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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

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and investigations according to the lines which I talked about. That is what I meant to say in my answer.

THE PRESIDENT: Are you finished now with your direct examination?

DR. VON STEIN: I have no further questions to the witness, and I now ask - -

THE PRESIDENT: Do you have a question? Very well.

DR. SURHOLT: Dr. Surholt for the Defendant Dr. Rasch.

BY DR. SURHOLT:

Q I shall refer in my questions to Document Book III-A, page 10 of the English and page 17 of the English [sic] text. It is Document No. 3872. It is Prosecution Exhibit No. 110.

THE WITNESS: Excuse me, what page is it in the German book?

Q It is page 17 in the German book. The Prosecution mentioned this document in its case in chief and said that Dr. Rasch was made responsible for the persecution of the Jews in the Ukraine. Do you have the document in front of you?

A Yes, it is in front of me.

Q I only see now, Responsible for the persecution of Jews in the Baltic countries and in White Ruthenia is Jeckeln." Then there are figures, 1, 2, 3, 4, 5, and then it says under 5) "Other informa- tion [sic] regarding persecution of Jews." Then under "b" it says: "Ukraine. Rasch." Will you please comment on whether the interpreta- tion [sic] of the Prosecution in your affidavit is correct and is based on facts?

A Here I can only say that I distinguished concerning Jewish prosecution in the Ukraine, Rasch. The reason why I presumed that Dr. Rasch could give us some information as to this is that I knew that he was the chief of an Einsatzgruppe. Another reason - I had no other reason for my assumption. I can't see that here I asserted any responsibility on the part of Dr. Rasch.

Q Can you confirm any responsibility of Dr. Rasch from your own

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position?

A Personally, no.

Q Do you know Dr. Rasch's position in the Ukraine?

A No. When I was asked by the Defense Counsel for Dr. Strauch I said I did not even know about it in Minsk and, of course, I know it less as far as the Ukraine is concerned.

Q In that case it must have been a misunderstanding on the part of the Prosecution and their interpretation of your affidavit?

A I cannot say any more than I have already said.

Q You were in Pretsch also?

A Yes.

Q Were you present when Streckenbach issued the repeatedly mention-ed [sic] order?

A Yes. I said no in my direct examination and I made an explicit statement concerning this.

Q You mentioned then in an affidavit of 19 November 1945 that – also in Document Book III-A, Document 3873, page 97 of the German document book. You say in this that in September of 1941 the order came through to shoot all Jews. May I assume from this that there were two phases of channels of orders in the East?

A No, I do not know, Mr. Defense Counsel, whether you were present during my direct examination. May I repeat for your information shortly I learned about the general order in Pretsch. My superior gruppen chief did not wait to see whether I would do anything or whether I would not do anything, but he repeated this order on various occasions. What is talked about here is an explicit explanation [sic] of the order in September. It had happened before in July and August, but I mentioned all this in the direct examination.

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THE PRESIDENT: I thought you wanted to say something to me, but apparently you want me to say something to you.

DR. VON STEIN: No, your Honor, I only wanted to put another brief question to the witness which is now based on the new document which is just submitted. May I ask the question?

THE PRESIDENT: Please do.

DR. VON STEIN: In this new document I find an incorrect state-ment [sic]. The defendant was told that it became evident from this docu-ment [sic] that already in 1935 he had joined the SS. In the copy which I have, it says, "P. G." – that means party member – "since the 11th of May, 1935."

THE WITNESS: this is also wrong because the Party I joined in November, 1931.

DR. VON STEIN: I only want to point out the incorrectness, the incompleteness, of the document. It does not become evident from the document.

THE PRESIDENT: Let us ask the witness directly, when did you join the SS?

THE WITNESS: I was admitted to the SS with effect from 1 January, 1933 – '36 – and my superior was –

BY DR. VON STEIN:

Q. Is it true that you are supposed to have been a Party member since the 11th of May, 1935?

A. I am sorry I have lost the document now. Noo [sic] I have found it now. I have found it. I don't know what it means. "P.G., Party member since 11th May 1937." I don't think it is usual that some-body [sic] says he was a Party member since November, 1931 if it becomes quite evident from the document that he has only joined the Party in 1937. I can assure you that I joined in November 1931. What was the official date, I don't remember.

Q. But I must direct your attention to the second line where it says, "P.G." – that means Party member – "since 11 May, 1935."

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A. I have already explained the dates now, and I cannot add any-thing [sic].

DR. VON STEIN: I have no further questions, your Honor.  
BY THE PRESIDENT:

Q. Well then I understand that you joined the SS in January, 1936, is that right?

A. On the 30th of January, 1936, I received the document con-firming [sic] my joining the SS, which was back-dated to the 1st January, 1936. It was given to me by Dr. Scheel who is in prison in Nurnberg.

