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STAATSANWALTSCHAFT MÜNCHEN I
(DEPARTMENT OF PUBLIC PROSECUTION MUNICH I)

File no.: 115 Js 12496/08

Munich, July 10, 2009

Rectangular stamp (left):

General Filing Office IV of the judicial
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Landgericht München II (Regional Court Munich II)
Received on July 13, 2009

Bill of Indictment

in the criminal case

against

DEMJANJUK

John

Name at birth: Demjanjuk, Iwan Nikolai
Born on April 3, 1920, in Dubowije Machrinzik (Ukraine)
stateless person, married, retiree
Former place of abode: 847 Meadowlane Road, 44131
Seven Hills, Ohio, USA

Counsel for the defense:

Günther Maull, attorney-at-law, Haydnstrasse 1, 80336
München, (Appointment: file I of the proceedings, sheet 38)

Dr. Ulrich Busch, attorney-at-law, Sohlstättenstrasse 121,
40880 Ratingen-Tiefenbroich
(Appointment: file IV of the proceedings, sheet 2298)

**The accused has been in pre-trial detention in the
matter in Munich Stadelheim prison since May 12, 2009
on the grounds of a warrant of arrest issued by the
Amtsgericht München (Local Court Munich) on March
10, 2009 (I Gs 1944/09), file I of the proceedings, sheet
434).**

**Next date for a review of remand in custody:
November 11, 2009**

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Private Accessory Prosecutors:

1. Thomas Blatt, 334 Woodley Court, Santa Barbara, California 93105, USA
(Declaration of Joinder: sheet 372)
2. Philip Bialowitz, 248-04 Cambria Ave, Little Neck, NY 11362, USA (Declaration of Joinder: file V of the proceedings, sheet 2675, stating of dates in greater detail: file V of the proceedings, sheet 2730 et seq.)
Representative of 1. and 2.: Stefan Schünemann, attorney-at-law, Schwanthalerstrasse 99, 80336 München (powers of attorney: sheet 462 and file V of the proceedings, sheet 2675)
Martin Mendelsohn 5705 McKinley Street, Bethesda, Maryland 20817, USA (notice of representation sheet 469 and power of attorney: file V of the proceedings, sheet 2675)
3. Rosa Wertheimer-Bokkie, Nedersticht 175, 1083 VS Amsterdam, Netherlands:
(Declaration of Joinder: sheet 1288)
4. Ellen van der Spiegel, Eyserheide 17, 5287 NB Eys-Witten, Netherlands
(Declaration of Joinder: sheet 1288)
Representative of 3. and 4.: Oliver Wallsch, attorney-at-law, Fichardstr. 30, 60322 Frankfurt/Main (powers of attorney: sheet 1290 and 1291)
5. Charlotte Hueffener-Veffler, Loevestein 50, 1082 XJ Amsterdam, Netherlands
(Declaration of Joinder: sheet 1301, stating of dates in greater detail: sheet 1773)
6. Paul J. Hellmann, Scheepstimmermanslann 86, 3011 BS Rotterdam, Netherlands
(Declaration of Joinder: sheet 1301, stating of dates in greater detail: sheet 1713)
7. Judith Aschkenasy, Scheideggstrasse 62, 8002 Zurich, Switzerland (Declaration of Joinder: sheet 2225)
Representative of 5. to 7.: Rolf Kleidermann, attorney-at-law, Zollergraben 3, 87700 Memmingen (powers of attorney: sheets 1303, 1304 and 2226)
8. Jules Schelvis, Populierenlaan 47, 1185 SE Amstelveen, Netherlands (Declaration of Joinder: sheet 2057)
Representative: Michael Koch, attorney-at-law, Fichardstrasse 30, 60322 Frankfurt/Main (power of attorney: sheet 2059)
9. Kurt Gutmann, Platz der Vereinten Nationen 6, 10249 Berlin (Declaration of Joinder: 2152, stating of dates in greater detail: file V of the proceedings, sheet 2575)
Representative: Hardy Langer, attorney-at-law, Fasanenstrasse 72, 10719 Berlin (power of attorney: sheet 2154)

Based on its investigations the Department of Public Prosecution Munich I charges the accused with the following offences:

1. The National Socialist regime made it its task to exterminate the Jewish population of Germany and of the territories occupied by the Deutsche Wehrmacht (German armed forces prior to and during World War II). During the war, it was intended to reach this goal by means of organized mass murder in particular, the extent of which became huge especially in the years 1941 to 1944. Whereas in 1941 the Jewish population murdered was almost exclusively shot to death in mass executions, the regime started already in the following year to establish extermination camps, in particular the camps of Auschwitz, Majdanek, Treblinka and Sobibór. There, as a rule, the victims were killed in gas chambers and their corpses burnt or dumped into mass graves.

2. The camp near Sobibór train station (Province of Lublin/Poland) was established in spring 1942 and exclusively served to exterminate persons of Jewish faith. It was in existence until shortly after the uprising of the Jewish labor prisoners on October 14, 1943. The crew of the camp consisted of 20 to 30 German SS (Schutzstaffel – protective echelon) members and approximately 100 to 150 former Soviet prisoners of war who were also referred to as Trawniki men because of the place where they had been trained. Most of these Soviet prisoners of war came from Ukraine.

3. The persons to be exterminated were taken to the camp not only from Poland but also from other European countries either by train or other means of transportation. Whereas the Jews from Poland knew that in Sobibór camp they would be murdered, the Jews from the Netherlands, for example, were of unsuspecting mind and therefore complied with all of the requests without putting up resistance.

When the transports arrived, all available members of the commando units were present. Upon the arrival of a transport of Jews, the regular duties were suspended and each member of the regular crew participated in the routine process of extermination.

The railway wagons were opened by German and Trawniki men and the people were requested to exit. They were surrounded by a cordon of Trawniki men. The unloading of the people was accompanied by loud yelling, beating and also by shots. If the people refused to exit, Trawniki entered the wagons and using full force drove those who hesitated out of the train and onto the ramp.

The people waiting there were instructed to leave their luggage on the ramp. Then they were divided into groups, and one group after the other - guarded by Germans and members of the guard forces - was driven down the cordoned off camp road to camp 2. There, a German SS man made a speech in order to keep or make them unaware of what was going to happen. The general sense of what he said was that they had come to a camp from where they would be sent on to labor duties. He continued, saying that the cohabitation of so many people demanded hygiene measures and that therefore they all had to take a shower. Their luggage was guarded but also their clothes because they would have to undress at that very place. Valuables had to be surrendered in order for them to be guarded.

The undressing was accompanied by permanent ill-treatment; all of the victims were made to hurry extremely in order to prevent them from having time to think or to put up resistance. If some of the arrivals were reluctant, they were threatened, or shot at by the armed Ukrainians in order to make them submit.

After the people had taken off their clothes and surrendered their valuables, irrespective of the weather, they were -while being naked - guided, or driven in groups if that was necessary, through the western gate of camp 2 into the tube to camp 3 and from there into the gas chambers. Each group was led by one German SS man, and guarded at both sides and at the end by members of the Ukrainian guard force armed with clubs or weapons, who were running and assuming a threatening attitude in order to prevent the victims from putting up any kind of resistance. Each time, approximately 80 people were pushed into one gas chamber measuring approximately 4 meters by 4 meters (approx. 19 square yards). The chamber was extremely crowded. Then, the hermetically closing doors were locked and engine exhaust fumes were led into the gas chambers. Now, at the latest, the people locked up there realized what would happen to them and to the members of their families and their acquaintances who had come with them. The Trawniki men waiting outside

became aware of the panic breaking out inside by the screaming, crying and pounding against the doors. The locked up people desperately tried to open the doors from the inside, however, they were not successful. A deadly mixture of carbon monoxide and carbon dioxide built up. After a phase of unconsciousness, death occurred through paralysis of the breathing center. After approximately 20 to 30 minutes the people were dead.

In addition to death by suffocation in the gas chambers, other victims were shot to death: either frail people or if small groups of victims were to be murdered.

During the operation of Sobibór extermination camp at least 250,000 people of the Jewish faith were murdered.

4. Between April and July 1943, 15 transportation trains coming from Westerbork camp in the Netherlands arrived in Sobibór extermination camp. The number of people deported in these trains to the extermination camp amounts to at least 29,579. Among them were at least 1,939 German Jews who had escaped from the National Socialist tyranny to the supposedly safe Netherlands.

The individual transports were as follows:

Departure	Arrival	Number of people transported	Of these people and also of people from other areas, the following numbers were murdered on these individual dates (minimum number of murdered people):
March 30, 1943	April 2, 1943	1,263	1,200
April 6, 1943	April 9, 1943	1,992	1,900
April 13, 1943	April 16, 1943	1,210	1,200
April 20, 1943	April 23, 1943	1,136	1,100
April 27, 1943	April 30, 1943	1,193	1,100
May 4, 1943	May 7, 1943	1,189	1,100
May 11, 1943	May 14, 1943	1,373	1,200
May 18, 1943	May 21, 1943	2,461	2,300
May 25, 1943	May 28, 1943	2,865	2,800
June 1, 1943	June 4, 1943	2,967	2,800
June 8, 1943	June 11, 1943	3,030	2,800
June 29, 1943	July 2, 1943	2,378	2,300
July 6, 1943	July 9, 1943	2,403	2,300
July 13, 1943	July 16, 1943	1,965	1,900
July 20, 1943	July 23, 1943	2,154	1,900
		29,579	27,900

The following persons were among the victims who arrived and were later murdered in Sobibór extermination camp:

- the sister of Rosa Wertheimer-Bokkie, private accessory prosecutor: Duifje Bokkie, born on September 7, 1924, murdered on July 9, 1943;
- the parents of Ellen van der Spiegel, private accessory prosecutor: Salomon Cohen, born on May 29, 1913 and Bertha Cohen Hartog, born on May 25, 1912, both murdered on April 23, 1943;
- the members of the family of Charlotte Huffener-Veffe, private accessory prosecutor: her father, Jonas Veffe, born on October 20, 1893, her mother, Chatarina Veffe-Stuiver, born on March 14, 1895 and her sister, Carla Veffe, born on April 23, 1928, all of them murdered on June 11, 1943;
- the father of Paul J. Hellmann, private accessory prosecutor: Bernhard Wolfgang Hellmann, murdered on April 2, 1943;
- the wife of Jules Schelvis, private accessory prosecutor: Rachel Schelvis-Borzykowski, born on March 2, 1923, murdered on June 4, 1943;
- the members of the family of Judith Ashkenasy, private accessory prosecutor: her mother, Helene Neuhaus-Seligmann, born on September 14, 1909, murdered on May 7, 1943, her father, Justin Jacob Neuhaus, born on September 30, 1900, murdered on May 21, 1943 and her brother, David Peter Neuhaus, born on June 27, 1938, murdered on May 7, 1943.

Not all of the persons recorded on the transport lists are to be attributed to the accused. Some of the transported people died while being transported from the Netherlands to Sobibór because the transport conditions were extremely bad. In addition to this, once and again some of the people from the transports were selected as labor prisoners. Some of them, like the witness Schelvis, may have survived or been murdered after the accused had already left Sobibór camp.

In summer 1943, the last 300 labor prisoners arrived in Sobibór, coming from Belzec camp which had been dissolved by then. They were shot individually or in small groups at the graves in camp III. In addition to this, in summer 1943, at least one transport carrying a couple of hundred people coming from the USSR arrived in Sobibór, the largest number of them was murdered in the gas chambers immediately after their arrival. Also, at the end of April 1943, approximately 200 people from Izbica/Poland were taken to Sobibór, 160 of them were murdered in the gas chambers. Among them were the following persons:

- the parents of Thomas Blatt, private accessory prosecutor: Leon Blatt, born 1900, and Felicia Blatt, and his brother, the 10-year old Henry Blatt;
- the father of Philip Bialowitz, private accessory prosecutor: Shia Bialowitz, and his sisters Brancha and Tova Bialowitz.

Also the family members of Kurt Gutmann, private accessory prosecutor: his mother, Janette Gutmann, born on May 26, 1888, and his brother, Hans-Josef Gutmann, born on August 18, 1922, were taken from Izbica to Sobibór and murdered there in the period of time from the beginning of April until mid September 1943.

In Sobibór camp, the gas chambers were operated until the uprising of the Jewish labor commando unit in mid-October 1943.

5. On September 15, 1940, the accused was drafted by the Red Army. In May 1942, he was taken prisoner of war by the Germans during the battle for the city of Kertsch on the Crimea. Thereafter, he was taken to Rowno POW camp in the Ukraine (Stalag 360), later to POW camp 319 near Chelm village, in the former Lublin district of the "Generalgouvernement" (Polish territory under German rule).

A few weeks after he was taken prisoner of war - in July 1942 at the latest - the accused was selected by SS officers to become a member of the "Fremdvölkische Wachmannschaften" (guard forces composed of foreign nationals) and got some military training at Trawniki training camp, lasting a couple of months, from where he was released as a "Wachmann" (guard private), the lowest rank.

The accused declared to undertake service the guard forces of the SS and Police Leader of the District of Lublin for the duration of the war and to submit himself to the existing service and disciplinary rules. In addition to this, he was instructed that with respect to criminal law, he was subject to the "Vorläufige Dienststrafordnung für Polizeitruppen" (Provisional Rules of Criminal Procedure for Police Troops) dated April 19, 1940, and that therefore, for all offenses and crimes, he would be adjudged by the German SS and police courts.

Thereafter, the accused worked for the German SS and police troops at various places of service.

On March 27, 1943 he was assigned to Sobibór extermination camp, where he arrived the night of March 28, 1943 at the latest. While at Sobibór, shortly after his arrival at the latest, he knew that the purpose of the camp was the extermination of the Jews transported there and that it was his duty to participate in this. In spite of this, he did not escape from the camp although he had the opportunity to do so when he was off duty and when assigned to duty outside of the camp. In addition to this, he was in possession of a firearm, which would have facilitated an escape.

While serving as a guard in Sobibór, he was assigned to the inner and outer guard of the camp. As a guard, he also participated in all substantial processes of the extermination whenever a deportation train arrived. He exerted all of the activities of a Ukrainian guard described under point 3. His participation in the extermination process consisted in particular of assisting with the unloading of the wagons, the undressing of the victims and especially forcing them into the gas chambers, carrying a firearm all the while. By assuming a threatening attitude, he made the victims understand that they absolutely had to comply with the orders of the crew and that therefore resistance was useless. Thus, acting together with others, he intentionally made sure that in the period of time from the end of March until mid September 1943, the victims indicated earlier did not have any opportunity to escape but were shot to death or led to the gas chambers to be murdered. Therefore he obligingly participated in the murders of at least 27,900 people who were brought to Sobibór by those 15 trains coming from the Netherlands and by other transports.

Throughout his actions in Sobibór extermination camp he was aware of the fact that the victims were tortured physically and mentally. He, as well as the other perpetrators and participants at Sobibór extermination camp, acted out of cruelty and mercilessness. In addition to this, he absorbed the intention of the National Socialist ideology to exterminate a race and cooperated obligingly in the murder of Jews because for racial-ideological reasons he himself wished them to be murdered. Also in Flossenbürg, and with the Wlassov army he obligingly served the Nazi regime. He also knew that according to a plan, it was concealed from the Jews coming from the Netherlands that they were to be murdered, and that it was pretended to them instead that the gas chambers were mere shower rooms.

In mid September 1943 – probably on September 16, – his service in Sobibór ended and he returned to Trawniki, the SS training camp serving as base camp.

Therefore, the accused is charged

with having assisted others in cruelly and treacherously killing human beings out of base motives, i.e.:

in three factually concurrent cases, each time at least 1,100 human beings

in three factually concurrent cases, each time at least 1,200 human beings

in three factually concurrent cases, each time at least 1,900 human beings

in three factually concurrent cases, each time at least 2,300 human beings

in three factually concurrent cases, each time at least 2,800 human beings

Pursuant to Sects. 211, 212, 52, 53, 27 subsection 1 StGB (German Penal Code) this is punishable as

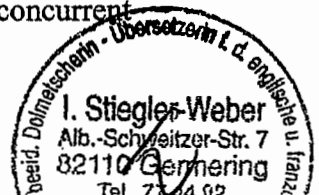
three cases of aiding and abetting in murder, each time in at least 1,100 legally concurrent cases, and

three cases of aiding and abetting in murder, each time in at least 1,200 legally concurrent cases, and

three cases of aiding and abetting in murder, each time in at least 1,900 legally concurrent cases, and

three cases of aiding and abetting in murder, each time in at least 2,300 legally concurrent cases, and

three cases of aiding and abetting in murder, each time in at least 2,800 legally concurrent cases.



ESSENTIAL RESULT OF THE INVESTIGATIONS:

I. Historical Background

1. Germany after Hitler's seizure of power on January 30, 1933

On January 30, 1933, Reich President Paul von Hindenburg appointed Adolph Hitler, the chairman of the Nationalsozialistische Deutsche Arbeiterpartei, NSDAP (German National Socialist Worker's Party), new Reich Chancellor. As of spring 1933, a development started which subjected almost all spheres of life to a forced "Gleichschaltung"*. It was intended to replace a pluralistic society felt to be "un-German" by a solidaristic ethnic national community characterized by the "Führerprinzip" (Führer principle). The ethnic national community was of particular importance. Only persons of "German" or at least of "German-related" blood could be a member of this community. This was accompanied by an unequal treatment of all "alien ethnic communities".

