

Expert report

The Systematic Character of the National Socialist Policy for the Extermination of the Jews

Electronic edition

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I. Introduction

- ¹ After the Wannsee Conference of 20 January, in the Spring of 1942, the Nazi regime began to implement a programme aimed at the complete physical extermination of European Jewry. The victims were either deported to be murdered in gas-chambers in special extermination camps, or came to their death in other ways – whether by execution or due to the devastating living conditions prevailing during their deportation and in the ghettos and work camps.
- ² In order to carry out this mass murder of millions of people, the Nazis set up a complex machinery of destruction characterised by a division of labour. When closely examined, the individual elements of this machinery and the manner in which they were co-ordinated, leave no room for doubt that the murder of these people proceeded in a systematic way. The organisation and extent of the deportations; the “liquidation” of ghettos, the selection of those deemed “fit for work” from those “unfit”, the exploitation of those “fit” for work in a programme of forced labour which generally led to total exhaustion and death, the construction of regular “death factories”, the removal of the corpses and traces of the extermination process – these are all compatible elements of a system of planned mass murder.
- ³ This system for the implementation of the death of millions of persons “functioned” in its entirety as of July 1942. It thus took more than one year until the mass murder of Jews – initiated in the occupied Soviet areas in June of 1941, and extended to further areas in East and South-eastern Europe from the Fall of 1941 onwards – was transformed into a programme for the extermination of all European Jews.
- ⁴ The following report gives proof to the assertion that the mass murders of hundreds of thousands of Jews between the Summer of 1941 and the Summer of 1942 – which were still restricted to the areas of Eastern and Southeastern Europe – were systematic in character.

This is to say, these mass murders followed a unified pattern, were carried out on the basis of central commands, and must be regarded as representing a conscious expression of the policy of the Nazi regime. It will be shown that in this time period (Summer 1941 to Summer 1942) essential elements of the Nazi policy of extermination were developed with the goal of murdering more and more people in ever shorter time intervals. As of the Summer, 1942, these plans were assembled into one extermination plan for all of Europe. This report categorically rejects the notion that the murder of European Jews in the Second World War was the consequence of a series of isolated murder campaigns occurring without plan in haphazard and differing ways as a result of decisions by subordinate institutions- i.e. murder actions not displaying a common pattern or unified control.

- 5 The investigation will cover three complexes: a) mass executions in the occupied Soviet Union in the second half of 1941; b) the regional mass murder of the Jewish civilian population outside of the Soviet Union between the Fall of 1941 and Spring of 1942; c) the transformation of these mass murders into a unified deportation and extermination machinery in the area dominated by Germany in the Spring and Summer of 1942.

II Mass executions in the Soviet Union

- 1 The systematic character of the mass murder of hundreds of thousands of Jewish civilians in the occupied Soviet areas in the second half of 1941 will be demonstrated on the basis of two different groups of historical documents: the orders issued to perpetrate these murderous actions and the documented evidence for the activities of the killing units. It will be shown that this mass murder was centrally controlled, that it was the expression of a consciously followed policy of the Nazi regime and that it was executed according to a unified

scheme. (It should be noted that the term occupied Soviet territories will include those areas which were annexed by the Soviet Union after 1939.)

- 2 The executions of Jewish civilians in the occupied Soviet areas can be divided into the following phases:
 - In the beginning phase of the war, Jewish men were shot who occupied a vaguely described “leading position”.
 - These executions were quickly extended – already in the first weeks of the war – to all men of draft age.
 - Beginning at the end of July, the German units began to shoot men, women and children without distinction; some of the adults categorised as “fit for work” and their families were spared provisionally and enclosed in ghettos.
 - Finally, the entire Jewish population was murdered, i.e. the ghettos were liquidated step by step.
- 3 To begin, it must be established that the mass murder of hundreds of thousands of Jewish civilians in the occupied Soviet areas was an expression of the policy of the Nazi regime. The war against the Soviet Union was planned from the start by the Nazi leadership as a war of racial extermination with the purpose of decimating the population of the occupied territories. This intention of the Nazi leadership has been clear to the historical profession for a long time and is generally accepted by scholars.
- 4 The former Higher SS- and Police Leader, Erich von dem Bach-Zelewski, testified on this question during the Nuremberg trials: Himmler had already stated in a speech made before the beginning of the war, at the Wewelsburg, a cult site of the SS, that the war against Russia was intended to decimate the Slavic population by 30 million. This goal was to be achieved by means of a systematic policy of starvation of the indigenous population. Unmistakable statements to this effect by top Nazi leaders are available. Thus Göring indicated to the Italian Foreign Minister, Count Ciano, in November 1941 that in the course of the year “20-30 million persons will die in Russia of hunger”.

At a meeting of Secretaries of State on 2 May 1941, directives were set for the future economic exploitation of the Eastern territories to be occupied: it was stated therein that “without doubt umpteen millions of people will starve to death when we take what we need from the country”. The guidelines for the future economic organisation of the East (Agricultural Staff Group) from 23 May 1941 very clearly affirmed that, with respect to the industrialised areas in northern Russia (which were no longer to be supplied with goods from the southern areas): “Many tens of millions of people will be made superfluous in this area and will die or be forced to emigrate to Siberia.

- ⁵ The basic principles of this starvation policy were made clear in the directives which Göring issued for the economy in the newly-occupied Eastern territories, the so-called green portfolio. German policy towards the Jewish minority in the Soviet Union must be seen in the light of these plans which took for granted the death of millions of persons.
- ⁶ Because the Nazi leadership considered Jews especially “inferior” and dangerous and assumed that the Communist system in the Soviet Union was totally dominated by “the Jews” – the Nazis were particularly persevering in the persecution of the Jewish minority in the occupied Soviet territories. The murder of Jewish civilians cannot be attributed to the initiative of subordinate Nazi leaders. It is rather the result of a racially motivated and systematically planned extermination policy. This is reflected in the relevant orders to the *Wehrmacht* and the SS and police units.

A. Orders

- ¹ The *Wehrmacht* had been trained to view the Jewish minority as closely bound to the Soviet system and therefore as an enemy; this indoctrination had taken place even before the beginning of the war. On 3 March 1941 Hitler gave his Chief of the Leadership Staff of the *Wehrmacht* (*Wehrmacht-Führungsstab*), Jodl, the order to edit a draft of the “Guidelines for Special Areas relating to Instruction Nr. 21”, which was

to regulate the basic principles for administration in the occupied areas. According to Hitler, particular care was to be given to the following principles: “The Jewish-Bolshevist intelligentsia, the previous ‘oppressor’ of the people, must be eliminated.” This. “elimination” was not to be performed primarily by the army itself but rather by means of special SS commandos. Thus the final version of the guidelines “Richtlinien auf Sondergebieten zur Weisung Nr. 21” from 13 March 1941, in accordance with Hitler’s instructions from 3 March 1941, read as follows: “In the operational area of the army the *Reichsführer* SS [i.e. Himmler, P.L.] is to be given special duties according to orders from the *Führer* for the preparation of the political administration; these responsibilities are a consequence of the battle which is finally to be carried out between two opposite political systems”.

- ² A few weeks before the beginning of the war, members of the *Wehrmacht* were directly engaged to fight against the “Jews” as the supposed “carriers” of the Bolshevist system. In the Guidelines for the Conduct of the Troops in Russia from 19 May, which gave the company leaders the necessary reference points for an indoctrination of the soldiers in the coming ideological battle it was stated: “1. Bolshevism is the mortal enemy of the National-Socialist German people. This corrupt world view and its supporters warrant Germany’s struggle. 2. This struggle demands ruthless, energetic and drastic measures against the Bolshevik agitators, guerrillas, saboteurs and Jews as well as the complete removal of all active and passive resistance.”
- ³ In order to implement the above mentioned “special duties by order of the Führer which are the consequence of the battle which is finally to be carried out between two opposite political systems”, *Reichsführer* SS Himmler set up four special “*Einsatzgruppen*” (EG) of the Security Police and the Security Service (Sicherheitsdienst, SD) which included about 3000 men, divided into *Einsatz* and Special (*Sonder*) Commandos. They were ordered to move behind the front lines and to proceed against all “subversive endeavours directed against *Reich* and State”.

- ⁴ On the basis of written documents it can be shown that the Chief of the security police, Heydrich, issued two instructions to these groups before their departure for the occupied Soviet areas. These were orders (1) to initiate pogroms with the help of collaborationists from the region and (2) to liquidate Jews when they could be identified as members of some vaguely described Jewish elite or if they were in any other way “suspicious”.
- ⁵ We have two documents written by Heydrich which are based upon these verbal instructions. Heydrich’s note to the heads of the *Einsatzgruppen* of 29 June referred to the previously distributed order to foster “self-cleansing efforts” (*Selbstreinigungsbestrebungen*), i.e. pogroms of the Jewish population. These “self-cleansing efforts” by anti-communist or anti-Jewish groups in the area to be occupied, according to Heydrich’s instructions, were “not to be hindered”, rather, these efforts should be initiated but this should be done “without leaving a trace”, intensified, and when necessary “steered in the correct direction”. In a further note dated 2 July, Heydrich informed the Higher SS and Police Leaders – i.e. Himmler’s highest regional representatives in the areas which were to be occupied – about “the most important instructions by me to the *Wehrmacht* and the commandos of the Security Police and the SD”. Here it was stated once again that “self-cleansing efforts” (*Selbstreinigungsversuchen*) in the areas to be occupied were not to be hindered, but that on the contrary, they were to be encouraged – but without leaving a trace.
- ⁶ Furthermore, in the same note from 2 July, Heydrich listed under the key-word “executions” those groups of persons who were to be shot by the *Einsatzgruppen*:

“To be executed are all

- functionaries of the Comintern (as well as all professional Communists)
- the higher, middle and radical lower functionaries of the Party, the Central Committees, the district and regional committees
- people’s commissars
- Jews in Party and State functions
- other radical elements (saboteurs, propagandists, snipers, assassins and agitators, etc.) ”

- ⁷ This order is certainly not to be interpreted as meaning that Heydrich intended to limit executions to those Jews who held “Party and State functions”. Given the fact that in the course of war preparations the supposedly close connection between Jews and the Soviet system was repeatedly emphasised, it can be concluded that the instructions to execute “other radical elements” was primarily directed against the Jewish population. Even the last word of this itemisation, “etc.” shows that the circle of “other radical elements” was by no means clearly delineated.
- ⁸ Further, the idea that efforts were made from the beginning to limit the set of Jewish victims precisely to “Jews in Party and State functions” is not compatible with the (stated) intention of allowing collaborators to initiate these “self-cleansing operations”, i.e. pogroms and massacres. A pogrom once begun cannot be confined to specific Jewish victims chosen according to their function.
- ⁹ That the *Einsatzgruppen* received explicit orders to murder Jewish civilians has been confirmed by all members of the leadership of the *Einsatzgruppen* who were questioned about this after the war. From this testimony we have consistent corroboration that in the period from Spring to the Summer of 1941 the *Einsatzgruppen* received orders for the mass murder of the Jewish civilian population in the occupied Soviet Union. Even though there are differences in the testimonies as to the exact time and place of the issuance of orders, it is nevertheless re-

markable that none of those interrogated disputed having been given the order to liquidate and that the large majority of the former leadership personnel testified that they received instructions for the indiscriminate liquidation of the entire Jewish population, including women and children.

- ¹⁰ An analysis of the available individual testimonies gives the following picture: a series of former leaders- whether of the *Einsatzkommandos* (EK) or the so-called Special Commandos (*Sonderkommandos*) who were interrogated on this question after the war, i.e. Walter Blume (Leader of the Special Commando 7 a), Martin Sandberger (Leader of the EK 1 a), Rudolf Batz (Leader of the EK 2), Alfred Filbert (Leader of the EK 9), as well as Karl Jäger (leader of the EK 3) testified that at the beginning of the war Heydrich had informed them of an order by the *Führer* which made clear that the Jewish population in the Soviet areas to-be occupied were to be liquidated; Paul Johannes Zapp (Leader of the Special Commando 11 a) testified further that this command also explicitly ordered the murder of women and children. Several other former leaders testified in this regard that precise orders for the liquidation of the Jewish civilian population were issued – but not until the war had been started – yet still in the Summer of 1941 by the *Einsatzgruppen* leaders; namely Erwin Schulz (Leader of the EK 5), Gustav Nosske (EK 12), Karl Tschierschky (member of the staff of EG A), Otto Bradfisch (Leader of the EK 8), and Erhard Kroeger (Leader of the EK 6). Two Leaders, Günther Herrmann (Leader of Commando 4 b) and Erich Ehrlinger (Leader of the EK 1b) testified only that they had been ordered by the *Einsatzgruppen* commanders to shoot Jewish men after the invasion of the Soviet Union.

B. The murders by the commandos

Evidence can be found to show that as early as the first days of the war against Russia the *Einsatzgruppen* initiated “self-cleansing pogroms” as well as the executions of Jewish men.

1. Pogroms organised by the commandos

- 1.1 The report of EG A, which was deployed behind the Army unit A, written after the middle of October, the so-called “Stahlecker-report”, contains a detailed description of the “self-cleansing efforts” (*Selbstreinigungsbemühungen*) initiated by the EG: “The task of the security police must be to start the self-cleansing and to set it on the right track in order to reach the secret goal of purgation as quickly as possible. No less significant was the goal of creating established and provable hard facts for the future – that the liberated population, on its own, reach for the most severe measures possible against the Bolshevist and Jewish opponent – without leaving direction by the German authorities being recognizable.” In this context it was “obvious from the very beginning that the implementation of pogroms was possible only in the first days following the occupation”..
- 1.2 Besides, according to the Stahlecker report, “surprisingly” it was at first “not easy” to initiate the first pogroms in Lithuanian Kovno; they began after the Lithuanian partisan leader who was selected as the one to implement the pogrom was given appropriate “indications” from a small advanced party deployed in Kovno, as to how to do so “without any external signs of German organisation or German initiation”. During these pogroms, which took place between 25 June and 28 June and which cost the lives of about 3800 Jews, Jewish men were forcibly collected from their dwellings by Lithuanian “militiamen” and herded into in public places where they were killed or brought to military bases and shot.
- 1.3 Already at the beginning of July however, those in EG A concluded, as reported in an event report (*Ereignismeldung*), that in Kovno “further mass executions...were no longer possible”. They were therefore stopped.. In Riga the *Einsatzgruppe* was able to initiate a pogrom whereby 400 Jews were murdered, only however “by means of appro-

priate pressure upon the Lithuanian auxiliary police (*Hilfspolizei*). Further pogroms in the city were “not feasible” because the population had rapidly calmed down.

- 1.4 At the end of July, the EG A also reported pogroms in other Lithuanian cities; it was recounted for example that in “Mitau and surroundings ... the 1550 Jews still remaining had been ruthlessly eliminated by the population”.
- 1.5 Evidence for pogroms initiated by the Germans exist for EG C in the Ukraine as well. Thus Ukrainian nationalists committed mass murder in the area of Tarnopol under the direction of Special Commando 4 b: On 7 July, about 70 Jews were “brought together and exterminated by Ukrainians with a massive load of explosives”; the Commando also reported its activities in Tarnopol in the event report from 11 July, mentioning altogether over 127 executions and a further 600 people murdered by Ukrainians “in the course of the persecution of the Jews inspired by the EK”.
- 1.6 Further “self-cleansing measures” initiated by the EG C can be inferred by reading the event reports: “Thus in Dobromil the synagogue was set on fire. In Sambor 50 Jews were clubbed by the outraged crowd.” A few days later it was reported that “In Krzemieniec about 100 to 150 Ukrainians have been murdered by the Russians [...] the Ukrainians in self-defence killed 130 Jews with clubs in revenge”. In Tarnopol and Choroskow, according to the report, it was possible, by means of pogroms, “to finish off 600 and 110 Jews respectively.”
- 1.7 At the end of July, EG C was forced to state that “attempts at that time to cautiously inspire pogroms against Jews unfortunately did not show the hoped-for results.” The further the *Einsatzgruppen* penetrated inside the Ukraine, the more they were forced to admit that the local population was not prepared to incite pogroms.

