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applications by relatives reached Litzmann, and there were cases in which women described their economic position very impressionably and for which the Commissioner General ordered a release of the men concerned [sic]. Also the amnesties which I have mentioned took place because of a decree promulgated by the Commissioner General.

DR. SCHWARZ: Your Honor, I have no further-question.

THE PRESIDENT: Very well. Any other cross-examination on the part of defense counsel?  
(No response)

THE PRESIDENT: Mr. Glancy, you may take up the cross-examination on behalf of the Prosecution.

#### CROSS EXAMINATION

BY MR. GLANCY:

Q Dr. Sandberger, when did you join the Party?

A November, 1931.

Q In 1941 when you took command of Sonderkommando I-A, you had been a national Socialist for ten years, is that correct?

A Yes.

Q Prior to your time of service with the SIPO and SD, that is, during your student days, you were a speaker on behalf of the National Socialist movement, weren't you?

A I don't know what you mean by the expression "speaker".

Q Orator or propagandist.

A In the student association at Tubingen, I made two or three speeches, yes, that is correct.

Q Were you indoctrinated, or rather, did you learn of the tenets, the ideologies and aims of the Nonfictional Socialist movement?

A Yes, of course.

Q Then during these times you became aware of the National Socialist attitude toward the Jews, is that right?

A The National Socialist attitude was not all unified in all circles

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of the Party. There were some circles which did not approve of the things which some other circles of the Party did in the Jewish question, or said.

Q When did you join the SS?

A January, 1936.

Q That was unified organizationally, wasn't it?

A Yes.

Q There was very little lack of unity in their ideas and their ideologies and aims, is that right?

A In the SS there were many various tendencies, just within the SD especially.

Q I am speaking of the SS.

A Yes. I only joined the SS by way of the SD.

Q I don't want any explanation now. When did you join the SS?

A In January 1936, within the SD.

Q Did you join the SS on the 11th of May, 1935?

A No, that is not correct. I joined the SS on the 1st of January 1936.

Q Were you born on the 17th of August, 1911?

A Yes.

Q Both these dates are contained in your service record. Do you have any comment on that?

A I think that is a mistake. The date of May, 1935, which is contained herein, is not the date of my membership in the SS but is the time when I first got in contact with the SD. I am quite sure of this.

Q When did you join the Party?

A November 1931.

Q . Couldn't that have been the first of December, 1931?

A It could be that it was dated on that date.

Â When did you apply to become a member of the SS?

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A In December, 1935, or in January, 1936, as far as I can remember, but my recollection is not quite exact.

Q I think that your recollection fails you. A record is more permanent than a memory. On the first of December, 1931, you became a Party member; on the 11th of May, 1935, you become a member of the SS.

A Pardon me. Mr. Prosecutor. This is doubtlessly a mistake. I am absolutely certain that the date of May, 1935, is the date of my first contact with the SD and that on the 30th of January, 1936, I received my admission into the SS, retroactive to the 1st of January, 1936.

Q What is your SS number?

A 272495.

Q Your SS record carries your SS number, and next to it is the 11th of May, 1935. Do you expect us to believe that they got the number correctly; they got your birthday correctly; your party record correct-ly [sic], and make a mistake on the date of your joining, which is all important as far as seniority is concerned?

A Mr. Prosecutor, I don't know whether it says on that record that this is SS membership for this date. I am absolutely certain about this, that I was admitted to the SS on the first of January 1936. My superior at that time, Dr. Scheel is here in the house and will be able to confirm this at any time.

Q During the time that you were a member of the SS, prior to your Einsatz mission in the East, were you aware of the attitude of the National Socialists towards Jews and Communists?

A This attitude was different in the various circles of the Party.

Q I am asking you if you were aware of it.

A May I ask, Mr. Prosecutor, which concrete attitude you mean? For example, I did not know, and I never heard of this, that prior to 1941 Jews were systematically sent in concentration camps in Germany, in case that is what you mean.

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Q It is exactly what I mean.

A No, I was not aware of this. I didn't hear about this. I al-ready [sic] said yesteryear that I learned that after the 10th of November, 1938, Jews were sent to concentration camps, but that they were again released after a few weeks, as far as I heard, and I know nothing, that later, until 1941, in any case, any systematic internment into concentration camps took place for Jews.

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Q When did you join the SD?

A My first contact with the SD was in May, 1935. That is the date which you mentioned before.

Q Your record that you joined the SD on the 11th of May, 1935 that your first contact with the SD was in January [sic] of 1935.

A Mr. Prosecutor, this is a mix-up. In January, 1936, is the membership into the SS and May, 1935, the contact with the SD. I am absolutely certain of this.

Q When you joined the SS you took a certain oath of complete subervience [sic], subordination and obedience to the Fuehrer, did you not?

A Previously already, in 1934, I already shore [sic] the oath of allegiance to Hitler as a justice official, and in 1936.

A I am asking you about your oath as an SS man. Answer that question.

A Yes.

Q Can you repeat it for the Tribunal?

A I cannot give the exact wording of it.

Q Give us the sense of it. You must remember it. You lived with it for years.

A The sense of the oath is as follows: That I vowed allegiance to Adolf Hitler, and to the superiors designation by him.

Q Didn't it say complete faithfulness without questions, wasn't it more likely the sense of it?

A As officials and soldiers innumerable people swore the oath.

Q I am asking you if that was not the sense of the oath?

A Yes, insofar not –

Q Was it or was it not?

A Insofar not –

Q Was it or was it not, yes or no?

A Pardon me, may I ask you to repeat the question?

G Gladly, Wasn't it the sense of the oath that you swore, vowed complete and utter obedience to the Fuehrer and to such superiors as he would place over you, without question?

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A Yes, but –

Q That is all.

A But I never thought of these things at that time as they happened later.

Q Did you take the oath?

A Yes.

Q Do you consider an oath binding?

A Yes.

Q Did you consider this oath binding at that time?

