

PROCEEDINGS - DAY NINE

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Day 9 Tuesday, 25th January 2000.

MR JUSTICE GRAY: Mr Irving, I have your clip which I obviously have not had time to read. Before we get into that, shall we, as proposed, just look ahead and consider what is going to be happening? We are going to have Professor van Pelt today, is that right?

MR RAMPTON: Yes, my Lord, that right.

MR IRVING: Yes.

MR JUSTICE GRAY: So that the transcript is clear, that is him being interposed in order to be called by the Defendants and cross-examined because he has commitments elsewhere. Is it expected he will be finished in a day?

MR IRVING: I doubt it, my Lord. I think two days.

MR JUSTICE GRAY: Right. So when will he resume? He cannot be here tomorrow, Mr Rampton, can he?

MR RAMPTON: He can tomorrow but not Thursday.

MR JUSTICE GRAY: So we should get rid of him.

MR RAMPTON: If he can be done in two days, so much the better; if he cannot, he can come back on Friday.

MR JUSTICE GRAY: We have to keep within reasonable bounds so I hope he will be finished within two days.

MR RAMPTON: Mr Irving's original estimate for him was three days. We asked what the estimate was. But, if it is two days, so much the better. If we have Friday a blank, as it were, then I shall continue cross-examining Mr Irving on Friday, I suppose.

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MR JUSTICE GRAY: Yes.

MR RAMPTON: Then on Monday, Professor McDonald, and I do not know about Dr Fox, it may be him too. I do not know. That is in Mr Irving's hands.

MR JUSTICE GRAY: I cannot remember who Professor McDonald is.

MR IRVING: My expert witness.

MR RAMPTON: He is a social scientist, I think.

MR JUSTICE GRAY: How long is he going to be, just so that you are communicating about timing?

MR IRVING: I shall be submitting various documents to him with your Lordship's permission, my Lord, and it depends on whether Mr Rampton wishes to cross-examine him or not.

MR JUSTICE GRAY: He may not know the answer to that until he knows in more detail what he is going to say.

MR RAMPTON: I have a pretty good idea what he is going to say. The answer is if I cross-examine him at all, it will be quite shortly, I expect.

MR JUSTICE GRAY: And then Fox?

MR RAMPTON: I do not know about Mr Fox. That is Mr Irving's witness.

MR IRVING: I expect Dr Fox will be half a day, my Lord, if that.

MR JUSTICE GRAY: Right.

MR RAMPTON: Then, my Lord, I hope I will be able to complete any outstanding issues arising out of Evans and the political scientists in the remainder of the four days of

that week.

MR JUSTICE GRAY: Yes.

MR RAMPTON: I would be disappointed if I do not. I would hope I would be quicker than that.

MR JUSTICE GRAY: I think I would too. I think you have been through the most -- if I can use the word "laborious" without giving offence -- laborious bit.

MR RAMPTON: No, not laborious, perhaps the most important issues anyway.

MR JUSTICE GRAY: Distorting history on Hitler.

MR RAMPTON: Distorting Hitler and Holocaust denial by means of Auschwitz denial.

MR JUSTICE GRAY: So at the end of those four days, will that complete your cross-examination?

MR RAMPTON: Yes, it should do. As your Lordship knows, Reichskristallnacht is a bit fiddly.

MR JUSTICE GRAY: It is quite convoluted.

MR RAMPTON: It is convoluted, exactly, so it may take a bit of time. Then, my Lord, we are now being speculative, in a sense, provisional, we would hope to start our evidence, excluding Professor van Pelt, on Monday, whatever it is of February, with possibly Professor Browning, possibly Dr Longerich, possibly Professor Evans, I do not know. Then I think perhaps the only political scientists we will call as a witness is Fulkhan, the German. But that is a little bit in the future.

I have put question marks against Levin and Eatwell and also against the Russian witness Tarasov because, quite frankly, having regard to the witness statement of Mr Irving's witness, the journalist, Peter Miller, I do not think Mr Tarasov has anything to add at all.

MR JUSTICE GRAY: I will say again that I think in relation to the Moscow diaries some sort of accommodation might be possible.

MR IRVING: My Lord, I do wish to make certain fundamental observations about the way the case is being conducted so far. I do not know if this is the appropriate moment.

MR JUSTICE GRAY: I think now is probably the moment for you to do that, unless you would rather reserve it for later?

MR IRVING: It is brief but to the point, my Lord. I am the Claimant in this action. This is my action, and I spent yesterday evening indulging in a little bit of light reading in the Civil Procedure Rules and my eye alighted on Lord Woolf's wise words towards the beginning of the introduction to the Rules which states that all steps have to be taken to ensure complete equity between the parties.

MR JUSTICE GRAY: Of course. That is my major function.

MR IRVING: It is a major departure from the old system. He said, he identified a range of defects in the existing civil justice system, the third of which was that it was too unequal in that there was a lack of equality between

the powerful, wealthy litigant and the under-resourced litigant. My Lord, I am up against a powerful, wealthy litigant here, as evidenced by the fact that I stand here alone and on the other side of your Lordship's court are sometimes between 20 and 40 experts, researchers, solicitors, learned counsel, arrayed against me ----

MR JUSTICE GRAY: That had not escaped my notice.

MR IRVING: --- funded by the most enormous resources. Somehow, the sequence of events has got reversed. Your Lordship will remember that when we embarked on this two and a half weeks ago, we were looking at the prospect of holding off Auschwitz until towards the end of the discussions, but now Auschwitz has somehow come right up in front. Their witnesses have been interspersed in the middle of my presentation of the case. It now turns out that Professor Robert Jan van Pelt is here at this time purely because it is convenient to him because he is going on a Holocaust junket to Stockholm on Thursday together with the Second Defendant. I do not see why I should be inconvenienced in this way, my Lord. I do not, frankly, understand why your Lordship is tolerating it.

MR JUSTICE GRAY: Partly, Mr Irving, because you have not until now raised any objection. We have been discussing for some days now when Dr Van Pelt might give his evidence.

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I had understood (and I will be corrected by reference to the transcript if I am wrong about this) that you had not raised any objection and, indeed, I had understood you to concur with his being interposed at this stage.

MR IRVING: But the inevitable result is, my Lord, that this means that Auschwitz has been brought right to the front of this case purely for the convenience of one of the witnesses who intends to fly to Stockholm on this lavish junket Thursday for which the whole court is having to hold its breath for a day.

MR JUSTICE GRAY: I am a bit puzzled, Mr Irving, about this protest because you were cross-examined for the whole of yesterday about Auschwitz, so there is no question of Auschwitz having suddenly being brought to the forefront of the case. It was brought to the forefront of the case when cross-examination was embarked on yesterday morning.

MR IRVING: The inevitable result, of course, has been that it has driven a cart and horses right through my preparations for the major part of the case. Also, it has had the unfortunate effect of putting in front of your Lordship and, of course, the public the entire opposition case, so to speak, without my being able to lead all the evidence which I intended to lead in advance which is the normal way that it should have been conducted.

MR JUSTICE GRAY: Of course that is right. In a case like this where it is judge alone, in a way one is able to be more

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accommodating with witnesses' personal difficulties.

MR IRVING: Yes.

MR JUSTICE GRAY: The problem I have now is that you are telling me really I think for the first time that you are unhappy about Professor van Pelt being interposed, but he is here. We have been proceeding on the basis that he would be interposed without any dissent from you. I am rather reluctant, unless you want to press it, to change the schedule.

MR IRVING: Well, my Lord, it is obviously too late to change the schedule now, but I wish to draw your attention purely to the disadvantageous effect it has on me. Your Lordship has now been presented with all the hostile evidence in advance of the evidence which I would normally put first as the Claimant.

MR JUSTICE GRAY: That is a bit unreal. I have read all the expert reports before the case started, as you know and as Mr Rampton knows. So I knew very well what the case on Auschwitz against you is going to be.

MR IRVING: With the utmost respect, my Lord, of course, a lot of our case depends upon the

spin that various parties put on words ----

MR JUSTICE GRAY: Of course that is true.

MR IRVING: --- and on documents which your Lordship has not even seen yet. The only way that I can introduce those documents, I believe, is by putting them to the expert

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witnesses. These are documents which your Lordship has not even seen yet because, as far as I can see, the bundles do not include them. This is the unfortunate result. But I shall try to prepare it as well as can I over the next few days, my Lord, but I cannot understand why we are being held hostage to this convention in Stockholm. It has nothing to do with this court. It appears to be the only reason why Professor van Pelt was come over at the beginning of the case rather than in the proper timing.

MR JUSTICE GRAY: I must say I would have listened with great sympathy to the point you are now making if you had made it a bit earlier. Your problem is you have left it really until the very last minute to raise this objection.

MR IRVING: If learned counsel had informed us that the only reason why Professor van Pelt was over at this end of the month rather than in the proper period was for his own personal convenience in order that he can combine it with this junket in Stockholm, then ----

MR RAMPTON: That is just not right.

MR JUSTICE GRAY: Let me hear Mr Rampton on this, Mr Irving. What is the reason?

MR RAMPTON: It has always been my intention to start my cross-examination with Auschwitz. Because Mr Irving fell short in chief -- I know not why -- I started cross-examining earlier than I had expected. His original

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estimate for his own case was two to three weeks. I, therefore, got Professor van Pelt over here for Monday, 24th January, when I was expecting to start my whole cross-examination with Auschwitz. Stockholm, as it happened, came later, his appointment at Stockholm. Incidentally, I add that the First Defendant, Professor Lipstadt, is not going to Stockholm, despite what Mr Irving says. That is why Professor van Pelt is here. I then read, if I may, what Mr Irving said on Tuesday, 11th January, at the beginning of this case. This is page 5: "I am perfectly prepared to have Professor van Pelt come over in the middle of whatever else is going on and we can take him as a separate entirety. He is certainly an extremely interesting witness to be heard".

MR JUSTICE GRAY: Yes. I had got the impression that this was all happening by agreement really on both sides.

MR RAMPTON: Yes. There cannot be any question about it.

MR JUSTICE GRAY: Mr Irving, we are going to have Professor van Pelt now for you to cross-examine. But one thing I have said before now and I say it again, I am very conscious of the burden that is being placed upon you. It must be gigantic. I think it is going to get more difficult when you are cross-examining. If you want more time when the court is not sitting so that you have got the ability to prepare and so on, all you have to do is ask and within

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reason I will try to accommodate you.

MR IRVING: That would have been the request that I would have ultimately submitted, my Lord.

MR JUSTICE GRAY: I think, when you have one expert after another, as Mr Rampton was forecasting will happen in about 10 days' time, that is when I think your difficulties will be at their worst. If then you want time between the witnesses to prepare yourself, then again within reason I will try to accommodate you.

MR IRVING: My Lord, as to my remarks about the Second Defendant also going to Stockholm, that was based on the Swedish government's announcement that she was attending.

MR JUSTICE GRAY: Well, you have been told by Mr Rampton that she is not.

MR IRVING: She is listed in all the agenda at the conference as a speaker.

MR JUSTICE GRAY: Yes, well, I think it is unlikely she will be going in view of what Mr Rampton has said.

MR IRVING: Very well, my Lord. They are the only submissions I had to make on that. I wished really to draw to your Lordship's attention, that is all, that things have been taken out of my hands in an unsatisfactory way.

MR JUSTICE GRAY: Yes, well, my function is to make sure that you are not disadvantaged because you have no lawyers. I cannot provide you with a back up team, obviously, but I am trying to look after your interests, as judges always

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do with litigants in person. But so far, I do not believe you have suffered any disadvantage.

MR IRVING: Well, only inasmuch as I have not had the opportunity to put before your Lordship the documents on which I rely as yet which would be the normal sequence of events.

MR JUSTICE GRAY: You could have done that before the trial started.

MR IRVING: Well, my Lord, the bundles had been prepared entirely by the Defence. They are not agreed bundles. They have large lacunae in them, as your Lordship will see when the time comes.

MR JUSTICE GRAY: Yes, but you knew that you had the opportunity to put before the court any bundles of documents that you wanted to rely on.

MR IRVING: This is precisely what we were working on when the Defendants came charging in with a reversal of the timetable, my Lord. This is basically the problem, yes.

MR JUSTICE GRAY: Yes. Right now you want to take me through some documents, do you, before Professor van Pelt goes into the witness box?

MR RAMPTON: My Lord, can I, first of all, add one thing before that discussion is closed? It is this. I think I need to say it because inevitably sometimes Mr Irving has attempted to use the court as a public platform. True it is there is an inequality of resources; true also it is,

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however, that my clients are defending a suit brought by Mr Irving. It reminds one of the old French proverb: "These animals are very naughty. They defend themselves when they are attacked".

MR IRVING: That proverb cuts both ways, Mr Rampton.

MR JUSTICE GRAY: Yes, well, that is enough of that. Now, do you want to do this now? Is that what you are proposing?

MR IRVING: Do I wish to?

MR JUSTICE GRAY: Address me on these documents you handed in this morning?

MR IRVING: One or two of them, my Lord. The others are there purely for the purposes of being in your Lordship's hands when we start with Professor van Pelt.

MR JUSTICE GRAY: Just so we get things done in the right way, I think you ought to go back

into the witness box just to deal with whatever evidence you want to give arising out of yesterday. It is just so we know which hat you are wearing, advocate or witness. It is difficult, but I think it is quite important to keep an eye on the difference.

MR IRVING, recalled.
Examined by the Court

MR JUSTICE GRAY: Right?

THE WITNESS: The first document, my Lord, is the one headed "Institute for Historical Review". This is a letter written by the Institute for Historical Review to

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Professor Gerald Fleming who is an acknowledged expert on the Holocaust.

MR JUSTICE GRAY: Yes.

A: And I draw your Lordship's attention purely to the paragraph on the second page which I printed in bold face, the last paragraph. Your Lordship was enquiring about what other reports after the Leuchter report continued to support that contention, and here is a very useful summary of them: "Rudolf reached essentially the same conclusion as had American gas chamber specialist, Fred Leuchter, in his 1988 forensic investigation of the allied gas chambers at Auschwitz and Birkenhau. You may also be aware that as a result of Leuchter's findings, the Institute of Forensic Research in Cracow conducted a partial investigation and that its forensic analysis, given in a confidential September 1990 report, corroborated Leuchter's findings". Your Lordship may remember that I referred to the fact ---

MR JUSTICE GRAY: Yes, you did.

MR IRVING: --- that the Auschwitz authority had locked it away. "This report was published in the summer 1991 Journal of Historical Review. Moreover, Austrian engineer, Walter Luftel, who was, in fact, the President of the Austrian Federation of Engineers, explicitly endorsed Leuchter's findings in the detailed March 1992 report published in the winter 1992 to 1993

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Journal, and the German engineer, Wolfgang Schuster, and the American research chemist, William Linsky, reached conclusions similar to those of Leuchter and Rudolf". More of that is relevant, but that is the only paragraph that I would just draw to your Lordship's attention to bear out the fact that Leuchter was not one lone voice crying in the wilderness.

MR JUSTICE GRAY: We are taking a relaxed view of the rules about evidence, but this is Mr Weber of the Institute for Historical Review telling Professor Fleming what he says these various individuals concluded.

A: Yes.

Q: Are you going to show me the Rudolf report in due course?

A: The Rudolf report ----

Q: Not now.

A: I should have handed it to your Lordship.

Q: Do not worry now, but this is rather third hand, is it not? That is what I am saying.

A: It is, my Lord, but the Rudolf report is the glossy blue publication which I brought in about a dozen copies this morning, and through an oversight it obviously was not listed in discovery for which I do apologise. That was an omission.

Q: Yes, that is that?

A: My Lord, the only other document I draw to your Lordship's attention is the one headed top left, it is an invoice

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Vedag, V-E-D-A-G.

Q: Yes, I noticed that.

A: And it is the United Cardboard Factory of Silesia. It is an invoice to Auschwitz crematorium - I am sorry, it is an invoice to the central construction office in Auschwitz, 28th July, an invoice concerning the Auschwitz crematorium for ----

Q: "Entwesungsanlage"?

A: Just the first two or three lines inside the box on the invoice shows that it is for sealing work, S-E-A-L-I-N-G work, carried out for the Entwesungsanlage -- E-N-T ----

Q: And that is the delousing chamber?

A: Disinfestation chamber, or disinfestation installation, strictly speaking. I mean, we may have an interesting discussion with Professor van Pelt about precisely what that was, but certainly it tends to bear out my contention of one of the uses to which that building was being put. My Lord, that is all I wish to say from the witness box.

Q: Just let me get that. Thank you very much. I think you can go back and resume your role as ---
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MR RAMPTON: Could I just ask one question before he does, my Lord?

MR JUSTICE GRAY: Arising out of that?

MR RAMPTON: Yes, it is only an administrative question.

Cross-examined by **MR RAMPTON**

Q: I want to know, Mr Irving, whether you received yesterday

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an invoice, I think it is, or something of that nature -- I cannot find it at the moment -- dated 13th April 1943 from Topf to the Zentralebauleitung at Auschwitz concerning [German - document not provided].

A: I received just a loose document faxed through to me sometime in the evening, yes.

Q: You did receive it? That is all I wanted to know.

A: Yes.

Q: Good. Thank you very much.

MR JUSTICE GRAY: That does not tell me very much.

MR RAMPTON: Has your Lordship not got it?

MR JUSTICE GRAY: No, well, if I have, I am not aware of having it.

A: Can I be shown a copy now in case there is any comment I wish to make on it?

MR JUSTICE GRAY: There are an awful lot of spare bits of paper flowing around. It seems extraordinary when ----

MR RAMPTON: This arose simply because yesterday for the first time Mr Irving brought to our attention a document dated 20th August 1943 which on its second page, as we now see, is a bill from Topf, or an invoice, it mentions "Entwesungsanlage", as does the piece of paper that he has just given to us and to your Lordship. There is, in fact, another piece of paper which is very likely related to it which as its last item but one mentions two Topf entwesungssofen ----

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A: Yes.

Q: --- for crematorium (ii). Those are delousing ovens?

A: Yes.

Q: I make no comment beyond that. I will hand that up to your Lordship because I am sure your Lordship will need it in due course. It goes with the other two documents from Mr Irving's side.

MR JUSTICE GRAY: Shall I put it in J as well because I am really anxious we keep an eye -- I seem to have the Rudolf report at the same time.

A: That is the Rudolf report, my Lord.

MR RAMPTON: It might be convenient to have them in chronological order. That document I have just handed up will be the first. The second would be the one that Mr Irving has just handed in dated 28th July. The last would be the document we got last night, if we did, which is the invoice from Topf.

MR JUSTICE GRAY: Yes. That is the only questions, so would you mind going back.

(The witness stood down)

MR JUSTICE GRAY: Mr Rampton, you are going to call your witness?

MR RAMPTON: Yes, my Lord, I am. I preface calling him with this request, perhaps is the right word. I have the impression, and so do others, that the question of the various Polish reports may be a little bit confused.

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The Rudolf report only came up yesterday. Professor van Pelt has not read the Rudolf report. He does not have a copy with him, but he does know something about it. What I propose to do is to ask just a very few questions in chief just to get that question straight, if your Lordship permits it?

MR JUSTICE GRAY: Of course. Anything, as it were, that has surfaced since he did his written report, I think that is entirely proper.

MR RAMPTON: This arises out of two things, one the Rudolf report mentioned for the first time yesterday, and second what I perceive to have been a bit of a confusion about the sequence of the Polish reports because there were, in fact, three.

MR JUSTICE GRAY: Yes. The one we have had is ----

MR RAMPTON: That is 1945.

MR JUSTICE GRAY: --- the 1945 zinc cover.

MR RAMPTON: That is right, and the bag of hair.

MR JUSTICE GRAY: But there is Dawidowski as well?

MR RAMPTON: No . My belief is -- no, I am cautious about this -- that the 1945 report was done at the request of Dawidowski. Then in 1990 there is a preliminary Markievitch report which we do not have and then in 1994 there is what one might call the final Markievitch report, a part of which is in that first volume of the bundle I handed in yesterday.

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MR JUSTICE GRAY: Right. Mr Irving, I think that is right, that Mr Rampton should be able just to ask these supplementary questions about a new aspect of the case.

MR RAMPTON: My Lord, I also make this request. Professor van Pelt has a family Bible which has been in his family since before the war. May he swear on that?

MR JUSTICE GRAY: Of course.

PROFESSOR VAN PELT, sworn.

Examined by **MR RAMPTON, QC.**

MR RAMPTON: Professor van Pelt, are your full names Robert Jan van Pelt?

A: Yes.

Q: Have you made a report for the purposes of this case?

A: Yes, I have.

Q: Are you content that that report, save for some few questions which I shall ask you in a moment, shall stand as your evidence-in-chief in this case?

A: Yes, I am content.

Q: Do you confirm its accuracy so far as it contains statements of fact?

A: Yes, I do.

Q: And, so far as it contains expressions of opinion, do you confirm that those expressions of opinion are fair?

A: Yes, I do.

Q: Professor van Pelt, there is only one thing I want to ask you about. You heard what it was. Do you remember

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yesterday that there was some discussion of the various Polish investigations of the fabric at Auschwitz and Birkenhau?

A: Yes, I remember.

Q: My Lord, may I lead on this? It is going to be much quicker.

MR JUSTICE GRAY: I am sure we had the evidence yesterday.

MR RAMPTON: Yes, we did. The first report was done in late 1945?

A: Yes, it was.

Q: That we looked at yesterday, you remember, and that was the one which said that it had found traces of hydrogen cyanide in the zinc ventilation covers from crematorium 2?

A: Yes.

Q: You will have to say yes because you are recorded, you see. And also in a 25 and a half kilogram bag of hair?

A: Yes.

Q: Where was that hair found?

A: The hair was found in Canada I.

Q: Explain to his Lordship what Canada I is, will you?

A: Canada I was a part of the camp located halfway between Auschwitz I and Auschwitz II in what is now an industrial area, where property of people who had been admitted to the camp or had been gassed was kept for some time and it was sorted and prepared for transport to the Reichs. Unlike Canada II, which was located between the crematoria

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2, 3, 4 and 5, Canada I was not destroyed at the evacuation of the camp.

MR JUSTICE GRAY: So, just to be blunt about it, what is your inference as to how the cyanide came to be in the human hair?

A: I think the logical conclusion is that the people from whom the hair came had been killed with cyanide.

MR RAMPTON: And the hair removed after death?

A: And the hair removed afterwards, yes.

Q: Now, if we can whiz forward to the early 90s, was there a second Polish report done which we do not have?

A: It is a little difficult to say if it is a real report since it was actually never completed or endorsed, as far as I know. What happened was that, more or less within months after Leuchter did his investigation in Auschwitz, the conservator at Auschwitz, Mr Smerk, together with the director decided to do their own investigation and they got help from people from the forensic laboratory in Cracow, the Jensen Institute, and a small investigation more or less on the model of the Leuchter investigation was done, which did confirm the Leuchter report in so far that it found high cyanide traces in the delousing rooms BW 5A and I think BW 5B. And much lower quantities I think in crematoria 2 or 3.

Q: Pause there, just so that it is all clear. BW 5A is in Birkenhau, in what became the women's camp?

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A: Yes. BW 5A means Bowerk 5A; it is a delousing installation in what is generally known as the women's camp in Birkenhau.

Q: Where is BW 5B?

A: It is an opposite location slightly to the West of BW 5A. They are around 50 metres apart.

Q: Is it right that those are both brick built buildings?

A: These are both brick buildings.

Q: Do they have their roofs on them or not?

A: They have their roofs on them, yes.

MR JUSTICE GRAY: What puzzles me about this is that one of the documents Mr Irving just handed in says that this further Polish or Auschwitz investigation has been published in the summer 1991 Journal of Historical Review.

A: Yes. The history of that report was kind of a rude wake-up call for the people at Auschwitz museum, because what happened was that, one way or another, the document, which had not been finalized as far as I know, was leaked to people of the Institute of Historical Review and then immediately published rather triumphantly as a Polish investigation and/or sister Leuchter investigation. It was this kind of experience which then made both the people at the museum and the people at the Jansen institute to decide to move with greater care in the future.

MR RAMPTON: Yes, pause there. Are you also familiar with

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something called the Rudolf report?

A: I am vaguely familiar with it. I have not read it in its entirety.

Q: How long is it?

A: 20 pages, something like that.

Q: Would you just have a look at this document? (Same handed) like your Lordship, I have not seen this before.

MR JUSTICE GRAY: I am just trying to work out what qualifications Dr Rudolf has.

MR IRVING: My Lord, perhaps I can help you there.

MR JUSTICE GRAY: He is a chemist.

