

## PROCEEDINGS - DAY TWENTY-SIX

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**(10.00 a.m.) Dr Longerich, Recalled.**

**MR JUSTICE GRAY:** Yes.

**MR IRVING:** Before we start, there is one thing I would like to do. Dr Longerich has used me as a post box. I have no idea what these things are. There are some documents I think that he sent for. I cannot speak to him so can I hand them to him now? I do not know what they are.

**MR JUSTICE GRAY:** Yes. Mr Irving, it is sensible just to clear this up.

**MR IRVING:** My Lord, I have a problem. I have brought the wrong file with me so I am going to have to go back to Duke Street to get it, which will take half an hour, unfortunately, which is extremely stupid of me.

**MR JUSTICE GRAY:** These things happen. You have done pretty well so far. Just let us sort out these documents first.

**MR RAMPTON:** Perhaps your Lordship would deal with it. As I say, I have not spoken to Dr Longerich today, They arrived in my chambers this morning.

**MR JUSTICE GRAY:** Dr Longerich, take us through them one by one. Have you got copies, first of all, for Mr Irving and for everyone else.

**MR RAMPTON:** I have copies here, yes.

**A:** It is just I asked the Institute in Munich to provide me with a number of documents, two or three, concerning the

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vernichtung arbeit in relation to work we discussed on Thursday. If necessary, I can provide these documents, and I can quote from them. I used Mr Rampton's fax machine because there was no other way to get them here in time.

**MR JUSTICE GRAY:** How do these documents help?

**A:** I do not know. It is just in case if we expand. I do not want to use them. I do not suggest we use them but, if we go and discuss this point further, I am here to provide evidence that the term vernichtung arbeit was used during the war. It is not a post war expression.

**MR JUSTICE GRAY:** I think what I will do is suggest that we leave this until re-examination by Mr Rampton. Does that apply to all of the documents you have, what you just said? Is that just one document you are talking about, or the whole lot?

**A:** There are two or three.

**Q:** There are not any other documents?

**A:** No, not at the moment.

**MR RAMPTON:** Can I suggest, my Lord, that we use a little bit of re-examination as evidence-in-chief to deal with these documents and then, if Mr Irving wants to ask anything arising out of that, he should do but not now.

**MR JUSTICE GRAY:** I do not mind when it happens. I do not suppose Mr Irving minds when it happens.

**MR RAMPTON:** Dr Longerich ought to have a chance to read them

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anyway.

**MR JUSTICE GRAY:** Mr Irving, you handed in a clip. Should I spend some of the time looking through that or not?

**MR IRVING:** I can tell your Lordship what they are. You asked for a translation of the Wannsee protocol, and that is one of them. I have also provided your Lordship with a complete translation of the Karl Wolff manuscript, and ----

**MR RAMPTON:** Are we allowed to have them?

**MR IRVING:** Yes. I faxed a copy of it to the instructing solicitors over the weekend, but I also emailed it. My Lord, I think this is a proper time to say that at some time today I will be making submissions on the relevance of right-wing extremism. Quite simply, this is, I think, the proper time to do it, obviously not while Dr Longerich, his metre is running, so to speak, probably this afternoon some time, and I shall be asking your Lordship to possibly have a look at the appropriate page of Gatley into which I have read more deeply than Mein Kampf, I have to admit. I think it is page 43 of Gatley that I draw your Lordship's attention to and I think footnote 88, in particular. Your Lordship will see the relevance of that. It is Devlin L. It is the Butalazi case.

**MR JUSTICE GRAY:** The which?

**MR IRVING:** Butalazi, there was a case on, I am sure your

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Lordship is familiar with the kind of authorities.

**MR JUSTICE GRAY:** It is not perhaps one of the best known cases, but I think I know there was one.

**MR IRVING:** It is purely the question of whether extremism is defamatory, what is meant by extremism. I think we ought really to look at that.

**MR JUSTICE GRAY:** You certainly make your submissions and I agree the timing is best after Dr Longerich.

**MR IRVING:** The other point which I wish to take up with your Lordship, very briefly, is that I am not getting the digital transcript.

**MR JUSTICE GRAY:** Right.

**MR IRVING:** I am only getting a paper transcript. A dispute has arisen with the court reporters over the provision to me of the digital transcript. I have not it since February 3rd. It is a serious disadvantage to me. I have offered them money. I have offered them other inducements. This is a matter which I would like your Lordship to give a friendly word to the court reporting service that ----

**MR JUSTICE GRAY:** You will have to tell me a little bit more about the reasons they give for not giving the digital transcript.

**MR IRVING:** Indeed.

**MR JUSTICE GRAY:** I mean, I have a feeling that I know what the problem is but you ----

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**MR IRVING:** I can do that now, my Lord. Quite simply, we started posting the digital transcript on the internet as a public service, totally non-profit making at all, I derive only loss from that. The court reporters quite rightly said there is a property question at issue here.

**MR JUSTICE GRAY:** Well, a copyright question, yes.

**MR IRVING:** It is between one instructing firm of solicitors and the court reporters. It is in a kind of limbo between them. I have made a cash offer to them over a week ago now on a per day

basis. They have not come back to me, and I am being disadvantaged.

**MR JUSTICE GRAY:** Yes.

**MR IRVING:** Because clearly ----

**MR JUSTICE GRAY:** I think I understand the problem, although I suspect one may have to go into it a bit more deeply, but I am anxious if you are not getting the digital transcript because, although it is not all that easy to follow, I found it perfectly possible to make use of. Mr Rampton, do you know anything about this or do you not want to get involved?

**MR RAMPTON:** No. Strictly speaking, it is none of our business.

**MR JUSTICE GRAY:** Except you are paying for it so, presumably, you have some sort of right over it.

**MR RAMPTON:** I know we are paying for Mr Irving to have a transcript for the purposes of the case, the conduct of

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his claim against us. I guess what has happened is that he has been using the transcripts, in all innocence, no doubt -- I say that without knowing anything -- for some other purpose.

**MR JUSTICE GRAY:** Well, just putting them on his website.

**MR RAMPTON:** That is an infringement of the transcribers' copyright.

**MR JUSTICE GRAY:** Well, I would have thought it might be.

**MR RAMPTON:** And to do that, you would need to pay for a licence to do it, I guess what has happened.

**MR JUSTICE GRAY:** Mr Irving, so we do not take too long over this, my view would be that it is highly desirable that you should continue to have the digital transcript and I do not understand Mr Rampton to oppose that, but the price may be, if that is the right term, that you should not put it on your website because I think, technically, that is an infringement of their copyright.

**MR IRVING:** Until we reach an agreement.

**MR JUSTICE GRAY:** I mean, if you can reach an agreement, well and good, and I can see in some ways it might be desirable that it should go on the website if you want publicity for ----

**MR IRVING:** Well, it has attracted great attention and I am now being bombarded with E mails from around the world. Some people are accusing me of keeping it off the internet because it is unfavourable to me and all sorts of dubious

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motives.

**MR JUSTICE GRAY:** Well, if you were to offer to -- I cannot remember the name of the firm but if you were to offer ----

**MR IRVING:** Harry Counsel.

**MR JUSTICE GRAY:** Yes, Harry Counsel, that you will undertake not to put it on your website, unless and until some agreement is reached, but would they please in the meantime let you have the digital transcript, I would hope that they would say yes to that.

**MR IRVING:** I am happy to give that undertaking here.

**MR JUSTICE GRAY:** If there is a problem, let me know, but I have expressed my wish and that may not count for much but...

**MR IRVING:** But it means that for three weeks I have had no digital transcript which has ----

**MR JUSTICE GRAY:** Well, you should have mentioned it perhaps before now but you have mentioned it now and ----

**MR IRVING:** Well, I have negotiated, or attempted to negotiate, and met with no response.

**MR JUSTICE GRAY:** Yes. Is there any way of avoiding you having to go all the way to Duke Street? Is there somebody there who could put it in a taxi?

**MR IRVING:** My Lord, my partner is seriously ill. She is fighting a battle of her own.

**MR JUSTICE GRAY:** If you say it is necessary, Mr Irving, I am

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perfectly content.

**MR IRVING:** I will try to be back within half an hour, my Lord.

**MR JUSTICE GRAY:** Let a message be passed through when you are back.

**MR IRVING:** Yes, thank you very much.

**MR JUSTICE GRAY:** You are happy to continue in principle?

**MR IRVING:** Yes. There is no problem.

**(Adjourned for a short time)**

**MR JUSTICE GRAY:** I am sorry, it seems I have added to the delay. My room is about as far as it can be from this court.

**MR IRVING:** The apologies are do you from me for this one hour delay. I do apologise.

**A:** Before I start, could I make some statements. I just went through the minutes of the proceedings of Thursday and I would like to correct three mistakes I make, if it is possible.

**MR JUSTICE GRAY:** I think I have spotted one.

**A:** There is one on page 63, line 10, when Mr Irving suggested I translate the German term "verhungern" with go hungry. I think I did not listen carefully enough to him because the translation of "verhungern" is clearly to die of starvation or to starve to death so, if somebody is Verhungerte, he is dead.

**MR JUSTICE GRAY:** I think you did actually say that. That is my impression.

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**A:** I just wanted to make it very clear. On page 13 and the following pages we had a discussion on the statistics about the death rates in Auschwitz. I forgot to say the most obvious thing -- because I was surprised by this document, I have to say -- that these figures all relate to the camp population as a whole and not to the Jewish camp population, and you would come to complete different conclusions if you look at the Jewish camp population.

**MR JUSTICE GRAY:** Which page is that?

**A:** Page 13 and the following pages.

**Q:** I do not see quite where we get to the statistics on the pages following page 13.

**A:** We talked about the statistics and I should have said here first of all that these numbers are about the camp population, everybody in the camps, and it is not specific about the Jewish prisoners in the camp.

**Q:** I follow that, but I cannot find where there is any reference to numbers.

**A:** No. We talked about the monthly death rates in the concentration camps.

**Q:** I remember that, but that is not here.

**A:** I may be mistaken.

**Q:** It is page 18.

**A:** I am sorry. The third point is on page 173 Mr Irving said he wanted to translate bei Freilassung with "upon release" and I said bei Freilassung means "if released". I should

have added here that "upon release" is nach Freilassung in German, "after".

**MR JUSTICE GRAY:** That would be one way of putting it, would it not?

**A:** Pardon?

**Q:** Bei Freilassung could be perhaps regarded as a little equivocal, could it not?

**A:** Bei Freilassung is, in my view, "if released".

**Q:** "Upon release" might be another translation?

**A:** "Upon release," but it is definitely not "after".

**Q:** Thank you. That is very helpful. The slip which I thought you may have made, and I do not have the reference for it, is that I think you may have referred to Auschwitz when you meant Belzec, but I will not waste time trying to find that. It is at the foot of one of the pages. It is not terribly important, but I think the context makes it clear that you were talking about Belzec.

**MR IRVING:** My Lord, I have checked four of my dictionaries on "verhungern" and I am ready to concede the primary meaning is "die of hunger". The secondary meaning is "to starve". I am ready to concede that point.

**MR JUSTICE GRAY:** Yes.

**MR IRVING:** Dr Longerich, you have now received the complete translation of the Karl Wolff manuscript, the interview with Karl Wolff. Have you received the German text

already?

**A:** Yes. Where is your translation?

**Q:** Have you received the German text?

**A:** I received the German text on Thursday.

**Q:** So you have not received the English translation which has been prepared of it yet?

**A:** No. This is the first time I see that.

**Q:** Can I ask you questions on the German text? Would you agree that the brief extract which I made some 35 years ago accurately represents the parts that I extracted, if I can put it like that? There was no distortion by me of the extracts that I made?

**A:** Except the parts you left out in your extract.

**Q:** Obviously, if it is a one page exhibit extract from a ten page document, then some eight or nine pages have been left out, have they not?

**A:** I think you left out passages which are important, which have to be understood in the context of the whole document.

**Q:** Yes.

**A:** And I also was surprised or amazed to see that you, in your translation, in your transcript, translated the word "ausrottung" with "extermination".

**Q:** Yes.

**MR JUSTICE GRAY:** Whereabouts is that? I have the English and I am not sure you have the English.

**MR IRVING:** That would be on page 1 of the original transcript, my Lord. It is page 00031. If you turn the page, my Lord, it is on line 5. As Dr Longerich rightly says, I have translated it there by the word "extermination". I have put the German text in brackets afterwards on line 5.

**MR JUSTICE GRAY:** I do not think we can be looking at the same document. I am looking at your translation and I have page 31. You say line 5? That talks about the Waffen SS arising as a new guard.

**MR IRVING:** No, my Lord. Page 31 follows. If you will turn the page, my Lord, it will be five lines down on the next page.

**MR JUSTICE GRAY:** Thank you. I have it now.

**MR IRVING:** Dr Longerich correctly points out that I have translated the word "Judenausrottung" by "extermination of the Jews".

**MR JUSTICE GRAY:** Yes. Thank you.

**MR IRVING:** Yet it is clear from the context, is it not, Dr Longerich, that this is what Karl Wolff is referring to on this occasion?

**A:** Yes.

**Q:** My Lord, I have lined on your copy the passages on which I rely. It begins on the previous page three lines from the bottom, "The assassination of Heydrich at the end of May 1942 had an exceptionally powerful effect on Himmler",

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and it carries on for the next two pages, until the page that is headed with the word "preparations"?

**MR JUSTICE GRAY:** Yes.

**MR IRVING:** I am not sure, my Lord, what is the right way to deal with that, whether I should put this to the witness?

**MR JUSTICE GRAY:** I think, if you can select the main points out of it -- do not let us trawl through the whole of it unless we need to -- if you can put it as bald propositions, then we can pursue it if needs be.

**MR IRVING:** Yes. Would you start, Dr Longerich, with the page that begins with the words "and declared", the third or fourth of my translation?

**MR JUSTICE GRAY:** In the English.

**A:** Yes.

**Q:** This is talking about Himmler. "He had always regarded it as his task and as his duty to carry out the solution of this task". Wolff continues with the proposition that, from his viewpoint of 1952, perhaps 70 people were initiated in the ghastly secret, if I can put it like that. Have you any comment on that figure?

**A:** That is definitely too low.

**Q:** Too low a figure?

**A:** Yes.

**Q:** Because the people at the killing centres must have known? Is that what you are saying? Not just the camp guards but also the people in all the killing centres?

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**A:** He is referring to the people who were involved in the Juden ausrottung.

**Q:** Yes. If you have read the manuscript, you will see that Karl Wolff suggests that the real guilty culprits were Bormann and Himmler who kept to themselves what they were doing. Have you any comment on that proposition?

**A:** I think the statement is so far clearly self-serving because Karl Wolff was the liaison officer between the Himmler and Hitler, and of course he wanted to, well, play down, put it this way, the

role of Hitler, because otherwise he would be the missing link between the two persons. He would be the man between them, the man who carried messages and would transfer information between these two people. Karl Wolff was sentenced in 1965 by the German court to 15 years' sentence. Simply the main document, which actually, if I may put it this way, broke his neck, was his exchange of letters with Ganzen Muller in July and August of 1942, which is on pages 262 and 263 in the blue bundle.

**Q:** This is 5,000 members of the chosen race being deported?

**A:** Yes. So this was his main problem, that somebody could come and find out that he actually was involved in transferring messages from Hitler's headquarters through the apparatus which carried out the Final Solution.

**Q:** Could he not equally well have said that obviously Hitler knew what was going on but he discussed that only unter

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vier Augen, under four eyes, with Himmler and that he Wolff had no knowledge of it? He could equally well have exonerated himself by saying that, if he was right in a self-serving document, could he not?

**A:** No, I do not think so. I think his strategy was to systematically try to distance himself from everything that happens in Hitler's headquarters concerning the fate of the Jews.

**MR JUSTICE GRAY:** Did he remain loyal to Hitler into the 50s and 60s?

**A:** He was absolutely loyal. At this time he never actually gave up his sympathy for national socialism.

**MR IRVING:** A lot of Germans never did.

**A:** Yes.

**Q:** You see halfway down that page he describes Himmler as being in his way bizarrely religious, holding to the view that the greatest war lord in the greatest war of all times, in other words Hitler, he had to take upon himself these tasks.

**A:** Yes.

**Q:** Does that fit in with your picture that you have of Himmler's nature and his character?

**A:** There is obviously some truth in this remark, yes.

**Q:** The loyal Heiny, the faithful Heiny?

**A:** Yes. On page 6 of the German document he is saying Himmler (German spoken - document not provided) Hitler.

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I do not know how you translated this.

**Q:** Himmler was of blind subservience to Hitler.

**A:** Which actually is a kind of contradiction to this view that he would actually do it on his own. Also, I find particularly, because I did not have your translation, I studied your transcript, the transcripts you made in the Institute fur Zeitgeschichte and compared it with the German original. Also, in the German original, you find in the central passage that Wolff inserted the word "wohl".

**Q:** Yes, handwritten?

**A:** So he actually was saying "I am not absolutely sure about this, I think so" (To the interpreter) How do you translate "wohl" in English?

**MR IRVING:** It is on page 7, my Lord, of this same page, the page beginning "and declared", line 7.

**A:** Which page in the German?

**Q:** "General Wolff also saw Bormann who was infinitely actively involved in these things, together with Hoess, the former famed murderer, Bormann and Himmler", and he has inserted in handwriting the word "probably", wohl, "represented the view that the Jewish problem had to be dealt with without Hitler getting his fingers dirty in the process".

**A:** That is in the German document on page 4.

**MR JUSTICE GRAY:** You do not quarrel with the translation of

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wohl as "probably"?

**MR IRVING:** Probably, or perhaps.

**A:** It was not in your transcript. In your transcript you left it out.

**MR IRVING:** Or "may well have"?

**A:** Yes. He obviously wanted to say that, well, he is not absolutely sure, he inserted the word "wohl" in the end.

**Q:** I am sorry but in the transcript I did insert it. It is in the second paragraph. The word "probably" is in square brackets inserted. I know, Dr Longerich, it is a difficult concept to grapple with in the witness box but how would this---

**A:** It is difficult for me to deal with three documents at the same time, two in English and one in German, I have to say that.

**Q:** And to listen to my questions at the same time?

**A:** Yes.

**MR JUSTICE GRAY:** I think the point Dr Longerich is probably making but I do not know where I find the manuscript now, is that you did not put "probably" in your original manuscript note.

**MR IRVING:** It was, my Lord, and I am sure we will find it. Otherwise, I would not have known how to put it in the translation.

**MR JUSTICE GRAY:** I have no idea where that is.

**MR IRVING:** I am prepared to take strichnine on that one, as

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they say in German.

**MR RAMPTON:** My Lord, it is seven lines down in the manuscript notes, I call them.

**MR JUSTICE GRAY:** But where do we put those? That is my problem. **MISS ROGERS:** It should be in Tab 11, J2, party claimants bundle H.

**MR IRVING:** Has your Lordship found it?

**MR JUSTICE GRAY:** Yes, in square brackets. You are quite right.

**A:** In square brackets, I agree.

**MR JUSTICE GRAY:** Thank you, Mr Irving. **MR IRVING:**

**A:** In your transcript, if I may comment on it, this is the piece of paper you take home from the Institut fur Zeitgeschichte, you left out the passage where actually Wolff is referring to millions of dead, and also you left out the passage that is referring to the vergassungs, the idea to gassings. So your impression, when you read this document, was that only Wolff dealt here with Hitler's attitude or non-attitude towards the Jewish question, and you left out these important two paragraphs because you were not interested in them, obviously.

**MR JUSTICE GRAY:** Where do we find vergassung?

**MR IRVING:** Half way down the English translation, the new translation, "Whenever Himmler uttered such thoughts, as

he did repeatedly, he never made any concrete reference to, for example, the Jewish problem. But one today well imagine that Himmler ordered the murder of millions of Jews in a kind of crazily perverted idealism permeated with the notion that the lofty objective which Hitler had defined was one that justified the adoption of any means".

**MR JUSTICE GRAY:** Yes, I have got that, but what about vergassung?

**MR RAMPTON:** That is in the last line of the English before in square brackets 00032, "The gassing idea probably emerged when a genuine epidemic broke out".

**MR JUSTICE GRAY:** Thank you.

**MR IRVING:** Of course I cannot give evidence, but let me ask this question this way, and say is it not likely that Wolff, when he was being interviewed in 1952, had read what every other German had read in the newspapers about millions being gassed?

**A:** I cannot say what Wolff read in the newspapers, but he is referring here clearly, he is accepting the idea that millions of Jews were killed, and he is accepting the idea that they were killed by gas. So that is there was no way for him to know. He did not attempt to dispute this. He only tried to, of course, distance Hitler from these events.

**Q:** If you look at the last paragraph on that same page of the translation beginning with the words, "around August

1942", "General Wolff undertook a drive from the Fuhrer's headquarters to Berlin. He found Himmler there in a state of deep depression". Does this strike you as being something that he is really remembering? Is he describing something vividly that he has in his memory?

**A:** That is typical for Wolff. We know a lot about Wolff. He gave a lot of interviews. He made statements. He met people who wrote books about him, and he made this kind of very vivid statements. So I think he had a very ----

**Q:** Do you think this is his imagination at work, or is it his memory?

**A:** I think it was imagination to a large extent.

**Q:** When he is imagining something, he actually says it, does he not? In the middle of the previous paragraph he says, "One can today well imagine that Himmler ordered the murder of millions of Jews". So he does make a distinction between what he is imagining and what he is remembering.