A Yes, but I never considered –

Q Were you released from that oath?

A No.

Q When you took charge of Sonderkommando I-A and when you heard the two speeches, one in Berlin and one in Pretsch, were you aware of the Hitler order to exterminate Jews, Communists, gypsies and other asocial settlements?

A I received the order to mean that you were [sic] slay defenseless people whenever and wherever found it [sic] they were Jews, Communists or other elements odious to the German people?

A Not wherever they may be found, but I did not understand it that way, that anywhere where I would go this happen through my kommando, but I was convinced that a delay was possible.

Q I didn't ask you that. Was it your understanding that the wording of the order was such that would call for annihilation and extermination of the Jews, gypsies, Communists?

A Yes.

Q In view of your oath of complete allegiance and complete obedience to any order, or any commander, that Hitler issued or placed over you, do you not consider that it was necessary that you obey this order?

A I consider myself justified to tell my superiors, to request them, to give them my reasons whatever they were, to delay the carrying out of this order.

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Q Let us stop right here. Let's remove the other people between you and the Fuehrer. The Fuehrer issued the order. He issued it through channels, that is true, but in effect he issued it directly to you. You had sworn an oath. Was this oath binding?

A Yes.

Q Did you receive this order?

A Yes.

Q Why did you consider that you would not obey it as it was given?

A It wasn't given to me in such a way that I had to carry it out by a certain deadline, that is, immediately or within four weeks.

Q When an order is given, when this order was given, was there any clause or stipulation as a part of the order that it would be up to your discretion that you could not, or that you could fail to carry out this order?

A Such an order, an [sic] Hitler order was binding, strict, and allow-ed [sic] not much interpretation. This ordered that you would kill the Jews; you would kill the Communists, you would kill the gypsies, or anything that was concerned or deemed a threat to security of the German Army.

A Yes.

Q Did Stahlecker repeat this order for the extermination of the Jews, Communists, etc.?

A He repeated it, but he then granted my request for a delay.

Q In the German Army is it accepted thing that when a junior officer of the grade of Obersturmfuehrer, or major, receives an order from a Brigadefuehrer, or a General, that he will question this order?

A It is possible that he may discuss it with the Brigadier-General [sic] and requests him for certain reasons not to have to execute this order for the time being.

Q What were the orders that Stahlecker received?

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A Stahlecker received the order to destroy these groups of people whom you have enumerated, but no deadline was given Stahlecker either, and at the time of Stahlecker's death, that is after nine months tens of thousand [sic] of Jews lived in the area of Stahlecker. Thus, he also did not carry out the order to its complete extent in nine months, either.

Q Is it possible that the reason some of those Jews and Communists remained is because you needed manpower?

A Yes.

Q Wasn't the final aim or the final solution that all Jews, wherever and whenever encountered, when they served no use-fulness [sic] or if they ever were considered a security threat, would be annihilated?

A May I ask do you mean the aim of the Fuehrer Order?

Q Answer my question.

A I didn't quite understand the question.

THE PRESIDENT: Mr. Glancy, would you mind reframing the question after recess?

MR. GLANCY: Yes, sir.

THE PRESIDENT: The Tribunal will be in recess for fifteen minuteness.  
(A recess was taken.)



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THE MARSHAL: The Tribunal is again in session.

THE PRESIDENT: You may proceed.

MR. GLANCY: Thank you.

BY MR. GLANCY:

Q Just before we recessed, I asked you if the final aim or the final solution of the Jewish problem in the East was a complete and total annihilation insofar as possible after they had served their purpose as workers and laborers.

A There was no period of time, no time limit; no deadline.

Q I didn't ask you that; just a moment, I didn't ask you that. Answer my question as it was phrased - yes or no.

A If you attach particular importance to the word immediately. I must say no.

Q I didn't say immediately. I said the final aim or final solution.

A In that case I misunderstood; yes. May I ask the question to be repeated? I understood immediately; I am sorry.

Q My question was, and I shall repeat it, was not the final aim or the final solution of the problem, insofar as it concerned Jews, Gypsies and communists in the East, their total extermination and annihilation whenever it was possible after they had served their purpose as laborers?

A Yes, without a deadline.

Q You answered yes to the question; did you not?

A With addition by saying there was not a deadline.

BY THE PRESIDENT:

Q When did you think -- excuse me for interrupting, Mr. Glancy -- when did you think that deadline might finally be decided upon?

A That was not in the contents of the order that immediately when the territory had been reached all Jews should be eliminated. There was no time limit; no deadline.

Q But you said it was not indicated in the order when this elimination [sic] should take place, that is right?

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A Yes.

Q Then you said there was no deadline.

A Yes.

Q When did you think that finally a deadline would be established; that from a certain day then the order had to go into effect?

A The deadline itself according to our conditions was the matter of the Chief of the Einsatzgruppe or at least within Einsatzgruppe A; it might have been different with other groups.

Q Yes. When was the deadline reached in your case?

A Stahlecker first of all ordered, or at least he gave a basic order that could not be contradicted at the end of September, referring to one part.

Q Very well. So that then the Fuehrer Order was held in abeyance from the early part of June until the end of September.

A No. Stahlecker knew that; it becomes quite evident from the reports that it was not absolutely carried out. I will also explain the reasons why.

Q Just a moment, please; just a moment. You said the order did not have to go into effect immediately. Then I asked you when it did go into effect. You said about the end of September; is that right?

A Stahlecker passed on, did not give us the order for all of us at the end of September.

Q Now just a moment, please. Answer the question. We lose so much time because you pay no attention to the question. The order did not require you to put it into effect immediately, you tell us; is that correct?

A Yes.

Q All right. Now, when did you finally get an order; when did the order finally go into effect so far as you were concerned?

A I do not remember the date.

Q Well, you told us before the end of September; is that date incorrect?

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A At, the end of September. I am only referring to one part, but not totally, not for all of them.

Q But insofar as you were concerned, when were you ordered finally to exterminate Jews, as the Fuehrer Order indicated?

