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Chapter 3:

What Kind of Narrative is Legal Testimony? Terezín Witnesses Before Czechoslovak, Austrian, and German Courts

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What kind of narrative is the legal testimony of a Holocaust survivor? This question connects two fields of historical inquiry, those of Holocaust justice and of narrative analysis. Scholars have generally addressed one or the other. However, only a few historians have looked at survivors' witness statements within the legal context as texts that also lie within the narrative genre. Holocaust historians have often used victim depositions to write history as it happened; some have used them to write Holocaust history focused on the perpetrators.¹ Rather than unearthing history of an atrocity, however, this essay studies testimony as a part of narrative studies.²

Historians who have discussed the narrative character of the legal testimony include Annette Wieviorka, Aleida Assmann, Karel Berkhoff, and Alexandra Garbarini. In examining Avraham Suzkever's testimony at the Trial of the Major War Criminals at Nuremberg, Wieviorka shows the critical importance of having one's voice heard, standing face to face with

* I should like to thank Maria von der Heydt and Hilary Earl for advice on legal matters, to Katrin Stoll on what is legal testimony, and to Maria and Norman Goda for their comments on various drafts of this article.

the perpetrators, and having the final word as the witness to the catastrophe.³ Assmann demonstrates the constraints on the testifying witnesses: a trial is far more interested in establishing the “truth” rather than the wartime biography of the individual.⁴ Garbarini shows that authenticity and truth were in the forefront for the defense team of Sholem Schwarzbard, who in Paris in 1926 assassinated Simon Petliura, the Ukrainian leader under whom pogroms erupted following the Russian Revolution. Schwarzbard’s defenders compiled eyewitness testimonies to be used at the trial.⁵ Finally, Berkhoff’s careful tracing of the multiple testimonies of Dina Pronicheva, one of the very few survivors of Babi Yar, shows a strikingly consistent narrative of the only person to testify to this atrocity.⁶

As important as this scholarship is, these authors made passing comments rather than a systematic inquiry concerning trial testimony and narrative. This essay examines the nexus of survivor legal testimony and narrative study. I examine the differences as well as commonalities between legal testimonies and other types of self-testimony. I also look at how the testimonies’ content and style change over time and how intended audiences shape the testimony. What makes a legal testimony appear true and reliable? And what makes it affecting? Gender, I show, is a crucial factor here. I build on Benjamin Frommer’s remark that trials are truthful, but that they do not necessarily produce true history.⁷ Devin Pendas pointed out that while trials are particularly successful at establishing facts, the facts cannot speak for themselves. How the facts are arranged into a meaningful narrative depends on interpretative frameworks.⁸

I examine the depositions of Terezín survivors in the proceedings that focused on the ghetto there. These witness statements from trials concerning Terezín represent a large collection of early Holocaust testimonies, one that to date has not been examined in this light.⁹ Witnesses who testified before or at trials concerning Terezín were generally born between 1900 and 1910.

Most of them died before the launch of the large oral history projects in the 1990s. Their legal testimonies are often the only self-testimony they left behind.

This article has five parts. First, I sketch a history of the Terezín ghetto, the crimes committed here, and the laws with which they were prosecuted. Second, I discuss Terezín survivors' testimony at the early legal proceedings, offering a map of the testimonies and their context. The third section follows the development in the narratives over time and examines the types of witnesses and main narrative patterns. I also examine the testimonies of those who bore witness more than once and in different contexts. The fourth part examines the gendered perceptions of "hard facts" and use of emotions against the backdrop of the liberalization of Czechoslovakia during the 1960s.¹⁰

Historical Background

The SS created Terezín (Theresienstadt in German) as a transit ghetto in November 1941. It was the only ghetto still in existence when the war ended in May 1945.¹¹ Altogether, 143,000 prisoners were deported there: the largest group were Czech Jews, followed by Jewish deportees from Germany, Austria, the Netherlands, Denmark, Slovakia, and Hungary. A Jewish Council of Elders administered the ghetto under the direction of the SS. The majority of Terezín's prisoners, 87,000, were sent to the East and murdered; another 34,000, particularly the elderly, died in Terezín itself from starvation-related diseases.

Compared to concentration camps, ghettos have received less attention from historians as sites of atrocity.¹² Concentration camps became the topoi of Nazi cruelty and have come to signify genuine suffering. But in all, ghettos had higher mortality rates, and thanks to their

double function as transit and labor sites they were arguably a locus of comparable suffering. Even though there were numerous postwar prosecutions against ghetto-related crimes, ghettos remain relatively understudied in the context of Holocaust trials.¹³ The Terezín-related trials fit this pattern, and also make for particularly significant case studies. Terezín generated a large number of trials, which were transnational with regard to people, places, and later developments concerning witness depositions. In addition, core witnesses bore testimony several times, inside and outside of the legal context. Moreover, prosecutors had to construct cases for direct violence since the act of running a transit ghetto was theoretically not prosecutable in the countries in which trials were held.

There were altogether thirty-five legal proceedings with a main focus on crimes in Terezín. Twenty-three took place in Czechoslovakia, nine in Austria, and three in West Germany. East Germany had several legal proceeding that touched on the topic of Terezín, but these trials never had the ghetto as their focus.¹⁴ Twenty-eight of the proceedings were actual trials and seven were investigations or pre-trial investigations. Twenty-one of the proceedings were directed against German or Austrian perpetrators. Another ten were directed against Jews who were blamed for “collaboration.”¹⁵ Finally, four proceedings charged Czech gendarmes who guarded the ghetto. Several defendants were prosecuted in two trials and/or extradited: Rudolf Haindl, who had served as deputy to the camp inspector Karl Bergel from 1942 to 1945, was extradited from his trial in Vienna to Litoměřice. The first commandant Siegfried Seidl (1941-1943) was convicted in Vienna and had a trial in Litoměřice *in absentia*. Both were sentenced to death and executed; Seidl in Vienna in 1947, and Haindl in Czechoslovakia in 1948.

Despite the miserable conditions in Terezín, the SS was usually absent from the everyday life in the ghetto. Emanuel Herrmann, a prewar attorney who in Terezín worked as a baker,

recalled: “Often three weeks passed without meeting a German.”¹⁶ The SS did not administer Terezín but rather exercised control through “constructive violence.”¹⁷ Thus, after the war, relatively few specific crimes from Terezín were adjudicated. In January and February 1942, the SS ordered first nine, and later seven men, sixteen in all, executed for contact with the outside. These hangings, at the Aussig Barracks, were staged to a select audience: the Council of Elders, the Jewish ghetto police, and house elders were forced to be present. Later, the SS closely observed the smuggling of items forbidden in the ghetto. Smugglers who were caught were interrogated, brutally tortured, and, if still alive, transferred to the nearby Gestapo prison in Terezín’s nearby Small Fortress.¹⁸ Most did not survive. In August 1943, Heinrich Himmler arranged for 1,200 Jewish children to be transferred from the Białystok Ghetto to Terezín; he was negotiating with Jewish aid organizations to exchange the children against payment. Some forty of the children who were ill were separated upon arrival and the SS driver Johann Vostrel shot them in the Small Fortress.¹⁹ The negotiations failed, and the remaining children were deported to Auschwitz-Birkenau and murdered. In addition to these crimes, some SS, in particular the more brutal such as Vostrel, beat inmates when they passed through the ghetto’s streets.²⁰ During the ghetto’s existence and in the early postwar years, the Aussig Barracks executions of winter 1942 formed a central part of the master narrative of how the inmates and early survivor community understood the ghetto.²¹