**A:** To sum this up, I am not in a position to accept this really as a true collection by Karl Wolff.

**Q:** What about the vague hint that Himmler dropped on this occasion: "Wolff could have no idea what one had had to take upon oneself for the messiah of the next 2,000 years in order that this man (in other words Hitler) remained personally free of sin". Do you think such a remark was made by Himmler to Hitler?

**A:** I have no idea.

**Q:** Is it a significant remark if it was made?

**A:** This is a hypothetical question. I cannot answer this question.

**Q:** He continues by saying, for the sake of the German people and its Fuhrer, he had to burden things on to his own shoulders, of which nobody must ever be allowed to learn. Is this self serving again, do you think, in your opinion?

**A:** Well ----

**THE INTERPRETER:** Vivid imagination?

**A:** I think that Karl Wolff had a vivid imagination and I cannot see here -- he did not take any notes about these events. He did not read from notes. He did not write a letter about this. It is a postwar statement ten years post factum, and I cannot see how one can accept this as evidence that Hitler was not aware of the final solution.

**Q:** Then I would ask you to turn two pages please. You have in the middle of the page, page 34 in square brackets, the sentence beginning just before that, "The little clique, which effectively carried out the vernichtung of the Jews under cover of Himmler and Bormann, simply declared that they were relying on a Fuhrer order without this ever having expressly been given, and they proceeded in this sense on their own authority in order, as they declared, biologically to rid German territory of the seeds. The announcement of this fait accompli was going to be

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Himmler's big moment after the victory". Does this not fit in with some of the documents we have seen?

**A:** If you want to refer to documents, I can recall, of course, the expression, the quote on page 32, "burden on my shoulders" is the expression he used then later on.

**Q:** It does sound like Himmler speaking, does it not?

**A:** It is the same phrase, yes.

**Q:** It has to be said, we have no documents to contradict this version, do we?

**A:** The document contradicts the fact that Himmler spoke to Karl Wolff in August 1942?

**Q:** No, the contradict ----

**MR JUSTICE GRAY:** The Hitler order, in other words.

**MR IRVING:** The general hypothesis that Wolff is putting up of Himmler acting in secret behind Hitler's back and intending to present him with a fait accompli when the war was over.

**A:** We went through the documents.

**MR JUSTICE GRAY:** It is Pohl and----

**MR RAMPTON:** I must intervene. That is just not so and Mr Irving knows it is not so. Himmler wrote to Begher on 28th July 1942, just before this meeting that Wolff reports and Himmler said that the carrying out of this very hard order has been put on his shoulders by Hitler.

**MR IRVING:** Yes. What is the order that he is referring to, Dr Longerich? Do you remember?

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**A:** This is the order to make the occupied territories of the East free of Jews.

**MR RAMPTON:** That is right.

**MR IRVING:** That is right, yes. Is that an explicit order to exterminate the Jews, or an order to deport them to the East, in your opinion?

**A:** At this stage, if I look at the facts what actually happened in the East, it is clear for me that this refers to the mass killings of Soviet Jews, and to nothing else.

**Q:** Does this fit in with the general picture of Heinrich Himmler keeping things secret from people? He is not being specific about what is actually happening. He is writing these camouflage documents. Is this not exactly what Wolff is saying?

**MR JUSTICE GRAY:** When you say that, Mr Irving, you are really going back, I think, to the communications between Pohl and Himmler, and between Greiser and Himmler, is that right, where it is true, I think, we went through those on Thursday, that there is not any express

reference to Hitler's authority? That is the point you are putting. We have been through it.

**MR IRVING:** Now I will ask one final question on the Wolff manuscript, if I may, Dr Longerich. You worked in the Institut fur Zeitgeschichte for what, eight years? Seven years?

**A:** Five years.

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**Q:** Five years, and you have since then written a number of eminent books on the Final Solution of the Jewish problem?

**A:** Yes.

**Q:** And of Hitler's role in this?

**A:** Yes.

**Q:** Have you ever paid any attention at all to Karl Wolff's manuscript, the document that you are looking at?

**A:** Of course. I looked also at Karl Wolff's role and I have to say that I completely dismissed the statement, because this interview is, first of all, if you look at the technique of the interviewer, for instance, he has a long conversation with Karl Wolff, then goes home and writes a summary of this conversation. It is not a verbatim minute of the conversation. The person who did this interview addressed Karl Wolff in 1952 as General Wolff. So this is for me a quite bizarre atmosphere in which this interview took place. I think, if you look at the history of Karl Wolff and the fact that he in 65 was sentenced to 15 years, this statement in this part is self serving. But, on the other hand, for me it is interesting, and I did not recollect that, that he is quite openly referring to millions of people who were actually put to death during the World War II.

**MR JUSTICE GRAY:** You are now talking about Dr Ziegler? He was the interviewer, is that right?

**A:** Ziegler was the interviewer, yes.

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**Q:** I do not quite understand why this interview came to take place in 1952.

**A:** Because the Institute at this stage more or less systematically tried to interview everybody who was interesting for them.

**MR IRVING:** What was the name of the Institute at that time? Do you remember?

**A:** Still the same name, Institut fur Zeitgeschichte.

**Q:** It was called the Institute for the Research into Nazi Crimes or something, was it not?

**A:** No. In the first year, 48 and 49, it was called Institute for the Research of the History of the National Socialist Period, or something like that.

**Q:** I am right in saying that they had a number of trained professional historians who went around Germany interviewing characters like General Wolff and Ziegler was one of them?

**A:** Yes. But at this stage researchers were not able to actually confront most of their interviewees with documents that actually challenged their views. So, if Wolff said something like that, this interviewer was not able to refer to documents, the documents which we have now, to say, for instance, that the Hitler speech of 12th December 41 is ordered to Himmler, and so on and so on. So in a way this interview was done in quite a naive way, I would put it like this.

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**Q:** Are such interviews totally valueless?

**A:** Absolutely not.

**Q:** Did you make any use whatsoever of this Karl Wolff manuscript when you wrote your books?

**A:** I remember that I read it but I decided not to use it for my books.

**Q:** The same as you decided not to use the Schlegelberger document and various other items?

**A:** That is your comparison. I cannot comment on that.

**Q:** Would you agree that the Schlegelberger document, this particular manuscript and various other items that have been ignored until I dredged them out of the archives, all tend to suggest a totally different picture to that presented by what you call the consensus of German historians?

**A:** If I look at this document here, the interview of Karl Wolff in 1955, I think it does not prove anything. I commented briefly on the so-called Schlegelberger before, because it is a third hand evidence.

**MR JUSTICE GRAY:** I am going to interrupt you. I do not think we need to go through the Schlegelberger document.

**MR IRVING:** Can I ask one more question on this document? There is a reference here to Martin Bormann and Rudolf Hoess, the Kommandant of Auschwitz being old buddies because they had both been in prison for the Famer murders. Is that right?

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**A:** Yes.

**Q:** Can you tell the court what the Famer murders were? I could not remember the translation myself.

**A:** In the early 1920s the right-wing circus in Germany tried to build up a secret Army, if you put it this way.

**Q:** The Freikor?

**A:** The Freikor and other paramilitary organisations, which was illegal under the Versailles Treaty, and they also engaged in preparing Putsches and other things like that, and they on various occasions actually killed or murdered people in these groups who they thought actually betrayed them or passed information on the state authority and so on.

**Q:** Like vengeance killing, was it not?

**A:** Vengeance killing, yes.

**Q:** So they were old buddies, they were not just anybody, Martin Bormann and Rudolf Hoess were thick as thieves would you say?

**A:** Yes. They spent several months together in a state prison.

**Q:** That is the only questions I have to ask on Karl Wolff unless your Lordship has any to ask?

**MR JUSTICE GRAY:** No. Thank you very much.

**MR IRVING:** Dr Longerich, you wrote a book called "Politik der Vernichtung", is that right?

**A:** Yes, that is right.

**Q:** Do you remember writing in that book on page 464 -- I just

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give it to you.

**A:** I have it here.

**Q:** You have it there. Your take on the famous Himmler telephone call of November 30th, 1941, this is the way you interpreted it. You have written, if I may say so, a very good account of the

deportation of the European Jews, the German Jews, to Minsk and to Riga, and you have reported the fact that large numbers of them were liquidated as soon as they arrived, which is common ground between us. But then you look at the interesting business of the famous telephone call of November 30th 1941. On page 464 of your book, the third complete paragraph begins: "The shooting of Jews from the Reichs territory, on the other hand, after some 6,000 in six transports from Kovno had been murdered in Kovno and Riga, was initially stopped. In this connection there is an entry in Himmler's telephone calendar, which has the Reichsfuhrer SS who was at this time in the Fuhrer's headquarters making a note on a telephone call to Heydrich, or a telephone conversation with Heydrich, on November 30th. Then there are the famous words, Jew transport from Berlin, no liquidation." You attribute to this the fact that the killings of German Jews abruptly stopped, to use your phrase in the next paragraph, "der abrupte stop", this telephone call from Himmler, or this telephone conversation between Himmler and Heydrich, led to the

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abrupt stop.

**A:** Yes. No. I am in a difficult position here because I wrote actually an expert report and I do not know how much we shall go back to my book, because in the book it says ----

**MR JUSTICE GRAY:** It is a legitimate question about it, I think that is the answer, Dr Longerich.

**A:** There are two sentences. In the first sentence I say that these shootings were abruptly stopped. In the second sentence I said (German) well, we have an entry ----

**THE INTERPRETER:** Relating to this matter.

**A:** So I am trying not to make any conclusions. I am very careful to say the shootings were stopped because Himmler ordered this. I say we have this entry here and it is open. It is actually more or less, it is open for interpretation.

**MR IRVING:** The conclusion you draw on in those two pages, if I am right, is that the killers in Riga had exceeded their authority?

**A:** That is my interpretation, yes.

**Q:** And therefore the killings stopped because of this word effectively from Hitler's headquarters, as you say?

**A:** From Himmler, who at this time was -- I was very careful when I wrote this passage because I know that it is a disputed area. It is a minefield, if you want to say so. It came from Himmler and he was in Hitler's headquarters.

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I did not say he was in Hitler bunker because I do not know whether he was in Hitler's bunker or not. So I think it is very careful and I think it is ----

**Q:** Yes.

**MR JUSTICE GRAY:** I am not that I know quite what the point is. Is the point, Mr Irving, that you are suggesting that the way it has been written by Dr Longerich in his book is to suggest that "keine liquidierung" actually meant "stop this altogether" rather than just "do not liquidate this transport"?

**MR IRVING:** My Lord, the point that I am making, the point which he makes slightly more strongly in the book than in his expert report, if I am right, that, in consequence of this telephone call from Himmler at Hitler's headquarters, the killings of Germans stopped because the killers had exceeded their authority.

**MR JUSTICE GRAY:** And that "keine liquidierung" therefore had, according to Dr Longerich's

book, a general application rather than a specific one to that train load?

**MR IRVING:** I am not going to go so far as to say that, my Lord. I just wanted to underline the point once more that this is a document. You do not have to join very many dots to find out what happened here, because of course we had the police decodes the following day, which Dr Longerich obviously did not have at the time he wrote the book. I am now going to move on to another document,

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Dr Longerich. We looked at this very briefly on Thursday, and this is the Furl letter.

**A:** Yes.

**Q:** You actually have referred to this letter, have you not?

**A:** I do not think so.

**Q:** No?

**MR JUSTICE GRAY:** Can we have a reference for it, so that I can follow.

**MR IRVING:** I have given you a translation of it on one page.

**MR JUSTICE GRAY:** Have you?

**MR IRVING:** Headed page 175, on the top left hand corner somewhere.

**A:** But not from my book.

**Q:** No. You are quite right.

**MR JUSTICE GRAY:** It may be that this is somewhere in the Defendant's bundles and, if it is, perhaps we can follow it there.

**MR RAMPTON:** No. I do not think it is. This is a different version from the one that I was given last week. Your Lordship was given it too. It was another of Mr Irving's clips. This is not a complaint against him, but I do confess to the impossible difficulty of keeping track of these things as they come flooding in.

**MR JUSTICE GRAY:** I am having the same difficulty, as it were, on both sides.

**MR RAMPTON:** On I think it was probably Thursday or Wednesday

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last week one got a rather larger extract from Gotz Aly's book, the same page but a longer extract. It is in the back of J2, says the boss, so that is where it will be. Now we have a different version, I do not know why. I am not suggesting there is anything sinister about having two versions.

**MR IRVING:** You are familiar with the book by Gotz Aly?

**A:** Yes. I know the book.

**MR RAMPTON:** The new clip has a printed version of the English edition of Gotz Aly's book at the back of it. I have not had a place for this new clip allocated yet.

**MR JUSTICE GRAY:** I have only one page.

**MR RAMPTON:** Is that the page your Lordship had last week?

**MR JUSTICE GRAY:** I have got the first page of last week's clip.

**MR RAMPTON:** Now comes a new version.

**MR IRVING:** That is more like it. Now we have it. This clip is entirely connected with the Furl letter. My Lord, just so you can see what is the clip, on the first page is the translation of the passages which interest, which is all that we have of that letter. The second and third pages are the two pages from the Gotz Aly book, which is a very reliable authority, which quotes the letter in German. I will just take Dr Longerich, if I may, through the text of the letter. In June 1942 Walter Furl, who is a administrative officer based in Krakow, wrote to his

comrades in the SS, "Every day trains are arriving with over a thousand Jews each from throughout Europe. We provide first aid here" -- I think the word he uses verartsten -- "give them more or less provisional accommodation and usually deport them further towards the White Sea to the white Ruthenien marshlands, where they all, if they survive, and the Jews from Vienna or Pressberg certainly will not, 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". That is what I want to ask you about, Dr Longerich. On the following page we have the translation in German, the original German.

**A:** I do not have the German here.

**Q:** Pages 2 and 3. My Lord, obviously the significance of this passage is that the Jews were not being sent from Krakow to Auschwitz, which are just next door, but they were being shipped on to strange locations in the East.

**MR JUSTICE GRAY:** Where is the White Sea?

**MR RAMPTON:** That is up in the north of Russia, beneath the Kola Peninsula, near Mamansk. It is quite a long way away. The white Ruthenien marshes I think are probably the same as the Pripjat marshes as far as I know.

**MR JUSTICE GRAY:** Are they?

**MR RAMPTON:** Yes, I think so.

**MR IRVING:** Dr Longerich, your contention is, is it not, that

this letter is camouflage? Like the Gotz Aly contention also?

**A:** Yes.

**Q:** I have to ask you then, first of all, what do we know about Walter Furl? He was an official of the ----

**A:** Yes. He was in fact the Deputy Director of the Department for Population and Welfare in the government of the Generalegouvernement.

**Q:** Knowing the answer already in advance, can you tell me if any members whatsoever of that department were ever prosecuted after World War II?

**A:** I have no idea at the moment. I cannot tell you.

**Q:** None were prosecuted. Is that correct? You say you have no idea.

**A:** It is possible, yes.

**Q:** So they were not engaged in criminal activities?

**A:** This is a conclusion you draw from this. We know that the German courts, to say the minimum, in the 50s were quite lenient to prosecute systematically German war crimes done by Germans. So this conclusion, I think, does not lead to anything. He was not prosecuted. It does not mean that he was not involved in war crimes.

**MR JUSTICE GRAY:** Especially he would not know in 1942 whether he was going to be prosecuted or whether he was not.

**MR IRVING:** No. The point is, my Lord, if the Germans or the Poles or the Russians had determined that this was a

criminal office, they would have arrested everybody involved, particularly as director, and they would have locked them up for a long time.

**MR JUSTICE GRAY:** As things turned out, they did not.

**A:** If they were able to find them.

**Q:** Get their hands on them?

**A:** Yes.

**Q:** Let us have a look at the authenticity of the document. If you turn to page 216 and look at footnote 29, am I right in saying that this letter comes from the personnel file of Walter Furl in the Berlin Document Centre, which was run by the Americans after the war, was it not?

**A:** No. You see, the Berlin Documents Centre, this is personnel. Yes, it is personnel, that is true. But we do not know actually who put these things into his personnel file. It may be that the Americans just put letters referring to Furl into this file, so we do not know who actually ----

**Q:** Sometimes they did that, did they not? They put negative photocopies in these files.

**A:** And other things.

**Q:** Is there any reason to believe that the document had been faked after the war by anyone?

**A:** I do not think there is any indication for that.

**Q:** Can you suggest any reason why Walter Furl, writing to his

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Berlin SS comrades, which is the first line of the footnote, should have wanted to pull the wool over the eyes of his own comrades in the SS?

**A:** It was a private letter, not an official letter, and in his letter he is saying in the last sentence: "But we are not supposed to talk about it". So he is talking about a secret. Also in your translation, you translated the German term "verarzten" with "first aid". Well "verarzten" could also mean we deal with them in a very general way. It does not mean that they provide first aid and help them in a humanitarian manner. But coming back to your question ----

**Q:** Can I just interrupt you there before there are any more aspersions cast on my translation, and draw your attention to the second page from the back of that clip which is the English translation in the English edition of the Gotz Aly book? The second line says, "we provide first aid here".

**A:** Yes. It is probably not the best translation.

**MR JUSTICE GRAY:** That is the literal translation, is it not?

**MR IRVING:** It comes from the route "Arzt" meaning doctor, as your Lordship is aware.

**A:** "Verarzten" could also mean to deal with.

**MR JUSTICE GRAY:** I follow what you are saying.

**MR IRVING:** Is there any reason why writing private letters to their SS comrades in a letter where they use very robust language, does he not -- he says, who cares what happens

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to the Vienna or Pressberg, which I think is now called Bratislava, Jews? It is a robust language, is it not?

**A:** It is the matter of camouflage. These officers in the government of the Generalegouvernement tried of course to keep this operation as a secret. What they would admit is they would tell a story about shipping people to the to the White Sea and to the marshes, but they would not say actually, we are going to transport them to Minsk, I think in this case, and they are killed there. I think the interpretation of Aly in this book that it was a camouflage letter, I think this is the most likely interpretation, but also it is possible that at this stage, because he is referring to transports from the Reich to Minsk, and the systematic killings of the persons transported to Minsk from the Reichs, started in May 1941, it is possible, it is not very likely but it is possible, that this information had not filtered through to him. So camouflage is one explanation, but also it is possible that he did not at this stage know about the systematic killings of people transported to

Minsk at this stage. It is a letter to SS comrades, not to one. It is not a confidential letter to one of his comrades. It is to comrades, so it was shown to 20 people, 30 people. There were strict rules as far as secrecy was concerned.

**MR JUSTICE GRAY:** Can you explain what significance you attach, if any, to Furl having written that the Jews from

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Kurfurstendam and Vienna and Pressberg will not survive? What is the implication?

**A:** I think this is the same implication which we heard on Thursday when we read through the Wannsee protocol. This is the idea of natural dissemination by hard labour so they will not survive. They will not survive the work labour programme they were getting involved to. If you read the last line, "but not without having first built a few roads". So this is, I think, the same idea which is expressed clearly by Heydrich in the Wannsee conference minutes.

**MR IRVING:** We have a logical problem here, which is best solved by the question do you believe that Furl, who wrote the letter, knew the truth, that he knew what was going on, he was writing a camouflage letter, or that he did not know what was going on?

**A:** No. I think the camouflage letter, he is referring to the official story. The official story is the Jews are sent from Central Europe to the East, and they will be used in slave labour programmes, many of them will die, but some of them will of course survive. This is the official line and he is using this official version of the story. But at the same time the systematic killing of Jews deported from Germany, from central Europe to the East, had already started. So I think the idea Gotz Aly said here that this is a camouflage, still camouflage, is, I think, very

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persuasive.

**Q:** It is one plausible explanation, is it not?

**A:** I think it is a very good interpretation.

**Q:** It is one possible interpretation, but the other interpretation is that Furl is writing to the best of his knowledge what happens in a very brutal letter to his SS pals?

**A:** As I said, it is possible that this information that the Jews arriving from the Reich in Minsk were systematically killed, it is possible at June that this information had not filtered through to the office in Krakow.

**Q:** You would have noticed that there are two echoes of previous documents here, are there not? There is the echo of having first built a few roads. Does that remind you of the Wannsee conference?

**A:** Yes.

**Q:** Is that the language that was used at the Wannsee conference, that they are going to be put to work building roads?

**A:** Yes, that is used there.

**Q:** And this idea of sending into the marsh lands, does that remind you of the October 25th 1941 table talk, where Hitler says, "who says we cannot send them to the marshes?"

**A:** Yes, of course, but I cannot fully ignore what happened in Minsk at the same time in other places.

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**Q:** Yes, but we are looking here at chain of command and at system and, if you are looking at parallels with the late 1941 killings, which turn out to have been carried out without authority, then this would explain how the people who are on the route, shall we say, on the track, the train loads heading East, would think that one thing is happening, whereas the people at the other end who actually receive them with anything but open arms, know that something quite ugly has happened to them.

**A:** Yes but this is not an official letter. This is a private letter from Herr Furl to his SS comrades, so it is nothing to do with the chain of command.

**MR IRVING:** Does your Lordship have a question on that letter?

**MR JUSTICE GRAY:** No. Thank you very much.

**MR IRVING:** I am anxious, my Lord, from the timetable point of view to leave sufficient time before lunch for re-examination, so that the doctor can leave at lunch time.