The most radical and comprising practices of the unequal treatment were used on the members of the Jewish religious and national community. At the turn of the year 1940/1941 the persecution of the Jewish population in the Deutsche Reich and the occupied territories was already far advanced. In autumn 1941, the different plans and measures of the persecution of the Jews were brought to the unified line, the "Endlösung" (Final Solution) of the Jewish issue, i.e., the planned murder of all Jews living in the accessible territories, which was to be carried out on a large scale. In order to implement the ordered extermination of all Jews in the territories under German influence with the intended perfection and the largest possible economic profit, various administrative authorities had to cooperate:

The preparation of the mass murder was incumbent upon the Reichssicherheitshauptamt, RSHA (Reich Main Security Office) in Berlin, founded on September 27, 1939 by Reichsführer-SS (Reich Leader) Heinrich Himmler through combining the Security Police and the Security Service of the Reich. It was the task of the RSHA to arrange and coordinate the planned "entire measures" with the other government offices, which had to provide assistance. For this purpose, Reinhard Heydrich, head of the RSHA, who was the "person in charge of

*) Translator's note: "Gleichschaltung" term also used in the English language

the preparation of the Final Solution of the European Jew Issue" on the grounds of the power invested in him, invited the competent officials to a state secretary meeting held on January 20, 1942 (the so-called Wannsee Conference), while referring to the "evacuation" of the Jews which was already in progress. At that meeting he explained that because of the war, the Reichsführer-SS had forbidden emigration: "The emigration of the Jews has now been replaced by their evacuation to the East as a further solution for which the Führer has given his prior consent". Then the head of the RSHA presented a list showing the European Jewish communities which were to be evacuated. Thereafter, Heydrich explained what was to happen to the evacuated people. The result of the discussion which followed was that one had agreed upon a program of "selection", which meant that people who were still capable to work were to be exploited recklessly by work entailing their "natural reduction" combined with the simultaneous murder of all people "incapable to work". All of the participants were aware of the fact that the euphemistic circumscription of "deportation" and "selection" meant the extermination of the persons concerned.

After the decision for the state-organized mass murder was taken, its technical and organizational preparation began. For this purpose, specific death camps were to be set up. The planned mass extermination was to be carried out secretly: it was declared a Secret Matter of the Reich – the highest level of security. The noisy and striking killing methods of the "Einsatzgruppen" (mobile killing units) were replaced by the cruel, merciless and silent killing technology which, on the one hand took advantage of the defenselessness and unsuspecting minds of the victims, and on the other guaranteed the intended secrecy by murdering the victims in the extermination camps. The technology of suffocation in stationary gas chambers represented an "efficient and impersonal" method of killing. In addition to this, one could use the staff of the euthanasia program who had been released from duty because the program had been stopped, staff "familiar" with the operation of gas chambers. The concentration and deportation of the Jews into the ghettos of the Generalgouvernement (Polish territory under German rule) had already been started by Eichmann's section within the RSHA, the "Judenangelegenheiten und Räumungsangelegenheiten" (Jews' issue and evacuation issue) in a way that guaranteed access to the victims.

2. World War II

a) Poland

aa) German Occupation

The German occupation of Poland in World War II started on September 1, 1939 with the attack by the Deutsche Wehrmacht. By means of the German-Soviet Border and Friendship Treaty the Polish state was divided among both powers on September 28, 1939. The western parts of Poland were integrated into the Deutsche Reich as Reich Gaue Wartheland and Danzig West Prussia, where Germans from the then Soviet-occupied Baltic territories and eastern Poland were resettled. The farmers and many members of the intelligentsia, as well as the Jewish parts of the population who had been living there before, were forcibly resettled in the central part of Poland, the newly created "Generalgouvernement" (Polish territory under German rule). This territory, located outside of the Reich, was meant to be the area for the deportation of the Polish and Jewish population undesired in the Reich. They were to be used as a labor force reserve for the German war economy. The interests of the population were not to be taken into consideration. As instrument for the implementation of this national political aim, Reichsführer SS Heinrich Himmler was appointed "Reichskommissar für die Festigung deutschen Volkstums" (Reich Commissioner for the Strengthening of Germanism) by a secret decree dated October 7.

As a result, the "Generalgouvernement" was handled and administrated like a colony. At its top was the governor general, who exclusively and directly reported to the Führer and was provided with full legislative and executive powers.

The SS and the police occupied a special position. The entire police force of the "Generalgouvernement" was subordinate to a "Höherer SS- und Polizeiführer", HSSPF, (High Leader of the SS and Police Forces), who formally reported directly to the governor general but who in fact received his orders directly from the RSHA (Reich Main Security Office) in Berlin.

To the SS and the police, the establishment of a proper SS and police jurisdiction in October 1939 was of particular importance, which first included SS and police units in the war and then – to a limited extent - the Security Police and the Security Service of the Reich, and as of September 1942, the entire regular police force. Thus, prosecution by regular military courts was excluded and the HSSPF (High Leader of the SS and Police Forces) was given his proper means of disciplinary measures.

As of spring 1943, SS training camp Trawniki became part of this system. Each of the recruits had to confirm by his signature that he had been informed of being subject to the SS and police jurisdiction.

bb) The Administrative Office "SS- and Polizeiführer im Distrikt Lublin" (SS and Police Leader in the Lublin District).

The district of Lublin in the Polish territory under German rule was located in the extreme south-east of Poland close to the border of the former USSR and played an important role in the persecution of the Jews in the Third Reich and as the assembly area of the Deutsche Wehrmacht for the preparation of the race-ideological war against the Soviet Union. Right from the beginning it was given the special task of being the intended "Reichsghetto".

b) The War against the Soviet Union

On June 22, 1941, the Wehrmacht started its attack on the Soviet Union. During the first months of "Operation Barbarossa", the German troops gained considerable ground.

In order to secure the newly conquered areas, the SS and police apparatus was in urgent need of staff. Already on July 15, 1941, Himmler informed several HSSPFs (High Leaders of the SS and Police Forces) and also Globocnik, the SSPF (Leader of the SS and Police Forces) in Lublin that it was "necessary to quickly build up additional protective units in the occupied eastern territories by recruiting their members from those parts of the population which are agreeable to us...". These protective units were to be selected in particular from among the Soviet Germans, the inhabitants of the Baltic countries, and the Ukrainians. For the selection of the staff, the agreement concerning the selection of prisoners entered into between the Head of the Security Police and the "Oberkommando der Deutschen Wehrmacht" (High Command of the German Army before and during World War II) was to be applied. In this connection, Himmler referred to the "Einsatzbefehl Nr. 8" (operation order no. 8) of the Head of the Security Police and Security Service of the Reich dated July 17, 1941, including "guidelines concerning commando units of the Head of the Security Police and the SD to be assigned to the Stalags and Dulags. The task of these commando units was a) "the selection and further treatment of elements intolerable in political, criminal and other aspects" or of the prisoners of war who were to be executed and b) "the selection of persons who could be used for the reconstruction of the occupied territories". Due to the fact that the deployed commando units considered their task to be the selection of the prisoners of war who were to be murdered rather than the search for

possible collaborateurs, Heydrich had to specify his order by his letter dated July 12, 1941 stating that "one task was as important as the other".

While pointing out that the establishment of SS and police posts in the Soviet Union was an important task to be accomplished before the beginning of the winter, Daluge, SS Obergruppenführer (SS Senior Group Leader) and head of the regular police at the RSHA (Reich Main Security Office), ordered Globocnik and the SSPF (SS and Police Leaders) in the occupied areas of the Soviet Union by his letter dated August 5, 1941, "to rapidly set up local protective units".

In the beginning, the Eastern Campaign against the Soviet Union that started on June 21, 1941, was marked by military success as well as by tremendous Soviet losses of war material, soldiers killed or taken prisoner of war. By the end of 1941, 3.5 million soldiers had been taken prisoner of war by the Deutsche Wehrmacht. Until 1945, a total number of approx. 5.7 million soldiers of the Red Army had been taken prisoner of war by the Germans; according to estimations, 3.3 million of them did not survive.

3. The Building up of an Auxiliary Troop of Foreign National Guard Forces in the "Trawniki Training Camp"

a) In Trawniki, which belonged to the Lublin district, complete and independent police and guard forces were built up under the command of Globocnik, SS and Police Leader as of autumn 1941. By means of his combined competences as SS and Police Leader of Lublin and "delegate for the SS and police posts in the new eastern territories", Globocnik established the Trawniki training camp, which was under his direct control from early summer 1941 until 1943 as SS and Police Leader in Lublin.

Globocnik's function as "delegate" ended on March 30, 1942. He was released from this special mission by Himmler; the authority of the setting up police posts was passed on to the "Wirtschaftsverwaltungshauptamt" (Main Economic Administrative Office). However, Globocnik's formal release did not affect his actual competence concerning the extermination camps and the control of the Trawniki camp. Neither the staff

nor the tasks changed. The camp was then named:

Der SS- und Polizeiführer im Distrikt Lublin

Ausbildungslager Trawniki

(The SS and Police Leader in the Lublin District, Trawniki training camp).

After the organizational change in the wake of the takeover by the "Wirtschaftsverwaltungshauptamt" (Main Economic Administrative Office) in autumn 1943 the camp was renamed in:

SS Wirtschaft- Verwaltungshauptamt

Ausbildungslager Trawniki

(SS Main Economic Administrative Office, Trawniki training camp)

From August 1943 until July 1944 it was under the control of Globocnik's successor, Jakob Sporrenberg, the former SS-Gruppenführer (SS Group Leader).

The Trawniki training camp received its provisions from the SS Administrative Base Lublin with respect to lodgings, clothes, food and pay. The staff used by the administrative unit for these tasks had its office in the SS training camp itself.

b) The Trawniki training camp was set up within the compounds of a deserted sugar factory near the village of Trawniki, approximately 40 to 50 kilometers (approx. 25 to 30 miles) south of Lublin and was connected to Lublin by road and rail. The Trawniki railway station was less than 1 kilometer (approx. 0.6 miles) away from the training camp.

The camp was under the command of SS Hauptsturmführer Streibel, who was appointed commander by Globocnik on October 27, 1941.

Most probably, the camp itself was set up during the first two months after the beginning of the Russia expedition and existed until the German military units and other services and offices withdrew from the Lublin area in July 1944, probably July 22, 1944, because of the approaching Red Army. Until that point in time, units were based that started their withdrawal as a closed military formation "SS Batallion Streibel" under the command of the commander of the camp.

c) The first persons "ready to help" arrived in the "training camp" in autumn 1941. Upon their arrival in the camp at the latest, they were told that it was a training camp of the SS troops and that the recruits were to undergo a training concerning police tasks. After their training they were supposed to serve as guards in the SS troops.

The first prisoners of war came from the camps of Lublin, Chelm, Riwne, Biala Podlaska, Bialystok, Shitomir and Grodno, and most of them were of German origin or were German-speaking soldiers of non-Russian nationality who could be expected to have reasons to "hate the Bolsheviks" or to be pro-German. Among the first recruits were also Soviet prisoners of war of Russian or Ukrainian nationality. By mid-1942, 1,250 former POWs had become members of the Trawniki troop.

In the course of the second wave of recruitment after the Crimean Campaign in May and June 1942, an additional 1,250 men were recruited, so that by September 1942 the estimated force strength of approximately 2,500 men had been reached. The Soviet soldiers recruited between 1941 and the end of the summer of 1942 were, in addition to the Soviet Germans, mostly Ukrainians. This was probably due to the fact that mostly Ukrainian prisoners of war were sent to the camps by the "Heeresgruppe Süd" (Army Group South) and that for practical reasons one concentrated on one to two nationalities.

In mid-1943, the strength of the crew in Trawniki training camp totaled 3,700 men. The recruitment continued until May 1944. A total number of 5,000 men served in Trawniki.

The members of the guard forces were divided into companies, the companies into platoons, and the platoons into groups. A company was 100 men strong and led by a German unit leader who was a member of the SS. Eight companies were the maximum. If their strength was higher they were divided into two battalions.

e) The Trawniki training camp, which served as base camp, was in charge of the care, pay, lodging and food of the guard forces trained in that camp. In Trawniki, the personnel

files were opened and kept as long as a person was a member of the guard forces. As soon as a Soviet prisoner of war was admitted to the Trawniki guard forces, he lost his status as prisoner of war and became a member of the guard forces of Trawniki training camp, which was under the command of the SS and Police Leader of Lublin.

After their arrival at the camp, the future recruits would indicate their personal data in the battalion office, where their data were entered in so-called personnel sheets. Fingerprints were taken from the future Trawniki men and thereafter they were photographed in their new uniforms.

A registration number was assigned to each of the recruits and entered on his personnel sheet. He kept this number during his entire time of service. The personnel sheet in form of a filing card was kept in the card index of the camp. The personnel sheet contained the most important personal data as well as information about the person's former military service and knowledge of languages, if any. The print of the right thumb and a head-and-shoulders photo were added, showing the recruit with the registration number on the left side of his chest. On the back of the card, the recruit had to sign a text written in the German and the Russian languages confirming that he was of Aryan descent and had neither been a member of the communist party nor of the "Komsomol", the communist youth organization. On the back of the personnel sheet was also room for observations, such as "conduct", "punishments" requests for leave, promotions and "transfers" if applicable. This information was provided with a date followed by a key word, usually the place of transfer.

In addition to this, the new Trawniki men had to sign a separate service commitment worded as follows: "I hereby declare that I oblige myself to serve in the guard forces of the SS and Police Leader of Lublin District for the duration of the war and that I subordinate myself to the existing service and disciplinary rules."

At the same time, a further declaration had to be signed worded as follows: "I have been informed that with respect to criminal law I am subject to the 'vorläufige Dienststrafordnung für Polizeitruppen' (Provisional Rules of Criminal Procedure for Police

Troops) dated April 19, 1940, and therefore shall be adjudged by the German SS and Police Courts for any offenses and crimes."

Each of the Trawniki was provided with a so-called "Dienstausweis" (service identity card), which was normally signed by SS Hauptsturmführer Streibel, the commander of the camp. This identity card contained several pages which folded up like a booklet. The name and the registration number were entered on the front page. Thus, the holder of this card could identify himself at any time as a member of the guard forces serving the Germans. This was confirmed by stamp and signature.

A passport photo was affixed inside, showing the guard in uniform with his service number on the left side of the chest, next to it his personal data such as height, shape of his face, color of his eyes, distinguishing marks, surname and first name, date and place of birth and his nationality. In the inside of the service identity card the equipment was listed which was handed out to the guard for deployment outside of the camp. The handing over was confirmed by the signature of an SS man. On the back of the identity card was room for further entries. There, the guard's present place of service was entered. The identity cards were handed out to the Trawniki men only upon transfer out of the training camp. It served to identify them as a member of a foreign national unit belonging to the SS and, when carried along while being checked by the Secret Army Police, it protected its holder from a possible arrest and transfer into the Deutsche Reich as a forced laborer.

The Trawniki men were neither uniformly armed nor did they wear the same uniforms. First they were given uniforms of the Polish army dyed black, later an earth-brown uniform which supposedly originated from the Belgian army. They often wore a combination of parts of both uniforms.

All guards trained in Trawniki were equipped with a rifle and live ammunition for routine operations. Most of the time, the rifles were Soviet weapons which had been confiscated. However, Trawniki men also carried German carbines, automatic rifles and also bayonets.

Thereafter, under the command of German SS officers and "volksdeutsche" (ethnic Germans of foreign nationality) noncommissioned officers, the recruits were grouped into homogeneous national units and underwent several months of training.

The training of a recruit consisted of a basic military and weapons training which, depending on his previous knowledge, could last a couple of weeks or several months. The recruits were taught German command language but also German-European history and politics, although on a very low level and strongly dyed in the NS ideology. The men had to be able to understand and execute orders and, in addition to this be aware of what they were fighting for, especially with regard to the "Jewish Bolshevistic main enemy". In addition to the basic military training they also underwent a "special police training" which was practiced by securing, accompanying, guarding and herding of prisoners. Finally, raids on Jews and possibly even executions by shooting were part of the training program of the men.

Wachmann (guard private) was the initial rank. With the necessary aptitude and performance, a "Trawniki" could be promoted to Oberwachmann (senior guard), Gruppenwachmann (guard of the group) and Zugwachmann (guard of the platoon), and as of 1944, even to Oberzugwachmann (senior guard of the platoon). By Globocnik's order dated May 1, 1943, the promotion rules of the Waffen SS were to be applied also to the promotion of the guard forces.

For their service, the Trawniki men in the rank of a Wachmann (guard private) received 50 Pfennigs per day according to the order of the SS Verwaltungshauptamt (SS Main Administration Office) dated December 1941; as of May 1, 1943 a Wachmann (guard private) received Polish zloties in the equivalent of 45 Reichsmarks per month, paid out in three partial payments.

f) The SS and Police offices repeatedly admonished the Reichsdeutsche (Germans holding German citizenship) to treat the Trawniki men as equals. Thus, the commander of Sutthof concentration camp requested his entire staff to "in any possible manner help and assist the newcomers, who are still strangers here", because they had proved excellence when deployed in "Bandeneinsatz"(*), after Trawniki men who had earlier served in the extermination camp of Treblinka were transferred to his camp. There was no reason to treat

*) Translator's note: euphemistic expression used by the NS regime for "police operation in the East" which meant nothing else but mass murder



them as second-rate because they had volunteered for service on the weapon for Germany, "they stand in our rows, perform the same service as we do and therefore they are our comrades". The pretended assimilation in status was also demonstrated externally. If a Trawniki man lost his life while performing his duty, he was buried in a German military cemetery and his family received a letter of condolence from Streibel "in the name of all members of the Trawniki training camp".

