

A. No, I have seen it with my own eyes how people were beaten.

Q. You didn't answer my question exactly. It is correct that you with your own eyes saw that people were beaten, but I asked whether your statement which went beyond that people were beaten up everyday is based essentially on testimony of your colleagues, is that correct?

A. Correct. Well, once I have seen it and another day comrades have seen and told me. I couldn't see it everyday because I had to work.

Q. Well, all right, then, you couldn't see it everyday. That is what I meant. Was the Jewish camp directly adjacent to your camp, Mr. Witness?

A. Later when we were transferred, the hut in which we lived was then near to the Jewish camp at a distance of about 15 meters.

Q. Did you witness the mistreatment or the most important part of the mistreatment in the camp of the Jews?

A. I couldn't see it in the camp because I worked from dawn to night, but I saw it in the factory.

Q. Can you say who beat these people, who beat these Jews and for what reason?

A. Yes, I can say that. For instance, at lunch time when soup was distributed during lunch to the Jews, the Jews pressed forward with their cups. The person who distributed the soup pushed the Jews back or beat them, or he told the guard who stood there to beat the Jews. That soldier then hit the Jews with the butt of his rifle.

Q. In which hall or which halls did the Jews work, Mr. Witness?

A. The Jews worked in all halls and also on the building sites.

Q. In which hall did you work yourself?

A. I worked in Hall number 4. I had to report there every morning, and then I was given orders where and which work I had to carry out. I had the possibility of working in all halls.

Q. Did you often work together with the Jewish concentration camp inmates, or did you take lunch with them?

A. I didn't take lunch with them, but I worked together with them.

Q. Mr. Witness, if you didn't take lunch with them, how could you judge that the Jews were pushed back and were beaten up during lunch hour, with the butt-end of rifles?

A. When I went with my cup to the soup distribution in order to get my soup to give to one of the Jews who stood there, I had of course to be careful not to be seen by one of the guards who was there on duty because that would entail punishment.

Q. Didn't you see the Jews subsequently in order to give them the soup there because you yourself said that you were not present at the distribution of soup where the beating took place?

A. I went to the soup distribution because I wanted to give my soup to one of the Jews, and the Jews went there because sometimes when soup remained over they could get some of it. This did not happen regularly, sometimes the soup was just thrown away. It depended on the soup person who distributed the soup.

Q. The people who distributed the soup, were they not also Jews themselves?

A. No, they weren't Jews. Those people were Germans.

Q. In which department, Mr. Witness, did you yourself work?

A. I worked in the third hall, but as I said, our foreman sent us wherever there was work to be done.

Q. Who was your foreman and who were your other superiors?

A. Our foreman was Foreman Derx, and the director was called Frent. I don't know the other names.

Q. You said a little while ago, Mr. Witness, that the Jews were employed in the building of Markstaedt. Is it correct that the Jewish inmates worked at the crection of Markstaedt only and did not actually work in production there?

A. At the beginning they worked on the building sites, and later

when they had been transferred to the concentration camp, they also worked on the machines.

C. And ---

THE PRESIDENT: We will have to recess now.

(A recess was taken.)

THE MARSHAL: The Tribunal is again in session.

DR. BEHRINGER: May it please the Tribunal, I would like to refer back once more to the medical examination of Herr Kupke. The Prosecution intend not to submit anything tomorrow which would make it absolutely necessary for Herr Kupke to be here, according to Mr. Thayer. I would therefore ask the Tribunal to agree that the examination which the physician thinks necessary and which will probably only take one day should be carried out tomorrow, and I would ask the Tribunal to arrange for the prison administration to be informed of that fact.

THE PRESIDENT: All right, that will be done. Now, Mr. Hilsie, will you attend to that? That will have to be done so he will be out tomorrow. I don't know whatever steps are necessary, please have them taken care of. Just make out the order and also notify that prison physician to that effect. That will have to be done tomorrow.

MR. THAYER: Your Honor, I did speak to Dr. Behringer about the fact that the Prosecution did intend to put on tomorrow the witness Paul Otto Schmidt. I think the witness -- Defense counsel and the Prosecution will take some time in their examination. I wouldn't like to have it appear that the Prosecution makes any representation that if we finish with that witness, we won't go on with document books.

THE PRESIDENT: That is understood, that is just a hazard that Mr. Kupke will have to take, in other words. We couldn't delay the trial if you finished with that witness.

DR. WANDSCHNEIDER: May I proceed with the cross examination, Your Honor? I have only a few more questions.

THE PRESIDENT: Go ahead.

JOSEF AUBRECHT - Resumed

CROSS EXAMINATION (Continued)

BY DR. WANDSCHNEIDER:

Q. Witness, you said that French prisoners of war had worked at Markstaedt, and that responsible members of the Krupp firm had seen this.

Could you tell us which responsible members of Krupp?

A. I think that must be Director Frink and also the foreman.

Q. Is it correct that you yourself were not beaten and kicked to be made to work?

A. Yes.

Q. Is it also true that your Czech comrades were not beaten?

A. They were not beaten during work, but if they had committed an offense, then they were asked to the administration and they were beaten then.

