

Module E

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Prosecution of Nazi crimes, denazification and the development of human rights protection

Target groups

The introductory sections of the module are suitable for all groups, the in-depth sections are suitable for employees in public administration, the police forces and the judiciary.

Group size

15–20 people.

Duration

2–3 ½ hours.

Topic, issues and goals

Even before the end of World War II, the Allies discussed measures for the prosecution of Nazi crimes and political denazification and democratisation of German society. At the same time, international preparations were underway for establishing the United Nations, the goals of which included peacekeeping and adhering to human rights. In the first post-war years, several international treaties were signed to ensure that human rights could be better protected and that more effective steps could be taken against states in the event of mass crimes and human rights violations.

In this module, the participants first look at the legal prosecution of Nazi crimes, particularly trials by the Allies as well as proceedings in German courts after the end of the war. The group additionally explores denazification, especially in the civil service. Personnel and structural continuities and ruptures within the police forces and public administration are also examined.

The second stage of the module looks at the Convention on the

Prevention and Punishment of the Crime of Genocide and the Universal Declaration of Human Rights (UDHR) as UN reactions to Nazi crimes, and it explains the background and primary content of these documents.¹ This section of the module introduces individuals who contributed to the two conventions and describes the implementation of the Declaration of Human Rights in international human rights conventions. By looking at present-day examples, the participants can determine how individual articles of the Declaration relate to their own work, enabling them to reflect on human rights issues in a professional context. When working with police and judiciary groups, it makes sense to focus on the prohibition of torture (Article 5 UDHR) and discuss the work of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) established by the Council of Europe. The goal of this module is to highlight the consequences of Nazi crimes. In particular, it should clarify the function of European and international regulations for controlling state authority and protecting rights to freedom and security.

Seminar materials

Dealing with perpetrators after the war

E_01

Summary presentation on the prosecution of Nazi crimes and the fundamentals of denazification after the war.

In-depth section on denazification: Administration

E_02

Message on the visitor pin board in the permanent exhibition entitled 'Traces of History: The Neuengamme Concentration Camp 1938–1945 and its Post-war History' from 1 June 2011.

¹ Cf. the articles by Gerd Hankel and Rainer Huhle in this volume.

In-depth section on denazification: Police

E_03

Biography of Julius Wohlauf from: German Police University Münster and Florian Dierl/Mariana Hausleitner/Martin Hölzel/Andreas Mix (eds), *Ordnung und Vernichtung. Die Polizei im NS-Staat* [exhibition catalogue], Dresden 2011, pp. 247–279.

E_04

Specially compiled biography of Theodor Saevecke.

E_05

Correspondence between Eberhard Zamory and Hamburg Senator of the Interior Werner Hackmann concerning members of the Hamburg police forces, in: VVN Hamburg (ed.), *Massenmörder in der Hamburger Polizei nach 1945? Dokumentation einer Kontroverse*, Hamburg 1996, pp. 8–13.

Declaration of Human Rights and Convention on Genocide

E_06

Summary presentation on the structure, content and background of the Convention on Genocide and the Declaration of Human Rights.

E_07

Biographies of individuals who contributed to the Declaration of Human Rights. A selection can be found on the website of the Nuremberg Human Rights Centre, <http://www.menschenrechte.org/lang/de/aktuelles/die-personen-hinter-der-geschichte> (accessed on 7 August 2013).

In-depth section for police and judiciary groups: Prohibition of torture and CPT report

E_08

Excerpts from relevant international regulations for protecting human

rights, particularly for preventing torture and abuse on a European level (individual references can be found in the document in the appendix).

E_09

European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT). *The CPT in brief*, Strasbourg 2010, <http://www.cpt.coe.int/en/documents/eng-leaflet.pdf> (accessed on 7 August 2013).

