

PROCEEDINGS

of a

MILITARY COURT FOR THE
TRIAL OF WAR CRIMINALS

held at

LUNEBERG, GERMANY.

on

WEDNESDAY 14 NOVEMBER, 1945.

upon the trial of

JOSEF KRAMER

and

44 Others.

FIFTY - FIRST DAY.

Transcript of the Official
Shorthand Notes.

(At 0930 hours the Court re-assembled pursuant to adjournment, the same President, Members and Judge Advocate being present.)

(The accused are again brought before the Court.)

THE PRESIDENT: I shall now ask the learned Judge Advocate to sum up.

SUMMING-UP.

THE JUDGE ADVOCATE: May it please the Court. The German state set up the camp of Auschwitz and it now becomes your duty in the light of the evidence you have heard in this Court to decide what took place in the war years from 1942 until 1943.

I think you will be satisfied that to Auschwitz were taken by force innumerable people for the purpose of providing man power and woman power for the German military machine, and I think you will be satisfied that among those who were taken, without any excuse, without any right, and against their wishes, were a number of Allied nationals.

The case for the prosecution as regards Auschwitz is this. They do not complain or ask you to consider whether the taking of allied nationals to Auschwitz was right or wrong. What they do say is that when they were there they had no right to be illtreated or maltreated to an extent that they should die or that they should suffer physical hardship. It is for you to decide what is the law equally as it is your duty to find the facts. The responsibility of deciding the law is upon you, Sir, and your members, and in arriving at the law you are entitled, of course, to accept the argument of Col. Smith and those of the defending officers if it appeals to you. On the other hand, you are entitled to accept my advice as the Judge Advocate of this Court, but I must impress upon you it is for you to find the law.

As you know, the accused here are being charged with committing a war crime, and you can only deal with a war crime in this Court and only with the specific alleged crime in the charge sheet. You are soldiers, and it is your business to know what are the customs and usages of war. It is your duty to know when there is a breach of them.

You will find in the Royal Warrant, under which this Court is constituted, a definition of a war crime. A war crime means a violation of the laws and usages of war committed during any war in which His Majesty has been or may be engaged at any time since the 2nd September, 1939. It is for you, Sir, and your members, to say whether the treatment of these allied nationals in Auschwitz was or was not a breach of those laws and usages.

I think I am right in saying that Col. Smith's argument was largely directed to the gas chambers and to the killing in that respect at Auschwitz, and not really directed so much to the matters of alleged cruelty and maltreatment. I am going to put this issue quite simply to you and then I am going to leave it. If you are satisfied that allied nationals were taken in the way which has been described to you, and that they were put in a gas chamber because they were of no use to the German Reich, is that or is that not a violation of the customs and usages of war? Gentlemen, it seems to me that you will be entitled and well entitled to say that it was.

In regard to the more general question of illtreatment or maltreatment, I do not think perhaps the same difficulties arise, because I do not think it is anybody's contention that they were in any way authorised by the German Reich as it has been suggested might be the case in regard to the gas chambers. If you are satisfied that there was this war crime in the way I have suggested to you then, of course, you would find the charge sheet was properly before you.

There has been raised by Col. Smith the question of whether this gassing in all the circumstances should be treated as something which the accused could not help. In other words, that they were being ordered to do it by superior authority, and that they were therefore absolved from any culpability which might arise. Again I am going to deal quite shortly with that matter.

I have carefully considered what Col. Smith said and what the defending officers said, and I feel myself that I must advise you that the law as laid down in Volume 2 of Oppenheim's International Law, 6th Edition, is that which you should follow. I should like to read to you the full extract contained on page 452 rather than leave it as it is in the Manual of Military Law.

"The fact that a rule of warfare has been violated in pursuance of an order of the belligerent government or of an individual belligerent commander does not deprive the act in question of its character as a war crime, neither does it in principle confer upon the perpetrator immunity from punishment by the injured belligerent. A different view has occasionally been adopted in military manuals and by writers, but it is difficult to regard it as expressing a sound legal principle. Undoubtedly a court confronted with the plea of superior orders adduced in justification of a war crime is bound to take into consideration the fact that obedience to military orders not obviously unlawful is the duty of every member of the armed forces and that the law cannot in conditions of war discipline be expected to weigh scrupulously the legal merits of the order received; that rules of warfare are often controversial and an act otherwise amounting to a war crime may have been executed in obedience to orders received as a measure of reprisal. Such circumstances are probably in themselves sufficient to divest the act of a stigma of war crime".

Then I will omit a little portion of the paragraph. It continues: "However, subject to these qualifications, the question is governed by the major principle that members of the armed forces are bound to obey legal orders only and that they cannot, therefore, escape liability if in obedience to a command they commit acts which both violate unchallenged rules of warfare and outrage the general sentiments of humanity".

You will probably find the real reason why that attitude is adopted by the writer is contained in the last paragraph: "To limit liability to the persons responsible for the order may frequently amount in practice to concentrating responsibility on the head of the state whose accountability from the point of view of both international and constitutional law is controversial".

That is entirely a matter for you. Do you think when people have been dragged away to Auschwitz and have been put in the military machine, and have been gassed and killed without any trial, because they have committed no crime except that of being a Jew or being unwanted by the state, that that is not a clear violation of an unchallenged rule of warfare which outrages the general sentiments of humanity? It seems to me a very simple point and one which you will have to consider. If you are satisfied that I have correctly directed you upon the law then, gentlemen, it would be open to you to find that this charge sheet, both as regards Auschwitz and Belsen, is properly before you, and that you are competent to deal with it on the basis that it is clearly a war crime within the meaning of the word.

Now I want to remind you that in every trial in a British Court there are two main issues which have to be established, and you will forgive me, gentlemen, if I perhaps repeat things which are known to you because of your experience and standing in the Army. I feel it is my duty in a case of this gravity to emphasise these points although it may well be they have already occurred to you.

The two broad issues that have to be established to your satisfaction beyond all reasonable doubt are, first, has the crime set out in the charge sheet been established? Secondly, if it has been established, have the accused or any of them before you in the charge sheet been proved to your satisfaction to have committed it?

I propose, if I may, to deal very shortly with the first issue. Rightly or wrongly (it is, of course, for you to decide whether or not you accept it) in my view there is a tremendous general body of evidence going to establish that at Auschwitz the staff responsible for the well being of internees were taking part in these gassings; that they were taking part in improper, unlawful, beating; that they were taking part in appeals; that they were taking part in the use of savage dogs; that they were over-working and under-feeding the internees; and may be that there were even experiments imposed upon people, so called in the interests of science, against their will. I am not suggesting for a moment that the prisoners in the dock necessarily committed what I call that general crime. I will consider that later in detail under the second heading. There is that evidence before you and I must leave it to you to decide whether you accept it or not. As, however, that evidence is before you I am satisfied to say that there is evidence upon which you could find that the war crime set out in the first charge had been committed.

Equally at Belsen I think you have the same kind of general allegation of ill-treatment or maltreatment, but substituted for the gas chamber you have what the prosecution allege to be a state of wilful or culpable neglect whereby thousands of innocent people lost their lives. Again, rightly or wrongly, on that charge I submit to you that there is a tremendous volume of evidence upon which you could properly find that the charge as set out in the charge sheet was committed by the staff employed at Belsen who were responsible for the well being of the internees. If I am right that there is evidence upon which you could so find, then all I have to do is to leave you to consider that later on in closed Court.

The real difficult issue in this case, and the issue upon which I propose to spend most of my time in an endeavour to assist you, is whether each or any of these accused have been proved by the prosecution beyond all reasonable doubt to have committed the offence with which they are charged. I feel that you will forgive me if I mention a few matters of general detail. I want first of all to deal with the affidavits.

The affidavits are somewhat of a novelty to me. Usually affidavits do not come before courts of criminal jurisdiction, but under war conditions it has become necessary to introduce these affidavits in an endeavour not to convict innocent people but in an endeavour to convict guilty people. However much one would prefer to have a deponent in person before the Court those affidavits are properly admitted here, and it is for you to consider them and say whether you will act upon them. The safeguard, after all, is this. The system merely says they may be put before you, but there is no person who can compel you as the judges in this Court to accept them. That is the safeguard. Whatever criticisms may be made of the use of them there is the safeguard that you five officers have a complete discretion to accept them or reject them.

I agree with the defending officers that they are dangerous material. We all know how people will tell you things in the smoke room and how they would quickly retract them if they had to appear in a Court and be cross-examined. I have the greatest faith in cross-examination. I have been brought up to realise what a potent weapon it is in discovering the truth. That, of course, has been denied the defending officers. Consider these affidavits and the way in which they were taken, especially on the question of identity. You need no words from me to realise that you must be most careful in dealing with those affidavits, and I am sure you will find it is difficult to act upon just one or two unless they are supported in some material particular showing that they are really worthy of credence and belief.

Again it has been pointed out to you that sometimes a witness who has appeared here differs materially from his affidavit, or that he introduces matters which were not in the affidavit when he made it. Those are all matters which I know you will carefully consider. It is for you to decide, when you come to consider any particular affidavit, whether you are prepared to say that it has any weight or not.

I will now say a few words about the witnesses themselves. We all feel, I am sure, very sorry for these unfortunate people who have had to undergo these terrible experiences, and it is only right that I should say that they will receive at your hands every possible consideration when you are considering their evidence. But you have to remember that the law likes to have, if it can get them, what it calls "credible witnesses". That is a witness who has no personal interest, who is calm and collected, and who is free from any sort of bias. I do not for one moment wish to suggest that any of these witnesses have come here with a bias, but they have been through terrible things and they have seen and believed, through the actions of some of the people in the dock, that they have lost their fathers or their mothers, or whatever relation it may be. Therefore, without any criticism of them, is it not right for you gentlemen to carefully consider whether at times they may not have allowed their feelings to rather elaborate or tint their evidence?

I would now like to mention another type of witness, that is the accused themselves. When an accused gives evidence in favour of another accused it is entirely a matter for you to say whether you accept it or not. That is a matter of common sense and one which you will consider in the light of the way he or she gave their testimony. But clearly there is a duty upon me, because the law really enjoins me to do it, to remind you and warn you of the danger of accepting the testimony of one accused against another if in the result you think that that accused is trying to benefit himself or herself at the expense of the other. I feel that I should give you a warning that you should carefully scrutinise the evidence of any accused which is detrimental to that of another, and is open to the criticism that it puts her evidence in a better light and the evidence of a colleague in a worse light.

I feel that these matters are really quite known to you and I am sure you will forgive me for having mentioned them. It seems to me that if I do that in rather a general way it will obviate a more detailed examination of the witnesses as we proceed. I am not going to detain you any longer on what I might call preliminary matters, you have had them summed up most admirably by the 12 defending officers and by the prosecutor and I am sure by now you have formed in your own minds those general rules which will be observed by you in considering the weight of evidence and where lies the truth.

I am now going to proceed with what I consider to be my real duty and deal with the evidence in some detail, quite quietly and quite methodically, as against each of these accused. In doing that I will bear in mind that you have been provided with a book in which you have laboriously from day to day recorded the evidence for and against each accused and that you have, no doubt, entered marginal notes at the time with regard to the impression left upon you. Each day you have had also a full transcript of the evidence, and when you retire to consider this case if you are in doubt upon any points in the evidence you will have that complete transcript to which to refer. I feel, therefore, that I can in dealing with this evidence not quote to you extracts from the transcript, but can put them to you in rather a more condensed form.

Although it comes first in point of time but second on the charge sheet I propose to first of all deal with the second charge where it is alleged that a war crime was committed at Auschwitz.

Let me remind you of the charge: "At Auschwitz, Poland, between 1st October, 1942, and 30th April, 1945, when members of the staff of Auschwitz Concentration Camp responsible for the well being of persons interned there in violation of the law and usages of war were together concerned as parties to the illtreatment of certain such persons causing the death of Rachella Silberstein (a Polish National) Allied nationals and other allied nationals whose names are unknown and physical suffering to other persons interned there, Allied Nationals, and particularly to Ewa Gryka and Hanka Rosenwayg (both Polish nationals) and other allied nationals whose names are unknown".

First of all let me remind you that all the accused in the dock are not on this charge, and I am sure many of them are very thankful that they are not, because it seems to me that out of all the horrors you have to wade through the one which has impressed the public and the one which has impressed you must, no doubt, is the question of the gas chamber. The accused against whom the second charge is preferred are Joseph Kramer, Fritz Klien, Heinrich Schreirer, Ladislaw Gura, Peter Weingartner, George Kraft, Hoessler alias Hessler alias Essler, Juana Bormann, Elisabeth Volkenrath, Herta Ehlert, Irma Grese, Islo Lothe, Hilde Lobauer alias Lohbauer, Stanislaw Staroska,

The case for the prosecution, as I understand it, is that at Auschwitz there had grown up a practice or a course of conduct under which internees, including allied nationals, were being treated in such a way that they were of no value at all as human beings. What the prosecution ask you is this. If you are satisfied that the people there were being put into gas chambers, that they were of such unimportance and so little value was attached to their human lives, is not it common sense to assume that it is reasonable that when it came to the more daily matters with which they were concerned, there would be some substance for saying that they would be ill treated because they were of no value? The case for the prosecution is that at Auschwitz members of the staff agreed together, either tacitly or expressly, that they would ill treat these internees, and that they would take part in the gassing. It is for you to say when you come to consider each accused whether the prosecution have satisfied you that he or she was concerned in the ill treatment as a party with others on the staff.

I propose now to deal with Josef Kramer, but before I do so, I should like to remind you very shortly (it is the only quotation I am going to make of a general nature) of the evidence with regard to the gas chamber. I want to quote from the evidence of Dr. Bendel, who, the court will remember, was a Rumanian arrested in Paris. This is really in a short form a picture by an eye witness and, apparently a reasonable eye witness, of what was involved in the extermination of these innocent people in the gas chamber.

"At 11 o'clock in the morning the chief of the political department arrived on his cycle to tell us, as always, that a new transport had arrived. The trenches were cleaned out, wood was put in and petrol was put over the wood. At about 12 o'clock the new transport arrived with 300 or 1000 people. They had to undress in the courtyard of the remotorium on a promise of a bath and hot coffee. Their clothing was put on one side and valuables on the other. They entered a big room and there they waited until the gas arrived. The hall was used in winter for the people to undress. Five or ten minutes later the gas arrived in an ambulance, a Red Cross wagon. Then the doors were opened and the people were crowded into the gas chambers. These rooms had such low ceilings that they appeared to come right down on the heads of the people. With sticks and blows these people were forced to go in and stay there, because when they realised they were going to their death, they tried to get out again. Finally they succeeded in locking the doors, hearing cries and shrieks, fighting with each other, and knocking on the wall. This goes on for two minutes and then there is silence; nothing more. Five minutes later the doors were opened, but one could not go near the chambers for twenty minutes after. When the

doors were opened a crowd of bodies fell out quite contracted, and it was almost impossible to separate one from the other. They were all compressed together. One got the impression that they had fought terribly against death. Anyone who has seen a gas chamber filled to the height of one and a half metres with corpses will never forget it". That is, I think, a reasonable account of what resulted from the institution of gas chambers and their operation.

There can be no doubt that at Auschwitz and Berkenau there were situate the whole of the gas chambers. There is also no doubt that in charge of Berkenau at certain times was the accused Josef Kramer with whom I should now like to deal before going any further.

He has given you a very detailed account of his life, but I would remind you shortly that he came into the concentration camp service in 1934, that he has had a considerable service in concentration camps, and he has put before you - and it is for you to say whether or not you accept it - that he is a man who has been trained to these horrors which I have just read; that he was a willing party to it, and that he was responsible for the deaths of these people at Auschwitz insofar as he was concerned with them as being in charge of Berkenau camp. Very shortly I do not think that Kramer is disputing that he has been present on these selections for the gas chamber: sometimes only certain types of them, and I think what he is trying to say is this. "The gas selections and the gas exterminations were very special. They were really under the charge of the commandant at Berkenau. They really concerned the political department, and they really concerned the doctor. I had little or nothing to do with it".

Well, it is for you to say. He was in charge of Berkenau and you may think that this gassing and extermination was a highly organised business; that it was not dependant upon any one man but required a large amount of people to operate it, and it may well be that the degree of guilt varies as regards responsibility. However, it is for you to say whether it was necessary or not for quite a number of people to take part in operating that machine. Are you satisfied by the prosecution's case that Kramer was taking part in it in his official capacity?

I feel that I need not deal with that aspect of the case in any great detail, because it has been put to you so often; but is it possible for you, as reasonable men, to adopt the view that Kramer was not taking an essential part, an official part, such as it was, in sending these unfortunate people to the gas chamber? There can be little doubt that Kramer appreciated that this was not a proper thing to do and must have known it was wrong. You have heard what has been said as to that, but I think his defence is, as I put it before, that "I really had no responsibility for it". I am saying no more as to Kramer's responsibility or otherwise in regard to the gas chamber.

I want now to go through the evidence insofar as it relates to Auschwitz on other matters which are brought against him. The first witness to whom I propose to refer is Szafran. This witness says that Kramer took part in the selections, and that a doctor was always present. She says that at Auschwitz, when the prisoners were going on a working kommando, Kramer beat an internee badly because her shoe became loose and she lost her place in the file

Hannemasch says that Kramer took part in the selections, that he took an active part in having people loaded into vehicles, and that he beat them if they cried because they knew what was awaiting them.

Stein says that Kramer with Dreschler, Grese, and Mengele took part in selections in front of the block, and that Kramer chose people for this purpose. Stein goes on to say that Kramer, with Grese, when there were several hundred in the block, pushed them into trucks and hit those who were not quick enough, with a stick.

Then there is Glinowieski who says that Kramer found him in possession of a little bread and margarine and a pair of jack boots, and that he got 25 blows for this. That was at Auschwitz towards the end of October or November.

Well, those, of course, are matters that you will consider. They seem to be pale shadows when compared with the allegations of the gas chamber, but they are allegations of brutality which would cause suffering to inmates at Auschwitz.

In answer to Glinowieski, Kramer says that if he received 25 strokes it must have been authorised by superior authority in Berlin, and that he was not in Auschwitz in the autumn of 1943. Well, I think it is quite clear that he was in Auschwitz from May, 1944, to December, 1944.

