

PROCEEDINGS - DAY TWENTY-FIVE

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Day 25. (10.00 a.m.)

DR LONGERICH, recalled.
Cross-Examined by **Mr Irving**, continued.

MR JUSTICE GRAY: Mr Irving?

MR IRVING: May it please the court. My Lord, you requested yesterday that I should state my position on the Einsatzgruppen and I place before your Lordship a two-page summary of my position. I do not know whether your Lordship wishes to address it now? I gave a copy to Mr Rampton. If Mr Rampton wishes to address it now, then I would be perfectly happy to discuss with him.

MR JUSTICE GRAY: I think it is sensible to have a look at it now because it just could affect some of the cross-examination later today. **(Pause for reading)** I am bound to say that I think that differs very, very substantially from the position that you seem to have adopted in your cross-examination by Mr Rampton.

MR IRVING: Does it? In which respect?

MR JUSTICE GRAY: It seems to me that this is a rather partial acknowledgment of Hitler's knowledge and therefore responsibility for what went on in the Eastern territories.

MR IRVING: Of course I did not mention the October 1943 watershed, that is true.

MR JUSTICE GRAY: Do not worry about that because you accepted

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everything, as it were, after that. Mr Rampton?

MR RAMPTON: I regard it as a fairly enormous step backwards. However, it does not trouble me in the very slightest, I have to say, because by a combination of the actual evidence of what was happening at the time and what Mr Irving said when first confronted with it, I am quite happy to leave that matter to be made by way of submission at the end of the case.

MR JUSTICE GRAY: I think that is right and it seemed to me that, when you were saying you might have to recall Browning and so on, I do not think that is right.

MR RAMPTON: No, it was off the cuff and it was not meant interrorem, but it was a thought that occurred to me. I think actually, having regard to this, that this is so inconsistent, in my submission, with what was first said in cross-examination, that I am happy to leave it like that.

MR JUSTICE GRAY: I think it is a matter for comment later on. Mr Irving, that must be right. To the extent that there is a difference between the position you took in cross-examination and this document, then Mr Rampton obviously must be entitled to make whatever comment he thinks fit.

MR IRVING: Or indeed to cross-examine me further on that document.

MR JUSTICE GRAY: He may want to do that, I do not know.

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Probably not I guess. Anyway, I have that now. Again I think it is sensible to try to work out where it should go. I think probably it goes in -- this is really for the transcript so that everybody knows where it is --

MR IRVING: L, was it not?

MR JUSTICE GRAY: I was thinking more, because in a way it is statement of your case, I wonder whether it belongs in C or, indeed, in the pleadings. I think that is right. I will tuck it behind your defence in bundle A.

MR IRVING: Very well, my Lord.

MR JUSTICE GRAY: Thank you very much for doing that anyway. When I say "defence", I mean, of course, reply, tab 4. Yes. Is there anything else before you resume?

MR IRVING: No, I can begin cross-examination.

Dr Peter Longerich, recalled
Cross-examined by **Mr Irving**, continued.

Q: Dr Longerich, good morning.

A: Good morning.

Q: We touched yesterday briefly on the existence in the Institut fur Zeitgeschichte of manuscripts written by Karl Wolff. You said that it was of a confidential nature and that it was not open for general research. I stated that in my discovery there had been extracts or a transcript of part of that. Can I ask you to look at the little bundle I just gave you? My Lord, this is on page 14 of the little bundle which is in sections.

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MR JUSTICE GRAY: Is this a manuscript? Manuscript, Karl Wolff, I see.

MR IRVING: Yes. If you go to page 16, which is the last page in that little clip, you will see a handwritten version of it. That is the original German. Page 14 is the original German transcript.

A: May I ask, is this your transcript?

Q: Yes, that is my handwriting.

A: So I have to rely on Mr Irving's summary?

Q: Yes, extracts.

A: I have to say I am not happy with that because, as we experienced yesterday, Mr Irving tends to shorten documents and I do not agree with him on the principles in the way he shortens documents. I am not very happy to comment on his transcripts or excerpts from documents. I would like to see the original.

Q: If you look at line 6, you will see that I have put three dots, and line 7 I have three dots.

A: Yes, but I have not seen the original, so I cannot ----

Q: You stated, of course, that you were not permitted to see the original because it was a confidential document.

A: Yes. Still I would like to see the original.

MR JUSTICE GRAY: I think I know what the problem is. Where is the original, Mr Irving?

MR IRVING: It is in the Institut fur Zeitgeschichte in Munich.

MR JUSTICE GRAY: To which Mr Irving does not have access.

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I take your point entirely, Dr Longerich, but shall we just see what the question is and see whether you can cope. If you do not feel you can ----

MR IRVING: My position would be of course, my Lord, that this was the document that was before me when I was writing my book, this handwritten extract.

A: But you were allowed to make photocopies from the document. I would really prefer to see a photocopy instead of your handwritten notes on the document.

MR JUSTICE GRAY: Do you have a photocopy, Mr Irving?

MR IRVING: No, my Lord. I was not allowed to make photocopies on this particular one.

MR JUSTICE GRAY: Proceed fairly cautiously. What is the point?

MR IRVING: If you will now look at the translation, which is on page 10, this is an explanation, is it not? It is an extract, first of all, from a confidential manuscript by Karl Wolff dated May 11th 1952, and he is referring to the effect on Himmler of the assassination of Heydrich. In the second paragraph Wolff expresses the rather extraordinary view that perhaps 70 men all told from Himmler to Hoess were involved in the extermination of the Jews. Then there is something which I put in quotation marks. The inference is that it is actually words from the document: "Bormann and Himmler probably represented the view that the Jewish problem had to be dealt with

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without Hitler getting his fingers dirty on it."

Then the next paragraph says: "After the mass epidemic at Auschwitz, the idea of deliberate mass deaths probably occurred. Himmler was in his way bizarre and religious and held to the view that for the greatest war Lord and the greatest war of all times he had take upon himself tasks which had to be solved to put Hitler's ideas into effect without engaging him", that is Hitler personally --
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MR JUSTICE GRAY: Mr Irving, I am sorry, I am going to interrupt you now. This is, it seems to me, of fairly central potential importance.

MR IRVING: In two ways, my Lord.

MR JUSTICE GRAY: I did not know what it was going to say. It is wholly unsatisfactory, is it not, to have your manuscript rendition, if that is the right word, of parts of this document? Is there an insuperable problem about getting hold of a photocopy of it?

MR IRVING: I will ask the Institute if they will provide me with a photocopy.

MR JUSTICE GRAY: Or even the Defendants might get a more helpful reaction to a request for a photocopy of this document.

MR RAMPTON: We might, but I have to say this is a note of something that Karl Wolff, a high ranking SS officer close to Himmler and Hitler, said in 1952.

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MR JUSTICE GRAY: It is potentially self-exculpatory, I can see that.

MR RAMPTON: That is a comment that I would make about it. The reason I say that now is that I do not know that I believe that it is worth, frankly, our time and trouble going to get the original from Munich.

A: Can I make a comment here, or a question?

MR JUSTICE GRAY: Yes, please do.

A: This is your interview with Karl Wolff?

MR IRVING: Good Lord, no.

A: You referred yesterday to a confidential manuscript by Karl Wolff. This is not a part of the confidential manuscript. This is part of the collection of testimonies collected by the Institute in the 1950s. You can recognize it by these reference numbers shown in German. It is an open class. I think, if you phone the Institute, you can get a photocopy within three hours or so.

MR JUSTICE GRAY: That is what I would have thought.

A: It is open class. There is no need to rely on handwritten excerpts, anything of this kind.

Q: You see, I am a bit unhappy, I will be frank, Mr Irving, that there are dots immediately before and immediately after the passage that you rely on.

MR IRVING: Yes.

MR JUSTICE GRAY: I do not think that is satisfactory and I think the witness is entitled to take the position,

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"I am not prepared to comment unless I have the entire document in front of me". Whether it has any weight or not is another matter.

MR IRVING: The only weight that it might possibly have is of course that I relied heavily on my extracts from the Wolff manuscript in writing my books.

A: This is not the Wolff manuscript.

MR IRVING: Your Lordship will recognise passages from this manuscript as they are represented and summarized in the Hitler's War.

MR JUSTICE GRAY: My response to that is whether an objective historian could and should have placed weight on this document must depend on the whole terms of it, not just on selective extracts.

MR IRVING: Of course I saw the whole document when I sat there making the extracts.

MR JUSTICE GRAY: Of course you did, but I think we need to see the whole document to see whether you should have attached the weight you say you did attach to it.

MR IRVING: I will try to obtain it, but of course I cannot obtain it today.

MR JUSTICE GRAY: I am wondering whether, if it really is a matter of three hours, and I do not see why it should not be, as Dr Longerich says, somebody could not perhaps even go and place a telephone call now.

MR RAMPTON: The best person to do that is the gentleman in the

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witness box. I may be speaking out of turn but I think he is the one that carries the clout so far as the Institute in Munich is concerned. It may be that one of my German researchers would be able to do it and see if we can get it before close of play today.

MR JUSTICE GRAY: That is what I was hoping. I will leave it to you. I think I am going to ask you to leave this document and come back to it. We will come back to it anyway but come back to it if we get the proper document.

MR RAMPTON: I am told that they do not feel they can do it. Could I have permission to speak to Dr Longerich about it at the adjournment? Maybe he can make a telephone call at lunch time.

MR JUSTICE GRAY: Yes, if it really cannot be done before then.

MR RAMPTON: I am told, I do not know reasons are, that it would be difficult for anybody but him to do it. Perhaps I could be a little unorthodox and ask him now?

MR JUSTICE GRAY: Yes, why not? Do you mind, Mr Irving? It is a bit unorthodox.

MR RAMPTON: Could you make a telephone call at lunch time?

A: If you give me a phone.

MR RAMPTON: We will give you a phone.

A: Yes, sir.

MR JUSTICE GRAY: Yes.

A: (After a pause) Sorry, is this a break?

MR JUSTICE GRAY: No, it is not. Mr Irving, carry on.

MR IRVING: While you still have that bundle in front of you -- my Lord, this is just by way of putting documents in -- page 1 is a German document which is a conference dated August 6th 1942, on the face of it. Right? It is from an American microfilm T 501 which is the records of the military government, the generalgouvernement. Is it a record of the conference of 6th August 1942, Dr Longerich?

A: Again, I have to say I got this document five minutes ago and I should really have the time to read it.

MR JUSTICE GRAY: Let us read it together. I am sure we will be able to manage.

MR IRVING: My Lord, I am just really going to pay attention to the title of the document and in the most general terms. Is this a document relating to increasing air raid precaution measurements in the government general?

A: The translation is guidelines for the building up of air raid defence in the area of the command of the military force in the generalgouvernement. That is the title.

Q: The remaining four pages just give guidelines for how to do this, to build air raid shelters because of the increased danger of British air attacks?

A: It does not say British air attacks. I think it could also refer to Soviet or American attacks but I just trust you that this is the case.

MR JUSTICE GRAY: Just so that I understand the relevance, this is back to Auschwitz?

MR IRVING: Back to Auschwitz, my Lord, yes, crematorium No. (ii). The next document I want you to look at briefly is on page 5. First of all, I draw your attention to the SS runes on the first line under be Abschrift. Do you have page 5?

A: Yes.

Q: You see the SS runes after Reichsfuhrer SS?

A: Yes.

Q: So this is probably a genuine wartime document? I have to put it like that.

A: Probably.

Q: Are you familiar with this document, signed by the chief of the concentration camp system, Pohl?

A: I cannot recall the document. I am really curious to know from which archive the document is. I also have to say I did not have the time to read the document. So would you say where this document is from, from which archive you have that?

Q: It has been provided to me by a lawyer in Dusseldorf who is heavily involved in wartime cases.

A: So you cannot say from which archive.

Q: I will obtain it for the court.

A: It is difficult for me to comment on the document if I do not know where the original is.

MR JUSTICE GRAY: I see that. Was this in your discovery, Mr Irving?

MR IRVING: My Lord, no it was not.

MR JUSTICE GRAY: I thought not. It is typical of last minute documents being provided to me by lawyers around the world and they know these things. If your Lordship has any objection, then I would not take it further.

MR JUSTICE GRAY: No, I do not. I think this document is rather different from your manuscript and I think we will proceed cautiously, but for the moment let us assume it is authentic.

MR IRVING: If you just look at the first page of this document and run your eye over it, is Pohl sending a message to all the concentration camp commandants, 19 of them, saying: "It is time to stop the rough and ready measures with prisoners. We are losing them like flies. We need their manpower. Look after them better"?

A: Well, first of all, I have to express my reservations about this document. I do not know the context. I do not know the archive. But on the assumption that this is an authentic document, yes, it is a letter to the 19 heads of the concentration camps, and obviously the document is saying that they have to improve their measures to keep prisoners alive, so which is a kind of reference to what happened in the camps before, I think.

Q: Indeed, and paragraph 5 of that first page says: "Not from any false sentimentality but because we need their arms and legs because those are helping the German people

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to get to a great victory. That is why we have got to start paying attention to the welfare of the prisoners"?

A: Yes. That is stated here in this document.

Q: Then the next page, page 2, the heading is, "Foodstuffs, food, feeding"?

A: I do not have the time to read now.

Q: Well, I am just asking you to look at the headings. That all we need, I think. Page 2 he is talking about the feeding. The following page, paragraph 2, is called "Clothing". Then down to the bottom of that page, "Natural Medications" or "Health" ----

A: Yes.

Q: --- "stuff".

A: Well, I cannot, you know, I cannot read so fast but under "Clothing" it is stated here: "I decide that during the winter, as far as far as available, prisoners should wear coats, pullover, socks", so that should give you an idea about the standards which actually existed in the concentration camps before this letter arrived, and it says, it says "as far as available", so it does not actually say, "Give the men, you know, proper clothing". It is saying, you know, "You can give them socks if they are available and nothing more". So I think this gives you a kind of an idea of this.

Q: Over the page, paragraph 4 is called "Avoiding unnecessary exertions". For example, these frequent parades were they

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were held standing for hours while they were counted zielappelle ----

A: Yes.

Q: --- are to be kept as short as possible, and so on. In other words, there seems to be a reversal of existing policy because they are losing prisoners like flies to what I would call non-violent causes.

A: That is your interpretation, yes.

MR JUSTICE GRAY: Well, what is yours?

A: Well, they started in the concentration camps a programme which they called "extermination

through work". So they used hard labour as a tool, as a means to kill prisoners. This was the practice before. Now, at October '43, it is not really surprising they are a bit cautious here and they are trying to improve as far as they can, trying to improve in some sense the general conditions of the prisoners. But, of course, this is a document, I mean, this document is, of course, sent to the head of the concentration camps -- nothing to do with the extermination camps, for instance.

MR JUSTICE GRAY: I was going to ask you about that.

A: Yes. So, as far as Auschwitz is concerned, it concerns the slave labours within the camp. It does not say anything about the people who were deported to the camp and selected in front of the camp.

If one, you know, if I have to -- if I were in

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the position to give you a kind of expert's opinion on the condition in the concentration camps at the end of 1943, I would not completely rely on this document. It would be completely unprofessional to rely on this one document. One has to look, of course, at all kind of circumstances. One has to look at the death rates. They had statistics on the death rates and I had to look at those, and so on. You know, the problem with this kind of document is that if you have not seen the file, in the file in the next bit you could find a document which says, "Well, I recall my order from last week". If you do not have the context, it is difficult to make, you know, a general statement as an historian about the condition in this camp, and whether they really, you know, in the way gave up this idea of extermination through work in the end of 1943 and how far they still carried on with this policy.

MR JUSTICE GRAY: Can I just ask you one question? You refer to the death rates and they were being reported, for example, from Auschwitz on a regular basis?

A: Yes.

Q: Death rates of those in the camps?

A: Yes.

Q: The inmates in the camps?

A: Yes, exactly.

Q: Do you recall, in general, whether the death rate reduced around October 1943?

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A: I cannot -- I think I should not speculate.

Q: No.

A: I do not have the statistics here and I cannot answer.

MR IRVING: You do actually because they are just in one of the other documents in the bundle, my Lord. We are coming to the death rates in a minute.

MR JUSTICE GRAY: Are we? Good.

MR IRVING: Yes. Can I ask, if you have finished with your replies, Dr Longerich, now to look at the loose page No. 15? This is from the same kind of source, is it not, the administration of the concentration camp system, dated December 28th 1942, and this is a letter addressed to the camp doctors of the concentration camps. Let me tell you where this comes from. It comes from a book called "Macht Ohne Moral". It is, obviously, not a wartime transcript. It has been transcribed, presumably, from a microfilm or something.

A: Yes, it is, I think somebody ----

Q: Typed a copy?

A: --- typed a copy, yes.

Q: But it is a letter written to the camp doctors of the concentration camps, including Auschwitz. That is the fifth one. Ravensbruck, Flossenburg and Nattswelleicken and I can see there Mauthausen at the end. It is saying to them in the second sentence, is it not, well, it begins by saying, "I am attaching", which is not attached here,

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"a list of the current editions and departures in all the concentration camps for your attention. From the latter,, you can see that of 156,000 arrivals, around 70,000 have died". He goes on to say: "This is completely unacceptable and the camp doctors have to stop their rough and ready measures and they have to start making sure the prisoners survive". What would you make of that kind of document? Are there any other passages you want to read from that document or translate?

A: Well, it says here that one can read from the statistics that from 156 prisoners who came into the camp, 70,000 died, and with this kind of high death rates, one is not able to keep the number of prisoners on the same level. I think this is the main concern, to keep, because the people died in the concentration camps, it is not possible to keep, you know, to keep this number of prisoners in the camp. This is nothing to do, of course, with extermination and gas chambers in Auschwitz. It is what happens in the camp.

MR RAMPTON: Can I, perhaps, interrupt and ask Dr Longerich, not Mr Irving, Dr Longerich, to translate the rest of that paragraph when he has read it?

A: Yes. "The concentration, the camp doctors have to make sure with all means at their disposal that the death rate in the single camps has to decline, not the one is the better doctor in the concentration camp who believes that

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through irresponsible, that he has to", well ----

MR IRVING: "Inappropriate callousness"?

A: "Inappropriate".

Q: "Harshness" or "hardness"?

A: "Harshness to, he has to..."

MR RAMPTON: Maybe the lady translator can do it.

THE INTERPRETER: Yes. "Not he is the better physician or doctor in a concentration camp who believes that through inappropriate, that he has to stand out through inappropriate hardness, but he who achieves, he who maintains the ability to work in the various workplaces through supervision and exchange on a level as high as possible"?

A: Yes, and I think "exchange" is here the key word, so what they are trying to achieve is they are trying to keep a certain number of prisoners to use them as slave labours to work them to death, but, of course, unfortunately, they have too many people died in a too short time, so they have to make sure they got supply from outside. This is, I think it is quite, the reference is here, "exchange of prisoners", yes? It is not the duty of the doctors to, you know, keep the people, to keep the prisoners on life -- alive, sorry, alive, so I think this is ----

MR IRVING: Is this document declaring war on the callousness of the camp doctors?

A: I do not think they would be -- just reminded them, the

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document reminded them to perform their duties as concentration camp doctors, and it is quite clearly what their duties are.

MR JUSTICE GRAY: What, to keep them alive?

A: Well, to maintain that always, you know, there is the same number of prisoners in the camp, yes? So to make sure that the effectiveness of a worker is, the effectiveness of the workforce is as high as possible by supervision and exchange of individual workers. So his responsibility is to care for the entire camp population, but not for the single worker. He has to make sure that the individual workers are exchanged so that the number of workers in the camp is a kind of ----

Q: Well, that has nothing to do with the doctors, has it, really?

A: Well, of course, the doctor has to -- this is the prime responsibility of the doctor.

Q: No, I mean the exchange is not really the doctor's responsibility?

A: No, but he is part of this process.

MR IRVING: Can I now, if Mr Rampton does not mind, translate the next sentence which is: "Camp doctors have more than hitherto to supervise the nourishment of the prisoners and to make suggestions for improvement in accordance, in conformity, with the administration of the camp commandants". Then further down that paragraph, does it

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not say, "The Reichsführer SS", that is Heinrich Himmler, "has ordered that the mortality rates are without question to be held down. They have got to be reduced".

So that is the overall tenor of this letter. The camp doctors are not doing their job properly. They have got to pay attention to the feeding and the health of the prisoners. Himmler is getting angry because they are losing so much of their valuable slave labour through whatever.

MR JUSTICE GRAY: Where do you get Himmler from?

MR IRVING: The Reichsführer SS. It is the last sentence but one, my Lord. The Reichsführer SS es hat befohlen?

A: The bottom line for me is: "The programme to exterminate prisoners for work is going too fast. We have to make sure we did not kill too many in a short time". I think this is the context of document.

MR IRVING: It is difficult at the last minute when documents are provided to me by lawyers around the world in doing these things. If your Lordship has any objection, then I would not take it further.

MR JUSTICE GRAY: No, I do not. I think this document is rather different from your manuscript and I think we will proceed cautiously, but for the moment let us assume it is authentic.

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Q: The inmates in the camps?

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died, and with this kind of high death rates, one is not able to keep the number of prisoners on the

same level. I think this is the main concern, to keep, because the people died in the concentration camps, it is not possible to keep, you know, to keep this number of prisoners in the camp. This is nothing to do, of course, with extermination and gas chambers in Auschwitz. It is what happens in the camp.

MR RAMPTON: Can I, perhaps, interrupt and ask Dr Longerich, not Mr Irving, Dr Longerich, to translate the rest of that paragraph when he has read it?

A: Yes. "The concentration, the camp doctors have to make sure with all means at their disposal that the death rate in the single camps has to decline, not the one is the better doctor in the concentration camp who believes that through irresponsible, that he has to", well ----

MR IRVING: "Inappropriate callousness"?

A: "Inappropriate".

Q: "Harshness" or "hardness"?

A: "Harshness to, he has to..."

MR RAMPTON: Maybe the lady translator can do it.

THE INTERPRETER: Yes. "Not he is the better physician or doctor in a concentration camp who believes that through inappropriate, that he has to stand out through inappropriate hardness, but he who achieves, he who maintains the ability to work in the various workplaces

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through supervision and exchange on a level as high as possible"?

A: Yes, and I think "exchange" is here the key word, so what they are trying to achieve is they are trying to keep a certain number of prisoners to use them as slave labours to work them to death, but, of course, unfortunately, they have too many people died in a too short time, so they have to make sure they got supply from outside. This is, I think it is quite, the reference is here, "exchange of prisoners", yes? It is not the duty of the doctors to, you know, keep the people, to keep the prisoners on life -- alive, sorry, alive, so I think this is ----

MR IRVING: Is this document declaring war on the callousness of the camp doctors?

A: I do not think they would be -- just reminded them, the document reminded them to perform their duties as concentration camp doctors, and it is quite clearly what their duties are.

MR JUSTICE GRAY: What, to keep them alive?

A: Well, to maintain that always, you know, there is the same number of prisoners in the camp, yes? So to make sure that the effectiveness of a worker is, the effectiveness of the workforce is as high as possible by supervision and exchange of individual workers. So his responsibility is to care for the entire camp population, but not for the single worker. He has to make sure that the individual

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workers are exchanges so that the number of workers in the camp is a kind of ----

Q: Well, that has nothing do with the doctors, has it, really?

A: Well, of course, the doctor has to -- this is the prime responsibility of the doctor.

Q: No, I mean the exchange is not really the doctor's responsibility?

A: No, but he is part of this process.

MR IRVING: Can I now, if Mr Rampton does not mind, translate the next sentence which is: "Camp doctors have more than hitherto to supervise the nourishment of the prisoners and to make suggestions for improvement in accordance, in conformity, with the administration of the camp commandants". Then further down that paragraph, does it not say, "The Reichsführer SS", that is Heinrich Himmler, "has ordered that the mortality rates are without question to be held down.

They have got to be reduced".

So that is the overall tenor of this letter. The camp doctors are not doing their job properly. They have got to pay attention to the feeding and the health of the prisoners. Himmler is getting angry because they are losing so much of their valuable slave labour through whatever.

MR JUSTICE GRAY: Where do you get Himmler from?

MR IRVING: The Reichsführer SS. It is the last sentence but

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one, my Lord. The Reichsführer SS es hat befahlen.

A: The bottom line for me is "The programme to exterminate prisoners for work is going too fast. We have to make sure that we do not kill too many in a short timeframe. I think this is the context of the document".

Q: Dr Longerich, it does not actually say that in the document, does it? That is the spin you have put on it.

A: No, but again, you know, if you ask me as an expert and you just put one document in front of me, I have to say that you have to see it in the context of the history of the concentration camps, and it is not the prime responsibility -- this was not the prime responsibility of concentration camps doctors to look for the health and welfare of the prisoners. One has to say that, and you cannot ----

Q: To your knowledge, was there a large camp hospital in Auschwitz?

A: I would not call it a hospital. It was a kamp baracken. So this is a place where sick prisoners, sick prisoners, were forced to go to the kamp baracken and, of course, there the main purpose of this so-called hospital was, of course, to select the prisoners not fit for work and to send them into the gas chambers. So the whole notion of a hospital, I think, is rather bizarre, as far as prisoners are concerned.

I have to say I am not really an expert for

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Auschwitz. We had an expert here and I think I cannot do it ----

MR JUSTICE GRAY: I think his answer was more or less the same as yours.

A: Yes, I cannot actually -- I do not have more expertise, definitely not more expertise than he.

MR IRVING: I am not going to ask you questions about Auschwitz. This is about the entire concentration camp system or the extermination system, as you would describe it. Obviously, I do not want to flood the court with documents of this nature, but had you seen documents ----

MR RAMPTON: No, I am sorry. I do not believe that is what the witness has said. What the witness has said is that this concerns, to use Mr Irving's phrase, slave labour in the concentration camps which includes a whole lot of camps in Germany which have nothing to do with extermination. The witness has specifically said that these documents have nothing whatever to do with the extermination programme which took place at Birkenhau which is not mentioned in any of these documents or in the Reinhardt ----

MR JUSTICE GRAY: That is, undoubtedly, what the witness has been saying, none of this touches on the ones who were not selected for ----

MR IRVING: My Lord, it is remarkable the way the Defence sometimes says that Auschwitz covers both camps and sometimes they say it does not. That is all I would say

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there. Can we now look at the third document, please, which is the only other one I am going to trouble the court with on this particular matter, document No. 16, which is a four page document with tables dated September 30th 1943 from the same kind of man, is it not? It is signed actually by Pohl himself, chief of the camp system, and here he actually attaches statistics, does he not, for deaths just in one month, August, 1943? The third page is a table of death in August 1943.

A: Do I have chance to read the document? Give me, please, five minutes.

MR JUSTICE GRAY: Take your time.

