Meinhard Brunner

The military jurisdiction of the British occupying power in Austria

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British occupying power in Austria

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Judges at the first Eisenerz trial in Graz, April 1946 (IWM VIE 1325)

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1 Introduction

Historical research into the Allied occupation in Austria from 1945 to 1955 flourished in the country in the 1990s and has been pursued with varying intensity ever since. This was undoubtedly partly due to the considerable increase in public interest in contemporary historical issues in the wake of the 1986 affair centered on presidential candidate – and former UN Secretary-General – Kurt Waldheim, and the Year of Remembrance in 1988. However, the concrete results are due to the special commitment of individual historians who, in addition to their own research work, often acted as institutional or university door openers and multipliers. Finally, the easier availability of relevant sources and literature due to the expiry of archive embargo periods and advancing digitization also contributed to the continuing interest in the occupation decade. Thanks to the diverse approach in terms of content, hardly any aspect has remained completely unexamined in the numerous monographs, anthologies, and essays that have been published. The same finding applies on a smaller scale to the British zone, i.e. the provinces of Carinthia (with East Tyrol) and Styria, as well as five districts in Vienna.[1]

The aim of this study, which is an enhanced version of the author's doctoral thesis, is to shed light on a thematic niche; the activities of British military courts[2] in Austria. Although it would be presumptuous to speak here of an untapped field,[3] an overall view of the establishment, organization, and activities of these courts has been lacking to date.

A detailed presentation of the source base (chapter 2) is followed by a historical overview of the establishment of British occupation rule in Austria (chapter 3). Chapter 4 discusses fundamental questions about the British approach to the judiciary: these include the re-establishment of Austrian jurisdiction and its control by the occupying power, as well as the coexistence of British and Austrian courts.

Chapter 5 takes a closer look at the establishment and existence of the Military Government Courts. Which fundamental documents served as the basis for court activity? What was the regional distribution of the courts?

Chapter 6 is devoted to the middle level of the military courts. At the beginning of this first main chapter, the persons involved (judges, prosecutors, and defence counsels) are named. This is followed by an examination of court activity on the basis of trial lists and court registers. Detailed information was obtained from the court registers of the

[1] A selection of overviews of the British occupation zone: WADL, Überblick; STIEBER, Briten; BEER, Die „britische“ Steiermark; SCHNEIDER, Besatzungs- und Sicherheitspolitik; BEER, Befreiungs- und Besatzungsmacht; BEER, Besatzungsmacht; RAUCHENSTEINER, Kriegsende; RAUCHENSTEINER, Interalliierte Kommandantur.

[2] For the new language regulation – *Civil Affairs (British Element)* instead of *Military Government* – after the Second Control Agreement (28 June 1946) and its later implementation in the judicial area – *British Military Courts* instead of *Military Government Courts* – with Ordinance No. 8 (15 November 1947), see chapter 4.3.

[3] Relevant literature in selection: BEER, Let Right be Done; BEER, Militärgerichtsbarkeit (1998); LAPPIN, Ahndung; BEER, Militärgerichtsbarkeit (2018); STELZL-MARX, Zum Tode verurteilt (2018). – The author has also published several texts on British military jurisdiction since 1998; see the bibliography.

Intermediate Military Courts (Styria, and Vienna), which are kept in The National Archives in London-Kew. This information was transferred to a database set up specifically for this purpose in order to enable a precise evaluation of the source material. For Carinthia and East Tyrol, a data sample served as the basis for the statistical approach. Finally, an evaluation of the most frequent charges before Intermediate Courts with associated case examples and regional sections is provided.

The extensive section 7, the second main chapter, focuses on the activities of the Higher Military Courts. After introductory remarks on the legal basis of the indictments and the role of Displaced Persons, the judges, prosecutors and defence counsels are presented. Finally, the 53 known trials of British General Courts in Austria are portrayed in the actual core part of the study. For the province of Styria, a distinction is made between atrocities trials to punish final phase crimes (war atrocities), and trials for crimes committed during the occupation.

Chapter 8 deals with the British Royal Warrant Courts. These special courts for war crimes conducted at least 18 trials in Carinthia and Styria in which defendants had to answer for crimes committed against Allied prisoners of war and concentration camp inmates. Here too, files from the British State Archives form the most important source material.

Chapter 9 deals with the question of what happened to those people who had been sentenced to prison or the death penalty by British courts. Finally, before the lists, chapter 10 provides an outline of the military courts of the three other occupying powers in Austria (France, the Soviet Union, and the USA).

The final appendix offers full texts of important British legal documents for military jurisdiction in Austria (Ordinance No. 100, Ordinance No. 200, Rules of Military Government Courts), as well as the basic data of all hearings of British General Courts and Royal Warrant Courts in Austria.

2 Source Overview and Source Criticism

The primary sources for this study are court records relating to the military courts of the British occupying power in Austria, including hearing lists, trial material and court administration files from The National Archives in London-Kew and the Carinthian Provincial Archives in Klagenfurt. There are also court and police records of Austrian origin from the Carinthian as well as Styrian Provincial Archives (Graz). Gendarmerie chronicles and newspaper collections from both archives have also been analysed.[4]

The "Handbook Military Government Legislation",[5] published in May 1946, served primarily as a legal source for the legislation of the British Military Government in Austria. In addition, the "Verordnungs- und Amtsblatt für das Land Steiermark" [Ordinance and Official Gazette for the Province of Styria] contained numerous orders issued by the British occupying power up to 1947.

The archival holdings mentioned so far are described in more detail below. The focus is on the London-Kew Court Registers and the British Military Court Registers held in the Carinthian Provincial Archives. What both collections have in common is their considerable size. In order to facilitate handling and, above all, statistical analysis, a large part of the information contained in these court records has been transferred to an Access database. As a side effect of this particularly detailed examination of the source material, various errors or gaps can be pointed out below.

2.1 Sources from British archives

2.1.1 The National Archives

The first address for source material on the British occupation zone in Austria is, of course, The National Archives (TNA) in London-Kew.[6] In particular, the Foreign Office and Predecessors (FO) fonds under the shelf mark FO 1020 (*Allied Commission for Austria, British Element: Headquarters and Regional Files*) contains a wealth of documents relating to the judiciary, both with regard to the administration of justice in general, and specifically to the activities of the British Military Government Courts in Austria.[7]

---

[4] It is not possible at this point to go into more detail on fundamental legal and archival issues relating to the utilisation of court records. Relevant articles on this subject (selection): POLASCHEK, Strafakten; SCHÖGGL-ERNST, Justizaktenbewertung; SCHÖGGL-ERNST, Gerichtsakten; SCHÖGGL-ERNST, Nachkriegsprozessakten.

[5] Distribution key according to newspaper reports: 50 copies to the Ministry of Justice, 200 to the Vienna Bar Association, 150 to the Styrian Bar Association, 100 to the Carinthian Bar Association, 100 to the Higher Regional Court of Graz. Neue Zeit (24. 5. 1946), 3 („Ausgabe eines Handbuches"); Weltpresse (24. 5. 1946), 5 („Ausgabe eines Handbuches").

[6] On the scope of relevant British sources, see also: BEER, Nationalarchiv.

[7] The author has already been able to present an overview of the investigation and trial files of British military courts in Austria in the TNA fonds "FO 1020". BRUNNER M., Ermittlungs- und Prozessakten 12–14.

Let us first look at the General Courts, i.e. the highest level of military jurisdiction. As will be shown in this study, 53 hearings of these higher military courts took place in the British zone. A search in the TNA for the associated pre- and post-trial documents, and even trial transcripts reveals that they are very unevenly distributed. While the two Eisenerz trials, for example, can be traced without any problems thanks to the good source situation,[8] and there are also rich – albeit much smaller – reports on twelve additional trials, there is usually only scattered evidence on the other trials.[9] Some trials have apparently not found any noteworthy record in the British archives accessible today. In these cases, it is necessary to rely on two other essential sources; namely, newspaper reports and the records of the Austrian People's Court.

At the level of intermediate courts, the source situation is different. Thanks to the court registers of British Intermediate Courts in Styria and Vienna, which have been preserved in London-Kew, it was possible to record their activities relatively accurately for this study. These court registers are based on the Legal Form 11a (Fig. 1) with 14 horizontally arranged columns bearing the following headings:[10]

- *Case No.*[11]
- *Date* – In many cases, although not always, the venue was also entered under the trial date.
- *Accused (Surname first), Age and Sex*
- *Members of Court*
- *Prosecutor*
- *Defence Counsel*
- *Charge(s)*
- *Plea(s)*
- *Finding(s)*
- *Sentence and Orders*
- *Fine*
- *Fine Paid – Amount*
- *Fine Paid – Date*
- *Remarks (Petition for Review filed, Action on Review, etc.)* – e.g. requests for procedural review, reviews carried out, etc.

Using this template, the Land Legal Officer kept a register of all persons tried by military courts in each British-occupied province.[12] Each military judge was authorized to pass

[8] This applies above all to the first Eisenerz trial: the TNA signature FO 1020/2059 contains an (apparently) complete collection of the witness interviews conducted by the FSS, SIB and gendarmerie. FO 1020/2055 and WO 235/1119 contain (not quite complete) trial transcripts.

[9] The proceedings of British General Courts in Vienna were recorded on a single sheet according to the Court Registers scheme (see below). TNA, FO 1020/3500.

[10] BRUNNER M., Intermediate Courts 7.

[11] If several charges or offences were the subject of a trial, only one case number was assigned in the British lists. The individual offences were then numbered separately, e.g. *757/1, 757/2, 757/3* etc. Wherever file citations are used in this form in the present work, they always refer to a specific offence. If the entire trial is meant, sub-numbers are not reproduced.

[12] Cf. TNA, FO 1020/2063: 8. 1. 1947.

on copies or extracts of the trial lists to Austrian judicial authorities, *to enable Austrian authorities to maintain their records, and to supervise persons whose sentence has been suspended.*[13]

Such court lists based on Legal Form 11a have been almost completely preserved for the Viennese Intermediate Courts. They are also available, with gaps, for Styria, while they are largely missing for Carinthia.[14] Specifically, the relevant TNA inventory (FO 1020/3506) for Carinthia contains only three sheets. The lists begin with Case No. 8721 from 5 January 1950 and extend to Case No. 8758 from 11 July 1950. As can be seen from the case numbering, this is the extremely small remainder of what was originally a very large collection. The National Archives in London therefore offer comparatively little material for the middle level of the military government courts in Carinthia.

In comparison, the Intermediate Courts, which convened in Styria, are much better documented: The TNA holdings FO 1020/3525 and FO 1020/3526 contain hearing lists totalling 302 sheets (usually 5–10 cases per sheet), which cover the years 1945 to 1949.

FO 1020/3525 contains 236 sheets but is obviously incomplete. The first surviving sheet begins with the hearing of Case No. 362, which took place on 23 October 1945, and extends to Case No. 368 of 25 October 1945. The next surviving sheet begins with Case No. 731 (presumably February 1946)[15]. From this point on, the inventory is complete, albeit deficient (see below); it ends with Case No. 2816 dated 30 April 1948, but there is a gap of 361 hearings before both the first and after the second sheet. This means that there is no precise information on 722 hearings. As a result of these gaps in the records, case numbers 1 to 361 and 369 to 730 had to be disregarded in the statistical analysis of the hearings of British Intermediate Courts in Styria (chapter 6.4.2).[16]

FO 1020/3526 comprises 66 sheets. The file begins with Case No. 2817 dated 30 April 1948 and extends to Case No. 4192 dated 24 November 1949. This file appears to be complete but contains several errors.[17]

Further gaps and errors in the 'Styrian' TNA sources are listed below:[18]

- FO 1020/3525:
  - Case No. 746 is missing, i.e. a hearing with this number was entered, but then crossed out.
  - Case No. 2142 was apparently entered twice in error. The details of this hearing are almost identical to Case No. 2136.
  - The same applies to Case No. 2143, whose details are more or less identical to Case No. 2138.
  - Case nos. 2206 and 2208 are completely identical.

[13] TNA, FO 1020/2820: 22. 12. 1945.

[14] BRUNNER M., Ermittlungs- und Prozessakten 13. – The situation is similar for the Summary Courts: British court registers exist for each individual court location in Vienna (FO 1020/3501-3505) and in Styria (FO 1020/3507-3523), but not for Carinthia. BRUNNER M., Ermittlungs- und Prozessakten 12f.

[15] The exact date is illegible due to damage to the original.

[16] BRUNNER M., Intermediate Courts 7.

[17] BRUNNER M., Intermediate Courts 8.

[18] BRUNNER M., Intermediate Courts 8.

- Case No. 2288 is missing, as this number was not assigned.
- Case No. 2789 is erroneously followed by Case No. 2799 instead of the correct 2790, which means that the further sequence of case numbers is no longer correct. This mistake was 'corrected' later – under FO 1020/3526 – where Case numbers 2790 to 2799 follow Case No. 2819. While the number 2799 was assigned twice, there is no Case No. 2820; the second Case No. 2799 is followed by Case No. 2821.

↳ FO 1020/3526:
- Case No. 2861 was assigned twice.
- Case No. 3099 is incorrectly followed by 4000. This error was not corrected, and the incorrect case count was therefore retained.
- Case No. 4185 is followed by 4086. This oversight is also not corrected so that all Case numbers from 4086 to 4185 appear twice. It is possible to differentiate between these 'duplicates' on the basis of the hearing dates.
- Case No. 4120 (25 May 1949) was apparently entered twice. The details of this hearing are identical to Case No. 4119.

Information on the age, gender and nationality of the accused persons was not always entered in all the sources.[19]

This is one specific difference to the trial lists of the Intermediate Military Courts in the British sectors of Vienna, which can be found under the TNA shelf marks FO 1020/3524 and FO 1020/3527. FO 1020/3524 comprises 71 sheets. The file begins with Case No. 1/45 dated 24 November 1945 and extends to Case No. 66/48 dated 9 December 1948. FO 1020/3527 contains 6 sheets. This file begins with Case No. 1/49 dated 21 January 1949, and extends to Case No. 3/50 dated 6 or 18 April 1950.

In the case of the hearing lists of the Intermediate Courts in Vienna, it is noticeable that they were generally kept more carefully than the lists from Styria. Specific features of the Viennese files include:

↳ The section *Accused (Surname first), Age and Sex* often contains additional information about the accused person.
- From Case No. 6/46 onwards, the residential address was entered in almost all instances.
- From Case No. 21/46 onwards, the nationality was also indicated almost without exception.
- Information on occupation can be found for a total of 42 defendants, and the date of birth 32 times.

↳ For two thirds of the charges, the trial lists also contain precise details of the legal provision on which the respective charges are based in the Charges section.

↳ In the case of a fine, *yes* is entered under *Fine* in the Vienna files. In the Styrian files, the amount due is entered here.

[19] BRUNNER M., Intermediate Courts 8.

STEIY INTERMEDIATE

Legal Form 11 a

Case No.	Date	Accused (Surname first) Age and Sex	Members of Court	Prosecutor	Defence Counsel	Charge(s)	Plea(s)	Finding(s)	Sentence and Orders.	Fine	Fine Paid A'mt	Fine Paid Date	Remarks (Petition for Review filed, Action on Review, etc.)
1695	13.2. (GRZ.CD)	K ELISABETH 26 F GCSM.	Mr. CLARKE	M. HAYWARD	–	ARMS	G	G	Fine 1 d. Rifle conf. 14 days	200/– within 1 week		–	
1696	13.2. (GRZ.CD)	PABI JOHANN 47 M. O	"	"	—	– " –	NG	NG	—	—		–	
1697	13.2. (GRZ.CD)	VOWATSCH JOSEF 68 M. STL	"	"	PRISTOLITSCH	– " –	G	G	6 MONTHS susp. on long as of p. 8. for 1 year Confiscat. of weapon.	–		–	
1698	13.2. (GRZ.CD)	LICHTENEGGER ROCHUS 45 M. O	"	"	—	– " –	NG	G	Fine 1 d. 1 month Rifle confiscated	500/– 13.3.47			II 47
1699	25.I. (GRAZ.CD)	KIELZER MAX M 50 A	"	"	DR. RITTER	1.) DESTROYED RECORDS OF OFFICIAL CONCERN 1.) FALSE STATEMENT	NG NG	G G	FINE ~~MONTH~~ FILE	100 100	100 100	29.2.47 29.2.47	
1700	20.II. (GRAZ.CD)	BACHER MARIA F 41 A	"	"	—	ARMS	G	G	3 MONTHS – SUSPENDED pending good conduct for 1 year				
1701	29.II.	KARLIN MARIA F 49 A	"	"	—	POSS. OF WD PROPERTY	NG	G	3 MONTHS – SUSPENDED for 1 year. Property confiscated.				

PSS ACA (B.) 1519 2M 5-

Figure 1: Legal Form 11a (TNA)

TC

OFFICE NO. KAR/INT/WOLFS/ 3888

DATE OF RECEIPT 29.11.46

SURNAME	CHRISTIAN NAMES	ADDRESS	AGE
WIDL	Elisabeth	St. Paul 76 Austr.	42 F

JUDGE	COURT	ATTORNEY	LAND
Major Lyall	INT	–	

CHARGE

1. did disobey an order made by NG in that she a ranged meetings for
2. Internees of 373 POW Camp Wolfsber wit their wives within her own flat, although this is forbidden
3. did neglect the interests of C. by withholding information from FSS i.e. declining to give names of women searching for their husbands interned

DATE OF TRIAL	PLEA	FINDING
25.9.46	NG NG	NG G

SENTENCE

1.500/- Pd 4.11.46

COURT NUMBER	A M R	PETITION FORWARDED	DECISION ON PETITION
		6 DEC 1946 Pd to ACA	P.T.O

PSS ACA (BE) 1836 3M 6-46 6 ACA

Figure 2: Index card from an Intermediate Court hearing in Wolfsberg, 25 September 1946 (KLA)

- The date on which the case files (*papers*) were forwarded to the examining authority at the Allied Commission for Austria (British Element) – i.e., Legal Division/Military Government Courts Branch[20] – is very often noted under *Remarks*, as is often the date of the decision, e.g. *sentence affirmed*. There are also entries on applications for clemency under Remarks.

However, to a certain extent, a disadvantage compared to the 'Styrian' files is that there is no unambiguous numbering of the defendants for the Intermediate Courts in Vienna. Instead, related cases are listed under a trial number, e.g. Case No. 3/46: four teenagers for theft of allied property, or Case No. 18/47: seven defendants for theft or possession of allied property. In order to clearly identify such cases, the name of the accused person is needed in addition to the case number.

Overall, the Vienna stock appears to be complete and shows only a few errors in FO 1020/3524: Case nos. 4/45, 6/45 and 8/45 to 10/45 were not entered. Case No. 45/48 is followed by Case No. 49/48, then 46/48, 47/48, 48/48 and 50/48. Case No. 49/48 was therefore brought forward, so to speak, but the sequence is correct again from Case No. 50/48 onwards.

With regard to the British war crimes trials, reference should be made to the TNA holdings *War Office, Armed Forces, Judge Advocate General, and related bodies* (WO). This contains investigation and trial files on proceedings of the Royal Warrant Courts in Austria under the signatures WO 235 (*Judge Advocate General's Office: War Crimes Case Files, Second World War*), WO 309 (*Judge Advocate General's Office, British Army of the Rhine War Crimes Group, North West Europe, and predecessors: Registered Files, BAOR and other series*), WO 310 (*Judge Advocate General's Office, War Crimes Group, South East Europe, and predecessors: Case Files*), and WO 311 (*Judge Advocate General's Office, Military Deputy's Department, and War Office, Directorates of Army Legal Services and Personal Services: War Crimes Files*). To a lesser extent, this also applies to the *Records created or inherited by the Treasury Solicitor and HM Procurator General's Department* (TS); more specifically, to the shelf mark TS 26 (*Treasury Solicitor and HM Procurator General: War Crimes Papers*).[21]

2.2 Sources from Austrian archives and libraries

2.2.1 Carinthian Provincial Archives

As mentioned, as far as we know today, The National Archives contain only a meagre remnant of the hearing lists according to *Legal Form 11a* for the military courts in Carinthia. Compared to this, the relevant source material in the Carinthian Provincial Archives can be described as being almost abundant. The fonds "KLA, Bundespolizei-

[20] On the Military Government Courts Branch cf. SCHUSTER, Military Government 87f.
[21] BRUNNER, Ermittlungs- und Prozessakten 14–17.

direktion Klagenfurt, Britisches Militärgerichtsregister" comprises 18 slipcases with a total of approximately 18,000 A5-sized index cards (Fig. 2), which contain the basic data on all hearings of British military government courts in Carinthia (including East Tyrol and Lungau), and for all three court levels. The Summary Military Courts recorded in this way begin on 11 May 1945, the Intermediate Courts range from 23 May 1945 to 16 July 1953, and the General Courts begin on 3 January 1946 and end on 21 November 1951.

The entire collection is organised alphabetically according to the surnames of the defendants. Apart from this order, which is generally the only real criterion for organisation, all hearings of British Summary Courts, Intermediate Courts and General Courts in Carinthia have probably been summarised here. They are numbered consecutively, but separately according to court level.

The light blue index cards predominantly used in 1945/46 are 20.8 cm by 15 cm in size. These were replaced from around May 1946 by slightly larger (21.5 cm by 16.4 cm) cards with darker and thicker paper.[22] Abbreviations such as *PSS ACA (BE) 1836 3M 6-46* or later *PSS ACA (BE) 2536 4M 1-47* are printed on the front of the cards, with the abbreviation *PSS ACA (BE) 3288 5M 7-47* or, finally, *I.S.B. Printing Press, ACA (BE)* on the back. From June to August 1947, the backs of the beige index cards from the questionnaire surveys were often used as index cards for the military court register; this was apparently due to a shortage of supplies.

In the first months of the occupation, the index cards were mostly filled in by hand, but they were almost always typed in from September/October 1945. Only the *Office No.* and various details about the inspection and petition steps were still entered or added in writing.

The form of these index cards differs from the British *Legal Form 11a* (see section 2.1.1).[23] It contains the following 19 fields on the front:

- *OFFICE NO.* – Abbreviations for federal state, court type and court location as well as a quasi-case number (e.g. *KAR/INT/KLAG 4284*)
- *DATE OF RECEIPT*
- *SURNAME*
- *CHRISTIAN NAME*
- *ADDRESS* – For the majority of cases, at least the place of residence can be found here, often with the exact address of the defendant(s).
- *AGE* – The nationality of the accused was often (but not always) entered at this point (or under *Address*). The date of birth remains a rare exception.
- *JUDGE* – The assessors were also registered for hearings of General Courts.
- *COURT* – Court type (*S = Summary Court, INT = Intermediate Court, GEN = General Court*). Sometimes the venue was also stated. The 47 cases in which *Juvenile* or *INT (JUV)* is stated at this point represent a special/unique feature.

[22] 'Old' index cards still exist until December 1946.

[23] The most striking difference in terms of content is that the index cards do not provide for an entry on the prosecution. The public prosecutor was therefore only mentioned by name in a few later cases, albeit under the heading *ATTORNEY*.

- *ATTORNEY* – Occasionally, the name of the prosecutor (British officer) was entered here.
- *GAU* (for the first index card used until the end of 1945), *Land* (State). – Almost always left blank. *Kärnten* (Carinthia) was only entered here in some later cases (1950ff.). The abbreviation *KAR* for *Kärnten* (Carinthia) was always entered under *Office No.*
- *CHARGE*
- *DATE OF TRIAL*
- *PLEA*
- *FINDING*
- *SENTENCE* – The word "order" should actually have been added, because in many cases the sentence and then an associated court order, e.g. confiscation of weapons, are stated first.
- *COURT NUMBER* – Almost always left blank.
- *AMR* ⇨ Almost always left blank.
- *PETITION FORWARDED* – Date of forwarding a received petition to the reviewing body. De facto, to ACA or later to Graz; referring to the Military Government Courts Branch.
- *DECISION ON PETITION* – Decision of the reviewing body on the petition received. Usually confirmation, amendment or cancellation of the judgement.

At the bottom, outside the above-mentioned fields, further entries regarding forwarding to various British judicial authorities were noted on most of the index cards.

The back of the 'Carinthian' index cards contains four headings in the last variant used:

- *TYPE OF CASE* – See the following breakdown according to the subject matter of the proceedings. This section was not completed in most cases.
  - *CURFEW OR PASS*
  - *THEFT OR UNLAWFUL POSSESSION OF ALLIED PROPERTY*
  - *BLACK MARKET*
  - *LOOTING*
  - *POSSESSION OF ARMS AND AMMO*
  - *VIOLATION OF AUSTRIAN PENAL CODE*
  - *OTHER OFFENCES*
  - *TRANSFERRED TO AUSTRIAN COURTS*
- *DECISION ON REVIEW*
- *PROVINCE NOTIFIED* – Usually remained empty.
- *OTHER REMARKS* – Usually remained empty.

The index card form did not change over the years, although it was flawed from the outset and did not quite pass the practical test. As a result, entries were often made wherever there was space, sometimes even on the reverse side.

2.2.2 Styrian Provincial Archives

Of particular interest were the holdings of the court and police authorities in the Styrian Provincial Archives (StLA), which are not only continually growing in size due to regular file transfers, but sometimes also thanks to unexpected finds in official repositories.[24] The author focussed on the court files, particularly those of the People's Courts. The investigations into the numerous crimes committed during the death marches in spring 1945, which were often started by Austrian authorities after the end of the war, were later handed over to the British occupying power, and finally continued on a case-by-case basis after a British trial. Consequently, the files of the People's Courts may contain extensive investigative documents on trials conducted before the courts of the occupying power. One example of this is the extremely extensive People's Court file on the death march through the Pöls Valley.[25] The archives of the Higher Regional Court of Graz provided valuable information on the British administration of justice.

The investigation files of the Graz Criminal Investigation Department in the Graz Police Directorate were useful too. These include investigations into the final phase crimes of April 1945, files on serious road accidents involving British vehicles, and murder investigations, which served as the basis for the indictment before a British military court.

The gendarmerie chronicles, which have been kept in the StLA for several years, proved to be a rich source. In many cases, new details about offences punished by British courts could be extracted from them. However, it should be noted that the entries from the first post-war years were mostly not written on a daily basis, but only at a later date in retrospect.

The archives of the Graz-Karlau Prison – in particular the prisoner records – can be described as a veritable treasure trove. They not only made it possible to determine the actual periods of imprisonment of those prisoners who were behind bars on the basis of judgements by British military courts. They also provided personal details and thus some glimpses into the private lives of these prisoners. A few prisoner files of 'British' Karlau prisoners have also been preserved.

2.2.3 Additional archives (selection)

2.2.3.1 Graz City Archives

Between 1946 and 1948, 43 men were executed in Graz following death sentences handed down by British courts. The mortuary records of the Graz Municipal Council in the Graz City Archives provide valuable information for the clarification of any inaccuracies in dates in other sources and, in particular, for tracing how the bodies of the executed were dealt with.

[24] Cf. SCHÖGGL-ERNST, Archivbestände 67f.
[25] StLA, LGS Graz, Vr 2841/46, Josef Strutz u. a.

2.2.3.2 Diocesan archives

Although this is only a secondary aspect, the aim of this work is to document, as far as possible, the biographical data of all people who were on trial before British General Courts in Austria. The parish registers of births and deaths, which have been digitised by the relevant authorities in recent years and can now be accessed online, are essential for this. These include the registers from the diocesan archives in Klagenfurt, Graz, St. Pölten, Vienna, Ljubljana, and Maribor, as well as from the Upper Austrian Provincial Archives in Linz.

2.3 Newspapers

The progressive digitisation of the newspaper holdings of Austrian archives and libraries has meant an immense simplification of research work. This finding applies in particular to the ANNO project of the Austrian National Library in Vienna. The Digital Styrian Newspaper Archive, which is available at the StLA, also offers convenient access. In addition, newspapers – some in the original, some on microfilm – were analysed in the Steiermark State Library, the Carinthian Provincial Archives and the Klagenfurt University Library.

It would now be possible to access British newspapers from the 1940s and 1950s online, usually for a fee. For this study, however, the analogue method was chosen to evaluate the daily newspaper "The Times" with the holdings of Graz University Library, i.e. the index volumes in the open access area (HB40) and the microfilms in the media library.

However, when analysing daily newspapers, one must always bear in mind the conditions under which they were published. News was 'coloured' by communist or social democratic newspapers just as much as by conservative newspapers or generally by the newspapers of the Allies. The censorship activities of the occupying powers must also be taken into account. Nevertheless, Austrian and British newspapers – alongside material from British and Austrian archives – formed a third source pillar for the present work.

3 HISTORICAL OUTLINE OF THE ESTABLISHMENT OF THE BRITISH OCCUPYING POWER IN AUSTRIA

The British were the last of the four occupying powers to reach Austrian territory on 7 May 1945. On that day, advance units of the 6th Armoured Division crossed the border between Italy and Austria at the Plöcken Pass and reached the Carinthian town of Mauthen. These units belonged to the V Corps of the British 8th Army, which had orders to advance into the future British occupation zone in Austria. In addition to the 6th Armoured Division, the V Corps also consisted of the 78th and 46th Infantry Divisions.[26] On 8 May, the bulk of the British troops were deployed from Tarvisio to Villach, and in particular to Klagenfurt, where they were to arrive just a few hours before the Yugoslav units. While the rest of the province and parts of Lungau (Province of Salzburg) were under British control by 10 May at the latest, the occupation of southern Carinthia proved to be considerably more difficult, as Tito's troops had marched in there at the same time and made territorial claims. As Alice Hills aptly put it: "Every aspect of the early weeks of [British] occupation was coloured by the Yugoslav presence".[27] Moreover, Bulgarian units appeared in the lower Lavant Valley, posing as an occupying force for about a week. The atmosphere was extremely tense for several days, during which fighting between British and Yugoslav soldiers could not be completely ruled out. In the end, British hegemony in Carinthia was only achieved with the withdrawal of the Tito troops from the entire province on 21 May 1945.[28]

The British advance was also hindered by the congested roads on which units of the German Wehrmacht, various auxiliary troops, and refugee treks were streaming westwards to seek safety from the Red Army and Yugoslav units. The chaotic situation was 'made complete' by tens of thousands of forced labourers and prisoners of war who had regained their freedom with the end of the Nazi regime.[29]

Near Bleiburg, the British refused to accept the surrender of tens of thousands of army personnel and Ustasha militias from Croatia, forcing them to surrender to the Yugoslav Army instead. The British also ridded themselves of around 30,000 anti-communist Domobranzen from Slovenia and Chetniks from Serbia, who had fought their

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[26] BEER, Judenburg 7; SCHNEIDER, Aspekte 40; SCHNEIDER, Operation „Freeborn" 163; SCHNEIDER, Military Security 466; BRUNNER M., Militärgericht 11. – As Felix Schneider has determined, the manpower of the V Corps at the beginning of May 1945 was around 90,000 soldiers. SCHNEIDER, Military Security 467. – The sometimes chaotic first days of the occupation, in this case in Villach, are vividly described by ENTNER, Garnison 141–155.

[27] HILLS, Britain 133.

[28] WADL, Überblick 32–42; SCHNEIDER, Operation „Freeborn" 164f., 167–169; HILLS, Britain 133f.; STIEBER, Briten 38f., 41–53; WALZL, Villach 14–16.

[29] The situation in the Villach area was described in a report in The Times on 17 May 1945: "Great stretches of countryside to-day looked like a camping ground of armies resurrected from the last century; and that takes no account of the masses of civilian forced labourers who are being assembled from scattered areas." The Times (17. 5. 1945), 4 ("Cleaning up in Austria").

way to Viktring, by handing over soldiers and civilians to Yugoslavia by the end of May 1945.[30] Today, the subsequent mass executions are referred to as the "Tragedy of Viktring" and "Bleiburg Massacre".

At the political level, a provisional Carinthian provincial government had been formed, which convened in Klagenfurt for its constituting meeting on 8 May 1945. Its ability to act remained extremely restricted due to the presence of two competing occupying forces. After a month, the British replaced it with a consultative provincial committee, which met for the first time on 6 June 1945, but subsequently only acted as an advisory body to the military government. The powers of the new provisional provincial government, which was appointed by the British occupying power on 24 July 1945 and remained in office until it was reconstituted after the elections on 25 November 1945, also remained limited. All of these bodies were headed by the socialist Hans Piesch.[31]

East Tyrol had been assigned to the Gau Kärnten at the beginning of the Nazi era. Accordingly, the British occupied it as part of their zone after the end of the war. When the occupying forces arrived in East Tyrol on 8 May, they found similarly chaotic conditions to those in Carinthia. What stood out were the approximately 25,000 Cossacks who had set up camp in the Lienz area. Most of the Cossacks were handed over to the Soviets by the British by mid-June; this was usually tantamount to a death sentence.[32] At the end of September 1947, the British and French agreed to allow the district of Lienz to be returned to Tyrol, but with the zonal borders retained.[33] The British occupying troops withdrew from East Tyrol in October 1953.[34]

In Styria, there was no question of British troops occupying the whole province at the end of the war. On the contrary, they had already encountered Russian troops in Judenburg and in the Voitsberg area. Short-term negotiations resulted in a provisional demarcation line between British and Soviet-controlled territory, which led from the Pöls Valley to Judenburg, then along the Gaberl Road to Köflach, and finally over the Koralpe to Lavamünd.[35] Bulgarian and Yugoslavian troops were temporarily stationed in the south of Styria. The Enns Valley was occupied by American and Soviet units facing each other at the Rötel Bridge near Liezen.[36] It was not until 9 July 1945 that the British took over the part of the Liezen district previously occupied by US troops.[37] According to the Agreement on Zones of Occupation of the victorious powers (9 July 1945)[38], the British

[30] STIEBER, Briten 57f.
[31] WADL, Überblick 33f., 50–55; STIEBER, Briten 63–67, 71–78.
[32] KOFLER, Osttirol 186–190; KOFLER, Spielball, esp. 15–19. – See also: STIEBER, Briten 59–62.
[33] Welt am Abend (27. 9. 1947), 1 („Osttirol gehört wieder zu Tirol"); KOFLER, Osttirol 194, 204f.
[34] KOFLER, Osttirol 202f.
[35] BEER, Judenburg 7; SCHNEIDER, Operation „Freeborn" 165.
[36] BEER, Liezen 145–147; VASOLD, Liezen 35–39, 54. – British advance troops only reached the Liezen area on 14 May 1945. SCHNEIDER, Operation „Freeborn" 166.
[37] BEER, Great Deal of Work 36; BEER, Liezen 147; VASOLD, Liezen 86f.; SCHWAIGER, Stadterhebung 206. – Only the Ausseerland remained under American occupation until 1955.
[38] VEROSTA, Stellung Österreichs 72f.

finally controlled the whole of Styria – with the exception of Ausseerland – as an occupation zone from 24 July 1945.[39]

Once in Graz, the British declared all laws previously passed by the federal government in Vienna to be repealed and dismissed the provincial government under Reinhard Machold (SPÖ) that had been appointed at the end of the war. Machold was immediately given the task of forming a new government, which was constituted on 8 August 1945, but kept on a tight rein by the occupying power.[40] The Military Government Styria had the say in the province. Until the Second Control Agreement (28 June 1946), the occupying power exercised practically unrestricted government and administrative control.[41]

British officers, who followed the combat troops in the first weeks and months of the occupation, were appointed to lead this military government. In Carinthia, of course, this process was completed earlier than in Styria, where only district military administrations were in operation until 24 July.[42]

Responsibility for the organisation of the military government was not transferred from the headquarters of the British Troops in Austria (BTA), based in Klagenfurt, to the British Element of the Allied Commission for Austria in Vienna until October 1945.[43] This put an end to the dual role of the BTA in Styria and Carinthia; namely, the provision of military security and the simultaneous (provisional) establishment and preparation of an organisational and administrative apparatus.[44]

When fully developed, the British military government's control and administrative apparatus extended into almost all areas of the population's lives. Particular attention was paid to public safety, the justice system, and education.[45] Initially, the British also retained control of the numerous Displaced Persons (DP) camps in their zone.

At the district level, the Military Government Officer headed the military administration and was also responsible for exercising jurisdiction. The Public Safety Officer (PSO), who was responsible for a wide range of security issues, played a crucial role. He often acted as a link between the occupying power and the civilian population. His area of responsibility included the control and supervision of the local executive and the prison system, investigations for the courts, numerous bureaucratic activities (especially issuing documents and identity cards), and the transport sector. In the area of denazification, the PSO's sphere of activity could also overlap with the work of the British FSS.[46]

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[39] VEROSTA, Stellung Österreichs 72; HASIBA/POLASCHEK, Landesgesetzgebung 5; SCHNEIDER, Aspekte 99–101; SCHNEIDER, Operation „Freeborn“ 170–172; BRUNNER M., Militärgericht 11. – For the British takeover of Graz on 24 July 1945, see: The Times (25. 7. 1945), 3 (“British Troops in Graz”); SCHNEIDER, Aspekte 101f.; SCHNEIDER, Besatzungs- und Sicherheitspolitik 59f. – The Soviet occupation of Styria only really ended on 31 July 1945 with the withdrawal of the last units from Mürzzuschlag. SCHNEIDER, Besatzungs- und Sicherheitspolitik 60.

[40] HASIBA/POLASCHEK, Landesgesetzgebung 5f., 12; BRUNNER M., Graz 279f.; BEER, Kriegsende 26.

[41] BEER, Kriegsende 26f.

[42] BRUNNER M., Militärgericht 12f. – For the composition of the British military government in Styria, see: BEER, Die „britische“ Steiermark 745–747 (Appendix C).

[43] SCHNEIDER, Aspekte 105. – See also: HILLS, Britain 176–179; BRUNNER M., Militärgericht 16.

[44] SCHNEIDER, Aspekte 105. – Furthermore: SCHNEIDER, Besatzungs- und Sicherheitspolitik 69.

[45] BEER, Kriegsende 26.

[46] SCHNEIDER, Aspekte 52–56; BRUNNER M., Militärgericht 13.

The FSS units were stationed throughout the British zone after the end of the war.[47] Their main tasks were the prosecution and arrest of incriminated National Socialists, the monitoring of political activities of the population, e.g. in associations – and, of course, also in the parties – as well as the monitoring of the zone borders and other internal security matters.[48]

One of the downsides of the British occupation was the – often lengthy – confiscation of houses and flats for the purpose of quartering soldiers. On the plus side, the population enjoyed a much higher level of personal security than under the Soviet occupation. The British also played a significant role in rebuilding the infrastructure of Carinthia and Styria that the war had left in ruins in many areas.[49] Together with the other Allies, the British saved Austria from a famine in the first two years of occupation by providing or organising large quantities of food in their zone until the start of UNRRA aid.[50] Last but not least, they played a key role in procuring fuel during the harsh winters of the early post-war years.[51]

Let us now look at the Austrian capital, Vienna, which was in the centre of the Russian occupation zone. After an initial reconnaissance mission in June 1945,[52] small numbers of Western Allied advance troops were stationed in the city from July 1945[53] to prepare for the arrival of the actual occupation troops in accordance with the Agreement on Zones of Occupation (9 July 1945)[54]. From 1 September 1945, the Americans, British and French moved into their designated sectors.[55] During these days, British troops took control of the III, V, XI, XII and XIII city districts.[56] Their commander, Brig G.V. Palmer, announced with Notice No. 1, § 1, dated 7 September 1945: *The forces of the United Kingdom have taken over from the forces of the Union of Soviet Socialist Republics the administration as military occupiers of the Bezirke Landstrasse, Margareten, Simmering, Meidling and Hietzing*.[57]

On 11 September 1945, the Allied Council in Vienna took up its work as the main body of the Allied Commission for Austria.[58] It was also in charge of the Vienna Inter Al-

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[47] Cf. BEER, Judenburg 10; SCHNEIDER, Aspekte 71–73.
[48] SCHNEIDER, Aspekte 71; BRUNNER M., Militärgericht 13.
[49] SCHNEIDER, Aspekte 102f., 113–116; SCHNEIDER, Besatzungs- und Sicherheitspolitik 69–71; DORNIK, Suche 370.
[50] SCHNEIDER, Aspekte 110; WADL, Britische Besatzung 257f.; SCHNEIDER, Besatzungs- und Sicherheitspolitik 72f.; DORNIK, Suche 370; BRUNNER M., Militärgericht 12.
[51] SCHNEIDER, Aspekte 116f.; BEER, Kriegsende 27; BRUNNER M., Militärgericht 12.
[52] SCHNEIDER, Operation „Freeborn“ 176–179; URRISK-OBERTYŃSKI, Wien 24–28.
[53] “The British in Vienna […] are really no more than a reconnaissance party, and at this stage their main task is to assess the possibilities of accommodation for formations that are yet to arrive.” The Times (31. 7. 1945), 3 (“Allied troops in Vienna”). – Furthermore: SCHNEIDER, Operation „Freeborn“ 181; URRISK-OBERTYŃSKI, Wien 28. – Schönbrunn Palace was under British control from 1 August 1945 in order to prepare it for use as future headquarters. The Times (2. 8. 1945), 4 (“British troops at Schönbrunn”); The Times (8. 8. 1945), 3 (“Allied Commission in Vienna”). – See also: URRISK-OBERTYŃSKI, Wien 13, 44–49.
[54] Cf. The Times (6. 7. 1945), 3 (“Division of Vienna”); The Times (12. 7. 1945), 4 („Austrian zones of occupation“). – RAUCHENSTEINER, Kriegsende 206f.; Rauchensteiner, Sonderfall 343; .
[55] RAUCHENSTEINER, Sonderfall 114; HUFSCHMIED, Sonderfall 116; URRISK-OBERTYŃSKI, Wien 28.
[56] SCHNEIDER, Operation „Freeborn“ 180, 181f.
[57] Legal Division, Handbook: Notice No. 1 (Military Government Austria – Vienna, Bezirke III, V, XI, XII, XIII).
[58] Cf. The Times (12. 9. 1945), 4 (“A broader Austrian government”); The Times (13. 9. 1945), 3 (“Allied control in Austria”); VEROSTA, Stellung Österreichs 95f.; URRISK-OBERTYŃSKI, Wien 28f.

lied Command (VIAC), whose establishment had been agreed in Article 11 of the First Control Agreement for the joint management of the administration of the city of Vienna.[59] The first (official) VIAC-meeting took place on 17 September 1945. Similar to the Allied Council, the occupying powers alternated in the chairmanship on a monthly basis.[60] This monthly change of command finally also came into effect in District I (Innere Stadt), which was declared an inter-allied sector and thus jointly controlled by the four occupying powers.[61]

Meanwhile, on the Austrian side, the provincial conferences in September and October 1945 set the course for extending the authority of the provisional Austrian government under Karl Renner beyond the Soviet occupation zone to cover the entire national territory. This was followed by the de facto recognition of this government by the Western powers on 20 October 1945[62] and – after the so-called Kathrein elections (25 November 1945) – the de jure recognition of the new Figl government on 7 January 1946.[63] Until then, laws of the Viennese government had not been valid in the British-occupied provinces.[64] The fact that laws that had already been passed and future laws would henceforth apply throughout Austria did not change the position of the occupying powers or the Allied Council as the holder of supreme power, but the Second Control Agreement (28 June 1946) did grant Austrian legislation a certain degree of relief.[65]

As a result of the Second Control Agreement, the British gradually shifted from the total control – or, at least, strict monitoring – of the Austrian authorities, which had been practised up to that point, to supervision.[66] The transfer of more and more administrative tasks and competences corresponded with the successive reduction of British troops. While there were still up to 100,000 British soldiers in Austria during the first months of occupation, their number had fallen to around 10,000 – of which around a third were combat units – by the spring of 1948. From April 1950, the British element of the Allied Commission was run as part of the British legation in Vienna. The troop strength at this time totalled a maximum of 2500 men (3 battalions).[67] At the beginning of September 1953, the Austrian government was informed of the reduction of British

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[59] VEROSTA, Stellung Österreichs 70.

[60] RAUCHENSTEINER, Interalliierte Kommandantur 396, 398; RAUCHENSTEINER, Sonderfall 114, 117, 341; HUFSCHMIED, Sonderfall 118; URRISK-OBERTYŃSKI, Wien 7, 54, 56f., 71–74.

[61] HUFSCHMIED, Sonderfall 116, 117f.

[62] The Times (22. 10. 1945), 4 ("Recognition of Dr. Renner"); VEROSTA, Stellung Österreichs 97f.; RAUCHENSTEINER, Sonderfall 126; GERICH, Alliierte Kontrolle 32.

[63] RAUCHENSTEINER, Sonderfall 147; BRUNNER M., Graz 280; BEER, Kriegsende 28; BRUNNER M., Militärgericht 25.

[64] Cf. The Times (25. 5. 1945), 3 ("Allied control of Austria").

[65] The Times (29. 6. 1946), 4 ("Agreement on Austria"); VEROSTA, Stellung Österreichs 104–113; HASIBA/POLASCHEK, Landesgesetzgebung 16; RAUCHENSTEINER, Sonderfall 344–349. – According to Article 6 of the Second Control Agreement, the government could now pass simple laws and consider them to be in force if the Allied Council did not raise a unanimous objection within 30 days. However, constitutional laws were excluded from this regulation; written approval by the Allied Council was required before they could be published. VEROSTA, Stellung Österreichs 108f.; BRUNNER M., Militärgericht 25.

[66] BRUNNER M., Militärgericht 13.

[67] BEER, Befreiungs- und Besatzungsmacht 50, 53; BEER, Besatzungsmacht 80, 82; BEER, Briten in Graz 86f., 90f.

troops in Austria to just one battalion from 1 January 1954.[68] In terms of military strategy and security policy, Britain voluntarily reverted to the position of an alibi occupying power.[69] In November 1953, Graz thus became the first Austrian provincial capital in which there were no longer any combat troops from an occupying power.[70] The conclusion of the Austrian State Treaty on 15 May 1955 was followed by the withdrawal of the last British soldiers from Austria on 25 October 1955.[71]

[68] The Times (7. 9. 1953), 5 ("British force in Austria cut"); The Times (16. 9. 1953), 6 ("Withdrawal of British troops from Austria"). – The reduction in troops by two thirds was undoubtedly correlated with the British announcement that they would pay the occupation costs in Austria themselves from January 1954 onwards.

[69] BEER, Befreiungs- und Besatzungsmacht 53; BEER, Besatzungsmacht 82.

[70] The Times (30. 11. 1953), 7 ("Graz without foreign troops").

[71] BRUNNER M., Graz 284f.; BEER, Befreiungs- und Besatzungsmacht 53; BEER, Kriegsende 27f.; BEER, Besatzungsmacht 82, 84. – Furthermore: The Times (19. 9. 1955), 7 ("Vienna barracks handed over"); The Times (24. 10. 1955), 7 ("British leave Austria this week").

4 BRITISH OCCUPATION AND (AUSTRIAN) JUSTICE

4.1 Fundamentals of the British occupying power's approach to justice

As part of the Allied Commission for Austria, the British, like the other three occupying powers, created 13 departments with different areas of responsibility, including the so-called "Legal Division".[72] In the first 15 months of its existence, from September 1945 to December 1946, it was led and shaped by Lord Claud Schuster. He was followed by Mr S.H. Smith (December 1946 to February 1948), Sir Alfred Brown (March 1948 to April 1949), and finally Mr C.L.P. Gilshenan (from May 1949).[73]

In addition to the headquarters staff, the Legal Division comprised the British Austrian Legal Unit, in which mainly Austrian lawyers were employed,[74] the Legal Advice and Drafting Branch, a legal advice and law drafting office,[75] the Ministry of Justice Control Branch, which acted as a supervisory body for the Austrian courts and other areas of legal administration, and a Military Government Courts Branch.[76] The latter should be emphasised because of its importance for the present work. In the words of Lord Schuster, it had the following tasks:[77]

> "The task of the Military Government Courts Branch was, as its name implies, to establish and man Military Government Courts, to see that cases before them were properly conducted, and the prisoners defended, and to review verdicts and sentences pronounced by them, whether on petition or otherwise."

The establishment of such courts of the military government was announced by the British at the beginning of the occupation by Decree No. 1, Article XI.[78] A distinction was made between Summary Courts, Intermediate Courts, and General Courts, which were responsible for offences of varying seriousness and could impose penalties of varying severity.[79] They were also installed in the same form in the American and French occu-

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[72] SCHNEIDER, Aspekte 15–18; BEER, Die „britische" Steiermark 748 (Appendix D); SCHNEIDER, Operation „Freeborn" 33f.; SCHNEIDER, Besatzungs- und Sicherheitspolitik 78f.
[73] Cf. TNA, FO 1020/2014: 18. 12. 1946; The Times (21. 5. 1949), 3; BEER, Wiederaufbau 134.
[74] SCHUSTER, Military Government 83.
[75] BEER, Militärgerichtsbarkeit (1998), 55.
[76] SCHUSTER, Military Government 86; BRUNNER M., Militärgericht 16. – The Military Government Courts Branch was relocated from Vienna to Graz in the spring of 1948 (now as the Courts Branch). Cf. TNA, FO 1020/2820: 27. 4. 1948.
[77] SCHUSTER, Military Government 87f. – Until the establishment of the Allied Commission for Austria in September 1945, these tasks were carried out at the headquarters of the British Military Government in Austria. BRUNNER M., Militärgericht 16.
[78] VuABlSt 32/5 (31. 8. 1945), 68; Legal Division, Handbook: Decree No. 1 (Military Government Austria); BRUNNER M., Militärgericht 130; SCHNEIDER, Besatzungs- und Sicherheitspolitik 64.
[79] Ordinance No. 100. VuABlSt 33/4 (29. 1. 1946), 21–25; Legal Division, Handbook: Ordinance No. 100. – See chapter 5.1.1 for details.

pation zones (see chapter 10). However, these military courts were only part of a complicated coexistence of different court systems. According to Lord Schuster, the following courts existed de jure in the British zone:[80]

1. Austrian Courts
2. Military Government Courts
3. Courts Martial
4. Royal Warrant Military Courts
5. Military Government Courts with jurisdiction over British civilians

The sovereignty of the British was based on Article 43 of the Hague Land Warfare Convention. According to this, an occupying power had the right to regulate the affairs of the occupied territory in accordance with the laws of the country, provided there was no compelling obstacle to this.[81] As one of the first announcements to the population in the Austrian territories they occupied, the British published Proclamation No. 2, in which Field Marshal Harold Alexander, the Commander-in-Chief of the Allied troops in the Mediterranean region, made it unmistakably clear that the occupying power had supreme authority over the legislature, jurisdiction and executive and exercised it through the military government. The wording:[82]

To the People of Austria

Pending the establishment of an Allied Commission for Austria [...] *I, Harold R.L.G. Alexander, G.C.B., C.S.I., D.S.O., M.C., A.D.C., Field Marshal, Supreme Allied Commander Mediterranean Theatre of Operations and Military Governor, hereby proclaim:* [...]

III

Supreme legislative, judicial and executive authority and powers within the territory occupied by Forces under my command are vested in me as Supreme Commander of the Allied Forces and as Military Governor. Military Government is established to exercise these powers under my direction. Any organisation or individual failing to render full co-operation by word and deed with the Allied military and other authorities or failing to comply with any proclamations, orders, ordinances or instructions that may be issued under my authority will be punished fully and promptly. [...]

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[80] SCHUSTER, Military Government 89; BEER, Wiederaufbau 118f.; STIEBER, Briten 196; BRUNNER M., Militärgericht 17f.
[81] KAFKA, Probleme 229; GERICH, Alliierte Kontrolle 37.
[82] VuABlSt 32/4 (21. 8. 1945), 54f.; Legal Division, Handbook: Proclamation No. 2 (Military Government Austria); The Times (25. 5. 1945), 3 ("Allied Control of Austria"); VEROSTA, Stellung Österreichs 64–66. – See also: StLA, Plakatsammlung, Pl-P-1945-0212: Proklamation Nr. 2 (Militärregierung Österreich). – Furthermore: TSCHÖGL, Tagespresse 74; WALZL, Kärnten 257f.; STIEBER, Briten 68; WALZL, Villach 22; BRUNNER M., Militärgericht 18.

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> *All Austrians not guilty of oppression, crimes or wrongs under the Hitlerite German tyranny will, provided that they conduct themselves peacefully and obey the Allied military and other authorities, be able to help in creating a free and independent Austria.* […]

The subsequent Decree No. 1 stipulated, among other things:[83]

> *3. All laws and regulations which discriminate between persons on account of their race, religion or political opinions or which contain other provisions based upon the doctrines of the N.S.D.A.P. are suspended in the occupied territory* [...]
> *4. The parts of such laws and regulations that are not suspended and all other laws and regulations in force in the occupied territory up to the date of occupation will remain in force in so far as they are not inconsistent with any enactment of the Military Government or are not specifically suspended by the Military Government*. […]

Furthermore, various institutions, including all courts and all educational institutions with the exception of orphanages, were closed. Decree No. 1 also contained orders concerning movement restrictions, closing times, and blackout measures, the delivery of firearms, supply restrictions, and other control provisions (all existing rationing measures were retained for the time being), the registration of stocks (e.g. tyres, fuel and lubricants), restrictions in the postal and printing sectors and the aforementioned establishment of military courts.[84]

Finally, Ordinance No. 200 defined all crimes and offences to be punished by British military courts.[85] It was announced in Carinthia and the British-occupied parts of Styria in May 1945. On 25 July 1945, one day after the takeover of the entire province of Styria as an occupation zone, the British published this Ordinance, together with Proclamation No. 1 and Decree No. 1, in the newspaper "Obersteirisches Tagblatt", which was issued in Leoben, and elsewhere.[86] Otherwise, the population was mainly informed about the orders of the military government by means of public posters. It was therefore also declared to be the duty of every citizen to know the orders of the military government.[87]

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[83] VuABlSt 32/5 (31. 8. 1945), 66; Legal Division, Handbook: Decree No. 1 (Military Government Austria); BRUNNER M., Militärgericht 126f.

[84] VuABlSt 32/5 (31. 8. 1945), 65–68; Legal Division, Handbook: Decree No. 1 (Military Government Austria); TSCHÖGL, Tagespresse 75; BRUNNER M., Militärgericht 125–130; STIEBER, Briten 68f.; BRUNNER M., Militärgericht 18.

[85] VuABlSt 32/4 (21. 8. 1945), 57–62; Legal Division, Handbook: Ordinance No. 200; BRUNNER M., Militärgericht 118–124. – WALZL, Kärnten 259f.; SCHNEIDER, Besatzungs- und Sicherheitspolitik 68; STIEBER, Briten 70.

[86] Obersteirisches Tagblatt (25. 7. 1945), 1f. („Proklamationen der britischen Militärregierung"). – Decree No. 2 and Decree No. 3 were printed on the following two days. Obersteirisches Tagblatt (26. 7. 1945), 1f.; Obersteirisches Tagblatt (27. 7. 1945), 1f.

[87] Cf. Kärntner Nachrichten (28. 5. 1945), 2 („Die Tätigkeit der Villacher Gerichtshöfe"); BRUNNER M., Militärgericht 19. – For a list of published British legislation in the first weeks of the occupation, see: TNA, FO 1020/2866: *Legal Monthly Report, Period to 31st May 1945, Gaue Karnten and Steiermark*.

In order to familiarise the population with the court system of the military government, the British also used the newspapers published by the Psychological Warfare Branch of the 8th Army in Klagenfurt and Graz. A detailed report on the principles of English jurisdiction appeared in the "Kärntner Nachrichten" on 7 June 1945.[88] The "Neue Steirische Zeitung" printed this text practically word for word on 26 July 1945, two days after the whole of Styria was taken over as an occupation zone.[89] In Vienna, the "Weltpresse" of the British Information Service served as a platform for relevant articles from September 1945.[90]

4.2 On the re-establishment of Austrian jurisdiction in the British occupation zone

Following the establishment of the Provisional Austrian Government under State Chancellor Karl Renner, whose recognition was initially limited to the Soviet occupation zone, on 27 April 1945, the State Office of Justice, headed by the non-party lawyer Dr Josef Gerö, began to rebuild a democratic legal system in Austria.[91] One of the laws enacted by the Renner government in the first few months that was particularly important for the judiciary was the Constitutional Transition Act [Verfassungs-Überleitungsgesetz] of 1 May 1945 (StGBl. No. 4/1945), which essentially determined the re-entry into force of the Federal Constitution of 1920 (as amended in 1929) and all constitutional laws passed up to 5 March 1933.[92] The Law Transition Act [Rechts-Überleitungsgesetz], also of 1 May 1945 (StGBl. No. 6/1945), repealed those sections of the laws and ordinances issued after 13 March 1938 "[...] which are incompatible with the existence of a free and independent Austrian state or with the principles of a genuine democracy, which contradict the sense of justice of the Austrian people or contain typical ideas of National Socialism [...]".[93] The court organisation was restored to its status prior to the so called Anschluss (i.e. annexation of Austria into Nazi Germany on 12 March 1938) by the law of 3 July 1945 (StGBl. No. 47/1945). The restoration of the Austrian Criminal Code, and the Code of Criminal Procedure took place on 12 June 1945 (StGBl. No. 25/1945, 26/1945). The Transition of Authorities Act [Behörden-Überleitungsgesetz] of 20 July 1945 (StGBl. No. 94/1945) restored the Austrian provincial and district administrative authorities.

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[88] Kärntner Nachrichten (7. 6. 1945), 1f. („Beginn der Militärgerichte in Klagenfurt").
[89] Neue Steirische Zeitung (26. 7. 1945), 2 („Englische Militärgerichte"); BRUNNER M., Militärgericht 19f. – The article was published again a month later. Neue Steirische Zeitung (26. 8. 1945), 2 („Britische Militärgerichte").
[90] Cf. Weltpresse (24. 11. 1945), 5 („Erste britische Militärgerichtstagung").
[91] WEINZIERL, Anfänge 14–16; SCHÖGGL-ERNST, Recht und Gericht 424; BRUNNER M., Militärgericht 23.
[92] BALTL/KOCHER, Österreichische Rechtsgeschichte 281.
[93] StGBl. Nr. 6/1945, § 1; BALTL/KOCHER, Österreichische Rechtsgeschichte 282. Translated into English, German text in the original as follows: „[…] die mit dem Bestand eines freien und unabhängigen Staates Österreich oder mit den Grundsätzen einer echten Demokratie unvereinbar sind, die dem Rechtsempfinden des österreichischen Volkes widersprechen oder typisches Gedankengut des Nationalsozialismus enthalten […]."

Finally, the Civil Service Transition Act [Beamte-Überleitungsgesetz] of 22 August 1945 (StGBl. No. 134/1945) made it possible to rebuild the civil service for the public authorities.[94]

Denazification was a central challenge for the judiciary in the post-war period. The Austrian government passed corresponding laws which, at least in theory, were intended to enable effective denazification. On 8 May 1945, the Provisional State Government passed the Constitutional Act on the Prohibition of the NSDAP [Verbotsgesetz] (StGBl. No. 13/1945), which, after various amendments, became part of the Federal Constitutional Act on the Treatment of National Socialists [Nationalsozialistengesetz] (BGBl. No. 25/1947) on 6 February 1947. The Constitutional Act on War Crimes and Other National Socialist Crimes [Kriegsverbrechergesetz] (StGBl. No. 32/1945) was proclaimed on 26 June 1945 to punish National Socialist crimes of violence and, after several amendments had been made, repromulgated on 23 July 1947 (BGBl. No. 198/1947).[95]

A separate type of court, the so-called People's Court [Volksgericht], was created to try those offences designated as punishable under the Prohibition and War Crimes Act. The People's Courts ruled in the first and last instance; an appeal against the indictment was just as impossible as an appeal, or nullity suit against the verdict. It was only with the creation of a review law in 1946 that the Supreme Court was given the opportunity to reconsider the judgements of the People's Courts ex officio.[96] The People's Courts were located at the Higher Regional Courts in Vienna, Graz, Linz and Innsbruck. However, the establishment of the People's Courts proceeded at different speeds. While the senate in Vienna held its first hearing as early as on 14 August 1945,[97] this was not the case until 20 March 1946 in Graz,[98] and 10 May 1946 in both Linz and Innsbruck[99]. The reason for this delay was the initial scepticism of the Western occupying powers towards this newly created type of court.[100] Until they were discontinued in 1955, the People's Courts in Austria ultimately settled a total of 136,829 cases. Of these, 23,477 ended with a judgement, including 13,607 verdicts of guilty. The People's Courts imposed death sentences in 43 cases, 30 of which were carried out. The People's Court in Graz, which included two external senates in Leoben and Klagenfurt, dealt with 51,176 cases,

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[94] WEINZIERL, Anfänge 17, 21; BEER, Let Right be Done 188; SCHÖGGL-ERNST, Recht und Gericht 424; BALTL/KOCHER, Österreichische Rechtsgeschichte 282f.; BRUNNER M., Militärgericht 23f.

[95] Literature on the Prohibition Act and the War Crimes Act (selection): MARSCHALL, Volksgerichtsbarkeit 6–12; KURETSIDIS-HAIDER, Volk 36–40, 45–53. – See also: MUCHITSCH, Volksgericht Graz 142f.; POLASCHEK, Nachkriegsprozesse 92f.; POLASCHEK, Volksgerichte 10–17; HALBRAINER/POLASCHEK, Recht 99–102; SCHÖGGL-ERNST, Entnazifizierung 217–220; POLASCHEK, Entnazifizierung 416–421; BRUNNER M., Militärgericht 24.

[96] KONRAD, Rechtsstaat 69; MARSCHALL, Volksgerichtsbarkeit 12–14; MUCHITSCH, Volksgericht Graz 142f.; POLASCHEK, Nachkriegsprozesse 93; KURETSIDIS-HAIDER, Volk 40–45; BRUNNER M., Militärgericht 24.

[97] Neues Österreich (15. 8. 1945), 1–3 („Vor dem Volksgericht!"); The Times (15. 8. 1945), 3 ("War criminals in Austria"); KURETSIDIS-HAIDER, Volksgerichtsbarkeit 568f.

[98] MUCHITSCH, Volksgericht Graz 144; POLASCHEK, Volksgerichte 18, 157; HALBRAINER/POLASCHEK, NS-Gewaltverbrechen 237.

[99] GARSCHA/KURETSIDIS-HAIDER, Traurige Helden 563, 574, 577f. – EISTERER, Französische Besatzungspolitik 253; ACHREINER, Umgang 12f.; ACHREINER, Volksgericht Innsbruck 270.

[100] LAPPIN, Ahndung 33f. – See also: WEINZIERL, Anfänge 19.

pronounced 6587 judgements and imposed 3873 convictions, including twelve death sentences, four of which were carried out.[101]

Despite all government efforts to establish a democratic judicial system, the Western occupying powers exerted massive influence, particularly in the area of jurisdiction. While the Soviets left the Austrian courts in their territory largely untouched and they were therefore mostly able to resume their activities in June 1945, the judiciary in the Western zones was subjected to much stricter controls[102], which in turn led to a prolonged standstill in (Austrian) jurisdiction. The Americans, British and French ordered the closure of the Austrian courts at the end of the war and generally only authorised their reopening several months later after a thorough investigation of the court staff.[103]

The British in particular regarded the judiciary as a crucial factor in the shaping of a democratic Austria. They therefore applied correspondingly strict standards in their control and monitoring of activities in the judicial system.[104] In Carinthia and East Tyrol[105], all courts were closed at the beginning of the occupation with the aforementioned Decree No. 1. It was only under Decree No. 3 (Military Government Austria - Province of Carinthia) on 15 August 1945 that the Regional Court of Klagenfurt – limited to the second instance (appeals) and administrative business[106] – and the District Courts of Feldkirchen, Hermagor, Klagenfurt, Lienz, St. Veit an der Glan, Spittal an der Drau, Villach, Völkermarkt, and Wolfsberg were allowed to resume their activities.[107] The newly appointed President of the Regional Court of Klagenfurt, Dr Kurt Schwendenwein, was responsible for setting dates on which the district courts could also exercise jurisdiction at the following locations: District Court Hermagor in Kötschach, District Court Klagenfurt in Ferlach, District Court Lienz in Matrei, Sillian and Winklern, District Court St. Veit an der Glan in Althofen, Eberstein, Friesach and Gurk, District Court Spittal an der Drau in Gmünd, Greifenburg, Millstatt and Obervellach, District Court Villach in Paternion and Rosegg, District Court Völkermarkt in Bleiburg, Eberndorf and Eisenkappel, and District Court Wolfsberg in Bad St. Leonhard and St. Paul.[108]

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[101] KONRAD, Rechtsstaat 70; MARSCHALL, Volksgerichtsbarkeit 34–37; MUCHITSCH, Volksgericht Graz 145–147; BURCZIK, Spuren 177; HALBRAINER/POLASCHEK, Recht 107; KURETSIDIS-HAIDER, Volksgerichtsbarkeit 567; KURETSIDIS-HAIDER/GARSCHA, Verfahren 15; DORNIK, Suche 375; RABL, Justiz und Strafverfolgung 285f.; BRUNNER M., Militärgericht 24.

[102] The Americans and British had more or less harmonised their judicial policies in occupied Austria; the French largely followed suit. BEER, Militärgerichtsbarkeit (1998), 55.

[103] JAGSCHITZ, Einfluß 116f. – See Ordinance No. 101 of the Military Government Austria. LGBlSbg Nr. 8/1945, 9; BRUNNER M., Militärgericht 24f.

[104] BEER, Wiederaufbau 116–118 und 120–129; BEER, Befreiungs- und Besatzungsmacht 43; BEER, Kriegsende 32; BEER, Besatzungsmacht 74; BRUNNER M., Militärgericht 26.

[105] According to the Agreement on Zones of Occupation of 9 July 1945, the borders of the Reichsgau Carinthia were retained, so that East Tyrol was part of the British occupied territory. Although administrative unification with the province of Tyrol took place again on 26 September 1947, this did not change the fact that East Tyrol belonged to the British zone. VEROSTA, Stellung Österreichs 72; WADL, Britische Besatzung 247; RAUCHENSTEINER, Sonderfall 257f.

[106] Erlass Nr. 10, Art. I, § 2d. VuABlSt 32/9 (31. 10. 1945), 118.

[107] Legal Division, Handbook: Ordinance No. 3; TNA, FO 1020/2864: 28. 7. 1945, *Re-opening of Austrian Courts*; SCHNEIDER, Operation „Freeborn“ 213.

[108] Legal Division, Handbook: Ordinance No. 3; BRUNNER M., Militärgericht 28. – On 2 January 1947, the following Carinthian district courts also commenced operations: Kötschach, Ferlach, Althofen, Eberstein,

The resumption of court activities was celebrated with a ceremony held in the courtroom of the Klagenfurt Regional Court on 15 August.[109] Col H.B. Simson, Head of the Military Government of Carinthia, led the British delegation while, on the Austrian side, numerous dignitaries from politics – from Governor Hans Piesch downwards – the judiciary, administration, and the church were present.[110] In his speech, the British judicial officer Lt Col A.C. Hetherington said that the courts were responsible to the military government – and only to the military government – through the President of the Regional Court. However, the occupying power hoped that, in the foreseeable future, all courts in Styria and Carinthia would be restored to their original relationship of superiority and subordination and could be administered by the Higher Regional Court of Graz as in the past. He thanked all judges and judicial employees of all ranks for their work and their help in the task of getting the courts up and running again. The military government wished to intervene as little as possible but was determined to do so if it was compelled to act in the interests of justice. The position of power of the British became clear once again when, at the end of the ceremony, judges, public prosecutors and trainee lawyers took their oaths before Lt Col Hetherington.[111]

Meanwhile, the courts in the Russian-occupied part of Styria were able to reopen on 25 June 1945 after the administration of justice had come to a standstill for several weeks. Dr Gustav Zigeuner[112] had already been appointed President of the Higher Regional Court of Graz by the Provisional Provincial Government on 24 May 1945 and confirmed by the State Ministry of Justice on 4 June 1945. In view of the reluctance of the Russians to denazify the court, a commission headed by Dr Zigeuner took over the assessment of the court staff. By the time the British marched in, 102 judges and 118 lawyers had been banned from practising their profession under the Prohibition Act.[113]

As the example from Graz shows, the first steps towards the development of a relatively independent Austrian jurisdiction had already been taken in the Russian occupation zone of Styria. However, the situation was to change fundamentally with the occupation of the whole of Styria by British troops, as the new occupying power had different ideas about the tasks of a military government and was also unwilling to trust the Austrians' will to self-cleanse in the area of justice – quite the opposite.[114]

However, the various ordinances, decrees and announcements published by the British after the takeover of the entire province of Styria as an occupation zone on 24 July 1945[115] are confusing, especially with regard to Austrian jurisdiction. To clarify this, it is

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Friesach, Obervellach, Bleiburg, Bad St. Leonhard, and St. Paul. Wiener Zeitung (3. 1. 1947), 3 („18 Kärntner Bezirksgerichte aktiv“).

[109] TNA, FO 1020/2866: 27. 8. 1945, *Legal Sitrep for period from 2 Aug to 2359 hrs 26 Aug 45*. – On the reopening of German courts in the British occupation zone there, see: RAIM, Justiz 83–90.

[110] Kärntner Nachrichten (16. 8. 1945), 3 („Die Wiederaufnahme der Zivil-Gerichtsbarkeit in Kärnten“); Neue Steirische Zeitung (19. 8. 1945), 3.

[111] Kärntner Nachrichten (16. 8. 1945), 3 („Die Wiederaufnahme der Zivil-Gerichtsbarkeit in Kärnten“).

[112] Cf. SCHÖGGL-ERNST, Recht und Gericht 398; BRADE/HOFMANN, Präsidenten 73–75.

[113] BEER, Let Right be Done 189f.; BEER, Wiederaufbau 114; SCHNEIDER, Besatzungs- und Sicherheitspolitik 66; BEER, Kriegsende 32; BRUNNER M., Militärgericht 26.

[114] BRUNNER M., Militärgericht 26.

[115] Cf. TNA, FO 1020/3402: 14. 7. 1945.

necessary to follow the developments that had taken place since the end of the war. After the British invasion of Carinthia, one of the first measures published by the Military Government was the aforementioned Ordinance No. 200[116] and Decree No. 1[117], which, pursuant to Article XI, § 16, announced the establishment of courts of the Military Government and, pursuant to Article III, § 6, ordered the closure of all Austrian courts in British-occupied territory. The latter provision also affected the district courts in Murau, Oberwölz, Neumarkt, and Judenburg[118] and – due to the change of occupation between the Americans and the British in large parts of the Liezen district on 9 July 1945 – also the courts in Liezen, and Gröbming.[119]

After the takeover of the whole of Styria, the aforementioned orders also came into force in the newly occupied territories, albeit with one restriction: Proclamation No. 12, § 3a, amended Decree No. 1, Article III, § 6, to the effect that all courts of law were *authorised to open and to operate until further order of the Military Government*.[120] In other words, the courts remained open where the British moved in from the end of July 1945.[121]

This approach correlated with the views of British officers. At the end of July 1945, Maj G.W. McFadyean, as Land Legal Officer for (the whole of) Styria, spoke out in favour of keeping the Styrian district courts, whose activities had hitherto been tolerated by the Russian occupation, open. In in his report to the Legal Department of the British Military Government Austria of 16 August 1945, Lt Col H. Montgomery Hyde had also recommended that the already functioning courts in Styria should not be closed but continued under British control.[122]

It should be noted, however, that Notice No. 12 only applied to the newly taken over areas of Styria. The district of Murau and those parts of the districts of Judenburg, Voitsberg, and Liezen that were already under British control were excluded from this; the courts there therefore remained closed.[123]

The "closure and reopening" process[124] that accompanied the entry into force of Decree No. 10 on 1 October 1945 must be seen against this background.[125] First, the situation in Styria: Article I of Decree No. 10 repealed § 1 of § 3a of Notice No. 12 and, in § 2,

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[116] VuABlSt 32/4 (21. 8. 1945), 57–62; Legal Division, Handbook: Ordinance No. 200; BRUNNER M., Militärgericht 118–124.
[117] VuABlSt 32/5 (31. 8. 1945), 65–68; Legal Division, Handbook: Decree No. 1 (Military Government Austria); BRUNNER M., Militärgericht 125–130.
[118] In the Judenburg District Court's personnel register – dated 26 June 1945 – it was noted that around half of the available civil servants and employees had no employment due to the closure of court activities. StLA, Bezirksgericht Judenburg, Jv 14/45.
[119] BRUNNER M., Militärgericht 26f.
[120] VuABlSt 32/5 (31. 8. 1945), 76; Legal Division, Handbook: Notice No. 12 (Military Government Austria); TNA, FO 1020/3402: 14. 7. 1945; BRUNNER M., Militärgericht 138. – See also: StLA, Plakatsammlung, Pl-P-1945-0204: Bekanntmachung Nr. 12 (Militärregierung Österreich).
[121] BRUNNER M., Militärgericht 27.
[122] BEER, Judenburg 33; BEER, Let Right be Done 195.
[123] BRUNNER M., Militärgericht 27. – Cf. TNA, FO 1020/3402: 14. 7. 1945.
[124] BEER, Let Right be Done 198.
[125] VuABlSt 32/9 (31. 10. 1945), 117–123; Neue Steirische Zeitung (6. 10. 1945), 3 („Gerichtsbarkeit in Kärnten und Steiermark"). – On the situation in the Austrian courts in October 1945, see also the relevant report by the Austrian Courts Section in Graz. TNA, FO 1020/1955: 11. 10. 1945.

ordered the closure – and reopening on the following day – of the Higher Regional Court of Graz (§ 2a), the Regional Courts for Criminal and Civil Matters in Graz, and the District Court of Leoben (§ 2b), the Juvenile and Commercial Court of Graz (§ 2c), and the following district courts within the territory newly occupied on 24 July (§ 2e): Graz (criminal and civil law), Arnfels, Birkfeld, Bruck an der Mur, Deutschlandsberg, Eibiswald, Eisenerz, Feldbach, Friedberg, Frohnleiten, Fürstenfeld, Gleisdorf, Hartberg, Kindberg, Kirchbach, Knittelfeld, Leibnitz, Leoben, Mariazell, Mürzzuschlag, Pöllau, Radkersburg, Rottenmann, Stainz, and Voitsberg. On the instructions of the President of the Higher Regional Court, the Feldbach District Court in Fehring, the Friedberg District Court in Vorau, the Leibnitz District Court in Wildon, and the Radkersburg District Court in Mureck were able to exercise jurisdiction on specific days. The district courts in Liezen, Gröbming, Judenburg, Neumarkt, Murau, and Oberwölz, which had been closed for some time, were also reopened. In addition, the Liezen District Court in Irdning and St. Gallen, the Gröbming District Court in Schladming, and the Judenburg District Court in Oberzeiring were able to officiate – again on the instructions of the President of the Higher Regional Court (§ 2f).[126]

In Carinthia, the Regional Court of Klagenfurt, and the District Courts of Feldkirchen, Hermagor, Klagenfurt, Lienz, St. Veit an der Glan, Spittal an der Drau, Villach, Völkermarkt, and Wolfsberg (§ 2g) were closed again on 1 October 1945 by Decree No. 10 and – like the Styrian courts – reopened on the following day. In addition, the Regional Court of Klagenfurt was given back its criminal jurisdiction (§ 2d) and was again placed under the control of the Higher Regional Court of Graz.[127] In future, extraordinary court days of the Carinthian district courts (see above) were set by the President of the Higher Regional Court. The first post-war criminal trial under Austrian law took place in Carinthia on 23 October 1945.[128]

On 2 October 1945, the British military government swore in the judges, public prosecutors, and notaries for Styria at the Regional Court for Criminal Affairs on Conrad-von-Hötzendorf-Straße in Graz.[129] After their names had been called, the individual gentlemen spoke the oath formula[130] before Lt Col Hetherington, who then instated them with a handshake.[131] From the point of view of the occupying power, the judicial personnel were thus ready for work. The official ceremony to mark the opening of the Austrian courts took place on 17 October 1945, once again in the Regional Court in Graz. Similar to the ceremony on 15 August 1945 in Klagenfurt, numerous British officers and Austrian dignitaries attended the event.[132]

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[126] BRUNNER M., Militärgericht 27f.
[127] BRUNNER M., Militärgericht 28.
[128] WADL, Britische Besatzung 261; BRUNNER M., Militärgericht 28.
[129] Neue Steirische Zeitung (4. 10. 1945), 3 („Vereidigung beim Landesgericht"); BEER, Wiederaufbau 116; SCHNEIDER, Besatzungs- und Sicherheitspolitik 68; SCHÖGGL-ERNST, Recht und Gericht 424; SCHÖGGL-ERNST, Justiz und Rechtsprechung 104; MUIGG, Graz 103; BRUNNER M., Militärgericht 28.
[130] For the wording of the oath formula, see: BEER, Wiederaufbau 137, note 34.
[131] Neue Steirische Zeitung (4. 10. 1945), 3 („Vereidigung beim Landesgericht").
[132] Neue Steirische Zeitung (19. 10. 1945), 3 („Recht und Gesetz wieder in Geltung").

This was clearly intended to mark a deliberate new beginning for the judiciary, which had been burdened in many ways by the Nazi era. The leading role in this 'staging' fell to Lord Schuster who, as head of the Legal Division, declared the reopening of the courts in Carinthia and Styria in his speech, which was delivered in German. The decision had been taken to reopen the Austrian courts, although the political framework conditions were not yet satisfactory.[133] On behalf of the judicial administration of both provinces, the President of the Higher Regional Court, Dr Gustav Zigeuner, promised not to rest until the last remnants of Nazism had been eradicated.[134] A somewhat over optimistic announcement, as the further development of the Austrian judiciary should show.

Although the Austrian courts were now able to become active again, the British left no doubt that they continued to hold all the reins, as is clearly expressed in Decree No. 10, Article IV, § 6. Accordingly, all courts authorised by the occupying power were subject to general supervision by the Military Government, which could monitor all proceedings of these courts and, if necessary, amend their judgments or take other measures. No one was allowed to act as a judge, assessor, notary or prosecutor in one of these courts without the consent of the Military Government and before taking an appropriate oath.[135] Supervision and administration of the courts in Carinthia and Styria – without prejudice to the supreme control exercised by the military government – was the responsibility of the Regional Court through its president.[136] The British Military Government exercised, de facto, control over the President of the Higher Regional Court of Graz.[137]

4.3 Co-existence of British and Austrian courts

Apart from the supervision of their activities by the British occupying power, the areas of jurisdiction of the reopened Austrian courts were initially also subject to restrictions, as a number of cases were reserved for the courts of the Military Government. The restrictions on Austrian jurisdiction already formulated in Decree No. 10, Article V, were largely adopted in Article IV of Ordinance No. 103, which came into force on 30 January

[133] In addition to the "Neue Steirische Zeitung", several other newspapers also reported on the event: Kärntner Nachrichten (19. 10. 1945), 1 („Wiederaufrichtung der österreichischen Gerichtsbarkeit in Steiermark und Kärnten"); Wiener Kurier (19. 10. 1945), 2 („Oesterreichische Gerichte in Kärnten und Steiermark"); Österreichische Volksstimme (20. 10. 1945), 2 („Eröffnung der Gerichte in Kärnten und Steiermark"). – Furthermore: BEER, Wiederaufbau 116; MUIGG, Graz 103.

[134] Neue Steirische Zeitung (19. 10. 1945), 3 („Recht und Gesetz wieder in Geltung"). – BEER, Wiederaufbau 116f.

[135] As the swearing-in by the British did not take place until 2 October 1945 (see above), the Austrian Court Section (Lt Col A.C. Hetherington) authorised the President of the Higher Regional Court of Graz in a letter dated 28 September 1945 to instruct the officials in the Austrian courts that had already opened that they could continue to work without taking the oath for the time being. Similarly, the civil servants in the courts opened by Decree No. 10 on 1 October 1945 were to take up their duties immediately 'unsworn'. StLA, OLG Graz, K. 34, Jv Engländer-Akten, 1945–1955, Jv 1823-1a/45: 28. 9. 1945.

[136] VuABlSt 32/9 (31. 10. 1945), 119f.; BRUNNER M., Militärgericht 145f.

[137] BEER, Let Right be Done 197; BRUNNER M., Militärgericht 29.

1946. Without the written consent of the Military Government, Austrian courts had, inter alia, no jurisdiction in cases concerning the personnel or property of the occupying powers, persons employed by them in a confidential position, offences against any order of the occupying forces or *cases over which jurisdiction has been assumed by a Military Government Court*[138]; even actions against public corporations were included in the reserved jurisdiction. Furthermore, no member of the occupying forces or the military government, and no one who served there or was employed in a confidential position could be summoned as a witness by an Austrian court without the written consent of the military government.[139] In order to clarify the handling of court proceedings against British civilians in the occupied territory, the Military Government published Ordinance No. 102.[140] Its core message was in Article VI, § 2b: *British civilians shall not be tried in any court in the occupied territory other than a Military Government Court.*[141]

The fact that the occupying powers granted the Austrian authorities a greater degree of independence with the Second Control Agreement (28 June 1946) was demonstrated in the judicial area of the British zone; for example, by the reorientation of the tasks of the Austrian Courts Section: […] *with certain exceptions this Section is now to supervise and where necessary advise upon the administration of criminal justice rather than to control it.*[142] The change from control to supervision naturally also applied to all other areas of the military administration.[143] Accordingly, the British occupation authority no longer referred to itself as the "Military Government", but as "Civil Affairs (British Element)".[144] This change in terminology was reflected in the judicial system with a considerable delay: Ordinance No. 8, which came into force on 15 November 1947, stipulated for the British occupation zone that *Military Government Legislation and Military Government enactments now in Force shall respectively be described and known as British Military Legislation and British Military enactments.*[145] Furthermore, *Military Government Courts* were in future to be read as *British Military Courts*.[146]

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[138] VuABlSt 33/9 (4. 3. 1946), 75; Legal Division, Handbook: Ordinance No. 103; BRUNNER M., Militärgericht 167.
[139] VuABlSt 33/9 (4. 3. 1946), 75; Legal Division, Handbook: Ordinance No. 103; BRUNNER M., Militärgericht 29. – See also: StLA, OLG Graz, K. 34, Jv Engländer-Akten, 1945–1955, Jv 4770-1a/49: *Zeugenladung von Mitgliedern der Alliierten Verwaltung etz.* (esp. 1. 2. 1946, 11. 4. 1949).
[140] Ordinance No. 102 was published by the British Military Government in English only. TNA, FO 1020/3007: 23. 11. 1945.
[141] TNA, FO 1020/3007: *Military Government – Austria, Ordinance No. 102.*
[142] StLA, OLG Graz, K. 34, Jv Engländer-Akten, 1945–1955, Jv 420-1a/46: 6. 11. 1946. – However, the provisions of the Second Control Agreement (Art. V, § 5) also included the fact that jurisdiction over Prisoners of War and Displaced Persons remained reserved to the courts of the occupying powers. VEROSTA, Stellung Österreichs 108; RAUCHENSTEINER, Sonderfall 346; BRUNNER M., Militärgericht 30.
[143] "The new agreement may be described as changing the system from control to supervision." The Times (29. 6. 1946), 4 ("Agreement on Austria"); BEER, Befreiungs- und Besatzungsmacht 45; BEER, Kriegsende 29f.; BEER, Besatzungsmacht 76; BRUNNER M., Militärgericht 30.
[144] Neue Zeit (17. 7. 1946), 6 („Keine Militärregierung mehr"); The Times (17. 7. 1946), 4 ("Changes in British zone of Austria"); Weltpresse (17. 7. 1946), 1 („Keine Militärregierung in der britischen Zone mehr"); HASIBA/POLASCHEK, Landesgesetzgebung 17; BEER, Kriegsende 29; STIEBER, Briten 28f. – Cf. Neue Zeit (30. 7. 1946), 1f. („Steiermark – autonomstes Bundesland").
[145] StLA, Plakatsammlung, Pl-P-1947-0111: Ordinance No. 8.
[146] StLA, Plakatsammlung, Pl-P-1947-0111: Ordinance No. 8. – Furthermore: Neue Zeit (15. 11. 1947), 4; Volkswille (15. 11. 1947), 7. – Cf. TNA, FO 1020/2820: 31. 10. 1947.

The coexistence of courts of the occupying powers and Austrian courts functioned against this background, whereby the 'rules of the game' were determined by the occupying powers with the overseers sitting in the Allied judicial authorities. For Styria, in addition to the superordinate Legal Division in Vienna, these were primarily the Austrian Courts Section, which was based in Graz, first in temporary premises at Paulustorgasse 15 and then, from 30 July 1947, in the court building at Nelkengasse 2.[147] These offices monitored compliance with the relevant orders and, in cases of doubt, decided on the basis of the files whether to refer criminal cases to military, or Austrian, courts.[148] Applications by Austrian judicial authorities to exercise arbitration in criminal cases, which were actually subject to military jurisdiction, were also processed here.[149]

One example of the intervention of the Austrian Courts Section is the case of the Graz politician Felix Windischhofer (ÖVP). Windischhofer had taken over the flat of the businessman Wilhelm Hanseli, who had fled at the end of the war, in Richard-Wagner-Gasse. He later forged Nazi index cards, giving the impression that Hanseli was an illegal National Socialist and SS officer. Although Hanseli had been the leader of an SS construction platoon and therefore did not have a completely clean slate, he was not considered a member of the SS under the Prohibition Act.[150] When the police uncovered this forgery, Chief Public Prosecutor Dr Hans Amschl asked the Minister of Justice Dr Josef Gerö to discontinue the investigation. However, this procedure was stopped by the Austrian Courts Section. The latter ensured that the proceedings were resumed by assigning them to the British military jurisdiction.[151] Felix Windischhofer therefore stood before an Intermediate Court in Graz on 25 and 28 April 1947. Judge Lt Col McFadyean found the defendant, who had made a complete confession, guilty and, taking into account various mitigating factors, imposed a suspended prison sentence of six months.[152]

Ordinance No. 200 already had provisions for the event that the stipulations of the Military Government and Austrian laws came into direct conflict: according to Article VI, § 3, a military court could prosecute an offence even if the offender had already been charged, convicted or acquitted by an Austrian court. The judgement handed down was only to be taken into account when assessing the sentence.[153] On the other hand, a case that had already been judged by a military court could not be heard again by an Austrian court.[154]

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[147] Neue Zeit (26. 7. 1947), 1; MUIGG, Graz 171f. – Along with the Austrian Courts Section, the Penal Administration Section also moved from Paulustorgasse to Nelkengasse.
[148] KAFKA, Probleme 229.
[149] The prisons can also be seen as a point of intersection between the two justice systems; BRUNNER M., Militärgericht 30.
[150] Neue Zeit (26. 4. 1947), 4.
[151] TNA, FO 1020/3244: 25. 4. 1947.
[152] In addition, the judge imposed four unconditional days in prison. However, Windischhofer had probably already served the same sentence on the day the judgement was handed down. TNA, FO 1020/3525: Case-No. 1813. – Furthermore: Neue Zeit (26. 4. 1947), 4; Neue Zeit (29. 4. 1947), 3.
[153] VuABlSt 32/4 (21. 8. 1945), 61; Legal Division, Handbook: Ordinance No. 200; BRUNNER M., Militärgericht 124.
[154] KAFKA, Probleme 229; JAGSCHITZ, Einfluß 120; BRUNNER M., Militärgericht 30.

One example to illustrate this: in March 1953, Andreas H., an Austrian with several previous convictions, was to be tried at the Graz Regional Court for a robbery with murder that took place in Feldkirchen near Graz in April 1945. However, the trial did not materialise because H. claimed that he had already stood trial for this crime before a British military court and had been acquitted.[155] When, after consulting the occupying power, it turned out that these statements were not true, [156] H. and his accomplice Erich P. were put on trial before a jury in Graz in September 1953.[157]

Although occupation law was clearly placed above Austrian law,[158] the British were also prepared, depending on the circumstances, to withdraw from the prosecution of a criminal case in favour of Austrian courts. This issue could become relevant if an offence violated both Austrian law and the orders of the occupying power, as was the case with the misuse of firearms.[159] On 15 April 1946, the Austrian Courts Section informed the Higher Regional Court Presidium in Graz of a relevant decision by the Legal Division, ACA (BE), according to which a criminal case in its entirety should normally be left to the competent Austrian courts for sentencing if the offence to be punished under Austrian law was significantly more serious than the unauthorised possession of weapons to be punished by the courts of the Military Government.[160] As before, the decision on an assignment was to be made by the Austrian Courts Section, which first consulted the responsible senior judicial officer of the occupation zone. Once such a matter had been settled by an Austrian court, a report had to be sent to the military government.[161]

Judgements by Allied military courts lost their validity after the Austrian State Treaty came into force on 27 July 1955[162] together with the simultaneous end of the occupation regime.[163] If there were still prisoners in Austrian prisons at this time who had been sentenced by military courts of the occupying powers, most of them were now released in accordance with § 34/2 of the Code of Criminal Procedure 1947 (BGBl. Nr. 192/1947). Of course, this was always on the condition that the Austrian judiciary did not wish to initiate any investigations.[164] In fact, at the end of July 1955, the public prosecutor's of-

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[155] Kleine Zeitung (13. 3. 1953), 10 („Raubmordverhandlung abberufen"); Südost-Tagespost (13. 3. 1953), 5 („Der Tod des Unteroffiziers Jakobs").

