

Q You recall the testimony of the defense witness Kreuse, don't you?

A Not exactly.

Q I will refresh your recollection by reading some of the testimony.

A Please.

Q "Q. Are you familiar with the transport of Russians that arrived late in December 1941 in Gusen I?" I am reading from Page 270 of the record in this case.

"A Yes, that is correct. At that time we already had prisoners of war there. There was a sign which read, 'Prisoners of War Camp' there.

Q Are you familiar with the transport of Russians that arrived late in December 1941 in Gusen I?

A They must have been the very first Russians we got into the camp.

Q When did they arrive?

A That was the end of 1941.

Q They were put on the stone quarry detail, weren't they?

A Yes.

Q And by March or April 1942, practically all of them had been exterminated, hadn't they?

A Yes, if I am not mistaken that might even be the transport of whom the rest were gassed in the manner I described before. I am not entirely sure of that but I do know that a large transport arrived of whom the remaining were gassed.

Q In other words, a large transport arrived late in 1941, the prisoners from this transport were put on the stone quarry detail, and those that survived over the winter were gassed in the spring, is that correct?

A Yes."

Do you recall that testimony?

A Not exactly in this manner.

Q In other words, this is not a correct record of the testimony in this case?

A Yes. Pardon me, I don't want to deny that this testimony was really given, but I would like to state that the testimony was not entirely correct.

Q Do you recall the testimony of the defense witness Lutterbach?

A Yes, approximately.

Q What was Lutterbach's function in the Russian block?

A Lutterbach, I don't know, in block 24.

Q In the Russian block?

A In the Russian block, I only understand Block 24 for the young Russians, or do you mean the Russian PW camp?

Q Well, which block were the Russians in?

A Block 24.

Q The young Russians?

A That was the young Russians' block.

Q Do you recall this statement made by Lutterbach:

"A I do know that at approximately the time you state, either November or December '41 a large transport of Russians arrived, quite a large number, that they were isolated or quarantined for a while, and then they finally were put to work, and that a great number of them died.

I am reading from Page 219 of the record in this case. Do you recall that statement by Lutterbach?

A Yes, approximately.

Q Lutterbach was your witness, wasn't he?

A I know.

Q Were not his statements the truth on the stand here?

A No, I gave you already the story from the time the Russians arrived until the time I started to work in the Russian PW camp as an interpreter, and my story is correct.

Q Do you recall this question and this answer by your own defense witness, Lutterbach?

"Q Who was in charge of these Russians?

A As far as I know, Tandler was also a block leader there because he speaks Russian."

A I remember this question very well.

Q Do you remember the answer very well?

A My answer?

Q No, the answer of your witness?

A I don't hear very well. I heard only half of it. May I say something about that?

PRESIDENT: Did the witness get his question?

THE WITNESS: Yes, that I was supposed to have been a block leader in the Russian PW camp, and I would like to make a reply to that and make a correction. In general, even among the SS men there was the opinion that I was working as a block leader in the Russian PW camp, and it is quite understandable for the prisoners that anyone who was on duty inside this camp was considered by them to be a block leader. But whatever my duty was there, I received the order for it directly from the SS Captain Chmielewski, and nobody else was allowed to enter the Russian camp, neither SS men nor prisoners if they had no assignment inside the camp. So, for this reason they were unable to know and to find out what I was doing in this camp.

Q Was it also the general impression in the camp among the SS men and the prisoners that you were present when the Russian prisoners of war were gassed?

QUESTIONS BY PROSECUTION:

A I never heard anything about that.

Q But you did hear among the SS and the prisoners of war that you were the block leader in that Russian block?

A I heard it? No.

Q You just said it was the general impression, didn't you?

(Tandler-Cross)

A Very easily the opinion could come up but they didn't know anything definite because it wasn't true. It was generally known in camp that I was called everywhere where I could be used as an interpreter to the out-details, the political department, the clerk's office, etc., wherever they could use me as an interpreter.

Q How many executions were you present at?

A I was present at one execution only where I was an on-looker-- I just looked at it.

Q You didn't take any part whatsoever in that execution except merely as a spectator?

A Yes.

Q Didn't you read the sentence to the accused?