After the war, the Czechoslovak and Austrian governments pursued transitional justice based on the Moscow Declaration.²² They employed special people’s courts -- *lidové soudy* and *Volksgerichte* respectively, which tried all of the Czechoslovak and Austrian Terezín-related proceedings.²³ They operated under extraordinary laws -- in Czechoslovakia special retribution decrees and in Austria the *Kriegsverbrechergesetz* and *Verbotsgesetz*. The trials were swift and

the sentences severe. For their own part, neither West nor East Germany had such statutes for transitional justice. The basis of criminal law in both Germanys remained the 1871 Penal Code, though its application varied between the two states in the prosecution of Nazi criminals.²⁴

No state made Terezín the center of judicial proceedings, despite its deportations and annihilation. Still, the ghetto came up in various trials and investigations. The Czechoslovak people's courts could apply §5 of the retribution decree against enslavement, human trafficking, kidnapping, and "unlawful restriction of the personal freedom," which were capital offences. Austria's *Kriegsverbrechergesetz* included §5a, eviction from home, which was punishable by death for main organizers. The West German Central Office of the Judicial Authorities for the Investigation of National Socialist Crimes in Ludwigsburg, founded in 1958, prepared in the early 1960s investigations against Terezín perpetrators living in West Germany. The key figures were Karl Berger, the former "camp inspector," and Anton Burger, the second commandant. West German investigators cooperated with Czechoslovak authorities in assembling evidence, though neither case actually went to trial.

Witnesses in the early people's court trials in Czechoslovakia and Austria often came forward on their own volition after the state advertised the call for witnesses. In Czechoslovakia, for example, witnesses learned of investigations from the major newspapers or from the Bulletin of the Council of Jewish Religious Communities, the periodical of the Council of Jewish Religious Communities in Bohemia and Moravia. Before the Czechoslovak trial of Karl Rahm, Terezín's last commandant from February 1944 to May 1945, the state authorities also advertised the call for witnesses in survivors' organizations and Jewish communities abroad. In addition, the state attorney approached the Council of Jewish Religious Communities for witnesses' addresses and for further recommendations. The Council, for its own part, set up a department

for prosecution of war criminals, headed by the lawyer Kurt Wehle.²⁵ In addition to collecting information and contacting witnesses, Wehle's department collected sworn affidavits and sent them to courts outside of Prague and also to the people's courts in Vienna. Some of survivors who testified later became historians of Terezín. These included Zdeněk Lederer, Miroslav Kárný, and Josef Lagus.²⁶

Terezín witnesses testified either at the trials of SS and police perpetrators or at trials against the Jewish "collaborators."²⁷ The latter trials started immediately after the liberation. On 18 May 1945, a committee of Terezín survivors who were members of the Czechoslovak Communist Party drafted a list of suspects and passed it to party headquarters and the people's committees.²⁸ The overwhelming majority of witnesses volunteered, seemingly with no requests by the state attorney for witnesses, nor recommendations by the Jewish Community. The Jewish Community monitored closely the investigations of Benjamin Murelstein, the last and only surviving Jewish elder of Terezín, not wishing for these investigations to become too public.²⁹ Volunteer witnesses in this and other "collaboration" proceedings gave statements that were passionate, personal, and defamatory, with reproaches often based on hearsay. The victim community perceived cooperation with the enemy – whether real, alleged, voluntary, or forced -- as repulsive, and survivors felt the need to pose an example of what they perceived as wrong behavior, thus enabling a return to normality.³⁰ At the trials of German and Austrian perpetrators, which occurred a bit later, some witnesses volunteered but witnesses were often summoned by the state attorney after recommendation by the Jewish Community. In a few cases, defendants also requested witness statements. These testimonies tended to be more "factual" in nature.

In the meantime, all early pretrial depositions were acts of reintegration into the Czech society, aimed at fitting into the dominant narrative of what was perceived as the authentic

suffering of the deported. In Czechoslovakia, as elsewhere, this narrative focused on resistance, political prisoners, and their torment in concentration camps. Terezín survivors who published memoirs in the immediate postwar period fashioned their stories accordingly. They referred to Terezín as a concentration camp, Czech survivors staged their Czech-related activities in the ghetto as a resistance, and they presented their persecution in a way that included them in the Czech community of suffering.³¹ We can see this narrative in the openings of various witness testimonies. Some start with a variation of the phrase: *I was arrested because of my affiliation with the Jewish religion and sent to the concentration camp Terezín*. In the 1952 Vienna trial of Johann Vostrel, the brutal driver of the SS headquarters, the 30-year old Prague merchant Pavel Lužický (formerly Langweil) testified: “As affiliate of the Jewish religion I was seized on 1 December 1941 by the German authorities, then transferred to the concentration camp-ghetto Theresienstadt, where I remained until the liberation.”³² Similarly, the forty-year old Olomouc attorney Edmund Repper, who worked in the ghetto crematorium, opened his statement to the Olomouc police with: “Since 8 April 1942 I was as an affiliate of the Jewish religion [and a] prisoner in the ghetto in Theresienstadt.”³³ Even the forty-one year old Adolf Beneš, the former functionary in the Jewish Community and the director of the American Jewish Joint Distribution Committee in Czechoslovakia at the time of his affidavit, formulated the circumstances of his deportation thus: “In July 1943, I was detained as an affiliate of the Jewish religion and transferred to the concentration camp ghetto-Theresienstadt, where I remained until October 1944.”³⁴

The use of the passive voice in these statements makes a stilted impression, and indeed, is grammatically incorrect on occasion. A proper formulation might be: *As a Jew/Being a Jew I came to Terezín* (which would be in German *Ich kam als Jude nach Theresienstadt* or in Czech

Jako žid jsem přišel do Terezína/jako žida mě deportovali do Terezína). However, the reason for deportation is instead given as an attribute, a modifier. The narrator does not call himself directly a Jew, nor is the reason for his deportation that he is a Jew. This indirect expression describes someone affiliated with Judaism as a religion, not something that one simply is, religiously, culturally, or ethnically. Moreover, the phrasing echoes the language used in the context of deportations of political prisoners: one is *transferred* or *seized*, by the *German authorities*.

Beneš and others moreover denoted Terezín as a “concentration camp” with the name “Ghetto-Terezín.”³⁵ This contradictory phrasing is also striking: Terezín was a ghetto, and the inmates and the SS referred to it as such. Indeed within the ghetto itself, “Terezín” and “ghetto” became synonymous terms. The survivors framed Terezín as a concentration camp only *after* the war because they now lived in a society that coded camps as the only sites of the legitimate, authentic suffering. A ghetto was nothing familiar; it was something potentially lesser, and it did not fit the preferred narrative. The re-labeling of Terezín from a ghetto to a camp helped in having one’s story accepted. The long-standing postwar debate as to whether Terezín was a ghetto or a concentration camp began, I believe, with these early designations.³⁶

One could possibly counter-argue that these phrases might have originated from the typist as a part of the court terminology. However, these statements were collected in heterogeneous conditions: some were sworn pretrial testimonies (affidavits, protocols) in front of a local police, collected to be sent to Kurt Wehle’s department within the Jewish Community; others were voluntary submissions, sent also to Wehle’s department or directly to the state prosecutor. Indeed, the same phrasing is found in other trials across time and space. Twenty years later in the mid-1960s, Emil Jockel, then a fifty-six-year old director of a hotel in Znojmo, the sixty-three-

year old emigré to West Germany Vilém Hostovský, and the fifty-six-year old lawyer Jan Franěk (former Friedmann), opened their statements with variations of the same phrase:

“For reasons of racial discrimination I was sent to the ghetto of Terezín.”³⁷

“On 24 November 1941 I was registered in Prague for a transport to concentration camp (KL)

Theresienstadt. The transfer to the KL occurred for racial reasons.”³⁸

“I was incarcerated for racial reasons in the concentration camp Terezín-ghetto, Auschwitz, and

Friedland.”³⁹

Insert Photo 1, Chapter 3

Portrait of Emil Jockel (ca 1951). Courtesy of Pavel Jockel Family Archive.