Q. Is it correct that in your affidavit you stated the following: "I myself was never driven to work, and I have never heard that any of the Czech workers were beaten," but just now you said that the Czech workers were beaten by the factory guard people. How do you explain this discrepancy?

A. Because one of my comrades told me in our room that members of the factory guard had beaten him.

Q. But in your affidavit you said that the factory guard had only beaten Poles, Eastern workers and Jews, is that correct?

A. Yes.

Q. Why did you not on that occasion also mention your Czech comrades, as you have mentioned now?

A. I could not at that time remember every little detail, but I remember more now, and anyway that particular question wasn't put to me at the time.

Q. Witness, you say you couldn't remember everything, but would it not have been more obvious for you to remember the fact that your own country people had been beaten, the Czechs?

A. Well, this is an incident which I happen to remember because it happened to a man who shared the room with me, and he told me and the others.

A. I am not quite certain whether I understood one of your answers correctly earlier on. I had asked you whether the camp inmates fought

each other when the food was distributed, and I think I understood you to answer that such fights did not take place among the camp inmates, but at this moment, I am told by somebody present here who understands Czech that you said that the camp inmates did have fights when the food was distributed. Now, what is correct?

A. The prisoners did fight each other, because one would take the soup from another, that is, the soup they were given by the foreign workers.

JUDGE DALY: Counselor, may I interrupt to say that as I heard the interpretation before, it was that they did fight among themselves, in the English, anyway.

DR. LANDSCHNEIDER: In this case, Judge Daly, I apologize because then it is my mistake.

BY DR. LANDSCHNEIDER:

Q. In this camp, there was a special room, a washroom?

A. Yes.

Q. Did you have hot water in that washroom?

A. Not everyday, only on Saturdays.

Q. Oh, only on Saturdays?

A. Yes.

Q. But otherwise the water you needed for washing, you heated up on the stove, that is at least what you said in your affidavit, is that correct?

A. That is correct.

Q. Did you have warm rooms? Did you have a chance of heating your rooms properly?

A. Our room was warm only if we had brought home with us some coal which we pinched from the factory.

Q. In other words, you organized the coal?

A. More than once, would I take some coal which I had taken from the factory, because the coal we were given at the camp was quite in-

sufficient for our needs.

Q. Witness, do you know that there was a sick bay at Larkstaedt, or at any rate a dispensary?

A. There was a sick bay at the camp.

Q. Now, were there Germans and foreign doctors employed at this sick bay at the camp?

A. There were German doctors, and also a Czech national who was a medical student, but had not finished his studies, but he was to treat some of the workers.

Q. Witness, is it correct as you stated that "not all of us had typhus, but at least dysentery"?

A. Yes.

Q. Did you yourself suffer from dysentery?

A. Yes.

Q. Did you yourself have medical treatment for that in the camp?

A. I went to the sick bay, but I was given carbon pills, that is, black carbon tablets.

Q. Did you actually have dysentery or only loose bowels?

A. It was a very severe case of loose bowels, and most of us suffered from that.

Q. Did you report to the doctor for examination?

A. Yes.

Q. What did the doctor say?

A. The doctor gave me tablets against it, and sent me back to work.

Q. Were these tablets of any value to you?

A. No, none at all.

Q. How long did you suffer from this condition?

A. Four or five days, but then I was so weak that I had to go out and I lay down and fell asleep. When I came back to work, the foreman asked me why I had been away from work for an hour. He also told me that as punishment for this offense, I would have to pay 50 marks fine.

Q Witness, on page 3 of your affidavit you say the following:

"When a prisoner of war was injured he was not treated until the end of the working day at ten. By that time he was taken home by his fellow workers. Some of them were unconscious and were taken back to the camp dead."

MR. KUNSSLER: I object, your Honor, because this wording has been corrected. Counsel reads "prisoners of war" but correctly it should be "prisoners" -- meaning the concentration camp inmates. You will find it on the Errata Sheet.

DR. WANSCHNEIDER: I thank the Prosecution for this suggestion and I correct my statement.

Q (By Dr. Wandschneider) Witness, with reference to this last question I wanted to ask you whether you yourself witnessed many of these prisoners being taken back to the camp dead.

A That was the impression I had. I have seen them.

Q You say you had the impression, but there is a difference whether I have the impression somebody is dead or whether I actually have seen he is dead. Now, what did you mean to say, that you only "had the impression" that dead bodies were being taken back -- or did you in one or several cases actually see that dead prisoners were taken back to the camp.

A I had no chance to go near them, but when I could see them from a distance of about ten meters I could see quite clearly that they were dead. Some times they were left there for half a day or more than that, until the evening, when their comrades took them back to the camp.

Q Is there a possibility that these people were either unconscious or ill?

A That I cannot answer because I did not treat and look after these people, but I know how they were carried into the camp and I could not see any sign of life in them.