A During the course of autumn, 1941.

Q Well, what month? The autumn has three months?

A First in September and once in October and once in November.

Q Well, all right; the first of September was the first time that you finally were called upon to give some effect to this order; is that correct?

A Yes.

Q All right; now, I am coming back to that originality question, so far as that Fuehrer Order, as far as you were concerned, was held in abeyance during the months of June, July, August, so that this order was held up three months so far as you were concerned.

A Not insofar as my group chief was in agreement that it should not be carried out.

Q Then it wasn't put into effect for three months.

A Yes, that is correct.

THE PRESIDENT: It took me a long time to get that very simple question. Proceed, Mr. Glancy.

BY MR. GLANCY:

Q Now that we have ascertained that there was a culminating point as far as you are concerned with rerecord to the Fuehrer Order, you must have at all times been aware that at some time you would be called on to carry out this order; is that correct?

A I had to reckon with this possibility.

Q It was not a possibility, it was a certainty that a Hitler order must be obeyed; is that right?

A Yes; there was no deadline though.

Q Witness, let me caution you we have been taking much, too much time. I am sure that my question [sic] have been clear and concise, where there

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is only one interpretation. We won't waste any time if you will be a little more responsive to my question; consider it and answer it as it is asked, please. You knew that as far as the Hitler order for the extermination of Jews, Gypsies and communists was concerned, that at some time you would be called upon to carry this out; is that correct?

A Yes, I had to assume that.

Q Very well. You have said that you were a commanding officer of Sonderkommando I-A; is that right?

A Yes.

Q You broke your commando up into five Amts; divisions, or offices; is that correct?

A Yes.

Q You had subordinates in each one of these offices; is that correct?

A Yes.

Q That is Amt I, the personnel.

A Yes.

Q II --

A Administration.

Q III -- for SD work.

A Yes.

Q IV -- for executive or the Gestapo.

A State Police.

Q And V -- the KRIFO, or criminal police.

A Yes.

Q It was the original mission of the Einsatzgruppen and Sonderkommandos to exterminate Jews, Gypsies and communists; is that right?

A That was one of the tasks yes.

Q That was their main task; that was the reason for their formation [sic] and organization -- the security of the army's rear area and the

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extermination of Jews, Gypsies and communists.

A The securing of the army territory was the task of my commando.

Q Answer the question yes or no; then you may explain after you have given an answer. Was that not the reason for the formation, of the organization of the Einsatz-gruppen [sic], the extermination of Jews, Gypsies and communists because they were considered a threat to the security of the army?

A No, in this formulation it is not correct because the Einsatzgruppen existed as organizations at the time when the Fuehrer Order had not been made known that their assignment would be that of a general securing of the rear army territory.

Q At some time you received the Fuehrer Order; is that right?

A Yes.

Q Did not that make it your prime, your first main task the extermination [sic] of the Jews, Gypsies and communists?

A No.

Q In other words, Hitler in Germany issued orders and if you felt so inclined you obeyed them; otherwise; you relegated them to a position of secondary importance.

A No, that is not how it was. There were many cases in which we hesitated to carry out the orders.

Q Hesitating is not what I am driving at here. You were to carry out the Hitler order as the Chief of Sonderkommando; is that right?

A Yes.

Q Did you not say that that order took effect in September of 1941?

A I said that, but I added that Stahlecker was agreed to a delay.

Q You said that the deadline was reached in September?

A In September when I spoke to Stahlecker it must have been the 2nd of September, he wasn't t very well, and he gave me that order.

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When he gave [sic] me that order he agreed to a delay on that date. At the end of September, in my absence, he repeated this order at my office, but he did not refer to the execution of the whole, but only of a part of it.

Q Then, you followed –

A It becomes evident from the reports.

Q This order in part?

A I wasn't there. Therefore, I couldn't obey it either in part or wholly.

Q Did the members of your commando obey it?

A Yes, in my absence, without my knowledge.

Q Did you not foresee that this order must at some time be carried out whether you were present or not?

A I had to reckon on that possibility, yes.

Q. Did you realize this when you assumed command of Sonderkommando I-A?

A. Yes.

Q. Was it carried out in part by you or by your subordinates in Sonderkommando I-A?

A. By my subordinates, yes, without my knowledge; in my absence.

Q. Were you in command of Sonderkommando I-A?

A. Yes.

Q. How many Jews were killed in September by members of your command?

A. The report says that there were four hundred forty; I do not know from my own knowledge.

Q. Didn't you say that your subordinates reported to you as to this affair?

A. After I had returned.

Q. Did they report to you?

A. After I had returned from the Leningrad area, in the beginning of October they reported to me, yes.

Q. They reported to you?

A. Yes, after it had happened.

BY THE PRESIDENT:

Q. Did you reprimand them for doing it?

A. I couldn't reprimand. At least the next day ...

Q. (Interposing) I didn't ask you whether you could; I asked you whether you did.

A. No.

Q. Did you talk about it at all?

A. Yes.

Q. What did you tell them?

A. I said that I regretted that this order which he knew was going to be delayed by me, that it had to be

carried out at least in part.

Q. Did you tell him not to do it again?

A. I had no choice to do that because he was transferred the next day to Berlin.

Q. Well, during the conversation that you had with him, when you expressed your regret this had happened, did you say: Now, I don't want you to do this again.

A. Your Honor, that was not topical at the time because this man was about to be transferred to Berlin anyway.

Q. Witness, answer me: How old are you?

A. Thirty-six years.

Q. Very well. Now, a man thirty-six years of age ought to be able to understand a question and to reply to it directly.

A. Yes.

Q. Now, you talked with this sub-commando leader when you returned?

A. Yes.

Q. And you expressed your regret that he had ex-ecuted [sic] these Jews in your absence.

A. Yes.

Q. How long was this conversation with him?

A. I. don't remember that.

Q. Well, a matter of minutes?

A. I think it must have been longer.

Q. Well, about how long? An hour or two?

A. Approximately an hour; it could have been an hour; I have no recollection at the moment.

Q. Yes, all right. Now, all I asked you was that in this conversation which you had with him, did you or did you not say to him: I don't want you to do this again.