The language here has changed in one detail. Persecution on basis of Jewish religion has turned into one based on race. The reason may lie in the changing meaning of the 1946 Czechoslovak law on reparations for soldiers and resistance fighters, clause 255/1946, which defined beneficiaries as individuals persecuted for political, national, racial, or religious reasons.⁴⁰ In terms of reparations, the relative weight of types of persecution differed when the

law was issued, the political persecution ranking most highly. But by the 1960s, racial persecution was politically more opportune than a religious one.

The trials, complex affairs with actual defendants or taking place *in absentia*, became all the more complex — and for a later historian, difficult to disentangle — because of the differing ways in which testimonies were collected and how they emerged outside Czechoslovakia. Wehle's department and the state attorney summoned dozens of people and had them give testimony for the Vienna people's trials. The witnesses accordingly gave statements concerning all perpetrators prosecuted in Austria. These included trials against Johann Vostrel (1948-1952) and Ernst Girzick (1946-1948), the latter an employee of the Prague Central Office for Jewish Emigration and one Adolf Eichmann's subordinates, with some affidavits addressing Franz Stuschka, the brutal commandant of the Terezín's Wulkow labor commando.⁴¹ Apparently, the Jewish Community created a list of Terezín survivors who were there during the aforementioned January and February 1942 Aussig Barracks executions. Witnesses from these lists were passed to Austrian state attorneys when they asked for assistance. They became the "go-to" witnesses, considered able to testify regarding the few prosecutable crimes in Terezín, and they did so repeatedly. They gave pretrial testimonies, speaking with the police and the state attorneys, and at a latter point, they travelled to the trials, all while busy building new lives.⁴²

These standard witnesses were also at the forefront in the early 1960s when West German state attorneys in the Central Office in Ludwigsburg took up investigations against Karl Bergel and Anton Burger.⁴³ Copies of earlier witness statements were easily obtained from the Austrian authorities. In 1964, the Central Office also approached the Czechoslovak Governmental Commission for Prosecution of National Socialist Criminals for cooperation.⁴⁴ The Commission, founded in 1959 initially as a branch of the Ministry of Justice, also turned to the postwar

witness testimonies from earlier people's courts.⁴⁵ Indeed in researching Terezín, one can repeatedly find in German files copies of affidavits, charges, and judgments from the people's courts, often translated, sometimes without dates, and without information from which legal proceeding the statements come.

Trials concerning Terezín gained an additional transnational character owing to postwar emigration. Many survivors left Czechoslovakia to escape postwar Czech antisemitism and the Communist regime, as well as to build new lives elsewhere. German and Austrian Jewish survivors also emigrated. Thus as the Austrian trial against SS-driver Johann Vostrel proceeded in 1952, witnesses' addresses changed: Vilém Hostovský lived initially in Prague, then in Jablonec, and, by the time of his final affidavit in 1952, in an Israeli moshav.⁴⁶ In 1959 he moved to Frankfurt am Main.⁴⁷ In Theresienstadt, he met Ruth Weitz from Berlin, and they married in June 1945. Ruth's German background was possibly the reason why when the Hostovskýs left Israel and moved to West Germany, where in 1963 Vilém testified against Karl Bergel.

A final transnational aspect stemmed simply from the character of the transit ghetto itself. In the Czechoslovak trials, for example, dozens of witnesses from Austria, Germany, and the Netherlands submitted affidavits. Interestingly, some non-Czech witnesses, unlike their Czech counterparts, wrote detailed testimonies or later published memoirs.⁴⁸ Many of the Terezín perpetrators were Austrian.⁴⁹ The people's trials in Vienna, meanwhile, were largely built on the statements of younger Czech survivors, as very few Austrian Jews survived Terezín -- fewer than 2,000, and the Aussig Barracks execution in January and February 1942 had taken place before the first deportation from Vienna to Terezín in June.

Legal and Other Testimonies Compared

We can categorize survivors who testified at the early trials into two groups based on their motivations. The larger group comprised witnesses whose family members died in Terezín or who believed themselves to have been otherwise harmed there expressly due to actions by the accused. Their testimonies tended to be more emotional and less detail-oriented. Both men and women were in the first group. The second, smaller group comprised former Jewish functionaries, prisoner physicians, and those who were harmed themselves in concrete crimes. These witnesses were recommended by Kurt Wehle's department or summoned by the accused. Their depositions tended to be more factual, detailed, and technical. The second group was predominantly male.

Among the dozens and perhaps hundreds of Terezín survivors who gave testimony, six men did so repeatedly: Rudolf Freiburger (1906-1978), Jiří Vogel (1904-1994), Emil Jockel (1907-1993), Emanuel Herrmann (1910-1991), Vilém Hostovský (1900-1988), and Otakar Růžička (1911-?). These men were deported to Terezín in three early and exclusively male transports,⁵⁰ and therefore were in the ghetto during the early 1942 Aussig Barracks executions. However only Freiburger and Vogel, who had to be present at the executions as members of the Council of Elders, were direct eyewitnesses. Freiburger, meanwhile, did not testify in perpetrator trials. In Terezín, he was the head of Production in the Economic Department, which oversaw forced labor for the Germans in a mica splitting workshop. The work here was tedious but workers were protected from transport. As the overseer, Freiburger was perceived as the Germans' henchman. After the war, together with Benjamin Marmelstein he was arrested for "collaboration," and spent eighteen months' detention in the Pankrác prison before the state

attorney dropped the charges in 1947.⁵¹ In his interrogations and voluntary statements, Freiburger was careful, saying nothing, for example, about witnessing the executions. The danger of a harsh sentence was real.⁵² Possibly, Freiburger's past as a Jewish "collaborator" was the reason why the Czechoslovak authorities sent his testimony to Ludwigsburg only after a delay of two years.⁵³

Insert Photo 2, Chapter 3:

Caption: Portrait of Rudolf Freiburger (1941). Courtesy of Jewish Museum in Prague.

