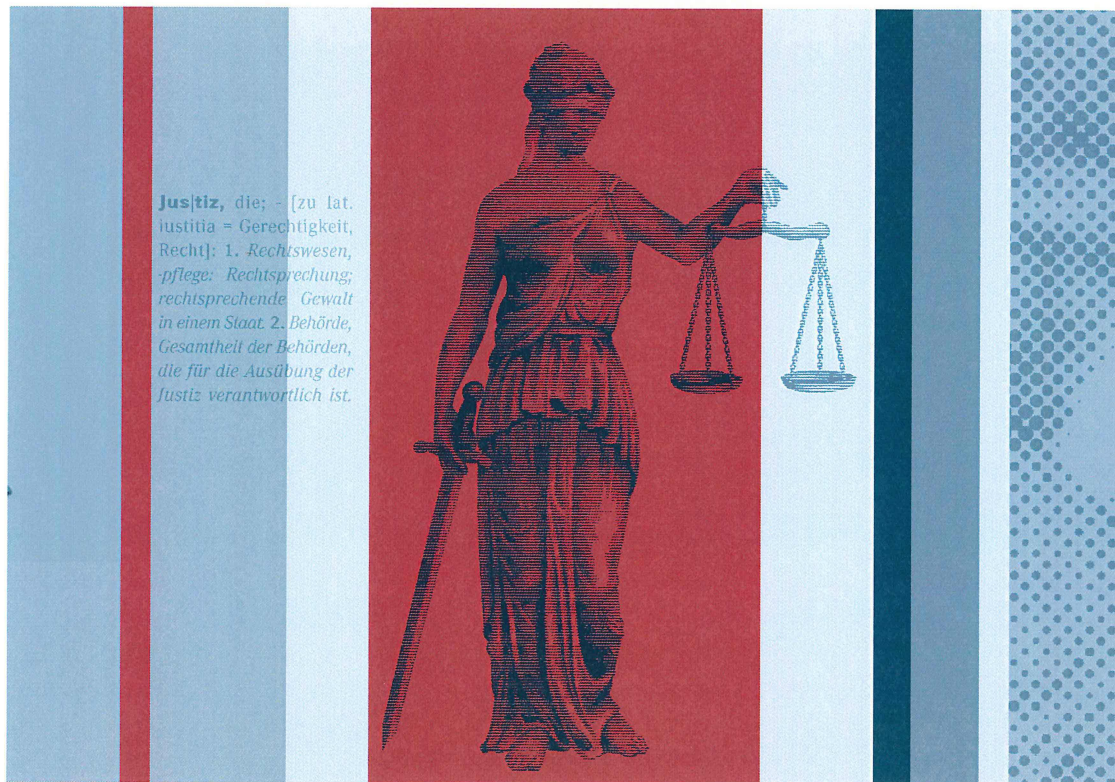


DOKUMENTATION

Festakt und Symposium aus Anlass des 50-jährigen
Bestehens der Zentralen Stelle der
Landesjustizverwaltungen zur Aufklärung
nationalsozialistischer Verbrechen
am 1. und 2. Dezember 2008 in Ludwigsburg



Die Ausstrahlung der Zentralen Stelle auf die
juristische und gesellschaftliche Auseinandersetzung
mit der NS-Verbrechensgeschichte



Baden-Württemberg

Justizministerium

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Grußwort

Die Wirkkraft der Zentralen Stelle in Ludwigsburg
im Ausland, insbesondere den USA

Eli M. Rosenbaum

Direktor des Office of Special Investigations Criminal
Division, United States Department of Justice

Good morning. *Justizminister* Professor Dr. Goll, distinguished experts and other guests, and especially my esteemed Zentrale Stelle colleagues – Herr Schrimm, judges Walther, Goetze, Will, and Bieler, Dr. Riedel, and Kriminaloberkommissar Steinz – ladies and gentlemen:

It is a privilege to be with you today to help mark the fiftieth anniversary of the creation of a central German agency to coordinate, on a nationwide basis, the investigation and prosecution of suspected Nazi criminals. When the Zentrale Stelle was established in December 1958 by agreement of the justice ministers of the various states of the Federal Republic, the world was marking the tenth anniversary of the adoption of the Genocide Convention by the United Nations General Assembly. This month, we commemorate the 60th anniversary of that landmark event in legal history and in the struggle to protect human rights. I think it can fairly be said that the 50th anniversary which we mark here today in Ludwigsburg is that of *another* very important landmark in legal and human rights history.