[156] Andreas H. was sentenced to three years in prison for possession of weapons and burglary by a British Intermediate Court on 4 June 1946. However, without any connection to the robbery with murder in Feldkirchen near Graz. TNA, FO 1020/3525: Case-No. 1078. – See also: StLA, JA Karlau, Bücher, Bd. 59, StB-Nr. 727; Neue Zeit (19. 5. 1946), 4 („Jugendliche Diebsbande festgenommen").

[157] Kleine Zeitung (17. 9. 1953), 6 („Nach sieben Jahren fand man die Täter"); Südost-Tagespost (18. 9. 1953), 6 („Sechs Jahre für Andreas [H.]").

[158] See Ordinance No. 105, Article VI, § 8 (2): *In the event of any inconsistency or difference between a provision contained in any enactment of the Military Government and provision contained in any other legislation the provision contained in the enactment of the Military Government shall prevail.* VuABlSt 33/38, 18. 11. 1946, 422.

[159] KAFKA, Probleme 230.

[160] StLA, Bezirksgericht Murau, Jv 210/46.

[161] BRUNNER M., Militärgericht 32.

[162] Cf. BGBl. Nr. 152/1955, 810; The Times (28. 7. 1955), 7 ("Austria's day of freedom"). – BALTL/KOCHER, Österreichische Rechtsgeschichte 289.

[163] Kleine Zeitung (19. 8. 1955), 8 („Neue Verfahren werden nötig"); Südost-Tagespost (19. 8. 1955), 5 („Militärgerichtsurteile nichtig").

[164] Cf. StLA, JA Karlau, Bücher, Bd. 67, StB-Nr. 2633, 2676, 2981, 3161.

fice in Graz reopened the proceedings against four Karlau prisoners who were still serving time on the basis of British military court judgements. For the remaining five 'British' prisoners, however, the prison gates were opened because they were not to be prosecuted further.[165]

4.3.1 Examples for the distribution of jurisdiction between British and Austrian courts

4.3.1.1 British and Austrian trials on the "final phase" crimes in Styria

A milestone in the activities of British military courts in Austria was the handling of some of the numerous crimes committed against Hungarian Jews during the death marches in April 1945. These cases, later referred to in judicial history research as "final phase" crimes,[166] were categorised by the occupying power as war atrocities and assigned to be tried at British General Courts, which conducted 13 trials in Graz from April 1946 to November 1947 (see chapter 7.4). The Austrian judiciary was also involved in several of these trials before and/or afterwards. Be it because relevant investigations were initially conducted by the Austrian side – in accordance with the Prohibition or War Crimes Act – and later had to be handed over to the British. Be it because the People's Courts continued to carry out investigations after the end of a British trial.[167] The occupying forces usually punished the most serious crimes themselves, while 'minor' offences were assigned to the People's Courts for sentencing.[168]

For example, proceedings had been initiated against Otto Christandl by the People's Court of Graz for offences against the Prohibition Act (§ 11) and the Criminal Code (§ 134, murder) even before he was sentenced to death by a British military court in the first Eisenerz trial. It was discontinued after Christandl's execution.[169] However, two and a half years later, in December 1948, in a separate People's Court case, Christandl was sentenced to forfeiture of assets for his activities as an illegal National Socialist and Kreisleiter (district leader).[170] Such separate and possibly 'posthumous' trials corresponded to the Prohibition Act, which also provided for the punishment of forfeiture of assets if the offender was already deceased or could not be brought to justice for any other reason.[171] In similar proceedings, People's Courts declared the assets of Johann Lantschik (Bruck an der Mur trial)[172] and Herbert Neumann (Eisenerz II trial)[173] forfeit-

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[165] StLA, JA Karlau, Gefangenenakten, Gef 189-1951, Vala Rudolf: 30. 7. 1955, fol. 92.
[166] Cf. KURETSIDIS-HAIDER/GARSCHA, Verfahren 20.
[167] POLASCHEK, Volksgerichte 28f.
[168] HALBRAINER, Unsere Pflicht 106; USLU-PAUER, Vernichtungswut 296; HALBRAINER/POLASCHEK, NS-Gewaltverbrechen 242; HALBRAINER/LAMPRECHT, unsichtbar 268.
[169] HALBRAINER, NS-Terror 203; StLA, LGS Graz, Vr 785/46 (cited from HALBRAINER, NS-Terror 240, note 30).
[170] POLASCHEK, Volksgerichte 29.
[171] POLASCHEK, Nachkriegsprozesse 93. – Furthermore: POLASCHEK, Nachkriegsprozesse 103, note 13.
[172] StLA, KG Leoben, Vr 339/45; StLA, KG Leoben, Vr 3276/46-18 (all cited from POLASCHEK, Volksgerichte 29f.); VuABlSt 35/3 (4. 2. 1948), 30; Obersteirische Zeitung (26. 11. 1947), 2 („Das Volksgericht Leoben"); POLASCHEK, Nachkriegsprozesse 104, note 20.
[173] Obersteirische Zeitung (10. 12. 1947), 3.

ed. Relevant investigations were also conducted against Alois Frühwirt (Liebenau trial) but were discontinued in 1949 because the police were unable to identify any assets.[174]

Similar to the Eisenerz trial, the Judenburg and Gleisdorf trials had been investigated by Austrian authorities before the British trial.[175] In the latter case, there had already been a conviction by the People's Court, as the former Kreisleiter (district leader) of Weiz, Johann Brandner, was sentenced in Graz to ten years in prison and forfeiture of property in accordance with § 11 of the Prohibition Act in August 1946.[176] The following spring, Brandner stood before a British General Court, which sentenced him to death on 9 April 1947 for the killing of a Jew.

The fact that the British sometimes divided the punishment of final phase crimes between their own courts and the Austrian courts was also evident in the Liezen Trial. After the trial by a General Court in October 1947, which resulted in the conviction and execution of Nikolaus Been (see chapter 7.4.13), there was a continuation, with Austrian authorities conducting investigations into other parties involved in the offence.[177] On 15 January 1949, Josef Hartner, Otto M., and Karl Pauritsch were therefore brought before the People's Court in Graz for the murder of 13 Jews in Liezen in April 1945. However, the proceedings were transferred to the Leoben District Court due to lack of jurisdiction.[178] Although a jury trial was held there on 4 March 1949,[179] it was immediately adjourned to clarify the question of jurisdiction.[180] In the end, the proceedings ended up back at the People's Court in Graz by decision of the Supreme Court,[181] where the three defendants had to stand trial again on 5 September 1949. At this trial, the German Otto M. was sentenced to ten years in prison on the basis of the War Crimes Act, while Josef Hartner and Karl Pauritsch were acquitted.[182]

The Prenning trial was somewhat more complicated: at the British trial, which ended on 7 June 1947 with Karl Maxl and Hubert Reiter being sentenced to death for the killing of two Jews, the third person involved in the crime, Emil Peer, was questioned as a witness, but was not prosecuted because, in the opinion of the British, there was no evidence for a murder charge.[183] Nevertheless, he remained in custody.[184] After the General

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[174] STELZL-MARX, NS-Verbrechen 482; STELZL-MARX, Britische Nachkriegsjustiz 230.
[175] Cf. HALBRAINER, Trauriges Gegenstück 132f.
[176] Weltpresse (26. 8. 1946), 5 („Verurteilter Kreisleiter"); POLASCHEK, Volksgerichte 30.
[177] LAPPIN, Ahndung 39; LAPPIN-EPPEL, Zwangsarbeiter 431. – See also: StLA, LGS Graz, Vr 2116/49, Otto [M.] u. a. (I. Band): 11. 11. 1948, Anklageschrift, fol. 157, 159.
[178] StLA, LGS Graz, Vr 2116/49, Otto [M.] u. a. (I. Band): 15. 1. 1949, Hauptverhandlung, fol. 205–211; StLA, LGS Graz, Vr 2891/48, Martin Mernik u. a.: 9. 4. 1949.
[179] StLA, LGS Graz, Vr 2116/49, Otto [M.] u. a. (I. Band): 4. 3. 1949, Hauptverhandlung.
[180] Obersteirische Zeitung (9. 3. 1949), 1 („Ein Rechtsstreit um die Liezener Judenmorde").
[181] StLA, LGS Graz, Vr 2891/48, Martin Mernik u. a.: 9. 4. 1949; StLA, LGS Graz, Vr 2116/49, Otto [M.] u. a. (I. Band): 9. 4. 1949, fol. 267–271.
[182] StLA, LGS Graz, Vr 2116/49, Otto [M.] u. a. (II. Band): 5. 9. 1949, Hauptverhandlung, fol. 33–49; Weltpresse (Abend-Ausgabe) (5. 9. 1949), 2 („Unter der Anklage des dreizehnfachen Mordes"); Neue Zeit (6. 9. 1949), 3 („Zu zehn Jahren Kerker verurteilt"); LAPPIN-EPPEL, Zwangsarbeiter 431, 442, note 342. – Otto M. was transferred to Graz-Karlau Prison on 7 September 1949. He was conditionally released on 22 December 1951. StLA, JA Karlau, Bücher, Bd. 67, StB-Nr. 3738.
[183] TNA, FO 1020/2062: 25. 6. 1947, fol. 57.
[184] Cf. StLA, LGS Graz, Vr 1966/48, Hubert Reiter u. a.: 25. 6. 1947, Schreiben Emil Peers an Maj Ramsay.

Court trial, Chief Public Prosecutor Dr Amschl[185] declared his authority's intention to bring charges against Emil Peer for indirect complicity in murder (§ 137 Austrian Criminal Code). The witness statements of Karl Maxl and Hubert Reiter were considered essential. The task now was to clarify whether their execution could be postponed long enough.[186] The Austrian Courts Section in Graz sent a corresponding request to the Ministry of Justice Control Branch at the ACA (BE) on 25 June 1947, also asking for clarification with the Military Government Courts Branch. This case was seen as a model in that further cases were expected in which people sentenced to death by British courts were needed as witnesses before Austrian courts.[187]

The immediate reply from the Military Government Courts Branch was that the Austrian authorities should be urged to carry out the interrogation of Maxl and Reiter within the next few days *in the presence of the accused Peer and his advocate*.[188] Should this prove impossible, they would be prepared to postpone the executions scheduled for 2 July 1947, but for no longer than four weeks.[189] Finally, Dr Amschl, referring to § 252/1 of the Austrian Code of Criminal Procedure, declared that the testimonies of Maxl and Reiter could also be read out before the People's Court if the two had already been executed at the time of the trial. In any case, he declared it impossible to start the trial before 2 July.[190] On this date, the Graz public prosecutor's office presented the indictment against Emil Peer for the offence of aiding and abetting a contract murder.[191] Two weeks later, Karl Maxl and Hubert Reiter were executed in Karlau Prison.[192]

The trial against Emil Peer before the People's Court in Graz was to take place on 7 October 1947. The lawyer Dr Josef Klement had been appointed as counsel for the defence.[193] However, the hearing was adjourned on the aforementioned date.[194] Finally, the ongoing proceedings had to be handed over to the British in January 1948 because the accused was considered a DP and therefore fell under the reserved jurisdiction of the occupying power. The British did not continue the proceedings because the evidence was insufficient under British law and Emil Peer was released on 12 March 1948.[195] Five months later, the Courts Branch agreed to prosecution by the Austrian judiciary in this case.[196]

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[185] On the person of Dr Hans Amschl see: BEER, Wiederaufbau 125–128.
[186] BRUNNER M., Erschießung.
[187] TNA, FO 1020/2062: 25. 6. 1947, fol. 57.
[188] TNA, FO 1020/2062: 27. 6. 1947, fol. 58.
[189] TNA, FO 1020/2062: 27. 6. 1947, fol. 58. – Furthermore: TNA, FO 1020/2062: 28. 6. 1947, fol. 59.
[190] TNA, FO 1020/2062: 29. 6. 1947, fol. 60; TNA, FO 1020/2062: 1. 7. 1947, fol. 61.
[191] StLA, LGS Graz, Vr 1966/48, Hubert Reiter u. a.: 2. 7. 1947, Anklageschrift, fol. 155–[158]; BRUNNER M., Erschießung.
[192] StLA, JA Karlau, Bücher, Bd. 59, StB-Nr. 1940, 1941; BRUNNER M., Erschießung.
[193] StLA, LGS Graz, Vr 1966/48, Hubert Reiter u. a.: 16. 9. 1947, Bestellung eines Armenvertreters, fol. 165.
[194] StLA, LGS Graz, Vr 1966/48, Hubert Reiter u. a.: 22. 10. 1948, Hauptverhandlung, fol. 185; Neue Zeit (8. 10. 1947), 3 („Vor dem Volksgericht"); Murtaler Zeitung (11. 10. 1947), 1 („Knittelfelder vor dem Volksgericht").
[195] StLA, LGS Graz, Vr 1966/48, Hubert Reiter u. a.: 22. 7. 1948, fol. 209f.; HALBRAINER, Haus 206. – See also: StLA, LGS Graz, Vr 1966/48, Hubert Reiter u. a.: 11. 3. 1948, fol. 203f.
[196] StLA, LGS Graz, Vr 1966/48, Hubert Reiter u. a.: 13. 8. 1948, fol. [211]; BRUNNER M., Erschießung.

At the end of September 1948, Emil Peer was arrested again by the Knittelfeld Municipal Security Guard at the request of the People's Court and transferred to Graz.[197] On 22 October 1948, Peer had to face trial at the People's Court in Graz (presiding judge: Dr Wegan, public prosecutor: Dr Petschnigg) for aiding and abetting murder, and for contract murder. After a one-hour trial, Emil Peer was acquitted due to insufficient evidence and set free.[198]

In view of the increasing shortage of personnel both among the British investigators and at the military courts, it was decided in July 1947 to hand over all pending cases concerning violent crimes in the course of the death marches that could not be settled by the end of the year to the Austrian judiciary.[199] The People's Courts therefore conducted several follow-up trials after the British proceedings and also initiated independent investigations. However, these were often discontinued and – when they did go to court – the hearings before Austrian judges usually ended with acquittals or comparatively lenient sentences.[200]

4.3.1.2 Distribution of judicial sanctions for weapons offences

Cases of illegal possession or use of weapons were a centrepiece of the jurisdiction reserved for the British occupying power. It was not until 5 September 1948 and the entry into force of Ordinance No. 9 that such offences could also be dealt with – with restrictions – by Austrian judges.[201]

The following four examples are intended to give an impression of the concrete implementation of the applicable rules on reserved jurisdiction regarding the possession and use of weapons.

From November 1946, a gang from Feistritz an der Drau committed several thefts, burglaries and robberies in Upper Carinthia and East Tyrol.[202] Weapons were also used, at least in the raids on the Seiler Mill and a flat in Feistritz an der Drau,[203] as well as on the Oberliesinger and Unterliesinger farmsteads in Liesing (mun. Stockenboi)[204]. By the time the gang was caught in June 1947, the number of people involved, including helpers and fences, had totalled 27.[205]

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[197] StLA, LGS Graz, Vr 1966/48, Hubert Reiter u. a.: 18. 9. 1948, fol. 219; 4. 10. 1948, fol. 215, 217.
[198] StLA, LGS Graz, Vr 1966/48, Hubert Reiter u. a.: 22. 10. 1948, Hauptverhandlung, fol. 221–[230]; 20. 10. 1948 [!], fol. 233–[236]; HALBRAINER, Haus 206; BRUNNER M., Erschießung.
[199] LAPPIN, Prozesse 348; Ahndung 41f.; HALBRAINER, Unsere Pflicht 106.
[200] On the People's Court trials for the death marches in the Leoben and Eisenerz area in April 1945, see: HALBRAINER, Unsere Pflicht 123–130 and HALBRAINER, NS-Terror 219–224.
[201] Ordinance No. 9, § 7. StLA, OLG Graz, K. 34, Jv Engländer-Akten, 1945–1955, Jv 10609-1a/48-1. – TNA, FO 1020/3106: 10. 8. 1948; BRUNNER M., Militärgericht 30f.
[202] Volkswille (27. 11. 1947), 4 („15 Jahre Kerker für drei Räuber"); Volkswille (5. 6. 1948), 3 („Schwere Kerkerstrafen für gefürchtete Räuberbande").
[203] Volkswille (21. 6. 1947), 4 („Feistritz an der Drau – Bewaffneter Einbruch"); Volkswille (27. 11. 1947), 4 („15 Jahre Kerker für drei Räuber").
[204] Volkswille (4. 4. 1947), 4 („Stockenboi – Verscheuchte Gewaltverbrecher"); Volkswille (12. 4. 1947), 14 („Stockenboi – 90 Kilo Selchfleisch und Speck gestohlen").
[205] Volkswille (27. 11. 1947), 4 („15 Jahre Kerker für drei Räuber").

The judicial authorities of the occupying power only picked out the alleged main perpetrators from this group of suspects who were then prosecuted for the robberies carried out with armed force. All other 'unarmed' offences were passed on to the Austrian judiciary. On 17 November 1947, Josef Kalt, Anton M., and Wilhelm Steindl had to stand trial before an Intermediate Court in Villach under the direction of Lt Col Cohen.[206] Kalt, who was considered the mastermind, was charged with twelve counts of possession of firearms, use of firearms, and burglary/robbery. The judge found him guilty on eleven counts and sentenced him to seven years in prison.[207] His accomplices were sentenced to five and a half years (M.) and three years (Steindl).[208]

On 4 June 1948, the Austrian trial followed in Klagenfurt with almost a dozen defendants, including the three main perpetrators. In addition to the British judgement, they were now given prison sentences of five years (Kalt, and M.) and one year (Steindl) by the Regional Court. All the other defendants were also found guilty.[209]

On 19 June 1947, two gendarmes wanted to take the miner Paul Z. from his accommodation in Tregist to Voitsberg police station for questioning about a burglary. When the officers arrived, Z. opened fire and was able to flee after an exchange of shots.[210] He was immediately put on the wanted list,[211] but not arrested until 14 October 1947 in Leibnitz.[212] It was there, on 14 June 1948, that the British part of the legal proceedings was completed. Paul Z. found himself before an Intermediate Court and was charged by Maj Coult with three offences (possession of weapons, rape,[213] robbery). Lt Col Bickford found Z. guilty on the first two charges. The sentence was five years in prison.[214]

The Graz Regional Court covered the part of the Austrian judiciary on 22 October 1948. In a one-day jury trial, the public prosecutor charged Paul Z. with, among other things, attempted murder of the two law enforcement officers. In the end, the court did not classify the shooting in Tregist as attempted murder. However, the defendant was sentenced to a further two and a half years in prison for other offences, including acts of public violence, theft and extortion.[215]

On the morning of 12 May 1948, Knittelfeld master builder Josef Rath was found unconscious in his bed with severe head injuries. Investigations revealed that his skull had been smashed in by hammer blows. In addition, the sum of around ATS 12,000 was

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[206] Volkswille (27. 11. 1947), 4 („15 Jahre Kerker für drei Räuber").
[207] KLA, BPD Klagenfurt, Sch. 44, Brit. Militärgerichtsregister: Office-No. 6474.
[208] Volkswille (27. 11. 1947), 4 („15 Jahre Kerker für drei Räuber").
[209] Volkswille (5. 6. 1948), 3 („Schwere Kerkerstrafen für gefürchtete Räuberbande").
[210] StLA, Gendarmeriechronik, Bez. Voitsberg, GP Voitsberg, Bd. 3, s. p. [entry: 19. 6. 1947].
[211] Grazer Tägliches Fahndungsblatt, Jg. 3/Nr. 130 (27. 6. 1947), Art. 5829.
[212] StLA, Gendarmeriechronik, Bez. Voitsberg, GP Voitsberg, Bd. 3, s. p. [entry: 19. 6. 1947]. – According to another account, Z. was arrested near Spielfeld as early as 10 August 1947. Neue Zeit (23. 10. 1948), 5 („Wilde Schießerei mit Gendarmen").
[213] Z. had raped a woman during his escape. Neue Zeit (23. 10. 1948), 5 („Wilde Schießerei mit Gendarmen").
[214] TNA, FO 1020/3526: Case-No. 2850.
[215] StLA, JA Karlau, Bücher, Bd. 67, StB-Nr. 3234; Das Steirerblatt (23. 10. 1948), 5 („Feuergefecht mit Gendarmen"); Neue Zeit (23. 10. 1948), 5 („Wilde Schießerei mit Gendarmen"). – One day later, Paul Z. was sent to Graz-Karlau Prison. He was conditionally released on 12 January 1954. StLA, JA Karlau, Bücher, Bd. 67, StB-Nr. 3234.

missing from a cash box in the office. The victim died the same day in hospital.[216] Josef Jursnig and his accomplice Ferdinand Kopp were identified as the perpetrators of this crime.[217] Both men were arrested in the Knittelfeld area on 16 May 1948.[218]

The occupying power intervened in the judicial investigation of this robbery with murder because a pistol had also been used to carry out the crime. In accordance with British Ordinance No. 200, this was a case of prohibited possession of weapons, for which Jursnig and Kopp had to stand trial before the Intermediate Court in Leoben on 4 June 1948. Both offenders pleaded guilty[219] and were sentenced by the court (Lt Col Bickford) to two years in prison.[220]

The prosecution of the robbery with murder itself, however, fell within the jurisdiction of the Austrian courts. On 6 October 1948, the alleged perpetrators were tried before a jury court in Leoben. They essentially admitted their guilt but tried to pin the main responsibility on their accomplices. The judgements were very harsh: Josef Jursnig was sentenced to death by hanging, Ferdinand Kopp to 18 years' hard labour.[221] Towards the end of 1948, Jursnig was pardoned and sentenced to life imprisonment.[222]

At the beginning of July 1948, gendarmes searched the flat of the former freedom fighter Stefan Schröcker[223] in Niklasdorf; he escaped arrest (for the time being) by jumping out of the window. The officers seized numerous weapons and suspected stolen goods.[224] When Schröcker was arrested in Mürzzuschlag on 10 July 1948, he was carrying two pistols and a knuckleduster.[225] He ultimately stood trial before the Intermediate

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[216] StLA, Gendarmeriechronik, Bez. Murtal, GP Knittelfeld, Bd. 2, s. p. [entry: 12. 5. 1948]; Neue Zeit (13. 5. 1948), 3 („Raubüberfall in Knittelfeld"); Wiener Kurier (13. 5. 1948), 3 („Einbrecher erschlug einen Knittelfelder Baumeister"); Murtaler Zeitung (15. 5. 1948), 5 („Raubmord in Knittelfeld").

[217] Neue Zeit (7. 10. 1948), 5 („Raths Mörder zum Tode verurteilt").

[218] Neue Zeit (19. 5. 1948), 3 („Knittelfelder Raubmörder verhaftet"); Murtaler Zeitung (22. 5. 1948), 1 („Ein Mörder wird gejagt").

[219] Obersteirische Zeitung (9. 6. 1948), 4 („Die Knittelfelder Raubmörder vor dem britischen Militärgericht").

[220] TNA, FO 1020/3526: Case-No. 2859, 2860.

[221] Obersteirische Zeitung (9. 10. 1948), 7 („Grauenhafter Raubmord wird gesühnt").

[222] Neue Zeit (28. 12. 1948), 3 („Raubmörder Jursnik begnadigt"); Murtaler Zeitung (1. 1. 1949), 2 („Lebenslänglicher Kerker für Jursnik"). – Josef Jursnig served his sentence in the Graz-Karlau Prison from his admission on 6 November 1948 until his conditional release on 6 October 1966. StLA, JA Karlau, Bücher, Bd. 67, StB-Nr. 3270. – Ferdinand Kopp was (conditionally) released from Karlau Prison on 1 February 1962. StLA, JA Karlau, Bücher, Bd. 67, StB-Nr. 3208.

[223] * 26. 12. 1919, Waltenbach (mun. Niklasdorf, AUT); † 19. 3. 1956, Graz (AUT). DAGS, Pfarre Leoben-St. Xaver, Taufbuch XVI 1915–1921, fol. 196, Post-Nr. 208 [URL: https://data.matricula-online.eu/de/oesterreich/graz-seckau/leoben-st-xaver/12449/?pg=199 (18. 9. 2025)]; StLA, JA Karlau, Bücher, Bd. 67, StB-Nr. 3171. – Stefan Schröcker was sentenced to death for acts of resistance in the Wehrmacht. However, he was able to escape from jail and led a small partisan group in the eastern Gleinalm area in the final months of WWII. On 8 May 1945, this unit marched into Niklasdorf from Mount Mugel, occupied the office building and formed a local security unit together with local communists. StLA, Gendarmeriechronik, Bez. Leoben, GP Niklasdorf, Bd. 1, p. 179f.; OBERSTEINER, Niklasdorf 191–193; ANZENBERGER, Partisanen 124; HOLZINGER E./MUGRAUER, Widerstand 475f., 487. – See also: GEBHARDT, Gendarmerie 342.

[224] Neue Zeit (16. 7. 1948), 3 („Der ‚Tyrann' von Niklasdorf verhaftet"); Neue Zeit (17. 7. 1948), 4 („Das Waffenarsenal in der Wohnung"); Obersteirische Zeitung (17. 7. 1948), 1 („Waffenlager und Diebesmagazin in Niklasdorf").

[225] Weltpresse – Graz am Abend (15. 7. 1948), 6 („Ehemaliger Sicherheitskommissar verhaftet"); Neue Zeit (16. 7. 1948), 3 („Der ‚Tyrann' von Niklasdorf verhaftet"); Obersteirische Zeitung (17. 7. 1948), 1 („Waf-

Military Court in Leoben for illegal possession of weapons on 16 July 1948. Schröcker justified himself to Lt Col Bickford by claiming, among other things, that he had feared attacks by former National Socialists or monarchist partisans (see chapter 6.4.4.4).[226] One day later, Stefan Schröcker attempted to take his own life in his cell in the prison of the Leoben district court.[227] After an adjournment, Judge Bickford found the defendant guilty on 23 July 1948 and sentenced him to three years in prison.[228]

In the meantime, the Austrian authorities continued to investigate Schröcker for numerous burglaries and thefts.[229] These offences were to be tried by an Austrian court, which convened in Leoben on 20 September 1948. The prosecution now listed dozens of burglary and theft offences with a total loss of more than 25,000 Austrian schillings, some of which Schröcker had allegedly committed during his time as so called "Sicherheitskommissar".[230] On the second day of the trial, Stefan Schröcker, who denied all guilt, was found guilty on 24 counts. The sentence was two years in prison, which he was to serve in addition to the sentence handed down by the British court.[231]

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fenlager und Diebesmagazin in Niklasdorf"); Obersteirische Zeitung (28. 7. 1948), 3 („Drei Jahre für Schröcker").

[226] Neue Zeit (17. 7. 1948), 4 („Das Waffenarsenal in der Wohnung").

[227] Weltpresse – Graz am Abend (17. 7. 1948), 8 („‚Kommissar' versucht Selbstjustiz"); Neue Zeit (18. 7. 1948), 4 („Selbstmordversuch Schröckers"); Welt am Abend (19. 7. 1948), 2 („Selbstmordversuch eines ehemaligen KPOe-Sicherheitskommissärs"); Obersteirische Zeitung (21. 7. 1948), 2 („Plakate in Niklasdorf gegen Schröcker").

[228] TNA, FO 1020/3526: Case-No. 2987; Weltpresse – Graz am Abend (23. 7. 1948), 4 („Drei Jahre für Waffenlager"); Das Steirerblatt (24. 7. 1948), 4 („KP-Kommissar zu drei Jahren verurteilt"); Neue Zeit (24. 7. 1948), 4 („3 Jahre für KP-Sicherheitskommissar"); Salzburger Nachrichten (24. 7. 1948), 4 („Drei Jahre für Terroristen"); Wahrheit (24. 7. 1948), 4 („Drei Jahre für Waffenlager"); Welt am Abend (24. 7. 1948), 2 („Drei Jahre für kommunistischen Sicherheitskommissär").

[229] Österreichische Volksstimme (25. 7. 1948), 7 („Dreizehn Einbrüche und sieben Diebstähle"); Wiener Zeitung (25. 7. 1948), 5 („Der Sicherheitskommissär als Einbrecher").

[230] Weltpresse – Graz am Abend (20. 9. 1948), 6 („‚Kommissär' Schröcker"); Das Steirerblatt (21. 9. 1948), 5 („KP-Kommissar vor Gericht"); Weltpresse – Graz am Abend (21. 9. 1948), 4 („Schröcker gefesselt vorgeführt"); Obersteirische Zeitung (22. 9. 1948), 1 („Abenteuerlicher Plan Schröckers"); Weltpresse (Abend-Ausgabe) (22. 9. 1948), 1 („Ehemaliger Sicherheitskommissar zu zwei Jahren Kerker verurteilt"). – According to Schröcker, the food and material goods seized during the incriminated confiscations in Niklasdorf were passed on to former concentration camp inmates. Obersteirische Zeitung (25. 9. 1948), 1 („Zwei Jahre schweren Kerkers für Schröcker").

[231] Neue Zeit (22. 9. 1948), 3 („2 Jahre für den ‚KP-Kommissar'"); Obersteirische Zeitung (25. 9. 1948), 1 („Zwei Jahre schweren Kerkers für Schröcker"). – Stefan Schröcker was transferred to Graz-Karlau Prison on 23 September 1948. He was conditionally released on 5 June 1951. StLA, JA Karlau, Bücher, Bd. 67, StB-Nr. 3171.

5 Overview of the establishment and operation of British Military Government Courts in Austria

5.1 Basic documents

In its Direction No. 1 for Military Government Courts, dated 1 October 1945 and classified as confidential, the Legal Division of the Allied Commission for Austria (British Element) defined all the basic documents of these courts. These were:[232]

a) Ordinance No. 100 (Military Government Courts);
b) Ordinance No. 200 (Crimes and Offences);
c) Rules of Procedure and Legal Forms;
d) Guide to Procedure;
e) Legal Instruction No. 1.

These documents had been agreed by the British with the Americans and were included in their *Legal Manual*. Instruction No. 1 was signed by Sir Douglas Young, Controller of the Military Government Courts Branch and – alongside Lord Schuster – probably the most important jurist in the system of British military government courts in Austria until 1948. The two orders (No. 100, No. 200) will be discussed in more detail below.[233]

5.1.1 Ordinance No. 100

At the beginning of the occupation, the establishment of military government courts had been proclaimed by Decree No. 1, Article XI.[234] The first information about the key points of their work was then printed in newspapers. However, the statutes of these courts were not officially promulgated in the British zone until the beginning of December 1945 with Ordinance No. 100.[235] This was actually intended to be declared by all three Western occupying powers with the same wording, as was the case with Ordinance No. 200. Ultimately, however, the British deviated from the common line on one point: they did not only want to allow officers of the Allied forces[236] to be members of military government courts, as stated in the 'American' version, but also civilians, i.e.

[232] TNA, FO 1020/2820: *Legal Division, Military Government Courts (British Zone), Direction No. 1*.
[233] Ordinances No. 100 and No. 200 – as well as the procedural rules – are given in full in the appendix.
[234] VuABlSt 32/5 (31. 8. 1945), 68; Legal Division, Handbook: Decree No. 1 (Military Government Austria); Brunner M., Militärgericht 130.
[235] VuABlSt 33/4 (29. 1. 1946), 21–25; Legal Division, Handbook: Ordinance No. 100; Kärntner Nachrichten (1. 12. 1945), 4; Brunner M., Militärgericht 158–163. – See also: StLA, Plakatsammlung, Pl-P-1945-0276: Ordinance No. 100. – The history of the origins of Ordinance No. 100 can be traced in the fonds "TNA, FO 1020/1998".
[236] LGBlSbg Nr. 7/1945, 7. – For the 'American' Ordinance No. 100, see also: Tweraser, US-Militärregierung 246f.

members of the Allied Commission for Austria[237], as was then stated in Art. IV, § 5, of the British version.

The suggestion for this formulation came from Sir Douglas Young,[238] one of the lawyers who, to a certain extent, provided the impetus for this special British approach. Lord Schuster had already pointed out in the spring of 1945 that both the Legal Division and two of its departments were headed by civilians who – as things stood – were not authorised to act as judges of a military government court.[239] Specifically, he expressed the wish to appoint the two experienced lawyers S.H. Smith and Douglas Young as military judges, even though they were not members of the army. *To do it, however, I shall require an amendment to the text of Ordinance 100* [...].[240] However, discussions with the US side revealed a lack of interest in such a change.[241] In October 1945, Col Eberhard Deutsch of the American Legal Division declared, after consultation with Gen Mark Clark, that civilians would definitely not be appointed as military judges. Douglas Young then suggested the use of the above-mentioned addition to Art. IV, § 5, in the 'British' Ordinance No. 100.[242]

The key points of the aforementioned Ordinance No. 100 were as follows:[243]

- Kinds of Military Government Courts:
  - General Military Courts
  - Intermediate Military Courts
  - Summary Military Courts
- Jurisdiction:
  - It included all persons living in occupied Austrian territory except for Prisoners of War, members of the Allied Forces, and persons with diplomatic immunity.[244]
  - All offences against the laws and usages of war and against any orders of the military government, as well as against Austrian legal provisions.
- Powers of sentence (selection):[245]
  - A General Court could *impose any lawful sentence including death*.[246]
  - In Intermediate Courts, the range of punishment was up to ten years imprisonment and fines of up to £ 2,500; according to the conversion rate at the time, about ATS 100,000.[247]

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[237] Ordinance No. 100, Art. IV, § 5. VuABlSt 33/4 (29. 1. 1946), 22.
[238] TNA, FO 1020/1998: 26. 10. 1945, fol. 10A.
[239] TNA, FO 1020/1873: Appendix B [11. 5. 1945].
[240] TNA, FO 1020/1873: 2. 6. 1945.
[241] TNA, FO 1020/1873: 2. 6. 1945.
[242] TNA, FO 1020/1998: 26. 10. 1945, fol. 10A.
[243] See VuABlSt 33/4 (29. 1. 1946), 21–25; Legal Division, Handbook: Ordinance No. 100; BRUNNER M., Militärgericht 158–163.
[244] BRUNNER M., Militärgericht 17.
[245] See also: SCHUSTER, Military Government 87f.; JAGSCHITZ, Einfluß 119f.; BEER, Let Right be Done 201f.; BEER, Kriegsende 33.
[246] Ordinance No. 100, Art. III, § 4a. Legal Division, Handbook: Ordinance No. 100.
[247] BRUNNER M., Militärgericht 17.

- A Summary Court could impose prison sentences of up to one year and fines of up to £ 250 (approx. ATS 10,000).[248]
- If the charge was based on an offence punishable under Austrian law, the military court, on conviction, was not bound *by the maximum sentence permitted under such law*. Rather, it could *impose such sentences within its powers, as the circumstances of the case may require*.[249]
- *In addition to, or in lieu of, sentence of fine, imprisonment or death (within its powers) a Military Government Court* [could] *make any order with respect to the person of the accused and the forfeiture, restitution or disposal of the property, premises or businesses involve in the offence which is appropriate and authorised by the Rules of Military Government Courts* [...].[250]

↳ Composition of Courts:[251]

- All members of a British military government court had to be *officers of the Allied Forces or members of the Allied Commission for Austria* (see above).[252]
- General Courts were made up of at least three members, all of whom usually had relevant training.[253]
- Intermediate Courts could have one or more members, at least one of whom had to have legal training.[254]
- Summary Courts could be run by a single officer, even without prior legal knowledge.[255]
- Advisers to sit with any court were to be appointed by the courts or the convening authority. Additional personnel (officials, interpreters, stenographers) could be appointed by the courts as required.

↳ Rights of Accused (selection):[256]

- The defendant had the right to receive a copy of the charges against him in advance of trial.
- He was authorised to be present at the trial, to testify, and to examine or cross-examine any witness.
- He could consult a lawyer before the trial, conduct his own defence, or be represented by a lawyer of his own choice. However, the court was authorised to debar persons from representation.[257]

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[248] BRUNNER M., Militärgericht 17.
[249] Ordinance No. 100, Art. III, § 4e. Legal Division, Handbook: Ordinance No. 100.
[250] Ordinance No. 100, Art. III, § 4f. Legal Division, Handbook: Ordinance No. 100.
[251] See also: SCHUSTER, Military Government 87f.; JAGSCHITZ, Einfluß 119f.; BEER, Let Right be Done 201f.
[252] Legal Division, Handbook: Ordinance No. 100.
[253] BRUNNER M., Militärgericht 17.
[254] BRUNNER M., Militärgericht 17.
[255] BRUNNER M., Militärgericht 17.
[256] The "Rights of Accused" under Article V of Ordinance No. 100 were also printed on the form for summons to appear before a Military Government Court (Legal Form 1). TNA, FO 1020/2071: 1. 3. 1947.
[257] This mainly applied to those lawyers whose accreditation had been revoked by the Military Government.

- In the case of offences punishable by death, the accused had the right to be represented by an officer of the Allied Forces or another person appointed by the court, unless he provided his own defence counsel.
- He could bring witnesses to his defence himself or have them summoned by the court, if practicable.
- If he did not speak the language of the hearings (i.e. English), he had the right *to have the proceedings translated*.[258]
- In the event of conviction, he could apply for a review within ten days of the verdict being pronounced.

↳ Publicity of the proceedings:
- The hearings of the military government courts were public.[259]
- However, the rules of procedure of the military government courts stated that cases involving defendants under the age of 18 should be dealt with behind closed doors.[260]
- The public could also be completely or partially excluded from a hearing if it was in the interests of the military government. However, according to Lord Schuster, this option was rarely utilised.[261]

↳ Review (by the Legal Division):
- Trials always had to be reviewed if this was requested, if a prison sentence of more than five years was imposed, or if the court had provisionally postponed a sentence.[262]
- All other trials *could be* reviewed.[263]

↳ Death sentences:
- A sentence of death could only be executed once it had been confirmed by the Commander-in-Chief of the occupying forces.

5.1.2 Ordinance No. 200

Ordinance No. 200 specified *which* crimes and offences were now to be dealt with by the British military government courts.[264] It was drawn up by the Americans and British,

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[258] Ordinance No. 100, Art. V, § 9g. Legal Division, Handbook: Ordinance No. 100.
[259] In the run-up to General Court hearings, newspaper reports were sometimes used to expressly inform the public of the opportunity to follow the proceedings in the courtroom. – In February 1947, an invitation was issued in the press to attend the first (and only) hearing of a British General Court in Lienz, with reference to the perhaps unique opportunity to familiarise oneself with the English administration of justice, including the custom of dress. Volkswille (13. 2. 1947), 4 („Hoher britischer Gerichtshof tagt in Lienz").
[260] TNA, FO 1020/1878: *Rules of Military Government Courts*, No. 60c.
[261] SCHUSTER, Military Government 90; BRUNNER M., Militärgericht 17.
[262] Cf. SCHUSTER, Military Government 90.
[263] The relevant § 11 of Ordinance No. 100 was amended by Ordinance No. 9, § 4, which came into force on 5 September 1948: Now all trials had to be reviewed a) which were conducted by a person authorised only to preside over a single military court, b) in which a sentence of imprisonment of more than one year or a fine of more than £ 100 was imposed, c) in which the court pronounced the forfeiture of property worth more than £ 25 – or its equivalent. StLA, OLG Graz, K. 34, Jv Engländer-Akten, 1945–1955, Jv 10609-1a/48-1; BRUNNER M., Militärgericht 187f.

adopted by the French, and finally affixed with the same wording in the zones of the three Western occupying powers.[265] The situation was somewhat different later in Vienna.[266] Ordinance No. 200 contained 18 offences that were punishable by death or another penalty at the discretion of the court. A further 23 offences were punishable by a penalty at the discretion of the court, but not the death penalty. The attempt, complicity in, or cognisance of an offence was also to be punished in the same way as the actual execution of said offence itself. Finally, there was also the possibility of the collective responsibility of a municipality for a criminal offence. In this case, the mayor or another principal representative could be brought to court and the municipality sentenced to a collective fine. The same applied to representatives of companies, associations or societies, who could also be held liable if they were involved in criminal acts or omissions in their function within that company for which the company could be prosecuted in military court.[267]

Even if military government courts were, de facto, predominantly occupied with violations of this Ordinance No. 200, de jure, any offence against orders of the occupying power *and* against Austrian legal provisions could be the subject of proceedings.[268]

As remarkable examples from Vienna show, even British criminal law could form the basis of a military court trial if the accused was a citizen of the United Kingdom. In November 1946, Thomas Henry Beeson had to answer to a General Court for offences against the *Official Secrets Act 1920*[269] (unlawful use of identity documents), and the *Larceny Act 1916*[270] (claiming favours under false pretences), among others,[271] and received a prison sentence of one year (see chapter 7.6.2). – In October 1947, Archibald McNaughton-Wright was charged before an Intermediate Court on the basis of the *Debtors Act 1869* (Sect. 13/1: credit fraud)[272]. In this case, however, the judge decided on the second day of the hearing to dismiss the case for lack of jurisdiction.[273]

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[264] VuABlSt 32/4 (21. 8. 1945), 57–62; Legal Division, Handbook: Ordinance No. 200; BRUNNER M., Militärgericht 118–124. – See also: StLA, Plakatsammlung, Pl-P-1945-0211: Ordinance No. 200.
[265] TNA, FO 1020/3036: 2. 10. 1945; KAFKA, Probleme 229, note 2.
[266] At its meeting on 14 November 1945, the Vienna Inter-Allied Command (VIAC) decided that Ordinance No. 200 should be revised. TNA, FO 1020/3010: *VIAC Commanders' Conference, 14 November 1945*. – The US side, in particular, objected: […] *the American Authorities considered that the present Crimes and Offences Ordinance No 200 having been prepared for conditions of war was not suitable for publication in Vienna at the present time.* TNA, FO 1020/3010: 16. 11. 1945, *Legal Sub-Committee Meeting No. 8*. – However, the British adhered to Ordinance No. 200, which they had already published in their sectors on 8 and 9 September 1945 and again at the end of October 1945 and therefore regarded as valid law. TNA, FO 1020/3106: 29. 11. 1947; TNA, FO 1020/2013: [October 1945], *Military Government Court, Vienna*; TNA, FO 1020/2933: 19. 10. 1945, *Legal Sub-Committee Meeting No. 4*; TNA, FO 1020/3105: 21. 5. 1946, 5. 2. 1947. – In District I, which the British controlled together with the other three occupying powers, Ordinance No. 200 was not applied. TNA, FO 1020/3016: 4. 7. 1946.
[267] VuABlSt 32/4 (21. 8. 1945), 57–61; Legal Division, Handbook: Ordinance No. 200; BEER, Wiederaufbau 118; TWERASER, US-Militärregierung 249; BRUNNER M., Militärgericht 18f.
[268] Cf. LAPPIN-EPPEL, Zwangsarbeiter 427.
[269] URL: https://www.legislation.gov.uk/ukpga/Geo5/10-11/75/contents/enacted (18. 9. 2025).
[270] URL: https://www.legislation.gov.uk/ukpga/1916/50/contents/enacted (18. 9. 2025).
[271] TNA, FO 945/334: 1. 11. 1946, Anklageschrift.
[272] URL: https://www.legislation.gov.uk/ukpga/Vict/32-33/62/section/13/enacted (18. 9. 2025).
[273] TNA, FO 1020/3524: Case-No. 118/47.

Admittedly, as mentioned, the majority of all trials were based on Ordinance No. 200, whereby to establish a criminal offence in many cases the connection was more or less elegantly established via Section 41,[274] which provided a rather vague definition: *Any act or neglect to the prejudice of good order of the occupied territory or the interests of the Military Government, the Allied Forces or any member thereof.*[275]

Knowledge of these and other orders of the occupying power was declared to be the duty of every citizen.[276] In the British zone, Ordinance No. 200 remained in force for four years before being replaced by the much more streamlined Ordinance No. 209 in May 1949. This measure was taken by the occupying power against the background of the gradual reduction of its reserved jurisdiction (see chapter 5.3).[277]

5.2 Regional overview

5.2.1 Carinthia and East Tyrol

The massive interventions in the judicial system were first implemented by the British in Carinthia and East Tyrol. Immediately after the end of the war, they took over the entire administration of justice and set up military courts, which were primarily concerned with sentencing offences against the ordinances and decrees issued by the military government, in almost all district towns. The first hearing of a British military government court (Summary Court) on Austrian soil took place in Villach on 11 May 1945.[278] In addition to the Carinthian district towns, Ferlach was also the scene of military court hearings in the early post-war period. A British court held its first session in Lienz (East Tyrol) on 24 May 1945.[279]

The early convictions – as in Styria – mainly concerned offences against the curfew and the travel ban, false statements on denazification questionnaires, and illicit trafficking.[280] From the end of May 1945, the reports on convictions regularly printed in the "Kärntner Nachrichten" also give an impression of the activities of these military courts.[281]

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[274] KAFKA, Probleme 229.
[275] Legal Division, Handbook: Ordinance No. 200; BRUNNER M., Militärgericht 19.
[276] Neue Steirische Zeitung (26. 7. 1945), 2 („Englische Militärgerichte"); BRUNNER M., Militärgericht 20.
[277] Weltpresse (25. 5. 1949), 2 („Weitere Einschränkung der britischen Militärgerichte").
[278] KLA, BPD Klagenfurt, Sch. 39, Brit. Militärgerichtsregister: Office-No. 1, Alois Brecelnia. – The first British military trial on German soil took place on 22 November 1944 near Geilenkirchen (now North Rhine-Westphalia). VORDERMAYER, Justice 71.
[279] KLA, BPD Klagenfurt, Sch. 55, Brit. Militärgerichtsregister: Office-No. 1, Eduard Wurnitsch.
[280] WADL, Überblick 69f.; BRUNNER M., Militärgericht 21.
[281] Starting with: Kärntner Nachrichten (28. 5. 1945), 2 („Die Tätigkeit der Villacher Gerichtshöfe"). – See also: Mitteilungsblatt, PWB 8. Armee, No. 13 (28. 5. 1945) („Tätigkeit der Villacher Gerichtshöfe").

5.2.2 Salzburg

As is well known, the occupation zones of the victorious powers in Austria were finally determined by the Agreement on Zones of Occupation of 9 July 1945. At the end of the war, however, the borderlines of the advance of Allied troops did not correspond to this planned 'finalisation'. Although the British were initially only present in a few districts of Styria, they occupied almost the entire Lungau region in the 'American' province of Salzburg for around seven weeks. It was not until the end of June 1945 that the area was handed over to US troops.[282]

During this time, a British Summary Court was installed in Tamsweg as part of the occupation administration, which convened (at least) on 7 and 15 June 1945 under the direction of Maj Denning. On these two days, a total of five defendants stood trial,[283] and on one occasion the maximum possible sentence of one year in prison was imposed.[284]

5.2.3 Styria

The hearing of the Summary Court in Judenburg on 28 May 1945[285] marked the first time that a British military court convened in Styria. Judenburg was also the scene of the first trials before an Intermediate Court in June 1945.[286] The first British trial in Liezen was held on 23 July 1945.[287] In Graz, the first military court hearings of the British took place on 25 August 1945 in the district court on Paulustorgasse. A total of 24 people had to answer for various offences against the orders of the military government. On this occasion, the "Neue Steirische Zeitung" published a detailed description of the situation in the courtroom.[288]

During these weeks, the British military courts also established themselves in the other regions of Styria. At the beginning of September 1945, for example, a Summary Court met for the first time in the district of Feldbach and sentenced six men to fines for disregarding the curfew.[289]

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[282] Cf. HEITZMANN, Aspekte 103–121.

[283] KLA, BPD Klagenfurt, Sch. 47, Brit. Militärgerichtsregister: Office-No. 1 (7. 6. 1945). – An additional four hearings were held on 15 June. KLA, BPD Klagenfurt, Sch. 44, Brit. Militärgerichtsregister: Office-No. 2; KLA, BPD Klagenfurt, Sch. 48, Brit. Militärgerichtsregister: Office-No. 3; KLA, BPD Klagenfurt, Sch. 49, Brit. Militärgerichtsregister: Office-No. 4; KLA, BPD Klagenfurt, Sch. 54, Brit. Militärgerichtsregister: Office-No. 5.

[284] KLA, BPD Klagenfurt, Sch. 48, Brit. Militärgerichtsregister: Office-No. 3, Karl Neuper.

[285] TNA, FO 1020/3514, Case-No. 1, Alois Löschenkohl; StLA, Gendarmeriechronik, Bez. Murtal, BGK Judenburg, Bd. 2, s. p. [entry 14. 5. 1945]; Kärntner Nachrichten (6. 6. 1945), 2 („1 Jahr Gefängnis für falsche Angaben"); Mitteilungsblatt, PWB 8. Armee, No. 20 (6. 6. 1945) („1 Jahr Gefängnis für falsche Angaben"); BRUNNER M., Militärgericht 34.

[286] BEER, Amtliches 206.

[287] BEER, Great Deal of Work 51.

[288] Neue Steirische Zeitung (26. 8. 1945), 5 („Das Britische Militärgericht tagte"). – Furthermore: BEER, Let Right be Done 203; MUIGG, Graz 171. – Since one of the defendants was sentenced to 18 months imprisonment on that day, it must have been an Intermediate Court.

[289] FELDNER-ZIMMERMANN, Bezirke (2001), 82f.; FELDNER-ZIMMERMANN, Bezirke (2005), 42.

5.2.4 Vienna

In Vienna, the Americans, British and French took control of their occupation sectors at the beginning of September 1945. Even before this, the British Legal Division had been pressing for the establishment of military courts as quickly as possible. However, the planning staff of the British Military Government for Vienna rejected such ideas in view of the situation: [290]

> *It is quite impossible to set up Military Govt Courts in Vienna until the real, as opposed to the present shadow, Kommendature is set up, which cannot take place until the Allied Council first meets. Until then we are merely visitors in Vienna and have to do what the Russians tell us to. Even after the occupation of our Sector begins* [...] *it is likely that the setting up of Mil Govt Courts will depend on agreement in the Kommendature.*

This assessment should prove correct: *Until otherwise notified Military Government Courts will not be held in the British Bezirke of Vienna.*[291] This notification was sent from the British headquarters in Vienna (III, Reisnerstraße 40)[292] to all Military Government Officers in the individual sectors on 13 September 1945. At the first meeting of the Judicial Subcommittee of the Vienna Inter-Allied Command (VIAC)[293] on 28 September 1945, it was also stated that none of the Western occupying powers had yet established military courts.[294] One level higher, the VIAC meeting on 14 November 1945 decided that each occupying power should now establish military courts in Vienna in its own zone.[295] After this decision had been approved by the Allied Commission, the first military court hearing finally took place in the British sector of Vienna on 24 November 1945.[296] On this date, several cases of theft or possession of allied property were heard before an Intermediate Court in the Juvenile Court[297] (III, Rüdengasse 7).[298]

At this time, a number of petty offences (mainly minor thefts) had also accumulated, but these were not brought before an Intermediate Court because, in the opinion of the Legal Division, they would have been detrimental to the dignity of this court. Transfer-

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[290] TNA, FO 1020/2014: 29. 8. 1945.
[291] TNA, FO 1020/3105: 13. 9. 1945.
[292] Cf. TNA, FO 1020/3036: 8. 10. 1945, *Location Statement No 1*; URRISK-OBERTYŃSKI, Wien 9, 61.
[293] A schematic overview of all VIAC subcommittees (as of February 1946) can be found at RAUCHENSTEINER, Interalliierte Kommandantur 402. – Furthermore: URRISK-OBERTYŃSKI, Wien 55.
[294] TNA, FO 1020/3009: 28. 9. 1945, *Legal Sub-Committee Meeting No. 1.* – No relevant information was available from the Russian side. However, the British had already assumed in August 1945 that the Russians did not have any military government courts. This assessment did not change until November 1945. TNA, FO 1020/3035: 25. 8. 1945; TNA, FO 1020/2956: 16. 11. 1945.
[295] TNA, FO 1020/3010: *VIAC Commanders' Conference, 14 November 1945*. – Furthermore: TNA, FO 1020/1971: 27. 11. 1945; TNA, FO 1020/3037: 27. 11. 1945; TNA, FO 1020/2957: 2. 8. 1946; TNA, FO 1020/2977: 4. 10. 1946.
[296] TNA, FO 1020/1971: 27. 11. 1945; TNA, FO 1020/3037: 27. 11. 1945; TNA, FO 1020/3111: 1. 12. 1945; TNA, FO 1020/3037; Weltpresse (24. 11. 1945), 5 („Erste britische Militärgerichtstagung"); Wiener Zeitung (25. 11. 1945), 3 („Erstmalig britisches Militärgericht"); WALDSTÄTTEN, Staatliche Gerichte 307.
[297] TNA, FO 1020/1971: 27. 11. 1945; TNA, FO 1020/3037: 27. 11. 1945.
[298] TNA, FO 1020/3524: Case-No. 1/45, 2/45, 3/45, 5/45, 7/45.

ring them to Austrian courts also seemed inappropriate.[299] Consequently, at the end of November 1945, the Military Government Officers were instructed by the Legal Branch to set up Summary Courts within 'their' districts to punish minor criminal offences. *All cases will be submitted to this Branch before trial for decision as to Court of trial and general advice*.[300] The first Summary Courts of the British convened in Vienna on the following dates: in Hietzing (XIII) on 13 December 1945,[301] in Meidling (XII) on 14 December 1945[302] and in Simmering (XI) on 29 December 1945[303].

The lawyer Rudolf Granichstaedten-Czerva explained the course of a British military court hearing in the newspaper "Wiener Zeitung". He reported on often strict judgements, but also noted unusual things, at least from the perspective of an Austrian lawyer. He was struck by the great precision and intricateness with which even the simplest cases were dealt with by the British military court. For example, a trial for the theft of 20 kg of coal took three hours, a trial for the use of a British military lorry four hours.[304]

In Vienna, a special situation arose for the military courts in that the VIAC issued its own orders at the end of March 1946 regarding the possession of weapons (No. 1) and the wearing of military uniforms (No. 2; effective 15 January 1946). The situation was even more special in the Inner City district, which was jointly controlled by the four occupying forces – with command alternating on a monthly basis. On 7 May 1946, the Allied city commanders decided on their own regulations: The occupying power that had carried out an arrest for an offence against the two VIAC orders[305] was also to take over the judicial punishment. If the arrest was made by Austrian police, a court of the 'commanding' occupying power had jurisdiction.[306]

The first corresponding hearing took place on 26 June 1946 in the District Court on Riemergasse (I) before a British Intermediate Court.[307] Leopold Luza was in the dock for unauthorised possession of a machine gun and a pistol including ammunition. The sentence was three years in prison.[308]

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[299] TNA, FO 1020/3037: 26. 11. 1945.
[300] TNA, FO 1020/3007.
[301] TNA, FO 1020/2965.
[302] TNA, FO 1020/2964: 2. 1. 1946.
[303] TNA, FO 1020/2962: 2. 1. 1946.
[304] GRANICHSTAEDTEN-CZERVA, Strafverfahren 2.
[305] VIAC Orders No. 1 and No. 2 were to remain the only basis for Allied military jurisdiction in the First District. TNA, FO 1020/2977: 4. 10. 1946; TNA, FO 1020/3129: 4. 10. 1946. – When, on 4 July 1946, four civilians who had been arrested in the Inner City were charged before a French Intermediate Military Court with black-market offences under Ordinance No. 200, § 41, a British judicial officer contacted his French counterpart and reminded him that Ordinance No. 200 was not valid in the First District. Consequently, no charges could be brought on its basis. The French side admitted their error for the time being and announced that they would hand over the (adjourned) proceedings to the Austrians. TNA, FO 1020/2957: 11. 7. 1946. – However, in July 1946, during their command in District I, the French made several more arrests on the basis of Ordinance No. 200. TNA, FO 1020/2957: 2. 8. 1946.
[306] TNA, FO 1020/2957: 8. 5. 1946; TNA, FO 1020/3014: 8. 5. 1946. – This regulation was based on a proposal from the Legal Branch at the British headquarters in Vienna. TNA, FO 1020/1971: 1. 6. 1946; TNA, FO 1020/3013: 6. 4. 1946; TNA, FO 1020/3105: 6. 4. 1946.
[307] TNA, FO 1020/2959: 24. 6. 1946.
[308] TNA, FO 1020/3524, Case-No. 43/46; Neues Österreich (28. 6. 1946), 3 („Wiener von britischem Zwischengericht wegen Waffenbesitzes verurteilt"); Weltpresse (28. 6. 1946), 2 („Drei Jahre Gefängnis für

It should also be mentioned at this point that, in autumn 1946, a joint American-British military court convened in the federal capital for the first time. The subject of the trial was a case of money laundering. At the end of June 1946, the Americans had arrested eight civilians in Vienna in connection with the sale of pounds sterling.[309] The main perpetrators were Karl P.,[310] and Hermann S., who, together with their accomplices, had attempted to put, mainly counterfeit, banknotes worth around £ 30,000 into circulation. About half of this amount, which allegedly came from a private aeroplane belonging to Hermann Göring that crashed near Eisenerz in spring 1945, was actually sold. The trial before the American-British military court began on 28 October 1946 in the Vienna Palace of Justice, the seat of the Inter-Allied Command.[311] The judge was the American officer Capt Raymon Coward, the prosecution was represented by a British legal officer (Lt Col McNulty).[312] After three days of trial, seven defendants were sentenced to prison terms of one to three years for violating the Austrian Foreign Exchange Act.[313]

All in all, the British occupying power in Austria recorded the impressive number of 34,579 defendants before its military courts between 1945 and 1949.[314] Around two thirds of all these hearings were held in Summary Courts and around one third in Intermediate Courts. Only comparatively few trials (less than 0.4 per cent) were transferred to general courts.[315]

5.3 Gradual limitation of British military jurisdiction

As a result of the Second Control Agreement of 28 June 1946, the British as the occupying power (also) gradually loosened their grip on the judiciary. Step by step, the reserved jurisdiction was to be reduced and – provided no interests of the occupying power were opposed to this – jurisdiction over Austrian citizens was to be transferred exclusively to the Austrian authorities. In the autumn of 1946, Ordinance No. 6 repealed

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Waffenbesitz"); Wiener Zeitung (28. 6. 1946), 3 („Urteilsfällung des britischen Zwischengerichtes"). – For further details of Luza's arrest by the Austrian police, his report to the British Public Safety Officer Capt P.H. Bricknell 13 days later and a resulting complaint to the Vienna police chief, see: TNA, FO 1020/3122: 19. 6. 1946, 20. 6. 1946, 22. 6. 1946. – Leopold Luza was released from prison on 1 March 1948 as a result of an amnesty on weapons possession. TNA, FO 1020/3524, Case-No. 43/46; TNA, FO 1020/3106: 10. 3. 1948.

[309] Wiener Kurier (28. 6. 1946), 3; Österreichische Volksstimme (29. 06. 1946), 3.

[310] The first name of this defendant is given alternately as "Karl" and "Rudolf" in the newspaper reports.

[311] Weltpresse (Abend-Ausgabe) (28. 10. 1946), 2 („30.000 englische Pfund Sterling gefälscht"); Österreichische Volksstimme (29. 10. 1946), 3 („30.000 falsche englische Pfund im Schleichhandel"); Weltpresse (Abend-Ausgabe) (29. 10. 1946), 8 („Falsche Pfundnoten aus Görings abgestürztem Flugzeug"); Das Steirerblatt (30. 10. 1946), 3 („Die gefälschten Pfund-Noten des Reichsmarschalls").

[312] Wiener Kurier (28. 10. 1946), 3 („Heute amerikanisch-britisches Militärgericht"); Wiener Zeitung (3. 11. 1946), 6 („Urteil gegen Devisenschieber").

[313] Wiener Kurier (31. 10. 1946), 3 („Valutenschieber verurteilt"); Neue Zeit (3. 11. 1946), 3 („Das Urteil im Pfundschieber-Prozeß"); Wiener Zeitung (3. 11. 1946), 6 („Urteil gegen Devisenschieber").

[314] BEER, Militärgerichtsbarkeit (1998), 58; BRUNNER M., Militärgericht 21. – See also: Weltpresse (25. 5. 1949), 2 („Weitere Einschränkung der britischen Militärgerichte"). Here, with the figures up to the end of March 1949.

[315] Cf. BEER, Wiederaufbau 120; BRUNNER M., Militärgericht 21; BEER, Militärgerichtsbarkeit (2018), 129.

53 legal provisions of the military government.[316] Ordinance No. 105, which was published around the same time, brought a modest increase in the jurisdiction of the Austrian courts;[317] essentially, jurisdiction over members of the United Nations – with the exception of displaced persons, prisoners of war and citizens or personnel of the occupying powers – and claims against public corporations were ceded.[318]

At the beginning of October 1947, the British decided to relieve their military courts once again by transferring a further 17 offences to the Austrian judiciary. However, there was still no transfer if British interests were affected, if the defendants were DPs or SEPs or if, in accordance with Ordinance No. 105, there were other reasons for non-assignment.[319]

With effect from 30 April 1948, the Austrian courts, public prosecutors' offices, administrative authorities and other judicial bodies were authorised to exercise jurisdiction over DPs in the British zone of Austria and the British sector in Vienna, provided that no interests of the occupying power were affected. However, no repatriation, expulsion, deportation or transfer of a DP from the British zone could be ordered in the proceedings thus authorised without the explicit consent of the British Commander-in-Chief. Furthermore, any such proceedings could still be reviewed and jurisdiction withdrawn at any time.[320]

From 5 September 1948, when Ordinance No. 9 came into force, the Austrian courts were (in principle) also responsible for cases concerning one of the occupying powers or one of their nationals;[321] with the exception of members of the occupying forces or members of the Allied administration.[322] British citizens who were in Austria as busi-

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[316] VuABlSt 33/36 (7. 11. 1946), 389–391; BRUNNER M., Militärgericht 176–178. – See also: StLA, Plakatsammlung, Pl-P-1946-0137: Ordinance No. 6.

[317] VuABlSt 33/38 (18. 11. 1946), 421–425; BRUNNER M., Militärgericht 179–183. – See also: StLA, Plakatsammlung, Pl-P-1946-0094: Ordinance No. 105. – STIEBER, Briten 200.

[318] Following a corresponding enquiry, the Austrian Courts Section (Military Government of Styria) explained the new provisions of Ordinance No. 105 in a letter to the President of the Higher Regional Court of Graz, dated 6 November 1946. StLA, OLG Graz, K. 34, Jv Engländer-Akten, 1945–1955, Jv 420-1a/46: 6. 11. 1946; BRUNNER M., Militärgericht 29f.

[319] The offences in detail: *1. Murder by Austrians of Austrians including murder with firearms and other deadly weapons. 2. Forgery, counterfeiting, perjury or bribery. 3. Non-compliance with rationing or prices. 4. Illegal frontier crossings. 5. Motoring offences. 6. Failure to be in possession of an identity card. 7. Refusal to take up work and leaving work without permission. 8. Resisting arrest by Austrian authority. 9. Failure to have a certificate of residence. 10. Failure to report to Police, register with Burgomaster* [!], *to declare articles to Wirtschaftsamt etc. 11. Importing and exporting currency, uncensored mail, goods, live-stock etc. 12. Causing bodily harm, threatening etc. 13. Poaching. 14. Abortion. 15. Prostitution. 16. Disobedience of orders given by Austrians. 17. Stealing other than Allied Forces property.* TNA, FO 1020/2820: 8. 10. 1947. – STIEBER, Briten 198.

[320] StLA, OLG Graz, K. 34, Jv Engländer-Akten, 1945–1955, Jv 1210-1a/48: 5. 5. 1948, 8. 5. 1948, 15. 6. 1948; Weltpresse (25. 5. 1949), 2 („Weitere Einschränkung der britischen Militärgerichte"); BRUNNER M., Militärgericht 83.

[321] Ordinance No. 105, Art. I, § 1c. VuABlSt 33/38, 18. 11. 1946, 421; BRUNNER M., Militärgericht 180, – This section of Ordinance No. 105 was repealed by Ordinance No. 9, § 7. StLA, OLG Graz, K. 34, Jv Engländer-Akten, 1945–1955, Jv 10609-1a/48-1; BRUNNER M., Militärgericht 188.

[322] See TNA, FO 1020/3106: 10. 8. 1948: *Proceedings in British Military Courts will only be instituted where an offence affects the security of the Allied Administration or Forces the safety of members of that Administration or of these Forces, or the personal or property rights of such members or the property of the Administration or Forces.* – Furthermore: TNA, FO 1020/2820: 26. 8. 1948, 18. 9. 1948.

ness people or tourists and had no connection with the occupying power were therefore subject to Austrian jurisdiction from then on.[323] The transfer of competences to Austrian courts meant that the occupation jurisdiction was largely relieved. In October 1948, for example, there was only one military court hearing in the entire British zone in Vienna.[324]

From April 1949, the theft of British property was also a case for Austrian judges.[325] Further restrictions on military jurisdiction in the British zone finally came into force on 23 May 1949.[326] The accompanying press release stated that, due to the unforeseen situation caused by the delay of the Austrian State Treaty, it was decided at the beginning of 1949 to re-examine the British jurisdiction in order to eliminate all points that were not absolutely necessary to guarantee the security of the occupying power and to repeal ordinances that were either outdated or for which Austrian law was sufficient. Ordinances No. 10 and 209 gave legal backing to this stage of development.[327]

Ordinance No. 10 repealed or amended a number of regulations issued by the occupying power. Ordinance No. 209 replaced Ordinance No. 200, which until then had been the basic list of all criminal offences defined by the military government. According to the official interpretation, the British courts were henceforth only to become active if members of the occupying authority or the security organs were involved in a case. In addition, it was announced that the continuing right to withdraw certain cases from Austrian jurisdiction[328] would only be utilised in exceptional cases.[329] By 1949, the number of offences that could be tried by British military courts had been reduced to just 17.[330]

Members and employees of the occupying powers and their families remained excluded from Austrian jurisdiction.[331] However, employment had to be considered confidential or personal, so that, for example, clerical staff or drivers could generally also be prosecuted by Austrian authorities.[332]

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[323] StLA, OLG Graz, K. 34, Jv Engländer-Akten, 1945–1955, Jv 10609-1a/48-5: 11. 10. 1948. – However, the "transfer of jurisdiction" (preamble) qua Ordinance No. 9 did not happen that quickly either. At the same time, Section 8 introduced a new passage to Ordinance No. 105, according to which proceedings concerning a national of the occupying powers or their property could be withdrawn from Austrian jurisdiction at any time or a judgement that had already been passed could be amended or set aside. BRUNNER M., Militärgericht 188.

[324] TNA, FO 1020/3524: Case-No. 52/48; TNA, FO 1020/3139.

[325] Weltpresse (25. 5. 1949), 2 („Weitere Einschränkung der britischen Militärgerichte").

[326] StLA, OLG Graz, K. 34, Jv Engländer-Akten, 1945–1955, Jv 7200-1a/49-1: 25. 5. 1949; Neue Zeit (25. 5. 1949), 2 („Mehr Rechte für österreichische Gerichte in der britischen Zone"), 6; Weltpresse (25. 5. 1949), 2 („Weitere Einschränkung der britischen Militärgerichte"); Wiener Zeitung (25. 5. 1949), 3 („Britische Zugeständnisse in der Gerichtsbarkeit").

[327] Weltpresse (25. 5. 1949), 2 („Weitere Einschränkung der britischen Militärgerichte").

[328] Cf. Weltpresse (25. 5. 1949), 2 („Weitere Einschränkung der britischen Militärgerichte").

[329] Wiener Zeitung (25. 5. 1949), 3 („Britische Zugeständnisse in der Gerichtsbarkeit").

[330] LOEBENSTEIN, Auswirkungen 143; BEER, Wiederaufbau 123f.; BRUNNER M., Militärgericht 33.

[331] StLA, OLG Graz, K. 34, Jv Engländer-Akten, 1945–1955, Jv 9599-1a/50-1: 24. 7. 1950.

[332] StLA, OLG Graz, K. 34, Jv Engländer-Akten, 1945–1955, Jv 3657-1a/50-1: 2. 3. 1950 und Jv 3657-1a/50-4: 21. 3. 1950.

5.4 (British) Military courts as a controversial political and media issue

Despite the significant curtailment of their powers towards the end of the 1940s, the foreign military courts in Austria remained a topic that regularly occupied politicians and the media for the entire duration of the occupation. They were seen – not without good reason – as a symbol of lack of freedom, and the occupying powers' paternalism. The demand "Get rid of the military courts!"[333] was thus echoed in political debates and party programmes, as well as in a large number of newspaper articles. Depending on one's world view, the Soviet – and then the Western – courts were the focus of particular criticism.

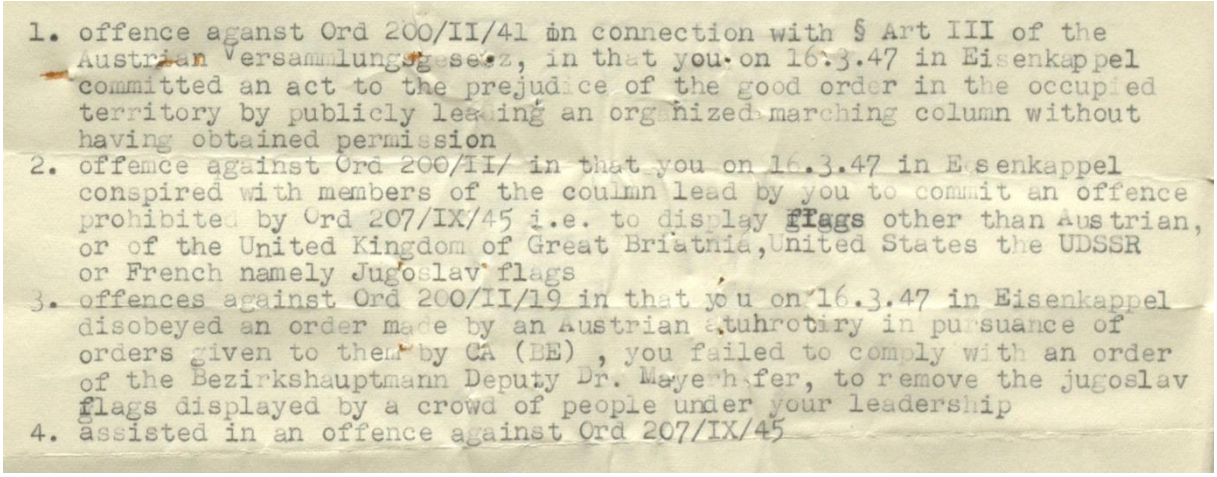
5.4.1 Carinthian Slovenes before British military courts

In southern Carinthia, the British occupying power and its military courts inevitably became a 'player' in the smouldering conflict between the German and Slovenian language groups. The extreme positions here were marked, on the one hand, by Slovenes who supported Yugoslav territorial claims and, on the other, by so-called "Heimattreue" (Carinthians loyal to their homeland). Frustration spread among Slovenian functionaries as the British occupation continued, because their former allies in the fight against the Nazi regime now showed a pro-German bias as the occupying power, which was reflected in the judicial system, among other things. Avguštin Malle has succinctly summarised the causes of the differences:[334]

> "The Carinthian Slovenes came into conflict with the military government mainly because of their cultural activities, because they waved the Yugoslav or Slovenian national flag, put up additional Slovenian lettering to the existing German lettering, illegally crossed the Austrian-Yugoslav border and the border of the prohibited frontier zone, and because of speeches that did not take into account the political restrictions after the war. They never saw their actions as illegal and therefore did not admit guilt; however, this was exactly what the military courts wanted, and they usually sentenced them to severe penalties."

[333] Neue Zeit (22. 6. 1948), 1. Translated into English, German text in the original as follows: „Weg mit den Militärgerichten!"

[334] MALLE, Konfrontation 48. Translated into English, German text in the original as follows: „Die Kärntner Slowenen gerieten vor allem wegen ihrer kulturellen Tätigkeit, wegen des Tragens der jugoslawischen oder slowenischen Nationalfahne, dem Anbringen zusätzlicher slowenischer Beschriftungen zu den bestehenden deutschen, wegen illegaler Übertretungen der österreichisch-jugoslawischen Grenze sowie der Grenze der Sperrzone und wegen Reden, die die politischen Beschränkungen nach dem Krieg nicht berücksichtigten, in Konflikt mit der Militärregierung. Sie fassten ihre Handlungen nie als gesetzeswidrig auf und gestanden folglich keine Schuld ein; genau das aber wünschten sich die Militärgerichte, die sie somit in der Regel zu hohen Strafen verurteilten."



1. offence aganst Ord 200/II/41 in connection with § Art III of the Austrian Versammlungsgesetz, in that you on 16.3.47 in Eisenkappel committed an act to the prejudice of the good order in the occupied territory by publicly leading an organized marching column without having obtained permission
2. offence against Ord 200/II/ in that you on 16.3.47 in Eisenkappel conspired with members of the coulmn lead by you to commit an offence prohibited by Ord 207/IX/45 i.e. to display flags other than Austrian, or of the United Kingdom of Great Briatnia, United States the UDSSR or French namely Jugoslav flags
3. offences against Ord 200/II/19 in that you on 16.3.47 in Eisenkappel disobeyed an order made by an Austrian authrotiry in pursuance of orders given to them by CA (BE) , you failed to comply with an order of the Bezirkshauptmann Deputy Dr. Mayerhofer, to remove the jugoslav flags displayed by a crowd of people under your leadership
4. assisted in an offence against Ord 207/IX/45

Figure 3: Charges against pro-Yugoslav activist Franc Prušnik before the Intermediate Court in Völkermarkt, 26 March 1947 (KLA)

A frequent reason for British intervention was the regular gatherings and marches organised by activists of the Osvobodilna Fronta Slovenskega naroda (OF), at which Tito pictures and Yugoslav flags were carried. The latter meant a violation of relevant British orders (most recently Ordinance No. 207/IX/45), according to which only the flags of the four occupying powers and the Republic of Austria could be displayed. This resulted in numerous military court hearings against organisers and participants of such demonstrations. It was much rarer for violent counterdemonstrators to be tried by a British military court.

This constellation became apparent in the judicial aftermath of a culmination point of the conflicts in southern Carinthia. On 16 March 1947, an OF march in Eisenkappel, in which around 200 people took part, ended with savage attacks by numerically far superior 'Heimattreue' loyalists. There were casualties on both sides and the pro-Yugoslav leaders only just managed to escape to safety in the inn where the actual OF meeting was to take place.[335] Due to the escalation in Eisenkappel, twelve pro-Yugoslav activists[336] and three German-minded people stood before an Intermediate Court in Völkermarkt on 26 and 27 March 1947.[337] Lt Col Cohen sentenced nine defendants from the

[335] RETTL, Minderheitenpolitik 106f.; RETTL, PartisanInnendenkmäler 112–119; KNIGHT, Politik 154f. – For the sake of completeness, the tendentious contemporary witness report by the deputy district governor of Völkermarkt, Dr Wolfgang Mayrhofer-Grüenbühl, should be mentioned: Wolfgang MAYRHOFER-GRÜENBÜHL, Sturm über Eisenkappel im Jahre 1947. In: Carinthia I 185 (1995), 363–367.

[336] The Slovenes were mainly prosecuted for their unannounced demonstration and for displaying the Yugoslav flag. RETTL, PartisanInnendenkmäler 113. – Cf. KLA, BPD Klagenfurt, Sch. 49, Brit. Militärgerichtsregister: Office-No. 4494 (Fig. 3).

[337] The newspaper reports varied depending on the ideological background (selection): Volkswille (27. 3. 1947), 3 („Antifaschisten protestieren, mit Nazis zusammen vor Gericht gestellt zu werden"); Österreichische Zeitung (28. 3. 1947), 3 („Kärntner Slowenen vor dem britischen Militärgericht"); Volkswille (28. 3. 1947), 3 („Urteilsverkündung im Völkermarkter Prozeß"); Österreichische Volksstimme (28. 3. 1947), 2 („Militärgericht gegen Kärntner Slowenen"); Volkswille (29. 3. 1947), 5 („Der zweite Verhandlungstag in Völkermarkt") and Das kleine Volksblatt (28. 3. 1947), 4 („Die Provokateure von Eisenkappel verurteilt"); Weltpresse (28. 3. 1947), 4 („Die Urteile wegen des Zwischenfalles in Eisenkappel"); Wiener Kurier (28. 3. 1947), 2 („Die Zwischenfälle von Eisenkappel vor Gericht"); Salzburger Nachrichten (29. 3. 1947), 3 („Militärgericht spricht heimattreue Kärntner frei").

Slovenian group to prison and/or fines while, on the other side, only one of the 'homeland loyalists' was found guilty of assault and battery.[338]

On a smaller scale, the sequence of pro-Yugoslav actions on the one hand and subsequent sentencing of those involved by British courts on the other was repeated several times over the next few months; for example, on 20 April in Suetschach[339] (mun. Feistritz im Rosental) and on 5 October in Rosenbach[340] (mun. St. Jakob im Rosental). The (renewed) conviction of the OF secretary and former partisan Karel Prušnik was a striking point in this turbulent year of 1947. On the occasion of the opening of the memorial to 83 resistance fighters in St. Ruprecht near Völkermarkt on 26 October 1947,[341] he had denounced, among other things, the proceedings of British military courts against OF members in Carinthia (Eisenkappel, Rosenbach), and the Bad Ischl trial of an American military court in Linz (see chapter 10.1).[342] As a result, Prušnik was brought before an Intermediate Court in Völkermarkt on 14 November 1947 and sentenced to twelve months imprisonment for hostile or disrespectful behaviour towards the Allied Forces in accordance with Ordinance No. 200, § 38.[343] Lt Col Cohen, who had already sentenced Prušnik in March 1947 at the Eisenkappel trial,[344] and had also been responsible for the trial concerning the incidents in Rosenbach, sat on the bench. The outcome of the trial against Karel Prušnik caused considerable resentment among his supporters and sympathisers for a long time because it was perceived as unjustified and politically motivated. Left-wing and – above all – Slovenian-language newspapers also responded to the Prušnik trial with outrage.[345]

5.4.2 Media campaigns against British military courts

In the course of the emerging 'propaganda battle' between the former Allies, communist newspapers drummed up particularly persistent support for the abolition of the military courts of the Western occupying powers in Austria. Accordingly, there was a reliable outcry from these papers whenever one of their party supporters had to answer to a British court.

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[338] Arbeiter-Zeitung (29. 3. 1947), 2 („Ein gerichtliches Nachspiel der Vorfälle in Eisenkappel"); RETTL, Minderheitenpolitik 108; RETTL, PartisanInnendenkmäler 119–121.

[339] Cf. Weltpresse (11. 6. 1947), 2 („Sieben Slowenen in Klagenfurt verurteilt"); Österreichische Volksstimme (13. 6. 1947), 2 („Militärgericht verurteilt Kärntner Slowenen").

[340] Cf. Neue Zeit (7. 10. 1947), 2 („Jugendliche randalieren gegen Zollkontrolle"); Volkswille (7. 10. 1947), 8 („Um drei Ehrenfahnen slowenischer Jungarbeiter"); Weltpresse (Abend-Ausgabe) (8. 10. 1947), 6 („Britische Darstellung zu dem Zwischenfall in Rosenbach"); Volkswille (16. 10. 1947), 2 („Wieder Militärgerichtsurteile gegen junge Kärntner Slowenen"); Neue Zeit (17. 10. 1947), 2 („Urteil gegen die Rowdies von Rosenbach"); RETTL, PartisanInnendenkmäler 121f.; MALLE, Konfrontation 81–83.

[341] Volkswille (28. 10. 1947), 8 („In Millionen Herzen lebt die antifaschistische Tradition"). – For the (controversial) history of this monument, see: RETTL, Minderheitenpolitik 122–125; RETTL, PartisanInnendenkmäler 60–146, 152–175.

[342] RETTL, PartisanInnendenkmäler 143–145; MALLE, Konfrontation 85; HAUSER, Vergessene Wahrheiten 272.

[343] Volkswille (16. 11. 1947), 3 („Ein Urteil des Militärgerichtes in Völkermarkt"); RETTL, Minderheitenpolitik 122; RETTL, PartisanInnendenkmäler 147–151; KNIGHT, Politik 175f.; HAUSER, Vergessene Wahrheiten 272.

[344] RETTL, Minderheitenpolitik 122; RETTL, PartisanInnendenkmäler 148.

[345] RETTL, PartisanInnendenkmäler 150f.

In Styria, such an incident began on 16 January 1948 in Leoben, when the official of the Communist Party of Austria (KPÖ) Alfred Jöllinger[346] was sentenced by a British Intermediate Court to two years imprisonment (one year of which was suspended) for possession of weapons.[347] Judge Lt Col Bickford did not accept Jöllinger's explanation that he had received the incriminated revolver from the Soviet occupying forces after the end of the war in 1945.[348] This judgement was now also considered too harsh outside communist circles. This led to a rare closing of ranks with the opponent in their own camp, the Socialist Party. On 21 January 1948, five Styrian SPÖ members of the National Council (Johann Blümel, Max Eibegger, Karl Gföller, Alois Grebien, and Paula Wallisch) submitted a question on Alfred Jöllinger's conviction to the Federal Chancellor. They pointed out the outrage among the population and linked this to the demand for the abolition of the jurisdiction of Allied military courts over Austrian citizens.[349] Federal Chancellor Leopold Figl left the enquiry unanswered, referring to the responsibility of the Ministry of Justice.[350]

Naturally, the protests in the communist camp were even more vigorous. Here, particular reference was made to Alfred Jöllinger's services in the fight against fascism and his failing health.[351] The Styrian Communist Party newspaper, "Wahrheit", spearheaded the subsequent campaign for Jöllinger's release with a series of appeals and letters of protest prominently placed in the paper.[352] The fact that, on 30 January 1948, the Soviet High Commissioner Vladimir Kurassov submitted a request to the Allied Council to abolish the jurisdiction of the courts of the occupying powers over Austrian citizens in matters not connected with crimes against the occupying powers gave additional impetus to the appeals for Jöllinger's release.[353]

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[346] * 28. 12. 1901, Leoben (AUT); † 26. 7. 1991, Leoben. DAGS, Pfarre Leoben-St. Xaver, Taufbuch XIII 1895–1903, fol. 468, Post-Nr. 390 [URL: https://data.matricula-online.eu/de/oesterreich/graz-seckau/leoben-st-xaver/12447/?pg=473 (18. 9. 2025)]; Der Neue Mahnruf 44/8-9 (1991), 16. – After the end of the war in 1945, Alfred Jöllinger was KP district leader and, temporarily, deputy mayor of Kapfenberg. Wahrheit (18. 1. 1948), 1 („Englisches Militärgericht in Leoben verurteilt Antifaschisten zu zwei Jahren Gefängnis"); PUSCHNIG, Kapfenberg 143f.

[347] TNA, FO 1020/3525: Case-No. 2465.

[348] TNA, FO 1020/2017: 12. 11. 1948; Wahrheit (18. 1. 1948), 1 („Englisches Militärgericht in Leoben verurteilt Antifaschisten zu zwei Jahren Gefängnis").

[349] Parlament Österreich, Stenographisches Protokoll, 74. Sitzung des Nationalrates der Republik Österreich, V. Gesetzgebungsperiode, 21. Jänner 1948, S. 2117. URL: https://www.parlament.gv.at/PAKT/VHG/V/NRSITZ/NRSITZ_00074/imfname_141166.pdf (18. 9. 2025); Parlament Österreich, Nationalrat, V. Gesetzgebungsperiode, Anfrage 171/J, 21. Jänner 1948. URL: https://www.parlament.gv.at/dokument/V/J/171/imfname_516390.pdf (18. 9. 2025); TNA, FO 1020/2017: 12. 11. 1948; Neue Zeit (22. 1. 1948), 1 („Unwürdige Zustände in Oesterreich").

[350] Neues Österreich (6. 11. 1948), 2 („Die nicht beantworteten Anfragen im Parlament").

[351] Alfred Jöllinger was sentenced to several years in prison for political reasons both during the 'Ständestaat' and during the Nazi era. Wahrheit (18. 1. 1948), 1 („Englisches Militärgericht in Leoben verurteilt Antifaschisten zu zwei Jahren Gefängnis").

[352] Wahrheit (21. 1. 1948), 1 („Laßt Alfred Jöllinger frei!"); Wahrheit (24. 1. 1948), 1 („Alfred Jöllinger ist haftunfähig!"); Wahrheit (28. 1. 1948), 1 („Alfred Jöllinger muß endlich enthaftet werden"); Wahrheit (29. 1. 1948), 2 („Alfred Jöllinger muß endlich enthaftet werden"); Wahrheit (4. 2. 1948), 1 („Gebt Alfred Jöllinger frei!"); Wahrheit (12. 2. 1948), 3 („Gebt Jöllinger frei!").

[353] Neue Zeit (31. 1. 1948), 1 („Kursänderung Kurassows?"); Wahrheit (31. 1. 1948), 1 („Abbau der Rechte der Besatzungsmächte").

However, there was no concrete success in the Jöllinger case for the time being. Instead, the judgement was confirmed in the procedural review.[354] The gates of Graz-Karlau Prison finally opened for Alfred Jöllinger on 3 March 1948, when he was released as part of an amnesty for weapons possession cases (see chapter 6.2.2).[355]

The campaign launched by the communist daily newspaper "Volkswille"[356] in Klagenfurt in June 1949 after the journalist and politician Simon Kompein[357] had been sentenced to prison by an Intermediate Court in Villach was exemplary for Carinthia.

The starting point of this case were two reports from 29 and 30 April 1949, in which the "Volkswille" sharply criticised some verdicts of the military court in Villach.[358] The occupying power responded by summoning the responsible editor, Kompein,[359] to its office in Graz three weeks later. When Kompein refused to comply with this summons, proceedings were initiated against him for non-compliance with an Allied order (Ordinance No. 209/II/5). On 1 June 1949, he therefore stood trial before an Intermediate Court in Villach. Lt Col Bickford found Kompein guilty and sentenced him to three months in prison.[360]

The "Volkswille" then published a series of articles on its front page, which were followed by other communist newspapers in Austria.[361] This court decision was portrayed as an attack on the freedom of the press and there were vehement demands for Kompein's release.[362] The Carinthian governor Ferdinand Wedenig and the executive

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[354] TNA, FO 1020/2017: 12. 11. 1948; Volkswille (18. 2. 1948), 8 („Militärgerichtsurteil gegen Jöllinger bestätigt"); Neue Zeit (19. 2. 1948), 3 („Urteil gegen Jöllinger bestätigt").

[355] TNA, FO 1020/2017: 12. 11. 1948; StLA, JA Karlau, Bücher, Bd. 67, StB-Nr. 2610; Österreichische Volksstimme (4. 3. 1948), 2 („Jöllinger ist frei"); Österreichische Zeitung (4. 3. 1948), 3 („Jöllinger enthaftet"); Wahrheit (4. 3. 1948), 1 („Jöllinger von den Engländern endlich freigelassen").

[356] See also: BUCHACHER, Tages- und Wochenpresse 294–304.

[357] * 8. 7. 1903, Viktring (AUT); † 31. 12. 1992, Klagenfurt (AUT). ADG, Pfarre Viktring-Stein, Geburtsbuch VIII 1892–1915, fol. 111, Nr. 18 [URL: https://data.matricula-online.eu/de/oesterreich/gurk/viktring-stein/V02_014-1/?pg=121 (18. 9. 2025)]. – For Simon Kompein's biography see: Volkswille (4. 6. 1949), 1 („Ein Kämpfer für Oesterreichs Arbeiterschaft!"); Volkswille (12. 6. 1949), 3 („Ein Leben im Dienste der Arbeiterklasse").

[358] Volkswille (29. 4. 1949), 1; Volkswille (30. 4. 1949), 3. – Furthermore: Weltpresse (Abend-Ausgabe) (7. 6. 1949), 1 („Die Wahrheit über den ‚Fall' Kompein").

[359] Cf. BUCHACHER, Tages- und Wochenpresse 294, 298, 302.

[360] KLA, BPD Klagenfurt, Sch. 44, Brit. Militärgerichtsregister: Office-No. 8651; Arbeiter-Zeitung (2. 6. 1949), 2 („Besatzungsjustiz in Oesterreich"); Neue Zeit (2. 6. 1949), 5 („KP-Journalist von Briten verurteilt"); Weltpresse (2. 6. 1949), 8 („Kommunistischer Journalist vor britischem Militärgericht").

[361] Selection: Österreichische Volksstimme (1. 6. 1949), 3 („Englisches Militärgericht gegen Pressefreiheit"); Linzer Volksblatt (2. 6. 1949), 2 („Was einem Redakteur passieren kann"); Salzburger Tagblatt (2. 6. 1949), 1 („Englisches Terrorurteil gegen österreichischen Journalisten"); Österreichische Zeitung (3. 6. 1949), 2 („Protest gegen die Verurteilung Kompeins").