E_10

Report to the German Government on the visit to Germany carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 20 November to 2 December 2005, Strasbourg 2007, pp. 3-5 and p. 10 (Contents and Establishments visited), pp. 15-16 (Police establishments), pp. 40-42 and p. 83-84 (Unit for Secure Placement – *Sicherungsverwahrung*), pp. 26-32 (Immigration detainees held in prison), <http://www.cpt.coe.int/documents/deu/2007-18-inf-eng.pdf> (accessed on 7 August 2013).



Fig. 24: Seminar participant at the audio point for post-war trials in the 'Posted to Neuengamme Concentration Camp. The Camp SS' exhibition, 25 September 2012. Photo: Thomas Melchior



Fig. 25: Curio-Haus Trial, members of the Neuengamme camp SS, 1946. The accused from left: Max Pauly, commandant; Karl Totzauer, adjutant; Anton Thumann, officer in charge of prisoners' compound; Dr Bruno Kitt, camp physician; Wilhelm Dreimann, reporting officer; Heinrich Ruge, block leader; Wilhelm Warncke, block leader; Johann Reese, block leader and work detail commander; Adolf Speck, block leader and work detail commander. Press photo, Hamburg 1946. Photo: Neuengamme Concentration Camp Memorial archive, 1981-709

E_11

Report to the German Government on the visit to Germany carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 25 November to 7 December 2010, Strasbourg 2012, <http://www.cpt.coe.int/documents/deu/2012-06-inf-eng.pdf> (accessed on 7 August 2013).

Course of the module

Dealing with perpetrators after the war. Follow-up discussion after visiting the 'Posted to Neuengamme Concentration Camp. The Camp SS' exhibition

After visiting the exhibition entitled 'Posted to Neuengamme Concentration Camp. The Camp SS', the participants discuss how perpetrators were dealt with after the war. One section of this exhibition looks at Allied, West German and East German trials concerning crimes committed in Neuengamme and asks why only a small percentage of the perpetrators ever stood trial.

Following this discussion and seminar units on the role of the police, judiciary and public administration under the Nazis, the participants can talk about the treatment of the employees of state institutions who were partly responsible for exclusion, discrimination and murder.

Summary presentation on denazification and post-war trials

The topic of denazification and the legal prosecution of Nazi crimes is introduced in a presentation. After the war, the Allies outlawed Nazi organisations and used a questionnaire to determine the political culpability of the Germans. One of their goals was to cleanse the heavily incriminated civil service of dedicated Nazis. Allied and German denazification courts classified people in five categories based on their degree of incrimination (ranging from 'major offender' to 'exonerated'). With the nearly unanimous passage of the so-called '131er law' ('Law on the regulation of the legal position of persons

falling under Article 131 of the basic law’) by the Bundestag in April 1951, the young West Germany laid the foundation for a ‘renazification’ of the civil service. This meant that officials who had been dismissed by the Allies on political grounds but who had not been categorised as ‘major offenders’ or ‘offenders’ could return to the civil service. In this section of the module, the participants discuss possible reasons and motives for the reintegration of incriminated officials.

The international legal basis for trials of Nazi perpetrators is then explained. The International Military Tribunal established for the Trial of the Major War Criminals in Nuremberg in 1945/46 and the offences dealt with in this trial (1. Conspiracy, i.e. establishing a dictatorship and preparing a war of aggression, 2. Crimes against peace, 3. Crimes against humanity, and 4. War crimes) are introduced. In the Nuremberg Trial, the SS, SD, Gestapo and Nazi Party leadership were classified as criminal organisations, and the individual culpability of their members was investigated in subsequent trials. This section also discusses Allied jurisdiction beyond the Trial of the Major War Criminals in Nuremberg and German jurisdiction after the founding of the two German states in 1949. In West Germany, the Bundestag passed amnesty laws in the 1950s and Allied sentences were not enforced, and even in East Germany, the prosecution of Nazi perpetrators was the exception rather than the rule.