Having worked for nearly a quarter of a century in the Office of Special Investigations (or “OSI”) – the unit of the United States Department of Justice established in 1979 to investigate and prosecute perpetrators of Nazi crimes who managed to immigrate to the United States after World War II – I can attest to the extraordinary importance of the Zentrale Stelle to our work. Virtually since the inception of our law enforcement program 29 years ago, we have routinely inquired of the Zentrale Stelle in our investigations of suspected Nazi criminals. And „Ludwigsburg“ – the shorthand name by which the Zentrale Stelle is known in our office – has always been extremely responsive to our requests.

As the office that has investigated more such cases than any other and that has instigated more prosecutions than any other, the Zentrale Stelle’s archives and expertise have, time and again, proved truly invaluable to investigators and prosecutors in my office and to those of other governments. Thus, „Ludwigsburg“ surely has earned an important share of the credit for innumerable successful prosecutions that have taken place not just within this country, but *outside* Germany as well.

My personal connection to this remarkable institution actually predates my 1980 arrival at OSI. The preceding year, when I was a law student at Harvard University, I read the English-language edition of a book that had been recently published by the then-head of the Zentrale Stelle, the late and much-missed Adalbert Rückerl. Upon reading The Investigation of Nazi Crimes 1945-1978. A Documentation [*Die Strafverfolgung von NS-Verbrechen 1945-1978*], I had some questions and so I wrote to Dr. Rückerl. He replied quickly, and he kindly included a copy of a Zentrale

Stelle monograph on the defense of „superior orders“ – a most impressive work. I subsequently arranged for an invitation to be extended to Dr. Rückerl to speak at Harvard Law School. He accepted, and some fascinating interchanges took place during his visit to the campus. I was greatly impressed by his dedication to pursuing justice and by the candor with which he spoke when he described the legal and „other“ obstacles that stood in the way of achieving greater success in that mission. Seven years later, in January 1986, we met again – in Jerusalem this time – when we served on a panel discussing the possibilities that remained for apprehending and prosecuting Nazi criminals who were still at liberty.

Adalbert Rückerl's worthy successors – the late Alfred Streim, Willi Dreßen and now Kurt Schrimm – have demonstrated a similarly unswerving devotion to the pursuit of justice. Regarding my friend Kurt Schrimm and his very talented and dedicated colleagues at the Zentrale Stelle, I especially wish to emphasize that they have repeatedly demonstrated great courage in their work – by which I mean not so much physical courage as professional courage. They have consistently stood up, both within German law enforcement circles and, perhaps even more impressively, in what we in the United States call the „court of public opinion,“ to insist that justice can and *must* be sought, despite the passage of decades since the commission of the crimes. It has been one of the great privileges of my professional career to be associated with the men and women of the Zentrale Stelle. For me, they are *heroes*. It is with a profound sense of gratitude and admiration that I salute them for their unrelenting dedication to the cause of justice.