Rosenwayg says that Kramer supervised selections, watching the doctor to see the selections made by him, and to see that they were made. Sunschein says that she saw Kramer take part in the selections with Klein, Hoessler, etc., and in July, 1944, Kramer had her family sent to the gas chamber. She was also present on other occasions.

There is an affidavit of Elga Schiessl to the effect that Kramer took part in selections. In the result I think you will be satisfied that there is a good deal of testimony which goes to establish, if you believe it, that Kramer was taking a part, and an active part, in these selections.

As I have said the case of Kramer has been so fully gone into that I do not propose to take up any further time in regard to his activities at Auschwitz. You have heard him in the witness box, and it is for you to say whether you accept that he really had no responsibility for Auschwitz at all in the sense that he was really a lagerfuhrer, and that the responsible people were at what we call Auschwitz 1, or whether you are going to say that you are satisfied that he was taking an active part in the way it is alleged in the charge sheet, that he was a necessary cog in this machinery and that he is therefore guilty of the charge in respect of those matters.

I will now pass on and deal with Dr. Klein. Dr. Klein seems to me to be a completely honest man. I do not think he has come here to tell you anything but the truth. But, gentlemen, I was always brought up to believe that the duties of a doctor of medicine were to preserve life and not to take part in the taking of life. It seems to me that there are no sort of allegations of ill-treating internees apart from this appalling one, that he was sending them to the gas chamber by marking them as unsuitable or unfit. There seems to be no dispute about it. He has quite frankly told you what he did, and his duty, as I understand it, seems to be: "I had to do what I was told. If I had not done it, somebody else would have done it, and therefore I did what was required of me".

I have already referred to this question of whether a man can say that as a Defence to such an affair such as this. If you adopt the law as I put it before you, is it not self evident that Dr. Klein was doing something which was not authorised by God or by any law made by man.

Is it a war crime? Is it a breach of the laws and customs of war for Dr. Klein to do what he did in sending those unfortunate souls to the gas chamber? It was a terrible task and one which must fill any decent man with horror. One wonders whether, if any of the accused had really taken up a stand that, "I will not do this work", they would have been made to do it. Do you believe or not - and it is for you to decide - that if Dr. Klein had refused to do this work he would have been made to, or even that anything very serious would have happened to him? I do not know. Would it have been just a case of removing him and finding someone who was more amenable? In the result, however, he has admitted that he did this.

"Dr. Wirts told me to divide the transport into two parts, the fit and the unfit for work; the aged, the weak, and those whose health was not good, children up to the age of 13, 14 or 15 years, and pregnant women. The selection was done exclusively by doctors. It was not a proper examination. They just looked at them and asked them a few questions. Everyone passed before the doctor before they were divided. The fit people were sent away - what was done with them I do not know", and the unfit, Dr. Klein agrees, went to the gas chamber.

Well, is it or is it not in your view a war crime to take Allied nationals (you must be satisfied they were Allied nationals) and help to send them to a gas chamber because they were only 14 years of age or because they had undertaken the responsibility of motherhood. I am not going to address you on that, because you have heard it argued both for the Prosecution and the Defence; but in the result it seems to me that Dr. Klein comes before you agreeing with the Prosecution as regards himself, and then it for you to say whether it is a war crime as set out in the charge or not.

Now I propose to deal with Peter Weingartner. He was born on the 4th June, 1913, in Yugoslavia, and he served in the Yugoslavian Army, and he fought against the Germans until eventually he was captured. He then had to go to Germany, and he went into the S.S., he says, not as a volunteer. He says he went to Auschwitz and did some weapon training for three months, and then he became a guard in a concentration camp until December, 1943. We know, and he agrees, that he had something to do with the Vistula kommando, and he says that was in December, 1944. He was digging trenches for regulating the river and had a thousand women employed under him. He agrees that there were guards, and I think he agrees that there were some kind of dogs which the guards had. He says his dog was not to guard the women but to supervise their work.

Weingartner says he never beat any of the women, and he also says that he remained in Auschwitz until about 19th January, 1945, when he eventually went to Delsen. He maintains that he behaved in a perfectly proper way, and that he has committed no crime in any way as regards ill-treating the Allied nationals who were in the camp.

I will now very briefly deal with the evidence which has been brought against him by the Prosecution. You will appreciate that through some error the events which are alleged to have taken place at Auschwitz appear in the Delsen charge. Therefore, Weingartner cannot be punished for this matter in regard to the charge sheet. It has, however, been allowed to be introduced as being some evidence of the way he was conducting himself and from which the Court are invited to infer that he must have been party to a system of ill-treating internees.

Glinowieski says he worked as a carpenter with his brother for nearly two years. Then he tells you about the jewellery that his brother had. His brother was taking some cigarettes to a woman in the women's block, where he was not permitted to go, and Weingartner appeared on the scene. He goes on: "Weingartner pulled up my brother and searched him and found 240 cigarettes, roubles and signet ring." This all took place in the blockfuhrer's room and Glinowieski's brother received 75 strokes. When his brother left the room he was kicked out by Weingartner and could hardly stand. He says that he was waiting for his brother some distance away and he watched his brother go in with a friend to another room. He was helped to his block and he had to sit down because he could not stand. Glinowieski says: "He told me he had been beaten over a chair, that a knee had been applied to his back to keep him down, and he was beaten. When he got to his block I went to see him, and he could not stand up at roll call so he was taken to hospital. I later went to hospital and spoke to the doctor offering a reward to look after my brother. I was told the next day when I went to the hospital with some bread and margarine that I could not see him". Eventually, he says, his brother died. He did not see his brother die, but he was told that he had died.

Now the answer to that by Weingartner is that he cannot remember this man or his brother in Auschwitz, and that the story is entirely untrue.

Sunschein says Weingartner was kommando leader of a kommando called Vistula; that there were 1,000 girls in it; and they were regulating the river by carrying sand. He said this incident took place about December, 1944. She says she was a supervisor of the work and as she did not ill-treat people she was made, as a punishment, to work in water which reached up to her knees. She said Weingartner told her to beat people badly and to chase them to make them work as quickly as possible. She says that Weingartner treated internees badly and beat them and that he deprived them of their extra food. They had to go some seven or eight kilometres from the camp to where they worked and there was a bad road up a steep hill. She also says that dogs were set upon them to chase them up the hill and that Weingartner was in charge of the guards. Then she speaks about an old woman, bare-footed, going up the hill who was pushed down by Weingartner with a stick and that she fell in a trench. She also says that before Weingartner came to the kommando it was quite a good one. "After Weingartner came it became very bad and many people were sent daily to hospital. It was the worst kommando in the camp".

That is relied upon by the Prosecution not only as an act of deliberate ill-treatment by Weingartner, but they ask you to consider whether it is not some evidence which entitled you to infer that Weingartner was taking part in the furtherance of this common design at Auschwitz to ill-treat internees in this way.

Weingartner gave evidence on oath, and he said that he was not responsible for the guards, but was only responsible for seeing the women did their work. He agreed that the work was four or five kilometres from the camp and that it was a bad road. He agreed, too, that there was a steep hill, and that they left the camp at 7.30 in the morning and worked until 1500 hours and then had to return. He agrees he has some recollection that Sunschein was an overseer, but he cannot remember if removed her. At any rate, if he did remove her from her job it was not for beating people. He denies also that the women had to work up to their knees in water.

Then there is the witness Klein who says that Weingartner used to stand at the gate as the working parties went in and out and that he frequently beat them. Then there are affidavits which I do not think really take the case very much further. There does not seem to be any allegation that Weingartner was taking part in the ill-treatment of Allied nationals at Auschwitz so as to cause their death, and really what is against him is that he was taking part with others in this system of ill-treatment of internees at Auschwitz by being a party to these selections. I do not think that I need deal any more with that matter. It is entirely a matter for you. Are you satisfied that the Prosecution have made out a case against Weingartner so far as it relates to Auschwitz?

The next accused is George Kraft. Kraft was born in Rumania on the 16th December, 1913, and he tells you that he was in the Rumanian Army, that after he left it he went home for three months, and all the Germans had to go to Germany from Rumania. He says he went to Germany because he was made to go. He maintains that he was never at Auschwitz, and therefore any allegation in regard to him at Auschwitz cannot apply to him, and that there must be some mistake and that the incident, if it ever occurred, must have been put upon the wrong man. That is entirely a question of fact. It is a complete defence to this charge at Auschwitz if an accused person was never there at the material times. Kraft says that he never was there, and it is for you to say whether the Prosecution have satisfied you in any event that he was there. Kramer says that he did not know him and that he only knew him at Lueburg. Hoessler says that Kraft came to Belsen in a transport about the 10th April, 1945, from Dora. Klippel says he knew Kraft in

Mittelbau, and he was there until January 1945. Then he talks about this journey to Klein Bodungen. There is nobody, as far as I can see, who testifies that Kraft was at Auschwitz as is alleged by the prosecution. In any event, even if you are satisfied that he was at Auschwitz (it seems to me that the whole of the evidence is against it) there is only one affidavit against him, and that is the affidavit of Regina Bialek. She says: "On a day in the summer of 1943 I saw from about 40 metres Kraft catch a man who was speaking to a woman. Kraft battered the man's head with a stick and blood poured from his mouth and ears. I later saw his body taken away. No-one could have survived this beating". Well, that is entirely a matter for the court. Kraft says that he never beat anybody in this way, and in the summer of 1943 he was not in Auschwitz at all.

I now come to Hoessler. He was born on the 4th February 1906, and in 1931 he was out of work. On the 30th January 1933 he says that he volunteered to join the SS. Then he says he went to Auschwitz, I think, in June 1944 and left there again in November 1944. What I think really concerns you is the period during which he was in Berkenau, which I think he says was from July 1943 until 1944. He agrees he was the *lager-fuhrer* in the women's compound, and he says when he got to Berkenau the camp had changed and had become much larger. When he came to the women's camp he was very surprised at the conditions. It was not pleasant, and there were many cases of typhus. According to him, he went round the block and tried to get it put right. He saw the doctor and he tried to improve conditions by getting a delousing plant. In any event, cutting his story short, under that heading I think he is trying to tell you that when he went there conditions were very bad, and like an efficient SS man he proceeded to try and improve them.

The case against Hoessler is that he not only attended selections at Auschwitz in an official capacity, but that he was also taking part in cruelties to the internees. Hoessler agrees that he did attend selection parades, but that he did not make any selections. He states that the selections were made by doctors and that he was really there for the purpose of having the internees guarded. Well, there undoubtedly have been a number of different kinds of parades, not all intended for the gas chamber, but I think you will be satisfied by the evidence of Hoessler that he was attending those gas parades for this particular purpose.

I do not propose to repeat myself as regards the gas chamber parades. Are you satisfied that he was there taking part in this system, making it a success, and making it function by reason of the duties he was performing?

Now it is quite clear that Hoessler did not think these gas extirminations were right, and he says that he used to try and help to save young girls from being gassed. He says that he has saved some of them because it was in his power to do so. In fact, he says he saved a very large number of internees by falsifying the nominal roll. There is the evidence as regards what he says he was doing at Auschwitz, and it becomes necessary to look at the evidence which the prosecution ask you to accept. You will appreciate that in effect Hoessler is saying: "I am a really good man. I did what I could, and I am not really the man the prosecution would make out, who was taking part in the ill treatment and killing of these people".

Well, there is firstly the evidence of Dr. Binko who says that Hoessler took part in selections. Litwinska says that on the 24th December 1942 at a selection at Auschwitz there was a parade of 3,000 Jewesses at which Hoessler was present. Some of the women were naked, and they were taken to the crematorium, a room like a bath-house. They were tipped out of the waggon and were terrified. You will remember she is the witness who says she was actually taken to the gas chamber but was brought out again, her life being saved because, in her opinion, she was the wife of a Polish officer. At any rate, she says that Hoessler was taking part in these selections.

Hoessler, in reply to that charge, says that he did not take Litwinska out of the gas chamber, but that he took out another person. He agrees with what she says about this incident as regards the details. Hoessler says that it was a hospital selection, and when he was in the road a truck passed him and he noticed this woman sitting in the back. Then two other women came to him and asked him to save her, and he sent a motor cyclist after the woman who was brought back and taken to the C.R.S. Well, it seems to me quite impossible to reconcile the story told by Litwinska and the story told by Hoessler. It is for you to decide. You saw both these witnesses and it is for you to say whether you accept the evidence of Litwinska.

Then there was the witness Jonas who said that at a selection she saw Hoessler and Mengele. She said that Hoessler was in charge of the kommando "Union" at Auschwitz, and that he used to make selections and send the sick and the weak out of the kommando. They were sent to Compound A and were collected in block 25, and from there they went to the gas chamber. It is alleged that Hoessler was making selections from the kommando without a doctor being present.

Hoessler replies to that by saying that what this witness must have seen were people who were not very strong in this kommando, who were being sent to the quarantine block to get fit again, and then to go on to other work not in the Union kommando.

Szafran alleges that Hoessler took part in selections at which she was present. Then there was Hammermasch who says that at Auschwitz Hoessler ordered six girls to be hanged, and that she actually saw four being hanged. She says that the execution took place, and Hoessler read out the accusation charging them with stealing from the factory. I do not know what importance you attach to this incident, but Hoessler does say that he did not give any order for this hanging, and that he did not officiate at the hanging. He says that he was told by Commandant Bayer that an execution was to take place and that he was to read to the whole camp a letter from the political department. He suggested that women should not be hanged before other women as he thought it would create trouble in the camp, but he was told that orders were orders. At 5 p.m. a copy of the judgment on the four women for the theft of ammunition was read out, and they were all sentenced to be hanged, and were in fact hanged. Hoessler says that is not a war crime and that they were dealt with according to law, and therefore the prosecution have made no case against him under that heading.

Rosenzweig says: "I know sometimes Hoessler made selections for the gas chamber. I was present at one of these selections. He helped the doctors. If he disliked anyone they were put in block 25 and went to the gas chamber. Of course, that is denied by Hoessler.

Sunschein says Hoessler was present at various selections and he chose people, including great numbers of young women, on his own initiative. "At the very sight of Hoessler the whole camp was frightened. A selection by Hoessler was made because he found some pyjamas outside a block. I was present at this selection".

Hoessler says that is quite untrue. Then the witness continues: "Hoessler was in charge of the kommando Union, and six girls who were employed in the factory were found in possession of some wire cutters. Four of the six girls were punished for this by hanging". I imagine you will assume that was the same incident to which I have already referred.

Then Klein says: "Hoessler attended special selections in January 1944. Klein goes on to say that she was chosen for the gas chamber, but before her number could be written down she was cunning enough to hide herself. "I asked Hoessler to let me off, but he said to me: 'No, my child,

you have lived long enough. Come with me', and he took me to the tables where the numbers were being written down; but I got away and my number was not taken. I saw Hoessler afterwards, but he did not recognise me. I tried to avoid his eyes".

Hoessler says that story of Klein's is not true, and he suggests that as she says she came in November 1943 she could not have been so weak as to be selected two months later. Well, it is for you to decide. It certainly does seem to be an odd story of Klein's. You may think that Hoessler would follow it up and it would not be so easy for Klein to get away and she makes out, but that is a matter for you. That is what she says, and if you accept it well and good. I do not think I need deal with what Dr. Bendel says in regard to Hoessler.

Then there is Sompolinski who says that Hoessler was the commandant of the crematorium at Auschwitz No.1. "I arrived in the autumn of 1943. We arrived at the railway station, I and my two brothers, and Hoessler approached us. We were formed up in fives and we tried to keep together, but Hoessler said: 'Who are these two?' and I said my brothers. He then sent them to the crematorium". He then says he was employed in cleaning the gas chambers, in undressing the bodies and taking them away and loading them into lorries.

Hoessler in reply to that says he went into the crematorium in 1943 and remained there for two months. He says he was not the commandant of the crematorium, and he goes on to say that originally Sompolinski alleged that it was another man and not Hoessler he was pinning this accusation on.

Then comes Anita Laska who says that she was in the hospital and saw Hoessler take part in selections for the gas chamber.

Geria Zylberdukaten, the next witness, says that Hoessler took her mother from her at a selection parade and sent her to the gas chamber.

There are a number of affidavits including one by a woman called Adelaide de Yong. She says: "On the 29th August 1943 I was, against my will, sterilised at Auschwitz by a Dr. Samuel, a German Jew" and she says the order for this operation was given by Hoessler, the commandant of the camp at Auschwitz. She continues: "I identify the man on the photograph and I know his name to be that of Hoessler".

Hoessler said he did not know this German doctor at all and he was never commandant at Auschwitz. He says he never gave any orders for any such procedure. He states that he could not give an order of that kind to a doctor.

Then there is the affidavit of Alegre Kalderon, a Greek Jewess. She says: "I also name Franz Hoessler whom I identify in the photograph. I have seen him repeatedly administer severe and brutal treatment to half starved internees". Hoessler says that is quite untrue.

The next affidavit is that of Elga Schiessl in which it is alleged that Hoessler took part in selections for the gas chamber.

It is for you gentlemen to make up your minds whether Hoessler on this evidence has been established to have taken part in these gas chamber selections, and whether he was ill treating Allied National internees in Auschwitz in the manner set out in the charge-sheet.

There is a considerable difference of opinion even among some of the witnesses as regards the sort of man Hoessler was. Starotska says as a lagerfuhrer in Auschwitz he looked after the interest of the prisoners very well. The Polish witness Stanislaw Komsta said he was very severe indeed and had many prisoners sent to the gas chamber. Kopper says that Hoessler behaved very well. Well, gentlemen, that is in brief form the evidence for and against Hoessler on the Auschwitz charge, and it is for you to say whether the prosecution have satisfied you upon it.

Now we come to Juana Borman, who rather became christened as the "Woman with the dog". She is a German of considerable age. She was born, I think, on the 10th September 1893. She joined the SS on the 1st March 1938 and, after a certain amount of training, she arrived at Auschwitz on the 15th May 1943. She then describes the duties she performed, and she denies that she was ever present at any gas selections. She agrees that she had a dog at Auschwitz, but she tell us that she gave it away to a man called Hartenstein with which to go hunting. This was in the beginning of June and she says she did not get back again until March 1944. She says she never made this dog attack anyone. She asserts that she did not like the SS and that she attempted to leave the SS in 1943 but was not allowed to do so. You may wonder when you hear the considerable amount of disapproval expressed in this court by some of the people who were in the SS to-day, whether they would have been really so inclined in the war years to feel that it was an undesirable service, or whether they would not have felt it was a service in which they were quite prepared to serve.