MR IRVING: Rudolf is a chemist at the Max Bank Institute in Germany, which is one most prestigious research foundations. While he was there, he had a university degree in chemistry, he was working for his doctorate, he was halted in full tracks when he supplied an expertise for a court action in Germany, which resulted in demands from a certain community in Germany that

he should be instantly dismissed, which was resisted by the Max Bank Institute. He was then dismissed, which brought to an end his chances of getting a doctorate.

MR JUSTICE GRAY: That is very helpful, thank you.

MR RAMPTON: Would you look on the inside so that we can see what this is? I can tell you, Professor van Pelt, that this is not the Rudolf report. Can you look on the inside page? At the bottom there is a line and immediately under

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the line we see this: "A German language edition of the complete Rudolf report, 120 A4 pages on gloss paper etc. etc., is now available for £8". If that be right, Professor van Pelt, we can be confident, can we not, that this is not the Rudolf report?

A: I presume so, if this disclaimer is placed at the copyright page.

Q: Tell me this. What do you know of Rudolf's conclusions concerning the residues, if any, of hydrogen cyanide in whatever compounds it was he tested for in, first of all, BW 5A -- if he went there? Did he?

A: I think he went there, yes.

Q: What did he found in BW 5A?

A: I would be hesitant to give any kind of definite opinion on this because it is a very long time ago that I read a gloss on the Rudolf report, but I think that he found that in substance the Leuchter results were substantiated by Rudolf, which means a high level of Prussian blue.

Q: So he tested for Prussian blue?

A: Yes.

Q: He found high residues in the delousing facility?

A: Yes.

Q: What did he find in the gas chambers at the crematoria? Did he go to crematoria 2 and 3?

A: Yes, I think so.

Q: What did he find there?

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A: As far as I remember, but again I have not consulted this report for a long time or the gloss on it, he did not find much there.

Q: Right. You have your report there, I think, that you made for this case?

A: My report, yes.

Q: I am not going to read out any great amount of this. Could you turn to page 545?

A: I have done so.

Q: Thank you. This is the passage, is it not, in which you discuss, first of all, what I might call the Markievitch prototype or provisional report, and then the Markievitch main report which I think came in 1994?

A: Yes.

Q: That has been published, has it?

A: Yes.

Q: In how many languages?

A: It was published in Polish and in English.

Q: I think you already told us that he Markievitch, or rather his team, went back and redid it, because they were unhappy about the first rather hurried or botched attempt. Is that right?

A: That were quite unhappy, yes, and they did the tests again.

Q: What substances or compounds did they test for? Did they test for Prussian blue?

A: No. I am not a chemist so forgive me if I am not going to give great detail on this. What I do know is that they found that the Prussian blue test was problematic and this was ----

MR JUSTICE GRAY: Can I interrupt you just to make sure I am understanding? The Prussian blue is simply the physical manifestation of a chemical reaction caused by the acid in the cyanide, is that right?

A: With iron. It is an iron compound and ultimately it is one of the things which can occur when you, for example, have hydrogen cyanide being applied to iron, but also other reactions can follow.

MR RAMPTON: Can you just pause there? I want to take it slowly so that we are quite sure we understand so far as you are able to tell us because, as you say, you are not a chemist, what the reasons may be for what we are going to see in a moment. Can you turn to page 552? Page 553 I hope is the opposite page. Is it?

A: No, but I will be able to turn the page.

Q: We are lucky because we have them on facing pages. On the left-hand side of your report you have put a table with crematorium 2 at the top. Yes?

A: Yes, I have.

Q: Where did that come from?

A: I made the tables on the basis of the English language edition of the 1994 Markievitch report. The only change

I made was that I basically formatted all the tables in the same way because in the Markievitch report they were formatted differently. So I wanted that the way the information was going to be presented was going to be identical throughout the tables.

Q: Do you have the complete original of the Markievitch report here if anybody should want to look at it?

A: I have one copy here.

Q: Just put it down for the moment, please?

MR JUSTICE GRAY: Mr Rampton, before plunging into these tables, would it be helpful for me to know what exactly it was that the revised Markievitch report decided or concluded?

MR RAMPTON: That it concluded?

MR JUSTICE GRAY: Yes.

MR RAMPTON: Yes, all right. Will you tell his Lordship, Professor van Pelt, broadly speaking, what its findings were by reference, first, please to the crematoria and then to the delousing?

A: There were three parts to the Markievitch report. First of all, there was a test of the crematoria, was there really cyanide compound in the walls of the crematoria? Second of all, were there cyanide compounds in the delousing building BW 5A and the delousing building which was used in Auschwitz I? Then finally there was a test done with a control sample to see if in the building of

which they knew there had been no Zyklon B, and the idea was would there be a kind of random cyanide content in the walls, which was one of the claims which had been made about the cyanide contents in the crematoria.

Q: Pause there, and take that last feature first. What did they find when they looked in a place

where there was neither gassing of humans nor of lice?

A: Negative.

Q: Nothing?

A: Nothing.

Q: So that eliminates that. Where they were aware that it has been suggested that you could find it anywhere because at one stage during the typhus epidemic in 1942 the whole camp had been fumigated?

A: I think so, yes. I do not remember exactly.

Q: What conclusion did they draw about that, do you know?

A: About these buildings?

Q: Yes.

MR JUSTICE GRAY: It is pretty obvious. A single fumigation does not leave any cyanide presence.

MR RAMPTON: That is what Markievitch said in his conclusion. Then if you look now at, first of all, we are going back to 551, and notice, please, that all these concentrations are given in micrograms per kilogram of cyanide compound, is that right?

A: Yes.

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Q: Is what is measured in micrograms the actual cyanide content of the samples?

A: I think that it is actually the combination. It is not the cyanide content, but I think the whole, whatever it has bonded with.

Q: If you look at the second table on page 551, it concerns crematorium 1. Do you see that?

A: Yes.

Q: And only in one column, under sample 20 -- my Lord, the first block in the table is the number of the sample, and the second block is the readings beside B, the second row of blocks. Only in one, number 20, does one find significant quantities of cyanide.

A: Yes.

Q: Then look over the page, please and look, please, at 553 first. Now, samples 53 to 55, you tell us, were taken from blue staining on the outside of the building?

A: Yes.

Q: And two of those, 53A and 55, have relatively high readings, particularly number 55?

A: Yes.

Q: From 57 and 58 the readings, you tell us, are taken from the plaster, from dark blue stains on the inner side of the wall; in the building, in other words?

A: Yes.

Q: And both of those have relatively high readings, do they

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not, particularly sample 57?

A: Yes.

Q: 840, 792, 840. Then, please, look at the table on page 552 and look at sample 25 which comes from crematorium 2. In the text on page 550 you tell us that samples 13 to 52 were taken from places which served as homicidal gas chambers?

A: Yes.

Q: So that includes the reading in the first table of crematorium 1, and it includes the readings under crematorium 2, does it not?

A: Yes.

Q: The first sample 25 under crematorium 2, has relatively high readings, does it not?

A: Yes, it does.

Q: Not quite as high as sample 57 from the delousing building, but higher, I think, than any others in these tables?

A: Yes.

Q: 30 and 31 also have what is medium high readings?

A: Yes.

Q: Crematorium 3, nothing of any significance, yes?

A: Yes, I agree.

Q: Crematorium 4, samples 41 and 46, particularly 41 again ----

MR JUSTICE GRAY: That is crematorium 5.

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MR RAMPTON: Yes, that is 4 and 5. In 4 again relatively high readings?

A: Yes.

Q: Do you have an explanation? I know you are not a chemist, but do you have an explanation, perhaps supplied to you by others, why it is that in these gas chamber remains Professor Markievitch's team found readings of cyanide which are almost as great as the Prussian blue readings in the delousing building?

MR JUSTICE GRAY: He could read out page 555 of his report, could he not, on that?

A: May I correct you there? Actually he did not test on Prussian blue. You just said the readings of Prussian blue.

MR JUSTICE GRAY: This is the analysis of the material as opposed to the colour?

A: Yes. But he did not test Prussian blue because there are problems with Prussian blue analysis in this.

MR RAMPTON: You say he did not test Prussian blue?

A: Markievitch did not test Prussian blue.

Q: Did not test Prussian blue? Do you know why not?

A: One of the things which is very problematic, and again I am not speaking as a chemist, but I am speaking more or less on the basis of knowledge I have glossed from others. It seems that there is a problem in the formation of Prussian blue which relates to one of the main things,

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the acidity of the environment.

Q: Wait a minute, take it in stages. None of us is a chemist. At least I am certainly not, I do not know about his Lordship, and I do not think Mr Irving is. Prussian blue is a compound?

A: Yes.

Q: A combination produced by a reaction between hydrogen cyanide and iron?

A: Yes.

Q: Is that right?

A: That is right.

Q: Now, what is the difference between Prussian blue then and other substances which react with hydrogen cyanide? Sorry, it is a bad question. You were starting to talk about the acidity being a problem. What do you mean by that?

A: The PH level of the environment.

Q: Yes?

A: Prussian blue seems only to be formed in very, very specific conditions, in which a number of environmental factors need to be present. It seems to be that, in order for Prussian blue to be formed, one needs to have a PH level which is higher than 7.

MR JUSTICE GRAY: Can we cut this short? The PH level varied according to which chamber you were looking at, is that right?

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MR RAMPTON: No, my Lord.

A: Very particularly in the case of the gas chambers the PH level would have been much lower than 7, because of the carbon dioxide being brought into the environment by people who are brought into the gas chambers.

Q: So an acidity or a PH lower than about 6, high acidity, yes?

A: Yes.

Q: Is this that you are telling us interferes in such a way with the chemistry that the hydrogen cyanide does not react with iron?

A: Yes.

MR JUSTICE GRAY: Going back to what you were being asked about, namely the conclusions to be drawn from the readings which Mr Rampton has just taken you through, am I right, just to short circuit it again, that at page 555 of your report you in a few sentences summarise what the conclusion of Markievitch report was?

A: Yes, I do, and the conclusion was that it was a positive proof that the spaces in the crematoria they had tested had been used with Zyklon B, hydrogen cyanide had been brought in those rooms, and I would like to make maybe one kind of caveat to this whole report, and this is if you allow me?

MR JUSTICE GRAY: Of course.

A: It is a problem which relates to crematoria 4 and 5, and

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this is a problem which goes back to the Leuchter report. It goes back to any tests which have been done. That is the fact that the crematoria 4 and 5 which are above ground buildings, brick buildings on a concrete slab were completely demolished at the end of the war, and that all the bricks were brought to a big heap behind crematorium 5, and that whatever we see there now has been reconstructed with those bricks, but that these bricks in some way come from a random pile. So it is very difficult to know which brick was originally where.

MR RAMPTON: So the reading on page 552 on crematoria 4 and 5, the relatively high readings, numbers 41 and 46, there is no way of being able to say that those pieces of fabric that are now in what is supposed to be the gas chambers were there originally?

A: No, there is no way one can say that. So I would say that any investigation of crematoria 4 or 5 on residual hydrogen content would be, as far as I am concerned, a useless exercise.

MR JUSTICE GRAY: So we concentrate on the other crematoria?

A: Yes.

MR RAMPTON: But the same problem does not beset the samples taken from crematorium 2. Thank you very much, Professor van Pelt. My Lord, before cross-examination starts, I should have done this earlier, your Lordship has I hope

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a supplemental or supplementary report from Professor van Pelt?

MR JUSTICE GRAY: I remember that there was one.

MR RAMPTON: Mr Irving certainly has it.

MR JUSTICE GRAY: I am just wondering where I put it.

MR RAMPTON: It has to do with a very limited topic. It has to do with B Zyklon deliveries to Auschwitz. What I will do, if your Lordship does not mind, is hand up a file with it in, which I have marked "van Pelt supplementary".

MR JUSTICE GRAY: I think I have it, although I am a bit puzzled I have not put it in the existing file.

MR RAMPTON: That there is not much room is perhaps one reason.

MR JUSTICE GRAY: That could be true. It suggests to me that I perhaps have not had it.

MR RAMPTON: I am not going to refer to it now.

MR JUSTICE GRAY: Mr Irving, you have seen this supplemental report?

MR IRVING: I have indeed, my Lord.

MR RAMPTON: My Lord, also in the file, which Mr Irving does not know about but I have a copy for him now, is a document produced in consequence of a critique that Mr Irving published on his web site of Professor van Pelt's book about Auschwitz. I suggested that it would be helpful for me if Professor van Pelt did answer to that critique which he has recently done and I have got, in case he was cross-examined on the basis of the critique.

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It emerged from the questions that I asked Mr Irving yesterday that that indeed is going to be so. It seems to me, since this is quite detailed, that everybody therefore should have a copy.

MR JUSTICE GRAY: Well maybe. I just am a little concerned that every day we are generating more files. We have enough files to keep most people happy for a long time.

MR RAMPTON: It is not something I am suggesting anybody should read from beginning to end, but Professor van Pelt may want, as experts do, make reference to it for the detail.

MR JUSTICE GRAY: Shall we slot it into the same file.

MR RAMPTON: I have done it.

MR JUSTICE GRAY: Thank you.

MR RAMPTON: I have called it "van Pelt supplementary 2 and 3".

MR JUSTICE GRAY: I am going to put the Rudolf report into J as well.

MR RAMPTON: Yes, my Lord, that must be right. Miss Rogers thinks it is about ten.

MR JUSTICE GRAY: We have to keep a track on it, actually.

Cross-examined by **MR IRVING**

MR JUSTICE GRAY: Yes, Mr Irving?

MR IRVING: My Lord, may I propose to proceed as follows with the cross-examination? That I briefly cross-examine the witness as to credit; I would then like to test your Lordship's patience by showing the court for about ten minutes a video film of Professor van Pelt visiting the

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Auschwitz site, which will serve a double purpose. There are things which he says during that video and it will also give us a sense of what the site looks like now.

MR JUSTICE GRAY: Certainly. I am afraid I have not noticed the video, but certainly do.

MR IRVING: I will then proceed after that to the court examination. Professor van Pelt, you are

a Dutch citizen or Canadian citizen now?

A: I am a Dutch citizen.

Q: May I, first of all, pardon my rudeness, welcome you to our country and say what a great pleasure I had in reading your book on Auschwitz -- for what it is worth, it is one of the few books that I have read from cover to cover and it was a book that I found very difficult to put down. I do not know how much of the book was written by you and I do not know how much of the book was written by your partner, Deborah Dwork. However, a number of questions arise from the book and, after we have seen the video, I would ask you just in one paragraph to give the court a brief history of Auschwitz in the way you have done in the book so admirably on the basis of documentation. You studied at the University of Leiden, am I correct?

A: Yes, I did.

Q: And you are now Professor of the History of Architecture at the University of Waterloo in Toronto?

A: No. The issue of my appointment is kind of confusing.

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I am in the Department of Architecture and hence I am officially a Professor of Architecture. Your title as Professor depends on the department you are in. However, I teach in what we call the Cultural History stream, so normally, in order to prevent confusion in ordinary usage, I would call myself Professor of Cultural History because, both in my background, my PhD and my teaching duties, I teach cultural history in the architectural school. However, when I was advised about the way I had to create my curriculum vitae for this proceeding, I was told that I had been to be extremely precise in the legal sense of what I was, so again I put in Professor of Architecture.

MR JUSTICE GRAY: So you are really a cultural historian?

A: I am really a cultural historian.

MR IRVING: This is a point of some substance, my Lord. We need to know precisely what your qualifications are to offer your expertise to the court. I do not mean this in the least sense in a derogatory manner because, as I say, I have read both your book and your report with the utmost interest. However, we need to know what your areas of expertise actually are. In Britain, of course, we have the Royal Institute of British Architects. Are you familiar with the fact that it is illegal in England to call yourself an architect unless you are registered with the RIBA?

A: That is in most countries like that, yes, I know.

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Q: In Holland, the equivalent is the Bond van Nederlandse Architecten, am I correct? I am sorry about my pronunciation.

A: Yes, Bond van Nederlandse Architecten.

Q: Which is the rough equivalent of the RIBA?

A: Yes.

Q: Am I right in saying that you are not registered with the Bond van Nederlandse Architecten?

A: I have never had any reason to do so since I never studied in an architectural school.

Q: So you cannot legally pretend to be an architect, if I can put it like that?

A: No, I could be prosecuted.

Q: You could be prosecuted?

A: Yes.

Q: Rather like Mr Leuchter was prosecuted in Massachusetts for pretending to be an engineer?

A: Yes.

Q: You can probably see the thrust of this particular question. In other words, your expertise, as an architect, is the same as Mr Leuchter's expertise was an engineer?

A: I do not really know. I have been teaching in architecture school now since 1984. I have taught design courses, specially in small architecture schools one needs to chip in wherever one does. I have been on

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architectural juries and quick sessions, mostly on a weekly, bi-weekly, kind of frequency. I did ---

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Q: You have never learned architecture? You have never studied architecture at university? You have never taken a degree in architecture?

A: I do not have a degree in it, but I have been confronted with the architectural practice and, apart from that, I have worked for various architects, one of them, Sir Dennis Leston, here in England, when he was designing the Synagogue in Jerusalem. I have worked with Jack Diamond in Toronto. So I have been in architectural offices very often and other practices.

Q: And, of course, you are now advising the present Auschwitz authorities on the reconstruction, if I can put it like that, of the Auschwitz site?

A: I was advising them, yes.

Q: You are no longer doing so. Very well. So if I am called a pseudo historian, then you are a pseudo architect, if I can put it like that?

A: Yes, except I have never claimed to be either an architect or a pseudo architect.

Q: Except that you are a Professor of architecture, you announce you are a Professor architecture, you leave people with the impression that you are an expert on architecture, and yet you have never studied it and you have never qualified and you are not registered as such?

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A: I must say that I probably would prefer to be called a Professor of cultural history, but the fact of the matter is that the university has given me an appointment as Professor of architecture. So --

--

Q: But you are not giving evidence here on the culture of Auschwitz; you are giving evidence on the architecture of Auschwitz.

A: I am going to evidence, I hope, on the history of Auschwitz, and the architectural documents are a very important historical source. I think we both agree on that. I think, as an historian, you can talk about various forms of evidence and the architectural documents is one of these forms of evidence.

Q: I do not mean these questions in the least sense as a put down, but I think it is important to draw his Lordship's attention to the fact that your qualifications as an architect are, in fact, no greater or lesser than mine?

A: I agree that my formal qualifications are exactly the same as yours.

Q: So when you look at light switches or architectural drawings or blue prints, as you call them, you are no better qualified than I am?

A: No, but I would say, your Lordship, that I have been doing this for the past maybe 15 years, and so there is a certain practical experience, I would say, which may be is going to be relevant.

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Q: Yes. There is only one other very general question on the question of credit which I would ask you before we settle back and watch the 10 minute video. Your report is unusual in one respect, and your Lordship may have noticed it, it has a copyright line on page 2. In other words, you claim copyright in this document. Now, remembering you are on oath, would you tell the court if you have any intention eventually of publishing this?

A: At the moment I do not have. I think it is an unpublishable document.

Q: I disagree. It is set out in chapter form. It has literary quotations at the beginning of every chapter, quotations from Mediaeval poets and other authors in a way you do not normally find in an expert report, I would have thought. I would have thought it was designed explicitly for publication at some future date?

A: No. When the occasion would arise, I would be very pleased if some of the things could be used, but I have learned to respect a big difference, for example, between a Ph.D. dissertation and a book and there is a big difference between an expert report, and I understand this report as a means for an intelligent judge to make up his mind about Auschwitz who has never been there, which is quite a difference for when one writes a book for the general public.

Q: So why the copyright line?

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A: Oh, it is a habit of mine which I do whenever I submit any manuscript to anyone, and maybe this is inappropriate in this case. None of the lawyers has told me that it was inappropriate, so the copyright line remained there.

MR JUSTICE GRAY: You can have an argument about the copyright after this case is over.

MR IRVING: My Lord, the reason I ask this, of course, if the witness was intending to publish this work, and he has now said on oath he has no intention of publishing it, then I would ask him the following question. (To the witness): If you were to write a report which came out with the conclusion that crematorium No. (ii) had never been used as a homicidal gas chamber, that Auschwitz was not a factory of death, that Leuchter was right, David Irving was right, whatever, what would the commercial prospects of that be as compared with the commercial prospects of the report that you have actually written? Would they be greater or less?

A: It is difficult to say. It seems to be that the book buying habits of the people who are believing that the gas chambers were not used for homicidal purposes seems to have been much more active than for the people who believed that they were used for homicidal purposes. After all, I think that you sell more books than I sell of my Auschwitz books.

Q: Not currently I do not.

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A: I mean, it is very difficult to say this. Certainly, controversy seems to have served you well in the past in a number of books. I have been, I believe, in some way less controversial and controversy certainly helps sales figures in general, so I probably put some more books.

Q: Very well. I will take your statement that you have no intention of publishing this ever, as you have now told the court. My Lord ----

A: May I just come back to this? I said "in this form".

MR JUSTICE GRAY: Quite briefly, if you would.

A: Sorry?

Q: Quite briefly, if you would.

A: No, I said "in this form". I did not -- I did not write this with publication in mind as such.

MR IRVING: Yes. Very well. My Lord if your Lordship will turn to the transcript ----

MR JUSTICE GRAY: Play the video?

MR IRVING: --- which I provide your Lordship of the video, just so you can confirm what is actually said.

MR JUSTICE GRAY: Let me find it. Is that one of the documents you have handed in.

MR IRVING: It is called Mr Truth -- Mr Death. There are two excerpts that I wish to play. (The video was played)

MR IRVING: My Lord, this is Fred Leuchter. My Lord, I think this is not the part I wanted in fact. I would speed the

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court along, I think, if I ask the witness if he remembers what was said.

MR JUSTICE GRAY: It is not your fault. Shall we turn it off?

MR IRVING: Yes. If I could borrow a transcript from someone? Professor van Pelt, you remember appearing in a video which is part of a film now called "Mr Death". Do you remember the filming of that project?

A: Yes.

Q: When exactly was that filmed? A year ago? Half a year ago?

A: We went to Auschwitz in April 1998 -- was it 1998? 1999, I think. 1999.

Q: '98?

A: 1999. No, 1998. I am sorry.

Q: Do you remember saying: "Auschwitz is like the Holy of Holies. I have prepared for years to go there, and have a fool come in, coming completely unprepared, it is sacrilege, somebody who walks into the Holy of Holies and doesn't give a damn"?

A: Yes, I remember saying that.

Q: This was a reference to Mr Leuchter, was it not?

A: Yes, it was a reference to Mr Leuchter.

MR RAMPTON: Should not the witness have a transcript like everybody else?

MR JUSTICE GRAY: Do you feel the need for a transcript?

A: No, I remember the -- it is useful, but I remember this.

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MR RAMPTON: Except that some pages down the road we come to some German, so it might be helpful.

A: Thank you.

MR IRVING: You were deeply moved to visit the actual location where these atrocities had occurred?

A: More than moved. I was frightened. I ----

Q: Ghosts of the dead were still all around?

A: No, I do not believe in ghosts and I have never seen in ghosts in Auschwitz, but it is an awesome place in many ways, and it is also an awesome responsibility one takes upon oneself when one starts to engage this place as an historian. For many years I felt I was not up to that task. It was only after very careful preparation that I finally decided to go there and to start work in Auschwitz. As many things in life, it became easier to work on it as I was there as you actually start confronting what the place is.

Q: Can I ask you about a part on the next page of the transcript, the page beginning with the words, "Very little left", "to suddenly have in that room that concentration of evidence, you are sitting in the archives, to actually hold the stamps in your hand which you see on the drawings".

Am I right in understanding that the Auschwitz archives have the original wartime rubber stamps still?

A: Yes, there is a box with all the rubber stamps.

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Q: You yourself took one of the stamps and you put it on an ink pad and tried it out on one of your note pads?

A: Yes.

Q: You had exactly the same stamp that had been used by architects like DeJaco and Ertl and the rest?

A: Yes, I made a copy of that stamp.

Q: You could have had a lot of fun with one of those stamps, could you not, if you had so chosen?

A: If one wants to falsify evidence, one could have fun, yes, but...

MR JUSTICE GRAY: I do not think that suggestion is being made, is it?

MR IRVING: Well, my Lord ----

MR JUSTICE GRAY: That was lighthearted or was it not?

MR IRVING: --- I wanted to leave that lingering suspicion in your Lordship's mind.

MR JUSTICE GRAY: No, it is better to come out with it if you are going to make that allegation.

MR IRVING: We referred to one document yesterday, my Lord, the one on cremation rate capacities, and I strongly implied that this document is suspect.

MR JUSTICE GRAY: But not originating from Professor van Pelt?

MR IRVING: Good Lord, no. For heaven's sake, no. I deeply regret that that impression should have been given.

MR JUSTICE GRAY: No, I just wanted to clarify that.

