

Q From your working place could these guards be seen on the other side of the fence which went around the stone quarry?

A You mean in front of the wires or behind the wires?

Q Seen from the stone quarry. Were they on the other side of the fence or this side of the fence?

A I couldn't say. It was too far away.

Q Do you know on which road these guards went up to their guard posts?

A Well, I do not know that because the posts were brought in already before the morning roll call and after the evening roll call they just went anywhere, wherever they pleased.

Q Were these guard posts relieved during the working hours of the prisoners?

A Well, they did change but I do not know how many times.

Q When they were relieved did they walk around the stone quarry or did they come down through the stone quarry?

A Well, they did both, they would go through the stone quarry or they would walk around; it depended whichever was near for somebody. If some posts wanted to go from Kasten Hofen they would clamber over the rocks and boulders and would pass the buildings and bread stores.

Q Did it ever come to any irregularities when the guard post climbed through the rocks and went through the stone quarry?

A How do you mean, irregularities?

Q Whether the guards mistreated the prisoners in any way?

A I, myself, got my face slapped for failing to take off my cap.

Q Who was Krause in the prisoner camp and what were his duties?

A I knew him first of all as a clerk in Block 2, later on he came to Block 3 and he had some trouble with the brothels, I don't know exactly what it was but he was thrown out. And in the end he worked in the Post Office and he was also a room eldest or deputy room eldest in Block 4, I am not sure which.

Q How was his conduct in camp towards the prisoners?

A He didn't bother. The only thing that he was interested in was the brothels and he was hanging around there every day. Apart from that he didn't bother in the least whether anybody stole anything or what they did. He organized all sorts of articles from parcels which came in and he carried them over to his woman in the brothel.

Q Was the fact of the death baths generally known among the prisoners in camp?

A Well, they were generally speaking known. Not that everybody knew but the prisoners could hear the screams.

Q All the prisoners in the entire camp?

A Well, the prisoners told each other that there were these baths where the invalids were being taken and that they were death baths and they could see Chimelewski and Grill going along with ox tails and beating prisoners.

Szmura-Cross

Q Mr. Szmura, you testified about an incident where a Russian had been beaten to death on a Sunday by Zireis and Seidler, if I remember correctly.

PROSECUTION: I object to that question. In the first place the evidence does not sustain that this Russian prisoner was beaten to death because the evidence indicates that he was beaten by three people including the accused Tandler and ordered away to the crematory.

PRESIDENT: I think the prosecution is correct.

DR. KLUGE: If the court please, let me state that I did not finish the question. That sentence showed the foundation for the question. I am going to show it now.

PRESIDENT: Read the question.

(Whereupon the reporter read the question )

PRESIDENT: Is that the way you asked the question?

DR. KLUGE: The question is supposed to follow right now. I made up my mind to include the name of Tandler in this question.

PROSECUTION: I object to that statement which is contrary to the evidence.

LAW MEMBER: Will the counsel reframe his question?

QUESTIONS BY DR. KLUGE:

Q Mr. Szmura, if I remember correctly, according to your testimony, a Russian was severely beaten on a Sunday by Zireis and Seidler in connection with the accused, Tandler. Did you alone see this incident or did other prisoners in your opinion have to see this incident too?

Szmura-Cross

A The whole block 3 was lined up ready to march out and I was in the first row and I saw the whole thing about three or four meters from me.

Q According to your observation has this incident been discussed among other prisoners on this Sunday?

A Our block discussed the incident. I mean it was not very pleasant to see. They took down his trousers and beat his bare behind. It would be Tandler and Zireis and Seidler and then Zireis.

Q Mr. Szmura, the letter head paper which was used in Camp Gusen, did it come from Gusen itself or the camp Mauthausen?

A I don't know. I got it from the block clerk.

Q Do you know whether the instructions so far as writing is concerned, how much you could write, what you could write, etc. were the same in Mauthausen as in Gusen?