However, these efforts cannot obscure the fact that the Trawniki men were considered rather undisciplined, which would show in excessive acts of violence towards their Jewish victims and also in difficulties with their German superiors. The most frequent offenses were absence without leave, overdrawn time off, violation of guard duty (e.g., sleeping when on guard), drunkenness and theft or looting. These kinds of disciplinary offenses would be punished with a sentence of three or up to twenty-one days of arrest and, until April 1943, corporal punishment. There is no basis for the assumption that capital punishment was inflicted for refusal to obey an order.

The withdrawal of the German army from the USSR upon the advance of the Red Army was accompanied by increased desertion of the members of the Trawniki guard forces. The reasons may have been manifold: Many of them joined partisan groups or tried to fight their way through to units of the Red Army; however, for a large number of them the regulated military service was too hard. Approximately one third of the guards trained in Trawniki deserted. Immediately after the disappearance of a guard became known, a search action was started which, however, was seldom successful. If a guard was found, he did not have to reckon with severe punishment, especially not with capital punishment, for his desertion. In some individual cases, deserting Trawniki men were sent to concentration camps for punishment; as a rule, however, they were released to the Trawniki guard forces after having served imprisonment in the camp lasting several months. As a rule, the delinquent was punished only with a severe prison sentence and then sent back to his former place of service.

g) In the beginning, when Trawniki training camp was first set up, security and administration tasks were in the fore. The regular duty of a guard was above all to protect property, i.e., agriculturally used estates set up by the SS. In addition to this, they guarded

facilities which were important for the military infrastructure, such as bridges and streets, and protected supply magazines against looting and partisan attacks. In addition to this, they assisted commando units of the Security Police and of the Gendarmerie when they were fighting partisans and helped to confiscate agricultural products and acted as guard forces in all of the labor camps distributed over the "Generalgouvernement" (Polish territory under German rule).

In 1942 and 1943 the guard forces of Trawniki camp acted as backbone staff for the extermination of the Jewish population referred to under the code name of "Aktion Reinhard" (Operation Reinhard). As of March 15/16, 1942, the deportation of the Jews from the "Generalgouvernement" started to Belzec, Sobibór and Treblinka, camps which were set up solely as extermination camps. These deportations were accompanied by raids on the ghettos of Lemberg and Lublin. In Lublin itself Trawniki were deployed for the first time in large numbers to clear the ghetto.

The guard forces from Trawniki were deployed for the dissolution of ghettos and the deportation of the Jewish population from all over the Generalgouvernement. The Trawniki men formed the largest group in numbers of the executing staff. When liquidation of a ghetto was ordered, Trawniki, the base camp, was informed in writing, by telegram or telephone, and the necessary number of guards was ordered. Most of the time, they were transported by trucks to the individual place of operation, where they participated with merciless severity in the herding together of the Jewish victims. After a ghetto was cleared, some of the Trawniki men accompanied the victims to the extermination camps as guards. When the extermination camps were first started, the accompanying guard forces often remained in the camps as guards and did not return directly to Trawniki. After the extermination camps had taken up their routine operation, Trawniki men were assigned in company strength to the "SS Sonderkommandos" (SS Special Commando Units) of the extermination camps, as shown by the records in the "Dienstausweise" (service identity cards) referring to the place of service. While the Operation Reinhard was carried out in 1942/1943, only a couple of hundred members of the guard forces stayed in Trawniki base camp, while the others were assigned to the various commando units outside of the camp all over the "Generalgouvernement". Thus, the Trawniki guard forces were constantly

being moved for various kinds of deployment against the Jewish population of the "Generalgouvernement".

4. The Preparation of the "Endlösung" (Final Solution) by Globocnik, SS and Police Leader for Lublin District, 1941/ Beginning of 1942

The construction of Belzec extermination camp in Lublin District began in November 1941. It served as a model for other extermination camps such as Sobibór, also located in the Lublin district, and was completed in April 1942, and Treblinka in the Warsaw district, which was ready for use in July 1943. The common characteristics of all of these camps were their solitude and good access to railroad tracks.

All three extermination camps were identical with respect to their staff and organizational structure in spite of their difference in size. For the sake of secrecy, the so-called "Aktion Reinhard" (Operation Reinhard) had to be implemented with as little staff as possible. Belzec, Sobibór and Treblinka were operated by approximately 100 SS members coming from the euthanasia operation which was stopped in summer 1941 and which had previously been operated under the code name of T 4.

When the operation of the extermination camps started in spring 1942, they were distributed to the camps. Each of the three camps was under the command of a commandant, who was in charge of the entire compound. The entire German staff of the camp reported to him directly; this staff was in charge of various supervisory and leading functions inside the compound of the camp.

The organization of the extermination camp, especially the technical procedure of the murdering, was also identical in all of the camps. All of these camps were divided into three areas: the section for the staff, for the arrival of the transports, and the separated area with the gas chambers. The course of the procedure after the arrival of a deportation train was organized in an industrial manner: Everyone jumped in wherever he was needed. Each member of the regular staff was at one time assigned to the unloading of the transport trains. Even the "reception" of the victims, at the occasion of which a German member of the staff held a speech to deceive the victims, was an important element of the murder process. The procedure of operation was the same in all three camps.

Under the supervision of members of the German crew, the Trawniki guard forces performed the external guard and assumed the control and guard of all processes inside the camp. The coordination of work which already existed among the German staff – the staff remained almost unchanged during the entire existence of the camp – first had to be developed among the foreign national auxiliary guard forces. The necessary efficiency was reached and the course of actions ran smoothly by keeping the assigned guard forces in one and the same camp for several months and by the frequency of their former deployments – either their former assignment to other extermination and concentration camps or by their participation in the liquidation of ghettos.

The Trawniki men were mainly deployed for work requiring a large number of personnel, i.e., the outer and the inner guard, and the escorting of the death candidates and the supervision of Jewish labor units, who were allowed to survive in order to carry out the most horrible work inside the camp.

In the extermination camps the need of Jewish workers was relatively scarce. Only in the beginning of 1943 were permanently existing commando units established for the work which was to be done. Their members were selected from among the arriving victims – in the beginning only young men, but later also some few young women who had survived the previous tortures of hunger and diseases in the ghettos and camps relatively well – and were then assigned to a labor commando unit. It was part of the camp's ritual every couple of days to withdraw the weakest forced laborers from the unit and shoot them.

On a 24-hour schedule three platoons of guards were used, rotating on an 8-hour cycle. In the camp, the members of the first platoon were assigned to the outer guard, whereas the second platoon had to fulfill its routine duty in the everyday life of the camp. The third platoon had to be on standby. All Trawniki guards had to do service on six days, over a period of three days they rotated between three days of guard and three days of standby. Thus, each of the individual guards was assigned to the various positions which were part of the duty of his platoon. On those days when the deportation trains arrived in the camp,

none of the members of the guard forces was allowed to leave the camp so as to be available for handling the transport if need be.

As a summary one can state that each member of the Trawniki guard forces was deployed in a central process of extermination when serving in one of the extermination camps, i.e.: the removal of the victims from the train, their march to the extermination area and when forcing them through the tube into the gas chambers.

The members of the Trawniki guard forces were aware of the horrible fate of the Jews even before they were assigned to one of the extermination camps.

In Sobibór, which was the smallest of the camps, at least 250,000 people were murdered. In Treblinka, the largest camp, which was located in the Warsaw district, where most Jews of the Warsaw ghetto were murdered, one has to start out from a number of victims ranging between 740,000 and 800,000. According to the latest investigations, at least 434,000 people were murdered in Belzec.

II. The Extermination Camp Sobibór in the Year 1943

1. The Premises

Sobibór was built in a forest area and was located at the single-track railroad line between Wlodawa and Chelm, 5 kilometers (approx. 3 miles) away from the border of the "Generalgouvernement" and the former "Reichskommissariat" of Ukraine. The village of Sobibór by the same name, was located six kilometers (approx. 3.7 miles) north-east of the camp and could only be reached via a dirt road. The entire surface covered by the camp was approximately 25 hectares (approx. 62 acres), was surrounded by barbed wire, and was of a rectangular shape.

The construction of the camp was started at the end of 1941. At that time, there existed a provisional camp, comprising the accommodations of the commander, the lodgings of the SS members and the members of the Trawniki guard forces, storage rooms where provisions were kept, and a magazine for clothes, as well as the canteen and the kitchen.

Directly next to it was an area surrounded by barbed wire that included workshops and two barracks for men and one for women (camp 1: staff area).

Next to that, at some distance, was camp 2, which was surrounded by a board fence (the arrival area of the transports). Camp 2 was connected to the ramp of Sobibór train station by a sandy path. A gate provided access to the square within this area of the camp. Here were two squares to undress: one covered by a roof, the other in the open air, barracks to store the luggage, the sorting barracks, and a booth to hand over the money and valuables. In the rear part of that camp was an additional gate. Behind that gate a narrow path led in a bow-shaped manner from camp 2 to camp 3; both sides of this path were bounded by barbed wire. Branches of trees were intertwined into the barbed wire to block the view as far as this was possible.

In camp 3, which was set up at a place closely covered by trees, the gas chambers, the engine house, two mass graves and the cremation place were to be found, as well as the barracks housing the labor prisoners of camp 3, which were surrounded by a fence. After it had been enlarged in spring 1943, the building with the gas chambers was a massive construction based on a concrete foundation. It contained six chambers. The space of each chamber measured 4 x 4 meters (approx. 19 square yards) and its height was 2.20 meters (approx. 2.40 yards). The chambers were designed along a central aisle or comprised only a single row. Each chamber could be filled with 80 people when standing very close to each other. The use of six chambers made it possible to suffocate 480 human beings in one single operation. The chambers were provided with large swinging doors, which made it easier to remove the corpses from the chambers and transport them to the graves. Next to the gas chambers was the engine room. The exhaust of the 200-horse power eight cylinder petrol engine was connected to a tube system that ended in the spray nozzles of shower fittings installed in the ceiling of the gas chambers. The specific carburetor setting of the engine had been calculated by chemists beforehand and the number of revolutions had also been prescribed. When the doors of the chambers were closed it was possible to obtain such a lethal concentration of exhaust fumes (carbon monoxide and carbon dioxide) that the locked up people suffocated painfully within 20 to 30 minutes.

First, the corpses were bedded one next to the other in a deep grave and were covered by only a thin layer of earth. As of summer 1942, they were placed on large grates over a dug up but empty grave, that were fired by wood - thus the corpses were burnt. From that time on, all day and night, the corpses of the suffocated victims were burnt over these fires. The air over a large area was filled with the glow and the smell of these fires.

Outside of the camps 1 to 3, but still within the fenced-up compound, were two execution sites for newcomers who – due to their physical condition - were no longer able to walk to the gas chambers by themselves.

In Sobibór, in June/July 1942, the construction of a narrow-gauge track for trolleys was connected to the ramp, approximately 20 meters (approx. 22 yards) away from the train station but already outside of the camp, and from there it went to camp 3 and the dug-up graves. There was also a track which led from the gas chambers to the graves. It was built to transport sick and frail Jews as well as children to camp 3, where they were shot by a commando unit. The corpses of those who had already died from exhaustion during the transport were transported on the track to the graves of camp 3 by means of these trolleys.

2. Transports to Sobibór

The total extent of the extermination operation in Sobibór camp cannot be determined with 100% certainty. It is said that at least 250,000 human beings from all parts of Europe lost their lives in Sobibór.

In the beginning, all three camps – in particular Sobibór camp – served to expediently exterminate the Jewish population residing in Poland itself and in the Lublin and Warsaw districts. In those areas, the Jewish share of the population was very large. In addition to this, on the grounds of plans schemed up at the beginning of the war to create Jewish reservations, many Jews were deported to the Lublin district for resettlement.

a) The Situation in the Year 1942

Sobibór extermination camp was the destination of transports coming mostly from the Lublin district itself, comprising at least 40% of the Polish-Jewish population staying there. The largest number of those transports reached Sobibór in the months of May, June and October and November 1942. For the period of time until spring 1943 and thereafter, only very little and insecure information is to be found on these kinds of transports coming from that area. The minimum number of Polish-Jewish people murdered in Sobibór amounts to 75,000.

In mid-October 1941 the systematic mass deportation of German Jews to the East started, after all Jews had been forbidden to emigrate by an order issued on October 18, 1941. The people from Germany, Austria, the German protectorate of Bohemia-Moravia, and Slovakia were first taken to ghettos and labor camps in the East. Often, the area of destination was the Lublin district. The transport via intermediate stations was absolutely intended in order to disguise the true facts and to maintain the legend of the so-called "Umsiedlung" (resettlement) of the Jews. Most of these people were later murdered in the extermination camps – above all in Belzec and Sobibór. One estimates that by June 1942, 10,000 Jews had been transported to Sobibór. There are also indications that by June 1942, at least 30,000 Czech and Slovakian Jews had been suffocated in the gas chambers of Sobibór.

b) The Situation in the Year 1943

The transports in the year 1943 were already shown in the indictment itself.

Sobibór was the last of the three extermination camps to maintain its operation of the gas chambers, which continued up until the uprising of the Jewish labor commando unit in mid-October 1943.

3. The Taking Over of the Camps by the WVHA, the "Wirtschaftsverwaltungshauptamt", (SS Main Economic Administrative Office), the Uprising in Sobibór, and the Clearing of the Camp

The date when the Operation Reinhard was considered to be completed cannot be determined precisely. The reasons for this may have been manifold: On the one hand, Globocnik's "poorly" planned "Germanization" of the town of Zamosc and the surrounding area mostly inhabited by Polish people triggered an activity of partisans in the entire area, leading to an acute deterioration of security. On the other hand, Globocnik could no longer be tolerated because of personal conflicts. As a result, in mid-September 1943, Globocnik left Lublin as SS and Police Leader to assume a new position as High SS and Police Leader in Trieste, Istria. Before his departure he arranged with Oswald Pohl, head of the "SS Wirtschaftsverwaltungshauptamt", the taking over of equipment, prisoners, administrative and executive staff, as well as guards of the forced labor camps for Jews of the Operation Reinhard by Pohl's office. The camps were to be registered as sub-camps of Lublin-Majdanek, and the prisoners as inmates of concentration camps, whereas the Trawniki men were to be taken over by the commanders of the concentration camps.

Further reasons for the termination of Operation Reinhard were uprisings of the prisoners in the remaining camps: in August 1943 in Treblinka, and on October 14, 1943 in Sobibór, the last of the extermination camps of Operation Reinhard which was still in functioning order. The mass escape from Sobibór entailed a large-scale raid, in the course of which several hundreds of prisoners were killed. An unknown number of them managed to escape. When Himmler learned about the mass escape, he ordered Krüger, High SS and Police Leader, to dissolve the most important camps in that district. The aim was to leave no traces of the extermination camps. The buildings on the compound of the camp were destroyed or transported to some other place together with the construction rubble. The entire ground was plowed and planted with a pine forest.

The total demolition of Sobibór extermination camp was started by Jewish labor commando units on October 20, 1943, immediately after the uprising. The members of the labor commando unit were shot as soon as the works were completed. Nevertheless, guard forces for the Sobibór compound, consisting of Trawniki men, existed until spring 1944 in order to prevent the inhabitants of that area from searching the plowed earth for the valuables of the murdered people. The remaining Jews in the Lublin camps and in the forced labor camps in the Lublin district were shot on November 3 and 4, 1943, in the course

The statements made by him in the 'Application for Immigration Visa' before the Stuttgart Consulate General on January 27, 1951, regarding his nationality and whereabouts since he had been 14 years of age, i.e.; from 1934 to May 1945; did not correspond to the truth because he wanted to prevent his repatriation to the Soviet Union (US vs Demjanjuk DocNo 85, page 20-21). In the Soviet Union he would have had to reckon with being shot, because as a soldier of the Red Army he would have had to commit suicide rather than let himself be taken prisoner of war (US vs Demjanjuk DocNo 85, page 43, 44). These had been his only reasons to state that he was a Polish citizen, although he was born in Kiev/Ukraine, and had lived in Sobibór, Poland since 1934, before he came to Pilau, Danzig in 1943 and thereafter to Munich, where he had stayed from September 1944 until May 1945.

The village name of Sobibór had been indicated to him and entered in the application form by that person who had filled in that form. Only as a Polish citizen had he been able to receive the necessary immigration documents (US vs Demjanjuk DocNo 85, page 21).

The truth was that in 1940 he had been drafted by the Russian army in the area of Kiev, and that in 1941 or 1942, after having participated in the war for three or four months, he sustained an injury to his back by an artillery-shrapnel (US vs Demjanjuk DocNo 85, pages 22-24, 47-50). After stays in various military hospitals, he had returned to the fighting troops in 1942 in Kutaisi, close to the Turkish border. At the end of 1942 or the beginning of 1943 he was taken prisoner of war with an entire Russian Army on the Crimea (US vs Demjanjuk DocNo 85, pages 33-39).

This deposition can be introduced into the trial by the witness Harold E. Jacobs, who participated in the interrogation at that time.