A: Yes.

MR IRVING: First of all, the covering letter is a bit triumphant, is it not? It says: "In consequence of the hygienic measures we have introduced, and the better feeding, the better clothing, the death rate has gone down in the camps".

MR JUSTICE GRAY: Let us just see, would you mind, would the translator very kindly translate the first paragraph just so we get the order of the mortality?

THE INTERPRETER: The first paragraph?

Q: Would you mind?

THE INTERPRETER: "Since during the month of December 1942 mortality was still at -- whereas, in the month of December 1942 the mortality was still at around 10 per

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cent, it already was reduced in the month of January 1943 to 8 per cent, and proceeded to go down further. This is mainly -- this reduction of the mortality is mainly attributed to the fact that the hygienic measures which had been asked for for sometime have now at least been implemented to a large extent. Moreover, in regarding the feeding, the nourishment, it was ordered that a third of the food should be added to, should be added just before the distribution of the meal in its raw state, to supplement the cooked food. It was avoided to kill the food by cooking it. In addition, sauerkrauts and similar food was distributed.

MR JUSTICE GRAY: Yes, I think that will do. So they were 10 per cent mortality.

MR IRVING: Horrendous mortality rates when you look at the figures, my Lord. That is 10 per cent per month.

MR JUSTICE GRAY: They are now very pleased with themselves because they have got the death rate in Auschwitz down to 48,000 men in one month?

MR IRVING: No, it is not. That is the actual number. The first column is the number on hand, my Lord. The second column is the deaths that month, 1442.

A: I mean, you said this has a kind of triumphant, this letter has a kind of triumphant attitude, and the triumph here is that the death rate, the monthly date rate, is reduced from 10 per cent in December to 8 per cent in

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January. So this is the success of these measures. So 8 per cent, eight people of 100 would die each month in the slave labour camps, nothing to do, of course, with the extermination, extermination.

Q: This is what you say, is it not, but we are just looking at figures in Auschwitz ----

A: It is absolutely ----

Q: --- of men and women?

A: --- Auschwitz had two functions. It was a slave labour camp and it was an extermination camp, and this clearly relates to the -- clearly relates to the slave labour camp.

Q: What are they dying of?

A: Well, as I am trying to say, in the slave labour camp they had a programme of extermination through work, and the life expectancy of a prisoner in the death, in the slave labour camp was a couple of weeks or probably a couple of months, and they died -- you can see actually see it from the document itself because the documents state, you know, what has to be improved. The food has to be improved because the conditions, the food conditions, are completely insufficient. It says in the document, for instance, that prisoners are allowed to wear a coat outside during the winter. So this gives, I think, a very clear answer that prisoners in the camp would die because they do not have the efficient, they do not have

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sufficient clothing, and there are, of course, epidemics in the camp and, of course, there is a regular process of selection. The people unfit for work, the sick and the weak prisoners would be selected and sent to the gas chambers.

I think, if you read the document with a reference to actually the conditions in the camp, the conditions in, let us say, August 1943, you have a very good idea of what the conditions were. August '43, 1442 people died, for instance, in the camp.

MR JUSTICE GRAY: Can you explain what "durch mittel Belegstaff" is?

A: This is the average number of prisoners.

MR IRVING: Average camp strength.

A: Yes.

MR JUSTICE GRAY: Average prison population?

A: Yes.

MR IRVING: So the five columns, my Lord, average prison population of each of those camps. The next column is the numbers of deaths which, in the case of Auschwitz and one or two of the other camps is being divided up as to men and women, separate figures. The next column is the percentage ----

MR JUSTICE GRAY: I think the rest is clear.

A: Yes. It is quite clear because the numbers here were separated because Auschwitz, the slave labour camps, was

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divided into a women's camp and into a men's camp, so this gives you an indication that this relates clearly to the slave labour camp and nothing to do with the extermination installations.

MR JUSTICE GRAY: Which camp would be meant by "Lublin"?

A: This is the -- this is Maidonek, complex of camps really.

MR IRVING: If you go now to the next page after that statistical table, you have three pages showing a graph showing how over the three or four years, 1940 to 1943, the mortality has soared from various causes. There are quite visible peak. There is a big peak around about March 1943 which is on the second page.

MR JUSTICE GRAY: Can you explain for our benefit what this covers? Is it all concentration camps?

MR IRVING: It is all the camps. I draw the witness's attention first to the third of three pages. It has a rubber stamp. The senior doctor on Pohl's staff. In other words, he is the head doctor or, I suppose, the surgeon general of the concentration camp system. It has Himmler's initials on this document on the third page.

A: Where is that? Which page?

Q: Do you have the graphs?

A: Yes.

Q: It will be the last page but one before the big yellow sheet. Do you see, it has a rubber stamp saying that, effectively, it is the surgeon general of the

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concentration camp system?

A: Yes.

Q: On the right it has Heinrich Himmler's own initials, so it has been submitted to Himmler?

A: Yes, yes.

Q: And it is a graph showing, the bottom two curves are the percentage figures, the middle curve is a percentage figure, the bottom curve appears to be numbers of death per month and the upper curve appears to be a cumulative figure. But it is difficult to interpret, and I am not a statistician, all I am going to say is there are quite clear peaks. They have gone through crises. Would you accept that that is a fair statement?

A: There were differences in the monthly death rate, yes, I can see that.

Q: And the final page is the yellow page right at the end which is a contrast of the mortality rates in the concentration camps in the second half year of 1942 compared with the second half year of 1943. Again you can see in August and September 1942 and in August and September 1943 they have gone through a serious crisis of some kind. There have been 11,000 deaths, 12,000 deaths, in the concentration camp system in corresponding August and September of both years. So I am only going to ask one or two general questions now from what you have seen. In other words, there was a very high mortality rate in

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these concentration camps?

A: Yes, indeed.

Q: How did they dispose of the bodies?

A: Well, I am actually not prepared to -- I mean, I am not prepared here to comment on the concentration camps, but, as far as I know, they burnt the bodies in crematoria.

Q: In crematoria, yes. If these deaths had been caused through epidemics, would that be an appropriate way of disposing of the bodies?

A: Yes, I think so.

Q: Have you any indication as to what the major cause of deaths in Auschwitz was in 1942 or 1943?

A: I do not think I should guess at what I think. As far as I recall it, it was typhus, but I am not sure. I am not absolutely...

Q: Have you even seen any references to this epidemic in the police decodes at the Public Record Office or in the United States?

A: No.

Q: Have you seen any references to the camp at Auschwitz being quarantined of what is called a lager spare?

A: I cannot recall that.

Q: My Lord, that is the only questions I have to put on the death statistics.

MR JUSTICE GRAY: I am not sure that you are really putting what I suspect may be your case. Are you suggesting (and

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I am not sure this is the right witness anyway) that the crematoria were solely being used in order to burn the corpses of those who are shown on this graph to have died from typhus?

MR IRVING: Let me put two or three more questions in that direction then, my Lord, to nail it down.

MR JUSTICE GRAY: Yes, because if that is your case, you must put it fair and square and it may be Dr Longerich will say, "Well, I am not the right person to ask".

MR IRVING: But he is not the right expert, yes. Dr Longerich, from your knowledge of the concentration camp system or its workings, who would have the job of disposing of the bodies in the crematoria? Would that be the sonderkommandos?

A: I think so, yes.

Q: And would they remove all the gold and valuables from these bodies first?

A: Yes.

Q: Would it be a very grisly and memorable task?

A: I would suppose so, yes.

Q: I do not think really, my Lord, I can ask any further questions on that.

A: I am not sure, I am not really sure, I am also -- actually I am not prepared to go into details about the history of Auschwitz, and if this is a kind of, I do not know, I am not too sure about the sonderkommando here, and I should

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probably -- we had expert in Auschwitz and I should probably simply say I am not sure here.

MR RAMPTON: Can I make a suggestion? If these documents be thought important, and if it be Mr Irving's case (which, by implication, I suppose it must be, forget all the other camps mentioned in these documents as they are nothing to do with this case) that the reference to Auschwitz is a reference to Auschwitz Birkenhau, then I think maybe the right thing to do, I do not know what your Lordship thinks, this gentleman is not an expert on Auschwitz, is to send these documents to Professor van Pelt and get him to put something in writing as a supplement to his report by of commentary on these documents.

MR IRVING: Together with the appropriate part of the cross-examination.

MR RAMPTON: Yes, certainly.

MR JUSTICE GRAY: The first thing, though, is to get clear and, I mean, it is what I was trying to do, and I think Mr Rampton is also wishing for clarification, quite what you are making of these graphs. They are new and I have no doubt there are good explanations why they were not put to Professor van Pelt. But are you suggesting, just take Auschwitz because we have not gone into detail in the other camps, that the deaths that one infers were taking place at Auschwitz from these graphs were the reason why the crematoria were being employed in the way that various

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witnesses have described they were being employed?

MR IRVING: Let me put one more question then to the witness.

MR JUSTICE GRAY: Well, I do not think the witness is really going to be very happy to answer. I am really asking you to tell me and tell the Defendants.

MR IRVING: In that case, if you look at the statistical table, my Lord, which is the third page, it would be page 18, I suppose.

MR JUSTICE GRAY: What, the yellow one?

MR IRVING: No, the table with columns. You see that in one month, August, 1943, there were 2400 deaths in Auschwitz from whatever cause, and for the argument I would accept it is

Auschwitz and not Birkenhau, then that is 2400 bodies that have to be disposed of in that 31 days period. It is 200 tonnes of bodies which is a memorable task for the sonderkommandos who had the wretched task of cremating them. The suggestion I am making is that it is not beyond the bounds of probability that this is what they are recalling when they see -- one question which I think van Pelt would have to answer, if this question was to put to him, is did the Auschwitz camp, as opposed to Birkenhau, have the cremation capacity for disposing of bodies on that scale at this time or would the bodies have been sent to Birkenhau to be disposed of?

MR RAMPTON: This is a terrible confusion in Mr Irving's mind, that the greater part of the workers, as opposed to what

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I might call the murderees, who were put into the labour section after selection were housed at Birkenhau.

MR IRVING: So this is Birkenhau then we are talking about?

MR RAMPTON: No, no. When one talks about the extermination facility at Auschwitz, one is talking mainly but not exclusively of the two bunkers and the four crematoria where the people went immediately after they got off the train. They never went into the work camp.

The work camp part housed the majority of the slave labour at Auschwitz Birkenhau. That has been clearly described by Professor van Pelt. We have seen the picture of the wire with the gate through it into the women's camp, and that is where the majority of those Auschwitz frauen would have been housed. That evidence is already in court.

MR JUSTICE GRAY: I think we have to be clear, you see, you did not really, I think, actually quite explain, Mr Irving, what it was that you were saying was not beyond the bounds of possibility. I think we must really be absolutely clear about this. Are you saying that it is not beyond the bounds of possibility that all the evidence that we have heard about bodies being burnt in the ----

MR IRVING: The eyewitness evidence.

MR JUSTICE GRAY: --- crematoria, whether at Birkenhau or at Auschwitz, was the burning of bodies of those who had died through disease?

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MR IRVING: Of whom there are clearly a very large number.

MR JUSTICE GRAY: Yes, but what is the answer to the question?

MR IRVING: The answer is yes.

MR RAMPTON: My Lord, again I think this is unsatisfactory for this witness, I really do, because ----

MR IRVING: Except, of course, that I do accept that there were gassings on a small scale in Auschwitz as well.

MR RAMPTON: This is most unsatisfactory because the evidence of Professor van Pelt is, whether it be right or wrong, which this witness may or may not know but he is not the right person to deal with it, the incineration capacity in crematoria 1, 2, 3, 4 and 5 at Auschwitz Birkenhau was by June 1943 something in the region 4,700 bodies a day, and this is a monthly figure.

MR JUSTICE GRAY: I understand the point you are making, and that will be a point you will, no doubt, make later on, but I think we have got clear now from Mr Irving, because I am anxious that he states clearly what his case is and then it can be addressed by Professor van Pelt, but I

think it is clear now that the suggestion is that, apart from a small number of gassings, which is something that has already been accepted by Mr Irving, he says that the crematoria were being used to -- everywhere were being used solely for the purpose of burning the bodies of those who died through disease or from overwork, I suppose.

MR RAMPTON: Maybe, but on what appears to be, if we are right,

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a relatively insignificant scale.

MR JUSTICE GRAY: Well, that is obviously the point to be made, but I have not misrepresented your case, have I, Mr Irving?

MR IRVING: No, that is correct, although I am not sure this was the way to have elicited it. Let me ask two more related questions then.

MR JUSTICE GRAY: Yes.

MR IRVING: Dr Longerich, you said that the prisoners who arrived at these camps they were selected and some were sent to work and others were exterminated without being registered, this is the common consensus, is it not, among historians?

A: Yes.

Q: Why would the Germans have gone to such enormous trouble to list down to the last digit the numbers of those who were dying in the camps if just 100 yards down the road in the same camps they were killing them like flies without any kind of registry at all?

A: Well, I think it is difficult to answer this question, you know, actually to reconstruct the rationality of this system. I think what -- they had a kind of proper concentration camp system. They wanted to know who was in the camp. They wanted to control whether people actually were able to flee from the camp, for instance, and they did not keep statistics about the people they were going

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to kill, as far as I am aware of.

Q: This generates two further questions, Dr Longerich. Have you heard of Dr Conrad Morgan, the chief Judge of the SS system?

A: Yes, I have heard of him, yes.

Q: And he was a lawyer in Frankfurt after the war, was he not? He was not prosecuted for war crimes, just so we can establish his credentials.

A: Yes.

Q: He was an investigating judge who carried out investigations for the SS about atrocities in concentration camps, is that right?

A: Yes.

Q: And were any concentration camp kommandants hanged by the SS as a result of having committed what I would call wild atrocities?

A: Yes, as far as I remember, Koch was, for instance, among them.

Q: Buchenwald? The kommandant of Buchenwald?

A: Yes.

Q: The husband of the notorious Elz Koch?

A: Yes.

Q: He was hanged in front of the prisoners of his own camp for having committed atrocities?

A: I do not recall the circumstance, but I know that he was punished.

Q: And the kommandant of the infamous camp at Pleskau which figured in the film Schindler's List, was he also penalised, punished, by the SS for committing atrocities?

A: I do not recall the details.

Q: Did Conrad Morgan report back to Berlin that large numbers of illegal killings had been carried out by these Kommandants?

A: Yes, I remember that.

Q: Is this not an extraordinary business, in the light of the whole story of the Holocaust now, that the SS was conducting its own internal enquiries within its own jurisdiction?

A: Well, Himmler himself refers to this incident in his speech in Posnan. He said actually, "We are proud that we carried out this operation in a proper way, except some exceptions", and he is clearly referring to these people. So they had an idea that one had to kill people properly, and what, you know, they did not hang Koch because he killed prisoners in the camp. They were extreme, the conditions in the camp were extremely, for instance, the amount of looting and the amount of actually -- what is the expression in German? [German]

MR IRVING: Embezzling, corruption?

A: Corruption. "Corruption" is the key word here. These things played a role in the particular circumstance in these camps, I mean, it is clearly that the SS did not

prosecute Koch because he was killing prisoners. This was not, I mean, we have extraordinary, I mean, kommandants of concentration camps like, for instance, Icant(?), extremely cruel and sadistic persons, but they were not prosecuted because they were killing prisoners in the camp.

Q: Was Rudolf Hoess, the Kommandant of Auschwitz, under investigation by the Conrad Morgan also?

A: I do not recall this now.

MR JUSTICE GRAY: Well, even if he was, did anything happen to him as a result of Morgan's investigation?

MR IRVING: My Lord, the witness said he does not know.

MR JUSTICE GRAY: I was just wondering what the point of the question was.

MR IRVING: I know, but, I mean, I cannot really give evidence on that.

MR JUSTICE GRAY: Well, again I am not really sure you are putting your case. Are you suggesting, Mr Irving, and please say so if you are ----

MR IRVING: This was going to be the next question.

MR JUSTICE GRAY: --- please listen to the question. That the SS conducted a serious investigation and anyone who was found to have illegitimately killed any inmate in any concentration camp was punished by the SS. Is that the suggestion?

MR IRVING: A number of the Kommandants were prosecuted and

severely punished for carrying out wild killings.

A: May I draw the attention to this document, to the statistics. We have here the initials of Heinrich Himmler, and statistics say that we have a death rate in the camp in the second half of 1942 of 8.5 per cent in July, 10 per cent in August, more than 10 per cent in September. So Himmler was prepared to accept this high death rates with his own initials here. So he knew

about it and he then, well, tried in a way to keep the death rate down to a certain extent. But, as we said, as we heard, you know, they accepted at a success, you know, actually to keep the monthly rate down from 10 to 8 per cent. So this is a kind of...

MR IRVING: Dr Longerich, you are not suggesting that these are homicidal killings, are you? These statistics here are non-homicidal.

A: I think killings are always -- I mean, I think a killing is a killing.

Q: These are people who died from the reasons stated in the covering letter, bad conditions?

A: But there is something like a system of concentration camp invented by the Nazis in the 1930s and ----

Q: Now, this is the word that I was going to pick on before ----

MR JUSTICE GRAY: I think you interrupted the witness. Just finish your answer.

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A: Here, this system was more and more, well, they worked on this system and elaborated the system. They introduced this idea of extermination through work at the beginning of 1942. So it was actually -- the purpose of the concentration camp was not to keep prisoners alive and to, like -- the purpose of the concentration camp here was, clearly, to put people to death and to use their ability to work for a certain period of time. This is the idea behind this system. It was not, you cannot compare it with a prison or anything in a civilized country.

MR IRVING: Now, I want to ask two questions, one of which I was about to ask when his Lordship ----

MR JUSTICE GRAY: Asked you not to interrupt the witness.

MR IRVING: No, I am one stage before that actually.

MR JUSTICE GRAY: Yes, anyway, ask it now.

MR IRVING: The first question -- the second question is going to be about your system. The first question -- oh, dear! Winston Churchill once said, "Never say there are three important things". I was going to ask about system. You have used the word "system". Does not what I said about Conrad Morgan indicate that the whole system was ramshackle from start to finish? If I can ask you to recall that yesterday we saw that Jackeln had obviously overstepped the guidelines and he is called back to headquarters, but he does get some mild reprimand. He is sent back and nothing else happens. Is this not an

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indication of a totally ramshackle system with lack of any real discipline?

A: Well, I do not feel very happy in this situation. I think if you want to discuss seriously, let us say, the limits of the system that Conrad Morgan saw, then we have to discuss the document, we have to read, for instance, the evidence about, you know, in Koch's case and so on. But I am not really prepared to make these general statements about single incidents. You see, I do not have the evidence in front of me. I am not prepared to do it. There was no indication that I ----

Q: You are quite right. I am not going to ask you about things you do not know about because that would not help the court.

A: Yes, but the system, the SS, as you are trying to say here, the idea that the SS had their own, had their own disciplinary measures, and they, of course, punished at the concentration camps, this has to be seen in a context, and I am very unhappy about the idea that I should comment on that without actually having a chance to look at the wordings and so on.

Q: Very well. Let me ask you about this phrase you have used twice this morning now,

"vernichtung durch Arbeit", destruction by labour?

A: Yes.

Q: You have referred to this on several occasions. Have you

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produced any documents at all in your report where that phrase actually occurs or is it just a deduction you make?

A: No.

Q: An inference?

A: My report is not about particularly this issue. I think I mentioned it somewhere in my report, I am not sure here, but we have documentary evidence from Himmler in his writings to Pohl and to -- that this system was introduced at the beginning of 1942.

Q: But you do not actually reference it in your report.

A: At the moment, I would have to look at my report, whether this is here.

Q: I did actually look for it.

A: You see, this is a different system separate from the killings, separate from the extermination by gas. This is actually what happens to the prisoners which were sent into the camps actually fit for work, and then they used him for a couple of months, a couple of weeks and a couple of months and then they sent them to the gas chambers. This is a similar, if you want to say, a subsystem of the whole system. But in my report I am dealing primarily with mass executions, with deportations and extermination camps, and so on.

Q: Dr Longerich, it does not make much sense, does it, to have a slave labourer who is working for you and work him to death so you then have to replace him with somebody

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else because, presumably, his output drops off as he is dying? Does it make sense?

A: Well, in which way do you think it makes sense? I do not understand the question.

Q: Well, your proposition that they deliberately took a slave labourer for two months and said, "Work him until he drops and then replace him".

A: That is what is -- actually there is a reference in the document you presented here when you, about the duties of the doctors. They said they have to make sure the exchange of prisoners, this is exactly the process. They fought a war of racist extermination, so they ----

Q: Well, so we hear, yes.

A: --- one of their main aims in this war was to exterminate the Jews in Europe, and they used this as one of the methods, and they worked on the assumption that they had enough slave labourers at their disposal, and if they had exhausted this source, they would use, from their perspective, they would use other sources of slave labour, like, for instance, the Russians or Poles and so on. They work on the assumption that they had, there was an abundance, you know, there was an endless number of slave labourers who they could force to work for them. But this is an irrational and completely wrong assumption, but it is still they are working on this assumption.

Q: My problem is, Dr Longerich, and this was the reason for

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the question I asked you, that you make this very bold and adventurous statement about a deliberate plan to exterminate by hard labour, and yet you have not actually produced any reference documents or sources to enable us to establish whether ----

A: Well, you have forced me in a way to make ----

Q: --- that is your conclusion?

A: Yes, sorry, but you forced me in a way to make those adventures and bold statements because you put in front of me some documents and asked me for general statements, and my statements may not -- may be adventurous, they may be very general, but this is the result of this kind of interrogation.

In my report, as far as I see, I dealt with the programme of exterminations and mass executions and deportations into extermination camps, not with this particular aspect.

Q: Dr Longerich, in your report, you do on at least two occasions use the phrase "extermination by labour" - Vernichtung durch Arbeit - and you do not give any references for this ----

A: Then let us go to the ----

Q: So we do not know if it is your phrase or a wartime phrase?

A: "Vernichtung durch Arbeit" is a wartime phrase -- extermination through labour.

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Q: But you do not give any references for it in your report; that is the problem we have.

A: We have to look at the pages are you referring to.

Q: Can we now go to your report and we will perhaps stumble ----

MR JUSTICE GRAY: Let us find the reference to "extermination by labour".

MR IRVING: I am sure Mr Rampton's staff would have found it a long ago, if it was referenced.

MR JUSTICE GRAY: I expect that Dr Longerich probably remembers where it is: Do you Dr Longerich?

A: Not at the moment.

MR IRVING: I have to take care that these slogans do not embed themselves in the court's subconsciousness without any archival basis.

A: Well, in the conclusion, I refer in my report in ----

MR RAMPTON: Can I interrupt, please?

MR JUSTICE GRAY: Yes.

MR RAMPTON: It is page 77 of the second part of the report.

MR JUSTICE GRAY: Thank you very much.

A: Yes. This is the conclusion of my report. So in my report I am trying to explain the systematic character of the killings, and I am trying to explain the emergence of the programme. So I think that in the last section of this, I am referring to, well actually the machinery of mass murder and full operation from 1942 onwards. I base

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my comments here, on my writing here on generally well-accepted work, because I thought it was not something which is really disputed among historians.

We also had an expert witness on Auschwitz here who actually was able to fully explain the system. So I think that this idea, that prisoners in the camps were systematically worked to death, is something which is not disputed by historians in this field.

MR IRVING: There is a general ----

MR JUSTICE GRAY: Mr Irving has put before you this morning documents showing an overall mortality rate of 10 per cent in all the concentration camps. Does that say anything to you, Dr Longerich, about what was intended to go on there?

A: Yes, this is exactly what I mean. It is an extremely high rate of death and, as we learn from the

other document, it was a task of the doctors to make sure there was a proper exchange of prisoners. So this is a machinery to put prisoners to death by work.

MR IRVING: My Lord, I am indebted to you for reminding me of the documents because, of course, is this right, Dr Longerich, the documents do refer purely to nourishment, proper nourishment, proper medication, proper clothing ----

A: Yes.

Q: --- and not being made to stand in these ridiculous three- or four hour-long parades and so on?

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A: Yes. I stated this before that, in the document about the duties of concentration camps, it is quite clear that it is not the duty of the doctor to care for the welfare.

Q: Just so that it is a matter of record, Dr Longerich, page 77, where you used the phrase annihilation through labour, you give no reference, do you?

MR RAMPTON: I was going to interrupt because that is a false point, too. On page 89, three lines up from the bottom, there is, in the bibliography, a reference to a book by Ham and Keienburg called Vernichtung durch Arbeit: Der Fall Neungamma von 1990.

MR JUSTICE GRAY: Yes, thank you.

A: I think I made it clear in this final section of the report that the annihilation through labour is part of the extermination system. I was trying to explain the system in a kind of summary because I think that, from 1942 onwards, it is absolutely not possible to dispute that there was such a system for extermination.

MR IRVING: Can we be absolutely specific and make quite plain for the record that this phrase Vernichtung durch Arbeit is not a wartime phrase used by SS, but is a title of a post-war book, a secondary source on which you relied, is that right?

A: No, this is one of the major studies about this problem and it refers to a wartime phrase which was currently used among the SS.

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Q: You have not referenced the actual wartime document, you just referenced somebody's secondary source, the title of a book?

A: My report tries to explain how this system of systematic murder was built up. Maybe it was mistake, and also you did not have the chance to ask me for more evidence for that a month ago, it was not my intention here to explain in great detail the existing system of extermination after 1942, because I thought that this is something which is generally acknowledged and there is no major dispute about that.

I am trying to explain that the building up of the system mainly through the years 1940, 1941 and 1942. Then the system is in operation and the annihilation through work is one aspect of this system. I am referring to second-hand literature. I did not go into detail here; I am just referring to general works on this topic in which this is described in full detail.

Q: If there had been one document referred to that secondary literature, which was particularly tempting because it used that actual phrase, you would no doubt have drawn our attention to it, would you not?

A: As I said, this is a summary, this is not the main purpose of this report. I actually I wrote a book on the policy of destruction. I had a chapter on this matter in the book.

Q: So you are all feeding upon each other, all the historians are just feeding upon each other.

A: This is a research process and, of course, you rely, in your central parts of argumentation, on primary evidence, but you do not have to invent the reel every time. This is why I accept that you can rely on the research of others, if their work is generally accepted in the historical profession. This is nothing which is exceptional.

Q: Can we rely on a German historian's consensus that the consensus of opinion among German historians. What happens to a German is ----

A: It is an internationally well-established consensus.

Q: What happens to a German writer who adopts a different position on Auschwitz in Germany today, can you tell us?

A: You are quite free to express if you have -- as historians have doubts and you are quite free to express your doubts and to put them down in writing, I do not see what the consequences could be.

