

PROCEEDINGS - DAY TEN

P-1

Day 10. Wednesday, 26th January 2000.

MR JUSTICE GRAY: Mr Irving?

MR IRVING: My Lord, may it please the court. Two minor housekeeping matters: first of all, I have postponed my two witnesses until later because, obviously, we are in the middle of Professor van Pelt's cross-examination, and that is the witnesses Fox and Peter Millar.

MR JUSTICE GRAY: I hope that does not cause problems.

MR IRVING: Not at all, no. I dealt with them last night about this. So one of the things I gave to you in the bundle yesterday morning referred to the Millar. It is a section of the 1992 diary. It will presumably be in your ----

MR JUSTICE GRAY: I have it loose and I will keep it loose.

MR IRVING: Keep it loose or put it in J. My Lord, the other minor matter concerns once again the press.

MR JUSTICE GRAY: Yes.

MR IRVING: From today's press coverage -- particularly I am referring to the Times -- one gets the impression they are relying more on hand outs than on their personal experiences in the courtroom.

MR JUSTICE GRAY: I saw the report. I did not read it. What about it are you concerned?

MR IRVING: Purely, that there were things in the article which were not in the testimony yesterday, and I am not in any way pointing a finger at the Defendants on this. It may

P-2

well be there are third parties who are doing this and providing copies of the Professor's report or something like that to the press. This clearly disadvantages me. I am aware of the fact that your Lordship is sitting without a jury, so this is of less moment, but if it in any way gradually affects or put wrong guidelines on public opinion and skews public opinion in some way, then this may indirectly be seen to be affecting the outcome of this decision.

MR JUSTICE GRAY: Well, I am afraid that really is a sort of fact of life that you just have to put up with. Really, what matters here for my purposes is whether I am going to be influenced by it and, as I have not read it, I will not be.

MR IRVING: Very well, my Lord. Clearly, it would be improper for any of the parties in this case to start putting hand outs to the press in the way I appreciate the law is on contempt which would disadvantage the other party.

MR JUSTICE GRAY: If anything that really does disturb you comes up, mention it, but at the moment I do not think there is anything that can usefully be done about what appeared or, indeed, should be done. So I think we might as well get on.

MR IRVING: Very well, my Lord. It will probably assist your Lordship if I now just in one topic paragraph, so to say, outline what I intend doing ----

P-3

MR JUSTICE GRAY: I would find that very helpful.

MR IRVING: --- for the next hour, shall we say? Firstly, there will be no more traps being sprung. I am sure that the Professor will appreciate advance notification. There are no more

hidden booby-traps or mines, but I am going to be dwelling briefly on crematorium No. (ii) still for a while because I believe the Professor wishes to make certain comments on what I said yesterday.

I then want to have a look at the quality of the eyewitness evidence that the Professor was relying upon, in particular the witnesses Tauber and Bimko and Broad. Then we will move to Auschwitz, the main camp, and have a look at the alleged gassing facilities there.

MR JUSTICE GRAY: Yes. Thank you for that.

MR IRVING: If I can just recapitulate where we were when we ended yesterday and invite the Professor to state what comments he had on that. This was the fact that we had established, I believe (and I am sure the Professor will correct me when the time comes if I am wrong) that the evidence on which he based his contention that crematorium No. (ii), the mortuary No. 1 in that crematorium, the underground mortuary, was, in fact, a gas chamber, was entirely eyewitness evidence, what we would call anecdotal evidence from certain named eyewitnesses.

MR JUSTICE GRAY: I do not think he would, accept but that may be what you are putting to him.

P-4

MR IRVING: He may wish to tell the court what other evidence he is relying upon. I shall certainly invite him to do so. If I may continue? The evidence then is that the roof has pancaked downwards, has remained relatively intact, sufficiently in fact that one can draw certain conclusions from its present condition, and that in its present condition it certainly shows no signs of the holes through which allegedly the murderers poured the cyanide capsules into the chamber below. They should certainly have been visible, in my submission.

MR JUSTICE GRAY: Yes, that is the point we were on yesterday evening.

MR IRVING: This is where we left it yesterday evening, my Lord.

MR JUSTICE GRAY: Yes, absolutely.

PROFESSOR VAN PELT, Recalled Cross-examined by **MR IRVING,** continued.

Q: Professor van Pelt, do you disagree with any part of that brief summary?

A: My Lord, I do.

Q: Right. With which part do you disagree? Shall we take it stage by stage? My contention that your belief that this building was a homicidal gas chamber rests solely on the eyewitness evidence of those named eyewitnesses?

A: I disagree with that statement, and I can bring in some other evidence, if you would like to consider it?

P-5

Q: Was this other evidence contained in any of your reports or in your published book?

A: It is contained in a report. It is also contained -- it is basically a number of images I would like to introduce right now.

MR JUSTICE GRAY: Can I just be clear? Are we talking about crematorium (ii) or generally?

MR IRVING: We are still talking about crematorium No. (ii), my Lord, the one of which we had these large photographs.

MR JUSTICE GRAY: Yes, I just wanted to be clear.

MR IRVING: We are talking specifically about the Leichenkeller No. 1.

A: Or, even more specifically, we are talking about the way Zyklon-B was introduced in that

Leichenkeller by means of wire mesh columns which above ground were capped with a kind of introduction device, a chimney like introduction device.

Q: Rather like a funnel of some kind?

A: Some kind of little chimney.

Q: Was this introduction device made of wire mesh or was it made of concrete or do you have any evidence?

A: Tauber describes it as a chimney with a concrete lid, but I would like at the moment, with your permission, just to introduce the evidence and maybe we can consider the evidence.

Q: This is the eyewitness Tauber you are referring to?

P-6

A: Yes. My Lord, I would like to go to core file Auschwitz 2, the trial bundle,.

MR JUSTICE GRAY: K2 we are talking about?

A: No. 2, K2, and I would like to go to tab 1 where it is called "Plans and blueprints", and I would like to go to page No. 10 and No. 10A.

MR IRVING: Handwritten 10?

A: Yes.

MR JUSTICE GRAY: Yes, I think it must be a handwritten 10.

A: Yes. It is 22 printed and 45 printed, but it is 10 and 10A. That is how the numbers of the sequence in which these images are in the file.

MR JUSTICE GRAY: These are photographs?

A: These are photographs, and what we see here is we have an image of the back of crematorium (ii) in February 1942. You see it is winter. The photo is very clear. There is snow on the ground. We are looking at the foreground is actually the construction site of the Klaranlage, the sewage waste, the sewage treatment plant. We look at the back of the crematorium, and we see there the main building with the roof and the chimney and then, jutting out from that building and it is clearer on the next page, we see the gas chamber, or the morgue No. 1 as a kind of box, a low box like structure, and on top of that we see four boxes. It is certainly three of them are very clear and maybe the fourth one to the left right under the

P-7

window. This would be the third double window from the left of the building. We see these box like, chimney like, structures which jut up from this low, this low box like structure, which is morgue No. 1.

This is a picture of the building as it was on the construction. Shortly after this photo was taken the gas chamber itself, or the morgue No. 1 itself, was covered with dirt, and so that the projection of the little chimneys above the level of the roof of the morgue in the final result would probably have been less, but we do not, of course, know if we look at the finished chimneys right now or if these were in some way still capped with another kind of structure. So this is, I think, a very important piece of evidence because this is a photo taken by a member of the SS Bauleitung, Schaffuhrer Kaman. He was the only one allowed with a camera in the camp and this photo very clearly shows the structures.

MR IRVING: Can I interrupt you at this point?

MR JUSTICE GRAY: Yes, of course.

MR IRVING: Right. I am anxious to let the witness have his say, but you refer to them as "chimneys"; of course, they are not. They are objects on this photograph. We do not know what the objects are. Professor, have you, presumably, in your life visited a building site?

A: Yes.

P-8

Q: And have you seen flat roofs on building sites under construction?

A: Yes.

Q: Have you seen these roofs when they are being treated with some kind of substance to water proof them?

A: Yes.

Q: What does the substance come in? Would I be right in saying it comes in 40 gallons drums or something like that?

A: I would not be able to comment on that. I mean, if you want to assert it comes in 40 gallon drums, I will accept that.

Q: But it comes in drums, does it not? These drums stand around the roof while the men brush it up and down on the roof. This kind of thing happens?

A: That is quite possible.

Q: And this photograph was taken in the winter of 1942?

A: Yes.

Q: At this time this particular building was under construction, was it not? They were stilling completing ----

A: It was under construction.

Q: It was under construction. Of course, if we cut straight to the bottom line in this, if we are to accept your hypothesis or theory that these were rather irregularly spaced openings in the roof, and these were some kind of

P-9

pipe on top of that, as I understand you are putting to the court, with some kind of cover on top, then we would expect to find the openings in the roof, would we not, or some trace of those openings in the roof even today? Here is the roof now, that is the very roof we are talking about, is it not? That has pancaked downwards. The underside of the roof is largely intact. You can see just where those columns would have been then, these openings would have been, and there is not the slightest trace of them, is there?

A: I have said, it is in my report that one cannot observe these things, but I have also said before that when the gas chamber was dismantled before the destruction of this building, two months before the destruction of this building, it would have been a very likely, I mean, the obvious solution would have been to actually close these holes. Now, I have also mentioned yesterday ----

Q: I am going to question you on that in a minute.

A: I wonder if I should go back to the discussion of yesterday or address straight the issue of the boxes with material, the alleged boxes with the material on the roof.

Q: Well, we will come back to the alleged boxes with material on the roof, but I must hold up your statement to the court where you said that just before demolition of the building, workers were sent in with the instructions to fill the holes with cement or concrete or something?

P-10

A: This is an inference on my side because you do not want these holes in the roof of a space to remain. When you have taken out the columns, it is an obvious conclusion that you would close these holes.

Q: I can see his Lordship frowning and I think the whole court is inwardly frowning about this rather improbable story, implausible idea.

MR JUSTICE GRAY: Well, just for the record and for the transcript, I did not frown.

MR IRVING: I am sorry, my Lord.

MR JUSTICE GRAY: Let us get on with the question.

MR IRVING: Yes. The implausibility of the story, that before putting in packs of dynamite beneath the building to blow everything up so that the Red Army does not find any criminal traces, they send in workmen with buckets of cement and trowels and tell them to make good the holes in the roof. This sounds, I must say, totally implausible to me, and we know now that it never happened because the roof is there and there is not the slightest trace of such patchwork having been done on the concrete?

A: My Lord, it is at the moment impossible to see because of the state of the roof if there was patchwork or not. The roof is fragmented. The roof has weathered very, very badly over 50 years, and the colour of concrete in the roof is of a motley quality, to say, and there is a lot of growth has been on the roof. It is impossible to tell one

P-11

way or another.

Q: We are talking about the underside of the roof, of course, and we have any number of photographs of the underside of that roof where you can actually see the original wood grain in the formwork on the concrete that survives, and that shows not the slightest displacement or interference or tampering with. This is the implausible part of your story. I appreciate that you are anxious to move on to other topics because, frankly, this blows holes in the whole of the gas chamber story. If there are no holes in that roof, no holes in that roof, there are no holes now and there were no holes then, and that totally demolishes the evidence of your so-called eyewitnesses?

A: My Lord, I have already yesterday pointed out that the column which remains and over which the room has been folded is the second column which was not the column where the column, the Zyklon-B introduction column was attached to, there were four of them, attached to column 1, 3, 5 and 7. May I address ----

MR JUSTICE GRAY: I wanted to ask you -- may I do it now -- about the columns because I understood your evidence yesterday to be that jutting out, as it were, from the roof of the alleged gas chamber there were the columns as well as the metal apertures through which the Zyklon-B, you say, was poured?

A: The columns -- it is unlikely, my Lord, that the ----

P-12

Q: Did I misunderstand that?

A: --- columns would be going through the roof completely because the columns themselves were wider. They had these three concentric layers, but what would have happened is that there were a hole through the roof, and then on the top of it you get a kind of chimney like structure, and as long as the hole is connected to the innermost, to the innermost kind of column inside and of the same width so that this little thing can be brought up and down which ultimately allowed people to retrieve the earth in which the Zyklon was absurd during transport. As long as that hole was the same as the diameter of the inner column, then whatever you do above the roof is irrelevant.

I mean, you can have a box or you can have just a lid there.

MR JUSTICE GRAY: I follow. But the question I am really trying to get at is this. If your evidence is that the pillars were protruding above the level of the roof ----

A: You said the Zyklon-B introduction pillars?

Q: Well, that is what I am asking you. I thought you said that the pillars, the structural pillars, were protruding ----

A: No, the structural pillars did not and do not.

Q: Well, that was my misunderstanding of your evidence.

A: We have a blue print which shows those pillars and we can look at if you want.

P-13

Q: Whilst I am asking you questions, I am not sure you have really responded to the suggestion that was implicitly being put to you by Mr Irving which is that these objects that one can see on the roof of the gas chamber, alleged gas chamber, are, in fact, drums containing some sort of sealant. You have not actually dealt with that suggestion.

A: No, and I would like to deal with that, if it is possible?

MR IRVING: Are you saying that all four of those objects were the pipes, as you call them?

A: No, these would be, this would be the chimney. There would be some structure around the pipe, because if you just have a pipe coming up, you want to have probably some kind of insertion mechanism. If you take a tin of Zyklon-B, that probably there is a little funnel attached to, and also you want probably not the pipe to run straight through the earth, you probably want to have some kind of protection around that pipe.

Q: My Lord, can I draw your attention to picture 10A in K2?

MR JUSTICE GRAY: Yes. I still do not think, Professor van Pelt, you have really dealt with the suggestion that these are drums containing sealant. Could that be so?

A: I would like to deal with it.

Q: Deal with it now.

A: First of all, we are coming, of course, in a -- the

P-14

problem is the exact dating of this image. If this image had been taken, let us say, in November, December, let us say December 1942, I think it could have been a plausible suggestion. I mean, we would have to look then in what shape of tins sealant is coming, but let us assume that this is, this is December, at that moment we know that there was construction activity on the roof. We also know that by the end of January, I mean, in fact, by the middle of January already, from correspondence, that the roof of morgue No. 1 had been completed, and one of the reasons for that we know that is the notorious Fergantung's letter of January 29, 1943. So, what is the reason that we know that this is not December 1942, but that this is or that we are already talking about probably February 1943.

MR JUSTICE GRAY: I thought you said '42, I am bound to say.

MR IRVING: November '42?

A: My argument is that Mr Irving's argument could be taken seriously at least for a moment until we have established what shape these containers come if this photo had been taken in December 1942. My argument is that the roof was already completed by January 1943.

My second argument is that one can, if one looks carefully at this photo, see that there is some kind of black line on the top of the chimney. There seems to be some soot on the top of the chimney which means that the chimney, as it is depicted in this photo, has had some

kind of activity already.

We know that there were trials, the first trial firing of the incinerators was, in fact, in late January 1943. That was the first trial firing of the incinerators. On the basis of that, it is very clear that this photo must be taken after the first trial firing of the incinerators. That is again the letter of 19, 29 talks about the trial firing of the incinerators, otherwise there would be no soot on the top of the chimney.

On the basis of that, it is possible to date this photo at least after the end of January 1943 when the roof was completed and, therefore, would be no reason at that moment for any other kind of boxes with sealant to be on the roof.

MR JUSTICE GRAY: Can I just ask one question and then I will stop? How do you date this photograph as February '43?

A: Because we know that by early March '43, the whole building was completed and, by implication, the gas chamber would have been covered with dirt. We know also -- so that is the last date that is possible. I mean, these photos are not dated.

We also know that the first experimental firing of the incinerators happened in end of January 1943. So it must have been, this photo must have been taken after the end of January 1943 and before the official completion

of the building in early March 1943. This is why I say February.

MR IRVING: Professor van Pelt, have you seen a photograph of that roof with just snow on it and no kind of protruberances at all, that flat roof?

A: Yes, I think there is a photograph of that, yes.

Q: What conclusions do you draw from examining that photograph? Those protruberances were moveable?

A: If you present me to the photograph, I will draw conclusions from it.

Q: You say you have seen the photograph. If there is a photograph of that roof with flat snow on it, a pure sheet of white snow, and no protruberances on it, and that implies that the protruberances were mobile and could be carried around like drums of tar, for example?

A: Mr Irving, I am not going to speculate upon a photograph I do not have in front of me. If you present the photo, I am very happy to explain that photo and I have an explanation for that photo.

MR JUSTICE GRAY: Professor, actually I think you are wrong on this point because you have accepted there is such a photograph. You have seen it. Can you not help Mr Irving -- he obviously has not got the photograph -- by giving the explanation that you obviously have?

MR IRVING: I have the photograph but not immediately available, my Lord.

A: OK. Then the explanation is simple. What happens is that after the dirt was brought on top of the roof of the gas chamber or morgue No. 1, the protection of these chimneys would have been less. If we then had snow on top of that, it is very unlikely we would have seen much of these little chimneys.

MR IRVING: I only have one more question going to these protruberances on the roof. You say the Germans are basically a very methodical and orderly kind of people when they design their buildings; they are not arty crafty. They do not put a pillar here and a pillar there and "Let us have two over there". They will put them in a straight line down the middle, as, indeed, we know

they did in that very building, in the gas chamber, as you call it?

A: They are construction pillars we are talking about?

Q: Yes, the construction pillars that go down the centre of the room, do they not, with one single reinforced concrete beam down the centre of the room?

A: Yes.

Q: So these pillars go down the centre of the room.

A: Not only Germans. I presume even English architecture and Canadian architecture do the same.

Q: I am sure they do. Therefore, the wire mesh columns that you talked about which went up the side of the pillars would also be running down the centre of the roof, would

P-18

they not?

A: No, not necessarily. I mean, you can put them either on the left or on the right side of the columns.

Q: Can we have another look at that photograph, in particular the one on page 10A? Is it your impression that those four objects are evenly spaced?

A: It seems that the second object is slightly more, the second object from the right, seems to be slightly more to the left -- it seems to be at a different line than the first and the third.

Q: Very well. Do they appear to you to be running down the centre line of that roof?

A: No.

Q: Or anywhere near the centre line of that roof?

A: I do not know, near. It is very difficult to say in this photograph exactly where they are, but it seems to be in this perspective that the interpretation is that No. 1 and No. 3 maybe would be in line, but certainly No. 2 would not be on the same line as No. 1 and 3, going from the right, and No. 4 it is very difficult to determine exactly what that thing is.

Q: Professor van Pelt, have you received just now a copy of this photograph of the underside of the roof?

A: Yes. I have it right in front of me.

Q: You accept that the underside of that slab we are looking at there in the colour photograph, which is Leichenkeller

P-19

No. 1 of crematorium No. 2, is the room you identified as the room where 500,000 people were gassed to death?

A: Yes.

Q: Will you accept that we can indeed see a very large amount of the space of that underside of that roof?

A: It is very difficult from this photograph to say how much space it is. I have been under the roof and it is a very tight space when you go there, when you actually film it or photograph it, the scale becomes very difficult to determine. What we certainly see here is that, if indeed what we see in the front of this photograph is the bricks, and pieces of bricks, then actually we are looking in a very, very narrow space, because these bricks are this size more or less, so we are talking about a space here, a crawl space right now.

Q: Like speediology, is it not, like cave hunting? It would be like going down into a very narrow cave, but all the same the people manage to get down there and take the photograph of that large area of roof space and you can see the lines of the formwork, the wooden lines where the

concrete has been moulded into the wet concrete as running between the boards of the formwork?

A: Yes.

Q: You would expect therefore to find that interrupted in some way if there were these holes in the roof?

A: I would like to point out to you that in fact, if we see

P-20

the kind of converging parallel lines of the formwork going from the top of the photo, then passing over at least two big kind of stains, which shows it is not very smooth, and then suddenly that formwork stops because there is actually a diagonal line going more or less from the top left of the picture to the middle of the right hand side, so the form work certainly not very regular, which it is very easy to see on this photo.

Q: You do accept, do you not, that the whole of the story of the 500,000 people killed in that chamber rises or falls, rests or falls on the existence of those holes in that roof?

A: No.

Q: We only have the eyewitness evidence.

A: I disagree with that. The whole story rises and falls on the evidence that this room was a gas chamber, which is a slightly different issue.

Q: Well, setting that aside for a moment and we will come back to that other evidence in a moment, we still have not heard any other evidence than the eyewitness evidence we have heard about.

MR JUSTICE GRAY: Mr Irving, before you leave the photograph, took this photograph?

MR IRVING: A number of, shall we say, revisionist researchers have gone down there and taken these photographs.

MR JUSTICE GRAY: The professionals say it is revisionist

P-21

research.

MR IRVING: It is revisionist research, my Lord, but the point I was about to make was, as your Lordship may apprehend it was, as it is now accepted and has been accepted for some years that the whole story rises and falls on the existence of holes, one would have expected the researchers at the other end of the spectrum to have been down frantically looking for those holes to prove us wrong and they have not. They have not bothered to scrape off the rubble on the top to look for the evidence on top of the holes. They have not bothered to make any kind of survey clearing aside this brick mess underneath, digging deeper in, looking for evidence that those holes exist and frankly, my Lord, I cannot accept the notion that the Nazis, in the last frantic days when we heard yesterday they were in a blue funk, blowing up buildings, taking out the equipment, dismantling everything nut and bolt, that they would have gone round with a bucket of cement filling in the holes of the buildings they were about to dynamite.

MR JUSTICE GRAY: That is in the nature of a small speech and obviously you will be making that point later on, but for the time being press on with your questions.

A: My Lord, may I respond to this? Can I take the speech as a question?

MR JUSTICE GRAY: Let us deal with it slightly more evidentially. You are being asked for the evidence you

P-22

rely on apart from the eyewitnesses.

MR IRVING: My Lord ----

MR JUSTICE GRAY: Just pause. You have your shout and I am going to have mine. You have identified the photographs which we have just been looking at, and I think we are going to want to know what other evidence you rely on. Mr Irving, that is not an inconvenient moment to ask that question, is it?

MR IRVING: I was just going to ask one supplementary question, which is to your knowledge, Professor, have any investigations of the underside of that roof been made by the Auschwitz museum authorities or the Polish authorities?

A: I do not know, my Lord.

Q: Do you believe that, if there was any doubt as to the existence of those holes, or if there was any belief that those holes really existed, is it not likely that they would have made the most strenuous attempts to establish that fact?

A: I cannot second guess the way the Auschwitz museum or the Polish authorities operate. What I do know is that they do not generally allow their research agenda to be set by revisionists.

Q: Very well.

A: My Lord, may I introduce a second piece of evidence?

MR JUSTICE GRAY: Yes. I would find it helpful, Mr Irving, to

P-23

know what other evidence. You started by asking what other evidence is there.

MR IRVING: This is the question I asked earlier on and I did say that we would come back to that.

MR JUSTICE GRAY: We have the answer now.

MR IRVING: We have the eyewitnesses to whose integrity I shall be coming back later on this morning, but let us hear what else you have?

A: The second piece of evidence I would like to introduce is in tab No. 2, and it is circled photo No. 6, which is an air photo taken by Americans in the summer of 1944, which shows, if we look at that --, I do not know exactly how to turn it. If one looks at the photo from the side, we see crematorium (ii) to the right and crematorium 3 to the left. Now, one sees in this photo very clearly jutting out the undressing room. It is actually the entry at the end. It is like a little tab attached to it, and the morgue No. 1, and on morgue No. 1 there are four dots. In the same morgue No. 1 at crematorium 3 one sees those three dots.

MR IRVING: You describe them as dots, Professor. Would you like to estimate how long those dots actually are?

MR JUSTICE GRAY: The dots are going, as it were, in a line up to the top of the page. Are these the dots there?

A: Yes.

MR JUSTICE GRAY: I see.

P-24

MR IRVING: If I may point them out on this large colour map, my Lord, they go along this roof here, do they not, which is the alleged gas chamber? Right?

A: Yes.

Q: OK.

A: So that is a second piece of evidence, and I will leave it to this for the movement. I presume Mr Irving will challenge this and I will respond to his challenge.

Q: I did ask you a question if you remember. This was, would you estimate on the evidence in front of you approximately how big those dots are?

A: I find it very difficult. I do not know exactly how the shadow runs.

Q: Is that a shadow or an object?

MR RAMPTON: My Lord, can I intervene to be helpful? There is an even clearer photograph, a medium enlargement, on the previous page in the bundle on the right-hand side.

MR JUSTICE GRAY: Yes, that is a better photograph. I think that is helpful.

MR RAMPTON: It is even clearer.

MR JUSTICE GRAY: Is it the same photograph?

MR RAMPTON: I do not know. The witness will know that.

MR JUSTICE GRAY: More overexposed, as it were, than the other one.

A: Yes. It is not exactly. It was not taken from the same thing because you can see near crematorium 3, on the one

P-25

photograph you can see these lines going in, which actually were used for labels, attach labels to it, and when they were published in 1979 or so, and you do not see those lines pointing to crematorium 3, the morgue No. 1 and the fence in the image on page No. 5, printed No. 4.

MR JUSTICE GRAY: On page 5 crematorium (ii) is on the left. Correct?

A: Yes. Crematorium (ii) is on the left.

MR IRVING: Are these the same photographs, Professor?

A: No, they do not seem to be. I think they are the same photograph but they come from a different source.

Q: I do not think they can be the same photographs Professor, because of course the shadow of the chimney is going in the different direction, unless I am wrong..

A: The shadow of the chimney goes in the same direction. We see the shadow of the chimney going north west in both photos.

MR JUSTICE GRAY: I think one may be the mirror image of the other but I am not sure it matters very much whether they are the same photographs?

A: So the question posed to me was the size of the objects.

It is very difficult to determine the size of the objects, because of the way the shadow works. If one looks at the shadow of the chimney, one sees that the chimney really projects considerably out of the building, the shadow of the chimney. So it seems to be the sun is coming in this

P-26

case from the southeast. I do not know exactly what time, maybe it comes from the east more.

MR JUSTICE GRAY: I would not build too much on that, because I think it could be the same photograph which has been put in the wrong way round, as it were.

A: No, they are exactly the same.

MR IRVING: I accept they are the same photographs. Would you agree that both the chimney of the crematorium and whatever these pipe like objects you say are would all be vertical? They would not be leaning in any one direction?

A: The object, you mean?

Q: Yes?

A: The chimney itself and the ----

Q: Both the crematorium chimney and the protruberances on the roof which you think these dots are, would they all be vertical?

A: Yes.

Q: So they would all cast shadows in the same direction, at the same angle, would they not, if that were so?

A: Yes, that is quite likely.

Q: On this photograph they clearly do not cast shadows in the same direction. The smudges or dots appear to be first one way and then another?

A: Yes, that is the indeed true.

Q: Are these dots visible on any of the other air photographs taken of that building?

P-27

A: Yes they are.

Q: Either before or after?

A: Yes.

Q: Are you going to show these photographs to us?

A: No. I just selected one.

Q: Well, might I suggest that it would have been helpful to the court if you had produced the other photographs that you allege exist containing these dots?

A: I thought that this was sufficient, but I presume the court can obtain them if they want it. But I think that these dots show very clearly that there are four introduction devices in morgue No. 1, or four something on top of that roof.

Q: Professor, I strongly suggest that is a major quantum leap to suggest that a dot which on the face of it is about 15 feet long on the roof of this crematorium building can have anything at all to do with the protruberances that you were talking about earlier, which at its largest extent in the eyewitness evidence that I have seen is of the order of 36 inches.

A: Mr Irving, the whole of the width of what you call the alleged gas chamber I think is something like, what is it, a little less than 20 feet. So, if you look at the width of this room and you look then at the dots, we are certainly not talking about dots which are 15 feet wide. We are more looking at dots which are probably 3 feet

P-28

wide.

Q: I strongly disagree. They are over one quarter of the width of that roof in all their versions and manifestations on these various photographs.

