

CROSS EXAMINATION

QUESTIONS BY DEFENSE COUNSEL:

Q You testified on direct examination that you were allowed to write only 5 lines in your letters, is that right?

A Yes.

Q Can you tell the court whether that order was prescribed by Grill or by the commanding officer of the camp?

A According to my opinion I have to assume that this was an order from Grill because why could we write more from Mauthausen.

Q Isn't it a fact that the rules pertaining to the writing of letters were posted around the various barracks?

A These orders came from the block clerks who said it was ordered that only so much and so much could be written.

Q Did they tell you from whom they had received that order?

A These orders came from the orderly room.

Q This package from which you said food was taken when you received it, was it open or was it still wrapped up?

A This package I received open. Grill took away the contents.

Q In other words, the package had already been censored when you received it, isn't that true?

A These packages were issued in Block 2. The packages were already being censored before the door and in this censoring place prisoners were working also. The other names of the prisoners who were working there were Sunajek, Nogaj, Krause.

Q In other words, you did not know when you received a package what had been in it originally, is that true?

A Yes, I knew what was in the package because I had received a letter from my mother and in addition to that I saw how Grill took away a loaf of bread and part of a bologna.

Q Isn't it a fact that there was an order in the camp that no prisoner was to receive at one time more food stuffs than he could use in two days?

A About that I do not know anything. I did not hear anything.

Q Did you know Krause very well?

A I knew Krause and I know that he was block clerk of Block 2 and afterwards of Block 3 and afterwards he worked at the post office and I know that he had an affair with a woman in connection with a brothel that they had there. After this affair he was discharged of his duties as block clerk.

Q Do you know a block fuhrer named Iffert?

A No, I did not know him. Maybe I would recognize him if I saw him.

Q Do you know First Sergeant Yuessel?

A Yes.

Q Do you know Master Sergeant Reichert?

A Yes.

Q Isn't it a fact that they did the actual censoring of the mail at Gusen?

A No, they did not work conducting the censoring. From time to time they were helping out issuing the packages and as far as the post office is concerned Grill was there.

Q Where were you when this bath affair took place that you testified to?

A I was in the dispensary and I had a boil I believe on my legs, and when I left the dispensary for roll call I had to pass by Block 21 and I passed the bath house there and the door was open and I had a chance to look in. That was after the evening roll call.

Q Did you stop or just pass on by?

A I stopped there for about three or four minutes but then I was chased away by a capo and in addition to that I received a slash with a stick.

Q Was it customary to leave the door open in the bath house?

A Whether this was common use, common practice I do not know but I know that the door was open and the capos were standing there and watched it also.

Q How do you know that the bodies you saw at the crematory were the bodies that were engaged in this bath?

A For the reason that I lived at Block 17 and Block 17 was on the other side of the crematory. After the evening roll call I had to sweep the camp street and also I had to sweep in front of the crematory and I received a plate of food from the capo of the crematory. That was on a Monday. The bathing took place on Sunday and when I was there I received a plate of food from the capo and I saw the corpses as the same ones that had been receiving the bath the day before and in addition to that the capo told me that they were the same ones.

Q Now, this Russian that attempted to escape and was apprehended and beaten by Ziereis and Seidler, you testified that you heard that he was to be taken to the crematory and shot; is that true?

A Yes, this is what Ziereis said, "To the crematory and shoot."

Q Do you know whether or not that shooting took place?

A That, I do not know, because we went to roll call. It was around noontime and we went to noontime roll call.

Q In other words, you don't know whether that man died or not, do you?

A I know that from the Russians of the crematory. They told me that this man was not alive any more. And I have to say that everyone that attempted to escape and who was apprehended escaping would get killed.

Q Do you know whether or not this man was drowned?

A I do not know that. I was standing at the roll call place, and this took place about 3 meters away from me, and I was standing there and they went along the camp street. And one could not step outside the rows in order to see what is taking place there.

Q Now, this American, you say, was starved to death. Did you see him after he was apprehended, or did you see him at the time of his apprehension?

A Yes, I saw how he was being led out from the hole to the camp.

Q Did you see him after that?

A No.

Q Do you know whether or not Hartung had anything to do with him after the last time you saw him?

A I saw how Hartung took him in his arm and marched him away and how he beat him and kicked him and took him to the bunker, and Hartung was the detail leader of Kasten Hof and he was responsible for the prisoner.

Q Even after he got him back into camp?

(SAMURA-Cross)

A I could not say whether he was any further responsible or not. I could not say what else the SS men did.

Q Well, what was the responsibility of the camp commander?

A The camp commander?

Q That is what I said.

A I do not know what his duties were. He was the lord over death or life and he could kill or he could not kill. He could do what he wanted to. He took roll calls, and so on.

Q In other words, he was responsible for the administration of the camp, wasn't he?

A Yes, but every SS man could kill a man and could do whatever he wanted to and he was not responsible for Seidler or anybody else. The same goes for the Germans, the block eldest, and the capoes. They killed people and they were not responsible for it.

Q Who was responsible for it?

A For what?

Q For the killing. You say they weren't responsible. Who was?

A For this killing Hartung was responsible because he marched him away. If he had not marched him away, this man would be still alive today. And on the American, they did not find anything--no rubber part or anything--and he himself said, "I am not guilty. I did not cut off that rubber."

Q During the time that you were incarcerated in concentration camps, due to the beatings and miserable life that you lived, you formed a prejudiced opinion against the SS men, didn't you?