Q. Did you join voluntarily?

A. Yes.

Q. Then, when did you join the SD?

A. In May, 1935.

Q. I see. And you joined that voluntarily?

A. Yes.

Q. Witness, did you prepare any reports yourself while you were in the field?

A. You mean whether I wrote, reports to superiors?

Q. Yes.

A. I believe that I must have dictated three or four reports personally.

Q. Yes, in any of these reports which you made did you outline the system of review of cases which you have told us in detail?

A. You mean, your Honor, review concerning Communists, inves-tigations [sic] within the actual procedure?

Q. Yes. You told us how each case was examined and tried by--

A. Yes.

Q. Yes. Now, did you make any report on that to your super-iors [sic]?

A. I reported orally to Stahlecker, also orally to my later superior Jost, and I also showed him the order which I had issued concerning it.

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Q. You had made a written order that these reviews should take place?

A. These directives which I described were contained in an order [sic] issued by me which contained about three of four typewritten pages.

Q. Did you ever make that report in writing to your superiors?

A. I don't remember that, your Honor, I don't think so. I may have shown it to Herr Jost.

Q. You have had an opportunity to study all the document books which have been presented by the Prosecution. Have you found in your study any reference at all to this detailed procedure for review and appeal which you have outlined to us?

A. No, I did not find anything at all about this, your Honor. This would not have been approved of in Office IV in Berlin and Stahl-ecker [sic] attached great importance when I reported to him orally that if it was carried out at all, which he agreed to, it should not be emphasized [sic] in front of Office IV.

Q. Berlin would rather that you did not conduct these investigations [sic] and trials and reviews, is that what we understand from you?

A. Yes, it was not in the line of the Chief of Office IV that matters were being dealt with so thoroughly.

Q. They preferred you would deal more summarily with those who came within the scope of the Fuehrer order?

A. Office Chief IV, yes, would have considered a summary dealing [sic] more correct.

Q. Yes. This affidavit which you prepared on 19 November, 1945, NO-3872, was that prepared entirely from memory?

A. Just a moment, your Honor, please.

Q. The one which contains all the names.

A. Yes, the following took place. Herr Wartenberg asked me for such names. I told him that I could not remember many names off-hand [sic]. whereupon, he asked me to think about it for eight days in my cell. He gave me pencil and paper and ordered me to concentrate upon

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this. He would have me called after eight days and he wanted me to have a few names by then, and he wanted me to give him then the names. After eight days he called for me and asked for these names, and he him-self [sic] made up the wording from these names. This is, therefore, the re-sult [sic] of an eight-day concentration on this subject only which was order-ed [sic] by Herr Wartenberg, while in making out the other affidavits I had no opportunity to concentrate as long as that, but the questions were unpre-pared [sic].

Q. Very well. In these reports we find many references to execu-tions [sic] where we find the statement, so many Communists and so many Jews executed. If a Communist also happens to be a Jew, is he mentioned in the report as a Communist or as a Jew?

A. Your Honor, both was possible. According to orders of Ein-satzgruppe [sic] A, Jews should always be mentioned under the heading "Jews", even when they were communists. But it is possible that other proced-ures [sic] were followed, i.e. that by mistake Jewish Communists were not mentioned under the heading "Jews" but under "Communists".

Q. Very well. Where were you between February and April, 1942?

A. In the time, February, until approximately the 10th of March, 1942, I was in Estonia, From the 10th of March, 1942.

Q. Let us have those dates again, please, now.

A. In February and approximately until the 10th of March, 1942, I was in Estonia in my own field of activities, and approximately from the 10th of March, 1942, I was on an official trip in Berlin, and then I was on leave at home.

Q. Witness, let us get it a little more precisely. On March 10th you left to go to Berlin?

A. Approximately the 10th of March. It might have been the 9th or the 11th.

Q. Very well. And now, tell us where you were during the remain-der [sic] of March.

A. Partly in Berlin on an official trip and partly on leave with

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my family.

Q. And when did you return then?

A. Excuse me, I must add something here. Partly, that is three days in March, I was in Prague. By official order, to attend the funeral [sic] of Stahlecker. During the last days of March, I don't remember the date exactly, I returned to Estonia, but on the way I fell seriously ill, and from that day on I was suffering from scarlet fever, and I was in the Department for Infectious Diseases in the hospital, Pernau, and I was absent from duty. That was until the first days of the month of May.

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Q About when did you become ill?

A During the last days of March. I can't say the exact date. It might have been the 25th or the 27th.

Q And when did you return to your duties in Estonia?

A Again I can't say the exact date. It might have been around the 5th of May.