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Don't tell me about where he went the next day.

A. No, I didn't tell him.

Q. What is the name of that Sonderkommando leader?

A. It wasn't the Sonderkommando leader; it was my deputy; his name was Carstens.

Q. Spell that, please.

A. C-a-r-s-t-e-n-s-.

THE PRESIDENT: Very well, proceed Mr. Glancy, I am sorry to have interrupted.

MR. GLANCY: Not at all, Sir.

BY MR. GLANCY:

Q. Dr. Sandberger, where were these Jews located when they were executed in September?

A. The larger part was in the camp Harku; a few had been left outside in the sectors where they had been living and in the prisons.

Q. How were they collected in these concentration camps?

A. They were arrested by the Estonian home guard on my initiative.

Q. On your orders?

A. Yes, on my orders.

Q. When did this take place?

A. It must have been during the last days of September, based upon an order which I had already given them. I had given it in fact on the 10th of September, as I already stated in my direct examination.

Q. You gave this order which collected these defenseless Jews in concentration camps?

A. Yes, I gave this order.

Q. As a result of this collection, these Jews were shot?

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A. That was one of the primary conditions; the main condition of course was the order by Stahlecker.

Q. You didn't possibly understand my question. I said as a result of the collection of these Jews into central point they were shot.

A. No, the shooting was the result of the order by Stahlecker. It is correct that of course they could not have been shot if they had not been collected and arrested. The arrest, of course, I ordered.

Q. They were shot?

A. Yes.

Q. You collected these men in the camps?

A Yes, I gave the order.

Q. You knew that at some future time they could expect nothing but death?

A. I was hoping that Hitler would withdraw the order or change it.

Q. You knew that the probability, bordering on certainty, was that they would be shot after being collected?

A. I knew that there was the possibility, yes.

Q. In fact, almost a certainty isn't that right?

A. It was probab le [sic].

Q. N ow [sic], at a later time you collected more Jews, didn't you?

A. No, the order that Jews and Estonians should be arrested, that all Jews within time should be arrested, I ordered on the 10th of September approximately, and this order was carried out gradually during the months September and October. It was one order by myself which was issued on the 10th of September.

Q, Was there not another occasion on which, accord-ing [sic] to you, you were absent and more Jews were shot?

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A. Yes.

Q. You collected these Jews according to the basic order, didn't you, the Hilter [sic] order?

A. Yes.

Q. And then they were shot; they were shot; isn't that right?

A Yes.

Q. By members of your command?

A. From Estonian men who were subordinated to my Sonderkommando leaders; that is also myself then.

Q. Then, in fact, they were shot by members under your command?

A. Yes.

Q. Was not in fact ..... were not in fact the Estonian political police and the criminal police subordinated to you?

A. They were under my supreme command at least as far as the factual matters were concerned.

Q. If you needed aid in carrying out executions, you could so order those forces, couldn't you?

A. N o [sic], excuse me. It wasn't the Estonian police which carried out the executions, but it was the Estonian home guard.

Q. Was the Home Guard known as the Selbstschutz?

A. Did you ask me whether the Home Guard was known as Selbstschutz? We haven't translated that.

Q. Thank you, that is what I wanted to know. Wasn't the Selbstschutz or Home Guard under your command?

A. No, he was under the ... he was subordinated to the local commandatura of the army.

Q. Did they army; strike that. Were you aware of an order given to the Wehrmacht that they should not execute

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Jews and Gypsies and communists but leave that to the forces of the SIPO and SD as that was their primary task?

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A No, such an order is not known to me.

Q Can you estimate how many Jews were killed during your time of command?

A During the time that the Kommando was under my leadership there must have been 950 Jews shot, or 960.

Q They were shot?

A Yes.

Q Do you actually think that these Jews were a security threat, as such, that they were really dangerous?

A Part of the Jews were very dangerous for the security, but there were also Jews who individually and personally were not a concrete danger for the security.

Q As a class, they were not actually dangerous, were they?

A The Fuehrer Order said that they must be regarded as a danger by the Reich leadership and that therefore this order had been given.

Q Then, as a result of the Fuehrer Order these Jews were shot?

A Yes.

Q You concurred and agreed with this order and issued orders for their collection and their final solution, their deaths?

A No, I did not regard this order as satisfactory. I gave no order regarding their death or shooting. I have said so.

Q You knew the purpose of the Hitler Order did you not?

A Yes.

Q You were in Riga on the 4th of July, 1941?

A Yes, in the early morning hours. I left Riga at about nine o'clock in the morning.

Q You stated that Stahlecker told you that synagogues would be destroyed and Jews would be murdered on this day, is that right?

A No, he did not tell me on the very day. He told me later. I explained that explicitly.

Q Did you not just as explicitly state that in your conversation on that morning, that is, on the 4th of July, he told you of his intent

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to murder these Jews?

A No. When we had this discussion, he said that in Estonia this should happen, in Estonia, and that he caused it himself; of the 4th of July in Riga, he only told me later on the occasion of a discussion on the 20th of July in Novaselia at Staff Headquarters and I said that yesterday.

Q You took a Teilkommando from Riga to Estonia, is that correct?

A A number of subkommandos, yes.

Q How many subkommandos did you leave in Riga?

A I did not leave a subkommando in Riga. It is possible that individual men were left there, because their vehicles were out of order. They had the order to join us. Parts of my commandos, these individual men, were there, but not a whole commando.

Q How much later after the 4th of July did your men, whom you left in Riga, report to you that they had joined in an action against this Jews in Riga?

A These men did not take part in this operation, this action, in Riga, otherwise they would have reported to me about it, but they did not. Therefore, they did not take part. Stahlecker himself told me that this action was run exclusively by the Latvian Auxiliary Police without the help and aid of the Germans and without his own initiative. It is possible that his interpreter took part in it.