The testimonies of these standard witnesses tend to fall into the more "factual" rather than the more emotional category. It is useful to follow the similarities and further developments in their statements, comparing the earlier legal depositions with later oral history testimonies that are more biographical self-testimonies.⁵⁴ In the late 1960s and early 1970s, Jockel, Herrmann, and Růžička gave oral history interviews to the Terezín memorial.⁵⁵ In 1992, Vogel, who was then old and ill, was interviewed for the Prague Jewish Museum.⁵⁶

Venue influenced narrative.⁵⁷ For instance, Vilém Hostovský's statement to the Frankfurt police in 1963 for the trial of Karl Bergel differs from his earlier statements. The content is similar, but the style less detailed. In 1946, speaking in Vienna at the trial of Siegfried Seidl, Hostovský described his first weeks in Terezín, after his arrest for a similar offense that led to the execution of sixteen other men:

They told us in Prague that we go to work and come back on Saturday. When we arrived in Terezín, we were brought into a barrack, the door closed behind us, and we were inside. [...] I was in a coal mine, and when I came back to the camp I found out that I was blamed of sabotage because I carelessly loaded a piece of wood, which had the consequence that now the coal mine could not operate, and I was to be deported. I then made up a story that I was of mixed background, and so I escaped the transport. That was my second detention. The first one occurred because I brought in a parcel with bacon and bread. Because of bringing in this parcel I came into detention between 3 and 24 January 1942.⁵⁸

In 1963, his depiction of the same event is less meandering:

On 3 January 1942 I was brought into the camp prison because of alleged illegal trading, that is, bringing in food and tobacco into the camp. During my body search by the Czech gendarmerie, who also guarded the camp, small amounts of food and tobacco were found.⁵⁹

The West German prosecutor might have already made clear to Hostovský that he was interested only in statements relating to the executions, not prison biography.

Otakar Růžička had a similar experience in Czechoslovakia in 1972. He came forward to give testimony at the Ministry of the Interior, having heard that the police were interviewing witnesses about the murder of the Białystok children. The protocol is written in a standard secret police style: “I was imprisoned as prisoner in ghetto Theresienstadt from November 1941 until

the end of the war. I had the transport number AK 147. This transport was for reason[s] unknown to me protected by the Gestapo from transports to other concentration camps. After the evacuation of the Sudeten barracks I was moved with the brothers ARNŠTAIN who came from Unhošť near Kladno into a little store that I can point out.”⁶⁰ One policeman grew suspicious of why Růžička had volunteered to testify and ordered an inquiry into why Růžička had come forward and who had informed him about the investigations. The openness of the Prague Spring of 1968 was by now over, and the “normalization” had started. Public appearances of Holocaust survivors were eyed with suspicion.⁶¹

Scholars like Sigrid Weigel and Aleida Assmann have argued that in the legal context, survivor statements are necessarily reduced to their function as evidence only, thus implying that witnesses have no leeway to shape their narratives.⁶² But my reading of Terezín testimonies suggest differently. Witness narratives are indeed shaped by respective legal contexts, which can flatten the narrative, but the experience and social capital of the witness equally influence the testimony.⁶³ Czechoslovak and Austrian people’s trials, for instance, gave the witnesses more space for expression. West German trials are the most often analyzed case studies, but it would be wrong to generalize their structure to all witness statements. There are several examples of this trend.

In the 1960s the Terezín witnesses had a number of additional and strong motivations to speak. Several desired to see just punishment for the Nazi criminals, Karl Bergel and Anton Burger, who had lived safely in West Germany for two decades. Witness depositions thus became more causal. Jiří Vogel, who in the Terezín ghetto was a leading functionary of the Technical Department and who became the last Elder of the Jews in the ghetto’s final days, stressed how paltry the SS justifications were for the Aussig Barracks executions in early 1942.

One victim had talked with his wife, who came to visit from Prague. Another had left the barracks to buy gingerbread. Vogel added that for the entire period of the ghetto's existence, there were no normal court sessions against the Jews.⁶⁴ Vogel's insistence on the break from normality and injustice was absent in the early trials, and the fervor to testify helps to explain it. Several witnesses made statements similar to that of Emanuel Herrmann, who concluded his own affidavit: "I am happy to come to any court anywhere, even abroad, and give testimony in front of judges."⁶⁵

Insert Photo 3, Chapter 3

Portrait of Emanuel Herrmann. Alena Štěpánková's Family Collection.

For some, testifying was motivated by a search for more personal justice. While Vilém Hostovský and Emanuel Herrmann, like many others, lost close friends owing to Nazi atrocities, Ota Růžička's narrative imprisonment was a history of wrongs. He listed everyone who made his life difficult. Růžička came forward at four people's court trials including those of Karl Rahm, Rudolf Haindl, and Karl Bergel.⁶⁶ But he also testified in the trial of Paul Raphaelson, who served as a Jewish kapo at Wulkow. Růžička's depositions are akin to general Holocaust testimonies, which often reinstate the author's sense of self. In describing wrongs he had suffered, Růžička put himself into the center of his own persecution story. In this retelling, he had monopoly of interpretation. This emotionality hints at another significant feature of witnessing, namely testimony as its own form of agency -- as coming to terms with traumatic

past characterized by powerlessness. Historian Saul Friedländer points out that powerlessness was a key experience for Holocaust victims.⁶⁷ Ability to tell the story of one's persecution is a powerful means to regain control, which was even more the case when the personal account contributes to rendering justice to the perpetrator.⁶⁸

Emanuel Herrmann's 1960s testimony aimed to avenge and commemorate a lost friend.⁶⁹ It also shows how knowledge acquired subsequently influences witnesses' memories. Herrmann's friend Vilém Heller had worked in the *Expositur*, the connecting office between the Jewish Community and the Central Office for Jewish Emigration, which expelled and later deported Jews. Both Karl Bergel and Karl Rahm worked in the Central Office; Bergel until November 1941, Rahm until February 1944. During the large deportations to Auschwitz-Birkenau in fall 1944, Rahm met Heller in the ghetto bakery and put him, his wife, and his young daughter on transport. Bergel, who accompanied the transports to Auschwitz, noticed that Heller had survived the selection, and arranged that Heller be sent to the gas chambers. Herrmann witnessed the scene and survived. In 1947 he testified against Rahm, describing the selection at Auschwitz and only briefly.⁷⁰ But in the later deposition for Ludwigsburg in 1965, he gave a more dramatic and elaborate scene of Bergel's intervention:⁷¹ Probably, his memory came to include the iconic moment of the Auschwitz ramp.

Over the postwar decades, the legal testimonies remained remarkably consistent in terms of style and substance. Vogel had an excellent memory and concentrated on details, technicalities, and character features. Herrmann liked to describe networks, and how the ghetto was a class society. Růžička liked to speak about himself, and was judgmental and spiteful toward others. But there are several shifts between depositions and general oral-history testimonies. Former Jewish functionaries, such as Vogel and Herrmann, who worked for the

Prague Jewish Community, explicitly stated their former jobs in their earlier legal depositions. In the later oral history interviews, however, they were more vague concerning their functions. This vagueness was a consequence of the continuing charged postwar perception of Jewish functionaries, who could be marked as “collaborators.” And oral history interviews offered more leeway than a legal affidavit in representing oneself; in particular, the narrator knows that his testimony will stand in the direct comparison to that of former colleagues or acquaintances.

Finally, a striking difference between the legal depositions and later general testimonies is that the Nazi crimes themselves, the very focal point of the depositions, are rarely mentioned in the interviews. Emil Jockel was the only one in this group who addressed in his oral history interview the Aussig Barracks executions of January and February 1942.⁷² Vogel, Růžička, and Herrmann did not mention the executions, nor did they discuss other specific German crimes. Though interviewers did not explicitly ask about crimes, the interviewees could have mentioned anything they considered important. In his interview for the Terezín memorial in 1971, Herrmann mentioned his testimony at the Rahm trial, but no longer spoke of his murdered friend Vilém Heller.⁷³

The Gender of Witnessing

All the standard witnesses in the initial judicial proceedings concerning Terezín were men. The reasons were partly structural. Members of the Council of Elders were all male, and ghetto guards and house elders included women only in the latter stages of the war. Hence the direct eyewitnesses of the critical Aussig Barracks executions, for example, were thus all male.