2. Executions by *Einsatzgruppen* and police battalions in the first weeks of the war (Shooting of Jewish men)

2.1 *Einsatzgruppe A*

2.1.1 For three of the four commandos subordinate to the EG A, mass executions of Jewish men can be demonstrated in the first days and weeks after the beginning of the war:

- The EK 1b shot 1150 Jewish men in Dvinsk at the beginning of July, after they had been arrested by Lithuanian auxiliary forces which had been “strengthened in their work by the activities of the EK.”
- After the pogrom in Riga, over 2000 further Jews were killed “partially by the Lithuanian auxiliary police and partially by our own men” in the period up to the middle of July, 1941, as reported by the EK2. In Mitau, a unit of the EK 2 – supposedly in the first half of July – shot about 160 Jews, among them women and children.

2.1.2 The EK 3 organised mass executions of Jewish men from the beginning of July in the military base of Kovno. The Leader of the Commando, Jäger, reported on 1 December 1941 that the executions, which had been taking place since 4 July in Fort VII of the Kovno base, had been carried out “upon my orders and my command by the Lithuanian Partisans”; the victims, according to Jäger’s count, numbered 2530 Jewish men and 47 women. Three days later, according to Jäger, a group of men of his Commando began mass executions also outside of Kovno “together with the Lithuanian partisans” in which 1400 people, mostly Jewish men were murdered.

2.1.3 The EG A were helped by a Commando which was formed from members of the SD and the *Gestapo* in the German border town of Tilsit and which was known as “*Einsatzkommando Tilsit*”. This Commando also shot mostly Jewish men in the period directly following upon the onset of the war: on 24, 25 and 27 June they executed 201, 214 and 111 civilians in the area beyond the border of Lithuania, in the villages of

Garsden, Krottingen and Polangen respectively. This shooting, mostly of Jewish men was carried out in “retribution” for supposed civilian attacks upon the approaching units.

- 2.1.4 In the following days, the “EK Tilsit” carried on further “cleansing operations” in the border areas, for example on 2 July in Tauroggen, on 3 July in Georgenburg and in Augustovo and in Mariampol and Vladislav, in which altogether 3302 people were shot, according to the event report of 18 July. For the entire month of July, further executions by the commandos, especially of Jewish men, can be documented in varied places. The fact that in later reports on No. 465). Streim, *SWCA*, p. 6, pp. 333ff. executions in this area only the murder of women, older men and children were noted – not however the murder of men of draft age – is an indication that in fact all Jewish men of this age group had been murdered in the first wave of executions.
- 2.1.5 The executions were granted full endorsement by *Reichsführer SS*, Himmler, as well as by the Chief of the Security Police, Heydrich. From a teletype message from the *Gestapo* postal station in Tilsit, dated 1 July, it emerges that Himmler and Heydrich visited the border areas and were informed about the “measures” which had been implemented and approved them “completely”.
- 2.1.6 A few days later, Heydrich expressly confirmed – in a written order – that the executions of the EK Tilsit corresponded to his directions: in an order dated 4 July he explained to the *Einsatzgruppen* Chief that he had granted permission for commanders of the Security Police and the SD as well as for police stations (*Staatspolizeistellen*) “to carry out cleansing operations in the areas bordering upon the territories which had been newly occupied in order to relieve the *Einsatzgruppen* and commandos, and especially, to secure their mobility.

2.2 *Einsatzgruppe B*

- 2.2.1 The mass executions of Jewish men in the month of July can be documented for all four Commandos of the EK B: – The SK 7a in Vileyka “liquidated the entire male Jewish population”; this was done as early as the end of June or in the first days of July as recounted in an event report. Similarly, the SK 7 a was responsible for the shooting of 332 Jews in Vitebsk at the end of July – beginning of August as well as for a further “action” in Gorodok in which about 150-200 Jewish men were shot. Mass executions of Jewish men are documented for the SK 7 b in Borissov (July) and in the area of Orscha/Mogilev (end of July – beginning of August).
- 2.2.2 In Bialystok alone, at the beginning of July, the EK 8 initiated – among other events – two “actions” by which, according to the determination of German courts, at least 800 or at least 100 Jewish men were shot; later in Baranovice two further executions took place – with at least 100 Jewish victims shot in each case; finally, at the end of July and in August the EK participated decisively in mass executions in Minsk whereby more than 1000 Jews were killed.
- 2.2.3 A unit of the EK 8 was ordered to Slonim in the middle of July, where according to the event report of 24 July “in collaboration with the order police (*Ordnungspolizei*) a major action against Jews and other communist-linked elements was accomplished, whereby about 2000 persons were arrested for communist machinations and looting. Among these, 1075 were liquidated on the same day”
- 2.2.4 The leader of the EK 8, Otto Bradfisch, testified on this point that as early as the advance on Minsk he had already noticed that although no express order had been given “to exterminate the Jewish population in a place or area solely and alone because of its racial origin”, nevertheless in practice the orders given by EK B were so broadly conceived that “every Jew was to be regarded as a danger for the fighting troops and therefore to be liquidated”.

- 2.2.5 From the testimony of the Higher SS and Police Leader Russia Centre, Erich von dem Bach-Zelewski, given in 1966, we know that Nebe's attitude is to be traced to a Himmler directive. According to Bach's testimony, Himmler had already expressed to Nebe on his visit to Bialystok on July 8 that "basically every Jew is to be seen as a Partisan.." Three days later, the Commander of the Police Regiment Centre, whose headquarters were in Bialystok, determined that "all those male Jews of the ages between 17 and 45 taken as looters should be shot according to martial law". By means of this order the extermination of the able-bodied Jewish population was made possible without further restrictions.
- 2.2.6 In a report issued by EG B concerning the activities of Ek 9 in Vilna from July, 1941 it was claimed that "In Vilna the EK of that place have liquidated 321 Jews in the period before 8 July". The Lithuanian order patrol which was placed under the command of the EK after the dissolution of the Lithuanian political police was instructed to become involved in the liquidation of the Jews. For this purpose, 150 Lithuanian officials were called up; they captured the Jews and put them in concentration camps where they underwent "special treatment" (*Sonderbehandlung*) on the same day. This work had now begun and from then on "continuously on a daily basis about 500 Jews and other saboteurs were liquidated". The total number of Jews killed in the month of July in Wilna on the initiative of the EK 9 and the Lithuanians came to at least 4000-5000, but possibly more than 10,000 people.
- 2.2.7 Direct intervention by Himmler and Heydrich can also be ascertained in the area of the EG B. We have already mentioned Himmler's order given in Bialystok on July 8 to shoot Jews on principle as partisans; there was also an order given three days later by the Commander of the Police Regiment Centre to shoot Jews taken as looters according to martial law. In a report written in the first few days of July by the Leader of the EG B on the activities of the sub-unit of EK 9 in Grodno and Lida it was stated: "In Grodno and Lida to begin with – in the first few

days – only 96 Jews were liquidated. I gave the order that this was to be intensified considerably.” The background to this order was the fact that Himmler and Heydrich had criticised the low level of activity of the Commandos during their visit in Grodno on June 30. Heydrich, in a general order on 1 July demanded “more mobility in the tactical organisation of the deployment”. He criticised the fact that in Grodno – as many as four days following the occupation – no single member of the Security Police and the SD had yet made an appearance. On 9 July, Himmler and Heydrich were once again in Grodno and were apparently able to convince themselves that the EG B order to intensify the liquidation had in the meantime been obeyed – this according to the event report: “The activities of all commandos have developed satisfactorily. First of all, the liquidations which are now occurring daily in ever greater measure are functioning well. The enforcement of the necessary liquidations is in any case ensured for all events.”

- 2.2.8 This passage makes clear that in the case of the EG B, as early as a few weeks after the beginning of the campaign, the necessity for achieving a schedule of a certain quota of liquidations in a systematic way already existed as a concept.

2.3 Einsatzgruppe C

- 2.3.1 The shooting of Jewish men can be documented for the month of July for all four Commandos of EG C:

- Commando 6 shot at least 80 Jewish men in “retribution” for the supposed attacks by the parting Russian troops as early as 30 June in Dobromil, on the orders of the HSSPF Russia South, Jeckeln, and the Leader of the EG C, Rasch.

- The EK 5 and 6 together participated in the massacre of the Jews of Lvov which was organised by the Higher SS and Police Leader South, Friedrich Jeckeln, as well as the staff of Group C. As justification for this massacre, the *Einsatzgruppen* proposed “retribution”: this was supposed to be retribution for the murder by Soviet authorities – immediately before their departure – of Ukrainian nationalists found in the jails of the city. In the event report it is stated: “About 7000 Jews were collected and shot by the Security Police in retribution for these inhuman atrocities... Above all, Jews between 20 and 40 were seized, whereas artisans and specialists were set aside in so far as it was meaningful.”

- 2.3.2 After its participation in the massacre in Lvov, Commando 5 initiated different “actions” in Berditshev and in the nearby areas, such as Chmielnik, where a “retribution action” in which 299 people, mostly Jews, were shot, occurred. – The EK 6, after deployment in Dobromil and Lvov, spent the second half of July in the Ukrainian town of Winniza, where it undertook further executions, including one with 146 victims and another which resulted in the death of 600 Jews.
- 2.3.3 The Special Commando 4 a, according to its own report at the end of June, had already shot over 300 people who were first labelled “communists” and then “Jewish communists” in Sokal. At the beginning of July it perpetuated an even more extensive massacre in Luzk, where according to its own report, 2000 Jews were killed “as a measure in response to the murder of Ukrainians”. The Commando moved further towards Shitomir where in three “actions” in July over 600 Jewish men were murdered. On 7 August a further group of 402 Jews were shot.
- 2.3.4 In the second half of July, the SK 4 b shot at least 100 people in Winniza in the context of the so-called “intellegentsia action”. Their own report on this action makes clear the arbitrary character of their persecution of the “Jewish-bolshevist leadership” When an “overhaul of the city for leading Jewish personalities had produced scarcely satisfying results”, according to the report, the leaders of the Commandos “ordered that the leading Rabbi of the city appear before them and imposed upon him the duty to locate – within 24 hours – the entire Jewish intellegentsia who were required to appear for the purpose of registration.

When the first gathering proved numerically unsatisfactory, those *Intelligenzjuden* who had appeared were sent away with instructions to find more *Intelligenzjuden* on their own and to bring them in the next day. These measures were carried on for a third time with the result that in this way almost the entire class of *Intelligenzjuden* were registered and liquidated.”

- 2.3.5 The first conclusive report about the activities of EG C in Belorus from the beginning of July, 1941, contains an important indication that the group staff understood the given orders to execute as meaning that not only Jews in “party and state positions” were affected: “On the basis of the instructions issued by the RSHA, the liquidation of functionaries of the state and police apparatus in all the named cities of Belorus was undertaken. Concerning the Jews the same orders were followed.”
- 2.3.6 The event report of 20 August (EG C) describes an “action” and this description also very clearly exposes the use of “retribution” as a pretence. “In Januszpol, a city a quarter of whose population was Jewish, in the last few days especially the Jewish women have shown impudent and arrogant behaviour because of limitations imposed upon them. They tore their own and their children’s clothes off their bodies. As provisional retribution, the Commando which arrived for the purpose of re-establishing the peace shot 15 male Jews. Further retribution measures followed.”
- 2.3.7 When the *Einsatzgruppen* stated in this report that “retribution measures against looters and Jews continued to be carried out according to plan” it made clear that “retribution” was being carried out according to a scheme and independent of the existing situation.

2.4 *Einsatzgruppe z.b.V.*

- 2.4.1 In addition to the four Commandos of the EG, yet another Commando was deployed in the Ukraine in July by the Commander and Chief of the Security Police in Cracow which was sent to support the EG C in the

eastern Polish areas. This Commando perpetrated mass executions in July, in which the majority of the victims were Jewish men. This is documented in the event report of 3 August: “From 21 July to 31 July, 1941, 3947 people were liquidated.” According to the event report of August 9, in Brest-Litowsk, 510 people, in Bialystok 296 people were liquidated.

- 2.4.2 This unit, which was immediately labelled as EG z.b.V.(for special tasks, *zur besonderen Verwendung*) presented a report at the beginning of August from the eastern Polish area which clearly reveals how excessively “retributions” were applied at this point, and that this term was actually used as camouflage language for mass murder: “In the area near Pinsk a member of the militia was ambushed and shot. For this 4500 Jews were liquidated.”

2.5 Einsatzgruppe D

- 2.5.1 For all five Commandos of the EG D there exists documentation for mass executions of Jewish men in the period before August: – A sub-unit of the Special Commando 10 a was sent to the town of Kodyma because of a request from the *Wehrmacht* stating that the “Jews and bolshevists” from there were planning to sabotage the occupation powers. The sub-unit arrested 400 persons on the spot, mostly Jews, put them through an “interrogation” and then shot 98 people.
- 2.5.2 The Special Commando 10 b (which was subordinate to the 3rd Rumanian army) participated on July 8 and 9 in a massacre of Rumanian troops in Czernovitz where the Commando, according to its own report killed “100 Jewish Communists because German and Rumanian units who were approaching were allegedly shot at from the Jewish quarter”. At the end of July, the EG D reported that “from about 1200 Jews who had been arrested, 682 had been killed in co-operation with the Rumanian police”. Sub-units of EK 10 b performed further executions of Jewish men in other sites in the following weeks.

- 2.5.3 The Special Commando 11 a recorded at the beginning of August the liquidation of “now up to 551 Jews” in Kishinev, justifying it with “sabotage” and “retribution”. These executions took place in front of the Chief of the EG D, Ohlendorf, whose staff was situated in Kishinev and who witnessed at least this one execution.
- 2.5.4 The Special Commando 11 b began its first mass execution on August 7, 1941 in Thigina, where according to the event report of August 7, 155 Jews were shot.
- 2.5.5 The EK 12 performed two executions in Babtshinsky on July 20 and July 21 whereby 94 persons were killed according to the event report of 23 August 1941.

2.6 Police Battalions

- 2.6.1 However not only *Einsatzgruppen*, but also different battalions of the German Order Police perpetrated massacres on the Jewish civilian population in the first few weeks of the military advance in the occupied Eastern areas. – In Bialystok, the Police Battalion 309 committed a massacre as early as 27 June in which at least 2000 Jews, among them women and children were victims. In the course of this action, members of the Battalion forced at least 500 into the Synagogue and murdered them by setting fire to the building.
- 2.6.2 In Bialystok, Police Battalion 316 and 322 staged a massacre in the middle of July whereby altogether 3000 Jewish men were killed. A few days before this massacre, on the afternoon of 8 July, Himmler appeared in Bialystok together with the Chief of the Order Police, Daluge. In a meeting with SS and Police Officers Himmler stated, according to Bach-Zelewski’s testimony, that “basically every Jew was to be regarded as a partisan”. On the next day, Daluge announced in a speech to members of the Police Regiment Centre that “Bolshevism must now be definitively exterminated”. Two days later, on 11 July, the Commander of the Police Regiment Centre issued the order to shoot all

Jewish men between the ages of 17 and 45 convicted as looters. The police made it very easy to “convict” Jews as “looters”; three days previously, members of the Battalion 322 had searched the Jewish quarter and confiscated the goods therein as “loot”. Jews were thus *per se* “looters.”

