers Wähler*. Darmstadt 1991, pp. 225 f.

³⁹ Annegret Schüle: *Industrie und Holocaust. Topf & Söhne – Die Ofenbauer von Auschwitz*. Göttingen 2nd edition 2011, pp. 89 and 137.

the SS the technical means [...] to exterminate almost one million Jewish women, men and children in Auschwitz-Birkenau'.⁴⁰

In the company's historiography à la GDR, the workers of Topf & Söhne were 'collectively exonerated of guilt' and presented as 'victims of capitalist exploitation'.⁴¹ In reality, of course, they had made a, by no means, small contribution to carrying out SS orders. Communists among the workforce, who had organised themselves into a resistance group, were also involved. One of the mechanics in this group had even spent months installing the ventilation systems for the crematoria and gas chambers as well as the corpse pulley in Auschwitz. After the war he transferred to the Criminal Police and was recognised as a persecutee of the Nazi regime and venerated as a 'fighter against fascism 1933–1945'.⁴²

In general, the GDR presented itself as 'the German state of antifascism and antifascists'.⁴³ It claimed, according to its constitution, to have 'eradicated German militarism and Nazism on its territory in the interests of the German people and the international obligations of all Germans'.⁴⁴ In addition, it stated categorically that 'Nazi activists and war criminals had been convicted. They had disappeared from the social life of the GDR'.⁴⁵ It likewise rejected point blank any historical responsibility for the genocide of the Jews in Auschwitz, the Poles, the Soviet prisoners of war and the so-called gypsies. Without further ado, the SED claimed that the majority of those bearing moral and criminal responsibility for National Socialist crimes had fled to West Germany since they knew 'that fascism and militarism were being systematically eradicated in Eastern Germany'.⁴⁶

Consequently, the GDR 'also rejected any liability obligations for the past'.⁴⁷ A symbolic act of acknowledging guilt and asking for forgiveness, similar to the genuflection of emigrant and resistance fighter Willy Brandt on

⁴⁰ Ibid., p. 165.

⁴¹ Ibid., p. 301.

⁴² Ibid., pp. 198 f. and 311.

⁴³ No author: DDR – Staat des Antifaschismus. Dresden 1969, p. 75.

⁴⁴ Article 6, paragraph 1 of the Constitution of the GDR, dated 6.4.1968.

⁴⁵ DDR – Staat des Antifaschismus. Dresden 1969, p. 75.

⁴⁶ Die Haltung der beiden deutschen Staaten zu den Nazi- und Kriegsverbrechen. Eine Dokumentation. Generalstaatsanwalt der DDR, Ministerium der Justiz der DDR (ed). Berlin 1965, p. 28; Josef Streit: Über die Verfolgung und Bestrafung der Kriegs- und Naziverbrecher in beiden deutschen Staaten. In: Neue Justiz 18 (1964), pp. 579–584, here 579. Cf. Günther Wieland: Der Jahrhundertprozeß von Nürnberg. Nazi- und Kriegsverbrecher vor Gericht. Berlin (East) 1986, p. 92; Detlef Joseph: Nazis in der DDR. Berlin 2002, pp. 37 f.

⁴⁷ Wolfrum: Geschichte als Waffe, p. 117.

7 December 1970 in front of the memorial for the Warsaw Ghetto Uprising, never happened in the GDR.⁴⁸ It is possible that behind the GDR's self-stylisation as a 'victim nation' (with its own pavilion at the Auschwitz memorial site⁴⁹) also lay the pragmatic calculation of warding off any claims for restitution.⁵⁰

In East Germany, the domestic coming to terms with the National Socialist dictatorship was generally considered to have been completed with the 'anti-fascist-democratic and socialist transformation of the social order'⁵¹ and the accompanying radical social and economic changes.⁵² Thus, in 1979, the representative of the GDR chief public prosecutor's office declared wholeheartedly:

Nazi and war criminals have not only been prosecuted and convicted here, but also dispossessed. The social roots of fascist crimes have been eradicated, and social conditions have been created which preclude aggression, war crimes and crimes against humanity for all time to come.⁵³

The SED's attitude towards coming to terms with National Socialist crimes, especially in connection with the crimes committed in Auschwitz, could thus be summed up succinctly as: 'Auschwitz is a problem of the West Germans.'⁵⁴ Hitler's seizure of power was presented by the SED, in accordance with Georgi Dimitroff's definition of fascism, as an expression of the policy of 'the most

⁴⁸ Cf. Michael Wolffsohn, Thomas Brechenmacher: *Denkmalsturz? Brandts Kniefall*. Munich 2005.

⁴⁹ Amos Elon: *Der Esel aus dem Schoss des Tigers. Beobachtungen in der Bundesrepublik und in der DDR*. In: *Der Spiegel* 40/1966, pp. 68–83; Ines Seitner: *Holocausterinnerungen im Museum: Zur Vermittlung zivilreligiöser Werte in nationalen Erinnerungskulturen im Vergleich*. Baden Baden 2017, p. 171.

⁵⁰ Cf. Constantin Goschler: *Paternalismus und Verweigerung. Die DDR und die Wiedergutmachung für jüdische Verfolgte des Nationalsozialismus*. In: Wolfgang Benz (ed.): *Jahrbuch für Antisemitismusforschung* 2. Frankfurt/M. 1993, pp. 93–117; Stefan Meining: *Kommunistische Judenpolitik. Die DDR, die Juden und Israel*. Hamburg 2002, pp. 95–130 and 368–537; Annette Roskopf: *Friedrich Karl Kaul. Anwalt im geteilten Deutschland (1906–1981)*. Berlin 2002, p. 211.

⁵¹ Einleitung zur Verfassung der Deutschen Demokratischen Republik dated 6.4.1968.

⁵² Heinz Heitzer: *DDR. Geschichtlicher Überblick*. Berlin (East) 1984, p. 60.

⁵³ Peter Przybylski: *Zwischen Galgen und Amnestie. Kriegsverbrecherprozesse im Spiegel von Nürnberg*. Berlin (East) 1979, p. 152.

⁵⁴ Joachim Käppner: *Erstarrte Geschichte. Faschismus und Holocaust im Spiegel der Geschichtswissenschaft und Geschichtspromaganda der DDR*. Hamburg 1999, blurb.

reactionary, most chauvinistic and most imperialist elements of financial capitalism'.⁵⁵ This alliance, it was argued, had primarily pursued the goal of crushing the world communist movement. From this perspective, the 'anti-communism of the National Socialist regime was therefore far more significant than its racial anti-Semitism'.⁵⁶ Even in Auschwitz, representatives of Party communism unflinchingly claimed that the SS had acted 'as a protection squad of the bourgeoisie' and that the camp 'was to be seen as the normal fruit of capitalism'.⁵⁷ In particular, the workers were stylised as the victims of Hitler's dictatorship and the German people were portrayed as having been deceived and misused by Hitler. This ignored the actual constellations and political orientation of the population during the period from 1933 to 1945. After all, in the last half-way free Reichstag elections in March 1933, the NSDAP secured 20 million of the total of almost 45 million votes.⁵⁸ The communists thus fostered a certain mentality among the German population, albeit with unforeseen repercussions. Looking back on how they dealt with this problematic past, Alexander and Margarete Mitscherlich declared on behalf of their compatriots:

The vast majority of Germans experience [...] the period of National Socialist rule retrospectively, like the onset of an infectious disease in childhood, even if the regression that had been collectively accomplished under the aegis of the 'Führer' was initially pleasurable – it was glorious to be a chosen people. This belief has not remained unshaken for very many, but neither has it been disproved.⁵⁹

This, in turn, mirrors the experiences of an American officer who, after the end of the war, interviewed the defeated people about the past twelve years. At that time he hardly came across any Germans 'who did not wail with self-pity and present themselves as innocent and completely insignificant'.⁶⁰ Or, as one American reporter wrote, they acted 'as if the Nazis were an alien

⁵⁵ Georgi Dimitroff: *Aus Reden und Schriften*. Vienna 1950, p. 41; cf. DDR – Staat des Antifaschismus, p. 5.

⁵⁶ Peter Reichel: *Vergangenheitsbewältigung in Deutschland. Die Auseinandersetzung mit der NS-Diktatur von 1945 bis heute*. Munich 2001, p. 14.

⁵⁷ Jean Améry: *Jenseits von Schuld und Sühne. Bewältigungsversuche eines Überwältigten*. Stuttgart 1977, p. 37.

⁵⁸ Falter: *Hitlers Wähler*, p. 39.

⁵⁹ Alexander u. Margarete Mitscherlich: *Die Unfähigkeit zu trauern. Grundlagen kollektiven Verhaltens*. Munich 1990, p. 25.

⁶⁰ Saul K. Padover: *Lügendetektor. Vernehmungen im besiegten Deutschland 1944/45*. Munich 2001, p. 47.

race of Eskimos who had come from the North Pole and somehow invaded Germany'.⁶¹

Against this backdrop, it is hardly surprising that 'debates about guilt, complicity and responsibility as well as demands for restitution from the Soviet Union were met with a virtual "icy silence"'.⁶² This, in turn, caused the East German leadership and the Soviet Military Administration in Germany 'continued headaches',⁶³ especially since they saw purification, conversion and re-education as a 'chance to win back a lost population'.⁶⁴ Consequently, they accepted the situation and replaced such aspirations with demands for adaptation and loyal participation. Some of the life stories presented here confirm this.

The ideologically based, artificially drawn dividing line allowed the leaders of the Communist Party of Germany (Kommunistische Partei Deutschland) KPD/SED to tacitly bring on board former passive followers (Mitläufer) and accomplices of National Socialism without critically examining their concrete role prior to 1945. Estimates indicate that probably about 1.5 million former members of the NSDAP were to be found in the Soviet Occupied Zone or in the GDR.⁶⁵ There, too, a blind eye was often turned and many career opportunities opened up for former followers of Hitler.⁶⁶ This is because they did not want or could not afford to do without their qualifications and cooperation in building up the economy, the state and the public adminis-

⁶¹ Atina Grossmann: *Juden, Deutsche, Alliierte. Begegnungen im besetzten Deutschland*. Göttingen 2012, p. 72.

⁶² *Ibid.*, p. 116.

⁶³ *Ibid.*

⁶⁴ Klaus-Michael Mallmann, Andrej Angrick: *Die Mörder sind unter uns. Gestapo-Bedienstete in den Nachfolgesellschaften des Dritten Reiches*. In: Klaus-Michael Mallmann, Andrej Angrick (eds.): *Die Gestapo nach 1945. Karrieren, Konflikte, Konstruktionen*. Darmstadt 2009, pp. 7–54, here 31.

⁶⁵ Clemens Vollnhals: *Politische Säuberung als Herrschaftsinstrument: Entnazifizierung in der Sowjetischen Besatzungszone*. In: Andreas Hilger, Mike Schmeitzner, Ute Schmidt (eds.): *Diktaturdurchsetzung. Instrumente und Methoden der kommunistischen Machtsicherung in der SBZ/DDR 1945–1955*. Dresden 2001, pp. 127–138.

⁶⁶ Damian van Melis: *Der große Freund der kleinen Nazis. Antifaschismus in den Farben der SED*. In: Heiner Timmermann (ed.): *Die DDR-Erinnerung an einem untergegangenen Staat*. Berlin 1999, pp. 245–264; Sandra Meenzen: *Konsequenter Antifaschismus? Thüringische SED-Sekretäre mit NSDAP-Vergangenheit*. Erfurt 2011; Jens Kuhlemann: *Braune Kader: Ehemalige Nationalsozialisten in der Deutschen Wirtschaftskommission und der DDR-Regierung (1948–1957)*. Books on Demand 2017.

tration. This became clear, among other things, from a speech by then SED Chairman Otto Grotewohl at the first party congress (23–25 June 1949) of the National Democratic Party of Germany which had been set up specifically as a catchment organisation for ‘reformed’ National Socialist sympathisers and Wehrmacht soldiers.⁶⁷ Grotewohl stated at the time:

If the German people wishes to carve out a new future, it can never allow itself, [...] to do without the participation of large echelons of the German population. It is certainly the case that at least 30 to 40 percent of the population [...] had been passive followers of National Socialism. [...] If, through the thoughtlessness of large numbers of our population, 30 to 40 percent of the people [...] were to manifest an icy rejection of the attempts to build a democratic state, this would have the effect of a dead weight on the overall political development in Germany. For these reasons, we must ensure that this icy reserve is overcome [...], we must encourage all these people to be open-minded and draw them into cooperation [...] The open, unrestricted use of former nominal National Socialists in the economic and political circles of our state will overcome all reminiscences about the past as long as a political educational problem is really genuinely solved here.⁶⁸

This strategy of the SED leadership was geared early on towards integrating the much-cited ‘little Nazis’, who assumed their place in state socialist society with subalternity and ‘active remorse’ through their membership of the state party and the holding of many positions in the young GDR.⁶⁹ According to more recent research, 32.2 percent of GDR state employees in 1954 had been members of National Socialist organisations. Even in the GDR Ministry of the Interior 14 percent of the 800 or so senior staff had once belonged to the NSDAP, 5 percent had been members of the Sturmabteilung (Assault Division – SA) and one percent had belonged to the SS. In some areas, such as internal administration, as many as 20 percent of the employees had previously belonged to the NSDAP, 7 percent to the SA, and 2 percent to the SS.⁷⁰ And 27 percent of SED members had even been organised previously

⁶⁷ Cf. Klaus Schroeder: *Der SED-Staat. Partei, Staat und Gesellschaft 1949–1990*. Munich 1998, pp. 41–43.

⁶⁸ *Chronologische Materialien zur Geschichte der SED. Dokumentation*. Informationsbüro West (ed.). Berlin 1956, pp. 130 f.

⁶⁹ Cf. Damian van Melis: *Entnazifizierung in Mecklenburg-Vorpommern. Herrschaft und Verwaltung 1945–1948*. Munich 1999, pp. 167–187; Melis: ‘Der große Freund der kleinen Nazis’, pp. 245–264; Ralph Jessen, Jens Gieseke: *Die SED in der staatssozialistischen Gesellschaft*. In: Jens Gieseke, Hermann Wentker (eds.): *Die Geschichte der SED. Eine Bestandsaufnahme*. Berlin 2011, pp. 16–60.

⁷⁰ Frank Bösch, Andreas Wirsching: *Erfahrene Männer. Das Personal der Innen-*

in the National Socialist German Workers' Party or its branches.⁷¹

The example of the District Council in Eisenach, Thuringia, shows how this was put into practice in the state administration. As the State Security discovered in 1960, 35 (about 13 %) of the 265 employees working there had previously been NSDAP party members. This included four department heads. One of them was still doing the same job as he had before in the National Socialist state apparatus, but had since become a member of the SED. Another head of department, a government inspector in the Thuringian Ministry of the Interior, had headed up the general police force for a time and was suspected of having worked closely with the Gestapo as an informer. He, too, had joined the SED and had been left in peace. The Health Department was run by a former member of the NSDAP and the SA. He and four other employees with a pertinent past made up almost half (45 %) of the workforce. Even in the Internal Affairs Department, responsible for maintaining state order and security, four out of 19 employees (19 %) had belonged to the NSDAP. In the General Administration Department, 11 percent of the staff, including the department head, had previously been committed to National Socialism. 8 (= approximately 12 %) of the 69 mayors in the county, as well as almost 13 percent of all employees in the municipal councils had been members of the NSDAP.⁷² Overall, in the period from 1946 to 1989, as many as 36 (13.6 %) out of the 236 top functionaries of the SED Thuringia and its districts in the corresponding age cohorts had been members of the NSDAP.⁷³

Compared to the repercussions of the West German policy of coming to terms with the past that entailed the mass reintegration of de facto persons with an incriminating National Socialist past up to the highest positions, these figures and the cadre policy of the GDR seem relatively harmless. However, it did have consequences. It secretly thwarted its own claim to anti-fascist consistency and thus an essential substitute for the SED's legitimacy – and it promoted a fatal political culture that made it possible to systematically refuse to deal with one's own responsibility, because historical

ministerien in Bonn und Ost-Berlin. In: Stefan Creuzberger, Dominik Geppert (eds.): *Die Ämter und ihre Vergangenheit. Ministerien und Behörden im geteilten Deutschland 1949–1972*. Paderborn 2018, pp. 163–181, here 175.

⁷¹ Foitzik (ed.): *Sowjetische Interessenpolitik*, p. 125.

⁷² Letter from the head of Erfurt district office to ministers and assessments of the county office about the present situation from the political-economic and operational angle in the district of Erfurt dated 13.5.1960; BArch, MfS, AS 204/62, vol. 11, pp. 165–219, here 184 f.

⁷³ Sven Felix Kellerhoff: *Die NSDAP. Eine Partei und ihre Mitglieder*. Stuttgart 2017, pp. 371 f.

guilt could be externalised, as it were, to the West, where ‘imperialism’, the root of all evil, was in residence.

This type of policy for dealing with the past offered GDR citizens absolution from guilt, provided they demonstrated their loyalty to the new system ‘through assiduous adaptation’.⁷⁴ But this comfortable approach to dealing with the past collided with the realities of GDR society. It consisted largely of passive followers of the National Socialist dictatorship. In this society far more – well-hidden or even tacitly tolerated – personally incriminated followers of the Hitler regime, some of them even suspected of serious crimes, had found their place.⁷⁵

This had fatal consequences, not least for the survivors of National Socialist terror. They were expected to demonstrate a very high degree of tolerance when this denied legacy came to light in one way or another. Many Communists were prepared to show willing on the grounds of party discipline or conviction, and even participated themselves in the practical rolling out of this policy for dealing with the past. However, anyone who raised an objection to this inevitably got caught up in the machinery of the party state’s disciplinary system and, in turn, became a victim of persecution by the secret police.⁷⁶

After the integration of former NSDAP party members, the SED’s interest in the events before 1945 shifted to their instrumentalisation for the pursuit of domestic and foreign policy objectives. The SED considered the prosecution of National Socialist crimes to be largely done and dusted with the Waldheim trials of 1950.⁷⁷ Contrary to popular belief, however, the GDR’s party and state leadership never set about prosecuting the genocide of the European Jews systematically or with any particular vigour. This may also have to do with the fact that the genocide of the European Jews played only a ‘marginal role’ in the thinking of the Communist leading cadres who had returned home

⁷⁴ Martin Sabrow: Die NS-Vergangenheit in der geteilten deutschen Geschichtskultur. In: Christoph Kleßmann, Peter Lautzas (eds.): *Teilung und Integration. Die doppelte deutsche Nachkriegsgeschichte als wissenschaftliches und didaktisches Problem*. Bonn 2005, pp. 132–151, here 145; Fabian Wendler: *NS-Täter in der Geschichtsschreibung der SBZ und DDR bis in die 1960er-Jahre*. Berlin 2017, pp. 62–82.

⁷⁵ Cf. Henry Leide: *NS-Verbrecher und Staatssicherheit. Die geheime Vergangenheitspolitik der DDR*. Göttingen 2007.

⁷⁶ Elke Reuter, Detlef Hansel: *Das kurze Leben der VVN von 1947 bis 1953*. Berlin 1997, pp. 445–519; Leide: *NS-Verbrecher*, pp. 392–397.

⁷⁷ Wolfgang Eisert: *Die Waldheimer Prozesse. Der stalinistische Terror 1950. Ein dunkles Kapitel der DDR-Justiz*. Munich 1993.

from Soviet emigration and had left 'no traces worth mentioning either in their image of fascism or in their statements on restitution'.⁷⁸

The memory of the Shoah, as Martin Sabrow put it, played at best a subordinate role because of the 'unwelcome competition for legitimacy'.⁷⁹ Particularly in the 1950s, there was a 'systematic attempt to suppress or completely ignore the memory of the Holocaust in textbooks and literature'. This even resulted in individual accounts of Jewish resistance being removed from libraries at the time because they were considered to be 'no longer topical'.⁸⁰

But even in the ensuing decades, the persecution of the Jews was a topic of only minor relevance in the official historiography of the GDR and in history lessons. Until the mid-1960s, there was not even an independent publication in the GDR on the 'Final Solution to the Jewish Question'.⁸¹ In the GDR edition of texts from abroad the crimes of the 'Germans' in the camps and ghettos even mutated into crimes of 'Nazis' and 'fascists'. This 'seamless semantic transfer' was a continuation of the 'construction of the identity of GDR Germans as the constitutive people of the GDR who were completely uninvolved in the reported events' and allowed its stylisation 'as the first victim and collective opponent of the Third Reich'.⁸² The publication of internationally significant texts about Auschwitz, for example by Primo

⁷⁸ Thomas Haury: *Anti-Semitism von links. Kommunistische Ideologie, Nationalismus und Antizionismus in der frühen DDR*. Hamburg 2002, p. 298.

⁷⁹ Sabrow: *Die NS-Vergangenheit in der geteilten deutschen Geschichtskultur*, pp. 132–151, here 139; Käppner: *Erstarrte Geschichte*, p. 286.

⁸⁰ Olaf Groehler: *Antifaschismus und jüdische Problematik in der SBZ und frühen DDR*. In: Mario Keßler et al. (eds.): *SED-Politik, der Antifaschismus und die Juden in der SBZ und der frühen DDR*. (Hefte zur DDR-Geschichte; 26). Berlin 1995, pp. 5–31, here 25.

⁸¹ Olaf Groehler: *Der Holocaust in der Geschichtsschreibung der DDR*. In: Ulrich Herbert et al. *Zweierlei Bewältigung [...]*. Hamburg 1992, pp. 41–66; Käppner: *Erstarrte Geschichte*, pp. 134–142 and 280–283; Chaim Schätzker: *Juden, Judentum und Staat Israel in den Geschichtsbüchern der DDR*. Bonn 1994; Bodo von Borris: *Vernichtungskrieg und Judenmord in den Schulbüchern beider deutscher Staaten seit 1949*. In: Michael Th. Greven, Oliver von Wrochem (eds.): *Der Krieg in der Nachkriegszeit. Der Zweite Weltkrieg in Politik und Gesellschaft der Bundesrepublik*. Opladen 2000; pp. 215–236, here 218.

⁸² Thomas Taterka: 'Das kann dem deutschen Leser nicht zugemutet werden'. *Polnische Literatur über Konzentrationslager und Judenvernichtung in der DDR*. In: Micha Brumlik, Karol Sauerland (eds.): *Umdeuten, verschweigen, erinnern. Die späte Aufarbeitung des Holocaust in Osteuropa*. Frankfurt/M. et al. 2010, pp. 203–224, here 210.

Levi and Tadeusz Borowski, were banned because they did not conform to the official view of history and humanity.⁸³

In GDR broadcasting (DDR-Rundfunk), too, during ‘more restrictive political phases (1950–1955)’, the fate and the persecution of Jews were marginalised or completely taboo subjects ‘in comparison to the prevailing memories of the anti-fascist-communist resistance struggle’.⁸⁴ On the other hand, the ‘remembrance of the Holocaust was an essential theme in plays on GDR radio’. This ‘depended directly on the public handling of the topic and aesthetic-technical developments’.⁸⁵ However, the contents then referred to the Federal Republic as the ‘successor state to Hitler’s Germany [...] in which anti-Semitism, anti-communism and corrupt judicial organs prevail’.⁸⁶ Radio plays, which partly derived their content from records supplied by the MfS on West German Nazi trials, therefore reveal ‘an almost exemplary amalgamation of the instrumentalisation of the past for present-day interests using the media technologies available at the time and the socio-systematic institution of broadcasting’.⁸⁷

In the early 1950s, with the appropriation of the Soviet model of society and the Stalinisation of the party (‘new style party’)⁸⁸ the SED adopted, where it seemed expedient, ‘tactical-political anti-Semitism’ imported from the Soviet Union. This facilitated the ‘creation of scapegoats in order to consolidate its own positions of power and to silence voices that were critical of the system’.⁸⁹ For instance, disgraced former SED Politburo member Paul

⁸³ Cf. Joachim Meinert: *Geschichte eines Verbots. Warum Primo Levis Hauptwerk in der DDR nicht erscheinen durfte*. In: Annette Leo, Peter Reif-Spirek (eds.): *Vielstimmiges Schweigen*. Berlin 2001, pp. 277–298.

⁸⁴ Manuela Gerlof: *Tonspuren. Erinnerungen an den Holocaust im Hörspiel der DDR*. Berlin, New York 2010, p. 347.

⁸⁵ *Ibid.*, p. 346.

⁸⁶ *Ibid.*, p. 183.

⁸⁷ *Ibid.*, pp. 189 and 346.

⁸⁸ Jutta Illichmann: *Die DDR und die Juden. Die deutschlandpolitische Instrumentalisierung von Juden und Judentum durch die Partei- und Staatsführung der SBZ/DDR von 1945–1990*. Frankfurt/M. 1997, p. 81.

⁸⁹ Angelika Timm: *Hammer, Zirkel, Davidstern. Das gestörte Verhältnis der DDR zu Zionismus und Staat Israel*. Bonn 1997, p. 125. See also Norbert Kapferer: *Das Feindbild ‘Zionismus’ in der marxistisch-leninistischen Ideologie [...]*. In: Silke Satjukow, Rainer Gross (eds.): *Unsere Feinde. Konstruktion des Anderen im Sozialismus*. Leipzig 2004, pp. 299–319 and Mario Wenzel: *Der Staats- und Parteiapparat als Akteur gegenüber den jüdischen Gemeinden und jüdischen DDR-Bürgern*. In: Wolfgang Benz (ed.): *Antisemitismus in der DDR. Manifestation und Folgen des Feindbildes Israel*. Berlin 2018, pp. 93–126.

Merker, who had already campaigned during his time in emigration for the restitution of expropriated Jewish property, was denigrated, during interrogations in Stasi custody in 1952/53 as a 'Jewish lackey'.⁹⁰ In March 1955 he was convicted of having 'Zionist tendencies', inter alia.⁹¹ It goes without saying that in such a climate in the GDR, Mario Keßler even speaks of a 'pogrom-like atmosphere',⁹² no particular interest was forthcoming in the historical and judicial reappraisal of the murder of the Jews.⁹³

The only barely concealed anti-Semitism of the late Stalin period, which was linked to 'anti-cosmopolitan' ideological resentment, led to renewed exclusions. The show trials conducted in other communist countries between 1949 and 1952, with their blatantly anti-Semitic tendencies, and the 'anti-cosmopolitan', later 'anti-Zionist campaigns' as well as the conduct of the secret police sufficed, as a threatening backdrop, to incite about one-third of the already very small Jewish communities to flee to West Berlin and the Federal Republic for fear of renewed persecution and repression.⁹⁴ After this exodus, the communities, de facto eliminated as independent organisations with their own political base, led a mere shadow existence up to the end of the GDR.⁹⁵

⁹⁰ Wolfgang Kießling: Partner im 'Narrenparadies'. Der Freundeskreis um Noel Field und Paul Merker. Berlin 1994, pp. 165–188 and 304; Haury: Antisemitismus von links, pp. 298–305.

⁹¹ Quote from the verdict of the Supreme Court (OG) of the GDR dated 30.3.1955, in: Jeffrey Herf: Antisemitismus in der SED. Geheime Dokumente zum Fall Paul Merker aus SED- und MfS-Archiven. In: VfZ 42 (1994) 4, pp. 635–667, here 649.

⁹² Mario Keßler: Verdrängung der Geschichte. Antisemitismus in der SED 1952/53. In: Moshe Zuckermann (ed.): Zwischen Politik und Kultur. Juden in der DDR. Göttingen 2003, pp. 34–47, here 37.

⁹³ Mario Keßler: Die SED und die Juden – zwischen Repression und Toleranz. Berlin 1995; Lothar Mertens: Davidstern unter Hammer und Zirkel. Die jüdischen Gemeinden in der SBZ/DDR und ihre Behandlung durch Partei und Staat 1945–1990. Hildesheim et al. 1997.

⁹⁴ Harald Schmid: Antifaschismus und Judenverfolgung. Die 'Reichskristallnacht' als politischer Gedenktag in der DDR. Göttingen 2004, pp. 32–49; Thomas Haury: Von den 'Finanzkapitalisten' zu den 'Zionisten' – das 'werktätige Volk' und seine Feinde. [...]. In: Silke Satjukow, Rainer Gross (eds.): Unsere Feinde. Konstruktion des Anderen im Sozialismus. Leipzig 2004, pp. 107–126; Andreas Herbst: Großmutter im Sterben. Die Flucht der Repräsentanten der Jüdischen Gemeinden 1953 aus der DDR. In: Annette Leo, Peter Reif-Spirek (eds.): Helden, Täter und Verräter. Studien zum DDR-Antifaschismus. Berlin 1999, pp. 13–35. Wenzel: Der Staats- und Parteiapparat, pp. 93–126.

⁹⁵ Keßler: Die SED und die Juden, p. 105.

From the mid-1950s, the GDR's foreign policy became increasingly pro-Arab. The main plan here was to break down the GDR's international isolation and thus undermine the Federal Republic's claim to sole representation. In the 1960s the GDR did, in fact, achieve its first successes in gaining international recognition outside the communist bloc by unilaterally siding with the Arab states in the Middle East conflict. However, this had far-reaching consequences for its behaviour towards Israel, since for decades the GDR had not only directed propaganda against the 'Israeli aggressor', but had also granted the radical enemies of the Jewish state 'non-civilian support'.⁹⁶

In general, according to Jeffrey Herf, the SED pursued 'a path marked by grotesque irony, in that it made anti-fascism compatible with the suppression of the memory of the Holocaust on the inside and hostility towards the Jewish state on the outside'.⁹⁷ The conclusion drawn by Michael Wolffsohn as the result of a corresponding study goes even further: 'It is true to say: the idealistic side of communism remains but there's nothing left of the real. Nothing remains of anti-fascism and the supposedly Jew-friendly attitude of the GDR. Nothing at all.'⁹⁸

National Socialist crimes as a topic of GDR propaganda

'Propaganda' was a 'positively connoted and much used term' in the Soviet Occupation Zone and later in the GDR. This is how the new party elite defined its 'awareness-raising, education and persuasive efforts' which they pursued, amongst other things, with the help of the mass media.⁹⁹ The dissemination and communication of Marxism-Leninism ideology was 'inseparably linked with the constant and aggressive unmasking of imperialist ideology and policy'.¹⁰⁰

⁹⁶ Angelika Timm: Israel in den Medien der DDR. In: Wolfgang Benz (ed.): Jahrbuch für Antisemitismusforschung 2 (1993), pp. 154–173, here 160; Lutz Maeke: DDR und PLO. Die Palästina-Politik des SED-Staates. Berlin, Boston 2017, p. 97; Jeffrey Herf: Unerklärte Kriege gegen Israel. Die DDR und die westdeutsche radikale Linke 1967–1989. Göttingen 2019, pp. 64–66.

⁹⁷ Jeffrey Herf: Zweierlei Erinnerung. Die NS-Vergangenheit im geteilten Deutschland. Berlin 1998, p. 453. See also Meinung: Kommunistische Judenpolitik.

⁹⁸ Michael Wolffsohn: Die Deutschland-Akte. Juden und Deutsche in Ost und West. Tatsachen und Legenden. Munich 1995, p. 388.

⁹⁹ Monika Gibas: Propaganda in der DDR. Erfurt 2000, p. 8.

¹⁰⁰ Henrik Eberle: Kopfdressur. Zur Propaganda der SED in der DDR. Asendorf 1994, p. 17.

This propaganda was backed by daily agitation, i.e. the ‘political-ideological influencing of the thoughts and actions of the masses in order to foster revolutionary consciousness and revolutionary activity’.¹⁰¹ In everyday life, the term coined to describe this was ‘agitprop’. The propagation of anti-fascist ideals and the condemnation of National Socialist crimes were an important political field and occupied an overriding position in the GDR’s educational system. This is particularly true because the SED saw this as an important tool for ‘political instrumentalisation, self-representation, and demarcation’.¹⁰² In Hannah Arendt’s opinion,

the relationship between propaganda and indoctrination [...] depended on the size and strength of the movement on the one hand, and on the pressure exerted on it by the outside world on the other. The smaller the movement, the more energy it will still expend on propaganda; the greater the pressure from the outside world on totalitarian governments, a pressure that can never be completely ignored even behind an ‘iron curtain’, the more active totalitarian propaganda will become both externally and abroad.¹⁰³

She was also of the opinion that propaganda in this context was to be seen as an ‘essential element of “psychological warfare”’.¹⁰⁴

In order to achieve concrete political goals, the SED also concentrated all its resources on certain campaigns which, despite differing contents and goals, had one ‘main thrust’: denouncing the political and social conditions in the Federal Republic and its delegitimation.¹⁰⁵ In connection with the first Frankfurt Auschwitz trial, for example, an internal SED strategy paper stated: ‘The main goal is to widen the gap between the most extreme aggressive circles in the Bonn state, which enjoy the support of the old and

¹⁰¹ ‘Agitation’. In: Kleines politisches Wörterbuch. Berlin (East) 1967, p. 16.

¹⁰² Olaf Groehler: Antifaschismus – Vom Umgang mit einem Begriff. In: Ulrich Herbert, Olaf Groehler: Zweierlei Bewältigung. Vier Beiträge über den Umgang mit der NS-Vergangenheit in beiden deutschen Staaten. Hamburg 1992, pp. 29–40, here 35.

¹⁰³ Hannah Arendt: Elemente und Ursprünge totaler Herrschaft. Frankfurt/M. 2nd edition 1958, p. 511.

¹⁰⁴ Ibid.

¹⁰⁵ Michael Lemke: Kampagnen gegen Bonn. Die Systemkrise der DDR und die Westpropaganda der SED 1960–1963. In: VfZ 41 (1993) 2, pp. 153–174; Michael Lemke: Instrumentalisierter Antifaschismus und SED-Kampagnenpolitik im deutschen Sonderkonflikt 1960–1968. In: Jürgen Danyel (ed.): Die geteilte Vergangenheit. Zum Umgang mit Nationalsozialismus und Widerstand in beiden deutschen Staaten. Berlin 1995, pp. 61–86, here 61.

new fascists and continue Hitler's revanchist policy, and the vast majority of the population that desires peace and security."¹⁰⁶

From the mid-1950s onwards, accusations of unbroken 'fascist' continuity played an increasing role in propaganda against the Federal Republic. The National Socialist past, which had not been dealt with in many areas of society, coupled with alleged or actual scandals in the legal punishment of National Socialist acts of violence in the Federal Republic of Germany, served as the basis for this.¹⁰⁷ In particular, the Federal Republic of Germany was an almost ideal target due to the redeployment of functionaries from the National Socialist state, some of whom were heavily incriminated, to politics, business, public administration, the military, the police and above all the judiciary.¹⁰⁸

The 'imperialist' Federal Republic was seen as a 'mere continuation of the National Socialist regime' and was unhesitatingly stigmatised as 'fascist' in any propaganda.¹⁰⁹ The accusation of prominent individuals or entire

¹⁰⁶ Concept and action plan of the West Commission with the Politburo for the continuation of the fight against the heavily incriminated fascists and their ideology in the Bonn state, dated 23.9.1963; BArch DY 30/IV A2/2028, pp. 47–56, here 48.

¹⁰⁷ Reinhard Henkys: *Die nationalsozialistischen Gewaltverbrechen. Geschichte und Gericht.* Stuttgart, Berlin 1964; Jürgen Weber, Peter Steinbach: *Vergangenheitsbewältigung durch Strafverfahren? NS-Prozesse in der Bundesrepublik.* Munich 1984; Eva Schumann (ed.): *Kontinuitäten und Zäsuren. Rechtswissenschaft und Justiz im 'Dritten Reich' und in der Nachkriegszeit.* Göttingen 2008; Andreas Eichmüller: *Keine Generalamnestie. Die Strafverfolgung von NS-Verbrechen in der frühen Bundesrepublik.* Munich 2012; Edith Raim: *Justiz zwischen Diktatur und Demokratie. Wiederaufbau und Ahndung von NS-Verbrechen in Westdeutschland 1945–1949.* München 2013; Manfred Görtemaker, Christoph Safferling (eds.): *Die Rosenburg. Das Bundesministerium der Justiz und die NS-Vergangenheit – eine Bestandsaufnahme.* Göttingen 2013.

¹⁰⁸ Marc von Miquel: *Ahnden oder amnestieren? Westdeutsche Justiz und Vergangenheitspolitik in den sechziger Jahren.* Göttingen 2004, pp. 27–38; Ulrich Brochhagen: *Nach Nürnberg. Vergangenheitsbewältigung und Westintegration in der Ära Adenauer.* Hamburg 1994; Wilfried Loth, Bernd-A. Rusinek (eds.): *Verwandlungspolitik. NS-Eliten in der westdeutschen Nachkriegsgesellschaft.* Frankfurt/M. 1998; Norbert Frei: *Karrieren im Zwielficht. Hitlers Eliten nach 1945.* Frankfurt/M. 2001.

¹⁰⁹ Olaf Groehler: *Verfolgten- und Opfergruppen im Spannungsfeld der politischen Auseinandersetzungen in der Sowjetischen Besatzungszone und in der Deutschen Demokratischen Republik.* In: Jürgen Danyel (ed.): *Die geteilte Vergangenheit. Zum Umgang mit Nationalsozialismus und Widerstand in beiden deutschen Staaten.* Berlin 1995, pp. 17–30, here 26; Frank Bösch, Andreas

professions as promoters, beneficiaries or stooges of the National Socialist regime was proof of this.¹¹⁰ However, as demonstrated by the court case successfully brought against a GDR author before a West German court on behalf of Hermann Josef Abs who, prior to 1945, had been the foreign head of Deutsche Bank and a member of the supervisory board of IG Farben, these accusations sometimes backfired: the trial ended in a political, financial and propaganda debacle for the East German side.¹¹¹

The GDR wanted to present itself to its own citizens as the better, anti-fascist Germany and thus reduce its problems of political legitimacy. In terms of foreign policy, the SED hoped, especially after the construction of the Wall, to achieve a lasting political solution by discrediting the all-round more successful Federal Republic, a revaluation of its own state system, a softening of the Hallstein Doctrine and, by extension, the longed-for international recognition of the GDR.¹¹² A strategy paper of the West Commission of the SED Politburo of September 1963 stated:

In every case in which particularly heavily incriminated Nazi criminals are attacked, every campaign must be directed, on the basis of the example of these individuals, towards exposing and denouncing the entire Bonn system of imperialism, revanchist politics and war preparations. Every revelation must contribute to clearly highlighting the character of the imperialist West German state and, in contrast, to making clearly visible the role of the GDR as the only legitimate peaceful German state.¹¹³

Wirsching (eds.): *Hüter der Ordnung. Die Innenministerien in Bonn und Ost-Berlin nach dem Nationalsozialismus*. Göttingen 2018.

¹¹⁰ As an example, attention is drawn to the brochures and documentation of the Committee for German Unity: *Wir klagen an. 800 Blutrichter – Stützen des Adenauer-Regimes*. Berlin 1959; *Globke – Der Bürokrat des Todes*. Berlin n.d.; *Globke und die Ausrottung der Juden*. Berlin 1960; *Globkes braune Notstands-Exekutive*. Berlin 1963; *Bonner Revanchisten – Allianz gegen Entspannung und Abrüstung*. Berlin 1963; *Nationalrat der Nationalen Front des Demokratischen Deutschland* (ed.): *Ernst Lemmer. Goebbels-Journalist*. Berlin 1964; no ed.: *Auf den Spuren der geheimen politischen Polizei Bonns. Kriegs- und Naziverbrecher in der Bundesrepublik*. [Berlin 1965].

¹¹¹ Lothar Gall: *Der Bankier. Hermann Josef Abs. Eine Biographie*. Munich 2004, pp. 137 and 398–407.

¹¹² Annette Roskopf: *Anwalt antifaschistischer Offensiven. Der DDR-Nebenklagevertreter Friedrich Karl Kaul*. In: Irmtrud Wojak (ed.): *‘Gerichtstag halten über uns selbst ...’. Geschichte und Wirkung des ersten Frankfurter Auschwitz-Prozesses*. Frankfurt/M. 2001, pp. 141–161.

¹¹³ Concept and action plan of the West Commission with the Politburo for the continuation of the fight against the heavily incriminated fascists and their

The coordination centre for the propaganda campaigns directed against the Federal Republic was initially the 'Committee for German Unity', founded in 1954 and headed by Albert Norden, son of a rabbi and member of the SED Politburo. The spectrum of GDR propaganda ranged from press conferences, brochures and books in various languages to show trials in the absence of the defendants, such as the trials staged in 1960 of Federal Minister Theodor Oberländer¹¹⁴ and in 1963 of State Secretary in the Federal Chancellery Hans Globke, who, among other things, had written the official commentary on the Nuremberg Laws.¹¹⁵ In all of these activities, however, it was important to make allowances for the former supporters and passive followers of National Socialism. The West Commission, therefore, formulated the following specification:

In accordance with the line restated in the Politburo's report to the 2nd plenary assembly, it must be clear from every publication that the revelations are not directed at all against the large number of former nominal members of the NSDAP, against the 'Nazis' per se, but exclusively against heavily incriminated war criminals who persist with their sinister activities directed against the German nation and all peace-loving peoples under the banner of Bonn revanchism and anti-communism. Any action that lacks this clear differentiation is politically damaging.¹¹⁶

Whilst ignoring the social reality in their own country, this only applied to conditions in the Federal Republic. Therefore, according to the logic of the West Commission, charges should be brought against the 'West German regime' precisely because it 'makes it extraordinarily difficult for former nominal Nazis to rethink their position and threatens to abuse them once again through its Cold War policies and revival of revanchism and fascism'.¹¹⁷

The Ministry for State Security actively participated in the campaigns, and provided the respective SED authorities with incriminating documents from its own National Socialist records (later managed by Department 11 of

ideology in the Bonn state dated 23.9.1963; BArch DY 30/IV A2/2028, p. 51.

¹¹⁴ Die Wahrheit über Oberländer – Braunbuch über die verbrecherische faschistische Vergangenheit des Bonner Ministers. Ausschuss für deutsche Einheit (ed.), n.d. [1960].

¹¹⁵ Erik Lommatzsch: Hans Globke. Beamter im Dritten Reich und Staatssekretär Adenauers. Frankfurt 2009.

¹¹⁶ Concept and action plan of the West Commission at the Politburo for continuing the fight against the heavily incriminated fascists and their ideology in the Bonn state, dated 23.9.1963; BArch DY 30/IV A2/2028, pp. 50 f.

¹¹⁷ Ibid., p. 51.

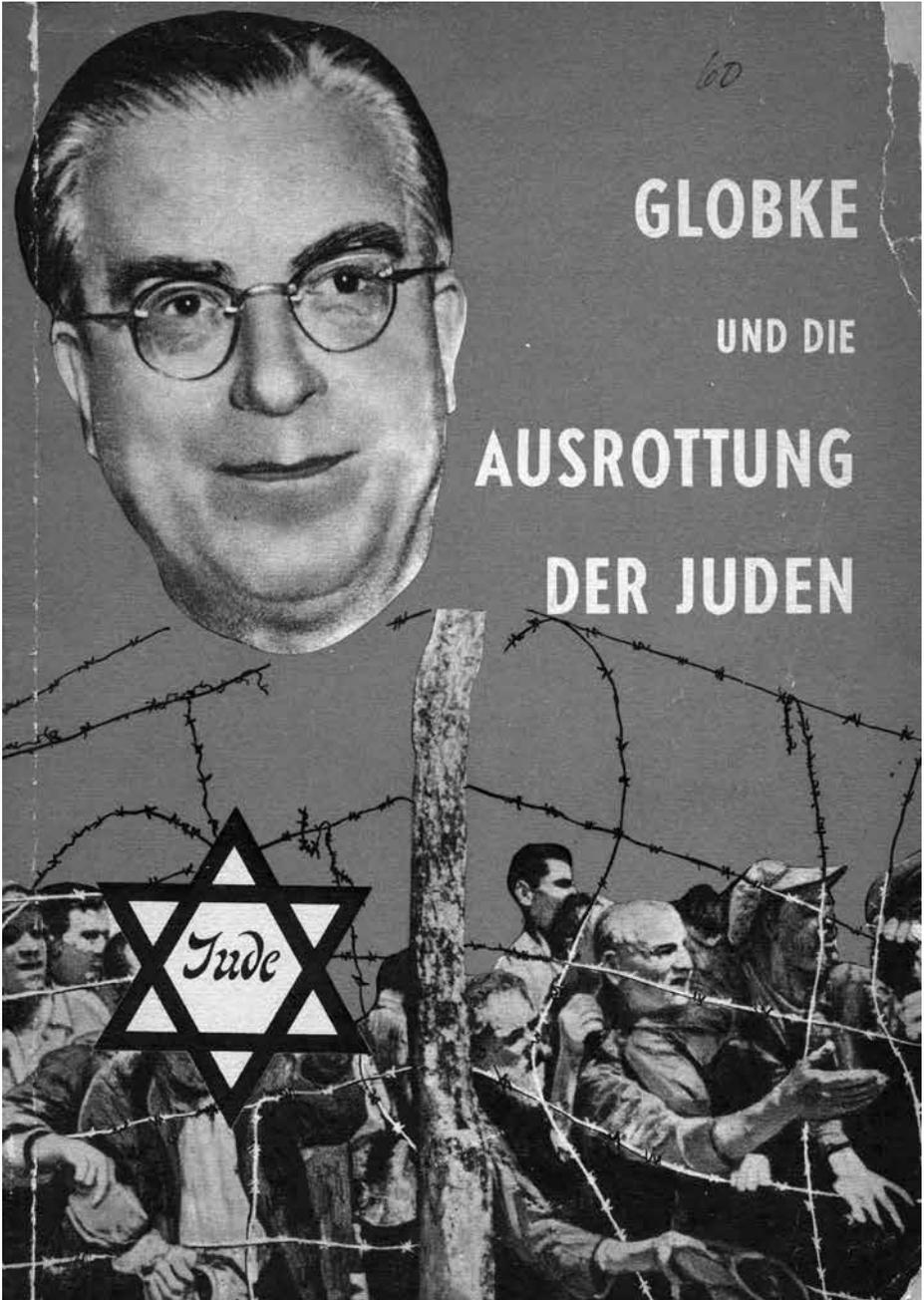


Fig. 1: Example of a brochure entitled Globke and the extermination of the Jews published by the 'Committee for German Unity' in 1960, in which the continuity of the leadership elites of the Third Reich and the Federal Republic was exploited for propaganda purposes.

Central Department IX). It carried out checks on the political reliability of witnesses and suspects. Apart from that it kept a low profile.¹¹⁸ From 1960 onwards, the propaganda campaigns were flanked by ancillary actions in federal German National Socialist trials, which can be characterised as ‘trial-based variants of campaign politics’.¹¹⁹ The kick-off and the climax of the ‘struggle on the judicial level’ propagated by the SED Politburo took place in connection with the first Auschwitz trial in Frankfurt am Main (1963–1965).¹²⁰

In the federal German public sphere, discussions about the prosecution of the crimes of the National Socialist state in the mid-1950s were dominated by the ‘people in favour of drawing a line under the past’.¹²¹ The judiciary, too, after a ‘phase of intensive activity’ between 1945 and 1949¹²² – shifted towards a ‘blockade of punishment of the mass crimes of the Third Reich’.¹²³ Mainly induced by criticism and triggers from ‘outside’, changes slowly began in 1958/59 in the field of the ‘scandalously neglected critical dealing with the National Socialist past from the angle of criminal law’.¹²⁴

Just like the ‘Ulm trial of paramilitary death squads (Einsatzgruppen)’ in 1958 and the subsequent founding of the ‘Central Office of the State Judicial Administrations’ in Ludwigsburg responsible for the preliminary investigations of suspected National Socialist cases, the Frankfurt Auschwitz trial also marked a decisive stage in this development.¹²⁵ It was thanks to just a few people who had to overcome considerable resistance, that this trial came

¹¹⁸ Leide: NS-Verbrecher, pp. 73–88; Philipp Springer: Das Gedächtnis der Staatsicherheit. Entwicklung, Struktur und Funktion der Abteilung XII des MfS. In: Karsten Jedlitschka, Philipp Springer (eds.): Das Gedächtnis der Staatssicherheit. Die Kartei- und Archivabteilung des MfS. Göttingen 2015, pp. 25–150, here 48–56.

¹¹⁹ Georg Wamhof: Aussagen sind gut, aber Auftreten als Zeugen nicht möglich. Die Rechtshilfe der DDR im Mittelbau-Dora-Verfahren (1962–1970). In: Beiträge zur Geschichte der nationalsozialistischen Verfolgung in Norddeutschland; 9. Bremen 2005, pp. 29–43, here 30.

¹²⁰ Roskopf: Friedrich Karl Kaul, pp. 106 and 214.

¹²¹ Andreas Eichmüller: Keine Generalamnestie. Die strafrechtliche Verfolgung von NS-Verbrechen in der frühen Bundesrepublik. Munich 2012, p. 425.

¹²² Raim: Justiz zwischen Diktatur und Demokratie, p. 1181.

¹²³ Joachim Perels: Die Strafsache gegen Mulka und andere 4 Ks 2/63 – Juristische Grundlagen. In: Irmtrud Wojak (ed.): Auschwitz-Prozeß 4 Ks 2/63. Frankfurt/M. et al. 2004; pp. 124–147, here 124.

¹²⁴ Norbert Frei: Vergangenheitspolitik. Die Anfänge der Bundesrepublik und die NS-Vergangenheit. Munich 1997, p. 406.

¹²⁵ Cf. Annette Weinke: Eine Gesellschaft ermittelt gegen sich selbst. Die Geschichte der Zentralen Stelle in Ludwigsburg 1958–2008. Darmstadt 2008.

about at all.¹²⁶ One of the people who set the process in motion was former Auschwitz inmate Adolf Rögner (1904–1971), who is addressed in detail in Chapter 6.2.

In the legal field, it was mainly thanks to the ‘strong-minded initiator of the proceedings’, then Hessian chief public prosecutor Fritz Bauer (1903–1968), one of the few former National Socialist persecutees and an immigrant with a key position in the federal German judiciary at the time, that after five and a half years of investigation the ‘criminal proceedings against Mulka and others’ were opened before Frankfurt Regional Court on 20 December 1963.¹²⁷ On its initiative, the Federal Supreme Court (BGH) transferred jurisdiction for the ‘investigation and ruling’ of the crimes committed in Auschwitz to the public prosecutor’s office with Frankfurt Regional Court in April 1959.¹²⁸ This meant that this category of crimes could be concentrated in one procedure. Moreover, during the preparatory phase of the trial, Bauer made a conscious decision to elucidate the ‘general facts of the case as “industrial mass murder”’.¹²⁹ His authority as chief public prosecutor also ensured that the investigations into the Auschwitz crimes were carried out with the necessary tenacity.

In addition, the commitment of Secretary General of the International Auschwitz Committee (IAC) Hermann Langbein (1912–1995) played a major role in this context. He, himself, had been an inmate in Auschwitz, and after initial frictions, he gave the names of further prosecution witnesses to the German judicial authorities and provided them with evidence.¹³⁰

When the first (out of a total of six) Auschwitz trials opened in Frankfurt, it was by no means the initial¹³¹ but it was ‘undoubtedly the most historically

¹²⁶ Devin O. Pendas: *Der Auschwitz-Prozess. Völkermord vor Gericht*. Munich 2013, pp. 27–55.

¹²⁷ Norbert Frei: *Der Frankfurter Auschwitz-Prozess und die deutsche Zeitgeschichtsforschung*. In: Fritz Bauer Institute (ed.): *Auschwitz: Geschichte, Rezeption und Wirkung*. Frankfurt/M. et al. 1996; pp. 123–138, here 126.

¹²⁸ Werner Renz: *Der erste Frankfurter Auschwitz-Prozess. Völkermord als Strafsache*. In: *Zeitschrift für Sozialgeschichte des 20. und 21. Jahrhunderts* 15 (2000) 2, pp. 11–48, here 15.

¹²⁹ Peter Steinbach: *Nach Auschwitz. Die Konfrontation der Deutschen mit der Judenvernichtung*. Bonn 2015, p. 66.

¹³⁰ Katharina Stengel: *Herrmann Langbein. Ein Auschwitz-Überlebender in den erinnerungspolitischen Konflikten der Nachkriegszeit*. Frankfurt, New York 2012, pp. 358–362; Pendas: *Der Auschwitz-Prozess*, pp. 27–47.

¹³¹ Cf. Edith Raim: *Justiz zwischen Diktatur und Demokratie. Wiederaufbau und Ahndung von NS-Verbrechen in Westdeutschland 1945–1949*. Munich 2013, pp. 1162–1167.

and politically significant attempt to deal with the criminal events that occurred in the largest of the National Socialist concentration and extermination camps through the medium of criminal law'. At the same time, it was 'the first fruit of a change in the climate of politics of the past'.¹³²

Initially, 24 defendants had to answer charges of murder and accessory to murder. Four cases were dismissed on the grounds of unfitness to stand trial. With the exception of one kapo, all of the defendants had been SS officers in Auschwitz concentration and extermination camp. On 19 and 20 August 1965, seven defendants were convicted of murder, ten were convicted of accessory to murder, and three were acquitted. The court handed down six life sentences and eleven terms of imprisonment ranging from three and a quarter to 14 years.¹³³

Shortly before the start of the main trial in December 1963, the SED Politburo decided to turn the trial into a 'tribunal against the IG-Farben group'.¹³⁴ At first glance, this decision is astonishing, since 23 people who belonged to the top management of the IG Farben group had already been tried by a US military court in Nuremberg in August 1947 and sentenced in July 1948.¹³⁵ Due to the changed atmosphere of the emerging Cold War, they were not treated very harshly. Ten defendants were acquitted after a trial that lasted over a year. The others were sentenced to prison terms of one and a half to eight years for 'crimes against humanity' or 'war crimes'.¹³⁶ Not only for the public prosecutors was this verdict 'light enough to please a chicken thief'.¹³⁷ After all, some of those convicted were released after only a few months thanks to the offsetting of the period spent in pretrial detention. Others were quickly pardoned after the founding of the Federal Republic.¹³⁸ The SED continued to regard the IG managers as the main culprits for the crimes committed in Auschwitz. Consequently, the lenient sentences in the

¹³² Frei: *Der Frankfurter Auschwitz-Prozeß*, pp. 123 and 126.

¹³³ Friedrich-Martin Balzer, Werner Renz (eds.): *Das Urteil im Frankfurter Auschwitz-Prozess (1963–1965)*. Bonn 2004.

¹³⁴ Annette Weinke: *Die Verfolgung von NS-Tätern im geteilten Deutschland. Vergangenheitsbewältigung 1949–1969 oder: Eine deutsch-deutsche Beziehungsgeschichte im Kalten Krieg*. Paderborn 2002; pp. 236–244, here 239.

¹³⁵ Hans Radandt (ed.): *Fall 6. Ausgewählte Dokumente und Urteil des IG-Farben-Prozesses*. Berlin 1970.

¹³⁶ *Ibid.*, pp. 172 and 288–290.

¹³⁷ Quoted from: Diarmuid Jeffreys: *Weltkonzern und Kriegskartell. Das zerstörerische Werk der IG Farben*. Munich 2011, p. 593.

¹³⁸ Bernd Boll: *Fall 6. Der IG-Farben-Prozeß*. In: Gerd R. Ueberschär: *Der Nationalsozialismus vor Gericht. Die alliierten Prozesse gegen Kriegsverbrecher und Soldaten 1943–1952*. Frankfurt/M. 1999, pp. 133–143.

IG Farben trial not only prompted harsh coverage in the Soviet Occupied Zone but also confirmed the view of the communists that the group, its representatives and 'American monopoly capital' had joined forces behind a common cause.¹³⁹ In the years that followed, the IG Farben group was therefore repeatedly the subject of propaganda and coverage. This was the case, inter alia, in the 1950 DEFA feature film 'Der Rat der Götter (The Council of the Gods)' (directed by Kurt Maetzig). In this film, the impression was conveyed that it was not the National Socialist regime that was guilty of the crimes of the Third Reich, but IG Farben, as the representative of all German groups.¹⁴⁰ In 1957, a brochure was published in which the claim was made: 'The IG makes Hitler'.¹⁴¹ Significantly, attentive readers learn only through the transcript of a National Socialist document that both the people murdered in the gas chambers using Zyklon B and the forced labourers employed by IG Farben in Buna-Monowitz, were Jews.¹⁴² The Frankfurt Auschwitz trial was, therefore, seen in East Berlin as further proof that those primarily responsible in the West would not be held accountable.

But what is already history in the German Democratic Republic is still an ongoing task in the West German Federal Republic. The main culprits always went scot-free, just as those in charge of IG Farben are now missing from the dock in the Auschwitz trial in Frankfurt am Main. The course of the Auschwitz trial so far does not permit any conclusion other than this trial, too, is not a genuine endeavour to overcome the Nazi past, but an attempt to create an alibi in the eyes of world public opinion for the fact that people did indeed seek to do their duty and prosecute Nazi and war crimes. Almost twenty years after the end of the Second World War, we must conclude that Nazi and war criminals facing the most serious charges are not only not in the dock, but hold top positions in the West German state.¹⁴³

¹³⁹ Jörg Osterloh: Diese Angeklagten sind die Hauptkriegsverbrecher. Die KPD/SED und die Nürnberger Industriellen-Prozesse 1947/48. In: Jörg Osterloh, Clemens Vollnhals (eds.): NS-Prozesse und deutsche Öffentlichkeit. Besatzungszeit, frühe Bundesrepublik und DDR. Göttingen 2011, pp. 107–129.

¹⁴⁰ Anne Kober: Antifaschismus im DDR-Film. Ein Fallbeispiel: 'Der Rat der Götter'. In: Manfred Agethen, Eckhard Jesse, Erhart Neubert (eds.): Der missbrauchte Antifaschismus. DDR-Staatsdoktrin und Lebenslüge der deutschen Linken. Freiburg im Breisgau et al. 2002, pp. 202–220.

¹⁴¹ Willi Kling: Kleine Geschichte der IG Farben – der Grossfabrikanten des Todes. Berlin (East) 1957, p. 31.

¹⁴² Ibid., pp. 45 f.

¹⁴³ Die Bestrafung der Nazi- und Kriegsverbrecher – Gebot der Menschlichkeit und der Sicherung des Friedens. Dokumente und Materialien zur Verabschiedung des Gesetzes über die Nichtverjährung von Nazi- und Kriegsverbrechen in

Moreover, the group and its history were ideally suited to underpin the definition of fascism advanced by the SED that assuaged the guilt of East Germans. The untackled past was then the problem of the West Germans alone: 'The big arms manufacturing groups that earned billions from mass murder, once again control the state and the economy in West Germany. [...] They are also the ones responsible for murders in the concentration camps.'¹⁴⁴

IG Farben's involvement in the crimes of National Socialism is meanwhile undisputed. According to Peter Hayes, it can be assumed today that the 'senior managers of IG Farben knew by and large what was going on in Auschwitz and Birkenau from the middle of 1943, even if they were not privy to the exact details of what was actually happening'. However, the group's senior management seems to have 'increasingly accepted the exploitation and death of work slaves as a kind of business condition in the Third Reich, above all in order to maintain its monopoly on Buna and secure its own competitiveness after the war'.¹⁴⁵ For Raul Hilberg, 'IG Farben was not just a company; it was a bureaucratic empire and a major cog in the extermination machine'.¹⁴⁶ And Nikolaus Wachsmann notes, 'IG Farben was an active partner in the "annihilation through work"'.¹⁴⁷

Bernd C. Wagner, one of the best experts on this part of the group's history, comes to the conclusion that the group's senior management attempted to profit from the murder of the inmates in Auschwitz by seeing them as a reservoir of labour that could be disposed of and replaced at will. Furthermore, it had not only tolerated the killing of the inmates but had even contributed to their 'annihilation through work' by exerting 'permanent selection pressure'. His conclusion: 'Through its policy of turning a blind eye, IG's senior management in Auschwitz made itself an accomplice in

der 7. Sitzung der Volkskammer der DDR am 1. September 1964. Kanzlei des Staatsrates der DDR (ed.). Berlin 1964, p. 12; Stefan Heymann: Das Mordkomplott von SS und IG Farben in Auschwitz. In: ND, dated 9.2.1964, p. 2

¹⁴⁴ I.G. Farben, Auschwitz, Massenmord. Über die Blutschuld der I.G. Farben. Arbeitsgruppe der ehemaligen Häftlinge des Konzentrationslagers Auschwitz beim Komitee der Antifaschistischen Widerstandskämpfer in der Deutschen Demokratischen Republik (ed). Berlin n.d. [1964], p. 3.

¹⁴⁵ Peter Hayes: IG Farben und IG-Farben-Prozeß. Zur Verwicklung eines Großkonzerns in die nationalsozialistischen Verbrechen. In: Fritz-Bauer-Institut (ed.): Auschwitz: Geschichte, Rezeption und Wirkung. Jahrbuch 1996 zur Geschichte und Wirkung des Holocaust. Frankfurt/M. et al. 1996, pp. 99–121, here 114.

¹⁴⁶ Raul Hilberg: Die Vernichtung der europäischen Juden, vol. 2. Frankfurt/M. 1993, p. 987.

¹⁴⁷ Wachsmann: KL, p. 402.

the murder of thousands of inmates' and: '[I]n Monowitz, the IG and the SS developed a system of inmate exploitation that perfidiously eliminated the conflict of interests between the use of labour (production) and the "Final Solution" (destruction).'¹⁴⁸

The enforcement of the Politburo decision was assigned to a working group ('Auschwitz Commission'), curiously headed by Gerhard Dengler, a former member of the NSDAP and SA.¹⁴⁹ After a period of captivity as a Soviet prisoner of war and involvement in the National Committee for a Free Germany, he joined the SED in 1946 and was a correspondent for 'Neues Deutschland' in Bonn from 1953 to 1958. Since 1959 he had been deputy chairman of the Office of the President of the National Council of the National Front.¹⁵⁰ In the meantime, the West Department of the National Council had largely taken over the functions of the Committee for German Unity in the field of West propaganda. It also included Arne Rehahn, then head of department in the Central Committee of the SED and a member of the West Commission of the Politburo along with other representatives of the National Council of the National Front, the senior public prosecutor's office, the German Economic Institute, and the Committee of Anti-Fascist Resistance Fighters.¹⁵¹ However, their main focus was not on helping to establish the truth, but on instrumentalising the trial for the purpose of a confrontation between the systems, thus turning it into a platform for agitation and propaganda against the West German economic and social model with its personnel continuities. Arne Rehahn explained the aims of the Politburo decision to the members of the 'Auschwitz Commission':

Our goal is to turn the Auschwitz trial into an IG Farben trial. The GDR witnesses are to explain in their testimonies that former Auschwitz inmates hold leading positions in the GDR and that the legacy of the victims is fulfilled here. In the trial, the different character of the two states is to be expressed by the appearance of the GDR representatives [...] All measures emanating from the GDR concerning the Auschwitz trial before the Frankfurt Jury Court are to contribute to uncovering the full truth about the crimes of the accused SS murderers. In addition, it is necessary to draw attention to the main perpetrators of concentration camp crimes who are still at large in West Germany today, some of whom hold leading positions in government and academia. In particular, the decisive role of the

¹⁴⁸ Bernd C. Wagner: *IG Auschwitz. Zwangsarbeit und Vernichtung von Häftlingen des Lagers Monowitz 1941–1945*. Munich 2000, pp. 215 and 237.

¹⁴⁹ Helmut Müller-Enbergs, Jan Wielgoths, Dieter Hoffmann (eds.): *Wer war wer in der DDR? Ein biographisches Lexikon*. Bonn 2000, p. 146.

¹⁵⁰ Weinke: *Die Verfolgung von NS-Tätern im geteilten Deutschland*, p. 239.

¹⁵¹ Minutes of the founding meeting dated 12.11.1963; BAArch DY 6/Vorl. 5041 b.

IG Farben war crimes group in the offences committed in Auschwitz must be revealed and turned into the subject of the trial and its coverage.¹⁵²

This approach was justified by the impetus of moral superiority: ‘The GDR, which has eliminated the roots of these crimes on its territory, called the guilty to account and fulfilled the legacy of the victims, is quite rightfully making its voice heard on this trial out of a sense of national responsibility in order to help come to terms with the past in West Germany, too.’¹⁵³

On behalf of the party and state leadership of the GDR, the East Berlin ‘star lawyer’ Friedrich Karl Kaul¹⁵⁴, who had been admitted to the bar at the Berlin Higher Regional Court and could therefore also practice in the Federal Republic, appeared in the Frankfurt trial as counsel in the ancillary action – always in close coordination with the ‘Auschwitz Commission’.¹⁵⁵ The purpose of his involvement was clearly defined:

The GDR representatives, i.e. counsel in the ancillary action, experts and witnesses, have been commissioned:

1. Based on the decision of the Secretariat of the Central Committee dated 18 December 1963, to turn the Auschwitz trial into a tribunal against the IG-Farben war criminal group and, in this way, to expose the whole truth about the concentration camp and Nazi crimes.
2. To represent the interests of all anti-fascists and victims of Nazi terror in this trial and thus to make visible the role of the German Democratic Republic in the confrontation with the Nazi past, which has remained unresolved in the Bonn state.¹⁵⁶

In order, inter alia, to propagate the goals associated with the trial of the ancillary action within the GDR, Kaul requested permission from the SED authorities to call on the services of East German court reporter, Rudolf

¹⁵² Draft action plan for the forthcoming Auschwitz trial, dated 31.12.1963; BArch DY 6/doc. 5041 b, 4 pp., n. pag.

¹⁵³ Minutes of the meeting of the Auschwitz Commission, dated 17.12.1963; *ibid.*, pp. [1–4], here [2].

¹⁵⁴ For the biography of Kaul, see Roskopf: Friedrich Karl Kaul.

¹⁵⁵ Roskopf: *Anwalt antifaschistischer Offensiven*, pp. 141–161; Annette Weinke: ‘Verteidigen tue ich schon recht gern ...’. Friedrich Karl Kaul und die westdeutschen NS-Prozesse der 1960er-Jahre. In: *Beiträge zur Geschichte der nationalsozialistischen Verfolgung in Norddeutschland*; 9. Bremen 2005, pp. 44–57; Pendas: *Der Auschwitz-Prozess*.

¹⁵⁶ Cover letter from Arne Rehahn to Albert Norden with enclosure: Information on the first results of the appearance of the GDR representatives at the Frankfurt Auschwitz trial, dated 14.5.1964; BArch DY 30/IV A2/2028, vol. 10, pp. 2–7, here 3.

Hirsch, as a press representative.¹⁵⁷ However, it was Kaul himself who then sought to reverse this situation as early as September 1964. He complained that Hirsch used this opportunity only for tourist outings 'but is not present on important trial days, and does not write anything of substance'.¹⁵⁸ Hirsch's contributions to coverage in the GDR press were, nevertheless, published as a compilation prior to and after 1989. In the opinion of Hans-Jürgen Döscher, the texts boasting a 'vulgar Marxist tenor' served 'predominantly as an indictment of the Federal Republic's judiciary and executive', and are devoid of any 'independent critical analysis and informed judgment'. They were intended to 'primarily expose and denounce'.¹⁵⁹

Albert Norden, responsible for West Agitation in the Politburo, coordinated all the important steps taken by Kaul in the context of the Auschwitz trial, for example criminal charges of murder against four directors of IG Farben living in the Federal Republic of Germany,¹⁶⁰ beforehand with state and party leader Walter Ulbricht. The latter acknowledged the proposals submitted to him with hand-written notes such as 'correct' or 'incorrect' and instructed: 'Comrade Norden: Agreed. Continue campaign concerning war crimes of the group's chief executives'.¹⁶¹ From the point of view of SED officials, the strategy proved successful, and after only a few months the conclusion could be drawn: 'Through the appearance of Comrade Kaul to date as counsel in the ancillary action from the GDR and representative of our state, the GDR has successfully attained a position in the trial of the Auschwitz executioners that is highly regarded in West German and international public opinion'.¹⁶²

¹⁵⁷ Letter from Heinz Geggel [deputy head of the West Department of the Central Committee] to Rudolf 'Rudi' Singer [Head of the Agitation Department of the Central Committee of the SED], dated 16.12.1963; BArch DY 30/IV A2 2028, no. 10, p. 1.

¹⁵⁸ Letter from Arne Rehahn to Rudi Singer dated 14.9.1964; *ibid.*, p. 21.

¹⁵⁹ Hans-Jürgen Döscher: Fader Nachgeschmack, Rezension zu der von der Rosa-Luxemburg-Stiftung unterstützten Neuauflage des Sachbuches Rudolf Hirsch: Um die Endlösung. Prozeßberichte. Berlin 2001. in: FAZ, dated 28.8.2001, p. 7.

¹⁶⁰ Criminal charges against former directors of IG-Farbenindustrie Aktiengesellschaft: 1. Dr Carl Krauch, 2. Dr Dr h. c. Otto Ambros, 3. Dr Heinrich Bütefisch, 4. Max Faust for murder filed on September 20, 1966 by Professor Friedrich Karl Kaul (lawyer) with the Frankfurt/M. public prosecutor's office. Berlin (East) n.d. [1966].

¹⁶¹ Letter from Albert Norden to Walter Ulbricht, dated 22.5.1964; BArch DY 30/IV A2/2028, vol. 125, pp. 19–22.

¹⁶² Cover letter from Arne Rehahn to Albert Norden with enclosure: Information about the first results of the appearance of the GDR representatives at the

Indeed, the facts and arguments Kaul introduced into the trial proceedings made the public aware of the crimes for which IG Farben was jointly responsible in Auschwitz. At the same time they made it clear, quasi *coram publico*, that many a distinguished captain of industry in the Federal Republic of Germany had amassed a considerable degree of guilt during the Nazi era.¹⁶³ In addition, the GDR provided testimony and archival material for the presentation of evidence.¹⁶⁴

However, the activities of the GDR side were geared less to establishing the truth than to fulfilling party propaganda tasks, which meant, among other things, that only prosecution witnesses from the GDR were allowed to leave the country to testify in court. A married couple living in East Germany, who had been summoned to court at the request of a defence attorney to exonerate a defendant, were prevented from leaving the country by the Ministry for State Security.¹⁶⁵

This was also true for the former personnel manager of the IG Farben administration in Auschwitz, Martin Roßbach. As an 'authorised representative' of IG Farben, he had not only negotiated the use of inmates with the concentration camp administration, but had also been involved in recovering the clothing taken from the Jews deported to Auschwitz.¹⁶⁶ He must, therefore, have had extensive knowledge about the treatment of the inmates. Erich Mielke, however, decreed that Roßbach, who made a living in the GDR, stay away from the Frankfurt court hearing on the pretext of his 'unsatisfactory

Frankfurt Auschwitz trial, dated 14.5.1964; BArch DY 30/IV A2/2028, no. 10, p. 3.

¹⁶³ Wagner: IG Auschwitz.

¹⁶⁴ ADN: IG-Farben guilty of murdering inmates. Professor Kaul handed over evidence in Frankfurt (Main). In: ND, dated 8.1.1965, p. 2; summing up by Professor Friedrich Karl Kaul, counsel for the parties to the ancillary action resident in the German Democratic Republic in the criminal proceedings against Mulka and others ('Auschwitz Trial'), delivered on 21 May 1965 before the Jury Court in Frankfurt (Main) Regional Court. East Berlin, n.d., p. 9; Conrad Taler: *Asche auf vereisten Wegen. Eine Chronik des Grauens – Berichte vom Auschwitz-Prozess*. Cologne 2003, pp. 61, 76 and 78 f.

¹⁶⁵ Hans Laternser: *Die andere Seite im Auschwitz-Prozess 1963/65. Reden eines Verteidigers*. Stuttgart 1966, pp. 419 f.; Christian Dirks: *Selekteure als Lebensretter. Die Verteidigungsstrategie des Rechtsanwaltes Dr. Hans Laternser*. In: Wojak (ed.): 'Gerichtstag halten über uns selbst ...', pp. 163–192.

¹⁶⁶ Jürgen Kuczynski: *Die Verflechtung von sicherheitspolizeilichen und wirtschaftlichen Interessen bei der Einrichtung und im Betrieb des KZ Auschwitz und seiner Nebenlager*. In: Ulrich Schneider (ed.): *Auschwitz - ein Prozess. Geschichte, Fragen, Wirkungen*. Cologne 1994; pp. 33–59, here 58.

state of health'.¹⁶⁷ Hermann Langbein later asked the chief public prosecutor's office about the status of the proceedings against Roßbach and was fobbed off for years with flimsy arguments.¹⁶⁸ This reticence can be explained by the purely politically motivated prioritisation adopted by the SED when it joined the proceedings of the ancillary action.

For jurist and committed democrat Fritz Bauer¹⁶⁹ and his comrades-in-arms, the main priority was to elucidate the crimes committed in the 'largest extermination camp of all times' as a comprehensive set of crimes and to punish 'further persons responsible' for the mass murder of the Jews along with the defendants.¹⁷⁰ Kaul, on the other hand, came up with an 'orthodox Marxist interpretation'¹⁷¹ by denouncing in court 'the main responsibility of German monopoly capital, above all of the IG-Farben war criminal group, for the murders in Auschwitz' in order to 'thus expose the forces which today are again at the helm of economic and political power in West Germany'.¹⁷² The evidence presented by GDR economic historian, Jürgen Kuczynski, who was appointed as an expert witness by the ancillary action, turned out to be a disaster as he was not familiar with crucial documents.¹⁷³ The defendants themselves only played a minor role in the battle between the systems played out in court.

Kaul was of the opinion that it corresponded to the 'actual reality in the Federal Republic' where 'the little fish' were punished, while the 'big fish', whose orders they had merely obeyed, got off scot-free and even returned to their old positions and privileges'. It was also true

¹⁶⁷ Leide: NS-Verbrecher, pp. 354 f.

¹⁶⁸ Christian Dirks: 'Die Verbrechen der anderen'. Auschwitz und der Auschwitz-Prozess der DDR. Paderborn et al. 2006, p. 277.

¹⁶⁹ Cf. Fritz Backhaus, Monika Boll, Raphael Gross (eds.): Fritz Bauer. Der Staatsanwalt. NS-Verbrechen vor Gericht. Frankfurt/M. 2014.

¹⁷⁰ Raphael Gross, Werner Renz (eds.): Der Frankfurter Auschwitz-Prozess (1963–1965), vol. 1. Frankfurt/M. et al. 2013, pp. 146 f.

¹⁷¹ Devin O. Pendas: Der 1. Frankfurter Auschwitz-Prozess 1963–1965. Eine historische Einführung. In: Gross; Renz (eds.): Der Frankfurter Auschwitz-Prozess, vol. 1, pp. 17–85, here 74.

¹⁷² Cover letter from Arne Rehahn to Albert Norden dated 14.5.1964 with enclosure: Information über die ersten Ergebnisse des Auftretens der DDR-Vertreter im Frankfurter Auschwitz-Prozess; BArch DY 30/IV A2/2028, no. 10, p. 3.

¹⁷³ Florian Schmaltz: Das historische Gutachten Jürgen Kuczynskis zur Rolle der I.G. Farben und des KZ Monowitz im ersten Frankfurter Auschwitz-Prozess. In: Wojak (ed.): 'Gerichtstag halten über uns selbst ...', pp. 117–136; Roskopf: Friedrich Karl Kaul, p. 250; Pendas: Der Auschwitz-Prozess, pp. 156–164.



Fig. 2: Friedrich Karl Kaul (left) and Jürgen Kuczynski leaving the court building in Frankfurt on 31 March 1964. Kuczynski had testified as an expert witness at the request of the counsel in the ancillary action Kaul. (BArch, photo 183-C0321-0048-001)

that masterminds and backers, promoters and beneficiaries of the most enormous mass murder in the history of mankind, who had come together in a strange community of crime, have so far succeeded in avoiding criminal responsibility in the Federal Republic of Germany and some of them had already returned to key positions in public life.¹⁷⁴ This is analysed in more detail later when evaluating the results of the taking of evidence.

However, he added by way of qualification, this line of argument did not lend itself to 'exonerating the defendants in terms of their culpability to be measured under criminal law'. Kaul used his summing up to make one-sided accusations. For example, he claimed that the inadequate criminal prosecution of 'Nazi acts of violence' in the Federal Republic was responsible for the 'two German states growing apart'. He indirectly linked this with the demand for recognition of the GDR ('coming together under constitutional law').¹⁷⁵

The first Frankfurt Auschwitz Trial ended with the handing down of the verdict on 19 and 20 August 1965. Today, it is regarded as the 'largest, most high impact and most important Nazi trial conducted before a West German court after 1945'.¹⁷⁶ After the impression left by the trial, there was no longer any doubt as to what the 'Final Solution to the Jewish Question' had meant in practice. Former inmate Hans Frankenthal also stated: 'We were really grateful for this trial – finally, after twenty years, Auschwitz was spoken about publicly for the first time.'¹⁷⁷ The SED leadership, too, was satisfied with the result of its campaign and summed this up as follows:

The participation of the GDR in this largest trial of Nazi and war criminals in West Germany since 1945 was a political success. It has helped to step up the campaign against the statute of limitations for Nazi and war crimes and against the redeployment of heavily incriminated Nazi criminals in the top echelons of the Bonn state and its economy, and to expose Bonn's revanchist and war policies.¹⁷⁸

¹⁷⁴ Summing up by Professor Friedrich Karl Kaul, p. 6.

¹⁷⁵ *Ibid.*, p. 7.

¹⁷⁶ *Ibid.*, p. 9.

¹⁷⁷ Hans Frankenthal: *Verweigerter Rückkehr. Erfahrungen nach dem Judenmord*. Frankfurt/M. 1999, p. 123.

¹⁷⁸ Annex no. 6 to minutes no. 73/65 of the meeting of the Secretariat of the Central Committee of the SED dated 30.9.1965; BArch DY 30/56789, pp. 1919–2024, here 2020.

In contrast, the verdicts in the Auschwitz trial were received with ‘indignation’ and criticised as being ‘scandalously low’.¹⁷⁹ Dieter E. Zimmer, a journalist with the Hamburg weekly newspaper ‘Die Zeit’, commented as follows:

As was to be expected, the East German press acted with blanket complacency as if the Auschwitz trial did not concern the GDR in the slightest [...] As if it were not also part of the image of the Federal Republic that the Auschwitz trial could take place here; as if ‘Auschwitz’ were not an all-German legacy, and as if the mentality that made an Auschwitz possible had actually been eradicated in the GDR.¹⁸⁰

In protest and as a demonstration of moral superiority, the play ‘Die Ermittlung’ (The Investigation) by Peter Weiss, who had expressed pro-GDR views, was premiered in the plenary auditorium of the East Berlin Volkskammer.¹⁸¹ The author and his play met with harsh criticism from survivors of the Shoah such as Arno Lustiger and Elie Wiesel.¹⁸² Lustiger believed it constituted a misappropriation of the ‘factory-style murder of Jews’ for ‘diverse purposes’. For, as he complained, the West German capitalists were portrayed in the play, alongside the actual SS murderers, as the main culprits behind Auschwitz. In addition, the author Peter Weiss replaced the word ‘Jew’ with the word ‘persecutee’ throughout the text – for Lustiger ‘an outright falsification of history, since around one million Jews were murdered in Auschwitz because they were Jews!’ Lustiger then saw the performance in the Volkskammer as nothing more than an ‘agitprop show by the regime’, while the play itself had been ‘a resounding, including financial, success, and good show business for the author and publishing house’.¹⁸³

The fact that such accusations had not been picked out of thin air is also confirmed by Christoph Weiss, who addressed this problem in depth in his post-doctoral thesis. In it, he comes to the conclusion that ‘the overall

¹⁷⁹ ADN: Skandalöse Urteile im Auschwitzprozeß. Sturm der Empörung gegen De-facto-Rehabilitierung der SS-Massenmörder durch westdeutsche Justiz. In: ND dated 20.8.1965, p. 1.

¹⁸⁰ Quote from: Christoph Weiß: Auschwitz in der geteilten Welt. Peter Weiss und die ‘Ermittlung’ im Kalten Krieg. St. Ingbert 2000, part 1, p. 319.

¹⁸¹ Zu Weiss cf. Mirjam Wenzel: Gericht und Gedächtnis. Der deutschsprachige Holocaust-Diskurs der sechziger Jahre. Göttingen 2009, p. 323; Wojak (ed.): Auschwitz-Prozeß 4Ks 2/63, pp. 782–807.

¹⁸² Gerlof: Tonspuren, p. 209.

¹⁸³ Speech by Arno Lustiger on ‘Auschwitz: Die Morde, die Instrumentalisierung und die Retter’ at the Hessian State Parliament’s commemorative ceremony for the victims of National Socialism in Kassel on 26.1.2007; <http://webcom.lwv-hessen.de/files/516/NSOpferGedenken-Lustiger.pdf> (last accessed: 6.4.2022).

conception of the investigation, initially designed for universalisation', was characterised by the concealment of the main Jewish victim group. It was then changed through 'concretisation in connection with the industry-driven and, above all, the partial lifting of the anonymity of the victims [Soviet prisoners of war, author's note]. Weiss had therefore been prepared to "accept substantial conceptual losses" in order to make his play more politically topical on a point that seemed important to him.'¹⁸⁴

In East Berlin, this was noted with approval, especially since the West German writer reproduced in his play 'entire passages of the GDR counsels' statements before the Frankfurt Jury Court as the public prosecutor's pleadings [...], in particular the statement about the culpability of IG Farben.¹⁸⁵

However, this procedure was also questionable for the following reason. Since its foundation, the GDR Volkskammer had regularly had deputies who had been members of the NSDAP during the Nazi era, and in some cases even of the SA and SS. At the time of the play's staging, this was true of 55 out of 500 deputies, which corresponded to a share of 11 percent.¹⁸⁶ Given the GDR's anti-fascist claim, this is not relativised by the fact that representatives of the people with a relevant past were also to be found amongst its citizens or in federal state parliaments of the Federal Republic¹⁸⁷ as well as in the Bundestag itself. For example, out of the 519 members of the Bundestag elected in September 1957, according to a partisan GDR publication, about 25 percent (i.e. about 130 people) were said to have belonged to 'the NSDAP or one of its divisions'.¹⁸⁸ However, there is a lack of corresponding source information as well as concrete data on the numerical ratio of NSDAP memberships and affiliation in its divisions, which included the National Socialist Motor

¹⁸⁴ Weiß: *Auschwitz in der geteilten Welt*, pp. 147 f.

¹⁸⁵ Annex no. 6 to Minutes no. 73/65 of the meeting of the Secretariat of the Central Committee of the SED dated 30.9.1965; BArch DY 30/56789, pp. 1919–2024, here 2020.

¹⁸⁶ Peter Joachim Lapp: *Die Volkskammer der DDR*. Opladen 1975, p. 89.

¹⁸⁷ By way of example, attention is drawn to the parliament of the Free Hanseatic City of Bremen or the Hessian parliament. Cf. Konrad Elmhäuser: *Das Forschungsprojekt 'NS-Vergangenheit früher Mitglieder der Bremischen Bürgerschaft' – Ein Zwischenbericht*; Albrecht Kirschner: *Dabei gewesen? Results of the preliminary study 'NS-Vergangenheit ehemaliger hessischer Landtagsabgeordneter'*. In: Norbert Kartmann (ed.): *NS-Vergangenheit ehemaliger hessischer Landtagsabgeordneter. Documentation on the symposium on 14 and 15 March 2013 in the Hessian Parliament*. Wiesbaden, Marburg 2014, pp. 27–35 and 49–63.

¹⁸⁸ Seydewitz: *Deutschland*, p. 137.

Corps, the National Socialist Women's Union, the German Labour Front, the National Socialist People's Welfare Organisation and others.

Even in Austria, where the number of party comrades was significantly lower than in the 'old empire', 12.8 percent of all parliamentarians in the Austrian People's Party (Österreichische Volkspartei – ÖVP) and 10.7 percent of the Social Democratic Party of Austria (Sozialdemokratische Partei Österreichs – SPÖ) who had been delegated to the Federal and National Councils between 1945 and 1990 had a Nazi past.¹⁸⁹

Basically, however, these figures only prove that all three post-war societies had faced the same task, namely that of reintegrating the majority of former passive followers and party supporters of National Socialism into society after their punishment and the subsequent process of reducing sentences (amnesty) in the course of denazification.

And there was another commonality. In the GDR, in Austria and in the Federal Republic, 'the most diverse defensive strategies' were used with regard to the exculpation of guilt or the externalisation of responsibility for National Socialist crimes. But, as Götz Aly states, 'this always had the same effect: they ensured that the respective majority population could live their lives undisturbed and have a clear conscience.'¹⁹⁰

¹⁸⁹ Doris Sottopietra, Maria Wirth: Ehemalige NationalsozialistenInnen in der SPÖ: eine quantitative und qualitative Untersuchung. In: Maria Mesner (ed.): Entnazifizierung zwischen politischem Anspruch, Parteienkonkurrenz und Kaltem Krieg. Das Beispiel SPÖ. Vienna, Munich 2005, pp. 265–334, here 270 and 276.

¹⁹⁰ Götz Aly: Hitlers Volksstaat. Raub, Rassenkrieg und nationaler Sozialismus. Frankfurt/M. 2005, p. 39.

1. Criminal prosecution of Auschwitz perpetrators

1.1 Criminal prosecution by non-German courts

The crimes committed in the name of National Socialist Germany were 'without precedent in terms of magnitude and planning'.¹ Auschwitz is a synonym for this today. The post-war plans of the Allies to punish the totality of all Nazi acts of violence were then put into practice with the establishment of the United Nations War Crimes Commission (UNWCC) to identify alleged perpetrators and the setting up of the International Military Tribunal (IMT) to try them.² Of course, the Allies did not succeed in arresting all suspects after the Germans surrendered. But they did, according to Klaus-Dietmar Henke, 'between 1945 and 1948, when the will to punish was at its strongest, [...] strike an unheard-of massive blow against National Socialist acts of violence, specifically against the murderers in the lower and upper echelons'.³

In the main Nuremberg trial of war criminals before the International Military Tribunal and the twelve subsequent trials before American military tribunals in the period from 1945 to 1949, 'the circumstances of the Auschwitz camp were dealt with in greater detail' in connection with the clarification of the defendants' responsibilities.⁴ In general, it became clear from the documents and testimonies 'that the National Socialist mass murder of the European Jews had been a crime against humanity of unparalleled quality and magnitude'.⁵ Nevertheless, the murder of the Jews was not included as a separate charge, partly out of political considerations and was not the focus of attention.⁶ The sobering fact also remains that 'in general,

¹ Brochhagen: Nach Nürnberg, p. 21.

² Norbert Frei: Nach der Tat. Die Ahndung deutscher NS-Verbrechen in Europa – eine Bilanz. In: Norbert Frei. (ed.): Transnationale Vergangenheitspolitik. Der Umgang mit deutschen Kriegsverbrechern in Europa nach dem Zweiten Weltkrieg. Göttingen 2006, pp. 7–36.

³ Klaus-Dietmar Henke: Die Trennung vom Nationalsozialismus. Selbstzerstörung, politische Säuberung, 'Entnazifizierung', Strafverfolgung. In: Hans Woller et al. (eds.): Politische Säuberung in Europa. Die Abrechnung mit Faschismus und Kollaboration nach dem Zweiten Weltkrieg. Munich 1991, pp. 21–83, here 75.

⁴ Andrzej Pankowicz: Das KL Auschwitz in den Nürnberger Prozessen (1945–1949). In: HvA 18(1990), pp. 247–367.

⁵ Annette Weinke: Die Nürnberger Prozesse. Munich 2006, p. 51.

⁶ Ulrich Herbert: Holocaust-Forschung in Deutschland: Geschichte und Perspektiven einer schwierigen Disziplin. In: Frank Bajohr, Andrea Löw (eds.):

the vast majority of concentration camp perpetrators went unpunished'.⁷ Against this backdrop, Polish historian Aleksander Lasik concludes: 'One thing seems [...] certain: only a small percentage of those suspected of crimes against humanity stood trial, an even smaller percentage of them were found guilty and sentenced, and only the smallest percentage served the sentences imposed in full.'⁸ Auschwitz can also be considered as a synonym for this. The mass crimes committed in the camp complex were not even adequately punished. After all, only about 800 members of the SS personnel of the camp complex, i.e. only about 10 percent of the total group, were held accountable after the end of the war, the majority of them in Poland.⁹

American,¹⁰ British,¹¹ French¹² and national courts of some of the countries formerly occupied by the Germans (Czechoslovakia, Hungary, Holland, Belgium) 'sporadically' sentenced¹³ both men and women of the SS crews as well as former kapos from Auschwitz concentration camps I to III as well as those responsible for the deaths of more than 25,000 inmates who were employed as forced labourers on the site of the IG Farben plant in Buna.¹⁴

Der Holocaust. Ergebnisse und neue Fragen der Forschung. Frankfurt/M. 2015, pp. 31–79, here 36 f.

⁷ Wachsmann: KL, p. 705.

⁸ Lasik: Die Verfolgung, Verurteilung und Bestrafung der Mitglieder der SS-Truppe. In: HvA 21 (2000), p. 222.

⁹ Aleksander Lasik: Nachkriegsprozesse gegen die SS-Besatzung des KL Auschwitz. In: Franciszek Piper, Teresa Świebocka (eds.): Auschwitz. Nationalsozialistisches Vernichtungslager, Państwowe Muzeum. Auschwitz-Birkenau 2005, pp. 448–463.

¹⁰ Wolfgang Benz: Die Verbrechen von Auschwitz vor Gericht. In: Wolfgang Benz, Barbara Distel (eds.): Der Ort des Terrors. Geschichte der nationalsozialistischen Konzentrationslager, vol. 5. Munich 2007, pp. 160–163.

¹¹ Raim: Justiz zwischen Diktatur und Demokratie, p. 503; John Cramer: Belsen Trial 1945. Der Lüneburger Prozess gegen Wachpersonal der Konzentrationslager Auschwitz und Bergen-Belsen. Göttingen 2011; Ludwig Eiber, Robert Sigel (eds.): Dachauer Prozesse. NS-Verbrechen vor amerikanischen Militärgerichten in Dachau 1945–1948. Göttingen 2007.

¹² Benz: Die Verbrechen von Auschwitz vor Gericht, pp. 160–162; Ute Stiepani: Die Dachauer Prozesse und ihre Bedeutung im Rahmen der alliierten Strafverfolgung von NS-Verbrechen. In: Gerd R. Ueberschär (ed.): Der Nationalsozialismus vor Gericht. Die alliierten Prozesse gegen Kriegsverbrecher und Soldaten 1943–1952. Frankfurt/M. 1999, pp. 227–239.

¹³ Lasik: Die Verfolgung, Verurteilung und Bestrafung der Mitglieder der SS-Truppe. In: HvA 21 (2000), p. 245.

¹⁴ Ibid.; Sybille Steinbacher: Auschwitz. Geschichte und Nachgeschichte. 2nd revised edition, 2007, pp. 110–119.

In Austria, between 1945 and 1955, a total of 37 People's Court proceedings were conducted in connection with Auschwitz involving former members of the SS crews and kapos. However, during this period there were only two convictions of members of the SS crew and one inmate who had been deployed by the SS as a kapo.¹⁵ From the beginning of the 1960s onwards, further investigations, for which the Austrian jury jurisdiction was responsible from 1955 onwards, were undertaken concerning more than 60 persons, including members of the guard crew, technocrats of the construction administration, SS doctors and adjutants of the camp commandant. The Austrian judiciary then initiated proceedings involving a total of 39 persons. However, only four cases went to trial. In the first Auschwitz trial (October 1971 to March 1972), former SS-Obersturmführer Walter Dejaco and his subordinate, SS-Untersturmführer Fritz Ertl, were charged with having participated in the planning, construction and ongoing maintenance of the gas chambers and crematoria as members of the central construction office (ZBL) of the Waffen-SS and the police in Auschwitz concentration camp. In a second trial (May/June 1971), Otto Graf and Franz Wunsch, two members of the SS guard and administrative staff, were convicted of complicity in the mass exterminations. Both Auschwitz trials before the Vienna Regional Court ended in acquittals for the defendants.¹⁶

In conjunction with Auschwitz, Soviet military tribunals imposed both death sentences and long-term custodial sentences, for instance in the case of gynaecologist Carl Clauberg (1898–1957)¹⁷, often in defiance of the principles of the rule of law (see the case of Ernst Thiele below).

¹⁵ For the etymology of the term, see the keyword 'kapo'. In: Eberhard Jäckel, Peter Longerich, Julius H. Schoeps et al. (eds.): *Enzyklopädie des Holocaust*, vol. II. Tel Aviv, Berlin 1993, pp. 737 f.; Danuta Wesołowska: *Wörter aus der Hölle. Die 'lagersprache' der Häftlinge von Auschwitz*. Kraków 1998, pp. 100–115.

¹⁶ Claudia Kuretsidis-Haider, Johannes Laimighofer, Siegfried Sanwald: *Auschwitz-Täter und die österreichische Nachkriegsjustiz*. In: *Täter. Österreichische Akteure im Nationalsozialismus*. Documentation Centre of Austrian Resistance – DÖW (ed.). Vienna 2014, pp. 13–39.

¹⁷ Two of the three death sentences, the ones passed on Walter Trevisany (1920–1945) and Bernhard Hentschel (1893–1946), were carried out. See also Andreas Weigelt et al. (eds.): *Todesurteile sowjetischer Militärtribunale gegen Deutsche (1944–1947). Eine historisch-biographische Studie*. Göttingen 2015, pp. 200–202; Andreas Hilger, Ute Schmidt, Günther Wagenlehner (eds.): *Sowjetische Militärtribunale*, vol. 1: *Die Verurteilung deutscher Kriegsgefangener 1941–1943*. Cologne et al. 2001, pp. 273–350; Andreas Hilger, Mike Schmeitzner, Ute Schmidt (eds.): *Sowjetische Militärtribunale*, vol. 2: *Die Verurteilung deutscher Zivilisten*. Cologne et al. 2003, pp. 172 f.

