



Ressort: Special interest

Where are the relevant documents?

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There are experts who are of the opinion that the history of Nazism has long since been processed and all important sources revealed. However, there are also practical instances which cast doubt on such an opinion. Initially, an article in the Sueddeutsche Zeitung in 2019 regarding the discovery of manuscripts by Franz Kafka lead to critical questions and finally to another lead, largely ignored by the broader public

In 2006 the Polish conservative-liberal weekly publication "Wprost" published an article about the State Main Commission for the exploration of German crimes in Poland as well as the Institute for National Remembrance (IPN), stating that in total 62,937 original documents from the period of WW II had been handed over to Germany for processing. In the article, entitled "Commission Crime Cover-Up" ("Komisja zacierania zbrodni", Wprost 07.05.2006), the journalist, Jan M Fijor, portrayed the largely unknown process of the hand-over of documents to Germany.

From the article it became evident that from the 1960's to well into the 1990's - thus during the period of the People's Republic of Poland as well as the 3Rd. Republic of Poland - 62,937 valuable original documents concerning German crimes committed during WWII were handed to the Central Office of State Justice Administration in Ludwigsburg, Germany for processing. In 2004 it became apparent that in very many cases no copies were filed of these lent documents and that the repatriation of them is practically impossible because they had been split up and distributed to various State Prosecutors scattered across various German States over the course of several decades.

According to Dr. Antoni Kura, one of the co-workers of IPN who was quoted, thousands of legal proceedings could not be concluded for this reason in Poland.

Journalist Jan M. Fijor describes that the Main Commission for the Exploration of Nazi Crimes had already begun to pass on the contents of Polish archives to partners in Germany during the Spring of 1959 at the request of the Central Office in Ludwigsburg, Germany. During 1965-1989 alone, Poland handed over 36,000 testimony protocols to Germany, 15,000 photographs, tens of thousands of micro-film and 12,000 complete materials concerning ongoing investigations.

In return, the Polish side apparently received a list of Polish forestry assistants and foresters who had collaborated with the Nazi RSHA (Department of Acquisitions).

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The author of the "Wprost" article reaches the conclusion that it was legally impossible to prove culpability for the crimes in question due to the missing related documents.

In another article from 2010 the number of proceedings which were suspended or simply not concluded, was officially stated by IPN to be 5,000.

The conservative and church-related daily paper, "Nasz dziennik", published an article in March 2010 under the heading, "A Silent Cessation of the Ludwigsburg Affair" (Malgorzata Goss, "Ciche umorzenie afery z Ludwigsburga", Nasz Dziennik, 05.03.2010). The journalist, Malgorzata Goss, summarises the process of the document transfer to Ludwigsburg and describes the proceedings which were terminated due to the expiry of the statute of limitations. In the article we read, for instance, that the return of the documents is practically impossible:

"As a result of the loss of proof for crimes committed against Poland, entire 4,630 criminal proceedings, which were lead by the Department of Investigations of the Institute for National Remembrance (IPN), are formally pending and in over 600 additional cases no verdict has been reached (...) According to reports from the German side, the return of original files is impossible because they were filed in the German archive system and distributed to various archives. We had already received this answer three years ago from Ludwigsburg, according to our sources at the Institute for National Remembrance (IPN). The Germans merely declared they were able to indicate where the documents were kept and might be able to supply certified copies. (..)

The handing over procedure of material proof internationally took place up until 2004 without any legal basis and thus without a return path to Poland."

The Central Office for State Justice Administration in Ludwigsburg was founded in 1985. The first director, Erwin Schüle, initially conducted his work successfully and even formed connections to authorities in Warsaw at a time when the Federal Republic did not yet enjoy diplomatic ties with East Block countries. He retired on the first of September 1966 after his former membership in the SA and the NSDAP was revealed.

Between 1965-1984 Dr. Czeslaw Pilichowski was the director of the Main Commission for the Exploration of German Crimes in Poland. In 1975 he published a critical assessment of the actions of the Central Office for State Administration in Ludwigsburg.

The report of his department states:

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"78,242 persons were determined to be suspect of having committed Nazi crimes. Of these, many died or were outside of Germany, while it was not possible to definitively prove the criminal acts of others. A comparison of 78,242 suspects with merely 6,358 punished war crimes, however, indicates a disproportionately high number of suspensions or investigations which were concluded without a court hearing.

In the period of 1St. August 1958 until 1St. January 1975 only 492 convicted criminals in 332 court proceedings, namely 59% of the 835 accused, were sentenced. However, these verdicts, in turn, were legally binding for only 45% of those sentenced. According to the Central Office in Ludwigsburg, out of 2,700 investigations which were handed over by that office to German prosecutors, only 452 accused received sentencing, of which, in turn, only 21% - meaning, 118 accused - received life sentences.