Q It was supervised by the Einsatzgruppen, was it not?

A That I don't know.

Q Do you exclude the possibility the members of your command left in Riga took part in this action?

A Yes, I exclude that impossibility absolutely because Stahlecker himself told me that this action had only been carried out by Latvians. Therefore, no man of my own kommando could have taken part in it, no interpreters, even, because I did not leave any interpreter in Riga.

Q I was not outside so specific as to mention interpreters. Are you aware of the Einsatzgruppen Situation Reports?

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A Yes, I read a number of them.

Q Did you read that in Riga members of Sonderkommando I-A, aided by the Latvian Police carried out an action against the Jews?

A No, I did not read that.

Q In a few moments I'll come back to this and refresh your memory. On page 41 of the English, in Document Book II-A, in view of your basic mission; how do you interpret the following: "The following places will still be searched by our Security Police: Wenden, Dorpat, perhaps Pskow-Teilkommando of Sonderkommando I-A"?

A I interpreted it thus. Stahlecker put into this report that he gave his directives to me to the effect that subkommandos should be sent to these mentioned places to deal with tasks of Security Police.

Q The basic task of the Security Police was to search out, find, and execute Jews, Communists, and Gypsies, is that not right?

A No, that was not the case in this kommando.

Q You again were an exception?

A That was not the case in other commandos either that during the very first days these measures were carried out, I am not the only exception here.

Q In Document Book I, page 26 --I apologize, Your Honors, it is Document Book II-A, page 26. Sandberger, I call your attention to the list of figures and locations under the original page 16.

A May I ask what document that is? I have forgotten the document number.

Q L-180.

A Yes, and what page, did you say; what page of the original?

Q 16 of the original.

A Thank you. In the German text there is only one sentence concerning the Lithuanian Auxiliary Police. I do not think that is what you mean.

Q You have Document L-180?

A Yes.

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Q Page 16 of the original?

A Yes.

Q Do you see there Enclosure 8?

A No, there is no Enclosure 8, but I may say, Mr. Prosecutor, I know the figures which should be in Enclosure 8, as far as they concern Estonia so that I can answer your question.

Q In these figures, there are Jews, 474 executed, Communists, 684 executed, total, 1,158.

A I must assume that these figures are correct.

Q This report is inclusive of actions up to October 15, 1941, is that correct?

A No, no. Until the 25th of October.

Q 25<sup>th</sup>

A But they are not operations of the Security Police exclusively, and I have tried to show that this figure 650 Communists contains also among other things the number of 405 Communists in Dorpat, according to the Report of Events 88, which was under the subordination of the Field Commanders and the responsibility of the Field Commanders. This figure is contained in this. I am myself concerned with the figure 650 Communists. According to my approximate estimate this is a number which is less than 100. That is my responsibility, because this included everything that happened in July and August by the Field Commander and the Estonia Home Guard, and the Communists; as far as the Jews are concerned –

Q Just a moment. Let's be a little more responsive. As part of this figure some Communists were murdered under your command and in Estonia, is that right?

A Yes, in my responsibility [sic].

Q Now, as to the figure of 474 Jews, are you entirely responsible or is some other agency responsible for part of these?

A Personally I am not responsible, because it was a matter of carrying out an order, the order by Stahlecker at the end of September,



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by my officer of operation. My kommando is responsible. No, I did not carry it out.

Q Members of your command carried it out?

A My deputy had passed on the order of Stahlecker to the Estonian Home Guard. The Estonian Home Guard carried this order out.

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Q You were in command of Sonderkommando I-A, as of the 12th of October, 1941, were you not?

A Yes.

Q In Document Book II-A, page 43 of the English, page 40 of the German.

A Yes.

Q You will notice: "The following orders were therefore issued by us." This under the heading of "Sonderkommando I-A." "The arrest of all male Jews over 16; the arrest of all Jewesses fit for work between the ages of 16 and 60."

A Yes.

Q "Who were utilized to work in the peat bogs."

A Yes.

Q Did you have Jews working in the peat bogs?

A Yes, I ordered the arrest, yes.

Q You ordered that they would work in the peat bogs?

A Yes.

Q Did you also order the arrest of all Jews over 16?

A Yes, that happened on the 10th of September.

Q Did you order the collective billeting of female Jewish residents of Dorpat and vicinity in the synagogue and a tenement house in Dorpat?

A I ordered that the arrest should be carried out, but I did not order where they should be accommodated. I only found out later that they were put into the synagogue and I reproached them for that.

THE PRESIDENT: Mr. Glancy, in reading Item 2, did you say, "Jews" or "Jewesses?"  
Mr. Glancy: "Jewesses", Sir.

BY MR. GLACY:

Q You recognized this report as coming from you, do you not?

A No, it did not come from myself. I was absent for three weeks. The rapport was made at the end of September, on the 28th of September,

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approximately, and I was south of Leningrad at that time and I was not in charge of any subkommandos in Estonia, or, at least, of parts of any subkommandos in Estonia.

Q Were you known at this time as the Commanding Officer of Sonderkommando I-A?

A I was the commander of Kommando I-A. Yes.

Q Were you relieved of the command of I-A?

A No.

Q Then you were responsible for those Teilkommandos in Estonia?

A Stahlecker knew that I was south of Leningrad at the time and during this time I was not in charge personally of the Sonderkommandos in Estonia. Consequently, I could not be held responsible for them.

Q Were you ever relieved of the command of Sonderkommando I-A in October of 1941?

A No.

Q Do you recognize this order?

A Excuse me, what order?

Q This report. The orders for the arrest of all Jews, the working of the Jewesses in the peat bogs, quartering of the female Jewish residents.

A No. I just said that the accommodation of Jewesses in the synagogues or in that vicinity of the synagogues, I did not approve of the housing in the vicinity of the synagogues, when I found out about it, but it is true that I gave the internment order for all Jews in Estonia, approximately on the 10th of September. This should have been carried out gradually.