In the spirit of „full disclosure,“ it must also be acknowledged that, at the national level, our two governments have not been in complete agreement on the disposition of the Nazi cases. In particular, the U.S. government's position that Germany should readmit into its territory those individuals who participated in Nazi crimes at the behest of the former German government and subsequently immigrated to the United States has not been accepted by Berlin. The non-acceptance of what to us is a clear moral obligation is a great disappointment. Three Nazi perpetrators have died in freedom in the United States in the past 3-1/2 years solely because we could not carry out the orders of removal that OSI won against them in U.S. courts. And the reason that we could not carry out those orders was that neither Germany nor any other country would admit them into its territory. Five other Nazi criminals who are subject to final court orders of removal remain in the United States today for the sole reason that no country will admit them. For obvious reasons, Germany has a compelling moral obligation to do so – an obligation that, moreover, is consistent with the longstanding official position of the Federal Republic that Germany accepts responsibility for the terrible crimes that were committed in the country's name at the behest of the country's government during the Nazi era. If Germany does not act to admit these men – among them an individual who has been confirmed by a Zentrale Stelle investigation to have been an accessory in the murder of tens of thousands of Jews – they will likely get to spend the rest of their lives in my country, which is the adopted homeland of so many thousands of Holocaust survivors and is a country whose families sacrificed 200,000 of their sons in order to bring to an end the nightmare of Nazi inhumanity in Europe. That sad

result would add yet another injustice to the long list of injustices that have been perpetrated against the Third Reich's surviving victims.

It is irrefutable that it is still possible to prove these cases in court despite the passage of more than six decades since the perpetration of the crimes. Indeed, they *are* still being proved – in Germany, Italy, Canada, the United States, and elsewhere. Just last year, for example, in a courtroom in Michigan, my office proved that Ivan Kalymon, who immigrated to the United States from Germany in 1949, shot and killed Jews in 1942 while serving in the German-sponsored Ukrainian Police in L'viv, in German-occupied Ukraine. The key piece of evidence against Kalymon was an August 14, 1942 handwritten report that he had penned and signed in which he accounted to his superiors for ammunition that he unabashedly stated he had fired while shooting Jews that day.

While the records of both Germany and the United States in the Nazi cases are far from perfect, there are many countries that fail to make any serious effort whatsoever to investigate, prosecute, and punish the perpetrators of Nazi crimes, even when the presence of such perpetrators within their borders is well known. This is a truly scandalous abdication of legal and moral responsibility. Those governments' intentional failure to pursue justice against persons responsible for some of the ghastliest crimes ever committed will remain, I believe, a permanent stain on their national histories.

Like our friends and colleagues at the Zentrale Stelle, we at OSI are not infrequently asked by journalists and others why it is nec-

essary to continue to investigate and prosecute these cases. As we gather here today to pay tribute to the remarkable work of the Zentrale Stelle over the past fifty years, it therefore bears remembering why it *remains* essential to pursue justice in the cases to which that institution has devoted itself.

First, most countries impose no statute of limitations on the most serious offenses (particularly murder, or, in Germany, so-called „base motive“ and „special cruelty“ murder), and hardly any country in the world imposes a time-limit on prosecutions for genocide. The absence of statutory time limits on prosecuting such crimes reflects a consensus in at least most of the western world that genocide and crimes against humanity are of such enormous gravity that those who have participated in their perpetration must be brought to justice no matter how late the date. Of course, the mere passage of time in no way diminishes the gravity of the offenses. Moreover, to fail to take action would serve only to reward the perpetrators for their prolonged success in eluding justice.

Furthermore, it would be horribly unfair, especially while thousands of Holocaust survivors still grieve for murdered family members, for any law enforcement authority to, in effect, confer immunity on those who helped carry out those killings and thus to force survivors to run the risk of encountering anew their former tormenters.