Even so, just two among the standard witnesses were actually present at the executions. There were thousands of women inmates in Terezín in early 1942 who were related to or knew the executed victims, and many of these women lived in Czechoslovakia in the 1960s. But these women were never asked to testify about the executions, or, by extension, to speak of the official crimes.

However, another major trial, the *in absentia* East German trial of Hans Globke in 1963, indicates key gendered functions of women witnesses. Globke, as is well-known, co-authored the legal commentary of the 1935 Nuremberg Laws as well as a number of other anti-Jewish statutes. After the war, he served in West Germany as the state secretary to Federal Chancellor Konrad Adenauer. In the wake of the 1961 Eichmann trial in Jerusalem, the East German authorities staged a show trial of Globke in order to demonstrate that the West German state was dominated by revanchist ex-Nazis.⁷⁴ All five witnesses representing Czechoslovakia were women. The East Germans wanted testimony that would, as in Jerusalem, create an emotional effect.

Insert Photo 4, Chapter 3

Czechoslovak Witnesses at the 1963 Globke Trial. Courtesy of Bundesarchiv Lichterfelde.

One of the Czech witnesses was the politician Gertruda Sekaninová-Čákrťová. She was a lawyer whose first husband, Ivan Sekanina, contributed to the defense of Georgi Dimitrov in the 1933 Reichstag Fire Trial in Leipzig.⁷⁵ After the occupation of Czechoslovakia, Sekanina was arrested and eventually murdered in Sachsenhausen in 1940. Sekaninová herself was placed in

Terezín. Here she worked as a caretaker in a youth home for teenaged *Geltungsjuden*, girls of mixed parentage deported without their parents and hence alone in Terezín. After the war, Sekaninová became Czechoslovakia's deputy minister of justice and was the only Jew to survive the Slánský trials of 1952; in the 1960s, she became a member of the Parliament. Sekaninová-Čákrťová was an experienced politician and lawyer and in the 1963 Globke trial, she described the everyday of Theresienstadt. But when Friedrich Wolff, the defense attorney in the Globke trial, asked her as a jurist about the legal basis for the deportations from Czechoslovakia, Sekaninová-Čákrťová responded not as a lawyer, nor a "normal human being," but as a "prisoner who underwent all this."⁷⁶ She gave a moving testimony about children in the ghetto and about her work in a children's home. She showed the book *I Never Saw Another Butterfly* and read aloud two poems including Pavel Friedmann's "I have never seen another butterfly."⁷⁷ She also spoke about the last moment she saw her mother at the selection in Auschwitz:

Immediately after the arrival [...] we came to an SS officer [...] He asked me if I were able to work. I said yes and he simply showed with one hand in a direction. That meant that I had to separate from my mother. I asked him if I may not reside with my mother – today I am almost ashamed that I used the word "reside" [wohnen] because there is such incredible naiveté in it – namely I thought that a working person may reside in one barrack with a non-working prisoner. He just shook his head. It would be difficult and it also does not belong here to try to describe the look of my mother in that moment.⁷⁸

In describing the last moment with her mother and her shame for not understanding what Auschwitz was, Sekaninová's statement comes across as remarkably emotional. The effect is

reinforced when she mentioned the last look of her mother while describing is as both impossible but also for the court irrelevant.

Insert Photo 5, Chapter 3.

Gertruda Sekaninová-Čákrťová at the Globke Trial, holding *I Never Saw Another Butterfly*.

Courtesy Bundesarchiv Lichterfelde.

I Never Saw Another Butterfly, which Sekaninová-Čákrťová presented in East Berlin, was Hana Volavková's and Jiří Weil's edition of the Terezín children's drawings and poems. It represented a shift of narrative focus towards children and cultural activities in Terezín. The new focus created a sentimentalized portrayal of the ghetto which dominates its memory to this day.⁷⁹ This reimagining can also be observed in *The City Behind the Bars*, an important Czech-language history of the ghetto written in 1964 by two survivor historians, Karel Lagus and Josef Polák. The book includes a child's drawing of an execution, implied as a depiction of the famous executions of winter 1942, suggesting violence so omnipresent that even children drew it.⁸⁰ Yet the actual drawing of a hanging by the 12-year old Josef Novák, however, is a cartoon telling a detective story, in which a criminal is pursued, justice prevails, and the culprit is hanged. It is this fragment of the hanging that Lagus and Polák used.⁸¹

Insert Photo 6, Chapter 3

Josef Novák's cartoon from Terežín. Courtesy Jewish Museum in Prague.

(Ed: If room is an issue, use the Right Bottom Quadrant.)

In the 1960s, the political atmosphere in Czechoslovakia became more liberal.⁸² The Czechoslovak government cautiously cooperated when Western German authorities in Ludwigsburg asked for help in the investigation of Nazi perpetrators. Because of the nature of the West German law, the guilt could be proven only with the establishment of “hard,” “reliable” facts. To secure such testimony, the experts of the Governmental Commission selected almost only male testimonies from earlier trials. The male testimonies were ostensibly fashioned to tell the history with hard facts: this is why their testimonies were oriented around concrete events of the official, prosecutable crimes. The purpose of the 1963 Globke trial, in contrast, had been to demonstrate the monstrosity of racism in the Holocaust, to which Globke's work in writing the Nuremberg laws had contributed. Women witnesses testified of children deported alone, separated from their families by racial madness, and often murdered. This focus on topics marked as particularly upsetting supplied the emotions to manifest how heart-rending the genocide was. Women's testimonies were perceived and presented as emotional while men's were seen as factual.

Yet in 1964, a year after her testimony in the Globke trial, Sekaninová-Čákrťová spoke in the Czechoslovak Parliament against the statute of limitations for Nazi crimes. She raised her previous year's testimony, which, she stressed, took place in East rather than West Germany, where debates concerning the statute of limitations for Nazi crimes was underway. Her speech in

the Parliament conformed to the formal structure, but with an almost conscious switching between official, dry, and formal statements, and the emotional ones.⁸³ It was the setting together of legality with gender that dictated the form of Sekaninová's testimony.

Conclusion

These proceedings had little impact on the memory of Terezín. The only legacy of the people's trials that remains is the stigma of the "collaborator." The investigations of the Czechoslovak Governmental Commission for Prosecution of National Socialist Criminals are largely forgotten. The same applies for the dozens if not hundreds of witness depositions: today, none of the children of the witnesses know about their fathers' court testimonies.⁸⁴ The executions and other crimes, although not forgotten, are not at the forefront of the Terezín master narrative today.

The main difference between the trial witness and general oral testimonies was that of genre context. In the legal proceedings, independent of the respective legal framework, state attorneys concentrated on concrete crimes and questioned the witnesses accordingly; the content of the depositions did not change much. In their later oral testimonies, survivors concentrated on the autobiographical rather than structural or organizational. The genre, and the setting thus influenced the content. However, it did not shape the style. The survivors kept their tone, interpretations, and figures of speech, independently whether they talked to a state attorney or to a historian.

Witness testimony is a part of the category of testimony, and, like any other testimony, it is a social narrative. What we expect and recognize as truth or fact is subject to the surrounding culture and is also deeply gendered. Each narrative genre — in this case, legal testimony concerning Nazi crimes — shapes what can be narrated and how the speaker tells the story. Gender, a powerful societal category, leaves its own mark on how the narratives are told, and even more importantly, how they are perceived. We should see these genre constraints alongside the historical and societal ones. Statements change over time and are influenced by dominant narratives. They also changed so that the story told helped make sense within the narrator's biography. In this sense, the perpetrators' narratives analyzed by Kerstin von Lingen (Chapter 4) were shaped in ways similar to those of survivors. Such a statement may come across as unexpected; but both groups of narratives were similar in one crucial way: they are both people and all people tell their life stories in similar ways.