Q You approved of that arrest of all the Jews, didn't you? You ordered it, in fact?

A Yes, I ordered it.

Q You approved of 60 year old woman working in peat bogs, didn't you?

A I was told that this was not heavy work. The suggestion was

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made by Estonian officials who knew these conditions and who were acquainted with them.

Q You approved of it?

A I did not investigate the matter, but I certainly did not disapprove of it.

Q You knew of it?

A Yes.

Q But you got a sanctimonious streak and disapproved of billeting females in synagogues?

A Yes.

Q But it was all right to work them to death in a peat bog?

A Excuse me, Mr. Prosecutor. The work in the peat bogs does not refer to Dorpat, but that concerns the camp Harku near Reval. Here in an old institution –

Q Just a moment. Just a moment. I am not concerned with the location, merely with the truth and the facts. You said that you approved of the working of 60 years old women in peat bogs?

A In the case of Reval, this was approved, yes. In the case of Dorpat this did not come up at all.

Q And you laid further plans for the extension and expansion of concentration camps to accommodate more Jews?

A All Estonian Jews were to be put into the Harpu camp, yes.

Q You knew what their fate must be as a result of this; didn't you?

A No, I did not.

Q Didn't you know the Hitler order?

A Yes.

Q Didn't it follow if they were collected, they'd be shot?

A Yes, the possibility existed.

Q The certainty was there, wasn't it?

A I already said that there was a very strong probability.

Q In Document Book I, page 78a of the English, page – I believe

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it is 108 of the German—

A May I ask you what document it is?

Q It is Document N0-3279.

A Yes, yes.

Q I read here on page 5 of the original under "Communism." "With the exception of one, all leading Communist officials in Estonia have now been seized and rendered harmless." What is your interpretation [sic] of "rendering harmless" as far as it applied to the Communists?

A I have explained that Communists –

Q What is your interpretation of this phrase "Rendering harmless"?

A In this case, as leading Communists of top rank were concerned, they were probably executed.

Q This is dated the 14th of January, 1942?

A Yes, that is the date of the Report of Events.

Q You were in command of Sonderkommando I-A on the 14<sup>th</sup> of January, 1942?

A Yes, that is correct.

Q These Communists were rendering harmless or killed during this time, weren't they?

A Only the leading officials are being described in this. The leading Communist functionaries were rendered harmless, yes.

Q How many leading officials were there?

A By leading functionaries who are mentioned in this document and who, with the exception of one, were arrested, are meant definite people's Commissars and members of the Central Party of the Estonian Socialist Republic, as they were listed in an enclosure to the Document 1180; the number of the personalities to which your question referred may have been 6 or 7%.

Q The sum total of Communists seized runs to about 14,500, do you see that?

A Yes, 14,500, yes.

Q That means 1,000 were shot?

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A Yes, I get that from the document.

Q You know it.

Q Did you know of it? Do you remember it?

A The report must have been submitted to me.

Q Then at one time, at least, you knew of it?

A Yes.

Q Were you in Estonia then?

A Yes, but they were not shot on my own responsibility. I am only responsible for 350.

Q You are responsible for 350?

A That is my estimate.

Q That will be enough. In document Book III-A, page 13 of the English -- I will withdraw that question. In document Book II-A, page 49 of the English –

THE PRESIDENT: Mr. Glancy.

MR. GLANCY: Yes.

THE PRESIDENT: I think the hour has arrived. Would you mind deferring that until next session?

MR. GLANCY: Not at all, Sir.

THE PRESIDENT: The Tribunal will now be in recess until Monday morning at 9:30.  
(The Tribunal adjourned until 17 November 1947 at 0930 hours.)

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[Block quote begins]

Official transcript of the American Military Tribunal No. II in the matter of the United States of America against Otto Ohlendorf, et al, defendants, sitting at Nurnberg, Germany, on 17 November 1947, 0930-1630, Judge Michael A. Musmanno, presiding.

[Block quote ends]

THE MARSHAL: The Honorable, the Judges of Military Tribunal II.

Military Tribunal No. II is now in session. God save the United States of America and this Honorable Tribunal. There will be order in the Court.

DR. GAWLIK (for the defendant Seibert): Your Honor, on Saturday I could not talk to my client because all the cells we usually have our discussions in, were occupied. For this reason I would ask you to permit me to have the defendant Seibert excused this morning so that I may talk to him in order to prepare his defense.

THE PRESIDENT: It is entirely satisfactory, but suppose we reach him some time this morning, as is not unlikely; it is entirely agreeable to the Tribunal that Dr. Gawlik speak with his client this morning, but in the event we should reach his case before the morning terminates, then of course he would need to be immediately available.

DR. GAWLIK: Yes.

THE PRESIDENT: Suppose we do this then: suppose that we allow him to go to the room where you will confer with him until recess time. The defendant Seibert will be excused from attendance in court so that he may confer with his attorney until recess this morning; that is to say, until about 11:15. The Marshal will attend to the details.

You may proceed.

MR. GLANCY: Thank you, Your Honor.

CROSS EXAMINATION – Continued

MARTIN SANDBERGER – Resumed

BY MR. GLANCY:

Q Dr. Sandberger, when on Friday the prosecution posed the question to you - - the question was: "Was the Estonian self-defense movement

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under your command?" , the record will show that you replied in the negative. Do you wish to reconsider at this time and perhaps reframe your answer?

A The answer exactly is as follows: the Estonian homeguard came under the field and local kommandatura of the army. The security police was authorized to give them directives via the field and local kommandatura. That is what I said in the direct examination and that is the exact answer.

Q Then, in effect, the Selbstschutz or the self-protection group was under your command?

A No, Mr. Prosecutor, it was subordinated fully to the field and local kommandaturas of the army. I was merely authorized to pass on orders to them via these kommandaturas – of course, only with their agreement.

Q If you wished to convey orders on the carrying out of executions using or employing the Selbstschutz, that was always done, was it not?