On February 20, 1980, the accused was questioned in detail as to why he had stated in the application directed to the International Refugee Organization (IRO) on March 3, 1948 (US vs Demjanjuk Doc No 1.5 = LO 6, sheet 682) that he had lived in Sobibór from 1937 to 1943. He declared that he had asked another displaced person for the name of a place in Poland and that that person had suggested the name of Sobibór (pages 32 to 40 of the record, LO 47, sheet 254-262). The witness George L. Parker can report on this interrogation.

In an additional interrogation before the same District Court on March 4, 1981, Demjanjuk specified his statement concerning his stay in the two POW camps by indicating the total duration of his stay and describing his stay during a stretch of time when he had no longer had the status of a prisoner of war (US vs Demjanjuk DocNo 92, pages 1062-1121 = LO 18-7, sheets 3550 et seq.).

Thus, Demjanjuk indicated the name of the second POW camp, which he did not remember during his first interrogation in 1978, to be Chelm in Poland. He stated further that he had been transported there by train after he had stayed in Rowno camp for only a couple of weeks. Until the end of summer/autumn 1944 he had been a prisoner of war of the Red Army in Stalag 319.

Thereafter, he had been transported by train directly from Chelm to Graz/Styria because of his assignment as a soldier to a Ukrainian liberation army which was to be newly raised under General Shandruk.

After a period of inactivity lasting three to four weeks in Graz under General Shandruk, he had been transported from Graz to Heuberg base at the end of autumn 1944 in order to be integrated as a soldier into a Russian liberation army which was to be newly raised under General Wlassow. He continued stating that until one week before the end of the war he had stayed at Heuberg inactively and without deployment, and that finally, he was sent off to Bischhofshofen under the command of an officer, with parts of a unit of the Wlassow army, which he did not describe in more detail.

When being asked about his reasons for making untruthful statements in his applications for an immigration visa on October 20, 1950 (US vs Demjanjuk DocNo 2.1 = LO 18, sheets 30-32) and on December 27, 1951 (US vs Demjanjuk Doc No 2.2 = LO 6, sheet 688 et seq.), and also in his earlier application addressed to the International Refugee Organization (IRO) dated March 3, 1948 (US vs Demjanjuk DocNo 1.5 = LO 6, sheet 682), Demjanjuk declared that he had done so solely out of fear of being repatriated to the Soviet Union (US vs Demjanjuk DocNo 92, page 1082).

In the course of this interrogation, the original of the service identity card for the guard IWAN DEMJANJUK bearing the number 1393 was presented to him for the first time. He confirmed the conformity of the personal data stated in this identity card with his own data. However, he declared not having provided the signature on this identity card and not having any knowledge that a photo such as the one which is affixed to the identity card had ever been taken of him (US vs Demjanjuk DocNo 92, page 1107, 1111).

This deposition dated March 4, 1981, can be introduced into the trial by the witness Norman A. Moscowitz, who participated at the interrogation at that time

In a further interrogation before the Immigration Court (CaseNo A8237417) dated February 7, 1984, Demjanjuk declared having himself and without the assistance of others found the name of the place Sobibór on a map in order to enter it in the Displaced Persons Commission Report dated October 22, 1950, and in the application for the immigration visa dated December 27, 1951, so as to be able to state to the immigration authorities later that he had lived in Sobibór, Poland since 1934 and had worked there as an independent farmer from 1936 to September 1943 (US vs Demjanjuk DocNo 93.2 pages 86-88 = LO 18-8, sheets 3801- 3808). This statement can be introduced into the trial by the witness Bruce J. Einhorn.

b) The Proceedings in Jerusalem

By the Indictment of the Director of Public Prosecutions of the state of Israel dated September 29, 1986, brought before the District Court of Jerusalem, Demjanjuk was charged with having participated in the murder of several hundred thousand Jews in Treblinka extermination camp in the time from October 1942 until September 1943.

During the entire duration of the proceedings until the judgment was rendered by the District Court on April 25, 1988, Demjanjuk stated without deviations that during the entire time of his alleged deployment in Treblinka he had solely stayed in Chelm as a prisoner of war and that thereafter - as described by him in his interrogations on March 20, 1978 and April 3, 1981 before the US Court of Ohio - he had come to Heuberg via Graz.

With respect to the service identity card for IWAN DEMJANJUK, Demjanjuk declared as accused before the District Court of Jerusalem that it was a forgery by the KGB, the Soviet Secret Service.

Daphna Bainpol will be able to make a statement concerning this matter as well as concerning the proceedings in Israel in general.

c) Second Proceedings in the United States

After the U.S. citizenship of John Demjanjuk had been reestablished, the competent authorities of the United States started new proceedings to again revoke his citizenship. He was again charged with having made false statements when applying for immigration into the United States.

At that time, the period from March until September 1943 was in the fore with the explicit charge being that he had served as a guard in Sobibór extermination camp and thereafter in Flossenbürg concentration camp. In his interrogation before the District Court for the Northern District of Ohio on July 12, 2000 (US vs Demjanjuk DocNo 100), the transfer orders of Trawniki training camp of March 26, 1943 to the "Sonderkommando" (Special Commando unit) Sobibór, and of October 1, 1943 to Flossenbürg concentration camp were presented to him, in which his surname, first name, as well as his date of birth of April 3, 1920, and place of birth were recorded under the list number 30 for Sobibór and under the list number 53 for Flossenbürg.

Demjanjuk stated with respect to both documents that he had never been in Sobibór or in Flossenbürg, and had never undergone training as a Trawniki guard. He maintained instead that during this time he had been at Chelm POW camp and that thereafter he had been assigned to Graz and from there to the Heuberg base (US vs Demjanjuk DocNo 100, pages 209 -226).

Finally, the duty roster of Flossenbürg concentration camp for Wednesday October 4, 1944, was presented to Demjanjuk, pointing out to him the section concerning the assignment of the guards to the individual labor commando units. In this roster, a "DEMJANJUK 1393" is assigned to the "Kdo. Bunkerbau" (command unit bunker construction) with the

additional note "mit Gewehr" (with rifle). With respect to this, Demjanjuk also declared never having been in Flossenbürg and therefore never having been part of the "Kdo. Bunkerbau". He said that he could not say whether on this October 4, 1944 he had been in Graz or somewhere else (US vs Demjanjuk DocNo 100, page 227).

The witness Edward A. Stutman will be able to report on this statement.

2. The Pleadings to the Charge in the Present Proceedings

In the course of his interrogation as a person charged, on June 5, 2009, (file IV or the proceedings, sheet 2140 et seq.) the accused did not make any statement.

V. Production of Evidence Concerning the Accused

1. Until he was taken prisoner in World War II

The accused was born on April 3, 1920, in Dubowije Machrinzj, Rajon Kasjatyn (formerly Rajon Samgorodok) Oblast Wnnyzia, in Ukraine within today's borders, as Iwan Nikolai (birth certificate, US vs Demjanjuk, DocNo. 999-1 = LO 18-15, sheet 6010 et seq.). After a school education lasting only a few years, the accused started to work on an agricultural kolkhoz and was trained as a tractor driver.

On September 15, 1940, the accused was drafted by the Red Army, (draft order, US vs Demjanjuk Doc.No 999/3, LO 18-15, sheet 6017).

In autumn 1941, while fighting against the Deutsche Wehrmacht, the accused suffered a severe back injury and had to undergo treatment for a couple of weeks in a military hospital in Ukraine. This injury left a scar on his back which is still visible today (forensic expert opinion, file IV of the proceedings, sheet 2179 et seq.). After his recovery, he returned to military service, and in May 1942, he was taken prisoner of war by the Germans during the battle for the city of Kertsch on the Crimea. Thereafter, the accused was taken to Rowno POW camp in Ukraine (Stalag 360), later to the POW camp 319 close to the village of Chelm in the

former Lublin district of the Generalgouvernement (Polish territory under German rule). Up to this point the indications made by the accused may be correct.

2. The Accused as a Trawniki Man

a) A few weeks after he was taken prisoner - in July 1942 at the latest - the accused was selected by competent SS officers of the Trawniki training camp to become a member of the "Fremdvölkische Wachmannschaft" (guard forces composed of foreign nationals) and underwent some military training at Trawniki SS training camp, lasting a couple of months. He was released from there as a "Wachmann" (guard private), the lowest rank.

There, the accused was listed under the identification tag number 1393 and received a service identity card made out in his name (US vs Demjanjuk DocNo 3 = LO 4, sheets 9 and 11; the original document is with the Dept. of Justice, Office of Special Investigations, Washington, D.C.). This document was at hand during the examination of March 4, 1981 (see above). Thereafter, it was apparently was taken back to the Soviet Union. At the end of 1986, the Soviet authorities returned the service identity card to Dr. Armand Hammer to be passed on to Israeli authorities (see letter dated December 3, 1986, LO 80, sheets 295, 296). Together with a letter dated August 3, 1987, Dr. Hammer sent three additional original service identity cards to the Prime Minister of Israel (see letter dated August 3, 1987, LO 70, sheet 292). All four service identity cards were taken to the U.S.A. after the proceedings in Israel had ended.

In addition to these service identity cards - they were all based on the same forms - there existed at least one additional version of service identity cards. The files of the Israeli proceedings contain copies of service identity cards, the outward appearance of which differs from the service identity card no. 1393 (see identity card for Wasil Jelentschuk, LO 70, sheet 269). The letter of the commander of the Gendarmerie of the Lublin district dated March 23, 1943, shows that apparently in March 1943, new service identity cards were introduced (LO 70, sheet 298).

The service identity card is genuine. This can be shown by Dr. Dallmayer, expert witness of the Bavarian Criminal Investigation Department. As to this respect, reference is made to his expert opinion dated March 4, 2009, file I of the proceedings, sheet 423 and his additional expert opinion dated May 12, 2009, file III of the proceedings, sheet 1390 et seq. In

addition to this, Larry F. Stewart will be able to make a statement concerning the chemical and physical examination of the identity card (see expert opinion dated September 22, 2000, LO 18-21, sheet 1863 et seq., translation in annex 8 of the final report of the BLKA (Bavarian Criminal Investigation Department in LO 80).

The lists of war criminals wanted by the former Soviet Union represent further circumstantial evidence for the genuineness of the service identity card, i.e.: the accused is recorded on the list dated August 31, 1948 (LO 56, register 17 with a partial translation) under the number 19, and on the list dated July 29, 1952 (LO 18-6, sheet 3109) under the number 12, stating his presence in Sobibór and Flossenbürg. Thus, at least the service identity card and the list of transfers from Trawniki to Flossenbürg dated October 1, 1943, must have been available at that time. It is not conceivable that the service identity card was forged already at that point in time. At that time, the accused was one of many former Soviet prisoners of war. Only much later did he come into the focus of the world public.

The fact that several existing documents bear the service number of the accused, which is also entered on the service identity card (1393) - e.g., the list of transfers from Trawniki to Sobibór, and the duty roster of Flossenbürg dated October 3, 1944 - speaks for the genuineness of the identity card.

The accused is shown on the photo of the identity card. Reinhardt Altmann, the expert witness, will be able to prove this (see expert opinion dated December 19, 1986, file II of the proceedings, sheet 691 et seq.).

The indications concerning the scar on the back apply to the accused. Prof. Dr. Graw, the expert witness, will explain the result of his examination as to this matter (see expert opinion dated June 4, 2009, sheet 2179 et seq.). The expert will also be able to report on the scar on the left arm of the accused, which is indicative of the tattoo of the accused's blood group. The SS had all members of the auxiliary guard forces tattooed with that information. As to this respect the statement made by the witness Danilchenko are confirmed.

b) In Trawniki, the accused was instructed that with respect to criminal law, he was subject to the Provisional Rules of Criminal Procedure of the Police Troops dated April 19, 1940, and

that therefore, for all offenses and crimes, he would be adjudged by the German SS and police courts. He made a service commitment concerning this matter. This is shown by the personnel files of other Trawniki men, files that have been preserved and which are identical in contents for each of the Trawniki men. As an example, reference is made to the personnel sheet no. 443 of Konstantin Demida (LO 18-23, sheets 9549 – 9552).

The witnesses Nagorny and Kunz will be able to make statements concerning the training in Trawniki.

3. The Transfer of the Accused to Okzow and Lublin-Majdanek

As shown by the records in the service identity card made out for the accused, he was transferred as a guard from Trawniki training camp to Okzow, the SS-owned estate in the vicinity of Lublin on September 22, 1942. From there he returned to Trawniki SS training camp and during the winter of 1942/1943 he was transferred as a guard to Lublin-Majdanek concentration camp, where he was sentenced to 25 strokes with the cane, for having left the lodgings and the compound of the camp without permission (US vs. Demjanjuk DocNo. 4 = LO 18, sheet 72).

4. The Transfer of the Accused to Sobibór

On March 27, 1943, the accused was assigned to Sobibór extermination camp, where he arrived the night of March 28, 1943, at the latest. As to this respect the following evidence is available:

- a) The service identity card no. 1393 (LO 4, sheets 9 and 11), which shows the following entry: assigned to Sobibór on March 27, '43. See above for the genuineness of the service identity card.
- b) The list of transfers dated March 26, 1943 (US vs Demjanjuk Doc No. 5 = LO 41, sheets 5 – 8). This list of transfers shows 84 Ukrainian guards who were transferred from Trawniki to Sobibór. On this list of transfers Ignat Danilchenko, born on April 26, 1923, in Greching, service identity card number 1016, is recorded under number 22, and Iwan Demjanjuk, born on April 3, 1920, in Dubai-Makarinski, service identity card number 1393, under number 30.

The original is kept in an archive in Moscow. A request for judicial assistance was filed in order to be able to inspect the original at the trial. The witness Epstein inspected the original in Moscow and photographed the first and the third pages of it. The photos are to be found in volume 57, at the end.

- c) The statement made by the witness Danilchenko, who was in Sobibór at the same time as the accused. The witness stated as follows:

The Examination of Ignat Danilchenko on March 2, 1949 city of Dniepropetrowsk

Question: Indicate the persons whose names are known to you and who participated together with you in the training as guards in the school of Trawniki and who later served together with you in the SS.

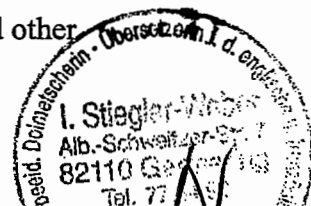
Answer: Of the people who participated together with me in the training as guards in the SS school and who later served in the SS; I know: ...

4. Demjanjuk Ivan, I don't know his father's name, born 1923, I do not know where he was from, Ukrainian, citizen of the USSR.

I met and got to know Ivan Demjanjuk at first in March 1943 in Sobibór death camp (Poland), where he served in the SS as a guard. He wore the uniform of the German "Waffen-SS" ("Armed SS", combat arm of SS); he was equipped with a firearm.

Demjanjuk participated as a guard in the mass extermination of Jewish civilians in Sobibór camp. He guarded them in order to prevent any kind of possible escape from the extermination and accompanied them as a guard to the gas chambers, where the extermination of these people was effected by suffocating them with exhaust gas of a special engine.

In spring 1944, he and I were sent to Flossenbürg and later to Regensburg (Germany), where he guarded prisoners in a concentration camp as a guard - Soviet and other



civilians. He accompanied them as a guard to various places of work and back to the concentration camp.

...

His description: tall, of strong build, light hair. He has a tattoo on his left arm above the elbow on the inside – the blood group – made by the Germans in the town of Flossenbürg (Germany).

The Examination of Ignat DANILCHENKO on November 21, 1979

From March 1943, until March or April, I am no longer sure, 1944, I served as an SS guard in Sobibór extermination camp on Polish territory. The camp was not far away from a small train station called Sobibór. The camp was close to the accesses to the forests in the vicinity.

I know from other guards, whose surnames I do not remember, that there were two diesel engines, allegedly from tanks. I personally have never seen these engines. I do not know where exactly in the vicinity of the gas chambers they were installed. The last path, which led to the gas chambers, was guarded on both sides by armed guards. When the doors to the gas chambers were opened the people were driven into the chambers by the Germans and the "Kapos" (guards) of a special labor commando unit. This special labor commando unit worked only in that area of the camp. From that moment on when the people were unloaded from the wagons until they were driven into the gas chambers, the guards were performing their duty to make sure that nobody escaped and to prevent possible panic or disobedience among the convicts. The Germans, who were assisted by the "Kapos", told the Jews on the transfer square that they had been taken to Sobibór to undergo some sanitary processes and that thereafter they would be sent to work. Therefore, most of the time, the people remained calm on the path until they reached the gas chambers. Armed guards were standing on both sides of the path, ready to shoot in case the convicts put up slightest resistance. From the discussions among the guards I knew that after the people had

been murdered in the gas chambers, their corpses were loaded on trolleys which ran on a track to the "Badehaus" (bathhouse).

As a rule, all Jews who arrived at the camp were exterminated that very day. In other words, this was a factory for the extermination of human beings. In the course of the six months after my arrival in the camp, transports of prisoners arrived at the camp every day, on an average of one to two special transports per day. Each of these trains comprised 25 wagons, some were longer, some shorter. Approximately 50 to 60 prisoners were loaded in each wagon. All Jews who arrived at the camp were executed that very day. Those who could not walk up to the gas chambers by themselves because their health was poor were shot at the so-called "Krankenstation" (hospital ward) located in the area of the gas chambers. Each day approximately 1,500 Jews were exterminated. I have difficulties indicating the precise number of prisoners who were killed in the camp every day; at least 1,500 people, including women, elderly people and children. Jews from the near-by ghettos were also transported to the camp for extermination; they were taken there by truck. Every day, five to six vehicles arrived at the camp, each of them carrying 25 to 30 prisoners. At the end of 1943, there were fewer trains transporting prisoners. In spring 1944, the transports stopped completely. During this time, the Jews from the ghettos were exterminated in the camp, but also these transports became more and more infrequent.