What differentiates the depositions of the victims and perpetrators is, however, not the nature of the genre, but that of ethics. As Alexandra Garbarini has pointed out, the survivors were consumed by stressing that theirs were truthful accounts.⁸⁵ Their motivation to testify is thus different than that of the murderers. The victims are the only ones who can speak for the dead. And so, after the profound powerlessness of the persecution, bearing testimony of the crime was a critical moment of agency.

¹ There is a wealth of literature, see among others Andrej Angrick and Peter Klein, *The 'Final Solution' in Riga: Exploitation and Annihilation, 1941-1944*, trans. Ray Brandon (New York, 2009). Angrick's and Klein's doctoral advisor was Wolfgang Scheffler, a historian of the Holocaust who served as expert witness at several German legal proceedings, and who worked

closely with the sources they produced. The “Scheffler School” stands for a prominent use of legal proceedings in establishing the historical truth.

² Shoshana Felman and Dori Laub, eds., *Testimony: Crises of Witnessing in Literature, Psychoanalysis, and History* (New York, 1991); Annette Wieviorka, *The Era of Witness*, trans. Jared Stark (Ithaca, 2006); Alexandra Garbarini, *Numbered Days: Diaries and the Holocaust* (New Haven, 2006); Veronika Zangl, *Poetik nach dem Holocaust: Erinnerungen-Tatsachen-Geschichten* (Munich, 2009).

³ Wieviorka, *The Era of Witness*, 31-32; see also her discussion of Ada Lichtman’s testimony at the Eichmann trial, 74-78.

⁴ Aleida Assmann, “History, Memory, and the Genre of Testimony,” *Poetics Today* 27, no. 2 (2006): 261-73. See also Sigrid Weigel, “Klage und Anklage: Die Geste des Bezeugens in der Differenz von ‘identity politics’, juristischem und historiographischem Diskurs,” *Zeugnis und Zeugenschaft: Jahrbuch des Einstein-Forums* (2000): 111–35.

⁵ Alexandra Garbarini, “Document Volumes and the Status of Victim Testimony in the Era of the First World War and Its Aftermath,” *Études arméniennes contemporaines* 5 (2015): 113-38.

⁶ Karel Berkhoff, “Dina Pronicheva’s Story of Surviving the Babi Yar Massacre: German, Jewish, Soviet, Russian, and Ukrainian Records,” In *The Shoah in Ukraine: History, Testimony, Memorialization*, ed. Ray Brandon and Wendy Lower (Bloomington, 2010), 291-310.

⁷ Benjamin Frommer, “The Jewish Department of the Prague Police: What its Czech Directors Did During the War, and How They Escaped Justice Afterwards,” presentation at the Association for Slavic, East European, and Eurasian Studies, New Orleans, November 15-18, 2012. Frommer paraphrases Charlotte Delbo: “I am not sure that what I wrote is true. I am certain that it is truthful.” Charlotte Delbo, *None Of Us Will Return*, trans. John Githens (New York, 1968), 1.

⁸ Devin Pendas, “Truth and its Consequences: Reflections on Political, Historical and Legal Truth in West German Holocaust Trials,” in *Traverse: Zeitschrift für Geschichte/Revue d’histoire* 11, no. 1 (2004): 25-38. Ida Fink’s play “The Table” speaks powerfully to this point. See Fink, “The Table,” in *A Scrap of Time and Other Stories*, ed. Ida Fink (Evanston, 1995), 139-65.

⁹ In addition to these legal testimonies, there was a Czechoslovak Jewish historical commission, the Documentation Action, on which see Magda Veselská’s forthcoming article of in *Judaica Bohemiae* 52, no.1 (2017).

¹⁰ A note on terminology: The instances in which the witnesses participated in Czechoslovak, Austrian, and West German trials included witness hearings, sworn testimonies (affidavits/protocols), written submissions, and also witness statements at actual trials. I attempted to translate the original description of every statement truthfully, and denote them as such below.

¹¹ For a history of Terezín, see Anna Hájková, “The Prisoner Society in Terezín Ghetto, 1941-1945,” Ph.D. dissertation, University of Toronto, 2013.

¹² “Editor’s Introduction,” In *The United States Holocaust Memorial Museum Encyclopedia of Camps and Ghettos 1933-1945*, vol. 2: *Ghettos in German-Occupied Eastern Europe*, ed. Martin Dean, gen ed. Geoffrey Megargee (Bloomington, 2012), xlv.

¹³ Wolfgang Scheffler and Helge Grabitz, *Der Ghetto-Aufstand Warschau 1943 aus der Sicht der Täter und Opfer in Aussagen vor deutschen Gerichten* (Munich, 1993); Katrin Stoll, *Die Herstellung der Wahrheit. Strafverfahren gegen ehemalige Angehörige der Sicherheitspolizei für den Bezirk Białystok* (Berlin, 2012).

¹⁴ In the East German Waldheim trials, Richard Hesse, the former chairman of the Halle branch of the Reich Association of German Jewry and who was subsequently deported to Terezín, was sentenced to 18 years prison. Uta Franke, Heidi Bohley, Falco Werkentin, *Verhängnisvoll verstrickt: Richard Hesse und Leo Hirsch - zwei jüdische Funktionäre in zwei Diktaturen* (Halle, 2014). Terezín also played a role in the Globke trial, described below. See Erika Schwarz, *Juden im Zeugenstand: Die Spur des Hans Globke im Gedächtnis von Überlebenden der Schoa* (Teetz, 2009).

¹⁵ I use here “collaboration,” as this term carries a problematic moralizing undertone. See also Hájková, “Der Judenälteste und seine SS-Männer: Benjamin Marmelstein, der letzte

Judenälteste in Theresienstadt und seine Beziehung zu Adolf Eichmann und Karl Rahm,” in *“Der Letzte der Ungerechten:” Der Judenälteste Benjamin Murelstein in Filmen 1942-1975*, ed. Ronny Loewy and Katharina Rauschenberger (Frankfurt/Main, 2011), 75-100.

¹⁶ Testimony of Emanuel Herrmann, 5 December 1971, Archive of the Terezín Memorial [hereafter APT], A, 564.

¹⁷ On violence as means of a new order, see Walter Benjamin, “Zur Kritik der Gewalt,” *Archiv für Sozialwissenschaft und Sozialpolitik* 47, no. 3 (1920/21): 809–832.

¹⁸ Testimony of Julius Taussig, APT, A, 51.

¹⁹ Testimony of Artur Holzer, 17 November 1947, trial of Anton Burger, copied Archiv bezpečnostních složek [Security Services Archive], Prague [hereafter ABS], 325-15-5 (Czech contribution to Ludwigsburg preliminary proceedings against Burger and Erwin Weinmann).

²⁰ See for example Wolf Glücksmann, “Das Leben des Baron von Hirsch, und wie er unter den Nazis gelitten hat,” interview, 23 January 1946, Yad Vashem Archives [hereafter YVA], M1E, 18.