Although Carl Clauberg was not a member of the regular SS personnel in Auschwitz, he had conducted mass sterilisation experiments in Block¹⁸ 10 of the main camp on behalf of Heinrich Himmler resulting in the death of many female prisoners.¹⁹ In 1948, he was sentenced to 25 years in prison in Moscow and released in the Federal Republic in October 1955. Just one month later he was arrested again. However, the case did not go to trial because Clauberg died during the preliminary investigation.²⁰

In 1947, the former SS-Oberscharführer and Arbeitsdienstführer²¹ in the gypsy camp, Willi Rudolf Sawatzki, (1919–1998) was sentenced to death by a Soviet military tribunal, inter alia, for participating in the gassing of 80,000 Jews.²² The sentence was then commuted and Sawatzki was handed over to the GDR to serve his sentence. He was ‘pardoned’ there in April 1956²³ and subsequently moved to the Federal Republic. Because the courts there did not usually recognise sentences passed by Soviet military tribunals, Sawatzki was retried in 1965 and 1970, inter alia, for his participation in ramp selections and the liquidation of the gypsy camp.²⁴ However, both trials ended in an acquittal.²⁵

In 1947 one of the ‘most barbaric, most brutal and most vulgar SS men in Auschwitz concentration camp’, SS-Oberscharführer Oswald Kaduk (1906–1997), was sentenced in 1947 by a Soviet Military Tribunal to 25 years

¹⁸ Name given to inmate housing in the concentration camp.

¹⁹ Hans-Joachim Lang: *Die Frauen von Block 10. Medizinische Versuche in Auschwitz*. Hamburg 2011, pp. 115–131.

²⁰ Eichmüller: *Keine Generalamnestie*, pp. 135–142; Gerhard Baader: *Auf dem Weg zum Menschenversuch im Nationalsozialismus. Historische Vorbedingungen und der Beitrag der Kaiser-Wilhelm-Institute*. In: Carola Sachse (ed.): *Die Verbindung nach Auschwitz. Biowissenschaften und Menschenversuche an Kaiser-Wilhelm-Instituten*. Göttingen, 2003, pp. 105–157.

²¹ In the ‘work assignment’ section of Division III a (work assignment administration) of the commandant’s office in Auschwitz concentration camp, the Arbeitsdienstführer was responsible for the planning and composition of the inmate details.

²² Ernst Klee: *Auschwitz. Täter, Gehilfen, Opfer und was aus ihnen wurde. Ein Personenlexikon*. Frankfurt/M. 2013, p. 337.

²³ In the linguistic jargon of the judiciary and the MfS, the word ‘pardon’ was used as a collective term for sentence reduction, pardon or conditional suspension. Cf. comment, n.d., n.p.; BArch, MfS, HA IX/11 ZJ 190, record 378, p. 26.

²⁴ Werner Renz: *Auschwitz vor Gericht. Zum 40. Jahrestag des Ersten Frankfurter Auschwitz-Prozesses*. In: *HvA* 24 (2009), pp. 191–299, here 278 and 292; Klee: *Auschwitz*, p. 347.

²⁵ Weigelt et al. (eds.): *Todesurteile sowjetischer Militärtribunale*, p. 201.

Name: <i>Kaduk</i>		Ort der Festnahme: <i>Löbau</i>		Aktenzeichen: <i>74</i> <i>5470</i>	
Vorname: <i>Oswald</i>		Letzte Wohnung: <i>Löbau</i>		Tag der Festnahme: <i>29.4.47</i>	
Geburtsdatum und -ort: <i>26.8.06</i> <i>Smigshütte/0/s</i>		Jetzige Anschrift der Familienangehörigen: <i>Neusalgauer-Str. 7</i> <i>13765</i>		wo: <i>Bautzen</i> Kartenskarte ausgestellt am: <i>25.4.50</i>	
Beruf früher: <i>Elektro-Monteur</i> jetzt: <i>Verpackungsmeister</i>		Größe: <i>1,80</i>		am: <i>8.6.50</i>	
Zuletzt beschäftigt bei: <i>Zuckerfabrik Löbau</i> beschäftigt als: <i>Elektro-Monteur</i>		Gestalt: <i>Schlank</i>		wo: <i>Bautzen</i> Fingerabdruck genommen am: <i>8.6.50</i>	
Familienstand: <i>verh.</i>		Gesicht: <i>oval</i>		wo: <i>Bautzen</i> Übernahme durch d. Dtsch. V.-Pol am: <i>16.2.50</i>	
Kinder: <i>7</i>		Bart: <i>-</i>		vom: <i>-</i> Parteizugehörigkeit nach d.S. 5.45 bis: <i>Keine</i>	
Staatsangehörigkeit: <i>dtisch.</i>		Augenfarbe: <i>blau grau</i>			
Deck-Name: Adresse:		Haarfarbe: <i>schl. blond</i>			
		Besondere Kennzeichen:			
					
Partei:		NSDAP		SS	
Ausritt:		-		-	
Sonstige Organisationen u. Verbände:		Vorstrafen: <i>Keine</i>		Öffentliche Ämter: <i>Keine</i>	
<i>Keine</i>				Milit. Verbände und Ausbildung: <i>5 Pz.-194</i> <i>Obfw.</i>	
Innengehaltene Funktionen (z. B. Kreisleiter, SA-Sturmführer usw.): <i>Keine</i>					
HS 1 VF 00 10.50 Wenden					

Fig. 3: Oswald Kaduk, persons index card of the People's Police, photo around 1950

in a labour camp for crimes against humanity.²⁶ Kaduk, too, was handed over to the GDR to serve his sentence. In Bautzen prison, Kaduk was the 'personification of an SS bandit'. He was deemed to be the 'worst agitator' against the GDR and a 'completely corrupt, criminal element' who did not deny his crimes but, on the contrary, glorified them.²⁷ He boasted to his fellow inmates about the sadistic atrocities he had committed in Auschwitz. Among other things, he had forced a Polish prisoner to drink corpse water and had thrown a live infant into an oven.²⁸ Nevertheless, Kaduk was also pardoned in 1956 and released early from Bautzen prison. He then headed for West Berlin. However, the Frankfurt am Main Regional Court did not see any obstacle (for instance the prohibition of double jeopardy) to new criminal

²⁶ Ebbo Demant (ed.): Auschwitz – 'Direkt von der Rampe weg ...'. Kaduk, Erber, Klehr: Drei Täter geben zu Protokoll. Hamburg 1979, p. 57.

²⁷ Conduct report for Oswald Kaduk compiled by the warden of Bautzen prison, dated 5.1.1955; BArch, MfS, HA IX RF/196, p. 7.

²⁸ Information from the MfS Bautzen office concerning Oswald Kaduk dated 6.1.1955; BArch, MfS, AS 138/65, p. 59.

proceedings in his case either. It sentenced Kaduk to life imprisonment for murder in the first Auschwitz trial.²⁹

The largest number of trials of members of SS personnel in Auschwitz were conducted by Polish national courts.³⁰ Between 1946 and 1950, a total of 1,817 persons suspected of committing National Socialist crimes, 1,315 in the American occupation zone alone, were tracked down and, in accordance with the Moscow Declaration of 30 October 1943³¹, extradited to Poland.³² Among them were around 1,000 former members of SS personnel from Auschwitz concentration camp.³³ At least 673 persons – including 21 women – were convicted in Poland. The Polish courts passed 32 death sentences on defendants who included former Auschwitz commandants Rudolf Höß (1900–1947) and Arthur Liebehenschel (1901–1948).³⁴ Nine SS men were sentenced to life imprisonment. The majority of the defendants were also given custodial sentences of three (204), four (111), five (60) or six years (58), for general offences such as membership of the SS.³⁵ There were no further criminal proceedings as the American and British authorities, against the backdrop of the East-West conflict, adopted first a more restrictive extradition

²⁹ Verdict of Frankfurt/M. Regional Court in the criminal proceedings against Mulka and others dated 19./20.8.1965. In: Gross; Renz (eds.): *Der Frankfurter Auschwitz-Prozess*, vol. 2, pp. 1201 f.; Peter Jochen Winters: *Den Mörder ins Auge gesehen. Berichte eines jungen Journalisten vom Frankfurter Auschwitz-Prozess 1963–1965*. Berlin 2015, pp. 84 f.; Klee: *Auschwitz*, p. 203; Danuta Czech: *Kalendarium der Ereignisse im Konzentrationslager Auschwitz-Birkenau 1939–1945*. Hamburg 1989, p. 1008.

³⁰ Włodzimierz Borodziej: 'Hitleristische Verbrechen'. Die Ahndung deutscher Kriegs- und Besatzungsverbrechen in Polen. In: Norbert Frei (ed.): *Transnationale Vergangenheitspolitik. Der Umgang mit deutschen Kriegsverbrechern in Europa nach dem Zweiten Weltkrieg*. Göttingen 2006, pp. 399–437; Jan-Hinnerk Antons: *Die Auslieferung von NS-Kriegsverbrechern und Kollaborateuren an Polen und die Sowjetunion*. In: Enrico Heitzer et al. (eds.): *Im Schatten von Nürnberg. Transnationale Ahndung von NS-Verbrechen*. Berlin 2019, pp. 243–254.

³¹ Reprinted in: Eberhard Heidemann, Käthe Wohlgemuth (eds.): *Zur Deutschlandpolitik der Anti-Hitler-Koalition (1943–1949), Dokumentation*. Berlin 1968, pp. 39–41.

³² Bogdan Musiał: *NS-Kriegsverbrecher vor polnischen Gerichten*. In: *VfZ* 47 (1999) 1, pp. 25–56.

³³ Lasik: *Nachkriegsprozesse*, pp. 449–463, here 450.

³⁴ *Ibid.*, p. 452.

³⁵ Lasik: *Die Verfolgung, Verurteilung und Bestrafung der Mitglieder der SS-Truppe*. In: *HvA* 21 (2000), pp. 240 f.

policy and later halted extraditions to Poland altogether.³⁶ Only 69 suspects were transferred to Poland from the Soviet Occupation Zone, also because its extradition criteria were generally very strict.³⁷

After their return to one of the two German constituent states, some of the former SS men convicted in Poland went on trial again for crimes committed in Auschwitz that had not yet been punished. This group included former head of the Auschwitz garrison administration, SS-Sturmbannführer Wilhelm Burger (1904–1979). He had served a five-year prison sentence in Poland and was given a renewed custodial sentence of eight years in the second Auschwitz trial (1965–1966) before Frankfurt/M. Regional Court.³⁸ Former Blockführer³⁹ in Lagischa sub-camp, SS-Sturmmann Josef Schmidt, had also been sentenced to seven years' imprisonment by Wadowice District Court in 1947.⁴⁰ Together with his former superior, camp director and SS-Unterscharführer Horst Czerwinski, he was tried again in 1977 in the sixth Frankfurt Auschwitz trial (see Chapter 5.5) and given an eight year young offender's prison sentence for murder in 1981. However, since the time he had served in a Polish prison was taken into account, he was able to leave the courtroom a free man.

In the GDR, Karl Rossow (1907–1975) went on trial again. Rossow had been a member of the 4th and 6th guard companies of the SS-Totenkopf-sturmbann in Auschwitz-Birkenau with the rank of SS-Rottenführer from September 1941. In January 1945 he was taken prisoner by the Americans near Linz/Austria and was initially interned in the Titlingen, Moosburg and Dachau camps.⁴¹ At the end of February 1947, Rossow was handed over to Poland.⁴² There, in April 1949, Kraków County Court sentenced him to four

³⁶ Musial: NS-Kriegsverbrecher, pp. 31–35.

³⁷ Ibid., p. 35.

³⁸ Lasik: Die Verfolgung, Verurteilung und Bestrafung der Mitglieder der SS-Truppe. In: HvA 21 (2000), p. 242; Renz: Auschwitz vor Gericht. In: HvA 24 (2009), pp. 191–299, here 276–283. Cf. Jasch; Wolf: Der Holocaust vor deutschen Gerichten, p. 153.

³⁹ Members of the SS who reported to Division III (administration of the preventive detention camp) of the SS commandant's office and held the lowest ranks in the SS hierarchy in the concentration camps. They oversaw one or more inmate housing blocks and were responsible for checking order and cleanliness and for disciplining of the inmates.

⁴⁰ Andrea Rudorff: Lagischa. In: Der Ort des Terrors, vol. 5, pp. 267–270.

⁴¹ Interrogation record of the Presidium of the People's Police Berlin, Dept. K, Unit C 10 dated 2.7.1951; BArch, MfS, ASt. 35 Js 545/51, GA vol. 1, pp. 45–52.

⁴² Communication from the Prisoner-of-War Information Bureau, Office of the Provost Marshal, Hq EUCOM, US Army to Rossow's wife 10.12.1947; *ibid.*, p. 167.



Fig. 4: Karl Rossow, prison photo 1951

years in prison, after offsetting the time spent in pre-trial detention, on the grounds of his membership of the SS and his activities in Auschwitz.⁴³

After serving his sentence, Rossow was handed over to the GDR authorities 'for incorporation' in April 1951.⁴⁴ On the basis of a complaint and at the instigation of the Investigation Department of the Association of Persecutees of the Nazi Regime (VVN), which was informed about such discharges and also about his new place of residence, Rossow was arrested in East Berlin at the beginning of July 1951.⁴⁵ On 28 May 1952, Berlin Regional Court, acting on the basis of Allied Control Council Directive no. 38, sentenced him again to a five-year prison term, confiscation of his assets, and further measures of atonement (inter alia loss of legal entitlement to a pension or allowance payable from public funds).⁴⁶ The court used both witness testimonies and statements by the Rossow couple as judicial evidence as well as savings books found during the search of their house. The court considered it proven that Rossow had 'exploited his power as an SS member under National Socialist tyranny to commit crimes' by appropriating valuables belonging to inmates.⁴⁷

His wife, Gertruda Rossow (1908–1960), had visited her husband in Auschwitz in September 1943.⁴⁸ Because of the bombing raids on Berlin, she remained there with their small child and lived until January 1945 in Babice, a former village not far from the main camp and the site of a sub-camp ('Wirtschaftshof').⁴⁹ At the trial, she was first heard as a witness and

⁴³ Sentence of Kraków County Court dated 15.4.1948 (ref. VII K 930/47); BArch, ASt. Ludwigsburg (BAL), B 162/5132, pp. 4980–4985.

⁴⁴ Attestation from the Fürstenwalde/Spree quarantine camp dated 23.4.1951; BArch, MfS, ASt. 35 Js 545/51, GA vol. 1, p. 65; letter from the General Secretariat of the Association of Persecutees of the Nazi Regime (VVN) to the senior public prosecutor (Oberstaatsanwalt – the highest public prosecutor of a court) of Greater Berlin dated 10.3.1952; *ibid.*, pp. 99 f.

⁴⁵ Record of admission by the Presidium of the People's Police Berlin, Dept. K, Unit C 10 dated 2.7.1951; *ibid.*, pp. 45–52.

⁴⁶ Sentence of the Fourth Grand Criminal Division of Berlin Regional Court dated 28.5.1952; *ibid.*, pp. 134–142.

⁴⁷ *Ibid.*, p. 140.

⁴⁸ Frei: Standort- und Kommandanturbefehle, p. 340.

⁴⁹ Interrogation record of Rossow, Gertruda by the Presidium of the People's Police,

BStU
000368

Wer kennt diesen Mann?

Zeugen aus den Konzentrationslagern werden gesucht



Rossow, Karl

Karl Rossow, geb. 12. 1. 1907 in Berlin, gehörte zur SS-Bewachung, war von 1941 bis 1945 im KZ Auschwitz-Birkenau und steht in dringendem Verdacht, sich als Angehöriger des Vergasungskommandos Verbrechen gegen die Menschlichkeit zuschulden haben kommen lassen.

(ABC-R s. Bild)

VVN-ERMITTLUNGSDIENST · BERLIN W 8, CHARLOTTEENSTRASSE 46
NUMMER 8 AUGUST 1951 TELEFON: 42 54 71

Fig. 5: Search for witnesses to testify against Karl Rossow in the wanted journal of the VVN investigation service 1951



Fig. 6: Gertruda Rossow, prison photo 1951

then provisionally arrested in the courtroom as a co-defendant. However, the proceedings against her were already discontinued in July 1952 on the grounds of lack of sufficient reasons (section 170 of the Code of Criminal Procedure). She had indeed been granted the usufruct of the jewellery, children's clothes and food brought home from Auschwitz by her husband. However, no criminal acts as defined in Allied Control Council Law no. 10 could be proven.⁵⁰ Like so many other SS wives, she, too, 'through her loyalty, her bystanding, her knowledge and her approval of the cruelties, robbery and murder, and her participation in the exercise of power' of her husband, became a 'perpetrator' at least on a moral level.⁵¹ Karl Rossow himself was pardoned and released from Luckau prison on 20 January 1956.⁵² Two years later, the

family resettled in West Berlin.

In contrast, other convicted individuals who returned to the GDR from Poland were not prosecuted again. Among them was SS-Sturmmann Paul Herklotz (1903–1971), who had been a member of the SS personnel in Auschwitz from July 1942 to January 1945. At first he worked there as a guard, then from April 1943 he was assigned to Department V (garrison doctor Auschwitz concentration camp) to monitor the drinking water and combat malaria. Later, he was in charge of a corresponding inmate detail and also worked as an SS medical orderly (medical orderly service grade) and as a member of the disinfection team in Budy sub-camp.⁵³ In the spring of 1945, Herklotz was deployed to Flossenbürg concentration camp, where he was later taken prisoner by the Americans. After periods in various prisoner-of-war camps, Herklotz was extradited to Poland at the end of February 1947.⁵⁴

VP Inspectorate Prenzlauer Berg, Dept. K, Commissariat C dated 28.6.1952, BArch, MfS, ASt. I b no. 305/52, GA, vol. 1, pp. 11–16.

⁵⁰ Handwritten order of Berlin Regional Court dated 13.8.1952; *ibid.*, p. 155.

⁵¹ Gudrun Schwarz: *Eine Frau an seiner Seite. Ehefrauen in der 'SS-Sippengemeinschaft'*. Hamburg 1997, p. 103.

⁵² Strafnachricht Karl Rossow; BArch, MfS, Justizaktenkartei.

⁵³ Aleksander Lasik: *Die Personalbesetzung des Gesundheitsdienstes der SS im Konzentrationslager Auschwitz-Birkenau in den Jahren 1940–1945*. In: *HvA* 20(1997), pp. 290–368, here 325.

⁵⁴ Curriculum vitae, 23.1.1951; BArch, MfS, HA IX/11 ZM no. 859, record 8, p. 2.

At the beginning of April 1948, Kraków county court also sentenced him to three years' imprisonment⁵⁵ 'for belonging to the SS'.⁵⁶ At that time, the court was apparently not yet aware of the fact that Herklotz had been accused by inmates of participating directly in exterminations, the murder of victims by injection or operating the gas chambers.⁵⁷ After serving his sentence, Herklotz was first transferred to Bavaria in January 1951, from where he was released to join his family living in Saxony.⁵⁸ In the summer of 1954, he was registered by the Card Index and Archive Department (Dept. XII) of the Karl-Marx-Stadt district office.⁵⁹ No trace could be found of any further steps taken against Herklotz who had found work as a baker.

Former SS-Unterscharführer Karl Zerlik (1911–1994) was likewise sentenced to four years in prison in Poland. He only came back into the sights of the GDR judicial authorities and the State Security when the Frankfurt public prosecutor's office sought to question him as part of its investigations in conjunction with the second Auschwitz trial (1965–1966). However, he was refused permission to leave the country or to testify by the GDR authorities. There were no further investigations. Thus, it remains unclear whether the conviction in Poland had covered all criminally relevant acts, i.e. whether the prohibition of double jeopardy had indeed been brought to bear at all.⁶⁰

The case of SS-Oberscharführer Hubert Zafke (1920), who had also worked as a so-called SS medical orderly in Auschwitz I main camp and Neustadt sub-camp, is similar.⁶¹ In 1948, Zafke was sentenced to four years in prison by Kraków county court on account of his SS membership. After serving his sentence, he returned to his native Mecklenburg. Within the framework of the evaluation of records made available by the USSR (see below), he was registered in September 1964 in the MfS central index (F 16) with his name, date of birth, and a reference to his membership in the SS personnel in Auschwitz.⁶² No further searches were carried out. This did not change

⁵⁵ Lasik: Die Personalbesetzung des Gesundheitsdienstes. In: HvA 20(1997), p. 325.

⁵⁶ Curriculum vitae dated 23.1.1951; BArch, MfS, HA IX/11 ZM no. 859, record 8, p. 2.

⁵⁷ Aleksander Lasik: Die Organisationsstruktur des KL Auschwitz. In: Studien zur Geschichte des Konzentrations- und Vernichtungslagers Auschwitz, vol. I, pp. 165–320, here 295.

⁵⁸ Information from the MfS Dresden office to the Annaberg office dated 31.1.1951; BArch, MfS, HA IX/11 ZM no. 859, record 8, p. 1.

⁵⁹ Index card in the legal name index (F 16 a), Herklotz, Paul; BArch, ZA.

⁶⁰ Weinke: Die Verfolgung von NS-Tätern im geteilten Deutschland, pp. 256 f.

⁶¹ Irena Strzelecka: Das Nebenlager Neustadt. In: HvA 13(1971), pp. 159–170; Lasik: Die Personalbesetzung des Gesundheitsdienstes. In: HvA 20(1997), p. 343.

⁶² Index card in the legal name index (F 16 a) Zafke, Hubert; BArch, ZA.



Fig. 7: H. E. Zafke in Polish captivity, around 1948

when, ten years later, the responsible county office sent a routine inquiry about Zafke to MfS headquarters (Department XII or Central Department IX/11).⁶³ Zafke worked, without ever being taken to task, until his retirement as a farmer. As recently as February 2015, Zafke was charged by the Schwerin public prosecutor's office, as a consequence of the sentence passed on John Demjanjuk, for accessory to murder in at least 3,681 cases.⁶⁴

The situation was basically the same in the case of Johannes Adam (1923), who served as an SS-Rottenführer in the guard company of Auschwitz-Monowitz from 1942. After the war he went completely unpunished. He was able to work as a SED functionary and make a career as a scientist at Martin Luther University in Halle/Saale.⁶⁵ The MfS had also been aware of his work in Auschwitz since 1964.⁶⁶

However, this did not lead to any extensive and appropriate investigations nor was Adam's academic career affected by it.⁶⁷ It was not until 2013, again as a result of the Demjanjuk verdict, that the State Security Service Halle/S. also investigated Johannes Adam on the grounds of his 'being an accessory to murder'. In the spring of 2014, the proceedings were discontinued again due to Adam's unfitness to stand trial.⁶⁸ In this case, as in the other cases described here, the former SS men had returned to their original place of residence or to their families living in the GDR.

⁶³ Index card (F 563) in the case index of HA IX/11 Zafke, Hubert; BArch, ZA.

⁶⁴ Stefan Laurin: Prozesse gehen weiter. Gegen das Lüneburger Auschwitz-Urteil ist Revision angekündigt. Auch andere Verfahren sind in diesem Zusammenhang noch zu erwarten; <http://www.juedische-allgemeine.de/article/view/id/22880> (last accessed: 6.4.2022).

⁶⁵ Felix Bohr: Staatsanwaltschaft erklärt Johannes A. für verhandlungsunfähig; <http://www.spiegel.de/panorama/justiz/ehemaliger-kz-wachmann-ermittlungen-gegen-johannes-a-eingestellt-a-971056.html> (last accessed: 6.4.2022).

⁶⁶ Communication from HA IX to the head of HA IX dated 30.12.1964; BArch, MfS, HA IX/11 AS 20/67, pp. 4 ff.

⁶⁷ Cf. final report of Dept. XX/1 of Halle/S. district office dated 13.3.1974 on the operational personal control (OPK) of Professor Dr Adam, Johannes on suspicion of misrepresentation of his military career in World War II, BArch, MfS, BV Halle, AOPK 513/75, vol. 1, pp. 20–23.

⁶⁸ Bohr: Staatsanwaltschaft erklärt Johannes A. für verhandlungsunfähig.

In the case of former SS-Unterscharführer Oskar Siebeneicher (1906–1981), however, the situation was handled very differently. The NSDAP member had initially belonged to the 4th guard company of the SS-Totenkopfsturmbann as a guard from February 1941. In July of that same year he was transferred to the commandant's office in Auschwitz concentration camp as a clerk in the personnel department.⁶⁹ During a brief detachment to the 5th company, Siebeneicher was presumably again assigned as a guard to Sosnowitz sub-camp.⁷⁰ In August 1943, he was then transferred to the SS garrison administration of Auschwitz concentration camp.⁷¹ It is not clear from his personnel file what tasks and functions he performed there. He is thought to have worked in the 'accommodation' department.⁷² According to a Polish prisoner, he was also on duty in the 'stockpiling warehouse'.⁷³ This area, called 'Canada' in camp parlance, was the 'commercial heart of Auschwitz, the warehouse of the looters, where hundreds of prisoners had been busily engaged in storing the clothing, foods and valuables of those whose bodies were still burning and whose ashes would soon be used as artificial fertiliser'.⁷⁴



Fig. 8: O. Siebeneicher, probably around 1957

Whilst the Hungarian Jews were being murdered in the gas chambers of Birkenau,⁷⁵ Siebeneicher had signed a pledge in May 1944 to 'devote his entire being and manpower to the speedy and smooth execution of these

⁶⁹ Personal information form of Oskar Siebeneicher, member of the 4th guard company in Auschwitz concentration camp, Archiwum Państwowego Muzeum Auschwitz-Birkenau w Oświęcimiu/Archive of the Auschwitz-Birkenau State Museum (APMA-B), D-AuI-121/72973, p. 29.

⁷⁰ See also Franciszek Piper: *Das Nebenlager Sosnowitz I und II*. In: *HvA* 11 (1970), pp. 89–128; report on the creation of a preliminary operational file on Siebeneicher, Oskar on suspicion of crimes against humanity by Dept. XX/2 of Erfurt district office dated 24.3.1964; BArch, MfS, BV Erfurt, AOP 2241/65, pp. 11 f.

⁷¹ Excerpt from the troop muster roll of the 5th/SS-Totenkopfsturmbann Auschwitz; APMA-B, D-AuI-121/72973, p. 25.

⁷² Klee: *Auschwitz*, p. 377.

⁷³ Birgit Ohlsen: *Der Wuppertaler Auschwitz-Prozess (1986–1988)*. *Ausgewählte Mitschriften*. Wuppertal 2016, p. 61.

⁷⁴ Vrba: *Als Canada in Auschwitz lag*, p. 145.

⁷⁵ Christian Gerlach, Götz Aly: *Das letzte Kapitel. Der Mord an den ungarischen Juden 1944–1945*. Frankfurt/M. 2004, pp. 254–269.

measures'.⁷⁶ After the war ended, Siebeneicher had been taken prisoner by the Americans and then extradited to Poland. In 1948 he was given an eight-year custodial sentence in Kraków.⁷⁷ After his release from prison in May 1955, Siebeneicher, who was born and had trained as an enamel and porcelain painter in the Bohemian town of Jablonec, the stronghold of costume jewellery, initially moved to the Federal Republic. During a visit to Leipzig Trade Fair, representatives of German Interior and Foreign Trade (DIA), a trading company in the GDR, approached him and tried to tempt him into relocating to the GDR with various promises. In the DDR there was a 'bottleneck' in the production of the kind of jewellery for which Siebeneicher was an expert.⁷⁸ In 1957 Siebeneicher did indeed move to the GDR and was initially admitted to the reception centre in Rudolstadt. Later he settled in Gotha, obtained a loan and opened his own workshop. Confronted with SED economic policy and the restrictions on private companies, Siebeneicher tried in vain to return to the Federal Republic legally in the ensuing years. This was also the actual reason why, in the spring of 1964, the Berlin MfS headquarters instructed an officer from Department XX/2 of Erfurt district office to proceed to the operational processing of Siebeneicher on suspicion of committing 'crimes against humanity'.⁷⁹ After superficial searches and a correspondingly insubstantial interrogation by a county public prosecutor, the case was closed in the spring of 1965. The reason given was: 'At the Auschwitz trial, which was conducted and concluded in West Germany with international participation, no crimes against humanity had come to light which S. could have committed and for which he had not yet been punished.'⁸⁰

Where the responsible clerk took these certainties from is unclear. For the GDR's chief public prosecutor's office, at the instigation of the MfS, had asked its Polish counterparts to send it the 1948 verdict, but probably never received it. In any case, it is not in the case file.⁸¹ However, given Siebeneicher's

⁷⁶ SS-Unterscharführer Siebeneicher, undertaking dated 22.5.1944; APMA-B, D-AuI-121/72973, p. 11.

⁷⁷ Lasik: Die Verfolgung, Verurteilung und Bestrafung der Mitglieder der SS-Truppe. In: HvA 21 (2000), p. 287.

⁷⁸ Investigative report of Dept. VIII of Erfurt district office dated 11.2.1964; BArch, MfS, BV Erfurt, AOP 2241/65, pp. 15–19.

⁷⁹ Report on the creation of a preliminary operational file on Siebeneicher, Oskar on suspicion of crimes against humanity by Dept. XX/2 of Erfurt district office dated 24.3.1964; *ibid.*, pp. 11 f.

⁸⁰ Final report of the preliminary operational file, reg. no. IX/29/64 of Dept. XX/2 of Erfurt district office due to non-confirmation of the suspicion of crimes against humanity dated 4.10.1965; *ibid.*, pp. 125–127, here 126.

⁸¹ Cf. BArch, MfS, ASt. IA (a) AR 19/64.

insistence that he be allowed to return to the Federal Republic, the MfS officer in charge concluded that Siebeneicher would not be affected by the preliminary investigations in the Frankfurt Auschwitz trial.⁸² In fact, however, the Frankfurt am Main public prosecutor's office had noted with regard to Siebeneicher: 'Participated in exterminations.'⁸³

1.2 Criminal prosecution in the Federal Republic of Germany

In the literature, extensive reference is made to the manifold legal problems that hindered the Federal German judiciary in their prosecution of Nazi crimes.⁸⁴ Therefore, a brief overview is sufficient here.

In the early days the Federal German judiciary was burdened with a large number of former National Socialist party supporters.⁸⁵ It rejected the Allied criminal provisions on the grounds of 'basic legal considerations'. It regarded the National Socialist genocide of the Jews, which was organised on the basis of a division of labour, as 'normal criminality'.⁸⁶ Ordinary German criminal law in the form of the Criminal Code of 1871 was used as the foundation for punishment. This in turn, however, presented the courts with a variety of legal problems when judging National Socialist crimes, for example, when distinguishing between murder and manslaughter or 'between perpetration and being an accessory, in the consideration of the consciousness of injustice, of acting under (superior's) orders and other emergency situations, or of statutes of limitations'.⁸⁷

The court decisions made on the basis of the legal situation, the sentences that were perceived as too lenient, the dismissals of cases, and the acquittals of National Socialist suspects often met with criticism from an increasingly

⁸² Final report of the preliminary operational file, reg. no. IX/29/64 of Dept. XX/2 of Erfurt district office because of non-confirmation of the suspicion of a crime against humanity dated 4.10.1965; BArch, MfS, BV Erfurt, AOP 2241/65, p. 127.

⁸³ Klee: Auschwitz, p. 377.

⁸⁴ Henkys: Die nationalsozialistischen Gewaltverbrechen; Weber; Steinbach: Vergangenheitsbewältigung durch Strafverfahren?; Eichmüller: Keine Generalamnestie; Pendas: Der Auschwitz-Prozess.

⁸⁵ Schumann (ed.): Kontinuitäten und Zäsuren; Raim: Justiz zwischen Diktatur und Demokratie; Görtemaker; Safferling (eds.): Die Rosenberg; Görtemaker; Safferling: Die Akte Rosenberg. Das Bundesministerium der Justiz und die NS-Zeit. Munich 2016.

⁸⁶ Gross; Renz (eds.): Der Frankfurter Auschwitz-Prozess, p. 11.

⁸⁷ Eichmüller: Keine Generalamnestie, p. 244.

Since 1968, the legislature in the Federal Republic of Germany has only allowed criminal proceedings to be instituted against suspects from the complex of National Socialist crimes of violence for murder and accessory to murder (along with characteristics of murder such as base motives, murderousness, insidiousness or cruelty). In addition, the principle that concrete and individually committed crimes had to be proven for a conviction applied in the dispensation of justice. The crimes committed in the extermination camps (for example Sobibor and Chelmno/Kulmhof) were an exception. In their case, until around the mid-1960s, the unchanged dispensation of justice of some Federal German courts, supported by the Federal Court of Justice, assumed the ‘functional participation of all members of SS concentration camp personnel in mass murder’.⁹⁴

With regard to Auschwitz, ‘a mere function within the extermination process organised on the basis of the division of labour and presence at the scene of the crime’ were not sufficient for the judiciary to ‘determine intent to assist and acts of being an accessory’, especially since ‘systematic murder in a complex consisting of several camps [...] was not usually seen as a uniform act’.⁹⁵ It was not until the case of John (Ivan) Demjanjuk (1920–2012) that the legal standpoint of the Federal German judiciary, modified and adapted with regard to the extermination camps, was applied.⁹⁶ Therefore, in these proceedings, for the first time, a departure was made from the decade-long legal practice⁹⁷ and the ‘fundamental principle of German criminal law’.⁹⁸

From November 2009, Demjanjuk had to stand trial before Munich Regional Court on charges of being an accessory to murder in 27,900 cases.⁹⁹ The initiators of the trial were the investigators of the ‘Central Office

⁹⁴ Peter Huth (ed.): *Die letzten Zeugen. Der Auschwitz-Prozess von Lüneburg* 2015. Stuttgart, Berlin 2015, pp. 188 f.; Jasch; Kaiser: *Der Holocaust vor deutschen Gerichten*, pp. 70 and 74.

⁹⁵ *Ibid.*, p. 196; Christian Fahl: *Möglichkeiten und Grenzen der späten Ahndung von Teilnahmehandlungen in Auschwitz*. In: *Onlinezeitschrift für Höchstrichterliche Rechtsprechung im Strafrecht*, edition 5/2015, pp. 210–217, <https://www.hrr-strafrecht.de/hrr/archiv/15-05/index.php?sz=6> (last accessed: 6.4.2022).

⁹⁶ On the genesis of this development see Thilo Kurz: *Paradigmenwechsel bei der Strafverfolgung des Personals in den deutschen Vernichtungslagern?* In: *Zeitschrift für Internationale Strafrechtsdogmatik* 3/2013, pp. 122–129; http://www.zis-online.com/dat/artikel/2013_3_739.pdf (last accessed: 6.4.2022).

⁹⁷ Cf. Huth (ed.): *Die letzten Zeugen*, p. 189.

⁹⁸ Heinrich Wefing: *Der Fall Demjanjuk. Der letzte große NS-Prozess*. Munich 2011, p. 100.

⁹⁹ Angelika Benz: *Der Henkersknecht. Der Prozess gegen John (Iwan) Demjanjuk in München*. Berlin 2011, pp. 29–35.

sensitive public in the Federal Republic.⁸⁸ The GDR campaigns that knew how to exploit the National Socialist permeation of parts of the Federal German judicial apparatus for propaganda purposes in the German-German system debate, also contributed to this.⁸⁹

In addition, numerous National Socialist perpetrators benefited from the entry into force of the statute of limitations. By 1960, all wilful felonious killings qualifying as manslaughter and as accessory to manslaughter were already statute-barred. In addition, in 1965 and 1969, there were recurring debates in the Federal Republic about the statute of limitations for murder until the statute of limitations was set aside entirely in 1979.⁹⁰ Numerous proceedings envisaged for crimes dating back to the National Socialist era ‘collapsed like a house of cards’ after an amendment to the law enacted by the Bundestag in October 1968 changed the criminal provisions for accessory to crimes and murder and thus automatically changed the statute of limitations as well.⁹¹ Cases of accessory to murder were now deemed to be statute-barred unless ‘base motives’ could be proven.⁹² This was a ‘cold statute of limitations’ for ‘those who had sat behind the desks of the Reich Security main office and other Reich authorities and had decreed murder a thousand times over’.⁹³

⁸⁸ Hermann Langbein: *Im Namen des deutschen Volkes. Zwischenbilanz der Prozesse wegen nationalsozialistischer Verbrechen*. Vienna et al. 1963; Ingo Müller: *Furchtbare Juristen. Die unbewältigte Vergangenheit unserer Justiz*. Munich 1987; Jörg Friedrich: *Die kalte Amnestie. NS-Täter in der Bundesrepublik*. Munich 1994; Barbara Just-Dahlmann, Helmut Just: *Die Gehilfen. NS-Verbrechen und die Justiz nach 1945*. Frankfurt/M. 1988.

⁸⁹ Lemke: *Kampagnen gegen Bonn*, pp. 153–174; Lemke: *Einheit oder Sozialismus? Die Deutschlandpolitik der SED 1949–1961*. Weimar et al. 2001; Jasch; Kaiser: *Der Holocaust vor deutschen Gerichten*, pp. 107 f.

⁹⁰ *Zur Verjährung nationalsozialistischer Verbrechen. Dokumentation der parlamentarischen Bewältigung des Problems 1960–1979*. Deutscher Bundestag, (ed.). Parts I–III. Bonn 1980; Clemens Vollnhals: ‘Über Auschwitz wächst kein Gras.’ *Die Verjährungsdebatten im Deutschen Bundestag*. In: Jörg Osterloh et al. (eds.): *NS-Prozesse und deutsche Öffentlichkeit*. Göttingen, 2011, pp. 375–401.

⁹¹ This refers to persons who have aided and abetted the crime of a principal perpetrator, thereby supporting, encouraging or facilitating it. Cf. Gerhard Werle, Thomas Wandres: *Auschwitz vor Gericht. Völkermord und bundesdeutsche Strafrecht*. Munich 1995, pp. 24 f.

⁹² Further information on the parties and circumstances can be found in Miquel: *Ahnden oder Amnestieren?*, pp. 220–223 and 327–343 and Görtemaker; Safferling: *Die Akte Rosenberg*, pp. 399–420.

⁹³ NS-Verbrechen. *Kalte Verjährung*. In: *Der Spiegel* 3/1969, pp. 58–61, here 61.

of the State Judicial Authorities for the Investigation of National Socialist Crimes', in short 'Central Office Ludwigsburg' (ZStL). Since 1958, information on National Socialist perpetrators, crimes and crime scenes had been systematically collected and preliminary investigations by public prosecutors had been conducted there and then handed over to the responsible public prosecutor's offices.¹⁰⁰ In the Demjanjuk case, the investigators of the Central Office assumed that 'every member of the regular staff of Sobibor extermination camp' had been involved in the 'routine extermination processes'. Although this was a 'legal construct', it seemed 'to lend itself to the National Socialist system of murder' and promised to 'get to grips with the bureaucratic-mechanical interactions in the extermination machinery'.¹⁰¹ With this interpretation of the law, they directly took up the legal opinion of Fritz Bauer, who, by means of this legal construct, wanted to make it possible for the Jury Court to have 'legally creative jurisprudence' in the first Auschwitz trial, too. Bauer, however, did not succeed in imposing his view either before the Frankfurt Grand Criminal Chamber or the appeal proceedings before the Federal Supreme Court (BGH) in 1969.¹⁰²

After a 14-month trial, Demjanjuk was sentenced to five years in prison by Munich Regional Court on 12 May 2011 for 16 counts of accessory to murder. The execution of the sentence was suspended. The sentence had not yet become final and absolute, as the Federal Supreme Court had still to rule on the appeal when Demjanjuk died in 2012. Nevertheless, this sentence kind of 'kick-started' further proceedings of this nature. As a result, from October 2013 onwards, the Central Office initiated 30 new preliminary investigations concerning former members of SS personnel in Auschwitz and handed them over to the competent public prosecutor's offices.¹⁰³ This included the cases of Hubert Zafke (see above) and Oskar Gröning who was sentenced to four years in prison by Lüneburg Regional Court in July 2015 for 'being an accessory to murder in 300,000 legally concomitant cases'¹⁰⁴

¹⁰⁰ See also more recently Kerstin Hofmann: 'Ein Versuch nur – immerhin ein Versuch'. Die Zentrale Stelle in Ludwigsburg unter der Leitung von Erwin Schüle und Adalbert Rückerl (1958–1984). Berlin 2018.

¹⁰¹ Wefing: Der Fall Demjanjuk, p. 108.

¹⁰² Backhaus: Fritz Bauer, pp. 159–167.

¹⁰³ Statement by the head of the Central Office of the State Judicial Authorities, senior public prosecutor Jens Rommel in a lecture in Rostock on 26.1.2017.

¹⁰⁴ Huth: Die letzten Zeugen, p. 240; decision of the Federal Supreme Court dated 20.9.2016 for being an accessory to murder through his work in Auschwitz concentration camp – 3 StR 49/16 - Lüneburg Regional Court; <http://juris.bundesgerichtshof.de/cgi-bin/rechtsprechung/document.py?Gericht=bgh&Art=en&nr=76632&pos=0&anz=1> (last accessed: 6.4.2022).

and Reinhold Hanning, who was convicted by Detmold Regional Court in June 2016 of being an accessory to murder in at least 170,000 cases.¹⁰⁵ The sentence became final and absolute in November 2016. In the Hanning case, the Federal Court of Justice's decision on the appeal was still pending when the defendant died on 30 May 2017 which meant that this sentence could not become final and absolute.

With these three cases, a total of 61 Auschwitz perpetrators, including just 46 SS members and 15 kapos, went on trial before the courts of the Federal Republic. Nine former SS men and five former kapos were sentenced to life imprisonment for murder. The others got off with fixed-term custodial sentences for being accessories to murder or were acquitted.¹⁰⁶ Against this backdrop, too, Hans-Christian Jasch came to the following conclusion:

This end result is more than unsatisfactory given that [...] 6,500 persons alone¹⁰⁷ were known to have served in the Auschwitz camp complex. But it also shows that it was not just the strong continuity between the staff in the judiciary and police from the National Socialist era and that of the young Federal Republic that was the reason for the insufficient number of investigations and the many suspensions and acquittals. There were also procedural reasons which were not least the expression of a highly developed constitutional state that was out of its depth when it had to come to terms with the violent acts committed by Germans. Acts of violence and state crimes of unprecedented magnitude were to be judged and dealt with using the means of civil criminal law, which the legislators of 1871 could not have possibly even imagined when they standardised the elements of crimes.¹⁰⁸

¹⁰⁵ Verdict 4 Ks 45 Js 3/13-9/15 of Detmold Regional Court dated 17.6.2016 for accessory to the concurrence of crimes of murder through guard duty in Auschwitz concentration camp; https://www.justiz.nrw.de/nrwe/lgs/detmold/lg_detmold/j2016/4_Ks_45_Js_3_13_9_15_Urteil_20160617.html (last accessed: 6.4.2022).

¹⁰⁶ Gross; Renz: *Der Frankfurter Auschwitz-Prozess*, p. 10.

¹⁰⁷ This number is based on a statement by the judge in the trial of Oskar Gröning from 21.4. to 15.7.2015 before Lüneburg Regional Court.

¹⁰⁸ Hans-Christian Jasch: *Nachwort*. In: Peter Huth (ed.): *Die letzten Zeugen. Der Auschwitz-Prozess von Lüneburg 2015*. Stuttgart, Berlin 2015, pp. 259–277, here 276.

1.3 Criminal prosecution in the GDR

In the two German states not only the social orders but also the legal systems and legal norms were fundamentally different. The GDR also used Allied or international law to punish National Socialist crime complexes. As described in the following chapters, however, publicly propagated consistent prosecution was at least hindered, if not prevented, primarily by the political guidelines and interests of the SED as well as by the (partly resulting) decisions in the MfS.

In the GDR, which was founded on 7 October 1949, verdicts for National Socialist crimes were initially handed down on the basis of Law no. 10 on the 'Punishment of Persons Guilty of War Crimes, Crimes against Peace or Crimes against Humanity', which had already been enacted by the Allied Control Council in December 1945. In addition, Directive no. 38 of the Allied Control Council on the 'arrest and punishment of war criminals, National Socialists and militarists, and possibly dangerous Germans' was consulted.¹⁰⁹ There was also Order no. 201 dated 16 August 1947 issued by the Soviet Military Administration in Germany (SMAD) as a 'Directive and Implementing Provision for the Application of Directive no. 38'.¹¹⁰

With the formal transfer of sovereignty rights, the provisions of occupation law ceased to apply in 1955. All laws of the Allied Control Council were repealed.¹¹¹ However, by resolution of the General Assembly of the United Nations, the principles of international law enshrined in the Charter of the International Military Tribunal (IMT) in Nuremberg and in its verdicts were confirmed and recognised as 'generally applicable norms of international law' in February and December 1946.¹¹² In conjunction with Article 5 of the GDR Constitution, the courts of the GDR, therefore, referred to the Charter of the IMT, in this case predominantly to Article 6(c) ('crimes against humanity'),

¹⁰⁹ Günther Wieland: Die Ahndung von NS-Verbrechen in Ostdeutschland 1945–1990. In: Rüter *inter alia*. (eds.): DDR-Justiz und NS-Verbrechen, pp. 12–99.

¹¹⁰ Landesregierung Sachsen, Ministerium des Innern, Polizeiabteilung: Handbuch zum Befehl Nr. 201 des Obersten Chefs der Sowjetischen Militärverwaltung und Oberkommandierenden der Sowjetischen Besatzungstruppen in Deutschland dated 16.8.1947, parts I and II. Dresden 1947; Christian Meyer-Seitz: Die Verfolgung von NS-Straftaten in der Sowjetischen Besatzungszone. Berlin 1998.

¹¹¹ Hermann Wentker: Die juristische Ahndung von NS-Verbrechen in der Sowjetischen Besatzungszone und in der DDR. In: Kritische Justiz 35 (2002) 1, pp. 60–78, here 70; Wieland: Die Ahndung von NS-Verbrechen in Ostdeutschland, p. 69.

¹¹² Michael Ratz: Die Justiz und die Nazis. Zur Strafverfolgung von Nazismus und Neonazismus seit 1945. Frankfurt/M. 1979, p. 50.

when passing sentence for such offences.¹¹³ The senior judicial authorities of the GDR noted, in contrast to the judiciary of the Federal Republic, 'that Nazi and war crimes have their place in international law and differ fundamentally in their manifestations and effects from general criminality'.¹¹⁴ Another legal basis was provided by the Law on the 'Non-application of Statutory Limitations to Nazi and War Crimes' passed by the Volkskammer on 1 September 1964.¹¹⁵

The punishment of National Socialist crime complexes on the basis of Article 6 of the IMT Charter was legally enshrined in the new GDR constitution of 1968. Article 91 states: 'The generally accepted norms of international law regarding the punishment of crimes against peace, against humanity and war crimes are directly applicable law. Crimes of this kind are not subject to the statute of limitations.' Section 1 (6) of the Introductory Act to the New Criminal Code of 1968 further provided: 'In affirmation of the existing legal situation, crimes against humanity and war crimes committed before the entry into force of the Criminal Code shall continue to be prosecuted on the basis of the provisions of international law. The punishments are set out in

¹¹³ Die Verfassung der Deutschen Demokratischen Republik. Amt für Information der Regierung der Deutschen Demokratischen Republik (ed.). Berlin 1949, p. 10; Article 6(c) of the Charter of the International Military Tribunal in Nuremberg dated 8 August 1945 defines 'crimes against humanity' as follows: 'Namely: murder, extermination, enslavement, deportation or other inhuman acts committed against any civilian population before or during war, persecution on political, racial or religious grounds, committed in the course of a crime or in connection with a crime over which the Court has jurisdiction, whether or not the act was contrary to the law of the country in which it was committed. Leaders, organisers, agitators and participants who were involved in the planning or execution of a common plan or conspiracy to commit any of the foregoing crimes shall be liable for all acts committed by any person in the execution of said plan' Cited in: Telford Taylor: Die Nürnberger Prozesse. Hintergründe, Analysen und Erkenntnisse aus heutiger Sicht. Munich 1994, pp. 746 f.

¹¹⁴ Die Haltung der beiden deutschen Staaten zu den Nazi- und Kriegsverbrechen. Eine Dokumentation Der Generalstaatsanwalt der DDR, Ministerium für Justiz der DDR (ed.). Berlin 1965, p. 10.

¹¹⁵ Law on the Non-Limitation of Nazi and War Crimes dated 1.9.1964, Law Gazette of the German Democratic Republic dated 10.9.1964, Part I, no. 10. Due to the application of international law in the legal practice of the GDR, this law was basically superfluous and, against the backdrop of the statute of limitations debate in the Federal Republic, merely had 'confirmatory character'. Cf. letter from the Minister of Justice, Hilde Benjamin, to the Central Committee of the SED, Albert Norden dated 21.5.1964; BArch DY 30/69051, pp. 7–10, here 9.

the corresponding elements of offences in the first chapter of the Special Section of the Criminal Code.’ These were the relevant sections 91 (‘Crimes against Humanity’) and 93 (‘War Crimes’), the definitions of which were very much based on Article 6 of the IMT Charter, but applied to future, not past, acts. At the same time, section 95 of the Criminal Code codified an exclusion of acting under (superior’s) orders.¹¹⁶ The substantive law created and used by the GDR to sanction National Socialist crimes of violence thus differed fundamentally from that of the Federal Republic, where after 1960 only (individually attributable) acts of murder could be punished. In the GDR, in contrast, any participation in a crime against humanity or a war crime was theoretically punishable. The definitions of the elements of offences in Article 6 of the IMT Charter and the lower sentencing limits in sections 91 and 93 of the Criminal Code of five years and one year imprisonment respectively, suggested a broad punishability of deeds, even beyond individually attributable killings. Even the death sentence of the Supreme Court of the GDR imposed on aforementioned camp doctor Dr Horst Fischer, was passed without applying the elements of criminal acts under national criminal law – at that time the Reich Criminal Code was still in force in the GDR – which were geared towards punishing individual crimes.¹¹⁷

The GDR always endeavoured to present itself at home and abroad as the better German state in terms of the prosecution of National Socialist crimes of violence, because it upheld the norms of international law more consistently and more strictly. Consequently, the ancillary actions in the Federal Republic were also used to point out the contradictory legal situation in the GDR. This was also true with regard to the prosecution of the crimes committed in Auschwitz. In his summing up in the first and second Auschwitz trials in Frankfurt am Main (1965–1966), Friedrich Karl Kaul also undertook a legal appraisal or criminal classification of the facts established in the hearing of evidence. Kaul was of the opinion that ‘the violent crimes committed by the National Socialists cannot be measured by the customary criminal law standards and terms applied to conventional criminal crimes’, but rather that it was necessary to ‘legally judge these deeds in a way that corresponded to their true nature’.¹¹⁸ This is because the crimes, Kaul continued, ‘were

¹¹⁶ Das neue Strafrecht – bedeutsamer Schritt zur Festigung unseres sozialistischen Rechtsstaates. With the wording of the laws passed by the Volkskammer of the GDR at its sixth meeting on 12 January 1968. Kanzlei des Staatsrates der Deutschen Demokratischen Republik (ed). Berlin 1968.

¹¹⁷ Winters: Den Mördern ins Auge gesehen, p. 14.

¹¹⁸ Summing up by Professor Friedrich Karl Kaul, counsel for the parties to the ancillary action resident in the German Democratic Republic in the criminal

not directed against the lives of individual people. The Nazi extermination plans, which were put into practice in Auschwitz, plainly encompassed [...] entire population groups of different nations. They were directed against the existence of these groups and against the most elementary foundations of human coexistence in general'.¹¹⁹ Consequently, Kaul also rejected the public prosecutor's legal qualification of the crimes of which the defendants were accused as murder or of accessory to murder as defined in section 211 of the Criminal Code.

The reason he gave was that this would 'distort the character of these crimes' and would give the impression that the events in Auschwitz were 'merely a sum of individual attacks on the lives of individuals and not a uniform, systematic and purposeful attack on the foundations of human coexistence'.¹²⁰ Kaul seized the opportunity to put the GDR's legal position in perspective:

In Auschwitz, the industrial-scale extermination of human beings was carried out, and the defendants – as the hearing of evidence has shown – were cogs in the wheels of this extermination machine. [...] From an objective point of view, there is no doubt that all the defendants have fulfilled, as perpetrators, the elements of a crime set out in Article 6(c) of the IMT Charter – i.e. the elements of a crime against humanity. In Auschwitz concentration and extermination camp the defendants [...] participated in various ways and with varying degrees of subjective and objective intensity in the systematic murder and extermination of civilian population groups of various nations, especially Jewish people. The acts of which the defendants were accused [...] and proven against them in the hearing of evidence, were all necessary components for the realization of the overall criminal plan aimed at murder and extermination. This applies to the procurement and payment of Zyklon B just as it does to the carrying out of selections or participation in selections on the ramps, in the individual camp areas or in the inmates' infirmary, as well as to their own acts of murder proven here. Thus, the actions of the defendants objectively fulfil each of the above elements of the crime. From a subjective point of view, in order to fulfil this requirement, it is necessary

proceedings against Mulka and others ('Auschwitz trial'), delivered on 21.5.1965 before the Jury Court in Frankfurt/M. Regional Court [East Berlin 1965], p. 40.

¹¹⁹ Ibid., p. 41.

¹²⁰ Summing up by Professor Friedrich Karl Kaul, counsel for the parties to the ancillary action from the German Democratic Republic, from the Czechoslovak Socialist Republic, from the People's Republic of Poland in the criminal proceedings against Burger and others ('second Auschwitz trial'), delivered on 11.8.1966 before the Jury Court in Frankfurt/M. Regional Court, n.d. [1966/67], n.p. [East Berlin], p. 51.

1. That the defendant knew that the activity of the SS in Auschwitz concentration and extermination camp involved the systematic murder and extermination of certain civilian population groups, and
 2. that, in this knowledge, he willingly participated in the carrying out of this extermination programme at the place where he was deployed in Auschwitz, in an operational or supporting capacity.
- In other words: What is necessary is proof of conscious and deliberate active participation in the Auschwitz extermination machinery.¹²¹

Kaul was not alone in this legal view and this is confirmed by corresponding citations from Fritz Bauer.¹²² However, the legal position presented was not just a theory but was also taken over into East German judicial practice. In April 1949, for example, SS-Hauptsturmführer Karl Heimann was sentenced to 20 years in prison by the Grand Criminal Division by Order 201 of Dresden Regional Court. The sentence in question states:

On 1 March 1943 the defendant was transferred to the most notorious of all concentration camps – Auschwitz. The witness Hir. [name abbreviated in the copy of the verdict] described here in harrowing words the inhumane treatment and extermination of millions of people who were driven through the gas chambers in closed transports. This clearly was an extermination camp. Even if the witness does not recognise the defendant, his presence in Auschwitz concentration camp is certain on the basis of his own confession. For the legal assessment it is irrelevant whether H[eimann] was on duty there or not. He was also a member of the guard unit in Auschwitz, was aware of all the atrocities, and did nothing to put an end to them or to distance himself from them.¹²³

In summary, it can be stated that the GDR had created a set of instruments in the form of criminal law norms and other criminal laws on the basis of which the judiciary was theoretically able to take far simpler and more comprehensive action against National Socialist perpetrators than was the case in the Federal Republic of Germany. However, in complete disregard of the principle of legality, the laws were not applied to the extent that objective, independent and consistent prosecution would have necessitated. In the light of what is known today, a total of 35 persons¹²⁴, 31 men and

¹²¹ Ibid., pp. 51 and 56.

¹²² Friedrich: *Die kalte Amnestie*, p. 366; Görtemaker; Safferling: *Die Akte Rosenberg*, p. 248.

¹²³ Rüter: *DDR-Justiz und NS-Verbrechen*, case no. 1464, pp. 67–72, here 70 f. The sentence had only limited effect, since Heimann had already been amnestied in 1956.

¹²⁴ Cf. table Auschwitz proceedings in the Soviet Occupation Zone/GDR in the annex.

four women, were convicted of crimes committed directly in Auschwitz by regular German courts on the territory of the Soviet Occupation Zone and in the GDR between 1945 and 1989. They included 16 members of the SS, five Wehrmacht soldiers (who had been transferred to the *Waffen-SS*)¹²⁵ and four female guards. In addition, six former inmates (*kapos*) as well as four civilian employees of private firms (inter alia *IG Farben*) were convicted (see annex).

The sentences passed by the courts ranged from acquittal to the maximum penalty (death sentence). The death sentences were carried out in 1952 and 1966. Four other perpetrators were given life sentences. One of them was sentenced to 25, one to 20 years in prison, and the other two received custodial sentences of 15 years. The courts also sentenced two persons to four and five years respectively in prison. The majority, 18 convicted persons in all, received prison sentences of less than five years. In addition, one sentence was suspended with probation. Four proceedings ended with acquittals or dismissals. From a chronological point of view, up to and including 1950, a total of 24 sentences were passed in connection with Auschwitz. In the period from 1951 to 1955, as many as nine such sentences were passed by GDR courts in this context. The preceding investigations were carried out by the People's Police, mostly by the responsible departments C of the Criminal Police.¹²⁶ Between 1956 and 1989, now under the aegis of the *MfS*, there were only two criminal trials (1964, 1966) of Auschwitz perpetrators. This weighted distributed can also be found, and to an even greater degree, in the overall statistics of National Socialist perpetrators convicted in East Germany.¹²⁷ According to these statistics, 92 percent of all proceedings conducted in the Soviet Occupation Zone/GDR were concluded between 1945 and 1950.¹²⁸

From 1951 the number of relevant proceedings continued to decrease until, from 1964 onwards, the annual conviction rate was reduced to single figures.¹²⁹ It is also striking that, unlike before, from 1960 onwards there were no longer any convictions with custodial sentences of less than three

¹²⁵ On the deployment of members of the Wehrmacht in the guard units of concentration camps see Stefan Hördler: *Ordnung und Inferno. Das KZ-System im letzten Kriegsjahr*. Göttingen 2015, pp. 178–181 and 191–199.

¹²⁶ Leide: *NS-Verbrecher*, p. 38.

¹²⁷ Wieland: *Die Ahndung von NS-Verbrechen in Ostdeutschland*, pp. 97 f.

¹²⁸ My basis for calculation: According to the overall statistics, a total of 12,890 persons were convicted between 1945 and 1989. The 3,324 Waldheim verdicts must be subtracted from this number. This leaves 9,566. Between 1945 and 1950, according to the statistics, there were 12,151 sentences minus 3,324 Waldheim sentences. That means 8,827, equivalent to 92.3 percent.

¹²⁹ Wieland: *Die Ahndung von NS-Verbrechen in Ostdeutschland*, pp. 97 f.

years and certainly no acquittals. However, consideration of the sentences alone is not sufficient to grasp GDR prosecution practice in this field.¹³⁰ As already described in detail, however, there was no lack of suspects in the GDR¹³¹ or in the Auschwitz crime complex either. All those persons who had been sentenced in the context of the so-called ‘Waldheim Trials’ were not generally included in these statistics.

1.4 Special case ‘Waldheim Trials’

On the basis of SMAD Order 201¹³² special Criminal Divisions of Chemnitz Regional Court, in the immediate vicinity of the prison in the small Saxon town of Waldheim, staged between April and June 1950 some 3,400 criminal trials of men and women who had already been interned by the Soviet Occupying Force after the end of the war.¹³³ Officially, the term ‘trials of Nazi and war criminals in Waldheim’ was used.¹³⁴

A total of 32 death sentences were passed in these ‘trials’, and custodial sentences amounting to between 35,000 and 40,000 years were imposed.¹³⁵ The ‘trials’ were intended, inter alia, to mark the completion of denazification and the end of all Nazi and war crimes trials. This was the wish of the party and state leadership. At the same time, it was keen to demonstrate the dependability of the country’s own judiciary to the Soviet Occupying Force. In addition, they were tasked with ‘confirming the declared anti-fascist

¹³⁰ Falco Werkentin: DDR-Justiz und NS-Verbrechen. Notwendige Hinweise zu einer Dokumentation. In: DA 38(2005)3, pp. 506–515; Henry Leide: Ganz anders und doch nicht so anders. Zur Dominanz politischer und geheimpolizeilicher Opportunitätsüberlegungen bei der Verfolgung nationalsozialistischer Gewaltverbrechen in der DDR. In: DA 43(2010)6, pp. 1068–1076.

¹³¹ Leide: NS-Verbrecher und Staatssicherheit, p. 109.

¹³² On the significance of Order no. 201 for the GDR judiciary, see Hermann Wentker: Justiz in der SBZ/DDR 1945–1953. Transformation und Rolle ihrer zentralen Institutionen. Munich 2001, pp. 424–432.

¹³³ Eisert: Die Waldheimer Prozesse; Falco Werkentin: Politische Strafjustiz in der Ära Ulbricht. Vom bekennenden Terror zur verdeckten Repression. Berlin 1997.

¹³⁴ Wilfriede Otto: Die Waldheimer Prozesse. In: Sergei Mironenko et al. (eds.): Sowjetische Speziallager in Deutschland 1945 bis 1950, vol. 1: Studien und Berichte. Berlin 1998, p. 548; Falco Werkentin: Die Waldheimer Prozesse 1950 in den DDR-Medien. In: Jörg Osterloh, Clemens Vollnhals (eds.): NS-Prozesse und deutsche Öffentlichkeit. Besatzungszeit, frühe Bundesrepublik und DDR. Göttingen 2011, pp. 221–232.

¹³⁵ Gerhard Finn: Die politischen Häftlinge in der Sowjetzone. Cologne 1989, p. 86.

basic concern of the GDR in criminal proceedings'.¹³⁶ In fact, these were secret sham legal proceedings conducted in 'complete disregard of even the most elementary legal principles', such as the possibility of having a defence counsel.¹³⁷ As early as 1954, the (West) Berlin Higher Regional Court had declared the sentences 'absolutely and utterly null and void' but without, at the same time, acknowledging the innocence of the persons concerned.¹³⁸ In the opinion of the Federal Supreme Court (BGH) in 1999, the 'manner in which the proceedings were conducted [...] and the decisions rendered [...] clearly constituted serious violations of human rights'. The proceedings had 'given the outward appearance of judicial formality' but had ultimately turned out to be 'a blatant abuse by the judiciary to enforce purely power political goals'.¹³⁹

Based on the information currently available, six men with a direct link to Auschwitz were convicted in Waldheim.¹⁴⁰ Three of them had been

¹³⁶ Günther Wieland: *Naziverbrechen und deutsche Strafjustiz*. Berlin 2004, p. 159.

¹³⁷ Karl Wilhelm Fricke: *Der Wahrheit verpflichtet. Texte aus fünf Jahrzehnten zur Geschichte der DDR*. Berlin 2000, p. 286.

¹³⁸ Beschluss des Kammergerichts (KG) Berlin – 1 RHE AR 7/54-1 a Ws 26/54 dated 15.3.1954 concerning the nullity of the Waldheim verdicts. In: *Neue Juristische Wochenschrift (NJW)* 50(1954), pp. 1901 f.

¹³⁹ BGH 5 StR 236/98 – decision dated 18.2.1999 (Leipzig Regional Court); <http://www.hrr-strafrecht.de/hrr/5/98/5-236-98.php3> (last accessed: 6.4.2022).

¹⁴⁰ At least one other member of the SS personnel in Auschwitz died in March 1950, shortly before he could be convicted in the Waldheim trials. The person in question was former SS-Stabsscharführer (Hauptscharführer) Paul Polster (born 1893), who had been stationed in Auschwitz concentration camp from December 1941. According to witnesses of perpetrators, Polster is said to have acted as the company sergeant major of the guards in Monowitz and to have 'severely maltreated prisoners at every available opportunity'. On 1.9.1944 he had been awarded the War Merit Cross, second class with swords (Kriegsverdienstkreuz II. Klasse mit Schwertern). In July 1945, Polster was arrested in his hometown by the German Criminal Police and was subsequently handed over to the Soviet Occupying Force. After imprisonment in its special camp no. 4 in Bautzen, he was handed over to the GDR authorities and transferred to Waldheim shortly before his death. Cf. communication from the Zwickau county archives to the author, 15.10.2020; Klee: *Auschwitz*, p. 320; index card on Polster from the Waldheim card index, BArch, DO 1/92929; Zwickau Police Headquarters, Criminal Police, attestation of transfer to Zwickau pretrial detention centre, 19.7.1945; Paul Polster's pay book and proof of medals and decorations awarded; Chemnitz Criminal Police Office, Commissariat K 5, record of witness examination dated 24.10.1947; Zwickau Criminal Police Office, Investigation Unit 201, record of examination of Polster's daughter dated 5.1.1948; BArch, HA IX/11 ZM 93, pp. 73, 83–118, 120 and 122 f.

members of the SS personnel in Auschwitz, three others were employees of the IG Farben plant in Auschwitz. One of them, Max W. (born 1894), had worked as a gatekeeper and inspector in the supervisory department of the Leuna plants in Merseburg since 1921. In August 1942, he had been transferred to the IG Farben plant in Auschwitz as a commercial employee. From November 1944 until the end of January 1945, he served there as the chief guard of the IG Farben plant security force, which was responsible for 'disciplining the inmates'.¹⁴¹ On 25 May 1950, he was sentenced to 25 years in prison and his assets were confiscated.¹⁴² Two years later he died of tuberculosis in Waldheim prison.¹⁴³

Based on information from Robert M. (born 1898), he had trained youngsters in the early 1930s to become 'hard-working, obedient citizens', in his capacity as a National Socialist and functionary of the Reich labour service.¹⁴⁴ He was then put in charge of a workers' camp of the Tesch company in Bremen-Farge, where German and foreign workers were employed in the construction of military tank depots.¹⁴⁵ From July 1942 to November 1943, he was in charge of ten workers' camps around the Buna plant in Auschwitz on behalf of IG Farben as an Oberlagerführer (Inspekteur¹⁴⁶).¹⁴⁷ On 3 June 1950, M. was sentenced in Waldheim to 25 years in prison and confiscation of his assets.¹⁴⁸ After a pardon, the sentence was initially reduced to 15 years in July 1954.¹⁴⁹ M. was released from Bautzen prison as early as 30 December 1955.¹⁵⁰

¹⁴¹ Wagner: IG Auschwitz, pp. 228–234; curriculum vitae dated 8.4.1950; BArch, MfS, Dept. XII RF 148, pp. 25–28, here 26.

¹⁴² Sentence of the Fourth Lower Criminal Division of Chemnitz Regional Court pursuant to Order 201 dated 25.5.1950; *ibid.*, pp. 92 f.

¹⁴³ Death certificate Max W. dated 29.1.1952; *ibid.*, p. 9.

¹⁴⁴ Interrogation record of the Saxony authority of the People's Police, Dept. K, Waldheim Investigation Unit dated 5.5.1950; BArch, MfS, Dept. XII RF 116, pp. 3 f., here 4.

¹⁴⁵ *Ibid.*, p. 4; <http://www.relikte.com/schwanewede/lager.htm> (last accessed: 6.4.2022).

¹⁴⁶ Civilian employee of the IG Farben company responsible for overseeing ten of the company's own workers' camps around the Buna plant in Auschwitz.

¹⁴⁷ On the deployment and accommodation of the approximately 23,000 foreign, forced, Eastern and contract workers as well as prisoners of war of various nationalities at the large construction site of the IG Farben plant in Auschwitz, see Wagner: IG Auschwitz, pp. 87–90 and 226.

¹⁴⁸ Sentence of the 5th Grand Criminal Division of Chemnitz Regional Court pursuant to Order 201 dated 3.6.1950; BArch, MfS, Dept. XII RF 217, pp. 8 f.

¹⁴⁹ File note of Bautzen prison dated 12.7.1954; *ibid.*, p. 10.

¹⁵⁰ Letter from M. to the warden of Bautzen prison dated 11.7.1956; *ibid.*, p. 52.

The tradesman in IG Farben's Leuna plant in Merseburg Oskar E. (born 1906) was 'conscripted into service' at the beginning of April 1943 and then until 17 January 1945 in the Buna plant in Auschwitz as an Arbeitseinsatzprüfer.¹⁵¹ In March 1946, he was interned and then, on 10 May 1950 in Waldheim, he was also sentenced to life imprisonment and the obligatory confiscation of assets due to the position he held.¹⁵² As he was suffering from tuberculosis, Oskar E. was released from Brandenburg prison on 29 June 1956.¹⁵³ Karl Friedrich Steinberg (born 1897) had admitted to having been deployed to Auschwitz concentration camp from April 1941 onwards as a Blockführer and as a Kommandoführer¹⁵⁴ of a road construction detail, and of having participated in or been present at the mistreatment and shooting of prisoners as an SS-Unterscharführer. Steinberg was sentenced to death on 9 June 1950.¹⁵⁵ After his plea for clemency was rejected, the sentence was carried out shortly thereafter in Waldheim.¹⁵⁶

Karl W. (born 1903) had been deployed to Auschwitz on 1 October 1944 as a member of a Landeschützen battalion, and had performed guard duties in one of the watchtowers in the outer ring of the camp. He was sentenced to ten years in prison.¹⁵⁷ Through a pardon granted by the President of the

¹⁵¹ In his capacity as Arbeitseinsatzprüfer, Oskar E. oversaw the work assignment of the inmates made available by the SS for forced labour in line with the contractual specifications and order completion for the company. Cf. Interrogation record of the Saxony authority of the People's Police, Dept. K, Waldheim Investigation Unit dated 6.5.1950; BAArch, MfS, Dept. XII RF 83, pp. 43 f., here 44.

¹⁵² Verdict of the Third Grand Criminal Division of Chemnitz Regional Court pursuant to Order 201 dated 10.5.1950; BAArch, MfS, Dept. XII RF 359, pp. 10 f.

¹⁵³ Note on case index card F 563 of HA IX/11; BAArch, MfS, HA IX/11.

¹⁵⁴ Inmates who were forced to work in SS plants, workshops or private sector building sites were subordinate to an (SS)-Kommandoführer who, in turn, belonged to Division III (work assignment administration) of the SS commandant's office.

¹⁵⁵ Sentence of the Seventh Grand Criminal Division of Chemnitz Regional Court in Waldheim dated 9.6.1950. In: Rüter: DDR-Justiz und NS-Verbrechen, case nos. 2062 a, 2062 b, pp. 335–338. Steinberg had presumably also been commanding officer of the punishment detail and had temporarily been in charge of crematoria I and II in Birkenau. Cf. Klee: Auschwitz, p. 388; Miklós Nyiszli: Im Jenseits der Menschlichkeit. Ein Gerichtsmediziner in Auschwitz. Berlin 2005, pp. 92 f. and 202.

¹⁵⁶ Eisert: Die Waldheimer Prozesse, pp. 264–266 and 292–297.

¹⁵⁷ Interrogation record of the Saxony authority of the People's Police, Dept. K, Waldheim Investigation Unit dated 11.3.1950; BAArch, MfS, Dept. XII RF 145, pp. 11 f.; verdict of the Sixth Grand Criminal Division of Chemnitz Regional Court in Waldheim dated 31.5.1950; *ibid.*, pp. 27 f.

GDR on 7 October 1952, he was given a five-year reduction in his sentence, followed by a suspended sentence at the end of January 1954.¹⁵⁸ As far as Paul F. (born 1911) is concerned, all that is known up to now is that he had the rank of an SS-Sturmmann in the Auschwitz guard unit. In Waldheim he was sentenced to 15 years in prison, but was released in 1956.¹⁵⁹

As these examples also show, the purpose of the court proceedings was the political conclusion of largely arbitrary prosecution, and not atonement for concrete National Socialist crimes. There is no doubt that there were also people on trial in Waldheim who had many human lives on their conscience. However, since in most cases no evidence was heard, their individual acts were not usually even the subject of the proceedings. Even people whom the prosecutors of the International Military Tribunal in Nuremberg had already searched for, were sentenced solely on the grounds of membership of National Socialist organisations. Among them was Dr jur. Erhard Wetzel (1903–1975). He had been responsible for ‘settlement issues’ in Rosenberg’s ‘Reich Ministry for the Occupied Eastern Territories’ and had been heavily involved in the murder of Jews.¹⁶⁰

Wetzel, who had lived in Potsdam since 1909, had entered the service of the Prussian Ministry of Justice after successfully completing his law studies at the University of Berlin and his doctorate in Göttingen. As an assistant judge, he initially worked in various local and regional courts in Berlin and Brandenburg. In May 1933, he joined the NSDAP and the National Socialist Lawyers’ Association ‘with the utmost conviction’ and left the Protestant Church at an unknown time.¹⁶¹ From mid-May 1934, Wetzel took over as volunteer manager of the main guidance office of the NSDAP’s Racial Policy Office. In June 1936, he was appointed as a magistrate with Potsdam Local Court.¹⁶² In 1939, Wetzel was promoted to the position of ‘Commissioner for all Racial Policy Issues with the Director of the Civil Administration in Posen/Warthe-gau’.¹⁶³

¹⁵⁸ Application for suspension of sentence by the chief public prosecutor of the GDR to the First Court of Criminal Appeal of Karl-Marx-Stadt District Court dated 6.1.1954; *ibid.*, pp. 32 f.; decision of the First Court of Criminal Appeal of Karl-Marx-Stadt District Court on suspension of sentence with probationary period dated 20.1.1954; *ibid.*, pp. 34 f.

¹⁵⁹ Case index card F 563 of HA IX/11; BArch, MfS, HA IX/11.

¹⁶⁰ Wieland: *Naziverbrechen und deutsche Strafjustiz*, p. 160.

¹⁶¹ Interrogation record of the Saxony authority of the People’s Police, Dept. K, Investigation Unit dated 20.4.1950; BArch, MfS, Dept. XII RF 147, pp. 63 f., here 64.

¹⁶² Curriculum vitae dated 26.4.1950, transcript of the Main Administration of the German People’s Police, Main Department HS, Waldheim Investigation Unit; *ibid.*, pp. 3 f.

¹⁶³ Ernst Klee: *Das Personenlexikon zum Dritten Reich. Wer war was vor und nach*

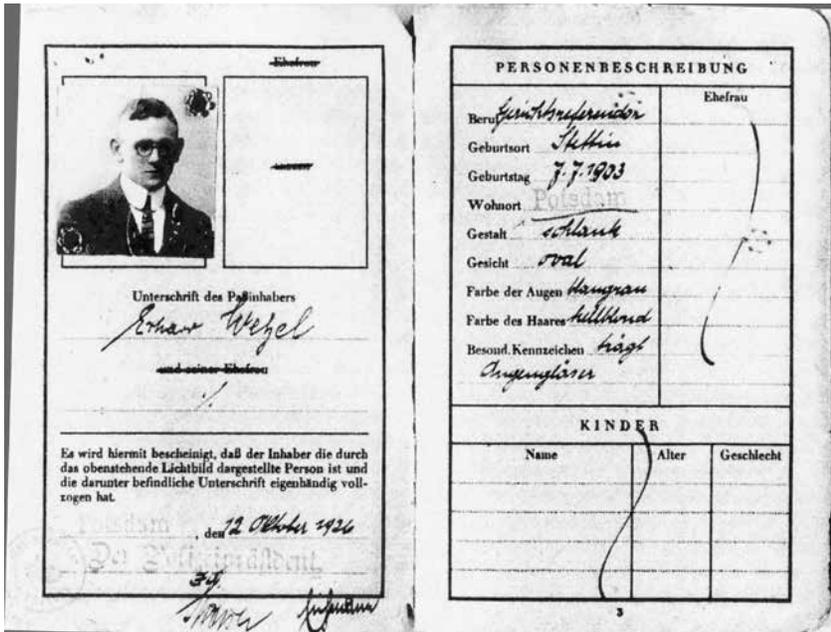


Fig. 9: Erhard Wetzel, copy of passport from 1926 from the Waldheim investigation file of the People's Police

At the beginning of October 1941, Wetzel was seconded by the Reich Justice Administration to the 'Reich Ministry for the Occupied Eastern Territories' (RMfdbO). Initially, he worked in Department I/I (General Political Affairs) and, from 1942, as a senior advisor and head of the Special Department Ie (Racial Policy).¹⁶⁴ In each of these positions, be it manager of the guidance office¹⁶⁵ or 'officer for racial policy issues'¹⁶⁶ in the RMfdbO, Wetzel proved himself to be a 'fanatical interpreter'¹⁶⁷ of the 'General Plan East'.¹⁶⁸ The

1945. Frankfurt/M. 2003, p. 673.

¹⁶⁴ Information report of the Documentation Centre of the State Archive Administration in the Ministry of the Interior dated August 1968; BArch, MfS, HA IX/11, RHE 11/70, pp. 131 f.

¹⁶⁵ As such, Wetzel wrote an exposé in November in which he described the population of occupied Poland as 'racially [...] essentially alien to the species' and 'unassimilable'. Excerpts from the exposé entitled 'Die Frage der Behandlung der ehemaligen polnischen Gebiete nach rassenpolitischen Gesichtspunkten' dated 25.11.1939 are printed in: Werner Röhr (ed.): Die faschistische Okkupationspolitik in Polen (1939–1945). Berlin 1989, pp. 143–145.

¹⁶⁶ Helmut Heiber: Der Generalplan Ost. In: VfZ 6(1958)3, pp. 281–325, here 286.

¹⁶⁷ Quote from Wieland: Naziverbrechen, p. 160.

¹⁶⁸ Cf. Mechtild Rössler, Sabine Schleiermacher (eds.): Der 'Generalplan Ost'.

purpose of this plan was to implement what Hitler had formulated as a goal in his Reichstag speech on 6 October 1939: to ensure ‘a new order of ethnographic relations’ in eastern and south-eastern Europe through the ‘resettlement of nationalities’.¹⁶⁹ Wetzel himself assumed that around 51 million people would have to be ‘resettled’ in eastern and south-eastern Europe.¹⁷⁰ At a meeting on 4 February 1942 at the Reich Security Main Office (RSHA), the ‘questions of Germanisation, especially in the Baltic countries’ were discussed.¹⁷¹ In addition to Wetzel and other experts on race and population issues, Dr Gerhard Teich, who would later work for many years for the foreign espionage of the GDR, also took part.¹⁷² The participants discussed, among other things, whether ‘it would be expedient to scrap’, the term coined by Wetzel, ‘the racially undesirable parts of the population’.¹⁷³ In addition, Wetzel can also be regarded as a ‘prime example of an academically trained but aggressively anti-Semitic desk perpetrator’.¹⁷⁴ Among other things, he ‘busily and [...] meticulously occupied himself with the preparations for gassing Jews’.¹⁷⁵ For example, by holding discussions with Adolf Eichmann and Viktor Brack, one of the euthanasia organisers, about the ‘technical implementation of the Final Solution’¹⁷⁶ – a fact that was also discussed at

Hauptlinien der nationalsozialistischen Planungs- und Vernichtungspolitik. Berlin 1993; Götz Aly, Susanne Heim: Vordenker der Vernichtung. Auschwitz und die deutschen Pläne für eine neue europäische Ordnung. Frankfurt/M. 1993; Bruno Wasser: Himmlers Raumplanung im Osten. Der Generalplan Ost in Polen 1940–1944. Basel et al. 1993; Götz Aly: ‘Endlösung’ Völkerverschiebung und der Mord an den europäischen Juden. Frankfurt/M. 1999; Uwe Mai: ‘Rasse und Raum’. Agrarpolitik, Sozial- und Raumplanung im NS-Staat. Paderborn et al. 2002; Isabell Heinemann: ‘Rasse, Siedlung, deutsches Blut’. Das Rasse- & Siedlungshauptamt der SS und die rassenpolitische Neuordnung Europas. Göttingen 2003.

¹⁶⁹ Max Domarus: Hitler. Reden und Proklamationen 1932–1945, vol. 3. Wiesbaden 1973, p. 1383.

¹⁷⁰ Czesław Madajczyk (ed.: Vom Generalplan Ost zum Generalsiedlungsplan. Munich et al. 1994, p. X.

¹⁷¹ The minutes of this meeting are printed in: Heiber: Der Generalplan Ost, pp. 295 f.

¹⁷² Henry Leide: ‘Wir schätzen nicht den Menschen nach seiner Vergangenheit ein.’ Die Anwerbungspraxis des MfS im Westen. In: Horch und Guck 20(2011)4, pp. 20–25.

¹⁷³ Heiber: Der Generalplan Ost, p. 295.

¹⁷⁴ Quote from: Wieland: Naziverbrechen, p. 160.

¹⁷⁵ Heiber: Generalplan Ost, p. 287.

¹⁷⁶ Friedrich Karl Kaul: Der Fall Eichmann. Berlin (East) 1964, pp. 112 f. and 230;

the trial of Adolf Eichmann in Jerusalem (11 April to 12 December 1961).¹⁷⁷ In addition, Wetzel was involved in drafting a 'Regulation on the Definition of the Term Jew'.¹⁷⁸ And he represented the East Ministry at two interministerial meetings (6 March and 27 October 1942) in the Eichmann Division of the Reich Security Main Office, in which the fate of so-called 'half-breeds' and 'mixed marriages' were discussed in the context of the 'Final Solution to the Jewish Question'.¹⁷⁹ On 19 May 1945, Wetzel, who had risen to the rank of head of division (Ministerialrat) in the summer of the previous year, was arrested in his Potsdam apartment. He was subsequently interned in the Soviet special camps of Landsberg/Warthe, Frankfurt/O., Ketschendorf and Buchenwald. In mid-February 1950, he was then transferred to Waldheim.¹⁸⁰ Here, on 4 May 1950, Wetzel was initially sentenced to 15 years' imprisonment plus confiscation of assets for 'restitution purposes' because he had 'provided extraordinary support to National Socialist tyranny'.¹⁸¹ The very next day, the public prosecutor appealed against the sentence.¹⁸² The chief public prosecutor's office backed this request and argued:

The impact of the work of the defendant and the consequences of the racial policy of the Eastern Ministry resulted in the atrocious persecution of the Jews, and the extermination camps in which millions of innocent people perished.

Hans Buchheim et al. (eds.): *Anatomie des NS-Staates*, vol. II: Konzentrationslager, Kommissarbefehl, Judenverfolgung. Olten 1965, pp. 411 f.; Gerald Fleming: *Hitler und die Endlösung: 'Es ist des Führers Wunsch ...'*. Frankfurt/M., Berlin 1987, p. 84; Peter Longerich: *Politik der Vernichtung. Eine Gesamtdarstellung der nationalsozialistischen Judenverfolgung*. Munich et al. 1998, p. 443.

¹⁷⁷ Cf. David Cesarani: *Adolf Eichmann. Bürokrat und Massenmörder*. Augsburg 2005, pp. 150 f., 389 and 414.

¹⁷⁸ Cornelia Essner: 'Die Nürnberger Gesetze' oder Die Verwaltung des Rassenwahns 1933–1945. Paderborn 2002, pp. 359–370; Peter Klein: *Die 'Wannsee-Konferenz' am 20. Januar 1942. Eine Einführung*. Berlin 2017, p. 77.

¹⁷⁹ Peter Longerich: *Wannsee-Konferenz. Der Weg zur 'Endlösung'*. Munich 2016, pp. 137 f. The minutes of these meetings are printed in: Robert M. W. Kempner: *Eichmann und Komplizen*. Zurich et al. 1961, pp. 170–178 and 257–263.

¹⁸⁰ Curriculum vitae dated 26.4.1950, copy of the Main Administration of the German People's Police, Main Department HS, Waldheim Investigation Unit; BAArch, MfS, Dept. XII RF 147, p. 4.

¹⁸¹ Verdict of the Third Grand Criminal Division of Chemnitz Regional Court dated 4.5.1950; *ibid.*, pp. 16–18.

¹⁸² Appeal against the sentence by the public prosecutor with Chemnitz Regional Court in Waldheim lodged with the office of the Grand Criminal Division (201) of Chemnitz Regional Court dated 5.5.1950; *ibid.*, p. 19.

For being an accessory to such acts [...] a custodial sentence of just 12 [!] in such a serious case constitutes a gross travesty of justice.¹⁸³

In fact, the decision of the court of first instance regarding sentencing was overturned on 19 May and referred back to the previous instance.¹⁸⁴ On 8 June 1950, a new trial took place in which Wetzel was sentenced to 25 years in prison. The court gave the following reasons:

In the first trial, the Court had adopted the position that the East Ministry had nothing to do with the crimes in Poland, especially in Maidanek [!] and Auschwitz. This view is erroneous, and the Court came to the conclusion in the second trial that the defendant, a specialist in racial policy questions, had been – in his capacity as head of division – an important wheel, and a drive wheel at that, in this machinery.¹⁸⁵

By way of a presidential pardon on the occasion of the third anniversary of the founding of the GDR, the sentence was initially reduced by ten years in 1952.¹⁸⁶ Three years later, on 31 December 1955, Wetzel was released from Torgau prison to live with his family in Potsdam.¹⁸⁷ After relocating to the Federal Republic, he worked in the Lower Saxony Ministry of the Interior until his retirement in 1958. A preliminary investigation that had been initiated about him was dropped in 1961.¹⁸⁸

The Wetzel case demonstrates just how superficial the investigations in the Waldheim trials were and how quickly even those persons who were heavily incriminated could be released after such a conviction in the GDR. However, it also shows that in the Federal Republic (especially in some federal states such as Lower Saxony) there was a complete lack of awareness of the problem at the time, and persons with such a past history were not even barred from government service. It is possible that Wetzel, a Waldheim convict, was almost automatically considered to be an innocent victim of

¹⁸³ Standard letter of the chief public prosecutor in the region of Saxony with an application for granting the appeal to Dresden Higher Regional Court, Court of Criminal Appeal pursuant to Order 201 dated 17.5.1950; *ibid.*, p. 20.

¹⁸⁴ Verdict of the Court of Criminal Appeal pursuant to Order 201 of Dresden Higher Regional Court dated 19.5.1950; *ibid.*, pp. 29 f.

¹⁸⁵ Verdict of the Third Grand Criminal Division of Chemnitz Regional Court in Waldheim dated 8.6.1950; BArch, MfS Dept. XII RF 575, pp. 13 f., here 14.

¹⁸⁶ File note of Waldheim prison dated 27.10.1952; *ibid.*, p. 15.

¹⁸⁷ Notification of the release of a prisoner from Torgau prison to the head of the Potsdam county office of the People's Police dated 31.12.1955; *ibid.*, p. 109.

¹⁸⁸ Klee: *Personenlexikon zum Dritten Reich*, p. 673.

persecution at a time when the Cold War was at its height. Only later, after his involvement in the persecution of the Jews had come to light, did the Lower Saxony Ministry of the Interior block his retirement pay 'because of his conduct during the National Socialist era'. Wetzels sued as he saw himself as a 'decent German civil servant' who had never done anything wrong.¹⁸⁹

1.5 Was there an 'our people principle'?

The Dutch legal expert, Christiaan Frederik Rüter, is of the opinion that National Socialist perpetrators in East Germany were indeed sentenced far more comprehensively, consistently and quickly than was the case in the Federal Republic.¹⁹⁰ The tenor of this statement resembles the official GDR position, as it had already been outlined in 1965 in a propaganda brochure produced in cooperation between the MfS and the judiciary.¹⁹¹ Furthermore, Rüter comes to the conclusion that the differences he identified are due to a commonality, to what he calls the 'our people principle'. According to this, the better results in East Germany can be explained by the fact that the public prosecutors there were political opponents of the National Socialist regime and had, therefore, identified with the victims. In West Germany, in contrast, the opposite was the case, even if only because of the continuity in the staff employed by the judiciary.¹⁹² In fact, the exchange and denazification of judicial personnel in the Soviet Occupation Zone and the GDR, with the

¹⁸⁹ Georg Würtz: Wetzels weiße Weste. Lebenslauf eines 'anständigen Beamten'. In: Stern, no. 11 dated 14.3.1965, pp. 15 f.

¹⁹⁰ Christiaan Frederik Rüter: Das Gleiche. Aber anders. Die Strafverfolgung von NS-Verbrechen im deutsch-deutschen Vergleich. In: DA 43 (2010) 2, pp. 213–222.

¹⁹¹ Die Haltung der beiden deutschen Staaten zu den Nazi- und Kriegsverbrechen. Eine Dokumentation. Generalstaatsanwalt der DDR, Ministerium der Justiz der DDR (ed). Berlin 1965, p. 30; Cover letter from the Minister of Justice to the Minister for State Security and annex: report on the result of the registration of Nazi and war criminals convicted after 1945 on the territory of the GDR, n.d. [July 1964]; statement of MfS-HA IX on the proposals of the working group for the registration of Nazi and war criminals convicted after 1945 on the territory of the GDR, dated 14.7.1964; cover letter of the Minister of Justice to the Minister for State Security and annex: report of Department II of the Ministry of Justice on the results of the further investigation for the registration of Nazi and war criminals convicted after 1945 on the territory of the GDR dated 15.8.1964; BArch, MfS, SdM no. 1219, pp. 66–72, 80–88 etc.

¹⁹² Rüter: Das Gleiche. In: DA 43 (2010) 2, p. 216.



Fig. 10: Paul Fetzko, around 1952, then head of the Rudolstadt office

exception of individual cases,¹⁹³ had been ‘carried out extremely thoroughly’. Consequently, by the summer of 1951 about 63 percent of the judges and just over 90 percent of the public prosecutors had already joined the SED.¹⁹⁴

The number of members of official staff of the MfS in the 1950s and 1960s was similarly high.¹⁹⁵ After all, more than 30 percent of the founding generation of the MfS had been persecuted for political reasons during the National Socialist era, had been forced to emigrate, or had been incarcerated in prisons and concentration camps.¹⁹⁶ These facts are discussed below using the example of the biographies of three former Auschwitz inmates, who ranked amongst the ‘chekists’ right from the very outset: Paul Fetzko (1907–1977), Adolf Schilling (1903–1984) and

Wilhelm Enke (1912–1980).

Fetzko was arrested by the Gestapo as a communist functionary in 1936 and then sentenced to three years in prison for ‘conspiring to commit high treason’.¹⁹⁷ After serving his time in Berlin-Plötzensee¹⁹⁸ and Brzeg/Silesia prisons, he was not released but taken into protective custody. After intermediate stays in the police prisons of Görlitz and Breslau, he was deported to Auschwitz-Birkenau in June 1943 (inmate number 124860).¹⁹⁹ A fellow prisoner, who had been convicted of violating the ‘Ordinance on the Treatment of Prisoners of War’²⁰⁰ and deported to Auschwitz, later testified that

¹⁹³ Peter Riegel: *Der tiefe Fall des Professors Pchalek. Diener dreier Unrechtsregime. Ein Thüringer Jurist zwischen NS-Justiz, Besatzungsmacht, Rechtsprofessur und Spitzeldienst*. Erfurt 2007.

¹⁹⁴ Wentker: *Justiz in der SBZ/DDR*, pp. 115 and 590.

¹⁹⁵ Ilko-Sascha Kowalczyk: *Stasi konkret. Überwachung und Repression in der DDR*. Munich 2013, p. 66.

¹⁹⁶ *Ibid.*, p. 71.

¹⁹⁷ Communication from the Secret State Police, Liegnitz Police Office to the regional counsellor in Rothenberg/Upper Lusatia dated 15.11.1938; BArch, MfS, BV Rostock, KS 111/63, p. 16.

¹⁹⁸ Information from the International Tracing Service (ITS) Bad Arolsen dated 29.4.2016 to the author.

¹⁹⁹ Paul Fetzko, curriculum vitae, n.d. [1950]; BArch, MfS, BV Rostock, KS 111/63, pp. 19–22.

²⁰⁰ Cf. Reich Law Gazette, part I, published in Berlin, 17.5.1940, p. 769. The public

Fetzko, who had worked as a kapo, had saved her life there by procuring medication for her. In November 1944, Fetzko was forcibly recruited for service in the SS-Sturmbrigade Dirlewanger together with other, mostly Reich German political prisoners.²⁰¹ After intermediate stays in Slovakia and Hungary, Fetzko and his unit had already defected to the Red Army by December.²⁰² Subsequently, he had acted as propaganda leader and chairman of the anti-fascist committee in the various prisoner-of-war camps. Fetzko returned to the Soviet Occupied Zone in the spring of 1949.²⁰³ From May 1950 until his summary dismissal on disciplinary grounds²⁰⁴ in October 1963, Fetzko, a member of the Association of Persecutees of the Nazi regime (VVN) and honoured as a 'fighter against fascism', then officially served the MfS as head of the county office and head of the unit responsible for 'East offices, SPD-DGB, Trotskyism'). He last served with the rank of captain as head of Department XIV (pretrial detention centre) of Rostock district office.²⁰⁵ Even after that, he had remained at the disposal of the MfS and, as a senior unofficial collaborator (FIM) with the codename 'Hermann', had run a network of unofficial collaborators (IMs).²⁰⁶

Adolf Schilling, who was born and raised in Dresden, had joined the 'Vereinigte Kletterabteilung', a mountaineering organisation of the communist 'Kampfgemeinschaft für Rote Sporteinheit' 'action group for red sports unity' (in short: Rotsport) in 1932. After the National Socialists came to power, Schilling organised the smuggling of KPD propaganda material

prosecutor for the town and county of Görlitz, record of the testimony of Cäcilie H. dated 15.3.1966; BArch DP 3/1613, pp. 464 f.

²⁰¹ Ibid., p. 20; Hans-Peter Klausch: Antifaschisten in SS-Uniform. Schicksal und Widerstand der deutschen politischen KZ-Häftlinge, Zuchthaus- und Wehrmachtsgefangenen in der SS-Sonderformation Dirlewanger. Bremen 1993, pp. 170 f. and 180 f.; on the Sturmbrigade see Hellmuth Auerbach: Die Einheit Dirlewanger. In: VfZ 10(1962) 3, pp. 250–263.

²⁰² Fetzko, curriculum vitae, n.d. [1950]; BArch, MfS, BV Rostock, KS 111/63, p. 20; Klausch: Antifaschisten in SS-Uniform, pp. 225–270.

²⁰³ Fetzko, curriculum vitae, n.d. [1950]; *ibid.*

²⁰⁴ Among other things, Fetzko was accused of having granted 'the prisoners awaiting trial unjustified rights and privileges' and of having 'in part no longer regarded them as class enemies'. Cf. Information report of the cadre and training department of Rostock district office on Captain Paul Fetzko dated 10.10.1963; BArch, MfS, BV Rostock, KS 111/63, pp. 281–287, here 284.

²⁰⁵ *Ibid.*, pp. 283 f., 287.

²⁰⁶ Final report of Rostock county office, Division I, on the FIM 'Hermann' dated 25.4.1977; BArch, MfS, BV Rostock, AIM 968/77, vol. I/I, p. 191.