**MR JUSTICE GRAY:** Do not worry too much about that.

**MR RAMPTON:** I think it unlikely that he will be able to anyway, my Lord.

**MR JUSTICE GRAY:** Let us wait and see. Do not rush it because the timetable may have slipped a little.

**MR IRVING:** Dr Longerich, I am now going to go to a memorandum written by a man called Horst Arneirt. Now, when I asked you about this on Thursday, it seemed unfamiliar to you.

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Have you had time to review your recollection about it?

**A:** I cannot recall the document you are referring to at the moment.

**Q:** You cannot recall it?

**MR JUSTICE GRAY:** It was not available on Thursday. That is why we passed over it. Is that not right, Mr Irving?

**MR IRVING:** You did edit a book called (German title)?

**A:** Yes.

**Q:** This document is printed in full at the end of this book, pages 240 onwards, and that should be one of the clips that I gave to ----

**A:** It has not arrived yet.

**MR JUSTICE GRAY:** I think it was faxed and emailed to the Defendants over the weekend. Is that right?

**MR IRVING:** It was faxed to me from Australia this morning.

**MR JUSTICE GRAY:** So it is not one of the ones that went over the weekend?

**MR IRVING:** No. That was just the Wolff translation. Dr Longerich, will you accept that you published the memorandum of Arniert as document No. 94 in your book?

**A:** I do not have it in front of me. Yes, I published the document.

**Q:** This is a conference relating to the deportation of the Jews from France?

**MR RAMPTON:** No, I am sorry, this cannot proceed. I do not want to be horrible, but it cannot proceed without our

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having the document.

**MR JUSTICE GRAY:** Have you not got it?

**MR RAMPTON:** No. I have a piece of Gotz Aly. I have something from a book by Serge Klasfeld and that is it.

**MR JUSTICE GRAY:** This is headed "Die Endlosung der Judenfrager" on the front.

**MR RAMPTON:** I have got it. Sorry, my fault.

**MR IRVING:** There are two versions of it, my Lord. One is in a book published by Serge Klasfeld, who is a well-known French lawyer, but this morning I received a copy of the book which is actually published by the witness, edited by the witness, in which the same document appears as an appendix. This is a report by a man called Horst Arniert dated September 1st, relating to a meeting held on 28th August, at the SS headquarters, the Reichssicherheitshauptamt, with Adolf Eichmann in the chair, and he informs the participants that the current evacuation programme of the Jews from France is to be completed by the end of that quarter. I am going to look just at some of those paragraphs. You have now a number of paragraphs in the document A, B, C, D and E. A is the reinforcement of the departing transports in October. B is loading difficulties due to the longer hours of darkness in October. C is provision of blankets, shoes and eating utensils. D is the nationality problem. E is the purchase of barracks. Now I am going to look at C and

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E, in particular, Dr Longerich, and ask you to answer some questions on those paragraphs. First of all, this is a genuine document, is it not?

**A:** Yes.

**Q:** Paragraph C, I am going to translate it and you can correct me if I am wrong: "Giving with them blankets, shoes and eating utensils for the transport participants. The commandant of the internment camp at Auschwitz has demanded that the necessary blankets, working shoes and eating utensils are without fail to be put into the transport, in with the transports. In so far as this has not been done, they are to be sent on to the camp afterwards immediately"?

**A:** Yes.

**Q:** Now, if these Jews were being sent to Auschwitz to be liquidated, they would not need blankets, shoes and eating utensils, would they, and there would be no great urgency on the part of the commandant of Auschwitz to have this stuff sent on after the train had arrived.

**A:** I think we went through this before. It is quite obvious that not all the Jews in Auschwitz were killed on the spot. From late summer 1942 onwards, the trains stopped in a camp called Kausal, it is near Auschwitz, and the people fit for work were actually unloaded and spent several months in slave labour camps in Silesia. Some of them actually survived. So I would guess that the

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reference here to shoes and other things refers to the people they wanted to keep alive for a couple of months.

**Q:** Paragraph E, the purchase of barracks: "SS Major Eichmann has requested that the purchase of the barracks that have been ordered by the commander of the security police in the Hague should be immediately put in hand. The camp is going to be erected in Russia. The departure transport of the barracks can be arranged in such a manner that each transport train can take three to five barracks with them." What does that tell you about the final destination of where these train loads of Jews were going to go?

**A:** I have no indication actually that these barrack were actually, you know, in the end were loaded on these trains. It is only said that -- Eichmann expresses his intention that this should be done. I have no idea whether they did this or not and I have no idea what the purpose of this barrack was. It is referring here to the commander of the security police in Den Haag, so this relates to the Netherlands, and at the moment I cannot say either whether this happened or what the purpose of this barracks was.

**MR JUSTICE GRAY:** This is talking about Dutch Jews, not French Jews?

**A:** It refers here under E [German- document not provided]. So this refers to the Dutch Jews only. He had no

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responsibility for the Jews in France. So it is obviously -- maybe they had a plan to, I do not know, whether they had a plan to build barracks somewhere for Dutch use. I have at the moment no idea.

**MR JUSTICE GRAY:** Like they did for the French Jews?

**A:** Definitely here it is nothing to do with the French Jews.

**MR IRVING:** Dr Longerich, you say you have no idea but in your book you reference another document which is in a note by a man call Roethke, R-O-E-T-H-K-T, dated August 26th 1942, instructing him to raise a list of points at a meeting on 28th August 1942, which is the one we have been looking at. Here it says, point 8: "When can we count on the construction of the barracks of the Dusseldorf camp? Has construction already been commenced? Where exactly will the camp be situated?" There is a marginal note: "Attended to".

**A:** I do not have the document in front of me, I have to say.

**Q:** Yes, but that is a document referenced in the book which ----

**A:** Yes, I should not comment on the document ----

**Q:** Do you remember the Roethkt document?

**A:** Pardon?

**Q:** Do you remember the Roethkt document, the memorandum?

**A:** Well, the book was published in '89, so I cannot recall every document in the book, and it should not be a big problem to have it in front of me and to read it simply.

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**Q:** And on Thursday, of course, we did look at the other document quoted in the book "Auschwitz [German]" from Himmler to the Ministry of Finance also talking about how nice it would be to have the funds to buy the barracks so we do not have to ship the Jews over to Auschwitz and then back to the barracks they are building in Germany, they would save the transport costs ----

**MR JUSTICE GRAY:** I do not think it says anything of the kind. I did look at that again. We can go back to it if you want to, but it seemed to me that actually what that was saying was:

"There are problems transporting the French Jews right across the Reich to Auschwitz. Therefore, as a sort of security measure we will build barracks for them on the western side of the Reich".

**MR IRVING:** Which will spare the cost.

**MR JUSTICE GRAY:** Which will avoid -- no, but the bit I do not agree with is I do not think there is any reference to transporting French Jews back westwards to the barracks on the western side of Nazi Germany, as it then was.

**Q:** I am indebted to your Lordship for having attended to this matter with such concentration. My reading of the document was that they were -- I have the quotation here [German- document not provided] "The costs on paragraph B, and paragraph B concerned the section of the trip from the Reich frontier to the Auschwitz camp, can in future be dramatically cut or substantially cut, reduced, by the

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erection of a reception camp in western Germany", which means they are not going to go to Auschwitz. They are just going to stay at the reception camp.

**MR JUSTICE GRAY:** Yes. Quite. They are not going to come back from Auschwitz. That is the point.

**MR IRVING:** That is right. They are trying to avoid this two way trip. We may be arguing about the same thing.

**MR JUSTICE GRAY:** Well, I cannot find the reference.

**MR IRVING:** But I mean the general question which arises is, why are they building all these camps, Dr Longerich, in Russia, the White Sea, Western Germany at Dusseldorf for the deported Jews if the extermination is the homicidal intent of everyone from Hitler downwards?

**A:** I cannot comment on this question because I have not seen any evidence, you know, for the building of camps. I have seen some scattered documents which refer to plans or ideas to build camps. One is referring to probably a camp for Dutch Jews in Russia. The other one is referring for an idea to build a camp for French Jews on the western part of the Reich. Then we have a letter from an SS man to his comrades referring to -- which is, in my opinion, a camouflage letter. So I do not think we have a story of a number of -- you know, we do not have here a story, you know, can establish a story of camp building for Jews in 1942.

**Q:** Can we look at it in two sections? Suppose we admit for

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the moment that no such camps were built, and I have no idea, can we say that it is evident from the documents which have been put to you on Thursday and today that there was an intention at high level, certainly Adolf Eichmann, certainly the Reichssicherheitshauptamt to build camps and to obtain the barracks, to purchase the barracks, to build reception centres elsewhere than Auschwitz for these deported European Jews, and the intention was there, regardless of whether or not the barracks were actually built?

**A:** Well, I would not draw this conclusion from these documents because I only can say Eichmann expressed his view in this letter here that one should actually order barracks, or that the commander of the security police in Den Haag should order barracks. It could also be a part of this camouflage operation, and I cannot see how you connect this document, this quote from Eichmann, with other documents and can build up this story, kind of intention or story that actually they planned to build a system of camps, whereas, on the other hand, we have plenty of evidence what actually happened to the people who were deported from France, from the Netherlands and from Vienna and Bratislava to extermination camps. So I cannot see the kind of alternative history.

**Q:** Yes, but we are looking at intentions here and the possibility that the people at the top level were issuing

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orders and living in possibly cloud cuckoo land, imagining that nice things were happening and that the Jews were being sent, at the worst possible extent, to build roads until they dropped in the White Sea or in Ruthenia or elsewhere, and that they were actually making concrete provisions for it. They were saying, "Send the boots and the shoes and the blankets and the eating equipment and build the barracks and provide the funds to purchase the barracks", and this kind of thing was going on?

**A:** Yes, that is the official line. This was a part of this system of camouflage. You can probably, if you read, for instance, the official declaration of the Party Chancellory, what happened to the

Jews, you find the same sorry. You send them to the East, they will live in barracks, they have to do hard labour. This is the official camouflage story and this is reflected to a certain extent in these documents as well.

**Q:** Yes, it is right, is it not, that there was camouflage evident in the euthanasia programme? There are great similarities between the euthanasia programme and the Final Solution, are there not?

**A:** Yes.

**Q:** And that no one denies that the truth was kept from the parents of the unfortunate mentally disabled children and so on. There was camouflage there, was there not?

**A:** Yes.

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**Q:** But here we have the problem that some of the documents seek with brutal frankness about what is going on and a lot of documents which do not fit in with your consensus you dismiss as camouflage, and this is the only way you can get over the other documents. You roundly dismiss the other ones as camouflage?

**A:** Well, I would not agree with you and I made my statements concerning these documents, and I do not agree with this view, with this view.

**Q:** I am now going to come to vernichtung durch arbeit which is page 76 of your report, I think. My Lord, I am now just going to pick up a few remaining points on his report and then ----

**MR JUSTICE GRAY:** Right. Just for the transcript, I am putting Arnott, this little clip you have just handed in about Arnott, in tab 13, but I would be grateful if somebody could provide me with another file because this one is bursting.

**MR IRVING:** Page 77, Dr Longerich, you say that the SS invented the expression "annihilation through labour", "vernichtung durch arbeit", now you have produced to the court this morning three or four documents you obtained from the Institute of History, is that right?

**A:** Well, I did not produce them. I have them with me. I can produce them.

**Q:** I have not had time to scan them in any detail, but I can

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see we have here vernichtung [German - document not provided] and there is vernichtung durch arbeit in one of the documents. Is there reference there to destroying only the Jews through labour or is it ----

**A:** No. There was a programme vernichtung durch arbeit, there was an agreement between ----

**Q:** Tirack and Himmler, is that right?

**A:** Himmler, and this refers to the killing of so-called asocials and then in the letter it says who the asocials are, and among one of the groups are the Jews actually, people actually kept in German prisons.

**Q:** Just any Jews or Jewish convicts?

**A:** Oh, no, convicts.

**Q:** Were they going to be destroyed as Jews or were they going to be destroyed as convicts?

**A:** I do not think for the people who were destroyed it mattered, it really mattered, but I think it is clear that the definition asocialist, the definition is given in this document. It says "Asocials are Jews", and so on in other groups. So I do not think, we cannot make a difference here.

**Q:** Asocials are Jews or Jewish convicts?

**A:** Jewish convicts and others, yes.

**Q:** So I have to ask the question again. Which was the most important element in this particular homicidal equation, the fact that they were Jews or the fact that they were

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convicts exposed them to vernichtung ----

**A:** Well, the fact that they were Jewish convicts made them asocials, so I cannot separate these two issues.

**Q:** Are you saying that they said the other convicts were not asocials, the non-Jewish convicts were not asocials?

**A:** Well, I think in the letter it is clearly said who actually were the others. I do not have the document in front of me. If you want to read out the others, I think it becomes clear what the definition of "asocials" is.

**Q:** Does the word "vernichtung durch arbeit" appear in the other documents that you produced?

**A:** Yes, there is a ----

**MR JUSTICE GRAY:** Have I got the documents you are now referring to?

**A:** I do not think so. They just arrived this morning and Mr Rampton gave them to me.

**MR RAMPTON:** I think we made copies of them, my Lord. I am hoping that somebody has got them.

**MR JUSTICE GRAY:** It is becoming a bit of a nightmare, this case, with odd documents cropping up and getting slotted in, here, there and everywhere.

**MR RAMPTON:** I agree. I have my own copy which I will willingly surrender.

**MR JUSTICE GRAY:** No, do not do it if it is the only one you have. Maybe I have them, but I do not know what they look like.

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**MR RAMPTON:** They look dirty.

**MR JUSTICE GRAY:** I think I may have them then. I have certainly some dirty documents. I think I may have them. Have they got 285 written on them?

**MR RAMPTON:** Yes, there are actually three documents. The first one is a four-page document and then there are, I think, two single sheet documents. So far as I can tell, they are three different documents.

**MR IRVING:** I have to say that a rapid scan produces the word vernichtung durch arbeit on the first page, 2864 at the bottom, but I cannot see it on any of the other pages. I am sure Dr Longerich knows ----

**A:** There are two different things.

**MR IRVING:** Yes.

**A:** There was a programme of vernichtung through work. This was according to the agreement between Tirack and Bormann and, as you said, this was a programme for the murder of asocials and asocials included as a category convicted Jews. I used the expression here just to show you that the expression vernichtung durch arbeit was used during the war by German authorities. I used the term in my report in a wider sense, saying that if you look at the Holocaust, the vernichtung durch arbeit in this wider sense, was a complementary element. So the best -- and it was not -- the terminology was sometimes different. So the best, I think, proof, the best evidence,

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for this complementary element is the Wannsee protocol because here Heydrich referred to Jews sent to the East used in labour gangs. They would become, they would die, you know, out of natural dissemination and the fittest would survive and have to be dealt with else in another way. So I think this is the best ----

**Q:** By [German]?

**A:** --- this is the best evidence I think I have that this method, extermination through labour, was also used on a wide scale to exterminate Jewish, to exterminate Jews as slave labourers.

**MR JUSTICE GRAY:** Can I just ask this one question? So what you are saying is that you do not think whether the label was being used during the war ----

**A:** Yes.

**Q:** --- is of particular significance?

**A:** Yes, that is true.

**MR IRVING:** I was about to say exactly the same. I was going to put it like this. The fact is that the phrase vernichtung durch arbeit occurs in scattered documents, is that right?

**A:** Yes, that is true.

**Q:** And, in your opinion, it could be applied to what Heydrich was proposing at the Wannsee conference?

**A:** Exactly.

**Q:** But it was not absolutely used in the documents, the

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phrase?

**A:** The phrase vernichtung durch arbeit, as far as I know, relates, as the documents relate to this limited programme, if I may say so, the killing of asocials.

**MR JUSTICE GRAY:** I do not myself think that we need to put these anywhere in the papers.

**MR RAMPTON:** No, I agree. There is one of them which may have some significance in a different context which is the longest of the three.

**MR IRVING:** It is construction of Auschwitz, I think, is it not, or expansion of Auschwitz?

**MR RAMPTON:** It is not the construction of Auschwitz. It is the expansion of Auschwitz which is rather significant because this document is dated 16th September 1942.

**MR JUSTICE GRAY:** Well, would you like to suggest where it goes? Probably in Auschwitz, will it not?

**MR RAMPTON:** It will best go in the Auschwitz file.

**MR JUSTICE GRAY:** Mr Irving, is that all right?

**MR RAMPTON:** In tab 4 of ----

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

**MR RAMPTON:** Tab 4 of K2, I think it is.

**MR IRVING:** It would be nicer to have a legible copy of it and I am sure his Lordship will agree.

**MR JUSTICE GRAY:** I agree with that entirely. I do not know whether that is possible.

**MR IRVING:** If a legible copy is provided, I can have it

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translated.

**MR JUSTICE GRAY:** Tab 4, did you say, Mr Rampton?

**MR RAMPTON:** Yes, that is the one with the written documents in it, I think, tab 4, K2. 3A following.

**MR JUSTICE GRAY:** Where are you suggesting?

**MR RAMPTON:** Tab 4, 3A, B, C, D.

**MR JUSTICE GRAY:** Yes.

**MR IRVING:** Page 77, paragraph 9, Dr Longerich, you say in Auschwitz between February 1942 and January 1945 between 900,000 and 1 million Jews were murdered. I have to ask you what documentary evidence do you have for the statement that 900,000 or a million Jews were murdered as opposed to merely being sent there?

**A:** Sorry?

**Q:** As opposed to merely being sent there?

**A:** Well, I followed here because I am not an expert on Auschwitz, and we have an expert here. I followed, basically, the research which was done during the last years, mainly by van Pelt, and also by Piper. So, of course, you have to make a distinction here between the people who died, sent to gas chambers and the people who actually died in the camp.

**Q:** From other causes?

**A:** From other causes, but I think the whole working conditions in the camp were such that you can, in general, say that somebody who was transported to Auschwitz and

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died there because of exhaustion, hunger and of other causes was murdered. This was a part of a murderous programme in this general sense, I use the term here.

**Q:** That is important. I think this needs to be fixed, therefore. You are saying, therefore, that the 1 million people who died in Auschwitz were murdered, not necessarily homicidally killed by violence, but you include in that figure the numbers who died from typhus and the other epidemics?

**A:** Well, if you look at the figures, the vast majority of Jews who were sent to Auschwitz were directly sent into gas chambers, and it is -- I am referring to, I would definitely say that this was a murderous operation and I would also include the other people who died there.

**MR JUSTICE GRAY:** Well, I am not sure you quite really grappled with Mr Irving's question which was are you actually including in your 1 million figure those who died as a result of forced labour?

**A:** Yes.

**MR IRVING:** And the starvation, pestilence, plague, epidemics, all the other ancillary causes?

**A:** Yes, as far as I am familiar with the history of Auschwitz, this is a situation which was deliberately prepared by the camp authorities. So it is not simply a camp, you know, where things went wrong, but this is a camp designed to systematically kill people, also the

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labour camp.

**MR JUSTICE GRAY:** Are you basing yourself on basically Professor van Pelt?

**A:** Van Pelt also.

**Q:** Because I am not sure that his evidence was quite to that effect, but at all events that is what you say?

**A:** Yes.

**MR IRVING:** Are you aware of the book by Professor Arnott Myard, "Why did the heavens not darken" ----

**A:** Yes.

**Q:** --- in which he said, in his opinion, two things, first of all -- I will ask you first of all -- he said

that in his opinion by far the greatest number of deaths at Auschwitz were from what I would call non-homicidal causes?

**A:** That is definitely not true.

**Q:** That is definitely, in your opinion, not true. In his opinion he said, "The only evidence to the contrary is unreliable, being based on eyewitnesses"?

**A:** I am afraid to say, Professor Myerd, his book is particularly weak, as far as Auschwitz is concerned. This number here is based on the calculation that about 865,000 Jews actually were not registered in the camps. It was 865,000 were directly sent to the gas chambers and 100,000,, about 200,000 Jews were registered in the camp and of these 200,000, 100,000 died because of the conditions in the camp.

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**Q:** What documentary evidence do you have -- just a brief question -- for this non-registering of the ones who were sent directly to the gas chambers?

**A:** Well, these are calculations and estimations based on the reconstruction of the deportations from the different places to the camp. They were done by different scholars at different times in different countries, and this is, I think, the number 900,000 to 1 million, is the best we know at the moment.

**Q:** So this comes back to the first question I asked in this series which is what evidence do you have for the fact that the 1 million who were sent to Auschwitz stayed there, effectively, and were not transported somewhere else? None of them, it was not just used as a transit camp to any effect?

**A:** We know that some of the people sent to Auschwitz were actually sent to other camps, but it does not, I think the statement here that between 900,000 and 1 million Jews were murdered represents the knowledge we have at the moment about the events in this camp.

**Q:** Dr Longerich, those are the only questions I have to ask on your expert report, but I am afraid I am going to ask you (as a facility of which his Lordship is aware) just to comment on two documents. One is the Horthy conference with Hitler. Do you have it, April 16th 1943? It is two pages, my Lord.

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**A:** Just a moment.

**MR JUSTICE GRAY:** Yes, I have it. Thank you very much.

**MR IRVING:** Your Lordship will remember that we were looking at the reasons why they wanted the Hungarians to take steps against the Jews. I was invited to produce evidence that there were reasons. Also, I have translated rather more, in other words, than was put into the expert reports. Does your copy have the German original?

**A:** I am sorry, I do not find the copy at the moment. I am sure you gave it to me.

**MR JUSTICE GRAY:** It looks like this. It is headed "Horthy conference with Hitler". Is there a spare? Yes, there is a spare coming up.