Q Where were you hospitalized?

A In the reserve hospital in Pernau in Estonia, which at that time was in a school in Pernau. There I was in the department for infectious diseases.

Q When did you go to Prague?

A During the second part of March.

Q Why did you go to Prague?

A I got a teletype message to Berlin from Riga from the Einsatzgruppe with the official order to attend the funeral of Stahlecker in Prague. In order to comply with this order I went to Prague.

Q Stahlecker was buried in Prague?

A Yes.

Q What was the date of the funeral?

A I don't remember the date, it was during the second part of March.

Q Now, you say you were absent from Estonia from March 10 until May 5, is that right, from your duties?

A Yes.

Q When did you actually get into Estonia, after March 10, on your return? When did you physically return to Estonia?

A Pernau, where I was hospitalized, is in Estonia. Therefore, in a state of ill health, I was in Estonia in the field hospital.

Q When was that?

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A That was in the last days of the month of March.

Q When did you learn of the executions of the Jews that you had placed in Pleskau?

A I don't remember the exact date. As I said in my direct examination, this event took place a few weeks before Stahlecker's death which must have been during the second part of January or possibly in the first half of February. I learned about it a few days after it had happened.

Q When did you say the execution occurred?

A During the second half of January or the first half of February.

Q Well then, you were in Estonia when this occurred?

A Yes.

Q Well, were you there at the time of the execution?

A During the time of the execution I was in Reval. The execution took place in Pleskau without my knowledge.

Q What were you doing in Reval?

A That's where I was stationed. That's where my office was, where I usually stayed. I did not know that Jeckeln would go to Pleskau on that very day and would be present in Pleskau.

Q And then when did you actually learn of the execution?

A A few days after it had happened, during an official trip during which I also passed through Pleskau.

Q And about when was that?

A Your Honor, I told you I couldn't state a more exact date than the second half of January or the first half of February, 1942.

Q How many days after the actual execution?

A I can't remember that exactly. They were few days, two or three days.

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Q Did you get in touch with Jeckeln after the execution had taken place?

A No.

Q Did he get in touch with you before the execution took place?

A No. I knew nothing about it.

Q These Jews here under you [sic] direct command, were they not in Pleskau?

A Yes. They were under the command of the Sub Kommando Pleskau. And the Sub-Kommando Pleskau was under my command.

Q What's his name?

A It was called "Sub-Kommando Pleskau" of the specific Command I A.

Q What was his name, the name of the Leader, the Sub-Kommando Leader?

A Pleimehl, at that time, the Leaders changed very often at that time.

Q Well, I mean at the time of the execution.

A Yes.

Q Pleimehl. Did he get in touch with you when Jeckeln arrived?

A No, there were no communications between Pleskau and Reval.

Q How far is it from Pleskau to Reval?

A Approximately 350 km by Road. There was practically no telephone connection.

Q How about the Radio System?

A At the time, the H.W. in Pleskau had no Radio-Station.

Q You said that there was hardly any telephone connection. Does that mean none at all or six or seven?

A There was a telephonic service but it was so weak and

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there were so many interruptions, that an actual conversation between the offices was not possible, neither at that time nor at another time.

Q Was there any airplane service at all?

A No, not on that line.

Q No military planes available?

A Not on that line.

Q When you returned to Pleskau did Pleimehl then tell you what had happened?

A Yes.

Q Did you reprove him for not having contacted you before it occurred?

A No, I could not do so.

Q Why not?

A He had followed an order of the highest superior, and therefore I could not reproach him.

Q Before you left Pleskau had you instructed him that no executions were to take place?

A No Jews were in existence who could have been executed. Therefore this question was not topical at the time, your Honor.

Q But you had placed these Jews in the internment camp and left Pleimehl in charge?

A Yes.

Q Had you told him that these Jews were not to be executed?

A I had told him - - I hadn't given him an order to execute them but this man was most hesitant in every order. He was very soft, and I was absolutely certain that he would never act without having received an order before. This, my opinion of him, was based on my judgment of his

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character. He was a very soft personality.

Q Then you did not tell him that he should not execute the Jews. You merely depended upon your knowledge of his character?

A Judged by his character there was no doubt that he would never carry out these executions without an order.

Q But he already had the Fuehrer order, didn't he, to execute all Jews just like all sub-commando leaders had?

A No, your Honor, I had not made the Fuehrer order known to him.

Q And Pleimehl did not know in 1942 of the existence of this Fuehrer order that Jews were to be executed?

A Your Honor, on this day, when he reported to me I asked him whether he had known about this Fuehrer order. I told him that after all, I had not talked to him about this order, whether some other agency had informed him about it. Whereupon he replied that before he joined my office in October, he had been within the staff of the Einsatzgruppe in Riga and there he found out about this Fuehrer order. I had not known anything about that.