[362] Volkswille (1. 6. 1949), 1 („Militärgericht gegen Pressefreiheit"); Volkswille (2. 6. 1949), 1f. („Unerhörtes britisches Militärgerichtsurteil"); Volkswille (3. 6. 1949, 1f. („Englische Demokratie"); Volkswille (4. 6. 1949), 1 („Freiheit für Kompein!"); Volkswille (5. 6. 1949), 1f. („Proteste gegen das Urteil"); Volkswille (8. 6. 1949), 1f. („Nochmals – Kompein"); Volkswille (9. 6. 1949), 1 („Freiheit für Kompein"); Volkswille (10. 6. 1949), 1 („Militärgericht verweigert Aushändigung des schriftlichen Urteils"); Volkswille (11. 6. 1949), 1 („Demaskierung im Landtag"); Volkswille (14. 6. 1949), 1 („Kärntner Betriebe fordern Freiheit für Kompein"); Volkswille (15. 6. 1949), 1 („Statt wirksamer Protest – Russenhetze"); Volkswille (19. 6. 1949), 1 („Wann wird das Urteil gegen Genossen Kompein überprüft?"). – The British ruling was also occasionally criticised in conservative newspapers. Salzburger Volkszeitung (8. 6. 1949), 1 („Befreite oder besetzte Presse?").

committee of the Austrian Journalists' Union also intervened with the occupying power because of the Kompein judgement.[363] The British, on the other hand, denied that the newspaper "Volkswille" was being punished and emphasised that the journalist had committed a purely personal offence.[364] Three weeks later, the routine procedural review by the Legal Division resulted in a reduction of the sentence and Kompein's immediate release.[365] The "Volkswille" and other communist publications saw this as a success of the mass protest,[366] which was reported accordingly enthusiastically.

Indeed, press campaigns by left-wing party newspapers do not appear to have been without effect on the British occupying power. One could speak of a tried and tested pattern that the communist press in particular repeated when 'opportunities' arose. Another such incident took place on the night of 20 May 1950 in Spittal an der Drau, where three soldiers from the Dorset Regiment and two Carinthian workers got into a fight on Jahngasse. The opponents, G.M. Gibbons, St. Baldwin and A.J. Loveland on the one hand and Karl O. and Karl W. on the other, later gave contradictory accounts of the events. According to the British, they were attacked with wooden clubs and beaten up by the locals on their way to the Lieser barracks. In contrast, O. and W. saw themselves as victims who acted in self-defence.[367]

On 22 June 1950, the Austrians had to answer to an Intermediate Court in Spittal. Maj Hunt, as public prosecutor, charged them with an attack on occupying soldiers (Ordinance No. 209/I/2). Both defendants pleaded not guilty, but Judge R.B. MacKeown believed his compatriots and spoke of an unprovoked attack. O. and W. were found guilty, and the two men were each sentenced to 18 months imprisonment.[368]

Now the "Volkswille" came onto the scene again, heavily criticising the outcome of the trial in a series of articles. The headlines spoke of a "disgraceful judgement", "colonial justice" and "victims of military justice". The bone of contention in this case was not only the allegedly unjust verdict, but also the conduct of the trial by the judge, who reportedly barely allowed the defendants to have their say.[369] As in the Jöllinger case, the

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[363] Neues Österreich (5. 6. 1949), 2 („Kärntner Protest bei den britischen Behörden"); Volkswille (5. 6. 1949), 1 („Proteste gegen das Urteil").

[364] Weltpresse (Abend-Ausgabe) (7. 6. 1949), 1 („Die Wahrheit über den ‚Fall' Kompein"); Neue Zeit (8. 6. 1949), 2 („Noch einmal der Fall Kompein"); Neues Österreich (8. 6. 1949), 2 („Der Fall Kompein"); Wiener Zeitung (8. 6. 1949), 2 („Briten und Fall Kompein"); Arbeiter-Zeitung (19. 6. 1949), 2 („Die Verurteilung des kommunistischen Redakteurs Kompein").

[365] Arbeiter-Zeitung (23. 6. 1949), 2 („Der kommunistische Redakteur Kompein freigelassen"); Neue Zeit (23. 6. 1949), 4 („KP-Redakteur wieder auf freiem Fuß"); Wiener Kurier (23. 6. 1949), 3 („KP-Redakteur Kompein aus Haft entlassen").

[366] Österreichische Volksstimme (22. 6. 1949), 2 („Genosse Kompein frei"); Salzburger Tagblatt (22. 6. 1949), 2 („Genosse Kompein befreit!"); Volkswille (22. 6. 1949), 1 („Genosse Kompein befreit!").

[367] Weltpresse (Abend-Ausgabe) (23. 6. 1950), 8 („Kerkerstrafen für Ueberfall auf britische Soldaten"); Neues Österreich (24. 6. 1950), 4 („Zwei Österreicher von einem britischen Gericht verurteilt"); Volkswille (24. 6. 1950), 5 („Britisches Militärgericht verurteilt Spittaler Arbeiter"); Volkswille (28. 6. 1950), 3 („Das Schandurteil von Spittal").

[368] KLA, BPD Klagenfurt, Sch. 48, Brit. Militärgerichtsregister: Office-No. 8755; KLA, BPD Klagenfurt, Sch. 55, Brit. Militärgerichtsregister: Office-No. 8756.

[369] Volkswille (28. 6. 1950), 3 („Das Schandurteil von Spittal"); Arbeiter-Zeitung (6. 7. 1950), 2 („Die Schande der Militärgerichtsbarkeit"); Volkswille (6. 7. 1950), 1 („Spittaler Kolonialjustiz vor dem Parlament").

British trial in question was raised in the National Council when five Socialist parliamentarians from Carinthia and Styria (Karl Gföller, Hermann Lackner, Martin Rom, Andreas Stampler, and Josef Steiner) asked Justice Minister Otto Tschadek on 5 July 1950 whether he was prepared to draw the attention of the British element in Austria to these incidents and request that these abuses be stopped.[370]

Were the British impressed by this? In any case, the Legal Division was informed of the parliamentary enquiry by the Ministry of Justice on 13 July 1950 and asked to observe the principles of Austrian procedural law as far as possible in future trials against Austrian citizens.[371] In his reply note of 29 July 1950, C.L.P. Gilshenan, as head of the Legal Division, denied the allegations, stating that the defendant [W.] had indeed testified, while the defendant [O.], although advised of his right to do so, had refused to give evidence on oath or to make any statement in court.[372] Gilshenan also informed the Federal Minister that the last 15 months of the two men's prison sentences had been remitted during the review of the proceedings, subject to their good behaviour for a period of two years.[373]

5.4.3 Austrian parties and politicians against Allied military courts

At the same time as the above-mentioned newspaper campaigns, it is also worth taking a look at how politicians dealt with the military courts. As the occupation continued, the demand for the abolition of military courts became an increasingly clear fixture in party programmes and political debates.[374] In its May 1949 appeal, the Socialist Party (SPÖ) demanded, among other things, the complete abolition of Allied military jurisdiction.[375] This topic was raised once again in parliament on 11 May 1949. MPs Bruno Pittermann (SPÖ) and Julius Raab (ÖVP) had submitted an urgent question to the Federal Chancellor regarding the state treaty negotiations. In the ensuing debate, Pittermann also brought up the Second Control Agreement and polemicised in particular against the military tri-

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[370] Parlament Österreich, Nationalrat, VI. Gesetzgebungsperiode, Anfrage 136/J, 5. Juli 1950. URL: https://www.parlament.gv.at/dokument/VI/J/136/imfname_506713.pdf (18. 9. 2025). – Furthermore: Arbeiter-Zeitung (6. 7. 1950), 2 („Die Schande der Militärgerichtsbarkeit"); Neue Zeit (6. 7. 1950), 1 („Angeklagte dürfen nur Ja oder Nein sagen"); Volkswille (6. 7. 1950), 1 („Spittaler Kolonialjustiz vor dem Parlament").

[371] Parlament Österreich, Nationalrat, VI. Gesetzgebungsperiode, Anfragebeantwortung 129/AB, 29. August 1950. URL: https://www.parlament.gv.at/dokument/VI/AB/129/imfname_513307.pdf (18. 9. 2025).

[372] Parlament Österreich, Nationalrat, VI. Gesetzgebungsperiode, Anfragebeantwortung 129/AB, 29. August 1950. URL: https://www.parlament.gv.at/dokument/VI/AB/129/imfname_513307.pdf (18. 9. 2025). – Furthermore: Kleine Zeitung (30. 8. 1950), 2 („Gericht unter Anklage"); Neue Zeit (30. 8. 1950), 1 („Justizminister zu den britischen Militärgerichtsverfahren").

[373] Parlament Österreich, Nationalrat, VI. Gesetzgebungsperiode, Anfragebeantwortung 129/AB, 29. August 1950. URL: https://www.parlament.gv.at/dokument/VI/AB/129/imfname_513307.pdf (18. 9. 2025). – Furthermore: KLA, BPD Klagenfurt, Sch. 55, Brit. Militärgerichtsregister: Office-No. 8756; Arbeiter-Zeitung (29. 7. 1950), 2 („Überprüfung eines englischen Militärgerichtsurteiles"); Volkswille (29. 7. 1950), 2 („Spittaler Militärjustizopfer freigelassen"); Neue Zeit (30. 8. 1950), 1 („Justizminister zu den britischen Militärgerichtsverfahren").

[374] The relevant reports in Austrian newspapers were closely monitored by the British Information Services Branch. Cf. TNA, FO 1020/584.

[375] Neue Zeit (27. 4. 1949), 1.

bunals. According to him, Ordinance No. 200 created a difference between the caste of the Allied Sahib and the pariahs of Austrian citizens.[376]

In the run-up to the legislative election on 9 October 1949, the SPÖ published an appeal in which it propagated an Austria free of foreign military courts.[377] In January 1950, Justice Minister Tschadek once again called for the abolition of foreign military courts in Austria.[378]

After negotiations on the Austrian State Treaty stalled again at the end of 1949, the Federal Government sent a note to the occupying powers, which was read out by Foreign Minister Karl Gruber in parliament on 8 March 1950. In it, 23 proposals were made to ease the situation of the Austrian population immediately.[379] The fourth item on this wish list was the abolition of military jurisdiction. Only the assumption of occupation costs, the reduction of occupying troops and the release of confiscated living space were more important here.[380]

A reply note from London was published in mid-July 1950. It stated, among other things, that British military jurisdiction could not be completely abandoned as long as British occupying troops remained in Austria. The aim was to guarantee the security of these units. At the same time, it was pointed out that British military courts are now only set up as required and only a few proceedings take place.[381]

In fact, military courts no longer played a significant role in the British zone after 1950. Nevertheless, their sheer existence remained an imposition according to Austrian understanding, which was only eliminated by the signing and entry into force of the State Treaty in 1955.

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[376] Parlament Österreich, Stenographisches Protokoll, 108. Sitzung des Nationalrates der Republik Österreich, V. Gesetzgebungsperiode, 11. Mai 1949, S. 3096. URL: https://www.parlament.gv.at/PAKT/VHG/V/NRSITZ/NRSITZ_00108/imfname_141315.pdf (18. 9. 2025); Neue Zeit (12. 5. 1949), 1 („Nationalrat appelliert an die Großmächte"). – Pittermann conflated the notorious judgements of Soviet military tribunals with Ordinance No. 200 published by the Western Allies at the end of the war (see chapter 5.1.2).

[377] Neue Zeit (28. 8. 1949), 1 („An das österreichische Volk").

[378] Die Neue Zeit (5. 1. 1950), 2 („Fort mit den Militärgerichten!"); Wiener Zeitung (22. 1. 1950), 3 („Anpassung an die Praxis – juristische Meisterleistung").

[379] Parlament Österreich, Stenographisches Protokoll, 16. Sitzung des Nationalrates der Republik Österreich, VI. Gesetzgebungsperiode, 8. März 1950, S. 368 URL: https://www.parlament.gv.at/PAKT/VHG/VI/NRSITZ/NRSITZ_00016/imfname_159334.pdf (18. 9. 2025).

[380] Neue Zeit (9. 3. 1950), 1 („Oesterreich in Fesseln"); Neues Österreich (9. 3. 1950), 1 („Sofortige Erleichterungen des Besatzungsregimes"); Wiener Zeitung (9. 3. 1950), 1f. („Die Vertagung der Staatsvertragsverhandlungen").

[381] Weltpresse (14. 7. 1950), 1f. („England erleichtert als erster die Besatzungslast"); Wiener Zeitung (14. 7. 1950), 3 („Großbritannien kündigt neue Erleichterungen an").

6 British Intermediate Courts in Austria

6.1 Staff of British Intermediate Courts

In the following, the judges, prosecutors, and defence counsels at the British Intermediate Courts in Austria will be presented insofar as their names can be found in the sources. In the case of judges and prosecutors, this presentation covers the entire British occupation zone as many of the officers and lawyers were deployed in more than one federal province. In contrast, the defence counsels, who were generally local, almost always came from the vicinity of the respective court location, which is why their overview is separated by federal province.

Although it would have gone beyond the scope of this work to collect biographical data on all judges, public prosecutors and defence counsels, a statistical analysis of all persons is provided according to the number, period, and location of their assignments. Carinthia was the only province for which it was not possible to compile a list of prosecutors (see chapter 2.2.1).

A note on data evaluation is required at the beginning of this section. Trials that were adjourned, and in which different judges, and/or prosecutors, and/or defence counsels were involved had to be taken into account several times in the database in order to be able to correctly depict the activities of the individual persons involved. This results in an apparent error in the statistics: if all trials in which judges or prosecutors were involved are added together, this total is higher than the actual total number of trials. This irregularity can be explained by the above.[382]

6.1.1 Judges (Intermediate Courts)

The head of an Intermediate Court was usually an officer or lawyer who was stationed at the Legal Division of the Allied Commission in Vienna or at the Legal Branch of the military governments in Klagenfurt, Graz, or Vienna. Accordingly, most of the 46 judges listed in Table 1 are documented as legal officers or legal assistants.[383] Occasionally, however, the military government officers who were otherwise mainly deployed in Summary Courts also came into play.

Michael Sykes, a long-standing legal officer in Austria, outlined the British military judges as a heterogeneous group. On the one hand, there were experienced judges, sometimes brought out of retirement, some of whom looked back on long careers in the British colonies in India or West Africa and, on the other, officers with legal training but

[382] Brunner M., Intermediate Courts 15f.
[383] Cf. TNA, FO 1020/1882: 16. 12. 1946; TNA, FO 1020/1971: 31. 5. 1947, 1. 9. 1947; TNA, FO 1020/3358: *Staff List – War Establishment Civil Affairs British Zone* [16. 10. 1947]; TNA, FO 1020/1884: *Legal Division, Distribution of Staff: Officers* [January 1948].

often little experience in court, who were taken from their regiments after the cessation of hostilities and transferred to the legal department of the occupation authorities.[384] Some of the military judges will then be discussed by way of example.

Nathan Leslie Cohen (1908–2000) served as Legal Officer and Senior Legal Assistant in Carinthia from 1945 to 1949, ultimately with the rank of Lieutenant Colonel.[385] Cohen had already been deployed as a military judge in North Africa (Tripolitania province) during the Second World War.[386] He was therefore one of the rare British officers in Austria who had relevant experience in the courtroom. In accordance with his function in the occupation apparatus, he was deployed as a judge at almost all locations of Summary Courts and Intermediate Courts in Carinthia and East Tyrol. His main focus, however, was on the Intermediate Courts. From the first trial presided over by Cohen on 4 June 1945 to the last on 19 January 1949, the number of defendants who had to stand trial before him totalled 2388. He was appointed three times as an assessor and once as a public prosecutor at the highest court level, the General Court, in Carinthia.

As the highest British judicial officer in the province of Carinthia, Lt Col Cohen was in a pretty exposed position. Accordingly, his work was by no means uncontroversial. Some people were duty bound to be kind in their judgement of him. For example, after three years of occupation, the SPÖ newspaper "Die Neue Zeit"[387] attributed it not least to Cohen's merit that the military court in Carinthia had not yet given rise to any serious criticism [sic!].[388] For the Slovenian activists of the "Osvobodilna Fronta" (OF), however, Cohen was clearly an irritant (see chapter 5.4.1). Consequently, their weekly newspaper "Slovenski vestnik"[389] dedicated a separate article to Cohen when he left Austria in 1949, citing alleged injustices that Carinthian Slovenes had experienced before British military tribunals presided over by Cohen.[390]

Nathan Leslie Cohen came from a Jewish family from Stockton-on-Tees in Northumbria.[391] Like his father and his older brother before him, he embarked on a career in law, which also took him into the British army. After his deployment in Austria, Cohen ended up in two hotspots of the dissolving British Empire. First, in 1949, he moved to Malaya for several years to act as a public prosecutor and judge at a Sessions Court.[392] Here, he was awarded the Colonial Police Medal in 1956[393] "for services in the training of police for fighting terrorists in the jungle"[394]. In 1958, Cohen travelled from the trouble spot of

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[384] CLARKE/FOOTMAN, In memoriam Archie 35.
[385] Cf. TNA, FO 1020/2866: *Legal Monthly Report, Period to 31st May 1945, Gaue Karnten and Steiermark*; TNA, FO 1020/1882: 16. 12. 1946; TNA, FO 1020/1884: *Legal Division, Distribution of Staff: Officers*.
[386] TNA, FO 1020/2014: 26. 11. 1945.
[387] See also: BUCHACHER, Tages- und Wochenpresse 267–280.
[388] Die Neue Zeit (8. 4. 1948), 4 („Ein britisches Militärgericht").
[389] See also: BUCHACHER, Tages- und Wochenpresse 344–352.
[390] Slovenski vestnik (12. 3. 1949), 2 (cited from MALLE, Konfrontation 86).
[391] * 13. 1. 1908, Stockton-on-Tees (GBR); † 27. 9. 2000, Stockton-on-Tees. URL: https://de.findagrave.com/memorial/158369742/nathan-leslie-cohen (18. 9. 2025). – Furthermore: Die Neue Zeit (8. 4. 1948), 4 („Ein britisches Militärgericht").
[392] The Jewish Chronicle (3. 2. 1950), 6 ("Legal Family").
[393] The London Gazette, Supplement (30. 12. 1955/2. 1. 1956), 37.
[394] The Jewish Chronicle (26. 9. 1958), 6 ("Appointed Judge in Cyprus").

Malaya to the trouble spot of Cyprus, where he was appointed Special Justice.[395] Back in England, he worked as a magistrate in his home region,[396] was involved in various social causes, and became a freeman of Stockton-on-Tees.[397] N.L. Cohen donated his considerable fortune to charitable causes.[398]

From May 1945, Maj P.L.E. Rawlins was the Legal Officer for the districts of Villach, Spittal, Hermagor, and Lienz.[399] Until June 1945, he was also responsible for the judicial system in the British-occupied part of Lungau (Province of Salzburg).[400] The monthly reports that Maj Rawlins sent to the ACA (BE) in Vienna reveal the routine of his court days in Upper Carinthia and East Tyrol in autumn 1945: Mondays and Wednesdays in Villach, Fridays in Spittal an der Drau, and alternating Thursdays in Lienz.[401]

In the report for February 1946, Rawlins complained about the heavy workload as a legal officer and the lack of a female typist from the Auxiliary Territorial Service (ATS) for his office in Villach, which had already been promised:[402]

> *Ever since May Legal Officer Villach has been working at high pressure and with few exceptions a seven day week. Last week for example in order to cope with the work a Court had to be held on Sunday, sitting lasting from 9.30 hrs to 7.35 hrs. The Legal Officer is not a slow worker. Numerous complaints, a number of them justified, have been received from Vienna about records. It is not appreciated in Vienna that with the best will in the world a day can not be extended to cover more than 24 hrs, nor is it appreciated that* [it] *is hardly fair to expect an Austrian staff, no matter how willing and cooperative they may be, to work later than 7.30 hrs in the evening. From the early days in June the Legal Officer has been pressing for an ATS typist and has frequently been told that one was coming. The ATS typist is a mirage. Her form is seen but fails* [on] *closer inspection to materialize.* […]

Maj Rawlins' assignment in Carinthia lasted 15 months (May 1945 to August 1946). During this period, he judged 1439 defendants in Intermediate Courts. Not included here are the numerous trials conducted by Maj Rawlins at Summary Court level and the 38 trials in Spittal an der Drau, and Villach in which teenagers had to answer to him.[403] Maj

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[395] The Jewish Chronicle (26. 9. 1958), 6 ("Appointed Judge in Cyprus").
[396] The Jewish Chronicle (26. 1. 1968), 23 ("Magistrate at Stockton").
[397] Cf. URL: https://de.findagrave.com/memorial/158369742/nathan-leslie-cohen (18. 9. 2025).
[398] The "Lieutenant Colonel Cohen Charitable Trust" still exists today. Cf. URL: https://register-of-charities.charitycommission.gov.uk/charity-search/-/charity-details/3970903 (18. 9. 2025).
[399] TNA, FO 1020/2866: 26. 8. 1945.
[400] TNA, FO 1020/2866: *Legal Monthly Report, Period to 31st May 1945, Gaue Karnten and Steiermark*.
[401] TNA, FO 1020/1971: 24. 11. 1945.
[402] TNA, FO 1020/1971: 26. 2. 1946. – As early as in November 1945, Maj Rawlins had made a snarky demand to the ACA for an ATS typist: *Work is still heavy and altho'* [I] *am led to believe that ATS shorthand typists are as rare as strawberries in winter,* [I] *still hope that a miracle may happen and that the barren ACA plant may even in this late season bear one much needed fruit.* TNA, FO 1020/1971: 24. 11. 1945.
[403] These proceedings were labelled *Juvenile* in the military court register. – According to the rules of procedure of British military courts, defendants under the age of 18 were considered *juvenile offenders*. Cf. TNA, FO 1020/1878: *Rules of Military Government Courts*, No. 60.

Rawlins paid particular attention to the latter group of defendants by endeavouring to provide welfare work for the numerous young people in Upper Carinthia who had been convicted of violating the regulations of the occupying power and sentenced to prison. In order to alleviate the monotony of prison life, crafts and cultural activities such as choir singing were organised. Another focus was on *after-prison welfare work.*[404]

In addition to his work as a judge at the lower and middle military court level, P.L.E. Rawlins acted as prosecuting counsel at five General Court hearings in Carinthia.[405] At a court martial in Vienna in September 1946, Rawlins defended the primary defendant, a British soldier who had been charged with killing a Soviet officer.[406]

Maj Archibald Laurence Lyall (1904–1964) can be described as a colourful personality among the British military judges in Austria. He conducted several hearings of Intermediate Courts in Styria and then mainly in Carinthia, where he was temporarily stationed as a legal officer.[407] In the autumn of 1947, he was also assigned as an assessor at three General Court trials in Klagenfurt and Graz. Trained as a lawyer, Lyall travelled extensively in the 1930s and published several travel guides. A friend characterised him as follows: "Archie was as cosmopolitan as any Englishman could ever be, yet […] he was, at heart, a strict believer in the essential goodness of the British way of life."[408] At the outbreak of the Second World War, Lyall acted as press attaché at the British embassy in Belgrade, where he worked de facto for the secret service. As a result of the German invasion of Yugoslavia, he moved to the Middle East (Jerusalem, Cairo), and later to Italy, and was finally recruited for service with the Legal Division in occupied post-war Austria.[409] Michael Sykes, Lyall's colleague as Legal Officer, described his beginnings as a military judge: "So we had Judge Lyall […]. He brought to the Bench a wealth of everything except experience as a practitioner. His legal experience was even less than my own."[410] After his time in Carinthia, Lyall worked at the Military Government Courts Branch in Vienna[411] and at the German Control Commission in Hamburg. From 1948, Lyall worked for several years as Deputy Head of Information Services in Trieste (Ita-

[404] TNA, FO 1020/2866: 6. 9. 1945. – See also: TNA, FO 1020/2866: 26. 8. 1945; TNA, FO 1020/1971: 26. 2. 1946.
[405] In September 1947, Rawlins is also likely to have represented the prosecution at three atrocities trials in Graz.
[406] Weltpresse (5. 9. 1946), 8 („Hatte Sutherland ein blaues Auge?"); The Times (7. 9. 1946), 3 („Soldier on murder charge"). – For further information on the proceedings against a total of six British soldiers, see also (selection): Österreichische Zeitung (31. 8. 1946), 3 („Mörder eines sowjetischen Offiziers vor einem britischen Gerichtshof"); The Times (3. 9. 1946), 3 ("British soldier accused of murdering Russian"); Weltpresse (3. 9. 1946), 8 („Der Soldatenexzeß in der Stadtbahnstation"); Weltpresse (4. 9. 1946), 8 („Der Totschlag bei der Stadtbahnstation"); The Times (6. 9. 1946), 3 ("Vienna murder charge"); Weltpresse (6. 9. 1946), 8 („Der russische Offizier blieb fast vier Stunden ohne Hilfe"); Weltpresse (7. 9. 1946), 8 („Schuldspruch gegen den britischen Soldaten"); Österreichische Zeitung (17. 9. 1946), 2 („Der Zwischenfall in Hietzing").
[407] TNA, FO 1020/1882: 16. 12. 1946.
[408] CLARKE/FOOTMAN, In memoriam Archie 53f.
[409] CLARKE/FOOTMAN, In memoriam Archie 34f.
[410] CLARKE/FOOTMAN, In memoriam Archie 34. – According to Sykes, Lyall proved to be a fairly lenient judge.
[411] TNA, FO 1020/2062: 23. 9. 1947, fol. 79; TNA, FO 1020/2062: 8. 10. 1947, fol. 88.

ly).[412] Finally, in the 1950s, he tried his hand as a film actor in Italian, Spanish and American productions alongside Lex Barker and Bette Davies, among others.[413]

For Styria, the evaluation of the trial lists revealed that Maj John G.A. Bickford (from 1947 Lt Col, from 1948 Col) had the most assignments as a judge at Intermediate Courts. From January 1946 to May 1949, he judged 1148 defendants throughout the province.[414] In addition, he also headed Intermediate Courts in Carinthia in 1948 and 1949. According to the personnel list of the Legal Division, valid from 1 January 1947, J.G.A. Bickford was assigned as Legal Assistant to the Atrocities Section (Military Government Courts Branch).[415] From September of that year, he was appointed second legal officer at the British headquarters for Styria.[416] His place of work during those years was Graz, where he had a flat on Richard-Wagner-Gasse.[417] At the next higher court level, Bickford acted as prosecuting counsel in 15 trials at British General Courts in Graz, Klagenfurt, and Villach between 1946 and 1949. These included seven atrocities trials in connection with crimes at Bruck an der Mur, Hafning, Gleisdorf, Kurzheim, Prenning, Liezen, and Klöch. In November 1953, John G.A. Bickford appeared as defence counsel at two court martial hearings in Klagenfurt.[418]

Land Legal Officer Lt Col G.W. McFadyean[419] acted as judge at 190 hearings of Intermediate Courts in Styria. He also occasionally served in the same capacity in the British occupation zone in Carinthia.

Although Maj J.A. Smith only appears six times as a judge in the trial lists of the Intermediate Courts for Styria – without a specific place being named – he was undoubtedly the legal officer of the military administration in Judenburg, whose activities also extended to the districts of Leoben, Liezen, and Murau.[420] This officer is likely to have conducted a considerable number of the proceedings that could not be analysed due to the gaps at the beginning of the British trial lists (before October 1945, and November 1945 to January 1946) (see chapter 2.1).[421] Mr Smith worked as a civil lawyer in London. He spoke very good German because he had completed part of his studies in Vienna.[422]

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412 CLARKE/FOOTMAN, In memoriam Archie 36f.

413 Cf. CLARKE/FOOTMAN, In memoriam Archie. – The International Movie Database lists six films in which A.L. Lyall has appeared as an actor: *Un americano a Roma* (ITA, 1954), *L'arte di arrangiarsi* (ITA, 1954), *Saeta del ruiseñor* (ESP, 1957), *John Paul Jones* (USA, 1959), *Mission in Morocco* (USA/ESP 1959), *Nada menos que un arkángel* (ESP, 1960) [URL: https://www.imdb.com/name/nm0527884 (18. 9. 2025)].

414 BRUNNER M., Intermediate Courts 16.

415 TNA, FO 1020/1882: 16. 12. 1946.

416 TNA, FO 1020/1971: 30. 9. 1947.

417 John G.A. Bickford gave a lecture on "The British Legal System" at the British Council on Graz's Sackstraße (Palais Attems). Neue Zeit (28. 10. 1948), 6; Neue Zeit (31. 10. 1948), 12; Neue Zeit (25. 11. 1948), 6. – For the British Council, see: FEICHTINGER/STAUDINGER, Aspekte 501–504; FEICHTINGER, Kulturpolitik 501–525; MUIGG, Graz 182f. – Bickford was also the owner of a pet with a strong desire for freedom. From November 1947 to October 1948, he advertised (at least) three search notices for his lost female Pointer: Neue Zeit (26. 11. 1947), 4; Neue Zeit (28. 1. 1948), 4; Neue Zeit (28. 10. 1948), 6.

418 The Times (21. 11. 1953), 5 ("Senior officer struck"); The Times (23. 12. 1953), 5 ("Briton released from Austrian prison").

419 Cf. TNA, FO 1020/1882: 16. 12. 1946.

420 BEER, Judenburg 10f.; BEER, Great Deal of Work 52; BEER, Liezen 163; BRUNNER M., Militärgericht 70.

421 BRUNNER M., Intermediate Courts 16.

422 BRUNNER M., Militärgericht 70.

Together with J.G.A. Bickford, R.B. MacKeown was most frequently appointed as a judge of Intermediate Courts in Styria. He was originally (as of 1 January 1947) a Senior Legal Assistant in the Administrative Court Section of the Ministry of Justice Control Branch.[423] A year later, the Legal Division's personnel roster listed him as Senior Legal Assistant at the British Headquarters for Styria.[424] On 1 February 1949, he joined the Legal Division in Carinthia at the Courts Branch domiciled at the Regional Court of Klagenfurt.[425] R.B. MacKeown conducted 546 hearings in Styria in the period from January 1948 to September 1949.[426] His assignments in Carinthia were even more numerous, where he judged over 733 defendants from August 1947 to July 1950. He was also deployed in Vienna on a case-by-case basis. This made him the only military judge to preside over Intermediate Courts in the entire British-occupied zone of Austria. In April 1949, he changed roles to the extent that he defended a British suspect before an Intermediate Court in Vienna.[427] MacKeown also appeared at two General Court hearings in Klagenfurt. He represented the prosecution in the trial of Josef K. and Anton Pfeffer (4 December 1947),[428] and presided over the trial of the British Edward Charles P. (28–30 June 1950)[429]. Outside the system of military government courts, R.B. MacKeown took over the defence of two British soldiers before a court martial in Vienna in September 1946.[430]

The aforementioned long-serving Legal Officer M.B. Sykes rarely sat on the bench himself. In 1949, he presided over seven hearings of Intermediate Courts in Graz and Leoben. His core task was initially the supervision of Austrian courts and later the control of British military courts in the occupation zone. Sykes was therefore originally assigned to the Austrian Courts Section in Klagenfurt[431] and, later, in Graz[432]. He then moved to the Courts Branch as Senior Legal Assistant.[433] The same department, the former Military Government Courts Branch, was relocated from Vienna to Graz in the spring of 1948. Lt Col M.B. Sykes worked there in the office at Nelkengasse 2 as one of the controllers.[434] Sykes probably left the army at the end of 1949. However, he then remained active as a lawyer in Austria and also took on the role of defence counsel before British military courts; his clients were mostly compatriots. On 6 April 1950, for example, he represented John Arthur Dickinson, a member of the ACA (BE), before an

[423] TNA, FO 1020/1882: 16. 12. 1946.
[424] TNA, FO 1020/1884: *Legal Division, Distribution of Staff: Officers* [January 1948].
[425] STIEBER, Briten 31.
[426] BRUNNER M., Intermediate Courts 17.
[427] TNA, FO 1020/3527: Case-No. 20/49.
[428] Die Neue Zeit (5. 12. 1947), 3 („Tod durch den Strang für DP-Mörder“).
[429] KLA, BPD Klagenfurt, Sch. 48, Brit. Militärgerichtsregister: Office-No. 6193.
[430] Weltpresse (7. 9. 1946), 8 („Schuldspruch gegen den britischen Soldaten“); Weltpresse (11. 9. 1946), 8 („Ein zweiter Schuldspruch des britischen Kriegsgerichtes“); Weltpresse (12. 9. 1946), 8 („Dritter Schuldspruch des britischen Kriegsgerichtes“).
[431] TNA, FO 1020/2866: 26. 11. 1945.
[432] BEER, Die „britische“ Steiermark 746; TNA, FO 1020/1882: 16. 12. 1946.
[433] Cf. TNA, FO 1020/1884: *Legal Division, Distribution of Staff: Officers* [January 1948].
[434] TNA, FO 1020/2820: 27. 4. 1948.

Intermediate Court in Vienna.[435] Sykes acted as legal counsel in the proceedings against Edward Charles P. in Klagenfurt from 28 to 30 June 1950 (see chapter 7.3.21),[436] as well as in the espionage trials against Neville Napier in Graz (19–21 February 1951, see chapter 6.4.4.6)[437] and against Kurt R. in Klagenfurt (19–21 April 1951)[438]. On 5 and 6 August 1952, Mr Michael Sykes[439] took over the defence of the soldier William John G., who had to answer to a court martial at the military airport in Zeltweg.[440]

Lt Col G.W. Treadwell was one of the first judges of British Intermediate Courts in Carinthia, where he faced a total of 54 defendants until the end of July 1945. He then acted as Senior Legal Officer at the British headquarters in Vienna from 29 July 1945 to 27 November 1945.[441] In this function, he was a member of the Judicial Subcommittee of the Vienna Inter-Allied Command (VIAC).[442] Treadwell also presided over the first hearings of an Intermediate Court in Vienna on 24 November 1945.[443] He later joined the Military Government Courts Branch of the ACA (BE) as Senior Legal Assistant.[444] In addition, in 1946 and 1947 Lt Col Treadwell acted as prosecutor at six General Court hearings in Graz, Villach and Vienna.

Lt Col Treadwell was succeeded on 27 November 1945 by Maj A.B. McNulty as head of the Vienna Legal Branch[445] and thus as a member of the VIAC Subcommittee on Justice.[446] He retained the former function until his return to Great Britain on 2 November 1946 (by then already as Lt Col).[447] During his approximately eleven months in Vienna, McNulty presided over 113 hearings of Intermediate Courts. There was also a short assignment in Klagenfurt in October 1946.

Lt Col C.L.P. Gilshenan sat on the bench at almost every second hearing of a British Intermediate Court in Vienna (218 out of 464). He took over from Lt Col McNulty as

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[435] TNA, FO 1020/3527: Case-No. 3/50.
[436] KLA, BPD Klagenfurt, Sch. 48, Brit. Militärgerichtsregister: Office-No. 6193.
[437] Das Steirerblatt (20. 2. 1951), 1 („Napier erklärt sich ‚nicht schuldig'"); Neues Österreich (20. 2. 1951), 3 („Hauptmann a. D. Napier vor einem Militärtribunal").
[438] KLA, BPD Klagenfurt, Sch. 50, Brit. Militärgerichtsregister: Office-No. 6204.
[439] Kleine Zeitung (6. 8. 1952), 5 („Britischer Autowildling vor dem Militärrichter").
[440] The subject of the trial was a traffic accident that William John G. (Northamptonshire Regiment) had caused in Pöls on 29 June 1952. According to the indictment, G., as the driver of an army vehicle, crashed into a group of pedestrians, killing eight-year-old Ingrid Hoier and seriously injuring two of her relatives. He then committed a hit-and-run offence. On 6 August 1952, the court sentenced G. to 18 months in prison and ordered his release from the army. Kleine Zeitung (1. 7. 1952), 7 („Besatzungsauto überfährt achtjähriges Kind"); Kleine Zeitung (6. 8. 1952), 5 („Britischer Autowildling vor dem Militärrichter"); Kleine Zeitung (7. 8. 1952), 8 („Briten verurteilen Autowildling"); Kleine Zeitung (10. 8. 1952), 9 („Zeltweger Urteil bestätigt").
[441] TNA, FO 1020/1971: 27. 11. 1945; TNA, FO 1020/3037: 27. 11. 1945.
[442] TNA, FO 1020/2907: *Legal Sub-Committee meetings*; TNA, FO 1020/3009: 28. 9. 1945, *Legal Sub-Committee Meeting No. 1*; TNA, FO 1020/3009: 19. 10. 1945, *Legal Sub-Committee Meeting No. 4*; TNA, FO 1020/3010: 16. 11. 1945, *Legal Sub-Committee Meeting No. 8*.
[443] TNA, FO 1020/3524: Case-No. 1/45, 2/45, 3/45, 5/45, 7/45.
[444] TNA, FO 1020/1882: 16. 12. 1946.
[445] TNA, FO 1020/1971: 27. 11. 1945.
[446] TNA, FO 1020/3012: 14. 2. 1946, *Legislation Sub-Committee Meeting No. 17*; TNA, FO 1020/3012: 27. 2. 1946, *Legislation Sub-Committee Meeting No. 18.*
[447] TNA, FO 1020/1971: 5. 12. 1946.

head of the Legal Branch at the headquarters for the British zone in Vienna.[448] A 'side trip' to Graz in October 1947 was to remain his only assignment outside Vienna. In July 1948, Gilshenan left the army to work as a civilian controller at the Legal Advice and Drafting Branch (ACA/BE).[449] From May 1949, Mr Gilshenan succeeded Sir Alfred Brown as head of the Legal Division at the ACA (BE)[450] and remained in this position until at least August 1952.[451]

Lt Col F.H. McCleary was a Senior Legal Assistant in the Coordination Section (as of 1 January 1947),[452] and later joined the Courts Branch (formerly Military Government Courts Branch).[453] In December 1947, he acted as an assessor at two hearings of higher military courts in Klagenfurt. When the Courts Branch was relocated from Vienna to Graz in the spring of 1948, F.H. McCleary remained in the function of liaison officer to the Legal Division in Vienna.[454] There, from March 1948 to January 1949, he presided over a total of 33 hearings of British Intermediate Courts.

In the case of Carinthia and Styria, the sources on which the following tabular overview of the judges at British Intermediate Courts in Austria is based do not contain complete information on the places of trial. The naming of the places of assignment of individual officers and lawyers must therefore remain incomplete. However, there is no doubt that some judges were deployed in two or even three federal provinces. The following table therefore covers the entire British occupation zone.

Judge[455]	Accused	Venue(s)[456]	First trial	Last trial
Alexander U.H.B.G., Maj	72	Judenburg, Voitsberg	19. 3. 1946	17. 3. 1947
Barnes, Maj	19	Klagenfurt, Spittal/Drau	7. 4. 1952	16. 7. 1953
Barton, Maj	2	Lienz	11. 4. 1946	11. 4. 1946
Bell G., Capt	5	Villach	7. 8. 1946	7. 8. 1946
Bickford J.G.A., Col	24	Klagenfurt, Villach, Spittal/Drau	8. 12. 1948	1. 6. 1949
	1148	Bruck/Mur, Feldbach, Graz, Hartberg, Judenburg, Leibnitz, Leoben, Liezen, Radkersburg	31. 1. 1946	27. 5. 1949
Blackburn N.I., Mr	301	Klagenfurt, Lienz, Spittal/Drau, St. Veit/Glan, Villach, Völkermarkt, Wolfsberg	19. 2. 1948	11. 5. 1948

[448] Cf. TNA, FO 1020/1971: 5. 12. 1946 und 28. 2. 1947; TNA, FO 1020/1884: *Legal Division, Distribution of Staff: Officers* [January 1948].
[449] TNA, FO 1020/3106: 4. 8. 1948.
[450] The Times (21. 5. 1949), 3; BEER, Wiederaufbau 134.
[451] StLA, JA Karlau, Gefangenenakten, Gef 189-1951, Vala Rudolf: 22. 8. 1952, fol. 31.
[452] TNA, FO 1020/1882: 16. 12. 1946.
[453] TNA, FO 1020/1884: *Legal Division, Distribution of Staff: Officers* [January 1948].
[454] TNA, FO 1020/2820: 27. 4. 1948.
[455] The highest (known) rank is given for officers.
[456] Note on this section: No distinction is made between any urban and rural districts.

Judge[455]	Accused	Venue(s)[456]	First trial	Last trial
Blagg C.E.L., Mr	183	Klagenfurt, St. Veit/Glan, Völkermarkt, Wolfsberg	28. 6. 1946	30. 8. 1946
Broad E.G., Capt	60	Bruck/Mur, Feldbach, Graz, Leibnitz, Voitsberg	26. 3. 1946	3. 5. 1946
Cathie B.A., Mr	206	Lienz, Spittal/Drau, Villach	24. 10. 1946	20. 3. 1947
	463	Bruck/Mur, Feldbach, Graz, Leibnitz, Leoben, Liezen, Voitsberg, Weiz	31. 5. 1946	5. 9. 1947
Clarke T.H., Mr	320	Lienz, St. Veit/Glan, Spittal/Drau, Villach, Wolfsberg	8. 4. 1947	1. 9. 1947
	80	Feldbach, Graz, Leoben	23. 1. 1947	21. 3. 1947
Cohen N.L., Lt Col	2388	Feldkirchen, Ferlach, Hermagor, Klagenfurt, Lienz, Spittal/Drau, St. Veit/Glan, Villach, Völkermarkt, Wolfsberg	4. 6. 1945	19. 1. 1949
Cox, Capt	2	Lienz, Villach	5. 9. 1945	1. 11. 1945
Crossan, Maj	156	Klagenfurt, St. Veit/Glan, Völkermarkt	29. 8. 1947	16. 2. 1948
de Pinna L.A., Maj	467	Klagenfurt, Spittal/Drau, St. Veit/Glan, Völkermarkt, Wolfsberg	11. 7. 1945	7. 5. 1946
Ellison R.C.S., Mr	18	Klagenfurt, Villach	11. 10. 1950	9. 12. 1952
	39	Vienna	12. 10. 1948	21. 9. 1949
Ewing J.H., Mr	17	Villach	27. 3. 1947	28. 3. 1947
Fear F., Maj	3	Klagenfurt	15. 6. 1948	11. 8. 1948
Fleming, Maj	6	Leoben	1. 7. 1946	1. 7. 1946
Gilshenan C.L.P., Lt Col	2	Graz	13. 10. 1947	13. 10. 1947
	218	Vienna	30. 1. 1947	7. 8. 1948
Gledhill H.W., Mr	176	Klagenfurt, St. Veit/Glan, Völkermarkt, Wolfsberg	30. 12. 1946	27. 3. 1947
Gollop J.T.T.R., Maj	6	Lienz, Villach	1. 10. 1945	23. 4. 1948
Hewitt H., Mr	1	Vienna	7. 8. 1946	7. 8. 1946
Lane C.W., Maj	3	Völkermarkt	20. 11. 1945	20. 11. 1945
Learmonth C.C., Mr	207	Klagenfurt, St. Veit/Glan, Spittal/Drau, Villach, Völkermarkt, Wolfsberg	31. 3. 1947	26. 6. 1947
	9	Graz	15. 10. 1946	23. 10. 1946
Lightfoot M.W., Mr	145	Klagenfurt, Spittal/Drau, Villach, Völkermarkt, Wolfsberg	14. 6. 1948	26. 11. 1948
	59	Bruck/Mur, Graz, Leibnitz, Leoben	16. 2. 1948	10. 12. 1948
Lloyd-Dolbey R.T., Maj	13	Lienz, Villach, Spittal/Drau	9. 10. 1945	9. 1. 1948

Judge[455]	Accused	Venue(s)[456]	First trial	Last trial
Lyall A.L., Maj	563	Klagenfurt, Lienz, St. Veit/Glan, Spittal/Drau, Villach, Völkermarkt, Wolfsberg	11. 3. 1946	22. 8. 1947
	24	Bruck/Mur, Graz, Leibnitz, Murau	15. 2. 1946	7. 5. 1946
MacKeown R.B., Mr	733	Klagenfurt, Lienz, Spittal/Drau, St. Veit/Glan, Villach, Völker-markt, Wolfsberg	7. 8. 1947	14. 7. 1950
	546	Bruck/Mur, Graz, Judenburg, Leibnitz, Leoben, Mürzzuschlag	29. 1. 1948	27. 9. 1949
	19	Vienna	7. 11. 1946	6. 4. 1950
MacKlorn, Mr	6	St. Veit/Glan	18. 9. 1947	18. 9. 1947
McCleary F.H., Lt Col	33	Vienna	31. 3. 1948	21. 1. 1949
McFadyean G.W., Lt Col, MC	12	St. Veit/Glan [?]	4. 6. 1945	23. 6. 1945
	190	Feldbach, Graz, Leibnitz, Leoben	7. 5. 1946	17. 12. 1947
McNulty A.B., Lt Col	8	Klagenfurt	9. 10. 1946	11. 10. 1946
	113	Vienna	17. 12. 1945	31. 10. 1946
Melville, Capt	1	Villach	3. 6. 1946	3. 6. 1946
Rawlins P.L.E., Maj	1439	Lienz, Spittal/Drau, Villach	23. 5. 1945	22. 8. 1946
Reckitt J.T., Mr	185	Klagenfurt, St. Veit/Glan, Villach, Völkermarkt, Wolfsberg	6. 4. 1946	16. 9. 1946
Slade L.W., Maj	14	Graz	9. 11. 1945	5. 9. 1946
Smith J.A., Maj	6	[Styria]	18. 10. 1945	2. 11. 1945
Sykes M.B., Lt Col	7	Graz, Leoben	26. 1. 1949	24. 11. 1949
Treadwell G.W., Lt Col	54	St. Veit/Glan, Völkermarkt, Wolfsbg.	30. 5. 1945	26. 7. 1945
	11	Vienna	24. 11. 1945	10. 1. 1946
Watson, Maj	61	Klagenfurt	13. 6. 1947	9. 12. 1947
Way J.H.G., Mr	800	Hermagor, Klagenfurt, Lienz, St. Veit/Glan, Spittal/Drau, Villach, Wolfsberg	7. 8. 1946	5. 11. 1948
Way J., Maj	30	Vienna	16. 12. 1946	28. 1. 1947
White, Maj	1	Graz	5. 12. 1946	5. 12. 1946
Wilson, Maj	1	Klagenfurt	23. 1. 1951	
Woodbridge J.N., Capt	117	Klagenfurt, Völkermarkt, Wolfsberg	30. 8. 1945	5. 10. 1945
Young Douglas, Sir	19	Villach	7. 8. 1946	20. 2. 1947
N. N.	2			

Table 1: Judges at the British Intermediate Courts in Austria

6.1.2 Prosecutors (Intermediate Courts)

One of the (many) tasks of the Public Safety Officer was to prepare the indictment for trials before British military government courts.[457] Particularly in the first months of the occupation, they also represented the prosecution in court. In the long term, however, it was impossible to entrust only British officers with representing the prosecution. The disproportion between available personnel and pending cases was far too glaring. As early as the summer of 1945, selected gendarmerie and police officers were therefore deployed as civil prosecutors at Summary Court level.[458] The Intermediate Courts were initially more reserved, which in turn led to delays. General Courts only recognised British prosecutors. In general, the prosecution remained in British hands wherever possible if the interests of the occupying power were directly affected. For example, cases of theft or unauthorized possession of Allied property come to mind here.[459]

At the end of October 1945, the Legal Division informed the Senior Military Government Officers in Carinthia and Styria that the proposal to train Austrian lawyers as prosecutors, especially for Intermediate Courts, was currently being examined. *If this proposal comes to fruition it will relieve Public Safety Officers of a considerable burden now imposed on them.*[460] At the same time, the zone officers were asked to enquire whether lawyers would be willing to work as full-time prosecutors in military government courts, either on a salary or on a fee basis.[461]

The situation in Vienna was somewhat different. Here, the Legal Division wanted to look for suitable (and willing) lawyers itself.[462] Ultimately, however, only British officers – primarily the Public Safety Officers – acted as prosecutors before the Intermediate Courts in Vienna.

In Styria, Austrians served as civil prosecutors at hearings of British Intermediate Courts from December 1945. Apparently, there were only two local lawyers among them who had a considerable number of assignments as prosecutors: namely, Dr Kafka (464) and Dr Lahousen (78) in Graz. However, as with the Summary Courts, the majority of the assignments were carried out by British officers, and virtually hand-picked gendarmerie and police officers, and here, above all, Insp. Pausch from the Leoben post who was the most frequent prosecutor before Intermediate Courts with 609 assignments between July 1946 and September 1949.[463]

Among the British officers in Austria, Capt/Maj G.W.E. Coult completed the most trials as a prosecutor before Intermediate Courts. A good three quarters of his total of 356

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[457] SCHNEIDER, Tätigkeit 228.
[458] BRUNNER M., Militärgericht 75; BRUNNER M., Intermediate Courts 18. – In order to familiarise Austrian law enforcement officials with the procedure, Sir Douglas Young (Military Government Courts Branch) prepared a detailed guide, including text examples, on how to draft an indictment. TNA, FO 1020/2067: 5. 1. 1946, *Instructions to Austrian Police on drawing charges*; TNA, FO 1020/2014.
[459] BRUNNER M., Intermediate Courts 18.
[460] TNA, FO 1020/3036: 29. 10. 1945.
[461] TNA, FO 1020/3036: 29. 10. 1945.
[462] TNA, FO 1020/3036: 29. 10. 1945.
[463] BRUNNER M., Intermediate Courts 18f.

deployments took place in Leibnitz, where he was stationed for long periods as a Public Safety Officer. In his district, Coult frequently had to deal with illegal border crossings from Yugoslavia to Austria. In his opinion, in view of the vast area, which could not be completely monitored by the occupying power or the gendarmerie, strict penalties in court were an effective means of curbing crimes of this kind. Much to Coult's annoyance, however, it happened time and again that relevant sentences were reduced or completely overturned by the Military Government Courts Branch in Vienna when proceedings were reviewed. In November 1945, he addressed a protest to his superiors in Graz:[464]

> […] *Heavy sentences were and are being imposed to stop this illegal traffic and to date has* [!] *shown very good results but naturally with the continued revision of these prison sentences the hard work and continued effort of Civil Police, Legal Officers and Public Safety Officers is nullified.* […] *The fact that sentences are being reduced or quashed in nearly every case has here in Leibnitz reduced the Military Government Court to a farce, inasmuch the reviews are being quoted in Court to obtain a lighter sentence.* […]

The London policeman F.C.V. Hayward came to Judenburg at the beginning of the occupation as a Public Safety Officer with the rank of captain and took over the prosecution at 133 hearings of the Summary Court.[465] In November 1945, Hayward transferred to the Public Safety Branch in Graz. By September 1949, he had accumulated 164 assignments as a prosecutor before Intermediate Courts.

In Vienna, Maj Charles Noble[466] (1903–1984) represented the prosecution in 87 proceedings of a British Intermediate Court from 1945 to 1948. After Maj M.L. Turner (109) and Maj T.W.M. Greenhill (89), he had the most relevant assignments. It was no coincidence that Noble was appointed Public Safety Officer, as he had been an officer at Scotland Yard in London in his civilian career. Charles Noble married an Austrian woman in 1955 and lived in Vienna until his death.[467]

The Austrian Robert Fitl had 118 assignments as a prosecutor in Bruck an der Mur and Leoben in 1946. As far as can be seen from the court registers, he was neither a lawyer nor an executive officer. He was probably hired by the British as a civil prosecutor at Summary and Intermediate Courts because of his language skills but fell out of favour again after six months. Fitl came from Vienna. He emigrated to South West Africa (now Namibia) in the 1930s, where he initially lived as a farm administrator.[468] He later became involved with the NSDAP foreign organization (NSDAP-AO) in South Africa as a speaker, but – according to his own statements – had no party rank. He was interned during the Second World War and repatriated via Lisbon in 1944. In September 1945,

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[464] TNA, FO 1020/3184: 4. 11. 1945.
[465] BRUNNER M., Militärgericht 73f., 97.
[466] Captain Noble was promoted to Major in January 1946. TNA, FO 1020/2953: *Public Safety in Vienna – August 1945 to August 1946.*
[467] HUFSCHMIED, Meidling 35; HUFSCHMIED, Simmering 34. – Cf. TNA, FO 1020/3111: 9. 2. 1946.
[468] Cf. FITL, Sintflut; FITL, Farmer.

Fitl was temporarily imprisoned because of his alleged Nazi past. As the FSS raised no objections after reviewing his questionnaire, he was subsequently able to enter the service of the British Public Safety Branch.[469] When Fitl was accused of fascist activities in South Africa by an Austrian expatriate in the spring of 1946,[470] the FSS in the person of Capt J.B. Hunt continued to stand by its assessment: *Fitl, in the opinion of the undersigned, was a Nazi, and while still bearing traces of a Pan-Germanic sentiment, is cured of all allegiance to Hitlerism and Fascism.*[471] Ultimately, however, Fitl was no longer acceptable to the British and was therefore dismissed in August 1946.[472]

Inspector Josef Krempelsauer and Captain Josef Wiesauer were among the gendarmes deemed sufficiently trustworthy by the occupying power. Krempelsauer worked at the Judenburg post, where he represented the prosecution in 21 cases before the Intermediate Military Court. His main task, however, was his work at the local Summary Court. Here, from August 1945 to March 1948, he brought 1065 charges in 884 hearings as a civil prosecutor.[473] Wiesauer acted as prosecutor at four hearings of the Intermediate Court in Bruck an der Mur on 3 May 1946. He was first district gendarmerie commander of Bruck an der Mur after the end of the Second World War and headed operations there from 23 June 1945 to 31 December 1965.[474]

The two tables below list the prosecutors before the Intermediate Courts in Styria and Vienna on the basis of the British trial lists. However, almost complete details can only be found in the Vienna lists. In the case of Styria, the venues are sometimes missing. Consequently, the naming of the locations of prosecutors must remain incomplete.[475]

Prosecutor[476]	Accused	Venue(s)[477]	First trial	Last trial
Bacher	41	Bruck/Mur	9. 7. 1948	4. 2. 1949
BARTLETT, Maj	2	Murau	1. 3. 1946	1. 3. 1946
Behac, Insp.	1	[Styria]	26. 9. 1946	26. 9. 1946
Böhmer	8	Leoben, Mürzzuschlag	20. 9. 1948	27. 9. 1948
CHALKER, Lt	1	[Styria]	18. 10. 1945	18. 10. 1945
COULT G.W.E., Maj	356	Bruck/Mur, Graz, Leibnitz, Leoben, Radkersburg	18. 2. 1946	28. 7. 1949
Eglau	4	[Styria]	10. 12. 1945	10. 12. 1945

[469] TNA, FO 1020/2033: 20. 5. 1946; TNA, FO 1020/3310: 26. 7. 1946.
[470] TNA, FO 1020/2033: 29. 4. 1946.
[471] TNA, FO 1020/2033: 20. 5. 1946.
[472] TNA, FO 1020/3310: 26. 7. 1946.
[473] BRUNNER M., Militärgericht 75, 96–98.
[474] StLA, Gendarmeriechronik, Bez. Bruck-Mürzzuschlag, GAK Bruck an der Mur, Bd. 2, p. 89, 94; StLA, Gendarmeriechronik, Bez. Bruck-Mürzzuschlag, BGK Bruck an der Mur, Bd. 1, p. 16, 20, 220.
[475] There are no court registers (Legal Form 11a) for Carinthia. Information about the prosecutors in this province is therefore only fragmentary, especially as the British military court index cards of the Klagenfurt Federal Police Directorate hardly ever contain relevant information.
[476] The names of British prosecutors are in capital letters, those of (Austrian) civilian prosecutors in normal letters. – The highest (known) rank is given for officers.
[477] Note on this section: No distinction is made between any urban and rural districts.

Prosecutor[476]	Accused	Venue(s)[477]	First trial	Last trial
Fitl	118	Bruck/Mur, Leoben	15. 2. 1946	16. 8. 1946
Flaschberger	43	Graz	15. 5. 1946	18. 9. 1946
Frank	1	Graz	26. 3. 1946	26. 3. 1946
Gend. Insp.	8	Bruck/Mur	29. 10. 1948	26. 11. 1948
Hart	3	Leibnitz	25. 10. 1948	25. 10. 1948
HAYWARD F.C.V., Capt	164	Feldbach, Graz	2. 11. 1945	27. 9. 1949
HOPWOOD, Sgt	3	[Styria]	18. 10. 1945	25. 10. 1945
HUNT, Capt	3	[Styria]	31. 5. 1946	14. 6. 1946
HUNTER T.P., Maj	101	Judenburg, Leoben, Liezen	23. 10. 1945	27. 5. 1949
Kafka, Dr	464	Graz, Leibnitz, Voitsberg	24. 1. 1946	22. 3. 1948
Kohlweiß	28	Graz	3. 6. 1948	17. 11. 1948
Koinegg	1	Judenburg	13. 12. 1946	13. 12. 1946
Krempelsauer, Insp.	21	Judenburg	21. 8. 1946	20. 2. 1947
Lahousen, Dr	78	Graz	27. 3. 1946	18. 9. 1946
Leifer, Dr	2	Bruck/Mur	26. 4. 1946	26. 4. 1946
Massuta, Dr	3	Graz	20. 12. 1945	10. 1. 1946
MUNDAY, Capt	25	Bruck/Mur, Leibnitz	9. 11. 1945	22. 7. 1946
Pausch, Insp.	609	Judenburg, Leoben, Liezen	25. 7. 1946	27. 9. 1949
Piket	23	Graz	12. 12. 1946	30. 1. 1947
POOLE, Capt	2	Judenburg	26. 11. 1946	26. 11. 1946
RAMSAY A., Maj	40	Graz	26. 2. 1946	14. 7. 1948
Roiko	94	Graz	31. 3. 1948	13. 10. 1948
RUTHERFORD, Lt Col	1	[Styria]	5. 9. 1946	5. 9. 1946
Sch(l)ic	6	Feldbach	14. 6. 1946	14. 6. 1946
Schuc/Schulz/Schutz	51	Feldbach, Weiz	31. 5. 1946	19. 5. 1947
Schwarzbauer, Insp.	12	Leoben, Liezen	17. 1. 1947	11. 2. 1947
Schwinger, Dr	1	[Styria]	1. 2. 1946	1. 2. 1946
SHAW, Maj	55	Graz, Voitsberg	4. 3. 1946	18. 3. 1947
TARINER, Maj	1	Leoben	13. 9. 1946	13. 9. 1946
TAVINOR L.F., Maj	66	Judenburg, Leibnitz, Leoben	15. 11. 1946	29. 9. 1947
Thomann	6	Leibnitz	21. 6. 1948	5. 7. 1948
WHITE, Maj	22	Feldbach, Graz	21. 3. 1946	5. 12. 1946
WHYTE J., Maj	193	Graz, Hartberg, Leoben, [Styria]	6. 2. 1946	10. 8. 1948
Wiesauer, Hpt.	4	Bruck/ Mur	3. 5. 1946	3. 5. 1946

Table 2: Prosecutors at the British Intermediate Courts in Styria

Prosecutor[478]	Accused	Venue(s)	First trial	Last trial
BRICKNELL P.H., Maj	32	Vienna	17. 12. 1945	28. 9. 1948
ELLISON R.C.S., Mr	2	Vienna	6. 4. 1950	6. 4. 1950
FIELDING, Capt	5	Vienna	24. 11. 1945	24. 11. 1945
GEACH F.G., Maj	6	Vienna	11. 11. 1948	13. 3. 1950
GREENHILL T.W.M., Maj	89	Vienna	23. 4. 1946	22. 9. 1948
HEWITT H., Mr	1	Vienna	8. 4. 1949	8. 4. 1949
HORTEN W.G., Capt	1	Vienna	19. 7. 1946	19. 7. 1946
MADILL J., Maj	9	Vienna	29. 7. 1946	24. 10. 1946
NOBLE C., Maj	87	Vienna	17. 12. 1945	10. 8. 1948
PULLEN, Lt Col	1	Vienna	20. 10. 1947	20. 10. 1947
REID T., Maj	4	Vienna	11. 1. 1946	11. 1. 1946
SHAW A.P., Maj	57	Vienna	24. 7. 1947	21. 9. 1949
TURNER M.L., Maj	109	Vienna	15. 3. 1946	12. 5. 1948
WHYTE J., Maj	10	Vienna	29. 9. 1948	25. 3. 1949
WILSON W.L., Maj	6	Vienna	27. 3. 1947	28. 4. 1947
WISE A.J., Maj	45	Vienna	17. 1. 1947	11. 7. 1947

Table 3: Prosecutors at the British Intermediate Courts in Vienna

6.1.3 Defence counsels (Intermediate Courts)

According to the procedural guidelines, every defendant before a British military government court had the right, among other things, *to consult a lawyer before trial, and to conduct his own defence or to be represented at the trial by a lawyer of his own choice* [...].[479] Those people excluded from representation were primarily lawyers who had been disbarred by the military government.[480] If juveniles were in the dock, they could be accompanied by a representative of the Youth Welfare Office.[481] In Klagenfurt, moreover, there were several trials by Intermediate Courts in which the Youth Welfare Office appointed a defence counsel.[482]

Looking at the proceedings before British Intermediate Courts in Carinthia and East Tyrol, it is striking to observe that, of the 8662 defendants recorded, only 1071 had legal

[478] The names of British prosecutors are in capital letters. – The highest (known) rank is given for officers.
[479] Ordinance No. 100, Art. V, § 9c. VuABlSt 33/4 (29. 1. 1946), 21–25.
[480] In Styria alone, the British had issued suspensions against 102 lawyers by January 1946. BEER, Wiederaufbau 116. Cf. BEER, Let Right be Done 211–213; BRUNNER M., Intermediate Courts 20.
[481] TNA, FO 1020/1971: 27. 2. 1946.
[482] Selection: KLA, BPD Klagenfurt, Sch. 48, Brit. Militärgerichtsregister: Office-No. 2284; KLA, BPD Klagenfurt, Sch. 53, Brit. Militärgerichtsregister: Office-No. 2285; KLA, BPD Klagenfurt, Sch. 50, Brit. Militärgerichtsregister: Office-No. 3273.

counsel at their side. This rate of 12.4 per cent is surprising when you consider the possible sentences of up to ten years in prison at the intermediate court level.

In Styria too, the number of defendants appearing before Intermediate Courts with a defence counsel was relatively small. Only 530 defendants were represented by a lawyer:[483] i.e. not even one in five. Unlike in Carinthia, however, Austrian lawyers did not exclusively act as defence counsel in Styria. At two trials in Graz, British lawyers, D.L. Botham,[484] and M.W. Lightfoot,[485] took on this task.[486]

In the British Intermediate Courts in Vienna, legal counsel was not to be found significantly more frequently. For a total of 464 defendants, there was a defence counsel in the courtroom 108 times: i.e. in around 23 per cent of all trials. Defendants of British nationality were assisted by D.L. Botham four times.[487] R.B. MacKeown[488] and M.B. Sykes[489] each made one appearance.

The next three tables show the lawyers who can be identified as defence counsel before British Intermediate Courts in Austria. As the place of trial was not always indicated in the sources, the information on the locations of the defence counsels cannot claim to be complete.

Defence counsel	Representations	Venue(s)[490]	First trial	Last trial
Brodfeld, Dr	1	Klagenfurt	20. 2. 1946	20. 2. 1946
Daniel, Dr	17	Klagenfurt, Villach	20. 11. 1945	12. 4. 1946
Dörflinger, Dr	24	Klagenfurt	23. 1. 1946	28. 8. 1947
Dworschak, Dr	13	Klagenfurt	3. 10. 1945	8. 9. 1947
Ecker, Dr	1	St. Veit/Glan	29. 11. 1945	29. 11. 1945
Erlach, Dr	4	Spittal/Drau	29. 3. 1946	18. 7. 1947
Erlacher, Dr	8	Spittal/Drau	26. 10. 1945	26. 7. 1946
Felber, Dr	1	Villach	4. 3. 1946	4. 3. 1946
Feldner, Dr	131	Villach	9. 8. 1945	17. 9. 1947
Fiedler, Dr	156	Klagenfurt, St. Veit/Glan, Villach	22. 8. 1945	13. 1. 1949
Fux, Dr	2	Klagenfurt	15. 7. 1946	10. 9. 1946
Grab, Dr	15	Wolfsberg	15. 10. 1945	19. 9. 1946

[483] This figure refers to the 2668 defendants documented by trial lists, while the missing 722 proceedings (see chapter 2.1.) must be disregarded here.
[484] TNA, FO 1020/3525: Case-No. 2665.
[485] TNA, FO 1020/3526: Case-No. 4020.
[486] BRUNNER M., Intermediate Courts 20.
[487] TNA, FO 1020/3524: Case-No. 46/47, 118/47, 1/48; TNA, FO 1020/3527: Case-No. 2/50.
[488] TNA, FO 1020/3527: Case-No. 20/49.
[489] TNA, FO 1020/3527: Case-No. 3/50.
[490] Note on this section: No distinction is made between any urban and rural districts.

Defence counsel	Representations	Venue(s)[490]	First trial	Last trial
Grass, Dr	1	Wolfsberg	25. 3. 1946	25. 3. 1946
Grientschnig, Dr	12	Klagenfurt, St. Veit/Glan	4. 10. 1945	16. 6. 1947
Gstettner, Dr	2	Klagenfurt	8. 12. 1949	8. 12. 1949
Günner, Dr	10	Klagenfurt	9. 11. 1945	29. 4. 1946
Hinner, Dr	2	Spittal/Drau	17. 5. 1946	26. 7. 1946
Hippacher, Dr	3	Lienz	11. 8. 1945	8. 4. 1947
Horny, Dr	137	Klagenfurt, Villach	5. 3. 1946	25. 10. 1950
Huber, Dr	19	St. Veit/Glan, Völkermarkt	4. 10. 1945	8. 3. 1946
Jovanovic, Dr	3	Klagenfurt	21. 1. 1946	21. 1. 1946
Kafka, Dr	1	Klagenfurt	2. 12. 1946	2. 12. 1946
Kienzl, Dr	6	Klagenfurt, Wolfsberg	25. 9. 1946	20. 5. 1948
Klauss, Dr	66	Klagenfurt, Villach	9. 7. 1945	22. 8. 1947
Kleinszig, Dr	5	Klagenfurt, St. Veit/Glan, Wolfsberg	2. 8. 1946	31. 5. 1949
Kraus(z), Dr	3	Villach, Völkermarkt, Wolfsberg	4. 12. 1945	29. 8. 1946
Kulterer, Dr	25	Villach	30. 7. 1945	27. 2. 1948
Kukowitsch, Dr	20	Völkermarkt, Wolfsberg	5. 11. 1945	18. 12. 1946
Lampel, Dr	8	Lienz, Spittal/Drau	26. 7. 1946	18. 7. 1947
Lang, Dr	1	Spittal/Drau	7. 1. 1949	7. 1. 1949
Luger/Lueger, Dr	4	Klagenfurt	20. 1. 1947	29. 7. 1947
Matejcek, Dr	7	Klagenfurt	16. 9. 1946	28. 7. 1947
Mayer, Dr	13	Klagenfurt	25. 9. 1945	18. 4. 1947
Melion, Dr	22	Klagenfurt	26. 9. 1946	19. 8. 1947
Messiner, Dr	13	Klagenfurt, St. Veit/Glan	20. 9. 1945	24. 3. 1949
Messner, Dr	3	St. Veit/Glan	15. 11. 1945	29. 11. 1945
Molinari, Dr	2	Lienz	27. 2. 1946	27. 2. 1946
Novak, Dr	8	Wolfsberg	17. 12. 1945	18. 12. 1946
Oberlaner, Dr	13	Klagenfurt, Wolfsberg	1. 9. 1945	27. 2. 1947
Ortner, Dr	5	Spittal/Drau	2. 11. 1945	9. 8. 1946
Ottitsch, Dr	23	Klagenfurt, St. Veit/Glan, Völkermarkt	25. 9. 1945	26. 6. 1947
Peterlunger, Dr	88	Lienz, Spittal/Drau	11. 10. 1945	17. 9. 1947
Peterson, Dr	2	Villach	17. 6. 1947	22. 8. 1947
Putzenbacher, Dr	3	Villach	29. 10. 1945	22. 7. 1947
Ragger, Dr	16	Villach	5. 9. 1945	9. 1. 1950

Defence counsel	Representations	Venue(s)[490]	First trial	Last trial
Sadila, Dr	12	Klagenfurt	2. 10. 1945	26. 10. 1945
Sager, Dr	11	Klagenfurt, Villach	5. 11. 1945	16. 1. 1947
Schmied/Schmidt, Dr (Youth Welfare Service)	12	Klagenfurt	14. 2. 1946	26. 8. 1947
Slamnig, Dr	1	St. Veit/Glan	28. 11. 1946	28. 11. 1946
Steiner, Dr	17	Spittal/Drau	3. 8. 1945	13. 12. 1946
Streit, Dr	1	Klagenfurt	7. 9. 1945	7. 9. 1945
Szucs [!], Dr	1	Villach	27. 6. 1946	27. 6. 1946
Trinks, Dr	4	Klagenfurt, Völkermarkt	24. 9. 1945	11. 10. 1946
Tschurtschenthaler, Dr	6	Klagenfurt, St. Veit/Glan	4. 7. 1945	30. 7. 1946
Vallen(t)schag, Dr	11	Völkermarkt	13. 3. 1946	27. 6. 1947
Vogel, Dr	2	Klagenfurt	19. 8. 1946	2. 12. 1946
Vracko, Dr	35	Lienz, Spittal/Drau	8. 11. 1945	8. 8. 1947
Watzke, Dr	7	Klagenfurt	19. 5. 1947	29. 5. 1947
Wollrab, Dr	8	Klagenfurt, Villach	7. 8. 1946	18. 10. 1951
Zhuber, Dr	24	Villach, Völkermarkt	6. 11. 1945	9. 5. 1947

Table 4: Defence counsels at the British Intermediate Courts in Carinthia and East Tyrol

For Styria and Vienna, the sum of all trials with and without defence counsels results in a slight overlap compared to the total number of trials. This difference can be explained by the fact that a few defendants used more than one defence counsel.

Defence counsel[491]	Representations	Venue(s)[492]	First trial	Last trial
Adler, Dr	23	Graz, Leibnitz	2. 9. 1946	3. 5. 1948
Aichholzer, Dr	1	Leoben	30. 1. 1948	30. 1. 1948
Alber, Dr	1	Graz	28. 10. 1947	28. 10. 1947
Albert, Dr	3	Graz, Leoben	29. 10. 1946	31. 1. 1947
Ambrositsch, Dr	1	Leoben	9. 7. 1948	9. 7. 1948
Bauer-Mayer, Dr	1	Graz	9. 7. 1946	9. 7. 1946
Bayer, Dr	1	Graz	10. 3. 1948	10. 3. 1948
Bichler, Dr	5	Leoben	1. 7. 1946	26. 9. 1947
Biro, Dr	3	Graz	17. 3. 1948	12. 5. 1948

[491] The names of British defence lawyers are in capital letters.
[492] Note on this section: No distinction is made between any urban and rural districts.

Defence counsel[491]	Representations	Venue(s)[492]	First trial	Last trial
Böhm, Dr	5	Graz	5. 12. 1946	2. 12. 1947
Botcher, Dr	2	n. s.	4. 3. 1946	4. 3. 1946
BOTHAM D.L., Mr	1	Graz	25. 3. 1948	25. 3. 1948
Böttner, Dr	1	Feldbach	19. 5. 1947	19. 5. 1947
Brandl, Dr	10	Bruck/Mur	7. 6. 1946	16. 8. 1946
Braun, Dr	1	Graz	24. 7. 1947	24. 7. 1947
Burghardt, Dr	1	Feldbach	12. 9. 1946	12. 9. 1946
Butschar, Dr	13	Bruck/Mur, Graz, Leibnitz	24. 1. 1946	17. 12. 1946
Creydt, Dr	1	Graz	18. 2. 1947	18. 2. 1947
Cserny/Czerny, Dr	3	Leibnitz	5. 8. 1948	16. 8. 1948
Dedovich, Dr	10	Bruck/Mur, Leoben	9. 11. 1945	6. 2. 1948
Dollingen, Dr	2	Graz	23. 7. 1946	23. 10. 1946
Enge, Dr	1	Feldbach	31. 5. 1946	31. 5. 1946
Freiberger, Dr	20	Bruck/Mur, Leoben	1. 2. 1946	15. 10. 1948
Frizberg, Dr	6	Leoben, Graz	13. 9. 1946	20. 5. 1949
Gass, Dr	1	Graz	22. 4. 1948	22. 4. 1948
Geigl, Dr	4	Graz	26. 2. 1946	6. 10. 1948
Gödl, Dr	1	Judenburg	20. 2. 1947	20. 2. 1947
Goran, Dr	2	Graz	8. 7. 1948	8. 7. 1948
Griedl, Dr	9	Graz, Leoben	26. 6. 1946	3. 12. 1948
Griss, Dr	27	Bruck/Mur, Graz	6. 2. 1946	10. 3. 1948
Gröbelbauer, Dr	8	Graz	7. 5. 1946	23. 9. 1947
Haidacher, Dr	5	Graz	19. 11. 1946	19. 6. 1947
Haarmann, Dr	3	n. s.	16. 3. 1948	17. 3. 1948
Hastreiter, Dr	2	Graz	8. 7. 1947	28. 4. 1948
Hedl, Dr	4	Feldbach, Graz	9. 5. 1946	12. 2. 1948
Held, Dr	17	Graz, Voitsberg	15. 2. 1946	4. 3. 1948
Hirschmann, Dr	2	Graz	10. 2. 1948	12. 2. 1948
Hödl, Dr	5	Graz	3. 12. 1946	10. 8. 1948
Hoffellner, Dr	2	Graz, Hartberg	4. 10. 1946	26. 2. 1948
Höhndorf, Dr	3	Graz	19. 3. 1947	12. 2. 1948
Hoppe, Dr	1	Leoben	30. 1. 1948	30. 1. 1948
Jamnigg/Jamnik, Dr	8	Leoben, n. s.	5. 4. 1946	25. 7. 1947
Jung, Dr	1	Leoben	11. 10. 1946	11. 10. 1946

Defence counsel[491]	Representations	Venue(s)[492]	First trial	Last trial
Kaan, Dr	5	Graz	20. 12. 1945	12. 4. 1949
Kaiser, Dr	2	Graz	18. 9. 1946	25. 5. 1948
Kern, Dr	22	Feldbach	21. 3. 1946	27. 3. 1947
Klement, Dr	4	Graz	25. 2. 1948	4. 3. 1948
Klempier, Dr	2	Graz	7. 5. 1946	4. 3. 1948
Köry, Dr	3	Leoben	17. 9. 1948	17. 12. 1948
Kornburger, Dr	1	Leoben	1. 2. 1947	1. 2. 1947
Kristl, Dr	1	Graz	10. 2. 1948	10. 2. 1948
Lach, Dr	1	Graz	2. 6. 1949	2. 6. 1949
Lettich, Dr	4	Graz	3. 6. 1947	28. 4. 1948
LIGHTFOOT M.W., Mr	1	Graz	25. 10. 1948	25. 10. 1948
Liss, Dr	3	Graz	6. 1. 1948	6. 1. 1948
Löffelmann, Dr	2	Graz	10. 8. 1948	10. 8. 1948
Merk, Dr	3	Graz	11. 3. 1946	17. 9. 1947
Merkl, Dr	1	Graz	18. 2. 1947	18. 2. 1947
Mern, Dr	2	n. s.	12. 6. 1946	12. 6. 1946
Messek, Dr	1	Graz	1. 4. 1947	1. 4. 1947
Minarik, Dr	3	Feldbach	11. 4. 1946	16. 5. 1946
Mittelbach, Dr	1	Graz	21. 10. 1947	21. 10. 1947
Mitter, Dr	3	Graz	21. 3. 1946	23. 1. 1947
Moser, Dr	7	Leoben	5. 9. 1947	25. 6. 1948
Mrak, Dr	1	Graz	7. 4. 1948	7. 4. 1948
Obermaier, Dr	1	Voitsberg	19. 3. 1946	19. 3. 1946
Ogrinz, Dr	5	Graz	16. 4. 1946	8. 7. 1947
Paul, Dr	1	Graz	7. 7. 1947	7. 7. 1947
Payer, Dr	1	Graz	4. 3. 1948	4. 3. 1948
Plass, Dr	5	Leoben	22. 11. 1946	11. 6. 1948
Pokorny, Dr	1	Graz	14. 7. 1948	14. 7. 1948
Postl, Dr	2	n. s.	11. 3. 1947	11. 3. 1947
Prack, Dr	1	n. s.	20. 2. 1948	20. 2. 1948
Priebsch, Dr	6	Graz	11. 11. 1947	1. 4. 1948
Pristolitsch, Dr	1	Graz	13. 2. 1947	13. 2. 1947
Purghart, Dr	1	n. s.	8. 6. 1948	8. 6. 1948
Rechberger, Dr	3	Graz	15. 5. 1946	17. 12. 1947

Defence counsel[491]	Representations	Venue(s)[492]	First trial	Last trial
Reich, Dr	1	Graz	17. 6. 1947	17. 6. 1947
Reik, Dr	6	Graz	2. 3. 1948	8. 9. 1948
Robinson, Dr	1	Graz	10. 2. 1948	10. 2. 1948
Rödiger, Dr	4	Graz	20. 12. 1945	4. 3. 1948
Roggla, Dr	1	Leoben	17. 10. 1947	17. 10. 1947
Schimm, Dr	2	Graz	30. 7. 1946	5. 12. 1946
Schlossar, Dr	1	Graz	11. 12. 1947	11. 12. 1947
Schreiber, Dr	1	Graz	16. 7. 1946	16. 7. 1946
Sedlaczek, Dr	1	n. s.	5. 9. 1946	5. 9. 1946
Seidler, Dr	1	Graz	10. 6. 1947	10. 6. 1947
Seiter, Dr	5	Graz	11. 2. 1947	28. 1. 1948
Sigmund, Dr	3	Leibnitz	10. 11. 1947	10. 11. 1947
Skama, Dr	1	n. s.	30. 1. 1948	30. 1. 1948
Spojec, Dr	1	n. s.	22. 5. 1946	22. 5. 1946
Spranger, Dr	8	Graz	7. 5. 1946	24. 3. 1949
Stadler, Dr	1	Graz	26. 2. 1948	26. 2. 1948
Stanzer, Dr	1	Graz	31. 3. 1948	31. 3. 1948
Starilel, Dr	1	Leoben	30. 4. 1948	30. 4. 1948
Steinfeld, Dr	7	Graz	25. 2. 1947	6. 3. 1948
Stelzer, Dr	1	Leibnitz	22. 7. 1946	22. 7. 1946
Stenitzer, Dr	13	Leibnitz	18. 2. 1946	2. 9. 1946
Stolzer, Dr	24	Bruck/Mur, Feldbach, Graz	11. 4. 1946	27. 10. 1948
Stradal, Dr	1	Leoben	21. 6. 1946	21. 6. 1946
Strafella, Dr	2	Bruck/Mur, Graz	7. 5. 1946	28. 6. 1946
Strassmann, Dr	1	Graz	4. 11. 1947	4. 11. 1947
Stugger, Dr	33	Graz, Leoben	6. 12. 1946	5. 11. 1948
Svejda, Dr	2	Graz	26. 3. 1946	24. 7. 1947
Tomich, Dr	1	Graz	22. 7. 1948	22. 7. 1948
Trebitsch, Dr	1	Graz	18. 1. 1949	18. 1. 1949
Turek, Dr	2	Graz	14. 5. 1946	14. 5. 1946
Überbacher, Dr	3	Graz	21. 10. 1947	24. 3. 1949
Völkl, Dr	4	Graz	16. 4. 1946	15. 10. 1946
Wagner, Dr	28	Leoben, Liezen	23. 10. 1945	26. 8. 1949
Weis-Ostborn, Dr	1	Graz	2. 6. 1949	2. 6. 1949

Defence counsel[491]	Representations	Venue(s)[492]	First trial	Last trial
Weklitsch, Dr	1	n. s.	11. 3. 1946	11. 3. 1946
Weninger, Dr	1	Graz	24. 10. 1947	24. 10. 1947
Wetlisch, Dr	1	Leibnitz	28. 7. 1947	28. 7. 1947
Wieser, Dr	1	Liezen	11. 2. 1947	11. 2. 1947
Wolf, Dr	13	Leibnitz	12. 8. 1946	16. 2. 1948
Wranner, Dr	1	Leoben	10. 10. 1947	10. 10. 1947
Wunsch, Dr	6	Graz, Leibnitz	5. 12. 1946	9. 12. 1947
Zenkner, Dr	6	Graz	30. 7. 1946	1. 3. 1949
Zerling, Dr	7	Graz	18. 3. 1947	28. 4. 1948
Zmölnig, Dr	3	Leoben	2. 7. 1948	29. 7. 1949
Name illegible	4			
n. s.	2147			

Table 5: Defence counsels at the British Intermediate Courts in Styria

One name stands out among the defence counsels in Vienna: Dr Michael Stern, later one of the best-known defence lawyers in Austria. His first appearance before a British Intermediate Military Court, scheduled for 8 July 1946, did not take place because he cancelled by telephone shortly before the start of the trial and named Dr Propper as a replacement. As a result, the court had to adjourn to July 10 to allow the new defence counsel to prepare adequately.[493] This incident did not go down well with the occupying power. Lt Col A.B. McNulty, Senior Legal Officer for the British zone in Vienna, vented his anger to the disciplinary council of the Vienna Bar Association: *It is felt that such action by Dr Stern was both prejudicial to his client and discourteous to the Court especially as no attempt at explanation or apology was made.*[494] In 1946, Dr Stern finally took on two legal representations before British Intermediate Courts.[495]

Defence counsel[496]	Representations	Place of Trial	First trial	Last trial
Blavier, Dr	1	Vienna	15. 5. 1947	
Blosch, Dr	1	Vienna	29. 8. 1946	
BOTHAM D.L., Mr	4	Vienna	29. 4. 1947	6. 4. 1950
Brandstetter, Dr	1	Vienna	26. 6. 1946	
Busch, Dr	15	Vienna	15. 3. 1946	22. 9. 1948

[493] TNA, FO 1020/3524: Case-No. 48/46; TNA, FO 1020/2957: 10. 7. 1946.
[494] TNA, FO 1020/2957: 10. 7. 1946.
[495] TNA, FO 1020/3524: Case-No. 53/46, 68/46.
[496] The names of British defence lawyers are in capital letters.

Defence counsel[496]	Representations	Place of Trial	First trial	Last trial
Deutsch, Dr	1	Vienna	5. 4. 1948	
Eckerl, Dr	2	Vienna	9. 11. 1946	14. 7. 1948
Eisenschimmel, Dr	3	Vienna	4. 7. 1947	24. 7. 1947
Engelmann, Dr	2	Vienna	6. 3. 1947	
Frauenberger, Dr	1	Vienna	16. 10. 1947	
Freund, Dr	4	Vienna	17. 12. 1945	15. 5. 1947
Gahleitner, Dr	1	Vienna	22. 9. 1948	
Glöckler, Dr	1	Vienna	14. 4. 1948	
Granichstaedten-Czerva, Dr	3	Vienna	17. 1. 1946	
Gries, Dr	1	Vienna	1. 8. 1946	
Gürtler, Dr	1	Vienna	23. 4. 1946	
Hecht, Dr	1	Vienna	20. 1. 1948	
Heller, Dr	2	Vienna	9. 1. 1947	
Himmelbauer, Dr	1	Vienna	11. 12. 1947	
Hondrak, Dr	1	Vienna	22. 7. 1947	
Hübel, Dr	2	Vienna	23. 7. 1947	4. 6. 1948
Jahoda, Dr	1	Vienna	9. 4. 1946	
Jockl, Dr	1	Vienna	14. 7. 1948	
Kaltenegger, Dr	5	Vienna	23. 4. 1946	20. 3. 1947
Korn, Dr	1	Vienna	18. 11. 1947	
Leischner, Dr	1	Vienna	14. 6. 1946	
Leithner, Dr	2	Vienna	24. 4. 1947	
Mardetschläger, Dr	1	Vienna	17. 12. 1945	
Maurer, Dr	4	Vienna	14. 5. 1946	22. 9. 1948
MACKEOWN. R.B., Mr	1	Vienna	8. 4. 1949	
Messer, Dr	1	Vienna	3. 2. 1947	
Neuburg, Dr	2	Vienna	5. 2. 1948	
Paschinger, Dr	1	Vienna	6. 3. 1947	
Philipp, Dr	2	Vienna	22. 11. 1946	13. 2. 1947
Prokesch, Dr	1	Vienna	18. 11. 1947	
Propper, Dr	1	Vienna	8. 7. 1946	
Regner, Dr	2	Vienna	16. 10. 1947	
Schäffenegger, Dr	1	Vienna	7. 2. 1948	

Defence counsel[496]	Representations	Place of Trial	First trial	Last trial
Schaffer, Dr	1	Vienna	15. 7. 1947	
Scherer, Dr	1	Vienna	30. 5. 1947	
Schlossar, Dr	2	Vienna	4. 2. 1948	9. 3. 1948
Schneider, Dr	3	Vienna	14. 5. 1946	30. 1. 1947
Schotola, Dr	1	Vienna	6. 3. 1948	
Simon, Dr	1	Vienna	24. 2. 1949	
Söllner, Dr	2	Vienna	10. 1. 1946	
Spitz, Dr	3	Vienna	20. 1. 1947	5. 9. 1947
Stern, Dr	2	Vienna	29. 7. 1946	20. 9. 1946
Stürzenbaum, Dr	1	Vienna	16. 10. 1947	
Sukup, Dr	1	Vienna	21. 1. 1949	
SYKES M.B., Mr	1	Vienna	6. 4. 1950	
Tlapek, Dr	1	Vienna	29. 4. 1948	
Tugendhaft, Dr	2	Vienna	9. 4. 1946	
Valentin, Dr	1	Vienna	25. 3. 1947	
Wanner, Dr	1	Vienna	24. 11. 1945	
Weiss-Tessbach, Dr	1	Vienna	3. 7. 1946	
Wilarec, Dr	1	Vienna	3. 7. 1946	
Zawadil, Dr	3	Vienna	2. 5. 1946	2. 9. 1946
Zitta, Dr	1	Vienna	17. 1. 1947	
Zörnlaib, Dr	3	Vienna	14. 6. 1946	18. 9. 1947
n. s.	356	Vienna		

Table 6: Defence counsels at the British Intermediate Courts in Vienna

6.2 Frequent charges before British Intermediate Courts in Austria

6.2.1 Frequent charges - Statistics

On the basis of the evaluated lists of proceedings of British Intermediate Courts, 3643 charges can be proven for Styria, and 675 for Vienna, which were brought to trial. For Carinthia, a sample of 600 defendants and 1000 charges were recorded from the military court register (around 7 per cent of the total number), which serves as the basis for the following statistical approximation.

But which offences were charged, and which were dealt with most frequently? In order to obtain valid findings from the database for these two questions, the author had to

try to assign as many of the charges as possible to a legal provision. On the one hand, this task was made easier by the fact that, as is well known, Ordinance No. 200, with its initially 41 and later 46 paragraphs, formed the most important basis for the jurisdiction of the British military courts and consequently a manageable pool of legal provisions was available, which 'only' had to be correctly assigned to the data from the trial lists. On the other hand, there were also difficulties:[497]

- The 'Styrian' trial lists hardly ever provide information about which legal provision served as the basis for the respective indictment. The situation is somewhat more favourable for the index cards from Carinthia and much more favourable for the trial lists from Vienna.
- In the charge(s) section, different terms or formulations were sometimes used for the same offences. In other words, no fixed linguistic format was followed.
- Intermediate Courts were not only active on the basis of Ordinance No. 200, but also in the case of violations of any other British ordinance, proclamation, announcement, etc., especially as these usually also contained threats of punishment. In addition, the military courts could also take action on the basis of Austrian laws. This resulted in a considerable number of possible legal bases for lawsuits.

