

## PROCEEDINGS - DAY ELEVEN

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**Day 11 Friday, 27th [sic - RW] January 2000.**

**MR JUSTICE GRAY:** Yes?

**MR IRVING:** Good morning, my Lord. This morning I believe the witness is going to make a presentation to us, but before he does so, I believe I am right in saying, my Lord, that the Defence learned counsel wishes to make some kind of submission to your Lordship.

**MR JUSTICE GRAY:** Does he? Right.

**MR RAMPTON:** It is not really a submission; it is about Professor McDonald. I do not know if your Lordship has had a chance to read his two statements.

**MR JUSTICE GRAY:** Glanced at it this morning, but only one actually I have seen.

**MR RAMPTON:** Well, there is a new version. It does not really matter because they are all to the same effect. I am not submitting that he should not be called, but I am a little bit concerned that Mr Irving has told my instructing solicitors that he thinks Professor MacDonalld will be in the witness box for three days.

Professor MacDonalld tells us in paragraph 4 of his paragraph first this: "The main point of my testimony is that the attacks made on David Irving by the Deborah Lipstadt and Jewish organizations, such as the Anti-defamation League, should be viewed in the long term context of Jewish/Gentile interactions". .

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I have a great deal of difficulty seeing how that main point has anything much to do with the issues in this case.

**MR JUSTICE GRAY:** Well, this is very much a first impression because I have only glanced at it, but I did wonder, looking at it, to what extent he can really assist. But, having said that, for obvious reasons I am anxious to give Mr Irving as much latitude as possible. It may be that something admissible and helpful will emerge when he comes actually into the witness box.

**MR RAMPTON:** As I said, I am not saying he should not be called, but I am concerned about how it is that Mr Irving thinks that Professor McDonald should be in the witness box for three days when it is quite likely that I will have little or nothing to ask him in cross-examination.

**MR JUSTICE GRAY:** We need to, perhaps, thrash it out a little because of the timetable.

**MR RAMPTON:** Precisely. I have at the moment got Professor Browning scheduled to give evidence on 7th February which is the beginning of the week after next.

**MR JUSTICE GRAY:** Yes. Mr Irving, as I said, certainly we must have him and hear what he has to say, but there is, I think, some force in what Mr Rampton says about how much he is able to assist.

**MR IRVING:** I hear what you say. When I stated that Professor McDonald (who is, in fact, our guest in the court today) .

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would be here for three days, this was purely to make sure that the Defence had adequate opportunity to cross-examine him.

**MR JUSTICE GRAY:** Yes, I see.

**MR IRVING:** Your Lordship will certainly not be surprised to hear that I do not intend, even

with your Lordship's permission, if I am given that permission, to examine him in chief at any great length. If I do so, it will be purely for the purpose of putting before him, as a way of introducing them to the court, a number of documents which I have not been able yet to put before the court. This as one of the very points I was going to discuss with your Lordship this morning for a few minutes.

**MR JUSTICE GRAY:** Yes, well, can you assume (because it will be the case) that by Monday I will have read and, hopefully, digested what he says, although I have only at the moment only got one statement from Professor MacDonald.

**MR IRVING:** My Lord, you will have been given Professor MacDonald's expert report.

**MR JUSTICE GRAY:** That is the one I have looked at.

**MR IRVING:** I believe that in one of the bundles I also included a double column preparation which he made as more of a way of explaining what he is doing here, as I see it like that.

**MR JUSTICE GRAY:** I had better try to identify that so I know what I ought to read. .

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**MR RAMPTON:** I got it some days ago.

**MR IRVING:** About five days ago, my Lord.

**MR RAMPTON:** Yes.

**MR JUSTICE GRAY:** I probably got it, but I did not realize what it was.

**MR RAMPTON:** It is behind one of Mr Irving's letters, a letter dated 23rd January.

**MR JUSTICE GRAY:** Let me see if I have it here.

**MR IRVING:** I do not really intend to labour this point very much when Professor MacDonald is giving evidence, but there are a number of documents (probably three or four in total) which I would wish to put to him which do highlight and, in fact, draw the connection directly between his evidence and this case, which will make it easier for your Lordship to reach a determination on its relevance.

**MR JUSTICE GRAY:** Of course. I do not think Mr Rampton is going to quarrel with that. But, as I say, proceed on the assumption that I will have read it so that you do not need to take him through it.

**MR IRVING:** I certainly shall not.

**MR JUSTICE GRAY:** But with all he experts, a bit of supplemental questioning is inevitable.

**MR IRVING:** Perhaps I can just sketch the character of the document which your Lordship will be funded with when the time comes. They will show to my mind that there is a clear connection between the book that is the basis of

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this case, the publication complained of, and these organizations who provided the material, that they did so following an agenda and that this may well have tainted the information which the author and the publisher relied upon.

**MR JUSTICE GRAY:** It is not immediately obvious to me how that really impacts on the questions I have to decide.

**MR IRVING:** Very well.

**MR JUSTICE GRAY:** But let us wait and see how it can come out when he comes to give evidence.

**MR IRVING:** That brings us rather neatly, my Lord, to the question which I was going to discuss, if I might, for three or four minutes this morning which is the burden of proof. I have handed your Lordship just two quotations from documents with which I am sure your Lordship,

being an eminent barrister in your previous incarnation, will be thoroughly familiar with.

**MR JUSTICE GRAY:** Yes.

**MR IRVING:** In Gatley we learn that the standard of proof in a civil procedure is not just the balance of probabilities really, but there is a sliding scale, depending on how grave the allegations were.

**MR JUSTICE GRAY:** I am very familiar with that line of authorities.

**MR IRVING:** "The gravity of the issue", if I may read these three lines, "becomes part of" -- this is Ungood-Thomas in

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Re Dillows Will Trust -- "the circumstances in which the court has to take into consideration in deciding whether or not the burden of proof has been discharged. The more serious the allegation, the more cogent is the evidence required".

The reason I am saying this is because dealing with crematorium No. (ii) and the mortuary No. 1, which the Professor in evidence has agreed is really the pivotal point of the whole Holocaust allegation ---

**MR JUSTICE GRAY:** I do not think he has, but, anyway, leave that on one side.

**MR IRVING:** That is my submission, as your Lordship is aware.

**MR JUSTICE GRAY:** I know it is your submission.

**MR IRVING:** We are being offered evidence which, in my submission, falls far short so far, and it may well be that the witness will come up in the remainder of my cross-examination with evidence which satisfies these criteria ---

**MR JUSTICE GRAY:** I do not want to get side tracked into an argument at this stage. Let me make it clear that my interpretation of those authorities is that the issue where the standard of proof may be higher than the ordinary civil standard of proof, is the issue whether the Defendants have justified their allegation against you.

We do not start applying different standards of proof to the individual items of evidence as to whether or not

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there were gas chambers at Auschwitz. That has got nothing to do with the authority that you just referred to. That applies only to the standard of proof to be applied in relation to the plea of justification.

**MR IRVING:** But, surely, the allegations about the individual mosaic stones of their own Defence and plea of justification have to meet the same criteria as the overall allegations about myself?

**MR JUSTICE GRAY:** Again, so that you are clear the way I am thinking at the moment anyway, the overall question I have to decide is whether you have conducted yourself in the way that an honest, conscientious historian would conduct himself. The question that you have not is, I agree, a serious suggestion to be making, so it may require to be proved to a slightly higher standard than the ordinary civil standard. But one tests the proposition against the totality of the evidence, and the evidence may be good, bad or indifferent, if you see what I mean?

**MR IRVING:** Your Lordship will pardon me for occasionally waving a red flag when I am worried about ---

**MR JUSTICE GRAY:** I think you have done that very effectively and I have your point.

**MR RAMPTON:** Can I wave my own, I do not think red, perhaps amber flag? I have said it before and I had the impression your Lordship agreed with me, but I will say it again because I

do not know that Mr Irving has understood

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it or that, if he has, he agrees with it. It is this.

I do not undertake in this court the burden of proving that the Holocaust happened.

**MR JUSTICE GRAY:** No.

**MR RAMPTON:** Or that there were gas chambers in Auschwitz.

I undertake the burden of proving that Mr Irving made the statements he did about the gas chambers in Auschwitz from 1988 onwards without any proper foundation for what he said.

**MR JUSTICE GRAY:** That is really what I was seeking to put to Mr Irving, but I think you have put it more clearly and, if I may say so, correctly.

**MR IRVING:** That is very helpful, my Lord. In other words, it is the "ought to" allegation rather than the "had before him but disregarded", if you remember, the negligence rather than the deceit element.

**MR JUSTICE GRAY:** Yes, I have that well in mind.

**MR IRVING:** Thank you, my Lord. Having said that, I have no further submissions to make except I dealt with the point that your Lordship will allow me to put to Professor McDonald three or four documents when he is in the box?

**MR JUSTICE GRAY:** Depending on what the documents are, yes.

**MR IRVING:** Yes. Thank you very much, my Lord. Having said that, I believe the witness now wishes to make ----

**MR JUSTICE GRAY:** It is notionally cross-examination, but it is going to be a long answer to a question you have raised. .

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**MR IRVING:** Would your Lordship like to phrase the question to the witness which he can now respond to?

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

**MR JUSTICE GRAY:** I think the question is this, I will put it very shortly.

Is there anything to be derived or inferred from the blueprints relating to the construction of the gas chambers -- sorry, from a construction at Auschwitz which entitles one to infer that provision was made for gas chambers generally and, in particular, perhaps for the ducts into which these Zyklon-B pellets are alleged to have been poured?

**MR IRVING:** On the roof.

**MR JUSTICE GRAY:** That, I understand, to be the broad issue which you are now going to address, is that correct, Professor?

**A:** Yes, my Lord, and I have a question, because we have been talking about crematorium (ii) and, by implication, crematorium (iii) until now, as Mr Irving has said, indeed, in the gas chamber of crematorium No. (ii), in my judgment, most of the people, I mean, at least half of the people killed in the gas chambers were killed in that particular space; but, of course, if we go back to the document recording the meeting of 19th August 1942, a point I made in my presentation on Tuesday was that it

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were actually crematoria (iv) and (v) which were designed in immediate response to what I see as the change of purpose of Auschwitz.

Now, if you think that this is irrelevant because we have only been talking really about the design of the adaptation of morgue No. 1, I will not talk about it, but in case you think it is useful, I do have prepared also walk through of crematorium (i) and a discussion on the blue prints of crematorium (iv) and (v).

**MR JUSTICE GRAY:** My reaction to that, and it is subject to anything Mr Irving may want to say or Mr Rampton, is that you can take whichever crematorium you wish or, I suppose, really Leichenkeller you wish, because if you are able to establish -- I do not know whether you will or you will not -- that they were designed to be gas chambers or that there was a duct through which the pellets could be poured, it seems to me it is likely to be the right inference that a similar plan was contemplated in relation to the other morgues.

So Mr Irving, unless you wish to dissuade the witness, I think he is entitled to look at any of the so-called gas chambers.

**MR IRVING:** In theory, yes, my Lord, but does it not rather fly in the face of your response to my remarks about proof, that I am not required to establish everything about the Holocaust. .

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**MR JUSTICE GRAY:** We are not dealing with proof at all at the moment. We are dealing with how this witness chooses to the question that I re formulated for him.

**MR IRVING:** But if by a shifting of his ground now from the one where he originally said 500,000 people died in this gas chamber, and this was the centre of the universe of atrocities, and he now wishes for whatever reason to shift his ground away from there to 4 and 5, this, I would submit, cannot really go to the issue of my negligence or deceit.

**MR JUSTICE GRAY:** I think it can, it is relevant.

**MR RAMPTON:** My Lord ----

**MR JUSTICE GRAY:** Can I just answer that and then, of course, Mr Rampton? Supposing he answers the question by reference to 4 and 5, you can then pick up your cross-examination and say, "Well, come on, that is 4 and 5. I thought we were talking about 2".

**MR IRVING:** My Lord, I certainly shall do when the time comes.

**MR JUSTICE GRAY:** Do.

**MR IRVING:** But I just wish to wave a little red flag and say that they are now changing the rules. They are changing not only the rules, but they are changing the football ground halfway through the game.

**MR JUSTICE GRAY:** That is a point you are entitled to make.

**MR IRVING:** This certainly lowers the standards of evidence, but let us take that when we come to it. .

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**MR JUSTICE GRAY:** Mr Rampton, I am sorry?

**MR RAMPTON:** No, my Lord, I was interrupting and I should not have done. I do believe again that Mr Irving has completely misunderstood the nature of the case.

Mr Irving chose to focus on Leichenkeller 1 in crematorium (ii). That is fine. Professor van Pelt's evidence-in-chief, which is in his report and which, if he disputes it, Mr Irving will have to challenge, is that there were, in fact, at least seven homicidal gas chambers in use at Auschwitz and Birkenhau at various times up to the autumn of 1944.

Two of the most important of those buildings are crematoria (iv) and (v) which Professor van Pelt

tells us in his report were purpose-built as gas chambers, and it is only for the case of coherence, if anything else, that he should, in my submission, explain what he says about those to your Lordship as relevant.

**MR JUSTICE GRAY:** Yes. Having said what he wants to say about crematoria (iv) and (v), it is, of course, open to Mr Irving to say, "Well, that does not prove anything in relation to crematorium (ii)".

**MR RAMPTON:** It may not do.

**MR JUSTICE GRAY:** I do not know whether it does or it does not, but he can cross-examine on that.

**MR RAMPTON:** It is a question of the cumulative effect of the evidence. .

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**MR JUSTICE GRAY:** Quite.

**MR IRVING:** My Lord, the allegation really is the factories of death allegation. If I have denied the factories of death, which is the nub of the allegation against me, and if I have successfully established to the court's satisfaction that this building was not what has been claimed over the last 55 years, and there is not the slightest shred of reliable and plausible evidence for that, then I would submit that I have discharged my obligations to the court in a satisfactory manner as far as my own reputation is concerned ----

**MR JUSTICE GRAY:** Yes.

**MR IRVING:** --- regarding the factories of death. If they come along with subsidiary allegations and say, "Yes, but a lot of Jews of gypsies were killed in this building too", I would say I have never denied that there were killings in Auschwitz. What I have denied is this mass production of factories of death allegation, this churning out 2,500 bodies per day kind of allegation.

**MR JUSTICE GRAY:** You are beginning to give me a foretaste of what we call your final speech.

**MR IRVING:** My Lord, like any good advocate, I have been preparing my final speech from the moment this case began.

**MR JUSTICE GRAY:** I am sure you have, but what I am really saying is that we are on the evidence at the moment and not on speeches. So let us get on with the evidence,

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shall we?

**MR IRVING:** You allowed learned counsel some leeway on this matter, my Lord, and I was only claiming the same amount of leeway.

**MR JUSTICE GRAY:** Mr Rampton probably has not started his final speech yet.

**MR RAMPTON:** Absolutely right.

**MR JUSTICE GRAY:** Now, Professor?

**A:** There are two issues. First of all, if we can have the override ----

**Q:** I know the problem. I think we have solved it, I hope.

**A:** And I would like, my Lord, there is going to be one particular detail which I do not have a sight of, but I refer to it when I come to it which is actually in Auschwitz 2, core file Auschwitz 2, the picture file, trial bundle, and it is actually in tab 1, No. 3B. It is actually to be seen in two pictures; detail B and the little colour version of detail B which is right below there.

Now, I will point out, since I do not want to come over to you and point on your document and then on Mr Irving's document and Mr Rampton's document, exactly which detail, but certainly I will put my finger on the thing in the slide which is not visible in the slide, but it visible actually

in your enlargement right here.

I want you to be prepared for that. Is it OK that I move

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to the screen?

**MR JUSTICE GRAY:** Of course, yes. Thank you very much.

**A:** My intention when the lights go out is very simple. It is very simple. It is to make the blueprints intelligible. There are a couple of things which are not in the blueprint, two things which are not in the blueprint, but we know from other sources, from correspondence which were installed, and I will tell those when we go through.

But there are already in the document which was submitted by Mr Irving, I already point them out, it is the drawing by Kate Mullen, my student, then submitted by Mr Irving in evidence to you and I will just point them out. These are the columns which are not in the blueprints. So that the first thing.

The second thing is the duct which was going to bring the hot air from the ventilator rooms to the gas chambers which is in the document of 6 March 1943.

So what I am going to do now is introduce a new set of images of which copies, I have given copies to Mr Rampton, and I will start with this one, very simple above ground incineration room, coke stores, space, administration offices, toilets, chimney, ventilator mounted, an original design for a fresh ventilator, not installed, but it was installed in crematorium (iii) and the dissection rooms.

That is difficult for me to actually focus to

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see whether it is really in focus or not. That would seem to be in focus. If you tell me when it is not in focus?

**MR JUSTICE GRAY:** That is fine now.

**A:** Here are the dissection rooms. Morgue No. 1, gas chamber, morgue No. 2 and an outside entrance with two staircases that slide in between. Now I am going to the images which were produced quite recently and -- can somebody mark, can you focus for me? I cannot see. It is blurred. The first ring, if you can control the first ring. OK. We are going back to this. I am going to make -- we are going -- the first thing I am going to do after just showing the kind of diagrams you are going to get later, I am first going to actually walk you through the building, around the building, in a reconstruction made on the basis of the blueprints. I am just going to flag a few major things. It is exactly the same perspective as we had before was included here and which we tried to make very clear is really the ventilation systems as they were.

The ventilation systems which are in green which is right here, above the incineration room and alongside the ceiling of the undressing room or the morgue No. 2 is indicated in green, and all of the systems came into this chimney. Then there was a second part of the ventilation system. This is called the entluftung system, a second system, and this is basically coming into the ceiling of

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morgue No. 1 and that is blue. So blue is bringing fresh air in, green is taking foul air out and whatever is in there, and that we will come later back to that would have been that duct for hot air based -- reconstructed on the basis really of two documents but no blueprint. Then here the pink stuff, basically the funnels for going to the chimney below the ground from the incinerators.

If you want me to slow down at any given moment or point out any detail, explain, please do so because I am going to walk through this. This is what the building as it would have been seen when one is at the end of the railway track. This is crematorium (ii), so, more or less, when you enter the compound in which the crematorium was placed. This is the main chimney with the place, the extension, the projections of the building in which the waste incinerator was originally projected, the incineration room sits more or less here. This is the coke store space, and the dissection rooms are there.

I am going to make actually two entries into the building, one along a staircase which is still there right here, and the staircase which goes to the basement and we really concentrate our presentation on the basement.

Later we see here the kind of slightly high elevation of the underground morgue No. 2. We will enter the building through that entrance there, an entrance which was made in 1943. .

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We come closer to the building. Here we see the staircase going down. This is an entry to the autopsy rooms right there. We will actually go down the staircase, and since it was very difficult to model that situation, how to go down, the people who did it, two architects, chose to show actually a kind of section of the building. Here is the grate level. We have here the underground morgue and we see actually the staircase going down. Basically, the soil has been cut away with the entrance right here going into this little vestibule.

**MR JUSTICE GRAY:** It is the undressing room on the right, is it?

**A:** This will be then the undressing room and then the alleged gas chambers would be seen here, but you will see in more detail. You already can see here the two chimneys, the chimney of the beiluftung and the entluftung, of fresh air coming in, foul air coming out. We see in green where the systems are sitting. This is one of the pipes, that is one of the pipes, and this is then a probable reconstruction where that hot air would have come in, but again we do not have any blueprints for that.

Then one would have come into this little corridor and then into this large morgue No. 2. If one takes that entry right under the autopsy rooms, this is what one would have seen. But was here at the site, based on the drawing of Olaire, we knew there was a ventilation

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system in that thing, but we did not know how it looked like because it is not in the blueprints. It was brought in later. But Olaire depicted to, I have used Olaire as, basically, the depiction of the undressing as room as the basis for this thing.

I am very sorry for the way the lighting has been depicted. This has been, basically, standard 1999 kind of light fixtures, and this is certainly not how it would have looked, the kind of way these light fixtures would have looked, but one gets a sense of how much light would have been in this room.

This is the later staircase. This is the staircase which goes to the outside which was constructed in late 1943.

What I am going to do now is actually go around the undressing room morgue No. 2, and take the second entrance which was the entrance which was used in the Hungarian action after it was constructed to get a more logical flow of people into the underground space. This entrance is also still there. You can see it. One would go down here and then enter in this underground space and, of course, see it then from a different perspective.

Now you come into this large underground space and now, of course, the ventilation is on the

right side instead of on the left side.

**MR IRVING:** My Lord, can I ask occasional questions while we

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have him on a particular picture?

**MR JUSTICE GRAY:** Yes. Try not to interrupt the flow otherwise we will get lost, but, yes, I think that is not unreasonable. It is cross-examination.

**MR IRVING:** If we could just go back to the previous picture? Can you go back? What kind of door would have been on that entrance?

**A:** We do not know because there is one -- the door is not there and the entrance is available in two blueprints called "Zeichaufnahme" which means a picture, a description, of the actual situation, but these two blueprints do not show actually what kind of door.

**Q:** So it could have been an air raid shelter door?

**A:** I do not know.

**Q:** Very well.

**A:** So we are now in this underground space, what became the undressing room, as the Defence maintains. Now we go outside -- sorry, I will just go back. We go -- actually behind the columns there is an exit door and comes out in the little vestibule, and originally where I stand was the original entrance into this vestibule from above. That is the first staircase when we went down, and we see here the chimney going up, the entlftung chimney, taking the foul air out, and we see here a kind of computer model, this computer model, we see here basically the pipe coming off the undressing room going into that chimney, and we see

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the second, we see a second pipe -- actually, I do not know why it is red right now, but in some way the ventilation system of the gas chamber would also have connected to this. We see here an elevator. Again I have to tell you they took kind took 1990's language for it, and then here the entrance into the morgue No. 1.

Now, at that point again we have something of a difficulty, and the difficulty is that you see that there is one panel of the door is open, but the second one actually is closed. It is fixed. The blueprint shows, the last blueprint we have shows basically the double panelled door opening. But there is at a certain moment an order for this particular door, and from that order it is clear that only one of the panels moves and that the second thing was actually either closed by masonry or by the fixed panel. We can interpret that later, but in some way again I just want to point out at the moment what is in the blueprints, what is in inferred out of other documents and what, ultimately, is on the basis of eyewitness testimony.

So this particular reconstruction is made on the basis of a combination of the blueprint and a particular order for this gastur, as it is called, of one metre by 100 -- one metre by almost two metres high, 192 centimetres high.

We are now in the gas chamber or in morgue

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No. 1. We have just walked in and this was the space one would have seen. There are, basically, the entlftung system, the foul air is being taken out at the bottom connected to that chimney, and we have here the fresh air being brought in from the top.

Now, I will show you the blueprints in a moment because this only is to aid interpreting the

blueprints.

And then added in this particular thing which is not in the blueprints are three of the four Zyklon-B insertion columns.

Now, so there is none at first column, at third column, right there in the fifth column, they are alternating on the left and the right side.

I just want to go back for a moment. The sub-division of this room in two rooms which happened later in 1943 would have occurred on this line here, on the fourth column, halfway. Again, there is no blueprint for that. Then we go back into this elevator space and we see here the elevator, there were actually doors brought in. There were no doors and we see here this platform going up.

**MR IRVING:** It is a bit like a builder's hoist, is that correct?

**A:** Yes. That is what they actually used because they were not able to get the right elevator. Then this would have been the incineration room, of which we actually also have

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photos. These are the incinerators, these triple muffle incinerators. At the back is the coke supply. This is also the fire grate and this is where the ashes are taken out. So at a certain moment there is a description in Tauber. What happens is that he has put in here, but what he says is that actually they start to fire, not that they put a fire in the ash muffle. So he is not actually being burned directly, and so, if you read his description, this is the ash kind of muffle.

One drawing which is important is this. Could you see from the inside of the incineration room, the roof of the morgue No. 1? We have introduced on here, I think a little high, I must admit, these alleged insertion points, but certainly, because Tauber says that he is inside the incineration room, and I asked my student to actually step back a few steps from the window, so he does not stand right at the window but, if he was standing back at say a metre and a half into the space, look through the window, would he have been able to see anything? He actually describes the situation and this is what he could have seen at those points.

**MR JUSTICE GRAY:** There is another witness who describes looking out from the incineration room, is there not?

**A:** I think that only Tauber does that.

**MR JUSTICE GRAY:** I thought there was another one.

**A:** There is another one who sees it from the outside. .

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**MR JUSTICE GRAY:** Maybe I am confused.

**A:** This is the question. It is, from the inside of the incineration room, what do you see? We go now back to the diagrams and I am going to turn the diagrams around in four basic exposures, every 90 degrees we turn around, first without the heating duct and then with the heating duct. So again, we have here the incineration room, the flues going to the chimney. We have here the entlüftung, which is all green, going from the bottom of the gas chamber or morgue No. 1, and we have here the one system, only one pipe attached to the ceiling of morgue No. 2, all connected to this one chimney. It is clearly indicated in the blueprints except this one which was constructed later. We have here the chimney house, so to speak. We have here the Beilüftung going from the second little chimney going in. Then we have here the staircase with that slide in between, just indicated again rather vaguely. We tried to create a wall transparent so that you can get some sense of what is happening there.

Then I am going to show the same thing. I am going slowly to rotate it every ten seconds or so.

One can look at from a different perspective. Now we are looking at it from the west almost, and one can see very clearly again the size of the undressing room.  
If I am going too fast, please tell me because

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I will stop.

Here we have the staircase going into the basement, second staircase added later. Underground flues again. It is important of course in relationship also to crematorium 1 where there was an underground flue connecting the building to the chimneys. The chimney seems to be standing separately, does it mean it is not connected? OK, so that was the reconstruction. So, with that in mind, I feel that we can go to the actual blueprints and so this is a heading of one of the typical ones. Is there anything you would like to see again before we go in here?

**MR JUSTICE GRAY:** No but one thing did occur to me as you were going through. Was there any heating in the undressing room?

**A:** There was no heating in the undressing room.

**MR RAMPTON:** Could I ask one question before we leave the picture? It is out of order, I know.

**MR JUSTICE GRAY:** Mr Irving, I think that is sensible, do you not?

**MR IRVING:** Perfectly, my Lord.

**MR JUSTICE GRAY:** We are not exactly playing by the rules at the moment.

**MR RAMPTON:** Professor van Pelt, can I do it now before you come to the plans and the documents? You showed us the

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new entrance to the undressing room in 43.

**A:** Yes.

**Q:** Do you know of any document which refers to gas tight doors for Leichenkeller 2?

**A:** No, I do not. The only document which refers to a gas door quite literally is in relationship to morgue No. 1, not to morgue No. 2.