Q Well then, he did know about the order?

A Yes, he did, but I did not know that he knew.

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Q. Well, you conversed with him when he arrived and you talked about this, and he told you that he had seen the order?

A. Your Honor, perhaps my statement gave reason for misunderstanding. The discussion which I just mentioned happened when he reported to me and told me that Jeckeln had given the order for the execution, and he had carried out the order which was given. Thereupon, I asked him whether he had known about this Fuehrer order, and then he said this to me.

Q. Well, when he first reported to you did you discuss with him his duties?

A. Yes, but these duties, at least in my opinion as I have said, did not concern elimination of Jews. Therefore, I did not discuss the Fuehrer order with him. His duties were mainly concerning tasks of security police, not regarding the Fuehrer order.

Q. And in all your conversations with him the Fuehrer order never was mentioned?

A. No, I did not have many discussions with him.

Q. When you made up your affidavit in 1947, 23 April 1947, why is it that you referred to the period of execution as being between February and April, 1942?

A. Your Honor, the reason is that I had no opportunity [sic] to concentrate on the date. I did not have the possibility to deal with these matters so much in detail as I have done during the last few months, and remember things so well. The deadline becomes evident to me based on the following: It was a few weeks before Stahlecker's death which took place the second part of March, and therefore I can now work out exactly that it must have been at that period which I have mentioned. This exact working out did not occur to me then and it seemed to me that Mr. Wartenberg was not so anxious

to know the exact date and the time.

Q. That was a very important episode and yet you indicated that it occurred within a two month period. Your memory would have been a little more exact in a thing of that importance, would it not, even if you hadn't sat down and concentrated for eight days on it?

A. I was asked without having had the opportunity beforehand to concentrate upon this question of the date. Mr. Wartenberg did not seem to attach any importance to the exactness of the date, or at least not very much. I told him that I could not remember the exact date and he asked me when had it been approximately, and that is what I told him.

Q. In the personnel report which Mr. Clancy referred to this morning you are praised for possessing the gift of grasping quickly. Could you not have grasped quickly when Mr. Wartenberg asked you the date of this execution?

A. I did not know then, your Honor, that he wanted to know details as to the date, but I told him that I could not exactly remember.

Q. How many were executed that day?

A. That again I did not remember exactly, and I still don't remember it very well, but there must have been about five hundred people, your Honor.

Q. Well, when you returned to Pleskau and found that five hundred persons had been executed without your having been contacted, even though you were in charge, did you not make some report on it?

A. I certainly did not make an immediate report, your Honor, because I intended to report orally to Stahlecker about this event.

Q. And did you?

A. I never had the chance because after a few weeks he died [sic]

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Otherwise it would have happened obviously, but the figure of these executions was reported about in a report which went to Riga but without giving any details. No doubt there were no details concerning this particular event. That is what I wanted to report about to Stahlecker.

Q. So you never officially complained to anybody about the execution of these Jews?

A. Your Honor, I could not complain to Jeckeln himself. After all, he was my highest chief.

Q. Well, you didn't complain to anybody then?

A. There was nobody there, nobody I could have complained to at that place.

Q. Well, because you couldn't see anybody, because you couldn't talk to anyone, because Jackeln was the only one that you could have complained to and you couldn't because he was your superior, it resulted then that you made no official complaint about this?

A. No, I couldn't do that.

THE PRESIDENT: Any other questions, Dr. Von Stein?

DR. VON STEIN: No, I have no further questions.

THE PRESIDENT: Mr. Glancy.

MR. GLANCY: If it please the Tribunal, I wish to rectify an error on the part of the prosecution, one which was misleading, understandably so, to the defense, In the presentation of exhibit 182 which is NO-5045, in the German copy where it says "Party member since" and then "SS since", on the American copy, if your Honor will notice, it says "Party member", underneath that, the 774980 reentry, then "SS since". However, in the German mimeograph, rather than putting "SS underneath the Party membership, they have made it a ditto mark, sir. However, on the photostat it is clearly apparent that it says "SS" and not "Party member".

THE PRESIDENT: Very well. Your explanation will appear

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as part of your record.

MR. GLANCY: Thank you, sir.

THE PRESIDENT: Anything further, Dr. Von Stein?

DR. VON STEIN: Your Honor, the examination of the witness, Dr. Mae, was interrupted last Friday. I would now like the opportunity to call this witness to the stand.

THE PRESIDENT: The Marshal will be instructed that during the recess, which is now about to take place, the defendant will be returned to the dock and the witness, Dr. Mae, will be in the stand when the Tribunal reconvenes in fifteen minutes.  
(Recess was taken.)