Offence (short description)	Legal Provision	Charges	Guilty Verdicts
Unauthorised possession of property belonging to the Allied Forces	O200-II-27 & O209-II-10	104	87
Unlawful possession of any firearm	O200-I-07	95	79
Bedarfsdeckungsstrafgesetz [Law on covering of needs]	Ö-BDStG	90	69
Any act or neglect to the prejudice of good order of the occupied territory or the interests of the Allied Forces	O200-II-41 & O209-II-17	83	46
Leaving or entering Austrian territory	O200-II-21	66	55
Stealing	O200-II-41b	65	48
Stealing property of the Allied Forces	O200-I-17	61	45
Knowingly making any false statement	O200-II-29	36	27
Disobedience of any order of the Allied Forces	O200-II-19 & O209-II-05	31	30
False permit, identity card or other documents of official concern	O200-II-23	30	28
Burglary, Robbery	O200-I-18c	28	23
Unallowed distancing from place of residence by more than 10 km (DP)	O300-04 & O207-VI-34	25	23
Resisting arrest, escaping from arrest	O200-II-34	25	17

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Offence (short description)	Legal Provision	Charges	Guilty Verdicts
Prohibited Frontier Zone (sojourn)	D3-II-03 & O207-III-06	22	22
Criminal attempt, conspiracy, causation, failure to report criminal activity	O200-III	19	16
Unauthorised use of any firearm	O200-I-08	18	14
Forbidden transactions (goods traffic)	O601-II-02	17	17
Delivery of Assets	D2-V-18	15	14
Demarcation line	N10-02 & O207-I-02	15	14
Wehrmacht stocks	N1-III-03b & O553-V-10b	11	7
Vehicle operational limitations	O802-III	8	8
Killing or assaulting any member of the Allied Forces	O200-I-05 & O209-I-02	8	7
Reporting of stocks	D1-VIII-12 & N13	8	5
Import of goods	O207-II-04	7	7
Travelling or carrying goods on a military vehicle without authority	O200-II-40	7	7
No certificate of residence	D5-06	7	6
Corruption or intimidation	O200-II-26	6	5
No identity card	O200-II-22	6	6
Currency import or export	D2-II-05	6	6
Falsely pretending to be a member of the Allied Forces	O200-I-06	5	5
False assumption of authority, unauthorised possession of an Allied uniform	O200-II-30	4	4
Fuel procurement	O802-IV-18	3	3
Possession of British army voucher	O505-I	3	2
Conduct hostile or disrespectful to the Allied Forces	O200-II-38	3	3
Wilfully misleading any member of the Allied Forces	O200-I-15	3	2
Ban on access	D1-IV-08a & O207-I-03	3	3
Display of flags	O207-IX-45	2	2
Curfew	O200-II-20	2	2
Furthering escape	O200-I-09	2	2
Post transport	D1-IX-14c	2	1

Offence (short description)	Legal Provision	Charges	Guilty Verdicts
Vehicle sale	O802-II-09	1	1
Prohibited Frontier Zone (permit)	O207-III-14	1	1
Espionage	O205-I	1	1
Forgery	O200-II-41a	1	0
Wilful damage to any war material of the Allied Forces	O200-I-12	1	1
Assisting any member of the enemy forces to avoid capture	O200-I-10	1	1
Receiving stolen goods	Ö-StG1945-477	1	0
Registration of "Reichsdeutsche"	D9-01	1	1
Registration of assets	D2-V-17	1	1
Banned legal transactions (exchange control)	D2-V-15	1	1
Miscellaneous		39	28
Sum		**1000**	**803**

Table 7: Overview of offences (Intermediate Courts Carinthia and East Tyrol)

Offence (short description)	Legal Provision	Charges	Guilty Verdicts
Unlawful possession of any firearm	O200-I-07	1471	1336
Unauthorised possession of property belonging to the Allied Forces	O200-II-27 & O209-II-10	337	275
Stealing property of the Allied Forces	O200-I-17	175	154
Any act or neglect to the prejudice of good order of the occupied territory or the interests of the Allied Forces	O200-II-41	132	98
Burglary, Robbery	O200-I-18c	130	118
Theft	O200-II-41b	124	107
Unauthorised use of any firearm	O200-I-08	122	107
Prohibited Frontier Zone (sojourn)	D3-II-03 & O207-III-06	120	114
Bedarfsdeckungsstrafgesetz [Law on covering of needs]	Ö-BDStG	105	85
Knowingly making any false statement	O200-II-29	105	65
Disobedience of any order of the Allied Forces	O200-II-19	72	63
Resisting arrest, escaping from arrest	O200-II-34	71	70
Criminal attempt, conspiracy, causation, failure to report criminal activity	O200-III	59	32

Offence (short description)	Legal Provision	Charges	Guilty Verdicts
False permit, identity card or other documents of official concern	O200-II-23	53	46
Wehrmacht stocks	N1-III-03b & O553-V-10b	45	35
Killing or assaulting any member of the Allied Forces	O200-I-05 & O209-I-02	37	26
Travelling or carrying goods on a military vehicle without authority	O200-II-40	32	30
Demarcation line	N10-02 & O207-I-02	28	27
Plunder, pillage or looting	O200-I-14	27	14
Conduct hostile or disrespectful to the Allied Forces	O200-II-38	26	17
Change of place of residence without permission (DP)	O300-03	24	24
Falsely pretending to be a member of the Allied Forces	O200-I-06	21	17
False assumption of authority, unauthorised possession of an Allied uniform	O200-II-30	21	17
Import or export of currency	D2-II-05	20	16
Unallowed distancing from place of residence by more than 10 km (DP)	O300-04 & O207-VI-34	15	13
Restrictions on the use of vehicles	O802-III	13	12
Corruption or intimidation	O200-II-26	12	10
Post transport	D1-IX-14c	12	11
Access ban	D1-IV-08a	12	10
Aiding, or failing to report, any person known to be wanted by the Allied Forces	O200-II-35	10	9
Leaving or entering Austrian territory	O200-II-21	9	9
No identity card	O200-II-22	8	8
Child abuse	Ö-StG1945-128	8	7
Furthering escape	O200-I-09	8	7
Wilful damage to any war material of the Allied Forces	O200-I-12	7	4
Wilfully misleading any member of the Allied Forces	O200-I-15	5	3
Prohibited legal transactions (trade in goods)	O601-II-02	5	5
Delivery of assets	D2-V-18	4	4

Offence (short description)	Legal Provision	Charges	Guilty Verdicts
Possession of British army vouchers	O505-I	4	4
Forgery	O200-II-41a	4	1
Dissemination of rumours	O200-II-36	4	1
Import of goods	O207-II-04	4	3
No certificate of residence	D5-06	3	1
Murder or manslaughter	O200-I-18a	3	2
Wearing a Wehrmacht uniform	O206	3	3
Communication of information	O200-I-03	3	2
Incitement to or participation in rioting or public disorder	O200-I-16	2	1
Prohibited legal transactions (exchange control)	D2-V-15	2	2
Declaration of assets	D2-V-17	1	0
Assisting any member of the enemy forces to avoid capture	O200-I-10	1	1
Challenging to a duel	Ö-StG1945-158	1	1
Rape	O200-I-18b	1	1
Destruction of records or archives	O200-I-13	1	1
Miscellaneous		121	97
Sum		**3643**	**3126**

Table 8: Overview of offences (Intermediate Courts Styria)

As already noted at the beginning of chapter 2.1.1, the trial lists of the British Intermediate Courts in Vienna were kept with greater care than those in Styria. Specifically, around two thirds of all charges in the Vienna lists contain a note indicating which legal provision was allegedly violated. All other charges were assigned to a legal provision by the author to create the following table.

Offence (short description)	Legal Provision	Charges	Guilty Verdicts
Unlawful possession of any firearm (VIAC)	VIAC1-I	216	194
Unlawful possession of any firearm (O200)	O200-I-07	17	17
Unauthorised possession of property belonging to the Allied Forces	O200-II-27 & O209-II-10	116	87
Stealing property of the Allied Forces	O200-I-17	72	63
Knowingly making any false statement	O200-II-29	57	51
Theft	O200-II-41b	29	26

Offence (short description)	Legal Provision	Charges	Guilty Verdicts
Criminal attempt, conspiracy, causation, failure to report criminal activity	O200-III	25	15
Any act or neglect to the prejudice of good order of the occupied territory or the interests of the Allied Forces	O200-II-41	24	16
Burglary, Robbery	O200-I-18c	14	14
Travelling or carrying goods on a military vehicle without authority	O200-II-40	14	8
Disobedience of any order of the Allied Forces	O200-II-19	10	7
Killing or assaulting any member of the Allied Forces	O200-I-05 & O209-I-02	9	8
Unauthorised use of any firearm	O200-I-08	9	7
False permit, identity card or other documents of official concern	O200-II-23	7	5
Conduct hostile or disrespectful to the Allied Forces	O200-II-38	8	4
Falsely pretending to be a member of the Allied Forces	O200-I-06	8	6
Leaving or entering Austrian territory	O200-II-21	8	5
Possession of British army vouchers	O505-I	5	5
Prohibited Frontier Zone (sojourn)	D3-II-03 & O207-III-06	4	4
Incitement to or participation in rioting or public disorder	O200-I-16	4	4
Resisting arrest, escaping from arrest	O200-II-34	3	3
Corruption or intimidation	O200-II-26	3	2
Forgery	O200-II-41a	3	3
Counterfeit document	O209-II-07	2	1
False assumption of authority, unauthorised possession of an Allied uniform	O200-II-30	2	1
Wilfully misleading any member of the Allied Forces	O200-I-15	2	2
Concealment of war material	O200-II-28	1	1
Credit fraud	Debtors Act 1869	1	0
Conduct detrimental to the Allied Forces	O209-II-17	1	1
Murder or manslaughter	O200-I-18a	1	0
Sum		**675**	**560**

Table 9: Overview of offences (Intermediate Courts Vienna)

6.2.2 Frequent charges - case studies

The following pages contain a selection of criminal offences that were the subject of at least ten hearings by British Intermediate Courts in Styria or Vienna. At the beginning of each section is the underlying legal provision or the legal provision assumed by the author to be the underlying provision.[498] The offences from the statistical sample (each marked with *) are used for Carinthia.

Unlawful possession or control of any firearm, ammunition, explosive or other war material or of apparatus or other means for transmitting messages. (Ordinance No. 200, Art. I, § 7)[499]
It is forbidden for any person other than the Austrian Police-force and Gendarmerie to carry, keep, possess or control any firearms, ammunition or explosive material, without authorization of Vienna Inter-Allied Command. (VIAC, Order No. 1, Art. I, § 1)[500]
(Carinthia: 95 charges/79 convictions* – Styria: 1471 charges/1336 convictions – Vienna: 233 charges/211 convictions)

One of the greatest challenges for the British in their occupation zone was the control of weapons. Accordingly, their first two – and the most fundamental – proclamations (Decree No. 1, Ordinance No. 200) contained relevant instructions for the population of the occupied zones. While Decree No. 1, Art. VI, § 10, ordered the surrender of firearms, ammunition and explosives,[501] Ordinance No. 200, Art. I, § 7, criminalised the unauthorised possession of such items (see above). Decree No. 8, valid from 1 August 1945, announced a number of exceptions (arms dealers, and hunting rifle licences).[502]

In the view of the British, compliance with their orders on the possession of arms was not satisfactory. They therefore announced an amnesty for the period from 10 November 1945 to 24 November 1945 for persons who surrendered firearms, ammunition or explosives still in their possession during this period (Decree No. 13, Art. I).[503] Those who took advantage of this opportunity did not have to answer any questions – according to the announcement disseminated by the media. However, anyone found to be in

[498] BRUNNER M., Intermediate Courts 28.
[499] VuABlSt 32/4 (21. 8. 1945), 58; BRUNNER M., Militärgericht 119. – Illegal possession of weapons could later also be penalised on the basis of Ordinance No. 207, Art. VII, § 38.
[500] Legal Division, Handbook: Order No. 1 (Vienna Inter-Allied Command). – Furthermore: TNA, FO 1020/3105: *Order No 1*. – On 12 January 1946, the VIAC Subcommittee for Justice agreed on the wording of Order No. 1. TNA, FO 1020/1971: 15. 1. 1946.
[501] VuABlSt 32/5 (31. 8. 1945), 67; Legal Division, Handbook: Decree No. 1 (Military Government Austria); BRUNNER M., Militärgericht 128.
[502] Legal Division, Handbook: Decree No. 8 (Military Government Austria); Kärntner Nachrichten (17. 8. 1945), 3; Neue Steirische Zeitung (21. 8. 1945), 2. – See also: StLA, Plakatsammlung, Pl-P-1945-0229: Erlass Nr. 8 (Militärregierung Österreich); BRUNNER M., Intermediate Courts 28.
[503] VuABlSt 32/16 (4. 12. 1945), 178; Legal Division, Handbook: Decree No. 13 (Military Government Austria); BRUNNER M., Militärgericht 156. – See also: Kärntner Nachrichten (10. 11. 1945), 3 („Letzte Aufforderung zur Abgabe von Feuerwaffen"); Neue Steirische Zeitung (9. 11. 1945), 3 („Feuerwaffen-Amnestie"); Neue Steirische Zeitung (10. 11. 1945), 5 („Feuerwaffen-Amnestie"). – In the summer of 1946, Decrees No. 8 and 13 were replaced by the new Decree No. 22. TNA, FO 1020/2014: 13. 7. 1946; TNA, FO 1020/2957: 13. 7. 1946; Volkswille (1. 8. 1946), 3; BRUNNER M., Intermediate Courts 28.

possession of a firearm without a valid licence after the deadline could expect to be severely punished.[504]

Subsequently, on 10 December 1945, the military government launched the so-called "Operation Ladder", in which British soldiers and gendarmerie officers carried out a raid in the occupation zone, focusing on the search for weapons in the various DP camps. House searches were also carried out at the homes of local inhabitants.[505] The owners of the seized weapons usually found themselves before British Intermediate Courts.[506] In general, the punishment of such cases was largely reserved for the middle and upper levels of military courts from 1946 onwards.[507] From that time on, Summary Courts should only act with the express permission of higher-level authorities.

The military judges were generally required to conduct weapons possession hearings according to strict criteria and impose severe penalties.[508] However, the British side also knew that a solution to the problem using narrowly defined paragraphs could not always do justice to the real situation. Rather, judges had to reassess whether there really were dishonest intentions behind the possession of a weapon on a case-by-case basis.[509] Sir Douglas Young outlined this problem in the monthly report of the Military Government Courts Branch for November 1945, in which he remarked on those charged with possession of arms: *Few, if any, have a sinister implication; accused are generally professional hunters and poachers, or young boys who have found a weapon and concealed it from their parents, or farmers living in remote districts who are – not unreasonably – fearful of bandits.*[510]

In the city of Vienna, too, the occupying powers lured people with impunity, so to speak, in order to get a grip on illegal weapons.[511] The Vienna Inter-Allied Command (VIAC) issued the above-mentioned Order No. 1 on the prohibition of the possession of firearms, ammunition or explosives. It was posted in official police buildings and public places, and was also printed in several Viennese daily newspapers on 24 and 25 March 1946.[512] In Art. 2, § 2, this order promised an amnesty for those civilians who surren-

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[504] Kärntner Nachrichten (10. 11. 1945), 3 („Letzte Aufforderung zur Abgabe von Feuerwaffen"); Neue Steirische Zeitung (10. 11. 1945), 5 („Feuerwaffen-Amnestie"). – See also: StLA, Plakatsammlung, Pl-P-1945-0159: Feuerwaffen-Amnestie.

[505] Cf. StLA, Gendarmeriechronik, Bez. Murtal, GP Judenburg, Bd. 2, s. p. [entry: 10. 12. 1945]. – The five DP camps near Hafendorf were searched by 100 gendarmes with the support of British units. StLA, Gendarmeriechronik, Bez. Bruck-Mürzzuschlag, GAK Bruck an der Mur, Bd. 2, p. 98. – Furthermore: Neue Steirische Zeitung (15. 12. 1945), 5 („Razzia in Ausländerlagern").

[506] BEER, Judenburg 17; BRUNNER M., Militärgericht 45. – Cf. Murtaler Volkszeitung (22. 12. 1945), 4 („Sieben Verurteilungen wegen Waffenbesitzes"); Neue Steirische Zeitung (22. 12. 1945), 5 („Verbotener Waffenbesitz vor dem Militärgericht").

[507] Cf. TNA, FO 1020/1971: 27. 2. 1946.

[508] TNA, FO 1020/2033: 5. 2. 1946; BRUNNER M., Intermediate Courts 28f.

[509] SCHUSTER, Military Government 92; BRUNNER M., Militärgericht 46.

[510] TNA, FO 1020/2032: 10. 12. 1945; BRUNNER M., Militärgericht 46, note 236.

[511] In the early post-war period in Vienna, it was not difficult for young people in particular to get their hands on weapons. Pistols and the like were often literally lying around or could be obtained by barter or surreptitious trade. See also: GATTRINGER, Jugendkriminalität 88–90.

[512] Das kleine Volksblatt (24. 3. 1946), 1; Neues Österreich (24. 3. 1946), 1; Österreichische Zeitung (24. 3. 1946), 8; Wiener Zeitung (24. 3. 1946), 3; Wiener Kurier (25. 3. 1946), 3.

dered weapons before 1 April 1946. As a result of the appeal, 57 pistols or revolvers, and 47 rifles were handed over to the police in the five British districts of the city.[513] After the expiry of the amnesty period, 216 indictments were brought before British Intermediate Military Courts from April 1946 onwards on the basis of Order No. 1.[514]

As can be seen from Tables 7 to 9, the offence of "possession of firearms" remained a central task for the British Intermediate Courts.[515] In Styria, such cases accounted for 40.4 per cent of all recorded charges, while the figure was 34.5 per cent in Vienna. Only in Carinthia was this proportion lower, at 9.5 per cent of the statistical sample. The fact that, in spite of the amnesty and harsh punishment, the number of cases remained constant caused astonishment at the Public Safety Branch in Vienna in December 1946: *Firearms cases continue with a regularity which is surprising considering the facts of deterrent sentences imposed in the past and the amnesty.*[516]

The incriminated objects (weapons, ammunition, etc.) were sometimes also listed in the court registers. A selection: *ammunition, carbine, explosives, gun, magazine, pistol, revolver, rifle, rifle bayonet, verey light cartridge, verey light pistol.* For further handling, the files often state: *confiscated to ADOS*. They were therefore handed over to the British armoury after the obligatory confiscation by the court.[517]

With a slight time lag, the British later resorted to amnesty once again to take action against illegal gun ownership. At the beginning of March 1948, Notice No. 25 was published in Carinthia and Styria.[518] This time, anyone who handed over firearms, ammunition or explosives to the police or gendarmerie before 14 March 1948 was to remain unpunished. The measure was justified by the improved security situation in the two federal provinces. It was therefore assumed, *that many persons may now be desirous of surrendering firearms of which they have illegally retained possession or control.*[519] In connection with this amnesty, the occupying power also announced the release of more than 70 people whose offences were now classified as simple possession of weapons without aggravating circumstances after a check had been carried out.[520]

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[513] TNA, FO 1020/2953: 12. 5. 1946; TNA, FO 1020/3111: 12. 5. 1946. – The number of weapons delivered in the entire city area of Vienna (as of November 1946): 905 rifles, 111 pistols, 210 revolvers, three signal pistols, 74 sabres, 634 stabbing weapons (bayonets), 20 machine guns, and around 29,000 rounds of ammunition. TNA, FO 1020/3111: 12. 11. 1946.

[514] The first trial of a British Intermediate Court for violation of VIAC Order No. 1 took place in Vienna on 23 April 1946. TNA, FO 1020/3524: Case-No. 16/46; TNA, FO 1020/2953: 12. 5. 1946.

[515] From September 1948, the offence of "illegal possession of weapons" could also be tried by Austrian courts. LOEBENSTEIN, Auswirkungen 143; BEER, Wiederaufbau 123f.

[516] TNA, FO 1020/2953: 12. 12. 1946.

[517] BRUNNER M., Intermediate Courts 29.

[518] TNA, FO 1020/3106: 10. 3. 1948; Neue Zeit (2. 3. 1948), 2 („Amnestie für unrechtmäßigen Waffenbesitz"); Neue Zeit (3. 3. 1948), 4; Neue Zeit (4. 3. 1948), 4; Volkswille (5. 3. 1948), 7; Volkszeitung (2. 3. 1948), 4.

[519] TNA, FO 1020/3106: 10. 3. 1948. – Furthermore: Neue Zeit (4. 3. 1948), 4. – See also: Weltpresse (3. 3. 1948), 8 („Amnestie für illegalen Waffenbesitz in der britischen Zone Oesterreichs"); Wiener Zeitung (3. 3. 1948), 4 („Amnestie für Waffenbesitz in der Britenzone").

[520] Neue Zeit (3. 3. 1948), 1 („Mehr als 70 Personen enthaftet"); Weltpresse (3. 3. 1948), 8 („Amnestie für illegalen Waffenbesitz in der britischen Zone Oesterreichs"). – This procedure was not limited to Carinthia and Styria. The hearing lists of the British Intermediate Military Courts in Vienna reveal nine cases in which those convicted of weapons possession were released early or had their suspended sentences re-

The following three relevant hearings of British Intermediate Courts in Styria illustrate the urgency of the problem of "arms possession":

On 29 April 1946, the Austrian Franz Salamon was sentenced to five years' imprisonment, two of which were suspended, for this offence in Leibnitz.[521] When pronouncing the verdict, Judge Bickford sternly reminded Salamon that the maximum penalty for an offence of this kind is the death penalty and he should not forget that. In the area of Graz alone, three police officers had recently been killed by persons who were in unauthorised possession of weapons just like Salamon.[522]

Wild scenes took place in Wundschuh on the evening of 31 August 1947. Apparently out of spurned affection, the Russian DP Peter I. molested a 19-year-old woman in front of her house. Her father intervened, which enraged the Russian. He punched the man and shot at the woman with a pistol without hitting her. After the gun was taken away from him, I. attacked his opponent with a knife. Passers-by settled the dispute for the time being, but I. later entered the house through a window, where he pulled out the knife again. It was only after a lengthy struggle that the attacker was finally overpowered and arrested.[523] On 9 October 1947, Peter I. was sentenced to two years in prison in Graz for possession of weapons.[524]

On the evening of 25 June 1948, two youths helped themselves to the cherry trees of farmer Franz Missbichler in Weinitzen. When the owner became aware of them, he shot at the fugitives with a pistol, seriously injuring 18-year-old Hubert W. with a shot to the lung. The shooter was arrested the same day.[525] Three weeks later, he had to answer for possession and use of weapons in Graz. Judge Bickford found him guilty on both charges and sentenced him to three years in prison.[526]

On 25 February 1948, however, the gun possession trial held before an Intermediate Court in Graz was a rare source of amusement. The defendants were 24-year-old Franz Diebald, 21-year-old Christine Jannach, and 25-year-old Ernst Lepey.[527] Diebald wanted to impress Jannach and therefore staged a robbery during an evening stroll. Lepey took

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mitted as a result of a procedural review in March 1948: TNA, FO 1020/3524: Case-No. 21/46, 43/46, 20/47, 22/47, 106/47, 11/48, 13/48, 15/48, 16/48.

[521] TNA, FO 1020/3525: Case-No. 889. – Franz Salamon was transferred to Graz-Karlau Prison on 3 May 1946 and released on 20 April 1947 on a suspended basis. StLA, JA Karlau, Bücher, Bd. 59, StB-Nr. 619.

[522] Neue Zeit (5. 5. 1946), 3 („Verbotener Waffenbesitz").

[523] Neue Zeit (2. 9. 1947), 3 („Mordversuch wegen verschmähter Liebe"); Neues Österreich (3. 9. 1947), 3 („Kampf mit einem liebestollen DP").

[524] TNA, FO 1020/3525: Case-No. 2262; Neue Zeit (23. 10. 1947), 3 („Zwei Jahre Gefängnis wegen Waffenbesitzes"). – Peter I.'s imprisonment in the Karlau Prison ended on 15 December 1948. StLA, JA Karlau, Bücher, Bd. 67, StB-Nr. 2582.

[525] StLA, Pol-Dion Graz, Akten, Kriminalpolizei, Sonderreihe, K. 13, KrPol-8270-1948: 25. 6. 1948 (Anzeige Nr. 191), 26. 6. 1948 (Haftschrift), 30. 6. 1948 (Schlussbericht). – Furthermore: Neue Zeit (27. 6. 1948), 4 („Besitzer schießt auf Kirschendiebe"); Wahrheit (27. 6. 1948), 5 („Bauer schießt einen Kirschendieb nieder"); Welt am Abend (29. 6. 1948), 3 („Kirschendieb niedergeschossen").

[526] TNA, FO 1020/3526: Case-No. 2932; Neue Zeit (15. 7. 1948), 4 („Ein ‚Menschenfreund'"); Weltpresse – Graz am Abend (21. 7. 1948), 6 („Drei Jahre für Schüsse auf den Kirschendieb"); Neue Zeit (22. 7. 1948), 4 („Drei Jahre für den ‚Menschenfreund'"); Wahrheit (22. 7. 1948), 3 („Drei Jahre für Mißbichler"); Welt am Abend (22. 7. 1948), 3 („Beispiellose Gemütsroheit [!]"). – Franz Missbichler was released from Graz-Karlau Prison on 16 August 1949. StLA, JA Karlau, Bücher, Bd. 67, StB-Nr. 3065.

[527] TNA, FO 1020/3525: Case-No. 2568, 2569, 2570.

on the role of the masked and armed robber, whom Diebald 'heroically' put to flight. However, because a real pistol and ammunition had been used as theatre props[528], so to speak, the three participants ended up in front of a British military court.[529] The two men were sentenced to six weeks in prison, the woman to 16 days. This corresponded exactly to the period they had already spent in custody in September and October 1947.[530] At the end of the trial, Judge R.B. MacKeown remarked that love stories should end in church or at the registry office, but not in court.[531]

Unauthorised possession, control or disposition of property belonging to the Allied Forces, or to a member of such Forces. (Ordinance No. 200, Art. II, § 27)[532]
(Carinthia: 104/87* – Styria: 337/275 – Vienna: 116/87)

After the possession of weapons cases, British military courts at the intermediate level most frequently had to deal with the unauthorised possession of Allied property. The fact that this offence was also one of the most common charges before Summary Courts was demonstrated by the example of Judenburg.[533] In practice, however, the Summary Courts in particular had some problems with the definition of *unauthorised* possession, so that the military government issued a relevant directive as early as in July 1945.[534]

Three months later, Sir Douglas Young (Legal Division) tried to explain once again to the Internal Affairs Division the legal difficulties of this offence:[535]

- Austrians who were found in possession of property belonging to the Allied Forces had, at worst, stolen it and, at best, received it from Allied soldiers.
- However, the latter was difficult for the military courts to handle. Even if the transfer was made as a gift, in return for service or in exchange for other goods, for example, it was still illegal possession. Strictly speaking, Allied soldiers had no free power of disposal over troop property so Austrians could not legally possess it. *This argument, however, can lead to hard cases.*[536]
- In some cases, however, it could be assumed that the recipient was well aware of the illegality of the transaction; for example, due to the quantity, packaging, or nature of the transaction.
- On the other hand, it was generally known that the occupying power took no offence at all at many gifts such as cigarettes, chocolate, soap, clothing, etc.

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528 See: Welt am Abend (2. 3. 1948), 2 („Der gemietete Unbekannte").
529 Neue Zeit (26. 2. 1948), 3 („So wird man ein ‚Held'"); Welt am Abend (2. 3. 1948), 2 („Der gemietete Unbekannte"). – Christine Jannach was accused of complicity.
530 TNA, FO 1020/3525: Case-No. 2568, 2569, 2570.
531 Neue Zeit (26. 2. 1948), 3 („So wird man ein ‚Held'").
532 VuABlSt 32/4 (21. 8. 1945), 59; BRUNNER M., Militärgericht 121. – After Ordinance No. 200 was repealed, unauthorised possession of Allied property was covered by Ordinance No. 209, Article II, § 10 from May 1949.
533 BRUNNER M., Militärgericht 44, 55f.
534 TNA, FO 1020/3105: 17. 7. 1945.
535 TNA, FO 1020/3037: 25. 10. 1945.
536 TNA, FO 1020/3037: 25. 10. 1945.

- The legal situation was vague at times. *There are also extremely doubtful cases in law in which, say, a soldier disposes of cigarettes imported at his request and cost from the U.K.*[537]

In summary, Young was in favour of a moderate approach, particularly in minor cases or where there was a plausible explanation for the possession of Allied goods. Incriminated goods should therefore be confiscated, but no charges should be brought. *Although it is necessary to curtail the practice of troops giving to Austrians goods imported for the Armed Forces, I assume that it is not intended to waste effort, or risk making our administration appear ridiculous, by prosecuting petty cases.*[538]

In his monthly reports as Controller of the Military Government Courts Branch, Sir Douglas repeatedly pointed out the petty nature of many of the offences, and that they had been facilitated by carelessness on the part of the Allies.[539] *Of these cases many were trivial and often the soldier disposing of the goods was more blameworthy than the recipient.*[540]

As late as March 1946, the Legal Branch at British Headquarters in Vienna felt compelled to issue an instructional notice to all Military Government Officers and Public Safety Officers due to continuing difficulties in handling this offence: *In view of the above difficulties it is requested that all but the very simplest of these cases should be referred to this Branch for advice concerning both drafting of charges and calling of evidence*.[541]

In the majority of the relevant proceedings, the judges left it at warnings and fines, or conditional or short unconditional prison sentences. However, when the Intermediate Courts dealt with serious cases of unauthorised possession of Allied property, the judges sometimes imposed prison sentences of several years. The sentences were also more severe when the possession of Allied property was accompanied by theft or a black-market offence.[542]

The latter applied to the Austrian Johann Pichlbauer, who was charged with *possession of allied property*, *disposal of allied property* and *black market* before an Intermediate Court in Graz in July 1947.[543] Together with him, five men had to answer for the theft of Allied property.[544] Seven other men and two women accused of possessing Allied property completed the dock.[545] Pichlbauer was regarded as the main perpetrator of a circle of people involved in the offence, who seized and moved British army property on a grand scale.[546] A search of his flat revealed piles of sheets, bales of textiles, leather, bi-

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[537] TNA, FO 1020/3037: 25. 10. 1945.
[538] TNA, FO 1020/3037: 25. 10. 1945.
[539] TNA, FO 1020/2032: 10. 12. 1945; TNA, FO 1020/2033: 9. 1. 1946, 7. 3. 1946, 4. 4. 1946.
[540] TNA, FO 1020/2221: 7. 11. 1945.
[541] TNA, FO 1020/3105: 27. 3. 1946.
[542] BRUNNER M., Intermediate Courts 29f.
[543] TNA, FO 1020/3525: Case-No. 2028.
[544] TNA, FO 1020/3525: Case-No. 2029, 2030, 2031, 2032, 2033.
[545] TNA, FO 1020/3525: Case-No. 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042.
[546] As mentioned, Johann Pichlbauer was the only defendant (also) prosecuted for black-market offences. The turnover of his illicit trading transactions was estimated at ATS 220,000. Neue Zeit (23. 7. 1947), 3 („Schleichhandel mit britischem Heeresgut“).

cycle inner tubes, and food in large quantities. These goods came mainly from a warehouse in Thondorf, where they had been taken by POWs.[547] On 24 July 1947, Lt Col McFadyean found Johann Pichlbauer guilty on all three charges and sentenced him to five years in prison.[548] The co-defendants were sentenced to prison terms of three to four years for the theft[549] and two to 18 months for possession of Allied property.[550]

A 'pure' case of possession of Allied property was heard in Klagenfurt on 26 February 1948. The 18-year-old Georg U. had to declare in court that he owned 25 pairs of trousers, 14 ski jumpers, 16 leather waistcoats, and 36 towels from the occupying forces. He considered himself innocent, but the judge saw things differently. U. was sentenced to a fine of ATS 3,000.[551]

The fact that clothing from Allied property was particularly tempting can also be seen from the relatively precise trial lists of British Intermediate Courts in Vienna. Unsurprisingly, food was also in great demand. In October 1947, the stateless Paul Zoubek was sentenced to nine months in prison for possessing more than 100 tins of British food in Vienna's third district.[552] In addition, vehicles, tyres, fuel, coke, and weapons from the occupying powers were literally in high demand.

One of the more prominent names among the defendants before British military courts was also charged with possession of WD property. Dr Franz Strafella,[553] former general manager of the Graz tramways and (briefly) of the Austrian Federal Railways, had to answer to an Intermediate Court in Graz on 14 May 1946 for the unlawful possession of four tyres from British army stocks. Maj Bickford found Strafella guilty and sentenced him to one month's imprisonment and a fine of ATS 6,000.[554] The judge justified his relatively harsh judgement by saying that Strafella had tried to deceive the court several times.[555]

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[547] Neue Zeit (23. 7. 1947), 3 („Schleichhandel mit britischem Heeresgut"); HOLZER, Schleichhändler 131.

[548] TNA, FO 1020/3525: Case-No. 2028; HOLZER, Schleichhändler 131. – Johann Pichlbauer was taken to Karlau Prison on the same day. His conditional release took place on 16 January 1950. StLA, JA Karlau, Bücher, Bd. 59, StB-Nr. 1961.

[549] TNA, FO 1020/3525: Case-No. 2029, 2030, 2031, 2032, 2033.

[550] TNA, FO 1020/3525: Case-No. 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042; Das Steirerblatt (25. 7. 1947), 3 („Die Diebstähle von britischem Wehrmachtsgut"); Neue Zeit (25. 7. 1947), 3 („Das Urteil im Schleichhändlerprozeß"); Neue Zeit (23. 8. 1947), 4 („Diebsbande verurteilt"). – After this hearing, the investigative work of the officers from Graz Police Headquarters was lauded by the British. Neue Zeit (7. 9. 1947), 3 („Gute Arbeit der Polizei").

[551] KLA, BPD Klagenfurt, Sch. 53, Brit. Militärgerichtsregister: Office-No. 7006.

[552] TNA, FO 1020/3524: Case-No. 116/47; TNA, FO 1020/3130: 3. 11. 1947. – This case was particularly annoying for the occupying power because the defendant had worked in one of their NAAFI/EFI shops from July 1945 without ever having filled in a questionnaire. In view of his Nazi past – which was only uncovered in 1947 – he should never have been allowed to work for the British military.

[553] * 3. 3. 1891, Ptuj (SLO); † 26. 2. 1968, Graz (AUT). REISMANN/MITTERMÜLLER, Stadtlexikon 470; URL: https://de.wikipedia.org/wiki/Franz_Georg_Strafella (18. 9. 2025). – About the "Strafella affair" in 1930, see: ABLEITINGER, Unentwegt Krise 116, 167, note 360 (with further reading).

[554] TNA, FO 1020/3525: Case-No. 1039; Neue Zeit (19. 6. 1946), 3 („Dr. Strafella verurteilt"); Wiener Kurier (22. 6. 1946), 3 („Strafella von britischem Militärgericht verurteilt"); Wiener Zeitung (22. 6. 1946), 2.

[555] Neue Zeit (19. 6. 1946), 3 („Dr. Strafella verurteilt").

Stealing, or obtaining by fraud, property of the Allied Forces or any member thereof. (Ordinance No. 200, Art. I, § 17)[556]
(Carinthia: 61/45* – Styria: 175/154 – Vienna: 72/63)

In view of the large number of trials for unauthorised possession of Allied property, it is not surprising that its theft also frequently occupied the Intermediate Military Courts, as these items must have somehow come into circulation. It is also not surprising that theft and unauthorised possession were repeatedly the subject of joint proceedings (see above). When the theft of Allied property was tried on its own, several defendants in Styria ended up behind bars for three or four years.[557] The theft of motor vehicles from British depots also became a plague in Styria in the summer of 1947. The courts of the occupying power, and in particular the Intermediate Courts, punished such cases with severe penalties.[558]

On 3 February 1947, seven men from Meidling stood before an Intermediate Court in Vienna under the direction of Lt Col Gilshenan. Hagen I., Franz B., and Ludwig F. had to answer for the theft of Allied property, or for aiding and abetting. This apparently involved three different occasions on which the following goods belonging to the British occupying forces had been stolen:[559]

a) *3 loaves of bread, 300 cigarettes, 9 tins of foodstuff*
b) *small quantity of foodstuffs and cigarettes, 4 petrol cans, 80 litres of petrol, 1 pair of brown shoes, 1 overall*
c) *6 Jeep size wheels, tyres and tubes*

Alfred H., Josef K., Franz P. senior, and Franz P. junior, on the other hand, were charged by the public prosecutor with possession of the incriminated tyres and inner tubes. While the first group all pleaded guilty and were sentenced to prison terms of three (B.) and two years (I., and F.), the other defendants considered themselves innocent. Nevertheless, they were sent to prison for three (P. sen.), six (P. jun.) and nine (H.) months. Only in the case of K. were the charges dropped.[560]

In Vienna in July 1947, half a dozen youngsters, the youngest twelve years old, had to answer to a mid-level military court for the theft of Allied property – *cigarettes*, *sweets*, *tins of food stuff* and various items of clothing.[561] Four of the juvenile defendants were sent to a reformatory by Lt Col Gilshenan, while two others were given stern warnings.[562]

[556] VuABlSt 32/4 (21. 8. 1945), 59; BRUNNER M., Militärgericht 120.
[557] TNA, FO 1020/3525: Case-No. 933, 2030, 2031; 2033; BRUNNER M., Intermediate Courts 30.
[558] Cf. Weststeirische Rundschau (9. 8. 1947), 3 („Strenge Urteile der britischen Militärgerichte“).
[559] TNA, FO 1020/3524: Case-No. 18/47.
[560] TNA, FO 1020/3524: Case-No. 18/47.
[561] TNA, FO 1020/3524: Case-No. 66/47.
[562] TNA, FO 1020/3524: Case-No. 66/47.

Burglary, housebreaking or robbery. (Ordinance No. 200/208, Art. I, § 18c)[563]
(Carinthia: 28/23* – Styria: 130/118 – Vienna: 14/14)

The offences of "burglary" and "robbery" are similar to "theft" (see below). They were only explicitly included in Ordinance No. 200 in November 1946 – via Ordinance No. 208. It therefore often remains unclear on what legal basis such offences were brought before British courts in 1945 and 1946.[564]

The 130 indictments before Intermediate Courts in Styria for the years 1947 to 1949, which are clearly attributable and thus included in the statistics, paint a clear picture of the precarious security situation. It is known from Judenburg that burglary and robbery only landed before simple military courts comparatively rarely.[565] The British probably considered these offences to be too serious, especially as they posed a considerable threat to public safety – and that, particularly in the vicinity of the DP camps. Although they could also be punished with death under Ordinance No. 200, they were mostly tried before Intermediate Courts.[566]

In Vienna, the very first indictment under Ordinance No. 208, Section 18c, resulted in a severe sentence,[567] even if the offence in this case was comparatively unspectacular: On the morning of 10 January 1947, Hermann Celestin ordered a drink and cigarettes in a coffee house in Meidling. When the waitress brought his order, he threatened her with a revolver, took 150 cigarettes and fled. He didn't get far, however, because passers-by detained him and handed him over to the police.[568] Ten days later, Celestin had to answer to a British Intermediate Court for robbery and possession of weapons. He pleaded not guilty. On the second day of the trial, 28 January 1947, Hermann Celestin was found guilty and sentenced to five years in prison. The last twelve months were to be served on parole *on condition of good behaviour for 2 years.*[569]

Stealing (Ordinance No. 200/208, Art. II, § 41b)[570]
(Carinthia: 65/48* – Styria: 124/107 – Vienna: 29/26)

The undisputed assignment of this offence to a legal provision causes certain difficulties. Although Ordinance No. 200 criminalises the stealing of Allied property (§ 17), it makes no other mention of such an offence. It was not until Ordinance No. 208, published in November 1946, that Ordinance No. 200 was expanded to include, among other things, Section 41b *Stealing* and thus also expressly declared the theft of non-allied property to

[563] VuABlSt 33/43 (28. 12. 1946), 477; BRUNNER M., Militärgericht 185.
[564] "Robbery" was probably covered by Ordinance No. 200, Art. I, § 14. VuABlSt, 32/4 (21. 8. 1945), 58; BRUNNER M., Intermediate Courts 31.
[565] BRUNNER M., Militärgericht 47f.
[566] BRUNNER M., Intermediate Courts 31.
[567] TNA, FO 1020/2953: 9. 2. 1947; TNA, FO 1020/3112: 9. 2. 1947.
[568] Das kleine Volksblatt (12. 1. 1947), 6 („Jugendlicher Kaffeehausgast mit dem Revolver"); Wiener Zeitung (12. 1. 1947), 3; Wiener Kurier (13. 1. 1947), 4.
[569] TNA, FO 1020/3524: Case-No. 15/47.
[570] VuABlSt 33/43 (28. 12. 1946), 477; BRUNNER M., Militärgericht 185.

be a criminal offence.[571] Of course, this offence was already punishable before that and was very often brought before British Intermediate Courts. In most cases, the 'elastic clause' 41 of Ordinance No. 200 probably served as the basis, the vague wording of which gave the British authorities a great deal of leeway. In principle, however, the corresponding sections (§§ 171–189) of the Austrian Criminal Code could also have been used.[572]

Despite this late clarification, 124 charges of theft can still be documented in Styria for the years 1947 to 1949 before the Intermediate Courts of the British occupying power, while there were 29 cases in Vienna.

Admittedly, these figures represent only a small proportion of all the relevant theft cases dealt with in British courts in the early post-war years, as the vast majority of such offences were handled by the Summary Courts.[573]

It is forbidden to be within or to enter or to pass through the Prohibited Frontier Zone except as expressly authorised herein. (Decree No. 3, Art. II, § 3)[574]
(Carinthia: 22/22* – Styria: 120/114 – Vienna: 4/4)

At the beginning of the occupation in May 1945, Decree No. 3 established a restricted zone up to 20 km wide on Austria's northern and southern borders in order to prevent unauthorised crossings as far as possible.[575] In the British occupied territory, i.e. along the Austrian border with Italy and Yugoslavia, [576] British patrols – initially alone, later in co-operation with the gendarmerie – were to ensure control of this *Prohibited Frontier Zone* (PFZ).[577] In accordance with Decree No. 3, § 4, every person whose place of residence was within the restricted zone required an identity card noting this, or a certificate of residence issued by the responsible mayor in order to be able to move freely within the zone.[578] All other civilians had to apply for a permit from the military administration of their district of residence before entering the PFZ.[579] This application was

[571] VuABlSt 33/43 (28. 12. 1946), 477f.; BRUNNER M., Militärgericht 60f., 185.
[572] BRUNNER M., Intermediate Courts 30.
[573] E.g. Summary Court Judenburg: BRUNNER M., Militärgericht 44, 60f.; BRUNNER M., Intermediate Courts 30f.
[574] Legal Division, Handbook: Decree No. 3 (Military Government Austria). – See also: SCHNEIDER, Operation „Freeborn" 221f.; BRUNNER M., Militärgericht 22; STIEBER, Consolidated Intelligence Reports 290. – See also: StLA, Plakatsammlung, Pl-P-1945-0206: Erlass Nr. 3 (Militärregierung Österreich). – Decree No. 3 was repealed in November 1946 with Decree No. 6. Unlawful entry into the Prohibited Frontier Zone was henceforth considered a violation of Ordinance No. 207, Art. III, § 6.
[575] For the layout of the Prohibited Frontier Zone, see Legal Division, Handbook: Decree No. 3 (Military Government Austria), Das Verzeichnis. – See also: WALZL, Kärnten 262; STIEBER, Briten 138f.
[576] WADL, Überblick 46. – Decree No. 14 amended the course of the border closure zone in Carinthia and Styria in certain areas. Legal Division, Handbook: Decree No. 14 (Military Government Austria).
[577] SCHNEIDER, Aspekte 117–120; GEBHARDT, Gendarmerie 360; SCHNEIDER, Military Security 470f.; FELDNER-ZIMMERMANN, Bezirke (2001), 198; STIEBER, Briten 141; BEER, Zweite Chance 191.
[578] The deadline for obtaining this certificate was initially specified as seven days after the promulgation of Decree No. 3, but was later extended – by Notice No. 5 – to 20 June 1945. Legal Division, Handbook: Decree No. 3 (Military Government Austria), Art. III, § 4a; Legal Division, Handbook: Notice No. 5 (Military Government Austria – Gaue Kärnten and Steiermark).
[579] Outside Graz, these applications had to be handed in at police and gendarmerie stations from August 1946 onwards. TNA, FO 1020/3315: 6. 8. 1946.

forwarded to the FSS for review, on whose approval the issue of the entry permit – valid for a maximum of three months – was dependent.[580]

So much for the theory. In practice, cases of unauthorised entry into the restricted border zone kept the British courts very busy. The Summary Courts in the border districts were particularly occupied, with a large proportion of their work relating to PFZ offences.[581] Relevant proceedings before Intermediate Courts often also involved other, more serious, offences. If, on the other hand, entering the PFZ was the sole subject of the trial, the judgements were mostly lenient, with short prison sentences, small fines or warnings. The impression arises that such trials were sometimes simply delegated to the next higher court level in order to relieve the Summary Courts.[582]

From February 1946, the identity checks in the prohibited zone, which until then had only been carried out by British troops, were performed jointly with the gendarmerie.[583] In spring 1946, this task was transferred entirely to the gendarmerie. As a result, the responsible posts had to be given an increase in personnel.[584] From 1 May 1948, applications for entry into the restricted border zone had to be submitted to the Austrian authorities (district authorities or police).[585] A short time later, the British decided to leave the judicial punishment of unlawful entry into the restricted border zone and illegal border crossings to the Austrians, as such offences no longer posed a threat to the security of the occupying troops.[586] In February 1949, the Austrian Federal Government was informed by a note from the British High Commissioner Lt Gen Alexander Galloway that the long-planned revocation of the prohibited frontier zone (Carinthia and Styria) would become effective from 1 March 1949.[587]

Law of 24 October 1945 on securing the coverage of essential needs.[588]
(Carinthia: 90/69* – Styria: 105/85 – Vienna: 0/0)

With Decree No. 1, Art. VII, the British had also stipulated that *all regulations relating to rationing, wage rates, prices and rents and all controls relating to industry, commerce and agriculture, which were in force in the occupied territory up to the date of occupation, shall*

[580] SCHNEIDER, Aspekte 119; BRUNNER M., Militärgericht 58; FELDNER-ZIMMERMANN, Bezirke (2001), 201–203; STIEBER, Briten 70; BRUNNER M., Intermediate Courts 31. – See also: Neue Zeit (11. 5. 1946), 3 („Einreise in die Grenzsperrzone"); SCHOBER, Briten 40.
[581] Cf. FELDNER-ZIMMERMANN, Bezirke (2001), 83, 85.
[582] BRUNNER M., Intermediate Courts 31f.
[583] KLA, Sammlung Egon Payer, Sch. 6, 1946, fol. 31 [entry: 25. 9. 1946, GP Rosegg]; ZLUGA, Kärntner Gendarmerie 31.
[584] KLA, Sammlung Egon Payer, Sch. 6, 1946, fol. 11 [entry: 1. 4. 1946, BGK Hermagor].
[585] Österreichische Volksstimme (28. 4. 1948), 2. – This measure was greeted with relief by the Public Safety Branch in Vienna. *This will considerably decrease the work at my office and should also result in a saving of time for the FSS who previously checked all applications.* TNA, FO 1020/3113: 12. 5. 1948.
[586] TNA, FO 1020/3106: 4. 8. 1948.
[587] Neue Zeit (22. 2. 1949), 1 („Aufhebung der Sperrzone"); Volkswille (22. 2. 1949), 1 („Sperrzone wird am 1. März aufgehoben"); Weltpresse (1. 3. 1949), 1 („Sperrzone ab heute aufgehoben"). – Furthermore: WADL, Überblick 46; KOFLER, Osttirol 202.
[588] BGBl. Nr. 44/1946, 47–51.

except so far as may be prescribed by the Military Government, remain in force […].[589] The system of food and commodities management introduced during the war therefore had to continue and, at the same time, the black market, which was fuelled by the enormous shortage of supplies for the population, had to be curbed. The most important basis for the punishment of offences in this regard was the 'new' Criminal Law on the Covering of Needs [Bedarfsdeckungsstrafgesetz, BDStG] passed by the Provisional State Government on 24 October 1945, which replaced all relevant provisions previously in force in Austria.[590]

Charges brought before British Intermediate Courts in Styria on this basis included black market slaughtering, price overruns, and offences involving stamps and ration coupons. More than half of all cases involved illicit trading: i.e. the black market. In some cases, the incriminated items are also listed in the trial lists. For example, on 11 June 1946, an Intermediate Court in Graz sentenced the defendant Magdalene Hirsch to six months' conditional imprisonment and ordered the confiscation of *35 kg sugar, 5 kg fat, 4 kg coffee and 580 cigarettes*.[591] Similarly sought-after were chocolate, soap, bicycles and tyres; ultimately – in addition to food – every conceivable everyday commodity.[592]

Apart from the legal aspects, the black market was a typical phenomenon of the post-war period and posed a massive problem for food management, which the occupying power also had to deal with. Senior British officers therefore repeatedly addressed the Styrian population in radio speeches to warn them about the black market.[593] Overall, the British noted a lack of understanding among the population in this context. In the particularly critical first post-war winter of 1945/46, the occupying power urged the Styrian farmers to fulfil their obligation to deliver the goods.[594] At the end of January 1946, the police announced that the names of those offenders convicted of black-market trading would be published in the press on an ongoing basis.[595] This measure was carried out in agreement with the British, as were the standardised guidelines by the Styrian authorities in April 1946 for action against the black marketeers.[596]

The, often harsh, sentences handed down by British military courts for BDStG offences reflect the efforts of the occupying power to combat the black market. On 20 March 1946, the stateless Achmed Cerbusch was sentenced to seven years in prison in Graz for

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589 VuABlSt 32/5 (31. 8. 1945), 67; Legal Division, Handbook: Decree No. 1 (Military Government Austria); BRUNNER M., Militärgericht 128.
590 BGBl. Nr. 44/1946, 51. – See also: HOLZER, Schleichhändler 50–56; BRUNNER M., Intermediate Courts 32.
591 TNA, FO 1020/3525: Case-No. 1046; BRUNNER M., Intermediate Courts 33.
592 Cf. Neue Steirische Zeitung (5. 10. 1945), 3 („Schwarzhändler vor dem Militärgericht"); Neue Steirische Zeitung (29. 12. 1945), 5 („Schlechter Tausch für einen Schuhmacher"); HOLZER, Schleichhändler 130–134.
593 Neue Steirische Zeitung (23. 8. 1945), 1 („70 Schwarzhändler in Graz verhaftet"); Neue Steirische Zeitung (2. 9. 1945), 2 („Die Proklamationen der Militärregierung").
594 In January 1946, the Social Democratic "Neue Zeit" newspaper combined the report on a relevant press conference of the British Military Government with the class-struggle headline "Continued Sabotage of Many Farmers". Neue Zeit (26. 1. 1946), 4. – A later headline in this tone read: "Saboteurs of Public Nutrition". Neue Zeit (16. 3. 1946), 3.
595 Neue Zeit (26. 1. 1946), 4 („Vom Schwarzhandel").
596 Neue Zeit (7. 4. 1946), 4 („Kampf dem Schleichhandel!").

weapons possession and illicit trafficking.[597] Judge Bickford used the sentencing to deliver a 'philippic' against the defendant and his peers: He said that people like the Cerbuschs were the vultures that plague a country threatened by hunger. Indifferent to the suffering of others, this type of person is only concerned with making sordid money.[598]

However, it should be noted that the British actually considered such cases to be a matter for the Austrian courts. They only took them up if an example was to be made, if the incriminated goods came from Allied stocks, or if they did not agree with the judicial handling by the Austrians.[599]

A hearing of the Intermediate Court in Villach, which took place on 21 and 22 August 1947 under the chairmanship of Lt Col N.L. Cohen, probably fell into the latter category. Gerhard S., head of department at the Villach Food Office, was charged with abuse of official authority (§ 101 of the Austrian Penal Code) and three offences under BDStG.[600] S. was accused of unlawfully taking ration card coupons for bread, fat and sugar and selling them on the black market together with two accomplices – an Austrian and a Ukrainian – who were now on trial with him. [601] From June 1946 until his arrest in February 1947[602], he is said to have made a profit of around ATS 65,000. S.'s activities jeopardised the city's food supply. Accordingly, the third charge before the court was: *Viol. of para 11 of the Bedarfsdeckungsstrafgesetz in that he in Villach from June 46 till Feb 47 removed* [above mentioned] *ration coupons whereby the danger of a sensible lowering of the approvisionment of Villach Town arose.*[603] Judge Cohen sentenced the confessed trio to prison terms. S., who was considered the mastermind, received four years and six months.[604]

The unusual thing about this trial was that not only a Ukrainian co-defendant, but also two Austrians, stood before the British judge, although the criminal case itself had nothing to do with the occupying power. According to newspaper reports, the case originally went from the Villach District Court to the Klagenfurt Regional Court, then on to the Graz Higher Regional Court, and back to Villach once again, without any Austrian

[597] TNA, FO 1020/3525: Case-No. 756.
[598] Österreichische Zeitung (27. 3. 1946), 4 („Sieben Jahre Kerker für einen Schwarzhändler").
[599] TNA, FO 1020/3183: 15. 2. 1946; HOLZER, Schleichhändler 129f.; BRUNNER M., Intermediate Courts 33.
[600] KLA, BPD Klagenfurt, Sch. 52, Brit. Militärgerichtsregister: Office-No. 5614.
[601] At this trial, five merchants from Villach who had co-operated with S. also had to answer for their actions.
[602] Neues Österreich (5. 3. 1947), 3 („Leiter des Villacher Ernährungsamtes verhaftet"); Salzburger Tagblatt (5. 3. 1947), 3 („Der Leiter des Villacher Ernährungsamtes verhaftet"); Weltpresse (5. 3. 1947), 3 („Leiter des Villacher Ernährungsamtes verhaftet"); Wiener Kurier (5. 3. 1947), 2 („Leiter des Ernährungsamtes stahl Lebensmittelmarken"); Wiener Zeitung (6. 3. 1947), 3 („Vorstand des Ernährungsamtes unterschlägt Lebensmittelmarken");
[603] KLA, BPD Klagenfurt, Sch. 52, Brit. Militärgerichtsregister: Office-No. 5614.
[604] KLA, BPD Klagenfurt, Sch. 52, Brit. Militärgerichtsregister: Office-No. 5614; Volkswille (22. 8. 1947), 4 („Der Abteilungsleiter des Villacher Ernährungsamtes vor seinen Richtern"); Volkswille (23. 8. 1947), 4 („Hohe Strafen im Prozeß gegen [S.]"); Salzburger Tagblatt (26. 8. 1947), 1 („Abteilungsleiter eines Ernährungsamtes verschleicht 4000 kg Lebensmittel"). – S.'s conviction was confirmed in April 1948, but the sentence was reduced to 18 months. KLA, BPD Klagenfurt, Sch. 52, Brit. Militärgerichtsregister: Office-No. 5614; Volkswille (17. 4. 1948), 4 („Gerhard [S.] wurde begnadigt").

authority feeling responsible. Finally, the British military court was asked to try the defendants.[605]

If you look at Vienna, the British Intermediate Courts there were not involved in the punishment of BDStG-offences. But of course, the occupying power kept an eye on the black market and the countermeasures taken by the Austrian authorities, as can be read in the monthly reports of the Public Safety Officers.[606] The British also prevented the establishment of an open black market in their sectors; at least according to their own account.[607] The issue of ration cards in Austria only ended on 1 July 1953.

Knowingly making any false statement, orally or in writing to any member of, or person acting under the authority of, the Allied Forces or the Military Government in a matter of official concern; or in any manner defrauding, or refusing to give information required by, any Allied authority. (Ordinance No. 200, Art. II, § 29)[608]
(Carinthia: 36/27* – Styria: 105/65 – Vienna: 57/51)

Most of the trials for making false statements concerned failures to complete the denazification questionnaire [Fragebogen].[609] Under the auspices of the British, who were initially particularly committed to denazification, 75,000 of these questionnaires were scrutinised in the first year of occupation.[610] If someone had 'forgotten' to mention their memberships and functions in various Nazi organisations – or even the SS – when filling out the form, they were brought before a court of the occupying power. Untruthful information about the date of joining the NSDAP was also repeatedly the subject of hearings.[611] From June 1946, such *Fragebogen*-cases were only to be brought before British Intermediate Courts.[612]

In order to avoid the impression that this was a trifle, the British provided regular newspaper reports about, often severe, military court judgements resulting from incorrect questionnaire information.[613] Some catchy educational phrases were also intended to remind the population of their duties.[614]

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605 Volkswille (17. 4. 1948), 4 („Gerhard [S.] wurde begnadigt").
606 In the summer of 1946, the British estimated that the Vienna police were making 500 arrests a month for illicit trading, and another 250 arrests for violations of the price control regulations. TNA, FO 1020/2953: *Public Safety in Vienna – August 1945 to August 1946.*
607 TNA, FO 1020/2953: *Public Safety in Vienna – August 1945 to August 1946.* – In fact, the black market was at best pushed underground or into other urban areas.
608 VuABlSt, 32/4 (21. 8. 1945), 60; BRUNNER M., Militärgericht 121.
609 Cf. Neue Steirische Zeitung (29. 7. 1945), 2 („Der Fragebogen – Die britische Säuberungsaktion"). – STIEFEL, Entnazifizierung 26–30, 34f.; SCHNEIDER, Tätigkeit 222f.
610 These surveys led to 5000 dismissals or work bans and 7500 arrests. POLASCHEK, Entnazifizierung 415; BEER, Zweite Chance 189; BEER, Militärgerichtsbarkeit (2018), 127f.; BEER, Blick 74.
611 BRUNNER M., Intermediate Courts 32.
612 TNA, FO 1020/3271; TNA, FO 1020/3315: 22. 7. 1946.
613 Selection: Obersteirisches Volksblatt (27. 9. 1945), 2 („Vom Militärgericht – Nazi-Vergeßlichkeit kostet zwei Jahre"); Neue Steirische Zeitung (9. 10. 1945), 5 („Falsche Angaben in Fragebogen"); Neue Steirische Zeitung (10. 11. 1945), 5 („Die Zugehörigkeit zur SA verschwiegen"); Neue Steirische Zeitung (23. 12. 1945), 5 („Die verschwiegene ‚Illegalität'").
614 Obersteirisches Volksblatt (5. 9. 1945), 3 („Militärgericht – Die Engländer lassen sich nicht belügen").

In Carinthia, the long-serving provincial fire brigade commander Franz Kohla had concealed the fact that he was an 'honorary' SA-Hauptsturmführer when filling out the questionnaire.[615] On 2 August 1945, he had to answer for this at the Intermediate Court in Klagenfurt and was sentenced to four years imprisonment by Maj Cohen.[616] After Kohla's second petition for a review of the proceedings, his sentence was reduced to six months in autumn 1945.[617]

False information in the questionnaire also brought the factory owner Emmerich Assmann before the Intermediate Court in Leibnitz on 1 October 1945. After being sentenced to five years in prison, he was sent to Graz-Karlau Prison at the end of the month. From there, Assmann was transferred to the Leibnitz District Court on 4 January 1946.[618]

Capt M.L. Turner, Public Safety Officer in the Vienna Landstraße district (III), brought six questionnaire cases before an Intermediate Court in March 1946 as prosecutor. In all of these cases, the FSS had convicted civilian employees of the British military of making incomplete statements about their own Nazi past.[619] Among them was Harry Cawood, a British citizen who was suspected of having failed to mention his SA membership.[620]

But it seems exaggerated that, in March 1947, 16-year-old Maria T. ended up in front of a British Intermediate Court in Vienna because she was in possession of ten army vouchers[621] and had falsified an application for entry to the "Weißer Engel" dance hall[622] in Hietzing. Felizitas B., who was the same age as her and had helped T. with this forgery, stood trial with her. The two young women were found guilty and sent to the Theresienfeld and Klosterneuburg reformatories respectively.[623]

Disobedience of any Proclamation, Ordinance, Notice or order made by or under the authority of the Allied Forces or the Military Government where a penalty is not expressly imposed; disobedience of orders issued by Austrian authorities in pursuance of orders given to them by the Military Government. (Ordinance No. 200, Art. II, § 19)[624]
(Carinthia: 31/30* – Styria: 72/63 – Vienna: 10/7)

Of course, compliance with British instructions by the population in the occupied territory was a central element for the functioning of occupation rule, and for the safety of the Allied troops.[625] However, the British were not satisfied with the obedience of the

[615] Kärntner Nachrichten (3. 8. 1945), 2 („Militärgericht in Klagenfurt").
[616] Among the audience at this hearing was the British Commander-in-Chief in Austria, Lt Gen Richard McCreery. Kärntner Nachrichten (3. 8. 1945), 2 („Militärgericht in Klagenfurt").
[617] KLA, BPD Klagenfurt, Sch. 44, Brit. Militärgerichtsregister: Office-No. 303.
[618] StLA, JA Karlau, Bücher, Bd. 59, StB-Nr. 200.
[619] TNA, FO 1020/3524: Case-No. 6/46, 7/46 (Harry Cawood), 9/46, 10/46, 11/46, 12/46.
[620] TNA, FO 1020/3130: 2. 4. 1946.
[621] See: URRISK-OBERTYŃSKI, Wien 192.
[622] URRISK-OBERTYŃSKI, Wien 13, 292.
[623] TNA, FO 1020/3524: Case-No. 34/47.
[624] VuABlSt 32/4 (21. 8. 1945), 59; BRUNNER M., Militärgericht 120. – From May 1949, this offence was punishable under Ordinance No. 209 (Art. II, § 5).
[625] BRUNNER M., Intermediate Courts 33.

population. This is why Col A.C. Wilkinson, head of the Styrian military government, called for more discipline in a radio address on 1 September 1945:[626]

> "I am going to have a word with you this evening on the proclamations that we have put up. Those proclamations are the instruments by which Military Government governs, and I know, from the number of cases that come up for trial, that you Styrians are not obeying those orders. […] Some offenders have pleaded ignorance, and admitted that they have not taken the trouble to read the proclamations. Now you all know, as well as I do, that ignorance of the law is no excuse for breaking it. […] Nor is it any use saying that you do not understand the proclamations. They seem quite clear to me. But, if there is anything you do not understand you have only to ask someone in authority, you will be told the answer. […] Read the proclamations and obey them. In so doing many of you will save yourselves a lot of pain, and you will save us a lot of trouble."

Military government regulations usually contained an explicit threat of punishment in the event of non-compliance. However, § 19 of Ordinance No. 200 also declared non-compliance with orders that did not include such an explicit threat of punishment to be an offence. In this way, all kinds of improprieties could therefore be categorised and punished as *disobeying orders*.[627] In Styria, for example, there were five hearings by intermediate military tribunals because people had not complied with the request to appear before a military court; for instance, to testify as a witness.[628] Displaced Persons were brought before an Intermediate Court under this section if they did not follow the instructions of a DP camp commander acting on behalf of the military government[629] or if they left a quarantine camp, such as in Fürnitz (mun. Finkenstein)[630], without authorisation.[631]

Having been forbidden to socialise with British soldiers, women were brought before an intermediate military court in Styria on the charge of *disobeying a non-association order* thirty times.[632] Details of such cases can only occasionally be found in the trial lists: In October 1948, for example, 21-year-old Stefanie S. was given a three-month prison sentence in Graz, which was suspended if the convict regularly attended the prescribed treatment for syphilis.[633] One month later, 17-year-old Margarete B. was sen-

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[626] StLA, Sammlung Arthur Radley, K. 2, H. 6. – Furthermore: Neue Steirische Zeitung (2. 9. 1945), 2 („Die Proklamationen der Militärregierung").
[627] BRUNNER M., Militärgericht 49; BRUNNER M., Intermediate Courts 33.
[628] TNA, FO 1020/3525: Case-No. 968, 969; TNA, FO 1020/3526: Case-No. 4119/1, 4133/2, 4095/2.
[629] KLA, BPD Klagenfurt, Sch. 38, Brit. Militärgerichtsregister: Office-No. 4733.
[630] Cf. STIEBER, Nachkriegsflüchtlinge 231; STIEBER, Briten 124.
[631] KLA, BPD Klagenfurt, Sch. 49, Brit. Militärgerichtsregister: Office-No. 2473.
[632] TNA, FO 1020/3526: Case-No. 2894, 2897, 2914, 2999, 3038, 3040, 3041, 3073, 3074/1, 3092/1, 3093/1, 3094/1, 3097/1, 3097/2, 4007, 4039, 4052, 4074, 4101, 4116, 4117, 4125, 4133/1, 4135, 4143, 4145, 4151, 4152, 4153/1, 4161.
[633] TNA, FO 1020/3526: Case-No. 4007. – Stefanie S. had already appeared before an Intermediate Court in September 1948 and in March 1949 for the offence in question. TNA, FO 1020/3526: Case-No. 3073, 4151.

tenced to one month's suspended imprisonment, provided she showed good behaviour over the next six months, worked, and only went out in the evening with her employer's permission.[634] The Austrian authorities were also obliged to assist in such cases.[635]

Women and men in Carinthia stood before an Intermediate Court under similar circumstances: in Klagenfurt, 24-year-old Maria C. was sentenced three times between September 1947 and October 1948 to several months' unconditional imprisonment for disregarding a no-contact order.[636] Maria K., also 24 years old, had been forbidden by the doctors in the venereal disease department at Klagenfurt Hospital to have relations with men. She nevertheless continued to meet British soldiers and was sentenced to one year in prison on 22 November 1945, nine months of which were suspended.[637] On 24 May 1946, the 30-year-old Greek Niko(lai) K. found himself before an Intermediate Court in Klagenfurt because he had had sexual intercourse despite being forbidden by a doctor. The charge here was: *Disobeyed an order of the General Hospital acting under orders of the Mil. Govt. namely had Sexual Intercourse at the beginning of March in spite of the "No Intercourse" order given 11. 2. 46.*[638] The court sentenced him to nine months in prison. He was then to be deported to Greece as quickly as possible.[639]

Disregarding signs could also be considered an offence against the orders of the occupying power. Hildtrude Zechner from St. Thomas (today, mun. Magdalensberg), Anna P. from Spittal, and Aloisia R. from Mauthen were summoned to appear before judge Maj Rawlins in Villach on 13 May 1946 because they had illegally spoken to inmates of the Weißenstein camp. The indictment stated: *At Weissenstein did speak with the internees of the camp, although a warning board was visible displayed*.[640] Zechner, and P. received a conditional prison sentence of 28 days,[641] R. had to spend two weeks behind bars.[642] The

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[634] TNA, FO 1020/3526: Case-No. 4052. – Margarete B. also stood trial a second time for the same offence in March 1949. TNA, FO 1020/3526: Case-No. 4161.

[635] StLA, Gendarmeriechronik, Bez. Weiz, Bd. 10, Loseblattslg.

[636] KLA, BPD Klagenfurt, Sch. 39, Brit. Militärgerichtsregister: Office-No. 5664, 7678, 8221.

[637] KLA, BPD Klagenfurt, Sch. 44, Brit. Militärgerichtsregister: Office-No. 1226. – After a review of the proceedings by the Legal Division, K.'s sentence was suspended in its entirety on 28 December 1945. – According to a newspaper report, the judge (Capt de Pinna) also banned Maria K. from going out from 9 p.m. until dawn for a period of one year. Oberösterreichische Nachrichten (7. 12. 1945), 4 („Ein lebensnahes Urteil"). – The danger of the spread of sexually transmitted diseases was considered a persistent problem by the occupying power, especially for its own troops. The military police in Carinthia were sometimes deployed to bring casual prostitutes to the hospital in Klagenfurt for examination or treatment. Accordingly, new British soldiers arriving in Austria were warned of the risk of contracting sexually transmitted diseases. STIEBER, Briten 271f., 332.

[638] KLA, BPD Klagenfurt, Sch. 44, Brit. Militärgerichtsregister: Office-No. 2624.

[639] KLA, BPD Klagenfurt, Sch. 44, Brit. Militärgerichtsregister: Office-No. 2624. – Niko(lai) K. had to serve his entire sentence in Graz-Karlau Prison. StLA, JA Karlau, Bücher, Bd. 59, StB-Nr. 689. – However, he was not deported for the time being. Instead, on 30 June 1947, the Greek was once again tried before an Intermediate Court in Klagenfurt; this time for possession of Allied property. KLA, BPD Klagenfurt, Sch. 44, Brit. Militärgerichtsregister: Office-No. 5004.

[640] KLA, BPD Klagenfurt, Sch. 55, Brit. Militärgerichtsregister: Office-No. 2677. – See also: KLA, BPD Klagenfurt, Sch. 49, Brit. Militärgerichtsregister: Office-No. 2681; KLA, BPD Klagenfurt, Sch. 50, Brit. Militärgerichtsregister: Office-No. 2679.

[641] KLA, BPD Klagenfurt, Sch. 49, Brit. Militärgerichtsregister: Office-No. 2681; KLA, BPD Klagenfurt, Sch. 55, Brit. Militärgerichtsregister: Office-No. 2677.

[642] KLA, BPD Klagenfurt, Sch. 50, Brit. Militärgerichtsregister: Office-No. 2679.

charges against Elisabeth Widl from St. Paul im Lavanttal before an intermediate military court in Wolfsberg on 25 September 1946 were somewhat more complex: *Did disobey an order made by MG in that she arranged meetings for internees of 373 POW Camp Wolfsberg with their wives within her own flat, although this is forbidden.*[643] The second charge was an offence against the interests of the military government because Widl had refused to give the FSS the names of the women who were looking for their imprisoned husbands. Maj Lyall found Widl guilty on the second charge and imposed a fine of ATS 1,500.[644]

In the case of 14-year-old Josef R., the charges brought before an Intermediate Court in Klagenfurt on 18 October 1945 related to air traffic: *Disobeyed an order and endagered* [!] *the life of a pilot who was trying to land his aircraft, by trespassing on a* [!] *airfield on which notices were published stating that entrance was forbidden.*[645] In this case, the trial ended with an acquittal.[646] Road traffic offences were heard surprisingly regularly by Intermediate Courts. The defendants were mostly people who were travelling on behalf of the occupying forces. Speeding, driving against the one-way system and similar offences were generally punished by the British judges with fines. This also applied to the most common offence: *Did disobey a written sign of "NO PARKING"*.[647]

Resisting arrest by a person acting under the authority of the Allied Forces or the Military Government; escaping from arrest or detention imposed under such authority. (Ordinance No. 200, Art. II, § 34)[648]
(Carinthia: 25/17* – Styria: 71/70 – Vienna: 3/3)

Under Ordinance No. 200, resisting arrest or escape from prison (§ 34) was considered less serious than aiding the escape of, or concealing, an escaped person (§ 9); the latter offence was punishable by death.[649]

What such resistance could look like in practice was demonstrated in Göriach (mun. Turnau) where some drunken miners went on a rampage on 11 June 1947. The Hungarian Josef D. behaved particularly aggressively towards the gendarmerie called in from Turnau. He tried to attack the guard commander Karl Heinisch with a drawn knife but was put out of action by a shot to the thigh.[650] On 18 July 1947, D. had to answer to Judge

[643] KLA, BPD Klagenfurt, Sch. 54, Brit. Militärgerichtsregister: Office-No. 3888.
[644] KLA, BPD Klagenfurt, Sch. 54, Brit. Militärgerichtsregister: Office-No. 3888. – The fine was later reduced to ATS 500,–.
[645] KLA, BPD Klagenfurt, Sch. 50, Brit. Militärgerichtsregister: Office-No. 887.
[646] KLA, BPD Klagenfurt, Sch. 50, Brit. Militärgerichtsregister: Office-No. 887. – Similar trials for trespassing on Annabichl airfield took place in Klagenfurt's Intermediate Courts at least until 1949.
[647] KLA, BPD Klagenfurt, Sch. 49, Brit. Militärgerichtsregister: Office-No. 1190. – Further examples of parking fines: KLA, BPD Klagenfurt, Sch. 42, Brit. Militärgerichtsregister: Office-No. 1191; KLA, BPD Klagenfurt, Sch. 43, Brit. Militärgerichtsregister: Office-No. 1102; KLA, BPD Klagenfurt, Sch. 52, Brit. Militärgerichtsregister: Office-No. 1019.
[648] VuABlSt 32/4 (21. 8. 1945), 60; BRUNNER M., Militärgericht 122.
[649] VuABlSt 32/4 (21. 8. 1945), 58, 60; Legal Division, Handbook: Ordinance No. 200; BRUNNER M., Intermediate Courts 34.
[650] StLA, Gendarmeriechronik, Bez. Bruck-Mürzzuschlag, GP Turnau, Bd. 1, p. 132f.; StLA, Gendarmeriechronik, Bez. Bruck-Mürzzuschlag, GAK Bruck an der Mur, Bd. 2, p. 112; StLA, Gendarmeriechronik, Bez.

Bickford in Leoben, who sentenced him to three years, 18 months of which were suspended, in prison for resisting arrest.[651]

The 19-year-old Rudolf Pils, who stood before the British Intermediate Court in Leoben four times in the space of a year, showed particular tenacity in escaping. He had originally been arrested in July 1948 for stealing tyres from Allied property[652] and sentenced to six months' imprisonment,[653] from which he was apparently able to escape.[654] On 21 March 1949, he was arrested on suspicion of breaking into the Leoben Supplies Office. On his way to police custody, he managed to get away again. Although he was caught after a short chase, he escaped from the police prison with his cell mate on the very first night.[655] Pils was arrested again at the beginning of April near Kalwang.[656] On 22 April 1949, he was sentenced to a further four months' imprisonment for his escape by the military court presided over by R.B. MacKeown.[657] The scene was repeated on 1 July 1949, when Pils once again stood before MacKeown following another escape attempt.[658] This time the sentence was six additional months in prison. However, Pils was now to be transferred to the Karlau Prison in Graz,[659] which was considered more secure. Pils must have felt the same way, because he tried to break out again before his transfer.[660] At the subsequent re-encounter with R.B. MacKeown on 29 July 1949, the judge contented himself with a warning.[661] Rudolf Pils was finally sent to the Karlau Prison on 4 August 1949. As he also had to serve two sentences from the Leoben District Court, his imprisonment in Graz only ended on 6 November 1950.[662]

As in the case of Rudolf Pils, Intermediate Courts explicitly ordered offenders to serve their sentences in the Karlau Prison on several occasions.[663]

Bruck-Mürzzuschlag, BGK Bruck an der Mur, Bd. 1, p. 233. – Furthermore: Wahrheit (13. 6. 1947), 3; Obersteirische Zeitung (21. 6. 1947), 2 („Ausschreitungen von DPs“).

651 TNA, FO 1020/3525: Case-No. 2062; StLA, Gendarmeriechronik, Bez. Bruck-Mürzzuschlag, GP Turnau, Bd. 1, p. 134. – The co-defendant Hungarian Istvan H. was acquitted. TNA, FO 1020/3525: Case-No. 2063.

652 Obersteirische Zeitung (7. 7. 1948), 3 („Verhaftung von Autoreifen-Dieben“); Obersteirische Zeitung (17. 7. 1948), 2 („Autoreifendiebstahl aufgeklärt“).

653 TNA, FO 1020/3526: Case-No. 2983.

654 Cf. Obersteirische Zeitung (27. 4. 1949), 4 („Wieder einmal Rudolf Pils“).

655 Das Steirerblatt (23. 3. 1949), 5 („Auch Pils wählte die Freiheit“); Neue Zeit (23. 3. 1949), 4 („Polizei-Alarmschüsse in Leoben“); Obersteirische Zeitung (26. 3. 1949), 4 („Mißlungener Einbruch“).

656 Das Steirerblatt (3. 4. 1949), 8 („Pils in einer Sennhütte verhaftet“); Obersteirische Zeitung (6. 4. 1949), 3 („Wiedersehen mit der Polizeizelle nach 17 Tagen“).

657 TNA, FO 1020/3526: Case-No. 4090; Obersteirische Zeitung (27. 4. 1949), 4 („Wieder einmal Rudolf Pils“).

658 Cf. Obersteirische Zeitung (16. 4. 1949), 2 („Schon von den Schweizer Behörden gesucht“); Obersteirische Zeitung (18. 5. 1949), 4 („Pils in der Aschengrube“).

659 TNA, FO 1020/3526: Case-No. 4145.

660 Das Steirerblatt (24. 7. 1949), 10 („Pils hatte es wieder einmal eilig“); Neue Zeit (24. 7. 1949), 4 („Ausbrecher flieht zum Rechtsanwalt“); Obersteirische Zeitung (27. 7. 1949), 2 („Pils sucht fremdes Bett als Flucht-Asyl“).

661 TNA, FO 1020/3526: Case-No. 4155.

662 StLA, JA Karlau, Bücher, Bd. 67, StB-Nr. 3726.

663 TNA, FO 1020/3525: Case-No. 2432, 2448, 2453.

Making, issuing or knowingly having possession of any false permit, identity card or other documents of official concern to the Allied Forces; delivery of any such matter, whether false or valid, to any unauthorised person or for any unauthorised purpose. (Ordinance No. 200, Art. II, § 23)[664]
(Carinthia: 30/28* – Styria: 53/46 – Vienna: 7/5)

Forged licences, identity cards, etc. circulated in large numbers in the first years after the war and, therefore, frequently occupied the British Intermediate Courts. Whatever was needed was forged and the demand was high. The most common reasons given in the trial lists for an indictment were *false identity card,*[665] *false certificate of discharge, false permit, false certificate of residence* or generally *possession of false document*. The actual production of forged or falsified documents, on the other hand, came before the military judges less often.[666]

In pursuance of the provisions of Decree No. 1 Article VIII para 12 (d) it is hereby prescribed that the following equipment or materials namely: [...] *b) any stores, food, equipment or military property abandoned by the enemy or of enemy origin, shall also be declared as therein provided within 14 days from the date when this notice becomes effective.* (Notice No. 1, Military Government Austria – Gau Steiermark, Art. III, § 3b)[667]
(Carinthia: 11/7* – Styria: 45/35 – Vienna: 0/0)

By Decree No. 1, Article VIII, § 12, the British had ordered that the possession of certain objects and materials (e.g. tyres, fuel, lubricants) above a specified quantity had to be reported to the military government.[668] In August 1945, this provision was extended "expressis verbis" for Styria to include property from Wehrmacht stocks in Notice No. 1.[669] According to Ordinance No. 553, Article V, § 10e, the said specification applied to the entire British zone in Austria.[670]

Where this offence was the sole subject of military court hearings, the sentences were consistently lenient. There were no unconditional prison sentences at all, and suspended prison sentences only rarely. In most instances, the defendants were fined, or warned, or the judges decided to dismiss the case.[671] In many cases, however, possession of Wehrmacht stocks resulted in a second indictment if the incriminated items were

[664] VuABlSt 32/4 (21. 8. 1945), 59; BRUNNER M., Militärgericht 121.
[665] For issuing identity cards, see: Neue Zeit (22. 2. 1946), 4.
[666] BRUNNER M., Intermediate Courts 34.
[667] VuABlSt 32/5 (31. 8. 1945), 77f.; Legal Division, Handbook: Notice No. 1 (Military Government Austria – Gau Steiermark); BRUNNER M., Militärgericht 141. – See also: StLA, Plakatsammlung, Pl-P-1945-0198: Bekanntmachung Nr. 1 (Militärregierung Österreich – Gau Steiermark).
[668] VuABlSt 32/5 (31. 8. 1945), 67f.; Legal Division, Handbook: Decree No. 1 (Military Government Austria); BRUNNER M., Militärgericht 50, 129.
[669] BRUNNER M., Intermediate Courts 34.
[670] StLA, Plakatsammlung, Pl-P-1946-0278: Ordinance No. 553. – Cf. KLA, BPD Klagenfurt, Sch. 38, Brit. Militärgerichtsregister: Office-No. 7033.
[671] BRUNNER M., Intermediate Courts 34.

weapons. To give an example: Anyone caught with a German carbine also had to answer for unauthorised possession of weapons.[672]

Unauthorised possession of Wehrmacht property that had already become the actual or de facto property of the Allied Forces was usually punished in accordance with Ordinance No. 200, § 27 (see above).[673]

Killing or assaulting any member of the Allied Forces. (Ordinance No. 200, Art. I, § 5)[674]
(Carinthia: 8/7* – Styria: 37/26 – Vienna: 9/8)

This paragraph only became the subject of hearings by Intermediate Courts in cases of assault on a member of the Allied Forces. An offence of killing would undoubtedly have been referred to the next higher level, the General Court, which could impose death sentences if appropriate.[675] For this offence, too, the 'monosyllabic' British court registers for Styria and Vienna do not provide any details of the respective incidents. Not much more can be learnt than, for example, *caused bodily injuries to a member of Allied Forces* or *assaulted a British soldier*.[676] The Carinthian military court registers are sometimes more informative, so that three examples of attacks on British soldiers from this province can be outlined below.

On 23 July 1945, master blacksmith Dominikus Klauderotti from Zeiselberg (today, mun. Magdalensberg) had to stand trial before Judge N.L. Cohen in Klagenfurt. The prosecutor accused him of kicking a Royal Air Force officer in the stomach and spitting in his face. There was also a charge of disrespectful behaviour towards members of the Allied Forces *by adressing* [!] *Flying Officer T.N. Tompson and W.E. Duffy R.A.F. as Englisch* [!] *Swine*.[677] Klauderotti pleaded not guilty but was convicted on both counts. He received a prison sentence of 18 months, which he was sent to serve in the Graz-Karlau Prison on 24 October 1945. At the trial review, the judgement was confirmed by the Legal Division, but the remainder of the sentence was conditionally remitted. As a result, Dominikus Klauderotti was released on 29 November 1945.[678]

On 7 September 1947, shortly after midnight, the Austrians Richard Kleinbichler[679], and Willibald W. attacked the British soldier Pte Dellarg in Fellach (today, mun. Villach).[680] The victim suffered serious injuries from stab wounds that left him permanent-

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[672] BRUNNER M., Intermediate Courts 34.
[673] TNA, FO 1020/3105: 16. 7. 1945.
[674] VuABlSt 32/4 (21. 8. 1945), 58; Legal Division, Handbook: Ordinance No. 200; BRUNNER M., Militärgericht 119. – This offence was of course also included in Ordinance No. 209 (Art. I, § 2), which replaced Ordinance No. 200 in May 1949.
[675] BRUNNER M., Intermediate Courts 35.
[676] BRUNNER M., Intermediate Courts 35.
[677] KLA, BPD Klagenfurt, Sch. 44, Brit. Militärgerichtsregister: Office-No. 172.
[678] KLA, BPD Klagenfurt, Sch. 44, Brit. Militärgerichtsregister: Office-No. 172; StLA, JA Karlau, Bücher, Bd. 59, StB-Nr. 160.
[679] * 2. 2. 1911, Unterfellach (today, mun. Villach, AUT). ADG, Pfarre Villach-St. Martin, Geburtsbuch XVII 1906–1912, fol. 230, Nr. 11 [URL: https://data.matricula-online.eu/de/oesterreich/gurk/villach-st-martin/V08_019-1/?pg=235 (18. 9. 2025)]; StLA, JA Karlau, Bücher, Bd. 67, StB-Nr. 3403.
[680] KLA, Sammlung Egon Payer, Sch. 7, 1947, fol. 36 [entry: 7. 9. 1947, GP Feistritz an der Drau]; Volkszeitung (14. 4. 1948), 4 („Tragisches Nachspiel einer Hochzeitsfeier").

ly paralysed. Kleinbichler and W. were arrested within a few hours and brought to trial in October 1947. However, the trial ended with an adjournment because Pte Dellarg was also to be questioned.[681] It took until 12 April 1948 before the Intermediate Court in Villach convened again. As requested by the defence, Pte Dellarg had been flown in from London especially to take the witness stand.[682] The charges presented by Maj R. Hunt included four counts: Assault on a member of the Allied Forces, robbery, theft, and attempted murder. Kleinbichler and W. pleaded guilty to the second charge: *Robbing a wristwatch, fountainpen and a quantity of correspondence and at the time of or immediately before such robbery did use personal violence to the said Pte Dellarg.*[683] Judge N.L. Cohen handed down two verdicts of guilty on this point. In the case of the main offender Richard Kleinbichler, the sentence was seven and a half years in prison.[684] Willibald W. was sentenced to 15 months in prison.[685]

The movement of persons between the area mentioned in paragraph 1 hereof [the British occupation zone, note] *and other parts of Austria is prohibited except as authorised by the Military Government.* (Notice No. 10, § 2)[686]
(Carinthia: 15/14* – Styria: 28/27 – Vienna: 0/0)

With Notice No. 10, § 1 (valid from 10 July 1945), the original restriction on freedom of movement (10 km zone; see Decree No. 1, Art. IV, § 8b)[687] was lifted and unrestricted freedom of movement within the British occupied territory, with the exception of the prohibited frontier zone, was proclaimed. However, the unauthorised crossing of the borders of the occupation zone remained punishable under § 2 of Notice No. 10.[688]

In practice, people who could not produce the necessary papers were turned away at the border posts on the demarcation lines on a daily basis. Because travellers also had to be repeatedly removed from trains, the Security Director for Styria decreed at the end of November 1945 on behalf of the military government that tickets for destinations outside the British occupation zone could only be purchased on presentation of a valid Allied travel permit.[689]

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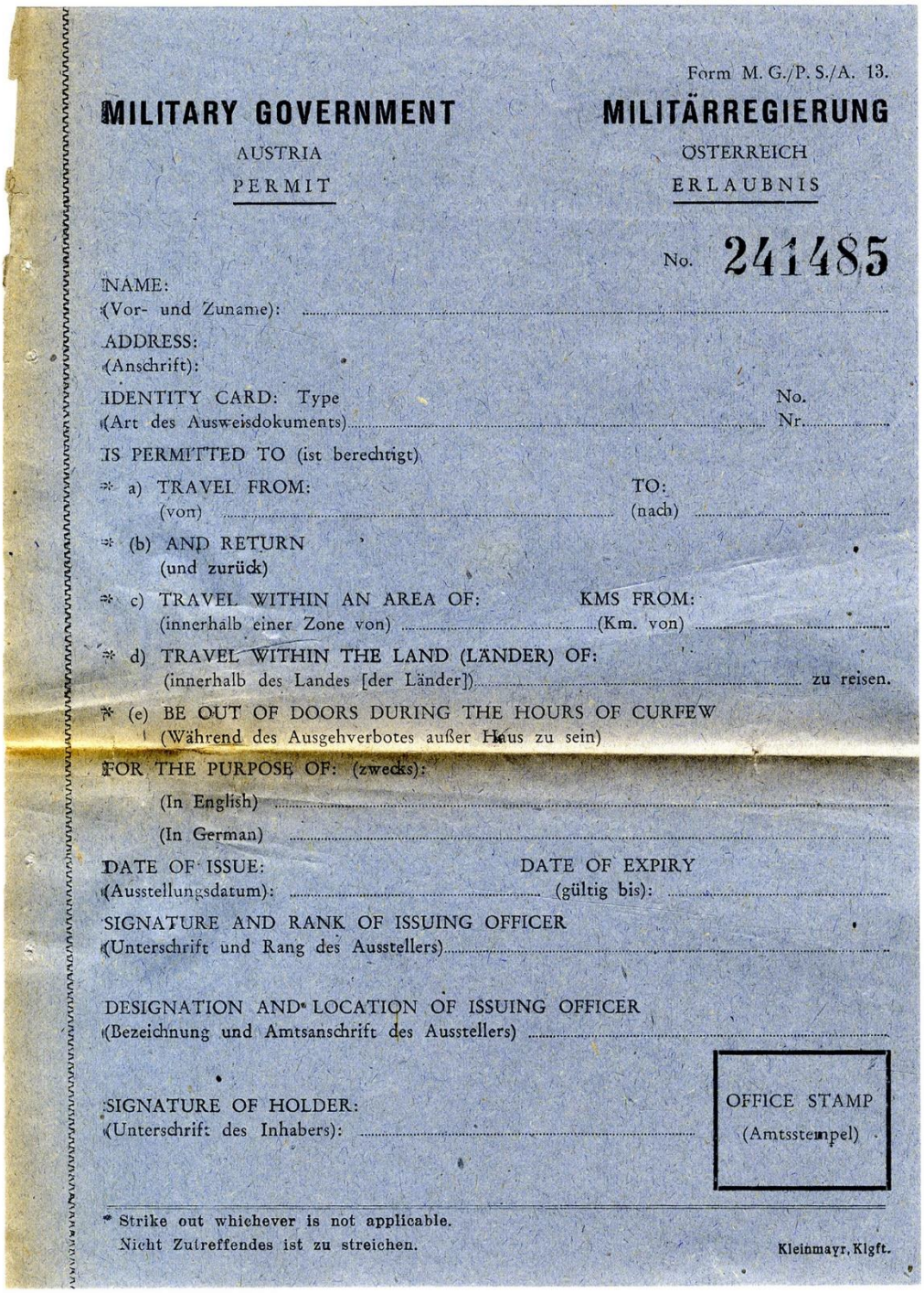
681 Volkszeitung (14. 4. 1948), 4 („Tragisches Nachspiel einer Hochzeitsfeier“).
682 Volkszeitung (14. 4. 1948), 4 („Tragisches Nachspiel einer Hochzeitsfeier“). – Furthermore: Weltpresse (14. 4. 1948), 2 („Zeuge kam im Flugzeug“).
683 KLA, BPD Klagenfurt, Sch. 44, Brit. Militärgerichtsregister: Office-No. 7292.
684 KLA, BPD Klagenfurt, Sch. 44, Brit. Militärgerichtsregister: Office-No. 7292. – Richard Kleinbichler was sent to Graz-Karlau Prison on 7 January 1949. His suspended release took place on 9 February 1950. StLA, JA Karlau, Bücher, Bd. 67, StB-Nr. 3403.
685 KLA, BPD Klagenfurt, Sch. 54, Brit. Militärgerichtsregister: Office-No. 7293. – Furthermore: Volkszeitung (14. 4. 1948), 4 („Tragisches Nachspiel einer Hochzeitsfeier“); Weltpresse (14. 4. 1948), 2 („Zeuge kam im Flugzeug“); Wiener Zeitung (14. 4. 1948), 4 („Der Zeuge kommt im Flugzeug aus London“). – See also: TNA, FO 1020/3106: 4. 6. 1948.
686 VuABlSt 32/5 (31. 8. 1945), 76; Legal Division, Handbook: Notice No. 10 (Military Government Austria); BRUNNER M., Militärgericht 135f.; STIEBER, Briten (Nachsatz). – Notice No. 10 was repealed in November 1946 with Ordinance No. 6. In future, travel restrictions were covered by Ordinance No. 207, Art. I, § 2.
687 VuABlSt 32/5 (31. 8. 1945), 67; Legal Division, Handbook: Decree No. 1 (Military Government Austria); BRUNNER M., Militärgericht 127f.
688 See also: Neue Steirische Zeitung (27. 7. 1945), 2 („Neuregelung des Reiseverkehrs“).
689 Neue Steirische Zeitung (5. 12. 1945), 4 („Reisen über die Demarkationslinie“).