A: I am not going to argue at moment about the width.

Q: Moreover, they cast no shadow.

A: It is impossible to say what kind of shadow they cast.

Q: They cast no shadow.

A: Mr Irving, we are looking at an immensely enlarged image from a small negative. These negatives, by the way, my Lord, have been preserved. They are sitting all on a roll and they have been preserved. These photos have been analysed by two different parties.

Q: Would you name those two different parties please?

A: Mr John Ball in Canada and in British Columbia was the first one who analysed these photos in the early 1990s.

Q: Is it not correct they were first analysed by a man called Mr Brigioni?

A: Yes, the CIA. I am sorry, indeed the CIA published these photos in 1979.

Q: About 1974, I believe?

A: Whatever, 1974, 1979.

Q: Are you aware of the fact that Mr Brigioni, the author of that publication of photographs, the CIA operative who, with a fellow author, first published these photographs, has recently published a book called Photo Fakery?

P-29

A: I am not.

Q: In which he sets out chapter by chapter how easy it is to forge photographs, as we all know. Using modern computers and this kind of thing you can take people out of photographs and move people around. This same Mr Brigioni is an expert on photo forgery. Are you aware of that fact?

A: I was not. I presume that, with today's computer technology, he indeed would be able to do this.

MR JUSTICE GRAY: Are you suggesting, Mr Irving, that these photographs are forgeries?

MR IRVING: I am not suggesting that per se, my Lord, but what I am suggesting is that one has to be alert to the possibility that somebody, for whatever reason, has put a smudge on these photographs. The National Archives of the United States, where the original photographs were housed in the cartographic division, at the time they were issued by the CIA, the National Archives issued a disclaimer saying these photographs, as they are housed in the National Archives Cartographic Branch, do not contain the labelling which the CIA has attached. They made no references to these actual dots or anything. They just dissociated themselves from the kind of treatment.

A: My Lord, may I continue? Because I was asked ----

MR JUSTICE GRAY: Yes. What question do you think you are answering?

P-30

MR IRVING: Do you have any opinion as to the integrity of these photographs?

A: I have an opinion on the integrity of the photographs which is based on an analysis by Dr. Neville Bryant at the NASA Jet Propulsion Laboratory in Pasadena done in 1996, and I actually was present in the room with him when he got his job. I was not present when he actually handed in the report.

Q: Professor van Pelt, is this report of the Pasadena Jet Propulsion Laboratory in evidence before us?

A: It is not, but I have testimony of Mr Michael Schurmer, who commissioned the report, of the results and I just want to explain the position of Dr Bryant. He is the supervisor of cartographic applications and image processing applications at the Jet Propulsion Laboratory and he seems to be the most experienced analyst of air photos in the United States.

Q: Is Mr Schurmer a friend of yours?

A: No, he is not. We have met a couple of times.

Q: Is there any reason why he would not have provided any written version of that testimony to you for the purposes you needed it for?

A: I do not think that at the moment it is necessary to have a testimony by Dr Bryant in court. You will have to prove this is a fakery, Mr Irving. These photos are at the moment evidence as photos. If you want to say that this

P-31

is a fake, I would say prove it and then we can get the report of Dr Bryant.

Q: Professor van Pelt, I think that his Lordship will educate you as to the burden of proof in an

English defamation action.

MR JUSTICE GRAY: I am not sure that is really quite right. If you are not saying that these are fakes, and I think you just told me that you were not putting forward that positive case, then it does not seem to me that it is necessary for this witness to refer to the expert analysis at all. But, if you are saying it is a forgery or has been tampered with in some way, then it may be that we do need to see what the expert said.

MR IRVING: In that case, my Lord, I think we ought to ask the witness as to the nature of the expertise given by the Jet Propulsion Laboratory, which did not go to the forgery aspect, as I understand it, but to the aspect of what those objects were and how large they were. Am I right, Professor?

MR JUSTICE GRAY: Is that right?

A: No. The question which was asked to Dr Bryant was very simple. The first question was: Had these negatives been tampered with? It was partly based on a suggestion by Mr Ball who had analysed them in 1990, using analogue machines, which means he did not use computer enhancement but he used analogue machine, in which Mr Ball

P-32

had said that in the CIA report things had been added to the photo, and this went very specifically to groups of prisoners being marched around the camp where at a certain moment one could see something like a little ----

MR IRVING: Brush marks?

A: Brush marks which had been drawn in.

MR JUSTICE GRAY: That is not these photographs, anyway, is it?

A: It is actually in these photographs, but it is too small.

But that was one of the "proofs". It was that group of prisoners which is not seen in this enlargement. They are walking around in the camp.

Q: Can we remain with these photographs, please?

A: They are in these photographs but not visual. I am just trying to explain the brief which Mr Bryant got.

Q: Was he given the original negatives to look at or copies of the negatives?

A: The negatives are in Jerusalem.

Q: The original negatives are in Jerusalem?

A: Yes, there is a roll of negatives in Jerusalem.

Q: How did the American government negatives come into the possession of the Jerusalem authorities?

A: I have no idea. They are in the Abfashen(?)

Q: Are you sure this is not just a duplicate made by the National Archives of the United States?

A: I am not sure. I know there is a roll of negatives in the Abfashen and I have been always under the impression that

P-33

it is the original roll of negatives given to Israel because of the importance of this material.

MR JUSTICE GRAY: What I think we are really looking for is what was the conclusion at which Mr Bryant arrived?

A: What Dr Bryant did was analyse these images by using computer technology, and he said that the problem which occurred in marching these prisoners which were marching around is that the size of a head of a person is the same as the size of a grain in the negative, and that the result of

that was that a morey effect which occurs when also in the newspaper when you photograph a picture which has been screened twice. This is one of the problems. When you go to the very small scale, it becomes very difficult to exactly understand the behaviour of these individual grains at that level.

MR IRVING: Can we remain with the dots on the roof, please? Is there any morey effect visible on them?

A: We are basically talking about very small objects, and I do not know if there is morey effect on them. But the issue which Bryant had to address was that the so-called proof Ball had for the tampering with these photos were these lines of prisoners. Once Bryant showed that these had not been tampered with, that there had been absolutely no tampering with this image, then the issue of if they had been tampered with, the dots on top of the Leichenkeller No. 1, became in some way irrelevant,

P-34

because the issue which Ball had brought to him was based on those groups of prisoners.

MR JUSTICE GRAY: Yes. So Bryant did not actually address the question whether these dots that we see on the enlargements were added, forged additions?

A: No. He looked if there was any proof of addition to it and he had said no.

Q: Generally speaking?

A: Yes, generally speaking. There is a second one and this is quite an interesting one. Again, the big problem with all of this of course is that nothing of this has been published. It would have been published by Schurmer if it was not for this libel case. People are waiting to see what the outcome of this libel case is. That is that these photos were taken in sequence, which means that it is a mechanical camera which starts running, and photos were taken for bombing raids on the Bunaplatz in Monowitz. So what happened is that, as the bomber starts to approach, this was probably taken by a Mosquito, the camera starts to run 10 to 15 minutes ahead of time, and starts taking photographs as it is approaching the bombing site.

MR IRVING: It takes stereoscopic pairs, does it not? In other words, each photograph was a certain distance away from the next one in terms of seconds, so, when viewed through a stereoscopic viewer, you would get a stereoscopic effect

P-35

so that you could see if these objects were in fact just smudges on the roof of some kind, or plant growths, or if they were what you would call chimneys?

A: I do not think that they were taken with the intention to be looked through a stereoscopic viewer. It was simply that the camera was running with a certain speed and, as a result of that, you can look at them with a stereoscopic viewer, which is a slightly different issue.

Q: This was the system. They did not take two photographs simultaneously. They would take them at five second intervals to produce a stereoscopic effect?

MR JUSTICE GRAY: Mr Irving, I think we are straying a rather long way down a possibly unprofitable side alley.

MR IRVING: In view of the fact that apparently, unless I am wrong, this is his only other evidence apart from the eyewitnesses.

MR JUSTICE GRAY: We have not asked him that yet. I have the point. You are alert to the possibility that these may be forgeries. Dr Bryant apparently concluded they were not.

MR IRVING: I have one more question to ask about the smudges on the roof as visible in the air photographs. What have you to say about the spacing of those smudges when you compare them

with what I call the tar barrels on the roof in the other photograph? They are differently spaced, are they not?

A: I cannot judge that. In the one photo we looking from

P-36

more or less ground level at these boxes, and now we look more or less straight from above and it is impossible to come to any conclusion one way or another.

Q: I disagree with you. Would it not be correct to say that in fact there is a very uneven spacing in the four tar barrels visible from the ground, whereas the smudges on the roof appear to be admittedly irregularly spaced but in a totally different way. Therefore, they have no connection whatsoever with the protruberances that are visible from ground level.

A: I have no comment on that.

Q: Can we hear what other evidence you have that this building here, the Leichenkeller No. 1, of crematorium No. (ii) was a homicidal gas chamber, apart from the eyewitnesses and apart from the smudges on the roof?

A: These are the two images which confirm the eyewitness report, and then there are a number of drawings made by a survivor.

Q: Mr Olaire?

A: Mr Olaire, which are in tab No. 3. There are three drawings I would like to refer to. The first drawing is No. 1 printed 3.

MR JUSTICE GRAY: Can you just remind me? Olaire was an inmate. Was he a sonderkommando?

A: He was a sonderkommando.

MR JUSTICE GRAY: Drawing No. 3?

P-37

A: It is circled in my horrible handwriting No. 1.

MR IRVING: What tab are we under, please?

MR JUSTICE GRAY: Tab 3?

A: It is a plan of crematorium No. (iii) which is the mirror image of crematorium No. (ii), so we have in some way to start to switch the left and right halves of our brain to understand this. What he has drawn in the room No. 3, which is, according to him, the gas chamber, are in fact four little blocks, four little squares, which are spaced from left to right, from left to right. They are labelled here, and of course they were not labelled at the time, as the Zyklon-B introduction openings.

MR JUSTICE GRAY: Who did the labelling?

A: In the final publication of Olaire's drawings I think they were done by Klarsfelt or somebody who was working with Klarsfelt.

MR JUSTICE GRAY: Did Olaire survive?

A: Olaire survived, yes. He survived and he was very far from Poland when Tauber gave his testimony. He was liberated in Germany and then he went back to Paris immediately. So the chance of cross pollination, as Mr Irving calls it, is very little. There is a second drawing which is in 46, so we are now one year later. It could be a little bit more problematic except the fact that at that moment images of the crematoria were not yet published. I just would like to draw your attention to

P-38

drawing No. 5 which is an image of crematorium No. (iii) as people are coming in, and this was drawn in 1945 and at that moment ----

MR IRVING: Is that 1945 or 1946?

A: 1945.

Q: I do not have a date on mine.

A: OK, it says 1945.

MR JUSTICE GRAY: Well, it would not be 1946, would it?

MR IRVING: These have been drawn from memory, am I correct?

A: These are drawn from memory.

MR JUSTICE GRAY: I see. I thought he was drawing them whilst -- no, I see.

MR IRVING: My Lord, this is very important you should appreciate these are drawn after the war.

MR JUSTICE GRAY: I am afraid I had not, yes.

A: These are drawn from memory. What I would like to say that he seems to have a very good memory because the first time actually that either the plans or images of crematorium (ii) or (iii) was published was in 1946 in the book by Kraus und Kulgar. That is a very crude image which Kraus und Kulgar, they made a little model. The plans were not published by the Polish Commission in 1946. So we have here in 1945 someone who has been in that building, who lived in that building, who was a sonderkommando, who is a very, very experienced draftsman and painter, had a career before the war as a painter and,

P-39

obviously, has a good visual memory and who draws this building; and when one compares this building with the images of crematorium No. (iii), then in general one must say that, indeed, he remembered quite well. So I would say that this building suggests at least that he is at least knows what he sees and he is a credible witness as even when he works from memory.

Q: What is it that you derive from photograph No. 5?

A: Nothing, except that I want to show that it is remarkable that he is able to remember this building as well as he does without any visual aids.

Then we come to No. 6 which is a drawing he made in 1946 of the same building which is crematorium No. (iii).

MR IRVING: Which is a mirror image of No. (ii), is that correct?

A: Yes. What he does there, there is one problem with this drawing because he has to try to represent something which is hidden, but we where see in the middle level, to say, that is the incineration hole with the ovens, the ovens which are labelled as No. H in this case, and we see No. I, we see the coke to the right, we see the little officers, the SS man sitting there with the window through which he looks at the incineration room, you see upstairs.

Q: Which is the gas chamber in this building?

MR JUSTICE GRAY: Bottom level, is it?

P-40

A: At the bottom level, No. D. Of course, the gas chamber, taken from this perspective, would have been hidden by, when we see the soldier standing at No. C in the corridor, the gas chamber would have basically been running to the back out of the plain of the ----

MR JUSTICE GRAY: Towards the ----

A: Not towards, that would have been crematorium (ii). It runs away from us, if we go back to the original plan I showed you which was No. (i). So the problem he had of how to represent that

gas chamber. So he drew it as if it is under the incineration room because there was no other way to really represent it, because he also wants to represent the undressing room which is No. A. You see there are basically two stairs, one stair to the left for people that are going down and we see the second stair is at No. B.

MR IRVING: In other words, his memory was wrong; he drew it in a way it actually was not?

A: No, his memory is absolutely right.

Q: But you said that he drew it in a way that it is not because he wanted to represent it -- he could not do it otherwise?

A: No, I mean, he had to represent the location of the gas chamber which is because the gas chamber jots out from the plain of the drawing. He now draws it under the incineration room, but, in fact, it goes, you know, it

P-41

goes to the back. I can do it, I mean, if this is the plain of the drawing, then the gas chamber would have gone like this, to the back. So he has to represent it one way or another and he does it a little bit in the way as probably somebody in ancient Egypt would have done it.

Q: Was Mr Olairé ever interrogated or questioned? Did he provide eyewitness statements?

A: No, I am happy to answer that he was not, but I would like to finish the drawing.

MR JUSTICE GRAY: Yes, make your point on this because I have not understood it yet.

A: The major point is seen at No. E, one sees here in the drawing, and the photocopy is not very good, but E points at some shadow -- it is almost seems like a shadow going down from the roof of the gas chamber to the bottom, and then you see three others, and the most right one is the clearest one in this photocopy and these are the four wire mesh introduction columns.

MR IRVING: This is in 1946?

A: This is in 1946.

Q: You are saying that he has not heard any stories at all of what allegedly went on?

A: I do not know exactly about the state of communication in 1945 and '46, but the eyewitness testimony about these introduction columns was given in May 1945 to Jan Sehn, but it was only published somewhere in 1946 and it was

P-42

actually the actual Kuhler document, and the actual, I mean, I mean the results were only published but the statements themselves were never published.

Q: Am I not right in saying that Mr Tauber, when he gave his statements to Jan Sehn, there were many photo opportunities and his photographs were splashed all over the press with stories, the other eyewitness, and that would have been early 1946 or 1945?

A: I do not know of any photo opportunities for Mr Tauber having been published in the press. If you can bring this, you know, I would be very happy to consider it.

MR JUSTICE GRAY: Professor van Pelt, can I just make sure I have understood it, that when you say that these show the projections, whatever they may have been, you are talking about -- can you see -- that smudge there, that smudge there, that smudge there?

A: No, that is actually, that is the installation which brings forced air into the ovens which actually, so that other little -- no, the smudges are going down. I tried to interpret what your finger is doing.

Q: There?

A: No, that is the door. That is the door. You are pointing now to the door.

Q: Hold up your plan and tell me where I am supposed to see evidence of these projections?

A: Do you see the arrow with No. E?

P-43

Q: Yes.

A: There you see where it just goes down, the arrow just points at a first line going down, but the most clearest one is the one ----

Q: Oh, I see.

A: --- the clearest one is the one which is half a centimetre away from D Olaire, for his name. There are four of these columns quite literally drawn into this gas chamber going down.

MR IRVING: But, in fact, he has it on the wrong side of the building. You accept that?

MR JUSTICE GRAY: Well, he has turned it 90 degrees on its axis, that is your evidence?

A: Yes. Then we have a third piece by Olaire which again is a drawing from 1946 which is No. 7. There we see two sonderkommandos who are collecting, as it says, gold teeth and hair in the gas chamber. Then we see in the background, we see one of those columns.

MR IRVING: The cross-hatching, you mean?

A: The cross-hatching, yes. It is drawn in the same way ----

Q: Are you saying they actually did this job of removing the gold teeth and the hair actually inside the gas chamber?

A: No. In general, they did it outside the gas chamber, but you must remember ----

Q: The picture says it is happening in the gas chamber, according to you?

P-44

A: But you must remember that by the end of 1943 the gas chamber of crematorium (ii) was divided into two. There was a back gas chamber and there was a gas chamber in front.

Q: Here is the wire mesh in the back of this picture?

A: No, but there were two wire mesh columns in the back gas chamber and there were two wire mesh columns in the front gas chamber.

Q: Coming out of these non-existent holes in the roof, is that correct?

A: Whatever. What happened was that when the transports were smaller, one of the big problems in the gassing the Germans had was that normally they had to fill up the whole gas chamber for the gassing really to go efficient. So by actually dividing the gas chamber up into two, they could gas a group in the small gas chamber at the back, and then they could use the front room after the gassing for work which otherwise would be done in the much more tight confinement of actually the little porch or up at the exit of the elevator in the incineration room.

Q: Can I ask what your source is for that statement?

A: The source for the statement that there were two gas chambers?

MR JUSTICE GRAY: That they divided the gas chamber into two and used one half only for gassing?

MR IRVING: Is this eyewitnesses again or do you have documents

P-45

that support that?

A: No, there are eyewitnesses for that.

Q: Yes. In other words, you do not have a document apart from these sketches from memory ----

A: I mean, at a certain moment if eyewitnesses say that the gas chamber was divided in two at the end of 1943, and Mr Bacon, for example, testifies to it that there has been a gassing in the

Eichmann trial, that he came into the gas chamber to warm up, and that there has been a gassing in the second gas chamber right at the back, Mr Bacon did not need to prove one way or another about what was happening where. I mean, he was a kid who came into that gas, into that gas chamber.

Q: Can we linger on No. 7 because I am very puzzled on this business of people extracting the teeth and cutting the hair inside the gas chamber with the bodies still piled where they lay?

A: No, the bodies -- we do not know exactly ----

Q: He is telling us here in this picture, is he not? You yourself drew attention to what otherwise we might not have noticed -- thanks very much -- the wire mesh in the background?

MR JUSTICE GRAY: Mr Irving, I think the evidence is, and you may not accept it, that these bodies had been moved from the half of the gas chamber where they had been gassed into the other half where the removal of the hair and the

P-46

teeth took place.

MR IRVING: And they just left this wire mesh column for no reason -- it was kind of left over from ----

MR JUSTICE GRAY: It was historical. I think that is the evidence.

A: The second gas chamber -- there were two gas chambers, they were right one behind the other -- the second one was used also when there were transports. We have a small one at the back. I mean, basically, half of the original gas chamber is used for small transports and the two are used for big transports. Of course, all the Zyklon-B introduction devices remain in that first room because the room is on occasions also used.

Q: And you notice that none of these people are wearing gas masks of any kind, although they are handling bodies that have clearly been contaminated with hydrogen cyanide?

A: I do not want at the moment to go into exactly ----

Q: Well, I do because this is an important point.

A: The testimony is that people were wearing gas masks when they went into the gas chamber itself to take the bodies out; that when these bodies were out, the dentists, the so-called dentists, did not need any gas masks any more to handle the bodies.

Q: They had been subjected to doses of hydrogen cyanide, hundreds of bodies, and yet these people are just handling them like this?

P-47

A: And the hydrogen cyanide by that time had been taken out of the gas chamber by ventilators.

Q: How long did that procedure last then? I mean, we are trying to get some idea of the time scale of the operation involved.

A: Around half an hour.

Q: For all the hydrogen cyanide to evaporate off these bodies so these people could work on them quite harmlessly?

A: The ventilators, again eyewitness testimony says that the ventilators after the gassing that took around 20, 30 minutes to take the gas out of the gas chamber.

Q: Professor van Pelt, are you aware of a news item in the newspapers about two years ago, an American student had committed suicide with cyanide and when the rescue workers went in, the paramedics went in, nine of them were overcome by the fumes and were hospitalized afterwards?

A: I did not read the Canadian papers, I am sorry to say.

Q: This was an American newspaper and reported in the European press as well. I have the press

clipping if you are interested. Nine of them were overcome by fumes from one body of a man who had committed suicide with cyanide, and they had to be hospitalized. So, on the face of it, this is quite an improbable picture we are looking at, if that is true?

A: I think eyewitnesses will say that this is, indeed, what happened. People with gas masks go in the gas chamber to

P-48

remove the bodies and people without gas masks work on the bodies after they have been removed from the gas chamber.

Q: Have you also read the testimony of some of the eyewitnesses, that they went in there smoking cigarettes and they went in there eating sandwiches, despite the gas masks?

A: My Lord, you will find my discussion on that whole issue in my expert report. Mr Irving at the moment is referring to an argument which has been made by Professor Faurisson. It is based on a complete falsification, misreading, misrepresentation, of the testimony of Mr Hirst.

Q: Of Mr Hirst?

MR JUSTICE GRAY: We can come to that in due course, no doubt ----

MR IRVING: In other words, some eye witnesses we have to discount.

MR JUSTICE GRAY: --- but at the moment, Mr Irving -- just listen to me; I would like to get some structure into it if we can -- we are taking Professor van Pelt through the reasons other than eyewitnesses for saying that ----

MR IRVING: This, of course, is clearly an eyewitness again, is it not?

MR JUSTICE GRAY: Mr Irving, will you just listen? We are taking Professor van Pelt through his evidence for saying that crematorium No. 9ii) was used as a gas chamber,

P-49

evidence apart from the eyewitnesses. We have seen the photographs. We have now seen the Olaire drawings. Can we move on and see whether there is any other evidence he relies on; if not, you can move on.

MR IRVING: My Lord, I would like just to linger two or three more minutes with the Olaire drawings because I have not really had my say on them.

MR JUSTICE GRAY: All right.

MR IRVING: First of all, it is not correct that this is just another form of eyewitness evidence, if I can put it like that, Professor van Pelt? This is an eyewitness who has the capability of drawing as well as speaking about what he claims to have seen, is that correct?

A: Yes.

Q: He is an eyewitness. Would you say that he is an eyewitness who is normally balanced and in command of his faculties or is there anything odd about him?

A: I am not a psychologist. I think that these drawings, these drawings certainly seem to suggest, especially when we look at the architectural plans, when we look at the section of the building, that his powers of observation were perfectly in tact.

Q: I must say there is a difference between the architectural plan which he provided in 1946 and the rather more lurid pictures and, of course, you know what I am talking about, earlier. Would you look at the picture No. 5 which is the

P-50

exterior of the crematorium with flames and smoke belching from the chimney. Now, would you

agree that these crematoria, in which the Germans had invested a great deal of money in building, would have been built to the latest design standards?

A: Design standards of what, Mr Irving?

Q: For crematoria, following all the appropriate technical specifications?

A: Mr Irving, we know very well that the Auschwitz crematoria did not follow the usual civilian crematoria design standards.

Q: Is there one single photograph, apart from the forged one put by the Simon Wiesenthal Centre in their brochure (which they have admitted is a forgery) showing the chimneys of the Auschwitz crematoria smoking?

A: There is one ----

Q: Even smoking, let alone flaming like this one?

A: There is one photo, as far as I remember, in the images of the Hungarian action of 1944 which actually shows some smoke coming from a crematorium chimney.

Q: This is the photograph I am referring to which the Simon Wiesenthal Centre have admitted now because they have been shown the comparison with the original, unretouched photograph. Can I describe this photograph to you?

MR JUSTICE GRAY: Do you know about this?

A: No, I do not know about the challenge to this photograph.

P-51

MR IRVING: Well, it is a photograph showing prisoners arriving from the Hungarian action in the foreground, and in the background can be seen a chimney of a crematorium. On the original photograph the chimney is not smoking, but in the version posted by the Simon Wiesenthal Centre in its publicity smoke has mysteriously appeared?

A: I refer to the published version of the photo and the copy of the photo, which actually is a copy of the photo, a print of the photo, which I have seen in Auschwitz. I have never seen the Simon Wiesenthal publication.

MR JUSTICE GRAY: Mr Irving, the position is you will have to prove that in due course.

MR IRVING: I will bring those photographs to court, my Lord.

(To the witness): One more question about the Olaire pictures. Of course, have you seen all the Olaire pictures or just the ones you have produced at the court?

A: I have seen all the Olaire pictures.

Q: Yes, would it be right to say that he has a prurient interest in the female form?

A: I do not know how this is relevant. I mean...

Q: Concerning his mental balance.

A: I think ----

Q: Or the purpose for which these illustrations were made -- let us put it like that.

A: I think that if one would judge the ability of someone to bear witness on the basis of their interest in the female

P-52

form, I think that not many people would be able to give evidence.

Q: Would you agree that in almost every single one of these pictures he has drawn, for whatever purpose -- there is another photograph that I have given there which is not in your collection -- there are naked women full frontal on to the artist's brush, so to speak, and that there is no reason whatsoever that he should have made these pictures in that way unless he intended to sell them. Is that a fair speculation?

A: Mr Irving, I do not want to comment on what I understand your suggestion is that we are dealing here with a pornographer. I think it is absolutely not worth me to go into that.

Q: I did not use the word "pornography". I said that his purpose in drawing these pictures was to produce a marketable item which he could sell in the media at some time?

A: Mr Irving, you will have to prove to me, if you want me to comment on it, that he ever tried to sell these things in the media.

Q: Let me put the question this way. Is it likely that nearly all the females who became victims of the bestialities of the Nazis in Auschwitz were nubile, young and attractive?

A: No, it is not very likely.

P-53

Q: Not likely. Thank you very much. No further questions on this particular matter. I want to go back to the testimony of the witness Bimko, unless Professor van Pelt ----

MR JUSTICE GRAY: Can we just ask, is there any further material that you rely on, apart from the eyewitnesses, for saying that crematorium (ii) was used as a gas chamber?

A: We can go through the documents. If you want the construction documents of the crematoria, this will be quite a long exercise.

MR IRVING: Are they explicit as to the use of the building?

A: We have documents which -- we have a document, for example, about the Vergasungskeller which you know well. We have a document about the ----

MR JUSTICE GRAY: We need not bother with that. We know about that.

A: --- the construction, the construction where at a certain moment we get an Auskleiderkellers in the basement. We talk about the introduction of hot air into morgue No. 1, the proposition being made which breaks down very quickly after it has been introduced. I am happy to go in detail through those letters if you want me to.

MR IRVING: We will deal, if you wish, with the introduction of hot air. We have dealt with the undressing room, I believe, earlier in this case?

P-54

A: Maybe you have dealt, Mr Irving, I have not dealt with it and his Lordship asked me if I wanted to introduce other elements.

MR JUSTICE GRAY: I just want to get the full picture. I do not want you to spend very long on this, but you deal with this in your report, do you not, at some length?

A: In detail, yes.

Q: So we could call this corpus of evidence the ----

MR RAMPTON: My Lord, I do think that at some stage Mr Irving has to put it directly to Professor van Pelt what he says about the -- Mr Irving's thesis in cross-examination by me was that it was, indeed, a vergasungskeller, but that it was used for gassing lice or people that were already dead.

MR IRVING: The way I put it was that it had alternative other uses.

MR RAMPTON: I do think at some stage Mr Irving has to allow Professor van Pelt to deal with that thesis which includes the references to "Auskleiderkeller".

MR JUSTICE GRAY: So no human killing but delousing?

MR RAMPTON: That was Mr Irving's response to my cross-examination and the evidence about the cyanide in the zinc covers and the word "Vergasungskeller", yes, indeed. They used it for gassing, clothes, people.