There are a large number of allegations against Borman and I will run through them quite quickly in order to remind you of them. Dr. Birko said she had a large dog. Jonas said she recognised Borman who had several times been present on selections from the Union kommando. According to Jonas, Borman pointed out to Dr. Mengele certain prisoners saying: "She can be taken away as well".

Then there was Szafran who says that on one occasion when coming back from a working kommando at Auschwitz, one of the workers had a small wound on her leg and could not get up. Borman then set her dog on her (she thinks it was an Alsatian dog) and egged it on - first of all it tore the woman's clothes, but Borman was not satisfied - and made it go for her throat. Afterwards Borman was very proud of it, and a stretcher was brought and the woman was taken away. Some comment is made that Szafran did not say that when her affidavit was sworn originally, and that it was mentioned for the first time in this court.

In reply to that accusation Borman says it is quite untrue. She never set the dog on to prisoners. She said that two of the other supervisors had trained police dogs and what may have happened is that the witness mistook her for an Aufseherin Kuck who was very like her, and who had a dog. In any event, she says she was not at Berkenau until the 15th May 1943.

Szafran says also that Borman was present at selections many times with her dog.

Rosenzweig says Borman always went about with a big dog treating prisoners very badly, and that all prisoners were afraid of her. "I remember once when someone lit a fire in her quarters Borman arrived and beat the girl". Borman says: "I do not remember this incident at all, and it is quite untrue."

Stein says: "I knew Borman at Auschwitz. She was always with her dog and everyone was terrified. She beat people frequently". Borman says in reply to that: "That is quite untrue. I hit girls' faces when they did not do what they were told to do, but not so as to knock out their teeth or anything of that kind".

Laska says that Borman had a dog with her and that they were frightened of her, but she never saw her doing anything of which to complain.

Then there is the evidence of the two witnesses Wolgruth and Szafran. Wolgruth really speaks to the same incident as Szafran. She says that in April 1943 at Auschwitz a woman left the hospital with her. "She had a swollen knee and could not keep up with the rest of the kommando. She was stopped by Borman who set her dog on her. The dog first went for her clothes and then Borman made it go for her throat". That must, I think, be the same incident as is deposed to by Szafran. The answer given by Borman is the same.

Wolgruth also says: "I have seen the dog attack other people frequently. It was a very obedient dog and only did this on Borman's orders. I have known Borman very well and would recognise her even at night".

There is an affidavit by Vera Fischer who says that Borman used to be in charge of women working outside, and that she had a large dog which she used to set on women if they became weak and could not work. Many went to hospital and died of blood poisoning. Borman says this is quite untrue. "I never went on kommandos outside the camp. I was always working inside".

Then there is the affidavit of Alegre Kalderon, who was a Greek Jewess, who says: "I have personally seen Juana Borman committing brutal and savage assaults on internees". Borman says that is untrue. Of course, I think you will appreciate how difficult it is for an accused person to defend herself against these very general allegations which keep cropping up. There is no time; no place, and it is very difficult for the defence to cope with allegations of that sort.

There is another affidavit by Rachela Keliszek, a Polish Jewess. She says that Borman, in the summer of 1944, was in charge of a Strafkommando, when Keliszek's friend, a girl named Regina, was set upon by Borman's dog, and she was bitten in the leg first of all, and when the dog had finished mauling her she was sent to hospital. She says: "I think she had blood poisoning. About a fortnight after the nurse told me she had died". Well, Borman points out that in the summer of 1944 she was never in Berkenau, and never went outside the camp with kommandos.

I should like at this stage to point out that a great number of these affidavits end up with allegations that people died as a result of what is alleged to have happened. I am sure you will want more proof that people were killed in this manner before you are prepared to accept that people were being killed and murdered in the way set out by the deponents, and if there is any doubt at all, you will not accept the allegation.

The next affidavit is by Yilka Malachovska who says that she worked with her sister in a working party. One day at Auschwitz in January 1943 Borman took part in a selection of 50 girls, and Malachovska's sister was one of those selected. A lorry went out that night with these girls, including her sister, and she never saw her again. Borman's answer to that is that the selection was not one for the gas chamber, but was for some other purpose, and that she was not in any way taking part in a gas selection.

Then there is an affidavit by Dora Silberberg who says that at Auschwitz on the 15th June 1944 she was in a working party outside the camp, and with her was her friend Rachella Silberstein. "She said she could not work that day, but Borman told her to go on. I intervened, and Borman hit me in the face knocking out two teeth. She then set the dog on my friend which dragged her round by her leg. Her legs became swollen and she was carried away. On the 17th June when I went to hospital I was told she was dead. I saw her dead body in the yard".

The accused says the story is quite untrue. "I was not in Berkenau in 1944 and I never went outside the camp with working parties". I would remind you that this girl Rachella Silberstein figures in the particulars of the Auschwitz charge and is a specific allegation of ill treating causing the death of a Polish national.

With regard to Kopper, I am not going to bother you with that incident. You have heard Kopper say how she was bitten by Borman's dog, and it is entirely a matter for you to say whether you believe her or not. It has been gone into at very great length and you must form your own view as to Kopper. Borman says the story is quite untrue and that she was not in Berkenau in 1944.

There is a tremendous amount of evidence to the effect that Borman did have a dog in Auschwitz, and I think you will be satisfied that, as it comes from so many quarters, from witnesses for the prosecution and defence, she really did have a dog and that she can hardly be telling the truth when she says she gave it to Hartjenstein. At any rate, those are the allegations which are made against Borman, and I have given very largely her answers to them.

Now are you satisfied in the case of Borman that at Auschwitz she was taking part in gas selections; that she was setting her dog, quite unjustifiably on internees, and that she was using force and beating them? If you are satisfied that these incidents are in substance true, are you going to say that it convinces you that there was this practice at Auschwitz of ill treating internees and that she was deliberately being a party to such ill treatment?

Now, sir, I propose to deal with No. 7, Elizabeth Volkenrath. She was born in September, 1919, and she was called up for national service in 1939. In 1941 she joined the S.S., into which she said she was conscripted; she did not join the S.S. but she was forced to.

You know how she went to Ravensbruck and then, I think it was in March, 1942, she was sent to Auschwitz. I do not propose to go through all the different times she spent there, but she remained in Auschwitz until the 18th January, 1945, when she went to Belson.

Now rightly or wrongly the Prosecution are putting forward Volkenrath as one of the important aufseherin in the camp at Auschwitz, and you may or not agree that she was, so far as the S.S. women were concerned, an important personage who should know what was going on.

Now, gentlemen, it seems to me that we have spent a considerable time in asking people what they have seen, and you have repeatedly been told by witnesses, "I did not see bodies", or, "I did not know what parades were for". I think, however, if you use your common-sense and you look back at your own experiences, you will remember that when you live in a Mess or you meet your fellow workers, you discuss matters of moment that have been occurring, and it will be difficult, I am sure, for this Court to believe that even if somebody did not see matters of moment in the camp themselves, that they could fail to hear of them in the ordinary tittle-tattle which forms part of one's everyday conversation.

Whether Volkenrath knew of the gas chambers or not, or what the selections were intended for, is entirely a matter for you to decide, but she says she never took part in any gas selection, though I think she did say she attended some selections on two or three occasions in August, 1942. She says that at the women's camp she had to be present as she was in charge of the camp; that she made no selections herself, but she had merely to see that they kept quiet and orderly and did not run about.

I do not want to reiterate what I have said, but somebody has to perform those sort of duties to make the passing a success, and if you are satisfied that she was present taking part in this manner in these gas selections, then, gentlemen, you may perhaps consider that the Prosecution have made out a case against her under the charge in that respect.

Now the evidence against her is fairly voluminous and I will run through it for the benefit of the Court. The witness Cecilia Frommer says that at Auschwitz, when she was going to see a sick friend, coming through the gate Volkenrath saw her and that she beat her and made her kneel outside her hut. There was introduced into this incident as to whether it might have been Volkenrath's sister, but I think that has been cleared away and it is accepted that if this incident happened it was the accused Elizabeth Volkenrath.

Volkenrath seems to remember something of the incident, because she says: "I think I boxed her ears, but I did not make her kneel. She must have done something that was forbidden", and she denies that she ever made anyone kneel on the ground at all.

Sunschein says that she knew this aufseherin at Auschwitz, that she was in the bread store and the parcel department there. She says that she came to get some bread from the store and that she saw Volkenrath beating people there whom she suspected of stealing something at Auschwitz. She goes on: "She behaved very badly indeed, beating internees even if their boot laces were not made up, and mainly with her hand".

Volkenrath says: "I agree I was in the parcel store and that I issued bread where I worked. I had to beat people who tried to steal parcels or bread which did not belong to them, and I slapped their face".

That seems to me an opportune moment to deal with this question of beating. You are not here to punish any man or woman for beating people if you are satisfied that although it was irregular the conditions were such that it justified it. If discipline and order could not be maintained without a reasonable use of force, I am sure you are going to say, whether there had been specific authority to use that force or not, that you are not going to hold that against any of these men or women as a war crime or as a breach of the customs and usages of war.

Let us get it quite clear, gentlemen, that what the Prosecution are alleging, and what they have to prove, is the use of force of such a kind that it was savage and brutal, that there was no justification for it at all, and that it existed merely because the person causing it was a party to a system of cruelty which was in force in concentration camps.

I am not going to take up your time on that. If you accept from any accused that, in circumstances where you might have done it yourself, she hit somebody with her hand, well and good, but there is a vast difference between hitting people with your hand and hitting them with a stick or kicking them, and the Court will no doubt have a very keen eye to discriminate between these various kinds of alleged ill-treatment when they come to consider the case. After all, great damage can be done to people even with the hand if people do it in anger or get into the habit of doing it every day so that gradually more force is put behind it.

Now there is the affidavit of Gertrude Diamant. She is a Czechoslovakian Jewess. She recognises Volkenrath - though she had some doubt apparently - as being at Auschwitz, and her name was Milan but married to an S.S. man called Volkenrath. She says: "During 1942 I have seen her make selections; she would give orders that prisoners be loaded on to lorries and transported to the gas chamber".

Volkenrath's answer to that is this: "That is untrue. When prisoners were sent away in lorries to the gas chamber I was not there. I have seen lorries on the road, but whether they went to the gas chamber I did not know".

There is an allegation by Etyl Eisenberg, who is apparently a Belgian Jewess, and whether it refers to Auschwitz or Belsen I am not quite clear, but it is a very general allegation and one to which I do not think you will pay much attention. "Volkenrath used to come into the block and take food and clothes from the women. She was very cruel and made a habit of beating them and pulling their hair". I assume that Volkenrath's answer to that is that it is untrue.

There is then the affidavit of Vera Fischer, a Czech Jewess -- and I would remind you here, gentlemen, that a number of these affidavits are made by people who have lost their relatives in the gas chamber. Eisenberg apparently lost her parents and her brother; Vera Fischer apparently had some of her relatives gassed. Vera Fischer says: "At Auschwitz in 1942, Volkenrath was the S.S. blockfuherin of the hospital. One day I had pains and I could not stand upright, so she beat me so everely that I was in hospital for three weeks".

Volkenrath says that is not true, "I was ill myself in hospital in August, 1942, and I never worked in a hospital".

Then there is the deposition of Zlata Kaufmann, a Czech Jewess: "I have seen Volkenrath at selections at Auschwitz in 1942 and 1943. I have seen her throw people to the ground at selections and brutally beat them; many died. I have seen their bodies collected". Whether there is some confusion between her and her sister I do not know. I do not think there is any suggestion made in that case, there may be, but insofar as it applies to Volkenrath she denies it.

Again I would draw attention to this indiscriminate and very wide language : "She threw people to the ground and cruelly beat them and many died". Is that really a convincing sort of evidence, and do you think that if this Czech Jewess had been in the witness box and had to answer questions by the learned Defending Officers that she would have satisfied you that Volkenrath really was behaving in such a manner that many people died ?

Now there is the affidavit of Elga Schiessl. She merely says, without any particulars or times or dates: "Volkenrath took part in selections for the gas chamber".

Then there is the affidavit of Alexandra Siwidowa: "I recognise the woman Volkenrath. She was in charge of all the S.S. women. She beat many women across the head with a rubber truncheon. On 70 or 80 occasions she has beaten people into unconsciousness. I was certain death occurred as a result of these beatings".

The answer to that by Volkenrath is: "This is untrue. I became oberaufseherin on the 1st January, 1945".

I again invite you to consider this. Do you think that if we had had Alexandra Siwidowa here he could have convinced us that Volkenrath on 70 or 80 occasions beat people into unconsciousness ?

Then there is the affidavit of Erika Thuna, an Austrian Jewess. "Volkenrath was personally responsible for many brutal assaults on exhausted women on parade".

Next is the affidavit of Edith Trieger: "Volkenrath beat prisoners with a rubber stick. I was once selected for the gas chamber myself by her, but I escaped". The answer to that is: "This is not true; I never selected personally anyone".

Then we come to the character who is so constantly cropping up in this case, and who, I am sure, in popularity would be rivalling that of Irma Grese - Kopper. Kopper says that Volkenrath personally picked out victims from block 18; she did not merely act as a guard. I have given you my views on how you should deal with Kopper's evidence, and it is for you to say whether you accept it or not, remembering that she herself is an accused person who may or may not be wishing to make her case rather better and perhaps others rather worse.

There was an affidavit of Volkenrath, but I am not going to refer to it. If you want to refer to it it is before you, and it is quite a detailed one. In that she does say: "I have made prisoners at appeals hold their hands up above their heads, but only on orders from others".

Let me, at this moment, take the opportunity of mentioning the affidavits. I am quite prepared to accept that you, sir, and your members could not be bettered for arriving at a conclusion, by looking and listening to a witness, as to whether they are telling the truth. Whether you are so qualified to do that when you have not the actual words of the witness but merely the Interpreter's idea, and the witness is one whom you do not normally meet, a German, Austrian or a Jew, is a matter which no doubt you will turn over in your own mind. As I have said, in many cases of this kind however admirable the translation may be - and I would like to pay a tribute to the work of the official interpreters here, especially the Polish Serjeant and Captain Forest - it cannot give exactly what the witness has said. There are innuendos and meanings which cannot be conveyed.

Equally, gentlemen, any criticism that may be made of the witnesses in the flesh must become stronger if it applies to an affidavit. Whether it be for the Prosecution or for the Defence, there is ample room

for the final English translation which appears before us to contain errors and be different from what was said originally in the far off distant past when they were taken at Belsen camp. Now that is merely unfortunate for the Prosecution if that be so, but it might cause injustice to the Defence, and therefore I advise you that if there is any question about the accuracy of any translation it is your duty to give the benefit of that, if there is any doubtful meaning, to the accused and not to the Prosecution.

I understand that Volkenrath says that she did not say this, and that she had not caused people to kneel and hold up their hands, but she had heard of it being done, presumably by others.

Now I have run through the evidence in the case of Volkenrath insofar as it relates to Auschwitz. It is entirely a matter for you, but if you accept the Prosecution's case that here at Auschwitz these officials, and especially the S.S. officials were party to this system and what they were doing was in furtherance of that common system then, gentlemen, you are entitled to hold Volkenrath responsible. You have this evidence and you have her answer, and it is for you to say whether the Prosecution have made out a case on that charge.

It is not for Volkenrath or any of the accused, to come and prove that they are innocent; it is for the Prosecution to establish. The Prosecution say here - and they say, I gather, with confidence - that when you come to examine the system is not Volkenrath one of the more important S.S. women, and is it not something which you have got to take into account in considering this system and what occurred.

Now may I interpose here, and say - and I hope you will not find this in any way distracting - that as I deal with the evidence I will interpolate remarks which are rather in the form of legal advice.

Now so much for Volkenrath, but may I just make this point. Rightly or wrongly (you do not need to accept it unless you like, because you are the judges) I think that this is not a charge which says that every person who was on the staff of Auschwitz or Belsen concentration camps is claimed by the Prosecution to be guilty of a war crime. I think that is going rather further than the Prosecution want to put this case. There may be, and there undoubtedly were, on the staff of Belsen and Auschwitz, men and women whom the Prosecution would not for one moment put forward that they had committed a war crime. We have had the doctor who was on the staff of a concentration camp, and it is admitted by everybody that he was a decent clean doctor, and he will never appear before any Court on a war crime.

I think you will have to be satisfied in this case either that a person was deliberately committing a war crime, and that you are satisfied of it, and that they were doing it deliberately, identifying themselves with the system in force at the camp, or that their mere presence on the staff is not of itself enough to justify you in convicting any of these accused. You will want some proof and some cogent proof that in furtherance of this design at Auschwitz they were co-operating and taking some active part in it.

Now with regard to Ehlert. I propose to leave my remarks so far as Ehlert is concerned, until I come to the first charge of Belsen, because the Prosecutor - who I think we all agree has conducted this case very fairly - has informed us that he can see no evidence upon which he could properly ask you to consider a conviction against Herta Ehlert in respect of the second charge, and therefore I must invite you, when you come to close the Court, to find Ehlert not guilty in any event of the second charge.

Now No. 9, Irma Grese. Gentlemen, this woman seems to have had more than her share of publicity. She seems to me to have been tried many times by unofficial courts all over the place, and found guilty by all sorts of people. Fortunately, this is a tribunal of senior military officers,

and they are going to try Grese entirely upon the evidence, and unless it is cogent they will not convict, and therefore I do not think there has been or can be any prejudice to Grese in this Court by reason of the many things, true and possibly untrue, I do not know, which have been said about her outside this Court. I do not propose to be very long with Grese except to run through the evidence.

She is quite a young woman - she was born on the 7th October, 1923, at Wreken, and you have heard about her antecedents, and you have seen her sister. She is very young, and it is extraordinary, you may think, that a girl of this age should have been given the responsibilities which she was given. Whether you agree with the Prosecutor's summing-up of her or not is for you to decide, but at any rate there is no doubt that she went to Auschwitz - I think she went in March, 1937 - and that she remained there until about January, 1945.