The commander of the camp was a German SS officer. I do not remember his rank. I also have forgotten his name. At the time, he was between 35 to 40 years old, tall, of strong build. I cannot indicate any characteristics because so many years have passed since then. There was a company of SS guards who were responsible for the camp; they were approximately 120 people. One company consisted of four platoons. Each platoon numbered approximately 30 people. The commander of the company was an SS officer.

I do not remember his surname. The commanders of the platoons were ethnic Germans of foreign nationality [their rank was] guard of the platoon. The commander of the 1st platoon in which I served was also an ethnic German. I still remember that he came from Donbass or Zaporozh'e [Zaporizhzhya]. I do not remember his surname

but he was called KARL. The guards called him "Karlik" (dwarf) because he was not very tall. I do not remember the commanders of the other platoons. The platoons were sorted by height. The 1st platoon consisted of guards who were not shorter than 1.80 meters (approx. 6 feet). At that time I measured 1.84 meters. I remember the following guards who served with me in the 1st platoon: IVAN IVCHENKO, who worked as a cook, and IVAN DEM'YANYUK. When I arrived at Sobibór, DEM'YANYUK was already serving in the camp as a regular SS guard. I do not remember DEM'YANYUK's father's name. From discussions with DEM'YANYUK I know that he came from Vinnitsa [Vinnytsya] Oblast. He is two or three years older than me. His hair was light blond and as time passed, some bald patches were to be seen. He was of strong build, his eyes were gray and he was a little taller than me – 1.86 or 1.87 meters. I remember DEM'YANYUK's appearance quite well; I would possibly recognize him. I do not recall exactly when DEM'YANYUK arrived at Sobibór. I know from discussions with DEM'YANYUK that he had also been trained at SS Travniki camp, just as the rest of us guards in Sobibór. I met DEM'YANYUK for the first time when I came to Sobibór. At that time, he was already serving there. DEM'YANYUK told me that he had served in the Soviet Army and that in the beginning of the war, he had been taken prisoner by the Germans. I do not know the circumstances of his being taken prisoner. It is possible that DEM'YANYUK told me about it, but I do not remember it. I do not know whether he suffered any injuries or contusions. I have never seen any signs of injuries on DEM'YANYUK. In Sobibór, DEM'YANYUK served as a regular SS guard. He wore a black SS uniform with a gray collar. He was always armed with a combat rifle and ammunition. Whenever DEM'YANYUK stayed outside of the camp he was equipped with an automatic rifle and ammunition, just were all other guards. On duty he had to prevent the penetration of the camp from the outside and the attempts to escape from the inside of the camp. DEM'YANYUK – like all other guards in the camp – participated in the mass extermination of the Jews. I myself participated in these crimes as well. I was sentenced for it and have served my punishment. While I was serving in the camp, I saw DEM'YANYUK regularly in the different areas of the camp carrying a firearm with which he was guarding the people who were sentenced to death. He did this

together with other guards, often also together with me. He performed his duty on the entire route from the transfer square up to the doors of the gas chambers.

DEM'YANYUK led the people to the gas chambers in order to make sure that the people sentenced to death would not disturb the "order" in which they were sent to their execution. I cannot indicate the precise circumstances under which

DEM'YANYUK led the people to the gas chambers, or how many groups of prisoners he escorted during his service in the camp. These duties were part of our permanent daily "work".

I have not seen whether DEM'YANYUK shot a prisoner on the way to the gas chambers. Such incidents happened in the camp; they occurred when the prisoners showed any kind of resistance. It is hard for me to say who shot the sick and frail prisoners at the "Hospital Ward". It is possible that upon German orders the execution by shooting was carried out by the guards; however, right now I am not able to say anything specific about this matter. I do not know whether DEM'YANYUK participated in executing sick prisoners. Together with DEM'YANYUK I had to guard the square where the prisoners were unloaded from the wagons. I saw the guards and DEM'YANYUK pushing and striking the Jews with the point of their rifles – those were the "normal" circumstances of the unloading of the prisoners. Therefore, it is difficult to describe particularly DEM'YANYUK's behavior towards the prisoners, convicts.

DEM'YANYUK was considered to be an experienced and reliable guard. He was, e.g., regularly sent to the near-by ghettos by the Germans in order to pick up the Jews and transport them to the extermination camp by truck. I was never assigned to those kinds of duties because I did not have sufficient experience. When DEM'YANYUK was on duty outside of the gas chambers he guarded the barracks of the labor commando units who served at the gas chambers. I saw him often on duty there armed with a rifle. I do not know whether he also served as a guard inside the gas chambers. I remember that often DEM'YANYUK was given time off by the Germans for having loyally executed their orders. I do not remember whether he was distinguished in any manner by the Germans.

In March or April 1944, DEM'YANYUK and I were sent to Flossenbürg on German territory. There we guarded a concentration camp where political prisoners were detained, and an airplane factory. In the hospital ward of that camp, all guards without any exception, including DEM'YANYUK, had their blood group tattooed on the inside of their left arm, above their elbow, in case we were wounded. My tattoo is still there today – the German letter "B", which stands for my blood group.

I do not know which letter was used to indicate DEM'YANYUK's blood group.

In late autumn 1944, in October or November, DEM'YANYUK and I were sent to Regensburg together with other guards. To be precise, we escorted 200 political prisoners from Flossenburg concentration camp to another camp that was approximately 18 to 29 kilometers (approx. 10 to 17 miles) away from Regensburg.

In that camp we guarded prisoners up to April 1945. The prisoners performed construction work. In April 1945, the front line approached and the entire camp was evacuated on a march in the direction of Nuremberg. I escaped on the way, but DEM'YANYUK continued escorting the prisoners. He refused to escape together with me. Since then, I have never seen DEM'YANYUK again. I do not know anything about his fate. I also do not know anything about the fate of the prisoners.

The Examination of Ignat DANILCHENKO on November 22, 1979

9 photos showing male persons are presented to the witness for identification. The photos are grouped in 3 tables they are provided with consecutive numbers, stitched, and the seal of the Department of Public Prosecution of Tjumen region is affixed to them.

The photos numbered 1, 2 and 3 of photo table no. 1 show men in military uniform wearing headgear.

The photos numbered 1, 2 and 3 of photo table 2 show men in plain clothes without headgear.

After having looked at the 9 photos presented to him for identification, the witness Daniltschenko I.T. declares that on the photo number 3 of photo table 1 he recognizes Demjanjuk Ivan by the features of his face, i.e.: by the oval shape, the chin, the cut of the eyes and the protruding ears.

On photo table number 2, he recognizes Demjanjuk Ivan on the photo number 2; he recognizes him by the same distinguishing features as on the photo table number 1.

On photo table number 3, he recognizes Demjanjuk Ivan on the photo number 3 by the general features of his face.

The identification was carried out in an office room in natural daylight.

These statements are to be considered credible for the following reasons:

The name of the witness Danilchenko is to be found on the following documents:

- list of transfers from Trawniki to Sobibór, dated March 26, 1943,
- list of transfers from Trawniki to Flossenbürg, dated October 1, 1943,
- Flossenbürg duty roster, dated October 3, 1944,
- transfer order from Flossenbürg to Saal on the Danube river (near Regensburg),
- dated December 1, 1944 (LO 13 sheet 3523).
-

His service identity card is available as a copy (LO 18-24, sheet 10145 f). On his card, the assignment to Sobibór on March 27, 1943 is also recorded.

In view of this, it does not play any role that in his statement in 1947, the witness Danilchenko made deviating indications. This often happens in first examinations.

In addition to this, minor inaccuracies in the statements (such as the question of the simultaneous arrival in Sobibór, and the point in time of the transfer to Flossenbürg) do not mean that they have to be considered as untrustworthy. On the contrary, it rather shows that the statement was not pre-formulated by the examining officers in order to incriminate the accused. If that had been the case, the statement would have conformed 100% with the facts shown in the documents. There are also no reasons to believe that witness Danilchenko's statement was influenced in the sense of Sect. 136a StPO (German Code of Criminal Procedure).

The crucial points of his statements are confirmed by the statements of the witnesses Ivchenko, Gontscharenko, Svyatelik and Badurtdinov. In addition to this, also the witness Ivchenko refers to the accused as a Trawniki man (examination on September 18, 1979).

The statements of the witnesses are kept in the witness files (LO 60 – 63). Requests for judicial assistance were sent to Ukraine and to Russia in order to obtain the present addresses of the witnesses to which summonses can be sent. In addition to this, inquiries have been made for the persons who examined the witness Danilchenko. According to the information obtained from the Security Service of Ukraine in the Dniepropetrowsk region dated May 12, 2009, the address of the witness Danilchenko is not known there (auxiliary file, request for judicial assistance, sheets 51 – 53). Further replies have not yet been received. If the witnesses have died or cannot be reached, their statements may be read out as set forth by Sect. 251 subsection 1 no. 2 StPO.

d) The statements made by the accused himself to authorities immediately after the war also speak for his presence in Sobibór: In the application for support dated March 3, 1948, addressed to the International Refugee Organization (US vs Demjanjuk DocNo. 1.5 = LO 6, sheet 682) he declared having lived in Sobibór – Chelm, Poland from April 1937 to January 1943. In his application for an immigration visa dated October 22, 1950 (US vs Demjanjuk Doc No 2.1 = LO 18, sheets 30 – 32), he declared to Leo B. Curry in Ludwigsburg that he had worked as an independent farmer in Sobibór, Poland from 1936 to September 1943. Finally, in an additional application for a visa dated December 27, 1951 (US vs. Demjanjuk DocNo 2.2 = LO 6, sheet 688 et seq.) he stated having lived in Sobibór, Poland from 1934 to 1943.

The declaration made by him later (see above) indicating his reasons for having made false statements is not convincing.

e) Finally, the fact that evidence can still be submitted which proves his activity as a Trawniki man in Flossenbürg, also speaks for his presence in Sobibór. This additional deployment of his as a Trawniki man supports the evidence available for his activity in Sobibór.

5. The Duration of his Presence in Sobibór

Mid-September 1943 – most probably on September 16 – the accused's service ended in Sobibór and he returned to Trawniki SS training camp, which served as base camp, where he presumably stayed for a period of two weeks. On the one hand, this is shown by the list of transfers dated September 16, 1943 (U.S. vs. Demjanjuk DocNo 62 = LO 18-5, 2649et seq.), according to which Trawniki guard forces were assigned to Sobibór. Apparently, they were meant to replace the guards who were serving there. A 6-month service period seems to have been normal, according to the statement made by witness Badurtinov (see witness Badurtinov's statement dated June 6, 1960, page 3 = OSI-DocNo. TRA 91398). Finally, reference is to be made to witness Danilchenko's statement, who declared having been in Sobibór together with the accused the entire time and having come to Flossenbürg together with him on October 1, 1943 (see list of transfers from Trawniki to Sobibor dated October 1, 1943, U.S. vs Demjanjuk DocNo. 6 = LO 18, sheet 125).

6. The Accused's Activity in Sobibór

a) While he served as a guard in Sobibór, the inner and outer guard was part of his range of duties. Whenever a deportation train arrived, he - being a guard – participated in all important processes of the extermination to which the Trawniki men were assigned, such as unloading, undressing and driving the victims into the gas chambers. This was also described by the witness Danilchenko. In addition to this, this was one of the most important duties of the Trawniki men. In view of the strength of 20 to 30 men of the German SS troops, the auxiliary troops, being more than 200 men strong, played an important role in the process. Due to the fact that always approximately 500 people

were unloaded from the wagons and led into the gas chambers, the participation of all guards was necessary to guarantee a smoothly running process. Dr. Pohl, the expert witness mentioned above, as well as the witness Thomas Blatt will be able to make statements concerning this matter.

In addition to this, the statement concerning this matter made by the witness Franz Wolf, who has died in the meantime, may also be read out. The wording of his statement is as follows:

Examination of Franz WOLF on June 14, 1962 (LO 24, sheet 1326)

..."The Ukrainian auxiliaries – they might have been 100 in number – took care of the outer guard. They were also assigned to the unloading of the wagons and "helped" by pushing the people with the butt of their rifles. They also guided the Jews into the so-called "Tube" and transported the frail and elderly Jews by trolleys to the so-called "hospital ward" of camp III. I also heard in discussion that they were said to have shot these Jews there.

When unloading the Jews at the connecting track, horrible and sad scenes happened. I saw frail, sick and elderly Jews being crudely thrown into the trolleys and transported to camp III. Although this crude treatment was carried out by the members of the Jewish commando unit assigned to the railway station, these practices nevertheless were approved and tolerated by the members of the German regular crew, who were supervising the process."

b) The defense counsel's reflections saying that the accused could also have done service in one of Sobibór's subcamps (he names the following places: Osowa, Luta, Krychow, Adampol, Czerniejow, Dorohusk (=Dorohuczka?), Kamien, Nowosolokii, Ruda Opalin, Sawin, Siedliszcze, Staw-Sajczyce, Tomaszowka, Ujazdow, Wlodawa, Zmudz, Sobibór village) by guarding the then so-called "Labor Jews", is not a pleading to the charge but a mere presumption. Such a fact is rather irrelevant because of the accused's own indications in his applications for a visa. In these applications, he himself indicated Sobibór to be the place of his former whereabouts. In addition to this, reference is to be made to the statement of the witness Danilchenko.

c) The witness Richthof, who - in the 1980s - was reporting judge in the new trial against Karl Frenzel, declared that the latter made a statement concerning the accused Demjanjuk. Frenzel had said that the accused "presumably, the accused has been in the camp during the first few months but only participated in the outer guard" (see official position of Hans-Robert Richthof dated March 26, 2009, file I of the proceedings, sheet 530 – 532, permission to give evidence: sheet 529).

This statement of the witness Frenzel has to be considered with due care. It cannot be explained why Frenzel, the former accused, remembered the name and the function of an individual Ukrainian guard after a period of more than 40 years. It rather seems that Frenzel wanted to join in the running proceedings in the U.S.A. and in the proceedings which were expected to start in Israel. It is possible that he expected to obtain advantages for himself by making statements about other people. Frenzel came to Sobibór on April 28, 1942. His saying that presumably the accused was in the camp during the first few months, gives the impression that he wanted to adapt his statement to the former findings concerning the accused's presence in Treblinka.

7. No Desertion by the Accused in spite of the Opportunity

Shortly after his arrival in Sobibór on March 27 or 28, 1943, at the latest, the accused was informed about the activities which were expected of him there, i.e., that he was to participate in the mass murder of Jews. A desertion by the accused had not occurred by the time of the arrival of the transport from Westerbork on April 2, 1943, although he would have had the opportunity to do so. This opportunity is clearly shown in particular by the personnel sheets of many Trawniki men, in which their successful escape has been recorded. Additional historical documents confirm the opportunity to escape. As a proof, the following documents are to be read out:

Document	File Location
Report of SS "Special Commando Unit" Sobibór, dated July 1, 1943 Escape of two guards	LO 18-5 sheet 2631
Note on the escape of Iwan Saniuk, Ukrainian guard on June 27, 1944, personnel sheet	LO 18-1, sheet 1054 + LO 18- 22, sheet 9414



Personnel sheet of Jaschejko, Ukrainian guard Escape from Trawniki on August 9, 1943	LO 18-1 sheet 1042
Report dated November 17, 1943 on the escape of Tscherkassow (774) SS guard from detention in Lublin	LO 18-2 sheet 1270
Personnel sheet of Paul Garin (escape on August 10, 1942 from Bialystok)	LO 18-2 sheet 1379
Application for leave and leave card of Danilow, SS guard	LO 18-2 sheets 1425, 1429
Leave card of Pochwala, SS guard	LO 18-3 sheet 1567
Personnel sheet of Knysh Iwan, SS guard and report (escape on June 11, 1944 from Trawniki)	LO 18-3 sheet 1607, 1612
Personnel sheet of Safronow, SS guard (escape on April 11, 1944 from Treblinka)	LO 18-3 sheet 1677
Personnel sheet of Jurtschenko, guard (no. 1843) and report (death after escape from Trawniki and "murder of a policeman" on September 19, 1943)	LO 18-3 sheets 1716, 1719
Personnel sheet of Gordejew, guard (no. 2219) Escape on October 25, 1943 in Lemberg	LO 18-3 sheet 1729
Report on the escape of Kundishew, SS Ukrainian guard (no. 753) on November 23, 1942 from Lublin	LO 18-5 sheet 2597
Report on absence without leave of the guards Krutj (no. 1950) and Lasebnij (no. 292) Trawniki	LO 18-5 sheet 2601
Report on the escape of Platonow (no. 2383), Ukrainian guard Lublin	LO 18-5 sheet 2611
Personnel sheet of Chapajew (no. 1687), Ukrainian guard escape on April 11, 1944 from Treblinka	LO 18-22 sheet 9337
Personnel sheet of Kosak (no. 4456), escape on November 15, 1943 from Poniatowa	LO 18-22 sheet 9400
Personnel sheet of Konstantin Demida (no. 443), escape on July 1, 1943 from SS Special Commando Unit Sobibór	LO 18-23 sheet 9549

Personnel sheet of Anton Solonina (no. 448), escape on March 15, 1943 from SS Special Commando Unit Sobibór	LO 18-23 sheet 9560
Personnel sheet of Philipp Wergun (no. 796), shot in Auschwitz while escaping	LO 1823 sheet 9672
Personnel sheet of Rasgonjaew (no. 907), was released upon his own request, left eye shot out	LO 18.23 sheet 9689
Personnel sheet of Tadytsch, shot on May 8, 1943, while escaping from Treblinka	LO 18-23 sheet 9750
Personnel sheet of Schamondin (no. 1961), escape on May 1, 1943 from Olbiencien	LO 18-23 sheet 9755
Personnel sheet of Iwan Costinow (no. 1989), escape from Plaszow on May 2, 1943, shot on June 24, 1943 by "Sonderbehandlung" ("Special Treatment") in Lublin	LO 18-24 sheet 10012
List of guards on the run, drawn up by Trawniki training camp on August 10, 1943	LO 41 sheet 107
Report on the escape of Garin, guard, on August 13, 1942 (Bialystok camp)	LO 41, sheet 108, et seq.
Circular letter dated December 15, 1943, concerning fugitive Ukrainian auxiliaries	LO 41 sheet 111 et seq.
Trawniki training camp, dated January 26, 1943 Escape of the following SS guards: Chudjakow (no. 2222), Profatilow (no. 2043), Bobow (no. 1001), Jarontshuk (no. 3145), Guldyn (no. 3178) and Blahut no. 3166)	LO 41 sheet 132
Lublin Commando Unit dated October 18, 1943; escape of the following SS guards: Michalewskij (no. 4550), Glusj (no. 4606), Galka (no. 4640), Morgun (no. 4631), Iwanczuk (no. 4649), Blasucki (no. 4629)	LO 41 sheet 138
The list of fugitives up to April 30, 1943, contains the names of 42 Ukrainian guards and their service numbers	LO 41 sheet 146
Report on the escape of Ukrainian guards from Auschwitz concentration camp, dated July 5, 1943	LO 41, sheet 148 et seq.
Report on the escape of Ukrainian guards from Treblinka, dated March 17, 1943	LO 41, sheet 161

In addition to this, the accused's opportunity to escape ensues from the following considerations:

All auxiliary guards were equipped with arms. There were more than 100 "foreign national" auxiliary guards compared to only 20 – 30 German SS people. Therefore, a permanent supervision of the auxiliary guards was not possible. Also auxiliary guards good got time off, i.e., on those days when no transports arrived. Such time off could be used for an escape. The witness Businnij states, however, that it was strictly forbidden to leave the camp when off duty. Nevertheless, he said, the auxiliary guards secretly went back and forth between the camp and the near-by villages without permission (page 12 of the examination dated August 8, 1975). The witness himself had been caught twice after absence without leave and had been punished with a beating.