- 2.6.3 The Police Battalion 316 perpetrated in Baranowicze a further massacre in the second half of July with probably several hundred dead; it was later involved in two mass executions in Mogilev, whereby on September 19, 3700 Jews (also women and children) were killed.
- 2.6.4 The Police Battalion 307 shot several thousand Jewish civilians in Brest-Litovsk around July 12; almost all were men between 16 and 60, it was a supposed “retribution measure” (*Vergeltungsmaßnahme*). Immediately before the massacre, Daluge, the Chief of the Police Regiment Centre, Montua, Bach-Zelewski and further Higher SS Leaders had assembled in Brest.
- 2.6.5 The Battalion 322 received a radio message from the HSSPF, directing them to “send a company to liquidate the Jews”. In the war diary of the Battalion for August 9 it is noted: “Company 3 captures all male Jews to be found between the ages of 16 to 45 in Bialovice and evacuates all other Jews of Bialovice.” And on the next day, it read: “Company 3 follows through on the liquidation of the male Jews in the prisoner assembly camp in Bialovice. 77 Jews aged between 16 and 45 were thereby shot.”
- 2.6.6 Once again Jewish men were shot by the same company of Battalion 322 a few days later in Marovka-Mala in the area near Bialovice. In the war diary of the Battalion for August 8 it is stated: “259 women and 162 children were evacuated to Kobryn. All male Jews of 26-65 (282 heads) and one Polish person were shot for plundering.” Later, it must have been between 10 August and 15 August, an order arrived which increased the age limit for Jewish men to be shot from 45 to 65.

2.7 Conclusions

- 2.7.1 From these numerous individual facts the following conclusions can be drawn:
- 2.7.2 For almost all *Einsatz* or Special Commandos and for a number of Battalions, the mass shooting of Jewish men of draft age – hundreds or thousands of people for each unit – can be documented for the period as early as the end of June or in July. These shootings were mostly carried out under the pretext of “retribution”, punishment for “plundering” or else portrayed as a struggle against “partisans”.. This behaviour corresponded to commands which the *Einsatzgruppen* had received at the beginning of the campaign. In some cases, as we have seen, the leaders of the units even made reference to having received orders to this effect.
- 2.7.3 The behaviour of the units followed a standardised pattern which however was not altogether uniform: the age limit of those to be shot varied from one unit to another; while in some places the entire male population in the designated age group was shot, the executions in other places included different percentages of the male population. Clearly the leaders of the units also had a certain amount of leeway as concerns the nature of the orders given to them; as we have seen, these were not always very precise and left a certain amount of room for interpretation.
- 2.7.4 This sort of “indirect” command, based upon the intuition and initiative of the subordinates, is characteristic for the Nazi system. It was employed especially when subordinates were being asked to do something which clearly violated the accepted law. The Highest Party Court of the Nazi Party had appropriately characterised this sort of “indirect” command in 1939, when it was asked to deal with the question of whether Party members were to be punished for capital crimes committed in the course of the November pogrom of 1938. The Highest Party Court concluded at that time that “for active Nazis from the early

period of struggle it was self-evident... that in actions where the Party does not want to openly appear as the organiser, orders are not issued with absolute clarity or in the smallest detail. He [the active Nazi, P.L.] is therefore accustomed to interpret more than is literally stated, just as those who give the orders often are accustomed – in the interest of the Party – not to state everything but to hint at what is to be achieved by the command. This is especially the case when it is a question of illegal political demonstrations.”

2.7.5 This technique of command-giving was also employed in 1941 in connection with the mass murder of Soviet Jews. The leaders of the individual units were granted a certain latitude, only however within the context of a framework determined by the SS leadership.

2.7.6 In order to assure that the basic policy intentions of the SS leadership were actually put into practice by the units, Himmler, Heydrich and Daluge undertook extended inspection tours in the occupied Eastern territories in the first few weeks of the war. In this way, they encouraged the units to continuously increase the number of Jewish men to be shot. The inspection trips thus constituted an important instrument for reinforcing the system of “indirect command”. The units continuously reported these shootings, as we have seen from the event reports; these reports were made known to a large number of agencies in the *Reich*.

2.7.7 Thus it is clear that the murders had a systematic character: they cannot be explained as spontaneous reactions of individual SS leaders to specific local situations; rather they followed a uniform pattern and were in accord with central orders.

3. Expansion of the shooting to the entire Jewish civilian population.

As will be shown in this section, the SS and police units in the Summer and Fall of 1941, as they extended the shooting to Jewish women and children, followed the same uniform pattern described above. The murder of the Jewish civilian population took on new dimensions with the employment of two SS brigades, one led directly by *Reichsführer SS* Himmler with the help of a Special Commando staff.

3.1 HSSPF Russia Centre and *Einsatzgruppe B*

- 3.1.1 In the area behind the central section of the Front, the character of the mass executions began to enter a new stage as a result of the use of the SS Cavalry Brigade. This Brigade carried out a first “cleansing operation” in the Pripet marshes between 29 July and 12 August under the leadership of the Higher SS and Police Leader, by which 13,788 “looters” (i.e. mostly Jews) were shot and 714 were held prisoner. On the side of the Brigade 2 were killed and 15 wounded. Between 17 August and 23 August the Cavalry Brigade initiated a second “action” by which, according to their own report, altogether 699 Red Army men, 1001 partisans and 14,178 Jews were shot. Shortly before these two “actions”, Himmler had visited Baranovice where he ordered the brigade to kill all Jewish men and the women as well – although in a different way. From a radio-telegraph text dated August 1 from the Second Cavalry Regiment we can read: “Explicit order of the RFSS. All Jews must be shot. Jewish women to be driven into the swamp.”
- 3.1.2 In fact at first the Cavalry Regiment was supposed to kill only the Jewish men. The fact that Himmler had given a clear signal at the end of July that women also were not to be spared, together with the fact that the number of Jewish men killed by the Cavalry Brigade (which lay under the personal responsibility of the HSSPF Russia Centre) had reached unprecedented dimensions – proved to have a radicalising effect for all units under Bach-Zelewski’s command.

- 3.1.3 The shooting of women in the HSSPF area Russia Centre began as early as the first half of August and it was done by the EK 9. In this time period – in the course of several “actions” in Wilejka – members of EK 9 shot at least 320 Jews, among them women and children. Filbert, the Leader of the EK 9, affirmed in his interrogation testimony that the order to shoot women and children was given to him by Nebe, the Leader of the EG B, at the beginning of August. After the executions in the Wilejka area, Commando 9 marched to Vitebsk in August, where several thousand people were murdered in multiple “actions” in the period up to October.
- 3.1.4 The Leader of the EK 8, Bradfisch – as he testified after the war – was also informed by Nebe that “there exists an order from the *Führer* according to which all Jews, i.e. also women and children, are to be exterminated”. Bradfisch testified further that shortly thereafter, when Himmler came to inspect an execution which Bradfisch’s Commando was carrying out in Minsk, Himmler said to him that “since an order from the *Führer* existed calling for the shooting of all Jews, this order had to be carried out, as difficult as this may be for us”.
- 3.1.5 The undifferentiated shooting of women and children which is announced here by Himmler can be documented in the case of the EK 8 only for the period beginning as early as September but occurring mostly after October. A sub-unit stationed in Bobruisk carried out at least seven executions in September-October 1941; among them, one single “action”, which must have taken place in the first half of September, involved the shooting of 400 men, women and children.
- 3.1.6 A “major action” (*Grossaktion*) in Lahoisk was carried out by a sub-unit of EK 8 (probably the one stationed in Borissov); it most likely took place in the first half of September with the support of a Commando from the SS division “*das Reich*”. According to event reports from 20

September, in this “action” 920 Jews were executed. Also in this case, since it was thereafter declared “free of Jews” (*judenfrei*) it follows that all women and children of the village must have been murdered.

- 3.1.7 The same sub-unit of EK 8, along with the units left in Minsk, shot 1401 Jews – men, women and children in Smolowicze around the end of September in a “major action” as reported in the event reports. In the appropriate event report it was stated further that: “After the deployment of this cleansing operation, there are no Jews left in the north, south or west of Borissov.”
- 3.1.8 As early as 1 September, the police battalion 322 in Minsk had shot “914 Jews, including 64 Jewish women”, following a meeting which had taken place there on August 29 between Bach-Zelewski and Daluge. In the war diary of the battalion the justification given for the shooting of a large number of Jewish women was that they were not wearing a Jewish star when arrested in a police raid.
- 3.1.9 On September 25, the Battalion 322, in the context of a training exercise which involved representatives of the *Wehrmacht* (including Division and Regiment Commanders) from the Police, and SD, cordoned off and searched a village. Concerning this “exercise” the war diary of the unit reported that no partisans could be found but that “an inspection of the population revealed the presence of 13 Jewish men, 27 Jewish women and 11 Jewish children. Of these – 13 Jewish men and 19 Jewish women were executed in conjunction with the SD.”
- 3.1.10 It was only after this bloody exercise in the beginning of October, in the area of EI B, that generalized murder of members of the Jewish population was carried out on a full scale. From this point on, massacres resulting in thousands of deaths of men, women and children became the rule.
- 3.1.11 On 2 October, a Company of the Police Battalion 322 in Mogilev (where Bach-Zelewski’s Headquarters were located) lead a “special action upon the orders of the High SS Police Leader”, in which “2208 Jews of

both sexes “ were involved. (This formulation reveals that children were included.) These people were shot without exception, together with Ukrainian militia men. On 19 October, four days before Himmler appeared for an inspection in Bach’s new headquarters in Mogilev, “an important action” against the Jews (*Judenaktion grösseren Ausmasses*), as it was called in the event report, “was carried out there, by which 3726 Jews of both sexes and all ages were liquidated”. This was a clear signal that once again children had also been victims. In this “action” the EK 8 and the Police Battalion 316 were implicated. With these two massacres in Mogilev, Bach-Zelewski began a whole series of further, similar “major actions” (*Grossaktionen*) in eastern Belorus.

3.1.12 From now on, in city after city, area for area, the entire Jewish population was shot – with the exception of a small remnant consisting of workers who were allowed to remain alive. In these “actions”, the commandos, order police and civilian administration as well as local auxiliary police troops were involved. The centre of the “actions” was in the larger cities where the Jews constituted a considerably large percentage of the population, especially in the eastern part of the occupied territories: in the course of these “major actions”, 6500 Jews were shot in the “clearing” (*Räumung*) of the ghetto of Borissov on October 20 and 21. This followed after 1500 skilled workers had been selected out. In Bobruisk, at the end of November and beginning of December, 5281 Jews were murdered by the EK 8 and the Police Battalion 316 in a “special action” and the city was declared “free of Jews” (*judenfrei*). In Vitebsk – also in December – the ghetto was cleared, whereby 4090 Jews were shot. In Gomel in December because of supposed “Partisan support” “2365 Jews were executed.”

3.1.13 The EG B registered for their area up to the end of October altogether 45,467 victims liquidated; in the course of this operation the EK 8 and 9 had an especially high number of victims (28,218 and 11,452 respectively).

3.2 HSSPF Russia South and *Einsatzgruppe C*

- 3.2.1 In the course of extending the murders into the southern part of the Front, the HSSPF Jeckeln as well as the 1st SS Brigade played a major role. The 1st SS Brigade, which was under the command of Jeckeln, moved to the murder of Jewish women when they took on a “cleansing operation” between July 27 and July 30 in the area of Zwiahel. In Jeckeln’s command to the Brigade it was stated that – apart from Front Commissars – also suspicious “female agents or Jews...were to be handled appropriately”.
- 3.2.2 As a result of this “action”, the Brigade reported that they had arrested, among others, 1658 Jews; 800 people, “Jewish men and women from 16 to 60 years old” had been shot. Subsequent to this “action”, on 4 August, units of this Brigade carried out further “actions” and shot 1385 people under the same pretext, among them 275 women and 1109 Jewish men.
- 3.2.3 In the following weeks Jeckeln ordered the 1st. SS Brigade to carry out further “cleansing operations”. Members of the Brigade shot 232 Jews on 7 August in Tschernjychow, 300 Jewish men and 139 women in Sarokonstantinow around 20 August, and “1009 Jews and Red Army men” and in the period between 2 September and 7 September .”
- 3.2.4 At the end of August, the Brigade under Jeckeln’s command carried out a massacre in Kamenetsk-Podolsk which exceeded all previous “actions”. According to the event report from 22 August, “a Commando of the Higher SS and Police Leader... shot 23,600 Jews” (men, women and children) within 3 days. The victims of Kamenetsk-Podolsk were mainly Jews who had been deported over the border into the newly conquered area in Galicia by Hungarian officials as “burdensome foreigners”. The proof that this massacre was systematically prepared is documented in the minutes of the meeting which was held on 25 August at the Headquarters of the Generalquartermaster of the Army in Vinniza. On this occasion, an officer of the staff of the Generalquarterm-

master referred to a pledge by Jeckeln to complete the liquidation of the Jews deported to the area of Kamenetsk-Podolsk by 1 September. From the number of Jews deported from Hungary, 18.000, it can be concluded that about 14.000 to 16.000 were shot at the end of August about 15 Km from Kamenetsk-Potolsk by Jeckeln's staff company, the Police Battalion 320 as well as by Ukrainian and Hungarian militia. In addition, thousands of local Jews were shot.

- 3.2.5 After the "altogether 44,125 people, mostly Jews" who were shot, in August alone, according to the event reports of the "Formation of the Higher SS and Police Leaders", Jeckeln continued the massacres; in the first days of September, in Berditschw, as stated in event reports, "1303 Jews, among them 876 Jewish women over 12 years old" were killed by a Commando of the Higher SS and Police Leaders Russia South. The murder of over 3000 Jews still living in the ghetto of Shitomir, on 19 September, in which the SK 4a was involved, must also have been largely Jeckeln's responsibility.
- 3.2.6 Finally, Jeckeln played a leading role in the massacre of the Jews of Kiev at Babi Jar, where the SK 4a, the Police Regiment South with the Battalion 45 and 303 and a Company of the *Waffen SS* were involved. This massacre, by which 33,771 Jews were murdered according to the event reports, was planned on September 16 in a meeting where Jeckeln, the Chief of the EG C, Rasch, the Leader of the SK 4a, Blobel as well as the City Commander of the *Wehrmacht* were present. This mass murder was justified as "retaliation" for a major fire in the city that was supposedly set by Jews.
- 3.2.7 Jeckeln also played a central role in the massacre of the Jews of Dnje-preprotowsk on 13 October, where according to the event reports, out of some 30.000 Jews in the city, "approximately 10.000 were shot by a commando of the Higher SS and Police Leaders on 13 October, 1941". In this series of massacres under Jeckeln's personal management up to October, 1941, more than 100.000 people were murdered.

- 3.2.8 This series of mass murders are the basis for the activities of EG C and the Police Battalion placed in the southern parts of the occupied Soviet Union in late summer and fall. These units were already in part directly involved in the major “actions” initiated by Jeckeln. Jeckeln was the one who gave the decisive impulse which lead the commandos and police battalions to go over to the total extermination of the Jewish population.
- 3.2.9 Erwin Schulz, the Commando Leader of EK 5 testified during his stay in Berditschew (where the unit was stationed between the end of July and the middle of August) that Rasch, Commander of the EG C, had called him to Shitomir in order to explain to him that not only those Jews who were employed but also their wives and children were to be shot. This order, according to Rasch, came from Jeckeln.
- 3.2.10 The total eradication of all inhabitants of a location, including the women and children by the EK 5 can be documented as of the middle of September. On 15 September, the town of Bogusslaw, as explained in an event report, “because of the execution of 322 Jews and 13 communist functionaries” was declared “free of Jews.” On 22 and 23 September, the EK 5 in Uman carried out a “major action” in which, according to their own report, 1412 Jews were shot. In Cybulow on 25 September, 70 Jews were shot, 537 Jews (men, women and children) on 4 October in Perejeslas and in Koschewatoje shortly thereafter “all Jews of this place.” were executed.
- 3.2.11 On the basis of the generalized order to murder issued in August, the number of the people killed by the EK 5 increased considerably: For the period from 7 September to 5 October, the Commando reported that “207 political functionaries, 112 saboteurs and looters as well as 8800 Jews had been liquidated”. A few weeks later, the Commando reported that “The number of those executed by the EK 5 was altogether 15.110 on 20 October 1941.