Q: I do not want to labour the point, but are you familiar with the fact that a number of writers in Germany have been sent to prison for expressing these doubts?

A: I am only aware of the fact that there is a law in Germany, paragraph 130 of the German penal code, which is against the denial of genocide. I do not know whether you refer to this case, but I think if you want me to discuss

that, you ----

Q: My actual question was more specific. Were you aware that certain historians who have written doubts, shall we say, about Auschwitz and the Holocaust, have been sent to prison for expressing these doubts?

A: I do not know a historian who actually wrote something on Auschwitz and whose works is suppressed for that.

Q: I think we have had better start making progress on his report, my Lord. On page 3 of your report, you refer to an SS General called Bach-Zelewski, and you referred to him again on page 28, 311 -- I am sorry 3.1.11. This paragraph on page 28 shows General Bach-Zelewski carrying out the most appalling murderers and atrocities, murdering women and children on a huge scale, 2,208 Jews of both sexes and so on.

A: In this paragraph, it is only said that one Company of the Police Battalion 322 Mogilev killed, according to their own reports, 2,208 Jews and in this town was Bach-Zelenski's headquarters and he was ----

Q: Can I draw attention to the last paragraph?

MR JUSTICE GRAY: Which paragraph are you on; I cannot see the reference?

MR IRVING: 3.1.11, my Lord, on page 28.

A: Yes, and Bach-Zelewski ----

Q: With these two massacres in Mogilev, Bach-Zelewski began a whole series of further similar Gross Aktionen - major

actions.

A: Yes, Bach-Zelewski was the higher SS police leader in the centre, so he was responsible for

the killing actions of the ----

Q: A mass murderer on a most horrendous scale.

A: This is your phrase. Yes, I think it is acceptable.

Q: Somebody whose units kill those kinds of women and children, and carried out several such actions?

A: Yes, It is quite fair to say that.

Q: Even one of those murders makes him a murderer?

A: I would agree, yes.

Q: He has been used as quite a source by the allied courts and by the historians after the war, has he not? What happened to Bach-Zelewski? Was he immediately hanged at Nuremberg?

A: No, he was not hanged at Nuremberg.

Q: Or did he die in his bed?

A: I am not sure about this, but the history of his persecution after he was not hanged by the Allies, I think he was prosecuted but, as far as I am aware, he was never sentenced, if I am not wrong.

Q: He was prosecuted in 1963, is that right?

A: 1963. Yes, that is true.

Q: About 20 years after the war was, he lived life as a country gentleman in Germany.

A: That is due to the fact that, in Germany, there was no

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prosecution of Nazi war criminals between 1949 and 1958. It actually started in 1958. It took them five years to get the evidence together and then prosecution started.

Q: I am just using this as one example, you appreciate that, but ----

MR JUSTICE GRAY: Example of what? I am not following what the point is, Mr Irving.

MR IRVING: The unreliability of testimony of people like Bach-Zelewski.

A: I am not sure here. I do not refer here to Bach-Zelewski but if I refer to ----

Q: On page 3, can I draw your attention to paragraph 4?

A: In this paragraph, yes.

Q: Former higher SS and police leader Erich von dem Bach-Zelewski testified on this question during the Nuremberg trials.

A: Yes, but this example is not the only source. I quoted here to say that he referred to a meeting with Himmler and just before the beginning of war against the Soviet Union, and that Himmler stated there that the Slavic population had to be decimated by 30 million.

We have other sources for the same fact. There is, for instance, referring them to Goring, the Goring's remarks to Ciano and particularly important here is meeting of the Secretary of States of 2nd May 1941, and I am referring them to more documents which actually show

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that there was plan in the German leadership to kill millions of Slavs in the war against the Soviet Union. So I am not relying only on Bach-Zelewski's statement; it is actually ----

Q: Why do you rely on him at all if at he has such very dubious credentials.

A: Bach-Zelewski was a witness in the main trial.

MR JUSTICE GRAY: I am sorry, I am going to interrupt again if I may because I am simply not following the point here. I thought that it was accepted that the object of invading Russia was do decimate the Slav population.

MR IRVING: Not by me, my Lord, but that is not the point that I am trying to make. The point I

am trying to make is that if we are going to write expert reports, one should avoid sources like Bach-Zelewski like the plague.

A: No. I think you can use these statements, if you find that this is -- I am mainly relying on documentary evidence but, of course, one can use this postwar evidence if it is supported by other sources. I think this is something which is generally accepted among historians. I am not saying that the plan of the Germans to decimate -- we only have Bach-Zelewski as evidence for this plan. We have lot of evidence for that. Bach-Zelewski was a colourful figure, so he said, in his interrogation, that there are other very interesting things, and I think one should follow them, one should not

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just ignore them.

Q: Like Scheherezade, she sang like a canary, did she not, in order to survive?

A: That is your comparison.

Q: Can I now take you further down that paragraph No. 4, where are you quoting now the directives which stated that, without doubt, umpteen millions of people will starve to death when we take what we need from the country. The original German, you have rather embellished it, have you not? "Zig Millionen Menschen verhungern", verhungern, that just means go hungry.

A: Yes, and then it goes on: "Wenn von uns das für uns Notwendige aus dem Lande herausgeholt wird" - if you take out of country which is necessary for us.

Q: What we need, yes, but is it not that they are not starving death? You have embellished that slightly, and that is the whole point.

A: They are starving to death because they are agricultural products which were taken out of the country. There is nothing left for them so they will starve to death.

Q: Starve to death is: "Ein Hunger tut erleben", or something like that. "Verhungern" is just "will go hungry".

A: The context is quite clear, because "we will take everything out of the country which we need for ourselves"; that is the context.

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Q: Will you agree that that was a bit clever translation by you to make the point you wanted to make?

A: Sorry this is ----

Q: Paragraph 4, four lines from the bottom, on page 3.

A: I think it is from the context.

Q: It is fundamental to your argument, of course.

MR RAMPTON: I do wish Mr Irving would stop interrupting. It is very difficult to follow the witness.

MR JUSTICE GRAY: I personally would also like to move on, because we are not here concerned with criticising the historical approach of Dr Longerich but dealing with the criticisms he makes of your historical approach, Mr Irving. I think spending a very long time on this paragraph in which he cites really quite a number of sources for what, he says, was the plan to kill the very large number of Slavs. I do not think that is productive. I think there are substantive points that you have to tackle.

MR IRVING: If, on the one hand, your Lordship says that there is great deal of evidence for the desire to decimate the Slavs by whatever means, then it turns out that one of his sources is

obtained by just a clever translation of a word.

A: No. The meaning of the words becomes clear from the context. It is not the only source. If you read the next sentence, it is the guidelines for the economic

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organization of the East Agricultural Staff Group: "Many tens of millions of people will be made superfluous in this area and will die or be forced to emigrate to Siberia". I think this is quite clear.

Q: Dr Longerich, are you not confusing there the possible consequence with a criminal intent, which are two totally different things?

A: The intent was to systematically take the agricultural products out of country and to use them for their own purposes, and to let the population in this country starve to death. This was the intention.

Q: Yes. On page 5, paragraph 3.

A: That is the background. I quoted this because this is the background for the Holocaust. I am not making a statement about the starvation of the Slavic population. I think that this is background information that you need to understand the violent and cruel intent of the SS when they invaded the Soviet Union. This is background material.

Q: Dr Longerich, do you agree that if I translated "verhungern" as starve to death, then I would have been rightly criticised for mistranslation or distortion?

A: Probably, but again I repeat myself, I think the context is clear but they just do not starve to death because of a catastrophe; the natural catastrophe is because it is a part of the systematic plan.

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Q: On page 5, paragraph 3, you say that the Einsatzgruppen consisted of 3,000 men. Is that the total number of men?

A: About a little bit more than 3,000 I think. Yes, it is 3,000. Yes.

Q: That seems a remarkably small force if we are to believe the enormous statistical figures that have been thrust upon us over the last few weeks.

A: I do not know whether it is mentioned in the next paragraph, but the forces who carried out this killing operation consists of the Einsatzgruppen, of police battalions and of the two Waffen SS Breigetz, so altogether this was a force of about 30,000 men. We have, as far as the Einsatzgruppen are concerned, this excellent documentation, the Ereignismeldung uber der SSR, but it is also clear from the documents that also other units like the Order Police units like the Waffen SS Breigetz were active in killing people. We have sources which explain to us that the Wehrmacht, in many cases, was actively involved in these killings, and most important is that the SS and the police built up a force of auxiliary policemen in the area which had a strength in 1942 for about 300,000 men. We have a lot of evidence that these men were also actively involved in the killings.

Q: They were using the locals, were they?

A: They use the locals as auxiliary police. The general rule was that then the SS, the SD people would carry out their

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killings and so they would shoot people themselves, and use the auxiliary SS to seal off the area.

So it is not a problem manpower shortage to carry out this operation.

Q: On page 6, we are going to look at paragraph 6 which is the Heydrich order of July 2nd 1941. You are familiar with that order, are you not?

A: Yes.

Q: This is one which, in part for example, said to instigate pogroms or where pogroms were instigated by the locals to turn a blind eye and generally to jolly them along and not to get in the way.

A: Yes.

Q: I have two questions on this document, Dr Longerich. The first one is where does it come from? Is it from Russian files or from Western files?

A: Are we talking about the 2nd July document?

Q: The 2nd July document.

A: This is a document which comes from the Moscow archive. It was given to the court in Koblenz which dealt with the Heuser case in 1963. It has been available in the Federal archives since 1963.

MR JUSTICE GRAY: Is the authenticity of that document challenged?

A: Yes.

MR IRVING: I just want to ask him a question.

MR JUSTICE GRAY: Not by you, by Mr Irving.

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MR IRVING: No.

MR JUSTICE GRAY: If it is, challenge it, if it is not, let us move on.

MR IRVING: I can only ask the most general questions. I can say, Dr Longerich, are you thoroughly content that all the documents that come from the Soviet Union ----?

MR JUSTICE GRAY: No, Mr Irving, that will not do. Are you suggesting that it is not an authentic document? If so, cross-examine on that basis. If you are not suggesting that it is not authentic, then move on.

MR IRVING: Would you look at the last line on that page please: "Jews in Party and State functions". Will you not accept that this limits the killing of Jews in this document, just the "Jews in Party and State functions"?

A: I have to go back to this point I made yesterday.

Q: Yes?

A: There is a mistake here and I have to repeat that ----

MR JUSTICE GRAY: Yes, I remember the point.

A: The word "all" should be in the first line, so this has to be read as: "All Jews and Party and State functions", so we know that the Soviet Union was a country where the state played an enormous role. So this would apply to, let us say, teachers, to every Civil, not only to every Civil Servant, it would apply to any manager of a State opened shop, for instance. So I think the number is quite high, it is several hundred thousand. I forgot to say

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when we went through this document yesterday, I think ----

MR IRVING: You look at the unsoweiter, do you not?

A: I forget this yesterday. In the same document Heydrich suggested to instigate pogroms. If you have a pogrom you cannot actually ----

Q: Limit it?

A: Limit it. You do not have any control about who you are going to kill. A pogrom is a wide massacre. So if you encourage the local population to organize massacres, you do not have any control about the outcome of this massacre. So I think I read this, this telegram, or this instruction, sorry, actually in this is a kind of message. You can kill all Jews of party and state function, but there is not a specific definition of the people who are going to be killed. Jews, if they are suspicious, if they are propagandist, etc., you can also go to kill them. There is also a reference in the guidelines on page 5, in the guidelines for the troops in Russia. These are guidelines which are read out on company 11, every company of Wehrmacht. It says in sentence 2: "The struggle demands ruthless energetic and drastic measures against the Bolsheviks agitators, guerrillas, saboteurs and Jews", and Jews. There is nothing about Jews in party and state position. So every soldier of the Wehrmacht knew that this was a war against the Jews, among others.

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Q: It does not say, that paragraph, "You are going kill all the Bolsheviks agitators"?

A: No, but it says.

Q: It says just: "Drastic measures, ruthless"?

A: Exactly energetic and drastic measures, and we know that the Wehrmacht then in the following month was in many cases involved in the killing of Jews civilians.

Q: Dr Longerich, I am going to have hold you to the actual wording of that July 2nd telegram. I am going to suggest strongly that you using the word "all" to embrace all five lines is not justified?

A: It is ----

Q: The German is (German spoken). That is the only use of the word "all," is it not?

MR JUSTICE GRAY: Just look at it on the page.

A: In the original the "all" is in the first line.

MR JUSTICE GRAY: I am sorry, I am interrupting because we must get on. Just look at it on the page. It is page 30.

MR IRVING: Page?

MR JUSTICE GRAY: It is quite impossible to say that "all" ----

MR IRVING: Page 30 of what, my Lord?

MR JUSTICE GRAY: --- this new bundle, reproducing yet again most of the documents called N1, it is quite obvious that "all" qualifies everybody on the list, including Jews in state and party positions. That is beyond argument. Page 30, bottom of the page.

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MR IRVING: If your Lordship wishes then we will move on.

MR JUSTICE GRAY: I think that so clear.

MR IRVING: Can I just emphasise that the last line in that says: "Jews in party and state functions." It does not say "all Jews, including those in party and state functions", does it?

A: I do not know whether I have to repeat this.

Q: It just says: "All Jews in party and state functions"?

A: I do not know whether I have to repeat this, but from the German original it is quite clear that the "all" relates to all the following categories. So it has to be read as "All Jews in party and state

functions", that is quite clear.

Q: That is what I am saying. You do not say that it says: "All Jews including those in party"?

A: No, it says: "All Jews in party and state positions".

Q: Which is very limited, is it not?

A: Well, in a state which has a state-run economy the number is I think relatively, the number is relatively large.

Q: So you are including everybody in the entire economy?

A: If you have a manager of a firm which belongs to the State, he is a functionary of the state.

Q: The reason I am saying this, Dr Longerich, is because in your opening sentence in paragraph 7 on page 7, you say, "This order", in other words, this document, "is certainly not to be interpreted as meaning that Heydrich

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intended to limit the executions to those Jews who held party and state functions." Why not? That is precisely what it does say?

A: No, I give you the explanation in the following sentence.

Q: Which is very much within the guidelines that Hitler had laid down, saying: "Kill the Jewish intelligentsia"?

A: Yes, but the fact that also this order relates to other radical elements I think makes it quite clear that you could kill Jews under other headings than Jews in party and state positions.

Q: You are relying on that?

A: If you look at the Einsatzgruppen reports, they are going to kill in the next weeks, they are going to kill Jews who were not in state and party positions. They were killing, for instance, the Jewish intelligentsia. They were going in the following, they were starting in July 1941 to kill all men of military age. So I try to interpret this instruction in the light of the following events. I think from the following events it becomes quite clear that the intention of instruction is not to limit the executions to Jews in party and state positions. But, let us say, that it is the first group where they would start to kill people, the first group to start with. You see the instructions, I think you have to go back to the context, this is a kind of summary of verbal instructions Heydrich gave to the Einsatzgruppen, and he is just informing the

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highest SS leaders about this verbal instruction. It is a summary. We do not have the verbal instructions. We are trying to reconstruct the verbal instructions, but I think the verbal instructions were different than this here. The verbal instructions tended to include more Jews than this intention.

Q: So your paragraph 7 relies on three sources: Verbal instructions for which you have no source; the document itself and what you know to have happened, in other words, presumptions backwards towards the document, so to speak. So your opening sentence there about the order is not to be interpreted as meaning, is based on more than just the document itself?

A: Well, give me some time, please. I think I refer here and in the following, we have numerous eyewitnesses actually who stated, go so far to state after the war that actually that these instructions of Heydrich were the order to kill all Jews in the Soviet Union. I am trying to, I spent a lot of time, I am trying to reconstruct the context of these verbal instructions.

Q: Can you go to the next page, please, and look at your list of footnotes on the next page?

MR RAMPTON: Could I please intervene once again? Mr Irving is quite incorrigible. This kind of cross-examination would never be permitted in a professional advocate. Can we please go

back to page 5, paragraph 2, which Mr Irving

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leapt over.

MR IRVING: I am leaping forwards because his Lordship wishes to make progress.

MR JUSTICE GRAY: You are dotting about. I do not find this very helpful and I have got well in mind what you said in the course of your cross-examination which is why I have not highlighted anything for quite a while now. Anyway, page 5, Mr Rampton.

MR RAMPTON: Page 5 which Mr Irving leapt over because it is inconvenient for him, paragraph 2 which is a document dated 19th May 1941.

MR IRVING: I think this is a most unhelpful interruption.

MR JUSTICE GRAY: It really flows from the way in which you are carrying out your cross-examination. You are dotting about the report and you are cherry picking again. Mr Rampton is perfectly entitled to say, if you are really suggesting, that the instructions to kill the Jews was limited as you have just been suggesting to Dr Longerich, Mr Rampton is certainly perfectly entitled to say, well, you are missing out some of the documents which give the full picture. .

MR IRVING: My Lord, we have dealt with these May and March documents exhaustively over the past few days. I am very happy to deal with every single document that is mentioned in this report, but then once again I will fall foul of your Lordships reprimands.

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MR JUSTICE GRAY: I would find it more helpful if you were to deal with it not so much by going to individual references but at any rate to start by a number of broader brush questions. The difficulty in this part of the case is that you are shifting your position. I think there is no doubt about that.

MR IRVING: Shifting my position?

MR JUSTICE GRAY: Yes.

MR IRVING: I am trying to establish the weaknesses of this expert report as well as I can.

MR RAMPTON: It is not permissible to do that, in my submission, by a kind of memory test when the foundation for what the witness has said in a later paragraph is to be found in an earlier paragraph. It is simply cheating.

MR JUSTICE GRAY: Well, Mr Irving, I cannot conduct the cross-examination for you. Dr Longerich, do you regard the guidelines referred to, the 19th May guidelines, as being limited to Jewish intelligentsia, the few holding senior positions in the State or in the Party?

A: I mentioned this before. I said this is the order which was read out on company level, so every German soldier was aware of these guidelines. It plainly says Jews. It refers to energetic and drastic measures against the Bolshevik agitators, gorillas, saboteurs, Jews. So Jews are here mentioned among partisans and members of the Bolshevik Party.

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MR IRVING: Very well, my Lord. I will cross-examine on that particular document, if your Lordship wishes. Are you familiar roughly with the contents of the Kommissar order?

A: This is not the Kommissar order. The Kommissar order is a different order.

Q: I am asking. Are you familiar roughly with the contents of the Kommissar order?

A: Yes.

Q: Is it perfectly explicit about killing, about liquidating the Kommissars and Jews and the intelligentsia?

A: No. The Kommissar order only refers to Soviet Kommissars.

Q: The guidelines of March 1941, do they make it quite plain what is going to happen to these enemies of the Nazis when they invade Russia? They are going to be liquidated. It is quite specific, is it not?

A: The Kommissar order is quite specific, yes.

Q: Why does this document here then just talk about energetic measures, if it is perfectly plain?

A: The document does not say every German soldier is entitled or allowed to kill every Jew on Russian soil. It gives them a guideline how to deal with, let us say, suspicious people. They are entitled, encouraged, to take the most drastic measure. The other important document we have to refer to here are the guidelines concerning the military jurisdiction in the Soviet Union, which says that no German soldier is automatically prosecuted for atrocities

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against the Soviet population, so the message is, if you feel there is something suspicious going on, you are entitled, you are in a way free to take the most drastic measures against Bolshevik saboteurs and Jews. So you can shoot Jews. It does not say you have to.

Q: It does not say that.

A: I think it becomes clear. You have to see this document in its historical context.

Q: The context is other documents that quite freely use uncamouflaged words.

MR JUSTICE GRAY: Mr Irving, you are going to have to start putting what your case is. I am going to put what I understand you to be suggesting. The suggestion -- Dr Longerich can deal with it -- is that the 19th May guidelines, when they talk of energetic and drastic measures against, amongst others, Jews means some measures other than killing them. Do you accept that?

MR IRVING: Not necessarily killing, I would think.

MR JUSTICE GRAY: Do you accept that?

A: I think that the most drastic measures means to kill them. This is the most drastic measures I can think of.

MR JUSTICE GRAY: That is enough. You do not need to embroider on that answer. Mr Irving, move on.

MR IRVING: Does it limit it to killing or does it say any measures, though drastic and ruthless?

A: I think the most drastic measures you can take against

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anybody in a war is to kill him or her. I think this is quite clear.

Q: Is there any reason why they should not have said killing in that document if that is what they meant?

A: I am sorry?

Q: Is there any reason why they should not have used some word for killing if that is what they meant? You are entitled to execute or to kill while trying to escape or whatever other things they would say if they did in the other documents?

A: We discussed yesterday the use of language and I showed you a document which explicitly said that they were particularly cautious to use words like liquidation, for instance.

MR JUSTICE GRAY: Mr Irving, you are suggesting that energetic and drastic measures means something other than killing. Would you like to put to the witness what exactly you are

suggesting those measures would be? Precisely.

MR IRVING: Were energetic and drastic measures taken against Soviet prisoners of war?

MR JUSTICE GRAY: No. That is not what I am asking you to do. You are suggesting that energetic and drastic measures means something other than killing the Jews and the others. What are you suggesting those measures would be?

MR IRVING: My Lord, I do not think this witness knows.

MR JUSTICE GRAY: I am asking you to put to the witness what

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you say energetic and drastic measures means, if it does not mean killing.

MR IRVING: Is it not possible that, by using the phrase energetic and drastic measures, the German Army was instructing its lower levels to arrest, imprison under the harshest possible conditions, torture, interrogate, beat up, deprive of their liberty ----

MR RAMPTON: I am sorry, this is perfectly terrible. The German does not just say energetic and drastic measures. It uses the word rücksichtsloses which is translated as ruthless energetic and drastic measures. Now Mr Irving ought to ask the question again, in my view.

MR JUSTICE GRAY: That is slightly my fault. I left out the ruthless.

MR RAMPTON: I know.

MR IRVING: Start again.

MR JUSTICE GRAY: You do not need to start again. Dr Longerich?

A: Yes, I think the answer is quite clear that in English the most ruthless energetic and drastic measures is to kill somebody.

MR IRVING: Yes. But there are other measures which are also ruthless and drastic which are not killing, is that right?

A: Yes and this is the reason why it said the most drastic.

Q: Will you now look at paragraph 9, please, on page 7? You say that the Einsatzgruppen received explicit orders --

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this is quite important, is it not -- to murder Jewish civilians, and your evidence for that is -- is it a document? Are there any such orders in the archives?

A: We went through these orders just five minutes ago, and there is additional evidence for that if you look at the statements of the leaders of the Einsatzgruppen. I am not relying completely on this, but I am trying to put together here documents and eyewitness accounts.

Q: Yes. Just very briefly, you have listed the eyewitnesses on page 8, have you not, in the footnotes?

A: Yes.

Q: These are all testimonies that are over 20 years after the event, are they not? Every single one. In some cases 30 years after the event. Do you attach much reliance on that in German courts?

A: Yes. Most of them are from the 1970s, 1960s and beginning of 1970s.

MR JUSTICE GRAY: Mr Irving, again I am baffled by this part of the case. Are you now suggesting that thousands of Jewish civilians were not shot by the Einsatzgruppen?

MR IRVING: No, my Lord. I am attacking his credibility as a witness.

MR JUSTICE GRAY: His credibility?

MR IRVING: Yes, his.

MR JUSTICE GRAY: You have just put to him that these eyewitnesses who say they saw civilian Jews being killed

are not to be treated as reliable because they gave their evidence so long after the event. How does that go to this witness's credibility?

MR IRVING: If I was to write a history based entirely on testimonies given in court 30 years after the event, I would be derelict.

MR JUSTICE GRAY: I repeat, are you suggesting now that thousands and thousands of civilian Jews were not executed by the Einsatzgruppen?

MR IRVING: Quite the contrary. We have seen any amount of evidence to show that they were.

MR JUSTICE GRAY: So why are you casting doubt on the reliability of these eyewitnesses?

MR IRVING: I am casting doubt on the reliability of the report as a whole because it depends on such sources.

MR IRVING: It does not depend on those sources. It depends heavily on the contemporaneous--
--

A: The report as far as the Einsatzgruppen is concerned is based, first of all, on orders. We went through that. Then on accounts of eyewitnesses, and then in the next chapter I am going in fine detail. I am looking at every command and I am showing you, again on the basis of the Eichnesmeldung and other sources, that these orders were carried out and the Einsatzgruppen killed hundreds and thousands of people. I am not relying only on some witness statements made in the 1960s in German courts.

MR JUSTICE GRAY: Mr Irving does not seem to be disputing that so why we are spending so long on it, I do not know.

MR IRVING: Let me look at the word orders and ask the specific question which I think probably will help the court. Is there any suggestion that these orders came from Hitler for these particular killings?

A: Many of these eyewitnesses referred to explicit Fuhrer order they got. We are not able to trace this back. There is no written evidence for that.

Q: My Lord, this is the reason that I asked the earlier question.

MR JUSTICE GRAY: I do not accept that, but you have asked a relevant question now and I am listening to the answer.

MR IRVING: It was actually the follow up question in my list. I shall have to ask it again. In other words, the only evidence which you would advance for any connection between this and the Fuhrer, Adolf Hitler, giving such an order is eyewitness testimony of 20 or 30 years after the event. Is that right?

A: I think we went through this yesterday. The problem is we do not have a written explicit order signed by Adolf Hitler which says European Jews or the Jews in the Soviet Union ----

Q: The answer is yes?

A: -- has to be killed. I do not have this document unfortunately.

MR JUSTICE GRAY: What we do have -- may I make sure I understand your evidence and then we can move on -- is the Muller document, which you have given evidence, rightly or wrongly, which suggests that Hitler wanted the reports from the Einsatzgruppen to go to him, and

we have at any rate some reports going to Berlin.

MR IRVING: Munich.

MR JUSTICE GRAY: Berlin, which set out in great detail the numbers of Jews killed.

A: Yes. Yesterday we went through the documents and we had Himmler's entry in this diary, 18th December. You will recall that. We mentioned briefly the report No. 51 which states that actually more than 360,000 Jews were killed and so on. So we can make this connection but, as I say, there is no explicit order on Hitler's letter head with Hitler's signature which actually would say that he is ordering the killing of all European Jews.

MR IRVING: So the answer to my question was yes, in other words it is just eyewitness testimony 30 years after the event?

MR JUSTICE GRAY: It is not, for the very reason that he has just given, because we have the Muller document followed by reports going to Berlin.

Q: My Lord, the Muller document is not a Hitler order. It shows that Hitler is quoted as saying that he wanted to see visual materials relating to the activities of the

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Einsatzgruppen.

MR JUSTICE GRAY: I think we went through this. I bear in mind the concession you made in your cross-examination and the cross-examination yesterday, and I really do not think we ought to spend any more time on this. We have a lot of ground to cover.