Thus, considerations of both retributive justice and fundamental fairness make continued prosecution of these cases a moral imperative. However, the most important reason to pursue Nazi criminals is surely a practical one: to help prevent the repetition

of such ghastly crimes. The continuing (albeit globally quite inadequate) efforts to identify, locate, and prosecute the perpetrators of Nazi crimes deserve to be seen as part of a worldwide effort to deter the perpetration of crimes against humanity, of which the ongoing prosecutions in The Hague and elsewhere of perpetrators from the former Yugoslavia, Rwanda, Iraq and other countries typically receive the most attention in the media. As U.S. Supreme Court Justice Robert H. Jackson said in his famed opening address at Nuremberg, the crimes of the Nazis were „so calculated, so malignant, and so devastating that civilization cannot tolerate their being ignored because it cannot survive their being repeated.“ Sixty-two years after Justice Jackson announced his prescription of deterrence, the continued prosecution of Nazi cases sends an unmistakable warning to would-be perpetrators of crimes against humanity – namely, that if they dare to act on their pernicious fantasies of mass murder, there is a real chance that what remains of the civilized world will pursue them – for the rest of their lives, if necessary, and to the farthest corners of the earth, if that is what it takes, to bring them to the bar of justice. Prosecutions of Nazi criminals can thus have a uniquely powerful deterrent effect precisely *because* of the passage of so much time, as they ensure that those who might contemplate committing similar crimes see that even sixty years after World War II ended, the world has not ceased attempting to locate and apprehend those who have the blood of innocents on their hands. Let us hope that those who might consider participating in the perpetration of such crimes will reconsider as they suddenly recall an image they once saw on television or in a newspaper of some white-haired Nazi criminal being brought to court.

While deterrence is certainly the most important reason to continue seeking justice in the Nazi cases, I nonetheless find myself coming back, again and again, to the notion that the criminals must continue to be pursued, notwithstanding the lateness of the date, because the crimes that they committed were such terrible ones. This concept will, I think, be painfully familiar to those who have toiled on these heart-rending and profoundly depressing cases – whether in Ludwigsburg, Washington, Ottawa, La Spezia or elsewhere – and who have asked themselves, occasionally through tears, whether they can tolerate even one more encounter with the aftermath of this extreme barbarism and suffering. As a shocked General Dwight D. Eisenhower stated when he visited the former Ohrdruf concentration camp near Weimar, Germany, in April 1945, shortly after its liberation, the crimes that were committed by the Third Reich „beggars the imagination.“ The cruelty and premeditation of the crimes, along with the massive scale on which they were perpetrated and the fact that government-sponsored genocide was committed not just in a brief paroxysm of homicides but in a sustained effort over a period of years, compel the continued attention of law enforcement authorities. I cannot imagine how anyone can read or hear the graphic accounts of the victims who survived or of the perpetrators and conclude that the criminals should be allowed to escape justice. Consider, for example, just one such account. It is that of Rudolf Reder, who was sent to the Belzec extermination camp, where more than 430,000 Jews were gassed to death. Just *two* of those hundreds of thousands of Jews survived, one of whom was murdered in Poland a year after the war ended. Reder, a Polish Jew, was the other one. Shortly after the war ended, Mr. Reder recorded his wartime remembrances, and they were published in 1946 in Poland in booklet

form. Incredibly, by the way, that slim Polish-language booklet has never been published in German or English, even though it has been and will forever remain the only reliable first-hand account available of the hideous crimes perpetrated at that human abattoir known as *Vernichtungslager Belzec*.

In his booklet, Reder recalled the standard „welcoming“ speech given by a German officer to newly arrived prisoners. The officer explained that the prisoners would be sent to a bath, and that they would then be sent to work: „*Ihr geht jetzt baden, nachher werden Ihr zur Arbeit geschickt*.“ Reder wrote that „the people were relieved that they would be going to work,“ but that this moment of hope was just an illusion, as the victims soon learned:

I saw that when * * * eight Jewish barbers, silent as death, came in to shave the[] hair [of the women and girls] to the bare skin, it was at this moment that they were struck by the terrible truth. It was then that neither the women, nor the men already on their way to the gas, could have had any illusions about their fate. * * * And all of a sudden, without any transition from hope, they were overcome by despair. There were cries and shrieking. Some women went mad. * * * A dozen or so SS men drove the women along with whips and fixed bayonets all the way to the building and from there up three steps to a hall. There the Ukrainian guards counted [the]¹ people for each gas chamber. Those women who tried to resist were bayoneted until the blood was running. Eventually all the women were forced into the chambers. I heard the doors being shut; I heard shrieks and cries; I heard desperate calls for help in Polish and in Yiddish.