- 3.2.12 The EK 6 (sub-unit Kronberger) shot Jewish women starting in October in Kriwoj-Rog, after Himmler had inspected this place on 3 October. On 20 October, Krivoj Rog was declared “free of Jews” (*judenfrei*).” In the event report of 19 November Commando 6 stated that “1000 further Jews had been shot”.
- 3.2.13 In the area of Shitomir from the beginning of August, the Commando 4 a shot women in great numbers, shortly thereafter also children. Thus also in Bjelaja-Zerkow 500 men and women were shot on 8 or 9 August, the Jewish children on 19 August and on 22 August, by the advance party of SK 4a, which was scheduled to go to Kiev. According to the reports of the Commando, in the month of August, in Fastov “the entire Jewish population aged 12 to 60, altogether 252 head, shot”. In Radomyschle on 6 September, 1668 Jewish men, women and children were executed. Also in Shitomir, their main base where a ghetto had been set up, the Commando proceeded to murder all Jewish inhabitants regardless of age or sex. After multiple mass executions in the second half of August with several thousand people as victims, 3145 Jews were shot in the course of liquidating the ghetto on 19 September 1941, according to the report of the Commando.
- 3.2.14 The Police Battalion 45, which belonged to the Police Regiment South, proceeded to murder Jews regardless of their age or sex at the end of July-beginning of August. The first victims were the entire Jewish population of the town of Schepetowka, where the Battalion had been based between 26 July and 1 August, 1941; according to the declaration of the Battalion Commander, Besser, made after the war, this involved 40 to 50 men and women, probably however even more. Besser declared on this point that he had been following an order of the Commander of the Police Regiment South, who in turn referred to a general order for liquidation issued by Himmler.

- 3.2.15 In the following weeks, the Battalion repeated this pattern in other Ukrainian villages: among others, it killed Jewish men and women in Slawuta (according to the declaration of the HSSPF Russia South this included 522 persons), in Sudylkow (471 dead) as well as in Berditschew (1000 victims). When Besser's successor, Rosenbauer, was being briefed on his tasks as Battalion Commander by the Higher SS and Police Leader of Russia South, Jeckeln, he was given very clear instructions, according to his own statements: "Jeckeln said that the order of Reichsführer SS Himmler was the basis for the solution of the Judenfrage: The Ukrainians should become a Helot (slave) people who work only for us. We had no interest, however, in having the Jews multiply: therefore the Jewish population had to be exterminated."
- 3.2.16 Also the Police Battalion 314, which belonged to the Police Regiment South as well, shot women and children as early as July. This can be documented for the first time in the case of a company of the Battalion on 22 July in a place in the area of Kovel: in the private diary of a member of the Battalion it is stated that on this day 217 people, among them entire families, had been shot.

3.3 *Einsatzgruppe D*

- 3.3.1 The shooting of women and children in the area of *Einsatzgruppe D* is documented for the first time for the period at the end of August. Around 29 August in the region of Jampol, the *Einsatzkommando 12* shot several hundred women and children from a convey of more than 11.000 people which the Commando was driving over the Dniester bridge into Romanian-occupied territories.
- 3.3.2 Shortly thereafter, at least three, probably however all four of the comandos of *Einsatzgruppe D* proceeded to systematically murder the entire Jewish population of different villages. The decisive order for the transition to this new stage of mass murder came at the end of August – or the beginning of September from Ohlendorf. Nosske, Leader of the EK 12, stated on this point in 1969 that around the beginning of

September, Ohlendorf, together with Rasch, the Leader of EG C visited him and admitted upon this occasion “that from now there exists a *Führerbefehl* according to which all Jews are to be killed indiscriminately”. Until then, the murder of the Jews had been “only in the context of a general order for the security and pacification of the area behind the lines”.

- 3.3.3 A report of the *Einsatzgruppe D* of September 1941 reflected this new kind of procedure. Here it was stated that “the majority of the forces were employed for political pacification in places where the stirrings of Jewish and communists terror groups were to be noted, especially in the area of Ananjev and Dubossary. In this area the pacification was ruthlessly carried out”. In fact, “ruthless” pacification meant the murder of the entire population of both villages.
- 3.3.4 In Ananjev, the SK 10B on 28 August “shot about 300 Jewish and Jewish women”, i.e. all Jews who had entered the town.
- 3.3.5 A sub-unit of Commando EK 12, which stopped in Dubossary at the end of August -beginning of September, killed small groups of Jews practically daily in that town. Around the middle of September on the other hand, the unit at first murdered all of the approximately 1500 Jewish inhabitants of the town and a few days later a further 1000 Jews from the nearby areas. Drexel, the Leader of the sub unit stated on this point that he had received orders from a member of the staff of Ohlendorf’s group “to shot the Jews living in Dubossary”.
- 3.3.6 At the end of September, the SK 11a (together with a sub unit of the EK 12 and probably with support from SK 11 b) shot all inhabitants of the ghetto in Nikolajew, where the Headquarters of the Staff of EG D was located. This involved approximately 5000 women, men and children. Around the same time, probably a few days later, the entire Jewish population of Cherson was murdered by SK 11a.

- 3.3.7 The mass executions of Ananjev, Dubossary, Nikolajew and Cherson, which took place between the end of August and the end of September, marked the transition to the undifferentiated murder of the Jewish civilian population in areas of EG D. Also in this case, Himmler did not avoid the task of personally inspecting the mass murders, which now took on a new dimension: for the period from 30 September until 6 October, we have evidence that Himmler carried out an inspection tour in the Ukraine in which he also visited Nikolajew and Cherson, so that it is clear that he was present in both places either during or directly after the mass executions.
- 3.3.8 In the event report of 26 September the EG D reported in conclusion: “Working area of Commando made free of Jews: from 19 August to 15 October, 8890 Jews and communists executed. Total number: 13,315. At this time the Jewish Question in Nikolajew and Cherson is being solved. About 5000 Jews were seized.” About a week later, the event report states: “The clearing of the area of Jews and communist elements by the commandos was continued. In particular, the cities of Nikolajew and Cherson were freed of Jews and the functionaries were handled accordingly.”
- 3.3.9 Also in the following months, the EG D continued this murderous course: thus EG D reported for the first half of October: “The territories which have been recently occupied by the commandos have been rendered free of Jews.”
- 3.3.10 In the October report of the group it was said: “The solution of the Jewish Question was energetically attacked by the EG, the Security Police and the SD, especially in the area east of the Dnieper. The territories which have been recently occupied by the commandos have been rendered free of Jews. 4891 Jews were liquidated in the process. In other locations, the Jews were marked and registered. It was thereby possible to make available Jewish work groups as large as 10.000 to the authorities of the *Wehrmacht*.”

3.4 Intensification of the murders in the *Reichskommissariat Ostland* (area of the *Einsatzgruppe A*).

- 3.4.1 The transition to the shooting of women and children occurred at the end of July/beginning of August for the EK 3 as well as for the EK Tilsit; for the EK 2 this seems to have taken place during the month of August.
- 3.4.2 The comprehensive report of the Leader of the EK 3, Jäger, shows that from the very beginning, women were also shot in the executions of the EK 3 in Lithuania, although in far fewer numbers than men. At this point in time, the shooting of women was regarded as justified when there was any sort of even vague suspicion of communist activity or connection with the partisans. A basic change can be observed however, as in the case of other commandos, in the month of August: According the Jäger report, “in co-operation” with the Lithuanian Partisans”, the EK 3 shot 213 Jewish men and 66 Jewish women in Rassainiai on 5 August. A few days later, between 9 August and 16 August, the EK 3 shot “294 Jewish women, 4 Jewish children” in the same place. It is also noteworthy that overall for 1 August and 16 August, the shooting of “3200 Jewish men, Jewish women and Jewish children” in Rokiskis is reported. Not only is this number far above the previous executions, but also the overall form of the report (the distinction which had hitherto been made between women, men and children was now not mentioned) indicates a new procedure. It thus seems likely that between 5 August and at the latest on 16 August, the Commando charged with the murders received a new order: now it was in principle no longer necessary to discriminate between men and women and the murder of children was permitted.
- 3.4.3 Also in the following days, the number of the women shot by the EK 3 reached to some extent the same level as the number of men killed, in some cases even higher. The high number of children murdered points

to the likelihood that the transition had now taken place to an indiscriminate shooting of Jews of any age and both sexes. The statements in the Jäger report mentioned, among other items:

“

- Panevezys, 23 August: 1312 Jewish men, 4602 Jewish women, 1609 Jewish children;
- Zarasao. 26 August: 767 Jewish 1113 Jewish women, 687 Jewish children;
- Utena and Meletai 29 August 1941: 582 Jewish men, 1731 Jewish women, 1469 Jewish children;
- Marianpole, 1 September 1941: 1763 Jewish men, 1812 Jewish women, 1404 Jewish children. ”

- 3.4.4 On 2 September, the EK 3 reported the shooting of women and children also from Vilna: “Apart from 864 Jewish men, 2019 women also 817 children were shot.” In Dvinsk (Lithuania) a sub-unit of EK 3 shot more than 9000 Jews, among them a large number of women and children in the period between 13 July and 21 August in several “actions” with the support of Lithuanian forces.
- 3.4.5 The EK 2, which was stationed in Latvia, had liquidated almost 18.000 Jews up until September or had had them shot by Lettish collaborators. This high number of victims points to the possibility that this commando had also gone over to the shooting of women and children.
- 3.4.6 Already at the end of July – beginning of August, the EK Tilsit which was operating in the border areas had gone over to systematically extending the shootings beyond that of men of draft age. Members of the commandos returned to the ravaged places where surviving Jewish family members were imprisoned by the Lithuanian order patrol. Thus, with the support of Lithuanians, at the end of July – beginning of August, at least 100 to 200 Jews (women, old men and children) were shot in Georgenburg and Wirballen and in Garsden in August/Septem-

ber at least 100 women, children and older men were shot. Further executions up to September were catalogued by the District Court of Ulm during the post war trial against members of the unit.

3.5 Conclusions

- 3.5.1 The extension of the shooting to women and children took place in the case of some units as of the end of July, for others beginning only in September or early October. Some units moved from extending the shooting to women and children directly to murdering the entire Jewish population in certain districts. In the case of other units, the time lag between these two levels of radicalisation was several weeks. Those Jews who had survived the first wave of murders (for example, those needed as workers for the Germans) and those who were enclosed in ghettos, became victims of the ghetto liquidation measures which began after September /October 1941 and extended through the winter of 1941-42 and the entire year of 1941.
- 3.5.2 In order to force through the decisive stages of this radicalisation process – extending the shooting to women and children – the orders given at the beginning of the war had to be extended in the course of the summer. A reconstruction of the events leads to the conclusion that this was not done by means of a single written order sent to all units at the same time; rather, repeated verbal instructions must have come from the SS leaders to the unit leader who was then to take the initiative himself and extend the shooting to women and children. Important for this radicalisation process is Himmler's verbal order from 30 July to push "Jewish women in the swamps", as well as his speech in Minsk on 15 August in which he alluded to the coming shootings of women and children.
- 3.5.3 From statements made by different commando leaders it is apparent that they were likewise encouraged by their superiors to shoot women and children in August and September (Filbert and Bradfish from Nebe, Schulz by Rasch, Nosske and Drexel by Ohlendorf). Significant

here are the HSSPF Russia Centre and Russia South which were directly subordinate to Himmler and took the decisive initiative; by the employment of the SS brigades as well as by the use of “major actions” bringing together the EK, police battalions and other units, they increased the numbers of victims to hitherto unknown dimensions, including women and children. In this way, a larger number of units in the occupied Eastern territories were brought to direct participation in such “actions” and were thereby further radicalised. Repeatedly, Himmler appeared either shortly before or shortly after the “major actions” at the relevant places and strengthened the members of the SS and police in their murderous procedures.

- 3.5.4 The extension of the shootings to women and children in the Summer and Fall of 1941 – begun through the murder of the entire Jewish civilian population in the occupied Soviet areas – was perpetuated by means of the method of “indirect orders”: the SS leadership issued general instructions and the unit commanders were to execute them using their own initiative and intuition.

III. Regional mass murder of the Jews in 1941/42 outside of the Soviet Union

In the fall of 1941, the Nazi regime began to deport Jews from Central Europe into the Eastern European ghettos. From statements by leading representatives of the regime it becomes clear that at this point in time the intention was to deport these people further to the East following upon a victory over the Soviet Union. At the same time, the mass murder of the Jews was extended to certain areas outside of the Soviet Union and especially to those areas destined to receive the Jews pushed out of Central Europe.

A. The Beginning of the Deportations

- ¹ In mid-September 1941, Hitler made the decision to deport the Jews within the “Greater German Reich” to ghettos in Poland and the occupied Soviet Union. Himmler communicated Hitler’s wishes to the *Reichsstatthalter* (governor) of the Warthegau, Greiser, on 18 September 1941 (copies went to Heydrich and the HSSPF of the Warthegau, Kopppe): “The *Führer* wishes that, from the West to the East, the *Altreich* and the *Protektorat* be emptied and freed of Jews as soon as possible. I am therefore striving to transport the Jews of the *Altreich* and the *Protektorat in the* Eastern Territories that became part of the *Reich* two years ago. It is desirable that this is be accomplished by the end of this year, as a first and initial step in deporting them even further to the East next Spring. I intend to remove a full 60.000 Jews of the *Altreich* and *Protektorat* to the Litzmannstadt ghetto for the winter. This has, I have heard, the space to receive them.”
- ² Following the protests of Uebelhoer, the Head of the administration in the district of Lodz, and Thomas, the Head of the Armaments Office of the *Wehrmacht*, who emphasised the total overcrowding of the ghetto and likely obstruction of its production – the original plan was modified and expanded. In October it was decided to deport 25.000 Jews and Gypsies to Lodz. At the same time, new destinations were planned for two further groups of 25.000 Jews from the *Reich* – the ghettos of Riga and Minsk.
- ³ A variety of evidence can substantiate the original intention to deport Jews who had been previously deported from the *Reich* to camps in the occupied Soviet areas. This would be carried out at a later date, and if the military situation allowed it.
- ⁴ On 24 September, after a meeting with Heydrich on the previous day, Goebbels wrote in his diary that, “we must evacuate the Jews from Berlin as soon as possible”. This “will be possible as soon as we have cleared up the military situation in the East. In the end, they should all

be transported to the camps set up [by the, added P.L.] Bolsheviks. These camps have been constructed by the Jews; what would be more apt than to now have them peopled by the Jews. “

- ⁵ On 6 October, while propounding on measures to punish the Czechs, Hitler emphasised that all Jews from the *Protektorat* needed to be “removed” (*entfernt*) – and not into the *Generalgouvernement* first, but – “straight on to the East”. This was said to be impossible at the moment, due to lack of transport capacity. Parallel to the deportation of the “Protektorat-Jews” the Jews of Vienna and Berlin should “disappear” (*verschwinden*).
- ⁶ At a meeting in Prague four days later, on 10 October, at which Eichmann was also present, Heydrich said the following: “There are at this time about 88.000 Jews in the *Protektorat* as a whole, 48.000 of whom are in Prague. [...]” Due to the evacuations there have been difficulties. It was foreseen to begin this around 15 October, in order to let the transports eventually, until 15 November, reach the level of 5000 Jews – from Prague alone. ... Minsk and Riga are to receive 50.000. .. In the coming days the 5000 Jews should be now evacuated from Prague. SS-Brigadeführer Nebe and Rasch could take Jews into the camps for communist prisoners in the operational area. ccording to SS-Sturmbannführer Eichmann, this measure has already been initiated [...]” The Gypsies to be evacuated could be brought to Stahlecker in Riga, whose camp is operated along the lines of Sachsenhausen. As the *Führer* wishes the Jews to be brought out of the German sphere by the end of the year if possible, all open questions must be solved immediately.”
- ⁷ The deportations from the *Reich* did in fact begin in mid-October. In a first wave of deportations between 15 October and 5 November, 10.000 Jews from the *Altreich*, 5000 from each of the *Protektorat* and Vienna, and 5000 Gypsies from the Burgenland, were deported to Lodz in 24 transports. Between 8 November and 6 February, altogether 34 differ-

ent transports went to Riga, Kovno, and Minsk Originally this wave of deportations was to have ended at the beginning of December, and encompassed the deportation of 50.000 people. The deportations to Minsk, however, had to be broken off at the end of November due to problems of transportation. Up until this time, approximately 8000 people had been deported into the Minsk ghetto. The transports to Riga were completed at the end of February, having fulfilled the planned quota of 25.000 people deported.