MR IRVING: On page 10, four lines from the bottom, this goes purely to your translation ability, gewalte Ladung, which you translate as a massive load. In fact that is a military phrase for hand grenade, is it not?

A: Gewalte Ladung, you put together a dozen or so hand guns, this thing about gewalte Ladung.

Q: Page 12, paragraph 2.12, this is the Jager report. This is another document from Soviet archives, is it not?

A: Yes, available since the beginning of the 1960s.

Q: Yes. I am not commenting on it. He talks about 70 Jews being killed, 127 Jews. I am sorry, I am back on page 10. Just one general question: Why is there such a disparity in the killing rates or achievements of the various Einsatzgruppen, some of them killing tens of thousands and some of them just 70 or 100 and so on, if there was an overall system from above?

A: It depends on various factors. For instance, the number of Jews who lived in the area where the Einsatzgruppen Kommandos were sent to. Then there were two different types of Einsatzkommandos and Sonderkommandos. One was

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attached to the armies and one was actually active in the rear areas. Then, during the first month of the killings, it is obvious that some of the Kommandos were more reluctant to actually kill in large numbers Jews. When they went through a kind of learning process they were instructed and reminded, so that we have in the end in October 1941 a more uniform picture. It depends also on the personal initiative of the leader of each Kommandos.

Q: Was there any competitiveness between the Einsatzgruppen to achieve high body counts?

A: I would certainly say there was an element of competitiveness between them.

Q: Very minor point: Would there have been a temptation then to inflate figures?

A: There might be a temptation to inflate figures, but also, on the contrary, we know that the Eichnesmeldung do not contain all figures. There are some figures which were left out. For instance, other Kommandos reported to different institutions and so on, but yes, one cannot

exclude this factor.

Q: Paragraph 2.1.2, on the Jager report now, it is talking about executions that have been taking place since July 4th at Kornas or Kovno. He quite specifically says they were carried out upon my orders and my command by the Lithuanian Partisans. He is not saying it was done on Hitler's orders, is he?

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A: If you look into, let us say, orders of a Kommando of a regiment, of an Army, he would refer to his own orders.

MR JUSTICE GRAY: Chain of command, is it not?

A: It is a chain of command, yes.

MR IRVING: Did Jager get into trouble carrying out any killings round about this time in 1941?

A: Sorry?

Q: Did Jager get into trouble for authorising killings in 1941, the same as Jeckeln?

A: As far as I am aware, not. The man who had responsibility for killing of German Jews in this area was Jeckeln. We know that he got a nasty letter from Himmler and that was it.

Q: Which we have gone into in some detail. Page 13, line 3: What is your evidence that all Jewish men in this age group had been murdered? I am looking at your word murdered. Surely they might just have been sent off to work details or something like that, the fact that they had gone?

A: No. The Einsatzgruppen reports refer quite clearly to executions, and I think this is something which I understood as murder.

Q: You said that they were just murdering women. Older men and children.

A: Yes.

Q: You suggested that this was proof that all the rest had

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been murdered already.

MR JUSTICE GRAY: Mr Irving, where are we going with all of this? Here we have a whole body of reports from Einsatzgruppen A, B, C and D. They all talk of hundreds or thousands of people, Jews and others, having been killed by them.

MR IRVING: Yes.

MR JUSTICE GRAY: What is the point of selecting tiny little aspects of one or two of those reports? If you are saying they made it all up, fine, say so. Put it to the witness. But, if you do not say that, let us move on to what matters.

MR IRVING: My point was that he was drawing an unjustified inference on the basis of the evidence in front of him.

MR JUSTICE GRAY: You have accepted, and perhaps you are going to resile from this, that hundreds of thousands of Jews and others were killed by the Einsatzgruppen.

MR IRVING: Yes.

MR JUSTICE GRAY: Why are we going through these reports? I do not understand the point.

MR IRVING: I am trying to shake your Lordship's confidence in this witness's ability to draw proper inferences from documents before him.

MR JUSTICE GRAY: If there is no dispute between you and the witness that there were hundreds of thousands of killings, what do I gain from a minute point being taken on a

particular report?

MR IRVING: The whole report is full of minute points.

MR JUSTICE GRAY: But you accept there were hundreds of thousands of Jews and others killed.

MR IRVING: Indeed, my Lord. If the report had been written in global terms like that, then I would have dealt with it in global terms, but he has written an excellent report full of mosaic stones.

MR JUSTICE GRAY: But you do not quarrel with the picture made up of all the mosaic.

MR IRVING: Paragraph 2.2.4 on page 14. Here you are quoting a witness called Otto Bradfisch, who says quite clearly there was no express order to exterminate the Jewish population in a place or area solely because of its racial origin. What do you make of that statement? I am looking at "no express order".

A: Well, it says here that----

MR JUSTICE GRAY: I have read the whole of it.

A: "To exterminate the Jewish population in a place or area solely and alone because of its racial origin". I said in the same sentence, "Nevertheless in practice the orders given by the EKB as the Einsatzgruppen B were so broadly conceived that every Jew was regarded as a danger for the fighting troops and therefore to be liquidated". This is a statement. So he is saying that we had to find another pretext, another cover, to kill them. That is the essence

of this statement, I think.

MR IRVING: Very well. Dr Longerich, you attach great importance, do you not, to this Himmler Hitler conversation of December 18th 1941?

A: I think this is quite a remarkable source, yes.

Q: You have inferred from that that the als partisan and anzusehen is words used by Hitler to Himmler.

A: It does not say as partisan and anzusehen.

Q: Ausrottung?

A: Yes, to be ausrottung as partisans. This is what it says.

Q: Yes, and you considered that phrase is used by Hitler to Himmler?

A: Yes.

Q: Yes, but is it not equally likely that this was a standard attitude of Himmler's long before he went to see Hitler, that Hitler had always regarded the Jews as partisans and to be treated as such?

A: No, I do not read it like this.

Q: Can I ask you to look at page 15, line 4? You have here "Himmler had already expressed on his visit to Galestov on July 8th that -- I am quoting now -- basically every Jew is to be seen as a partisan". Is that not precisely the same phrase?

A: Yes.

Q: Your footnote 67 (German) is that not almost exactly the same kind of turn of phrase that Hitler has used?

A: Yes. This line in Himmler's calendar is a confirmation of this policy. It is true that Himmler

had started this policy earlier. He started it in the summer of 1941 and I will read this as a final confirmation of this policy by Hitler.

Q: If I take you please to page 22, line 5?

MR RAMPTON: May I once again ----

MR IRVING: Oh dear. Here comes the interruption every time I make a point.

MR RAMPTON: This is going to be a very tedious day if I am going to have to keep going back to earlier parts of the evidence. If Mr Irving is now saying, as he appears to be, that that entry in Himmler's log for 18th December 1941 does not record the substance or result of a conversation with Adolf Hitler, he had better put it to this witness, because it is new.

MR JUSTICE GRAY: The suggestion that I understand was just made is that in his agenda or appointments book Himmler jotted down what Hitler had said months or years before.

MR RAMPTON: I thought until half a minute ago that that had been common ground since the beginning of this case.

MR JUSTICE GRAY: So did I.

MR RAMPTON: Mr Irving is once again shifting his ground. Now he must put it to the witness.

MR JUSTICE GRAY: Mr Irving, that must have been the thrust of your question.

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MR IRVING: My Lord, I would find it very helpful if Mr Rampton, with his unerring eye, does not always interrupt just when I am zeroing in for quite an important point.

MR JUSTICE GRAY: We have had a huge amount of cross-examination on the 18th December document.

MR IRVING: We now have new material, my Lord.

MR JUSTICE GRAY: It has not been suggested until now I believe that the reference to ausrottung the Jews as partisans was something that was not even discussed between Himmler and Hitler.

MR IRVING: That is not the point I make. Can I explain the point that I am trying to make?

MR JUSTICE GRAY: Yes, do.

MR IRVING: If we had just that agenda note in front of us, we would be entitled to draw the inference which Mr Rampton does that Himmler is writing down an idea expressed and initiated by Adolf Hitler. But we here have evidence that on two occasions, and this is when I was unfortunately interrupted by Mr Rampton, in the summer of 1941 Himmler already has that idea embedded firmly in his mind and he uses precisely the same turn of phrase when he goes to see Hitler, and this may very well have influenced the way he recorded the conversation afterwards.

MR JUSTICE GRAY: That, I am afraid, is pure equivocation. What do you mean it may have influenced the way he wrote his note?

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MR IRVING: That he wrote down his own stock phrase rather than quoting what Adolf Hitler had said.

MR JUSTICE GRAY: So you are suggesting that that note does not represent something that was discussed between Hitler and himself?

MR IRVING: Certainly they discussed the Jewish problem but then Himmler recorded the outcome in his own language rather than in Hitler's language, if I can put it like that. The fact that it was his own language is also borne out on page 22.

MR JUSTICE GRAY: Let us just look at the document. We really have to try to see what the case is that is being made. Can somebody give me a reference in the new file? Page 183, I think.

MR IRVING: 184, my Lord.

MR JUSTICE GRAY: 184, yes, quite right. Now, I had understood the case has proceeded so far on the basis that, and there is a much better copy of this document somewhere than this, on the left-hand side -- Mr Irving, would you answer the question I am going to ask you at the end of this -- Himmler had written down as being the topic he was proposing to raise with Hitler when he saw him "Judenfrager".

MR IRVING: Yes.

MR JUSTICE GRAY: And that, and this is what I understood to be accepted up until now, the different notation als partisan

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and ausrottung was what Himmler had written ----

MR IRVING: Subsequently.

MR JUSTICE GRAY: -- Following his discussion about that very topic with Hitler.

MR IRVING: Very well. Yes, precisely.

MR JUSTICE GRAY: You are now suggesting -- tell me if I am wrong about this -- that als partisan ausrottung has nothing to do with any discussion between Himmler and Hitler, it is something that Himmler recalled Hitler having said some time before. Is that your case now?

MR IRVING: No, my Lord. It is completely wrong, completely different from what I am suggesting.

MR JUSTICE GRAY: Then I do not understand what you are putting to the witness.

MR IRVING: What I am suggesting is that Himmler went to see Hitler with Judenfrager written down in his appointment book. Subsequently he wrote down the words als partisan and ausrotten, but this was his own phrase that he wrote down, because it was a phrase that he had used very similarly already twice that summer to summarize the conversation. It is very dangerous trying to extrapolate just on the basis of four words anyway precisely what happened in a conversation that only lasted 10 or 20 minutes.

MR JUSTICE GRAY: So are you or are you not saying that the notion of killing the Jews as partisans was something that

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was discussed and agreed between Hitler and Himmler?

MR IRVING: Yes.

MR JUSTICE GRAY: You accept it was discussed and agreed between Hitler and Himmler?

MR IRVING: Yes.

MR JUSTICE GRAY: Then I do not understand what you are seeking to suggest to this witness. We now have that clear so we can move on.

MR IRVING: After that successful interruption by Mr Rampton I will not take your Lordship to page 22 where he used it a second time. Page 17 on line 7 after the words, "about 7,000 Jews were collected and shot by the security police in retribution for these inhuman atrocities", you have omitted quite a lengthy passage there, have you not, from that report?

A: Yes. This is why I put these three dots in the text after "atrocities".

Q: Yes. Do you recall offhand what the lengthy passage? Was it a description of the atrocities in great detail?

A: I cannot recall at the moment but we probably have the document there.

MR IRVING: My Lord, in the interests of making forward progress I do not think I am going to press this point. It is a four page description of atrocities committed on the Ukrainians which were discovered by the Germans when they arrived. Obviously the Germans ran berserk. It

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probably does not -- why did you omit this very lengthy passage?

A: I do not see the point you are making here. They were atrocities from the -- where are we here?

Q: In July 1941.

A: In Lobov, yes, so there were atrocities committed by the Soviet NKVD against Ukrainians and, as a result of this, the Einsatzgruppen C shot 7,000 Jews. So I do not see the point between the actions and the so-called retaliation actions.

MR JUSTICE GRAY: I think the suggestion must be this, Dr Longerich, that these 7,000 Jews had all been involved in some way in the atrocities on the Ukrainians and therefore, in a sense, the shooting of them by the security police was justified.

A: Yes. This was a massacre among the Jewish population of this town. We have details about the way it was carried out. There was nothing like a kind of identifying of every of the 7,000 as perpetrators, as one of the people actually who instigated ----

MR IRVING: Was it an active retribution then?

A: Retribution directed against the Jewish population, so it was part of the systematic killing, guided out under the pretext of a retaliation action. If you read the whole thing, there is nothing in this text which indicates that there was a kind of extermination done by the

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Einsatzgruppen to identify among the 7,000 Jews the people who might have been responsible for these atrocities. The idea that they started retaliations against the Jews for something the NKVD did, this is the kind of question. This shows actually that this is a part of the war of racist extermination.

Q: Yes. So, when you write on line 4 of page 19, that this use of retribution was just a pretence --

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A: It is a very interesting example. "In German's polar city a quarter of whose population was Jewish in the last few days, especially the Jewish women, have shown imprudent and arrogant behaviour because of limitations imposed upon them. They tore their own and their children's clothes off their bodies. As provisional retribution the Kommando which arrived for the purpose of re-establishing the peace shot 50 male Jews". So I think you get a very good insight into this kind of retribution or retaliation.

Q: Does this kind of thing happen in wars like Vietnam and elsewhere? Is there a lot of brutality on both sides?

A: I am not an expert on the Vietnam war.

MR JUSTICE GRAY: I am at a total loss to understand why we are going through the detail of the shooting when you accept that hundreds of thousands of Jews were killed by the Einsatzgruppen. I do not understand the point, Mr Irving.

MR IRVING: The reason for asking that is that the witness has left out a four page description in the most hideous and

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ghastly detail of what the Germans found when they got to the town.

MR JUSTICE GRAY: So it served the 7,000 Jews right, did it?

MR IRVING: He then suggests that the word "retribution" was unjustified. He says here that the retribution was just a pretext.

A: Yes, exactly.

Q: Having left out all the evidence that it was not.

MR JUSTICE GRAY: Mr Irving, I will simply say to you now that you are not serving your own cause well by taking up time quite pointlessly on these sorts of questions.

MR IRVING: Well, risking your Lordship's wrath, I am going to go to page 22, which is something different, line 5. Again, you have Himmler saying basically every Jew is to be regarded as a partisan. So I must insist therefore that the December 18th document shows the initiative came from Himmler and not from Hitler to regard the Jews as partisans, because this is Himmler stating already back in July. He keeps on saying this, that the Jews are to be regarded as partisans, so what Hitler may then discuss with Himmler in December is neither here nor there really. Would you agree?

MR JUSTICE GRAY: This is a new proposition.

MR IRVING: Well, my Lord perhaps I am expressing myself wrongly.

MR JUSTICE GRAY: It was discussed between Himmler and Hitler

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but that it is neither here nor there?

MR IRVING: No. The proposition that I am making, my Lord, is that the initiative for regarding the Jews as partisans came not from Hitler to Himmler, but the other way round.

MR JUSTICE GRAY: I do not suppose Mr Rampton is particularly bothered one way or the other. The point he makes is that Hitler agreed upon it as a policy. Am I wrong about that?

MR RAMPTON: I do not care whether Hitler initiated it or whether he ratified it. It does not matter a row of beans. The fact is he was in on it, in on the murder of 1.2 million innocent people.

MR JUSTICE GRAY: I think that is the point, Mr Irving.

MR IRVING: The reason that it matters a row of beans is because we are looking at Hitler's state of mind and if, as in the Reichskristallnacht, the initiative for that came from Goebbels, and the initiative for this comes from Himmler, tells us something about the likelihood of issuing orders, particularly when in the spring of 1942 we find a weary Fuhrer saying, "For God's sake, let us leave it all until the war is over". It helps to justify that.

MR JUSTICE GRAY: The issue between the parties which I have to consider in the context of whether you have dealt with this responsibly is not whether it was initiated, all this killing, by Hitler, but whether he knew about it. We are on Hitler's knowledge, not on whether he was the

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originator of all this.

MR IRVING: My Lord, I wholeheartedly endorse the position that your Lordship adopts on that and your Lordship will see from the position that I put in the two pages this morning that I have never challenged that he was involved in every way in the killing of the Jews behind the Eastern Front. However, when this goes to Hitler's state of mind, so that we can judge the likelihood of the Schlegelberger document being an accurate portrayal of his intentions or not, then I am entitled to draw attention to whether the initiative came from Himmler or from Hitler on this particular occasion, I think, if I can put it like that. I regret if I am expressing myself so obscurely that your Lordship does not see the purpose behind my questions sometimes.

Page 23, paragraph 2.7.2, it goes really to the same matter. "These shootings were carried out", you write, "under the pretext of 'retribution', punishment for 'plundering' or portrayed as a struggle against partisans". If there was a Fuhrer order to kill Jews, why would they need the pretexts? Surely, that would overwrite any need for any kind of pretext, would it not, if the eyewitnesses are right?

A: Well, they in their reports prefer to give specific reasons for the killing. They were not just saying, "We are killing these people because they are Jews". They

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had, obviously, there was a kind of order to actually attach to each killing a kind of reason which could be, a kind of rational argument, you know, why they killed this particular group. They do not -- in their reports they do not refer to a written order by Hitler in these reports.

Q: But when Eisenhower gave orders to kill all the Germans, as he did, he did not say, "We are going to do this as a pretext that they are plundering and looting" ----

A: I cannot comment on ----

Q: --- the orders from the Supreme Commander were good enough?

A: I cannot comment on Eisenhower. I am not familiar with the order given by Eisenhower to kill all the Germans, sorry.

Q: The first two lines of page 24, please. You say: "The behaviour of the units followed a standardized pattern which however was not altogether uniform". Does that not suggest that there was no system, that there was no systematic order?

A: Well, I mean, I spent here about 20 pages to describe the actions of the different Kommandos and, as you rightly say, there are, for instance, some differences so far as the numbers of victims is concerned, when actually Kommando A started to kill women and Kommando B started to kill women. So I think one can argue that there is a standardised pattern but it is not completely uniform.

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They did not start on the same day, on the very same day, for instance, the killing of children. It varies a little bit between unit and unit. So I preferred this phrase "pattern". It is not completely uniform. But it is a standardized pattern.

Q: But not very systematic?

A: It is a standardized pattern and I think it allows us to say that this was a part of a system.

Q: Page 26, the first three lines, we are dealing now with an explicit order of Himmler which, I suppose, is of significance. You say this is an explicit of Himmler. "All Jews must be shot. Jewish women to be driven into the swamp"?

A: Yes.

Q: You say: "From a radio telegraph text we can read this". Now, what is your source for that? Is it the actual radio telegraph text?

A: Well, the radio telegraph text is quoted in the wording of the branch(?) record. The whole files of the branch record are kept in the State archive of [German]. I spent two days this summer actually to read this source and I can assure you that this document is in the files of this particular court case.

Q: Is it an actual radio telegraph text or something recorded by or ----

A: No, actually it is a copy ----

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Q: --- remembered by?
A: --- of the radio telegraph text. The original is kept in the military archive in Feiberg.
Q: You have not provided the German text for us so it is ----
A: No, I have not provided the German text for it.
MR RAMPTON: My Lord, we have got the text.
MR JUSTICE GRAY: I would like to see it.
MR IRVING: It is quite important.
MR RAMPTON: I do not know which report this comes from, it might be Longerich, it might be Browning. I really cannot say.
MR JUSTICE GRAY: It is important because I think it is Mr Irving's present position that there was never a stage when all Jews were ordered to be shot.
MR RAMPTON: Which document is it?
MR JUSTICE GRAY: It is note 119, top of page 26.
MR RAMPTON: Yes, well, then the date is 1st August, same day as the Muller order.
MR JUSTICE GRAY: It is not in N1, I do not think.
MR RAMPTON: Yes. It is page 48.
MR JUSTICE GRAY: I am sorry. I missed it.
A: Yes, 48. That is it, yes.
MR JUSTICE GRAY: We have looked at this before.
MR RAMPTON: I do not know what this document is, mind, but the witness could tell us that, I expect.
MR IRVING: It appears to be a genuine carbon copy, does it

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not? Yes, a carbon copy of a document.
A: Yes, I recall that in the -- I have seen the copy. This is here a [German]. This is the German, the document, this is the standard German form for a radio message. So the document is there and I have seen that and there is no doubt that this is authentic.
Q: It is very difficult to cross-examine on this document because it is so skimpy.
MR JUSTICE GRAY: You will have to put your case.
MR IRVING: I have to.
MR JUSTICE GRAY: Are you saying that Himmler ----
MR IRVING: Are you satisfied that this document accurately reflects an order of Heinrich Himmler?
A: Yes. He was there, he was there. At this stage he was in the appropriate marches.
Q: Who is the SS Obersturmfuhrer who is an adjutant who has signed this document, to your knowledge?
A: It is in the -- the court managed to identify this man. I cannot recall the name at the moment.
Q: Was he on Himmler's staff or somebody else's staff?
A: This is -- no, he is the adjutant of the Reitenabteilung. The Reitenabteilung, this is the cavalry, the mounted cavalry, battalion actually of this SS cavalry regiment. The name of the adjutant is known and I just not recall the name at the moment, but he was identified in the court proceedings.

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Q: The question I am asking is, he is not Himmler's adjutant who is sending the order?

A: No, but Himmler was there. At this time he actually gave the order verbally and this was then included into this telegram and the message was sent.

Q: What was the range of this order, do you think? Did it relate just to the activities of this particular mounted unit?

A: Well, this relates ----

Q: Mounted troop?

A: This relates clearly to the killing, systematic killing, of Jews in the -- this was what they called a pacification action, and these are the guidelines given for this pacification action to actually, well, clean the appropriate swamps.

Q: Yes. So we are actually referring to the Pripyat marshes then?

A: I am trying to be as objective as possible. I cannot say that this is -- you cannot read it as a general, you cannot read it as a general order.

Q: My question was, what was the range of the order? Was it just directed to this one troop, this one mounted troop, all Jews within their reach, presumably?

A: Well, it was actually an order given here to the mounted elements, so that is the best translation of the cavalry Regiment 2. These were about, I think, 800 or 1,000 men

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and they carried then out this action. And you can see I have quoted this on page 25, this was part of the action to kill, in which they killed 14,178 Jews, as they reported.

Q: Are you familiar with the scale of partisan warfare in the Pripyat marshes?

A: At this stage, at this very early stage, at the beginning of August, there was actually the scale of partisan activity in the Pripyat marshes was low. What actually happened was that some actually, well, some soldiers of the Red Army managed to get into the Pripyat marshes and tried to hide there. But the partisan activity was at this stage relatively low compared with what would happen in '42 or '43.

Q: Had Marshal Stalin issued early in July a broadcast proclamation to the entire Russian civilian population to rise up in arms against the invaders?

A: Yes, that is true, but, on the other hand, they were no organization and preparation made for this kind war, so they had to improvise that and they were at this stage not actually able to fight an organized partisan warfare against the Germans.

MR JUSTICE GRAY: I think the suggestion is, just so that it is clear, that the 14,000 odd Jews who were shot following this order were justifiably shot because they were partisans?

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A: No, the report makes a distinction between partisans and Jews, so they were -- it is clear that the Jews were killed in the course of anti-partisan action, but they were not identified as partisans.

MR IRVING: My Lord, I am not making that suggestion. The only substantive question I do want answered properly is what was the scope of the order to kill all the Jews? Was it just all the Jews within the operational area of this one mounted troop?

A: Well, the problem is, this is not a mounted troop. It is the fighting elements of a regiment.

Q: "Reitenabteilung" is a mounted troop.

A: Yes, so this is, well, quite, this has quite a size, this mounted element, and this is one document we have where Himmler is very explicit. We know that he travelled through the

occupied territories quite frequently and here we have actually this document, and I think it is a clear indication what he was saying to the other units during these other visits.

Q: Yes.

A: Here we have one case where we actually have written evidence for that.

Q: Yes, but you appreciate the reason I am asking the question, Dr Longerich, is if a signal is shown to us saying that Himmler has ordered all the Jews are to be shot, we want to know is he talking about all the Jews

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within the Third Reich or just all the Jews within the ----

MR JUSTICE GRAY: You have your answer about that. It is limited.

MR IRVING: If the answer is clear. Very well. Page 35, please. Does this not strike you as remarkable, Dr Longerich, that every time we get an order from the Fuhrer, that there is a Fuhrer befehl, it turns out to be testimony 17 or 20 or 30 years later and there is nothing at all in the documents, even though we have seen documents like the one we have just been looking at, which talk about Himmler orders, there is nothing of a similar quality talking about a Hitler order?

A: You are referring to a particular part of this page or?

Q: Page 35, line 1.

A: Yes, well, to make this -- I mean, I think I made my point very clear. I am trying here in this report, I am trying to show you that this was carried out on a systematic basis and, in order to link these events with Hitler's role, I think we -- this has been said yesterday -- have this Muller letter from 1st August which shows us that Hitler was quite aware of what was going on because he got on a continuous basis, he get the Einsatzgruppen meldung. And I think this is quite clear that he was informed about it.

I do not say, did not say, that I have here an

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explicit order with a letter head of Adolf Hitler and the signature which says that he orders the killing of the Russian Jews, but I think it has been established here, quite clearly, that he was informed about these events.

Q: I do not want to labour the point too much, but we do have now, and we have been having it for the last four or five weeks, document after document of this quality which incriminates Himmler and people like him, but not one single document of equal quality which incriminates Hitler.

MR JUSTICE GRAY: Mr Irving, I am sorry to intervene again. You have made that point many, many times. It is accepted by Dr Longerich that there is not a Hitler Befehl in relation to these shootings. He has made it absolutely clear why he says that Hitler knew and approved what was going on.

MR IRVING: On the basis of the Muller document ----

MR JUSTICE GRAY: There is no point in asking that same question again and again. I know your point, there is not a Hitler order that anyone has found, so you need not ask that question again. I have the point. There is not a Hitler order.

MR IRVING: Although, logically, there should be one found.

MR JUSTICE GRAY: Well, there are all sorts of reasons why there may not be one, but there is not one. That is the point and you can, of course, develop that in your closing submissions. There no point in going on asking the

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question because you get the same answer that I think I have heard three times from this witness already.

MR IRVING: The actual question was, is it not remarkable it is always testimony 20 or 30 years after the event, like this one here, which links it to a Hitler order which is self-serving testimony.

A: I would not agree this is, you cannot say this is all self-serving testimony because some of the people interrogated are eyewitnesses, but this report is about the systematic nature. The first report we discussed yesterday is about Hitler's role. The aim of the report is to show you, give you an idea, about the systematic nature of this warfare. It is not the intention of this part of this report to actually prove Hitler's role. I mean, it is not the focus of the point. It is the one we discussed yesterday.