²¹ Report of Otto Schütz, 28 March 1945, Moreshet Archives, A, 553; Testimony of Jacob Plaut, YVA, M1E, 1942; Menasche Mautner Munisch, YVA, O1, 163; Edith Ornstein, YVA, O7, 291,

Mirko Tůma, *Ghetto našich dnů* (Prague: Salvar, 1946); Benjamin Murmeststein, *Geschichtlicher Überblick*, Wiener Library, 1073, 3.

²² The Moscow Declaration on atrocities was one of the four declarations at the 1943 Allied conference. It pledged that German mass crimes would be prosecuted, and most perpetrators extradited to the country where they committed their crimes.

²³ Mečislav Borák, *Spravedlnost podle dekretu : retribuční soudnictví v ČSR a Mimořádný lidový soud v Ostravě, 1945-1948* (Šenov u Ostravy, 1998); Benjamin Frommer, *National Cleansing: Retribution against Nazi Collaborators in Postwar Czechoslovakia* (New York, 2005); Brigitte Rigele, *Verhaftet. Verurteilt. Davongekommen - Volksgericht Wien 1945 - 1955* (Vienna, 2010). See also the website of the Austrian Forschungsstelle Nachkriegsjustiz, www.nachkriegsjustiz.at.

²⁴ For an overview, see Devin Pendas, *The Frankfurt Auschwitz Trial, 1963-1965: Genocide, History, and the Limits of the Law* (New York, 2006), ch. 2; Pendas, “Retroactive Law and Proactive Justice: Debating Crimes against Humanity in Germany, 1945–1950,” *Central European History* 43, no. 3 (2010): 428–63.

²⁵ Interview Kurt Wehle, 25 May 1995, University of Southern California Shoah Foundation, Visual History Archive, Los Angeles, CA, interview code 2859.

²⁶ They spoke at different trials, with varying motivations. Lederer and Lagus testified at Rahm's trial, whereas Kárný stepped forward to give an accusing testimony against Benjamin Murelstein. See Kárný to inspector Mužík, no date (1946), 305-633-1, ABS. Other survivors who became historians such as Ruth Bondy and H.G. Adler did not testify.

²⁷ Only one person, Ota Růžička, spoke at both types of proceedings.

²⁸ Memorandum, 18 May 1945 (Prague survivors to Terezín with a list whom to arrest), Ghetto Fighters' House, Lohamei HaGeta'ot, 3338; Memorandum, May 28, 1945 (Terezín survivors with a similar, yet longer list), ABS, 305-639-5.

²⁹ Karel Stein to Kurt Wehle (on investigation of Benjamin Murelstein), 4 March 1960, Archive of the Jewish Museum, Prague [hereafter ŽMP], Kurt Wehle Papers, box 1. Thanks to Magda Veselská for drawing my attention to it.

³⁰ Hájková, “Der Judenälteste und seine SS-Männer: Benjamin Marmelstein, der letzte Judenälteste in Theresienstadt und seine Beziehung zu Adolf Eichmann und Karl Rahm,” in *Der letzte der Ungerechten: der Judenälteste Benjamin Marmelstein in Filmen, 1942-1975*, ed. Ronny Loewy and Katherina Rauschenberger (Frankfurt am Main, 2011), 75-100; Beate Meyer, *A Fatal Balancing Act: The Dilemma of the Reich Association of Jews in Germany, 1939-1945*, trans. Bill Templer (New York, 2013), ch. 5; Laura Jockusch and Gabriel N. Finder, eds., *Jewish Honor Courts: Revenge, Retribution, and Reconciliation in Europe and Israel after the Holocaust* (Detroit, 2015).

³¹ Lisa Peschel, “The Prosthetic Life: Theatrical Performance, Survivor Testimony and the Terezín Ghetto, 1941-1963,” Ph.D. dissertation, University of Minnesota, 2009; Anna Hájková, “To Terezín and Back: Czech Jews and their Bonds of Belonging between Theresienstadt and Postwar Czechoslovakia,” *Dapim: Studies on the Holocaust* 28, no. 2 (March 2014): 38-55, 52f.

³² Affidavit Pavel Lužický, 18 November 1947, Municipal and Provincial Archives of Vienna [hereafter WStLA], People’s Trial Vienna, Vr 314/50 gg. Johann Vostrel. The Czech originals are not in this file.

³³ Affidavit Edmund Repper, 17 November 1947, WStLA, People’s Trial Vienna, Vr 314/50.

³⁴ Affidavit Adolf Beneš, 18 November 1947, WStLA, People’s Trial Vienna, Vr 314/50.

³⁵ Affidavit Rudolf Gerstmann, 28 May 1947, WStLA, People’s Trial Vienna, Vr 314/50.

³⁶ See Miroslav Kárný, “Zur Typologie des Theresienstädter Konzentrationslagers,” *Judaica Bohemiae* 1, no. 17 (1981): 3–14; Peter Klein, “Theresienstadt: Ghetto oder Konzentrationslager?,” *Theresienstädter Studien und Dokumente* 12 (2005): 111–23.

³⁷ Deposition Emil Jockel, 3 November 1964, ABS, 325-82-2. Copies and German translations of most of the Czech statements are in the Bundesarchiv Ludwigsburg [hereafter BArchL], B 162, 1885, fol. 1.

³⁸ Hearing of the Wilhelm Hostovsky, (Polizeipräsidium Kriminalpolizei Frankfurt/Main), 26 September 1963, BArchL, B 162, 1885, fol. 1.

³⁹ Deposition of Jan Franěk, (investigations of Karl Bergel), 11 May 1965; ABS, 325-82-2.

⁴⁰ The full name is the Law on Members of the Czechoslovak Army Abroad and Some Other Participants of the National Struggle for Liberation, issued 19 December 1946.

⁴¹ WStLA, People’s Trial Vienna, Vr 314/50 gg. Johann Vostrel, and Vr 8881/46 gg. Ernst Girzick.

⁴² For instance, Doris Schimmerlingová had to postpone her high school final examinations to come to Prague and bear testimony against Theodor Janeček, the head of the gendarmes. State Regional Archive Prague [hereafter SOAP], People’s Court, LS 428/46; interview Doris G. (née

Schimmerlingová), 17 and 27 May 1996, Vzpomínky, ŽMP. Schimmerlingová, however, was not a standard witness.

⁴³ Karla Müller Tupath, *Verschollen in Deutschland: Das heimliche Leben des Anton Burger, Lagerkommandant von Theresienstadt* (Hamburg, 1994).

⁴⁴ Jan Volejník to *Hlas Revoluce* (asking to publish a search for witnesses), 23 April 1964, ABS, 325-82-2. Founded in 1959, this commission was first a branch of Ministry of Justice that sought to procure the extradition of Nazi criminals. It later became independent. Lenka Šindelářová, “50 Jahre Zentrale Stelle in Ludwigsburg: Strafverfolgung von NS-Verbrechen am Beispiel des ‘Lagerinspektors’ von Theresienstädter Ghetto,” *Theresienstädter Studien und Dokumente*, 15 (2008): 95-97.

⁴⁵ Bergel: ABS, 325-82-2; Burger: ABS, 325-15-5.

⁴⁶ Affidavit Vilém Hostovský, 25 January 1952, WStLA, People’s Trial Vienna, Vr 314/50 gg. Johann Vostrel.

⁴⁷ Ruth Hostovský to Richard Host, 15 July 1997. Thanks to Richard Host for sending me a copy.