A I know of no case in which it did not happen that way.

Q Then in effect they were subordinate to your commandos?

A In this shape and with this limitation which I have just mentioned and as I have also mentioned in the direct examination.

Q You speak of limitations. Might we not say [sic] that there were no limitations, for any order which you gave fully expected to have it carried out by this group?

A No, Mr. Prosecutor, I could not expect that absolutely because the field and local kommandaturas could come between, and of course so could the homeguard by getting in direct contact with the field and local kommandaturas and thus they could avoid contact with my own office.

Q Did it ever happen that you wanted or wished to employ the self-protection [sic] troops and were refused?

A I know of no case where that happened.

Q Thank you. Do you recall the name "Bleimel?"



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A Yes.

Q In your affidavit [sic] in which you state that 400 Jews were killed on Jeckeln's orders; you say that these executions were carried out by your Chief IV or your gestapo chief, is that correct?

A I don't know what affidavit you're referring to at the moment.

Q It's in Document Book III-A, Page 13 in the English.

A Is it No. 3844, Mr. Prosecutor? That is Document No. 3844.

Q That is correct.

A In this affidavit it says nothing of the Department Chief IV but merely about the subcommando leaders in Pleskau.

Q Boeymehl, Schuerer, Blankenbach.

A Yes, subcommando leaders in Pleskau but not Department Chief IV.

Q They were subordinate to your command?

A The Subcommando in Pleskau was at that time part of my commando, yes.

Q He was never [sic] subordinate to you?

A Yes.

Q And they ordered the shooting or execution of these Jews?

A Yes, one of them.

Q One was enough.

A Yes.

Q In Document Book I, on Page 86 of the English --

A May I ask what document number that is?

Q That is NO-3340. We see that it reads, on Page 3 of the original: "In the course of the general Security Police screening of an additional part"--

A Pardon me. I can't find the document. May I ask the number again?

Q NO\_3340. It's Page 118 of the German.

A Yes.

Q I will repeat. "In the course of the general Security Police

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screening of an additional part of the civilian population around Leningrad, 140 more persons had to be shot." Do you recall that incident when you were on the Leningrad front with the Teilkommando?

A I am sorry, I haven't found the place yet. It isn't 3340, is it?

Q That is right. It's on Page 3 of the original German.

A The Document 3340 begins in the book, which I have, on Page 119 and has only two pages.

Q I am very sorry. Do you have it now? Page 3 of the original.

A No, it only has the reported events on 173, and in this copy that I have it only has two pages.

Q That is all that I am going to refer to. Do you see the paragraph beginning: "In the course of the General Police screening of an additional part of the civilian population around Leningrad"--?

A In the copy which I have here, Leningrad is not being talked about at all. But it says: Location: Krasnowardeisk, and behind that there are a few dots, so that means an omission.

Q Just below that, read the paragraph below that.

A Behind that there are a few dots, then the words: Excerpt from Page 4 of the original, and again a few dots, and then there is a line about Einsatzgruppe B that there are no reports having been received from Einsatzgruppe B; and what you are mentioning, I cannot find.

THE PRESIDENT: Mr. Glancy, you better send for the photostat then.

THE WITNESS: I am sorry. It's one page – the page proceeding [sic] that and it has the caption: Correction.

BY MR. GLANCY:

Q Do you have it now, Mr. Sandberger?

A Yes, I beg your pardon, it is the proceeding page. It has the caption: Correction. I cannot say anything, however, about it.

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Q Can you answer one or two of my questions? Can you recall for what basic reason these people were considered a threat to security?

A I can't remember it because it did not fall under my jurisdiction.

Q Were you in Leningrad?

A As I have stated, in the time between the 3rd or 4th of October 1941; but this is a report [sic] concerning Berlin, dated the 25th of February 1942.

Q Were you not in the surrounding territory of Leningrad in February?

A No.

Q Were any of your command there?

A The subcommando Krasnossele was subordinate to me, or at least as far as food and administration went, but not as regards the actual work of Department III and IV.

Q Was this one of your Teilkommandos?

A As far as food and administration is concerned, factually it was subordinate to the Commando Krasnowardeisk. This report was neither issued by myself nor did it go through my channel at all, nor did I order it.

Q I want to ask you a hypothetical question. If you had a person subordinate to you who was continuously rebellious and dilatory in the carrying out of orders that you issued, would you consider him worthy of promotion?

A It depends in what manner this person would have reported to me the reason which would have initialed [sic] his not carrying out of a directive or an order.

Q If you had issued an order, you would fully expect that order [sic] to be carried out. Isn't that military activity and custom?

A Normally, yes.

Q We are speaking of normal cases.

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A But I would have given the possibility to a subordinate to give me reasons which would have caused his hesitancy in carrying out an order, or his refusal to carry it out.

Q How long were you in command of Sonderkommando I-A?

A Special Kommando-I-A was subordinate to me until the first of January or the first of February 1943. I don't know exactly.

Q During that time, would it not become apparent to your superiors if you were reluctant to carry out orders which had [sic] been issued to you?

A I have stated explicitly that I did talk to Stahlecker and gave him the reasons why I asked for a delay.

Q Please answer my question. Would it not become apparent to your superiors if you had been dilatory or delaying in the carrying out of standing orders?

A It did strike my superiors that I did so. That becomes evident [sic] from his own reports from Riga and Berlin: L-180 and 111. In these reports it says that I delayed it.

Q You take a rather broad interpretation of these reports, I can assure you. On the 9th of November 1942, you were deemed so worthy and showed such a soldierly attitude--an attitude of obedience to the Fuehrer and your superiors--that you were promoted to Obersturmbannfuhrer, is that right?

A Yes, that is correct.

Q When you returned to Berlin you were looked upon with favor were you not?

A Well, there were a few people who looked at me very unfavorably [sic].

Q But for the most part you were well considered there for your activities in the east, is that right?