Q: For example, in this same paragraph, 3.3.2, if you would just go back over the page to the bottom of page 34, it is the indication that the order came from Ohlendorf. Was Ohlendorf dead at the time of this testimony?

A: Dead?

Q: Yes. In 1969 he was dead, was he not?

A: Yes. He was hanged in '48, was he not?

Q: Did you ever get to see the private papers of Ohlendorf?

A: No, they are not, I think, as far as I am aware, they are not publicly accessible.

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Q: His widow has them.

A: Yes. I know -- yes, sorry.

Q: So once again they are saying, "Well, the other person who knew, he is dead, unfortunately", so it is a very shaky kind of testimony, is it not, so far as Adolf's responsibility is concerned?

A: This is, I mean, what I did here, I based this on an analysis of the ereignismeldung and on -- and, in addition, on the basis of evidence we have from testimonies. I think it is my obligation, my duty, to look at this testimony. I just cannot ignore them. Ohlendorf made, and I mention in the report here, he made quite remarkable statements. He never -- I mean, he was hanged by the Americans, but he never actually disputed the fact that his Einsatzgruppen killed 10,000 of Jews. I mean, this was, because this was confronted with the evidence which the ereignismeldung contained ----

Q: We do not dispute that either here.

A: --- he did not dispute it.

Q: But you also rely on the ereignismeldung, but you said yesterday that only one of them shows it was sent to the Party Chancellory in Munich which is not exactly proof that Hitler saw it, is it?

A: Well, we went through this when I think I made it quite clear that not every ereignismeldung has a list of distribution, and I do not have a full picture of to whom

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it was sent. Munich and Berlin, I made this quite clear that the Munich office had a liaison office in Berlin, so I do not think this is a ----

Q: Hitler was in East Prussia, was he not?

A: Yes, but, of course, then Bormann was constantly in his -- it was Bormann policy to be constantly in close with Hitler so in order to inform him about everything which he thought he

has to be informed of.

Q: Will you go to page 40, please, the third paragraph? This is a general statement which is quite useful. In the fall of 1941, the autumn of 1941, you say: "The Nazi regime began to deport Jews from Central Europe into the Eastern European ghettos. From statements by leading representatives of the regime it becomes clear that at this point in time the intention was to deport these people further to the East following upon a victory over the Soviet Union".

A: Yes.

Q: Is that still your position now?

A: Yes.

Q: Have you found it, my Lord?

MR JUSTICE GRAY: Yes, thank you.

MR IRVING: That is a very useful summary of the position in the autumn of 1941. You are talking about September, October 1941?

A: Yes.

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Q: And at that time the Nazi leadership, Hitler, Himmler, everybody else was talking, was ----

A: Well, to deport these people further to the East, and what would happen to the people then further in the East? I do not have -- my argument here is that this intention to send them further to the East had clearly genocidal implication. They would perish there in the East, but they postponed this because originally they thought they had this area under control in the autumn of 1941. Now they realised they had not won the war, so they sent these people first to ghettos in the East and with the intention to send them further to the east, let them perish until next spring.

Q: You quote the Greiser letter, do you not, on the following page?

A: For instance, the Greiser letter, yes.

Q: Yes. Can I just offer a different translation of that first paragraph?

A: Yes, where is that, please?

Q: The different translation that I offer is in the little bundle, page 13.

A: Yes.

Q: "The Fuhrer wishes that from the West to the East" -- do you want to follow the German one?

MR JUSTICE GRAY: Just a minute. I have not found this.

MR IRVING: This is September 18th 1941.

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MR JUSTICE GRAY: That I think is not -- yes, it is, 84.

MR IRVING: "The Fuhrer wishes that from the" -- I would like this one actually put in the bundle actually. It is a better translation.

MR JUSTICE GRAY: I think it is in there. I think it is 84 or am I wrong?

A: 84.

MR IRVING: Mine is, I think, a slightly preferable translation of a rather complicated sentence. "The Fuhrer wishes that from the West to the East, the Altreich" the old Reich, "and the Protectorate be emptied and freed of Jews as soon as possible. Initially, therefore, and during the course of this year, if possible, I am striving as a first stage to transport the Jews out of the Altreich and the Protectorate into the Eastern territories newly accessioned by the Reich two years ago, and then to deport them even further to the East early next year. I intend to convey

about 60,000 Jews of the Altreich and Protectorate into the Litzmannstadt ghetto for the winter which has, so I hear, the space to accommodate them".

A: Yes, I think there are two mistakes in your translation.

Q: Right.

A: First of all, you translated, it said in the text here, "nachsten Fruhjahr", next spring, you said "early next year".

Q: "Fruhjahr" is not necessarily spring. "Fruhling" is

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spring, is it not? "Fruhjahr" is ----

A: No. "Fruhjahr" and "Fruhling" is the same. It has the same meaning. "Early next year" is quite misleading, but "early next year" could be read as January, for instance.

The second mistake you make, if you look at the last sentence here, or not the last sentence, the sentence before the last sentence, it says in the German text: "Ich beabsichtige, in das Litzmannstadter Getto, das, wie ich hore, an Raum aufnahmefahig ist, rund 60,000 Juden des Altreichs und des Prtektorats fur den Winter zu verbringen".

So you say here in your translation, "I intend to convey about 60,000 Jews of the Altreich and Protectorate in the to Litzmannstadter ghetto for the winter which has, so I hear, the space to accommodate them". So in the German text it is only -- the German text only says which is as I translated it here in my translation which has at best -- so it does not say in the text, in the German text -- in the German text it only says it is "aufnahmefahig". It does not say that it is specifically "aufnahmefahig had space for them". It only says "aufnahmefahig".

Q: Well, if it says "an Raum aufnahmefahig", surely, the inference is that it has adequate space for this task?

A: Yes, but it also could receive more people.

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Q: Yes. Now, what is the purpose of that letter from Himmler to Greisler? Is it camouflage or can we believe what he is writing?

A: I think one can basically believe what he is writing.

Q: So at this time, September 18th, there is no homicidal intent towards the European Jews?

A: Well, I said this, I think I made this quite clear in my statement: "From statements by leading representatives of the regime it is clear at this point in time the intention was to deport these people further to the East following up a victory over the Soviet Union". So I draw the conclusion from the sentence it was the intention to send them further to the East.

Q: Yes, but there is no camouflage intended in the document. There are none of these camouflage words we have heard so much about in that paragraph. What Himmler wrote to Greiser there is meant, the German Jews, the European Jews, are going to be shipped out to the East. No one is paying much attention to what is going to happen when they get there. No one cares really what happens to them in their new existence?

A: Yes.

Q: So any decision must have come after that in September 1941. It is an important document, is it not?

A: Well, the document says that the Jews are sending, are sent to the ghetto and then in the next spring they will

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be sent further to the East. So that ----

Q: If you go to page 42 of your report: "On 6th October Hitler emphasised that all Jews from the Protectorate needed to be 'removed' - and not into the Generalgouvernement first, but - 'straight on to the East'. That is also part of the same kind of picture, is it not, the East?"

A: Yes.

Q: Now, I think that you and I are agreed that sometimes the Germans used the phrase "the East" in a sinister sense, is that right? They say "the East" and, in fact, they mean to perdition, to their -

A: Yes, but here I think, I am in a way very cautious in interpreting the language here, and I say I think it is meant here that they are simply sent to the East, to ghettos and to camps to the East. So the East is here, obviously, the Generalgouvernement.

Q: We are going to be looking this afternoon at some documents about people who were sent to Auschwitz ready for being sent on to the East or, at any rate, and obviously I am going to be asking your interpretation of those documents ----

A: Well...

Q: --- which is quite an important point.

A: We are here in a phase where actually in three waves German Jews are sent to ghettos in occupied Poland and the

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occupied Soviet Union. The first wave goes to Losch, the second wave to Riga and Minsk and the third wave in the there spring of 1942 goes to ghettos in the district of Lublin. What has happened to the people is they are not, in general, killed on the spot. So they survive for a couple of weeks, probably a couple of months, until spring 1942 and then they killed them on a systematic basis by sending them to extermination camps or by gassing them.

So we are in a kind of transitional phase here we they are still not prepared to kill then on the spot, except the six trains we discussed yesterday.

MR JUSTICE GRAY: But can I just ask you this? It is not just German Jews that are being talked of in 6th October document, is it? It is all European Jews.

A: Well, Germany is here in the sense of a greater Germany, so this includes the annexed territories, Austria, the Czech Jews as well which is a project of ----

MR IRVING: Just in a vague sense, a general question, did the Nazis in some way regard the European Jews as being more valuable material than the Russian Jews, Eastern Jews?

A: I do not know what you mean with "valuable material".

Q: Well, preserved -- there is a point in preserving them whereas they did not care what happened to the Eastern Jews.

A: Generally speaking, they made a kind of distinction between the Eastern Jews and the Western Jews.

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Q: It was never actually spelt out in a document, but this is the inference we can draw, is it not, from the document?

A: Well, it is spelt out in documents but they made, in general, in their anti-Semitic -- in the anti-Semitic way they looked at this since they make this different sometimes, yes.

Q: I am going to ask one more brief question before the adjournment, my Lord. Page 45, paragraph 15. You say: "Rademacher still assumed at the end of October 1941 that the Serbian Jews would be 'removed by water transport into the transition camps'", the "Auffanglager im Osten", "in the East". So there was this kind of perception among the top level Nazis involved in the programme, in the system, that there were reception camps in the East to which these European Jews were going to be shipped.

A: I only say that Rademacher in this letter obviously assumed that they would be removed by ship in the transition camps in the East. I am not, I cannot, I do not want to comment on general perception of this, but I think Rademacher was probably convinced that this would happen.

Q: Yes, over the page, paragraph 16, you raise the matter which I have just raised a couple of minutes ago: "Was the deportation of Jews 'to the East' at this time already a metaphor for the planned murder in the extermination camps?" You say, quite frankly: "The state of

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contemporary research does not give sufficient evidence".

MR JUSTICE GRAY: That is what he said. It is a transitional phase. I think that is his evidence.

MR IRVING: Yes.

MR JUSTICE GRAY: 2 o'clock.

**(Luncheon adjournment)
(2.00 p.m.)**

MR JUSTICE GRAY: Yes.

MR IRVING: Thank you, my Lord. My Lord, I can say the Defendants' solicitors have very diligently got on to the Wolff document and there is one minor snag over the date, but I am sure we will have it at the end of the weekend. I cannot do better than that.

MR JUSTICE GRAY: When you say they got on to it, is it physically in court?

MR RAMPTON: Munich cannot find any Wolff testimony for the date, which is 11th May 1952.

MR JUSTICE GRAY: I am glad we have----

MR IRVING: They are responding positively.

MR JUSTICE GRAY: -- tried to find out what the position actually is.

MR IRVING: I just hope I did not leave anything important out, of course, but I am sure I did not.

MR JUSTICE GRAY: Can we all remember that I would like to know what the outcome of it all is.

MR IRVING: I think it is an important document and, as your

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Lordship knows, I relied on it quite heavily at the time.

MR JUSTICE GRAY: From your point of view, it is an important document.

MR RAMPTON: I do not understand why it is, if I may say so at this stage, so terribly important in Mr Irving's mind if the testimony of von dem Bach-Zelewski must be dismissed out of hand because it is postwar.

MR IRVING: You have pre-empted me.

MR JUSTICE GRAY: There is another point about it which I think we ought all to bear in mind, which is that it was not actually available to you, Mr Irving, as I understand it, when you

wrote your book because I think you said it had been supplied by a lawyer in Dusseldorf.

MR IRVING: It very definitely was, my Lord.

MR JUSTICE GRAY: Was? I see.

MR IRVING: Oh yes. That is part of my original research.

MR JUSTICE GRAY: But it was not in your discovery, was it?

MR IRVING: It was in a big box called documents on the Judenfrager which they had copied in its entirety.

MR JUSTICE GRAY: I thought you told me this morning it was not in your discovery.

MR RAMPTON: The note was, but not the document.

MR JUSTICE GRAY: We will revert to that on Monday.

MR IRVING: This is one reason of course why I mentioned Bach-Zelewski because, if my use of Karl Wolff is impugned as a source, who did not have the death of millions or

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thousands of people on his conscience ...

MR JUSTICE GRAY: Anyway, back to Dr Longerich.

MR IRVING: Back to the document, my Lord. The progress we have made is we are now at page 40 or 45 of an 80 page document approximately, so we have managed to chew our way halfway through the document.

MR JUSTICE GRAY: But the bit that needs more chewing is the latter part rather than the earlier part but there we are. Let us press on.

MR IRVING: Have I heard that before in connection with other documents?

MR JUSTICE GRAY: Yes.

MR IRVING: Dr Longerich, are you familiar with a Canadian historian Michael Marrus?

A: Yes.

Q: He is a reputable historian, is he not?

A: Absolutely.

Q: He has written an article on the history of the Holocaust in the Journal of Modern History. I am just going to read one and a half sentences to you. He cautions that Hitler's rhetoric about the Jews should not be seen as what he calls a preview of Auschwitz. He adds "The Nazi leader always spoke in the most cataclysmic terms, was forever calling for the most drastic action, the most ruthless stroke". Would you like to comment on Marrus's view therefore that Hitler sometimes was a loud mouth?

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MR JUSTICE GRAY: Have you read Marrus's book?

A: This was a quotation one and a half sentences from an article, I cannot recall-----.

MR JUSTICE GRAY: It is a book, I think.

A: He has written a book and articles.

MR IRVING: It is the Journal of Modern History.

A: I cannot recall the content at the moment so I am really hesitating to comment on a very short quote from either a book or a lengthy article with about 25 or so pages.

Q: Suppose I said it now. Suppose I said it and not Michael Marrus, that the Nazi leader Hitler always spoke in the most cataclysmic terms and was forever calling for the most drastic action, the most ruthless stroke, would you say that I was wrong?

A: It is a very general statement. I would see more evidence. To which quotations are you

referring? Can you give me some help here?

Q: The famous quotation throughout the war where he said September 1st 1939, did he not? That one.

A: If you refer, for instance, to speeches about vernichtung ausrotten which he repeated, yes, then it is of course true. Of course he was a politician and he made sure that he addressed the right audience. On some occasions he would just use drastic language, but on other occasions he would be very different. It always depends on the circumstances, on the audience he was addressing.

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Q: Like most politicians, they say what the audience wants to hear. One of the basic rules of politics, is that right?

A: I cannot lecture on the basic rules of politics. I think I should only refer to the Nazi regime.

Q: Just going back briefly to page 40, this general statement, you said in the middle of the third paragraph that, "In the fall of 1941 the Nazi regime began to deport the Jews from central Europe to the Eastern European ghettos. From statements by leading representatives of the regime it becomes clear that at this point the intention was to deport the people further to the East upon a victory over the Soviet Union rather than exterminating them where they were".

A: The fact that I said to deport them does not of course exclude that at the next step they were going to liquidate them.

Q: Yes. Do you mean, by saying that, that at this time there were only orders for the deportation, there were no orders for extermination at that time, German government orders?

A: When you refer to orders, then the orders were clear about the deportation. But of course it has to be seen in the context of a wider policy, and I think the aim of this policy was in the end to bring about a physical end of the life of these human beings.

Q: You are familiar with the fact that your colleagues, for example Professor Browning, suggest that the German

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government had decided on extermination by the autumn of 1941 and that deportation was for the purpose of extermination?

A: There is a certain kind of disagreement among historians about this. We are in a research process and there is an agreement. Some historians would suggest summer 1941. Christopher Browning among others would say autumn 1941. I have a different theory about this decision making process. I think some of the decisions were made, but not all decisions were made at this stage.

Q: Do you reject the judgment in the Eichmann trial in Jerusalem which said that the deportation of the central European Jews to Riga and Minsk which began around this time was specifically for the purpose of extermination?

A: I think if I should comment on the wording of the Eichmann trial, I should have the text of the wording in front of me. But, in general, it was not the intention, according to my research, to kill these people immediately after arrival. There is of course a difference. Of course, in the long term the intention was to let these people, let us say it this way, perish in these areas, but there was no policy, according to my research, at this relatively early stage to kill them immediately after arrival. We discussed yesterday the case of the six trains and Himmler's reactions to that.

Q: To pick up something you said a few seconds ago, you said

there is still something of a dispute, quite a genuine dispute, between historians of one school and historians of the other school, and it would be quite improper, would it not, to call the people who disagree with you a Holocaust denier?

A: Absolutely. There is a certain kind of disagreement but, on the other hand, we all respect each other's views. I would not call anybody, any of my colleagues like Christopher Browning, a Holocaust denier. It would be absurd.

Q: You save that phrase for somebody whose views you do not respect?

A: No. That is for somebody who just makes general sweeping statements, just not accepting historical facts, not basing his expertise on thoroughly reading and analysis of documents. One has to make a strong point here. There is a strong difference between a discussion among colleagues, among historians, and between historians and Holocaust deniers, if you want to say so.

MR JUSTICE GRAY: Dr Longerich, am I right in understanding you to be saying that the disagreement between historians is as to when there was an transition from deportation to extermination?

A: Yes.

Q: Not whether there was?

A: No.

Q: Is that correct?

A: The question is that the dispute is about whether it is possible to establish a certain day when Hitler made the decision, is it possible and, if it is possible, when was this specific decision.

Q: It is the timing?

A: Yes, the timing. Nobody in our profession would dispute, come to this absurdity to dispute actually that the Holocaust happened.

MR IRVING: My Lord, it may help your Lordship if I say that during the course of the afternoon I will occasionally ask that question, does this dispute constitute a Holocaust denial?

MR JUSTICE GRAY: Yes, that is a perfectly proper question.

MR IRVING: If you think it is not proper, then of course I would not do so. It is a piecemeal approach but it may be helpful. Paragraph 1 at the bottom of page 40 -- well, it is not any particular paragraph. What I am asking is this. Do you agree that all the German government actions that you describe in this following section, the beginning of the deportations, that is section A, all the actions and statements of Himmler and Heydrich and Eichmann, were pursuant to a programme of deportation and not a programme of extermination? That is the first question. I am only referring to section A, the beginning of the deportation.

MR JUSTICE GRAY: Up to page 48.

MR IRVING: Everything in that section was pursuant to a programme of deportation and not extermination?

A: (After a pause) I have to look through the section.

Q: I do not want an ill considered reply. Just take your time. It is not a trick question.

A: No. I think as a summary of this paragraph of this section on page 46, paragraph 16 where I said, the state of contemporary research does not give sufficient evidence for the conclusion that at this time the deportation was already a matter for the planned murder and extermination camps.

Q: Yes.

A: I think this is my view.

Q: To put it another way, you agree that all the evidence you introduce in that section A does not prove a programme of extermination?

A: I think I have answered this question.

Q: Yes. The answer is yes?

A: Well ----

MR JUSTICE GRAY: I think the answer is yes?

A: The answer is yes.

MR IRVING: Thank you. Paragraph 2, we are now looking at a man called Uebelhoer, who is the head of the administration of the district of Lodz. Are you aware that, in addition to Uebelhoer, there were other local German authorities like Lohse who also protested about the

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plan to dump central European Jews in their districts, in their areas?

A: I am not sure that Lohse protested. Kuger, for instance, had some views about that. I think the best is you give me the reference of the document and I comment on the document.

Q: Well, it is a bit difficult if we have to keep on looking at documents.

MR JUSTICE GRAY: I am not sure what the relevance of the question is at the moment.

MR IRVING: The relevance of the question is this. If you are in charge of a district like Uebelhoer and you are in charge of the administration there, and you are protesting about having European Jews dumped in your back garden, this clearly presupposes that they are not going to be exterminated, does it not, because, if they are going to be exterminated, then you do not have the problem of housing and feeding them?

A: This is the beginning of the discussions then which went on in the Warthegau, what shall we do with these people? It becomes then clear, if you read further the next section, that at this stage they made a kind of agreement, which meant that they would kill the local Jews in order to make room for the Jews who were coming in from Europe. I am referring in this paragraph to deportations and I am not saying here that at this stage it is clear from the

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documentation that deportation meant the killing of those who were deported on the spot. But, if you look into the next paragraph, it becomes clear what I mean here is that they took the decision to kill the local Jews in order to make room for the incoming German Jews.

Q: I am tackling this problem systematically and logically. If Uebelhoer, and as we know from other documents Lohse but take just the case of Uebelhoer, if he is protesting at having European Jews dumped in his district, it is because he assumes that they are going to be kept alive, and have to be fed and housed there. He is not assuming they are going to be exterminated, is he, the European Jews?

A: He is just faced with a task to take in his ghetto 60,000 at this stage sent to Germany. This is the task he was facing, and he is complaining about that. Obviously at this stage he is not given the order to kill these people on the spot. This is my argument. It is a transitional phase.

Q: As you said in this section A, there is no evidence of extermination, it is all just deportation

measures being discussed?

A: This deals with deportation. I speak only about the Jews from central Europe.

Q: Paragraph 6 on page 42, this is at a meeting in Prague on October 10th 1941, at which Eichmann was also present. Do

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you agree that, when Heydrich suggested that Nebe and Rasch could take Jews into the camps of communist prisoners, this was not a veiled suggestion they could be exterminated in those camps?

A: I think he is referring to the next stage of deportations here.

Q: So it was not a prerequisite to the extermination of those prisoners coming in?

A: I am not sure about this because he was just talking about the ghetto in Lodz. I think this remark about Nebe and Rasch is probably the next stage, what will happen in next spring.

Q: Yes, but it is not camouflage for the extermination of the people coming into those camps?

A: The problem is that we have not identified these camps. We do not know actually which camps he is speaking at this moment. Probably he is talking about a plan for a new camp which did not exist at this time. I have no idea how to relate this, how to interpret this one sentence.

MR JUSTICE GRAY: Mr Irving, it seems to me that you have really got the answer from Dr Longerich which you want for your purposes. He said this is all talking of the deportation of the European Jews, and it did not go beyond that at this stage, according to him. Different things were affecting the Russian Jews at this time, but do you need to trawl through it?

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MR IRVING: No, except that on each occasion I wanted to ask if each of the individual elements constituted a Holocaust denier.

MR JUSTICE GRAY: No. I think you have got what you want.

MR IRVING: Paragraph 9 on page 44, just to make absolutely certain, "The deportation of the Jews from the German Reich in the autumn of 1941 and the ensuing winter proceeded on the orders of Hitler". Will you just confirm that those orders were only orders for deportation and not for extermination, not even in a camouflage sense.

MR JUSTICE GRAY: He has said that already. We are still in section A here.

MR IRVING: In that case we will zip forwards to page 48. Paragraph 2, just as a matter of interest, Tiergarten Strasse, after which the action T4 was named, was not part of Hitler's headquarters, was it?

A: The building belonged to Hitler's Chancellery of the Fuhrer.

Q: Did the Chancellery of the Fuhrer, despite its name, have any close contact with Hitler? Where was it situated?

A: This Chancellery of the Fuhrer was situated in Berlin. It was first of all during the 30s mainly responsible for dealing with petitions and things like that, which were addressed to Hitler. But it became in the course of 1939, 1940, a clandestine, let us call it, operational centre for the killing actions, the euthenasia programme.

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Q: Was this because the doctors who carried it out formally had to have petitions for clemency

for carrying out criminal acts? Was that the connection?

A: Sorry?

Q: The doctors who were required to carry out these killings of the mentally sick and so on, they had to have clemency in advance for committing a criminal act?

A: Yes. They had this famous letter Hitler signed.

Q: He actually signed an order for the mass killing, did he not?

A: Yes, he did.

Q: But this was the only connection between Hitler and the Chancellery of the Fuhrer, the fact that it had his name on its letter head, but it was geographically situated somewhere else. It was in Berlin and Tiergarten Strasse.

A: If you take a street plan of Berlin in 1939, you will see that the buildings of government were widely spread throughout the district of Tiergarten and the district of Wilmerstov in Berlin, so the idea that all was situated in one complex would be wrong.

Q: It would be wrong, would it, in your opinion, to draw any false conclusion from the fact that this agency was called the Chancellery of the Fuhrer?

A: To draw ----

Q: Would it be dangerous to draw a wrong conclusion from the fact that the Chancellery is called the Chancellery of the

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Fuhrer? Would it be wrong to conclude that therefore it was Hitler's own personal instrument?

A: It was definitely Hitler's, it was one of the five Chancelleries which actually reported directly to Hitler.

MR JUSTICE GRAY: I thought it was common ground that Hitler had initiated the euthanasia programme.

MR IRVING: Yes. I am looking at just how closely connected because the euthanasia programme, the operatives in the programme, as your Lordship is probably familiar, later on became involved in selling their expertise, if I can put like that, in the gas vans.

MR JUSTICE GRAY: Yes. I am sorry, I thought you were talking about the euthenasia programme in your last question.

MR IRVING: I am trying to break the link between Hitler and the Fuhrer's Chancellery, if I can put it like that.

A: Hitler had five Chancelleries. This is one of them. They were directly reporting to Hitler. There was a strong direct relationship between -- Hitler had his own Chancellery.

Q: Have you seen the files of the Chancellery of the Fuhrer?

A: I have seen some of the files, yes.

Q: Are they bulging with correspondence between Adolf and Philip Buhle or Viktor Brach?

A: I tried to explain this earlier. This was originally an office which dealt with petitions sent to the Fuhrer and things like that. Then it became, in the course of the

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euthanasia programme, a clandestine operation centre to carry out the final solution in a way of this question, the euthanasia question.

Q: Would you now answer my question?

A: The character of the Chancellery in, let us say, 38 and in 1940, if you compare these two years, is completely different. It became a killing centre, and the fact that it was in Tiergarten Strasse 4, it was of course a clandestine operation.

Q: Will you now answer my question? From your knowledge of the files of this Chancellery, are they bulging with correspondence between Adolf Hitler and the head of Fuhrer's Chancellery, namely Philip Buhle?

A: We do not have the complete files, particularly all the files about the euthanasia programme, except some splinters, are lost. The files do not give us a clear view about the whole operation, about the Chancellery. It is basically boring stuff about people who are writing petitions to Hitler. The Chancellery dealt with the petition obviously on behalf of Hitler.

Q: Well, let me go straight to the bottom line -- otherwise I am sure his Lordship will ask me to do so -- and say that, when the T4 action then moved over into running the gas vans, is there any evidence whatsoever of a link between Hitler and the Chancellery in this connection? Any documentary evidence that Hitler got personally

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involved with the gas van programme?

A: I think there is no such evidence, but the very fact that Hitler stopped the euthanasia programme in 1941 and that more than 100 people employed in the euthanasia programme then went to the district of Lublin and actually were used as the key personnel for the killing of the 1.5 million Jews, probably more, of the generalgouvernement, this gives us a clear idea of the involvement of Hitler. The Party Chancellery did only report to Hitler, so I am asking you who actually gave the order to the Party Chancellery to move this man from the euthanasia programme.