Form M. G./P. S./A. 13.

MILITARY GOVERNMENT — **MILITÄRREGIERUNG**

AUSTRIA — ÖSTERREICH

PERMIT — ERLAUBNIS

No. 241485

NAME:
(Vor- und Zuname): .....

ADDRESS:
(Anschrift):

IDENTITY CARD: Type — No.
(Art des Ausweisdokuments) ..... Nr. .....

IS PERMITTED TO (ist berechtigt)

* a) TRAVEL FROM: — TO:
(von) ..... (nach) .....

* (b) AND RETURN
(und zurück)

* c) TRAVEL WITHIN AN AREA OF: — KMS FROM:
(innerhalb einer Zone von) ..... (Km. von) .....

* d) TRAVEL WITHIN THE LAND (LÄNDER) OF:
(innerhalb des Landes [der Länder]) ..... zu reisen.

* (e) BE OUT OF DOORS DURING THE HOURS OF CURFEW
(Während des Ausgehverbotes außer Haus zu sein)

FOR THE PURPOSE OF: (zwecks):
(In English) .....
(In German) .....

DATE OF ISSUE: — DATE OF EXPIRY
(Ausstellungsdatum): ..... (gültig bis): .....

SIGNATURE AND RANK OF ISSUING OFFICER
(Unterschrift und Rang des Ausstellers) .....

DESIGNATION AND LOCATION OF ISSUING OFFICER
(Bezeichnung und Amtsanschrift des Ausstellers) .....

SIGNATURE OF HOLDER:
(Unterschrift des Inhabers): .....

OFFICE STAMP
(Amtsstempel)

* Strike out whichever is not applicable.
Nicht Zutreffendes ist zu streichen.

Kleinmayr, Klgft.

Figure 4: Travel permit form issued by Military Government Austria (KLA)

In February 1946, the Legal Division instructed the British military courts to make a clear distinction between violations of the travel restrictions between the occupation zones on the one hand and illegal border crossings on the other.[690]

According to Notice No. 24, Austrian authorities were authorised by the Allied Commission to issue travel permits for the entire federal territory to politically unencum-

[690] TNA, FO 1020/3183: 15. 2. 1946; BRUNNER M., Intermediate Courts 35f.

bered Austrians from May 1946 onwards.[691] This so-called Allied Passport [Alliierter Reisepass][692] was replaced by a new regulation with effect from 16 August 1946: The Allied Council authorised that, from then on, all Austrian citizens could move freely throughout Austria with their identity cards. This did not apply to persons who were considered to be incriminated within the meaning of the Prohibition Act (§ 17).[693]

Around two thirds of all hearings of Intermediate Courts on the offence "demarcation line" took place in Styria between July and November 1948, with two striking similarities: The defendants were foreigners or stateless persons and the judges always left it at warnings or short prison sentences of four to nine days.[694] As the free movement of people between the occupied sectors was possible in the Vienna city area, there were no relevant lawsuits here.

Plunder, pillage or looting; robbing; or abusing the dead or wounded. (Ordinance No. 200, Art. I, § 14)[695]

(Carinthia: 0/0* – Styria: 27/14 – Vienna: 0/0)

It has already been mentioned that such offences were particularly rampant in the vicinity of DP camps. However, they were of course not limited to foreign perpetrators. In Judenburg on 15 and 18 November 1946, nine defendants stood before Judge Maj Alexander on charges of looting, mostly in connection with the possession and use of weapons. At these hearings, the judge twice imposed the maximum sentence to be handed down by an Intermediate Court of ten years' unconditional imprisonment on the ringleaders.[696]

In the first case, the Austrian Josef Ofner[697] from Judenburg was accused of plundering a farm in Katschwald (today, mun. Obdach) with accomplices on 18 September 1946. The dairymaid living there was threatened with weapons, locked in the cellar and gagged. A foreigner involved in the crime was arrested the same day in Feeberggraben (today, mun. Judenburg). The alleged ringleader Ofner's flight ended two weeks later in

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691 VuABlSt 33/25 (12. 7. 1946), 229; Legal Division, Handbook: Notice No. 24 (Military Government Austria); BRUNNER M., Militärgericht 174f. – See also: StLA, Plakatsammlung, Pl-P-1946-0045-r: Bekanntmachung Nr. 24 (Militärregierung Österreich); The Times (26. 4. 1946), 3 („Freer travel for Austrians"); Neue Zeit (15. 5. 1946), 4; BRUNNER M., Intermediate Courts 36.

692 Wiener Kurier (16. 8. 1946), 8 („Alliierter Reisepaß ab heute aufgehoben").

693 Neue Zeit (15. 8. 1946), 1 („Freier Reiseverkehr"). – See also: StLA, Gendarmeriechronik, Bez. Liezen, GP Liezen, Bd. 2, p. 83; StLA, Gendarmeriechronik, Bez. Murtal, BGK Judenburg, Bd. 2, s. p. [entry: 17. 8. 1946]. – On 9 June 1953, the Soviets were the last occupying power to end their controls at the demarcation lines in Austria. FEICHTINGER, Chronik 727. – Citizens of the four occupying powers were not able to travel freely throughout Austria until December 1953. The Times (24. 12. 1953), 5 („Freer travel in Austria").

694 BRUNNER M., Intermediate Courts 36.

695 VuABlSt 32/4 (21. 8. 1945), 58; BRUNNER M., Militärgericht 120.

696 TNA, FO 1020/3525: Case-No. 1493, 1495, 1497, 1498, 1499, 1500, 1501; 1492, 1496; BRUNNER M., Intermediate Courts 35.

697 * 17. 3. 1916, Judenburg (AUT); † 2. 4. 1980, Klagenfurt (AUT). DAGS, Pfarre Judenburg-St. Nikolaus, Taufbuch X 1903–1916, fol. 478, Post-Nr. 30 [URL: https://data.matricula-online.eu/de/oesterreich/graz-seckau/judenburg-st-nikolaus/12581/?pg=533 (18. 9. 2025)]; StLA, JA Karlau, Bücher, Bd. 59, StB-Nr. 1579.

Griffen (Carinthia).[698] He stood before the British court in Judenburg on 15 November 1946 and confessed. As Ofner had been armed at the time of his arrest and also had a criminal record, he was sentenced to the aforementioned maximum penalty.[699] Two months later, Ofner had to stand trial in a separate case with three accomplices of Turkish nationality before an Intermediate Court in Wolfsberg, which sentenced him to a further eight years in prison for three robberies in eastern Carinthia, among other things.[700]

The second case dealt with a robbery in Wöllmerdorf (today, mun. Weißkirchen). Here, the Hungarian Koloman Szeöke ran a watchmaker's shop in his accommodation, which was plundered by five men on the night of 14 to 15 June 1946. Szeöke tried to flee with his family, whereupon they were shot at several times without anyone coming to harm. According to the newspaper report, the perpetrators fired around 20 shots and looted 300 watches, diamond rings, broken gold, clothes and linen.[701] The next day, three suspects were arrested in the Murdorf DP camp[702] and taken to the nearby Judenburg gaol.[703] The Ukrainian Eustach J.[704] was sentenced to ten years in prison by the Intermediate Court on 18 November 1946 as the alleged ringleader.[705]

Conduct hostile or disrespectful to the Allied Forces or to any of the United Nations. (Ordinance No. 200, Art. II, § 38)[706]

(Carinthia: 3/3* – Styria: 26/17 – Vienna: 8/4)

As a weakened version of the offence of *Killing or assaulting any member of the Allied Forces* (Ordinance No. 200, Art. I, § 5) described above, the occupying power also made

[698] Grazer Tägliches Fahndungsblatt, Jg. 2/Nr. 146 (27. 9. 1946), Art. 9720; StLA, Gendarmeriechronik, Bez. Murtal, BGK Judenburg, Bd. 2, s. p. [entry: 18. 9. 1946]; StLA, Gendarmeriechronik, Bez. Murtal, GP Judenburg, Bd. 2, s. p.; Murtaler Volkszeitung (23. 11. 1946), 1 („Die Räuber vom Katschwald"). – The third perpetrator, Markus G. from Fohnsdorf, was sentenced to two years in prison for looting by an Intermediate Court in Leoben on 18 April 1947. TNA, FO 1020/3525: Case-No. 1847; StLA, JA Karlau, Bücher, Bd. 59, StB-Nr. 1728; Murtaler Zeitung (10. 5. 1947), 4 („2 Jahre für Katschwaldräuber").

[699] TNA, FO 1020/3525: Case-No. 1492; Das Steirerblatt (20. 11. 1946), 3 („Ausländische Räuber und Einbrecher verurteilt"); Weltpresse (Abend-Ausgabe) (20. 11. 1946), 8 („Raubgesellen vor britischem Militärgericht"); Wiener Kurier (21. 11. 1946), 3 („Zehn Jahre Gefängnis für Bandenführer"); Murtaler Volkszeitung (23. 11. 1946), 1 („Die Räuber vom Katschwald").

[700] KLA, BPD Klagenfurt, Sch. 48, Brit. Militärgerichtsregister: Office-No. 4306; Volkswille (12. 2. 1947), 5 („Räuberbande vor dem Militärgericht Wolfsberg"); Österreichische Volksstimme (15. 2. 1947), 4 („Türkische Räuberbande in Kärnten"). – See also: KLA, Sammlung Egon Payer, Sch. 6, 1946, fol. 28 [entry: 16. 8. 1946, GP Reichenfels]; KLA, Sammlung Egon Payer, Sch. 6, 1946, fol. 32 [entry: 27. 9. 1946, BGK Wolfsberg]. – Josef Ofner was transferred to Graz-Karlau Prison on 10 February 1947. Although he was sentenced to a total of 18 years in prison, his prison term ended on 15 December 1951. StLA, JA Karlau, Bücher, Bd. 59, StB-Nr. 1579.

[701] Murtaler Volkszeitung (22. 6. 1946), 1 („Uhrengroßraub bei Judenburg").

[702] Cf. STIEBER, Nachkriegsflüchtlinge 258–261.

[703] An armed attempt to free them the following night failed. Murtaler Volkszeitung (22. 6. 1946), 1 („Uhrengroßraub bei Judenburg").

[704] * 4. 10. 1922, Lviv (UKR). StLA, JA Karlau, Bücher, Bd. 59, StB-Nr. 1357.

[705] TNA, FO 1020/3525: Case-No. 1496; Das Steirerblatt (20. 11. 1946), 3 („Ausländische Räuber und Einbrecher verurteilt"); Murtaler Volkszeitung (23. 11. 1946), 1 („Der Wöllmerdorfer Uhrenraub"). – Two days after his trial, Eustach J. was sent to the Karlau Prison in Graz, from where he was transferred to the Stein Prison on 17 April 1947. StLA, JA Karlau, Bücher, Bd. 59, StB-Nr. 1357.

[706] VuABlSt 32/4 (21. 8. 1945), 60; BRUNNER M., Militärgericht 122.

hostile or disrespectful behaviour a punishable offence.[707] Most of these cases concerned statements that were perceived by the British as insulting or abusive. If the 'perpetrators' were politicians or political functionaries, such trials stood out from everyday military court proceedings. On 13 September 1946, a British military court in Klagenfurt sentenced the KPÖ member of parliament Johann Kazianka[708] to a suspended prison sentence of twelve months for insulting the occupying power.[709] On 9 August 1946, Kazianka is said to have made malicious remarks against the British troops in the eulogy, which he delivered in Slovenian at the funeral of Amalia Oraže[710] in Eisenkappel. Kazianka himself rejected this accusation and therefore pleaded not guilty. Similarly controversial was the conviction of OF secretary Karel Prušnik by an Intermediate Court in Völkermarkt on 14 November 1947 in accordance with § 38 of Ordinance No. 200, where the sentence was twelve months' unconditional imprisonment (see chapter 5.4.1).

The trial against the parish priest of Maria Rain, Christian Koschier, may serve as a striking example of an ordinary, i.e. non-political, Section 38 case. On 28 March 1947, the clergyman was on trial at the Intermediate Court in Klagenfurt for allegedly using the words *Faugh English* to a British officer in public. Koschier pleaded guilty and was sentenced by Lt Col Cohen to a suspended prison sentence of two months and a fine of ATS 100. Koschier was acquitted of the second charge of spitting in the face of a member of the British troops.[711]

In Styria, Karl Stradau stood before Judge Bickford on 14 June 1946. The charges included: *Wrote disrespectful letter to MGO Liezen* and *Wrote disrespectful letter to Military Government Liezen*; both points ended with acquittals.[712] On 17 July 1946, Richard P. had to stand trial before Judge Cathie in Graz. The charge was as follows: *Disrespectful behaviour to English soldier and his lady*. Because he was also prosecuted for the more serious offence of *assault member of allied forces*, he was sent to prison for two months.[713]

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[707] BRUNNER M., Intermediate Courts 36.

[708] Cf. Volkswille (24. 11. 1945), 3 („Gen. Johann Kazianka").

[709] Arbeiter-Zeitung (14. 9. 1946), 2 („Verletzung der Immunität eines kärntnerischen Abgeordneten"); Österreichische Volksstimme (15. 9. 1946), 2 („Immunität eines Abgeordneten verletzt"); Österreichische Zeitung (15 9. 1946), 5 („Verletzung der Immunität eines Kärntner Abgeordneten"); Wiener Zeitung (15. 9. 1946), 2 („Kärntner Landtagsabgeordneter vor dem Militärgericht"); Volkswille (17. 9. 1946), 1 („Landtagsabgeordneter Kazianka vom britischen Militärgericht verurteilt"). – In an unanimously adopted declaration, the Landtag of Carinthia expressed its dismay at the temporary arrest and conviction of one of its members who were subject to immunity under Austrian law. At the same time, the federal government was urged to take all necessary steps to prevent such incidents in the future. Wiener Zeitung (26. 9. 1946), 2 („Kärntner Landesbudget"). – Furthermore: Österreichische Volksstimme (26. 9. 1946), 2 („Kärntner Landtag gegen Immunitätsverletzung"); Arbeiter-Zeitung (11. 10. 1946), 2 („Für die Achtung der Immunität").

[710] The former partisan Amalia Oraže was shot dead by a British guard on 9 August 1946. Volkswille (15. 8. 1946), 3 („Tragischer Tod einer ehemaligen Partisanin"); Volkswille (20. 8. 1946), 3 („Britische Erklärung zum Tod der Genossin Oraze").

[711] KLA, BPD Klagenfurt, Sch. 45, Brit. Militärgerichtsregister: Office-No. 4527.

[712] TNA, FO 1020/3525: Case-No. 1055/3+4.

[713] TNA, FO 1020/3525: Case-No. 1204; BRUNNER M., Intermediate Courts 36.

No Displaced Person in the occupied territory shall change his or her residence (permanently or temporarily) without the authority of the Military Government. (Ordinance No. 300, § 3)[714]
(Carinthia: 0/0* – Styria: 24/24 – Vienna: 0/0)

In the British occupation zone, Displaced Persons (DPs) were subject to certain restrictions of movement for longer than the Austrian population. This was obviously an attempt to counter the tense security situation.

The central provision of Ordinance No. 300, issued in February 1946 for Carinthia and Styria,[715] was that, in future, DPs also had to obtain residence certificates.[716] However, two other points of this ordinance were relevant to the work of the Intermediate Courts due to frequent violations: DPs were not allowed to change their place of residence without the authorisation of the military government (§ 3), and were not allowed to move more than 10 km away from it (§ 4) (see below).[717]

Falsely pretending to be a member of the Allied Forces; wearing any uniform of the Allied Forces without authority. (Ordinance No. 200, Art. I, § 6)[718]
(Carinthia: 5/5* – Styria: 21/17 – Vienna: 8/6)

The case of Georg Grabmaier can serve as an example of this offence. He had somehow obtained an English uniform and wore it. As a supposed soldier of the occupying forces, he managed to carry out illegal house searches in the Knittelfeld area together with two British deserters and commit thefts in the process.[719] After his arrest, Grabmaier was confronted with four charges before the Intermediate Court in Leoben on 11 October 1946: *Falsely pretended to be member of allied forces, Wear uniform, Assume authority, Theft*. Judge Bickford sentenced him to two years in prison, one year of which was suspended.[720]

If the only charge was that of wearing an Allied uniform, it was up to the judge to classify the severity of the offence. This sometimes resulted in harsh sentences: Rob-

[714] VuABlSt 33/13 (5. 4. 1946), 101; Legal Division, Handbook: Ordinance No. 300; BRUNNER M., Militärgericht 170. – See also: StLA, Plakatsammlung, Pl-P-1946-0107: Ordinance No. 300.
[715] Cf. Volkswille (21. 2. 1946), 4.
[716] According to Decree No. 5 of summer 1945, they were still exempt from this obligation. – Decree No. 5 was promulgated in Carinthia on 12 July 1945 and in Styria in August 1945. Kärntner Nachrichten (14. 7. 1945), 4; VuABlSt 32/5 (31. 8. 1945), 73f.; BRUNNER M., Militärgericht 131–134.
[717] VuABlSt 33/13 (5. 4. 1946), 101f.; Legal Division, Handbook: Ordinance No. 300. – Ordinance No. 300 was repealed in October 1946. It was replaced by the provisions of Ordinance No. 207. Cf. Neue Zeit (20. 10. 1946), 4; Neue Zeit (24. 10. 1946), 4.
[718] VuABlSt 32/4 (21. 8. 1945), 58; BRUNNER M., Militärgericht 119.
[719] StLA, Gendarmeriechronik, Bez. Murtal, GP Knittelfeld, Bd. 2, s. p. [entry: 27. 9. 1946]; Weltpresse (Abend-Ausgabe) (15. 10. 1946), 8 („Zwei Jahre für falschen Engländer").
[720] TNA, FO 1020/3525: Case-No. 1424. – Georg Grabmaier was transferred to the Karlau Prison on 16 October 1946 and released on 14 November 1947. StLA, JA Karlau, Bücher, Bd. 59, StB-Nr. 1200. – Grabmaier should actually have been released on 27 September 1947. However, he escaped from prison on 2 July of the same year and was only returned to custody on 20 August. See also: TNA, FO 1020/2868: *List of prison escapes as reported in July 1947*.

ert B., for example, was given eight months in prison on 4 March 1946.[721] In the trial against the so-called 'Styrian Scouts' in Graz (see chapter 6.4.4.3), Hans D. received six months' imprisonment for this offence in January 1948.[722] However, very short or suspended sentences were also handed down.[723]

False assumption of authority from the Allied Forces or the Military Government; unauthorised possession or control of any part of an Allied uniform, whether genuine or false. (Ordinance No. 200, Art. II, § 30)[724]
(Carinthia: 4/4* – Styria: 21/17 – Vienna: 2/1)

The procedure mentioned above in the Grabmaier case was also adopted by Josef C. from Poland. In autumn 1945, he put on a British uniform and used it to force alleged house searches for weapons on several farms in the Feldbach district. If C. found what he was looking for, he demanded hush money to refrain from pressing charges. Michael D., a Bulgarian, acted as the alleged interpreter. The Czechoslovakian Peter L. was involved in the background as an instigator. After his arrest, Josef C. was charged with usurpation of official authority and also with possession and use of weapons. At the Intermediate Court in Graz on 9 April 1946, this was sufficient for a prison sentence of four years (two years suspended).[725] The judge justified the harsh judgement by stating that C. had seriously damaged the reputation of the English military through his actions.[726] His two accomplices also received long-year prison sentences.[727]

In July 1947, the British noticed that Austrian civilians wearing British uniforms illegally were appearing more and more frequently in their zone. The fact that this was a criminal offence had apparently been somewhat forgotten. It was therefore announced in the media that such cases would (again) be subject to arrest and punishment in accordance with Ordinance No. 200 from 31 July 1947. Until this deadline, every Austrian civilian who was in (lawful) possession of a British uniform and wished to continue wearing it was required to dye in the item in question.[728]

It is forbidden, except as specifically authorised by the Military Government, to import or export into or out of Austria any currency of any description or any coupon or security payable or expressed in any currency. (Decree No. 2, Art. II, § 5)[729]
(Carinthia: 6/6* – Styria: 20/16 – Vienna: 0/0)

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[721] TNA, FO 1020/3525: Case-No. 744. – This time, the venue, and nationality of the accused were not entered in the proceedings lists.
[722] TNA, FO 1020/3525: Case-No. 2495; Neue Zeit (31. 1. 1948), 4 („Sechs Monate für Lex").
[723] TNA, FO 1020/3525: Case-No. 858; TNA, FO 1020/3526: Case-No. 4122.
[724] VuABlSt 32/4 (21. 8. 1945), 60; BRUNNER M., Militärgericht 121.
[725] TNA, FO 1020/3525: Case-No. 854; StLA, JA Karlau, Bücher, Bd. 59, StB-Nr. 577.
[726] Neue Zeit (24. 4. 1946), 4.
[727] TNA, FO 1020/3525: Case-No. 855: Michael D.; StLA, JA Karlau, Bücher, Bd. 59, StB-Nr. 578. – TNA, FO 1020/3525: Case-No. 856: Peter L.; StLA, JA Karlau, Bücher, Bd. 59, StB-Nr. 582.
[728] Weltpresse (Abend-Ausgabe) (19. 7. 1947), 2 („Britische Uniformen für Oesterreicher verboten"); Neue Zeit (22. 7. 1947), 3 („Britische Uniformen einfärben!").
[729] Legal Division, Handbook: Decree No. 2 (Military Government Austria).

At the very beginning of the occupation, the British promulgated the rules that would henceforth apply to their zone with regard to various financial matters with the lengthy Decree No. 2. These included legal means of payment and the import and export of currency.

Several relevant charges before Intermediate Courts in Styria were based on arrests that took place on 25 April 1946 in Fehring, and on the next two days in Feldbach.[730] The gendarmerie arrested several Polish Jews from the Kobenz DP camp[731] who were carrying a total of ATS 1,042,610 with them – most of it hidden in prepared suitcases. Eight of these men remained in custody and had to answer to Lt Col McFadyean at the Intermediate Court in Feldbach on 9 May 1946 for unauthorised currency importation (or aiding and abetting it).[732] His judgements on the four main offenders had the same wording: *6 months suspended for 6 months during good behaviour and so long as he returns to Kobenz Camp and obeys the commandant of the camp*.[733] The remaining defendants were acquitted. However, the entire incriminated amount of money remained confiscated by court order and was deposited in an account of the military government at the National Bank in Graz.[734]

In Vienna, only one case of illegal currency import was brought before an Intermediate Court. However, the indictment in this case was based on Section 41 of Ordinance No. 200.[735]

No Displaced Person in the occupied territory shall be outside a radius of ten kilometres from his or her residence as specified in the Certificate of Residence without the authority of the Military Government. (Ordinance No. 300, § 4)[736]
(Carinthia: 25/23* – Styria: 15/13 – Vienna: 0/0)

As already mentioned above, Ordinance No. 300 of February 1946 stated, among other things, that DPs were not allowed to move more than 10 km from the place of residence specified in their certificate of residence unless they had authorisation to do otherwise.[737] However, the fact that the impact of this ordinance remained limited was demonstrated in the course of the summer of 1946 by a large number of offences against the 10 km rule, which subsequently caused a great deal of activity, particularly at the level of the Summary Courts. In the monthly report for September 1946, the Military Government Courts Branch stated soberly and even baffledly: *It is not known whether*

[730] Cf. ALBRICH, Jüdische Displaced Persons 106; MACHER-KROISENBRUNNER, Reetablierung 493.
[731] Cf. STIEBER, Nachkriegsflüchtlinge 246, 285; MACHER-KROISENBRUNNER, Reetablierung 420–430.
[732] TNA, FO 1020/3184: 14. 5. 1946; TNA, FO 1020/3525: Case-No. 913, 914, 915, 916, 917, 918, 919, 920.
[733] TNA, FO 1020/3525: Case-No. 913, 914, 916, 917.
[734] TNA, FO 1020/3184: 14. 5. 1946; MACHER-KROISENBRUNNER, Reetablierung 493.
[735] TNA, FO 1020/3524: Case-No. 136/47.
[736] VuABlSt 33/13 (5. 4. 1946), 101; Legal Division, Handbook: Ordinance No. 300; BRUNNER M., Militärgericht 170.
[737] This followed on from the relevant provisions in Decree No. 1 (Art. IV) and Announcement No. 6. Legal Division, Handbook: Decree No. 1 (Military Government Austria); Legal Division, Handbook: Notice No. 6 (Military Government Austria – Gaue Kärnten and Steiermark).

this Ordinance [No. 300] *has been given insufficient publicity in Displaced Persons camps or whether the majority of the offences are deliberate infringements.*[738]

In the same month, the occupying power specified that DPs had to apply for authorisation to travel beyond the 10 km zone from the relevant district authority. If this was more than 10 km away from their place of residence, they had to obtain their own authorisation from the relevant gendarmerie post to travel to submit their application.[739]

Ordinance No. 300 was replaced in autumn 1946 by the provisions of Ordinance No. 207. British Intermediate Courts continued to deal with violations of the 10 km rule by DPs until the autumn of 1947. They usually constituted one of several charges at the hearings.

Aiding, or failing to report, any person known to be wanted by the Allied Forces. (Ordinance No. 200, Art. II, § 35)[740]
(Carinthia: 0/0* – Styria: 10/9 – Vienna: 0/0)

Failure to report a wanted person fell under Art. II, i.e. the less serious offences. However, if the charge was brought in connection with the more serious offence under Art. I, § 9 (aiding and assisting or concealing a fugitive), longer sentences were threatened, as was shown at a trial before the Intermediate Court held in Judenburg on 11 and 17 March 1947. Four men from the district of Knittelfeld were on trial. They had organised and provided shelter and other assistance to the former Heimatbund leader of Trbovlje, Heribert E.,[741] who had fled from the Wolfsberg camp in view of his impending extradition to Yugoslavia. It was clear from their statements in court that the defendants had acted in full knowledge of the criminal nature of this escape aid. The judge sentenced Ferdinand Polansky, as the mastermind, to three years in prison (18 months suspended), Rudolf Moser and Karl König to two years (one year suspended), and Fritz Lenger to one year (six months suspended).[742]

On 4 February 1949, Marg. M., Maria L., and Maria Sommeregger stood before the Intermediate Court in Leoben because they had harboured two British deserters. The men had committed numerous burglaries in the Leoben area before they were arrested at the beginning of January 1949.[743] At the trial, the three women were sentenced to short,

[738] TNA, FO 1020/2033: 3. 10. 1946 (cited from BRUNNER M., Militärgericht 55).
[739] Cf. VuABlSt 33/40 (23. 11. 1946), 448; Neue Zeit (20. 10. 1946), 4; Neue Zeit (24. 10. 1946), 4.
[740] VuABlSt 32/4 (21. 8. 1945), 60; BRUNNER M., Militärgericht 122.
[741] Cf. KARNER, Steiermark im Dritten Reich 161.
[742] TNA, FO 1020/3525: Case-No. 1760 (Rudolf Moser); TNA, FO 1020/3525: Case-No. 1761 (Fritz Lenger); TNA, FO 1020/3525: Case-No. 1763 (Karl König); TNA, FO 1020/3525: Case-No. 1764 (Ferdinand Polansky); Neue Zeit (16. 3. 1947), 3 („Fluchtbeihilfe führt ins Kittchen"); Murtaler Zeitung (22. 3. 1947), 2 („Flüchtigem Kriegsverbrecher Beistand geleistet"). – The four convicts were transferred to Karlau Prison on 25 April 1947. Their suspended release took place after a few months: Lenger on 17 June, Polansky on 11 September, Moser and König on 17 September 1947. StLA, JA Karlau, Bücher, Bd. 59, StB-Nr. 1731 (Moser), 1732 (König), 1733 (Polansky), 1734 (Lenger).
[743] Neue Zeit (6. 1. 1949), 5 („Der verhängnisvolle Fenstersprung"); Obersteirische Zeitung (8. 1. 1949), 2 („Fenstersprung – Verhaftung zweier Deserteure").

suspended prison sentences for failing to report the offence.[744] Judge MacKeown explained that he only handed down such lenient sentences because all the defendants had children.[745]

Any act or neglect to the prejudice of good order of the occupied territory or the interests of the Military Government, the Allied Forces or any member thereof. (Ordinance No. 200, Art. II, § 41)[746]
(Carinthia: 83/46* – Styria: 132/98 – Vienna: 24/16)

This offence is deliberately placed at the end of the list because, in the absence of complete data in the British court sources, there is a residual probability that not all cases that were assigned to Section 41 of Ordinance No. 200 by the author for the purpose of statistical analysis were actually brought to court on this basis. The wording of Section 41 is, of course, so vague that anything could have been included here.[747] Typical relevant charges were, for example *disorderly conduct*, *commit an act to the prejudice of good order, did drive without care and attention* or *loitering British billets*.[748]

The fact that theft was also sometimes covered by this clause[749] can be seen from an Intermediate Court trial in Vienna. Karl R., Heinrich Hucl and Josef Nepala were tried here on 22 November 1946 for the theft of five oil paintings from a British officers' mess.[750] The charge of theft of Allied property (§ 17) was withdrawn, but R. and Hucl received prison sentences of two and four years respectively, on the basis of § 41.[751]

An attack on a member of the Allied Forces was listed in Ordinance No. 200 under § 5 (and could be punished by death). However, if a Briton – who was not a member of the armed forces or the Allied Commission – attacked an Austrian citizen and this incident was brought before a court, § 41 could be applied. This is what happened in the case of Walter Leonard W., who stood before the Intermediate Court in Vienna in October 1947 on the charge of *assaulting an Austrian citizen*. Judge Gilshenan found his compatriot guilty and imposed a fine of ATS 200.[752] On 22 July 1948 in Klagenfurt, the charge against the 19-year-old British woman Marzella S. was based on the same paragraph. She is said to have poured water over police officers, which was interpreted as an attack. The Intermediate Court (Lt Col Cohen) ruled in favour of acquittal in this case.[753]

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[744] TNA, FO 1020/3526: Case-No. 4140, Marg. M.; TNA, FO 1020/3526: Case-No. 4141, Maria L.; TNA, FO 1020/3526: Case-No. 4142, Maria Sommeregger.
[745] Obersteirische Zeitung (9. 2. 1949), 2 („Unterschlupf für britische Deserteure“).
[746] VuABlSt 32/4 (21. 8. 1945), 60f.; BRUNNER M., Militärgericht 122.
[747] Cf. KAFKA, Probleme 229.
[748] BRUNNER M., Intermediate Courts 37.
[749] It was not until an amendment was made in autumn 1946 (Ordinance No. 208) that theft – as paragraph 41b – was added “expressis verbis” to Ordinance No. 200. VuABlSt 33/43 (28. 12. 1946), 477f.; BRUNNER M., Militärgericht 47, 60.
[750] Cf. TNA, FO 1020/2953: 12. 12. 1946.
[751] TNA, FO 1020/3524: Case-No. 83/46. Josef Nepala was acquitted. – Following a review, Karl R.'s sentence was suspended after six months in prison and Heinrich Hucl's sentence was reduced to two years.
[752] TNA, FO 1020/3524: Case-No. 110/47. The trial was scheduled for two days (7 October 1947, 22 October 1947).
[753] KLA, BPD Klagenfurt, Sch. 51, Brit. Militärgerichtsregister: Office-No. 7870.

Figure 5: Traffic accident involving a British lorry on Karlauerstraße in Graz, 24 October 1946 (StLA)

Intermediate Courts frequently tried traffic offences under § 41 if they were classified as a violation of public order. In Styria, 39 charges were brought in this way, the text of which could read as follows: *Good order: dangerous driving, Careless driving, Negligent driving, Drove vehicle at an excessive speed*.[754] However, for British courts to deal with such offences, there had to be a direct link to the occupying power, for example in that the vehicle used came from Allied property, or they had to be legally responsible for sentencing the driver.[755]

Here are three examples: On 14 January 1947, the German prisoner of war Franz Patalon stood before the Intermediate Court in Graz for careless driving. On 24 October 1946, he had been driving a lorry belonging to the British occupying forces under the influence of alcohol and had caused an accident on Karlauerstraße in Graz in which one man was killed and several other people were injured (Fig. 5).[756] The sentence was three years in prison.[757] – At the beginning of December 1947, the Yugoslav Anton M. was driving a British lorry in the Diemlach neighbourhood of Kapfenberg. Due to an unsuccessful overtaking manoeuvre, he knocked down several people waiting at a bus stop; it

[754] Examples of proceedings for traffic offences under Section 41 before Intermediate Courts in Vienna: TNA, FO 1020/3524: Case-No. 52/48, 60/48.

[755] BRUNNER M., Intermediate Courts 37. – If a non-British driver employed by the occupying power was involved in a road accident, Austrian courts could not prosecute him until December 1948. Weltpresse (25. 5. 1949), 2 („Weitere Einschränkung der britischen Militärgerichte“).

[756] StLA, Pol-Dion Graz, Akten, Kriminalpolizei, Sonderreihe, K. 10, KrPol-11702-1946. – Furthermore: Das Steirerblatt (26. 10. 1946), 4 („Betrunkener Kraftfahrer rast in einen Lichtmast“); Neue Zeit (26. 10. 1946), 3 („LKW fährt in Lichtmast“).

[757] TNA, FO 1020/3525: Case-No. 1620; Neue Zeit (19. 1. 1947), 3 („Alkoholisierter Wagenlenker verurteilt“); Wiener Kurier (20. 1. 1947), 4. – One day after the trial, Franz Patalon was sent to Karlau Prison. His suspended release took place on 1 November 1947. StLA, JA Karlau, Bücher, Bd. 59, StB-Nr. 1488.

was a hit-and-run case.[758] He was brought before the Intermediate Military Court in Leoben on 27 February 1948. The prosecution read: *Run down 5 people causing death of 1 person, Dangerous driving, Failed to stop*. Judge MacKeown sentenced M. to four years unconditional imprisonment.[759] – On 15 September 1948, the Viennese Friedrich Müllner drove a British truck through Kärntner Straße in Leoben while he was drunk. He hit the pavement, seriously injured two passers-by and drove on without stopping. He was arrested the same day. The Intermediate Court hearing took place in Leoben on 22 October 1948. Because Müllner had also demolished a railway barrier, the charge comprised six points: *Drove WD vehicle being drunk, Drove WD vehicle dangerously, Caused bodily harm, Failed to stop, Caused damage to railway, Caused damage to vehicle*. In this case, Judge MacKeown imposed a prison sentence of nine months. In addition, the convict was not allowed to drive for two years after his release.[760]

In addition to the recurring charges mentioned above, the British Intermediate Courts also had to deal with a large number of less frequent charges, from which offences such as abortion[761], bigamy[762], child abuse[763], and even incitement to duel[764] stand out. Some of these unusual cases were categorised by the judicial officers under Section 41, but others were also tried under the Austrian Criminal Code.

6.3 Intermediate Courts in Carinthia and East Tyrol

6.3.1 Locations of the Intermediate Courts (Carinthia and East Tyrol)

Table 10 shows the geographical distribution and range of activities of the British Intermediate Courts in Carinthia and East Tyrol. It is based on the "British Military Court Register" in the Carinthian Provincial Archives, whereby no claim to completeness can be made because the places of trial were only sporadically listed on the index cards until around the end of August 1945. Nevertheless, the basic constellations can be deduced: The occupying power installed its Intermediate Military Courts in all district towns, as well as additionally in Feldkirchen and Ferlach. The first trial of an Intermediate Court

[758] Wahrheit (7. 12. 1947), 3 („Ein Todesopfer und 4 Verletzte bei Verkehrsunfall"); Mürztaler Volksstimme (10. 12. 1947), 4 („Zuerst töten – dann flüchten!").
[759] TNA, FO 1020/3525: Case-No. 2571; Obersteirische Zeitung (6. 3. 1948), 2 („Die gerechte Strafe für einen rücksichtslosen Fahrer"); BRUNNER M., Intermediate Courts 37. – Anton M. was taken to the Karlau Prison on 1 March 1948 and transferred from there to the Salzburg Regional Court prison on 24 March 1948 to be used for work on the construction site of the Kaprun power plant. StLA, JA Karlau, Bücher, Bd. 67, StB-Nr. 2762.
[760] TNA, FO 1020/3526: Case-No. 4015; Obersteirische Zeitung (18. 9. 1948), 1 („Erst geflohen dann aber ausgeforscht"). – Friedrich Müllner was sent to the Karlau Prison five days after the trial and was released on 7 April 1949 after serving three quarters of his sentence. StLA, JA Karlau, Bücher, Bd. 67, StB-Nr. 3241.
[761] KLA, BPD Klagenfurt, Sch. 38, Brit. Militärgerichtsregister: Office-No. 4978, 6580; TNA, FO 1020/3525: Case-No. 2161, 2162, 2163, 2400, 2401.
[762] TNA, FO 1020/3525: Case-No. 2708.
[763] TNA, FO 1020/3525: Case-No. 1994, 1995, 2096, 2100, 2469, 2664/1-3.
[764] TNA, FO 1020/3525: Case-No. 2563.

was held in Villach on 23 May 1945 under the presidency of Maj Rawlins.[765] As a result of the thinning out of British court activities, Feldkirchen, Ferlach, and Hermagor were the first locations to be cancelled.[766] In the 1950s, the intermediate court level was only active in Klagenfurt, Spittal an der Drau, and Villach. Maj Barnes presided over one of the last hearings of an Intermediate Court in the province of Carinthia on 16 July 1953 in Spittal an der Drau.[767]

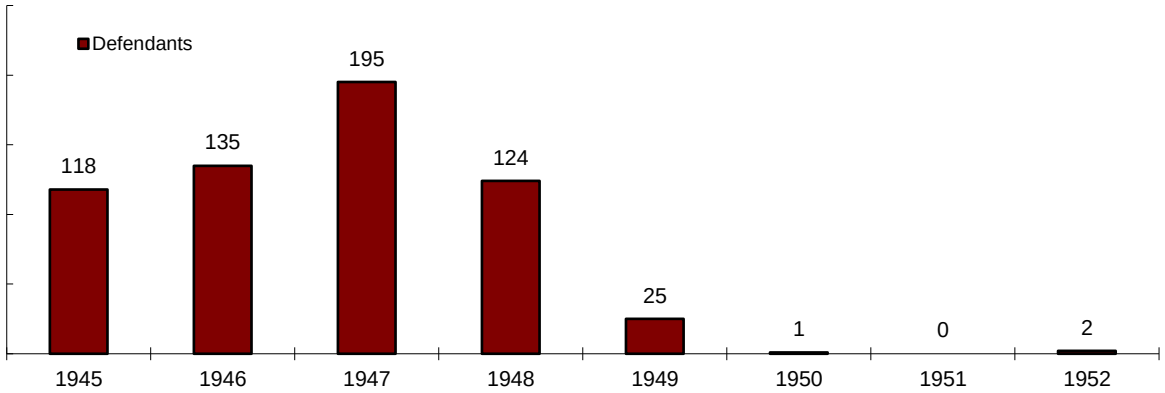
Venue[768]	First trial	Last trial
Feldkirchen	11. 6. 1945	[?]
Ferlach	3. 7. 1945	[?]
Hermagor	27. 9. 1945	16. 10. 1946
Klagenfurt	4. 6. 1945	28. 2. 1953
Lienz	30. 6. 1945	7. 7. 1948
Spittal an der Drau	20. 7. 1945 [?]	16. 7. 1953
St. Veit an der Glan	31. 5. 1945	16. 3. 1949
Villach	23. 5. 1945	20. 6. 1950
Völkermarkt	18. 7. 1945	3. 9. 1948
Wolfsberg	6. 6. 1945	11. 3. 1949

Table 10: Locations of British Intermediate Courts in Carinthia & East Tyrol

6.3.2 Statistics of the Intermediate Courts (Carinthia and East Tyrol)

For the statistical analyses (or approximations) in this chapter, a sample of 600 defendants with 1000 charges was gathered in the Access database from the trials contained in the KLA's "British Military Court Register". This represents around 7 per cent of the total number, as 8662 people stood trial before British Intermediate Courts in Carinthia and East Tyrol between 1945 and 1953. Unsurprisingly, the majority of the trials took place in the first four years of occupation (Graph 1). According to statistics from the British occupying power, 6549 people were brought before Intermediate Courts as defendants in Carinthia between June 1945 and December 1947.[769]

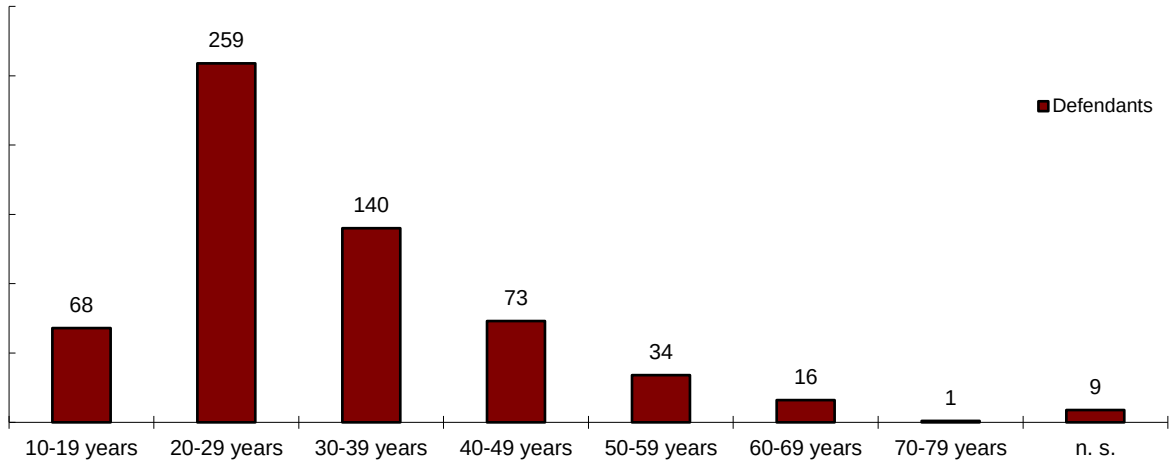
[765] KLA, BPD Klagenfurt, Sch. 50, Brit. Militärgerichtsregister: Office-No. 1.
[766] Cf. TNA, FO 1020/2028: 17. 2. 1948.
[767] KLA, BPD Klagenfurt, Sch. 47, Brit. Militärgerichtsregister: Office-No. [n. s.].
[768] Note on this section: No distinction is made between any urban and rural districts.
[769] TNA, FO 1020/1971: *Monthly-Analysis: Military Government Court Cases, Land Kärnten*; TNA, FO 1020/2866: *Legal Monthly Sitrep, Period to 2359 hrs 1 Jul 45, Gau Karnten*; TNA, FO 1020/2866: *Monthly-Analysis: Military Government Court Cases, Land Kärnten*; TNA, FO 1020/2867: *Monthly-Analysis: Military Government Court Cases, Land Kärnten*; TNA, FO 1020/2868: *Monthly-Analysis: Military Government Court Cases, Land Kärnten*.



Graph 1: Annual overview of defendants before Intermediate Courts in Carinthia & East Tyrol (Sample)

The following two graphs on the gender and age distribution of defendants before Intermediate Courts in Carinthia and East Tyrol are to be 'read' with the restriction that the index cards in seven (gender) and nine (age) out of 600 cases (sample) do not contain any information on the gender or age of the defendant(s).

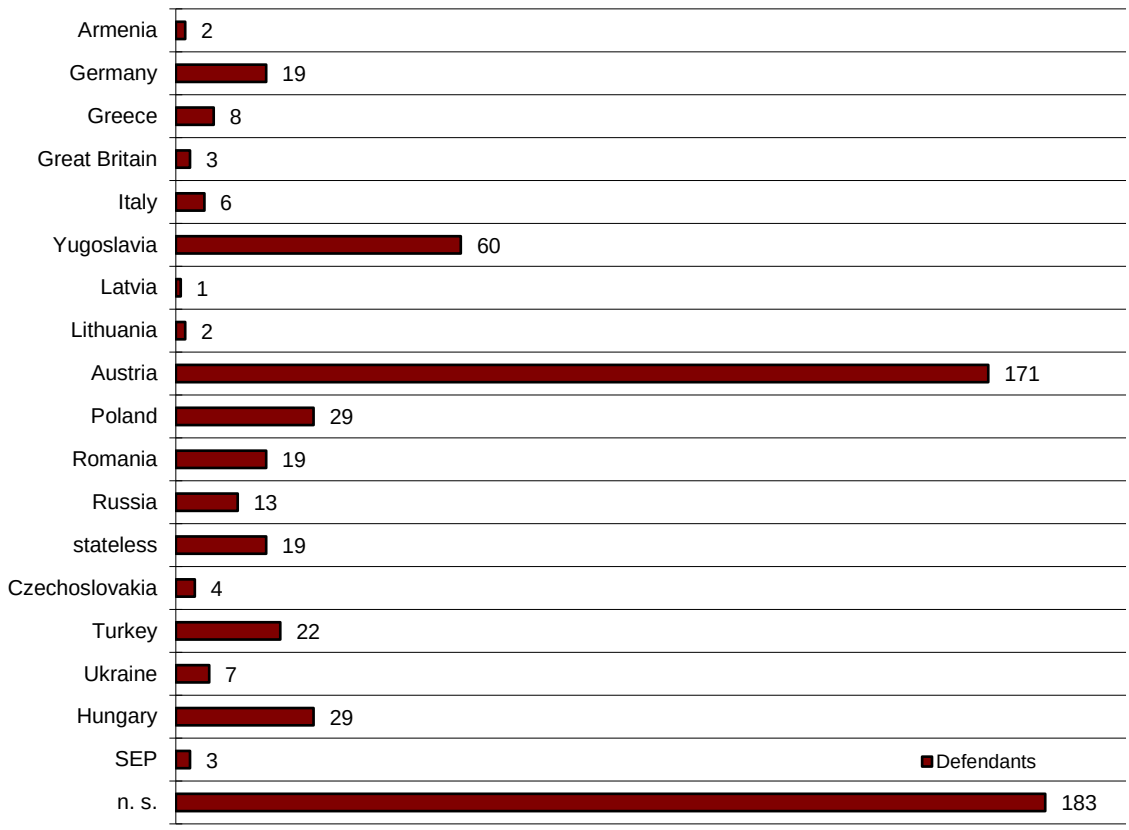
The sample for Carinthia and East Tyrol shows that men represented around 84.1 per cent of all defendants before British Intermediate Courts, while the proportion of women was 14.7 per cent (1.2 per cent not specified).



Graph 2: Age distribution of defendants before Intermediate Courts in Carinthia & East Tyrol (Sample)

The fact that the age group of 20 to 29-year-olds made up the (significantly) highest proportion of defendants is consistent with the – more substantiated – results for the Intermediate Courts in Styria and Vienna.

The list of the origin of the defendants before Intermediate Courts in Carinthia and East Tyrol (Graph 3) is only of limited value, because information on nationality was omitted from the cards in almost a third of the trials.



Graph 3: National origin of the defendants before Intermediate Courts in Carinthia & East Tyrol (Sample)

6.3.3 Jurisdiction of the Intermediate Courts (Carinthia and East Tyrol)

6.3.3.1 Degree of punishment

Intermediate military courts could hand down prison sentences of up to ten years. In Carinthia, this framework was already fully utilised in one of the first hearings of an Intermediate Court held in Spittal an der Drau. On 20 July 1945, Josef Kastner was charged with unauthorised possession of weapons, explosives, ammunition, other war material, food (700 kg) and fuel (500 l), among other things.[770] The incriminated stocks were discovered during a search by British soldiers in Kastner's hotel on Katschberg, in a nearby cemetery and a stable.[771] Maj Rawlins found Kastner guilty and sentenced him to ten years imprisonment, which he was to serve in Graz-Karlau Prison.[772]

On 29 August 1945 in Villach, the same judge imposed the highest sentence of the middle court level on Mieczysław Rexel, who was in the dock for bodily harm.[773] Kurt B.

[770] KLA, BPD Klagenfurt, Sch. 44, Brit. Militärgerichtsregister: Office-No. 2215.
[771] Kärntner Nachrichten (25. 7. 1945), 3 („10 Jahre Gefängnis für Waffenbesitz“).
[772] After an initial petition for a review of the proceedings, the sentence was reduced to five years in March 1946 and, following a further petition, suspended on probation with effect from 1 January 1947. KLA, BPD Klagenfurt, Sch. 44, Brit. Militärgerichtsregister: Office-No. 2215. – See also: StLA, JA Karlau, Bücher, Bd. 59, StB-Nr. 134.
[773] KLA, BPD Klagenfurt, Sch. 50, Brit. Militärgerichtsregister: Office-No. 528; StLA, JA Karlau, Bücher, Bd. 59, StB-Nr. 128.

was sentenced to ten years in prison on 19 October 1945 in Spittal an der Drau for removing SS tattoos (see chapter 6.3.4.1), as was Anton R. on 9 April 1946 in Wolfsberg for burglary and rape,[774] Franc Kopitar on 9 June 1947 in Klagenfurt for attempted murder, among other things (see chapter 6.3.4.4), Pawel M. on 29 January 1948 in Villach for robbery and rape, among other things[775] and finally Valentin Slapnik on 24 March 1948 in Wolfsberg for attempted murder (see chapter 6.3.4.6).

At the other end of the spectrum, Intermediate Courts in Carinthia sometimes imposed the lightest possible sentence (one day in prison). To cite one example: Three young people from St. Georgen am Längsee were arrested on 1 February 1946 because they had 40 British cigarettes with them. One day later, they stood before the Intermediate Court in St. Veit an der Glan. Judge Capt de Pinna sent the boys home by imposing a one-day prison sentence on each of them, which had already been served.[776]

In the case of convicted boys, military courts in Carinthia occasionally ordered them to serve their sentences in the juvenile block of Graz-Karlau Prison.[777] Another option was transfer to a reformatory such as Kaiserebersdorf[778] (Vienna) or Schloss Harbach[779] (Klagenfurt), where girls were also sent by court order[780].

6.3.4 Case studies for proceedings of British Intermediate Courts in Carinthia

6.3.4.1 Removal of SS tattoos (1945)

Most members of the SS wore a tattoo with their blood group on the inside of their left arm. What was originally intended to ensure the correct administration of blood transfusions in the event of an injury, became a problem for these men after the end of the Second World War. This made it much more difficult to conceal their past and avoid possible arrest. In order to get rid of the tell-tale sign,[781] doctors were often consulted. However, the removal of such tattoos was regarded by the occupying powers as favouring the enemy and could result in severe penalties.

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[774] KLA, BPD Klagenfurt, Sch. 50, Brit. Militärgerichtsregister: Office-No. 2298; KLA, Sammlung Egon Payer, Sch. 6, 1946, fol. 5 [entry: 28. 1. 1946, GP Ettendorf]; KLA, Sammlung Egon Payer, Sch. 6, 1946, fol. 7 [entry: 14. 2. 1946, GP Griffen]; StLA, JA Karlau, Bücher, Bd. 59, StB-Nr. 651.

[775] KLA, BPD Klagenfurt, Sch. 47, Brit. Militärgerichtsregister: Office-No. 6851; StLA, JA Karlau, Bücher, Bd. 67, StB-Nr. 2678; Volkszeitung (31. 1. 1948), 3 („Die Räuber vom Ossiachberg verurteilt"); Volkswille (1. 2. 1948), 4 („18 Jahre Gefängnis für die ausländischen Räuber am Ossiacher Berg").

[776] KLA, BPD Klagenfurt, Sch. 48, Brit. Militärgerichtsregister: Office-No. 1773; KLA, BPD Klagenfurt, Sch. 54, Brit. Militärgerichtsregister: Office-No. 1775, 2064.

[777] Beispiele: KLA, BPD Klagenfurt, Sch. 51, Brit. Militärgerichtsregister: Office-No. 7015; KLA, BPD Klagenfurt, Sch. 54, Brit. Militärgerichtsregister: Office-No. 7284; KLA, BPD Klagenfurt, Sch. 55, Brit. Militärgerichtsregister: Office-No. 6850.

[778] Beispiele: KLA, BPD Klagenfurt, Sch. 45, Brit. Militärgerichtsregister: Office-No. 4687, 5556; KLA, BPD Klagenfurt, Sch. 54, Brit. Militärgerichtsregister: Office-No. 4241; KLA, BPD Klagenfurt, Sch. 55, Brit. Militärgerichtsregister: Office-No. 2961.

[779] Beispiele: KLA, BPD Klagenfurt, Sch. 50, Brit. Militärgerichtsregister: Office-No. 5717; KLA, BPD Klagenfurt, Sch. 52, Brit. Militärgerichtsregister: Office-No. 5718, 5719; KLA, BPD Klagenfurt, Sch. 55, Brit. Militärgerichtsregister: Office-No. 1441.

[780] KLA, BPD Klagenfurt, Sch. 50, Brit. Militärgerichtsregister: Office-No. 4376.

[781] Salzburger Nachrichten (27. 10. 1945), 5 („Kainszeichen der SS entfernt").

It was precisely this offence that got the former air force doctor Kurt B.[782] into trouble. He was arrested at the end of July 1945 and brought before a British Intermediate Court in Spittal an der Drau on 19 October 1945. The prosecution accused him of having surgically removed the blood group tattoos of several SS men. He justified himself by saying that he had not known the meaning of these marks and had not been aware of any criminal offence. The court did not believe him, and he was sentenced to ten years in prison.[783]

A trial of the Intermediate Court in Wolfsberg on 5 November 1945 proceeded in a similar manner. The charges against the surgeon Dr Herbert Schwarz[784] were as follows: *Assisted members of the* [enemy] *forces to avoid capture by removing tattoo marke* [!] *distinguishing SS men*.[785] Schwarz also defended himself by claiming that he had not known about a relevant ban after the end of the war. He was sentenced to nine years behind bars.[786]

Such severe penalties were obviously intended to have a deterrent effect. Accordingly, the physician Dr Fritz Schmalz was sentenced to two years in prison by a British Intermediate Court in Graz on 15 July 1946 for removing an SS tattoo.[787] In addition, the British Psychological Warfare Branch generated a number of relevant articles in Austrian daily newspapers.[788]

6.3.4.2 Josef Ulbing (27 May 1946 and 10 April 1947, Villach; 8–9 July 1947, Klagenfurt)

It was not unusual for a defendant to be charged with several offences in court. The British military courts in Austria were no exception here; quite the contrary. Nevertheless, the hearing of the Intermediate Court in Villach on 27 May 1946 was unusual in that the

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[782] * 5. 2. 1917, Moravská Třebová (CZE). StLA, JA Karlau, Bücher, Bd. 59, StB-Nr. 393.

[783] KLA, BPD Klagenfurt, Sch. 38, Brit. Militärgerichtsregister: Office-No. 1113; Kärntner Nachrichten (26. 10. 1945), 5 („10 Jahre Gefängnis wegen Entfernung von Blutgruppenzeichen bei SS-Männern"). – On 5 February 1946, B. was transferred to the Graz-Karlau Prison. He was released on parole on 22 December of the same year. StLA, JA Karlau, Bücher, Bd. 59, StB-Nr. 393.

[784] * 2. 10. 1909, Judenburg (AUT); † 6. 12. 1966, Bruck an der Mur (AUT). DAGS, Pfarre Judenburg-St. Nikolaus, Taufbuch X 1903–1916, fol. 219, Post-Nr. 147 [URL: https://data.matricula-online.eu/de/oesterreich/graz-seckau/judenburg-st-nikolaus/12581/?pg=268 (18. 9. 2025)]. – The name of the accused is incorrectly given as "Otto Schwarz" in the newspaper reports.

[785] KLA, BPD Klagenfurt, Sch. 52, Brit. Militärgerichtsregister: Office-No. 1047.

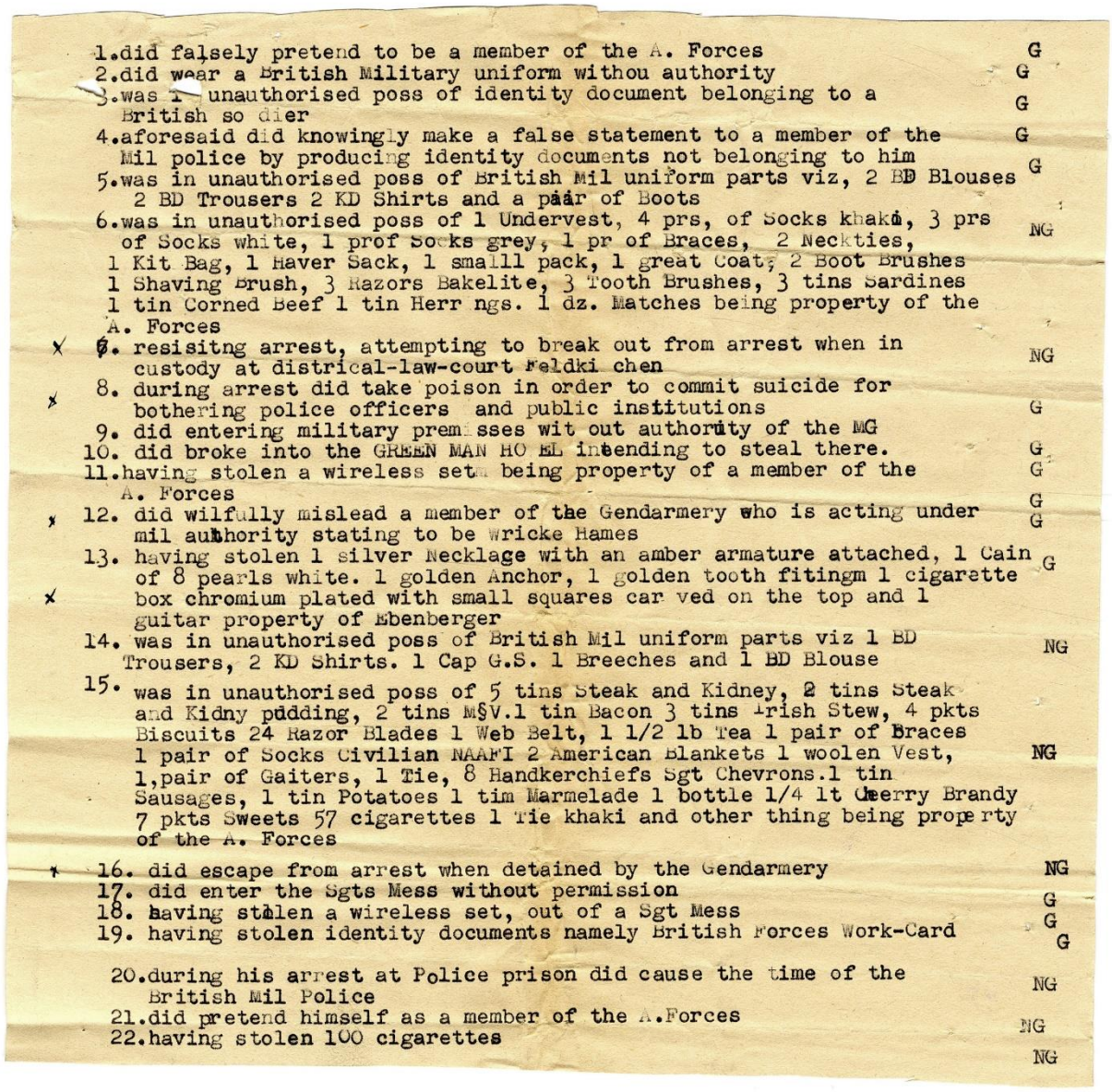
[786] Kärntner Nachrichten (7. 11. 1945), 5 („9 Jahre Gefängnis wegen Entfernung von SS-Tätowierungen"); Salzburger Nachrichten (7. 11. 1945), 3 („Für SS-Kainszeichen-Entfernung neun Jahre"); Neues Österreich (8. 11. 1945), 3 („Die entfernten SS-Tätowierungen"). – Herbert Schwarz was sent to the Karlau in Graz on 14 June 1946. His prison term was later reduced to two years by the British and finally suspended on 19 December 1946. KLA, BPD Klagenfurt, Sch. 52, Brit. Militärgerichtsregister: Office-No. 1047; StLA, JA Karlau, Bücher, Bd. 59, StB-Nr. 752; StLA, JA Karlau, Bücher, Bd. 61, Post-Nr. 404/1946.

[787] TNA, FO 1020/3525: Case-No. 1220; Weltpresse (9. 8. 1946), 8 („Tätowierung entfernt – zwei Jahre"). – Schmalz's imprisonment ended on 12 March 1947 with his suspended release. StLA, JA Karlau, Bücher, Bd. 59, StB-Nr. 845.

[788] Similarly, in July 1945, newspapers reported in detail on two trials before American military courts in Salzburg, in which doctors were also accused of removing SS tattoos. In these cases, however, shorter prison sentences or partially suspended sentences were handed down. Salzburger Nachrichten (18. 7. 1945), 2 („Kainszeichen der SS"); Kärntner Nachrichten (19. 7. 1945), 2 („2 Jahre Gefängnis für Entfernung von SS-Tätowierung"); Salzburger Nachrichten (26. 7. 1945), 3 („Ein Wort zur Rechtsprechung"); Salzburger Nachrichten (31. 7. 1945), 3 („Nochmals SS-Kainszeichen").

list of charges against the accused Josef Ulbing[789] included no fewer than 22 items. What the farm labourer from Umberg (mun. Wernberg) was charged with reads like a tour d'horizon of Ordinance No. 200 (Fig. 6).[790]

According to the prosecution, Ulbing had violated at least ten different points of this ordinance. The pretence of being a member of the Allied Forces (Art. I, § 6), as well as theft (Art. I, § 17) and unauthorised possession of Allied property (Art. II, § 27) stood out due to their frequency. Even after his arrest, Ulbing had evidently managed to keep the executive on its toes by escaping from detention, attempting to do so, or taking poison while in custody.



1.did falsely pretend to be a member of the A. Forces G
2.did wear a British Military uniform withou authority G
3.was in unauthorised poss of identity document belonging to a British so dier G
4.aforesaid did knowingly make a false statement to a member of the Mil police by producing identity documents not belonging to him G
5.was in unauthorised poss of British Mil uniform parts viz, 2 BD Blouses 2 BD Trousers 2 KD Shirts and a pair of Boots G
6.was in unauthorised poss of 1 Undervest, 4 prs, of Socks khaki, 3 prs of Socks white, 1 prof Socks grey, 1 pr of Braces, 2 Neckties, 1 Kit Bag, 1 Haver Sack, 1 smalll pack, 1 great Coat, 2 Boot Brushes 1 Shaving Brush, 3 Razors Bakelite, 3 Tooth Brushes, 3 tins Sardines 1 tin Corned Beef 1 tin Herr ngs. 1 dz. Matches being property of the A. Forces NG
7. resisitng arrest, attempting to break out from arrest when in custody at districal-law-court Feldki chen NG
8. during arrest did take poison in order to commit suicide for bothering police officers and public institutions G
9. did entering military prem sses wit out authority of the MG
10. did broke into the GREEN MAN HO EL intending to steal there. G
11.having stolen a wireless set being property of a member of the A. Forces G
12. did wilfully mislead a member of the Gendarmery who is acting under mil authority stating to be Wricke Hames G
13. having stolen 1 silver Necklage with an amber armature attached, 1 Cain of 8 pearls white. 1 golden Anchor, 1 golden tooth fitingm 1 cigarette box chromium plated with small squares car ved on the top and 1 guitar property of Ebenberger G
14. was in unauthorised poss of British Mil uniform parts viz 1 BD Trousers, 2 KD Shirts. 1 Cap G.S. 1 Breeches and 1 BD Blouse NG
15. was in unauthorised poss of 5 tins Steak and Kidney, 2 tins Steak and Kidny pudding, 2 tins M§V.1 tin Bacon 3 tins Irish Stew, 4 pkts Biscuits 24 Razor Blades 1 Web Belt, 1 1/2 lb Tea 1 pair of Braces 1 pair of Socks Civilian NAAFI 2 American Blankets 1 woolen Vest, 1,pair of Gaiters, 1 Tie, 8 Handkerchiefs Sgt Chevrons.1 tin Sausages, 1 tin Potatoes 1 tim Marmelade 1 bottle 1/4 lt Cherry Brandy 7 pkts Sweets 57 cigarettes 1 Tie khaki and other thing being property of the A. Forces NG
16. did escape from arrest when detained by the Gendarmery NG
17. did enter the Sgts Mess without permission G
18. having stolen a wireless set, out of a Sgt Mess G
19. having stolen identity documents namely British Forces Work-Card G
20.during his arrest at Police prison did cause the time of the British Mil Police NG
21.did pretend himself as a member of the A.Forces NG
22.having stolen 100 cigarettes NG

Figure 6: Charges against Josef Ulbing before the Intermediate Court in Villach, 27 May 1946 (KLA)

[789] * 22. 5. 1921, Umberg (mun. Wernberg, AUT); † 29. 7. 2000, Klagenfurt (AUT). ADG, Pfarre Damtschach, Geburtsbuch VI 1920–1939, fol. 6, Nr. 9 [URL: https://data.matricula-online.eu/de/oesterreich/gurk/damtschach/D01_006-1/?pg=6 (18. 9. 2025)].
[790] KLA, BPD Klagenfurt, Sch. 53, Brit. Militärgerichtsregister: Office-No. 2848.

In the end, Josef Ulbing was sentenced to two years' imprisonment by Maj Rawlins. He was transferred to the Karlau Prison in Graz on 14 June 1946, but did not stay there for long. Two months after being sent to prison, Ulbing managed to escape while working outside.[791] When he was caught again by the gendarmerie in Treffen in his Carinthian homeland on 27 March 1947, Ulbing was carrying a P.38 pistol with him.[792] As a result, on 10 April 1947, he stood before an Intermediate Court in Villach for escaping from custody and possession of weapons, and was sentenced to a further year behind bars.[793] Ulbing now returned to Karlau Prison.[794]

In the meantime, however, further alleged offences from the time of Ulbing's escape came to light, leading to a third military court hearing. He was transferred from Graz to Klagenfurt, where, from 8 July 1947, he stood trial before an Intermediate Court presided over by Lt Col Cohen. Of the five charges, three – burglary, possession of Allied property, and escape from custody – resulted in a guilty verdict. On the second day of the trial, Cohen sentenced him to three months in prison, which he was to serve at the end of his previous sentences.[795] Josef Ulbing frequently came into conflict with the law in the years that followed. However, Austrian courts were responsible for dealing with these offences.[796]

6.3.4.3 Franz Knapitsch (29–30 July, 1 and 6 August 1946, Klagenfurt)

A military court hearing in Klagenfurt in the summer of 1946, in which the landowner and politician Franz Knapitsch[797] was accused, attracted public interest. Knapitsch had won a seat in the Carinthian state parliamentary elections in November 1945 as chairman of the Democratic Party of Austria (DPÖ).[798] However, he was arrested on 10 January 1946 by order of the Carinthian Security Directorate and subsequently lost his mandate. The reason for his arrest was the discovery of large quantities of Wehrmacht and NSV property as well as stolen goods, artefacts, explosives, and NS propaganda material

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[791] StLA, JA Karlau, Bücher, Bd. 59, StB-Nr. 751; Grazer Tägliches Fahndungsblatt, Jg. 2/Nr. 118 (26. 8. 1946), Art. 8045.
[792] KLA, BPD Klagenfurt, Sch. 53, Brit. Militärgerichtsregister: Office-No. 4656; Volkswille (29. 3. 1947), 4.
[793] KLA, BPD Klagenfurt, Sch. 53, Brit. Militärgerichtsregister: Office-No. 4656.
[794] StLA, JA Karlau, Bücher, Bd. 59, StB-Nr. 1719.
[795] KLA, BPD Klagenfurt, Sch. 53, Brit. Militärgerichtsregister: Office-No. 5112. – As a result of the Legal Branch's procedural review, Ulbing's prison term was shortened. The prison gates therefore reopened for him on 30 June 1948. StLA, JA Karlau, Bücher, Bd. 59, StB-Nr. 1719.
[796] Cf. StLA, JA Karlau, Bücher, Bd. 67, StB-Nr. 4288; Volkswille (25. 8. 1949), 3 („Der Sattendorfer Einbrecher verhaftet"); Volkswille (26. 8. 1949), 3 („Villach"); Volkswille (29. 12. 1949), 3 („Der ‚Unbekannte' wurde gefunden"); Volkswille (26. 5. 1950), 5 („Sittlichkeitsverbrechen an einer Taubstummen"); Volkszeitung (26. 5. 1950), 5 („Taubstumme Opfer eines Unholdes"); Volkszeitung (10. 11. 1951), 5 („Die Abenteuer eines ‚Karlauers' …").
[797] * 1. 6. 1911, Schloss Mayerhofen (today, mun. Friesach, AUT); † 24. 5. 1980, Vienna (AUT). ADG, Pfarre St. Salvator, Geburtsbuch VII 1897–1916, fol. 120, Nr. 18 [URL: https://data.matricula-online.eu/de/oesterreich/gurk/st-salvator/S70_007-1/?pg=127 (18. 9. 2025)]. – Furthermore: AUTENGRUBER, Demokratische Partei Österreichs 397; AUTENGRUBER, Kleinparteien 83; URL: https://de.wikipedia.org/wiki/Franz_Knapitsch (18. 9. 2025).
[798] WADL, Überblick 119, 122; AUTENGRUBER, Demokratische Partei Österreichs 393–399; AUTENGRUBER, Kleinparteien 84–86; STIEBER, Consolidated Intelligence Reports 276f.

on Knapitsch's Mayerhofen estate in St. Salvator (today, mun. Friesach). He was also under investigation on the basis of the Prohibition and Electoral Act and for Aryanisation.[799] Judicial sanctions were divided between British and Austrian authorities.

On 29 July 1946, Knapitsch and eight co-defendants were brought before a British Intermediate Court in Klagenfurt under the direction of Maj Cohen for alleged violations of orders issued by the military government. The prosecution (Dr Melion) and defence (Dr Fiedler, Dr Dörflinger) were in the hands of Austrian lawyers. The indictment comprised eight counts, including failure to declare Wehrmacht property, concealment of works of art, and possession of weapons.[800] On 6 August, the fourth day of the trial, the judge declared – before the verdict was announced – that politics had nothing to do with the charges brought. The court was not interested in the defendant's party affiliation. It was only interested in the question of whether or not he had violated the regulations of the military government.[801] Knapitsch was found guilty of three charges (non-declaration of Wehrmacht property, non-declaration of furnishings from the German art academy in Florence, removal of military licence plates). Knapitsch had already served almost all of the sentence of seven months in prison by the time he was remanded in custody.[802] The other defendants were fined, one was acquitted.[803]

In the following year, Franz Knapitsch was sentenced twice more to prison by Austrian courts for his alleged NSDAP membership: On 10 June 1947 he was sentenced to five months under the Electoral Act,[804] and on 16 September 1947 to ten months under the Prohibition Act[805].

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[799] AUTENGRUBER, Demokratische Partei Österreichs 404f.; AUTENGRUBER, Kleinparteien 93f. – See also: KLA, Sammlung Egon Payer, Sch. 6, 1946, fol. 2 [entry: 5. 1. 1946, GP St. Salvator]; British Morning News (12. 1. 1946), 1 („Austrian 'democratic' leader arrested"); Das kleine Volksblatt (13. 1. 1946), 4 („Aufsehenerregende Verhaftung in Kärnten"); Wiener Zeitung (13. 1. 1946), 1 („Warum Knappitsch verhaftet wurde"); Salzburger Volkszeitung (15. 1. 1946), 2 („Das Ende der ‚Vierten Partei?'"); BUCHACHER, Tages- und Wochenpresse 342; STIEBER, Consolidated Intelligence Reports 338, 361f., 373.

[800] KLA, BPD Klagenfurt, Sch. 44, Brit. Militärgerichtsregister: Office-No. 3266; Die Neue Zeit (30. 7. 1946), 2 („Knappitsch vor dem Militärgericht"); Volkszeitung (30. 7. 1946), 4 („Franz v. Knappitsch und Gen. vor dem Militärgericht"); Die Neue Zeit (31. 7. 1946), 2 („Der Prozeß gegen Knappitsch"); Volkszeitung (31. 7. 1946), 3 („Knappitsch will von nichts wissen"); Die Neue Zeit (2. 8. 1946), 2 („Dienstag Urteil gegen Knappitsch"); Volkszeitung (2. 8. 1946), 3 („Der Staatsanwalt beantragt Schuldspruch gegen Knappitsch").

[801] Die Neue Zeit (7. 8. 1946), 2 („Sieben Monate für Herrn v. Knappitsch").

[802] KLA, BPD Klagenfurt, Sch. 44, Brit. Militärgerichtsregister: Office-No. 3266; Die Neue Zeit (7. 8. 1946), 2 („Sieben Monate für Herrn v. Knappitsch"); Neues Österreich (7. 8. 1946), 3 („Sieben Monate Gefängnis für Knappitsch"); Österreichische Zeitung (7. 8. 1946), 3 („Sieben Monate Gefängnis für Knappitsch"); Volkszeitung (7. 8. 1946), 3 („Knappitsch verurteilt"); Weltpresse (7. 8. 1946), 8 („Knappitsch zu sieben Monaten verurteilt"); Wiener Kurier (7. 8. 1946), 3 („Knappitsch zu sieben Monaten Gefängnis verurteilt").

[803] Die Neue Zeit (7. 8. 1946), 2 („Sieben Monate für Herrn v. Knappitsch").

[804] Neue Zeit (11. 6. 1947), 3 („Der Gründer der Demokratischen Partei Kärntens verurteilt"); Neues Österreich (11. 6. 1947), 3 („Knappitsch verurteilt"); Wiener Kurier (11. 6. 1947), 2 („Knappitsch bekam 5 Monate"); Wiener Zeitung (11. 6. 1947), 2 („Knappitsch erhielt 5 Monate").

[805] Weltpresse (17. 9. 1947), 4 („Knappitsch zu zehn Monaten Kerker verurteilt"); Neue Zeit (18. 9. 1947), 2 („Zehn Monate schweren Kerkers für Knappitsch"); Wahrheit (18. 9. 1947), 3 („Knappitsch zu zehn Monaten Kerker verurteilt"). – Knapitsch was released from prison on 11 March 1948. Neues Österreich (13. 3. 1948), 2 („Der Generalsekretär der Demokratischen Union wird Landtagsabgeordneter"); Salzburger Nachrichten (18. 3. 1948), 2 („Ostertschnig erhält sein Mandat"). – In 1953, Franz Knapitsch succeeded in having these judgements overturned. AUTENGRUBER, Demokratische Partei Österreichs 407.

6.3.4.4 *Franc Kopitar (3–4 and 9 June 1947, Klagenfurt)*

Three General Court trials were to take place in Klagenfurt at the end of May 1947. The 18-year-old Yugoslav Franc Kopitar[806] was planned as the first defendant,[807] but this trial had to be cancelled due to scheduling problems on the part of Judge Sir Douglas Young. The case was instead assigned to a mid-level military court presided over by Lt Col N.L. Cohen,[808] which convened on 3 June 1947.[809] The prosecutor, Mr C.C. Learmonth, detailed a long list of criminal offences. According to this, Franc Kopitar alias Silvo had come to Lower Carinthia in the summer of 1945 and then committed a series of thefts and burglaries. In at least four cases, he is said to have been involved in the abduction of people across the border to Yugoslavia, allegedly to hand them over to the local justice system. He was also accused of repeated illegal border crossings. In Kühnsdorf (mun. Eberndorf), he allegedly shot at two night watchmen during a break-in on 21 April 1946 and committed attempted murder on 5 May 1946. When he was finally caught by the FSS not far from Völkermarkt on 1 July 1946, he drew a pistol but was himself shot and arrested.[810] In total, the indictment included 14 counts, the most serious of which was the attempted murder of S/Sgt Saunders (FSS).[811]

On the third day of the trial, 9 June 1947, Lt Col Cohen found Franc Kopitar guilty of eleven charges and sentenced him to ten years imprisonment.[812] Cohen also noted that the defendant had only escaped a more severe punishment because of his young age.[813]

6.3.4.5 *Henoch G. (16 December 1947, Villach)*

On 12 August 1947, shortly after 9 p.m., there was a bomb attack on a British military train coming from Hoek van Holland on the Tauern railway near Mallnitz. Two explosive devices had been placed under the tracks, one of which exploded and derailed several carriages just as the southbound train had passed the Dösen viaduct.[814] None of the 170 passengers was seriously injured. Although there was considerable damage to the carriages and the track, the consequences of the explosion remained limited thanks to the fortunate circumstance that the carriages had derailed on the uphill[815] side (Fig. 7).[816]

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806 * 4. 11. 1928, Zagorje ob Savi (SLO); † 2. 3. 1989, Golnik (SLO). KUREŽ, Kopitar Franc.
807 TNA, FO 1020/2062: 29. 4. 1947, fol. 45.
808 TNA, FO 1020/2062: 5. 5. 1947, fol. 46.
809 KLA, BPD Klagenfurt, Sch. 45, Brit. Militärgerichtsregister: Office-No. 4842.
810 KLA, BPD Klagenfurt, Sch. 45, Brit. Militärgerichtsregister: Office-No. 4842; Volkswille (4. 6. 1947), 5 („Wie er die ‚antifaschistische' Tätigkeit versteht"); Volkswille (10. 6. 1947), 5 („Zehn Jahre für ausländischen Verbrecher"); Volkszeitung (10. 6. 1947), 5 („10 Jahre Kerker für einen Menschenräuber").
811 KLA, BPD Klagenfurt, Sch. 45, Brit. Militärgerichtsregister: Office-No. 4842.
812 KLA, BPD Klagenfurt, Sch. 45, Brit. Militärgerichtsregister: Office-No. 4842. – Furthermore: Salzburger Nachrichten (10. 6. 1947), 4 („Politischer Menschenraub").
813 Weltpresse (Abend-Ausgabe) (10. 6. 1947), 2 („Zehn Jahre für ausländischen Verbrecher"). – The Intermediate Court could not have imposed more than ten years' imprisonment or even the death penalty. This would have required a General Court, as initially planned. – Franc Kopitar was transferred to Graz-Karlau Prison three days after his conviction. He remained imprisoned here until his suspended release on 25 August 1953. StLA, JA Karlau, Bücher, Bd. 59, StB-Nr. 1846.
814 TNA, FO 1020/2279: 13. 8. 1947, fol. 1 und 17. 8. 1947. – JEŘÁBEK, Partisanen 156f.
815 See the informative photos in: TNA, FO 1020/2279; KLA, Sammlung Egon Payer, Sch. 7, 1947; Morning News (17. 8. 1947), 8; KRISCH, Displaced Persons 373. – Furthermore: JEŘÁBEK, Partisanen 157.

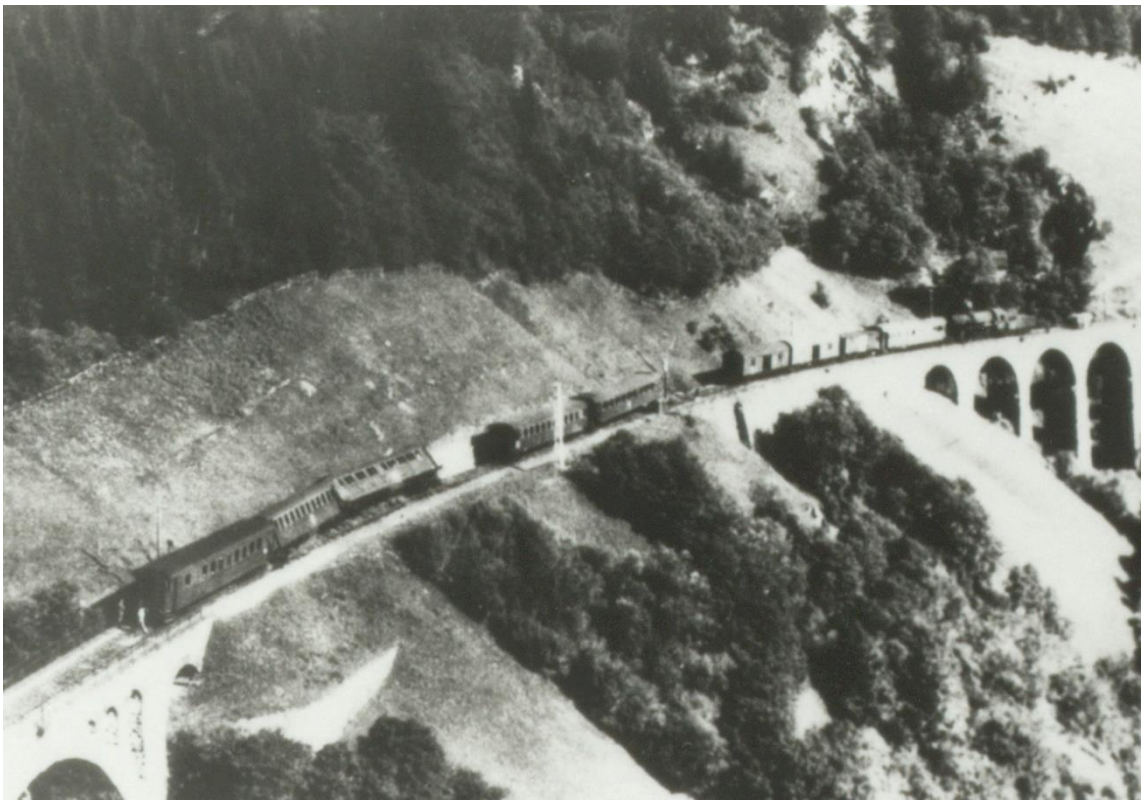

Figure 7: Aerial view of the British military train derailed after a bomb attack near Mallnitz, August 1947 (KLA)

This bombing was one of a series of attacks on British institutions or places frequented by the British in Austria that were carried out in the summer of 1947 by members or sympathisers of the Jewish underground organisation Irgun Zwai Leumi (Irgun).[817] British-Jewish relations were at a low ebb during these weeks, due to the tense situation in Palestine, where Britain was the Mandatory Power, and the Exodus affair.[818] On 4 August, two incendiary bombs exploded in the basement of the Hotel Sacher in Vienna.[819] There was no significant damage, as was the case with the explosion of a bomb outside the headquarters of the 138th Brigade in Velden (Carinthia) on 13 August.[820] There were also telephone bomb threats against the Hotel Sacher in Vienna on 15 August and the Hotel Wiesler in Graz on 18 August.[821]

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[816] TNA, FO 1020/2279: 17. 8. 1947; Weltpresse (Abend-Ausgabe) (13. 8. 1947), 1 („Bombenanschlag bei Mallnitz gegen britischen Militärzug"); Morning News (14. 8. 1947), 3 ("Bomb attacks in British Zone of Austria"); The Times (14. 8. 1947), 4 ("Bomb explosions in Austria"). – Furthermore: ALBRICH, Exodus 167, 175f.; ALBRICH, Jüdische Displaced Persons 118f.; MACHER-KROISENBRUNNER, Palestine 106f.; BRUNNER M., Tauernbahn 675–677. – The clean-up work was completed on 15 August 1947. Das kleine Volksblatt (17. 8. 1947), 3 („Der Bombenanschlag auf der Tauernbahn aufgeklärt").

[817] For a summary of Irgun activities in Austria, see: JEŘÁBEK, Partisanen 154–159.

[818] Cf. ALBRICH, Exodus 167, 175; JEŘÁBEK, Partisanen 157.

[819] The Times (5. 8. 1947), 3 ("Bomb in Vienna"); Wiener Kurier (5. 8. 1947), 2 („Bombenattentat im Hotel Sacher"); Wiener Zeitung (5. 8. 1948), 2 („Explosion im Hintertrakt des ‚Sacher'"); HUFSCHMIED, Britische Kulturpolitik 63.

[820] Neue Zeit (14. 8. 1947), 1 („Anschlag auf Briten-Militärzug"); Volkszeitung (14. 8. 1947), 1 („Bombenanschlag auf britischen Militärzug bei Mallnitz"); JEŘÁBEK, Partisanen 157.

[821] Wiener Zeitung (17. 8. 1947), 1 („Umtriebe der Irgun Zwai Leumi"); Salzburger Nachrichten (18. 8. 1947), 2 („Auch in Wien Nervenkrieg gegen Briten"); The Times (20. 8. 1947), 3 ("Irgun threats in Aus-

The investigations into the attack near Mallnitz progressed quickly at first.[822] On 12 August, Henoch G.[823] was arrested during an inspection of a passenger train in Böckstein (Province of Salzburg). The Polish Jew, accommodated in nearby Bad Gastein,[824] had no identity papers but two pistols with him.[825] A short time later, a forged identity card with G.'s photo was also seized on the Tauern railway near Mallnitz. The suspect was initially taken into the custody of the American Counter Intelligence Corps (CIC).[826] According to media reports, G. confessed during interrogation that he had been involved as a lookout in the attack carried out by three other people.[827] After being identified by witnesses, he was handed over to the British occupation authorities in Carinthia,[828] where he denied involvement in the attack.[829] In any case, it was not possible to catch the main perpetrators (the bomb maker, and bomb planter).[830]

Considering that it was only thanks to a coincidence that the Mallnitz attack did not end in a veritable catastrophe, it may come as a surprise that the British ultimately only used a mid-level tribunal to deal with it in court. That's not how it was supposed to happen: According to the plans of the Legal Division, the *Mallnitz bomb outrage case*[831] – also known as the *Mallnitz train wrecking case*[832] – was to be heard by a General Court in Graz as early as in September 1947. The local British authorities had already been instructed to organise a Hebrew interpreter, as well as accommodation and meals for several witnesses from the American zone in Salzburg and from the Mallnitz region. But it was later decided that the case would be better heard in Carinthia[833] and, in the end, the assignment to the highest court level was also cancelled.[834]

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tria"); Wiener Zeitung (20. 8. 1947), 1 („Die Sicherheitsbehörden untersuchen verantwortungsbewußt"); ALBRICH, Exodus 176; BRUNNER M., Tauernbahn 675; MACHER-KROISENBRUNNER, Reetablierung 330.

[822] Cf. Das kleine Volksblatt (15. 8. 1947), 3 („Sprengstoffanschlag mit einer selbsthergestellten Bombe"); Neues Österreich (15. 8. 1947), 4 („Kärntner Bombenanschlag mit Keksdose und Ammonit"); Österreichische Volksstimme (15. 8. 1947), 3 („Der Bombenanschlag auf den britischen Militärzug"); Volkswille (15. 8. 1947), 1 („Jugoslawische DPs Eisenbahnattentäter von Mallnitz?").

[823] * 26. 7. 1928, Łódź (POL). StLA, JA Karlau, Bücher, Bd. 67, StB-Nr. 2475.

[824] On the camps for Jewish DPs in Bad Gastein, see: HANISCH, Unwirtliche Zeiten 119–121.

[825] TNA, FO 1020/2279: 16. 8. 1947, fol. 7; Volkszeitung (14. 8. 1947), 1 („Bombenanschlag auf britischen Militärzug bei Mallnitz"); Weltpresse (14. 8. 1947), 1 („Die Untersuchung des Attentats von Mallnitz"); Morning News (15. 8. 1947), 4 ("Derailed leave train: experts examine bomb"); Volkszeitung (15. 8. 1947), 2 („Ein Attentäter von Mallnitz verhaftet"); Morning News (17. 8. 1947), 1 ("Jewish D.P. admits taking part in ‚Medloc' bombing"); ALBRICH, Exodus 176; KRISCH, Displaced Persons 373.

[826] TNA, FO 1020/2279: 16. 8. 1947, fol. 7 und 17. 8. 1947.

[827] Wiener Zeitung (17. 8. 1947), 1 („Umtriebe der Irgun Zwai Leumi"); Salzburger Tagblatt (18. 8. 1947), 1 („Das Bombenattentat bei Mallnitz"); Salzburger Volkszeitung (18. 8. 1947), 2 („Mallnitz – eine Tat der ‚Irgun Zwai Leumi'?"); The Times (18. 8. 1947), 4 ("Derailment of British leave train"). – Evidence of links to the Irgun grew stronger. The terrorist group later claimed responsibility for the attack near Mallnitz. The Times (20. 8. 1947), 3 ("Irgun threats in Austria"); Wiener Kurier (20. 8. 1947), 4 („Ein Brief an den ‚Wiener Kurier'"); BRUNNER M., Tauernbahn 678.

[828] Morning News (20. 8. 1947), 3 ("Austrians identify arrested Jew"); Neues Österreich (20. 8. 1947), 1 („‚Die Spuren weisen in die DP-Lager'"); Österreichische Volksstimme (20. 8. 1947), 3 („Der DP.-Terror in Oesterreich"); Weltpresse (20. 8. 1947), 4 („Attentäter [G.] den britischen Behörden überstellt").

[829] TNA, FO 1020/2279: *Statement*.

[830] BRUNNER M., Tauernbahn 678.

[831] TNA, FO 1020/2062: 22. 8. 1947, fol. 63.

[832] TNA, FO 1020/2062: 29. 8. 1947, fol. 71.

[833] TNA, FO 1020/2062: 29. 8. 1947, fol. 63, 71.

[834] Cf. TNA, FO 1020/2279: 28. 10. 1947, fol. 20; BRUNNER M., Tauernbahn 679.