MR IRVING: Of course not. It is just that if those rubber

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stamps had been in a Polish archive which was Communist until quite recently, in the Auschwitz State Museum, rattling around in a cardboard box ----

MR JUSTICE GRAY: Somebody could do it.

MR IRVING: --- somebody could have done it. Rubber stamps played a great part in the falsification of the Demanuke(?), identity card, and the final revealing of the falsification. (To the witness): You continue to say at the bottom of that paragraph: "This is like holding the weapon of destruction in my hand, the gun that killed the victim, except these blue prints did not kill one person. They ultimately allowed for the killing of millions." Are you saying that several million people were killed in Auschwitz or was this just a loose turn of phrase?

A: This would be a loose turn of phrase. I believe that Dr Pieper's assessment that round a million people were killed in Auschwitz is probably the most probable number.

Q: So when you talk about millions, it is not a deliberate manipulation or a perverse distortion of figures. It is just a loose approximation because you are speaking without a script?

A: No. First of all, I am speaking without a script. I mean, you know exactly how Errol Morris interviews people because you were interviewed in the same way and also appear in the same movie. I was talking without of any of blue prints there. I was talking in studio for

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three or four days. There is, however, one point which I would like to make, and that when I came to the archive and saw for the first time these blueprints, I had very clearly in my mind a scene from Shawa(?) where the great historian Wal Hoeberg holds in his hand at that moment a railway table of transports to Treblinka, and he says something to the effect that it was looking at these documents that, in fact, you were holding the murder weapon in your hand; and I certainly, when I was talking to Errol and when I was looking at these blue prints, it was really amazing how Errol brought back to me that that moment, that first moment, of seeing the blue prints, that I was thinking this is part of that whole administrative system. It is not only blue prints for Auschwitz, but it is basically part of a State sponsored project to kill Jews. So when I used to use the word "millions" here, I would be quite happy to ultimately defend it in that larger context of a bureaucracy at work to ultimately dispose of people.

Q: Professor van Pelt, would you agree that it is the duty of historians to remain completely unemotional when he is looking at any object or artifact or a document, and to interpret it as unemotionally and neutrally as he can?

A: I think that one's duty is to be unemotional, to be objective, but one's duty is also, I think, to remain human in the exercise. I think, and this is what I just

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told you before, my Lord, that I prepared for Auschwitz because ultimately I went there as a human being and I was frightened to go there and I was frightened for the responsibility. To actually face great historical questions when they concern, as one would say, maybe the alleged murder of many people, then I think that, of course, if one is completely without emotion as one looks at these documents, then one would be a machine and probably not a human being and hence not a historian.

Q: Very well. We can establish very clearly that you are an historian with feelings (and I think we would all like to be that), but do you not agree it is important as an historian to be able to put his feelings in one compartment and his objectivity in another and not allow his objectivity to become coloured by his feelings?

A: I agree that when one analyses a document that one should, indeed, be objective, that one should forget one's feelings, but when one goes home in the evening and goes back to a little room in the town to Vochest(?) where I had rented a room, then, of course, the feelings will come back.

Q: I agree. Now if I can turn just to the last page but one of the transcript. I am afraid they are not numbered, but it is the paragraph beginning with the 01, "Van Pelt then says"?

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A: Sorry, the last 0, yes.

Q: I quote: "Crematorium (ii)", and at this moment when you are saying this, you are actually standing on the collapsed roof of crematorium (ii)?

A: I am standing there?

Q: On the roof, yes. You are crouching on it by a hole. It is visible in the video.

A: I do not think I am standing on the roof at this -- it was Leuchter who was crouching at the hole, not me.

Q: Very well. You say: "In any case, crematorium (ii) is the most [something] of Auschwitz. In the 2500 square feet of this one room", and you are pointing downwards, "more people lost their lives than in any other place on this planet. 500,000 people were killed. If you would draw a map of human suffering, if you create a geography of atrocities, this would be the absolute centre."

That is a reference to crematorium (ii) and you are standing on the roof of Leichenkeller No. 1?

A: It is a reference to crematorium (ii), but I am actually not in the picture. It is Fred Leuchter standing on the roof of Leichenkeller 1.

Q: But you are speaking yourself?

A: But I am speaking. This was taped in the studio and there is no image of me actually in the whole movie near crematorium (ii). The only -- there are only two parts in the movie where I am actually seen in Birkenhau, apart

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from, I think -- no, BW 51 was cut, that is, I look over the undressing room of crematorium (iii) at one moment and I am seen in the ruins of crematorium (v), and that is it.

Q: Professor, just so that we can be completely clear about this and the record can be clear, you are describing crematorium (ii) as being the place where 500,000 people were killed or ----

A: Yes.

Q: --- give or take a few numbers.

A: Yes.

Q: And that this was the centre of the atrocity?

A: Yes.

Q: So if I am to concentrate a large part of my investigation in this cross-examination on that one building and, in fact, on Leichenkeller 1, the one arm of the crematorium, this is not entirely unjustified if I am trying to establish that the factories of death did not exist as such?

A: No. I think that that the obvious building to challenge would be crematorium (ii).

Q: My Lord, may I show the witness one or two of these photographs so we can identify what we are talking about?

MR JUSTICE GRAY: Of course.

MR IRVING: It will probably help your Lordship also. This, first of all, is quite a large photograph showing the whole Auschwitz region. If I hold it up, could you point,

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please, to Birkenhau?

A: Birkenhau is right here.

Q: Birkenhau, so his Lordship can also see it, is the oblong. The witness recognizes the oblong in the centre of the map.

MR JUSTICE GRAY: Mr Irving, will you pause a second because this is quite helpful to me because there is a map somewhere in Professor van Pelt's?

A: It is in my report, yes.

Q: I would quite like to mark it up because the geography is not all that clear in my mind.

MR RAMPTON: It may be your Lordship will do even better with the aerial photographs taken by the Allies in 1944 which are at tab 2 of K2.

MR JUSTICE GRAY: Right.

MR RAMPTON: They go everywhere from a bird's eye view, as it were, of the whole complex right through to the detail of the roof of Leichenkellers 2 and 3.

MR JUSTICE GRAY: Thank you very much, Mr Rampton. That is very helpful.

MR IRVING: Would you now point to Auschwitz 1, what is also called the "stammlager"?

A: Auschwitz 1 is a kind of more, the stammlager, the compound which is surrounded by barbed wired is right here, but here we see an extension of the stammlager called the "schutzhaftlager erweiterung". It is under

construction. Here are various factories, including Canada 1, which belong to the stammlager but which are outside the barbed wire compound.

Q: Am I holding the map the right way up, Professor? Which way is north, can you remember?

A: North is right here, so it should go like that.

Q: Right. Finally, the big IG Monovitz plant?

A: It is more or less where your hand -- yes, more or less where your hand is.

Q: Is that not the IG Monovitz plant here?

A: No, no, this is the schutzhaftlager -- where your hand is, more or less where your hand is, that is where the Monovitz...

Q: So Monovitz is down here somewhere?

A: Yes, down there. Sorry, that will be kind of confusing for the record, but there is another photo in the binder which actually also shows the plant.

Q: In fact, if one looks closely at this photograph, one can see a cluster of bombs descending from the American aircraft that took the photograph. We now get much closer, if I may?

MR JUSTICE GRAY: Mr Rampton, can you give me the reference in the Leuchter (sic) report for the aerial photographs?

MR RAMPTON: In the Leuchter report?

MR JUSTICE GRAY: Sorry, in the van Pelt report.

MR RAMPTON: To what, my Lord?

MR JUSTICE GRAY: The aerial photographs because I have marked up one of them and I cannot actually find the -- rather than start again with another one.

MR RAMPTON: It is towards the end, I think.

MR JUSTICE GRAY: Yes, I thought it was. I am so sorry. Will you forgive me, Mr Irving, just tracking this down?

MR RAMPTON: If your Lordship were to start at 370?

A: Page 49 does show the plant just referred to.

MR IRVING: Very well. These two buildings down here, the T shaped buildings, they are the two crematoria (ii) and (iii), is that correct?

A: That is correct. May I make one kind of caveat as far as the numbering is concerned? There are documents where these crematoria called (i) and (ii), so sometimes they are called (ii) and (iii), sometimes (i) and (ii). It depends if one crematorium (i) in the stammlager is included in the numeral.

Q: We have here, my Lord, a photograph taken relatively recently, within the last few months, from a helicopter showing the site as it now is of these two crematoria, the ruins of the two crematoria. You can see the outline of the two T shaped buildings like they are mirror images of each other. Crematorium (ii), is that correct?

A: Yes, that is correct.

Q: Crematorium (iii), and they are largely in ruins. What is this path that has been laid here? Was that a wartime

path, Professor?

A: No, that is a recent path that has just been created because many of the tourists go first to the

former women's camp and then they go through a new bridge and a new opening through the barbed wire fence which surrounds crematorium (ii) to crematorium (ii).

Q: While we are just looking at this map, you mentioned the word "tourist". Is Auschwitz a major tourist attraction, therefore?

A: At the moment, the tourism has been reduced in past years because it used to be that the Polish Government insisted that all Polish school children would go there. That has changed. So I think that around 500,000 people per year come there.

Q: Whilst we are holding this particular map, can you identify what these two circular objects are?

A: These are part of a sewage treatment plant.

Q: A water purification plant?

A: Yes -- no, a sewage treatment plant.

Q: Well, it is the same thing. It converts sewage into drinkable water?

A: No. This was not meant to convert sewage into drinkable water. This was created, and we see another one right here, and there was another one started right there, because there were complaints in 1942 when the Birkenhau population started to increase by the authorities in the

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province of Upper Silesia that the camp was throwing its untreated sewage in the Zola River. So what happened was that the building inspectors of the county said, "If you want to continue to run this concentration camp, you have to take care that you throw cleaned water or the clean sewage into the river".

Q: While we are dealing with the water, this is crematorium (ii), this is the Leichenkeller No. 1 -- we will come back to that in a minute on a larger photograph -- am I correct?

A: Yes.

Q: This is the water treatment plant?

A: It is a water treatment plant.

Q: If eight kilogrammes of cyanide were put into the water system there, of that particular building, it would not do the water treatment plant any good?

A: Sorry, this is a sewage treatment plant.

Q: Yes, but if it was to be established that there was a link between that building and the sewage treatment plant, the drainage of the one building went into the sewage treatment plant, then this would create a serious problem for the environment, eight kilogrammes on a regular basis of hydrogen cyanide being fed ----

A: I cannot comment on how much cyanide -- how quickly cyanide would be diluted. Certainly, a sewage treatment plant is taking many kinds of refuse in its

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operation. One would have to talk to a chemist what ultimately the kind of danger of the dilution of hydrogen cyanide would be, but we must not forget that most of the hydrogen cyanide in the Leichenkeller 1 was used as a gas and was evacuated through a chimney and not through the floor.

Q: Very well. But we have heard that it is a heavier than air gas?

A: No. It is slightly lighter. It is not much lighter. It rises slowly, but there was a large ventilation system in the crematorium and there was an exhaust pipe on top of the crematorium through which the air in the Leichenkeller 1 or gas chamber could be evacuated.

Q: While we are looking at this particular map, will you show us, please, the railroad spur which

ends between the two crematorium?

A: We see the end of the railroad spur right there.

Q: Which is the platform, therefore, where the notorious selections are said to have taken place?

A: This is the end of the platform where the selections took place.

Q: So they would be marched off then -- what happened to the people who arrived by train on that railroad platform?

A: Yes.

Q: What happened to them?

MR JUSTICE GRAY: That was a question.

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A: A selection took place at a particular point halfway, that platform, and this is, we are now talking about a situation in 1944, since the spur was only completed in 1944 for the Hungarian action, and the most usual operation was that the selection took place halfway, that platform, in which men and women were lined up in four rows. One row of women to the east and a line of women to the west of that point, and two lines of men, again one to the east and one to the west, and right in the centre selection took place and then people were either sent into the camp or sent to the crematorium.

MR JUSTICE GRAY: My impression is that a similar, the spur may not have been there, selection process operated during 1943 as well, did it not?

A: The section process in 1943 was different since it happened at the so-called Judens rampe. A Juden rampe was, basically, an unloading point along the main railway corridor. I can point it out on this aerial photo. This is the main railway corridor connecting, basically, Vienna and there is one going to Berlin here and Cracow and Warsaw; and exactly at this point, at this point, there are still the remains also of a rampe, a platform, where the trains with Jews would be unloaded and then a selection took place here. Then people who were admitted to the camp walked to the camp and the people who were selected to die, if they still could walk, would walk, but

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otherwise were taken on trucks to the gas chambers of the crematoria or the gas chambers of bunker 1 and 2.

MR IRVING: May I ask you some questions about that selection process now, please? On what basis was the selection for life or death conducted?

A: It would depend really on the situation. The policies of the Germans seem to have been different at different times. To give one example, as a general rule, let us first say for a general rule, one could say that, as far as gentiles was concerned, and gentiles were sent to Auschwitz, there was no selection on arrival. For example, Poles, a large group of Polish children came to Auschwitz from the Zamoska area and were admitted to the camp, and you can go to the present women's camp and there are barracks specially for children with paintings and the bits of school, and so on.

Q: At what age does one cease to be a child?

A: In Auschwitz, I would say around 12 or 13 years.

Q: What age was Anne Frank when she arrived in Auschwitz?

A: Oh, she would have been 15.

Q: About 15?

A: Yes.

Q: Yes. Did she fall ill in Auschwitz?

A: I do not think so. I think she fell ill when she came to Bergen-Belsen.

Q: Did any members of her family fall in Auschwitz and where

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they housed in a hospital in Auschwitz, her father or her sister, Margot?

A: Her mother fell ill and ultimately died, and her father fell ill and was admitted to the Lazarett.

Q: So these were six Jews, unemployable six Jews, who were housed in the hospital in Auschwitz?

A: Yes, but again one -- as I started to give my original presentation, my Lord, and maybe I can finish it?

MR JUSTICE GRAY: Yes, we will come back to Anne Frank if you want to. You have dealt with ----

A: I would like ----

Q: He was dealing with the various ways in which the selection process occurred. If it was non-Jews, then there was no selection process. That is as far as you have got.

A: There was no selection process. If it were Jews, then it depends on which town we are speaking of and what is the kind of transport that arrived. For example, in early 1942 transports arrived of Jews who were sent to Auschwitz under the umbrella of what is called the Operation Schmelt which was a local work programme for Jews in Upper Silesia. There the selection took place at the factories and people who could not work any more in the Operation Schmelt were sent to Jews and were killed there without selection. So there was no selection there in Auschwitz.

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Selection had happened somewhere else. In general, what happened was that transports arrived and sometimes transport arrived in Auschwitz where again the selection had taken place somewhere else. For example, the Slovak transport which arrived in 1942, most of the early Slovak transports were Jews who had already been selected back in Slovakia in transit camps as being fit for work in Auschwitz. No selection was applied to these transports. Then at a certain moment transports start to arrive where no selection takes place at the point of departure, and then the selection will take place in Auschwitz, where again the situation can be different. Sometimes all children and all old people are selected to die and younger people are selected to live, but again there are exceptions.

MR IRVING: May I interrupt you at this point and ask you what is the documentary basis for these remarks you have been making over the last two or three minutes? Is it all eyewitness evidence or are there any documents at all in the captured archives to support this, any document whatsoever?

A: The main source of this is eyewitness evidence. There are documents which talk about that, that transport arrives and only so many arbeitsfähige Juden have been admitted to the camp, which means Jews were fit to work. It does not

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specify the fate of the others.

Q: So far as the documents go, we are left in suspense as to what happens to them and we rely entirely on the eyewitness evidence of those left behind, so to speak, as to what happened to their loved, nearest and dearest?

A: It is obvious that, when a transport of, let us say, 2,000 Jews arrived and only 900 or 600 people are committed to camp, of course the question is raised what happens to the other people. Then at that moment I think eyewitness testimony, both from Jews and Germans, becomes quite valid as a historical source.

MR JUSTICE GRAY: You get the disparity between those two figures from the numbers given on the documents relating to the trains that were arriving at Auschwitz?

A: Yes.

MR IRVING: So, in other words, we are reliant entirely on the eyewitness testimony?

A: We do not rely entirely. We know at a certain movement that so many people arrived, so many people were considered fit for work and then, of course, there are the registration numbers. There is a great disparity between what we know about the number of transports arrived there and the number of Jews who worked at Auschwitz, and the number of people who were registered there, because, with two exceptions again, registration happened consecutively, which means a number that had been given out once was not

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given out a second time.

Q: What is the total number of registration numbers that we know about in Auschwitz, in round figures?

A: Around 400,000.

Q: So around 400,000 of these hapless people arrived in Auschwitz, were given registration numbers and officially existed, and the rest had no registration numbers and they just were disposed of in some way. Is that what you are saying?

A: Yes.

Q: Yes, but as to how they were disposed of, alas, the archives tell us nothing, neither the Moscow archives nor the Polish archives. We are reliant on eyewitness testimony and on our own common sense?

A: And at a certain moment a careful investigation of the machinery of murder, in this case the crematoria.

Q: Which comes back to crematorium number 2 effectively?

MR JUSTICE GRAY: I think the Professor wants to add something.

A: I would like maybe to complete my account of selection. There are one or two other categories, I think, that I need to mention before we close on this.

MR IRVING: We have not closed on it. We are going to come back to it.

MR JUSTICE GRAY: Let him finish with the various categorisations.

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A: I must mention that, for example, in 1943 and 1944 a number of Jews transports arrived from Theresienstadt where none of these people were selected, with children and old people were housed in what is called a Theresienstadt lager in Auschwitz, so Jews' children at that time were admitted to Auschwitz, and also old people. That was part of a camouflage action by the SS because they feared, or they expected, a Red Cross inspection of Theresienstadt and wanted to be able to account for the people who had been sent to Auschwitz.

MR IRVING: What is your documentary basis for making that statement?

A: The documentary basis?

Q: For making the statement that this transport arrived from Theresienstadt, that it was properly housed in Auschwitz and the Theresienstadt camp, and that the reason for that was to prepare

camouflage against the Red Cross inspection?

A: I have to rely here on the historians of Auschwitz. I have not studied the history of the Theresienstadt Jews myself. I rely here on people like Adler, who has written the definitive history of the Theresienstadt ghetto. I have not done any specific research into the history of Theresienstadt lager.

Q: While we are talking about the histories of Auschwitz, do you agree that there is a high degree of politicization of

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the writing of history about camps like Auschwitz. If I can put it like that?

A: To be very honest, I have always been surprised how little politicization there has been. In general, I must say that, with the exception of the number of victims, I find Jan Sehn's history still remarkably useful. You know Jan Sehn wrote his history in 1945/46. I have been very impressed in general by the professionalism of the historians at Auschwitz, and in general I must say that for the people who have looked seriously at this camp I do not have too many complaints. Now, it is of course true that new source material has become available and new historical questions have been asked. I think one of the reasons that you were so interested in my book was because I introduced a lot of new kind of evidence about the history of the camp. But in general I must say that I think that most people have acted very responsibly, and with very few kinds of political prejudices in relation to the history of Auschwitz.

Q: The site of Auschwitz has not really changed very much since the end of World War II, apart from the barracks being torn down and recycled. Can you explain to the court, please, why it is that in the very earliest references to Auschwitz, published by the Russians after the capture of the camp in January 1945, there is no reference whatsoever to the discovery of gas chambers, but

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any number of references to other atrocities being committed there?

A: I would like to comment on the document, but I would like it see it in front of me.

Q: Very well.

A: I think that, if we are going to interpret in this case an historical source, we should go carefully and slowly.

MR JUSTICE GRAY: I think that is fair.

MR IRVING: That is quite fair, my Lord, and tomorrow, with your Lordship's permission, I will bring the translation of the appropriate account. Can you explain also why the New York Times, in its account published in April 1945, referred to 5 million people having been exterminated in the camp? This is at the other end of the extreme.

A: I would like to see it before I comment.

Q: Very well.

A: I can do that now if you give it to me or I can do it later.

Q: I have another New York Times item here. New York Times, November 25th 1947, I will be happy to show it to you. I will read it out. It is a very brief paragraph: "44 Nazi officials of the notorious Auschwitz extermination camp accused of responsibility for the killing of 300,000 prisoners from a dozen European countries went on trial today before the Supreme National Tribunal." Can you explain the figure of 300,000 in 1947,

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with the Auschwitz officials being put on trial in Krakow in Poland by the Polish authorities?

A: My Lord, this is a number which also has come up in a newsreel of the trial which was shown in German cinemas. The 300,000 quite literally is, as it is mentioned here, prisoners from a dozen European countries. It was a number which, until the late 1980s, was also in the Auschwitz museum. It only referred to the actual people who had been imprisoned in the camp.

MR JUSTICE GRAY: And registered?

A: And registered. It did not refer to the people who had not been registered.

MR IRVING: Well,, Professor, would you not agree that the court is entitled to find that a rather extraordinary explanation? On the one hand, we are told that 4 million people had been killed in Auschwitz, and yet these people were being put on trial for the murder of 300,000. There is no mention of the other 4 million in round figures.

A: The facts are the facts, Mr Irving. I have studied this issue of the 300,000 where this number came from. It was a number that refers to registered prisoners. I do not know why the Polish court decided at the certain moment to make that issue the issue on which they were going to prosecute the people who were accused in Auschwitz.

Q: Without any reference to the larger figure which was being set aside. I can appreciate that, in the case of a

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murderer who has been accused of murdering 20 people, a court may decide to prosecute just on one murder, but at least they would mention the fact that 19 other cases were taken into consideration.

A: Yes, but, my Lord, I have made a very careful study of the trial of the architects of Auschwitz. Maybe I can answer by just telling you in short that, during the trial of the architect Dejaco in Vienna in 1972, the prosecution ultimately tried to have him condemned for murder of one inmate on a building site. Now maybe you can explain to us or to someone else why this would be a proper way to proceed, but they ultimately did not want to take him, to actually challenge his statement that he had nothing do with the blue prints, that they had been made in Vienna. They just executed him, but an incredible amount of testimony was heard on this particular incident in which he would have drowned in a large bucket of water, this particular inmate who was not pulling his weight on the building site.

Q: Can I interrupt you at this point and say that it is true that both Defendants were acquitted, were they not?

A: Ertl was not officially acquitted, but his status remained kind of unclear.

Q: I am not an expert on Austrian law, but certainly under English they law they could have then reprosecuted him on any one of the other murders. They could have had him

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back up before the beak but yet they did not. He was set free. Both Defendants were set free and never prosecuted again although they were the architects whose names appear on those blue prints which were in your hands in Auschwitz. Is this not a remarkable comment on the state of the evidence?

A: I think it is a remarkable comment on the way the Austrian court operated. I have all the files in my possession. Certainly after I came out of months of studying the files in the courtroom there, I must say that I lost much of my respect at least for Austrian justice. They had all the documentation from Auschwitz. They had all the blue prints. They had all the documents which had been under discussion, for example, in my expert report with two or three exceptions only.

They got material from Moscow for this trial. They had the blue prints there and they were never consulted.

Q: And yet they were acquitted. So it was a perverse result, in other words?

A: It was a very perverse result and I think that, if indeed an expert witness had been brought in to look at those documents carefully, they would not have been acquitted.

Q: Very well. You had these documents before you at the time you wrote your book "1270 to the present"?

A: Which documents?

Q: The Ertl trial document. I had the Ertl trial documents.

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Q: Were you aware of the 1947 figure of 300,000?

A: I was aware of that figure.

Q: And that the German newsreel in January 1948 again said that in the judgment passed on these 40 men, many of whom were hanged, they were hanged for the murder of 300,000 people in Auschwitz?

A: I did not know the newsreel.

MR JUSTICE GRAY: The 300,000 were not gassed, presumably, if they were registered prisoners?

A: Some of them would have been gassed. Others would have been beaten to death. Some of them would have been killed with phenyl injections. People would have been shot and people maybe would have died from beatings or other causes.

MR IRVING: Did you make any reference to these lower figures at all in your book on Auschwitz?

A: No, I did not, because I think these figures were irrelevant.

Q: Were irrelevant?

A: Were irrelevant. The book ultimately presents a cumulative figure of all the deaths in Auschwitz, both of people who have died as a result of murder immediately after their arrival and of people who have died after having been registered in the camp.

Q: You are familiar, no doubt, with the book written by Professor Arno Mayer, "Why did the heavens not darken", in

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which this Professor of Princetown University, who was himself Jewish and who cannot be called a Holocaust denier presumably, said that most of the deaths at Auschwitz in his opinion were from what he called natural causes, and that a very small percentage had been criminally killed in the accepted sense. What is your response to that?

A: That I am very happy to discuss the exact statement of Professor Mayer if I have the text in front of me. I have referred to him in my expert report. If you are happy to deal with my excerpt in the expert report, I am happy to look for it, but I am not going to comment in general on what Professor Mayer said without having the text.