I am not going through the details of the various jobs she held during that time. She has been a very frank witness, and has been most ably defended. You must, I think, have had a very clear analysis by the Defence Officer who assisted her, and I shall not help Grese by repeating it.

Grese, as I say, was a frank witness. She admitted to certain matters and whether, on her own showing, they amount to war crimes or not is for you to decide, but quite apart from what she agrees she did, there is a tremendous volume of evidence of one sort or another against her, and I propose shortly to run through that evidence to remind you of it.

The first witness was Szafran. She says that Grese was one of the few S.S. women allowed to carry a gun. - I am not going to waste your time with the jack boots or any of those things unless they are matters of detail which you consider important. I am going straight on to deal with the allegations and the subject of them. Szafran says that Grese had some selection in Camp "A" in block 9, when Hoessler was present; that two girls were selected for some parade; that they jumped from the window and when they were lying on the ground Grese shot them twice. Now that is a very terrible and serious accusation, and the first comment that is made by the Defence is that Szafran did not mention it in her affidavit.

I would say here we are rather like the victims in a concentration camp. Just as they, by their surroundings and what they saw and heard came to a point when they really could not be troubled by seeing death and suffering all round them - it was too common - there is a danger, I feel, that in this Court we are rather in a similar position and at times one felt it was hardly worth while to make a note of a savage assault which, in an ordinary way, would get ten years penal servitude, because it seemed so unimportance when compared with these constant allegations of killing and wounding and every kind of wholesale crime.

Well, gentlemen, this is one of them. Do you believe, and can you accept that when these two girls jumped out of the window that Grese shot them both? That is sworn to, if you accept it. There is some cogent evidence that Grese was ill-treating people in a way which caused their death.

Hoessler says: "This is quite untrue", and he makes the point that windows cannot be opened in the block and that though a girl could not jump out, if a shooting of this kind had taken place he would have had enquiries made.

Grese says: "I deny that I ever shot these women; I know nothing about it; I was never on a selection in Camp "A" and have never been an aufseherin in Camp "A". She agrees that selections were made there.

It is only right that one should quote what is in favour of an accused equally with what is against her, and Hammermasch says: "I did not

personally see her do anything", and then she adds the inevitable piece of hearsay: "I hear she beat up people".

Ilona Stein said: "Grese, with Kramer, Drexler and Mengele made selections at Auschwitz. We had to stand before the blocks naked and in all weathers. As our turn came some of the prisoners tried to hide. They were pointed out to the guard and they were shot. Grese was nearly always present on these selections".

Grese says that Jews were nearly always naked for the gas selection. She says: "I was there to keep order and I admit I gave them a beating for running away".

Stein is another who has given rather a different version from what she said in the affidavit. She says that she saw from a window in the kitchen at Auschwitz some people trying to hide. Grese saw this and she told someone else and they were shot. She says: "I helped to collect them and they were taken away in the blanket".

There again it is for you to decide whether there is any truth in this. It varies from the affidavit and Grese says that she does not remember anything of the kind.

Then there is an incident at Auschwitz which Stein speaks to: "I remember a mother talking to a daughter in another compound. Unfortunately Grese saw her. She came on a cycle before the mother could get away and the mother was beaten so severely by Grese that she had to be taken away on an ambulance" - I think we all agree it could not have been an ambulance - "I cannot say where she was beaten, but she was bleeding at the time. Grese kicked her when she was on the ground".

Grese says: "There is confusion rather over this", and I think her explanation is that she did not really remember this incident. First of all it seems to have been some suggestion that she did not beat her, that she did not beat her until she fell to the ground, and did not kick her.

I am not going to waste any time on Grese's whip. It is agreed she had some kind of whip, a kind we have never been able to satisfy ourselves on. That was at Auschwitz. She admits she beat people in Lager C with a whip and a stick, and she says she was doing this against orders: "I gave aufseherin's under me orders to beat prisoners in order to keep discipline in the camp of which I was in charge. I was not authorised to do this".

Then Stein says that she has seen Grese in Auschwitz beating people with a riding whip. She says Grese has not beaten her. She goes on: "On roll call, if the count was not right, if there were some sick or absentees Grese made us stand for hours and hours without food, whether it was cold or raining. She was responsible for roll call".

Grese's answer is that she agrees about the appells, but that they did not last for more than an hour or two except on some occasions when they lasted from two to three hours. Whether that is a right procedure or a wrong procedure is entirely for the Court, but I think it was trying to be represented that when you had this large number of people unless you kept them still you could not get a correct count, and that is what took a long time. I suppose it is also alleged that if you made people kneel they cannot move about and therefore that helps the count.

Whether that is right or wrong is for you to judge, and whether it comes within the charge of being ill-treatment I leave for you to say.

Stein says that sick people were forced on appells and no consideration was shown at all. She says she has seen Grese beat many people at many times and it was more frequently in Auschwitz than in Belsen. She says: "A box on the ears I should not call anything at all compared with

the way Grese beat people'. The general procedure was a real proper beating".

Then there is Glinowieski. He says that Grese was the camp leader at Camp C when the transport from Hungary arrived. He says: "She was sending hundred and hundreds of sick and ill people to the crematorium. I saw her every day because I was working there. She used to come for inspections at the various blocks and she would beat people. She had a pistol with her and a stick; the stick was fairly thick. I was also present at selection parades".

Grese says: "The over-crowding in the case of the Hungarians only lasted one or two weeks. They were fit people in camp C and they did not go to selection parades at all because they were fit people for the working parties". I think one thing is quite clear, and that is that they would not put people who were fit for working parties into the gas chamber; it was the people who were unfit who were clogging the military machine, and the way of getting rid of them was to put them in the gas chamber.

Now Rozenwayg. She says: "Once when I was part of a kommando and I failed to please the kapo with my work, she" - that is the accused Lothe - "complained to Grese who set a dog on me which savaged me and tore my clothing and made marks on my body which are there today. When we were outside the camp pulling up nettles the kapo was a person here today" - she identified Ilse Lothe - "I had to continue working, because if I had gone to hospital I should have gone to the gas chamber".

The answer to that by Grese is this: "I have never been with Lothe in an outside working party, and I never had a dog. Ilse Lothe was not a kapo who worked under me". It is for you to decide about this allegation of a dog. You may think it is not very convincing as regards Grese, and perhaps it is just as unconvincing with Grese as you may think it was convincing in the case of Bormann. There is the evidence, and it is for you to say whether you accept it.

Then there is the witness Watinik, who says that she saw Grese set the dog on Rozenwayg. She is in effect, I suppose, corroborating the story of Rozenwayg. That is, of course, denied by Irma Grese.

Sunschein says: "I know very little of Grese at Auschwitz", and she then proceeds to deal with her at Belsen.

Lasker says that Grese carried a revolver in Auschwitz and a whip in Belsen, and goes on: "I have not seen her beating anyone". Grese says that the revolver was an issue and she was ordered to wear it, and that the jack boots were part of her uniform.

Now there is a considerable amount of evidence there. It is not the evidence of only one witness; it is the evidence of quite a number. Of course, a number of bad witnesses do not make one good one, but if you get evidence from a number of witnesses and you are satisfied that there is no collaboration between them, or conspiracy to come and tell lies, well you will feel it is much safer ground to have a number of witnesses rather than just one or just an affidavit.

Now there are a number of affidavits. There is the affidavit of Dunklemann. There is first of all the affidavit of Diamant, but it is quite fair to say that I am not very clear on my own note whether that was Auschwitz or Belsen, or both, but she said that Grese, at both Auschwitz and Belsen, when in charge of working parties, beat women with sticks and when they fell to the ground she kicked them as hard as she could with her heavy boots. Dunklemann went on to say: "I have not seen anyone die as the result of this".

Grese says this is quite untrue. Apparently she knows Diamant, and she says it is a habit of Diamant's to tell lies.

Now Dunkleermann is supposed to be corroborated by four affidavits of other women, but whether you are impressed by affidavits which merely say: "I corroborate what somebody else has said", is entirely a matter for you. What weight you attach to that I do not know. It seems to me you are not going to attach much weight to it at all.

Now Dunkleermann says: "I was in block 11. Grese was the chief S.S. woman. I have seen her commit many acts of brutality. When paraded before her at appels I have seen her strike and kick women; I have heard her order people to leave them on the ground. She was the worst of the S.S. women".

Well, gentlemen, there is an indictment which lacks any certainty and is of a general kind, and it is for you to say what weight you give to it.

Grese's answer to that is: "She is describing the woman in her mind as an S.S. woman of about 30, blonde, with the hair tied at the back." Grese says she never wore her hair in that way, and then the Prosecutor confronted her with a photograph. Grese says that if there was anything of this kind taking place it has been grossly exaggerated and was a small incident.

There have been allegations made in this case by the Prosecution - I will deal with them now and I will not refer to it again - that some of the accused have tried to alter their appearance. I do not know. You have heard the arguments and it is for you to say.

There was an affidavit of Klara Lebowitz, a Czech, who says that when she was in the kitchen she saw what happened on appels; that Grese was in charge of appels and that she made internees go on their knees for hours and hold stones above their heads, and that she was kicking people on the ground".

This is denied by Grese. Then there is another allegation by the same woman that Grese, with Mengele, selected people for the gas chamber and for forced labour. "If a mother, a daughter, or sister tried to get together in selections or forced work, Grese would beat them unconscious.

Grese denies that she ever beat anyone until they were unconscious. Then there is the affidavit of Catherine Neiger, who says that Grese was the chief S.S. woman; that she had very long appels; that she made internees hold their hands above their heads each holding a large stone. Now there follows an odd touch, gentlemen, a very odd touch, and I confess I do not know what it means. "She put on gloves to beat people". She goes on: "Grese always tried to separate relatives on transfer".

Grese said: "I deny that I made prisoners hold their hands up above their heads with stones in them. Catherine Neiger was never in my camp. I have seen people being made to do this sort of thing in C. Lager".

Then there is the affidavit of Treiger, a Slovak Jewess. She says that in August, 1944, Grese shot a Hungarian Jewess aged 30. "Grese came up on a cycle, told her to get in the block, and the woman was shot through the left breast and was dead". Grese says: "I do not deny that a woman may have been shot, but I deny that I shot her. I do not remember this incident, but in camp C, during the arrival of transports, a man was shot by a guard".

Then Treiger goes on to say that in October, 1944, at a selection at Auschwitz, selected persons tried to escape and Grese saw some naked ones trying to escape. She says: "I was trying to help them. Grese forced them back with blows and kicks".

Grese says: "This is not true. I may have taken one woman from a row to another and slapped her, but I did not kick her or make her bleed. I agree I did drag back those escaping people and beat them with my hand, but I never kicked them". Presumably Grese is saying: "I had a duty to perform and I performed it in this way".

The next one is the affidavit of Luba Triszinska; "We had to go out to get herbs. Grese rode a cycle and had a big dog. When women internees fell behind Grese set the dog on her". There is again mention of a dog. "I do not remember this working party. I had no dog but I had a cycle, I think, in my gardening kommando", and that, presumably, is the kommando that the affidavit referred to,

Then there is again Kopper, and it would take a considerable time for me to sort this out, and therefore I leave it to the Court to do it. You have had this story of Grese in the sand pit and sending people to be shot and Kopper fixes the death rate at no less than 30 a day. Then she refers to the enquiry about the guard, all of which I do not propose to go into, and I will leave it to the Court to say whether the evidence of Kopper assists the course of justice in any way one way or the other.

Grese says: "I was never at the sand pit that she describes. I do not know of any enquiry into a guard's conduct. Kopper may have had some incident like this with another aufseherin, but not with me. I have never sent prisoners across the wire to be shot". The suggestion by the Defence is that Kopper must have been talking about the Vistula kommando, with which Irma Grese had nothing to do.

Now there is the affidavit of Grese herself - there is more than one, I think - and I leave that entirely to the Court, remembering that they can consider that in the light of remarks about translations which I have made before.

Kramer was asked about Grese, and he said that aufseherin overseers were not in the S.S. He says: "I did send for Grese to come to Belsen. Grese came with a transport and I reported this to Berlin and asked for her to remain. I did not specifically ask for her to come". This all refers to Belsen. Then he says: "I never saw Grese with a dog in Berkenau on or off duty, or in Belsen. Grese was never at any time an oberaufseherin. In my opinion Grese discharged her duties very seriously and discharged them very well indeed. I can only tell good of her. It is untrue that she shot or maltreated internees".

Now there is, of course, to be considered later on, an allegation by the Prosecution that Kramer was endeavouring to bring the old guard back to Belsen, but perhaps I had better deal with that when I come to deal with Belsen.

Now Hoessler said: "I saw Grese and her work in Auschwitz" - and he was a man, presumably, who would see her - "She worked in my camp and she did not have a dog. As an overseer she worked in the post office. At night she had to help blockfuhrerins on their appels. She had to censor mail. I saw how she worked on appels and she was very good and efficient. I was Grese's lagerfuhrer. Grese is incapable of loading and firing a pistol".

Volkenrath was asked some questions and she said: "I know Grese. Our duties lay together at Auschwitz and I served with her at Belsen for a few weeks. At Auschwitz and Belsen she served under me. I never saw her with a dog. I do not know if she was in charge of a strafkommando, but I have seen her with a strafkommando inside the camp; I cannot say when this was. Strafkommandos really worked outside the camp".

Then there is the evidence of Muller that aufseherin's did not carry pistols in Belsen, and that does not, I think, really deal with Auschwitz at all.

You have had a very compendious summing-up by Major Cranfield in regard to this woman, and it is for you to say whether the evidence, with the criticisms which have been made of it, satisfies you that the Prosecution have established her guilt on the second charge.

Now we come to rather a different type of accused, Ilse Lothe. She is a prisoner, or was a prisoner, and she is not what we call an S.S. woman at all. She was born on the 6th November, 1914, and she was directed to work in an ammunition factory in 1939, and because she would not do it she was put in a concentration camp. She then went to Ravensbruck, and eventually, I think in June, 1943, she went to Berkenau. In February, 1944, she became a kapo in kommando 6, which was apparently composed of Hungarian Jewesses. That kommando was dissolved and she got another one in November, 1944, kommando 107, the water works, and again this consisted of Hungarian Jews. Then she says the Commandant took away her armlet and put her into a punishment kommando, Vistula kommando, and she ceased to be a kapo. This was in December, 1944. In January, 1945, she was in the kommando and then they went to Ravensbruck and eventually she came to Belsen.

Now, gentlemen, she says that she was appointed a kapo in February, 1944, by the Arbeitsdienstfuhrer, who simply went along and said to her one day: "You will take over from tomorrow". She said she could not do anything about it; she was not consulted and she merely had to take on the job.

Again it is for you to decide. Do you think if it had been our misfortune to be in a concentration camp, that we should have preferred to be a kapo or preferred to be an ordinary prisoner? That is your problem and not mine, but the Prosecution suggests that whatever the condition of a prisoner was, it was preferable to be a functionary serving in the camp with some authority and serving German masters. It seems to me only common-sense that the Germans would give privileges to people who served them, rather than those who were just the ordinary rank and file of internees. But I do not think that is what Ilse Lothe is putting to you, and in fact she says she was rather a bad kapo because she received punishment, I think on no less than three occasions, for not doing her duty properly.

The case against her is that she was doing the Germans' work, accepting their position, and that she became - as alleged in the charge sheet - part of the staff of Auschwitz. She was taken through the question of parades and she said she had nothing to do with the gas parades. She says that all the kapos were put in a block and that they were not allowed to be out when selections were on. She says that she did not carry any sort of stick and that she has never beaten anybody with a stick, but she has slapped faces to keep order at food distribution.

She says that she was very badly treated at Auschwitz, that the food was very poor and that she was beaten very much. She said that kapos had to obey orders like anybody else and that they received a very bad time. She says that Berkenau was not so bad as Budin.

Now let us just run through the evidence against her. First of all, there is that of Rozenwayg. She says: "In June, 1943, Lothe complained to Grese of my work and I was bitten by Grese's big dog. I had to go on working to escape going to hospital and the gas chamber".

That seems to be rather the same incident that we have heard of before in the case of Grese. The answer was: "I do not recognise Rozenwayg or Gryka, they were never in my kommando. I have never worked with Grese in the same kommando. The incident is untrue. I was not a kapo, and I should have recognised Rozenwayg if she had worked in my kommando".

Rozenwayg then makes another allegation that Lothe treated her badly, that she beat a girl and knocked her to the ground and went on kicking her. She says she managed to get the girl to a block, but she must have been bad because she did not see her next day. She says it was Wiedlotz, a Pole. Then she says: "I have also been beaten by Lothe more than once".

This is rather a confused incident, and it is for you to sort out exactly what Rozenwayg is trying to say. The Defence have criticised her evidence and you may think that there is some substance in the points which were made. Now I think the Defence would like you to consider the evidence of Rozenwayg, Gryka and Watinik together, because they are the women, as I understand it, who caused Lothe to be arrested as being a brutal kapo at Auschwitz on the 22nd June, 1945.

The case for the Defence is that these women have put their heads together and brought a false accusation. The Defence ask you to consider their story and see what you are going to deduce from it.

I have dealt with Rozenwayg and I will now take the evidence of Gryka. She says: "I recognise the woman as a kapo in Auschwitz. She beat us. I have often been beaten by her. I have been beaten with her hands, but she also used a stick. I know a woman named Grunwald. She wanted to go to the lavatory but there were special hours for this purpose and she wanted to go at a different time. The accused would not let her go and Gryka asked again and then a third time she went without permission. This woman hit her so hard that she fainted. The next day she was not on parade and I saw her being brought by the doctor and somebody else to block 25. She was beaten twice with a stick a yard long. I never saw Grunwald again after she had been taken to block 25. She was a Jewess from Poland. The S.S. man in charge of my kommando I do not know, but he did not take any steps to prevent Lothe beating".

Next is the affidavit of Watinik. She says: "I saw Lothe beat my friend Gryka with her fists, making her nose bleed. She also beat Ruschla Grunwald because she left her work to go to the lavatory. I heard Lothe ask an S.S. woman, Grese, to set her dog on her. The dog bit her in the shoulder. I have seen Lothe beat many prisoners. Some could not work and they went to block 25".

The accused says: "I do not remember these incidents. I do not know Ruchla Grunwald. I have beaten people at meal times with my hands to keep order, but I have never used a stick".