A No, I didn't do that either--never.

Q It was a Russian that was executed, wasn't it?

A The case to which I am referring now and where I was present as a spectator was the case of a Russian who was brought down from Mauthausen. I don't know exactly any more whether it happened in 1941 or 1942. There on orders all prisoners and all SS men had to fall out on the roll call square where the execution took place.

Q Do you recall being questioned about executions in that interrogation in December of 1946?

A It is possible.

Q Do you recall what you said about executions at that time?

A That I said now.

Q Do you recall this question and this answer?

"Q Did you ever see executions or killing of inmates?

A No, but I heard about it."

A Then there must be a mistake with the statement which the prosecutor is reading because I was interrogated several times and during

one of these interrogations I mentioned the same incident which I have just testified about here, but furthermore, I was asked whether I know or heard anything about other executions, and there I testified approximately like that. I heard about others, but I didn't see anything.

Q You said different things at different interrogations, is that right?

A No, always the same way. I don't have any reason to vary my statements. I always testify as well as I can remember.

Q But you did testify at the interrogation that you had never seen an execution, is that true?

A That can't be right.

Q What was Grill's reputation in the camp?

DEFENSE COUNSEL: I object as not proper cross examination. There wasn't anything brought out on direct examination on this.

PROSECUTOR: I beg to differ with defense counsel. There was something brought out about Grill on direct examination. This particular accused was asked about Grill.

LAW MEMBER: The witness may answer it again.

THE WITNESS: I can't say that he had the best reputation, but I can't say that I did see anything or know anything, I only heard.

QUESTIONS BY PROSECUTION:

Q What did you hear?

A At the beginning when I was transferred to headquarters staff most prisoners didn't know yet that I was speaking foreign languages. When I walked through camp at that time I heard several times people cursing about the censoring of the mail. Once I saw that a Pole was holding a letter in his hand, a letter which had been censored, and of which large parts had been cut out, and he was cursing, too.

(Tandler-Cross)

Q You also heard cursings about the way Grill beat, too, didn't you?

A No, I didn't hear anything about that.

Q I will read you the following question and answer taken from your interrogation and ask you whether you remember this question and the answer to it:

"Q Do you know the SS man by the name of Grill? Did you ever see that he mistreated inmates?

A No, but several times I heard about him beating inmates. Inmates complained to me about him that he beat them or other inmates--mostly they were Poles."

Do you remember that question and that answer?

A No, only the way I have testified about just now.

PROSECUTION: I ask the court reporter to mark this Prosecution Exhibit P-16 for identification, and I ask the court reporter to mark this P-16A for identification.

(The documents referred to were marked Prosecution Exhibits 16 and 16A for identification.)

QUESTIONS BY PROSECUTION:

Q I show you Prosecution Exhibit P-16 for identification and I ask you if this is your signature at the end of it?

A Yes.

Q I show you Pages 1, 2, 3, and 4 of Prosecution Exhibit P-16 for identification and I ask you if these are your initials which you affixed to those pages.

A Yes.

PROSECUTION: I offer it in evidence.

LAW NUMBER: Any objection?

DEFENSE COUNSEL: No objection.

PRESIDENT: What is the date of the exhibit?

PROSECUTION: The exhibit is dated as having been taken on December 10, 1946 and was sworn to on March 4, 1947. I offer P-16 for

identification in evidence.

LAW MEMBER: Prosecution Exhibit P-16 will be received in evidence.

(The document heretofore marked Prosecution Exhibit 16 for identification was received in evidence as Prosecution Exhibit 16, is attached hereto, and made a part of the record.)

PROSECUTION: And I offer Prosecution Exhibit P-16A for identification in evidence, which is the English translation thereof. P-16 is the German, and P-16A is the English.

LAW MEMBER: Any objection to P-16A?

DEFENSE COUNSEL: No, Sir, but I would like to have the opportunity to compare the translation at the recess. That would be the only possible objection we would have because I haven't seen it.

LAW MEMBER: Prosecution Exhibit P-16A will be received in evidence subject to any objection by the defense after they read it.

(The document heretofore marked Prosecution Exhibit 16A for identification was received in evidence as Prosecution Exhibit 16A, is attached hereto, and made a part of the record.)