Q: So are you saying in other words that you think Mayer is wrong? He got it wrong?

MR JUSTICE GRAY: No. I think he is saying, I cannot comment on a document which is not in front of me. Unfortunately, it is not a document, it is a book.

MR IRVING: Do you not agree that I accurately precis-ed what he said?

A: I do not think you do that. I do not think this is accurate, what you said.

Q: That Arno Mayer said that, in his opinion, most of the deaths in Auschwitz were through

natural causes rather than from criminal intent?

A: Again, I am not going to comment on this text. The question was, did you appropriately precis Mayer's

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argument? I do not think so. It is a rather long argument. I know it has been taken out of context many times, and Mayer's text has been taken as "in admission" that indeed Auschwitz was not an extermination camp.

Q: It is difficult to see how you can take that remark out of context. It seemed to be a very pithy summing up by him, which has been very widely quoted and caused much indignation, I agree, in the Jewish community. He may of course be totally wrong.

MR JUSTICE GRAY: Professor van Pelt's position is again, I think, a fair one. If you want him to comment on what Mayer concluded, then he must have the right to look at the document.

MR IRVING: Very well, my Lord. I will not delay the court by looking for that document now, but certainly we will refer to it ----

MR JUSTICE GRAY: I am trying to find the reference to it in Professor van Pelt.

MR RAMPTON: Page 590, my Lord.

MR JUSTICE GRAY: It is not where I would have expected.

A: It is at page 629, 620.

MR JUSTICE GRAY: I assumed it was at the beginning.

A: It a little earlier also. It is actually in 89 that Mayer published his book. And so here, 594 and 592, all Mayer, 590. It starts at 590.

MR IRVING: My Lord, I think possibly I shall leave this until

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after the luncheon adjournment and come back with chapter and verse.

MR JUSTICE GRAY: Whichever you wish.

MR IRVING: Because we are rather drifting away from the actual camp site, which is the way I was hoping to take this cross-examination. If I may produce the photographs again, we had concentrated on crematorium number 2, where you said that 500,000 people (in round figures) had been killed by the Nazis in that one buildings, this you called the geographical centre of any map of atrocities, a very telling phrase. Would you tell the court what this little building is down there?

A: Yes. It seems to be a pump building.

Q: No. Would you accept from me that this is a coal bunker?

A: A coal bunker?

Q: Or coke bunker.

A: I thought you meant another one. This particular thing there?

Q: Yes.

A: Yes.

Q: That is a coke bunker. I have not got equipment here for measuring the size of that bunker, but it appears to be about 10 feet square, in other words a very small space.

A: It seems to be a larger to me from what I remember but, again, 10 feet, 13 feet square, whatever. It is not a very large bunker.

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Q: Not very large bunker for holding the fuel supplies for fuelling a mass incineration programme, I believe Mr Rampton would have called it, for incinerating hundreds of thousands of bodies?

A: May I remind you, Mr Irving, that also in the crematorium itself was a very large coke storage space right next to the incineration building.

Q: Yes, I am familiar with the position of that in the drawings of the building. Not very much larger than that little hut outside?

A: I think it will be probably possible to establish the size of that when we consult a plan, and I am happy to consult the plans in my trial bundle.

MR JUSTICE GRAY: Was there a coke bunker in each crematorium or just one?

A: Each crematorium has its own coke bunker, yes.

MR IRVING: It is also right to say that these crematoria were adapted to burn trash as well, the regular camp trash that came in?

A: The trash furnace in crematorium 2 was never installed. There was a trash furnace in crematorium 3, largely used to burn identity papers of people, and there were no trash incinerators in 4 and 5.

Q: Very well. The last picture that I wish to show the court and the witness and ask a question on is this large picture. This is crematorium number 2. You can see the

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scale of it from the people standing down there, the tourists who arrived up that path, and this is Leichenkeller number 1, morgue number 1, on which we have now zeroed in, in other words.

A: Yes.

Q: Mortuary number 1?

A: Morgue number 1.

Q: Will you describe the condition of that building, that particular mortuary, which is the one that you pointed at and said 5 "00,000 people died here", or you also said "this is the instrument with which millions were killed".

A: We just saw the state of that room in more detail when we looked at the film clip. When we see Fred Leuchter measuring, together with his assistant, the size of the ruins, and there is my voice-over saying that Fred Leuchter is no Sherlock Holmes, we are actually looking at the site of the morgue 1 of crematorium 2.

Q: Was this building destroyed by the Nazis or by the Russians, I think there is some dispute on this, at the end of World War II?

A: The evidence points to the fact that the Nazis destroyed this building in two phases, and specially morgue 1. First of all, that when the gassing ceased in late 1944 we have the testimony of sonderkommandos and others that the gas chambers were dismantled, which means that the actual

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installation within the morgue number 1 and of crematorium 2 and number 3, which had been created to adapt this room into a gas chamber, was removed, and that later the shell of the room, so to speak, was destroyed by dynamiting. It was a very detailed account of one sonderkommando, how they actually made holes in the columns. Dynamite is put in it and ultimately, in the case of crematorium 2, all the columns collapsed, with the exception of one. In crematorium 3 they were more successful and virtually everything collapsed there. So what you have now in crematorium 2 is that we have the remains of a concrete roof, which is basically

collapsed on the floor.

Q: It is pancaked downwards?

A: It is pancaked downwards. One column is still there and in some way it has folded over, that one column.

Q: So there are reinforced steel bars inside the roof?

A: Reinforced steel bars in the roof yes, and there is a hole right next to the column, and that is the hole through which Fred Leuchter climbed into that space at a certain moment. It is a very tiny space under that roof.

Q: When do you say this happened? In 1945?

A: The demolition of the gassing equipment happened in late 1944, November 44, and the ultimate demolition, the final demolition, of the crematoria happened in January 45.

MR IRVING: Just so that we can get this quite straight, the evidence for this is verbal evidence from a member of the

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sonderkommando?

A: Yes. There are no construction documents about the demolition. Also, the construction office had been closed for some time.

Q: Are there any written orders from the camp commandant or from Liebehenschel or from some other official saying, I order that this building must be destroyed for whatever reason?

A: There are no records but I have to point out that the archive of the commandant, which was virtually systematically destroyed, began in that same period of the evacuation and that only by accident the bauleitung papers survived because they were forgotten.

Q: I was about to come on to that, Professor. Is it not extraordinary that the Nazis in their ruthless efficiency would go round destroying buildings and removing incriminating equipment which might have helped us very much today in this courtroom otherwise, but at the same time they allowed the Red Army to capture the entire construction files without the slightest murmur?

A: There are reasons for that which have to do with first the fact that the construction office was closed at the end of 1944 but none of the architects any more dared to oversee the destruction of the archive. They have been drafted back into the SS to fight on the Eastern Front, which by then had more or less come to Auschwitz. Second of all,

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that the architecture office was at some distance from the camp itself and that there were two archives in the camp, one archive which was kept in the kommandantur, where people were until the very end, people who could attend to the destruction of incriminating evidence, and then there was in the Bauleitungbaracke, which was at some distance and I can point it out on the air photo if you want, this second archive which had been bundled up and simply was forgotten.

Q: So the Nazis remembered to destroy the buildings and remembered to take out every nut and bolt which might have helped us today, but they allowed the Russians to capture all the incriminating paperwork, except that it is not very incriminating either?

A: I do not think that simply they allowed. I do not think that by early 1945, as the Russian Army was pushing through and Silesia was on the point of collapse, that the German Army was still very efficient or the SS in Auschwitz. I mean they were on the run and they were in a panic.

Q: A bit of panic and these things just got left behind?

A: Yes.

MR JUSTICE GRAY: Mr Irving, I have a feel there is a suggestion lurking there and I want to

try and put my finger on it. Are you suggesting that what the Russians captured were not authentic documents, or what the

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Russians had produced were not authentic documents?

MR IRVING: No, my Lord, totally the opposite. I am sorry I am being so frightfully obtuse in my cross-examination.

MR JUSTICE GRAY: No, you are not. You are doing very well but I want to understand the suggestion.

MR IRVING: I am indebted to my Lord. The reason I am asking this is for two reasons. I am laying a bit of a trap, if I may put it like that, which will be sprung either before or after lunch.

MR JUSTICE GRAY: I see. Then I will not enquire any further.

MR IRVING: I wanted to bring to your Lordship's attention the detail that the incriminating equipment that had apparently been carefully dismantled, every nut and bolt, and yet they had allowed all these records to fall into Russian hands, which does seem odd.

MR JUSTICE GRAY: I know, but I was wondering what the underlying suggestion is. You develop it after lunch.

MR IRVING: We have discovered in fact that the Nazis were in a blue funk and in a terrible panic and just anxious to get away. How far away? Was the Russian line stationary for sometime on the River Vistula?

A: The Russian offensive of either the second Ukrainian Front and the Russian Front started moving on 12th January.

Q: 12th January 1945, yes, in the early hours?

A: Until then it had been stationary. That is also one of the reasons that the Auschwitz camp remained from, let us

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say, November 1944 until that offensive began on 12th January in a kind of limbo state. Then, after that offensive started on 12th January, in fact the decision was taken, no document again but a decision was taken, to actually evacuate the camp population and to destroy the most incriminating parts of the crematorium.

Q: So how far away was the Russian front during that limbo period, in rough terms, 20 miles, 50 miles?

A: No. I think they were -- they were substantially east of Cracow still at the time.

Q: On the River Vistula that basically was not there ----

A: Yes -- no, no, but the River Vistula more to the east. At that time they would have been as south as Auschwitz. They would probably have been, I would say, 100/150 kilometres away.

Q: Very well. So we have narrowed it down to this building which has collapsed. The roof, as we see it in the air photographs, is in a mess. Beneath that roof we would have found all the equipment, bits and pieces, that would have been incriminating, but the Russians -- somebody blew up the building and it pancaked downwards, this roof, and for some reason the archeologists have never gone in there to find out what is still there, have they?

A: No. People, I mean, Fred Leuchter went down there. I mean, it is on this tape.

Q: Hats off to Fred Leuchter, in other words ----

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A: But, I mean, which archeologist, I mean, what kind of expedition are you looking at? I mean, I do not think that many archeologists would have been particularly interested, given all the choices available in doing archaeology, in actually going down into that very small space under the roof to do their investigations there.

Q: Not only in this particular building, of course, there are many archaeological sites around the Auschwitz camp, I would have thought, which would have helped to solve a lot of questions. For example, mass graves, burning pits, which could have been investigated with modern archeological means like proton magnetometers, something which would detect the pattern of burning, things like this. Has any investigation like that been conducted by the Polish or any other authorities?

A: As far as I know not.

Q: Yes. But investigations like that have been conducted at one or two other sites, though, have they not? I think recently at Treblinka or Maidanek?

A: At the moment very big investigations have been done in Belzec, and part of this is as a result of the transformation of Belzec, to create actually a monument in Belzec, and like many of these, you know, when, in fact, you are going to make a change to the site, you want to know, first of all, what the site is, and let us say in Rome, when you put up a new apartment building, you first

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send in the archeologist to see what is below there. So Belzec is -- actually still very serious work is being done right now.

Q: Am I right in saying the investigations being done at Belzec are roughly into discovering the size of any mass graves.

A: They are finding large mass graves and I have not seen detailed results.

Q: Have they been able to quantify the size of the mass graves?

A: I have only this by hearsay, what the size of mass graves are. I mean, that these are large mass graves, I cannot further comment on it.

MR JUSTICE GRAY: But would investigating to find if there are any mass graves at Auschwitz cast light on the problem we have here, which is whether there were gas chambers because, as I understand it, if you have gas chambers and you have crematoria, you are not going to need mass graves. Indeed, that was one of the reasons why they were built in the first place.

MR IRVING: My Lord, if I may interrupt your Lordship, the victims of these mass liquidations, like the liquidation of the Hungarians in the spring of 1944, as I understand it, alleged to have been partly cremated in the equipment we see here and partly cremated in open burning pits or, alternatively, buried for a time and then dug up again and

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cremated subsequently. These alleged sites, would it be correct to say, Professor van Pelt, cannot be identified on any aerial photographs or have not been identified on any aerial photographs, large pits or mass graves?

A: I do not think that the right analysis has been done on air photographs. Certainly when you go to the site, when you go to what is called the field of ashes, you walk through it, you see it, you see the remains of large burning pits. So, I mean, and I can testify with some knowledge, I have been at that site and I have seen the remains of these enormous burning pits, and I have picked up remains at the site.

Q: What kind of remains?

A: Of burnt bodies.

Q: Of bodies?

A: Yes. I mean, I have picked up burned bones which, obviously, have in some way been reduced to ashes. This was in 1990. I went there with Mr Pressecc. Mr Pressecc showed me the site. We spent a lot of time at the site. I have been there many times since.

Q: Of course, when you operate a crematorium, they do not reduce the cadavers to pure ash, do they? They do generate bone as well as ash? Not many people know this, but they generate large lumps of bone which have to be pulverized or milled down?

A: Yes.

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Q: Was there a bone mill attached to these crematoria?

A: No. The sonderkommando, they give in detail accounts of how they had to take out the parts of the body that were not reduced to ashes, and with either wooden or metal implements crushing them into pulp.

Q: These might very well be the remains that you found in the field of ashes?

A: The field of ashes is quite far away from the crematorium. I think it would have been very unlikely that people would have carried those things from the crematorium to the field of ashes. One of the problems is that there is a barbed wired fence in between the two places. There is also a very deep ditch between the places, and that would have been very unusual. Also, the pits themselves are visible. You see in the landscape actually that there is a cavity there.

Q: So what did they actually do with these remains, the bone fragments that came out of the crematoria that had been pulverized by the sonderkommandos? There must have been very substantial quantities, tonnes and tonnes of them?

A: All the ashes -- again there was an exception to this general account I am going to give me now, but in general the ashes and the crushed bones were combined, and at regular intervals with a truck were brought to the Vistula River which is very close by. Actually, it is visible on the photos and it was dumped in the river.

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The exception is that at certain times the truck broke down, especially in the Hungarian action, that this was impossible to do; and then there have been occasions in which the ashes were actually dumped in one particular pond near crematorium (iv). The other exception, and this is on the basis of eyewitness testimony -- again no documents -- is that in the winter sometimes the ashes were used to actually throw on the iced roads in the camp in order to make them more convenient for everyone.

Q: What is the evidence for that rather lurid story?

A: This is the evidence, eyewitness testimony, for example, of Mr Bacon who testified in the Eichmann trial in Jerusalem.

Q: He is, presumably, Jewish, therefore?

A: Yes.

Q: I am not suggesting that it makes him in any way unreliable, of course, but I am suggesting that possibly he may have derived advantage from giving that kind of testimony in Jerusalem in the Eichmann trial.

MR JUSTICE GRAY: Can I ask a related question which I should have gathered the answer to but I do not know? Sonderkommando, were they all inmates who were, as it were, put to work?

MR IRVING: I was going to come to that, my Lord. I was going to ask for identity of ----

MR JUSTICE GRAY: Were you? Can I not ask the question now just so I know the answer?

MR IRVING: Yes.

A: The sonderkommando were prisoners, people selected either on arrival or maybe sometimes a little later from the general prisoner population, who were going to work in the crematoria. They were housed either in the crematoria, especially from '44 onwards, but originally also in the men's camp in a special kind of barrack which was isolated from the other barracks with their own courtyard, and these inmates, 1944, when four crematoria were in operation and a group of 800 inmates, so roughly 200 per crematorium, working in two shifts of 12 hours each, so it would be 100 people at any crematorium at any time, operated the crematoria and were, again on the basis of eyewitness testimony, at regular intervals these groups were renewed after sometime.

Q: That is a very complete answer. Would there be anyone who could be described as a sonderkommando who was, in fact, a Nazi camp official?

A: No.

MR JUSTICE GRAY: Thank you.

MR IRVING: These sonderkommandos were all people who had been previously very endangered, of course, they were potential victims, and the story is that, as you hinted at the end, they were recycled, they were fed into the furnaces with

their -- have I understood correctly what your innuendo was -- at the end of their period of usefulness they were disposed of?

A: Yes, I would just like to ask you, you used the word "previously", what you exactly ----

Q: Were they previously endangered? In other words, were they people who might otherwise have been exterminated, but they were given the option, "Do this job and you, like Scheherizada, you will continue to survive for a while"?

A: No. Actually, you know, I thank God every day I was never in Auschwitz, but, given the choice, if I was in the man's camp and given the opportunity to get the job of sonderkommando, I would have tried to get out of it with any, whatever possibility because it was a very dangerous job.

Q: It was a kind of trustee, what we would call a trustee in prison?

A: No, it is not at all, Mr Irving. A sonderkommando was a -- I mean, people knew what was happening in the crematoria. At a certain moment -- I mean, a recent book has been published by a research of the Avwaschen(?). "We cried without tears" is the title, which is a quote from one of the sonderkommando. This man has systematically started to interview surviving sonderkommandos. In all these accounts you see that people were appointed sonderkommandos without asked if they wanted to do this,

and that many of them realized it was a sentence of death.

Q: Because?

A: And tried to get out of it.

Q: Because?

A: Because they knew that the reason they were appointed as sonderkommandos, or they were selected as sonderkommandos, was because the group which had been sonderkommandos before had been eliminated.

MR JUSTICE GRAY: Yes, but why did they eliminate them? Because they were able to bear witness?

A: Because they were able to bear witness and, yes, you do not want -- and also, I do not know, I do not know what happens, you know, we talk about Stockholm syndromes, and so on. I do not know at a certain moment what happens exactly between the SS and the sonderkommandos in the crematoria but probably.

MR IRVING: A kind of symbiosis?

A: What kind of symbiosis did emerge within at a moment these communities which formed themselves in the crematoria.

Q: So we can be specific about what we are talking about here, call a spade a spade, would it be right to say that a large number of these sonderkommando members were Jewish themselves?

A: By definition, they were Jewish.

Q: By definition, they were all Jewish?

A: Yes.

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Q: I did not appreciate that. So, in other words, all these eyewitnesses who were sonderkommandos were Jewish, the ones who are telling these appalling accounts of what they saw?

A: Yes. If they are Jews and they have survived to bear witness, then these are Jews who bear witness, yes.

Q: They have done these horrible things. They have taken part in this appalling crime committed by the Nazis. They have been a participant in it, and this must have been a traumatic experience for them?

A: Primo Laffi(?) has written a masterful essay on the traumas of the sonderkommandos in the book which he just published before he died. Yes, this was a very traumatic experience.

Q: And how can they live with their sense of guilt or shame, do you think? How would they try to resolve that in the years of their retirement, if they survived, as a large number, apparently, did?

A: I would refer you to Primo Laffi's ----

Q: Yes. You appreciate the point I am trying to make, that there may be a tendency to romanticize, a tendency to pass the burden of guilt, a tendency to -- would you agree that that is so?

A: I am not a psychologist and I am not a chemist, so I can only at a certain moment state that, as an historian, as an historian, I am amazed by the way surviving

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sonderkommando in different ways have been able to live up to their historical responsibility to bear detailed witness to what happened.

Q: Can we just be quite plain what we agree their tasks were, and then we can find out where we diverge? Their task was, basically, to handle the cadavers, the corpses, inside the crematorium, to rob them of the gold teeth and other precious artifacts, to cut off the hair and to feed the bodies into the furnaces?

A: No. I would like to be more precise than that. The sonderkommandos had very, very particular, very circumscribed tasks. There were, for example, sonderkommandos who only were running, basically, the household of the place where they were living. They did the "Stubendienst", it was called. There were in every barrack or, in this case, in the attic of the

crematoria (ii), (iii) and (iv) they were four stuben [German spoken] and so on. These people were the sonderkommando ----

Q: Actually in the building?

A: In the building. They lived in the building.

Q: With their own shower rooms and bathrooms and sleeping quarters?

A: Yes, they had beds. They were quite comfortable because they could make use of stuff which was left behind in the undressing room. So there were people in the

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sonderkommandos who, in that sense, I mean -- I do not want to imagine what it is to live above the crematorium -- who actually were not involved in the operation of either of the gas chambers or the crematorium.

Q: They must have witnessed appalling scenes day after day?

A: They witnessed it and they heard about it from the other sonderkommandos when they came home, so to speak, upstairs.

Q: And their less fortunate friends could say, "You are helping the Nazis with their Devil's deed"?

A: I have no idea what they could or could not say. I am not going to speculate on what they said. Let me -- may I finish the tasks of sonderkommandos?

MR JUSTICE GRAY: Yes. That is one category, the ones who were doing the housework?

A: Yes, so, basically, the sonderkommandos who are in the Stubendienst. Then there are sonderkommandos who had to supervise the undressing of the victims. This was again a very particular task.

MR IRVING: Of the living victims?

A: Of the people who came to the undressing room. These were the people who had to maintain some kind of order in the undressing room, who had to help people with the undressing and they also had to gather the clothing, take care, of course, that pairs of shoes remain together and things like that, because if you have a mountain of shoes

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and they are all, you know, they are not tied together, it is going to be not very useful for the people back home in Germany.

Q: This is from their eyewitness evidence, right?

A: This is from eyewitness evidence, yes. We do not have any German document outlining the specific responsibilities of sonderkommando.

Q: I have to keep on making that point quite plain. We are relying entirely on their word of what happened?

A: The word of sonderkommandos and also of German officials. So we have sonderkommandos who work in the undressing room and that is their task. Then there are sonderkommandos who work in the gas chamber which means actually bringing people, helping people, to go into the gas chamber and then ----

Q: Well, actually ramming them in, basically?

A: Whatever, in the beginning, that does not, when the doors initially open, one does not have to do that -- and who removed the corpses from the gas chamber and who clean the gas chamber afterwards. That is a particular group of sonderkommando. Then there are sonderkommandos who operated the elevator which was the next -- in the case of crematorium (ii), we are now only talking about crematorium (ii) because in crematorium (iv) and (v) the sequence is different.

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Q: While we are dealing with the elevator, did one man have to go into the elevator itself or was it operated from outside?

A: It was operated from the outside. We have the bills for the elevators. We know what the elevators were able to do.

Q: We will come back to the elevators?

A: Yes. So they operated the elevators which bring the corpses up to the incineration room. Then there was group of sonderkommandos which are called the "dentists".

Q: Was the only access, while we are on the elevators, between the so-called gas chamber, which is this big building we see here, and the furnace room, this elevator? Would they otherwise have to go outside around the outside of the building carrying corpses?

A: There were stairs going up, but there was no internal connection between the basement level and the incineration room or the main floor of the crematorium.

Q: Rather an inconvenient layout?

A: Yes, it was inconvenient.

Q: Totally lacked ----

A: But it seemed to have worked very well for the Germans.

Q: A totally lacking system?

A: The system worked well, and I think I have pointed out in my book (and Mr Pressec has done it in his book) that crematorium (ii) was originally not designed as an

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extermination plant, and so the Germans worked with what they had.

Q: Yes, but the Germans were constantly building new buildings, were they not, and you and I, we have probably never visited a slaughterhouse, I am glad to say -- am I right in suggesting you have not visited a slaughterhouse in your life? I certainly have not.

A: No, I have only read about it.

Q: Will you take it from me that a slaughterhouse is built all on one level, all on ground level, so that there are no ups and downs for obvious reasons?

A: I cannot comment on it. It would make a logical proposition, but I remember reading about the slaughterhouses in Chicago where actually things, the cows are moved through the air, but that is just a memory from a thing ----

MR JUSTICE GRAY: Anyway, you say crematorium (ii) was not originally designed as a ----

A: Yes, and crematorium (iv) and (v) were and there everything is at the same level.

Q: --- killing chamber?

MR IRVING: The point I am making, my Lord, is if one is building a factory of death for a systematic killing of people and you are constantly erecting new buildings, it would not have been built in this extremely awkward way.

MR JUSTICE GRAY: Yes, but this was conversion from another

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use. That is what Professor van Pelt is saying.

MR IRVING: I think your Lordship appreciates the point I am trying to make

MR JUSTICE GRAY: Yes, I do.

THE WITNESS: May I add to this that the Germans were not constantly building other buildings. There was a general build stop in Germany from 1942 onwards. In fact, very little

construction was being done in Birkenhau. The two crematoria (ii) and (iii), they are identical exactly for the reason that they could not get crematorium (iii) built any otherwise since the building (ii) had been approved for another site for ----

Q: Who applied the building stop? Was this the four year plan or?

A: The general, as relative to what has happening in the war, the only buildings which could be constructed in Germany from 1942 onwards were really buildings for the Wehrmachts, I mean for the Army or the armed forces, and the SS did not count on that at that moment under that general umbrella.

Q: So the factory was destroyed; it was not rebuilt?

A: And then there were buildings which had been destroyed by bombing.

