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Summaries

Wolfgang Benz

Shoot or try? Inter-Allied decisions to deal with the Nazi criminals

The paper summarizes the anti-Hitler coalition's debates and decisions on how to deal with Nazi and war criminals of the Axis powers after World War II. It provides an overview of the initiatives and talks between the major powers and exile governments and shows, starting from a Soviet proposal, how the controversy over dealing with Nazi perpetrators developed. The paper addresses both the well-known dinner of the Big Three in Tehran, in which the shooting of 50,000 German officers and military experts was discussed, as well as the efforts to implement individual procedures against alleged Nazi criminals according to legal norms. The issue of an alleged „collective guilt“ as well as the role of the „Kaufman plan“ and the „Morgenthau plan“ will also be touched upon in order to arrive at the conclusion that neither the modalities of dealing with Nazi criminals were discussed at the political level nor a consensus was reached on the group of persons to be tried and the procedures to be used. Not even the terminology was clarified on how to define „war criminals“ and „major war criminals“ or how far offenses against members of the German people should fall under inter-Allied jurisdiction.

Summaries

Andreas Mix

The International Military Tribunal and the subsequent Nuremberg trials

Moral standards, political aims and legal aspects overlapped in the Nuremberg trials. That complicates a historical evaluation of the “Nuremberg project” (Telford Taylor). The legal figure of conspiracy exemplifies how diverging claims mixed in the trials. Today’s view of the Nuremberg trials is mainly influenced by the human rights discourse and the current practice of international criminal law. However, the road from Nuremberg to The Hague is not straight, but twisted.

Marek Kornat

**The Nuremberg Law and Processes from Polish Perspective.
Reflections and commentaries**

The development of the international penal law was the significant factor of the international politics in the interwar era (1919–1939). *Delicta iuris gentium* (“crimes in the face of the law of nations”) were recognized and debated. Polish juridical thought played an important role in these efforts. We can mention such eminent lawyers as Waclaw Makowski, Emil Stanisław Rappaport or Rafał Lemkin who actively participated in the international movement for the codification of the international penal law. Without a definition of the “crimes in the face of the law of nations” the Nuremberg law would be impossible. Polish contribution to the international penal law is generally neglected or forgotten. It is true that Lemkin’s genocide definition made a turning point in the international penal law, but the other Polish conceptions are generally not known. The article is devoted to the reconstruction of the main proposals of Polish lawyers before 1939. The author tries also to review the most significant Polish commentaries and reflections on the Nuremberg Processes.

Summaries

Piotr Madajczyk

The genocide concept of Raphael Lemkin in the legal discussions of 1945–1949

In the literature Raphael Lemkin is mostly considered as a student of Emil Stanisław Rappaport and Rappaport as a mentor of Lemkin in the interwar years. Such description is, however, much simplified. The support from Rappaport for Lemkin was not so much connected with the relationship master-disciple, but above all with the fact that the project Lemkin's were the part of the broader concept of Polish and international legal milieu. The famous project Lemkin's from 1933 was his idea, but it was not his individual initiative. It was coordinated with Rappaport. In the further part of the paper author analyzed the use and the reference to the term genocide in the work of the Supreme National Tribunal and the Special Criminal Courts. These courts have tried in Poland the perpetrators of crimes during the German occupation 1939–1945 and persons considered as traitors of the Polish nation in the first post-war years.

Klaus-Dieter Müller

**Death sentences of Soviet military tribunals against Germans
in the context of the persecution of Nazi and war crimes**

The article deals with the main results of a research project concerning death sentences of SMT against Germans, mostly civilians, between 1945 and 1947. This study has been conducted by the Document Centre of the Foundation Saxonian Memorials (Dresden), the Hannah-Arendt-Institute for Research on Totalitarianism (Dresden) and the Centre for Contemporary History (Potsdam) some years ago. A data base of approximately 3.300 persons having condemned to death was established. The present paper focuses on estimating the number of the convicted persons. Furthermore, these figures will be compared to Germans convicted by (Western) Allied Military Tribunals. Concrete actions, crimes and groups of the convicted as well as the legal basis of the Soviet trials are under consideration. Last but not least, the significance of these proceedings in the process of clarification of NS war crimes after the war and in the light of today's legal proceedings on behalf of NS war crimes in the Federal Republic of Germany will be discussed. In summary, despite their obvious and known deficits of SMT trials in many ways, the court records of these trials contribute a great deal to the research on NS war crimes, being it in Eastern Europe or in Germany between 1939 and 1945. More than 80% of the trials dealt with crimes and actions during or shortly after the war, and only a small part with Soviet policy in her own occupation zone in Germany.