A Why, there were also decent people there, such as Fuessel or Gaertner from the fire fighting department. He used to give me food.

(SICORA-Cross)

I do not accuse these people. I do not hate them.

Q You mean to tell me that Gaertner was a good man?

A It could not be said that I am testifying here on account of hatred. For instance, the defendant Number One here, I could not say anything against him if I would act upon hatred. I can't testify against him.

Q Why can't you say anything about Schuettauf?

A Who is that?

Q Number One.

A Yes, I saw him sometimes in front of the gate; he was standing there. He was an officer. I did not see him on the block and I did not see him at work. He did not interest me. I was only interested in the criminal ones like Grill and others.

Q Did you ever hear anything concerning Number One, good or bad?

A I did not hear anything.

Q You never saw him inside of the camp?

A I never saw him in the camp. He never went inside the blocks.

Q You were speaking of a man named Gaertner and you said he was a good man?

A He was a bad man. He was among the fire guards. He was short and had blond hair. He was always present there where he wasn't supposed to be present, at executions, shootings, on the black markets. He chased them there and he beat them there.

Q Were you ever present at executions in Gusen?

A Once I was present at an execution by hanging. The whole camp was present there, and a Russian was hanged. The Russian was hanged for reasons of escape.

Q Who was present at that execution?

(SUMURA-Cross)

A All prisoners and all SS men on the other side. More, I can not say. I was standing in the back.

Q Were you ever present at any execution by shooting?

A In the year of 1944 I looked there along the street next to Block 21, 22, past the crematory. This is where the executions took place--the shootings.

Q Did you see anybody shot there?

A Those that were shot, I could not see, because the crematory was in between, but I heard a series of shots. Those that were to be shot were standing between Block 17 and 18, and whenever the next one was to be shot Gaertner marched him over at his hand.

Q Who else was present at that execution that you know?

A Seidler, SS men, guards, and several of the officers. I know that Seidler was present because he arrived there with a motorcycle.

PRESIDENT: The court will take a recess until 9 o'clock tomorrow morning.

(Whereupon the court recessed at 1700 hours, 17 June 1947.)

MORNING SESSION

(Whereupon the court reconvened at 0900 hours.)

PRESIDENT: The court will come to order.

PROSECUTION: May the record show that all the members of the court, prosecution, defense, the accused, and the court reporter that were present at previous sessions, are present. There are new interpreters to be sworn.

PRESIDENT: The court has appointed Mr. Rudolf Nathanson and Mr. Martin Szpigelman as court interpreters. They will be sworn.

(Whereupon Rudolf Nathanson, U. S. Civilian, and Martin Szpigelman, Allied Civilian, were sworn as court interpreters.)

STEFAN SZMURA, called as a witness by the prosecution, being reminded that he was still under oath, testified further through a Polish interpreter:

(The proceedings were then translated into the English and German languages.)

CROSS EXAMINATION (CONT'D)

QUESTIONS BY DR. KLUGE:

Q Mr. Szmura, you worked in the stone quarry, is that correct?

A Yes, as a stone mason.

Q How many months or years in total?

A From February 1941 to March 1944.

Q That means to at least three years you were in a position to make observations by whom the work details who went into the stone quarry were accompanied?

A Yes, the capos escorted it and the detail leaders took their guards.

Szmura-Cross

Q Were these men the only two men who were supervising the work details as to the work performed?

A The Labor Service Officer wrote out the detail's cards, that is to say how many people were to be on that detail and who was to lead it and the detail leader took that guard and went out to the detail with it; and those who took details out for some far distance to work had a guard leader attached to them who read the cards and I don't know how many guards he had.

Q Did you see also officers of the Guard Company on the work detail during these three years?

A Well, I saw them passing by through the work area but I was inside the work shop at work so I could not observe exactly. Sometimes Himmler would come and various commissions and then the people were driven on to work.

Q I am speaking still about the officers when such officers went through the work area, did they take any part in the work? Did they give any orders?

A Well, I couldn't say that because I was inside the work shop.

Q Did you ever experience during those three years that men were carried back dead from these work places?

A In the stone quarry Kasten Hofen in fall and in spring when there was snow mixed with sleet the number of living would be greatly reduced and the detail would look like a review of invalids. Furthermore, some couldn't walk; others were carrying dead bodies backwards and forwards.

Q How were the dead bodies carried back to the camp?

A Sometimes they were carried back on carts and sometimes they were carried back by the prisoners. One would carry the legs. Then during the roll call the invalids couldn't go to the block and had to wait for the roll call and they would lie down in the snow and you would see them lying there, their shirts went up, and their bodies touched the bare ground and they would be lying there for an hour or more. There would be ten such invalids at least to every block.

Q Mr. Szmura, please will you speak a little bit louder so that the accused can also hear you speak in Polish; furthermore, how many dead bodies would you see on any one such day on an average?

A In the winter of 1942 there were some Russian prisoners of war in our camp who would carry dead bodies on sleds as many as fifty or more in one day and then Chiemolewski would look at these sleds and laugh.

Q Did you ever hear of an incident in which the prisoners beat each other to death?

A I didn't hear that. Only that capos killed them or block eldests.

Q Mr. Szmura, in the entire area of the stone quarries during working hours, were there any guards to be seen?

A You could see them on one side looking up hill on the side of Kasten Hofen. There you could see them.