**A:** Yes.

**MR IRVING:** Does it have the German original attached to it at the end?

**A:** Yes, it is not the original, it is ----

**Q:** The Hilgruber text?

**A:** Yes.

**Q:** I am only going to rely on a few words there. Eight lines down, we have ----

**A:** In your translation or in the original?

**Q:** In the translation. "Germany was standing today with her morale firm because she had removed the Jews of which even those remaining would also soon have vanished to the East." That is Hitler talking. Is that an accurate

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translation of the words used in the original?

**A:** Well, let us look at the original.

**Q:** It is the last line.

**A:** Which page?

**Q:** Six lines down on page 240. "Vanished to the East [German - document not provided]".

**A:** Yes.

**Q:** OK. Of course, you would probably say "to the East" is just camouflage, would you?

**A:** Well, what is happening here is that Hitler tries to persuade Horthy to hand over his Jews and he would not actually say in this conversation, "Actually we are going to kill them" because it is an official visit, they are minutes, and Hitler would have avoided that. In these minutes you find the term, you know, "We are going to kill them in the East". He would use this phrase "They vanished to the east".

**Q:** Is pressure not actually being put on Horthy not to hand them over but to lock them up, to lock them away?

**A:** No. I think if you look at the history of deportations from other European countries, it is quite clear what the Germans did at this time. They were sending deportation trains to extermination camps.

**Q:** Four lines from the bottom of the translation, please, the first page: "For the present war and the shape which it had taken, they", the Jews, "were responsible particularly

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for the bombing of the civilian population and the countless victims among women and children". My Lord, you will remember that Professor Evans disputed that bombing was talked about in this conference. You will find the original German on the same page, 240, towards the end of the paragraph.

**A:** Yes.

**Q:** Yes?

**MR RAMPTON:** No, he did not say that.

**MR JUSTICE GRAY:** I think what he said was -- I am trying to remember -- the Hungarians were co-operative or felt resentful against the Jews because of the allied bombing in, I think, Hamburg and places like that. It is a slightly different point, is it not?

**MR IRVING:** I am sure your Lordship will look up the appropriate reference when the time comes.

**MR JUSTICE GRAY:** Am I right about that, Mr Rampton?

**MR RAMPTON:** I do not remember that. What I do remember Professor Evans reporting is that Hitler had mentioned the bombing, but had said that it was a bit irritating but trivial.

**MR JUSTICE GRAY:** I remember that too. Was that in reference to the Hungarians?

**MR RAMPTON:** I think it is in reference to them, but I could be wrong. I think that was the Professor's evidence.

**MR IRVING:** Well, I remember lecturing Professor Evans on the

air raids that had taken place on Essen and Nuremberg in the previous days.

**MR RAMPTON:** Yes, I dare say he did not take it too well.

**MR JUSTICE GRAY:** I think what Evans said was that it was ridiculous to suppose that the Hungarians could care less about what had happened in Essen.

**MR IRVING:** Well, some days ago.

**MR JUSTICE GRAY:** Some days ago.

**MR IRVING:** My Lord, over the page we now go to the translation at page 245.

**MR RAMPTON:** Yes, my Lord. It is day 23, 21st February, page 159, yes. This is Professor Evans, line 15: "Hitler says the attacks themselves have been irritating but wholly trivial", so the bombing was talked about.

**MR JUSTICE GRAY:** Thank you very much.

**MR IRVING:** We are now looking at the second page, Dr Longerich, of the translation. At the end of the first paragraph, this is the famous piece, of course, "He had done, he said, everything one decently could" -- this is Horthy -- "he had done, he said, everything one decently could against the Jews, but one could not very well murder them or bump them off somehow. The Fuhrer replied that there was no need for that either. Hungary could accommodate the Jews in concentration camps just like Slovakia". Now, is that an accurate translation of those two sentences? It is on page 245. "One could not very

well murder them or bump them off somehow to which Hitler replied that there was no need for that either". Of course, I rely on this following sentence: "Hungary could accommodate the Jews in concentration camps just like Slovakia".

**A:** Yes. At this time -- I am sorry to interrupt -- at this time the majority of the Slovakian Jews were already killed in concentration camps, extermination camps.

**Q:** So can I remind you of the little exchange we had a few minutes where I said that the Germans were not pressing the Hungarians to hand over the Jews; they were merely asking them to lock them up?

**A:** Yes. They invent this story that all the Slovakian Jews are at the moment still kept, locked in concentration camps. This is the way he tries to persuade Horthy, you know, to hand over his Jews. If he had agreed, he would have done the same, the same with them as he did in 1944 when he systematically killed the Hungarian Jews. I do not -- I cannot see the point actually of this.

**Q:** Is there another explanation for why Hitler would say that?

**A:** Well, he was more explicit than on the meeting on 17th or the 18th.

**Q:** On the following day.

**A:** So when actually he used the quite different and quite clearer language a couple of days after that.

**Q:** One day later?

**A:** One day later.

**Q:** Is it possible that the reason why Hitler compares Hungary with Slovakia is because Hitler does not know what is happening in Slovakia, is that possible?

**A:** No, that is impossible. It simply defies reason that Hitler at this stage in '43 does not know

what is happening in extermination camps.

**Q:** April 1943?

**A:** Yes.

**Q:** So everything is camouflage, illogical, defies reason, yet it all seems to be in the same direction; there is this parallel version of history, is there not?

**A:** No, there is no parallel ----

**Q:** There is your version, there is the German consensus among modern German historians and there is this alternative version which is suggested by quite a few documents.

**A:** Well, I tried to explain that the Nazis in a systematic way tried to build up a system of camouflage. This is, of course, sometimes reflected in written documents as this one here, for instance. There is no alternative history. I think it is -- if one analyses these documents in a careful and systematic way, one can separate the camouflage language from actually their real intentions and their real aims.

**Q:** Well, the only last ----

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**MR JUSTICE GRAY:** I am sorry to ask you this (and I think I have asked you before and I have forgotten the answer), the Hungarians Jews were not in the end handed over, were they?

**A:** They were handed. In 1944 they were handed over one year later.

**MR RAMPTON:** 450,000 of them were sent to Auschwitz.

**MR JUSTICE GRAY:** Is the evidence ----

**MR RAMPTON:** In 1944.

**MR JUSTICE GRAY:** Is the evidence there that they were killed at Auschwitz, that they were gassed?

**A:** Yes, the evidence is there.

**MR RAMPTON:** It was called the Hungarian action and 450,000 Hungarian Jews, by which time Hungary had been invaded by the Nazis and Horthy put on one side, they were gassed at Auschwitz.

**MR JUSTICE GRAY:** I am sorry to have asked that question. I forgot ----

**MR RAMPTON:** In the summer of 1944.

**A:** In the next, in the meeting which actually, the meeting actually which preceded the German invasion of Hungary in 1944, Hitler had literally, you know, threatened Horthy with really physical force. Actually, his life was in danger in 1944. So this was the moment when he more or less had to agree that actually, yes, the Germans were invading his country and the deportation programme was

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then started after that.

**Q:** You have not referred to the Hungarian episode in your expert report, have you?

**A:** I think only in a very short way in the second report, the systematic character.

**Q:** I do not really see any need to cross-examine you on that, unless his Lordship wishes me?

**MR JUSTICE GRAY:** Well, is it contentious that the Hungarian Jews were----

**MR IRVING:** Certainly on that scale, my Lord. If you ask Mr Rampton to explain how one could liquidate 450,000 Jews in three weeks, your Lordship will see part of the problem.

**MR JUSTICE GRAY:** I am not asking you him do that, but I am asking you whether there is a dispute. The answer is yes as to numbers.

**MR IRVING:** The answer is yes. My final question is that if Adolf Hitler was really bent on exterminating all the Jews, then are you aware of his conference with Antonescuc at about the same time as the conference with Horthy ----

**A:** Mm-mm.

**Q:** --- in April 1943? This is related in a book by Seymour Finger who has written a book called "American Jewry during the Holocaust". It is document NG 5049 which is a Nuremberg document.

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

**Q:** But in this record of the talk between Hitler and Antonescuc, Hitler approved a proposal to permit 70,000 Jewish children to leave Rumania to travel to Palestine. Are you familiar with that episode?

**A:** I am not familiar with this particular episode, but I know that during the end of the war it is quite common that Hitler made exceptions and he allowed groups of Jews to leave his...

**Q:** This is April 1943?

**A:** Yes.

**Q:** That is not the end of the war, is it?

**A:** No.

**Q:** This is the height of what you would describe as the homicidal Final Solution, and yet here is Hitler, the man at the top?

**A:** Yes -- sorry.

**Q:** I am sorry.

**A:** Is it not interesting that it actually needed his personal approval to save these relatively small groups of Jews, you know, from the extermination programme? One had to go to Hitler if one wanted to save a group of Jews. We have presented earlier in those proceedings, you have presented a document actually where Goring complained that he had to go to Hitler to save two Jewish scientists from the deportations. So it shows you this complete and total

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will of extermination. One had to go to Hitler actually to ask him for his permission to exempt a single or a group of Jews from deportations and death.

**Q:** Of course, Hitler's name would cut through any red tape, would it not?

**A:** Yes.

**MR IRVING:** I have no further questions, I do not think.

**MR JUSTICE GRAY:** You have timed it very well.

**MR IRVING:** It was not done with that in mind, my Lord. It is literally I have no further questions.

**MR JUSTICE GRAY:** No, thank you very much. Mr Rampton, would you rather re-examine after the adjournment?

**MR RAMPTON:** Yes, it probably would be less fragmentary if I start after the adjournment.

**MR JUSTICE GRAY:** Yes, that is what I would have thought. So shall we say 5 to 2?>

**(Luncheon Adjournment)**  
**Dr Longerich, Recalled**

**MR JUSTICE GRAY:** Mr Irving, I have seen the correspondence with Harry Counsel and that seems to have sorted that problem out.

**MR IRVING:** Yes. Thank you, my Lord.

**MR JUSTICE GRAY:** Good. Yes, Mr Rampton?

**MR RAMPTON:** Dr Longerich, I have some questions. It may take a little bit of time because some of the topics are a

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little intricate. I think on last Wednesday you gave us a description, in general terms, of the relationship between Adolf Hitler and Heinrich Himmler as you saw it. Do you remember doing that?

**A:** Yes, I remember that.

**Q:** And you told us really, in essence, this, the idea that Hitler did not know about the systematic extermination which was being carried out by Himmler and the SS was, to use your words, absolutely absurd.

**A:** Yes.

**Q:** Do you remember saying that?

**A:** Yes.

**Q:** I would like to expand on that a little bit, if I may? How often on average during the war years did Hitler and Himmler meet?

**A:** Well, we have a quite clear picture from the Dienst calendar, so I think they met at least once a week, probably more.

**Q:** How long had they known each other?

**A:** They knew each other since at least 1923.

**Q:** Himmler was part of the 1923 Putsch, was he not?

**A:** Yes, indeed.

**Q:** What was the date of Himmler's appointment as Reichsfuhrer SS?

**A:** It is 1929.

**Q:** And as to the antlosen of the Judenfrager, can you give us

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some dates for Himmler's acquisition of jurisdiction over the solution of that question, if necessary, by reference to different parts of Europe.

**A:** Well, jurisdiction ----

**Q:** Jurisdiction. The SS were ultimately responsible for carrying out the Final Solution, is that right?

**A:** Yes.

**Q:** Did Himmler always have complete jurisdiction over this question or did he have to fight for it?

**A:** No. The jurisdiction for the responsibility for the Jewish question, or so-called Jewish question, or jurisdiction, laid first with the Minister of Interior and he had in a way to get this responsibility on board. He had to fight for it. There is an entry in the Dienst calendar at the end of 1940: "Judenfrager [German]". So you can see here that there was a kind of struggle going on between him and the traditional administration in Germany.

**Q:** And was it resolved in his favour or not?

**A:** Well, I think it is clear from 1942 onwards that it was resolved in his favour.

**MR JUSTICE GRAY:** You give that date because of the speech about this "heavy responsibility

being put on my shoulders"?

**A:** Yes. The difficulty is -- it is difficult to answer this question because you get this impression from his entries

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in the Dienst calendar from speeches, and it is not easy to say, you know, the formal responsibility for the Jewish question, you know, was when this was taken over by Himmler.

**MR RAMPTON:** Was there any stage at which Hitler had, as it were, to arbitrate jurisdiction as between Himmler and other people such as the Reichs Commissars and people like that?

**A:** Yes, I think you can -- it is quite clear throughout 1940 and 1942 that Hitler was engaged with this question.

**Q:** I want to take July 1942 as a particular illustration, if I may, of what you were telling us last Wednesday. Can you take the blue bundle and turn to page 247, please? Here you should find copied -- you may need to turn the file round -- a run of entries from the Dienst calendar. Have you got 247? It should be an entry for 11th July 1942. It may be my page numbering is a little bit -- that is right, is it?

**A:** Yes.

**MR JUSTICE GRAY:** Do we have translations of this or is it not really necessary?

**MR RAMPTON:** Is it what, sorry?

**MR JUSTICE GRAY:** Translations or not necessary?

**MR RAMPTON:** It is not necessary. They are very simple entries -- even I can manage! If anybody should want to deal with the footnotes, that is different, but I am not

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bothered with them at the moment. Sonnabend which in those days was German for Saturday, was it not?

**A:** Sonnabend is Saturday, yes.

**Q:** It is still Saturday?

**A:** Yes.

**Q:** 11th July 1942. He makes a journey after 12.30 to the Fuhrer headquarters. It does not matter where they are for the moment. Do you know which headquarters Hitler would have been at at that date?

**A:** I think he is still in Wolfschanze.

**Q:** And he has a meal, presumably we could call it lunch, at 2 o'clock with the Fuhrer?

**A:** Yes.

**Q:** And if you turn over two pages to 249, on 14th July, which is Tuesday, he speaks to Wolff on the telephone and then -- this is the left-hand column -- at 12.30 he goes to the Fuhrer headquarters, yes?

**A:** Yes.

**Q:** And again at 2 o'clock they have a meal together?

**A:** Yes.

**Q:** And they have a conversation, or Himmler does, with General Thomas and SS Oberfuhrer Werlin. Who were they?

**A:** Well, General Thomas is the head of the wehrmacht armament department and Werlin, if I am not mistaken, is head of Daimler Benz company.

**Q:** He is an industrialist?

**A:** Yes, with an SS rank.

**Q:** Then if you turn over the page once more, I do not know what the page number is, 250 might it be? I do not know. Do you see Friday, 17th July 1942?

**A:** Yes.

**Q:** The right-hand column. He goes from Berlin to Catovitz in Upper Silesia, do you see that?

**A:** Yes.

**Q:** And then he meets Gauleiter Bracht who is the Gauleiter of what area?

**A:** Of Silesia.

**Q:** Of Silesia, and some people called Schmaze Kasen Vogel, but also Hoess, the commandant of Auschwitz?

**A:** Yes.

**Q:** And after that he goes to Auschwitz, does he not?

**A:** That is true, yes.

**Q:** And he stays in Auschwitz until later on that day when he goes and has a meal with the Fuhrer Heim -- that is not Hitler, that is the ----

**A:** No, that is the ----

**Q:** It is the local man, is it not?

**A:** Yes.

**Q:** Bracht and he spends the evening with Gauleiter Bracht?

**A:** Yes.

**Q:** Next day, which is again a Saturday, 18th, he goes from Auschwitz to Catovitz and he goes from there to Lublin,

yes?

**A:** Yes.

**Q:** Where he meets Kruge, Globocnik and somebody called Schelenberg. Is Schelenberg a significant figure in this story or not?

**A:** Schelenberg was, as far as I am aware, head of the Auslans, the special espionage service of the SDs -- thank you very much.

**Q:** If you turn over the page we see a family photograph on the left-hand side of these people actually in the Stammlager at Auschwitz. Then the right-hand side at 9 o'clock in the evening he meets with Kruge Pohl who is head of the concentration camp system, right?

**A:** Yes, Kruge is the SS and police leader of the Generalgouvernement.

**Q:** Oh, right. So he is the SS -- and what position is Globocnik then?

**A:** Well, Globocnik is the SS and police leader, so the man who has the overall responsibility for the SS of police forces in the district of Lublin.

**Q:** Of Lublin. So Kruge is Globocnik's superior?

**A:** Yes, the highest SS police leader.

**Q:** But Pohl is there in a different capacity because he is the head of the concentration camp system, is that right?

**A:** Yes.

**Q:** And so we come to the 19th over the page, 252, I think

I am on, but I may be wrong.

**MR JUSTICE GRAY:** 53.

**MR RAMPTON:** Sunday 19th, he goes to Travniki. What happened at Travniki?

**A:** At this day?

**Q:** Yes, 8.30 in the morning on Sunday 19th?

**A:** Well, this it says: "Inspection of a schutzmannschaft battalion. This is an auxiliary police battalion. So we know that this Travniki men were used as guards in concentration camps -- in particular in extermination camps.

**Q:** So was it, in effect, a training sort of establishment?

**A:** Yes.

**Q:** Then he goes back to Lublin in the evening and at 8 o'clock he has a meal with Globocnik and what is the abbreviation "NSCHL"?

**A:** Sorry?

**Q:** Bottom part of the page, [German- document not provided] Globocnik and then "Anschleisen"?

**A:** Yes, Anschleisen, after that.

**Q:** Then there is a meeting or a conversation is it?

**A:** Yes, followed by "versprechen" is a ----

**Q:** Discussion?

**A:** --- meeting yes.

**Q:** With Kruge and somebody called Rickert?

**A:** Yes.

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**Q:** Then on Monday, finally, on Monday 20th, he leaves at half past 12 midday back for Berlin, is that right?

**A:** Yes.

**Q:** From Lublin?

**A:** Yes.

**Q:** Then if you turn over, please, to page, I think it is 254 or 53/54, this is taken from the second part of your report, a letter that Himmler wrote, apparently, to Kruge on 19th July while he was still in Lublin. Do you see that?

**A:** Yes.

**Q:** Can you look at the German for us, please?

**A:** Yes.

**Q:** Which is in a printed document. It does not matter what it is because there is no dispute about this letter. He says: "I order that the umsiedlung which literally translated means what?

**A:** Literally "resettlement".

**Q:** Yes, "of the whole of the Jewish population of the General Government shall be ended by 31st -- carried out and ended by 31st September 1942", is that right?

**A:** That is right.

**Q:** How do you take the word "umsiedlung" in that context.

**A:** Yes, in this context, also dealt with in the glossary, I think, it is quite clear that, it is absolutely clear, sorry, that the term "umsiedlung" means in this sense the

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murder, the killing.

**MR JUSTICE GRAY:** Why should it not mean deportation further East from the General Government?

**A:** Because it is clear from other sources that in this context the term "umziedlung" is used as a camouflage word for "killing". And also we know then what happened after the 19th July. The systematic programme to kill the Jews of the General Government started particularly in this month.

**MR RAMPTON:** With a heavy prod from his Lordship, you have got ahead of where I want to be because I am coming to that.

**MR JUSTICE GRAY:** I am sorry.

**MR RAMPTON:** No. It is important that this little narrative is done in blocks because it does tell a tale when one has been through it with care. Could you translate for us (because it is not in the text that you have translated in your report) could you with the help of your interpreter, if you need it, the second paragraph in this letter from Himmler to ----

**A:** Yes, the paragraph that starts with "mit dem".

**Q:** Yes, that is it.

**A:** Well, "After the 31st" ----

**THE INTERPRETER:** By 31st?

**A:** "By 31st December 1942, no person of Jewish origin is allowed to stay in the Generalgouvernement".

**MR RAMPTON:** Yes.

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**A:** "The only exception -- unless that they are in the sammlager, collective camps, sammlager".

**MR JUSTICE GRAY:** It may be "transit", I do not know.

**A:** No, not "transit".

**MR RAMPTON:** "Collection"?

**A:** Collection, collection camps, I would say. "Sammer" in German means "collection".

**MR IRVING:** "Assembly"?

**A:** "Assembly" is a very good translation. "Assembly", yes, thank you, "assembly camps in Warsaw, Krakau ... Lublin. All other ----

**THE INTERPRETER:** "All other work volume"?

**A:** "... work volume which employ Jewish labour have to be ended by this date or if the completion is not possible, they have to be moved into one of the assembly camps, the labour assignments or labour", what did we say?

**THE INTERPRETER:** The workforce?

**A:** Yes, "workforce", yes.

**MR RAMPTON:** If I have understood it correctly, all the Jews of the General Government, about how many people are we talking about at this date, July '42?

**A:** In '42, we are talking about roughly 1.9 million.

**Q:** And with the exception of some that are in the assembly camps and will be put to work, all the Jews, the 1.9 million, have got to be resettled, whatever that may mean, by the end of the year?

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**A:** Yes.

**Q:** That is an order from Himmler?

**A:** Yes.

**Q:** Well, now let us see what happened next, if we may. If you turn over the page to 258, I think it is, there is another entry, I hope, from the Dienst calendar for Saturday, 25th July '42, is there? 259. I am sorry. My numbering has gone wrong again. 259. There we see that -- I do not know where Hagelvalt or Eichenhan are. Hagelvalt is where he lives, is it not, Himmler?

**A:** Well, they now moved to their new headquarters in Ukrainia, as far as I know. So the Hagelvalt is still the code word for Himmler's own headquarters, but he edits this Eichenhan to make sure that this is not the same headquarters in Eastern Prussia.