I think you will find in the particulars of the charge there is an allegation, a specific allegation, relating to Ewa Gryka and Hanka Rozenwayg, and the allegations which I have been dealing with are presumably those upon which the Prosecution rely in that respect.

There was also evidence coming from Sophia Litwinska. It is in favour of the accused and, gentlemen, it is a point when you come to consider credibility that it is not always a witness who comes along and makes unfavourable accusations. Sometimes the witness does come along and say something in favour of an accused, and you may think that unless it is a very artistic touch it indicates that the witness has some sense of what is right and wrong and what is fair and right. She says: "Lothe never beat anybody and never interfered with girls who were doing their duty. Many others could speak favourably of her but many of the girls who could testify have left Belsen. I have never been in a working party of which she was a kapo, but she tried to organise things for the girls".

Lasker says: "I do not think this woman should be sitting with the other criminals", and a particular request was made to you by the Defending Officer that Lasker was a sensible, reasonable kind of girl, and the Court was asked to pay particular attention to this girl's testimony, although as a rule the Defence were not relying upon matters of this kind apart from Lasker.

That seems to me, in a general way, to have dealt with the evidence which is put before you on behalf of the Prosecution and the answers to it by the Defence. Again I leave it to you to say whether you are

satisfied that a case has been made out against Ilse Lotho.

Now Lobauer, accused No. 11, is somewhat similar to the last case, in that she also was a prisoner and not an S.S. woman. She apparently was born on the 10th November, 1910, and she was directed into work and eventually she was sent for her refusal to work into Ravensbruck. She apparently went to Berkenau in March, 1942, and she says she was very badly treated at Auschwitz by the aufseherin, that if she collapsed she was beaten, and that this was the way that concentration camps of which she had anything to do were run.

Lobauer remained, I think, at Berkenau until January, 1945, and then eventually went to Belsen via Ravensbruck. She says that she became an arbeitsdienst in a working party for four weeks, until she lost it at the beginning of 1944. She was merely told on the parade that she would be the arbeitsdienst. She did not ask for it; she did not want it, but she could not refuse it.

It is the same point as I made last time, and I am not going over that, that she could not help herself and she would not have been a functionary at Auschwitz unless she had been forced to. She says she had no duties in regard to appels, but she was concerned with the working parties going in and out of the camp. When the working parties had left she had to see that the working parties remaining inside did their work and that the camp was tidy and clean. She says that at Auschwitz she carried a stick at the beginning, a wooden stick, simply a piece of wood and not a walking stick, but she says she did not carry this stick after she left Auschwitz. She denies that she ever carried a rubber truncheon, that they were forbidden to carry rubber truncheons, and she says that she never used a whip. She agrees that she did strike the prisoners with a stick.

Her attitude was something like this. "When a working party had to fall in - say there were 1,000 - and two were missing, I was punished. When I found the missing two" - and then she added these words, which I think you may think were rather odd - "then, of course, I beat them. I have never beaten a person for no reason at all, and I have never beaten a prisoner so that she was in a dying condition. I would not have dared to have done this to a prisoner. I should have been reported and punished, and I have never beaten anybody until they were helpless and fell on the ground or kicked them". She says, too, that she has been punished - she is not even immune from punishment as an arbeitsdienst - and she says she was punished by getting 15 strokes from the political department.

She says that she did not attend the gas parades; she did attend certain parades, but she did not really know anything about the gas parades. She says she had nothing to do with the gas parades, although she may have, and did have, to do with other kinds of selection parades not going to the gas chamber. She says she has never picked out anyone to send to the gas chamber.

The evidence against her I will take in order. First of all there is Hammermasch, who says: "I only know she selected people for work; I know nothing else about her". Stein says: "I remember at Auschwitz when she was supervisor of the works kommando that she was just as bad as any other kommando supervisor. If we did not march properly or did not stand still on appels she beat us. She beat us at every opportunity with a stick in her hand".

The answer to that is: "There is some truth in what she says, but it is grossly exaggerated". Glinowieski says: "She was at Auschwitz as lager kapo and assisted taking people to the crematorium. She prevented people who tried to escape." The answer to that is: "I had nothing to do with taking selectees to block 25; no kapo and no prisoner was allowed to be present at gas selections".

Rozenwayg says: "I do not know anything special about her, but she took people to work". Sunschein says: "I do not know anything special about her; I was more outside than inside". Lasker says: "I know she collaborated with the S.S.". Then there is the affidavit of Deribouska, who says: "I first met Lobauer as a lager kapo at Auschwitz in 1942; I was there until January, 1945. She often beat women with a stick for no reason; she was always brutal to women when acting as arbeitsdienst".

The answer is: "I was a kapo for four weeks only, and I lost it because I was not severe enough".

Then next there is the affidavit of Alina Jasinska. I would like to say here that I will probably get into the habit of referring to documents as affidavits which are not always affidavits. Sometimes they are not sworn or not signed. I am going to leave it to the Court - as I know they will hereafter - to examine the documents, and therefore I hope nobody will hold it against me if I happen, in a long summing-up, to refer to them all as affidavits.

Alina Jasinska is a Polish national and she says: "I came to Auschwitz and worked in the hospital. I recognise Lobauer as a lager kapo and she took part in selections there. I have frequently seen her beat women with a whip or stick. She was very cruel. Once she gave me a blow with the stick on my buttocks which drew blood." The answer to that is: "I deny these allegations. I never hit anyone to draw blood. I was in camp C for five years, but I have never been present at gas selections. I may have hit a woman over the buttocks with a stick, but she has embroidered the details".

I am not quite sure whether that is supposed to take place at Auschwitz or Belsen. There is an affidavit of Wanda Ojczyzka, a Polish national, who says: "Lobauer was arbeitsdienst. She forced old women to work and often beat them. We used to call her 'The S.S. woman without uniform'. She was a prison leader in the camp. I saw bruises inflicted on Jasinska". I think that must be Auschwitz, but at any rate, whether it was Auschwitz or whether it was Belsen, what it really amounts to - because it is so vague - it is for you to decide. The accused denies it ever happened.

Then there is the affidavit of Edith Treiger: "Lobauer is No. 3 in the photo" - she apparently identified her from her photo - "This woman selected people for working parties and she beat them sometimes with a wooden stick. She was very sadistic. I did not see her kill anyone. She would beat people for not lining up properly". That is denied by the accused.

Then there is an affidavit of Luba Triszinska. This is the one where the witness alleged that the accused was wearing a black badge and that she believed she was a prostitute. Well, gentlemen, that has been mentioned. It seems to me to be entirely a piece of prejudice and whether it be true or not I do not think you will want to bother with it as against this woman. But the material allegation is that she selected people for working parties, that she beat them if she found vegetables on them, and the affidavit goes on: "I have seen her outside block 25 chasing people selected for the gas chamber into the lorries". Lobauer says: "This is quite untrue. Once I was in block 25 to load bodies on a truck. If people were found at the gate with vegetables they were made to kneel".

Then there is an affidavit of Elisabeth Herbst, a Czech: "In August, 1942, there was a working party near the perimeter of the camp near a ditch. The ditch was about 2 metres from the wire, about $3\frac{1}{2}$ metres wide, about 3 metres deep. It was half filled with water. The wire was electrified. There were ten or twenty women struggling in the water, and 10 bodies were apparently dead, floating in the water. Lobauer and a man called Krause and others were on the bank. Lobauer and Krause had poles in their hands. Some of the women were crying out for help, and Lobauer gave the woman who was crying for help a pole, and then pushed her back in. She was highly amused. The accused did this with several women. I watched this scene for 20 minutes

and when I returned at night the ditch was empty". That is, of course, a really full-blooded accusation of the most deliberate and calculated cruelty culminating, if I understand it rightly, in the death of a large number of women. Whether you accept that or not, where you think that could be possible, is for you to decide. but it certainly is a full-blooded accusation of murder if ever there was one, and a wholesale murder at that. One feels it is a pity that we have not had Elisabeth Herbst in the box so that we could have decided whether she really has told us a story of fact or whether this is the figment of her imagination.

The reply to this accusation is: "I do not remember this, but the kapo Krause who was said to be dead is alive, and in August, 1942, I was in hospital with typhus. The ditch mentioned was not so deep that anyone could be drowned. I have never been at any ditch when women were in the water. I have never pushed anyone into the ditch so that she drowned. I do not know anything about bodies in any ditch. There was a ditch running all round the camp; it was to prevent people reaching the barbed wire which was electrified".

Then there is the affidavit of Lobauer herself, and in this connection may I make the general observation that it has been suggested that sometimes an accused has rather regretted what they have said in their own affidavits and they have tried to recede from it. Whether there is any substance in that it is for you to decide. It does contain the admission which she does not depart from in this Court, that she frequently hit women with her hand to keep order. There again I have dealt with the evidence both for and against Lobauer, and it is for you to say whether you are satisfied of her guilt or not.

Before we adjourn and I finish my examination of the evidence in the Auschwitz charge, I should like to refer to the case of Ladislaw Gura. The Court were faced with a sudden illness on the part of this accused which required his removal immediately from the dock. The Court could get no undertaking from the medical men as to whether he would be able to come back very shortly or after a longish period. The Court were unable and unwilling to adjourn these proceedings until Gura was able to come back. In those circumstances it did seem to me that as Gura had given his evidence that there could be no hardship at all to Gura coming back if he was available in a day or two, and upon a short examination of the Rules of Procedure I felt it might be possible to advise the Court that that should be done. However, on a more mature examination of the Rules I was satisfied that there was a specific provision, 119(B), which made it incumbent upon an accused to be present throughout his trial. I informed the Court that that was my view, and even if Gura had been able to come back shortly after his absence I should still have felt it my duty to say that the trial would not be in order if it had been continued in his case. It is for that reason that we intimated to the Defending Officer who represented Gura, and also the Prosecutor, that they need not deal with that case. The position, so far as Gura is concerned, is that he will not be found either guilty or innocent of this charge, but the Court will it as "Not proceeded with to a conclusion", and then it will be left to the appropriate military authorities hereafter to decide whether or not they will bring him to trial again starting completely afresh upon any charges they may consider appropriate.

(At 1305 hours the Court adjourns).

(At 1430 hours the Court reassembles).

(The accused are again brought before the Court).

I will now turn to deal with the not uninteresting case of No.26, Heinrich Schreirer.

Schreirer was born on the 11th June 1923 in Rumania and he is of German descent. He came to Germany with his parents, and you have seen and heard his own mother as a witness in this case. He gives you a detailed account of his life, and he claims - and this is important - that on the 10th October 1941 he was called up into the Luftwaffe, that he was trained as a hospital orderly, and that he has served in the Luftwaffe at all material times.

He says that he has served in Rumania on the hospital staff, and that he has been serving in Norway until, I think, as late as February 1945. He went back to Linz, where his home was at one time, and he says also when he left Norway - he was fighting and retreating - until eventually he laid down his arms as a member of the Luftwaffe, as I understand it, some kilometres from Schwerin on what he first of all said was the 20th April 1945. In other words, he became a prisoner of war. He says that he surrendered to American troops, and then he tells you how he eventually came to Celle. He has been questioned on this part of his military career, and I think it is obvious that some members of the court can check whether he is telling a sort of story which is reasonable as regards such operations. You will remember that at a later time when he came to go into this time of surrendering it was suggested that it must have been more like the 1st May when he was captured. Schreirer's story - and it is a very simple one - is that he never was anywhere near Auschwitz and was never near Belsen till after the date of liberation or, at any rate, a date which is outside both charges.

I need not tell you again that if he was not there that is a complete defence. I have also to tell you that if there is a reasonable doubt as to whether or not he was there, you must find that he was not there.

You have heard that a wallet was found and you have heard of its contents, and play has been made both by the learned prosecutor and learned defending counsel as to what inference you should draw from those documents. Now there is a letter, I think it is dated 22nd April, upon which the defence make great play by asking how it could have been delivered to the accused at Belsen. The accused's own story is that he did not get it there.

There are certain photographs which have been used by the prosecution, not necessarily to prove that he was at Auschwitz or at Belsen, but, at any rate, they are used to suggest that if you accept their interpretation of them Schreirer is lying to you, and should not, therefore, be believed when he is contradicted by other witnesses. It is indeed unfortunate for Schreirer that he kept in his pocket book a photograph which shows him in SS uniform. He has given you his explanation of that, however, and it is for you to decide. It is equally unfortunate when you say you have never been in Belsen that you should have in your wallet a photograph upon which is written: "Thanks for a pleasant night in Soltau", Soltau happening to be where it is in relation to Belsen.

I am not going to go over these arguments which have been put to you on this evidence. It is for the prosecution to satisfy you that the accused was in Auschwitz. The evidence which the prosecution put forward to support their allegations against Schreirer consist of an affidavit by Diamant; an affidavit by Kurowicki; and the evidence of the accused Kopper. The prosecution say that Schreirer was identified by both those persons who made affidavits, and they say if you believe them it strongly corroborates the story which is told by Kopper and which is relied upon very largely by the prosecution.

Diamant, who is a Czech Jewess, says: "I identify Schreirer as being the man in photograph No. 1. He was an SS man at Auschwitz. I know nothing about him myself. I have no doubt as to his identity", and then it adds the usual piece of hearsay which I shall not bother about.

Alexander Kurowicki, who comes from Warsaw, says that at Auschwitz he knew the accused who frequently ill treated prisoners as blockfuhrer of No. 22 block. He held appels twice a day and he beat the prisoners. "I have seen him knock people to the ground, kick them on the head and stomach, and the victims were carried away unconscious. In May or June 1943 the accused beat a man unconscious on a hot day at appel. The man was about 43 years of age and fainted because of the sun. The accused punched him in the face and stomach, the man fell to the ground, and I then saw the accused kick him again and again with the heel of his boot. The man was bleeding profusely. He was taken to hospital after appel and I feel sure he died, but I have not actually seen anyone dead as a result of this ill treatment. I am sure the man in Belson camp is the man I saw in Auschwitz". There seems to be no doubt that it was through the action of this witness that Schreirer was arrested and taken into custody.

Dealing with these specific affidavits, Schreirer says: "I never was in Auschwitz at all. I first saw Diamant when I was confronted with her in prison, but Diamant brought along with her a friend who was supposed to be able to identify me and she could not do it". In regard to the other affidavit he says: "I never was a blockfuhrer and I was not in Auschwitz". In regard to the photographs he says that he was with his fiancée and a friend and they exchanged uniforms and he was photographed in SS uniform. He agrees the photograph was found on him when he was arrested. He says that in Belson he worked only in block 29 and never in 22. He states that he is wearing the uniform in which he was arrested and he explains away the blue trousers he is wearing, which, I gather, are part of the SS uniform, by saying that he got them from a wounded man on the way from Schwerin.

He has a Red Cross card and other documents which the court have seen, and you must decide what view you are going to take. That is the evidence for the prosecution apart from Kopper.

You have very closely inquired into the allegations made by Kopper; this story about being in the bunker, the question of languages, the question of Hansi, and the other varied details into which you have been looking for such a long time. Some point was made that Kopper did not identify Schreirer, but it may have struck you gentlemen that Kopper has been in Schreirer's company at the prison for quite a long time, and they have been in that dock day after day. She must have had ample opportunity of studying him, and when she is asked here she must surely know long before she gives her answers whether he is Hansi or not. Some point was also made about the words she used then and now. The court heard her and it is for you to decide, but my impression is (although it is only your impression that matters) she was swearing positively now that the man she knew as Hansi was Schreirer.

We tried to see whether we could get any help from the point of view of administering justice by having Schreirer medically examined, because there seemed to be some idea that an SS man has a different tattoo mark to that of a member of the Wehrmacht, or that he may have had one and a member of the Wehrmacht none at all. In the result the medical officer told you that he had, an inch down from his left armpit, a tattooed "A", and he also told you that his mother had another kind of tattoo mark, bearing out what they swore happened when they came from Rumania. That seems to me to cover, apart from other matters which I propose to refer to, the evidence upon this question of whether or not Schreirer was in Auschwitz as is alleged by the prosecution.

Kramer says: "I first saw Schreirer in Celle gaol. He was not a member of my staff". I do not know whether Kramer is telling the truth or not, but if you accept him as being truthful, so far as he was concerned at Auschwitz he says that he was not on the staff. Weingartner says: "I do not recognise this man as being in Berkenau in the autumn of 1942". Then there were two Poles who said they did not recognise Schreirer as being an SS blockfuhrer at Auschwitz.

As I understand it, the case for the prosecution is that the accused was on the staff at Auschwitz and something to do with the political department. Well, it is for the prosecution to establish that he was. If you have a reasonable doubt you must give him the benefit of that doubt. You have carefully considered this case and you must consider it again, but the short question upon which you have to be satisfied is: Do you think that this man was in the Luftwaffe? Is it reasonably possible? If so, the case for the prosecution must fail. On the other hand, if you say: "No, we are satisfied that he must have been there because of these photographs and other matters pointed out by the prosecution," it would then be necessary for you to consider whether the evidence of the depositions and of the accused Kopper established that the accused has been guilty of being a party to the ill treatment of persons at Auschwitz.

I propose now to deal with the last of the accused concerned with the Auschwitz charge; that is the Polish woman accused No. 48, Stanislaw Starotska. She is not upon any charge in relation to Belsen, but only on the charge in regard to Auschwitz.

Here again you have a woman who is not a member of the SS. She is alleged to have become a functionary and, having become one, she was working on the staff at Auschwitz. It is alleged that she committed acts which were breaches of the Customs and Usages of War in regard to Allied Nationals. It is for you to say, in the light of the evidence, whether you are satisfied as to those or not. She is obviously a most intelligent woman. She gave her evidence in a way which was quite easy to follow, and what it amounted to is this. She was born in 1917, and was arrested on the 13th January 1940 by the Germans because she was a member of the underground movement. She was actually arrested by the Gestapo. She says that on the 8th October she was sentenced to death but that was subsequently commuted to life imprisonment. On the 20th April 1942 she was sent as a prisoner to Auschwitz.

She remained in Auschwitz, as I understand it, from the 20th April 1942 until the 4th February 1945, and if there is one witness, an intelligent witness at that, who has spent such a long period as that at Auschwitz, she can, if she wishes, give you a complete picture of what was going on in that concentration camp. She says she was badly treated, that she was almost starved to death, and that she had a number tattooed on her arm, as all the inmates of Auschwitz had. She was actually a prisoner for some time and then later became a blockaltester because of her knowledge of German. I think this was in Auschwitz 1.