Q: I am sorry, you are saying Party Chancellery, you do not mean that?

A: I mean the Chancellery of the Fuhrer. So actually who gave the order to this man to actually take on this new task in Poland?

Q: This is of course pure supposition on your part, is it not?

A: Based on the fact that this was Hitler's Chancellery, the office which worked for Hitler.

Q: Philip Buhle, who was the head of the Chancellery, what was his rank? Was he Reichsleiter?

A: Yes.

Q: Which is one rung down from Reichsminister?

A: Reichsleiter is the highest rank in the party.

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Q: Did he have an SS rank?

A: I do not remember at the moment.

Q: These gas vans -- I am now on page 49, my Lord, paragraphs 5 to 8 -- whose existence we accept, were they only killing Jews or were they originally designed for clearing out the inmates of the Soviet mental hospitals?

MR JUSTICE GRAY: That is common ground too, is it not?

A: Yes. They were primarily used for the killing of Polish inmates of these institutions.

MR IRVING: Was any plan made to build these gas vans before the beginning of Barbarossa, or was it a kind of ad hoc killing method that was developed during the Barbarossa campaign?

A: Sorry?

Q: An interim experimental method of killing people that was developed in the Barbarossa campaign?

A: The gas vans actually exist since 1940, so they were used in the Warthegau and by Sonderkommando Langer to kill the Polish inmates of institutions for disabled persons in 1940.

Then in late summer of 1941 they actually transferred this technology to the East.

Q: Are there any documents that actually show Sonderkommando Langer operating at Chelmno?

A: Yes, there are.

Q: Documents as opposed to eyewitnesses?

MR RAMPTON: Again I have to say I thought this was common

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ground.

MR IRVING: I am sorry, I am not going to question that.

MR RAMPTON: I did not think there was any dispute at all about the slaughter of 97,000 people between December and whenever it was, May.

MR JUSTICE GRAY: Yes, and indeed that is true also, I think, of Treblinka and Sobibor, is it not?

MR RAMPTON: I think so too.

MR IRVING: There is dispute about the scale.

MR JUSTICE GRAY: Well, up to a point that is true.

MR IRVING: Yes.

MR JUSTICE GRAY: But there is no future in challenging Sonderkommando Langer's recollection, is there?

MR IRVING: There is only point in disputing what Sonderkommando Langer was up to. Are you familiar with the fact that it was also apparently flown, according to Brightman, to take part in operations, I think Novgorod?

A: Yes. This is the link between the Warthegau killings and the killings in Russia because we know from actually, it is the intercepts I think, we know that Himmler summoned the Sonderkommando to Novgorod where they killed the inmates of a local home for disabled people. This is an essential part of the history of the Chelmno extermination camp. This is the link.

Q: Does not the document show that the Sonderkommando was flown to Novgorod?

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A: Yes.

Q: How could they have put their van in a plane?

A: I did not say that they used a van. They killed the people obviously with bottles.

Q: By some other means?

A: No, with bottles, gas in bottles.

Q: They did not only use gas vans then. Page 51 paragraphs, 10 to 11.

MR JUSTICE GRAY: Paragraph 10 are you going to now, did you say? 10. We can start with paragraph 10.

MR JUSTICE GRAY: Yes.

MR IRVING: You refer on line 4 to 600 Soviet prisoners of war being gassed. Is that right?

A: Yes.

Q: At Auschwitz?

A: Yes.

Q: Can I ask you just to have a look at one page from the book by the witness Professor van Pelt which I have included in the little bundle at page 12 this morning. The second paragraph is describing, the paragraph beginning with the words, "A major reason for the slow progress", it is

describing the high mortality rate which has resulted from hygienic conditions in Auschwitz and Birkenhau. There it says in the month of October 1,255 Soviets, meaning Soviet prisoners, had died from these hygienic conditions. He does not refer to gassings. What

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is the reason for this discrepancy, do you think?

A: I think if you read the book carefully, you will find a reference to the killing. In the same chapter you will find a reference to the killing of 600.

Q: Indeed. I wrote to him in Mat 1996 asking for an explanation for the discrepancy, that on one part he describes them as being gassed and here on this page he refers to them clearly as ----

A: There is no discrepancy.

MR RAMPTON: This is a nonsense. I am sorry to have to keep standing up, but this is really such a waste of time. There is no inconsistency in this.

MR JUSTICE GRAY: No, I can see that people were being gassed and people were dying for other reasons.

MR RAMPTON: Of course and van Pelt's evidence ----

MR JUSTICE GRAY: I am just looking it up.

MR RAMPTON: --- I say it in his absence and from memory was that either in August or September 1941 there was an experimental gassing with Zyklon-B of 600 Soviet prisoners and others at Auschwitz (i). There is no inconsistency in that.

MR JUSTICE GRAY: Just pause a moment.

MR RAMPTON: I am afraid I have not got his report here.

MR JUSTICE GRAY: I have and I am just looking.

MR RAMPTON: My Lord, he gives ----

MR IRVING: My Lord, I am sorry, but I am going to have to

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stick with what I said, notwithstanding this renewed interruption.

MR JUSTICE GRAY: Well, you have just I think challenged what Dr Longerich says about the first ----

MR IRVING: 600 who were gassed which is the standard story.

MR JUSTICE GRAY: --- gassing, well, actually 850, but leave that on one side, as having taken place in September or December 1941. You put to him something that Professor van Pelt wrote, I think, in order to support your challenge and I am just trying to find it but I cannot.

MR IRVING: Page 272 of his book, my Lord.

MR JUSTICE GRAY: I know, but I am looking at his report which is possibly more complete, but I cannot immediately. We will have to move on. Perhaps somebody might be able to find the reference.

MR RAMPTON: My Lord, try page 105 of van Pelt's report.

MR JUSTICE GRAY: Thank you very much. I would like to track it down whilst we are on this point. 105.

MR RAMPTON: Yes, 104, 105.

MR JUSTICE GRAY: That is in the area where I was looking. Yes. "It is important to note that after the war various witnesses confirmed that in early September the Germans had used block 11, the same block, as an experimental gas chamber".

MR RAMPTON: That was the execution block until the crematorium at Auschwitz (i) was converted into a gas chamber.

MR IRVING: My Lord ----

MR JUSTICE GRAY: So, I mean, van Pelt appears to be at one with Dr Longerich, I think it is fair to say?

MR RAMPTON: Absolutely, but there is no inconsistency between an experimental gassing in early September and deaths from something else in October. None at all.

MR JUSTICE GRAY: I think this is right, Mr Irving, actually, is it not?

MR IRVING: I refer only to the fact that the evidence for the gassings is our familiar source, eyewitnesses, and the following sentence in the book which I quoted is -- I will read both sentences together -- "This contributed to the high mortality rate. In the month of October 1,255 Soviets had died. None of this was welcome news to SS headquarters in Berlin where the prisoners, the Russian prisoners, were considered an asset." What are you gassing 600 assets for?

MR JUSTICE GRAY: Do you have Professor van Pelt's book in court?

MR IRVING: I do not have it in court, no, my Lord.

A: Which page is this in van Pelt's report?

MR JUSTICE GRAY: 105, I think it was.

MR RAMPTON: 104 and 105 of Professor van Pelt's report.

MR JUSTICE GRAY: I think let us press on.

MR IRVING: I will just press on and ask one relevant question. **(To the witness):** Dr Longerich, the source you

relied on for the 600 prisoners being gassed and for the further 900 in December are the sources you have given in 235, is that right?

A: Yes.

Q: All secondary sources? There is nothing of a primary, no documentary source for that, is there?

A: I think the statement of Brach is probably an eyewitness, partially an eyewitness statement.

Q: Page 50, you say there were six gas vans. You say in paragraph 8, probably a total of six gas vans. Do you disagree with those who say the total was three, only three were ever built?

A: Well, I am quite familiar with the Einsatzgruppen. I studied their material and I went through all evidence about the Einsatzgruppen, and my calculation is a minimum of six. There is probably, there is probably some material here mentioned or used by me which has probably not been available to others.

Q: They did drive around a lot, did they not, from one killing area to another?

A: No. It is referring here to reports by the Einsatzgruppen. They say, "We have one or we have two vans at our disposal at a certain time" and you can easily come to the conclusion they had a minimum of six vans available. I did this for all of the four Einsatzgruppen and it is a minimum. They could have -- it could have

been more but this is as far as I came.

Q: Page 51, please, paragraph 11, we are looking at a visit by Adolf Eichmann allegedly to Auschwitz where he had a conversation with Rudolf Hoess, the Kommandant?

A: Where are we? In 55 in?

Q: As you comment, they disagree firmly on what the date of that visit was.

A: Yes.

Q: And, in fact, Eichmann in his own copy of Hoess's memoirs dismissed it as fantasy, that there never had been any such meeting. Are you familiar with that?

A: Well, he also dismissed it -- he was very critical about Hoess in his interrogations in Israel. So we are at the moment at page?

Q: 51?

A: 51, sorry.

Q: So you really have to decide which of these two criminals you believe, have you not?

A: Well, I do not think we have to. You know, the history of the Holocaust is not or the decision-making or systematic character is not based on either the evidence of, you know, Hoess or Eichmann.

Q: Paragraph 12, you are talking about the construction of a monster crematorium with 32 chambers, furnished chambers. Can you confirm that your source for that is just an article by Gerlach in Holocaust and Genocide Studies?

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A: Yes, it is an excellent piece of work. He spent about eight years to study the Holocaust in White Russia. I know him personally, discussed it with him. I think he put, he actually supported his article with a lot of evidence.

Q: Is there any document, any one document, that proves there was a plan to construct an extermination facility there?

A: No. This is a conclusion because they built this large crematorium with 32, 32 chamber furnished, and I think the magnitude of this installation gives you a clear indication that they were planning something very sinister in Mogilev.

Q: Is it possible there is another non-sinister interpretation like it was going to become a central corpse disposal facility for the whole of the Russian Front or the whole of the area or partisan war or something?

A: Well, in this article Gerlach dealt with the suggestion. I did not, I cannot remember the calculation, but the calculation, you know, the corpses they wanted to burn there is extraordinary. It exceeds, as far as I am aware, of the number of ----

Q: Was it ever built?

A: No, it was a plan.

Q: A plan. Paragraph 13, I am a bit confused about what you are actually saying in this paragraph. Do you confirm

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that all the various preparations for mass killings you have described were designed for limited regional killing actions only?

A: Well, can I comment on this? I think you have to put this in a context. What I am trying to say here is that in phase, autumn '41 to spring 1942, we have -- the killing is extended from the Soviet Union to other regions, particularly to the Warthegau, to the district of Lublin, to -- it also extended to Serbia and you have in this period the large mass killings in Riga and in Minsk. You can, if you look at the transfers of the gas technology, the gas killing technology, to the East, you can see that exactly in these areas of the cities they are either building gas killing facilities or they are planning to build them.

Lodz, for Lodz you have Chelmo, the first wave, 20,000 Jews deported to Lodz. They are building Chelmo, first of all, for there to kill the local Polish Jews.

Q: The killing of what?

A: Building a, well, Chelmo, the ----

Q: Yes?

A: --- a station for gas vans. Yes? Then we have evidence that in October 1941 they started to build Belzec, the extermination camp, in the district of Lublin. At the same time they were planning to send German Jews to Lublin. They were planning this to kill the local Jews.

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The same applies to Riga. We have the famous letter, 25th October 1941, where actually the Reisingerhauptamt a gas van -- a gas killing installations to Osland. There is this plan in Mogilev. So this I think, in my view, gives a very clear picture. They are sending Jews from Central Europe to certain ghettos in the East and they are either making preparations for gas killing installation at exactly these places, or they have plans to do so.

Q: This is the confusion because you said that in section A there was no indication during that same time span of any overall plan for extermination?

A: Yes, the extermination, I am not sure whether I did not say this clearly enough, but the extermination, first of all, relates to the local Jews, so the non-German Jews, the Jews who lived there, the Jews of Lodz, the Jews of the district of Lublin, the Jews of Riga, the Jews of Minsk. They are not at this stage, they are not -- they are, obviously, not killing the German Jews on arrival. They are making preparations or are about to kill the local Jews.

Q: To make space for the arrival of the German Jews?

A: If you want to say it in a cynical way, yes.

Q: So was this an integral part of the German plan to exterminate all Jews, is that what you are saying?

A: I do not know whether you can call it a plan, but I think

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it gives you an idea of the systematic character of the operation. They are -- you have in 1941, autumn 1941, to spring 1942, the killing extended to certain areas, and these are exactly the areas where actually Jews from Germany are deported to or where they are waiting for the trains from Germany. I think if you look at this, if you tie the loose ends together, it gives you an idea that behind this is a system, an idea, to systematically kill ----

Q: So you are going back on your suggestion that section A, during the section A period of your report, there was no overall plan to exterminate?

MR JUSTICE GRAY: No, because I think -- can I just check I understand -- your section A was really talking about European Jews?

A: Central European Jews.

Q: Central European Jews?

A: Yes.

Q: And the beginning of the systemized killing that you have described in October or thereabouts of 1941 applied still to the local Jews?

A: Yes.

Q: I think that is the way he is putting it. You may not accept it.

MR IRVING: Right. Perhaps I can clarify with another question. Are you saying then that all these

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preparations, the exporting of the gas technology, is part of an overall plan to kill all Jews under German control?

A: Well, I am not trying to perceive as a kind of preplanned, of a kind of blueprint or a plan which actually existed in, let us say, 1940, 1941. I am trying to explain that the killing of the European Jews was a process which emerged, you know, step by step, and we are now in a phase where obviously the killing was extended to other parts of Europe than the Soviet Union. My argumentation, I am simply very cautious. I am saying, here are the facts, we know what happened and I am really hesitant to say this was the result of a plan which existed before the killing actually started. I am just showing you, I am trying to lead you through the different phases of this policy.

Q: Yes. Are you aware that the judgment in the Eichmann trial said that all these preparations were part of a plan to exterminate all Jews under German control.

A: Well, first of all, again I would like to have the verdict here, but, you see, the Eichmann trial was held in 1960, and we cannot ignore that we have historical research on the subject now for four decades and, of course, in some areas we have much, much more evidence than the Judges in the Eichmann case.

Q: Yes, but I think somewhere else in your report you admit that we know virtually nothing. We still do not find any

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orders about extermination -- I do not want to turn up the actual page, but I could, I suppose, find it, I have flagged it -- and it struck me as odd that here we are, 55 years down the road, and we are still floundering in some respects. That is page 46, paragraph 16. Let us go briefly back to there where you admit that we do not know the answers. So do we know much more than we did in 1960?

A: Well, we have a lot more evidence.

Q: The state of contemporary research does not give sufficient evidence, you say, and here we are at the beginning of the 21st century?

MR JUSTICE GRAY: No, no, I think that is taking, if I may say so, that particular little section right out of context.

A: Yes. I am referring here to the question whether the deportation of Jews to the East was at this time already a matter for the plan. What I am saying, I do not know. The research does not allow us to make such a statement.

MR IRVING: So there are lots of areas where we still, even after 60 years, cannot make a firm statement.

A: That is due to the fact that many of these decisions, you know, were done obviously orally between, you know, Hitler and Himmler. The Nazis systematically tried to destroy the files concerning this question. As far as the files are survived, they are scattered around Europe. We actually have only access to Eastern European archives

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since a couple of years, so it is...

Q: Is that not a bit of a cop out, if I can use a phrase, to say that the files have been destroyed and it was done verbally between Hitler and Himmler? Is it not a bit of an ausflug?

A: No. Himmler said it himself in the speech. This is history which has not been written and will

never be written. So they tried systematically to destroy the evidence and to mislead the following generations about ----

Q: Having said that, he then had the speech printed in numerable copies and shown to every member of the SS General Staff?

A: I replied this yesterday. It was not, it was a secret speech. It was not planned to publish it. It was just to have a copy available for internal use.

Q: Page 53, paragraph 1.3, please? We looked at this document once or twice already. Do you agree that the approval for the mass killing came from Heydrich and Himmler, and that there is no evidence that Hitler himself approved of this operation or, indeed, was even informed of it?

A: I have only can refer to this document and if you read the document, it is only a reference to Himmler.

Q: Yes.

A: And to Heydrich, of course.

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Q: And that if there had been these verbal discussions between Himmler and Hitler that you refer to, this is the kind of place you would have expected to find reference to it between ----

A: Not necessarily.

Q: But if there had been general knowledge, and one can assume that Gauleiter Greisler who has carried out this special treatment of 100,000 Jews must have been wondering at the back of his mind, "Is it OK what I am doing?" that Himmler passed on to him the word, "Well, I have cleared it with the boss"?

A: Well, Greisler obviously no difficulties to carry out this task. He did not ask for this kind of approval and you know that there were very rules about secrecy, and it was not every -- it was not always necessary to mention the name of Hitler in this or to call upon the authority of Hitler in this ----

Q: Well, you say so, Dr Longerich, but, of course, Gauleiter Greisler, as a Gauleiter, formally came under Hitler, did he not, so where was Hitler in this equation? Here is Greiser dealing direct with Himmler, saying, "I have done what you and Heydrich have authorized", and there is no mention of Hitler in the document?

A: No. There is no mentioning because Greiser was quite prepared to carry out this, to carry out this task and he assumed that Himmler had the authority to ask him to do

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so.

Q: Do you agree that Hitler did not order this operation then, that the operation was ordered by Himmler and Heydrich, as the document says?

A: I have no written evidence that Hitler ordered this particular operation to kill these, to kill 100,000 in the Warthegau area.

Q: If somebody says precisely the words you have just used, would that make them a Holocaust denier?

A: Not this one sentence, no, of course not.

Q: The next page, please, paragraph 2.3, are you able to identify any document in support of your assertion that two districts were to take the lead in the implementation of the Final Solution?

A: Well, this is mainly, if you look at the, if you look at the history of the two extermination camps, at the two extermination camps, Belzec, if you look at the history of the extermination

camp, Belzec, and if you look then, if you go a little bit further, if you do not stop here, and if you go a little bit further and look into spring 1942 and look at the deportation, what happened, then it is quite clear that Belzec was particularly built for the killing of the Jews who are labelled non-fit for work in the district of Belzec and to a certain extent in the district of Galicia.

Q: So once again you are extrapolating backwards from what

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happened to presume an order ----

A: Yes, but that is something that if you do not have a complete, if you do not have a complete documentation, this is what historians sometimes have to do. They have to draw conclusion what, you know, actually from the following sequence or they have to go back a little bit.

Q: That is what I have been saying for some weeks, in fact, and obviously we share the same kind of methods ----

A: I am not sure about that.

Q: --- we do not always come up with the same conclusions. Paragraph 2.4, the only sources that you quote for your assertions about the events in East Galicia are the testimony rendered in the 1968 trial and a secondary work Ostgalizien by Pohl?

A: This is a dissertation published three years ago by a colleague I know very much and I know very closely and, I mean, I follow ----

Q: Just like Gerlach, the same kind of thing?

A: And this is a first case study about the killing of the Jews of Eastern Galicia. There is a second book written at the same time which came to the same conclusion written by Zan Kuhlack, and I think I do not have to go to the local archives in Galicia to prove that the Nazis killed the Jews of Galicia. It is quite evident. These books have been reviewed. These people have to confront colleagues' criticism and conferences. I attended those

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conferences and I am of no doubt about their academic qualifications, and I do not have to present, I think, always first-hand evidence or documentary evidence for something which is commonly acknowledged among historians and is not disputed.

MR JUSTICE GRAY: Do you dispute this, Mr Irving? Do you say that this all made up by somebody?

MR IRVING: Well, the question I was going to ask is precisely what he just answered. Is he able to identify any documentary evidence in support of his allegations or is it all second-hand?

MR JUSTICE GRAY: No, but would you answer my question? Are you disputing that these indiscriminate killings in Galicia took place?

MR IRVING: Not in so many words.

MR JUSTICE GRAY: Well, then let us move on.

MR IRVING: The purpose of asking these questions, of course, is to establish, my Lord, the sometimes rather threadbare evidence that this report is based on.

MR JUSTICE GRAY: But there is no point in saying evidence for a proposition is threadbare if you accept the proposition.

MR IRVING: Well, I am accustomed to working with original documents rather than with secondary and tertiary sources.

MR JUSTICE GRAY: It would not make any difference if you had the original documents because you accept what they show.

MR IRVING: 2.6, Dr Longerich, once again are you able to

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identify any document that records what Himmler and Globocnik discussed at their meeting on October 13th, other than, presumably, the Dienstkalender?

A: Yes, it is in the Dienst calendar, you have it in front of you probably.

Q: They were just talking about the einfluss der Juden, I suppose, or something like that?

A: Yes, and then there is the BBC file of Globocnik and there is a very interesting exchange of letters, and you can come to this conclusion if you read through that.

Q: And on the basis of those two sources, you then say: "It is presumably at this meeting that Globocnik received the assignment to build the Belzec extermination camp"?

A: Just one second, well, we know that they met and we know that Globocnik from the internal correspondence of his office in Lublin, we know that he was looking for more radical solutions for the Jewish question. Then he met Himmler and after that they started to build the extermination camp of Auschwitz.

This is a typical, I mean, in this field we have to rely, what we are trying to do, we are trying to reconstruct the history of the decision-making process. This means that because the evidence is sometimes or is sometimes fragmented, we have to put together pieces and have to draw conclusions from that.

Q: Yes.

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A: So it is not so easy, you do not have the daily or the weekly records of the conversations between Himmler and Hitler about the Holocaust. We have to use these bits and pieces and put it together and to come to our conclusions.

Q: Very interesting.

A: Of course, I made here, of course, these kind of reservations when I am not absolutely sure that they decided this day, it is an assumption based on documentary evidence that they probably at this day as I think made the decision to build an extermination camp for the district of Lublin which then existed, and there were people killed in this extermination camp which I think is also part of the evidence.

Q: Now just a minor diversion here. Am I right in saying it is a perfectly reasonable process as historian or writer you get fragmentary documents, sometimes only half a line, sometimes a scrap of handwriting. You add your own knowledge, you add your experience, the 30 years you have worked in the archives, your general body of information, and on the basis of that you try to represent, in as accurate and genuine a form as possible, what, on the balance of probabilities, those fragments of information mean.

A: And you have to include, of course, every piece you find. You cannot neglect anything.

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Q: Yes, but here you had very little that you could have neglected, because your result said it is very fragmentary, is it not?

A: Sometimes these things are very fragmentary.

Q: What I just described is the normal process of writing history on the basis of very scant records?

A: If the record is fragmented, yes.

Q: Are you familiar with the writings of Jan Karski? I will ask you about one particular one, page 56, paragraph 2.7. Are you aware of the first report that a Polish emissary called Jan Karski wrote? He gave it to the Polish government in exile early 1940, in which he described a visit in December 1939 to a transit camp for Jews at Belzec?

A: Yes. A camp existed at Belzec before this. There was a large slave labour camp in Belzec before this time. Belzec was just on the demarcation line between the Soviet and the German sphere of influence in Poland. They employed Jewish slave labour in 1939 and 1940 to build what they called the Buchgraben, the fortification at the river Buch. So there was a camp there and the living conditions in the camp were quite horrid.

Q: Jan Karski describes this ----

MR JUSTICE GRAY: Mr Irving, before you go on about Mr Karski, I had thought you accepted that at Belzec there were many thousands, tens if not hundreds of thousands, of Jews

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killed by gassing. What is the point of putting that Mr Karski took the view it was a transit camp?

MR IRVING: I am looking at the quality of the sources. I appreciate this point. We will just concentrate on the figures then. Is your primary source on Belzec Michael Tregenza article published in the Wiener Library bulletin?

A: No, my primary source is the Belzec verdict in German the court. Of course I am familiar with the article.

Q: It is in your footnote 259.

A: Yes, it refers to it but it refers first of all to evidence from German court material.

Q: So you accepted in your footnote 259 that Tregenza is reliable?

A: No, I just quoted him here. The footnote is about an attempt to reconstruct the history of the setting up of Belzec. So I quoted here different statements from actually people who participated, worked, who actually built this up, and then I said in the footnote Tregenza as well confirmed the statement. He accepted the statement as a kind of additional source, but I am primarily relying on the Polish workers who built there, and who gave us evidence about the history of the camp itself.

Q: Have you disregarded anything that Tregenza wrote in his report?

A: I only referred, I think, to his article here. This does not mean I accepted every line that he has written about

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the camp.

Q: So, if he had written a number of totally absurd statements that would have implied to you that he had never been anywhere near the place?

MR JUSTICE GRAY: There is no doubt that Belzec was constructed, is there?

MR IRVING: Unfortunately, he is the source for one million being killed apparently?

A: No, not in my report.

Q: Do you endorse Tregenza's claim that more than a million Jews were killed at Belzec?

A: We do not know the exact number. I think best estimations were given in the German Belzec trial. They said between 500 and 600,000 people. So I would assume that the number one million could be seen as exaggerated. I am only quoting this article one time and, if he made an absurd statement there, I would not quote the article of course.

Q: If he made a dozen absurd statements, would you have quoted it?

A: Please criticise me if I quote him. I think I only quoted him one once and I only quoted that he actually confirms these statements of documents which I found elsewhere.

MR JUSTICE GRAY: I am sorry to keep interrupting but, if I do not understand, I may as well say so. You quote whatever he is called, Tregenza, simply for the date when the construction of Belzec started. You do not rely on him,

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as I understand it, am I right, Dr Longerich, for the number killed there?

A: No, exactly.

Q: You rely on the German court documents for that and they give a different figure. So why are we spending a long time on whether he is a reliable witness?

MR IRVING: We are going to spend a short time. I could have spent much longer describing all the absurd statements which make it quite plain that Tregenza was never anywhere near the place and that any reasonable historian, reading Tregenza's report, would have disqualified that source completely. Paragraph 2.8, page 57, your only source for the claim that Globocnik had an assignment to kill the Jews of the Lublin and Galicia districts is a secondary work again, Pohl's Lublin?

A: I am stating here that Globocnik had not yet received the order to prepare for the killing of all Jews in the Generalgouvernement, so this is the key sentence here. I came to the conclusion actually by looking at the history of Belzec because Belzec was obviously too small, put it this way, to kill all the Jews of the Generalgouvernement. So I think in my attempt to reconstruct events, Belzec was first of all designed to kill the Jews non-fit for work in the district of Lublin, and in the district of Galicia, but not the killing centre for the whole Generalgouvernement. I came to this

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conclusion by looking actually at the size of this installation.

Q: In Belzec?

A: Belzec.