**Q:** We can see it is a two hour journey. Then once again he has a meal with Hitler. Then there is another of these ----

**MR JUSTICE GRAY:** Sorry, Hagelvalt is some sort of fairly advanced headquarters?

**A:** Sorry, maybe I made mistake here. Hagelvalt is the code word for his old headquarters in East Prussia and Eichenhan is, as far as I know, the new code name for his new headquarters in Ukrainia. So I think he moved at this date, he moved from ----

**MR JUSTICE GRAY:** Well, Hagelvalt to Eichenhan?

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**A:** I have to say I am not sure whether Hagelvalt is still the code word for the old headquarter or whether the new headquarter has the same name, is also cold Hagelvalt. I am not sure, I have to say, at the moment.

**MR JUSTICE GRAY:** Anyway, he has lunch with Hitler?

**A:** Yes.

**MR RAMPTON:** He has lunch with Hitler afterwards?

**A:** No, sorry, again Hagelvalt is his headquarter. It has the old name Hagelvalt. He was kept, so Hagelvalt is Himmler's headquarter. It was near Wolfschanze, now it is near Schitomeir(?) ----

**Q:** So it is a name he just carries around with him?

**A:** Yes, as far as I can see it.

**Q:** He is a bit like Macbeth's enemies, he goes with burning wood on his head, as it were?

**A:** Yes.

**Q:** You may not ----

**MR JUSTICE GRAY:** Not a particularly close analogy.

**MR RAMPTON:** It is a wood, I think.

**A:** Yes.

**Q:** Yes, I see. Then after he has had lunch with Hitler, he has a discussion or a meeting with Bormann and Speer. What precisely was Speer's jurisdiction at this date?

**A:** Speer was the Ministry for Armament, armament and munition.

**Q:** Then if you turn over two pages, please, three days after

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that meeting with Hitler, we find, do we not, a document that we glanced at this morning, I hope, a letter which is taken off a microfilm of 28th July 1942 from Himmler to Berger, yes?

**A:** Yes.

**Q:** Who was Berger?

**A:** Berger was the head of the SS Hauptamt, SS main office.

**Q:** The second sentence says: "The occupied Eastern territories will be Jew free", does is it not?

Yes? Second sentence [German] -- third. Have I miscounted?

**MR JUSTICE GRAY:** The third sentence.

**A:** Yes, this is in the first paragraph, the third sentence: "The occupied Eastern territories will be free of Jews".

**MR RAMPTON:** Yes. "The carrying out of this very hard order has been placed on my shoulders by the Fuhrer". Is that right?

**A:** Yes.

**Q:** Can you think of a reason why if this operation merely involved transporting large numbers of Polish Jews to, let us say, nice work camps in the White Ruthenian Marshes or the Pripjat Marshes, if they are not the same thing, should have seemed to Himmler to be sehr schwer befehr?

**A:** No, this would not be exceptional because he was responsible for large resettlements of millions of people the years before, so this was not exceptional for him.

**Q:** It would have been a routine administrative operation,

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would it not?

**A:** Yes.

**MR JUSTICE GRAY:** The limited order though, correct me if I am wrong, Dr Longerich, which you said related only to the Pripjat Marshes was the instructions about driving the women into the swamps, was it not?

**A:** Yes, this has to be seen in the context of an operation of this SS ----

**MR RAMPTON:** Yes.

**A:** --- fragen.

**Q:** But that was a year earlier, was it not?

**A:** This was in '41, yes.

**Q:** That was in August '41?

**A:** Yes.

**Q:** And it did not succeed because the women would not sink, is that not right?

**A:** Yes, this is one of the officers reported back ----

**Q:** That is right.

**A:** --- they could not do it because the ----

**Q:** The second SS cavalry regiment.

**A:** --- swamps were not deep enough.

**Q:** The water was not deep enough?

**A:** Yes.

**MR JUSTICE GRAY:** It was your reference to the Pripjat Marshes that made me think back to...

**MR RAMPTON:** I know, but I am coming to the White Ruthenian

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Marshes in a moment which I think are the same thing, though I am open to correction on that.

**MR IRVING:** Can we ask what the witness thinks is meant by the phrase "die Bedesten Ostgebiet"?

**A:** Yes. "die Bedesten Ostgebiet" are the occupied Eastern territories. This is, in the terminology of this time, the occupied Soviet territories, including the territories the Soviet Union had annexed between 1939 and 1941. So the Baltic states, and so on.

**MR JUSTICE GRAY:** But excluding the General Government?

**A:** Normally, the terminology is, "Bedesten Ostgebiet" means the Soviet territories, not the Generalgouvernement.

**MR RAMPTON:** Do you know of any evidence -- this is getting a little bit of ahead of myself but I may as well deal with this part of it first -- Dr Longerich, whether eyewitness testimony or contemporaneous documents, whether clear or needing interpretation, that speak of large scale transports or deportations of Jews from the occupied Eastern territories further East?

**A:** At this stage, no.

**Q:** As a matter of practical reality, is there any evidence that it happened?

**A:** No.

**Q:** Do you take this document to be an indication that Himmler found the -- I think I have asked this already -- the administrative task of, I do not know how many Jews that

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there were left in the occupied Eastern territories by this date, do you?

**A:** Definitely several hundred thousand.

**Q:** Right, presumably, they have got to go -- how far East had the German Army got by this date?

**A:** Well, this was in summer 1942, they were in their, I think just started their summer offensive so they were quite, I mean, advanced, so they had large parts of Ukrainia, for instance, under their control.

**Q:** And they were pushing out as far as Kursk and Stalingrad, were they not?

**A:** Yes.

**Q:** In due course?

**A:** Yes.

**Q:** So there would have been plenty of room behind them to which to transport all the remaining Jews of the occupied Eastern territories, would there not?

**A:** Yes.

**Q:** But you know of no evidence that it ever happened?

**A:** No.

**Q:** Can we compare for a moment what Himmler wrote in that letter about the very difficult order that the Fuhrer had laid on his shoulders with what Mr Irving relies on as evidence of the truth, the historical truth, which is what Karl Wolff told Dr , I cannot remember, was it Fiegler or Ziegler?

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**A:** Ziegler.

**Q:** Ziegler?

**A:** Ziegler, sorry.

**Q:** Von Ziegler in 1952. Have you still got that German of that document ----

**A:** I hope so.

**Q:** --- with you? It is on page 5 of the German and, my Lord, it is the fifth page of the English under the square bracket 00032. Do you mind if I use the English of Mr Irving?

**A:** No, I do not have the -- I could not find the...

**Q:** You do not have the document. I am sorry.

**MR JUSTICE GRAY:** Where are we going to put this?

**MR RAMPTON:** Day 2, tab 11, my Lord. 14A the page number is.

**MR JUSTICE GRAY:** That will do.

**MR RAMPTON:** It is one of the documents that was passed up this morning, I think. It is only short. In your German version, Dr Longerich, it is the second paragraph on page 5 with page numbers at the top. It is the sentence which begins "es war im August 1942". Do you have that? Page 5 at the top or 00032 at the bottom.

**A:** Sorry, the German sentence begins?

**Q:** The German sentence begins "es war im August 1942".

**A:** Yes, I have the German sentence.

**Q:** Have you got that?

**A:** Yes.

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**Q:** Do you mind if I read out the English?

**A:** No.

**Q:** But do follow it in the German because you can check the translation at the same time if you want. "Around August 1942 GW", that is?

**A:** General Wolff.

**Q:** General Wolff, yes, I thought his name was Karl, I must say, "... General Wolff undertook drive from the Fuhrer's headquarters to Berlin. He found Himmler there in a state of deep depression. To General Wolff's questions as to what was up, Hitler dropped dark and vague hints. Wolff could have no idea what one had had to take upon oneself for the Messiah of the next 2000 years" -- we can say that is Hitler, can we not?

**A:** Yes.

**Q:** "... in order that this man remained personally free of sin. He, the Reichsfuhrer, was beyond mortal help. For the sake of the German people and its Fuhrer, he had had to burden things on to his own shoulders of which nobody must ever be allowed to learn". If you have to choose between a postwar interrogation of Karl Wolff, which resulted in that account, and the letter which Heinrich Himmler wrote to Berger at the time in 1942, which source do you prefer?

**A:** I would prefer contemporary documents like this source.

**Q:** Then, finally, there is one other document in here that

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I would like you to look at. It is the next document on from the Himmler to Berger in the main blue file?

**MR JUSTICE GRAY:** This is part of the same sequence, Mr Rampton, is it?

**MR RAMPTON:** It is, my Lord.

**MR JUSTICE GRAY:** Because I want to ask something after you have finished.

**MR RAMPTON:** Absolutely. Then I am coming to the Furl letter in a moment. Do you see that this is some kind of a copy of a letter written by somebody called Guntzen Muller to Karl Wolff on the same day, 28th July 1942, is it?

**A:** Yes, that it is in front of me.

**Q:** Does it recount that 5,000 Jews are going every day from Warsaw to Treblinka and twice a week 5,000 from a place whose name I cannot pronounce, it is something like "Schimmel" to Belzec?

**A:** Premisul(?) to Belzec, yes.

**Q:** To Belzec. So that is a total of 45,000 a week, you can take it from me, at that time. That has been going on, has it not, since 22nd July 1942? Yes?

**A:** Yes, this is clear from this letter.

**Q:** Then does the last part of the letter tell us that in due time, I think in October, transports will go from Warsaw via Lublin to Sobibor?

**A:** Yes.

**Q:** Yes. They do not tell us in what quantities, do they?

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**A:** No, because they are just working on the track, on the railway track.

**Q:** On the track, yes. The transports are held up from the track. But assume for a moment that that little collection of documents is evidence of a massive extermination programme underway at the General Government and in the occupied Eastern territories, that Himmler is in charge of it, and we have seen the contacts between Himmler and Hitler during this time. How credible does it seem to you that Hitler, Himmler's old chum, Hitler, did not know what was going on?

**A:** Well, I find this absolutely incredible that he should not have known that.

**MR JUSTICE GRAY:** Can I just ask you a question because I am a bit puzzled at the moment. Your evidence is that the order that Hitler gave Himmler related to the Jews in the Ostgebiet?

**A:** Yes.

**Q:** And they accounted for, I think you said, about 600,000 out of about two and a half million?

**A:** Yes.

**Q:** The thing that is slightly going through my mind at the moment is, well, that leaves a bit of question mark over the remaining, whatever it is, 1.9 million.

**A:** Sorry, you are referring to?

**Q:** To the Jews who were in the General Government?

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**A:** Yes.

**Q:** But not in the Eastern territories?

**A:** Yes.

**Q:** What was the position, as far as they were concerned? Is there any evidence one way or the other?

**A:** I am sorry. I am not sure whether I could follow the question.

**MR JUSTICE GRAY:** No, I think you have not followed the question. Perhaps I did not put it very clear.

**MR RAMPTON:** My Lord, perhaps I could deal with it?

**MR JUSTICE GRAY:** Yes, all right, do.

**MR RAMPTON:** Undoubtedly I see the question that your Lordship has asked. Himmler's letter to Berger deals with the Jews in the occupied Eastern territories, in other words, Russia?

**A:** Yes.

**Q:** And they have to be cleared by the end of the year?

**A:** Yes.

**Q:** These trains which we are talking about here in the letter from Guntz Muller to Wolff are not Russian Jews at all?

**A:** No, this is the Generalgouvernement, Poland.

**Q:** This is the General government?

**A:** Yes.

**Q:** And they are going variously in, one might think, rather large numbers from Warsaw, this place Premisul, and so on and so forth, to the three Reinhardt camps?

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**A:** Yes.

**Q:** Treblinka, Belzec and Sobibor, are they not?

**A:** Yes.

**Q:** My question is where were they going?

**A:** Well, they would be deported to these camps, to the extermination camps, and would be killed there.

**Q:** Do you know of any evidence that any of those three camps was at any time a work camp?

**A:** No, this is particularly, these were particular extermination camps, very small camps, only one purpose, to kill as many people as possible in a very short time.

**MR JUSTICE GRAY:** That does not though actually quite meet the point that I was trying to put. I will try again.

**MR RAMPTON:** I am sorry.

**MR JUSTICE GRAY:** Well, it does partially. We are concerned in this aspect of the case really very much with what Hitler knew and authorized. You have been taken through a series of documents which you have given evidence establishes to your satisfaction at least that Hitler did order Himmler to free the Ostgebiet of Jews by, as Mr Rampton says, the end of December 1942. My question really related to the vastly greater number of Jews who were at that time in the area of the General Government, and what I was really seeking to ask you is do you have any knowledge of any documents or are there any inferences that one can draw as to what Hitler

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said, if anything, about what was to be the fate of the Jews in the General Government?

**A:** We do not have the same document for the General Government. We have this document for the 28th July, but not a comparable document for the Jews of the Generalgouvernement. So we are relying here on a construction, a reconstruction, of events and, as Mr Rampton has, I think, lead me through these documents, it is clear that we have a number of important meetings between Himmler and Hitler, and right after these meetings Hitler, sorry, Himmler gave the order to make the Generalgouvernement of Judenfrager until the end of the year. So we do not have the same kind of documentation for the Generalgouvernement.

**MR IRVING:** My Lord, there is, of course, the 22nd September 1942 handwritten document, "Judenfrage dies wie wir weiterfahren", how shall we continue, "Auswanderung", the Himmler and Hitler plan, 108.

**MR JUSTICE GRAY:** I appreciate you say they were going to be dealt with differently, but, I mean, can I ask the question that was in my mind anyway to ask, which is would you think that it is a legitimate inference or not from the fact that there was an expressed Hitler order in relation to the Jews in the Ostgebiet that may be the position was in some way different with regards to the Jews who were to the West of them?

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**A:** No, we only have this, we have this reference by Himmler by chance because he wrote this letter to Berger. We have not, we have not got the full correspondence of Himmler, so it is impossible to answer this question really.

**MR IRVING:** The note I referred to is page 274 of this blue bundle.

**MR JUSTICE GRAY:** Thank you.

**MR RAMPTON:** I do not want to be -- for once in my life, I will not be diverted if it is all right.

**MR JUSTICE GRAY:** It was not intended to be a diversion.

**MR RAMPTON:** No, no, no, by Mr Irving, I meant. It was not intended as a diversion, of course not, but I will not go to that document at the moment.

**MR IRVING:** I was trying to be helpful.

**MR JUSTICE GRAY:** No, I meant that was not intended to be a diversion by me which you may or may not accept.

**MR RAMPTON:** No, it has not been in the very slightest because it leads to this question (and I have not quite finished Dr Longerich on this area of the evidence) does it not, here you have apparently on the contemporaneous evidence a series of meetings between Himmler and Hitler, and you have really a massive logistical operation underway, taking thousands, literally thousands, of Jews every week from various parts of the General Government to these three camps which are not work camps. I ask the question again. As a matter of inference (and it is inference

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because we do not have the comparable document for the General Government) do you think it likely or not that Hitler knew because Himmler told him what was happening?

**A:** It is very likely.

**Q:** In your mind, does it matter one way or the other whether Himmler said to Hitler: "This is what I am going to do, Adolf" and Adolf said, "Yes, it sounds a jolly good idea" or whether Adolf said to Heinrich, "Heinrich, this is what you have got to do"? Does it matter?

**A:** Well, I think there was a high degree of consensus among them, so I do not think it really -- it does not change the question of responsibility.

**Q:** Can we then turn to one of Mr Irving's documents? I pause to remind you of this, before we get to Mr Irving's Furl letter, in the report of Professor Browning which I expect you have read, have you ----

**A:** Yes.

**Q:** -- it was not challenged so I can recite it for you, he tells us that at this time and after this time, Jews, train loads of Jews, were coming westwards to Belzec from Lemberg or Lewolf, westwards from Kolemeer, which is southeast of Lewolf by a long way, 225 kilometres, to Belzec and from Bialystok westwards to Treblinka. Does that help you assess what kinds of places these might have been? Does it help you to assess the question whether they might have been transit camps leading further to the

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East?

**A:** Well, you have almost answered the question yourself, it is the transports from East to the West.

**Q:** That is my job.

**MR JUSTICE GRAY:** Not in re-examination.

**A:** I would not describe this as a -- of course, I would not describe this as a movement from West to East.

**MR RAMPTON:** Yes. Can we turn to the page from Gotz Aly's book "Endlosen"? I hope you have it there somewhere. I have it in English. You have probably got it in ----

**A:** I have it in English, yes.

**Q:** You have it in English?

**A:** Yes.

**Q:** The English will do, it seems to me. I hope you have the longer version, the one we had last week, because I, first of all, want to draw your attention to the last paragraph.

**A:** Which page is that?

**Q:** It is page 275, Mr Irving tells us.

**MR JUSTICE GRAY:** 175 -- sorry, no, I beg your pardon.

**A:** 175 or?

**MR RAMPTON:** Of Gotz Aly's book?

**A:** Yes.

**Q:** 175 -- you have the German version there?

**A:** I have the English version here.

**Q:** Oh, you do?

**A:** Yes.

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**Q:** I have not so...

**MR JUSTICE GRAY:** Is it page 175, I think?

**MR RAMPTON:** It is page 175, I think. Use the bound copy, Dr Longerich.

**A:** You are referring to the Furl letter?

**Q:** Yes.

**A:** Yes, I have it here.

**Q:** Before we look at the text of Furl's letter or the bit we have there, can we look at the next succeeding paragraph which begins "Also in the summer of 1942"?

**A:** Yes.

**Q:** "Also in the summer of 1942, the Germans transported 3,000 Jews from the eastern Galician town of Droyobic", that is an attempt by me, "to the Belzec death camp. Here too they used the excuse that the deportees were needed for reclamation of the Pripyat Marshes". Do you know where that place "Droyobic" is?

**A:** It is East, as far as I remember, it is East of the Belzec death camp.

**Q:** You are right. Then look at the text of Furl's letter. Ignore the first sentence. "We provide first aid", or it might be some other meaning of that, it does not matter, "and give them more or less provisional accommodation and usually deport them further towards the White Sea to the White Ruthenian marsh lands where they all", and then we will leave out the next bit, "will be gathered by the end

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of the war but not without having first built a few roads (but we are not supposed talk about it)". Do you know of any evidence, Dr Longerich, that there were any transit camps in the White Ruthenian Marshes?

**A:** No.

**Q:** On the way to the White Sea, which is, we observed this morning, right up in the north of Russia?

**A:** No.

**Q:** Do you know of any train schedules showing trains going from Cracau or Auschwitz or Warsaw or Lublin to the Ruthenian Marshes?

**A:** No.

**Q:** Any orders for lorry loads of Jews to be taken to those places?

**A:** No.

**Q:** Any evidence that the Jews were used to build roads into that area of Russia?

**A:** No.

**Q:** In the light of that and all the other evidence we have just looked at, how likely does it seem to you that we should take this little piece of whatever it is from Herr Furl to his SS chums in Berlin seriously?

**A:** Absolutely irrelevant on a reconstruction of the events.

**Q:** Thank you. Now I want to go to another related topic, but, in a sense, slightly separate and those are the documents that Mr Irving produced last week about trying

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to keep the illness down in some of the camps so as to preserve the population level. Do you remember those documents?

**A:** Yes, I remember them.

**Q:** Have you got those here?

**A:** Yes.

**Q:** The one I would like you to look at first is dated 28th December 1942. It is from Oranienburg.

**A:** I do not think I have it here at the moment. This is concerning the doctors?

**Q:** The doctor's letter, yes.

**A:** I do not have it in front of me unfortunately.

**Q:** It is headed SS. Then there is a very long German word. What does that long German word mean?

**A:** This means economy administration main office.

**Q:** Right. Who is in charge of that?

**A:** It is Pohl.

**Q:** Did Pohl have any responsibility or jurisdiction over the extermination programme?

**A:** As far as the extermination programme was carried out in his camps, so it is not for the camps of the Aktion Reinhardt.

**Q:** That was going to be my next question. His camps being those which had workers in them?

**A:** Yes.

**Q:** Like slave labour?

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**A:** Yes.

**MR JUSTICE GRAY:** I am a bit lost. Pohl was in charge of what you might call labour camps?

**MR RAMPTON:** He was head of the SS Wirtschaftsverwaltungshauptamt.

**A:** Yes, and there is Ampsgruppe D, this is the subdepartment concentration camps, this is a subdepartment, if you want to say that. He was in charge of all the concentration camps, and concentration camps, the Aktion Reinhardt camps, are different type of camps.

**MR JUSTICE GRAY:** Concentration as opposed to death camp?

**A:** Yes.

**MR RAMPTON:** If we look at the abbreviations in paragraph numbered one, lager doctors of the concentration camps, the camp doctors of the concentration camps, then we have a whole list of abbreviations, including Auschwitz and a number of others, do you see any reference there to any of the Reinhardt camps, Treblinka, Sobibor or Belzec?

**A:** No.

**Q:** You told us last week that the reference to Lublin would be a reference to Maidonek?

**A:** Yes.

**Q:** Which did have a working facility?

**A:** Yes.

**Q:** How many of the Reinhardt camps were operating at the end of December 42?

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**A:** All three were still in operation.

**MR JUSTICE GRAY:** Did none of them have a labour side to them?

**A:** No.

**Q:** They were all purely death camps?

**A:** Only a very small number of prisoners were used for labour assignments, only several hundred, several dozens.

**MR RAMPTON:** Now I am passing to something completely different, Dr Longerich, and that is this. You were asked last week by Mr Irving to comment on the police decodes, do you remember, the British police decodes of the messages which passed between Himmler and Jeckeln at the beginning of December 1941?