In view of these figures, which prove the disproportionate relation between suspects and convicted, the question is justified whether such proceedings in the pursuit of Nazi crimes will restore legal awareness and law in Germany, since the majority of Nazi criminals still reside there."

A form of confirmation of the criticism by Dr. Pilchowski is also to be found amongst German experts. One of the experts for Nazi crimes is Dr. Christian F. Rüter, who partially criticised the activities of the Central Office, claiming that while it had carried out good work to some degree, it had been originally created "in order allow the majority of collaborators to escape untracked".

And that a point had been made to prosecute John Demjanjuk merely in order to save face on the occasion of the 50Th. anniversary of the Federal Republic.

Both articles mentioned in the report ("Commission Cover-Up of Nazi Crimes" and "A Silent Cessation of the Ludwigsburg Affair") publicly reveal the issue concerning the documents lent to Ludwigsburg. Still in 2018 Polish politicians refer in their requests, albeit indirectly, to these publications. However, it remains difficult to find any official position regarding the actual location, or methodology of the Polish and German institutions, respectively. Detailed publications dealing with the present state of affairs are missing in Polish media.

Noteworthy in this regard is that one is able to find quite a number of positive statements among the news letters of the Polish Institute for National Remembrance regarding the local Justice Department of Ludwigsburg and cooperation with German archives. Apparently, the matter of the Polish documents lent to Ludwigsburg is not relevant and poses no obstacle at present to cooperation with German archives. It has been long since this subject was taken up by the Polish media. While there are no indications that the missing documents were returned to Poland, one can safely assume the German side would have, at least in part, transmitted information regarding their location. This question was also touched upon briefly in the

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article by M. Goss.

Most probably Polish historians were given preferential access - this was also briefly mentioned in the 2010 article by Malgorzata Goss.

"The Germans merely declared they were able to indicate where the documents are stored and might be able to provide certified copies".

The discrepancy between the amount of documents which were lent to Ludwigsburg since the 1960's and the actual number of sentenced war criminals is obvious and shocking. The cooperation with German archives will surely eventually lead to the completion of historical knowledge, however they can hardly have legal consequences for the living criminals. The chances to prosecute war criminals during the 1960's and 1970's was clearly hardly made use of, if at all.

One can assume with great likelihood that many of the lent documents are slumbering away in the respective State archives and that they could be found with the assistance of the Provincial Justice Administration of Ludwigsburg. Political support might seem to be helpful in this regard.

From this, one can conclude: Important documents from the period of WWII, which were deemed to be inaccessible, may still be found.

It is strange that such discoveries as the Kafka documents suddenly appear, or that files are located where they do not belong, or even vanish in the administrative thicket.

In the decades since the end of the war, repeatedly many, and often lesser-known, atrocities of the Nazis were discovered and described. In response, all politically responsible figures and authorities, or those who consider themselves as such, proclaim "consternation", as though these atrocities were beyond imagination and it is suddenly inconceivable for the Nazis to have been capable of them.

The Central Office for the Investigation of National Socialist Crimes even lacks digitalisation and nobody raises an eyebrow.

Such portrayals are important and necessary, but insufficient for coming to terms with the Nazi past, for it must also be demonstrated: How could it have happened? Who were the responsible? Who looked away?

In these cases one crucial aspect is lost among the general consternation in reaction to the atrocities: Namely, that many details of the methodology which allowed the inconceivable to become daily reality have not been researched at all, or entirely inadequately. Those who are rightfully shocked by the atrocities should in the same breath engage themselves to improve the accessibility to documented materials - not only because the digital age provides entirely new opportunities for such accessibility. Oftentimes one

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cannot avoid the impression that the catharsis of humanity, particularly the methods of its persecutors, lag behind the results.

In this context it should surely not be underestimated that the opportunity to access the facts and the resulting analysis is fundamental to preventing a repeat of history, or even an approximation of a catastrophe.

For example, the number of murdered Romani people during the Nazi rule is contentious: Research experts claim this to be at least 200.000 to 500.000. The Romani people are widely known by the exonym „Gypsies“. The Romani or Sinti and Roma as a people originate from the northern Indian subcontinent from Rajasthan, Haryana, and Punjab.

Zbigniew Brzezinski estimated 800,000 Sinti and Roma (Romani people) have been murdered in the course of Nazi actions.

But the Roma activist, Professor Ian Hancock, talks about over 1,5 million Romanis who were murdered by the Germans and their collaborators. He calls it a downplaying of the Porajmos (= the Sinti-and-Roma-Holocaust) and a trend to minimise the genocide.

The generation of eye-witnesses is passing away. The importance of historiography to represent all details grows disproportionately in relation to this sad fact - and with it grows the importance of existing sources and their accessibility in the archives as well as various collections.

My basic thesis for a constructive controversy to this is: There is disproportionate room for improvement in the manner in which National Socialism is filed and archived in Germany.

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