In-depth section on the topic of denazification: Administration

Section **E_02** can shed light on the post-war use of the former Neuengamme concentration camp as an internment camp and the treatment of the people imprisoned there in the course of political and legal investigations. The source of information here is a note from the visitor pin board of the permanent exhibition entitled ‘Traces of History: The Neuengamme Concentration Camp 1938–1945 and its Post-war History’ which was left by a visitor whose father had been imprisoned in the Neuengamme civilian internment camp (CIC 6) by the British on account of his position as a senior civil servant. In his message, the son describes the internees as victims and equates their

fate with that of the concentration camp prisoners. There is no indication in the note that the person he describes was a former prisoner of the internment camp and not of the concentration camp. On the basis of this pin board message, the participants should formulate theses on the situation described using the following questions, which are gradually introduced in this section:

- * Who is described in the message and who wrote the message?
- * How is a senior civil servant depicted here by his relatives?
- * How do the participants evaluate this interpretation in light of what they learned in previous seminar units regarding the behaviour of the civil service under the Nazis?

The second stage illustrates the historical background to the internment of civil servants, and the participants discuss the comparison between internment camps and concentration camps as well as the perception and definition of Nazi perpetrators based on the example of the civil servant presented here. Reference can also be made here to the biographies presented in the previous module.

In-depth section on the topic of denazification: Police

In the in-depth section for police employees, short biographies explaining the post-war careers of police officers are presented for discussion. Julius Wohlauf (**E_03**), who had been company commander and deputy commander of the Hamburg Reserve Police Battalion 101 and who was head of the road safety department for the Hamburg police after the war, was sentenced in Hamburg in 1968 to eight years in prison for complicity in the murder of 9,200 people. Theodor Saevecke (**E_04**), who was chief of the security police in Milan in 1943 and was responsible for the public shooting of hostages, was interned for three years after the war but subsequently worked for the CIA and, in 1951, joined the newly founded German Federal Office of Criminal Investigation, where he was head of the 'Treason and High Treason' department. Correspondence between Eberhard Zamory and Hamburg Senator of the Interior Werner Hackmann (**E_05**) is used as a basis for evaluating the behaviour of

Hamburg police officers who had served under the Nazis and continued their careers after 1945.

Declaration of Human Rights and Convention on Genocide

In the first post-war years, a number of international agreements were established which can be viewed as a reaction to the experiences of the Nazi era and World War II and which were supposed to form the basis of a more peaceful world order. In addition to the Charter of the United Nations, these agreements included the Convention on the Prevention and Punishment of the Crime of Genocide and the Universal Declaration of Human Rights. The structure, content and background of these declarations are explained in the seminar and examined on the basis of biographies of individuals involved in formulating and enacting them (**E_06**). In order for the Declaration of Human Rights to be accepted by all nations, very different cultural and political ideas had to be brought into alignment. Eleanor Roosevelt, first chairperson of the UN Commission on Human Rights, rendered outstanding services in this regard.

This 18-member commission also included people who had themselves been persecuted by the Nazis, such as the French lawyer René Cassin, many of whose relatives were murdered in concentration camps because they were Jewish.



Fig. 26: Eleanor Roosevelt holding a poster with the English text of the Universal Declaration of Human Rights, 1 November 1949. Photo: United Nations, New York, Photo #1292

Eleanor Roosevelt

Anna Eleanor Roosevelt, born in 1884, was the first child of a distinguished and wealthy family in New York. In 1905, she married the lawyer and Democratic politician Franklin D. Roosevelt, a distant relative. Even before World War I, she was active on behalf of political concerns such as women's suffrage and social security. Between the wars, she was involved in the women's movement and, from the mid-1930s, in the African-American civil rights movement. She continued her journalistic and political activities while her husband served as US President from 1933 to 1945.

When Franklin D. Roosevelt died in 1945, Eleanor Roosevelt had become highly esteemed around the world as a public pioneer of the civil rights movement. Her standing as a credible representative of the progressive United States led the UN Commission on Human Rights to unanimously elect her its chairperson at its first meeting.