A I have testified yesterday that in Mauthausen in March 1940 when I got there we were allowed to write twice a month four pages each time; whereas in Gusen we could only write five or six lines on the first page. And I was told that even in the dispensary people who were sick on the point of dying on letter writing days had to write the same text: Now I am well. I am in good health. I have received this, greeting, and sign himself. It didn't matter if he died, still he had to write this. At least that is what I am told.

Szmura-Cross

Q Where exactly were the places that censored, Mr. Szmura, if you could observe this?

A Behind the gate in some barracks next to the road.

Q Outside the camp behind the gate--behind which gate?

A Behind the camp gate, near the Jourhaus in the barracks where the SS men were living.

Q Were there prisoners there during this censoring?

A Those who worked in the post office.

Q I didn't see were they present only. I meant also whether they took care of the censoring of passes?

A Well, I don't know, that would depend on Grill, because Grill was responsible for it all.

Q Did you yourself see prisoners taking care of censoring passes?

A No, I only saw them in the evening distributing the mail to Block 2, carrying them over on trays, on vehicles, bringing them over.

Q Did you ever see at all that and how parcels were censored?

A I remember once, I believe it was in 1942 before Christmas, I went to the Jourhaus, and in the barracks where the SS were living there were packages all over the room, and there were oranges and cigarettes from the packages all over the floor. I could see that because I had to carry out the papers. There was Grill present there, and the prisoners, and kitchen Cape, and you had to look out because if you reached out for anything, they would hit you over the head with an ox-tail, so the only thing you could do was collect refuse papers quickly and take them outside for burning.

Q Mr. Szmura, I was asking you only the simple question whether you or any other prisoners of the camp ever were present during the

time when parcels were censored?

A Well, those prisoners who were working in the post-office. There was some fellow called Synajek working in the post office, and I believe Krause came there.

Q Then Krause should be able to give exact information about the censoring of the parcels?

A Well, I guess he should.

Q In addition to Fuessel and Chmielewski, did anybody else hand out parcels?

A Sometime Seidler would issue them. That is to say, only in the evening after the evening roll call in the camp, because every day a different SS man would distribute the mail, mostly Reichert, sometimes Fuessel. When Fuessel's turn came to distribute the packages people were happy because they said, "Well, it's a nice day, not much will be pinched today."

Q Mr. Szura, during the incident at the baths about which you have testified yesterday, where exactly were you standing in the lavatory?

PROSECUTION: I object to that question. There was no testimony that the witness was standing in the lavatory. There was testimony that he saw through the door.

DOCTOR KLOSSE: I didn't say "in the lavatory," I stated "auf" that is on, not in the lavatory.

THE INTERPRETER (Rudolph Matheson): I correct myself. Near the lavatory.

PROSECUTION: I withdraw the objection.

LEF READER: Will the reporter read back the question?

(Whereupon the reporter read back the question as follows:

"During the incident at the baths about which you have testified yesterday, where exactly were you standing near the lavatory?")

THE WITNESS: When you come out of the dispensary, there is a gate by blocks 28 and 29, and you go along the main road to the roll call square. When you are facing the roll call square, there is the bathroom on the right side, and the washroom for blocks 21 or 22, I am not quite sure which, on the left side.

QUESTIONS BY DR. KLUGE:

Q Will you please look at this Exhibit D-1 and get acquainted with this sketch. Where exactly were you standing?

A I came out of this block.

PROSECUTION: Will you please mark the route you took with a pencil and mark that line "J"?

THE WITNESS: This plan isn't quite right because you could see from the window of Block 17 into the bathhouse, and you could see when people were bathing there, but according to this plan you couldn't. The crematory ends here. The bath house begins here and ends here.

DR. KLUGE: Indicating as far as the end of the crematory is concerned at the northern edge of Block 18.

THE WITNESS: The bath house here--

DR. KLUGE: Indicating at the bath room at the southern edge of Block 18.