MR JUSTICE GRAY: And objects.

MR RAMPTON: And objects.

P-55

MR JUSTICE GRAY: I think that is right. I do not when Mr Irving is going to come to that, but I think Mr Rampton is right in saying that that has to be put so that Professor van Pelt has the opportunity of dealing with it.

MR IRVING: I certainly had not overlooked the need to do that, my Lord, but I was going to do it in a logical, systematic ----

MR JUSTICE GRAY: Yes, you do it when you want to.

MR IRVING: Yes, introducing two or three more documents before we got to that in which we have the word "vergasung", and so on, of a relatively harmless nature.

MR JUSTICE GRAY: But what Professor van Pelt has said is that, in addition to the photographs and the drawings and so on which we have been looking at this morning so far, he relies also on what one might call the construction documents.

MR IRVING: Yes, which he has just vaguely summarized as inferences to be drawn from them. But if we can just now go back to your reliance on the witness Bimko? Can we, please, have once again the reference in the bundle of documents, Auschwitz 1 or 2, to the Bimko testimony in the Belsen trial? While we are looking for it, can I confirm that that testimony is actually drawn in your version from the book by Raymond Phillips, the trial of Joseph Kramer and 44 others?

A: Yes.

P-56

Q: So at the time you wrote your report, you had exactly the same pages in front of you that I have here which are pages 740 to 742 of the Phillips book?

A: Yes, I presume so. I mean ----

Q: Yes.

A: --- I presume it is only one edition.

Q: Your contention is that you left nothing out of the Bimko testimony which was relevant to his Lordship and myself in evaluating the integrity of this witness?

A: I have -- Mr Irving, I have said a couple of times yesterday that my intention in giving, in writing down that section was not to bring in Dr Ada Bimko as a major witness on whom I rely. The intention of that section, which contains also other evidence or other descriptions of the gas chambers and crematoria -- for example, the Polivoy account which was proven to be wrong -- was simply to show the development of knowledge about Auschwitz since 1942. It is in three sections. I start in 1942. I try to trace exactly how the knowledge became available and in what way. In that sense, of course, the Lunenberg trial had some importance, but much more importance because of the admissions of the people of Kramer and the others who were actually tried in that case.

Q: Can I interrupt you at this point and say so, in other words, you concede that the Pravda account by Polivoy is totally or largely unreliable?

P-57

A: I have written in my report that is -- I do not think it everything, but it is a largely unreliable account as far as the description of the exterminations is concerned.

Q: In other words, it is fanciful; it include things which never existed in Auschwitz.

A: Oh, yes, I have no problem ----

Q: It is pure propaganda for the Allies or for the Russians?

A: I do not think necessarily, Mr Irving, that this is propaganda for the Allies. We are dealing here with a writer, a correspondent, a war correspondent, attached to the Red Army who arrives in the middle of an offensive in a camp which shows, even of what remains there, it shows clear traces of a very big crime.

I think that we should remember that in 1945 people had not yet experienced these kinds of installations; that these installations were in ruins and I think Mr Polivoy, partly probably on what he heard people say who had remained there which was largely sick people, and partly on the basis of his own imaginings, tried to imagine what such a place would have been.

Q: Among the things the Russians found, was there a hospital full of sick people, including large numbers of sick Jews?

A: There were a number of lazarettes in the camp, yes.

Q: Hospitals, yes.

A: I do not think that a lazarette and a hospital are necessarily the same thing.

P-58

Q: A lazarette is a military hospital?

A: The lazarettes were barracks in which people were put.

There was no medical equipment. There was nothing really to treat them. There were many descriptions of the way these lazarettes were operated. There are also documents relating to them. So I think I would not want to ----

Q: We do not need to go into the problems caused in the medical conditions in Germany. I am just asking, the Russians did find hospitals or barracks of a hospital nature in which large numbers of sick and unemployable people, including large numbers of sick and unemployable Jews, were housed, for example, the father of Anne Frank was there, is that not right?

A: Mr Irving, when the camp was evacuated in the middle of January 1945, indeed, prisoners who were sick were men who could not make the march to the west remained behind.

Q: But you appreciate the point I am making that, surely, the legend has it that the Nazis liquidated everybody who fell sick or who was unemployable?

A: Mr Irving, in my report I think I have pointed out in response to things you have said about what happened to the Frank family, that by the end of 1944 the situation in Auschwitz had changed, that while until the end -- while throughout the history of the camp there were regular selections of sick, in the lazarettes of sick inmates who when they were considered to be incurable or too weakened

P-59

that they were taken to the gas chamber, that this policy had stopped -- first of all, it had been diminished in late 1944 and at a certain moment stopped. No gas selections were undertaken any more in the lazarettes in the end of 1944. This is one of the reasons that there were a relatively large amount of sick prisoners by the time the camp was evacuated.

Q: So the Nazis are feeding large numbers of useless mouths who were Jewish and sick and they were in the jaws of death, they were in the heart of the extermination camp ----

A: Mr Irving ----

Q: --- and they were in hospital?

A: --- I would not want to infer any kind of thing about the regular procedures in the camp on the basis of what was happening there in December or January 1944 -- December 1944 or January 1945.

Q: Do you now have in front of you the Bimko testimony?

A: I do not have it right in front of me now.

MR RAMPTON: My Lord, it is H2(ii). It starts at footnote 404 behind the tab 401 to 420.

MR IRVING: You have conceded, in other words, that the Pravda account as an eyewitness account is largely unreliable?

A: Yes, I have done that in my report so I have no problem with that statement.

Q: So systematically we will now continue with the next

P-60

eyewitness.

MR JUSTICE GRAY: Are we on Dr Bimko?

MR IRVING: We are now on Dr Ada Bimko, as she was at that time. Her real name now, at any rate, Adassa Rosensacht(?)

MR JUSTICE GRAY: She is still alive, is he.

MR IRVING: I believe she is still alive. She is a leading figure, or was a leading figure, in the United States Holocaust Memorial Museum. She was an adviser and on their Library Council.

(To the witness): Can we look at paragraph 1?

A: Which footnote?

Q: On page 740. Paragraph 1. This is, of course an eyewitness who is claiming to testify in a capital trial against captured Nazis who were on trial for their lives. She has made this deposition. At the end of paragraph 1, did you read the words when you were doing your research: "I have examined the records of the numbers cremated and I say that the records show that about 4 million persons were cremated at the camp"?

A: Yes.

Q: Have you any comment to make on the voracity of that statement?

A: It is unlikely that it happened, but I do not exactly know what record she was looking at.

Q: Could she have looked at any records in Auschwitz and

P-61

found that 4 million people had been cremated?

A: I do not know. I do not know exactly what records there were. The 3 or 4 million is very unlikely.

Q: Yes. The figure of 4 million was, of course, the original propaganda figure put out by the Polish Government for whatever reason, is that correct?

A: Yes -- it was a figure which was established actually, I do not say for propaganda reasons, it was a figure which was established by the Russians after they liberated the camp, the first ----

Q: But, of course, she is not testifying here that she has seen a figure put about by Russia propaganda; she says "I have seen the records and they show that 4 million people had been cremated"?

A: So, I mean, if you want to make a point, Mr Irving, that she is wrong there or that she maybe says something which she did not do, that is fine.

Q: The point, obviously, which his Lordship will appreciate, as I am working towards this, you have had this document in front of you when you wrote this report. In the very first paragraph, when she is making this statement on oath, she has said a statement which, to your knowledge and to mine and to the court's knowledge now, is quite obviously untrue?

MR JUSTICE GRAY: I think that is not actually right, is it? She is claiming to have looked at some records. We do not

know what the records were or what they show. She is not giving, as it were, false eyewitness evidence at that point in her statement, is she?

MR IRVING: My Lord, I beg to differ. "I have examined the records of the numbers cremated." "I have examined the records and I say that the records show that about 4 million persons were cremated at the camp". What other possible interpretation can you put on that statement?

MR JUSTICE GRAY: Well, I have just suggested one to you. Anyway, carry on with your questions.

A: My Lord, may I make a remark?

MR JUSTICE GRAY: Yes.

A: I think this would be an interesting exercise, and I do not want to judge it any further, if I had made use of the Bimko evidence in any way in relationship to did the gas chamber exist or not? I have never used -- I have just mentioned Bimko in this one particular context; the emergence of knowledge of Auschwitz. I have not used her anywhere else ever. I have not brought her here in as an eyewitness to the gassings, to the existence of Zyklon-B columns.

MR IRVING: You just threw her in as a bit of spice?

A: Sorry?

Q: You threw her into your report as a bit of spice, did you?

A: Not as a spice.

Q: As one more statistic? So, instead of having four

eyewitnesses, you would have five?

A: Mr Irving, I tried to give an impression of what was happening at the Lunenberg trial, what was said at the Lunenberg trial.

Q: We know what happened at the Lunenberg trial. A large number of these unfortunates who were on trial were convicted and hanged on the basis of her testimony, including the person mentioned in the last paragraph, paragraph 8 on the next page: "On the day before the British troops arrived at Belsen", she said, "I saw Karl Flrazich [Francioh], who was a cook, shoot a man internee dead for stealing vegetables". Were you aware that in her oral evidence at the Belsen trial she said it was a woman that the man shot?

A: Mr Irving, I did not know that, to be very honest, the witness Ada Bimko does not really interest me so much because I have not made use of her in reconstructing the history of any of the four crematoria.

Q: So we are working towards the point where we do not have to strike off Mrs Bimko. There is one more thing I want to draw your attention to. At the beginning of paragraph 6, this woman who has medical knowledge -- she is a doctor -- writes: "Whilst at Auschwitz I saw SS male nurses Heine and Stibitz inject petrol into women patients". Are you aware, Professor van Pelt, that phenol injections are a standard treatment for typhus?

A: In Auschwitz, I understand that phenol was used as a regular -- sorry, I will answer the question. I am sorry, for this. No, I did not know that.

Q: Very well. So on top of the evidence we looked at yesterday where Bimko described cylinders of gas and pipes which you admitted was wrong, but possibly a misinterpretation of what she was -- you thought she might have seen the ventilation system -- we have no evidence of that. Bimko

is, in other words, a totally unreliable witness and should not have been relied upon in any way, notwithstanding the fact that her evidence sent several men to the gallows in Lemberg?

A: My Lord, I do not want to judge the Lunenberg trial.

MR JUSTICE GRAY: No, but do you accept that she is not a witness on whom reliance should be placed as to what did or did not take place at Auschwitz?

A: I think that some of her statements are historically defensible and some of them probably not. This is also, of course, an issue of cross-examination. I do not think there was much of a cross-examination at the time. But I think this is with every, you know, with every witness, there always will be some things which will be wrong or will be mistaken.

MR IRVING: Is there a possibility that with a witness like Bimko and Pauber who had suffered appalling indignities at the hands of the Nazis, that when the Allies came, in the

P-65

case of Bimko, it was the British Army who rescued here, that she saw her moment for revenge had come and she could take out a few of the hated Nazis?

A: Anything is possible, Mr Irving.

Q: I am trying to find some other reason why she should have deliberately lied in her depositions, sworn on oath in a capital case? You can suggest no alternative reason than that, that possibly her memory was wrong, she had a bad memory or she was imaginative?

A: There are many possibilities. It may be she was an habitual liar; maybe she was an habitual story-teller. Who knows? We cannot second guess the situation. The only evidence we have is right in front of us.

Q: So of your five eyewitnesses, we have lost the Russians, we have lost the Pravda account, we have lost Bimko now?

A: But I never introduced Bimko, so I do not know how I can have lost Bimko.

Q: Well, some bulk larger than others in your report. Mr Tauber you rely on quite heavily, do you not?

A: Mr Irving, I rely on Tauber for the description of the operation of the crematorium and the gas chambers. I have never, never introduced Miss Bimko as a witness for this material. So I cannot see how I lost her because I did not introduce her as a witness.

MR JUSTICE GRAY: I do not think the idea of "losing" somebody is a very helpful one, but it would help me if you

P-66

would ----

MR IRVING: Perhaps I should put a row of beans on the counter ----

MR JUSTICE GRAY: Mr Irving, can you just let me complete my sentences sometimes?

Would you for my benefit, Professor van Pelt, just tell me, really just enumerate, those witnesses, those eyewitnesses, who you say deserve some attention for what they have said in their accounts?

A: OK. Are we dealing only with crematorium (ii) or are we dealing with the ----

Q: With gassing, the extermination by gassing?

A: Extermination by gas?

Q: Just the names so that Mr Irving knows who you do rely on.

A: An important one is Slova Dragon(?) who was one of the sonderkommandos. An important witness is Heinrich Tauber mentioned already before. An important witness is Pery Broad. An important witness is Hirst. Then we can take in also, both as a witness and his diary, Dr Kramer.

These are either from the time itself or immediately after the war. Hans Almayer talks about gassings, but he is rather confused about many things so I would not want to rely too much one way or the other.

MR IRVING: Explain to the court who Hans Almayer is, please?

A: Hans Almayer was the Lager Fuhrer in Birkenhau in 1942 and early 43, but he left by the time these crematoria started to be in operation.

P-67

Q: By the time he was acting in effect as the deputy kommandant, is that right?

A: Yes. Let me just try to get back to my enumeration of witnesses. Then during the Lunenburg trial Kramer admitted to gassings but did not describe the procedure in detail. So at the moment I would leave it to basically build up a general picture, these witnesses I think produce a sufficient evidence to come to some kind of solid conclusion on that issue.

MR JUSTICE GRAY: Thank you. That is extremely helpful. Mr Irving, do resume.

MR IRVING: That is a relatively small number of eyewitnesses for a relatively large proposition, namely that the Nazis killed 500,000 people in that gas chamber with the collapsed roof. That is the only evidence that we have, apart from the sketches of Mr Olaire, and there is not a single document of any credible worth which explicitly bears out your case in all the hundreds of thousands of pages of paper found in the Auschwitz museum and in the Moscow archives. I am trying to summarize at this stage what the position is.

A: On which case?

Q: On the case that that was a homicidal gas chamber.

A: No. I think these are the principal -- these are people who basically give us the texture, who have describe the operation in some detail. One probably could have found

P-68

Q: If we can fault them in any significant way, if we can punch a hole in their testimony, if I can put it like that, then of course that rather collapses the entire value of the rest of their testimony.

A: I do not think that is necessarily the case, but I am not a professional judge. I am an historian. Some of their testimony will be absolutely correct and there will be always some testimony where they are maybe confused. But I think that Faurisson's theory that, if you punch one hole in the testimony, all of testimony becomes irrelevant I think is an irresponsible way to work with the testimony.

Q: Let Mr Faurisson fight his own battles.

A: But what you said was quite literally a quotation from Mr Faurisson. It is his thesis, his original thesis.

Q: Yes. It may be his thesis, I am sure. It is such an obvious thesis that I appreciate that the Holocaust historians had maximum difficulty with it. If there are no holes in that roof now and we can satisfy the court that there were never any holes in that roof, then that demolishes the eyewitnesses and thereby demolishes the story of the homicidal gas chamber, because there is no other evidence. Even if I am wrong on that, as we say, in the alternative, I have justifiable reason for maintaining the position I did and it was not perverse to adopt the

P-69

position I did.

A: I am not fighting this case so I cannot comment on that.

Q: Can we proceed now to Mr Tauber? How big does Mr Tauber rank in your list of witnesses? Is he near the top in importance?

A: He is a very important witness.

Q: So straight away Mr Tauber of course said that he saw the people pouring the cyanide in through the imaginary holes in the roof. He did not say imaginary but ----

A: Let us look at the text.

Q: We read what he said. I think you will find it in your report Part 1 (iv) page 73 of your report.

MR JUSTICE GRAY: I think your pagination is different from everyone else, Mr Irving.

A: I have it right here. It is page 191.

MR IRVING: Thank you very much. He says here right at the top: " Through the window of the incineration room, I observed how the Zyklon was poured into the gas chamber. ... They took the cans of Zyklon from the car and put them beside the small chimneys [the things that you described on the roof].... Then he closed the orifice with a concrete cover." Was this the man who said he needed two hands to lift the concrete cover, that he saw the people using two hands to lift the concrete cover? This is Tauber, is it

P-70

not?

A: I do not remember that he said it but, if you can point to the passage ----

Q: We went through the Tauber evidence in some detail yesterday.

A: We did not discuss the thing on top, people manipulating those covers.

Q: Yes. If he talks of concrete covers with two handles, does this not rather contradict the story given by other eyewitnesses even of there being wooden lids on these openings, Holzblenden in German? They have not got their story straight, these eyewitnesses. They know a bit about the holes in the roof but they do not know quite what the covers were. They must assume that there were covers because otherwise the rain would get in. So one says concrete and another one says wood.

A: If you want to introduce that, I would be happy to comment on that. I do not even know which eyewitness you are talking about right now.

Q: Tauber.

MR JUSTICE GRAY: No, the ones who say they were wooden, not concrete. That is what you mean, is it not?

MR IRVING: My Lord, we will probably stumble across them in the course of time.

MR JUSTICE GRAY: That is not a very good way of cross-examining, if I may say so. Are you able to refer

P-71

to them now?

MR IRVING: Not at this instant in time, my Lord.

MR JUSTICE GRAY: All right.

MR IRVING: If I was surrounded by research assistants, no doubt I would be bombarded with copies of that very document. Does Tauber not say --, I refer you now to Pressac page 483. Do you have a copy of Pressac?

MR JUSTICE GRAY: I do not.

MR RAMPTON: Your Lordship has the tab of Pressac at the back of H 2(vi).

MR JUSTICE GRAY: I do not have H 2(vi).

MR RAMPTON: Then somebody will get it for your Lordship.

MR JUSTICE GRAY: I am sorry, I do not have the supporting documents in court.

MR RAMPTON: I will find your Lordship the tab. It is tab 5.

It folds out because Pressac is an oblong book. What has been copied here is just the Tauber chapter, I think.

MR IRVING: Would you agree, reading this very detailed account, Professor, that it is likely that, when Tauber made this deposition to Jan Sehn, I believe it was made, they had in front of them the architectural blueprints to jog his memory?

MR JUSTICE GRAY: We had this yesterday, that point.

MR IRVING: Very well. I am just drawing attention to how detailed it was. Yet he says that on either side of these pillars, the central support pillars, there were four

P-72

others, two on each side. Now He is relying on his memory ----

MR JUSTICE GRAY: Where are you now?

A: We are now back in the gas chamber? Where are we at page 483? OK. We are at the top of 484, the first column to the left.

MR IRVING: Thank you very much.

MR JUSTICE GRAY: I have not got the pagination so there is no way I am going to find this.

MR IRVING: It is over the page, the page beginning with the words "middle of its length".

MR JUSTICE GRAY: I just do not have page numbers, that is the problem. They have all been cut off.

MR IRVING: I will read it out. It says, "On other side of these pillars there were four others, C1 to C4, two on each side". Mr Pressac, who is quite an expert on this, says that Mr Tauber is mistaken, this arrangement is found only in the gas chamber of crematorium (iii). He is confusing things, is he not?

A: Mr Pressac?

Q: No. Mr Tauber is confusing things.

A: I know that Mr Pressac thinks that. I do not agree with Mr Pressac. There is no evidence at all that Pressac is right on this issue.

Q: That Pressac is sometimes wrong, in other words?

A: Oh, yes. Pressac is sometimes wrong. I have had my

P-73

quarrels with Pressac in the past.

Q: He says, and I am quoting again, "The gas chamber had no water supply of its own".

A: Where are we now?

Q: I only have extracts, unfortunately. Further down that same column, Pressac says that three taps were in fact installed in the room, according to the drawing?

A: I am just trying to find this thing.

Q: According to the inventory.

A: I see the gas chambers, no water supply and so on, it is around two inches from the bottom, and the first column, the same column where the pillars were described.

MR IRVING: Yes.

MR JUSTICE GRAY: I am not following why that is a criticism of Tauber at the moment.

MR IRVING: Well, he has made another error.

A: There is a little note. It is followed by a little note which says ----

Q: Saying they were later taken out?

A: Yes, so we do not know which day or date Tauber was referring to.

Q: Yes. You yourself have confirmed that at the end of 1943, I believe, the gas chamber was divided into two by a brick wall?

A: Yes.

Q: So the small transports could be handled. Mr Tauber

P-74

confirmed this. He is the source of that information, is he not?

A: No. There is also a Greek. Actually, in my report I mention a Greek Jew who was transported from Seloniki, who actually mentions also, he was quite specific in his description of that division of the gas chamber.

Q: Another eyewitness?

A: Yes, another eyewitness.

Q: Is there any trace of that division in the ruins?

A: You cannot see that. That is the problem because the roof has collapsed on the floor of the gas chamber.

Q: Yes. It would not make much sense, would it, to all the bodies that far because this small transports were gassed in the chamber furthest from the entrance, so the bodies would have been pulled the whole way down. Would that not have made gassing of large numbers like 2,000 at a time very difficult?

A: If you have the small chamber at the back, you would gas fewer people and, in fact, as we have seen in the Olaire drawing, it actually provides an opportunity for the so-called dentists among the sonderkommando and the people who cut the hair to actually do their work downstairs and not in the incineration room, as was usually the custom.

Q: He also describes, does he not, the crematorium chimneys smoking?

A: I presume that is crematorium chimney smoke, indeed, yes.

P-75

I would like to see it but I assume on your authority that the crematorium chimneys do smoke, yes.

Q: From your memory, presumably you have read Mr Tauber's testimony in detail, is it right that he describes it as being possible to cremate five or eight bodies simultaneously in one furnace?

A: I think that we can probably go to the passage itself.

Q: Well, he does say that, does he not?

A: Let us go to the passage, because he is very particular in his description.

MR JUSTICE GRAY: Is this in your report at page 194?

A: 194 yes.

MR JUSTICE GRAY: I cannot see the bit at the moment.

A: 194. We go to 192 and 193. I can read the whole passage, or Mr Irving can read the passage, starting: "The procedure was to put the first corpse with the feet towards the muffle, back down and face up". Then he gives a very detailed description of that procedure.

MR IRVING: So he is the source of the information that five to eight bodies were cremated simultaneously or quickly?

A: No. I think that Mr Hirst also talks about that, that more bodies are inserted in the muffles at one time.

Q: Does Mr Tauber also describe the bodies of those gassed as being red with green spots?

A: I do remember that he gives a quite a longish description of the ----

P-76

Q: If you remember it, there is no need to look it up.

A: I do not any more remember if it is Tauber or any other sonderkommandos.

Q: Do you know what a body that has been gassed with hydrogen cyanide looks like, what colour it turns?

A: I understand it starts to look slightly reddish.

Q: Like a radish? Red with green spots?

A: No, reddish.

Q: With green spots. Would you think that that is possibly the victim of some epidemic?

A: I am not an epidemiologist. I do not know how people who have died from typhus or other epidemics look like.

Q: Cyanide victims do not go red with green spots, not if they have just been gassed. If they have been left lying around for a few days, perhaps they might.

A: I have no comment on that. I cannot possibly comment on that.

Q: Does he describe a prisoner being dowsed with naphtha which is a flammable substance?

MR JUSTICE GRAY: This is Tauber still?

MR IRVING: This is Tauber, yes, and then being burned alive in a crematorium muffle, and then they let him out and he ran around screaming?

A: He has a particular incident. Again, I do not know where it is.

MR JUSTICE GRAY: Is it in your report?

P-77

A: It is in my report, yes.

MR IRVING: Does he describe another prisoner being chased into a pool of boiling human fat, which sounds like an almost Talmudic kind of quotation.

MR JUSTICE GRAY: I am not quite sure, Mr Irving, perhaps you can explain to me. You are putting various things which you say Mr Tauber described.

MR IRVING: Well, my Lord, the inference is ----

MR JUSTICE GRAY: With what object? Are you suggesting all of this is invention?

MR IRVING: I am not suggesting they are all invention, but they test a reasonable historian's credulity, and one should therefore be inclined to subject this particular testimony to closer than normal scrutiny, if I can put it like that.

MR JUSTICE GRAY: Let us ask Professor van Pelt what he makes of that suggestion.

MR IRVING: I have two more of these episodes to put to him.

MR JUSTICE GRAY: Put two more and then answer the general question, would you?

MR IRVING: The prisoner was chased into a pool of boiling human fat -- does he describe that?

A: Mr Irving, if you give me the passage, I will----

Q: He is your principal eyewitness, or one of your principal eye witnesses.

MR JUSTICE GRAY: He wants the reference, Mr Irving, which is

P-78

not unreasonable. I am trying to find it and I must say I cannot.

MR IRVING: Certainly if I had read the Tauber report, I would be able to say yes or no to that.

MR JUSTICE GRAY: I am looking in Professor van Pelt's report.

A: Mr Irving, we are in a court of law here and whatever I say does matter. It means that I need to respond to the exact quotation of what Tauber says, and then I am prepared to say yes or nay.

MR IRVING: Very well. We will look up the exact quotation in time for lunch. Let us proceed then to the final one. Do you agree that Mr Tauber also attests to the figure of 4 million killed in Auschwitz?

MR RAMPTON: We thought we had found the passage in question. It is page 190 of the report.

MR JUSTICE GRAY: Thank you very much.

MR IRVING: Yes. This is the problem with writing with word processors. Things tend to go through the finger tips rather than through the memory and brain. In other words, he does have this rather lurid description of the man ----

A: Mr Irving, I do not deny that I put this in, and I do remember the incident, but I do not want to comment on a very general description you give of the incident when I do not have the text in front of me.

Q: Can I read it to you? It is on page 190 of your own report. "When the shifts were changing over, they had

P-79

found a gold watch and wedding ring on one of the labourers, a man Wolbrom called Lejb. This Jew, aged about twenty, was dark and had a number of one hundred thousand and something. All the Sonderkommando working in the crematorium were assembled, and before their eyes he was hung, with his hands tied behind his back, from an iron bar above the firing hearths. He remained in this position for about an hour, then after untying his hands and feet, they threw him in a cold crematorium furnace. Gasoline was poured into the lower ash bin... And lit. The flames reached the muffle where this Lejb was imprisoned. A few minutes later, they opened the door and the condemned man emerged and ran off, covered in burns. ... This fat was poured over the corpses to accelerate their combustion. This poor devil was pulled out of the fat still alive and then shot." Does that sound to like a completely neutral and plausible account of an atrocity?

MR JUSTICE GRAY: Leave aside "neutral". That is an unhelpful word. Do you think it is plausible?

A: Yes.

MR IRVING: Very well. The figure of 4 million to which Tauber attested, do you call that also plausible at the time he testified?

A: The figure of 4 million? Not, because nowadays we have very detailed information on what actually the figure is

P-80

and it is more likely to have been around a million.

Q: So would you agree that this is an example of what I call cross pollination? He hits on the figure of 4 million because that was the current figure at that time?

A: I do think that we should look at how the figure of 4 million originally arose.

MR JUSTICE GRAY: So do I. Where do we find that, Mr Irving? If we do not find it in the report perhaps you could just quote in its context where one gets that estimate.

MR IRVING: My Lord, with respect, if the witness agrees that Tauber attested to 4 million, we are only concerned with the figure.

MR JUSTICE GRAY: He has made the point, which I think is a fair one, that he wants to see in what context and on what basis that 4 million figure was arrived at by Tauber.

That is a reasonable thing for him to want to do, and I am simply asking you to identify where

one finds it.

MR IRVING: My Lord, I will have to adjourn that piece of information, the page number, until after lunch. If it is substantial, we can come back to it and retake it.

MR JUSTICE GRAY: Can anyone on the Defendants side find that page?

MR RAMPTON: I am sorry?

A: I can point to the page. It is page 178.

MR JUSTICE GRAY: Of your report?