**MR RAMPTON:** It arose out of what your Lordship asked.

**MR JUSTICE GRAY:** Yes, thank you.

**A:** So this is a typical heading. This is one of the original blueprints in early 1942 because we are dealing here with an adaptation. What is very important -- I am going now to introduce, and I am very sorry, I do not think they are actually in my expert reports, and I do not really know how to do it, but this is the very, very first sketch which was ever made. It was made in October 1941. It is in my book. It shows basically the same arrangement. The crematorium is slightly different. They are a number of things, but we are here at the ground floor. You see incineration hole. You see here you the autopsy rooms, the elevator more narrow than in the final one but there is the elevator. There is the entrance to the side which is the one with the slide and the two stairs, the coke storage. We have the office here, we have some bathrooms and so on, and then here we have the sauzuanlage as it says, which means the ventilators, not three around the

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chimney but one system preceding the chimney, the chimney standing asymmetrically, and here the trash incinerator.

So this is the very first design. As you probably realize now, the design was changed a little bit.

What is quite important in this first design is the particular arrangement of the underground space. The only access to the underground space at this moment, and we do not know what has happened here or there, but I do not think there is any access on that side, but we have here the stairs going down with the slide, and then of course the elevator coming down right there.

**MR IRVING:** Would you like to explain the significance of the slide please, the chute?

**A:** The chute is something one has in every underground morgue. For example, one can go to Satzenhausen today.

There is a morgue and above it a dissection room and there is an outside entrance into that underground morgue, and what happens is that the slide can be interpreted both in a more or less kind of gross manner. One of the things is that the slide can be used actually to slide corpses down, which is probably the more unusual way to do it, but the other thing is that, if one carries a corpse down on the stretcher, then in this case one had people on the left and the right of the stretcher, and the stretcher can actually go over the middle. So this is more or less the width of the stretcher with two people on each side

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carrying it. But one could also slide the corpse down.

I think that is probably the more unusual thing to do. In the Auschwitz museum one has actually a picture in the model one created of actually a truck unloading corpses in that way. Now I do not know what the evidence is for that but ----

**MR JUSTICE GRAY:** That is the slide anyway.

**A:** Yes. So what is important here is the way the doors open into the morgue. So there is a very large morgue here like morgue No. 2, and this is morgue No. 1, and the doors open inwards into the morgue in the original design.

Now we come to the first set of blueprints as it was actually drawn up, and now I have turned them. We have here the incineration room with the five triple muffle ovens. This is the chimney. Around the chimney the three sauzuanlage, the forced draught which becomes important with the proposal to heat morgue No. 1. Then these are motor rams, this is actually for the engine, to run these ventilators. This was then the trash incinerator, the coke storage offices and here we have the dissection rooms with in this case again the slide, and we have the stairs at the side. There are no stairs at this side right now.

**MR IRVING:** Professor van Pelt, would you estimate for the court the distance from the closest furnace to the mouth of the chimney in terms of feet or metres?

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**A:** Sorry, this furnace?

**Q:** Well, either as shown on this drawings or as finally built, just in rough terms. Would it be 70 feet?

**A:** From this furnace?

**Q:** It would be fair to take the shortest. What is the shortest path?

**A:** The shortest path? This is 3 metres. Quite literally, this is 6 metres. It is 20 feet. Let us say this is 10 feet.

**Q:** I am talking about from the entrance to the actual furnace.

**A:** This one here?

**Q:** Yes.

**A:** This is 10 feet, 20 feet, 30 feet.

**Q:** Then up the chimney another 30 or 40 feet?

**A:** Higher than that, I think. I do not think have the thing right now.

**Q:** Just in rough terms. You say the total path travelled would be about 80 or 90 feet?

**A:** I do not really know exactly the height of the chimney right now, because you are below ground in the chimney so it is also a problem. You enter through the entrance below ground, so if the chimney is visible above ground you need to add another 6 feet for that.

**Q:** So in simple terms a flame would have to travel about 90 feet before it emerged?

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**A:** Whatever. I presume so. I do not know exactly the behaviour of flames in chimneys. But there is a considerable distance, yes, which of course is important to create the draught. Now I want to go back to the original design because we are going to the basement, which I have now turned around to be exactly in the same position as we are looking at the rest of the blueprints, doors open very clearly inwards.

**Q:** They open inwards into the mortuary?

**A:** Into the mortuary, yes, which comes later as the defence alleges, the gas chambers. That is in accordance with the way the doors open in these other spaces.

Now we get the second blueprint. The problem in this particular point of the presentation is that this image, this black and white slide, was made for me at the museum in 1990, and it is very difficult to see exactly what happens here. But, when you go to the archive right now and look very carefully and that is what we have done, actually that is a detail I was shown, one can actually see there a door, that the door in this original copy of the final blue print of 1942 still opens inwards, but in fact at a certain moment the way the door opens inwards has been scratched out, but I show the remains of it.

This is what I tried to photograph with my assistant in these details.

**Q:** Is that on this map? The one you are showing us? On this

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drawing?

**A:** Yes. It is in this particular copy not visible. But it is in the trial bundle.

**Q:** May I approach the screen and have a closer look, my Lord?

**MR JUSTICE GRAY:** Yes, please do. You are talking about photograph 3 on 3B?

**A:** Yes.

**MR RAMPTON:** My Lord, for reference at page 3B of section 1 of the second Auschwitz file, there is a small colour enlargement.

**MR JUSTICE GRAY:** Yes, I have it open.

**MR RAMPTON:** When the light comes back on again, one can actually see quite clearly, as the Professor has said, at any rate one half of the door opening inwards. It is probably difficult to see in this light, but it can be seen.

**MR JUSTICE GRAY:** You need proper light. I follow.

**A:** That is exactly why I wanted to show this so that we all know exactly what we are talking about, this thing, and what we will see is the remains basically of the door opening inside.

**MR IRVING:** Approximately when was the alteration made in your opinion?

**A:** We will look at that at the next slide. This is the blueprint for that, for the alteration of December 1942.

I would like to show at the moment also some of

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the other details. How do we know where the entluftungskanal was, how the ventilation system works? For example, you see here, this is at the bottom of the thing, this little dotted line, which is the entluftungskanal. It says right here, entluftungskanal.

Its also says right there entluftungskanal. This dotted line goes here and goes right there into the chimney. It is very clear. This one ultimately is connected over the gas chamber to this one.

**Q:** Into which chimney? Into the main chimney?

**A:** No, into the chimney for the entluftung, for the vent for taking out the foul air.

**Q:** You have what is called a stack effect? We will come to that in a moment.

**A:** OK. Then there is a second chimney here, but it does not go down to basement level so it is not depicted at basement level. What is very important here is that we have the staircase, we have another staircase and we have these two entluftungskanal, and we have here the columns.

Of course we do not see these Zyklon-B insertion columns because this drawing is from early 1942.

Now, one of the things which happened is that in these drawings they always use the same set of blueprints. When they create modifications at a certain moment, they only make a small drawing of the particular modification, which is put literally on top of it, because

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it is transparent originally. We see also that one more morgue has been included, we see here quite clearly how the door opens inwards. It opens inwards here. At least where I stand it is very clear. So this was never taken out with some razor blades.

You see, by the way, just at this level we see also very clearly these underground flues. As they then are joined these two are then connected above with one particular sauzuanlage going into the chimney.

Here we have then the elevation and we are now looking at the elevation of the building. Just here in the original 1942 drawings we see here the elevation of morgue No. 1. It is a little higher. We are now going to look in section at the same thing, so first one needs to flip it up.

Now we are looking in section. The first section, we see here the slide, the staircase, side entrance going down into the little vestibule. We see here the elevator shaft. Then here we see, and we will get much better ones in a moment, the section through morgue No. 1. What is important is that the section is exactly at the point where the connectors are between the ventilating systems which are on the left and the right of the thing, so it is not so that there is a hollow space all above, or all below, above the ceiling or above the floor. It is only at two points that that actually

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occurs, to connect those systems. We will come back to that later.

**MR IRVING:** The next one is even better, in fact, Professor.

While we have that picture up, could you estimate the thickness of that concrete roof slab?

**A:** This roof slab?

**Q:** The reinforced concrete roof slab over mortuary No. 1?

**A:** We have actually the one which is here.

**Q:** This is the actual reinforced concrete?

**A:** This is the reinforced concrete. It is actually indicated. The problem is it is written right here and it is almost impossible to read.

**Q:** About 12 inches, do you think?

**A:** No. This says 38 centimetres right here. 038. This is 38 centimetres. So we are talking here about probably 20 centimetre.

**Q:** 20 centimetres?

**A:** This is 20 centimetres thick roof.

**Q:** Steel reinforced concrete?

**A:** Steel reinforced concrete, yes. So this whole thing is 2 metre 5, so this is clearly around 20 centimetres. It is a pity I cannot read this right here.

**Q:** Is that the double door?

**A:** This is 50 centimetres wide there, so probably even less than 20 centimetres, probably more.

**Q:** Is that the double door that your hand was over?

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**A:** This is the original double door, yes.

**Q:** Is there any kind of indication of what kind of door it is, or what kind of handle?

**A:** The only indication we have is that it was a gastur, which means a gas door.

**MR JUSTICE GRAY:** That is not from the blueprint?

**A:** Not from the blue print, that is from the documents.

**MR IRVING:** In fact, of course, these are not blueprints, are they? They are drawings.

**A:** We call these things blueprints.

**Q:** Architects do not. They call them drawings.

**A:** They are copies and this happens to be a colour copy.

None of the originals, which was drawn on basically vellum, actually exist any more. These are all basically copies made in the normal way, and then they were dispersed. The originals were probably in Berlin because as far as we know they were kept and openly sent to the SS headquarters, and they were boxed.

I just want to show here that the most important thing is against the ventilation system sitting in the wall, this is the entluftungsanlage, this is taking out of air. This is the beiluftungsanlage, and here we are at what is the normal situation where they are not connected. The left and the right is not connected but in this one we see them connected at a particular point.

This is just to show how you only need ultimately --

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because the left is connected to the right and then the right is connected to the chimney. You do not have to have a special connection from the left side to the chimney, or connected to one ventilator.

I just want to point out, because we probably are going to go there, that the thickness, if indeed we agree the thickness of the slab, was around maximum 20, probably closer to 18 or 19 centimetres. If one looks also at the kind of support given by this column, one may of course at a certain moment ask to compare this, if indeed the challenge or the suggestion is being made that this is an air raid shelter, if this indeed follows the kind of normal structural strength of an air raid shelter. Now we come to a first declat. The first declat is not very important from an argument, except that it is a piece in a sequence. What we see is that the first modification has already been made, and in this declat this was created by putting basically tracing paper on top of the original. One of the things which is not of any interest to the architect at the moment -- but he does not actually draw any doors in so we do not know how the doors are hung. What is important here is that we have this sort of little leichenkeller, which is now much smaller.

We have the leichenkeller No. 1. What we do have here is a kind of rather gruesome modification because this is called office. This is called vault. This is either gold

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arbeite or gold arbeiten, or this could be gold workers or gold works. The question of course is what would they do right here?

**Q:** What would you infer from that?

**A:** That dental gold was being probably ----

**Q:** Extracted?

**A:** Not extracted. It would not have been extracted here. The dental gold would have been basically worked at and would have been stored here.

**Q:** Yes, a matter of the utmost secrecy, of course?

**A:** I do not know how secret it was. This whole building was in a completely isolated compound.

**Q:** We will see if that is true later on when I show you some photographs.

**A:** OK. This is by the way, that connection piece right above there connecting the pipes of the side to the other side.

We see here the staircases.

**Q:** What is the overall width of that staircase from wall to wall?

**A:** The overall width of the staircase from wall to wall? Now you have me.

**Q:** Roughly about eight feet?

**A:** This thing here?

**Q:** Yes.

**A:** Yes, I presume something like 8 feet.

**Q:** The other end of that space is the elevator, is it not?

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**A:** Yes, it is the elevator.

**Q:** Or the hoist?

**A:** Yes. The space we talked about, the counterweights ----

**Q:** It is not an extra space at all. It is just part of the actual shaft?

**A:** Yes. You see that there is some space left so that the weight can go there.

**Q:** We gained the impression two days ago that there was a separate channel for the counterweight to go down?

**MR JUSTICE GRAY:** I did not.

**A:** I did not want to make that impression.

This is the coloured version. What we see here is ofen, furnace. But interesting of course is that there is no ofen in the office. We know from eyewitness testimony that of course the dental gold was melted in the crematorium, so is that the ofen put there in order to melt dental gold? It is a design, nothing more than a design, but certainly they were designing something to that effect.

**Q:** It would be a schmelzofen, would it not?

**A:** That is the official German, schmelzofen, but ofen would be a good shorthand for that.

**Q:** I think it is a very reasonable inference actually.

**A:** But certainly this ofen -- one would expect also to have if everywhere there is no heating. My theory is that, if this would be about heating those particular offices, one

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would first have expected one there, and secondly one there, but this is actually the other way round. Why is there no ofen at that site?

**Q:** That is a very clear inference obviously, which I agree with.

**A:** OK. I am going to show a few copies of this. This is a new deplat. Now we see the hand is very different of the deplat. In this case we know actually that the person who drew it was Dejaco himself, which means the chief of the drawing room who was an SS lieutenant. It is very unusual, strangely enough. This man almost never makes a drawing himself.

**Q:** How do we know that he was the person who drew this?

**A:** Because it is in the box at the bottom. I am sorry it is not in this picture. In the box at the bottom it always says who draws that, who approves that and then finally the final signing off by Bischoff. Normally what you see is a prisoner number. In this case Dejaco's name is in the first box, and in the second box. He draws it and then he also ultimately red lines it, and then only Bischoff signs off on the third.

**MR JUSTICE GRAY:** Is it dated?

**A:** Yes. It is 19th December 1942. So this is quite late.

Now, a number of modifications are in this drawing. It says again it is a deplat number 32 and 33, which are basically for the standard basement plan. .

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The major thing is it says (German spoken) which means that the entrance to the basement is going to be moved to the side of the street, street side, which means the side also where people enter. Whoever is going to enter this thing. This is basically the railway side. So we see that the stairs have been removed here and the rutsche. I will come back to the rutsche because it is a problem. In crematorium 3 the rutsche is still there, I mean the fragment. There is no fragment of the rutsche right here, but in crematorium 3 you can see it under a collapsed piece of concrete. We see here now a new staircase. This is a staircase which I depicted in the model. We see the new staircase going down right here, going into the first new vestibule which has been carved out of what was before the bureau, the office. Gold arbeiten is still there right at the side. The bureau has been moved to the left where before it was morgue No. 3 the tiny morgue No. 3. Again, there is a Tresor right there.

**Q:** You have not explained what the Tresor is, but it is obvious is it not? It is a safe?

**A:** It is a safe, yes. I thought I had mentioned that before. Then we come into the vestibule. What is very interesting in this drawing is that it very clearly indicates the way the doors are hung. They still open inwards into morgue No. 1, but they have been rehung in

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relationship to the original design to open outwards.

From morgue No. 2 they go inwards and from morgue No. 1 they open outside. The question, of course, is why would these doors have been rehung? Why was the design changed?

**MR IRVING:** May I have a closer look at that, please?

**A:** Of course.

**MR JUSTICE GRAY:** Go as close as you like. Just walk up to it if you can.

**Q:** Which are the doors you are referring to?

**A:** The doors, if you just move a little, these are the doors I am referring to. Those doors.

**MR IRVING:** Can I make a comment on them, please.

**MR JUSTICE GRAY:** Ask a question.

**MR IRVING:** Can you see any difference in the way that the door jamb, the concrete has been drawn there, from the way it was previously drawn? Previously it was flush, if I can put it like that, and now it has been rebated inwards to provide a secure flange, so to speak?

**A:** Yes. We can look at the original, I mean, there is also a photograph, I am quite happy to go

back to the original because we -- the nice thing about these things is you can just go -- here we have the same kinds of jambs.

**Q:** But there is no ----

**A:** At the inside, but not, but that this side it has been taken out there in the drawing. .

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**Q:** On the inside, yes, but I am looking at the other side of that.

**A:** This one?

**Q:** Yes. If you look at the one you just showed us previously, there is like an L shaped step in the frame as though something is going to fit into it, a tight fit?

**A:** Yes, but at that moment when we still assume the door is opening inwards, that same thing, that same tight fit is right there.

**Q:** But without that L shaped step?

**A:** That ----

**Q:** The section ----

**A:** --- original of this.

**Q:** Well, I did look at it quite closely.

**A:** One sees it right there. This, of course, is very small.

We have drawn, I think, these drawings scale 1:200. So we are talking here about, basically what a pen does over 2 or 3 millimetres -- less because this is very much enlarged.

**Q:** But there is not the same L shaped step shape flange?

**A:** We also have a different hand drawing now.

**Q:** Can I ask you a question now? Would this not be appropriate if you were going to put an air raid door in there which might have to withstand a blast pressure?

**A:** I do not think this is an air raid door. I do not think that, I mean, if you want to raise the issue if the morgue

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could have been an air raid shelter, I am quite happy to give a presentation on that.

**MR JUSTICE GRAY:** Shall we hive it off? I think in a way it is a separate issue.

**MR IRVING:** It is, but I wanted to draw attention while the picture was on there, my Lord.

**MR JUSTICE GRAY:** I understand.

**A:** So the importance of this door, and that is the major element, it is a question of why would this design have been hung. The answer, I think, is obvious, that this has to do with the transformation now of this building into a gas -- of morgue No. 1 into a gas chamber; and then if that, when the gassing takes place, you do not want to be able and you have, as Mr Irving has said, you have packed, jammed people inside the space, and at least we know from the descriptions with the gas vans that it was a run towards the door when the gas came in, and that from again eyewitness testimony that people tried to get out, and they died right in front of the door. If the door would have hung differently and would have opened inwards, you would not have been able to enter the basement any more.

So again we talk about convergence of evidence.

If you just take this drawing alone and say, "Is this a proof that morgue No. 1 became a gas chamber?" No. But if you take the drawing in relationship to the original designs and which we can follow in the original sketch,

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and any original first official blueprint where the doors are hung exactly the opposite way, and we then at a certain moment are also going to cross-reference this to eyewitness testimony, then, of course, it makes perfect sense.

**MR JUSTICE GRAY:** Is there any reason of convenience why one might have adapted the design as to the doors opening outwards rather than inwards?

**A:** In fact, a convenience is actually inconvenient because one of the problems the door has now is that if it opens out like that, it starts actually interfering in some way with the elevator. Also, the second reason why, when I had assumed when I reconstructed the change of the door from two panels to one panel, that probably one would not have used the second panel anyway because it starts to actually be in the way of the route towards the elevator when one gets a mass transport of corpses, so that the panel which would have been closed in order to use that gas door of one metre wide by 192 centimetres high, that this one would have been closed and this one would have been open. So you have only one panel which can be really securely locked with a number of locks into this one right here, instead of having the whole situation going to depend on, basically, the strength of the bar going up and down into the floor and the ceiling. .

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**MR IRVING:** Is that the only change made on this deck plan?

**A:** There are two other changes, I already indicated. A second important change is that stair going down. Now, why would the -- why was the slide in this original entrance removed and why was the stairs moved to the other side?

**Q:** Are you saying that the slide was permanently removed and there was never any slide left there?

**A:** There is a problem because Tauber at certain moments mentions a slide in his testimony. The big problem with -- the question is, and this is a problematic point in Tauber's testimony because we know that the sonderkommando of No. (ii) and No. (iii) were able to basically make use of those buildings, that when there were no gassings taking place, that these two compounds were in connection because some of the facilities used by the sonderkommando No. (ii) were in No. (iii) and in No. (iii) that slide is still there. The slide was actually constructed.

To what extent actually he was in his testimony, I mean, the assumption in his testimony in German is that he talks about two, but if he introduces that, if he describes the subterranean level, if he actually describes something he saw in No. (iii) which is identical except for the fact that left and right are reversed, and it is particularly detail of the slide, it is very difficult to, you know, actually get a real handle on that. One of the

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buildings has a slide, the other buildings does not have a slide.

**Q:** Just to be perfectly plain, the entrance which is moved to the street side of the building did not have a slide, did it?

**A:** No. The entrance which is -- this other entrance does not have a slide.

**Q:** Would it not be a reasonable inference that the architects had decided that, being good architects, they ought to design a building where people had ways of getting in there where they might not have to mingle with corpses going in?

**A:** Can you repeat that?

**Q:** They decided that they need, for matters of taste and decency, to have a clean side of the building where people could go in without having to jostle with corpses that might be infected going down the steps and they decided, therefore, for pure hygiene reasons to move the staircase?

**A:** That would be perfectly -- that would be perfectly fine.

The problem is how do you get then the corpses into the building, because this corpse access seemed to have been removed. So what we have here is that there is no way any more to get corpses into this building, according to this drawing, and that the only way to get corpses into the build is that a staircase which has been narrowed to such an extent that it is certainly very difficult to carry a

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stretcher inside.

I also want to point out to you that in the original design -- sorry again -- there was enough space either when you slide the corpse downstairs or when two men are carrying the stretcher, there is not enough space for you to turn around. However, here, this turn around, I mean, first of all, it is much narrower, as you see. We are talking here about one metre width of, I think one meter 60, one metre 80, there is much less space actually for two people actually carrying a stretcher, there is no slide at all. Then we get the problem actually of turning here. It gets very, very tight.

**MR JUSTICE GRAY:** So do you deduce from that that it is live people who are going to go down to that morgue?

**A:** Yes.

**MR IRVING:** But is there not also an elevator or a hoist being installed which, we are told, is capable of carrying large numbers of bodies from the basement up to the furnaces? Could that elevator not also have been used to carry them down in the first place?

**A:** Ah, yes, but the problem is how do you get them in that space? I mean, I am happy to go back to the original ground plan which we -- my Lord, do you want me to go back to the original ground plan?

**Q:** The elevator is just next to your shoulder on that design and there appears to be a lot of space in front of it. .

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**A:** Sorry.

**Q:** The elevator is just next to your shoulder, is it not?

**A:** Yes, but if you bring down the corpses by the elevator, and I will go down because again it is an important issue you raise and an important alternative explanation.

**Q:** A plausible alternative, and you have not established ----

**A:** The problem of the plausible alternative in this case is that the elevator is here. Now, the only entrance we have now, the only way to get to the elevator, is to go through the entrance here, right next to the dissection room. Go through the foreground, go now into the washing room for the corpses and then turn around into the elevator.

This elevator was meant to give direct access to the washing room. When a corpse comes up, it can be washed and dissected. But I would say that this is an extremely, and especially these doors here -- I mean, how do you actually -- these doors are not wide enough, these are not double doors which you get in the original design right here. This is a double door. So again, stretcher, two people carrying it, four people carrying it, there is enough width here for them all to go down.

But this is a very, very awkward way to get corpses actually in and then down in the elevator.

The alternative is that you have to go, there is no direct entrance into the incineration room. The alternative is to go through this door, through this door, walk over the

coke supply between the incinerators and go to that elevator. Or the third possibility is to -- no, that is actually it. That is it.

**Q:** Your evidence for saying that there was no corpse slide in the building as built is?

**A:** It is not in the drawing. In this drawing and it does not seem to be there. So, I mean, I can see it, well, I can still see it in crematorium (iii).

**MR JUSTICE GRAY:** What would it have been made of? Metal?

**A:** The corpse slide?

**MR IRVING:** No, a concrete slide.

**A:** Concrete.

**MR JUSTICE GRAY:** Just a concrete slide?

**A:** Yes.

**MR IRVING:** So there is no evidence there was something in the building now and it was never there -- Mr Rampton, I am asking the questions here.

**A:** We have a blueprint. We have the remains of the building.

**Q:** Will you answer my question? There is no evidence that there is something in the building now and it was never there?

**A:** No, and I have not seen any evidence. The only evidence there is -- let me be more precise. There is evidence in Tauber. Tauber says there is a corpse slide. But I have addressed this problem already as a problem in the testimony, that I think he refers back to the corpse slide

in crematorium No. (iii) which was installed.

**Q:** But is there not a lot of evidence that Tauber was being questioned on the basis of drawings put to him by Jan Sehn, the prosecutor? When you read his interrogation, he is actually being interrogated on the basis of ----

**A:** If we would have seen the drawing which was this drawing and was available also to Dawidowski and so to Jan Sehn, then I presume that he would not have invented the corpse slide when it is not in the drawings. See here, the corpse slide is still in this one, in the design.

**MR JUSTICE GRAY:** I suppose Jan Sehn may have used the drawings for crematorium No. (iii) when he was taking Tauber through it, if that is what happened?

**A:** No, there is not a special set for crematorium No. (iii).

**Q:** There is not?

**A:** Crematorium (iii), they use the same drawings as No. (ii), but they just reverse the building.

**Q:** Yes.

**MR IRVING:** The same as in the days of the British Empire when we built our buildings in India with blueprints that had been designed for England -- just reversed them, in fact?

**A:** Yes. I do know exactly what you did there, but they did make a new set of blueprints. So the first problem is the way the doors are hung.

The second issue, of course, is why is there a

convenient way of accessing corpses in the morgues removed, and why at least they are bringing in corpses a very inconvenient and awkward way is replaced, but a staircase which seemed to be optimally useful to bring in human beings who are alive.

**Q:** Can I ask you, were the corpses that resulted from the great epidemic of 1942, where were

they cremated?

**A:** The corpses from the great ----

**Q:** The typhus epidemic, the 8 or 9,000 that we know about?

**A:** In August 1942, there were two ways to get rid of corpses and then the question is where these people died? In Auschwitz 1, the crematorium was functioning at the rate, an official rate, of 340 corpses per day. So, certainly, the people who died in Auschwitz 1 -- at that moment Auschwitz 1 was still somewhere in the main camp.

Birkenhau had not grown so much here. It was still under construction. So the crematorium in Auschwitz 1, No. (i), dealt with the corpses of people who died there. In Birkenhau, the major way of getting rid of corpses at that time was to bury them.

**Q:** And the epidemic of 1943, January 1943, in Birkenhau, where were those corpses cremated?

**A:** They had incinerators that open, these things which had been adopted by the Zentrale Bauleitung in the camp after the trip to Chelmo in mid September 1942 when they went to see Goebbels' ovens. .

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**Q:** The fire grate?

**A:** So they then created something like that in Birkenhau, and that is how they got rid both of the corpses which had been buried earlier ----

**Q:** But are you telling the court then that no external deaths were brought into this crematorium?

**A:** No, I do not want to say -- I am talking about the design.

I am talking about their intentions. This crematorium, obviously, undergoes a modification in which it is much more difficult, I do not want to say impossible because everything is possible, much more difficult, where a convenient system of bringing people who have died outside the building has been removed, and a new convenient system has been installed in order to bring people down who had not yet died.

**Q:** But if you answer my question? Large numbers of people died outside this building, we know that, in the camp in Birkenhau?

**A:** When?

**Q:** In 1943, from various causes, and how would they have been brought into this building?

**A:** This is the most likely reason why the slide remains in crematorium No. (iii).

**Q:** So, no natural deaths were disposed off in this?

**A:** We do not know, but, I mean, when I said in the movie which is the clip we saw that, in my judgment, almost half

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of the people who died in Auschwitz, who were gassed in Auschwitz, died in crematorium No. (ii) ----

**Q:** In this very ruined gas chamber we are looking at here?

**A:** The gas chamber, it is based on a number of assumptions.

It is not a calculation made on the back of an envelope.