The accused was aware of the circumstances described above. Even though he could not know whether and how many attempted escapes had been successful, the relatively large freedom of the auxiliary guards, which resulted from their superiority in numbers to the German SS people, and the size of the camp, must have imposed on him the idea of escape.

Although some auxiliary guards were shot on the run or had to face "Special Treatment" after being caught, the chance to survive an escape was relatively good, as shown by the documents listed above. In addition to this, Ukraine was not far away from Sobibór. There, a Ukrainian could have hidden easily from the German authorities because the Germans were the occupying power but got but little support from the population.

8. The Time after Sobibór

On October 1, 1943, the accused was transferred to Flossenbürg concentration camp as a guard, where he served as a guard – at least until December 1944 – presumably in the base camp. On the one hand, his presence at Flossenbürg is shown by the list of transfers (see above) dated October 1, 1943 (US vs. Demjanjuk DocNo. 6 = LO 18, sheet 125).

In this list of transfers from Trawniki to Flossenbürg, Ignatz Danilchenko, born on April 26, 1923, in Oretschina, is recorded under number 39, and Iwan Demjanjuk, born on April 3, 1920, in Dobaimachav, under number 53.

On the other hand, the accused's presence in Flossenbürg is shown by means of other documents, i.e.: the names of Demjanjuk, Nagorny and Danilchenko are indicated on a duty roster dated October 3, 1944 for October 4, 1944 (LO 18-1, sheet 583 = US vs Demjanjuk DocNo 8). According to the service roster dated October 3, 1944, the service assignment was as follows:

- o Bunker service under (?) "Scharführer" (troop leader) Schmalac(?)er; machine gun: Pfeiffer, rifle: Fröhlich and Damjanjuk no. 1393;
- o Dog squad under leader Möller, machine gun: Guenter rifle: Meyer, Kotolowitsch no. 268, Danilchenko no. 1016, Scharandin no. 918;
- o Water bunker, dog guides Beller, R. Müller, on the rifle: Zivay, Sieben, Schmälzle, Gelikonow, Hustschin no. 2364, Sokow no. ?, Gasicki no. 421, Blonsky, Nagorny no. 477 and Vatachow.

The accused is also recorded in the weapons logbook of Flossenbürg concentration camp (LO 18, sheet 362 et seq., under no. 364, LO 18, sheet 234; 420 et seq.). The originals of both of these documents are to be found in the Federal Archive in Berlin-Lichterfelde (see LO 28, sheet 199 et seq., and on the corresponding CD in LO 79). In addition to this, the witness Nagorny, who is still alive, remembers the accused, whom he met in Flossenbürg (examination dated September 22, 2008, LO 13, sheet 3433 with DVD; examination of March 23, 2009, file I of the proceedings, sheet 534 et seq., also recorded on DVD). The witness Thomas Walter, of the Central Office of the Judicial Administration of the Land, will be able to report on the examination of September 22, 2008, and on the investigations concerning the witness Nagorny (see his summaries in file III of the proceedings, sheet 1611 et seq. and 1680 et seq.).

Probably in the beginning of 1945, the accused - together with other Trawniki men serving in Flossenbürg - was recruited for the 2nd division of the so-called Wlassov Army which collaborated with the Germans, to get to Graz, Austria, the intended place of deployment, via Heuberg training area. However, the men did not reach their destination but were taken

prisoner of war by the Americans near Landshut. The witness Nagorny can also report on this. The explanations by Wittenberg, expert witness, also prove that the Wlassow Army was raised at the end of January 1945 (LO 71 – 73 and LO 80, final memorandum, enclosure 9).

After the war had ended, the accused registered as a displaced person with the American military administration and spent the time until he immigrated to the United States in various refugee camps in Bavaria (Landshut, Regensburg, Ulm, Bad Reichenhall, Feldafing; see residence certificate of DP camp Landshut, dated April 22, 1947: US vs. Demjanjuk DocNo 1.1 = LO 6, sheet 674; certificate of residents registration office Landshut, dated June 15, 1947, DocNo 1.2 = LO 6, sheet 675; in addition to this, these places are indicated in the accused's application for a visa, dated December 27, 1951, LO 6, sheet 688), at the end in a refugee camp in Feldafing, Starnberg district, near Munich (registration card of Feldafing residents registration office dated November 13, 1951, LO 6, 676 et seq.).

In Regensburg, 1947, he married his wife Vinnya, born in Molodeschno in 1925.

After the visa was granted to him, the accused could immigrate to the United States together with his wife and his daughter Lydia, born in 1950, by a ship leaving from Bremerhaven. On February 9, 1952, he arrived at New York harbor.

In August 1958, the accused applied in the United States for naturalization (US vs. Demjanjuk DocNo 2.4 = LO 6, sheet 690 f.) and on November 14, 1958, he was granted American citizenship (US vs Demjanjuk DocNo 2.5 = LO 6, sheet 692). On that very day, the accused changed his first name, i.e., the Russian name "Iwan", to "John", the English version of this name.

The accused lived in Indiana and later in Seven Hills (Cleveland), in the state of Ohio. He had two further children with his wife and was employed as an auto mechanic by the Ford company until he retired.

At the end of the 70s, the accused was charged with being identical with the overseer of Treblinka extermination camp, who was called "Iwan the Terrible" by the prisoners. That

man was charged with having operated the gas chambers in Treblinka, with having murdered more than 100,000 Jews, and with having tortured prisoners sadistically. On the grounds of this suspicion, the American Department of Justice opened proceedings against the accused on August 25, 1977, to revoke his citizenship. The accused was charged with having made false statements about his life history during World War II, upon immigrating to the United States. On June 23, 1981, his citizenship was revoked. The District Court for the Northern District of Ohio ruled that Demjanjuk had lied in his application by concealing his having been a guard in Treblinka and Sobibór and having undergone SS training in Trawniki.

In October 1983, the USA granted Israel's request for extradition. The transfer took place on February 27, 1986. On February 16, 1987, the Israeli Director of Public Prosecutions preferred charges against the accused on the grounds of a law passed in 1950 for Holocaust crimes, providing for capital punishment as the maximum sentence. The indictment read: Crime against the Jewish people (Sek.1(a) (1) NNCL); Crime against Humanity (Sektin 1 (a) 2 NNCL) War Crimes (Sektion 1 (a) (3) NNCL and Crimes against persecuted people (Section 2.(1) NNCL). By the indictment, the accused was charged with being identical with the person "Ivan the Terrible" who was described by survivors of Treblinka camp, and accusation was brought against him before the District Court of Jerusalem for crimes committed in Treblinka extermination camp (Indictment dated September 29, 1986, file III of the proceedings, sheet 1548 – 1573). On April 18, 1988, the accused was found guilty on all points of the charge and on April 25, 1988, he was sentenced to death by hanging. The judgment was based in particular on the fact that in the trial, the accused was recognized by witnesses who had been detained in Treblinka as forced laborers, as the guard "Ivan the Terrible", who was feared because of his particular cruelty.

On July 29, 1993, the Israeli Supreme Court rescinded the judgment of the first instance stating as reason that new evidence had been submitted causing considerable doubts that the accused was identical with "Ivan the Terrible", and Demjanjuk was found not guilty. The accused was released after 7 years of pre-trial detention and returned to the United States on September 22, 1993.

The witness Daphna Bainvol can confirm the above indications referring to the Israeli trial.

On November 17, 1993, an American court found that the Department of Justice had purposely retained evidence which showed that the accused was not identical with "Ivan the Terrible". This was based on the Master Report which is to be found in LO 42. Thus, the court rescinded the order on the grounds of which Demjanjuk's extradition had been possible. On February 20, 1998, his citizenship was restored. However, in the reasons stated for its decision, the court pointed out that upon submission of new evidence, new proceedings for revoking his citizenship could be initiated.

On May 19, 1999, the Office of Special Investigations (OSI) started new proceedings against the accused to revoke his citizenship. He was no longer charged with being "Ivan the Terrible" but with having worked as a guard in various concentration camps and having been a member of the SS troops in Poland. As a result, on February 21, 2001, his citizenship was again revoked by the District Court for the Northern District of Ohio. On April 30, 2004, the Federal Appeals Court in Cleveland rejected the accused's appeal against the revocation of his citizenship.

Thereupon, on June 20, 2005, the Immigration Court ordered the deportation of the accused to Ukraine. This decision has been final and absolute since May 18, 2008, at the latest.

Eli M. Rosenbaum can make a statement on the proceedings in the U.S.A.

VI. Legal Assessment

1. On the one hand, German Criminal Law shall apply pursuant to Sect. 4 subsection 2 no. 2 StGB in the version of 1943, in view of the murdered Germans. On the other hand, Sect. 4 subsection 3 no. 1 StGB shall apply in view of the murdered foreign Jews, because the accused acted as a "holder of a German national office". He was part of the national

apparatus of power of the NS state. The Trawniki units were subordinate to the German authority "SS and Police Leader Lublin" in the Generalgouvernement (Polish territory under German rule). Explanations on this matter are indicated above.

2. The characteristics of murder, such as "cruel", "treacherous" and "base motives" are fulfilled.

a) The mass murder of the Jews by suffocation through gas - as such - is a cruel method of killing; because the process of killing proceeds successively, it unavoidably is accompanied by severe suffering on the part of the victims. The people were crowded together in a minimum of space. Dr. Graw, expert witness, explained among others: "Although the most dangerous components of the engine exhaust fumes, i.e., carbon monoxide and carbon dioxide, are odorless, other additives to it are of so intensive an odor that most of the adults must have recognized them as exhaust fumes. This may have been accompanied by irritation of the respiratory system and the subjective feeling of severely impaired breathing. Without any doubt, all this was connected with the realization of being in an absolutely life-threatening situation. In awareness of all these circumstances, most of the locked up people realized that they would soon die. Therefore, one must assume that this knowledge was communicated to the others by respective utterances, and that a collective mortal dread existed among them. As a summary, these reflections do not leave any reasonable doubt that this method of killing caused an extent of mental anguish that can hardly be imagined by other human beings." (Expert opinion dated June 19, 2009).

The killing of the victims who were executed by shooting because they were no longer able to enter the gas chambers by themselves also bears the characteristics of murder, i.e., the cruel killing of a human being in view of the highly degrading and torturing circumstances of being selected for this type of killing and being executed by a firing squad at the open graves. (see BHGSt 49, 189 et seq.).

Demjanjuk wanted these cruel circumstances out of mercilessness and hard-heartedness, or he at least accepted them. These kinds of mass exterminations unavoidably entail cruelties as described above.

b) In addition to this, he acted out of base motives. He absorbed the intention of the National Socialist ideology to exterminate a race and cooperated obligingly in the murder of Jews, because for racial-ideological reasons he himself wished them to be murdered. This is shown by the fact that no efforts of the accused to evade service in Sobibór can be found. In Flossenbürg and also with the Wlassov Army he readily served the NS regime.

c) In addition to this, the main perpetrators acted treacherously, which was known to the accused. The extermination of the Jewish people transported by trains from Western Europe would not have run so smoothly if the serious assault on their physical integrity had been made clear to them. Each time, approximately 1,000 persons arrived. Had these people been informed about their imminent murder in the gas chambers, tumults would have arisen and in view of the guard forces numbering a maximum of 200 people, attempts to escape could absolutely have been successful. In order to avoid this, "disinfection" was the pretended plan. Almost all victims believed it. Because of their unsuspecting mind, they did not defend themselves. This also explains the smooth running of the killing process in general.

3. The accused contributed to a large extent to these murders by serving as a guard in all crucial processes of the extermination. The Trawniki guard forces in Sobibór comprised up to 130 members. The German regular crew only numbered 20 to 30 men. In order to avoid any kind of resistance among the victims, who were superior in number, it was necessary that each individual guard actively participated whenever a deportation train arrived. The prerequisite of this industrial way of killing the arriving people was a uniformly structured plan which was known to all guards: This plan was based on a repeated course of action to guarantee that each guard could be used at any of the individual service sites of the process. All of the guards were aware of the fact that the people gathering on the platform were doomed to death.

The outer guard of the camp by Trawniki men is also suited to confirm the assumption of participation. The function of the outer guard was to support their comrades serving inside

the camp so that attempts of escape could be prevented and the course of the murder process could run smoothly.

4. The Participation in the Murder was neither justified nor can it be excused.

a) Murder or aiding and abetting in murder cannot be justified by the fact that the orders were partly clothed in laws and official regulations. Injustice does not become justice by means of standardization. Also, Demjanjuk cannot plead having executed a binding military order to justify his acts. As a principle, action upon order can only be used as justification if the ordered action is legal. The principle of the binding effect of an order can only be valid, if the order is connected with police or military activity, as remote as this connection may be. In view of the unimaginably horrible mass extermination of innocent people, including women, children and very old men and women, Demjanjuk cannot seriously claim having considered the order to kill these people to be binding. Even by merely superficial reflection, also a simply structured person must have realized that such a correlation did not exist.

b) Also, the accused cannot claim for himself to have acted under superior orders in the sense of Sect. 35 subsection 1 StGB (German Penal Code). The accused could have deserted, as many other Trawniki men did. At the arrival of a deportation train all members of the guard forces were confined to the camp. Apart from this rule, the guard forces had to do service on 6 days and had 1 day off. For this day off, leave or the permission to go out of the camp could be applied for. Demjanjuk could have used this unsupervised period of time to escape and thus to not have to participate in the murder any longer.

5. Statute of Limitations

At the time the act was committed, the period of limitation for murder was 20 years (Sect. 67 subsection 1, 1 alternative Sect. 211 subsection 1 StGB old version). By the 9th StrÄndG (Act amending the Criminal Law) of August 4, 1969, the period of limitation for murder, which up to then, had not fallen under the statute of limitations, was extended to 30 years as of August 6, 1969. The StrÄndG of July 16, 1979, abolished the statute of limitations for murder.



As a principle, the period of limitation always started to run on the day the act was committed, i.e., in this case on June 26/27 1944, (Sect. 67 subsection 4 StGB old version). From May 8, 1945 until December 31, 1949, limitation was suspended on the grounds of the first "Berechnungsgesetz" (German act to revise the calculation of the period of limitation) of April 13, 1965. Thus, without any additional obstruction of the course of limitation, the act committed by the accused would have fallen under the statute of limitations in February 1969, i.e., before August 6, 1969, the date on which the extension of the period of limitation became effective.

The limitation of criminal offenses committed during the time of the NS regime was suspended for those acts which for political reasons were not prosecuted until May 8, 1945, as stipulated by Sect. 69 StGB old version, now Section 78 b subsection 1 StGB confirmed by the jurisdiction of the Federal Court of Justice (see BGHSt 18, 367; 3, 137, 139; BGH NJW 1962, 2308; judgments dated February 28, 1952 – 5 StR 28/52; July 9, 1954 – 5 StR 218/54; March 17, 1979 – 5 StR 218/69; see also BVerfGE 1, 418, 423). According to this rule, the prosecution of the offense must have been refrained from for respective reasons, if the offense was known to the criminal prosecuting authority at that time; if the offense became known only after the end of the war, it must be certain that its prosecution during the NS regime would have failed for such motives.