A: 178 of my report, which goes back to Pressac 501. What he

P-81

says is that he came to this figure on the basis of conversations he had with various prisoners. Yes? If you allow me, I can probably quote the whole thing. I give the full quotation now from Pressac on page 501: "I imagine that during the period in which I worked in the crematorium as a member of the sondercommando a total of about 2 million people were gassed. During my time in Auschwitz I was able to talk to various prisoners who had worked in the crematorium and the bunkers before my arrival. They told me that I was not among the first to do this work and that before I came another 2 million had already been gassed in bunkers 1 and 2 and crematorium (i). Adding up the total number of people gassed in Auschwitz amounted to about 4 million".

That is what he says.

MR JUSTICE GRAY: Half of it comes from other people?

A: Half of it comes from other people.

MR IRVING: This information is being taken by Judge Jan Sehn in whom you repose great trust?

A: Yes. I think that Sehn did a marvellous investigation.

Q: Can you tell us something about these depositions were taken in communist countries? Would the man sit down with a pencil and paper and retire to a room and write it all out himself, or would it be summarized by the lawyers and he would be asked to sign it.

A: I do not know what happened. I already told you

P-82

yesterday. I do not know what happened in that room where Jan Sehn was interviewing Mr Tauber. I know there were witnesses there because the original report mentions other people being present. That is all I know.

Q: If I can just leap sideways to the name of Rudolf Hirst, the kommandant of Auschwitz, is it right that he was interrogated several times at Nuremberg?

A: Yes, that is right.

Q: And that, as a result of these interrogations, a deposition was taken or put before him for signature?

A: Yes, that is right.

Q: And you have now read these interrogations, I believe?

A: I have read a copy of the interrogations, yes.

Q: The verbatim interrogation transcripts?

A: Yes. I do not think I have read every one of them but, I have read them in general.

Q: Have you managed to form an impression there of how the Americans obtained depositions from their witnesses?

A: Maybe you can lead me on that, because I do not exactly know where ----

Q: Would I be right in saying that, on the basis of the interrogations, the Americans would draw

up a deposition, confront the witness with it, and say, "Sign here"?

A: I cannot conclude that on the basis of the interrogations I read.

Q: Very well.

P-83

A: Certainly not.

MR JUSTICE GRAY: Mr Irving, have you left Tauber now.

MR IRVING: I believe we have just one more point on Tauber and that is to look at page 481 of Pressac, where we do have four photographs of Pressac posing in various costumes, post war photographs taken by the Polish authorities who obviously regarded him as a star witness.

A: This is Heinrich Tauber?

MR JUSTICE GRAY: You said Pressac.

MR IRVING: My mistake. There are four photographs of him posing in the camp costume.

MR JUSTICE GRAY: What is the significance of that?

MR IRVING: That he was a star witness, my Lord, of the Polish prosecution authorities, he was being subjected to what we call now photo ops, and they were relying on him very heavily, and that no doubt there was a certain amount of privilege being granted to him by the Polish authorities in the way that he was cooperating with them.

MR JUSTICE GRAY: So he was making it up to express his gratitude to the Polish authorities?

MR IRVING: It is not an unknown phenomenon for witnesses to make things up. Your Lordship will probably recall that, at the end of World War II, the whole of Europe was in a very, very sorry state. You did not have food supplies, there were no consumer goods and this was something with which the people who were in authority, whether they be

P-84

Poles or Russians or Americans or British, were able to barter.

MR JUSTICE GRAY: May I put the general question to Professor van Pelt which I invited you to ask a little while ago? That is this. Are there aspects of Tauber's testimony or account which cause you to doubt his plausibility?

A: I think that Tauber is an absolutely amazingly good witness. I find his powers of observations very precise in general. I do not have any general reason to doubt his credibility as a witness.

MR IRVING: May I ask a question on that, my Lord?

MR JUSTICE GRAY: Of course, yes. I was only asking the question that seemed to me to be need to be asked.

MR IRVING: Would your impression be, or would it not, that, at the time he was being questioned by the Polish authorities for the purpose of providing this deposition, he was being confronted or furnished with drawings, documents and so on to help jog his memory. His apparent precision may have come from this kind of prompting by the Polish authorities.

A: This is possible indeed but let us now just go back for a moment. Let us assume this happened, Tauber would have been confronted with blueprints which, sadly to say, for 40 years after the these blueprints came in the public realm, most people were unable to interpret. These are very technical documents. These documents are not easy to

P-85

interpret. It is not so that, if the blueprints had been there, and a man who is not an architect or even, for that matter an historian who teaches in an architecture school, when they are confronted

with that, it is not that they immediately are able to make up a story which matches point for point information in the blueprint of a very technical and specialist nature.

Q: But they would know, for example, the difference of left from right, would they not? If for example they described a staircase being on one side of the building, or the rutsche, the slide, being on one side of the building when the drawing showed it on the other or vice versa, if they showed it on the side that the drawing showed it when in fact it was not built that way?

A: One of the things we have to remember is that Tauber gives a description of crematorium (ii). It is a general description. However, sonderkommandos of crematorium (ii) and (iii) had access to both buildings. Sonderkommandos have testified to the fact that they lived in these buildings but they shared facilities. So they would be allowed to actually cross that little path and go over to the other crematorium and back. So we have two buildings which are mirror images of each other, which left and right are completely turned upside-down, which both are used by the same people, but otherwise are identical. So if at a certain movement he gets left or right wrong.

P-86

I would not at that moment give such incredible evidentiary value to that, that he is making it up, or that he is totally confused. It is simply that these buildings were identical except for the left and the right of everything.

Q: In your original book you made one claim about the position of the rutsche in a building which you then reversed in your report. Is that correct?

A: No, I do not think so.

Q: You stated that it was on one side of the building on the drawings, and that in fact it was somewhere else.

A: I am happy to consider this and to discuss it with you, but again show me the passage in the book and show me the passage in the report. I will deal with it then.

Q: This has all taken rather longer than I had hoped. I am sure his Lordship is getting impatient and we should move on. Can we move on now to the witness Pery Broad? Summing up on Tauber, one point, can I get you to make the following statement? Tauber described the cyanide being poured into the gas chamber of crematorium No. (ii) through holes in the roof. That is correct?

A: Yes, that is correct.

Q: If (and this is a hypothetical; it is one of Mr Rampton's if's) it should turn out there were never any such holes in the roof, then Tauber has lied, has he not?

A: Then he would have lied, yes.

P-87

Q: Thank you. We now move on to Mr Pery Broad.

P-E-R-Y

Broad. This is, of course, a more general eyewitness because he is also of relevance to Auschwitz rather than Birkenhau, am I right?

A: Most of his testimony on at least gassings relates to Sturmlager. And he only observed from a distance what was happening in Birkenhau.

Q: Very briefly we are going to deal with Mr Broad. Pery Broad was employed by the British as an interrogator in a British camp; is that correct?

A: I would wonder if you can be more precise about what "employs" means in this case before I

can say yes or no.

Q: Would it be reasonable -- your Lordship wished to say something, no -- to say that, in view of his special position within this prison camp, he was given special favours by the British, whether they be in the form of payment or accommodation or clothing or food or money?

A: He was an inmate who was used in the inmate administration of the camp.

Q: Can you tell me what happened at the end to Pery Broad back in the 1960s?

A: Pery Broad was tried in Frankfurt and he ----

Q: As a war criminal?

A: As a war criminal.

Q: Eventually, he was put on trial by the Germans, is that correct?

P-88

A: He was put on trial by the Germans. I think he was convicted to two years or two-and-a-half years in prison.

Q: Am I right in saying that he was convicted for the war crime of having participated in shootings at block 11 in Auschwitz?

A: I do not know exactly what the judgment, what were the reasons for his conviction, what crime he was convicted for and what crime he was not.

Q: In other words, your eyewitness was a murderer who was going at some time to be prosecuted for war crimes by the Allies, quite rightly, and he had bought a certain amount of breathing space -- is this not a reasonable presumption -- by testifying in various cases that the British were bringing in Northern Germany?

A: Let us go back to the situation in a British internment or in a prison of war camp in, I think it was, Meklenberg, Northern Germany, very far away from Auschwitz in May 1945. If Mr Broad had not come forward to say he had been in Auschwitz, I think nobody would ever have found out because many SS men at that time were, basically, sitting in allied prison of war camps and were sitting there until they were released. So, certainly, Mr Broad, if he had not volunteered the information about Auschwitz, I think would have had anything to fear at that time because there were in that camp no surviving inmates from Auschwitz who could have identified him.

P-89

Q: Well, the British had ways of identifying people. We had lists of names, we had the code breaking intercepts and so on. We knew who was who.

A: Mr Broad was, as far as we know, a Rottenfuhrer. I do not think his name was very high on the list of people the British were looking for.

Q: The fact remains that he had a guilty conscious because he had participated in shootings in Auschwitz concentration camp, and eventually he was put on trial, not by the British, but by the Germans. The British treated him in some special way, is this correct?

A: He was, he became an interpreter in the camp and then at a certain moment when he gave his evidence it was recognized that he was a very important witness.

Q: Yes. He is one of your eyewitnesses for the existence of the pipes on the roofs, admittedly at a distance, but he described, if I remember his testimony in the Tesh case correctly, these pipes on the roof being opened and people pouring stuff in. He described six of them rather than four, is that correct?

A: Again I think we should look at the material that is in my report, but I think at least I can say right now that what I remember that in the Tesh case he refers to a gassing happened in crematorium (i), that the particular incident you refer to. But again I think we should, before we

have a final conclusion on that, look at the actual evidence

P-90

given in the Tesh case because I thought it was crematorium No. (i) he was talking about.

Q: Is it known to you that Pery Broad was a Brazilian national?

A: Yes, I know that.

Q: In other words, he was not a German national, he was a Brazilian national. Was Brazil fighting on the side of the Allies in World War II?

A: I think that ultimately Brazil joined, yes.

Q: And yet he was wearing the uniform of the SS, of an enemy power and he was committing these crimes in the uniform of an enemy power?

A: I would like to remind the judge that many people in the SS were actually Vorstattue who had passports from different countries, from countries other than Germany.

MR JUSTICE GRAY: The significance of the fact he was Brazilian is escaping me at the moment, but...

MR IRVING: I was about to say, would not the fact that he was a member of an allied nation fighting in German uniform have put him in precisely the same category as William Joyce or John Amery, and have exposed him to being put on trial in Brazil for treason? Was this not another threat that was hanging over his head at the time he was in captivity?

A: I cannot possibly comment on that.

Q: But you do agree that he was technically committing

P-91

treason by fighting in the uniform of an enemy power?

A: I think that Mr Broad in May 1945 probably had other things on his mind than that particular issue of if Brazil was going to ask for his extradition.

Q: Do you use the statement of a witness called Hans Stark as proof of the gassings?

A: I have the statement in my report, yes.

Q: Yes. In section 9, the Leuchter report of your report -- I am afraid again I do not know the page number -- you quoted from it and I will quote the passage that you have used, in your language: "As early as autumn 1941, gassings were carried out in a room in the small crematorium which had been prepared for this purpose. The room held 200 to 250 people"?

MR RAMPTON: 514, my Lord.

MR IRVING: Thank you very much. I am indebted. I will begin again.

A: We are talking about Stark now, the Stark testimony?

Q: The testimony of the eyewitness Hans Stark: "As early as autumn 1941" -- this goes more to the question of your treatment of sources rather than crematorium No. (ii). "As early as autumn 1941 gassings were carried out in a room in the small crematorium which had been prepared for this purpose. The room held 200 to 250 people, had a higher than average ceiling, no windows only a specially insulated door with bolts like those of an airtight

P-92

door." Is that your translation of that document?

A: Yes, this is my translation -- no, this is actually an existing translation. If we go to the quote, we see it was done by Deborah Burnstone.

Q: Deborah?

A: Burnstone.

Q: Does it also give the original German of the text?

A: No, it is not.

Q: Did you take any trouble to ascertain the original German of that text?

A: No, I did not.

Q: If I tell that you the word "airtight", the word translated as "airtight door", in the original German is Luftschutzer, is that how you would have translated it?

A: An airtight door as a Luftschutzer door?

Q: In the original German of Hans Stark it is "Luftschutzer" which has been translated ----

A: If you show me the passage, Mr Irving, I am happy to confirm or not that, indeed, that is the way ----

Q: I am putting one word to you. The original German says not "airtight door" in English, but "Luftschutzer" in German. Would you tell the court what "Luftschutzer" translates into in English?

MR JUSTICE GRAY: "Airtight door", I would have thought?

A: "Luftschutz" in general, "luft" means "air raid".

Q: Air protection.

P-93

A: Luftschutz ----

Q: "Luftschutz", yes, I see.

MR IRVING: Is an air raid and air raid [German], my Lord? Now, either inadvertently or deliberately, somebody and you say it is Burnstone has mistranslated that word from a totally harmless and, in fact, significant "air raid door" into the rather more sinister "airtight door"?

A: In the context of quite a sinister description, I would say.

MR JUSTICE GRAY: Mr Irving, look at the context.

MR IRVING: I beg your pardon?

MR JUSTICE GRAY: Look at the context. As I understand it, she actually said "like those of an airtight door", but this is in the context of gassings in 1941 and Zyklon-B being poured through holes in the roof.

MR IRVING: My Lord, there are any number of eyewitness statements like that which are in the report. I am just looking here at the quality of the translation which is frequently tilted against or tilted in favour of the Holocaust definition. Your Lordship will remember that I have been trying to establish the case that these sinister door scattered around the camps at Auschwitz and Birkenhau were, in fact, provisions for the coming air raids and the Germans anticipated there were going to be gas attacks as well, as, indeed, did we, British, with our air raid shelters.

P-94

MR JUSTICE GRAY: I understand the suggestion, but what you cannot possibly say, Mr Irving, is that Hans Stark is describing an air raid shelter on the basis of this passage, can you?

MR IRVING: I am concentrating here only on the door, my Lord.

I have no other means of attacking the integrity of Hans Stark as a witness. I am looking here at the rather slipshod use of the word "airtight door" when the original is quite clearly referred to as looking just like an air raid shelter door of which we will be producing photographs to the court later on.

This is of significance because the Defence rely on a number of photographs of doors found scattered around the compound of Auschwitz and Birkenhau, and we will show that these are

standard German air raid shelter doors complete with peep holes.

I think this is the time I would ask your Lordship to look at the little bundle of five pages of documents I produced this morning.

MR JUSTICE GRAY: Yes, certainly.

MR IRVING: I have not yet handed it to your Lordship. It is here.

MR JUSTICE GRAY: Where are we going to put this? Shall we put it in ----

MR IRVING: J, I think, my Lord.

MR JUSTICE GRAY: --- J?

P-95

MR IRVING: I have started a new numbering system which will go all the way through with consistent consecutive numbers from now on.

MR JUSTICE GRAY: I gathered that was being done. That is very helpful. We got as far, I think, as about 14 maybe.

MR IRVING: We started with 00, unfortunately.

MR JUSTICE GRAY: I am only up to 11, so something has gone wrong.

MR IRVING: The 0 now comes after the 11. The one I have given you should come after 11, my Lord.

MR JUSTICE GRAY: I am going to put it for the time being -- actually it is 12. Yes?

MR IRVING: (To the witness): These are three or four Germans documents. They are significant because they refer to trips made from Auschwitz to Dessau to pick up Zyklon-B, truck loads of Zyklon-B. Are you familiar with this kind of signal or radio message?

A: Well, I am not familiar with this particular one.

Q: Not with this particular one?

A: I have seen -- I absolutely do not doubt, I do not doubt the -- you know, the integrity of the thing.

Q: If you will look at page 1 rather than the first one, page 0, if you look at page 1 as numbered at the bottom, you will see the signal at the bottom looks rather sinister, does it not? I have translated it on page 2. It is a message from Berlin to the Kommandant of Auschwitz,

P-96

effectively, giving driving permission. Every time they made a journey by truck because of the shortage of fuel, they had to have permission from Berlin. "Permission herewith given for one five tonne truck with trailer to Dessau and back for the purpose of fetching materials for the Jew resettlement. This permit is to be handed to the driver to take with him". It is signed Levehenshal who is at Berlin still at that time. What interpretation would you put on that message, October 2nd, 1942?

A: That a truck, a five tonne truck, is sent to Dessau to collect material for the Jews' settlement. Dessau, as we know from other telegrams and as we know also from the rest of the record, was the location where the Zyklon-B was being produced in one of the factories. So, the context of what we know also of the other messages shows that this is most likely a permission to collect in a five tonne truck Zyklon-B from the original manufacturer.

Q: In fact, more than five tonnes because they are taking a trailer as well, are they not?

A: With a trailer, yes.

Q: So they are collecting over five tonnes -- it would be a reasonable assumption, based on this document, that they are collecting over five tonnes of some material which is probably Zyklon-B cyanide pellets?

A: Yes. I mean, I do not know exactly the weight, but I think that in the document I have written (of which you

P-97

have a copy) on your suggestion more or less that I have dealt with this matter about how much the truck would have, most likely would have carried.

Q: It is specified clearly in this report, in this telegram, that it is for the Jew resettlement, for the Judenumsiedlung?

A: For the Judenumsiedlung, yes.

Q: That makes it even more sinister, does it not?

A: Given the fact what the word "Judenumsiedlung" had come to mean in 1942, yes, this would be quite a sinister document.

Q: Will you now turn over the page to page 3 which you can take it is a translation of the upper telegram on page 1?

A: I am sorry?

Q: Page 3 at the foot of -- you have no page 3?

A: I have page 3, but I look at No. 1.

Q: Yes.

A: At No. 1, the upper telegram.

Q: It is a translation of the upper telegram No. 1?

A: Yes, OK.

Q: This is from Gluks(?). Who is Gluks?

A: Gluks is the Chief of the Inspectorate for concentration camps.

Q: He has the rank of something like a Brigadier General, does he not?

A: Yes.

P-98

Q: This again is a driving permit sent to Auschwitz concentration camp.

A: Yes.

Q: Answering a request: "Permission herewith given for one automobile", a car, "to go from Auschwitz to Lischmannstadt and back on September 16th 1942 for the purpose of inspecting the experimental station for field kitchens for Operation Reinhard. This permit is to be handed to the driver to take with him"?

A: I think your translation is wrong there, Mr Irving.

Q: Yes. Tell ----

A: The "Dei Feldofen" in this case are "field ovens", and we know there is quite a documentation, not only eyewitness testimony, but quite an extensive documentation on this particular trip which was made by Kommandant Hirst and which also Mr Dejaco and Mr Hoessler, all were included and they were inspecting actually, they were going to Lischmannstadt to see the extermination site there, to actually look at the incineration grid, the incineration installation created by Studattenführer Bloebel as part of Action 1005, to create a way to get rid of corpses which had been buried as a result of the killings in Chelmo. So this has nothing to do with kitchens, these Feldofen, but with incineration ovens to burn, to incinerate, corpse.

Q: "Field kitchens" would be "Feldkuchens", would it not?

P-99

A: That is more likely, yes.

Q: So your submission is that this is a reference to going there to visit some kind of improvised grating, fire grating, of some kind ----

A: Yes.

Q: --- on a large scale?

A: They are actually -- we have Mr Dejaco, the chief of design in the Zentrale Bau, he actually made a sketch also of this incineration installation. It had been developed by Bloebel who was an architect in order to empty the mass graves which had been created in Chelmo as a result of the gassings there.

Q: Bloebel had the very distasteful task of emptying out the mass graves and cremating the ----

A: Yes, he had the -- it was called Action 1005. He was going around sites where mass graves had been reacted in order to take out the corpses and to incinerate them so they were going to be no traces.

Q: Why would it include the words an "experimental station" for the ----

A: Because they were just developing the technology to do this.

Q: Does it take much technology to make a fire in the open on a grating?

A: The Germans had not done this before yet. Bloebel was the person who developed the technology. Until then, the

P-100

Germans had not yet emptied mass graves and incinerated corpses of people who had been buried for some time. We know that afterwards this, indeed, is going to happen in Auschwitz within weeks, the same procedure start to be applied in Auschwitz to all the people who are buried in the field of ashes next to bunkers 1 and -- bunker 2 in this case.

Q: When I see the word "Verstutzstation", in my knowledge of German documents, I usually think of a place like Panamunda or Passodena. I do not think of somebody mucking around with fire grates in a field?

A: I do not follow you, Mr Irving.

Q: The word "Verstutzstation" does not tend to convey what you suggest in your evidence. That is all that we can usefully derive from that.

A: I think that maybe even if I have these documents on the trip to Chelmo. It is very well documented. Apart from that, Dejaco was questioned on that in detail during his trial, and he confirmed what you probably would call the very sinister interpretation of all these documents, that, indeed, yes, he was there present with Bloebel at the incineration site.

Q: And yet he was, of course, acquitted, as we have heard yesterday.

A: He was acquitted of the murder of one inmate who he was alleged to have drowned at a building site near

P-101

crematorium (ii).

Q: And not charged with any further crimes after that, not recharged on any other crime?

A: No, he was not, but then we have discussed already the nature of ----

MR JUSTICE GRAY: Mr Irving, may I just ask you, whilst it occurs to me, who translated "ofen" as "kitchens"?

MR IRVING: I did, my Lord. Normally, "field kitchens" is the only interpretation of [German - document not provided]. I am willing to be lectured by Mr Van Pelt on this alternative meaning. He claims he has these documents which bear out his meaning, translation, of the word, and, of

course, I put the original German to him so that he can correct it if we are wrong.

If I can just finally carry on on that point, if Dejaco was present on this trip and no consequences flowed from it in the law courts afterwards, can we draw any conclusions as to the nature of these pits that were being excavated or not, these mass graves, what the victims had died of or had been killed by? I am in your hands here because I know nothing. You have seen the documents and I do not.

A: OK. I have one of the documents right here in my hand, so, I mean, I could give it to you, I could quote it, I could read, because we have the report of the trip of 17th September.

P-102

Q: Very well.

A: I do not want to spring this document on you, but since you raised the issue of the significance of it, it gives actually a description of the thing.

Q: While you are looking, I can tell my Lord the translation was actually done at 2 o'clock this morning, so there is an element of stress.

MR JUSTICE GRAY: Yes. Thank you.

A: I think I have not answered the question yet, so maybe could the question be repeated because I ----

MR JUSTICE GRAY: Shall I repeat it? Can we draw any conclusion as to the nature of these pits that were being excavated or not, these mass graves, what the victims had died of or been killed by? In other words, could you tell whether they had been gassed or whether they had been shot or whatever?

A: These people had gassed in gas vans.

Q: Why do you say that?

A: We know that on the basis of the report created by the Polish Commission of investigation in 1945, which itself did a forensic excavation at the site and also took many testimonies on this. These people who were brought to Chelmo were Jews from the Lischmannstadt ghetto. They started in very late 1941 when Germany was being emptied of Jews. I just want to remind the court, for example, Berlin was officially Judenreiden in early 1943. When the

P-103

German Jews were transported to the East, one of the places where they were concentrated was in the Rusch or Lischmannstadt ghetto. In order to make place for these people who came in, because it was already terribly overcrowded, Polish Jews from the Lischmannstadt ghetto were in early '42 brought to a little castle near Chelmo. This castle in Chelmo was a place where they were brought to this castle and then there were gas vans in that compound and they were actually walked into gas vans. There was a description of the actual camouflage way in which they were brought in there, and then these gas vans drove from that castle to a forest which was a couple of miles away. By the time the gas vans arrived at the forest, all of the people in the back of these gas vans had died and then they were buried in that forest. So when the mass graves really had become very large there, because ultimately the Polish Commission established that around, I think, 180,000 people were killed in that way at Chelmno, Bloebel was given the task to start removing the corpses.

MR JUSTICE GRAY: That does not appear to me to have much to do with the message, the radio message, of 15th September 1942.

MR IRVING: We are rather branching out into other fields there?

A: It has a lot to do with that.

P-104

MR JUSTICE GRAY: This is Auschwitz, not Chelmno?

A: No, but the people in Auschwitz at that time, what has happened is that at bunker 2 at that moment, which had been in operation since early July, they have been burying the people next to bunker No. 2. In the meantime, there is the Himmler visit to Auschwitz and, while there is no record of it, it is quite likely probably that he said this burying of people very close to the camp, because that is actually quite close to Birkenhau, is going to be an unhealthy business. So what happens then that immediately -- we are talking again at about the month of August and September when all these big changes are taking place in Auschwitz. So, in order to take counsel from the only man who is actually doing the incineration of buried corpses which is happening in Chelmno with this Studattenfuhrer Bloebel, the Auschwitz Kommandant, and this is a very high powered trip, the Kommandant, his adjutant Hoessler, and the chief designer, who ultimately must make sense of it on a practical, technological scale, all go for a whole day to Lischmannstadt, and it is not a small trip. They need to get special permission for that (because one always needs special permissions for these trips) to basically to see what Bloebel is doing there. Then we have also another German, we have the original request from Auschwitz to Glucks, we have the permit now being produced and we have the final result, a

P-105

report of what happened during that trip.

MR JUSTICE GRAY: So Lischmannstadt is close to Chelmno?

A: Yes, Chelmo -- I mean, Lischmannstadt is a very big city.

Chelmno is just a hamlet.

MR JUSTICE GRAY: That is what I was missing.

MR IRVING: Is it your submission, therefore, that this five tonne truck load of Zyklon-B which was fetched, I think we agree, the materials, from Dessau to Auschwitz, what was the five tonne truck of Zyklon-B, what were the materials to be used for? Just for gassing people?

A: OK, so we finished with this document now on the ----

Q: Well, would you answer my question?

A: I just want to know if I still have to take that into consideration in the answer or not.

Q: No, you do not, no.

A: OK.

Q: We are back on the trucks going back and forth between Auschwitz and Dessau.

A: The trucks went back and forth to Dessau. They collected Zyklon-B and Zyklon-B was used in many different ways in the camp.

Q: But five tonnes seems an awful lot. That is the point I am making. Over five tonnes?

A: But let us remember, just if we talk -- we do not talk about five tonnes Zyklon-B because when we ultimately talk about the way Zyklon-B is shipped, it is shipped in

P-106

containers and then the containers themselves contain earth in which the Zyklon-B is ----

Q: The largest tin was one kilogram, was it not?

A: The largest tin was one kilogram, one kilogram of Zyklon-B, but the original invoices from the shipping of the Daigash of Zyklon-B always gives the brutto weight -- I mean the gross weight of what a tin is and then ultimately also the net wet of Zyklon included in that.

Q: But the Zyklon is the pellets; it is not just the cyanide?

A: The pellets too, so in order to -- basically, if you get five tonnes weight of tins with contents, the total weight actually inside of Zyklon, of hydrogen cyanide, will be less than a tonne and I can give you the exact figure.

Q: You are saying that is the weight of the tin to be taken into account?

A: The tin and, of the course, pellets in which the Zyklon has been taken in, and all that information is available and I can give it to you if you just give me time to look.

Q: Are you suggesting that Zyklon is another word for hydrogen cyanide?

A: Zyklon is a commercial name for a product ----

Q: For the pellet containing the hydrogen cyanide?

A: Containing the hydrogen cyanide.

Q: You are not trying to make out that Zyklon is the hydrogen cyanide element in the pellets?

P-107

A: No, it is a commercial name.

Q: So if five tonnes of pellets were picked up, then it is five tonnes of tins containing Zyklon-B pellets?

A: Yes. The truck is not going to carry more than five tonnes, whatever it is. So, ultimately, the amount of hydrogen cyanide which actually is carried by this truck will be closer to because it is more or less, I think 1/5th of the gross weight of a tin is actually hydrogen cyanide will be closer to a tonne than five tonnes.

MR JUSTICE GRAY: Mr Irving, are you putting forward a positive case as to what the materials for the Jew resettlement were if they were not Zyklon-B?

MR IRVING: We are just going to move to document 0, my Lord, the first document in that next clip.