- ⁸ Already in November 1941, however, the RSHA was assuming that the deportations which had not been completed in the course of 1941 as originally planned, would be continued in a third wave of deportation the following Spring. This can be taken from a note Goebbels made concerning a conversation with Heydrich on 17 November: “Heydrich has reported to me on his intentions concerning the deportation of the Jews from the *Reich* [...] The third consignment, which is due at the beginning of next year, shall follow the procedure which I have suggested – namely, evacuating city by city. Thus when the evacuation commences in a particular city, it will be completed as soon as possible, ensuring that the burden placed on public opinion does not last too long, or have too harmful consequences. On this question too, Heydrich is proceeding very consistently.” On 22 November 1941 Goebbels noted in his diary that Hitler had given his approval to the implementation of the “city-wise” deportation.
- ⁹ Drawing this evidence together we find: the deportations of Jews from the German REICH in the autumn of 1941 and the ensuing Winter proceeded on the orders of Hitler; they were implemented in several waves according to a plan; and, they were directed centrally by the RSHA. One can hence speak of a systematically prepared and implemented programme of deportations.

- ¹⁰ The RSHA's planning of deportations in autumn 1941, however, extended not only to Central Europe, but was already directed towards a wider perspective which encompassed the entire territory under German domination. This can be substantiated by a number of documents.
- ¹¹ The expert on Jewish Questions of the German Embassy in Paris Carltheo Zeitschel, succeeded (through the aid of Ambassador Abetz) in securing Himmler's fundamental approval for the eastward deportation of the foreign Jews interned in France. This was in mid-September 1941, that is, exactly at the time Hitler had decided to start the deportations from the *Reich*. (In his proposal Zeitschel had taken it for granted that the removal of this group represented only the first step in the deportation of all Jews under German domination to the occupied Eastern Territories.) In autumn 1941, the German military administration in occupied France fell in line with Zeitschel's proposal of mid-September. It decided to deport a large number of Jews and communists, who had been arrested in mass-raids in May and August 1941, into forced labour "to the East", presenting this as a repressive measure against the attacks of the French resistance movement. From December 1941 onward, Jews and communists were named and singled out. These "hostage-deportations", although initially put back by transportation problems, eventually started operation in March 1942.
- ¹² A further number of indicators dating from October and November 1941, support the view that while the deportations from the German *Reich* were being introduced, there were, in fact, already preparations being made for the deportation of all Jews within the German sphere of domination.
- ¹³ In a letter to the Generalquartermaster of the army of 6 November 1941, Heydrich defended his explicit approval of the attacks on seven synagogues in Paris, which had been perpetrated during the night of

2-3 October by an anti-Semitic French group. The proposal to carry out these attacks, Heydrich asserted, was “accepted by me only from that moment onward, when also the highest office characterised Jewry with utmost severity as the responsible firebrand in Europe who must finally disappear from Europe.”

- ¹⁴ In a meeting with representatives of the Ministry for the Occupied Eastern territories on 4 October, Heydrich indicated the possibility of companies claiming Jewish workers. This, however, “would destroy the plan of a total evacuation of Jews from the occupied territories”.
- ¹⁵ Also the Head of the Jewish desk of the Foreign Office, Rademacher, still assumed at the end of October 1941 that the Serbian Jews who had survived the repressive measures of the *Wehrmacht*, would be “removed by ship into the transition camps in the East”. This was to happen as soon as “the technical feasibility within the general framework of the comprehensive solution of the Jewish Question” was established.
- ¹⁶ Was the deportation of Jews “to the East” at this time already a metaphor for the planned murder in the extermination camps? The state of contemporary research does not give sufficient evidence for this conclusion. Until early 1942, in fact, neither the Central European nor the French Jews were sent directly to extermination camps. Further, these camps were not significantly expanded until early 1942 and early summer 1942. Until the contrary has been proven, one should thus take the statements of leading Nazis literally – that the intention behind the deportations and the planning of Autumn 1941, was still to deport all European Jews to camps in the occupied Soviet Union, after victory had been achieved.
- ¹⁷ The RSHA’s programme of deportations for German Jews, and their broader plans for the deportation of Jews throughout the area under German control, were secured by a number of administrative measures. – The universal exterior labelling of Jews in the *Reich* was instig-

ated by Secretary of State Stuckart in August. After this proposal had found general approval at an inter-ministerial conference in the Propaganda Ministry on 20 August, the ensuing police directive of 1 September prescribed that all Jews over the age of six were to wear a yellow star with the inscription *Jude*, i.e., “Jew”.

- ¹⁸ - At the beginning of November 1941, the Finance Ministry issued regulations determining the confiscation of the property of “Jews to be deported to a city in the Eastern territories in the coming months”. The relatively complex directive determining the procedure of confiscation of property was significantly simplified by the eleventh decree of the Reich Citizen Law of 25 November 1941. This decree stated that a Jew “who has his usual residency abroad” – which meant, “is situated there under circumstances which can be recognised as not merely temporary” – would lose German citizenship. “With the loss of citizenship” his property “is forfeited to the *Reich* “. In the complementary directive of the Finance Ministry of December, the term “abroad” was defined to also include all the occupied territories – in particular, the *Generalgouvernement* and the *Reichskommissariate* Ostland and Ukraine, the administrative units which the Germans introduced in Poland and the Soviet Union respectively.
- ¹⁹ - While these administrative measures effected the Jews in the *Reich*, the ban on emigration for Jews of October 1941, applied to all Jews in the German dominated areas. Two memoranda of the Head of the German Department of the German Foreign Office Luther, mark the period of time within which a fundamental decision against further emigration must have been taken. On 13 October Luther noted that the proposal to deport the Spanish Jews in France to Spanish Morocco was, “a suitable contribution to the resolution of the Jewish Question in France”. Only four days later however, Luther recorded that the Reich Security Office had opposed these deportations “because of the necessary measures that would be required after the end of the war, to fundamentally solve the Jewish Question.” The decision to ban emigration

was thus made exactly at the same time as the deportations from the *Reich* began. It was a decisive precondition for the implementation of the still current plan, which envisaged the total deportation of all Jews under German domination into the occupied Eastern Territories after the end of the war.

- 20 Himmler discussed the planned ban on emigration with Heydrich on 18 October. Eventually, on 23 October, the RSHA issued a directive in Himmler's name, imposing a general ban on emigration from the German dominated areas, although exceptions were foreseen.
- 21 Closely following the ban on emigration, the Foreign Office asked the governments of Slovakia, Croatia and Rumania in November, whether they had any objection to the deportation of their Jewish citizens residing in Germany. All three governments replied positively.

B. The Transfer of Technology for Killing by Means of Gas to Eastern Europe

- 1 Parallel to the beginning of the deportations, the transfer of gas-killing technology into the Eastern European region was begun. This technology had been under development in the context of the "euthanasia" programme since 1939.
- 2 This transfer was initiated after the programme of "euthanasia" had been stopped on 24 August 1941. The programme had comprised the planned murder of approximately 20 percent of all inmates of psychiatric institutions in the *Reich*. Altogether more than 70.000 people had been killed in the framework of the so-called "Operation T4" (*Aktion T4*) when it was brought to an end. Only a few weeks later, the first preparations can be documented for the construction of gas-chambers in Eastern Europe.
- 3 - The decision to build the first extermination camp in Belzec was made in mid-October. The killing was to proceed by means of exhaust from a permanently installed motor. Construction started at the begin-

ning of November, and the killing experts of Operation T4 were ordered to Belzec in December 1941. (This will be described in more detail in another section of this report.)

- ⁴ - Likewise in October 1941, preparations were put into place by the Chancellery of the *Führer*, which was responsible for Operation T4, to build gas-chambers in Riga. This can be taken from a letter of 25 October by Wetzel, the specialist for racial affairs of the Ministry for the Occupied Eastern Territories, to *Reichskommissar* Lohse, head of the *Reichskommissariat* Ostland: “In reference to my letter of 18 October, I am writing to inform you that *Oberdienstleiter* [a rank in the Party hierarchy, P.L.] Brack of the Chancellery of the *Führer* has declared his willingness to participate in the construction of the required dwellings as well as the production of the gassing-apparatus. The appropriate apparatus are not available in the required quantity at present, and must first be produced. As Brack is of the opinion that the production of the apparatus would provide greater difficulties in the *Reich* than on-site, he considers it purposeful to send his people to Riga. His chemist Dr. Kallmeyer, in particular, will make all the necessary arrangements. [...] According to *Sturmbannführer* Eichmann, camps for Jews will be established in Riga and Minsk, into which Jews from the area of the *Altreich* will also possibly be brought. At the moment Jews are being evacuated from the *Altreich* who will be brought to, insofar as they are fit for work. According to this state of affairs, there are no reservations if those Jews who are incapable of work, are eliminated by the Brackian means. [...] Those fit for work, on the other hand, will be transported to labour in the East. ” Gas-chambers (here described as “dwellings” (*Unterkünfte*) were not in fact erected in Riga. Rather, so-called gas-vans were to be employed.
- ⁵ - These gas-vans were developed by the Criminal Police in autumn 1941 – parallel to the transfer of the technology of “euthanasia” to Eastern Europe. This started with Himmler’s visit to Riga in mid-August. After having an execution of Jews performed for his observation,

he demanded of Nebe, the Head of the EG B, that other methods of killing should be sought which were more “humane” than execution – methods, that is, which would put less strain on the firing squads of the SS and policemen.

- ⁶ Following this, Nebe, who was simultaneously Head of the Reich Criminal Police Office, ordered the Head of the Department for chemistry and biology of the Criminal-Technical Institute, Widmann, to Minsk. After a trial with explosives, in which a group of patients of an asylum for the mentally ill was murdered in the most gruesome manner, Widmann had a further group of patients poisoned with motor-exhaust in Mogilev in mid-September.
- ⁷ Based on this experience, the decision was made to create mobile gas-chambers for the EG’s. Already in 1940 the SK Lange had used such vehicles to murder asylum inmates in Poland. Now, however, instead of using carbon-monoxide gas bottles as previously, the exhaust of the vehicles was pumped directly into the passenger-carriage. At the beginning of November 1941, the first “testing” of such a vehicle took place in Sachsenhausen, where the Criminal-Technical Institute ran a workshop. About 30 prisoners were killed by exhaust fumes.
- ⁸ In the occupied Soviet territories, the gas-vans were first used to kill people in November or early December. By the end of 1941, probably a total of six gas-vans of the first series were deployed by the four EG’s.
- ⁹ - Around the same time, from October/November 1941 onward, the gas-vans were also deployed by the SK Lange in the Warthegau to murder of Jews. On 8 December, the killing began in Chelmno, where a permanent location of gas-vans was established – that is, a further variant of an extermination camp.
- ¹⁰ - While the mass murders were being prepared or already executed in Belzec, the Warthegau, and in the occupied Eastern territories with the help of exhaust fumes, the Commandant of the Auschwitz concentration camp took another course. In September or December 1941, 600

Soviet prisoners of war, as well as a selected 250 sick prisoners, were murdered in the basement of Block 11 of Auschwitz by means of a high concentration of the extremely poisonous disinfectant Cyclon B. At a later point, in December 1941, a further 900 Soviet POWs were murdered by means of gas.

- ¹¹ In his writings from the Krakow prison after the war, the former Commandant of Auschwitz Höß described how he had discussed the question of the most suitable poison-gas to be employed, on the occasion of a visit by Eichmann. The date of this visit is still not certain – some of his comments indicate the autumn of 1941, others point to a later date somewhere in early 1942. Höß further states that during the time that he was not in Auschwitz himself, his deputy used Cyclon B to kill Soviet POWs on his own initiative.
- ¹² In November 1941, Topf & Söhne (of Erfurt), a company specialised in the construction of crematoria, received the assignment to build an enormous 32-chamber furnace in Mogilev, White Russia. This installation was needed – so the company was told – to hygienically dispose of corpses, due to the great danger of epidemics in the East. As the site was not completed, the ovens which were no longer needed went to Auschwitz. It is possible that this crematorium-installation was in fact planned as part of an extermination camp in Mogilev, whose function was taken over by Auschwitz and the Polish extermination camps in the following months.
- ¹³ From the above one can see, that at the end of 1941 preparations were underway for the construction of extermination camps in Riga, in the area of Lodz (Chelmno), in Belzec as well as in Auschwitz, and presumably also in Mogilev, that is, in the area of Minsk. Thus extermination camps were being planned in the proximity of all the ghettos which had been chosen as the destinations for the first to the third waves of deportations from the German *Reich*. The parallels in timing between the beginning of the deportations and the preparation and installation

of the murder-machinery reflect the plan of the Nazi regime to extend the strategy of “Jew-free” (*judenfrei*) areas – already implemented in the Soviet Union – to the Polish territories. In certain regions which were of central importance in the displacement of people within the framework of the racist “New Ordering”, the elimination of the Jewish population “unfit for work” was the minimum requirement. In the preceding months, attempts on all sides to develop or improve on technologies of mass-killing by means of gas are clear indications of comprehensive preparations to extend the scale of mass murder for the near future. (In the case of Auschwitz these preparations were concerned with the Soviet POWs, and not Jewish prisoners in the first instance.) It should be emphasised, however, that at this time the plans for the systematic mass murder of the Jewish population only extended to certain regions. As previously, the intention was to deport the remaining Jews to the occupied Soviet territories after the war.

C. Regional Killing and Planning, Autumn 1941

- ¹ In Autumn 1941, the systematic planning and implementation of murder was extended by the Nazi government to four regions outside of the occupied Soviet territory. In the Warthegau the murder of 100.000 Jews was set into motion. In Serbia the entire male Jewish population was killed – insofar as they could be captured by the Germans. In the District of Lublin in the *Generalgouvernement*, concrete preparations were being made for the systematic murder of all Jews considered “unfit for work”. In addition to these three areas, there was the special case of Galicia – the part of Poland which had been occupied by the Soviet Union from 1939 until 1941, and where the SS and police units had carried out mass-executions similar to those in the other occupied Soviet areas. Although this area became part of the *Generalgouvernement* on 1 August 1941, it followed the same pattern of

radicalisation of the mass murder, as seen in the occupied areas of the Soviet Union. As in those areas, the executions were extended to the entire Jewish population.