I heard the blood-curdling wails of women and the squeals of children, which after a short time became one long, horrifying scream . . .

* * *

I was a member of the „permanent“ death commando. We dug pits, enormous mass graves, and pulled bodies along.

* * * What I found most horrible was that we were ordered to pile bodies to a height of about a meter above ground-level, and only then to cover them with sand. Thick, black blood ran from the mounds and covered the whole area like a sea. In order to get to the next empty grave, we had to cross from one side of an already full pit to another. Ankle deep, we waded through the blood of our brothers. We walked over mounds of bodies. And this was most dreadful, most horrible . . .

* * *

Words are inadequate to describe our state of mind and what we felt when we heard the terrible moans of those people and the cries of the children being murdered. Three times a day we saw people going nearly mad. Nor were we far from madness either. How we survived from one day to the next I cannot say, for we had no illusions. Little by little we too were dying, together with those thousands of people who, for a short while, went through an agony of hope. Apathetic and resigned to our fate, we felt neither hunger nor cold. We all waited our turn to die an inhuman death. Only when we heard the heart-

rending cries of small children – „Mummy, mummy, but I have been a good boy“ and „Dark, dark“ – did we feel something. And then nothing again.

Rudolf Reder somehow survived in that hell-on-earth for nearly four months, and then he managed to escape. After the war ended, he was fortunate to be able to survive another 20 years, until he died in Toronto in near-anonymity in 1966 – although I’m not sure that Reder himself would agree that he was so „fortunate“ to have lived all those years without his family and burdened by so many hideous memories as the world’s *sole* survivor of the Belzec extermination camp. His story is one of millions upon millions that cry out for justice.

The men and women of the Ludwigsburg Zentrale Stelle have persevered and labored indefatigably for fifty years now in the noble but very difficult work of pursuing justice on behalf of Rudolf Reder, his nearly six million murdered co-religionists, and countless other victims of Nazi inhumanity. When the full history of how the postwar world dealt with the monstrous evil perpetrated in Germany’s name during the Nazi era, the Zentrale Stelle will at last be fully appreciated for what it is: a jewel in Germany’s postwar crown, an institution that has brought great honor to the nation. For nearly thirty years now, we at OSI have been so proud to be colleagues and law enforcement partners of the extraordinarily able professionals of the Zentrale Stelle.

I am reminded this day of the words of Professor Thomas Buergethal, a survivor of the Auschwitz and Sachsenhausen Nazi camps, who is now a judge on the International Court of Justice, in the Hague. The many achievements recorded by Judge Buer-

genthal, who was born in Czechoslovakia to German-Jewish parents, offer a hint of the untold gifts that the millions who perished might have brought the world. In an April 2005 speech in Germany on the 60th anniversary of Sachsenhausen's liberation, this eminent jurist declared that "today's German people, with very minor exceptions, have over the years made a genuine effort to acknowledge Germany's historic responsibility for the crimes committed by Nazi Germany." „This policy," the judge continued, „has made reconciliation possible to an extent none of us could have imagined a few decades ago" and it has helped „demonstrate [] that a people and a nation can change and become a force for good in the world, by example and by action." Judge Buergenthal concluded, „That should give us all hope for the future." To his eloquent words, I would add that the past half-century of tireless work by the Zentrale Stelle has been a key component of that national acknowledgment of responsibility to which Judge Buergenthal referred. It thus can be said that the Zentrale Stelle has truly given us all hope for the future.

Thank you.

¹ Reder employs the number 750 here. The same figure was employed by the camp's first commandant, Christian Wirth, to "impress" a company of visiting SS officers in August 1942, and it seems to have become "official" within the camp. However, historians consider that to be an exaggerated number.