Fig. 11: Adolf Schilling, around 1953

and endangered persons from Czechoslovakia to Germany.²⁰⁷ During one of these transports he was caught by the Gestapo and in January 1935 sentenced by Munich Higher Regional Court to three years and six months in prison for conspiring to commit high treason.²⁰⁸ He served his time in Straubing and Erbach prisons. In February 1938, Schilling was handed over to the Gestapo, taken into protective custody and deported to Flossenbürg and Dachau concentration camps.²⁰⁹ In Dachau, Schilling was employed as a nurse in the prisoners' infirmary and belonged to a resistance group in the camp together with Hermann Langbein.²¹⁰ In the summer of 1942, ward orderlies of the inmates' infirmary, including Karl Lill,

Hermann Langbein and Adolf Schilling, were transferred to Auschwitz.²¹¹ Against the backdrop of internal power struggles between social-democratic and communist prisoners, it was suspected that the transfer was made 'for the purpose of extermination'. Auschwitz was very well known to the inmates as an 'extermination camp'.²¹² In addition, a typhus epidemic was raging there.²¹³

Schilling was initially deployed as a nurse in Birkenau, but he contracted typhus in the autumn and was sent to the main camp. There he was initially

²⁰⁷ Curriculum vitae dated 1.10.1953; BArch, MfS, BV Dresden, KS 49/69, pp. 53–60, here 54.

²⁰⁸ Extract from the criminal record of the chief public prosecutor's office of the GDR dated 29.2.1956; BArch, MfS, BV Dresden, KS 49/69, pp. 170 f.

²⁰⁹ Information from the ITS to the author dated 29.4.2016.

²¹⁰ Curriculum vitae dated 1.10.1953; BArch, MfS, BV Dresden, KS 49/69, p. 57.

²¹¹ Hermann Langbein: *Die Stärkeren. Ein Bericht aus Auschwitz und anderen Konzentrationslagern*. Cologne 1982, pp. 86–88; on Schilling: letter from the head of administration of Dachau concentration camp to the administration of Auschwitz concentration camp along with a list of inmates whose social security records had been handed over dated 19.8.1942; ITS Archive, copy dated 1.1.6.1/9949694. The list is printed in facsimile in: Brigitte Halbmayr: *Zeitlebens konsequent. Hermann Langbein. 1912–1995. Eine politische Biografie*. Vienna, 2012, p. 71

²¹² Schilling: curriculum vitae, p. 57.

²¹³ Willy Berler: *Durch die Hölle. Monowitz, Auschwitz, Groß-Rosen, Buchenwald*. Augsburg 2003, pp. 87 f. and 210.

employed as a Blockältester²¹⁴ in the infirmary, then in the pharmacy of the SS precinct, and finally as a 'kapo disinfectant'.²¹⁵ At the same time, he was again active in the camp together with Hermann Langbein in a resistance group ('Kampfgruppe Auschwitz').²¹⁶

As fellow prisoners reported later, Schilling's courageous actions had 'saved the lives of hundreds of Jewish people, especially members of the communist party'.²¹⁷ By exerting influence on the SS garrison physician, Langbein succeeded in having Schilling transferred to Birkenau women's camp in early 1944 to liaise with the resistance movement and disguised as a 'senior kapo disinfection'.²¹⁸ There Schilling fell seriously ill and was not fit for transport at the time of the evacuation of the camp. On the afternoon of 27 January 1945, the survivors were liberated by units of the Red Army. Presumably based on a report from a fellow inmate²¹⁹ Schilling, however, was taken into custody as a kapo only two days later and, still in his inmate's uniform, was placed on a prisoner-of-war transport to the Soviet Union.²²⁰ It was probably also thanks to the commitment of some communist prison inmates such as Karl Lill and Hermann Langbein that Schilling was released home in December 1947, albeit unable to work and in precarious health.²²¹

After a period of recuperation and convalescence, Schilling was entrusted with personnel and control duties in the SED party apparatus of the state of Saxony. Among other things, he was employed as a clerk in the investigation department of the personnel policy department (PPA) of the SED directorate

²¹⁴ Blockältester were inmate functionaries who reported to the Blockführer and assisted them with their tasks.

²¹⁵ Schilling: curriculum vitae, p. 57.

²¹⁶ Henryk Świeboki: *Widerstand*. In: Waław Długoborski, Franciszek Piper (eds.): *Auschwitz 1940–1945. Studien zur Geschichte des Konzentrations- und Vernichtungslagers Auschwitz*. Oświęcim 1999, vol. IV, pp. 153–159; Hermann Langbein: ... nicht wie Schafe zur Schlachtbank. *Widerstand in den nationalsozialistischen Konzentrationslagern*. Frankfurt/M. 1980, p. 92.

²¹⁷ Report by Hans Schrecker on the subject of a conversation with fellow inmates of Adolf Schilling in Prague, transcript dated 18.3.1950; BArch, MfS, BV Dresden, KS 49/69, p. 115.

²¹⁸ Schilling: curriculum vitae, pp. 57 f.; Langbein: ... nicht wie Schafe, p. 92.

²¹⁹ Report of the cadre and training department of Dresden district office about a conversation with Karl Lill dated 5.4.1954; BArch, MfS, BV Dresden, KS 49/69, pp. 140–142.

²²⁰ Curriculum vitae, pp. 58 f.

²²¹ [Circular] letter from Karl Lill dated 17.11.1945 concerning the need to further investigate the Dresden communist Adolf Schilling; BArch, MfS, BV Dresden, KS 49/69, pp. 112 f.



Fig. 12: Wilhelm Enke, most recently a colonel in the MfS and deputy head of the Central Department for Personal Security (HA PS), photo from the records of the HA PS, after 1970

career within the MfS was also different in terms of rank, responsibilities and tasks. Wilhelm Enke came from a working-class family and was born and attended a primary school in Kreuzburg/Werra, a small town not far from Eisenach. His father, a stonemason, had died in 1914 as a result of a war injury.²²⁶ Already as a child Enke had become a member of the Young Spartacus Association (Jung-Spartakus-Bund), the children's organisation of the KPD.²²⁷

in Saxony, then in the state party control commission (LPKK).²²² In December 1950, he became a member of the SED state commission to vet party members and candidates.²²³ After leaving the party apparatus, the State Security Service recruited him in October 1953. With the rank of first lieutenant, he was initially responsible for 'combating hostile elements among the Sorbs' in the Dresden district office.²²⁴ From 1957 until his retirement in 1968, he held the rank of captain and was head of the technical department.²²⁵

Wilhelm Enke's life and career differed from those of his two colleagues in several respects: he had been imprisoned for a longer period of time and, in addition to Auschwitz, had also survived Majdanek concentration and extermination camp. His

²²² Evaluation of the SED District Party Control Commission Dresden dated 5.10.1953; *ibid.*, pp. 23 f.

²²³ Characterisation of Adolf Schilling by the SED Organising Committee of Dresden district dated 7.8.1952; *ibid.*, p. 21.

²²⁴ Characterisation of first lieutenant Adolf Schilling by Dept. V of Dresden district office dated 21.12.1954; *ibid.*, p. 26.

²²⁵ Proposal by the cadre and training department of Dresden district office for his discharge due to his reaching the legal retirement age dated 5.7.1968; *ibid.*, pp. 231–234.

²²⁶ Curriculum vitae Wilhelm Enke dated 10.6.1950; BArch, MfS, KSI 26/84 (cadre file), pp. 88 f.

²²⁷ Curriculum vitae Wilhelm Enke dated 22.10.1948; BArch, MfS, HA IX/11 SV 10/87, pp. 169–172, here 171.

From 1926 Enke had learned the painter's trade (decorative painter) and attended a trade and arts and crafts school in Eisenach. In the spring of 1928 he joined the Communist Youth League of Germany (Kommunistischer Jugendverband Deutschlands – KJVD) and after two years of membership he already took over functions in the sub-district leadership. The following year, Enke was accepted into the banned Red Front Fighters' Alliance (Rotfrontkämpferbund – RFB) and assigned the leadership of the youth organisation, the likewise illegal Red Young Front (Roter Jungfront), in Eisenach.

Because of his experience in conspiratorial work, he was likewise involved in the undercover activities of the 'M apparatus', the KPD's intelligence service,²²⁸ of which he had been a member since 1931. Enke was involved in both 'painting and pasting activities' as part of the KPD electoral campaigns and in several 'breaches of the peace' and 'weapons procurement activities'. In addition, he was arrested several times, among other things, on the grounds of 'undermining the Reichswehr', and charged. However, he was never convicted because of a lack of evidence.²²⁹ After the Reichstag fire, Enke was taken into protective custody in March 1933 and sent to Eisenach court prison. Due to the betrayal by the regional leader of the RFB Thuringia²³⁰ he was then charged in the spring of 1934 together with nine other comrades and sentenced in April 1934 by the Thuringian Higher Regional Court in Jena to four years in prison for offences against the Explosives Act concomitantly with conspiring to commit high treason and compound larceny. Enke served his sentence in Untermaßfeld regional prison.²³¹

Prior to his release, the Weimar State Police was informed of the imminent date.²³² From there, in turn, came the message, that there were plans to take Enke into protective custody once he had served his sentence. The prison officials were therefore requested to announce the attached protective

²²⁸ For more details, see Bernd Kaufmann et al.: *Der Nachrichtendienst der KPD 1919–1937*. Berlin 1993.

²²⁹ Curriculum vitae Wilhelm Enke dated 10.6.1950; BArch, MfS, KS I 26/84 (cadre file), p. 90.

²³⁰ *Ibid.*, p. 88.

²³¹ Charge sheet of the chief public prosecutor to the commun[ity] Thuringian Higher Regional Court in Jena dated 14.2.1934; BArch, MfS, HA IX/11 SV 10/87, pp. 51–69; verdict of the First Court of Criminal Appeal of the Community Higher Regional Court in Jena dated 13.4.1934; *ibid.*, pp. 71–86, here 72; notification of commencement of sentence from the senior management of the Thuringian regional prison Untermaßfeld dated 24.5.1934; *ibid.*, p. 115.

²³² Notification of the release of political inmates from the board of Untermaßfeld prison to the Weimar State Police Office dated 7.12.1937; *ibid.*, p. 131.

custody order to Enke on the day of his release from prison.²³³ This is what happened, and Enke was released on the morning of 2 February 1938 and taken by a senior police constable to Buchenwald concentration camp.²³⁴ On the afternoon of that day he was registered under inmate number 893²³⁵ and assigned to Block 15.²³⁶ Initially he carried out shaft work and was then part of a painting detail.²³⁷ He also had contact with high-ranking inmate functionaries and protagonists of communist resistance in the camp such as Walter Bartel, Horst Busse and Robert Siewert.²³⁸ On 18 February 1942 the SS transferred Enke and other tradesmen to Lublin-Majdanek concentration and extermination camp.²³⁹ Up to 1943 it was described as a prisoner-of-war camp of the Waffen-SS Lublin.²⁴⁰ With inmate number 6 Enke had to initially carry out earthwork but was then deployed for two years as a painter foreman.²⁴¹ Without supplying any details, Enke stated that there, too, he had been a member of an 'illegal anti-fascist group and had helped several inmates to escape'.²⁴² Just hours before the liberation of the camp on

²³³ Communication from the Secret State Police, Weimar Police Office, to the board of Untermaßfeld prison dated 20.1.1938; *ibid.*, p. 133.

²³⁴ Letter from Untermaßfeld prison to the Secret State Police, Weimar State Police Office, with reference to the announcement of the protective custody order and its attachment as an annex dated 2.2.1938; *ibid.*, p. 136; record (form) of Untermaßfeld prison on the release of an inmate dated 2.2.1938; *ibid.*, p. 135.

²³⁵ Arrivals log of Buchenwald concentration camp; ITS, copy of 1.1.5.1/5393730.

²³⁶ Notification of change by Buchenwald concentration camp dated 2.2.1938; ITS, copy of 1.1.5.1/ 5277508.

²³⁷ Curriculum vitae Wilhelm Enke dated 10.6.1950; BArch, MfS, KS I 26/84 (cadre file), p. 89.

²³⁸ Cf. Lutz Niethammer (ed.): *Der 'gesäuberte Antifaschismus'. Die SED und die roten Kapos von Buchenwald.* Berlin 1994; questionnaire [for returnees from the Soviet Union], n.d. [10.10.1948]; BArch, MfS, KS I 26/84 (supplementary file), pp. 49–52, here 50. The supplementary file consists of a set of documents concerning Wilhelm Enke, which had been handed over to the MfS by the Central Committee of the SED, Security Affairs Department, in February 1983 for further use.

²³⁹ Register of inmate numbers of Buchenwald concentration camp; ITS, copy of 1.1.5.1/5373991.

²⁴⁰ Józef Marszałek: *Majdanek. Geschichte und Wirklichkeit des Vernichtungslagers.* Hamburg 1982, p. 30.

²⁴¹ Questionnaire for the division 'Victims of Fascism' of the HA Labour and Social Welfare of the Ministry of Labour and Social Affairs of the region of Thuringia dated 22.10.1948; BArch, MfS, HA IX/11 SV 10/87, pp. 154–156.

²⁴² Curriculum vitae Wilhelm Enke dated 10.6.1950; BArch, MfS, KS I 26/84 (cadre file), p. 89.

22 July 1944, Enke was taken to Auschwitz on an evacuation transport.²⁴³ There he was given inmate number 190212 and assigned as a Blockältester to work as a tradesman in Block 7.²⁴⁴

Like Fetzko, Enke was also drafted in November 1944 into the SS unit Dirlwanger. On 28 April 1945 Enke and other comrades defected to the Red Army during their first front line action in the area of Märkisch-Buchholz.²⁴⁵ As a prisoner of war he came to the Moscow area and helped 'to expose the SS criminals' in the individual prisoner-of-war camps.²⁴⁶ He was also involved in the Antifa movement and attended, among other things, an anti-fascist-Marxist training course lasting several months in 1948 as well as a special class at the Antifa central school. On 10 October 1948, he was released to his homeland as part of a special action.²⁴⁷ Through the mediation of the SED, he joined Commissariat K 5 of Eisenach Criminal Police Office on 8 November. He was transferred a few months later to the state authority of the German People's Police in Weimar, where he worked as a clerk in personnel and confidential matters for the head of the Thuringian Criminal Police Department.²⁴⁸ In August 1949, Enke, like several other cadres with similar histories, was recruited by the State Security.²⁴⁹ Initially, he served as head of Department VII (responsible for the Ministry of the Interior and the German People's Police) of the Thuringian Administration, then from 1950 to 1953 in this same position with the MfS Berlin. From November 1954 until his retirement due to illness in December 1970, Enke (from 1960 with the rank of colonel) was deputy to the head of HA PS.²⁵⁰

Internal MfS notes on Wilhelm Enke's service career and a chronicle of the HA PS show that he built up the area of training and education within the service unit with the support of Soviet advisers. In addition to accompanying state and party officials on their trips, Enke was also responsible for helping with the preparations of security measures at major events, such as the 'Baltic Sea Week', which was held for the first time in 1958. In addition, after 13 August 1961, Enke was assigned the task of preparing, organising and

²⁴³ Affidavit by Wilhelm Enke dated 10.2.1955; *ibid.*, pp. 137–140.

²⁴⁴ Curriculum vitae Wilhelm Enke dated 10.6.1950; *ibid.*, p. 88.

²⁴⁵ Affidavit by Wilhelm Enke dated 10.2.1955; *ibid.*, p. 139.

²⁴⁶ Curriculum vitae Wilhelm Enke dated 10.6.1950; *ibid.*, p. 89.

²⁴⁷ *Ibid.*, p. 90.

²⁴⁸ Curriculum vitae Wilhelm Enke dated 8.12.1959; *ibid.*, pp. 31–36, here 33.

²⁴⁹ Cf. Jens Gieseke: *Die hauptamtlichen Mitarbeiter der Staatssicherheit. Personalstruktur und Lebenswelt 1950–1989/90*. Berlin 2000, p. 102.

²⁵⁰ Proposal of the HA PS for the discharge of Colonel Wilhelm Enke dated 12.12.1970; BArch, MfS, KS I 26/84 (cadre file), pp. 5–12.

planning the first border fortifications and border security installations in some East Berlin districts within the framework of the Central Department Personal Protection (HA PS).²⁵¹

Enke, who for many years had also been a member of the central party leadership of the HA PS, was respected and esteemed by his subordinates, not least because of his life history. Within the MfS, Enke was considered to be a 'person with the highest security clearance' due to the official position he held²⁵² especially since one of his other duties was to 'ensure the protection of the leading representatives of the GDR' in their residential area in Wandlitz-Waldsiedlung, which was sealed off from the general public.²⁵³

Despite their biographical background, Fetzko and Schilling were only marginally involved, and Enke not at all, in their Ministry's investigations and research into National Socialist crimes of violence committed in Auschwitz.²⁵⁴ Schilling demonstrably attempted to counter this circumstance by conducting research on his own initiative.²⁵⁵ Enke and Fetzko were presumably never questioned about their concrete experiences in Auschwitz or in connection with investigations into this matter. In any case, no references to this could be found in his cadre file or in other sources left over by the MfS. Only the curriculum vitae of Enke, after whom a vocational school in Thuringia was named, served to characterise the GDR's reconstruction generation and to demonstrate the MfS' anti-fascist cadre selection.²⁵⁶

In contrast, it was not only Fetzko who had to deal with suspicions about his possible collaboration and this was not unusual in the case of cadres with this background.²⁵⁷ In 1954, a rumour had begun circulating that Fetzko had been a member of an 'incineration detail' during his time in Auschwitz. The MfS investigated the vague accusation, but did not question Fetzko himself,

²⁵¹ Fragmentary notes and recordings, no details of author [HA PS], n.d. [1988]; BArch, MfS, HA PS no. 5486, pp. 556 and 560.

²⁵² Proposal of the HA PS for the discharge of Colonel Wilhelm Enke dated 12.12.1970; BArch, MfS, KS I 26/84 (cadre file), p. 10.

²⁵³ No details of author [MfS]: *Aktivisten der 1. Stunde* (minibook cassette with three volumes), vol. 1. Leipzig 1989, pp. 97–125, here 102.

²⁵⁴ Schilling was only interviewed for information purposes in the criminal proceedings against Hans Anhalt (Chapter 4.6). Cf. interview record of Dept. IX, BV Dresden dated 8.8.1963; BArch, BV Erfurt, AU 2046/64, vol. 21, pp. 66–71.

²⁵⁵ *Leide: NS-Verbrecher und Staatssicherheit*, p. 259.

²⁵⁶ *Aktivisten der 1. Stunde*, vol. 1, pp. 103–125; Klaus Eichner, Gotthold Schramm (eds.): *Angriff und Abwehr. Die deutschen Geheimdienste nach 1945*. Berlin 2007, pp. 321–324.

²⁵⁷ *Gieseke: Die hauptamtlichen Mitarbeiter*, p. 102.

only one of his former fellow inmates. The latter was not aware of any such activity, whereupon the investigation was abandoned.²⁵⁸

Three years later, while evaluating judicial records, the MfS archive department came across Gestapo interrogation records indicating that Fetzko had apparently incriminated comrades. Fetzko then had to justify himself to his superiors as well as to the SED district directorate, but was allowed to remain in the MfS after approval by the Security Affairs Department of the Central Committee of the SED.²⁵⁹ Adolf Schilling also had to defend himself in connection with his entry into the MfS because he had been in contact with Hans Schrecker, a Jewish communist and Western immigrant, latterly editor-in-chief of the SED regional paper *Leipziger Volkszeitung*, who was arrested in 1952 because of alleged links to Noel Field – a conspiracy construct with clear anti-Semitic tendencies.²⁶⁰ He had to explain his relationship with Schrecker to the MfS and provide character references from former fellow inmates about his time in Auschwitz.²⁶¹ He also gave the MfS a letter from Hermann Langbein which revealed a familiar and comradely relationship based on a common communist conviction.²⁶²

Enke, too, had been forced to defend himself against accusations by a former fellow inmate in January 1949. The latter had accused him, among other things, of uncomradely behaviour in Buchenwald and insinuated that he had volunteered for the SS (Dirlewanger). Enke, however, succeeded, in refuting these allegations.²⁶³ In the summer of 1950, he was recognised as a 'persecutee of the Nazi regime'²⁶⁴ and later also presented with the 'Fighter

²⁵⁸ Memo from the Cadre and Training Department, Rostock district office, dated 8.3.1955; BArch, MfS, BV Rostock, KS 111/63, p. 57.

²⁵⁹ Report and note by HA Cadre and Training dated 29.12.1957 and 15.9.1958; *ibid.*, pp. 218 f.

²⁶⁰ Rainer Behring et al. (eds.): *Diktaturdurchsetzung in Sachsen. Studien zur Genese der kommunistischen Herrschaft 1945–1952*. Cologne et al. 2003, p. 263; Niether: *Leipziger Juden und die DDR*, pp. 119–121.

²⁶¹ Declaration on relationship with Hans Schrecker dated 4.8.1953; BArch, MfS, BV Dresden, KS 49/69, p. 126; declaration of Czech and French communist Auschwitz inmates on behalf of Adolf Schilling 1948, transcript of a translation; *ibid.*, pp. 124 f.

²⁶² Transcript (of an original letter) from Hermann Langbein to Adolf Schilling dated 15.10.1948; *ibid.*, pp. 135–137.

²⁶³ Minutes of the Eisenach county office of the VdN dated 6.1.1949; BArch, MfS, HA IX/11 SV 10/87, pp. 166 f.

²⁶⁴ Decision of the Examination Committee at the Eisenach county council office, social welfare office, VdN division dated 22.8.1950; BArch, MfS, HA IX/11 SV 10/87, pp. 174 f.

against Fascism' medal.²⁶⁵ The biographies of the former Auschwitz inmates Enke, Fetzko and Schilling are not unrepresentative of the founding generation of the MfS, even if they themselves perhaps only made it to the lower or middle levels of management. After all, 13 of the 27, i.e. almost half of the highest cadres in the newly founded State Security, had been incarcerated in prisons and concentration camps of the National Socialist state – most of them for many years.²⁶⁶ Even if the personnel structure in the MfS was exceptional even by GDR standards, the recruitment patterns of full-time cadres in the security organs during this period were quite different from those in comparable areas of the Federal Republic.²⁶⁷

In the 1950s, the State Security often recruited personnel that consisted of a by no means small percentage of National Socialist party members.²⁶⁸ In addition, members of the Gestapo, Secret Field Police, SD and SS were also recruited, who, among other things, had participated in deportations to Auschwitz or, in the context of the death squads, in the 'Final Solution to the Jewish Question'.²⁶⁹ However, it is questionable whether the 'our people principle' played such an important role in GDR practice. After all, the MfS in the early 1950s in particular, a period during which National Socialist victims played such a major role in its staff, clearly had other priorities than the prosecution of National Socialist criminals.

²⁶⁵ Proposal of the HA PS for the discharge of Colonel Wilhelm Enke dated 12.12.1970; BArch, MfS, KS I 26/84 (cadre file), p. 47.

²⁶⁶ Gieseke: Die hauptamtlichen Mitarbeiter, p. 101.

²⁶⁷ Jens Gieseke: NSDAP-Mitglieder im Ministerium für Staatssicherheit. Zu den politischen Kosten des Aufbauenthusiasmus in der DDR-Gesellschaft. In: Stefan Creuzberger, Dominik Geppert (eds.): Die Ämter und ihre Vergangenheit. Ministerien und Behörden im geteilten Deutschland 1949–1972. Paderborn 2018, pp. 145–162. Dieter Schenk: Auf dem rechten Auge blind. Die braunen Wurzeln des BKA. Cologne 2001; Constantin Goschler, Michael Wala: 'Keine neue Gestapo'. Das Bundesamt für Verfassungsschutz und die NS-Vergangenheit. Hamburg 2015.

²⁶⁸ Cf. Christoph Rass: Das Sozialprofil des Bundesnachrichtendienstes. Von den Anfängen bis 1968. Berlin 2016.

²⁶⁹ Cf. Sabrina Nowack: Sicherheitsrisiko NS-Belastung. Personalüberprüfungen im Bundesnachrichtendienst in den 1960er-Jahren. Berlin 2016.

2. The Ministry for State Security (MfS) and its right of disposal over the National Socialist records

In contrast to democratic countries such as the Federal Republic of Germany in which National Socialist suspects were and still are investigated under the sole authority of the judiciary, in the German Democratic Republic this task fell to the secret police, the Ministry for State Security (MfS)¹. For the purpose of ‘reliably safeguarding state security’, the overriding priority of the MfS was ‘to protect and defend the hold on political power [...] from all subversive attacks by external and internal enemies’ and, in this way, ‘to protect the socialist order of the state and society from [...] negative influences and encroachments’.² This included, as then Minister of State Security Erich Mielke put it, ‘on behalf of and under the leadership of the Party [...] safeguarding its acquired political power by all means, including revolutionary force and conspiratorial methods’.³ Original quote from Mielke: ‘The decisions of the Party are the law that governs our actions!’⁴ Consequently, all secret police activities of the MfS were oriented first and foremost towards the ‘political necessities’ dictated by the SED. The MfS was set up in 1950 as the state investigative authority. Initially, it was only responsible for looking into individual cases. However, from the 1960s onwards it assumed sole responsibility for investigating National Socialist crimes. At the latest since that time, the dominant role of the MfS was, as Christian Dirks put it, ‘the essential feature of East German prosecution of National Socialist crimes’.⁵

From the end of the 1950s onwards, the GDR massively exploited the National Socialist issue in campaign-like political confrontations with the Federal Republic. However, as the GDR had been quick to shift the perpetrator problem to the outside world, any National Socialist criminal discovered within its borders – had he become known to the public at large – would inevitably have caused a loss of credibility. Consequently, every suspect in the GDR – also and more particularly in the context of the system conflict with the West – would have presented an incalculable risk. This, in turn, meant that the party and state leadership had to align all their other publicly visible activities in this area with the messages delivered during their

¹ Commonly known as the Stasi.

² Erich Mielke: *Sozialismus und Frieden – Sinn unseres Kampfes. Ausgewählte Reden und Aufsätze*. Berlin 1987, p. 416.

³ *Ibid.*, p. 417.

⁴ *Ibid.*, p. 430.

⁵ Dirks: ‘Die Verbrechen der anderen’, p. 332.

campaigns.⁶ This combination of vehement accusations against the Federal Republic and the simultaneous active renunciation of the prosecution of perpetrators within its borders inevitably led to an increase in the workload of the MfS. Given its extra-legal possibilities and the concentration of the relevant National Socialist records in its archives inaccessible to anyone but them⁷, only the State Security was in a position to protect the GDR from considerable domestic and foreign policy damage on this issue.

One of the propagandistic goals of the GDR was the ambitious aspiration to refute the ‘thesis advanced by the Federal German judiciary of an alleged lack of evidence in the prosecution of Nazi and war crimes’, and to help ‘unmask the practice adopted for reaching verdicts in the Federal Republic of Germany’.⁸ This meant that the MfS brought to trial those cases that could be used to reinforce this aspiration. Suspects who, in the estimation of the MfS, did not meet the criteria for an unproblematic conviction or even threatened to undermine its propaganda were not handed over to the judiciary.

In practice, the first step taken by the MfS was to initiate unofficial investigations into the identified suspects, especially into their identity and the crimes they were suspected of having committed. This often went hand in hand with a covert examination of their fitness to be detained and interrogated. In addition, a search was conducted for evidence and witnesses in archives at home and abroad. The results of the investigation were then summarised in a final report. If all the conditions were met or if it was difficult to hush up the affair, the Minister of State Security would initiate an official criminal investigation which almost always led to a conviction. Where this did not apply, the type of closure of the investigation had to bow to the dictates of the ‘greatest benefit for security policy’. It could also culminate in recruitment or other secret service usages.⁹ The basis for these specific investigations was primarily furnished by the some 7,000 to 11,000 running metres of archival material from the National Socialist era.¹⁰ This

⁶ Cf. Weinke: Die Verfolgung von NS-Tätern im geteilten Deutschland.

⁷ Leide: NS-Verbrecher, pp. 143–190.

⁸ Ibid., p. 105.

⁹ Ibid., p. 111.

¹⁰ Details about the volume of this archival material vary in the publications; however, attention can merely be drawn to this fact in the context of this work. Cf. Sabine Dumschat: Archiv oder ‘Mülleimer’? Das ‘NS-Archiv’ des Ministeriums für Staatssicherheit der DDR und seine Aufarbeitung im Bundesarchiv; https://webcache.googleusercontent.com/search?q=cache:Xpo8QS8kQc8J:https://www.bundesarchiv.de/DE/Content/Downloads/Aus-unserer-Arbeit/ns-archiv-des-mfs1.pdf%3F__blob%3DpublicationFile+%&cd=4&hl=de&ct=clnk&gl=de&client=firefox-b (last accessed: 6.4.2022); <https://www.bstu.de/archiv/bestandsueber>

material been secretly stored by the MfS (specifically from about 1965 by Department 11 of Central Department (HA) IX 'Investigation').¹¹ The existence of this archival material was a well-guarded secret both inside and outside the GDR. Nor were the records freely available to the judiciary or researchers. The MfS' interest in these National Socialist documents mainly focused on their use for 'political-operational' purposes, i.e. the various surveillance functions and other activities of the secret police. In addition to security checks of a large number of GDR cadres, this likewise included the vetting of suitable candidates for recruitment as unofficial collaborators, for example among West German businessmen visiting the Leipzig Trade Fair with a corresponding past history.¹² Because of this specific focus on the work of the secret police, the archival holdings were mainly evaluated in terms of the persons contained therein. Basic archival principles, in particular the provenance principle, played no role here.

The MfS also had records on Auschwitz, the full magnitude of which is still unknown today. The Soviet Union had made these records available to the GDR State Security, along with a large number of other National Socialist records, in previous years. The first week of April 1964 had seen the arrival of a 'large quantity of original records from Moscow' at the Soviet embassy in East Berlin, all of which were 'directly or indirectly linked to the current Auschwitz trial'. Ambassador Pyotr Andreyevich Abrassimov informed Albert Norden of this who, in turn, informed Mielke. Mielke, for his part, issued internal instructions to take over the records from the 'friends'.¹³ Apparently, the records had initially been temporarily stored at the headquarters of the Soviet Committee for State Security (KGB) in Berlin-Karlshorst. At all events, the MfS received 102 relevant records from there.¹⁴ Specifically, these were 61 records of the 'central construction office of

sichten/bestaende-und-teilbestaende-des-stasi-unterlagen-archivs/hauptabteilung-ix11-aufklaerung-von-nazi-und-kriegsverbrechen-1/ (last accessed: 6.4.2022).

¹¹ Leide: NS-Verbrecher, pp. 156–190.

¹² Ibid., p. 115.

¹³ Letter from Albert Norden to Erich Mielke and Arne Rehahn dated 4.4.1964 with handwritten instructions bearing Mielke's initials to the heads of the Agitation Dept., Dept. XII and the Minister's Working Group (AGM) dated 15.4.1964; BArch, MfS, Secretariat of the Minister (SdM) no. 1117, p. 4. For the Stasi 'friends' was the term used for the Soviet occupying power meaning either the Soviet troops in Germany or members of the KGB. In everyday language it was an ironic reference to the Soviets.

¹⁴ Letter from the head of the Agitation Dept. to the head of the AGM concerning the transfer of Soviet archival holdings dated 16.4.1964; BArch, MfS, HA IX

the Waffen-SS and Police in Auschwitz'. 26 records alone contained circular orders and decrees as well as correspondence between the camp's central construction office and higher-level offices. Ten records contained listings of those companies that had carried out construction work in Auschwitz, lists of their employees' names and requests for materials and inmates.¹⁵ Other records contained correspondence with the Topf & Söhne company concerning the construction of the crematoria. Another set of records dealt with the assignment of inmates to the various work details. In addition, there were various garrison and commandant orders along with excerpts from the muster rolls of the SS staff and Unterführer (non-commissioned officers) in the camp.¹⁶ These records likewise included death registers with entries on the demise of approximately 4,000 inmates.¹⁷ These documents were undoubtedly original SS documents that Soviet troops had come across in the area of the camp. A further 21 volumes of records, on the other hand, had not been compiled until after the camp had been liberated. They contained the statements of survivors who had placed on record their knowledge of the perpetrators and their crimes vis-a-vis the 'Extraordinary State Commission of the Soviet Union for the Investigation of Crimes of the German-Fascist Aggressors'.¹⁸ In addition, there were 25 records from the holdings of 'IG-Farben-Betrieb Auschwitz' containing numerous internal documents of the chemical group.¹⁹

All records were initially registered in the Central Archives (ZA) of the Ministry for State Security (MfS) (Dept. XII). They were classified in the inventory section (Registrierkomplex) with the identifier (Signatur) 'ZM'. This

no. 20041, p. 9; evaluation of the archival material on Auschwitz concentration camp by the Agitation Dept. dated 30.4.1964; BArch, MfS, ZAIG no. 11479, pp. 57–64.

¹⁵ Ibid., p. 58.

¹⁶ For instance, troop muster rolls for nos. 20–400 concerning SS-Unterführer; BArch, MfS, HA IX/11 ZM 2, record 3.

¹⁷ Evaluation of the archival material on Auschwitz concentration camp by the Agitation Dept. dated 30.4.1964; BArch, MfS, ZAIG no. 11479, p. 60.

¹⁸ Details of contents provided by the Agitation Dept.: concerning photocopies in German and Russian, n.d.; BArch, MfS, HA IX/11 ZM no. 80 a, record 6, pp. 31–39; Staatliches Museum Auschwitz (ed.): Auschwitz. Nationalsozialistisches Vernichtungslager. Staatliches Museum Auschwitz-Birkenau 2005, pp. 421 f.; Anna Palarczykova: Die Nazibehörden des Konzentrationslagers Auschwitz, deren Kanzleien und ihr Aktennachlaß. In: Staatliche Archivverwaltung der DDR (ed.): Archivmitteilungen XV (1965) 2, pp. 44–53.

¹⁹ Evaluation of the archival material on Auschwitz concentration camp by the Agitation Dept. dated 30.4.1964; BArch, MfS, ZAIG no. 11479, p. 61.

is where the personnel records of the Schutzstaffel (SS, protection squadron), the police, the concentration camp personnel and additional National Socialist units were normally stored.²⁰ At the same time, the entire ZM archival material was 'blocked from release until further notice on the instructions of Com[rade] Minister [...]'.²¹ This meant that, in practice, other service units could not access the records with the exception of HA IX which was in charge of criminal investigations, and the Agitation Department. A working group headed by an officer from the Agitation Department then set about obtaining an overview of what was contained in the records and drew up contents summaries.²² On the basis of these summaries they were evaluated for their 'use for political-agitational purposes'.²³ Mielke was regularly briefed about the results of these reviews, in particular about which documents incriminated the IG Farben group, individual construction companies or defendants in the Auschwitz trial.²⁴ A working group of HA IX extracted all of the 10,000 or so names of persons and companies identified in the records with a view to 'preparing a status report from an operational and legal point of view'.²⁵ In addition, the information contained in the records on each individual person was transcribed, page by page.

The MfS officers involved in HA IX were initially sceptical about passing on the records for 'agitational evaluation' as, prior to this, a check was necessary to determine 'whether any incriminated individuals were resident in the GDR'.²⁶ However, these reservations were soon overcome and the

²⁰ Overview (handwritten) of the contents of the inventory sections in the Central Archives (ZA) for the period prior to 1945, n.d.; BArch, MfS, HA IX no. 10660, pp. 155 f.; evaluation of the archival material on Auschwitz concentration camp by the Agitation Dept. dated 30.4.1964; BArch, MfS, ZAIG no. 11479, p. 57.

²¹ Record request form (F7) from Dresden district office, Dippoldiswalde county office, sent to the Collection and Statistics Dept. dated 20.6.1964; BArch, MfS, BV Dresden, AIM 463/71, vol. P/I, pp. 48 f.

²² See BArch, MfS, HA IX/11 ZM no. 80 a, records 1–4, 6.

²³ Evaluation of the archival material on Auschwitz concentration camp by the Agitation Dept. dated 30.4.1964; BArch, MfS, ZAIG no. 11479, p. 58.

²⁴ Cover letter from the Agitation Department to the Minister for State Security containing 1) an initial overview of the contents of the records, dated 20.5.1964; cover letter to the Minister, 2) an overview of the contents of the records dated 28.5.1964; cover letter to the Minister concerning the evaluation of the archival material on Auschwitz with the third and fourth overviews of the contents of the records dated 22.6.1964; BArch, MfS, ZAIG no. 11479, pp. 31–52.

²⁵ Evaluation of the archival material on Auschwitz concentration camp by the Agitation Dept. dated 30.4.1964; BArch, MfS, ZAIG no. 11479, p. 64.

²⁶ Ibid.

records were handed over successively to the MfS Agitation Department.²⁷ Numerous documents were also selected by the working group of the Western Commission of the Central Committee for the 'further campaigns concerning the Auschwitz complex'.²⁸ In addition, they were submitted for review to GDR lawyer Friedrich Karl and his assistants, who acted in Frankfurt on behalf of the SED as counsels in the ancillary action. It became clear that the contents of the records relating to the defendants were of 'merely peripheral importance, notwithstanding their procedural interest', and that others were only of limited use as the contents of the majority of them were already known.²⁹ Notably, there were no documents that could have helped 'to put IG in the dock which indicated that IG directors had conferred with the SS on the extermination of inmates'.³⁰ Any documents in which this was implied did not contain the legal proof. In Kaul's opinion, however, they were 'very well suited for agitational evaluation'. But he did also point out that the records named persons who had committed 'serious crimes'. Therefore, inquiries should be made into their whereabouts 'in order to ensure their just punishment'.³¹

In fact, as a prerequisite for any further action, the MfS was indeed able to identify by name in the records a large number of members of SS personnel in Auschwitz. As confirmed by the cases of Hubert Zafke and Johannes Adam described above, the opportunity was not seized to carry out extensive searches for suspects living in the GDR, to fully elucidate the events in Auschwitz and, in this way, to contribute to punishing the people responsible for the crimes committed there.

For the majority of the SS personnel mentioned in the garrison and commandant orders, only alphabetical overviews were drawn up that contained information from the reviewed files. These overviews were often filed with the original documents, such as SS personnel files³², SS master record cards,

²⁷ Handover protocols of Dept. XII dated 20.5.1964, 6.6.1964, 17.6.1964, 18.6.1964 and 25.8.1964; BArch, MfS, HA IX no. 20041, pp. 1–6.

²⁸ Information from the Agitation Dept. to the Minister for State Security regarding the evaluation of the archival material on Auschwitz dated 22.6.1964; BArch, MfS, ZAIG no. 11479, p. 44.

²⁹ Letter from F. K. Kaul to Mielke dated 22.6.1964; BArch, MfS, SdM no. 1237, pp. 166 f.; memo of the Agitation Dept. on the results of the review of the files for F. K. Kaul dated 16.7.1964; BArch, MfS, SdM no. 1237, pp. 171 f.

³⁰ Ibid.

³¹ Ibid., p. 171.

³² BArch, MfS, HA IX/11 ZM 68 (letter Kr–Kü), SS personnel file Otto Kramer, pp. 5–59; MfS, HA IX/11 ZM 70 (letter Kh–Ko), SS personnel file Otto Koch, pp. 230–303.

SA membership IDs or military IDs.³³ In other cases, for instance that of Wilhelm Boger³⁴, Robert Mulka³⁵, Arthur Breitwieser³⁶, Pery Broad³⁷ and other defendants in the first Frankfurt Auschwitz trial, the information was summarised in an ‘investigative report’ and a kind of personal dossier was generated from it. In addition, all persons mentioned in the documents were recorded or registered in the MfS Central Index of Persons (F 16) and were thus accessible within the MfS for internal information purposes. After 1960, only two people in the GDR, Hans Anhalt in 1964 and Horst Fischer in 1966, were held criminally responsible for crimes committed in Auschwitz – that this happened in parallel to the first two Frankfurt trials is, of course, no coincidence. However, only in the Fischer case, discussed below, was information from the Moscow records introduced into the proceedings, but it was not the trigger for them.³⁸

Further Auschwitz documents came into the possession of the MfS almost exactly ten years after it obtained the first ones. This time, too, the trigger was an Auschwitz trial in Frankfurt am Main. In the spring of 1974, public prosecutor Günther Wieland, a case officer in the International Liaison Department of the GDR’s chief public prosecutor’s office responsible for dealing with requests for mutual legal assistance (Rechtshilfeersuchen – RHE) in cases of ‘Nazi and war crimes’,³⁹ gave his contact at the MfS, Major Hans-Jürgen Winkler, a letter from Moscow.⁴⁰ It can be seen from this letter that the Soviet public prosecutor’s office had provided legal assistance to the Frankfurt am Main public prosecutor’s office in preparation for the sixth (and last) Auschwitz trial. A public prosecutor who had travelled to Moscow was granted access to the files, and microfilm recordings of archive documents

³³ BArch, MfS, HA IX/11 ZM 70 (letter Kh-Ko), pp. 230–303, 480, 489–523.

³⁴ Investigative report of Dept. XII on Boger, Wilhelm dated 5.6.1964; BArch, MfS, HA X/11 ZM no. 42, file 4.

³⁵ Investigative report of Dept. XII on Mulka, Robert dated 6.6.1964; BArch, MfS, HA IX/11 ZM no. 42, file 3.

³⁶ Investigative report of Dept. XII on Breitwieser, Arthur dated 5.6.1964; BArch, MfS, HA IX/11 ZM no. 42, file 20.

³⁷ Investigative report of Dept. XII on Broad, Pery dated 5.6.1964; BArch, MfS, HA IX/11 ZM no. 42, file 15.

³⁸ Handover protocol of the Agitation Dept. dated 26.11.1965; BArch, MfS, HA IX/11 ZUV 84, vol. 3, p. 367.

³⁹ Assessment of comrade Günther Wieland by Dept. V of the chief prosecutor’s office dated 26.7.1965; BArch, MfS, AP 40753/92, p. 22.

⁴⁰ Letter from Wieland to Winkler dated 4.3.1974; BArch, MfS, HA IX/11, RHE West 633/1, p. 34.

from Auschwitz were also made available.⁴¹ Major Winkler of HA IX/11 then contacted the KGB and asked ‘in the interests of the security of the GDR’ for the procurement and as rapid as possible dispatch of this microfilm ‘for operational assessment’.⁴² Since 1966, Winkler had acted as head of unit in HA IX/11, where he was responsible for the ‘steering, processing and control of cases of mutual legal assistance of political and operational significance in the prosecution of Nazi and war crimes’. In addition, due to his language skills, he was also entrusted with ‘liaising with the Soviet security agencies in this field of work’.⁴³ For him and the MfS, it was of central importance to have the same level of knowledge as the West German public prosecutors in order to protect the GDR from unpleasant surprises in this sensitive terrain of dealing with the past. Winkler was worried that SS members living in the GDR could be incriminated in these documents. A proactive evaluation of these documents by the federal German judiciary would have revealed East German failings. This would have been detrimental to the ‘anti-fascist’ reputation of the SED state. In fact, it turned out that the documents did indeed list SS members who were in the GDR. But apart from establishing that they had belonged to SS personnel in Auschwitz, the records did not contain any details of individual crimes. Given his knowledge of judicial practice in the Federal Republic, Winkler did not have to worry about any activities concerning the GDR.

In mid-May 1974, Winkler came into possession of the film with the recordings of batches of documents as well as individual written documents.⁴⁴ The documents came from a total of 14 different records of the Central State Archive (‘Special Archive’) in Moscow, only two of which had been known to the MfS from the 1964 delivery. The photographed documents were mainly fragments of records of the ‘central construction office of the Waffen-SS and Auschwitz police’ (ZBL), in addition to the organisation plan and responsibilities schedule of both the central construction office and the subordinate construction offices, as well as work detail plans with an overview of the responsible SS members, inmates and the predominantly

⁴¹ Communication from the first deputy of the chief public prosecutor of the USSR to the deputy chief public prosecutor of the GDR dated 12.2.1974; *ibid.*, p. 35 (German), p. 37 (Cyrillic).

⁴² Information of HA IX/11 on RHE V 114/71 dated 25.3.1974; BArch, MfS, HA IX/11, RHE West 633/1, p. 36.

⁴³ Evaluation of Hans-Jürgen Winkler by HA IX/11 dated 23.6.1977; BArch, MfS, KS 13271/90, pp. 95–98, here 97.

⁴⁴ Information [from the KGB] no. 423/74, translation from Russian, n.d. [17.5.1974]; BArch, MfS, HA IX/11, RHE West 633/1, p. 43 (German), 44 (Cyrillic).

Reich German civilian employees (foremen, filing clerks, telephone operators, etc.). In addition, there were tender documents for construction projects in Auschwitz, for example for the construction of the prisoner-of-war camp in 1943, as well as construction plans and various exchanges of letters with the Topf & Söhne company in connection with the construction and camouflage of crematoria I and II.⁴⁵ Also included were transfer lists of members of the SS personnel of Auschwitz and other personnel documents.⁴⁶

From these documents, the unit responsible for the 'index of persons' in HA IX/11 extracted the names and dates of birth of a total of 341 members of the SS personnel in Auschwitz. Their whereabouts were then determined with the help of other service units of the MfS from 1974 onwards. They managed to identify a total of ten persons who were resident in the Federal Republic or in West Berlin.⁴⁷ In the GDR itself, twelve former members of the SS were initially identified, one was added later.⁴⁸

In the case of five others, it turned out that they had fled the GDR in the 1950s. Eight others had died on GDR territory in the period up to 1974.⁴⁹

⁴⁵ Report of the central construction office of the Waffen-SS and Auschwitz police on the use of the deployed members of the construction office, including annexes, dated 2.2.1942; copy of a responsibilities schedule of the central construction office of the Waffen-SS and Auschwitz police, n.d.; work detail plan of the construction yard and construction yard II, n.d. [February 1943]; organisation plan of the central construction office of the Waffen-SS and Auschwitz police, dated 25.9.1944; framework construction contract of the head of the central construction office of the Waffen-SS and Auschwitz police for the prisoner-of-war camp of the Waffen-SS in Auschwitz, dated 30.9.1943; *ibid.*, pp. 48–70, 123–138.

⁴⁶ List of SS-Untersführer and crews in KZ Auschwitz accompanying an inmate transport to Mauthausen concentration camp, drawn up by the SS-Wachbataillon Sachsenhausen dated 13.2.1945; BArch, MfS, HA IX/11, RHE West 633/2, pp. 34 f.

⁴⁷ HA IX/11, Index of persons Federal Republic of Germany/West Berlin citizens, n.d.; BArch, MfS, HA IX/11, RHE West 633/4, p. 3.

⁴⁸ HA IX/11, Index of persons GDR citizens, n.d.; *ibid.*, p. 2. It was not possible to determine the whereabouts of Fritz Penn, SS-Unterscharführer and construction manager of various projects in Auschwitz (1908–1985) during the searches conducted in 1974. It was only through an inquiry by Königs Wusterhausen county office to HA IX/11 in 1978 that it came to light that Penn was resident in the GDR. Cf. inquiry of Potsdam district office, Königs Wusterhausen county office to HA IX/11 concerning Fritz Penn dated 12.1.1978; information from HA IX/11 to Königs Wusterhausen county office concerning Fritz Penn dated 3.3.1978; *ibid.*, pp. 114–116.

⁴⁹ Search lists and notes on results dated 14.6.1974; *ibid.*, pp. 261 f., 265 f., 269 f., 273 f., 277–296 and 299 f.

The State Security did not go beyond determining their place of residence. The results of this search were not shared with public prosecutor Wieland and certainly not with the Frankfurt investigators. Nor is there any evidence of further steps being taken against the Auschwitz veterans still living in the GDR at the time.⁵⁰ Apparently, the Auschwitz chapter was closed for the SED and, by extension, for the MfS. From the point of view of the SED, corresponding trials in the Federal Republic continued to serve merely as an alibi since ‘the people behind and the people who profited from the mass murders committed in Auschwitz went completely unpunished’, for example the ‘masters of IG-Farben-Industrie’.⁵¹ In addition, Auschwitz was seen only as a problem of the West Germans. Consequently, every court case that had to be discontinued due to the defendants’ unfitness to stand trial or that culminated in a lenient sentence, helped to stoke GDR propaganda.

The fact that many National Socialist documents, for instance the records of the SS central construction office of Auschwitz, had not become completely accessible until the end of Communist rule in the Soviet Union (and its former satellite states), did indeed constitute a problem for the federal German prosecution of National Socialist crimes. Norbert Frei observes:

If these documents had been available to the Hessian public prosecutors in the early sixties, the dock in Frankfurt might have been considerably more crowded. And the suspicion that the Auschwitz trials were about the tardy, demonstrative punishment of a few low-ranking scapegoats might not have arisen in the first place. Auschwitz, like all concentration camps, was full of only allegedly subordinate, low-ranking personnel.⁵²

Eric Friedler does not rule out a different end to the criminal proceedings against Dejaco and Ertl in Vienna if the KGB (and its counterpart the MfS) had not withheld these sources, which were important for the development and construction history of Auschwitz.⁵³

⁵⁰ The oldest in this sample were born in 1901, the youngest in 1923.

⁵¹ ADN: Bilanz der Prozesse gegen Verbrechen in Auschwitz. Verschleppungstaktik typisch bei den Verfahren in Frankfurt/M. In: ND dated 17./18.9.1977, p. 6.

⁵² Frei: Der Frankfurter Auschwitz-Prozeß, pp. 123–136, here 132.

⁵³ Eric Friedler, Barbara Siewert, Andreas Kilian (eds.): Zeugen aus der Todeszone. Das jüdische Sonderkommando in Auschwitz. Munich 2008, pp. 106 and 128.

3. The treatment of suspects

The GDR also faced the problem of having to prove that suspects ranked amongst SS personnel in Auschwitz – the prerequisite for their prosecution and conviction. However, this proved unsuccessful in a number of suspected cases. For example, a relative reported tradesman Rolf K. (1920–2003) to the SED county directorate in Nordhausen in June 1966. He was suspected of having belonged to the SS and of having worked as a guard in Auschwitz and Dachau concentration camps. This information had been passed on to the Mühlhausen county office of the MfS by the SED district directorate in Erfurt,¹ whereupon in September 1966, under the codename ‘Henker’ (executioner) a so-called ‘preliminary operational file’ (VA-op) was created on the grounds of suspected assault (section 223 Criminal Code – StGB) and murder (section 211 StGB).² The lieutenant in charge of the case then questioned acquaintances, neighbours and relatives in order to obtain further information about the suspect’s past. In addition, the case officer also tried to induce Rolf K.’s divorced wife, who lived in the Federal Republic, to visit the GDR. For it was precisely from her that the Stasi officer had hoped to obtain concrete and incriminating statements about the suspect’s wartime years. But this proved just as futile as the use of unofficial collaborators was unproductive. The report of an unofficial collaborator merely drew the attention of the MfS to a business partner of the suspect who, upon closer examination, turned out to be a former overseer from Theresienstadt ghetto and concentration camp.³

After evaluating his denazification documents and all other sources of information, it was clear that K. had volunteered for the Waffen-SS in 1939 as a HJ-Gefolgschaftsführer⁴ and had been assigned to an artillery regiment of the 5th SS-Panzer-Division ‘Wiking’. Since no documents from that time could be found in the MfS archives either that proved his posting to

¹ Original report of Mühlhausen county district dated 13.9.1966; BArch, MfS, BV Erfurt, AOP 631/70, p. 8.

² Decision of Mühlhausen county office to create a preliminary operational file codenamed ‘Henker’, reg. no. IX/568/66 dated 13.9.1966; *ibid.*, p. 6.

³ Interim report of Mühlhausen county office on the preliminary case IX/586/66 dated 22.3.1967; *ibid.*, pp. 8–10.

⁴ Hitler Youth (HJ) rank (male adolescents aged between 14 and 18). A Gefolgschaft consisted of four squads (Scharen) (120–160 boys) that, as a closed unit, jointly carried out its assignments and tasks under the leadership of a Gefolgschaftsführer.

concentration camps such as Auschwitz, the case was closed and filed away in 1971. The reason given was: 'It could not be proven that K. had committed any hostile or criminal acts. [...] According to his own admissions, he had learned from his mistakes and had joined the SED in 1947.'⁵

Other suspects passed away just when their past was threatening to catch up with them. Heinz Umlauf (1910–1964) may have been one of them. Emil Bednarek, once a Blockältester in the Birkenau punishment detail and one of the accused in the first Auschwitz trial, named a 'certain Umlauf' as his superior during his trial. Kaul informed the MfS and also immediately revealed his place of residence in a small town in Brandenburg.⁶ At the same time, the investigating judge of Frankfurt am Main Regional Court asked the GDR's chief public prosecutor to interrogate Heinz Umlauf, since other former inmates had also accused a person going by that name of committing numerous crimes.⁷ However, it cannot be ruled out that this was a case of confusion with his namesake, SS-Unterscharführer Hermann Umlauf (born 1896), who is also named as the officer in charge of the punishment detail.⁸ Before the MfS could investigate and clarify the allegations, Heinz Umlauf passed away in February 1964.⁹

The situation was similar in the case of dentist Hans-Joachim Jantzen (1909–1967) who, during the period in question, had worked amongst other things as an SS-Unterscharführer in the Auschwitz camp dental station.¹⁰ The MfS had become aware of the dentist, who had been practicing freely in Mecklenburg since the end of the war, by chance. It had been searching unsuccessfully for evidence of his involvement in 'crimes against humanity' since the spring of 1966.¹¹ This case, too, was closed after Jantzen died of a heart attack in September 1967.¹² Extensive details have already been

⁵ Memo of Mühlhausen county office on the review and verification of the preliminary case reg. no. IX/586/66 dated 17.5.1971; *ibid.*, p. 130.

⁶ Communication from the Legal Department of the MfS to Deputy Minister, Colonel Schröder dated 21.2.1964; BArch, MfS, HA XX no. 4034, p. 50.

⁷ Letter from the investigating judge of Frankfurt/M. Regional Court to the chief public prosecutor of the GDR, 21.8.1963; BArch, MfS, HA IX no. 23099, pp. 4–8.

⁸ Lasik: *Die Organisationsstruktur des KL Auschwitz*, pp. 257 f.

⁹ Note by HA V/1 on communication from Potsdam district office dated 7.3.1964; BArch, MfS, HA XX no. 4034, p. 57.

¹⁰ Dirks: 'Die Verbrechen der anderen', p. 229.

¹¹ Interim report of Ribnitz-Damgarten county office on the preliminary operational file (VAO), reg. no. II/148/66 dated 1.6.1967; BArch, MfS, BV Rostock, AOP 40/68, pp. 84–91.

¹² Final report of Ribnitz-Damgarten county office on VAO II/148/66 dated 5.1.1968; *ibid.*, p. 111.

provided elsewhere about how differently the State Security proceeded against individuals suspected of being involved in National Socialist crimes of violence.¹³ Often, the suspects resident in the GDR did not even learn of the moves to place them under investigation. The records created about them were stored in the archives of the secret police, unless the MfS had envisaged an alternative use. This happened even in cases where there was sufficient evidence to convict.

The SED and judicial functionaries repeatedly claimed that the reason why there had never been large-scale trials in the GDR along the lines of the Auschwitz or Majdanek trials in the Federal Republic was that concentration camp guards had fled to the West out of fear of the Red Army. There is no doubt that many SS members escaped to the West, but some may well have remained in the Soviet Occupation Zone (SBZ) or in the GDR. In the course of searches regarding requests for mutual legal assistance from the Federal Republic and Poland, the State Security had located, for example, by the end of 1969 the place of residence of 41 men who had been members of the SS personnel in Stutthof concentration camp near Gdańsk and who were living in the GDR. They included Wehrmacht soldiers who had been deployed to the Waffen-SS in 1944 and had served as guards in Stutthof and other concentration camps.¹⁴ The former member of a notorious murder squad, 'Wachsturmbann Eimann'¹⁵ and a member of the Political Department of the Stutthof camp, were also among them.¹⁶ Six years later, the MfS was able, on the basis of documents from Stutthof concentration camp that had likewise been provided by Polish authorities, to identify another 28 members of the SS personnel of Stutthof camp, including two women resident in the GDR.¹⁷

¹³ Leide: NS-Verbrecher, pp. 195–353.

¹⁴ Information from HA IX/11 about former members of the SS-Totenkopf-Sturm-bann in Stutthof concentration camp dated 24.10.1969, BArch, MfS; HA IX/11, RHE 26/69, vol. 10, pp. 3 f.

¹⁵ Certificate of years in service issued by the commandant's office in Stutthof concentration camp for SS-Rottenführer Gerhard Bluhm [1912–1974] dated 24.8.1942; BArch, MfS, HA IX/11, RHE 26/69, vol. 10, p. 12. On the 'Wachsturmbann [Kurt] Eimann' see Peter Longerich: Politik der Vernichtung, p. 236; Marek Orski: Organisation und Ordnungsprinzipien des Lagers Stutthof. In: Ulrich Herbert, Karin Orth, Christoph Dieckmann (eds.): Die nationalsozialistischen Konzentrationslager. Frankfurt/M. 2002, vol. 1, pp. 285–308.

¹⁶ Accompanying receipt from the commandant's office in Stutthof concentration camp, Political Dept. dated 17.4.1942, BArch, MfS, HA IX/11, RHE 26/69, vol. 11, p. 150.

¹⁷ List of former SS members of Stutthof concentration camp resident in the GDR, as well as a letter from HA IX to HA XX in connection with the handing over

In addition, the MfS identified up to 1974, for example, 284 GDR citizens who had been guards in Sachsenhausen or other concentration camps.¹⁸ And in connection with searches concerning the ‘crime complex of Ravensbrück concentration camp’, the MfS had identified 147 persons by 1981. None of the suspects was tried or convicted.¹⁹

Polish historians have suggested that ‘between several dozen and several hundred SS members from Auschwitz concentration camp’ may have found refuge in the GDR.²⁰ Concrete numbers on members of SS personnel from Auschwitz and other extermination camps identified in the GDR were not available up to now. More recent studies, however, show that former SS personnel from Auschwitz were also living in the GDR, but were never brought to trial, let alone convicted.²¹ The examples from the MfS records described in the following chapters also show that these were by no means isolated cases and it was certainly not legal obstacles that prevented their prosecution.

Any attempt to undertake a fact-based, critical analysis of the criminal prosecution of National Socialist crimes in the GDR is on a direct collision course with the self-image projected by former leaders that they still vehemently defend. Anti-fascism – the last supposedly intact legitimization of the defunct state – was quasi at stake here. Consequently, former MfS cadres become involved in defending the GDR practice in question:

There was no reason for the GDR to protect National Socialist perpetrators from their criminal responsibility. This does not mean, however, that there were not cases like this in the GDR too, in which the indisputable proof of individual involvement in a crime needed for the bringing of charges and conviction could not be furnished. Even in the GDR, which is today decried as a ‘lawless state’,

of documents on SS guards in Stutthof concentration camp, dated 10.4.1975; BArch, MfS, HA IX/11, RHE 68/74, pp. 7 f.

¹⁸ Letter from the deputy head of HA IX to HA XX in connection with the handing over of material on former members of the guard detail in fascist Sachsenhausen concentration camp and other fascist units dated 11.12.1974; BArch, MfS, HA XX no. 4084, pp. 308 f.

¹⁹ Wentker: *Die juristische Ahndung von NS-Verbrechen*, p. 77.

²⁰ Lasik: *Die Verfolgung, Verurteilung und Bestrafung der Mitglieder der SS-Truppe*. In: *HvA* 21 (2000), p. 246.

²¹ Dirks: ‘Die Verbrechen der anderen’, pp. 225–230; Jochen Staadt: *Ostintegration und Westintegration zweier SS-Männer. Die Nachkriegskarrieren von zwei Marburger SS-Akademikern*. In: *Zeitschrift des Forschungsverbundes SED-Staat* (2014) 36, pp. 49–55; Jochen Staadt: *Die SED-Geschichtspolitik und ihre Folgen im Alltag*. In: Andreas H. Apelt, Maria Hufenreuter (eds.): *Antisemitismus in der DDR und die Folgen*. Halle/S. 2016, pp. 99–119.

the principle of presumption of innocence applied until the opposite could be proven with admissible evidence in court.²²

This statement sounds good and constitutional, but it is misleading. Notably, it was not a public prosecutor who examined the evidence and decided whether or not to bring charges but, as a rule, members of the secret police whose actions were clearly not governed at all by the principle of legality, but by political and operational opportunism. The Stasi files accessible today show that this approach had drastic consequences for the criminal prosecution of National Socialist crimes and cannot be reconciled with the GDR's anti-fascist self-image. The fact that the corresponding criminal law practice in the Federal Republic was also anything but satisfactory, albeit for other reasons, does nothing to diminish this observation.

²² Werner Großmann, Wolfgang Schwanitz (eds.): Fragen an das MfS. Auskünfte über eine Behörde. Berlin 2010, p. 330.

4. Convictions of perpetrators of crimes in Auschwitz

4.1 Arbitrariness of Soviet military justice with no corrective action: the case of Ernst Thiele

Ernst Thiele (1908–1985) was convicted by a Soviet Military Tribunal. However, his fate was diametrically opposed to that of convicted members of the SS in important ways: he had been an inmate in Auschwitz and, unlike many of his former tormentors, had not benefited from early release from prison. His case shows how arbitrarily the judicial authorities of the Soviet Union and later also of the GDR went about prosecuting and punishing crimes committed in Auschwitz.

Thiele was born and raised in Halle (Saale), where he also attended the general elementary school up to the 8th grade.¹ Afterwards he graduated from a commercial school² and trained as a painter from 1924 to 1927.³ Probably due to the world economic crisis, Thiele then found employment as an unskilled labourer or ‘merchant’.⁴ However, the information about his life and career up to 1940 in the surviving documents is sketchy and contradictory. Elsewhere it is claimed that short-in-stature Thiele (height 147 cm)⁵ underwent training as a circus performer and had worked as such until falling from a trapeze in the Circus Sarrasani. After this accident he had been forced to give this up and had been doing odd jobs ever since.⁶

However, a ‘reputed circus such as Sarrasani’ did not train performers but hired ‘fully fledged professionals’.⁷ And despite every effort, also by circus experts, this part of his biography could not be verified up to now.⁸ It was not possible to find any evidence of this fall and he does not figure

¹ Conduct report for inmate Thiele, Ernst by the warden of Brandenburg prison dated 2.10.1963; BArch, MfS, G-SKS no. 26.017, pp. 65 f.

² Curriculum vitae dated 7.1.1962; *ibid.*, pp. 164 f.

³ Brandenburg prison, overview; *ibid.*, p. 159.

⁴ *Ibid.* or curriculum vitae, 7.1.1962; BArch, MfS, G-SKS no. 26.017, pp. 164 f.

⁵ Index card of the GDR prison regime with a description of the person, n.d.; *ibid.*, pp. 23 f.

⁶ Conduct report for inmate Thiele, Ernst by the warden of Brandenburg prison dated 2.10.1963; *ibid.*, p. 65.

⁷ Information from the managing director of Circus Sarrasani, André Sarrasani, given to the author dated 14.7.2016.

⁸ The author would like to thank André Sarrasani as well as the circus historians Ernst Günther (Dresden) and Dietmar Winkler (Berlin) for their information and extraordinary support.



Fig. 13: Ernst Thiele, prison photo 1965

in the list of employees of Circus Sarrasani at that time. Moreover, neither his stage name nor that of the troupe of circus performers he belonged to, is known. It is difficult to verify the information because the extensive Sarrasani archives were destroyed during the bombing of Dresden in February 1945. In a later questionnaire, however, Thiele stated that he had worked as an accountant in Halle/Saale from 1925. He also claimed to have been a member of the German Communist Party since 1926 and to have been incarcerated from 1937 because of his 'struggle against the Nazis'.⁹ Since these statements were made whilst he was in Soviet custody, they can probably be regarded as self-serving declarations. For reasons which could not be elucidated either, he was arrested in June 1941 in Kaiserslautern (elsewhere he mentions Kassel) and transferred to the police prison in Halle/Saale.¹⁰

In the autumn of 1941, a court in Halle/Salle convicted Thiele of a 'breach of his employment contract'. Against the backdrop of rearmament and the state of war¹¹, the charges included changing jobs without observing the period of notice and similar offences.¹² He was sentenced to three years in prison and, as he stated, to 'placement in an extermination camp'.¹³ This, in fact, meant 'preventive detention' which was applied by the National Socialist judiciary in an 'extremely extensive and ruthless' manner and had been

⁹ Questionnaire of the Main Department of the People's Commissariat for Internal Affairs of the USSR for Questions of Prisoners of War and Internees dated 10.11.1946; registry file of the Main Administration for Prisoners of War and Internees of the Ministry of Internal Affairs (MVD) of the USSR for Ernst Thiele; archive of the Documentation Centre Dresden of the Foundation Saxon Memorials, n.pag.

¹⁰ Letter from the warden of Brandenburg prison to the chief public prosecutor of the GDR with Thiele's answers to a list of questions dated 14.2.1964; BArch, MfS, G-SKS no. 26.017, pp. 77 f.

¹¹ On this complex, see Andreas Kranig: *Lockung und Zwang. Zur Arbeitsverfassung im Dritten Reich*. Stuttgart 1983, pp. 73–82 and 122–133.

¹² Sven Korzilius: *'Asoziale' und 'Parasiten' im Recht der SBZ/DDR. Randgruppen im Sozialismus zwischen Repression und Anpassung*. Cologne, Weimar, Vienna 2005, pp. 132–137.

¹³ Letter from the warden of Brandenburg prison to the chief public prosecutor of the GDR with Thiele's answers to a list of questions dated 14.2.1964; BArch, MfS, G-SKS no. 26.017, p. 78.

enforced¹⁴ de facto in an open-ended manner since 1940.¹⁵ But Thiele's choice of words did mirror reality. In September 1942, Minister of Justice, Otto-Georg Thierack, and Himmler had reached an agreement on the 'surrender of asocial elements from the penal system to the Reichsführer SS for extermination through labour'.¹⁶ Thiele, who because of his sentence, was classed as 'asocial'¹⁷, was probably deported to Mauthausen concentration camp on 8 or 15 December 1942, together with other prison inmates.¹⁸ On 19 December 1942, he was registered there with inmate number 19306.¹⁹ As an inmate in the category 'SV DR' (inmate in preventive detention of the German Reich), Thiele was then transferred already on 13 January 1943 to Gusen sub-camp.²⁰ For 'inmates in preventive detention', Mauthausen-Gusen camp operated as an 'extermination camp'. By February 1944, almost 66 percent of all inmates in this category who had been transferred there had died.²¹ In general, by the end of March 1943, the camp SS had already

¹⁴ Tobias Mushoff: *Strafe-Maßregel-Sicherungsverwahrung. Eine kritische Untersuchung über die Verhältnisse von Schuld und Prävention*. Frankfurt/M. et al. 2008; pp. 22–25, here 22.

¹⁵ Nikolaus Wachsmann: *Gefangen unter Hitler. Justizterror und Strafvollzug im NS-Staat*. Munich 2006, pp. 125–134.

¹⁶ *Ibid.*, p. 310.

¹⁷ For a definition of this term during the National Socialist era, see Hans-Dieter Schmid: *Die Aktion 'Arbeitsscheu Reich' 1938*. In *KZ-Gedenkstätte Neuengamme* (ed.): *Ausgegrenzt. 'Asoziale' und 'Kriminelle' im nationalsozialistischen Lagersystem. Beiträge zur Geschichte der nationalsozialistischen Verfolgung in Norddeutschland*, issue 11. Bremen 2009, pp. 31–42; Wolfgang Ayaß: *'Asoziale' - die verachteten Verfolgten*. In: *Dachauer Hefte* 14 (1998) 14, pp. 50–66.

¹⁸ Regarding the transport dates, see Frank Hirschinger: *'Zur Ausmerzung freigegeben'. Halle und die Landesheilanstalt Altscherbitz 1933–1945*. Cologne et al. 2001, p. 195. In a list published therein of 36 identified inmates who were deported from Halle prison to Mauthausen-Gusen, Ernst Thiele appears under the name 'Thiel, Ernst', but with an identical date of birth and inmate number (p. 199). Since this inmate number also corresponds to that of Ernst Thiele in official documents, it is certain that this is just a typo.

¹⁹ Information from the Federal Ministry of the Interior of the Republic of Austria, Section IV, Archives of the Mauthausen-Gusen Concentration Camp Memorial dated 28.7.2016 given to the author.

²⁰ Register of numbers of Mauthausen concentration camp; ITS, copy of 1.1.261/1277646; Mauthausen concentration camp, protective custody camp, transport list of concentration camp, 12.1.1943; ITS, copy of 1.1.26.1/1308284, 1308291.

²¹ Gisela Rabitsch: *Das KL Mauthausen*. In: *Studien zur Geschichte der Konzentrationslager*. Stuttgart 1970; pp. 50–92, here 69 f.

murdered almost half of all the convicted criminals who had been transported to the various concentration camps since November 1942.²²

It is not at all unusual for the sense of time of former victims of persecution to be impaired by their traumatic experiences of incarceration.²³ This probably also applied to Thiele who later mistakenly claimed in the GDR prison regime that he had already been transferred to Auschwitz ‘for work’ at the beginning of 1942.²⁴ In fact, he was transferred from Mauthausen to Auschwitz on 10 April 1943 with a transport of a total of 658 inmates. Here he was given inmate number 113805.²⁵ He was housed in block 42 of Buna camp (Auschwitz III; from 1944, Monowitz concentration camp), which was adjacent to the Buna plant of the IG-Farben chemical company.²⁶

The transport had arrived at a time when the camp conditions began to work in favour of the inmates due to the events of the war (Allied landings in North Africa, Stalingrad).²⁷ This was also demonstrated by the fact that the group of inmates who had arrived from Mauthausen-Gusen, mostly ‘professional criminals’, only briefly took over control in what was known as ‘inmate self-government’.²⁸ But then, due to their incompetence and criminal activities, the SS replaced them with Reich German political inmates and then also with Jewish inmates.²⁹

²² Wachsmann: KL, p. 493.

²³ Dagmar Lieske: *Unbequeme Opfer? ‘Berufsverbrecher’ als Häftlinge im KZ Sachsenhausen*. Berlin 2016, p. 333.

²⁴ Letter from the warden of Brandenburg prison to the GDR chief public prosecutor with Thiele’s answers to a list of questions dated 14.2.1964; BArch, MfS, G-SKS no. 26.017, p. 78.

²⁵ List of inmates; excerpt from the general ledger of the SS Hygiene Institute Auschwitz; ITS, copy of 1.1.2.1/526420; Czech: *Kalendarium*, p. 464.

²⁶ Letter from the warden of Brandenburg prison to the chief public prosecutor of the GDR with Thiele’s answers to a list of questions dated 14.2.1964; BArch, MfS, G-SKS no. 26.017, p. 78. For the history of the camp’s origins and functioning, see Wagner: *IG Auschwitz*; Florian Schmaltz: *Das Konzentrationslager Buna/Monowitz*. Frankfurt/M. 2009. http://www.wollheim-memorial.de/files/988/original/pdf_Florian_Schmaltz_Das_Konzentrationslager_BunaMonowitz.pdf (last accessed: 3.5.2022).

²⁷ Benedikt Kautsky: *Teufel und Verdammte. Erfahrungen und Erkenntnisse aus sieben Jahren in deutschen Konzentrationslagern*. Zurich 1946, p. 46.

²⁸ Karin Orth: *Das System der nationalsozialistischen Konzentrationslager*. Zurich 2002; pp. 57–61.

²⁹ Reinhold Gärtner, Fritz Kleinmann (eds.): *Doch der Hund will nicht krepieren. Tagebuchnotizen aus Auschwitz*. Innsbruck 2012, pp. 106–108; Beatrice Vierneisel: *Franz Siegbert Unikower – ein Porträt*. In: *Förderverein der Mahn- und*

The inmate community, including Thiele, benefited from these developments especially as the brutality and corruption diminished.³⁰ Since he was a Reich German non-Jewish inmate, he – unlike his Jewish fellow inmates – was not threatened by the permanent selections and was not, therefore, in constant danger of being gassed in Birkenau. Nor was his inmate number tattooed onto his arm. Likewise, he was not affected by the ‘mail block’, i.e. the ban on receiving post (e.g. food parcels) and sending letters. The inmates in this class were always at the top of the SS’ racially defined inmate categories, while the opposite was basically the case for the Jews. The Reich German inmates were also less affected by SS terror, which significantly improved their chances of survival.³¹ Despite this status, Thiele does not seem to have enjoyed any additional privileges. He was definitely not housed in block 47 which was reserved for Reich German inmates of ‘Aryan’ descent. And regardless of this, Thiele, like all other inmates in the Buna/Monowitz camp, was confronted with the murderous working and living conditions, such as contagious diseases, vermin, hunger, and completely inadequate clothing.³²

Thiele himself was lucky enough to be assigned to a construction detail, which only had to carry out cleaning work.³³ He was also sent to the ‘potato peeling detail’.³⁴ As Thiele later reported, he had the longstanding communist Stefan Heymann, who came from a Jewish family and was one of the so-called ‘red kapos’³⁵, to thank for these positions, which ensured his survival.³⁶ From his arrival in Buna until the autumn of 1944, Thiele worked together with Heymann.³⁷ It is, therefore, unlikely that Thiele collaborated

Gedenkstätte Wöbbelin (ed.): *Erinnerungszeichen*. [2010]

³⁰ Frankenthal: *Verweigerte Rückkehr*, p. 62.

³¹ Karin Orth: *Gab es eine Lagergesellschaft? ‘Kriminelle’ und politische Häftlinge im Konzentrationslager*. In: Norbert Frei, Sybille Steinbacher, Bernd C. Wagner (eds.): *Ausbeutung, Vernichtung, Öffentlichkeit. Neue Studien zur nationalsozialistischen Lagerpolitik*. Munich 2000, pp. 109–133.

³² Wagner: *IG Auschwitz*; Primo Levi: *Bericht über Auschwitz*. Berlin 2006.

³³ Letter from the warden of Brandenburg prison to the chief public prosecutor of the GDR with Thiele’s answers to a list of questions dated 14.2.1964; BArch, MfS, G-SKS no. 26.017, p. 78.

³⁴ List of the members of the potato peeling detail, 19.8.1943; ITS, laboratory tests of the SS Hygiene Institute Auschwitz; copy dated 1.1.2.1/541679.

³⁵ Niethammer (ed.): *Der ‘gesäuberte Antifaschismus’*, pp. 454–458 and 503.

³⁶ Letter from the warden of Brandenburg prison to the chief public prosecutor of the GDR with Thiele’s answers to a list of questions dated 14.2.1964; BArch, MfS, G-SKS no. 26.017, p. 77.

³⁷ Letter from the warden of Brandenburg prison to the chief public prosecutor of the GDR with Thiele’s answers to a list of questions dated 14.2.1964; *ibid.*

with the SS in a morally reprehensible way. Especially since he himself was dependent on the help of his fellow inmates and would otherwise have been deprived of their support.

Heymann himself had only been deported from Buchenwald concentration camp to Auschwitz in mid-October 1942 with a transport of Jewish inmates.³⁸ In Auschwitz he worked as a clerk in the inmates' infirmary in Buna/Monowitz. As in the past, he was a leading member of a communist resistance group in the camp, too.³⁹ In Monowitz this position had also enabled him to provide life-saving support to Thiele and other non-communist Jewish and non-Jewish comrades⁴⁰ and 'to assign them less disagreeable activities, such as work in the camp itself, in the kitchen, etc'.⁴¹ At an unknown point in time, Thiele himself was also employed as a 'foreman'.⁴²

In addition, Thiele reported that he had been a member of a detail led by a Jewish dentist called Kohlhagen.⁴³ In fact, Erich Kohlhagen (Dr med. dent.) had headed up an electricians' detail of about 50 men ('Detail 128') as a kapo.⁴⁴ Kohlhagen, a Jew, had been arrested by the Gestapo in his home town of Halle/Saale in 1938. He was then deported first to Sachsenhausen and then to Groß-Rosen concentration camp, and later to Auschwitz-Monowitz. He survived the war and in November 1945 wrote a report about his experiences in the camps for the American criminal prosecution authorities, but made no mention of Thiele in it.⁴⁵

In the course of the camp evacuation, Thiele was taken in a 'closed transport' on 19 January 1945 to Gliwice about 55 kilometres away.⁴⁶ The Lower

³⁸ David A. Hackett (ed.): *Der Buchenwald-Report. Bericht über das Konzentrationslager Buchenwald bei Weimar*. Munich 1996, p. 386.

³⁹ On the biography of Stefan Heymann, see Hartewig: *Zurückgekehrt*, pp. 158–164.

⁴⁰ Tibor Wohl: *Arbeit macht tot. Eine Jugend in Auschwitz*. Frankfurt/M. 1990, pp. 100 and 157; Artur Radvansky: *Trotzdem habe ich überlebt. Lebensbericht eines Menschenfreundes*. Dresden 2006, p. 52; Kleinmann et al. (eds.): *Doch der Hund will nicht krepieren*, p. 115.

⁴¹ Letter from the warden of Brandenburg prison to the chief public prosecutor of the GDR with Thiele's answers to a list of questions dated 14.2.1964; BArch, MfS, G-SKS no. 26.017, p. 77.

⁴² Conduct report of Brandenburg prison for inmate Thiele, Ernst dated 16.12.1969; *ibid.*, p. 217.

⁴³ *Ibid.*, p. 77.

⁴⁴ Joseph Schupack: *Tote Jahre. Eine jüdische Leidensgeschichte*. Tübingen 1984, p. 159.

⁴⁵ Cf. Erich Kohlhagen: *Zwischen Bock und Pfahl. 77 Monate in den deutschen Konzentrationslagern*. Berlin 2010.

⁴⁶ Letter from the warden of Brandenburg prison to the chief public prosecutor of

Silesian town of Gliwice with its four sub-camps was, as survivors recall, a collection point and hub for the transfer of a large number of concentration camp inmates from Auschwitz and the various sub-camps as well as prisoners of war by Reichsbahn to the West.⁴⁷ According to Thiele, the inmates left the transport there in groups. He himself had tried to get to his parents in Halle/Saale and had 'fought his way through' to Zittau/Neisse, some 350 kilometres away in the border triangle between Czechia, Poland and Germany.⁴⁸ The records do not provide any details about how he got there and how he managed to survive unharmed for months during the war until the German capitulation in the frontline area of the Red Army which was advancing westward as part of its Vistula-Oder operation.⁴⁹

It is possible, however, that Thiele decided, for whatever reason, to conceal the last stages of his ordeal from the German and Soviet authorities. It is also conceivable, however, that his statements in this regard were only recorded in abbreviated form. It is, therefore, quite likely that he actually arrived at Buchenwald concentration camp from Gliwice on one of the inmate transports on 21 January 1945⁵⁰ and was later transferred to Zittau or Bautzen (where the Red Army later took him into custody). In both towns there were sub-camps of Groß-Rosen concentration camp, which were heavily frequented during the evacuation operations. In addition, about

the GDR with Thiele's answers to a list of questions dated 14.2.1964; BArch, MfS, G-SKS no. 26.017, p. 77. The inmates arriving from Monowitz on the night of 19 January were housed here in Gleiwitz sub-camps I and II. See Danuta Czech: *Kalendarium der Ereignisse im Konzentrationslager Auschwitz-Birkenau*. In: *HvA* 8(1964), p. 101.

⁴⁷ Cf. Paul Steinberg: *Chronik aus einer dunklen Welt. Ein Bericht*. Munich 1998, pp. 136–141; Imo Moszkowicz: *Der grauende Morgen. Erinnerungen*. Paderborn 2008, p. 134; Peter Wolff: *Ein Überleben. Ein deutscher Jude im 20. Jahrhundert*. Saarbrücken 2008, pp. 88–90; Klaus Müller, Justin Sonder et al.: *105027 Monowitz – Ich will leben! Von Chemnitz nach Auschwitz – über Bayern zurück*. Berlin 2013, pp. 167–179; Andrzej Strzelecki: *Endphase des KL Auschwitz. Evakuierung, Liquidierung und Befreiung des Lagers*. Museum Auschwitz-Birkenau 1995, pp. 155–175.

⁴⁸ Letter from the warden of Brandenburg prison to the chief public prosecutor of the GDR with Thiele's answers to a list of questions dated 14.2.1964; BArch, MfS, G-SKS no. 26.017, p. 77.

⁴⁹ Cf. Manfred Zeidler: *Kriegsende im Osten. Die Rote Armee und die Besetzung Deutschlands östlich von Oder und Neiße 1944/45*. Munich 1996, pp. 83–95.

⁵⁰ Czech: *Kalendarium* In: *HvA* 8(1964), pp. 104 f. Daniel Hoffmann, for example, describes a transport of this kind: *Lebensspuren meines Vaters. Eine Rekonstruktion aus dem Holocaust*. Göttingen 2007, pp. 197–203.

180 male inmates who had left Auschwitz on January 19 in the course of the evacuations arrived at the Zittau camp during February 1945.⁵¹

Due to the lack of documents, it is not clear either whether his stay in Zittau may have been connected with the 'Auschwitz concentration camp liaison office' located there in February 1945. It was in charge of deploying SS guards, evacuating inmates to the camps in the Reich, and securing any outsourced goods.⁵² On 15 May 1945, Thiele was interned in Bautzen, East Saxony, an area which had been the site of relentless fighting between German, Polish, and Soviet units only a short time before.⁵³ He was subsequently moved to the Soviet Union.⁵⁴

In 1949/50, mass and summary trials of German prisoners of war were conducted in the Soviet Union, both to punish National Socialist and war crimes and to pursue domestic and foreign policy objectives.⁵⁵ They marked the 'conclusion of long-standing Soviet penal policy'.⁵⁶ Surprisingly, Ernst Thiele was also amongst those convicted.

The trials driven forward by the Soviet judiciary under the pressure of its political leadership were often based on denunciations by the informers employed in the camps or on the 'mere affiliation' of the persons concerned with relevant National Socialist formations, organisations and agencies.⁵⁷ The investigative procedures and the trials themselves were staged on

⁵¹ Dorota Sula, Andrea Rudorff: Zittau. In: *Der Ort des Terrors*, vol. 6, pp. 470–473.

⁵² Strzelecki: *Endphase des KL Auschwitz*, pp. 253 f.

⁵³ The exact date is taken from a corresponding personal database extract which Dr Mike Schmeitzner, Hannah Arendt Institute Dresden (HAIT), kindly made available to me. See also Wolfgang Fleischer: *Das Kriegsende in Sachsen 1945*. Wölfersheim-Berstadt 2004, pp. 63–93.

⁵⁴ Curriculum vitae dated 19.12.1955; BArch, MfS, G-SKS no. 26.017, p. 14.

⁵⁵ Martin Lang: *Stalins Strafjustiz gegen deutsche Soldaten. Die Massenprozesse gegen deutsche Kriegsgefangene in den Jahren 1949 und 1950 in historischer Sicht*. Herford 1981; Andreas Hilger: *Sowjetische Justiz und Kriegsverbrechen. Dokumente zur Verurteilung deutscher Kriegsgefangener 1941–1949*. in: *VfZ* 54(2006)3, pp. 461–515.

⁵⁶ Andreas Hilger: *Faustpfand im Kalten Krieg? Die Massenverurteilungen deutscher Kriegsgefangener 1949/50 und die Repatriierung Verurteilter 1950 bis 1956*. In: Andreas Hilger, Ute Schmidt, Günther Wagenlehner (eds.): *Sowjetische Militärtribunale*, vol. 1: *Die Verurteilung deutscher Kriegsgefangener 1941–1953*. Cologne et al. 2001; pp. 211–271, here 247.

⁵⁷ *Ibid.*, p. 247; Manfred Zeidler: *Stalinjustiz contra NS-Verbrechen. Die Kriegsverbrecherprozesse gegen deutsche Kriegsgefangene in der UdSSR in den Jahren 1943–1952. Kenntnisstand und Forschungsprobleme*. Dresden 1996, pp. 34–46.

the basis of 'generally highly dubious judicial practice'.⁵⁸ In many cases, 'inhumane interrogation methods' were used, and the defendants were neither given the charge sheet nor informed of the underlying legal basis. It was not uncommon for the defendant to be absent from the usually very short main proceedings, not to mention his being deprived of a counsel for the defence. Applications by defendants' counsels for the admission of evidence were ignored and some convictions did not even match the charges. In total, Soviet Military Tribunals had convicted just over 18,750 German prisoners of war of occupation and war crimes in this summary manner by the beginning of February 1950.⁵⁹ Undoubtedly, many of them were guilty. But the Stalinist justice system did not contribute at all to the punishment and tackling of violent National Socialist crimes in accordance with the rule of law.

Thiele himself was arrested on 23 December 1949 after being denounced by a fellow inmate.⁶⁰ On 20 April 1950 he was sentenced by a Soviet Military Tribunal in Kashira, Moscow Oblast⁶¹ to the then 'standard sentence' of 25 years in a labour reform camp.⁶² In his case, too, the decree of the Presidium of the Supreme Soviet of the USSR of 19 April 1943 (ukase 43), section 1⁶³ as well as sections 319 (reasoning of the verdict based only on

⁵⁸ Hilger: *Sowjetische Justiz*, pp. 461–515, here 463; Hilger: *Faustpfand im Kalten Krieg?*, p. 247.

⁵⁹ Manfred Zeidler: *Stalinjustiz contra NS-Verbrechen*, p. 43.

⁶⁰ Thiele later reported that he was denounced to the Soviet authorities in the camp by an SS-Hauptsturmführer who was a member of the SS personnel in Auschwitz in order to eliminate him as a prosecution witness. Cf. Assessment of inmate Thiele, Ernst by the warden of Brandenburg prison dated 12.10.1960; BArch, MfS, G-SKS no. 26.017, p. 45; overview of Brandenburg prison, n.d.; *ibid.*, pp. 157–165, here 159.

⁶¹ This information comes from a database on persons convicted by Soviet Military Tribunals that was created by the Hannah Arendt Institute for Research on Totalitarianism at the Technical University of Dresden (HAIT). University lecturer Dr Mike Schmeitzner (HAIT) kindly provided the author with the corresponding database excerpt on Ernst Thiele on 22.6.2016. On the database itself see Andreas Weigelt et al.: *Zur Quellenlage*. In: Andreas Weigelt et al. (eds.): *Todesurteile sowjetischer Militärtribunale*, pp. 11–14.

⁶² Verdict in the name of the Union of Soviet Socialist Republics dated 20.4.1955; BArch, MfS, G-SKS no. 26.017, p. 9 (Russian).

⁶³ The full title is 'Decree of the Presidium of the Supreme Soviet of the Soviet Union on measures for the punishment of the German fascist perpetrators, guilty of the murder and ill-treatment of the Soviet civilian population and captured Red Army soldiers, and of spies, traitors to the homeland among the

the substance of the case) and 320 (handing down of a verdict) of the Code of Criminal Procedure of the USSR served as the legal basis.⁶⁴ As grounds, it states in the 'verdict': 'As a guard in Buchenwald, Mauthausen and Auschwitz concentration camps, Thiele participated in the mass extermination of inmates. With his participation, more than 2,000 people were incinerated in the crematorium and about 1,000 were shot.'⁶⁵

However, not only the tone of the verdict with its equally vague, sweeping and imprecise findings, but also ukase 43⁶⁶ to which it referred, give rise to doubts as to whether the trial was founded on the principles of the rule of law and whether the results of the investigation were based at all on a body of evidence worthy of the name. As it later turned out, Thiele was not even informed at the time about the specific charge or about what then served as the basis for the verdict.

The decisive element for evaluating his conviction, however, is the fact that Thiele had only ever been an inmate in the concentration camps. Even if he was present at these massacres, it was not by choice. These mass murders were always carried out by the SS. According to his own testimony, Thiele had indeed been in charge of burning corpses in the camp.⁶⁷ Although this had served to cover up the traces of mass murder, it was hardly a crime worthy of punishment in his case.

It gives the impression that the Soviet Military Tribunal was arbitrarily looking for a reason to convict him. For it is scarcely conceivable, especially in view of the consequences, that the Soviet Military Tribunal deemed the mere presence of a concentration camp inmate at the scene of a crime to

Soviet citizens and their accomplices'. Paragraph 1 of ukase 43 stipulates 'that the German, Italian, Romanian, Hungarian and Finnish fascist perpetrators convicted of the murder and the ill-treatment of civilians and captured Red Army soldiers, as well as spies and traitors to the homeland among Soviet citizens, shall be sentenced to death by hanging'. Ukase 43 is printed both in facsimile and as a German translation in: Gerd R. Ueberschär: *Der Nationalsozialismus vor Gericht. Die alliierten Prozesse gegen Kriegsverbrecher und Soldaten 1943–1952*. Frankfurt/M. 1999, pp. 279–284. After the general abolition of the death penalty by decree of the Supreme Soviet dated 26.5.1947, it was commuted to 25 years in labour reform camps. Cf. Zeidler: *Stalinjustiz*, p. 20.

⁶⁴ Zeidler: *Stalinjustiz*, p. 23.

⁶⁵ Verdict in the name of the Union of Soviet Socialist Republics dated 20.4.1955; BArch, MfS, G-SKS no. 26.017, p. 9 (Russian).

⁶⁶ Regarding the substantive legal and procedural law applied in convictions by Soviet Military Tribunals, see Zeidler: *Stalinjustiz*, pp. 16–24.

⁶⁷ Minutes of the second educational talk in 1969 with inmate Thiele in Brandenburg prison dated 9.6.1969; BArch, MfS, G-SKS no. 26.017, pp. 213 f., here 213.

be worthy of punishment. However, it is also conceivable that Thiele was simply a victim of mistaken identity. At least three SS members with the same surname served in Auschwitz.⁶⁸

In the context of de-Stalinisation in the Soviet Union after 1953 and the normalisation of political relations with the Federal Republic in 1955, numerous convicts (prisoners of war and civilians) were repatriated following separate negotiations between the Federal Republic and the GDR with the Soviet Union. This did not include 749 'serious war criminals', some of whom had been convicted of 'crimes against the state' (e.g. espionage), but the majority of whom had been convicted as 'violent criminals, arsonists, murderers of women, children and the elderly'.⁶⁹ This group, known as the 'non-amnestied', consisted of former soldiers of the Wehrmacht and, to a lesser extent, members of the SS, the secret service, secret field police and concentration camp personnel. Almost all of them had been convicted by a Soviet Military Tribunal of 'the most serious charges' and for 'down-right monstrous crimes' on the basis of ukase 43 (1).⁷⁰ The majority of these so-called 'non-amnestied' persons were handed over at the end of 1955 to the authorities of the Federal Republic, and a smaller group to the GDR to 'continue serving their sentences'.⁷¹ Those who were transferred to the Federal Republic included at least two members (Blockführer or Rapportführer⁷²) of the SS personnel from Auschwitz concentration camp or Lagischa sub-camp. One of them had been convicted of anti-Soviet activities and not of the crimes he had committed in Auschwitz.⁷³ Thiele, on the other hand, was transferred to the GDR on 17 December 1955 with a transport of a total of

⁶⁸ <https://truthaboutcamps.eu/th/form/60,Zaloga-SS-KL-Auschwitz.html?suzkaj=8923301208690> (last accessed: 6.4.2022).

⁶⁹ Ute Schmidt: Spätheimkehrer oder 'Schwerstkriegsverbrecher'? Die Gruppe der 749 'Nichtamnestierten'. In: Andreas Hilger, Ute Schmidt, Günther Wagenlehner (eds.): Sowjetische Militärtribunale, vol. 1: Die Verurteilung deutscher Kriegsgefangener 1941–1943. Cologne et al. 2001, pp. 273–350, here 274 and 316.

⁷⁰ Ibid., p. 318.

⁷¹ Ibid., p. 274. On this extensive complex, see also Andreas Hilger et al.: SMT-Verurteilte als Problem der Entstalinisierung. Die Entlassung Tribunalverurteilter aus sowjetischer und deutscher Haft. In: Andreas Hilger, Mike Schmeitzner, Ute Schmidt (eds.): Sowjetische Militärtribunale, vol. 2: Die Verurteilung deutscher Zivilisten 1945–1955. Cologne et al. 2003, pp. 685–756

⁷² Members of the SS who reported to the commandant of the preventive detention camp (Division III) and checked, for instance, whether all the inmates had come to the roll call.

⁷³ Ute Schmidt: Spätheimkehrer, p. 347.

269 'non-amnestied' inmates.⁷⁴ The GDR, however, did not consider it opportune or necessary to question or even examine the verdicts of the Soviet superpower. Even if it had wanted to, this would not have been so easy. For, in the case of this group, as Interior Minister Karl Maron commented critically in a letter to chief public prosecutor Ernst Melsheimer, 'there were basically no documents to legally justify the imprisonment of this group of persons'.⁷⁵ In the case of Thiele, according to the records, the GDR authorities only had a summary verdict, an attestation as to its legal validity⁷⁶ and a further attestation concerning the term of imprisonment served to date.⁷⁷ However, this did not prevent the GDR judiciary from imprisoning him for almost two decades, first in Bautzen and then in the Brandenburg an der Havel prison.⁷⁸

Franz Mauer (1921–1985), who was handed over to the GDR authorities from the same transport as Thiele, was luckier.⁷⁹ Mauer had volunteered for the Waffen-SS and was assigned to the commandant's staff at Auschwitz in December 1940.⁸⁰ From March 1943, he was deployed first to Buna-Monowitz and then, in 1944, to Lagischa sub-camp as a Blockführer. From October 1944 to February 1945, he worked in the same capacity in the Neustadt/Neiße sub-camp.⁸¹ On 11 June 1945, the former SS-Sturmmann Mauer⁸² was arrested at his place of residence in Fürstenberg/Havel and initially sent to Alt-Strelitz prison.⁸³ Subsequently, the Soviet secret police responsible for

⁷⁴ List of German citizens who were handed over on 17.12.1955 to the government of the German Democratic Republic as war criminals dated 17.12.1955, BArch, MfS, HA IX/11 ZJ 190, record 1, pp. 40–54, here 50.

⁷⁵ Hilger et al.: SMT-Verurteilte als Problem der Entstalinisierung, vol. 2, p. 744.

⁷⁶ Attestation of the Secretary of the War College of the Supreme Court of the USSR, n.d., n.p.; BArch, MfS, G-SKS no. 26.017, p. 10 (Russian).

⁷⁷ Attestation of the Secretary of the Department of the Ministry of Internal Affairs of the USSR on the term of imprisonment served, n.d.; *ibid.*, p. 11 (Russian).

⁷⁸ List drawn up by the warden of Bautzen prison of inmates convicted by a Soviet Military Tribunal, dated 12.11.1956; BArch, MfS, ASt. IC no. 1/74, vol. 2, pp. 41–55, here 54; admission and release records of Brandenburg prison, dated 13.9.1957; BArch, MfS, G-SKS no. 26.017, p. 3.