1. The Mass murders in the Warthegau

- 1.1 Since Hitler's decision to begin with the deportation of the Jews from the "Greater German Reich" in mid-September 1941, a continuous stream of transports arrived in the utterly overfilled ghetto of Lodz, starting in mid-October. They carried a total of 25.000 Jews and Gypsies who had been forcibly removed from the *Reich*.
- 1.2 Around the same time, probably still in October 1941, the mass murder of local Jews began in the area of Konin in the southern Warthegau. In an "action" lasting several days at the end of November, 700 Jews were killed in gas-vans at the camp of Bornhagen (Kozminek) in the area of Kalisch. This was carried out by the SK Lange which had already murdered thousands of mental asylum inmates in gas-vans in 1939/1940, and again in June/July 1941. In October 1941, Lange's unit was called to Novgorod by Himmler in order to kill the patients of mental asylums there. Lange's driver testified that he had been told to chauffeur Lange around the Warthegau in the autumn of 1941, in order to find a suitable place for a stationary murder-installation. After a suitable building had been found in Chelmno, Lange's unit started killing Jews there with the use of gas-vans on 8 December. At first, mainly local Jews who had been deported from various areas of the Warthegau to Chelmno were killed. From January 1942 onward, however, predominantly Polish Jews from the ghetto of Lodz were put to death at Chelmno.
- 1.3 A letter of the governor *Reichsstatthalter* of the Warthegau Greiser of 1 May 1942, gives important evidence in the reconstruction of the decision to carry out the mass murder of Jews in the Warthegau. In this letter to Himmler, Greiser writes that the "special treatment of around

100.000 Jews in my district [which was] authorised by you in agreement with the Head of the *Reichsicherheitshauptamt SS Obergruppenführer* Heydrich” could be “completed in the next 2-3 months”. If Himmler and Heydrich had to “authorise” (*genehmigen*) this mass murder, then it is to be assumed that this suggestion was of Greiser’s making. The murder of the 100.000 people (Polish Jews “unfit for work”) which Greiser demanded of Himmler, was hence presumably the “quid pro quo” for the approximately 25.000 Jews and Gypsies (instead of the 60.000 originally proposed by Himmler) who were to be taken up in the ghetto of Lodz in October/November 1941.

2. Preparations for the Regional Mass murder in the *Generalgouvernement* and in the District of Lublin

- 2.1 From early 1941, the government of the *Generalgouvernement* had been working under the assumption that the Jews in their area would be deported to the conquered Soviet areas in the near future. In a private conversation of 13 October 1941, Frank renewed his suggestion to Rosenberg to deport the Jewish population of the *Generalgouvernement* into the occupied Eastern Territories. Rosenberg responded that there was no possibility of the implementation of such resettlement-plans at the moment. For the future, however, Rosenberg expressed his willingness to “promote Jewish emigration to the East, seeing that the intention to send all asocial elements of the *Reich* to the thinly inhabited Eastern Territories exists.” From this point onward, the government of the *Generalgouvernement* began to think about a “Final Solution” to the “Jewish Question” on its own territory.
- 2.2 A series of meetings of the government of the *Generalgouvernement* was of great consequence for the general radicalisation of policy with respect to the Jews in this area. These were arranged in the district capitals by Frank, immediately following his return from the *Reich* (14-16 October in Warsaw, 17 October in Globocniks district Lublin, 18 October in Radom, 20 October in Cracow, and for the first time in Lemberg,

21 October.) At the meeting in Lublin on 17 October, the Third Regulation Concerning Restrictions on the Right of to Leave in the *Generalgouvernement* was discussed. This regulation stated that leaving the ghetto was to be punished by the death penalty. It was issued only a few days later. On 20 October, at the government meeting in Cracow, Governor Wächter indicated “that an ultimate radical solution of the Jewish Question is unavoidable, and that no allowances of any kind – such as special exceptions for craftsmen – could be taken into consideration.” At the meeting of 21 October in Lemberg, the Head of the Chief Department for the Interior of the government of the *Generalgouvernement*, Eberhard Westerkamp announced, that “the isolation of the Jews from the rest of the population” should be carried out “as soon and as thoroughly as possible”. On the other hand, he pointed out that “the government order has prohibited the establishment of new ghettos, since there was hope that the Jews would be deported from the *Generalgouvernement* in the near future”, despite Rosenberg’s assertion only a few days earlier that this “hope” was an illusion.

- 2.3 While the treatment of the “Jewish Question” at these meetings indicated that the government of the *Generalgouvernement*. followed a unified anti-Jewish policy throughout the region under its control, two districts were to take the lead in the implementation of the “Final Solution”.
- 2.4 The fact that Galicia was absorbed into its territory on 1 August – an area in which mass-executions had taken place on a large scale and continued to do so – played an important role in the preparations for the “Final Solution” in the *Generalgouvernement*. The EK z.B.V. – which had been deployed in this area and which came under the administration of the Commander of the Security Police in the District of Galicia once Galicia had joined the *Generalgouvernement* – focussed its operations first against a vaguely-defined Jewish elite. From the beginning of October, however, the Security Police began to kill the Jewish population indiscriminately in Galicia as well. On 6 October in Nadvorna,

about 2000 women, men and children were murdered by members of the outpost Stanislau of the Commander of the Security Police in Galicia. According to a statement of the Chief of the Security Police in Stanislau, Krüger, this “action” had been planned down to the last detail, at a meeting with the Commander of the Security Police in Lemberg. From the beginning of October, massacres of this type were carried out almost every week. One particular massacre which deserves special notice was the so-called “Blood Sunday of Stanislau”. On 12 October 1941, 10.000 to 12.000 Jews were murdered. The Security Police of Galicia hence followed the same pattern of radicalisation – independent of the political subordination of the district – as the units in the occupied Eastern Areas. These mass executions necessarily radicalised the anti-Jewish policy throughout the *Generalgouvernement*.

- 2.5 Concrete preparations for the mass murder of Jews in the *Generalgouvernement* had also been underway since October in the district of Lublin, neighbouring on Galicia. This was the territory which had been foreseen as a “Jewish reservation” in 1939, and which in Spring, 1942 was to serve as a receiving area for the third wave of deportations from the *Reich*, as well as for deportations from Slovakia.
- 2.6 The SS and Police Leader of the district of Lublin, Odilo Globocnik, played a key role in the murder of Jews in this district. On 13 October, Globocnik met Himmler to speak to him about his proposal dating back two weeks earlier, to limit the “influence of the Jews”. According to this proposal, “security-political steps” against the Jews were required. It is presumably at this meeting that Globocnik received the assignment to build the Belzec extermination camp.
- 2.7 This can be taken from the fact that, at the beginning of November, two to three weeks after this meeting, and after the “Jewish Question” had been discussed by the government of the *Generalgouvernement* at several meetings, work began on the construction of the first extermination

camp Belzec, a relatively small grouping of barracks. By the end of the year, the delegated euthanasia personnel of the T4 Organisation had arrived in Lublin.

- 2.8 The fact that the killing-capacity of Belzec was still limited (it was to be considerably expanded early the following year), and that the construction of the remaining extermination camps in the *Generalgouvernement* only started early in 1942, indicates that, in autumn 1941 Globocnik had not as yet received the order to prepare for the killing of all Jews in the *Generalgouvernement*. His assignment thus presumably extended to the district of Lublin, and possibly also the district of Galicia.

3. The Mass murders in Serbia

- 3.1 On 22 June 1941, the day of the attack on the Soviet Union, the German military administration of Serbia arrested all leading communists, as well as persons that had fought against Franco in the Spanish civil war. The Jewish community of Belgrade was forced to provide a further 40 hostages daily. In “reprisal” for acts of resistance, there were almost daily shootings of hostages, communists and Jews held in German custody. In August, the arrests were extended to all Jewish men. As in the Soviet Union, the “measures of retaliation” in Serbia were thus directed against the image of the enemy as “Jewish Bolshevism”. Despite the shootings, the Serbian resistance against the occupying power continued to grow. After 22 German soldiers were killed in a further attack, the General in command in Serbia, Böhme, ordered on 4 October “the immediate shooting of 100 Serbian prisoners for each German soldier killed”, as a measure of “retaliation and punishment”. According to Böhme, the prisoners of the concentration camps Sabac and Belgrade – “mainly Jews and communists”, in particular – should be executed. About 2000 Jews and 200 Gypsies from these concentration camps were in fact killed, between 9 and 13 October. Böhme’s policy of directing his “retaliation measures” against Jews in the first

instance was explicitly supported by Luther, the Head of the German Department of the Foreign Office, and the specialist on Jewish Questions of the RSHA, Eichmann: in a letter of 16 September, Luther had directed the representative of the Foreign Office in Belgrad to treat the sum of the imprisoned Jewish men as hostages, and during a telephone conversation with the Department for Jewish Questions of the Foreign Office on 13 October 1941, Eichmann recommended that the entire group of persons in question should be shot.

- 3.2 On 10 October, Böhme issued the general command “to shoot 100 prisoners or hostages for every German soldier or ethnic German (man, women or child) killed or murdered”, and “50 prisoners or hostages for every wounded German soldier or ethnic German”. “Immediately” to be arrested as hostages were: “all Communists; all inhabitants suspected as such; all Jews to a man; a certain number of nationalistically and democratically minded inhabitants”.
- 3.3 In accordance with this scheme, a further 2200 men were shot a few days later, Jews and Gypsies once more among them. This was in response to 10 casualties and 24 wounded in battle of the *Wehrmacht* forces. In the two weeks following the order of 10 October, *Wehrmacht* units shot more than 9000 Jews, Gypsies and other civilians. By the beginning of November, 8000 Jewish men had been executed by the firing squads. The families of those murdered were interned in concentration camps during the winter, and murdered early in the next year in gas-vans.

D. Pronouncements by Leading National Socialists on the Exterminations

- 1 While the regional mass murders were being effected in the autumn of 1941, the pronouncements of leading representatives of the regime which openly addressed the impending “annihilation” of the Jews, were becoming ever more frequent. At Hitler’s “Table Talk” of 25 October, after having once again made reference to his “prophecy” of 30 Janu-

ary 1939, he made the following remarks: “This criminal race has the two million dead from the World War on its conscience, now again hundreds of thousands. No one can say to me: we can’t send them in the morass! Who then cares about our people? It is good if the terror we are exterminating Jewry goes before us.”

- ² In a lead article of the journal “*Das Reich*” of 16 November 1941, Goebbels returned to the subject of Hitler’s prophesy of 30 January 1939 under the title “The Jews are to Blame” (“*Die Juden sind schuld*”): “We are now experiencing the fulfilment of this prophesy; and Jewry is inspired by a fate which, although hard is still more than deserved. Here compassion or regret is completely amiss.”
- ³ His formulation, that “World Jewry” is “now” succumbing to “a gradual process of extermination”, made clear the fate which awaited the Jews who were being deported from the German cities for the past few weeks. Two days later, Rosenberg spoke at a press conference of the Ministry of the Eastern Territories of what was to come – the “eradication” of the Jews of Europe: “There are still about six million Jews in the East and this question can only be solved through a biological eradication of all of Jewry in Europe. The Jewish Question will only be solved for Germany, when the last Jew has left German territory; and for Europe, when there is no longer a Jew left standing on the European continent – up until the Urals [...] And for this it is necessary to push them over the Urals, or otherwise eradicate them.”
- ⁴ One day after declaring war on the USA, on 12 December, Hitler held a speech before the district (*Gau*) and Reich leaders) of the Party. Referring once more to his “prophesy” of 30 January 1939, he announced the “extermination” of Jews under German domination. This can be found in the Goebbels diaries: “As concerns the Jewish question, the *Führer* is determined to make a clean sweep. He had prophesied to the Jews that if they once again brought about a world war they would experience their own extermination. This was not just an empty phrase.

The World War is there, the extermination of Jewry must be the necessary consequence. This question must be seen without sentimentality. We are not here in order to have sympathy with the Jews, rather we sympathise with our own German people. If the German people has now once again sacrificed as many as 160.000 dead in the Eastern campaign, then the authors of this bloody conflict must pay with their lives.”

- 5 Thus at the end of 1941, leading National Socialists were urging to extend the mass murders started in the occupied areas East and South East for the purpose of a general annihilation of the Jews.

E. The Wannsee Conference

- 1 The Wannsee Conference of 20 January 1942 served Heydrich in his intention to present the mass murders in the various occupied areas, as part of a general plan – ordered by Hitler and directed by the RSHA – for the “solution of the European Jewish Question”. The presence of a number of high-ranking functionaries of the Party and the SS, as well as leading ministerial officials, allowed Heydrich to implicate these groups and especially the ministerial bureaucracy, by virtue of their knowledge and responsibilities as accomplices.
- 2 The central passage of Heydrich’s address concerning the general aims of the future “Jewish Policy” is as follows: “A further possible solution instead of emigration has come up. After appropriate approval by the *Führer*, the evacuation of the Jews to the East has stepped into its place.”
- 3 These “actions” – that is, the deportations which had already commenced – are merely “possible alternatives “ They were, however, “of vital importance in view of the impending Final Solution of the Jewish Question” due to “the practical experiences gathered”. Heydrich thus clearly distinguished two time periods: the “impending Final Solution”, and the provisional measures for the near future – “possible al-

ternatives". The coming "Final Solution", according to Heydrich, concerned a total of 11 million Jews. This figure was broken down according to country in a statistical addendum to the protocol. This list not only includes Jews living in areas under German control, but also those of Great Britain, Ireland, Portugal, Sweden, Switzerland, Spain and Turkey. Included in the 700,000 Jews figured for unoccupied France, are those of the North African colonies. Heydrich thus clearly separated the programme of deportations already set into motion from a far more comprehensive plan. The execution of the latter was said to be "dependent on the military development", and could only be fully realised after a German victory. According to the protocol, Heydrich made the following remarks concerning the "Final Solution": "Under the appropriate direction, the Jews shall now be put to work in the course of the Final Solution. Organised into large work gangs and segregated according to sex, those Jews fit for work will be led into these areas as road-builders, whereby, no doubt, a large part will fall out by natural elimination. The remainder who will survive – and they will certainly be those who have the greatest power of endurance – will have to be dealt with accordingly. For, if released, they would, according to the natural selection of the fittest, form the seed of a new Jewish regeneration."

- 4 Initially, the Jews should be brought to "transit-ghettos", in order to be "transported from there further to the East".
- 5 Heydrich thus developed the conception of a gigantic deportation programme which would only be fully realisable in the post-war period. The Jews who were deported "to the East" were to find death through forced labour. In the case that they should survive these trials, they would be murdered. The fate of those "unfit for work" – the children and mothers in particular – was not further elucidated by Heydrich. In the context of his speech as a whole, however, it is clear that these too were to be killed. For as Heydrich said, he wanted to prevent the "seed of a new Jewish reconstruction" at all costs. Heydrich continued, that

“in the process of carrying out the Final Solution, Europe would be combed through from the West to the East.” The *Reich*, including the *Protektorat*, should be “first”. Here once more, the distinction is being made between the “Final Solution” realisable in the long-term, and the already implemented, smaller, “anticipated” steps. Jews over the age of 65, Heydrich went on to say, should be removed to an old-peoples ghetto or *Altersghetto* (Theresienstadt). This special regulation for the elderly, was designed to lend the idea of a labour programme in the East, a degree of added plausibility.