PROSECUTION: If it please the court, unless so directed, I have no purpose in reading the English translation. I have used this for my purpose during cross examination, and if the defense so desires, I don't care to read the English translation. No further cross examination.

PRESIDENT: Any redirect examination?

DEFENSE COUNSEL: Yes, Sir.

PRESIDENT: The court will take a recess for 15 minutes.

(Whereupon at 1450 hours the court recessed for 15 minutes.)

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(Whereupon the court reconvened at 1515 hours.)

PRESIDENT: Court will come to order.

PROSECUTION: Let the record show all members of the court, the prosecution, defense counsel, accused, court reporter and court interpreter are present.

DEFENSE COUNSEL: If it please the court, for the purpose of the record, I would like to announce that P-16 and P-16A have been read to the accused. The accused Tandler was on the stand. Would the president remind him he is still under oath.

PRESIDENT: Oskar Tandler, you are reminded you are still under oath.

OSKAR TANDLER, an accused voluntarily resumed the stand in his own behalf, and after being reminded he was still under oath, testified through an interpreter as follows:

REDIRECT EXAMINATION

QUESTIONS BY DR KLUGE:

Q Mr. Tandler, how many interrogations did you sign?

A As far as I can remember, only one.

Q Is this the statement which has been read to you during the recess in the German language?

A Yes. That is the one I signed.

Q That means the statements parts of which were read to you during the cross examination were statements which you did not sign, is that correct?

A No, these were not statements where I signed any documents.

RECROSS EXAMINATION

QUESTIONS BY PROSECUTION:

Q I show you Prosecution Exhibit 16 and ask you if you made those answers to those questions?

A That is the document which I signed as I said before.

Q And you made those answers to those questions, is that correct?

A Yes.

EXAMINATION BY THE COURT

QUESTIONS BY THE PRESIDENT:

Q You stated you heard a good many things about things in camp. Did you ever hear you were called the Ukranian?

A No.

Q Now, you testified that these Russians who came in there according to your testimony in September or October were undernourished?

A Yes.

Q Did you see all of them?

A Yes, they all fell out in camp and on account of their condition I looked them all over.

Q Did any of them look pretty well?

A I couldn't remember that a single one of them looked well.

Q Do you remember the testimony of Schuettauf?

A I don't remember what kind of testimony that was.

Q The statement that Schuettauf made in regard to the Russians?

A No, I don't remember that.

Q He was asked this question, "Were the prisoners undernourished?"

He answered, "Some were undernourished but others looked very well.

They had heads and necks like an ox. Sometimes new arrivals came in and they looked very well." Do you remember that testimony?

A I do not remember that. This was referring to the Russian PWs.

Q How were you treated by the Russians when you were a prisoner?

A I do not understand.

Q Didn't you testify you were a prisoner from 1916 to 1918? A Russian prisoner?

A Yes.

Q How were you treated by the Russians while you were a prisoner?

A Very well.

Q While you were on duty at Gusen, did you ever hear of any gassings of prisoners?

A As long as I was on duty at Gusen I never heard anything about gassings of human beings.

Q Did you hear the testimony of Kowalski to the effect that he saw you with others going towards block 16 between block 15 and block 16 and Slupesky and two other SS men wore gas masks and the other SS men did not?

A Yes.

Q Is that correct or not?

A I cannot say that, but as long as I was in camp, I never saw anyone with a gas mask.

Q "About 3:00 P.M. I saw Tandler and others come back to block 16. When they came back I heard Slupesky say, "They are all dead already." Is that correct?

A No.

Q "On the morning of the next day on the roll call, it could have been 5:30 or 6:00 I saw the dead bodies being driven in the direction of the crematory. These dead bodies were loaded on wagons and were pulled and pushed by the people." Do you remember he said that?

A Yes.

Q Is that correct?

A Yes, but that wasn't a result of gassings. It can't be correct because at the time many Russians were frozen to death.

Q Did you hear the same witness say that he heard you state that any who tried to escape would be hanged?

A I remember his testimony.

Q Is that correct or not?

A I never made a remark like that.

Q You heard him testify to the fact that you gave this Russian