The prosecution of the offense described here would certainly have been refrained from during the NS regime if the offense had then been known, because it was an action ordered by the highest leadership of the Reich.

6. In view of the Polish dismissal of the local proceedings on December 19, 2007 (file III of the proceedings, sheet 1805 et seq.; translation: file IV of the proceedings sheet 1862 et seq.), a double jeopardy bar as stipulated by Sect. 54 SDÜ does not exist. On the one hand, the dismissal order only refers to the alleged activities of the accused in Treblinka; on the other, the order is not a decision rendered by a court, which is shown by the fact that the proceedings can be reopened at any time.

7. Also, the acquittal in Israel does not represent a double jeopardy bar (Art. 103 subsection 3 GG –German Basic Law).

On the one hand, the acts of the accused in Sobibór were not the subject matter of the proceedings in Israel. In the Israeli indictment, Sobibór was only mentioned as a place where the accused had stayed for a short period of time. It was not mentioned in connection with the charge. The indictment concentrated instead on acts in Treblinka (see indictment, file III of the proceedings, sheet 1548 et seq.). From the judgment of the Israeli Supreme Court it can also be seen that the court examined whether a conviction was possible for an offense which was not included in the indictment (the statement made by Bainvol, the Israeli prosecutor, may refer to that matter, see note dated June 15, 2009, file IV of the proceedings, sheet 2232). According to Israeli law, such a conviction is possible "if the accused is given reasonable opportunity to defend himself" (LO 18-11, sheet 584). However, the Supreme Court rejected such an opportunity for defense (LO 18-11, sheet 582-586). Therefore, the acts in Sobibór did not become the subject matter of the Israeli proceedings.

In addition to this, Art. 103 subsection 3 GG shall only apply to judgments rendered by the courts of the German Federal Republic.

8. At first - in view of the individual transport trains - one must start out from separate acts of killing. Specific data are available concerning the arrival of the individual trains.

As far as additional persons were murdered in the time from the beginning of April until mid-September 1943 who did not come from the Netherlands, their data cannot be determined precisely. Therefore, in favor of the accused, one must start out from the fact that these victims were murdered at the same time as those from the Netherlands.

Not all of the victims recorded in the transport lists can be attributed to the accused. Some of the victims died during the transport from the Netherlands to Sobibór because the transport conditions were extremely bad. In addition to this, once and again some of the people from the transports were selected as labor prisoners. These persons may, like the witness Schelvis, have survived, or been murdered after the accused had already left Sobibór camp.

Due to the fact that also the victims who did not come from the Netherlands have to be considered, the total number of victims of at least 27,900 which is indicated in the Indictment is certainly not exaggerated.

9. The investigation and the decision concerning this case have been assigned to the Landgericht München II (Regional Court Munich II) by the order of the Federal High Court of Justice dated December 9, 2008 (LO 16, sheet 187). Pursuant to Sect. 145 subsection 1 GVG (German law governing the constitution of the courts), the Director of Public Prosecutions in Munich transferred the further administration of the proceedings including the performance of all tasks to the Staatsanwaltschaft München I (Department of Public Prosecution Munich I) by his letter dated December 23, 2008.

VII. Miscellaneous

1. The official journeys to the U.S.A. did not provide any reasons to believe that the Office of Special Investigations is withholding any exonerating evidence. KHK Daumann, police detective, will be able to comment on that. He can also report on the fact that during other official journeys to Poland and Israel, the entire material has been inspected and the relevant documents have been added to the file.

Due to reports saying that secret material is to be found in U.S. American archives, the Office of Special Investigations was contacted. Two CDs were sent to the U.S. American Consulate General in Munich. They were inspected on July 1st, 2009. PHM'in Fillinger, woman police officer, can report on that matter (see memorandum dated July 2, 2009, file V of the proceedings, sheet 2676). The relevant documents had been requested by letters rogatory dated July 2, 2009. These are documents in which doubts concerning the genuineness of the service identity card are stated. However, these documents are not suited to raise doubts on the expert opinion of the Bavarian Criminal Investigation Department. These documents will be submitted upon receipt.

If witnesses will be summoned via the U.S. Office of Special Investigations, official letters rogatory are required stating the subject matter of their examination and the significance for the proceedings (see e-mail from David Rich dated June 23, 2009, file V of the proceedings, sheet 2403).

2. All documents obtained from the U.S.A. may be used for these proceedings, even if they originate from the former USSR. The Russian authorities have given their consent (see file V of the proceedings, sheets 2338 – 2341).

The origin of the documents is listed in volume 18-13, sheets 5086 – 5096.

3. With respect to the analysis of the proceedings carried out thus far regarding Sobibór complex, reference is made to the final report of the BLKA (Bavarian Criminal Investigation Department) in LO 80. The witness Daumann can also report on this matter.

4. If documents contained on the DVD "Trawniki-Central" are not available in printed form, the following shall apply: These are documents from an archive; the documents relevant for these proceedings have already been added to the file (especially the documents from the three CDs "US vs Demjanjuk"). Due to the fact that the DVDs contain a tremendous amount of documents which are not relevant for these proceedings, it was not possible to have them all printed and translated. It was also not possible to add the entire Federal Archive or the FSB Archive in Moscow to the file in the form of copies.

5. The defendant neither speaks German nor has he a sufficient command of the English language. His mother tongue is Ukrainian. Therefore, all translations are to be made into that language.

6. With respect to the transport no. 53 from Drancy on March 25, 1943, the proceedings were restricted pursuant to Sect. 154 StPO.

7. The inspection of the file by the representatives of the private accessory prosecutors and Maull, attorney-at-law, which is pending, will be handled by the Department of Public Prosecution by using a second set of files.

VIII. Ability to undergo Detention and Trial

According to the expert opinion of Dr. Stein, (sheet 2435 et seq.) the accused is fit to undergo detention. He is also fit to stand trial. In this respect, reference is also made to the expert opinions of Prof. Dr. Nerl dated June 24, 2009 (sheet 2576 et seq.) and of Prof. Dr. Albus dated June 30, 2009 (file V of the proceedings, sheet 2692 et seq.). As stated there, two 90-minute trial sections are possible per day of trial.

IX. Structure of the Files

File number	Contents	Electronic Data Carrier
LO 1	List of victims NRK from April 2, 43 – May 14, 43	
LO 2	List of victims NRK from May 21, 43 – June 11, 43	
LO 3	List of victims NRK from July 2, 43 – Jul 23, 43	
LO 4	Identity card Treblinka, expert opinion by BKA (Federal Criminal Investigation Department) List of guard forces Sobibór	
LO 5	List of footnotes 1-19 concerning final report Ludwigsburg	
LO 6	List of footnotes 21-42 concerning final report Ludwigsburg	
LO 7	List of footnotes 80-143 concerning final report Ludwigsburg	
LO 8	List of footnotes 113 concerning final report Ludwigsburg Personnel sheets Trawniki Service identity cards Trawniki camp	
LO 9	List of footnotes 175 – 269 concerning final report Ludwigsburg	
LO 10	List of footnotes 315-355 concerning final report Ludwigsburg	
LO 11	List of footnotes 320 concerning final report Ludwigsburg (weapon and equipment record Flossenbürg)	
LO 12	List of footnotes 379-412 concerning final report Ludwigsburg	

LO 13	List of footnotes 415 - 482 concerning final report Ludwigsburg	
LO 14	List of footnotes 375 – 379 and 487-523 concerning final report Ludwigsburg	
LO 15	List of footnotes 149-164 concerning final report Ludwigsburg	
LO 16	Final report Ludwigsburg	
LO 17	Documents Nagorny	
LO 18 (page no. 000007- 000568	OSI - Documents Demjanjuk, service identity card, archive documents on Trawniki guard forces, documents deportation 2001	CD 1 Doc. no.: 1-7
LO 18-1 (page no.: 000570 – 001054)	OSI – Documents Demjanjuk, archive documents Flossenbürg, documents Gideon Epstein, personnel documents of Trawniki guard forces	CD 1 Doc. no.: 8 – 44
LO 18-2 (page no.: 001055 – 001566)	OSI – Documents Demjanjuk	CD 1 Doc. no.: 44b
LO 18-3 (page no.: 001567 – 001819)	OSI – Documents Demjanjuk	
LO 18-4 (page no.: 001820 – 002307)	OSI – Documents Demjanjuk	CD 1 Doc. no.: 45
LO 18-5 (page no.: 002308 – 002781)	OSI – Documents Demjanjuk	CD 1 Doc. no.: 46 - 65

LO 18-6 (page no.: 002782 – 003298)	OSI – Documents Demjanjuk	CD 1 Doc. no.: 66 – 85
LO 18-7 (page no.: 003299 – 003715)	OSI – Documents Demjanjuk	CD 1 Doc. no.: 86 – 93.1
LO 18-8 (page no.: 003716 – 003921)	OSI – Documents Demjanjuk	CD 1 Doc. no.: 93.2
LO 18-9 (page no.: 003922 – 004388)	OSI – Documents Demjanjuk	CD 1 Doc. no.: 98 Part 1
LO 18-10 (page no.: 004389 – 004847)	OSI – Documents Demjanjuk	CD 1 Doc. no.: 98 Part 2
LO 18-11	OSI – Documents Demjanjuk	CD 1 Doc. No.: 99
LO 18-12 (page no.: 004389 – 004847)	OSI – Documents Demjanjuk	CD 1 Doc. no.: 98 Part 2
LO 18-13 (page no.: 004848 – 005305)	OSI – Documents Demjanjuk, records of interrogation District Court Ohio concerning proceedings against Demjanjuk of the year 2000, documents Trawniki guard forces	CD 1 Doc. no.: 100 – 108

LO 18-14 (page no.: 005306 – 005811)	OSI – Documents Demjanjuk	CD 1 Doc. no.: 108 – 110
LO 18-15 (page no.: 005812 – 006243)	OSI – Documents Demjanjuk	CD 1 Doc. no.: 111 up to the end
LO 18-16 (page no.: 006244 – 006725)	OSI – Documents Demjanjuk	CD 2 Part 1
LO 18-17 (page no.: 006726 – 007190)	OSI – Documents Demjanjuk, records of interrogations District Court Ohio of the year 2001	CD 2 Part 2
LO 18-18 (page no.: 007191 – 007744)	OSI – Documents Demjanjuk, records of interrogations concerning preliminary proceedings against Demjanjuk before the Court in Jerusalem, documents concerning Trawniki guard forces, records of interrogations District Court Ohio concerning proceedings against Demjanjuk of the year 2001	CD 2 Part 3
LO 18-19 (page no.: 007745 – 008220)	OSI – Documents Demjanjuk, documents residents registration office Landshut, documents concerning personal data Demjanjuk, records of interrogations District Court Ohio of the year 2000	CD 3 Part 1
LO 18-20 (page no.: 008221 – 008702)	OSI – Documents Demjanjuk, records of interrogations District Court Ohio concerning proceedings against Demjanjuk of 1993, 1996, 1999, documents concerning Trawniki guard forces	CD 3 Part 2
LO 18-21 (page no.: 008703 – 009153)	OSI – Documents Demjanjuk, lists of names transfers to Trawniki, duty rosters for Sobibór and Flossenbürg, documents concerning Trawniki guard forces	CD 3 Part 3

LO 18-22 (page no.: 009154 – 009420)	OSI – Documents Demjanjuk	CD 3 Part 4
LO 18-23 (page no.: 009421 – 009817)	OSI – Documents Demjanjuk, Russian interrogations of SIPO Kazimierz of 1943, personnel files of Trawniki guards	CD 3 Part 5
LO 18-24 (page no.: 009818 – 010281)	OSI – Documents Demjanjuk	
LO 18-25 (page no.: 010282 – 010802)	OSI – Documents Demjanjuk	
LO 18-26	OSI – Documents Demjanjuk	
LO 18-27	OSI – Documents Demjanjuk	
LO 18-28 (page no.: 011916 – 012480)	OSI – Documents Demjanjuk, records of interrogations of former Trawniki guards, records of interrogation District Court Ohio concerning proceedings against Demjanjuk of the years 1978, 1981, 1984	CD 3 Part 10
LO 18-29 (page no.: 012481 – 012984)		CD 3 Part 11
LO 18-30 (page no.: 012985 – 013485)		CD 3 Part 12

LO 18-31 (page no.: 013486 – 013854		CD 3 Part 13
LO 18-32 (page no.: 013855 – 014331		CD 3 Part 14
LO 18-33 (page no.: 014332 – 014708		CD 3 Part 15
LO 19	Documents submitted by Herbert Schein	
LO 20	Documents Ludwigsburg Preliminary investigations against Michalsen Streibel for murder in Bialystock camp in August 1943	
LO 21	Documents Ludwigsburg Preliminary investigations of Dortmund Department of Prosecution against Michalsen among others for murder in Lublin District with final decree	
LO 22	Documents Ludwigsburg, preliminary investigations of Dortmund Department of Prosecution against Bolender among others for murder in Sobibór camp, volume 1	
LO 23	Documents Ludwigsburg, preliminary investigations of Dortmund Department of Prosecution against Bolender among others for murder in Sobibór camp, volume 2	
LO 24	Documents Ludwigsburg, preliminary investigations of Dortmund Department of Prosecution against Bolender among others for murder in Sobibór camp, volume 3	
LO 25	Documents Ludwigsburg, preliminary investigations of Dortmund Department of Prosecution against Bolender among others for murder in Sobibór camp, volume 4	



LO 26	Documents Ludwigsburg, preliminary investigations of Dortmund Department of Prosecution against Bolender among others for murder in Sobibór camp, volume 5	
LO 27	Documents Ludwigsburg, Criminal Chamber for Grave Offenses Hagen versus Bolender for murder in Sobibór camp with BGH (Federal High Court of Justice) judgement, preliminary investigations of Department of Prosecution Dortmund versus Dubois among others for murder in Sobibór camp, volume 6	
LO 28	Documents Ludwigsburg concerning the witness Nargorny	
LO 29	Bibliography concerning Trawniki men Articles by Dr. Dieter Pohl	
LO 30	Indictment of Frankfurt Department of Prosecution, case no. 52 Js 10/50 dated May 2, 1950 = Gomerski - 1 -	
LO 31	Documents Ludwigsburg, among others Preliminary investigations against Gomerski, examination of the witness Thomas Blatt	
LO 32	Documents Ludwigsburg Preliminary examination of Hamburg Department of Prosecution against Pitrow and Streibel case no. 147 Js 43/69 volume 1	
LO 33	Documents concerning preliminary investigations of Hamburg Department of Prosecution against Streibel, volume 2	
LO 34	Streibel, volume 3	
LO 35	Indictment of Hamburg Department of Prosecution against Streibel, clearing of the ghetto in Lublin, volume 4	
LO 36	Judgment Hamburg Regional Court versus Streibel, volume 5	
LO 37	Judgment Hamburg Regional Court versus Streibel, continuation BGH (Federal High Court of Justice) decision concerning judgment Streibel, volume 6	
LO 38	Judicial Assistance U.S.A., United States Holocaust Memorial Museum interview with Thomas Blatt on September 6, 1990 and with Polish witnesses of the time	

LO 39	Judicial Assistance U.S.A., Documents United States Holocaust Memorial Museum Research Institute, interview with Kurt Thomas on November 9, 1990	
LO 40	Documents concerning Request for Judicial Assistance of Department of Prosecution Munich I, inspection of the investigation files of the OSI	
LO 41	Judicial Assistance U.S.A. List of transfers concerning Trawniki guard forces to Sobibór, Sachsenhausen personnel documents, interrogations concerning preliminary investigations against Demjanjuk of 1976, correspondence of Trawniki training camp concerning guard forces	
LO 42	Master Report United States Court No. 85-3435	
LO 43	Interrogations of Russian SS guards - translated to a large extent - A – Q	
LO 44	Interrogations of Russian SS guards - translated to a large extent - R – Z	
LO 45	Judicial Assistance U.S.A. - translated and in interrogation file -	CD Russian statements
LO 46	Judicial Assistance U.S.A. - translated and in interrogation file -	CD Russian statements
LO 47	Judicial Assistance U.S.A. Demjanjuk's statements before the District Court of Ohio	CD Demjanjuk's statements Part 1

LO 48	Judicial Assistance U.S.A. Demjanjuk's statements before the District Court of Ohio	CD Demjanjuk's statements Part 2
LO 49	Judicial Assistance U.S.A. Demjanjuk's statements before the District Court of Ohio	CD Demjanjuk's statements Part 3
LO 50	Judicial Assistance U.S.A. Demjanjuk's statements before the District Court of Ohio	CD Demjanjuk's statements Part 4
LO 51	Judicial Assistance U.S.A. Demjanjuk's statements before the District Court of Ohio	CD Demjanjuk's statements Part 5
LO 52	Judicial Assistance U.S.A. Demjanjuk's statements before the District Court of Ohio	CD Demjanjuk's statements Part 6
LO 53	Judicial Assistance U.S.A. Demjanjuk's statements before the District Court of Ohio	CD Demjanjuk's statements Part 7

LO 54	Judicial Assistance U.S.A. Demjanjuk's statements before the District Court of Ohio	CD Demjanjuk's statements Part 8
LO 55	Judicial Assistance U.S.A. Record of examination of District Court Ohio 1985 concerning proceedings against Demjanjuk, publication "The Trail of John Demjanjuk", Photos of Trawniki guards	CD Demjanjuk's statements Part 9
LO 56	Documents in connection with Iwan Demjanjuk -lists of transfers, service identity card, etc. -	
LO 57	Documents from among OSI documents	
LO 58	currently missing	
LO 59	Judicial Assistance U.S.A. (extract of LO 42) Leleko's statement concerning "Ivan the Terrible"	
LO 60	Examinations A – D	
LO 61	Examinations E – K	
LO 62	Examinations L – S	
LO 63	Examinations T – Z	
LO 64	Judgment Hagen Regional Court dated December 6, 1966 against Werner Dubois, Karl Frenzel and eight others	
LO 65	Documents Ludwigsburg Hagen Regional Court, case no. 31 Ks 54/76 against Karl Frenzel- Part 1	
LO 66	Documents Ludwigsburg Hagen Regional Court, case no. 31 Ks 54/76 against Karl Frenzel- Part 2	
LO 67	Documents Ludwigsburg Hagen Regional Court, case no. 31 Ks 54/76 against Karl Frenzel- Part 3	

LO 68	Supreme Court, record of the court hearing of June 9, 1992 and June 9, 1992	
LO 69	Judicial Assistance Warsaw Polish documents of investigations concerning Belzec extermination camp, - Trawniki -	
LO 70	Judicial Assistance Jerusalem Israeli documents of investigations concerning preliminary investigations of the 1 st instance and of Supreme Court Jerusalem, 2 nd instance	
LO 71	Axel Wittenberg, expert witness Researches on the Wlassow Army, Part 1	
LO 72	Axel Wittenberg, expert witness Researches on the Wlassow Army, Part 2	
LO 73	Axel Wittenberg, expert witness Researches on the Wlassow Army, Part 3	
LO 74	missing, was dissolved fehlt wurde aufgelöst	
LO 75	missing, was intended by BLKA to be file of the proceedings part 1, this file is kept separately	
LO 76	missing	
LO 77	missing	
LO 78	Judgment Israel 1 st Instance	
LO 79	CDs and DVDs, photo tables	
LO 80	Final Note	
LO 81	Gomerski - 2 -	

Five volumes of files of the proceedings are to be added.