- ⁶ Heydrich’s exposition indicates that the RSHA was at this time still proceeding according to the plan followed since the beginning of 1941, of implementing the “Final Solution” after the end of the war in the Eastern Areas. Heydrich also made clear what was understood by the “Final Solution”: the Jewish people were to be annihilated through a combination of forced labour and mass murder. The fact that precisely forced Jewish labour was gaining importance at the turn of 1941/1942, speaks in favour of taking Heydrich’s remarks literally. On the other hand, there is no evidence to suggest that there were already plans at this point in time to deport the Jews straight out of Central and Western Europe into extermination camps. On the contrary, the first deportations from non-German countries (Slovakia and France) which began in early 1942, as well as the simultaneous “third wave” of deportations from the *Reich*, were not to lead directly to the gas-chambers of the extermination camps. Neither immediately before nor after the Wannsee Conference, but only in late Spring 1942 was the capacity of the extermination camps suddenly and hurriedly expanded.
- ⁷ On the one hand, the protocol of the Wannsee Conference, makes it clear that a post-war solution was being adhered to. At the same time, however, the proposal was debated, whether the Jews in the *Generalgouvernement* and the occupied Soviet Areas should be exempted from this general plan, and killed in the short-term.

- ⁸ Already five weeks prior to the Wannsee Conference *Generalgouverneur* Frank had learned that the deportation of the Jews from the *Generalgouvernement* could not be counted on, even in the middle to long-term. He drew the consequences of this knowledge at a meeting on 16 December: “In Berlin they told us: what is the point of this trouble; we can’t do anything with them in *Ostland* or in the territory of the *Reich* either; liquidate them yourselves! Gentlemen, I must ask you to arm yourself against all considerations of compassion. We must annihilate the Jews, wherever we meet them, and wherever it is at all possible, in order to uphold the entire structure of the *Reich*.”
- ⁹ The method and time-frame for this mass murder were still open in mid-December 1941, as can be gleaned from Frank’s further remarks: “These 3.5 million Jews cannot be shot, we cannot poison them; we will however be able to make anticipatory steps, which will somehow lead to a successful extermination – in the context of the large measures from the perspective of the *Reich* – to be discussed. The *Generalgouvernement* must become just as free of Jews as is the *Reich*.. Where and how that happens is a matter for the authorities which we must create and employ, and whose usefulness I will report on to you in due course.”
- ¹⁰ The determination of the government of the *Generalgouvernement* to achieve this “successful extermination” in the short-term within the *Generalgouvernement* itself, is the background to the remarks of the representative of the government of the *Generalgouvernement*, Secretary of State (*Staatssekretar*) Bühler, near the end of the Wannsee Conference. He stated that “the *Generalgouvernement* would welcome the commencement of the Final Solution of this question in the *Generalgouvernement*, because the problem of transportation does not play a decisive role, for one, and that problems related to labour would not obstruct the course of this action. “ Added to this, the approximately 2.5 million Jews who were to be removed from the *Generalgouvernement*

“as soon as possible”, were overwhelmingly “unfit to work”. Bühler followed this with a clear proposal to murder the majority of the Jews of the *Generalgouvernement* in the *Generalgouvernement* itself.

- 11 Following on from this, the question of how to then “eliminate” the Jews of the *Generalgouvernement* and the occupied Soviet Areas was discussed – this is to say, a discussion of the concrete methods of murder ensued: “In the concluding discussion different possible solutions were talked about. *Gauleiter* Dr. Meyer [the representative of the Ministry for the occupied Eastern Territories, P.L.] as well as *Staatssekretar* Dr. Bühler represented the position that certain preparatory measures in the course of the Final Solution should be carried out in the relevant areas themselves, whereby however, the disquieting of the population must be avoided.”
- 12 The protocol, however, doesn’t give any evidence that the proposals of Meyer and Bühler were decided at the conference itself.

F. Extension of the Deportations

- 1 After the Wannsee Conference, the RSHA continued the planning of the deportation of the Jews in the Greater German *Reich* and expanded it to a first European deportation programme which encompassed a total of six states in the first instance.
- 2 In a express letter to the head and subsidiary offices of the *Gestapo* of 31 January, Eichmann made clear that “the recent evacuations of Jews from individual areas to the East” provided “the beginning of the Final Solution of the Jewish Question in the the *Ostmark* and in the *Protektorat* Bohemia and Moravia “
- 3 In a discussion between Eichmann and representatives of the head offices of the *Gestapo* of 6 May, it becomes clear that a further *Reich* -wide deportation programme had been set up within the RSHA: what Heydrich had already announced in November 1941 as “the third wave”. Eichmann explained that in the course of this next programme, 55.000

Jews would be deported from the territory of the *Reich* inclusive of the *Ostmark* and the *Protektorat*. He also announced that most of the remaining Jews of the *Reich* would most likely be forcibly removed to Theresienstadt in the course of the Summer or Fall. Theresienstadt was being cleared at that time.

- ⁴ Within the framework of this third wave of deportations, Jewish people from different parts of the territory of the *Reich* – from Vienna as well as Theresienstadt – would be forcibly removed between March and June 1942. These would be brought to the District of Lublin – especially to Izbica, Piaska, Zamocs and Trawniki. The inhabitants of these ghettos had been deported to the extermination camp Belzec shortly before. As a rule, the deportation-trains from the *Reich* stopped in Lublin, where those men “fit for work” were separated out in order to be put to work in the forced labour camp at Majdanek.
- ⁵ There is conclusive proof of 43 transports, which as a rule carried 1000 people each. There are however indications of further transports, amounting to a probable 60 trains in all.
- ⁶ The pattern of the deportation of Central European Jews and the extermination of the Eastern European Jews followed the same procedure as the first two waves of deportations in Fall 1941 and the following Winter. The living conditions in the ghettos in the District of Lublin led to a miserable death for the great majority of the deportees within few months of their arrival. Those who survived the conditions of the ghetto were generally deported to extermination camps in the *Generalgouvernement*. In March 1942, the deportations were also extended to two countries outside of the German *Reich*.
- ⁷ According to an agreement with Slovakia, young Jews who were “fit for work” were deported to Majdanek in the district of Lublin and to Auschwitz. Directly after this programme was introduced, following a request of the Germans, the Slovakian government declared their willingness to deport all Slovakian Jews (close to 90.000 people). The de-

portation of families was started 11 April. By June, 11 trains had arrived in Auschwitz and a further 28 had gone to ghettos in the district of Lublin, or the camp at Majdanek.

- ⁸ In France, the military administration had decided in December 1941 to send the first transport with hostages of 1000 Jewish men to the East. This transport had been organised since January 1941, but had not been sent off due to lack of a means of transportation.
- ⁹ After Eichmann had agreed to the deportation of these 1000 people on 1 March, a discussion within the RSHA of 4 March resulted in a decision to propose the deportation of a further “appr. 5000 Jews to the East” to the French government. This was recorded by Dannecker, the expert for Jewish questions of the *Gestapo* in Paris. Dannecker also told the Embassy staff-member in charge of Jewish affairs Zeitschel, that Heydrich had agreed that, after the deportation of the first 1000 people, “a further 5000 Jews would be transported in the course of 1942” and that he had “agreed that further even larger transports could be carried out.” While the first transport – which left on 27 March and arrived in Auschwitz 30 March – was still declared a repressive measure against the French resistance, the coming “hostage-transports” were to be part of the course of a concrete programme of deportations.
- ¹⁰ The deportation of 5000 people to Auschwitz, which Heydrich had announced at the beginning of March, was carried out between 5 June and 17 July. These five transports – as the transports of families from Slovakia which started in April – were at this point already part of the first European-wide deportation programme of the RSHA. An important piece of evidence as to the existence of this programme is found in a note from the office of the Slovakian prime minister Tuka, dated 10 April, concerning a visit by Heydrich. On this occasion, Heydrich explained to Tuka that the planned deportation of Slovakian Jews was only “a part of the programme”. At the time, there was an “resettle-

ment” of altogether “1/2 million” Jews “out of Europe to the East”. Aside from Slovakia, the *Reich*, the *Protektorat*, the Netherlands, Belgium and France were also affected.

- 11 On 11 June 1942, a discussion took place in the Department for Jewish affairs of the *Reichssicherheitshauptamt*. The German experts on Jewish affairs stationed in Paris, The Hague and Brussels gathered to discuss the occupied Western European part of the general European deportation programme. Dannecker, the expert for Jewish affairs of the *Gestapo* in Paris, made a note to himself stating that Himmler had given the order to “provide larger quantities of Jews to the Auschwitz concentration camp, to increase the work-force. This is on the primary condition that the Jews (of both sexes) be between 16 and 40 years old. 10% who are not fit for work can be sent with them. “
- 12 According to Dannecker's note, 15.000 Jews were to be deported from the Netherlands, 10.000 from Belgium and 100.000 from France, starting 13 July.

G. Mass murder in the Districts of Lublin and Galicia

- 1 Preparations for the “resettlement” of Jews from the Districts of Lublin and Galicia can be traced back to January 1942. By this time this was clearly a euphemism for their planned mass murder. In mid-March, the liquidation of the Lublin ghetto marked the beginning of the systematic murder of those Jews “unfit for work” of the District of Lublin, which had been in planning since the decision to build the extermination camp Belzec in Fall 1941. The bloody liquidation of the ghettos and the deportations to Belzec thus started precisely at the time that the deportation-trains were arriving in the area of Lublin from the *Reich* and Slovakia. Just as had happened the previous year in the Warthegau, and like the mass-executions in the ghettos of Riga and Minsk in November and December 1941, the local Jews were murdered in order to make “room” for the deported Jews. The presence of Himmler in Lublin on 14 March, two days before the clearing of

the ghetto, shows the prevailing interest the RFSS had taken in the “Jewish Policy” in the District of Lublin. At the same time as the mass murder commenced in the District of Lublin, in mid-March 1942, the liquidation of the ghettos and deportations began in the District of Galicia. The escalation of the extermination policy in this district should not be seen in the context of the programme of deportation in Central Europe. Rather, it should be seen in relation to the mass murders in the Soviet Union. This area had been occupied by the Soviet Union between 1939 and 1941, and was conquered by the *Wehrmacht* in 1941. Since the summer of 1941, and with increased force in October 1941, mass executions had taken place. Already by the end of 1941, more than 60.000 people had been killed in this area.

- ² The remark in the Goebbels’ diaries that, one could “well state, that 60% must be liquidated while only 40% can be put into work”, is revelatory of the policy of extermination in both of these districts.
- ³ At the same time as the deportations proceeded from the Districts of Lublin and Galicia in mid-March 1942, the murder of those Jews who had survived the retribution actions of the past Fall was initiated. The RSHA informed the Commander of the Security Police in Belgrad of the impending arrival of a gas-van. With aid of this vehicle, about 500 men as well as about 7000 women and children who had been imprisoned in the Belgrade camp of Sajmiste, were murdered before the beginning of May 1942. About 90% of all Jews living in Serbia were thereby killed. In Serbia the German procedure followed the same schema as in the Soviet Union, only somewhat transposed: first the Jewish men were shot under the pretext of “retribution”, while in a later phase all of their relations were killed in accordance to plan.

H. Conclusions

- ¹ We can now establish that between Autumn 1941 and early 1942, while the killing of Jews in the occupied Soviet Areas continued unabated, further mass murders were being prepared or already ex-

ecuted in various further areas under German occupation. This proceeded in a thoroughly systematic manner: the relevant regional institutions tried to kill, via a certain method of murder a substantial part of the Jewish population within their own region in accordance with a uniform plan. In the Warthegau the initiative was in the hands of the governor Greiser, who had received Himmler's authorisation to murder 100.000 persons, and proceeded to do so with the aid of gas-vans. The murder of the Jews "unfit for work" in the Districts of Galicia and Lublin – by means of a stationary gas-chamber – was committed under the auspices of the SS and Police Leader in Lublin, Globocnik. In Serbia it was the *Wehrmacht* in the first instance, which had the Jewish men killed by mass-execution; then the initiative went over to the Security Police, which murdered the remaining Jewish population by means of gas-vans. In all these cases, one is dealing with programmes of extermination which proceeded according to a systematic plan.

- ² These regional programmes of extermination must not be seen as campaigns by the regional authorities carried on their own initiative which proceeded independently of one another. The programmes of extermination were much more constituent parts of a higher and centrally organised policy.
- ³ The mass murders in the Warthegau and the District of Lublin proceeded in the context of a more comprehensive programme of deportations. This programme, first applied to the German *Reich*, was extended to Slovakia and France from early 1942 onward, and was to encompass the whole of Europe according to the planning of the Nazi leadership. The regional murder-campaigns were calculated to "make room" for the first wave of deportations in the respective areas. Greiser and Globocnik thus did not act autonomously, but sought the agreement of Himmler before they started the preparations for the mass murders in Chelmno and Belzec. The policy of extermination policy in Serbia – in which mass-executions were followed by the introduction of gas-vans – was no singular development. It followed the pattern of

the German policy in the Soviet Union, albeit somewhat transposed. The Commander of the *Wehrmacht* Böhme began the executions of Jewish men only once the appropriate go ahead had been received from the RSHA and the Foreign Office. The mass-executions in Galicia were at first a constituent part of the extermination policy in the occupied areas; later, the deportations to Belzec followed the same murder methods as had been applied in the neighbouring district of Lublin.

- ⁴ An important common characteristic of the operations in all of the four regions (the Warthegau, Lublin, Galicia, and Serbia), was thus the use of gas in the killing of people. Killing by means of gas was part of an overall policy which can also be shown to apply to Auschwitz (Cyclon B) and the occupied Soviet Areas (gas-vans) in the Winter of 1941/1942.

IV. The Escalation of operations in Early 1942

- ¹ A further escalation of the extermination policy can be observed in the period between May and June 1942. Previously the mass murders had been restricted to individual areas and had been represented as responses to problems arising in these areas by the responsible authorities. Now the politics of extermination was extended to the entire area under German domination. Until By the middle of 1942 a new conception had gained acceptance with the authorities: the regionally limited advances towards the “Final Solution”, which was previously intended to be accomplished in its full scope only after the end of the war, were now understood to enable the achievement of the “Final Solution” during the course of the war. This was to be achieved through an intensification and expansion of the killings, and by means of the killing -machinery originally intended for mass murders in the separate regions.

- ² - At the end of May/June, 1942, the systematic mass murders of Jews in the Districts Lublin and Galicia were extended to all Districts of the *Generalgouvernement*. The killing of the great majority of Polish Jews carries with it all the typical characteristics of an operation executed according to plan. Relevant here is that when HSSPF Krüger was appointed State Secretary for Security (*Staatssekretär für Sicherheitsfragen*) in May, an order of 3 June regulating his new position, gave him the mandate to take charge of all “Jewish Affairs” (*Judenangelegenheiten*). In May, the extermination camp Sobibor was opened, while Belzec was closed temporarily to enable an enlargement of its killing capacity. In May, or in June at the latest, the construction of a third extermination camp, Treblinka, had begun in the District of Warsaw. In the District of Lublin, systematic deportations from the localities began in May, independently of the arrival of transports from Central Europe. From the beginning of May, the transports from the District of Cracow to Belzec were started. The start of deportations from the other districts was delayed due to a barring of transportation which was imposed in mid-June. At a meeting dealing with police matters in Cracow on 18 June 1942, there was general agreement that “the problem of Jewish resettlement pushes us to make a decision”, as HSSPF Krüger put it. After the bar on transportation had come to an end, the “Jew-action should be carried out with greater intensity”. The deportations from the District of Cracow to Belzec were resumed in July immediately following the lifting of the bar on transportation. Between 22 July and 12 September, approximately 250.000 people were deported from the Warsaw Ghetto to Treblinka, where they were murdered. At the beginning of August, the deportations from the District of Radom to Treblinka began.
- ³ - Likewise in mid-May, the systematic murder of the Jews of annexed Upper-Silesia was started. In the course of May and June, thousands of Jews were deported to Auschwitz to be murdered by means of gas immediately after their arrival.