It is made on which building functioned when, during what operation, which building was solely dedicated to bring people in this way, and also at a certain moment, you know, which buildings broke down at what time? There is, of course, a clear problem with crematoria (iv) and (v) where the ovens broke done constantly.

**Q:** So this building is one of the main factories of death in the camp?

**A:** Yes, but it is a building which, as we have seen now, it was case of adaptive reuse, and here

we see exactly that piece of adaptive reuse. I just want to -- I have various kinds of details of this drawing again to show the kind of texture of this particular one. So, I think this is a very, very important drawing in the context of other drawings and in the context of testimony.

**Q:** But you do accept there could have been perfectly harmless reasons why the basement entrance was transferred from one side of the building to the other? For example, in connection with intensification of the air war, the need to bring people in in a hurry from the street rather than making them go all the way around the buildings, round to

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the back, to a pokey little entrance around the back to get into an air raid basement?

**A:** I think if you want to go, I mean you raise the air raid issue right now, I mean, I do not want to -- I have studied ----

**MR JUSTICE GRAY:** No. I think you ought to deal with that because that is really an issue on the drawings. I mean, we have a modification and the point has been put to you.

Is one possible explanation for that that they wanted to make it easier to get in in a hurry when there is an air raid coming?

**A:** It is a possible explanation, but I also want to point out that since I have to give this answer, but since I am happy to give some, a possible explanation but improbable for a drawing like that to be made in December 1942, since all the other drawings and all the documentation in Auschwitz relating to air raid shelters come from mid and late 1944. So we are two years, a year and a half, more than a year and a half out of synch.

**MR IRVING:** Profess van Pelt, I showed you about five days ago a list, or I introduced to the court, a three-page list of documents from the Moscow collection which clearly show planning for the air raid precautions in Auschwitz beginning in August 1942?

**A:** 1942? Mr Irving, I have to disappoint you on this point, that I actually studied that particular file and I have it

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here and I can submit it to the court.

**MR JUSTICE GRAY:** It is a bit difficult to know when we are getting on to air raid shelters as opposed to the drawings, but shall we leave that until later?

**MR IRVING:** We will deal with that at a later time.

**MR JUSTICE GRAY:** Professor van Pelt, have you finished on the blue prints now or are there further points?

**A:** No. This is crematorium No. (ii). I just want to -- I want to show some other things because they were raised. Some of the photos, if that is OK, made of the construction.

**MR JUSTICE GRAY:** Mr Irving, I do not see why not.

**MR IRVING:** I think this is a very interesting photograph, my Lord. It shows the reinforcing bars being put down, presumably, on the roof of the crematorium, is that right?

**A:** No, on roof of morgue No. 2 which later becomes the undressing room. So we are here in the fall of 1942.

Here we see, we see very clearly, the reinforcing bars right there. There is no drawings of those reinforcing bars. I mean, you asked me for those. There are no drawings of the particular thing like that. We see here the slab being finished.

**MR JUSTICE GRAY:** What did they do? Pour concrete on top of the reinforcing bars?

**A:** Yes. We see already here there seems to be, these actually are tiles, there are some tiles, at the bottom

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there, and you see some of these tiles sort of hanging, kind of hollow tiles, and then you get the reinforcing and then the concrete is poured from that.

**MR IRVING:** I cannot see any tiles there, but I can see the reinforcing bars very clearly. Professor van Pelt, would there have been the same kind of reinforcing in the roof over the mortuary No. 1 which is displayed here, the collapsed roof?

**A:** I presume so, yes.

**Q:** The same kind of mesh of steel bars?

**A:** Yes. Now we are looking inside the ovens. There is still this construction mess around it. Again, the ovens and here the ash, the place -- the crucible and the ash column.

**Q:** Will you explain the purpose of those railway lines we can see there? Are they just purely for the purposes of the builders?

**A:** Which one, this one?

**Q:** Yes.

**A:** Yes.

**Q:** They were not there at the time that the furnace stage was in operation?

**A:** No. There is actually, these, we have here little, there is a -- originally, there was idea to put actually these rolling little trucks in crematorium No. (i), but they were actually never built. So what you have is quite a

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short, like a two metre long, little kind of iron ----

**Q:** Trolley?

**A:** --- almost like little tracks going into each of the ovens in the concrete, but that is it.

**Q:** So when Aida Bimko in her testimony refers to the railway line or the rails bringing the bodies out through the doors and so on, she is lying ----

**A:** No, that is not necessarily so ----

**Q:** --- again?

**A:** --- because we know, for example, that one of the things which was done at crematorium -- and she thinks, I think she is talking about (iv) or (v). There is a difference.

One of the things which happened at the sonderkommando, when they moved corpses from the gas chambers to the incineration places, and it was clearly done at bunker No. 2, that they actually put in some very, very light track to move them, to move corpses on little trollies. Now, there is nothing in the design for that.

**Q:** We only have the eyewitness testimony, is that correct?

**A:** Eyewitness testimony, yes. Zeigun talks about it, for example. Here we have the photo we discussed yesterday.

**Q:** With the three objects on the roof.

**A:** Sorry?

**Q:** With the three objects on the roof?

**A:** With the objects on the roof.

**Q:** Three objects on of roof?

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**A:** And the thing i pointed out, there is this slight thing of soot up there. It actually becomes more in one of the next drawings. So this is taken in February 1943.

One more to go round, you see here then how we have reconstructed the heating pipes, how they would be connected, the system which was installed which has broke down. Again this is the speculation on the basis of the information on the blueprint and a particular letter of 6th March 1943. The red in this case is the heating and the heating insulation. We have just gone through the attic level and then we brought down right very close to the wall.

**Q:** Is there some reason why you are telling us about the heating system in the mortuary?

**A:** The reason is that, of course, while it is not in the blueprint, it is in the letters, and the heating system in the mortuary is, in my opinion, again one of the indications that this building was transformed, that the morgue was being transformed for a use other than to simply store bodies.

**MR JUSTICE GRAY:** Can you remind me -- I am so sorry, Mr Irving -- of the date of the letter about warming the morgue?

**A:** It is March 1943.

**MR IRVING:** So you disagree with Neufert, which is the standard architect's Bible in Germany, ever since before World War II, right up to the present day, that mortuaries need both

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central heating and cooling?

**MR JUSTICE GRAY:** Mr Irving, we have had that debate, I think.

**MR IRVING:** Yes, thank you very much, but I wondered why he was telling the court about the heating.

**MR JUSTICE GRAY:** Well, you asked him.

**A:** Sorry, the one thing I wanted to point out again is the little, the little ventilation chimneys, very clearly visible there. We go round once more and now we make that trip around. If there is anything -- I am just going relatively fast, if there is anything anyone wants to ----

**MR IRVING:** Professor van Pelt, can I ask, you mentioned those little chimneys, the ventilation chimneys.

**A:** Yes.

**Q:** And I mentioned the stack effect. You asked two days ago where the provision was for cooling the gas chambers or the mortuary or the morgue?

**A:** Yes.

**Q:** The stack effect which is known to architects is why they put these chimneys there because the top part of the stack is cooler than the below ground part of the stack, and it generates a draught of its own, a cooling draft. That is one reason why they are there -- so I am informed by architectural experts.

**A:** So you say that which of these -- this chimney, basically, is the air conditioning system?

**Q:** They enhance the cooling effect which is already provided

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by the mortuaries having being built underground to provide cool space?

**A:** I know that this happened in Middle Eastern countries very often, that you create these things, but I do not know to what extent the kind of controlled cooling and controlled heating which Mr Mulka describes for civilian crematoria in order that the corpses remain nice and pleasant to look at for people who go and pay their last respects would be served by the stacking effect of these chimneys. But I am not a heating or cooling expert, so I am not going to say anything more on this.

Here again, crematorium (iii), I want to just show again the same. This is the other one at the other side of the road again. These ventilation systems were present in there. This is the cover

page of their section on crematoria in the Bauleitung book, the picture book from which all these photos come.

**Q:** Would you explain us to what significance you attach to the ventilation shafts or what inference you seek to draw?

**A:** The ventilation shafts are important that the ventilation shaft in combination with the blueprint. The blueprints, when you have blueprints, you never know, of course, if these things were actually constructed. What the photos show is that what is in the blueprint was actually constructed. And so that the ventilation system was a ventilation system in the morgues, and at the outside you

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can see that in, indeed, this ventilation system.

**MR JUSTICE GRAY:** I am not quite sure that you have answered Mr Irving's question which was what inference do you draw from the fact that there is this ventilation system with ----

**MR IRVING:** What inference does he seek to draw?

**MR JUSTICE GRAY:** Seek to draw?

**A:** That morgue No. 1 was ventilated.

**MR IRVING:** Was?

**A:** Was ventilated.

**MR JUSTICE GRAY:** But I am not sure that is quite answering the question. So what?

**A:** So that the descriptions that the eyewitness testimony which talks about the fact that the poison gas is being extracted from morgue -- from the gas chamber, indeed, is a very plausible description of ----

**Q:** So the inference is that there is a system for extracting the poisoned air?

**A:** Thank you very much.

**Q:** Is that right? Just so it is clear.

**A:** Yes. OK. I have done crematorium (ii), I think. We go to crematorium (iv) now. OK. This is the very first drawing, this is that drawing of ----

**Q:** Sorry to interrupt. Do you want a break because this is quite strenuous for the transcriber. Would you like a break? It is probably quite strenuous for you. .

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**A:** I would love a break.

**MR JUSTICE GRAY:** If everybody does not mind just having a five-minute break -- I do not want to break for longer -- but I think it might be a good idea to break at this point, just five minutes.

### (Short Adjournment)

**MR IRVING:** My Lord, this is technically my cross-examination.

I mean no disrespect that I sit during this.

**MR JUSTICE GRAY:** Of course not. It is very sensible.

**A:** OK. I think it was first the Tuesday or Wednesday that I discussed the sequence of events starting with Himmler's visit to Auschwitz in July 1942, and that the first drawing which has been drawn by the tabelleiten which has no precedent at all of any activity of tabelleiten before that visit of Himmler is this drawing, which is what it says (German), which means an incineration installation in the (German) which is the official destination of Birkenhau is that of a prisoner of

war camp. The only thing that this drawing does is actually draw in the incineration part. It does not actually draw in the rest of the building, which is a problem but, as we know, at that time, because it is the meeting of the 19th, it is to prepare for the meeting of 19th August, where Pruffer introduces the idea of using an eight muffle oven. It actually depicts here the arrangement of an eight muffle oven, the Mogilev oven which had been designed, so

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I assume what happened was that Topf sent the plans of these ovens to Auschwitz for preparation into a drawing, and eight muffle ovens sitting between two chimneys, one to the left and one to the right.

I will come back to these drawings later. This is the first one of August. Then we get the meeting in which this building is discussed as being a building to be erected by the anlage gesundebadlung. Then there is a second drawing which is from January 1943. These are really the only two drawings we have of this building and there are photos of this building under construction. The problem in this drawing, we will come back to this drawing again after we have had to walk through, is that the plan is reversed in relationship to the elevation. So what is here left is the incineration room, and what is right there is left here. So that is just to warn you. I am going again to have a walk through to the building. In this case there is nothing in the reconstruction which is not in the blueprint. So in the last case we had the hot air installation and we had the Zyklon introduction columns. This time there is nothing.

There are some pictures of this building under construction. This is crematorium 5, and this is actually a postwar post card of a photo of this building.

I actually have never seen, I must admit, the original photo of this one, where actually the building that we see

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here, crematorium 4 -- I think it is No. 4, it is difficult to say out of the quality of the photo how far the trees are. In No. 5 there are also trees from this side where we see that the lower part with the fence contains either gas chambers, then here a number of rooms for a doctor or something like that, sonderkommando rooms, an undressing room but also used as a morgue and the incineration room.

What we are going to do now is look at, first, a number of basically models, actually asymmetrics, from above to get the sense of the building and then we are going to make a walk through. This is the lower part where we have these two large rooms, with these tiny kinds of windows right in there, also between these two rooms and right there and there, and a big entrance vestibule right there, two kinds of rooms to the side here, a very big room in the middle and then after a kind of in between room we get incineration room, and a coke store place and an administration room.

**MR JUSTICE GRAY:** Is this 4 or 5 or were they identical?

**A:** This is No. 4. Left equals right.

**MR JUSTICE GRAY:** Otherwise the same?

**A:** We are going to turn to the model now. What is the important thing is that these are stoves indicated in these rooms. The plan only shows basically a block with a cross through connected to a chimney. I was not present

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when this final thing was drawn, and my ex students have drawn in what are Canadian stoves basically, big iron ones. It would be more likely, given what the design culture was and the means of production in Poland that it would have been a so-called cuttle hole in the design at least. But what we also know is that this cuttle oven that were installed, but at a certain moment also are stories about portable stoves. I do not know really know what to make of that, but they were heated with portable stoves, these spaces, which means the cuttle oven broke down, yes or no.

**Q:** What were these spaces again?

**A:** These are the alleged gas chambers right here, and then we have here the entrance vestibule, undressing room, in the winter used as undressing room, but also a morgue installation room. In the summer there are accounts that people undress outside of the building.

**MR IRVING:** The average gas chambers, how were they designated on the blue prints?

**A:** They are not designated at all. There is no designation at all. Actually, this room is also not designated. So now we actually are looking at the side we are going to enter very soon. Again, I do not think we need to explain too much, except these chimneys, which are sitting right there, to which these stoves are connected, and also again the small little windows, 30 by 40 centimetres, as the

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plan says, which give access to these throw light or not into those lower spaces.

**Q:** Can I ask you what was the building made of? Just bricks was it?

**A:** Bricks, yes.

**Q:** Quite a flimsy construction, in other words?

**A:** Yes. I mean flimsy. If you throw a bomb on it, yes. Certainly these spaces would not have been very useful as an air raid shelter. Now our eye level has gone down and we are now going towards this entrance right here, this vestibule. We have now come into the vestibule. We turn left first inside this very big room which gives access to the schloit and then the incineration room. This is that very large hole in the middle, which eyewitnesses say were used especially in the winter as an undressing room but also was used as a morgue.

Now we turn around 180 degrees. I want to show you. It is an open roof truss situation there, the vollmar as it is called, V O L L M A R, that is, it is the most economical way to construct a roof in a wartime situation. Now we turn around.

**Q:** What are those roof trusses made of? Steel or wood?

**A:** Wood. This was really as cheap as possible and as light as possible.

**Q:** So it would have been totally unsuitable as an air raid shelter then, this building?

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**A:** Yes. So we now go back towards the incineration, towards the vestibule. I just want to say that this actually is a detail which is in the photos of the building and not in blue prints, but at a certain moment in the construction they decided to put windows in that room, which are not in the blue print, but they are in the photos.

**Q:** About how high up are those windows off the ground? Could you see in them?

**A:** No. They were quite high. You would not see in them.

**Q:** Which is what you would expect in a mortuary then?

**A:** Yes, possibly, or another use. So now we have turned around 180 degrees and we are looking back at that door, just before, and I am going back into that space to the right. What I am going to do is take you through these spaces. It is a kind of surreal experience, I must say, but I do not

have a picture right now of this space, but immediately go into this space. So I have a view going in here. Then first we have two views inside this space, which is one from the door looking in, and then from that point looking back. Let us call this for a moment No. 1, and this No. 2. Then we look inside this space and from the door looking back. That is room No. 2, so at any given moment we know where we are.

We are now in that second vestibule, and we look here in that space No. 1 to the side, and we have here actually at the end of it an opening which actually gives

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access to the ovens. These ovens were always fired from the back, these cuttle ovens, or they could be. Two or three rooms shared them. So this was to the point where they could be heated and the same is actually right here.

That is what the blueprints indicate but it is not in the picture.

I just want to point out this porthole sitting right there, 30 by 40 centimetres, in the plan. I do not know exactly which blue print we are talking about in the court bundle, but now we are looking in room No. 1.

Again, two of those openings right there, plus an outside door, which by the way opens to the outside.

**Q:** Before you move on from that picture, Professor can I ask you, is there any provision in this room that the blueprints or drawings inform us for drainage?

**A:** There is drainage, yes.

**Q:** Where are the drains in this room?

**A:** They are not depicted, but the blueprints show them.

**Q:** You appreciate that, if this is a gas chamber, it would need drainage?

**A:** Yes, but the blueprint, I did not oversee the final making of these models. They are in some way crude but in the blueprints I am happy to point out the drainage to you.

**Q:** I would be happy, when you return to the witness box, that you do so because, when people die en mass, it produces unpleasant after effects which need to be cleaned up. If

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there is no provision for drainage, it is a problem we have of course with Leichenkeller No. 1, with the draining provisions there too, which are of course far worse, being underground.

**A:** We can just look at the blueprints in both cases to look at the drainage, I think.

Now I just walk outside of that door. I just want to show you that we were in this room right there. I just popped outside. We will go back in that room right now. Now we look back to the door we came in and there one sees the stove in the corner, and this port hole right there, 30 by 40 centimetres connecting to the next room.

There we have little detail.

**Q:** Would you like to tell the court what inference you are inclined to draw from the porthole's presence?

**A:** The portholes together are obviously the kind of gas tight shutters which I mentioned in one the bills, 30 by 40 centimetres. They are they are being ordered, 12 of them, six for this building, six for the other one, and they are ordered at the size of 30 by 40 centimetres. The plan shows quite literally they are 30 by 40 centimetres. It is in the bundle in detail. We have enlarged it a few times. Then of course a number of these portholes have survived and are installed in crematorium 1 right now in the back, and can be inspected, and again are 30 by 40 centimetres and obviously they are very thick and they

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have a kind of gas tight design that there is a number of different, I do not want really know, my English starts to reach its limit.

**Q:** Fasteners?

**A:** Jambs have a kind of seal in it in the way it is designed so it is very difficult. They are very thick. They are like 20 centimetres thick.

**MR JUSTICE GRAY:** Have they been tested for cyanide?

**A:** They have not been tested for cyanide.

**MR IRVING:** Would you agree that those shutters that have been found in the Auschwitz camp are in fact standard German air raid shutters supplied by manufacturers to a standard design?

**A:** First of all, I do not know but it was very clear. What we do know is that these are 30 by 40 centimetres and that the things ordered were gas tight things of 30 by 40 centimetres. The only plan I have where they have twelve of these holes of 30 by 40 centimetres is actually the plans for these rooms at the end of crematoria (iv) and 5, which obviously were not air raid shelters because the roof construction is too flimsy.

**Q:** Am I right in suggesting that the inference you are drawing is that through these apertures the top six substances were thrown?

**A:** Yes. We go back in the vestibule. We are now moving to room No. 2. The door is open and we see now the stove,

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and again in the room one of these little openings. Now we are in the room, just entered. Here is the stove. We look now to the outside door, two other 30 by 40 centimetres little windows, and we turn around now. We look back at the stove and the door towards the second vestibule, so to speak.

**Q:** Professor, why would they not have adopted the method they allegedly adopted here and just drilled holes in the roof to drop the substances through?

**A:** The problem, first of all, is you would have to go on the roof and this building was all above ground.

**Q:** Yes.

**A:** This method was used already in bunker No. 2 and bunker No. 1, where they used basically holes or little windows in the side of the building to introduce the Zyklon-B. So it was a proven method.

**MR JUSTICE GRAY:** What is the evidence for that?

**A:** For what?

**Q:** That they injected Zyklon-B through the windows of bunker No. 2 and No. 1?

**A:** Eyewitness testimony.

**MR JUSTICE GRAY:** That is what I thought.

**A:** I think in my report I quote Dragon on that, for example.

**MR IRVING:** You quote who?

**A:** Dragon. Now we go out. I just want to ----

**Q:** Am I right in saying that Dragon is one of the principal

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witnesses for the Soviets when they produced their commission report?

**A:** I think Dragon came in in April. Dragon was not in the original Soviet report, I think. The

Soviets produced a report in February or March and Dragon only appears in April.

**Q:** I am referring to USSR 008, the exhibit.

**A:** Yes. I do not think Dragon was mentioned there, also that he testified for them when that report came out, in that report. I could be wrong on that but I do not remember Dragon in that context.

Now we are back in the vestibule. Go into the next room, again, and look at the incineration room. In this case we have back-to-back incinerators with the firing pit between them, instead of in crematorium 2 the firing pits are behind the incinerators.

Now I would like to go back to the blueprint.

In your bundle you have a great magnification of this one showing, for example, the 30 by 40 size of these openings, which is very important. There is a problem that 12 of these things were ordered, 12 of these gas tight shutters were ordered of 30 by 40 centimetres, in early 1943.

Which were the 12? If you start counting, we have one, two, three, four, five, six, seven, eight, which means by implication that, according to the design, there should have been 16 ordered. So how do we explain the difference

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between 16 and 12? It is very obvious that this room, it was a modification, that is what I call the vestibule, that this was not going to be to be used as gas chamber.

It is also actually described that only two of these rooms in the eyewitness reports were actually used as gas chambers and is not. So then we enter with one, two, three, four, five, six and the same arrangement in crematorium 5, which then ends up as 12 gas tight 30 by 40 centimetre shutters. That is very important.

The second important thing, and Mr Irving has already pointed at that, are the drains. This particular blueprint is one which exactly shows the drains. That is why it was created. So we see that on the existing copy we have here a drain, we have a drain there, and these drains are connected right there. There is a drain right there, and they are connected to a pipe.

**Q:** Can you tell the court what they are connected to on the outside? To the main sewage?

**A:** They are connected. This continues. This is not a main sewage system there. But this obviously connects back to something.

**Q:** It does not just go into a hole in the ground, though, does it? They do something with it at the other end?

**A:** No. This probably goes on right there all the way, yes.

**Q:** What would environmentalists have to say about kilograms of cyanide being dumped in the sewage system, do you

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think?

**A:** I think that virtually all the cyanide would have been cleared out of the building.

**MR JUSTICE GRAY:** I think we had this debate before.

**MR IRVING:** It is very useful, my Lord, actually to see the drainage system. We only have Professor van Pelt's word for it that all the cyanide would have gone out of the building, none of it would have been washed off down into the sewage system, which is clearly wrong. Neither of us is an architect. We agree on that point. But the evidence of our eyes on that plan is that they had the drainage going into the public sewage system, and 8 kilograms or however many of cyanide being pumped into those rooms to kill people on a lethal scale, and the bodies being washed down, the room being washed down afterwards, and you are telling us that none of that

cyanide would have gone into the environment?

**A:** I certainly think that you are a little over estimated on the eight kilograms, to start with. The gas thing in this building could have been very well done in these rooms with 200 gramme tins, maybe two 500 grammes, maybe a kilo was used, a kilo of cyanide and most of it would have evaporated into the air.

**MR JUSTICE GRAY:** I am sorry, Professor I am going to interrupt you. We must stick to the drawings. We are going down a side track. Of course you can come back to it, Mr Irving,

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but I think it really is going to be confusing if we go into that argument now.

**MR IRVING:** While we had the drainage map in front of us my Lord, I wanted to---

**MR JUSTICE GRAY:** That is established. It is linked up, apparently or possibly, probably I think, to the main sewage system of the camp.

**MR IRVING:** It goes to the water purification plant.

**MR JUSTICE GRAY:** No, not that, I think.

**A:** So the major point here is that the evidence of the blueprint of these spaces, with these little windows right on top there, converges with the document which talks about the gas tight shutters of 30 by 40 centimetres, converges with eyewitness testimony which talks about SS men getting up a little stool or step ladder there and opening the gas tight shutters and throwing in the contents of a Zyklon-B canister, and it converges also with a detail right here that in fact it is difficult to see in this one that they are actually sealing, sitting right in here. The roof is not open to the rafters but there is no sealant in there. So why actually this very low bit here? It is around 2 metres high. You also start to put a sealing when you do not put the sealing in anywhere else. So this is as much as I want to say right now about crematorium 4.

**MR IRVING:** Did these eyewitness you talk about see what was on

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the other side of the wall through which this stuff was being tossed?

**A:** No, they were on the outside.

**Q:** Yes.

**A:** This is crematorium No. 1. I think we can leave it. This is at the moment the case I would like to make for crematoria No. 2, and crematorium No. 4, and by implications 3 and 5.

**MR JUSTICE GRAY:** I was going ask you that.

**MR IRVING:** While we have that map up, can I ask you which is the fuel supply, which is the room for storing the coke?

**A:** This is it right there.

**Q:** The whole of that room. Can you estimate approximately how much coke that would hold, how many tonnes or kilograms?

**A:** I cannot, I am sorry.

**MR JUSTICE GRAY:** Does that conclude our looking at the blueprints?

**A:** Yes.

**MR JUSTICE GRAY:** So we can turn the lights on?

**A:** Yes, unless you want to see more of the same.

**MR JUSTICE GRAY:** No. I think I understand what you tell us about them. Thank you very much.

**A:** Just for your understanding, in the last discussion quite important are No. 9A and No. 9B in your bundle.

**MR JUSTICE GRAY:** In tab 2?

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**A:** In tab 1. The important point is the 30 by 40, which is seen there in the size of these little windows.

**MR JUSTICE GRAY:** Yes, Mr Irving.

**MR RAMPTON:** Before this cross-examination continues, I need to draw your Lordship's attention to something.

**MR JUSTICE GRAY:** Yes.

**MR RAMPTON:** On Wednesday evening we received a document, which we have never seen before, which I do not believe Professor van Pelt has seen, which Mr Irving has because we sent it to him on Thursday once we had had it translated, and which has a bearing, or your Lordship may think it has a bearing, on this repeated question why are not these documents marked "secret". I do believe that, in fairness to the witness who I believe, I do not know, is not familiar with this document, he and your Lordship should be allowed to read it before the cross-examination continues.

**MR JUSTICE GRAY:** Is this not re-examination?

**MR RAMPTON:** No. I could bring it into re-examination but, if your Lordship would read it first, that perhaps is the best thing. It will save time in cross-examination because the witness will then be familiar with the document.

**MR IRVING:** Are you also offering a translation of this document?

**MR RAMPTON:** Yes. Have you not got that?

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**MR IRVING:** I have not. I have only the actual document but not translated. (Same handed).

**MR JUSTICE GRAY:** What is the second document, Mr Rampton?

**MR RAMPTON:** There is another document. The document which is clipped to it is the translation.

**MR JUSTICE GRAY:** I have just been handed something headed "Heinrich Himmler".

**MR RAMPTON:** I do not think that arises now. That will arise in re-examination.

**MR JUSTICE GRAY:** Where I shall I put this?

**MR RAMPTON:** It is the document of 5th May 1943. It can go in at the end of section 4 of K2, just before page 49 if your Lordship wants to put them in date order. That means a different page number. I do not know whether the witness has it? I do not know what he is looking at.

**MR JUSTICE GRAY:** I think he is looking at the right thing.

5th May 1943?

**MR RAMPTON:** Yes, 5th May 1943.

**MR JUSTICE GRAY:** Professor van Pelt, is that what you are looking at?

**A:** I know this one, yes.

**Q:** You know that one?

**A:** I mean I have seen it. In my files there is a copy of that. I had forgotten about it.

**MR RAMPTON:** I did not know that.

**MR JUSTICE GRAY:** Anyway, you have it now. Yes, Mr Irving. I

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am sorry about that interruption.