File folders:

1 volume "Deportation USA"

1 volume "Statements Bauer"

1 volume "Expert opinion Lehner" (to be found in the second set of the file LO 17)

1 volume "Judgment Regional Court Munich I against Oberhauser"

1 volume "Connected Proceedings of Department of Prosecution Dortmund, 45 Js 3/08"

Auxiliary files:

1 volume each "Judicial Assistance" U.S.A., Israel, Poland, Russia, Ukraine


In addition to this, the following books have been added to these proceedings:

Jules Schelvis, Vernichtungslager Sobibór, 2003

Jules Schelvis, Sobibor – History of a Nazi Death Camp, 2007

Vernietigingskamp Sobibór – De transportlijsten, 2001

Thomas "Toivi" Blatt, Sobibor – The Forgotten Uprising, 2004



Pursuant to Sect. 13a StPO (German Code of Criminal Procedure) the Federal High Court of Justice decided by its order dated December 9, 2008 (LO 16, sheet 187) that the

Landgericht München II

(Regional Court Munich II)

shall be the competent court. Pursuant to Sects. 75 subsection 2 no. 4 GVG (German Judicature Act) the Criminal Chamber of the Regional Court for Grave Offenses shall be competent.

I hereby bring public action and move that

- 1. the indictment be admitted for trial before the
Landgericht München II – Grosse Strafkammer als Schwurgericht
(Regional Court Munich II - Enlarged Criminal Chamber as Court for Grave Offenses),**
- 2. a date be fixed for the trial,**
- 3. the continuation of remand be ordered because the reasons for detention continue to exist,**
- 4. the private accessory prosecutions be admitted pursuant to Sect. 196 subsection 2 StPO and, pursuant to Sects. 397a subsection 1, page 1, 395 subsection 2 no. 1 StPO, the attorneys-at-law indicated on page 2 be assigned to the private accessory prosecutors who are also listed on that page,**
- 5. an interpreter for the Ukrainian language be summoned for the accused and for the witness Nagorny, an interpreter for the Polish language be summoned for the witness Thomas Blatt, an interpreter for the English language be summoned for the U.S. American witnesses und expert witnesses, an interpreter for the Dutch language be summoned for the witness Schelvis, and an interpreter for Hebrew for the witness Daphna Bainvol.**

I offer the following evidence:

Witnesses:

1. KHK Daumann, (senior police detective) to be summoned via
BayLKA München, SG 623, Orleansstrasse 34
81667 München
2. RiAG i.R. Thomas Walter (retired judge at the District Court) to be summoned via
Zentrale Stelle der Landesjustizverwaltungen
Postfach 1144
71611 Ludwigsburg
3. Thomas Blatt, 334, Woodly Court, Santa Barbara, California 93105, USA to be summoned
via his representative: Stefan Schünemann, attorney-at-law, Schwanthalerstr. 99, 80336
München
4. Alex Nagorny, Untere Auenstrasse 12, 84034 Landshut
5. Samuel Kunz, Ließemer Kirchweg 19, 53343 Wachtberg
6. Hans-Robert Richthof, to be summoned via
Landgericht Hagen
Heinitzstr. 42
58097 Hagen
7. Jules Schelvis, Populierenlaan 47, 1185 SE Amstelveen, Netherlands
8. Kurt Gutmann, Platz der Vereinten Nationen 6, 10249 Berlin
9. Ignat Terentevich Danilchenko, 1979 residing at: 4. Distrikt, Building no. 6, Apartment 8,
Tobolsk, Tyumen Oblast, Russia; according to information dated May 12, 2009 his
whereabouts are unknown (special folder Juridical Assistance Ukraine, sheets 51-53)

10. Nikolaj Fedorovich Svyatelnik, 1968 residing at: Lisichansk, Luhansk Oblast, Ukraine, a more detailed address is not known at this time
11. Ivan Nikitovich Ivchenko, 1979 residing at: Oktyabrskaya Street, building number 71, Yuzhnij, Kharkiv Oblast, Ukraine
12. Nikolay Petrovich Goncharenko, a precise address is not known at this time
13. Aglyamutdin Badurtdinovich Badurtdinov, in 1960 the following postal address was indicated: Post Office Box ZhSh 410/5-19, Chuna, Chuna Rayon, Irkutsk Oblast, Russia
14. Harold E. Jacobs, to be summoned via
Office of Special Investigations
1301 New York Avenue
Washington, D.C. 20530
USA
15. Norman A. Moscowitz, to be summoned via
Office of Special Investigations
1301 New York Avenue
Washington, D.C. 20530
USA
16. Bruce J. Einhorn, to be summoned via
Office of Special Investigations
1301 New York Avenue
Washington, D.C. 20530
USA
17. Eli M. Rosenbaum, to be summoned via
Office of Special Investigations
1301 New York Avenue
Washington, D.C. 20530
USA

18. Edward A. Stutman, to be summoned via
Office of Special Investigations
1301 New York Avenue
Washington, D.C. 20530
USA

19. Gideon Epstein, to be summoned via
Office of Special Investigations
1301 New York Avenue
Washington, D.C. 20530
USA

20. Daphna Bainvok, to be summoned via
Ministry of Justice
P.O. Box 49029
91490 Jerusalem
Israel

21. Prokofij Businnij, 1975 residing at: Kirdani, Rayon Taraschthschanskij, area of Kiev, Ukraine

22. George L. Parker to be summoned via
Office of Special Investigations
1301 New York Avenue
Washington, D.C. 20530
USA

23. PHM'in Claudia Fillinger (woman police officer) to be summoned via
BayLKA München, SG 623
Orleanstrasse 34
81667 München



Expert Witnesses:

1. Dr. Dieter Pohl
Institut für Zeitgeschichte
Leonrodstrasse 46b
80636 München
2. Prof. Dr. Johannes Houwink ten Cate
Centrum voor Holocaust – en Genocidestudies
Herengracht 380
1016 CJ Amsterdam
Netherlands
3. Prof. Dr. med. Matthias Graw
Institut für Rechtsmedizin der Universität München
Postfach 15 10 23
80046 München
4. Dr. Dallmayer, to be summoned via
Bayerisches Landeskriminalamt, SG 206
Maillingerstrasse 15
80636 München
5. Larry F. Stewart, to be summoned via
Office of Special Investigations
1301 New York Avenue
Washington, D.C. 20530
USA
6. Reinhardt Altmann, to be summoned via
Bundeskriminalamt, attention Herr Bangert
Thaerstr. 11
65193 Wiesbaden

7. Axel Wittenberg

Heinrich-Heine-Str. 3

79117 Freiburg

8. Prof. Dr. med. Christoph Nerl

Klinikum Schwabing, Abt. Hämatologie und Onkologie

Kölner Platz 1

80804 München

9. Prof. Dr. med. Margot Albus

Klinikum München Ost

Vockestr. 72

85540 Haar

Documents:

Document	File Location
List of victims	LO 1 - 3
Book "Vernietigingskamp Sobibór – De transportlijsten"	
Order dated May 10, 1943, concerning the accordance of a status to the Ukrainian auxiliary guards equal to that of the members of the Waffen SS	LO 18-16, sheet 6718
Application for an immigration visa dated October 22, 1950	LO 18, sheet 30 – 31
Application for an immigration visa dated December 27, 1951	LO 6, sheet 688 et seq.
Application for support addressed to the International Refugee Organization (IRO) dated March 3, 1948	LO 6, sheet 682
Service identity card of the accused, number 1393, the original is in the U.S.A.	Copy: LO 4, sheet 9 and 11
Letter of Armand Hammer (Occidental Petroleum Corporation) dated August 3, 1987	LO 70, sheet 292

Letter of S.Chetverikov (Soviet Foreign Ministry) dated December 3, 1986	LO 70, sheet 292
Letter of the Commander of the Gendarmerie Lublin District dated March 23, 1943	LO 70, sheet 298
Service identity card of Wasil Jelentschuk	LO 70, sheet 269
Birth certificate of the accused	LO 18-15, sheet 6010 et seq.
Draft order of the Red Army	LO 18-15, sheet 6017
List of war criminals wanted by the Soviet Union dated August 31, 1948	LO 56, register 17 with partial translation
List of war criminals wanted by the Soviet Union dated July 29, 1952	LO 18-6 sheet 3109
Report on violation of duty while on guard in Lublin, dated January 20, 1943	LO 18, sheet 72
List of transfers from Trawniki to Sobibór dated March 26, 1943	LO 41, sheet 5-8
List of transfers from Trawniki to Sobibór dated September 16, 1943	LO 18-5, sheet 2649 et seq.
Statement of Franz Wolf, witness dated June 14, 1962	LO 24, sheet 1326
Death certificate of Franz Wolf, dated October 11, 1999	LO 62 under Wolf
List of transfers from Trawniki to Flossenbürg, dated October 1, 1943	LO 18, sheet 125
Duty roster of Flossenbürg camp, dated October 3, 1944	LO 18-1, sheet 583
Weapons logbook of Flossenbürg camp	LO 18, sheet 362 et seq. in particular sheet 420 et seq.
Transfer order from Flossenbürg to Saal on the Danube (near Regensburg) dated December 1, 1944 (concerning Danilchenko)	LO 13, sheet 3523
Resident's certificate DP camp Landshut, dated April 22, 1947	LO 6, sheet 674

Certificate of residents registration office DP camp Landshut, dated June 15, 1947	LO 6, sheet 674
Registration card of residents registration office Feldafing, dated November 13, 1951	LO 6, sheet 676 et seq.
Application for naturalization of August 1958	LO 6, sheet 670 et seq.
Certificate of citizenship ,dated November 14, 1958	LO 6, sheet 692
Report of SS Special Commando Unit Sobibór, dated July 1, 1943, escape of two guards	LO 18-5 sheet 2631
Note on escape of Iwan Saniuk, Ukrainian guard, dated June 27, 1944, personnel sheet	LO 18-1, sheet 1054 + LO 18-22, sheet 9414
Personnel sheet of Jaschejko, Ukrainian guard, escape on August 9, 1943 from Trawniki	LO 18-1 sheet 1042
Report dated November 17, 1943 on escape of Tscherkassow (774), SS guard from detention in Lublin	LO 18-2 sheet 1270
Personal sheet of Paul Garin (escape from Bialystok on August 10, 1942	LO 18-2 sheet 1379
Application for leave and leave card of Danilow, SS guard	LO 18-2 sheet 1425, 1429
Leave card of Pochwala, SS guard	LO 18-3 sheet 1567
Personnel sheet of Iwan Knysch, SS guard, and report (escape from Trawniki on June 11, 1944)	LO 18-3 sheet 1607, 1612
Personnel sheet of Safronow, SS guard (escape on April 11, 1944 from Treblinka)	LO 18-3 sheet 1677
Personnel sheet of Jurtschenko, guard (no. 1843) and report (death after escape from Trawniki and "a murder of a policeman" on September 19, 1943)	LO 18-3 sheet 1716, 1719
Personnel sheet of Gordejew, guard (no. 2219) escape on October 25, 1943 in Lemberg	LO 18-3 sheet 1729
Note on the escape of Kundishew, SS Ukrainian guard (no. 753) on November 23, 1942 from Lublin	LO 18-5 sheet 2597

Report on absence without leave of the guards Krutj (no. 1950) and Lasebnij (no. 292) Trawniki	LO 18-5 sheet 2601
Report on the escape of Platonow (no. 2383), Ukrainian guard Lublin	LO 18-5 sheet 2611
Personnel sheet of Chapajew (no. 1687), Ukrainian guard, escape on April 11, 1944 from Treblinka	LO 18-22 sheet 9337
Personnel sheet of Kosak (no. 4456), escape on November 15, 1943 from Poniatowa	LO 18-22 sheet 9400
Personnel sheet of Konstantin Demida (no. 443), escape on July 1, 1943 from SS Special Commando Unit Sobibór	LO 18-23 sheet 9549
Personnel sheet of Anton Solonina (no. 448), escape on March 15, 1943 from SS Special Commando Unit Sobibór	LO 18-23 sheet 9560
Personnel sheet of Philipp Wergun (no. 796), shot in Auschwitz while escaping	LO 1823 sheet 9672
Personnel sheet of Rasgonjaew (no. 907), was released upon his own request, left eye shot out	LO 18.23 sheet 9689
Personnel sheet of Tadytsch, shot on May 8, 1943, while escaping from Treblinka	LO 18-23 sheet 9750
Personnel sheet of Schamondin (no. 1961), escape on May 1, 1943 from Olbiencien	LO 18-23 sheet 9755
Personnel sheet of Iwan Costinow (no. 1989), escape from Plaszow on May 2, 1943, shot on June 24, 1943 by "Sonderbehandlung" ("Special Treatment") in Lublin	LO 18-24 sheet 10012
List of guards on the run, drawn up by Trawniki training camp on August 10, 1943	LO 41 sheet 107
Report on the escape of Garin, guard, on August 13, 1942 (Bialystok camp)	LO 41, sheet 108, et seq.
Circular letter dated December 15, 1943, concerning fugitive Ukrainian auxiliaries	LO 41 sheet 111 et seq.
Trawniki training camp, dated January 26, 1943 Escape of the following SS guards: Chudjakow (no. 2222), Profatilow (no. 2043), Bobow (no. 1001), Jarontshuk (no. 3145), Guldyn (no. 3178) and Blahut no. 3166)	LO 41 sheet 132

Lublin Commando Unit dated October 18, 1943; escape of the following SS guards: Michalewskij (no. 4550), Glusj (no. 4606), Galka (no. 4640), Morgun (no. 4631), Iwanczuk (no. 4649), Blasucki (no. 4629)	LO 41 sheet 138
The list of fugitives up to April 30, 1943, contains the names of 42 Ukrainian guards and their service numbers	LO 41 sheet 146
Report on the escape of Ukrainian guards from Auschwitz concentration camp, dated July 5, 1943	LO 41, sheet 148 et seq.
Report on the escape of Ukrainian guards from Treblinka, dated March 17, 1943	LO 41, sheet 161
Polish dismissal order dated December 19, 2007,	File III of the proceedings, sheet 1805 et seq. (Polish) file of the proceedings IV, sheet 1862 et seq. (Transl.)
Consent of the Russian authorities to use the material handed over to the U.S.A.	File IV of the proceedings sheet 2339
Information of the Security Service of the Ukraine concerning Danilchenko	auxiliary file, RH (judicial assistance) Ukraine, sheet 53

Extract from the Federal Central Register of Previous Convictions of December 30, 2008 (no entry).

Objects to be inspected by the court:

Film shots recorded on DVDs of the examination of the witness Nagorny on September 22, 2008, and of March 23, 2009,

Draft of Sobibór extermination camp, drawn by Thomas Blatt, witness, file III of the proceedings, sheet 1326,

Photos in volume 79

signed Tacke
Senior Prosecutor

Certified on July 10, 2009

Holzapfel (signature)
Senior Judicial Secretary

Round seal:

Department of Public Prosecution at the Regional Court
Munich I, Bavaria

End of the Translation

As interpreter and translator for English and French, publicly appointed and sworn by the President of the Landgericht (Regional Court) Munich I, I hereby certify:

The above translation is a correct and complete translation of a German document taken from a certified copy.

Germering, September 28, 2009

Stiegler-Weber