**A:** Yes.

**Q:** In which it is clear that Jeckeln had done something that Himmler was not pleased about, but did not, as you pointed out, result in any kind of sanction or punishment against him?

**A:** This is true, yes.

**Q:** There is a document which was disclosed by Mr Irving which you may feel needs to be explained. It is not a document which is part of your original report and therefore we have not really looked at it before but perhaps one could do it now. You will find it at page 110 of the blue file. I think it is 110. It is a somewhat fragmentary copy of a document that looks a bit like a Nuremberg document. That is 111, sorry. That is the one I want you

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to look at first, if you will, 111?

**A:** Yes.

**Q:** Has it got some words missing from the first line of the text?

**A:** Yes.

**Q:** Ich habe die (blank) Juden execution, yes?

**A:** Yes.

**Q:** I think you were good enough to find us the complete version of that, and this is terrible. The Americans or whoever it is even managed to muck up the German grammar because in fact it is execution ----.

**MR JUSTICE GRAY:** Yes, I see, you are 111 and 110 is what he has found.

**MR RAMPTON:** If you go back to 110, it is the real thing, or much closer to the real thing

anyway.

**MR IRVING:** 109.

**MR RAMPTON:** Sorry. You are quite right. I missed a page.

**MR JUSTICE GRAY:** That may be the same as 110. I think we all have different pagination.

**MR RAMPTON:** Thank you very much. It is letter dated 15th November 1941, although the 4 is missing from the date line, I think from a man called Lohse, who I think is the ReichsKommissar for the Ostland, is he not?

**A:** Yes.

**Q:** That is the Baltic States, essentially, is it not?

**A:** And white Russia.

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**Q:** And white Russia. He has written a letter to the Reichsminister for the occupied Eastern territories in Berlin, who I think was Rosenberg, was he not?

**A:** Yes.

**Q:** On the left-hand side we have made a translation -- this is a somewhat literal translation. Does your translation start, "I have forbidden the wild executions of Jews in Lepeier"?

**A:** I have forbidden the uncontrolled ----

**Q:** Yes, he has the same one as me. Does your Lordship's translation ----

**MR JUSTICE GRAY:** I have got "wild executions". Does it really matter in the end?

**MR RAMPTON:** Probably not. Lepeier is a town in Latvia on the coast, is it not?

**A:** Yes.

**Q:** I will just read it, if I may. I will read it in the version that his Lordship has: "I have forbidden the wild executions of Jews in Lepeier because they were not justifiable in the manner in which they were carried out. I should like to be informed whether your enquiry of 31st October is to be regarded as a directive to liquidate all Jews in the East. Shall this take place without regard to age and sex and economic interests of the Wehrmacht, for instance, in specialists in the armament industry?" Then, for some reason, Mr Irving has put in "note in different

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handwriting". I do not understand that. Not on the copy I have got. "Of course, the cleansing of the East of Jews is a necessary task". I prefer, Dr Longerich, a "priority task". Is that not a better translation?

**A:** Yes.

**Q:** "But its solution must be reconciled with the requirements of the war economy". I am sorry, I am reading from my own translation. Is that right in the German?

**A:** Yes, that is right in the German.

**Q:** "Neither from the orders concerning the Jewish question in the brown file nor from any other ordinance have I hitherto been able to infer or deduce such an order or instruction". Is that correct as a matter of translation?

**A:** Yes.

**Q:** What are they actually talking about, Dr Longerich?

**A:** They are talking -- Lohse is complaining about, as he called it, wild uncontrolled, unauthorized probably, execution of Jews, mass execution of Jews in Lepeier. He says, well, what is the meaning of that, does it mean that all Jews in the Ostland, this is his territory, should be liquidated? This would of course bring the economic consideration of Wehrmacht into danger,

and it is not according to the guidelines I have in my own handbook, in the brown ----

**Q:** No. Can we then turn back to what prompted that letter, which is page 104/105, for which also we have to thank you

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I think. Now this is a very short letter from somebody I think called Librandt?

**A:** Yes.

**Q:** He is in Rosenberg's office, is he?

**A:** Yes.

**Q:** He has written to Lohse, or to somebody in Lohse's office, saying, in effect, "The RHSA has complained that the Reichs Commissioner for the Ostland has forbidden the execution of Jews in Leppeier in the matter referred to above. I request urgently a report from you". Yes?

**A:** Yes.

**Q:** So then we get the response from Lohse saying: "Am I to take (this letter we are looking at) as an order that I have to kill all the Jews?" Is that right?

**A:** Yes.

**Q:** Is that what happened?

**A:** So then again we went through the second letter, and then Lohse writes this letter, well, what do you want me to do about that? We just went through the letter.

**Q:** Yes. He explains that he forbade the executions because of the way in which they were carried out.

**A:** . Yes,.

**Q:** Unauthorized or uncontrolled?

**A:** Yes.

**Q:** Now we can look and see what the response was, which comes on 18th December 1941, I think.

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**A:** Yes.

**Q:** We can find that, curiously enough, the same day as the meeting between Hitler and Himmler, page 181/182, I hope. I do not know what translation you have beside you, but I much prefer you look at the German anyway. This comes from Rosenberg's office, signed by a man called Brottigan?

**A:** Brottigan has signed it.

**Q:** He is in Rosenberg's office?

**A:** Yes.

**Q:** He is writing to Lohse, and he says, "clarification of the Jewish question has most likely been achieved by now through verbal discussions". Yes?

**A:** Yes.

**Q:** Is that all right?

**A:** Yes.

**Q:** "Economic issues or considerations must fundamentally or generally be disregarded in the settlement or disposition of this problem"?

**A:** Yes, generally.

**Q:** Generally, yes. "As for the rest, moreover, I would ask that any questions arising should be settled directly with the higher SS and police leaders". Is that right?

**A:** This is right, yes.

**Q:** What historical conclusions do you draw from this exchange of correspondence?

**A:** I think there was a kind of battle or a kind of conflict

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going on between the SS representatives, through the higher SS police leader, and the civil administration.

**Q:** The higher SS and police leader was Jeckeln, was it not?

**A:** Yes.

**Q:** Carry on.

**A:** Because the civil administration, in their own handbook they were not aware of the fact that actually the aim of the SS was to kill all the Jews in Ostland, and so this letter first of all led to Lohse stopping these executions in Lepeier, and then asking the ministry for the occupied territories in Berlin, what shall I do? It took them about five weeks to reply, and here the answer is quite clear, the economic considerations do not play a role any more. You can leave this aside and, if there is any further problems, discuss this directly with the higher SS and police leader.

**Q:** So in effect he is being told to surrender, am I right control over this interpretation?

**A:** It would be my interpretation of this exchange.

**MR JUSTICE GRAY:** Surrender control to the SS?

**A:** Yes.

**MR RAMPTON:** Yes.

**MR JUSTICE GRAY:** Is it significant or is it not that this is Geheimerreichsacher?

**MR IRVING:** I am just about to point that out, my Lord.

**MR JUSTICE GRAY:** Were you?

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**MR IRVING:** Yes. I was wondering how to do so, in fact.

**MR RAMPTON:** Just say it. I do not mind.

**A:** Yes.

**MR JUSTICE GRAY:** The significance being that, on the face of it, this is not a desperately secret communication?

**A:** Sorry?

**Q:** If you take at face value, it is not a terribly secret communication, is it?

**A:** I think it is quite clear from this communication that, if you take the three letters that this means the death of the Jews in the Generalegouvernement. There is no way the civil administration can interfere any more.

**Q:** That is why they put Geheimer Reichsacher on it?

**A:** That is what I assume.

**MR IRVING:** Just note who signed that letter. It is Brottigan, is it not?

**A:** Brottigan, yes.

**MR JUSTICE GRAY:** He is an adjutant of Rosenberg?

**A:** Yes, one of his closest advisers.

**MR RAMPTON:** Rosenberg, Lohse, Brottigan, they are all civil servants, are they not?

**A:** Yes.

**Q:** Are you familiar with -- I call it the evidence -- the conversation of General Walter Bruns, which was recorded by the British when he was in captivity?

**A:** Yes, I am familiar with this document.

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**Q:** Do you recall that they recorded him -- I am going to torture you with some of my German but it saves getting it out -- as having said that a man called Altemeyer, he had been upset, so he said, with these shootings?

**A:** Yes.

**Q:** They sent somebody back to Berlin they said with a message for Hitler via Canaris. You know the story?

**A:** Yes, I know the story.

**Q:** This SS person Altemeyer comes back from Berlin with triumphantly a message, and saying this: Here is (German) do you remember that?

**A:** Yes.

**Q:** I expect you know it off by heart.

**A:** Yes.

**Q:** The question is whether that last remark of Bruns has in your mind any resonance with this exchange of correspondence between Lohse and Rosenberg?

**A:** Well ----

**MR JUSTICE GRAY:** The date of Bruns, that was 1st November, was it?

**MR RAMPTON:** He was talking about what had been going on in Riga.

**MR JUSTICE GRAY:** Yes, but 1st November being the date when that conversation ----

**MR RAMPTON:** I cannot the remember the date. It was sometime in 1945, I think.

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**MR JUSTICE GRAY:** No, I mean when whatever his name was came back ----

**MR RAMPTON:** Early December, after the message from -- I think early December. I think we are agreed about that.

**MR IRVING:** It was a few days later.

**MR RAMPTON:** Yes, after the message from Himmler to Jeckeln. My question is this. Do you see any relationship or resonance between what Bruns said later in captivity and the correspondence between Lohse and Rosenberg about the manner of the shootings?

**A:** This correspondence means, in a way, a carte blanche for the SS to carry on with the executions, so I think it is a complete contradiction to this.

**Q:** Contradiction?

**A:** Sorry, maybe I did not recall the ----

**Q:** I am sorry, perhaps you should have the Bruns in front of you.

**MR JUSTICE GRAY:** I think that is the problem, is it not, in a way? I am trying to find it and I cannot remember where it is.

**MR RAMPTON:** I am reading it off Mr Irving's website. Your Lordship has it in J1, tab 4, but not the German. Do not look at the English. It is very bad English. It is a bad translation. Can we just put that in front of witness, please and one for the judge. (Same handed) The relevant piece of German, Dr Longerich, is at the top of the page,

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4 of 5. Do you have it there?

**A:** Yes.

**Q:** What Altemeyer is reported by Bruns as having said is this, and I will do my best in English: Here is an order come that mass shootings of this kind in future must no longer happen". Is that all right?

**A:** Yes, that is right.

**Q:** I am getting on like an interpreter. I am doing well today! "That shall be done more discreetly in future".

**A:** Yes. I was a bit confused at the moment because I did not take the second ----

**Q:** No, I am sorry. It is my fault. You should have had it in front of you.

**A:** Because he does not say that the mass executions are supposed to be stopped, but it says clearly this should be done in different, more careful way. So obviously, it does not give any date for that. This is a kind of reaction to the complaints of the civil administration that one should not allow these wild executions to be carried out. I think that is quite clear.

**Q:** I think we are now are on the same ground. Lohse has stopped the shootings in Lepeier, perhaps elsewhere, one does not know, because of the way in which they were carried out. He is then told by Berlin that that is wrong, in effect?

**A:** Yes.

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**Q:** And here comes Altemeyer at about the same time, am I right?

**A:** Yes.

**Q:** Saying, you must not do it in this way any more, you must do it more discreetly.

**A:** Yes.

**Q:** Do those two pieces of evidence in your mind corroborate each other?

**A:** Yes, I think they corroborate each other.

**MR JUSTICE GRAY:** Except for this, that Altemeyer is describing an order which prohibits mass shootings (underlined) on that scale.

**MR RAMPTON:** No, of this kind.

**MR JUSTICE GRAY:** Oh. I am reading from the translation.

**MR RAMPTON:** No. That is why I do not want to use the old English translation, because it is wrong.

**MR JUSTICE GRAY:** Even so, I think the point needs to be answered, of this kind and they need to be carried out more discreetly. You do not find that in the 31st October directive.

**A:** Yes.

**MR JUSTICE GRAY:** There is a discrepancy between the two. That has to be accepted.

**A:** Discrepancy?

**Q:** Difference.

**A:** Why is there a discrepancy? I do not get the point.

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**Q:** The point I am putting to you is that, if you look at the message from Berlin, the top secret message from Berlin signed by Brottigan, all that is really saying is, well, do not worry about economic considerations, just leave it to the local SS. I think Mr Rampton was really asking you whether Altemeyer was not referring to that message when he triumphantly showed General

Bruns the order just issued. That was the question, was it not, Mr Rampton?

**MR RAMPTON:** More or less.

**MR JUSTICE GRAY:** I am just wondering whether that is well founded, because it appears that he is referring to something slightly different.

**A:** Altemeyer? Who is Altemeyer.

**MR JUSTICE GRAY:** He is a junior officer.

**MR RAMPTON:** He is a junior SS officer.

**A:** So it obviously is not the same letter.

**Q:** No?

**A:** The background is that obviously the civil administration found these mass executions unpleasant, the way they were carried out, and they are looking for guidance from the Ministry for the Eastern Territories, and they come back and say, well, basically these executions have to be carried out and any problem has to be solved together with the highest SS and police leader. So I think this Altemeyer's response could reflect the same kind of discussions which was going on, that one has to do it in a

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different way. It did not say that the mass executions have to be stopped.

**MR JUSTICE GRAY:** I understand that.

**MR RAMPTON:** That is all. I was anxious to put the two beside each other, because, my Lord, plainly, when they are side by side, what Bruns said about the continuation of shootings implicitly is supported by the contemporaneous documentation.

**MR JUSTICE GRAY:** You did use the word resonance.

**MR RAMPTON:** Yes, resonance. Then I want to ask you about something else very briefly, Dr Longerich. You were asked again last week by Mr Irving in effect this. Did they not always have to have a pretext when they shot the Jews in the East, such as, oh well, they were plundering, or they were partisans and so on and so forth?

**A:** It becomes clear from the Einsatzgruppen reports.

**Q:** You said, well, there was one absurd case where they killed 7,000 Jews because the NKVD had massacred some Ukrainians.

**A:** Yes.

**Q:** Can we just have a look at the Jager report, with which I know you are familiar. You find that at page 147 of the blue file, I hope. It is awfully long and it is very grisly reading, so I am certainly not going to go through it, but it is Einsatzkommando 3, which is part of Einsatzgruppen A, is it not?

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**A:** Yes.

**Q:** This is by the subordinate officer, somebody called Jager, and it reports that by the 1st December, or the end of November, they have succeeded in slaughtering 137,346 people. That is on the sixth page.

**A:** Yes.

**Q:** Pass over the first few pages to page 3, will you? Now we are in the middle of August 1941, and one needs only to glance at the page, does one not, to see that they are recording the murder of large numbers of Jewish men, women and children without any reference to any kind of pretext, excuse or justification?

**A:** Yes.

**Q:** Very occasionally, if you turn, for example, to page 151, page 5 of the document, you see a pretext. You also see incidentally, do you not, that some people from Berlin, Munich, Frankfurt, Vienna and Breslow were killed in November, towards the end of November, but you see in brackets, after some of the entries for October and at the bottom of the page, some kind of excuse or pretext, do you not?

**A:** Sorry, pretext of the killing of the German Jews?

**Q:** Yes. For example, the last entry for 2nd September 41, a teil kommando in Vilner shot a total of about 3,500 Jewish women and Jewish children in what they called a Sonderaktion because some German soldiers were shot at or

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shot at by some Jews. Is that right?

**A:** Yes.

**Q:** Do you know why it is that, throughout this document, such pretexts or excuses are so scarce?

**A:** I think the Jager report is simply a different kind of document than the Eignismeldung, so I think the people who had to write Eignismeldung had clear orders to give a reason for every killing. This is a different kind of report. This is a summary report.

**MR JUSTICE GRAY:** Then you have partisans listed and then just Jews?

**A:** Yes.

**MR RAMPTON:** This is the raw material, is it, upon which the Eignismeldungen would have been written, do you think?

**A:** I am not absolutely sure, because the Eignismeldung were written on a daily basis, or on a monthly basis, and this is a summary report. So it is part of a different reporting system, if you want to say so.

**Q:** Who would this have been reported to, do you know? You cannot tell from looking at it.

**A:** It says five copies. I do not know whether it is actually mentioned here.

**Q:** My document runs out on page 9 ----

**A:** One has to look at the end whether there is a list of distribution, but it definitely would go to the Einsatzgruppen R.

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**Q:** Yes.

**A:** And probably, I do not know, a copy to the civil administration, but I am not sure about that.

**Q:** What I was driving at is quite a simple point really. Do you think, Dr Longerich, that it is possible that, if this was, as it were, a local document, in other words this document is kept within Einsatzgruppen A's area, yes, before the figures were compiled and sent to Berlin, that there would be more openness than there was when the figures went on from wherever it was to Berlin?

**A:** Yes. I think it is simply the number of copies is very limited.

**Q:** Yes.

**A:** We know that the Eignismeldung had 55 and more copies. So I think this is a confusion which is possible.

**Q:** I have one final thing I want to ask you about, which will not take very long, and it is this. You were telling us, I think it was on Thursday last week but it might have been Wednesday, about a system which either was planned or which evolved whereby the Jews and the General

Government were deported and killed at the extermination camps to make way for Jews from the West or from the south.

**A:** At the beginning, yes.

**Q:** I would like, because I think this will help us all and certainly me, at the end of the day if we could do a short chronology. The gassings in the Warthegau at Chelmno

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began on 8th December 1941?

**A:** Yes, that is correct.

**Q:** Who were the Jews that were killed there, first of all?

**A:** The local Jews. The Jews from villages from the Warthegau.

**Q:** And then?

**A:** Then the Jews from the Lodz ghetto beginning in January.

**Q:** The German for Chelmno is Kulmhof?

**MR JUSTICE GRAY:** How is that spelt?

**MR RAMPTON:** K U L M H O F. Chelmno, I call it.

**MR JUSTICE GRAY:** Yes, I call it Chelmno.

**MR RAMPTON:** Do you know roughly how many of the local Jews were killed at Kulmhof or Chelmno?

**A:** The estimation is about 140,000 minimum, plus then the German Jews who were ----

**Q:** I was coming on to that. Were some German Jews killed at Chelmno in due course?

**A:** Yes. We know about one so-called action where about 10,000 Jews from Central Europe, Germany, Austria the Protectorate, were killed in Chelmno in May 1942.

**Q:** In May 1942?

**A:** Yes.

**Q:** And what about the Reinhardt camps? Belzec was being built in late 41, was it not?

**A:** They started to build it in November 1941.

**Q:** And when did they start killing people at Belzec?

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**A:** They started in March 1942.

**Q:** March 42?

**A:** Yes.

**Q:** And the other two, Treblinka and Sobibor?

**A:** They started to build Sobibor approximately in February, and it became, what do you say about an extermination, it became operational, I think, in May 1942. Then Treblinka, they started to build Treblinka in May and the systematic killing in Treblinka started in July 1942.

**Q:** Systematic killings at Treblinka and Sobibor?

**A:** Sobibor started a little bit earlier.

**MR JUSTICE GRAY:** Did they have the same pattern, Treblinka, Sobibor and Belzec, starting by killing the local Jews?

**A:** Yes.

**Q:** Then the Jews from Germany?

**A:** It is a little bit different from camp to camp. In Belzec they started first of all to kill the local Jews and then later on also, as far as I recall it rightly, other Jews. It is a different operation. Belzec was built first of all to kill the Jews of the district of Lublin whereas, when you move on

two or three months, you can see that actually the three Reinhardt camps were there to kill all the Jews in the Generalgouvernement, so it is different. You can see that they moved a step forwards during spring 1942.

**MR RAMPTON:** Did they eventually start killing Jews from the

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outReich, the Protectorate and other parts of Europe systematically at these three camps?

**A:** Not at these three camps. You can see that the systematic killings of Jews from central Europe started, for instance, in Minsk. It is the same pattern, like in Chelmno. They first of all brought into the ghetto, but then from May 1942 onwards they killed them on the spot before they came into the ghetto in a small concentration camp called Malitrostiness.

**MR JUSTICE GRAY:** By shooting them?

**A:** By shooting them, yes.

**MR RAMPTON:** Then of course we have left out of account Auschwitz.

**A:** Yes.

**Q:** Most, I believe I am right, I do not know whether you agree, of the Jews that were taken there were not Polish Jews?

**A:** Yes, but I should add this. In Belzec, of course, they started to kill the local Jews and then, a little bit further, the German Jews who were brought into the ghettos in the district of Lublin. Then, as far as they survived the conditions of the ghetto, taken to Belzec from approximately May/June 1942 onwards.

**Q:** I just want to look finally, if we may, Dr Longerich, at one document which illustrates, I think, at least I believe I am right, what you have been telling us about

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the way this system worked, or how it developed. It is at page 243, I think. This is one document, my Lord, for which I humbly apologise we have no translation.

**MR JUSTICE GRAY:** It is unusual in that respect.

**MR RAMPTON:** No. We have improved a lot. A lot of the documents do have translations. Is this a printed version, the document No. 218, of a Gestapo report from Lodz dated 9th June 1942?

**A:** Yes, it is.

**Q:** There is a table above it. Do you know who compiled that table?

**A:** They are two different documents.

**Q:** I know they are.

**A:** It says here, the Meldebuero, the registration office. I think that is probably the registration office of the Jewish Council of Lodz, because they would do the registration work.