Q: Yes, so ----

A: That was the other thing, and the Behaltsheimer which means provisional housing for people, but, in general,

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there was a building stop. One of the reasons there are so many documents in the Auschwitz archives was because every building was by its very nature an exception which had to be approved at many different levels. So the SS had great difficulty to get anything built in Birkenhau or Auschwitz during the war.

Q: And they could not say, "Hey, we are carrying out the Fuhrer's orders here. This is the annihilation of millions of Jews that the Fuhrer has personally ordered. We demand top priority. This is the main plank of the national and socialist programme", is what you are saying?

A: What I would like to say is that probably bureaucracy works in the same way in Germany in 1943 as it works anywhere else. If there is a general building stop -- I would like to imagine the situation where an SS man comes with your story to an official of the building department and what this German official will say to this man.

Q: Well, normally, when people mention the Fuhrer's name, there will be a clicking of heels and "Ja Woll" and they would get that priority?

A: Mr Irving, if you had read my book carefully, you would have read in the book that at a certain moment there was a number of low ranking civilians in the Upper Silesian planning office who threatened to close the camp in late 1942 because of building code violations. This is one of

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the reasons that the sewage treatment plant was built. So I think that the relation between bureaucrats at whatever level and at a certain moment the SS is a little bit more complex than you suggested.

Q: I think you are stretching the court's credulity if you suggest that a planning official in Upper Silesia could overrule the Fuhrer of the Greater German Reich and Heinrich Himmler in their dedicated desire, which we are constantly being told by the Defence, Hitler had ordered the systematic liquidation of the Jews, top priority, main purpose of the Nazi party, kill all the Jews, and you are telling us they could not get building priority?

MR RAMPTON: That is, my Lord, to misrepresent any question I have ever asked Mr Irving.

MR JUSTICE GRAY: I was going to ----

MR RAMPTON: I never said anything about priority at all.

MR JUSTICE GRAY: No. Professor van Pelt, did you investigate, have you regarded it as part of your brief, as it were, to investigate the extent to which Hitler knew and authorized what was going on, you say, at Auschwitz?

A: No. This has not been part of my brief.

MR IRVING: I appreciate what you are trying to say, my Lord, that I am wrong yet again. I am familiar with ----

MR JUSTICE GRAY: Mr Irving, I was not saying you were wrong; I was simply saying that this is something that Professor van Pelt says is outside his remit.

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MR IRVING: I do apologise for the inference, my Lord, but, in fact, if you are an objective historian and you are looking at the files, as I have, for example, in a parallel programme, the German V weapons programme, the V1 and the V2 rockets with which your Lordship is probably also brutally familiar during the war years. I wrote a history of that project. They ran into similar kinds of priority problems for scarce materials, and the Fuhrer's order that this programme would get a "DE" which was the highest stufe or priority, was marked on all the appropriate contracts. "This is the Fuhrer programme, the Fuhrer's programme for construction of locomotives", and so on. So you did not have to be a genius or specializing in Adolf Hitler personally to find traces of the priority attached to a programme very low down in the documentation. The magic words would be uttered on the contracts and that would cut through the all red tape.

MR JUSTICE GRAY: I was simply making the observation that you cannot really put to this witness the extent of Hitler's involvement in the Auschwitz programme, if there was one, because it is just not within his knowledge.

MR IRVING: With your Lordship's permission, I will now do precisely that. (To the witness): Professor van Pelt, on any of the documents you saw in the Auschwitz construction office, did you see any reference at all to a special priority being attached to this by Adolf Hitler?

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A: No.

Q: Or to anybody between Adolf Hitler and Heinrich Himmler?

A: No.

Q: There was no reference to Adolf Hitler on any of the document you saw in Auschwitz, in other words?

A: No.

Q: I am indebted to your Lordship for having prompted that line of enquiry.

MR JUSTICE GRAY: That is a much better way of dealing with the point, if I may say so.

MR IRVING: My Lord, I am totally unversed in the art of cross-examination and I am learning as I go along.

MR JUSTICE GRAY: I think you are doing, as I said before, very well.

MR IRVING: Thank you very much. (To the witness): Coming back to the eyewitnesses, you have a number of eyewitnesses you referred to. You mentioned German eyewitnesses of the activities of sonderkommandos. Can you remember the names of any of these eyewitnesses? Would it be Perry Broad or someone like that?

A: Yes.

Q: So these eyewitnesses are people on whom, as the Germans say, you would take poison on them, you would go into the jungle with them; these are witnesses who you implicitly trust? They have not lied to us?

A: To be very honest, I would not want to go into the jungle

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with either Mr Pery Broad or Mr Hirst.

Q: Or Mr Hirst or Mr Bendel or any of those people; they are all rather ----

A: I would not want to trust them with my life, no. But I must say that given ----

Q: Would you like just to expand on that? What was wrong about these people then?

A: They were thoroughly unpleasant people and they were in charge of a very evil operation.

Q: Would you say that someone like Perry Broad or Mr Bendel, I think his name was, another of the eyewitnesses ----

A: Mr Bendel is not an SS man.

Q: Yes, but would you say they were lucky to survive very long after the war was over? If you were an insurance company, you would not have been inclined to offer life policy on them?

A: I did not say that at all. I think, as we know, many ex-Nazis made good careers in the various German states after the war.

Q: If they survived ----

A: One of them actually became a State Secretary to Mr Ardenal, so...

Q: Yes, if they survived the allied war crimes courts and did not end up in Hammelin in prison as a guest of Mr Albert Pierpoint?

A: If they survived the allied war crime trials, but ----

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Q: Do you know how many German war criminals the British hanged in Hammelin?

A: No, I do not know.

Q: Of the order of 1,000 in the postwar years.

A: Thank you for that information.

Q: So people who were in middle ranking positions in the German Nazi criminal hierarchy had to be on the look out, is that correct?

A: I presume that one had to be careful, yes.

Q: And there were various ways of surviving. One was to put on a black eye patch and pretend you were not Heinrich Himmler until you were caught, and another way would be to offer to help the allies, would this be correct?

A: I think you are now making a blanket statement and I would not want to endorse it. I think that there are the situation, like any historical situation, has been rapidly changing before and after the defeat of the Germans, that there were various ways people assessed that situation, various ways that people dealt with it, and that, of course, probably since the SS was not very popular after the war and at a certain moment it was declared a criminal organization, that if I had been an SS man, I would have been very careful. I understand most SS men were and tried to pass themselves off as something else, including Heinrich Himmler who pretended to be an ordinary soldier.

Q: Would you tell the court what the position of this

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eyewitness Mr Pery Broad -- that is P-E-R-Y Broad -- in the Auschwitz camp was?

A: Pery Broad was a kind of an administrative official in the camp Gestapo which is called the political department.

Q: So that was, as you correctly say, the Gestapo at Auschwitz camp?

A: Yes.

Q: So his life prospects were not particularly rosy when the war was over if he fell into Polish hands or into the hands of anybody who knew what he had done, if he fell into the wrong hands?

A: He was a low ranking official. I mean, he was something of a junior sergeant, I understand.

Q: I think of lower ranking than that.

A: Sorry?

Q: Probably even lower ranking than that, I believe?

A: I do not know exactly the British -- I think he was Rottenfuhrer or something.

Q: Rottenfuhrer?

A: Rottenfuhrer, yes.

Q: As in "rotten" and "Fuhrer"?

A: Yes. It is a peculiar, one of these peculiar SS ranks. He was one of the very, very small cogs in the machine.

Q: But hews in a position to see everything?

MR JUSTICE GRAY: Can I put to you what I understand to be the suggestion? If I am wrong in my understanding, Mr Irving

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will tell me so, I am sure. I think what is being suggested is that these camp officials made false submissions about what they had been doing at Auschwitz in order to ingratiate themselves with the British or whoever had captured them. If that is the suggestion, what do you say about it or do you not feel you can comment?

A: No, I mean, I think again the situations under which various testimonies were given again are very particular situations. Mr Pery Broad had, I think, very little to fear from anyone since he had been in the political department which was outside Stammlager, it was not inside Stammlager. He had very little direct contact with any prisoners. He was pushing paper in the camp Gestapo. He would not have been a person which would have attracted the attention of any surviving inmates, unlike his boss, Maximillian Bragne(?), who ultimately ended up in court in Cracow and was ultimately hanged. So I think that Mr Broad had very little to fear when he was captured and that for whatever reason he gave his testimony immediately after his capture by the British was -- I mean, I cannot speculate about his reasons.

MR IRVING: Was he ever on the British payroll, the British Army payroll?

A: I think that he was used -- while he was, after he was captured and he was in British captivity, I would not call it "payroll", but he was, as far as I know, had some kind

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of function in the camp as a translator.

Q: Yes, but he was on the British Army payroll?

A: But he was an inmate in that establishment. I do not think that one is on the inmate -- as an inmate of a camp on the payroll of the captors.

Q: Very well. One more question on this line, Aide Bimko, you have used the eyewitness of a lady called Aide Bimko, B-I-M-K-O?

A: Yes.

Q: Real name Rosenberg, I believe, is that correct? She gave evidence, she provided eyewitness testimony?

A: At the Ludenberg trial.

Q: What other eyewitnesses have you relied on, Mr Heinrich Pauber?

A: May I ask you, are you talking about my book or are you talking about the expert report?

Q: I am sorry. I will assume you used them in both. Do you wish to distinguish between your report and the book?

A: I do not think that I used Bimko in the book. I did use Bendel in the book for one particular

thing. So, yes, but I have mentioned them in the expert report not, by the way, as a way to ascertain what happened. I think that should be very clear about the use of the eyewitnesses in my report. It is a section, a rather large section, of my report to reconstruct how knowledge became available about Auschwitz after the war. So the question is, when

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did people actually start to testify, at what moment and where were they?

Q: And what might they have learned from other witnesses?

A: And what kind of cross-referencing would there have been, cross-pollination.

Q: What I call cross-pollination, yes.

A: Pollination, as you called it yesterday.

MR JUSTICE GRAY: Or "convergence", I think that is the other term.

MR IRVING: My Lord, I am steering clear of the word "convergence" because of its legal meaning. I think cross-pollination is nice because it implies that they picked up a tit-bit from a newspaper.

MR JUSTICE GRAY: I follow. I think, Mr Irving, you tell me when you have reached a convenient breaking point.

MR IRVING: One more question. (To the witness): Are you going to tell us about any more eyewitnesses on whom you rely, because you do say that in certain key points of this issue you are relying more on eyewitnesses than on documents because the documents do not help us.

A: I find this very difficult to answer right now because I do not really know where you are going to go and what issues you are going to raise, and when at a certain moment those issues are raised, I will introduce eyewitnesses I see fit.

Q: All will become plain to you immediately after lunch,

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Professor.

A: Then the trap will be set or it is sprung?

MR JUSTICE GRAY: Yes, well, we will look forward to that at 2 o'clock. (Luncheon adjournment) Professor van Pelt, recalled. Cross-Examined by Mr Irving, continued.

MR IRVING: My Lord, with regard to the remark I made earlier this morning, might I ask or suggest that we might possibly consider ending slightly earlier this afternoon, to give me time to prepare in more detail for tomorrow.

MR JUSTICE GRAY: Yes. I think, if you need that, that is a perfectly reasonable request. How much earlier were you wanting?

MR IRVING: Half an hour or one hour earlier.

MR JUSTICE GRAY: Shall we compromise? Shall we make it half an hour?

MR IRVING: Yes.

MR JUSTICE GRAY: So quarter to four. When you reach a convenient moment around quarter to four or a little earlier, we will break off then.

MR IRVING: Yes. Professor van Pelt, you are probably the world's leading authority on Auschwitz. There is no need to be humble or modest about this. Is this correct?

A: It is difficult to say that. I think that the history of Auschwitz is a very big history, a very complex history.

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There are many parts of the history of Auschwitz about which we know very little, the history of medical services in Auschwitz, the history of children in Auschwitz. There are many historians who have worked on different parts, but I would say that, on the more limited issue of the history of construction in Auschwitz, or the history construction around Auschwitz, because, as you probably realize, the book deals also with what happened outside of the camp in great detail.

Q: Yes.

A: I would say that probably one of the two people, yes, who was most comfortable with all the material.

Q: You are certainly the best that money can buy and, as we shall see from, I think I am confident in saying, the other witnesses who are being called by the Defence, they are of an unusually high calibre, so anything that you do not know about Auschwitz is not worth knowing. Am I correct?

A: I do not think that is true. I think that the mass of material which is available in Moscow I have consulted. I have glossed these archives on microfilm, all of them, like the certain moment when I started my work in Auschwitz in 1990, I worked through the whole archive to build an archive there, but I have not studied every issue in detail.

Q: But you get a feel for it though, do you not, by looking

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at this?

A: I think you get a feel for it, yes.

Q: It is possible to scan very large bodies of documents at high speed, at unusually high speed, and still get a feel for what is in them?

A: One gets a feel, but there were questions which I did not ask when I went through these archives, both in Auschwitz and in the Moscow archives, historical questions I did not ask, at a time which of course made me pass over certain files which may be now I wish I had looked at in more detail, because of some of the issues you seem to raise or which I expect you to raise.

Q: Is it true that most of these Auschwitz files have now been microfilmed and provided to the US Holocaust Memorial Museum in Washington DC?

A: The Auschwitz files from Moscow have all been unblocked microfilmed, and the museum is now working on a microfilm collection of the files in Auschwitz itself.

Q: So there are probably not many pages of those archives that have not recently been turned by one researcher or another?

A: I do not know what other researchers are doing. I have read in some of, I think in material which comes from your web site, I think, Mr Montonia has done a lot of work in Moscow. I think that, a number of people in the Holocaust museum seem to have been intimidated by this book and

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thinks there is no more work to do, but I tell them that there is enough work to do still.

Q: It is a very well written book, if I may say so. Certainly for the last eight years they have been researching that because, when I was in the archives working on the Goebbels diary, at the table behind me were two researchers from the Washington museum, working on precisely the Auschwitz archives. They have had eight years working specifically through those archives, turning all the pages, looking for things, so not much would have escaped their attention of any significance.

A: I think that of course the question is again, what question are you asking of the material? I

mean what are people, when they look at these materials, looking for?

Q: If they had found a smoking gun, if they had found evidence of a system establishing the link between Himmler and Hitler, anything like that, they would have caught the next plane back to Washington and held a press conference.

A: Actually, I disagree with you on this, because now you assume that the issue which is so important to you, or the issue which is so important to maybe Mr Montonia, is also central to other people. I admit that, when Mr Pressac started his work on Auschwitz, he was very much inspired, so to speak, by the research agenda set by Robert Faurisson. For example, my own research agenda has been

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completely independent of the issues raised by Holocaust deniers, revisionists or whatever name we want to give to these people who look with a very particular perspective into the files to find, as you call it, a smoking gun.

Q: Do you not agree that it is quite an important element of the Holocaust story whether this was a series of arbitrary actions committed by individual gangsters and Nazi criminals, or whether there was an overall scheme or system directed by Adolf Hitler himself?

A: I think that it is an important question in so far as you think this is an open question. I think that, if as an historian you have come to the conclusion, on the convergence of evidence and the work of many eminent historians, that it is not any more a great historical question, or a historical question at all, then I do not think that you are going to waste your energy researching that issue.

Q: Is "convergence of evidence" another way of saying "reading between the lines"?

A: No. "Convergence of evidence" is exactly what it says. That is, at a certain moment, for example, I will give just the example of the morgue number 1 in crematorium 2, that is a convergence between what sonderkommandos say about it, what Germans say about it and what the blue prints tell us, and what the ruins tell us.

Q: This is the building where you say 500,000 people were

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killed in round figures?

A: Yes.

Q: In the mortuary number 1 of crematorium number 2 in Auschwitz, Birkenhau. Can I ask you, please, in your report to turn to page 352? My Lord it is 352 of the van Pelt report.

MR JUSTICE GRAY: Thank you very much.

MR IRVING: Just going briefly back to the question of priority, which is not entirely unrelated to this, Professor van Pelt, do you recognize this as what you might call the verboder document?

A: Yes.

Q: January 29th 1943?

A: Yes, I do.

Q: We have not read this document in court, my Lord.

MR JUSTICE GRAY: I know I have read this but I am afraid it has gone out of my mind what exactly it is.

MR IRVING: It is a conference held on January 29 1943 between the central construction office at Auschwitz and the local AEG branch at Kattowitz, the nearest town. "AEG informs this is the record made and signed by the two participants in the conference that it has not received valid iron and metal certificates in response to its iron and metal request, which were partly already filed in November 1942". Has your Lordship found it?

MR JUSTICE GRAY: No. There are an awful lot of pictures

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around this section.

MR IRVING: Page 352.

MR JUSTICE GRAY: It is more difficult than it would appear. I have it now.

MR IRVING: Page 352. It is a conference held on January 29th 1943, concerning electricity supply and installation of the concentrationslager, the concentration camp and the prison camp, at Birkenhau. The conference was held between the Auschwitz construction office and the local AEG office, the electric company, and I start at five lines down: "AEG informs that it has not yet received valid iron and metal certificates in response to its iron and metal request which were partly already filed in November 1942. Therefore it was not possible for this firm to begin construction of the ordered parts of the installation. There is a great likelihood that, due to the continued delay in the allotment of these requests, delivery will take much longer. As a result of this it is not possible to complete the installation and electricity supply of crematorium 2 (that is the building we are talking about) in Birkenhau by January 31st 1943. " I jump the next sentence: "This operation can only involve a limited use of the available machines whereby it is made possible burning with simultaneous special treatment". Overlooking this, the overview of this document

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is that the defence relies on this document, I think I am right in saying, as another pointer to the existence of something called "special treatment" in crematorium 2, sonderbehandlung. I am relying on the document for a totally different reason, saying that even Auschwitz, Birkenhau, had difficulty getting priorities. The purpose of this document -- am I right, Professor van Pelt -- is saying that they have difficulty running the electric equipment with the existing power supply? They cannot do this and that simultaneously because they do not have adequate power supply. It will blow the fuses or whatever?

A: Yes.

Q: Is this not an extraordinary document, Professor van Pelt? Does that not indicate that they had difficulty obtaining priorities even for an extra 100 or 200 yards of copper cable or whatever it took?

A: I think it is not an extraordinary document at all, because the history of Auschwitz, or one of the histories of Auschwitz, is the history of the building department being unable to get anything done.

Q: Because of lack of priorities?

A: No. I think we have to go back to one of the fundamental problems that the SS faced in the German wartime economy. That is that the SS at this moment does not have yet Wehrhoheit. This means that it is not yet recognized as a

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part of the armed forces. The armed forces can get supplies relatively easily in the wartime economy because they are given this priority status and the SS is not. On top of that, the crematorium we are talking about, the building which we are talking about, is a building which was commissioned, the original design had been created and all the paperwork had been done in early 1942, for this building, that is before there were plans to bring the Final Solution to

Auschwitz. So one of the reasons that happened exactly at crematorium number 2 and not any of the other crematoria is because crematorium 2 is quite literally, both in its design and in its whole administrative history, a holdover of an earlier history of the camp, that is an history which is not connected to Final Solution because the Final Solution only comes in Auschwitz in 1919, the paperwork is not the right paperwork. So you do not find a document like that for crematorium 3 or crematorium 4 or crematorium 5.

Q: It says here: "Because of this, it is absolutely impossible to supply crematorium 3 with electricity". They are referring again to the shortage of metal to build the extra copper cable to keep these things going.

A: Yes, but crematorium 3 is an appendix to crematorium number 2. I was maybe a little too hasty on that thing. The problem is that, throughout the form, we are faced

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with a situation in Auschwitz in which, in some way, this building in August 1942, there is a switch in the kind of design office after the Himmler visit of July 1942 which suddenly they will have to start to accommodate the Final Solution one way or another. There was a meeting on 19th August where these problems are discussed.

Q: 1942?

A: 1942, and crematoria 4 and 5 are then in some way brought up as a solution to that particular problem. Then, for a number of months, crematoria 2 and 3 remain in limbo in some way. It is not exactly clear, for a number of months, if these buildings will be fully committed to the Final Solution or not. Then what you see is that it is only by December that the final papers are drawn up for the transformation of the basement. Again, I think that we are dealing in this document with requests which have been made in November. It is the end document of a long history of problems. There continued to be problems in 1943 and 1944 with getting anything to Auschwitz. I am not surprised by it. This is basically the nature of getting things done in Auschwitz at the time.

Q: But all this implies, certainly to any objective observer, does it not, that here you have a document dealing with sonderbehandlung, which either means liquidating people or it does not. If it does mean liquidating, then it is part

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of the Final Solution which this court is told was ordered by Adolf Hitler, or by the system, or by Himmler at the very least, yet they cannot get the priority for 200 yards of copper cable.

A: It seems also that what we hear from the historical record is that trains with Jews were parked on sites for days and days while other trains went by because the trains did not get priority to send the Jews to the extermination camps.

Q: Would I be right in inferring from that remark and from this document that whatever sonderbehandlung was, or whatever these trains were going towards, was not being done in the highest priority ordered by Adolf Hitler or by the system?

A: I do not think you can draw that conclusion. I think the only conclusion you probably can do is that administratively, and I am only talking administratively and maybe even technically, the Final Solution was piggybacked on some other larger infrastructure, technical infrastructure, something like that, which was already in place, and which of course makes sense because the Final Solution, by its very nature, is a short-term process. I mean already by the end of 1943 the Germans had been able to kill more or less all the Jews they had been able to lay their hands on. Only Hungarian Jewry were still there intact because they had been able to go to Hungary yet. So

in that sense there is no need to make this ----

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Q: Professor, that is rather an exaggerated statement to say the Germans had been able to kill all the Jews they had been able to lay their hands on. Do you wish to reconsider that statement?

A: No, I do not. I think that this is a very fair description of the historical situation.

Q: There were very large numbers of Jews in Germany still alive at that time and performing useful tasks in the munitions factories.

A: If you provide the evidence for all this very large number of Jews, I am happy to consider it, but at the moment ----

Q: Very large numbers of German Jews actually survived in Germany for one reason or another.

A: If you give me the evidence, if you mention ----

Q: Is it not so that in some cities like Berlin or Stuttgart the round up was pursued with great energy and verve and in other cities it was not pursued with much energy or verve at all?

A: My Lord, I am not a specialist on round-ups in Berlin and I prefer not to ----

MR JUSTICE GRAY: May I ask you a question and it is this. Do you accept that when, or shortly after, Himmler visited Auschwitz in July 1942, a decision was taken to accelerate the extermination programme, what you call bringing the Final Solution to Auschwitz?

A: No, I do not agree with the way you formulate it right

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now.

Q: You do not?

A: No. I think a distinction we made in the book, and which maybe I should make right now, is that there was a practice of killing Jews in Auschwitz before 4th July 1942, that from 4th July to 19th July, 18th July 1942, a kind of inbetween situation emerged, it is only a 14 day period, and that after 18th July, the Himmler visit, Auschwitz was really directed to become a place where a policy of extermination exists, so we move from practice to policy, and where the practice of killing Jews in Auschwitz before 4th July 1942, and maybe in a more larger sense before 19th or 18th July 1942, is the result of a number of contingent situations that the SS in general and particularly the SS in Auschwitz sees itself confronted with when certain groups of Jews arrived.

Q: So it becomes policy but it does not become urgent policy? Is that what you are saying?

A: It is certainly very urgent for the people on the ground in Auschwitz. They tried to get things done.

Q: I meant for those directing the policy.

A: I wonder what your Lordship means by "urgent for the people who are directing the policy"?

Q: Well, they regarded it as a priority -- this is my question -- that the extermination programme should proceed faster and on a broader basis than it had

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hitherto?

A: I would say that the extermination programme, yes, should become all inclusive at the moment. There are great discussions about when the decision for the Final Solution was taken. Professor Browning will be able to talk on that. But certainly what we see is that, in the summer of -- and we are only talking about Auschwitz right now. I would like to be very careful because I do not want that the discussion about what happens in Auschwitz in some way is going to be the

discussion about the Final Solution as a whole. We are talking here about one camp. Other things are happening elsewhere. The Operation Reinhardt camps are being built, Treblinka common operation days later, Belzac has already been in operation before. So in the case of Auschwitz, and that is something which Deborah Dwork and I tried to demonstrate in our book, Auschwitz was not meant to be an extermination camp. It is in some way almost hijacked by that programme when other things which are happening in Auschwitz are not going to be realisable during the war. So certainly, yes, Auschwitz now, which is a place where these other projects are collapsing, these projects which Himmler had envisioned of settlement and so on, Auschwitz is now made available and it is going to be made available administratively, in the sense that within the next months you see that decisions are taken, of which there are

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significant traces in the records of the architectural office.

MR JUSTICE GRAY: Thank you very much.