MR JUSTICE GRAY: So that is going to answer the question, is it?

MR IRVING: Which I hope will go a long way towards answering the question. This comes from exactly the same kind of source. It is the one which the Holocaust historians never quote. They frequently quote the other two or three which are in this clip. This is received in Auschwitz on July 22nd 1942, again from Berlin: "I herewith give permission for one five tonne truck to drive from Auschwitz to Dessau and back to fetch gas for the gassing of the camp to combat the epidemic that has broken out". Now you can read that document whichever way you

P-108

wish, my Lord. It is quite possible, of course, that the Defence will submit that this is just camouflage.

MR JUSTICE GRAY: Let us ask Professor van Pelt.

A: Absolutely I do not think it is camouflage. I think that in my book at a certain moment (and Mr Irving picked it up) I said that in the summer 1942 a lot of Zyklon was being used in the camp, to indeed, basically, how you call it, fumigate clothing and barracks because there was an epidemic.

Q: We will just remain with this for two or three more minutes, my Lord.

A: But it does not mean it was the exclusive use of Zyklon-B.

Q: Just before the adjournment -- this largely ends that matter -- in your section 5 called "Confession"s, you have reproduced the testimony of a man called Muka, who was the adjutant of the Kommandant of Auschwitz at this time.

A: I do. Shall we turn to the particular page?

Q: These permission slips to dispatch the trucks were frequently signed by Muka, were they not?

A: Let us go to the page. I am happy, I know what you refer to, statements made in the Frankfurt trial, but I do not exactly know where it is right now. Do you have a page number.

Q: Only that it is in (v) "Confessions". My pagination, unfortunately ----

MR JUSTICE GRAY: I think, as we have not got the reference to

P-109

hand, shall we deal with that at 2 o'clock?

MR IRVING: Until 2 o'clock? Very well, my Lord.

(Luncheon adjournment)

MR IRVING: My Lord, might I ask that you remind those present that we are not sitting tomorrow in case some people make the mistake and come tomorrow and do not realize that we are not sitting?

MR JUSTICE GRAY: You are quite right that we are not sitting tomorrow, but also on Friday, what I would like to do is perhaps start an half an hour earlier than normal and probably finish earlier than normal as well, so sit at 10 on Friday. Yes.

MR IRVING: From Dessau to Auschwitz, my Lord, but before I go on, can I remark on something in my translation about field kitchens? Firstly, as your Lordship is aware, I have never denied the killings in Chelmno and, if those documents are connected in any way, then I fully accept that and that is a logical interpretation. Secondly, my wartime German medical dictionary says "ofen" is a stove. That is a translation for it. So it is not actually in the form of a grating which would be gussen in German, I believe. So I think, although I am quite prepared to accept Professor van Pelt's interpretation of that document, not being aware of the surrounding foliage of the documents which Professor van Pelt has, this, your Lordship will appreciate, is rather the position I have

P-110

been in. Some of the documents, I have been aware of the surrounding document foliage which gives colour to particular translations. I am perfectly prepared to accept the interpretation of that word in any case. We were looking at section 5 called "confessions" of your report. You quote the testimony given in a later trial of the man called Mulka, who was on Hess's staff, who assigned some of these driving permits. I do not know the page number.

MR JUSTICE GRAY: Perhaps the defendants can help?

MR RAMPTON: We are going to try.

MR IRVING: These permits were provided to the prosecution in the so-called Auschwitz Frankfurt trial.

A: I have found the thing, by the way. It is page 320 in my edition.

MR JUSTICE GRAY: 514 I was going to offer, but we will try to look at 320 first.

MR IRVING: These were submitted as evidence in the Frankfurt Auschwitz trial and Mulka was cross-examined. The presiding judge on this occasion asked him about these slips: "Accused Mulka, have you signed permissions for trips to Dessau? (Mulka) I only remember one occasion. A permission was signed by Glucks and at the left bottom countersigned by me. It concerned a disinfection means. (Question) Here it reads 'For the resettlement of the

P-111

Jews' -- one of documents which I produced, my Lord -- and 'In confirmation of the copy Mulka'. You knew what the resettlement of the Jews meant? (Mulka) Yes, that was known to me. (Q) And what were those materials for the resettlement of the Jews? (Mulka) (silently) -- I am not sure how one can do that -- Yes, raw materials. (Q) All right then. That was thus Zyklon-B? (Mulka) (even more silently) Yes, Zyklon-B".

Of course, that is a rather odd kind of examination by the presiding judge, is it not, Professor van Pelt? You would have expected, certainly if Mr Justice Gray had been presiding there, he would have asked the obvious follow up question, what was it going to be used for? Either it was not asked, or it was not recorded, or you did not tell us?

A: Now. There are no dots in paragraph. The original page is in the binder so you can check the original page, if I have quoted the thing as a whole or if I have left something out, but I can assure you, my Lord, that I quoted the whole passage. So the third kind of option I would reject out of hand. I think that probably the problem in this court was that people knew too well what these words meant and what was implied by the question, and that they did not find it necessary to be very specific about it. If I had been the judge, I probably would have asked one more extra question, but the judge

P-112

did not do it.

MR JUSTICE GRAY: In other words, there is some force in Mr Irving's point? I think you are conceding that?

A: Yes.

MR IRVING: I am not for one moment implying, and I want to make it quite plain, that Professor van Pelt has omitted any response or any subsequent question which was material to this issue, but it is a rather odd kind of examination, that the presiding judge did not say, "And what were these materials to be used for to your certain knowledge", whereupon Mulka could either say, "Oh, they were going to be used for fumigation or they were going to be used for killing human beings". It is a negative piece of evidence and I will now ask Professor van Pelt, of these five tonnes of Zyklon-B pellets, or over five tonnes, that were picked up on a trip like this, in your estimation how much would be used for fumigation purposes? In other words, for innocent life saving purposes as opposed to homicidal purposes? What kind of percentage?

A: That is very difficult to say. I have submitted to the court a document in which I calculate, on the basis of the figures for 1943, the likely use of Zyklon-B in Auschwitz. This is the supplement to the expert's opinion. I am happy to go through those figures.

MR RAMPTON: My Lord, part I of the blue file.

A: I am happy to go through those figures because, if you

P-113

want me to be very specific, I can be very specific, and I made quite detailed calculations. Of course the question depends on how large is the camp at the time, how many prisoners are there at the time, how many delousing installations are available in the camp at the time, what kind of transports are coming in, and so on.

MR IRVING: Let us see if you can talk in round figures. If it was being used for fumigation purposes, it would be used for two fumigation purposes, would it not, for fumigating barracks and for fumigating clothing and objects, shall we say?

A: Yes, you are right.

Q: For that purpose they had a purpose built fumigation chamber in Auschwitz, the one that we

have seen with the blue stains on the outside walls?

A: There are a number of them, in fact. There was one building ----

Q: B W 5?

A: Also in Auschwitz I there was a building with two fumigation rooms but they were probably used consecutively in Auschwitz. Then there was a fumigation or delousing facility in Canada I which we discussed yesterday, where the hair was found and we have a fumigation capability in Zyklon, I am now talking only about Zyklon, in Birkenhau, in the women's camp.

Q: What other kind of fumigation equipment did they have

P-114

apart from Zyklon? Did they have any other equipment at any time in Auschwitz and Birkenhau?

A: Do you mean toxic equipment?

Q: Any kind of methods of killing pests.

A: The preferred method, if they could do that, they would really prefer, was either by hot air or hot steam.

Q: Would not hot steam have a bad effect on textiles?

A: That was one of many of the prisoners, inmates. They complained that always, when their prisoner clothing had been disinfected, had come back from the so-called Entwesungsanlage as they were called, indeed they had shrunk considerably. This is a continuous problem in the history of the camp.

Q: So the entwesungsanlage is a familiar concept to you, then, that German word? It is disinfestation equipment?

A: Yes.

Q: Is it also familiar to you that, at a relatively late stage in the war years, the Siemens Company were installing an electrical system of pest killing based on microwave?

A: Yes, kurzwelle Entlausungsanlage.

Q: The short wave disinfestation equipment?

A: Yes.

Q: This was rather like a microwave cooker for cooking the insects basically?

A: I do not exactly know the technology but I trust your

P-115

description.

Q: This was basically a high voltage system using a lot of electric power that was going to be installed in Birkenhau?

A: It was going to be installed but, as far as I know, it actually never was installed.

Q: It arrived. It was delivered.

A: It was actually meant for Auschwitz I. What happened was that in Auschwitz I a very large Zyklon-B delousing installation was created at the aufnahmegebaude which is the reception building for prisoners. There were 19 standard delousing cells, each of 10 cubic metres which uses two hundred grammes of Zyklon-B, the smallest tin, and as this building was being completed, the SS decided to change the method of disinfection in those cells, at least in four of those cells. There were 19 so 15 would remain Zyklon-B, and four of them would be the Siemens.

Q: What word would they use to describe that kind of room or building? Would it be a Vergasungsraum or a Vergasungskeller?

A: In general these rooms are called Gaskammer.

Q: They are also called Gaskammer?

A: Yes. In 1944, however, I have to go because in 1944 actually the language changes. They called them normal Gaskammer, which means on the type sheets which were produced by the SS and, if you allow me, my Lord, I will

P-116

just make ----

Q: Normal means standard, does it not, in that context?

A: Yes. The SS produced standard designs for concentration camps which were handed out to people who were building in the field. What happens is that these sheets were produced in 1941 to give a local concentration camp kommandant some guidelines of where to start when he was ordered to create a concentration camp. These designs include two designs for delousing facilities and in those designs these spaces are called Gaskammer, for example.

Q: Would there be very much talk of these gas chambers amongst the prisoners, do you think? Would there be a lot of gossip about them?

A: May I complete the answer because we were talking about the name of the thing? They use Gaskammer. Then in 1944 at a certain moment in Auschwitz they started to use the cells specially in relationship to the building where these four cells are being adjusted to the Siemens procedure. They start to call them normal Gaskammer, which means standard or normal gas chambers. So then the question is in relationship to what? Is it in relationship to an abnormal one, which is a homicidal one, which some people have concluded, or is it in relationship to some other gas chamber?

Q: Professor van Pelt, you are familiar with the fact that the German word "normal" is not translated as "normal",

P-117

it is translated as "standard"?

A: Standard.

Q: "Normalfilm" is 35 millimetre film, for example.

A: I think the first translation I give was "standard".

Q: In other words, you cannot draw adventurous conclusions from the fact that they called something a standard gas chamber?

A: I said some people have done that. I did not say I did myself.

Q: Would it not be just a standard piece of equipment delivered by Degesch or by Tesh who actually manufactured gas chambers for precisely this purpose and they had standard sizes?

A: You interrupted me. My own conclusion was indeed that "normal Gaskammer" probably referred to the ten cubic metre standard Degesch gas chambers.

Q: That has nothing to do with the fact that, because we are calling this one the normal one, therefore there were abnormal ones somewhere else in the camp. This was misleading for you to state that, was it not?

MR JUSTICE GRAY: No. He said to the contrary. He does not himself subscribe to the theory that normal Gaskammer implies an abnormal Gaskammer where homicidal events took place?

A: If I can just finish this in one sentence, then another word is being used in Auschwitz at the time. We find it

P-118

on many bills and also documents by Degesch at the time in 1944 which actually is about the Zyklon-B gas chambers in Auschwitz I, and they used the word Begasungskammer. This is very unusual, but there are a number of documents which use the word Begasungskammer.

MR IRVING: The sense of that would be the gassing chamber, would it not?

A: Yes. It is almost like adding gas, like applying gas to, the gas supplying chamber, maybe that would be a translation.

Q: I agree with that, yes.

MR JUSTICE GRAY: I am sorry, I am interrupting as well.

A: I have finished.

MR JUSTICE GRAY: Is there any significance in the V E R at the beginning of Vergasungskammer as a German speaker?

A: I am not a German. I am not a native German speaker. Dutch is still ----

Q: You seem fairly familiar with it.

A: I would say no. Vergasung seems to be a transitive verb.

I do not attach any particular significance to the fact that it is used like that.

MR IRVING: My Lord, I will be putting to your Lordship a number of documents with the word Vergasung in, which obviously are completely innocent, in an attempt to persuade your Lordship in that direction.

MR JUSTICE GRAY: Good.

P-119

MR IRVING: Professor van Pelt, have you seen invoices or delivery notes from the Degesch company relating to supplies of Zyklon-B shipments to the concentration camps at Auschwitz and at Oranienburg?

A: Yes. I think 12 of these invoices were submitted in the Nuremberg trials.

Q: The original documents are there, are they not?

A: Yes. I have seen a number. All the invoices are for the same one amount, except one, which is a slightly higher amount, so I have seen a copy of the standard amount and one for the higher amount. I have not seen all the invoices in the original.

Q: Had you seen these at the time you wrote your book, or just between writing your book and writing your expert report?

A: No. I have seen these earlier.

Q: Before you wrote your book?

A: Yes.

Q: Yes. Did you do any kind of analysis of those invoices to see the rate at which these supplies were being delivered to Auschwitz as compared with Oranienburg?

A: No. The invoices themselves, and I have made a particular comment on it once you raised the issue in your letter of December, I do not think are particularly important as evidence one way or another about the use of Zyklon-B in Auschwitz, because there are actually much better sources

P-120

available to us if one wants to raise that issue, which is the Tesh and Stabanov accounts of total deliveries of Zyklon B to Auschwitz in 1942 and 1943.

Q: Am I right in saying that the chief accountant of the Tesh company had a pocket notebook in which he entered all the amounts that he supplied to Auschwitz and to various other armed force branches and so on on a monthly basis? He kept this notebook and it was introduced in evidence in that trial?

A: It was introduced as evidence. I think there were also supporting documents for that.

Q: But am I right in suggesting that these invoices to which I refer, the delivery notes which were introduced in Nuremberg, the 12 delivery notes, relating to the supply of Zyklon-B quantities to Auschwitz concentration camp and to Oranienburg concentration camp, they are relatively random? In other words, first of all, they are sequentially numbered, and the deliveries are sequentially numbered?

A: Yes, but ----

Q: They are in sequence so there is nothing missing?

A: Yes, but these particular invoices come with a very particular history.

Q: Are you implying that there is anything suspect about the integrity of these documents?

A: No, I do not imply that at all, but I think the way they

P-121

were generated -- these were an appendix. They were handed over together with an account of how they came in the possession of the man who had it.

Q: We will come to the man to whom they are addressed in a minute.

A: This man gives a record of the background of these particular invoices which had to do with a particular request which came to him from a certain Sturmanfuhrer Gunter in Berlin.

Q: Who was Eichmann's assistant, am I correct?

A: Yes.

MR JUSTICE GRAY: Mr Irving, can I ask you for my benefit because remember this is a completely new point to me.

Can you put what you suggest one gets from the Oranienburg invoices in relation to the quantity of use of Zyklon-B there?

MR IRVING: It is my very next question, my Lord.

MR JUSTICE GRAY: Good. Thank you.

MR IRVING: Am I right in suggesting that identical quantities, broadly speaking, of Zyklon-B were delivered to Auschwitz and Oranienburg over the time covered by those 12 invoices?

A: The invoices talk about identical quantities to Oranienburg and Auschwitz. But the important question is, is this all the deliveries of Zyklon-B to Auschwitz? Then we have to go back to actually the origin of these

P-122

documents.

Q: We are looking just at these 12 documents to start with?

A: If we only look at these 12 documents.

Q: Can you remember my question, please, Professor van Pelt, where I said is it correct to say that the deliveries are numbered in sequence and that there are no missing numbers?

A: I do not remember, but I will take your word for it.

Q: Thank you very much. Am I right in saying that it has never been suggested that there were mass homicidal killings by gas chambers in Oranienburg?

A: No, there were some experimental probably, accounts of experimental gassings of some Russians in Satzenhausen which was in fact a concentration camp in Oranienburg, but apart from that ----

MR JUSTICE GRAY: In 1944?

A: 1942.

MR JUSTICE GRAY: We are talking about 1944?

A: I just want to be precise. The general question was posed and I do not want to say that there was never any Zyklon-B gassing. There are reports of that in that city.

MR IRVING: Am I correct in saying that these invoices to which you are referring are from the early months of 1944? My memory says that.

A: Yes.

Q: Can you tell the court to whom these invoices were

P-123

personally addressed?

A: They were addressed to a man named Kurt Gerstein.

Q: G E R S T E I N. What is on the next line of the address, can you remember, at Auschwitz concentration camp?

A: I have a copy somewhere.

Q: It seems important.

MR JUSTICE GRAY: Berlin?

A: I have it in my report after page 11.

MR IRVING: Your Lordship will remember that Professor Evans said that I had not the slightest reason for saying that these were going for fumigation purposes in the camp.

What does the next line read?

A: After his name?

Q: Yes. Does it not say that it is going to the Entwesungsabteilung or words to that effect?

MR JUSTICE GRAY: Not in my copy.

A: No, it is not in the next line. It is actually in the invoice bit itself.

MR IRVING: Yes?

A: It says we did send at the 8th March from Dessau with a Wehrmacht Vorbrief, which means an army kind of transportation voucher, of the jedestatt Verwaltung Dessau.

Q: Administration?

A: At Dessau to the concentration camp in Auschwitz, the department of disinfestation and anzeufer is a plague.

P-124

Q: It is tortology, really. They are both the same thing are they not?

A: No they are not exactly.

Q: Disinfecting and disinfestation?

A: Seuche is an epidemic so anti-epidemic department.

Q: Epidemic control?

A: Epidemic control department, yes.

Q: This was in fact Kurt Gerstein's position, was it not?

A: Not in Auschwitz. He was employed at the Hygienic Institute in Oranienburg.

Q: Is it not significant that these huge quantities of Zyklon pellets are being sent to the office in charge of epidemic control at Auschwitz? What use is made of them subsequently of course is another matter. But this deals with the system again?

A: What is significant is who will receive Zyklon when it arrives in Auschwitz. Again, from my witness testimony, we know that it was exactly that department which controlled all Zyklon in Auschwitz, and ultimately that was one of the reasons also that doctors always had to be present when Zyklon was applied one way or the other.

Q: Now that we are with the person of Kurt Gerstein, will you tell the court if he is one of your

eyewitnesses in any respect when you write your report?

A: No. Kurt Gerstein has made no statement whatsoever about Auschwitz or the gas chambers of crematoria 1, 2, 3, 4 and

P-125

5.

Q: Have you placed any reliance on Kurt Gerstein in your report?

A: I did not need to place any reliance in my work on Auschwitz since he has never made any testimony about Auschwitz.

Q: Although he made some very detailed allegations about how many people were killed in the gas chambers elsewhere, and he gave figures for the quantities killed in the other gas chambers in the other camps, you are not prepared to draw conclusions about the general reliability of this kind of eyewitness?

A: No. I do not think that at the moment the statement you made can be supported. I think that Kurt Gerstein has made a detailed account of a visit to Treblinka where he came in the summer of 1942. He made a detailed description of that.

Q: Professor Vananstiel, that is correct?

A: Professor Vananstiel(?) Later Professor Vananstiel after the war confirmed that indeed he had been with Kurt Gerstein in Treblinka and confirmed more or less the account, except where it applies to his own role in this trip, a number of remarks he would have made while looking through the spy hole into the gas chamber, but apart from Kurt Gerstein has not made any calculations, as far as I know, I do not think he even made about Treblinka or

P-126

for that matter he never mentioned Auschwitz in any context of extermination.

Q: I am only deal with the Gerstein report in the context of reliability of eyewitness evidence in general. This is the only reason I am going to ask the next few questions. Did Mr Kurt Gerstein, who was an SS officer, make any statements about the number of people who were packed into the gas chamber that he witnessed allegedly?

A: I am not going to comment on that without the document in front of me.

Q: You have not read the Gerstein report?

A: Of course I have read various editions of the Gerstein report, both the French and the German, but I am not going to comment on what Kurt Gerstein may have said or may not have said when I do not have the document in front of me.

Q: Are you aware that there seven different versions of the Gerstein report?

A: I know there are various different versions. I did not know it was seven.

Q: Are you aware that each successive version of the report became more lurid in French captivity and that the numbers grew larger like Topsy?

A: Mr Irving I do not remember ----

Q: I should have asked how many versions of the report have you read?

A: I have read three versions of the report.

P-127

Q: Did you notice any discrepancy between the figures and the general scale of the atrocity he was describing?

A: No. The reports are longer and shorter, so I have not compared them on actual figures. In

some reports he includes more information, and in other reports he has less. I have not made a comparative study of all the reports together because they do not apply to Auschwitz.

Q: Very well.

MR JUSTICE GRAY: Professor van Pelt, this part of the cross-examination started off, I think, on the topic of how much Zyklon B went to Auschwitz, how much of it might have been used for delousing and disinfecting and all the rest of it, therefore how much was left, if any?

A: Yes.

Q: Can you ----

MR IRVING: I was about to come back on to that main line with certain specific questions.

MR JUSTICE GRAY: May I get the answer to my question, Mr Irving, first?

A: Can you give me in broad terms an answer, so far as your conclusions on that question go?

A: OK. May I use the document for that?

Q: Of course. I just thought it was a convenient way short circuiting?

A: There are two years on which we know, on the basis of the testimony of Alfred Sahen, supported by his notebook but

P-128

also other information available at the trial of distributors. They were not really distributors, people that allocate Zyklon-B. The amounts of deliveries of Zyklon-B to Auschwitz, that is 1942 and 1943. On page 22 of my additional report, one can read that in 1942, seven and a half thousand kilos were delivered to Auschwitz, and in 1943 12,000 kilos were delivered do Auschwitz.

MR IRVING: That is 12 tonnes?

A: 12 tonnes were delivered to Auschwitz. I have done a calculation. In 1942 this seven and a half thousand kilos to Auschwitz comes out of 9,000 kilos to the whole concentration camp system. Again, I do not draw the conclusion but I want to say the conclusion other people have drawn is that, since Auschwitz received more than three-quarters of all the Zyklon-B, something like 80 per cent of the Zyklon-B, this meant of course this could only have been caused by the use of Zyklon-B as a killing agent and I do not agree such a simple jump.

Q: Can we be quite plain that you do not agree with that?

A: Not simply on the basis that there were seven and a half thousand kilos going to Zyklon-B, and 1,500 to the rest of the concentration camp system. I would not jump immediately to the conclusion. I think one has to be more careful when one comes to conclusions.

Q: Can I ask you one question here? How many satellite camps were dependant on Auschwitz as their central distribution

P-129

headquarters?

A: In 1943 or 1942?

Q: Shall we say 1944?

A: 1944, 34, but many measures were very small. May I continue to answer the question his Lordship has asked?

Q: This need not necessarily just have been going to Auschwitz itself, they would have been possibly shovelling it on to other places that needed it?

A: Yes, but only few of those camps had actually delousing installations. Most of the delousing for the satellite camps were actually done back in Auschwitz.

Q: When you delouse a barracks or a barrack room like this room here, do you need installation

or do you just close all the doors and windows and do what the Americans call tenting?

A: My Lord, I am a little confused right now.

MR JUSTICE GRAY: Yes. Come back to that, Mr Irving. I am getting an explanation of the total figures that went to Auschwitz. So you do not make the jump simply from relative quantities?

A: No. I have made the calculation and ultimately what I do is that I am making the two ways actually to determine what is a normal use for Zyklon-B? The first is to look at other camps. What would a camp of the same size use compared to Auschwitz? That is the first exercise I did on pages 25 and 26. For example, we have information for

P-130

1943 so that is why it is important to look at 1943.

There is Satzenhausen in 1943 at 40,000 inmates, and it almost used 3,000 kilos of Zyklon-B that year. If Auschwitz would have been the same size as Satzenhausen because Auschwitz had an average of 60,000 inmates that year, it would have used four and a half thousand kilo if indeed we could take the Satzenhausen figure as a point of departure. In fact, Auschwitz uses 12,000. Then we look at other camps, how much do they get, and we start to basically prorate population figures.

MR IRVING: These figures are quite meaningless because of course we know that Auschwitz was at the centre of one of the worst epidemics in history.

A: Not any more in 1943.

MR JUSTICE GRAY: That was summer 1942, was it not?

MR IRVING: There was another epidemic in January 1943?

A: There was a smaller epidemic in January 1943, which was dealt with rather quickly, and the outbreak of an epidemic in the gypsy camp in the summer of 1942 almost had no deaths.

Q: The whole point is that you use Zyklon B preemptively.

You do not use it as a mopping up operation. You use it to stop it happening again.

A: Mostly.

Q: You fumigate barracks again and again and again.

A: Survivors have testified to the fact that these barracks

P-131

were not very often fumigated. I have recently, but I will try to continue my arguments. But I will just finish this sentence.

MR JUSTICE GRAY: Mr Irving, it would be helpful to me at any rate if he can complete this answer and then you can of course cross-examine on it.

MR IRVING: I am restraining myself but that was an important point to make I think.

A: OK. So, my Lord, so at the one side we can look at, kind of, the figures in other camps, and we then we look at Auschwitz. On page 26, I think demonstrates that the Auschwitz figure of 12,000 kilos is much higher than you would expect on the basis of deliveries to other camps if we take the different sizes into account.

Then the second kind of exercise one can do is to look at the way Zyklon-B could have been used in Auschwitz. So how much would have used in delousing in this year? This is, I start to do this on page 27 and it continues. It gets a very detailed kind of calculation. I start out with -- the question is, where are the delousing rooms and what is the capacity of these delousing rooms? So in 1943, the total Zyklon B delousing space was 940 cubic metres. That is from the bottom of page 27.

Now, then we are going to look of how much, what concentration of hydrogen cyanide would have been used in

P-132

these rooms, and I refer back to a German war time document by the [German] which is the Health Institution of the Protectorate of Bohemia and Moravia in Prague, which instructs that one needs eight grammes of Zyklon-B per cubic metre for 16 hours to kill vermins, such as bugs, lice, flees, etc..

Now, I assume that these delousing spaces would have, indeed, used that concentration. It is the only kind of basis I can work on, and that as a result of that is that if we have one gassing per day in each of these rooms -- now, this is very unlikely because there were large rooms actually in the Sturmlager in Auschwitz which eyewitness testimony says were only used irregularly, but now I am assuming for a moment that these eyewitness are wrong, and that they were used every day, I come to basically seven-and-a-half kilogrammes of Zyklon-B per day or 2,730 kilos of Zyklon-B per year if there is a delousing every day. So I have now in some way accounted at a maximum delousing capacity in the camp for 2,730 kilos of Zyklon-B.

So now we are going to look at the average size of each barrack which is 12,000 -- and these are the barracks in Birkenhau right now -- 12,000 cubic metres, in which the barracks in the women's camp are slightly larger and barracks in building sector 2 are slightly smaller.

They are around 1200. In the women's camp they were

P-133

around 1250 and in Auschwitz they were larger.

So if we take again the same concentration, this would be quite a high concentration for the delousing of barracks. One needs in Birkenhau six to 10 kilos per barrack, and in Auschwitz one where they are two-storey barracks, 12 to 20 kilos per barrack, which means that the complete delousing of all the 192 dwelling barracks in Birkenhau would take between 1200 and 1900 kilos, and all the 30 ----

MR IRVING: Each time, right?

A: Each time, and all the 30 dwelling barracks in Auschwitz would take 360 and 600 kilos of Zyklon-B. Then there were also workshop storage barracks, and they would have taken 240 to 400 kilos, which means that the complete delousing of the camp (and we are now talking about Auschwitz 1 and Auschwitz 2) would have taken between 1750 and 2,900 kilos.

Now, on the basis of this comparison with these other camps, I had established that an amount of 9,000 kilos for Zyklon-B for Auschwitz in 1943 would have been within the kind of range of the possible. It would be the high end, but I would not have been surprised to see so much.