**MR JUSTICE GRAY:** That is deaths in the ghettos, is it not?

**A:** Yes.

**MR RAMPTON:** These are the comings and goings into the ghetto and out of the ghetto, are they not?

**A:** Yes.

**Q:** There are some people coming in on the left-hand side under zugang?

**A:** Yes.

**Q:** Ein gesiedelte aus dem Reich und - what is WRTL?

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**A:** Wartheland.

**Q:** Yes, I see. In May 7,000 odd came into the ghetto, but I am interested more in the Abgang column which is the people who had gone for one reason or another. The left hand column, Gestoben, are the dead people, are they not?

**A:** Yes.

**Q:** Then the greatest number by far, a total I think of about 55,000, are said to have gone, they have been ausgesiedelt nach Kulmhof?

**A:** Yes. Kulmhof is a very small village.

**MR JUSTICE GRAY:** That is Chelmno.

**A:** That is Chelmno.

**MR RAMPTON:** Some were ausgesiedelt zur arbiet, do you see?

**A:** Yes.

**Q:** Not very many but some were. Then the totals. Can we look at the Gestapo report of 9th June which is just underneath that table. Can I read to you a translation, if you would not mind following it in the German. It is on the subject of the Jews or Judentum, is that right?

**A:** Yes.

**Q:** You tell me, with the help the interpreter, when I go wrong. "With regard to the Jews" or Jewry "the work of the State police focused on the Gau Ghetto in Litzmanstadt". That is German for Lodz, is it not?

**A:** Yes, the German name.

**Q:** Litzmanstadt, "which was to be built according to the

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instructions of the Gauleiter".

**A:** Yes.

**Q:** Good. I did not do this translation so I take no credit for it. "Upon instruction of the Gauleiter all Jews not fit for work shall be evacuated and those fit for work in the whole Gau collected in the Litzmanstadt ghetto". Yes?

**A:** Yes.

**Q:** "From here larger proportions of Jews shall be used in the Gau area for various kinds of work (building of rail track and roads) and shall be returned into the ghetto again after the end of work. Those Jews remaining in the ghetto shall be without exception used for work there. In the course of building the Gau ghetto, firstly, it appeared necessary to create space for the Jews who were to be settled there. For this purpose a larger number of Jews not fit for work was evacuated from the ghetto and handed over to the sonderkommando". Correct?

**A:** Yes.

**Q:** Now I am going to struggle on my own because my translation runs out there: "Of the Polish Jews since 16th January 1942 a total of 44,152 were outsettled". We do not have that word but that is what it means, deported?

**A:** Yes.

**Q:** "Of those from the outReich, the Ostmacht and the Protectorate of Bohemia and Moravia who came in October 1941, in das hiesige" - what does that mean?

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**THE INTERPRETER:** The ghetto here.

**MR RAMPTON:** "In the here ghetto", yes, "who came in, 19,848 Jews", the total that is, "10,993 were evacuated", yes?

**A:** Yes.

**Q:** "So that", nunmehr?

**A:** Now.

**Q:** "Now we have made room in the ghetto for about 55,000 Jews"?

**A:** Yes, that is correct.

**Q:** Is that correct?

**A:** Yes.

**Q:** I do not need to go any further. Does that illustrate precisely the process that you have been describing to us?

**A:** Yes.

**MR JUSTICE GRAY:** Well, up to a point. What is puzzling me about that is that some of the Jews who were being evacuated out of ghetto, presumably to Chelmno, were in fact Jews from the outReich, 10,000 of them?

**MR RAMPTON:** Yes, it look like it, nearly 11,000.

**MR JUSTICE GRAY:** It seems rather an odd way of going about it in a sort of way.

**MR RAMPTON:** Presumably there is pressure from those coming in.

**MR JUSTICE GRAY:** Yes.

**A:** It does not say what happens. I would assume that the largest number of the 19,000 Jews are dead at this time.

**MR RAMPTON:** I can tell you that, if you read the text, the

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total number that were ausgesiedelt, whether from Poland or originally from the outReich or whatever, is 54,145. If you look at the table, almost all of those went to Kulmhof, because the total that went to Kulmhof or Chelmno is 54,990.

**MR JUSTICE GRAY:** So they were not dead?

**A:** Yes.

**MR RAMPTON:** They were.

**MR JUSTICE GRAY:** They were dead later.

**MR RAMPTON:** Did this happen quite often, that 11,000 Jews brought in from Berlin in October and other parts of the greater Reich would then be taken off to Chelmno and gassed six months later?

**A:** These are the transport in October 1941, about 20,000 were transported to the ghetto, and a large number of them died during the winter.

**Q:** I see.

**A:** They then transported 10,000 to Chelmno and the rest of them they could obviously use for work assignments.

**Q:** More would come in to take their place?

**A:** Yes. They make place for the local Jews in the Warthegau who actually are brought into the ghetto.

**Q:** Is there any more of this report that we need to look at? It is your document, it comes from your report.

**A:** No, I do not think so.

**Q:** No. My Lord those are all the questions I have in

re-examination.

**MR JUSTICE GRAY:** Thank you very much, Mr Rampton. Dr Longerich, eventually that concludes your evidence I think.

**A:** Thank you.

**MR JUSTICE GRAY:** Yes, Mr Irving. Now are you going at this stage to make the submissions you mentioned this morning about the ----

**MR IRVING:** After two or three other minor points, my Lord.

**MR JUSTICE GRAY:** Yes, all right. Deal with the others first.

**MR IRVING:** Firstly, my Lord, the defendants are relying quite heavily on the Muller document of 1st August 1941. I do feel that I need to see the original, or at least to know where the original is. The Bundesarchiv, as I told your Lordship, has told me it is not in the file that has been quoted by the Defendants as the source. We have only been shown transcripts of it. I would like to see either a facsimile or to know reliably where the document is.

**MR JUSTICE GRAY:** Just let us have a look.

**MR IRVING:** I showed your Lordship my correspondence with the German Federal Archives in which they said they had checked the file and they have not found the document in the file as stated by the Defendants.

**MR RAMPTON:** I think this has been sorted, but, my Lord, can I just ask Dr Longerich, because I think he probably has the

answer to this. I think the short answer is, from what I remember of what I was told, is that, when Mr Irving -- it is not Mr Irving's fault -- telephoned to look for the document, they looked in the wrong file. I think it is as simple as that. I am quite certain that the document is there and elsewhere. I have a belief that it is at Ludwigsberg, which is the centre for prosecutions, but can I just take instructions?

**MR JUSTICE GRAY:** Yes, do.

**MR RAMPTON:** Can we have a small conference, my Lord?

**MR JUSTICE GRAY:** Yes, please do.

**MR IRVING:** Quite simply, my Lord, the reason is that I would like to know what else is in that file, of course.

**MR JUSTICE GRAY:** Pause a minute and we will see what the result of the huddle is.

**MR RAMPTON:** I am sorry about that, my Lord, but I think I am right. The united brains of German historical research tell me that the file number which was given by Mr Irving, through no fault of his own, to the person at the Bundesarchiv was the wrong one. It is in the Bundesarchiv, but it is also in the Zentralstelle at Ludwigsberg.

**MR JUSTICE GRAY:** Are they both Abschriften?

**MR RAMPTON:** That I do not know.

**MR JUSTICE GRAY:** Because what Mr Irving is really looking for I think is the one that is not an Abschrift, if there is

one.

**MR RAMPTON:** By picking up the telephone, if Mr Irving's attempt failed, we will try and have a successful attempt to get it from both places, if it is going to be possible at any rate before

the case is finished. Whether it is an Abschrift or not, I do not know.

**MR JUSTICE GRAY:** What you may not have heard Mr Irving say was that he is also interested in knowing what else is in the particular file which it is in, if it is in any file.

**MR RAMPTON:** Then I think he must go and look for that himself.

**MR JUSTICE GRAY:** I think he has the problem, at any rate with some of the archives, that he has not got access to them. Is that what you would say?

**MR IRVING:** The German government archives are corresponding with me because I am offering them something by way of a horse trade at present.

**MR JUSTICE GRAY:** Why do you not keep that up? What are you asking me to do?

**MR IRVING:** I need to know the actual file number of course, my Lord. I need to know the correct file number.

**MR JUSTICE GRAY:** That is fair enough. Mr Rampton, when you have found out which file number or numbers it is in, will you pass that on to Mr Irving?

**MR RAMPTON:** Yes, we will let Mr Irving know.

**MR IRVING:** The second problem, my Lord, it is not a problem, is that I learned from yesterday's Israeli newspapers that

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the Defendants are applying for access to Adolf Eichmann's private papers.

**MR JUSTICE GRAY:** I saw that this morning.

**MR IRVING:** I welcome this initiative. Would they also apply to the Israeli government for access to Heinrich Himmler's private diaries which are in the Israeli archives?

**MR JUSTICE GRAY:** That, I am afraid, is something that is beyond my power, because I can only order that things that are within their power be disclosed and I do not think that they have the power.

**MR IRVING:** Perhaps it will resonate off your Lordship on to the defence side and, if they hear from me that Himmler's diaries are in Israeli hands----

**MR JUSTICE GRAY:** That is very flattering to me, Mr Irving but I think it is overstating the position.

**MR IRVING:** The third point is that, once again, the Defendants have dropped on me from a great height on Friday evening several hundreds of pages of documents, expecting me to read them in time for the cross-examination. These are the bundles RWE1 and 2, which your Lordship probably has also received.

**MR JUSTICE GRAY:** Yes. I am afraid I have not had time even to dip into them.

**MR IRVING:** I apprehend that RWE stands for right-wing extremism, which takes me on to the main point which I am going to make now, the main submission I am going to make.

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**MR JUSTICE GRAY:** Yes.

**MR IRVING:** My Lord, I have taken the opportunity to go back to the original pleadings to see what the issues are. The issues as pleaded, as set out in my Statement of Claim, I have looked through for any reference to right-wingism and to extremism and, if I can just hand your Lordship this page, it is the only reference in the Statement of Claim to either extremism or right-wingism.

**MR JUSTICE GRAY:** Can I suggest that the starting point probably is to see what Professor Lipstadt wrote in her book? Would you agree with me that the references to what you might call right-wing extremism is the passage on page 14, am I right? Have you got the Statement of Claim

or her book?

**MR IRVING:** I do not have the Statement of Claim in front of me. I only have the words complained of and the meaning which I attach to those words.

**MR JUSTICE GRAY:** Well, yes, the reason for starting with what is written is that what you attach to Professor Lipstadt's words by way of natural and ordinary meaning is not, as it were, the last word. You have to see also what was actually written by the Defendant.

**MR IRVING:** Yes.

**MR JUSTICE GRAY:** Which is why I suggest you should start with -- have you not got the Statement of Claim?

**MR IRVING:** Yes.

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**MR JUSTICE GRAY:** Shall I read to you, and you will remember it, what it says: "The confluence between anti-Israel, anti-semitic and Holocaust denial forces was exemplified by a world anti-Zionist conference scheduled for Sweden in November 1992, and then says it is cancelled, but there were a whole lot of scheduled speakers, including black Muslim leader Ferikan, Faurisson: "Also scheduled to participate were representatives of various anti-Semitic and anti-Israel organizations, including Hamyat, Hesbollah, Hamas, and then I think I am right in saying that later on she returns to the same general topic.

**MR RAMPTON:** Yes, your Lordship might also read 161.

**MR JUSTICE GRAY:** I knew there was another relevant bit.

**MR RAMPTON:** 122 to 130.

**MR JUSTICE GRAY:** There is a reference to your having appeared at IHR conferences. I do not want to read great chunks of this out.

**MR IRVING:** No, my Lord. It is the extremism we are looking for, and really the relevance of any extremism. I believe the allegation is association with extremists.

**MR JUSTICE GRAY:** Yes.

**MR IRVING:** Or extremist associations. I am anxious to try to shorten the whole process, particularly I am anxious to shorten any other public flogging which is held in prospect for me.

**MR JUSTICE GRAY:** Let us just take in what I hope logical are

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stages. I think I am missing out a passage which may be relevant to this, but anyway those are things that Professor Lipstadt writes. Then you, as you say, put on those words as one of the meanings ----

**MR IRVING:** The only relevant meaning is that in the next paragraph 9.1, that the Plaintiff is dangerous spokesperson for Holocaust denial forces, who deliberately and knowingly consorts and consorted with anti-Israel, anti-semitic and Holocaust denial forces, agreeing to appear in public in support of and along side violent extremist speakers, and I emphasize the words "violent and" because associating with extremists is not in itself reprehensible.

**MR JUSTICE GRAY:** Perhaps one ought just to read to the end of that, because it is all part of the meaning you put on the words.

**MR IRVING:** Indeed, yes.

**MR JUSTICE GRAY:** Including, to take it shortly, Hesbollah, Ferikan, Jew baiting black agitator, and so on.

**MR IRVING:** That is right.

**MR JUSTICE GRAY:** Admirer of Colonel Gadaffi.

**MR IRVING:** In my submission, if the Defendants intend to cross-examine me in any great detail on either my opinions or state of mind or correspondence or speeches or activities, it is perfectly entitled to go to any associations I have had with violent extremists who are

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not many, if I can put it like that.

**MR JUSTICE GRAY:** Why not non-violent extremists?

**MR IRVING:** My Lord, non-violent extremism is not defamatory, if I can put it that way round. If I were to associate with somebody who held extremist views, this would not be in the least bit reprehensible. I could associate, for example, with Lawton LJ or with Cumming-Bruce LJ who both held extreme political views in the 1930s, but nobody hold it the least bit against me if I were to associate them now because of course I believe they sit next to each other in the Court of Appeal. So holding extreme views has never been held to be reprehensible. I think this has been established in law, that it is not defamatory to call somebody a communist. It is not defamatory, unfortunately, to call somebody a Nazi or a fascist except in certain circumstances. The context can sometimes make it defamatory, but per se it is not actually defamatory as such to accuse somebody of having extremist views.

**MR JUSTICE GRAY:** I am not sure about that. I think it may be defamatory of somebody to say that he or she consorts or associates with what you might call extreme extremists, i.e., really the lunatic fringe of extremist because.

**MR IRVING:** Without any question, if the extremism is expressed in violence.

**MR JUSTICE GRAY:** Let me just finish, because, and this is what we call the sting of the libel, you are being, to put it

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mildly, careless in your choice of friends. That is the way in which I think it becomes defamatory to make that kind of allegation.

**MR IRVING:** Careless in their choice of friends, probably all of us is careless in their choice of friends, my Lord, and I would not consider that to be a very severe libel at all.

**MR JUSTICE GRAY:** It may not be the most severe libel, but the question we are on at the moment is whether it is defamatory at all.

**MR IRVING:** The real defamation here, and if we are looking for a scale of defamation, the sting of the libel is that I associate with people who are violently extremist, who express their extremism by violent means and whose extremism goes towards the overthrow of the democratic rule of law or the overthrow of governments. That is allegation that is made in the allegation that I consort with Hamas or Hesbollah or terrorists leaders, that I am willing to go on the same platform with them and speak next to somebody like Louis Ferikan. That is the sting of the libel, and to use that as a door to open my private files to the exposure of the public, to suggest, well, he has also got all sorts of other sleezy and unsavoury friends or associates, whether it is true or false, is I think highly prejudicial.

**MR JUSTICE GRAY:** I think you are making two different points,

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if I may say so. The first question is whether it is defamatory at all to say that you consort with extremists, leave aside what sort of extremists they are, and, as I understand it, the second

argument you make is that what actually Professor Lipstadt wrote is that you consort with a particular kind of extremist, namely violent extremists, and that the Defendant's particulars of justification do not really include those sorts of extremists; they include other extremist but not the violently sort like Hesbollah. Is that a fair summary of the way you put it?

**MR IRVING:** Your Lordship has summarized eminently well. It was precisely the point I was going to make, and I was only going to draw your Lordship's attention to the authorities given by Gatley.

**MR JUSTICE GRAY:** Do you mind before we go to that, just remind, because I did not at lunch time take with me the Defendants' Summary of Case, to see how exactly they summarize their ----

**MR IRVING:** I am sure Mr Rampton will.

**MR JUSTICE GRAY:** I would rather -- not "rather", that would not be right to say at all, but I think it is helpful to look at this stage at the written document.

**MR IRVING:** What I am asking your Lordship to do is to issue a ruling to the Defendants on how far their cross-examination can go, and what kind of associates or associations or what kind of consorting they are entitled

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to cross-examine on, to have it go into the issues as pleaded.

**MR JUSTICE GRAY:** Yes. The summary: "The Plaintiff", you, "are associated with right-wing extremists and right-wing extremist groups in Germany, Britain and North America. You have regularly spoken at events organised by right-wing extremist groups, sharing a platform with other right-wing extremists. You are a right-wing ideologue whose participation in public affairs have been part of and has assisted in the cause of Holocaust denial." The last sentence is not relevant. But you are saying that is not a defamatory meaning at all?

**MR IRVING:** I am inclined to use the words "so what?" Even if true, so what? Even if it was true that I associate with right-wing organized bodies or whatever it is, are they kind of bodies that advocate the use of extreme violence?

**MR JUSTICE GRAY:** We must take this in stages. Are you saying that that assertion is not a defamatory assertion at all to be making about you?

**MR IRVING:** No, I do think so, my Lord. I think your Lordship would agree, although I may be arguing against myself, it is not defamatory for somebody to be called an extremist or to say somebody holds extreme views, that is not really, in law, defamatory.

**MR JUSTICE GRAY:** So that is your first submission.

**MR IRVING:** Yes, and to say someone holds right-wing views is

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not defamatory, except in certain circumstances. Obviously if he was in the Soviet Union, then he would probably be defamatory.

**MR JUSTICE GRAY:** In some way you could put your case higher. They are not saying you are an extremist, well, in this part of the case. They are saying you associate with these right-wing extremists. Do you follow the difference?

**MR IRVING:** I would confidently expect your Lordship to say we do not have any guilt by association in this country.

**MR RAMPTON:** I think it only right to remind your Lordship of the summary, because one cannot take this little summary at the beginning ----

**MR JUSTICE GRAY:** There is another one at the end.

**MR RAMPTON:** There is one at the end in box 80 on page 27 which is really perhaps the nub of it.

**MR JUSTICE GRAY:** Yes. Shall I remind you of that, Mr Irving?

**MR RAMPTON:** I am bound to say I think that is highly defamatory.

**MR JUSTICE GRAY:** "Claimant is a right-wing pro-Nazi ideologue, as is demonstrated by the views you have expressed in speeches and publications".

**MR IRVING:** That is something different.

**MR JUSTICE GRAY:** That is saying you are a right-wing ideologue, and then the Defendants say they will refer to the anti-Semitic racist and misogynistic tone and content

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of your speech in publications.

**MR IRVING:** That is again something different.

**MR JUSTICE GRAY:** "Including those referred to above". With respect to Mr Rampton, I think that is a slightly different point. That is directing the allegation at you personally.

**MR IRVING:** I can meet that one head on. I have no problem with that.

**MR JUSTICE GRAY:** I think maybe your concern is more about what you would describe as "guilt by association".

**MR IRVING:** Guilt by association for which there is no place in an English court of law, my Lord.

**MR JUSTICE GRAY:** That depends on the case. As to whether it is defamatory, my present view is that it is defamatory, at all events in the context of this case, to say that you associate with right-wing extremists. Try to dissuade me from that view if you want to, but I think in the context of this case that is probably is defamatory.

**MR IRVING:** I have to say that to associate with people who hold right-wing views is not defamatory. To associate with people who hold extreme views, and I gave the example Lawton LJ as one example, is also not defamatory. The allegation, the implication, innuendo is that I associate people like the Hamas or Halbollah's terrorist leaders or with Jerry Adams, to put it into an English context, somebody like that, who would advocate the use of violence

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or applaud the use of violence. Of course, for that there is not the slightest evidence. I would ask your Lordship, therefore, to direct that the cross-examination should go only to any associates of mine whom they can adduce who have advocated violence or advocated the overthrow of governments by violent means or that kind of extremism.

**MR JUSTICE GRAY:** You are on a separate point at the moment. Just to complete the first argument that you are advancing, would you not accept that if the Defendants were able to adduce evidence that you were sitting there on a platform, where others sharing the platform with you and maybe participants from the floor are expressing themselves in the most rabidly and repulsively anti-semitic way, to make that allegation against you could be defamatory of you. It is a hypothetical case.

**MR IRVING:** If they could establish that, yes.

**MR JUSTICE GRAY:** Yes. It is all a question of degree in a way.

**MR IRVING:** It is a question of what is meant by "extremism" I think. I think "extremism" in the eyes of the libel courts has always been the extent of extremism towards unlawful ends or unlawful means. That is what the innuendo is.

**MR JUSTICE GRAY:** You wanted to go to Gatley in this connection?

**MR IRVING:** I was going to draw your attention to note 88 of

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page 43 of Gatley, where it does make the distinction, the last three or four lines of that note,, after referring to Devlin's own ruling, it says: "See *Boater v. Moray* [1974]", and the brief summary is: "Not all communists' methods and techniques are reprehensible", in other words, calling somebody a communist alone is not necessarily defamatory. But then it points out that in *Butalazi* the advocacy of violent change is the kind of extremism which is held to be defamatory.