**MR IRVING:** Your Lordship will anticipate the first thing I will say, which is that this is not the way to do things.

This was supplied to me yesterday afternoon at 1 p.m. It is a document of great importance, I appreciate that. It is the document which I would have wished to have seen many months ago. We have just heard the witness say that he has had it in his files for some considerable time. If it was of importance, no doubt he would have advanced it already. He may well have reached the same conclusions as I did that there are perfectly plausible explanations for this document which have a bearing only on one room in the crematorium concerned, or the building concerned, and have no relevance for the Final Solution, apart from that very limited aspect.

**MR JUSTICE GRAY:** I do not think it is sensible to have an inquest as to why it has been produced late. That has been happening on both sides. The fact is we have it. In the end I am not going to ignore it.

**MR IRVING:** If your Lordship is going to allow it to be produced in this manner, then there must be some manner for me to respond to the document. I seek your Lordship's guidance as to the appropriate means of doing this. By putting questions to the witness on this matter?

**MR JUSTICE GRAY:** Of course you can. Indeed, why not do it now?

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**MR RAMPTON:** That is why I produced it.

**MR IRVING:** Yes, indeed.

**MR JUSTICE GRAY:** Yes.

**MR RAMPTON:** Professor van Pelt, how long has this document been in your possession, in rough terms?

**A:** I saw this document in 1990 for the first time. I made a copy of it, and I have forgotten since then. My Auschwitz archive is something like that wall there, and I have forgotten about it since.

**Q:** So you attached little importance to it at the time you first saw it?

**A:** No, but it was in accordance with other things I had heard in the Ertl Dejaco trial about the way the design office operated and already in the Dejaco Ertl trial they had made a lot about indeed the fact that there was a great limitation to the number of people who could actually be entrusted with these drawings. In some way I did not write in the end a book on the procedures of the Zentralbauleitung. I know that Mr Montonia has done so.

So in the end I forgot about it and it has been sitting in my files unseen and unthought of now for the past nine years, I assume.

**Q:** Would you accept from me that, had I seen a document like this I would certainly have turned it over in my hands for many weeks, pondering the significance of it and wondering whether it was to be mentioned in my major work or at

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least disregarded on a footnote, and not suppressed, shall we say?

**A:** Mr Irving, I forgot. In the end, I did not write a book on the work of the Zentralbauleitung. I forgot about this document because I addressed other issues.

**Q:** Very well.

**A:** So I am sorry that I forgot about it. Maybe it would have helped the case of the defence earlier.

**Q:** It may not.

**A:** Or it may not.

**Q:** Professor van Pelt, would you tell the court where you first saw this document?

**A:** This document is in the Auschwitz archive.

**Q:** And it appears to be bound into a volume?

**A:** They are normally in -- actually I do not know the Hauszufugun it is one of first files. They are all in boxes. What happens is that the first part of the archive, which is where I started working, which was actually boxes 1, 2 and 3, only deals with these kind of procedural matters. They do not deal with design at all.

I think generally they are in folders.

**Q:** But you agree that this particular one appears to have been part of a bound volume. Was it shown to you in this form or was it shown to you as a loose document?

**A:** I went through these files. I do not remember at all.

I know there are at a certain moment some loose pages in

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these things but in general they are bound. It does not seem to be a Moscow document, if I have to look at it, but I am not sure even. It could be a copy of it in the Moscow document because obviously this was a document which was produced in many copies.

**Q:** It has been produced in many copies?

**A:** Because it was a general rule, so quite often you find many copies of the same document.

**Q:** So you are not certain in your own mind whether this document actually comes from Moscow or from the Auschwitz state archives.

**A:** This is the first thing I have heard about this document now it comes up, is right now I have seen it ten years ago. I made a copy. It is somewhere in my big files, on procedures in the architectural office.

**Q:** Please accept my assurance. I am not trying to catch you out on this document. I am trying to do the enquiry now that I would have done over the last few months if I had had this document earlier.

**MR JUSTICE GRAY:** As to its authenticity?

**MR IRVING:** As to its authenticity, my Lord, yes. This is the only means I have to test its integrity.

**MR JUSTICE GRAY:** I think that is fair enough.

**MR IRVING:** Professor, you will see that the document to me is odd in one respect, that it appears to have no printed heading. All the other documents we have seen, I think I

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am right in saying, have a printed heading saying Auschwitz Zentralbauleitung and so on, Auschwitz konzentrationsanlage, whatever. This appears to be just a blank sheet of paper.

**A:** But all hauszufugungen, all the internal communication in the camp, and that is also stuff that is coming down for the kommandantur. So, when Rudolf Hirst, for example, creates a canteen for the camp, all of that stuff also comes down to the office. None of these have a heading.

They all have exactly the same heading as you see, that it says hauszufugungen number, which rule, a house rule or a house order, whatever like that, with a number but never on letter head.

**Q:** If you had seen the whole file of course, you could have satisfied yourself that there was a No. 107 before this and another 109 after it and so on. You could have tested it, whether it was orphaned or whether it was part of a series, could you not?

**A:** I could have, yes. I saw the whole file but I did not do that test at the time.

**Q:** We are not informed as to that. Is the signature at the bottom of the SS Sturmabfuhrer? Does that look like the signatures you are familiar with?

**A:** This is Bischoff's signature, yes.

**Q:** There are no other authenticity marks on it in any way, are there? There are no rubber stamps or initials or any

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other kind of things that we have seen?

**A:** No. You would never have a rubber stamp on any of these internal hauszufugungen.

**Q:** Would they also lack any address list of people they are going to?

**A:** No, they do not have that. They just appear like this in the file.

**Q:** Yes. My Lord, I could comment on the registration number at the top, but I am not going to because I can really say nothing about the integrity of this document apart from what I have done.

**MR JUSTICE GRAY:** I can see you are confronted with a bit of a difficulty because of its late production.

**MR IRVING:** I am prepared to address the document as though it was genuine and just look at the content.

**A:** My Lord, this one maybe I can add to the heading on top because the secretary.

**MR JUSTICE GRAY:** Authenticating it?

**A:** Yes. The secretary in the Zentralbauleitung in 1943 was a certain Eugenie Schulhof, so it seems to be that indeed the S C H U L would be -- that indeed she was a secretary at the office at the time.

**MR JUSTICE GRAY:** Yes. Mr Irving will probably say well, if anyone was creating this document years afterwards, they might have worked that one out.

**MR IRVING:** My Lord, forgers have a desire often to be caught

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out and they do not do the homework. That is my experience. This is what puzzled us about that cremation capacity document that they picked on initials that are only on that document and not on any other document in the entire record. But to revert to this document, I draw your attention, Professor, to the third full paragraph, beginning with the word in English "furthermore"?

**A:** Yes.

**Q:** Let us read out possibly the first two paragraphs: "You are reminded once more of internal instruction No. 35 of 19th June 1942 -- ", which we do not have, Professor, do we, before the court, so we do not know what that was. "As is clear from this internal instruction, Untersturmfuhrer Dejaco is personally responsible for ensuring that all incoming and outgoing plans are registered according to the rules in a book that is to be especially set aside for this purpose, and that loans of such plans (that is an interpolation by the translator) are signed for with the personal signature of the person who has asked for them".

This is indicative, is it not, Professor, of the pernicky bookkeeping that the Germans went in for with their documents, that things were logged in and logged out, is that not true?

**A:** Yes.

**Q:** "Furthermore", it continues in the next paragraph, which

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is the important one on which no doubt learned counsel relies, "it must be pointed out that we are concerned here with works that are connected with the war economy and to be kept secret". The words: "Connected with the war economy and to be kept secret" are underlined in the original.

"In particular, plans for the crematoria are to be kept under the strictest surveillance. No plans are to be handed out to the individual installation groups, etc.

In connection with the works to be carried out, the responsible construction leader - I suppose that be a foreman - has to give instructions to the corresponding prisoner unit on the spot. I take it as read that all the original plans are to be kept under lock and key by the leader of the Planning Department". Does Mr Rampton wish me to read out any more, or is that sufficient?

**MR RAMPTON:** Could you just finish the paragraph?

**MR IRVING:** "Attention is particularly drawn to DV 91", that is "Dienstvorschrift", is it not?

**A:** Yes.

**Q:** In other words, Service Regulation No. 91, confidential Matters. "It is further taken as read that in cases of leave or inability to carry out duties, the leader of the Planning Department hands over the plan room in accordance with regulations to an SS colleague".

We can take it from this therefore, can we not Professor, that they were anxious that the drawings of the

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kind you have been showing us this morning should not be shown to unauthorized persons?

**A:** Yes.

**Q:** In fact, it should not be shown to anybody at all who had no need to know?

**A:** No. In fact, even people who had need to know, it seemed to be that they were unwilling to -- that normally, of course, in a building site, plans and blueprints are readily available to the people who are actually making it, and in this case, they even had difficulty to do that. They use here that the only person who can really instruct these people, they cannot actually leave the plan there, but there must be a "Baufuhrer" and from the word "Baufuhrer", it is very clear that this is not an inmate, or must be a German, civilian or German SS men, because the designation Fuhrer was always reserved in this case for a non-inmate. They would have used for inmate always something like Alterstorser or some kind of designation like that.

**Q:** We are in agreement that this is a security measure designed to keep these plans that you have been showing us today, that kind of thing, away from prying eyes?

**A:** Yes.

**Q:** Can you see no harmless reason for such a regulation?

**A:** A harmless reason?

**Q:** Yes. .

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**A:** I presume there is a general harmless -- if we are talking about patents, I could imagine that companies do the same thing with patents. But in this case I do not think we deal really with patent information. So I cannot see what the problem would be. It is remarkable that crematoria seem to be designated here for a particular kind of security, let us call it internal security classification.

**Q:** They are not being designated as the only ones needing security, are they? They are just to enhance security, shall we say?

**A:** Yes. It says: "In besonders, in der Plane," so in particular, yes.

**Q:** Is there any kind of security classification on this document itself?

**A:** There are never on any "Hauszufugen"; this is going to be available to everyone.

**Q:** Yes, but there is no security classification on this document?

**A:** No.

**Q:** So it could have been shown to anyone, could it not, then?

**A:** Yes. I mean anyone who got a copy of this.

**MR JUSTICE GRAY:** Have you seen any other similar house order on any other topic in connection with Auschwitz?

**A:** No. I remember this one. One of the reasons is that this one came up. I am trying to recall the first time I saw it. This was in the Ertl and Dejaco trial, and it came up

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because one of the people who had been in the Bauleitung, who was an inmate who was drawing there, actually went into some detail about the procedure of actually getting a blueprint and saying this was a proof of the criminal intentions, and then this document was produced. I do not know what the court in the end did with this document.

But I remember the testimony of the particular -- I think it was an inmate named Plas Kuhrer.

**MR IRVING:** Did anything in particular happen in Auschwitz one or two days before this document that you are familiar with, or in the neighbourhood? I will give you a clue, air raids?

**A:** No, there were no air raids in 1943.

**Q:** Yes, there were. Do you agree that there was an air raid on the Buhne plant on approximately 5th or 3rd May 1943?

**A:** 1944.

**Q:** 1943. Well, if there is a dispute, obviously --?

**MR JUSTICE GRAY:** The Buhne plant at Auschwitz?

**MR IRVING:** That is right, the synthetic plant being erected.

**A:** The first air raid, so far as I know, happened in the Spring of 1944.

**Q:** We will check that later on perhaps. I have only two more questions on this document, my Lord, and this is this. Do you agree that the Germans had reasons to be ashamed of what was going on in this building, shall we say, whatever it was?

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**A:** No. They certainly had reason to be ashamed of the genocidal use of the buildings, but I mean crematoria, there is no -- you see, the date is 5th May 1943. By that time, these buildings have all been committed to genocidal use. I presume and I am speculating now, and I do not know if you are interested in my speculation, my Lord.

**MR IRVING:** Try us.

**A:** OK, my speculation will be the following: that "Vorsontercommander" for inmates before these buildings had been brought into operation. There would have been little reason for them at that moment necessarily to want to steal these plans. We know that the camp resistance actually stole a set of these plans in 1944. There was a Czech woman, who was able -- ultimately working in the Bauleitung. She stole the set of plans in order to warn the outside world.

**Q:** Which crematorium are we talking about?

**A:** Crematorium 2 and I think crematorium 4.

**Q:** Of the factory --

**A:** A set of plans, which are smuggled outside of the camp.

There is eyewitness testimony about that, about everything. So my speculation would be -- and it is not more than speculation -- that once these buildings had been committed to genocidal use somebody must have said "we must prevent any information of these buildings getting to the outside world. We want these plans to be

under lock and key".

**Q:** -- can I interrupt you at this point and say, was the genocide of the Jews or of the other minorities being liquidated by the Nazis in some way a contribution to German's war economy? I am putting it in your language, it was just part of the Nazi programme, or was it a fundamental contribution to the German war economy? My Lord, you will appreciate why I am asking the question. It is from the document.

**MR JUSTICE GRAY:** I think so. I am just wondering in what sense the contribution, you mean mouths to feed, something like that?

**MR IRVING:** I am reading the words from the document, my Lord, that is before us.

**A:** Certainly, many trains with valuables of the deportees which had been -- we gathered in Canada one -- and then later in Canada two also were sent back to the Reich.

I do not think -- and, of course, we know from Operation Reinhardt that an incredible amount of loot was ultimately --

**Q:** Precisely.

**A:** -- sent back --

**Q:** Can I draw your attention to the first sentence of the third paragraph: "furthermore, it must be pointed out we are concerned here with works that are connected with the war economy and to be kept secret"; the genocide was not

connected with the war economy, but the looting of the corpses was, was it not?

**A:** -- it was not the looting of the corpses, because the looting of the corpses themselves was almost insignificant; what was important, ultimately, was when people were taken off the trains their luggage remained in the trains. Now ultimately that luggage, that stuff, was the important stuff which was being transferred to Canada No. 1. It was the vast bulk of the stuff. Not the stuff which was actually found on the corpses.

**Q:** Do you not rely on the witness, Dr Bendel, as an eyewitness?

**A:** No, no, this is --

**Q:** Will you answer my question, please.

**A:** -- no, I am not.

**Q:** You have not relied --

**A:** For this particular statement?

**Q:** -- no. You will understand the reason why I ask this question: have you relied on the witness, Dr Bendel?

**A:** In my book Bendel is only mentioned one, with a description of bunker No. 2.

**Q:** Are you aware that Dr Bendel has testified under oath that the Nazis extracted 17 tonnes of gold in teeth from their victims? Whatever you make of that figure, would that not be a contribution to the war economy?

**MR JUSTICE GRAY:** What happened to it?

**MR IRVING:** My Lord, I respectfully submit that is not material to this issue, the whole point is we are trying to work out what the Germans were ashamed of and what they did not want the outside world to know.

**MR JUSTICE GRAY:** Well --

**MR IRVING:** And if it is something that is a contribution --

**MR JUSTICE GRAY:** I am not sure I agree with that; was it still there when the Russians arrived?

**MR IRVING:** No, of course, not, my Lord. Whatever the quantity was, it went initially to the SS, as part of operation Reinhardt, and we will be introducing the documents to substantiate that along with all the other pathetic, personal effects of the victims; the watches, the fountain pens the spectacles. Everything else was recycled and turned into a mass cash spinning operation by Heinrich Himmler. The gold was a major part of it. Hence that room set aside which you, yourself, showed us drawn on the maps that they want to keep secret, showing a gold working room with the smelting furnace in the corner.

**A:** If this is a question, my Lord, I am happy to answer.

**MR JUSTICE GRAY:** Yes, it is a question.

**A:** I think that given the amount of investment being done in building the crematoria and the labour being expended and money being expended and especially the material in the war, in a war economy and a possible yield of that in terms of dental gold, I think that the Germans were, to

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say the least, not very smart in economic sense.

**MR IRVING:** I have only one final question on this document then; in that case, Professor, will you please tell the court what were the jobs connected with the war economy which had to be kept secret which were connected with the crematorium then? If it was not the genocide and it was not the gold?

**A:** I mean the question of course we have to face here is, if he means -- if they mean literally war economy. If they mean literally war economy, in 1943 the SS wanted -- they were building a plant right next to Auschwitz No. 1.

**Q:** That was not in the crematorium, was it?

**A:** That was not in the crematorium.

**Q:** This paragraph is purely concerned with the plans of the crematorium, which they are trying to keep away from prying eyes for some reason which they indicate, in my submission, by the use of words "vital to the war economy" or "important to the war economy". My Lord, I have no further questions on this document.

**MR JUSTICE GRAY:** The only question I was going to ask you, I think you may in a way have answered; it is the dating of it is slightly odd, is it not, in a way if this sort of instruction is going to go out, you rather expect it to go out when they are deciding they are going to convert crematorium No. 2 to genocidal use?

**A:** No, I would say that -- you see I do not think they think

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of everything in advance. What happens is that in March you get the first, the first trial gassing in crematorium No. 2; by May 1943 all of the buildings except crematorium 3 are in operation. I think it is quite likely that somebody -- that at that moment somebody said "we have a problem". I think that the whole history of (German spoken) and the history of architecture in Auschwitz, construction of Auschwitz, the Germans do not think of everything ahead.

**MR JUSTICE GRAY:** Yes, Mr Irving.

**MR RAMPTON:** My Lord, could I -- it might save my having to come back to it in re-examination -- just draw your Lordship's attention to the first paragraph of that letter, which I

think has escaped your Lordship and the witness's.

**MR JUSTICE GRAY:** Well, even that date is a bit odd too if you think about it, because Himmler was not there until July.

**MR RAMPTON:** That is why I thought your Lordship might want to pursue the enquiry by reference to 19th June 1942.

**MR JUSTICE GRAY:** No, but that is a little earlier than you would expect.

**MR RAMPTON:** Exactly.

**MR JUSTICE GRAY:** So it is double edged, really.

**MR IRVING:** Well, I am indebted to Mr Rampton for pointing that out then. (To the witness) Just one more question in that

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relationship, and that is; have you seen documents under which any SS member involved in operation Reinhardt, or in whatever was happening at Auschwitz, was obliged to keep secret, under pain of death, a number of matters, including -- have you seen such a document?

**A:** I have not seen a document. I know it from testimony, from... who was it? Was it Hans Stark? I think Hans Stark gave testimony that he had to sign such a document when he came to Auschwitz and that the first thing he did was he was brought to the Political Department and asked to sign such a document, the general rule to remain completely secret. It also came up in the Jacob Ertl trial, when Ertl started talking in mid-1942, he got in trouble over that. He mentioned it.

**Q:** Will you take it from me, Professor, that there is such a document in Berlin documents relating to a man called Weiss (?). I believe he is a low ranking SS NCO. I have seen this document, and that he was required to sign such a security undertaking.

**A:** I trust you on that matter.

**Q:** In that case I cannot ask you details as to what they were obliged to keep secret because if you have not seen the document you cannot tell the court. But I will ask the other witnesses when they come.

Having, I think, disposed of this document, my Lord, we can now resume questioning based on the pictures

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that we have seen.

**MR JUSTICE GRAY:** Well, dealt with it, anyway.

**MR IRVING:** Well, not -- I would have said "disposed" actually.

**MR JUSTICE GRAY:** You can say that at the end of the case.

**MR IRVING:** Yes. In my famous closing speech. (To the witness) How often did Himmler visit Auschwitz? Did he visit Auschwitz again after July 19th or whenever it was, 1942?

**A:** Now, there is an account by Vrba that he did.

**Q:** By Vrba, who is one of the eyewitnesses on whom you rely?

**A:** On Rudolf Vrba. I have used Rudolf Vrba in the book twice, yes. He is, of course, very important in the history of Auschwitz, because he was one of two escapees, three escapees, however, you want to count it, who brought news of the killing of the Hungarian Jews to the outside world in the spring of 1944.

**Q:** When did Vrba suggest that Himmler visited Auschwitz on a second or further occasion?

**A:** The third one.

**Q:** The third occasion; was this 1943 or 1942?

**A:** No, he talked about it in his account I Cannot Forgive.

**Q:** This would be 1943?

**A:** That is --

**Q:** The visit?

**A:** -- yes, there is a visit. He says 1943. He actually says -- he remembers it as January 1943 and then says that

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he -- Himmler came to the opening of the crematorium and he said would have been January 1943. In any case, we know he was confused on the date because it would have been March 1943.

**Q:** Vrba, in fact, am I right in saying this; concertinaed a number of different events and different buildings into one event and one building, did he not, when he wrote his report up from memory?

**A:** We are talking about the Vrba-Wetzlar Report right now?

**Q:** No, the original one that he wrote when he came out and he dealt I think with a Slovakian Jewish organization who then reedited the report for consumption and a lot of details got concertinaed, did they not?

**A:** Now, the question is I want to know exactly what your question with the verb "concertinaed" because it is a word I normally do not use, so I want to know exactly what you mean.

**Q:** Sometimes when a person visits a place two or three times in later memory it becomes just either one or two visits and the events of three visits are then concertinaed into one or two. But Vrba was not very precise about dates and times and places, was he?

**A:** I mean Vrba wrote, certainly his first report, under incredible stress. The Hungarian action was going on. Tens of thousands of Jews per week were shipped to Auschwitz, and he wanted to warn the Hungarian Jewish community that

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what was happening in Auschwitz, what was awaiting them, he had escaped from having been an inmate in Auschwitz for two years, a little over two years, and was recalling from memory his -- you know, tried to make a case that this was a very serious thing and tried to describe the camp as good as he could. Also even tried to describe the crematoria.

**Q:** But his report is flawed, is it not? A lot of it is bunk?

**A:** No, I would like -- I mean, if you make a challenge like that I will be willing to go with you over the report in detail. Certainly, the report is not more flawed, and in general terms I would want to say that if I had been Vrba coming out of the situation I am, going to then at a certain moment be, as you said, he was interviewed. He was interviewed by people in Bratislava.

**Q:** A Jewish community, was it not?

**A:** These were people of the Jewish community --

**Q:** Yes, who advised him to rewrite what he had written.

**A:** -- Mr Vrba had no document when he came out of Auschwitz.

He did not carry with him a document. There was no document.

**Q:** He prepared a report for them and then they rewrote it with him?

**A:** I do not exactly know how he was interviewed there, and on the basis of these interviews they made a report. I do not know exactly who wrote and who rewrote. I know that

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the papal nuncio in Bratislava was very closely involved.

**Q:** Have you read the records of the War Refugee Record in the Roosevelt archives?

**A:** Which ones? I have read the records as they were printed in --

**Q:** You have not read the original telegrams that came from McClelland in Bern?

**A:** From McClelland, I think a number of them I have quoted in my expert report, yes. So I mean they were reprinted in facsimile by David Wyman (?) in his book, Serious About American Reaction to the Holocaust, his documentary collection. So I have looked at those, yes.

**Q:** -- and you did not notice that the telegrams from McClelland make quite plain that the Vrba Report had been heavily edited or altered by this external committee of Slovakian Jews, for whatever reason? You did not notice that?

**A:** I remember -- I mean I do not dispute the fact that this report, that this report, the origin of this report, is in Bratislava in 1944 and that members of the Jewish community were involved in that. I do not exactly know what Mr McClelland said again. We can look at the document.

**Q:** We are in a slightly difficult position with Vrba, are we not, because you rely on him to a certain extent; is that right?

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**A:** In extent to what?

**Q:** As an eyewitness, one of the most important, he was one of the first one?

**A:** Vrba is very important. Vrba is very important because he is the first one who brings a substantial account of the use of Auschwitz as a place where Jews are being killed en masse.

**Q:** He is now Professor at a university in Vancouver, is he not?

**A:** I think he is retired now.

**Q:** Would it be fair to say that great harm was done to his testimony under cross-examination during the Zundel trial?

**A:** I do not think that great harm was done. I think that Christie got under his skin all right. But I think the attorney for Mr Zundel got under the skin of many people.

**Q:** I hope I am not getting under your skin if I continue this line of investigation and say would it be fair to say that Vrba finally admitted that he had never been inside one of these gas chamber buildings?

**A:** Yes, I think that he had never been inside. He relied on reports of others.

**Q:** So in this respect of course his eyewitness testimony is worthless, then, is it not?

**A:** It is you know at a certain moment to me, you work as the best you can, and, of course, I know that there was a -- that one of the major challenges during the Zundel trial

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was actually on the diagrams being produced of the -- he produces a diagram of a crematorium, with the gas chamber, and unlike the diagrams of the camp site itself, which are quite correct, in the archeological sense, there are some problems with the diagram he has of the crematorium and he assumes that crematoria 2, 3, 4 and 5 in some way, he collapses then into one proposition. However, if you want to understand -- I can draw the diagram by heart if your Lordship wants that, but if you understand actually how information which had been transmitted to him from people again who are not experienced in describing buildings and I today needed, you know, all the blueprints and all these reconstructions in order to make some points. So now we have some "sondercommando" who in one way or another get information to him, and he sees these building at a distance and he knows something is going on there and he knows about an underground space and tries to put this together at a certain moment in Bratislava. I think that ultimately while

it is not ideologically correct, as Mr Song also noticed, it is understandable how the mistakes were generated.

**Q:** Yes.

**A:** In the actual plan. So I must say that Vrba, while I would not say that he is like Olare in this case, a perfect kind of -- visually perfect kind of eyewitness,

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I think that he, given the situation he had been in, did a job which was as good as one can expect at the moment.

**Q:** You mentioned Olare. My Lord, Olare was the artist, you will remember.

(To the witness) You will remember, Professor, will you not, that I asked you the length that the flame has to travel from the furnace to the mouth of the chimney?

**A:** Yes.

**Q:** We reached a figure of 90 feet or so, did we not?

**A:** Yes.

**Q:** Have you ever seen flames that are 90 feet long?

**A:** No.

**Q:** Will you take it from me that any furnace engineer would say that you never get flames from a chimney that is as long as that, or route that is as long as that?

**A:** I am happy to accept what your engineer says. I am happy also to accept what another engineer has said. I have not consulted engineers on this.

**Q:** Regardless of what is being burned, even if it was trash from the incinerator or whatever they would not have flames emerging from the mouth of the chimney.

Will you also accept that the Germans, being very good design engineers, have also made adequate provision to ensure that no smoke would have come from the chimney either?

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**A:** No smoke?

**Q:** No smoke would come from the chimney. That is the purpose of the design of chimney roof.

**A:** Okay, it may be so or it may be not so, I cannot comment --

**Q:** Regardless, if you concentrate just on the flames will you agree that Olare in one of his drawings which you described as being very good of the outside of the crematorium shows flames and smoke luridly belching from the -- not just trickling out --

**MR JUSTICE GRAY:** Well, do not bother, it does.

**MR IRVING:** I am sure you know which picture I am referring to.

**A:** -- yes, it is tab No. 3.

**MR JUSTICE GRAY:** And it either is or is not intended to be an accurate reproduction of what actually was visible.

**MR IRVING:** If you have read Pressac, Professor, do you remember the passage where Olare states that the SS turned bodies into sausages?