This means that if we take that 9,000 as a kind of bench mark of what a normal -- Auschwitz under normal conditions would have used, then we can have at least two

P-134

complete delousing of all the barracks in the camp in 1943.

Now, I take two eyewitness testimonies which is one from Helen Zipitehau who was in the women's camp from -- a Slovak Jew -- 1942 until the liberation in 1945. She remembered three or four of these large delousings of the whole women's camp in her two-and-a-half year stay. Then Dr Ziegsmund Bendel in the Tesch trial declared that he has only one delousing of the barracks during his 13 month stay in Auschwitz. This is the kind of practical information we have

about how many times. I mean, I do not have any more information on that.

It seems then that the 1750 to 2,000 -- that this let us say two or three, maybe two delousings in 1943 of the whole camp would still bring us below the 9,000 kilos of Zyklon used after all the gas chambers have been working every day, the delousing gas chambers, and basically we have had the delousing of the blocks.

I must make one kind of -- a particular thing must be noted, that if in the German document sometimes there is talking about the "Entlausung des Blocks", it means that the people in the block are going to be taken to be deloused. There is particular things. It says that block 11 was "entlaust" which means everyone was taken to be BW5A, the delousing building in the women's camp, or so on.

P-135

This means then when we go to page 29 that I say that 9,000 given these two, these very infrequent delousings of the whole camp, that those 9,000 kilos of Zyklon-B which I originally established on the basis of comparison with other camps seems to be on the high side but within the ballpark of what Auschwitz would have needed for its normal concentration camp purposes. So then the question is, what are these other 3,000 kilos of Zyklon-B going to be used for? What other kind of needs did Auschwitz have for Zyklon-B which were not to be found in other concentration camps?

MR JUSTICE GRAY: That, I think, probably completes your answer. It is a long answer, but it was very helpful and very clear to me. So back to Mr Irving.

MR IRVING: My first question is you have, of course, read, have you not, the testimony and supporting evidence in the trial of Bruno Tesch whose company was the main distributor East of the Elbe for Zyklon-B?

A: I told you before that I have read parts of the trial and part of testimony. In detail, they are the testimony of Alfred Zamm.

Q: This question is not meant to be the least bit offensive, but you are not an expert in disinfestation, are you?

A: No, I am not.

Q: The company of Tesch and Stavanacht were, in fact, the leading disinfestation experts in the whole of Europe

P-136

which is why their Managing Director found himself on the end of a British rope in 1946?

A: I do not think that is why he found himself on the rope, but they were the leading firm, yes. They developed the procedure.

Q: The record of the trial shows that both he and his fellow convict, Weinbarer, repeatedly visited these camps and checked what was going on and trained the local staff in the proper application and use of these pesticides and fumigating agents, these materials, is that not right?

A: I remember that in the transcript of what I read that, indeed, there is a mention of these visits, but I would not comment in detail since I do not have them in front of me.

Q: Is it not right that during the trial, which is recorded verbatim -- it is in the Public Record Office, in fact -- the accountant of the company was required to produce the records on which you have partially based your calculations showing precisely what the deliveries of Zyklon-B to Auschwitz were during the years concerned for precisely the same exercise that we have been doing in court today?

A: That exercise has not been done.

Q: In the Tesch trial?

A: At the trial, at the trial they did not do this exercise.

Q: Have you read the letters of clemency that were submitted

P-137

to the court after the death sentences were passed?

A: I have not.

Q: Yes. Well, then we are in a difficulty. Will you take it Bruno Tesch, the Managing Director, when confronted with the figures of Zyklon-B delivered to the Auschwitz camp, and doing the calculation of how many sets of clothing had had to be fumigated on a regular interval, on a regular basis, and how many barrack buildings had had to be fumigated and disinfested, expressed astonishment that they managed to do the task with as little as 12 tonnes in that one year concerned? He said that on these figures they would have had nothing left whatsoever for any kind of sinister purposes, and that this is very clearly stated in the trial and in appeals for clemency?

A: I cannot comment on what Mr Tesch said. What I can comment on is the fact that the amount of Zyklon being delivered to other camps was so much smaller than Auschwitz that I think this is a more interesting road to pursue.

Q: That was, of course, the point of my interruption which his Lordship quite properly reproved me for, when I pointed out that Auschwitz was receiving very large quantities of pesticide for a certain reason which you set out so admirably in your first book, namely, that Auschwitz had been built in the middle of an area which had traditionally over the centuries attracted typhus

P-138

plagues, and it was the heart of a terrible typhus plague in 1942?

A: I do remember what is in my book without actually having to consult it. I never say anywhere in the book that Auschwitz was a place which was suffering typhus plagues. I only mentioned the issue of climate actually in the discussion of an introduction of Jan Sehn to his report on Auschwitz where Jan Sehn makes a very big point of it, and where I say actually I disagree because Jan Sehn in some way tries to create a context of unhealthiness for the place as if the Germans had chosen Auschwitz with this in mind. I say this, obviously, is not supported by historical evidence.

Q: Had Auschwitz ever been used as a disinfestation centre for transients in previous generations or before the Nazis came? Had they used it -- it was right on the border of the Austro-Hungarian Empire, was it not?

A: Yes. This is part of my research in the past has been actually on the origin of the camp, and the Sturmlager was originally created as a labour exchange.

Q: Yes. It had all the appropriate installations there for fumigating the transients, did it not?

A: They had no installations whatsoever for the fumigation of transients.

Q: Not for preparing them in this manner?

A: I mean, one of the big problems was, of course, that

P-139

Zyklon did not exist at the time, at the time that when the camp functioned there were also no steam installations or hot air installations.

Q: Have I read your book entirely wrongly then when you suggest that the transients were held in

Auschwitz for a while and subjected to appropriate measures to make sure they were fit for travelling into a cleaner part of Europe?

A: I have -- I think you are confusing two things. I can see where the confusion comes from. There is one quote I make a general, in the book, a general kind of description of the movement of Eastern European Jews who go to America and who cross the border and at a certain moment are going to be -- their clothing is going to be deloused one way or another. It does not say what way it is. It is an account of a girl called Mary Anton who panics ----

Q: I remember this, yes?

A: --- at this thing, so that is the one account which is there. The second account is about the use of ----

Q: Because they are taken off the train and sent in to be washed, am I right?

A: Yes, and she gets very nervous about that.

Q: She says, "Oh, my God, they are going to gas us"?

A: No, "to kill us", not "gas us"; and those facilities existed, some of them at the border and also they existed in the harbours of Bremen and Hamburg.

P-140

Q: When was that? Roughly what year was that?

A: This was 1880s, 1890s.

Q: So it has been a problem over the decades, there has been a problem in that region?

A: I mean, the German ----

Q: It is a very swampy region, is it?

A: No, I mean, but this was happening all over the East, that people who were, that Jews, migrants who were leaving the Russian Empire were subjected to German hygienic measures as they crossed the border or came into the harbours of Bremen and Hamburg where they were placed in quarantine. There were special areas of the harbour where these Jews were quarantined. There were these kinds of installations. However, Auschwitz was slightly different because while Auschwitz, at the one side, had these transmigrants who went over the border there, because it was a border town, the camp was not created with that in mind. The camp was created, the Sturmlager was created to very specifically house transmigrant workers who all converged on Auschwitz in March and April of every year looking for seasonal work in Germany. There were only three little hotels in the town, and the hotels said these people were living on the street, and there were 10 or 15,000 people living on the street.

So, the Austrian Government decided to create a centre at the border where these people could be housed

P-141

and where then also German agents for the various employment opportunities, like the Jungkris(?) in the estates, could come, send people on and then the most important function there was to actually check if all the young men had done their military service and were allowed to leave the country.

Q: And that was Auschwitz, right?

A: That was in Auschwitz.

Q: Yes. Just to round off this topic of the Zyklon consumption figures, you have done very interesting calculations, and I have to admit they are admirably done, the calculations. You arrive overall at the end of these very lengthy and complicated calculations at a probable consumption of nine tonnes?

A: Nine tonnes in the camp in 1943, yes.

Q: As opposed to the 12 tonnes that we know to have been delivered. Is this a meaningful difference, in your view, in view of the fact that you are totally inexperienced in pest control?

A: I invite other people to redo the calculations again. I thought that, as far as an historian, I must say that using the maximum delousing capacity of the camp and the maximum -- and how much it will take on the basis of German documents to delouse the whole camp ----

Q: Does it make any allowance for inefficiencies of any measures anywhere? Does it make your usual engineer's

P-142

allowance for inefficiencies somewhere or mistakes?

A: I think that I have made a very generous assumption in the amount of Zyklon-B which was being used.

Q: Or for quantities being sent on to the satellite camps? These are things which you did not -- in my submission, there is no significant difference statistically over that range of calculations and figures and, given the uncertainty of the starting points between nine tonnes and 12 tonnes, on the one hand, is that correct?

A: Nine tonnes can be justified, but it is a very high number because I am assuming two complete delousings of the camp, of all the buildings in the camp, per year.

Q: If you had assumed three, of course, you would have come over 12 tonnes, would you not?

A: No, I would come over nine tonnes.

Q: Yes. You said you were just assuming two?

A: Not over 12 tonnes. But at a certain moment the question is how many delousings of the whole camp were operated.

Q: We just have two eyewitnesses, is this correct, who suggests that -- one of them was one of the eyewitnesses to whom, I have to say, I attach little credence and the other one I may or may not be correct in saying she only records three or four, is that correct, in the time ----

A: During her whole time in the camp.

Q: --- during the whole time she was there? But against that, we set the evidence of Bruno Tesch in his trial, and

P-143

he is the acknowledged leading German expert on disinfestation who says, having been given the figures, he is astonished that they managed to carry out the fumigation of all these sets of clothing, given the number of prisoners, because he knew how many kilograms of Zyklon-B were needed for each 100 sets of clothing. That is the calculation he did.

MR JUSTICE GRAY: Is that Tesch you are talking about now?

MR IRVING: I am talking about Bruno Tesch, T-E-S-C-H.

MR JUSTICE GRAY: May I ask Professor van Pelt a question about that? The prosecution against Tesch, presumably, involved the prosecution establishing that he knew what the Zyklon-B was being supplied to Auschwitz for?

A: Yes.

Q: So he was likely to say that the quantity was the right amount to do the delousing?

A: The case, the evidence on which Tesch was ultimately convicted was not the quantity delivered to Auschwitz. It was actually a statement made by one of his employees who had said that Tesch knew about that what the Zyklon was being used for.

MR IRVING: He said that he came back and he dictated a travel report on a trip which had

indicated that he knew what was going on?

A: Yes.

Q: This was hotly disputed by other members of Tesch's staff

P-144

who knew the travel reports concerned, but he was hanged on the basis of that one witness?

A: You know, I do not want to redo the Tesh trial. I mean, it may have been true that Tesch knew about it or it may not have been true. But the issue was, the issue at stake in the trial was not the quantity of the deliveries.

Interestingly enough, if you go back to the trial documents, what really made people very, very upset about it is the profit they got out of the deliveries. There was constant talk about how many Reichs Marks actually were made out of his deliveries to Auschwitz.

Q: I appreciate your Lordship's point and, of course, it is absolutely right, he would have had a motive for trying to minimize it, but against that is to be set the fact that whereas you and I are, no doubt, astonished to see nine tonnes of cyanide being delivered to any camp or any place, and you think, "Well, this can only mean one thing", the drift of my argument has been it could mean many things and it was by no means out of the ball park when you are looking at the other uses to which this domestic fumigant was very properly put.

MR JUSTICE GRAY: Yes, I understand.

MR IRVING: Can I now proceed to a different topic, my Lord?

MR JUSTICE GRAY: Yes, of course.

MR IRVING: We have dealt with the eyewitness in some detail, Professor van Pelt. I must say I am left unhappy at the

P-145

notion that so far the mass extermination of 500,000 victims in this building here, krammer No. 2, rests, apparently, on a number of very shaky eyewitnesses -- I think I have shaken two or three them -- and on certain other documents that we have not really properly explored.

Can you talk to the court, please, if I say to you what architectural drawings are there relating to crematorium No. (ii) and, in particular, to the alleged gas chamber in mortuary No. 1, can you tell the court about which one document in particular would be the one you would say was something close to a smoking gun -- if there is such a document, such a blueprint?

MR JUSTICE GRAY: Do you mean Kuhler? Is he included in the question?

MR IRVING: Kuhler we can come to later, my Lord. I am interested in Kuhler, obviously, because that will bring us back to the holes, and I am going to keep on driving holes in this case until your Lordship appreciates the significance of the holes, or their absence. So I want to do that kind of scattered throughout these two days.

MR JUSTICE GRAY: Yes.

THE WITNESS: So we are talking about blueprints?

MR IRVING: We are talking about drawings, architectural drawings. If there is anything in any of those drawings which you considered to be very suspicious?

P-146

A: I have said in my report that the way the materials should be interpreted is as a convergence of evidence and not in terms of a single smoking gun. There are in the documents in Auschwitz, of course, documents which are more difficult to bring into harmony with the thesis that there would

have been no gas chamber, no homicidal gas chamber, in crematorium (ii). For example, there is a letter, the notorious vergasungs letter, the keller letter of 29th January 1943; but since I am being asked about blueprints and I will limit my answer to blueprints, there is not one blueprint which by and in itself is a smoking gun.

Q: But you have repeatedly talked in radio programmes on the BBC, for example, the Horizon programme, you said, "We have the blue prints", have you not? "We have the drawings"? I appreciate ----

A: But we have to -- we have the blueprints as historical evidence and one can draw conclusions out of the historical evidence.

Q: That is not the way you put it, of course. You were rather more specific. You said: "We have the drawings of the gas chambers".

A: But it allows us, these drawings allow us to reconstruct the history of these things, the way these things were constructed, and the history includes a certain amount the history of the use and the modification of these buildings as a killing machine.

P-147

Now, there are certain drawings which certainly pop out of the bundle of drawings which is preserved. For example, a very, very important drawing, but again only seen in context, would have been the modification of the basement done by Walter Dejaco in December 1942. But again that drawing by itself does not say anything. That drawing has to be compared to the drawings that preceded that drawing.

So, you know, I am happy to go -- the problem is I do not know if everyone has the drawings -- I am happy to go through a very detailed explication of those drawings, but given the fact we already have difficulty with Olaire before, I do not really know to do that because I will have to point at these things which are not labelled and these are, you know, those blueprints are ----

MR IRVING: We can get the drift of what your arguments are going to be. I just wanted to establish, though, that when you said these things on this BBC Horizon programme (of which we have the transcript here) of course, you are not reading from a script, you are just talking from memory, so to speak? If you were writing it, you would not have said that?

A: No, there was no script of that. There was no script. I do not exactly know what I said, so maybe you can read it to the court and I can have a look at it and, you know,

P-148

I can comment on it.

Q: Yes. But the point I am making is that you are much more careful when you write than when you speak?

A: There is nothing really in the Horizon programme which at the moment I feel I would have to take back. I am quite comfortable with what I said in that programme.

Q: Well, except that you also referred to a document, but I am not on documents at present in terms which were inappropriate because it turns out that what you said was not borne out by the document. Do you remember that document, the one relating to the electric supply not being adequate, and you reversed the order of killing and cremating?

A: Mr Irving, in that document at a certain moment I transposed the word, I think, sonderbehandlung(?) and incineration from one to the other.

Q: Yes, these things happen, do they not?

A: But the meaning, the meaning of what I said is exactly the same as the meaning of the document.

Q: Yes. These things happen. It was not any perverse manipulation of the evidence in any way; it was just ----

A: Unlike what some people on the web suggest? No, it was no perverse manipulation.

Q: I have not suggested that, have I ----

A: I do not know if you have suggested it.

Q: --- on my web site, no? That is not the point I am trying

P-149

to make. **MR JUSTICE GRAY:** If that is not suggested, we can move on, can we not?

MR IRVING: I am your Lordship appreciates the reason why I put the question. So what you are saying is there is no one drawing -- we have established that the eye witness evidence is two legged rather than five legged. We have now heard that there is no one drawing which supports the identity of that underground mortuary as being a gas chamber either?

A: No, but we can look now at two or three drawings together and then we start to look, we start to observe some very weird things and some modifications made between one drawing and the other drawing which certainly starts to point out at a use of ----

Q: An unusual use?

A: --- morgue No. 1 which is used which is certainly not suggestive of either an air raid shelter or that of any other kind of non-genocidal use.

Q: Can you tell us roughly what those discrepancies are on -- shall I feed clues?

MR RAMPTON: My Lord, I hardly think this is satisfactory. We have the plans in the folder.

MR IRVING: Indeed, yes.

MR RAMPTON: It is quite a detailed exercise. I have been through it many times. It may or may not make sense, but

P-150

it is really ridiculous, in my submission, to ask this witness to try to do it ----

MR JUSTICE GRAY: You mean there is no such -- it is either the whole hog or nothing?

MR RAMPTON: Yes. You cannot do that from memory.

MR IRVING: I am all for the whole hog in this case. Let us go the whole hog, but I thought that the Professor was saying it would be rather difficult to do this exercise in court with things as tricky as detailed drawings.

MR JUSTICE GRAY: Well, he was saying that, but if we have to do it, we have to do.

MR IRVING: Yes. But if Mr Rampton objects, then by all means let us look at the individual drawings.

MR JUSTICE GRAY: But let me get this clear, Mr Irving, first: we will go through the drawings, by all means, but ----

MR IRVING: Well, my Lord, I ----

MR JUSTICE GRAY: --- there is going to be no profit in doing so if, at the end of the day, you are going to put to Professor van Pelt, "Oh, well, that is all very well, but it was just a delousing chamber or disinfecting chamber".

So I do not want to spend a lot of time and in the end for it to be in a sense purposeless. Do you follow me?

MR IRVING: I agree, but your Lordship has heard the witness say that there are two or three specific things about the drawings which, when put together, can only lead to the sinister interpretation. I think I know what he is

alluding to.

MR JUSTICE GRAY: Yes, well, I am looking at one, the following page 183 in your report ----

MR IRVING: I do not want to preempt him.

MR JUSTICE GRAY: --- and I suspect that may be one of the ones, with the small holes along the top and bottom of the side walls.

MR IRVING: If your Lordship feels this is inappropriate that we should continue on this?

MR JUSTICE GRAY: No, well, I am in the difficulty, Mr Irving, as you will understand, I do not quite know that I know what the point that is going to be made is.

MR RAMPTON: My Lord, let me say straight ----

MR RAMPTON: My Lord, may I make an intervention now?

MR JUSTICE GRAY: We had better not all talk at once.

MR RAMPTON: No, I know, but I have foreseen this for sometime. I really think Mr Irving has to state his position now because otherwise, as your Lordship has just said, we could spend two hours going through the drawings and end up with the same conclusion as yesterday in cross-examination, "Yes, it was a gas chamber, but not for live human beings".

MR JUSTICE GRAY: That is why I said what I said.

MR RAMPTON: If that is all that this examination is going to lead to, Mr Irving may as well come clean, say, "Yes, I accept it was a gas chamber. Now, Mr Van Pelt, how do

you deal with the suggestion that was for gassing corpses and clothes?"

MR JUSTICE GRAY: Well, I mean, that is the point that I have just put to you, Mr Irving. Can you tell us what the answer is?

MR IRVING: I appreciate that Mr Rampton would prefer to conduct my cross-examination for me.

MR JUSTICE GRAY: Just answer my question.

MR IRVING: I will come clean and say precisely what points I am going for. Professor van Pelt has suggested that, because in one of the drawings there is a requirement for the vorwarming or prewarming of the mortuary. This has a sinister connotation. Am I right, Professor?

A: This is not there was drawing. This is there was letter, so I did not in any of my discussion, when you asked me about drawings right now, include that particular document. I said I was specifically talking about drawings.

Q: While we are on that document, can you tell me how important is that letter and how much reliance would you place on that as being halfway to the smoking gun?

A: I do not know if I should answer this right now since another question was posed.

MR JUSTICE GRAY: Is your answer because I am going to go back, that it is part of the convergent evidence? Is that how you put it?

A: It is an important part of convergent evidence, yes.

MR JUSTICE GRAY: Let's go back, Mr Irving. I am going to insist that we get this clear and then we know where we are going.

MR IRVING: May I return to the prewarming later on, my Lord?

MR JUSTICE GRAY: Of course you can return to it later on.

What is your position going to be? Supposing that the evidence satisfies me that there is reason to

believe that this was intended to be there was gas chamber and not an air raid shelter, is that something you accept or dispute?

MR IRVING: It should be, with respect, my Lord, relatively easy for the witness to say there are two or three items, as he in fact said, which were to him, taken in conjunction with each other, adequate evidence that there was a sinister purpose.

MR JUSTICE GRAY: That is as may be, but I would like an answer to my question because I think you must come clean as to your position.

MR IRVING: I do not think I am equivocating. My position on this particular room is that it was never used in there was gas chamber sense, in the sense described by the eyewitnesses because of course the lack of holes proves that the eyewitnesses have lied.

MR JUSTICE GRAY: That is getting close to an answer but it is not quite an answer. Are you accepting it was a gas

P-154

chamber in the sense that it had the facility for gas to be inserted by whatever means, but contending that humans were never killed by gas in that chamber?

MR IRVING: Certainly on one occasion it was referred to as a Vergasungskeller and also referred to as a sonderkeller, a special cellar or special basement. That I also accept. What I do not accept is that it was going to be used for the mass killing of human beings by gas. This is a very clear statement. What I do postulate is that it was also simultaneously being held in prospect and even converted for use as an underground air raid shelter, being one of the very few subterranean buildings on the site in the event that mass attacks in this part of Poland also began, given the proximity of the IG Farben works.

MR JUSTICE GRAY: I am sure I missed it, but was part of that answer that yes, you do accept that it was there was gas chamber and that you accept that it was on occasion used for killing human beings?

MR IRVING: I accepted it was referred to as there was gas chamber, my Lord, which is not quite the same thing and there are documents ----

MR JUSTICE GRAY: Are you accepting it was in fact there was gas chamber?

MR IRVING: That I have not seen evidence for.

MR JUSTICE GRAY: So you are not accepting that?

MR IRVING: I am not accepting that part of the statement

P-155

because I have not seen any evidence that bears that part of the statement out. I have seen evidence that it was referred to by the German authorities as there was Vergasungskeller, there was room for gassing in.

MR JUSTICE GRAY: But you still do not accept that it was in fact there was gas chamber? Is that the position?

MR IRVING: That is precisely my position, my Lord.

MR JUSTICE GRAY: Then we go through the drawings.

MR IRVING: The drawings, but only in respect to elucidating this point. You said that you had two or three matters in the drawings which you thought would bear out this contention?

A: I am just trying to make up my mind how to do this. We are going to go through there was complex exercise in which I have now to make up my mind how to work most effectively through this.

MR JUSTICE GRAY: Just think. Do you want to adjourn for five minutes?

MR IRVING: Alternatively, we could come back to this question on Friday, my Lord, which would give one whole day to look at the drawings and I could move on to the prewarming question, which is the next one logically. I would prefer to do that, frankly.

MR JUSTICE GRAY: I think, since we have reached the point of the drawings and we have just had that exchange, I would slightly prefer to do it now.

P-156

A: May I ask something? There are some ways this could be helpful because I am not completely unprepared for this thing. I have two ex students of mine make on the basis of all the blueprints there was computer model of crematorium No. (ii). This is only on the basis of the blueprints and whatever is added is very clear. For example, the only thing which is added are the Zyklon-B introduction columns which are clearly not in the blueprints, and there was speculative depiction in one of them of how the hot air system would have worked. This is all prepared. I have slides of this whole reconstruction by which we can actually translate the blueprints into something which laymen in architecture can read. I have them also as pictures that were printed out.

On Friday, with always the blueprint right next to it, I could give there was complete presentation of this building to show the important things which would maybe help your Lordship to get quicker into the gist of things. It is something I am prepared to do. I can do it without it, but it will be more of there was struggle to do without it.

MR JUSTICE GRAY: Mr Irving, do you have any objection to that being done as an exercise?

MR RAMPTON: That is what I would have proposed, my Lord. Given what I would submit is the relative collapse of the eyewitness evidence in relation to this building ----

P-157

MR JUSTICE GRAY: Just answer the question. Do not worry about the eyewitness evidence.

MR IRVING: Then the answer is yes I think it would be very fair to Professor van Pelt.

MR JUSTICE GRAY: We will do that on Friday.

A: In forms of slides or with the pictures?

MR JUSTICE GRAY: Whichever is easier. Mr Irving is happy you should do it, so you do it in whichever way is the more informative for the court.

A: I would like to do it then in slide form since it is a more public thing and I can point at things on the screen and it is always clear to what I am pointing.

MR JUSTICE GRAY: If you are happy with that, Mr Irving?

MR IRVING: Provided it goes strictly to the issues that we have delineated. The Professor said that there were there was number of points which, taken in conjunction, substantiate his beliefs and we do not just have a general cook's tour of the building.

MR JUSTICE GRAY: No. This is designed to show that the blueprints have pointers within them which suggest the use of that chamber was as there was gas chamber.

A: Yes.

MR IRVING: That can only be there was useful exercise. So we will leave the drawings for the moment, Professor, and we will continue just briefly with the documentary evidence.

MR RAMPTON: My Lord, again, I am puzzled. Mr Irving seems to

P-158

be under the impression that there were only two relevant eyewitness accounts so far as this witness is concerned.

I am there was bit bothered by that. I could come back to it in re-examination but I think there may be a misunderstanding -- Mr Irving said it several times -- between Mr Professor van Pelt and Mr Irving.

MR JUSTICE GRAY: I think Professor van Pelt has identified five camp officials. I think we all know that there are others.

MR RAMPTON: Yes.

MR IRVING: These are the five principal ones on which he rests his case as far as the eyewitnesses are concerned and I do apologise if I gave the impression that I had only demolished two of them.

MR JUSTICE GRAY: Let us leave the debating points on one side and press on with the cross-examination croaks.

MR IRVING: Professor van Pelt, prewarming of the mortuary.

You have rightly raised your eyebrows on that and said this surely has there was sinister purpose. Have I summarized your position correctly?

A: Shall we get the document maybe? It is in the bundle.

Q: Yes.

MR JUSTICE GRAY: K 2.

MR RAMPTON: Yes, tab 4 of K 2.

MR RAMPTON: It is page 39, my Lord, in the handwriting.

MR JUSTICE GRAY: Thank you.

P-159

MR IRVING: This is there was letter from Auschwitz to the Topf company, is it not?

A: Yes. It is there was letter sent on 6th March 1943, which is a little over there was week before the building is really taken into use.

Q: Would you like to translate the first paragraph, or shall I? On the basis of your proposal this agency or this office is in agreement that the basement No. 1, this is the mortuary No. 1 with the collapsed roof, is that correct?

A: Yes.

Q: Should be prewarmed with the exhaust air from the spaces of the three extractor fans. Would that be correct?

A: Yes. Probably it is there was forced draft, yes.

Q: They are going to have some kind of heat exchanger so that they can take heat from the furnaces in some way?

A: Yes. I can explain very simply what happens is that the ovens are connected to the chimney -- this was Topf's idea -- in order to get there was better draft from the ovens to the chimney, they thought to actually -- there are five ovens and then there is the waste incineration oven which was never built, to have one ventilator at every two ovens which was going to basically suck the smoke out of the oven into the chimney to put there was ventilator there. These ventilators were placed in small rooms. The idea is that of course there is going to be an

P-160

incredible heat built up in these ventilators because the smoke is very hot, that you could regenerate, and there were other plans also, that heat. This particular proposal is to use the heat built up in these little rooms in which the ventilators are, to bring that back into morgue number 1.

Q: There was lot of the documents in fact do indicate there was desire to conserve energy, do

they not? To extract the energy from the incineration plant and this kind of thing, use it for boiling water for the showers and so on? Am I right?

A: Yes. There are there some proposals.