Q: So we do not have very much information on the size anyway, do we? We are very ill informed about it.

A: Because these camps were destroyed systematically by the Nazis at the end of the war.

Q: Can I just take you back, and I am sure my Lord will understand why, to page 53, paragraph 1.2, the third line. There is a sentence there: "750 Jews were killed in gas vans." Do you see that? The beginning of the sentence says: "In an action lasting several days at the end of November 700 Jews were killed in gas vans". So, if it took several days to kill 700 Jews in gas vans, can you estimate how long it would take to kill 97,000?

A: They were just experimenting at this time. They improved their technique. This statement does not say that they were trying to kill as many Jews as possible. It just says they killed 700 Jews in a couple of days. It does not make any sense to draw conclusions from that to their capacity, to their ability to kill Jews in gas vans.

Q: So this was just experimental at this stage, was it?

A: If you like to call the killing of 700 people as experimental, yes, then I have to agree, in comparison to what happened after that 97,000.

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Q: Dr Longerich, you yourself used the phrase, and I quote verbatim, they were just

experimenting at this stage. I did not use the word. You did.

A: I tried to put it to you, I have to admit, in a kind of cynical way, to say, well, they were improving, wait a little bit, wait a couple of months and they were able to kill 97,000 people within six months.

Q: With the same numbers of gas vans? Three gas vans could kill 97,000?

A: I think in the meantime they changed the models. They worked on the models, as the report from June 1942 shows us. They tried their best to extend the capacity of the gas vans. Of course the use of Chelmno was a kind of improvement because they were able to deceive people, to say to them: Well, actually only entering a shower room, the shower room was in fact the gas, so this whole thing was much more effective a couple of months later than this one here.

Q: Do you sometimes get the impression, Dr Longerich, that some of these figures that are put in letters and documents, or even eyewitness statements, are just fantasy figures? They have very little relation to fact?

A: That is not my general view.

Q: Can I take you to page 56 please, line 8. There is a sentence there on line 8 which says: "On 12th October 1941, 10,000 to 12,000 Jews were murdered in one town".

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Is that right?

A: Yes.

Q: Would you like to comment on the logistics of an operation of that scale? How many men would be involved? How many shooters? How many trucks? How many pits?

A: I went through the history of mass executions for quite a time. I studied this for the book I wrote extensively. I looked at dozens of German court proceedings and I have a kind of idea how it was feasible to do that. You actually needed to kill thousands of people, even 10,000 people, you needed actually ----

Q: In one day?

A: Yes, on one day.

Q: It just says on one day.

A: Yes, it was possible. You only needed a quite limited number of people who would shoot these people on the pits.

Q: 1,000 tons of bodies?

MR JUSTICE GRAY: Mr Irving, when I asked you -- I am sorry to interrupt -- about 20 minutes ago, when we were on this paragraph before, whether you disputed the indiscriminate shootings in Galicia, you said no. You are now putting to him that in some way it would have been impossible to dispose of the corpses and you are now challenging the killings.

MR IRVING: Your Lordship may not have heard the introductory question which is does this witness have the impression

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sometimes that these figures are fantasy figures.

MR JUSTICE GRAY: So you are challenging the figures?

MR IRVING: I am challenging globally these kinds of statistics which are in the history books and in the reports on the basis of what is practicable, and what is, on the basis of common sense, likely.

A: I do not know as far as one can speak about common sense when it comes to mass killings, but this is called the bloody Sunday of Stanislaw. So it is a tragedy which is well-known. It is

well-researched.

MR IRVING: How many men were involved in the actual killing operation?

A: I think, as far as I am aware, several hundred at least. Is it really necessary that I --

MR IRVING: No, I have left that point now.

MR RAMPTON: Without deigning to wait for the witness's full answer, I have to say.

MR JUSTICE GRAY: Actually, what you would not have seen is that I rather suggested to Dr Longerich that we might move on from Galicia.

MR IRVING: I did not see that either but I had already decided to move on.

MR JUSTICE GRAY: We are all agreed. Let us move on.

MR IRVING: If your Lordship thinks that was not a valid point to make, then I will avoid making points like that in future.

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MR JUSTICE GRAY: I think the killings in Galicia are a bit of a side issue, I am afraid.

MR IRVING: It is the figures, the statistics, my Lord.

MR JUSTICE GRAY: Even that.

MR IRVING: If somebody is accused of Holocaust denial because he says the figures are too high.

MR JUSTICE GRAY: We are talking about that particular obviously ghastly incident in Galicia, and I do not really think that that is what this case is centrally about.

MR IRVING: Page 59, paragraph 3, please. Two days later Rosenberg spoke at a press conference about the eradication of the Jews of Europe. Was this supposed to be secret or not, this operation?

A: The operation was secret.

Q: He orders a press conference and talks about it.

A: This was quoted yesterday. I quoted this yesterday again. This was under the heading "secret". The journalists were not allowed to write about it. There was a section of the press conference where it actually was said: This is now confidential, a confidential information, you are not allowed to write about this issue.

Q: I do not want to labour the point, but what kind of top secret issue is it? I do not remember General Leslie Groves holding top secret background briefings to the press about the Manhattan project, for example. Either

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something is top state secret or it is not. You do not hold even background briefings with the press about it.

A: I think you have to read the statement very carefully. "There are still about 6 million Jews in the east, and this question can only be solved through a biological eradication of all of Jewry in Europe. The Jewish question will only be solved for Germany when the last Jew has left German territory and for Europe when there is no longer a Jew left standing on the European Continent". He is not literally saying well, actually, we are killing at the moment people, women, men and children in gas chambers. He is talking about this in very general phrases. It is like Hitler spoke about *ausrottung* and *vernichtung* and I quote in the report No. 1. I quote a number of other examples. In every system where you have a principle of secrecy, of course, things are going wrong and people are talking too much to the press, and giving a kind of insight into the process. These things happen.

Q: Do you agree that, when Rosenberg specifically names the option as being to push them over the Urals as one way of eradicating them, then such expulsion over the Urals does not necessarily mean to kill them?

A: I am not sure now about your question, whether it is actually a pronouncement to kill them or not to kill them.

Q: Would you agree that the Rosenberg reference to

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eradication therefore does not necessarily mean physical extermination or killing?

A: I look at the German text. I am sorry. Well, he says in the German: "Und dazu ist es notig, sie uber den Ural zu drangen oder sonst irgendwie zur Ausmerzungen zu bringen." For this it is necessary to push them over the Urals or otherwise eradicate them. I think this is quite clear: Otherwise eradicate them. So I think the phrase to push them over the Urals is a clear expression, a metaphor for killing.

Q: Dr Longerich, I am looking at my little dictionary from yesterday, the 1935 one, and it says for Ausmerzungen -- I did not know this but here we are, we take a plunge -- to expunge or to eliminate, to expunge them.

A: To eliminate, I think, would be the right expression here.

Q: Primary one to expunge?

A: In this case I think, if somebody speaks about millions of people, Jews, who actually ----

Q: You are going to boot them out or expunge them?

A: Yes, but you have to look at the context. I think, if you speak end of 1941, after half a million of Soviet Jews had been killed, at least, if a leading Nazi speaks about Ausmerzungen, I think the second meaning would here be the better translation.

Q: You are extrapolating backwards from your knowledge of what happened to assign a meaning to the word which is

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different from the primary meaning given by the dictionaries.

A: What happened at the time, and Rosenberg was of course quite aware about the----

MR RAMPTON: Extrapolating backwards is unfair. Putting two contemporary events side by side and drawing an inference would be more like it.

MR IRVING: This press conference was in November 1941, I believe, is that right?

A: Yes.

Q: Mr Rampton has rightly said that events happened side by side. At this time, 18th November, had the physical extermination of the Jews of Germany begun?

A: No, but of the Soviet Jews. I think the phrase to push them over the Urals is a very clear hint.

Q: We now come to the Wannsee conference. A general question: Are you able to identify any documentary evidence that proves that by the time of the Wannsee conference, which is January 20th 1942, the general plan for deportation had changed into one for mass murder?

A: I think the Wannsee conference gives us a clear insight that they are about to change their plan. I think we have to go into the detail to make this point more clear.

Q: They had not yet changed but they are about to?

A: They are about to change, yes.

Q: In your opinion?

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A: Yes.

Q: So at the time that these gentlemen meet around their table in Berlin Wannsee, the change has not taken place, but sometime sooner or later after that the change will take place?

A: Sooner, yes.

Q: Is page 61 now, please, paragraph 2. The passage that you identify as central concerning the general aims of the future Jewish policy is as follows, Dr Longerich: "A further possible solution instead of emigration has come up. After appropriate approval by the Fuhrer, the evacuation of the Jews to the East has stepped into its place". Let us have a look at that. By "evacuation of the Jews", do you mean evacuation or killing?

A: I think we have to look at the text of the Wannsee.

MR JUSTICE GRAY: I am trying to find it. For some reason it is not in N1.

MR RAMPTON: We do not have it.

MR JUSTICE GRAY: I thought I had looked at it.

MR RAMPTON: It is nobody's fault. I have asked. There is a version printed in Nokes & Pridham, but I have not even got that.

MR JUSTICE GRAY: I thought we had looked at it at some stage.

MR RAMPTON: It is an extraordinary state of affairs, but nobody on either side of the court seems to have a text of the Wannsee conference.

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MR IRVING: I do not mind very much because it is not a very important document.

MR RAMPTON: I am not concerned with whether Mr Irving minds about that or anything else, to be quite honest. I am concerned that it is not there when your Lordship wants to see it.

MR JUSTICE GRAY: Is it obtainable?

MR RAMPTON: It is printed in a well-known three volume history of Nazi Germany by two people from Exeter University called Nokes & Pridham. It is referenced under that heading in a number of the reports, particularly Evans, but it is not in the documents.

MR IRVING: My Lord, I can provide immediately an English translation on Monday.

MR JUSTICE GRAY: I think it probably is a good idea to have it.

MR RAMPTON: I agree.

MR IRVING: It is on my website.

MR JUSTICE GRAY: It is a document that one is going to have to look at quite carefully.

A: I have the English text here in this documentation.

MR JUSTICE GRAY: You have?

A: Yes, I have it here.

MR JUSTICE GRAY: Let us try and deal with the questions now.

MR IRVING: The question was, in your central passage the evacuation of the Jews to the East has stepped into its

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place. Can we accept that evacuation has its real meaning there or is there an innuendo?

A: This is not the central passage. He is referring here to two different things. First of all, he is actually telling the history of how the Nazis tried to solve the Jewish question. He is saying here: "A further possible solution to emigration has come up. After appropriate approval by the Fuhrer the evacuation of the Jews to the East has stepped into its place". "Into its place" is in the place of

emigration. Then it goes on and says: "These actions however must be regarded only as an alternative solution. But already the practical experience is being gathered which is of great importance to the coming Final Solution of the Jewish question". Now in the next paragraph he is explaining what the coming Final Solution of the Jewish question is. So he is referring to emigration, then to deportation, and then he is saying the next step, we are entering now the Final Solution, the coming Final Solution, and the central passage where he explains (Heydrich) what the coming Final Solution is, is quoted in my report on page 61 in the last paragraph. This is the central passage, I think.

MR IRVING: Yes.

A: This is past tense. This is history, the deportation. We are now approaching the coming Final Solution. That is what the Wannsee conference is about.

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MR JUSTICE GRAY: What you say is that it is what he does not say rather than what he does say in relation to those who are unfit to work which is significant? Have I understood you correctly?

A: Yes, he is now explaining what the coming Final Solution is. These are these famous sentences: "Under the appropriate direction, the Jews shall now be put to work in the course of the Final Solution. Organized into large work gangs and segregated according to sex, those Jews fit for work will be led into these areas as road builders, whereby, no doubt, a large part will fall out by natural elimination. The remainder who will survive -- and they will certainly be those who have the greatest power of endurance -- will have to be dealt with accordingly. For, if released, they would, according to the natural selection of the fittest, form the seed of a new Jewish regeneration". I think the key word in German here is "entsprechend behandelt werden müssen", to be dealt with accordingly.

MR IRVING: Treated accordingly, yes.

A: This is the central passage of the Wannsee conference and this is where Heydrich explains what the coming Final Solution is.

Q: Of course it depends how you translate it, does it not?

A: The German text for me is pretty clear.

Q: What about that phrase "bei Freilassung" which originally

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you actually left out in your book? You left those words out entirely, did you not, because it is difficult to get past those words "bei Freilassung"?

A: No. I am not sure about the book ----

Q: I am sure because you left the words out of that quotation.

A: I am quite happy that you read my book but we are talking about this text here. If there is a mistake I will correct it.

Q: You translate it as: For the Jews, if released, would, according to natural selection of the fittest, form the seed of a new Jewish regeneration.

A: Yes.

Q: The word is not "if released". It is not conditional. It is "bei Freilassung", which means upon release, does it not?

A: No. In the case of release, bei Freilassung.

Q: Upon release?

A: No.

Q: It is not conditional at all. There is no if and but about it. It says "bei Freilassung".

A: Yes, "bei Freilassung". This is meant in the context as conditional.

MR JUSTICE GRAY: I think this is probably the key part, in a way, of your report, Dr Longerich. The question, if I have understood it right, is that what Heydrich is

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really proposing is that one would, by a process of natural selection, have the fittest Jews forming the seed of what he is intending should be a new Jewish regeneration. Is that the suggestion, Mr Irving?

MR IRVING: That is the danger which they foresee, and so they are going to have to be kept, for example, physically outside the Reich territories. They must be prevented from returning.

MR JUSTICE GRAY: Yes, but the idea that you are putting that Heydrich has is that there should be a new Jewish regeneration born of the fittest Jews who survive the labour camps.

MR IRVING: He fears that they may be. He is not saying they should be. He says that if, upon release----

MR JUSTICE GRAY: No. Are you suggesting that the true meaning of this passage is that Heydrich is proposing that there should be -- all right, outside the Nazi empire -- the seed of a new Jewish regeneration? Is that what you are putting?

MR IRVING: It is, because on February 4th 1942, which is only a week or two later, Heydrich, speaking in Prague, actually spoke again of the white sea option. He said nothing about the mass annihilation of the Jews. Are you familiar with the book by Gotz Aly?

A: Yes.

Q: Final Solution, Nazi population policy, and the murder of

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the European Jews. He prints extracts from this speech by Heydrich in Prague, does he not, February 4th 1942?

A: Yes, but Aly is of course----

Q: He says nothing about mass annihilation of the Jews. He reiterates the white sea option, which involves sending the Jews to form a Russian concentration camp and says that this area will form an ideal homeland for the European Jews. Are you familiar with that passage from Gotz Aly?

A: Yes.

Q: You have not mentioned it, have you?

A: No, but Gotz Aly is among those who actually suggest in the book that the decision to carry out the Final Solution was taken in October 1941. You quote him completely against his own intentions.

Q: I am allowed to, am I not? Historians are allowed to take pieces out of other people's books that do not necessarily fit in with the----

A: Yes, but you have also to read his interpretation of this sentence which does not go along with your interpretation.

MR JUSTICE GRAY: Dr Longerich, can you just go back to what I believe is the suggestion as to what Heydrich was proposing at Wannsee. Leave aside what happened later. Would you comment on Mr Irving's proposition?

A: Yes. I think this passage makes it quite clear what Heydrich's intentions are. He says that the Jews will be

led into the East in large labour gangs, segregated according to sex. Thus Jews fit for work will be let into those areas, whereby, no doubt, a large part will fall out by natural elimination. So they will die by hard labour, diseases and so on. The remainder who will survive, and they will certainly be those who have the greatest power of endurance, so they are fit to survive, will have to be dealt with accordingly. Again the German phrase here is "entsprechend behandelt werden müssen". This is a typical phrase used by the SS, they have to be liquidated. Then, because, if they were released, in contrast to Heydrich's intention, there would be a selection of the finest and could form the seed of a new Jewish regeneration. This is exactly what Heydrich of course wanted to prevent. He did not want to see after this ordeal a new generation of Jews in his empire. In the Wannsee protocol there are also other references, I think, and other passages which make it quite clear what the intention was.

MR IRVING: At the end of that passages does he also have a passage in brackets which you left out, "see the lessons of history"?

A: Sorry? Here in the text I left something out?

Q: "als Keimzelle eines neuen jüdischen Aufbaues anzusprechen ist". Then there is another passage in brackets which you left out, is it not, in that paragraph, "see the lessons

of history"?

A: The lessons of history are we do not want to see actually Jews regenerate from such a catastrophe any more, we want to kill them all. By the way, the logic of this sentence, this idea to lead large labour gangs into the East and to have them diminished by natural selection, and then to deal with the survivors, what about the people who are not fit for work? He does not say that. What about the children and the mothers? What is he going to offer for them in the context of this speech?

Q: You say that what Heydrich was saying in Prague on February 4th 1942, just a few days later, has no bearing on this, that he makes no mention of mass annihilation, and he is talking about the white sea option and using the Russian concentration camps, which are now emptied of course, to house the Jewish emigres. What is this, just window dressing?

A: They are speaking here about the coming Final Solution, so it has not started yet. It will start in May 1942.

MR JUSTICE GRAY: Who was Heydrich speaking to in February 1942, Dr Longerich, do you know? Do you know, Mr Irving? May I enquire of you?

MR IRVING: I am just checking on the source, Gotz Aly.

MR JUSTICE GRAY: Sorry, do not worry.

MR IRVING: A secret address by Heydrich on February 4th 1942 in Prague, page 174 of Gotz Aly, the Final Solution. That

is the only reference that I have for that.

A: Again, one should see the whole document. Secret address to whom? I would like to see the full text before I could comment on that.

Q: He was not speaking to the Boy Scouts and the Brownies, was he? He was obviously speaking to people who----

MR JUSTICE GRAY: I do not think I have seen any transcript or note of what he said on

February 4th.

MR IRVING: I will obtain it, my Lord. That is all I can say. The whole passage.

MR JUSTICE GRAY: Would you mind? Thank you.

MR IRVING: It does seem important because of the value one learns from it to place on the Wannsee conference. Can I just ask, or re-ask, one or two questions about the Wannsee conference? There is no specific mention of killing. You have once again to interpret, you have to read between the lines?

A: Yes. Again, I tried to show you this here. If you go to the end of the minutes, it is, I think, quite clear. If you look at the remarks of the Secretary of State of the Generalgouvernement, I quoted this in my report, it is page 64, the last paragraph: "In the concluding discussion different possible solutions were talked about. Gauleiter Dr Meyer (the representative of the Ministry for the occupied Eastern territories) as well as Staatssekretar Dr Buhler, Secretary of State of the

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Generalgouvernement, represented the position that certain preparatory measures in the course of the Final Solution should be carried out in the relevant areas themselves, whereby, however, the disquieting of the population must be avoided."

Then the Wannsee protocol makes clear that they were talking about the different solutions they were suggesting here. So what they are doing is they are saying, well, we cannot wait until the Final Solution is coming, we want to start with it now. So they are trying to exempt the killing operations against the Polish Jews and the Soviet Jews from this coming Final Solution.

Q: These preparations that might have upset or caused unrest, would it be things like drawing up lists of people to be deported? Would that have caused unrest?

A: No, the preparatory measures are the building of killing installations.

Q: How do you know that?

A: This is my interpretation.

Q: Your interpretation?

A: From the text and from what happened. They started to build a couple of weeks later Sobibor, they started to build Treblinka and they built gas chambers in Auschwitz. As I said, well, they prefer to use a camouflage language. We also have the statements by Eichmann in his trial when he said at the Wannsee conference they spoke

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quite openly about killing and different ways of killing. I think this is here the passage he is referring to.

Q: You are saying that making the preparatory measures in the relevant areas might disquiet the population. Why would creating killing installations in Poland, or wherever the killing is going to be done, upset the population who are going to be rounded up and shipped off to them?

A: I think the fact that they were going to establish extermination camps would upset the local population. They would not like it.

Q: Is it not far more likely that the preparatory measures that they are talking about are things as I mentioned, like rounding up or listing or drawing up black lists of people to be deported, making all the necessary transport preparations, word of which would get out and what would happen then would be the same as happened in Rome, where they start off with 8,000 and only manage to get their hands on 1,000?

A: I think we have to go back to the text here.

Q: Well, can I take you now to paragraph 3 of that page, 61? I am going to suggest to you, Dr

Longerich, they are talking about the Final Solution as is going to be implemented after the victory, is that right?

A: No, definitely not. It is saying here in the -- it says in the -- really, it is a pity that we do not have the full text here ----

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Q: Let me draw your attention to the last sentence.

MR JUSTICE GRAY: Let him finish the answer.

A: We have a clear indication in the text that they are expecting the beginning of the coming Final Solution in a couple of months, because it is said here in the text: "The timing for the start of the individual large scale evacuation actions will be largely dependent on military development". So they ----

MR IRVING: "And could only be fully realized after a German victory"?

A: Is it in the text?

Q: Yes, your paragraph 3.

A: Well, I am sorry but ----

Q: That is the question I asked you ----

A: Well, just a moment ----

Q: At the end of paragraph 3.

MR JUSTICE GRAY: You are talking over each other.

A: Just a moment. I am not quoting from the minutes of the Wannsee Conference where it clearly said that this deportation could start after the military developments would allow that. This is in a couple of -- from their perspective, is a couple of months. The whole operation could, of course, only be, could only be carried out, the whole operation, they talking here about the killing of 11 million Jews, including British Jews, Turkish Jews, Swiss Jews, and so on. So the whole operation could, of course,

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only -- it is a question of logic -- only be dealt to a full extent after the war because the precondition of that is, of course, that they had to win the war.

MR IRVING: Precisely.

A: But the text gives us a clear indication that they are bound to start this. They are just waiting. They say: "As soon as the military, as soon as the military situation improves, we will start that" and in the end it becomes clear from the comments of Buhler and Meiyer that they cannot wait. They want to start preparatory measures on the spot and ----

Q: So the answer to my question is, yes, this comprehensive plan was only going to be implemented after final victory?

A: To a full extent, but they were quite prepared and were quite keen to start it as soon as possible, as soon as the military situation would allow it to start it.

Q: Because if you look further up that paragraph, it says they are going to get their hands on those, the Jews, outside Germany, in Great Britain, Ireland, Portugal, Sweden, Switzerland, Spain and Turkey. Now, how are they going to do that, except by some kind of peace treaty?

A: I think I have made my point quite clear.

MR JUSTICE GRAY: I think you have, but can I just ask you this and see whether I am taking a bad point. The bit of Heydrich that you quote at the foot of your page 61, says: "Under the appropriate direction, the Jews shall now be

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put to work in the course of the Final Solution", and so on. The word in the German text is "nun"?

A: Yes.

Q: Is he contemplating there that the work gangs of those fit enough to work will be got together straightaway?

A: Yes.

Q: And that does not wait until the end of the war or anything of that kind?

A: Exactly. The "now" is another confirmation that it will start very, very soon -- as soon as the military situation allows that.

MR IRVING: The entry was, as you say, on paragraph 4: "Initially, the Jews were going to be brought to 'transit-ghettos in order to be transported from there further to the East'."

A: Yes, before they could start the coming Final Solution.

Q: But they could not do the whole job though until the war was over and they could sign the peace treaties with Britain and the rest of the countries?

A: Well, I make my point quite clear, I think. I disagree with that and now I give you one, I give you one quotation and there is another quotation, the word "nun" indicates that it would start very, very soon -- now actually.

Q: Part of it starts now, but the final Final Solution is going to be after the war?

A: No. I do not want to repeat myself.

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Q: Well, my Lord, there is an important corollary, it now follows?

A: I do not want to repeat that. I made it very clear that I quoted now again and again this quotation here ----

Q: Yes, but can I now put the ----

A: --- that "The timing for the start of the individual large evacuations action will be largely dependent on military developments". So as soon as the military situation will improve, they will start it and they actually started it in a couple of month.

Q: Can I now put the final question in this particular context which is this. If peace broke out and all the Jews of Europe started rolling eastwards into these camps, these transit camps, set up by the Germans, what could the Germans do with them in peace time? They could not run the gas chambers, could they? They could not have these huge extermination operations in peace time, could they, because that kind of thing people get attention of in peace time. You can do things in war time that you cannot do in peace, is that right?

A: You are talking here, you are assuming here, a total victory of Nazi Germany in World War II, and I can imagine that in this case they would be able to carry out whatever they want to do in Europe.

Q: They are obviously assuming a total victory; they are going to get their hands on Britain's Jews and even the

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Irish ----

A: Yes, of course.

Q: --- not to mention Portugal, the Swiss, all of them?

A: Yes.

Q: So they are anticipating total victory, and yet when peace time comes, somehow they are going to keep these gas chambers and the whole paraphernalia of death clanking with nobody noticing?

A: Well, they are under full, if they really had won the war, they were under full control. There was nobody who could interfere. Who could actually come and interfere and do anything about that?

Q: It rather destroys the homicidal nature of the Wannsee Conference, does it not, the idea that it is all going to be put off until peace time, the final part of the Solution?

A: I made it quite clear that I do not follow this, and what is said here that this operation to a full extent could only be carried out after the war. So they would assume that they, if they had won the war they would start to kill the British Jews, according to the minutes of the Wannsee Conference. I think it is quite clear here.

Q: Paragraph 5, line 4, you say that in the case that they should survive these trials and tribulations, they would be murdered. That is just the spin you put on that "dealt with accordingly", right?

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A: Yes.

Q: Yes?

A: That is true, yes.

Q: Which might be a legitimate interpretation, but, of course, there might be other interpretations. Do you accept that?

MR JUSTICE GRAY: Such as?

A: I think the text is quite clear. They are talking here about killing.

MR JUSTICE GRAY: What alternative explanation would you put forward?

MR IRVING: Well, I did put this to the witness, my Lord. Is it not possible that these ultrafit, able-bodied survivalist Jews had survived the whole of this appalling experience and emerged at the end of it, that, as Heydrich said, "We are going to have to deal with them separately. We are going to have to make sure they do not come back"?

A: Well, I think the context makes it clear that Heydrich wants to avoid that these people are the seed of a regeneration of European Jewry. I think from the context it is quite clear he wants to kill them in order to avoid that. He is not talking about building up a kind of recreation camp or something in the East where they can, you know, regenerate and become the core of a Jewish nation or something like that. I think the context is clear.

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Q: Apart from Eichmann, have you considered the testimony of any of the participants in the Wannsee Conference?

A: I think I have seen most of them, yes.

Q: Are they all unanimous in saying, "Yes, we all discussed killing"?