⁷⁹ List of German citizens handed over to the government of the German Democratic Republic as war criminals on 17.12.1955, dated 17.12.1955; BArch, MfS, HA IX/11 ZJ 190, file 1, p. 47.

⁸⁰ Questionnaire of Bautzen prison regarding membership in fascist organisations dated 19.12.1955; BArch, MfS, Abt. XII RF no. 214, p. 3.

⁸¹ Klee: Auschwitz, p. 271; curriculum vitae, n.d. [19.12.1955]; *ibid.*, pp. 2–2 a.

⁸² List of the names of members of the 4th company of the SS-Totenkopf-Wachbataillon Sachsenhausen dated 21.2.1945; BArch, NS 4 SA/30, p. 20.

⁸³ Curriculum vitae, n.d. [19.12.1955]; BArch, MfS, Dept. XII RF 214, pp. 2–2 a;



Fig. 14: Franz Mauer in Waffen-SS uniform, circa 1940

the protection of the hinterland, the All-Union People's Commissariat for Internal Affairs of the USSR (NKVD), interned him in October 1945 as a 'member of the penal bodies' in their special camp no. 9 in Neubrandenburg/Fünfeichen.⁸⁴ Mauer was then transferred to the Soviet Union at the end of January 1947. There, his status changed from internee to prisoner of war, and Mauer was sentenced on 29 November 1949 by a Soviet Military Tribunal, again on the basis of ukase 43, to 25 years' imprisonment. The court had accused him, among other things, of having participated in the shooting of 49 inmates in Auschwitz and of having sent 120 inmates to the gas chamber in July 1943.⁸⁵

Already at the end of 1955, a decision of the GDR Council of Ministers had led to a mass amnesty for inmates in GDR prisons convicted by Soviet Military Tribunals. More pardons followed just a few months later, in connection with the political change of course of the SED after the 20th convention of the Communist Party of the Soviet Union and the reckoning with the crimes of the Stalinist era. During this process, a large number of alleged and actual National Socialist perpetrators such as Sawatzki and Kaduk, who had previously been given heavy sentences by German courts or by Soviet Military Tribunals, were released, as were 'non-amnestied' persons.⁸⁶ Among them was Mauer, who, according to a Politburo decision of 4 April 1956⁸⁷ was officially

registry record of the Main Administration for Prisoners of War and Internees (GUPVI) of the Ministry of Internal Affairs (MVD) of the USSR [translation from Russian] for Franz Mauer, Archive of the Dresden Documentation Centre of the Foundation for Saxon Memorials, n.pag.

⁸⁴ Communication from the Dresden Documentation Centre of the Foundation of Saxon Memorials to the author dated 1.12.2016; cf. also Jan Foitzik et al.: *Die Sowjetischen Geheimdienste in der SBZ/DDR von 1945 bis 1953*. Berlin et al. 2009 and Natalja Jeske: *Lager in Neubrandenburg-Fünfeichen 1939-1948. Kriegsgefangenenlager der Wehrmacht, Repatriierungslager, Sowjetisches Speziallager*. Schwerin 2013, p. 221.

⁸⁵ Report [short verdict], n.d.; BArch, MfS, AS 12/59, p. 141.

⁸⁶ Hilger: *SMT-Verurteilte als Problem der Entstalinisierung*, pp. 57-61.

⁸⁷ http://www.argus.bstu.bundesarchiv.de/dy30pbpr/mets/dy30pbpr_jIV2_2_0470/index.htm?target=midosaFraContent&backlink=http://www.argus.bstu.bundesarchiv.de/dy30pbpr/index.htm-kid-b9cbbe2c-22bb-472e-9f0c-ecde97cb-4d4e&sign=DY%2030/J%20IV%202/2/470#5 (last accessed: 6.4.2022).

released on Friday, 13 April from Bautzen prison and headed for Bavaria.⁸⁸ The MfS played a leading role in these releases. This can be concluded from a letter from Mielke to the head of the legal department of the presidential chancellery, in which he stated: 'All proposals sent by the Ministry for State Security have been checked individually and in lists. The detention cases handled by the Ministry for State Security have already been handed over to the chief public prosecutor of the GDR along with the assessment of each individual case.'⁸⁹

The release of Ernst Thiele and a handful of other non-amnestied persons who had 'worked in concentration camps as kapos' was rejected by the SED Politburo on 9 May 1956.⁹⁰ The decision on their continued imprisonment was 'binding' and enforced even without the 'procurement of legal documents'. 'Concerns' of the MfS were the decisive contributory factor to this decision.⁹¹ Ultimately, the MfS alone decided Thiele's fate. A letter to the senior public prosecutor's office, in which Thiele was also listed, stated: 'The convicts named overleaf are members of the group for whom it has been decided that their sentences will be served in full. You are requested to seek the opinion of the Ministry for State Security if you intend to reduce their sentences.'⁹² Evidently, neither Thiele nor his relatives had any detailed

⁸⁸ Cover letter from the First Deputy of the Minister for State Security Mielke to Minister of the Interior Maron dated 9.4.1956 with a list of convicted war criminals to be released from Bautzen prison; BArch, DO1 326/39724, pp. 67–78, here 74; report on the release of convicted war criminals handed over by the Soviet Union from the head of the prison regime administration to the GDR Minister of the Interior dated 16.4.1956; *ibid.*, p. 57. In the Federal Republic, two investigations were initiated against Mauer on suspicion of murder, but both were dropped by the public prosecutor's office on the grounds of insufficient evidence. Cf. 1115 Js 5565/76 StA Munich I, 2 Js 6126/76; order of Memmingen public prosecutor in the investigation of Franz Mauer dated 8.8.1977; BAL, B 162/8952, pp. 251–265; public prosecutor's office with Würzburg Regional Court, order on the closure of the investigation dated 1.9.1982; BAL, B 162/2695, pp. 17–88.

⁸⁹ Letter from the First Deputy of the Minister for State Security to the Head of the Legal Department of the Presidential Chancellery of the President of the GDR concerning Soviet Military Tribunal criminal cases/list-based proposals for releases dated 6.4. and 14.4.1956, 11.9.1956; BArch, MfS, ASt. Ic no. 1/74, vol. 2, pp. 70–72, here 70.

⁹⁰ Hilger: SMT-Verurteilte als Problem der Entstalinisierung, p. 743.

⁹¹ *Ibid.*, pp. 743 f.

⁹² Letter dated 30.9.1957 from the MfS to the senior public prosecutor's office of the GDR; BArch, MfS, HA IX/11 ZJ 190, record 378, pp. 23 f., here 24.

knowledge of the verdict or its legal basis.⁹³ In any case, Thiele assumed that he had been convicted ‘of supporting the fascist regime’.⁹⁴ It would seem that Thiele only learned the real reason for his conviction – ‘the mass extermination of inmates in the concentration camp’⁹⁵ – much later. However, he vehemently denied this in prison, stating categorically: ‘He had been in the concentration camp as an inmate and nothing else. He had been wrongfully convicted and did not accept the punishment.’⁹⁶ Several times, therefore, he demanded that former fellow inmates from Monowitz, including Stefan Heymann, be questioned in order to exonerate him.⁹⁷ It was not possible to clarify whether this actually happened. For those responsible for the prison regime, who had to vet annually ‘whether the re-education process has been completed’,⁹⁸ his refusal to accept the verdict was repeatedly used as a reason to refuse the ‘conditional suspension of his sentence’ (pursuant to section 346 Code of Criminal Procedure (Strafprozessordnung – StPO)).⁹⁹

At the end of 1970, the GDR State Council considered pardoning or prematurely releasing three long-term inmates, including Thiele, who were serving time for National Socialist crimes. In this context, the chief public prosecutor’s office asked the responsible department of the MfS (HA IX/11) to examine whether there were any ‘operational reservations’ in this respect. This office was familiar with the reasons listed in the verdict ‘whereby it had been established and it was obvious that he had been incriminated by witnesses with regard to partial acts which were not true’. This was noted by an unknown staff member, probably in full knowledge of Soviet judicial

⁹³ From the letter of a close relative of Thiele to the warden of Brandenburg prison dated 21.2.1963, it is clear that she had no knowledge of the sentence or the reason for his conviction up to that point in time. Cf. BArch, MfS, G-SKS no. 26.017, p. 52.

⁹⁴ [Bautzen prison] Questionnaire and curriculum vitae dated 19.12.1955; *ibid.*, pp. 12–14.

⁹⁵ In the prison regime, this was consistently stated as the offense for which Thiele had been convicted. Cf. Conduct report for inmate Thiele by the warden of Brandenburg prison dated 2.10.1963; *ibid.*, pp. 65 f.

⁹⁶ Letter from the warden of Brandenburg prison to the chief public prosecutor of the GDR dated 27.12.1966; *ibid.*, pp. 110 f.

⁹⁷ Conduct report for inmate Thiele by the warden of Brandenburg prison dated 2.10.1963; statement by the inmate Thiele on his criminal act dated 13.10.1970; *ibid.*, pp. 65 f., 223.

⁹⁸ Letter of reply from Brandenburg prison to a relative of Thiele’s dated 2.3.1963; *ibid.*, p. 51.

⁹⁹ Letter from the warden of Brandenburg prison to the chief public prosecutor of the GDR dated 22.12.1965; *ibid.*, p. 98.

practice at that time.¹⁰⁰ However, this finding did not have any consequences for Thiele who had, by then, served 15 years in GDR prisons. It also emerged that his case had been previously reviewed in 1965/1966 and ‘operational reservations’ had been raised at that time.¹⁰¹ What these were based on is only a matter of conjecture. But during this period, the former deputy SS site physician and camp doctor in Auschwitz-Monowitz, SS-Hauptsturmführer Dr Horst Fischer, had been arrested and then sentenced to death by the Supreme Court of the GDR on 25 March 1966.¹⁰² One of the main incriminating witnesses in his trial was Stefan Heymann.¹⁰³

The Fischer trial was taken over into the propaganda strategy of the SED and Kaul’s ancillary action strategy in the Frankfurt Auschwitz trials.¹⁰⁴ It is conceivable that an early release of Thiele was blocked at the time so as not to endanger the political and propaganda objectives of the SED associated with the Fischer trial. For it would certainly have been difficult for SED officials to explain to the public at large why a high-ranking concentration camp doctor was able to live unscathed in the GDR for 20 years while, at the same time, a former inmate was kept in custody on the basis of a highly questionable judicial decision, despite several occasions on which he could have been granted a pardon (1956, 1960, 1964). After a total of 33 years in prison, Thiele was finally released to a relative in Halle/Saale on the morning of 19 December 1974.¹⁰⁵ There he died shortly before his 77th birthday in June 1985 as a result of chronic heart disease.¹⁰⁶ In April 2002, the main military public prosecutor’s office of the Russian Federation refused to rehabilitate Thiele because he had been ‘convicted on the basis of ukase 43/1’.¹⁰⁷ Consequently, under Russian archival law it is not possible to obtain access to his procedural and judicial file without running the risk of becoming involved with a potential perpetrator.¹⁰⁸ It is, therefore, almost impossible today to examine the merits of the reasons that had led to Thiele’s conviction.

¹⁰⁰ [HA IX/11], n.t. [memo on telephone conversation between HA IX/11 and the chief public prosecutor], 6.10.1970; BArch, MfS, HA IX/11 ZJ 190, record 378, pp. 12 f.

¹⁰¹ Ibid., p. 12.

¹⁰² Dirks: ‘Die Verbrechen der anderen’, p. 294.

¹⁰³ Ibid., pp. 106, 130 and 136.

¹⁰⁴ Ibid., pp. 211–246.

¹⁰⁵ Prison release certificate dated 19.12.1974; BArch, MfS, G-SKS no. 26.017, p. 267.

¹⁰⁶ Information from the city archives Halle/Saale for the author dated 15.6.2016.

¹⁰⁷ Hannah Arendt Institute (HAIT), database excerpt Thiele.

¹⁰⁸ <http://www.spiegel.de/panorama/wissenschaftlicher-kollateralschaden-warum-ein-nazi-massenmoerder-rehabilitiert-wurde-a-314049.html> (last accessed: 6.4.2022).

4.2 The Kapo - the sentence passed on Alexander Bartell

The (moral) assessment of the behaviour and actions of individual inmate functionaries, colloquially known as kapos, and the evaluation of their role and function is still a sensitive issue.¹⁰⁹ Against this backdrop, Hermann Kaienburg has the following advice:

Today, respect for what people suffered in the concentration camps demands that restraint be exercised when making judgments and moral rigorism avoided. All concentration camp inmates, including the inmate functionaries, acted under conditions that were not created by them, but by the SS. They were placed in borderline situations where their very existence was at stake. Even the most brutal henchmen among the inmate functionaries were victims of the National Socialist methods of persecution.¹¹⁰

Former Auschwitz inmates, too, share this opinion: 'No-one should entertain the idea that the inmate hierarchy was to blame for the conditions. Some of the kapos adapted to the SS methods for their own profit. But sole responsibility was borne by the SS murder machinery which was elevated to perfection in Auschwitz.'¹¹¹ With regard to the classification and role of the kapos in the concentration camps, Karin Orth comes to the following conclusion:

Through its kapo system, the SS shifted terror into the realm of the forced cohabitation between the inmates. It put in place an intermediate level which led to the blurring of the boundaries between SS and inmates, between perpetrators and victims [...] Hardly any measure of the SS was more perfidious than its attempt to delegate the execution of terror and violence to its victims.¹¹²

As Hermann Langbein pointed out, in practice it was often the criminal inmates with the green triangle who 'sought to exploit the power that came with their functions exclusively for themselves at the expense of the

¹⁰⁹ See, for example, Revital Ludewig-Kedmi: *Opfer und Täter zugleich? Moraldilemmata jüdischer Funktionshäftlinge in der Shoah*. Gießen 2001.

¹¹⁰ Hermann Kaienburg: 'Freundschaft? Kameradschaft? ... Wie kann das möglich sein?' *Solidarität, Widerstand und die Rolle der 'roten Kapos' in Neuengamme*. In: *Abgeleitete Macht - Funktionshäftlinge zwischen Widerstand und Kollaboration*. KZ-Gedenkstätte Neuengamme 4 (1998) (ed.), pp. 18-50, here 43.

¹¹¹ Kleinmann: *Doch der Hund will nicht krepieren*, p. 112.

¹¹² Karin Orth: *Das System der nationalsozialistischen Konzentrationslager. Eine politische Organisationsgeschichte*. Munich et al. 2002, p. 61.

community'.¹¹³ The initially dominant position of former criminals among the kapos in the concentration camps ultimately had a negative effect on the camp organisation. Consequently, the SS increasingly used political inmates, often also communists, for these functions. This led, in part, to a shift in the role of the kapos. The case of Adolf Rögner (Chapter 6.2) proves that some kapos in Auschwitz – sometimes former criminals too – tried to protect other inmates.¹¹⁴ Their role, however, remained by nature ambivalent.¹¹⁵ Many inmates had predominantly or solely bad experiences with the kapos, regardless of their nationality or the reason for their imprisonment.¹¹⁶

For Charles Liblau, also a former Auschwitz inmate, 'every kapo' was simply an 'accomplice of the SS in the systematic extermination of his fellow inmates'. He 'wielded absolute power, especially in the work details'.¹¹⁷ In everyday camp life, he was the 'symbol of arbitrariness and terror' for the 'normal' inmates. This led them to believe that 'the kapos, and not the National Socialist regime, were the embodiment of oppression'.¹¹⁸ While the mass of the SS personnel remained anonymous to the majority of the inmates fighting for their survival, the kapos were omnipresent in everyday camp life as 'masters of life and death'.¹¹⁹ This was also one of the reasons why perpetrators in this category constituted the second largest group of convicted individuals in the GDR after the SS. The case of Alexander Bartell (1905–1977) is used to illustrate how inmate functionaries were integrated into the terror system in Auschwitz and how they could become complicit in it.

Bartell had been on an odyssey through prisons and concentration camps under the National Socialist regime when he was sentenced to 'life imprisonment' for 'crimes against humanity' by Bautzen Regional Court on 15 November 1948.¹²⁰ A native of Berlin and son of a Jewish mother, he had trained

¹¹³ Langbein: ... nicht wie Schafe, p. 44.

¹¹⁴ Michał Ziółkowski, for instance, gives another positive example of such a kapo: Ich war von Anfang an in Auschwitz. Cologne 2006, pp. 53 f.

¹¹⁵ Wolfgang Sofsky: Die Ordnung des Terrors: Das Konzentrationslager. Frankfurt/M. 1993, pp. 152–190.

¹¹⁶ Charles Papiernik: Leben und Widerstehen. Erinnerungen an Auschwitz und Sachsenhausen. Bremen 2005; Mordechai Ciechanower: Der Dachdecker von Auschwitz-Birkenau. Berlin 2007.

¹¹⁷ Charles Liblau: Die Kapos von Auschwitz, Auschwitz-Birkenau State Museum 1998, p. 59.

¹¹⁸ Ibid.

¹¹⁹ Piper: Arbeitseinsatz der Häftlinge aus dem KL Auschwitz, p. 111.

¹²⁰ Verdict of Bautzen regional court dated 15.11.1948; BArch, MfS, Dept. XII/RF/352, pp. 142–145, here 142.



Fig. 15: A. Bartell, photo from the inmate file of Brandenburg-Görden prison, around 1950

as a butcher after finishing the eighth grade of primary school. As early as 1924 he joined the Communist Youth League (Kommunistischer Jugendverband – KJV), later the Red Front Fighters' Alliance (Rot-Front-Kämpfer-Bund – RFB). From 1929 on, by then a member of the KPD, he worked full-time for the International Red Aid in Königsberg.¹²¹ In March 1933, Bartell was taken first into 'protective custody' and a few months later sentenced to three years and nine months in Stargard/Pomerania for conspiring to commit high treason and resistance against state authority.¹²² Only a few months after his release from prison in Naugard/Pomerania, he was summoned to the police station in June 1938, presumably as part of the 'Reich Workshy' campaign. He was arrested again and deported to Sachsenhausen concentration camp.¹²³

The SS registered him there as a 'Jew'.¹²⁴ From there he was deported to Auschwitz-Monowitz at the end of October 1942, where inmate number '70280' was tattooed onto his left forearm.¹²⁵

Unlike his mother and three siblings who were murdered, Bartell survived the years of persecution. As early as 1945 he rejoined the KPD and worked as a party functionary in Niesky county council office, where he was responsible for looking after 'resettlers'. At the beginning of April 1948, former fellow inmates filed charges against him for mistreatment and other atrocities committed in Auschwitz-Monowitz. As a result, an arrest warrant was issued and Bartell was taken into pretrial detention.¹²⁶ In the witness examinations, former inmates reported, inter alia, how Bartell had harassed and beaten them and other Jewish comrades when he was foreman of work

¹²¹ Curriculum vitae dated 16.12.1948; *ibid.*, pp. 150 f.

¹²² Final report of Bautzen Criminal Police Office, Weißwasser Criminal Police Field Office on the Alexander Bartell case dated 26.5.1948; BArch, MfS, BV Cottbus, ASt. 1846/51, vol. 1, pp. 30–33.

¹²³ Information from the ITS to the author dated 8.7.2015. For more concrete information, see Christian Faludi (ed.): *Die 'Juni-Aktion' 1938. Eine Dokumentation zur Radikalisierung der Judenverfolgung.* Frankfurt/M. 2013, pp. 57–64.

¹²⁴ List of arrivals in Sachsenhausen concentration camp dated 18.6.1938; ITS, copy of 1.1.38.1/4093663; Kohlhausen: *Zwischen Bock und Pfahl*, p. 153.

¹²⁵ Information from ITS to the author dated 8.7.2015.

¹²⁶ Arrest warrant issued by the Saxony government, police department dated 7.4.1948; BArch, MfS, BV Cottbus, ASt. 1846/51, vol. 1, p. 5.

detail 26.¹²⁷ Presumably, however, it had also been Bartell who, prior to his appointment as a kapo by the SS, had helped many of his fellow sufferers.¹²⁸

On 18 January 1945, the camp was evacuated by the SS and the inmates were forced to march in the direction of Silesia. Bartell had managed to join a group of Reich German inmates, mostly 'professional criminals'.¹²⁹ Membership of this group, which was at the top of the 'racial inmate hierarchy', secured him various advantages and better chances of survival¹³⁰ as it took on administration and control functions in the transportation columns on behalf of the SS. This was associated with privileges such as the distribution of food provided by the SS.

According to the witnesses, Bartell took advantage of his position and ate the rations urgently needed on the evacuation march himself. In addition, he was accused of subjecting his fellow sufferers to insults and beatings.¹³¹ A witness testified 'that Bartell, by misappropriating food and mistreating the inmates, caused them to collapse from hunger and weakness. They were then shot or beaten to death by the SS.' He also accused him of being indirectly and partly responsible for the death of a young Hungarian Jew who had been killed for stealing bread from the SS.¹³² As in other trials, the testimony of the surviving inmates was not unproblematic, if only because of the circumstances and the timing of the crimes.¹³³ However, the court largely accepted the survivors' and witnesses' view of Bartell's actions. Without any further investigation and more detailed clarification of the overall circumstances, the credibility bonus granted to the 'victim witnesses'¹³⁴ was sufficient in this case to establish a causal link between Bartell's conduct and the death of the inmates, who were generally already weakened by hunger and disease.

¹²⁷ Examination record of witness Horst W. by the Saxony Criminal Police Office, Criminal Police Field Office Weißwasser/Upper Lusatia dated 14.4.1948; examination record of witness Alfred W. dated 14.4.1948; examination record of witness Natan K. dated 3.5.1948; BArch, MfS, BV Cottbus, ASt. 1846/51, vol. 1, pp. 9–15 and 24 f.

¹²⁸ Kohlhausen: Zwischen Bock und Pfahl, pp. 30 and 153.

¹²⁹ Interrogation record of Alexander Bartell dated 14.4.1948; BArch, MfS, BV Cottbus, ASt. 1846/51, vol. 1, pp. 16–19.

¹³⁰ Orth: Gab es eine Lagergesellschaft?, pp. 109–133, here 113.

¹³¹ Final report of Bautzen Criminal Police Office, Weißwasser Criminal Police Field Office on the Alexander Bartell case dated 26.5.1948; BArch, MfS, BV Cottbus, ASt. 1846/51, vol. 1, pp. 30–33.

¹³² Examination record of witness Salomon K. dated 14.4.1948; *ibid.*, vol. 1, pp. 6–8.

¹³³ Orth: Gab es eine Lagergesellschaft?, p. 117; Wagner: IG Auschwitz, pp. 320–324.

¹³⁴ Wieland: Naziverbrechen und deutsche Strafjustiz, p. 349.

No further questions were asked and no further efforts were made to look for other causes or other perpetrators.

When confronted with the witnesses and their testimony, Bartell stated: 'In summary, I do admit when it comes to what has been put to me regarding my confessions – and I do accept today that my conduct towards my fellow inmates at the time was inhumane, and I very much regret that I forgot myself to such a degree.'¹³⁵

The testimony of the witnesses and Bartell's partial confession formed both the starting point for the trial and the foundation for his conviction. Accordingly, the court gave substantial consideration to the defendant's moral culpability when sentencing. The sentence reads:

For sentencing it was not irrelevant for the Criminal Division that the defendant was a functionary of the labour movement who had not only turned into a traitor, but also a criminal lackey of the SS and an indirect murderer of his like-minded and racial comrades [...] Even if it has not been proven that the defendant committed murder by his own hand, the main trial has nevertheless clearly demonstrated that the defendant had been the indirect cause of death of innumerable inmates.¹³⁶

The lifelong custodial sentence probably satisfied the survivors' need to see Bartell punished. However, the lack of consideration of the overall circumstances and the personal situation of the defendant, as well as the uncritical apportionment of blame, practically minimalised the responsibility of those who bore the main guilt for the mass murder on the so-called 'death marches'.

The disproportionate nature of the sentence becomes clear in comparison with other cases such as that of Hans Anhalt or those suspected cases (see below) in which no criminal punishment was meted out at all. However, this approach, which was open to criticism, was not just characteristic of the GDR judiciary. The courts of the Western Allies also found it difficult to establish a clear and hierarchical differentiation of responsibilities when it came to punishing National Socialist crimes of violence in the concentration camps, and to passing sentence in a correspondingly balanced manner.¹³⁷ Probably because so much water had since flowed under the bridge, one former inmate said leniently: 'Let us not judge those who acted immorally under the extremely tense conditions of the camp. Who can say how someone

¹³⁵ Interrogation record of Alexander Bartell dated 14.4.1948; BArch, MfS, BV Cottbus, ASt. 1846/51, vol. 1, p. 19.

¹³⁶ Verdict of Bautzen Regional Court dated 15.11.1948; BArch, MfS, Dept. XII/RF/352, p. 144.

¹³⁷ Wachsmann: KL, pp. 704 f.

who condemns such acts would have behaved himself. There, every moment was about just staying alive.¹³⁸

During his prison stays in Hoheneck, Waldheim and Brandenburg, Bartell's tattoo from Auschwitz was considered a 'special marker'. Initially, his efforts to secure an appeal or a retrial were just as unsuccessful as his clemency petitions.¹³⁹

Later, the sentence was corrected, after all. In December 1955, Justice Minister Hilde Benjamin, chief public prosecutor Ernst Melsheimer and Minister of State Security Erich Mielke (the members of a corresponding commission) agreed to reduce his sentence to 15 years.¹⁴⁰ And just a few months later, at the end of April 1956, he benefited from an act of clemency granted after the 20th party convention of the CPSU. Bartell returned to his family in Weißwasser/Upper Lusatia and found work in the VEB silica and fireclay factory.¹⁴¹ He later became involved with the State Security and reported on colleagues as a contact person,¹⁴² before being formally recruited as a secret informant in May 1965 under the codename 'Alba'.¹⁴³ But just one year later, this cooperation came to an end, mainly for health reasons, but also because of his failure to respect the conspiratorial nature of the work.¹⁴⁴

¹³⁸ Oldřich Stránský: *Es gibt keine Gerechtigkeit auf Erden. Erinnerungen eines tschechischen Auschwitz-Überlebenden*. Cologne et al. 2010, p. 102.

¹³⁹ Decision of Dresden Higher Regional Court, Court of Criminal Appeal pursuant to Order 201, on the rejection of the appeal in the criminal proceedings Bartell dated 23.6.1949; BArch, MfS, BV Cottbus, ASt. 1846/51, vol. 1, p. 79; decision of Bautzen Regional Court on the refusal to stage a retrial in the criminal proceedings Bartell dated 1.4.1950; BArch, MfS, Dept. XII/RF/352, p. 102; notification from the public prosecutor of Bautzen Regional Court to inmate Bartell concerning the rejection of his plea for clemency dated 13.3.1951; information from HA II of the Ministry of Justice to inmate Alexander Bartell dated 11.2.1954; BArch, MfS, Dept. XII/RF/352, pp. 2, 40.

¹⁴⁰ Minutes of the meeting of the commission of the GDR government to review persons convicted by German courts pursuant to Order 201 dated 15.12.1955; BArch, MfS, AS 3/59, vol. 2, p. 223.

¹⁴¹ Notification from Brandenburg prison to the law enforcement authority about the release of an inmate dated 28.4.1956; BArch, MfS, BV Cottbus, ASt. 1846/51, vol. 1, pp. 130 f.

¹⁴² Assessment of the operational value of the secret informant candidate by Weißwasser county office dated 12.5.1965; BArch, MfS, BV Cottbus, AIM 1902/66, Part I/1, pp. 55–63.

¹⁴³ Handwritten undertaking dated 26.5.1965; *ibid.*, p. 64.

¹⁴⁴ Final report of Weißwasser county office on the filing away of an IM case in the archives of Cottbus district office dated 22.12.1963; *ibid.*, p. 74.

4.3 The Grönke case: prosecuted once again in the West

Erich Grönke (1902–1968), a criminal with multiple convictions (‘professional criminal’)¹⁴⁵ had been transferred from Sachsenhausen concentration camp to Auschwitz in 1940.¹⁴⁶ In mid-1941, at the instigation of camp commandant Rudolf Höß, with whom he had become friends, he was released as an inmate and subsequently employed as manager (SS civilian employee) of the camp’s so-called shoe and leather factory.¹⁴⁷ After the war, Grönke, a trained shoemaker, settled in Schwerin/Mecklenburg.

There, the police came across him in connection with another investigation. After it emerged that Grönke had beaten inmates in Auschwitz, he was arrested at the end of April 1947 and an investigation was initiated.¹⁴⁸ Grönke could very well imagine that more crimes would come to light during more extensive criminal investigations. In any case, he admitted right away during the first interrogation that it had happened, ‘from time to time’, that he had had to ‘physically discipline’ inmates.¹⁴⁹ This was confirmed by a People’s Police officer, a former Auschwitz inmate, who testified that he had been whipped by Grönke.¹⁵⁰

For the investigators, the matter had thus been ‘fully elucidated’. Grönke was deemed to have been ‘convicted and have confessed’.¹⁵¹ The Soviet Military Administration in Schwerin, to which the case had been submitted, decided at the end of May 1947 that Grönke had to answer to a German court.¹⁵² On 29 November 1948, Schwerin Regional Court gave him a custodial sentence of three years and four months for the mistreatment of inmates.¹⁵³

¹⁴⁵ Interrogation record of Mecklenburg Criminal Police Office, Unit K 5 dated 28.4.1947; BArch, MfS, BV Schwerin, AP 903/54, pp. 10 f., here 10.

¹⁴⁶ Final report of Mecklenburg Criminal Police Office, Unit K 5 dated 21.5.1947; *ibid.*, pp. 6 f.

¹⁴⁷ Cf. Hermann Langbein: *Menschen in Auschwitz*. Vienna, Munich 1995, pp. 458 f.

¹⁴⁸ Mecklenburg Criminal Police Office, Unit K 5, file note ‘Crimes against humanity’ dated 28.4.1947; BArch, MfS, BV Schwerin, AP 903/54, p. 12.

¹⁴⁹ Interrogation record of the Criminal Police Office, Unit K 5 dated 28.4.1947; *ibid.*, p. 10.

¹⁵⁰ Examination record of Mecklenburg Criminal Police Office, Unit K 5, of witness Franz A. dated 30.4.1947; *ibid.*, p. 16.

¹⁵¹ Final report of Mecklenburg Criminal Police Office, Unit K 5 dated 21.5.1947; *ibid.*, pp. 6 f.

¹⁵² *Ibid.*, p. 7.

¹⁵³ According to the case index of HA IX/11, sentence was already passed on 13.1.1948. It is possible that Grönke lodged an appeal since the admission report of Brandenburg-Görden prison gives 29.11.1948 as the date of conviction.

1. Name <u>G r ö n k e</u>	Vorgang Nr. <u>Allg. P.</u>
2. Vorname <u>Erich.</u>	Archiv Nr. <u>903/54</u>
3. Geburtstag <u>15.9.02.</u>	Größe _____
4. Geburtsort <u>Bln. Lichterfelde</u>	Gestalt <u>Abt. VII</u>
5. Anschrift <u>Schwerin, Werderstr.</u>	Gesicht _____
6. Soziale Herkunft _____	Bart _____
7. Arbeitsstelle und ausgeübter Beruf _____	Haar _____
8. Nationalität _____	Besondere Kennzeichen _____
9. Staatsangehörigkeit _____	
10. Parteizugehörigkeit _____	
11. Art des Verbrechens <u>Verbr. gegen die</u> <u>Menschlichkeit</u>	
12. Verw. / Dienststelle <u>Abtlg. XII</u>	
13. Karte angelegt am <u>27.9.54</u>	
14. Durch _____	

D 1064 654 500.0 Form 16



Fig. 16: Erich Grönke, F-16 index card with photo taken by the Mecklenburg Criminal Police Office, Unit K 5, 1947

After serving his sentence in Brandenburg-Görden prison, he moved to the Federal Republic and opened a shoemaker's workshop in Breisgau.¹⁵⁴ Based on the testimony of Adolf Rögner and other witnesses, the Frankfurt/M. Regional Court issued a warrant for the arrest of Grönke in November 1963 and remanded him in custody.¹⁵⁵ In fact, Grönke had not only run the

Cf. BArch, MfS, Dept. XII G-SKS 18486, p. 2. It was not possible to determine where the documents on the court case and the verdict are currently located. The records were definitely made available to an examining magistrate in Frankfurt/M. Regional Court, who was able to view them in the office of the GDR's chief public prosecutor in 1963. Cf. Frankfurt/M. Regional Court, request for administrative assistance (legal assistance) dated 21.8.1963; BArch, MfS, HA IX no. 23099, pp. 4-8.

¹⁵⁴ Cf. Klee: Auschwitz, p. 151; Piper: Arbeitseinsatz, pp. 159 f.

¹⁵⁵ Criminal complaint submitted by Adolf Rögner to the public prosecutor's office in Stuttgart Regional Court dated 30.3.1958; interview record of Adolf Rögner of Baden-Württemberg Criminal Police Office dated 20.8.1958; interview record of Adolf Rögner of the Ludwigsburg Central Office of the State Judicial Authorities dated 23.2.1959; testimony of Adolf Rögner before Frankfurt/M. Local Court dated 3.5.1960; Fritz Bauer Institute (FBI), archival holdings Adolf

workshops in Auschwitz with a 'hard hand',¹⁵⁶ but also punished the 2,000 or so inmates under his control¹⁵⁷ for even the slightest misdemeanour. Some were drowned in a cesspit or in vats of paint.¹⁵⁸ Grönke denied all the accusations. In an application for release from custody, he suggested that, in order to exonerate him, the wife of camp commandant, Hedwig Höß, should be questioned, in whose apartment and with whose children he had socialised.¹⁵⁹ However, in remand proceedings, the continuation of his pretrial detention was upheld.¹⁶⁰ In the course of the third Frankfurt Auschwitz trial (1967–1968), Grönke was charged with murder in at least 212 individual cases. Due to his unfitness to stand trial, the proceedings against him were initially suspended in February 1967 and discontinued in June 1968 after his death.¹⁶¹

4.4 The Paul Barteldt case: a life sentence that really was lifelong

It was more of a coincidence that led to the conviction of former kapo Paul Barteldt (1901–1984). Before the war, Barteldt had been convicted of petty offences (causing public nuisance in combination with public insult, gross mischief) and 'insulting the Reich'.¹⁶² In 1935 he was sent as a so-called 'protective custody inmate' first to Lichenburg and Sachsenhausen concentration camps and then, from 1940, to the main Auschwitz camp, Birkenau and Jawischowitz sub-camp.¹⁶³ In the main camp and Birkenau, Barteldt (inmate

Rögner, pp. 48–51 R, 53–56 R, 703–723, 5361 f.; decision of Frankfurt/M. Higher Regional Court in the criminal proceedings against Erich Grönke concerning the continuation of his pretrial detention dated 12.7.1965; BAL, B 162/2845, p. 206.

¹⁵⁶ Franciszek Piper: Die Ausbeutung der Arbeit der Häftlinge. In: Waclaw Długoborski, Franciszek Piper (eds.): Auschwitz 1940–1945. Studien zur Geschichte des Konzentrations- und Vernichtungslagers Auschwitz. Oświęcim 1999, vol. II, pp. 108 f.

¹⁵⁷ Interrogation record of Erich Grönke of Mecklenburg Criminal Police Office, Unit K 5 dated 21.5.1947; BArch, MfS, BV Schwerin AP 903/54, pp. 18–21, here 20.

¹⁵⁸ Cf. Piper: Die Ausbeutung, pp. 108 f.

¹⁵⁹ Handwritten application by Grönke to refrain from enforcement of arrest to Frankfurt/M. Regional Court dated 2.2.1965; BAL, B 162/2845, pp. 161–164, here 162.

¹⁶⁰ Decision of Frankfurt/M. Higher Regional Court in the criminal proceedings against Erich Grönke dated 12.7.1965; BAL, B 162/2845, p. 206.

¹⁶¹ Communication from the head of BAL to the author dated 1.6.2015.

¹⁶² Criminal notification Paul Barteldt; BArch, MfS, criminal register index.

¹⁶³ Inmate personal card Paul Barteldt, ITS, individual documents from Mauthausen concentration camp; copy of 1.1.26.3/1346544; cf. also Andrea Rudorff: Jawischowitz. In: Der Ort des Terrors, vol. 5, pp. 260–265.

number 3253) always worked as a kapo (SS kitchen, clothing store, bread store, infirmary).¹⁶⁴ In Jawischowitz, the SS even appointed him Lagerältester.¹⁶⁵ The 2,000 or so mostly Jewish inmates there had to perform forced labour in hard coal mines under inhumane conditions.¹⁶⁶ The catastrophic living conditions in the camp, feared by the inmates, were exacerbated even further by the brutal mistreatment, harassment and denunciations carried out by Barteldt.¹⁶⁷ A number of inmates died from the injuries inflicted on them by Barteldt or were murdered because of their resulting unfitness for work in the gas chambers. He drove other fellow inmates to suicide out of despair.¹⁶⁸ Barteldt was arrested by the People's Police in East Berlin in May 1950 after he had engaged in 'fascist propaganda' in public.¹⁶⁹ In the summer of 1950, the VVN investigation service published an announcement about its search for witnesses who could provide information about Barteldt's behaviour.¹⁷⁰ Barteldt was found guilty mainly on the basis of testimonies of survivors, including Hermann Axen and Kurt Julius Goldstein, both Jewish-Communist inmates who shortly afterwards assumed high-ranking duties in the GDR's party and state apparatus.¹⁷¹

The Barteldt case was one of the few trials in which the East and West German judicial authorities cooperated without any complications. In April 1950, Paul Skrodzki, who had replaced Barteldt as a kapo in his function at

¹⁶⁴ The senior public prosecutor of Greater Berlin, supplementary charge sheet, 9.5.1951; BArch, MfS, ASt. 35 Js no. 294/50, pp. 74–80; Danuta Czech: *Die Rolle des Häftlingskrankenbaulagers im KL Auschwitz II*. in: *HvA 15* (1975), pp. 5–112.

¹⁶⁵ The senior public prosecutor of Greater Berlin, supplementary charge sheet, 9.5.1951; BArch, MfS, ASt. 35 Js no. 294/50, p. 76. The Lagerältester was the highest rank in the hierarchy of inmate functionaries selected by the SS in a German concentration camp.

¹⁶⁶ Rudorff: *Jawischowitz*, pp. 260–265.

¹⁶⁷ Cf. Andrzej Strzelecki: *Das Nebenlager Jawischowitz*. In: *HvA 15* (1975), p. 200.

¹⁶⁸ The senior public prosecutor of Greater Berlin, supplementary charge sheet, 9.5.1951; BArch, MfS, ASt. 35 Js no. 294/50, pp. 75, 80.

¹⁶⁹ The public prosecutor of the Jury Court of Berlin Regional Court, session report dated 15.10.1951 (Fourth Grand Criminal Division of Berlin Regional Court); BArch, MfS, ASt. I/1 454/51, vol. 1, pp. 3–5, here 4.

¹⁷⁰ *Wer kennt diesen Mann? Zeugen aus den Konzentrationslagern gesucht*. Berlin (East), number 8, July/August 1950, p. 4.

¹⁷¹ Cf. Hermann Axen: *Ich war Diener der Partei*. Berlin 1996; Rosemarie Schuder, Rudolf Hirsch et al.: *Nummer 58866 Judenkönig*. Berlin 1996; Friedrich-Martin Balzer (ed.): *Wir sind die letzten – fragt uns. Kurt Goldstein – Spanienkämpfer, Auschwitz- und Buchenwald-Häftling*. Bonn 1999; Müller-Enbergs et al. (eds.): *Wer war wer in der DDR?*, pp. 34 and 262 f.

Jawischowitz camp,¹⁷² together with seven other accomplices, had been sentenced in Bochum to one year and three months in prison for crimes against humanity in combination with grievous bodily harm in 23 cases.¹⁷³ The charge sheet and the verdict, with its findings on Jawischowitz sub-camp, had been made available to the East Berlin judiciary by Bochum Regional Court.¹⁷⁴ Barteldt himself was sentenced to life imprisonment for ‘crimes against humanity’ by Berlin Regional Court on 15 October 1951.¹⁷⁵ The court only refrained from imposing the death penalty because Barteldt, ‘if not mentally ill – has nevertheless developed fewer moral inhibitions than other people due to his disadvantaged social development and alcohol addiction’.¹⁷⁶ In the wake of the Waldheim trials the proceedings were conducted ‘politically’ in the spirit of the SED. The responsible public prosecutor noted that the main trial provided an opportunity to highlight the special role of IG Farben and other companies in the Auschwitz camp and in other concentration camps.

The group’s senior executives were exposed as the contractors behind the construction of the slave and death camps, which they had built in order to pocket huge additional profits through the inmates. These are the same men who, today, are once again at the helm of corporate groups in West Germany and are keen to repeat the same crimes.¹⁷⁷

Barteldt’s move to have the sentence reviewed was rejected in the spring of 1952.¹⁷⁸ In contrast to the majority of National Socialist perpetrators who were convicted in the early days of the GDR, the life sentence in this case actually meant exactly that.¹⁷⁹ Although Barteldt submitted to the penal system ‘willingly and correctly’, received 52 awards and ‘demonstrated

¹⁷² Supplementary charge sheet of the senior public prosecutor of Berlin dated 9.5.1951; BArch, MfS, ASt. 35 Js no. 294/50, pp. 74–80; Strzelecki: *Das Nebenlager Jawischowitz*. In: *HvA* 15 (1975), p. 195.

¹⁷³ Verdict of the Jury Court of Bochum Regional Court dated 20.4.1950; BArch, MfS, ASt. 35 Js no. 294/50, pp. 81–117.

¹⁷⁴ Charge sheet of the senior public prosecutor with Bochum Regional Court dated 5.1.1950; BArch, MfS, ASt. 35 Js no. 294/50, pp. 142–155.

¹⁷⁵ Verdict of Berlin Regional Court dated 15.10.1951; BArch, MfS, HA IX no. 99730, pp. 58–66.

¹⁷⁶ *Ibid.*, p. 65.

¹⁷⁷ Session report of the public prosecutor of the Jury Court of Berlin Regional Court dated 15.10.1951 (Fourth Grand Criminal Division of Berlin Regional Court); BArch, MfS, ASt. I/1 454/51, vol. 1, pp. 3–5.

¹⁷⁸ Verdict of the Court of Criminal Appeal of Berlin Higher Regional Court dated 1.4.1952; BArch, MfS, HA IX no. 9730, pp. 49–54.

¹⁷⁹ Cf. Leide: *NS-Verbrecher und Staatssicherheit*, p. 71.

consistent, good overall behaviour over decades',¹⁸⁰ his prison term was not reduced. Barteldt died in April 1984 in Brandenburg prison.

4.5 Show trial with scanty evidence: the death sentence against Herbert Fink

The following quote is from Hannah Arendt:

The totalitarian rulers' contempt for positive law manifests itself as inhumane compliance with the law whereby human beings are merely the material on which the superhuman laws of nature and history are imposed, i.e. executed here in the most terrible sense of the word.¹⁸¹

The following example backs this theory. As is so often the case, it was happenstance that prompted the investigations and then ensured a conviction. On 26 August 1950, a young woman appeared in the office of the County Commissioner for State Control¹⁸² in Bautzen and reported that her acquaintance, Herbert Fink, had been involved in the murder of Jews as a member of the SS in Auschwitz concentration camp. As evidence, the complainant stated, *inter alia*, that Fink had commented during a cinema visit to see the Soviet epic film 'The Fall of Berlin', that what they had seen corresponded to reality.¹⁸³ Another witness, who was also present during this cinema trip, reported the same.¹⁸⁴ In fact, in this Soviet propaganda film, which was shown in the GDR from the summer of 1950 onwards, a scene is re-enacted in which SS men shoot inmates of a concentration camp shortly before Soviet tanks roll in.¹⁸⁵

¹⁸⁰ Conduct report for inmate Barteldt by the warden of Brandenburg prison dated 15.11.1983; BArch, MfS, HA IX no. 19185, pp. 218 f.

¹⁸¹ Arendt: *Elemente und Ursprünge totaler Herrschaft*, p. 675.

¹⁸² About these tasks, functions and powers, see Thomas Horstmann: *Logik der Willkür. Die Zentrale Kommission für Staatliche Kontrolle in der SBZ/DDR von 1948 bis 1958*. Weimar et al. 2002.

¹⁸³ Statement record dated 26.8.1950; BArch, MfS, BV Dresden, ASt. 340/86, case file public prosecutor's office, p. 27.

¹⁸⁴ Record of Bautzen county office of the People's Police, Dept. K, Commissariat C/10 on a confidential communication dated 31.8.1950; BArch, MfS, BV Dresden, ASt. 340/86, case file public prosecutor's office, p. 18.

¹⁸⁵ Lars Karl: *Das Bild des Siegers im Land der Besiegten: Der sowjetische Kriegsfilm in der SBZ und DDR*. In: Thomas Lindenberger: *Massenmedien und Kalter Krieg. Akteure, Bilder, Resonanzen*. Cologne 2006, pp. 77–110; <https://www.youtube.com/watch?v=t-hZam8dXHU> (last accessed: 6.4.2022).

On the evening of 28 August 1950, the Stasi office there informed the Bautzen county office of the People's Police (Volkspolizeikreisamt – VPKA) about their suspicions regarding Fink.¹⁸⁶ The next steps were taken by Commissariat C of the Criminal Police which was responsible for 'serious crimes against humanity' (pursuant to Allied Control Council (ACC) Law no. 10 and Allied Control Council (ACC) Directive no. 38).¹⁸⁷ The next day, Herbert Fink (1925–1952) was brought in for questioning. During his interrogation, he stated that he had attended seven grades of a school for backward children in his Silesian hometown of Ratibor and that he had then been employed as an unskilled labourer in a Siemens factory. From the beginning of 1943, he had worked as a dairyman in farming. Primarily in order to avoid further disputes with his father and to get away from home, he then volunteered for the Waffen-SS in a Hitler Youth military training camp¹⁸⁸ in Bad Gottschalkowitz in Upper Silesia. After he had completed his official duties with the Reich Labour Service, he had been called up in 1943 to an assault gun unit of the Waffen-SS at Heidelager military training camp (Dębica near Kraków).

There he underwent three month's basic training. Afterwards he had been trained in Vienna for three weeks as an assistant gunner of an assault gun. Then the entire unit was deployed to Hungary as occupying troops. After a short time, however, he himself claims he was sent to Auschwitz concentration camp as a guard together with other soldiers from his unit.¹⁸⁹ On their arrival, they were first familiarised with the camp, and they were also shown the ovens and gas chambers and explained how to use them.

This statement is not very credible as the existence of the killing facilities was subject to the strictest secrecy. This was the adopted procedure because anything else would have made it impossible to keep the victims in the dark.¹⁹⁰ Access was even restricted to selected SS members. In addition, the guards were not allowed to enter the inner camp area without permission. Even members of the Reich Security Main Office were allowed to visit

¹⁸⁶ Criminal complaint of Bautzen county office of the People's Police, Dept. K, Commissariat C/10 dated 30.8.1950; BArch, MfS, BV Dresden, ASt. 340/86, case file public prosecutor's office, p. 10.

¹⁸⁷ Cf. Leide: NS-Verbrecher und Staatssicherheit, p. 38.

¹⁸⁸ Regarding the tasks and functions of the military training camps (Wehrtüchtigungslager – WE-Lager), see Michael Buddrus: *Totale Erziehung für den totalen Krieg. Hitlerjugend und nationalsozialistische Jugendpolitik*. Munich 2003, vol. 1, pp. 175–223.

¹⁸⁹ Interrogation record of Bautzen county office of the People's Police, Dept. K Commissariat C/10 dated 29.8.1950; BArch, MfS, BV Dresden, ASt. 340/86, case file public prosecutor's office, pp. 13–16, here 14.

¹⁹⁰ Langbein: *Menschen in Auschwitz*, pp. 177–181.



Fig. 17: Herbert Fink, passport photo from the preliminary file of the public prosecutor's office, around 1949/50

the camp only in special cases and usually only after Himmler's prior approval.¹⁹¹ Nonetheless, the guards were still directly involved in the murder of the inmates. Fink reports that immediately after this induction, they had been assigned to the watch-towers. He admitted unreservedly that, as a member of the SS guard, he had shot at escaping inmates and had executed some inmates outside the camp on the orders of the 'camp commandant'. Furthermore, he testified to having been involved in the selection of inmates and their transport to the gas chambers. In addition, shortly before the evacuation of the camp in January 1945 he had also taken part in a massacre.¹⁹² He described the scene as follows: The inmates were forced to leave the barracks and stand close to each other, whereupon the order was given to 'shoot into' these groups.¹⁹³ He, together with around 90 to 120 SS men, had opened fire on

the group. The dead were then buried outside the camp in prepared ditches. Fink claimed to have shot around '300 to 400' people himself.¹⁹⁴ In fact, as proof of his credibility, he stated at the end of the first interrogation: 'Let it be said that during my time as a guard in the Auschwitz concentration camp I experienced all the atrocities that were depicted in the film "Auschwitz".'¹⁹⁵

¹⁹¹ Karin Orth: *Die Konzentrationslager-SS*. Göttingen 2000, p. 35. Cf. also Andrea Rudorff: *Das KZ Auschwitz 1942–1945 und die Zeit der Todesmärsche 1944/45 (Die Verfolgung und Ermordung der europäischen Juden durch das nationalsozialistische Deutschland. vol. 16)*. Munich 2018, p. 512.

¹⁹² Interrogation record of the Bautzen county office of the People's Police, Dept. K Commissariat C/10 dated 29.8.1950; BArch, MfS, BV Dresden, ASt. 340/86, case file public prosecutor's office, pp. 14 f.

¹⁹³ AG Bautzen, interrogation record, 12.5.1951; *ibid.*, pp. 48–51, here 51.

¹⁹⁴ Minutes of the public session of the First Grand Criminal Division of Bautzen Regional Court dated 29.6.1951 in the criminal proceedings against Herbert Fink; *ibid.*, p. 61.

¹⁹⁵ What he presumably meant was the Soviet documentary film 'Auschwitz', which is known to have been shown in the Soviet Occupation Zone from September 1945 onwards. Jeanpaul Goergen: *Chronik des deutschen Dokumentarfilms 1945–2005*. Materialien zum DFG-Forschungsprojekt 'Geschichte des dokumentarischen Films in Deutschland 1945–2005'. Status: December 2018 – <http://www.dokumentarfilmgeschichte.de/publikationen/chronologie-des-deutschen-dokumentarfilms-1945-2005/> (last accessed: 6.4.2022).

Shortly before the liberation of the camp by the Red Army, he then, in his own words, got hold of some civilian clothes and deserted. Without being recognized as an SS member, he was nevertheless captured by the Soviets and 'brought back to barrack 7 in Auschwitz' [this obviously meant Block 7 in the main camp, author's note], where he also encountered neighbours and acquaintances from Ratibor whom he still remembered by name. After his release, he returned to his parents' flat which had been abandoned in the meantime, and then to his grandparents' home, where he worked in agriculture. In January 1947 he was expelled from Ratibor, first to a quarantine camp and then to Bautzen.¹⁹⁶

When Fink was questioned again about his career path two days after his arrest, he corrected his statements made the previous day to the extent that he now claimed to have been admitted to a military hospital in Gießen in January 1944 due to a head injury sustained during his childhood.¹⁹⁷ After a three-week stay, he was sent first to a discharge camp in Mittweida, Saxony, and then home. He did not know exactly why he had been released but he suspected that his head injury was the reason. When he arrived in Ratibor, however, he was not even allowed to stay with his parents, but was immediately assigned to a militia unit (Volkssturm). One week later he was dispatched to Auschwitz as a guard. There he had also heard about the non-stop murder of inmates by placing them in groups of 100 to 120 on an iron plate and then switching on the electricity. Upon further questioning, he corrected this version and this time he stated that he had not seen this himself, but had only inferred it.¹⁹⁸

¹⁹⁶ Interrogation record of Bautzen county office of the People's Police, Dept. K Commissariat C/10 dated 29.8.1950; BArch, MfS, BV Dresden, ASt. 340/86, case file public prosecutor's office, pp. 13–16.

¹⁹⁷ http://www.gedenkstaettenforum.de/nc/gedenkstaetten-rundbrief/rundbrief/news/vom_wert_des_menschen/ (last accessed: 6.4.2022).

¹⁹⁸ Interrogation record of Bautzen county office of the People's Police, Dept. K Commissariat C/10 dated 30.8.1950; BArch, MfS, BV Dresden, ASt. 340/86, case file of the public prosecutor's office, pp. 11 f.; Fink thus spread a rumour about the mass murder of the Jews, which had been circulating in this or a similar way during the war. Cf. David Bankier: *Die öffentliche Meinung im Hitler-Staat. Die 'Endlösung' und die Deutschen. Eine Berichtigung.* Berlin 1995, pp. 150, 158 and 217; Peter Longerich: *'Davon haben wir nichts gewusst!' Die Deutschen und die Judenverfolgung 1933–1945.* Munich 2006, p. 245; Bernward Dörner: *Die Deutschen und der Holocaust. Was niemand wissen wollte, aber jeder wissen konnte.* Berlin 2007, p. 134; Ahlrich Meyer: *Das Wissen um Auschwitz. Täter und Opfer der 'Endlösung' in Westeuropa.* Paderborn et al. 2010, p. 21; Nicholas Stargardt: *Der Deutsche Krieg 1939–1945.* Frankfurt/M. 2015, p. 562; Klaus-Peter

Certainly, in the early 1950s, knowledge about Auschwitz was generally far more sparse than is the case today. Nevertheless, it is astonishing that, despite such confused, contradictory and partly implausible statements, he had been taken into temporary custody, a warrant issued for his arrest and criminal proceedings initiated.¹⁹⁹

A short time later, Fink was transferred to the Großschweidnitz state institution, where a psychiatric report was commissioned because of the 'maximum sentence to be expected'.²⁰⁰ It was confirmed that Fink, after a fall during his childhood, had not fully developed his mental capacity. The specialist came to the conclusion that Fink's 'intellectual ability [...] was very low' and that he 'undoubtedly [...] suffered from feeble-mindedness'.²⁰¹ For example, the only thing he could write was his name, and he also found it difficult to read. He answered the simplest arithmetic questions or simple knowledge questions incorrectly, only after a longer period of reflection or not at all.²⁰² The expert's comments were also taken over into the later sentencing:

But Fink's feeble-mindedness is not so extensive that he did not know very well that it was wrong to kill someone. His mental faculties do indeed extend that far. But F. lacks those more highly developed, ethical and moral concepts and inhibitions that prevent ordinary people from committing such serious crimes. In addition, F. acted under a certain degree of coercion, in response to an order issued by a superior. F. did not lack the mental, but rather the moral remonstrance to rebel against such coercion. Consequently, his ability to grasp the illicit nature of his criminal act was considerably diminished as a result of his intellectual impairment (section 51 (2) Criminal Code).²⁰³

Friedrich (ed.): *Die Verfolgung und Ermordung der europäischen Juden durch das nationalsozialistische Deutschland 1933–1945*. Munich 2014, vol. 9, doc. 63, p. 252; doc. 66, p. 261; doc. 92, p. 333; doc. 126, p. 404; doc. 143, p. 444; doc. 145, p. 449; doc. 149, p. 463.

¹⁹⁹ Application for the issuing of an arrest warrant by Bautzen county office of the People's Police, Dept. K Commissariat C/10 dated 1.9.1950; *ibid.*, p. 8; application of Bautzen county office of the People's Police, Dept. K Commissariat. C/10 for a decision to initiate criminal proceedings dated 1.9.1950; *ibid.*, p. 6.

²⁰⁰ Communication from the chief public prosecutor of the state of Saxony in the criminal proceedings Herbert Fink to the senior public prosecutor's office of the GDR dated 31.5.1951; BArch, MfS, BV Dresden, ASt. 146/84, GA, vol. 1, p. 1.

²⁰¹ Expert medical opinion of the Großschweidnitz state institution dated 30.12.1950; BArch, MfS, BV Dresden, ASt. 340/86, case file public prosecutor's office, pp. 29–34, here 33.

²⁰² *Ibid.*, p. 31.

²⁰³ *Ibid.*, p. 34.

After his return from the clinic on 5 April 1951, Fink confirmed his previous statements when questioned again.²⁰⁴ Strangely enough, all three interrogation records prepared up to that point contain almost only Fink's statements. There is no indication that he was accused of anything else – which is usually the case. Only from the 'final report' of the police investigators does another question emerge.²⁰⁵ However, this was not related to the crime, but supposedly served to determine his culpability. When asked how he would react if he were now given a gun and ordered to kill a human being, he made it clear that he would refuse to carry out the order. From this, the investigators concluded that Fink had a sufficient understanding of guilt and injustice despite his diminished culpability. Their final demand to the judiciary was therefore:

For these crimes which the defendant has committed, he must be meted out corresponding punishment, because the relatives of these innocent murdered people demand stiff punishment for these crimes. These bandits who murdered innocent people by the hundreds must be held accountable so we can do justice to these immortal victims!²⁰⁶

The intellectual and legal inadequacies of the police investigators, which are obvious from these lines, prompted the responsible public prosecutor to deem it 'expedient' to conduct a judicial hearing after all to verify his confession.²⁰⁷ Fink was brought before a local judge and again confronted with the statements from his first interrogations. Fink merely added that the execution squad in question included other SS men, but otherwise confirmed his previous statements.²⁰⁸ However, he now claimed to have been in Auschwitz as early as 1 January 1944, but only for two months, after which he had 'escaped'.²⁰⁹ After the interrogation, the police drew up the charge sheet in mid-May 1951 and subsequently forwarded it to the judiciary.²¹⁰

²⁰⁴ Interrogation record of Bautzen county office of the People's Police, Dept. K Commissariat. C/10 dated 5.4.1951; BArch, MfS, BV Dresden, ASt. 340/86, case file public prosecutor's office, p. 35.

²⁰⁵ Final report of Bautzen county office of the People's Police, Dept. K Commissariat C/10 dated 134.1951; *ibid.*, pp. 36–38.

²⁰⁶ *Ibid.*, p. 38.

²⁰⁷ Communication and application of the public prosecutor's office of Bautzen Regional Court for interrogation by a judge to Bautzen Local Court dated 9.5.1951; BArch, MfS, BV Dresden, ASt. 340/86, supplementary file of the public prosecutor's office, p. 2.

²⁰⁸ Interrogation record of Bautzen Local Court dated 12.5.1951; BArch, MfS, BV Dresden, ASt. 340/86, case file public prosecutor's office, pp. 48–51.

²⁰⁹ *Ibid.*, p. 50.

²¹⁰ Charge sheet Bautzen county office of the People's Police, Dept. K Commissariat

The responsible public prosecutor consulted the superior office of the Saxony chief public prosecutor's office about the level of sentencing. There, the first public prosecutor Welch, a member of the VVN, dealt with the inquiry.²¹¹ He had previously come under fire because of a 'certain laxness' shown towards accused Jehovah's witnesses.²¹² Now he apparently saw the chance to rehabilitate himself by coming down hard on an SS henchmen. He informed the subordinate office: 'Of course, given the heinous nature of the crimes committed, only the maximum sentence is possible here. We therefore stress that we do not understand the question concerning the level of sentencing.'²¹³

The senior public prosecutor's office in East Berlin was also informed of the planned application for the death penalty. For the 'sake of completeness' alone, it was also mentioned that 'there are no witnesses to the crimes. It was the defendant's confession that served as the basis for the bringing of charges.'²¹⁴ From there came the suggestion to exploit this trial for propaganda purposes:

In the event that the evidence can be presented without any gaps, be it through the confession of the defendant recorded by a judge or the testimony of witnesses, it seems to me expedient to conduct the trial in the presence of a broader public with the involvement of the press. This will serve to demonstrate to the German people once again the means used by fascism to exterminate human beings, and to point out the danger which threatens the German people [sic!] from the resurgence of fascism and remilitarisation in West Germany.²¹⁵

C/10 dated 15.5.1951; BArch, MfS, BV Dresden, ASt. 340/86, supplementary file of the public prosecutor's office, pp. 3–6.

²¹¹ Inquiry of the first public prosecutor with the Saxon chief public prosecutor's office to the VVN secretariat Thuringia dated 5.7.1951; BArch, MfS, BV Dresden, ASt. 340/86, supplementary file of the Saxony public prosecutor, p. 25.

²¹² Hans-Hermann Dirksen: 'Keine Gnade den Feinden unserer Republik'. Die Verfolgung der Zeugen Jehovas in der SBZ/DDR 1945–1990. Berlin 2001, p. 462.

²¹³ Communication from the first public prosecutor with the chief public prosecutor's office in the state of Saxony to the public prosecutor's office with Bautzen Regional Court dated 31.5.1951; BArch, MfS, BV Dresden, ASt. 340/86, supplementary file of the public prosecutor's office with Bautzen Regional Court, p. 8.

²¹⁴ Information in the criminal proceedings Herbert Fink of the chief public prosecutor's office in the state of Saxony to the senior public prosecutor's office of the GDR dated 31.5.1951; BArch, MfS, BV Dresden, ASt. 340/86, GA, vol. 1, p. 1.

²¹⁵ Communication of the chief public prosecutor of the GDR to the chief public prosecutor of the state of Saxony dated 7.6.1951; BArch, MfS, BV Dresden, ASt. 340/86, supplementary file of the public prosecutor's office with Bautzen Regional Court, p. 9.

Accordingly, the trial was given radio and press coverage. Allegedly, Fink's statements were verified in cooperation with the VVN 'in order to prevent false self-accusation' and were 'found to be correct'.²¹⁶ However, this step is not documented in the files. It can be proven, however, that the VVN investigation service issued a search message with a photo at the beginning of 1951 to look for witnesses to Fink's crimes.²¹⁷ The query to the central secretariat of the VVN with the request for the provision of witness testimonies or further clues proved unsuccessful, and the public prosecutor's office therefore saw no reason to 'further delay' the staging of the trial.²¹⁸ Based on an order issued on 15 June 1951, the date for the main trial was set and Fink was now also assigned a court-appointed counsel.²¹⁹ On the morning of 29 June 1951, the trial began in a crowded courtroom in Bautzen Regional Court.

The defendant now claimed that, after his training in Dębica near Kraków, he had been transferred to a unit in 'Geinburg' [correct: Krainburg/Slov. Kranj] and that he had even fought against partisans for three months. But no-one noticed the contradiction when he testified a little later that he had been detached to Auschwitz because he 'was not fit for the front'.²²⁰ Otherwise, he reiterated his previous statements in more or less modified form. On their arrival in Auschwitz, they were shown the camp, including the 'ovens'. In an old factory it was explained to the new arrivals 'that there was an electric charge under the iron plates [sic!], which was needed to lock up and kill the inmates'. In contrast to previous statements, however, Fink now claimed: 'I did not see the gas chambers.'²²¹ Shortly thereafter, he again described how he had transported inmates to the 'gas and incineration ovens' while sitting in the cab of a truck. He also testified, 'I was also there once when women and children were put in the gas chambers. We picked up the women and then unloaded them. Their braids and hair were cut off, then

²¹⁶ Status report of the chief public prosecutor in the state of Saxony to the chief public prosecutor of the GDR dated 5.7.1951; BAArch, MfS, ASt. no. 146/84, p. 6.

²¹⁷ Wer kennt diesen Mann? Zeugen aus den Konzentrationslagern gesucht. Berlin (East), January 1951, issue 1.

²¹⁸ Letter from the first public prosecutor with the chief public prosecutor of the state of Saxony to the general secretariat of the VVN dated 5.7.1951; BAArch, MfS, BV Dresden, ASt. 340/86, supplementary file of the public prosecutor's office, p. 26.

²¹⁹ Order of Bautzen Regional Court 15.6.1951; *ibid.*, p. 54.

²²⁰ Minutes of the public session of the First Grand Criminal Division of Bautzen Regional Court in the criminal proceedings against Herbert Fink dated 29.6.1951; BAArch, MfS, BV Dresden, ASt. 340/86, case file public prosecutor's office, pp. 61–64, here 62.

²²¹ *Ibid.*, p. 62.

they had to undress and were forced into the gas chambers. I was also given a pair of scissors and had to cut off hair.²²² With regard to his participation in the murder of inmates, he stated, *inter alia*, that: ‘The camp commander also handed over inmates to me and said that I had to shoot them. It didn’t matter where but don’t let anyone see you doing it. I took the inmates from the camp to a field where I shot them and left them lying there. Then I went and got other inmates from the camp, and they had to dig a hole and place the dead in it.’²²³

He also reiterated that he had seen the film ‘Auschwitz’ and that the events depicted in it were true. Apparently he was not asked any questions, and after hearing the expert witness, the taking of evidence was terminated. The court-appointed counsel pleaded merely to waive the death penalty.²²⁴ After deliberation, Fink was sentenced to death as a ‘major offender’ under Allied Control Council Directive no. 38 and for crimes against humanity under Allied Control Council Law no. 10.²²⁵ The defendant’s confession appeared to the court to be so credible ‘that further evidence was not necessary for conviction.’²²⁶ The sentence reflected the political spirit of the time and, above all, the view imported from the USSR that the confession had to be regarded as the ‘main proof’ and thus as the ‘gem of all evidence.’²²⁷ What was overlooked, however, was, *inter alia*, that Fink could not have arrived at Auschwitz from Hungary as early as 1 January 1944, as he claimed and as can be read in the verdict because the Germans did not occupy that country until 19 March 1944.²²⁸

²²² The victims’ hair was always cut off after they had been murdered, and this was done almost exclusively by the Jewish members of the Sonderkommandos (special units). Cf. Gideon Greif: ‘Wir weinten tränenlos ...’. *Augenzeugenberichte des jüdischen ‘Sonderkommandos’ in Auschwitz*. Frankfurt/M. 2005; Shlomo Venezia: *Meine Arbeit im Sonderkommando Auschwitz. Das erste umfassende Zeugnis eines Überlebenden*. Munich 2008.

²²³ Minutes of the public session of the First Grand Criminal Division of Bautzen Regional Court in the criminal proceedings against Herbert Fink dated 29.6.1951; BArch, MfS, BV Dresden, ASt. 340/86, case file public prosecutor’s office, p. 63.

²²⁴ *Ibid.*, p. 64.

²²⁵ Rüter: DDR-Justiz und NS-Verbrechen, case no. 1218, pp. 229–233.

²²⁶ Cover letter and appointment report of Bautzen public prosecutor’s office to the chief public prosecutor of Saxony dated 10.7.1951; BArch, MfS, BV Dresden, ASt. 340/86, supplementary files of the state lawyer Saxony, pp. 29–32, here 30.

²²⁷ Wieland: *Naziverbrechen und deutsche Strafjustiz*, p. 168.

²²⁸ Rüter: DDR-Justiz und NS-Verbrechen, case no. 1218, p. 230; György Ránki: *Unternehmen ‘Margarethe’*. Die deutsche Besetzung Ungarns. Budapest et al. 1984.

The entire procedure, from the police investigation to the taking of evidence in court, had little to do with establishing the truth. Although even the judges acknowledged that Fink was ‘mentally limited and of diminished mental capacity’, they did not even bother to clarify the alleged crime scenes and specific times of the crimes, let alone verify whether the defendant’s statements were factually accurate or plausible.²²⁹ While the court had accepted that Paul Barteldt had certain personality deficits due to his life circumstances and allowed relative leniency to prevail even without expert findings on sanity, in the case of Fink the judiciary ignored not only obvious mitigating aspects but also objectivity criteria in the presentation of evidence.

It is conceivable that Fink was to be made a political example. Because shortly after the end of the ‘Waldheim Trials’ he was the ‘ideal victim’ for the SED to underpin once again its anti-fascist aspiration and ongoing willingness to punish perpetrators, and document the dependability of the judiciary – also vis-a-vis the Soviet occupying power. And obviously, from the point of view of the functionaries involved, Fink was the ideal embodiment of a ‘pronounced member of the master race of the Hitlerian [!] kind’²³⁰ who carried out the criminal orders of his superiors without scruples or contradiction.²³¹ In addition, he had three prior convictions for theft and ‘vagabonding’²³² and ‘liked to mix with asocial families’.²³³ Furthermore, hardly any complications were to be expected in the case of his conviction, also because his family connections had been severed and his parents and siblings were in West Germany or were thought to have disappeared.²³⁴

After his conviction, public prosecutor Welich informed the VVN about the outcome of the trial: ‘The expert opinion accepted the confirmation of section 51 (2) of the Criminal Code (partial lack of criminal responsibility).

²²⁹ Rüter: DDR-Justiz und NS-Verbrechen, case no. 1464, p. 232.

²³⁰ Cover letter and appointment report of the public prosecutor’s office Dept. I Bautzen to chief public prosecutor in the state of Saxony dated 10.7.1951; BArch, MfS, BV Dresden, ASt. 340/86, supplementary files of the state lawyer Saxony, p. 30.

²³¹ Rüter: DDR-Justiz und NS-Verbrechen, case no. 1464, p. 230.

²³² Information from the criminal records of the public prosecutor’s office in Berlin dated 17.5.1951; BArch, MfS, BV Dresden, ASt. 340/86, supplementary file of the public prosecutor’s office with Bautzen Regional Court, p. 3.

²³³ Opinion of the First Criminal Division of Bautzen Regional Court on the application of the convict Heinz [!] Fink for the granting of a pardon to Bautzen public prosecutor’s office dated 16.8.1951; BArch, MfS, BV Dresden, ASt. 340/86, clemency register of Bautzen Regional Court, p. 8.

²³⁴ Information from the tracing service of the DRK to the author dated 27.4.2016.

However, this provision of the law is a may stipulation and the public prosecutor did not see any reason to make use of it because of the enormity of the crime and accordingly requested the death penalty.²³⁵ Less than a week after the trial, the court-appointed counsel filed a motion for judgment in an appeal which was based on the non-application of a passage in Control Council Law no. 10²³⁶ as well as on the court's disregard of reduced culpability.²³⁷ At the same time, official clemency proceedings had been initiated, in which the judges placed their verdict and emphasised the general preventive character of their decision:

When sentencing him, the Criminal Division was of the opinion above all that his deed had been committed with such brutality as to make a mockery of any vestige of humaneness, and with an intensity that was peculiar only to classical fascist executioners. For this reason, the verdict had to express, above all, the preventive character for the per se imposed sentence.²³⁸

Apparently, however, the judges harboured some doubts about the assessment of individual culpability, for they were of the opinion 'that the convicted man can be granted clemency because of his state of mind and that the death penalty is to be commuted to life imprisonment'.²³⁹ The senior public prosecutor of Bautzen district, however, took a very different view. Curiously, he asked the sentencing court, rather than the court of last resort to deny Fink's defence counsel's motion. His rather dubious reasoning was:

²³⁵ Letter from the first public prosecutor with the chief public prosecutor of the state of Saxony to the VVN regional secretariat Thuringia dated 5.7.1951; BArch, MfS, BV Dresden, ASt. 340/86, supplementary file of the public prosecutor's office with Bautzen Regional Court, p. 25.

²³⁶ This referred to the possible mitigation of sentence in conjunction with acting under orders. Cf. Article II(4b) of Allied Control Council Law 10.

²³⁷ Motion for judgment in an appeal lodged by the lawyer Dr H. with Bautzen Regional Court dated 7.7.1951; BArch, MfS, BV Dresden, ASt. 340/86, case file public prosecutor's office, pp. 74–76.

²³⁸ Opinion of the First Criminal Division of Bautzen Regional Court on the application of the convicted person Heinz [!] Fink for clemency lodged with Bautzen public prosecutor's office dated 16.8.1951; BArch, MfS, BV Dresden, ASt. 340/86, clemency register of the public prosecutor's office Bautzen Regional Court, p. 8. A sentence or other sanction is 'merited' when the conditions for its passing or enforcement are in place. In this case, the perpetrator has 'merited' the consequences of punishment as soon as he commits the offence subject to punishment or a fine, for instance when he commits a punishable act; https://de.wikipedia.org/wiki/Verwirkung_%28Deutschland%29 (last accessed: 6.4.2022).

²³⁹ *Ibid.*, p. 8.

If, as did also happen, only primitive people were used for the particularly reprehensible operation of torturing and killing, they generally differed markedly in their behaviour toward the inmates from the behaviour of Fink and his ilk, at least in that they repeatedly tried to circumvent the orders of the SS officers.²⁴⁰

With regard to the criticised non-application of the mitigation of sentence provided for in Allied Control Council Law no. 10 in the case of an acting-under-orders situation, he argued that this was only a may provision and 'it was impossible to make use of it given the domestic and foreign policy significance of this trial'. These were certainly not arguments, especially not legal ones that were seriously persuasive. But what he was actually concerned about becomes clear in the second last sentence of his letter of rejection: 'Despite the maximum sentence imposed, it does not unduly burden the defendant, but merely satisfies the sentence required by the state as the representative of society.' Fink had, therefore, been singled out to sacrifice his life in order to lend expression to the reasons of state. By simply replacing the term 'state' with 'party', it is easy to see what the main purpose of the trial really was.

On 3 October 1951, the appeal lodged by the court-appointed counsel was dismissed.²⁴¹ The sentence thus became final and absolute. In the meantime, the processing of the clemency plea dragged on. According to an internal letter of the judicial body, this was due to 'higher political considerations' and was connected with 'criminal proceedings of the same nature', i.e. other death sentences for National Socialist crimes (Willy Hack²⁴², Werner Biener²⁴³

²⁴⁰ Opinion of the senior public prosecutor of Bautzen district on the criminal proceedings Fink submitted to the First Criminal Division of Bautzen Regional Court dated 24.8.1952; BArch, MfS, BV Dresden, ASt. 340/86, case file public prosecutor's office, pp. 97 f.

²⁴¹ Verdict of Dresden Higher Regional Court dated 3.10.1951; BArch, MfS, BV Dresden, ASt. 340/86, supplementary file of the public prosecutor's office with Bautzen Regional Court, pp. 108–111.

²⁴² SS-Obersturmführer Willy Hack was sentenced to death by Zwickau Regional Court in a retrial on 23.4.1951 and executed in Dresden on 26.7.1952. Cf. Christine Schmidt: Berga/Elster ('Schwalbe V'). In: *Der Ort des Terrors*, vol. 3, pp. 386–388.

²⁴³ SA-Truppführer (non-commissioned officer rank in the NSDAP Sturmabteilung) Werner Biener was sentenced to death by Dresden Regional Court on 10.5.1948. After several appeals, the sentence was commuted to life imprisonment in 1955. Cf. Carina Baganz: Königstein-Halbestadt. In: *Der Ort des Terrors*, vol. 2, pp. 143–145.

and Franz Klose²⁴⁴) who were awaiting execution.²⁴⁵ It was not until the end of May 1952 that the Council of Ministers of the state of Saxony decided to reject the clemency plea.²⁴⁶ In fact, the decision on Fink's fate was probably made in the SED Politburo. There, in any case, 'note' was taken of the planned execution.²⁴⁷ Today, it is clear this was simply a linguistic code to conceal approval by the highest SED authority.²⁴⁸ On 7 August 1952, the chief public prosecutor of the GDR ordered the sentence to be 'executed without delay'.²⁴⁹ On 22 August 1952 Fink was guillotined in Dresden.²⁵⁰

An overall view of the case permits the hypothesis that Fink was the victim of self-incriminations, some of which at least were untrue. It is quite possible that he had obtained his rudimentary knowledge of Auschwitz from cinema films or had acquired it during his stay in the camp after the end of the war. In any case, the only clear fact is that, at the time indicated by him, he had been drafted into an SS assault gun training and reserve

²⁴⁴ Prison guard Franz Klose was sentenced to death by Dresden Regional Court in July 1951. The sentence was carried out. Cf. Norbert Haase, Brigitte Oleschinski (eds.): *Das Torgau-Tabu. Wehrmachtstrafsystem, NKWD-Speziallager, DDR-Strafvollzug*. Leipzig, 1993, p. 14.

²⁴⁵ Letter from the public prosecutor of the state of Saxony to the chief public prosecutor of the GDR dated 8.2.1952; BArch, MfS, ASt. 146/84, p. 14.

²⁴⁶ Information of the Central Department (HA) Justice of the state of Saxony to the public prosecutor of the state of Saxony dated 9.6.1952; BArch, MfS, BV Dresden, ASt. 340/86, supplementary file of the Saxony public prosecutor's office, p. 60.

²⁴⁷ Annex item 16 to minutes no. 124/52 of the meeting of the Politburo of the Central Committee on 5.8.1952; BArch DY 30/IV 2/2/224, p. 18.

²⁴⁸ Cf. Werkentin: *Strafjustiz im politischen System der DDR: Fundstücke zur Steuerungs- und Eingriffspraxis des zentralen Parteiapparates der SED*. In: Hubert Rottleuthner (ed.): *Steuerung der Justiz in der DDR*. Cologne 1994; Hubert Rottleuthner: 'Souverän ist, wer über den Tod entscheidet.' *Die SED-Führung als Richter und Gnadeninstanz bei Todesurteilen*. In: Roger Engelmann, Clemens Vollnhals (eds.): *Justiz im Dienste der Parteiherrschaft. Rechtspraxis und Staatssicherheit in der DDR*. Berlin 1999, pp. 181–204; Roger Engelmann: *Der Fall Müsselmow. Juristische und historische Wahrheit*. In: Klaus Bästlein (ed.): *Martin Gutzeit. Ein deutscher Revolutionär. Die Umwälzung in der DDR 1989/90*. Berlin 2017, pp. 179–216.

²⁴⁹ Letter (classified information!) from the chief public prosecutor of the GDR to the Dresden district public prosecutor, Dept. I, dated 7.8.1952; BArch, MfS, BV Dresden, ASt. 340/86, supplementary file of the public prosecutor's office with Bautzen Regional Court, p. 66.

²⁵⁰ Report of the senior public prosecutor of Dresden district on the execution of sentence dated 22.8.1952; BArch, MfS, BV Dresden, ASt. 340/86, execution register of the public prosecutor's office in Dresden district, p. 7.

division (according to the identification mark)²⁵¹ which was stationed at the SS troop training camp Heidelberg.²⁵² Fink probably was a gunner in the 1st company of the SS-Sturmgeschütz division 16.²⁵³ This unit was part of the 16th SS-Panzer Grenadier division 'Reichsführer SS', which was later incriminated in a number of war crimes.²⁵⁴ Hitler had only set up the division in October 1943.²⁵⁵ For this purpose, numerous recruits from SS training and reserve units were sent to join the troops in the assembly area of Ljubljana.²⁵⁶ Part of the 16th SS-Panzer Grenadier Division under its commander SS-Brigadeführer, Max Simon, which was being established at that time, was stationed directly in the Slovenian capital Ljubljana in November 1943. The 1st Company of SS-Sturmgeschützabteilung 16 (from March 1944 SS-Panzerjägerabteilung 16), to which Fink belonged, was deployed, in contrast, to Kranj, about 30 kilometres away.²⁵⁷ From December 1943 to January 1944 the formation and training of the battalions and regiments was carried out at full speed, since the division was to be ready for action by May 1944.²⁵⁸ This was interrupted by operations against the partisans of the 'Osvobodilna fronta slovenskega naroda' (Liberation Front of the Slovenian People).²⁵⁹ Since the beginning of the occupation in April 1941, these partisans had been resisting

²⁵¹ Communication from the German office for the notification of next of kin of fallen soldiers of the former German Wehrmacht/Wehrmacht information office (WASSt) to the author dated 15.2.2016.

²⁵² Interrogation record of Bautzen county office of the People's Police, Dept. K Commissariat. C/10 dated 30.8.1950; BArch, MfS, BV Dresden, ASt. 340/86, case file public prosecutor's office, p. 11.

²⁵³ Notification of WASSt to the author dated 15.2.2016.

²⁵⁴ Carlo Gentile: *Zivilisten als Feind. Die 16. SS-Panzer Grenadierdivision 'Reichsführer-SS' in Italien 1944/45*. In: Jan Erik Schulte et al. (eds.): *Die Waffen-SS. Neue Forschungen*. Paderborn 2014, pp. 302–316.

²⁵⁵ The order is printed in facsimile in: *Truppenkameradschaft* (ed.): 'Im gleichen Schritt und Tritt'. *Dokumentation der 16. SS-Panzer Grenadierdivision 'Reichsführer SS'*. Munich 1998, p. 108.

²⁵⁶ Rolf Michaelis: *Die Panzer-Grenadier-Divisionen der Waffen-SS*. Berlin 2008, p. 95.

²⁵⁷ *Truppenkameradschaft* (ed.): 'Im gleichen Schritt und Tritt'. *Dokumentation der 16. SS-Panzer Grenadierdivision 'Reichsführer SS'*. Munich 1998, pp. 77 and 106.

²⁵⁸ *Ibid.*, p. 103.

²⁵⁹ Milovan Djilas: *Der Krieg der Partisanen. Jugoslawien 1941–1945*. Vienna et al. 1978; Sabine Rutar: *Besetztes jugoslawisches Gebiet Slowenien*. In: Gerd R. Ueberschär (ed.): *Handbuch zum Widerstand gegen Nationalsozialismus und Faschismus in Europa 1933/39–1945*. Berlin, New York 2011, pp. 269–279.

the eliminatory German occupation, racialisation and Germanisation policy set out in the 'General Plan East'²⁶⁰. These operations included, for instance, the deportation of Jewish and non-Jewish Slovenians to German concentration camps, including Auschwitz.²⁶¹ At the same time, the Communist-dominated Slovenian partisans who had joined the People's Liberation Army under Josip Broz Tito, waged a civil war against the pre-war bourgeois elites and their anti-Communist domestic opponents.²⁶²

The region had been declared a 'gang war zone'²⁶³ by Himmler at the turn of the year 1943/44 and despite previous 'cleansing actions' by German SS, Wehrmacht and police forces, there had been attacks on local notables near Kranji who were thought to sympathise with the German occupiers.²⁶⁴ In this respect, Fink's statements seem to have been accurate. It is questionable, however, whether the operation against the Tito partisans had actually extended over three months, as he claimed.

In preparation for the occupation of Hungary (Operation 'Margarethe'), parts of the division were moved by rail to Baden near Vienna up to mid-March 1944.²⁶⁵ From there, in the early hours of 19 March 1944, the division was deployed for the occupation of Hungary. This sequence of events is

²⁶⁰ Tone Ferenc: Quellen zur nationalsozialistischen Entnationalisierungspolitik in Slowenien 1941–1945. Maribor 1980, pp. 38–42, 46–49, 283 f. and 386–390; Mark Mazower: Hitlers Imperium. Europa unter der Herrschaft des Nationalsozialismus. Bonn 2010, pp. 191–197; Eckart Dietzfelbinger: '... dieses Land wieder ganz und gar deutsch machen.' Das Motiv der 'Rasse' in der NS-Ideologie und seine Umsetzung am Beispiel Sloweniens. In: Gerhard Jochem, Georg Seiderer (eds.): Entrechtung, Vertreibung, Mord. NS-Unrecht in Slowenien und seine Spuren in Bayern 1941–1945. Berlin 2014, pp. 23–64; Tone Kristan: Zur Vernichtung verurteilt. Das Martyrium des slowenischen Volkes während der Okkupation 1941–1945. In: *ibid.*, pp. 107–151.

²⁶¹ Cf. Silvija Kavčič: Überleben und Erinnern. Slowenische Häftlinge im Frauen-Konzentrationslager Ravensbrück. Berlin 2007; Mali Fritz: Essig gegen den Durst. 565 Tage in Auschwitz-Birkenau. Vienna 1986.

²⁶² Tamara Griesser-Pecar: Das zerrissene Volk. Slowenien 1941–1946. Okkupation, Kollaboration, Bürgerkrieg, Revolution. Vienna et al. 2003, pp. 42–44 and 550–555.

²⁶³ The order of 21.6.1943 is printed as document no. 312 in: Tone Ferenc: Quellen zur nationalsozialistischen Entnationalisierungspolitik, p. 614. See also Peter Pirker: Subversion deutscher Herrschaft. Der britische Kriegsgeheimdienst SOE und Österreich. Göttingen 2012, pp. 273 f.

²⁶⁴ Arnold Suppan: Hitler – Beneš – Tito. Konflikt, Krieg und Völkermord in Ostmittel- und Südosteuropa. Vienna 2013, pp. 1183 and 1187 f.

²⁶⁵ Kurt-Gerhard Klietmann: Die Waffen-SS. Eine Dokumentation Osnabrück 1965, pp. 203–207; Truppenkameradschaft (ed.): 'Im gleichen Schritt und Tritt', p. 187.

also consistent with Fink's statements. The SS-Panzerjägerabteilung 16 was stationed in Nádudvar in eastern Hungary until about May 1944.²⁶⁶ But, by this time, Fink was no longer a soldier in the Waffen-SS.

It is not possible to say with any certainty whether Fink was ever and, above all, whether he was really detached to Auschwitz, as he claimed. At his trial, Fink testified that, despite warnings, he had touched the barbed wire fence of the camp several times, but that it had not been electrified.²⁶⁷ If he had ever been on duty in Auschwitz, this would have to have been prior to 3 June 1944, because from that day on the camp's electric fence was generally switched on during the day as well.²⁶⁸ However, there is no evidence to date that Fink was actually a member of the SS personnel in the camp. Nor is there any record of him in the indexes of the Central Office of the Regional Judicial Authorities in Ludwigsburg or in the archives of Auschwitz-Birkenau State Museum.²⁶⁹ On the other hand, as he said during his interrogation, he was admitted to the SS hospital in Gießen on 16 April 1944 at the instigation of the troop doctor with the provisional diagnosis of 'schizophrenia'.²⁷⁰ This 'Neurological-Psychiatric Observation Ward of the Waffen-SS' was supposed to either cure psychologically conspicuous or ill SS men or, failing that, to discharge them from the SS.²⁷¹ This was obviously what happened to Fink. Despite losses and the resulting shortage of personnel in the front units of the Waffen-SS²⁷², which in turn resulted in a considerable lowering of the requirements profile,²⁷³ Fink was declared 'unfit for service' on 27 April 1944 and sent to the SS discharge office in Mittweida.²⁷⁴

²⁶⁶ Ibid., p. 201.

²⁶⁷ Record of the public session of the First Grand Criminal Division of Bautzen Regional Court in the criminal proceedings against Herbert Fink dated 29.6.1951; BArch, MfS, BV Dresden, ASt. 340/86, case file public prosecutor's office, p. 62.

²⁶⁸ Cf. Teresa Świebocka (ed.): *Architektur des Verbrechens. Das System der Sicherung und Isolation im Lager Auschwitz*, Staatliches Museum Auschwitz-Birkenau. Oświęcim 2008; cf. Strzelecki: *Endphase des KL Auschwitz*, p. 28.

²⁶⁹ Communication from the head of the Ludwigsburg branch of the Federal Archives to the author dated 25.1.2016; communication from the head of the archives of Auschwitz-Birkenau State Memorial to the author dated 22.1.2016.

²⁷⁰ Information from WAST to the author dated 15.2.2016.

²⁷¹ Uta George et al. (ed.): *Psychiatrie in Gießen. Facetten ihrer Geschichte zwischen Fürsorge und Ausgrenzung, Forschung und Heilung*. Gießen 2003, pp. 524 f.

²⁷² Bernd Wegner: *Hitlers Politische Soldaten: Die Waffen-SS 1933–1945*. Paderborn et al. 1999, p. 283; René Rohrkamp: 'Weltanschaulich gefestigte Kämpfer'. *Die Soldaten der Waffen-SS 1933–1945*. Paderborn 2010, pp. 360–396.

²⁷³ Hein: *Elite für Volk und Führer?*, p. 279.

²⁷⁴ Information from WAST to the author dated 15.2.2016.

Consequently, he could not have participated in a massacre in the final phase of the camp, at least not as a member of the Waffen-SS. Moreover, it is not possible to confirm a mass killing of inmates at that time, in the manner described or on this scale.²⁷⁵ However, according to survivors, a few days before the liberation, 450 Polish political inmates were shot.²⁷⁶ In addition, around 230 sick inmates were massacred by the SS in Fürstengrube sub-camp on the afternoon of 27 January 1945.²⁷⁷ It is possible that Fink had indeed been called up for the Volkssturm as part of the fourth (and last) round-up, as he testified, since all those Volksgenossen (people's comrades or fellow compatriots) who were called up for this were no longer fit for combat duty but could still perform guard and security tasks.²⁷⁸ In the last weeks and months of the war, Volkssturm members were also deployed to guard columns of inmates from the concentration camps, including Groß-Rosen, which served as a transit camp for inmates. They also dismantled technical equipment from Auschwitz.²⁷⁹ As such, Fink may have been imprisoned in the Soviet Union and then sent to Auschwitz. Beginning in April 1945, the Soviet secret police (NKVD) had organised accommodation for German prisoners of war and civilians, including Volkssturm members, in various sections of the main camp and in Birkenau.²⁸⁰

The many inconsistencies in Fink's statements, as reflected in the investigation files, suggest that he mixed truth and fiction in the interrogations. His self-accusations do not seem very credible – especially in view of his mental and psychological condition. Neither during the police investigations nor during the main trial is there any evidence of the responsible parties seeking to show objectivity in the investigation. What they do manifest is, however, a politically and ideologically motivated will to convict. Consequently, this case also bears clear signs of arbitrary justice.

²⁷⁵ Between 20 and 25 January 1945, however, about 700 inmates were murdered by the SS and SD in individual actions on the grounds of Birkenau and in sub-camps. Cf. Andrzej Strzelecki: Die Liquidation des KL Auschwitz. In: Waław Długoborski, Franciszek Piper (eds.): Auschwitz 1940–1945. Studien zur Geschichte des Konzentrations- und Vernichtungslagers Auschwitz. Oświęcim 1999, vol. V, p. 52; cf. also Czech: Kalendarium, pp. 955–995.

²⁷⁶ Imke Hansen: Nie wieder Auschwitz. Die Entstehung eines Symbols und der Alltag einer Gedenkstätte 1945–1955. Göttingen 2015, pp. 90 and 103.

²⁷⁷ Wachsmann: KL, p. 643.

²⁷⁸ Franz W. Seidler: 'Deutscher Volkssturm'. Das letzte Aufgebot 1944/1945. Augsburg 1999, p. 89.

²⁷⁹ Klaus Mammach: Der Volkssturm. Bestandteil des totalen Kriegseinsatzes der deutschen Bevölkerung 1944/45. Berlin (East) 1981, p. 109.

²⁸⁰ Steinbacher: Auschwitz, pp. 103 f.; Hansen: 'Nie wieder Auschwitz', p. 80.

4.6 In the shadow of the first Frankfurt Auschwitz trial – the ‘clear case’ of Hans Anhalt remains secret

I would like to say that there was hardly any other SS member in Auschwitz concentration camp who participated more actively in exterminating the Jews than I did.²⁸¹

Former SS member Hans Anhalt (1908–1975), who claimed this, was sentenced to life imprisonment by a GDR court in the summer of 1964 – at the same time as the first Auschwitz trial in the Federal Republic. However, the public did not hear about his conviction, probably among other things, because this would have made the ideology-laden, one-sided argumentation of Kaul – the counsel in the ancillary action – more difficult, if not impossible.

As early as 1951, neighbours and colleagues had claimed that Hans Anhalt, a tractor driver in a Thuringian machine tractor facility (MTS), had ‘attracted attention through his ignoble behaviour during the Nazi era’ and had ‘knocked out the gold teeth of concentration camp inmates’.²⁸² But it was not until ten years later – the records do not provide any information about the specific cause – that the Criminal Police began to look more closely into his past. It is likely that the persistent rumours were a contributory factor. For example, in the village inn, the claim that Anhalt had been a guard at Auschwitz was presented as a fact.²⁸³ To confirm this suspicion, the Criminal Police contacted the local MfS county office in Mühlhausen. After their unofficial collaborators (IM) confirmed that there might actually be some truth to the speculations, the MfS took over the case in October 1961 and, in turn, opened a ‘preliminary operational case’ codenamed ‘Eichmann’.²⁸⁴

In the months that followed, the responsible case officer compiled all the available biographical information and assessments from state authorities on Anhalt. He also interviewed former Auschwitz inmates and showed them

²⁸¹ Interrogation record of the defendant Hans Anhalt of Dept. IX [investigation department] of Erfurt district office dated 11.9.1963; BArch, MfS, BV Erfurt, AU 2046/64, vol. 22, pp. 48–58, here 48.

²⁸² Interim report of Mühlhausen county office on the criminal file ‘Zahn’ (cog), reg. no. 199/61 dated 15.9.1961; BArch, MfS, BV Erfurt, AOP 2641/62, criminal file, pp. 44–47, here 44.

²⁸³ Sounding out report [of the county office of the People’s Police Mühlhausen, Dept. Criminal Police] dated 11.9.1961; *ibid.*, p. 40.

²⁸⁴ Decision of Mühlhausen county office, Erfurt district office, on the creation of a preliminary operational file dated 12.10.1961; BArch, MfS, BV Erfurt, AOP 2641/62, p. 6.



Fig. 18: Hans Anhalt, mug shot taken by the MfS investigation department of Erfurt district office, 1962

photos. Three survivors, a woman, her husband and her brother then not only identified Anhalt but also accused him of specific crimes. As the case officer noted, the witnesses were ‘Gypsies who, given their present way of life, were quite credible’.²⁸⁵ However, the witnesses and their testimonies did not play a role in the further course of the investigations and were not part of the trial. The reason for this was that, later on, one of the witnesses had admitted that he had wanted, with his statements, ‘to get Anhalt to tell the truth’.²⁸⁶ Thereupon, the investigator had deemed not only his statements to be ‘unobjective’, but apparently also those of his two relatives.²⁸⁷ Moreover, the allegations of the three witnesses were denied by Anhalt and the opposite could not be proven to him.²⁸⁸ Nevertheless, it was mainly these statements which supported the strong suspicion regarding Anhalt and led to the creation of an operational case codenamed ‘Mörder’ (murderer).²⁸⁹ Its main purpose was formulated as follows: ‘In summary, it can be said that the case was to conclude with the conviction of Anhalt pursuant to section 211

²⁸⁵ Final report of Mühlhausen county office of the operational case ‘Mörder’ (murderer), reg. no. 3812/61 dated 27.7.1962; *ibid.*, pp. 75–87, here 82.

²⁸⁶ Cf. file note of the lead investigator of Dept. IX of Erfurt district office dated 28.1.1963, BArch, MfS, BV Erfurt AU 2046/64, vol. 12, p. 27.

²⁸⁷ File note of the lead investigator of Dept. IX of Erfurt district office dated 27.9.1963; BArch, MfS, BV Erfurt AU 2046/64, vol. 16, p. 23.