The fact that the British backed down here was due to the weak evidence. Villach Public Safety Officer Maj R. Hunt concluded in a review of the investigation that the available evidence was hardly sufficient to convict Henoch G. of involvement in the train bombing.[835] *Having regard to all the above quoted facts, I feel sure that Higher Authorities will appreciate that much harm would be done to our prestige should proceedings be instituted at this stage with the ultimate result that* [G.] *would be acquitted.*[836] Maj Hunt therefore recommended that G. be tried only for provable offences.[837] Subsequently, the Internal Affairs Division consulted the Legal Division,[838] which, in the person of Sir Douglas Young, was now in favour of bringing Henoch G. before an Intermediate Court in Carinthia. In Young's opinion, the Pole should be charged with unauthorised entry into the British zone, illegal possession of firearms, and possession of a false ID document.[839]

This assessment prevailed.[840] On 16 December 1947, Henoch G. was on trial before an Intermediate Court in Villach on the three charges proposed by Sir Douglas. The Pole admitted to the first two charges. Judge Lt Col Cohen, however, found G. guilty on all counts and imposed a prison sentence of three and a half years.[841]

6.3.4.6 Valentin Slapnik (24 March 1948, Wolfsberg)

On the evening of January 11, 1948, the Yugoslav Valentin Slapnik[842] fired a revolver at his countrywoman Maria M. at Thürn Castle near Wolfsberg. The victim was shot in the face and left upper arm but managed to escape. A day later, the perpetrator was arrested by the gendarmerie and – after a lengthy denial – confessed.[843]

Slapnik was charged before an Intermediate Court in Wolfsberg on 24 March 1948. The charges included attempted murder, *this being an act prohibited by Ord. No. 200 as amended by Ord. No. 208, section 18a,*[844] and possession and use of a weapon. Judge Lt Col N.L. Cohen sentenced Valentin Slapnik to ten years in prison, making full use of the possible range of punishment. After Slapnik submitted a petition for a review of the proceedings to the ACA (BE), his conviction was confirmed, but the sentence was reduced to seven years.[845]

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835 TNA, FO 1020/2279: 13. 10. 1947, fol. 15, No. 60.
836 TNA, FO 1020/2279: 13. 10. 1947, fol. 15, No. 63.
837 TNA, FO 1020/2279: 13. 10. 1947, fol. 15, No. 64.
838 TNA, FO 1020/2279: 24. 10. 1947, fol. 17.
839 TNA, FO 1020/2279: 28. 10. 1947, fol. 20; BRUNNER M., Tauernbahn 680.
840 TNA, FO 1020/2279: 30. 10. 1947, fol. 23.
841 KLA, BPD Klagenfurt, Sch. 41, Brit. Militärgerichtsregister: Office-No. 6524; TNA, FO 1020/2279: 30. 12. 1947, fol. 34; Volkswille (19. 12. 1947), 3 („Der Attentäter von Obervellach vor dem Militärgericht"); ALBRICH, Exodus 176; JEŘÁBEK, Partisanen 157. – Henoch G. was sent to Graz-Karlau Prison on 20 December 1947. On 29 August 1949, he was granted suspended release and subsequently emigrated to Israel. StLA, JA Karlau, Bücher, Bd. 67, StB-Nr. 2475; BRUNNER M., Tauernbahn 680.
842 * 2. 12. 1909, Bela (Kamnik district, SLO). StLA, JA Karlau, Bücher, Bd. 67, StB-Nr. 2873.
843 Unterkärntner Nachrichten (17. 1. 1948), 3 („Mordversuch an der Geliebten"). – Furthermore: Volkswille (14. 1. 1948), 4 („Thürn"); Volkszeitung (14. 1. 1948), 3 („Mordanschlag aus Eifersucht").
844 KLA, BPD Klagenfurt, Sch. 51, Brit. Militärgerichtsregister: Office-No. 7106.
845 KLA, BPD Klagenfurt, Sch. 51, Brit. Militärgerichtsregister: Office-No. 7106. – As was usual with longer prison sentences, Valentin Slapnik was sent to the Karlau in Graz. His prison term ended here on 11 November 1952 following his suspended release. StLA, JA Karlau, Bücher, Bd. 67, StB-Nr. 2873.

6.4 Intermediate Courts in Styria

6.4.1 Locations of the Intermediate Courts (Styria)

The following Table 11 is based on the remaining trial lists of British Intermediate Courts in Styria, which cover the period from October 1945 to November 1949. It shows that trials were held in most of the district capitals. However, such courts were probably only permanently installed in Bruck an der Mur, Feldbach, Graz, Leibnitz, Leoben and – for a much shorter period – in Judenburg, and Voitsberg. Unfortunately, it is not possible to locate all of the proceedings listed, as the Legal Form 11a does not include a corresponding section. In practice, the place of jurisdiction was often added under the date, but a total of 382 cases still lack a location.[846]

Venue[847]	Trials	First trial	Last trial
Bruck an der Mur	170	23. 2. 1946	4. 2. 1949
Feldbach	120	21. 3. 1946	20. 6. 1947
Graz	910	20. 12. 1945	27. 9. 1949
Hartberg	2	4. 10. 1946	4. 10. 1946
Judenburg	47	21. 8. 1946	10. 3. 1949
Leibnitz	293	18. 2. 1946	25. 10. 1948
Leoben	666	23. 5. 1946	27. 9. 1949
Liezen	17	22. 7. 1946	11. 2. 1947
Murau	2	1. 3. 1946	1. 3. 1946
Mürzzuschlag	7	20. 9. 1948	27. 9. 1948
Radkersburg	12	20. 5. 1946	20. 5. 1946
Voitsberg	35	19. 3. 1946	27. 8. 1946
Weiz	5	18. 6. 1946	18. 6. 1946
n. s.	382		

Table 11: Locations of British Intermediate Courts in Styria

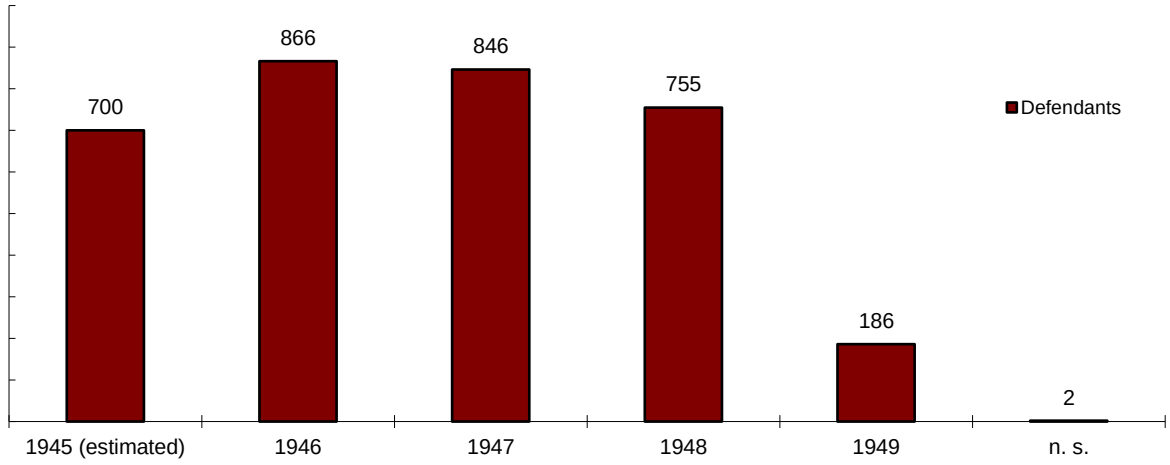
In view of the aforementioned gaps in the records, Table 11 does not provide a complete representation of the Intermediate Courts in Styria. Thanks to other sources, earlier trials and additional court locations can nevertheless be documented for the year 1945. Identification as an Intermediate Court is not always based on an explicit designation in a source, but possibly also on the range of sentences imposed, from one to ten years:

[846] The only exception was a trial that began on 13 August 1946 in Feldbach, was adjourned there and finally concluded on 4 October 1946 in Hartberg. TNA, FO 1020/3525: Case-No. 1410.
[847] Note on this section: No distinction is made between any urban and rural districts.

Köflach (17 July),[848] Graz (25 August),[849] Judenburg (7 September),[850] Leibnitz (1 October),[851] Liezen (18 October),[852] Leoben (23 October),[853] Feldbach (24 October),[854] Hartberg (31 October),[855] and Bruck an der Mur (23 November)[856].

6.4.2 Statistics of the Intermediate Courts (Styria)

Based on the analysed records, a total of 2668 defendants and 3643 charges can be traced before Intermediate Courts in Styria in the period from October 1945 to November 1949. As explained in chapter 2.1.1 ("The National Archives"), 722 proceedings are presumably missing from the remaining trial lists. The total number of defendants before Intermediate Military Courts in the period from 1945 to 1949 is therefore (presumably) 3390.[857] Trials at Intermediate Courts continued to be held after 1949, and at least until 1951.[858] However, their total number remains unclear. For that reason, it is not possible to provide an exact overview for the years 1945 to 1949 or 1951 in view of the unfortunate gaps in the records. The following statistical analyses are therefore based on the 3643 charges mentioned above.



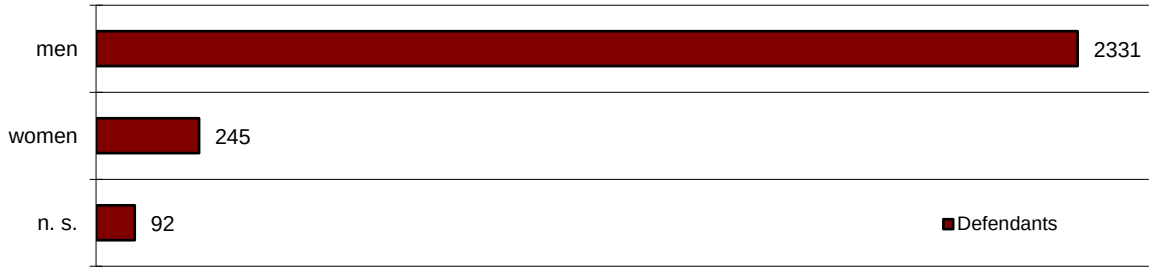
Graph 4: Annual overview of defendants before Intermediate Courts in Styria

[848] StLA, JA Karlau, Bücher, Bd. 59, StB-Nr. 144, 150.
[849] Neue Steirische Zeitung (26. 8. 1945), 5 („Das Britische Militärgericht tagte").
[850] StLA, JA Karlau, Bücher, Bd. 59, StB-Nr. 205.
[851] StLA, JA Karlau, Bücher, Bd. 59, StB-Nr. 200.
[852] StLA, JA Karlau, Bücher, Bd. 59, StB-Nr. 288.
[853] StLA, JA Karlau, Bücher, Bd. 59, StB-Nr. 201.
[854] StLA, JA Karlau, Bücher, Bd. 59, StB-Nr. 198, 199.
[855] StLA, JA Karlau, Bücher, Bd. 59, StB-Nr. 218.
[856] StLA, JA Karlau, Bücher, Bd. 59, StB-Nr. 343.
[857] The author does not wish the calculation made here to be understood as irrefutable. After all, in view of the numerous errors in the case numbering in the court registers, it is quite conceivable that errors also occurred in the case numbering on the sheets with the numbers 1 to 361 and 369 to 730 that have not survived. If this were true, one would have to assume fewer than 722 'missing' trials. BRUNNER M., Intermediate Courts 12.
[858] Cf. Kleine Zeitung (13. 2. 1951), 6 („Britisches Militärgericht tagt").

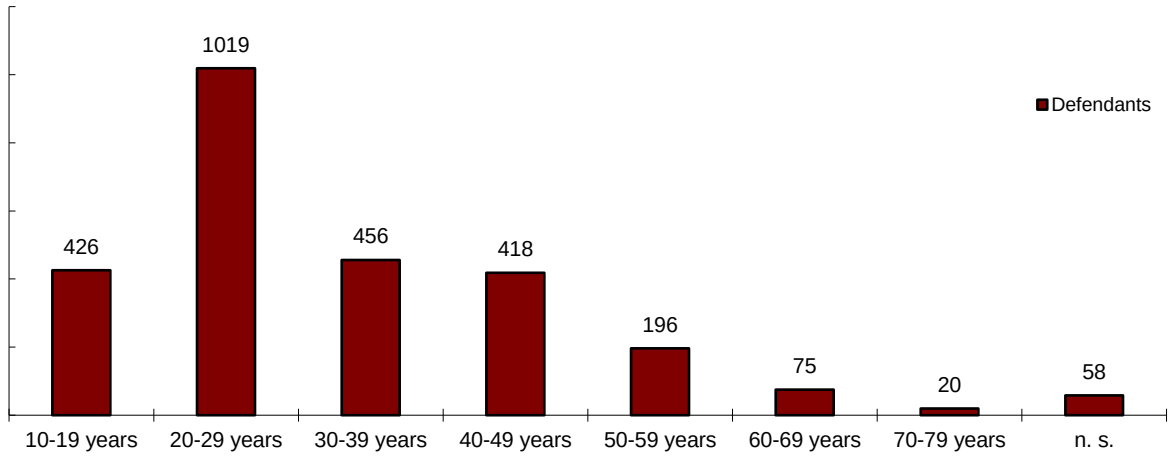
Even for graph 4, only the figures for 1947, 1948 and 1949 are really clearly documented. It is not possible to reconstruct the exact distribution of the 722 missing trials mentioned above for the years 1945 and 1946 without further supporting documents. The author therefore allows himself a rough estimate for 1945 and points out that the actual total number for 1946 would certainly be higher.[859]

With regard to the following information on the gender and age distribution among the defendants (Graph 5), it should be noted that the corresponding entries in the trial lists are incomplete. Although Legal Form 11a provides for an *Accused (Surname first), Age and Sex* section, the age was not entered in 58 cases and the sex in 92 cases.[860]

As far as the gender of the accused before the Intermediate Courts is known, 90.5 per cent of them were men (2331) and 9.5 per cent were women (245). There is nothing surprising about this. For comparison: at the Summary Court in Judenburg, which operated from 1945 to 1948, the ratio of male to female defendants was 77.8 per cent to 22.2 per cent.[861] The higher proportion of men at the higher court level can probably be explained simply by the fact that more serious offences were dealt with there, which in turn were predominantly committed by men.[862]



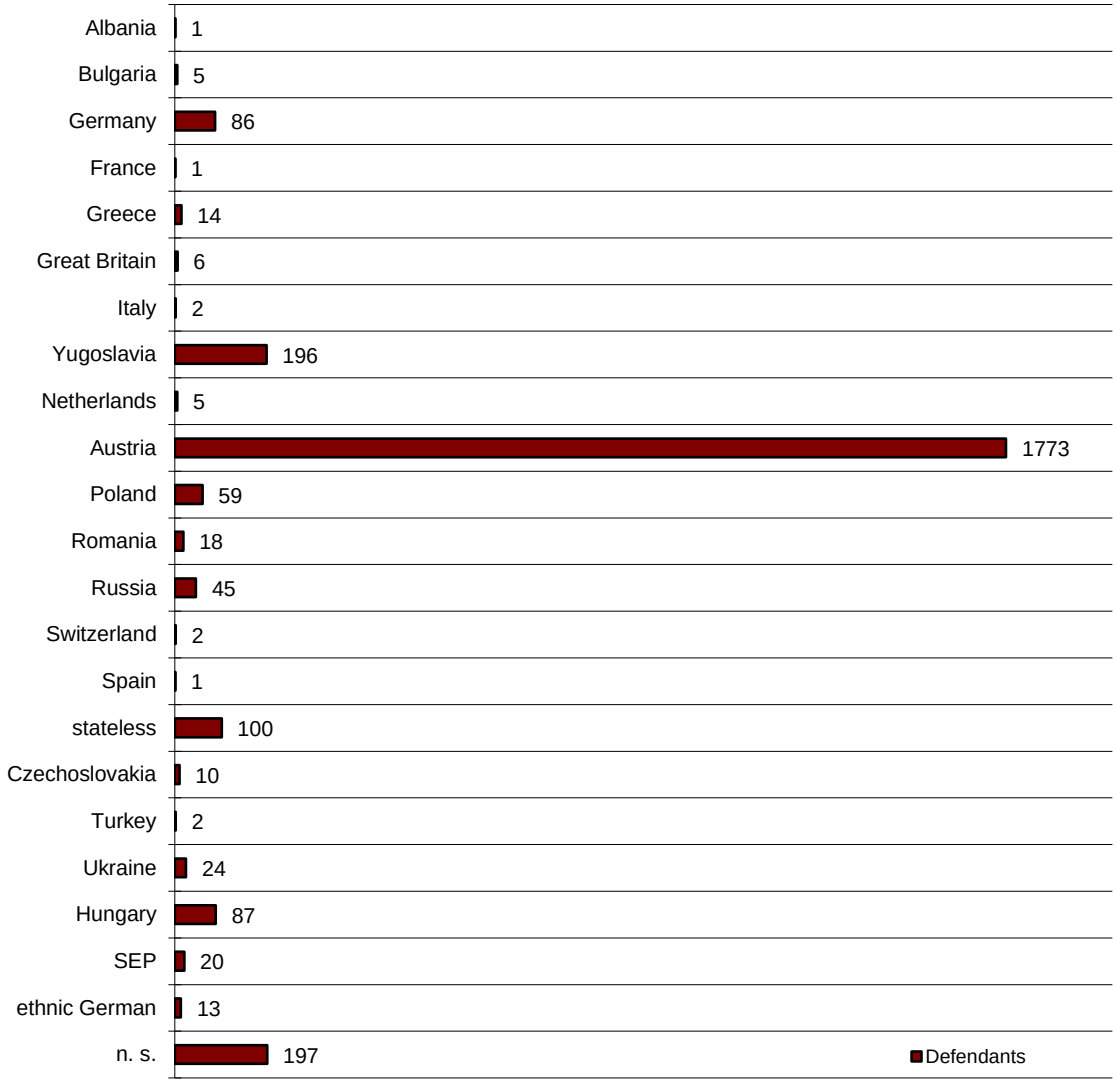
Graph 5: Gender distribution of defendants before Intermediate Courts in Styria



Graph 6: Age distribution of defendants before Intermediate Courts in Styria

[859] BRUNNER M., Intermediate Courts 12.
[860] We refrained from adding the gender based on the first names because they were not always written out in full and incorrect assignments would therefore be unavoidable. BRUNNER M., Intermediate Courts 12.
[861] BRUNNER M., Militärgericht 90f. (Diagramm 11).
[862] BRUNNER M., Intermediate Courts 13.

The result of the statistical analysis of the age distribution (Graph 6) also holds no surprises. At 39 per cent, the 20 to 29 age group accounted for the largest proportion of respondents. The four youngest defendants were 14 years old,[863] the two oldest were 78 years old.[864] If the Judenburg Summary Court is again used as a (lame) comparison, it is only noticeable that the age groups 10 to 19, 30 to 39 and 40 to 49 are more evenly distributed among the defendants in the Intermediate Courts. At the Summary Court, the 10 to 19-year-olds were clearly the second largest group.[865] In both instances, however, most of the defendants fell into the 20 to 29 age group.[866]



Graph 7: National origin of the defendants before Intermediate Courts in Styria

Legal Form 11a does not provide for an entry on the nationality of the accused but, in Styria, this was nevertheless noted in around 92 per cent of all cases (Graph 7). Two comments are necessary in this regard:

863 TNA, FO 1020/3525: Case-No. 1060, 1061, 2601, 2751.
864 TNA, FO 1020/3525: Case-No. 1004, 2607.
865 BRUNNER M., Militärgericht 91.
866 BRUNNER M., Intermediate Courts 13.

- The abbreviation "SEP" means *Surrendered Enemy Personnel*: i.e. it does not indicate a nation.
- The classification "ethnic German" should be viewed with reservation. There are considerable doubts as to whether ethnic Germans were really always registered under this designation or not, more frequently, as citizens of their respective country of origin.

6.4.3 Jurisdiction of the Intermediate Courts (Styria)

6.4.3.1 Duration of the trials

The British military judges conducted up to ten hearings per court day at the Intermediate Court. Adjournments are documented for 105 cases. Twelve trials were adjourned twice, i.e. took place over a total of three days. Two trials lasted four days: i.e. they were adjourned three times.[867]

6.4.3.2 Extent of penalty and variants of sentences

While the British Intermediate Courts in Carinthia and Vienna utilised their sentencing powers of ten years' imprisonment seven times and once respectively, this happened five times in Styria.[868] In Judenburg on 15 November 1946, Josef Ofner[869] and, three days later, Eustach J.[870] were each sentenced to the aforementioned maximum penalty for looting, possession of weapons and use of weapons (chapter 6.2.2). Karl G.[871] was sentenced on 6 January 1947 in Leibnitz for possession and use of weapons, Rudolf B.[872] on 1 February 1947 in Leoben[873] for assault and use of weapons, and Franz Bendl[874] on 19 March 1947 in Graz for attempted murder, possession and use of weapons (chapter 6.4.4.1).

Graph 8 shows the different variants of sentences. It is noticeable that suspended prison sentences, warnings, acquittals, and discontinuations of proceedings together account for almost half of all verdicts. The military judges can therefore hardly be said to have been particularly harsh.[875]

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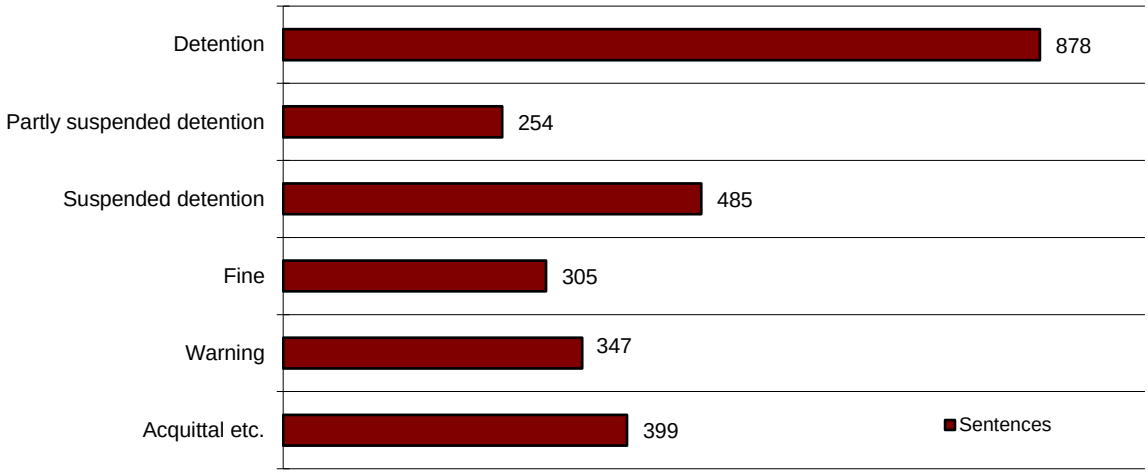
[867] BRUNNER M., Intermediate Courts 24.
[868] BRUNNER M., Intermediate Courts 24.
[869] TNA, FO 1020/3525: Case-No. 1492. – See also: Wiener Kurier (21. 11. 1946), 3 („Zehn Jahre Gefängnis für Bandenführer"); Murtaler Volkszeitung (23. 11. 1946), 1 („Die Räuber vom Katschwald").
[870] TNA, FO 1020/3525: Case-No. 1496. – See also: Weltpresse (Abend-Ausgabe) (20. 11. 1946), 8 („Raubgesellen vor britischem Militärgericht"); Murtaler Volkszeitung (23. 11. 1946), 1 („Der Wöllmerdorfer Uhrenraub").
[871] TNA, FO 1020/3525: Case-No. 1591.
[872] TNA, FO 1020/3525: Case-No. 1658. – See also: StLA, Gendarmeriechronik, Bez. Leoben, GP Trofaiach, Bd. 1, p. 155; Neue Zeit (4. 2. 1947), 3 („Schwere Strafen für Messerstecher"); Obersteirische Zeitung (5. 2. 1947), 3 („Die Messerstecher von Trofaiach vor dem Militärgericht").
[873] Cf. StLA, JA Karlau, Bücher, Bd. 59, StB-Nr. 1558.
[874] TNA, FO 1020/3525: Case-No. 1733.
[875] BRUNNER M., Intermediate Courts 24.



Graph 8: Variants of sentences before Intermediate Courts in Styria

With regard to fines, it should be noted that they were sometimes combined with an unconditional (31 cases), partially suspended (2 cases), or suspended prison sentence (78 cases). There were no suspended fines. The highest fine imposed totalled ATS 40,000.[876] If incriminated objects were involved in a trial – which happened very frequently – and were seized during an arrest or search, for example, the military judges had to issue separate orders for the further disposal of these objects in the event of a guilty verdict. In most cases, the items were ordered to be returned to their rightful owner. In the event of permanent confiscation, the Legal Division had drawn up precise instructions for handling such goods.[877]

Conditional sentences were almost always issued with phrases such as *suspended so long as he is of good behaviour for 2 years*. The educational aspirations of British jurisdiction are also clearly expressed here.[878] It would go far beyond the scope of this work to give a comprehensive account of the various ways in which conditional sentences were imposed. The author therefore contents himself here with a selection of examples to give an impression of the, one might almost say, 'creativity' of British judges, which they sometimes displayed, especially when sentencing young defendants.[879]

- *1 year suspended 1.) so long as he is of good behaviour for 2 years* […], *2.) so long as he subject to police supervision for a similar period as detailed by PSO, 3.) so long as he takes immediate steps to find work approved by PSO, 4.) so long as he continues in his studies in the evening for a similar period.*[880]
- *6 months from 10.12.1947 suspended for 2 years provided: a) good behaviour, b) they live at different addresses, c) they do not speak to another, d) they are engaged during the whole period in work approved by the Police unless prevented by ill-health or other cause beyond their control proved to the satisfaction of Police during the next 6 months, e) They*

[876] TNA, FO 1020/3525: Case-No. 808; BRUNNER M., Intermediate Courts 25.
[877] TNA, FO 1020/2014: 29. 1. 1947, *Confiscation orders made by MG Courts*.
[878] Cf. BEER, Wiederaufbau 119.
[879] BRUNNER M., Intermediate Courts 25.
[880] TNA, FO 1020/3525: Case-No. 1435.

shall in addition to the normal hours of employment work at best an extra 2 hours each day at an occupation approved by the Police. A suitable form of study in a technical school would be satisfactory, f) they shall be subject to the Police supervision and conform in respects with the directions from them. If any one of these conditions is broken the whole sentence of 6 months imprisonment shall immediately become operative.[881]

- *3 months suspended so long she is of good behaviour and attends regularly as instructed by the competent local medical authority for treatment for syphilis.*[882]
- *1 year suspended whilst accused is of good behaviour for 2 years and remains under supervision and care of his father.*[883]
- *To be detained as Zögling in Kaiser-Ebersdorf or similar reformatory. Such sentence to be suspended so long as he is of good behaviour for 2 years from today.*[884]

The special treatment of juvenile offenders was laid down in the procedural rules of the British military government courts: *In cases involving offenders under the age of 18 years, Military Government Courts shall adopt a flexible procedure* [...].[885] Transfer to an educational institution or handover to parental care were also explicitly mentioned as options.

6.4.4 Case studies for proceedings of British Intermediate Courts in Styria

6.4.4.1 Politically motivated attempted murder on New Year's Eve? (February/March 1947, Graz)

In the early hours of 1 January 1947, a stone was thrown through the window of a flat on Muchargasse, Graz, where Othmar Gregori[886] (Fig. 8) was staying with his girlfriend and her family. Gregori then pursued a fugitive, confronted the man near the Kepler Bridge and was critically wounded with a shot to the stomach.[887] This offence was given a political 'aftertaste' by the person of the victim and by the reference to other incidents a few hours earlier: In the Josef-Stanek-House on Josef-Huber-Gasse, an evening of music and entertainment by the SPÖ-affiliated "Arbeiterbühne"[888] [Workers' Stage] under the direction of Othmar Gregori was in progress when a group of young men tried to force

[881] TNA, FO 1020/3525: Case-No. 2404, 2405.
[882] TNA, FO 1020/3526: Case-No. 4007.
[883] TNA, FO 1020/3525: Case-No. 1162.
[884] TNA, FO 1020/3525: Case-No. 1431.
[885] TNA, FO 1020/1878: *Rules of Military Government Courts*, No. 60.
[886] * 11. 1. 1916, Graz (AUT); † 5. 7. 1948, Graz. DAGS, Pfarre Graz-St. Andrae, Taufbuch XX 1911–1916, p. 368, Post-Nr. 5 [URL: https://data.matricula-online.eu/de/oesterreich/graz-seckau/graz-st-andrae/1418/?pg=368 (18. 9. 2025)]; StLA, Pol-Dion Graz, Akten, Kriminalpolizei, Sonderreihe, K. 19, KrPol-2363-1952: 7. 1. 1947 (Niederschrift, fol. 51).
[887] StLA, Pol-Dion Graz, Akten, Kriminalpolizei, Sonderreihe, K. 19, KrPol-2363-1952: 1. 1. 1947 (Anzeige Nr. 2, fol. 1), 1. 1. 1947 (Amtsvermerk, fol. 2–4), 17. 1. 1947 (Maßstabzeichnungen, fol. 5f.); Neue Zeit (3. 1. 1947), 3 („Gegensätze in der Grazer Neujahrsnacht"); Wahrheit (3. 1. 1947), 3 („Ereignisse der Silvesternacht"); Wiener Zeitung (4. 1. 1947), 2.
[888] See: Neue Zeit (26. 7. 1946), 3 („Theaterabend der Arbeiterbühne"); Neue Zeit (20. 5. 1947), 2 („Die ‚Arbeiterbühne' der Freien Schule-Kinderfreunde Graz, Gries"). – It only shares its name with the social democratic "Arbeiterbühne" association, founded in 1898 and banned in 1934, which had a much broader impact in terms of content and audience response. See: RIESENFELLNER, Konkurrenzkultur.

their way into the hall after midnight. One of them, Johann B., attacked Gregori. B. then got into a scuffle near the venue, in which Franz Bendl was also involved. The latter was arrested by the criminal investigation department on 7 January 1947 on suspicion of having shot Gregori at the Kepler Bridge.[889]

After around 30 other men, who allegedly identified themselves as communists, had forced their way into the Stanek-House on New Year's Eve, the SPÖ and ÖVP newspapers portrayed all the events as a communist provocation.[890] "Das Steirerblatt" even suspected that members of a militarily organised communist raiding patrol were at work.[891] The communist press – quite rightly – dismissed this account.[892] According to the will of the occupying power, any political connection was irrelevant for the legal proceedings, as Franz Bendl had to stand trial before a British Intermediate Court in Graz.[893]

The trial was scheduled for 25 February 1947 but had to be postponed several times.[894] The proceedings finally took place on 11, 18 and 19 March 1947. Public prosecutor Dr Kafka charged Franz Bendl with three offences: *Arms, Attempted murder, Used firearm*.[895] Johann B. was jointly charged with assault and causing a disturbance.[896] As Franz Bendl denied the crime, the prosecution relied primarily on the testimony of the victim, who had recognised him in a line-up.[897] Defence lawyer Dr Hödl considered the evidence to be completely insufficient.[898] Lt Col G.W. McFadyean, as judge, finally made full use of the sentencing range of an intermediate military court by condemning Franz Bendl to ten years in prison.[899] Johann B. was sentenced to six months in prison.[900] McFadyean stated that the proceedings against the two defendants were not based on Austrian law, but on the legal provisions of the military government. Therefore, it was left to the court to judge the value of the testimony when evidence was taken.[901]

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[889] StLA, Pol-Dion Graz, Akten, Kriminalpolizei, Sonderreihe, K. 19, KrPol-2363-1952: 7. 1. 1947 (Haftschrift, fol. 54); Neue Zeit (11. 1. 1947), 3 („Der Mordversuch an Gen. Othmar Gregori").
[890] Das Steirerblatt (11. 1. 1947), 1 („Kommunistische Terrorgruppe in Graz aufgedeckt"); Neue Zeit (11. 1. 1947), 3 („Nazi-Provokation von Kommunisten").
[891] Das Steirerblatt (11. 1. 1947), 1 („Kommunistische Terrorgruppe in Graz aufgedeckt").
[892] Cf. Volkswille (14. 1. 1947), 3 („Was in Graz in der Silvesternacht wirklich vorgefallen ist"); Wahrheit (16. 1. 1947), 1 („Niemand will der Vater des Stoßtrupps ‚Heine' sein"); Wahrheit (12. 3. 1947), 3 („Der Mordversuch in der Silvesternacht"); Wahrheit (20. 3. 1947), 3 („‚Stoßtrupp Heine' stand im Zeichen der drei Pfeile").
[893] Wahrheit (12. 3. 1947), 3 („Der Mordversuch in der Silvesternacht").
[894] Neue Zeit (15. 3. 1947), 4 („Prozeß Franz und Johann [B.] verschoben"); Neue Zeit (19. 3. 1947), 3 („Der Anschlag auf Gen. Gregori").
[895] TNA, FO 1020/3525: Case-No. 1733.
[896] TNA, FO 1020/3525: Case-No. 1734.
[897] StLA, Pol-Dion Graz, Akten, Kriminalpolizei, Sonderreihe, K. 19, KrPol-2363-1952: 20. 1. 1947 (Schlußbericht, fol. 75); Das Steirerblatt (12. 3. 1947), 3 („Grazer Silvesternacht-Affäre vor Gericht"); Neue Zeit (12. 3. 1947), 2 („Gregori erkannte den Täter").
[898] Das Steirerblatt (19. 3. 1947), 3 („Heute Urteil für Johann und Franz [B.]"); Wahrheit (19. 3. 1947), 3 („Der Mordversuch in der Silvesternacht").
[899] Franz Bendl was granted a conditional pardon on 24 March 1952, and released from Graz-Karlau Prison. StLA, Pol-Dion Graz, Akten, Kriminalpolizei, Sonderreihe, K. 19, KrPol-2363-1952: 24. 3. 1952 (Bedingte Begnadigung); StLA, JA Karlau, Bücher, Bd. 59, StB-Nr. 1640.
[900] TNA, FO 1020/3525: Case-No. 1734; Neue Zeit (20. 3. 1947), 3 („Zehn Jahre Kerker für Franz Bendl"); Wahrheit (20. 3. 1947), 3 („‚Stoßtrupp Heine' stand im Zeichen der drei Pfeile").
[901] Das Steirerblatt (20. 3. 1947), 3 („Sühne für den Mordversuch in der Silvesternacht").

Figure 8: Othmar Gregori (StLA)

Figure 9: Heinz Fink (StLA)

Othmar Gregori died on 5 July 1948 at the age of 32.[902] As a connection to his gunshot wound seemed obvious, a post-mortem examination was ordered. The projectile still in his body was also to be recovered in order to gain clarity about the murder weapon. Forensic pathologist Dr Max Fossel confirmed the causal link between the abdominal shot and Gregori's death.[903] However, the projectile had been damaged during the autopsy and could therefore no longer be used as evidence. British PSO Maj Ramsay then informed the Austrian police that the case would not be reopened.[904]

6.4.4.2 'Wolf Company' (August 1947, Graz)

A striking example of the numerous property offences committed by DP gangs in the first post-war years was the so-called 'Wolf Company'.[905] This group included Russians, Ukrainians and ethnic Germans who swarmed out from their 'base' in the Graz-Liebenau camp to commit numerous shop burglaries and livestock thefts (sheep, pigs, goats) in the greater Graz area.[906] The loot was either for 'personal use' or ended up on the black market.[907] After the arrest of at least 16 gang members by the Austrian authorities in March 1947, an appeal was published in an attempt to clarify which offences these men were responsible for.[908] After extensive investigations, 34 property offences were

[902] StLA, Pol-Dion Graz, Akten, Kriminalpolizei, Sonderreihe, K. 19, KrPol-2363-1952: 12. 7. 1948 (Amtsvermerk]); Neue Zeit (8. 7. 1948), 6; Neue Zeit (9. 7. 1948), 3 („Othmar Gregori gestorben").
[903] StLA, Pol-Dion Graz, Akten, Kriminalpolizei, Sonderreihe, K. 19, KrPol-2363-1952: 12. 7. 1948.
[904] StLA, Pol-Dion Graz, Akten, Kriminalpolizei, Sonderreihe, K. 19, KrPol-2363-1952: 12. 7. 1948.
[905] Neue Zeit (6. 8. 1947), 3 („Russen bilden ‚Wolfskompanie'").
[906] Cf. StLA, Pol-Dion Graz, Akten, Kriminalpolizei, Sonderreihe, K. 11, KrPol-525-1947; Grazer Tägliches Fahndungsblatt, Jg. 3/Nr. 66 (9. 4. 1947). – Members of the 'Wolfskompanie' were also suspected of having committed armed robberies on farms in Styria and Carinthia.
[907] Neue Zeit (6. 8. 1947), 3 („Russen bildeten ‚Wolfskompanie'"); Österreichische Volksstimme (9. 8. 1947), 3 („Die DP.-Einbrecherbande ‚Wolfskompanie'").
[908] Grazer Tägliches Fahndungsblatt, Jg. 3/Nr. 66 (9. 4. 1947).

attributed to the 'Wolf Company'[909] and eleven suspects were handed over to the British military jurisdiction.[910]

Nine of them ultimately found themselves before an Intermediate Court in Graz on 5 August 1947:[911] Nikolai P.,[912] Iwan P.,[913] Iwan T.,[914] Trofim Pastuchow,[915] Stefan G.,[916] Wladimir S.,[917] Viktor T.,[918] Bernhard K.[919], and Viktor S. (alias Fedor K.)[920]. Nikolai P. and Ivan P. had to answer for possession and use of weapons, Ivan T. and Viktor T. for possession of weapons. Above all, however, all nine men were charged with housebreaking and theft. Public prosecutor Dr Kafka charged each proven burglary separately. This meant that the relevant charges totalled twelve for Nikolai P., ten for Ivan P., and eight for Ivan T. Viktor S. was charged with seven burglaries, Stefan G. and Bernhard K. with six each. After an adjournment, Judge Lt Col Bickford handed down eight guilty verdicts and the following sentences on 12 August 1947: Nikolai P. four years in prison, Ivan P. three years and eight months, Stefan G., Viktor S. and Vladimir S. two years each. Viktor T., Bernhard K. and Trofim Pastuchow were given suspended sentences of two and a half years, ten months and six months respectively.[921] One day later, Ivan T. was sentenced to three years and four months in prison.[922]

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[909] StLA, Pol-Dion Graz, Akten, Kriminalpolizei, Sonderreihe, K. 11, KrPol-525-1947: Schlussbericht].

[910] StLA, Pol-Dion Graz, Akten, Kriminalpolizei, Sonderreihe, K. 11, KrPol-525-1947: 6. 5. 1947.

[911] Das Steirerblatt (6. 8. 1947), 3 („‚Wolfsbande' vor dem Militärgericht"); Weststeirische Rundschau (9. 8. 1947), 5 („Verbrecherbande vor dem Militärgericht").

[912] TNA, FO 1020/3525: Case-No. 2111. – * 25. 4. 1924, Poltava (UKR). Grazer Tägliches Fahndungsblatt, Jg. 3/Nr. 41 (27. 2. 1947), Art. 1822; StLA, Pol-Dion Graz, Akten, Kriminalpolizei, Sonderreihe, K. 11, KrPol-525-1947: 10. 3. 1947 (Haftschrift, fol. 2); Grazer Tägliches Fahndungsblatt, Jg. 3/Nr. 66 (9. 4. 1947), Art. 2912; StLA, JA Karlau, Bücher, Bd. 59, StB-Nr. 1978.

[913] TNA, FO 1020/3525: Case-No. 2112. – * 3. 11. 1925, Kyiv (UKR). StLA, Pol-Dion Graz, Akten, Kriminalpolizei, Sonderreihe, K. 11, KrPol-525-1947: 10. 3. 1947 (Haftschrift, fol. 22); StLA, JA Karlau, Bücher, Bd. 59, StB-Nr. 1976.

[914] TNA, FO 1020/3525: Case-No. 2113. – * 10. 10. 1925, Odessa (UKR). Grazer Tägliches Fahndungsblatt, Jg. 3/Nr. 49 (12. 3. 1947), Art. 2145; StLA, Pol-Dion Graz, Akten, Kriminalpolizei, Sonderreihe, K. 11, KrPol-525-1947: 28. 3. 1947 (Haftschrift, fol. 47); Grazer Tägliches Fahndungsblatt, Jg. 3/Nr. 66 (9. 4. 1947), Art. 2915; StLA, JA Karlau, Bücher, Bd. 59, StB-Nr. 1977.

[915] TNA, FO 1020/3525: Case-No. 2114. – * 22. 5. 1915, Voronezh (RUS). StLA, Pol-Dion Graz, Akten, Kriminalpolizei, Sonderreihe, K. 11, KrPol-525-1947: 11. 3. 1947 (Haftschrift, fol. 123).

[916] TNA, FO 1020/3525: Case-No. 2115. – * 15. 5. 1918, Poltava (UKR). Grazer Tägliches Fahndungsblatt, Jg. 3/Nr. 51 (17. 3. 1947), Art. 2229; StLA, Pol-Dion Graz, Akten, Kriminalpolizei, Sonderreihe, K. 11, KrPol-525-1947: 24. 3. 1947 (Haftschrift, fol. 89); Grazer Tägliches Fahndungsblatt, Jg. 3/Nr. 66 (9. 4. 1947), Art. 2909; StLA, JA Karlau, Bücher, Bd. 59, StB-Nr. 1974.

[917] TNA, FO 1020/3525: Case-No. 2116. – * 5. 4. 1897, Chotyn (UKR). StLA, Pol-Dion Graz, Akten, Kriminalpolizei, Sonderreihe, K. 11, KrPol-525-1947: 28. 3. 1947 (Haftschrift, fol. 66); Grazer Tägliches Fahndungsblatt, Jg. 3/Nr. 66 (9. 4. 1947), Art. 2913; StLA, JA Karlau, Bücher, Bd. 59, StB-Nr. 1979.

[918] TNA, FO 1020/3525: Case-No. 2117. – * 6. 1. 1926, Zaporizhzhia (UKR). StLA, Pol-Dion Graz, Akten, Kriminalpolizei, Sonderreihe, K. 11, KrPol-525-1947: 27. 3. 1947 (Haftschrift, fol. 56).

[919] TNA, FO 1020/3525: Case-No. 2118. – * 22. 4. 1927, Hwardijske (UKR). StLA, Pol-Dion Graz, Akten, Kriminalpolizei, Sonderreihe, K. 11, KrPol-525-1947: 26. 3. 1947 (Haftschrift, fol. 112); Grazer Tägliches Fahndungsblatt, Jg. 3/Nr. 66 (9. 4. 1947), Art. 2908.

[920] TNA, FO 1020/3525: Case-No. 2119. – * 20. 8. 1918, Pjatigorsk (RUS). StLA, JA Karlau, Bücher, Bd. 59, StB-Nr. 1975.

[921] TNA, FO 1020/3525: Case-No. 2111, 2112, 2115, 2119, 2116, 2117, 2118, 2114. – Furthermore: Das Steirerblatt (13. 8. 1947), 3 („Die ‚Wolfskompanie' vor dem Richter"); Neue Zeit (13. 8. 1947), 3 („Lieber tot als repatriiert"); Österreichische Volksstimme (15. 8. 1947), 3 („Die ‚Wolfskompanie'").

[922] TNA, FO 1020/3525: Case-No. 2113.

6.4.4.3 *Styrian Scouts (January 1948, Graz)*

In the course of 1947, a number of cases of organised National Socialist resurgent activities became known throughout Austria. More than 100 people were arrested in this context.[923] In Styria, such an organisation had formed around Theodor Soucek from Graz, the discovery of which became public at the beginning of 1948.[924] A connection to this group was still in the air when the trial against the student Erich Hjalmar Lex began at an Intermediate Court in Graz on 6 January 1948. Lex had founded a scout association without the approval of the International Scout Association or the occupying authorities. What brought him to court was the issuing of forged travel documents, the false presumption of authorisation by the occupying powers, and the possession of Allied property.[925] In short, the authorities thought that the founding of this group was just a pretext to conceal various illegal activities.

In order to shed further light on the background, the prosecuting attorney Dr Kafka requested an adjournment.[926] Further members of the 'Styrian Scouts'[927] were arrested before the next court hearing. On 13 January, Lex was joined in the dock by eight of his comrades, who were mainly charged with wearing or possessing Allied uniforms (or parts of uniforms).[928] Like Lex, Dr Walter Rollett was accused of issuing forged papers.[929] After a further adjournment,[930] the Soucek conspiracy was no longer an issue on 20 January. In the meantime, twelve defendants were in the courtroom, and the trial was adjourned again[931] before Judge Lt Col Bickford announced the guilty verdicts and sentences on 30 January 1948:[932] Erich Hjalmar Lex and Hans D. six months,[933] Dr Rollett four months,[934] and Josef R. one month[935] in prison. Maximilian J., Taras K., Egon P. and

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[923] The Times (5. 1. 1948), 3 ("Nazi underground plot in Graz"); The Times (6. 1. 1948), 3 ("Austrian Nazi plot"); Weltpresse (7. 1. 1948), 1 („Bisher 200 Verhaftungen im Nazi-Komplott"); POLASCHEK, Volksgerichte 211, note 702.

[924] Together with a group led by the Viennese Hugo Rößner, Soucek and his accomplices were put on trial before a People's Court in Graz in the spring of 1948. POLASCHEK, Volksgerichte 205–222; RIEGLER, Rößner-Soucek-Verschwörung.

[925] TNA, FO 1020/3525: Case-No. 2490. – See also: Weltpresse – Graz am Abend (6. 1. 1948), 4 („‚Pfadfinder' H. Lex vor dem Militärgericht"); Das Steirerblatt (7. 1. 1948), 3 („‚Scouts Officer' Hjalmar Lex vor Gericht").

[926] Weltpresse – Graz am Abend (6. 1. 1948), 4 („‚Pfadfinder' H. Lex vor dem Militärgericht"); Arbeiter-Zeitung (7. 1. 1948), 2 („Lex hat auch englische Uniform getragen"); Neue Zeit (7. 1. 1948), 3 („War Lex in die Naziaffäre verwickelt?").

[927] See: Neue Zeit (14. 1. 1948), 3 („Der Fall Lex zum zweitenmal vertagt").

[928] Weltpresse – Graz am Abend (13. 1. 1948), 4 („Causa Lex vom britischen Militärgericht neuerlich vertagt"); Neue Zeit (14. 1. 1948), 3 („Der Fall Lex zum zweitenmal vertagt").

[929] Das Steirerblatt (21. 1. 1948), 3 („Vereinsmeierei – nicht Naziverschwörung").

[930] The defendants could be released from custody until the next hearing if they provided a guarantor who was able to provide at least ATS 2,000. Weltpresse – Graz am Abend (13. 1. 1948), 4 („Causa Lex vom britischen Militärgericht neuerlich vertagt").

[931] Neue Zeit (21. 1. 1948), 3 („Lex-Prozeß neuerlich vertagt"); Weltpresse – Graz am Abend (21. 1. 1948), 2 („Das ‚Paßamt' des Hjalmar Lex"), 4 („Lex-Prozeß wieder vertagt")

[932] Das Steirerblatt (31. 1. 1948), 4 („Die Endphase des ‚Explorer'-Prozesses"); Neue Zeit (30. 1. 1948), 3 („Die ersten Urteile im Lex-Prozeß"); Weltpresse – Graz am Abend (30. 1. 1948), 4 („Sechs Monate Gefängnis für Hjalmar Lex"); Neue Zeit (31. 1. 1948), 4 („Sechs Monate für Lex").

[933] TNA, FO 1020/3525: Case-No. 2490, 2495.

[934] TNA, FO 1020/3525: Case-No. 2492.

[935] TNA, FO 1020/3525: Case-No. 2496.

Erich T. were fined.[936] The other accused got off with warnings (Josef T.)[937] or acquittals (Tihomir B., Dr Alexander Schouppé)[938].[939]

Bickford concluded by noting that no evidence of the Lex group's political intentions had been found. In his opinion, their main objective was the production of forged travel documents. Since the group did not carry out any actual activity in the sense of the Scouts,[940] one could have suspected a connection with the recently uncovered Nazi organisation but, according to Bickford's assessment, this was not the case.[941]

6.4.4.4 Committee of Austrian Monarchist Partisans (19–20 February 1948, Graz)

In February 1948, a trial held at an Intermediate Court in Graz aroused the interest of the Austrian media. Sixteen self-proclaimed monarchist partisans were accused of possessing weapons or explosives, and using this equipment. The centre of attention was, of course, their leader, who called himself Heinz Fink (Fig. 9) aka "Berghofbauer". The authorities later identified his (presumably) real name as Bruno Malmede.[942]

This gang carried out several bomb attacks in Styria in the course of 1947.[943] On 6 September, a bomb detonated in front of the KPÖ party headquarters in Gratkorn.[944] On the night of 3 October, an explosion caused considerable material damage to the municipal apartment building in Peggau. At around the same time, the KPÖ party headquarters in Deutschfeistritz, and a private house in Peggau were also attacked, but the explosives turned out to be duds.[945] Again in Gratkorn, an explosive device detonated in front of a KPÖ-related building on 13 December.[946] KPÖ facilities were also attacked in Frohnleiten, Gratwein, and Graz.[947] The last activity by the 'partisans' on the night of 30 December was aimed at the gendarmerie post in Geistthal, which was targeted with an (undetonated) explosive charge and shot at with a rifle.[948]

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[936] TNA, FO 1020/3525: Case-No. 2491, 2493, 2499, 2500.
[937] TNA, FO 1020/3525: Case-No. 2501.
[938] TNA, FO 1020/3525: Case-No. 2497, 2498.
[939] The charges against Erich F. had already been withdrawn at the trial on 20 January 1948. Das Steirerblatt (21. 1. 1948), 3 („Vereinsmeierei – nicht Naziverschwörung").
[940] Neues Österreich (31. 1. 1948), 3 („Milde Strafen für die ‚steirischen Pfadfinder'").
[941] Neue Zeit (31. 1. 1948), 4 („Sechs Monate für Lex"). – Bickford's account was rejected in the communist daily newspapers. With reference to a stricter judgement by this judge in the weapons possession trial against the KPÖ functionary Alfred Jöllinger (see chapter 5.4.2), the abolition of foreign military courts in Austria was once again demanded. Salzburger Tagblatt (31. 1. 1948), 1f. („Milde Urteile im Pfadfinder-Prozeß"); Wahrheit (1. 2. 1948), 1 („Hart gegen den Antifaschisten Jöllinger, milde gegen Naziverschwörer").
[942] * 23. 5. 1908, Mühlheim an der Ruhr (DEU). Cf. StLA, JA Karlau, Bücher, Bd. 67, StB-Nr. 3873; Neue Zeit (30. 4. 1948), 2 („Identität des ‚Berghofbauern' Fink festgestellt"); Wiener Zeitung (30. 4. 1948), 2 („‚Berghofbauer' Heinz Fink – richtig Malmede").
[943] JEŘÁBEK, Partisanen 141f.; BRUNNER M./REISMANN, Kaiser Otto.
[944] StLA, Gendarmeriechronik, Bez. Graz Umgebung, GP Gratkorn, Bd. 1, s. p. [entry: September 1947]; Grazer Tägliches Fahndungsblatt, Jg. 3/Nr. 196 (13. 9. 1947), Art. 9383; MIRSCH, Gratkorn 258.
[945] StLA, Gendarmeriechronik, Bez. Graz Umgebung, GP Deutschfeistritz, Bd. 1, s. p. [entry: 3. 10. 1947]; The Times (6. 10. 1947), 4 ("Unrest in Austria").
[946] StLA, Gendarmeriechronik, Bez. Graz Umgebung, GP Gratkorn, Bd. 1, s. p. [entry: December 1947]; Neue Zeit (16. 12. 1947), 3 („Sprengstoffanschlag in Gratkorn"); MIRSCH, Gratkorn 258.
[947] StLA, Gendarmeriechronik, Bez. Graz Umgebung, GP Deutschfeistritz, Bd. 1, s. p. [entry: 24. 11. 1947].
[948] Neue Zeit (3. 1. 1948), 3 („So wurde Heinz Fink verhaftet"); Neue Zeit (4. 1. 1948), 1 („Mit Fink 22 Komplicen [!] verhaftet"); REISMANN, Allgemeine Geschichte 198; BRUNNER M./REISMANN, Kaiser Otto.

Fink's ideological motive and goal was to fight against the parties, especially the KPÖ, in order to re-establish the monarchy in Austria. Slogans to this effect[949] were spread in smear campaigns and leaflets and were mostly labelled 'Committee of Austrian Monarchist Partisans'[950]. Such actions took place from February 1947 – partly in connection with the above-mentioned bomb attacks – in Bärnbach, Deutschfeistritz, Geistthal, Kainach, Köflach, Laufnitzdorf, Maria Lankowitz, Peggau, and Södingberg.[951] Threatening letters from the 'partisans' reached the Graz wagon factory and the Andritz machine factory, among others.[952]

In response to the last attack in Geistthal, search measures were massively stepped up.[953] Heinz Fink was successfully arrested in Hochtregist on 31 December 1947. On the same day, members of his group were captured in Geistthal and near Deutschfeistritz.[954] In the process, a considerable arsenal of weapons, ammunition and explosive devices fell into the hands of the officers.[955]

This arsenal in turn led to the division of the judicial process between the British and Austrian judiciaries.[956] The occupying power took over the offences of possession and use of weapons because they were violations of §§ 7 and 8 of Ordinance No. 200, while the political side of the proceedings was to be prosecuted by the Austrian authorities.[957]

Accordingly, at the very beginning of the hearing of the Intermediate Court trial in Graz on 19 February 1948, Judge R.B. MacKeown emphasised that only the charges brought by Maj J. Whyte, namely possession and use of weapons, and not the political aspects, would be relevant in the trial.[958] Heinz Fink pleaded not guilty in court and launched into a declamatory defence speech, during which he was repeatedly admonished by MacKeown not to discuss the political aspirations of his group.[959] Fink's claim that he had been in the service of the FSS was contradicted by an FSS officer who was questioned as a witness. However, many of the 15 accused 'foot soldiers' pleaded guilty

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[949] REISMANN, Allgemeine Geschichte 198; StLA, Gendarmeriechronik, Bez. Graz Umgebung, GP Gratkorn, Bd. 1, s. p. [entry: September 1947].

[950] StLA, Gendarmeriechronik, Bez. Graz Umgebung, GP Deutschfeistritz, Bd. 1, s. p. [entry: 3. 10. 1947].

[951] REISMANN, Allgemeine Geschichte 198; BRUNNER M./REISMANN, Kaiser Otto; StLA, Gendarmeriechronik, Bez. Graz Umgebung, GP Deutschfeistritz, Bd. 1, s. p. [entry: 24. 11. 1947].

[952] Weltpresse – Graz am Abend (12. 12. 1947), 4 („‚Berghofbauer' schreibt Drobriefe ohne h"); Weltpresse – Graz am Abend (19. 12. 1947), 4 („Fink geistert noch immer in den Wäldern").

[953] See also Heinz Fink's (state) police profile, published in October 1947. Neues Österreich (25. 10. 1947), 3 („Steckbrief gegen den ‚Berghofbauer'"); Weststeirische Rundschau (1. 11. 1947), 3 („Fahndung"!).

[954] Weltpresse – Graz am Abend (31. 12. 1947), 8 („Terrorist Fink heute nacht verhaftet"); Neue Zeit (1. 1. 1948), 4 („Das Leben eines Abenteurers"); Neue Zeit (3. 1. 1948), 3 („So wurde Heinz Fink verhaftet"); Weltpresse – Graz am Abend (3. 1. 1948), 8 („Ausbrecher Fink in schweren Fesseln"); Neue Zeit (4. 1. 1948), 1 („Mit Fink 22 Komplicen [!] verhaftet"); Neues Österreich (4. 1. 1948), 2 („Der Berghofbauer wurde vom Diwan weg verhaftet"); LASNIK, Bärnbach 140; REISMANN, Allgemeine Geschichte 198.

[955] StLA, Gendarmeriechronik, Bez. Graz Umgebung, GP Deutschfeistritz, Bd. 1, s. p. [entry: 31. 12. 1947]; GEBHARDT, Gendarmerie 362; BRUNNER M./REISMANN, Kaiser Otto.

[956] Das Steirerblatt (17. 2. 1948), 3 („Fink vor dem Militärgericht"); Neue Zeit (17. 2. 1948), 3 („Fink wird der Prozeß gemacht").

[957] StLA, LGS Graz, Vr 9080/47, Heinz Fink und Genossen (K. 639): 6. 2. 1948; BRUNNER M./REISMANN, Kaiser Otto.

[958] Cf. Weltpresse (18. 2. 1948), 2 („Der ‚Berghofbauer' vor dem Militärgericht").

[959] Neue Zeit (20. 2. 1948), 3 („Der ‚Berghofbauer' vor Gericht").

and admitted their involvement in the individual partisan actions. All of the accused were found guilty on the first day of the trial.[960]

The following day, R.B. MacKeown again emphatically stated that this was not a political trial[961] before announcing the sentences of imprisonment:[962] Heinz Fink[963] seven years, Johann P.[964] four years, Albert F.[965], Johann K.[966], Johann K.[967], Rudolf Schlatzer[968] and Simon W.[969] three years, Johann J.[970] and Peter Klinger[971] two years, Josef N.[972] two years (one year of which suspended), August K.[973] two years (of which 18 months suspended), Karl Szabad[974] two years suspended, Johann P.[975] one year (six months of which suspended), Jakob N.[976] one year suspended, and Johann Eisel[977] six months suspended.[978] The judge concluded that the public must finally realise that gun ownership is a criminal offence.[979] He ended by expressing his respect for the Austrian police and gendarmerie for their investigative work.[980]

After the occupying power had administered justice, it was the turn of the Austrian judiciary to judge the political side of the case. Heinz Fink and five of his accomplices had to stand trial before a jury in Graz on 2 May 1949.[981] The charges here were high treason and an offence against the Explosives Act. Fink was also prosecuted for indecent assault. The trial ended on 6 May 1949 with guilty verdicts. However, the main charge was not

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[960] Weltpresse – Graz am Abend (19. 2. 1948), 4 („Fink des Waffenbesitzes schuldig"); Das Steirerblatt (20. 2. 1948), 2 („Gangster, Abenteurer, Parasit"); Weltpresse – Graz am Abend (20. 2. 1948), 2 („Der ‚Rebell' Fink – kleiner Mann mit großen Worten"); BRUNNER M./REISMANN, Kaiser Otto.
[961] Neue Zeit (21. 2. 1948), 2 („Sieben Jahre Gefängnis für Fink").
[962] Weltpresse – Graz am Abend (20. 2. 1948), 4 („Sieben Jahre Gefängnis für Fink"); Das Steirerblatt (21. 2. 1948), 1 („Sieben Jahre für Heinz Fink"); Neue Zeit (21. 2. 1948), 2 („Sieben Jahre Gefängnis für Fink"); Wiener Zeitung (21. 2. 1948), 2 („Sieben Jahre für Heinz Fink").
[963] TNA, FO 1020/3525: Case-No. 2572.
[964] TNA, FO 1020/3525: Case-No. 2573.
[965] TNA, FO 1020/3525: Case-No. 2575.
[966] TNA, FO 1020/3525: Case-No. 2574.
[967] TNA, FO 1020/3525: Case-No. 2577.
[968] TNA, FO 1020/3525: Case-No. 2576.
[969] TNA, FO 1020/3525: Case-No. 2578.
[970] TNA, FO 1020/3525: Case-No. 2579.
[971] TNA, FO 1020/3525: Case-No. 2584.
[972] TNA, FO 1020/3525: Case-No. 2582.
[973] TNA, FO 1020/3525: Case-No. 2581.
[974] TNA, FO 1020/3525: Case-No. 2580.
[975] TNA, FO 1020/3525: Case-No. 2585.
[976] TNA, FO 1020/3525: Case-No. 2583.
[977] TNA, FO 1020/3525: Case-No. 2586.
[978] The trial against Rosa Frankow was adjourned to 26 February 1948 and ended with a sentence of 43 days in prison, which had already been served by the pre-trial detention. TNA, FO 1020/3525: Case-No. 2587. – Furthermore: Neue Zeit (20. 2. 1948), 3 („Der ‚Berghofbauer' vor Gericht"); Neues Österreich (28. 2. 1948), 3 („Die Quartierfrau des ‚Berghofbauern' verurteilt").
[979] Das Steirerblatt (21. 2. 1948), 1 („Sieben Jahre für Heinz Fink").
[980] Neue Zeit (21. 2. 1948), 2 („Sieben Jahre Gefängnis für Fink"); Weltpresse – Graz am Abend (20. 2. 1948), 4 („Sieben Jahre Gefängnis für Fink"); BRUNNER M./REISMANN, Kaiser Otto.
[981] Subsequently, only the trial reports in the "Steirerblatt" newspaper are cited: Das Steirerblatt (3. 5. 1949), 4 („Vom Gärtner zum Partisanenchef"); Das Steirerblatt (4. 5. 1949), 4 („Der ‚Berghofbauer' fabuliert"); Das Steirerblatt (5. 5. 1949), 5 („Fink hat mit Koplenig verhandelt"); Das Steirerblatt (6. 5. 1949), 5 („Fink, der Rattenfänger von Geistthal"); Das Steirerblatt (7. 5. 1949), 5 („13 Jahre für Fink-Malmede").

for high treason, but under Section 1 of the State Protection Act.[982] Heinz Fink was sentenced to (another) 13 years in prison and expulsion.[983] Fink's collaborators also received prison sentences: Johann P. five years, Franz P. three years, Johann K. two years, Hermann L. and Jakob N. eight months.[984] On 24 May 1949, another seven of Fink's accomplices were sentenced to prison by a jury court in Graz.[985]

6.4.4.5 The Fiausch affair (April 1948, Graz)

On 25 February 1948, the Knittelfeld district food office was the scene of a burglary. The target was food ration cards, of which around 20,000 of various types and more than half a million traveller's stamps were taken.[986] The value of the stolen goods in the illicit trade was around ATS 250,000. The investigation led to Franz Fiausch[987], who was arrested on 1 March. Although about 3/4 of his loot was seized during house searches, Fiausch had already put a considerable amount into circulation on the black market.[988]

A total of eleven of his buyers, including six Greek citizens, were brought before an Intermediate Court under the direction of Lt Col Bickford in Graz on 21 April 1948. Fiausch was questioned as a witness at this hearing.[989] His testimony gives an impression of how lucrative the black market could be in the post-war period. He admitted that he had already received ATS 15,000 in cash, 13 gold francs, two cameras, a watch and 1,200 cigarettes for a small portion of the ration cards from the burglary in Knittelfeld.[990]

On the second day of the proceedings, 28 April 1948, Bickford handed down the verdicts. Most of the Greeks on trial received prison sentences: namely, Nikolaus T. 18 months[991], Nikolaus Kerkimis[992] and Athanasios L.[993] nine months, and Erotokritios K.[994]

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982 See BGBl. Nr. 223/1936.

983 Heinz Fink was sent to Graz-Karlau Prison on 24 December 1949. He was granted conditional release on 27 October 1955. StLA, JA Karlau, Bücher, Bd. 67, StB-Nr. 3873; BRUNNER M./REISMANN, Kaiser Otto.

984 The Supreme Court dismissed the convicts' claim of nullity in October and December 1949 respectively. Neue Zeit (9. 12. 1949), 5 („Nichtigkeitsbeschwerden von Fink und Genossen abgewiesen").

985 Rosa Frankow two years, Albert F. one and a half years, Simon W. one year, and Rudolf Schlatzer nine months in prison. – Furthermore: Franz S. and Vinzenz S. ten months, Vinzenz H. ten weeks imprisonment (conditional in each case). Das Steirerblatt (25. 5. 1949), 5 („Weitere Urteile im Fink-Prozeß"); Neue Zeit (25. 5. 1949), 5 („Fink-Partisanen verurteilt"); BRUNNER M./REISMANN, Kaiser Otto.

986 Neue Zeit (16. 3. 1948), 3 („Mehr als 500.000 Reisemarken gestohlen").

987 * 28. 11. 1919, Judendorf (today, mun. Leoben, AUT); † 17. 1. 2005, Hamburg (DEU). DAGS, Pfarre Leoben-St. Xaver, Taufbuch XVI 1915–1921, p. 193, Post-Nr. 190 [URL: https://data.matricula-online.eu/de/oesterreich/graz-seckau/leoben-st-xaver/12449/?pg=196 (18. 9. 2025)].

988 StLA, Gendarmeriechronik, Bez. Murtal, GP Knittelfeld, Bd. 2, s. p. [entry: 25. 2. 1948]; Obersteirische Zeitung (6. 3. 1948), 2 („Der ‚Schriftsteller' mit dem falschen Bart").

989 Bickford already 'knew' this witness, as he had sentenced Franz Fiausch to five years in prison (two of which were suspended) at an Intermediate Court hearing in Graz on 27 August 1946. The charges at the time included possession of weapons, attempted bribery, and possession of Allied property and a forged document. Fiausch had posed as a criminal police officer and obtained such goods on the black market. TNA, FO 1020/3525: Case-No. 1357; Neue Zeit (1. 9. 1946), 3 („Noch ein falscher Kriminalbeamter").

990 Neue Zeit (22. 4. 1948), 3 („Fiausch in Ketten vor Gericht").

991 TNA, FO 1020/3525: Case-No. 2774; StLA, JA Karlau, Bücher, Bd. 67, StB-Nr. 2925.

992 TNA, FO 1020/3525: Case-No. 2776; StLA, JA Karlau, Bücher, Bd. 67, StB-Nr. 2926.

993 TNA, FO 1020/3525: Case-No. 2778; StLA, JA Karlau, Bücher, Bd. 67, StB-Nr. 2924.

994 TNA, FO 1020/3525: Case-No. 2777. – In the case of Erotokritios K., the verdict and sentence were overturned and he was released on 14 May 1948. StLA, JA Karlau, Bücher, Bd. 67, StB-Nr. 2927.

and Wasilis S.[995] six months. Margerete T. received a three-month suspended sentence.[996] Only Wasilius T. was acquitted.[997] Of the Austrian defendants, Karl Kögl[998], who had bought and resold meat stamps for 100 kg, was jailed for nine months. Three other Austrians were given six months in prison: Konrad H.[999] had obtained 60, the merchant Johann O.[1000] 100, and the housewife Maria S.[1001] 40 of the incriminated ration cards.[1002]

The punishment of the actual burglary was a matter for the Austrian judiciary. Franz Fiausch stood before the district court in Leoben on 4 May 1948. The single judge sentenced him to five years in prison.[1003]

The following two hearings from 1951 are categorised with reservation as trials of British Intermediate Courts, as the author has not yet come across any relevant archive sources of British or Austrian provenance that would prove this categorisation beyond doubt.[1004] Rather, he bases it on two reports in the daily newspaper "Weltpresse".[1005]

6.4.4.6 Neville Napier (19–21 February 1951, Graz)

Since the first Eisenerz trial in the spring of 1946, no British court case in Styria had attracted such media interest as the proceedings against Neville Napier.[1006] On 19 February 1951, the former officer of the British occupation forces had to stand trial for the "Zeltweg espionage affair"[1007] before the single judge R.C.S. Ellison at the Graz District Court on Paulustorgasse.[1008] Michael Sykes, a former officer, acted as defence counsel.[1009] The judge confronted Napier with four charges:[1010]

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[995] TNA, FO 1020/3525: Case-No. 2779; StLA, JA Karlau, Bücher, Bd. 67, StB-Nr. 2923.
[996] TNA, FO 1020/3525: Case-No. 2775. – Margerete T. had been convicted of possessing foreign currency and Allied property.
[997] TNA, FO 1020/3525: Case-No. 2784. – Furthermore: Weltpresse – Graz am Abend (28. 4. 1948), 4 („Der Prozeß gegen die Kartendiebe").
[998] TNA, FO 1020/3525: Case-No. 2781; StLA, JA Karlau, Bücher, Bd. 67, StB-Nr. 2928.
[999] TNA, FO 1020/3525: Case-No. 2780.
[1000] TNA, FO 1020/3525: Case-No. 2782.
[1001] TNA, FO 1020/3525: Case-No. 2783.
[1002] Neue Zeit (22. 4. 1948), 3 („Fiausch in Ketten vor Gericht"); Neue Zeit (29. 4. 1948), 3 („6 Jahre Kerker in der Fiausch-Affäre").
[1003] Weltpresse – Graz am Abend (4. 5. 1948), 4 („Fünf Jahre für Fiausch"); Neue Zeit (5. 5. 1948), 3 („5 Jahre Kerker für Fiausch"); Obersteirische Zeitung (8. 5. 1948), 5 („Der Kartendieb Fiausch aus Trofaiach"). – One day after his conviction, Franz Fiausch was sent to Graz-Karlau Prison, from where he was paroled on 10 July 1951. StLA, JA Karlau, Bücher, Bd. 67, StB-Nr. 2944.
[1004] These two trials are therefore not covered in chapters 6.1 (IC personnel) and 6.4.2 (IC statistics Styria).
[1005] Weltpresse (Abend-Ausgabe) (19. 2. 1951), 1 („Spionage nur als ‚Nebenverdienst'"); Weltpresse (20. 2. 1951), 8 („Der britische Spionageprozeß in Graz"). – Apart from this, however, the numerous other press reports on the Napier and Reicher trials do not say whether it was an *Intermediate* or a *General* Court.
[1006] In addition to correspondents from major English daily newspapers, the international news agencies Associated Press (AP), International News Service (INS), Reuters, and United Press (UP) were also represented. Das Steirerblatt (20. 2. 1951), 1 („Napier erklärt sich ‚nicht schuldig'"). – The entire trial was held in public. The only restriction was a ban on photography in the courtroom. Salzburger Nachrichten (20. 2. 1951), 8 („Spionage eines britischen Offiziers").
[1007] See: Neues Österreich (17. 2. 1951), 2 („Sieben Verhaftungen in der Zeltweger Spionageaffäre").
[1008] The Times (13. 2. 1951), 3 („Former British officer charged"); Neue Zeit (14. 2. 1951), 5 („Ehemaliger britischer Offizier vor einem Militärgericht in Graz").
[1009] Wiener Kurier (20. 2. 1951), 3 („‚Ich suche militärische Korrespondenten'").

1. Obtained, on several occasions between 1 October and 31 December 1950, information about the British forces in Zeltweg which was incompatible with the interests of those forces.
2. Attempted to obtain such information in Judenburg in October or November 1950.
3. Passed on such information to Franz Gabriel Reicher or Miss Maria Wogrina [...], Austrian citizens, in Zeltweg on various occasions between 1 October and 31 December 1950.
4. Falsely claimed to be a member of the Allied Forces in Zeltweg in November or December 1950.

The first three charges were based on 'Espionage' Ordinance No. 205, the fourth (presumably) on Ordinance No. 209. Neville Napier pleaded not guilty throughout.[1011]

According to prosecutor Mr Beaumont, Napier had arrived in Austria in May 1945 as an officer in the British East Surrey Regiment with the rank of captain. He returned to England in 1946 and left the army. He then worked for the British element of the Control Commission in Germany until May 1950, when he moved to Zeltweg with his Austrian wife Emilie, a divorced member of the aristocratic Henckel-Donnersmarck family. Napier took up a position in the office of the British railway station officer in Judenburg, but his salary was barely enough to cover the couple's latent financial needs. In this situation, he met Franz Gabriel Reicher in October 1950, who posed as a journalist from the (fictitious) "Central European Press Agency" but, in reality, worked for the Czechoslovakian secret service. The Austrian managed to trick Napier into believing that he was employed as a military correspondent and thus persuaded him to obtain information about units and weapons of the British occupying forces, which he handed over to Reicher himself or his girlfriend Maria Wogrina. The Briton received a total of ATS 1,400 for his services.[1012] At the end of December 1950, Wogrina reported Reicher to the police. The subsequent search of his flat, where they discovered drugs, medicines and weapons, as well as documents incriminating Napier, led to Reicher's arrest. His British informant was arrested on 20 January 1951.[1013]

The first witnesses to be questioned were Lt Simmons (Intelligence Corps) and Maj Hunter (PSO Leoben), who had carried out Napier's arrest and first interrogation respectively. Accordingly, the ex-officer stated that he had collected information of a military nature and passed it on to Reicher, but that this had only been done for journalistic purposes. Capt Williams, attached to a training unit in Judenburg, recalled that Napier had asked him for information about the British infantry. Allegedly, this was to refresh his knowledge because he was planning to return to military service. Williams refused to

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[1010] See: Neue Zeit (20. 2. 1951), 3 („Der Grazer Spionageprozeß").
[1011] Das Steirerblatt (20. 2. 1951), 1 („Napier erklärt sich ‚nicht schuldig'").
[1012] Arbeiter-Zeitung (20. 2. 1951), 3 („Der Spionageprozeß vor dem Grazer Militärgericht"); SISMAN, John le Carré 98.
[1013] Das Steirerblatt (16. 2. 1951), 2 („Reicher schmuggelte auch Kokain"); Das Steirerblatt (17. 2. 1951), 1f. („Im Dickicht der Geheimdienste"); Kleine Zeitung (20. 2. 1951), 1 („Die Zeltweger Spionageaffäre vor Gericht"); BRUNNER M., Schwere Straftaten 245.

provide any information and reported the matter to the FSS. At the end of the opening day, prosecutor Beaumont dropped the fourth charge.[1014]

The second day of the trial in Graz began with the questioning of two British officers, Col M.J. Conway (Royal Signals) and Maj C.A. Morris (Royal Warwickshire Regiment), who were to assess the significance of the incriminated military information. Subsequently, Franz Gabriel Reicher, as a witness for the prosecution, openly admitted to having spied for the intelligence service of Czechoslovakia and having framed Neville Napier.[1015] Maria Wogrina testified that, at Reicher's request, she appeared before Napier as an employee of the "Central European Press Agency". She also admitted in court that everything was a lie.[1016] Mr Sykes sought to portray the information obtained by his client as trivial, so that no reasonable person could believe it to be secret.[1017] Under cross-examination by Mr Beaumont, Napier claimed that he was unaware of any wrongdoing.[1018] However, he had to admit that he had not made any enquiries about the alleged press agency he was supposed to work for. Furthermore, he had not informed his superiors about his 'sideline'.[1019]

On 21 February 1951, the trial entered its final phase with the pleas of the defence and the prosecution. As was to be expected, Mr Sykes demanded an acquittal for his client because he had acted in good faith and was only working for journalistic purposes. According to the defence lawyer, however, the entire trial would have been better handled in the UK. But the Austrian press had already picked up on the story, exaggerating and distorting it.[1020] The judge replied that he had not read any newspapers in the last two weeks. The danger of a prejudgement would only have existed in a trial before a jury.[1021] Finally, Mr Sykes criticised the legal basis of the proceedings, i.e. Ordinance No. 205 of the British occupying power, Section 2 of which he described as a elastic clause.[1022] Mr Beaumont, on the other hand, rejected the defendant's justification as implausible and demanded a guilty verdict. In the end, Mr Ellison followed the prosecutor's arguments and found Neville Napier guilty. The sentence was one years' imprisonment for the first and second counts and seven years' imprisonment for the third count. When handing down the sentence, the judge noted that he felt compelled to apply a stricter

[1014] Das Steirerblatt (20. 2. 1951), 2 („‚Ich wollte nicht spionieren!'"); The Times (20. 2. 1951), 3 („Trial of Briton in Austria"); Weltpresse (20. 2. 1951), 8 („Der britische Spionageprozeß in Graz").
[1015] Das Steirerblatt (21. 2. 1951), 2 („Reicher: ‚Ich war tschechischer Spion!'"); Kleine Zeitung (21. 2. 1951), 11 („Die Zeltweger Fäden laufen in die CSR"); Wiener Kurier (21. 2. 1951), 1 („Reicher gibt Spionage für CSR zu"); Murtaler Zeitung (24. 2. 1951), 2 („Die Spione von Zeltweg vor Gericht").
[1016] Neue Zeit (21. 2. 1951), 3 („Reicher: ‚Ich arbeitete für die Tschechei'"); Wahrheit (21. 2. 1951), 2 („Steirischer Spionageprozeß enthüllt westliche Kriegsvorbereitung").
[1017] Neue Zeit (21. 2. 1951), 1 („Kreuzverhör mit Napier").
[1018] Weltpresse (21. 2. 1951), 8 („Napier leugnet jede Spionageabsicht"); The Times (21. 2. 1951), 3 ("Information passed to foreign agent").
[1019] Das kleine Volksblatt (21. 2. 1951), 8 („Reicher ‚arbeitete' für die CSR").
[1020] Weltpresse (Abend-Ausgabe) (21. 2. 1951), 8 („Vor dem Urteil im Grazer Prozeß"); Neue Zeit (22. 2. 1951), 3 („Die Plaidoyers [!] im Spionageprozeß").
[1021] The Times (22. 2. 1951), 5 ("Former officer sentenced").
[1022] Das Steirerblatt (22. 2. 1951), 1 („Neun Jahre schwerer Kerker für Napier").

standard to the British citizen than to the Austrians previously sentenced under Ordinance No. 205.[1023]

The British Commander-in-Chief in Austria later reduced the penalty to seven years by decreeing that the sentences could now be served concurrently instead of consecutively.[1024] Finally, Napier's petition to the British king resulted in a further reduction of his prison term to four years.[1025]

6.4.4.7 Franz Gabriel Reicher, Alexander D., Thomas H., Karl Roßmann, Rudolf S., Maria Wogrina (22 February to 12 May 1951, Graz)

One day after the conviction of the *Briton* Neville Napier (see chapter 6.4.4.6), another military court convened on Paulustorgasse in Graz to try six *Austrian* suspects for espionage. In addition to the alleged mastermind Franz Gabriel Reicher, they were Alexander D., Thomas H., Karl Roßmann,[1026] Rudolf S., and Maria Wogrina.[1027] This lengthy trial was to last until mid-May 1951. In the following it will be treated as *one* hearing.

As already mentioned, Maria Wogrina set the ball rolling when the espionage affair was uncovered. After Wogrina learnt that Reicher had made promises of marriage not only to her, but also to other young women, she pressed charges. The subsequent house search at Reicher's quarters in Zeltweg on 1 January 1951 not only uncovered cocaine and morphine, but also numerous suspicious documents in English and, last but not least, some weapons and ammunition of Western origin. An American grenade was even seized in Wogrina's flat in Mürzzuschlag. After Reicher's arrest, his four suspected accomplices (Alexander D., Thomas H., Karl Roßmann, and Rudolf S.) and his former bride Maria Wogrina were also arrested over the next few weeks.[1028]

From 22 February 1951, they all stood before Judge R.C.S. Ellison, who presided over this espionage trial. The security officer (PSO) Maj T.P. Hunter, stationed in Leoben, was responsible for representing the prosecution. Dr Guido Held (Reicher), Dr Raimund Obendrauf (Roßmann)[1029], and Dr Hans Roth (Wogrina) had been appointed as defence

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[1023] Das kleine Volksblatt (22. 2. 1951), 9 („Neun Jahre Kerker für Neville Napier"); Kleine Zeitung (22. 2. 1951), 1 („Neun Jahre Gefängnis für Neville Napier"), 4 („Wie der Grazer Spionageprozeß zu Ende ging"); Neue Zeit (22. 2. 1951), 1 („Das Urteil im Grazer Spionageprozeß"); Wiener Kurier (22. 2. 1951), 3 („Dramatische Urteilsverkündung: 9 Jahre für Napier"); SISMAN, John le Carré 98. – Selection of international newspaper reports: The Barrier Miner (22. 2. 1951), 1 ("Jailed for Espionage"); The Sydney Morning Herald (22. 2. 1951), 1 ("Nine Years for Ex-officer"); The Times (22. 2. 1951), 5 ("Former officer sentenced"); The Advertiser (23. 2. 1951), 3 („Nine Years For Ex-Officer On Spy Charges").

[1024] The Times (5. 5. 1951), 5 ("Sentence on Briton reduced").

[1025] The Times (7. 9. 1951), 3 ("Napier's sentence reduced"); Neue Zeit (8. 9. 1951), 1 („Strafmilderung für Napier"); BRUNNER M., Schwere Straftaten 245.

[1026] * 19. 2. 1908, Vienna (AUT). StLA, JA Karlau, Bücher, Bd. 67, StB-Nr. 4332.

[1027] Weltpresse (22. 2. 1951), 8 („Napier zu neun Jahren Kerker verurteilt"); Arbeiter-Zeitung (23. 2. 1951), 4 („Reicher bekennt sich schuldig"); Das kleine Volksblatt (23. 2. 1951), 7 („Er gesteht – sie bestreitet"); Das Steirerblatt (23. 2. 1951), 2 („Spion Reicher auf der Anklagebank").

[1028] Das Steirerblatt (16. 2. 1951), 2 („Reicher schmuggelte auch Kokain"); Neue Zeit (16. 2. 1951), 3 („Die obersteirische Spionageaffäre"); Das Steirerblatt (17. 2. 1951), 1 („Im Dickicht der Geheimdienste"); Neue Zeit (17. 2. 1951), 5 („Der Spion in der Telephonvermittlung").

[1029] Due to the absence of Dr Obendrauf, the proceedings against Karl Roßmann were postponed for the time being. Kleine Zeitung (23. 2. 1951), 1 („Spionageprozeß Reicher auf Montag vertagt").

lawyers, while Alexander D., Thomas H. and Rudolf S. initially did not want legal representation. All of the accused had to answer for obtaining and passing on information to the detriment of the British troops. Reicher and Wogrina – and later Roßmann – were also charged with unauthorised possession of weapons. The former pleaded guilty to all charges, while his five co-defendants pleaded not guilty. The trial was then adjourned at the request of the prosecutor and transferred to the Regional Court.[1030]

On the next day of the trial, 26 February 1951, Dr Otmar Hödl (Alexander D.), Dr Janeschitz-Kriegl (Thomas H.), and Dr Kurt Kienzl (Rudolf S.) completed the defence team.[1031] Col W.E.J. Bullock, Styria's chief security officer, now acted as public prosecutor. Bullock dropped the espionage charges against Maria Wogrina. Dr Held requested that the mental state of his client Reicher be examined, which was accepted by Mr Ellison. Before adjourning until the psychiatric report was available, the judge heard testimony on Maria Wogrina's role. He then acquitted Wogrina of the remaining charge of possession of a firearm.[1032]

The psychiatrists called in from Austria (Prof. Heinrich di Gaspero) and Great Britain (Col Robinson) certified Franz Gabriel Reicher's full sanity. The trial could therefore continue on 25 April 1951. At the beginning of the hearing, Maj Cleaver, the new prosecutor, once again outlined the connections in this espionage case, also referring to a transcript of the accused: according to this, Reicher, as an unemployed commercial employee, had come into contact with Czech agencies through a newspaper advertisement. At a first meeting in Brno, he was instructed to gather information about the British military in Austria. His remuneration probably totalled several tens of thousands of shillings. Reicher subsequently succeeded in recruiting several 'agents', including Neville Napier, who provided him with relevant information and observations from the Zeltweg area[1033] and Carinthia in return for payment. Reicher travelled to Czechoslovakia several times to hand over the collected material to his contacts. The Western secret services had al-

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[1030] Before the adjournment, Dr Roth obtained the release of Maria Wogrina. Arbeiter-Zeitung (23. 2. 1951), 4 („Reicher bekennt sich schuldig"); Wiener Zeitung (23. 2. 1951), 4 („Zweiter Spionageprozeß in Graz"); BRUNNER M., Schwere Straftaten 245f.

[1031] The defendant Karl Roßmann was now represented by Dr Obendrauf *and* the British lawyer Mr Charles Desmond Cassidy, who was in Graz on holiday. Kleine Zeitung (27. 2. 1951), 1, 4 („Spionageprozeß Reicher beginnt zu wackeln"); Neue Zeit (27. 2. 1951), 3 („Ist der Spion Reicher geistig normal?").

[1032] Das kleine Volksblatt (27. 2. 1951), 9 („Ein Freispruch im Grazer Spionageprozeß"); Das Steirerblatt (27. 2. 1951), 2 („Reicher wird psychiatriert / Maria Vogrina – nicht schuldig"); Neue Zeit (27. 2. 1951), 3 („Ist der Spion Reicher geistig normal?"); Wahrheit (27. 2. 1951), 3 („Nervenzusammenbruch nach Vernehmung durch englische Polizei"); Murtaler Zeitung (3. 3. 1951), 2 („Reicher wird psychiatriert"). – The court martial of Sgt Maj Eric Donald Ferguson on 23 October 1951 in Klagenfurt can be described as a late consequence of Wogrina's detention. Ferguson's disciplinary offence consisted of inviting the young woman – while in custody – to nightly excursions to cafés and restaurants in Graz. The court martial was also presented with 22 of his love letters. The (former) FSS sergeant pleaded guilty and was sentenced to dismissal from the army. Arbeiter-Zeitung (24. 10. 1951), 4 („Ein verliebter Kerkermeister"); Das kleine Volksblatt (24. 10. 1951), 9 („Britischer Offizier aus der Armee ausgestoßen"); Kleine Zeitung (24. 10. 1951), 10 („Sergeant liebt weiblichen Häftling"); The Times (24. 10. 1951), 3 ("Dismissed the army").

[1033] This region was promising to a certain extent because the airfield in Zeltweg and the training area on the Schmelz near Judenburg meant that there was a significant British presence here.

ready become aware of Reicher before his arrest because he had also intended to work for the American CIC and the British FSS.[1034]

The judge brought the proceedings against Franz Gabriel Reicher to a swift conclusion by finding him guilty on the afternoon of 25 April 1951 and sentencing him to five years in prison.[1035] According to a newspaper report, Mr Ellison said that he had taken into account that Reicher had not betrayed his own country and that he could never have been a spy if Austria had not been an occupied country.[1036] On 15 May 1951, Reicher was sent to Graz-Karlau Prison. However, he also had to face a charge of drug possession, which fell under the jurisdiction of the Austrian judiciary. Accordingly, the Graz District Court sentenced him to an additional three months in prison on 14 June 1951. From 13 July 1951, he continued his sentence in the Regional Court prison in Klagenfurt.[1037]

Back to the British espionage trial: after the judgement on Reicher, four of his middlemen were still in the dock. In the case of Rudolf S., it became clear from the evidence and the witness statements that he had sent the alleged journalist Reicher some information about the British troops in good faith. Mr Ellison therefore declared Rudolf S. not guilty on 25 April 1951. Thomas H. was acquitted without further examination of witnesses.[1038]

The next day it was the turn of Karl Roßmann from Knittelfeld, who, in addition to the espionage charges, also had to face charges of unauthorised possession of weapons. Among other things, he is said to have passed on rosters and ammunition from the British units at the Schmelz military training area, where he himself was employed as a locksmith, to Reicher. A written statement by Roßmann, which was submitted as evidence by the FSS, caused quite a stir. Judge Ellison categorised this transcript as unsuitable due to its questionable history. After interviewing several British and Austrian witnesses, the evidence against the defendant remained limited, as the prosecutor also attested.[1039]

[1034] Die Neue Zeit (26. 4. 1951), 1 („Tschechisches Spionagenetz in Österreich"); Kleine Zeitung (26. 4. 1951), 6 („Der Spion Franz Reicher ist für sein Tun voll verantwortlich"); Neue Zeit (26. 4. 1951), 1 („Fünf Jahre für steirischen Doppelspion"); Murtaler Zeitung (5. 5. 1951), 6 („Spion Reicher will sich bessern").

[1035] Kleine Zeitung (26. 4. 1951), 6 („Der Spion Franz Reicher ist für sein Tun voll verantwortlich"); Neue Zeit (26. 4. 1951), 1 („Fünf Jahre für steirischen Doppelspion"); Wiener Kurier (26. 4. 1951), 3 („CSR zahlt dem Spion Reicher 30.000 S"); Murtaler Zeitung (28. 4. 1951), 2 („Fünf Jahre für Spion Reicher"); BRUNNER M., Schwere Straftaten 246. – As with the Napier trial, the Styrian communist newspaper "Wahrheit" did not spare any criticism of the military court's conduct of the trial in its reporting on the proceedings against Reicher and his accomplices, while it tended to ridicule the incriminated espionage activities. Wahrheit (26. 4. 1951), 3 („Wird England auf der Seetaler Alpe verteidigt?").

[1036] Neue Zeit (26. 4. 1951), 1 („Fünf Jahre für steirischen Doppelspion").

[1037] StLA, JA Karlau, Bücher, Bd. 67, StB-Nr. 4331; Kleine Zeitung (15. 6. 1951), 6 („Hinter dem Wandschoner des Spions Reicher"); Weltpresse (15. 6. 1951), 2 („Reicher nochmals vor dem Richter").

[1038] Kleine Zeitung (26. 4. 1951), 6 („Der Spion Franz Reicher ist für sein Tun voll verantwortlich"); Neue Zeit (26. 4. 1951), 1 („Fünf Jahre für steirischen Doppelspion"); BRUNNER M., Schwere Straftaten 246.