Q: What concerns you about the prewarming? Why should this room not be prewarmed, the mortuary?

A: What concerns me of course is that one would want to keep the morgue cool, and that to actually blow hot air into there was morgue does not make much sense if the space is going to be used as a morgue.

Q: Is this your considered opinion as an architect, or as an historian, or as an archeologist?

A: As there was person who has common sense.

Q: Bodies are cold, so why bother to warm them? Is that roughly it?

A: This is one of the reasons. You see, the practice in Auschwitz was that one has these underground gas chambers which are well insulated because they are covered with

P-161

earth, and that in these spaces there is there was more or less even temperature, as it was mostly in basements, and you get there was cool environment in which you store the bodies, and the bodies will not further deteriorate, or faster than necessary.

MR JUSTICE GRAY: I suppose also one might say what is the point of warming the room if the people in there are going to be murdered and then they are going to be burnt?

MR IRVING: My Lord, shortly all will be revealed.

MR JUSTICE GRAY: Let me get the answer first.

A: The reason that this is problematic is that Zyklon-B, sorry hydrogen cyanide, will evaporate faster the warmer the room is.

MR IRVING: Right.

A: So the killing of people in that room would be faster.

MR IRVING: It is common sense that you would not want to warm a mortuary?

A: May I add something to this remark? It is not necessary. Even freezing temperatures you can just spread Zyklon B on the floor of a building and it will evaporate, but it goes slower. One of the particular elements of the standard Degesch delousing chamber, the ten cubic metre one, was that they could also be supplied not necessarily, but could be supplied with there was particular little heating element which was more or less like there was hair blow drier, and that the Zyklon-B tin was placed in the kind of

P-162

holder. Then from the outside there was there was tin opener, and then, as the Zyklon fell, it came down on there was little dish and this hot air was being blown over that dish. So the evaporation would be faster.

Q: All very interesting, but assuming that the homicidal theory is correct, you are going to have 2,000 human beings stuffed into this room and, as we know from the design of the Millennium Dome, human beings heat up spaces. They does not need heaters, do they?

A: That was the experience in Auschwitz. Throughout the winter of 1942 they were gassing in bunker No. 2 and they did not need any heating.

Q: We are not dealing with that. We are dealing with this particular bunker at present and the answer is, in other words, if your theory was correct, they would not need the heating. But that is not the particular path I am going down.

A: May I comment on this?

Q: Yes of course.

MR JUSTICE GRAY: Briefly.

A: The issue seems to be that we are talking here about making the process more efficient.

MR IRVING: Speeding it up?

A: Speeding it up.

Q: In and out rapidly?

A: Yes.

P-163

Q: This building was a very expensive building, was it not?

A: Yes, I think the budget around was 280,000/300,000 marks.

Q: It is far more expensive to build underground rooms of any kind, is it not, than to build the same room above ground?

A: It depends of course what room we are talking about, but you need to do excavation in general for a building.

Q: It needs special tanking, does it not, and special drainage provisions and all sorts of special -- it roughly increases the price by four or five fold to have the same things sunk into the ground. Am I right?

A: Again, it is quite often difficult to build there was room above the ground than building under the ground, but of course you need to have some vapour barriers and other things. You need to keep the water out. I presume that, if one would build that room above the ground without any basement under, without any normal foundation there, it would probably be cheaper to build it above the ground.

Q: So the Nazis had some reason for building these two chambers underground rather than at ground level?

A: The reason that they were built underground is because they were morgues. You see, the big problem was that, if you built a large crematorium as crematorium (ii), you get an incredible heat built up in the incineration room. So one of the things you have to do is to have the morgue at some distance from that.

Q: And at right angles and so on, yes.

P-164

A: The second thing is that the incinerators are very heavy, which means you cannot have a basement under the incinerators. So, if you want to have a morgue and you want to have preferably in a basement because there are less temperature differences in the basement, it is a more stable temperature environment, then of course you build them underground and not under the incineration room. It is the reason that these two morgues jut out from the building.

Q: Hold it there for a moment, Professor. The building was built to the best building specifications. Because they were the SS, they were not able to wangle their way round the local building inspector, were they? They had to comply with the local building regulations?

A: For crematorium (ii), which was designed in 41 and it was designed in Berlin, it was there was design which ultimately came down to Auschwitz. Crematorium (ii) in relationship to the major elements of there was morgue did follow the rules.

Q: They would not be allowed to start this building up. They would not be allowed to operate it for whatever purpose it was operated unless it had passed all the regulations, unless it complied with all the regulations. Even though they were the SS, and this was Auschwitz, and this was wartime, they still had to go by the book. They still had to comply with the red tape..

P-165

A: They went by the book. One of the things is that one always can get exemptions, like in any planning regulation you can always have a variance to the particular code but you have to apply for it.

Q: Professor van Pelt, we are talking about going by the book. Is this the book that they would have gone by?

A: This is not a building code of Germany, but this is there was design guideline which was available in the office, except in an earlier edition. This is the 1944 edition.

Q: There is book called Neufert, which is still the standard German building code, is it not?

A: It is not there was building code. It is a guideline to architects of how to design, which means that, if you start a project and you want to know how large a minimum kitchen must be in which two people can still pass each other, you find the dimensions there.

Q: It is very useful indeed and it is going to be useful for the rest for the rest of the afternoon because, if we look in this guideline book as you call it to see what the architects at Auschwitz were being told was the correct way to design, that answers quite there was lot of the questions that have arisen, does it not?

A: There is going to be something of there was problem because again, first of all, we are dealing with general guidelines and the general guidelines in Neufert only deal with there was civilian crematorium to be built in there

P-166

was city and it does not deal with there was crematorium designed either for specific circumstances outside the civilian context.

Q: But the basic principles of design are going to be same, are they not?

A: On some elements they will and on some elements they will not. There are some things which you need in a civilian crematorium which you will not need in one which ultimately is going to be built and which will not be ruled by the building code.

Q: But most people who went into SS uniform and worked in these offices were architects or engineers in civil life like Kammler. He was an engineer and they just happened to be wearing SS uniform. They knew what the rules were and they knew the codes.

A: I object to your use of the words, the rules and the codes. Neufert is not the code. Neufert is a general guideline created by one architect to help other architects to get going on the job.

Q: Will you tell the court if there was a copy of Neufert in the SS construction office at Auschwitz?

A: There was a copy of Neufert in the SS construction office.

Q: Why did they have that if they did not feel that it was a good idea to follow what Neufert's guidelines were?

A: Neufert has a lot of very useful information. I am very happy to go with you through the diagram which Neufert

P-167

provides for the civilian crematorium.

Q: It is not the diagrams I am looking at. Would you turn to page 271 of your copy of Neufert, if you have it there?

A: Yes. I do not know if the judge has a copy?

MR JUSTICE GRAY: No, I do not.

MR IRVING: I will translate it or Professor van Pelt can translate the appropriate paragraph if your Lordship permits. Does your Lordship consider it to be a useful line?

MR JUSTICE GRAY: I do not know what the points that you are going to make are.

A: 271.

MR IRVING: Your Lordship will remember we are dealing with the question whether the warming of a mortuary was appropriate or not, which I have to confess I, with all my common sense, would have thought completely absurd. If you look at the part where it comes to Friedhof und Krematorium, that is the right hand page, which means crematoria and graveyards.

A: Graveyards and crematoria. You make the same mistake now as I made in the horizon movie, Mr Irving.

Q: The third paragraph down begins (German spoken - document not provided).

A: Yes.

Q: The temperature in the mortuary to be above or equal to two degrees and below or equal to 12 degrees, never under,

P-168

because frost causes the corpses to expand and burst.

A: Yes.

Q: Then it continues to talk about using the ----

A: Let us go to the next sentence.

Q: -- central heating?

A: Let us go to the next sentence now because the next sentence is also important. (German spoken - document not provided) which means ----

Q: Central heating?

A: Not the central heating.

Q: Central heating and cooling, air conditioning?

A: And air conditioning, yes. This temperature must be kept ----

Q: Above all in summer.

A: -- must be kept steady with constant ventilation, especially in the summer.

Q: We are not concerned with summer here. We are talking about Poland, which gets notoriously cold in the winter.

A: The point which is here is that the next sentence says there should be at a certain moment in this case some heating and cooling installation in this building, yes.

Q: Yes.

A: I will leave it to you. You will spring another trap on me right now and then I will try to answer it.

Q: No. This is not a trap. We are trying to educate the court. I have to admit that I have learned a lot out of

P-169

Neufert as I went along as well. But I think I have made the point that the provision of heating in a mortuary is a requirement, at least by the guidelines which were standard in all German architects' offices at that time, and no special significance can be read into the fact that they were trying to it in a cost effective way by using heat from the incinerators.

A: If that were to be the case, the heating installation would have been included in the original design of the crematorium. It is not. What actually it says here is why, why do you want to be able to keep the temperature of the morgue in that range of 2 to 12 degrees? It is because the

corpses still have to be viewed by the people who are basically the family members. If we look at the diagram, I am very sorry, my Lord. I have a diagram and you do not, but there is actually a diagram which shows that there is a Leichenschauraum, which means a room to show or to look at the corpse. So this is a very usual thing in a crematorium. The body is stored. It happened to us very recently in my family. You go and before the final cremation you still have an opportunity to look at the corpse. You do not want to look at the corpse where ultimately frost has destroyed the corpse. This is the purpose for that particular thing. It has nothing to do with the mechanics or the physics of incineration. It has to do with a certain sense of decorum.

P-170

Q: The fact remains, does it not, that the guidelines say mortuaries have to be warmed and they are going to have the local building inspector from Kattowitz or Cracow coming round and he is going to say, 'Oy, you have not got heating in here, cannot switch on until you have the heating fixed'?"

A: The fact of the matter, my Lord, is that these are merely guidelines. If the guidelines in Neufert had been followed by the Auschwitz central building office, they would have included the heating for the heating system and also probably the cooling system for the morgue from the beginning in the design. This has not been done. For a year and a half this design has been developed without any ability whatsoever to bring any heat in that morgue so it is absolutely, I think, nonsense to suggest that, with this Neufert in mind, the Auschwitz architects were designing their morgues.

MR JUSTICE GRAY: By March 1943 how far advanced was the construction of crematoria (ii) and (iii)?

A: The building was finished and the design started in October 1941.

MR IRVING: They could not switch it on because they had not made provision for the heating at this point.

A: They had forgotten it, but the inspector in Kattowitz obviously had also overlooked this one issue.

Q: But the burden of the letter of course says this is a very

P-171

cost effective way of doing the heating. It is not saying you have forgotten the heating, it is saying let's do it by this way because that is going to save the Reich money or fuel or whatever.

A: Please, Mr Irving, show me any other letter. I have never seen one. I am under oath, I understand, here. I have never seen any other letter talking about bringing any heating, any hot air, or any other means of heating into the morgue.

Q: But fact remains that mortuaries have to be warmed, so our common sense for once is wrong. The audience is wrong in this particular question. The book gets it right. The book says it has to be kept in a range of temperatures between 2 degrees and 12 degrees, either by heating or by cooling.

MR JUSTICE GRAY: What about crematoria 4 and 5? Was there any heating provided for that?

A: There were stoves in crematoria 4 and 5.

Q: That was how they heated them?

A: Yes, no cooling installation.

MR IRVING: Would you now turn to page 255, please? We have now left the heating element.

A: Sorry, my Lord, I would like to come back to this answer because I have made a mistake. The

"them" you refer to were probably morgues. I refer to the gas chambers of crematoria 4 and 5.

P-172

MR JUSTICE GRAY: I was referring to the morgues or the mortuaries, yes. Did they have any heating?

A: There was a mortuary in crematoria 4 and 5 and they did not have any heating.

MR IRVING: Will you now turn to page 255 of the architects guidelines?

A: Yes.

Q: This shows halfway down on the right things that are needed for air raid shelters. Does this show a door opening outwards? Can you see the metal gas tight door with the typical heavy handles?

A: Can you refer me to the particular passage?

Q: Page 255, on the page called Luftschutz air raid protection ARP, and it has various sketched layouts of air raid shelters and various air raid protection installations. I am sorry, my Lord, I should have provided you with a copy.

MR JUSTICE GRAY: I am following.

MR IRVING: Do you agree that that shows a steel door or a door of some heavy substance designed to open outwards with handles on the outside?

A: I do not see any steel door. That is the problem. Oh there is a door.

Q: Yes. Two of them?

A: Yes. That is one.

Q: (German spoken - document not provided) 4104. They

P-173

actually had a German standard, the equivalent of British standard, what a standard gas tight door looked like. I will make an enlargement of this and provide it to your Lordship because it is exactly like the doors that I believe the other side will produce pictures of.

A: OK. It is unclear to see what is in and out in this drawing. To be very honest, if this door is hung on the inside -- again it is a very technical matter and I am uncomfortable discussing this without you actually seeing the picture.

MR RAMPTON: I am also a bit uncomfortable trying to follow a cross-examination when I do not have the document.

MR JUSTICE GRAY: I know, but let us try and do the best we can?

A: Shall I draw what actually the picture shows and then I think we have a very quick answer.

MR JUSTICE GRAY: You are saying that the drawing is equivocal about whether it opens inwards or outwards?

A: No. It shows that this door actually turns towards the inside and there is a very easy way to substantiate that.

MR IRVING: Do you wish to explain why.

MR JUSTICE GRAY: Yes. If you want to, yes, do.

A: The door is on the inside of the wall, so there is a wall and the question is where would the door be hung. I am trying to think this through.

MR JUSTICE GRAY: I cannot see that that would affect which way

P-174

it opened, but maybe I am missing something.

A: May I draw it?

MR JUSTICE GRAY: Yes, of course.

A: I have in my bag a lot of air raid shelter designs in Auschwitz. So there is a wall right here. There is a wall right there, and then the door is hung sitting right here, and the door is like that. The implication of course is that the door opens like that.

MR IRVING: It is not going to open any other way.

A: No.

Q: It is going to come up against---

A: I just want to say that I am talking here, just trying to think out loud. I do not have anything more right now about it.

MR JUSTICE GRAY: I think I know what you are going to say next.

A: I have not seen this door and I have not inspected this particular shelter, but if indeed the door is fastened right here and right there, it would make sense to me to think that, if the hinges are right there, the hinges would be on the inside, not on the outside because, if they are on the outside, it would be easy to blast them off. That is all I can say right now if you want to determine what is inside and outside. I do not want to make any more specific statements on this. But we can look at documentation on doors and air raid shelter design

P-175

in Auschwitz and I am happy to do that to the court.

MR IRVING: That is the actual copy. I have marked it with an arrow, my Lord. You will see the door rests on rims on the outside of the wall.

MR JUSTICE GRAY: Yes, I see.

MR IRVING: I did alert the defence to the fact that I was going to take an interest in Neufert and I enquired whether Professor van Pelt had a copy of Neufert. I am sorry, I did not alert them to the specific matters that I was going to raise. Finally, is there anything further you wish to say on the subject?

A: No. I think it is very difficult to come to any conclusion right now on the basis of that drawing.

Q: But common sense suggests that, if you have 4,000 pound bombs blasting outside a building, you do not want a door that is going to come flying open into your face?

A: I do not know. It is common sense that you do not want, if a building collapses and collapses over the air raid shelter, you do not want all the brick and rubble to be right in front of the door so you can never open the door. So you are inside there without able to leave.

Q: Can I now in general ask you by what means the corpses were taken out of the gas chamber upstairs to the level where the furnaces were?

A: In crematorium (ii)?

Q: In crematorium (ii) I am only interested in crematorium

P-176

(ii).

A: I just have to redirect my mind.

Q: I am only interested in crematorium (ii) because that is where you said this was where the 500,000 people were killed. You called this the centre of the atrocity.

A: They were brought up by elevator.

Q: They were carried up by elevator. It is difficult to say where it was, I suppose, is it not?

A: No it is actually quite easy. The elevator is right here. Actually the pit is still there.

Q: The pit is still there? Do you know anything about the dimensions of the elevator shaft?

A: It would be a little over, I would say, 2 metres 30, one side, maybe 1 metre 40, 50 in the other.

Q: In our language how many feet is that? Six or seven feet?

A: Yes, eight feet by five feet, something like that.

Q: Yes. Well 2 metres 30 is six feet, about seven feet.

A: We can check it on the blueprints, so why do we not do that?

Q: This is quite an important point, my Lord. This is the bottleneck. We are looking at the bottleneck now.

A: We have actually the dimensions 2 metres 70 by 1 metre 43, so 2 metres 70. In the blueprints this is document 3B, tab 1, of the documents, it says in the enlargement to the right. So 143 would be 4 feet, 4 feet 10 inches and 2 metres 70 would be ----

P-177

Q: Eight feet?

A: No, it would be 9 feet, 30 centimetres per foot.

Q: So, what, it is about as big as one of these table tops, is it, the shaft?

A: No, 9 feet is longer than this table, and certainly it is much wider. This is less than a metre.

Q: I am just trying to get an idea. Of course, that is not the area of the floor space in elevator itself, is it?

A: The elevator, we can go back to the blueprint.

Q: Yes.

A: It says -- the dimension is taken, the width is taken on the basis of the actual width of the platform. In the length I have to admit, at least in the design, the actual platform would have been slightly less than 2 metres 70.

Q: Because of course you have got to have room for the counter weight to go up and down?

A: No, the counter weight, there is a space for the counter weight right -- it is spared out to the side towards morgue No. 1.

Q: Although it is not in any of these designs, in the Neufert designs the counter weight comes down inside the shaft?

A: Are we referring to the plans of the crematorium or to Neufert?

Q: You are saying there was an extra shaft to the counter weight?

A: There is quite a substantial space, I would say probably

P-178

one foot and a half, at the side of the platforms through which the counter weight could go.

Q: Very well. So what was put into this? It was like a hospital lift, was it, in which bodies put or how would it normally be designed if this operating as a mortuary, what kind of insulation?

Would a gurney or stretcher be wheeled in there carrying the bodies if it was a normal mortuary?

A: I have no idea how lifts in normal mortuaries are. The information says "auf Zug", I presume that in this case this was designed for this building. This building obviously deals with mass mortality one way or another. So I think it is very unlikely that a gurney would have been wheeled into this thing, because I would not know why you would bring out a gurney into this morgue, and then load it on a gurney, put the gurney in the elevator and then immediately burn the body upstairs in a mass incineration facility.

Q: First of all, we will start with the normal mortuary design because this was presumably a standard mortuary design which has been adapted for special conditions?

A: No, Mr Irving, this is standard mortuary design. This is a rather unique mortuary design,

probably unique in the world, in the history, no, it is not a standard.

Q: But it was designed as a mortuary?

A: Sorry, I stated it wrongly. You said "mortuary"

P-179

I meant ----

Q: The entire building was ----

A: --- crematorium.

Q: --- was originally designed for the purpose of acting as a joint mortuary crematorium?

A: But this crematorium was of a size and a capacity which has absolutely no precedent at all, or for that matter has never been followed by a crematorium of this size ever.

There is no civilian crematorium at all of this size. The largest civilian crematorium so far as I know had three single muffle ovens and never had something like 15 muffle ovens.

Q: Was that in wartime or in peacetime?

A: In Germany people built in peacetime and destroy in wartime. It is very unusual to build these kind of buildings in wartime.

Q: Yes. You appreciate, do you not, that that lift shaft was the bottleneck through which all the victims of the Holocaust had to go, if we follow the standard version?

A: I think most of the victims in the Holocaust died outside Auschwitz. So at least ----

Q: These 500,000 you talk about?

A: --- these people who went through that lift, that would have been a bottleneck between gassing and incineration.

Q: I appreciate your earlier point. Of course far more people died than those 500,000 and I have never challenged

P-180

that point, let there be no doubt about that. We are looking at this building where, as you yourself said, more people died in this gas chamber than in any in other place on earth?

A: But bottleneck, of course, the bottleneck of course -- if there is going to be a bottleneck, let us say this door is going to be a bottleneck, a real serious bottleneck, if somebody screams "fire" in this room and we all try to get out as quickly as possible and some do not notice there is another room, another exit which says "fire exit" there, but if people file out, as they do at the end of these sessions, in a relatively orderly fashion, this is not a bottleneck.

Q: If everyone here is dead, then they have a problem, then things slow down?

A: But the question is, the issue is, is it a bottleneck, also has to be considered in relationship to how long it will take to incinerate those bodies. So if at a certain moment it would take, let us say, 20 hours to incinerate the bodies of the people who have been gassed in the morgue, you have 20 hours to move the bodies upstairs. So then question is over that time would there be a bottleneck, yes or no, because the incineration room upstairs cannot also take all the 1500 bodies, whatever number of people were gassed downstairs. So only if you want to get all the bodies up simultaneously is this going

P-181

to be a serious bottleneck.

Q: So they used the mortuary, however the people died, for the time being as a mortuary then?

A: I mean corpses were removed in small batches from the mortuary to the incineration room to

feed the incinerators.

Q: Yes. Can we get some idea of the speed of the operation, because your eyewitnesses differ, do they not, as to how frequently this procedure was repeated?

A: Which procedure?

Q: The liquidation procedure, people being rammed into the gas chamber 2,000 at a time. We are looking at figures basically here. We not concerned with the "if". We are looking at how many.

A: Again I am happy to discuss these testimonies when I have them in front of me. I thought we were talking about the elevator right now.

Q: We are talking about the elevator. If the people are being rammed in at one time into the gas chamber and they are being liquidated and then they are being taken out through that one exit, up that relatively small lift shaft, this is the bottleneck which is going to be like the bottleneck in an hour glass. You cannot speed up the process?

A: But the bottleneck in an hour glass is only a bottleneck if you want all the sand to go down simultaneously. If

P-182

you want the sand to go down in an hour it is not a bottleneck.

Q: But it is a controlling factor on the speed of the whole liquidation programme, is it not?

A: But there are much more important factors like the speed of incineration in the ovens.

Q: You say it is more important, but let us look at the elevator. To make it absolutely plain, there was no other way of bringing the bodies from downstairs up to the furnace stage level?

A: There is another way. You could take the stairs, but that would have been very, very ----

Q: But that was not used?

A: --- it would be very inefficient and awkward.

Q: Yes.

A: My Lord, I presume that a question is coming.

MR JUSTICE GRAY: I am presuming. I am waiting for it.

MR IRVING: Yes. What do we know about the carrying capacity of that elevator?

A: There is a document for that. The elevator, this document in March for that, I think it is March 1943, they carried the original one which was installed for 750 kilos.

Q: 750 kilos.

A: They immediately asked to increase the carrying capacity of that elevator by providing extra cables to 1500 kilos.

Q: What do we know about the provision of the motors for

P-183

those elevators?

A: Again I do not want to talk about that right now. I do not have the document. But I do know, because I actually looked it up this morning, that they were adapting that particular -- it was a temporary elevator -- to a weight, to a carrying load of 1500 kilos. So I presume if they do that, that indeed there is a motor which will be able to hoist 1500 kilos.

Q: This was made by Daemarg, I believe, the company?

A: Yes.

Q: The provisional one. Why was there a provisional one installed, because the final ones were not ready?

A: Because the SS, despite whatever they were doing in Auschwitz, were unable to get an elevator in early 1943.

Q: They could not get the priority.

MR JUSTICE GRAY: Anyway, carrying a load of 1500 kilos, that would be how many corpses?

A: An average one 60 kilos. It seems a little high, by that would be -- the theoretical carrying capacity would be, let us say, 20 corpses, so that would be 20, 25 corpses.

MR IRVING: The same question of course is how many people you can pack into a telephone box, but packing them in takes time. It would be difficult to envisage having a working lift system with people piled four or five or six or seven high, because quite simply the doors would not close?

A: There were no doors.

P-184

Q: There were no doors?

A: No. It was simply a platform which went up and down.

Q: That would be even worse then. The bodies would presumably get jammed against the side of the lift shaft if they piled them too high. I am just looking at practicalities here, that although technically the final version of the lift, and I emphasise that, was going to have the 1500 kilogram capacity, in theory, when was that lift actually installed?

A: The 750 kilograms was installed by the time the building was finished and immediately they asked to double the capacity the oven.

Q: And the 1500 one was not of course installed at this time?

A: It was not immediately, but they asked immediately for the increase in the carrying capacity. So obviously they wanted, whatever they were bringing up from the morgue, they probably wanted, they felt they needed more capacity for this lift.

Q: Yes. It was not in fact installed until the end of 1943, the bigger the one?

A: The final one, no. This is only a modification to add extra cables. This is not the final elevator which is put in when finally the factory gets around to deliver them.

Q: Is it not odd that once again the question arises here, that here is one of the most important killing centres in

P-185

the Third Reich and they just cannot get the stuff, they are not getting the priorities?

MR JUSTICE GRAY: Shall we stick to one point at a time? You are on whether this was a bottleneck.

MR IRVING: Can we now look at how long it took to make one round trip and load up? Have you any estimate of how many minutes or seconds it would take?

A: To load up how many corpses?

Q: Well, this is the question. You have told us that it would take a large number of corpses, but I find this hard to believe if they had no doors and walls on this lift; it was just a platform going up and down?

A: I think there are too many variables right now to stand here in court. I am happy to sit down and, like the Zyklon-B, spend a couple of days considering this question.

Q: I am not asking you to do that. I am just asking you to do a back-of-an-envelope calculation which will help us to form some idea of how long it would take to raise 2,000 bodies from this underground morgue to the furnace level, bring them in, stack them on, raise them up, unload them at the top level, bring the thing down empty again and repeat the cycle?

A: I do not do a back-of-the-envelope and I would just want to do it as I am thinking out loud and

nothing more. Let us say that it would take three to four minutes to load

P-186

this platform, that it takes another minute ----

Q: With how many? With how many bodies?

A: Let us 10 bodies, 15 bodies, three to four minutes. Let me just make a note of it as I am going on. Then let us say it takes one minute and that is a long time for this platform to go up one storey.

Q: No, because if it is a freight elevator in fact it takes twice as long. We know that from Neufert, do we not?

A: But we are talking one storey and we talk about a minute and a minute is a very long time.

Q: A freight elevator does go slower than a passenger elevator?

A: Yes, but we still talk about ----

MR JUSTICE GRAY: Come on much, not much turns on that, does it? We must keep an eye on realities.

A: We talk about 2 metres 50. We talk about 8 feet going up. Let us say it is another three, and I am very, very generous, you know, three, whatever, two, I mean less, one minute to unload the thing.

MR IRVING: One minute to unload ten bodies?

A: Yes. A minute is a long time.

Q: That is being very generous. I would suggest that the round trip, loading and unloading, would take about ten minutes each time?

A: Ten minutes. So?

Q: Then we have 2,000 bodies to process in this manner.

P-187

A: So in your calculation we have, and I am slightly disgusted right now by the thing I have to do, but ----

Q: These are very rough calculations, but I am suggesting that we have a serious bottleneck which indicates that the figures that talk about have been inflated. I am only looking here at the figures. I am not looking at whether this happened or not.

A: It is going a little fast for me, my Lord, right now. I am happy to come back to this on Friday.

MR JUSTICE GRAY: If you prefer to, as it is a new point to you.

A: I am just trying to calculate in my head on the 10-minute basis, and, let us say we, what did we say, 10, 15 corpses on the thing, it would mean that in 10 minutes you get ----

Q: 10 to 15.

A: It is one ----

MR IRVING: My Lord, I think it would be useful if he was to return to this after he has had time to do a calculation.

MR JUSTICE GRAY: If you prefer.

A: Yes, I would prefer to do that, because I think it seems to be a very important point.

MR IRVING: It is a useful exercise. It is bottleneck in the operation which does give us a chance of arriving at some kind of concrete results.

A: I would of course be quite pleased if somebody who knows,

P-188

if we got some more specific data about, you know, how long it would take for this elevator to come up, because obviously if we are 50 per cent wrong, then we suddenly have the bottleneck and there cease to be a bottleneck or not.