²⁸⁸ File note of Erfurt district office dated 27.9.1963; BArch, MfS, BV Erfurt, AU 2046/64, vol. 16, p. 23.

²⁸⁹ Decision of Mühlhausen county office to create an operational case (OV) dated 23.7.1962; BArch, MfS, BV Erfurt, AOP 2641/62, p. 67.

of the Criminal Code with the additional objective of identifying, through the interrogation of the defendant, further atrocities committed in these camps.²⁹⁰

However, ultimately the focus was not on punishing individual offences. Rather, the aim was 'to denounce the persons responsible for these crimes in former camps now living in West Germany, especially if they now hold responsible positions in the Bonn state apparatus'.²⁹¹

On 1 November 1962, the MfS began by initiating regular criminal investigation proceedings about Anhalt.²⁹² After the issuing of an arrest warrant, Anhalt was taken into custody at his home on the afternoon of 8 November 1962 and subsequently transferred to the MfS office in Mühlhausen. The next day he was taken to the MfS cell wing in Erfurt prison.²⁹³

Only a few hours after the arrest, the MfS questioned a witness who confirmed that during the war she had delivered mail sent from Anhalt in Auschwitz to his family.²⁹⁴ Anhalt himself also admitted to having been a guard in Auschwitz during his first interrogation by the committing magistrate. However, he initially still denied having murdered inmates.²⁹⁵ In the course of a house search, photos of him and documents from the time before 1945 were found. In addition, they also seized articles of daily use and valuables that Anhalt had misappropriated in Auschwitz and sent home or taken home with him on leave.²⁹⁶

²⁹⁰ Final report of Mühlhausen county office on the operational case 'Mörder', reg. no. 3812/61 dated 20.7.1962; *ibid.*, p. 87.

²⁹¹ *Ibid.*

²⁹² Order of the MfS pursuant to section 106 Code of Criminal Procedure to initiate preliminary investigations dated 1.11.1962; BArch, MfS, BV Erfurt, AU 2046/64, vol. 16, p. 8.

²⁹³ Application by Dept. IX of Erfurt district office to the public prosecutor of Erfurt district for the issuing of an arrest warrant dated 7.11.1962 and application to the magistrate of Erfurt county office for the issuing of an arrest warrant dated 8.11.1962; arrest warrant of Erfurt county office dated 8.11.1962; *ibid.*, vol. 16, pp. 9, 11–14; arrest report of Erfurt district office dated 12.11.1962; *ibid.*, vol. 1, p. 110; notice of committal of Mühlhausen county office for Erfurt prison dated 8.11.1962; *ibid.*, vol. 1, p. 109.

²⁹⁴ Examination record of a witness by Mühlhausen county office dated 8.11.1962; *ibid.*, vol. 4, pp. 5–8.

²⁹⁵ Record of compulsory appearance of Erfurt County Court in the criminal proceedings against Hans Anhalt dated 9.11.1962; *ibid.*, vol. 16, p. 15.

²⁹⁶ Decision of Dept. IX of Erfurt district office on the admission of seized objects as evidence dated 14.9.1963; *ibid.*, vol. 16, pp. 52 f.; interrogation record of defendant Anhalt dated 14.3.1963; *ibid.*, vol. 17, pp. 103–107.



Lederwaren von jüdischen Frauen die in Auschwitz
vergast wurden nahm ich nach Hause mit und
übergab sie meiner Frau.

Hans Anhalt

Hans ANHALT

Fig. 19: Objects photographed by MfS investigators that Anhalt had misappropriated in Auschwitz from the belongings of murdered inmates.

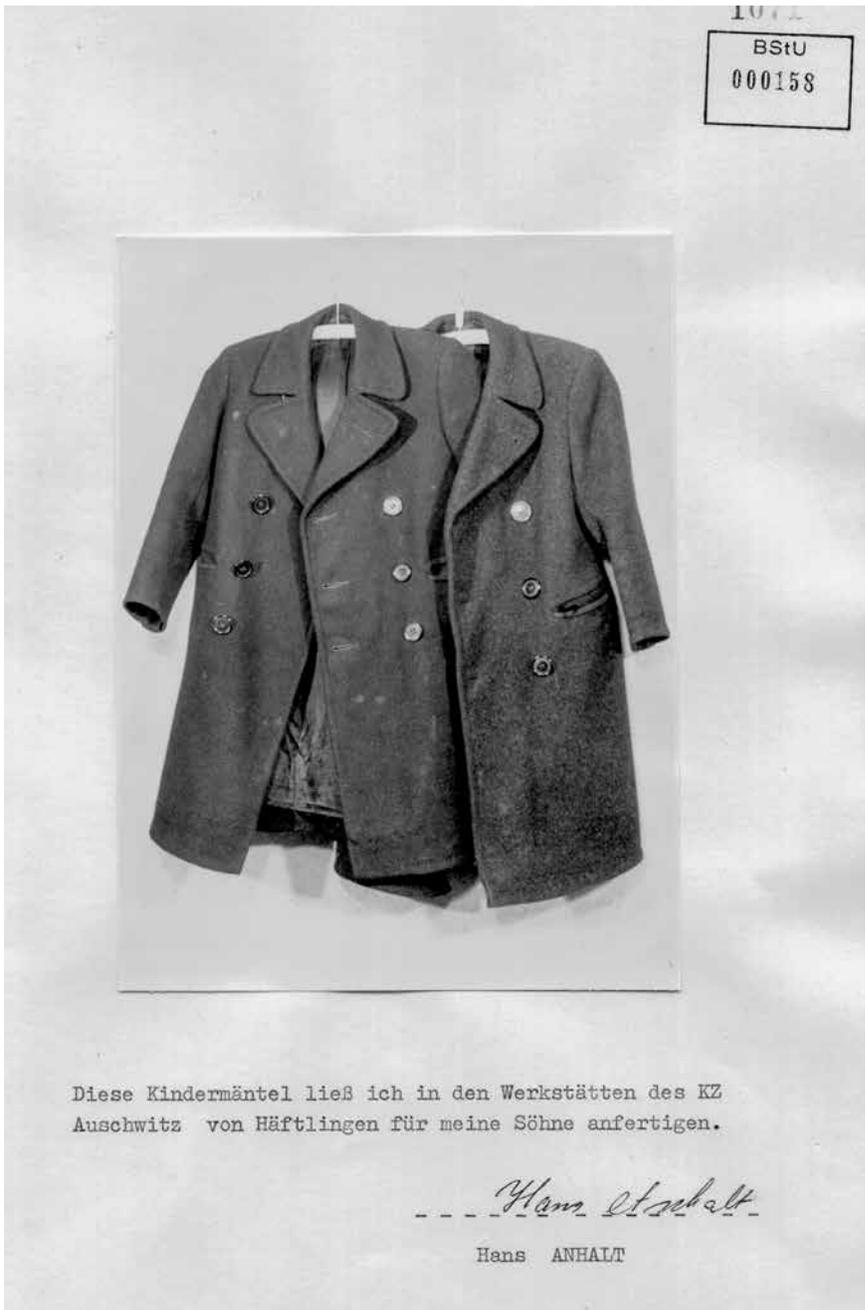


Fig. 20: Anhalt also had inmates work for him in the concentration camp. The children's coats for his sons were sewn in the camp workshops and photographed in the course of the investigations about him.

During the examination of his wife it turned out that she had not only been informed about the origin of the looted property ('belongings of the Jews'), but also about the fate of the former owners ('gassing of the Jews'). Nor was she in the dark about her husband's role. In any case, she knew 'that he had to be at the railway station when the rail transports with the Jewish citizens arrived' in order to then accompany them to the 'crematorium'.²⁹⁷ She herself had even visited her husband in Auschwitz in the late summer of 1943.²⁹⁸ There the couple had stayed with a colleague who was a friend, the head of the crematoria SS-Unterscharführer Otto Moll (1915–1946) and his wife.²⁹⁹ Moll was considered to be one of the 'most sadistic and vicious figures in the history of Auschwitz' and he became known as the 'executioner of Auschwitz'.³⁰⁰ This is confirmed by a garrison order which gave Moll permission to have Mrs Anhalt to stay from 11 to 25 September 1943.³⁰¹ The majority of the SS members in Auschwitz had taken every opportunity to enrich themselves directly or indirectly from the money, the foreign currency, the valuables as well as the linen and clothing of the murdered Jews.³⁰² Anhalt was no exception.

He had sold a large part of the valuables in the post-war years and had used the money for clothing, food and luxury goods from the Federal Republic. Other items, including a wristwatch, were also found in his possession. During the interrogations he freely admitted that he had already been a staunch National Socialist prior to 1933 and had remained so up to the present day.³⁰³ Until the 1950s, he had kept a picture of Hitler, hidden behind an adolescent

²⁹⁷ Record of the examination of Anhalt's wife by Mühlhausen county office dated 18.5.1963; *ibid.*, vol. 4, pp. 152–169, here 154.

²⁹⁸ *Ibid.*, pp. 146–151.

²⁹⁹ Lasik: *Die Organisationsstruktur des KL Auschwitz*, p. 257.

³⁰⁰ Filip Müller: *Sonderbehandlung. Drei Jahre in den Krematorien und Gaskammern von Auschwitz*. Munich 1979, pp. 219–229; Gideon Greif, Itamar Levin: *Aufstand in Auschwitz. Die Revolte des jüdischen 'Sonderkommandos' am 7.10.1944*. Cologne 2015, p. 211; Hans Schmid: *Otto Moll - 'der Henker von Auschwitz'*. In: *ZfG* 54(2006)2, pp. 118–138.

³⁰¹ Investigative report of Dept. XII of the MfS dated 11.6.1964; BArch, MfS, HA IX/11 ZM 48, pp. 2–4. The garrison order itself is printed in: Frei et al. (eds.): *Standort- und Kommandanturbefehle*, pp. 332–334.

³⁰² Cf. verdict of Frankfurt/M. Regional Court in the criminal proceedings against Mulka and others dated 19/20.8.1965. In: Gross; Renz (eds.): *Der Frankfurter Auschwitz-Prozess*, vol. 2, pp. 625 f.

³⁰³ Record of the interrogation of defendant Anhalt by Dept. IX, Erfurt district office dated 6.6.1963; BArch, MfS, BV Erfurt, AU 2046/64, vol. 16, pp. 101–106, here 102.

photo of his wife in his bedroom.³⁰⁴ Influenced by Hitler's *Mein Kampf* and his SA education, he had taken part in marches and 'Jewish actions' at an early age.³⁰⁵ As Anhalt admitted, he was not only 'convinced of the correctness of the NSDAP's policies', but also hoped that joining the party would secure him 'more personal advantages'.³⁰⁶ Ever since Hitler had shaken his hand and looked right at him at the NSDAP party convention in Nuremberg in 1935, he had looked upon that day as the best in his life.³⁰⁷

In the autumn of 1940, Anhalt volunteered for the Schutzpolizei (protection police) with the ulterior motive of later being able to switch to 'normal police duties' and thus improve his family's economic situation.³⁰⁸ The following year, he was drafted and deployed with an SS police regiment to Holland. Before the unit was transferred to the Eastern Front, Anhalt requested a transfer home, citing his large family. In January 1942, he was transferred to Auschwitz and assigned to the 2nd Wachkompanie with the rank of SS-Sturmmann. He alternated between guard duty on one of the watchtowers and overseeing inmate work details that carried out drainage and road construction work, for example, inside and outside the camp.³⁰⁹ When asked by his interrogators what crimes he had committed as a member of the guard unit, Anhalt replied:

I did not commit any crimes at all during my time of service in Auschwitz concentration camp. At least I do not consider the shooting, killing, beating and maltreating of inmates in Auschwitz concentration camp to be crimes. I merely fulfilled my duty as a National Socialist there and sometimes helped to hasten the extermination of the Jews in my own interest.³¹⁰

Anhalt had the opportunity to do the latter mainly as an *Arbeitsdienstführer*, a function assigned to him by then commandant of the main camp,

³⁰⁴ Record of the examination of the defendant's wife by Erfurt District Court dated 29.10.1963; *ibid.*, vol. 28, pp. 96–99.

³⁰⁵ Record of the interrogation of defendant Anhalt by Dept. IX dated 6.6.1963; BArch, MfS, BV Erfurt, AU 2046/64, vol. 16, pp. 101–106.

³⁰⁶ Record of the interrogation of defendant Anhalt by Dept. IX, BV Erfurt dated 13.9.1963, Vol. 16, pp. 60–67, here 65.

³⁰⁷ Record of the interrogation of defendant Anhalt by Dept. IX dated 13.9.1963; *ibid.*, pp. 60–67.

³⁰⁸ Record of the examination of the defendant's wife by Mühlhausen county office dated 19.12.1962; *ibid.*, pp. 69–76, here 73.

³⁰⁹ Record of the interrogation of defendant Anhalt by Dept. IX dated 8.11.1962; BArch, MfS, BV Erfurt, AU 2046/64, vol. 18, pp. 2–16.

³¹⁰ Record of the interrogation of defendant Anhalt by Dept. IX dated 21.8.1963; *ibid.*, pp. 21–32, here 32.

SS-Hauptsturmführer Hans Aumeier, and head of Department III a – work assignments SS-Hauptsturmführer Heinrich Schwarz in the spring of 1942.³¹¹ Anhalt carried out this task under the direction of then SS-Oberscharführer Wilhelm Emmerich until late summer 1942 in the main camp, then for a few weeks in the women’s camp of Auschwitz-Birkenau.³¹² After a renewed deployment in the main camp, Anhalt then became an Arbeitsdienstführer in the men’s camp of Birkenau and remained so, interrupted only by a longer stay in hospital as a result of a motorcycle accident, until the evacuation of the camp in January 1945.³¹³ As Arbeitsdienstführer, he was responsible in his section of the camp for work assignments and for constituting the necessary inmate work details.³¹⁴

A Polish witness who had been forced to work on the inmates index of the ‘work assignment’ section, recalled that Anhalt had ‘very often’ participated in selections in the camp and at the ramp in Birkenau for incoming transports.³¹⁵ A Polish witness who had been forced to work in the main camp as a clerk in the same department, recognised Anhalt from the photos shown to him. According to his recollection, Anhalt had not been any different from the other SS men, had been very eager to serve and had been a ‘very ardent supporter of fascism’. Anhalt had ordered the witness to fill out ‘punishment report forms about inmates on several occasions’. These inmates were then meted out ‘severe punishments’ that ended in their being ‘crippled or dead’, such as beatings, ‘standing bunkers (in the cells of Block XI)’ or ‘hanging on a pole’.³¹⁶ In addition, the witness was forced to participate with Anhalt in the selection of inmates for certain work details or for ‘extermination’ in

³¹¹ On Anhalt’s tasks, structure and staff in this department, see Lasik: Die Organisationsstruktur des KL Auschwitz, p. 254.

³¹² Without being able to clarify the contradiction at this point, Anhalt had stated that he had taken over this position from SS-Hauptscharführer Jakob Fries, who had been removed from his post. However, Fries was in Auschwitz from May 1942 to December 1943, and was only transferred after that to a front-line unit of the Waffen-SS. Cf. *ibid.*, vol. I, p. 252.

³¹³ Record of the interrogation of defendant Anhalt by Dept. IX dated 21.8.1963; BArch, MfS, BV Erfurt, AU 2046/64, vol. 18, pp. 57–72.

³¹⁴ On the tasks and functions of an Arbeitsdienstführer, see Piper: Arbeitseinsatz, pp. 80–88.

³¹⁵ Record of the examination of a witness by Erfurt District Court dated 10.7.1964; BArch, MfS, BV Erfurt, AU 2046/64, vol. 8, pp. 31–41, here 38.

³¹⁶ Transcript of the record of the examination of a witness by the public prosecutor of the Katowice voivodeship public prosecutor’s office dated 25.6.1963; *ibid.*, pp. 46–49, here 48.

Birkenau by registering the respective inmate numbers.³¹⁷ Anhalt made no secret of the fact that, in addition to individual crimes, he was also involved in the 'selection of Jewish inmate transports' on the ramp in Birkenau and in 'camp selections' as well as in their transport to and murder in the gas chambers.³¹⁸ He unabashedly stated that he had helped 'to select at least about 300,000 Jews for extermination',³¹⁹ During the interrogations, Anhalt was even coquettish about his role and described himself 'as Dr Mengele's right-hand man', since he had often selected victims (e.g. twins) for his pseudo-medical experiments when the transports arrived.³²⁰ For the survivors of these human experiments, the recollection of being torn from their parents as soon as they arrived in the camp, has haunted them up to the present day.³²¹

He also admitted, without beating about the bush, that he had helped himself to the victims' belongings.³²² He had often collected money, jewellery and other valuables on the ramp or from the gas chambers and then posted them home or taken them with him on home leave. The same applied to the special rations of schnapps and tobacco products which were distributed to Anhalt as well as other participants in the extermination actions.³²³ These luxury goods were then enjoyed at family celebrations such as children's christenings and the like.³²⁴

The MfS had even succeeded in locating a witness whom Anhalt had personally shouted at and abused with the words, 'You bastard, you filthy Jew, I'll make you dance.'³²⁵ Despite this and other witness testimonies, the evidence was deemed insufficient by the investigator and so priority was given to a confession. Thus, Anhalt was able to 'partially determine the

³¹⁷ Record of the examination of a witness by public prosecutor Weimar dated 10.7.1964; *ibid.*, pp. 50–65, here 57.

³¹⁸ Record of the interrogation of defendant Anhalt by Dept. IX dated 21.8.1963; *ibid.*, vol. 22, pp. 48–58.

³¹⁹ *Ibid.*, p. 57.

³²⁰ Record of the interrogation of defendant Anhalt by Dept. IX dated 9.7.1963; BAArch, MfS, BV Erfurt, AU 2046/64, vol. 21, pp. 2–8, here 2.

³²¹ Cf. Eva Mozes Kor, Lisa Rojany-Buccieri: *Ich habe den Todesengel überlebt. Ein Mengele-Opfer erzählt.* Munich 2012, p. 51.

³²² Record of the interrogation of defendant Anhalt by Dept. IX dated 9.7.1963; BAArch, MfS, BV Erfurt, AU 2046/64, vol. 17, pp. 103–107.

³²³ Cf. Barbara Huber: *Der Regensburger SS-Zahnarzt Dr. Willy Frank.* Würzburg 2009, p. 89.

³²⁴ Record of the interrogation of defendant Anhalt by Dept. IX dated 9.7.1963; BAArch, MfS, BV Erfurt, AU 2046/64, vol. 22, pp. 132–135.

³²⁵ Identification record dated 23.1.1964; *ibid.*, vol. 17, pp. 67–73, here 71.

direction of the investigation' himself.³²⁶ For example, a witness who had been deported to Auschwitz because he was a Jew had to prove to him that he had been an inmate in Auschwitz in the first place.³²⁷ Or Anhalt questioned the former inmate himself and then decided whether his answers corresponded to the facts.³²⁸

In his self-important zeal, however, it was Anhalt himself who contributed further incriminating evidence for his prosecution. During the evacuation of the camp in January 1945, he was put in charge of a transport of inmates with about 3,000 Jewish men and women. As Anhalt testified, it was clear to him from the outset that this was a 'death transport' because of the weather and the physical frailty of the inmates. For this reason, according to Anhalt, the guards 'did not bother [with inmates] for very long', but beat them to death or shot them. According to Anhalt, this did not particularly bother him, 'because they were almost all Jews'. On the contrary, he had 'set a good example' to the guard under his watch and had himself killed about ten 'half-dead or exhausted inmates' in this way.³²⁹ A total of about 500 inmates did not survive the march.

By the end of September 1963, the investigation department of Erfurt district office had concluded its work and passed the case over to the responsible district prosecutor and Erfurt District Court.³³⁰ Then, in the spring of 1964, a consultation took place at the chief public prosecutor's office, in which two representatives of Erfurt District Court as well as the investigating officer of Erfurt district office and Captain Horst Bauer, the representative of the Instructional Department (HA IX/4) of the central MfS investigation body, set out the key points for the planned trial. Agreement was reached on the legal foundations for conviction, namely Article 6 of the Charter of the International Military Tribunal, Article 5 of the Constitution of the GDR and section 211 Criminal Code (StGB) (murder). In the GDR, the Reich Criminal Code still applied at that time. In addition, the participants agreed to stage the trial 'in one week at the latest' in Erfurt District Court, 'small room, no press'. The public prosecutor was to demand 'life imprisonment', with the

³²⁶ Report of Dept. IX concerning the review of the investigation case (Untersuchungsvorgang) Anhalt, Hans dated 18.3.1963; *ibid.*, vol. 1, pp. 46–49, here 47.

³²⁷ Identification record dated 23.1.1964; *ibid.*, vol. 17, p. 73.

³²⁸ Identification record dated 25.1.1963; *ibid.*, vol. 8, pp. 110–115.

³²⁹ Record of the interrogation of defendant Anhalt by Dept. IX dated 9.7.1963; *ibid.*, vol. 23, pp. 3–18, here 10.

³³⁰ Proposal of Dept. IX of Erfurt district office to MfS, HA IX/4 for the staging of the main trial of defendant Anhalt dated 31.3.1964; BArch, MfS, AS 99/66, vol. 16, pp. 292–297.

assembled officials taking their cue from the sentence passed in absentia the previous year by the Supreme Court of the GDR on Hans Globke, then Secretary of State in the Chancellor's Office.³³¹

As a result of this consultation, the head of Department IX of Erfurt district office summarised the results of the investigation obtained up to then at the end of March 1964 and forwarded them to HA IX/4. After listing the charges, it was pointed out once again that the evidence was essentially based only on Anhalt's confession, which, however, was corroborated by excerpts from various Auschwitz documentaries as well as by statements of several former Auschwitz inmates. Some witnesses from the GDR and Poland had identified the defendant as an SS member from Auschwitz concentration camp, but could not give any information 'about concrete criminal acts'.³³²

What was problematic was that during the interrogations and in the pre-trial detention centre, Anhalt had, at times, engaged in 'deviant behaviour' in the form of absurd allegations or the weeks-long use of the Hitler salute.³³³ Through reports from fellow inmates, however, the MfS was informed about Anhalt's reactions to the investigations and also about his defence strategy of simply 'act[ing] crazy'.³³⁴ In addition, two psychiatric reports were available in the meantime, which unanimously assessed Anhalt's escapades as protective admissions and simulation.³³⁵ Due to the alleged lack of evidence and because Anhalt's behaviour gave rise to fears of complications, the main trial was to be held only 'before a very narrow circle of persons'.³³⁶

³³¹ File note of Dept. IX, Erfurt district office, on a consultation at the chief public prosecutor's office of the GDR about the investigation case Anhalt dated 7.3.1964; BArch, MfS, BV Erfurt, AU 2046/64, vol. 15, pp. 125 f.

³³² Proposal of Dept. IX of Erfurt district office to MfS, HA IX/4 for the staging of the main trial of defendant Anhalt dated 31.3.1964; BArch, MfS, AS 99/66, vol. 16, p. 295.

³³³ Summary report by Dept. IX, Erfurt district office on Anhalt, Hans dated 18.11.1963; BArch, MfS, BV Erfurt, AU 2046/64, vol. 14, pp. 77–85; proposal by Dept. IX of Erfurt district office to MfS, HA IX/4 on the staging of the main trial of defendant Anhalt dated 31.3.1964; BArch, MfS, AS 99/66, vol. 16, p. 296.

³³⁴ Report by an unknown author concerning Hans Anhalt dated 11.7.1964; BArch, MfS, BV Erfurt, AU 2046/64, vol. 1, p. 154.

³³⁵ Neurological report of the director of the neurological clinic of Erfurt Medical Academy dated 12.9.1963; neurological report of the medical director of the psychiatric hospital in Waldheim dated 10.2.1964; *ibid.*, vol. 23, pp. 130–140, 171–185.

³³⁶ Proposal of Dept. IX of Erfurt district office to MfS, HA IX/4 for the staging of the main trial of defendant Anhalt dated 31.3.1964; BArch, MfS, AS 99/66, vol. 16, p. 296.

Captain Horst Bauer was the main officer and instructor of HA IX/4 (later HA IX/10) and as such responsible for the systematic guidance and control of such investigations in the district offices.³³⁷ In a statement, he backed the proposal of his Erfurt colleagues and added: 'Press publications about the criminal proceedings do not appear to be expedient since publicity about the trial could prompt the West German judiciary to request Anhalt as a witness or to ask for the court records or witness examinations for the Auschwitz trial currently taking place in Frankfurt am Main.'³³⁸ The Minister for State Security, to whom Bauer's statement had been submitted, then made a hand-written note: 'Agreed, but evaluation for the counsel for the ancillary action of the GDR in the Auschwitz trial. Give me material.'³³⁹ In fact, as early as July 1963, the examining magistrate of Frankfurt am Main Regional Court, Heinz Düx, had approached the chief public prosecutor of the GDR and asked for Anhalt, who lived in Thuringia, to be examined as a witness.³⁴⁰ No trace of a reply to this letter, if there ever was one, has been found up to now. Independently of these considerations and the trial preparations within the MfS, the district public prosecutor's office had drawn up the charge sheet.³⁴¹ Among other things, excerpts from a report by Adolf Rögner (cf. Chapter 6.2) about his personal experiences in Auschwitz were listed as evidence. It is reasonable to assume that these were trial documents from Frankfurt am Main Regional Court that the GDR had managed to procure through Kaul.³⁴²

As prepared and organised by Department IX of the Erfurt district office, the main trial began on 13 July 1964 in the courtroom of Erfurt District Court.³⁴³ The majority of the 55 seats were occupied by members of the MfS, the SED county directorate in Mühlhausen and by members of the People's

³³⁷ Proposal of HA IX for the presentation of an award to Captain Bauer dated 30.12.1963; HA IX/10, proposal for the presentation of an award to Captain Bauer dated 19.7.1965; BArch, MfS, KS II 527/86, pp. 62, 65.

³³⁸ Opinion of HA IX on the proposal of Dept. IX of Erfurt district office for the staging of the main trial of defendant Anhalt on the grounds of crimes against humanity dated 16.6.1964; BArch, MfS, AS 99/66, vol. 16, pp. 281 f.

³³⁹ *Ibid.*, p. 281.

³⁴⁰ Letter from the examining magistrate with Frankfurt/M. Regional Court to the chief public prosecutor of the GDR dated 9.7.1963; BArch, MfS, BV Erfurt, AU 2046/64, vol. 9, pp. 109 f.

³⁴¹ Charge sheet of the public prosecutor of Erfurt district dated 2.4.1964; *ibid.*, vol. 23, pp. 141, 146–160.

³⁴² Cf. excerpts from the report of Adolf Rögner, n.d.; *ibid.*, vol. 10, pp. 96–111.

³⁴³ Report of the investigation department of Erfurt district office on the course of the main trial of defendant Anhalt dated 17.7.1964; *ibid.*, vol. 15, pp. 143–150.

Police.³⁴⁴ It was in this type of ‘public session’ that Anhalt was sentenced to lifelong imprisonment on 20 July 1964 for ‘accomplicity in the commission of continued crimes against humanity as defined in Article 6 (c) of the Charter of the International Military Tribunal dated 8 August 1945 in combination with Article 5 (1) of the Constitution of the GDR, in the partial concurrence of offences of continued murder, crimes as defined in sections 211 [murder], 47 [complicity], 73 [concurrence of offences] StGB’.³⁴⁵ Anhalt was transferred to Brandenburg (Havel) prison where he died on 13 April 1975.

Later, as directed by Mielke, the instruction officer of HA IX, Horst Bauer, assessed the case in terms of its suitability for Kaul’s ancillary action Frankfurt. In it, he came to the following conclusion:

In the course of the investigations and during the trial, no new facts came to light, either about the main defendant, the senior representatives of IG Farben, or about the defendant in the Auschwitz trial. The records made of Anhalt’s interrogations are of no use for the counsels for the parties to the ancillary action in the GDR since Anhalt refused to sign them or tried to give the impression of being mentally disturbed by making uncalled-for statements. Moreover, Anhalt is an intellectually primitive individual who was hardly familiar at all with certain circumstances in Auschwitz concentration camp that are relevant to the present Auschwitz trial.³⁴⁶

The arguments Bauer used to keep the proceedings hidden from the public were not particularly convincing. It is true that Anhalt had been unable to say anything of any importance about IG Farben, since he had had nothing to do with Monowitz camp or the work assignments there. Also, his interrogations with regard to the Frankfurt charges were rather unproductive, as they were primarily aimed at eliciting a confession from him. Accordingly, the lead investigator was not concerned with identifying further accomplices or even clarifying the overall crime complex. It should be said, however, that Anhalt’s statements were sufficient to send him to prison for life. Moreover, Anhalt had reported comprehensively, credibly and concretely about the murders, the daily life in the camp and other accomplices. Whether linking the two trials would have improved the body of evidence is anybody’s guess.

³⁴⁴ Ibid., p. 144.

³⁴⁵ Verdict of the First Court of Criminal Appeal of Erfurt District Court dated 20.7.1964; *ibid.*, vol. 23, pp. 405–425, here 405.

³⁴⁶ File note by HA IX/4 on the evaluation of the Anhalt case for the procurement of material for the counsel for the parties to the ancillary action in the GDR in the Auschwitz trial in Frankfurt am Main dated 7.9.1964; BArch, MfS, AS 99/66, vol. 16, p. 289.

These secrecy measures were obviously prompted by efforts to hide this not quite so 'perfect' case from the public. The parties involved were presumably unsure whether the trial would have been instrumental in unambiguously demonstrating the 'lawfulness' of GDR jurisprudence. Despite the legal situation in the GDR, which did not require proof of the individual contribution to the crime in this strict form, the 'organs responsible for the administration of justice' at that time, in competition with the Federal Republic, wanted to shine by means of a corresponding presentation of evidence. Consequently, they faced the same dilemma as their West German colleagues. Moreover, the publication of the verdict would inevitably have raised a multitude of questions that they obviously did not want to answer – for example, how an anti-Semitic perpetrator convinced of the rightfulness of his cause like Anhalt had managed to go unchallenged in the GDR for so long. Ultimately, a public 'evaluation' of the case would have carried the risk of a rebuttal of the central SED propaganda statement, according to which 'monopoly capital' was the real force behind the mass murder. Kaul might have had to explain in Frankfurt how an SS-Sturmmann – against the backdrop of these official party interpretations – could have become the master of life and death over thousands of deportees in Auschwitz.

4.7 Demonstration of consistency and severity: the demonstration trial of 'the conductor of death' Horst Fischer

To complete the picture, the trial³⁴⁷ of Horst Fischer, which has already been dealt with in a detailed monograph by Christian Dirks, must also be mentioned in this context. The following reflections can, therefore, be limited to a few essential points:

Even before the verdict in the first Auschwitz trial was announced in the summer of 1965, the failure of the SED's associated strategy and tactics had become apparent.³⁴⁸ At that time, it was already clear that there would be a

³⁴⁷ In previous editions of this study I have used the term 'show trial'. However, this term is not precise enough. This is also because, in the case of Horst Fischer contrary to the Stalin trials of the 1930s, there was no need to invent the elements of criminal offences. Therefore, based on Andreas Hilger's definition, I now use the far more appropriate term 'demonstration trial'. Cf. Andreas Hilger: 'Die Gerechtigkeit nehme ihren Lauf?' Die Bestrafung deutscher Kriegs- und Gewaltverbrecher in der Sowjetunion und der SBZ/DDR. In: *Frei: Transnationale Vergangenheitspolitik*, pp. 180–246, here 215.

³⁴⁸ Pendas: *Der Auschwitz-Prozess*, p. 164.

successor trial in Frankfurt, in which Kaul would again participate as counsel for the parties to the ancillary action.³⁴⁹ In contrast, after the decision had been made to conceal the trial of Hans Anhalt, the GDR had fallen noticeably behind in the prosecution of crimes committed in Auschwitz.

Other factors came into play. Confronted with the SPD's new Ostpolitik,³⁵⁰ which Egon Bahr described as 'change through rapprochement',³⁵¹ the SED strove, if possible without having to offer anything in return, 'to achieve recognition of the GDR as an entity on equal terms under international law'. This included unseating the Federal Republic's claim to sole representation and the overturning of the Hallstein Doctrine. The visit by Walter Ulbricht at the end of February 1965 to Egypt (at that time still the United Arab Republic) constituted a first success by the GDR in this direction. Egypt was thus the first non-communist country to accord him full honours as a state guest.³⁵² In an interview with a newspaper close to the government there, Ulbricht protested 'resolutely against all attempts by international monopoly capital to expand Israel as an imperialist outpost in the Arab region' and demanded 'in the name of the entire German people, the immediate cessation of military support for Israel by the government of the West German Federal Republic and the abolition of the open and secret military agreements'.³⁵³ Just a few days later, the Federal Republic recognised the state of Israel and in May the two countries established diplomatic relations.

At the same time, the confrontation with former functionaries of the Nazi regime culminated in both the SED's foreign propaganda and its Western policy towards the Federal Republic. The publication of the first edition of the 'Brown Book' in the summer of 1965 with the names of 'more than 1,800 heavily incriminated leading Nazi functionaries and war criminals who [...] work unhindered in key positions in the West German state and economic apparatus' is one example of this.³⁵⁴ The primary concern, also against the backdrop of the debates about the statute of limitations for National Socialist

³⁴⁹ Roszkopf: Friedrich Karl Kaul, pp. 269–272.

³⁵⁰ Jochen Staadt: Die geheime Westpolitik der SED 1960–1970. Von der gesamtdeutschen Orientierung zur sozialistischen Nation. Berlin 1993, p. 81.

³⁵¹ Schroeder: Der SED-Staat, p. 189.

³⁵² Meining: Kommunistische Judenpolitik, pp. 283–289.

³⁵³ Archiv der Gegenwart: Deutschland 1949 bis 1999, vol. 4 (May 1962–October 1966), pp. 3689–3693, here 3691.

³⁵⁴ Cf. Nationalrat der Nationalen Front des Demokratischen Deutschlands, Dokumentationszentrum der Staatlichen Archivverwaltung (ed.): Braunbuch. Kriegs- und Naziverbrecher in der Bundesrepublik. Berlin (East) 1965, p. 7.

crimes in the Bundestag,³⁵⁵ was ‘proof of a failure to deal with National Socialist crimes in the Federal Republic’.³⁵⁶ The verdict in the Auschwitz trial also had to serve as evidence of that. In addition, the East German propagandists were concerned with ‘substantiating the theory advanced by Ulbricht [...] that “renazification” was taking place in West Germany’.³⁵⁷ As highlighted by the Agreement on Border Crossing Passes between the West Berlin Senat (with the agreement of the Federal Government and the Allies) and the GDR, relations between the two German states during this period were characterised not only by demarcation but also by cautious rapprochement.³⁵⁸

During this period, former deputy SS garrison and camp doctor in Auschwitz-Monowitz, SS-Hauptsturmführer Dr Horst Fischer, happened to come into the sights of the MfS. The name of the medical doctor, who had practiced unscathed in the GDR, had already cropped up in the Federal Republic, among other things, in the first Frankfurt Auschwitz trial. Also, as early as April 1964, Department XII of the MfS had collected information about his SS career and activities in the camp during the perusal of corresponding files from the Soviet Union.³⁵⁹

But the State Security only really became active after Fischer had come to their notice during the surveillance of his private telephone calls and letters to relatives in West Berlin and West Germany in the context of one of the aforementioned Border Crossing Pass Agreements (MfS internally: action ‘Gast’ [guest]).³⁶⁰ This had prompted mandatory searches in the Central Archives of the MfS. Any documents that tagged him as being a member of the SS personnel in Auschwitz and, at the same time, substantiated the strong suspicion of his having committed National Socialist crimes of violence, were then handed over for further processing by the secret police.³⁶¹

On the morning of 11 June 1965, Fischer was arrested by the State Security. The competent MfS specialist department HA IX/10 for National Socialist crimes at that time then acted as ‘the decisive driving force behind the

³⁵⁵ On the entire complex, see Deutscher Bundestag, Presse- und Informationszentrum (ed.): *Zur Verjährung nationalsozialistischer Verbrechen. Dokumentation der parlamentarischen Bewältigung des Problems 1960–1979*, parts I–III. Bonn 1980.

³⁵⁶ *Stadt: Geheime Westpolitik*, p. 153.

³⁵⁷ *Ibid.*

³⁵⁸ *Ibid.*, pp. 82–88.

³⁵⁹ Dirks: ‘Die Verbrechen der anderen’, p. 205.

³⁶⁰ *Ibid.*, p. 204.

³⁶¹ Final report on operational case reg. no. 111/65 of Frankfurt/O. district office, Fürstenwalde county office, dated 13.5.1965; BArch, MfS, HA XX no. 3844, pp. 28–42.

conception and propagandistic evaluation of the Fischer trial' from then on.³⁶² The primary goal was to support the SED's policy seeking 'to prevent the statute of limitations being applied to National Socialist crimes in the Federal Republic'. In addition, it was a matter of demonstrating the superiority of the GDR in the punishment of National Socialist crimes that was documented not least by its recognition of international law in the form of the Charter of the IMT. This took place against the backdrop of the second Auschwitz trial in Frankfurt am Main, which was held there from December 1965 to September 1966, to try the members of SS personnel Wilhelm Burger, Josef Erber and Gerhard Neubert. And last but not least, it was a matter of documenting 'the responsibility of IG Farben'.³⁶³ The trial in East Berlin was ideally suited for the latter, as it could forego the obstructive procedures of the ancillary action and was not restricted by the rules of Federal German criminal procedure. With Fischer, the East German investigators had succeeded in arresting the highest-ranking concentration camp doctor ever to stand trial before a German court. In addition, Fischer had been the 'conductor of death' in the inmates' infirmary in Auschwitz-Monowitz, where, as one survivor put it, he selected the inmates who were unfit for work from the work details assigned to IG Farben and sent them to be gassed.³⁶⁴ The trial was a perfect opportunity to counter the GDR's unattractive image at the expense of its rival, the Federal Republic, and to advance its efforts to gain international recognition. Especially since the GDR had submitted its application for admission to the United Nations almost at the same time as the Fischer trial had begun (28 February 1966).³⁶⁵

At the end of December 1965, about a month before the conclusion of the investigation, HA IX/10 had already suggested 'putting the death penalty on the table' given 'the serious nature of the crimes' that Fischer was proven to have committed.³⁶⁶ Fischer was charged on 24 February 1966. In the charge sheet signed by chief public prosecutor, Josef Streit, he was confronted with the accusation of having carried out numerous selections in the context of the 'Final Solution to the Jewish Question' in the main camp in Auschwitz-Monowitz and other sub-camps, as well as during the arrival of the deportee transports. In addition, he was accused of overseeing

³⁶² Dirks: 'Die Verbrechen der anderen', pp. 209 and 234.

³⁶³ *Ibid.*, p. 234.

³⁶⁴ Quote from the oral pleadings by Streit, n.d. [March 1966], n.p. [East Berlin]; BArch, MfS, BV Karl-Marx-Stadt, Dept. IX no. 206, pp. 2–123, here 77.

³⁶⁵ Archiv der Gegenwart: Deutschland 1949 bis 1999, vol. 4 (May 1962–October 1966), pp. 3922–3926.

³⁶⁶ *Ibid.*, p. 235.

gassings in Birkenau, as well as of repeatedly placing orders for the poisonous gas 'Zyklon B'.³⁶⁷ The individual accusations were substantiated by the testimonies of witnesses, documents and information from the defendant himself. The charge sheet was mainly factual, even if it did contain some contemporary ideological jargon and references to the complicity of IG Farben. Streit deemed the elements of the offences of which Fischer was accused to be a crime pursuant to Article 6(c) Charter of the International Military Tribunal and section 211 of the GDR Criminal Code (murder).³⁶⁸

On 10 March 1966, the main trial of Fischer began before the Supreme Court of the GDR. The composition of the court was a clear indication of what the SED wanted to achieve: two of the judges and the chief public prosecutor had themselves been persecuted by the National Socialist regime and were familiar with German concentration camps from their own experience.³⁶⁹ As planned and prepared by the MfS, numerous journalists from Germany and abroad were allowed to attend and cover the trial. At an international press conference before the start of the main trial, Streit was 'very anxious to present the proceedings against Fischer as an exception'.³⁷⁰ This was understandable as there was a risk that the trial, as seen from outside, could contradict the official version that the criminal prosecution of National Socialist crimes had been completed in the GDR. According to this version, it was a well-known fact that some of the suspects had fled to the Federal Republic, while those who had remained in the Soviet Occupied Zone/GDR had been held accountable soon after the end of the war, at the latest in the Waldheim trials. On the other hand, Streit was able to conceal the random and unsystematic investigations in the GDR by claiming that only isolated individuals such as Fischer had managed to evade East German criminal prosecution. In addition, his explanation that the trial was 'absolutely atypical' in the trial practice of the GDR courts thus seemed plausible.³⁷¹

In the following days of the trial, the focus was on interrogating the defendant and hearing the witnesses and expert testimonies. Then, on 21 March, chief public prosecutor Streit presented his oral pleadings and took advantage of the presence of numerous members of the press in the courtroom to emphasise the SED's intentions in connection with the trial. In

³⁶⁷ Charge sheet of the chief public prosecutor of the GDR against Dr med. Horst Paul Sylvester Fischer for the Supreme Court of the GDR, First Court of Criminal Appeal dated 24.2.1966; BArch, MfS, SdM, pp. 2–96, here 3 f., 11.

³⁶⁸ *Ibid.*, p. 4.

³⁶⁹ *Ibid.*, pp. 261 f.

³⁷⁰ *Ibid.*, p. 261.

³⁷¹ Dirks: 'Die Verbrechen der anderen', p. 261.

his introduction, the GDR's most senior counsel for the prosecution left no doubt as to how the events in Auschwitz were evaluated and responsibilities interpreted from the communist point of view:

We have all been witnesses to the unimaginable heinous mass crimes committed daily and hourly by the barbaric system of German fascism in the interest of the profit of the most powerful German monopolies. [...] The Hitler dictatorship, with the terror it unleashed on the masses, its wild revanchism and its anti-Soviet agitation, with its unrestrained nationalist demagogy and its anti-Semitism, served the class interests of the most reactionary group of German finance capital. Fascist rule was the expression of the openly terrorist dictatorship of the most reactionary forces of German imperialism. In this period of German history the fusion of the power of the German financial oligarchy with that of the state reached an all-time high.³⁷²

True to this logic, Streit continued: 'By means of fascist ideology, the main component of which was the extremist form of anti-communism, by means of barbaric racial doctrine and the "theory" of the lack of lebensraum, broad masses of the German people were subjected to the fascist regime and prepared for predatory war and the bestial extermination of other peoples.'³⁷³ Referring to Fischer, Streit said, *inter alia*, the task of the prosecution

to establish the responsibility of the defendant, to legally assess the crimes of the defendant, and to clearly highlight the circumstances that led to the defendant's crimes, especially since the people who had benefitted from these crimes are beyond our jurisdiction and have again been at the helm of decisive entities of the state and the economy in the Federal Republic of Germany for many years now.³⁷⁴

This was a direct reference to the executive management of IG Farben. In his oral pleadings, Streit then devoted himself to the role of the IG Farben group in such detail that it created the impression that it was the group that was on trial.³⁷⁵ Only after completing these explanations, did Streit turn his attention to the defendant, his biography and his deeds in an objective, fact-based manner, supported by witness testimony.³⁷⁶ Streit explained the contradiction between medical ethics and Fischer's actual actions as follows:

³⁷² Quote from Streit's oral pleadings, n.d. [March 1966], n.p. [East Berlin]; BArch, MfS, BV Karl-Marx-Stadt, Dept. IX no. 206, pp. 2, 4.

³⁷³ *Ibid.*, pp. 4 f.

³⁷⁴ *Ibid.*, pp. 3 f.

³⁷⁵ *Ibid.*, pp. 6–38.

³⁷⁶ *Ibid.*, pp. 39–85.

It was the defendant's avowal of support for the ruling powers of the Third Reich, his activities on behalf of the darkest reactionary forces and against the forces of progress, that made him ripe, step by step, to fall from the lofty ranks of representatives of human medicine deep into the pit of the compliant representatives of medicine stripped of any humanity.³⁷⁷

Streit also clearly cited Fischer's personal responsibility:

In the previous comments the essence of fascist mass crimes is characterised in detail. An analysis of these crimes reveals that they were state-directed, organised crimes perpetrated by the entire machinery of the most reactionary form of rule of German imperialism and militarism – Hitler's fascism. It must be stated unequivocally that the crimes carried out by fascists around the world [...] could not have been perpetrated at any time by individuals who were isolated and separated from each other. Rather, this required the cooperation of an army of enforcers loyal to fascism, whose interaction was mutually dependent. It was the actual totality of this interaction that secured the overall criminal success. A typical feature of these organised crimes was that no partial act already constituted the overall crime. The overall criminal success of the organised crimes was dependent on the sum of all its parts.³⁷⁸

And referring directly to Fischer, he observed:

The actions of the defendant Fischer constituted the overall crime on the basis of division of labour. The defendant wilfully and knowingly committed the atrocious crimes of which he is accused. These crimes constitute decisive partial contributions to the mass extermination of tens of thousands of people in Auschwitz concentration camp. As a conscious supporter of National Socialism, the defendant acted on behalf of the fascist regime and knowingly contributed to the achievement of its goals – in this case, the systematic murder and extermination of foreign peoples, in particular the Jewish populations from other countries. He participated autonomously in state-planned and industrial-scale mass murder in the largest fascist extermination camp.³⁷⁹

Streit ended his pleadings with a legal classification of the mass crimes of which the defendant was charged. In the charge sheet Streit had initially suggested the application of international (Charter of the IMT) and national norms (murder as defined in the Criminal Code). He now distanced himself

³⁷⁷ Ibid., p. 106.

³⁷⁸ Ibid., p. 109.

³⁷⁹ Pleadings by Streit, n.d. [March 1966], n.p. [East Berlin]; BArch, MfS, BV Karl-Marx-Stadt, Dept. IX no. 206, pp. 115 f.



Figs. 21 and 22: Trial of Horst Fischer (above) before the Supreme Court of the GDR in March 1966. Below to the fore the President of the Supreme Court, Heinrich Toeplitz.

from this in court. Instead, he wanted to see the application of Article 6 of the Charter of the IMT 'as the sole legal basis for judging' the crimes of which Fischer was accused. This meant that the domestic provisions of section 211 of the Criminal Code would have to take a back seat behind this specific norm. Streit gave the following reasons:

The nature and the causes of these fascist mass crimes differ, in principle, from the elements of criminal offences laid down in national criminal law that are defined as individual crimes.³⁸⁰

It is fair to assume that this public correction was not just based on (quite understandable) legal considerations. Rather, the insights and experiences gained in the context of the ancillary action in Frankfurt, including those concerning the difficulties encountered by the judicial authorities there when presenting evidence of crimes of mass murder in Auschwitz, may have contributed to this. It can also be assumed that the impact of the Anhalt case, which had presented the investigators and judicial officials there with very similar problems, was still being felt. Finally, the efforts of the GDR to be better positioned at the United Nations regarding the punishment of National Socialist and war crimes than its West German competitors who only applied national legal norms in their legal practice, may also have played a decisive role.³⁸¹ On 25 March 1966, Fischer was sentenced to death 'for continued crimes against humanity (Article 6(c) of the Charter of the IMT)'. Chief public prosecutor Streit advocated rejecting the clemency petition as early as 4 April. Three days later, the Secretary of the State Council of the GDR, Otto Gotsche, also asked the Minister for State Security for an opinion on the clemency plea submitted by Fischer's lawyers.³⁸² Mielke passed the letter on to his staff at HA IX/10, where the view was likewise taken that 'the clemency plea should be rejected and the delivered verdict should be enforced'. Lieutenant Colonel Lothar Stolze, then head of HA IX/10, gave as the reason: 'He showed no mercy towards his many victims. Moreover, the carrying out of the sentence is of national and international significance, especially vis-a-vis West Germany, as a warning in the strongest possible terms to all those who are willing or planning to commit such crimes again.'³⁸³

³⁸⁰ Oral pleadings by Streit, n.d. [March 1966], n.p. [East Berlin]; *ibid.*, p. 96.

³⁸¹ Dirks: 'Die Verbrechen der anderen', p. 253.

³⁸² Letter from the Secretary of the State Council of the GDR to Mielke dated 7.4.1966; BArch, MfS, SdM no. 1000, p. 108.

³⁸³ Statement by the head of HA IX/10 on the clemency plea in the criminal proceedings against SS doctor Horst Fischer, 12.4.1966; *ibid.*, pp. 109–111, here 111.

Mielke used this very argument in his written reply.³⁸⁴ Before Fischer's fate was finally sealed, the MfS and the public prosecutor's office wanted to tap into knowledge about his accomplices, ostensibly 'in order to be able to draw on this in international legal relations at any given time'.³⁸⁵

In an affidavit, Fischer then provided information about his former colleague Josef Mengele (see Chapter 5.6) and Luftwaffe doctor Horst Schumann³⁸⁶ who was also involved in human experiments in Auschwitz, both of whom he incriminated to a major degree.³⁸⁷ These statements were recorded in the files, but were neither used in relations of mutual legal assistance nor did they trigger independent investigations. Horst Fischer was executed on 8 July 1966.³⁸⁸ In this case, those responsible probably decided on a show of rigour because his role in Auschwitz had been too exposed. Consequently, it would have been risky to try and hush up the case. By taking the bull by the horns, the GDR tried to make a virtue of necessity and demonstrate that it was willing and able to engage in more consistent criminal prosecution than the Federal Republic. Moreover, the propagandistic objective of using the trial as a virtual indictment of IG Farben and monopoly capitalism could be pursued undisturbed before the Supreme Court of the GDR, although this was not any more convincing there than it had been in Frankfurt am Main.

After the trial, Streit's pleadings were distributed by the chief public prosecutor's office to the higher courts of the GDR. In a cover letter attention was drawn 'in particular to the legal appraisal made here which constitutes a further development of the legal opinion on the punishment of fascist crimes of violence and has been taken over into the jurisprudence of the Supreme Court of the GDR'. Furthermore, the instruction was issued: 'This interpretation of the law is, henceforth, to serve as the binding basis for prosecution practice.'³⁸⁹

³⁸⁴ Letter from Mielke to the secretary of the State Council of the GDR dated 14.4.1996; *ibid.*, pp. 106 f.

³⁸⁵ Letter from deputy head of HA IX/11, Horst Bauer, to deputy head of HA IX, Karli Coburger, dated 12.2.1982; BArch, MfS HA IX/11, RHE 36/84, vol. 2, pp. 9 f.

³⁸⁶ For Schumann's biography, see Klee: *Auschwitz*, pp. 368 f.

³⁸⁷ Horst Fischer: affidavit regarding Josef Mengele dated 16.5.1966; affidavit regarding Horst Schumann dated 16.5.1966; BArch, MfS, HA IX/11; ZUV 84, Part I/2, pp. 113–120, 388–393.

³⁸⁸ Dirks: 'Die Verbrechen der anderen', p. 320.

³⁸⁹ Letter from the chief public prosecutor of the GDR to the chief public prosecutor of Greater Berlin, district public prosecutor, head of Dept. I [here Karl-Marx-City] dated 21.4.1966; BArch, MfS, BV Karl-Marx-Stadt, Dept. IX no. 206, p. 1.

Despite the simpler legal framework in contrast to the Federal Republic, Horst Fischer was the last defendant to stand trial before a GDR court for crimes committed in Auschwitz. At the same time, it was also the last trial of National Socialist crimes before the Supreme Court. This, despite the fact, that there was no shortage of clear suspects in the worker and farmer state. The suspected cases presented in the following depictions are merely examples and do not claim to be exhaustive. The trial of Fischer had to be a one-off, however, otherwise the impression could not have been conveyed that National Socialist perpetrators and their crimes continued to be a matter to be dealt with by the Federal Republic, and that this had absolutely nothing to do with the GDR, apart from isolated cases. The practice of refraining from the systematic investigation of Auschwitz perpetrators living in the GDR was, therefore, perpetuated.

4.8 An exemplary comrade turns out to be a Gestapo veteran: Wilhelm Lachmann

The pensioner Wilhelm Lachmann (1904–1987) had been a member of the SED since 1948 and had shown himself to be an exemplary comrade in the residential area of his hometown in the brown coal district of Saxony. In his neighbourhood community he was regarded as a helpful and ‘active fellow citizen’. He helped with the ‘Have a go competition’ and, as a member of the board of an allotment garden site, was particularly committed to ‘ensuring order and safety’. In addition, he regularly served on the electoral board of his residential district and never failed to decorate his home with a flag on state holidays. His family was also deemed to make ‘generous’ contributions to solidarity collections.³⁹⁰ It was happenstance that brought this exemplary existence, by GDR standards, to an abrupt end.

In March 1981, HA I (military defence) of the MfS conducted a so-called ‘operational security review’³⁹¹ that also encompasses the mandatory sub-

³⁹⁰ Investigative report of HA I/sub-department (UA) 2 dated 19.3.1981; BArch, MfS, AOP 10323/84, vol. 1, pp. 269–271.

³⁹¹ According to the definition, this was an ‘operational process for assessing the suitability, from the security angle, of persons to whom important security tasks, functions, powers and authorities or permits and authorisations are to be transferred or granted’. Cf. Keyword ‘Security clearance’. In: Siegfried Suckut (ed.): *Das Wörterbuch der Staatssicherheit. Definitionen zur ‘politisch-operativen Arbeit’*. Berlin 1996, p. 331.

jecting of the relatives of the actual target person to secret police scrutiny.³⁹² In the course of internal searches, a file note from another service unit was found which had already identified Wilhelm Lachmann in 1962 as a member of the SS and the SD and as an officer at Wrocław Police Headquarters.³⁹³ For unknown reasons, however, this information was not followed up. The security check originally focussed on Lachmann's son who, after graduating from military academies in the GDR and the USSR, had been deployed as deputy commander and head of the political department of a motorised rifle division in Thuringia (Military District III) with the rank of colonel in the National People's Army. In addition, he had attended the 10th party convention of the SED as a delegate from 11 to 16 April 1981, and even appeared in this capacity in the GDR media.³⁹⁴

At the same time, he came under suspicion of having concealed his father's National Socialist past from the relevant SED committees and from his employer. This was considered a gross breach of trust towards the party and, at the same time, a criminal offence – forgery of documents pursuant to section 240 StGB or false certification pursuant to section 242 StGB because of false or missing information in the cadre documents.

Given the position of his son, this was an allegation that, if confirmed, would have inevitably led to disciplinary action by the party and, at least, had consequences under employment law. For that reason, HA I concentrated on clarifying this suspicion as well as on identifying any incriminations that could result from Wilhelm Lachmann's National Socialist past. Under the aegis of the subdivision of HA I responsible for the unit of the suspected officer, further investigations were carried out in April 1981 as part of an operational case (OV) codenamed 'Archiv'.³⁹⁵ For this purpose, the entire arsenal of secret police means and methods was used, such as the deployment of unofficial collaborators, wiretapping technology as well as mail and telephone checks.³⁹⁶

³⁹² Action plan of HA I/MB III, UA 4. MSD, for the operational security check of Colonel L. dated 10.10.1979; BArch, MfS, AOP 10323/84, vol. 1, pp. 65–68.

³⁹³ File note of Böhlen county office dated 16.8.1962; *ibid.*, p. 238.

³⁹⁴ Opening report of HA I/MB III, UA 4. MSD, on the creation of the operational case 'Archiv' dated 30.4.1981; *ibid.*, pp. 7–31, here 14.

³⁹⁵ Opening report of HA I/MB III, UA 4. MSD, on the creation of the operational case 'Archiv' dated 30.4.1981; *ibid.*, p. 7.

³⁹⁶ The procedure is described in detail in: Ursula Solf: Methoden der Operativen Aufklärung nationalsozialistischer Gewaltverbrechen in der ehemaligen GDR. In: Alfred Gottwaldt, Norbert Kampe, Peter Klein (eds.): NS-Gewaltherrschaft. Beiträge zur historischen Forschung und juristischen Aufarbeitung. Berlin 2005, pp. 435–455; Alfred Gottwaldt, Norbert Kampe, Peter Klein (eds.): Reflexionen

HA IX/11, which was responsible for the collection and evaluation of National Socialist files in the MfS, was also involved. At a first meeting, it was already able to present original documents and pointed out that the clarification of Lachmann's past was not only 'extremely significant [...] for the questions of reliability' of his son, but also and no less so because of his own SED membership. Finally, there was a 'central directive' stipulating that 'all former fascists who had managed to sneak their way into our Party were to be unmasked'.³⁹⁷

Despite manifold efforts and the 'exhaustion of all political-operational and operational-technical possibilities' as well as extensive searches in archives of the GDR, the USSR and Poland 'no evidence could be produced of an individual contribution by Lachmann, Wilhelm to crimes against humanity and war crimes' by mid-September 1981.³⁹⁸ Lachmann was, therefore, to undergo 'cross-examination' over a period of several days regarding his time with the gestapo in Wrocław.³⁹⁹ As this concerned the relative of a 'leading cadre in the National People's Army' Minister Erich Mielke was asked 'to take note and give his approval'.⁴⁰⁰ At the end of a week's vacation in a holiday centre of the Free German Trade Union Confederation (Freier Deutscher Gewerkschaftsbund – FDGB) on the Baltic coast in September 1981, Wilhelm Lachmann and his wife were picked up there on a pretext and 'taken' to a conspiratorial location of HA I in Kablow/Storkow.⁴⁰¹ Everything had already been prepared there for the interrogation. Food was available and a nurse was on hand to provide medical care. In addition, the corresponding rooms were fitted with wiretapping technology. The MfS officers conducting the interrogation stated that they were acting on behalf of the chief public prosecutor. They claimed they were questioning him as a witness in con-

einer Staatsanwältin. Nationalsozialistisches Unrecht und seine juristische Aufarbeitung. Berlin 2015, pp. 108–124.

³⁹⁷ Report of HA I/MB III, UA 4. MSD, on the agreement concerning the takeover of material from HA IX/11 dated 9.4.1981; BArch, MfS, AOP 10323/84, vol. 1, pp. 303 and 305–308, here 307.

³⁹⁸ Information from the head of HA I to Minister Mielke dated 17.9.1981; *ibid.*, vol. 1 a, pp. 81–84.

³⁹⁹ *Ibid.*, p. 83.

⁴⁰⁰ *Ibid.*, p. 84.

⁴⁰¹ Letter from HA I and HA IX to Minister Mielke and action plan for carrying out investigative measures for the conclusion of the operational case 'Archiv', reg. no. XVIII 2085/81 dated 24.9.1981; information from HA I and HA IX on the previous results of the political-operational, operational-technical and investigative measures regarding operational case 'Archiv', reg. no. XVIII 2085/81 dated 29.9.1981; BArch, MfS, AOP 10323/84, vol. 1 a, pp. 87–90 and 91–99.

junction with a 'request for legal assistance in connection with proceedings pending abroad against former members of the Wrocław security police'.⁴⁰²

Wilhelm Lachmann, a trained shoemaker, had joined the Protection Police (Schutzpolizei) in 1925 and in 1937 he was transferred to the Criminal Police in Wrocław, at that time the capital of the Prussian province of Lower Silesia. In the spring of 1939, he was assigned to the State Police Headquarters there. Until January 1945, he worked as a case officer with the rank of SS-Sturmscharführer. He was responsible, among other things, for 'combating Marxism-Communism, opposition members, anarchists, subversive utterances, listening in to foreign radio stations, forbidden dealings with prisoners of war or foreign workers and Poles'.⁴⁰³ Lachmann confirmed in the interrogations that he had dealt with 'a large number of cases' of subversive utterances and similar offences.⁴⁰⁴ His duties included assessing cases that were being handled in the State Police Headquarters and deciding whether to discontinue the case, to issue a State Police warning, to initiate protective custody measures⁴⁰⁵ or to suggest to the head of the office that the case should be 'passed on to the court'.⁴⁰⁶ Nevertheless, he tried to present himself as an honourable worker and veteran official who, as a subaltern civil servant in Wrocław, had merely followed the orders of his superiors and carried out purely administrative tasks.

In contradiction to this, however, he also testified that in the summer of 1941 he had belonged to a special unit of the Gestapo Wrocław, which was sent to the prisoner-of-war camp Neuhammer am Queis near Sagan (Lower Silesia) for the purpose of 'rooting out Jews' and selecting political commissars and officers of the Red Army.⁴⁰⁷ A first transport with selected prisoners of war arrived in Auschwitz at the beginning of September 1941 and was murdered there using Zyklon B in a makeshift gas chamber. The effectiveness of this method of murder prompted the camp commander at the time, Rudolf Höß, to use the gas in future mass exterminations as well.⁴⁰⁸ The wiretapping

⁴⁰² Examination record of witness Wilhelm L. dated 26.9.1981; BArch, MfS, AOP 10323/84, vol. 3, pp. 272–280, here 272.

⁴⁰³ Final report of HA I/MB III, UA 4. MSD, on the operational case 'Archiv', reg. no. XVIII 2085/81 dated 23.9.1981; *ibid.*, pp. 247–264, here 253.

⁴⁰⁴ Examination record of witness Wilhelm L. dated 26.9.1981; *ibid.*, p. 276.

⁴⁰⁵ Interrogation record of defendant Wilhelm L. dated 5.3.1982; BArch, MfS, AOP 10323/84, vol. 7, pp. 119–124.

⁴⁰⁶ Examination record of witness Wilhelm L. dated 26.9.1981; *ibid.*, vol. 3, p. 276.

⁴⁰⁷ Examination record of witness Wilhelm L. dated 28.9.1981; *ibid.*, pp. 281–295.

⁴⁰⁸ Reinhard Otto: *Wehrmacht, Gestapo und sowjetische Kriegsgefangene im deutschen Reichsgebiet 1941/42*. Munich 1998, pp. 87–97; Czech: *Kalendarium*, pp. 116–127.

measures confirmed what Wilhelm Lachmann had previously denied in the interrogations, namely that he had escorted the transport of selected prisoners of war to Auschwitz.⁴⁰⁹ Once the interrogation was completed, Mielke was informed of the results. In the opinion of his interrogators, Lachmann 'still bore major vestiges [of] his education, attitude and activity from the time before 1945'.⁴¹⁰ In addition, they stated that 'based on the statements made by L. so far, his negative basic attitude and the available evidence [...], there was a strong suspicion that he had participated in crimes against humanity' and that he should be placed under investigation.⁴¹¹ This happened directly after the unofficial interrogations.⁴¹² One day later, an arrest warrant was issued and Lachmann was transferred to the MfS pretrial detention centre (UHA I) in Berlin-Hohenschönhausen.⁴¹³ The further investigations were now conducted under the auspices of the working group of the MfS Central Department IX (Working Group Crimes against Humanity (AG VgM), which was merged into HA IX/2 in 1986). It specialised in investigating crimes against humanity. The searches initially concentrated on finding evidence of Lachmann's 'work-related involvement' in the 'persecution of dissidents', for example by the People's Court (Volksgerichtshof) or the Special Court of Wrocław.⁴¹⁴ In this context alone, the MfS officers involved in the proceedings sifted through some 25,000 file elements.⁴¹⁵

Moreover, Lachmann had been, as he put it, deployed in 'an action directed against Jews'.⁴¹⁶ Together with members of the 'Jews Department' from

⁴⁰⁹ Information from HA I and HA IX on the results of the political-operational, operational-technical and investigative measures in the operational case 'Archiv' so far, reg. no. XVIII 2085/81 dated 29.9.1981; BArch, MfS, AOP 10323/84, vol. 1 a, pp. 93 f.

⁴¹⁰ Ibid., sheet 95.

⁴¹¹ Information from HA I and HA IX on the previous results of the political-operational, operational-technical and investigative measures in the operational case 'Archiv' reg. no. XVIII 2085/81 dated 29.9.1981; BArch, MfS, AOP 10323/84, vol. 1 a, sheet. 96.

⁴¹² Order of the MfS pursuant to section 98 StPO on the initiation of an investigation dated 30.9.1981; BArch, MfS, ZUV 52, vol. 6, pp. 5 f.

⁴¹³ Application by the chief public prosecutor of the GDR for the issuing of an arrest warrant to the Berlin Urban District Court (SBG) dated 1.10.1981; arrest warrant of the SBG Berlin dated 1.10.1981; report of the MfS to the Berlin pretrial detention centre dated 1.10.1981; *ibid.*, pp. 7–9.

⁴¹⁴ Information of HA IX/11 on investigation case L. dated 19.2.1982; BArch, MfS, ZUV 52, vol. 1, pp. 246–252, here 247.

⁴¹⁵ *Ibid.*, p. 246.

⁴¹⁶ Examination record of witness Wilhelm L. dated 5.10.1981; BArch, MfS, ZUV 52,

Wrocław Police Headquarters, including Hans Müller, who was later convicted in the GDR⁴¹⁷, he was involved in their deportation in the autumn of 1941. His task had consisted first of sending the persons concerned a summons to appear at the assembly point on a fixed date 'for the purpose of resettlement'. Once there, he then helped them register and took any cash and valuables they had on them. Finally, escorted by Lachmann and his colleagues, they were herded from the Gestapo office to Freiburg railway station, where several freight cars were waiting to take them away.⁴¹⁸ According to his own statements, Lachmann had no illusions about the fate of these people and assumed 'that they would be sent to Auschwitz concentration camp and would be killed there soon thereafter'.⁴¹⁹

The State Security made efforts to identify witnesses among both victims and potential accomplices. In this context, the treatment of Wilhelm Stahl (1915–1996), who had already come to the attention of the MfS in the early 1970s, is revealing. Stahl had also belonged to the Gestapo Wrocław until about autumn 1940, and later to a comparable office in occupied France. The State Security had ignored signs that pointed to his involvement in National Socialist crimes. More intensive investigations were dispensed with and the long-serving SED functionary was instead recruited as an unofficial collaborator. However, because Stahl could not or would not recall events or persons from before 1945, this liaison was short-lived.⁴²⁰ When he now came under the MfS scrutiny again, he was already a pensioner, but continued to work in the county board of a consumer cooperative as head of the general administration. As was to be expected, his interrogation in the current case also turned out to be less than satisfactory. Stahl himself claimed that his time in Wrocław had 'been erased from his memory'.⁴²¹ Even now, the MfS

vol. 6, pp. 99–107, here 101. For the details, see Karol Jonca: *Die Deportation und Vernichtung der schlesischen Juden*. In: Helge Grabitz, Klaus Bästlein, Johannes Tuchel (eds.): *Die Normalität des Verbrechens. Bilanz und Perspektiven der Forschung zu den nationalsozialistischen Gewaltverbrechen*. Berlin 1994, pp. 150–170.

⁴¹⁷ Leide: *NS-Verbrecher und Staatssicherheit*, pp. 53 f.

⁴¹⁸ Final report of HA IX/AG dated 15.2.1983; BArch, MfS, ZUV 52, vol. 5, pp. 4–54.

⁴¹⁹ *Ibid.*, p. 35. In fact, on 21 November 1941, about 1,000 Jews from Wrocław were arrested, deported to Kovno in Lithuania, and shot there by an SS unit. Cf. Jonca: *Die Deportation und Vernichtung*, pp. 150–170; Helga Hirsch: *Gehen oder bleiben? Juden in Schlesien und Pommern 1945–1957*. Göttingen 2011, pp. 15–22.

⁴²⁰ Leide: *NS-Verbrecher und Staatssicherheit*, pp. 272–275.

⁴²¹ Examination record of witness Wilhelm Stahl dated 24.5.1982; BArch, MfS, ZUV 52, vol. 3, pp. 187–191, here 190.

did not see any reason to subject his role in Wrocław to closer scrutiny. But even without testimony from Stahl, the investigators had gathered enough evidence. In February 1983, the investigation was completed and handed over by the MfS to the competent regional public prosecutor of the district of Leipzig for the bringing of charges.⁴²² On 26 August 1983, Leipzig District Court sentenced Wilhelm Lachmann, citing Article 6 of the Charter of the International Military Tribunal in Nuremberg, the UN Convention of 26 November 1968 in conjunction with the constitution and the relevant laws of the GDR, to ten years' imprisonment 'on the grounds of war crimes committed by way of joint criminal enterprise or of multiple crimes against humanity committed by way of joint criminal enterprise'.⁴²³ The appeal filed by the defence counsel was rejected by the Supreme Court of the GDR, but led to a modification of the first-instance decision in the verdict of guilty but not to any change in the length of the sentence. In contrast to the Leipzig court, the judges deemed Lachmann's participation in the selection of Soviet prisoners of war and their deportation to Auschwitz to constitute not only 'involvement in mistreatment', but also 'involvement in murder'. Wilhelm Lachmann had admitted knowing that the selection and deportation of the prisoners of war to Auschwitz was for the purpose of their physical extermination.⁴²⁴ Lachmann died in 1987 in Brandenburg-Görden prison.

⁴²² Charge sheet of the public prosecutor of the district of Leipzig dated 1.6.1983; *ibid.*, vol. 5, pp. 81–89.

⁴²³ Sentence of the First Court of Criminal Appeal of Leipzig District Court dated 26.8.1983. In: Rüter: DDR-Justiz und NS-Verbrechen, case no. 1008 a, pp. 255–267.

⁴²⁴ Sentence of the Supreme Court of the GDR in the criminal proceedings Wilhelm L. dated 4.11.1983. In: *ibid.*, pp. 268–273.

4.9 The inconspicuous citizen: the criminal proceedings against Henry Schmidt

It was again by chance that only a few months before the conviction of Wilhelm Lachmann, another former Gestapo official happened into the sights of the East German secret police.⁴²⁵ In the spring of 1983, Department 14 (responsible for cooperation with the district offices) in HA VIII (surveillance, investigations, arrests) and Altenburg county office in Thuringia of the MfS had carried out 'specific political-operational measures as part of a combination of unofficial forces and means'.⁴²⁶ This cryptic formulation concealed the use of secret means and methods for the 'reconnaissance and vetting' of persons who were to be recruited as unofficial collaborators (IM).⁴²⁷

In this context, the State Security came across pensioner Henry Schmidt (born in 1912), who lived in Altenburg (in the then district of Leipzig) whose curriculum vitae showed clear parallels to Lachmann's. Together with his wife and two children, Schmidt had found refuge in a Thuringian village in 1945 and worked his way up from a simple worker to the manager of a gravel pit over the next decade and a half. After three years as an accountant in a state-owned enterprise, he took over the position of director of the workers' housing construction co-operative (Arbeiterwohnungsbaugenossenschaft – AWG) in Altenburg in 1963 and remained in this position beyond retirement age. Schmidt was not only responsible for the allocation of housing there, but also represented AWG on various state committees. In addition, he managed the AWG's materials warehouse.⁴²⁸ He carried out the professional tasks assigned to him 'in a consistently proper, conscientious and determined manner'.⁴²⁹ However, colleagues also said that he had a 'very bureaucratic way of behaving' and were glad when he retired in 1980.⁴³⁰

As a sideline, Schmidt was active in the National Front, among other things, and was repeatedly appointed as a member of the electoral committee

⁴²⁵ Unfortunately, only a cursory account of the overall events documented in the MfS files can be given here.

⁴²⁶ File note of HA IX/11 dated 28.6.1983; BArch, MfS, HA IX/11 ZUV 74, vol. 14, part 1, p. 67.

⁴²⁷ Information from the deputy head of HA VIII to an unknown recipient dated 16.8.1983; BArch, MfS, HA VIII no. 6833, pp. 51–53, here 52.

⁴²⁸ Interrogation record of defendant Schmidt, Henry dated 29.10.1986; BArch, MfS, HA IX/11 ZUV 74, vol. 21, pp. 175–179.

⁴²⁹ Information report by the head of HA VIII to the head of HA IX dated 9.9.1983; *ibid.*, vol. 1, pp. 16–24, here 19.

⁴³⁰ Investigative report of HA VIII on Schmidt, Henry, n.d. [1983]; BArch, MfS, HA VIII no. 6833, pp. 54–62, here 56.

in the residential district committee. He also served as the tenants' representative and house accounts officer for two decades. Schmidt did further voluntary and social work for many years in the district association of the German Red Cross (DRK).⁴³¹ He had had no clear political exposure and (in contrast to Lachmann, for example) had avoided applying for membership of the SED. Without assuming any functions, Schmidt only accepted mandatory membership of the Free German Trade Union Federation (FDGB) and the Society for German-Soviet Friendship (DSF). His professional and voluntary commitment was recognised on several occasions in the form of cash prizes, certificates and awards, such as the honorary title 'Socialist Work Activist'.⁴³² A GDR publication later wrote about him: 'At all times he endeavoured to present himself as a good, reliable, average citizen.'⁴³³ The State Security attested with regard to him: 'What was noticeable about Sch[midt] in all his activities after 1945 were the obvious rudiments of Prussian officialdom. His work ethic was consistently shaped by compliance with regulations, laws and work rules. One tangible expression of this is the accuracy of his record keeping, business mail and consistently tidy materials warehouse.'⁴³⁴ However, he had shown professional commitment 'not out of ideological attachment to the socialist order', but had 'gone about his work in a matter of fact way'.⁴³⁵

Initial index searches conducted by the MfS on Henry Schmidt revealed that HA IX/11 held a number of documents with details about a person with the same name and date of birth. According to this, Schmidt, who was born in Chemnitz, Saxony, had belonged to the Hitler Youth (HJ) from 1929 onwards and in 1930 had been a member of both the SA and the NSDAP. In June 1931 Schmidt was accepted into the General SS and in October 1933 he was enlisted in the Security Service (SD).⁴³⁶ In the autumn of 1939 Schmidt was then assigned by his then home office, the Oppeln State Police Office,

⁴³¹ Proposal and reasons why the Altenburg county committee of the German Red Cross (DRK) awarded the DRK badge of honour to Henry Schmidt dated 15.10.1968; BArch, MfS, HA XX no. 3390, pp. 36–38.

⁴³² Letter (copy) from the AWG 'Glückauf' to Henry Schmidt dated 26.9.1969; *ibid.*, p. 39.

⁴³³ Horst Busse, Udo Krause: *Lebenslänglich für den Gestapokommissar*. Berlin (East), 1989, p. 81.

⁴³⁴ Information from the head of HA VIII about Schmidt, Henry dated 9.9.1983; BArch, MfS, HA IX/11 ZUV 74, vol. 1, pp. 16–24, here 19.

⁴³⁵ Investigative report of HA VIII on Schmidt, Henry, n.d. [1983]; BArch, MfS, HA VIII no. 6833, p. 56.

⁴³⁶ Information from HA IX/11 about Schmidt, Henry to HA VIII/14 dated 6.6.1983; BArch, MfS, HA IX/11 ZUV 74, vol. 14, part 1, p. 3.



Fig. 23: Henry Schmidt at the court hearing before Dresden District Court, 1987

to the death squad I/1 of the Security Police (Sipo) and SD operating in occupied Poland. He was in charge of a border post in Dukla (Carpathian foothills) in south-eastern Poland.⁴³⁷ Only later did it come to light that he had helped to make the small town of Dukla in the winter of 1939 'free of Jews',⁴³⁸ for which he was awarded on 1 September 1943 the War Merit Cross (Kriegsverdienstkreuz – KVK), second class without swords.⁴³⁹

From January to March 1942, his other places of deployment included the Police Office in Trier and, subsequently, the Police Headquarters in Dresden.⁴⁴⁰

The files record his last rank as detective superintendent and SS-Obersturmführer. Already in 1945, the special branch of the Criminal Police responsible for political crimes (K 5) in Dresden had searched⁴⁴¹ in vain for this Henry Schmidt.⁴⁴²

HA IX/11 informed the head of HA VIII/14 about these facts and pointed out, despite the (as yet) incomplete biographical data, that Schmidt's involvement in National Socialist crimes of violence could not be ruled out.⁴⁴³ However, no further investigations or official actions were initially undertaken so as not to jeopardise the ongoing operation of HA VIII/14.⁴⁴⁴

⁴³⁷ Cf. Klaus-Michael Mallmann, Jochen Böehler, Jürgen Matthäus: *Einsatzgruppen in Polen. Darstellung und Dokumentation*. Darmstadt 2008; Stephan Lehnstaedt, Jochen Böehler (eds.): *Die Berichte der Einsatzgruppen aus Polen 1939*. Berlin 2013.

⁴³⁸ Interrogation record of defendant Schmidt, Henry dated 3.7.1986; BArch, MfS, HA IX/11 ZUV 74, vol. 21, pp. 30–36, here 34.

⁴³⁹ Interrogation record of defendant Schmidt, Henry dated 27.10.1986; *ibid.*, pp. 164–167.

⁴⁴⁰ Information from HA IX/11 about Schmidt, Henry to HA VIII/14 dated 6.6.1983; BArch, MfS, HA IX/11 ZUV 74, vol. 14, part 1, p. 4; final report of HA IX/2 dated 29.5.1987, *ibid.*, vol. 8, pp. 50–111, here 58.

⁴⁴¹ Cf. Foitzik; Petrow: *Die sowjetischen Geheimdienste*, pp. 13–65.

⁴⁴² Information from HA IX/11 about Schmidt, Henry to HA VIII/14 dated 6.6.1983; BArch, MfS, HA IX/11 ZUV 74, vol. 14, part 1, pp. 3 f.

⁴⁴³ *Ibid.*

⁴⁴⁴ File note of HA IX/11 dated 28.6.1983; BArch, MfS, HA IX/11 ZUV 74, vol. 14, part 1, p. 67.



Fig. 24: Henry Schmidt, wedding photo in SS uniform, 1937

After its completion, a data comparison and comprehensive search on the family were carried out to check whether the identity of GDR citizen Henry Schmidt matched the person listed in the National Socialist documents, which was ultimately confirmed.⁴⁴⁵ It also turned out that Schmidt had not only concealed his affiliation with the Gestapo, SS and SD in all personal documents created after 1945, but also his stay in Dresden. Thereupon, in September 1983, the head of HA IX/11 decided ‘that further searches to substantiate the suspicion of Schmidt’s involvement in criminal acts are to be conducted’.⁴⁴⁶

Between then and the end of 1984, the officer (administrator) of HA IX/11 entrusted with this task collected further information about Schmidt in searches in his own files and in external state archives and libraries. For example, he found two

administrative cases that were related to a possible activity of Schmidt in the Trier Police Office.⁴⁴⁷ More important, however, seemed to be the finding that Schmidt had worked, amongst other things, as the so-called ‘Jewish officer’ in the Dresden Police Headquarters from the spring of 1942.

This activity occurred at a time when, as the investigator learned from reading the ‘Chronicle of the Jews in Dresden’ published by Adolf Diamant, Dresden Jews were being deported to concentration camps,

⁴⁴⁵ Interim report of HA IX/11 on the results obtained so far in the investigation of former Gestapo member Schmidt, Henry dated 30.11.1984; *ibid.*, pp. 69–78.

⁴⁴⁶ *Ibid.*, p. 70.

⁴⁴⁷ *Ibid.*, p. 72. Schmidt was head of the division in Dept. II of the Trier State Police Headquarters for ‘ensuring order and security’ in the regional forced labour camps. (Interrogation record of defendant Schmidt, Henry dated 30.4.1986; BArch, MfS, HA IX/11 ZUV 74, Vol. 20, pp. 101–105, here 105). Both on the basis of the dates in the documents and their contents, any connection with the activity of Henry Schmidt is to be ruled out. Therefore, it can be assumed that he was mistaken for one of his namesakes, Albert and Friedrich Schmidt, who were also active there. Cf. Thomas Grotum (ed.): *Die Gestapo Trier. Beiträge zur Geschichte einer regionalen Verfolgungsbehörde*. Weimar et al. 2018.

including Auschwitz.⁴⁴⁸ Among other things, five files were found in the Dresden Archives that had been handed over by the Gestapo to the local public prosecutor's office between 1943 and 1945. On the basis of these files, the case officer was able to prove that 'Schmidt, a Gestapo employee, had participated in the persecution of the person in question'.⁴⁴⁹ Specifically, there were two criminal proceedings for violation of the 'Law for the Protection of German Blood and Honour' as well as one case each of 'vagabonding and breach of employment contract' and 'betrayal of secrets'. In addition, there was a file on Wilhelm Engel who had been handed over to the Munich Gestapo in December 1943 because of 'illegal activity on behalf of the IBV (International Bible Scholar Association)'.⁴⁵⁰ Moreover, the case officer examined investigation files of Dresden K5 from 1947. Eyewitnesses from that era had accused defendant Schmidt of having organised the deportation of Klara Weiß and her daughter Eva to Auschwitz, where both were gassed, in order to take private possession of their rented apartment. Aside from these accusations, the Dresden Police Headquarters had already classified him as a 'major criminal' because of his activities for the Gestapo on the basis of Order 201 of the SMAD.⁴⁵¹

In addition to identifying documentary evidence, the HA IX/11 investigator also tried to find eyewitnesses of the events from that time. They included three women who were arrested because of their membership of the International Bible Scholar Association (or Jehova's witnesses) who had been mistreated by Schmidt. In addition, there were initially five former male employees and a stenographer from the Dresden Gestapo.⁴⁵² In the course of the searches, a total of ten women and seven men were identified in the GDR who had also worked for the Dresden Gestapo Headquarters.⁴⁵³

⁴⁴⁸ Ibid., p. 73; cf. Adolf Diamant: *Chronik der Juden in Dresden*. Darmstadt 1973, pp. 445–453.

⁴⁴⁹ Ibid.

⁴⁵⁰ Ibid.

⁴⁵¹ State Government Saxony, Ministry of the Interior, Dresden Police Headquarters, form with findings pursuant to section 2 of the implementing regulations of the Chief of Police in the state of Saxony on the implementing regulations of the German Administration of the Interior (DVdI) for Order 201 dated 18.12.1947; BArch, MfS, AOP 13113/89, vol. 1, p. 13.

⁴⁵² Interim report of HA IX/11 on the results to date for clarifying the situation regarding former Gestapo member Schmidt, Henry dated 30.11.1984; BArch, MfS, HA IX/11 ZUV 74, vol. 14, p. 77.

⁴⁵³ Interim report of HA XX/2 on the operational processing of Schmidt, Henry dated 12.7.1985, who was registered in the operational case 'Sadist'; overview of former employees of the Dresden Police Headquarters and persons formerly

The case became particularly explosive when it turned out that Schmidt, who had already been allowed to travel to the Federal Republic on several occasions,⁴⁵⁴ was listed with correct details of his birth in the investigation documents of the Criminal Police Office of Lower Saxony.⁴⁵⁵ The corresponding copies of documents originally came from a preliminary investigation by the Cologne public prosecutor's office, in which Friedrich Karl Kaul had appeared as counsel in the ancillary action.⁴⁵⁶ The responsible case officer of HA IX/11 now suspected that the police and judicial authorities of the Federal Republic might possibly know the whereabouts of Schmidt, who had been able to live his life completely unscathed in the GDR until then.

Certainly, also in order to prevent this circumstance from being used against the GDR, he summed up by recommending 'further procedural processing to examine the grounds for suspicion and to confirm the urgent suspicion of a crime'.⁴⁵⁷ At the end of January 1985, the investigations were stepped up by HA IX/11 cooperating with Division III in Department 2 of Central Department XX (HA XX/2/III). The division had been set up in the summer of 1965 specifically for the 'concentrated political-operational processing of Nazi and war crimes'.⁴⁵⁸

Two months later, in March 1985, the searches about Schmidt were then upgraded by way of formal processing, based on the elements of an offence sections '91 and 93 StGB' (crimes against humanity and war crimes), to an operational case codenamed 'Sadist'.⁴⁵⁹ The cooperation between the two departments proved to be fruitful as evidenced by a joint 39-page status report from March 1986. In this way, the MfS found further contemporary

persecuted by the Gestapo, n.d.; addendum concerning former Gestapo employees, n.d.; list of identified for[mer] MA [employees] of Dresden Police Office, n.d.; BArch, MfS, HA IX/11 ZUV 74, vol. 1, pp. 35–42; vol. 12, pp. 4–6 and 9–12.

⁴⁵⁴ Information report by the head of HA VIII to the head of HA IX dated 9.9.1983; *ibid.*, p. 21.

⁴⁵⁵ Interim report of HA IX/11 on the results to date on clarifying the situation of former Gestapo member Schmidt, Henry dated 30.11.1984; BArch, MfS, HA IX/11 ZUV 74, vol. 14, p. 72.

⁴⁵⁶ Status report of HA IX/11 and HA XX/2 on the operational case 'Sadist', reg. no. 1754/85 of HA XX/2 on the person Schmidt, Henry dated 19.3.1986; BArch, MfS, HA IX/11 ZUV 74, vol. 1, pp. 52–90, here 59.

⁴⁵⁷ Interim report of HA IX/11 on the results obtained to date on clarifying the situation of former Gestapo member Schmidt, Henry dated 30.11.1984; *ibid.*, vol. 14, p. 77.

⁴⁵⁸ Leide: NS-Verbrecher, p. 97.

⁴⁵⁹ Decision of HA XX/2 on the creation of an operational case dated 7.3.1985; BArch, MfS, AOP 13113/89, vol. 1, p. 2.

documents, including deportation lists and administrative records of the Dresden Police Headquarters. Among them was a search warrant for biblical scholars signed by Schmidt himself.⁴⁶⁰ In addition, it was possible to secure the testimonies of nine (Jewish) victim witnesses as well as five former stenotypists and secretaries from the Dresden Police Headquarters. Furthermore, there were the accounts of racial persecutees who had since died, which were found in various archives of the VdN divisions.⁴⁶¹

However, the MfS had not sent any 'operational inquiries' to the Polish and Czechoslovak authorities up to that point – allegedly 'so as not to jeopardise the verification measures and for conspiratorial reasons'.⁴⁶² A corresponding request for mutual legal assistance to the Federal Republic also failed to materialise later. The witnesses (survivors and former Gestapo employees) were likewise questioned in general terms only and were not informed that the main interest was in Henry Schmidt.⁴⁶³ In fact, these were purely precautionary measures in order to be able to conceal the fact that Schmidt was in the GDR. For, despite the incriminating circumstantial evidence, it was by no means sure that Schmidt would actually be brought to trial. This probably explains why the MfS initially refrained from interrogating Schmidt. The newly acquired information, however, was sufficient to further reconstruct his service record. According to the report, Schmidt, an official in the leading law enforcement service, was in charge of several divisions in the Dresden Police Headquarters.

They included Division II B (later IV 4) with the units or areas II B 1 and II B 2 (churches, sects and bible scholars) as well as Division II B 3 (Jews, freemasonry and emigrants).⁴⁶⁴ In addition, there was Division II E (economics) and Division II P (press and literature). In the first quarter of 1944, when there were hardly any Jews and other groups of people left in Dresden who had previously been the focus of persecution by the Gestapo, Schmidt was given additional responsibility for Division III 3 (counter-intelligence).⁴⁶⁵

⁴⁶⁰ Status report of HA IX/11 and HA XX/2 on the operational case 'Sadist', reg. no. 1754/85 of HA XX/2 on the person Schmidt, Henry dated 19.3.1986; BArch, MfS, HA IX/11 ZUV 74, vol. 1, p. 60.

⁴⁶¹ *Ibid.*, p. 89.

⁴⁶² *Ibid.*

⁴⁶³ Letter from the deputy chief public prosecutor of the GDR to the head of the Central Investigation Department of the MfS dated 13.6.1986; BArch, MfS, HA IX/11 ZUV 74, vol. 3, p. 115.

⁴⁶⁴ *Ibid.*, p. 60; interrogation record of defendant Schmidt, Henry dated 21.7.1986; *ibid.*, vol. 21, pp. 68–73.

⁴⁶⁵ Final report of HA IX/2 dated 29.5.1987; *ibid.*, vol. 8, pp. 50–111, here 59.

In its further investigations, the MfS concentrated on the involvement of Schmidt, now already dubbed a 'suspect', in the 'persecution and murder of individual Jewish citizens and their non-Jewish spouses in the precinct of the Dresden Police Headquarters'.⁴⁶⁶ As a result, Schmidt was specifically suspected of having, 'in full knowledge of the ultimate criminal purpose', been in charge in March 1943 of the deportation of at least 350 inmates from the so-called 'Jewish camp at the Hellerberg' to Auschwitz extermination camp. In addition, the investigators accused him of having 'organised the deportation of 48 citizens of Jewish origin in individual and group transports to the Theresienstadt ghetto' and, in 1944, of 'having deported at least another 14 racial persecutees to the concentration camps of Auschwitz, Ravensbrück and Mauthausen after previously mistreating them [...]'.⁴⁶⁷

At this stage of the investigation, those in charge of HA IX/11 and HA XX/2/III suggested 'handing over the file to HA IX/2 for criminal assessment, with the aim of placing Schmidt under investigation'.⁴⁶⁸ An employee of Department 2 of Central Department IX (HA IX/2), which specialised in such offences, as well as its departmental head, came to the following conclusion after they had looked through the file:

The above-mentioned outrages of persecution, deportation and maltreatment of civilians on racial grounds constitute crimes against humanity which are not subject to a statute of limitations pursuant to Article 6(c) of the Charter of the IMT dated 8 August 1945 in conjunction with Articles 8 and 91 of the Constitution of the German Democratic Republic as well as other national legal norms. Thus, the legal prerequisites were met to initiate an investigation about the suspect on the grounds of the strong suspicion of his having committed a crime [...] on the basis of the cited legal situation, and to apply for an arrest warrant.⁴⁶⁹

However, they qualified the statement again in the very next paragraph:

In connection with this assessment, however, it should be pointed out that when initiating an investigation into these types of offences, the existence of a corresponding degree of seriousness in the form of proof of an urgent suspicion

⁴⁶⁶ Status report of HA IX/11 and HA XX/2 on the operational case 'Sadist', reg. no. 1754/85 of HA XX/2 on the person Schmidt, Henry dated 19.3.1986; *ibid.*, vol. 1, p. 78.

⁴⁶⁷ Status report of HA IX/11 and HA XX/2 on the operational case 'Sadist', reg. no. 1754/85 of HA XX/2 on the person Schmidt, Henry dated 19.3.1986; *ibid.*, vol. 1, p. 53.

⁴⁶⁸ *Ibid.*, p. 90.

⁴⁶⁹ Criminal assessment of HA IX/2 of the operational case 'Sadist', reg. no. 1754/85 of HA XX/2 dated 31.3.1986; BArch, MfS, HA XX no. 3390, pp. 140–150, here 149.

of murder by one's own hands or involvement in acts of murder has emerged as the practice adopted here. The knowledge that the deportations of the victims to ghettos and concentration camps took place for the purpose of their later physical extermination, which is to be presumed in the case of the suspect due to his political and personal development before 1945, and the fact that demonstrably only a few of the [...] deportees survived the fascist extermination camps, are not sufficient to prove participation in the killing of the victims based on a division of labour.⁴⁷⁰

Major General Fister, the head of Central Department IX, confirmed this legal opinion with his signature.⁴⁷¹ This was an argumentation that one would generally have expected to encounter at that time only in courtrooms of the Federal Republic or from the defendant themselves. It was not backed by the existing legal situation. In fact, given the national and international legal norms available in the GDR, the experts of HA IX/2 created an artificial hurdle here which was, as it were, based on the legal practice of the Federal Republic, which in turn was based on a much more restrictive legal basis. The criteria presented here correspond to the usual procedure of the MfS which, in an unknown number of cases, thwarted a legally conceivable conviction of National Socialist perpetrators.

In fact, legal leeway was created here which allowed the MfS, according to the principle of opportunity, i.e. after assessing the respective domestic and foreign policy requirements, to arbitrarily select the suspects to be placed under official criminal investigation, thus guaranteeing their conviction.⁴⁷²

As was to become apparent, this was initially also true in the case of Henry Schmidt. The MfS refrained from hearing the suspect on the charges prior to the legal assessment. It would have been understandable if the experts in HA IX/2 had demanded corresponding follow-up investigations. But they did not. Only evidence of Schmidt's fitness for detention and interrogation was requested in the form of a medical report.⁴⁷³ This is possibly an indication that a final decision – irrespective of their own legal considerations – was generally reserved for a higher authority in the Ministry for State Security which, in turn, corresponded with the party leadership.

This is also supported by the further developments. Only three days after the negative vote by HA IX/2, HA XX suggested to the MfS leadership the closing of the operational case 'Sadist' by initiating an investigation with

⁴⁷⁰ Ibid., p. 149.

⁴⁷¹ Ibid., p. 140.

⁴⁷² Cf. Leide: NS-Verbrecher, pp. 124 and 416.

⁴⁷³ Criminal assessment by HA IX/2 of the operational case 'Sadist', reg. no. 1754/85 of HA XX/2 dated 31.3.1986; BArch, MfS, HA XX no. 3390, pp. 140–150, here 149.

detention. The corresponding letter asked for confirmation of the proposal and pointed out that Schmidt, as the superior, had been 'responsible both for the performance of the tasks assigned to the division and for the activities of the staff in all areas of the division who were subordinate to him'. Moreover, they further argued that even HA IX/2 considered the strong suspicion to have been confirmed. In addition, Schmidt had not yet been held criminally responsible and no 'negative consequences were to be expected' in the event of his arrest. Moreover, the latter was to be arrested 'before the 11th SED party convention [17 to 21 April 1986]'.⁴⁷⁴ At the same time, a doctor in the service of the Ministry attested, on the basis of a family doctor's report, to the fitness of Schmidt for detention and interrogation.⁴⁷⁵

The proposal of HA XX landed on the desk of Deputy Minister for State Security, Lieutenant General Rudi Mittag. After demonstrating youthful enthusiasm for National Socialism, he had found enlightenment during his time in a Soviet prisoner of war camp⁴⁷⁶ and was to be elected to the Central Committee of the SED at the aforementioned party convention. He confirmed the proposal with his signature.⁴⁷⁷

Ultimately, this case can also be seen as proof that the decision to initiate an investigation on the grounds of National Socialist crimes of violence was made solely by the MfS leadership – and not by the responsible public prosecutor, as was actually required by the GDR's Code of Criminal Procedure. One week later, Fister ordered the placing of Schmidt under investigation with reference to the suspicious facts that had come to light about him. That same day, a public prosecutor was informed of this⁴⁷⁸ and the very next morning, members of HA VIII arrested Schmidt at his place of residence in the presence of a deputy county public prosecutor and took him to the MfS pretrial detention centre on Magdalenenstraße in Berlin.⁴⁷⁹

⁴⁷⁴ Proposal for the conclusion of the operational case 'Sadist', reg. no. 1754/85, confirmed by Mittag's handwritten signature dated 3.4.1986; *ibid.*, pp. 142–146, here 146.