Eventually in August 1942 she went to Berkenau. She says that the conditions at Berkenau were terrible. There was no light, no drainage system, and it was in the winter. She continued to be a blockaltester for some time, going from block to block, and she found it difficult to control some of the inmates because they were criminals who had long sentences to serve, and who had no moral principles. She tried persuasion but it would not work, so she had to resort to beating.

She ceased to be a blockaltester when she went to hospital, but when she came out of hospital she seems to have been promoted to lageraltester which, I gather, is the highest sort of functionary position which can be attained by a prisoner or internee in the camp. She was appointed lageraltester at the end of August 1943, she says, by Dreschler.

She did not like the job, but she puts herself forward, not as the prosecution have done as a woman deserving of punishment, but as a woman who was trying to help her fellows. She has told you that she undertook this job because she thought she could help the Jews or the Poles. There was some question as to whether it was the Jews or the Poles, the distinction being drawn between Poles and Polish Jews, but her story was that she was not honestly carrying out the duties of lageraltester solely in the interest of the Germans, but was doing it for the purpose of helping her unfortunate comrades. She says that officials got punished like anybody else if they did not behave. She agrees that she was responsible for making arrangements for appel and that she took part in these appels. As regards the different parades, she was taken through them at great length and I do not propose to go through those as I have no doubt you have got a note of them.

With regard to the gas chamber parades, she says she was present as was the doctor, and that he chose the sick and the unfit cases. She says her duties were the same in almost all the parades in which she took part, gas parades or otherwise. She had to look after the parade, see that the prisoners stood properly, and that they were behaving themselves. During these selections she says she did not help the staff of the concentration camp. She says she has done everything she could to help prisoners. She tried to get people discharged from hospitals, she left them off parade as they took so much time getting on parade, she helped prisoners with food, and also helped them to obtain easier jobs.

"I used to change blockaltesters or capos if they were cruel. Prisoners in Auschwitz were badly treated. They had lice, bad accommodation, and most of the blockfuhrers carried sticks and used them, and some of the aufseherin had whips and sticks".

Gentlemen, you may think that it is a surprising thing that a woman who has apparently done nothing but good for the internees for a matter of two years, has assisted them in every way and has tried to save their lives by preventing them from attending gas parades and so on, should be in the dock charged with offences of this kind.

In addition to her own evidence she has called a number of other witnesses with whom I will deal very shortly. The first one was the young girl Anna Wojciechowska who came from Gracow and who had been arrested by the Germans and taken to Auschwitz. She says: "I know the accused. I have attended gas parades and I was selected for the gas chamber. I had to go to work with no shoes and I was sent to block 25. After the selection the accused came in and saw me in my room. She issued me with shoes and from that time I was able to work in the camp, and in that way I was not sent to the gas chamber". I think the object of her evidence was to show that this woman was behaving in a humane way and to discount the case for the prosecution. Well, you have heard that woman and it is for you to say whether or not it helps you. The prosecution suggest that she is not talking about the gas chamber.

Then there was Janicka who says she was at Auschwitz and knew the accused. She said the accused behaved very well, and although she had been told that Starotska was a bad and a hard blockaltester, she did not find this to be the case at all. She says of the accused: "She was very energetic and tried to maintain order and obtain a fair distribution of food". She says that the accused attended gas parades as lageraltester and some people liked her and some disliked her. Once when they were ordered on to parade she tells you that the accused told them to look their best and, as a result, no one was selected from their block. How much weight you will attach to this kind of evidence is entirely a matter for you.

The next witness was Stanislaw Komsta. She had also heard that the accused was a very bad woman, but she changed her views when she came in actual contact with her at Auschwitz. She said that she attended many selections and that the accused was always present as lageraltester. She never held selections on her own initiative. She told you that the accused did beat people but it was necessary under the circumstances.

Then there was another witness Sofia Nowogrodzka who said she was a woman of means which had been lost to the Germans. She says that when Polish people were collected and sent to block 25, a good friend of hers was saved by the accused sending her to hospital. She pays a very good tribute to the way in which the accused behaved, and is, in other words, another witness who is saying that the accused Starotska behaved well at Auschwitz. There is some suggestion that she behaved well only to Aryan Poles and that she was not so interested in the Jews. Well, that is entirely a matter for you. At this stage, as I say, you have a woman who apparently should be commended and nothing more, but you have to look at the other side of the picture and consider the evidence produced by the prosecution, upon which they ask you to say this is only part of the story and not the real and whole truth.

First of all there is the witness Dr. Birkio. She says she knew Starotska as a lageraltester at Auschwitz. She does not know whether she took any part in selections but she thinks she did. She also brings out the fact that some internees - I gather at Belsen - came to her and asked whether Stania (that is the name by which the accused apparently was known) could not be appointed lageraltester in place of the old one, which is, if you accept it, a tribute at any rate by some people to the effect that she was a decent woman so far as lageraltesters went.

The next witness was Szafran who knew her as lageraltester at Auschwitz. "This woman", she says "carried out selections from our section on her own initiative and authority in Auschwitz. Anyone wearing amulets could take part in the selection. I was present when this was done in Berkenau, Camp B, block 25". I think you may have some doubt as to whether anybody wearing an amulet would be allowed to be present on a gas selection. The accused denies this and says naturally her position would not allow her to do it.

Hamermasch can only say she was a lageraltester and took roll call first at Auschwitz and later at Belsen.

Stein said she knew the accused both at Auschwitz and at Belsen. "She beat people so frequently at Auschwitz that it is hardly worth mentioning. I got a very severe beating from her on a bath-house parade. I was a few inches out of line and I was beaten so severely by her that my nose bled. She was as bad as any aufseherin. Sick people with temperatures had to come on parade at Auschwitz. If they could not do so they were sent to the crematorium". They she makes allegations that Starotska used to give them away to the authorities as to what they were doing.

There again you may think this extravagance of language comes into the picture. "She beat people so frequently at Auschwitz it was hardly worth mentioning". There is no doubt that Starotska agrees that she did beat people as a blockaltester but never as a lageraltester. She says: "It is true that beatings were frequent, but I only did it in block 21 when I was a blockaltester. I have never beaten anyone while acting as lageraltester".

Glinowieski says: "She was camp altester at Berkenau. She beat internees on parade but I have not noticed anything special". The accused in reply to that says: "This man could not see my on parades because the parades of men took place at the same time as the women, and it is no sense to say he could. In any case I never beat anybody when I was a lageraltester.

Rozenwayg says: "I have seen Stania taking part in selections. She took down the numbers of those who were afterwards sent to block 25." The accused says: "I admit I wrote down the numbers. I tried to do this - because it was normally done by a clerk - as I knew I could strike out some numbers from the list; not very many but just a few". It is for you to decide. You know something about German organisation, and I venture to suggest that the gas chambers had been organised very thoroughly by the Germans. Do you believe that once a victim had been selected it was possible to do such things in order that they could escape the parade and not go to the gas chamber? It may be so and it is a matter for you to decide. You have heard the accused's explanations and it may be that you are convinced by them.

Sunschein says the accused was a lageraltester at Auschwitz which made people afraid of her, but she did not know anything about her because she worked outside the camp.

Then we come to the witness Lasker, who says the accused was a lageraltester at Auschwitz and at Belsen. "She was a notorious collaborator with the SS and people seemed more frightened of her than of the SS. She was very strict with internees" Then by way of explanation the accused says "I had to perform liaison duties. I had to gain confidence. I had to pretend. My activities were really to fight for the prisoners but I could not tell the prisoners so".

That is the defence which, you may think, is often being raised these days. "Oh, I was a very clever person. I was able to delude the Germans and whereas my colleagues think I was a traitor or a collaborator, I was nothing of the kind. I really was quite a good British subject or a good internee or whatever it may be. I did nothing wrong. I was actually playing a part". Such a defence, with your knowledge of the Germans, will need very careful scrutiny. You may accept it or you may not, but you may doubt whether it would be possible for a long period to combine on the one hand sympathy for internees, and the necessary brutality required by the Germans in a blockaltester or a lageraltester on the other.

Then there is a statement by Szpamgo Rozalja who calls herself a hygienist of Polish nationality. She says she came to Auschwitz in January 1943 and was sent to block 26 where the accused was blockleader. She continues: "She was the only Polish woman in this position. She had the complete confidence of the camp authorities as a result of her special merits. She was the ruler of life and death of all the women. She denounced to the Germans on the slightest pretext. In the autumn of 1943 in view of her special merits in extenuating she got the rank of lageraltester". Well, that seems to me to be a statement full of expressions which are far away from proving actual facts. How this particular witness can know of these things I do not know. It will have struck you that there are very few specific incidents set out in that statement, and again one ventures to think what would have happened if this witness had been cross-examined in this court. She goes on to say that the accused held this position until the evacuation in January 1945, and then gratuitously goes on to add that she should be prosecuted for killing and torturing a thousand Polish women at Auschwitz. I cannot put that forward, and I am sure you will not treat it, as a really quiet statement of fact which is convincing and accurate in regard to what it deals with. She continues: "She chose candidates for the crematorium, issued rations, and nobody was allowed to get better food without risking a beating. She created the atmosphere of fear in the whole block. She obtained the highest position in the women's section of the camp which prisoners could obtain."

In reply to that very long and I think one might say complicated indictment, the accused says: "I have explained already I tried to become a lageraltester and this is wholly inaccurate. This woman's testimony" - and here you may agree with her - "is quite unreliable. What this woman alleges is quite untrue". She says she never chose candidates for the gas chamber and, in fact, substantial portions of this woman's evidence is a lie.

Then there was another statement by Czeslawa Szykowiak who says: "I was sent to block 26 where the accused was blockleader. She beat us on every occasion, mostly on our heads. She denounced us to the Germans when she could. All feared her very much. She was the terror of the camp. At roll call for the slightest noise she made us kneel for half an hour holding up our hands. As blockleader and camp leader she was a beast and not a human creature". I do not know quite why those last remarks should be included in a document which is to be used in a sober court of law, but there they are, and you may think they are not very temperate and perhaps somewhat out of place in regard to deciding what is the truth as to what she was doing in relation to this particular witness.

The accused's answer to that is: "It is a great exaggeration to say that I beat people on every occasion. When necessary I beat them. I never denounced prisoners to the German authorities because I knew hundreds would be punished by a sort of collective punishment. I admit prisoners had to kneel, but this was not done on my initiative. I got a superior order and I had to order them to kneel on these parades".

Next is the statement of Maria Synowska, a Pole, who was in block 13 at Auschwitz. She says: "The accused was blockleader of block 7. I saw her punish women under her command. She used to make them kneel with their hands in the air with a stone. She beat women until they lost their senses causing their death. She placed women between live electric wires. She was perfect in causing slow death". There must be an end to some of these allegations, but I leave it to you to decide whether those things could have taken place. They are all generalities and they are in the strongest possible language you could speak - "Beating people to death", "Putting people between live electric wires" and so forth. All these matters you will have to consider.

"She was a sadist therefore she became camp leader. I saw her put my friend's head in a bucket of water because she had ribbons in her hair. This was in October and her head was kept in the water for half an hour. She was mercenary and gave favours for food and linen. She exterminated old people by sending them to the crematorium. She ill treated little children. She caused the death of thousands of Poles. She is a beast in a human body". Well, gentlemen, I must leave you to decide whether any human being could be such a creature as is described here. "Nobody is safe from her; young or old". Are ^{her} explanations in many cases ^{not} quite reasonable, and do not you think in some cases, at any rate, they are preferable to this rather wild and too impressive statement?

The accused replies to this by saying first of all with regard to the electric wire: "Everybody knows that there are deep ditches full of water in advance of the electric wire. They are not electrified by day, and it would be most difficult to get to them at night because of the ditch". She denies that she beat anyone until they collapsed, but she agrees that she may have slapped their faces when it was necessary.

Her explanation about the hair and the ribbons, which seems almost fantastic as an accusation, may strike you as reasonable and probably quite true. She says: "If I found lice in a woman's hair I made her delouse. That is a possible explanation as to why this bucket came before the proceedings. I never ill treated children. I tried to help them.

Volkenrath says she was a lageraltester at Belsen and also a lageraltester at Auschwitz. There is an affidavit by Stoppelman which relates to Belsen and alleges that the accused was friendly with Volkenrath.

I have been through this evidence and it is for you to sort it out and separate the wheat from the chaff. I suggest that among those accusations there is a considerable amount of chaff, but be that as it may, there is a considerable volume of evidence which you may be prepared to believe, that she was, at any rate, taking part in some of these gas selections (whatever her motives may^{be} is for you to decide) and that she was beating internees. It is entirely a matter for you, and one upon which I cannot do any more than refer you to the evidence. Are you satisfied that this woman was willing to be an official at this camp, that she liked power, and that she may have used it when it suited her to benefit the Poles who were interned? Are you satisfied that the accusations made against her by the prosecution have been made out in such a way that you are prepared to take the view that the evidence is consistent with the fact that when she was on the staff, as a blockaltester or lageraltester of this concentration camp, she was, in violation of the Laws and Usages of War, concerned with the other members of the staff in the ill treatment of Allied Nationals, either named or unknown, so as to cause their death or to cause physical suffering to them?

I have completed my survey of the evidence insofar as it relates to the second charge. As I have pointed out to you, the main allegations relate to Allied Nationals unknown. Well, gentlemen, I want now to tell you what I think you already know, and that is that you have not got to prove everything in a charge. You have got to prove the substance, and if you are satisfied that there was ill treatment, substantial ill treatment causing death or physical suffering, to people whose names the prosecution were not able to put before you, that would, in my view, allow you to convict the accused; even though you were not satisfied upon any particularly named person, provided you are satisfied that the substance of the charge is made out.

The case for the prosecution is that all these people were employed on the staff at Auschwitz, and they ask you to say that all these people knew that a system and a course of conduct was in force, and that in one way or another in furtherance of that common agreement to run the camp in a brutal way, all those people were taking part in it. They suggest that if you are satisfied they were doing so, then they must, each and every one of them, assume responsibility for what happened. It is again hardly necessary for me to remind you gentlemen that when you come to consider the question of guilt and responsibility, the strongest case must surely be that of the commandant Kramer and then down the list according to the positions they hold. You are not bound to find anything which the evidence does not establish, but that is the case for the prosecution. They may have had different responsibilities, but the prosecution say, looking at it clearly and fairly, is not it an irresistible inference that there was a concerted design at this camp to act in the way that has been proved. They ask you not to treat these individual acts which you may find to be proved merely as offences committed by themselves, but also as evidence clearly indicating that that particular person was a party willingly in the furtherance of this system.

That is the second charge and there is nothing I propose to add to it except to remind you that anything I may have said is intended to be entirely impartial, and that you would be well advised in closed court to consider carefully those arguments which have been put before you by the defending officers and the prosecutor. They are entitled to take what I am not entitled to, namely, a view of the case and put it to you. They will no doubt receive your careful consideration together with the advice that I have been able to give you.

If there is a reasonable doubt you must acquit. You are not bound to convict all of them. You are not bound to convict any. You can, if you like, convict one and acquit another. That, I think, is known to you, and although it is a joint charge, each and everyone of these accused is entitled to have your individual examination of his case in the light of the evidence which appertains to his particular case and no other, subject to this, that if there is a question of system being introduced, the prosecution may have gone outside the particular facts of the charge in order to found an argument that what was being done was systematic and not merely on one occasion only.

BELSEN

I wish I could say that this was the end of my labours in this long and complicated case, but, as you know, I must now invite your attention while I deal with what I consider to be the more difficult charge; the first charge relating to Belsen. I have said all I propose to say about Starotska, but there are, on the first charge, a large number; in fact, everybody else in the dock except Gura, and I see no way of doing it except by taking the case against each one, and putting the evidence before you as I have already done in the case of Auschwitz.

In this case it is alleged that at Bergen-Belsen, Germany, between 1 October 1942 and 30 April 1945 when members of the staff of Bergen-Belsen Concentration Camp responsible for the well being of the persons interned there, in violation of the law and usages of war were together concerned as parties to the ill treatment of certain of such persons causing the deaths of Keith Meyer (a British National) Anna Kis, Sara Kohn (both Hungarian Nationals) Hejmech Glinovjehy and Maria Komatkevicz (both Polish nationals) and Marcel Freson de Montigny (a French national) Maurice Van Eijnsbergen (A Dutch National) Jan Markowski and Georgej Ferenz (both Polish nationals) Maurice Van Mevlenar (a Belgium national) Salvatore Verdura (an Italian national) and Therese Klee (a British national of Honduras) allied nationals and other allied nationals whose names are unknown and physical suggesting to Osmand le Druillenee (A British national) Benec Zouchemann, a female internee named Korperova, a female internee named Hoffman, Luba Romann, Ida Frydmann (all Polish nationals) and Alexandra Siwidowa, a Russian national and other allied nationals whose names are unknown.

Let me very clearly state that at Belsen the prosecution say the same sort of thing was happening as regards the causing of physical suffering, but I think the matter of importance and that upon which most time has been spent is the question of the conditions at Belsen. There can be no doubt at all that public opinion all over the world has been roused by this appalling and extraordinary picture, that in a civilised country in the Year of Grace 1945, that there could be so many deaths taking place at once, and that men, women, and children could end up no bigger than emaciated walking skeletons. It is not the fact that one or two were in such a condition. What appalls everybody is the magnitude of it, and it is not surprising that all over the world people are saying: "This cannot be right. We must look into it and somebody must be punished". Well, that is understandable, but it is not exactly the way in which you will approach this case. Your duty, as I said before, is to satisfy yourselves that a war crime was committed at Belsen in regard to the way the camp was run, and to consider whether, in the light of the evidence, these people are to blame. You are in the position which world opinion is not. You have heard the whole of the facts, and it is in the light of those facts that you will have to decide the fate of these accused in the dock.

I will first, as before, deal with Josef Kramer. There can be no dispute, as I understand it, that Kramer came to Belsen in December 1944 as commandant, and that he was there until the British took it over in the middle of 1945. No defence is open to the accused Kramer here that he was merely a lageraltester. He has to take the responsibility and answer for his stewardship as commandant of that camp.