With diplomatic skill, she was repeatedly able to smooth over opposing positions within the commission through personal discussions. However, she did not play an instrumental role in formulating the Declaration of Human Rights. She was also in agreement with the American delegation that the Declaration of Human Rights should not be legally binding. When Dwight D. Eisenhower was elected US President in 1953 and the Republicans took control of foreign policy, Eleanor Roosevelt left the UN

Commission on Human Rights; she had already resigned from her position as chairperson in 1951. She continued her journalistic and political activities on behalf of social justice until her death in 1962.

Compiled using material from the website of the Nuremberg Human Rights Centre (see E_07).



Fig. 27: René Cassin addressing the United Nations General Assembly after receiving the UN Human Rights Prize, 6 December 1968. Photo: Yutaka Nagata. United Nations, New York, Photo 233558

René Cassin

René-Samuel Cassin was born in 1887 to a liberal Jewish merchant family in Bayonne, France. While serving as a young soldier in World War I, he was wounded so badly that he suffered from severe pain for the rest of his life. After World War I, he pursued a legal and diplomatic career while campaigning for the rights of disabled veterans and the families of fallen soldiers. In 1918, he became a founder of the largest umbrella association for French veterans and war victims (*Union fédérale des anciens combattants et mutilés de guerre*); he was elected president of this association in 1922.

Between 1924 and 1938, he was the French delegate to the League of Nations. Early on, Cassin recognised the extent of the threat that the rise of the Nazis posed to European Jews. 28 members of his family were murdered by the Nazis. Cassin himself emigrated during the war and joined de Gaulle's government-in-exile in London. He represented the French government-in-exile in the War Crimes Commission established by the Allies in 1943 to document Nazi crimes so that those responsible for them could be brought to justice. After the war, he represented France in the new UN Commission on Human Rights.

In France, he is known as the 'Father of the Declaration of Human Rights', a document he was instrumental in formulating.

He was awarded the Nobel Peace Prize in 1968 for his work on the Declaration. René Cassin was also involved in the creation of the European Court of Human Rights, where he served from 1960 to 1968, first as a judge and then, for the last three years, as president. In 1969, he used his Nobel Prize money to found the International Institute of Human Rights in Strasbourg which is named after him and which he directed until his death in 1976.

Compiled using material from the website of the Nuremberg Human Rights Centre (see E_07).

Others became involved on account of their experiences under colonialism, such as Hansa Mehta from India, who campaigned for women's rights. It is important to remember that the Declaration of Human Rights defines economic, social and cultural rights along with the well-known rights to freedom and security. Hernán Santa Cruz from Chile was a particularly strong advocate of this, as he believed that adherence to these rights was the foundation for preventing fascism in the future. Depending on the amount of time available, the seminar leaders can introduce some of these people, or the participants can read short biographies themselves and identify the backgrounds and motives of the individuals described. Biographies of the individuals mentioned here and others can be found on the website of the Nuremberg Human Rights Centre (**E_07**). Relevant articles from the Declaration of Human Rights can be presented in connection with the biographies and discussed in terms of their importance to the seminar participants' professional work.

In the seminars, the question often arose as to whether human rights could be legally binding or implemented, particularly in light of existing injustice in the world. As a normative document, the Declaration of Human Rights is, to begin with, a declaration of intent; binding international laws were not established until subsequent human rights conventions were drawn up. The in-depth section on the prohibition of torture follows up on this point and looks at protection mechanisms on a European level.