**MR JUSTICE GRAY:** Yes. In a way that rather suggests it is all a question of degree.

**MR IRVING:** It is a question of degree, my Lord, and in view of the fact that the Second Defendant specifically instanced Hamas, Hesbollah -- and I know they are putting that in Section 5, but I am certainly not -- that is what worries me.

**MR JUSTICE GRAY:** I think you are slightly moving on to your next argument, which is that the sting of the libel actually published by the Defendants is that you associate with these sorts of violent extremists, and that the evidence they are apparently wanting to call does not really link you with violence, although it may link you with extremism. That is your second point.

**MR IRVING:** It may satisfy the court of course to the contrary, that I am linked with violent extremists. It may be that

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is what the intention is. That is why I would ask your Lordship to rule that unless they can produce that evidence or cross-examine on that kind of evidence, then they should limit their cross-examination purely to that kind of association, otherwise we do go into day after day of looking at isolated relationships or happening to be in the same room or whatever, which is very unsatisfactory I think.

**MR JUSTICE GRAY:** I understand the submission you are making, but I should tell you this, that as I understand, anyway, the law, the Defendants are entitled to put forward by way of justification material which would support any defamatory meaning which the words can bear. If they are able to persuade me that somebody reading Professor Lipstadt's book could take the view that what she is saying is that you associate with right-wing extremists, even if they are not violent extremists, then it appears to me that, arguably at any rate, the Defendants probably are entitled to rely on this body of evidence.

**MR IRVING:** Except that is not an issue that I have pleaded in my Statement of Claim.

**MR RAMPTON:** Oh, yes it is.

**MR JUSTICE GRAY:** I think you have.

**MR IRVING:** My Statement of Claim.

**MR JUSTICE GRAY:** We went through it. That is why it was relevant to go through what Professor Lipstadt wrote as

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well what you complain of as a meaning, because the Defendants are not confined, you must take it from me, to the meaning you put on the words. They are entitled to justify what she wrote in any meaning that the words can bear. This is all a bit technical. I am trying not to be unhelpful.

**MR IRVING:** I appreciate it is technical. I have read the authorities as far as I have been able to. It is just my understanding of the law was that the allegation of extremism alone is not defamatory; holding extreme views is not defamatory, and to be in the same room as people who

told extreme views is also not necessarily reprehensible, unless they are advocating the overthrow of governments by violence or something like that.

**MR JUSTICE GRAY:** It may be a question of degree. Shall I hear what Mr Rampton says and then you can reply?

**MR RAMPTON:** I am going to be both technical and I hope common-sensical all at the same time. First of all, if your Lordship turns to page 2 of the Statement of Claim, probably so-called, as it happens, page 14, one notices that there is nothing, and this is a technical point, about violence at all. The actual drift or thrust of this is: The confluence between anti-Israel, anti-semitic and Holocaust denial forces, including of course Mr Irving. There is no mention of violence there. It may be, I know not, that in the public mind some of the persons mentioned

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there, perhaps Mr Faurisson or perhaps Mr Leuchter, perhaps even Mr Irving, is associated with an intention to commit violence. I doubt it.

**MR JUSTICE GRAY:** And the groups particularly.

**MR RAMPTON:** Sure, but it would have to be pleaded as an innuendo and it is not. That is the technical point. Even if it had been, it would make no difference at all to the Defendants' right to justify the words which actually appear on the page, which are that Mr Irving has contributed to a confluence between anti-Israel, anti-semitic Holocaust denial forces. It is that contribution which he, along with his associates, has been making these last 10 or 20 years that we wish to set out to prove, showing him not just sitting in a room with whoever might happen to be in a waiting room in a railway station with whoever might happen to be there, but leading a banner-waving bunch of neo-Nazi thugs. Your Lordship will see the video tomorrow.

**MR JUSTICE GRAY:** This would confine you to anti-Israel, anti-Semitic and Holocaust denial.

**MR RAMPTON:** Yes, but anybody who advocates the return of Nazism as a credo or ideology is automatically going to fit all those three categories. The fact that they may also wish to see a return of the Reichsmark or whatever it might be, has nothing to do with the case at all. The fact is that the material which is punted,

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if I may use that word, around these meetings is all anti-Semitic and Holocaust denial stuff. Your Lordship has seen quite a lot of it already. I am afraid to say, whether in German or in English, it is all of the same water. That is the first thing. The second thing is this, that if one goes to the pleaded meaning (i).

**MR JUSTICE GRAY:** I am sorry to interrupt you, Mr Rampton, is there anything else that is relevant in the book?

**MR RAMPTON:** In the book, yes, under 161, line 123. These lines are so squashed together I cannot separate them. "An ardent admirer of the Nazi leader, Irving placed a self-portrait", etc., etc. "Irving, a self-described moderate fascist, established his own right-wing political party founded on his belief that he was meant to be a future leader of Britain, he is an ultra-nationalist", whatever that may mean, "who believes that Britain has been on a steady path of decline accelerated by its misguided decision to launch a war against Nazi Germany". Hitler apology is one of the leading features of neo-Nazism, certainly in Germany and, in my belief, in other parts of the world as well. It will be seen, and that is one of the features of this material, that its common theme, they celebrate the Fuhrer's birthday every year; they celebrate the birthdays of his close associates like Rudolf Hess and Martin Bormann. That is

very much a feature of anti-semitic, anti-Israel Holocaust denial scene, of which I am afraid Mr Irving is very much a figure of in front of the stage, at least was until the mid-1990s.

**MR JUSTICE GRAY:** I was just going to ask you if it is right to say that really there is no justification put forward for what one might call the violence sting which might be conveyed even without an innuendo being pleaded.

**MR RAMPTON:** Miss Rogers has corrected me. She says there is strictly an innuendo, but I mind not about that. She is quite right. It is on page 7 of the pleading somewhere or other. Yes, paragraphs 11 and 12. So I was wrong about that, but it does not make any difference because I am still entitled to justify the natural and ordinary meaning.

**MR JUSTICE GRAY:** But you are not seeking, which is the question, to justify any meaning that Mr Irving associates with the sort of violent types who one rather infers for most of the membership of Hamas?

**MR RAMPTON:** Maybe. I am certainly not seeking to justify ----

**MR JUSTICE GRAY:** Maybe is yes, is it not? You are not?

**MR RAMPTON:** I do not know whether one does or whether one does not associate those people with violence.

**MR JUSTICE GRAY:** No, you are not justifying that invitation.

**MR RAMPTON:** No, I am not justifying association with terrorists. I am justifying association with the most

ugly kind of neo-Nazi types, in particular in Germany and in America. One sees how he pleads the case on page 5 at the bottom of the page in (i), that the Plaintiff is a dangerous spokesman for Holocaust denial forces who deliberately and knowingly consorts and consorted with anti-Israel, anti-semitic and Holocaust denial forces. One can stop there because the "and who" is then disjunctive.

**MR JUSTICE GRAY:** There is a bit over the page.

**MR RAMPTON:** Yes, but it is disjunctive.

**MR JUSTICE GRAY:** I see why you say that.

**MR RAMPTON:** Because it would to have say "Holocaust denial forces who advocate and resort to violence", etc., but it does not. It falls into two distinct parts.

**MR JUSTICE GRAY:** Yes. The next question I suppose that arises, I have not looked at RWE 1 and 2 beyond glancing at them, you are saying, are you, that they all come within the umbrella of the confluence of anti-Israel, anti-semitic and Holocaust denial forces?

**MR RAMPTON:** Your Lordship has seen some of the material which has come from Mr Irving's own pen or his own lips on these occasions, and unless I am completely up a gum tree, it does seem to us that that is some of the most virulently racist and anti-Semitic material that one has ever seen.

**MR JUSTICE GRAY:** Do not worry about that.

**MR RAMPTON:** No question. That is our case and it is not one

that I am going to back off very easily, I have to say. Those are the sorts of occasions when like-minded people, and we shall identify them one by one, what the organizations are, what they stand for, who their personnel are, how the personnel all link up together, that you have, in effect,

for example in Germany a network of what may properly be called "neo-Nazis" and there is no other word for them, of which Mr Irving is a member.

**MR JUSTICE GRAY:** There is another aspect which I should have put to Mr Irving and I will in a minute, but I just want to ask you about it. One of the main thrusts I suppose of the libel, and certainly of the way you put your plea of justification, is really the historiographical thrust, namely that ----

**MR RAMPTON:** Yes.

**MR JUSTICE GRAY:** --- there is misinterpretation, as you say, after misinterpretation, and that raises the question of reason ----

**MR RAMPTON:** Motive.

**MR JUSTICE GRAY:** --- or motive, yes. Would you say that one may see, I will not say a truer side, but another side of Mr Irving's approach to these issues, if one looks to see not only what he says himself but what he is prepared to have said by those with whom he has consorting?

**MR RAMPTON:** Yes. I do not mean this in any literal sense, but he has prostituted his skills and his talents, and they

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are considerable, in the service of I can only say a restoration of a kind of Nazi anti-semitic ideology. That is I have always said the obvious motive for the lies which he tells when he writes history about Adolf Hitler, and that is the motive for his Holocaust denial. The whole thing hangs together. If we are allowed to pursue this line of defence, your Lordship will see it, what this is what happens when he goes to these gatherings, whether they are the United States or in Germany or in this country or whether ever it may be.

**MR JUSTICE GRAY:** Yes,.

**MR RAMPTON:** Then one sees the picture of the whole man; perhaps not the whole man, but three important parts of the man: What he thinks, who he speaks to and how he speaks, and then when he comes to his so-called history how he writes. The three strands together form a powerful picture of a man who is writing, falsifying history because he worships Adolf Hitler, Nazi doctrines and hates Jews and other people of different backgrounds.

**MR JUSTICE GRAY:** Mr Irving, I am still of the view that what is written about those with whom you consort is defamatory or potentially defamatory. I am also of the view that what the Defendants are seeking to set up by way of justification of that defamatory meaning is something that is open to them. One of the reasons, which I have not asked you about and therefore I ought to put it to you

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now, is that it may well be that all this material, quite apart from being relevant to justify the words, is also relevant or may be relevant to explain how it comes about that these errors to which the Defendants point in your writings, how they can be explained. Do you follow me? It is the point I raised with Mr Rampton.

**MR IRVING:** This is very similar to the idea that I omitted to present your Lordship in the original presentation of the submission, which is that another form of extremism which is illegal is of course extremism in the way of a foreign government, and this would be something similar, holding extreme views in being beholden to ----

**MR JUSTICE GRAY:** Yes, in some ways that is another motive.

**MR IRVING:** I appreciate that could be defamatory. I have no objection at all to them leading evidence on that or cross-examining on that kind of matter, but I think that the court should very

properly rein in any kind of cross-examination that goes to guilt by association, and I am sure your Lordship would quite clearly be able to identify what any attempt of that is. If they can establish that I have had any kind of associations with any kind of neo-Nazis or Nazi subversists or revolutionaries or people of the kind that Mr Rampton was fantasizing about, then by all means let them try.

**MR JUSTICE GRAY:** What I think they are entitled to do is to call evidence to the effect that you have either

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associated with groups that are in themselves right-wing or in some way anti-Semitic or anti-Israel or involved with Holocaust denial, and that they are also entitled to put to you statements made by those who are intimately involved with organizations of that kind or indeed statements made at meetings when you were on the platform or even present.

**MR IRVING:** My Lord, we are faced then with the problem of definition. They say Mr Irving addressed the Women's Institute of Los Angeles or something which we claim is an extremist neo-Nazi organization, how does your Lordship know? They are not going to put in the expert reports.

**MR JUSTICE GRAY:** I listen to the evidence, is the answer, or look at the evidence.

**MR IRVING:** Yes.

**MR JUSTICE GRAY:** And see what it amounts to.

**MR IRVING:** But for them just to say that a Mr Webber Mr Smith or Mr Bloggs is an extremist and say "Mr Irving has met him, we can prove it, we have photographs of him standing to next to Mr Bloggs", this is going to be a problem is going to confront the court.

**MR JUSTICE GRAY:** Maybe what we had better to do to cater for that concern, and I do understand it, we cannot have a completely wide, open-ended kind of discussion about all these organizations, unless the ground work is laid, is for me to invite Mr Rampton perhaps to take Mr Funke

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through some of the main organizations, IHR and maybe some of the others, to lay the foundation for saying that they are the sorts of organizations on which the Defendants should be entitled to rely.

**MR RAMPTON:** That is what I had hoped your Lordship might allow me to do, because the tangle of interlocking personalities or personnel and organizations in Germany is a nightmare. Professor Funke is probably the only person in the world, apart from Mr Irving who knows his way round it, and what I had hoped was that I am going to try to show some film. I will have to did it in cross-examination first, I will point out some faces, and your Lordship will see exactly what I have been talking about. Then Professor Funke who will by then have instructed me, I will know who the faces belong to and, roughly speaking, what their political colour is. I can start off in that way. Then your Lordship will find at the back of Professor Funke's report a list of abbreviations which nobody should have to try to memorize, but much more useful a sort of dramatis personae, that is to say, a short biographical sketch of each of the main right-wing extremists with whom Mr Irving is associated in Germany. That is an extremely useful document.

**MR JUSTICE GRAY:** Yes.

**MR RAMPTON:** Herr Funke has also produced a short executive summary of his report, explaining the evolution and

history of neo-Nazi right-wing extremism in Germany. As soon as I get back to the office I will release copies of that.

**MR JUSTICE GRAY:** Yes. Mr Irving, there we are. That is the view I take on your submissions. What it comes to is we will look carefully at any organizations, and indeed any individuals statements, on which the Defendants are relying, but in principle, for the reasons I have given, it seems to me they are entitled to advance this as part of their plea of justification.

**MR IRVING:** Yes.

**MR JUSTICE GRAY:** But we will look at it closely because it cannot get out of hand.

**MR IRVING:** I am very anxious that it should not get out hand. It is liable to turn into a shooting gallery of the most random sort in which any numbers of names are dragged in and presented as being neo-Nazis who happen to have been in the same room as I or in the same continent or in the same county.

**MR RAMPTON:** I would not dream of doing that. It would be a monstrous waste of the court's time, and anyway it would get me nowhere which is perhaps more important. It will consist of showing Mr Irving's intimate relationships over periods of time with individuals, ranging from them turning up at his meetings, this kind of thing, him having dinner with them. It is nothing like finding two people

in the same waiting room at a railway station. It really is not.

**MR JUSTICE GRAY:** There are two propositions, both have to be put together. One is an association.

**MR RAMPTON:** Exactly.

**MR JUSTICE GRAY:** Which is a pure question of fact.

**MR RAMPTON:** Then they have to prove who the person is.

**MR JUSTICE GRAY:** Then you have to prove the colour of their, whatever it is ----

**MR RAMPTON:** Yes, that is exactly right.

**MR JUSTICE GRAY:** --- cut of their gib. It is not an easy area. I think rogues gallery, which is what this in a way comes to, is always difficult. We have to watch it.

**MR RAMPTON:** Rogues' gallery I have always hated as an advocate. I have always found it difficult, and it is a question of fine judgment in each case. But this is not rogues gallery, if I can prove that Mr Irving is one of the rogues.

**MR JUSTICE GRAY:** That is always true of rogues gallery.

**MR IRVING:** My Lord, in response of course, if I am going to be subjected to this kind of public flogging, then course I shall expect or hope for a greater degree of latitude in presenting my own bundle E when the time comes, because that is also a kind of rogues gallery of its own kind.

**MR JUSTICE GRAY:** Who are rogues?

**MR IRVING:** The international endeavour to destroy me.

**MR JUSTICE GRAY:** Yes.

**MR IRVING:** There are certain parallels there which I would draw.

**MR JUSTICE GRAY:** I do not think this can be approached on the basis of tit for tat, as it were,

but I hear what you say. You would be entitled to say, Mr Irving, that you wanted a formal ruling from me. I think as we have the transcript, and as there are a great many other things for all of us to do overnight, as it were, you are entitled to ask for it, do you want me to do a formal ruling?

**MR IRVING:** Not a formal ruling, my Lord, but I would like to know what the timetable is now for the next two or three days so that I can plan.

**MR JUSTICE GRAY:** That is a very good question.

**MR RAMPTON:** I am in your Lordship's hands. I am in Mr Irving's hands. I say with not with any pride or whatever, but I do say that we have made very good progress in this case. We are at least four, maybe five or six, weeks short of the estimate even now. We have nearly finished the evidence. I quite agree, those files actually landed on me on Friday too, and my heart sank too. I have in fact read them. They do contain a lot of material about Mr Irving's activities because they are taken from his diary and from his correspondence and so on.

**MR IRVING:** Selected from my diary.

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**MR RAMPTON:** Yes, maybe. That is right. The human brain is very good at selection. I would like him, if he needs it, to have the time to read them before I cross-examine him about them. I have got a residuum of cross-examination about history still to do, loose ends. I am entirely in your Lordship's hands.

**MR JUSTICE GRAY:** Is it Herr Funke, is it, or Dr Funke?

**MR RAMPTON:** Dr Funke is here.

**MR JUSTICE GRAY:** Presumably, the sensible thing then would be to take his evidence next.

**MR RAMPTON:** Before I cross-examine Mr Irving?

**MR JUSTICE GRAY:** Well, I am completely easy. It is just a waste of time, I would have thought, to have Dr Funke hanging about while you cross-examine.

**MR RAMPTON:** Well, they want me to cross-examine first.

**MR JUSTICE GRAY:** Let us ask Mr Irving because your view counts.

**MR IRVING:** My Lord, I would like to cross-examine Dr Funke before my cross-examination. The simple reason is this may enable us to knock out a number of personalities or organizations which would probably be useful. If we establish the number of personalities or organizations are perfectly clean, and not criminal and are non-violent and non-revolutionary and not anti-Semitic and none of the things that Professor Lipstadt has said in her book, then, presumably, your Lordship would not be interested in my

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relationship with them.

**MR JUSTICE GRAY:** That is a fair point. Mr Rampton, do you want to ----

**MR RAMPTON:** No, it is all right.

**MR JUSTICE GRAY:** What Mr Irving has just said (and there is something in it) is that if he manages one way or another to knock out any of the organizations, basically, I suppose in his own cross-examination of Dr Funke, Herr Funke, then he does not need to face cross-examination from you on that particular topic?

**MR RAMPTON:** Well, it may be. On the other hand, from Professor Funke's point of view and certainly from mine, it is going to be a very great deal quicker, I mean, if Mr Irving is going to be able to knock out an organization, he can do it in answer to my questions.

**MR IRVING:** What I would prefer to do is to put to Dr Funke certain extracts from diaries pre-

emptively, if I can put it like that, which shows that I have shown a proper respect and distaste for some of these people and that would be the time to do it.

**MR RAMPTON:** This is all the wrong way round. It is Mr Irving who is the Claimant in this case. I cannot say I have a right because nowadays those sorts of procedural rights no longer exist. But it is unsatisfactory that the Claimant in the case should, as it were, get first shot at the Defendants' experts.

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**MR JUSTICE GRAY:** Well ----

**MR RAMPTON:** It should not be that way around.

**MR JUSTICE GRAY:** Save for this, this may be unfair and wrong -- if so, tell me -- my impression was that you deliberately reserved for a later stage of cross-examination the whole issue of extremist associates. Indeed, I think at one time you were not sure you were going to necessarily want to cross-examine on them.

**MR RAMPTON:** I think that is true. I have not deliberately reserved it. It just got left. I mean, it was going to be last in the queue anyway.

**MR JUSTICE GRAY:** All right. I think I am going to suggest that Herr Funke gives evidence before you resume your cross-examination of Mr Irving because I think that may have the effect to some extent of short circuiting things.

**MR RAMPTON:** If your Lordship says so. I do believe it will be quicker the other way round, but I am sure Professor Funke can deal with it, but if that is going to happen, then I, with your Lordship's permission, would want a little bit of time in chief with Dr Funke first.

**MR JUSTICE GRAY:** I am sure that is sensible.

**MR RAMPTON:** Which I think would speed things up. So perhaps we can do that tomorrow or whenever, I do not know.

**MR JUSTICE GRAY:** Do you want to, as it were, introduce him and make a start with him?

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**MR RAMPTON:** What, now? Yes, well, no, I do not want to because I have not got the kit together.

**MR JUSTICE GRAY:** All right.

**MR RAMPTON:** As I was expecting to cross-examine first, quite honestly.

**MR JUSTICE GRAY:** I understand why you do.

**MR RAMPTON:** We need videos too which we have not got in court.

**MR JUSTICE GRAY:** We will have that first thing in the morning?

**MR RAMPTON:** We will have them first thing in the morning.

**MR JUSTICE GRAY:** Can I ask for everybody's benefit what the likely duration of Dr Funke is going to be?

**MR RAMPTON:** As I am not having first shot at him, I am not saying ----

**MR JUSTICE GRAY:** Well, you will, first shot at Mr Irving, you mean? You are going to have first shot with Herr Funke.

**MR RAMPTON:** Yes, but only in chief. I will only be, I suppose, about an hour in chief.

**MR JUSTICE GRAY:** Yes, that is what I assumed.

**MR IRVING:** I will take the rest of the day, that is all.

**MR JUSTICE GRAY:** The rest of the day and that is all?

**MR RAMPTON:** Then we can, subject to Mr Irving's having had time to read those files if he wants to, finish the evidence this week.

**MR JUSTICE GRAY:** Yes. That is what I was rather hoping.

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Good.

**MR JUSTICE GRAY:** In that case we will adjourn now and Herr Funke tomorrow morning at 10.30.

**(The court adjourned until the following day)**

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