You will remember that he says he did not want to come there. He tells you how he was ordered to come and he tells you how he understood this was to be a camp for sick people and that it was in fact to be a convalescent camp. He tells you of what he asked for and what was given to him. What he says, to sum it up, is, I think: "I could have dealt with Belson in the ordinary way and nothing much would have occurred but I was overwhelmed by the circumstances, I could not deal with these convoys which kept coming in. They brought typhus. I had not adequate staff. I had not adequate facilities. I myself did all I could. I went to Berlin and raised this point. I wrote an eminently sensible letter about March, when the position was getting difficult. I sent it to my superior". There has been some suggestion about that letter but I can find no evidence which would justify you in saying that letter is a clever concoction contrived afterwards to help him but, however, it is for you to decide.

He says: "I appeal to this Court, did not I behave in a reasonable way? Why should I be fixed on as a criminal and be accused of a war crime?" Again the prosecution say in this camp, as at Auschwitz, you have this atmosphere, that certain people did not care, and it is suggested here that if they had not adopted that attitude something might have been done to save the internees. I do not know whether you agree with that or not, but the fact does remain that to-day the prosecution are saying that when Kramer was commandant of that camp he had a duty to do and that he was being wilfully or culpably neglectful. I do not think it matters very much whether it is wilful or merely culpable, the question is: have the prosecution proved that Kramer did not carry out his duties as he was able to do and that he has committed at any rate physical suffering upon allied nationals by reason of his actions?

As I said before, in the case of Kramer you have had these matters put very clearly to you, and what happened at Belson is not in dispute. What you have to be concerned with is whether blame which requires to be punished can be attributed to Kramer. Now, Sir, your knowledge of how a camp should be run and what can be done and not be done will help you to decide these matters, but you must, no doubt, be struck by the fact that even the most simple things about the camp do not seem to have been done, the question of latrines, the question of water - whether it was impossible or not I do not know - but all these matters you will, no doubt, consider.

Whether it is right to put upon Kramer that he really had no proper stocks which could meet the situation, or, if he had not, that he could get them from the Wehrmacht, and that he deliberately did not do it, is a matter upon which I am not going to embark but just leave it to you to decide. The case for the prosecution is, as you know, that Kramer was not doing his duty there, that he did not care, that he took no proper steps which were open to him to keep this camp going and it is no answer to say: "I could not do anything so I did not do anything at all". It was Kramer's duty up to the limit of his staff to do what he could, even if it was only a little and only extended to a small part of the camp. The prosecution agree and accept that the conditions were difficult and they leave it to you to decide whether the accused can be exonerated on the ground that the conditions were so difficult that he could not be considered to be blamed.

There can be no doubt, I think, that these convoys were being sent to Kramer against his will, and it is for you to consider what Kramer should have done when they arrived. It seems to have been quite clear that concentration camps were being emptied on to Belson with their staffs and Kramer says: "I had visualised this position but there was nothing I could do about it. I was helped by getting a sort of extra piece of camp which I used for the women but I did not think that it was possible to use the Wehrmacht barracks".

Now, Sir, you have had a very full story from Kramer, he has told you about the position, and I will leave you to consider that in the quiet of closed Court.

His wife was called, but I do not ^{think} she helped very much on this part of the case. She was called to say that everybody was doing all they could for the people in this camp.

The evidence as regards Belsen is not very voluminous and I will just go very shortly through it in so far as it affects Kramer. There was an allegation that a young woman in Belsen was being beaten by Kramer and Volkenrath with a wooden stick. She was a Russian girl. Then there is the question, when building a hut for children at Belsen, of Kramer beating a Russian who was left lying in the snow.

These, gentlemen, are incidents which I do not think are very important. Kramer is supposed to have kicked the Russian. Sunschein says that at Belsen Russians were made to kneel for 12 hours before the block and as a result some of them died as they had no food for 24 hours. Russian girls. I saw those girls kneeling. They knelt the whole day in a special place surrounded by wire. Kramer's answer to this is that it is all untrue and he suggests it was made up in Court.

Koppol and Synger say that conditions at Belsen got worse when Kramer came, parades, food, beating. They say there was no beating before Kramer came. It was not too bad then. There were many beatings when he came and "I saw an S.S. man throw a girl into the water". Whether you believe that Kramer did institute worse conditions at Belsen or not when he arrived is for you to say. Kramer says, with regard to the conditions at Belsen: "I got rid of the small divisions in Belsen and made new kitchens and made a C.R.S. in the women's compound. No blockfuhrers were allowed in the women's compound. I made a new sewerage system. I re-introduced appels in the morning as I could not count them otherwise. It was good for their health; if they stopped in the huts it was bad, and it was a good thing for the sick".

Sompolinski says: "Three days before the liberation I went to a cookhouse to get some soup for my friends. Some rotten potatoes were lying on the ground. We started to take some. Kramer started shooting at us. He killed two of us and wounded me in the arm", and he showed you what he said was the wound. "I do not know the man's names. They were Hungarians and arrived a few days before the liberation. This is the first time I have mentioned this story in Court." Kramer said that this is untrue. "I have never shot at anyone intentionally or otherwise".

Anita Lasker says she came to Belsen in November, 1944. "It was raining, wet and no huts. We had to wash outside. It was very cold. Blockfuhrers kept on beating us. We had very few appels until Kramer came in December, 1944. When Kramer came he started long appels and brought in Auschwitz conditions which were very strict."

Then there is the affidavit of Dr. Wiesner who says that at Belsen at night, owing to hunger, people tried to get into the food stores and they were shot. "Kramer was said to have taken part in it, and bodies lay about. On one occasion I personally saw 45 bodies". Kramer denied this.

Then there was the affidavit of Herta Ehlert. You have heard that and I am not going to refer to it. There is also Kramer's own statement which refers to the conditions at Belsen. He put this in to the Court and it is before you and you can look at it.

Dr. Klein was asked a few questions about Belsen and he said: "After I took over the camp I had a talk with Kramer. I was impressed by the dreadful conditions at Belsen. I told Kramer that the bodies should be got rid of. Water was most important as the internees were suffering more from thirst than hunger" and Kramer said something like "You can't give me any orders". Klein goes on: "I reported beatings received in hospital to Kramer. I told

him about conditions and why people did not get their food at Belsen and Kramer said that the railways had been bombed and he had no facilities to get enough food for the camp".

I do not propose to detain you any longer with the case of Kramer. If any of the accused is responsible for the awful conditions at Belsen it must be Kramer as he was the commandant; whether people above him were more responsible and whether he was wholly responsible is a matter which you will, no doubt, consider, but the prosecution ask you to say here that there is evidence before you on which you should find that not only was he cruel in certain respects in the way that witnesses have spoken about him but that the real main charge is that he was inflicting cruelty and hardships, causing the death of internees in the way that this camp was run, not so much in the way that it was actually run but in the way that it is alleged Kramer acted in not having it adequately looked after.

So much for the case of Kramer on the Belsen charge. I think perhaps it would be well at this stage to remind you that in the charge there are alleged to be a number of specific people who have died as a result of ill-treatment at Belsen. I think there is some evidence, though it is not attributed to any of the accused, that Keith Meyer, a British National, was shot. The others, because we have struck out quite a lot for various reasons, are really the people mentioned in the certificates, and the case for the prosecution is, as I understand it, this: they say if you will look at these death certificates you will be given in them the date when the death is supposed to have taken place and from what the victim was supposed to have died, and you will see that the dates are in February and March, 1945, and that they are supposed to have died of general weakness, exhaustion, general weakness, general weakness, tuberculosis and general weakness. Whether they are as described in the charge sheet is for you to say, but the prosecution are saying if you find this state of affairs which we suggest existed at Belsen is not the irresistible inference that these people who are said to have died of general weakness, exhaustion, and so on, died because of the conditions at Belsen and that they have been really killed by that and nothing else?

Whether you draw that inference is for you to decide. You may or may not agree, but that, I understand, is how the case for the prosecution is put in regard to those people. There is no evidence of any actual killing of these people, and the case is one rather of inference than of direct proof.

Now, Sir, I want next to go on and deal with Dr. Klein. There again, like in the case of Kramer, you have to decide whether Dr. Klein is responsible in any way, for which he can be punished, for the conditions at Belsen. There is no charge against Klein of any deliberate acts of cruelty, and it is for you to consider whether you think Klein had a fair opportunity to do anything; with regard to these conditions and whether he failed to do anything in such a way that you would have to find him guilty of the charge.

You know how he came to Belsen; it is not in dispute, and he tells you that the first time he came to Belsen was at the end of January, 1945, when Dr. Schnabel was the doctor. Dr. Schnabel went away saying he would come back soon. Klein went into the camp every day but he said there was not very much expected. He had to sign some papers and there was a rather primitive hospital in the camp. Dr. Schnabel came back after a short time and then Dr. Klein went away. As far as I know there is no allegation made against Klein in respect of those particular days. When he came back to Belsen about the middle of March Dr. Horstmann was there and he says that Horstmann took him round the camp and then he made this extraordinary remark that he formed the view that it was a lost post. Horstmann did not give him any part of the camp to look after because he said Klein was only staying two weeks and would only look after the S.S. troops, but he often did go into Belsen camp with Dr. Horstmann and he says this curious conversation took

place between them: "You had better be most careful and take as many reports as possible as the situation is deteriorating every day. I told him" - that is Klein - "that if I was responsible for the camp I should report it to Berlin every day, telling them about the conditions, so that I should not be accused of failing to warn higher authority". It is perfectly clear that Dr. Klein was apprehensive and that he was feeling the situation was one which was bound to lead to trouble afterwards.

He tells you - and this is the same thing that was told you by Kramer - of the visit of Pohl and Dr. Lolling to the camp. You remember Kramer said something was done about getting the exchanged Jews and about now progressing under the existing conditions, and that they did come. Klein bears it out that he got the impression from Pohl that things would improve. He says he talked to Dr. Lolling, who was the head doctor of concentration camps, and "Dr. Lolling said that I had no need to point out to them the situation as they had seen it with their own eyes". At this time he says that medical supplies were not known to him, but he agreed when he took over the camp for the first time as the responsible medical officer in charge he was surprised at the comparatively large supplies which were there.

Then you know how Dr. Horstmann went away and Kramer told Dr. Klein to take over the camp. Well, Gentlemen, he took over the camp. He found a large supply of medical stores and he says that he distributed them. He said he took over a large supply of milk, meat and biscuits, and distributed them to the children and to the really sick people who were undernourished. I do not know, but I rather imagined that those were some Red Cross supplies which had not been distributed. It seems odd that in a camp such as this with the terrible conditions which were prevailing that every single store of food was not utilised for the benefit of the internees.

The main question that Klein says he had to deal with was food and water for the whole community, and the worst feature was the overcrowding, that people could not lay down and there were no beds or paillasses, water or anything. He says: "At this time I have no approximate idea of the number of sick people in the camp. We had to rely on returns from the internee doctors as regards the number of sick people". Then he says: "I realised that the conditions were very difficult". He says, in brief, that he did all that he could in the three days and it seems to me, Gentlemen, that what you have to decide is whether in the time that he was really responsible, at a time when he really could do anything, he failed either deliberately or in a culpable way deserving of punishment to do what he should have done.

You have heard the evidence about the conditions and I do not think that I need detain you in reiterating them. It seems to me this is a very clear issue. Are you going to say, once again, that you are satisfied here is a concentration camp where the lives of these people did not really matter? Are you going to say that Klein, a member of the staff, was taking up the usual sort of attitude: "I am not going to bother about it, things must take their course", or are you going to say: "No, in this case we are not satisfied that he was to blame or that there was anything he could have done and, therefore, we will find him not guilty of this charge"?

The next accused is Weingartner. I have already dealt in a general way with Weingartner so I will go immediately to the allegations which are made against him in respect of Belsen. Stein said that he worked in No. 2 kitchen, that when people came for peelings he went against them with a stick or rubber truncheon and beat them and they were taken away covered in blood. In cross-examination Stein said she may have mistaken him, that she saw him at Auschwitz in a kommando, Wiesel, that he was very like a man working in a kitchen in which Francich, No. 16, worked, and that she remembers this man at Belsen because he helped at the roll calls. She agrees that if he is not the man in the kitchen then she must have got the wrong one and the accusations do not concern him at all.

The next allegation in regard to Weingartner at Belsen is that of Sunschein who says: "Two months before the British came the personnel of the kitchen changed. 1,000 volunteers for work in the cookhouse arrived instead of 300. Weingartner and another man tried to make the crowd line up. They beat many women with sticks as they could not get order. Weingartner shot in the air. I said I wanted to leave the kommando as I did not want to die and there was so much suffering. I said this in German. Weingartner caught me and gave me 15 blows with a rubber truncheon. I fainted. He then said if I did not go on with the work he would treat it as a refusal to work and put me in prison. I worked all day and night and had a high temperature. I was confined to bed for ten days and Dr. Bimko said it was a nervous breakdown".

This is put forward again as evidence from which you should find, if you believe it, that Weingartner was still at Belsen carrying on this practice of illtreating internees when on the staff of the concentration camp.

This seems to be the only case of beating which is put forward at Belsen, and the answer which is given to it by Weingartner is that there were working parties in the kitchen to which many prisoners wanted to belong because they got extra food. He said: "It was between three and four a.m. Instead of 150 that were wanted 600 or 700 assembled. They were not quiet but were pressing all around. I was able to quieten them first with words. Then I found a rubber tube and I hit the kapo responsible for keeping order five or six times. It is untrue the kapo went to hospital. I had difficulty in controlling the crowd. It took place near the gate. I did not use my pistol on this occasion. I hit Sunschein on the shoulder and back".

So the defence, as I understand it, is that there was an exceptional case of beating, that he did this with a rubber tube but it was not of the kind or of the severity which Sunschein alleges. You will remember that great play was made by the prosecutor of the fact that he was fortunate enough to find a rubber tube. Of course, the underlying suggestion of the prosecutor is that it was not found at all but was kept for the purpose.

Klein also says that at Belsen many people wanted to get into the food kommando and as a result of a terrible beating the witness Sunschein became ill. She says: "I was present on this occasion. Sunschein said she could not make the kommando line up so Weingartner beat her." If you accept the evidence of Klein then it supports that of Sunschein that it must have been a severe beating.

Weingartner asks you to consider what it is like to be in charge of a thousand women, and whether it really is very wrong, when they all crowd round him when he is not able to get on and do anything, that he should beat them to make them behave properly. At any rate he admits that he has beaten on an occasion when a thousand women crowded around him, but says he could not help it.

So far as Belsen is concerned Weingartner arrived there about the beginning of February, 1945, and it is for you to say whether you think he was contributing, as a member of the staff, to the conditions which existed at Belsen, or whether you are satisfied that he was taking part in the illtreatment of internees in the way that has been described, and that he should be punished in respect of this charge on account of doing an act which amounts to a war crime.

His defence at Belsen is that apart from this one beating with a piece of hose he has never beaten anybody except with his hand, that he was the blockfuhrer of the women's compound and that he did all he could to carry out his duties during that period at Belsen.

The next accused is Kraft. Here again the evidence against Kraft is that of Sompolinski who says that when a thousand bodies lay on the ground at Belsen this man was in charge of the people dragging the corpses and that he was beating and shooting them. He says: "This man was in charge of a store near Block 9 in the concentration camp. He hid himself in a special hut and watched people trying to get through the barbed wire to get at turnips. When he noticed this he shot at them. He did not hit any of them. He fired at a very short distance and some of them fell down and were left there". In cross-examination he said that Kraft was in a store near compound No. 2 in the concentration camp and that he saw this man in the concentration camp seven days before the liberation. He says that he is quite sure that he saw Kraft in the concentration camp at Belsen.

Now, Sir, I have already partly covered the ground so far as he was concerned at Auschwitz, but what he tells you was that on the 5th April he evacuated his camp at Dora, they marched away and arrived on the 11th April at the military training ground at Bergen. He says: "The first day I did nothing and the next day I was told what I had to do. On the 12th or 13th April the guard company went away. I wanted to go too but Hoessler told me that I had to stay as he had no administrative personnel." He swears that the first time he went into Camp 1, Belsen camp, was on the 22nd April, 1945.

Hoessler corroborated that Kraft came to Belsen on a transport about the 10th April, 1945, from Dora, and I think you will be satisfied that he came, as I said before, on the Stofel convoy. Klippel says that he knew Kraft in Mittelbau. He says that he came on this journey, that he saw him, that Kraft got to Belsen a few hours before he did, that he came to the same part of the camp, that he worked in kitchen 20, that he slept in the same room and that he was arrested on the 16th April, 1945.

You will appreciate that Kraft was pleading that he was not at Auschwitz at the time mentioned. In this case I think you will be satisfied that at any rate he was at Bergen-Belsen at a time which would have enabled him to be taking part in the dragging of these bodies at Belsen, but you have to consider what he says and the evidence of the other witnesses. The defence say you ought to accept that he was never in Belsen at the time mentioned and that some mistake has been made as regards him, and that he should not be found guilty upon the evidence of these witnesses in regard to what is alleged against him at Belsen.

The next accused is Hoessler. I think I am right in saying that Hoessler left Berkenau on the 7th February, 1944, to go to Dachau --- I think I am wrong there; I think he left Auschwitz for the last time on the 18th January, 1945, and went to Dora and that he stayed at Dora until the 5th or 6th April, then apparently he went to Belsen. He says that those who were too weak were left behind and that they went in the small party and arrived, I think it is the date, at Belsen about the 8th or 9th of April.

So far as the material time is concerned at Belsen, in considering his responsibility for the state of affairs which had arisen there, I have to point out to you that the evidence indicates he was only there from the 8th or 9th April until the British came in. He says that when he arrived at Belsen he naturally reported to Kramer and Kramer was not anxious to have any more prisoners, but he persuaded him to do so. "Kramer said he really could not take in any more prisoners but he pointed to the Wehrmacht barracks and told me to go and see" - I think it was - "Col. Harries who was in charge. I saw Col. Harries and asked him for accommodation. I got some blocks in the barracks. I asked for food, I asked Kramer for food also, but he said he could not help, he had not got any. Col. Harries said he would help me and I got some dried vegetables and other food and also potatoes and turnips from the Wehrmacht camp" and I think he said he got a certain amount from Kramer. He said: "Water was not there so I had to get a water cart."