**A:** I do not remember that, I am sorry.

**Q:** I think it is on page 255, I will look for it in the lunch break. My Lord, I will only have about one hour to do with this witness after lunch if it is a useful guide.

**MR JUSTICE GRAY:** It is very helpful to know, but do not feel under any pressure, obviously.

**MR IRVING:** We saw in the slides that you showed to us the

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concrete being poured, if I can put it that way, on the roof of -- not this building, not the alleged mass gas chamber, but the crematorium No. 2, the mortuary No. 2; is that right?

**A:** Yes, it is this building, but it is mortuary No. 2.

**Q:** It is the different one?

**A:** Yes.

**Q:** I must say that took me back 30 years when I saw concrete being poured, because I know what it means. I know that the reinforcing wires and the bars and everything, how they are all put in. There were no drawings made, were there, of those bars? You yourself said that you could not produce the drawings of the actual --

**A:** I have not seen the drawings. I do not know if drawings were made. Generally I do not think that actually that much of this, as far as I know, runs on more or less kind of, you know, accepted kind of procedures.

**Q:** -- rule of thumb, yes.

**A:** Yes. So that it is unlikely to find -- I have not seen any drawings in the Auschwitz archive of any reinforcing or any particular concrete construction.

**Q:** When I worked with John Laing the position of every bar was drawn on a drawing, but you say there are no such drawings and under wartime conditions presumably there were not.

We are now switching from the one we saw in the

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picture, to the alleged factory of death, this gas chamber here where you say 500,000 people were killed; we are back on the question of roof again. We do not have pictures of that roof being poured, but it would be fair to assume that there would be the same kind of reinforcing that went that room, steel bars?

**A:** Yes, I mean there are fragments when the whole -- the pillar No. 2, there are reinforcing bars right there.

**Q:** Yes.

**A:** Which are bent, which have been bent.

**MR JUSTICE GRAY:** Was the thickness the same on Leichenkeller No. 1?

**A:** The strange thing is we do not have any section of morgue No. 2, but we have the section of morgue No. 1 because it was such a particular, complex section. So I assume from the ruins it looks that whatever is there that the thickness was the same and I also would have assumed that.

**MR IRVING:** My Lord, can I refer to you the little bundle of pictures that I provided to you this morning, which is numbered Claimant's bundle D, photographs.

**MR JUSTICE GRAY:** Yes, thank you very much, which I have not looked at all.

**MR IRVING:** I am sure you have not, my Lord. This was finally finalized at 4 o'clock this morning. But it is going to be useful nonetheless I think, on the sense one picture is often worth a thousand words. This answers many of our

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questions.

**MR RAMPTON:** Well, my Lord, I have some reservation about this. I am not being technical about this. This little bundle seems to be a mixture of drawings, reconstructions by an unknown hand, and commentary by an unknown author.

It is quite different if the Professor in the witness box gives a demonstration and offers his opinion. I am not very impressed, I have to say.

**MR IRVING:** I am sorry, you have commentary.

**MR JUSTICE GRAY:** Where is the commentary, I was wondering about that.

**MR IRVING:** On page 18 are you referring?

**MR RAMPTON:** Well, I do not know, I thought I saw some red commentary, I have only glanced at it.

**MR IRVING:** I think the red commentary, it is actually linked to other pages.

**MR RAMPTON:** Yes, but there is red commentary on page something or other.

**MR IRVING:** We can rip that page out.

**MR RAMPTON:** No, it is this; there is a lot of red commentary, actually. Then there are some very pretty drawings like a child's picture book in different colours.

**MR IRVING:** We have had some pretty drawings thrown on the screen this morning.

**MR RAMPTON:** I know not by whom they were done, Mr Irving might perhaps be better off listening to what I have to say than

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interrupting. The reason I am troubled by this is so far as I know the person who made these drawings and that commentary is not going to be a witness.

**MR JUSTICE GRAY:** Well, I hear what you say, Mr Rampton, and I understand the force of it, but what I think going to let Mr Irving do is make what use he wishes of these photographs and if we come to a particularly problematic one then maybe it is going to be right to stop it.

**MR RAMPTON:** I follow that. I want to be sure that I am right though, this is not expert evidence from anybody so far as I know.

**MR JUSTICE GRAY:** It is not an illegitimate cross-examination technique in the end do not I think, so take your course.

**MR IRVING:** My Lord, thank you. The drawings, of course, that we were shown on the screen were made not by the expert witness, but by one of his students.

**MR JUSTICE GRAY:** A slightly different situation.

**MR IRVING:** My Lord, you get a rough idea of the thickness of the concrete from pictures No. 22 and 23 and you can see the reinforcing bars that go through the roof.

(To the witness) Would you agree that these are the holes that exist at present in mortuary No. 2, these holes were cut through the roof after the war to obtain access to the underside of the flap?

**A:** I cannot judge the picture of No. 22. I do think that No. 23 looks like what I have seen at that particular one. .

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**Q:** Very well, we will disregard 22, but if you stay on page 23, picture 23, you can see that there is a hole cut through the concrete into darkness underneath and you can see reinforcing bars there, and the concrete there -- well you said 20 centimetres thick, did you not?

**A:** Yes, I thought afterwards I thought 18 centimetres.

**Q:** In real terms 18 centimetres is?

**A:** Six inches.

**Q:** Six inches?

**A:** Yes.

**Q:** Can we go back to the picture that you showed the court on Thursday of the locomotive and which we saw briefly on the screen again today, which I have reproduced for the sake of convenience, on page 16, my Lord, purely just as a visual remainder of what we are now arguing about, or talking about. This is the locomotive going past the roof which is clearly under construction still. It has not been banked up around. It has not had earth heaped over it and it has

some protuberances on top. My Lord, I did refer, you will remember. I asked the witness if he had said a photograph with that same roof with snow covering?

**MR JUSTICE GRAY:** Yes, I remember that.

**MR IRVING:** Witness, will you please turn to page 17; is this a photograph that you recognize?

**A:** Yes, and I actually kind of slightly stupidly commented on

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it without having it in front of me, because yesterday coming back from Stockholm I thought there was a detail in the roof, two details, and that, you know, which I remembered, which was the detail of the roof was still being constructed on the left, and that that makes it one earlier than the one with the little locomotive in it.

**Q:** This is quite obvious, is it not; the whole building is still under construction at an earlier stage than the locomotive picture?

**A:** Yes.

**MR JUSTICE GRAY:** This is December 1942 or thereabouts?

**A:** Whatever, yes, I mean it is obviously maybe after the time that these people have been closing the roof, which we saw in the picture on top of morgue No. 1. But, yes, it looks -- I would date it probably somewhere December.

There is still a lot of work to be done on the dormers.

**Q:** Again, we can see quite clearly in somewhat more detail now the flat roof of mortuary No. 1, this is the flat white line which goes across from the centre of the page to the right; do you see that, my Lord?

**A:** Yes.

**MR JUSTICE GRAY:** I see, yes.

**MR IRVING:** That is the flat roof with the snow on the top.

(To the witness) Can you see any kind of disturbance of that snow line whatsoever that would indicate that there was either a hole or a plank or a

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cover or a chimney, let alone three? Can you see any kind of disturbances at that time?

**A:** No, you cannot see anything, but the question if there would be a plank on this and there is a snow cover on it then of course the snow would have covered the planks.

**Q:** It would be satisfactory just to put a plank across there and no kind of water would get in through the hole underneath the plank if there was a hole underneath that plank?

**A:** In a building under construction one has very temporary measures to close thing up.

**Q:** But you cannot point to any kind of disturbance of that snow corresponding with the position of the three protuberances on the previous photograph on page 16, can you?

**A:** I am looking at a 2 millimetre, 3 millimetre wide white line which is delicately reproduced, and it is very difficult to say anything about what actually happens in that snow right there. There may be planks covered by snow. There may be not, it may be disturbed one way or another, but it is very difficult to draw any conclusions --

**Q:** It is very weak evidence, is it not --

**A:** Sorry?

**Q:** This photograph, No. 17, is it not?

**A:** -- weak evidence of what?

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**MR JUSTICE GRAY:** Of what?

**MR IRVING:** Of any inference I might seek to draw from it. You say this is just one rather smudgy white line and what can one say? You cannot draw conclusions; is that what you are saying?

**MR JUSTICE GRAY:** It is a straw in the wind, in the sense that there would inevitably be a stage when there would be the roof in place but nothing sticking through it because they had not got round to sticking anything through it.

**MR IRVING:** We are coming to all this in two or three minutes, my Lord.

**MR JUSTICE GRAY:** Very sorry.

**MR IRVING:** (To the witness) But I just want to establish you say we cannot draw conclusions just on the basis of this rather smudgy photograph?

**A:** Yes.

**Q:** It is ten inches across, but you cannot draw conclusions?

**A:** Yes.

**Q:** But can you draw conclusions from the previous photograph, which is even smudgier; is this what you are saying?

**A:** Yes, because there is something to see there. I mean this one is pretty smudgy, but in the original you actually see those box like structures above morgue No. 1.

**Q:** Very well, but there is no indication whatsoever on picture No. 17 of any provision made for them, no coverings; we cannot see any planks or scaffolding boards

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or anything covering the whole there? It is just one smooth snow line across the top?

**A:** Covering whatever is below it, either the roof of morgue No. 1, or the openings which have been temporarily closed with pieces of wood, or pieces of board.

**Q:** Now in your evidence you drew attention, did you not, to the photographs which I reproduced again on page 6.

Mr Rampton may prefer that we look at the original bundle rather than -- this is the same photograph, is it not? The one with the smudges on the roof, the four smudges?

**A:** Page No. 6.

**Q:** Of my bundle, yes. There are two photographs there. I would only draw attention to the bottom photograph, which is the one which has not been touched. This is the one you showed, is it not, showing four smudges?

**A:** Yes, may -- what do you mean was touched?

**Q:** We just marked on the upper photograph with red dots the position of the holes as they are on the roof now.

**A:** OK.

**Q:** This roof you appreciate is still there, and the two holes marked in red are visible on that roof now?

**A:** Yes.

**Q:** Just for the sake so there is no confusion at all, we have marked in the position on that roof of where those two present day holes are, which is what one can clamber through, the one shown in the photograph --

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**A:** No, I do not think you are right on that, and I am not going to -- I think we should have maybe a survey, but the thing is that the hole, which is very close to the second column, of the -- you

see, one of the big problems is that the white smudge, which in some way you interpret as the top of -- as the roof, actually, it is not only the roof of the gas chamber, but it is also the slope. The earth is sloped up to it. So, in fact, that smudge is larger than the actual roof. We can go back to my reconstruction, yes.

**Q:** -- I am afraid I do not get what you are saying there at all.

**A:** OK, maybe I can point it out on this. If, indeed, this -- if this is the exact size of the original morgue No. 1, in fact, the earth was sloped up to the roof and then covered the roof and sloped down. So the actual line, what you see here, there is the big white smudge actually takes a larger area than the actual roof area. If you then start looking at the dots, then the dots clearly start to be much more -- because otherwise the dots are not actually in a pattern. We have seven columns at regular intervals between the end wall and then we get seven columns and then we get basically the wall of the crematorium.

**Q:** So you are still submitting to the court that these smudges represent the position of holes through the roof through which the SS officers poured the cyanide pellets?

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**A:** That the smudges were caused by the holes. It is very difficult at this...

**Q:** Magnification.

**A:** At this magnification to determine exactly what is happening there. I do not know exactly -- we know from the Bryant investigation that at a certain moment objects the size of a head would -- was the size of a grain in the negative and that all kind of moray (?) effects started to happen, so we are talking here about what is happening on size of a grain in the negative.

**Q:** When was this photograph taken, Professor? The one we are looking at, August 1944?

**A:** I do not know if this is August 1st or May 1st or it was even possibly a September one.

**Q:** Were all the photographs with which we are familiar taken in 1944?

**A:** Yes.

**MR JUSTICE GRAY:** Mr Irving, I am sorry, I think I am a bit confused; is this Leichenkeller No. One.

**THE WITNESS:** Yes.

**MR JUSTICE GRAY:** You said a moment ago that the holes were still there, or two of them are.

**MR IRVING:** Two holes have been made after the war, my Lord.

**MR JUSTICE GRAY:** Oh, I see, made after the war.

**MR IRVING:** In positions indicated by the little red dots by whom knows whom out of curiosity to find --

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**MR JUSTICE GRAY:** Experimentally.

**MR IRVING:** To find out what is underneath.

**MR JUSTICE GRAY:** I thought you meant that we could see the holes that were originally there.

**MR IRVING:** We have seen the photograph of one of the holes, my Lord, with the metal reinforcing bars twisted up to obtain access.

**THE WITNESS:** But, my Lord, I do challenge the position of the red dots on that mark No. 3. I challenge that these actually, the location of the holes right now in the roof.

**MR JUSTICE GRAY:** I do not quite see why it matters.

**A:** OK. But in any case because I think maybe there was confusion about that.

**MR IRVING:** Well, are you suggesting to the court that the holes we have seen photographs of, the one with the reinforcing bars twisted up is one of the holes on which you relying?

**A:** No.

**Q:** In other words, whether you challenge it or not is neither here nor there?

**A:** OK, neither here nor there.

**MR JUSTICE GRAY:** You say if we are wrong, but it does not appear to me to be significant.

**MR IRVING:** No.

Witness, I have here a number of original photographs from the National Archives Cardographic

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Branch. These are original prints taken from the original negatives that were over Auschwitz in 1944, as you say.

I have five of them, which show these buildings. I am not going to ask you now, witness, to examine them in detail, because clearly that would disrupt the proceedings of the court. But I have produced for the court's interest in large sections of those photographs, and they begin, my Lord, on page 7; 7, 8, 8 and 10, which is where my computer crashed, so I will not rely on the fifth photograph. But I would ask the witness to comment on these enlarged sections of the original photographs which he can scrutinize, I would suggest, during the lunch adjournment and say if he can see the slightest sign of dots on the roof of this building; the mortuary No. 1 in crematorium No. 2, "The Factory of Death", on which his entire case, that this was a factory of death relies.

**MR JUSTICE GRAY:** I imagine he would probably say straightaway.

**THE WITNESS:** I can say that. Picture No. 7 seems to depict the building after the destruction had started. I do not know how far it is. I think maybe it is not even an American but a German photo.

**MR IRVING:** No, the German photograph is picture No. 9 that was --

**A:** No. 9 --

**Q:** That was taken on February 19th 1945 --

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**A:** So there the buildings are completely destroyed. So the issue of dots is irrelevant there, yes?

**Q:** Yes.

**A:** At picture No. 7, whatever the date -- there already seems to be in the picture No. 7, is that there is -- certainly there is -- I can see, but it is kind of useless for me to argue. I could say I see two dots on morgue No. 1 --

**Q:** But you cannot see the same four smudges in any of the photographs?

**A:** -- but I said I certainly see four smudges in photograph No. 8 behind crematorium No. 3.

**MR JUSTICE GRAY:** Can you point them out to me?

**MR IRVING:** That is correct?

**A:** No. 8 I see four smudges right there.

**MR IRVING:** Four smudges on 3, but not on 2?

**A:** But on No. 2 I do not know what -- if they had made...

**Q:** Did they --

**A:** The smudges are on others, I do not know exactly what were the conditions -- it seems to be that there is a line of smudges.

**MR RAMPTON:** Yes --

**A:** -- a line of smudges.

**MR IRVING:** Mr Rampton has objections to make.

**MR RAMPTON:** I do not have an objection, I have an observation to make. It is perhaps not valuable to ask the witness what he can see. We can all look at them. I could give

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evidence what I can see in these photographs.

**MR IRVING:** But the court needs to hear it.

**MR RAMPTON:** I happen to agree with the Professor that one can see the smudges very clearly, but it is a matter for your Lordship.

**MR JUSTICE GRAY:** Well, that may be but since we have had a lot of evidence about smudges I do not see there is any harm in Professor van Pelt being asked what he thinks one can see.

**MR RAMPTON:** All I am suggesting is it makes not in the end any difference what this witness can see in these photographs.

**MR JUSTICE GRAY:** He might suddenly say; "gosh, I cannot see any smudges at all, I must be wrong".

**MR RAMPTON:** It would not matter if he did say that, if I can see them and your Lordship can see them.

**MR IRVING:** I appreciate the tactical reason for such interruptions but I would be grateful if you left them until the end of the --

**MR JUSTICE GRAY:** Well, it has not succeeded.

**MR IRVING:** Professor, you suggested that the building on the left in picture No. 8 might have already been partially dismantled?

**A:** -- no, No. 7 I said, this was about in No. 7 but --

**Q:** Very well.

**A:** -- it is difficult exactly to see again, we are looking

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here at dots, you know, this is reproduced.

**Q:** We have gone on to No. 8 now. You can see the dots on the right one, which suggests that the definition of the picture would be adequate to see dots on crematorium No. 2 and yet there are no such dots visible?

**A:** There is a whole line visible.

**Q:** Not on crematorium No. 2?

**A:** I am sorry?

**Q:** Not on crematorium No. 2.

**A:** On crematorium No. 2 there seem to be -- I do not exactly know if that is the line which is the edge of the gas chamber or a line on top, you know, if that is -- if the two parallel lines are the edges of the kind of earth bank on top of the gas chamber -- I do not know there are some white smudges in the middle there. I mean, his Lordship can see that as well, I presume.

**Q:** Can I suggest you now move on to No. 10. No. 9, my Lord, is a photograph taken by the German Air Force after the Russians occupied Auschwitz.

**MR JUSTICE GRAY:** No. 9 or 10?

**MR IRVING:** No. 9 is a photograph. I have included it purely for historical interest. It shows the buildings demolished or partly blown up by somebody before February 19th 1945.

**MR JUSTICE GRAY:** And the same is true of ten.

**THE WITNESS:** No, 10, the buildings are still standing. .

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**MR IRVING:** The photographs are not in sequence, my Lord.

**MR JUSTICE GRAY:** I cannot make anything of 10 at all.

**MR IRVING:** If you look, my Lord, the original is very faded, but you can clearly make out the outlines of crematorium No. 2. You can clearly make out the outlines going off horizontally to the left of the Leichenkeller No. 1 and once again there is no kind of markings whatsoever on the roof, that is my submission.

**A:** I would like to comment on that, that first of all the image is so bad that the whole chimney and the whole projection of crematorium 2 in image No. 10 has become one big blurry -- the building would have half been destroyed in this one, and that if one wants there is very little to see one way or another, but I actually think there are -- at least I think that I see three dots on top of that, on top of that morgue, but that can also be simply some kind of --

**Q:** Can I ask you to take five-minutes during the lunch adjournment to have look at the original photographs, which are substantially better quality, and tell me honestly under oath whether you still say the same, because my submission is that there are no dots visible on any of the photographs apart from that August 1944 one.

**A:** -- I hope you have magnifying glasses because I have now reached the age I need reading glasses and I do not have them with me. I did not expect this kind of challenge. .

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**MR JUSTICE GRAY:** Well, a magnifying glass would be quite a good idea, would it not.

**MR IRVING:** I will try and obtain one, my Lord, in the interval. (To the witness) While, we have the bundle in front of us, will you please pass to page 14, which I hope will be in your bundle, Professor.

**A:** Page 14?

**Q:** Yes, it shows two photographs side by side. I would ask you only to look at the photographs; disregard the text.

The left hand photograph, would you agree, have you seen it before --

**A:** Yes.

**Q:** -- it show Hungarian prisoners arriving in May 1944 at Auschwitz.

**A:** Yes.

**Q:** Is there any smoke visible on that photograph?

**A:** No.

**Q:** The right hand photograph is the identical photograph apart for one thing.

**A:** There is some grey blood.

**Q:** Yes, does it appear to be smoke in the sky above some chimney in the background?

**A:** I do not know if it is a chimney. It is a pole. It is a kind of electricity pole.

**Q:** Yes, but it is not on the photograph on the left which is the original one as published by the Behaltekasse

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Foundation?

**A:** I agree.

**Q:** So, do you agree that one has to have heightened alertness when one is looking at photographs that have been published by whoever? One has to be aware constantly that people sometimes...

**A:** Yes, but I may point out that at least with the photos of the Hungarian action in the Auschwitz

album I have seen the originals and inspected the originals and worked with the originals.

**MR JUSTICE GRAY:** The originals show what? Smoke or no smoke?

**A:** I mean whatever the claim is being made here, I certainly, you know, it seems to be that the Weisenthal Centre on their website has prettied up this picture one way or another. But certainly that is not my source of information for whatever material.

**MR IRVING:** Are you surprised to hear, Professor, that last night when I tried to go to their website this picture showing the smoke has been removed?

**A:** I presume they are following this trial on your website.

**Q:** Professor, will you now turn to the last page of the bundle of photographs?

**A:** The last page?

**Q:** The very last page.

**A:** 24?

**Q:** That is right, should be a coloured diagram showing a wire

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mesh column.

**A:** Yes.

**Q:** Would you agree that this is a reasonable interpretation by an artist operating for the Holocaust history project of what the wire mesh introduction devices looked like, on the basis of eyewitness evidence?

**A:** No, I think it is wrong.

**MR JUSTICE GRAY:** Who is Mark van Elstein?

**MR IRVING:** He is some artist employed by the Holocaust History Project, which is a non-revisionist, if I can put it that way, website.

**A:** I think he is wrong.

**Q:** In what degree do you think this differs from the real, from reality?

**A:** I think that, first of all, I think there were three concentric tubes, and there are only two shown here.

I think the second one, which is really problematic is that he shows that the whole width of the column goes into the slab. There was no reason for that, actually it would be counterproductive because the column, the idea of the column was to allow for the even dispersion of hydrogen cyanide in the room, not into the slab. So to weaken the slab in that way, allowing for that discharging mechanism to go into the slab is absolutely nonsense.

**MR JUSTICE GRAY:** This is the funnel point?

**A:** Yes, the funnel -- at the moment there is the underside of

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L Keller one roof, it is pointed at, but what is Mr van Elstein has done is project that whole dispersion mechanism into the slab, and I cannot see why anyone would have designed the thing like that.

**MR IRVING:** Apart from that, you would say it is a useful diagram that will help both his Lordship and the court?

**A:** To be very honest, I would not rely on it. I think this is such a fundamental mistake. We have only two -- we have only two concentric columns. There were three as far as I remember, and the whole thing goes through the slab.

This is an amazing difference between the actual thing as we know it, described by Kuhler, and what is drawn here.

I can would not trust Mr van Elstein at all on this point. I like the drawing.

**MR IRVING:** It is a good drawing.

**MR JUSTICE GRAY:** I can see why you suggest there would have been a funnel when you take it through the concrete roof; why broaden it out though lower down? Do you understand the question?

**A:** Why broaden --

**Q:** If it can be that narrow when it is going through the concrete roof; why does it not stay that narrow all the way down into the chamber?

**A:** -- no, but may I draw this?

**Q:** What is the reason?

**A:** The reason is that this central pipe, let us call it a

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pipe, has holes in it, perforated holes. In that pipe you throw the Zyklon-B, let us say 200 grammes or 500 grammes; the idea of this pipe is, is that there is actually on the bottom of this pipe is a tin, and the Zyklon-B goes into the tin. You drop it into the tin. Now one of problems with Zyklon-B is, and this what the column tries to address. It tries to address two things. First of all, it tries to address the issue of how actually is the gas going to be released into the space. Now if it simply came out of the holes of the thing.

**MR IRVING:** In a tightly packed gas chamber?

**A:** In a tightly packed room it would be much more difficult so when it first starts filling up, these two remaining spaces around that central pipe, and from there it is going to be released. Yes? So it becomes much more difficult also to seal it up. Let us say, that in some way you create a zone in which people cannot intervene, which is that intermediate zone, intervene with basically the evaporation of the hydrogen cyanide.

**Q:** There is no trace on this picture of the basket, is there, which is lifted out afterwards?

**A:** No, he did not -- there was a basket in there, and I do not know if you want to go into the reason.

**Q:** No, not really. I am just looking at dimensions now. You see where it says on the right-hand side "240 centimetres from floor to ceiling"; that was the height of this

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mortuary, was it not?

**A:** Yes.

**Q:** What is 240 centimetres in real terms; 8 feet?

**A:** A little less than 8 feet.

**Q:** So if Tauber, your eyewitness on whom you place such reliance, says that it was so low down the ceiling that one had to stoop, he was mistaken, was he not?

**A:** If you show me the passage I am happy to comment on it.

**MR JUSTICE GRAY:** Let us have a look at the passage after the adjournment.

**MR IRVING:** I am very close to the end of this matter.

**MR JUSTICE GRAY:** I am not rushing you. Are you going to finish this little clip of photographs?

**MR IRVING:** I beg your pardon?

**MR JUSTICE GRAY:** Are you going to finish the clip of photographs in the next two or three minutes? If you are, carry on.

**MR IRVING:** I will just have a quick scan. You see this illustration suggests that the hole

through the roof was 70 centimetres across which is about 2 feet, and you think it was smaller?

**A:** As I said, there was no reason at all to have the whole hydrogen cyanide release mechanism go into a roof.

**Q:** If you were the architect who had designed this roof and indeed this entire building, this very expensive building, and you heard that some SS officer was hacking holes

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through the reinforcing of a roof near the load bearing column, near the load bearing girder, the binder that goes across the roof, would you not be rather angry with the SS people who are tampering with your design? And indeed endangering the whole roof?

**A:** But I do not see why they would have hacked through the roof. We know that the modifications, at least from the plan we saw there, the modifications of the design were decided - - I mean certainly for the hanging of the door in that new staircase was in December the building had been -- that the genocidal programme in Auschwitz had been adopted in August, the roof was probably being finished in December, so there was no reason to hack through the roof. They could immediately have made the holes in the roof as they were constructing it.

**Q:** They could have made provision for them as they went along --

**A:** Yes.

**Q:** -- they could have designed space with no reinforcing bars going across?

**A:** Yes.

**Q:** And they could put that in there?

**A:** Yes.

**Q:** But of course there are no such drawings, are there?

**A:** But we have established before that there no drawings of the production of these concrete roofs at all. .

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**Q:** So that is where your convergence of evidence halts? It converges there and it comes up against, not a brick wall, but a concrete roof; the fact that there is not a single design blueprint showing the modifications to include those holes? They are so angry -- do you remember there is one document, Professor, in January 1943, where somebody is having strips torn off him because he did not put the anti-frost agent in the concrete of this very roof? And yet it has not occurred to anybody to complain, has it, that they had not made provision for the holes in the roof?

**A:** I do not really know to how answer this right now.

**Q:** Let us take it in two parts; have you seen a document where somebody is being reprimanded for not putting anti-frost liquid in the concrete as it is poured?

**A:** I do not remember that document.

**Q:** Very well.

**MR JUSTICE GRAY:** I think, Mr Irving, you had better come back to this.

**MR IRVING:** We are right at the end, my Lord. And I will just say, another 20 seconds and then we can adjourn.

(To the witness) You have not seen any holes in the roof, have you, in the -- when you went there? You have not found any holes?