MR IRVING: Can I ask you what kind of significant traces we are talking about there? I was hoping to obtain from you during that statement some kind of indication of what documentary basis you were making those remarks on, because of course you have now stepped beyond the barbed wire of Auschwitz, so to speak, and are talking about grand policy and grand decisions. Is this what you have acquired from reading other people's books, or from what you have read from the archives in Auschwitz or Moscow?

A: Let us forget, if you like, other people's books. It is going to be a kind of longish discussion.

Q: I hope we can keep it short.

A: No.

Q: You made certain remarks in response to his Lordship's question about July 1942, and you said that, no, you did not think that a decision; was taken at that time, or words that effect, and I just wanted to know what your basis for saying that was?

A: I said a decision was taken.

Q: What was your basis for that statement?

A: There are a number of things. We know from Commandant Hirst's account that Himmler came, and we know he visited the site. Hirst says that he watched a gassing.

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Q: There is an inference then from cause and effect?

A: No. Himmler does not like to go to Auschwitz at that time. I mean, it seems to be that Himmler is not going to go out of his way from the Wolfschanze, wherever the headquarters are in Russia, to Auschwitz on the way to Globocnik in Lublin.

Q: He wrote to his mistress on the day before and said: "I have a very unpleasant journey to undertake. I am going to visit Auschwitz and there are certain things one has to do for Germany", a rather odd sentence.

A: Whatever he writes to his mistress, I agree this probably was a trip he did not look forward to. Then, among the various meetings he has, he has a meeting with Kummler, which also he is going to.

Q: Can you explain to the court who Kummler is, please?

A: Kummler is the head of SS Construction, who is there and also they have a long meeting in the construction office, in the Auschwitz construction office with Bischoff, where they are discussing obviously construction matters. Now we see that within a month the first design for what will become crematorium 4 materialises, which is a document signed 14th August, which

only shows the incineration part and part of whatever is connected to the incineration part.

Q: Can I interrupt there and ask you to inform the court what happened to Bischoff after the war? Was he put on trial?

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A: No, he was not put on trial. He died in Bremen in 1950.

Q: He died in his bed in 1950?

A: I do not know where he died, but he was never prosecuted.

MR JUSTICE GRAY: Finish your answer, Professor van Pelt. You said they meet together and, as a result of that meeting, crematorium 4 was built?

A: As a result of that meeting we first see a first drawing, blue print copy, whatever it is, for an incineration installation which had not been on the table before that. That is the very first thing. It is one for an incineration installation with eight ovens or two muffle ovens, a complete new concept.

MR IRVING: Which one was that?

A: This was crematoria 4 and 5. Then there is a letter. I think it is in the bundle but I do not know where it is in the bundle. I would like to maybe take the letter out. It is about a meeting which is five days later after this drawing appears, which actually discusses these buildings. It is famous and notorious letter which talks about the Bader anstalten versonderbehandlung.

MR RAMPTON: Your Lordship will find that, as amongst other places, as the document in K 2 at tab 4, page 2. It is also reprinted in the report, but I cannot find where it is in the report at the moment.

MR IRVING: This is August 1942?

A: This is 19th August 1942.

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Q: Will you tell the court, while they are looking for the documents, what was happening at this time in Auschwitz?

A: Our transports were arriving.

Q: Would it not be right to say that Auschwitz was in the grips of the most appalling epidemic, one of the biggest epidemics in a concentration camp in history?

A: Yes, an epidemic was happening, but I am happy to come back to the epidemic or any other matter because actually we have to ----

Q: I think possibly it would be more frank with the court if you had mentioned this as you went along rather than try to draw inferences which the court might otherwise be misled into taking.

MR JUSTICE GRAY: Give him a moment. He is at the moment describing the meeting that took place with Kummler and Bischoff and Himmler.

MR IRVING: My Lord, I am very forgetful and, by the time he gets to the end of his remarks, I might forget to make this point.

MR JUSTICE GRAY: I understand that. Go on. How does this document fit in with that?

A: This document is a remarkable document because, first of all, it introduces in the history of the camp suddenly two buildings of which there is no other kind of earlier records. It is in clause number 2 that it talks about the creation of two, three-muffle ovens, near or next to the

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"Badeanstalten fur Sonderaktionen", the bath installations for special actions. I would like to

point out once more that it is between quotation marks, this sentence. They have been talking about these two triple muffle ovens, which is the kind of standard in the camp at that moment. These are the ovens which were originally designed for crematorium number 2. This is what they have been working with. They have been designing this. Prufer, the engineer of Topf, proposes instead to install in Auschwitz already completed bereits fertiggestellten, ovens, or bereits fertiggestellten Lieferung, which means it is a shipment which is already completed, which was going to another site, an SS site, at Mogilev, and that these ovens will be installed next to the badeanstalten fur sonderaktionen. We know that the ovens for Mogilev were designed in late 1941, taken into construction there and these were these eight muffle ovens. So one of the things, combined with that drawing and combined with the four-week period which separates this document from the meeting Himmler has in the architectural office in Auschwitz, we know that suddenly this is quite a big change of course in Auschwitz. They are going to build, these two crematoria come up, these two incineration installations, which are not yet named. If we go to clause number 7 on the next page, we actually see that Prufer comes back to it on the next day. That is

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a meeting. It actually talks about a meeting of 20th August 1942. So Prufer stayed the night over in Auschwitz and Prufer asked then for an official confirmation, an official order, to basically get either the three muffle ovens, or he wants to know if he should get the eight muffle ovens, and in a little handwritten note to the side it actually says on the 24th August 1942, something like: Prufer seems to have whatever -- I cannot really read that -- (German spoken - handwriting on document illegible) -- which means that on 24th of August 1942 Prufer tells actually that the eight muffle ovens which he had suggested on the 19th to be taken from the Mogilev shipment actually is going to Auschwitz.

MR JUSTICE GRAY: They are being diverted?

A: They are being diverted.

MR IRVING: Can I ask a question here, my Lord, and interrupt at this point?

MR JUSTICE GRAY: Yes, but the answer was an answer to a question which was properly asked.

MR IRVING: I appreciate that, my Lord, but it was beginning to run away with my cross-examination.

MR JUSTICE GRAY: It does happen sometimes.

MR IRVING: It is quite useful, but this document shows preparations being made in long term for the disposal of large numbers of cadavers. That is all it shows.

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A: But there is an issue. I had asked for a easel. I wonder if I would be able to draw a graph which would make things, I think, more ----

MR JUSTICE GRAY: I can see it. Yes, you do not have any objection, do you, Mr Irving?

MR IRVING: Can I just invite, while these are being set up, the witness to have a look at the letter which I wrote to him on May 29th 1997. My Lord, it is in the little bundle you have with about 10 pages in it headed: "Documents on Auschwitz".

MR JUSTICE GRAY: Yes.

MR IRVING: It is within that. The second item is the letter I wrote to him. I am afraid it is not numbered, but about page 6 there is a page ----

MR JUSTICE GRAY: Have you got this, Professor van Pelt?

A: The letter -- it is in one of my documents here. I do not which number.

MR IRVING: It is the page headed: "Documentation is available", the first words on that page are "Documentation is available". It is about page 6, my Lord, of the letter.

MR JUSTICE GRAY: I think I must be looking at the wrong thing.

MR IRVING: It is the little bundle headed on the top left: "Quick navigation".

MR JUSTICE GRAY: Yes, I have that, but I have not the page beginning ----

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MR IRVING: Page approximately 6 in that letter. It is the page beginning with the words "Documentation is available".

MR JUSTICE GRAY: Yes, page 3 I have it as.

MR IRVING: Yes. My Lord, the final paragraph of that is a paragraph from the second unpublished volume of my Churchill biography which gives an intercept, the text of an intercept, of an Auschwitz message in that very month, August 1942. I think it is of relevance, my Lord. "Further information did reach Churchill from his most secret sources lifting the veil on what was actually happening. ... (reading to the words) ... commandant transmitted in code to Berlin yielded figures for death rates in several concentration camps during the previous month. These included 21 deaths at ... (reading to the words) ... and in what was evidently a fast growing camp at Auschwitz and Upper Silesia there had been the notable totals of 6,829 male and 1,525 female fatalities during August 1942". This is precisely the month of this conference, my Lord. Not without significance, I think.

MR JUSTICE GRAY: Yes, well, it is a question, is it not, really?

MR IRVING: Yes.

MR JUSTICE GRAY: What has happening at Auschwitz. The question is this.

A: I trust the mortality figure has been also arrived at by

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other means. I mean, this is in the death books also you find the mortality of 9,000 people in Auschwitz in that month of August.

MR JUSTICE GRAY: But the question is, let us just put the question, that what was going on at Auschwitz in August/September had nothing whatever to do with Himmler's visit in July. It was because there was a raging typhus epidemic. That is the question, is it not?

A: If that is the question, I disagree with it, and I would like to review that question by actually looking at the relationship between incineration rates in the camp as plant in 1942 about peak mortality on the typhus about -- and at a certain amount we can even talk about more capacity but we probably need to do that; but I have prepared some diagrams which I would just like to have as a reminder so I can draw it up on the board.

MR RAMPTON: Can I ask where they are?

A: On the board.

MR JUSTICE GRAY: I think they are going to be drawn now, as I understand it?

A: I am happy to draw them now.

MR RAMPTON: He has done some prep, I think, and he would like to do the drawings, big drawings, by reference to the prep.

MR JUSTICE GRAY: I follow.

A: They are there.

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MR JUSTICE GRAY: Mr Irving, you may not be keen on this, but it is something Professor van Pelt is entitled to do.

MR IRVING: My Lord, I am in your hands. This is your Lordship's court and I am capable, I am sure, of ----

MR JUSTICE GRAY: I am afraid I am deciding that it is a proper thing for him to do if he wants to illustrate his evidence.

A: OK. The first basis for this is to establish red in this drawing, red will be population. Now, in 1942, we are now talking about early summer of 1942, there is an actual population in Auschwitz, and I am going to do this by 50,000 increments, actual population in Auschwitz ----

MR IRVING: Are you referring to Auschwitz or Auschwitz and Birkenhau?

A: Auschwitz and Birkenhau. I am talking about the whole camp. The whole camp for which, basically, incinerators are being drawn. At that moment there is an actual population of 25,000 people in the camp, over 25,000 people. But at that moment also there is a projected inmate population, they are working towards, they have designed and under construction, the camp to hold in total 150,000, which is 120,000 in Birkenhau and 30,000 in Stammlager. So they are designing with that in mind. That is what they are investing for. This is the actual population. Now, at that moment there is a typhus epidemic

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going on and the typhus epidemic reaches in August of 19, in August of 1942, a mortality in one month of little over a third of the camp population. Now, people are being shipped in which makes it kind of difficult at that time to know exactly. It is an enormous mortality. In three months the typhus epidemic would have continued in the camp and nobody would have been brought in. Everyone would have died.

MR IRVING: Is it right that the camp was under quarantine at this time?

A: The camp was under quarantine, but people were still being brought in. So if we look by implication at, let us say, the next year, if the camp were to have an inmate population of 150,000, and if hygienic conditions would not have improved, if the German medical department in Auschwitz would have been as incompetent and so little resources, the same small resources would be brought in, it would make sense to start planning for a mortality of 50,000 people of the summer of 1943. It is a very rough calculation, but in some way this would have been -- you would have start to look at that possibility. Now, at that moment in Auschwitz one has actually an incineration capacity, and I am only talking about crematoria ----

MR IRVING: My Lord, I am unhappy about this kind of evidence because I do not think Professor van Pelt is an

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epidemiologist and we had ----

MR JUSTICE GRAY: I do not think we are getting into the realms of epidemiology on what he is doing so far.

MR IRVING: Well, we do not know at what rate epidemics grow, whether they grow exponentially or by mathematical progression or how. It is not a simple, straightforward linear progression, my Lord, and I am sure an epidemiologist could inform us on that. Although I have no objection to Professor van Pelt continuing this line of evidence, I would wish to make it plain that ----

MR JUSTICE GRAY: No, but he is making the very simple point, if I may say so ----

MR IRVING: It is very, very dangerous ----

MR JUSTICE GRAY: --- that it was not an unreasonable assumption for the planners to make that they were going to continue to have one-third mortality from typhus. Is that really what it comes to?

A: This is the point I make. What would be the situation if they said, "We face this disaster right now. We do not think we can deal with it next year. We have to plan for a similar disaster next year"

MR IRVING: I shall ask questions about this when the time comes.

MR JUSTICE GRAY: Of course you can, but just let him develop the point.

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A: So we are now going to get what is the actual cremation in an incinerator in crematorium (i)? It is the only crematorium operation at that time. It is 10,000 corpses, according to German sources, 10,000 corpses per month, 340 per day, which means that the incineration capacity in crematorium (i), and we are not even talking about arriving Jews, but simply for the mortality in the camp itself during the typhus epidemic, more people are dying from typhus, incidentally, than the crematorium working full-time can deal with. There is also at that moment a crematorium which is under design, which is crematorium No. (ii). Now, crematorium (ii) was going to replace crematorium No. (i). We have plans for that. It was going to be built on top of crematorium No. (i). It is a plan of early January 1942. This means that crematorium (ii) would not be backed up by crematorium (i). So if in the next year crematorium (ii) would be available, crematorium (ii) has an incineration rate of 1440 corpses per day, which the Moscow document says which was yesterday challenged ----

MR IRVING: This is the document that was challenged?

A: Yes, which means that when crematorium (ii) would have been built, the next year available that still the cremation, the incineration capacity of crematorium (ii), once crematorium (ii) would be built, would have been less than the worst case scenario if a typhus epidemic in 1943

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would have broken out. So it means that the SS, in terms of the typhus epidemic of 1942, was not adequately prepared to deal with some of the typhus epidemic of the same scale a year later. This is the situation before Himmler's visit.

Q: Is it not true that cremation is not the only way of disposing of bodies? They can be interred. They can be sent to other places to be cremated?

A: There is, but I think that you would like to point that, in fact, the incineration capacity is not going to be sufficient and, of course, people can be interred. Let us look now at the next year, where we are in 1943, and then I will go and look at what happened in between. In 1943, the early summer, we are sitting with exactly the same maximum planned inmate population of 150,000. It has changed somewhat in the make-up because Birkenhau will have less people, because what is called building BA3, building section No. 3, will not become any more a full camp, it will get a kind of Lazarett installation, but instead of that people will be accommodated in various satellite camps close, so still we deal with ----

Q: Did you say it was going to have a hospital built in there?

A: Oh, yes. As I said in my book, and I think you complimented me on this section.

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Q: I thought they exterminated all the sick prisoners?

A: We can deal with that later, if you want to put that to me, Mr Irving. By that time, the inmate population in Auschwitz itself has risen to 75,000. Now, if we now look at what if a typhus epidemic of the same scale would have occurred (and this is a big "if") one would have been wise to have available one-third of that, which is 25,000, and, theoretically, to have available -- sorry, 50,000. So this is 25,000 available if such a typhus epidemic occurs again, and if the camp is going to be completely free, one would expect at least to have an incineration capacity of 50,000 people. Instead, the available incineration capacity in the camp at that moment -- and this is available, this is not any more planned -- is 120,000 corpses per month.

Q: What is that based on?

A: This is based on the calculation that the Taiber itself gives of the incineration capacity of the four crematoria -- may I finish?

Q: Based on the document that we are challenging?

A: That is based on the documents you are challenging, but the document which seems to be supported also by eyewitness testimony. The only point I want to make right now at this moment is that the incineration capacity in the camp on

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the monthly basis in Auschwitz in 1943 far and far exceeds the absolutely worst case scenario of typhus developing, typhus developing in this camp; and I have to stress here the worst case scenario because, in fact, the SS doctors have worked very hard to limit the possibility for typhus to occur.

MR JUSTICE GRAY: Right. Thank you very much then. That was all an answer, Mr Irving, to your question -- actually I put it for you -- whether the increase in capacity might have been nothing to do with Himmler's visit, but solely a response to the typhus epidemic. It was a long answer but that is what it was answering.

MR IRVING: We share the guilt for inviting that answer, my Lord.

MR JUSTICE GRAY: Well, if "guilt" is the right word.

MR IRVING: I would only draw attention to two or three aspects of it.

MR JUSTICE GRAY: Yes, of course. Ask questions.

MR IRVING: Firstly, if we are to believe these figures, then the SS, or whoever, were planning to wipe out over three-quarters of the entire camp population and incinerate them which seems a rather pointless exercise as this is a slave labour camp?

A: Sorry, is this a question?

Q: Yes.

A: The issue, of course, is that they are not intending to

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wipe out the camp population; they are intending to wipe out people who do not belong to the camp population, because people are arriving in Auschwitz and who are not going to be registered in the camp.

Q: So the left-hand column in that case, is it not, is irrelevant to the calculations because that left-hand column refers to a totally different body of people, to people who are living there and not the arrivals, shall we say?

A: No, but the left-hand graph refers to the situation before the visit of Himmler on 19th July. The right-hand graph represents a situation after Himmler's visit, and the big change in incineration capacity is, in fact, the decision taken at that meeting which is confirmed by the document to actually not only have crematorium (ii) but also crematorium (iii) and crematorium

(iv) and crematorium (v).

Q: But the figures that you are relying on here with these two histograms, if I am right in saying, they rely entirely on that document which, you may remember, I was challenging the integrity of yesterday?

A: I mean, if you want me to rely on, for example, Hirst's testimony, I would say that the green bar would even higher, or if I have to rely on Mr Taiber, we actually get very close to that. It is not only the document; it is a convergence of the document with eyewitness testimony,

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both of sonderkommandos and of German officials.

Q: Professor van Pelt, we will be hearing a little bit more about the quality of the testimony given by Taiber and Hirst later on. But the fact remains that in all the construction department records that you have read, including that August 1942 memorandum you are relying on, there are no figures that anywhere come near these. It is speculation by yourself and back of envelope calculations, projections of what might have been and a kind of rough and ready kind of scaling up and extrapolation for which we have no basis in epidemiology (because neither of us is an expert in that field); we do not know the way that epidemics grow or whether they grow exponentially or in any other manner, is that not so?

A: Mr Irving ----

Q: There is no basis in the archival record that you have seen for the figures you gave, apart from that one document that we challenge?

A: Mr Irving, the point is, I think, very simple. You claim that the epidemic in August 1942 -- you raised the issue of the epidemic in 1942, then you say that we can -- you suggest that we can, and others have said, that you can explain the enormous incineration capacity in Auschwitz by looking at the typhus as being the reason to plan this crematoria. Now, we are talking here about a typhus

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epidemic, an enormous typhus epidemic, I agree, it was a disaster. In August 1942, the camp was in a very bad shape. But if you start to plan on the basis of that worst possible scenario, or would you want to suggest then a typhus epidemic which wipes out in one month almost a whole camp population of 120,000 out of 150,000 projected; so if you want to use the typhus argument (and you introduced it and I did not) I can refute that by looking at the incineration capacities.

Q: Well, the facts are staring you in the face. This conference is taken in the middle of a camp which is in quarantine, subjected to, as you yourself admit, the most appalling typhus epidemic, and you are determined not to see any connection between the two facts?

MR JUSTICE GRAY: Well, I think the point here -- we do not want to spend too long on this -- he is really making is that the incineration capacity was three times the projected population of Auschwitz in 1943?

MR IRVING: My Lord, can I ask one question on that?

MR JUSTICE GRAY: Is that right, Professor van Pelt?

A: No, I do not -- no, the incineration capacity is 4/5ths per month. It is 4/5ths of the total projected population of the camp. So in order to justify this by typhus, we would have to start to assume typhus epidemics which start to wipe out in one month 4/5ths of the total camp population, which means that, in terms of filling this

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camp up again or whatever like that, I mean, we have to -- the Germans would have had to ship 120,000 people to Auschwitz every month in order to keep ahead or even with the typhus epidemic. It is absurd, it is absolutely absurd, to use typhus as an excuse to explain the incineration capacity of the crematoria.

MR IRVING: Professor van Pelt, you used the word "absurd". What figure are we talking about in that green column? How many people?

A: Which one?

Q: The right-hand -- in the right-hand histogram?

A: The right-hand histogram.

Q: The green column? How many ----

A: It is 120,000. Projected incineration capacity for 120,000 people per month.

Q: Approximately, so we get an idea what we are talking about here, that is four times Wembley stadium, that is 12,000 tonnes of people, 12,000,000 tonnes of cadavers, that you are going to have to cremate with these very limited installations? Am I getting it right?

A: I do not want to speculate on how many tonnes and how many at Wembley stadium.

Q: You do the calculation yourself. The human body is roughly SPG of 1, is it not? Specific gravity of 1 because you float in water?

A: Yes.

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Q: Am I right?

A: So where does this bring us?

Q: Well, the human body weighs what, 100 kilograms? 10 people per tonne?

A: I do not think after you have you been in Auschwitz very long you weigh 100 kilograms.

Q: OK. Say 12 people per tonne if you want to cavil, you are still going to end up with 10,000 tonnes of bodies to dispose of. This is bringing it home to you the size of the figures you are talking about there. That brings home to you the absurdity of the document you are relying on. 10,000 tonnes of bodies. If you will take it from me that it takes 30 kilogrammes of coke to incinerate, as you say, one body, can you work out how many tonnes of coke we are going to put into those tiny coal bunkers that you can see on the aerial photographs to destroy, to incinerate, to cremate, 120,000 bodies? We are talking about train loads, if not ship loads of coke are going to have to go into Auschwitz, and there is no sign of the mountains of coke on the photographs, do you agree? There is no sign of the mountains ----

A: I am just trying to get all the pieces of your question here.

Q: Do you appreciate -- let me sum it up like this -- that there are severe logistics problems in handling the

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disposal of 120,000 bodies a month?

A: We know there were severe logistic problems during the Hungarian action, yes. The month of May and the month of June in Auschwitz, June 1944, were very difficult months. The logistic problems in Auschwitz were so big that they had to start introducing incineration pits again. Yes, it is very difficult to incinerate so many bodies in any situation because it seems to be that, one way or another, these crematoria did do their job as well as they could.

Q: So you are saying because the story exists, therefore, these figures must be right? Is this the kind of logic you apply? You do not say to yourself, you have 120,000 bodies in that right-hand green column, does this not sound a bit odd, as 10,000 tonnes of bodies that these Nazis have

managed to dispose of, and nothing has been seen of this on the air photographs, does that not strike you as odd? No huge columns of smoke have been seen on the air photographs? Does that not strike you as odd?

A: There is only one photograph in May, yes?

MR JUSTICE GRAY: May '44?

A: May '44. These are these big -- these big transports had ceased when the air photographs in, what is it, in August and September were taken.

MR IRVING: Can you show on these large photographs that we have here where they would have stored the tens of thousands of tonnes of coke? If they were to bury the

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bodies, have you any idea what size the pit would have been?

A: Mr Irving, I challenge your use of the tens of thousands tonnes of coke. First of all, we do not know how much coke was delivered to Auschwitz in 1944. We do know how much coke was delivered into Auschwitz in 1943. We do also know that there is a German document, it is a document Zeitwei Zuvielarbeiter, Jahrling, from, what is it, March and April -- actually two documents, two calculations made in Zentralebauleitung about the coke use of the crematorium.

Q: Yes?

A: And these two documents, the amount of the coke use is not, as you say, 35 kilos per body.

Q: Which crematorium are we talking about?

A: We are talking about -- he made a calculation for all the crematoria.

Q: Yes.

A: And he does it -- I mean, I have it -- if may consult my notes on this?

MR JUSTICE GRAY: Yes, of course.

MR IRVING: Can you say off the top of your head?

A: No, I am not going to say anything off the top of my head right now. It is too serious -- it is absolutely too serious a question.

Q: I agree.

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MR JUSTICE GRAY: Is it in your report your main report?

A: It is in my kind of informal report.

MR RAMPTON: My Lord, it is the second half.

MR JUSTICE GRAY: The supplementary one, I see.

A: The supplementary...

MR RAMPTON: The second half of the little blue...

A: I am sorry, I did not put a page number on it. This was for internal private use, and so...

MR RAMPTON: I have paginated mine.

MR JUSTICE GRAY: Yes, I have it.

A: I have found it here.

MR IRVING: Is this an actual document that you are going to produce?

A: It is document -- no, the document is actually in Pressec.

Q: The document is in Pressec?

A: Yes, and I think that my Pressec has a little tab to it. I can give the page.

MR RAMPTON: It must be treated with great care. It is fragile and extremely valuable.

A: I will just identify the page and then maybe it should go to you for inspection. The documents are -- the first document is on page 223 and the second document is on page 224.

MR JUSTICE GRAY: Do not bother to pass it to me. You can describe what you say that reveals.