Summaries

Enrico Heitzer

The „Norwegians“. The Soviet Special Camp No. 7 / No. 1 in Sachsenhausen in the context of the interallied persecution of Nazi and war crimes

The article presents first results from an ongoing research project, which focuses on a nearly forgotten group of alleged Nazi and war criminals and the Soviet Union dealing with them: 1945 British forces captured several thousand men from the German occupational forces and administration in Norway. The War Crimes Investigation Branch of the Allied Land Forces Norway immediately started investigations. According to the inter-allied agreements the British handed several hundred persons over to the Soviet Union. As far as we know they extradited in the years 1946 and 1947 a minimum of 700 people to the Soviet Union, among them a Police Battalion, which in 1941 was involved in the mass shootings of 97.000 people in the Soviet Union, and several Gestapo, SS and SD officials. The Soviet occupation power in Germany took over these “Norwegians” and detained them for some time in the Soviet Special Camp in Sachsenhausen. The destiny of the most of this group is still unclear. Because the British didn’t hand over the investigation files it seems that the Soviet side was unable to charge and sentence some of the extradited persons by military tribunals. But most of the extradited persons were convicted, mainly of crimes against humanity.

Julia Landau

Violence against Soviet citizens. Punishment of violence against Soviet civilian population and forced laborers in the context of Soviet arrest and internment practice

Soviet Forced Workers – so called „Ostarbeiter“ – were working everywhere in Germany during the war, in industry, agriculture, in civil services and in the families. Due to the prevailing racist ideology, violence against Soviet workers was omnipresent. The article explores, if and how the Soviet occupying forces investigated and traced these crimes in the context of internment measures. The paper argues, that despite the fundamental Soviet rationale for internment, which can be seen in between a preventive measure on one side, securing the occupying Soviet army forces, and a repressive Stalinist form of political cleansing on the other, efforts were made to investigate crimes concerning harmed Soviet (or other foreign) civilians. The – understaffed and in terms of language ability under-qualified – members of the „operative group“ in the Special Camp, personnel that had been trained in the Soviet Ministry of the Interior, were instructed to investigate the internees. However, only a small percentage of internees was handed over to Soviet Military Tribunals and condemned. The very detailed descriptions of violent acts in the sentences of the Soviet Military Tribunals lead to the possible origin of their evidence: oral testimonies of repatriated forced workers. The questionnaires, returning workers had to fill in, asked in detail for any information concerning harm and suffering in German captivity. Though – in numbers – only a very small part of the interned was punished because of violence against Soviet citizens, the concrete analysis of Soviet war crime investigation measures in the internment camps complements and challenges our picture of the relationship of internment and Denazification in the Soviet Zone of occupation.

Summaries

Joanna Lubecka

The Trial of Rudolf Höß. Its course and legal aspects.

The Rudolf Höß trial was one of the most spectacular and challenging trials in Poland, which took place in Warsaw, in front of the Supreme National Tribunal.

Facing justice was the executioner from Auschwitz, described as the symbol of the genocide, someone who was called a „desk murderer“ and who killed just by issuing orders.

The detailed course of the investigation and the trial based on the official documentation from the proceedings has been presented in this article.

Additionally, the issues and dilemmas of the legal aspects of the trial of the Commandant of KL Auschwitz have also been discussed.

Höß's stay in Krakow's prison at Montelupich street is reflected in this article based on the prison's records and the interesting diagnosis of Höß's psychiatrist, Prof. Stanisław Batawia, is also described.

Klaus Bästlein

The prosecution of the Nazi crimes committed in the North Frisian concentration camps Husum-Schwesing and Ladelund by the British, Danish, Dutch and German authorities

The paper presents the very different prosecution against the staff and functionary prisoners of the satellite camps of a concentration camp in Husum-Schwesig and Ladelund in front of British, German, Danish and Dutch courts and compares the different types of dealing with the Nazi crimes in this cases. On the one hand, the case study deals with the very different legal cultures of the individual countries as well as how they shaped the processes and verdicts. Despite honest efforts of the British, the prosecution of the Nazi crimes committed in the North Frisian concentration camps largely failed. The article points out that the German judiciary also usually did not persecute the perpetrators of the concentration camp. The non-application of the “Nuremberg Principles” in Germany was a mistake.

Summaries

Thomas Schlemmer

No Nuremberg in Rome. Italy, the Allies and the war crimes question

Italy was the first and most important ally of Hitler's Germany in Europe, but also the first state to leave the fascist war alliance. Hitler's armed forces thereupon occupied Italy and established a brutal occupation regime between 1943 and 1945. Why, however, war criminals in German uniform were pursued only half-heartedly, how the problem of the prosecution of German war crimes is related to the prosecution of Italian war criminals and what it's all about the boomerang effect is the subject of this article.