**A:** I have not seen the holes for the columns, no.

**Q:** Not for the introduction of the cyanide?

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**A:** No.

**Q:** May I say that if the Auschwitz authorities were now to agree to clean off that rubble off the top of that concrete slab and find the holes I would tomorrow halt this case and abandon my action.

**MR JUSTICE GRAY:** Right, on that note we will adjourn until 2 o'clock.

**(Luncheon Adjournment)**  
**(2.00 p.m.)**

**MR JUSTICE GRAY:** Mr Irving, just so we know what we are doing with this bundle which I think you have finished with now, have you not?

**MR IRVING:** I have, my Lord, yes. I may, of course, wish to come back to it later on.

**MR JUSTICE GRAY:** Of course, but then we will know where it is.

**MR IRVING:** In J, I believe.

**MR JUSTICE GRAY:** J13?

**MR RAMPTON:** 13, my Lord.

**MR JUSTICE GRAY:** Yes.

**MR IRVING: (To the witness):** Before we adjourned for lunch I asked you about whether you were able to see certain smudges on certain photographs, and I also invited you to spend a few minutes in the adjournment looking at the original photographs. Did you have a chance to do that?

**A:** I just went very quickly over them, yes.

**Q:** Did you see anything on those photographs that would

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indicate there were still smudges on these 1944 photographs of this roof?

**A:** I am very sorry. I cannot see it, but the problem is that it is so small. You know, yours are really enlarged in the ones you showed, so I find it really difficult to see anything on these photographs right now.

**Q:** But you were capable, you told the court, of seeing the smudges on the four blown up photographs that I showed to the court; you thought you saw smudges on them?

**A:** I did not put those right next to these ones since I do not know which one belonged to these I just looked in general at them, and it seemed that these came from those, that is what I could say, but these ones are three times larger, four times larger, than those. So, without a magnifying glass, I cannot come to any conclusion.

**Q:** But you accept that all these photographs were taken in 1944? None of them were taken before the construction of that particular roof or before the holes were put in the roof?

**A:** No, they are '44 except that the German one is '45.

**Q:** The German one was taken in February 1945 after the building was demolished, yes. So, really, the holes you are talking about should have been visible in the roof if they were of any substantial size?

**A:** I do not know. I mean, first of all, one of the things I looked at was that, in fact, there are many smudges on

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these negatives anyway, one way or another. It seems that there is a lot of, I mean, these are not clean negatives.

There are black things on it also which can come from another source, not from the crematoria, but from other places.

**Q:** But you accept that these are the original prints, maximum magnification, produced from the original film in the national archives in America?

**A:** When you say that, I accept that.

**Q:** It has the national archive stamp on the back?

**A:** Yes, but, I mean, I cannot really see one way or another what is on that roof.

**Q:** Professor van Pelt, you have been to Auschwitz in connection with your researches how many times? Once or twice?

**A:** No. I have been there yearly since 1990. I have sometimes twice or three times yearly.

**Q:** Have you frequently visited this roof of the alleged factory of death, the mortuary No. ----

**A:** Yes, I have been there, yes.

**Q:** --- 1?

**A:** Certainly every trip I go there.

**Q:** Have you never felt the urge to go and start scraping just where you know those holes would have been because you know approximately where, like a two or three foot patch of gravel to scrap away?

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**A:** I have authored the report already in 1933 for the Poles in which I actually argued that they needed very, very strict preservation standards; and the last thing I would ever have ever done is start scraping away at the roof without any general plan of archeological investigations.

**Q:** But now that these serious doubts have been raised as to the integrity of the gas chamber notion, and now that neo-Nazis around the world are benefiting from these doubts, would it not be in everybody's interests if this last element of uncertainty should be so easily removed, that the gravel there should be scraped off the virgin concrete slab beneath to see if those holes were there?

**A:** With all respect, I do not think you are going to get a virgin concrete slab there. This concrete slab has been -- water has been seeping through it. I mean, a concrete road -- I mean, I have been travelling a lot through Germany where they still have the concrete roads created in the 1930s, the concrete autobahn.

**Q:** Are those concretes roads made of reinforced steel concrete.

**A:** Yes.

**Q:** Are there reinforcing bars in those roads?

**A:** I do not know if they are reinforced, but, I mean, but things are growing through the concrete, so...

**Q:** But my experience of roads is that they have no

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reinforcing bars in them, do they?

**A:** But the thing is that I do not think, and maybe I can be completely wrong, that if you go under all the top layer, if you remove the top layer of that concrete, you would have to remove a top layer, that you are going to get a piece that is in tact because the roof itself already is terribly fragmented.

**Q:** Would I be right in suspecting that the Defence in this case has spent a substantial sum of money in trying to establish the rights and wrongs of this particular allegation about the factory of death?

**A:** You will have to ask someone else. I do not know what the Defence has spent on money.

**MR JUSTICE GRAY:** What do you mean by "this particular allegation"? The roof?

**MR IRVING:** Well, if they could have proved that I was wrong on this particular matter, this would really knock out the pillars from beneath my case.

**A:** Mr Irving, you did the four holes ----

**MR RAMPTON:** No, I can speak about that. I happen to know the truth of it. Goodness knows how much money has been spent on the case as a whole, but the roof has cost practically nothing, except a little bit of my thinking time recently, because it has only just cropped up.

**MR IRVING:** Professor van Pelt, approximately how much is an air ----

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**MR RAMPTON:** The roof came up about two days ago for the first time.

**MR IRVING:** Approximately how much does an air ticket to Warsaw cost or Cracau? £100, £200?

**A:** What, from Canada?

**Q:** Well, from London or from Canada?

**A:** I have no idea.

**Q:** It is an infinitesimal amount compared with the expenses so far expended on this case?

**MR JUSTICE GRAY:** Well, if Mr Rampton is right in what he just said, then really these questions get nowhere, do they, because if it was not raised as an issue until two days ago, how much money has been spent on it is really an irrelevant consideration.

**MR IRVING:** If this matter had not occurred to the Defence, my Lord, then might I suggest with the utmost respect it ought to have occurred to the Defence. They have been negligent to that degree, that they could have gone and knocked the pillar out from underneath me by going and persuading the local Auschwitz authorities who, by all accounts, have been very compliant with them -- the very opposite of their attitude to me -- to have a look at just one of the sites where the holes should have been. We know what the underside of that slab looks like, my Lord. Your Lordship has seen the photograph.

**MR JUSTICE GRAY:** I am looking at the photograph now. The

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difficulty I have with that -- I do not know whether you can help, Professor -- is that I cannot -- it is this one. I have no idea where you have it because I have it floating free.

**A:** It is probably floating around. I have it right here.

**Q:** What I simply cannot work out at all is how much of the roof one is actually seeing. I just have not a clue, whether it is a quarter of it ----

**MR IRVING:** Indeed, my Lord ----

**MR JUSTICE GRAY:** --- half of it.

**MR IRVING:** --- but an examination of the top surface of the roof would, undoubtedly, have provided the answers because I think it is common sense, and certainly any engineer would back this up, would they not, Professor van Pelt, that if the roof is going to fragment and splinter in any way as a result of a demolition, the fractures would have started at the holes where the roof had been weakened by the holes being placed ----

**MR JUSTICE GRAY:** I should have thought that was very speculative.

**MR IRVING:** I beg your pardon?

**MR JUSTICE GRAY:** What is the answer? Would he have a clue about that?

**A:** Where the fracture would have started?

**Q:** The suggestion is that if there were holes, the fracture would have started around the holes ----

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**A:** I have no idea.

**Q:** --- because it would be a weak point.

**A:** It is beyond my competence.

**MR IRVING:** Well, my Lord, it is like a pane of glass; if you put a hole in a plane of glass, a bullet hole or something, that is going to be the place where the cracks start.

**MR JUSTICE GRAY:** Well, whether that is true of reinforced concrete, I think neither of you can really say at the moment.

**MR IRVING:** I will not press the matter further, my Lord. On that issue I will abandon (and I am sure the Defence will be grateful) the question of the holes in the roof which are central to my case.

**MR JUSTICE GRAY:** How do you mean, you are going to abandon them?

**MR IRVING:** I will abandon the discussion on the holes in the roof point, my Lord.

**MR JUSTICE GRAY:** I see. Bring it to an end.

**MR RAMPTON:** Can I understand what Mr Irving means when he says the holes in the roof were central to his case? I ask the question rhetorically, what case? This is a case about Mr Irving's state of mind at the time when he made certain utterances. If the roofs are a new feature of the case in the last five or 10 days, they have really got very little to do with the case which your Lordship is trying

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which is not the question, were these gas chambers?

**MR IRVING:** So suddenly once again the Defence is shifting its ground and suddenly what actually happened is of less moment.

**MR JUSTICE GRAY:** No, I think you are not doing justice to the point Mr Rampton is making. He is really making what is, I suppose, in a way an historical point. The case against you is that, historically, you have not approached the issue of the gas chambers in an honest, conscientious way as an historian. That is either right or wrong, looking at the history, but this holes in the roof point seems to have cropped up terribly recently and, although I might be entitled to draw inferences perhaps ----

**MR IRVING:** My Lord, it has not cropped up recently.

**MR JUSTICE GRAY:** --- about your approach from the way you are dealing with it, Mr Rampton is right, is he not?

**MR IRVING:** My Lord, the Defence has been aware of this particular difficulty, shall I put it, with this story for many, many years ----

**MR JUSTICE GRAY:** But if you were not ----

**MR IRVING:** --- that there were no holes in that roof.

**MR JUSTICE GRAY:** If you were not, it cannot have coloured your thinking.

**MR IRVING:** I have long been familiar with this particular argument, my Lord.

**MR JUSTICE GRAY:** Oh, have you?

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**MR IRVING:** The fact that I only raised it five or six days into the case during the cross-examination of this witness does not mean to say that I did not have a reason for delaying it. It is

plain that I have been aware of this holes in the roof problem for a very long time. If I can just summarize in two lines what my position was and always has been? I have never argued that there were probably gassings at Auschwitz -- I have never disputed that, rather, that there were probably gassings on some scale or other, probably a limited scale at Auschwitz. What

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**MR JUSTICE GRAY:** A limited experimental basis, I think.

**MR IRVING:** Well, I hesitate to use those words. I was going to concede to the second part of the sentence which is to say that what I have disputed is that there were factories of death, that it was a factory of death and that we heard at the beginning of this witness's evidence that, in his view, most of the killing -- today he said half the killing which was a reduction -- 500,000 people in this one room; and my contention would be that if I can knock holes in that, then I do not really have to look at the rest of the allegations because I have never disputed the rest, my Lord, although we will very briefly look at Auschwitz 1 this afternoon before I cease this cross-examination.

**MR JUSTICE GRAY:** Just so that again I am clear because my

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recollection is that you said something a little bit different maybe earlier on, you accept that there were gassings of humans ----

**MR IRVING:** Yes.

**MR JUSTICE GRAY:** --- at Auschwitz ----

**MR IRVING:** Yes.

**MR JUSTICE GRAY:** --- on a limited basis and not involving gas vans or anything of that kind?

**MR IRVING:** Not involving gas vans, no, my Lord.

**MR JUSTICE GRAY:** Right. That is clear. Thank you very much.

**MR IRVING:** I do not think that it can be said that I have disputed that within any material time that is material to this action, but what I have most strenuously disputed is the notion that Auschwitz was a factory of death which we have narrowed down, as far as I am concerned, to this one building because this witness, as the outstanding expert on Auschwitz and the Holocaust, has said that most of it happened in this one building, 500,000 people. This is the Holiest of Holy sites. This is the geocentre of the atlas of the atrocities.

**MR JUSTICE GRAY:** That is all a bit of an incursion into the cross-examination. It has not done any harm, I think, but ----

**MR IRVING:** Well, we have Mr Rampton to thank for that disloquy on my part.

**MR JUSTICE GRAY:** No, no, I am not blaming anybody. I think it

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is quite helpful to have had it, but I think, perhaps, we ought to resume with Professor van Pelt.

**MR IRVING:** Now we continue very briefly with a few remaining matters. To what degree have you relied on the Soviet Commission Report, the USSR 008?

**A:** For my book or for my expert report?

**Q:** For your expert report.

**A:** In my expert report, I have just given the Soviet Report as an instance again of the emergence of knowledge about Auschwitz. So it is ----

**MR IRVING:** My Lord, it is on page 162 of the expert report of this witness onwards, beginning at page 162.

**A:** So it is for me not so important as a basis for my own investigations to come to a conclusion about the use and design and transformation of crematorium (ii) to (v).

**Q:** My Lord, you will have observed I am not attacking the integrity of all his eyewitnesses and all his sources because that would take us from here until next Christmas. I am just picking on certain elements. This is one of the reports. Is it not true ----

**MR JUSTICE GRAY:** I think, if I may say so, that is an entirely reasonable attitude to adopt. I think it would just prolong this case absurdly if we are going through every individual account.

**MR IRVING:** That is also why I am not going to look at every single building, unless your Lordship would wish it

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otherwise, on the basis of what I said previously about what my contention was. (To the witness): Is it not so that the Soviet Report is the source of the original 4 million figure?

**A:** I think it is the first time, yes, that it is in an official report, yes.

**Q:** Four million people gassed or killed at Auschwitz?

**A:** Yes.

**Q:** Which figure, of course, is inaccurate now, is no longer believed in?

**A:** That you are right, yes.

**Q:** I have only one other question on this particular report.

Do you know the names of any of the signatures on the Soviet Report, any of the experts who signed it?

**A:** I know that, I think that Dawidowski that was actually involved in, he was actually included at some time at the one, at the thing. I think the major signatory is that of the chief prosecutor of the, whatever, 2nd Ukrainian or Yellow Russian Army who actually commissioned report.

**Q:** Are you familiar with the name Bordenko?

**A:** No, I am not.

**Q:** Nikolai?

**A:** No, I am not.

**Q:** As two of the signatures of that Report?

**A:** It is in my file. The whole report is in my file, so I am happy to look at it, but... .

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**Q:** Will you accept it from me that these two people were also signatories of the Soviet investigation of Kateen, the Kateen forest massacre, which resulted in the execution of a number of German officers for their role in that atrocity?

**A:** If you say so, I am perfectly happy to accept it.

**Q:** Are you familiar with the name "Lysenko"?

**A:** No, I am not.

**Q:** As one of the signatures of the Soviet report, L-Y-S-E-N-K-O?

**A:** I am not, no.

**Q:** You are not, no. If I described him as being a biological charlatan or "quack" who has long since been disowned by his peers, would that surprise you?

**A:** Since I only heard this name right now, it does not surprise me one way or another way.

**Q:** When you read a report or a source of this importance, do you bother to consider who has written it or what their political motivations might be?

**A:** I think we come back to the other Bimko argument. I have never used this report in order to write my history of Auschwitz. This report I have just mentioned as a bit of the history of our

knowledge of Auschwitz was brought into the world. That is the purpose of ----

**Q:** About four pages of your report are based on the Soviet commissioning?

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**A:** And because the Soviet Report made an impression at the time, but I also argue very clearly in the report that the important investigations which were done in 1945 were not done by the Soviets, but by the Poles. It was only after the publication of the Soviet Report that Jan Sehn really got working on this, interviewed the sonderkommandos and so on. So that if we want to look at -- and I spent an incredible amount of space, time and energy to actually reconstruct what the Poles did. I have given significant parts of that Dawidowski's argument in the Polish report. So, I mean, I am happy to answer further questions about a Soviet report, but, in general, I do not think that the Soviet Report is historiographically so important, except the fact that it was issued with the endorsement of the Soviet Embassy in Washington and London, and so on.

**Q:** But do you not recognize a pattern developing here, Professor, that every time I bring up a source or an eyewitness and we, I will not say demolish that man's integrity or reliability, but we chip away at it, you say, "Well, he was not important either" and "he was not important either", and here is the entire Soviet Union Report and you saying, "That is not important either". There is a pattern developing here of a reckless attitude towards the use of sources.

**A:** But I think that I have given this morning, I think, a quite clear presentation of the kind of sources I use and

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the kind of approach I use to those sources.

**Q:** Yes, that is the drawings we are talking at present about the eyewitnesses or about source material based on eyewitnesses which, effectively, the Soviet Report was.

**A:** But the Soviet Report does not give any eyewitness testimony. It gives a certain amount of the declaration by a number of inmates in Auschwitz who make a declaration that this should never happen again, but there is no way any more to establish how the Soviet Report was done. As far as I know, no draft exists of it. We do not have the interrogations the Soviets did in February 1945 of the inmates they found when they liberated the camp. So that is one of the reasons that the Soviet Report for historian is only interested in so far as it allows us to reconstruct the historiography of our knowledge about Auschwitz after the war.

**MR JUSTICE GRAY:** But the Soviets placed themselves, did they not, on, for example, Dragon and Tauber?

**A:** I think Dragon at the last thing he came in, I think, he probably was one of the sources of the 4 million.

**Q:** Yes, and Tauber also?

**A:** But in the systematic investigation -- I think maybe Tauber, yes or no, I am not sure -- but the systematic investigation or the systematic examination of these people only took place later. In the Soviet Report itself, there is, I think, except maybe for the figure of

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4 million which was maintained by the sonderkommando, there is no discussion of either Dragon or Tauber or their testimony.

**MR IRVING:** But the Soviet Report talks about things like electrocutions, is that right?

**A:** That is, I think -- I probably would have it...

**Q:** Let us move on from there rather than waste the court's time. I just say, in general, how many survivors were there from Auschwitz or from Birkenhau -- from the entire complex at the end of war?

**A:** May I consult my book?

**Q:** Just in round figures. Are you talking about hundreds or thousands?

**A:** No less than 10,000. So there were some ----

**Q:** 10,000 people had been within the barbed wired encampment of this site, yet it is always the same names who crop up as the sources, is it not? It is always Pery Broad, Philip Millar, Vurvah, Vetzler, Ada Bimko; it is always the same old gang who come forward and give the evidence. Nobody goes to the other, 10,000 do, they really? Why is this?

**A:** I adjust the figure -- may I just correct my last statement? We are talking about 6,000, 1200 people in Auschwitz and 5,80 in Birkenhau.

**Q:** You appreciate the point I am trying to make, do you not?

**A:** Yes, but I think ----

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**Q:** It is an enormous reservoir of eyewitnesses. Why is it always the same names?

**A:** Eyewitnesses of what? We have the importance of the sonderkommandos in this case, Dragon and Tauber, is that they actually were in the crematoria and they worked in the crematoria.

**Q:** But the evidence of Tauber, am I not right in saying, is highly suspect because he describes, for example, the gas chamber as being so low that you had to stoop, and yet it turns out to have been nearly eight feet from floor to ceiling? I mean, just to give one instance.

**MR JUSTICE GRAY:** Where is that passage? Can we find it?

**MR IRVING:** I beg your pardon?

**MR JUSTICE GRAY:** You have put that passage before and I think we were going to have a look at it from Mr Tauber. I do not know whether it is quoted in ----

**A:** It should be around 183, if it is anywhere, because he describes at 183 and 182, and there are all these pictures in between, there is the description of the gas chamber. So page 182.

**MR IRVING:** This is the witness, is it not, who said he was able to burn up to eight corpses at once in one furnace; that he could light the corpses with a small fire in the ash container, that they would burn by themselves, that thick dark smoke rose out of the crematorium chimneys, and that fat was collected during open air cremations from the

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burning bodies? He also describes ----

**MR JUSTICE GRAY:** Where is the bit about bending over in the gas chamber?

**MR IRVING:** It is a very long ----

**MR JUSTICE GRAY:** You put it, you see, and I think Professor van Pelt said, "Well, show it to me", and that is fair and I cannot find it.

**A:** 182, he describes the gas chamber.

**Q:** Yes, I know, but I cannot find the bit about bending down. Do you remember where you saw it, Mr Irving?

**MR IRVING:** My mind is a blur over the last few days, my Lord.

**MR JUSTICE GRAY:** Well, I quite understand that.

**MR IRVING:** Let me just rely on the other passages that I put to you just now, the bit about collecting the fact and so on. Pauber is an emotional and unreliable witness, is he not?

**A:** I disagree with that. I think he is a very unemotionally, I mean, remarkably unemotional and very reliable witness.

**Q:** Do you rely to any degree on Dr Bendal?

**A:** I have told you once, I have given, I have used Bendal once which is in a description of bunker No. 2.

**Q:** Yes. So the eyewitness basis anyway is scattered, skimpy and, in my view, questionable. The drawings which you have shown us only make sense taken in conjunction with the eyewitnesses. As soon as one starts looking for holes in the roof -- I am not going to labour that point -- one

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runs into difficulties, namely, the fact that there are no holes in the roof to be seen now. Taking an overall view of eyewitnesses, what is your opinion about the reliability of eyewitnesses in cases like this? Suppose your name was Jean De Manjiok and not Professor Robert van Pelt, what would you think about eyewitnesses?

**A:** I cannot comment on that. I mean, I can only comment on myself.

**Q:** You know that all these eyewitnesses fingered him and he was on his way to the gallows until the brave Israeli judges decided that he had been railroaded and ordered his release, that the eyewitnesses had lied in that case to one man, a dozen of them had lied?

**A:** One of the reasons that I limited in my expert report only reports about eyewitnesses who gave testimony immediately after the war is that I exactly wanted to prevent the charge being raised that late -- people who later come forward would have been confused because of the time that had lapsed. That is why I, for example, did not use Philip Muller because Philip Muller only published really a full account of what happened in, of his account in the gas chambers in the 1960s. So that was too late for me and then I can even ----

**Q:** Would you agree that there was a reason to suspect he may have been motivated by commercial considerations?

**A:** I do not know what or not, what commercial or not

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consideration or not may have brought Mr Muller to write at that moment. He gave testimony in 1946 which was included in the Kraus and Kulgar book, but it cannot be identified in that book as being Philip Muller's. So it is very difficult to exactly say what is Philip Muller's in that book, but he already did it, and, you know, in the 1960s, I do not know. Maybe there were commercial reasons, maybe not; maybe he wanted really to testify and bear witness to what happened in the crematoria.

**Q:** And you do accept, do you not, that if you were to go to Auschwitz the day after tomorrow with a trowel and clean away the gravel and find a reinforced concrete hole where we anticipate it would be from your drawings, this would make an open and shut case and I would happily abandon my action immediately?

**A:** I think I cannot comment on this. I am an expert on Auschwitz and not on the way you want to run your case.

**Q:** There is my offer. I would say that that would drive such a hole through my case that I would have no possible chance of defending it any further.

**MR JUSTICE GRAY:** That is not really a question, is it?

**MR IRVING:** Well, I am asking, the point I am making, my Lord, is that he has been to Auschwitz once a year for a number of years. The temptation must have occurred to him to go there with a trowel and scrape away the gravel and look for the hole, not just one but three of

them, and he

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assures us that they were built in holes, not just casual holes.

**MR JUSTICE GRAY:** I think if he had been digging around with a trowel he would have got into trouble with the authorities, would he not?

**MR IRVING:** It has been done by others, my Lord, I understand.

**MR JUSTICE GRAY:** Well, with their permission. I do not think that is really a question in a way. You have made the point and I understand it, that nobody has actually done the excavation work or whatever you like to call it.

**MR IRVING:** This is, obviously, not the time to make submissions, so I will not, my Lord, and with that I will end my cross-examination of this witness with my many thanks. I wish you a pleasant flight home.

Re-examined by **MR RAMPTON, QC.**

**Q:** My Lord and Professor van Pelt, page 182 of your report contains, as you have noticed, a lengthy extract from Tauber's evidence as reported in Pressac, is that not right?

**A:** Yes.

**Q:** It goes over on to 183. You notice -- this is on the question of whether you had to crouch to get into or whether Tauber ever said that you had to crouch to get into the gas chamber -- almost at the beginning of the last quarter of the page is a sentence which in your report starts at the end of the line "At about", do you

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see that? There is a line which says: "The door and the rabbets of the frame were also fitted with ceiling strips of felt"?

**A:** Yes, I see it.

**Q:** Then there is this sentence: "At about head height for an average man this door had a round glass peephole". How far from the roof or ceiling of the chamber do you estimate that the peephole will have been?

**A:** How far from the ceiling?

**Q:** You have a man of average height -- that is me -- looking through a peephole?

**A:** That would be 5 foot 6.

**Q:** How much above me is the ceiling?

**A:** We know that the height of the building was, the height of the room was 8 feet. So there would be another two and a half feet.

**Q:** Thank you very much. Now, I am afraid I have some questions, Professor. They are naturally somewhat disorderly in the sense they follow the track of the cross-examination. That is no criticism of Mr Irving; that is just the way things turn out. Have you got the file K2, the second Auschwitz file, there?

**A:** Which -- is that the pictures?

**Q:** Yes, the pictures and the correspondence?

**A:** Yes.

**Q:** Can you turn to divider 4?

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**A:** Yes, I am there.

**Q:** To save moving around, I am going to ask you questions about a couple of documents in here -- three of them, in fact. At page 49 ----

**A:** No. 9?

**MR JUSTICE GRAY:** 49.

**MR RAMPTON:** 49 in tab 4?

**A:** 49, yes.

**Q:** You see the letter of 28th June 1943?

**A:** Yes.

**Q:** With Jahrling's name at the bottom in handwriting, do you see that?

**A:** Yes.

**Q:** The bottom left-hand corner? Mr Irving does not like this document. Professor, do you see any reason to doubt the authenticity of this document?

**A:** I do not see any reason to doubt the authenticity of the letter of 28th June 1943.

**Q:** Remind me because I have forgotten, where does it come from?

**A:** This one, this particular comes from Moscow.

**Q:** Moscow. Thank you. Can you turn then right to the front of this section of the file?

**MR JUSTICE GRAY:** And dates back to 1950, I think, does it not?

**A:** I am sorry?

**Q:** It dates back to 1950 in the sense that is when it first

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surfaced? That is what Mr Irving said.

**A:** The copy which surfaced came from Dumburg, as far as I know, from Dumberg, an archive in the DDR. But it was a different sheet, it was not this actual, this actual copy.

**MR RAMPTON:** Right at the front of the file, I have put them in the front, my Lord. I do not know where your Lordship has put them? Those recent documents have been produced by Mr Irving and then some by us by Entwesungsanlage.

**A:** I do not have that in this file.

**Q:** I have a spare here.

**MR JUSTICE GRAY:** This is the problem, is it not?

**MR RAMPTON:** I know.

**MR JUSTICE GRAY:** We have to keep track of these.

**MR RAMPTON:** I know, it is awful. They should have gone into this part of the file.

**A:** I have the Vedag here.

**Q:** But you need the document of 13th April 1943. You only need two documents.

**A:** I have the 13th April, yes.

**Q:** Does your Lordship have it? Let me pass those up. My Lord, I have not put mine yet in chronological order. We will do that in due course. Can I take, first of all, in reverse chronological order, the document of 20th August 1943, which is the long invoice?

**A:** Yes. .

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**Q:** Addressed by Topf to the central building people at Auschwitz. On the second page of that, the penultimate entry 43/204/1, it reads: "Entwesungsanlage", does it not?