Q Because you were about ten meters away?

A Yes.

Q What sort of prisoners were they?

A They were those in striped suits from the concentration camps.

Q You said earlier that you received 250 to 300 grams of bread daily, is that correct?

A Yes.

Q Why do you say in your affidavit on page 4 that "for supper we were given 400 grams of bread which was estable?"

A I think I can explain that only insofar as I said approximately 300 or 400 grams, because 100 grams don't make much difference -- but it certainly was not more.

Q Witness, I am of the opinion that there is quite a considerable difference between 250 and 400 grams -- which can't be called almost the same.

A There is, of course, a difference between 250 and 400 grams, but not a very big one.

Q So in your opinion it is quite possible that 400 grams were distributed daily?

A We did not weight it but it definitely was not more than 400 grams because all the loaves were the same size.

Q Witness, you also mentioned in your affidavit, that is on page 5, that the Gestapo had arrested the camp leader for the theft of cigarettes and food.

A Yes, that's correct.

Q Now following this remark you also say that the factory was doubtlessly informed of this incident.

A Yes, that is certainly my impression.

Q Did you ever speak to Director Frink about this, whom you knew; or, why do you think they would have known?

A I knew Mr. Frink personally and I have spoken with him.

Q Did Mr. Frink tell you that?

A No, he didn't tell me this, but he only told me what I was to do.

Q Is my opinion correct, that it was only your impression that the business management knew about these conditions?

A Frink was bound to know about this because he came over to the shop where I worked and where I had to report.

Q So you conclude this?

A Well, I think it was like that.

Q Who was present when in the office of the factory guard the people were beaten up -- was the chief of the factory guard there, for instance?

A That I don't know.

Q Were you told that the factory guard people did beat workers-- if you don't know yourself who was present?

A I was told by the same man who was beaten by the factory guard people.

Q Did you only hear that once?

A Yes, he only told me once, but other people have told me too, other comrades, because we had the possibility of talking Czech with each other and there were several such cases.

Q Now my last question is that you say that never was any furlough given although you had applied for a furlough, that you or your comrades were never given any leave.

A Those of my comrades who worked together with me -- none of them ever received any leave because when we applied for it we were told that no further furlough would be granted.

Q Was that in 1943/1944?

A Yes, that was in 1943, and also in 1944 -- the whole period when I was in Germany.

Q Do you know that at this time even the members of the armed forces had no leave -- do you know that?

A No, I know nothing about that.

DR. WANDSCHNIDER: I have no further questions.

THE PRESIDENT: Any further cross examination?

CROSS EXAMINATION

DR. WOLF: (for the defendant Lehmann)

Q Witness, to whom did you make your affidavit of March 1947?

A In Prague to the criminal police.

Q Was it a Czech member of the criminal police?

A Yes, he was a Czech national of the criminal police.

Q Do you remember the name?

A No, I never knew it.

Q In the affidavit we find the name of a Czech civilian, Herbert Ungar. Was that the man to whom you gave the affidavits?

A No, I don't know that name.

Q So, the name of the Czech criminal policeman to whom you made the statement is not given in this statement?

A That I don't know.

Q You have seen this statement, haven't you?

A Yes.

MR. KULSCIER: If it is agreeable to the Court I can explain the circumstances.

THE PRESIDENT: I don't see that it makes any difference because he testified that this is his affidavit and he adopts it as his statement from the witness stand, just as if he had given it under testimony-- so his adoption or ratification of it here cures any possible defects that may have occurred in the affidavit itself/ It is just as if he had testified from the stand what the affidavit contains, counsel, and I would suggest that you proceed on that theory.

However, you can examine him along the lines you wish as bearing on his credibility, if you think that's of any advantage.

DR. WOLF: All I wanted to have confirmed by this witness, your Honor, is that in the affidavit, at the end, an official by the name of Herbert Ungar has stated that this witness has given this affidavit to Herbert Ungar, and the witness has just said that this was not so, but that he was interrogated by a Czech member of the criminal police-- whereas apparently Mr. Ungar seems to be an investigating official of the Prosecution.

THE PRESIDENT: Yes-- well, you can develop that if you wish, but it would go to the admissibility of the affidavit. I was suggesting that only because he has adopted it here as his testimony. But you may examine that line if you think it has any bearing upon his credibility or the circumstances under which this document was procured, if it will throw any light upon it.

DR. WOLF: One more question about the credibility.

Q (By Dr. Wolf): Witness, what you have stated in your affidavit-- are these your own words, or were these words taken down by the official who interrogated you and then put to you for signature?

A No, they were my own words.

DR. WOLF: Thank you. I have no further questions.

CROSS EXAMINATION

BY DR. MASCHETT: (for the defendant von Buelow): I have just one question.

Q Witness, you stated earlier that you could talk with the Russian prisoners of war guards. In what language did you talk with them?

A It is well known that the Russian and the Czech languages are very similar to each other. Therefore, we were able to make each other understood.

Q Witness, can you tell me the Russian word for prisoner of war?