[1039] Kleine Zeitung (27. 4. 1951), 7 („Noch keine weiteren Urteile im Spionageprozeß"); Neue Zeit (27. 4. 1951), 5 („Unkorrekte Vernehmung beim britischen FSS"); Wahrheit (27. 4. 1951), 4 („‚Major Kwaplitschkas' fröhliche Urständ …"); Kleine Zeitung (28. 4. 1951), 7 („Urteil gegen Roßmann Samstag vormittag"); Neue Zeit (28. 4. 1951), 5 („Heute Urteil im Spionageprozeß"); Wahrheit (28. 4. 1951), 4 („Der ‚Latrinenspion' von der Schmelz"); BRUNNER M., Schwere Straftaten 246.

On 28 April 1951, R.C.S. Ellison found Karl Roßmann guilty of passing on information about the British armed forces to their detriment, and of unauthorised possession of weapons. The sentence was two years in prison. As the judge explained in conclusion, Reicher's statements contributed to his decision, as did the fact that money had been paid for the informing activities.[1040] Karl Roßmann was initially sent to the Karlau Prison in Graz on 15 May 1951, but was transferred to the district prison in Knittelfeld on 2 November of the same year.[1041]

Of the original six defendants in the Reicher trial, only Alexander D. remained without a judgement. The trial was not continued until 10 May 1951.[1042] D. pleaded not guilty to the charge under Ordinance No. 205, § 1 (receiving information about the British armed forces to their detriment; endeavouring to obtain such information; passing on such information). It emerged from the witness statements that the accused had been employed at the British airport in Zeltweg where he met Franz Gabriel Reicher in 1949. He later worked for the International Refugee Organisation in Villach. Alexander D. was persuaded to obtain information about the British units in Austria for Reicher's alleged trading agency. In addition to promises of money, this was linked to Reicher's (irrelevant) promise to investigate the whereabouts of two of D.'s relatives who had been deported to Russia. Although Karl Roßmann and Franz Gabriel Reicher, who had only met through D., incriminated him on the witness stand, his defence lawyer was able to point out contradictions in Reicher's testimony. Alexander D. himself claimed that he had only passed on useless material or material that he himself had devalued. Moreover, it had been his intention to expose Reicher to the British authorities for espionage. However, when questioned by the prosecutor, Maj Cleaver, he was unable to explain why he had not put this plan into practice for 14 months.[1043]

On 12 May 1951, the lengthy trial concerning the Zeltweg spy ring ended with the conviction of Alexander D. He was found guilty on the third charge of passing on information about the British troops to Franz Gabriel Reicher. The judge considered D.'s statement that he wanted to expose the spy ring to be credible.[1044] The sentence was six months in prison.[1045]

[1040] Kleine Zeitung (29. 4. 1951), 8 („Roßmann erhielt zwei Jahre Gefängnis"); Neue Zeit (29. 4. 1951), 5 („Zwei Jahre Gefängnis für Roßmann"); Neues Österreich (29. 4. 1951), 4 („Neuerlicher Spionageprozeß in Graz"); Wahrheit (29. 4. 1951), 4 („Das Urteil über den ‚Latrinenspion'"); Murtaler Zeitung (5. 5. 1951), 1 („Das Ende der Spione von Zeltweg und Schmelz").

[1041] StLA, JA Karlau, Bücher, Bd. 67, StB-Nr. 4332.

[1042] Alexander D. was initially released after Karl Roßmann's conviction on 28 April 1951. Weltpresse (Abend-Ausgabe) (28. 4. 1951), 6 („Roßmann wegen Spionage zu zwei Jahren verurteilt"); Kleine Zeitung (29. 4. 1951), 8 („Roßmann erhielt zwei Jahre Gefängnis").

[1043] Weltpresse (Abend-Ausgabe) (10. 5. 1951), 1 („Ein Wiener vor britischem Militärgericht"); Kleine Zeitung (11. 5. 1951), 6 („‚Keine Möglichkeit, nach Rußland zu fahren'"); Neue Zeit (11. 5. 1951), 5 („Spion Reicher diesmal als Zeuge"); Kleine Zeitung (12. 5. 1951), 6 („Er wollte Nachricht über verschleppte Angehörige"); Neue Zeit (12. 5. 1951), 5 („Spionage zur Rettung der Mutter").

[1044] Kleine Zeitung (13. 5. 1951), 11 („[D.] wegen Spionage verurteilt").

[1045] Das Steirerblatt (13. 5. 1951), 5 („Sechs Monate für [D.]"); Neue Zeit (13. 5. 1951), 4 („Letztes Urteil im Spionageprozeß"); BRUNNER M., Schwere Straftaten 246.

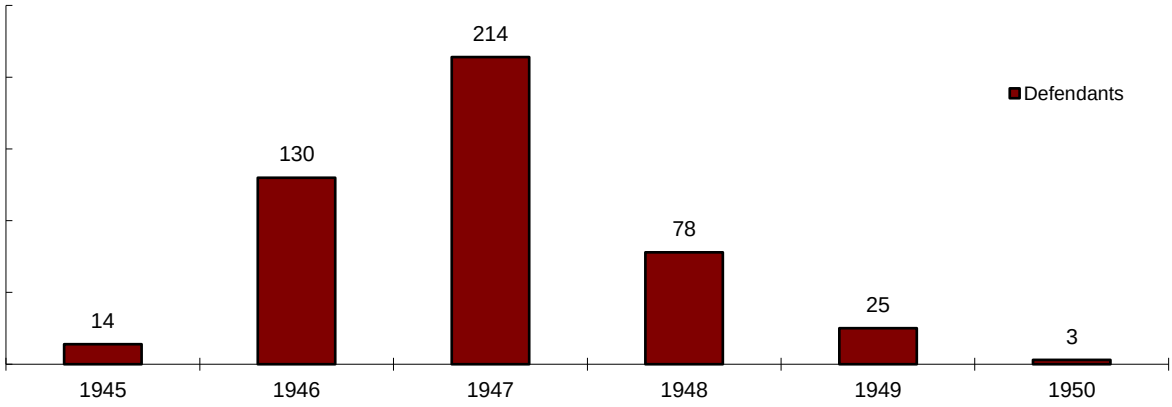
6.5 Intermediate Courts in Vienna

6.5.1 Locations of the Intermediate Courts (Vienna)

The court registers of the British Intermediate Courts in Vienna contain no information about *where* these courts were held. However, their locations can be deduced from other sources, at least for District III. The first hearing of an Intermediate Court took place on 24 November 1945 in the Juvenile Court (III, Rüdengasse 7),[1046] which was used for some time as quarters for all three levels of British military courts.[1047] From February 1947, all future Intermediate Courts were to be held at the address Mohsgasse 1 (III), the seat of the Legal Branch at the British Headquarters for Vienna.[1048] In the First District, the Palace of Justice was used for hearings of British Intermediate Courts.[1049]

6.5.2 Statistics of the Intermediate Courts (Vienna)

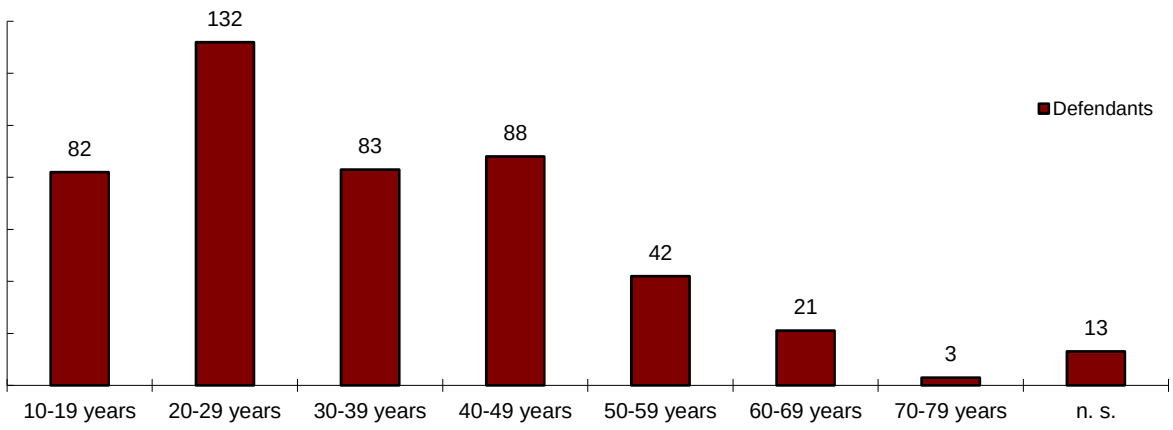
The following statistics are based on the evaluation of court registers, which document a total of 333 trials of British Intermediate Courts in Vienna with 464 accused for the period from November 1945 to April 1950.[1050] The number of charges totalled 675. The annual overview in Graph 9 shows the level of court activity with a significant peak in 1947.



Graph 9: Annual overview of defendants before Intermediate Courts in Vienna

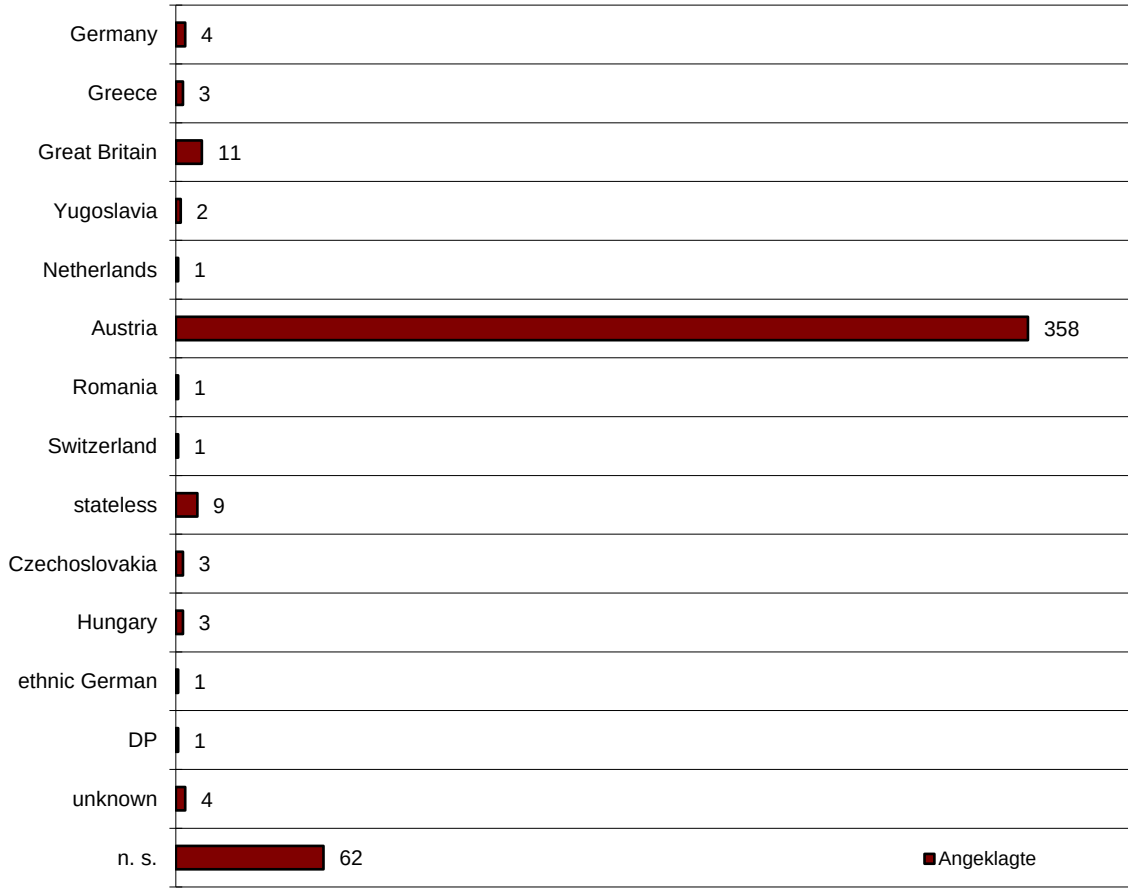
As there are almost no gaps in the information on the gender and age of the defendants for the trials of the Vienna Intermediate Courts – the gender was only not completed in three cases in Legal Form 11a, and the age in only 13 cases – the relevant figures are more significant than the corresponding lists for Styria. The proportion of men among the accused in Vienna was 85.2 per cent (393), the proportion of women 14.8 per cent (68).

[1046] TNA, FO 1020/1971: 27. 11. 1945; TNA, FO 1020/3037: 27. 11. 1945.
[1047] Cf. Arbeiter-Zeitung (10. 7. 1946), 3 („Eine Frau und zwei Revolver"); Weltpresse (14. 1. 1947), 2 („Britisches Militärgericht sühnt Überfall").
[1048] TNA, FO 1020/1971: 28. 2. 1947.
[1049] TNA, FO 1020/3129: 3. 11. 1946.
[1050] In 1947, eleven defendants had to answer at a trial for their actions. TNA, FO 1020/3524: Case-No. 83/47.



Graph 10: Age distribution of defendants before Intermediate Courts in Vienna

As might be expected, most of the defendants – 28.4 per cent – were between 20 and 29 years old when they stood before a British Intermediate Court in Vienna. Compared to Styria, where the proportion of 20 to 29-year-olds was 39 per cent, a more balanced distribution of age groups is noticeable. The youngest accused person in Vienna was eleven years old,[1051] the oldest 74 years old[1052].



Graph 11: National origin of the defendants before Intermediate Courts in Vienna

[1051] TNA, FO 1020/3524: Case-No. 25/46.
[1052] TNA, FO 1020/3524: Case-No. 59/47.

Although Legal Form 11a does not provide for an entry on the nationality of a defendant, it was noted almost without interruption from May 1946 onwards[1053] so that, in total, information on the country of origin is available for around 86 per cent of all cases (Graph 11). This information is missing for 62 defendants. In four cases the nationality was given as unknown, and once the entry simply read "DP" for Displaced Person. What is striking about the hearings in Vienna is the comparatively high proportion of defendants with British citizenship (2.4 per cent).

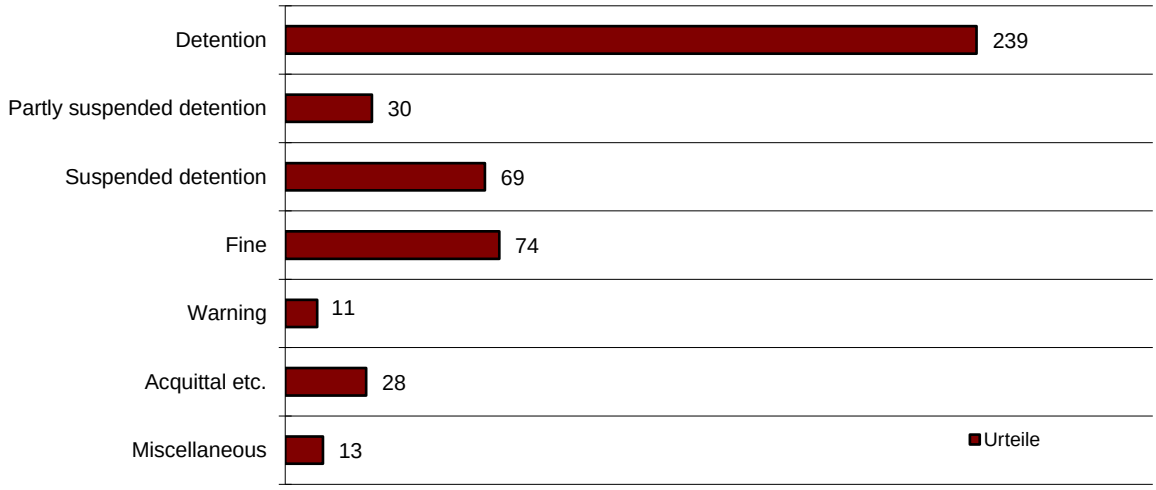
6.5.3 Jurisdiction of the Intermediate Courts (Vienna)

6.5.3.1 Duration of the trials

At the British Intermediate Courts in Vienna, up to seven cases were heard per court day. Usually, all proceedings were completed in one day. Only 30 cases were adjourned. Two trials were adjourned twice[1054] and three times[1055] respectively.

6.5.3.2 Extent of penalty and variants of sentences

The sentencing powers of an Intermediate Court were only fully utilised once in Vienna. On 22 July 1947, Judge Lt Col Gilshenan sentenced the defendant Friedrich Voyta to ten years in prison for possession of weapons, use of weapons, conspiracy to commit a criminal offence, and failure to report a criminal offence (see also section 7.6.3).[1056] Apart from that, the longest prison sentences were five[1057] and four[1058] years respectively. The highest fine imposed by a British Intermediate Court in Vienna was ATS 10,000.[1059] Graph 12 shows the common variants of sentences.



Graph 12: Variants of sentences before Intermediate Courts in Vienna

[1053] Starting with TNA, FO 1020/3524: Case-No. 21/46.
[1054] TNA, FO 1020/3524: Case-No. 33/46; TNA, FO 1020/3527: Case-No. 20/49.
[1055] TNA, FO 1020/3524: Case-No. 14/46, 17/46.
[1056] TNA, FO 1020/3524: Case-No. 76/47.
[1057] TNA, FO 1020/3524: Case-No. 15/47.
[1058] TNA, FO 1020/3524: Case-No. 83/46.
[1059] TNA, FO 1020/3524: Case-No. 19/47.

Regarding the postponement of prison sentences, the military judges were instructed by Lt Col A.B. McNulty, Senior Legal Officer at the Headquarters for the British Sectors of Vienna, as follows: *Trial Judges are reminded that they may postpone operation of a prison term in very exceptional circumstances, usually where the public would be benefitted e.g. agricultural work, not for private family or business purposes.*[1060]

As already shown for Styria, military judges in the federal capital also usually linked suspended sentences to conditions à la *while of good behaviour*. In the event that a person with a conditional sentence was convicted again while on probation, the British Legal Branch in Vienna stipulated that the suspended sentence was to be automatically enforced. It was irrelevant whether the new conviction was handed down by a military or an Austrian court. However, the same rule did not apply if the second judgement was based on a lesser charge than the first.[1061]

In the case of young offenders in particular, the judges often linked conditional sentences to 'collateral clauses'; here are some examples:

- *Accused to report daily to Police Station Bezirk XI - Simmering.*[1062]
- *Accused to be returned to his parents' custody and remain under supervision of the Welfare Worker for a period of 12 months.*[1063]
- *Remanded in custody of institution.*[1064]

Juvenile defendants up to the age of 18 were transferred to a reformatory for the duration of their sentence after an unconditional or partial conviction in 16 cases. Boys were sent to Kaiserebersdorf.[1065] Girls were taken to either Klosterneuburg[1066] or Theresienfeld[1067], where there were institutions run by nuns.[1068]

6.5.4 Case studies for proceedings of British Intermediate Courts in Vienna

6.5.4.1 "Hietzing Riots" (11 January 1946, Vienna)

In the autumn of 1945, there were repeated riots in the Viennese courts, sparked by lawsuits over eviction claims. Background: As a measure to alleviate the pressing housing shortage, the Provisional State Government passed the Housing Requests Act [Wohnungsanforderungsgesetz] of 22 August 1945 (StGBl. No. 138/1945). According to this

[1060] TNA, FO 1020/2957: 4. 6. 1946. – Underlining in the original.
[1061] TNA, FO 1020/3106: 12. 4. 1947, 22. 4. 1947.
[1062] TNA, FO 1020/3524: Case-No. 65/47.
[1063] TNA, FO 1020/3524: Case-No. 37/47.
[1064] TNA, FO 1020/3524: Case-No. 60/47.
[1065] The youngest person sentenced by an Intermediate Court in Vienna, an eleven-year-old boy, was also sent to Kaiserebersdorf. TNA, FO 1020/3524: Case-No. 25/46.
[1066] TNA, FO 1020/3524: Case-No. 34/47, 36/47. – 17-year-old Martha S. had been sentenced to one year in a reformatory because she had left Austria illegally, which was a violation of Ordinance No. 200, § 21. She travelled on a British troop train (Medloc C) to Calais, from where she tried twice in vain to reach England. TNA, FO 1020/3112: 10. 5. 1947.
[1067] TNA, FO 1020/3524: Case-No. 34/47.
[1068] See also the procedural rules for British military government courts, which recommended a flexible procedure in the case of juvenile offenders. TNA, FO 1020/1878: *Rules of Military Government Courts*, No. 60c.

law, unoccupied flats that could be allocated to other people by the municipalities had to be reported. This caused quite a stir if the original owners were National Socialists who had fled at the end of the war and tried to get rid of the new residents after their return by suing for eviction.[1069]

Such an eviction suit by the former National Socialist Karl W. was to be heard on 22 October 1945 at the Hietzing District Court. According to a report in a KPÖ newspaper, numerous men and women gathered in front of the building on the day of the trial and gave [W.], his wife and his lawyer a 'rather lively' reception. The judge felt compelled to adjourn the hearing indefinitely.[1070] This euphemistic report concealed the extent of the events: angry people gained entry to court buildings, where they threatened and sometimes attacked both plaintiffs and legal representatives. They even forced their way into courtrooms to intimidate the judges.[1071] Similar scenes occurred several times in the following weeks at the district courts of Hietzing[1072] and Innere Stadt[1073].

This almost inevitably brought the British occupying power onto the scene, one of whose primary objectives – as for any other occupying power – was to maintain public order. It is no coincidence that *incitement to or participation in rioting or public disorder*[1074] is listed in Section 16 of Ordinance No. 200 as a crime punishable by death. Because the British also placed a special focus on the establishment of an independent and undisturbed Austrian judiciary, they reacted severely to the turmoil in the Viennese district courts.

Four of those involved in the events of 22 October, Karl and Rosalia Sefcik (also: Sefzik), Leopoldine Neuhardt, and Maria Binder, were consequently brought before an Intermediate Court. The court convened on 11 January 1946 under the direction of Lt Col A.B. McNulty. Prosecutor Maj Reid charged each of the defendants with public disorder on the basis of the above-mentioned Section 16 as well as under Section 41 (Ordinance No. 200). All four were also found guilty under § 16. Karl Sefcik was considered by the judge to be the instigator and was sentenced to one year in prison, while the three women were sentenced to eight months in prison.[1075] At the sentencing, Lt Col McNulty emphasised the importance of free justice:[1076]

> *The purpose of the Allied Military Government in Vienna is to maintain law and order. The object of this occupation in Austria is to reconstruct the country on a free, independant* [!] *and completely democratic basis. It is the most important*

[1069] The extent to which spontaneous outrage or political instrumentalisation played a role here cannot be clarified at this point. Relevant reports were mainly published in communist daily newspapers.
[1070] Österreichische Volksstimme (31. 10. 1945), 3 („Sturmszenen vor einem Bezirksgericht").
[1071] TNA, FO 1020/3037: 27. 11. 1945.
[1072] Cf. Österreichische Volksstimme (31. 10. 1945), 3 („Sturmszenen vor einem Bezirksgericht"); Österreichische Volksstimme (7. 11. 1945), 3 („Demonstrationen im Hietzinger Bezirksgericht").
[1073] TNA, FO 1020/3037: 27. 11. 1945.
[1074] Legal Division, Handbook: Ordinance No. 200.
[1075] TNA, FO 1020/3524: Case-No. 4/46. – The conviction and sentence against Rosalia Sefcik were overturned by the Military Government Courts Branch on 31 January 1946 during a review of the proceedings.
[1076] TNA, FO 1020/2956: 14. 1. 1946.

part of a democratic state that there should be a free access to the Courts and a completely free and independant [!] *judicial system.* […] *To take part in a public disorder in any place is an offence punishable by death under British Military Government Law. To commit such an offence in a Court of Justice makes the offence considerably more serious.* […]

Lt Col McNulty allowed reservations against the plaintiffs because of their Nazi past and a general tension due to the upcoming National Council elections as reasons for mitigation.[1077]

6.5.4.2 Franz R. (14 and 27 November 1947, Vienna)

Another example from Vienna shows that, in the post-war period, Allied vehicles could awaken strong desires. On 14 and 27 November 1947, 24-year-old Franz R. stood before an Intermediate Court for the theft of six British army lorries.[1078] Under the presidency of Lt Col Gilshenan, it emerged that the accused had been temporarily employed by the British. Thanks to his identity card, Franz R. was able to enter the Rennweg Barracks[1079] and leave again, unhindered, at the wheel of a lorry. He was so successful with this scam three times that he used the same method to get three more lorries from the Meidling Barracks[1080], where the British also had a fleet of vehicles. The captured vehicles were sold to merchants or relocated to Hungary.[1081] In court, Franz R. pleaded guilty to all six charges. The sentence was three years in prison.[1082]

After completing his prison sentence, Franz R. was once again charged at the Regional Court in Vienna in the summer of 1950. He had not only helped himself to the British vehicles but also stolen three lorries from the municipality of Vienna in St. Marx in the course of 1946, always using the same method. He later had to stand trial separately before a US court for the theft of a lorry from the American occupation forces in Währing.[1083] In any case, the Austrian judge found Franz R. guilty but imposed no further punishment in view of the judgement of the British military court.[1084]

[1077] TNA, FO 1020/2956: 14. 1. 1946.
[1078] TNA, FO 1020/3524: Case-No. 126/47.
[1079] URRISK-OBERTYŃSKI, Wien 9, 147.
[1080] URRISK-OBERTYŃSKI, Wien 12, 148.
[1081] Arbeiter-Zeitung (12. 7. 1950), 3 („Autostehlen: ganz einfach"); Das kleine Volksblatt (12. 7. 1950), 9 („Sooft die Brieftasche leer war, stahl er ein Auto"); Wiener Zeitung (12. 7. 1950), 5 („Leichte Arbeit eines Automarders").
[1082] TNA, FO 1020/3524: Case-No. 126/47.
[1083] Weltpresse (Abend-Ausgabe) (11. 7. 1950), 2 („‚Unsichtbarer Export' nach Ungarn"); Arbeiter-Zeitung (12. 7. 1950), 3 („Autostehlen: ganz einfach"); Das kleine Volksblatt (12. 7. 1950), 9 („Sooft die Brieftasche leer war, stahl er ein Auto"); Wiener Zeitung (12. 7. 1950), 5 („Leichte Arbeit eines Automarders").
[1084] Arbeiter-Zeitung (14. 7. 1950), 3 („Autostehlen: ganz einfach"); Wiener Zeitung (14. 7. 1950), 5 („Das Urteil gegen die Autodiebe").

7 BRITISH GENERAL COURTS IN AUSTRIA

7.1 Introductory remarks on the organisation and operation of the General Courts

As early as 21 May 1945, Lt Gen Richard McCreery, Commander-in-Chief of the British troops in Austria, constituted a *Standing General Military Court*. As the name suggests, it did not have to be convened from trial to trial but was to hear *in permanent session* [...] *all such cases as shall from time to time be brought before it*. It could impose penalties up to and including the death penalty, although this had to be confirmed by the Commander-in-Chief. The jurisdiction of this General Court included the following persons and offences:[1085]

> *a) all persons in British occupied Austrian Territory, except Prisoners of War, Members of Allied Forces (including civilians serving therewith) who are subject to the Military, Naval or Air Force Law or Articles of War of such Forces, and persons having diplomatic immunity,*
> *b) (i) all offences against the laws and usages of war,*
> *(ii) all offences under any Proclamation, Decree, Ordinance or Notice issued by or under the authority of the Supreme Allied Commander Mediterranean Theatre of Operations or any Commander or Military Government authorised by him,*
> *(iii) all offences under the laws in force in Austria.*

The members of court were also organised. W/Cdr D.H. Elletson (Royal Air Force) and Maj P.L.E. Rawlins were designated as chairmen (or alternatively as assessors), and Maj G.W. Treadwell as assessor. Other officers could be appointed subsequently *either by way of addition or substitution*.[1086]

However, this court only really existed on paper. [Owing] *to lack of serious cases the Court has never been convened.*[1087] Instead, all offences could initially be dealt with by Intermediate or Summary Courts.[1088] It was not until November 1945 that serious consideration was given to holding a General Court. A murder committed in Carinthia by a Yugoslav against an Austrian woman was now to be punished (see chapter 7.3.1).[1089] In addition, the Legal Division anticipated further comparable cases, each of which would require the convening of a General Court. However, in order to avoid having to ask the Commander-in-Chief to convene each time, it was proposed, with reference to Legal

[1085] TNA, FO 1020/2062: 21. 5. 1945, fol. 1A.
[1086] TNA, FO 1020/2062: 21. 5. 1945, fol. 1A.
[1087] TNA, FO 1020/2062: 13. 12. 1945, fol. 2A.
[1088] TNA, FO 1020/2062: 13. 12. 1945, fol. 2A.
[1089] Cf. TNA, FO 1020/2014: 26. 11. 1945.

Instruction No. 1 in the Legal Manual, that the Chief Legal Officer at the Allied Commission for Austria (British Element) be given the relevant powers.[1090]

This proposal was accepted at a higher level and, on 18 December 1945, Lt Gen McCreery authorised the head of the Legal Division to convene higher military courts in the British occupation zone and to appoint their presidents and other members:[1091]

> *Whereas by virtue of my position as Commander-in-Chief of the Forces in those parts of Austria occupied by British Forces I am empowered to appoint and convene General Military Government Courts for trying persons accused of certain offences under Military Government legislation.*
> *Now therefore I do hereby delegate to you as my Chief Legal Officer the power from time to time as occasion may require to convene General Military Government Courts* [...] *for the trial of such persons and for such offences as are provided under the Military Government legislation applicable thereto, and power also to appoint the President and members of any such Courts in accordance with the provisions laid down in Military Government legislation.* [...]

Furthermore, the head of the Legal Division was instructed to obtain the proceedings of the General Courts appointed by him and to confirm (i.e. review) their findings and judgements. This was not so in the case of a death sentence. In this situation, the proceedings had to be forwarded to the Commander-in-Chief – together with an assessment by the legal officer – who then decided whether to confirm the death sentence.[1092]

In April 1948, a sort of return was made to the original model of a permanent court by establishing a General Court in the person, or under the presidency, of Mr A. Hamilton. From then on, it was to conduct all proceedings without having to be convened separately each time by the Legal Division,[1093] and Hamilton and his successors acted as single judges, i.e. without assessors.

The first trial of a British General Court in Austria took place on 3 January 1946 in Klagenfurt. This was followed on 19 February 1946 by the first trial of a Higher Military Court in Graz, and by the first in Vienna on 19 September 1946. The aforementioned trial in Klagenfurt had repercussions for the British authorities, illustrating the lack of organisational routine.[1094] On 8 January 1946, Maj Cohen – on behalf of the Senior Military Government Officer for Carinthia – complained to the Legal Division in Vienna that the work of the Legal Branch at HQ Carinthia had been considerably disrupted by the preparation and handling of the first hearing of a General Court:[1095]

[1090] TNA, FO 1020/2062: 13. 12. 1945, fol. 2A.
[1091] TNA, FO 1020/2062: 18. 12. 1945, fol. 3A.
[1092] TNA, FO 1020/2062: 18. 12. 1945, fol. 3A.
[1093] TNA, FO 1020/2013: 14. 4. 1948. – The *Permanent General Court* under the direction of Mr J.R.W. Bennett, which was included in the personnel list of the Legal Division, valid from 1 January 1947, was not deployed. TNA, FO 1020/1882: 16. 12. 1946.
[1094] TNA, FO 1020/2062: 8. 1. 1946, fol. 6A.
[1095] TNA, FO 1020/2062: 8. 1. 1946, fol. 6A.

- Maj Rawlins had to neglect his actual duties as legal officer in Villach in order to be able to represent the prosecution.
- Dr Kraus(z) was assigned to assist Maj Rawlins. However, Dr Kraus(z) normally acted as a public prosecutor at British Summary and Intermediate Courts, where there were now delays due to his assignment elsewhere.
- The Legal Branch of HQ Carinthia had to do without Capt de Pinna for some time because he had to prepare the defence of the accused.
- Last but not least, Cohen himself, as Land Legal Officer, had to invest a great deal of time in this first trial before a General Court.

Summing up, Maj Cohen stated: *It is hoped that if in future there are any General Mil(itary) Courts in Land Kärnten, that legal assistance will be provided by Legal Division, as the present staff here is not able to cope with such cases, without causing a delay in other legal work.*[1096]

In the autumn of 1946, proceedings at General Courts again gave rise to 'internal' dissent. On 15 November 1946, Sir Douglas Young informed Lord Schuster (Director of the Legal Division) about the inadequate cooperation of British Troops Austria in the handling of military court hearings. Before the second Eisenerz trial, the Chief of Staff (ACA/BE) had ordered that accommodation be organised in Graz for the witnesses and interpreters, and that their food be provided from British army supplies. The latter did not go as planned: *Although the orders were clear, there was a complete failure to arrange about the rations for the Austrian witnesses or the Austrian interpreters lodged at the Johann Hotel. I had, myself, one day to provide at my own expenses sandwiches which I obtained at the Wiesler Hotel to feed these people.*[1097] When the Kosost trial (see chapter 7.5.3), scheduled for 21 November in Graz, was about to take place, the Chief of Staff again issued the same instructions regarding the care of witnesses and interpreters. In order to ensure that everything went smoothly this time, Sir Douglas contacted Col Block, Head of the British Military Government in Styria, and was informed that he was doing everything possible for him, but that the problems were coming from the army headquarters in Klagenfurt. *One Lt.Col. Swinburne* […] *told* [Deputy CCAO] *Boyd that B.T.A. did not take orders from Vienna and they would certainly give no authority to 46 Div to supply army rations for civilians.*[1098] Young pressed the British Commander-in-Chief in Austria, Lt Gen James Steele, to clarify the future of the military tribunals:[1099]

> *I think the question of the relationship between B.T.A. and the Commission in Vienna ought to be settled once and for all.* […] *B.T.A. apparently forget that the courts exist for the protection of the troops in Austria as much as for the Austrian civilians. If this obstructive attitude by B.T.A. continues we might just as well shut up the courts with the inevitable result. I think General Steele himself*

[1096] TNA, FO 1020/2062: 8. 1. 1946, fol. 6A.
[1097] TNA, FO 1020/2062: 15. 11. 1946.
[1098] TNA, FO 1020/2062: 15. 11. 1946.
[1099] TNA, FO 1020/2062: 15. 11. 1946.

ought to be acquainted at once with this position, and if he wishes the courts to continue to function he must issue direct orders as Commander-in-Chief to see that the Chief of Staff's orders are carried out without question.

As further evidence of the army's counterproductive behaviour, Young cited the 46th Division's refusal to provide two surplus barracks to relieve the overcrowded Austrian prisons.[1100]

Lord Schuster forwarded Young's letter to the Deputy High Commissioner Maj Gen J. Winterton, confirming and underlining the Legal Division's anger at the army's behaviour on the same day: *This has occurred again and again – indeed every time in which we have had to ask them for any assistance.*[1101]

A circular letter was then sent from the Office of the Deputy High Commissioner to the Legal Division, the Public Safety Branch, and the headquarters of the military governments in Carinthia, Styria, and Vienna. It stated that applications for the use of military equipment for foreign (i.e. non-British) witnesses – noting the exact number and gender of the persons – must be submitted to the ACA (BE) in good time so that they could be forwarded to the headquarters of the British troops in Austria at least one month before the respective date. This deadline would be necessary because the BTA headquarters would first have to obtain authorisation from a higher authority (GHQ).[1102]

However, compliance with this rule – in particular the prior notification of all persons concerned – was considered practically impossible by the Legal Division because it contradicted procedural principles: *In the interests of justice, the Defence may produce a witness at any moment, even during the trial, and it is impossible to refuse to allow such a witness to be called. The issues at stake are often these of life and death and it is not right that either the Prosecution or the Defence should be hampered in this manner.*[1103] Taking up a proposal from the Military Government Courts Branch, Lord Schuster suggested instead that the Chief of Staff at the ACA (BE) be authorised to release military equipment to witnesses at military court hearings.[1104]

At least at the four General Courts that Sir Douglas Young presided over in Graz at the end of November 1946, everything went according to the judge's expectations. He was full of praise for the good organisation, and expressed it to Col Block: *It was a great pleasure to find everything moving so smoothly*.[1105] Douglas Young also highly complimented the work of the Austrian police: [1106]

I have now heard some dozen murder cases before in Karnten [!] *and in Steiermark, and I think it is extra-ordinary how well the Austrian Police do their*

[1100] TNA, FO 1020/2062: 15. 11. 1946.
[1101] TNA, FO 1020/2062: 15. 11. 1946, fol. 18.
[1102] TNA, FO 1020/2062: 20. 11. 1946.
[1103] TNA, FO 1020/2062: 28. 11. 1946, fol. 26.
[1104] TNA, FO 1020/2062: 28. 11. 1946, fol. 26; TNA, FO 1020/2062: 23. 11. 1946, fol. 20.
[1105] TNA, FO 1020/2062: 3. 12. 1946, fol. 29.
[1106] TNA, FO 1020/2062: 3. 12. 1946, fol. 30.

work, considering the losses they have had due to the work of the De-Nazification Committee, not only is their investigation efficient, but they have shown considerable courage in arresting very dangerous criminals.

The trial of the Russian Nikolai Subzow, who had committed a double murder near Eibiswald in May 1947, can serve as an example of smooth preparations (see chapter 7.5.7). After the investigations had been completed, Lt Col McFadyean (Legal Branch, HQ Civil Affairs Styria) sent the case file to the Legal Division in Vienna on 17 July. *I enclose file in above case. May a General Court be convened please.*[1107] The response from the Military Government Courts Branch (Legal Division) was issued just one day later. According to this, Subzow was to be charged with two counts of murder on the basis of Ordinance No. 200, § 18a. At the same time, the Legal Branch in Graz was informed of the preparatory steps still to be taken. A lawyer was to be found as quickly as possible so that he could speak to his client, Subzow, and prepare the defence. Furthermore, all the evidence, and the witnesses who had to be present at the trial were listed. Last but not least, the Legal Division also stated that the trial would take place on 31 July 1947 in Leibnitz under the chairmanship of Sir Douglas Young. The two obligatory assessors – officers not below the rank of major – were to be found in Graz. Like the presiding judge, the prosecutor Lt Col Treadwell came from the ranks of the Military Government Courts Branch. The final sentence of this letter read: *Please make all the necessary arrangements for the trial.*[1108]

Although the British attached great importance to careful work, especially in the General Courts, they were no strangers to comparatively speedy procedures. This was evident in the case of Josef T., who was tried by a General Court in Graz on 2 December 1947, just one month after his alleged crime (see chapter 7.5.10). In the case of the child murderer Piotr Lewkowicz, only 17 days passed between the offence and his conviction in Villach in June 1946. There is no doubt that the huge public outrage over the crime was a factor that accelerated the process (see chapter 7.3.7).

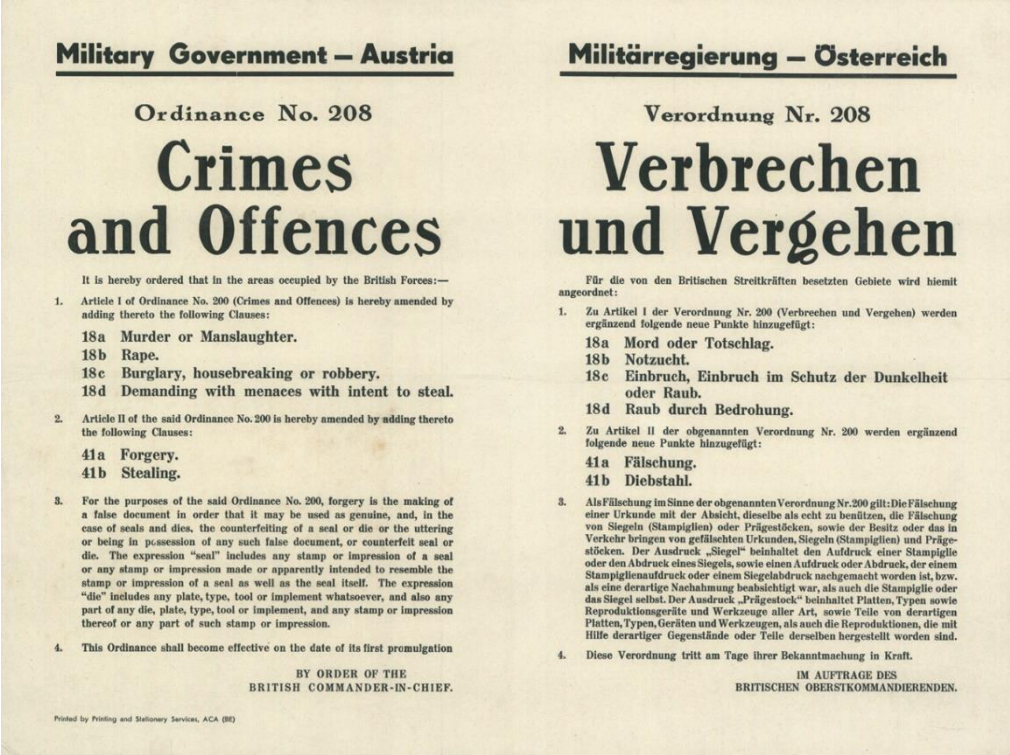
Occasionally, however, the dates set for trials by higher military courts had to be modified – sometimes at short notice – if the original schedule could not be met due to further arrests or simply a lack of personnel. For example, the Legal Division's plans in August 1947 still envisaged holding a series of five General Courts in Graz, starting on 8 September, for a total duration of up to three weeks: *Liebenau case, White Guard case* […], *Judenburg case, Mallnitz Bomb Outrage case, Liezen case.*[1109] In the end, only the Liebenau and Judenburg trials were held 'on time', while the Liezen trial and the proceedings against the so-called Schloßberg gang could not take place until mid-October 1947. The court case concerning the bomb attack on a British military train near Mallnitz, on the other hand, was transferred to an Intermediate Court in Villach.[1110]

[1107] TNA, FO 1020/2075: 17. 7. 1947.
[1108] TNA, FO 1020/2075: 18. 7. 1947.
[1109] TNA, FO 1020/2062: 22. 8. 1947, fol. 63.
[1110] Cf. TNA, FO 1020/2062: 29. 8. 1947, fol. 71; TNA, FO 1020/2062: 25. 9. 1947.

7.1.1 Legal basis for indictments before General Courts

Prosecutions before General Courts could be based equally on British and Austrian legislation. In the former case, Ordinance No. 200 was usually invoked, and there mainly §§ 7 (possession of arms), 8 (use of arms), and 41 (offence against public order). Even serious offences such as rape[1111] or attacks on life and limb[1112] could be brought to court under Section 41. It was not until Ordinance No. 208 (Fig. 10) was published in November 1946[1113] that Ordinance No. 200 was explicitly extended to include relevant offences:

- § 18a: Murder or Manslaughter
- § 18b: Rape
- § 18c: Burglary, housebreaking or robbery
- § 18d: Demanding with menaces with intent to steal



Military Government – Austria

Ordinance No. 208

Crimes and Offences

It is hereby ordered that in the areas occupied by the British Forces:—

1. Article I of Ordinance No. 200 (Crimes and Offences) is hereby amended by adding thereto the following Clauses:

   18a Murder or Manslaughter.
   18b Rape.
   18c Burglary, housebreaking or robbery.
   18d Demanding with menaces with intent to steal.

2. Article II of the said Ordinance No. 200 is hereby amended by adding thereto the following Clauses:

   41a Forgery.
   41b Stealing.

3. For the purposes of the said Ordinance No. 200, forgery is the making of a false document in order that it may be used as genuine, and, in the case of seals and dies, the counterfeiting of a seal or die or the uttering or being in possession of any such false document, or counterfeit seal or die. The expression "seal" includes any stamp or impression of a seal or any stamp or impression made or apparently intended to resemble the stamp or impression of a seal as well as the seal itself. The expression "die" includes any plate, type, tool or implement whatsoever, and also any part of any die, plate, type, tool or implement, and any stamp or impression thereof or any part of such stamp or impression.

4. This Ordinance shall become effective on the date of its first promulgation

BY ORDER OF THE
BRITISH COMMANDER-IN-CHIEF.

Printed by Printing and Stationery Services, ACA (BE)

Militärregierung – Österreich

Verordnung Nr. 208

Verbrechen und Vergehen

Für die von den Britischen Streitkräften besetzten Gebiete wird hiemit angeordnet:

1. Zu Artikel I der Verordnung Nr. 200 (Verbrechen und Vergehen) werden ergänzend folgende neue Punkte hinzugefügt:

   18a Mord oder Totschlag.
   18b Notzucht.
   18c Einbruch, Einbruch im Schutz der Dunkelheit oder Raub.
   18d Raub durch Bedrohung.

2. Zu Artikel II der obgenannten Verordnung Nr. 200 werden ergänzend folgende neue Punkte hinzugefügt:

   41a Fälschung.
   41b Diebstahl.

3. Als Fälschung im Sinne der obgenannten Verordnung Nr. 200 gilt: Die Fälschung einer Urkunde mit der Absicht, dieselbe als echt zu benützen, die Fälschung von Siegeln (Stampiglien) oder Prägestöcken, sowie der Besitz oder das in Verkehr bringen von gefälschten Urkunden, Siegeln (Stampiglien) und Prägestöcken. Der Ausdruck „Siegel" beinhaltet den Aufdruck einer Stampiglie oder den Abdruck eines Siegels, sowie einen Aufdruck oder Abdruck, der einem Stampiglienaufdruck oder einem Siegelabdruck nachgemacht worden ist, bzw. als eine derartige Nachahmung beabsichtigt war, als auch die Stampiglie oder das Siegel selbst. Der Ausdruck „Prägestock" beinhaltet Platten, Typen sowie Reproduktionsgeräte und Werkzeuge aller Art, sowie Teile von derartigen Platten, Typen, Geräten und Werkzeugen, als auch die Reproduktionen, die mit Hilfe derartiger Gegenstände oder Teile derselben hergestellt worden sind.

4. Diese Verordnung tritt am Tage ihrer Bekanntmachung in Kraft.

IM AUFTRAGE DES
BRITISCHEN OBERSTKOMMANDIERENDEN.

Figure 10: Ordinance No. 208 (StLA)

In Carinthia, for example, the General Courts sentenced Josef K.[1114] to the death penalty (section 7.3.16), and Lorenz Plevel[1115] to 20 years in prison (section 7.3.19) explicitly on the basis of Ordinance No. 208. In Styria, the guilty verdicts against Mr and Mrs F. (see

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[1111] KLA, BPD Klagenfurt, Sch. 38, Brit. Militärgerichtsregister: Office-No. GEN 16; KLA, BPD Klagenfurt, Sch. 43, Brit. Militärgerichtsregister: Office-No. GEN 18.
[1112] KLA, BPD Klagenfurt, Sch. 43, Brit. Militärgerichtsregister: Office-No. GEN 18; KLA, BPD Klagenfurt, Sch. 46, Brit. Militärgerichtsregister: Office-No. GEN 15.
[1113] TNA, FO 1020/2953: 12. 12. 1946; VuABlSt 33/43 (28. 12. 1946), 477f.; BRUNNER M., Militärgericht 184f. – See also: StLA, Plakatsammlung, Pl-P-1945-0270: Ordinance No. 208.
[1114] KLA, BPD Klagenfurt, Sch. 44, Brit. Militärgerichtsregister: Office-No. 33.
[1115] KLA, BPD Klagenfurt, Sch. 49, Brit. Militärgerichtsregister: Office-No. 38.

chapter 7.5.14) were based on Section 18a of Ordinance No. 200 and 208 respectively.[1116] In the espionage trials from 1949 onwards, Ordinance No. 205 was referred to.[1117]

Austrian law was applied in the atrocities trials in Styria, i.e. murder or incitement to murder (Austrian Criminal Code), and violation of humanity and human dignity (War Crimes Act).

7.1.2 Displaced Persons in the spotlight of the General Courts

A look at the countries of origin of the defendants before British General Courts in Austria reveals a high proportion of foreigners, most of whom were Displaced Persons. In Carinthia, 40 of the 43 defendants before higher military courts of the occupying power were not Austrians. In Styria, the ratio was 37 out of 85 defendants and, in Vienna, one foreigner was on trial alongside four Austrians.

Nobody can put an exact figure on the masses of people who were in the British occupation zone in 1945. Allied estimates from January of that year spoke of 60,000 non-Austrians for Carinthia and 300,000 for Styria, who were crowded into the two provinces.[1118] At the end of the war, former concentration camp detainees and forced labourers who had now regained their freedom, as well as ethnic Germans who had fled the Red Army from south-eastern Europe, formed the largest groups. Together they were referred to as "Displaced Persons" (DPs).[1119] In addition, there were Prisoners of War (POWs) and Surrendered Enemy Personnel (SEP).

Especially at the beginning of the occupation, the registration, care and control of the DPs proved to be an almost impossible task, despite preventive logistical planning by the Allies.[1120] However, it was essential to get the supply of these people operating because – as the British feared, not without good reason – otherwise they would turn into a 'lawless mob'.[1121] There is no question that DPs were responsible for a considerable amount of violent crime in the early post-war years.[1122] An assessment based on the first post-war years in Germany can also be used analogously for Austria: After years of cruel exploitation and disenfranchisement by the National Socialists, many Displaced Persons believed they had the right to take the law into their own hands, and saw nothing wrong with carrying weapons now that they were among the victors.[1123] From the perspective of the local population, the fragile security situation was exacerbated by competition for

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[1116] Cf. StLA, Pol-Dion Graz, Akten, Kriminalpolizei, Sonderreihe, K. 12, KrPol-9005-1947.
[1117] See StLA, Plakatsammlung, Pl-P-1946-0124: Ordinance No. 205.
[1118] STIEBER, Nachkriegsflüchtlinge 45; SCHNEIDER, Besatzungs- und Sicherheitspolitik 74; STIEBER, Briten 116 und 127, note 27.
[1119] Smaller groups included foreign members of the SS and Wehrmacht (including Cossacks), anti-communist (Slovene Home Guard), and fascist organisations (Croatian Ustaše, Hungarian Arrow Cross Party), as well as South Tyroleans. Cf. ALBRICH, Asylland 218. – In January 1946, the British still gave the total number of DPs in their zone as 160,565 people. STIEBER, Nachkriegsflüchtlinge 45.
[1120] BEER, Great Deal of Work 52.
[1121] SCHNEIDER, Besatzungs- und Sicherheitspolitik 69.
[1122] Cf. ALBRICH, Asylland 230.
[1123] EVANS, Rituale 893.

food, a lack of housing, and a general shortage of resources.[1124] The negative image of DPs was further reinforced by lurid headlines in the daily newspapers. These foreigners were soon associated with disparaging stereotypes and prejudices, some of which still have an effect today.[1125]

No hasty conclusions should be drawn, even from the above-mentioned distribution of nationalities before British courts. It is important to bear in mind that jurisdiction over the DPs remained reserved for the occupying power until well into 1948. It is therefore not surprising that British military judges were remarkably frequently called upon to judge people who had been uprooted.

When General Courts in Carinthia or Styria had to deal with Displaced Persons, it was – at least in 1946 and 1947 – mostly about one of the numerous armed robberies committed in a large 'catchment area' around DP camps by inmates of these camps. Such offences meant a massive impairment of the security situation, to which the occupying power had to respond. Sir Douglas Young, as Controller of the Military Government Courts Branch, had already warned in February 1946 of an increase in serious crimes committed by DPs: *A tradition of lawlessness and violence appears to be developing amongst Displaced Persons which, it is suggested, implies a need for firmer discipline within their camps.*[1126] As an internal memo dated 4 June 1946 shows, the British military judiciary was about to take a tougher stance. On this day, the lawyer in charge of the review of a General Court that had sentenced two members of a DP gang in Klagenfurt to twelve years in prison (see chapter 7.3.4) stated:[1127]

> *I confirm and approve the findings and sentences. Under Ord. 200 these men might have been sentenced to death. It will be a matter for serious consideration in any future similar case, whether persons convicted of the unauthorised use of firearm, should not be sentenced to death. When arms are used to terrify the peaceful inhabitants by men from DP camps acting together as gangs for the purpose of robbery, all the elements needed to attract such a sentence are present.*

In the summer of 1946, the occupying power announced in newspapers that it would punish robberies more rigorously in future. After a British General Court in Villach imposed four death sentences on DPs convicted of robbery with murder on 26 June 1946 (see chapter 7.3.6), the "Volkszeitung" reported on the remarks of the presiding judge. Sir Douglas spoke of his duty to pass a deterrent judgement now that armed robberies have become so rampant in Carinthia.[1128]

[1124] BAUER, Besatzungssoldaten 161.
[1125] Cf. BAUER, Besatzungssoldaten 159f. – For the situation in Kapfenberg, see: STIEBER, Flüchtlingswesen 218f.
[1126] TNA, FO 1020/2033: 5. 2. 1946.
[1127] KLA, BPD Klagenfurt, Sch. 44, Brit. Militärgerichtsregister: Office-No. GEN 6.
[1128] Volkszeitung (27. 6. 1946), 5 („Todesstrafe für vier Raubmörder in Villach"). – "Die Neue Zeit" also reported on the new approach. Die Neue Zeit (27. 6. 1946), 3 („Vier Todesurteile des Militärgerichts").

At another trial in Villach, which ended on 2 August 1946 with three death penalties and several long prison sentences for the DPs accused of robbery (see chapter 7.3.8), Sir Douglas was again unequivocal when delivering his verdict:[1129]

> [...] *Not only the punishment of these criminals is important but it is equally necessary to bring home to all the occupants of D.P. Camps who are living on the hospitality of this country and of the United Nations, the extreme danger of abusing that hospitality by taking any part in violent crime. We have not previously passed sentences of death in cases of armed robbery unless murder has resulted. But I want to make it widely known that we are determined to stamp out this kind of cowardly and cruel crime and to do so we shall not hesitate in future as now in suitable cases to condemn those guilty of such crimes to death.* [...] *Any person who takes part in such crimes in future is in imminent danger of an early and violent death at the hands of the public executioner.*

With the scaling back of British military justice from 1948 and the end of its reserved jurisdiction over Displaced Persons in the same year, the proportion of relevant trials before the courts of the occupying power also fell. In general, the number of DPs in Austria gradually decreased as a result of repatriation or emigration to other countries.

7.1.3 Locations of the General Courts

The vast majority of trials by British General Courts took place in the provincial capitals of Klagenfurt and Graz, where these courts convened 15 and 25 times respectively. Klagenfurt was also the venue of the first (3 January 1946) and last trial (21 November 1951). General Courts were held six times in Villach, and three times in Vienna, furthermore once each in Spittal an der Drau, Wolfsberg, Lienz, Leibnitz, and Leoben. One British General Court convened at two locations (Lienz, Spittal). Therefore, the total number of proceedings in Table 12 is 54, which is higher than the actual total number of 53 proceedings.

Venue	Trials	First trial	Last trial
Graz	25	19. 2. 1946	9. 7. 1948
Klagenfurt	15	3. 1. 1946	21. 11. 1951
Leibnitz	1	31. 7. 1947	31. 7. 1947
Leoben	1	25. 10. 1946	25. 10. 1946
Lienz	1	17. 2. 1947	18. 2. 1947

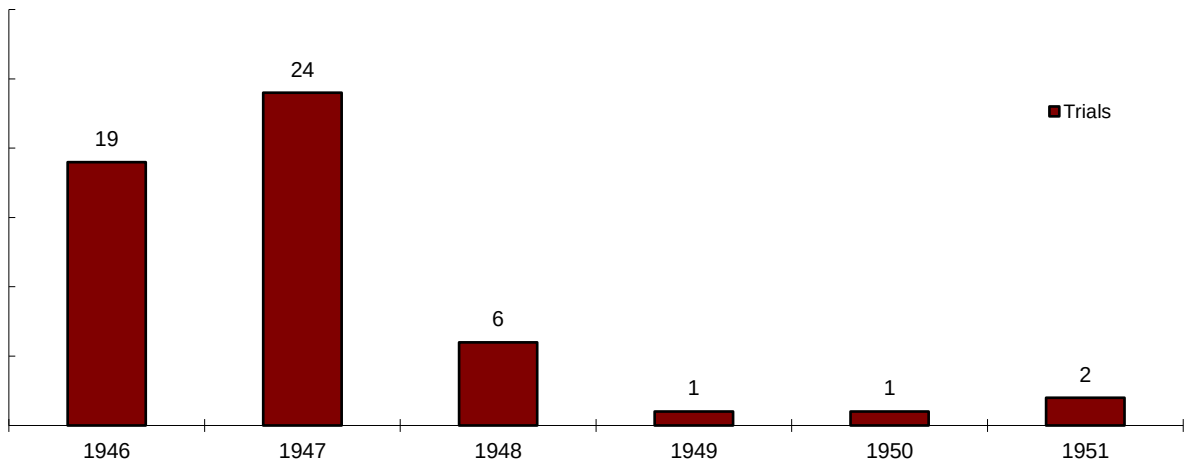
[1129] TNA, FO 1020/2863: fol. 79, *app. „C“*; STIEBER, Briten 203, note 14. – See also: Die Neue Zeit (4. 8. 1946), 3 („Verbrecher werden ausgemerzt!‘“); Volkszeitung (4. 8. 1946), 3 („Ernste Warnung Sir Douglas Joung an die ‚versetzten Personen‘“).

Venue	Trials	First trial	Last trial
Spittal an der Drau	1	10. 3. 1947	10. 3. 1947
Villach	6	25. 6. 1946	21. 5. 1948
Vienna	3	19. 9. 1946	15. 1. 1947
Wolfsberg	1	24. 2. 1948	24. 2. 1948

Table 12: Locations of British General Courts in Austria

7.1.4 Statistics of the General Courts

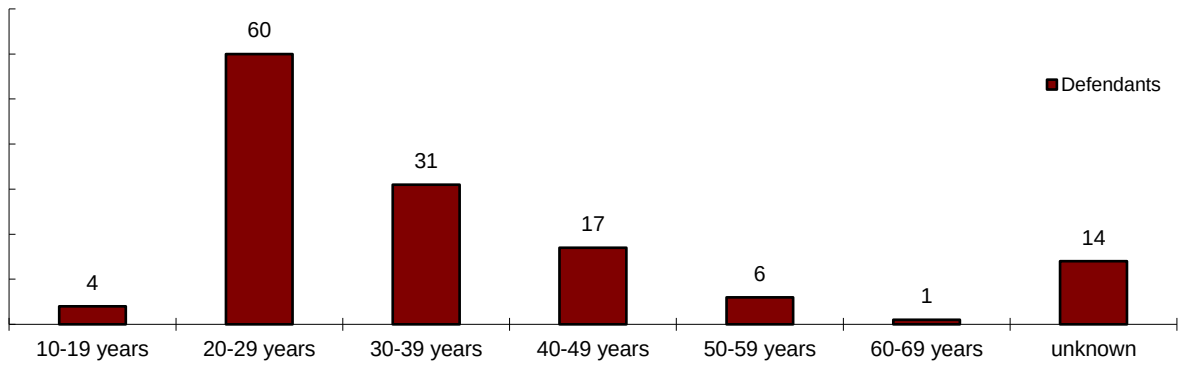
From 1946 to 1951, 53 trials of General Courts with 133 defendants were recorded in the British occupation zone in Austria (Graph 13). As with the Intermediate Courts, most trials at the highest court level also took place up to 1948. During this period, the British handled more than 90 per cent of all proceedings. In total, the judges handed down 53 death sentences, 58 prison sentences and 22 acquittals. The death sentence was actually executed in 42 cases.



Graph 13: Annual overview of trials before General Courts in Austria

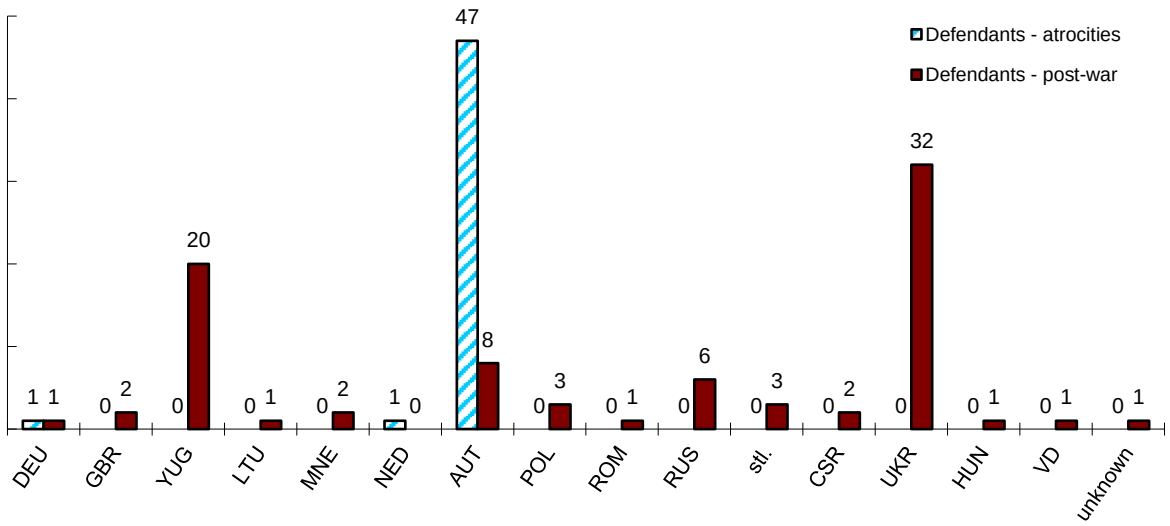
In contrast to the Summary and Intermediate Courts, women remained the exception as defendants before General Courts. Only two of the 133 defendants were female. Death sentences were imposed exclusively on men.

The fact that more than 50 per cent of all defendants before General Courts were in the 20 to 29 age group (Graph 14) is a notable deviation from the Intermediate Courts, where this figure was around 37 per cent. The 16-year-old Franz Kernle was the youngest accused to stand trial before a Higher Military Court (see chapter 7.3.3). The 61-year-old Adolf Schumann sat in the dock at the first Eisenerz trial (see chapter 7.4.2).



Graph 14: Age distribution of defendants before General Courts in Austria

Reference has already been made to the high proportion of foreigners among the defendants before British General Courts and to the reserved jurisdiction of the occupying power. Of the 133 defendants, 78 were foreigners (58.6 %). There had been 84 people on trial for offences from the post-war period, 76 of whom were foreigners (90.5 %). In the 13 atrocities trials, however, 47 of the 49 defendants (95.9 %) came from Austria.



Graph 15: National origin of defendants before General Courts in Austria (separated into atrocities trials, and trials for post-war crimes)

7.2 Staff of British General Courts

7.2.1 Judges and assessors (General Courts)

As explained in chapter 5.1.1, all members of a British military government court had to be *officers of the Allied Forces, or members of the Allied Commission for Austria* in accordance with Ordinance No. 100.[1130] General Courts also had to be composed of at least

[1130] Ordinance No. 100, Art. IV, § 5. Legal Division, Handbook: Ordinance No. 100; BRUNNER M., Militärgericht 160.

three judges, who – although not explicitly prescribed – were usually trained jurists.[1131] While the president and one assessor were selected from the ranks of the Legal Division, a second assessor was to belong to an army unit and hold no less than a field rank; i.e. at least major.[1132] This had been tightened up, especially as several General Courts had met in the spring and summer of 1946 with assessors with the rank of captain. The situation in the run-up to two General Courts in Klagenfurt at the end of May 1947 is telling: C.A.W. Samuda, who had been appointed as an assessor, was still a captain at the time of his assignment, but – coincidence? – promoted to major by the time the trials began. *In the event of this not being the case he will be substituted by Major D.J. Boughton*.[1133] Finally, Ordinance No. 9, § 3, which came into force on 5 September 1948, stated that a member of the General Court had to be a lawyer with at least ten years' experience or a judge with at least five years' experience.[1134] In view of the fact that British General Courts often ruled on the basis of Austrian law, an advisor for questions relating to Austrian law could also be nominated.[1135]

Seven judges and 39 assessors known by name were involved in the 53 trials held by British General Courts in Austria. Sir Douglas Young presided over almost three quarters of these proceedings. Before he is introduced below, however, Lord Claud Schuster, the first head of the British Legal Division in Vienna, should be remembered.

Claud Schuster[1136] was born into a merchant family from Manchester, whose ancestors had been bankers in Frankfurt am Main. After St George's School in Ascot and Winchester College, Schuster attended New College in Oxford, where he studied history. He then switched to jurisprudence and worked as a barrister in Liverpool from 1895. Four years later, Schuster moved to the civil service. Here, he acquired sufficient merit in various functions to be ennobled in 1913.[1137] From 1915, Claud Schuster finally held the influential position of Permanent Secretary to the Lord Chancellor's Office, in which he worked for ten Lord Chancellors until 1944.[1138] With his retirement came his elevation to the higher peerage as "Baron Schuster, of Cerne in the County of Dorset"[1139].[1140]

[1131] SCHUSTER, Military Government 89f.; BEER, Let Right be Done 202.
[1132] Cf. TNA, FO 1020/2062: 22. 8. 1947, fol. 63.
[1133] TNA, FO 1020/2062: 19. 5. 1947, fol. 50.
[1134] StLA, OLG Graz, K. 34, Jv Engländer-Akten, 1945–1955, Jv 10609-1a/48-1; BRUNNER M., Militärgericht 187.
[1135] Public prosecutor Dr Norbert Rossa acted as advisor to the court at the first General Court trial in Graz in February/March 1946. Das Steirerblatt (20. 2. 1946), 3 („Der ‚General Court' verhandelt in Graz"); Wahrheit (9. 3. 1946), 3 („Das Urteil im Jugendprozeß"). – At the trials against Lantschik (Mixnitz) on 13 March 1947 and against Brandner and Slama (Gleisdorf) on 8/9 April 1947, Regional Court Vice-President Dr Stolberg was assigned to the case. POLASCHEK, Volksgerichte 31; TNA, FO 1020/2072; Das Steirerblatt (9. 4. 1947), 3 („Der Weizer Kreisleiter als Mordanstifter"); Neue Zeit (10. 4. 1947), 3 („Weizer Kreisleiter zum Tode verurteilt"). – For Carinthia, Dr Mittelberger on 22 May 1946 in Klagenfurt and Dr Felber on 27 June 1946 in Villach are each documented once as advisors. KLA, BPD Klagenfurt, Sch. 45, Brit. Militärgerichtsregister: Office-No. 7; KLA, BPD Klagenfurt, Sch. 46, Brit. Militärgerichtsregister: Office-No. 15; TNA, FO 1020/2863: 21. 6. 1946, fol. 7.
[1136] * 22. 8. 1869, Manchester (GBR); † 28. 6. 1956, London (GBR). HALL/MARTIN, Lord Schuster 1; NAPIER, Schuster.
[1137] The London Gazette (1. 7. 1913), 4638.
[1138] See HALL/MARTIN, Lord Schuster; NAPIER, Schuster.
[1139] The London Gazette (27. 6. 1944), 3045.
[1140] HALL/MARTIN, Lord Schuster 253.

In 1944, Schuster was put in charge of the Legal Division of the Allied Commission for Austria (British Element), which was to be established after the end of the war.[1141] There could hardly be any doubt about Schuster's suitability in view of his professional career. He also spoke very good German[1142] and was generally familiar with the Alpine countries, having spent many holidays there as a passionate mountaineer and skier.[1143] Last but not least, Lord Schuster had the right charisma for a leadership position. Companions described his personality as despotic and intimidating, but he is said to have valued those who could stand up to him. One former subordinate recalled: "He was autocratic but why shouldn't he be? He was always right."[1144]

Under the direction of Lord Schuster, the Legal Division managed its demanding tasks in Austria, especially in the first two years of occupation. He also played a decisive role in ensuring that the prosecution of the final phase crimes against Hungarian Jews in Austria was not transferred to Royal Warrant Courts, but to the courts of the Military Government. He only took an active role in the courtroom twice, when he presided over the first two proceedings of a General Court in Vienna. However, he repeatedly followed important British trials as a spectator.[1145]

Towards the end of 1946, Lord Schuster returned to his home country where, from then on, he passionately participated in the debates in the House of Lords.[1146] When Austria came up, he tried to act as an advocate for his former domain.[1147] In his speeches, however, he also showed himself to be a die-hard traditionalist; for example when he

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[1141] HALL/MARTIN, Lord Schuster 254; NAPIER, Schuster.

[1142] HALL/MARTIN, Lord Schuster 287. – See also: Kärntner Nachrichten (19. 10. 1945), 1 („Wiederaufrichtung der österreichischen Gerichtsbarkeit in Steiermark und Kärnten"); Neue Steirische Zeitung (19. 10. 1945), 3 („Recht und Gesetz wieder in Geltung"); Wiener Kurier (19. 10. 1945), 2 („Oesterreichische Gerichte in Kärnten und Steiermark").

[1143] Schuster served as president of the British Ski Club from 1932 to 1934 and as president of the Alpine Club in London from 1938 to 1940. He also wrote several books on mountaineering. HALL/MARTIN, Lord Schuster 58, 60, 300; NAPIER, Schuster.

[1144] HALL/MARTIN, Lord Schuster 296.

[1145] Schuster personally sat in the courtroom on 1 April 1946 at the start of the first Eisenerz trial in Graz. Wiener Zeitung (2. 4. 1946), 2 („Oberstes britisches Militärgericht in Graz"). – In September 1946 he followed a delicate court martial in Vienna, where British soldiers had to answer for the killing of a Russian officer in Hietzing. Neues Österreich (3. 9. 1946), 3 („Englisches Kriegsgericht im Dreherpark").

[1146] HALL/MARTIN, Lord Schuster 257–272.

[1147] On 28 January 1947, Schuster expressed his dismay that South Tyrol had been (re)annexed to Italy after the end of the Second World War. "For the country of the South Tyrol, as we now call it, is the most essentially Austrian region within all the confines of Austria – Austrian in character and religion and the tomb of its heroes." URL: https://api.parliament.uk/historic-hansard/lords/1947/jan/28/austria (8. 10. 2025); The Times (29. 1. 1947), 8 ("Future of Austria, Italy and South Tirol"). – Schuster's sharp-tongued remarks on 5 November 1947 about the Potsdam Agreement are also a good example: "It all goes back really to the muddled hurry of the Potsdam Agreement. The Potsdam Agreement is the miraculous example of the magnificent achievements of modern diplomacy, in which you do not quite know what you want to agree about or what it is you intend to say. You put it all down together somehow on a bit of paper, and then, when it has been signed, you spend the next two or three years trying to find out what is meant. It is quite impossible to attach an intelligible meaning to the Potsdam Agreement as it affects Austria." URL: https://api.parliament.uk/historic-hansard/lords/1947/nov/05/treaties-with-soviet-satellites (4. 2. 2024). – See also: Vorarlberger Volksblatt (8. 11. 1947), 1 („Potsdamer Abkommen – Wurzel allen Übels"); Wiener Zeitung (9. 11. 1947), 1 („Vom Marshall-Plan zur Londoner Konferenz").

spoke out against the abolition of the death penalty and in favour of retaining flogging as a punishment.[1148]

Born in Scotland, Douglas Young[1149] attended Merchiston Castle School in Edinburgh and completed his legal training at Pembroke College in Cambridge. In the 1920s, he stood several times, unsuccessfully, for the Liberal Party in elections to the British House of Commons. His career as a judge took him to the High Court in Allahabad/Prayagraj (India) in 1929 and peaked in 1934 when he was appointed Chief Justice of the High Court of the former province of Punjab, based in Lahore (now Pakistan).[1150] He held this position until his involuntary withdrawal in 1943.[1151] Young was raised to the peerage in 1935.[1152]

From 1945 to 1948, Douglas Young played a central role in the system of British courts in Austria. As Controller of the Military Government Courts Branch, he had a decisive influence on the work of the military judges. However, this position meant that he sometimes reviewed trials that he himself had presided over.[1153] The fact that Young sat on 39 of 53 General Courts speaks for itself. He also supervised a number of trials at Intermediate Courts in Villach. Nevertheless, it was by no means a matter of course that he was allowed to preside over military government courts as a civilian. In this respect, as shown in chapter 5.1.1, the British chose their own path in their occupation zone, which Douglas Young had arranged himself.

Like Sir Douglas Young, Mr A. Hamilton's legal career had included a judgeship at the High Court in Allahabad/Prayagraj (India),[1154] and he found himself as Controller of the Military Government Courts Branch of the British Element of the Allied Commission for Austria in the post-war period.[1155] In the spring of 1948, Hamilton moved his office from Vienna to Graz.[1156] After three assignments as an assessor in atrocities trials in autumn 1947, Hamilton presided over a total of seven trials of British General Courts in Carinthia and Styria from February 1948 to January 1949. During this period, he was the only judge for higher military courts and also the first single judge.[1157] A. Hamilton remained with the Courts Branch in Graz at least until September 1949.[1158]

[1148] HALL/MARTIN, Lord Schuster 258f.

[1149] * 7. 4. 1883, Helensburgh (GBR); † 13. 4. 1973. URL: https://en.wikipedia.org/wiki/Douglas_Young_(judge) (18. 9. 2025).

[1150] The London Gazette (15. 5. 1934), 3122. – Furthermore: RAM/KULKARNI, For necessary action.

[1151] Cf. The London Gazette (6. 10. 1942), 4355; RAGHAVAN, The people next door 28; URL: https://en.wikipedia.org/wiki/Lahore_High_Court (18. 9. 2025); URL: https://en.wikipedia.org/wiki/K._L._Gauba (18. 9. 2025).

[1152] The London Gazette (19. 4. 1935), 2662.

[1153] Similar constellations also occurred in the American Legal Division. TWERASER, Military Justice 163.

[1154] TNA, FO 945/334: 22. 11. 1946; TNA, FO 1020/2078: 6. 10. 1947; Weltpresse (11. 1. 1949), 8 („Im Auftrag des CSR-Geheimdienstes in Kärnten spioniert").

[1155] TNA, FO 1020/1882: 16. 12. 1946; TNA, FO 1020/1884: *Legal Division, Distribution of Staff: Officers*.

[1156] TNA, FO 1020/2820: 27. 4. 1948; TNA, FO 1020/2014: 4. 5. 1948; TNA, FO 1020/2017: 16. 12. 1948; StLA, LGS Graz, Vr 2116/49, Otto [M.] u. a. (I. Band): 2. 9. 1948.

[1157] In April 1948, Mr A. Hamilton was appointed Judge of a Permanent General Court. TNA, FO 1020/2013: 14. 4. 1948.

[1158] TNA, FO 1020/2017: 6. 9. 1949.

Among the assessors at British General Courts, the exiled Austrian Maj Dr Friedrich Schnek[1159] stands out. Friedrich Schnek was a well-known Viennese lawyer and jurist in the interwar period, who was forced to flee Austria after the 'Anschluss' in 1938. From 1940 to 1943 he was held in various internment camps of the Vichy government in Algeria, and from 1943 Schnek served in the British army. At the end of the war, he returned to Austria with the occupying troops and was assigned to the Legal Division (ACA/BE), or more precisely the British Austrian Legal Unit. In fact, however, he mainly worked for the Austrian Courts Section in Klagenfurt and Graz.[1160] Dr Schnek was involved in the second Eisenerz trial in the role of associate judge.[1161] His early death thwarted further missions. He was buried at the British war cemetery in Klagenfurt.[1162]

Judge[1163]	Assessor[1164]	Trials	Date, venue
	Adams T.C., Maj	2	13.–14. 10. 1947, Graz (Nikolaus Been et al.) 10.–13. 11. 1947, Graz (Arnulf Lill et al.)
Bamlet G.A., Lt Col		1	19. 2. – 8. 3. 1946, Graz (Josef D. et al.)
	Belaf, Maj	1	19. 9. 1946, Vienna (Johann M.)
	Bell G., Capt	2	1.–2. 8. 1946, Villach (Peter Bartko et al.) 6. 8. 1946, Villach (Michael D.)
	Bennett J.R.W., Mr	1	15. 1. 1947, Vienna (Adolf E. et al.)
	Bickford J.G.A., Col	1	31. 7. 1947, Leibnitz (Nikolai Subzow)
	Blagg C.E.L., Mr	2	25.–26. 6. 1946, Villach (Ivan B. et al.) 27. 6. 1946, Villach (Piotr Lewkowicz)
	Brookes G.H., Lt Col	1	1.–29. 4. 1946, Graz (Otto Christandl et al.)
	Burrows T.G.R., Maj	4	6.–7. 5. 1946, Klagenfurt (Michael Werhun et al.) 9. & 20.–21. 5. 1946, Klagenfurt (Franz Kernle et al.) 14. 5. 1946, Klagenfurt (Andreas K. et al.) 22. 5. 1946, Klagenfurt (Anton Kuss)
	Cathie B.A., Mr	3	8.–9. 4. 1947, Graz (Johann Brandner et al.) 2. 6. 1947, Graz (Johann Czar et al.) 3. 6. 1947, Graz (Johann Sommer) [?]
	Chance W.E., Mr	2	28. 5. 1947, Klagenfurt (Franz Blasic) 29. 5. 1947, Klagenfurt (Konstantin Narishkin et al.)

[1159] * 6. 12. 1900, Vienna (AUT); † 9. 1. 1947, Graz (AUT). LEBENSAFT/MENTSCHL, Schnek Friedrich 390.
[1160] Weltpresse (11. 1. 1947), 3 („Major Dr. Friedrich Schneck [!] gestorben"); LEBENSAFT/MENTSCHL, Schnek Friedrich 390f.; LEBENSAFT/MENTSCHL, Vertreibung, esp. 35–38; SAUER, Biografien 305f.
[1161] Das Steirerblatt (23. 10. 1946), 3 („Rupert Pregartner zu acht Jahren verurteilt").
[1162] LEBENSAFT/MENTSCHL, Vertreibung 50f.
[1163] The highest (known) rank is given for officers.
[1164] The highest (known) rank is given for officers.

Judge[1163]	Assessor[1164]	Trials	Date, venue
	Clark B.A., Maj	1	15. 1. 1947, Vienna (Adolf E. et al.)
	Clarke T.H., Mr	3	13. 3. 1947, Graz (Johann Lantschik) 17. 3. 1947, Graz (Klemens Frettensattel) 31. 3. 1947, Villach (Gottfried Rossmann)
	Cohen N.L., Lt Col	3	3. 1. 1946, Klagenfurt (Ivan R.) 24. 2. 1948, Wolfsberg (Peter K.) 19.–21. 5. 1948, Villach (Lorenz Plevel)
Ellison R.C.S., Mr		2	7.–9. 11. 1951, Klagenfurt (Anna W.) 13.–17. & 19.–21. 11. 1951, Klagenfurt (Rudolf Vala)
Glyn-Jones H., Mr		1	1.–29. 4. 1946, Graz (Otto Christandl et al.)
	Glyn Lloyd, Col	1	1.–29. 4. 1946, Graz (Otto Christandl et al.)
	Hamilton H.L.S., Maj	1	31. 3. 1947, Villach (Gottfried Rossmann)
	Hamilton A., Mr	3	8.–12. 9. 1947, Graz (Franz Eder et al.) 12. 9. 1947, Graz (Josef Pammer) 15.–17. 9. 1947, Graz (Josef Egger et al.)
Hamilton A., Mr		7	24. 2. 1948, Wolfsberg (Peter K.) 12.–13. 4. 1948, Graz (Arthur M.) 29.–30. 4. & 4. 5. 1948, Graz (Ladislaus Požauko) 19.–21. 5. 1948, Villach (Lorenz Plevel) 7.–8. 6. 1948, Graz (Franz G. et al.) 22. 6. – 9. 7. 1948, Graz (Erich F. et al.) 10.–12. &15. 1. 1949, Klagenfurt (Elemer Scholz et al.)
	Johnson, Maj	1	17.–18. 2. 1947, Lienz & 10. 3. 1947, Spittal/Drau (Vaso Mandic et al.)
	Lloyd-Dolbey R.T., Maj	1	5. 12. 1947, Klagenfurt (Valentin R. et al.)
	Lyall A.L., Maj	3	23. 9. 1947, Klagenfurt (Sandor L.) 24. 9. 1947, Klagenfurt (Alexei Gadjutschka) 13.–14. 10. 1947, Graz (Nikolaus Been et al.)
MacKeown R.B., Mr		1	28.–30. 6. 1950, Klagenfurt (Edward P.)
	McCleary F.H., Lt Col	2	4. 12. 1947, Klagenfurt (Josef K. et al.) 5. 12. 1947, Klagenfurt (Valentin R. et al.)
	McNulty A.B., Lt Col	1	19. 9. 1946, Vienna (Johann M.)
	Musgrave O.R., Maj	1	19.–21. 5. 1948, Villach (Lorenz Plevel)
	Penney R.R., Maj	1	31. 7. 1947, Leibnitz (Nikolai Subzow)

Judge[1163]	Assessor[1164]	Trials	Date, venue
	Porter, Capt	2	25.–26. 6. 1946, Villach (Ivan B. et al.) 27. 6. 1946, Villach (Piotr Lewkowicz)
	Rayner R.M., Maj	5	13. 3. 1947, Graz (Johann Lantschik) 17. 3. 1947, Graz (Klemens Frettensattel) 8.–9. 4. 1947, Graz (Johann Brandner et al.) 2. 6. 1947, Graz (Johann Czar et al.) 3. 6. 1947, Graz (Johann Sommer) [?]
	Reckitt J.T., Mr	2	1.–2. 8. 1946, Villach (Peter Bartko et al.) 6. 8. 1946, Villach (Michael D.)
	Samuda C.A.W., Maj	2	28. 5. 1947, Klagenfurt (Franz Blasic) 29. 5. 1947, Klagenfurt (Konstantin Narishkin et al.)
	Schnek Friedrich, Maj Dr	1	16.–23. 10. 1946, Graz (Johann Huber et al.)
Schuster, Lord		2	19. 9. 1946, Vienna (Johann M.) 18.–19. 11. 1946, Vienna (Thomas H. Beeson)
	Stannus, Lt Col	1	17.–18. 2. 1947, Lienz & 10. 3. 1947, Spittal/Drau (Vaso Mandic et al.)
	Strickland, Maj	2	23. 9. 1947, Klagenfurt (Sandor L.) 24. 9. 1947, Klagenfurt (Alexei Gadjutschka)
	Swayne, Maj	1	4. 12. 1947, Klagenfurt (Josef K. et al.)
	Thompson G.O.N., Lt Col	1	1.–29. 4. 1946, Graz (Otto Christandl et al.)
	Walker, Capt	1	6.–7. 5. 1946, Klagenfurt (Michael Werhun et al.)
	Watson, Maj	1	24. 2. 1948, Wolfsberg (Peter K.)
	Way J.H.G., Mr	2	1.–2. 8. 1946, Villach (Peter Bartko et al.) 6. 8. 1946, Villach (Michael D.)
	Wells C.F., Capt	3	9. & 20.–21. 5. 1946, Klagenfurt (Franz Kernle et al.) 14. 5. 1946, Klagenfurt (Andreas K. et al.) 22. 5. 1946, Klagenfurt (Anton Kuss)
	Whitehead A.B., Maj	2	18.–20. 11. & 1. 12. 1947, Graz (Dimitro B. et al.) 2. 12. 1947, Graz (Josef T.)
	Williams R.P., Maj	3	8.–12. 9. 1947, Graz (Franz Eder et al.) 12. 9. 1947, Graz (Josef Pammer) 15.–17. 9. 1947, Graz (Josef Egger et al.)
	Worth W.J., Mr	3	10.–13. 11. 1947, Graz (Arnulf Lill et al.) 18.–20. 11. & 1. 12. 1947, Graz (Dimitro B. et al.) 2. 12. 1947, Graz (Josef T.)

Judge[1163]	Assessor[1164]	Trials	Date, venue
Young Douglas, Sir		39	3. 1. 1946, Klagenfurt (Ivan R.) 6.–7. 5. 1946, Klagenfurt (Michael Werhun et al.) 9. & 20.–21. 5. 1946, Klagenfurt (Franz Kernle et al.) 14. 5. 1946, Klagenfurt (Andreas K. et al.) 22. 5. 1946, Klagenfurt (Anton Kuss) 25.–26. 6. 1946, Villach (Ivan B. et al.) 27. 6. 1946, Villach (Piotr Lewkowicz) 1.–2. 8. 1946, Villach (Peter Bartko et al.) 6. 8. 1946, Villach (Michael D.) 16.–23. 10. 1946, Graz (Johann Huber et al.) 25. 10. 1946, Leoben (Ivan R. et al.) 21.–23. 11. 1946, Graz (Gregor Kosost) 25.–26. 11. 1946, Graz (Alexej K. et al.) 26.–27. 11. 1946, Graz (Iwan G.) 27.–28. 11. 1946, Graz (Wilhelm Hödl) 15. 1. 1947, Vienna (Adolf E. et al.) 17.–18. 2. 1947, Lienz & 10. 3. 1947, Spittal/Drau (Vaso Mandic et al.) 13. 3. 1947, Graz (Johann Lantschik) 17. 3. 1947, Graz (Klemens Frettensattel) 31. 3. 1947, Villach (Gottfried Rossmann) 8.–9. 4. 1947, Graz (Johann Brandner et al.) 28. 5. 1947, Klagenfurt (Franz Blasic) 29. 5. 1947, Klagenfurt (Konstantin Narishkin et al.) 2. 6. 1947, Graz (Johann Czar et al.) 3. 6. 1947, Graz (Johann Sommer) [?] 6.–7. 6. 1947, Graz (Karl Maxl et al.) 31. 7. 1947, Leibnitz (Nikolai Subzow) 8.–12. 9. 1947, Graz (Franz Eder et al.) 12. 9. 1947, Graz (Josef Pammer) 15.–17. 9. 1947, Graz (Josef Egger et al.) 23. 9. 1947, Klagenfurt (Sandor L.) 24. 9. 1947, Klagenfurt (Alexei Gadjutschka) 13.–14. 10. 1947, Graz (Nikolaus Been et al.) 17.–21. 10. 1947, Graz (Josef B. et al.) 10.–13. 11. 1947, Graz (Arnulf Lill et al.) 18.–20. 11. & 1. 12. 1947, Graz (Dimitro B. et al.) 2. 12. 1947, Graz (Josef T.) 4. 12. 1947, Klagenfurt (Josef K. et al.) 5. 12. 1947, Klagenfurt (Valentin R. et al.)

Table 13: Judges and assessors at the British General Courts in Austria

7.2.2 Prosecutors (General Courts)

As far as is known, primarily legal officers, and only occasionally public safety officers, were deployed as prosecutors at the highest level of the military government courts. As can be seen from Table 14, however, there is still a lack of clarity insofar as the name of the prosecution representative could not be ascertained from the available sources for ten General Courts. It should also be noted that two prosecutors were involved in the first Eisenerz trial in 1946. This brings the total number of deployments to 54, although there were only 53 hearings.

Prosecutor[1165]	Trials	Date, venue(s)
Ashton L.R., Lt Col	1	17.–21. 10. 1947, Graz (Josef B. et al.)
Bickford J.G.A., Col	15	19. 2. – 8. 3. 1946, Graz (Josef D. et al.) 13. 3. 1947, Graz (Johann Lantschik) 17. 3. 1947, Graz (Klemens Frettensattel) 8.–9. 4. 1947, Graz (Johann Brandner et al.) 2. 6. 1947, Graz (Johann Czar et al.) 6.–7. 6. 1947, Graz (Karl Maxl et al.) 13.–14. 10. 1947, Graz (Nikolaus Been et al.) 10.–13. 11. 1947, Graz (Arnulf Lill et al.) 18.–20. 11. & 1. 12. 1947, Graz (Dimitro B. et al.) 2. 12. 1947, Graz (Josef T.) 12.–13. 4. 1948, Graz (Arthur M.) 29.–30. 4. & 4. 5. 1948, Graz (Ladislaus Požauko) 19.–21. 5. 1948, Villach (Lorenz Plevel) 22. 6. – 9. 7. 1948, Graz (Erich F. et al.) 10.–12. & 15. 1. 1949, Klagenfurt (Elemer Scholz et al.)
Clark, Mr	3	17.–18. 2. 1947, Lienz & 10. 3. 1947, Spittal/Drau (Vaso Mandic et al.) 28. 5. 1947, Klagenfurt (Franz Blasic) 29. 5. 1947, Klagenfurt (Konstantin Narishkin et al.)
Cohen N.L., Lt Col	1	5. 12. 1947, Klagenfurt (Valentin R. et al.)
Ellison R.C.S., Mr	1	28.–30. 6. 1950, Klagenfurt (Edward P.)
MacKeown R.B., Mr	1	4. 12. 1947, Klagenfurt (Josef K. et al.)

[1165] The highest (known) rank is given for officers.