⁴⁷⁵ Assessment of Henry Schmidt's fitness for detention and interrogation [...] by the central medical service, prison hospital department dated 3.4.1986; *ibid.*, p. 208.

⁴⁷⁶ Gieseke: Die hauptamtlichen Mitarbeiter, p. 130.

⁴⁷⁷ Proposal for the conclusion of the operational case 'Sadist', reg. no. 1754/85, confirmed by handwritten signature of Mittag dated 3.4.1986; BArch, MfS, HA IX/11 ZUV 74, vol. 1, p. 142.

⁴⁷⁸ Order [form] pursuant to section 98 of the Code of Criminal Procedure on initiating preliminary proceedings dated 8.4.1986; *ibid.*, pp. 213 f.

⁴⁷⁹ Communication of Altenburg county office to the head of the county office of the People's Police Altenburg dated 14.4.1986; BArch, MfS, KD Altenburg ZMA Sch 0839, p. 19; MfS, admission notification dated 9.4.1986; BArch, MfS,

In the course of the interrogations conducted by HA IX/2, Schmidt confessed from the beginning ‘without being presented with any evidence’.⁴⁸⁰ Already during the initial interrogation, he gave a detailed account of his career and admitted unreservedly that, as a senior officer, he had been responsible for deportation transports to the concentration, assembly and transit camp Theresienstadt (Terezin) in what was then the Protectorate of Bohemia and Moravia.⁴⁸¹ He also testified: ‘Through my development and activities in the Secret State Police, I knew that the Final Solution to the Jewish Question entailed not only mean the expulsion of Jews from Germany and the occupied territories, but also their physical extermination.’⁴⁸²

As a result of his statements, the Stasi extended the investigation with regard not only to the number of victims, but also the quality of the charges brought against him. Schmidt, for example, was now accused of ‘participating in the physical extermination of about 700 people of Jewish origin on the basis of a division of labour, as well as preparing, organising, ordering, and, in part, directing transports to Auschwitz and [to] other concentration camps’.⁴⁸³ In further interrogations, Schmidt reported in detail, among other things, about the application for protective custody orders ‘as the Gestapo’s sharpest weapon’.⁴⁸⁴ The pretext for this was usually provided by reports sent to the Gestapo from functionaries of the NSDAP and its branches, reports from the offices of the State Security headquarters in Dresden, and denunciations by ‘the German population’ about petty crimes committed by Jews.⁴⁸⁵ These included violations of the many discriminatory anti-Jewish laws, directives and orders, such as ‘not wearing or concealing the Jewish star’.⁴⁸⁶

HA IX/11 ZUV 74, vol. 1, pp. 218 f.

⁴⁸⁰ Proposal of HA IX/2 to stage a trial before an extended public dated 3.7.1987; *ibid.*, vol. 8, pp. 112–117, here 115.

⁴⁸¹ Interrogation record of defendant Schmidt, Henry dated 9.4.1986; *ibid.*, vol. 1, pp. 277–284, here 280.

⁴⁸² Interrogation record of defendant Schmidt, Henry dated 11.4.1986; *ibid.*, vol. 20, pp. 68–73, here 71.

⁴⁸³ Order [form] pursuant to section 98 of the Code of Criminal Procedure on the widening of a preliminary investigation dated 14.4.1986; *ibid.*, vol. 1, pp. 215 f.

⁴⁸⁴ Quoted from: Lothar Gruchmann: *Justiz im Dritten Reich 1933–1940. Anpassung und Unterwerfung in der Ära Gürtner*. Schwerin 1990, p. 544.

⁴⁸⁵ Interrogation record of defendant Schmidt, Henry dated 11.4.1986; BArch, MfS, HA IX/11 ZUV 74, vol. 23, pp. 71–77. For more details on the involvement of the Security Service, see Stefanie Steinbach: *Erkennen, erfassen, bekämpfen. Gegnerforschung im Sicherheitsdienst der SS*. Berlin 2018.

⁴⁸⁶ Interrogation record of defendant Schmidt, Henry dated 18.4.1986; *ibid.*, vol. 20, pp. 78–83.

The forms signed by Schmidt were forwarded for ‘confirmation’⁴⁸⁷ to the ‘protective custody division’ (IV C 2) under the direction of SS-Obersturmbannführer Dr Emil Berndorff in Office IV (Gestapo) of the Reich Security Main Office.⁴⁸⁸ In accordance with the stipulations set out in the protective custody order, the Jews held in the Dresden police prison were then sent to a concentration camp, mostly to Auschwitz.⁴⁸⁹ Schmidt recalled having dealt with about 90 such cases. He had submitted most of these applications prior to the ‘dissolution of the Jewish camp’ in Dresden in March 1943. On the other hand, those Jews who were married to a non-Jewish partner, i.e. who lived in so-called ‘privileged mixed marriages’ and were therefore spared the mass deportations, were less affected.⁴⁹⁰ He also admitted that the reasons for imposing protective custody were not taken very seriously. Nevertheless, protective custody was enforced ‘without compromise, since it went hand in hand with the extermination of the Jewish population’.⁴⁹¹ Schmidt addressed this in more detail:

Through to my work for the Secret State Police I was aware that mainly Jewish people had been sent to Auschwitz concentration camp. In general, it was already known to me at that time that sooner or later all Jewish people were to be physically destroyed, i.e. killed. With regard to Auschwitz concentration camp, I was generally informed at the time that, after arriving in the camp, people were first divided into groups of those who were and those who were not fit for work, and those who were not fit for work were killed. It is possible that I already had general knowledge at that time that the Jewish people in Auschwitz were being killed in gas chambers.⁴⁹²

⁴⁸⁷ Interrogation record of defendant Schmidt, Henry dated 9.4.1986; *ibid.*, vol. 1, p. 280.

⁴⁸⁸ Berndorff was one of the first suspects to be arrested in 1967 as part of the investigation initiated by the Berlin Higher Regional Court against former members of the Reich Security Main Office. However, due to the change in the legal situation (see Chapter 1.2), the investigation about him had to be discontinued. Cf. Jasch; Kaiser: *Der Holocaust*, pp. 168 f.; cf. also Michael Wildt: *Generation des Unbedingten. Das Führungskorps des Reichssicherheitshauptamtes*. Hamburg 2002, pp. 345–349.

⁴⁸⁹ Interrogation record of defendant Schmidt, Henry dated 28.1.1987; BArch, MfS, HA IX/11 ZUV 74, vol. 23, pp. 71–77, here 76.

⁴⁹⁰ Interrogation record of defendant Schmidt, Henry dated 18.4.1986; *ibid.*, vol. 20, pp. 78–83. Cf. Beate Meyer: ‘Jüdische Mischlinge’. *Rassenpolitik und Verfolgungserfahrung 1933–1945*. Munich et al. 2015.

⁴⁹¹ Interrogation record of defendant Schmidt, Henry dated 28.1.1987; *ibid.*, vol. 23, pp. 71–77, here 74.

⁴⁹² Interrogation record of defendant Schmidt, Henry dated 28.7.1986; *ibid.*, vol. 21,

The 'coercive measures of the Secret State Police to ward off so-called endeavours directed against the people and the state' also affected, albeit to varying degrees, the Catholic Church and the Confessing Church – an oppositional movement within the Protestant Church.⁴⁹³ In addition, there were those religious and belief communities which the Gestapo subsumed under the term 'sects'. They included Mormons, Seventh-day Adventists, the Salvation Army, the Moravian Brethren, the New Apostolic Church, and the International Bible Scholars Association or Jehovah's Witnesses. The processing of the Masonic lodges, on the other hand, played only a subordinate role, since, at the latest after their prohibition in 1935, they had had to cease all their activities.⁴⁹⁴ The Gestapo 'monitored and controlled' especially church services and other church events as well as church dignitaries'. For this purpose, the employees subordinate to Schmidt recruited 'persons of trust' (informants) among the believers. The State Police received further support from NSDAP officers as well as from the local Security Service main field office, which itself maintained a network of informants in these circles as part of its 'research on opponents'.⁴⁹⁵ Church representatives who had become conspicuous were arrested and 'dealt with in the corresponding proceedings'.⁴⁹⁶ This also applied to the functionaries and members of the International Bible Scholars Association, which had been banned throughout the Reich since 1933. Already since the 1930s, the Security Service Executive Division and the Dresden State Police Headquarters had taken action against the Bible scholars with the help of informers.⁴⁹⁷ This practice continued in the years that followed. Thus, one of the tasks of the division under Schmidt's command was to 'track down members of this sect, arrest them and deal with them in proceedings for the purpose of later judicial sentencing'.⁴⁹⁸

pp. 80–85, here 81.

⁴⁹³ Interrogation record of defendant Schmidt, Henry dated 28.1.1987; *ibid.*, vol. 23, pp. 71–77, here 74.

⁴⁹⁴ Cf. Helmut Neuberger: *Winkelmaß und Hakenkreuz. Die Freimaurer und das Dritte Reich*. Munich 2001, pp. 157–263.

⁴⁹⁵ Carsten Schreiber: *Elite im Verborgenen. Ideologie und regionale Herrschaftspraxis des Sicherheitsdienstes der SS und seines Netzwerks am Beispiel Sachsens*. Munich 2008, pp. 3, 182, 190 and 225–233.

⁴⁹⁶ Interrogation record of defendant Schmidt, Henry dated 13.10.1986; BArch, MfS, HA IX/11 ZUV 74, vol. 21, pp. 120–124, here 121.

⁴⁹⁷ Gerald Hacke: *Die Zeugen Jehovas im Dritten Reich und in der DDR. Feindbild und Verfolgungspraxis*. Göttingen 2011, p. 161; Schreiber: *Elite im Verborgenen*, pp. 191 f. and 231 f.

⁴⁹⁸ Interrogation record of defendant Schmidt, Henry dated 13.10.1986; BArch, MfS, HA IX/11 ZUV 74, vol. 21, p. 122.

Between December 1943 and the spring of 1944 alone, some 300 persons were arrested in this context.⁴⁹⁹

Schmidt himself reported an arrest in which a fleeing functionary of the International Bible Scholar Association was even shot at. After his recovery, Schmidt personally escorted the man to Munich and handed him over there to his colleagues from the Gestapo.⁵⁰⁰ Even though Schmidt could not remember the man's name during the interrogation, it can only have been the aforementioned Wilhelm Engel (1887–1964) who was a group servant of Jehovah's Witnesses for the Dresden region. He was arrested on several occasions by the National Socialists and imprisoned in concentration camps.

When asked about numbers, Schmidt stated that in response to eight applications for protective custody of Jews, he had 'suggested' one church member and three Bible scholars for incarceration in a concentration camp.⁵⁰¹ At the latest after these statements, it must have been clear to the investigators that there were other victims or even groups of victims besides the Jews for whom Schmidt was also to be held accountable. However, they were not mentioned either in the trial or in the verdict.

There are probably three reasons for this. First, Jehovah's Witnesses were also banned in the GDR (see Chapter 6.1). Secondly, the State Security was currently once again planning 'operational measures' against this religious community. The go-ahead for this had again been given by Colonel General Rudi Mittig.⁵⁰² Thirdly, there was an even more serious circumstance: Wilhelm Engel, who had been arrested by Schmidt under dramatic circumstances, had been freed from prison in the Bavarian town of Aichach by American troops in the spring of 1945, where a conviction had awaited him on the charge of the 'continued crime of subversion of military strength [...] concomitantly [...] with a crime of participation in an anti-Wehrmacht and forbidden association'. After the end of the war he had returned to Dresden and then found a new sphere of activity at the headquarters of Jehovah's Witnesses in Magdeburg.⁵⁰³

⁴⁹⁹ Hacke: Die Zeugen Jehovas, p. 205.

⁵⁰⁰ Interrogation record of defendant Schmidt, Henry dated 18.4.1986; BArch, MfS, HA IX/11 ZUV 74, vol. 20, pp. 79 f.

⁵⁰¹ Ibid., p. 80.

⁵⁰² Hans-Hermann Dirksen: 'Keine Gnade den Feinden unserer Republik', p. 816.

⁵⁰³ Letter from the Munich chief public prosecutor to the Reich Minister of Justice, Reich public prosecutor's office with the People's Court, Reichsführer SS and Chief of the German Police, Munich State Police Headquarters dated 1.2.1945 and charge sheet to the Second Court of Criminal Appeal of Munich Higher Regional Court dated 30.11.1944; BArch, MfS, AU 5/51, vol. 3, pp. 31–42.



Fig. 25: Wilhelm Engel, photo 1956

In August 1950 he was arrested by the State Security and in February 1951 sentenced to life imprisonment by Halle/Saale Regional Court on grotesque charges.⁵⁰⁴ In prison Engel stuck to his religious convictions. This provided the responsible public prosecutor's office with the justification for rejecting his pardon.⁵⁰⁵ A break in imprisonment for health reasons was also deemed 'unnecessary' due to the length of the sentence and was therefore 'strongly opposed'.⁵⁰⁶ And this despite the fact that Engel had been in an 'extremely vulnerable, completely helpless condition' and 'required constant care'.⁵⁰⁷ After a total of 23 years of imprisonment under both German dictatorships, the Federal German government bought his freedom in 1964.⁵⁰⁸ He died shortly afterwards.

Apparently, given the repressive policy towards Jehovah's Witnesses, the mention of their persecution during the National Socialist era in a court case did not seem opportune to those in power. For these reasons, the State Security concentrated solely on Schmidt's involvement in the 'Final Solution to the Jewish Question'. In this case, of course, it was certainly justified by the evidence and the seriousness of the crime. Nevertheless, in view of the GDR's past policy described in the previous chapters, it was not self-evident that this time the focus was exclusively and explicitly on the Jews as the victims of National Socialist persecution. This could have been for a specific political reason. At that time, the GDR was facing a variety of foreign trade and economic problems, which were to be reduced by improving political and trade relations with countries such as France⁵⁰⁹ and, above all, the United

⁵⁰⁴ Ibid., pp. 502–508.

⁵⁰⁵ Conduct report for inmate Engel, Wilhelm prepared by the warden of Waldheim prison, dated 15.2.1957; letter from the Halle/Saale district public prosecutor's office to the senior public prosecutor's office of the GDR dated 6.3.1957; BArch, MfS, BV Halle ASt. 6149/51, vol. 1, pp. 15 f., 21.

⁵⁰⁶ Letter of the public prosecutor of the district Halle/Saale to Brandenburg prison through the district office of the People's Police – telex office – Halle/S. dated 6.1.1962; BArch, MfS, BV Halle ASt. 6149/51, vol. 1, p. 47.

⁵⁰⁷ Telex from the warden of Brandenburg prison to the Halle/Saale district public prosecutor dated 4.1.1962; BArch, MfS, BV Halle ASt. 6149/51, vol. 1, p. 44.

⁵⁰⁸ Jan Philipp Wölbern: *Der Häftlingsfreikauf aus der DDR 1962/63–1989. Zwischen Menschenhandel und humanitären Aktionen*. Göttingen 2014, p. 457.

⁵⁰⁹ Ulrich Pfeil: *Die 'anderen' deutsch-französischen Beziehungen. Die DDR und*

States of America. In this context cultivating an anti-fascist image played a specific role.⁵¹⁰

Then, on the morning of April 5, 1986, there was a terrorist attack on the 'La Belle' discotheque in West Berlin which was frequented by American soldiers. The State Security had not only been informed about the preparations, but had also actively supported the attack.⁵¹¹ This, in turn, placed a strain on bilateral relations between the USA and the GDR. Therefore, the SED regime now tried, as an alternative, to win over the so-called 'Jewish lobby' in the American Senate and House of Representatives for the implementation of its trade policy plans (most-favoured-nation clause) in the USA with a view to influencing Washington's trade policy in favour of East Berlin through its presumed political sway.⁵¹² These efforts went hand in hand with a changed policy towards the Jewish community in the GDR, whom they now virtually courted.⁵¹³ The criminal proceedings against Schmidt were part of these efforts, and their 'objective' was formulated as follows:

The proceedings are to demonstrate once again the determination of the German Democratic Republic, a socialist state, to uncover war crimes and crimes against humanity in strict compliance with the applicable international law – more especially with the requirement to implacably prosecute Nazi crimes and the non-applicability of the statute of limitations to such crimes declared by the UN – and to hold the guilty persons criminally accountable.⁵¹⁴

Frankreich 1949–1990. Cologne et al. 2004, pp. 570–603.

⁵¹⁰ Ibid., p. 581.

⁵¹¹ Cf. Lutz Maeke: DDR und PLO. Die Palästinapolitik des SED-Staates. Berlin, Boston 2017, pp. 390–420.

⁵¹² This change in course was explained internally to the members of the SED by means of information for the Party ('Use only for oral agitation in the county party organisations!'). It argued, among other things, that 'most of the 6.5 million Jews living in the U.S. are wealthy businessmen with great sway over government decisions (e.g., World Jewish Congress President [Edgar Miles] Bronfman is a corporate CEO, annual profits US\$ 3.6 billion). For this reason, both from a political and an economic point of view, the GDR sought to intensify its contacts with these organisations and their representatives, past and present, and the President of the World Jewish Congress was invited to the GDR. This visit was extraordinarily successful for both sides.' SED county administration, Department of Agitation and Propaganda, Education Centre, information on Jewish issues dated 15.12.1988; BArch, MfS, SED county directorate no. 4829, pp. 32–35, here 34.

⁵¹³ Ibid., pp. 434–448.

⁵¹⁴ Trial concept of Dresden District Court in the criminal proceedings against Henry Schmidt (former Gestapo inspector) for crimes against humanity (active participation in the persecution of Jews), n.d. [August 1987]; BArch,

At the end of May 1987, the MfS was able to conclude the preliminary investigation and handed the case over to the chief public prosecutor for the bringing of charges.⁵¹⁵ There are no indications of a ‘pact’⁵¹⁶ between the MfS and Schmidt, according to which the latter was to cooperate and, in return, the trial was not to be staged until after the abolition of the death penalty in the GDR. This is definitely true since Schmidt was verifiably informed by his interrogator only on the evening of 17 July 1987 about the decision of the Council of State not to apply the death penalty, which was announced on the same day – i.e. at a time when the investigations had already been completed.⁵¹⁷ After ‘intensive preparations’ by SED bodies, the MfS and the judiciary, the trial finally began on 15 September 1987 before Dresden District Court. The trial schedule was ‘meticulously pre-planned’. Numerous domestic and foreign press and media representatives attended and covered the trial.⁵¹⁸ In his summing up, the counsel for the prosecution from the chief public prosecutor’s office of the GDR, public prosecutor Horst Busse, offered the audience the following version of the events leading up to the trial:

True to this principle, repeatedly reaffirmed by the UN [to pursue the perpetrators of Nazi atrocities to the ends of the earth], to which the legacy of the German anti-fascist resistance fighters and victims of fascism also corresponds, the search for the former Gestapo inspector Schmidt – one of the main perpetrators of the extermination of hundreds of Dresden Jews – was never abandoned. After he had eventually been tracked down and identified beyond doubt, as a result of painstaking perusals of foreign and domestic archival documents [...], he was promptly arrested and returned to Dresden – the scene of his crimes. For several decades, the tormentor of Dresden’s Jews was thought to be untraceable since his commonplace name had not made the search for him any easier.⁵¹⁹

MfS, HA IX/11 ZUV 74, vol. 8, pp. 173–180, here 173.

⁵¹⁵ Final report of HA IX/2 of 29.5.1987; *ibid.*, pp. 50–111; handover protocol of HA IX of the MfS to the chief public prosecutor’s office dated 4.6.1987, final report of HA IX/2 dated 29.5.1987; BArch, MfS, HA IX/11 ZUV 74, vol. 8, p. 170.

⁵¹⁶ Cf. Beate Meyer: *Der ‘Eichmann von Dresden’. ‘Justizielle Bewältigung’ von NS-Verbrechen in der DDR am Beispiel des Verfahrens gegen Henry Schmidt*. In: Jürgen Matthäus, Klaus-Michael Mallmann (eds.): *Deutsche, Juden, Völkermord. Der Holocaust als Geschichte und Gegenwart*. Darmstadt 2006, pp. 283 f.

⁵¹⁷ File note by HA IX/2 on a conversation with defendant Schmidt, Henry dated 17.7.1987; BArch, MfS, HA IX/11 ZUV 74, vol. 1, p. 276.

⁵¹⁸ Beate Meyer: *Der ‘Eichmann von Dresden’*, p. 285.

⁵¹⁹ Summing up of the prosecuting attorney of the chief public prosecutor of the GDR in the criminal proceedings against the former member of the Secret State Police Henry Schmidt dated 23.9.1987; BArch, MfS, HA IX/11 ZUV 74, vol. 14, pp. 183–229, here 184.



Fig. 26: Trial of Henry Schmidt before Dresden District Court in 1987. The defendant is standing on the right.

Furthermore, Busse claimed that Schmidt had prepared and staged his 'disappearance[!] just as thoroughly [...] as he had the deportation of citizens of Jewish origin to Auschwitz extermination camp'.⁵²⁰ Probably only rhetorically, he asked those present at the trial:

Who would have thought that this man, who regularly went about his work, lived in an orderly family and led an inconspicuous life, could be suspected of being complicit in fascist crimes of mass murder? What reason could there have been to doubt his word and check his past.⁵²¹

This version of Schmidt's discovery, which was also repeated in the verdict and in official publications,⁵²² served to keep the working methods of the MfS under wrap. This made it possible to cover up decades of inactivity,

⁵²⁰ Ibid., p. 184.

⁵²¹ Ibid., p. 185.

⁵²² Rüter: DDR-Justiz und NS-Verbrechen, case no. 1003, pp. 51–93, here 60–62; cf. Busse; Krause: Lebenslänglich für den Gestapokommissar, pp. 78–89.

disinterest and unsystematic searches for National Socialist perpetrators. Quite incidentally, the case of Henry Schmidt could be presented in such a way as if a single perpetrator had exceptionally succeeded in escaping the allegedly otherwise so tightly woven network of GDR criminal prosecution. In his submissions to the court, however, Busse also addressed statements by Schmidt, who had repeatedly stressed that he was not responsible for the later fate of those he deported; that he had ‘not personally killed a single person’ and that he had been ‘only a cog in the wheel’.⁵²³ In Busse’s view, however, this did not exempt him from ‘criminal responsibility’ because ‘the gas chambers of Auschwitz would have remained empty if people of his ilk had not been involved in systematically disenfranchising the victims, marking them, rounding them up and transporting them to the extermination site’.⁵²⁴ Moreover, Schmidt had been aware ‘at all times’ that ‘the people transported from Dresden with his assistance were killed at some point, in some way, as part of the so-called “Final Solution”’.⁵²⁵

He could not have known that the responsible investigation department of the MfS had originally argued along similar lines, true to previous Stasi practice. On 28 September 1987, the First Court of Appeal of Dresden District Court convicted Henry Schmidt

of multiple crimes against humanity pursuant to Article 6(c) of the Charter of the International Military Tribunal in Nuremberg dated 8 August 1945 in conjunction with Articles 8 and 91 of the Constitution of the German Democratic Republic, section 91(2) of the Criminal Code, section 1(6) of the Introductory Act to the Criminal Code and the Code of Criminal Procedure and the UN Convention on the Non-Applicability of Statutory Limitations to Nazi and War Crimes dated 26 November 1968

and imposed a lifelong custodial sentence.⁵²⁶ The court considered it proven that Schmidt ‘had not only participated in a large number of crimes against humanity within the scope of his official responsibility as Gestapo commissar’, but had also ‘made substantial contributions to the committing of crimes in various forms’. This was especially true with regard to the ten transports in which a total of 375 Jewish citizens were deported to Theresienstadt

⁵²³ Summing up by the counsel for prosecution of the chief public prosecutor’s office of the GDR in the criminal proceedings against the former member of the Secret Police Henry Schmidt dated 23.9.1987; BArch, MfS, HA IX/11 ZUV 74, vol. 14, pp. 216, 220.

⁵²⁴ *Ibid.*, p. 221.

⁵²⁵ *Ibid.*, p. 219.

⁵²⁶ Rüter: DDR-Justiz und NS-Verbrechen, case no. 1003 a, pp. 51–93.

ghetto and one transport with more than 300 people was taken directly to Auschwitz concentration and extermination camp.⁵²⁷ In addition, Schmidt was shown to have deported at least 48 Jews to concentration camps, as a result of his applications for protective custody, 40 of them to Auschwitz. There, the SS murdered at least 17 of them, ten of the 40 were transferred to other concentration camps. In nine cases their fate could not be determined. Four women from the group of 40 survived Auschwitz and appeared as witnesses at the trial.⁵²⁸

Henry Schmidt's lawyer appealed, but the GDR Supreme Court dismissed the appeal in December 1987, which meant that the verdict became final and absolute.⁵²⁹ In 1992, Schmidt, who was held in Brandenburg prison, applied in vain for the quashing of the verdict, arguing that the proceedings had violated the principles of the rule of law.⁵³⁰ In April 1996, his imprisonment was interrupted for health reasons, and Schmidt died a few weeks later.⁵³¹

⁵²⁷ Ibid., pp. 74, 77 and 90.

⁵²⁸ Ibid., p. 83.

⁵²⁹ Rüter: DDR-Justiz und NS-Verbrechen, case no. 1003 b, pp. 94–103.

⁵³⁰ Irina Suttner, Gunda Ulbricht: Henry Schmidt, Leiter des Judendezernats der Dresdner Gestapo. In: Christine Pieper, Mike Schmeitzner, Gerhard Naser (eds.): Braune Karrieren. Dresdner Täter und Akteure im Nationalsozialismus. Dresden 2012, pp. 72–77.

⁵³¹ http://www.drk-altenburg.de/fileadmin/daten/3_kreisverband/chronik_drk_altenburg.pdf (last accessed: 6.4.2022).

5. MfS investigations into persons implicated in Auschwitz that came to nothing

5.1 The case of Herbert B.: Critical utterances about the GDR in letters weigh more heavily than embroilment in National Socialist crimes

The following case of a GDR citizen allegedly embroiled in National Socialist crimes came to the attention of the MfS during its postal surveillance. Department M of Rostock district office had come across family man and accountant Herbert B. (1903–1996)¹ at the end of 1959 during its routine surveillance of postal traffic. In letters to acquaintances and relatives in the Federal Republic, he gave free rein to his displeasure about the miserable supply situation, day in day out, in the GDR. Department M forwarded this information to Department II/5 (counter-intelligence) of Rostock district office. There, the Stasi created a ‘preliminary file’ on the grounds that B. was ‘constantly agitating against the GDR, against the construction of socialism’.² However, the mandatory investigations initially revealed that B. had a reputation as a ‘progressive’ citizen who did a ‘proper and reliable professional job’, attended residents’ meetings, hoisted the flag on state holidays and adopted a ‘positive’ stance in discussions, i.e. in line with the SED.³ This assessment was in stark contrast to the contents of his letters. For that reason, counter-intelligence suspected him of being an ‘opponent of the GDR and socialism’ who behaved very cautiously but would actively participate in a ‘coup’ against the GDR.⁴ Their conclusion was: ‘He had been a member of the NSDAP and he has not changed.’⁵

In February 1961, the head of Rostock district office, Colonel Alfred Kraus, took the first step of formally initiating a criminal investigation in order to retroactively legalise postal surveillance in accordance with the

¹ Due to the statutory provisions of the Stasi Records Act, the author has anonymised the name.

² Decision of Dept. II/5, Rostock district office regarding the creation of a preliminary file dated 27.5.1960; BArch, MfS, BV Rostock, AOP 420/61, part I, p. 36.

³ File note of Dept. II/5 dated 10.6.1960; investigative report of Dept. VIII, BV Rostock, dated 16.7.1960; *ibid.*, pp. 49, 72.

⁴ Progress report of Dept. II/5 on the preliminary file dated 14.12.1960; *ibid.*, pp. 135–140, here 140.

⁵ *Ibid.*, p. 140.

German Code of Criminal Procedure (StPO).⁶ That same day, the public prosecutor of Rostock district issued a 'seizure order' for all of the suspect's postal items.⁷ Herbert B., who had no idea what was going on, had continued to send critical letters to the Federal Republic. Five days after the Wall was built, the Stasi made their move. They arrested Herbert B., and initiated an investigative procedure about him pursuant to section 19 of the Criminal Law Amendment Act (subversive propaganda and sedition).⁸

During the subsequent interrogations, B. also reported on his hitherto concealed career prior to 1945. Herbert B. had been drafted into the police force on 1 September 1939. After the occupation of Poland, his company was first posted to Toruń.⁹ Contrary to what B. claimed in his interrogation, however, the company did not just protect objects there, but also committed acts of terror and participated in the arrest and shooting of Jewish residents. This was also known in the GDR. In 1953 Schwerin District Court sentenced a former policeman from this unit to two years in prison for acts of this nature.¹⁰

In the summer of 1940, B.'s unit was transferred to Stettin and fused into a police battalion. Apparently this was reserve battalion 22, which was recruited from Mecklenburg police officers and police reservists from Rostock, Güstrow and Schwerin.¹¹ From the summer of 1941 to the summer of 1942, police constable Herbert B. underwent field training in Güstrow. He was then transferred to the SS police battalion Holleschau in Moravská Ostrava at the foot of the Beskydy Mountains in what was then the Reich Protectorate of Bohemia and Moravia.

In their search for partisans who had parachuted into the Beskydy mountains, the company, led by the Gestapo, combed the woods near Biesnitz (now a district of Görlitz). In addition, Herbert B. twice took part in an escort detail that took Jews by train to Auschwitz extermination camp, about

⁶ Order of the MfS, Rostock district office, to initiate an investigative procedure pursuant to section 106 of the Code of Criminal Procedure in order to clarify the facts dated 4.2.1961; BArch, MfS, BV Rostock, AU 172/61, GA vol. 2, p. 2.

⁷ Seizure order of the public prosecutor of Rostock district dated 4.2.1961; *ibid.*, p. 4.

⁸ Order of the MfS, Rostock district office, on initiating an investigative procedure pursuant to section 106 of the Code of Criminal Procedure dated 18.8.1961; *ibid.*, p. 5.

⁹ Interrogation record of defendant dated 29.8.1961; *ibid.*, pp. 36–44.

¹⁰ Rüter: DDR-Justiz und NS-Verbrechen, case no. 1132, pp. 159–162.

¹¹ Cf. Wolfgang Curilla: *Der Judenmord in Polen und die deutsche Ordnungspolizei 1939–1945*. Paderborn 2011, p. 325.

100 kilometres away.¹² During the interrogations, B. reported that the wagons rolled right up to the ‘unloading ramp in the camp’ and came to a halt there.¹³ Allegedly based on ignorance, B. was unable to answer questions as to why the transports ended up in Auschwitz and what happened to the ‘Jewish citizens’ there.¹⁴ In the interrogations he was also forced to admit that his company had once taken about 200 people wearing the ‘Star of David’ from ‘Sokol school’ in Moravian Ostrava to the railway station there, where they were to board trains to an unknown destination.

On the way there, some of the people had ‘wailed and cried’. Herbert B. made the following comments about this: ‘These were catastrophic scenes that resulted from the cruelties that all Jews had to endure.’¹⁵ Possibly this was a reference to the deportation of members of the Jewish community of Moravian Ostrava, which had existed since 1875, to Theresienstadt ghetto¹⁶ by order of the ‘Central Office for the Settlement of the Jewish Question in Bohemia and Moravia’.¹⁷ The 3,600 or so people, who had previously had to report to an assembly point (‘school’), were then deported in several rail transports in September 1942. This resulted in at least two suicides.¹⁸

¹² Interrogation record of defendant dated 29.8.1961; BArch, MfS, BV Rostock, AU 172/61, GA vol. 2, pp. 39 f. Regarding the total number of Czech victims and the deportations from the Protectorate, see Marek Poloncarz: *Wie viele Tschechen wurden ins KL Auschwitz deportiert?* In: *HvA* 25 (2012), pp. 7–64.

¹³ At that time, the ‘Jews’ ramp’ was still located outside the main camp on a siding of Auschwitz railway station. It was not until May 1944 that the deportation transports were directed to a new unloading ramp in the immediate vicinity of the Birkenau gas chambers. Herbert B.’s statement is therefore misleading, to say the least.

¹⁴ Interrogation record of defendant dated 4.9.1961; BArch, MfS, BV Rostock, AU 172/61, GA vol. 2, pp. 61–66.

¹⁵ *Ibid.*, p. 63.

¹⁶ Cf. Ludmila Nesládková: *Eine Episode in der Geschichte des Dritten Reiches – Das Lager in Nisko und die Juden aus dem Ostrauer Gebiet.* In: *HvA* 22 (2002), pp. 343–362 and H. G. Adler: *Theresienstadt 1941–1945. Das Antlitz einer Zwangsgemeinschaft.* Göttingen 2005.

¹⁷ Telex from the Gestapo field office in Moravian Ostrava to the State Police Headquarters Brunn about the evacuation of Jews dated 2.9.1942; ITS, documents on deportations from Moravian Ostrava; copy dated 1.2.7.14/82194372; Jehuda Bacon, Manfred Lütz: *Solange wir leben, müssen wir uns entscheiden. Leben nach Auschwitz.* Gütersloh 2016, p. 50.

¹⁸ Wolf Gruner: *Die Judenverfolgung im Protektorat Böhmen und Mähren. Lokale Initiativen, zentrale Entscheidungen, jüdische Antworten 1939–1945.* Göttingen 2016, pp. 257–260.

In October 1943, Herbert B. was transferred to the Italian capital with his police battalion. On 16 October a mobile squad under the direction of SS-Hauptsturmführer Theodor Dannecker, carried out a raid in Rome to arrest the Jews living there.¹⁹ With the support of German order and security police, at least 1,259 Jews were arrested that day and interned in an assembly point that had been set up in a military school.²⁰ Two days later, the victims were then crammed into freight cars at Tiburtina station and escorted by German police to Auschwitz. On their arrival, 839 men, women and children were immediately gassed.²¹ Around 1,000 further victims captured in raids followed them in the ensuing months.²²

Herbert B. reported in his interrogation that he had received the order in Rome to arrest a Jewish couple with two children (four and five years old). He could even remember arresting the family in the 'Via Flaminia', a middle-class residential district where Italians of different confessions lived.²³ He had been given the assignment by his superior who trusted him and knew that the order 'would be carried out correctly'.²⁴

At the end of October 1943 Herbert B. was awarded the War Merit Cross with swords (Kriegsverdienstkreuz mit Schwertern) in Rome.²⁵ The medal was presented 'for special services in action under enemy fire or for special services in military warfare'.²⁶ In the case of police officers and SS men not at the front, this was often an indication that they had participated in National Socialist crimes of violence.²⁷ According to the interrogation record his

¹⁹ Cf. Claudia Steur: Theodor Dannecker. Ein Funktionär der 'Endlösung'. Essen 1997, pp. 9 f., 30 and 113–128.

²⁰ Richard Breitman: Dannecker und Kappler in Rom. Neue Quellen zur Oktober-Deportation 1943. In: Jürgen Matthäus, Klaus-Michael Mallmann (eds.): Deutsche, Juden, Völkermord. Der Holocaust als Geschichte und Gegenwart. Darmstadt 2006, pp. 191–203, here 199 f.

²¹ Frauke Wildvang: Der Feind von nebenan. Judenverfolgung im faschistischen Italien 1936–1944. Cologne 2008, p. 266.

²² Amedeo Osti Gerrazi: Kain in Rome. Judenverfolgung und Kollaboration unter deutscher Besatzung 1943/44. in: VfZ 54 (2006) 2, pp. 231–268, here 236.

²³ Cf. Rosetta Loy: Via Flaminia 21. Meine Kindheit im faschistischen Italien. Munich 2001; interrogation record of defendant dated 29.8.1961; BArch, MfS, BV Rostock, AU 172/61, GA vol. 2, p. 40.

²⁴ Interrogation record of defendant dated 4.9.1961; *ibid.*, p. 65.

²⁵ Interrogation record of defendant dated 29.8.1961; *ibid.*, p. 41.

²⁶ Keyword 'War Merit Cross'. In: Kurt-Gerhard Klietmann: Auszeichnungen des Deutschen Reiches 1936–1945. Stuttgart 1999, pp. 37–46, here 38.

²⁷ For example, after the completion of the gas chambers and crematoria in Birkenau in 1943, Rudolf Höß and Otto Moll were awarded the War Merit

interrogators from the MfS did not carry out any further detailed inquiries or more in-depth investigations into this matter.

On 8 December 1961, four months after his arrest, the First Court of Appeal of Rostock District Court handed down a verdict on Herbert B. On the basis of his intercepted letters, he was sentenced to four years in prison for 'a serious case of continued subversive propaganda and sedition'.²⁸ His National Socialists deeds were not taken into account. Although the verdict stated that B. had belonged to an 'SS escort detail for the deportation of Jewish citizens to Auschwitz concentration and extermination camp', this did not prompt any further investigations.

Due to an amnesty decision, B. was released from Bautzen prison on 3 October 1964, one year before the end of his compound sentence. After the Peaceful Revolution, the 1961 judgment was overturned and Herbert B. was rehabilitated. His involvement in the death machinery of the National Socialists went unpunished.

5.2 The case of Sigismund Gimpel Case: Party proceedings instead of thorough investigations

As frequently happened, it was once again happenstance in the case of Sigismund Gimpel, too, and not the results of systematic searches that prompted Stasi investigations that developed into a trail to Auschwitz. During Easter 1960, an employee of the SED Central Committee visited relatives in Neubrandenburg. They told her about a displaced person who had settled there called Sigismund Gimpel.²⁹ During the Nazi era he had been involved

Cross, first class with swords. Members of the SS guards and other members of the SS personnel who had distinguished themselves in the 'Hungary Action', i.e. the murder and plundering of Hungarian Jews, were also awarded the War Merit Cross afterwards. Cf. Hördler: *Ordnung und Inferno*, pp. 170, 305 and 307; Hördler: *Gesichter der Gewalt – SS-Netzwerke, Personalpolitik und Massenmord in Auschwitz*. In: Christophe Busch, Stefan Hördler, Robert Jan van Pelt (eds.): *Das Höcker-Album. Auschwitz durch die Linse der SS*. Darmstadt 2016, pp. 110–151, here 113. The same was true in the case of Henry Schmidt and Josef Mengele (see Chapters 4.9 and 5.6).

²⁸ Sentence of Rostock District Court dated 8.12.1961; BArch, MfS, BV Rostock, AU 172/61, GA vol. 2, pp. 173–185.

²⁹ In 1949, 43.3% of Mecklenburg's population were displaced persons. The local population went through a process of denazification but the displaced persons did not. Cf. Damian van Melis: *Angabe nicht möglich – Integration statt Entnazifizierung der Flüchtlinge in Mecklenburg-Vorpommern*. In: Dierk Hoffmann,

in 'harassing a great many Poles'. Today, the rapporteur later wrote to the MfS, the man was 'a member of the SED and a bold advocate of our policy, as he had formerly been a bold advocate of Nazi policy'.³⁰ Deputy Minister for State Security, Major General Bruno Beater, forwarded the letter to the responsible district administration in Neubrandenburg. The county office then took over the actual handling of the affair.³¹

The ensuing investigations revealed that Sigismund Gimpel (born in 1901, date of death unknown) was added to the 'German People's List' after the incorporation of former Polish territories into the administrative district of Zichenau/Ciechanów (Province of East Prussia) in 1939. He then acquired German citizenship.³² Up to 1939, Gimpel had lived and worked as a locksmith in a shipyard in Nowy Dwór, a small town located on a promontory between Bug and Vistula. In 1940 he joined the SA. In April 1941 he was drafted into the gendarmerie.³³ As a country constable he was stationed in Nowy Dwór, Modlin and other villages and was usually responsible for several villages in the surrounding area.³⁴ During his patrols Gimpel gave instructions to the village elders and collected fees. Polish witnesses, who were questioned in the course of the investigation at the request of the MfS, also reported on other activities of Gimpel. On 3 July 1942, for example, he had arrested the brothers Antoni and Jan J. for alleged resistance activities, ill-treated them and then handed them over to the Gestapo office in Modlin.³⁵ In March 1943 the two brothers were deported to Auschwitz.³⁶ They both survived the camp

Michael Schwartz (eds.): *Geglückte Integration? Spezifika und Vergleichbarkeiten der Vertriebenen-Eingliederung in der SBZ/DDR*. Munich 1999, pp. 161–170; Heike Amos: *Die Vertriebenenpolitik der SED 1949–1990*. Munich 2009.

³⁰ Communication ('strictly confidential!') from a member of the Central Committee dated 2.6.1960; BArch, MfS, BV Neubrandenburg, AOP 551/64, p. 12.

³¹ Letter from the head of Neubrandenburg district office to the head of Neubrandenburg county office dated 29.9.1960 and communication dated 2.6.1960 with handwritten note by Beater n.d. [5.7.1960] as annex; *ibid.*, pp. 11 f.

³² Status report of Neubrandenburg county office on the preliminary operational file reg. no. 5058/60 dated 28.4.1961; *ibid.*, pp. 109–114.

³³ On the role and crimes of the gendarmerie in the annexed Polish territories, see Curilla: *Der Judenmord in Polen*.

³⁴ Personal statement [transcript] of Sigismund Gimpel 'on the statements of Polish citizens about my person' dated 11.3.1964; BArch, MfS, BV Neubrandenburg, AOP 551/64, pp. 180 f.

³⁵ Statement of witness Antoni J.; statement of witness Jan J. dated 12.10.1960; *ibid.*, pp. 36 and 44.

³⁶ Communication from ITS to the author dated 8.7.2015.

and the death marches and were liberated by the US Army in Flossenbürg concentration camp.

The husband of witness Feliksa K. was also arrested by Gimpel on 3 July 1942. Gimpel handed the man over to the Gestapo who murdered him.³⁷ Feliksa K. and witness Teresa T. also accused Gimpel of having denounced a relative or friend, who was on the run, to the Gestapo, whereupon the latter was hanged.³⁸ As early as the spring of 1961, the responsible case officer in the Neubrandenburg county office stated: 'The criminal acts of Gimpel, as witnessed by Polish citizens, constitute offences pursuant to section 211 of the Criminal Code in conjunction with section 49 of the Criminal Code and are deemed to qualify as accessory to murder.'³⁹



Fig. 27: S. Gimpel, 1962

After this assessment, however, the case was surprisingly dormant for a while. It was not until April 1963 that the chief public prosecutor of the GDR submitted a formal request for legal mutual assistance to Poland.⁴⁰ Thereupon, in mid-December 1963, 'extensive material' was received by the chief prosecutor's office, which was to be translated and then immediately passed on to Neubrandenburg.⁴¹ However, these documents are not in the MfS files. On 21 January 1964, the Neubrandenburg district office created an 'operational case' codenamed 'Schädling' (pest) for 'accessory to murder'.⁴² A day later, the clerk in charge noted:

³⁷ Statement of witness Feliksa K. dated 12.10.1960; BArch, MfS, BV Neubrandenburg, AOP 551/64, p. 39.

³⁸ *Ibid.*, p. 39; statement of witness Teresa T. dated 10.10.1960; *ibid.*, p. 48.

³⁹ Status report of Neubrandenburg county office on preliminary operational file reg. no. 5058/60 dated 28.4.1961; *ibid.*, p. 112. In the Reich Criminal Code still in force in the GDR at that time (modified in 1968), the offence of murder was set out in section 211 and the offence of accessory in section 49.

⁴⁰ Request of the investigation department of Neubrandenburg district office dated 8.8.1957 to the senior public prosecutor's office of the GDR in accordance with the legal mutual assistance agreement between the GDR and Poland; BArch, MfS, BV Neubrandenburg, AOP 551/64, pp. 131–135.

⁴¹ File note dated 17.12.1963; *ibid.*, p. 159.

⁴² Decision of Neubrandenburg county office on the creation of an operational case dated 21.1.1964; *ibid.*, p. 160.

Gimpel has not learned any lessons from the past and has not sought to atone for at least part of his guilt by doing particularly good work. On the contrary, he stole his way into the SED and does not make a positive impression.⁴³

Therefore, it proposed that an investigation should now be initiated and Gimpel taken into custody.

On 24 January 1964, a head of division in Department IX (investigation) of Neubrandenburg district office undertook an assessment and legal evaluation of the operational case 'Schädling'. In this he drew on an argument that is sufficiently well known from West German National Socialist trials. He claimed there was no evidence that the suspect knew what was happening to the arrested persons or to what extent their murder was to be assumed. Nor could it be proven that he had been involved in the preparations or planning of the arrests. It could not be proven either that he had been involved in the shooting of Polish citizens or have carried this out himself. The law 'require[d] that being an accessory to a crime had to be knowingly undertaken through advice and deed'. Therefore, he concluded, Gimpel's 'deeds as evidenced by witness testimonies are insufficient at this time to imprison him on the grounds of crimes against humanity'.⁴⁴

This assessment by the head of a division, a criminologist, is puzzling. Instead of pushing to move forward with the investigation and ordering an interrogation, which had not yet been done, he noted, 'the further operational handling of the case is neither likely to be successful nor is it appropriate'.⁴⁵ The final decision, however, was to be made in consultation with the public prosecutor's office. An unknown author added the following handwritten note under the assessment of the head of division: 'The case was discussed with the chief public prosecutor's office. The chief public prosecutor's office is also in favour of halting the investigation [illegible words here in the original]. The chief public prosecutor's office also suggested handing the material over to the Party for evaluation'.⁴⁶

This is what happened. The Neubrandenburg district office handed over the results of the investigation to the district party control commission (BPKK) of the SED Neubrandenburg. The BPKK informed the SED party

⁴³ Status report of Neubrandenburg county office on preliminary file reg. no. 5058/60 dated 22.1.1964; *ibid.*, pp. 162–167, here 167.

⁴⁴ Assessment by Neubrandenburg district office of operational case 5058/60 dated 24.1.1964; *ibid.*, supplementary file, pp. 2–4, here 3.

⁴⁵ Assessment by Neubrandenburg district office of operational case reg. no. 5058/60 dated 24.1.1964; *ibid.*, p. 4.

⁴⁶ *Ibid.*

secretary of the plant where Gimpel worked about the accusations and instructed him to launch a party procedure. For this purpose, the party secretary was given the witness testimonies from Poland.⁴⁷ On 10 March 1964, Gimpel had to comment on the accusations at the executive meeting of the divisional party organisation (APO) of his plant. There he was instructed to write a 'personal statement' for the planned SED members' general meeting. In it, Gimpel admitted to having beaten Polish citizens on several occasions and to having taken part in some '28 to 30 arrests' on the orders of superiors and the county commissioner. Acting on orders, he had also participated in '3 to 4 raids' by the Gestapo.⁴⁸ The file does not contain any other statements by him.

On 11 March, after the witness testimonies and Gimpel's statement had been read out, the convened SED general meeting 'unanimously' passed the resolution to expel him from the Unity Party.⁴⁹ The district prosecutor's office in Neubrandenburg then held a discussion with the party secretary and other comrades at the plant and explained why it had not brought Gimpel to trial. The former SA member had to change jobs. After that the Neubrandenburg county office closed the operational case 'Schädling' in April 1964.⁵⁰

Since relevant files have not been found to date, it is unclear whether it was actually and exclusively legal concerns that prevented Gimpel from being prosecuted. It is, however, worth noting that the GDR judiciary decided quite differently in a similar case. On 17 June 1966, a good two years after the investigations concerning Gimpel had been shelved, Schwerin District Court sentenced former gendarmerie chief constable Franz Habl (1907–1974) to life imprisonment for continued crimes against humanity. As a legal basis, the court referred to Article 6(c) of the Charter of the IMT.

Franz Habl was also deployed in occupied Poland (Bialystok district). Unlike Gimpel, however, the Stasi did subject him to questioning. Habl 'confessed to a number of crimes of murder without any further evidence'. He had also, as confirmed by witnesses and intensive investigations, participated

⁴⁷ Information from Neubrandenburg county office to the head of Neubrandenburg district office about operational case reg. no. 5058/60 dated 11.3.1964; BArch, MfS, BV Neubrandenburg, AOP 551/64, pp. 178 f.

⁴⁸ Personal statement [transcript] by Sigismund Gimpel 'on the statements of the Polish citizens about my person' dated 11.3.1964; *ibid.*, pp. 180 f., here 180.

⁴⁹ Minutes of the general meeting of divisional party organisation (APO) III of VEB Reparatur-Werk Neubrandenburg dated 12.3.1964; BArch, MfS, BV Neubrandenburg, AOP 551/64, pp. 169–173, here 173.

⁵⁰ Decision of Neubrandenburg county office to close an operational case dated 13.4.1964; *ibid.*, pp. 184 f.

in the deportation of the Jewish population, arrests and mistreatment. With regard to the role of the gendarmerie, the verdict is not lacking in clarity:

The gendarmerie had to back all the criminal acts of the fascist regime directed against the Polish civilian population and ultimately to carry them out without any concern for right and law by means of oppression and force. The gendarmerie enforced the economic plundering of the Polish people. It participated in the handing over of the Jewish population to certain death through deportations to the ghettos, and it helped organise the human disenfranchisement and enslavement of Polish people through forced labour. It was frequently established in these criminal proceedings that officers, subordinate officers and teams from the gendarmerie decided on the life and death of their victims, often and increasingly frequently selecting murder as a means of oppression and extermination. The fascist gendarmerie, its units and also its individual members were thus an important component in the overall terror system of fascism.⁵¹

The comparison of the Gimpel and Habl cases makes it clear that the decision to initiate more in-depth investigations and formal criminal proceedings in cases of alleged National Socialist crimes was not predominantly based on the merits of the case itself, but rather on the respective circumstances and the disparate viewpoints of the different decision-makers. Consequently, the GDR criminal prosecution of National Socialist deeds was characterised throughout by a high degree of arbitrariness.

5.3 The case of Erhard Pohl – a man involved in the killing machinery brought down by drunk driving

As early as December 1956, it was brought to the attention of the State Security that an economic cadre named Erhard Pohl (1922–1996) had been involved in Auschwitz concentration camp⁵² and that he had killed ‘many Jews and Bolscheviks’.⁵³ However, the department responsible for the ‘protection of the national economy’ at the time, HA III, merely took note of this. It did not open any investigations into this matter.⁵⁴ But the rumours about Erhard Pohl did not die down. In the spring of 1965 the accusations

⁵¹ Verdict of the First Court of Criminal Appeal of Schwerin District Court dated 17.6.1966; BArch, MfS, BV Schwerin, AU 1722/66, vol. III, pp. 182–211, here 183 f.

⁵² Communication from HA V/1 to HA III dated 19.12.1956; BArch, MfS, AOP no. 8396/67, p. 128.

⁵³ Report of GI ‘Holz’ of HA III/1/B dated 13.2.1957; *ibid.*, p. 131.

⁵⁴ Final note of HA XVIII/1/2 dated 3.3.1965; *ibid.*, p. 136.

were substantiated. Two sources told the Stasi about accusations that Erhard Pohl's wife had mentioned in a dispute. She claimed that her unfaithful husband had belonged to the SS and had worked in Auschwitz concentration camp in a 'special department' for 'pest control'.⁵⁵ Was there any substance to these accusations?

The Stasi began covert investigations and discovered the following: Pohl had indeed volunteered for the Waffen-SS and had been drafted into the Leibstandarte SS Adolf Hitler in October of 1939.⁵⁶ As an infantryman, he was posted to Holland, Belgium, France and the Soviet Union. In August 1942, he was assigned to a training and instruction company subordinate to the SS Economic Administration Main Office and attended a course for SS-Untersführer in Radolfzell

on Lake Constance. After an illness and subsequent operation, he was sent to the reserve department of the SS administration in Dachau in January 1943.⁵⁷ After convalescence leave, he was detached to the main rations office of the Waffen-SS in Berlin in May 1943. From April 1944, he was assigned to the unit of SS-Sturmbannführer Guntram Pflaum (1903–1945), the 'Special Commissioner of the Reichsführer-SS for Pest Control'.⁵⁸ This unit was



Fig. 28: Erhard Pohl in Waffen-SS uniform; wedding photo (excerpt), 1942

⁵⁵ Report of Dept. XVIII/1, Greater Berlin administration dated 9.7.1965; *ibid.*, pp. 24–27.

⁵⁶ SS personnel file; questionnaire of the Race and Settlement Main Office; curriculum vitae dated 20.11.1942; BArch, archival holdings RS (formerly BDC), E 5107, n. pag.; report of the reserve unit of the Leibstandarte Adolf Hitler to the Wehrkreiskommando Cottbus dated 6.12.1939; BArch, MfS, AOP no. 8396/67, p. 177.

⁵⁷ Information from the German office for notification of next of kin of fallen soldiers of the former German Wehrmacht to the author dated 17.6.2016.

⁵⁸ There is no doubt that this was SS-Standartenführer (or Sturmbannführer of the Waffen-SS) Guntram Pflaum (see interrogation 'no. 38' of Johann Pflaum [brother] by US authorities on 3.6.1947; IfZ ZS 1279/1–6; Heinemann: 'Rasse, Siedlung, deutsches Blut', pp. 628 f.; Bernhard Klieger: *Der Weg, den wir gingen. Reportage einer höllischen Reise*. Brussels 1962, p. 28; Andrej Angrick: 'Aktion 1005'. *Spurenbeseitigung von NS-Massenverbrechen 1942–1945*, vol. 1. Göttingen 2018, p. 189) and not, as claimed elsewhere, SS-Hauptsturmführer Alfred Pflaum, who was detached from the reserve division of the SS administrative services Dachau to the Panzer-Grenadier-Division 'Leibstandarte Adolf Hitler'

attached to the SS Economic Administration Main Office B I.⁵⁹ Pflaum worked with his staff in the Auschwitz I garrison administration and is also in the list for garrison orders.⁶⁰ The unit reported directly to Heinrich Himmler and operated in Auschwitz under the name of the 'Central Office SS and Police for Pest Control'.⁶¹

The unit, which was divided into various departments, had the task, among other things, of combating lice, bugs, fleas, rats and other pests in troop quarters and prisoners' barracks in order to contain or prevent the rampant epidemics such as typhus, dysentery and cholera. Pflaum, a close friend of Himmler's and a 'dyed-in-the-wool anti-Semite', ensured that all the supplies of products suited to pest control were bought up in the factories and kept in stock in Auschwitz in a large warehouse for other units.⁶²

The unit also included a group of about 80 Jewish prisoners, among them Philipp Auerbach⁶³, Bernard Klieger⁶⁴ and Viktor Lederer⁶⁵. For the prisoners this was a 'really cushy post', Bernard Klieger remembers. Even the SS members had been 'quite pleasant people, with a few exceptions'. According to Klieger, Rottenführer Pohl 'was one of the people who tried to "make life difficult" for the inmates'.⁶⁶

The pesticides were shipped and distributed by rail or road to the units of the Wehrmacht, the Waffen-SS and the police who had ordered them. In addition, the unit had insecticides to suppress mosquitoes sprayed by plane over the marshes of Auschwitz.⁶⁷ However, the fight against epidemics and

with effect from 13 June 1943 and was considered missing from 5.3.1944 (SSO file Alfred Pflaum; BArch BDC, R 9361-III/547520).

⁵⁹ SS-Stammkarte Bundesarchiv, RS (formerly BDC), E 5107.

⁶⁰ Michael H. Kater: *Das 'Ahnenerbe' der SS 1939–1945. Ein Beitrag zur Kulturpolitik des Dritten Reiches.* Munich 2006, pp. 227–231; Frei: *Standort- und Kommandanturbefehle*, p. 555.

⁶¹ Senior public prosecutor with Frankfurt/M. Regional Court, special commission, interrogation Karl Werchan dated 22.3.1961; BA, ASt. Ludwigsburg, B 162/2792, pp. 8166–8170, here 8166.

⁶² Klieger: *Der Weg, den wir gingen*, pp. 29 and 56.

⁶³ The senior public prosecutor with Frankfurt/M. Regional Court, special commission, interrogation Karl Werchan dated 22.3.1961; BA, ASt. Ludwigsburg, B 162/2792, p. 8170.

⁶⁴ Klieger: *Der Weg, den wir gingen*, p. 28.

⁶⁵ Viktor Lederer was a witness in the first Auschwitz trial and in his testimony there he also reported on his activities for this unit. Cf. <https://www.auschwitz-prozess.de/zeugenaussagen/Lederer-Viktor/> (last accessed: 6.4.2022).

⁶⁶ Klieger: *Der Weg, den wir gingen*, p. 29.

⁶⁷ Senior public prosecutor with Frankfurt/M. Regional Court, special commission,

animals did not stop there. For example, in addition to ‘pure disinfestation and disinfection tasks’ in Plaszow concentration camp some 80 kilometres away, an employee from Pflaum’s office was also responsible for the eradication of a mass grave, euphemistically referred to as ‘soil cleaning’, as part of ‘Action 1005’.⁶⁸ To all appearances, the Pest Control Department itself was also involved in the murder of Jews by using Zyklon B in the gas chambers in Auschwitz. In the autumn of 1944, Erhard Pohl’s wife visited him in Auschwitz with their newborn daughter. There the family stayed in the village of Babice, not far from the main camp, where there was also a sub-camp of Auschwitz concentration camp.⁶⁹ The SS-Rottenführer regularly set off for work from a pick-up point in the village and returned late in the afternoon. His wife did not know anything about his exact activities – only that the command collected pesticides and distributed them to the troop units.⁷⁰ In response to her questions as to why so many people were locked up, her husband explained that they were almost exclusively ‘criminals, Bible scholars and Jews’.⁷¹ When a relative asked Pohl what would be done with the Jews in the camp, he is said to have answered: ‘Soap’.⁷²

It was not until January 1945 that his wife and daughter left what had ‘had since become a scary place for them’.⁷³ Erhard Pohl was promoted to

interrogation Karl Werchan dated 22.3.1961; BA, ASt. Ludwigsburg, B 162/2792, p. 8167.

⁶⁸ Andrej Angrick: ‘Aktion 1005’. Spurenbeseitigung von NS-Massenverbrechen 1942–1945, vol. 2. Göttingen 2018, pp. 796–798.

⁶⁹ Cf. Andrea Rudorff: Babitz (Babice). In: *Der Ort des Terrors*, vol. 5, pp. 179–182.

⁷⁰ Report of Dept. XVIII/1, Greater Berlin administration, on the Erhard Pohl material dated 6.8.1965; BArch, MfS AOP 8396/67, pp. 37–39.

⁷¹ Transcript of a handwritten report by his wife dated 18.8.1965; *ibid.*, pp. 47–49.

⁷² Report dated 14.8.1965 of Dept. XVIII/1, Greater Berlin administration, on a meeting with Pohl’s wife; *ibid.*, pp. 45 f. On the genesis of the rumour spread by Pol, see Hellmuth Auerbach: ‘Seife aus Juden fett’. In: Wolfgang Benz (ed.): *Legenden, Lügen, Vorurteile. Ein Wörterbuch zur Zeitgeschichte*. Munich 1994, pp. 185 f.; Joachim Neander: ‘Seife aus Juden fett’ – Zur Wirkungsgeschichte einer Urban Legend; <http://www.history.ucsb.edu/faculty/marcuse/dachau/legends/NeanderSoapOral049.htm> (last accessed: 6.4.2022); Angrick: ‘Aktion 1005’, vol. 2, pp. 1079–1082.

⁷³ Transcript of a handwritten report by his wife dated 18.8.1965; BArch, MfS AOP no. 8396/67, p. 48. Babitz sub-camp was cleared on 17.1.1945 and the prisoners were evacuated on foot. Cf. Irena Strzelecka, Piotr Setkiewicz: *Die Nebenlager des KL Auschwitz*. In: Waclaw Długoborski, Franciszek Piper (eds.): *Auschwitz 1940–1945. Studien zur Geschichte des Konzentrations- und Vernichtungslagers Auschwitz*. Oświęcim 1999, vol. I, p. 123.

SS-Unterscharführer during this time. As part of the unit, he arrived in Auerbach in the Vogtland region during the evacuation of the Auschwitz camp complex. After the end of the war he returned home to his family in the Soviet Occupation Zone. In early September 1945, the Soviet secret police arrested him and interned Pohl in special camp no. 1 in Mühlberg. In June 1946 he was transferred in a transport via Frankfurt/O. to a Soviet prisoner-of-war camp. In February 1947, in the prisoner-of-war camp, he declared his willingness to 'secretly cooperate with the organs of the Soviet intelligence service' under the codename 'Ingrid'.⁷⁴ In December 1949, he was released from captivity and repatriated to the GDR. The further career of the former SS man was like that of 'a careerist who adapts to the corresponding social conditions', at least that is how the Stasi described his life in the GDR in 1965.⁷⁵ He allegedly chose his acquaintances according to whether or not they could be useful to him in his future career. As early as 1956, he joined the SED and later advanced from the position of gas billing clerk to the well-paid position of head of the Coordination Office for Standardisation and Innovations Movement of the Institute of Energetics in the Ministry of Energy.⁷⁶

Because of the defendant's function, Department XVIII (National Economy) of the Greater Berlin administration (later BV Berlin) deemed itself to be the competent authority for this case. The responsible Stasi officers met with his wife, who had since filed for divorce, in order to obtain further information from her. In October 1965, two months after the end of the first Auschwitz trial in Frankfurt am Main, the MfS opened a preliminary operational file codenamed 'Fascist' as they suspected him of having been involved in crimes against humanity.⁷⁷

The searches by the clerks who were inexperienced with regard to the Auschwitz crime complex, proved to be unproductive. This also had to do with the archival structures inside and outside the MfS, which were still under construction at that time.⁷⁸ In addition, they obviously did not know anything about the files from the USSR (see Chapter 2), especially since

⁷⁴ Handwritten undertaking by Erhard Pohl dated 21.2.1947; *ibid.*, p. 85.

⁷⁵ Final report of Dept. XVIII/1, Greater Berlin administration, on the preliminary operational case 'Fascist' dated 28.1.1967; BArch, MfS, AOP 8396/67, pp. 291–297, here 295.

⁷⁶ *Ibid.*, p. 295.

⁷⁷ Decision of Dept. XVIII/1, Greater Berlin administration, on the creation of a preliminary operational file codenamed 'Fascist' dated 18.10.1965; BArch, MfS, AOP no. 8396/67, p. 184.

⁷⁸ Leide: NS-Verbrecher und Staatssicherheit, pp. 156–176.

the archival holdings were also closed to general use. Accordingly, they assumed that the MfS Central Archives contained ‘unread material, only roughly sorted by concentration camp’.⁷⁹ In the end, they only succeeded in identifying the then place of residence in Auschwitz (Babitz) at the time and in proving that there had indeed been a ‘Central Office for Pest Control’ in Auschwitz. The Stasi, however, could not prove that Pohl had been in Auschwitz at all, let alone that he had belonged to this unit. However, no extensive efforts were made to clarify the situation. The officers questioned only one former Auschwitz inmate in December 1965.⁸⁰ They did not examine any other witnesses, not even the suspect. Nor was any official request for mutual legal assistance made to Poland in order to obtain documents or witness testimonies for the purpose of clarifying the facts of the case.

The deputy garrison physician in Auschwitz, Horst Fischer, who was still in pretrial detention at the time, was unable to provide any information about the suspect when asked specifically about him. But, he could at least remember both the ‘Pest Control Department’ in Auschwitz and who had been in charge of it. He had often had business dealings with the SS-Sturm-bannführer and had even been with him on a test flight for the purpose of malaria control. Furthermore, Fischer testified ‘that the Pest Control Department [...] took over the disinfectors in the Auschwitz camp along with their area of responsibility’.⁸¹ This was a strong indication that it had been directly involved in the gassings.⁸² He could even remember talking about the ‘cynicism’ in that it was ironically the pest control department that had used Zyklon B to murder the Jews. However, he did not remember from what point in time onwards the department had been involved in the

⁷⁹ Action plan of Dept. XVIII/1, Greater Berlin administration, on the Erhard Pohl material dated 18.8.1965; BArch, MfS, AOP no. 8396/67, pp. 60 f.

⁸⁰ File note on the examination of a witness by HA IX/10 dated 23.12.1965; *ibid.*, p. 197.

⁸¹ Specially trained SS medical orderlies were used as disinfectors. Their tasks included both the disinfestation of all Auschwitz accommodation and the insertion of Zyklon B containers into the feed chutes of the gas chambers. The head of the so-called gassing detail was SS Oberscharführer and medical orderly Josef Klehr. In the first Auschwitz trial he was sentenced to life imprisonment and an additional 15 years in prison for murder and joint enterprise to murder. A garrison order specified that SS-Hauptsturmführer Stoppel was to supervise and carry out pest control in Auschwitz and the fly and mosquito control operations in the SS apartments and quarters from May 1944. Fischer’s statement therefore probably also refers to these ‘regular’ tasks.

⁸² Transcript of the personal record of defendant Horst Fischer dated 19.12.1965; BArch, MfS AOP 8396/67, pp. 199–202, here 202.

'extermination of Jewish citizens in the gas chambers'.⁸³ In May 1944, the deportations of Hungarian Jews to Auschwitz began. The majority of the approximately 440,000 people were murdered in the gas chambers within a few weeks.⁸⁴ It can be assumed that the members of the unit or the 'pest control department' actively participated in the extermination process during this period.⁸⁵

However, in March 1966, six months after the MfS had begun its investigation, the officers responsible for the 'Fascist' case assumed that it would not be possible to prove the suspect's involvement in any of the crimes. In the meantime, his wife had withdrawn her petition for divorce and was therefore no longer available as a contact and witness for the prosecution. As a result, the goal of criminal prosecution fell by the wayside. Internally, the MfS had preferred a milder approach. The aim was now to expel the suspect from the SED and to strip him of his professional status. Chance came to the assistance of the MfS. Erhard Pohl was caught driving his company car under the influence of alcohol during a traffic check and engaged in a wild car chase with the People's Police. As a result, an investigation was initiated for 'traffic hooliganism', followed by disciplinary consequences at his workplace. The MfS took advantage of the situation and passed on the information about Pohl's 'fascist past' to the responsible SED bodies.⁸⁶

In fact, as planned by the MfS, the SED then expelled Erhard Pohl, removed him from his position and dispatched him to the provinces. As the MfS

⁸³ Ibid., p. 202.

⁸⁴ Cf. Gerlach; Aly: *Das letzte Kapitel*.

⁸⁵ It is only a contradiction, on the face of it, when a former Auschwitz inmate testified that Pflaum and his subordinates had used Zyklon B, to which a warning substance had been added, for disinfestation/disinfection purposes only as part of pest control and '[had] nothing at all to do with the killing of human beings and ... could not be held responsible for this'. Especially since the Zyklon B used for the genocide at Auschwitz did not contain any warning substance and was ordered, stored and dispensed solely by the SS garrison physician and the SS pharmacy. However, this does not in fact clear Pflaum and his men. If Fischer's statements were correct, then the killing process would have required the know-how only of those SS members who were experienced and trained in the use of the poison. Jürgen Kalthoff, Martin Werner: *Die Händler des Zyklon B*. Tesch & Stabenow. Eine Firmengeschichte zwischen Hamburg und Auschwitz. Hamburg 1998, pp. 182 f.; Peter Hayes: *Die Degussa im Dritten Reich. Von der Zusammenarbeit zur Mittäterschaft*. Munich 2004, pp. 283–314.

⁸⁶ Supplement of Dept. XVIII/1, Greater Berlin administration to the final report on the preliminary operational case 'Fascist' dated 14.4.1967; BArch, MfS, AOP 8396/67, pp. 298 f.

learned from its wiretapping activities, the dismissed economic functionary was nevertheless happy about this development. He told his wife that the silence about his past had always weighed on him and now that this burden had been lifted, he could blithely make a new start. In May 1967 the Stasi closed the case and filed it away.⁸⁷

5.4 Paul Riedel, who had held various positions in Auschwitz for many years, goes unscathed

In the early 1950s, a man called Paul Riedel (1907–1987) came to the attention of the MfS for the first time. When Department M checked his correspondence, they began to suspect that he was a member of the banned religious community, Jehovah's Witnesses. For that reason, in June 1959, Department V/4 (later Department XX/4) of the Karl-Marx-Stadt district office, which was responsible for monitoring churches and religious communities, took over the case of Riedel, who had been working as a supervisor in a shaft construction company and coal mine.⁸⁸

The investigations revealed that in 1933 Riedel had been a member of both the NSDAP (membership number 1740123) and the Allgemeine SS (membership number 61842), which was formed in 1934.⁸⁹ In his Saxon hometown of Thurm (today the municipality of Mülsen), Riedel helped set up the NSDAP local group, according to the documents. Given his ardent commitment, he was deemed to be a 'fanatical supporter and advocate of Nazi ideology'.⁹⁰ Among other things, he attended the NSDAP Reich Party conventions in Nuremberg in 1935, 1936, 1937 and 1938.⁹¹ In October 1937, Riedel agreed to work as a mole for the SS Security Service.⁹² The requirements profile specified that informants (Vertrauensleute – VM), the 'most powerful weapon of the

⁸⁷ Decision of Dept. XVIII/1, Greater Berlin administration on closing the preliminary operational case 'Fascist' dated 23.5.1967; *ibid.*, p. 300.

⁸⁸ Decision of Dept. V/4, Karl-Marx-Stadt district office on opening a verification case dated 3.6.1959; BArch, MfS, BV Karl-Marx-Stadt, AOP 59/71, p. 7.

⁸⁹ Attestation by the NSDAP local group Thurm dated 14.7.1937; handwritten curriculum vitae of Paul Riedel, n.d. [1937]; BArch, MfS, BV Karl-Marx-Stadt, AOP 59/71, pp. 36, 43; cf. also Bastian Hein: *Elite für Volk und Führer? Die Allgemeine SS und ihre Mitglieder 1925–1945*. Munich 2012, pp. 91 f.

⁹⁰ Investigative report of Dept. V dated 28.5.1959; *ibid.*, pp. 68–70, here 68.

⁹¹ Personal information sheet Paul Riedel; APMA-B, D-Au I-1/105, no. 75997, p. 57.

⁹² Undertaking dated 22.10.1937; BArch, MfS, BV Karl-Marx-Stadt, AOP 59/71, p. 21. <https://www.bstu.de/informationen-zur-stasi/themen/beitrag/staats-sicherheit-und-auschwitz/#c15812> (last accessed: 6.4.2022).

Security Service', had to have an 'unblemished character and impeccable National Socialist credentials'.⁹³ Based on documents from that time, Riedel was registered under code number 45404/XV⁹⁴ as an informant for Department III/21 (Security Service Domestic, Counter-intelligence Division) of the SD subsection Chemnitz-Zwickau, Zwickau field office.⁹⁵ In April 1939, Riedel was called up by the Wehr district command Glauchau and deemed to have 'limited fitness' for the 'reserve force' due to a visual impairment.⁹⁶ After the outbreak of the war he volunteered for the Waffen-SS.⁹⁷

Information about Riedel's further career can be found, among other things, in his SS personnel file, which is now kept in the archives of Auschwitz-Birkenau State Museum.⁹⁸ On 20 July 1940, Riedel was called up as an SS rifleman of the reserve force by the inspectorate of the Totenkopf units in Oranienburg, and assigned to the so-called 'concentration camp back-up'.⁹⁹ Just two days later he was posted to Auschwitz.¹⁰⁰ The concentration camp there had only officially existed since 14 June 1940, and was still under construction at that time.¹⁰¹ Paul Riedel served there, interrupted only by home leave¹⁰², in various units and departments until the liquidation and evacuation of the camp in January 1945. First he belonged to the 1st, from October 1940, and then to the 2nd guards company of the SS-Totenkopf-Wachsturmbann in Auschwitz concentration camp.¹⁰³ In December 1941,

⁹³ Cf. Schreiber: *Elite im Verborgenen*, p. 185.

⁹⁴ Cf. [SD-UA Chemnitz, ASt. Zwickau], VM questionnaire; BArch, MfS, BV Karl-Marx-Stadt, AOP 59/71, p. 23.

⁹⁵ SD persons index card [copy] Paul Riedel; *ibid.*, p. 184; Schreiber: *Elite im Verborgenen*, pp. 70–72.

⁹⁶ Military service record Paul Riedel; APMA-B, D-Au I-1/183, no. 73035, pp. 3344–3406, here 3346.

⁹⁷ Investigative report of Dept. V, BV Karl-Marx-Stadt, dated 28.5.1959; BArch, MfS, BV Karl-Marx-Stadt, AOP 59/71, p. 68.

⁹⁸ SS personnel file Paul Riedel; APMA-B, D-Au I-1/105, no. 75997, pp. 1–60.

⁹⁹ Wegner: *Hitlers Politische Soldaten*, pp. 115, 122 f. and 274.

¹⁰⁰ SS persons index card Paul Riedel; APMA-B, D-Au 5-1/633, no. 73285.

¹⁰¹ Alfred Konieczny: *Bemerkungen über die Anfänge des KL Auschwitz*. In: *HvA* 12 (1970), pp. 5–44; Franciszek Piper: *Die Entstehungsgeschichte des KL Auschwitz*. In: *Studien zur Geschichte des Konzentrations- und Vernichtungslagers Auschwitz*, vol. I, pp. 43–64.

¹⁰² According to the 'war leave passes' in the SS personnel file, Riedel visited his family from 5.11.–18.11.1940, 19.12.–28.12.1940, 31.8.–7.9.1942, 11.5.–27.5.1942, 5.5.–21.5.1943, 17.9.–24.9.1943, 22.12.–28.12.1943, 3.2.–19.2.1944 in Thurm, county of Glauchau.

¹⁰³ Overview of offices in the military service record of Paul Riedel; APMA-B,

Durch wen eingezogen?	H-Erg.-Stelle "Elbe" Dresden	Zuständige Heimatformation:	7. Friedr. Schlegel-Standarte/gel Kr. be. 11/7	Eintritt i. d. Verst.: 20.7.40	Übernommen in die KL. Verst. als: 11.12.1933	Einheit: <u>Auschwitz</u> Standortverwaltung Auschwitz
Ernannt zum:	am:	Name:	Riedel	Vorname:	Paul	№-Nr.: 61842
Sturmmann	1.12.41	geb. am:	23.3.1907	in:	Thurm	Kreis Sachsen
Rottenführer	1.5.43	*) Ledig, geschieden, verheiratet seit: _____ mit _____ geb. _____				
Befördert zum Unterführer:		Kinder:	männlich _____ weiblich _____	unehelich _____	Konfession: gottgl.	
U-Scharführer	1.9.43	Heimatadresse: <u>Thurm/Sachsen Kr. Glauchau</u> 484				
Scharführer		Beruf: <u>Expedient, Pecke</u>				
O-Scharführer		Verwendung im K. L.: <u>Verwaltung Schweinestater Febr.</u>				
H-Scharführer		Parteintritt:	27.1.1933	Parteinummer:	1740123	
Befördert zum Führer:		R-Sportabz. in _____	SA-Sportabz. in <u>Bronze</u>			
		Zur KL. Verst. eingezogen am <u>22.7.1940</u> zum KL. <u>Auschwitz</u>				
		versetzt am:	16.6.1941	wohin?	<u>Kdtr. K.L. Auschwitz</u>	
			1.1.42		<u>8./SS-T.Stube K.L.Au.</u>	
			15.2.42		<u>3./SS-T.Stube K.L.Au.</u>	
			18.2.42		<u>9./SS-T.Stube K.L.Au.</u>	
			6.2.43		<u>Kdtr. K.L.Au.</u>	

Fig. 29: Paul Riedel's persons index card of the SS Auschwitz garrison administration with a photo of Riedel (around 1943), member of the Totenkopf units with the rank of SS-Unterscharführer

Riedel was promoted to SS-Sturmmann.¹⁰⁴ From May to December 1941 he was assigned to the commandant's office in the concentration camp. From New Year's Day 1941 until the spring of 1943, Riedel served briefly in each of the 3rd, 8th and 9th companies of the SS Totenkopfsturmbann Auschwitz.¹⁰⁵

At the beginning of February 1943, Riedel was relieved of his company duties and again posted to the commandant's office, SS garrison administration Auschwitz.¹⁰⁶ At the same time, permission was granted for the issuing of a protective custody camp identification card. In contrast to his previous position in the guards, this now also entitled Riedel to enter the inner areas

Wehrstammbuch D-AuI-1/183, pp. 3344-3404, here 3361.

¹⁰⁴ Communication from the commandant's office in Auschwitz concentration camp dated 29.11.1941 concerning his appointment as SS-Sturmmann with effect from 1.12.1941; APMA-B, D-Au I-1/105, no. 75997, p. 42.

¹⁰⁵ Overview of offices in the military service record; APMA-B, D-AuI-1/183, p. 3361.

¹⁰⁶ Extract from the troop muster roll of the 2nd headquarters company of the SS Totenkopf Sturmbann Auschwitz; APMA-B, D-Au I-1/105, no. 75997, p. 25.

of Auschwitz (main camp) and Birkenau camp.¹⁰⁷ Riedel himself was assigned to the Agriculture Department and took over the concentration camp's pig fattening unit.¹⁰⁸

The cultivation of agricultural land and the breeding and keeping of pigs, cattle and other livestock served, among other things, to supply Auschwitz concentration camp, and there mainly the camp's SS personnel. At the same time, in accordance with Himmler's concept, the farm, which was run exclusively with an inmate workforce, functioned as a kind of 'experimental station'. The results were to 'serve in the future as a model for the management of the Eastern territories by German settlers'.¹⁰⁹ The pigsties (20 sheds with 20 crates each) themselves were located in the outer area of 'Budy farm', a sub-camp that held about 1,000 men and women, including Polish political inmates, Sinti and Roma and Jews, in the spring of 1944.¹¹⁰ The living conditions for the inmates on Budy farm 'were no different from those in Auschwitz main camp'.¹¹¹ Care was generally taken to ensure that the activities of the farms did not conflict with the 'fundamental purpose of the concentration camps': the 'indirect extermination of their inmates'.¹¹² Other pigsties were located on 'Plawy farm' that specialised in animal husbandry. The male inmates assigned to this external detail had to dig drainage ditches in addition to working with livestock whereas the women were mainly assigned to work in the animal sheds.¹¹³

The documents in Riedel's SS personnel file do not provide any information about his exact responsibilities and concrete tasks as head of the pig fattening unit, his daily work routine, or his dealings with the inmates

¹⁰⁷ Letter from the head of the administration of Auschwitz concentration camp to the commandant's office of Auschwitz concentration camp dated 4.2.1943; APMA-B, personnel orders, D-Au I-411/2, no. 73486, p. 218.

¹⁰⁸ Promotion proposal by the head of the SS garrison administration Auschwitz dated 12.8.1943; APMA-B, D-Au I-1/105, no. 75997, p. 19. The Agriculture Department was later hived off from the administration of the commandant's office of Auschwitz concentration camp and subordinated to the SS Economic Administration Main Office. Presumably as a result of this restructuring, Riedel was later listed as a member of the catering department of the Auschwitz SS garrison administration. Cf. application for leave for SS-Unterscharführer Paul Riedel from the catering dept. dated 3.2.1944; APMA-B, D-Au I-1/105, no. 75997, p. 15.

¹⁰⁹ Lasik: *Die Organisationsstruktur des KL Auschwitz*, pp. 277 and 313.

¹¹⁰ Andrea Rudorff: Budy (Wirtschaftshof). In: *Der Ort des Terrors*, vol. 5, pp. 201–204.

¹¹¹ Anna Zieba: *Wirtschaftshof – Budy*. In: *HvA 10* (1967), pp. 67–85, here 73.

¹¹² Lasik: *Die Organisationsstruktur des KL Auschwitz*, p. 317.

¹¹³ Andrea Rudorff: *Plawy*. In: *Der Ort des Terrors*, vol. 5, pp. 291–293.

under his supervision. The file and his military record book only show that he did not receive any punishments, nor did he receive any commendations or awards.¹¹⁴ Riedel was judged very differently by his respective superiors. At the beginning of February 1943, for example, his company commander and head of the Agricultural Department, SS-Untersturmführer Reinhard Thomsen, attested that he was 'physically weak' and 'mentally sometimes slightly overstretched'. In addition, he rated his leadership as 'poor' and cited 'unreliable' as a character trait.¹¹⁵ Seemingly, this critical assessment did not have any consequences because as early as May 1943, Riedel was appointed SS-Rottenführer.¹¹⁶ The head of the SS garrison administration in Auschwitz, SS-Obersturmbannführer Karl Ernst Möckel, attested in August 1943, in contrast, that Riedel carried out his 'extensive and responsible work [...] with great interest and much skill' and fulfilled 'all the requirements in the best way'. Also, 'his personal appearance [...] is consistently good'. Furthermore, the SS-Obersturmbannführer stated, 'Character-wise and ideologically he is sound'.¹¹⁷ Probably also due to this assessment, Riedel was promoted to SS-Unterscharführer in September of that same year.¹¹⁸

Witness testimonies suggested that Paul Riedel may have been in charge of Department I/A (intelligence office with SS garrison radio station, telex and telephone exchange) in the commandant's office in Auschwitz I camp (main camp) at an unknown time.¹¹⁹ However, there are no references to this change in tasks and functions either in his personnel file or in his military record book. From more recent research, however, it is now clear that this

¹¹⁴ Cf. Excerpt from punishment register dated 31.12.1941, 16.2.1942 and 18.3.1942; APMA-B, D-Au I-1/105, no. 75997, pp. 39–41.

¹¹⁵ Waffen-SS, SS-Totenkopfsturmbann Auschwitz, evaluation, 5.2.1943; *ibid*, p. 28.

¹¹⁶ Communication from the commandant's office of Auschwitz concentration camp dated 27.4.1943 concerning appointment as SS-Rottenführer with effect from 1.5.1943; APMA-B, D-Au I-1/105, no. 75997, p. 23.

¹¹⁷ Promotion proposal by the head of the SS garrison administration in Auschwitz dated 12.8.1943; APMA-B, SS personnel file Paul Riedel, D-Au I-1/105, no. 75997, p. 19.

¹¹⁸ Communication from the SS Economic Administration Main Office, Division D – concentration camp dated 27.8.1943 to Riedel concerning promotion to SS-Unterscharführer with effect from 1.9.1943; APMA-B, D-Au I-1/105, no. 75997, p. 18.

¹¹⁹ File note of the State Archive Administration of the Ministry of the Interior on tracing order no. 206/67 dated 26.6.1967, annex: copy from archival holdings Auschwitz file no. 26, report of Adolf Rögner, Munich; BArch, MfS, BV Karl-Marx-Stadt, AOP 59/71, pp. 150 f.; Klee: Auschwitz, pp. 335 f.

was a case of mistaken identity with SS-Oberscharführer Alfred Riedel.¹²⁰ The last document in the personnel file that contains information about the service career or formation affiliation was presumably created in January 1944. It identifies Riedel as a member of the catering department.¹²¹ This document also bears the signature of its head, SS-Hauptsturmführer Helmut Schippel. Like Oskar Siebeneicher and August Bielesch, Riedel signed an ‘undertaking’ on 22 May 1944.

In addition, Riedel signed the following pertinent briefing memo on 3 July 1944: ‘I was informed today in a letter from the head of the SS Economic Administration Main Office dated 29.6.1944 about a particularly blatant case of negligent disclosure of a state secret by a telex operator who was sentenced to death by the People’s Court. I was also again briefed in detail about the need for secrecy in official business.’¹²² Both documents can be taken as an indication that, at that time, Riedel was indeed no longer involved with animal husbandry in the sub-camps, as he had been up to then. During the period of ‘the greatest intensification of the deportations of the Jewish population’¹²³ from Hungary and other countries to Auschwitz extermination camp between May and October 1944, he was instead entrusted with tasks that were closely linked to the extermination process.¹²⁴

Without any details of his position and function, Riedel is still listed as a member of the SS Central Administration Auschwitz on 31 December 1944.¹²⁵ In mid-February 1945, he was one of the SS men sent from Auschwitz to Oranienburg concentration camp.¹²⁶ After the end of the war, various incriminating clues about Paul Riedel began to emerge. First of all, former

¹²⁰ Christophe Busch, Stefan Hördler, Robert Jan van Pelt (eds.): *Das Höcker-Album. Auschwitz durch die Linse der SS*. Darmstadt 2016, pp. 139, 224 and 238.

¹²¹ Request for leave of SS-Unterscharführer Paul Riedel, n.d. [January 1944], SS personnel file Paul Riedel; APMA-B, D-Au I-1/105, no. 75997, p. 15.

¹²² Proof that a briefing was given dated 3.7. or 3.8.1944; APMA-B, D-Au I-1/105, no. 75997, p. 9. The month in Roman numerals cannot be clearly deciphered in the copy of the document. However, the date in the text suggests that it was signed during the period indicated.

¹²³ Strzelecki: *Endphase des KL Auschwitz*, p. 73.

¹²⁴ Hördler: *Ordnung und Inferno*, pp. 298–305.

¹²⁵ List of names of SS members of the SS Central Administration Auschwitz for the Economic Administration Main Office Oranienburg, Division D dated 31.12.1944; APMA-B, D-Au I-4/19, no. 73485, pp. 19 f.

¹²⁶ List of names of people posted to Oranienburg concentration camp from Auschwitz liaison office in Zittau, dated 15.2.1945; APMA-B, Allgemeine Erlasse RSHA, D-RF-3/ RSHA/117/2, no. 108277, pp. 121, 123.

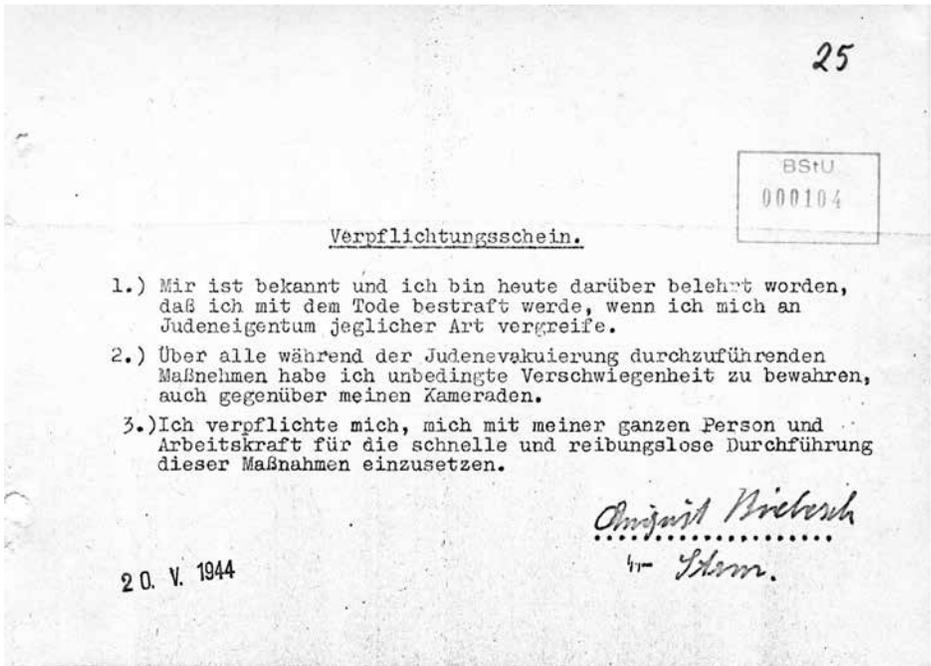


Fig. 30: Undertaking from the SS personnel file of August Bielesch, similar to the one signed by Riedel and Siebeneicher

concentration camp inmates showed up in Riedel's hometown in order to 'hold him accountable for his reprehensible actions in the concentration camp'.¹²⁷ However, he himself was a prisoner of war in the Soviet Union at the time (from the end of April 1945 to December 1949). In 1948, the local SED group in Thurm called in the Chemnitz Criminal Police Office because of Riedel's activities in Auschwitz. The local group also accused him of having denounced the owner of a textile company in the town during the Nazi era for 'listening to enemy radio stations'. Thereupon, this person had been deported to a concentration camp and had died there.¹²⁸ The Polish authorities succeeded in having Paul Riedel placed on the search and wanted lists of the

¹²⁷ Status report of Karl-Marx-Stadt district office, Dept. XX/4, on the verification process dated 2.6.1965; BArch, MfS, BV Karl-Marx-Stadt, AOP 59/71, pp. 133-140, here 134.

¹²⁸ Letter from the SED local group Thurm to Chemnitz Criminal Police Office dated 25.2.1948; *ibid.*, p. 186. The ITS was unable to identify the alleged or actual victim of the denunciation. It was not, therefore, possible to get to the bottom of this allegation within the scope of this work.

Central Registry of War Criminals and Security Suspects (CROWCASS). The reason given is 'murder'.¹²⁹

Possibly this had been done to comply with the requirements of the British authorities. They had demanded that a suspect be placed on one of these UNWCC lists before extraditing him, which went hand in hand with the presentation of prima facie evidence.¹³⁰ But it was not until the spring of 1960 that MfS officers questioned a local KPD veteran about the 1948 accusations. As the eyewitness reported, Riedel was said to have crept around the textile entrepreneur's house during the National Socialist era and listened at his keyhole. The witness also claimed to have seen corresponding documents after the war that mentioned the denunciations by Riedel. He likewise confirmed that Riedel had been an overseer in Auschwitz concentration camp, where his wife had visited him several times for longer periods.¹³¹

For unknown reasons, the processing of the case was then suspended until 1967, when activity began again on this case. On 26 June 1967, the Documentation Centre of the State Archive Administration (StAV) sent the MfS a copy of a report by Adolf Rögner, a former Auschwitz inmate, in which he had recorded his knowledge of the structure of the commandant's office in Auschwitz I camp (main camp). Where the StAV got the copy of this description from is not clear. According to this, an SS-Oberscharführer Riedel, again meaning the head of Department I/A, had behaved 'dismissively and roughly' towards the inmates.¹³² The fact that this was a case of mistaken identity, as already mentioned, was obviously not known to the MfS. But now, at the suggestion of the responsible MfS officers, Paul Riedel was all of a sudden to be arrested and a criminal investigation initiated. The competent department (Dept. IX: Investigation) rejected this, also with reference to the outdated investigation results, and ordered further investigations. It then took two more years for the MfS to actually start processing the case again. By now the focus of the investigation had also shifted: it was no longer about proof of membership in a forbidden religious community that was to the fore, but 'clarifying the facts and any crimes against humanity that may have

¹²⁹ Cf. The Central Registry of War Criminals and Security Suspects, Final Consolidated Wanted List, part 1, June 1948, p. 89.

¹³⁰ Musial: NS-Kriegsverbrecher vor polnischen Gerichten, p. 34.

¹³¹ Sounding out report of Karl-Marx-Stadt district office, Dept. V/4 dated 26.4.1960; BArch, MfS, BV Karl-Marx-Stadt, AOP 59/71, pp. 121 f.

¹³² Memo of the State Archive Administration of the Ministry of the Interior on search order no. 206/67 dated 26.6.1967, annex: transcript from the Auschwitz holdings file no. 26, report of Adolf Rögner, Munich; *ibid.*, p. 151.

been committed'.¹³³ Riedel's insider knowledge of Auschwitz concentration camp, including specific crime complexes and the people involved in the crimes, was presumably extensive. Nevertheless, the MfS did not consider it necessary to question him even once. Flimsy declarations of intent were all that resulted. This was all the more astonishing because 'interrogation', i.e., the 'official method for obtaining important political-operational information and for effectively supporting political-operational measures' for the State Security, was otherwise so self-evident that this kind of secret police practice was given its own entry in the service's internal dictionary.¹³⁴

More importantly, according to section 95 of the Code of Criminal Procedure, the questioning of suspects was mandatory for the investigating bodies in order to subsequently decide on the further course of action (e.g. initiation of an investigation).¹³⁵

But after just a few superficial searches – Auschwitz-Birkenau State Museum, for example, was not even contacted – the Stasi finally closed the case in 1971 'because the suspicion had not been confirmed'.¹³⁶ A major opportunity to further clarify crimes committed in Auschwitz was completely lost. Paul Riedel died unscathed in 1987.

5.5 The dilatory handling of a case of mutual legal assistance

The German-German system confrontation and the danger of unforeseen repercussions from the GDR's propagandistic instrumentalisation of the National Socialist issue gave the MfS exclusive access to the relevant information and secured its institutional primacy in the relevant areas of activity from 1964/65 onwards.

In the area of the prosecution of National Socialist crimes, the judicial organs were marginalised. The State Security, specifically its Department 11 in HA IX (Investigations), took the lead first in criminal prosecutions and then in the processing of requests for mutual legal assistance in cases with National Socialist links received from East and West.¹³⁷ This key position of

¹³³ Status report of Karl-Marx-Stadt district office, Dept. XX/4 on the vetting process dated 23.1.1969; *ibid.*, pp. 153–155, here 153.

¹³⁴ Suckut (ed.): *Das Wörterbuch der Staatssicherheit*, pp. 71 f.

¹³⁵ Cf. Ministerium der Justiz (ed.): *Strafprozeßrecht der DDR. Lehrkommentar zur Strafprozeßordnung der DDR* dated 12.1.1968. Berlin (East) 1968, p. 143.

¹³⁶ Decision of Karl-Marx-Stadt district office, Dept. XX to discontinue an operational case dated 2.1.1971; BArch, MfS, BV Karl-Marx-Stadt, AOP 59/71, pp. 192 f.

¹³⁷ Weinke: *Die Verfolgung von NS-Tätern*, pp. 88–95, 99–105, 137 f. and 354–391.

the MfS was consolidated when the secret police received further Auschwitz documents on microfilm from its Soviet partner agency, the KGB, in 1974. As already described, it was the second large-scale action of this kind after the one in 1964, which was closely connected with the first Frankfurt Auschwitz trial. This was preceded at the end of 1971 by two requests for mutual legal assistance from the public prosecutor's office with the Frankfurt am Main Regional Court to the GDR's chief public prosecutor's office in connection with the investigations of former SS-Unterscharführer and commandant of Auschwitz sub-camps Lagischa and Golleschau, Horst Czerwinski, and his former subordinate SS-Sturmmann Josef Schmidt. Both letters requested that the former Auschwitz inmates Alfred G. and Erwin R., who were thought to be in the GDR, be interviewed as witnesses.¹³⁸

As already described, the criminal punishment of National Socialist crimes and all other activities emanating from the GDR in this context were driven by the effort to put its western neighbour on the defensive about its handling of the National Socialist past, not least in order to further the GDR's own efforts to secure recognition. The instruments used included not only the propaganda-driven exploitation of ancillary actions in Western National Socialist trials but also the obstruction of Federal German criminal prosecution by refusing to share information and respond to its requests for mutual legal assistance. In her in-depth study of this subject, Annette Weinke comes to the conclusion: 'It was typical of the dual character of the GDR judicial system that the Criminal Code specified the obligation to grant "mutual legal assistance". In practice, however, the expediency principle was applied, which placed all procedural decisions under a political proviso.'¹³⁹

For the MfS, this instrumentalisation, which stripped requests for mutual legal assistance of their actual function, was a matter of course. The relevant investigative powers of the State Security and its exclusive access to the relevant information led to the two requests from the Frankfurt investigators being forwarded by the chief public prosecutor's office (here file reference RHE V 243-114-71) to MfS liaison officer, Lieutenant Colonel Hans-Jürgen Winkler.¹⁴⁰ This was accompanied by the request 'to have the competent

¹³⁸ Letter from the public prosecutor's office with Frankfurt/M. Regional Court to the chief public prosecutor's office of the GDR concerning an investigation into Horst Czerwinski dated 1.10.1971; letter from the public prosecutor's office with Frankfurt/M. Regional Court to the chief public prosecutor's office of the GDR concerning an investigation into Josef Schmidt dated 24.11.1971; BArch, MfS, HA IX/11, RHE West 633/1, pp. 3-6, 9 f.