- ⁴ - In May 1942, a fourth wave of deportations from the *Reich* was set into motion. The transports to Minsk were begun again, to which around 26.000 people were brought from the area of the “Greater German Reich” in 23 transports between May and September. The modus operandi of the extermination was new, however. The deportees were no longer imprisoned in ghettos. Instead, the trains went on to a station near the estate of Maly Trostinez. There almost all of the deportees were shot on the spot or murdered in gas-vans. In the period between August and December the remaining transports of the fourth wave of deportations from the *Reich* went, almost without exception, straight into the extermination camps of Auschwitz and Treblinka.
- ⁵ - Likewise, the Jews arriving from Slovakia and the District of Lublin, were no longer brought to ghettos from June onward, but were deported straight to the extermination camps of Sobibor. – The new level of escalation of early 1942, led to the abandoning of the concept of “transit-ghettos” for Jews coming out of Central Europe. This further radicalisation also had the consequence that between 4 and 15 May, the Jews who had been deported to Lodz from Central Europe the previous Fall – those almost 11.000 people who had survived the devastating conditions of life in the ghetto – were murdered by gas-vans stationed in Chelmno.
- ⁶ - From mid-July the programme of deportations from Western Europe had been set in motion. These transports went to Auschwitz. The trains from Slovakia had also now been redirected to Auschwitz, just as the first of the fourth wave trains from the *Reich*. After the completion of provisional gas-chambers in two farm houses (Bunkers I and II), the method first introduced in May in Minsk and in June in Sobibor was now begun in Auschwitz on 4 July. Starting with the transports from Slovakia, the SS went over to murdering the majority of the deported in the gas-chambers, immediately after a “selection” had taken place on the ramp.

- ⁷ In July, after the bar on transportation had been lifted, the European-wide programme of deportations and killings had thus come into operation in its full compass. Himmler, immediately after he had convinced himself that the programme of extermination was functioning during an inspection tour in July, established a concrete schedule demanding the extermination of the Jews of the *Generalgouvernement* on 19 July; by the end of the year, the Jews of the *Generalgouvernement* were to be killed, excepting only a small remaining group of Jews “fit for work”, who were to be placed under the control of the SS. Himmler’s demand had immediate repercussions on the deportations in the *Generalgouvernement* where from 22 July onward, 5000 people a day had been deported from Warsaw alone to the extermination camp at Treblinka.
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V. The machinery of mass murder in full operation (1942-1944)

- ¹ As has been stated above, in July 1942 a comprehensive programme to systematically murder the Jews in the areas under German control had been implemented.
- ² The organisation of the individual elements of this programme into a system designed for complete extermination is indisputable. It has been exhaustively described in the relevant scholarly literature, summarised for example in comprehensive texts such as those written by Gerald Reitlinger, Raul Hilberg or Leni Yahil.
- ³ This programme was instituted in the various countries under German control in separate intervals following different tempos: the basic elements however, were always the same. This system can be characterized as follows:

- ⁴ The Germans first assured that certain basic preconditions were met before beginning the deportations in the individual countries and areas under their influence. Jews had first been defined, ear-marked, and deprived of their rights and property. Mobility was restricted: they were either forced to live in ghettos (as in Poland) or in specifically designated housing (as in Germany). They were forced to join a designated Jewish organisation which took the responsibility for transmitting the orders of the German authorities to the Jewish population. In Germany, for example, it was the Reich organization of the Jews in Germany (*Reichsvereinigung der Juden in Deutschland*), in France the General association of Jews in France (*Union Generale des Israelites de France*) and in Belgium the Association of Jews in Belgium (*Association des Juifs en Belgique*); the Jewish councils (*Judenräte*) in the Polish ghettos served the same function. In his key book, *The Destruction of the European Jews*, Raul Hilberg has described in detail the step by step process of the isolation and the deprivation of rights of the Jews in different countries under German control; he details how the Jews came to be placed at the mercy of the German machinery of destruction.
- ⁵ When the deportations to the extermination camps began, Jews were assembled and/or arrested and forced to remain in the transit camps or collection points. This was in order to make sure that enough people were available for a transport. Collection points of this sort were set up in places like the exhibition halls in Cologne, the dance hall “Clou” in Berlin or in the theater “Joodsche Schouwburg” in Amsterdam; larger transit camps were set up, for instance, in Compiègne and Drancy in France, Westerbork and Vught in the Netherlands or in Fossoli de Carpi in Italy. These are also described, for instance, in Hilberg’s book and in numerous detailed studies about the fate of the Jews in individual countries.
- ⁶ From the collection points and transit camps the Jews were deported in trains to the extermination camps in occupied Poland. The deportation from the individual countries (with the exception of Poland and

the USSR) was centrally organized by the Department for Jewish Affairs of the Reich Security Office. The death toll during the transports - carried out mostly in freight cars- was so high that the deportation itself can be seen as part of the system of murder.

- ⁷ Jews deemed “fit for work” were as a general rule not murdered immediately but selected either before the deportation, during the course of the deportation (when trains were stopped near labour camps – for instance in Lublin, near Majdanek or in Kosel, in Upper Silesia) or at the final destination, in particular in Auschwitz. Jews labelled “fit for work” were usually subjected to heavy and exhausting labour under completely inhumane conditions. Life expectancy for a Jewish prisoner assigned to hard labour was generally only a few weeks, seldom more than a few months. The SS invented the expression “annihilation through labour” (Vernichtung durch Arbeit) for this method of exploiting people to the point of death. “Annihilation through labour”, along with murder by execution commandos and in gas chambers became an important element in the comprehensive murder programme of the SS.
- ⁸ Those Jews who were not defined as “fit for work” were generally murdered immediately after arrival in the extermination camps. In the following extermination camps Jews were murdered in large numbers in gas chambers:
- ⁹ - Auschwitz-Birkenau: here between February, 1942 and January, 1945, Jews were murdered. They came from the Netherlands, Belgium, France, Greece, Italy, Slovakia, Germany, the Protectorate of Bohemia and Moravia, Hungary and Poland. (See details in Jan van Pelt's expert report on Auschwitz).
- ¹⁰ - Belzec: here between March, 1942 and December, 1942, 500 to 6000,000 victims from Poland, France, the Netherlands, Germany and Greece were murdered.

- ¹¹ -Treblinka: here alone between July 23 and August 28, 1942 at least 245.000 victims from the Warsaw Ghetto were murdered; up to the fall of 1943 altogether more than 800,000 Jews were killed. This included apart from Polish Jews also Jews from the Bialystok area), Slovakia, Greece and Macedonia.
- ¹² - Sobibor: here between May, 1942 and September, 1943 between 150.000 and 250,000 Jews men from Poland, Slovakia, France, the Netherlands and the Soviet Union were murdered.
- ¹³ - Chelmno: In Chelmno, a station for gas vans, at least 150,000 Jews, mostly Polish Jews from the Warthegau, but also Jews from Germany and the Protectorate were killed between December 1941 and March, 1943.
- ¹⁴ Further, a gas chamber was built in the concentration camp of Maidanek. Among the approximate 60,000 Jewish victims in this camp, a significant number were murdered by the use of gas.
- ¹⁵ The murder of the Jews in the occupied Soviet Union followed a different pattern: they were generally not transported to extermination camps but executed or murdered in gas vans.
- ¹⁶ Those Jews not immediately killed or subjected to forced labour were also mostly victim to the systematic policy of annihilation. Thus for example, in the so-called "Operation Thanksgiving" (*Operation Erntefest*) on 3 and 4 November 1943 most of the surviving Jews in the district of Lublin were shot in the camps in this district, altogether over 42,000 men. Similarly, in the course of the clearing of the ghettos, forced labour camps and concentration camps Jewish prisoners were killed on the spot in a large number of cases.
- ¹⁷ Further, the efforts of the Nazis to destroy all traces of the extermination programme were systematic. As of the Summer of 1943, the corpses of those murdered in the course of the previous "murder actions" were dug up and burned in a special "action" (Aktion 1005) by

the Special Commando of the German police. The camps of “Aktion Reinhard” as well as the extermination camp Chelmno were methodically destroyed. Traces of the extermination process were removed when possible. The complete destruction of the concentration and extermination camps of Majdanek and Auschwitz was averted only because of the unexpectedly rapid advance of Soviet troops.

- 18 The systematic character of the Nazi murder of the Jews becomes all the more apparent when it is observed how one country after the other was pulled into the policy of extermination. The first measures affected Slovakia and France.
- 19 In February, 1942, the Foreign Office requested that the Slovakian government make 20.000 Jewish workers available to the Reich. In March, the Slovakian government declared its willingness, in accord with a further German request, to deport the remaining 70.000 Slovakian Jews. The transports began at the end of March; up to October altogether 57 transports with 58,000 people were deported to Auschwitz and the district of Lublin; from the beginning of June the “not fit to work” prisoners of these transports were murdered directly in the extermination camps.
- 20 In France, the preparations for the deportations began in December 1941. At first 1000 Jews were slated for a transport “to the East” as a reprisal for attacks by resistance organisations. At the beginning of March, already before this first transport had left for Auschwitz at the end of March, the RSHA raised the quota to 5,000 non-French Jews-who were then deported to Auschwitz in June and July.
- 21 In June the deportation programme was methodically extended to the entire area under German occupation in the West: On June 11, the RSHA set the quota for deportations for France at 100.000: this figure was modified to 40.000 on 22 June. Up to the end of the year 1942 approximately 42.000 people were deported from France.

- ²² On 11 June, the deportation quota for the Jews from the Netherlands was fixed, also at 40.000. These deportations began on 15 July. The quota set on 11 June, 1941 for Belgium was 10.000. The deportations began on 4 August.
- ²³ In the Summer of 1942, the “Third Reich” undertook efforts in several countries to further extend the deportations. These efforts concerned first of all Croatia and Rumania, both of which had already initiated relatively radical measures in their anti-semitic policies, so that the implementation of the deportations appeared technically possible.
- ²⁴ In July 1942, the German Police Attache in Croatia was ordered to convince the Croatian government to prepare for the deportation of Croatian Jews. On 13 August, the deportations began. Similarly in July 1942, the advisor on Jewish affairs at the German legation in Bukarest agreed with acting Prime Minister Antonescu on the deportation of the Rumanian Jews – to begin in September, 1942 This plan, however, was thwarted by the Rumanians. In addition, Himmler approached the Finnish Prime Minister Rangell – according to his own testimony – on the topic of the Finnish Jews; Rangell did not respond and the Finnish Jews remained unmolested. In September 1942 a basic decision to intensify the deportations and to extend them to all of Europe was made by the German leadership.
- ²⁵ Already on 24 September Ribbentrop gave the Undersecretary of state in the German Foreign Office, Luther, the order the evacuation of the Jews from the different European countries as soon as possible and to approach the Bulgarian, Hungarian, and the Danish governments. In view of the Italian occupation zones in Croatia the position of the Italians was to be carefully explored.
- ²⁶ Analogous moves by Germany were made towards Bulgaria, Hungary and Italy in October, 1942. These countries proved not yet ready to comply to the German request. In the case of Denmark, the newly appointed Reich deputy Werner Best did not develop an initiative for de-

portations. Instead, the German occupation authority undertook an “action” to arrest members of the small Jewish minority in Norway; most of these, however, were successful in escaping to Sweden.

- ²⁷ In February, 1943, the Bulgarian Commissar for Jewish affairs Belev and the “advisor for Jewish questions” (*Judenberater*) at the German embassy, Dannecker, signed an agreement concerning the deportation of 20.000 Jews from the territories in Thrace and Macedonia occupied by Bulgaria; this also included 6 to 8000 people from Bulgaria proper. In fact, in March, 1943, 11.400 Jews living in the Bulgarian zone of occupation in Greece were deported to the Generalgouvernement and murdered there. The Bulgarian government, however, refused to hand over the Bulgarian Jews.
- ²⁸ Similarly in February, 1943, Germany prepared for the deportation of Greek Jews. Between March and August, 1943, altogether 45,000 Greek Jews were deported from the areas of German occupation – most of them to Auschwitz.
- ²⁹ A further extension of German deportation policy can be ascertained for September and October, 1943. The suggestion of the German Reich deputy in Denmark, Best, to deport the Danish Jews was accepted by Hitler in September. Best’s endeavor followed upon his successfully warning the Danish minority of the coming deportation; most were able to escape to Sweden.
- ³⁰ After the capitulation of Italy in September and the occupation of the northern half of the country by German troops, the RSHA began in October, 1943 to deport Jews from Italy to Auschwitz. Following the Italian capitulation, the Wehrmacht took over the Italian occupation zones in Greece and Albania as well as in Montenegro and the Dodecanese – the eastern Greek islands which had belonged to Italy since 1912. Between March and July, 1944, the Germans were able to arrest Jews

living at the most extreme periphery of German control (insofar as the German side could identify them) and deport them to concentration and extermination camps.

- ³¹ The systematic character of the German persecution of the Jews also becomes apparent by virtue of the fact that the German regime attempted to include in the deportations Jews from occupied, allied but also neutral states- those who lived outside of their home countries but within the zone of German control. The governments of Rumania, Croatia and Slovakia had already declared their willingness to accept the deportation of their Jews into the Reich as of November or December of 1941. A second phase of such demands came as early as the Summer, 1942; this was directly related to the above-mentioned extension of the German deportation programme. The German side applied to the authorities in Bulgaria, Italy and Hungary in this regard – but without success. In 1943 these efforts to further expand the deportations were continued – also in regard to other states.
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VI. SUMMARY

- ¹ The murder of European Jews from the summer of 1941 onwards, can be seen to have gone through three phases. In a first phase between June 1941 and October 1941, the policy of extermination was limited to mass executions in the occupied Soviet Areas. These were extended step by step, moving from the shooting of Jewish men to the indiscriminate murdering of the entire Jewish population. Only a relatively small group of Jews who were “fit for work” would be exempt from these measures.
- ² In a second phase between the Fall of 1941 and early 1942, the mass murders were extended to further areas under German domination – to the Warthegau, the Districts of Lublin and Galicia, and Serbia. The

regional mass murders in the Warthegau and Lublin stood in the context of the programme of deportations of the RSHA. This programme initially covered Central Europe and then expanded into Western Europe – the murder of the local Jews was to “make room” for the deportees. The mass murders in Serbia and Galicia, on the other hand, followed the pattern first adopted in the Soviet Union. In this period, the use of gas as a method of murder was generally adopted. As a rule, only those “fit for work” were spared. At the Wannsee Conference in January 1942, the *Reichssicherheitshauptamt* made it clear that the killings in the individual areas were “anticipations” of the “Final Solution”, which was to be carried out in full after the end of the war. It thereby initiated the extension of the policy of extermination to the entire sphere under German domination.

- ³ This escalation began in early 1942, and reached its full extent in July 1942. In this period, the regional extermination programmes were transformed into a overarching programme of deportations and extermination, which encompassed the entirety of the area under German domination. The majority of the people who had been forcibly removed were now deported directly into extermination camps; only a relatively small number was put to forced labour, which – as the notion of “extermination through work” implies – led to the death of most people within the shortest period of time.
- ⁴ The systematic nature of the murder of the Jewish victims is not merely characteristic of this last phase, but also of phases I and II. This means that the mass murders followed a standardised pattern, were centrally directed and expressed the policy of the National Socialist regime.
- ⁵ I have understood that my overriding duty is to the Court. My paramount obligation, as I have been advised by my Instructing Solicitors, is to assist the Court on all matters within my expertise regardless of whom my instructions are from and who is paying my fees. I confirm

that this report is impartial, objective and unbiased and has been produced independently of the exigencies of this litigation. I believe that the facts I have stated in this report are true and that the opinions I have expressed are correct. Signed: Date:

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