If you accept Hoessler does not it strike you that he was behaving quite sensibly and intelligently? He seems to be, at any rate on that evidence, doing what one would have expected Kramer to have been doing long before and that would be to try and find an overflow from the camp and try and get better conditions. Of course, Kramer may say: "I had typhus; if Hoessler was bringing in convoys which had not got typhus that is one thing, but would I do very much if I had typhus? I had been ordered to seal the camp and I had to seal the camp".

Well, that is by the way, gentlemen, but I think the defending officers are entitled on behalf of Hoessler to invite you to consider was not he acting in a sensible and reasonable way, was not he acting in the interests of the internees and not in a way for which he should be blamed? I do not think I need go on with his story. I think you will be satisfied that a large number of people went into the Wehrmacht barracks and that something was done for them. The conditions were not too good. There was criticism made of them by Brigadier Glyn-Hughes, but he did tell you that they were vastly different from the awful state of affairs at Belsen.

That, very shortly, is the account given by Hoessler of his stewardship at Belsen. He is a man about whom, as I have said before, you get people saying he was a good man, a decent man, and you get the very contrary. It is for you to decide. You will remember that Erika Schopf came here and gave evidence on his behalf in which she bore out that he had been a good man at Auschwitz. She only speaks, I think, of Auschwitz, but she did say that he was not at all the type of man that the prosecution would make him out to be.

What is alleged against him is to be found in the following evidence. I do not think there were any witnesses in the flesh who came to say anything against him, but there is the affidavit of Josef Hauptmann, a Czech, who says: "On the 4th of April, 1945, 10,000 workers were transferred to Belsen. The journey took five days and many were shot on the way. The sick were in an ambulance wagon. Nine of these were alive when we arrived at Bergen station. While I was there Hoessler came up and gave instructions for the nine people to be shot. I did not see them shot, but I did not see them again. I identify Hoessler as the man Noss in the photograph".

There again, gentlemen, you have an allegation rather a matter of hearsay in regard to the death, and alleges that Hoessler was acting callously and brutally to the disregard to human life. You are invited by the prosecution to say: is this not evidence that he was still carrying on further incidents of this concerted system and design in regard to the lives of these people in the concentration camp?

Hoessler says: "I left for Neuengamme from Dora on the 5th or 6th April. I went by car and the others went by train. I got to Belsen before the prisoners and I reported to Kramer. I admit I was on the platform when the train arrived. It was reported to me they had come from Herzberg. I did not see anyone shot there and no orders were given to shoot prisoners. There was a sort of ambulance carriage on the train. I told everyone to take their blankets, to form up, march to the camp, and the prisoners marched off and I got ten men to carry the sick to a truck". Hoessler denies categorically that anything of this kind happened.

As far as my note takes me that is the only specific incident upon which the prosecution rely in support of the charge at Belsen and it becomes a matter for you, in the light of the evidence which has been given by Hoessler himself, whether you are satisfied that in his case there is proof of wilful or culpable neglect in regard to looking after the internees under his charge at Bergen Belsen in this period of time, a little over a week, and, further, whether you are satisfied to say that he was not a party to a concerted system upon the evidence of this affidavit of Hauptmann, such as it is.

The next accused is Juana Bormann. She came to Belsen, I think, in February, 1945, and was looking after a pig-sty. She says that at Belsen she did not come much in contact with prisoners, that she had her own little party of prisoners and they spent all their time looking after the pigs. Some comment was made by the prosecution as to why the pigs were not used for food in the camp. She was there for longer than Hoessler, nearly two months, and it is for you to say whether the prosecution have made out any case against her that she was responsible for the appalling conditions at Belsen or whether she was at Belsen inflicting cruelty, physical suffering, on the internees.

The evidence against Bormann is that of Dr. Peter Makor, a Polish witness. He says: "I recognise the accused as No. 3 in the photograph. She was the woman in charge of the pig-sty in Belsen". That apparently seems to be right and identification, you may think, in this case has some substance. He says: "I saw her on two occasions in March, 1945, beat women prisoners both for stealing vegetables and clothing from the clothing store". That is the whole of it, just two or three lines, but it is an allegation, if you believe it, that she was beating prisoners. The answer to this by Bormann is that it is a lie.

There are some other matters in connection with Bormann. There are some allegations - you have heard them - from Ehler. I am not going to make any point on them, and I will leave you to consider whether they have any bearing on the case. Here, unlike at Auschwitz, the defence is not that she might have been mistaken for another aufseherin named Kuck, who apparently was very like Bormann, but is a complete denial that she ever did anything wrong at Belsen. There again you have got to consider have the prosecution made out that in this period she was at Belsen she was responsible for the conditions in any way that arose there, or whether you are going to say that at Belsen the charge has been made out in regard to the ill-treatment of internees based, as it seems to me in this case, on the one allegation of Dr. Peter Makor.

Now Volkenrath. She arrived, if I am correct in my note, at Belsen on the 5th February, 1945. She says that she had only been there a few days when she went to hospital, returning to work on the 23rd March, 1945. At Belsen she says she was the oberoefseherin and had to detail aufseherin to their various duties. She was there for a number of weeks and she certainly was, so far as the women are concerned, an important S.S. woman. It is for you to decide whether she did anything to try and cope, such as was within her power, with the conditions which were getting worse and worse when she returned to her work on the 23rd March.

The only specific evidence against her at Belsen appears to be that of Hammermasch. She says: "I saw Volkenrath and Kramer beating a Russian severely at Belsen with a wooden stick." She says that Ehler was present and that it was in the block altester's room, and she mentions the man Katalinska. She also says: "At Belsen I saw Volkenrath and two others undress a girl to search her and severely beat her. I recognise the accused No. 8 as the woman with Volkenrath. I saw this from the window. It was two days after the other incident. The block was not far from the block leader's room."

There has been some confusion about these incidents and again I must leave you to decide what the witnesses were saying. Volkenrath's version, as I understand it, was this, that a prisoner was brought back from an attempt to escape and was beaten by Kramer. She says: "I was present but did not beat her. I knew the prisoner was coming back so I was standing at the gate, so was Kramer. She lied and had her face smacked by Kramer". Then I think she said that the second incident never happened at all in her view and that the witness had got mixed up with the earlier incident. At any rate, whatever was the allegation Volkenrath denied it except in so far as she has told you what I have already read.

Then there is the affidavit of Helena Horkovitz, a Czech. She says: "When in Belsen an S.S. woman Ellers was questioning me about a ring and locket which I had hidden. Volkenrath was present and took part in beating me until blood came from my nose and ears. They presumably thought that I had stolen them." Volkenrath says: "I do not remember this incident. It is quite untrue. Nothing like this happened in Belsen. Internees could not have jewellery. I now remember to have heard of this but it happened before I got there. Ehlert told me about a jewel which she had and the punishment that was meted out to her". What you make of all that I do not know. There it is and it is for you to decide: is it something which helps to establish the guilt of the accused or not?

Then there was an affidavit by Katherine Neiger. She says: "On the day before the British came Volkenrath caught a girl taking vegetables. She was very sick and pale and thin. She had to kneel holding the vegetables above her head. After four hours she was exhausted and Volkenrath beat her and she lay on the ground until midnight. I have often seen her hitting girls on appels and I have been hit by her". Volkenrath says the whole thing is a lie. "I know Neiger. She was a lager altester in No. 2 compound and had no access to Camp 1".

Then came the testimony in the form of an affidavit by Josephine Singer, a Czech Jewess. She says: "I was block leader in 198 Block. I name Volkenrath as being responsible for beating many women. She throw down the steps of a workshop a Slovakian Jewess who came for work. She was old and died at once from her injuries."

I want to pause there because the Court think I am wrong in my recollection. They think this was an Auschwitz incident and not at Belsen.

(The Court confer.)

THE JUDGE ADVOCATE: Is the officer in Court who is defending Volkenrath?

MAJOR MUNRO: My recollection is that it was at Belsen.

THE JUDGE ADVOCATE: We are all divided as to that.

THE PRESIDENT: I have marked it as Belsen, but I think some of the other members of the Court have it as Auschwitz.

MAJOR MUNRO: I certainly treated it as Belsen in my closing speech.

THE JUDGE ADVOCATE: I do not think it will be any hardship to Volkenrath whether it was Auschwitz or Belsen. She gave an explanation and the Court must, when they have time to consider it, arrive as a fact where they decide it to be. The answer she gave was: "This is untrue. Only old women did this kind of work. I never saw any old woman fall down the steps. I had no reason to strike anyone in the tailors shop. They did their work quite well. Only Slovakian Jews were working there. I had about 160 to 200 women".

The next was the affidavit of Stoppelman, a Dutch Jewess. She says: "I was block chief at Belsen. Volkenrath made girls run round fast and fall down and get up for half an hour to an hour in the office where the women chiefs lived. She took away our cigarettes, clothes and bread". This, I suppose, is the exercise which has attained the curious name of making sport.

Volkenrath says: "I have only taken food away when they had too much. I do not remember taking away any cigarettes. The punishment was known as making sport. They had to exercises as a punishment for wrongdoing, the possession of something forbidden. The sport lasted only a short time. They had to do it several times. I have not seen any sport in Belsen".

Then there was the affidavit of Miriam Weiss, a Yugoslavian Jewess. She says: "I recognise Volkenrath as an S.S. woman at Belsen from her photograph. On the 16th April, 1945, I was out of my block. I saw a prisoner in poor health who could not walk. Volkenrath struck her very hard and she fell to the ground and did not move. This was because she was out of her block when we were all confined to our blocks."

Volkenrath says to that: "This is untrue. After the 15th April, 1945, when the British took over it was plainly told us we could not go into Belsen camp and I never went there." There is an affidavit by Volkenrath for you to consider and if there is anything in it which helps you all well and good.

There is the case against Volkenrath and it is for you to say whether in the time she was at Belsen the prosecution has made out a case against her. As I say, in her case there are a large number of allegations and she certainly was an important woman so far as the S.S. were concerned from her official duties.

Now I come to Herta Ehlert. This is the case of a woman with whom I have not dealt because it was agreed that the case against her at Auschwitz had not materialised and, therefore, we are concerned only with what happened at Belsen. Perhaps in these circumstances I ought to remind you that she is a German and that she was born on the 22nd March, 1905. She was called up on the 15th November, 1939, to the S.S. She had no choice in selecting this kind of work and she had to go to Ravensbruck.

Now, gentlemen, you will remember that two young girls, Jutta Madlung and Inga Madlung, came forward of their own initiative to give evidence on behalf of this woman. They dealt with the time she was in the concentration camp at Ravensbruck. They say that she was very good to them. "She did not harm us or beat us. She was very nice also to the Russians. She gave me bread for my sister who was ill, and apples. I never saw her illtreat anyone". The sister, in substance, corroborates what Jutta Madlung said.

According to Ehlert she was sent from Ravensbruck to Lublin as a punishment because she had been disobeying camp standing orders; she had been too familiar with the internees, being not severe enough and giving them food which was not allowed. I suppose the prosecution would argue -- whether it is right or not I do not know -- that you ought to infer if you put this kind of pressure on an S.S. woman and punish her she has either got to go on being punished or alter her ways and come into line and carry out the brutalities which it is alleged are inherent in a concentration camp. Whether that argument appeals to you or not I do not know.

The next relevant period in her life seems to be when she arrived at Belsen at the beginning of February, 1945. She seems to have gone away to Ravensbruck during this period but in March, 1945, a very important S.S. woman, Gollasch, said that as there were a large number of prisoners arriving and there was too much work to do "I had to help and I was put in charge of the aufseherin in the absence of Volkenrath as a sort of oberaufseherin". I think you will probably consider that of the S.S. women Volkenrath would be the one who would be treated as the most senior and, after her, Ehlert, but whether that is a right deduction or not is for you to decide. She says: "59 aufseherin arrived and as far as I could I tried to bring order into the camp".

Now, Sir, these are all matters which constantly crop up here, rather a large number of aufseherin arriving in a camp which was getting into a terrible mess. Do you get the impression that any of these people I have been dealing with were really trying to do anything about it? Presumably S.S. people of the standing of aufseherin are competent and capable people, and one cannot help feeling somehow that they would have

been able to do something. Whether or not they could do so it is for you to decide, but the prosecutor does invite you to consider whether these people were really being used in a proper way in these difficult circumstances.

Ehlert says that the conditions at Belsen were terrible when she arrived and they got worse. What she does, apparently, is this. She went to the commandant several times about it. She says: "I had the block altesters parade about food. They said there had been no food for several days already." She says she went to the kitchen and talked to the aufseherin in charge and they said that they had no food from the stores. "I went to Muller who said all the waggons were shattered by bombing and he could not do anything about it. I happened to meet Kramer and told him that the prisoners could not keep alive on vegetable soup. He gave an order for potatoes to be mashed and put in the soup so that they got something in their stomachs."

She said in March she saw Dr. Horstmann about sanitation and that he said he had no disinfectants to put down. "There was a horrible smell and Kramer said: 'Let them die, I cannot do anything about it; my hands are bound'. I asked for less roll calls. I talked to Kramer about it and he said there should only be two roll calls per week. I gave food to the women and small children and I helped the prisoners. I gave a French Jewess food several times."

She went into the clothing stor when she came to Belsen and she says that she has seen Gollasch beat prisoners very heavily with anything she could lay her hands on. She says the prisoners were in a very weak state but cannot say how they were beaten.

On her showing you may think that she did attempt to get something done. What it actually resulted in is for you to decide, but she gives that evidence which does suggest when she was acting as oheraufseherin she was trying to do something.

What is the evidence against her in regard to Belsen? There is the evidence of Hammermasch. She says: "I recognise Ehlert as a woman with Volkenrath and another I do not recognise" - presumably Gollasch - "severely beating at girl at Belsen whom they had undressed for searching". Another incident is: "I saw this woman, No. 8, together with Kramer and Volkenrath severely beat with a wooden stick a young woman at Belsen, a Russian girl who escaped." These again are the incidents which I say are not very clear to me and I must leave it to you to sort them out.

What Ehlert says is that Hammermasch has mixed this incident up with the other one. She says that a girl was brought back, that Kramer stood by the gate and she cried. "She had been helped to escape by others. All I know is that he started beating her. Two other women were fetched and I saw Kramer speaking to them." She says: "I do not think there were two incidents; Hammermasch has muddled them up."

Sunschein says: "I saw this woman at the gate. I reported to her the number of people on parade and she beat me with her hand several times." Klein said: "This woman used to stand at the gate and beat people up. She was one of the worst. She was a senior overseer at Belsen".

Ehlert says: "I did beat girls. They cut up their blankets to make clothes. This was not allowed. If I caught Sunschein or Klein doing this sort of thing I slapped them on their faces". What I think all it amounts to is that she said that blankets were valuable and when people were cutting them up she may then have slapped different people to stop it.

Lasker says: "This woman was the second commander at Belsen. She used to work with Volkenrath but I have not seen her beat anybody."

Then there was the affidavit of Etyl Eisenberg. She says: "The S.S. woman Ehlert used to deputise for Volkenrath and was also cruel and acted in the same manner." To that Ehlert says: "I was not cruel to prisoners. I admit I slapped prisoners' faces but only when there was a serious need for this".

Then there is the affidavit of Helen Herkovitz. She says: "Ehlert took part in beating with Volkenrath of a girl about jewellery. She beat me" - this is Herkovitz - "till the blood came from my nose and ears". This is all rather difficult to follow. Ehlert says: "I never beat this girl at all. I remember this case quite clearly. A prisoner was brought to me from the kitchen having ear rings. I was told that the prisoner used to get jewels and barter them in the kitchen for meat. She said that the jewellery was her parents. I had to enquire into the case. I did not know what to do so I reported it to somebody else. I may have gone on a cycle but not fast. I took her to the political department and left her there. The next day the political department told me that there was a lot of bartering in the kitchen."

There was the affidavit of Hilde Löffler, a Czech Jew. She says: "I was employed as a supervisor over parties of working women. Ehlert was very cruel to Helen Herkovitz. This girl was beaten by her and stayed in an air raid shelter for two weeks with little food or drink. This woman had no bedding and was ill for a month after".

Well, Sir, I am not clear on this, it is for you to decide, but the answer of the accused was: I have dealt with this in my answers to the affidavit of Helen Herkovitz" and I think it must be assumed that Hilde Löffler and Helen Herkovitz are being dealt with in regard to the same incident.

Next there is the affidavit of Katherine Neiger. She says: "The S.S. woman, Herta Ehlert, searched blocks for food and if she found any she beat the girl responsible". Ehlert says: "Neiger was a lager altester in camp 2 and I hardly ever met her".

Then there is the affidavit of Margaret Weiss. She says: "At the end of February, 1945, a Polish prisoner was found wearing round her neck a photograph of an S.S. man. She was brought into the room, undressed and savagely beaten with a stick. The floor was covered in blood and she had to be carried away. Her name was Korperova and Ehlert was present". You know that Korperova is the accused Kopper and it is quite impossible, so far as she is concerned, to be both an accused and a victim in the same charge and so far as she is concerned she certainly could not be found guilty of causing any beating of herself. I think it probably got put in the charge not being realised that Korperova was in fact the same person as the accused Kopper.

This is an incident you will have to sort out but Ehlert says in reply: "I was told Kopper was acting as a spy and that she beat prisoners and stole food. I went into the kitchen and she had no business there. I slapped her face. I found out she was lying about permission to be there so I slapped her face again. She told me she was a spy and that there was bartering of jewellery. She gave me the names of three people and asked me not to tell. I called in these three people and undressed them but I could not find anything. Kopper came with others. One hit Kopper with a fist under the chin. Blood came from her. A terrific fight ensued with a number of people taking part. Gollasch came in and hit her also. We found a photograph of an S.S. man on Kopper. She said it was her son. Kopper got an arm broken and was sent to hospital".

Well, sir, there is a somewhat complicated incident which I leave to the Court to decide whether or not it helps them to decide anything in this case.

Kopper made another allegation that she was beaten by this accused two weeks before the British came because the roll call was incorrect. Ehlert herself has made an affidavit and you will have to consider whether there is anything in it which helps you one way or the other.

Well, Sir, that is the evidence I want to refer to in the case of Herta Ehlert and you must consider it in the light of the time that she spent at Belson.

(At 1708 hours the Court adjourned until
0915 hours to-morrow 15th November, 1945.)

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