**A:** Yes.

**Q:** Whatever it is that it was going to cost has been scratched out by somebody. That matters not.

Can you then turn back to the first document which is dated 13th April 1943?

**A:** Yes.

**Q:** Look at the penultimate item in that. What is "aufstellung"?

**A:** Aufstellung?

**Q:** Yes. This document is called an "aufstellung".

**A:** Aufstellung means to actually erect, so this particular use, I think it means quite literally it is a list.

I would interpret it like that, but it also could be the aufstellung means things that have been erected or that are to be erected.

**Q:** Then the penultimate item reads: "To Topf Entwesungsofen". What are "Entwesungsofen"?

**A:** "Entwesungsofen" are disinfestation ovens or vessels.

They are like autoclaves really.

**Q:** Using what substance or material to achieve the Entwesung?

**A:** Hot air or hot steam.

**Q:** Is there a copy of the Leuchter report anywhere up there? Has anybody got one? I am doing this from memory because

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I gave mine up to somebody. Do you see the front cover there?

**A:** Yes.

**Q:** Can you hold it up so that I can see? I cannot see from here.

**MR JUSTICE GRAY:** Bottom right.

**MR RAMPTON:** No, it is not. That I think is an oven for burning corpses.

**MR IRVING:** The contents are the same.

**MR RAMPTON:** It does not matter. Forget it. The cover is different from mine. Forget it, Professor van Pelt. It was only going to be an illustration. Do you say that an Entwesungsofen would not be a Zyklon-B piece of equipment?

**A:** No. The Zyklon-B, they did not have an ofen for that, first of all. They were called Kammer and they are larger, and they would be called gas Kammer. So there is a very specific product. A Topf Entwesungsofen is a very specific product they sell. They manufacture it in Erfurt and they sell as a single piece. So, yes, this would not have been a Zyklon installation.

**Q:** Is it in any sense permissible, sensible or clever to try to translate "Entwesungsofen" into "Vergasungskeller"?

**A:** No. They have nothing to do with each other.

**Q:** So do you have an estimate of what these two hot air or steam autoclaves were for at crematorium 2?

**A:** The interesting thing, of course -- I can speculate one

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way and I can base myself ----

**Q:** Offer your best guess.

**A:** I give two best guesses. One is that since the sonderkommando were going to live there and they lived in an enclosed compound there, they would need to have some kind of disinfestation installation. It is a first guess, but the problem is that we do not have really any other documentation except these two things. The more likely guess, however, is that these were actually going to be the Entwesungsofen which were going to be installed in the Zentralzaume (?). What was happening is that since December 1942, right between crematorium 3 and

crematorium 4, the SS was first planning, and then from mid 1943 onwards they were constructing, a large new delousing installation which did not use Zyklon, but only used the Topfentwesungsofen and autoclaves. So, when one actually starts to look at these documents and also at the Wedach document which was introduced by Mr Irving, we are actually dealing, I mean the Wedach document, we are clearly with activity that is going on for the Zentralzaune. So the problem, of course, in the document on 13th April is that it mentions crematorium No. 2 right in that sentence, and I have no explanation, I have no other documentation to either confirm that they were at that time creating these two entwesungs ofen or had ordered it for the crematorium. At the same time I know

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that a lot of that ordering is being done for the Zentralzaune which is being constructed right next door, and that is where I would like to leave it.

**MR IRVING:** If you look at the last page, my Lord, on that you will see there is a further reference to disinfestation equipment for crematorium No. 2 in August.

**MR RAMPTON:** Yes, that is right. Absolutely right. That is where I started as a matter of fact.

**MR JUSTICE GRAY:** Yes, that is what I thought. Why do you get August, because that is the date of the document?

**MR RAMPTON:** That is the date. It is 20th August, the document. The top right-hand corner, my Lord.

Do you see any reason, Professor van Pelt, to disassociate the August invoice relating to Entwesungslager for crematorium, it does not say there, crematoria 2 and 3, from the piece of paper relating to the two Topf Entwesungsofen for crematorium 2?

**A:** No, they seem to belong together, but, you know ----

**Q:** In this same part of the folder, I warned you this would be disorderly, we find at page 6, this is written on the bottom right-hand corner I hope in red ink, we find what I think is the Topf patent application for its multi-muffle furnace, do we not?

**A:** Yes.

**Q:** I would not dream of asking you to read it out or anything like that. I am told that I got this in a muddle when

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I was cross-examining Mr Irving. Would you just explain what this is and how it relates to what you have told us?

**MR JUSTICE GRAY:** Can you give me the reference again, Mr Rampton?

**MR RAMPTON:** Yes, it is in tab 4 of K 2 and it is page 6. It is a long document, ending up with a drawing on page 18.

**A:** Shall I explain, shall I go paragraph by paragraph and give a summary of the paragraph?

**Q:** No, nothing like that. I would just like you to summarize what the effect of the patent application is on your judgment about how the incineration was in fact carried out, according to the accounts of the eyewitnesses, in the big crematorium at Auschwitz.

**A:** This patent application is based on, the proposal for this patent application is to create a furnace in which one continuously feeds corpses at the top, and which by their own weight, so to speak, these corpses fall through a number of shelves, so to speak, and in that process are being reduced to ashes. It refers back to the experience with mutli-muffle ovens which is at the end of page 1 and No. 2, that that one wants to make something which is even working even faster. I just want to go very, very quickly through this, because the important thing here, of course, would be

also ----

**Q:** It may be quicker, Professor van Pelt, rather than your scanning that long and no doubt extremely boring document,

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if we turn to one which is not nearly so boring, although it is much longer, which is your report at page 538.

**A:** OK.

**MR JUSTICE GRAY:** I am afraid I have completely forgotten what is supposed to be the significance of the patent application one way or the other.

**MR RAMPTON:** I could tell your Lordship but then I would be giving evidence and I cannot do that.

**MR JUSTICE GRAY:** I am simply asking what case is sought to be made, but perhaps it is better elicited from Professor van Pelt.

**MR RAMPTON:** The case sought to be made is that it explains how it was that they were able to incinerate as many corpses as they could, and also how they managed to use as little fuel as these were able to do.

**A:** Yes, I was looking for that particular sentence, because I did not want to quote the sentence from memory.

**Q:** I think you will find it in translation on pages 538, 539.

**A:** This is what it says here at page 540, it says: "Pre-heating of such an oven should take at least two days. After this pre-heating the oven will not need any more fuel due to the heat produced by the corpses."

**Q:** Read on, will you.

**A:** "It will be able to maintain its necessary high temperature through self-heating".

**Q:** Carry on. .

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**A:** "But to allow it to maintain a constant temperature it would have become necessary to introduce at the same time so-called well fat and so-called emaciated corpses, because one can only guarantee continuous high temperatures through the emission of human fat. When only emaciated corpses are incinerated, it will be necessary to add heat continuously. The result of this will be that insulation could be damaged because of the dust created temperatures and one would expect shorter or longer break downs".

**Q:** That document, Professor, is this right, is in its origin quite unrelated to what went on at Birkenhau?

**A:** It is quite unrelated you say?

**Q:** Unrelated.

**A:** No, its origin is of the fall of 1942 and the ovens in crematoria 2 and 3 only came into operation in April 1943. However, the multi-muffle ovens were already used in crematorium No. 1 since August 1940. So the principle is the same in the ovens in crematorium 1. So clearly they are using the principle which has been the experience that has been gained in crematorium 1 in creating this patent application.

**Q:** I am grateful. There is no doubt about the authenticity of this, is there, as an original German document written by Topf for their patent agents?

**A:** No, it is registered in whatever the patent ----

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**Q:** How well does that document what we see here on page 540, I do not need you to look at them, how well from memory does that chime with the descriptions given by the eyewitnesses, including Hirst, of how this procedure was carried out in practice?

**A:** What is very important in the descriptions of the sonderkommandos is that they talk about, with a certain kind of care, they would bring corpses of people of different sizes into the muffles, exactly to -- no, I cannot say that because they do not actually give that explanation. But here actually is given an explanation, a thermodynamical explanation why that would have been done.

**Q:** I think Tauber was quite specific about it, was he not, about using fat corpses?

**A:** Yes.

**Q:** Indeed on the trial run I think they were given fat corpses, says Tauber, in March 1943, were they not?

**A:** I would like to see that thing.

**Q:** We can look at it later.

**MR JUSTICE GRAY:** What you quote in your report does not read like a patent application. Is it a quote from the patent application?

**A:** We go to 808 ----

**Q:** I think you are quoting another author, are you not?

**A:** No, this is the comment. Sorry.

**MR RAMPTON:** This is the interpretation. .

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**A:** This is the comment written by a number of engineers.

**MR JUSTICE GRAY:** It probably does not affect the point.

**MR RAMPTON:** My Lord, one can see how they have dealt with it, how Topf dealt with in the last paragraph of the quote on page 539.

**A:** Yes, one of the important lines in that thing, of course, is they are actually not incinerating any more, but they are literally burning corpses.

**MR JUSTICE GRAY:** Yes.

**MR RAMPTON:** The passage from Tauber's evidence or testimony, call it what you like, is on page 535. At the top: "The corpses of wasted people with no fat burned rapidly in the side muffles and slowly in the centre one. Conversely, the corpses of people gassed directly on arrival not being wasted burnt better in the centre muffle. During the incineration of such corpses we used the coke only to light the fire of the furnace initially, for fatty corpses burn of their own accord thanks to the combustion of body fat". It is the same opposite on the previous page in relation to crematorium 1.

He actually says in relation to crematorium 2 and 3: "I know from the experienced gained by observing cremation in crematoria 2 and 3 that the bodies of fat people burned very much faster. The process of incineration is accelerated by the combustion of human fat which thus produces additional heat."

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While we are on Tauber, as a matter of fact, Professor van Pelt, I think Mr Irving said he was emotional or something of that kind. Do you remember that question?

**A:** Emotional?

**Q:** Yes, emotional or unreliable because he was over-emotional.

**A:** Yes, vaguely.

**Q:** I do not know what it was. You have never interviewed Mr Tauber, yourself I take it?

**A:** No.

**Q:** He is not still alive I suppose?

**A:** No.

**Q:** Do you know Jean-Claude Pressac ever met him?

**A:** No.

**Q:** Are you familiar with the introduction to the Tauber chapter in Pressac's book?

**A:** I remember vaguely.

**Q:** Would you like to have a look at it? It should be in H2 (vi) I think, at tab 5. I am using my own copy of Pressac. You use yours as well, if you like.

**MR JUSTICE GRAY:** Do I need to look at this?

**MR RAMPTON:** Yes, I think so. I am not going to read it out.

**MR JUSTICE GRAY:** Every time Pressac is mentioned I mean to ask who he is?

**MR RAMPTON:** He is a Frenchman. .

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**MR JUSTICE GRAY:** Could you be a little bit more helpful than that?

**MR RAMPTON:** I think I better defer to the witness.

**MR JUSTICE GRAY:** Professor van Pelt, I should know and I just do not. Who is Pressac?

**A:** He is a pharmacist in the town of Ville de Bois or the village of Ville de Bois south of Paris, 20 miles south of Paris.

**Q:** He his an historian?

**A:** He is a self-taught historian. He seems to have come from the circles of Faurisson originally. It is not exactly clear what his relationship was to Faurisson. Then he went to Auschwitz in the early 80s and saw the building material, the building archive material, and was convinced that Faurisson was wrong and started publishing about it in 1983.

**Q:** Now you say that I remember. Yes. Thank you very much.

**MR RAMPTON:** I think that Pressac's book must originally have been in French, was it?

**A:** No. This is the only edition.

**Q:** Did he write it in English or did someone translate it for him?

**A:** It translated by Behalteklasse Foundation.

**Q:** Have you got the introduction to chapter 3?

**A:** Part 3, chapter 3, yes.

**Q:** Can you read that to yourself. We will all read it at the

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same time to ourselves. Then I will ask you ----

**MR IRVING:** Could you give me a page number, please?

**MR RAMPTON:** I am sorry, it is 481 of Pressac.

**A:** Introduction?

**Q:** Introduction. Just read the introduction to yourself.

**A:** "The testimony by Henrich Tauber ..."

**Q:** Not out loud. Just read it to yourself.

**MR JUSTICE GRAY:** It does not really matter.

**MR RAMPTON:** Tell us when you have finished.

**A:** I have read it.

**Q:** You have read it?

**A:** Yes.

**Q:** That, if I may summarize it, is Mr Pressac's on view of Tauber as it comes off the written page, is it not?

**A:** Yes.

**Q:** Is it an assessment with which you agree or disagree?

**A:** I agree with that.

**Q:** If I may summarize, the effect is that Tauber is a modest, sober and careful witness, is that right?

**A:** Yes.

**Q:** You have to say yes because otherwise the tape cannot read your mind. At the bottom he says: "Henrich Tauber's deposition enabled me at the last moment to authenticate the testimony of Dr Paul Bendal that I was on the point of invalidating." Do you see right at the bottom of the introduction? Do you have that?

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**A:** Yes.

**Q:** Do you know what it was in the testimony of Dr Paul Bendal that Pressac was on the point of invalidating and that Tauber validates?

**A:** I do not remember any more. It is sometime since I read Pressac.

**Q:** Right. Another piece of disorder I am afraid, Professor. Can you turn to pages 110, 111?

**A:** Of what?

**Q:** Of your report.

**A:** I am there.

**Q:** Towards the top of page 110 you are writing about a number of people who are known to have died at certain times from disease at Auschwitz?

**A:** Yes.

**Q:** Then you say this: "It must be remembered, however, that the mortality figures which the concentration camps sent to Berlin only apply to the deaths of registered prisoners", and you have already told us that. Then you make reference to the evidence of SS, he was a General was he not, Oswald Pohl?

**A:** Yes, he was I think Obergruppenfuhrer by that time.

**Q:** Whatever, he was in charge of the concentration camp system as a whole, is that right?

**A:** Yes, he was the kind of -- officially he was called the Economic Director, so some way off the SS, and that really

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ran the concentration camps. He was not the inspector of the concentration camps. As a business adventure, yes.

By a business venture he was.

**MR IRVING:** My Lord, this of course is not matter that was raised in the cross-examination. So I am puzzled.

**MR JUSTICE GRAY:** It may turn out to be. That is the problem.

You never know where ----

**MR IRVING:** As long as your Lordship is alert to that.

**MR JUSTICE GRAY:** --- it is going.

**MR RAMPTON:** I had understood that Mr Irving relied on the death books and the decrypts as

showing that the number of people who died at Auschwitz was very small.

**MR JUSTICE GRAY:** Yes. I think that is right, although there was not any cross-examination on that.

**MR RAMPTON:** I know, but it may be convenient.

**MR IRVING:** The only mention of the death books is when I was querying the character of the deaths, the age spectrum, rather than statistics.

**MR JUSTICE GRAY:** It is part of your case, is it not, that the death books give a very different picture from the sort of figures that Professor van Pelt speaks of?

**MR IRVING:** It is a subtly different picture on the question of the killing of the old and sick.

**MR JUSTICE GRAY:** If it is part of your case, and I do not criticise you for not cross-examining to it, I think it is for Mr Rampton to be able to put these questions. .

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**MR IRVING:** This specific document of course is not one that I ----

**MR RAMPTON:** Anyhow, it does arise indirectly and quite immediately out of the questions which were put about selection to which I am immediately coming after this.

Did in fact the head of this system General Pohl say at his trial in Nuremberg that the people who were directly exterminated were never registered?

**A:** He says that no information about it has been transmitted to Berlin.

**Q:** His subordinate was Dr Lolling?

**A:** Yes.

**Q:** Who was in charge of the inspectorate presumably. He said, the last answer at the top of page 111, in answer to his own counsel, his own attorney: "The figures about exterminations were not reported to the inspectorate at all, and constantly Dr Rolling could not evaluate them for his statistics."

**A:** That is true.

**Q:** Thank you. Now I want to ----

**MR IRVING:** My Lord, that was very definitely not a matter which I raised in cross-examination of this witness.

**MR JUSTICE GRAY:** I tried to explain why I think it is legitimate. In a way we are having to take short cuts in this case. You have lots of points which, in a perfect world, I would have said to you, Mr Irving, you must put

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that point to Professor van Pelt, but we be would here to Christmas and beyond if we did that. So we are not requiring you to put all those points. But it does not mean Mr Rampton cannot get evidence from this witness, especially if it is in his report, which bears on the point that you are going to take, although you have not cross-examined to it.

**MR IRVING:** My understanding was re-examination is only permitted on matters that I cross-examined on.

**MR JUSTICE GRAY:** In a normal case that is true. I am not bending the rules in Mr Rampton's favour. I am in fact bending them in your favour, because I have not required you to cross-examine on this point, do you follow me?

**MR IRVING:** Very well.

**MR RAMPTON:** Normally in the old days, and I thank goodness we are not in the old days any more, if the point had not been taken in cross-examination, I would have to say to the Judge: Well, I am afraid it cannot be taken in closing.

**MR JUSTICE GRAY:** That is what I mean by taking short cuts in this case.

**MR RAMPTON:** I do not say that.

Does that evidence of General Pohl reflect upon the death books figures so-called that have emerged from Moscow?

**A:** No. It suggests, I mean Pohl only talks about of course

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information being transmitted to Berlin, but certainly the question is how would information be gathered in Auschwitz, and then of course we get other corroborating information like, for example, that of Pery Broad who worked in the political department who said that there was no registration of people who were not admitted to the camp. That is information that once the transport had arrived, and once basically the people had been sent to the gas chamber, all records, all traces of these people also in the records were removed, or at least, you know, there was maybe some record about a number of people that had arrived but they were not registered.

**Q:** Does it also reflect, tell me if it does not, on the so-called Hinsley decrypt question?

**A:** In the way it has been posed by Mr Irving, yes.

**Q:** Yes. To put it another way, would you expect to find references to the extermination of unregistered prisoners in decrypts going from Auschwitz to Berlin?

**A:** No.

**MR JUSTICE GRAY:** It is the same point, is it not? The Hinsley decrypt point is the same point about non-registration of those who were going allegedly to be exterminated.

**MR RAMPTON:** You told us some time ago, Professor, last week, that upon arrival to begin with the transports were divided up for selection at the old Judenamter which was between the two camps?

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**A:** Yes.

**Q:** But that by the time of the Hungarian action in 1944, the Summer of 1944, they had built one spare right up through Birkenhau towards the two crematoria 2 and 3?

**A:** Yes. The spare had been in construction for a longer time, but it was completed in I think March, March 1944.

**Q:** Yes.

**A:** Late March, maybe early April.

**Q:** Could you take that file H2 (vi) again, please?

**A:** H2(vi), where is that?

**Q:** In tab 4 we find something called the "Auschwitz Album".

That is not its official title in any sense. Can you say briefly what this Auschwitz album actually is? I will ask you about the photographs in a moment, but if you could tell us what the book is?

**A:** This is a book which was found on the evacuation of the camp by a person called Lily Meyer as the camp was being evacuated. It is a picture book made either for an individual SS man or maybe for the Auschwitz SS, recording a couple of arrivals and subsequent kind of delousing registration into the camp, and also the fate of other people, at least until any come to the crematorium, of Hungarian Jews.

**Q:** Right. So the photographs which we find inside are, therefore, of what date?

**A:** They are of the Summer 1944. .

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**Q:** By whom were they taken?

**A:** They were taken by an SS man.

**MR JUSTICE GRAY:** How do you know they are the Summer of 1944?

**A:** Because that is when the Hungarian action occurred.

**Q:** That is circular, is it not?

**A:** But the book itself identifies this. It identifies the action as a Hungarian action.

**MR IRVING:** That was surely May 1944.

**A:** May 1944, whatever, yes.

**MR JUSTICE GRAY:** Well, it may not matter.

**MR RAMPTON:** It does not sound as though it is controversial.

It is in fact quite a well-known book. These photographs have been known about for a very long time?

**A:** Yes, apart from -- there are three basically sources of photographs, at least from Birkenhau, which is the Bauleitung photographs we saw today a few of, showing the construction, showing the construction of the buildings in Birkenhau. Then we have a number of photos, a small number of photos which would have been made illegally by prisoners, probably a sonderkommando who found a camera in what was left over in the undressing room. These are very shaky photographs where you see people running and you see some burning of bodies in a kind open pit. Then this one which is a large collection made by the SS, one does not really know for what reason, except

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**MR IRVING:** Where is the second collection from, is it Moscow?

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**A:** The second collection.

**Q:** Yes.

**A:** There are three or four photographs. I think they are the original negatives. No, there are no negatives. Original prints on Auschwitz.

**MR RAMPTON:** The particular pages that I want to refer to are a little bit difficult to find, because the bundle has not been paginated, but at the bottom of each photograph there is usually a printed number.

**A:** Yes.

**Q:** If you turn the file sideways, I hope you can find a photograph which has a printed number 15 at the bottom?

**A:** 15?

**Q:** Yes.

**A:** 15.

**Q:** Yes, 15.

**MR IRVING:** My Lord, I am again nervous about this introduction of fresh evidence of the re-examination phase.

**MR JUSTICE GRAY:** Well, this does arise of out cross-examination.

**MR RAMPTON:** This arises directly out of questions about selection.

**MR JUSTICE GRAY:** Do you remember questions about where the selection process took place and how it changed from being on the railway platform, I think it was originally, and then they built the spare and it was sometimes done

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there. Is that a fair summary of the evidence?

**MR RAMPTON:** There is a very direct and relevant point to be made at the end of this little exercise, if Mr Irving will be patient. Do you see that photograph, Professor?

**A:** Yes, I see.

**Q:** Just tell me, I will make a suggestion and answer then I will ask for information. Am I looking northwards?

**A:** No. You are looking towards the West.

**Q:** That is my mistake. I see two chimneys. One is on the right of the picture. There are two large chimneys, one on the right and one on the left.

**A:** The chimneys of crematorium (ii) to the left and (iii) to the left.

**Q:** There is on the left of the picture, therefore, to the south, a hut or building. Do you see that?

**A:** Yes.

**Q:** And there is a line of what looks like concrete posts probably with wire on them. Is that right?

**A:** Yes.

**Q:** What is behind that wire?

**A:** Behind that wire is the women's camp, what is the called women's camp in 1944.

**Q:** We see the people; they look as though they perhaps have just got out of the train. That is for reference because I now want you to look at, please, just for in passing, at page 22. .

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**A:** Should I keep this one out?

**Q:** Yes, I think probably it is a good idea to keep it out.

That is what I shall do; it makes it easier to know what one is looking at.

**MR JUSTICE GRAY:** 22.

**MR RAMPTON:** 22, my Lord, yes. This is just in passing. There we are looking -- have you got 22?

**A:** Yes.

**Q:** There we are looking in the opposite direction towards the entrance to the camp, are we not?

**A:** We look eastwards, yes.

**Q:** So from what you have just said, the women's camp is on the right of this picture?

**A:** Yes.

**Q:** Is what we see there what you have described as selection into male and female?

**A:** This is the moment just before the selection. It seems that the people who are still ----

**Q:** Division, I mean.

**A:** Yes, the division between on the one side, men and older boys, and on the other side, women and children, has occurred.

**Q:** Yes. Then, if you please, the last photograph I need you to look at, I am afraid you look in a different place now, you look in the bottom left-hand corner for a very small printed italic 32?

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**MR JUSTICE GRAY:** Further on.

**A:** Yes, I see.

**MR RAMPTON:** It is further on, my Lord. Yes, it is about -- 15 pages maybe. That is the one. Now, Professor -- has your Lordship got it?

**MR JUSTICE GRAY:** Yes.

**MR RAMPTON:** Do you see the building, long low building behind the people in the half background?

**A:** Yes, I see.

**Q:** Is that the same houses we were looking at earlier?

**A:** That is the block for the women's camp.

**Q:** And you see to the left there is a lorry?

**A:** Yes.

**Q:** A truck. Behind the truck is what appears to be a gate?

**A:** Yes.

**Q:** And is the gate shut?

**A:** The gate is shut, yes.

**Q:** The people in the line appear to be women and children, do they not?

**A:** They are women and children, yes.

**Q:** On the right of the picture, apart one or two SS men in uniform, there is what looks like a uniform figure on the far right of the picture, but ignoring him, the women and children on the right of the picture are moving in what direction?

**A:** They walk along the railway track to the West. .

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**Q:** What lies at the end of the railway track to the West?

**A:** Crematorium (ii) and crematorium (iii).

**Q:** Is there any access to the women and children's camp from this point onwards between ----

**A:** No.

**Q:** --- here and crematorium (ii)?

**A:** There is no access.

**Q:** Is there any access from that point to the sauna building north, or whatever it is, west of Canada?

**A:** At the moment there is, but not at that time.

**Q:** That is what I mean. I meant here in May 1944?

**A:** Yes -- no there was a gate, but the usual way to go to the central sauna was actually to take the lagerstrasse which is through the middle of the camp and then go up past crematorium (iv) and (v).

**Q:** Which means going in the opposite direction?

**A:** Going in the opposite direction.

**MR IRVING:** At the risk of testing your Lordship's patience once again, this material was not in the expert report. It was not dealt with in cross-examination, and I really have to be lectured on how it can be introduced at this late stage.

**MR JUSTICE GRAY:** Well, I am with you to the extent that it does not really seem to go quite to the selection process; more to what was going to happen after the selection process had taken place. .

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**MR IRVING:** Precisely. One is being invited to draw a lot of inferences from pictures which one would like to have had spelt out explicitly either in the report or in cross-examination.

**MR RAMPTON:** Why do we not get Professor van Pelt to spell out the inference which do I do not really think needs doing.

**MR JUSTICE GRAY:** That is what Mr Irving is objecting to.

**MR RAMPTON:** I am quite willing, while he is still here, if Mr Irving then wants to ask a question about it for him to do so.

**MR IRVING:** This is not the way this thing should be done though.

**MR RAMPTON:** I do not agree with that, as a matter of fact.

Professor van Pelt was cross-examined about selection. He explained what it was for and he explained what had happened to the people that were not selected to go into the camp to work. That being so, this is directly relevant. It has been in this file, in these bundles, ever since they were first composed.

**MR JUSTICE GRAY:** Yes. I mean, having said that, I mean, the evidence is in now, I am sitting alone, so in a sense there is not so much harm, but I think one has to be a bit cautious when one has so much expert evidence about introducing what one might, I think, fairly describe as fresh points. This is evidence buttressing an existing point but it is ----

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**MR RAMPTON:** Yes, that is right.

**MR JUSTICE GRAY:** I am only just really putting down a marker at the moment, but the inference does not need to be spelt out because I think it is obvious.

**MR RAMPTON:** No, I do not think the inference does need to be spelled out. I would much rather not spell it out.

**MR JUSTICE GRAY:** Mr Irving, you have heard what I have said. That is how I am dealing with this.

**MR IRVING:** As long as your Lordship does not feel I am being tedious with these interruptions.

**MR JUSTICE GRAY:** No. I do not want to stop you. If you feel something is going on that you do not like, say so and if I do not agree, I will say so.

**MR RAMPTON:** All right. (To the witness): Gas pillars, gas introduction, pellet introduction pillars, Professor? Can you take up that file K2 again? This time I want to look at some documents we have looked at before but in a slightly different way.