¹³⁹ Weinke: *Die Verfolgung von NS-Tätern*, p. 317.

¹⁴⁰ Letter from the public prosecutor with the chief public prosecutor's office of

unit there check whether there are reservations about an examination before a court in the GDR or whether the witness can travel to the FRG for an ev[en- tual] trial'.¹⁴¹ Winkler was able to respond promptly to the request as witness Alfred G. had already passed away in 1964 and the other witness, Erwin R., did not live in the GDR. He informed the chief public prosecutor's office and added: 'Further findings regarding the stated sub-camps of Auschwitz concentration camp and the persons named in the request for mutual legal assistance are not available here. The matter is thus considered closed.'¹⁴²

As it turned out, however, this had been somewhat premature. In October 1973, another extensive request for mutual legal assistance was forwarded to him by the Frankfurt public prosecutor's office. This was now mainly about the examination of witness Edwin T. (1913–2007), a former inmate living in the Magdeburg district who had been imprisoned in Lagischa sub-camp.¹⁴³ Winkler informed the KGB investigation department about the request for mutual legal assistance. At the same time, he inquired about corresponding documents in Soviet archives and also about whether there was any 'interest in joint efforts to proactively influence these proceedings'.¹⁴⁴ However, the answer he gave to his long-standing contact in the chief public prosecutor's office, 'anti-fascist public prosecutor'¹⁴⁵ Günther Wieland, was that nothing stood in the way of interviewing the witness Edwin T. Nonetheless, he asked the latter 'for a copy of the record of the examination by a judge before it was sent to the FRG for comment'.¹⁴⁶ In the subsequent cursory interview,

the GDR Paul Fassung to Winkler dated 1.11.1971; BArch, MfS, HA IX/11, RHE West 633/1, p. 2.

¹⁴¹ Fassung's letter to Winkler dated 7.1.1972; BArch, MfS, HA IX/11, RHE West 633/1, p. 7. On this procedure, see also Annette Leo: 'Der Befragung des Zeugen stehen ständige Hinderungsgründe entgegen.' *Deutsch-deutsche Rechtshilfe in NS-Verfahren*. In: Annette Leo, Peter Reif-Spirek (eds.): *Vielstimmiges Schweigen. Neue Studien zum DDR-Antifaschismus*. Berlin 2001, pp. 153–171; Wamhof: 'Aussagen sind gut, aber Auftreten als Zeuge nicht möglich', pp. 29–43.

¹⁴² Information report by Winkler to the chief public prosecutor of the GDR dated 10.5.1972; BArch, MfS, HA IX/11, RHE West 633/1, p. 11.

¹⁴³ Letter from public prosecutor Wieland to Winkler dated 13.10.1973; BArch, MfS, HA IX/11, RHE West 633/1, p. 14. Due to the legal stipulations (StUG), the author pseudonymised the witness' name.

¹⁴⁴ Information from HA IX/11 on the request for mutual legal assistance V 114/71 dated 19.10.1973; *ibid.*, pp. 24 f.

¹⁴⁵ This is the term used by Werner Röhr in the preface to Wieland: *Naziverbrechen und deutsche Strafrecht*, p. XI.

¹⁴⁶ Opinion of HA IX/11 on the request for mutual legal assistance 243-114-71 dated 7.1.1974; BArch, MfS, HA IX/11, RHE West 633/1, p. 26.

Edwin T. only made general statements about Lagischa camp. Nor was he able to confirm that Czerwinski had been a camp commandant there or report concrete criminal acts as an eyewitness.¹⁴⁷ The record was presented to Winkler with the request 'to inform him whether there are any reservations about forwarding it to the FRG judiciary'.¹⁴⁸ Winkler did not raise any concerns¹⁴⁹ and the record was sent to the Frankfurt am Main chief public prosecutor's office.¹⁵⁰

In September 1977 criminal proceedings were then initiated as the sixth and last Auschwitz trial of Czerwinski and Schmidt before Frankfurt am Main Regional Court. In the spring of 1979, in conjunction with the request for mutual legal assistance to the public prosecutor of the GDR, former inmate Edwin T., who lived in the GDR, was summoned as a witness in the trial.¹⁵¹ As was customary, the State Security was informed of the request and 'asked whether the witness is in a position to comply with the witness summons'.¹⁵² Since there was always a fear of 'discrimination against the GDR' in trials in the Federal Republic, the 'rigid social normative ideas of the MfS' also applied to those former inmates who were to testify before the courts. In general, therefore, all witnesses were previously examined by the State Security with regard to their reputation, their unimpeachable past and, above all, their current political views and reliability.¹⁵³

HA IX/11 first made inquiries about Edwin T. at the county office where he was 'registered operationally'.¹⁵⁴ Since nothing unfavourable was found there, the chief public prosecutor's office was informed that there were 'no operational reservations' against his travelling to the trial in Frankfurt

¹⁴⁷ Testimony by Edwin T. before Staßfurt County Court in the investigation conducted by the public prosecutor's office with Frankfurt/M. Regional Court into Schmidt et al. dated 1.3.1974; *ibid.*, pp. 182–184.

¹⁴⁸ Letter from Wieland to Winkler dated 13.3.1974; *ibid.*, p. 30.

¹⁴⁹ Information report of HA IX/11 on the request for mutual legal assistance 243-114-71 dated 20.3.1974; *ibid.*, p. 31.

¹⁵⁰ Acknowledgement of receipt by the head of the public prosecutor's office of Frankfurt/M. Higher Regional Court [illegible] 1974; *ibid.*, p. 32.

¹⁵¹ Letter and summons from the public prosecutor's office with Frankfurt/M. Regional Court to the chief public prosecutor of the GDR dated 6.2.1979; *ibid.*, pp. 48–51.

¹⁵² Letter from public prosecutor Wieland to Winkler dated 2.3.1979; *ibid.*, p. 47.

¹⁵³ Weinke: *Die Verfolgung von NS-Tätern*, p. 317; cf. Leide: *NS-Verbrecher*, pp. 318–320.

¹⁵⁴ Letter from HA IX/11 to Magdeburg district office, Wanzleben county office dated 20.3.1979; BArch, MfS, HA IX/11, RHE West 633/1, p. 185.

am Main.¹⁵⁵ Exactly one day later, however, HA IX/11 was informed by the county office responsible for the witness's place of residence that Edwin T. had been arrested. According to rumours, Edwin T. had been taken into custody because he had allegedly performed sexual acts on underage girls and had possibly also worked as a kapo in a concentration camp.¹⁵⁶ Since a decision on his appearance in court had to be made as quickly as possible, HA IX/11 then obtained his file from the Association of Persecutees of the Nazi Regime. It revealed that Edwin T. had initially sympathised with National Socialism and that he had even been a member of an SA-Sturm (assault unit).¹⁵⁷ This only changed when he was discriminated against as a 'first degree Jewish Mischling [person of Aryan and non-Aryan ancestry]' and was refused permission to marry a woman of first degree German blood in 1938 on the grounds of the Nuremberg race laws.¹⁵⁸ The same legislation, whose strict interpretation had been enforced by Hans Globke, also deemed 'extramarital sexual intercourse between Jews and nationals of German or kindred blood' to be an offence.¹⁵⁹ For that reason, Edwin T. was arrested by the Gestapo in April 1943 after a Wehrmacht soldier reported him for having an adulterous relationship with his wife. He was deported first to Buchenwald concentration camp and then to Auschwitz in August 1943.¹⁶⁰ In September 1943, Edwin T. was assigned to a work detail in Sosnowitz camp I, where SS-Unterscharführer Czerwinski was the commandant.¹⁶¹ In the winter of 1943 and in the spring of the following year, the entire work detail was transferred to Lagischa sub-camp.¹⁶² In May or June 1944, he was

¹⁵⁵ Information and handwritten note of HA IX/11 on case 243-114-71 dated 4.4.1979; *ibid.*, p. 56.

¹⁵⁶ Encrypted telex from Magdeburg district office, Staßfurt county office to HA IX/11 dated 5.4.1979; *ibid.*, p. 188.

¹⁵⁷ Communication from Rudolf H. to the VVN office of Wanzleben county dated 16.4.1951; *ibid.*, p. 203.

¹⁵⁸ Communication from district president Magdeburg to Edwin T. dated 10.1.1938; *ibid.*, p. 196.

¹⁵⁹ Cf. sections 2, 5 (2) of the Law for the Protection of German Blood and German Honour dated 15.9.1935.

¹⁶⁰ Communication from the Council of Magdeburg District, Dept. Health and Social Affairs – persecutees of the Nazi regime – to the chancellery of the State Council of the GDR, HA VI – Population Issues – dated 6.4.1962; BArch, MfS, HA IX/11, RHE West 633/1, p. 210.

¹⁶¹ Record of the testimony of Edwin T. before Staßfurt County Court in the investigation conducted by the public prosecutor's office with Frankfurt/M. Regional Court into Schmidt amongst others dated 1.3.1974; *ibid.*, pp. 182–184.

¹⁶² Andrea Rudorff: Sosnowitz I (Sosnowiec). In: *Der Ort des Terrors*, p. 5, pp. 299 f.

again moved first to the main camp and then to Buna/Monowitz camp.¹⁶³ In Lagischa, Edwin T. had 'no specific function',¹⁶⁴ but was assigned to Monowitz as a 'foreman' (kapo).¹⁶⁵

In the course of the evacuation from Auschwitz, Edwin T. reached Mittelbau concentration camp at the beginning of February 1945.¹⁶⁶ In mid-April 1945, he was liberated by American troops in Hinsdorf, Anhalt.¹⁶⁷ He then returned to his hometown and birthplace and resumed his civic life in the summer of 1945. Already in September 1945, he applied for recognition as a 'victim of fascism'.¹⁶⁸ In 1951, as a result of a denunciation resulting from a neighbourhood dispute, his status as a persecutee of the National Socialist regime was revoked. Edwin T. had concealed his membership in 'Stahlhelm' and in the SA in his application questionnaire. In addition, the county review board, the competent body, had been of the opinion at the time 'that Edwin T. did not belong to the circle of persecutees of the Nazi regime since the Nuremberg Laws had only been applied once it had been established that he had had a relationship with a mar[ried] woman'.¹⁶⁹ This reasoning was not only factually incorrect, but indirectly acknowledged the legality of National Socialist racial legislation. Edwin T. protested against this decision for two decades by means of petitions to various party and state authorities. This went so far that a public prosecutor indirectly threatened him with prosecution for slander and defamation of the state (sections 138 and 220

¹⁶³ Record of the testimony of Edwin T. before Staßfurt County Court in the investigation conducted by the public prosecutor's office with Frankfurt/M. Regional Court into Schmidt amongst others dated 1.3.1974; BArch, MfS, HA IX/11, RHE West 633/1, p. 184.

¹⁶⁴ Record of the interview of witness Edwin T. in the public hearing of the Criminal Division of Staßfurt County Court for the purpose of responding to the request for mutual legal assistance from Frankfurt/M. Regional Court dated 18.11.1980; *ibid.*, pp. 232–239, here 236.

¹⁶⁵ Questionnaire of the social welfare office of the provincial administration of the province of Saxony, Wanzleben county, social welfare unit, 'Victims of Fascism' Dept. dated 30.9.1945; *ibid.*, pp. 192–195, here 192. Due to the poor legibility of the document, no more precise information could be gleaned from it.

¹⁶⁶ Information from the ITS dated 2.5.2016 to the author.

¹⁶⁷ Attestation (English) dated 15.5.1945; BArch, MfS, HA IX/11, RHE West 633/1, p. 200.

¹⁶⁸ Questionnaire of the provincial administration of the province of Saxony, social welfare office of the county of Wanzleben, social welfare unit, 'Victims of Fascism' Dept. dated 30.9.1945; *ibid.*, pp. 192–195, here 192.

¹⁶⁹ Opinion of the county review board of the Dept. Persecutees of the Nazi Regime of Wanzleben county council dated 24.5.1951; *ibid.*, p. 208.

Criminal Code) if he did not change his behaviour.¹⁷⁰ His incarceration in Auschwitz was not questioned by the GDR authorities involved. However, given the apolitical reason for his imprisonment ('racial defilement'), his unexplained position in the inmate structure, and his unruly and non-conformist behaviour, Edwin T. was hardly the 'perfect witness' that the GDR wanted to see appear before a West German court. It is not known what reasons ultimately led to the State Security withdrawing its permission for this witness to appear. What is certain, however, is that public prosecutor Wieland was informed 'verbally that ongoing investigations rule out a trip by [Edwin T.] to the FRG'. It was agreed: 'Com[rade] Wieland will inform the public prosecutor with Frankfurt am Main Regional Court that as far as the trip by [Edwin T.] was concerned, there were ongoing grounds for refusal.'¹⁷¹ In fact, the Frankfurt public prosecutor's office, in referring to this reasoning, then inquired a short time later 'whether it is possible for the witness to be examined by way of mutual legal assistance by the court with jurisdiction over his place of residence and whether, if necessary, members of the Grand Criminal Chamber, representatives of the Frankfurt/M. public prosecutor's office, the counsels for the defence and the defendant would be permitted to attend this examination'.¹⁷²

Obviously not very pleased with this request and the persistence of the Frankfurt investigators, Wieland, who was always concerned about the status of the GDR judicial authorities, passed the letter on to Winkler. In his cover letter he added: 'A further examination of the case will only be undertaken when it is known whether the witness would even be fit enough to be interviewed again. In any case the circle of participants named in the Frankfurt request for mutual legal assistance is illusory.'¹⁷³ Winkler agreed with him on this.¹⁷⁴ Wieland then drafted a reply, this time directly to the superior authority, the Hessian chief public prosecutor. Behind this change of addressee was certainly the desire to be perceived as an equal interlocutor

¹⁷⁰ Memo of the public prosecutor of Magdeburg district on the discussion with citizen Edwin T. dated 14.11.1972 in the district public prosecutor's office dated 14.11.1972; *ibid.*, pp. 217 f.

¹⁷¹ Information and handwritten note of HA IX/11 on case 243-114-71 dated 4.4.1979; BArch, MfS, HA IX/11, RHE West 633/1, p. 56.

¹⁷² Letter from the head senior public prosecutor with Frankfurt/M. Regional Court to the chief public prosecutor of the GDR in connection with the criminal proceedings against Schmidt and Czerwinski dated 14.5.1979; *ibid.*, pp. 58 f.

¹⁷³ Communication from the chief public prosecutor of the GDR to Winkler on case number 243-114-71 dated 18.6.1979; *ibid.*, p. 57.

¹⁷⁴ Information of HA IX/11 on case 243-114-71 dated 18.9.1979; *ibid.*, p. 60.

on the bilateral level, in order to achieve de facto recognition on the legal terrain at the same time. Possibly they wanted to put pressure on the court, probably also to distract from their own incompetence and unwillingness. Wieland wrote: 'In spite of a thorough examination, I was not able to ascertain any points in your request or such points here that would be likely to facilitate a more meaningful interview of the witness [Edwin T.] than the one already available [added in handwriting in the original]. We therefore refrain from any further action.'¹⁷⁵

As usual, Winkler was presented with the letter before it was sent, with the 'request for his opinion'.¹⁷⁶ The reply of the Frankfurt investigating authority turned out to be different than expected. A judge in Frankfurt Regional Court stressed 'that Mr [Edwin T.] had been called as a witness in the present proceedings in conjunction with a motion to take evidence':

The court decided to comply with the motion to take evidence. Pursuant to the Code of Criminal Procedure here, the court is required to examine the witness, if possible, during the main trial. In this context, it is irrelevant whether a more significant testimony of the witness can be expected than the one that resulted from the preliminary examination on 1 March 1974 by the judge of the German Democratic Republic in Staßfurt.¹⁷⁷

Despite its objective tenor, this could only be understood as a succinct lesson in the basics of criminal procedure. Since a concrete answer from the GDR authorities had been pending for a year, the author renewed the question whether the witness could be summoned to Frankfurt for questioning or otherwise be questioned by way of mutual legal assistance in the presence of a member of the Grand Criminal Chamber, two public prosecutors and the four counsels for the defence by the competent court of the GDR. He also wished to know if the trial participants would be allowed to question the witness too. In the event of a positive answer, the judge continued, an official request for mutual legal assistance would be sent.¹⁷⁸ However, Wieland again did not respond to this, but this time made a counter-offer to the Hessian Ministry of Justice in Wiesbaden:

¹⁷⁵ Draft letter from the chief public prosecutor of the GDR to the Frankfurt/M. chief public prosecutor, n.d. [Oct. 1979]; *ibid.*, p. 62.

¹⁷⁶ Cover letter from public prosecutor Wieland to Winkler with Winkler's initials and comment: 'com[pleted]' dated 3.10.1979; *ibid.* p. 61.

¹⁷⁷ Letter from the 21st Criminal Division – Grand Criminal Chamber – of Frankfurt/M. Regional Court to the chief public prosecutor of the GDR dated 8.5.1980; BArch, MfS, HA IX/11, RHE West 633/1, pp. 64 f.

¹⁷⁸ *Ibid.*

Although I am not able to ascertain from [the] letter for what reason the witness [Edwin T.] should be examined again [...], I am prepared to check whether the repeated examination of this witness by a court of the German Democratic Republic should be requested through a mutual legal assistance procedure. However, I am not in a position to carry out this examination until I have received a detailed request for mutual legal assistance.

Winkler, to whom Wieland in turn had submitted the draft letter, noted on it: '29.VII.80 verbal promise given'.¹⁷⁹ But the MfS officer and his comrades were primarily concerned with protecting the GDR witness and, by extension, their own reputation from unpleasant consequences because of his time as a kapo and, at the same time, with further delaying the trial. This is clear from a handwritten note by Winkler from the draft, 'Through this response, we have won ourselves some "breathing space" a[nd] after that, when the request for mutual legal assistance actually arrives, the plan is to speak to [Edwin T.] so that he can perhaps insist on his right to refuse to testify'.¹⁸⁰

Less than a month later, the chief public prosecutor's office of the GDR received the request for mutual legal assistance specified by Wieland. In it, the wish was expressed to have witness Edwin T. questioned by the competent County Court on a total of 41 listed complexes and to allow the West German participants in the trial to attend.¹⁸¹ The request for mutual legal assistance, which was also very detailed with regard to the charges, was again submitted to the State Security two months later. Surprisingly, it was not a member of the judiciary, but Winkler's superior, department head, Colonel Lothar Stolze, who determined the modalities for his response. Among other things, he gave the following instructions: 'Witness [Edwin T.] is to be made aware that he has to make truthful and impartial statements about his person and about the matter in hand. He should also be informed that he has to answer the questions of the defence as formulated in the letter [...].'¹⁸²

In addition, Stolze ordered Horst Busse, the public prosecutor responsible for National Socialist trials with the chief public prosecutor's office, to arrange

¹⁷⁹ Letter from the chief public prosecutor of the GDR to the Hessian Ministry of Justice in Wiesbaden dated 31.7.1980; *ibid.*, p. 258.

¹⁸⁰ Letter from the chief public prosecutor of the GDR to Winkler concerning Auschwitz sub-camps Lagischa and Golleschau dated 28.7.1980; *ibid.*, p. 66.

¹⁸¹ Cover letter from the 21st Criminal Division – Grand Criminal Chamber – of Frankfurt/M. Regional Court to the chief public prosecutor of the GDR together with enclosure: request to examine witness [Edwin T.] submitted to Staßfurt County Court dated 29.8.1980; *ibid.*, pp. 68–78.

¹⁸² Determinations of the head of HA IX/11 on the letter of Frankfurt/M. Regional Court dated 30.10.1980; BArch, MfS, HA IX/11, RHE West 633/1, p. 67.

for 'an impeccable examination by a judge in Staßfurt County Court'. The record of the planned witness examination was then to be sent to Frankfurt am Main Regional Court 'with a corresponding letter from the chief public prosecutor, pointing out that, given the present relations, the GDR did not see any need for West German parties to the proceedings to attend the examination'.¹⁸³ Against the backdrop of the NATO Double-Track Decision, the Soviet invasion of Afghanistan and the strikes in Poland, relations between the GDR and the Federal Republic had deteriorated, the GDR had embarked on a 'demarcation course vis-a-vis the Federal Republic', and had demanded 'final and unconditional recognition of the GDR'.¹⁸⁴ Here it became apparent that mutual legal assistance was provided subject to political reservations and no secret was made of this internally. Finally, Stolze gave the order for 'Comrade Winkler to initiate appropriate measures'.¹⁸⁵

In November 1980, Edwin T. was picked up by an employee of HA IX/11 for interviewing as a witness and stated 'his intention to cooperate to the best of his knowledge in the prosecution of SS henchmen living in the FRG'.¹⁸⁶ He was examined in line with a set of questions and Edwin T. stated, among other things, that he had been very depressed in Lagischa camp at the time and had therefore scarcely taken a look around. Every day, exhausted and sick comrades were brought to the Birkenau crematorium. Also, killings had not been special incidents, but had very much been the order of the day. In his opinion, Lagischa camp had been an 'extermination camp' where the food had been 'very bad' and the workload 'extreme'.¹⁸⁷ Two days later, Winkler was informed by deputy head of the department, Lieutenant Colonel Horst Bauer, that there were 'no objections' to the examination record being sent to Frankfurt am Main Regional Court.¹⁸⁸

At the beginning of 1981, the Frankfurt court provisionally suspended the proceedings against Czerwinski because of his acute heart condition and his resulting 'unfitness to stand trial'.¹⁸⁹ Ultimately, however, Czerwinski,

¹⁸³ Ibid.

¹⁸⁴ Cf. Schroeder: *Der SED-Staat*, pp. 250–253.

¹⁸⁵ Determinations of the head of HA IX/11 concerning the letter of Frankfurt/M. Regional Court dated 30.10.1980; BArch, MfS, HA IX/11, RHE West 633/1, p. 67.

¹⁸⁶ Note of HA IX/11 dated 19.11.1980; *ibid.*, p. 240.

¹⁸⁷ Examination record of witness Edwin T. in the public hearing of the Criminal Division of Staßfurt County Court on compliance with the request for mutual legal assistance from Frankfurt/M. Regional Court dated 18.11.1980; *ibid.*, p. 236. On the camp itself see Rudorff: *Lagischa*, vol. 5, pp. 267–270.

¹⁸⁸ Note by HA IX/11 dated 20.11.1980; BArch, MfS, HA IX/11, RHE West 633/1, p. 241.

¹⁸⁹ ADN: BRD: Verfahren gegen SS-Verbrecher eingestellt. In: ND dated 23.1.1981, p. 5.

too, was sentenced to life imprisonment for murder in May 1989, 'after years of protracted proceedings', as the SED central organ 'Neues Deutschland' commented.¹⁹⁰ In contrast, his co-defendant Josef Schmidt had already been sentenced in March 1981 to eight years in juvenile detention which included the offsetting of the time he spent in prison in Poland due to his young age at the time of the crime. SED propaganda denounced this verdict as 'scandalous' and symptomatic of the Auschwitz trials in the Federal Republic, which were generally characterised by 'delaying tactics, lenient sentences, and judicial tricks'.¹⁹¹

5.6 'The application for an arrest warrant for Mengele, Josef is not deemed opportune'¹⁹²

The following case shows that the attitude of refusal adopted by the GDR judiciary and the MfS was not limited to mutual legal assistance, but also came into play when it was a matter of helping to procure evidence and search for suspects who had gone into hiding in South America after the war. One of the most prominent of these 'fugitives from justice' ...¹⁹³ was Josef Mengele, the 'guardian of racial purity and alchemist of the new man'.¹⁹⁴

The graduate anthropologist and physician had volunteered in July 1940 for the Waffen-SS.¹⁹⁵ According to a personnel file from that time kept by the MfS, Mengele was officially assigned to the Sanitäts-Ersatz-Bataillon (sanitary reserve battalion of the SS-Verfügungstruppen (combat support

¹⁹⁰ Life sentence for concentration camp commandant. In: ND v. 27./28.5.1989, p. 5.

¹⁹¹ ADN: BRD: SS-Henker fanden wohlgesonnenen Richter. Verfahren in Frankfurt (Main) endet mit einem neuen Skandal. In: ND dated 2.3.1981, p. 6.

¹⁹² Handwritten note by Winkler dated 30.1.1981; BArch, MfS, HA IX/11, RHE West 652, p. 159.

¹⁹³ This is the designation of this group of people in Daniel Stahl: *Nazi-Jagd. Südamerikas Diktaturen und die Ahndung von NS-Verbrechen*. Göttingen 2013.

¹⁹⁴ Oliver Guez: *Das Verschwinden des Josef Mengele*. Berlin 2018, p. 17. On the quote of the chapter heading from a note by Lieutenant Colonel Horst Winkler from HA IX/11 about a conversation with public prosecutors Foth and Wieland, see below.

¹⁹⁵ For more details on Mengele's biography and his academic career, see Zdenek Zofka: *Der KZ-Arzt Josef Mengele. Zur Typologie eines NS-Verbrechers*. In: VfZ 34(1986) 2, pp. 245–267; Ulrich Völklein: *Josef Mengele. Der Arzt von Auschwitz*. Göttingen 1999; Sven Keller: *Günzburg und der Fall Mengele. Die Heimatstadt und die Jagd nach dem NS-Verbrecher*. Munich 2003. On signing up for the Waffen-SS, see Keller: *Günzburg und der Fall Mengele*, p. 19.

force) (Waffen-SS) in Prague from mid-July to August 1940.¹⁹⁶ But already on 29 July 1940, he was posted to central immigration office (EWZ) North-East in Poznań in the former Reichsgau (administrative subdivision) Wartheland.¹⁹⁷ As a physician and SS-Untersturmführer, Mengele carried out hereditary-biological assessments and health examinations of Baltic German resettlers in the 'health office' of the EWZ as part of a 'selection procedure'.¹⁹⁸ On 1 November 1940, Mengele was once again posted,¹⁹⁹ this time to the Sippenamt (genealogy service) of the SS-Rasse- und Siedlungshauptamt (Race and Settlement Main Office – RuSHA).²⁰⁰ Within the health office, Mengele then worked as an 'eligibility examiner'. As such, he was responsible for determining the 'racial value' of the resettlers with regard to their future use or acceptance into the Waffen-SS on the basis of racial anthropological selection criteria of the SS.²⁰¹ On 15 December 1940, Mengele was assigned as an 'auxiliary physician' to SS Pionierbataillon 5, a unit of the SS Division 'Wiking' (later SS-Panzer-Grenadier-Division 'Wiking' or 5th SS-Panzer-Grenadier-Division), which was still being put together at the time.²⁰² He joined the battalion stationed in Dresden on 7 January 1941. It was obvious that Mengele took up his new task with zeal, because a superior attested exactly one month later: 'From the very first day he made every effort to contribute to the health care of the SS-Pi[onier]-B[att]aillon 5 at the side of the army physician. Given the abundance of [...] tasks for the physician, M[engele] was able to acquire in-depth expertise for army medical service.'²⁰³

¹⁹⁶ Personnel ID for leaders of the Waffen-SS, service record; BArch, MfS, HA IX/11, RHE 36/84, vol. 2, p. 41.

¹⁹⁷ Ibid.

¹⁹⁸ Keller: *Günzburg und der Fall Mengele*, p. 19; Andreas Strippel: *NS-Volkstumspolitik und die Neuordnung Europas. Rassenpolitische Selektion der Einwandererzentralstelle des Chefs der Sicherheitspolizei und des SD 1939–1945*. Paderborn et al. 2011, pp. 104–118; Maria Fiebrandt: *Auslese für die Siedlergesellschaft. Die Einbeziehung Volksdeutscher in die NS-Erbgesundheitspolitik im Kontext der Umsiedlungen 1939–1945*. Göttingen 2014, pp. 470–495.

¹⁹⁹ Personnel ID for senior members of the Waffen-SS, service; BArch, MfS, HA IX/11, RHE 36/84, vol. 2, p. 41.

²⁰⁰ Isabel Heinemann: 'Rasse, Siedlung, deutsches Blut'. *Das Rasse- & Siedlungshauptamt der SS und die rassenpolitische Neuordnung Europas*. Göttingen 2003, pp. 24–28, 232–250 and 626.

²⁰¹ Strippel: *NS-Volkstumspolitik*, p. 111.

²⁰² Personnel ID for leaders of the Waffen-SS, service; BArch, MfS, HA IX/11, RHE 36/84, vol. 2, p. 41.

²⁰³ Personnel ID for leaders of the Waffen-SS, assessment notes of SS-Pionier-Bataillon 5 on SS-Untersturmführer Josef Mengele dated 7.2.1941; *ibid.*, p. 51.



Fig. 31: Josef Mengele in the uniform of an SS-Untersturmführer [of the Waffen-SS], [21.4.]1941

In addition, Mengele took advantage of the motor vehicle pool of the pioneer battalion to obtain a driver's license – in April initially for motor vehicles, and in May 1941 for motorcycles as well.²⁰⁴ Until now it had been unclear when Mengele was posted to the Eastern front.²⁰⁵ Based on the description of his career, it is now certain that he took part in the campaign against the Soviet Union from 22 June 1941. During his front-line service, Mengele was promoted to SS-Obersturmführer in January 1942 and awarded the Iron Cross 1st and 2nd Class.²⁰⁶ As battalion physician, Mengele accompanied his unit on its advance to the river Terek in the Caucasus in the thick of fierce fighting²⁰⁷ until about the end of 1942.²⁰⁸ He may have suffered a head injury during this period²⁰⁹ and had to be flown out to Berlin in January

1943.²¹⁰ There he was assigned to the SS-Infanterie-Ersatzbataillon 'Ost'.²¹¹ At the same time, Mengele worked for his patron and mentor, Professor Otmar Freiherr von Verschuer, who had been the director of the Kaiser Wilhelm Institute (KWI) for Anthropology, Human Heredity and Eugenics in Berlin-Dahlem since 1942.²¹²

²⁰⁴ Personnel ID for leaders of the Waffen-SS, SS-Pionier-Bataillon 5, examination result no. 726 dated 26.4.1941; examination result no. 729 dated 6.5.1941; *ibid.*, pp. 49 f.

²⁰⁵ Keller: *Günzburg und der Fall Mengele*, pp. 20 f.

²⁰⁶ Völklein: *Mengele*, p. 90.

²⁰⁷ Jean Mabire: *Die SS-Panzer-Division 'Wiking'. Germanische Freiwillige im Kampf für Europa*. Preußisch Oldendorf 1983, pp. 16–21.

²⁰⁸ Keller: *Günzburg und der Fall Mengele*, pp. 23 f.

²⁰⁹ Helena Kubica: *Dr. Mengele und seine Verbrechen im Konzentrationslager Auschwitz-Birkenau*. In: *HvA* 20 (1997), pp. 369–455, here 432.

²¹⁰ Hans-Walter Schmuhl: *Grenzüberschreitungen. Das Kaiser-Wilhelm-Institut für Anthropologie, menschliche Erblehre und Eugenik 1927–1945*. Göttingen 2005, p. 474.

²¹¹ SS leader index card Josef Mengele; BArch, BDC, SSO Mengele.

²¹² Schmuhl: *Grenzüberschreitungen*, p. 474; Sheila Faith Weiss: *Humangenetik und Politik als wechselseitige Ressourcen. Das Kaiser-Wilhelm-Institut für Anthropologie, menschliche Erblehre und Eugenik im 'Dritten Reich'*. Berlin 2004, p. 39.

Without any connection to the Institute, Himmler had ordered the deportation of 'Gypsy persons' to concentration camps on 16 December 1942.²¹³ The practical enforcement was set out in a circular of the Reich Security Main Office which stipulated 'admission [...] was to be undertaken family by family to concentration camp (Gypsy camp) Auschwitz'.²¹⁴ Indirectly, this also set the course for Mengele's later career. Mengele, who had been promoted to SS-Hauptsturmführer shortly before, was transferred by order of 24 May 1943, to Division D III of the SS Economic and Administration Main Office), which was responsible for 'sanitation and camp hygiene'. At the same time, he was posted to Auschwitz.²¹⁵ Horst Fischer, who already knew Mengele from their time together in the SS Division 'Wiking', testified that Mengele's transfer was 'in any case directly connected with the forced deportation of the Gypsies to Auschwitz'.²¹⁶ On 30 May 1943 Mengele took up his position and was appointed by garrison physician of the SS garrison Auschwitz, Eduard Wirths, as the chief camp physician of the 'Gypsy family camp' (in section B II e of the camp) in Birkenau.²¹⁷

The camp area for which Mengele was responsible lasted only 16 months. During this period, almost 90 percent of the Sinti and Roma died of hunger,

²¹³ Michael Zimmermann: *Rassenutopie und Genozid. Die nationalsozialistische 'Lösung der Zigeunerfrage'*. Hamburg 1996, pp. 297–304; Michael Zimmermann: *Die Entscheidung für ein Zigeunerlager in Auschwitz-Birkenau*. In: Michael Zimmermann. (ed.): *Zwischen Erziehung und Vernichtung. Zigeunerpolitik und Zigeunerforschung im Europa des 20. Jahrhunderts*. Stuttgart 2007, pp. 392–424.

²¹⁴ Express letter from the Reich Security Main Office to the heads of the Criminal Police units dated 29.1.1943. Facsimile in the collection of material of the Foundation of Lower Saxony Memorials, https://geschichte-bewusst-sein.de/wp-content/uploads/2017/02/SNG_014_RZ_Modul4-2017-02-23-1.pdf (last accessed: 6.4.2022).

²¹⁵ The transfer order is printed in facsimile in: Kubica: *Dr. Mengele und seine Verbrechen*, p. 377.

²¹⁶ Horst Fischer: affidavit dated 16.5.1966; BArch, MfS, HA IX/11; ZUV 84, vol. 2, part 1, pp. 113–120, here 114.

²¹⁷ For more detailed information on the conditions in the 'Gypsy camp' see Zimmermann: *Rassenutopie und Genozid*, pp. 293–338; Waclaw Długoborski (ed.): *Sinti und Roma im KL Auschwitz-Birkenau 1943/44: Vor dem Hintergrund ihrer Verfolgung unter der Naziherrschaft*. Oświęcim 1998; Martin Luchterhandt: *Der Weg nach Birkenau. Entstehung und Verlauf der nationalsozialistischen Verfolgung der 'Zigeuner'*. Lübeck 2000; Guenter Lewy: *'Rückkehr nicht erwünscht'. Die Verfolgung der Zigeuner im Dritten Reich*. Munich, Berlin 2001. Zum Einsatz Mengeles cf. Kubica: *Dr. Mengele und seine Verbrechen*, pp. 376 and 415.

epidemics, or the violent acts of the SS.²¹⁸ In fact, the 30 or so SS camp physicians in the Auschwitz camp complex were only technically responsible for organising and supervising the medical care and treatment of the inmates.²¹⁹ In reality, the treatment and care of the sick under the most primitive conditions, for example in the infirmary of the Gypsy camp, were left solely to the physicians among the inmates and their helpers.²²⁰ Even former deputy garrison physician Fischer was of the opinion that ‘the activities of the SS physicians in Birkenau camp in no way amounted to caring for the inmates and that they were engaged in tasks alien to their profession’.²²¹ Even Mengele, who probably saw himself more as a scientist and had little clinical practice, was rarely involved in life-sustaining measures.²²² On the contrary, in the camp Mengele and his colleagues ‘were responsible for ensuring that the medical genocide went smoothly’.²²³

The daily tasks of all SS physicians included, for example, the selection of the incoming transports. Mengele, who was considered to be a ‘workaholic’,²²⁴ is said to have taken part in at least 74 of these operations.²²⁵ In addition, he is said to have continuously selected inmates within the camp in order to make room for inmates who were fit to work.²²⁶ Furthermore, he was one of the SS physicians who, for example, most frequently commanded and supervised the gassing process in the context of the murder of the Hungarian Jews.²²⁷

²¹⁸ Romani Rose: Die Dimension des Völkermordes an Sinti und Roma. In: Waclaw Długoborski (ed.): Sinti und Roma im KL Auschwitz-Birkenau 1943/44. Oświęcim 1998, pp. 9–15, here 9.

²¹⁹ Lasik: Die Organisationsstruktur des KL Auschwitz, pp. 289–293.

²²⁰ Tadeusz Szymański, Danuta Szymańska, Tadeusz Śnieszko: Das ‘Spital’ im Zigeuner-Familienlager in Auschwitz-Birkenau. In: Hamburger Institut für Sozialforschung (ed.): Die Auschwitz-Hefte, Texte der polnischen Zeitschrift ‘Przegląd lekarski’ about the historical, psychological and medical aspects of living and dying in Auschwitz. Hamburg 1995, pp. 199–207.

²²¹ Horst Fischer: affidavit dated 16.5.1966; BArch, MfS, HA IX/11; ZUV 84, vol. 2, part 1, p. 118.

²²² Zofka: Der KZ-Arzt Josef Mengele, p. 256.

²²³ Robert Jay Lifton: Ärzte im Dritten Reich. Stuttgart 1988, p. 174.

²²⁴ Langbein: Menschen in Auschwitz, p. 496.

²²⁵ Frankfurt/M. Regional Court, warrant for the arrest of Josef Mengele on suspicion of having killed, attempted to kill, incited to kill, aided and been an accessory to the killing of human beings using insidious, cruel and homicidal means out of a desire to murder and for other base motives, dated 19.1.1981; HHStAW, 461/37976/69, pp. 1–40, here 5–15 (original page count).

²²⁶ Ibid., pp. 15 f.

²²⁷ Franciszek Piper: Die Vernichtungsmethoden. In: Waclaw Długoborski, Fran-

From November 1943 onwards, he was the senior camp physician who, in turn, coordinated the work of the other physicians in the respective sections of Birkenau.²²⁸ Another important task of the camp physicians was to combat the epidemics that repeatedly broke out in the camp. In line with the original purpose of Auschwitz, Mengele is said to have sent, for example, all Jewish women suffering from typhus fever in a sick block to the gas chambers, in order to make room for non-infected inmates.²²⁹ These and other inhumane measures made Mengele a 'specialist in disease control' and earned him the War Merit Cross 2nd Class with Swords.²³⁰ Beyond the cases of 'planned mass extermination', Mengele is said to have taken the initiative in 'killing deportees and camp inmates, by elevating himself to the position of lord and master over life and death and deriving enjoyment from killing them'.²³¹ His physician colleague Fischer, who according to his own account had maintained a good and comradely relationship with Mengele, testified about his motivation:

He was the most convinced of all of us of the need to exterminate the Jewish people. This was obvious particularly in conjunction with the question as to why the Jews from Galicia were also gassed, although they could in no way have been involved, for example, in 'war guilt' or a 'conspiracy of world Jewry'. Mengele believed that it was precisely these Jewish citizens who were repeatedly the source of the biological renewal of 'Western and degenerated Jewry', and that these people would therefore also have to be dealt with as part of the Final Solution. Mengele defended his views fanatically.²³²

Like Eduard Wirths and other SS physicians,²³³ Mengele also took advantage of the opportunities presented to him in Auschwitz that gave him access

ciszek Piper. (eds.): *Auschwitz 1940–1945. Studien zur Geschichte des Konzentrations- und Vernichtungslagers Auschwitz*. Oświęcim 1999, vol. III, pp. 71–244, here 199, 202 and 212.

²²⁸ Horst Fischer: affidavit dated 16.5.1966; BArch, MfS, HA IX/11, ZUV 84, vol. 2, part 1, p. 115.

²²⁹ Ella Lingens: *Gefangene der Angst. Ein Leben im Zeichen des Widerstandes*. Vienna, Frankfurt/M. 2003, p. 155.

²³⁰ Keller: *Günzburg und der Fall Mengele*, p. 33.

²³¹ Arrest warrant of Frankfurt/M. Regional Court for Josef Mengele, HHStAW, 461/37976/69, p. 33.

²³² Horst Fischer: affidavit dated 16.5.1966; BArch, MfS, HA IX/11, ZUV 84, vol. 2, part 1, p. 115.

²³³ Konrad Beischl: *Dr. med. Eduard Wirths und seine Tätigkeit als SS-Standortarzt im KL Auschwitz*. Würzburg 2005, pp. 118–146; Friedrich Karl Kaul: *Ärzte in Auschwitz*. Berlin 1968; Lifton: *Ärzte im Dritten Reich*; Ernst Klee: *Auschwitz, die NS-Medizin und ihre Opfer*. Frankfurt/M. 1997.

to tens of thousands of potential test subjects for his own research projects without any kind of restriction. These included ‘torture-like’ and often fatal medical experiments.²³⁴ Initially, Mengele focused his off-duty interests on research into Noma facies (noma), a disease that occurred primarily among children in the Gypsy camps. Quite a few of them were killed on Mengele’s orders, and individual organs and even whole children’s heads were preserved through taxidermy for the SS Medical Academy.²³⁵ Mengele’s main interest, however, was research on twins. To this end, he personally selected suitable pairs of children from the stream of deportees arriving at the camp or had them separated out by subordinates such as Anhalt.²³⁶ Mengele likewise focussed his attention on growth anomalies (dwarfism)²³⁷ and physical deformities.²³⁸ In addition, he was also interested in other fields of research, such as his experiments on children on ‘changing the colour of the iris’.²³⁹

In addition, Mengele, who had built up his own ‘research empire’ in Auschwitz, also carried out²⁴⁰ ‘parallel or preparatory work for ongoing projects of the Kaiser Wilhelm Institute’.²⁴¹ This included the procurement of human specimens such as blood samples from people of ‘various racial affiliations’ and organs or entire skeletons of the victims he had murdered, in some cases with his own hands.²⁴² It was only the advance of the Red Army that put an end to his murderous activities in January 1945. After helping to blow up the crematoria at Auschwitz, Mengele went on the run.²⁴³ At the instigation of the Polish government in exile, a CROWCASS search for

²³⁴ Karola Fings: *Sinti und Roma. Geschichte einer Minderheit*. 2nd updated edition, Munich 2019, p. 78.

²³⁵ Kubica: *Dr. Mengele und seine Verbrechen*, pp. 378 f.

²³⁶ Benoit Massin: Mengele, die Zwillingsforschung und die ‘Auschwitz-Dahlem-Connection’. In: Carola Sachse (ed.): *Die Verbindung nach Auschwitz. Biowissenschaften und Menschenversuche an Kaiser-Wilhelm-Instituten*. Göttingen 2003, pp. 201–254, here 236–240.

²³⁷ Yehuda Koren, Eilat Negev: *Im Herzen waren wir Riesen. Die Überlebengeschichte einer Liliputanerfamilie*. Berlin 2004.

²³⁸ Kubica: *Dr. Mengele und seine Verbrechen*, p. 408.

²³⁹ Massin: Mengele, die Zwillingsforschung, p. 247.

²⁴⁰ Schmuhl: *Grenzüberschreitungen*, p. 477.

²⁴¹ Benno Müller-Hill: *Tödliche Wissenschaft. Die Aussonderung von Juden, Zigeunern und Geisteskranken 1933–1945*. Berlin 1989, p. 73.

²⁴² Achim Trunk: *Zweihundert Blutproben aus Auschwitz. Ein Forschungsvorhaben zwischen Anthropologie und Biochemie (1943–1945)*. Berlin 2003, pp. 8 and 62.

²⁴³ Lifton: *Ärzte im Dritten Reich*, p. 374; Horst Fischer: affidavit dated 16.5.1966; BArch, MfS, HA IX/11, ZUV 84, vol. 2, part 1, p. 119.

him had already been underway since April 1945.²⁴⁴ In the post-war period, Mengele initially hid in the woods of his hometown, and then earned his living as a farmhand on a remote farm in Upper Bavaria.²⁴⁵ In the spring of 1949, he fled to Argentina.²⁴⁶ Almost exactly one year later, he moved to Paraguay and acquired the nationality of the Latin American country under dictatorship rule.²⁴⁷ For legal reasons, his extradition to Germany was not, therefore, possible.²⁴⁸ The last station of his flight was Brazil, where he settled in October 1960 for fear of being kidnapped by the Israeli secret service.²⁴⁹

Other authors have covered the activities of the competent public prosecutor's office with Frankfurt am Main Regional Court in the context of efforts to place Mengele under investigation (ref. no. 4 Js 340/68).²⁵⁰ Therefore, an overview is merely provided here. According to (West) German law of criminal procedure, the main hearing for criminal charges such as murder had (and still has) to be conducted in the presence of the defendant as a matter of principle.²⁵¹ The actions of the West German judiciary (and other police and government agencies), documented in 295 volumes of files²⁵² therefore concentrated, mostly in transnational cooperation, on the search for Mengele or his whereabouts, whereby requests for Mengele's extradition from countries where he was supposedly living were always in vain. In addition, they also proved to be detrimental to bilateral relations.²⁵³

At the instigation of Fritz Bauer, rewards were even offered for information that would lead to Mengele's capture.²⁵⁴ In the end, the reward amounted to one million German marks, the highest bounty in the judicial history of

²⁴⁴ Communication from the Main Commission for the Investigation of Hitler Crimes in Poland to the chief public prosecutor's office of the GDR dated 8.8.1985; BArch, DP 3/2245, p. 36.

²⁴⁵ Keller: Günzburg und der Fall Mengele, pp. 46–49.

²⁴⁶ Gerald L. Posner, John Ware: Mengele. Die Jagd auf den Todesengel. Berlin, Weimar 1993, pp. 114–122.

²⁴⁷ Ibid., p. 167.

²⁴⁸ Stahl: Nazi-Jagd, p. 156.

²⁴⁹ Posner; Ware: Die Jagd, p. 197.

²⁵⁰ Ibid.; Stahl: Nazi-Jagd; Völklein: Mengele.

²⁵¹ <http://www.rechtslexikon.net/d/abwesenheit-des-angeklagten/abwesenheit-des-angeklagten.htm> (last accessed: 6.4.2022).

²⁵² HHStAW, investigation of Josef Mengele, Dept. 461, no. 37976/1-295.

²⁵³ Stahl: Nazi-Jagd, pp. 158–166.

²⁵⁴ Memo of the senior public prosecutor with Frankfurt/M. Regional Court concerning a conversation with Hessian chief public prosecutor, Fritz Bauer dated 18.2.1961; HHStAW, 461/37976/61, n.pag.

the Federal Republic.²⁵⁵ The overview of the multitude of search measures between 1959 and 1984 alone is 17 pages long.²⁵⁶ In addition, there was a worldwide search for evidence and witnesses. This dragged on for more than 30 years and was to serve as the basis for a trial in the event of his apprehension and the grounds for an arrest warrant.²⁵⁷ It is a well-known fact that a trial in which the charges against Mengele could be clarified in a court of law never took place. It is also unclear whether the economically strong Federal Republic had actually exhausted all its (legal) means and possibilities to bring Mengele to justice. What is certain, however, is that the activities of the Federal Republic were always accompanied by an attentive (national and international) press and an interested public.²⁵⁸ Nor should the impact on Federal German policy be underestimated that resulted from the activities of globally active non-governmental organisations that, in turn, called for Mengele to be punished.²⁵⁹ They included the CANDLES association,²⁶⁰ the Simon Wiesenthal Centre (Los Angeles)²⁶¹ and the Institute of Documentation in Israel for the Investigation of Nazi War Crimes headed up by Tuvia Friedman in Haifa. This institution is discussed later on.²⁶²

In the GDR, interest in Mengele and his prosecution was marked by restraint. There Mengele was just another National Socialist perpetrator. He was of no concern to them and they were of the opinion that Poland and,

²⁵⁵ Information of the Hessian Minister of Justice dated 31.1.1985; *ibid.*, n.pag.

²⁵⁶ Frankfurt/M. Regional Court, ref. no. 50/4 Js 340/68, table listing the search measures for Josef Mengele from 1959 to 1984 by the courts and authorities of the Federal Republic of Germany, n.d.; HHStAW, 461/37976/68, pp. 1–17 (original page count).

²⁵⁷ Letter from the public prosecutor with Frankfurt/M. Regional Court to the Frankfurt/M. Chief of Police, Criminal Department – Manhunts –, with notification of the revocation of the previous arrest warrants dated 25.2.1959 and 5.6.1959 and the arrest warrant issued by Frankfurt/M. Regional Court for Josef Mengele dated 19.1.1981; HHStAW, 461/37976/69, pp. 1–40.

²⁵⁸ Stahl: *Nazi-Jagd*, pp. 160 ff.

²⁵⁹ Keller: *Günzburg und der Fall Mengele*, p. 160.

²⁶⁰ The acronym stands for Children of Auschwitz Nazi Deadly Lab Experiments Survivors. Cf. Kor, *Rojany-Buccieri: Ich habe den Todesengel überlebt*.

²⁶¹ Efraim Zuroff: *Beruf: Nazijäger. Die Suche mit dem langen Atem: Die Jagd nach den Tätern des Völkermords*. Freiburg 1996.

²⁶² Letter from the Hessian Minister of the Interior to the Hessian Minister of Justice dated 30.1.1985 concerning the recommendation to increase the reward against the backdrop of various international commemorative events to mark the 40th anniversary of German capitulation and events planned by survivors; HHStAW, 461/37976/8, pp. 1 f. (original page count).

above all, the Federal Republic were responsible for him. This becomes clear in the coverage in the GDR press which, in its role as a neutral reporter, participated in the speculation about his whereabouts, but otherwise pointed to the sole responsibility of West Germany.²⁶³ Once his apprehension and, by consequence, the punishment of his crimes failed to happen there, the case was again exploited in propaganda as proof of the allegedly lenient treatment of these perpetrators.²⁶⁴ In specialist literature, the argument put forward for the GDR's lack of action is that it did not have any diplomatic relations with the Latin American countries that could have served as destinations for Mengele.²⁶⁵ This is quite true: for example, Argentina and Brazil did not recognize the GDR until 1973.²⁶⁶ However, the decisive factor for the lack of interest was primarily foreign and security policy considerations. Up to the spring of 1972, the GDR's chief public prosecutor's office had neither initiated its own investigations nor provided legal assistance in the Mengele case.²⁶⁷ This only seemed to change when the Frankfurt public prosecutor's office requested that victim witness Felix Amann (1902–1983), who lived in the GDR, undergo sworn examination.²⁶⁸ This time, too, Department V 'International Connections' of the chief public prosecutor's office, headed by public prosecutor Carlos Foth, was responsible for handling the case. Within the department, the pros and cons of providing assistance for the Frankfurt proceedings were then initially discussed. In the end, Wieland prevailed. He considered a refusal 'inadvisable' given the considerable public interest in the Mengele case.²⁶⁹

²⁶³ ADN: Gesuchter KZ-Arzt in Eldorado gesehen. In: *Junge Welt* dated 6.10.1965. ADN: Mengele in Dänemark? In: *Neue Zeit* dated 2.3.1967; ADN: SS-Henker berät berüchtigte Gefängnisleitung in Uruguay. In: *ND* dated 29.12.1980.

²⁶⁴ Nationalrat der Nationalen Front des demokratischen Deutschlands, Dokumentationszentrum der Staatlichen Archivverwaltung der DDR (ed.): *Braunbuch. Kriegs- und Naziverbrecher in der Bundesrepublik Deutschland*. 3rd edition, Berlin 1968, p. 96.

²⁶⁵ Stahl: *Nazi-Jagd*, p. 102.

²⁶⁶ Roland Kießling (ed.): *Schlag nach. Internationale Beziehungen*. Berlin 1980, pp. 132 and 144.

²⁶⁷ Letter from the deputy chief public prosecutor of the GDR to the Director of the Main Commission in Poland dated 10.7.1973; BArch, DP 3/2050, pp. 50–52.

²⁶⁸ Frankfurt/M. Regional Court, investigating judge, 4 Js 340/68, request to examine a witness sent to the chief public prosecutor of the GDR dated 13.3.1972; BArch, DP 3/2050, pp. 3–6.

²⁶⁹ Communication from Wieland to the deputy chief public prosecutor of the GDR, Karl Heinrich Borchert dated 23.8.1972.

The practical handling of the request for mutual legal assistance (ref. no. 243-48-72) was assigned to public prosecutor Paul Fassunge (1922–1979). After MfS liaison officer Winkler had raised no objections, examination by the court took place at Amann's place of residence.²⁷⁰ The former political inmate had worked as a kapo in the disinfection unit in Birkenau and Mengele was his direct superior. He had actually witnessed his crimes on numerous occasions.²⁷¹ Theoretically, Amann's testimony that heavily incriminated Mengele, should have had consequences under criminal law.²⁷² However, this was not the case.

Fassunge was then obliged to pass on the examination record to Winkler with the request 'to inform him as soon as possible about any reservations about its transmission to Frankfurt/M. Regional Court'.²⁷³ It was not possible to find any trace of an answer. According to a note in the file, the sending of the record had been 'temporarily blocked' because a query by Tuviah Friedman (1922–2011) had to be dealt with first.²⁷⁴ However, as is described below, this never happened.

Born in Radom, Friedman had begun hunting down his former tormentors and the murderers of his parents and siblings shortly after his liberation in Poland.²⁷⁵ He and other survivors then successfully continued the search in Austria from 1946 onwards.²⁷⁶ At the same time, he collected evidence on perpetrators whose whereabouts were unknown, such as Eichmann and

²⁷⁰ Information report of HA IX/11 on the request for mutual legal assistance 243-48-72 dated 14.6.1972; BAArch, DP 3/2050, p. 14.

²⁷¹ Weißenfels County Court, Criminal Division, examination record of witness Felix Amann dated 3.1.1973; BAArch, DP 3/2050, pp. 30–36.

²⁷² In the introduction to the GDR Criminal Code, it was stated: 'Socialist criminal law requires that everyone who is guilty of an offence or misdemeanour be held responsible.' See Ministerium der Justiz (ed.): *Strafgesetzbuch der DDR – StGB – und angrenzende Gesetze*. Berlin 1968, p. 26.

²⁷³ Letter from Fassunge to Winkler dated 9.2.1973; BAArch, DP 3/2050, p. 38.

²⁷⁴ Order by Fassunge dated 7.3.1973; BAArch, DP 3/2050, n.pag.

²⁷⁵ Tuviah Friedman: *The Hunter*. The autobiography of the man who spent fifteen years searching for one of the greatest criminals the world has ever known – Adolf Eichmann. London 1961.

²⁷⁶ Stephan Stach: 'Praktische Geschichte'. *Der Beitrag jüdischer Organisationen zur Verfolgung von NS-Verbrechern in Polen und Österreich in den späten 40er-Jahren*. In: Katharina Stengel (ed.): *Opfer als Akteure. Interventionen ehemaliger NS-Verfolgter in der Nachkriegszeit*. Frankfurt/M., New York 2008, pp. 251–261; Kerstin von Lingen: *SS und Secret Service. 'Verschwörung des Schweigens': die Akte Karl Wolff*. Paderborn et al. 2010, pp. 189 f.

Mengele.²⁷⁷ After Friedman settled in Israel in 1952, he continued his efforts to secure the punishment of National Socialist perpetrators who had gone into hiding or who had hitherto escaped justice.²⁷⁸ The documentation centre, which he had founded for this purpose was, however, a 'one-man office' that received 'no support' from the Israeli government.²⁷⁹ All of Friedman's activities, his travels, press work and correspondence with various personalities and institutions in East and West were financed from subscription fees.²⁸⁰ Amongst others, Friedman corresponded at the latest from 1963/64 with GDR Minister of Justice Hilde Benjamin²⁸¹, with chief public prosecutor Josef Streit²⁸² and with alleged journalist Julius Mader, an officer on special assignment (OibE) in the Agitation Department of the MfS.²⁸³ This correspondence was mainly about the exchange of documents and questions about the then pending statute of limitations in the Federal Republic of Germany for National Socialist crimes of violence. At Mielke's request, chief public prosecutor Streit was to maintain contact with Friedman.²⁸⁴ But this did not serve the interests of the Ministry of Foreign Affairs (MfAA). Here, direct contacts between heads of central government bodies and Israeli institutions were to be avoided 'out of consideration for the GDR's policy towards Arab countries'.²⁸⁵ In the ensuing period, the correspondence was

²⁷⁷ Cesarani: Adolf Eichmann, pp. 298 f.; Tom Segev: Simon Wiesenthal. Die Biographie. Munich 2010, pp. 26 and 138 f.

²⁷⁸ Segev: Wiesenthal, p. 173.

²⁷⁹ Memo of the Frankfurt/M. public prosecutor's office after a conversation with the head of the Investigation Department for National Socialist Crimes with the national staff of the Israeli police dated 2.12.1971; HHStAW, 461/37976/61, n.pag.

²⁸⁰ 'List of concentration camp inmates who were forced to work in the ghettos and in the Nazi concentration camps during the Nazi era, enrolled with us as members in the years 1970–1975 and paid membership dues and registration fees', presumably an excerpt from an accountability report; Auktionshaus Christoph Gärtner (ACG), estate (NL) Friedman, lot 27415, 1 page (copy in the author's archive), n.pag.

²⁸¹ Letter from Benjamin to Friedman dated 24.9.1963; reply from Friedman to Benjamin dated 29.10.1963; BArch, DP 3/2155, pp. 17–19 and 20–22.

²⁸² Letter from Friedman to Streit dated 23.9.1963; BArch, DP 3/2155, pp. 1 f.

²⁸³ Letter from Friedman to Mader dated 29.6.1964; ACG, NL Friedman, n.pag. On the person of Mader, see Leide: NS-Verbrecher und Staatssicherheit, p. 75.

²⁸⁴ Chief public prosecutor of the GDR, note dated 12.12.1963; BArch, DP 3/2155, p. 27.

²⁸⁵ Chief public prosecutor of the GDR, note dated 26.6.1964; *ibid.*, p. 45.

מדינת ישראל
ETAT D'ISRAEL

לשכת העתונות הממשלתית
BUREAU DE PRESSE DU GOUVERNEMENT



אישור עד 31 דצמבר 1958

טוביה פרידמן

Tovia Friedman

M/Me

מר/ת

נרשם בלשכתנו כנציג העתון
A ÉTÉ INSCRIT CHEZ NOUS EN TANT
QUE REPRÉSENTANT DU JOURNAL

"DAS JUDISCHE ECHO"

Date 8.9.58 תאריך

מנהל לשכת העתונות הממשלתית
Directeur

N^o 068

ד.מ. 300(1.58) 1157/2448

Fig. 32: Israeli press card of Tuvia Friedman, 1958

therefore passed on by head of department Foth,²⁸⁶ and later via the ‘Committee of Anti-Fascist Resistance Fighters’.²⁸⁷ The suspicion that Friedman could be an agent of the Israeli foreign intelligence service then prevented more extensive contacts.²⁸⁸ Some years later Friedman, in fact in competition with the Frankfurt public prosecutor’s office, had also offered a considerable sum for the capture of Mengele.²⁸⁹ However, he lacked the necessary financial resources. Therefore, he attempted to solicit the bounty first in the Federal Republic²⁹⁰ and then later also in the GDR.²⁹¹ In a letter on that very subject to the chief public prosecutor of the GDR, Friedman stated:

To be honest, it might be more appropriate if SS physician, Dr Mengele²⁹² were to be extradited to the GDR after his arrest, because the death sentence is still handed down in the GDR to dangerous National Socialist mass murderers. I would be particularly indebted to you if you would inform me whether the GDR is interested in bringing Dr Mengele to trial. After all, there should be a legal basis for this, because Auschwitz is closer to Berlin than to Frankfurt/M. and [...] Mengele [was] also active in other concentration camps located on GDR territory.

The letter ends by asking whether the chief public prosecutor’s office ‘would like to participate in a reward for the capture of Mengele’.²⁹³ Public prosecutor Fassung passed on a copy of the letter to the responsible head of division in HA IX/11, Hans-Jürgen Winkler.²⁹⁴ The MfS immediately grasped the highly explosive nature of this question. Unaware of the motives and grotesquely

²⁸⁶ Letter from Foth to Friedman dated 29.6.1964; *ibid.*, p. 46.

²⁸⁷ Letter from Friedman to the Executive Board of the Committee of Anti-Fascist Resistance Fighters dated 23.6.1964; *ibid.*, p. 41.

²⁸⁸ Letter from the Ministry of the Interior of the People’s Republic of Poland, Cabinet of the Minister, to the Head of Dept. X of the MfS dated 15.6.1965; BArch, MfS, Dept. X, AP 11688/72, pp. 3–5.

²⁸⁹ Cf. AFP report ‘50,000 dollars for Mengele’s address’ dated 2.2.1971; BArch, DP 3/2050, n.pag.

²⁹⁰ Letter from Friedman to the head of the office of the Federal President dated 13.6.1971; HHStAW, 461/37976/61, n.pag.; letter from the public prosecutor’s office of Frankfurt Regional Court to Friedman dated 2.12.1971; HHStAW, 461/37976/61, n.pag.

²⁹¹ Friedman’s letter to chief public prosecutor Streit dated 4.1.1973; BArch, DP 3/2050, p. 24.

²⁹² Mengele was legally stripped of both titles in 1964. Cf. Völklein: Mengele, p. 274.

²⁹³ Friedman’s letter to chief public prosecutor Streit dated 4.1.1973; BArch, DP 3/2050, p. 24.

²⁹⁴ Order of Fassung dated 23.1.1973; BArch, DP 3/2050, p. 27.

overestimating the means and possibilities available to Friedman, the letter was interpreted as advance notice of an imminent illegal arrest.

In the similar case of Eichmann, there had been diplomatic entanglements between Argentina and Israel after his abduction, which could only be settled after the intervention of the UN Security Council.²⁹⁵ When Friedman's letter arrived in East Berlin in January 1973, admission to the UN, a 'major foreign policy goal of the GDR', was imminent.²⁹⁶ During this period of 'international class struggle', the main task of the MfS was 'to make an effective contribution to socialism's gain in power in its activities directed towards the enforcement of Party decisions, in accordance with its specific combat mission, by means of its specific means and methods, in order to effectively repel enemy attacks and to help assert the aggressive policy of the Party against the forces of imperialism'.²⁹⁷ Undoubtedly, this included efforts to prevent any developments that might interfere with the admission process. Moreover, it was common knowledge that Israel was against the international recognition of the GDR.²⁹⁸

This was the situation when the head of HA IX/11, Lieutenant Colonel Stolze, and his deputy, Major Horst Zank, met with the head of Department X (Active Measures/Disinformation) of Central Department A, Colonel Rolf Wagenbreth, to discuss an appropriate response to Friedman's letter. As the most senior person at the meeting, Wagenbreth dominated the discussions. He argued 'that under no circumstances should we get involved in this matter, since Friedman was known to be a member of the secret services and was playing a devious game with the GDR and the other socialist states'. Wagenbreth also pointed out 'that we do now know what goals the Israelis, Friedman or other political groups are pursuing with this matter'. The assumption had to be that such a measure was intended to discredit the GDR internationally. The possibilities for this were extremely diverse: 'For example, they could foist a false Dr Mengele on the GDR, or they could play up the kidnapping of Dr Mengele internationally as having been carried out on behalf of the GDR, or one need only assume the objective of discrediting the GDR in

²⁹⁵ Kaul: *Der Fall Eichmann*, p. 94; Christina Große: *Der Eichmann-Prozeß zwischen Recht und Politik*. Frankfurt/M. et al. 1985, pp. 19–21; Peter Krause: *Der Eichmann-Prozeß in der deutschen Presse*. Frankfurt/M. 2002, pp. 33–35.

²⁹⁶ Horst Grunert: *Für Honecker auf glattem Parkett. Erinnerungen eines DDR-Diplomaten*. Berlin 1995, p. 62.

²⁹⁷ Hochschule des MfS (ed.): *Geschichte des Ministeriums für Staatssicherheit*, vol. II. Potsdam 1979, p. 696.

²⁹⁸ Meining: *Kommunistische Judenpolitik*, p. 323; Iris Breutz: *Der Protest im Völkerrecht*. Berlin 1997, p. 77.

the eyes of the international public through journalistic endeavours.’ In conclusion, Wagenbreth explained that ‘we definitely had to refuse, but the justification was of course a matter for the responsible lawyers’, whereby this justification must be ‘legally watertight and not contestable in the eyes of the international public either’.²⁹⁹ It was then the task of Winkler to inform his colleagues in the judiciary about the views of the MfS.³⁰⁰ Public prosecutor Wieland was tasked with the concrete carrying out of these instructions. It was he who came up with the idea of delegating the “problem case” Mengele to Poland. After renewed consultation with the MfS³⁰¹ the director of the Main Commission for the Investigation of Hitler’s Crimes in Poland, Czesław Pilichowski, was informed about Friedman’s letter.³⁰² At the same time, he was given the following explanation about responsibilities:

According to the information available in the GDR, Mengele’s crimes had been committed on Polish territory. Consequently, the decision as to whether, in the event of the capture of Mengele who is currently thought to be in South America, a corresponding request for extradition should be addressed to the South American State concerned, is primarily a matter for the People’s Republic of Poland, on the basis of applicable international law.³⁰³

As a legal basis for this argument, Wieland drew on international law in the shape of the Moscow Declaration of October 1943.³⁰⁴ However, Law no. 10 of the Allied Control Council had been enacted in December 1945 for its enforcement.³⁰⁵ This, in turn, had become null and void for the GDR with the abolition of the Office of the High Commission of the Soviet Union in September 1955.³⁰⁶ Nor did it occur to any of those involved that Anhalt’s

²⁹⁹ Memo by Zank dated 9.2.1973; BArch, MfS, HA IX/11, RHE West 652, pp. 38 f.

³⁰⁰ Information from Winkler to the chief public prosecutor’s office dated 14.2.1973; *ibid.*, p. 40.

³⁰¹ Wieland’s orders dated 6.7. and 10.7.1973; BArch, DP 3/2050, p. 49.

³⁰² Letter from the deputy chief public prosecutor of the GDR, Karl Heinrich Borchert to the Director of the Główna Komisja Badania Zbrodni Hitlerowskich w Polsce (Main Commission for the Investigation of Hitler’s Crimes in Poland, abbreviated MC) dated 10.7.1973; BArch, DP 3/2050, pp. 50–52.

³⁰³ Letter from Borchert to the MC director, *ibid.*, p. 51.

³⁰⁴ Wieland’s order dated 15.3.1973; BArch, DP 3/2050, pp. 43 f.

³⁰⁵ The full text is printed in: Heidemann; Wohlgemuth: *Zur Deutschlandpolitik der Anti-Hitler-Koalition*, pp. 137–143.

³⁰⁶ The full text is printed in: Ministerium für Auswärtige Angelegenheiten der DDR; Ministerium für Auswärtige Angelegenheiten der UdSSR (ed.): *Beziehungen DDR – UdSSR 1949–1955. Dokumentensammlung*, second half-volume. Berlin 1975, p. 1001.

and Fischer's convictions already contradicted this line of reasoning (crime scene principle). The fact was also overlooked that Auschwitz had been part of the German Reich since October 1939, and had belonged in administrative terms to the country district of Bielitz in the administrative district of Katowice in the province of Upper Silesia.³⁰⁷

Apparently, however, Wieland and his colleagues were convinced that their plan could work and that the Polish authorities would agree. In any case, Friedman was then to be informed 'that the PRP (People's Republic of Poland) has filed an extradition request which is supported by the GDR'.³⁰⁸ This would not only have made further explanations to Friedman superfluous, but would have generally and officially absolved the GDR of any responsibility for this case. But in contrast to what East Berlin had hoped, Poland merely took note of Friedman's request.³⁰⁹ It did not give a concrete response to the East German request. There were several reasons for this. Whilst the GDR chief public prosecutor's office had not yet provided any legal assistance for the Frankfurt trial up to this point (July 1973), Poland had taken a very different stance.³¹⁰ In the opinion of the competent Frankfurt investigating judge, this had even constituted 'the highest level of mutual legal assistance'.³¹¹ The Polish public prosecutors were, therefore, not only informed about the trial, but had even been specifically briefed at a meeting in Frankfurt am Main about the state of affairs and 'more particularly [about] the reasons opposing extradition from a factual and legal point of view'.³¹² Yet another reason why they probably saw no point in responding

³⁰⁷ Steinbacher: Auschwitz, p. 18.

³⁰⁸ Communication from Wieland to Winkler dated 3.12.1973; BArch, DP 3/2050, p. 73.

³⁰⁹ Letter from MC director to Borchert dated 18.8.1973; BArch, DP 3/2050, pp. 59 (German), 60 (Polish).

³¹⁰ Report of the investigating judge of Frankfurt/M. Regional Court to the Hessian Minister of Justice, the President of Frankfurt/M. Higher Regional Court and the President of Frankfurt/M. Regional Court concerning the preliminary investigations into Josef Mengele dated 5.12.1973; HHStAW, 461/37976/188, pp. 493 f.

³¹¹ 'A judge from the FRG on Mengele and cooperation with the prosecution authorities'; interview in the 'Tribuna Ludu' dated 21.11.1973; BArch, DP 3/2050, pp. 76 f. (here a German translation).

³¹² Letter from the public prosecutor's office of Frankfurt/M. Regional Court dated 23.12.1974 to the Hessian Minister of Justice via the head of the public prosecutor's office with Frankfurt/M. Higher Regional Court as well as a note on the sojourn of MC employees in Frankfurt/M. dated 9.-12.12.1974; HHStAW, 461/34144, n.pag.

to the East German offer. In addition, against the backdrop of the Federal German government's New Eastern Policy, East German-Polish relations were anything but brotherly. The divergence of interests between the two states vis-a-vis the Federal Republic was the basis for 'a competitive relationship in which misunderstandings, mistrust and resentment prevailed'.³¹³ Because Friedman had not demanded an answer to his letter, the case could nonetheless be closed after agreement between Wieland and Foth.³¹⁴

It was not until about five years later that GDR officials were again confronted with the Mengele case. At that time, Wieland gave Winkler a letter from the director and co-founder of the Simon Wiesenthal Centre for Holocaust Studies in Los Angeles, Rabbi Marvin Hier, to the GDR ambassador to the USA, Peter Florin. As part of an initiative directed against the statute of limitations for National Socialist crimes, the ambassador was asked to lobby for Mengele's extradition from Paraguay and transfer to Frankfurt am Main.³¹⁵ This request was futile from the outset, partly because Paraguay had never recognised the GDR. Florin did not even react. However, he used his reply to emphasise the GDR's ostensibly strictly legalistic stance on this issue, in contrast to the Federal Republic. He also expressed outrage at the failure to prosecute Mengele that 'made a mockery of any vestige of humanity and justice and was an insult to the dead and the surviving victims of Nazi crimes'.³¹⁶ Wieland had merely noted with regard to the correspondence: 'From here, no further steps are being taken regarding this matter at the present time.'³¹⁷ Nevertheless, there must have been discussions among the officials involved about the strategy which the GDR should pursue. At any rate, Winkler noted in this regard:

A cons. [consultation] with Com[rade] pub[lic] prosecutor Foth and com[rade] pub[lic] prosecutor Wieland today revealed: 'The application for an arrest warrant against Mengele is not deemed opportune. M[engele] committed his crimes in Auschwitz. Since the crime scene principle applies, the GDR has no jurisdiction. Moreover, it is not justifiable from the point of view of legal policy that 14 years after the conviction of concentration camp physician Fischer, Horst, a warrant is sought for the arrest of M[engele] on the basis of Fischer's testimony.'³¹⁸

³¹³ Hermann Wentker: *Außenpolitik in engen Grenzen. Die DDR im internationalen System 1949–1989*. Munich 2007, p. 345.

³¹⁴ Wieland's orders dated 1.7.1974 and 20.9.1974; BAArch, DP 3/2050, n.pag.

³¹⁵ Letter from Hier to Florin dated 4.6.1979; BAArch, MfS, HA IX/11, RHE West 652, pp. 140 (English), 141 (German).

³¹⁶ Florin's response to Hier dated 14.6.1979; *ibid.*, pp. 149–151.

³¹⁷ Communication from Wieland to Winkler dated 9.7.1979; *ibid.*, p. 139.

³¹⁸ Handwritten note by Winkler dated 30.1.1981; *ibid.*, p. 159.

The GDR's lack of interest and the magnitude of the ensuing failures could not have been articulated any more clearly.

Subsequently, the chief public prosecutor's office of the GDR participated in the manhunt for Mengele by giving the Frankfurt investigators two photographs in 1982.³¹⁹ In addition, the Office of Special Investigations (OSI) with the U.S. Department of Justice was also provided with photographs and copies of the eleven-page Waffen-SS personnel file as part of searches regarding Mengele's post-war activities.³²⁰

The last time the Frankfurt chief investigator turned to the GDR was in the spring of 1985. Based on the assumption that 'numerous findings could have accumulated there, since it is obvious that many former concentration camp inmates and other victims of National Socialism also reside in the German Democratic Republic', he had requested that these cases be made available to him, 'as well as more particularly any search documents'.³²¹ Since such documents did not exist, Wieland sent him those documents that the 'Office for Special Investigations' already had in its possession.³²² Fischer's statement and the testimony of Felix Amann continued to be kept under lock and key. After it became known by chance that Mengele had already drowned in a swimming accident in Brazil in February 1979, Wieland pursued the case only on the basis of press reports and officially closed the case in 1988.³²³

³¹⁹ Letter from the head senior public prosecutor with Frankfurt/M. Regional Court to the chief public prosecutor dated 8.12.1981; BArch, MfS, HA IX/11, RHE 36/84, vol. 2, p. 7; letter from Wieland to the chief public prosecutor with Frankfurt/M. Higher Regional Court dated 15.2.1982; HHStAW, 461/37976/68, p. 10.

³²⁰ Note from the Embassy of the United States of America in the GDR to the Ministry of Foreign Affairs of the GDR dated 22.2.1985; letter from Wieland to the Ministry of Foreign Affairs, USA Dept., dated 17.5.1985; BArch, MfS, HA IX/11, RHE 36/84, vol. 2, pp. 24 and 38.

³²¹ Request for mutual legal assistance from the head senior public prosecutor with Frankfurt/M. Regional Court to the chief public prosecutor dated 17.5.1985; *ibid.*, pp. 77–85, here 84.

³²² Letter from Wieland to the head senior public prosecutor with Frankfurt/M. Regional Court dated 21.10.1985; *ibid.*, p. 90.

³²³ Wieland's order dated 6.10.1988; BArch, DP 3/2245, n.pag.

5.7 First service in Auschwitz, then in the service of the Stasi: the cases of the unofficial collaborators Settnik, Bielesch and Klakus

In quite a few cases, the operational interests of the State Security also played a role in the non-prosecution of National Socialist crimes, for example when the persons concerned worked as or were about to be deployed as unofficial collaborators. Since the 1950s, individuals with an incriminating National Socialist past had been a prime target group for recruitment by the State Security. Thus, some cases suggest that SS members in particular, who had been arrested in Poland because of crimes committed in Auschwitz, were deemed to be priority candidates for recruitment as unofficial collaborators.³²⁴ But even individuals who were obviously heavily incriminated and had not yet served a sentence were repeatedly used by the MfS as unofficial collaborators.

The case of Josef Settnik³²⁵ (1903–1986), documented in the MfS files, is a particularly serious example of the sometimes highly instrumental relationship between the MfS and individuals who were heavily incriminated by their National Socialist past. The former SS-Rottenführer had first served as a guard in one of the guard towers in Auschwitz and was then employed as an interpreter for Polish in the political department (the so-called camp Gestapo). According to survivors, Settnik, like all SS men in this department, took part in selections and gassings. A former inmate living in the GDR identified Settnik as the SS man who had mistreated and repeatedly tortured him during interrogations in the political department. Auschwitz survivor Adolf Rögner (cf. Chapter 6.2) also mentioned him in connection with the shooting of Jews from Bensburg/Będzin. In the course of the evacuation of the camp, Settnik escorted the death marches to the West.

Settnik's case was also investigated more closely by the MfS because one of his sons was a student in the military academy in Leningrad. During interrogations by the MfS in 1964, Settnik claimed to know some of the defendants in the ongoing first Auschwitz trial in Frankfurt. Despite an overwhelming burden of proof, the MfS officers involved in the case refrained both from further investigations and from reporting the important witness and alleged accomplice to the Federal German judiciary. Their aim from the outset was to recruit the 'suspect as an IMV' (unofficial collaborator with confidential relations to enemy persons). For internal justification, it was

³²⁴ Report of Dresden district office about S., Werner dated 9.6.1953; BArch, MfS, BV Dresden, AP 341/55, pp. 5 f.

³²⁵ This and other cases have already been described in detail in: Leide: NS-Verbrecher, pp. 251–261. Consequently, they are not addressed in any depth here.

pointed out that allegedly ‘there was no legal basis for the detention of the suspect’. While some of his former SS comrades sat in the dock in Frankfurt am Main, Josef Settnik was admitted to the MfS circle of unofficial collaborators in March 1964. Settnik, who was given the codename ‘Erwin Mohr’, was put to work by the MfS in his Catholic home parish. He wrote his informant reports until the summer of 1970 ‘without any inhibitions and regard for persons’, as the Stasi summed up in a report. In January 1971, it ended the cooperation. Settnik never had to stand trial and died in April 1986.



Fig. 33: Josef Settnik, around 1964

Former SS-Sturmmann August Bielesch (1924–2007) also worked unofficially for the MfS. As an ethnic German (Volksdeutscher), Bielesch had been drafted into the Waffen-SS and in February 1943 was called up ‘to reinforce the “concentration camp forces” (concentration camp guard)’. After his basic training he was sent to Auschwitz II concentration camp (Birkenau) in July 1943. Four days after the arrival of the first mass transports of Hungarian Jews, Bielesch also signed the mandatory undertaking which expressly obligated SS men to keep silent and participate in mass murder. It is seen as an important indication of active participation in extermination.³²⁶ In 1971, the MfS interrogated Bielesch; he admitted his SS service and stated that he had only observed the inmates from guard towers and during external details. He even claimed that he had not noticed anything about crimes being committed in the camps at all.

In his case, too, the MfS refrained from further investigations and instead recruited him as unofficial collaborator ‘Philipp’ in October 1971. It was not until 1979 that the MfS terminated its collaboration with its unofficial collaborator. Another case related to Auschwitz is that of former railwayman Franz Klakus (1908–1981). It is undisputed today that the German Reichsbahn was also an ‘essential element in the machinery of extermination’.³²⁷ Nevertheless, on the basis of knowledge available today, not one single official of the Reichsbahn, which continued to operate under this name in the East, was convicted of his or her involvement in deportations to the extermination camps, either in the GDR or in the Federal Republic.³²⁸ However, interrogations

³²⁶ Cited in Chapter 5.4, cf. Hördler: *Ordnung und Inferno*, p. 305.

³²⁷ Cf. Raul Hilberg: *Sonderzüge nach Auschwitz*. Frankfurt/M., Berlin 1987, p. 112.

³²⁸ In connection with the deportations of Jews, a total of 19 trials were held in the two German states, in which 15 defendants were convicted, nine in West



Fig. 34: August Bielech wearing a Waffen-SS uniform, 1943

by the MfS have been sufficiently documented for instance in the case of Klakus case. He worked for the Deutsche Reichsbahn from November 1939 to July 1944 as a dispatcher and supervisor at Auschwitz railway station. One of his duties was to direct the incoming inmate trains right up to the camp gates, from where they were hauled into the concentration camp. In 1964, Klakus stated to the MfS:

Several times I witnessed the unloading of individual wagons with inmates at the goods ramp of the station. SS members herded inmates into the truck whilst raining down blows on them. Furthermore, I could see the slurry seeping through the floor of the wagons with the inmates [...] The trains were shunted into the camp to the camp platform by a locomotive from the station and unloaded there. No member of the

Reichsbahn was present there. I also noticed a terrible stench during my early days there, especially in rainy weather. It was generally known that this came from the corpses burning on funeral pyres.³²⁹

The MfS staff did not seem to consider the fact that Klakus, who had been living in Saxony since the end of the war, was to be regarded not only as an accessory to mass extermination but also as a perpetrator of crimes against humanity (which would have been possible according to GDR law and legal opinion).³³⁰ Consequently, the Klakus case was not submitted to the public prosecutor's office for evaluation. The Stasi had other plans for him: they recruited him in March 1964 under the codename 'Max Bräuer' as an unofficial collaborator. However, once the cooperation proved to be unsuccessful, the State Security jettisoned him in the late summer of 1968.

Germany and six in East Germany. In the majority of cases, they were former Gestapo officials. Former employees of the respective local administration were investigated in only two trials (in the Federal Republic). Cf. Christiaan Frederik Rüter: Ost- und westdeutsche Strafverfahren gegen die Verantwortlichen für die Deportation der Juden. In: Anne Klein, Jürgen Wilhelm (eds.): NS-Unrecht vor Kölner Gerichten nach 1945. Cologne 2003, pp. 45–56.

³²⁹ Leide: Ganz anders und doch nicht so anders. In: DA 43 (2010) 6, p. 1071.

³³⁰ Hinsichtlich der Rolle der Reichsbahn in Auschwitz siehe auch Sybille Steinbacher: 'Musterstadt' Auschwitz. Germanisierungspolitik und Judenmord in Ostoberschlesien. Munich 2000, pp. 249–252.

The case of a senior employee of the Dortmund steel company Hoesch, who was living in the Federal Republic of Germany, shows that former Reichsbahn officials who had been involved in the Shoah were certainly considered by the SED to be perpetrators worthy of punishment when it seemed opportune. Since he was a member of the West German economic elite, the theory of the communality of interests between big business and fascism could be illustrated particularly well here.

In November 1969, a long-simmering case against Dr Ing. Albert Ganzenmüller (1905–1996) was reopened in the Federal Republic after the issuing of an arrest warrant. The former state secretary in the Reich Ministry of Transport and deputy authorised representative of the Deutsche Reichsbahn had been a National Socialist activist from the very outset, a bearer of the so-called ‘Blood Medal’ and NSDAP member since 1931.³³¹ In May 1942, Adolf Hitler personally appointed him to his post, saying that he, as a ‘representative of the young generation’, should resolve the transport problems ‘with the utmost zeal and brutal energy’.³³² As the highest official in his Ministry, he was responsible, among other things, for those departments that provided transport logistics for the mass deportations.³³³ After the end of the war, Ganzenmüller escaped from the Moosburg an der Isar internment camp and, like so many other National Socialists, fled to Argentina. In 1955, however, he returned to the Federal Republic and pursued a career at the Hoesch company in Dortmund.³³⁴

In 1957, Ganzenmüller was placed under investigation since he was accused of having provided railway trains for deportations to the extermination camps Auschwitz, Sobibor, Treblinka, etc. Once his indictment was foreseeable, the Hoesch company, for which he worked as an ‘expert



Fig. 35: Franz Klakus; photo from the IM file from 1964

³³¹ Günter Neliba: *Staatssekretäre des NS-Regimes. Ausgewählte Aufsätze*. Berlin 2005, pp. 86 f.

³³² *Ibid.*, pp. 84 f.

³³³ Hilberg: *Sonderzüge nach Auschwitz*, p. 33.

³³⁴ Letter from public prosecutor Wieland to the MfS dated 15.5.1973, annex: report by Professor Friedrich Karl Kaul dated 3.5.1973 in the criminal proceedings against Dr Albert Ganzenmüller on 10 and 11 April 1973 (days 1 and 2 of the trial); BArch, MfS, HA IX/11 V 123/69, vol. 32, pp. 107–110, here 109.

for transport questions³³⁵ offered him a 'post abroad' to avoid 'any further inconveniences'.³³⁶ It took until 1971 for Düsseldorf Higher Regional Court to allow the main trial against him for accessory to murder and deprivation of liberty whilst in office resulting in death.³³⁷

As he had done in the first Auschwitz trial, GDR star lawyer Friedrich Karl Kaul suggested an ancillary action with corresponding agitational goals to the GDR's chief public prosecutor's office.³³⁸ Through cooperation with the Warsaw-based 'Main Commission for the Investigation of National Socialist Crimes in Poland', which procured a power of attorney from a Jewish survivor, he succeeded. The main objective of the ancillary action was 'to try to influence the decision of the Higher Regional Court by means of propaganda-driven publications'.³³⁹ In addition, Kaul wanted to call a Hoesch board member, yet to be named, to the witness stand in order to put the maximum spin on the offers by the group, which had become public, to post Ganzenmüller abroad.³⁴⁰

As in the first Auschwitz trial, however, the GDR's political expectations of the ancillary action were not fulfilled. The trial began on 10 April 1973, but after just a few sessions it was suspended because of the defendant's illness, first provisionally and then finally in 1977 because he was unfit to stand trial.³⁴¹ Ganzenmüller went on to live for almost 20 years until he died at the age of 91.

³³⁵ Neliba: Staatssekretäre des NS-Regimes, p. 93.

³³⁶ Letter from public prosecutor Wieland to the MfS dated 15.5.1973, annex: report by Professor Friedrich Karl Kaul dated 3.5.1973 in the criminal proceedings against Dr Albert Ganzenmüller on 10 and 11 April 1973 (days 1 and 2 of the trial); BArch, MfS, HA IX/11 V 123/69, vol. 32, p. 109.

³³⁷ Cf. Heiner Lichtenstein: *Mit der Reichsbahn in den Tod. Massentransporte in den Holocaust*. Cologne 1985, p. 129.

³³⁸ Letter from Kaul to Carlos Foth, public prosecutor with the chief public prosecutor of the GDR dated 25.3.1971; BArch, MfS, HA IX/11 FV 123/69, vol. 32, p. 54.

³³⁹ *Ibid.*

³⁴⁰ Hartwig Suhrbier: Ganzenmüller hält die Rolle des Ahnungslosen durch. The Reichsbahn manager claims that he only heard about Auschwitz after the war/trial in Düsseldorf. In: *Frankfurter Rundschau* dated 16.4.1973.

³⁴¹ Friedrich: *Die kalte Amnestie*, pp. 418 f.

6. The treatment of unwelcome survivors and victims

The integration of NSDAP Members into the early GDR and the non-prosecution of National Socialist perpetrators, as a calculated political and secret police manoeuvre,¹ went hand in hand with a complete disregard for those National Socialist victims who did not sit well with the political ideas of the communists. The very least that the SED demanded, even of those individuals who had suffered under the National Socialist regime, was a loyal commitment to the new socialist society and a high degree of willingness to adapt and integrate.² Last but not least, acceptance of the decisions of the powers-that-be regarding the past and personnel policy decisions was also required along with personal and public commitment as proof of the ‘anti-fascist integrity of the GDR’.³

Recognition as ‘victims of fascism’ (renamed from 1950 persecutees of the Nazi regime/VdN), combined with the granting of social benefits, was therefore ‘by no means compensation for injustices suffered’, but far more ‘a reward that had to be earned through conformist and socially disciplined behaviour’.⁴ The Party, state authorities and the State Security took harsh and unrelenting steps against National Socialist victims if they were politically inconvenient or appeared to contradict the social norms of the SED state.⁵ This is particularly obvious in the case of the merciless persecution of Jehovah’s Witnesses, which led to National Socialist persecutees being criminalised and imprisoned yet again, just a few years after the end of National Socialist rule. But other National Socialist persecutees who did not bend to the norms of the socialist state also had a hard time, especially people who had been persecuted by the National Socialists as ‘antisocial elements’.

¹ Leide: NS-Verbrecher und Staatssicherheit, pp. 191–391.

² Cf. Christoph Hölscher: NS-Verfolgte im ‘antifaschistischen Staat’. Vereinnahmung und Ausgrenzung in der ostdeutschen Wiedergutmachung (1945–1989). Berlin 2002.

³ Constantin Goschler: Wiedergutmachungspolitik – Schulden, Schuld und Entschädigung. In: Peter Reichel, Harald Schmid, Peter Steinbach (eds.): Der Nationalsozialismus – Die zweite Geschichte. Überwindung, Deutung, Erinnerung. Munich 2009, pp. 62–84, here 72.

⁴ Korzilius: ‘Asoziale’ und ‘Parasiten’, p. 60.

⁵ Cf. Knud Andresen: Widerspruch als Lebensprinzip. Der undogmatische Sozialist Heinz Brandt (1909–1986). Bonn 2007; Leide: NS-Verbrecher und Staatssicherheit, pp. 392–401.

6.1 The twofold persecution of Jehovah's Witnesses and the case of Käthe Martin – a survivor targeted by the SED and the MfS

The powers-that-be did not show any understanding towards this Jehovah's Witnesses faith community which was not willing to make compromises with the SED because of its religious convictions⁶. Furthermore, it challenged the communists' claim to an ideological monopoly with its strongly missionary-oriented (and also successful) recruitment of new members.⁷ The persecution of this small religious community, with its 23,000 or so believers in the GDR in 1950, did not prompt any fear of major protests either in the GDR itself or abroad.⁸ The Jehovah's Witnesses, a group that had already been persecuted by the National Socialists, was now targeted by the State Security. In 1933, the year the National Socialists came to power, the 'International Bible Scholar Association' (renamed in 1931 Jehovah's Witnesses) had between 25,000 and 30,000 followers in Germany. In addition to the Jewish cultural communities, they ranked amongst the first religious communities to be banned in the federal states from 1933 onwards.⁹ The Jehovah's Witnesses were regarded as persistent opponents of the National Socialist state and as a danger to the National Socialist 'national community' because of their strict adherence to biblical principles, the rejection of any type of Führer cult and their 'refusal of civic duties', especially military service. They were relentlessly persecuted by the internal administration of the federal states, the political police and the security service (Sicherheitsdienst – SD).¹⁰ Many of them had been subjected to reprisals in the period from 1933 to 1945, be it through loss of their jobs or pensions, the withdrawal of custody of their children or fines.¹¹ 4,200 out of a total of around 11,300 arrested believers

⁶ For more details see Hans-Hermann Dirksen: 'Keine Gnade den Feinden unserer Republik', pp. 855 ff.

⁷ Cf. Hacke: *Die Zeugen Jehovas*, pp. 213–274.

⁸ Wolfram Slupina: *Als NS-Verfolgte ein Fall für die Stasi. Die Doppelverfolgung der Zeugen Jehovas unter dem NS- und dem SED-Regime*. In: Gerhard Besier, Clemens Vollnhals (eds.): *Repression und Selbstbehauptung. Die Zeugen Jehovas unter der NS- und der SED-Diktatur*. Berlin 2003, pp. 247–282; Falko Schilling: *Die Zeugen Jehovas in der SBZ/DDR 1945 bis 1951. Neuanfang, Behinderung und Verfolgung*. Halle/S. 2014, p. 57.

⁹ Detlef Garbe: *Zwischen Widerstand und Martyrium. Die Zeugen Jehovas im 'Dritten Reich'*. Munich 1994, pp. 78 and 83–85.

¹⁰ Wolfgang Dierker: *Himmels Glaubenskrieger. Der Sicherheitsdienst der SS und seine Religionspolitik 1933–1941*. Paderborn et al. 2002, pp. 200–209.

¹¹ Slupina: *Als NS-Verfolgte ein Fall für die Stasi*, p. 252.

were deported to the concentration camps, 400 alone to Auschwitz.¹² In some concentration camps, Jehovah's Witnesses initially even made up the largest group of inmates.¹³ In general, Jehovah's Witnesses were the only 'worldview community' that formed a separate category of inmates in the concentration camps and the purple triangle they wore stigmatised them as 'special hate objects of the SS'.¹⁴ This is because, even under the conditions of concentration camp incarceration, male and female members of the religious community refused to do any work to benefit the war economy, regardless of the consequences, unless they could reconcile this with their conscience.¹⁵ A total of between 1,200 and 1,500 men and women from the ranks of the Jehovah's Witnesses were murdered.¹⁶ Among them were at least 156 inmates from Auschwitz.¹⁷ Around 360 were executed for their refusal to do their military service or for undermining military force.¹⁸

After the end of the war, it was in the beginning relatively easy for the congregation to rebuild its activities. However, the German and Soviet authorities soon began to introduce increasing obstacles and restrictions in the Soviet Occupation Zone. On 31 August 1950, the (renewed) ban of the religious community was announced in a letter from the GDR Minister of the Interior.¹⁹ After that, the GDR authorities systematically set about continuing the 'cruel persecution of Jehovah's Witnesses, persecution which they had steadfastly

¹² Cf. Erinnerung an Auschwitz – 70. Jahrestag der KZ-Befreiung. Press release of Jehovah's Witnesses, 26.1.2015; https://www.jehovas-zeugen.at/fileadmin/user_upload/01-Wer-wir-sind/04-Pressemitteilungen-link-file/Pressemitteilung_22.pdf (last accessed: 6.4.2022).

¹³ Jürgen Harder, Hans Hesse: Die Zeuginnen Jehovas im Frauen-KZ Moringen: ein Beitrag zum Widerstand von Frauen im Nationalsozialismus. In: Hans Hesse (ed.): Am mutigsten waren immer wieder die Zeugen Jehovas. Verfolgung und Widerstand der Zeugen Jehovas im Nationalsozialismus. Bremen 1998, pp. 35–62, here 40.

¹⁴ Garbe: Zwischen Widerstand und Martyrium, p. 397.

¹⁵ Cf. Falk Bersch: Aberkannt! Die Verfolgung von Jehovas Zeugen im Nationalsozialismus und in der SBZ/DDR (= Schriftenreihe der Beauftragten des Landes Brandenburg zur Aufarbeitung der Folgen der kommunistischen Diktatur 10). Berlin 2017, pp. 49–56.

¹⁶ Slupina: Als NS-Verfolgte ein Fall für die Stasi, p. 252.

¹⁷ Teresa Wontor-Cichy: Für den Glauben in Haft. Zeugen Jehovas im KL Auschwitz. Oświęcim 2006, p. 22.