⁴⁸ See Albert Hess, 21 December 1947, State Regional Archive Litoměřice [hereafter SOAL], People’s Trial, 147/48, box 154; idem, letters and a report, Netherlands Institute for War

Documentation, Amsterdam, 250d, box 28. Alice Randt, *Die Schleuse: Die Erlebnisse der Jüdin Alice Randt im Ghetto Theresienstadt* (Hannoversch Münden, 1974).

⁴⁹ Gabriele Anderl, “Die Lagerkommandanten des jüdischen Ghetto Theresienstadt,” in *Theresienstadt in der „Endlösung der Judenfrage,”* ed. Miroslav Kárný, Vojtech Blodig, and Margita Kárná (Prague, 1992), 213-22; see also Hans Safrian, *Eichmann und seine Gehilfen* (Frankfurt/Main, 1995).

⁵⁰ AK and J, the two construction commandos, and Stab, transport of Jewish functionaries. Emanuel Herrmann was deported to Theresienstadt in summer 1943.

⁵¹ Archive of the Ministry of the Interior, Prague [hereafter AMV], 305-633-1.

⁵² One Jewish “collaborator,” Paul Raphaelson, who had been was a kapo in Wulkow, had been sentenced to death. Paul Raphaelson, SOAP, People’s Court Prague, LS 414/47. See also Pavla Plachá, “Der Wulkower Kollaborateur vor dem Außerordentlichen Volksgericht in Prag,” *Theresienstädter Studien und Dokumente* 15 (2008): 48-63; Holger Hintzen, *Paul Raphaelson und Hans Jonas: Ein jüdischer Kapo und ein bewaffneter Philosoph im Holocaust* (Cologne, 2011).

⁵³ Freiburger gave his affidavit on 12 October 1965, but Ludwigsburg received it from the Czechoslovak authorities only in March 1967. See Šindelářová, “50 Jahre,” 94.

⁵⁴ None of these six men were interviewed by the Documentation Action.

⁵⁵ Růžička, APT, A, 834; Jockel, APT, A, 148; and Herrmann, APT, A, 564.

⁵⁶ Interview Jiří V. (no date, ca. 1991), ŽMP, Vzpomínky, 5.

⁵⁷ Stoll, *Herstellung der Wahrheit*, ch. 6.

⁵⁸ Witness statement of Vilém Hostovský during the trial of Siegfried Seidl, copy, 28 September 1946, WStLA, People's Court Vienna, Vr 314/50 gg. Johann Wostrel, p. 205.

⁵⁹ Affidavit Hostovsky, (Polizeipräsidium Kriminalpolizei Frankfurt/Main) 26 September 1963, BArchL, B 162, 1885 fol. 1.

⁶⁰ Affidavit Růžička, 18 August 1972, ABS, 325-15-5.

⁶¹ For the change of tone in the interpretation of the Holocaust, see Peter Hallama, *Nationale Helden und jüdische Opfer: Tschechische Repräsentationen des Holocaust* (Göttingen, 2015), 135-41, 271-75.

⁶² Weigel, "Zeugnis und Zeugenschaft," and Assmann, "Genre of Testimony," 266.

⁶³ See Katrin Stoll's analysis of Artur Bejlin in "Narratives in the Audio Testimony of the Witness Dr. Aron Bejlin in the Bielefeld Białystok Trial," unpublished paper presented at conference The Future of Holocaust Testimonies, Western Galilee College, 26-28 January 2010.

⁶⁴ Affidavit Vogel, 5 January 1965, BArchL, B 162, 1885 fol. 1.

⁶⁵ Affidavit Herrmann, 14 May 1965, BArchL, B 162, 1885 fol. 1. Similarly, another witness František Suchařípa, stated not only that he was pleased to bear witness in front of a West German court, but that he could do so in German, as he was a professional court interpreter. Affidavit Suchařípa, 11 May 1963, ABS, 325-82-2.

⁶⁶ Testimony in the trial against Karl Rahm, 23 April 1947, SOAL, LSP 441/4, box 135; affidavit in the trial against Rudolf Haindl, 17 June 1948, SOAL, People's Court, 147/48, box 154; affidavit against Bergel, 21 June 1948, SOAL, People's Court, Lsp 159/48, box 156.

⁶⁷ Saul Friedländer, *Nazi Germany and the Jews*, 2 vols. (New York, 1998-2006): 8f, 438-43; also Amos Goldberg, "The Victim's Voice in History and Melodramatic Esthetics," *History and Theory* 48, no. 3 (2009): 220-37.

⁶⁸ Here I am building on Wieviorka, *The Era of Witness*, 31-32.

⁶⁹ On testifying as revenge see Laura Jockusch, *Collect and Record! Jewish Holocaust Documentation in Early Postwar Europe* (Oxford, 2012).

⁷⁰ Herrmann's testimony in trial against Rahm, 23 April 1947, SOAL, LSP 441/47, box 135.

⁷¹ Affidavit Herrmann, 14 May 1965, BArchL, B 162, 1885 fol. 1.

⁷² Testimony Emil Jockel, APT, A, 148.

⁷³ Testimony Emanuel Herrmann, APT, A, 564.

⁷⁴ See Annette Weinke, *Vergangenheitsbewältigung 1949—1969 oder: eine deutsch-deutsche Beziehungsgeschichte im Kalten Krieg* (Paderborn, 2002), 151-57; Schwarz, *Juden im Zeugenstand*, 9-22.

⁷⁵ In addition to Marinus van der Lubbe, the four communists on trial, Ernst Torgler, Georgi Dimitrov, Blagoi Popov, and Vasil Tanev, were accused of taking part in a broader conspiracy. For Sekanina's participation, see Petr Sekanina, *Ivan Sekanina, 1900-1940* (Prague, 2005), 130-36.

⁷⁶ Deposition of Gertruda Sekaninová-Čákrťová, July 1963, BArchL, DP 2/763, 609-699, 628. Thanks to Susanne Heim for help in obtaining the deposition.

⁷⁷ Deposition of Gertruda Sekaninová-Čákrťová, 622. See also interview of Gertruda Sekaninová-Čákrťová, 24 July 1985, family archive. Thanks to Martin Čákrť.

⁷⁸ Deposition of Gertruda Sekaninová-Čákrťová, BArchL, DP 2/763, 625.

⁷⁹ Hana Volavková, ed., *Children's Drawings and Poems Terezín 1942-1944*, with introduction by Jiří Weil; trans. Jeanne Němcová (Prague, 1959).

⁸⁰ Lagus and Polák, *Město za mřížemi* (Prague, 1964), 286, #19.

⁸¹ Josef Novák, ŽMP, photo archive, drawings, no. 129.190.

⁸² Hugh Agnew, *The Czechs and the Lands of Bohemian Crown* (Stanford, 2004), ch. 13; Andrew Evans, "The Last Gasp of Socialism: Economics and Culture in 1960s East Germany," *German Life and Letters* 63, no. 3 (July 2010): 331–44.

⁸³ Statement by Gertruda Sekaninová-Čákrťová, Minutes of the Czechoslovak Parliament, 24 September 1964, <http://www.psp.cz/eknih/1964ns/stenprot/002schuz/s002010.htm>, accessed February 2017.

⁸⁴ Erika Schwarz, comes to the same conclusion. Indeed, even the witnesses questioned in the preparation of the trial did not remember testifying, whereas the Terezín witnesses remembered their appearance in court well. Schwarz, *Juden im Zeugenstand*, 15.

⁸⁵ Garbarini, “Document Volumes and the Status of Victim Testimony,” 113.