Q: Just as in the calculation you made earlier on the Zyklon use?

A: I took a very generous, very generous I think amounts for delousing.

Q: We have those figures and I will supply them to you within the next 24 hours, the actual carrying capacity of the lifts, the various models, the size and so on and the actual speed in minutes and seconds that it would take to lift that distance.

MR JUSTICE GRAY: We are coming back to that on Friday. So let us leave that and get on.

MR IRVING: My Lord, I just want to conclude by putting a number of general questions to the witness, if I may, which is, you will be glad to hear, off these very, very minute questions in the broadest possible terms now.

You had a colleague working with on your book, did you not, Deborah Dwork?

A: Yes.

Q: She is now a very famous Professor, is she not, at the Clark University? She has a Chair of Holocaust studies?

A: Holocaust history.

P-189

Q: Holocaust history. Without wanting to sound tasteless about it, it has become quite an industry, a very well funded industry, has it not, this Holocaust education business? She writes in her own papers that she has received \$5 million a year for funding her Chair and very enterprises?

A: She has been able to set up this Institute by this money donated by various donors, yes.

Q: I am only asking these questions because you re one of the world's leading Holocaust scholars and you are probably in the best position to educate the court about these matters. It has become big business and it is not just I who say this; a number of other far more learned people than I myself have said this. The Chief Rabbi of England said it once.

A: Mr Irving, I think that I am here as an expert on Auschwitz. If you want to have testimony as a member of the general public, and I am not one of the chief Holocaust historians, I am actually a cultural historian who was worked on Auschwitz, as a member of the general public I can answer. I do not know if the Judge will be very interested in my opinion.

MR JUSTICE GRAY: I am interpreting this question as suggesting that your co-author was, effectively, delivering the goods on the Holocaust, that is to say exaggerating it, because she was being paid so well to do so.

P-190

MR IRVING: This is a very tactful way of putting it, my Lord.

MR JUSTICE GRAY: It was not intended to be particularly tactful.

MR IRVING: This was the inference I am trying to draw. I am trying to find the justification for the word that is frequently used about my own endeavours as being "dangerous". To what or whom am I being a danger? The only interpretation I can put on it is the fact that I am endangering people like Deborah Dwork who have made it quite a lucrative business, if one can regard being in education as being a business. Certainly she makes \$5 million a year for her Holocaust centre out of the Holocaust and the history of the Holocaust and teaching the Holocaust. There are all sorts of profitable side lines in publication of books and so on. This is what makes me into a danger, apparently, that if it turns out that this building here has no holes in

the roof, then a large number of eyewitnesses have lied, and the whole mass extermination chamber part of the story collapses as securely as that roof has done.

MR JUSTICE GRAY: Does Professor Dwork manipulate the evidence because she is making so much money out of her Chair?

A: I will take your guidance on what I should answer and what not.

Q: Answer it shortly.

A: May I point out, first of all, that this is money she

P-191

raises for the Institute.

MR IRVING: It is not for herself personally of course. I made that quite plain.

A: Yes. This is money which is raised to create Chairs. To provide students with scholarships, to build up a library. So in that sense I do not think that Professor Dwork at all profits from this. I also would like to point out that when Professor Dwork wrote this book with me, Professor Dwork was not a Professor of Holocaust history at Clark University. That in fact the sum total of support we got for this project to write the book on Auschwitz was 40,000 Canadian dollars which translates at the moment to £15,000 which I got from the Canadian Government, and that is all the support that went into writing that book.

MR IRVING: The obvious question then is would she have been given a Chair in anything if she had not written the book, let us put it that way round?

A: My Lord, I do not see it is relevant. If you think it is relevant I will answer the question.

MR JUSTICE GRAY: It has a sort of a relevance but not in terms of your evidence.

MR IRVING: Yes. I will abandon that line of argument, my Lord. I just wanted to establish the fact somehow that I am considered to be danger to something, and the word danger is what puzzles me. I am not a member of the IRA.

P-192

I do not go round blowing up cars. So what am I danger to? I tried to put some flesh on to that particular matter.

MR JUSTICE GRAY: Right. Next general question.

MR IRVING: Next general question, have you had the opportunity to work in the Moscow archives? I do not know the answer to that.

A: I have worked on the basis of the microfilms which were made at the same time that I had to work on this.

Q: Yes. Have you worked in the national archives in Washington?

A: I have been once there, but not really. I have not really worked in the national archives.

Q: That really surprises me. You aware, of course, that the national archives in Washington have I suppose the largest collection of captured German records including in relation to the SS and Auschwitz?

A: Yes, I am aware of that, and also I am aware that many of them have been made available. I am aware of the fact that one uses the archives which are useful for one's work. It happens to be that the archives, you know, when one works as an historian there are various particular things one researches for which one needs to go to the archives, because the documents are not available and one wants to see those particular archives. You want to see the documents in situ. In this case these are the

P-193

Auschwitz construction documents. Very important in my book, or in our book since the name of Deborah Dwork has been mentioned now, was the archive in Koblenz and to a lesser extent -- this is the German Federal archive in Koblenz and to a lesser extent, for example, the Berlin Document Centre and the archives of the court in Vienna. These were the archives where the unpublished documents were all stored. For other things, more general information, I rely sometimes on documents as they are produced in facsimile and sometimes even on documents as they are ----

Q: Can I halt this avalanche just there? We are still at the national archives in Washington. In May 1997 I believe I wrote you quite a lengthy letter?

A: You wrote it. I never received it. Yes.

Q: You never received this letter I wrote to you?

MR JUSTICE GRAY: What did it say?

MR IRVING: It is a six-page peon of praise of his book, my Lord, drawing his attention to certain documents and archives and inviting his comment on matters of history, in the way that an historian should. I wrote to him -- your address is and always has been at all relevant times presumably the Head of the Department of History?

A: No, I am not.

Q: But you have been at the University Waterloo, have you not?

P-194

A: Yes, but I am in the architectural school. I am not in the Department of History.

Q: If a letter is addressed to you at the University of Waterloo and properly stamped and posted, then there is every likelihood that it will reach you, is there not?

A: I can only tell, and I am still under oath, that I never received this letter.

MR JUSTICE GRAY: This is one question I am not going to decide.

A: I only learned of it a year ago when people pointed it out to me on the web.

MR IRVING: Are you aware that that letter has been posted on my web site for the last two years?

A: It happens that I am not very experienced with the web.

Only somebody told me last year when I was already started to get involved in this case that it was posted on the web, and of course since I was already engaged on actually starting to work on this there was no way I could respond to it.

Q: Are you going to make complaints at the University of Waterloo that letters properly addressed to you, properly addressed to your department, are not ----

MR JUSTICE GRAY: I think we have all got other things to worry about than this wretched letter, if I may say so.

MR IRVING: Very well. Is it not a pity that the letter did not reach you in view of the fact that it contained

P-195

pointers to historical records that would have been of the utmost most information and assistance to you?

A: The book was published in 1996. So your letter is a year late after that. I do not know which particular documents you point to. If you want to provide me with a copy of the letter I will comment on these points.

Q: There is a copy of the letter in the bundle which I gave his Lordship yesterday. If I can summarize without looking for it, it drew your attention, for example, to the interrogations of

Rudolf Hirst which up to that point you had made no attempt to read in the national archives in Washington. You had written the book about Auschwitz but you made no attempt to read the verbatim interrogations of the commandant of Auschwitz?

A: May I point to your Lordship that these transcripts of the interrogations Rudolf Hirst were actually published in facsimile I think in 1970 and I did read those facsimile reproductions.

Q: And yet there is not a trace of them in your published volume?

A: But it seems to be that as one would want to use Rudolf Hirst as a source, and I did not use every single word Rudolf Hirst said. There are much better sources than the interrogations. For example, his later memoirs and his essay on the Final Solution which he wrote in Poland are, in fact, places where he himself tries to put the whole

P-196

thing together. Certainly the Auschwitz book was not a history of what happened to the formation of knowledge about Auschwitz after the war. I do not deal with that in the book. I did deal with it in this book, as you know. So I do not think that you can draw any conclusion of what is included in the book of what I consulted or not consulted.

Q: Well, you gave very detailed footnotes indeed, did you not? You are writing a book about Auschwitz and yet you make no reference at all to having had in front of you, as you say, the entire transcripts of the interrogations of the Commandant?

A: Mr Irving, I just want to ask you, if at a certain moment -- I have looked in making this book at 10,000 documents and ultimately I used 1,000 of them in the book. You are not going to write 9,000 footnotes of actually mentioning the documents which you have not used.

Q: I can sympathise with you because I am frequently in the same position, but sometimes there are collections of documents that are so important that I have to say you ought to have used them?

A: Then I am very happy I am not your graduate student.

MR JUSTICE GRAY: Let me try to break into this. My recollection is, I am probably wrong about, is that when you deal with Rudolf Hirst in your report you deal with the interrogations as well as what he says?

P-197

A: Yes.

Q: So where is this getting us? He was careless in the old days. That is the worst that can be said.

MR IRVING: Careless in the old days?

MR JUSTICE GRAY: Before his report. His report takes account of the interrogations of Rudolf Hirst.

MR IRVING: But it also addresses the point of what attempts did I make to get further information. Here I have written a letter to one of the world's leading historians on Auschwitz and the Holocaust, inviting comments, asking his assistance, drawing his attention to documents, in the way that colleagues do, and Professor van Pelt says he never received the letter.

MR JUSTICE GRAY: I can see that your sending the letter may have some limited relevance, but his response to it seems to be me absolutely irrelevant.

MR IRVING: I must admit, my Lord, that in asking these questions I was totally unprepared for the response that he had not received the letter.

MR JUSTICE GRAY: Even if he said he had I do not think that it really matters what he did or did not do. Your point is, as I understand it, you wrote the letter, that shows that you were taking trouble to get your facts right.

MR IRVING: There is one residual point, my Lord, and this that your Lordship will remember from the expert evidence I think of Professor Evans, or possibly even from the

P-198

expert evidence of this witness, that I am accused of having concealed the Altemeyer report until the solicitors for the Defendants went and investigated, and once I knew that they were on the trail I therefore blurted out the fact that I had it, which is of course an imputation that I find repugnant and I wish to try to investigate that allegation in view of the fact that I drew his attention to the Altemeyer report in this letter back in May 1997.

MR JUSTICE GRAY: Then you ought to produce a copy of it.

MR IRVING: Of the letter? My Lord, it was in the little bundle I gave your Lordship yesterday or the day before.

MR RAMPTON: I think it is in J11 of your Lordship's bundle.

MR JUSTICE GRAY: J11.

MR RAMPTON: Yes. I do not have a J so I cannot help.

MR IRVING: I think your Lordship is going to have the advantage on me. I can only rely on the letter as a fact because I do not have a copy here with me.

MR JUSTICE GRAY: Yes, it is in J11. I am just going to find the reference to Altemeyer. I have flipped through it and I have missed it.

A: I think Mr Irving is right.

MR JUSTICE GRAY: I am sure he is right.

A: I think he is right. Actually again I will only say after I actually see it, but I think that indeed I remember him, when I finally read the letter, since I wrote something of a response to it, I think he actually mentioned Altemeyer,

P-199

but I do not see it either in this copy.

MR IRVING: Will you now withdrawn the suggestion that I only made it known to people once it became known that the solicitors to the Defendants were on the trail. **MR GRAY:** That contains within it a number of assumptions, one of which is the assumption they were not on the trail as of May 1997. You are probably right.

MR IRVING: My Lord, the imputation is that I was going to sit on that document and look at the wall and whistle until I realized that Mishcon de Reya had got on the trail of that document.

MR JUSTICE GRAY: Yes, I understand what the allegation is, but when did they get on the trail of Altemeyer?

MR IRVING: As a result of the evidence they found out about Altemeyer.

MR JUSTICE GRAY: So long after May 1997?

MR IRVING: Presumably, my Lord, yes.

MR JUSTICE GRAY: I cannot find Altemeyer.

A: I found it. It is not numbered, but it is page 1. I do not know if we have the same format, 8: "Had you after visiting Washington", the eighth page, second paragraph.

MR JUSTICE GRAY: I think I must have a different version.

MR IRVING: It is the same version.

A: I can read it to you.

MR JUSTICE GRAY: Could you.

A: This is basically about all the things I did not do, but

it says: "Had you after visiting Washington flown on to London, England you could have used the many versions of the handwritten written memoirs of Hirst's erstwhile stand in Deputy Court Altemeyer written under similar conditions of duress. He too was no doubt deservedly hanged by the Poles. These pencil papers are held at the Public Record office, but Altemeyer does not even figure in your history. Is not such an original document written ... (reading to the words) ... rights for payment for profit-driven publishers."

MR JUSTICE GRAY: Thank you. I want to track this down. I just want to see what the allegation is. It is in the Defendant's Summary of Case presumably?

MR IRVING: My Lord, I believe it is in this witness's evidence, am I right, that you made the allegation that I did not reveal the existence of the Altemeyer document until I realized that Mishcon de Reya were on the trail?

A: From the discovery, and I think we can ----

Q: That being so, my Lord, it was entirely proper for me to mention this document.

MR JUSTICE GRAY: Entirely proper. I am just tracking down what the allegation was so I can see whether you are right in saying that it is completely unfounded. Altemeyer is dealt with at 657 of your report.

A: 657?

Q: That is one of the places.

A: This is 1992. What I say here: "The discovery of the Altemeyer material brought Irving in a very difficult position. While publication of it would once more demonstrate his ability to find interesting new archival, publication would discredit him as an analytical historian. Faced with this dilemma, Irving decided to do nothing. Suppressing his discovery, he buried a reference to it in a footnote of his book on Nuremberg", which is in 1996.

MR JUSTICE GRAY: Where are you reading from, what page?

A: Page 657.

MR IRVING: There is another reference.

MR JUSTICE GRAY: I have it.

A: So in my report I say that the first time he actually brings this one out is in 1996.

Q: Which is four years on?

A: Four years on.

MR IRVING: Then it must be in Professor Evans' report, my Lord, that the allegation is made.

MR JUSTICE GRAY: So far as we have got, let us be clear about it, your letter in May 1997 to Professor van Pelt does not in any way detract from the point he makes, I am not saying it is a good point, that you sat on this Altemeyer evidence between 1992 and 1996.

MR IRVING: That is not true, my Lord. In fact I drew it to the attention of other people like Professor Gerald

Fleming.

MR JUSTICE GRAY: That is a different point.

MR IRVING: Yes, but this is not the allegation I am trying to shoot down here. The allegation I am trying to shoot down here is the allegation that I did not move until Mishcon de Reya got on the trail and of course they did that thanks to my discover.

MR JUSTICE GRAY: Let us track that one down.

MR IRVING: My Lord, that would be an appropriate point to stop?

MR JUSTICE GRAY: No, I think we have got to track this one down. If somebody can give me Altemeyer in Evans.

A: Maybe I should go to ----

Q: You cannot do this, Professor van Pelt, because it is not your report.

A: No, I am thinking maybe I am looking in my own report right now. If I come back to this.

Q: It is a point that is made in Evans, but I do not think it makes it in quite the way that Mr Irving suggests.

A: It could actually have been me, but at a different thing.

MR IRVING: It would not be very difficult for me to track this down at home, my Lord, because I can do it on my computer.

MR RAMPTON: My Lord, I have read paragraph ----

MR JUSTICE GRAY: We are trying to help you.

MR RAMPTON: My Lord, I have read paragraphs 37 to 40 on pages 160 to 163 of Evans, and it is not what Mr Irving is on

P-203

about, that is for sure.

MR JUSTICE GRAY: It is not what Mr Irving says, no.

MR RAMPTON: No.

MR IRVING: It will be when I bring the chapter and verse, my Lord.

MR JUSTICE GRAY: We have tracked it down as far as we are able. I think we had better move on to the next general question, Mr Irving.

MR IRVING: I think I have come to the end of my general questions. I will have a quick look at my cheat sheet. Are you familiar with the evidence of Kasmir Smolen?

A: Which evidence?

Q: The various statements he has made to the effect that when working in the administration of the Auschwitz camp deliberate falsification of the records went on?

A: I find it very difficult to -- deliberate falsification.

I remember something but I do not really know exactly.

I would not want to comment right now, because I do not know what records we are talking about and what utterance by Kasmir Smolen, but again I am happy to comment when I have it in front of me.

Q: To your knowledge did prisoners not only arrive at Auschwitz but did they also leave Auschwitz?

A: There is one particular group of prisoners who left Auschwitz, yes.

Q: But on a regular basis they went on to other camps?

P-204

A: Certainly that, yes. This is why there are survivors.

Most of the Jews who survived Auschwitz who were not in the final evacuation actually were sent on from Auschwitz in 1944, when the decision was withdrawn that no Jews could be in the Reich so that they could work in concentration camps attached to factories in the Reich.

This is one of the reasons, and I have explained that in our book in some detail, why Hungarian Jews were parked in Auschwitz. They arrived in Auschwitz. They survived the selection but were not numbered, were not actually admitted officially to the camp, and they were there for

sometime before they were sent on to concentration camps in the Reich.

Q: But would I be right in saying that to a certain degree Auschwitz was in fact a transit camp?

A: During the Hungarian action it took one of its many functions. It took on the function of a transit camp, but it only applied to a relatively small number of the total people who ever arrived there.

Q: The Hungarian action involved how many people originally? How many people were deported from Hungary to Auschwitz?

A: About 450,000.

Q: 450,000?

A: Yes. That is a German figure.

Q: What actually happened to those 450,000? Were they all gassed in some way or did some get sent somewhere else?

P-205

A: No. All these people, not even all the Hungarian Jews arrived in Auschwitz, the large majority, the great majority of them came to Auschwitz, I think the number of Hungarian Jews deported is even larger, but at Auschwitz we are talking about that number. These people were submitted to selection on arrival in Auschwitz. Then there were really three possibilities at that moment that could happen. Either one could be selected to die in the gas chambers or one could be selected to be admitted to the camp and given a number. There was a new numbering system created at the time to accommodate this and became a regular inmate of the camp or one of the satellite camps in Auschwitz. Or one could become durkhanstudent where one was housed temporarily in the camp without actually being officially admitted to the camp before being sent on to other concentration camps.

Q: Where large numbers of these Hungarian Jews put to work in Germany?

A: The question is difficult to determine that, because there are different numbers of how many durkhanstudent there were, and this is in some way a point which certainly I would like to have seen, you know, more clearly established. One of the debates about the mortality during the Hungarian action of course ultimately has to relate, because when we know more or less how many Hungarian Jews were admitted to the camp and there are

P-206

only two ways to explain what happened, only two ways one can explain what happened to the people who were not admitted to the camp, either they were killed or they were sent to the West. So the issue of the mortality of the Hungarian Jews in Auschwitz ultimately is tied up to the number of durkhanstudent there were, and the Auschwitz camp, the numbers I remember of around 25,000 as to the number of durkhanstudent who went from Auschwitz to the West.

Q: How many remained in the camp and were liquidated, in your opinion?

A: I do not really want to give an opinion right now. I mean I am happy again to look at the figures. It seems to be that in May and June very high percentages of these transports were selected for death, but we are talking about hundreds of thousands of people who were killed in Auschwitz in the month of May and June.

Q: Let us just for two minutes talk about Sturmlager, Auschwitz one?

A: Yes.

Q: Which is now the big tourist centre, is it not?

A: This is where the reception building is where the film was shown and where there are exhibitions, yes.

Q: Yes. They have a building there which they describe as the gas chambers and they show it to tourists as a gas chamber, is that right?

P-207

A: There is a crematorium there and in the crematorium is a room which is described as a gas chamber.

Q: There is a big chimney behind the building?

A: Yes.

Q: Which is not connected in any way whatsoever to the crematorium?

A: The chimney there which is right next to it is a reconstruction of the original chimney which was in exactly the same position which was connected like the chimney in crematoria two and three by underground flue to the crematorium building. This is a way to increase the draft of the chimney by leading the gas at basement level.

MR JUSTICE GRAY: I am not quite sure what the point of these questions is.

MR IRVING: It is very brief, my Lord. The prisoner reception centre at Auschwitz one is where now the tourists arrive, am I right?

A: That is where the cafeteria is.

Q: I have never been there, so I take your word for it. They are then taken into a building and at the end of the tour, "This is the gas chamber". They are invited to believe that this is the gas chamber, is that right?

A: One is not taken into building. One can either visit the building yes or no.

Q: But they invited to believe that this was the gas chamber?

A: There is a sign which says "crematorium and gas chamber".

P-208

Q: Was that building that is described as tourists as a gas chamber ever used as a gas chamber?

A: Yes, it was used as a gas chamber.

Q: This is not what you wrote in your book?

A: That is exactly what I wrote. I have a very long description in my book about the use of that space, and the space is not exactly the same as in the war. I have a very long quotation. A number of different places.

Q: The space is what?

A: At the moment the space is one bay bigger than it was during of war. I have extensive descriptions in my book of the transformation of that space into a gas chamber and of the use of that space into a gas chamber.

Q: If you go there as a tourist now and you ask the guides, they will admit to you that this was never used as a gas chamber, is that, is that right?

MR JUSTICE GRAY: That is really worthless, is it not.

MR IRVING: I beg your pardon?

MR JUSTICE GRAY: That is worthless as a point.

MR IRVING: The guides would know, my Lord.

MR JUSTICE GRAY: They might or they might not. I should think probably they were born 30 years after these events.

MR IRVING: My Lord, I will on Friday confront this witness, if I may, with what he wrote in his original book on precisely the building we are talking about, where he said in terms that this building is a fake.

P-209

MR JUSTICE GRAY: Even if it is, I just do not want you to build up a point that is not really at the moment impressing me enormously. Tell me if I am wrong. This is trying to convey to people, you call them tourists, all right, call them tourists if you want to, what things were like according to a lot of people's opinion.

MR JUSTICE GRAY: Is there anything wrong with that?

MR IRVING: Yes, it is called "passing off". The tourists are not told that is a fake. They are not told that this building was erected in 1948.

MR JUSTICE GRAY: Well, make of this point whatever you wish, Mr Irving.

MR IRVING: My Lord, the point is quite clearly, of course, that later on you will be hearing how I have been fined a substantial amount for saying precisely this fact which turns out to be true.

MR JUSTICE GRAY: I am not concerned with what other courts have done, fined you or whatever.

MR IRVING: It will be held against me by the witnesses, my Lord.

MR JUSTICE GRAY: Well, not by me which is perhaps more important.

THE WITNESS: My Lord, may I just give Mr Irving one piece of advice as he prepares for this, that I know which sentence in the book you are going to refer to, but I also would invite you to read pages 293 and following of my book

P-210

which describes in detail the transformation of this morgue into a gas chamber and the operation as a gas chamber.

MR IRVING: The transformation of the morgue into a gas chamber?

A: Yes. Page 293, in the late summer/early fall of 1941.

Because I will come back to those pages when you are talking about my epilogue where the discussion is about the present condition of the building. I will refer back to this page, so we save each other and the judge a lot of time.

Q: You are also discussing the integrity of the site, are you not?

A: I am quite happy to discuss the integrity of the site.

Q: In your book you did?

A: Yes, I did.

Q: And you complained that the integrity of the site has been tampered with and that it is no longer the same buildings and they are not being put to the same uses?

A: If you confront the same, the exact words, then I comment on it. My major discussion is on the prisoner reception building, and I deplore the fact that this building is not shown in its original state, but has been used for tourist purposes.

Q: Why would the present Director of the Auschwitz State Museum in 1995 say to the French newspaper, L'Express,

P-211

"Toute y est faux", "Everything there is fake"?

A: This is -- I think I deal with it in my report and I am happy to go to my report, to the particular thing which was said. We are dealing here, certainly the one thing is that the person did not speak French and, if you want, I can go to my report and deal with this.

MR JUSTICE GRAY: I have made my position clear. I do not understand where this gets

anybody, this point.

MR RAMPTON: And I do not either and I, perhaps, in some sense have as much interest in this aimless ramble as your Lordship because the longer me and my team are in court, the more money it costs my clients. I am OK, but it is quarter past 4 and we are not sitting tomorrow, but if this start up again on Friday, I am going to have something to say about it.

MR IRVING: Well, my Lord, we spent some time looking at the integrity of crematorium No. (ii) which has been held to be highly pertinent to this case. The other extermination centre is supposed to be Auschwitz 1 or the Sturmlager, and I hold that I am entitled to look at the integrity of that site too.

MR JUSTICE GRAY: Well, yes, as it originally was, of course, but whether it is a tourist reconstruction, which is, I think, how you like ----

MR IRVING: Or what I call a "fake".

MR JUSTICE GRAY: --- or a tourist fake, whatever label you like

P-212

to put on it, seems to me not really to be the point. If you want to investigate what it was used for at the relevant period, 1942/43, that is one thing, but you are now investigating whether it has been described by the Superintendent at Auschwitz as being a fake. Well, so what?

MR IRVING: This is of relevance only when we come to the political part of this case, my Lord, where I am accused of having said despicable and perverse things which could not possibly be true. For this reason, I was proposing to ask this expert on the Holocaust and on Auschwitz to what degree what I said was true. Your Lordship may consider this is totally irrelevant in which case, of course, I shall bow to your Lordship's ruling.

MR JUSTICE GRAY: Well, if that is what it is said to be relevant to ----

MR IRVING: I apologise for not having made that plain.

MR JUSTICE GRAY: --- I would like to see quite what it was that you did say about Auschwitz being a tourist attraction or part of Auschwitz being a tourist attraction.

MR IRVING: The actual sentence was: "The building which is shown to the tourist today is a fake built by the Poles after the war as a gas chamber".

MR JUSTICE GRAY: Do you want to take that any further? I mean, you have the answer.

P-213

MR IRVING: Not at this moment, my Lord.

MR JUSTICE GRAY: "No, it is not a fake because it was used as a gas chamber". That is what Professor van Pelt says.

You do not have to accept it, obviously.

MR IRVING: Except that I may wish very briefly confront him with what he himself wrote, if I may, but not at this moment, my Lord.

MR JUSTICE GRAY: You will look at page 293 as well?

MR IRVING: It may not be the page I am relying upon, my Lord.

MR JUSTICE GRAY: I suspect it will not be.

Now, I think we have probably reached the end of the day. 10 o'clock on Friday. (To the witness): You are going to be able to be back?

A: Yes, I will come back tomorrow night.

MR JUSTICE GRAY: Mr Irving, I think it might help everybody to know how much more cross-examination -- it is very difficult to estimate, I realize.

MR IRVING: I have already informed leading counsel for the Defendants that I do not want

anticipate having much more than about another half day of questions because I would like to think that Professor van Pelt can return over the weekend, given adequate time for re-examination where necessary.

MR JUSTICE GRAY: Yes. Well, that is very kind of you to have given that indication. Mr Rampton, do you think that you will reach somebody else on Friday?

P-214

MR RAMPTON: I have not got any witnesses.

MR JUSTICE GRAY: You have not?

MR RAMPTON: No, not to bring on Friday, no, but I am not really doing my case. I am cross-examining Mr Irving.

MR JUSTICE GRAY: Yes. Will you resume cross-examining him?

MR RAMPTON: I can easily do that.

MR JUSTICE GRAY: Good.

THE WITNESS: My Lord, may I just -- since I think that I still have to give the presentation on the blueprints, so I think that -- I do not know exactly how long it will take me, but I think it will take me an hour, an hour and a half to do that, to go through the material.

MR JUSTICE GRAY: Will it really take as long as that? That is slightly gloomier, but that is no disrespect to you, but if you can present it more ----

A: If you want it shorter, give me time and I will try to do it much shorter.

MR JUSTICE GRAY: Well, you are going to have a bit of time to think about it. 10 o'clock on Friday.

(The witness stood down)
(The court adjourned until Friday, 28th January 2000)

P-215