

German court sentences former SS Auschwitz guard to five years imprisonment

Sybill Fuchs
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The Detmold District Court has announced its verdict in the trial of the almost 95-year-old Reinhold Hanning, an SS guard at the Auschwitz extermination camp from 1942 to 1944. It is expected to be the last trial of someone who directly participated in the Holocaust.

The court found Hanning guilty of complicity in murder in 170,000 cases: i.e., all those who fell victim to the machinery of death at the camp from January 1943 to June 1944. Judge Anke Gudda spent over an hour explaining the ruling.

She stated that the defendant had made himself criminally responsible and that even 70 years later, such a judgement was important for the survivors and offspring of those who died in Auschwitz and other camps. Although there was no punishment that could match the horrific atrocities, such a trial was the least that could be done to provide survivors with a measure of justice, the judge added.

Despite its long delay the ruling has historic significance. For the first time, according to Cornelius Nestler, a lawyer for one of the joint plaintiffs, a German court declared that an SS guard was jointly responsible for all the murders committed at Auschwitz. State prosecutor Brendel, who called for a prison sentence of six years, described it as “a milestone in coming to terms with the Nazi injustice in Germany.”

During World War II, between 1.1 and 1.5 million people were murdered at Auschwitz. During the trial, many documented the atrocities in the camp. Nonetheless, Leon Schwarzbaum, whose family died at Auschwitz, said after the sentence, “I do not want Mr. Hanning to go to prison. He is just an old man.”

The judge acknowledged the statements of the joint plaintiffs Erna de Vries, Leon Schwarzbaum, Hedy Bohm and William Glied. She praised their statements

because it was thanks to them that “the victims received a voice and a face.” Turning to the joint plaintiffs, she said, “Your pain lasted throughout your lives, while most of the perpetrators were able to return to their normal lives. We will not forget your statements.”

Hanning observed most of the process from his wheelchair with his head bowed, not daring to look at the survivors. Their statements, the judge stated, were “immensely important to get a sense of the atrocities, in order that such genocide never happens again. We can only hope that these reports have not left you unmoved, Mr. Hanning!”

“The entire camp was like a factory, whose purpose was to kill people,” said Judge Gudda. “One could not remain blameless in Auschwitz.” The defendant had contributed to the “seamless carrying out of mass extermination” and was guilty as a result.

“You watched for two-and-a-half years as people were murdered in gas chambers. You watched for two-and-a-half years as people were shot. You watched for two-and-a-half years as people starved.” He had solidarised himself with the perpetrators and at least accepted the deaths as a price to be paid. Twice in Auschwitz he had been called up, but refused deployment to the front.

The statement that Hanning never served on the ramp was a self-serving declaration. As is well known, this is where people were selected to be sent straight to the gas chambers, while the others were exterminated by labour. “We consider it to be completely irrelevant that you, Mr. Hanning, never stood on the ramp,” stated Gudda. It was equally “excluded that you never experienced people going to the gas chambers.”

During the trial, Hanning expressed regret about his SS membership in a statement and declared, “I am

ashamed of myself that I watched those injustices happen and did nothing to counter them.” He wished that he had never been in the concentration camp. The judge said the court could not determine how honestly he meant this.

By contrast, Hanning’s defence relied on decades of jurisprudence, which is even applied by the German High Court. Accordingly, concrete participation in a criminal act must be proven. In line with this, the defence demanded an acquittal and has announced an appeal.

Lawyer Johannes Salmen argued that the defendant was just following the orders of his superiors and, as a result, was implicated in the Nazi system, against which he was defenceless. There was only indirect evidence, such as documents, to show that Hanning was at Auschwitz, and concrete participation, for example in the selection of individuals on the ramp, could not be proved. As an ordinary worker without a high school qualification, he had not been able to foresee the consequences of his actions.

One argument of the defence deserves notice, however, not because it cleared the defendant, but because it criticised post-war justice in Germany. The defence lawyer said, “My client was an ordinary worker. Were the judges and state prosecutors who handed out death sentences for a trifle not aware of what they were doing? Were they convicted of complicity in murder?”

He also referred to the fact that, from the founding of the Federal Republic until the Auschwitz Trial in the mid-1960s, the political elite and judiciary systematically pursued neither Nazi criminals nor members of the judiciary who were involved in the Nazis’ crimes, but rather did everything to cover them up.

Even thereafter, a court only convicted a perpetrator, if he was ever brought before the court, if it could be proven beyond doubt by documents or witness statements that they had concretely participated in a murder or other criminal offence. This led to horrific scenes at the Frankfurt Auschwitz Trials, because the extremely traumatised witnesses had to make absurdly precise statements about the crimes of which the defendants were accused.

No small part in the failure to hold Nazi criminals accountable in court was played by the fact that the

judicial apparatus was adopted almost fully intact from the period of Nazi rule. Even judges and prosecutors extremely compromised by rulings on their acts of terror were not held accountable and remained in office.

The central office for investigating Nazi crimes would often not even initiate criminal proceedings against the perpetrators. The central office was founded in 1956 and was blamed for delays in a series of criminal proceedings.

Christine Siegrot, the lawyer for joint plaintiffs Moshe Haelon and Yaakov Handeli, complained during Hanning’s trial that the central office usually remained inactive, resulting in many Nazi perpetrators not appearing before a court, or, as in the case of Hanning, only decades later. Both her clients were taken to Auschwitz from Thessaloniki in Greece in April 1943.

In her plea to the court, Siegrot documented the Nazi past of many jurists, judges and prosecutors. She mentioned names and connections, “Even federal prosecutors were among them, and into the 1990s,” the lawyer said.

This favourable treatment of the perpetrators by the judicial system was only broken through in 2011, by the Munich district court. It convicted John Demjanjuk, SS volunteer in the Sobibur extermination camp, of accessory to the murder of 28,060 people and sentenced him to a suspended sentence of five years. An appeal was filed against the decision, but no ruling was issued because the defendant died in March 2012. Only after this ruling were survivors who had participated in the Holocaust, even at subordinate levels, systematically pursued.

Another recently concluded ruling against an SS member is yet to come into force. The Lüneburg District Court sentenced the so-called accountant of Auschwitz, Oscar Gröning, to five years imprisonment for accessory to murder in 300,000 cases. In Hanau, a trial against a high-ranking SS guard did not take place, because the defendant died shortly before the trial’s commencement.



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