A: No, of course not. They were taken during the Nuremberg trial, the main trial, and during the so-called [German], that is the trial against the administration, and they were all evasive. I mean, for instance, the Secretary of State, Noimann, said he was not actually there, you know. You have this kind of quality. They were self-exculpatory. This is the largest killing, murderous operation

in modern history and this is the key document we have. Of course, everybody who was there, every Secretary of State, every Civil Servant, would, of course, do everything to distance themselves from these minutes. So they had all kinds of ----

Q: Is there not evidence that Stuchart, in fact, sold at out Nuremberg to the Americans as a witness, and that if he had been there and he had known of what really happened, he would have been very willing to tell the Americans what happened?

A: I do not see where, what is the evidence for that.

Q: Well, are you aware that Stuchart was, when all the rest around him were being sentenced to 10 years, 20 years and the gallows, he was released, sentenced to time served?

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A: What does it -- I cannot see the point.

MR JUSTICE GRAY: So what?

A: What does it?

MR IRVING: Well, the point I am making, my Lord, is there were about 20 participants in the Wannsee Conference. Any one of them would have had a severe temptation to go to the Americans and say, "If you guarantee that I am going to be released in the foreseeable future, I will tell you what you want to hear".

A: Well, that is your speculation. I cannot follow that.

Q: And they all maintained a solid front and said, no, there was no such discussion?

A: Well, they find -- there was nothing like a solid front. They had all, I mean, all kind of answers to this question, all kinds of evasion, all kinds of different tactics. Most of them, most of them pretended that actually the only issue there was the Mischlinger question which formed the second part of the Wannsee Conference, and that they simply did not realize that Heydrich was talking about killing, and this was what most of the witnesses actually said.

MR JUSTICE GRAY: What they said that the January part ----

A: Yes.

Q: --- of the Wannsee was all about Mischlinger?

A: They were referring in their answers, referring to the second part of the Wannsee Conference, yes.

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Q: Is there any reference to Mischlinger in the protocol of the January part of the Wannsee Conference?

A: Yes. The Wannsee conference, the minutes has two parts. First of all, it is Heydrich's speech, this general speech about the fate of the Jews, and the second part is about -- the Wannsee Conference is about how and who, how was the first part and who was the second part?

MR JUSTICE GRAY: We do need to have a translation of the minutes.

MR IRVING: I have a complete translation on my website site, so it is very easy to provide it.

(To the witness): Dr Longerich, the only other point on the Wannsee Conference is statistics, on population statistics that it contains. Are they accurate, in your view?

A: Not entirely. There are some mistakes in it, I think.

Q: There are some gross errors, are there not?

A: Which one?

Q: The French Jewish population is overestimated substantially?

A: No, what they did, they made a mistake. That have a figure of ----

Q: 700,000?

A: Yes, and I think an additional figure for the occupied territory of 165 -- so this is a kind of confusion. They actually double counted the people in the occupied territory.

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Q: What about Buhler's reference to 2.5 million Jews in the Generalgouvernement? Was that an accurate estimate or was it high?

A: That is probably a little bit exaggerated.

Q: You say that is exaggerated, but, of course, Dr Frank in his famous December 16th 1941 speech talks of 3.5 million Jews?

A: No, he says at 2.5 and they are [German] -- the families, their relatives, or everybody, he is talking about, I think he is talking about the so-called mixed Mischling or mixed Jews. He gives two figures. I think one is 2.5 and then he says, "Well, and their dependents and people that are related to them" and then he comes to 3.5. The figure 3.5 is too high.

Q: 65. Go to page 65, please, paragraph 4 -- page 66, paragraph 5, please. You say: "There is conclusive proof of 43 transports, which as a rule carried 1,000 people each", but the only source you gave on this is one of your own books?

A: Yes. There is more research about this in my book. This is, sorry, from where is that from?

MR JUSTICE GRAY: To Lublin, I think.

A: Yes, to Lublin. In the book I have a -- it is a list of the trains. I list every train with arrival dates and so on.

Q: Is that challenged, Mr Irving? Do you say there were not?

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MR IRVING: No. I am just curious to know what his sources were. Do you agree that the transports were for the purpose of deportation to ghettos and not for extermination?

A: We are talking now about the spring of 1942, so we are still in this transitional phase, so they have not started what they call in the Wannsee Conference their coming Final Solution. They are still deporting people into ghettos and not directly -- German Jews or Jews from Germany, not directly, not directly into extermination camps. They will start this in May 1942.

Q: 67, paragraph 10. What did Heydrich mean by the resettlement of altogether half a million Jews out of Europe to the East? This is the second sentence from the end of paragraph 10.

A: Well, I think this is in April.

Q: 1942?

A: April 1942. I think they are, they talked in the Wannsee Conference, they talked about this, the coming Final Solution, about this large programme to deport Jews to the East and to kill them there. And I think this is -- they are not going to shift their plans from bringing people to ghettos, and they now shift these plans to the next stage where they are actually about to send Jews directly to extermination camps.

So you can see from this document that they are

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in the [German] they are planning on a larger programme, and I think they are just about to make

the decision actually that these new transports will go directly into extermination camps, but I have no ----

Q: No proof?

A: --- no final evidence for that. This is a document which was unknown so far. And we will find more and this will add to our knowledge.

Q: It is quite unsatisfactory, is it not, that every time we want to deduce an extermination inference, we have to end up by saying, "Unfortunately, there is no proof, it is just one's own conclusion"?

A: No, I do not think I say that.

MR JUSTICE GRAY: Mr Irving, you accept that hundreds of thousands of Jews were exterminated.

MR IRVING: Yes.

MR JUSTICE GRAY: So why are you criticising the inference that Dr Longerich draws that that was what was proposed?

MR IRVING: We are looking at the overall figures, my Lord, we have to if we are to avoid the allegation of Holocaust denial.

MR JUSTICE GRAY: You are on the figure of half a million?

MR IRVING: I beg your pardon?

MR JUSTICE GRAY: You are tackling the figure of half a million?

MR IRVING: Yes. That is a substantial number going to the

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East. We needed to know what it is ----

A: Yes, well, there is more evidence for that. I made a calculation here. He said in Bratislava this would comprise six countries, that is Germany, Belgium, Netherlands, France and the Protectorate and Slovakia, and if you look at the planning for the deportation at the first phase of deportations in spring 1942, we can see, you know, 55,000 people from Germany, about 70,000, I think, from Slovakia, you can actually look at the different countries, look at the figures and you come to the conclusion that 500,000 is actually what they were going to plan at this time.

MR JUSTICE GRAY: This is planning? It is not what happened?

A: This is planning. This is planning.

MR IRVING: But, you see, the problem is in paragraph 11 now we come to the Dannecker Conference of June 11th 1942. Dannecker was Eichmann's man in Paris, is that right?

A: Yes, that is right.

Q: They are talking about shipping Jews from France to Auschwitz or to ----

A: Yes.

Q: The document here is quite specific. We have the actual German wording, have we not?

A: Yes.

Q: [German - document not provided] "We agree that from the Netherlands 15,000, from Belgium 10,000 and from France,

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including the unoccupied territory, altogether 100,000 Jews are to be deported". The note states that "Himmler", as you say, on page 68, line 3, "had given the order to 'provide larger quantities of Jews to the Auschwitz concentration camp, to increase the workforce'"?

A: Yes.

Q: The primary condition is they have got to be able-bodied, between 16 and 40 years old, but

the transports are also allowed to include 10 per cent who are not fit for work. Have you any conclusion you want to draw on that?

A: Yes, I think it shows you that they are not at this stage, not only using Jews as slave labour, but they also at this stage have started to include in the transport Jews who are not fit for work. So the plan is, obviously, to kill them on arrival in Auschwitz. So, the coming Final Solution actually started. People are directly deported to extermination camps.

Q: Is that the only conclusion you draw from that, that there is no other possible interpretation of the 10 per cent, that there may have been a desire there possibly to keep families together or to tell them they are going to be kept together or something like that?

A: No. I would not at this stage, if you look at the reality in transition camps and transports at camps, I would not, I cannot agree that they had this humanitarian considerations.

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Q: Have you seen any documents relating to the building in West Germany of special camps for the French to be housed in? They actually went to Auschwitz and came back from Auschwitz to these special camps.

A: Well, there is a small number of Jews who were deported from France, a relatively small number, who were sent to war camps in Upper Silesia. This is, you announce this a couple of, I think two or three weeks ago that you wanted to actually prove that the majority of the Jews who were deported from France were not sent to Auschwitz but were used in a kind of labour programme, but I have not received the documentation yet so I am ----

Q: Have you seen the document that was used in the trial of Frans Novac, Eichmann's transportation officer?

A: Yes, well, again if you have those documents, if they are available, I would like to look at them and to comment on them.

Q: Perhaps I could just ask you to look at the two indented paragraphs in that letter, in that document.

A: Yes, again I am asked here to comment on a text prepared by Mr Irving. It is not an original document.

MR JUSTICE GRAY: I have no idea what you are looking at. Have you got copies for anybody else, Mr Irving?

MR IRVING: If the witness is not prepared to answer a question on that document, then...

MR JUSTICE GRAY: He has not said he is not; he has just said

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he has not seen it before.

MR IRVING: He is unhappy about it.

MR JUSTICE GRAY: But, I mean, it is a bit unsatisfactory if there are not any copies for anybody else because Mr Rampton would like probably to follow it as well.

MR IRVING: I am just hopelessly badly prepared, unfortunately.

MR JUSTICE GRAY: No, you are normally extremely well-prepared. I mean that.

MR IRVING: Not having the facilities that the huge team on the other side have.

MR JUSTICE GRAY: Let us try. Yes, well, I know.

MR RAMPTON: We do apologise for being huge!

MR JUSTICE GRAY: Let us try to see whether we can manage without a copy. What is the question, Mr Irving? You probably do not have your own copy now.

MR IRVING: No. Could I have it back to ask you a question? I will read it out. The document is a Schnell brief which is an express letter from Himmler to the Minister of Finance, dated August 17th 1942. Your Lordship may remember we have had this document before, before the court, about four weeks ago.

MR RAMPTON: I have not seen it.

MR JUSTICE GRAY: I have to say I do not remember it.

MR IRVING: And it is headed: "Costs involved in the evacuation of the Jews from France". Now, this letter is in the period when you claim that the comprehensive

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extermination period has begun, is it not?

A: Yes, yes.

Q: The relevant sections reads, and it is in German, but I will translate it: "In the framework of the general solution of the Jewish problem and for the security of the occupation forces in the occupied French territories, Jews are continually being transported from France to the Reich. At first the evacuated Jews are being housed in the concentration camp, Auschwitz, but a special reception camp is to be built in the western Reich territory for them. The barracks necessary for this are already stored ready for shipment in the occupied French territory and they can be transported to the Reich immediately after payment of the purchase sum of 340,000 Reichsmarks. It is intended every month to send 13 railway trains with Jews into the Reich territory. By 10th August 1942", that is a week before the date of this letter, "18 trains from France have gone to the camp in Auschwitz which have involved the following transportation costs, 76,000 Reichsmarks as far as the Reich frontier, 439,000 Reichsmarks from the Reich frontier and to the camp" ----

A: So this letter -- sorry.

Q: "The costs involved in B can be dramatically reduced or substantially reduced in the future by erection of a reception camp on Reich territory".

A: Well, this is a letter from -- sorry, from ----

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Q: From Himmler to Sherin Krosik, the Minister of Finance.

A: Yes, so the Finance Ministry, so the Finance Ministry was not -- the Finance Ministry, he could not write to the Finance Ministry, "Actually, we are sending Jews to Auschwitz and kill them there" because the Finance Ministry was not officially involved in this operation. So this is purely deception. The second comment I would like to make, show me where is the camp?

Where is this besonderes Aufanlage, this reception camp, where is it?

Q: So you are saying that Sherin Krosik, a Reich Cabinet Minister, is having the wool pulled over his eyes by Heinrich Himmler?

A: Yes. He was simply lying to him, he was deceiving him and I do not know where is this camp, this camp for the French use?

MR JUSTICE GRAY: Did you suggest, Mr Irving -- I may have misunderstood you -- that these French Jews were going to be sent back from Auschwitz to this ----

MR IRVING: We had exactly this conversation already four weeks ago, my Lord, and the answer is this is what the document says. They were going to be sent ----

MR JUSTICE GRAY: I must say, hearing it read out, it did not seem to me it was saying anything of the kind, but I may be wrong. I thought it was saying, "It is very expensive and a security risk sending French Jews right across Germany, therefore, we will build a camp on the

Western

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edge of the Reich and they can go there".

MR IRVING: And the purpose of the letter is to the Minister of Finance: "Please provide the funds because we can save a lot of money by doing it like this".

MR JUSTICE GRAY: Anyway, your evidence is this is not really worth the paper it is written on?

A: We know that about 79,000, I think, Jews were deported to the East and we have 2,570 survivors, I think, who managed to survive in work labour camps. This camp never exists, existed.

MR IRVING: Are you familiar with the note made by the member of the Judenreferat in Paris, a man called Ahnert -- A-H-N-E-R-T -- on a conference at the Reisingerhuptsam on Jewish questions on September 1st 1942 at about this time?

A: Well, I do not have the document in front of me so -- do you want me to comment on that?

Q: Now then ----

MR RAMPTON: We have the translation of some of these documents provided some time ago, but really, with this witness in particular, it is essential he sees the original German and the whole of the original German.

MR IRVING: I agree, my Lord.

MR JUSTICE GRAY: Are you talking now about the document about the French Jews?

MR RAMPTON: No. We have the translation, as I said, done by Mr Irving. It looks to me to be a partial translation --

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I mean in the sense it is not a whole translation. With this witness, it simply is not good enough.

MR IRVING: I agree, my Lord. It is not fair to put these very important documents to him.

MR RAMPTON: Whether they are important or not is another question.

MR JUSTICE GRAY: Are we talking now about the document relating to the French Jews and building another camp? Mr Rampton, what are you talking about when you ----

MR RAMPTON: Yes, that is the one, yes, and, apparently, there is some other document as well but ... I do not know.

MR IRVING: I can summarize it, my Lord. The Ahnet document is September 1st 1942. It is a conference on the deportation of French Jews and the need to provide them with blankets, equipment, spades, shovels and food and everything for a camp to be constructed in Russia. This is another indication that they are not going to be sent off to extermination.

Then there is a further document which I intend putting to the witness which is referred to again by Gotz Aly which is a very important letter by a man called Walter Furl -- are you familiar with that letter?

A: No.

Q: Well, I think, my Lord, I am going to suggest ----

MR JUSTICE GRAY: You are not going to finish this witness, are you?

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MR IRVING: We are not going to finish this witness today. I am going to have another half day,

unfortunately now, my Lord.

MR JUSTICE GRAY: Half day?

MR IRVING: Yes, or possibly less.

MR JUSTICE GRAY: Well, Dr Longerich, you are based in England anyway, are you not?

A: Yes, that is true.

Q: I am afraid we are going to have to ask you to come back on Monday.

A: All right.

MR JUSTICE GRAY: There is a bit more time. Nothing is written in stone.

MR IRVING: I think will put the Walter Furl of which I do have copies. On this one I am slightly better prepared.

MR JUSTICE GRAY: Do you have copies for the rest of us too? Shall we decide where to put this, and indeed at the same time, Mr Irving or probably Miss Rogers actually, the other clip that came first thing this morning?

MS ROGERS: I am told by your Lordship's Clerk there is still room in J2. Since the Claimant's documents have gradually been fed in in date order, at the back of J2. I think it is tab 11. If your Lordship does not have tabs we will provide them.

MR JUSTICE GRAY: I have tabs 1 to 11.

MS ROGERS: We will provide you with an 11.

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MR IRVING: This is a minor matter which I think will take five minutes, my Lord.

MR JUSTICE GRAY: You have just handed in Aly Gotz.

MR IRVING: Yes, and there is an item on it called page 175. Again it is from the book by Aly Gotz or Gotz Aly who is an established authority on the Final Solution. He says in his book that this option of settling the Jews in Russia had already taken on a camouflaging function. This is his spin on the letter which is important. In the letter that Walter Furl, the leading Krakau resettlement organizer, wrote to his SS comrades in June 1942. I am only going to rely on the text of the actual letter.

"Only in retrospect can this be seen as an intermediary step on the road to the Holocaust." In letter Furl wrote, and this is what is important, Walter Furl writes in June 1942 to his SS comrades:

"Every day trains are arriving with over a thousand Jews each from throughout Europe. We provide first aid here", he was writing from Krakau. "He gives them more or less provisional accommodation and usually deport them further towards the white sea, to the white Ruthenian marsh lands where they all - if they survive - and Jews from ... Vienna or Pressburg certainly won't, will be gathered by the end of the war but not without having first built a few roads. (But we are not supposed to talk about it)."

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Do you see in this any echoes of the Wannsee conference, the road building?

A: No. I see something completely different here. I am asking myself what are your standards for quoting documents. This is a part of a document. We do not know where the document is. You know, we do not know in which context it stood. It is quoted by Gotz Aly, and Gotz Aly who has actually researched this area quite thoroughly, is commenting on this document, this is a camouflage document.

Q: Yes.

A: I think at this stage I am prepared, because he has seen the context and the evidence, I am prepared to follow him here, if I have not seen the other parts of the document.

Q: But this is all he quotes. He does not quote any more than this part.

MR JUSTICE GRAY: Where does he say that it is a camouflage document. Camouflaging function, I missed that.

A: I think I trust him here. He is right.

MR IRVING: Once again this is a document where even though is a man writing to his own SS comrades ----

A: Yes, that is a ----

Q: --- a private letter?

A: Part of a private letter, a quotation probably. I do not know the context of the letter. Maybe it says in the next paragraph: "But this is all nonsense. This is

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camouflage". I do not have the letter. Give me the letter and I am happy to comment on it, but I am following here Gotz Aly's interpretation, because it seems quite reasonable for me and consistent with what I am saying here.

Q: I am sorry, Dr K Longerich, quite clearly if Gotz Aly had found any evidence in that letter of the kind you mentioned, he would certainly have put it in, would he not? If there is any other clue in the letter that it was camouflage, then, boy, wouldn't he have put it in?

A: I do not know. I cannot speculate about Gotz Aly's attitude here. You are representing a document, only part of a document, no context, and you clearly said that the author did not accept this as an authentic, as a kind of document which reflects the intentions of the Nazis. He says it is a camouflage document, and as long as I have not seen the document itself I think he is quite right in doing so.

Q: But is it not another reference to the white sea which is what Heydrich talked about in Prague two months earlier?

A: I think I do not have to repeat what I am saying. Yes, but ----

Q: Is it not also a bit of a feeble answer, if I may say so, that every time a document comes up that it does not fit in with your own preconceptions, like the Schlegelberger document or something like that, you say: This is

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unimportant or that is camouflage or you cannot believe what this document says?

A: This is not a document. This is a quotation from a book somebody quoted add part of a document. This is not a document. This is a quotation from a book, and the author of the book quite clearly states that he does not believe what -- he thinks that this is a camouflage document and one should not trust what this SS man is saying.

Q: Dr Longerich, in your own expert report you have quoted any number of documents printed in other people's books, have you not?

A: I have done that, but I have not presented here as evidence for actually, you know -- I have not actually dared presented them here and saying, well, actually I am quoting from a document but I am not going along with the conclusions the author drew from this document. So it is a different case.

MR IRVING: My Lord, I do not want to add any more to that document. I have put the document in. I think it is significant. The witness thinks it is camouflage.

A: No, I do not have any reason to mistrust Gotz Aly in his comment on this document, on this part of this document.

MR IRVING: Does your Lordship wish to comment on it?

MR JUSTICE GRAY: No, I do not. Thank you very much.

MR IRVING: In that case, I would respectfully submit that we might adjourn now, it is a useful hiatus point, unless

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Mr Rampton wishes to make a point.

MR RAMPTON: No, I do not want to make any points. I am concerned about the length of time everything is taking. It means I think the schedule has to be rewritten. It means probably we will not get to Professor Funke until Wednesday.

MR JUSTICE GRAY: Why do you say that? Another half day and I hope it will be less.

MR RAMPTON: Another half day and then I have a day or a day and a half cross-examination.

MR JUSTICE GRAY: That is half a day more than your previous estimate.

MR RAMPTON: No, it is not. I told somebody, I hope it was your Lordship, that I thought it might go over one day, beyond a day.

MR JUSTICE GRAY: Can you Dr Funke lined up for Tuesday midday just in case?

MR RAMPTON: Yes, I will. He will be in court on Tuesday.

MR JUSTICE GRAY: Yes.

MR RAMPTON: There is only one other thing. I have from Munich now the relevant transcript which, contrary to the thing that Mr Irving produced, is not dated 11th May but 12th December 1942. It makes it difficult to find things if we do not get the right reference. I will pass them out, if I may. They are the Karl Wolff and it is the whole thing as well, instead of being a redacted version.

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MR JUSTICE GRAY: Whilst we have that in mind shall we just have a look and see what it says at the relevant bit?

MR IRVING: Yes. I think possibly the witness might like to look at it and be asked if he ----

MR JUSTICE GRAY: Absolutely, that is what I meant.

MR RAMPTON: The relevant page has 4 at the top of it, I think. I would prefer actually, my Lord, if it is possible, it is a good idea of Miss Rogers, that the witness really ought to be given time to read the whole thing.

MR JUSTICE GRAY: He can come back to it, but would you mind for my benefit whilst it is in my head just to find ----

MR RAMPTON: It is the bottom half of page 4.

MR IRVING: Page 31 it starts.

MR IRVING: I think it is a useful exercise, my Lord, if I translate the entire document.

MR JUSTICE GRAY: I would be grateful if you would translate now for me: "Nach dem rautign Uberblick". I can guess what it means, but I am probably wrong.

MR IRVING: On which page is that?

MR JUSTICE GRAY: It is the bottom of page 4, about eight lines up from the bottom, six lines up from the bottom.

MR IRVING: "According to what we know now that it was perhaps 70 people from Himmler to Hirst. MR JUSTICE "GRAY: According to what we know now".

MR IRVING: Yes, that is the way I would translate that, or

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seen from the present standpoint.

MR JUSTICE GRAY: You would rather have a bit of time to consider this, would you, Dr Longerich?

A: Yes.

MR JUSTICE GRAY: I am going to put this immediately after 14A in your clip.

MR RAMPTON: The only thing I would point though is that at the bottom of page 4 of what I might call the authentic version there is a sentence relating to Martin Bormann which naturally makes a link with Hitler which is missed out of Mr Irving's version.

A: Which page is that?

MR RAMPTON: Page 31 at the bottom or 4 at the top, there is a sentence "G.W. Bormann" and so on and that is not in the version that was presented this morning. It is an earlier sentence, two sentences earlier, has been missed out as well. I do not know whether it is significant.

MR IRVING: I will translate the entire document and I will fax it through to you at the weekend.

A: As far as I can see from the document, he is basically saying two things. He is saying, yes, we carried out the Holocaust, the Final Solution, we killed, we tried and we were able to, we killed millions of Jews. He talks about Millionen Morden on page 5, and on the other hand he is saying, well, actually Himmler did it on his own initiative because he thought that he could fulfil

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Hitler's ideas. So I do not know, I mean I do not know how you put your case, you know, how you want to deal with the document. Are you saying this is a kind of confirmation that millions of Jews were actually killed in extermination camps? I mean what is the way you want to deal with the document? Are you only relying on parts of it and you would then refuse other parts of the documents?

MR IRVING: At first blush does the document look self-serving to you?

A: Yes, I think so, because he wants to, I mean Wolf's aim was of course to distance himself from the events. So he is saying, well, actually this operation was only carried out by 70 people. So he did not of course admit that it was a much, much larger operation. So there is a kind of self-serving in it. Also this is his personal, the impression he had. He is in talking in 1952 about events ten years earlier. Wolff was of course an admirer of Hitler and he tried to distance Hitler from the Holocaust, from this history. I do not see how much I should -- I mean I can accept this is Wolf's view in 1952, but I do not see how this could destroy the other evidence. Also which part of the story are you accepting, the part that Himmler ordered Millionen Morden, the killing of millions of people, or the other part that Hitler was not involved in?

Q: Well, you have accepted that the order of a million Jews

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were killed on the Eastern Front, I think, there is no question about that.

MR JUSTICE GRAY: Despite your acceptance that it is self-serving, I think it may be quite important to have another look at this on Monday morning. I think it might be as well perhaps to have in my mind on Monday morning the reference when it was first introduced in evidence today, because my recollection is that you put it forward as being a document which could be

relied on.

MR IRVING: Indeed, my Lord, yes. I certainly will not depart from that. I am just about to ask one final question of the witness. Dr Longerich, this is an interview between Karl Wolff which he has requested to be kept confidential, is it not?

A: No, I do not think so.

Q: Did you yourself say that the Karl Wolff collection at the time you wished to see it was kept confidential?

A: No, you confuse two points. You referred yesterday to memoirs of Karl Wolff, and they are not generally accessible, but the collection S Zeugenschrift, I know this collection quite well, is open, everybody can go in the Institute and make a photocopy and use it. These are the internal interviews the Institute made in the 1950s. By the way, the interviews are in a way not verbatim transcripts. These are a kind summary that the person who made the interviews actually made.

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Q: Were they originally kept confidential, these interviews?

A: Not that I am aware of. I am using this since the 1970s and I think they were publicly accessible to everybody.

MR JUSTICE GRAY: I notice that Mr Irving's manuscript is ----

A: Not this one, but I know the collection. I spent a lot of time reading this.

MR JUSTICE GRAY: Mr Irving's manuscript is headed "Confidential" I notice, but that does not appear to be on the original.

A: Where is that?

MR JUSTICE GRAY: That is page 14 in the clip you got this morning.

MR IRVING: Yes. My Lord, access to a lot of these documents is going to be on the basis of confidentiality by the Institute, because these people are still alive. My final question is, this is an interview by an historian and not by a prosecutor, is it not?

A: An historian, yes.

Q: Would you expect an interview by an historian to obtain other information from a witness than a prosecutor would, a different kind of overall picture?

A: One has to discuss the quality of this particular interview. An historian, I do not know this person, I do not know who -- I think it was Wolfgang Ziegel, as far as I can see -- I have my doubts about his quality as a good interviewer I have to say. I think he was sitting

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together with people, chatting with them, and then he was going home and made a kind of summary. It is not an accurate verbatim protocol, a minute of a meeting.

Q: Do you have any basis for saying that it is not an accurate protocol?

A: It is not a verbatim, it is not countersigned as far as I see from Wolff. So he visited Wolff in Munich in his flat, chatted with him, went back to the Institute and wrote down, you know, his general view about this.

Q: Would he have taken notes, do you think, during the interview?

A: I do not know. I have no idea. Sometimes interviewees say: "Please do not take notes". I do not know what Wolff's attitude was. I have no indication of that.

MR IRVING: Thank you.

MR JUSTICE GRAY: We will resume on Monday at 10.30.

**(The witness stood down).
(The Court adjourned until Monday, 28th February 2000**

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