QUESTIONS BY DR. KLUGE:

Q And where exactly were you standing, Mr. Szamura?

A Well, I say again, the crematory from here to here, the bathroom from here to here, the washroom along here, and further along still there

was some open ground and a pit dug out in it. I don't know exactly what the purpose was. I dare say it was for refuse purposes.

DR. KLUGER: Indicating as far as the washroom is concerned, along side block 21 and 22. Indicating as far as the pit is concerned, between block 32 and 24.

PROSECUTION: May I call the attention to the court at this time that when Defense Exhibit D-1 was introduced into evidence, I objected to it. It was introduced only as a general plan of the camp. I called the attention of the court to the fact that at that time all the witness said about it was that it was inaccurate as to details. It was never properly introduced as a detail map. It is now being attempted to use this to show very fine details. It was never introduced for that purpose, and only confusion can result from trying to use D-1 as a detailed accurate plan of the camp. It was never introduced as that, and was never accepted into evidence for that purpose.

DEFENSE COUNSEL: I agree with the prosecutor. The only reason it was introduced was for the information of the court.

PRESIDENT: And that is the only consideration the court is giving that exhibit. Purely as a sketch of the camp.

DR. KLUGER: Where were you standing?

PROSECUTION: I object, because it is going to show a detail here on the map, and the map is inaccurate as to details. It has been so testified.

DEFENSE COUNSEL: If the court please, could I have permission to have the court recess in place while I confer with the German counsel?

PRESIDENT: The court will take a recess in place.

(Whereupon the court recessed in place.)

PRESIDENT: Court will come to order.

PROSECUTION: Let the record show that all members of the court, the prosecution, the defense counsels, the accused, the court reporter, and the court interpreter are present who were present at the previous session.

STEFAN SZMURA, called as a witness by the prosecution, resumed the stand, and being reminded that he was still under oath, testified further through an interpreter as follows:

CROSS EXAMINATION

QUESTIONS BY DR. KLUM:

Q Mr. Szamura, forget about this plan for the moment, and as far as you can remember, will you tell us exactly as you can, where you were standing in connection with the lavatory and the bathhouse?

A When you came out from Block 28 into the main road, there was a gate between the bathroom and the washroom, and several Capos were standing inside that doorway and washing.

Q On account of the Capos who were standing in front of it, were you able to observe what was going on inside the room?

A Well, there weren't many of them, just four, or maybe three or five.

Q Do you know anything how the SS men who participated on these death baths were clothed, or uniformed?

A If I remember correctly, Chmielewski wore a leather coat and boots, a bent cap with a rim. The others were wearing their green coats, and on the collars they had velvet which was slightly darker.

Q Mr. Szamura, is my opinion correct that during this incident in the bathhouse, a lot of water was standing on the floor, and furthermore, additional water came down from the showers?

A There was water coming down from the showers, and the water on the ground was about that high.

PROSECUTION: Indicating a foot high for the purposes of the record.

THE WITNESS: And I remember that the water was red because the prisoners were bleeding. It was a sad sight.

QUESTIONS BY DR. KLUGL:

Q When the 33 men inside the bathroom didn't take off their clothes, then they must have gotten through and through wet when they beat the prisoners so severely during the showers?

A Well, when the shower was turned off, I saw them standing next to the shower and swinging out for the blow, and beating them.

Q How wide was the opening through which you could look inside the room? If you consider the fact that other people were standing in front of the door?

A Well, that wasn't a gap, that was a door.

Q On the gap, of course I am on the space inside the door. The airspace.

A Well, maybe two meters. I couldn't say exactly any more.

Q How many people were you able to see at one time through this gap in the door?

A The whole bathroom.

Q Did you see also moving sticks or ox-tails which went through the air?

A Well, when the people in that bath had scars over their backs and elsewhere, well where could the scars come from if not from a beating? And everybody had them. Besides there isn't very much to