Dagi Knellessen

Transnational Testimony – Jewish survivors in the first Sobibor trial 1949/50 in Frankfurt am Main and West Berlin

The aftermath of Operation Reinhardt camps, Belzec, Sobibor, and Treblinka is characterized internationally and in Germany by their on-going absence in public perception and in historical research. In Germany, on the other hand, the juridical engagement with these camps began at a remarkably early date. In 1949/50 the first investigations of crimes in the Nazi extermination camp Sobibor were opened in Frankfurt am Main and West Berlin, shortly afterwards two Sobibor perpetrators were sentenced to the maximum penalty. Both proceedings were strongly influenced by the circumstances of the transitional period. The decisive factors were: the temporal proximity to the events, the continuing effect of Allied law, the participation of German-Jewish jurists who were called back to justice by the Allies, and the presence of five Sobibor survivors still living in the status of Displaced Persons in Germany. A total of eleven Sobibor survivors determined the course of the two trials; their statements had an exceptionally high significance in both trials. They acted between Germany, the USA and the Netherlands. This constituted a first form of transnational testimony, which in future was an integral part of German Holocaust proceedings.

Summaries

Dominika Uczkiewicz

Punishment beyond the homeland. The Polish government in exile and the question of the punishment of Nazi war criminals

We can distinguish three principal directions in the politics of the Polish Government-in-Exile regarding the issue of prosecution and punishment of war criminals, started already in autumn 1939 and carried out consequently – although with different intensity – throughout the WWII. Those were: 1. organisation of a system documenting crimes committed by administrative and army apparatus of the German Reich; 2. international action providing information on the total character of German occupation, which aim was to obtain declarations condemning German atrocities and ensuring legal penalties for the criminals from the allied states; 3. development of legal basis for future trials of war criminals. This article examines the development of the war crimes policy created by Gen. Sikorski's cabinet between autumn 1939 and autumn 1943. While focusing on the initial years of war, it argues that the problem of prosecution of the guilty of violation of the laws and customs of war became a crucial point of legal and political debate among exiled governments and legal scholars long before the creation of United Nations War Crimes Commission in October 1943.

Jan-Hinnerk Antons

**The extradition of Nazi war criminals and collaborators
to Poland and the Soviet Union**

Following the Moscow Declaration of 1943, war criminals were to be judged in the country in which they had committed their crimes. Therefore, extraditions were a substantial element of post-war transitional justice. This article looks at different motives and policies in the cases of extraditions from the western zones of occupation to Poland and the Soviet Union. Whereas the Polish case fits more or less into the European framework, the Soviet extradition campaign seems to be special due to a heightened interest in collaborators.

Summaries

Eric Le Bourhis

Nazi war crimes in the courtroom. Soviet trials of war criminals 1943–1991

Despite the opening of East European archives in the 1990s and the publication of several works on the transnational prosecution of Nazi war criminals and their collaborators, our knowledge of the global phenomenon of punishing World War II crimes still suffers a lack of scholarship in the prosecution conducted in communist countries and especially in the Soviet Union. An international collective project examines war crime trials held in the Soviet Union between 1943 and 1991. The project's aim is to complete the analysis of the transnational circulation of ideas and practices and of the experience of the purges in the immediate postwar period. The priority given to public trials or to cases featured in the media leads to the examination of legal, political and social backgrounds and consequences of the trials and to the study of the memories of the war. This research program is founded on a broad range of sources including local and national records of government and prosecution agencies, and materials from the written and audiovisual media. This text is a short presentation of the program, based on works conducted by the team members since 2016.

Sebastian Fikus

The Nuremberg trials in the Polish press

The Nuremberg Trial provided a pretext for political games. In Poland, the Trial was reported on through the prism of the situation at home. Striking about the communist press releases was instrumentalisation of the Nuremberg events in order to pose accusations to the Opposition, including their alleged collaboration with the Nazi occupiers. For the press, the Trial offered moral justification for the displacement of the Germans from the Western ('Recovered') Territories. The Trial triggered the most severe emotion after its completion. The communist press expressed indignation at the fact that not all of the accused were finally sentenced to death. The Opposition press, in turn, looked at this with understanding, which induced an enormous accusation against the Opposition, which allegedly took the criminals' side. It is worth noting that while the daily press reported on the Trial quite considerably, the weeklies of the time tended not to mention it.

Summaries

Maren Richter

Unpunished continuities – the case of Gerhard Scheffler

This article examines the personal continuities between National Socialism and the young Federal Republic based on the example of Gerhard Scheffler (1894–1977). When Scheffler started working for the Federal Ministry of the Interior in 1950 neither did anyone ask about his activities as the former Mayor of Posen up until 1945, nor was he investigated by the German or Polish judiciary. As head of the Social Affairs Department Scheffler eventually drafted one of the young Federal Republic's first key sets of legislation – the so-called Bundesozialhilfegesetz. This piece reconstructs his path from prominent Mayor of Poznan, responsible for implementing National Socialist policies of germanization and discrimination, to postwar West German democratic politician, who developed parliamentary social policy. Drawing on Scheffler's biography, this article examines his professional development and duties in context, focusing on the period of transformation from 1945 to 1949 in particular.