A: OK. There are -- basically, there is a calculation made

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by Jahrling who was a Zuvielarbeiter which means he is not in the SS hierarchy in the camp, and he talks about the use of coke in the crematoria. The heading is only about No. (ii), but ultimately he makes a calculation for all the crematoria, and he comes to a use per 12 hours. He does that for 2,800 kilos in 12 hours for crematorium (ii); 2,800 kilos in crematorium (iii); 932 kilos in crematorium (iv) and 932 kilos in crematorium (v), which is a total of 8,264 kilos in 12 hours. Then he has made some calculation mistakes because a couple of days later, which is the 17th -- the first document is on 12th March -- he comes back to his calculation and what seems to have happened is that he made a calculation, he comes to 2,800 kilos for crematorium (ii), again 2,800 for crematorium (iii), 1,120 for (iv) and 1,120 for No. (v), a total of 7,840 kilos in 12 hours with the seven tonnes or seven-and-a-half tonnes.

MR IRVING: Professor van Pelt, would you read the final paragraph of that document beginning with the word "dieses sind"?

A: Then he says, ""dieses sind spitzenleistung".

Q: "These are maximum amounts, maximum figures"?

A: Yes. "It is difficult to" -- [German - document not provided] -- "indicate how much it will be per year because it would not be known for how many days or how many hours or how many days we can, we must heat the

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thing" which means he is prepared to give it on a daily basis but not more on a yearly basis because if the crematorium is going to be used every day or not, he does not know.

Q: Would you like to do the ----

A: May I just finish the document, discussing the document, and I am happy to consider your question. In the paragraph above it, he says something else. [German - document not provided] It goes on the basis of an earlier thing which means that when you work constantly ----

Q: Around the clock?

A: --- around the clock, then the amount of coke needed is much less. So here we have, on the basis of this document, you can make a relatively simple calculation because we know the German document which has been challenged here in court ----

Q: Precisely. This is what throws up the German document as being unreliable?

A: No, it is not. We have two documents, one which talks about incineration capacity, and one which talks about the coke use. It is about the same buildings. On the basis of that, we know that, we can calculate the amount of coke which is going to be used per corpse which is not a happy calculation, I must say, but the bottom line is you come to three-and-a-half kilo of coke per corpse.

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Q: Do you really, sincerely believe that you can burn one corpse with enough coke that you could fit in one of these water bottles, is that what you are saying?

A: I would like to point out there are two documents which support this.

MR JUSTICE GRAY: Can you just pause for a second? Three-and-a-half kilos of coke per

corpse, one has to put it?

A: That is when the ----

Q: That is assuming a rate of incineration equivalent to that in the document of 28th June 1943 which Mr Irving challenges?

A: Yes.

MR IRVING: Can I ask, Professor van Pelt, has it ever crossed your mind that this document of 28th June 1943 might not be authentic or a document of integrity? Did you ever investigate that possibility? Did you check any details about it? Did you just accept it at face value?

A: I think that the document is in perfect accordance with all the other documents.

Q: Do you know anything about the history of that document, where it came from?

A: No, I do not know. Moscow, it has been in Moscow. It has been made available, for example, in the Vienna trial. It was available earlier. There was another copy of this document in a Didier archive in Dumburg. This document

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has been known for many years, since shortly after the war. The document seems to be perfectly in line with other documents. It is a carbon copy. It is not on letter head, like most of the copies in the Zentralebauleitung. It seems to be sitting nice in its sequence of other documents. So I have no reason to doubt the integrity of the file or the integrity of the document itself.

Q: Professor van Pelt, you were sitting in court yesterday when I challenged that document piece by piece, and indicated the discrepancies on the document which gave not just one discrepancy but several discrepancies which indicated there was every reason to doubt whether this was an original document or whether it is was, indeed, a true document?

A: You can do that, but I have not changed my mind on this. I do not think that you have brought any kind of convincing evidence for me to change my mind on this document.

Q: May I ask you the following then, is it not surprising that nowhere in the entire Auschwitz construction files, in Moscow or in the present Auschwitz State Museum, do you find one single other document that reflects the same figures or figures of the same magnitude?

A: We can talk -- the issue of incineration capacity, how do we know about incineration capacity and how do we know

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about the coke use? We have this document, we have eyewitness testimony of people who worked the ovens and we have statements by the people who ran the camp. There is a convergence between those things.

Q: Except for one thing ----

A: Now, if you challenge, if you challenge the coke use, I will have to bring up, and, I am sorry, I do not have the particular patent, but it is a little technical history. There is a specificity in the design of the ovens in Auschwitz which is, basically, that they worked with compressed -- that air was blown into the muffle. Normally, what happens in these ovens is that ----

Q: The flame does not touch the body?

A: No, actually firebrengen did happen in the Auschwitz ovens; it was not simply incineration.

Q: Well, they would self-combust? When they were raised to a certain temperature, they would self-combust?

A: That is the idea of a normal incineration. In Auschwitz, actually, the ovens -- the difference between the ovens is that one element which is used in normal ovens is with a heat kind of regenerator in Auschwitz was replaced by compressed air which was blown into the oven. Now --

--

Q: Would this account for the drop of normal coke usage from 35 kilograms in the crematorium Gussen concentration camp per body to 3.5 in Auschwitz, in your opinion?

A: Yes, and I think the normal use for Gussen questions the

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normal use of what? For one, two, three, four bodies in a day at a certain moment very high intensity use. I just would like to quote here from a piece which John Claude Pressac wrote and I also worked on.

Q: Can I interrupt? I did not quite catch what you said about Gussen. What did you say was the normal rate in Gussen?

A: The normal rate, the question is what is normal rate? If you just fire the ovens in Auschwitz for one corpse, you probably need 300 kilos.

Q: In Gussen they were talking, if my memory of the document is correct, of the order of 100 bodies, or possibly 200.

A: If you bring the documents, we can discuss the documents.

Q: Well, Professor van Pelt, you were not quoting a document there. You were just stating a figure, speculating.

A: I am going to state a figure and it is from a patent. I am happy to show you the passage. The big issue in crematorium design is that you need to get the thing going, the oven going, and that takes a hell of a lot energy. So, if you incinerate one body, and this is a document which is prepared for Dachau in 1939, to cremate one body in Dachau was 175 kilos of coke, far exceeding the 30 kilos. However, it says that, by the time you have started this incinerator, after you have incinerated a number of bodies, and I will quote the thing, "If the cold room required 170 kilograms of coke to start up a new

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incineration, it needed only 100 kilo if it had been used the day before. The second and third incineration on the same would not require any extra fuel, thanks to the compressed air". Those that followed would call for only small amounts of extra energy.

Q: Are you saying that for the cremations on the second and third day you would not have to put any coke into the machine at all? It would just kind of carry on?

A: No. If you start incinerating on the second day you can still use that heat that had built up from the first day. If you then insert extra bodies in the oven that same day, after the first one, you only need very little extra fuel.

Q: That is not what the document said. You said it needed none at all.

A: Then it says only little, the first, second and third, and then, as you continue, then only very limited amount of fuel.

Q: But of course they had more than just one furnace in Auschwitz. In each of these crematoria you are telling us they had five times three. So they did not have to fire them all up. They could just fire up one of them and keep it running?

A: But it seems that there were more bodies than one could take. We also have, of course, the patent application of Topf from late 1942, which actually operates on that whole principle.

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Q: It was not used, was it?

A: No, but it was based on the experience gained. As it very literally says, it is based on the experience gained with the multi-muffle ovens used in the East. The document -- I am happy to try to find it. I do not know where the patent application is.

Q: I do not want do keep flogging this particular horse unless his Lord wants to go down this route much further.

MR JUSTICE GRAY: I am inevitably being guided by you, Mr. Irving. You must put your case.

MR IRVING: I would like to ask Professor Van Pelt to do one calculation for me. On the basis of 8,000 kilogram of coke, which we read in that document in the Pressac book, 7,000 or 8,000 kilogrammes of coke per 12 hour shift, if we were to assume 35 kilograms of coke per body, how many bodies were actually being cremated per day in those four crematoria?

A: If you were to assume -- I have the figure here -- if it was three and a half kilos of coke ----

Q: No, 35.

A: Three and a half I calculated was 241,000 bodies, so 35 would be 24,000 bodies.

Q: 24,000?

A: I do not have to make the calculation because it is right here.

Q: I do not think that is correct. If it is 7,000 kilograms

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of coke, 7,000 times 35 into 7,000 is 200, so it will be 200 per day?

A: I am sorry.

Q: It would be 200 bodies per day in these crematoria so that would give us the lower level. I am not saying that was the amount. I am saying that is the lower limit of these two figures we have. We have the figure of ten times as large that you offer, and we have the figure of 200 per day which would be, if the Gussen figure applied, the 35 kilograms of coke, which is what crematorium managers assure us is the normal figure nowadays for mass cremations.

A: My Lord, I am very surprised that Mr Irving seems to love German documents. When he is confronted with a German document which he does not like, so easily ignores it. I think the Jahrling document is very, very straightforward. There are two version of it. If Jahrling made a mistake, he corrected himself. Obviously when you find a document like that, you take it seriously.

MR JUSTICE GRAY: You are now talking about the one with J A umlaut at the top?

MR IRVING: The one that we challenge, my Lord.

MR JUSTICE GRAY: Yes. You call it the Jahrling document Jahrling was the secretary?

A: Jahrling was the man who made the calculation.

MR IRVING: Yes. There are other reasons for challenging it

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but I just rested my case on the reference line across the top, which contained enough errors to make the whole thing very suspect. To try and do these calculations the other way round, which is what the witness has done, I find this perverse. Can we move on from there now, my Lord?

MR JUSTICE GRAY: Of course.

MR IRVING: Let me come back to the question of the eyewitnesses who have described, either to you or to historians over the last 55 years in convincing and compelling detail, the procedure at the factory of death, at crematorium number 2, the arrival of the victims, what happened inside the crematoria, the cremation process, the robbing of the bodies and so on. How many eye witnesses are we talking about, Professor?

A: It depends on which period we are looking. In my report I only looked at the very, very early testimonies.

Q: Yes.

A: Which means testimonies taken by Dragon, and in this case by Tauber, because they are taken in April and May 1945.

Q: Are they independent of each other or have they compared notes in any way?

A: I do not know if they compared notes.

MR JUSTICE GRAY: Did they escape?

A: They escaped, yes. No, they did not escape. In the sense that they were on the march, I think, from Auschwitz to

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wherever they ended up in the West, they did escape but they did not escape from the camp itself or from the crematoria.

MR IRVING: Yes. So that Dragon, D R A G O N, and Heinrich Tauber?

A: Schloma Dragon.

Q: How many others? You are not relying just on those two eyewitnesses, surely?

A: No, but these are the two which I mentioned because, if one is afraid of pollution and things like that, and these were testimonies given immediately after the war. These were testimonies which were made before things were published, before things were in the newspapers or whatever like that. Other testimonies have been given, Filip Muller of course in the 1960s. He made one in 1946.

Q: You said that nothing had been in the newspapers. When was the report published of the War Refugee Board on the testimony given by Veroba and Wetzler, two Slovaks? Was that not November 1944?

A: Yes, but these were very, very short. These were very short things in the newspaper. The report itself was never published at the time. So to have a short New York Times one column article or less about a fact that there is an extermination camp in Auschwitz does not give any details about the extermination procedure.

Q: You say the report was not published at the time. In fact

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the War Refugee Board in the United States did actually publish the report like a White Paper. Whether the newspapers actually quoted it in detail or not, are you saying the newspapers did not quote it very much?

A: They did not quote very much.

Q: But they did give the more lurid details about the gas chambers and so on?

A: As far as I remember, the reports, reading the newspaper articles, they did not give the kind of details which would inspire a person to invent a particular gassing or incineration procedure.

Q: Procedure, right. You did not rest in either your book or your expert report on just those two eyewitnesses though, did you? Not just on Tauber and ----

A: No. There are other people we quote because, of course, after afterwards other people came forward.

Q: Did you rely on a woman called Bimko?

A: I have already addressed this once before. I mentioned Miss Bimko because of the testimony she gave at the Lindenberg trial, which is the Belsen trial. I did not rely on her to come to a conclusion about the incineration capacity in the crematoria.

Q: I am not talking about the incineration capacity, Professor. I am talking now about the actual procedure, the way people walk ----

MR JUSTICE GRAY: I think we have moved on. We are just

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talking generally about eye witness evidence, are we not?

MR IRVING: We are dealing with the question of the integrity of eyewitnesses, my Lord.

MR JUSTICE GRAY: That is what I was suggesting.

A: No, I did not rely on her for procedure.

MR IRVING: Bimko was going to be called in the Tesh case, was she not, in April 1946 against the manufacturer of Zyklon B, but in fact eventually they did not call her as a witness. They just put in her report as an affidavit, is that correct?

A: I do not know.

Q: Have you read the Tesh trial?

A: I have read significant parts of the Tesh trial because of the evidence given by Alfred Sohn.

Q: You quoted parts of the Bimko testimony in your report.

A: Yes, because I wanted to show the kind of statements which were made about Auschwitz in 1945.

Q: Did you, Professor van Pelt, quote all relevant parts of the Bimko testimony?

A: What do you mean? Relevant to what?

Q: Well, relevant to enable the reader to form a judgment as to whether Bimko was telling the truth or not.

A: This was not my intention. My point in the expert report at that moment was to give a sense to the reader, or to the judge more particularly, of what was the kind of evidence available at that moment in the courts and so

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on. I did not write a critique of Bimko.

Q: So you were painting with a broad brush?

A: I was not painting with a broad brush. I tried to give a very simple kind of picture of what people were saying.

Q: If Bimko had put in her report some detail that totally discredited the quality of her report, then you would of course have quoted it? You would not have ignored it?

A: No. Then it is very clear that she gives this testimony, and then the testimony is what is being said at that moment. It is part of what is being said about Auschwitz. I also quoted Polavoy.

Q: Can we stay with Bimko for the moment?

MR JUSTICE GRAY: Let us stick with Bimko. Mr Irving, if you are suggesting that she did discredit herself in some way, I think it is only right that you should give Professor van Pelt the opportunity of answering whatever it is you say discredited her.

MR IRVING: I believe I am leading the evidence the correct way, my Lord. The next two questions will bring the matter to light.

MR JUSTICE GRAY: Good.

MR IRVING: Professor van Pelt, in the gas chambers at Auschwitz was the gas introduced from cylinders, as in oxygen cylinders, or carbon monoxide cylinders, through pipes into the gas chamber?

A: No. It was ----

Q: To your knowledge?

A: We are talking about which gas chamber?

Q: The gas chamber described by Bimko.

A: Then let's look at the text of Bimko and then I will comment on it.

Q: You said you have read Bimko's testimony.

A: Yes, but in principle I am not going to discuss things I do not have in front of me.

Q: Let me put the question more generally, Professor van Pelt. In any gas chambers in Auschwitz, in any of the gas chambers so-called at Auschwitz, was gas introduced into the chambers through pipes from cylinders?

A: No.

Q: And yet Bimko stated that, did she not, in her report?

A: Let us look at what Bimko actually says. Then we can come to the conclusion if that is what she actually said. I am not going to comment on a text I do not have in front of me. If you want to raise this issue, which I think is a very legitimate issue, give me the text and we will look at it together.

Q: Let me put it other way round then, Professor. If there was such a sentence in that report, you did not quote it, did you? You stopped.

A: I do not know any more exactly what I quoted and what not.

Q: You stopped just short of that particular sentence?

MR JUSTICE GRAY: Have you got it in court?

MR IRVING: Not in front of me, my Lord. I am derelict in that respect unless Miss Rogers can find it at short notice in her usually efficient way. I shall have to bring it tomorrow. Your Lordship can take it as said. Although I am not a member of the Bar, I would certainly not lead this evidence if it was not in the files. The evidence of Bimko is notorious for the fact, and this is one reason why she was not introduced as a witness at the Tesh trial. She would have been cross-examined on that point. So this is one document, one eyewitness account, which is very suspect. But, Professor van Pelt, I put it to you that you left that sentence out of the report because it would have discredited the rest of her testimony, would it not?

A: I think that, if you would look -- you are now trying to go to my motivation. In my expert report I have tried to give an account of what was said, in order to draw a picture of how the image of Auschwitz developed in 1944 and 1945. I have also included Polovoy's account done on the liberation of Auschwitz which again, as we probably both agree, contains a lot of friction.

Q: Is this the Pravda account?

A: Yes.

MR JUSTICE GRAY: Can we not track this down because it must be in court somewhere, presumably? Bimko's statement? It is note 407 on page 268.

MR IRVING: Somebody can find the original document.

MR JUSTICE GRAY: Otherwise we leave all these points hanging in mid air.

MR RAMPTON: Mr Irving is quite right. Mr Irving knows where everything is. It is bundle H 2 (ii).

MR JUSTICE GRAY: Could we get it out and then dispose of this point one way or another,

Mr Irving? I think it is better, do you not?

MR IRVING: It is going to continue to hover like a vulture or an albatross across the court.

MR JUSTICE GRAY: That is the problem.

MR RAMPTON: What I said is accurate, except to this extent. When I say "it", all I have is a page and three-quarters of what Ada Bimko duly said.

MR JUSTICE GRAY: Have you got page 68?

MR RAMPTON: No. I have page 67. It is split up, that is all. I am sorry, there is lots more than I thought there was. If your Lordship goes --

MR JUSTICE GRAY: I have not got it yet. I would like it. (Same handed) thank you very much.

MR RAMPTON: Yes. H 2 (iv) and turn to footnote 404, one sees the beginning of it. 408. Has your Lordship found footnote 404?

MR JUSTICE GRAY: Yes I have deposition of Dr Bimko.

MR RAMPTON: Yes. You have got on 405, which is page 66 of the document itself, 5th day, Friday 21st September 1945, Ada

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Bimko sworn, examined by Colonel Backhouse. Has your Lordship got that?

MR JUSTICE GRAY: Yes.

MR RAMPTON: That stops and then it begins again, further deposition of Ada Bimko on page 741 of the document, and that stops on page 742.

MR JUSTICE GRAY: I am afraid the relevant bit, or the bit that Mr Irving wants, has been cut off.

A: I have it here. I have it in note 408.

MR JUSTICE GRAY: 467?

A: Footnote 408, I presume that is the section that he refers to, because it is talking about cylinders.

MR IRVING: "In a corner of the room were two large cylinders. The SS man told me the cylinders contained the gas which passed through the pipes into the gas cylinder." That is on page 742, my Lord, in paragraph 4.

MR JUSTICE GRAY: Yes, I have it.

MR IRVING: There was no such equipment in Auschwitz, was there?

A: No.

Q: You did not quote this in your version of the report?

A: This report is not a discussion on the quality of eyewitness testimony. I have told you that before.

Q: Yes, but this is a discussion now, Professor van Pelt.

A: OK.

Q: On the quality of eyewitness testimony. It is a

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temptation we all fall into probably. Sometimes we want to use the rest of the report because we like it, but there is something nasty in the report that, if we are going to manipulate, then we will leave it out. Is that not so?

A: Yes. I mean, the question is there are many differences. First of all, let us go over this text.

"Let us go over the text right now. We then walk back. Basically they went through the gas chamber and it was rather dark in there at the time. They could not see the far end of the passage.

There were two rails leading from the door of the gas chamber down the passage. On these two rails was a flap top wagon. The SS man told me that the wagon was used to take the dead bodies from the gas chamber to the crematorium at the other end of the passage. We then walked through the gas chamber and undressing room to the door where it entered the building. Near this door were some stairs. We went up these stairs and came to a room above the gas chamber. Across this room were two pipes, each about three inches thick. I did not notice whether there were any branch pipes leading from them. The SS man told me that the pipes that were in the floor were connected to the spray fittings in the gas chamber below. In the corner of the room were two large cylinders but I did not notice whether the cylinders were connected to the pipes. The SS man told me that the cylinders

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contained the gas which passed through the pipes into the gas chamber and I then left the room". We are basically talking here about crematorium number 4.

MR JUSTICE GRAY: And the room is a room above the gas chamber?

A: Yes.

MR IRVING: Yes. But is any of this true, what the SS man allegedly told her?

A: The SS man was mocking her because she was looking at a new ventilation system which had been introduced to suck out air from the two gas chambers above the gas chambers of crematorium 4. A ventilation system had been created in 1944 to improve the ventilation of crematoria 4 and 5 because they had not been equipped with the ventilation system. What happened is that she is shown the ventilation system and this SS man is mocking her by suggesting that this actually, instead of taking the air out, is taking the gas inside of the----

Q: That is not what she says, Professor van Pelt. Is what she says not, "In a corner of the room were two large cylinders"?

A: But there was a ventilator up there which I presume would be in the cylinder and I do not think she is a specialist. She sees this thing above the gas chamber.

Q: But you have no evidence ----

A: The only thing is that she believed what the SS man told

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here, this equipment was there.

Q: You have no evidence that he was mocking her, do you? You appreciate that men were hanged on the basis of this testimony?

A: I do not know on the basis of what men are hanged. What I do know is that in crematoria 4 and 5 above the gas chamber in 1944 was a ventilation system.

Q: Yes.

A: To extract the air or the gas from those rooms. That is what she saw.

Q: We do not know that. That is not what she says here.

A: But how do you expect a person who has no technical education to distinguish one pipe from another pipe?

Q: Is it not an equally plausible explanation that she is just inventing this story, and that she assumed this is the way that the gas chambers so-called operated, that gas came in through pipes?

MR JUSTICE GRAY: Mr Irving, inventing the whole story or just this bit?

MR IRVING: This particular element of it. She is embellishing, she may well have had an experience of being taken into the mortuary and seen the dead bodies lying around, which is, God knows, unpleasant enough, and she has now embellished on it, because she is now in British

captivity or in British hands, being well looked after, and they have asked her to write a statement a deposition, because

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they needed to hang these criminals.

A: The issue, I think, is that the first question we have to ask is if that system actually existed. Now Pressac and I have published a diagram of that situation in the crematorium, in this case crematorium 5, crematorium 4 is a slightly different one, where we actually talk about a pipe, and we see actually the ventilator sitting in a housing. Now it is obvious that she saw something and that what she probably saw is that ventilation system, and that ventilation system which is connected to the ceiling of the gas chambers, it is very difficult at that moment to determine if it is something where the gas goes from an outside source, where the ventilator is from there inside of the gas chamber or the other way round. I do not want to speculate on what the SS man told her or not. But certainly I could imagine that he would have wanted to scare her by saying this is the way the gas chamber operates, this is how the gas goes into the gas chamber.

MR IRVING: Your imagination is not evidence in this court room and I would ask you to adhere to what you know.

MR RAMPTON: That is not right. His motivation for the way he wrote the report is under attack. What he thinks she may have meant by what she said is directly relevant.

MR JUSTICE GRAY: I think, if you are attacking the motivation of Professor van Pelt, I am afraid Mr Rampton is right.

MR IRVING: Very well. Did it not strike you as being

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inaccurate that she described this scene in this particular way when quite clearly you knew from your own expert knowledge that this apparatus did not exist and that this therefore devalued the quality of the rest of her testimony?

A: I do not know if it really devalues it because, if she goes into the crematorium and she sees a detail which is hidden to everyone else because it sits above the ceiling and you have to go up to the attic, if she sees that, and we know from the blue print that the thing was there, or at least that it was installed, then it means that first of all it is absolutely clear that she was in that building and that she at least on that detail is a very reliable witness, even if she did not know what it was used for and took the evidence or the remark of an SS man on face value. I must say, if there were more witness like that, I think then probably one would not need many courts to determine all kinds of disputes between people.

Q: I can read out just one sentence from paragraph 740. "I set out here afterward I myself observed with regard to mass exterminations I will name the persons, each of whom is individually selected." She is putting the finger on people here, is she not? Page 740, paragraph 1. Mrs Bimko is putting the finger on people she knew at the camp. I draw your attention to paragraph 7 on the

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opposite page, 741 while we are here: "In August 1943 I saw SS man Tauber knock down a girl who arrived late at roll call, beat her and kick her and stand on her stomach for ten minutes until she died". Assuming for a moment that this story is true, is that the same SS man, Tauber, on whom you rely as an eye witness?

A: No. I am relying on the Sonderkommando Tauber.

MR JUSTICE GRAY: This Tauber is a rapport Fuhrer?

A: It seems to be so, yes, number 12.

MR IRVING: What is a rapport Fuhrer?

A: It is a man who is in charge of roll call.

Q: In charge of roll call, very well. Can we now proceed please to the further eyewitnesses on whom you rely for your description of the liquidation procedure in crematorium 2?

A: Yes.

Q: Perry Broad?

A: I do not think that Perry Broad described crematorium 2. We would have to look at Perry Broad.

Q: Yes. He described two or three liquidations, one from a range of I think 40 yards.

A: He described the Red Cross van coming, yes. Then Tauber is very important.