In-depth section on the topic of human rights protection: Prohibition of torture and CPT report

In this seminar unit, the participants explore the significance of the prohibition of torture (Article 5 of the Universal Declaration of Human Rights) in their respective professions; this prohibition was also enshrined in Article 3 of the European Convention on Human Rights (1950).² This was the basis of the European Convention for

² Convention for the Protection of Human Rights and Fundamental Freedoms from 4.11.1950, <http://conventions.coe.int/Treaty/EN/Treaties/Html/005.htm> (accessed

the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, which was adopted by the Council of Europe nearly 40 years later (in 1987) and which, through the committee of the same name, has created a body authorised to visit places where people are deprived of their liberty.³

The seminar leaders first introduce relevant articles from the two conventions; depending on the time available, the participants can also read excerpts from the conventions (**E_08**) in order to better understand their development. The roles and competencies of the European Court of Human Rights, the establishment of which is based on Section II of the European Convention on Human Rights, are also explained.

In the next stage, the participants discuss the tasks and processes of the CPT, whose members are independent experts elected by the Committee of Ministers of the Council of Europe. They visit prisons as well as police establishments, detention centres for foreigners, other detention facilities, psychiatric hospitals and social welfare institutions, and they draw up a report of their observations with recommendations and suggestions for improvement which is sent to the respective states (**E_09**). The most recent visits in Germany took place in 2005 and 2010.

In the next stage of this seminar unit, the participants read excerpts from CPT reports. We have selected passages which have a regional or contextual connection to the profession of the respective seminar group. For example, for police groups, we have used excerpts dealing with conditions of imprisonment for people held in police custody, while for groups from the judiciary, we have chosen excerpts relating to preventive detention and custody pending deportation. In the latter case, the CPT visited the Fuhlsbüttel Prison and the Hamburg Remand Prison, two places which were familiar to our seminar participants from their own work.

on 07.08.2013).

³ European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment from 26.11.1987, <http://www.cpt.coe.int/en/documents/ecpt.htm> (accessed on 07.08.2013).

When using a CPT report in a seminar, it makes sense to use the most recent version available. When we held our seminars, the most recent report was from 2007 (E_10), because there is more than a year between a CPT visit in Germany and the publication of the report. The report from 2012 (E_11) refers to the latest amendments and verdicts of the German Federal Court of Justice and the European Court of Human Rights. When choosing sites to visit, the CPT also takes into account the current situation in a country. The dates of CPT visits and the subsequent reports can be viewed on the website of the CPT Secretariat of the Council of Europe (<http://www.cpt.coe.int/en/visits.htm>).

After these texts have been presented and read, there is usually lively discussion within the group. The seminar participants often criticise the authors of the report and question their competence to pass judgment. However, there are also voices in favour of such a supervisory body. The treatment of prisoners in Germany is also frequently contrasted with that in other countries, thus relativizing the findings of the CPT. The seminar leaders can counter this by focussing not on specific cases and individual actions, but on the frame of reference for these actions – that is, on structural questions such as the political and legal control mechanisms of institutions with governmental authority. This can prevent individual participants or professional groups from feeling pilloried and taking a defensive stance. Looking at the CPT report – and thinking about the legal, political and human rights consequences of Nazi crimes – should raise awareness of the necessity and importance of external and even international bodies for supervising state authority.

Programme schedule

Phases	Time
Dealing with perpetrators after the war. Follow-up discussion after visiting the 'Posted to Neuengamme Concentration Camp. The Camp SS' exhibition	20 minutes
Summary presentation on denazification and post-war trials	30 minutes
Break	15 minutes
In-depth section on denazification: Police or administration (optional)	30 minutes
Declaration of Human Rights and Convention on Genocide	30–60 minutes
Break	15 minutes
In-depth section on human rights protection: Prohibition of torture and CPT report (optional)	60 minutes
Closing discussion	10 minutes
Total duration:	2 to 3 ½ hours

Further reading

Fassbender, Bardo (ed.), *Menschenrechtserklärung. Universal Declaration of Human Rights – Allgemeine Erklärung der Menschenrechte. Neuübersetzung, Synopsen, Erläuterungen, Materialien*, Munich 2009.

Huhle, Rainer (ed.), *Human Rights and History. A Challenge for Education*, Berlin 2010.