A I think that Herr Ohlendorf, when he was in the witness box, gave [sic] testimony to the contrary, and I heard other people mention that my activity in the east was looked upon very negatively.

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Of course, there were a few people who looked at it positively, but those were not the ones who had anything to do with my promotion.

Q I see. Let us take a look at a document. It's a recommen-dation [sic] for your promotion from Obersturmbannfuehrer to Standartenfuehrer  
Did you not say that you were in ill health and therefore were not able to take part in the Wehrmacht activities or join the Wehrmacht?

A From February to August -- I was --

Q Just answer my question, yes or no.

A Partly, yes, at certain periods.

Q Before you took your assignments with the Einsatzgruppe, you stated on direct examination that ill health—a rheumatic attack—prevented your joining the Wehrmacht.

A Up to March 1941, yes; then I asked to be released.

Q Released from what?

A Released from the service of the RSHA—the Reich Security Main Office—in order to join the Wehrmacht.

Q T [sic] join the Wehrmacht?

A Yes, the Wehrmacht or the Waffen-SS, in any case, a frontal unit.

Q I offer Document No. N0-5045, as Prosecution Exhibit 182. In this exhibit, we find as part of your recommendation for promotion --

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THE PRESIDENT: Proceed, Mr. Glancy.

BY MR. GLANCY:

Q Thank you, sir. This document, I am sure, will service [sic] to clear up many difficulties we have found in your direct examination. First you stated on direct examination that you were in ill health [sic] and therefore were unable to join the Wehrmacht. Under your fitness rating it says, "Fit for general service." Under military service it says, "No service. Deferred for the Reich Security Main Office." Another thing that will serve to clarify, it says, "SS since 11 May 1935, SS No. 272495." When I asked you on Friday when you joined the SS you were adamant in your assertion it was 1936 and the record must have been mistaken. However, here again we see repeated "SS, 11 May 1935." You joined the SD in 1936 in January. Perhaps this will serve to refresh your memory. Going on –

A May I ask where it says so here? Yes, I see.

Q Do you see it now?

A Yes.

Q It is further down.

A But it is not correct, all the same. My superior at that time, Dr. Scheel, is in prison here. He can be asked about it. The co-defendant [sic] Steimle who is [sic] here in the dock was in Stuttgart in the SD at the time and can also be asked whether I joined the SS in May 35 or in January 1936 –

Q The memory of a man might fail. Records, if they are not destroyed, stand. Looking at your decorations we see that you got the Service Medal of the NSDAP in bronze, the Iron Cross, the Meritorious War Service Cross I and II Class with Swords, II Class without Swords, the East Medal, Ostmark Medal and the Sudeten Medal. As part of your recommendation further before that we see "Position: Group Leader in Amt VI-B/3." Then it says: "SS-Sturmbannfuhrer Dr. Sandberger who already in the battle period advocated the movement among the students,

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is irreproachable in his politics and his world point of view. And is without fault in his character. Sandberger is an SS-Leader of better than average gifts, who possesses a particularly good spiritual fluidity and a gift for grasping quickly. He is distinguished by his great industry and better than average intensity of work. From the professional point of view, Sandberger has proved himself in the Reich as well" and mark this – "as in his assignment in the East."

We also see from this that this was not an ordinary promotion but a preferential promotion. Can we not deduce from this that you as an SS man had carried out all duties and all orders as they were given to you?

A I beg your pardon, may I give my comment on this now?

Q I am not interested in your attitude now. It is what it was in 1941.

A 1944, this report is dated.

THE PRESIDENT: Witness, perhaps we got the wrong impression from your statement that you would like to express your attitude now. Well, if it is your attitude, of course, that isn't really material, but if you have any explanation to offer to what is contained in this personnel record, of course, you are free to do so.

THE WITNESS: May I do so now, Your Honor?

THE PRESIDENT: Yes, certainly, you can comment on anything that the Prosecution has referred to.

THE WITNESS: As far as the degree of ability is concerned, capable for military service, yes, it is true that in 1944 I was fit for military service. I stated so. I was fit for military service from 1941. I said in direct examination that since 1941, based on my own attempts, I became fit for military service, and that I reported for troop service. It is true that I did not serve. I said so in the direct examination. I said that it was my intention to report for service to the Wehrmacht, first of all to get some basic training before and then to join some frontal unit. It is correct that I was



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deferred for the RSHA. That was in the beginning of the war, and it was against my express wishes. I said so in my testimony. The question of my joining the SS in May, 1935, I assure this again, is a mistake in the files. It must be a mix-up, and I think my defense counsel will be in the position to prove this. As far as the general question is concerned, why my superior at that time, Schellen-berg [sic], gave such a strong recommendation for my promotion, at the time, in autumn 1944, after it had been refused twice by Kaltenbrunner, as I know from Schellenberg, Schellenberg himself will make a statement referring to this. I may point out that there is a handwritten note at the end of this document to the effect that the Chief of the SS, Himmler, ordered that at the suggested period I should not be promoted, the date is 9 November, 1944, so that I should only be promoted at a later point, the 30th of January, 1945. As far as the reasoning is concerned, Schellenberg will be able to give better testimony as to this to you. Thank you.

MR. GLANCY: May it please the Tribunal, the Prosecution has no further questions.

THE PRESIDENT: Any further redirect examination, Dr. von Stein?

#### REDIRECT EXAMINATION

BY DR. VON STEIN:

Q I have only one question to put to the witness, Your Honor. Wit-ness [sic], you were questioned during the last days concerning the number of shootings, and you stated a figure of approximately 350. You were going to proceed with your answering this question, but you were inter-rupted [sic]. I think it important that you should give us a supplementary statement what people were contained in this figure of 350 Communists, and why and for what reason this hooting [sic] took place at all.

A Concerning the figure 350 executed communists between July and December, 1941, I would like to refer to the whole extent of what I said in my direct examination. It is a confirmation of suggestions for executions by the Estonian Deliberation-Committee, explicit examinations