¹⁸ Slupina: Als NS-Verfolgte ein Fall für die Stasi, p. 252.

¹⁹ Hans-Hermann Dirksen: 'Keine Gnade den Feinden unserer Republik', pp. 286–301.

endured under the National Socialist yoke'.²⁰ The concrete measures for the persecution and destruction of the religious community stemmed from the MfS. It identified the elements of an offence for the criminalisation of the community, which then led to its condemnation by a compliant judiciary. An order from the GDR chief public prosecutor stated:

Given the reports recently published in the press about anti-state activities of members of the 'Jehovah's Witnesses' sect, the Ministry for State Security was compelled to take robust defensive measures. These measures of the Ministry for State Security require the strongest support of the prosecution authorities (the courts and public prosecutor's offices) [...] Finally, I would like to add that the actions by the 'Jehovah's Witnesses' which are directed against the German Democratic Republic are to be considered as neo-fascist activities and, in every case, are to be brought to trial in expedited proceedings.²¹

The International Bible Scholar Association was founded in the United States of America at the end of the 19th century and renamed itself Jehovah's Witnesses from 1931 onwards. It clearly ranked amongst the 'enemy organisations' in the opinion of the SED. This hadn't always been the case. As late as May 1947, the Central Board of the 'Association of Persecutees of the Nazi Regime' (VVN) had responded to a corresponding inquiry from Jehovah's Witnesses:

A dictatorship that involves the suppression of another opinion or the practice of any belief is, of course, rejected by us. We have come to know and appreciate the 'Jehovah's Witnesses' in concentration camps as upright people and fighters. Your courage and conviction were not only admirable, but also served to encourage other fellow sufferers.²²

Against the backdrop of their renewed persecution, they first had to be turned into '(co-)perpetrators' in order to 'justify this both internally and externally', but also to forestall criticism of the persecution of victims of the National Socialist regime.²³ It was also necessary to dent the high esteem in which the

²⁰ Slupina: Als NS-Verfolgte ein Fall für die Stasi, p. 256.

²¹ Letter from the chief public prosecutor of the GDR to the senior public prosecutors of the district and the head of the public prosecutor's branch office in Eisenach dated 4.9.1950; BArch, MfS, HA XX/4 no. 83, pp. 4 f.

²² Here quote from: Olaf Groehler: Integration und Ausgrenzung von NS-Opfern. Zur Anerkennungs- und Entschädigungsdebatte in der Sowjetischen Besatzungszone Deutschlands 1945 bis 1949. In: Jürgen Kocka (ed.): Historische DDR-Forschung. Aufsätze und Studien. Berlin 1993, pp. 105–127, here 117.

²³ Hacke: Die Zeugen Jehovas, p. 258.

Jehovah's Witnesses were held due to their indomitable behaviour towards the National Socialist regime. The communist-dominated VVN, which was now one of the 'loudest propagandists of the ban' and justified the 'shameful action with infamous slander about the role of the religious community during the National Socialist era', was also involved.²⁴ The revocation of both their status as 'persecutees of the Nazi regime' and the 'honorary pensions'²⁵ paid to Nazi persecutees in the GDR along with the exclusion of Jehovah's Witnesses from the VVN in the immediate aftermath of the ban, were all part and parcel of this strategy.²⁶ These reprisals were flanked by press campaigns ('the Party's sharpest weapon')²⁷ that not only criminalised Jehovah's Witnesses but also denounced them for collaborating with the Nazi regime.²⁸ For example, former Auschwitz inmate and henceforth SED functionary Stefan Heymann claimed in a newspaper article: 'the Bible scholars did not participate actively in any single instance in the anti-fascist resistance movement. Indeed, in most cases, they rejected the most primitive comradeship with the political fighters against fascism.'²⁹ Shortly after the liberation, Heymann had testified exactly the opposite.³⁰

Later, the MfS made use of the Gestapo and security service files kept in its own archives to defame and discredit Jehovah's Witnesses.³¹ The State Security was particularly perfidious in the case of Erich Frost (1900–1987). After multiple arrests and brutal interrogations from 1937 to 1945, the head of the German branch of Jehovah's Witnesses had been incarcerated in various concentration camps. From interrogation records of the Gestapo, the State Security fabricated the accusation that Frost had betrayed fellow believers. However, after the MfS had failed to blackmail him into unofficial

²⁴ Groehler: *Verfolgten- und Opfergruppen*, pp. 17–30, here 25.

²⁵ Slupina: *Als NS-Verfolgte ein Fall für die Stasi*, p. 256.

²⁶ Cf. Ralf Kessler, Hartmut Rüdiger Peter (eds.): *'An alle OdF-Betreuungsstellen Sachsen-Anhalts! Eine dokumentarische Fallstudie zum Umgang mit den Opfern des Faschismus in der SBZ/DDR 1945–1953*. Frankfurt/M. 1996, pp. 159–161.

²⁷ The quotation by Lenin and Stalin is the title of a corresponding study by Gunter Holzweißig: *Die schärfste Waffe der Partei. Eine Mediengeschichte der DDR*. Cologne et al. 2002.

²⁸ Cf. Annegret Dirksen: *Die Steuerung der Presse zur Kriminalisierung der Zeugen Jehovas in der SBZ/DDR. Zur Forschung über die Bekämpfung und Ausgrenzung der Zeugen Jehovas*. In: Besier; Vollnhals (eds.): *Repression und Selbstbehauptung*, pp. 83–114.

²⁹ *Ibid.*, pp. 90 f.

³⁰ Bersch: *Aberkannt!*, p. 105.

³¹ Hacke: *Die Zeugen Jehovas*, p. 295.

collaboration with the allegedly incriminating material in 1956, the accusations were made public.³² Even the Hamburg news magazine 'Der Spiegel' later reported them in an article. Today, it is a well-known fact that these were baseless insinuations but, at the time, they effectively fuelled the campaign of character assassination.³³ In an internal MfS instruction, overwritten with 'measures to combat the "Jehovah's Witnesses"', the following comments were made in connection with the recruitment of secret informers (GI) and secret collaborators (GM):

The cult members who served time for this during the Nazi era and were released early from Gestapo custody because they incriminated other cult members during interrogation, are also suitable candidates for secret collaboration. Furthermore, these individuals easily win the confidence of today's cult members because, as has been established, the overwhelming majority of 'Jehovah's Witnesses' who survived concentration camp imprisonment by the Gestapo acted as moles for the Gestapo [...] They allowed themselves to be used by the Gestapo as moles and, in this capacity, they betrayed communists, social democrats and other upright German people without any show of remorse.³⁴

These slanderous insinuations probably served not only as a manual for the responsible MfS officers but, at the same time, as a means of conveying a specifically defined 'Chekist image of the enemy'.³⁵ As other cases prove, this perfidious method developed into a kind of 'standard procedure' when the SED or the MfS were interested in defaming and discrediting political opponents with the appropriate life history.³⁶ In total, over 6,000 Jehovah's Witnesses were arrested in the Soviet Occupation Zone/GDR, of whom around 5,000 (77% men, 23% women) were subsequently handed down a custodial sentence by GDR courts.³⁷ Until 1955, one of the criminal provisions applied was Allied Control Council Directive no. 38. The victorious allied powers had originally issued this directive to ensure the uniform handling

³² Hans-Hermann Dirksen: 'Keine Gnade den Feinden unserer Republik', pp. 584–592.

³³ Waldemar Hirsch: Operativer Vorgang 'Winter'. 'Zersetzungsmaßnahmen' des Ministeriums für Staatssicherheit gegen den Leiter des deutschen Zweiges der Zeugen Jehovas, Erich Frost, verbunden mit einem Missbrauch westdeutscher Medien. In: Kirchliche Zeitgeschichte. Internationale Halbjahreszeitschrift für Theologie und Geschichtswissenschaften 12(1999) 1, pp. 225–239.

³⁴ [MfS, HA V], Sachakte 'Gesindel', Maßnahmen zur Bekämpfung der Sekte 'ZJ', n.p. and n.d. [1953]; BArch, MfS, HA XX/4 no. 874, p. 90.

³⁵ Cf. Suckut (ed.): Das Wörterbuch der Staatssicherheit, pp. 121 f.

³⁶ Leide: NS-Verbrecher und Staatssicherheit, pp. 401 f.

³⁷ Slupina: Als NS-Verfolgte ein Fall für die Stasi, pp. 256.

of denazification and the prosecution of Nazi and war crimes.³⁸ Among those convicted there were at least 325 Jehovah's Witnesses who had already been imprisoned for many years during the National Socialist era because of their convictions.³⁹ In the GDR, some of them were sentenced in the same court and sent to prisons where they had already been incarcerated prior to 1945.⁴⁰ There were occasions when a Jehovah's Witness, knowing and expecting a new period of persecution and suffering, welcomed the nightly arrest squad in his concentration camp clothes with his inmate number and purple triangle. Another one came across a fellow inmate from the concentration camp who was now a guard in his prison.⁴¹

A total of 62 Jehovah's Witnesses (16 women, 46 men) died in prison or in pretrial detention in the Soviet Occupation Zone/GDR. They included 29 believers (4 women and 25 men) who had already been persecuted by the National Socialists.⁴² No other group of persons of any kind, even former members of Nazi murder squads known to the courts, were persecuted 'as harshly, relentlessly and for as long by the SED regime as Jehovah's Witnesses'.⁴³

104 women among the Jehovah's Witnesses who were persecuted in the GDR had already been exposed to the most diverse forms of persecution under the National Socialist dictatorship. Exactly half of these women were subjected to renewed reprisals below the level of criminal law measures in the GDR, while the other half had to serve prison sentences.⁴⁴ One of them was Käthe Neumann, married name Martin. Käthe Neumann (1915–1991) was born in Danzig as the third daughter of Christian merchant and distiller Theofiel Neumann and his Jewish wife Laura, née Nebel. In 1920⁴⁵ the

³⁸ Hans-Hermann Dirksen: 'Keine Gnade den Feinden unserer Republik', pp. 280–283.

³⁹ Slupina: Als NS-Verfolgte ein Fall für die Stasi, p. 256.

⁴⁰ Günter Fippel: Antifaschisten in 'antifaschistischer' Gewalt. Guben 2003, p. 120.

⁴¹ Cf. Ewald Kaven: 'Denn einmal kommt der Tag, dann sind wir frei ...'. DDR-Strafvollzug in Bützow-Dreibergen. Essen 2004, pp. 8 and 87.

⁴² Johannes Wrobel: Zeugen Jehovas im Strafvollzug der DDR. In: Besier; Vollnhals (ed.): Repression und Selbstbehauptung, pp. 201–227, here 204.

⁴³ Hans-Hermann Dirksen: 'Keine Gnade den Feinden unserer Republik', p. 857.

⁴⁴ Hans Hesse: 'The elimination of the defendants from society is necessary because of the specific danger they represent to it.' Zur Geschichte der Verfolgung und des Widerstandes der Zeuginnen Jehovas in der DDR. In: Besier; Vollnhals (eds.): Repression und Selbstbehauptung, pp. 229–243, here 230 f.

⁴⁵ Unless otherwise indicated, this and all other biographical information is taken from a curriculum vitae written by Käthe Martin herself on 23.8.1950 in connection with her application for recognition as a persecutee of the Nazi



Fig. 36: Käthe Martin, prison photo taken by the MfS Investigation Department of Neubrandenburg district office, 1953

family moved to Hindenburg in the Upper Silesian industrial area, where she attended eight years of elementary school and one and a half years of supplementary school. As a result of her parents' economic difficulties, she had to abandon her studies and went to work as a trainee for a year in the office of a child protection agency. Afterwards she trained as a saleswoman in a bicycle shop in Hindenburg. After the passing of the 'Nuremberg Laws' in November 1935, Käthe Neumann was considered a so-called 'Mischling I. Klasse' (person of Aryan and non-Aryan ancestry, first degree). This made it impossible for her to carve out a living in Hindenburg. So she left her parental home in 1936 and moved to Berlin. But even there she was forced to change jobs as a nanny in private households many times because of discrimination. It was not until 1940 that she succeeded in obtaining employment as a clerk in a Berlin laboratory. There she met and became engaged to an architect. Due to the increasing hostility and persecution in the Reich capital, the couple fled to Krenau (until 1941 Chrzanów) in annexed East Upper Silesia, not far from Auschwitz and Katowice.

The living conditions for the large Jewish community in Krenau were initially more tolerable than in other occupied areas of Poland. They were also spared the initial deportations, since 'economically driven premises' such as the use of forced labour shaped 'anti-Jewish policy'.⁴⁶ Käthe Neumann tried to go into hiding there and also hoped for a certain protection through her relationship, although the couple were not allowed to marry due to the

regime. Cf. LHA Schwerin, Bezirkstag/Rat des Bezirkes Neubrandenburg – VDN-Betreuungsstelle (Z 83/91) – 1184.

⁴⁶ Steinbacher: 'Musterstadt' Auschwitz, p. 141.

'Law for the Protection of German Blood and German Honour'. Her fiancé opened an architectural office where Käthe Neumann worked as a secretary. But then another Jewish woman employed in the office was arrested while trying to escape to Switzerland. This resulted in Käthe Neumann and her fiancé being arrested as accomplices or supporters of this flight attempt in December 1942 and sent to police headquarters and the Kattowitz detention centre. While her fiancé was released after four months of imprisonment, Käthe Neumann was deported to Auschwitz concentration camp in March 1943 after she had been served with a 'protective custody order'. There she was registered as a 'pol[itical] Jewess' with inmate number 38943.⁴⁷ After a severe bout of typhus, she performed light work in the weaving mill and later in the storeroom. In mid-September 1943, she was transferred to Ravensbrück concentration camp.⁴⁸ There, Käthe Neumann was given inmate number 23198 and was assigned to the 'Siemenslager' work detail⁴⁹.

Shortly afterwards, new arrivals, also from Auschwitz, told her that her mother had been gassed there.⁵⁰ According to other documents, Laura Neumann had been arrested at the beginning of June 1942 and sent to Hindenburg Prison. She is said to have died during the transport to Auschwitz. The presumably fictitious date of her death was given as 31 December 1944.⁵¹ Today, it is probably no longer possible to clarify which of the statements is correct.

In Ravensbrück, Käthe Neumann also came into contact for the first time with Jehovah's Witnesses, whose consistent attitude of faith, despite mistreatment and threats of punishment, gave the fellow inmates 'much comfort and strength'.⁵² After the liberation of Ravensbrück by Soviet troops, Käthe Neumann had to remain in the camp until June 1945 to recover from her ordeal. She then went to live with a relative in Berlin, joined the Jehovah's

⁴⁷ ITS, imprisonment attestation dated 14.1.1971; ITS, copy 6.3.3.2/104807870.

⁴⁸ ITS, notification of change by Ravensbrück concentration camp dated 16.9.1943; ITS Digital Archive 1.1.35.1/3765139.

⁴⁹ Cf. Ulrike Brandes, Claus Füllberg-Stolberg, Sylvia Kempe: Arbeit im KZ Ravensbrück. In: Claus Füllberg-Stolberg et al. (eds.): Frauen in Konzentrationslagern. Bergen-Belsen, Ravensbrück. Bremen 1994, pp. 55–69.

⁵⁰ Curriculum vitae Käthe Martin dated 23.8.1950; LHA Schwerin, Bezirkstag/Rat des Bezirkes Neubrandenburg – VDN-Betreuungsstelle (Z 83/91) – 1184, n. pag.

⁵¹ ITS, ITS Digital Archive, correspondence file T/D-274763, 6.3.3.2/90447503-90447516.

⁵² Käthe Martin, curriculum vitae, 23.8.1950; LHA Schwerin, Bezirkstag/Rat des Bezirkes Neubrandenburg – VDN-Betreuungsstelle (Z 83/91) – 1184, n. pag. Lucie Adelberger makes a similar point: Auschwitz. Ein Tatsachenbericht. Berlin 1956, pp. 161 f.

Witnesses because of the convictions she had gained in the concentration camp, and was then baptised.⁵³ From September 1945 on, she worked as a preacher, first in Berlin, then in Kühlungsborn and Kröpelin (Mecklenburg). In the summer of 1948, she moved to the small town of Anklam in West Pomerania and performed the same function there.⁵⁴

In April 1950 she married Rudolf Martin (1918–2000), an accountant who also worked for the religious community. Her husband was already arrested on 30 August 1950, one day before the official ban on Jehovah's Witnesses, and two months later he was sentenced to ten years in prison.⁵⁵ Käthe Martin took over from him, something that did not go unnoticed by the responsible regional office of the MfS. Based on the suspicion of illegal activity for Jehovah's Witnesses, a so-called 'Boldekow' group case was created as early as March 1951 to deal with Käthe Martin and six other women.⁵⁶ In accordance with an agreement between the head of the Neubrandenburg district office, the superior office in Berlin and the 'com[rade] adviser', i.e. the responsible representative of the Soviet secret police, Käthe Martin was arrested in December 1953.⁵⁷ On 15 April 1954, the Neubrandenburg District Court convicted her of offences in violation of Article 6 of the GDR constitution in conjunction with Allied Control Council Directive no. 38, and sentenced her to ten years in prison, too.⁵⁸ She served her sentence in Bützow-Dreibergen and Hoheneck prisons. In December 1956, her custodial sentence was reduced to six years by a clemency decision of the President of the GDR, who did not decide on a case-by-case basis, but 'list-wise'.⁵⁹

⁵³ Record of the public session of Neubrandenburg District Court in the criminal proceedings against Käthe Martin et al. dated 15.4.1954; BArch, MfS, BV Neubrandenburg, AU 28/54, supplementary file (court record), vol. I, pp. 124–127.

⁵⁴ Interrogation record of defendant Martin, Käthe dated 17.12.1953; BArch, MfS, BV Neubrandenburg, AU 28/54, vol. I, pp. 93–96.

⁵⁵ Cf. Annegret Dirksen: 'Nie wieder Ravensbrück!' Die mecklenburgische Presse als Waffe gegen Andersdenkende. In: *Zeitgeschichte Regional. Mitteilungen aus Mecklenburg-Vorpommern* 7(2003) 1, pp. 26–35.

⁵⁶ Decision of the MfS Mecklenburg office, Dept. Anklam, about the creation of a group case dated 23.3.1951; BArch, MfS, BV Neubrandenburg, AOP 46/53, vol. I, pp. 43 f.

⁵⁷ Final report of the MfS county office Anklam dated 29.12.1953; *ibid.*, p. 175.

⁵⁸ Verdict of Neubrandenburg District Court dated 15.4.1954; BArch, MfS, BV Neubrandenburg, AU 28/54, supplementary file, pp. 9–13.

⁵⁹ Communication from the public prosecutor of Neubrandenburg district to the district authority of the People's Police, Execution of Sentence Division dated 8.1.1957; BArch, MfS, BV Neubrandenburg, AU 28/54, supplementary file (supplementary file district public prosecutor, vol. I, pp. 19 f.

At the same time, relatives tried to obtain the couple's release by means of petitions and applications to various GDR authorities. First, Rudolf Martin was granted a conditional suspension of sentence in May 1957. In the case of his wife, this initially failed due to the refusal of the responsible district attorney of Neubrandenburg, who was of the opinion that the 'educational goal' of the sentence had not yet been achieved.⁶⁰ The latter's attitude changed only after the senior public prosecutor's office gave him the following instruction in response to a petition: 'If, it is in fact the case, that Käthe Martin was racially persecuted during the Nazi era, serious consideration must be given as to whether, in the case of exemplary conduct in prison, an application for the conditional suspension of sentence may be made.'⁶¹

By order of Neubrandenburg District Court, Käthe Martin was also granted a 'conditional suspension of sentence with a probationary period of three years' at the beginning of November 1957.⁶² On the morning of 10 December 1957, she was released from Hoheneck/Stollberg women's prison and headed for West Berlin.⁶³ After 1961, she moved to Cham in the Bavarian Forest, probably following instructions from her religious community. She died there in July 1991. Like Käthe Martin, at least eight other Jehovah's Witnesses who had been deported to Auschwitz, were the victims of renewed persecution, this time in the GDR.⁶⁴

6.2 Adolf Rögner – an inconvenient Auschwitz victim

It is thanks to former Auschwitz inmate Adolf Rögner (1904–1971), *inter alia*, that the first Auschwitz trial in Frankfurt am Main came about at all.⁶⁵ His dogged willingness to name names at a 'time of silence'⁶⁶ contributed

⁶⁰ Communication from the public prosecutor of Neubrandenburg district to the senior public prosecutor's office of the GDR, Dept. I, dated 17.5.1957; BArch, MfS, BV Neubrandenburg, AU 28/54, supplementary file, pp. 93 f., here 94.

⁶¹ Letter from the chief public prosecutor of the GDR to the public prosecutor of Neubrandenburg district, Dept. I, dated 19.9.1957; *ibid.*, p. 109.

⁶² Decision of the First Court of Criminal Appeal of Neubrandenburg District Court dated 7.11.1957; *ibid.*, p. 112.

⁶³ Release attestation from Hoheneck prison dated 10.12.1957; archive Jehovah's Witnesses, O-ZZ Käthe Martin, n. pag.

⁶⁴ Information Jehovah's Witnesses, central European branch, Selters/Taunus, to the author dated 26.11.2015.

⁶⁵ Werner Renz: Der 1. Frankfurter Auschwitz-Prozess. Zwei Vorgeschichten. In: ZfG 50(2002)7, pp. 622–631; Wojak (ed.): Auschwitz-Prozeß 4Ks 2/63, pp. 247–252.

⁶⁶ Werner Renz: Fritz Bauer und das Versagen der Justiz. Hamburg 2015, p. 11.

to the drawing up of well-founded charges. Little is known about his biography to this day – in comparison to the lives of the two other important protagonists in this trial, Fritz Bauer and Hermann Langbein. The difficult life of Adolf Rögner is probably one of the reasons why history has not yet paid adequate tribute to him. He had several previous convictions for criminal offences – not a person suited to receiving public honours. His life is described here because his fate, despite all the differences between the political systems in East and West Germany, is indicative of one common factor: both states sometimes found it easier to integrate the perpetrators rather than the victims. Rögner commuted between East and West in 1962 and 1965 in search of new prospects. Consequently, there are also traces of his biography in Stasi records.

Adolf Rögner, the son of an engineer, was born in Munich in 1904. All that is known about his family is that he had a sister and that his parents died in 1945 and 1950/51.⁶⁷ After attending elementary school in Munich, Rögner moved up to the Wilhelm grammar school there. However, after playing truant for several weeks, he was expelled at the end of 1915.⁶⁸ Rögner was then sent to the elementary school in Grunertshofen (today the municipality of Moorenweis).⁶⁹ But even this stay was short-lived, because at the beginning of the school year 1916/17, Rögner enrolled at Kloster grammar school Schäftlarn.⁷⁰ There is little to suggest that Rögner stood out particularly as a pupil. It was merely noted that his behaviour was ‘peculiar’, but that he was not responsible for any ‘odd class disruptions’. His school performance remained, except for religious instruction, merely ‘sufficient’ due to attested mediocre diligence.⁷¹

⁶⁷ Examination record of Adolf Rögner by the Baden-Württemberg Criminal Police Office – Special Commission Central Office – dated 21.4.1959; Fritz Bauer Institute Frankfurt/M., archival holdings Adolf Rögner, p. 782.

⁶⁸ Communication from the rectorate of Wilhelm grammar school, Munich, to engineer Adolf Rögner [sen.] dated 5.11.1915. The relevant documents were kindly made available to me on 29.6.2015 by the directorate (headmaster) of Wilhelm grammar school, Munich.

⁶⁹ Entry in the annual report of pupil Adolf Rögner for the school year 1916/17, archive of Schäftlarn grammar school.

⁷⁰ Ibid.

⁷¹ Ibid. I would like to thank the headmaster of the Schäftlarn grammar school for providing the documents on 10.7.2015.

Rögner changed schools again and attended the royal-humanist grammar school in Günzburg from September 1917 to January 1918.⁷² This was followed by three years of practical training in various machinery and electricity works in southern Germany.⁷³ Rögner later gave ‘electrical engineer’ as his occupation in various documents.⁷⁴ However, as no details of the training company or specific employers are available, it was not possible up to now to substantiate this information in certificates or job references. However, it is certain that his claim to have studied five semesters at the technical college in Mittweida is not, in fact, true.⁷⁵ Therefore, it is at least doubtful whether the title of electrical engineer used by Rögner was really based on an actual qualification. In 1929, at the age of 25, Rögner, who had got married the previous year and divorced again at an unknown date, opened an electrical shop in Munich-Pasing.

Rögner’s business went bankrupt in 1934.⁷⁶ By this time, he had already been convicted 13 times for theft, forgery of documents, and other misdemeanours.⁷⁷ On 11 November 1935, Munich Regional Court found him guilty of continued fraud recidivism and other offences. He was given a five-year prison sentence.⁷⁸ He served his time in Esterwegen and Brual-Rhede prison camps.⁷⁹ In April 1940, after completing his custodial sentence, the Criminal

⁷² List of pupils of the royal humanistic grammar school Günzburg, archive of Dossenberg grammar school Günzburg. The documents were kindly made available to me on 19.6.2015 by the school administration of Dossenberg grammar school for which I would like to thank them.

⁷³ Examination record of Adolf Rögner by the Baden-Württemberg Criminal Police Office – Special Commission Central Office – dated 21.4.1959; Fritz Bauer Institute Frankfurt/M., archival holdings Adolf Rögner, p. 782.

⁷⁴ Application on the basis of the Law on Redressing National Socialist Injustice dated 21.3.1950, Bayerisches Hauptstaatsarchiv (LEA) 59718, vol. I, p. 41; ITS, document excerpt dated 11.9.1959; ITS Digital Archive, correspondence record T/D 403679, copy 6.3.3.2/99159246.

⁷⁵ Information from the head of the Mittweida university Archives dated 11.6.2015 to the author.

⁷⁶ Examination record of Adolf Rögner by Baden-Württemberg Criminal Police Office – Special Commission Central Office – dated 21.4.1959; Fritz Bauer Institute, archival holdings Adolf Rögner, p. 782.

⁷⁷ Federal central register excerpt Adolf Rögner; Staatsarchiv München, Traunstein public prosecutor’s office 44143.

⁷⁸ Ibid.

⁷⁹ Letter from Adolf Rögner to the Submissions and Complaints Committee of the Bavarian parliament dated 9.4.1951; Bayerisches Hauptstaatsarchiv, LEA 59718, vol. I, pp. 81–85; information from ITS dated 23.3.2015 to the author.

Police Office in Munich ordered so-called 'preventive police custody' which, in National Socialist practice, was basically unlimited in time. The Reich Criminal Police Office in Berlin confirmed this a short time later.⁸⁰ Rögner was then initially sent to Dachau concentration camp in August 1940. In May 1941, he was deported to Auschwitz I concentration camp (main camp).⁸¹ There, the SS registered Rögner as a professional criminal⁸² and marked him as such with a green triangle. It gave the following reason for his arrest 'preventive police detention' (PSV).⁸³

From 1942 onwards, Rögner worked as a kapo in an electricians' detail consisting of 160 inmates of various nationalities.⁸⁴ As his fellow inmates later attested, Rögner, unlike other functionaries, did not abuse his power. They said that he had behaved towards his fellow inmates, without regard to their origin, 'decently and in a comradely manner'.⁸⁵ It is proven that he saved the life of Emil Behr, one of his Jewish comrades in the electricians' detail.⁸⁶ He also saved six 'Jewish children', who were employed as apprentices in his detail, from death in the gas chamber.⁸⁷

⁸⁰ Cf. decision of Munich Regional Court in the reparations case Rögner, Adolf dated 21.6.1952; Bayerisches Hauptstaatsarchiv, LEA 59718, vol. I, p. 164–166. At that time, the court referred to the relevant personnel file of the Munich Police Headquarters, from which these facts emerged. Unfortunately, these files were 'destroyed' in the 1960s. (Information from the Munich Archives dated 2.6.2015 to the author).

⁸¹ Information from the International Tracing Service Bad Arolsen dated 23.3.2015 to the author.

⁸² On the origin, use and definition of the term, see Wolfgang Ayaß: Schwarze und grüne Winkel. Die nationalsozialistische Verfolgung von 'Asozialen' und 'Kriminellen' – ein Überblick über die Forschungsgeschichte. In: KZ-Gedenkstätte Neuengamme (ed.): Ausgegrenzt. 'Asoziale' und 'Kriminelle' im nationalsozialistischen Lagersystem. Beiträge zur Geschichte der national-sozialistischen Verfolgung in Norddeutschland, issue 11. Bremen 2009, pp. 16–30.

⁸³ ITS, document excerpt dated 11.9.1959; ITS Digital Archive, correspondence file T/D 403679, copy 6.3.3.2/99159246.

⁸⁴ Letter from Adolf Rögner to the Submissions and Complaints Committee of the Bavarian parliament dated 9.4.1951; Bayerisches Hauptstaatsarchiv, LEA 59718, vol. I, pp. 81–85.

⁸⁵ Cf. affidavit (transcript) of Emil Behr for Mr Adolf Rögner, former inmate and kapo in Auschwitz I concentration camp dated 4.11.1946; Bayerisches Hauptstaatsarchiv, LEA 59718, vol. I, p. 8.

⁸⁶ Letter from Emil Behr to the military government in Karlsruhe dated 28.12.1946. Printed as a facsimile in: Monique Behr, Jesko Bender: Emil Behr: Briefzeugenschaft vor/aus/nach Auschwitz 1938–1959. Göttingen 2012, document 64.

⁸⁷ Cf. statement (transcript) by Adolf Laatsch, January 1946, Bayrisches Haupt-

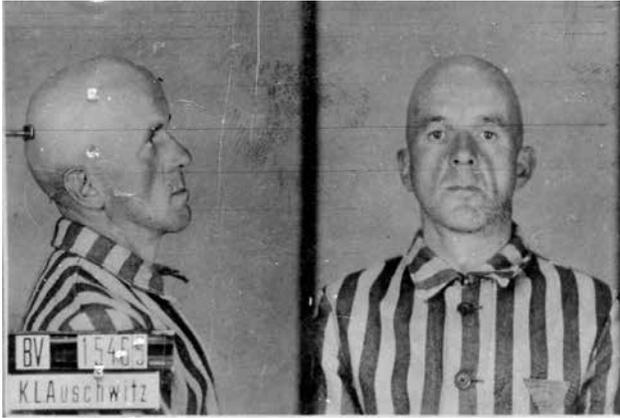


Fig. 37: A. Rögner, photo from Auschwitz concentration camp, which was attached to his application for restitution

In the course of the evacuation of the Auschwitz camp complex, Rögner was sent on the 'death marches' to the concentration camps Mauthausen, Melk and Gusen, one after the other. On 6 May 1945, American troops liberated him in Ebensee concentration camp in Upper Austria.⁸⁸ After his return to Bavaria, Rögner was detained by the American occupation authorities from June 1945 to December 1946 due to his function as kapo and interned in the Laufen, Burg Tittmoning, Moosburg, Kornwestheim and Ludwigsburg-Oßweil camps.⁸⁹

Already during his internment in American camps, Rögner assisted various U.S. services (including the Counter Intelligence Corps of the U.S. Army) in the investigation of concentration camp crimes. Even after his release, Rögner continued to work as an 'identifier' and 'rapporteur' for American judicial authorities in Nuremberg and Dachau until 1948.⁹⁰

At the same time, Rögner had also made contact with Philipp Auerbach (1906–1952), the then 'state commissioner for racial, religious and political

staatsarchiv, LEA 59718, vol. I, p. 4.

⁸⁸ Cf. information from the ITS Bad Arolsen dated 23.3.2015 to the author.

⁸⁹ Letter from Adolf Rögner to the Submissions and Complaints Committee of the Bavarian parliament dated 9.4.1951; Bayerisches Hauptstaatsarchiv, LEA 59718, vol. I, p. 82. On the complex of internment camps, see Lutz Niethammer: *Die Mitläuferfabrik. Die Entnazifizierung am Beispiel Bayerns*. Bonn 1982; Christa Schick: *Die Internierungslager*. In: Martin Broszat, Klaus-Dietmar Henke, Hans Woller (eds.): *Von Stalingrad zur Währungsreform. Zur Sozialgeschichte des Umbruchs in Deutschland*. Munich 1990, pp. 301–325.

⁹⁰ *Ibid.* This is also documented in a letter from Rögner to Larry L. Wolff, interrogator with the International Military Tribunal, dated 18.8.1947. Printed as a facsimile in: Behr; Bender: *Emil Behr: Briefzeugenschaft vor/aus/nach Auschwitz*, document 72 a.

persecutees' in Bavaria.⁹¹ Rögner also provided him with information about SS members or possible witnesses for planned National Socialist trials.⁹² In addition, he asked him for permission to publish a book manuscript about his experiences in the camps, which he had written while in prison.⁹³ For unknown reasons, however, the book was never published. 'Given his comradely behaviour in the concentration camp' Auerbach supported Rögner at least financially with money from a 'donation fund'.⁹⁴ At the same time, Rögner compiled 'long SS lists' as well as 'concentration camp evaluation reports on pending criminal trials'⁹⁵ for Dr Nikolaus Naff (1894–1957). This investigating judge with Munich II Regional Court had been entrusted, since the end of 1946, with the clarification of National Socialist crimes of violence in Dachau concentration camp.⁹⁶ Later, Rögner worked in a similar capacity for the public prosecutors of the Central Office of the Judicial Authorities in Ludwigsburg founded in 1958.⁹⁷

In the spring of 1950, Rögner submitted an application for 'restitution' to the Bavarian Reparations Office (BLEA). This was rejected, first provisionally in September 1950 and then definitively in January 1952, with reference to the legal situation.⁹⁸ According to section 1 of the 'Law on Restitution for

⁹¹ Cf. Constantin Goschler: Der Fall Philipp Auerbach. Wiedergutmachung in Bayern. In: Ludolf Herbst, Constantin Goschler (eds.): Wiedergutmachung in der Bundesrepublik Deutschland. Munich 1989, pp. 77–98.

⁹² Letter from Adolf Rögner to state commissioner Auerbach concerning the identification of former SS members from various concentration camps, n.d.; Bayerisches Hauptstaatsarchiv, LEA 59718, vol. I, pp. 11 f.; letter from Adolf Rögner to state commissioner Auerbach dated 5.3.1947 about witnesses for the Buchenwald trial; *ibid.*, p. 17.

⁹³ Letter from Rögner to the President of the Bavarian Reparations Office, Auerbach, dated 4.11.1950; *ibid.*, pp. 54 f.

⁹⁴ Letter from solicitor general Auerbach to Rögner dated 8.2.1949; *ibid.*, p. 29.

⁹⁵ Rögner's letter to the restitutions/reparations chamber of Munich Regional Court dated 31.7.1950; Staatsarchiv München, LG München 34659, pp. 6 f.

⁹⁶ Cf. Christoph Bachmann: Schuld und Sühne? Zur Verfolgung der NS-Verbrechen durch oberbayerische Justizbehörden anhand der Überlieferung im Staatsarchiv München. Munich 2014, pp. 48 f.

⁹⁷ Rögner's letter to the President of the Bavarian Reparations Office dated 17.3.1959; Bayerisches Hauptstaatsarchiv, LEA 59718, vol. II, pp. 69 f.; Stengel; Langbein. Ein Auschwitz-Überlebender, p. 363.

⁹⁸ Decision of Munich Regional Court I in the reparations case Rögner, Adolf dated 21.10.1950; Bayerisches Hauptstaatsarchiv, LEA 59718, vol. I, n. pag. and decision of the BLEA dated 2.1.1952; Bayerisches Hauptstaatsarchiv, LEA 59718, vol. I, pp. 162 f.

Statistisch erfasst
 „Antrag vom 8. 5. 50 St. B. G.“
 107987 * a

Antrag
 auf Grund des Gesetzes zur Wiedergutmachung
 nationalsozialistischen Unrechts
 (Entschädigungsgesetz)

Der Landesamt für Wiedergutmachung
 München, den 29. 12. 50
 Der Landesamt für Wiedergutmachung
 München, den 29. 12. 50
 Der Landesamt für Wiedergutmachung
 München, den 29. 12. 50

A das Bayerische Landesamt für Wiedergutmachung
 Generalanwaltschaft der rassistisch, religiös und politisch Verfolgten
 (Anmeldebehörde)
 München
 Aisstraße 11

Aktezeichen:
 40 289 / III 292

20. DEZ. 1951
 Nach § 6 zulässig

Zu Antragstellung nach dem Entschädigungsgesetz werden folgende Angaben gemacht:

I. Angaben über den Verfolgten:

Familienname: RÖGNER Vorname: ADOLF
 Bei Frauen Mädchenname: _____ Staatsangehörigkeit: Deutsch
 Geboren am 11.10.04 in München Kreis Obb. Land _____
 Erlernter Beruf: Elektrotechniker zeitig ausgeübter Beruf: Militärgericht-Nbg
 Jetziger Wohnsitz: Ort, Straße, Kreis, Land Ohne Wohnung Bayern

Wohnsitz oder gewöhnlicher Aufenthalt am 1. 1. 1947: München-Schlotthauerstr
4/III bei Püchler, dann München-Grosshadern, Grafelfingerstr
47

bei Flüchtlingen: Tag und Ort der Einweisung nach Bayern: _____
 bei Ausgewanderten: vor der Auswanderung polizeilich gemeldet
 in _____ von _____ bis _____
 bei Emigranten: Wohnsitz vor der Emigration: _____
 von _____ bis _____
 Rückkehr aus der Emigration: _____
 wann _____ wohin _____
 in Bayern seit: _____
 Tag und Ort der Ausstellung der Kennkarte: _____
 Tag und Ort der Meldung beim Arbeitsamt bzw. Anmeldung eines Gewerbebetriebes oder freien Berufes beim Gewerbe- und Finanzamt:
 (Belege beilegen) _____
 bei bereits durchgeführter Auswanderung letzter dauernder Aufenthalt
 vor der Auswanderung: (nicht Durchgangslager) _____
 bei Verstorbenen: letzter inländischer Wohnsitz: _____
 von _____ bis _____
 Ort und Datum des Todes: _____

EX 88/2

Fig. 38: Adolf Rögner's application for restitution to the Bavarian Restitution Office from the spring of 1950 (extract)

National Socialist Injustices (Reparations Law) dated 12 August 1949', only those 'who were persecuted under National Socialist tyranny because of their political convictions, for reasons of race, faith or ideology' were entitled to the covering of their medical expenses and other benefits.⁹⁹ Since Rögner had been deported as a 'criminal' and on the basis of a police (administrative) order, he did not therefore rank amongst those entitled to restitution or reparations provided for by law.¹⁰⁰

An action brought by Rögner against this decision of the BLEA was rejected by Munich Regional Court in June 1952.¹⁰¹ After suffering five years' deprivation of liberty in concentration camps, the 'order for preventive police custody' available to the Court at that time did not rehabilitate him but yet again perpetuated his ongoing exclusion. The next step taken by Munich Higher Regional Court, to which Rögner had filed a complaint, was to confirm the verdict.¹⁰² A large number of petitions, complaints and submissions¹⁰³ drawn up by Rögner failed to change this. Even two decades later, in the early 1970s, Rögner's application for payments from the hardship compensation fund pursuant to the Federal Compensation Act was rejected by the BLEA with reference to the unchanged legal situation.¹⁰⁴ With no reparations or restitution payments, Rögner was dependent on welfare handouts. From April 1951, he only received a monthly subsistence allowance of DM 70.¹⁰⁵ At least for a time, he was dependent on homeless benefits – not a lifestyle conducive to keeping his criminal tendencies in check. Rögner had already fallen ill in Auschwitz and had to undergo several operations in the 1950s. Unable to work and without any health insurance, Rögner was reduced to petitioning the offices and authorities for funds to cover doctors' fees,

⁹⁹ Cf. 'Law on Redressing National Socialist Injustice (Reparations Law)' dated 12.8.1949. In: Bayerisches Gesetz- und Verordnungsblatt no. 20, August 1949, pp. 195–204, here 195.

¹⁰⁰ See also Lieske: *Unbequeme Opfer?*, pp. 312–322.

¹⁰¹ Decision of the LG Munich I in the reparations case Adolf Rögner dated 21.6.1952; Bayerisches Hauptstaatsarchiv, LEA 59718, vol. I, p. 164–166.

¹⁰² Decision of the First Civil Division of Munich Regional Court dated 4.9.1952; *ibid.*, pp. 163 f.

¹⁰³ Cf. for instance. letters from Adolf Rögner to the submissions and complaints committee of the Bavarian Parliament dated 9.4.1951, 15.5.1951 and 31.5.1951; *ibid.*, pp. 70, 82, 100.

¹⁰⁴ Decision of the Bavarian Reparations Office on the refusal dated 3.11.1970; Bayerisches Hauptstaatsarchiv, LEA 59718, vol. II, pp. 133–136.

¹⁰⁵ Government of Upper Bavaria, complaints committee with the government of Upper Bavaria, the field office of the State Office for Emergency Relief, decision (subsistence benefit) dated 7.3.1951; *ibid.*, pp. 74 f.

dentures and new glasses. His correspondence with the Bavarian Reparations Office, which lasted over two decades, was not always friendly in tone. It fills an entire folder and bears eloquent witness to this. Only a few months before his death Rögner wrote visibly embittered:

Supposedly we live in a democracy – but we are really far removed from that. The lawmakers in Bonn were apparently never aware of the fact that other categories of for[mer] inmates are also human beings who have a right to live and exist [and] provided these former inmates always conducted themselves and behaved in a comradely and decent manner.¹⁰⁶

After renewed convictions for criminal offences (1950 and 1952), Rögner was apparently planning to move to the People's Republic of Poland in 1953/54.¹⁰⁷ However, it is not possible to clarify on the basis of the available documents whether these were serious intentions and what might have caused them to falter.¹⁰⁸

In March 1955, the full bench of the local court in Munich sentenced Rögner once again to eighteen months in prison for fraud recidivism. In an evaluation relating to the decision on the clemency plea it states: 'He [Rögner, author's note] is dissatisfied with himself and his environment, has a negativistic attitude, and possesses neither the strength nor the will for a real turnaround.'¹⁰⁹ Given his difficult biography, this assessment was certainly neither wrong nor surprising.

In mid-June 1957, the full bench of Bad Canstatt local court again sentenced Rögner to two years in prison for continued fraud recidivism. Rögner used his time in prison yet again to name members of the SS and lodged various complaints about a large number of them. This, in turn, earned him a reputation as a 'professional complainer'.¹¹⁰ The public prosecutor remained sceptical about Rögner and his statements. The reason for this was not only his criminal record, but also the fact that Rögner, due to various incidents

¹⁰⁶ Letter from Rögner to Munich Reparations Office dated 3.11.1970; *ibid.*, p. 132.

¹⁰⁷ Handwritten letter by Rögner to the Bavarian Reparations Office regarding a one-time grant for emigration dated 17.6.1954; *ibid.*, pp. 189 f.

¹⁰⁸ A handwritten letter by Rögner to the Bavarian Reparations Office dated 26.11.1953 indicates that he, in consultation with his lawyer, wanted to push his emigration/relocation to Poland, also in the hope of helping his clemency plea to succeed. Cf. Bayerisches Hauptstaatsarchiv, LEA 59718, vol. I, pp. 151–153.

¹⁰⁹ Quote from information provided by a board member of Kaisheim prison about former inmate Adolf Rögner to the Freiburg im Breisgau public prosecutor's office dated 17.3.1959; HHStA 461/37976/2, pp. 375 f.

¹¹⁰ Bachmann: *Schuld und Sühne?*, p. 26.

there and with other authorities, was considered to be a 'dangerous trouble-maker'¹¹¹ or even an 'egotistical psychopath'.¹¹²

This distrust of Rögner was by no means unjustified. In July 1958, in connection with his testimony in another National Socialist trial, Munich Regional Court sentenced him (including the sentence from the previous verdict) to a total of five years and three months in prison on the grounds of unsworn false testimony, perjury and permanent disqualification from taking an oath.¹¹³ In June 1962, six months after the conditional suspension of his sentence, Rögner attempted to extort money from a later defendant in the Auschwitz trial.¹¹⁴

There is no doubt that Rögner was a difficult witness but, in terms of the criminal prosecution of the perpetrators he was, at the same time, a committed contemporary and important witness. In retrospect, it is also clear that the reservations about him were only partially justified. For instance, an official in the Baden-Württemberg Criminal Police Office later noted that Rögner, who had an excellent memory for people, had furnished 'acknowledged verifiable and credible statements in a number of trials'.¹¹⁵ In the Munich Archives alone, 14 trials are stored that stem from notifications by Rögner.¹¹⁶ The sentencing of former SS-Obersturmführer, Wilhelm Reischenbeck, from Auschwitz-Birkenau concentration camp to ten years in prison can also be attributed to a corresponding initiative by Rögner.¹¹⁷ In two other cases, Rögner's tips led to the identification of suspects living in the GDR, although they had not been investigated there. It was also Rögner who, with his concrete statements and serious accusations, had encouraged Stuttgart's public prosecutor's office to investigate Dr Horst Fischer in 1958. Since his whereabouts could not be ascertained, however, the investigation had to be abandoned without getting anywhere.¹¹⁸ Later, shortly before and during the

¹¹¹ Eichmüller: *Keine Generalamnestie*, p. 385; similarly Pendas: *Der Auschwitz-Prozess*, p. 30.

¹¹² Gross; Renz (eds.): *Der Frankfurter Auschwitz-Prozess*, vol. 1, p. 59.

¹¹³ Eichmüller: *Keine Generalamnestie*, p. 85; Bundeszentralregisterauszug Adolf Rögner; Staatsarchiv München, Staatsanwaltschaft Traunstein 44143.

¹¹⁴ Pendas: *Der Auschwitz-Prozess*, p. 40.

¹¹⁵ Letter from Baden-Württemberg Criminal Police Office to the public prosecutor's office with Stuttgart Regional Court concerning an investigation by the Stuttgart public prosecutor's office into Georg Bonigut dated 8.4.1981; BA ASt. Ludwigsburg, B 162/15265, pp. 371–374, here 373.

¹¹⁶ Information provided to the author by Christoph Bachmann, director of the Munich Archives, on 3.6.2015.

¹¹⁷ Bachmann: *Schuld und Sühne?*, p. 26 (fn. 70).

¹¹⁸ Dirks: 'Die Verbrechen der anderen', pp. 212 f.

main trial of Horst Fischer in East Berlin, he offered to appear as a witness for the prosecution, albeit in vain.¹¹⁹ In addition, Rögner's testimony that he had been an eyewitness to Mengele's crimes contributed to the issuing of a warrant for the arrest of the SS physician.¹²⁰

And it was finally Rögner's complaint about a member of the Political Department (the so-called camp Gestapo) in Auschwitz in March 1958 that set in motion the investigations that led to the first Auschwitz trial.¹²¹

Hermann Langbein, who was informed about Rögner's activities, had visited him in prison several times in preparation for the trial and had evaluated his extensive collection of material. However, a dispute arose between the two of them because Rögner had insisted in vain that evidence about former kapo Erich Grönke be handed over to the Frankfurt court.¹²² The International Auschwitz Committee (IAC) (i.e. Langbein) deliberately omitted to do so, however, although this sensitive issue was also discussed internally.¹²³ Langbein, as he told Rögner, did not want to give the SS men indicted in Frankfurt an opportunity to divert attention away from their main responsibility for the crimes committed in Auschwitz and to shift it onto former kapos.¹²⁴ Rögner, in turn, used this as an opportunity to denounce Langbein to the senior public prosecutor in Vienna, who was also preparing a major trial of SS members from Auschwitz, with slanderous insinuations.¹²⁵

Meanwhile, Rögner sought asylum in the GDR in September 1962. Apparently he was not aware that even there recognition as a 'victim of fascism' or

¹¹⁹ Letter from Rögner to chief public prosecutor Streit dated 7.1.1966; BArch DP 3/1612, p. 16; letter from Rögner to chief public prosecutor Streit dated 12.3.1966; BArch DP 3/1613, p. 461.

¹²⁰ Examination record of the Munich public prosecutor's office dated 28.10.1958; HHStAW, 461/37976/219, pp. 201 f.; letter from the South Baden Police Headquarters – Criminal Main Office – to the Freiburg public prosecutor's office concerning investigation files in the investigation into Dr Mengele dated 16.2.1959; HHStAW, 461/37976/1, pp. 253–255, here 254; annex to the arrest warrant issued by Freiburg Local Court dated 5.6.1959 – list of proof of guilt; HHStAW, 461/37976/219, n. pag.

¹²¹ Pendas: *Der Auschwitz-Prozess*, pp. 27–47.

¹²² Rögner's letter to Langbein dated 10.10.1961; Dokumentationsarchiv des deutschen Widerstands. Frankfurt/M., Nachlass Adolf Rögner, n. pag.

¹²³ Cf. Stengel; Langbein: *Ein Auschwitz-Überlebender*, S. 370–374.

¹²⁴ Auschwitz International Committee, letter from Langbein to Rögner dated 29.3.1960; Dokumentationsarchiv des deutschen Widerstands. Frankfurt/M., estate Adolf Rögner, n. pag.

¹²⁵ Rögner's letters to the senior public prosecutor with Vienna Regional Court dated 15.10.1961, 10.1.1962; *ibid.*

‘persecutee of the Nazi Regime’ (VdN) was based on the categories used by the National Socialists to classify the concentration camp inmates. Consequently, ‘criminals’, ‘antisocial elements’, ‘gypsies’, ‘Jehovah’s Witnesses’ and other groups of victims were usually denied recognition or special welfare care in the GDR as well.¹²⁶

Otto Sparmann (1904–1979) can be regarded as Rögner’s East German pedant. Sparmann, who had several previous convictions for criminal offences, was sent to prison in 1935, incarcerated in a concentration camp from 1937 and transferred to Auschwitz in 1942 as an ‘inmate in preventive detention’. There he was appointed Blockältester and worked in the printing shop detail.¹²⁷ As many fellow inmates attested, he had also ‘behaved very well politically and morally’ there.¹²⁸ Together with Julius Meyer, who went on to become the president of the Association of Jewish Communities in the GDR, he risked his life and, for example, succeeded in getting an evacuation transport from Auschwitz with about 1,200 female inmates to its destination, without any fatalities.¹²⁹ Nevertheless, as the State Security noted in a memo, ‘despite his good behaviour in the camp [...] recognition as a persecutee of the Nazi regime could not be granted, since his previous offences were purely criminal and served his personal enrichment’.¹³⁰

The criteria according to which ‘immigrants’ from West Germany were allowed to stay and remain in the GDR were also very restrictive. Their overriding objective was to ensure the security of the GDR and to prevent

¹²⁶ Cf. Susanne zur Nieden: ‘L. is a completely antisocial element ...’. Säuberungen in den Reihen der ‘Opfer des Faschismus’ in Berlin. In: Annette Leo, Peter Reif-Spirek (eds.): *Vielstimmiges Schweigen. Neue Studien zum DDR-Antifaschismus*. Berlin 2001, pp. 85–108; Susanne zur Nieden: ‘Unwürdige Opfer’ – zur Ausgrenzung der im Nationalsozialismus als ‘Asozial’ Verfolgten in der DDR. In: KZ-Gedenkstätte Neuengamme (ed.): *Ausgegrenzt. ‘Asoziale’ und ‘Kriminelle’ im nationalsozialistischen Lagersystem*. Beiträge zur Geschichte der nationalsozialistischen Verfolgung in Norddeutschland, issue 11. Bremen 2009, pp. 138–148; Hölscher: *NS-Verfolgte*.

¹²⁷ Report of HA XX/2/III on the examination of Sparmann, Otto dated 30.11.1965; BArch, MfS, HA XX no. 3974, pp. 59–61.

¹²⁸ Record of the county office of the People’s Police Dresden, Dept. K, Commissariat A dated 12.9.1963; BArch, MfS, BV Dresden, AIM 1266/53, OM ‘Double’, pp. 21–24, here 23.

¹²⁹ *Ibid.*, p. 23 and biography of Julius Meyer. In: Andreas Weigelt, Hermann Simon (eds.): *Zwischen Bleiben und Gehen. Juden in Ostdeutschland 1945 bis 1956. Zehn Biographien*. Berlin 2008, pp. 76–129, here 77.

¹³⁰ File excerpt of Dept. VIII, Dresden district office dated 25.7.1963; BArch, MfS, BV Erfurt, AU 2046764, vol. 12, p. 200.

the entry of 'antisocial and criminal elements'.¹³¹ Rögner was nevertheless initially allowed to enter the GDR, and he was given accommodation in the district reception centre in Kraftsdorf in the county of Gera. During the mandatory interviews, he disclosed his convictions for criminal offences before and after 1945. On an index card the MfS noted: 'In addition, R. had contacts to the CIC (US secret service) and is a work-shy element who constitutes an uncertainty factor for the GDR.'¹³² According to a directive of the Ministry of the Interior of the GDR, 'immigrants' who 'obviously turned out to be antisocial or criminal elements through their questioning in the reception centre' were denied resettlement in the GDR.¹³³ Rögner was treated accordingly and had to return to West Germany.

In the summer of 1965 he again attempted to move to the GDR. But this time, too, the SED regime denied his request on the grounds of his criminal record and his limited capacity to work.¹³⁴ Rögner had to return home again and the GDR imposed an entry ban on him. The MfS commented 'Rögner is an antisocial element'.¹³⁵ In May 1968, Rögner was convicted for the last time, in this instance by Traunstein Regional Court, of fraud and other offences. He was given a four-year custodial sentence and placed in a sanatorium and nursing home.¹³⁶ On 19 February 1971, the Stuttgart senior financial directorate granted him benefits under the General War Consequences Act (*Allgemeines Kriegsfolgegesetz – AKG*) on the grounds of violation of freedom and injury to health. The responsible official thus corrected a notice of rejection that he himself had issued ten years earlier.¹³⁷ A few days later, on 28 February 1971, Adolf Rögner died in Günzburg mental hospital.¹³⁸

¹³¹ Andrea Schmelz: *Migration und Politik im geteilten Deutschland während des Kalten Krieges*. Opladen 2002, p. 162.

¹³² Cf. index card of the administration office – entries – n.d. [1962]; BArch, MfS central archive.

¹³³ Instruction no. 7/57 of the Minister of the Interior dated 28.8.1957; BArch, MfS, BdL/ Doc. no. 50535, p. 4.

¹³⁴ Communication from HA VII to HA XX dated 31.1.1966 on the entry ban imposed on West German citizen Rögner, Adolf; BArch, MfS, HA XX no. 3617, p. 29.

¹³⁵ Information report of HA XX/2/III dated 1.3.1966; *ibid.*, pp. 31 f.

¹³⁶ Cf. Federal central register excerpt Adolf Rögner; Staatsarchiv München, Staatsanwaltschaft Traunstein 44143.

¹³⁷ Communication from the Stuttgart senior financial directorate to the Bavarian Reparations Office dated 19.2.1971; Bayerisches Hauptstaatsarchiv, LEA 59718, vol. II, p. 149.

¹³⁸ Communication from the public order and social welfare office of the city of Günzburg dated 2.4.2015 to the author with a certified copy of the death register entry for Adolf Rögner.

Conclusions

Despite opposing societal models, the interplay between communist ideology and the Realpolitik-driven consolidation of power in the GDR led to the handling of the National Socialist past in a manner that was astonishingly similar to that of the early Federal Republic. Consequently, the final outcome of the punishment of National Socialist crimes turned out to be as meagre for East as it is for West Germany. The GDR did not succeed either in ensuring the prosecution of National Socialist perpetrators that would have done justice to the magnitude of the crimes and the expectations of the survivors.¹ The GDR campaigns that focussed on West German failures with a view to delegitimising the Federal Republic proved to be ineffective. On the whole, the GDR had little impact either on the German-German system conflict or its foreign policy goals.² However, it did fuel critical societal debates about the National Socialist past and thus encouraged, albeit unintentionally, a longer-term shift in the political culture of the Federal Republic.³

However, in the GDR itself, this propagandistic instrumentalisation of the National Socialist theme in the German-German system conflict tended to be counterproductive because National Socialist entanglements were turned into a Federal German problem. The fact that the GDR had also inherited such burdens was not something that was supposed to become all too obvious. For this reason, National Socialist crimes were only prosecuted hesitantly and selectively despite the fact that the legal situation in the GDR would have allowed for comprehensive prosecution in particular of crimes against humanity.⁴ In contrast to the Federal Republic of Germany, the GDR – with its legal norms for punishing the National Socialist crime complex – had adopted international law, refused a statute of limitations for these offences, and even anchored this in its 1968 Constitution. Thus, in theory, the GDR

¹ Cf. Andreas Eichmüller: Die Strafverfolgung von NS-Verbrechen durch westdeutsche Justizbehörden seit 1945. in: VfZ 56(2008)4, p. 639 as well as Dirks: 'Die Verbrechen der anderen', p. 336.

² Cf. Lemke: Instrumentalisierter Antifaschismus und SED – Kampagnenpolitik im deutschen Sonderkonflikt 1960–1968, pp. 79–86.

³ Cf. Claudia Fröhlich: Rückkehr zur Demokratie – Wandel der politischen Kultur in der Bundesrepublik. In: Peter Reichel et al. (eds.): Der Nationalsozialismus – Die zweite Geschichte. Überwindung, Deutung, Erinnerung. Munich 2009, pp. 105–126, here 117 f.

⁴ Leide: NS-Verbrecher und Staatssicherheit, pp. 251–265; Dirks: 'Die Verbrechen der anderen', pp. 227–230.

judiciary could have taken action against National Socialist perpetrators far more easily and comprehensively than the judiciary in the Federal Republic.

However, any National Socialist perpetrator publicly brought to trial in the GDR would have threatened to undermine the official propaganda. Moreover, an extensive preoccupation with anti-Semitic National Socialist crimes would not have sat well with the ideological context of this propaganda, according to which 'fascism' was an expression of the 'rule of monopoly capital'. In the context of the ancillary action in the first Frankfurt Auschwitz trial (1963–1965), which attracted more national and international attention than any National Socialist trial ever before and for which East Berlin could offer up no equivalent, the GDR therefore endeavoured to convey an anti-capitalist message directed against West Germany. On behalf of the SED leadership, GDR star lawyer Friedrich Karl Kaul, counsel in the ancillary action, and historian and economist Jürgen Kuczynski, an expert witness, were present at the trial. They tried to influence the proceedings along the lines of the 'anti-monopolistic' GDR interpretation. But this trial strategy that sought to put IG Farben in the dock and politically delegitimise the Federal Republic, turned out to be an almost complete failure.

Since the SED state had exported the National Socialist perpetrator problem in terms of propaganda to the West, as it were, every National Socialist discovered on its own territory could have led to a loss of credibility for the GDR. Consequently, the powers-that-be had to make sure that GDR practice did not overly contradict the statements in their campaigns. The combination of vehement accusations levied against the Federal Republic and the simultaneous reluctance to prosecute suspects within its borders secured the MfS a key role from the 1960s onwards. By means of conspiratorial activities and the de facto monopolisation of relevant National Socialist records, the State Security kept the relevant information under its control. Thus, it provided the political leadership with the leverage to further disseminate its point of view and suppress contradictory facts. The MfS undertook covert investigations and examined the cases primarily from the angle of political expediency. If the political benefits of prosecution or the political risks of a cover-up were predominant, the cases were brought to court. For the most part, however, the MfS refrained from open investigations or the interrogation of possible perpetrators, even when it came across clear leads. With regard to the crime complex of Auschwitz concentration and extermination camp, the MfS files reveal four different ways of dealing with suspects:

1. criminal investigations that resulted in convictions;
2. covert investigations without any criminal consequences, but which could sometimes have other consequences that did not go as far as criminal prosecution;
3. covert investigations without any consequences for the suspect (e.g. the Riedel case) and
4. investigations that resulted in recruitments.

The cases outlined in this publication illustrate the different ways (alleged) Auschwitz perpetrators were dealt with in their respective historical contexts.

The early cases, some of which date from before or immediately after the founding of the GDR, reveal a strong desire for punishment but, at the same time, an arbitrary and largely ineffectual search for the truth. On some occasions, draconian punishment was meted out in cases where actual criminal culpability was doubtful or comparatively minor. In other cases, for instance that of Grönke (Chapter 4.3), the actual criminal offences were not identified due to perfunctory investigations, and lenient verdicts were delivered. Former inmate Ernst Thiele was sentenced by a Soviet Military Tribunal and handed over to the GDR in 1955 for the continued carrying out of his prison term. He had to serve his full 25 year custodial sentence up to 1974 – despite a completely unclear body of evidence (Chapter 4.1) – whereas other National Socialist perpetrators, facing far more serious charges, had already been amnestied almost 20 years earlier. It certainly played a role here that Thiele had been persecuted by the National Socialists as an ‘antisocial element’ and that he had little family support.

Even greater demonstrative harshness can be observed in the trials held in 1951 – after the scandalous Waldheim trials. At that time, the GDR judges were under considerable pressure and had to make their mark. This is the only way to explain Herbert Fink’s death sentence even though he had been attested as having a substantial mitigating ‘mental weakness’ and the evidence was based solely on self-incrimination (Chapter 4.5). The lack of criteria for National Socialist prosecution during this phase appears in an even more glaring light when one considers that the persecution of Jehovah’s Witnesses began at the same time and that this important National Socialist victim group was thus once again criminalised, this time by the communists (Chapter 6.1).

In contrast to the political persecution of Jehovah’s Witnesses as enemies of the state, the MfS did not as yet play a prominent role in National Socialist prosecutions in the early 1950s. The People’s Police was the criminal investigation body. From 1953 at the latest, the punishment of National Socialist crimes in the GDR was considered to be largely done and dusted. It was not

until the end of the decade, and more particularly in the 1960s, that this subject reared its head again in the GDR. This had to do not least with the GDR campaign policy directed against the Federal Republic and the West German activities that were beginning to emerge with regard to the criminal prosecution of National Socialist crimes. Thus it was no coincidence that, parallel to the first two Frankfurt Auschwitz trials, Auschwitz perpetrators were also tried in the GDR. In the Anhalt case, those responsible still shied away from the general public (Chapter 4.6). There were fears that the case might undermine the GDR's propaganda efforts. In the case of Auschwitz physician Horst Fischer, however, they had to take the bull by the horns because the case was too prominent and would have been difficult to hush up. The powers-that-be thus made a virtue out of necessity and attempted to demonstrate the superiority of the GDR in the prosecution of National Socialist crimes (Chapter 4.7).

In the period from 1963 to 1965, the phase of the first Auschwitz trial, the MfS investigation bodies did initiate after all a total of 24 criminal investigations for crimes against humanity or war crimes. Later, the number of proceedings decreased steadily. In the 1980s, an average of just under two such investigations were conducted per year.⁵

It is worth noting that in Lachmann's case the accusations were not glossed over, but were even brought before the courts. The case of Josef Settnik (Chapter 5.7) was not handled in the same manner although the initial situation was almost identical. The reasons for the MfS' approach to the Wilhelm Lachmann case, which followed the principle of legality, may have been related to the 'readjustment of the application of law and norms' within the MfS at the beginning of the 1980s.⁶ In addition, Wilhelm Lachmann had concealed his past from the SED and had obviously only feigned his 'progressive attitude' in order to cover up his past. This abuse of trust could not and would not be tolerated. However, the role of his son, whose career in the National People's Army was also visible to the West, was very likely the decisive factor. The people in charge probably did not want to risk a scandal caused by the exposure of his father as a former Gestapo henchman living scot-free in the GDR. Given its potential political explosiveness, they dared not deal with this matter in a dilatory manner. Once the suspicions had been confirmed, it was no longer possible, even for the State Security, to simply prevent his criminal prosecution. This sets this case apart from that of Settnik some 15 years earlier. Here, too, a son in a high-ranking

⁵ See Roger Engelmann, Frank Joestel: *Die Hauptabteilung IX: Untersuchung* (BStU, MfS-Handbuch). Berlin 2016, p. 108.

⁶ *Ibid.*, pp. 128–131.

position in the National People's Army had also been the main trigger for the investigations (with even more serious incriminations), but this was swept under the carpet (Chapter 5.7).

The cases discussed here in which the State Security became aware of an involvement in Auschwitz but decided against further criminal investigation, are set in the 1960s, the main phase of National Socialist campaigns directed against the West. Just how little interest the MfS had in prosecuting National Socialist crimes is particularly evident in cases where the persons in question went scot-free or were only punished on other grounds, for example because of 'sedition', as in the case of Herbert B. (Chapter 5.1) or for driving under the influence of alcohol, as in the case of Erhard Pohl (Chapter 5.3). If deployment as an unofficial collaborator was already in place or possible, the cost-benefit calculation of the State Security generally turned out very differently. In the event of an operational interest, even a heavily incriminated person like Josef Settnik, who had allegedly participated in torture and shootings in Auschwitz, could get off completely scot-free (Chapter 5.7).

The SED leadership claimed to have taken consistent and, above all, systematic action against National Socialist perpetrators. One GDR publication even claimed: 'Not one single Nazi criminal who may have succeeded in going undiscovered up to now, can feel safe in the GDR.'⁷ This was far from true, as the cases presented here prove. There were also numerous individuals in the GDR who were directly or indirectly involved in the genocide committed in Auschwitz extermination camp, but who were never brought to trial for their crimes, let alone sentenced, although their crimes were known to the MfS. In its 'operational processing', the term coined to describe the use of secret police means and methods, the MfS focused primarily on those individuals who were particularly heavily incriminated whereas lower-level perpetrators who had been personally involved either directly or indirectly at the scene of the crimes, were ignored.

As a consequence of secret police jurisdiction, broader criminal prosecution which would have been possible or even mandatory under the principle of legality that also applied in the GDR, was circumvented. The MfS took its decisions on the basis of criteria of political and 'operational' expediency. After all, social cohesion and the image of the GDR as the supposedly 'better German' state, were always at stake in such investigations.

For decades Günther Wieland had always been the MfS' cooperation partner and contact person for such crimes and events. He had the following to say about this procedure:

⁷ Przybylski: *Zwischen Galgen und Amnestie*, p. 161.

Ultimately, this development was encouraged by the principle of discretionary prosecution that dominated criminal procedural law, as well as by the GDR judiciary's penchant for punitive fetishism: in most cases, the trials were supposed to lead not only to the conviction of the defendants, but also to decisive punishments that sought to document the basic anti-fascist tenor. Renunciation for reasons of expediency was understandable if, given the body of evidence, lenient punishment was the most that could be expected. In contrast, the striving for the harshest possible sentences was also conditioned by the fact that the heads of the public prosecutor's office and the State Security had to agree to the initiation of an investigation. But they were only presented with the cases that held out the prospect of a stiff sentence in addition to an almost certain conviction. Therefore, as long as complicated, time-consuming searches were still required, and clear punishment seemed unlikely or the very outcome of the case seemed uncertain, their agreement was not sought.⁸

To this day it is unclear in how many cases, not only with regard to Auschwitz, there were 'omissions' of this kind. Moreover, the symmetrical partnership between the judiciary and the State Security suggested by Wieland did not exist in this form. For the MfS, including its competent investigation body, protecting the power structure always had top priority, and the prosecution of National Socialist crimes of violence was subordinate to this goal.⁹ Due to its de facto monopoly of information and investigations into National Socialist matters, the secret police was in a position to engage, at its own discretion, in the opportunist deliberations mentioned by Wieland. If it decided not to initiate a criminal investigation, the case simply did not exist for the public prosecutor.

The Mengele case presented in Chapter 5.6 in no way contradicts these observations – quite the contrary. Once again it was confirmed that mutual legal assistance (too) was subordinated to the primacy of foreign and security policy embodied by the omnipresence of the MfS with the judiciary as its compliant accomplice. Ostensibly, the GDR chief public prosecutor was involved in the Mengele case, but it was solely the decisions made by the secret service apparatus (which were far removed from the law) that dictated the actions of the lawyers. The case of the prominent fugitive from justice, Mengele, once again demonstrated the dominance of pragmatic calculations in the SED's policy for dealing with the past. The gap between their propagated aspirations and the despicable reality was particularly wide here.

The Peaceful Revolution and the ensuing social upheaval put an end not only to the prosecution practices of the State Security, which were based on

⁸ Wieland. *Naziverbrechen und deutsche Strafjustiz*, p. 193.

⁹ Leide: *NS-Verbrecher*, pp. 115–118.

considerations of political expediency. The representatives of the People's Assembly of the GDR, which was democratically elected for the first time in March 1990, also performed a historic political turnaround and expressly acknowledged the responsibility of 'the Germans in the GDR for their history' and, by extension, for the genocide committed during the Third Reich.¹⁰

¹⁰ <http://webarchiv.bundestag.de/volkskammer/dokumente/protokolle/1002.pdf> (last accessed: 6.4.2022).

Acknowledgements

As is always the case with such projects, the researcher also relied on the assistance and support of internal and external colleagues. Especially as their help, be it through the prompt supply of information, tips and hints or the provision of documents and copies, was indispensable for the successful completion of the research work within an acceptable timeframe. This is also true in the case of this study. The efforts involved in sifting through the required documents alone, which were almost always in different archive locations, most of them far away, were considerable.

I am, therefore, particularly grateful to my colleague Susan Pethe in the Berlin central office, for her numerous tireless, diligent and acribic searches in the card indexes and archival holdings in the Central Archive of the Stasi Records Archive and the Federal Archives in Berlin. However, this was only possible because the former press spokesperson of the Stasi Records Archive, Dagmar Hovestädt, generously gave of her time to do this, and supported the project itself with the manifold skills, knowledge and forces at her disposal.

Dr Roger Engelmann, my colleague and 'mentor', once again took it upon himself to tease my text into a readable form, despite having many projects of his own. I wish to express my deep gratitude to him as well for his patience, effort and perseverance. The same goes for my colleague, Dr Bernd Florath, who undertook a critical review of my manuscript in order to point out any omissions. I am likewise deeply indebted to Dr Andreas Eichmüller (NS Documentation Centre Munich) and Dr Klaus Lankheit (IfZ, Munich), without whose expertise and information, a valid empirical statement on Auschwitz-related convictions in the GDR would simply not have been possible.

The fact that I was able to undertake a detailed reconstruction of the service careers of SS members is also thanks to Dr Wojciech Płosa (Państwowe Muzeum Auschwitz-Birkenau w Oświęcimiu), who provided me with the relevant information and copies of records promptly and unbureaucratically. Dziękuję za to!

The same applies to some of the biographical details of victims which were made available to me (again) by Werner Renz (Fritz Bauer Institute, Frankfurt am Main), Florian Neuroth (Documentation Centre of German Resistance, Frankfurt am Main), Dr Christoph Bachmann (Munich Archives) and Mr Nehm (Munich Finance Office, Munich) in an extremely helpful manner. I wish to thank Martin Kriwet (International Tracing Service, Bad Arolsen) for the information he provided and for the stoic composure he

manifested when responding to my varied needs for information about the fate of individual inmates.

My special thanks go to Christoph Gärtner, the owner of the auction house of the same name in Bietigheim, Swabia. In the midst of preparations for a major international auction, he and his staff made it possible for me to sift through and evaluate the estate of Tuviah Friedman.

I am also indebted to a number of my colleagues who shared their expertise with me or willingly provided me with information from their specific field of work. My thanks, therefore, go to Silke Klewin (Bautzen Memorial), Ramona Ramsenthaler (Wöbbelin Memorial), Dr Bert Pampel (Documentation Centre of the Saxon Memorials Foundation, Dresden), Dr Mike Schmeitzner (Hannah Arendt Institute, Dresden), Michael Viebig (Roter Ochse Memorial, Halle/S.), Falk Bersch (Hohenkirchen, Mecklenburg), Dr Stefan Hördler (Dora Mittelbau Memorial).

Gabriele Schmidt (Library of the Hannah Arendt Institute, Dresden) and Jörg Laurich (Library of the Stasi Records Archive, Berlin) ensured a constant flow of specialist literature. My thanks go to them as well. I am likewise indebted to the numerous employees of the archives I used, also because of their speedy provision of files or information. They include first and foremost the staff of our own archives in the Berlin central office (Andreas Steindl and his team) and the regional offices; in addition, the staff of the German Military Records Office (WASt) for notifying the next of kin of fallen soldiers of the former German Wehrmacht, as well as Dr Sabine Dumschat, Marcus Benhaimi and Dr Peter Gohle from the Federal Archives in Berlin and Ludwigsburg. In addition, Dr Johann Zilian and his team from the archives of the Federal State of Hesse in Wiesbaden.

The Polish and Russian texts were translated by Dr habil. Ewa Matkowska (Wrocław) and my colleagues Dr Xenia Scheitz and Dr Hanna Labrenz-Weiß in addition to their actual work. My thanks go to them. The fact that this monograph has a solid index and is presented in a readable and attractive form, is also due to the ironing out of some of the author's linguistic and orthographic idiosyncrasies. This is the work of the committed team from the Stasi Records Archive publication unit. Not only the author but certainly the readers will appreciate this painstaking work.

Last but not least my thanks go to my colleagues of the Stasi Records Archive in Rostock, Dr Volker Höffer and Dr Michael Heinz, who, with their words of encouragement, not only helped me get through some 'creative crises' but also repeatedly gave me the leeway I needed for my research, despite the considerable workload. The author is, of course, solely responsible for the content and any errors.

Annexes

Overview of the Auschwitz trials in the Soviet Occupation Zone/GDR

Only Auschwitz trials in the narrower sense are listed, i.e. only those in which persons were charged who were active in the extermination camp complex of Auschwitz-Birkenau itself.

Name	Date of birth	Affiliation	Court/legal basis
Walter Rathmann	01.12.1906	Foreman, track construction company	Potsdam Regional Court
Erich Grönke	15.09.1912	Kapo	Schwerin Regional Court ACC Law 10, ACC Dir. 38
Hans Schmidt	10.11.1907	SS	Magdeburg Regional Court ACC Dir. 38
Oskar Nitschke	18.08.1906	SS	Weimar Regional Court Order 201, ACC Dir. 38
Karl Rengers	30.08.1915	SS	Neuruppin Regional Court ACC Dir. 38
Herta Stiwitz	03.03.1920	Overseer	Potsdam Regional Court ACC Law 10, ACC Dir. 38
Reinhard Herud	22.04.1911	SS	Halle/S. Regional Court ACC Dir. 38
Alexander Bartell	21.05.1905	Kapo	Bautzen Regional Court ACC Law 10, ACC Dir. 38
Gertrud Liehr	22.03.1921	Overseer	Potsdam Regional Court ACC Dir. 38
Hans Klerch	27.06.1921	SS	Schwerin Regional Court ACC Law 10, ACC Dir. 38
Hans Grudda	09.01.1900	SS	Verdict Brandenburg/H. Grand Criminal Division Order 201, ACC Dir. 38
			Appeal Potsdam Higher Regional Court
			Verdict Neuruppin Regional Court, Brandenburg/H. branch

Proceedings from the complex of the Waldheim trials are not listed because they did not meet the minimum standards required to qualify as Auschwitz trials.

Date of verdict	Sentence	Outcome
21.11.1947	2 years in prison	18.10.1949 end of prison term
29.11.1948	3 years in prison	26.04.1950 end of sentence
07.02.1948	8 months in prison and atone- ment measures	06.07.1948 end of sentence
09.03.1948	2 years, 6 months in prison	27.07.1950 end of sentence
14.05.1948	1 year, 6 months in prison, atone- ment measures, confiscation of agricultural reform land	22.10.1949 suspension, 21.11.1949 suspension of sen- tence with probation
23.07.1948	Acquittal of charge of crimes against humanity, 1 year in prison and atonement measures	
09.10.1948	1 year in prison, atonement meas- ures and confiscation of real estate	
15.11.1948	Life imprisonment	22.06.1964 end of sentence after reduction to 15 years
23.11.1948	1 year in prison	Amnesty SMAD command 18.03.1948
31.01.1949	4 years in prison and atonement measures	13.07.1951 end of sentence
16.12.1947	4 years in prison	14.10.1949 end of sentence
14.12.1948		
08.02.1949	2 years in prison	

Name	Date of birth	Affiliation	Court/legal basis
Willi Müller	09.03.1903	SS	Gotha Regional Court Order 201, ACC Dir. 38
Karl Josef Heimann	15.05.1891	SS	Dresden Regional Court ACC Law 10, ACC Dir. 38
Wilhelm Hackert	19.09.1894	Kapo	Schwerin Regional Court ACC Law 10, ACC Dir. 38
Kurt von der Heydt	17.04.1902	SS	Eisenach Regional Court Order 201
Rudolf Marschall	13.07.1910	Foreman IG Farben	Halle/S. Regional Court ACC Law 10, ACC Dir. 38
Walter Jäger	16.03.1913	Locksmith IG Farben	Halle/S. Regional Court ACC Law 10, ACC Dir. 38
Ella Pessiner	31.12.1895	Overseer	Neuruppin Regional Court ACC Dir. 38
Otto Ernst Stüben	20.04.1893	Wehrmacht/SS	Neuruppin Regional Court ACC Dir. 38
Max Knobloch	06.06.1881	SS	Eberswalde Regional Court ACC Dir. 38
Kurt Loewe	30.10.1907	Foreman	Halle/S. Regional Court ACC Law 10, ACC 38
Werner Alfr. Poethe	18.03.1914	Wehrmacht/SS	Cottbus Regional Court Order 201
Walter Feindt	17.04.1907	Wehrmacht/SS	Magdeburg Regional Court ACC Law 10, ACC Dir. 38
Walter Schmidt	18.10.1903	SS	Dresden Regional Court ACC Law 10, ACC Dir. 38
Werner Sczepanski	20.04.1913	Kapo	Berlin Regional Court
Paul Zimmermann	14.07.1905	Kapo	Zwickau Regional Court ACC Law 10, ACC Dir. 38
Herbert Fink	27.01.1925	SS	Bautzen Regional Court ACC Law 10, ACC Dir. 38
Paul Ferd. Barteldt	29.12.1901	Kapo	Berlin Regional Court ACC Law 10, ACC Dir. 38
Charlotte Arps	18.09.1919	Overseer	Halle/S. Regional Court Order 201

Date of verdict	Sentence	Outcome
11.04.1949	2 years in prison	29.06.1949 end of sentence
13.04.1949	20 years in prison	30.06.1956 release from prison, amnesty
09.06.1949	15 years in prison	+ 29.01.1955 in Brandenburg/H. prison
12.07.1949	1 year in prison and atonement measures	Amnesty
31.08.1949	Discontinuation/acquittal	
31.08.1949	9 months in prison and atonement measures	Offsetting period spent in pretrial detention, released on 31.08.1949
05.09.1949	5 years in prison, atonement measures	06.10.1952 release from Waldheim prison, amnesty
19.09.1949	Acquittal	
12.10.1949	3 years' probation	
26.01.1950	2 years in prison	07.01.1952 end of sentence
25.04.1950	9 months in prison	
04.05.1950	Acquittal	
22.03.1951	Life sentence	+ 16.11.1964 in Brandenburg/H. prison
02.05.1951	Discontinuation of proceedings because of amnesty	
28.06.1951	25 years in prison and atonement measures	
29.06.1951	Death penalty	Execution 22.08.1952 in Dresden
15.10.1951	Life imprisonment with hard labour	+ 14.04.1984 in Brandenburg/H. prison
22.10.1951	15 months in prison	

Name	Date of birth	Affiliation	Court/legal basis
Karl Rossow	02.01.1907	SS	Berlin Regional Court ACC Dir. 38
Willy Kähler	31.03.1913	Wehrmacht/SS	Schwerin District Court ACC Law 10, ACC Dir. 38, Article 6 of the GDR Constitution
Willi König	06.09.1901	Wehrmacht/SS	Berlin Special Court ACC Law 10
Hans Anhalt	25.09.1908	SS	Erfurt District Court Article 6(c) IMT, Article 5/1 of the GDR Consti- tution, sections 211, 47, 73 Criminal Code
Horst Sylvester Fischer	31.12.1912	SS physician	Supreme Court of the GDR IMT Charter Article 6(c), section 1 Criminal Code

Date of verdict	Sentence	Outcome
28.05.1952	5 years in prison	20.01.1956 amnesty
04.12.1953	15 years in prison	19.04.1956 amnesty
08.09.1955	2 years in prison	20.01.1956 amnesty
20.07.1964	Life imprisonment	+ 13.04.1975 Brandenburg/H. prison
25.03.1966	Death penalty	+ 08.07.1966 in Leipzig

Overview of SS ranks and their rough equivalents in the German and British armies

SS ranks	Army ranks	Ranks of the British Army
Reichsführer SS	[Generalfeldmarschall]	(Chief of the SS)
SS-Oberst-Gruppenführer und Generaloberst der Waffen-SS (SS-Supreme group leader and colonel general of the Waffen-SS)	Generaloberst	General
SS-Obergruppenführer und General der Waffen-SS (SS-Senior group leader and general of the Waffen-SS)	General	Lieutenant General
SS-Gruppenführer und Generalleutnant der Waffen-SS (SS-Group leader and lieutenant general of the Waffen-SS)	Generalleutnant	Major General
SS-Brigadeführer und Generalmajor Waffen-SS (SS-Brigadier leader and major general of the Waffen-SS)	Generalmajor	Brigadier General
SS-Oberführer (SS-Senior leader)	(ohne vergleichbaren Heeresrang/No army equivalent)	Colonel
SS-Standartenführer (SS-Standard leader)	Oberst	Colonel
SS-Obersturmbannführer (SS-Senior assault unit leader)	Oberstleutnant	Lieutenant Colonel
SS-Sturmbannführer (SS-Assault unit leader)	Major	Major
SS-Hauptsturmführer (SS-Head assault leader)	Hauptmann	Captain
SS-Obersturmführer (SS-Senior assault leader)	Oberleutnant	Lieutenant

SS ranks	Army ranks	Ranks of the British Army
SS-Untersturmführer (SS-Second/Junior assault leader)	Leutnant	Second lieutenant
Unterführer		
SS-Sturmscharführer (SS-Storm squad leader)	Stabsfeldwebel	Regimental sergeant major
SS-Hauptscharführer (SS-Head squad leader)	Oberfeldwebel	Sergeant major
SS-Oberscharführer (SS-Senior squad leader)	Feldwebel	Staff sergeant
SS-Scharführer (SS-Squad leader)	Unterfeldwebel	Sergeant
SS-Unterscharführer (SS-Junior squad leader)	Unteroffizier	Corporal
Mannschaftsstände		
SS-Rottenführer (SS-Squad leader)	Obergefreiter	Lance corporal
SS-Sturmmann (SS-Assault man/ Storm trooper)	Gefreiter	Senior Private
SS-Oberschütze (SS-Senior rifleman)	Obersoldat	Senior private
SS-Schütze (SS-Rifleman)	Soldat	Private

List of Abbreviations

Abt.	Abteilung – Department
Abt. K	Abteilung Kriminalpolizei – Criminal Police Department
ACC	Allied Control Council
ADN	Allgemeiner Deutscher Nachrichtendienst – German General News Service
AG	Amtsgericht – Local Court
AG	Arbeitsgruppe – Working group
AGM	Arbeitsgruppe des Ministers – Working group of the Minister
AIM	Archivierte IM-Akte – Archived IM file
AKG	Allgemeines Kriegsfolgegesetz – General War Consequences Act
Akz.	Aktenzeichen – File reference
AOP	Archivierter Operativer Vorgang – Archived operational case
AP	Allgemeine Personenablage – General persons archive
APMA-B	Archiwum Państwowego Muzeum Auschwitz-Birkenau w Oświęcimiu – Archives of Auschwitz-Birkenau State Museum in Auschwitz
APO	Abteilungsparteiorganisation – Departmental Party Organisation
ASt.	Archivierte Akten der Staatsanwaltschaft – Archived records of the public prosecutor’s office
ASt.	Außenstelle – Branch office
AU	Archivierter Untersuchungsvorgang – Archived investigation case
AWG	Arbeiterwohnungsbaugenossenschaft – Workers’ housing construction co-operative
BAL	Bundesarchiv Außenstelle Ludwigsburg – Federal Archives branch office Ludwigsburg
BArch	Bundesarchiv – The Federal Archives
BDC	Berlin Document Centre
BdL/Dok.	Büro der Leitung/Dokumentenstelle – Administrative office/Documentation
BG	Bezirksgericht – District Court
BGH	Bundesgerichtshof – Federal Supreme Court
BLEA	Bayerisches Landesentschädigungsamt – Bavarian Reparations Office
BMI	Bundesministerium des Innern – Federal Ministry of the Interior
BPKK	Bezirksparteikontrollkommission – District Party Control Commission
BRD	Bundesrepublik Deutschland – Federal Republic of Germany
BStU	Der Bundesbeauftragte für die Unterlagen des Staatssicherheitsdienstes der ehemaligen DDR – Federal Commissioner for the Records of the State Security of the former GDR

BV	Bezirksverwaltung für Staatssicherheit – State Security District Office
CCP	Catalogue of Camps and Prisons in Germany and German Occupied Territories
CDU	Christlich Demokratische Union – Christian Democratic Union
CIC	Counter Intelligence Corps
CPSU	Communist Party of the Soviet Union
CROWCASS	Central Registry of War Criminals and Security Suspects
ČSR	Československá republika – Czechoslovakian Republic
ČSSR	Československá socialistická republika – Czechoslovakian Socialist Republic
DA	Deutschland Archiv – Germany Archives
DDR	Deutsche Demokratische Republik – German Democratic Republic
DEFA	Deutsche Film AG
DGB	Deutscher Gewerkschaftsbund – German Trade Union Confederation
DIA	Deutscher Innen- und Außenhandel – German Domestic and Foreign Trade
Dir.	Directive
DRK	Deutsches Rotes Kreuz – German Red Cross
DSF	Deutsch-Sowjetische Freundschaft – German-Soviet Friendship
DVdI	Deutsche Verwaltung des Innern – German Administration of the Interior
EWZ	Einwandererzentralstelle – Central Immigration Office
FAZ	Frankfurter Allgemeine Zeitung
FDGB	Freier Deutscher Gewerkschaftsbund – Free German Trade Union Confederation
FIM	Führungs-IM – Senior unofficial collaborator
FV	Forschungsvorgang – Research procedure
Gestapo	Geheime Staatspolizei – Secret State Police
GI	Geheimer Informator (IM-Kategorie 1950–1967) – Secret informant (IM category 1950–1967)
GM	Geheimer Mitarbeiter (IM-Kategorie 1950–1967) – Secret collaborator (IM category 1950–1967)
GStA	Generalstaatsanwalt(schaft) – Chief public prosecutor(’s office)
GUPVI	Glavnoe upravlenie po delam voennoplennnykh i internirovannykh – Main administration for prisoners of war and internees (of the People’s Commissariat for Internal Affairs of the Soviet Union)
HA	Hauptabteilung – Central Division
HAIT	Hannah-Arendt-Institut Dresden – Hanna Arendt Institute

HHStAW	Hessisches Hauptstaatsarchiv Wiesbaden – Hessian Main State Archives Wiesbaden
HJ	Hitlerjugend – Hitler Youth
HKB	Häftlingskrankenbau – Inmates' infirmary
HS	Haftsachen (Hauptabteilung des Mdi der DDR) – Detention Affairs (Central department of the Ministry of the Interior of the GDR)
HvA	Hefte von Auschwitz
IAC	International Auschwitz Committee
IBV	Internationale Bibelforschervereinigung – International Bible Scholar Association
IfZ	Institut für Zeitgeschichte – Institute of Contemporary History
IG	Industriegewerkschaft – Industrial trade union
IM	Inoffizieller Mitarbeiter – Unofficial collaborator
IMT	International Military Tribunal
IMV	IM mit vertraulichen Beziehungen zur bearbeiteten Person (IM-Kategorie 1968–1979) – IM with confidential relations to processed person (IM category 1968–1979)
ITS	International Tracing Service
K 5	Kommissariat 5 der Kriminalpolizei – Commissariat 5 of the Criminal Police
Kapo	Funktionshäftling – Inmate functionary
KD	Kreisdienststelle für Staatssicherheit – State Security county office
KG	Kreisgericht – County Court Kammergericht – Higher Regional Court
KGB	Komitet Gossudarstwennoi Besopasnosti – Committee for State security (secret police of the USSR)
KJVD	Kommunistischer Jugendverband Deutschlands – Communist Youth Association Germany
KL	Konzentrationslager – Concentration camp Kreisleitung – County administration
KPD	Kommunistische Partei Deutschlands – Communist Party of Germany
KVK	Kriegsverdienstkreuz – War Merit Cross
KWI	Kaiser-Wilhelm-Institut
KZ	Konzentrationslager – Concentration camp
LEA	Landesentschädigungsamt – State Reparations Office
LG	Landgericht – Regional Court
LHA	Landeshauptarchiv – State Main Archives
LKA	Landeskriminalamt – State Criminal Police Office
LPKK	Landesparteikontrollkommission – State Party Control Commission

M-Apparat	Militärpolitischer Apparat der KPD – Military Policy Unit of the KPD
MdI	Ministerium des Innern – Ministry of the Interior
MfAA	Ministerium für Auswärtige Angelegenheiten – Ministry of Foreign Affairs
MfS	Ministerium für Staatssicherheit – Ministry for State Security
MVD	Ministerstwo Wnutrennich Del Ministry for Internal Affairs (of the USSR)
n.d.	no date
n.p.	no place
n. pag.	no pagination
n.t.	no title
ND	Neues Deutschland
NDPD	Nationaldemokratische Partei Deutschlands – National Democratic Party of Germany
NKVD	Narodny Komissariat Wnutrennich Del – People’s Commissariat for Internal Affairs (of the USSR)
NS	Nationalsozialismus – National Socialism
NSDAP	Nationalsozialistische Deutsche Arbeiterpartei – National Socialist German Workers’ Party
NVA	Nationale Volksarmee – National People’s Army
OG	Oberstes Gericht – Supreme Court
OLG	Oberlandesgericht – Higher Regional Court
OSI	Office of Special Investigations
OSTa	Oberstaatsanwalt(schaft) – Senior public prosecutor(’s office)
OV	Operativer Vorgang – Operational case
OVA	Operative Vorlaufakte – Preliminary operational file
ÖVP	Österreichische Volkspartei – Austrian People’s Party
Pg.	Parteigenosse (der NSDAP) – Party member (of the NSDAP)
PLO	Palestine Liberation Organization
PPA	Personalpolitische Abteilung – Personnel Policy Department
PS	Personenschutz – Personal protection
PSV	Polizeiliche Sicherungsverwahrung – Preventive police detention
Reg. no.	Registration number
RFB	Rotfrontkämpferbund – Red Front Fighters’ Alliance
RFSS	Reichsführer SS – Reich Chief SS
RHE	Rechtshilfeersuchen – Request for mutual legal assistance
RMfdbO	Reichsministerium für die besetzten Ostgebiete – Reich Ministry for the Occupied Eastern Territories
RSHA	Reichssicherheitshauptamt – Reich Security Main Office

RuSHA	SS-Rasse- und Siedlungshauptamt – SS Race and Settlement Main Office
SA	Sturmabteilung (der NSDAP) – Assault division (of the NSDAP)
SBZ	Sowjetische Besatzungszone – Soviet Occupation Zone
SD	Sicherheitsdienst – Security Service
SDG	Sanitätsdienstgrad – Medical orderly service grade
SdM	Sekretariat des Ministers – Secretariat of the Minister
SED	Sozialistische Einheitspartei Deutschlands – Socialist Unity Party of Germany
Sipo	Sicherheitspolizei – Security Police
SMAD	Sowjetische Militäradministration in Deutschland Soviet Military Administration in Germany
SMT	Sowjetisches Militärtribunal Soviet Military Tribunal
SOE	Special Operations Executive (of Great Britain during World War II)
SPD	Sozialdemokratische Partei Deutschlands – Social Democratic Party Germany
SPÖ	Sozialdemokratische Partei Österreichs – Social Democratic Party Austria
SS	Schutzstaffel – Protection squadron
StA	Staatsanwalt(schaft) – Public prosecutor(’s office)
StAV	Staatliche Archivverwaltung – State Archives Administration
StGB	Strafgesetzbuch – Criminal Code
StK	Strafkammer – Criminal Division
StPO	Strafprozessordnung – Code of Criminal Procedure
StUG	Stasi-Unterlagen-Gesetz – Stasi Records Act
StVA	Strafvollzugsanstalt – Prison
SV	Spezieller Vorgang/Sondervorgang – Special case
SV DR	Sicherungsverwahrter Deutsches Reich – Inmate in preventive detention of the German Reich
Tbc	Tuberculosis
UdSSR	Union der Sozialistischen Sowjetrepubliken
USSR	Union of Socialist Soviet Republics
UHA	Untersuchungshaftanstalt – Pretrial detention centre
UN	United Nations
UNWCC	United Nations War Crimes Commission
U-Organ	Untersuchungsorgan – Investigative body
USA	United States of America
UV	Untersuchungsvorgang – Investigation case
VA	Vorlaufakte – Preliminary file
VA-op/VAO	Vorlaufakte operativ – Preliminary operational file

VdN	Verfolgte des Naziregimes – Persecutees of the Nazi regime
VEB	Volkseigener Betrieb – State-owned enterprise
VfZ	Vierteljahrshefte für Zeitgeschichte
VgM	Verbrechen gegen die Menschlichkeit – Crimes against humanity
V-Leute	Vertrauensleute – Informants
VM/V-Mann	Vertrauensmann – Informant
VPKA	Volkspolizeikreisamt – County office of the People’s Police
VVN	Vereinigung der Verfolgten des Naziregimes – Association of the Persecutees of the Nazi Regime
WASt	Deutsche Dienststelle für die Benachrichtigung der nächsten Angehörigen von Gefallenen der ehemaligen deutschen Wehrmacht – German office for the notification of next of kin of fallen soldiers of the former German Wehrmacht
WB	West Berlin
ZA	Zentralarchiv West Berlin – Central Archives
ZAIG	Zentrale Auswertungs- und Informationsgruppe – Central Evaluation and Information Group
ZBL	Zentral-Bauleitung der Waffen-SS und Polizei, Auschwitz – Central construction office of the Waffen-SS and police, Auschwitz
ZfG	Zeitschrift für Geschichtswissenschaft
ZK	Zentralkomitee – Central Committee
ZStL	Zentrale Stelle der Landesjustizverwaltung zur Aufklärung nationalsozialistischer Verbrechen in Ludwigsburg – Central Office of the Regional Judicial Authorities for the investigation of National Socialist crimes in Ludwigsburg
ZUV	Zentraler Untersuchungsvorgang – Central investigation case

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