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## Einsatzgruppen Case: Opening Statement for Defense - Dr. Karl Hoffman for Nosske

International Military Tribunal

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DR. HOFFMAN: Dr. Hoffman for the defendant, Gustav Hosske.

Your Honors,

My colleagues have dealt with many and very serious legal problems, and I am convinced, that each one of them has given them profound and long reflection.

However, my defense of the Defendant NOSSKE will not refer to these arguments.

I may point out the case against POHL et al. and state, that there may be fundamental difficulties prescribing a kind of Defense which is altogether different from the usual one.

Also in the case against POHL et al. the work of the Defendants had been brought into connection with inhumane acts and cruelties. However, in that case inhumane acts and cruelties developed from facts of the most various kind, and several of the Defendants knew nothing of their existence, even less participated in them.

The present case is of a different kind.

The victims are somehow before our mental eyes.

These victims clung to their lives and did not want to lose it, just as no one who is present in this room wants to lose his.

My duty as Counsel for a defendant goes to the limit permitted by truth and justice.

I shall go so far, and I shall risk my own person regardless of advantages and disadvantages in going so far.

But nobody will expect me to say the slightest thing in excuse of such a murderous order as the one in the center of the Prosecution's Indictment.

My conscience would prevent me from doing so,

Nor do I want to compensate, to expiate the wrong committed by others by myself committing wrongs.

What my own people has suffered or will still suffer in this respect, will also once be judged.

In this it is better to see one's own weaknesses, before one goes

to Law oneself to ask for justice.

Therefore I have made the following arrangements for the defense of the Defendant NOSSKE: He will confine himself exclusively to what he can state out of his own personal experience.

He will describe the situation, in which he received the order and what were his reactions to it.

He will describe to the Tribunal his activity and his conduct afterwards till the end of the war.

He will do all this frankly and without legal euphemisms.

This will assist the Tribunal in finding a just verdict, taking into consideration the personal fate of the Defendant NOSSKE.

DR. MANDRY: Dr. Mandry for the defendant Martin Sandberger.

May it please the Court.

The Prosecution charges my client, Martin SANDBERGER with being responsible for measures of persecution taken against Jews and Communists, at the Sonderkommando la respectively during the period when he was commander of the Security Police and the SD for Estonia.

Several documents were submitted as evidence, containing action reports, reports on activities and the situation. These reports are a compilation of individual reports not available in the original of several Kommandos subordinate to the Einsatzgruppe. From these general reports the clear and unobjectionable proof for criminal actions of certain persons can be deducted. For this reason the prosecution, taking three affidavits given by my client as a supplement in connection with these reports, drew the conclusion that SANDBERGER is guilty in the sense of the indictment.

I am going to state the following against the statements of the prosecution.

1)

SANDBERGER's assignment in the East was effected upon order of his superior authority and constituted a war assignment in enemy territory. He was subject to the laws of war like any soldier. It