Q: On crematorium 2?

A: Crematorium 2, the early one.

Q: What does Tauber tell us about the liquidation procedure

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of crematorium 2 from the arrival of the victims?

A: Do you want me to read the whole thing?

Q: No, just your recapitulation unless you wish to read it?

MR JUSTICE GRAY: I would quite like to have a quick look.

A: Let us take Tauber at hand.

Q: 177 to 196?

A: 177, thank you, my Lord.

Q: The incineration procedure is at 186.

A: So Tauber was interrogated at the end of May 1945. Heinrich Tauber was a sonderkommando in crematorium number 2. We are going to discuss crematorium 2. It starts on page 182 of my report.

MR IRVING: Of your report?

A: Of my report, yes. What he describes there is an underground arrangement of crematorium 2 which he describes as an undressing room and bunker or, in other words, a gas chamber: "To go from one cellar to the other there, there was a corridor in which there came from the exterior a (double) stairway and a slide for throwing the bodies that were brought to the camp to be incinerated in the crematorium. People went through the door of the undressing room into the corridor, then from there through a door on the right into the gas chamber. A second stairway running from the grounds of the crematorium gave access to the corridor. To the left of the stairway in

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the corner, there was a little room with hair spectacles and other effects were stored. On the right there was another small room used as a store for Zyklon-B. In the right-hand corner of the corridor, on the wall facing the door from the undressing room, there was a lift to transport corpses. People went from the crematorium yard the undressing room via a stairway, surrounded by iron rails. Over the door there was a sign which the inscription 'Zum Baden und Desinfektion' (to bath and disinfection), written in several languages. In the undressing room, there were wooden benches and numbered clothes hooks along the walls. There were no windows and the

lights were on all the time. The undressing room also had water taps drains for the waste water. From the undressing room people went into the corridor through a door above which was hung a sign marked 'Zum Bade', repeated in several languages. I remember the [Russian] word 'banya' was there too. From the corridor they went through the door on the right into the gas chamber. It was a wooden door, made of two layers of short pieces of wood arranged like parquet. Between these layers there was a single sheet of material sealing the edges of the door and the rabbets of the frame were also fitted with sealing strips of felt. "At about head height for an average man this door had a round glass peephole. On the other side of the

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door, that is on the gas chamber side, this opening was protected by a hemispherical grid. The grid was fitted because the people in the gas chamber, feeling they were going to die, used to break the glass of the peephole. But the grid still did not provide sufficient protection and similar incidents recurred. The opening was blocked with a piece of metal or wood. The people going to be gassed and those in the gas chamber damaged the electrical installations, tearing the cables out and damaging the ventilation equipment. "The door was closed hermetically from the corridor side by means of iron bars which were screwed tight. The roof of the gas chamber was supported by concrete pillars running down the middle of its length."

MR IRVING: This is roof we can see on the big photograph here, right?

A: Yes.

Q: It is that self-same roof?

A: That same roof, yes, but we look now at the top. "On either side of these pillars there were four others, two on each side. The sides of these pillars which went up through the roof were of heavy wire mesh."

Q: What does it mean when it says "the pillars went up through the roof"? Went up to the roof, presumably?

A: Yes, but they popped out above the roof.

Q: The pillars popped out?

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A: Yes, so the pillars went through a hole in the roof and then they went in through, basically the earth which was assembled on top of the roof, and then there was a little kind of chimney on top of that.

Q: On top of a pillar?

A: On top of a pillar.

Q: What was the purpose of that, architecturally speaking?

A: Because these were hollow pillars and these were the pillars where Zyklon-B was inserted into the gas chamber.

Q: Just so the court can hear what Professor van Pelt is saying, these were hollow pillars?

A: These were hollow pillars.

Q: Made of what, concrete?

A: These were made of metal.

Q: These are the wire mesh pillars you are now talking about?

A: Yes.

Q: Not the concrete pillars supporting the roof?

A: No, these are the wire mesh pillars which are connected on either side of these pillars. These pillars, that is in the sentence before, we have concrete pillars which go down the middle of the

length and one of these pillars is still there holding up a bit of the roof, and then connected to these concrete pillars, there are seven of them, connected to four of them were wire mesh metal pillars, two on one side and two on the other side.

Q: My Lord, I gave you a large yellow map which shows the

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layout. You can see the pillars there with the wire mesh columns next to them. It is one of the large yellow maps. There are two yellow maps. That is the one, my Lord. If I can just interrupt you, there is a room there numbered No. 9 and No. 10. What do you call that, an axonometric view?

A: An axonometric view, yes.

Q: In other words, a kind of exploded view of the Leichenkeller No. 1, am I correct? This is, just to remind the court, the one we have seen in the photographs with the collapsed roof?

A: Yes, No. 9 and 10.

Q: Yes. It has a number of concrete columns, and you have drawn in those wire mesh columns, have you not?

A: I mean the whole thing is a drawing by one of my students of the whole building.

Q: Yes, but the wire mesh is an addition; it is not based on any drawings or blue prints, is it?

A: It is drawn on, it is based on the drawing made by the man who actually made these pillars and who gave testimony in Poland shortly before Mr Taiber.

Q: Are they round pillars or square pillars?

A: Square pillars.

Q: Have you any idea, can you tell the dimension of the pillar was, the wire mesh?

A: I will have to consult Mr Kuhler's testimony which is ----

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Q: It is quite important.

A: Then I will consult his testimony on that.

Q: While you are consulting, can you tell us was it just one layer of wire mesh or several concentric layers of wire mesh?

A: There was concentric layers of wire mesh.

Q: Two, three, four, five, six?

A: I think there were -- basically there were two layers creating, basically, a narrow space inside, a wire mesh cage around it and another air space with a wire mesh cage around it, and then there was a kind of thing which moves up and down inside that inner hollow space.

Q: So let me get this straight, how many actual concentric tubes are we concerned with or wire tubes, two or three inside each other?

A: There is an outer one. There is an inner one and I think then there was one inside that, and there was this movable thing which could go up and down.

Q: What is the purpose of having so many layers?

A: According to the testimony, it was to allow for a more even spread of the Zyklon-B in the gas chamber.

Q: What was the thickness of the wire?

A: The thickness of the wire changed as you went from the inside to the outside.

Q: Is it not right that the thickness of the wire was 3 millimetres the whole way through?

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A: I do not recall that right now.

Q: So if you have a wire mesh made of 3 millimetres, you have in fact a 6 millimetre thickness of that particular layer, because the wire mesh overlaps?

A: I presume so, but again I would like to see -- there is basically one very particular piece of eyewitness evidence, so we can look at eyewitness evidence and then we can reconstruct exactly how thick those wire mesh columns are.

Q: This is why I was asking what the overall dimensions of these alleged wire mesh columns were, so we could form an impression of their practicability.

A: Let us look at Kuhler's testimony. If we can stop reading the Taiber testimony.

MR JUSTICE GRAY: I want you at some stage to complete reading Taiber.

MR IRVING: Can we continue reading Taiber then, my Lord? That is probably a good idea.

MR JUSTICE GRAY: Then you come back to the wire mesh columns.

MR IRVING: We have to come back to the wire mesh columns tomorrow.

MR JUSTICE GRAY: Page 183, just complete it to the end of 184.

A: "The sides of these pillars which went up through the roof were of heavy wire mesh. Inside this grid, there was another other fine mesh and inside of that further very

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fine mesh. Inside this last mesh cage there was a removable can that was pulled out with a wire to recover the pellets from which the gas had evaporated. Besides that in the gas chamber there were electric wires running along the two sides of the main beam supported by the central concrete pillars. The ventilation was installed in the walls of the gas chamber. Communication between the room and the ventilation installation proper were through small holes along the top and bottom of the side walls. These lower openings were protected by a kind of muzzle, the upper ones by whitewash perforated metal plates", and these are plates, some of six were found and analysed by the Krakau Forensic Institute.

MR IRVING: That is your presumption?

A: That is my presumption.

Q: You have no reason for saying that, saying that these are identical, other than your presumption?

A: It seems that the description of these plates is exactly the same, of the ones which were analysed in Krakau. "The ventilation system of the gas chamber was coupled to ventilation ducts installed in the undressing room. This ventilation system, which also served as a dissection room, was driven by electric motors in the roof space of the crematorium. "The water tap was in the corridor and a rubber hose was run from it to wash floor of the gas chamber. At

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the end of 1943 the gas chamber was divided in two by a brick wall to make it possible to gas smaller transports. In the dividing wall there was a door identical to that between the corridor and original gas chamber. Small transports were gassed in the chamber furthest from the entrance from the corridor.

MR IRVING: I would like to stop you there, if I may, and now ask you what Taiber has actually told us about the gassing procedure.

MR JUSTICE GRAY: We have not quite finished yet. Can we just go to the middle of 184, and then that is a convenient point I think to ask that question.

MR IRVING: Very well, my Lord, yes.

A: "The undressing room and the gas chamber were covered first with a concrete slab and then

with a layer of soil sown with grass. There were four small chimneys, the openings through which the gas was thrown in that rose above gas chamber."

Q: So this is the roof we are looking at on these large colour photographs, is that correct?

A: Yes, or the remains of the roof to be very precise. "These openings were closed by concrete covers with two handles."

Q: Not wooden, concrete covers?

A: That is what it says, yes. "Over the undressing room the ground was higher than the level of the yard and perfectly

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flat. The ventilation ducts led to pipes and the chimneys located in the part of the building above the corridor and undressing room. I would point out that at first the undressing room had neither benches nor clothes hooks and there were no showers in the gas chamber. These fittings were not installed until Autumn 1943 in order to camouflage the undressing room and the gas chamber as a bathing and disinfection facility. The showers were fitted to small blocks of wood sealed into the concrete of the gas chamber. There were no pipes connected to the showers from which no water ever flowed. "As I have already said, there was a lift in the corridor or rather a goods hoist. A temporary hoist installed pending delivery of the electric lift to carry the corpses to the ground floor." End of quotation.

Q: That final paragraph is quite interesting, is it not, because we now have the documents giving the actual dates for the arrival of the provisional lift. I believe it was finally ready in September 1943, is that correct?

A: No, it was ready in March. The history of the lift is a very confused history, because they did not get the lift they wanted. They had the lift installed originally for 750 kilograms carrying capacity, and then they tried to improve on that one, since it did not seem to be enough, by doubling the cables on which this lift, it was basically a kind of building site hoist, so that it could

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carry 1500 kilograms. This was all in something like March 1943.

Q: Very well. So we have heard the description from Henrich Taiber of the liquidation procedure. On what other eyewitnesses did you base the ----

MR JUSTICE GRAY: I am sorry I will have to interrupt you, Mr Irving. I think if you have a case to put in relation to Taiber, that he is unreliable or that for some reason his account is not to be credited, I think it is right that you should put it.

MR IRVING: Very well.

MR JUSTICE GRAY: It may be your case is simply that all the eyewitnesses are to be treated with caution and you go no further.

MR IRVING: I was go to treat them all summarily, in the same manner, and just ask the simple question, did they all give the same description in broad terms of people going up on the roof opening these manhole covers, pouring the cyanide capsules in. If I may ask the question like that, the eyewitnesses that you have, Taiber, which other ones would you rely on?

A: In this case, as you mentioned Broad describes seeing it from some distance. Then later there are eyewitnesses who have been, other sonderkommando who would have made statements later, in 1960s, and of course Muller with his original statement for 1946 which is in the book by Kuhler

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and then ----

Q: Of course if they make their statements in the 1960s there is the danger of cross-pollination, is there not?

A: That is why I limited myself at the moment for this particular case to look at the very early ones. I must say that as an historian I am quite delighted to find people who seem to be as observant as Mr Taiber actually as a witness giving with very fresh this thing in his memory his statement in May 1945 to Judge Sehn.

Q: It is almost as though Jan Sehn held the blueprints in front of him and said: "So they went from here, to there, through this door and then this and this and this happened", is that right?

A: I do not know. I mean I do not know what happened. I do not know what happened in that room. Certainly the Taiber testimony is largely convergent with the blueprints. However, when Taiber starts talking about, for example, either the gassing procedure or the incineration procedure of course, then that is not in the blueprints and very important the wire mesh columns are not in the blueprints either. We have that from a different source.

Q: So these wire mesh columns, so it is plain what we are saying, what size were they? We have not nailed it down. In rough terms 10 inches across from side to side?

A: They were probably, I mean again I want to try to find Kuhler, but they were probably the same thickness as the

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structural columns supporting the roof.

Q: Which is quite a substantial size. These wire mesh columns that are going to go up to the roof where the hole is through which the cyanide capsules are being poured?

A: Yes. Yes.

MR JUSTICE GRAY: Before we have leave Taiber, I am sorry to interrupt you again, Mr Irving, he gives a detailed account of the incineration procedure which you have set out at page 186 of your report, is that right?

A: Let me just get to 186.

MR RAMPTON: Is the witness looking for Kuhler, in which case I can tell him where it is?

MR JUSTICE GRAY: I am asking him to look for something else.

MR RAMPTON: I am sorry. It is 196 to 198 and 516 to 517.

MR JUSTICE GRAY: We will have to deal with Kuhler tomorrow.

MR IRVING: I only wanted to know roughly what size of wire mesh we are talking about, what the width of this column going up to the ceiling was. We have probably got a pretty clear picture of kind of thing it was; larger than a drainpipe.

A: Yes. Kuhler says these columns were around 3 metres high and they 70 metres square.

Q: 70 metres?

A: 70 centimetres.

Q: The wire mesh columns?

A: Yes.

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Q: 70 centimetres is of the order of 2 feet 6 inches?

A: Yes, a little less, 2 feet three inches.

Q: So this hole in the roof or these holes in the roof, how many wire mesh columns were there, four?

A: Four.

Q: So the holes in the roof would have been up to 2 foot 6 inches across?

A: Absolutely not, because the whole column may be 2 feet 4 inches, but Zyklon-B is only introduced right in the centre piece. The centre piece, we have concentric columns, so ultimately the centre piece can be a rather narrow thing, so the hole through the roof could have been a relatively narrow pipe.

Q: But we are told here he had a concrete cover with two handles covering this whole, which rather suggests something larger than a tennis ball?

A: But the concrete cover, we have a picture of these actual chimneys in the documents. Of course you do not when you create this pipe which comes up out the centre of the wire mesh columns, of course you take a larger kind of little chimney around it.

MR JUSTICE GRAY: As a funnel?

A: As a funnel, yes. Like a chimney itself always is wider than the actual smoke channel going through it.

MR IRVING: Yes. So you are saying there was a relatively small hole or four small holes smaller than 2 foot six

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inches across then, and after they had spent all this money building this underground crematorium with all the problems of damp that is implicit in that, somebody was allowed to come along after the event, because it was not included in the drawings, and knock holes in right next to the supporting pillars?

A: I did not say that. The crematorium roof, as we know from other documents, there were problems with finishing the crematorium, roofs of the Leichenkeller, in December of 1942 and January 1943. We actually have photos of the completion of the roof.

Q: But this is not the question.

A: May I finish? No, but the thing is you assert that they knocked holes inside the roof of the gas chamber.

Q: Through the roof.

A: That did not happen.

Q: Through the roof?

A: Through the roof. Well, the modification and design had been made before that roof was completed.

Q: What modification?

A: The roof of the gas chamber, or morgue No. 1, and the roof of morgue No. 2, later the undressing room, were only completed in December and January, in December 1942 and January 1943, by which time the modification of the building into a genocidal extermination machine had already been decided on. But they did not have to make

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holes in the roof because the roof was not yet complete at the time.

Q: But if you were an architect, and neither of us is an architect, and some SS Rottenfuhrer comes along and says, "I am going to knock four holes in the roof right next to the supporting pillars", what would you have told that man?

A: May I just point out that if we look here at, for example, that column and that column, there is a beam supporting, connecting the two columns. Of course it is going to be a real problem when you go right through the beam you weaken the beam. That is one of the reasons that these columns are placed next to the column, so that they do not challenge the structural integrity of the

main beam. If they had been -- may I point it out?

MR JUSTICE GRAY: Yes. I think I understand what you are saying.

A: I am just going to make a drawing here. This is the gas chamber. The columns are right here. The structural beam sits right on top of that. So your point is absolutely valid if you put the columns right there, but if you put the grid columns right here, then there is absolutely no structural, the structural integrity of the roof is in no way challenged.

MR IRVING: Professor van Pelt, we are wasting our time really, are we not? There were never any holes in that roof.

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There are no holes in that roof today. There were never four holes through that roof. They cannot have poured cyanide capsules through that roof. The concrete evidence is still there. You yourself have stood on that roof and looked for those holes and not found them. Our experts have stood on that roof and not found them. The holes were never there. What do you have say to that?

A: I would just say why do we not put up the picture of the roof and look at the roof in the present condition? The roof is a mess. The roof is absolutely a mess. A large part of the roof is in fragments. The concrete has many different colours. You pretend that you are talking about a piece which is intact. It is not.

Q: Can I remind what you have written in your book?

A: It is impossible to determine nowadays what was the situation of that roof in 1945.

Q: Can I remind what you have written in your expert report for this case?

MR JUSTICE GRAY: Page?

MR IRVING: I have page 295, my Lord, but that is my copy which I printed out again.

MR JUSTICE GRAY: I imagine it is the same page for us too, is it not.

MR IRVING: I would not bank on it.

MR JUSTICE GRAY: It obviously is not.

MR IRVING: Would the witness kindly read out the paragraph

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I have outlined beginning with "Today the four holes cannot be found".

A: Can I -- I just want to let -- I will try to find the page number. It is in the Leuchter interrogation.

MR JUSTICE GRAY: Mr Irving, I am in your hands about time. You remember I said I would rise whenever was convenient to you after a quarter to 4.

MR IRVING: My Lord, you may apprehend that the trap is now sprung and it would be a pity to put the mouse back in its cage.

MR JUSTICE GRAY: The trap is what you have just asked?

MR IRVING: Precisely it, my Lord. There are no holes in that roof. There were never any holes in that roof. All the eyewitnesses on whom he relies are therefore exposed as liars.

MR JUSTICE GRAY: I am just identifying the trap.

A: OK. Now if I am sitting in the trap I will take a little longer to look for the information because ----

MR IRVING: Take as long as you like.

A: --- because I prefer to remain in the trap and eat the cheese while it lasts! OK, we are here at page 518, my Lord.

MR IRVING: 518?

A: Yes. The bottom two lines: "Today, these four small holes that connected the wire-mesh

columns and the chimneys cannot be observed in the ruined remains of the concrete

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slab. Yet does this mean they were never there? We know that after the cessation of the gassings in the fall of 1944 all the gassing equipment was removed, which implies both the wire-mesh columns and the chimneys. What would have remained would have been the four narrow holes and the slab. While there is no certainty in this particular matter, it would have been logical to attach at the location where the columns had been some formwork at the bottom of the gas chamber ceiling, and pour some concrete in the hole and thus restore the slab."

Q: Hold it there. So what you are saying is with the Red Army just over the River Vistula ever since November 1944 and about to invade and, as we found out earlier this morning, the personnel of Auschwitz concentration camp in a blue funk and destroying their records and doing what they can, some SS Rottenfuhrer has been given the rotten job of getting up there with a bucket and spade and cementing in those four holes, in case after we have blown up the building they show?

A: I would like to point out that the gas chamber was removed in November 1944.

Q: The gas chamber was removed?

A: The gas chamber, the installations were removed. The installations in the gas chambers were removed. Also during the month of November and December 1944, because the Germans were still confident that they could hold back

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the Bolshevik hoard from the East, they were creating gas type air raid shelters in Auschwitz at that moment. They had started constructing these things just before. So there was still some local, small-term, small site construction activity going on. This was very primitive, but certainly the SS would have been able in November 1944, even December 1944, to repair the roof and to remove the evidence of the holes. The invasion, the offensive, only started on January 12th, as we have established before.

Q: Professor van Pelt, do you know what the phrase in architecture, "fair face finish" or "fair face concrete" refers to?

A: I can guess, yes.

Q: It means concrete which is left bare to the public. Are you aware that this is one of the most expensive finishes that an architect can specify?

A: Yes.

Q: Because -- can you speculate as to the reason why it is so expensive?

A: Because it is very difficult to get a very even texture.

Q: I know this. I worked for three years in a concrete gang with John Lang working my way through university, so I know how difficult it was to get the concrete right. If it was not properly vibrated and you had a cavity, you had to take down the whole beam because you cannot plaster

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over it in a way that it does not show. Is this not so?

A: Yes.

Q: So you would expect that it would be unlikely that these panic stricken Germans could have managed to trowel the finish on both the gravel covered side of the roof and the underside of the roof in such a way that nothing would show, you would not see what is called a drying line

around the circle where the hatch had once been. Is that correct, you would expect to find a drying line?

A: If you would have had this kind of concrete, but, sadly enough, one does not have that kind of concrete in the ceiling of morgue No. 1 of crematorium (ii). There is actually one little place you can go under it, and this is where Mr Leuchter derived some of his samples, and I have been also in that place and, in fact, the formwork is a complete mess. It is a very irregular formwork. You cannot draw any conclusion from that formwork one way or the other of what kind of hole was located where.

Q: Is it not so that when you have formwork made of wooden planks, the concrete retains the grain of the wood; you can see the grain of the wood and that too would show that you could not plaster over the holes in such a way that Holocaust deniers years later would not find them?

A: Yes, but there is one problem, and that is the column which remains. There is one column remains and it is the second column. The second column of the crematorium

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remains. So it is not a column to which one of these mesh columns was attached. The mesh columns were attached to the first, the third, the fifth and the seventh.

Q: Fortuitously, the one that remains was the one that did not have the wire mesh?

A: Yes, or sadly so for your case maybe. So, in any case, we cannot draw any conclusions from the nature of the formwork around that column because that is not a column where the wire-mesh column was. So, I mean ----

Q: I am talking about the ceiling.

A: There is a one little bit of ceiling only visible. The amount of ceiling is only a few square metre there. You can crawl under the roof of Leichenkeller No. 1. I have done it and I have looked at that roof.

Q: Professor van Pelt, would it surprise you to hear that the Poles have made 400 photographs of the underside of that roof in an attempt to map every square inch of it looking for those holes and they failed?

A: But the problem is that holes are not under that part.

Q: The holes are not under that part?

A: I mean, the roof falls back into the ground.

Q: Here is a map of the roof as it now is. This is the large yellow page that I gave his Lordship, right? There are no holes in that. It has been mapped from top and bottom. The only holes that exist are where it has been punched through in recent years by people curious about what is

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going on underneath, and you can see that is the case because the steel reinforcing bars have been bent back, and the one place where the pillar has also broken through. The holes that your eyewitnesses refer to, as you correctly say, cannot be found for the simple reason they were never there and there is not the slightest trace of them being there, and I also draw your attention, my Lord, if you go back to page 184 ----

MR JUSTICE GRAY: Yes.

MR IRVING: --- about 10 lines down: "The showers were fitted to small blocks of wood sealed into the concrete roof of the gas chamber". We have probably all seen these little blocks of wood that get embedded in the concrete when it is poured, so that things can be screwed to those little blocks of wood. Those little blocks of wood also are not in the ceiling, as you can see, my Lord, as I gave you two photographs in a heap this morning. I gave your Lordship two photographs,

colour photographs, in a heap this morning.

MR JUSTICE GRAY: Yes. I am just underlining that.

MR IRVING: I cannot find mine.

MR JUSTICE GRAY: I have got ----

MR IRVING: Yes.

MR JUSTICE GRAY: --- the ones you gave me.

MR IRVING: One is of the underside of the concrete roof and you can see -- exactly, my Lord -- you can see the

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condition of the concrete roof underneath this messy slab is in. You can see the wooden markings on the concrete where formwork was all these years ago when they built crematorium No. 2 in Auschwitz. You can appreciate that if there had been those holes in the roof, which are the cardinal linchpin of the Defence in this action, they would have been found by now. They have not found them, and so their eyewitness evidence collapses because these people are exposed for the liars they were. My Lord, it is four minutes to 4. Unless Mr Rampton wishes to say something to repair the damage at this point ----

A: My Lord, may I respond to this?

MR JUSTICE GRAY: Yes, but not until 10 be 30 tomorrow morning. What I would be like to know from you then is what evidence there is from the likes of Taiber about the way in which the pellets were inserted into the gas chamber. In other words, are there other witnesses who describe that?

A: There are other witnesses.

MR JUSTICE GRAY: We will have to deal with Kuhler as well, will we not, Mr Irving?

MR IRVING: I think so, my Lord, to have a look at the wire-mesh columns.

MR JUSTICE GRAY: I hope you will have enough time. If you get into difficulties I will be sympathetic. 10.30 tomorrow.

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(The witness stood down)
(The Court adjourned until the following day)

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