**A:** Which is K2?

**Q:** K2 is the second Auschwitz bundle.

**A:** Yes.

**Q:** You should have it.

**A:** Yes, I have.

**Q:** I would like you to turn, first of all, please, to tab 3, which are David Olaire's drawings, and to the first page in that tab. I think you told us that Mr Olaire probably

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did this drawing in 1945 or 46. I cannot remember which?

**A:** It is dated 1945.

**Q:** Where do I find that? It is. It is in the bottom right-hand corner in manuscript, is it not?

**A:** Yes.

**Q:** D. Olaire, 45. Yes, I have it. Where did he make this drawing, do you know?

**A:** Back in Paris.

**Q:** In Paris. Do you know the circumstances in which he made these drawings?

**A:** No, I do not know.

**Q:** Then can we, please, turn back a tab, to tab 2, and page 5 in that tab -- no, first of all, take out, will you, the aerial photographs? That is the best way of doing it.

**A:** All of them?

**Q:** No, just the one at page 5. Page 5 in handwriting.

**A:** Yes.

**Q:** It is the clearest possibly although, funnily enough, it is not the largest. Can you go back to the Olaire drawing on page 1 of tab 3, please?

**A:** Yes.

**Q:** I want you to look at in a moment at the aerial photograph. Which crematorium is this that Olaire has drawn?

**A:** Crematorium No. (iii).

**Q:** How do we know that?

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**A:** He was working in No. (iii).

**Q:** Right.

**A:** And that also the plan itself is of No. (iii) because it is now reversed from crematorium No. (ii).

**Q:** We see that at No. 10 in his key are the Zyklon-B introduction vents?

**A:** Yes.

**Q:** If you look at the drawing, you see them, the dotted lines run from the figure 10 to squares on the ground plan?

**A:** Yes.

**Q:** Do you notice the alignment of those squares?

**A:** Yes, I do.

**Q:** Will you please look at the aerial photograph?

**A:** I do.

**Q:** K3 is on the right-hand side of the photograph, is it not?

**A:** Yes. There is a lettering right next to it almost, 160.

**Q:** Yes, that is right. How does the alignment of that photograph, those black dots, match what Olaire has drawn?

**A:** It seems identical.

**Q:** Do you know of any reason to think that David Olaire was shown this photograph before he made that drawing?

**A:** This was not available until 1979.

**MR JUSTICE GRAY:** Where was it until 1979 -- in Moscow?

**A:** No, no. This is the American, this is the American.

**Q:** It is American bombing ----

**A:** It is American bombing photo. .

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**Q:** --- photos. I had not written that down.

**A:** So, yes, all declassified.

**Q:** The summer of '44?

**A:** In the summer of '44, yes.

**MR RAMPTON:** Now I want to ask you one or two questions, Professor, which I fear you may find rather foolish, but I am going to ask them just the same, if you do not mind? You will remember a time at which Mr Irving has proposed -- I cannot remember quite when it was, perhaps several times -- that the absence of holes in the present ruins of Leichenkeller 1 at crematorium (ii) means that it can never have been meant for gassing live human beings. He suggests as an alternative that it had a dual purpose as a room for delousing corpses or, alternatively, other sorts of objects. First of all, can you give us your opinion, if there were no

holes in the roof, how do you think that the SS -- sorry, the sonderkommando would have been able to put the pellets into the room?

**MR JUSTICE GRAY:** Is there not a question before then, if you do not mind my saying so?

**MR RAMPTON:** You ask it, my Lord, please.

**MR JUSTICE GRAY:** Do you think there was any other way in which the Zyklon-B might have been inserted into the gas chamber into the morgue?

**A:** One could have used the same way. There are two ways apart from these columns. I mean, there are obviously no

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windows, so the way it was done in crematoria (iv) and (v) it would not have worked.

**Q:** What I was really asking is do you think it, in fact, happened in any other way? That was the question that I thought, perhaps, needed to be asked first.

**A:** Sorry, my Lord. A way, when you delouse a building or even in a delousing room, sometimes you could just put the palettes right on the floor. So that is a possibility.

**Q:** Sorry, Mr Rampton I thought I might have got a different answer to that question.

**MR RAMPTON:** No. Are there any contemporaneous documents (and it is a harmless procedure to disinfect corpses or clothes, there is nothing sinister about it) referring to such a procedure as this, the gassing of corpses?

**A:** I have never seen or heard of a document like that.

**Q:** Are there any eyewitness accounts from either side or any side?

**A:** No. There are no eyewitness accounts.

**Q:** Can you think of a reason why you would need to have, leaving aside the air raid question, we will come back to that, a double 8 millimetre thick glass spy hole to observe the gassing of corpses or clothes?

**A:** I cannot think of any reason.

**Q:** Can you think of any reason why that door with the luckloch should have a metal grille on the inside of it?

**A:** No. I cannot think of any reason. .

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**Q:** If it were an air raid shelter, can you think of any reason why the metal grilles should be on the inside?

**A:** No, I cannot think of any reason.

**Q:** We will just have a look at the pictures in Pressac in a moment. You answered me this morning, I know, but I will repeat the question because it is connected. Are there any contemporaneous documents referring to the provision of gas stores or any similar equipment for Leichenkeller 2?

**A:** No, there are no documents.

**Q:** What is the size of Leichenkeller 2, the auskleiderkeller, as I call it, as compared with Leichenkeller 1?

**A:** The one-third larger or maybe one-half larger than Leichenkeller 1.

**Q:** Suppose Mr Irving's thesis is right, the corpses must have been undressed in the auskleiderkeller and then dragged through to Leichenkeller 1 to be disinfected, yes?

**A:** If he accepts it was an auskleiderkeller, yes.

**Q:** We can see it was from the documents. We do not have to argue about that. How would the clothes which had been removed from the corpses have been deloused in Leichenkeller 2?

**A:** The only thing, I think, is to bring them also in Leichenkeller 1, to undress the corpses or maybe have the corpses dressed, deloused and then everything is deloused together, I do not know. The procedure seems to me so

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absurd to start with that ----

**Q:** I know. We just have to dot i's and cross t's sometimes.

That is all. I said you would find these questions a bit silly, I am sure. The preheating letter of 6th March 1943: You told us, I think this morning -- I think you said this -- there is no provision for that in any of the plans, so you have drawn it in?

**A:** Yes -- no, in the blueprints there is no trace of such a preheating installation.

**Q:** No. Was there a provision for ventilation from the beginning?

**A:** Ventilation ----

**Q:** Ventilation.

**A:** --- in morgue No. 1, yes.

**Q:** Was there any preheating provision for Leichenkeller 2?

**A:** No.

**Q:** Then the lift capacity. Tell me if I have the figures right. I think you said it could take 1500 kilograms?

**A:** They were expanding -- the original one was 750 kilograms and they were ordering reinforcement of the cables so that it could take 1500 kilos.

**Q:** I am talking about their intentions.

**A:** Yes.

**Q:** This is all what I call intentional material. If the average corpse, balancing between young children and fat men, if you like, is, say, 60 kilograms, yes?

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**A:** Yes.

**Q:** Is that fair? I do not think in kilogrammes, you see, so I have to have your help.

**A:** Yes.

**Q:** 60 kilograms, then the capacity for each hoist, each journey, would be about 25 corpses, would it not?

**A:** Yes.

**Q:** The incineration capacity given in the letter of 28th June for all five crematoria, but for this one in particular, is 1440 corpses per 24 hours, is it not?

**A:** Yes.

**Q:** That is, roughly speaking, if you take a 16 hour rather than a 24-hour period, about 90 corpses an hour, is it not?

**A:** Yes.

**Q:** If it is 90 corpses an hour, then the lift can do more than that 90 in 15 minutes? If it can do 25 corpses a load?

**A:** Yes.

**Q:** Then in an hour----

**MR JUSTICE GRAY:** More than four loads an hour?

**A:** Certainly, sir, yes.

**MR RAMPTON:** That is 50, roughly speaking, and you get to 90 before you got to the end of the hour?

**A:** Yes.

**Q:** Does that seem to you feasible?

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**A:** Yes. It seems feasible to -- certainly I think the elevator could keep up with the ovens.

**Q:** Yes. That is much more neatly put than I could have put it. Thank you. There is a document up there which I am going to ask you about at the end of this re-examination, Professor van Pelt. I warned Mr Irving that I might.

First of all, I want to ask one or two tiny little questions about this air raid shelter thesis. This is, according to Mr Irving, the alternative use for Leichenkeller 1, hence the spy hole and the gas tight door and all that kind of thing. How far are K2 and K3 from the SS barracks?

**A:** We can see it in the air photo, No. 5 in tab 2 which we just took out ----

**Q:** Yes.

**A:** --- the SS barracks, basically, is in the compound marked with "north". So I would say that since you cannot run diagonally or walk diagonally through the camps of BA2 which is building section 2, you have to go one way or the other around it, so it would be around a mile and a half.

**Q:** A mile and a half?

**A:** Mile and a half.

**Q:** Sorry, help me again about that. Where are the SS barracks?

**A:** They are at the bottom in the square thing. They are at the bottom right-hand corner and they show a kind of

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garden design. There is a kind of a little fountain in the middle with a cross, behind what became the Birkenhau Kommandanttur.

**MR JUSTICE GRAY:** But we are on air raid shelters, are we now?

**MR RAMPTON:** Yes. I am just wondering how practical the Professor thought it was as a site for an air raid shelter, considering it is not big enough to hold the whole of the camp population, how practical it was as a proposition for the people in the SS barracks?

**A:** It is not practical at all -- neither in distance nor also for other reasons.

**Q:** I think you told us also that there was provision for an air raid shelter in due course at Auschwitz 1?

**A:** There are many -- I mean, at a certain moment one gets small air raid shelters and one gets in the crematorium in Auschwitz 1, you get a specific air raid shelter to serve the SS hospital which is right next door.

**Q:** When was that air raid shelter first planned?

**A:** In the fall of 1944.

**MR JUSTICE GRAY:** So afterwards?

**A:** Sorry? Afterwards. Long afterwards.

**MR RAMPTON:** Yes. Can we now just have a look, really so as to finish with air raid shelters, at the photographs in Pressac because I have been going on about a door with a glass spy hole and a metal grille. It is as well to look at them. My Lord, they are at the back of H2(vi). If you

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want to use your own Pressac, Professor, please do.

**A:** Which page?

**Q:** That is the trouble. I am sorry, my Lord. They are in K. They are very bad copies. So if your Lordship would like, I will lend you my much better copy. Have you got your own Pressac?

**A:** I have Pressac if you give me the page number.

**Q:** Look at your own Pressac. It is page 486. Tab 6, my Lord. Page 8 stamped.

**MR JUSTICE GRAY:** K2?

**MR RAMPTON:** K2, tab 6. I think it is K1.

**MR JUSTICE GRAY:** Yes. I do not think it is K2.

**MR RAMPTON:** No, it is not. It is K2. It is a fold out sheet, my Lord. 8 stamped in the right-hand corner.

**MR JUSTICE GRAY:** Yes, I have it. Thank you.

**MR RAMPTON:** Some questions, just a very few, about these photographs, Professor. Do you know when and by whom they were taken?

**A:** They were taken by, I think, the Dawidowski Commission, the Jan Sehn and Dawidowski.

**Q:** As you told the court, the 30 by 40 centimetre gas type shutters, some of them have been preserved, have they not?

**A:** Yes.

**Q:** These not, however, is that right?

**A:** They are not. I have looked for them. I have never seen them. Nobody ever could tell me where they were. .

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**Q:** In the photograph on the right, headed "Document 13", we see the metal grille over the spy hole, do we not?

**A:** Yes.

**MR JUSTICE GRAY:** This came from where, do we know?

**MR RAMPTON:** Well, I think it says Dawidowski and in this sense this says Warsaw Central Commission archives.

**MR JUSTICE GRAY:** No, what I really meant was is the contention this is Leichenkeller 1 in crematorium (ii)?

**MR RAMPTON:** Yes, these are thought to be the gas type doors referred to in the correspondence -- what is it gasturm 8 millimetre ----

**A:** Yes, gastur.

**MR IRVING:** With respect, I think his Lordship is asking do they come from Auschwitz or Birkenhau.

**MR JUSTICE GRAY:** I was asking, yes, I suppose, in effect, it come to that. I mean, this is Leichenkeller 1 in crematoria (ii), you say?

**A:** The thing is these doors -- it is the problem is we do not have measurements of the doors in the photos. What we know is that when the Leichenkeller 1 gas chamber was taken apart in late 1945, materials were stored at the Bauhoff. The Bauhoff was, basically, a large yard where they kept building materials and also things of buildings they had used and thought of reusing in the future again, or where they thought of shipping somewhere else. So these doors were found at the Bauhoff. There was no label

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attached to the doors and there was also no measurement in here. So the original door is 100 centimetres wide and 192 centimetres high. So, unlike the gas type shutters which are still available for inspection, and which, indeed, are 30 by 40 centimetres, you know, it is possible, it

is likely, probable, but cannot be absolutely certain about it, no.

**MR JUSTICE GRAY:** Where has the physical door gone?

**A:** The physical door?

**Q:** The door of which one is looking at the photograph?

**A:** I do not know. I have asked people.

**Q:** It has disappeared?

**A:** Yes.

**Q:** I see. Anyway, you say it is probably ----

**MR RAMPTON:** I was going just ----

**MR JUSTICE GRAY:** --- Leichenkeller 1.

**MR RAMPTON:** --- to build that up a little bit further because there is a letter -- can you remind of the date when Bischoff is writing to the internal manufacturer, or the Auschwitz manufacturer, that he wants a gas type door exactly the same as the one -- do you know the one I mean?

**A:** I know the letter. I just ----

**MR JUSTICE GRAY:** I have it, it is page 44.

**MR RAMPTON:** I am most grateful.

**MR JUSTICE GRAY:** Tab 4.

**MR RAMPTON:** It is tab?

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**MR JUSTICE GRAY:** Tab 4.

**MR RAMPTON:** Tab 4, Professor.

**A:** Yes, I am here.

**Q:** On 31st March 1943, Bischoff writes to the manufacturer and he says in the second paragraph that he wants a gas door 100 by 192 centimetres for Leichenkeller 1 at crematorium (iii) BW30A, the same design, and what is "mass", size ----

**A:** "Size", yes.

**Q:** --- as the keller door of the opposite crematorium (ii) with a spy hole from double 8 millimetre glass with a sealing, a gasket -- "gummidichtung" be rubber sealing?

**A:** Yes.

**Q:** A rubber sealing. What is a beschlag?

**A:** That would be some kind of metal edge or ring. It is mostly metal work which you apply to something else. In this case to wood.

**Q:** So it follows, does it not, as night follows from day, that both Leichenkellers in crematoria (ii) and (iii) had a gas type door of this description?

**A:** Yes.

**Q:** The description in the letter?

**A:** Yes.

**Q:** We know also, do we not, that Tauber described just such a door in his testimony?

**A:** Yes. .

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**Q:** Does this picture correspond with the description in this letter and the description given by Tauber?

**A:** It does correspond with it. I would like to make one caveat.

**Q:** Yes.

**A:** It is of course always possible that these were doors for crematoria 4 and 5, because we do not

have the final measurements, but I presume that they would have been designed in the same way.

**Q:** If you look at the picture on the left, document 11, yes, that is necessarily -- sorry, I will not say. That has not got the metal grill on the spy hole, has it?

**A:** It does not because we are looking at the outside.

**Q:** Please let me take it in stages.

**A:** Yes.

**Q:** It does not have the metal grill?

**A:** It does not have the metal grill.

**Q:** It does have, I do not know what you call the thing, it is a sort of a bolt?

**A:** Yes.

**Q:** And probably the bolt, although it is impossible to tell from the picture precisely, goes in that direction, so that one can imagine that it is going to do that?

**A:** Yes.

**Q:** Fit into a slot or arm?

**A:** Yes. .

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**Q:** Look at the hinges.

**A:** I see the hinges.

**Q:** You see the hinges. Does the shape of the hinges tell you anything about the direction in which the door will open?

**A:** The door opens outwards.

**MR JUSTICE GRAY:** Why do you say that from the hinges?

**A:** Because the hinges seem to come forward, the hinges on the right side seem to come forward which means that ----

**Q:** I must say I cannot really see that.

**A:** Can I draw it?

**Q:** I know what you are saying, but I just do not see it on the photograph.

**MR IRVING:** It depends which side the hinges are, surely..

**A:** It is very clearly on the top, on the top hinge. There are two hinges, and the top hinge.

**MR JUSTICE GRAY:** I cannot see the top hinge.

**A:** It is right where the roof line is. The roof line. We are looking at document 11? You can see it. It is confirmed, it is confirmed by the next photo.

**MR RAMPTON:** I think, my Lord, your problem is you have not got a good photograph.

**MR JUSTICE GRAY:** Have I not the same as everybody else?

**MR RAMPTON:** No, I have a much better one and so has the witness. Let the Judge see the original.

**MR JUSTICE GRAY:** Can I borrow?

**MR IRVING:** My Lord, that door could be mounted either way. It

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entirely depends whether it is mounted inside or outside.

**MR JUSTICE GRAY:** Thank you very much.

**MR RAMPTON:** Professor, taking that, if you like, with Mr Tauber's description, but, if you like, leave Mr Tauber out, to what side of the door does it seem to you that we are looking in this photograph on the left-hand side of the page?

**A:** The photograph on the left hand is the outside of the door.

**MR JUSTICE GRAY:** So if one were looking through the peephole, as it were from where the photographer is, you would see inside the gas chamber?

**A:** That is the -- the peephole is there where people on the outside of the door would have stood.

**MR RAMPTON:** And your view would be somewhat, but not much, of that focal length obstructed by this grille?

**A:** Which is shown in the next picture, where the grille is.

**Q:** Yes. It is in the next picture, not very clear, but it is. That is quite right. If Leichenkeller 1 in crematoria (ii) and (iii) had been intended for use as disinfestation rooms, do you see any reason why Dejaco should have changed the way in which the doors opened from inwards to outwards?

**A:** No.

**Q:** You spoke of the gas type shutters at bunkers 1 and 2, and this is in connection with what you were saying about K4

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and K5, and you mentioned Dragon's testimony. If you have that little bigger file, not very big file, K2, could you turn to tab 3 and look at one of David Olaire's drawings?

**A:** From No. 3?

**Q:** Yes, probably. You know them better than I.

**A:** Yes.

**Q:** Drawing No. 3, which is said to be a drawing from memory done in 1945 of bunker 2 which has the macabre sign over the door "Disinfektion", and do you see a window he has drawn?

**A:** Yes.

**Q:** What do you take that block on the window to be?

**A:** This is one of these gas type shutters.

**Q:** Does it correspond in size and appearance to what we can see if we go to Auschwitz now, those wooden gas type shutters?

**A:** The wooden gas type shutters which are in the ----

**Q:** There are photographs in Pressac we need not look at?

**A:** --- in crematorium (i).

**MR IRVING:** My Lord, once again we are now introducing fresh pictures, fresh evidence. Had this been introduced originally, I would have brought photographs showing exactly the same gas type shutters with an entirely harmless use.

**MR RAMPTON:** This drawing has been in Professor van Pelt's report since the very beginning of this case, ever since

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he did it.

**MR JUSTICE GRAY:** Yes, but not perhaps specifically pointing out that window as being ----

**MR RAMPTON:** Oh, yes.

**MR JUSTICE GRAY:** Oh, it is, is it? Good.

**MR RAMPTON:** There is a whole section on Olaire's drawings and this window, this particular drawing of this window. In fact, there is another one on the next page, outside K5, right at the end of the building behind the shoulder of the SS person in the end of the building. (To the witness): Is that right, Professor?

**A:** Yes. That one -- that is the reason I included that drawing inside the expert report.

**Q:** I understand that. You remember I asked you to look, this morning, at the document which spoke of keeping a plan secret?

**A:** Yes.

**Q:** There should have been attached to that another three pages.

**A:** Yes, I have this.

**Q:** Yes, dated 16th December 1942; it is a report from somebody called Heinrich Kinner who is an SS Untersturmfuhrer. My Lord, before I turn to this document, I will explain the reason I introduce you to the re-examination. The whole of Mr Irving's thesis may or may not be a relevant thesis, but the whole thesis is that

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there were no systematic homicidal gassings or killings, for that matter, at Auschwitz. If this be a genuine document, it is of direct relevance to everything he has put to the Professor in cross-examination.

**MR JUSTICE GRAY:** Right.

**MR RAMPTON:** You will see a translation.

**MR JUSTICE GRAY:** I have not read it, Mr Rampton, so I cannot tell you about that, but that is the way it is put.

**MR RAMPTON:** You will see a translation on the next two pages, Professor. Can we use the translation?

**MR IRVING:** Before using translations, can I just once again object to the introduction of material like this which was supplied to me at 1 p.m. yesterday afternoon? It is now used in re-examination. This is not the way to deduce documents like this.

**MR JUSTICE GRAY:** Where did it come from?

**MR RAMPTON:** I cannot tell, your Lordship, the source; the source wishes to remain anonymous for personal reasons. However, it is not a document that I have ever seen before nor anyone on my side. It even surprised my scholars. I do not know whether Professor van Pelt has seen it, because I have not been talking to him.

**MR JUSTICE GRAY:** Well, I think you will have to lay the foundation, given that you tell me the provenance of it.

**MR RAMPTON:** Well, as an anonymous provenance.

**MR JUSTICE GRAY:** It may be that he has seen it before, in

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which case, no problem, but otherwise, I think there has to be a limit on what one can introduce. I have not actually got the German, so maybe I am doing it less than justice.

**MR RAMPTON:** I think we have the original German.

**MR IRVING:** If the court is to establish a direct between Himmler and the killings of Jews somewhere.

**MR RAMPTON:** No, that is not why I want to use the document at all. I want to use the document because it demonstrates what was happening to Jews at Auschwitz. That is of direct relevance to the cross-examination.

**MR JUSTICE GRAY:** Given what you tell me about where it comes from, I think one needs to establish that it is on the face of it to be taken to be an authentic document.

**MR RAMPTON:** Mr Irving has had it since yesterday. If he tells me he disputes its authenticity, then I ----

**MR JUSTICE GRAY:** Are you saying that, Mr Irving?

**MR IRVING:** My Lord, I do not know how long it takes the Defence experts to look at a document and establish its context and find out where it came from, and its pedigree and hybrid.

In this particular case, given the importance of the document, I would have no objection at all to it being introduced in three or four weeks time after I have had time to chew it over. To have it sprung on me and to be sand bagged like this with a document of this importance -- unless they are going to rest their entire

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case on this kind of tactic, I think it is very dubious and I think this is a very proper case for your Lordship to say, well, disregarding merits or otherwise of this document, this is not the way to do this; Mr Irving is appearing here in person. He does not have the resources. He does not have anonymous people ----

**MR JUSTICE GRAY:** I do not think it has anything to do with resources. I have some sympathy with the fact you really have not had very much time to consider this.

**MR IRVING:** That is the main point.

**MR JUSTICE GRAY:** What I am wondering, Mr Rampton, because obviously we are near the end of Professor van Pelt, do you actually have to put this document in through him?

**MR RAMPTON:** No, I do not. I will use it cross-examination when I get back to Mr Irving. I have already told him that.

**MR JUSTICE GRAY:** Then I think I would prefer you did that. I think there is some force in what Mr Irving says.

**MR RAMPTON:** Our side takes absolutely no blame for this. We have been, as your Lordship may imagine with a case of this high profile, showered with material from all quarters of the world. This came yesterday, no, I am wrong, Wednesday evening out of the blue.

**MR JUSTICE GRAY:** Yes. In a case of this kind, as you say, that is bound to happen, but I do not think it means that anything can come in, you know, without any real

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examination or opportunity for Mr Irving to examine.

**MR RAMPTON:** No. If Mr Irving wants more time to think about it, that is fine. Meanwhile I am not going to say anything about the person we got this from, but what its original source is, which archive it was in.

**MR JUSTICE GRAY:** It has obviously comes from something, as you can see from document 6.

**MR RAMPTON:** Yes, I am told that is a collection of documents I think in Walsall.

**MR JUSTICE GRAY:** There we are, Mr Irving. So far, as it were, I am with you. I am certainly going to give you time to think about it.

**MR IRVING:** Thank you, my Lord.

**MR RAMPTON:** I have finished my re-examination, my Lord. It is 25 to 4.

**MR JUSTICE GRAY:** I have no questions myself, Professor van Pelt. You thank you very much indeed.

**MR RAMPTON:** If it is necessary to release him, my Lord, could he be released?

**MR JUSTICE GRAY:** Yes. Are you released. I am sure it will not happen, but if it were to happen we will let you know if we would like you to come back. I have no reason to suppose that is going to happen.

I was going to possible ask Professor van Pelt about this, but I think it may be better done another way. Would it be possible for either of you, but I think

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the Defendants really are in a better position to, to just give me on perhaps a single piece of paper a description of how Auschwitz divides up between Auschwitz 1 and Auschwitz 2, Birkenhau? I do not really have the basic geography in my mind. I have looked at Professor van Pelt's helpful report. It does not really tackle that, because perhaps because it is so elementary. So would you mind producing a document?

**MR RAMPTON:** He is the expert. I could do a diagram now but it would be wrong. Before he goes, I do not know if he is going until the weekend or beyond.

**MR JUSTICE GRAY:** That is why I think it is better not to do it in evidence.

**MR RAMPTON:** No. Let him produce a plan and we can agree it and use it.

**MR JUSTICE GRAY:** Let Mr Irving see it obviously.

**MR RAMPTON:** Of course. I will give him a copy.

**MR JUSTICE GRAY:** It is all basic stuff.

**MR IRVING:** It should very much be an agreed plan.

**MR JUSTICE GRAY:** Yes, ideally.

**MR RAMPTON:** There is one in Leuchter but it is so hopeless that I think we ought not to use it.

**MR JUSTICE GRAY:** Right. Well, I do not think there is any sense at all in recommencing your cross-examination. So we will adjourn now. Is there anything else that needs to be dealt with at this stage?

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**MR RAMPTON:** I do not think there is.

**MR JUSTICE GRAY:** Monday we are having Professor McDonald.

**MR IRVING:** Professor McDonald, my Lord.

**MR JUSTICE GRAY:** Straight off at 10.30?

**MR IRVING:** Straight off at 10.30.

**MR JUSTICE GRAY:** That is agreed between you both?

**MR RAMPTON:** Yes, that fine.

**MR JUSTICE GRAY:** After that cross-examination resumes.

**MR RAMPTON:** If cross-examination is to continue, I will say it now so that Mr Irving can think about, I am going to go to the meeting between Hitler and Admiral Hurty at Klessheim in April 1943. I am then probably going to go Dresden. Then I am going to go back to Reichskrissallnacht. That is as far as I have got in my planning at the moment.

**MR JUSTICE GRAY:** Good. 10.30 on Monday then.

**(The witness withdrew)**  
**(The Court adjourned until Monday, 31st January 2000).**

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