Prosecutor[1165]	Trials	Date, venue(s)
Rawlins P.L.E., Maj	8	3. 1. 1946, Klagenfurt (Ivan R.) 25.–26. 6. 1946, Villach (Ivan B. et al.) 27. 6. 1946, Villach (Piotr Lewkowicz) 1.–2. 8. 1946, Villach (Peter Bartko et al.) 6. 8. 1946, Villach (Michael D.) 8.–12. 9. 1947, Graz (Franz Eder et al.) 12. 9. 1947, Graz (Josef Pammer) 15.–17. 9. 1947, Graz (Josef Egger et al.)
Reckitt J.T., Mr	4	21.–23. 11. 1946, Graz (Gregor Kosost) 25.–26. 11. 1946, Graz (Alexej K. et al.) 26.–27. 11. 1946, Graz (Iwan G.) 27.–28. 11. 1946, Graz (Wilhelm Hödl)
Scott M., Maj	2	7.–9. 11. 1951, Klagenfurt (Anna W.) 13.–17. & 19.–21. 11. 1951, Klagenfurt (Rudolf Vala)
Treadwell G.W., Lt Col	6	1.–29. 4. 1946, Graz (Otto Christandl et al.) 19. 9. 1946, Vienna (Johann M.) 16.–23. 10. 1946, Graz (Johann Huber et al.) 15. 1. 1947, Vienna (Adolf E. et al.) 31. 3. 1947, Villach (Gottfried Rossmann) 31. 7. 1947, Leibnitz (Nikolai Subzow)
Turner T., Mr	1	1.–29. 4. 1946, Graz (Otto Christandl et al.)
Way J.H.G., Mr	1	18.–19. 11. 1946, Vienna (Thomas Henry Beeson)
N. N.	10	6.–7. 5. 1946, Klagenfurt (Michael Werhun et al.) 9. & 20.–21. 5. 1946, Klagenfurt (Franz Kernle et al.) 14. 5. 1946, Klagenfurt (Andreas K. et al.) 22. 5. 1946, Klagenfurt (Anton Kuss) 25. 10. 1946, Leoben (Ivan R. et al.) 3. 6. 1947, Graz (Johann Sommer) 23. 9. 1947, Klagenfurt (Sandor L.) 24. 9. 1947, Klagenfurt (Alexei Gadjutschka) 24. 2. 1948, Wolfsberg (Peter K.) 7.–8. 6. 1948, Graz (Franz G. et al.)

Table 14: Prosecutors at the British General Courts in Austria

7.2.3 Defence counsels (General Courts)

It was potentially a matter of life or death for a defendant before a General Court. Accordingly, legal representation had to be guaranteed. If a defendant was unable to provide his own defence counsel at such hearings, he had the right, according to Ordinance No. 100, *to be represented by an officer of the Allied Forces, or such other person as the*

Court may direct […].[1166] In this case, the appointment of a defence lawyer was de facto the responsibility of the Bar Association. And in a timely manner, as emphasised by the British authorities: *In view of the fact that the Accused are standing trial on capital charges, it is most essential, in fairness to them, that their legal representatives have sufficient time to prepare the defence* […].[1167] When some delays occurred in the appointment of defence lawyers during the preparations for the Judenburg trial, this caused annoyance among the British. On that occasion, an officer of the Austrian Courts Section contacted the President of the Styrian Bar Association on 11 September 1947 to demand better cooperation:[1168]

> *I must ask you to take urgent steps to ensure that when future requests for nomination of counsel are submitted to you, such nominations are made with the least possible delay* […]. *I must add that the British Authorities concerned have recently gained an unfortunate impression that certain Attorneys have sought to evade their nominations. If this is so it is not in accordance with the best traditions of the legal profession, and it brings into disrepute not only those concerned but also, unfortunately, the many others who in the past have done excellent and unselfish work defending before Military Government Courts.*

Legal Officer Maj Rawlins chose the shortcut in Villach when he directly asked four local lawyers (Dr Friedrich Klauss, Dr Leo Kulterer, Dr Hans Wollrab, and Dr Franz Feldner) to take over the defence of the defendants at the General Court hearing beginning on 25 June 1946. However, this contact was only made five days before the trial.[1169]

Once a trial was over, the defence lawyers – as well as experts and witnesses – were entitled to reimbursement of costs. These payments were sometimes ordered expressis verbis by the military judges at the end of the proceedings.[1170] Corresponding applications were to be submitted to the British Military Government. The four above-mentioned lawyers from Villach listed the processing of the files and expert opinions, the discussion of the defence with the defendants in the Klagenfurt Prison, their presence at the trial, and the preparation of the petitions for clemency as their services. They charged a lump sum of ATS 1,500 each for this work.[1171]

[1166] Ordinance No. 100, Art. V, § 9d. VuABlSt 33/4, 29. 1. 1946, 23; BRUNNER M., Militärgericht 161.
[1167] TNA, FO 1020/2062: 11. 9. 1947, fol. 76.
[1168] TNA, FO 1020/2062: 11. 9. 1947, fol. 76 [Signature illegible].
[1169] Cf. TNA, FO 1020/2863: fol. 65.
[1170] KLA, BPD Klagenfurt, Sch. 39, Brit. Militärgerichtsregister: Office-No. GEN 30; KLA, BPD Klagenfurt, Sch. 40, Brit. Militärgerichtsregister: Office-No. GEN 24; KLA, BPD Klagenfurt, Sch. 41, Brit. Militärgerichtsregister: Office-No. GEN 32; KLA, BPD Klagenfurt, Sch. 45, Brit. Militärgerichtsregister: Office-No. GEN 37; KLA, BPD Klagenfurt, Sch. 46, Brit. Militärgerichtsregister: Office-No. GEN 31; KLA, BPD Klagenfurt, Sch. 48, Brit. Militärgerichtsregister: Office-No. GEN 29; KLA, BPD Klagenfurt, Sch. 52, Brit. Militärgerichtsregister: Office-No. GEN 28. – See also: TNA, FO 1020/2863: fol. 65.
[1171] TNA, FO 1020/2863: fol. 65. – For further invoices from defence lawyers at hearings of British General Courts in Carinthia, see: TNA, FO 1020/2863: fol. 52–54, fol. 65.

The following three tables list, as far as known, those lawyers who appeared as defence counsel at trials of British General Courts in Austria.

Defence counsel[1172]	Representations	Date, venue(s), accused
Albert Wolfgang, Dr	1	10.–12. & 15. 1. 1949, Klagenfurt: Leopold W.
DE PINNA L.A., Capt	1	3. 1. 1946, Klagenfurt: Ivan R.
Dörflinger Kurt, Dr	1	9. & 20.–21. 5. 1946, Klagenfurt: Michael P.
Feldner Franz, Dr	8	25.–26. 6. 1946, Villach: Stefan Melnitschuk 27. 6. 1946, Villach: Piotr Lewkowicz 1.–2. 8. 1946, Villach: Michael Jaskow, Petro K., Josef K., Michael S. 6. 8. 1946, Villach: Michael D. 19.–21. 5. 1948, Villach: Lorenz Plevel
Fiedler Erich, Dr	3	14. 5. 1946, Klagenfurt: Mieczislaw Rudak 24. 9. 1947, Klagenfurt: Alexei Gadjutschka 5. 12. 1947, Klagenfurt: Franz Ziwkowitsch
Grientschnig Hermann, Dr	1	14. 5. 1946, Klagenfurt: Andreas K.
Gries Rudolf, Dr	1	10.–12. & 15. 1. 1949, Klagenfurt: Elemer Scholz
Horny Gustav, Dr	2	23. 9. 1947, Klagenfurt: Sandor L. 4. 12. 1947, Klagenfurt: Josef K.
Kienzl, Dr	1	24. 2. 1948, Wolfsberg: Peter K.
Klauss Friedrich, Dr	2	25.–26. 6. 1946, Villach: Ivan B. 1.–2. 8. 1946, Villach: Michael Perzak
Kulterer Leo, Dr	1	25.–26. 6. 1946, Villach: Josef K.
Matejcek Richard, Dr	1	28. 5. 1947, Klagenfurt: Franz Blasic
Mauer, Dr	1	14. 5. 1946, Klagenfurt: Włodzimierz S.
Mayer Hans, Dr	2	29. 5. 1947, Klagenfurt: Alexander Schelesnjak 7.–9. 11. 1951, Klagenfurt: Anna W.
Messiner Otto, Dr	1	29. 5. 1947, Klagenfurt: Konstantin Narishkin
Oberlaner Leo, Dr	2	6.–7. 5. 1946, Klagenfurt: Michael Werhun 4. 12. 1947, Klagenfurt: Anton Pfeffer
Peterlunger Hermann, Dr	1	17.–18. 2. 1947, Lienz & 10. 3. 1947, Spittal/Drau: Vaso Mandic
Ragger Leopold, Dr	3	1.–2. 8. 1946, Villach: Peter Bartko, Wasil B., Iwan Pylypczuk
Rittler Hugo, Dr	1	13.–17. & 19.–21. 11. 1951, Klagenfurt: Rudolf Vala
Slamnig Valentin, Dr	2	9 .& 20.–21. 5. 1946, Klagenfurt: Franz Kernle, Roman P.
Streit Max, Dr	1	6.–7. 5. 1946, Klagenfurt: Wasil Sossnowsky

[1172] The names of British defence lawyers are in capital letters. – The highest (known) rank is given for officers.

Defence counsel[1172]	Representations	Date, venue(s), accused
SYKES M.B., Mr	1	28.–30. 6. 1950, Klagenfurt: Edward Charles P.
Tschurtschenthaler Ignaz, Dr	1	22. 5. 1946, Klagenfurt: Anton Kuss
Vracko Eduard, Dr	2	17.–18. 2. 1947, Lienz & 10. 3. 1947, Spittal/Drau: Manojlo Scepanovic 31. 3. 1947, Villach: Gottfried Rossmann
Wollrab Hans, Dr	1	25.–26. 6. 1946, Villach: Wolodymyr Melisz
N. N.	1	5. 12. 1947, Klagenfurt: Valentin R.

Table 15: Defence counsels at the British General Courts in Carinthia and East Tyrol

Defence counsel	Representations	Date, venue(s), accused
Adler Otto, Dr	11	31. 7. 1947, Leibnitz: Nikolai Subzow 17.–21. 10. 1947, Graz: Josef B., Ernst C., Slavko J., Johann K., Milan L., Ladislaus Požauko, Franz P., Josef S., Ivica S., Iwan V. ("Schloßberg gang")
Aichholzer, Dr	1	8.–12. 9. 1947, Graz: Nikolaus Pichler
Bichler August, Dr	1	19. 2. – 8. 3. 1946, Graz: Josef D.
Böhm Leopold, Dr	1	1.–29. 4. 1946, Graz: Adolf Schumann
Creydt Alexander, Dr	2	1.–29. 4. 1946, Graz: Johann Gatterbauer, Ludwig Krenn
Daghofer Otto, Dr	1	1.–29. 4. 1946, Graz: Max Mitter
Dollingen Herbert, Dr	4	1.–29. 4. 1946, Graz: Anton Eberl, Anton Hirner, Rudolf Mitterböck, Friedrich Wolf
Eger Walter, Dr	3	1.–29. 4. 1946, Graz: Karl Etzinger, Anton Hebenstreit, Rudolf Pirmann
Griedl Robert, Dr	1	1.–29. 4. 1946, Graz: Otto Christandl
Gröbelbauer Josef, Dr	1	8.–9. 4. 1947, Graz: Johann Brandner
Held Johann, Dr	7	1.–29. 4. 1946, Graz: Ernst Feistl, Michael Leonhardsberger, Karl Schelch, Emmerich Schnabl, Franz Taucher 6.–7. 6. 1947, Graz: Karl Maxl 10.–13. 11. 1947, Graz: Anton Sablatnig
Kaan Richard, Dr	1	10.–13. 11. 1947, Graz: Anton Rutte
Katzianschitz Max, Dr	2	1.–29. 4. 1946, Graz: Ludwig Wurm 26.–27. 11. 1946, Graz: Iwan G.
Klement Josef, Dr	1	27.–28. 11. 1946, Graz: Wilhelm Hödl
Knaffl Ferdinand, Dr	1	8.–12. 9. 1947, Graz: Alois Frühwirt
Kristl, Dr	1	22. 6. – 9. 7. 1948, Graz: Elsa F.
Ludikar August, Dr	1	21.–23. 11. 1946, Graz: Gregor Kosost
Martinowitz Hugo, Dr	2	15.–17. 9. 1947, Graz: Franz Puchner [?], Fritz Winkler

Defence counsel	Representations	Date, venue(s), accused
Merk Heinrich, Dr	1	16.–17. 10. 1946, Graz: Herbert Neumann
Messek Franz, Dr	1	8.–9. 4. 1947, Graz: Adolf Slama
Mitter Heinrich, Dr	4	18.–20. 11. & 1. 12. 1947, Graz: Dimitro B., Wasyl K., Fedor R., Isidor S.
Panholzer Otto, Dr	1	18. 10. 1946, Graz: Rudolf Pirmann
Pauer-Kulpathal Rudolf, Dr	1	10.–13. 11. 1947, Graz: Anton Oswald
Pongratz Josef, Dr	1	10.–13. 11. 1947, Graz: Arnulf Lill
Primus Josef, Dr	2	21.–22. 10. 1946, Graz: Rupert Pregartner 13. 3. 1947, Graz: Johann Lantschik
Rechberger Alois, Dr	2	22.–23. 10. 1946, Graz: Johann Huber 17. 3. 1947, Graz: Klemens Frettensattel
Rödiger Friedrich, Dr	1	6.–7. 6. 1947, Graz: Hubert Reiter
Schimm Friedrich, Dr	1	12. 9. 1947, Graz: Josef Pammer
Schreiner Franz, Dr	1	10.–13. 11. 1947, Graz: Robert Sattler
Schwaberger Alois, Dr	1	15.–17. 9. 1947, Graz: Albin Großmann
Spork Arnold, Dr	1	15.–17. 9. 1947, Graz: Josef Egger
Spranger Josef, Dr	1	08.–12. 9. 1947, Graz: Josef Thorbauer
Stugger Emil, Dr	1	13. 10. 1947, Graz: Martin Mernik[?]
Wagner, Dr	4	18.–20. 11. & 1. 12. 1947, Graz: Peter B., Petro H., Pavel S., Wasyl Z.
Weis-Ostborn Friedrich, Dr	1	15.–17. 9. 1947, Graz: Franz Lindenbaum
Wunsch Hans, Dr	1	19. 2. – 8. 3. 1946, Graz: Peter E.
N. N.	16	25. 10. 1946, Leoben: Ivan R., Paul Szetinski 25.–26. 11. 1946, Graz: Alexander K., Nikolaus L. 2. 6. 1947, Graz: Johann Czar, Josef Pechböck 3. 6. 1947, Graz: Johann Sommer 08.–12. 9. 1947, Graz: Franz Eder 15.–17. 9. 1947, Graz: Karl Leitenmüller 13.–14. 10. 1947, Graz: Nikolaus Been 2. 12. 1947, Graz: Josef T. 12.–13. 4. 1948, Graz: Arthur M. 29.–30. 4. & 4. 5. 1948, Graz: Ladislaus Požauko 7.–8. 6. 1948, Graz: Franz G., Johann P., Rupert Z.

Table 16: Defence counsels at the British General Courts in Styria

Defence counsel[1173]	Representations	Date, venue(s), accused
Brandstetter Ignaz, Dr	1	15. 1. 1947, Vienna: Adolf E.
Eisenschimmel Hans, Dr	1	15. 1. 1947, Vienna: Josef M.
RECKITT J.T., Mr	1	18.–19. 11. 1946, Vienna: Thomas Henry Beeson
Sejna Franz, Dr	1	19. 9. 1946, Vienna: Johann M.
Zörnlaib Ernst, Dr	1	15. 1. 1947, Vienna: Herbert Kreim

Table 17: Defence counsels at the British General Courts in Vienna

7.3 Trials of British General Courts in Carinthia and East Tyrol

7.3.1 Ivan R. (3 January 1946, Klagenfurt)

In preparation for the first hearing of a British General Court in Austria, the experienced judge Sir Douglas Young was appointed as president at the suggestion of Lord Schuster (Legal Division). The first assessor, Maj N.L. Cohen, also had relevant experience. The second assessor should have a purely military background and be nominated by Maj Gen W.H. Stratton, the Chief of Staff of BTA headquarters.[1174]

The trial was originally scheduled to begin on 10 December 1945 in Wolfsberg,[1175] but the General Court did not convene until 3 January 1946 in Klagenfurt. The prosecution was represented by Maj P.L.E. Rawlins. Capt L.A. de Pinna was assigned as defence counsel, supported by the local lawyers Dr Fiedler and Dr Jovanovic. The Yugoslav Ivan R.[1176], who last lived in the Wolfsberg district of Ritzing, had to stand trial. The charges were unauthorised use of a Walther pistol and the murder of the Austrian woman G. Schrattner. Ivan R. pleaded not guilty to both charges. Dr Theodor Konschegg, head of the Klagenfurt forensic department, was called as an expert witness.[1177] The court acquitted R. of the murder charge, but sentenced him to five years in prison for manslaughter and use of a weapon.[1178] On 5 February 1946, Ivan R. was transferred to the Karlau Prison in Graz.[1179] From prison, he submitted a total of four petitions to the Legal Division in Vienna. However, the conviction and sentence were confirmed each time.[1180] The prison gates opened again for Ivan R. on 21 March 1949.[1181]

[1173] The names of British defence lawyers are in capital letters. – The highest (known) rank is given for officers.
[1174] TNA, FO 1020/2014: 26. 11. 1945. – As head of the Legal Division, Lord Schuster did not have the authority to convene a General Court himself until 18 December 1945.
[1175] TNA, FO 1020/2014: 26. 11. 1945.
[1176] * 24. 3. 1925, Sapci (HR). StLA, JA Karlau, Bücher, Bd. 59, StB-Nr. 394.
[1177] TNA, FO 1020/2863: 6. 7. 1946, fol. 20.
[1178] KLA, BPD Klagenfurt, Sch. 50, Brit. Militärgerichtsregister: Office-No. GEN 1.
[1179] StLA, JA Karlau, Bücher, Bd. 59, StB-Nr. 394; StLA, JA Karlau, Bücher, Bd. 61, Post-Nr. 46[/1946].
[1180] KLA, BPD Klagenfurt, Sch. 50, Brit. Militärgerichtsregister: Office-No. GEN 1.
[1181] StLA, JA Karlau, Bücher, Bd. 59, StB-Nr. 394.

7.3.2 Wasil Sossnowsky, Michael Werhun (6–7 May 1946, Klagenfurt)

On 12 November 1945, three masked men carried out a night-time robbery on the Spitzer farm in Kaltenberg (mun. Eberstein). They first attacked the people in the house, killing the farm owner Karl Mostegl[1182] with a knife and inflicting serious stab wounds on the workman Karl Schranz, the housekeeper Johanna S., the maid Maria R., and the two children Engelbert R. and Pauline P. The perpetrators then ransacked the farmhouse and stole food, linen, clothing, and cash totalling around ATS 5,000.[1183]

Investigations by the Eberstein gendarmerie post led to the arrest of the Galician Michael Werhun[1184] in a DP camp in Judenburg on 20 November 1945.[1185] His compatriot and accomplice Wasyl Sossnowsky[1186] was arrested in a Kapfenberg DP camp on 10 December 1945.[1187] The third bandit, however, remained unaccounted for.[1188]

The justification given by the two arrested men was that they had attacked the Spitzer farm out of revenge because the Ukrainian Ivan Wintoniew had been shot there by a soldier at the end of the war.[1189] The gendarmes also found this shooter. The man in question was Anton Kuss,[1190] who, like the two Ukrainians, was subsequently handed over to the military jurisdiction of the occupying power (see chapter 7.3.5).

From 6 May 1946, Sossnowsky and Werhun stood before a British General Court in Klagenfurt, composed of Sir Douglas Young (president), Maj Burrows and Capt Walker. The Klagenfurt lawyers Dr Max Streit (Sossnowsky) and Dr Leo Oberlaner (Werhun) acted as defence counsel.[1191]

The charges against Werhun included three cases of unauthorised use of weapons in the murder of Mostegl and the attempted murders of Schranz and Maria R., as well as the looting of the victims' home.[1192] Sossnowsky was also charged with unauthorised use of weapons in the attempted murders of Johanna S., Engelbert R., and Pauline P., as well as looting.[1193] Both accused pleaded not guilty to all charges.

[1182] * 2. 10. 1887, St. Martin am Silberberg (today, mun. Hüttenberg, AUT); † 12. 11. 1945, Kaltenberg (mun. Eberstein, AUT). ADG, Pfarre St. Martin am Silberberg, Geburtsbuch III 1857–1888, p. 140 [URL: https://data.matricula-online.eu/de/oesterreich/gurk/st-martin-am-silberberg/S46_005-1/?pg=143 (18. 9. 2025)]; KLA, Sammlung Egon Payer, Sch. 6, 1945, Akt 2: 21. 11. 1945 [GP Eberstein to BG St. Veit/Glan].

[1183] KLA, Sammlung Egon Payer, Sch. 5, 1945, fol. 110 [entry: 12. 11. 1945, GP Eberstein]; Kärntner Nachrichten (16. 11. 1945), 5 („Nächtlicher Raubmord in einem Einzelgehöft"); Neue Steirische Zeitung (18. 11. 1945), 3 („Raubmord in einem Einzelgehöft"); STIEBER, Briten 164, note 18. – For more details on this robbery, see: HAUSER, Protokolle 108–117.

[1184] * 13. 11. 1922, Khmeleva, Salischtschyky district (UKR); † 24. 9. 1946, Graz (AUT). StLA, JA Karlau, Bücher, Bd. 59, StB-Nr. 1114.

[1185] KLA, Sammlung Egon Payer, Sch. 6, 1945, Akt 2: 21. 11. 1945 [GP Eberstein to BG St. Veit an der Glan].

[1186] * 13. 3. 1924, Jablaninka Kamianka (UKR); † 24. 9. 1946, Graz (AUT). StLA, JA Karlau, Bücher, Bd. 59, StB-Nr. 1113.

[1187] KLA, Sammlung Egon Payer, Sch. 5, 1945, fol. 110 [entry: 12. 11. 1945, GP Eberstein].

[1188] Die Neue Zeit (12. 5. 1946), 3 („Zwei Todesurteile des Militärgerichtes Klagenfurt").

[1189] Cf. HAUSER, Protokolle 109f.

[1190] KLA, Sammlung Egon Payer, Sch. 5, 1945, fol. 110 [entry: 12. 11. 1945, GP Eberstein].

[1191] KLA, BPD Klagenfurt, Sch. 51, Brit. Militärgerichtsregister: Office-No. GEN 2; KLA, BPD Klagenfurt, Sch. 54, Brit. Militärgerichtsregister: Office-No. GEN 3.

[1192] KLA, BPD Klagenfurt, Sch. 54, Brit. Militärgerichtsregister: Office-No. GEN 3.

[1193] KLA, BPD Klagenfurt, Sch. 51, Brit. Militärgerichtsregister: Office-No. GEN 2.

After two days of trial, the court found the defendants guilty and sentenced them to death.[1194] On 18 September 1946, Michael Werhun and Wasyl Sossnowsky were taken to Graz-Karlau Prison, where they were executed on 24 September 1946.[1195]

7.3.3 Franz Kernle, Michael P., Roman P. (9, 20–21 May 1946, Klagenfurt)

Sir Douglas Young (president), Maj T.G.R. Burrows, and Capt C.F. Wells constituted the General Court, which convened in Klagenfurt on 9 May 1946.[1196] The two Galician-born men Michael P.[1197] and Roman P.[1198], and the 16-year-old local Franz Kernle had to answer for their actions. Dr Dörflinger (Michael P.) and Dr Slamnig (Kernle, and Roman P.) acted in their defence. While the Austrian Kernle was swiftly acquitted in court,[1199] the charges against the two Ukrainians remained in place.[1200]

The incriminated incident had taken place on 6 January 1946 in Guttaringberg (mun. Guttaring), where the three accused took part in an improvised dance party in the Bacher farmhouse. Late in the evening, Michael P. injured another guest on the head with a tin can. He was then thrown out of the house by the farmer's son Josef Gragger[1201], the farm labourer Max M., and the saddler's assistant Alois Springer. Immediately afterwards, Michael and Roman P. shot at their opponents with pistols, killing Gragger and Springer. Max M. suffered serious injuries. The two gunmen were arrested the next day in Verlosnitz (mun. Guttaring), where they were employed at the Riepl farm. They only made a full confession after several hours of interrogation.[1202]

Before the British General Court, however, the two Galicians pleaded not guilty to the charges (unauthorised use of weapons, conspiracy to use weapons without authorisation). On 21 May 1946[1203] Michael P. and Roman P. were found guilty on all counts, and

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[1194] KLA, BPD Klagenfurt, Sch. 51, Brit. Militärgerichtsregister: Office-No. GEN 2; KLA, BPD Klagenfurt, Sch. 54, Brit. Militärgerichtsregister: Office-No. GEN 3; Volkszeitung (11. 5. 1946), 6 („Britisches Militärgericht verurteilt in Klagenfurt zwei Raubmörder zum Tode"); Volkswille (14. 5. 1946), 3 („Todesstrafen im Görtschitztaler Raubmordprozeß").

[1195] StLA, JA Karlau, Bücher, Bd. 59, StB-Nr. 1113, 1114; StLA, JA Karlau, Bücher, Bd. 66, StB-Nr. 1113, 1114; StAG, Sterbeprotokoll September 1946, Journal-Nr. 246, 251; KLA, Sammlung Egon Payer, Sch. 6, 1946, fol. 15 [entry: 7. 5. 1946, GP Eberstein]; BRUNNER M., Dienstreise 92f., 95.

[1196] TNA, FO 1020/2062: 8. 5. 1946.

[1197] * 26. 8. 1925, Berezhany (UKR). StLA, JA Karlau, Bücher, Bd. 59, StB-Nr. 693.

[1198] * 1. 4. 1926, Berezhany (UKR). StLA, JA Karlau, Bücher, Bd. 59, StB-Nr. 692.

[1199] KLA, BPD Klagenfurt, Sch. 44, Brit. Militärgerichtsregister: Office-No. GEN 10. – Franz Kernle had already been sentenced to eight weeks in prison for possession of weapons by an Intermediate Court in St. Veit an der Glan on 8 March 1946. The circumstances of the offence that led to this trial cannot be found in the military court register, but as Kernle's arrest took place on 9 January 1946, just three days after the fatal shots in Guttaringberg, a connection can be assumed. KLA, BPD Klagenfurt, Sch. 44, Brit. Militärgerichtsregister: Office-No. 2170.

[1200] KLA, BPD Klagenfurt, Sch. 49, Brit. Militärgerichtsregister: Office-No. GEN 8 und GEN 9.

[1201] * 5. 3. 1907, Guttaringberg (mun. Guttaring, AUT); † 6. 1. 1946, Guttaringberg. ADG, Pfarre Guttaring, Geburtsbuch XIV 1903–1914, p. 47, Nr. 11 [URL: https://data.matricula-online.eu/de/oesterreich/gurk/guttaring/G26_018-1/?pg=48 (18. 9. 2025)].

[1202] KLA, Sammlung Egon Payer, Sch. 6, 1946, fol. 3 [entry: 6. 1. 1946, GP Guttaring].

[1203] It can be seen from the cost notes of the defence lawyers Dr Dörflinger and Dr Slamnig that this trial lasted three days (9, 20 and 21 May) (TNA, FO 1020/2863: fol. 53, 54). – Only the first two days of the trial

each sentenced to ten years in prison.[1204] On 29 May 1946, they were transferred to Karlau Prison in Graz and, on 17 May 1947, to Stein Prison in Lower Austria.[1205]

7.3.4 Andreas K., Mieczislaw Rudak, Włodzimierz S. (14 May 1946, Klagenfurt)

The General Court, which sat in Klagenfurt on 14 May 1946, was once again made up of Sir Douglas Young, Maj T.G.R. Burrows and Capt C.F. Wells. The Polish nationals Andreas K.[1206], and Mieczislaw Rudak[1207] from the UNRRA camp in Villach were on trial, legally counselled by Dr Hermann Grientschnig (Andreas K.), and Dr Erich Fiedler (Mieczislaw Rudak). In the autumn of 1945, they allegedly looted a mill, a cellar and – under threat of armed force – a house in the area around Spittal an der Drau.[1208] Włodzimierz S. stood trial with them, and Dr Mauer was responsible for his defence. In his case, the charge – alongside misleading, making false statements, and providing assistance in connection with other offenders – was complicity: *In that he being aware that Mieczislaw Rudak and Andreas* [K.] *had committed an offence under Ord. 200 Art. I, § 14, failed to report it*.[1209] This strict approach was fully covered by Art. III of Ordinance No. 200: *Any person shall be punished as a principal who attempts to commit or conspires or agrees with another to commit, an offence* […].[1210]

The British court sentenced both Andreas K. and Mieczislaw Rudak to twelve years imprisonment on 14 May 1946.[1211] Włodzimierz S. was sentenced to six months in prison, which he had already served since his arrest on 14 November 1945.[1212] The Legal Division confirmed the conviction and sentence. However, it was pointed out that the defendants could in principle have been sentenced to death in accordance with Ordinance No. 200 and that, in general, consideration should be given to imposing the maximum sentence in comparable circumstances, i.e. robberies at gunpoint by DP gangs, in future.[1213]

Andreas K., and Mieczislaw Rudak were sent to Graz-Karlau Prison on 29 May 1946. On 17 May 1947, they were transferred to Stein Prison.[1214]

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were entered in the British military court register. KLA, BPD Klagenfurt, Sch. 49, Brit. Militärgerichtsregister: Office-No. GEN 8 und GEN 9.

[1204] KLA, BPD Klagenfurt, Sch. 49, Brit. Militärgerichtsregister: Office-No. GEN 8 und GEN 9.

[1205] StLA, JA Karlau, Bücher, Bd. 59, StB-Nr. 692, 693.

[1206] * 18. 11. 1916, Dobroczin (POL). StLA, JA Karlau, Bücher, Bd. 59, StB-Nr. 688.

[1207] * 14. 7. 1914, Pilzno (POL). StLA, JA Karlau, Bücher, Bd. 59, StB-Nr. 695.

[1208] KLA, BPD Klagenfurt, Sch. 44, Brit. Militärgerichtsregister: Office-No. GEN 6; KLA, BPD Klagenfurt, Sch. 50, Brit. Militärgerichtsregister: Office-No. GEN 4.

[1209] KLA, BPD Klagenfurt, Sch. 51, Brit. Militärgerichtsregister: Office-No. GEN 5.

[1210] VuABlSt 32/4 (21. 8. 1945), 60; BRUNNER M., Militärgericht 122f.

[1211] KLA, BPD Klagenfurt, Sch. 44, Brit. Militärgerichtsregister: Office-No. GEN 6; KLA, BPD Klagenfurt, Sch. 50, Brit. Militärgerichtsregister: Office-No. GEN 4; TNA, FO 1020/2033: 4. 6. 1946; Volkswille (25. 5. 1946), 4 („12 Jahre für Raubüberfälle“).

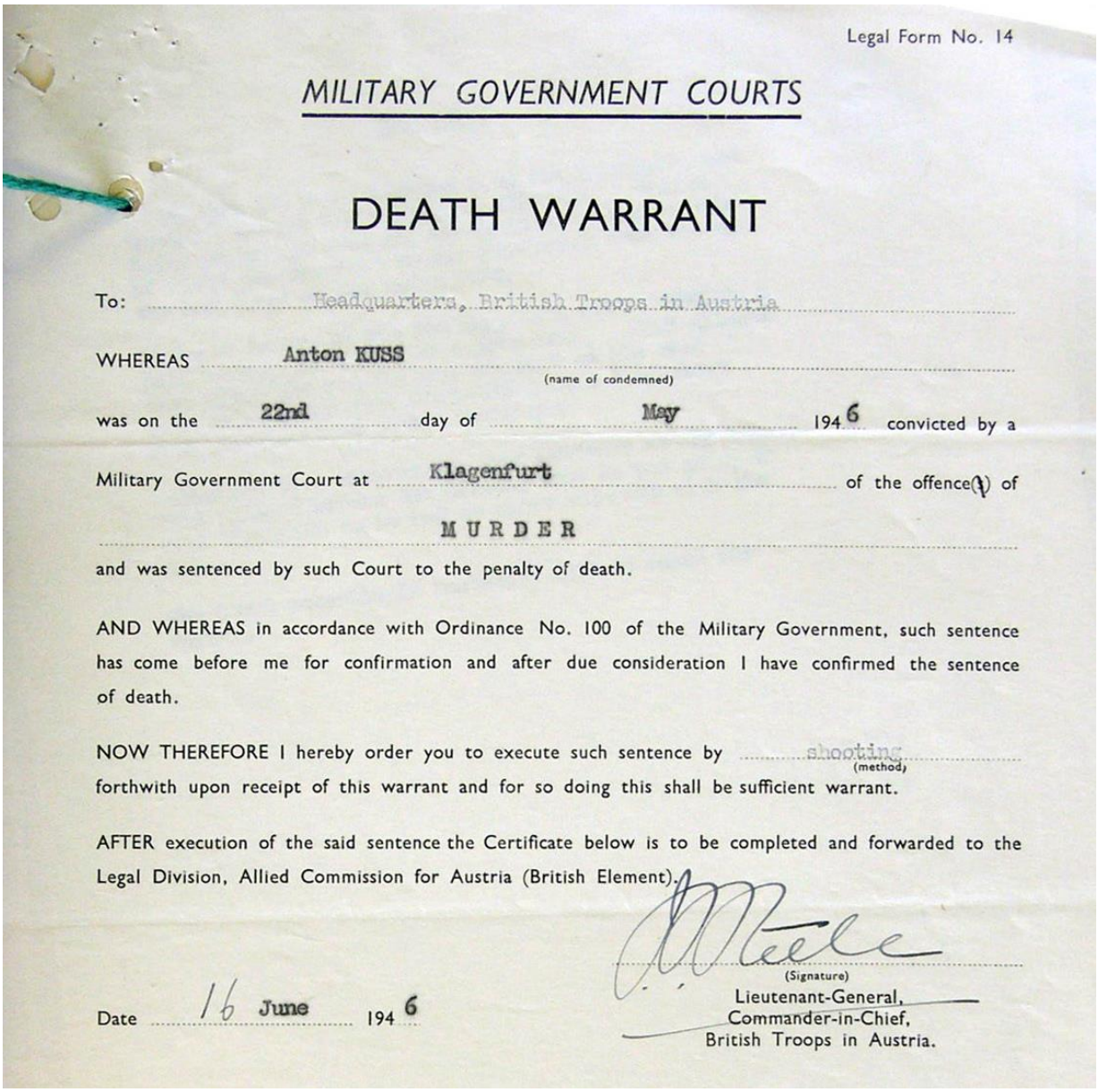
[1212] KLA, BPD Klagenfurt, Sch. 51, Brit. Militärgerichtsregister: Office-No. GEN 5.

[1213] KLA, BPD Klagenfurt, Sch. 44, Brit. Militärgerichtsregister: Office-No. GEN 6.

[1214] StLA, JA Karlau, Bücher, Bd. 59, StB-Nr. 688, 695.

7.3.5 *Anton Kuss (22 May 1946, Klagenfurt)*

With an unchanged bench (Young, Burrows, Wells), another General Court convened in Klagenfurt on 22 May 1946. In the dock was the Austrian Anton Kuss[1215] from Reichersdorf (mun. Ebenthal), who had been charged with murder. The lawyer and member of the National Council Dr Ignaz Tschurtschenthaler[1216] acted as defence counsel.[1217]



Legal Form No. 14

MILITARY GOVERNMENT COURTS

DEATH WARRANT

To: Headquarters, British Troops in Austria

WHEREAS Anton KUSS (name of condemned)

was on the 22nd day of May 1946 convicted by a

Military Government Court at Klagenfurt of the offence(s) of

MURDER

and was sentenced by such Court to the penalty of death.

AND WHEREAS in accordance with Ordinance No. 100 of the Military Government, such sentence has come before me for confirmation and after due consideration I have confirmed the sentence of death.

NOW THEREFORE I hereby order you to execute such sentence by shooting (method) forthwith upon receipt of this warrant and for so doing this shall be sufficient warrant.

AFTER execution of the said sentence the Certificate below is to be completed and forwarded to the Legal Division, Allied Commission for Austria (British Element).

(Signature)
Lieutenant-General,
Commander-in-Chief,
British Troops in Austria.

Date 16 June 1946

Figure 11: Death warrant (Legal Form 14) for the execution of Anton Kuss, 16 June 1946 (TNA)

[1215] * 7. 9. 1918, Reichersdorf (mun. Ebenthal in Kärnten, AUT); † 18. 7. 1946, Ferlach (AUT). ADG, Pfarre Ebenthal, Geburtsbuch V 1910–1939, p. 59, Nr. 14 [URL: https://data.matricula-online.eu/de/oesterreich/gurk/gurk_ebenthal/E01_006-1/?pg=60 (18. 9. 2025)].
[1216] Cf. URL: https://www.parlament.gv.at/WWER/PAD_01434/index.shtml (18. 9. 2025).
[1217] KLA, BPD Klagenfurt, Sch. 45, Brit. Militärgerichtsregister: Office-No. GEN 7.

The accused pleaded not guilty. The circumstances of the crime were portrayed in the trial as follows: In the last weeks of the war, Kuss had belonged to a mountain infantry company stationed at Eberstein Castle to fight partisans,[1218] and had deserted on 28 April 1945. He then went into hiding in the neighbourhood. When Kuss encountered Ivan Wintoniew at the Spitzer farmstead in Kaltenberg (mun. Eberstein) on 8 May 1945, he thought he recognised him as the gunman who had fired at him a few days earlier. That is why he killed Wintoniew with a tommy gun.[1219]

A witness testified in court that Kuss had announced his intention to kill Wintoniew, *as he had to clear accounts with the Pole*.[1220] In the end, the General Court imposed the death penalty on Anton Kuss.[1221] By 12 July 1946, he had submitted three petitions to the Legal Division for a review of the proceedings, but the verdict and sentence remained unchanged.[1222] Finally, Lt Gen Steele, as Commander-in-Chief of the British troops in Austria, confirmed the death sentence and signed the death warrant (Fig. 11), according to which Anton Kuss was to be shot.[1223] This order was carried out on 18 July 1946 at 9 a.m. in Ferlach.[1224]

The murder of Ivan Wintoniew served three of his compatriots as a motive for a bloody raid on the Spitzer farmstead on 12 November 1945. Two of the perpetrators were later arrested and sentenced to death by a British General Court in May 1946 (see chapter 7.3.2).

7.3.6 Ivan B., Josef K., Wolodymyr Melisz, Stefan Melnitschuk (25–26 June 1946, Villach)

During the night of 4 April 1946, four masked men entered a barrack in the DP camp in Völkendorf (mun. Villach) and demanded, at gunpoint, that the Jews accommodated there hand over their money and valuables. When a Jew, Icko Pupko from Białystok in Poland, attacked one of the robbers, he was fatally shot in the head, and all four perpetrators then fled.[1225] On the morning of 6 April 1946, three suspects were arrested in the centre of Villach after an exchange of gunfire with the police. They were the Ukrainians

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[1218] KLA, Sammlung Egon Payer, Sch. 5, 1945 [entry: 8. 5. 1945, GP Eberstein].

[1219] TNA, FO 1020/2863: fol. 12/13. – During the initial investigations by the Eberstein gendarmerie post, a different motive for the offence was assumed. According to this assessment, Kuss shot Wintoniew because he had allegedly announced that he and his compatriots would plunder everywhere after the end of the war. KLA, Sammlung Egon Payer, Sch. 6, 1945, Akt 2: 21. 11. 1945 [GP Eberstein to BG St. Veit/Glan].

[1220] TNA, FO 1020/2863: fol. 12/13.

[1221] KLA, BPD Klagenfurt, Sch. 45, Brit. Militärgerichtsregister: Office-No. GEN 7; KLA, Sammlung Egon Payer, Sch. 6, 1946, fol. 17 [entry: 22. 5. 1946, GP Eberstein].

[1222] KLA, BPD Klagenfurt, Sch. 45, Brit. Militärgerichtsregister: Office-No. GEN 7.

[1223] TNA, FO 1020/2863: 16. 6. 1946; TNA, FO 1020/2863: 27. 6. 1946, fol 13.

[1224] TNA, FO 1020/2863: 17. 7. 1946, fol. 45 und 18. 7. 1946, fol. 47; TNA, FO 1020/2863: fol. 79 (Beilage); ADG, Pfarre Ebenthal, Geburtsbuch V 1910–1939, p. 59, Nr. 14 [URL: https://data.matricula-online.eu/de/oesterreich/gurk/gurk_ebenthal/E01_006-1/?pg=60 (18. 9. 2025)].

[1225] TNA, FO 1020/2863: 7. 4. 1946 (Statements Josef K., Stefan Melnitschuk), 8. 4. 1946 (Statement Wolodymyr Melisz). – Furthermore: Die Neue Zeit (7. 4. 1946), 3 („Mord im Versetztenlager"); Die Neue Zeit (27. 6. 1946), 3 („Vier Todesurteile des Militärgerichts"); Volkszeitung (27. 6. 1946), 5 („Todesstrafe für vier Raubmörder in Villach"); MACHER-KROISENBRUNNER, Reetablierung 413.

(today's border) Ivan B.[1226], Wolodymyr Melisz[1227], and Josef K.[1228], all of whom last lived in the DP camp Bauleitung Villach. Another accomplice, their compatriot Stefan Melnitschuk[1229], was arrested there a short time later.[1230] This was followed by interrogations by the Villach criminal investigation department,[1231] on the basis of which the four men, who had already confessed, were questioned again by the British security officer Maj H. Baker on 14 and 15 June 1946 in the court prison in Klagenfurt.[1232]

On 25 June 1946, the trial of the British General Court began at the district court in Villach. Sir Douglas presided, with Mr Blagg and Capt Porter as assessors. At the request of Sir Douglas, Maj Rawlins acted as prosecutor.[1233] Rawlins himself was probably only informed of this appeal at short notice and then, five days before the trial, asked lawyers from Villach to defend the accused. They were Dr Friedrich Klauss (Ivan B.), Dr Leo Kulterer (Josef K.), Dr Hans Wollrab (Melisz), and Dr Franz Feldner (Melnitschuk).[1234]

All four defendants had to answer for two charges, but – contrary to Maj Baker's expectations[1235] – pleaded not guilty to the indictment:[1236]

> *Was concerned with others* [...] *in the unauthorised use of a deadly weapon to wit a revolver in the murder of Icko Pupko*
> *Was concerned with others* [...] *in the unlaw(ful) poss(ession) of a deadly weapon, to wit a revolver*.

After a total of eight and a half hours of hearings, [1237] the court found all four defendants guilty on the second day of the trial and imposed the death penalty on each of them.[1238] In view of the many robberies in Carinthia, Judge Young wanted this verdict to be under-

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[1226] * 5. (or 8.) 5. 1923, Knjahynytschi (UKR). StLA, JA Karlau, Bücher, Bd. 59, StB-Nr. 1133; TNA, FO 1020/2863: 7. 4. 1946 (Statement Ivan B).
[1227] * 22. 12. 1925, Konjuchy (UKR); † 24. 9. 1946, Graz (AUT). StLA, JA Karlau, Bücher, Bd. 59, StB-Nr. 1112.
[1228] * 5. (or 15.) 4. 1925, Wassyliwka (UKR). TNA, FO 1020/2863: 7. 4. 1946 (Statement Josef K.); StLA, JA Karlau, Bücher, Bd. 59, StB-Nr. 1138. – Josef K. was also suspected of having been involved in a robbery and murder in Krottendorf near Kapfenberg (Styria) on 11 March 1946 (see chapter 7.5.4). Cf. Grazer Fahndungsblatt, Jg. 2/Nr. 40 (16. 4. 1946), Art. 3243; Das Steirerblatt (26. 11. 1946), 3 („DPs als Mörder einer greisen Bäuerin vor Gericht“).
[1229] * 21. 10. 1923, Wynohrad, Kolomyia district (UKR); † 24. 9. 1946, Graz (AUT). TNA, FO 1020/2863: 7. 4. 1946 (Statement Stefan Melnitschuk); StLA, JA Karlau, Bücher, Bd. 59, StB-Nr. 1109.
[1230] One day before the murder in the DP camp, the four suspected Ukrainians had committed a robbery together with their compatriot Michael D. on Auer-von-Welsbach-Straße in Villach (see chapter 7.3.9).
[1231] TNA, FO 1020/2863: 7. 4. 1946 (Statements Ivan B., Josef K., Stefan Melnitschuk), 8. 4. 1946 (Statement Wolodymyr Melisz).
[1232] TNA, FO 1020/2863: 16. 6. 1946, fol. 1.
[1233] Cf. TNA, FO 1020/2863: 18. 6. 1946, fol. 2.
[1234] TNA, FO 1020/2863: 5. 7. 1946, fol. 65.
[1235] TNA, FO 1020/2863: 16. 6. 1946, fol. 1.
[1236] KLA, BPD Klagenfurt, Sch. 47, Brit. Militärgerichtsregister: Office-No. GEN 13. – Furthermore: KLA, BPD Klagenfurt, Sch. 38, Brit. Militärgerichtsregister: Office-No. GEN 12; KLA, BPD Klagenfurt, Sch. 45, Brit. Militärgerichtsregister: Office-No. GEN 11; KLA, BPD Klagenfurt, Sch. 47, Brit. Militärgerichtsregister: Office-No. GEN 14; TNA, FO 1020/2863: fol. 5, Anklageschriften Melnitschuk u. a.
[1237] Cf. TNA, FO 1020/2863: fol. 65.
[1238] Die Neue Zeit (27. 6. 1946), 3 („Vier Todesurteile des Militärgerichts“); Weltpresse (28. 6. 1946), 1 („Britisches Militärgericht fällt vier Todesurteile“); Wiener Kurier (28. 6. 1946), 3 („Britisches Militärgericht fällt vier Todesurteile“).

stood as a deterrent.[1239] All convicts submitted requests for a review of their sentences by the Military Government Courts Branch. In the case of Volodymyr Melisz and Stefan Melnitschuk, who were considered to have fired the fatal shots,[1240] the judgements were upheld. Ivan B.'s sentence was reduced to 20 years in prison and Josef K. ultimately got off with ten years in custody.[1241] Melisz and Melnitschuk were transferred to Graz-Karlau Prison on 18 September 1946 and executed there on 24 September 1946.[1242] Ivan B. and Josef K. were imprisoned in Karlau from 27 September 1946, and in Stein from 17 April 1947.[1243]

7.3.7 Piotr Lewkowicz (27 June 1946, Villach)

On 10 June 1946, Whit Monday, four-year-old Rosemarie Arbesser from the Villach district of Möltschach was killed in a forest not far from Judendorf (mun. Villach). DPs had set up a hiding place in this forest to deposit stolen goods from several robberies on neighbouring farms. A joint operation by the criminal investigation department, security guards and British military police led to the arrest of several suspects near Judendorf on 11 June 1946. Among them was the Pole Piotr Lewkowicz[1244], who now confessed to the murder of the child and led the investigators to Arbesser's body.[1245]

Due to the brutality of this crime, the public response was particularly strong.[1246] Newspaper headlines such as "Reign of terror in Carinthia" ["Schreckensherrschaft in Kärnten"][1247] give an impression of the general feeling of outrage. The security situation in the greater Villach area was very tense at that time following a series of burglaries, robberies, and murders, most of which were attributed to inmates of the DP camps. The Arbesser case further added fuel to the already heated mood. At the child's funeral, the Mayor of Villach and member of the National Council Viktor Petschnik[1248] declared that he would do everything in his power to remedy this deplorable situation as quickly as possible before the population took the law into their own hands.[1249] Petschnik further

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[1239] Volkszeitung (27. 6. 1946), 5 („Todesstrafe für vier Raubmörder in Villach").
[1240] Die Neue Zeit (9. 4. 1946), 3 („Rasche Aufklärung des Mordanschlages im Versetztenlager").
[1241] KLA, BPD Klagenfurt, Sch. 38, Brit. Militärgerichtsregister: Office-No. GEN 12; KLA, BPD Klagenfurt, Sch. 45, Brit. Militärgerichtsregister: Office-No. GEN 11; KLA, BPD Klagenfurt, Sch. 47, Brit. Militärgerichtsregister: Office-No. GEN 13 und GEN 14; TNA, FO 1020/2033: 8. 8. 1946.
[1242] StLA, JA Karlau, Bücher, Bd. 59, StB-Nr. 1109, 1112; StLA, JA Karlau, Bücher, Bd. 66, StB-Nr. 1109, 1112; StAG, Sterbeprotokoll September 1946, Journal-Nr. 250, 252; BRUNNER M., Dienstreise 92f., 95.
[1243] StLA, JA Karlau, Bücher, Bd. 59, StB-Nr. 1133, 1138; StLA, JA Karlau, Bücher, Bd. 66, StB-Nr. 1133, 1138.
[1244] * 8. 8. 1925, Inowrocław (POL); † 24. 9. 1946, Graz (AUT). TNA, FO 1020/2863: 15. 6. 1946 (Statement Piotr Lewkowicz); StLA, JA Karlau, Bücher, Bd. 59, StB-Nr. 1111.
[1245] TNA, FO 1020/2863: 15. 6. 1946 (Statement Piotr Lewkowicz); Volkswille (20. 6. 1946), 3 („Ausländer ermordete vierjähriges Kind"); Die Neue Zeit (28. 6. 1946), 3 („Todesurteil für den Villacher Mörder").
[1246] Selection: Das Steirerblatt (19. 6. 1946), 3 („4jährige geschändet und ermordet"); Salzburger Nachrichten (19. 6. 1946), 2 („Ausländer ermordet und schändet vierjähriges Mädchen"). – Due to an incorrect agency report, Judenburg (instead of Judendorf) was erroneously stated as the place of arrest in some newspaper reports.
[1247] Wiener Zeitung (4. 7. 1946), 3.
[1248] Cf. STIEBER, Consolidated Intelligence Reports 315; URL: https://www.parlament.gv.at/WWER/PAD_01188/index.shtml (18. 9. 2025).
[1249] Österreichische Volksstimme (22. 6. 1946), 3 („Scharfe Maßnahmen gegen Ausländer gefordert").

announced that he would submit a protest resolution to the occupying power[1250] and also raise this case in parliament.[1251]

Just twelve days after Piotr Lewkowicz's arrest, a British General Court convened in Villach on 27 June 1946 to judge him. Sir Douglas Young was again the president, Mr Blagg and Capt Porter were the assessors, and Maj Rawlins acted as prosecutor. Dr Franz Feldner from Villach was responsible for the (difficult) defence. The prosecution charged Lewkowicz with the murder of Rosemarie Arbesser, and further, *that he criminally assaulted R.A. and thereby caused her death, thereby committing an act prejudicial to the preservation of good order in occupied territory*.[1252]

A psychiatrist consulted confirmed Lewkowicz's sanity in court. The prosecution emphasised the undoubted existence of murder, while Dr Feldner asked for a long-term prison sentence instead of the death penalty in view of his client's young age.[1253] After a trial lasting five and a half hours, Lewkowicz, who pleaded not guilty despite his previous confession, was sentenced to death.[1254] According to the newspaper reports, Douglas Young emphasised at the sentencing that he had never experienced such a shameful crime in his many years as a judge and that the death penalty was the only option for atonement.[1255]

In the following weeks, Lewkowicz submitted three petitions to the Legal Division for a review of the proceedings, but the conviction and sentence were finally confirmed on 21 September 1946.[1256] In the meantime, Piotr Lewkowicz had been transferred from the Klagenfurt Prison to the Graz-Karlau Prison, where the death sentence was carried out on 24 September 1946.[1257]

7.3.8 Wasil B., Petro K., Josef K., Michael Perzak, Iwan Pylypczuk, Michael S.; Peter Bartko, Michael Jaskow (1–2 August 1946, Villach)

In the summer of 1946, the British occupying power began to take a tougher stance towards DPs accused of robberies (see chapter 7.1.2). From then on, military judges were willing to impose death sentences even if none of the victims had died.

[1250] Volkswille (20. 6. 1946), 3 („Protest der Villacher Bevölkerung“).
[1251] Together with SPÖ party colleagues, Viktor Petschnik submitted a request to the Minister of the Interior in the National Council on 3 July 1946. Wiener Zeitung (4. 7. 1946), 3 („Schreckensherrschaft in Kärnten“). – See also: Parlament Österreich, Stenographisches Protokoll, 25. Sitzung des Nationalrates der Republik Österreich, V. Gesetzgebungsperiode, 3. Juli 1946, S. 533. URL: https://www.parlament.gv.at/PAKT/VHG/V/NRSITZ/NRSITZ_00025/imfname_141089.pdf (18. 9. 2025).
[1252] KLA, BPD Klagenfurt, Sch. 46, Brit. Militärgerichtsregister: Office-No. GEN 15.
[1253] Die Neue Zeit (28. 6. 1946), 3 („Todesurteil für den Villacher Mörder“).
[1254] KLA, BPD Klagenfurt, Sch. 46, Brit. Militärgerichtsregister: Office-No. GEN 15. – Furthermore: Österreichische Volksstimme (29. 6. 1946), 3 („Todesstrafe für einen polnischen Kindesmörder“); Weltpresse (29. 6. 1946), 8 („Lustmörder zum Tod verurteilt“).
[1255] Volkszeitung (28. 6. 1946), 5 („Der Lustmörder von Villach zum Tode verurteilt“).
[1256] KLA, BPD Klagenfurt, Sch. 46, Brit. Militärgerichtsregister: Office-No. GEN 15.
[1257] StLA, JA Karlau, Bücher, Bd. 59, StB-Nr. 1111; StAG, Sterbeprotokoll September 1946, Journal-Nr. 248; BRUNNER M., Dienstreise 92f., 95.

On 1 and 2 August 1946, Sir Douglas Young presided over a General Court in Villach with three assessors (Mr J.T. Reckitt, Mr J.H.G. Way, Capt G. Bell),[1258] which had to judge eight men from the now Ukrainian administrative districts of Lviv and Ternopil: Peter Bartko[1259], Wasil B.[1260], Michael Jaskow[1261], Petro K.[1262], Josef K.[1263], Michael Perzak[1264], Iwan Pylypczuk[1265] and Michael S.[1266]. Three other perpetrators were still on the run at the time of the trial.[1267] The lawyers Dr Franz Feldner (Michael Jaskow, Petro K., Josef K., and Michael S.), Dr Friedrich Klauss (Michael Perzak), and Dr Leopold Ragger (Peter Bartko, Wasil B., and Iwan Pylypczuk) from Villach were appointed for the defence.

Prosecutor Maj Rawlins accused the defendants of having committed several robberies in May and June 1946 in the Villach area, as well as in the Upper and Lower Drau Valley. According to a trial report in the "Weltpresse" newspaper, the indictment stated that the gang had broken into several farmhouses with robbery intent, stealing food, clothes, linen, cash, and utensils totalling ATS 25,000. Some residents were beaten and threatened with being shot, and stabbed, or having their houses torched. The bandits were also accused of a fire and two cases in which peasant girls were abused. Last but not least, they were said to have shot at farmers and gendarmes with the intention of killing them.[1268] The crime scenes were in Heiligengeist (today, mun. Villach), Tschinowitsch (today, mun. Villach), Pölling (mun. Treffen am Ossiacher See), Töplitsch (today, mun. Weißenstein), Liesing (mun. Stockenboi), and Radlach (mun. Steinfeld).[1269]

As explained in chapter 7.1.1, where prosecutors in General Courts based their indictments on British regulations, they largely confined themselves to three sections of Ordinance No. 200. A good example of this is the 20 charges against Michael Perzak, which were all assigned to Section 7 (possession of weapons), Section 8 (use of weapons) and Section 41 (offence against public order):[1270]

[1258] KLA, BPD Klagenfurt, Sch. 38, Brit. Militärgerichtsregister: Office-No. GEN 16.
[1259] * 15. 10. 1923, Lviv (UKR); † 24. 9. 1946, Graz (AUT). StLA, JA Karlau, Bücher, Bd. 59, StB-Nr. 1107; StAG, Sterbeprotokoll September 1946, Journal-Nr. 247.
[1260] * 8. 2. 1925, Zadwiri (UKR). StLA, JA Karlau, Bücher, Bd. 59, StB-Nr. 905.
[1261] * 10. 5. 1926, Zyrawa (UKR); † 24. 9. 1946, Graz (AUT). StLA, JA Karlau, Bücher, Bd. 59, StB-Nr. 1110; StAG, Sterbeprotokoll September 1946, Journal-Nr. 245.
[1262] * 4. 5. 1922, Lviv (UKR). StLA, JA Karlau, Bücher, Bd. 59, StB-Nr. 917.
[1263] * 8. 2. 1925, Drohobytsch (UKR). StLA, JA Karlau, Bücher, Bd. 59, StB-Nr. 918.
[1264] * 9. 5. 1925, Teofipilka (UKR); † 24. 9. 1946, Graz (AUT). StLA, JA Karlau, Bücher, Bd. 59, StB-Nr. 1108.
[1265] * 1. 3. 1913, Iwano-Frankiwsk district (UKR). StLA, JA Karlau, Bücher, Bd. 59, StB-Nr. 923.
[1266] * 24. 9. 1923, Ternopil (UKR). StLA, JA Karlau, Bücher, Bd. 59, StB-Nr. 928.
[1267] Piotr Lewkowicz, who was sentenced to death on 27 June 1946 for a different crime, was also considered an accomplice (see chapter 7.3.7). Due to his previous conviction, he was no longer listed as a defendant at the current trial. TNA, FO 1020/2863: 22. 6. 1946, fol. 60.
[1268] Weltpresse (3. 8. 1946), 8 („Polnische Banditen plünderten Bauern").
[1269] KLA, BPD Klagenfurt, Sch. 38, Brit. Militärgerichtsregister: Office-No. GEN 16; KLA, BPD Klagenfurt, Sch. 39, Brit. Militärgerichtsregister: Office-No. GEN 21; KLA, BPD Klagenfurt, Sch. 43, Brit. Militärgerichtsregister: Office-No. GEN 18; KLA, BPD Klagenfurt, Sch. 44, Brit. Militärgerichtsregister: Office-No. GEN 17; KLA, BPD Klagenfurt, Sch. 45, Brit. Militärgerichtsregister: Office-No. GEN 23; KLA, BPD Klagenfurt, Sch. 49, Brit. Militärgerichtsregister: Office-No. GEN 19 und GEN 20; KLA, BPD Klagenfurt, Sch. 51, Brit. Militärgerichtsregister: Office-No. GEN 22; Grazer Fahndungsblatt, Jg. 2/Nr. 57 (22. 5. 1946), Art. 4487; Volkszeitung (27. 6. 1946), 5 („Raubüberfälle in Radlach und Steinfeld geklärt").
[1270] KLA, BPD Klagenfurt, Sch. 49, Brit. Militärgerichtsregister: Office-No. GEN 19.

1/ Violation of Ord. 200, Art. I, para 7, in that they at Tschinowitz on 23.5.46 were concerned together and with Haraczuk and Siroki (not in custody) in unlawful possession of a pistol.
2/ Violation of Ord. 200, Art. I, para 8, in that they at the place and time aforesaid made use of a pistol for the purpose of robbing the premises of Katzianka Johann.
3/ Violation of Ord. 200, Art. II, para 41, in that they at the place and time aforesaid having stolen various articles of food, clothing and other property, valued together at approx(imate) 2340 Austrian Schillings, being property of Katzianka Johann and others, thereby committing an act prejudicial to good order of the occupied territory.[1271]
[4] *Violation of Ord. 200, Art. I, para 8, in that they at the place and time aforesaid did unlawful use firearms for the purpose of effecting a robbery at the premises of Pernull Johann.*
[5] *Violation of Ord. 200, Art. II, para 41, in that they at the place and time aforesaid did steal food, clothing and other articles valued together at approx(imate) 2600 Austrian Schillings, being property of Pernull Johann and others, thereby committing an act prejudicial to good order of the occupied territory.*
[6] *Violation of Ord. 200, Art. I, para 7, in that he at Villach on or about first week in June 46 was concerned with Siroki (not in custody) in unlawful poss(ession) of two pistols.*
[7] *Violation of Ord. 200, Art. I, para 8, in that he at the place and time aforesaid did unlawfully use such firearm in threatening the person of Sczurko Michl by pointing aforesaid weapons at him.*
[8] *Violation of Ord. 200, Art. II, para 41, in that he at the place and time aforesaid did assualt* [!] *the person Sczurko Michl (of Bauleitung Camp) by pointing such pistol at him and threatening his life, thereby committing an act prejudicial to good order of the occupied territory.*
[9] *Violation of Ord. 200, Art. I, para 7, in that he at Radlach on or about 30.5.46 was concerned with Siroki and Torba (not in custody) in unlawful poss(ession) of firearms (to wit, pistols).*
[10] *Violation of Ord. 200, Art. I, para 8, in that they at the place and time aforesaid did use firearms for the purpose of robbing the premises of Ortner Michael.*
[11] *Viloation* [!] *of Ord. 200, Art. II, para 41, in that they at the place and time aforesaid having stolen food, clothing jewellery and other property, valued together at approx(imate) 16.000 Schillings, being property of Ortner Michael and others, thereby committing an act prejudicial to good order of the occupied territory.*

[1271] Cf. Die Neue Zeit (24. 5. 1946), 3 („Raubüberfall in Tschinowitsch“).

[12] *Violation of Ord. 200, Art. I, para 7, in that he at Heiligengeist on or about 6/7/46 by his own confession was concerned with Haraczuk and Siroki (not in custody) in unlawful poss*[ession] *of firearms (pistols).*
[13] *Violation of Ord. 200, Art. I, para 8, in that they at Heiligengeist at the time aforesaid did unlawfully use firearms for the purpose of robbing the premises of Katzian Johann.*
[14] *Violation of Ord. 200, Art. II, para 41, in that they at the place and time aforesaid stealing foodstuffs and other property to the approx(imate) value of 315 Schillings, being property of Katzian Johann and others, thereby committing an act prejudicial to good order of the occupied territory.*
[15] *Violation of Ord. 200, Art. I, para 7, in that they at Töplitsch on or about 7.6.46 were concerned together and with Haraczuk and Siroki (not in custody) in unlawful poss(ession) of firearms (pistols).*
[16] *Violation of Ord. 200, Art. I, para 8, in that they at the place and time aforesaid did unlawfully use firearms for the purpose of attempting to effect robbery at the premises of Kanduth Christoph.*
[17] *Violation of Ord. 200, Art. II, para 41, in that they at the place and time aforesaid having stolen jewellary* [!] *and other articles to approx(imate) value of 1300 Schillings, being property of Kanduth Christoph and others, committing thereby an act prejudicial to good order of the occupied territory.*
[18] *Violation of Ord. 200, Art. II, para 41, in that they at the place and time aforesaid did unlawffully* [!] *use firearms in shooting against member of the Civil Police for the purpose of evading capture.*
[19] *Violation of Ord. 200, Art. I, para 7, in that he at Villach on or about 9 June 45* [!] *was concerned with Haraczuk and Siroki (not in custody) in unlawful poss(ession) of firearms (pistols).*
[20] *Violation of Ord. 200, Art. I, para 8, in that he at the place and time aforesaid did use such firearms in the attempted murder of Jaunik Franz and Huber Johann (Police Officers), Jatschimirski and others for the purpose of evading arrest.*

In addition to Michael Perzak, Peter Bartko and Michael Jaskow were considered the main perpetrators. The latter two were additionally accused of raping a woman and sexually assaulting another woman in the course of a robbery in Liesing. These offences were also deemed to be an offence against public order under Ordinance No. 200.[1272]

The trial ended on the second day with guilty verdicts for all defendants. Peter Bartko, Michael Jaskow and Michael Perzak were sentenced to death. Most of the other gang members received long prison sentences: Vasil B. twelve years, Petro K. and Michael S. ten years each, Ivan Pylypczuk seven years.[1273] Josef K., who was prosecuted for

[1272] KLA, BPD Klagenfurt, Sch. 38, Brit. Militärgerichtsregister: Office-No. GEN 16; KLA, BPD Klagenfurt, Sch. 43, Brit. Militärgerichtsregister: Office-No. GEN 18.
[1273] Die Neue Zeit (3. 8. 1946), 5 („Drei Todesurteile – 41 Jahre Gefängnis“).

aiding and abetting escape, among other things, got off with two years.[1274] Judge Sir Douglas concluded by recalling the announced tougher approach of the British judiciary to robberies and stated that an example had to be made.[1275]

Those sentenced to serve prison terms were sent to Graz-Karlau on 9 August 1946. Josef K. already managed to escape on 16 October 1946.[1276] Vasil B., Petro K., Ivan Pylypczuk and Michael S. were transferred to Stein Prison on 17 April 1947.[1277] The three condemned men (Bartko, Jaskow, Perzak) were taken to the Karlau Prison on 18 September 1946,[1278] and executed, together with five other convicts, on 24 September 1946.[1279]

7.3.9 Michael D. (6 August 1946, Villach)

The four men convicted of the murder in the Völkendorf DP camp on 4 April 1946 (see chapter 7.3.6) were repeat offenders. The same gang had also committed a robbery the day before on Auer-von-Welsbach-Straße in Villach, in which the Ukrainian (today's border) Michael D.[1280] had been involved.[1281] Two watches, tinned food, and money to the approximate value of ATS 4,600 were stolen from the Russian Alexander Karbowsky.[1282] D. also allegedly helped plan the attack on Pupko.[1283] Michael D. had initially managed to escape, but was later arrested by the Villach criminal investigation department.[1284]

On 6 August 1946, Michael D. had to answer to a General Court in Villach, which was again constituted of Sir Douglas Young, Mr Reckitt, Mr Way and Capt Bell. Dr Franz Feldner acted as defence counsel. The charge of complicity in the Pupko case (4 April 1946) was dropped because, according to consistent witness testimony, D. had played no part on the evening in question due to drunkenness.[1285] With regard to the robbery on 3 April 1946, however, the court found him guilty of using weapons and a breach of public order. He was sentenced to ten years in prison.[1286] In explaining the decision not to impose the death penalty, Sir Douglas stated that the robbery in question had already

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[1274] KLA, BPD Klagenfurt, Sch. 45, Brit. Militärgerichtsregister: Office-No. GEN 23.
[1275] TNA, FO 1020/2863: fol. 79, *app. „C“*.
[1276] StLA, JA Karlau, Bücher, Bd. 66, StB-Nr. 918; TNA, FO 1020/2867: 13. 11. 1946.
[1277] StLA, JA Karlau, Bücher, Bd. 59, StB-Nr. 905, 917, 923, 928.
[1278] Cf. StLA, JA Karlau, Bücher, Bd. 66, StB-Nr. 1107, 1108, 1110.
[1279] TNA, FO 1020/2062: 25. 9. 1946, fol. 14; StLA, JA Karlau, Bücher, Bd. 59, StB-Nr. 1107, 1108, 1110; BRUNNER M., Dienstreise 92f., 95; StAG, Sterbeprotokoll September 1946, Journal-Nr. 245, 247, 249.
[1280] * 19. 9. 1921, Nadoroschna (UKR). StLA, JA Karlau, Bücher, Bd. 59, StB-Nr. 907.
[1281] Cf. Grazer Fahndungsblatt, Jg. 2/Nr. 43 (20. 4. 1946), Art. 3436. – See the statements of Ivan B., Josef K., Stefan Melnitschuk, and Wolodymyr Melisz on the course of the robbery. TNA, FO 1020/2863: 7. 4. 1946, 8. 4. 1946.
[1282] KLA, BPD Klagenfurt, Sch. 40, Brit. Militärgerichtsregister: Office-No. GEN 24.
[1283] KLA, BPD Klagenfurt, Sch. 40, Brit. Militärgerichtsregister: Office-No. GEN 24.
[1284] TNA, FO 1020/2863: 8. 8. 1946; Die Neue Zeit (3. 8. 1946), 4 („Festnahme eines Verbrechers“); Volkszeitung (3. 8. 1946), 5 („Anstifter eines Raubmordes verhaftet“).
[1285] TNA, FO 1020/2863: 8. 8. 1946.
[1286] KLA, BPD Klagenfurt, Sch. 40, Brit. Militärgerichtsregister: Office-No. GEN 24.

taken place in April: i.e. before the announcement of harsher sentences by British military courts in relevant cases.[1287]

Michael D. was sent to Graz-Karlau on 9 August 1946 and transferred from there to Stein Prison on 17 April 1947.[1288]

7.3.10 Vaso Mandic, Manojlo Scepanovic (17–18 February 1947, Lienz; 10 March 1947, Spittal an der Drau)

The only hearing of a British General Court in East Tyrol began in Lienz on 17 February 1947. The public had been invited in advance via the press to follow the trial on site at the district court.[1289] The court was made up of the presiding judge Sir Douglas Young and the assessors Lt Col Stannus and Maj Johnson, who – contrary to the media announcement – did not appear in traditional British official attire, but wore civilian clothes or uniforms as usual; presumably to the disappointment of some of the numerous members of the audience.[1290]

In the dock were Vaso Mandic and Manojlo Scepanovic from the Peggetz DP camp, who allegedly committed various criminal offences in the Lienz area (including in Leisach, Gödnach, Michelsberg, and Nikolsdorf) between March and May 1946.[1291] Mandic was captured near Tristach, south of Lienz by auxiliary police late in the evening of 1 July 1946, as he and two accomplices were about to take away the meat of a cow they had previously stolen and slaughtered on the Tristacher Alm. While trying to escape, he was shot in the head but survived. Scepanovic was later tracked down in Peggetz.[1292]

The two Montenegrins were represented before the military court by Dr Hermann Peterlunger (Mandic), and Dr Eduard Vracko (Scepanovic).[1293] Prosecutor Mr Clark brought five charges against Scepanovic, who pleaded not guilty throughout, for the use of weapons and looting. Their content sheds light on the tense security situation in East Tyrol in the early post-war years:[1294]

> *1. Ord. 200/I/8 and 14, in that he on 4.3.46 in company with two other men broke and entered the house of the Müller, threatened the occupants with a knife, and plundered there from 8 loaves of bread, 3/4 kg of butter, 4 kg of meat, 2 kg of sausage.*

[1287] Die Neue Zeit (7. 8. 1946), 3 („Zehn Jahre für einen Räuber“).
[1288] StLA, JA Karlau, Bücher, Bd. 59, StB-Nr. 907.
[1289] Volkswille (13. 2. 1947), 4 („Hoher britischer Gerichtshof tagt in Lienz“).
[1290] Cf. Osttiroler Bote (21. 2. 1947), 14 („‚General Military Court‘ in Lienz“).
[1291] Volkszeitung (20. 2. 1947), 3 („Die Räuber von Lienz vor Gericht“); Osttiroler Bote (21. 2. 1947), 14 („‚General Military Court‘ in Lienz“).
[1292] KLA, Sammlung Egon Payer, Sch. 6, 1946, fol. 22f. [entry: 1. 7. 1946, LGK Kärnten]; Volkszeitung (20. 2. 1947), 3 („Die Räuber von Lienz vor Gericht“).
[1293] Osttiroler Bote (21. 2. 1947), 14 („‚General Military Court‘ in Lienz“).
[1294] KLA, BPD Klagenfurt, Sch. 51, Brit. Militärgerichtsregister: Office-No. GEN 25.

2. Ord. 200/I/8 and 14, in that he on 6.3.1946 in company with Mandic Vaso entered the house of Waldnig, threatened the occupants and plundered there from a quantity of bacon.[1295]
3. Ord. 200/I para 8 and 14, in that he on the night of 1./2. May 46 in company with another man, broke and entered the house of Hackl and threatened the said Hackl with a pistol.
4. Ord. 200/I/8 and 14, in that he on the 14.4.46 threatened Martha Müller with a pistol and plundered from her a wallet containing 30 Sch(illing), a golden wedding ring and silver earrings.
5. Ord. 200/I/8 and 14, in that he on the night of 29./30.4.46 in company with a man and a woman, broke and entered the house of Michael Eder [!]*, house Zeiner, threatened the said Egger* [!] *with a pistol and on leaving the house discharged the pistol in his direction.*

In Mandic's case, in addition to the use of weapons and looting, he was also charged with possession of weapons, and an offence against public order, *namely stealing in company with two other men a cow from the pasture*.[1296]

In the course of the trial, the two defendants were heavily incriminated by several witnesses. On 18 February, Sir Douglas adjourned the trial so that documents presented by the defence could be reviewed, and witnesses for the defence who had fallen ill could still be summoned.[1297] After the court reconvened on 10 March – this time at a different location, in Spittal an der Drau[1298] – the trial ended surprisingly in that the defendants were only found guilty on one count each and got away with comparatively moderate sentences. Mandic received ten months in prison for the cow theft on the Tristacher Alm, which he could hardly deny.[1299] Scepanovic was jailed for eleven and a half months for the attack on the Müller family.[1300] A large proportion of these sentences were already spent in pre-trial detention.[1301]

7.3.11 Gottfried Rossmann (31 March 1947, Villach)

On the morning of 8 February 1946, the German citizen Rolf Thieme, who worked at the Ortner farm in Aifersdorf (mun. Paternion), was found lifeless in his room at the farmstead. The investigation revealed that he had been killed by blows to the head with a hoe and had apparently also been robbed. Suspicion quickly fell on the Yugoslav Gottfried

[1295] See also: Grazer Fahndungsblatt, Jg. 2/Nr. 25 (16. 3. 1946), Art. 2113.
[1296] KLA, BPD Klagenfurt, Sch. 46, Brit. Militärgerichtsregister: Office-No. GEN 26.
[1297] Volkswille (19. 2. 1947), 4 („Ausländische Gewaltverbrecher vor dem britischen Militärgericht"); Volkszeitung (20. 2. 1947), 3 („Die Räuber von Lienz vor Gericht").
[1298] Osttiroler Bote (21. 3. 1947), 2 („Fall Mandic-Stepanovic").
[1299] KLA, BPD Klagenfurt, Sch. 46, Brit. Militärgerichtsregister: Office-No. GEN 26; Volkszeitung (13. 3. 1947), 3 („Lienzer Räuber verurteilt").
[1300] KLA, BPD Klagenfurt, Sch. 51, Brit. Militärgerichtsregister: Office-No. GEN 25; Volkszeitung (13. 3. 1947), 3 („Lienzer Räuber verurteilt").
[1301] Osttiroler Bote (21. 3. 1947), 2 („Fall Mandic-Stepanovic").

(Bogomir) Rossmann[1302], who had been sharing the accommodation with Thieme for about a month and had now disappeared.[1303] As a result, he was put on the wanted list for murder.[1304]

In the meantime, the fugitive had fled to Styria, where he pretended to be an Austrian called Gottfried Rahmann. After spending two months in prison in Graz for a black-market offence, he arrived in Upper Styria. Here Rossmann stole several items of clothing from a farmhand's room in Dürnstein (today, mun. Neumarkt in der Steiermark). Shortly afterwards – probably on 27 May 1946[1305] – he was arrested at the railway station in Neumarkt.[1306] The authorities were most likely not aware of his 'back story' at the time. In any case, Rossmann knocked down a prison guard and tried to escape from custody at Judenburg District Court.[1307] Attempted escape and assault led to a trial before the British Intermediate Court in Bruck an der Mur on 12 July 1946, which sentenced Rossmann to seven years behind bars.[1308] One day later he was taken to Graz-Karlau Prison and from there – apparently after his identity had been clarified – transferred to Klagenfurt on 18 September 1946.[1309] In Carinthia, Rossmann made another (unsuccessful) attempt to escape from prison. This time he attacked a gendarmerie officer. An intermediate military court in Villach sentenced him to a further year in prison for this on 6 March 1947.[1310]

This last verdict no longer had any meaning, because on 31 March 1947 a General Court convened in Villach to punish the murder of Rolf Thieme.[1311] Sir Douglas presided, the assessors were Mr T.H. Clarke and Maj H.L.S. Hamilton. Dr Eduard Vracko acted as defence counsel. The indictment against Gottfried Rossmann was as follows: *Charged under Ord. 200/8 in that he at Paternion on the night of 7/8. Febr. 1946 made unauthorised use of a deadly weapon, to wit an axe, with which he did murder Rolf Thieme.*[1312]

Rossmann pleaded guilty and was sentenced to death.[1313] After several petitions for a review, the verdict and sentence were confirmed by the British Commander-in-Chief.[1314] Gottfried Rossmann was then returned to Graz on 30 June 1947 to the Karlau Prison, where he was executed on 2 July 1947.[1315]

1302 * 19. 8. 1924, Ljubljana (SLO); † 2. 7. 1947, Graz (AUT). StLA, JA Karlau, Bücher, Bd. 59, StB-Nr. 1905.
1303 KLA, Sammlung Egon Payer, Sch. 6, 1946, fol. 7 [entry: 8. 2. 1946, GP Paternion]; Die Neue Zeit (9. 2. 1946), 3 („Mord in Aifersdorf"); Volkszeitung (9. 2. 1946), 4 („Raubmord an einem Kriegsgefangenen").
1304 Grazer Fahndungsblatt, Jg. 2/Nr. 29 (26. 3. 1946), Art. 2433.
1305 Cf. TNA, FO 1020/3525: Case-No. 1184.
1306 Murtaler Volkszeitung (15. 6. 1946), 3 („Schlecht belohnte Gastfreundschaft").
1307 Das Steirerblatt (1. 6. 1946), 4 („Das Wachorgan niedergeschlagen").
1308 TNA, FO 1020/3525: Case-No. 1184.
1309 StLA, JA Karlau, Bücher, Bd. 59, StB-Nr. 838; StLA, JA Karlau, Bücher, Bd. 66, StB-Nr. 838.
1310 KLA, BPD Klagenfurt, Sch. 50, Brit. Militärgerichtsregister: Office-No. 4449.
1311 Die Neue Zeit (30. 3. 1947), 3 („Raubmörder vor Gericht"); Die Neue Zeit (1. 4. 1947), 3 („Mörder vom Militärgericht zum Tode verurteilt").
1312 KLA, BPD Klagenfurt, Sch. 50, Brit. Militärgerichtsregister: Office-No. GEN 27.
1313 As usual in such cases, the Yugoslav mission in Vienna was also informed of Rossmann's conviction by the British Political Division. TNA, FO 1020/3106: [ca. 1. 7. 1947].
1314 KLA, BPD Klagenfurt, Sch. 50, Brit. Militärgerichtsregister: Office-No. GEN 27. – Furthermore: Volkszeitung (1. 4. 1947), 3 („Ausländer wegen Raubmord zum Tode verurteilt").
1315 StLA, JA Karlau, Bücher, Bd. 59, StB-Nr. 1905; StAG, Sterbeprotokoll Juli 1947, Journal-Nr. 5.

7.3.12 Franz Blasic (28 May 1947, Klagenfurt)

On 13 January 1947, a murder occurred in the city centre of Klagenfurt in the milieu of the black marketeers. The two Yugoslavs Franz Blasic[1316] and Ivan Krznaric had met in a coffee house, where Blasic offered to sell 5 kg of flints. Krznaric agreed and had his acquaintance sitting at the table hand over ATS 5,000. He then followed Blasic to the alleged hiding place of the goods in an air-raid shelter at Theatergasse 4, where Blasic beat Krznaric to death with an iron bar. Blasic then took the money and fled.[1317] Krznaric's body was found by a local resident on 14 January 1947.[1318] The perpetrator was arrested a short time later. After initially denying it, Blasic confessed to the criminal investigation department.[1319]

On 28 May 1947, Franz Blasic stood before the General Court in Klagenfurt. As usual, Sir Douglas Young acted as presiding judge, Mr W.E. Chance and Maj C.A.W. Samuda were appointed as assessors.[1320] The Klagenfurt lawyer Dr Richard Matejcek was responsible for the defence.[1321] Prosecutor Mr Clark brought the following charge: *Made use of a deadly weapon to wit an iron bar with which he did murder Krznaric Ivan.*[1322]

Blasic recanted his confession at the trial and now blamed a third person named Peppo for the murder. At the close of evidence, Mr Clark stated that the guilt of the accused had been established beyond reasonable doubt.[1323] In the end, the court found Franz Blasic guilty of murder. The defence requested that dramatic experiences of the accused during the Second World War be taken into account, and the judges withdrew again for deliberations, but then confirmed their decision. Sir Douglas explained that the evidence alone would have been sufficient to justify a guilty verdict. But there was also the defendant's confession to the police, an Austrian magistrate, and a British officer. On none of these occasions had the accused said anything about a Peppo. In the judge's opinion, the story was a complete fabrication. This was a cruel and cold-blooded murder that had to be punished severely, namely death by hanging. Sir Douglas finally reminded Blasic of his right to appeal to the British Commander-in-Chief in Austria within ten days. However, he should not hold out much hope.[1324]

[1316] * 17. 4. 1920, Veliki Slatnik (SLO); † 30. 7. 1947, Graz (AUT). StLA, JA Karlau, Bücher, Bd. 59, StB-Nr. 1966.
[1317] Die Neue Zeit (28. 5. 1947), 3 („Beginn eines Mordprozesses vor dem Obersten Militärgericht“); Die Neue Zeit (29. 5. 1947), 3 („Für Mord nur eine Strafe: Tod“); Volkswille (29. 5. 1947), 4 („Raubmörder von der Theatergasse zum Tod verurteilt“); Volkszeitung (29. 5. 1947), 3 („Tod durch den Strang“).
[1318] Die Neue Zeit (16. 1. 1947), 2 („Mysteriöser Mord in Klagenfurt“); Volkszeitung (16. 1. 1947), 3 („Mord in einem Klagenfurter Luftschutzkeller“).
[1319] Volkszeitung (17. 1. 1947), 2 („Zwei Ausländermorde und ein Mordversuch aufgeklärt“).
[1320] KLA, BPD Klagenfurt, Sch. 39, Brit. Militärgerichtsregister: Office-No. GEN 30. – See also: TNA, FO 1020/2062: 19. 5. 1947, fol. 50.
[1321] Die Neue Zeit (29. 5. 1947), 3 („Für Mord nur eine Strafe: Tod“); Volkswille (28. 5. 1947), 4 („Raubmord im Luftschutzkeller Klagenfurt, Theatergasse 4, vor Gericht“).
[1322] KLA, BPD Klagenfurt, Sch. 39, Brit. Militärgerichtsregister: Office-No. GEN 30.
[1323] Die Neue Zeit (29. 5. 1947), 3 („Für Mord nur eine Strafe: Tod“).
[1324] Die Neue Zeit (29. 5. 1947), 3 („Für Mord nur eine Strafe: Tod“). – Furthermore: Volkswille (29. 5. 1947), 4 („Raubmörder von der Theatergasse zum Tod verurteilt“); Volkszeitung (29. 5. 1947), 3 („Tod durch den Strang“); Weltpresse (29. 5. 1947), 4 („Raubmord im Luftschutzkeller“); Die Neue Zeit (30. 5. 1947), 3 („Noch ein Mörder zum Tode verurteilt“).

On 26 June 1947, Franz Blasic submitted a petition to the ACA (BE) for a review of the proceedings, but the verdict and sentence were confirmed.[1325] The convict was sent to Graz-Karlau Prison on 28 July 1947, where he was executed two days later.[1326]

7.3.13 Konstantin Narishkin, Alexander Schelesnjak (29 May 1947, Klagenfurt)

On the evening of 4 January 1947, the Russian Konstantin Narishkin[1327] and the Ukrainian Alexander Schelesnjak[1328] were sitting together with compatriots in a barrack in the Waidmannsdorf DP camp in Klagenfurt drinking schnapps. When the Ukrainian Ivan Andrusyk[1329] from the Judenburg-Murdorf camp, who – according to later witness statements – only wanted to get directions, joined them, he was attacked by Narishkin and Schelesnjak and robbed at gunpoint. Schelesnjak then pretended to take Andrusyk out of the camp and shot him several times on Malborghet Street.[1330] On 16 January 1947, Alexander Schelesnjak and Konstantin Narishkin were arrested by the criminal investigation department. They confessed after being led to the bedside of their victim, who – contrary to their assumption – was still alive.[1331] Andrusyk died two months later from his serious injuries.[1332]

On 29 May 1947, Konstantin Narishkin and Alexander Schelesnjak had to answer to a General Court in Klagenfurt. The court remained unchanged from the previous day (Sir Douglas Young, Mr W.E. Chance, Maj C.A.W. Samuda). Mr Clark again represented the prosecution. The Klagenfurt lawyers Dr Hans Mayer (Schelesnjak), and Dr Otto Messiner (Narishkin) acted as defence counsel.[1333]

The charge against Schelesnjak was: *Did murder one Andrysuk Ivan by shooting him with a pistol*.[1334] For Narishkin, it comprised two points: *Conspired with or agreed with or advised Schelesniak Alexander to murder Andrysuk Ivan. Did forcibly rob the said Andysuk* [!] *Ivan by threatening him with a knife*.[1335]

At the end of the evidence proceedings, the murder charge against Konstantin Narishkin was withdrawn by Mr Clark. Dr Messiner noted that his client Narishkin was still a

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[1325] KLA, BPD Klagenfurt, Sch. 39, Brit. Militärgerichtsregister: Office-No. GEN 30.
[1326] StLA, JA Karlau, Bücher, Bd. 59, StB-Nr. 1966; StAG, Sterbeprotokoll Juli 1947, Journal-Nr. 331.
[1327] * 11. 4. 1911, Voronezh (RUS). TNA, FO 1020/2074: [16. 1. 1947], *Arrest Report* Konstantin Narishkin.
[1328] * 14. 7. 1913, Nizhyn (UKR); † 30. 7. 1947, Graz (AUT). StLA, JA Karlau, Bücher, Bd. 59, StB-Nr. 1967.
[1329] Cf. TNA, FO 1020/2074: [16. 1. 1947], *Arrest Report* Konstantin Narishkin. – The victim's surname is also given as "Andrusky" and "Andusjak" in the newspaper reports.
[1330] Volkszeitung (8. 1. 1947), 3 („Dunkles Treiben der Ausländer in Kärnten"); Volkszeitung (18. 1. 1947), 2 („Mordversuch und Raub unter Ausländern"); Die Neue Zeit (30. 5. 1947), 3 („Noch ein Mörder zum Tode verurteilt"); Volkswille (30. 5. 1947), 5 („Der Mord im Weidmannsdorfer Lager").
[1331] TNA, FO 1020/2074: [16. 1. 1947], *Arrest Report* Konstantin Narishkin; TNA, FO 1020/2074: 16. 1. 1947, *Offence Report* Alexander Schelesnjak; Volkswille (18. 1. 1947), 5 („Aufklärung des Mordversuches in der Kanaltaler-Siedlung"); Volkszeitung (18. 1. 1947), 2 („Mordversuch und Raub unter Ausländern").
[1332] Die Neue Zeit (30. 5. 1947), 3 („Noch ein Mörder zum Tode verurteilt"); Volkswille (30. 5. 1947), 5 („Der Mord im Weidmannsdorfer Lager").
[1333] KLA, BPD Klagenfurt, Sch. 39, Brit. Militärgerichtsregister: Office-No. GEN 28 und GEN 29; Die Neue Zeit (30. 5. 1947), 3 („Noch ein Mörder zum Tode verurteilt").
[1334] KLA, BPD Klagenfurt, Sch. 39, Brit. Militärgerichtsregister: Office-No. GEN 28.
[1335] KLA, BPD Klagenfurt, Sch. 39, Brit. Militärgerichtsregister: Office-No. GEN 29.

child when the revolution broke out in Russia, which had loosened the concept of law.[1336] His upbringing was therefore under the influence of this revolution. This argument was later taken into account by the court as a reason for mitigation. The verdict in the case of Konstantin Narishkin resulted in a prison sentence of nine months for robbery. No connection was found with the murder committed by Schelesnjak.

Schelesnjak, on the other hand, was sentenced to death by hanging.[1337] In conclusion, Sir Douglas praised the (preliminary) work of the Austrian authorities in the two latest trials.[1338] Alexander Schelesnjak was sent to Graz-Karlau Prison on 28 July 1947 and executed there two days later.[1339]

7.3.14 Sandor L. (23 September 1947, Klagenfurt)

On the evening of 16 March 1947, the Hungarian Sandor L.[1340] attended a dance event with comrades in the Tessendorf barracks camp (mun. Klagenfurt). There, the DPs got into a scuffle with the prisoners of war who were present, during which the German Franz Wien suffered severe injuries from three stab wounds, which he did not survive for long.[1341] Sandor L. was arrested as the alleged perpetrator and immediately confessed to the offence.[1342]

S.H. Smith, as Director of the Legal Division, convened a General Court in Klagenfurt for the due trial on 23 September 1947 – *and on such subsequent days as may be necessary*.[1343] Sir Douglas Young again presided over the proceedings. Maj A.L. Lyall and Maj J. Howard-Appleton (Royal Engineers) were appointed as assessors.[1344] The latter was replaced at short notice by Maj Strickland. Dr Gustav Horny took over Sandor L.'s defence. The indictment was succinct: *Did murder Franz Wien.*[1345] In the course of the trial, the charge of murder was dropped and changed to manslaughter. L. pleaded guilty and – taking several mitigating circumstances into consideration – was subsequently sentenced to two years' imprisonment.[1346] Three days after the trial, Sandor L. was sent to Graz-Karlau Prison. He was released on 16 September 1948 and handed over to the police for repatriation.[1347]

[1336] Die Neue Zeit (30. 5. 1947), 3 („Noch ein Mörder zum Tode verurteilt“).
[1337] KLA, BPD Klagenfurt, Sch. 39, Brit. Militärgerichtsregister: Office-No. GEN 28 und GEN 29; Volkszeitung (30. 5. 1947), 3 („Oberstes Militärgericht fällt noch ein Todesurteil“); Wiener Kurier (30. 5. 1947), 2 („Todesurteil gegen einen Mörder in Klagenfurt“).
[1338] Die Neue Zeit (30. 5. 1947), 3 („Noch ein Mörder zum Tode verurteilt“).
[1339] StLA, JA Karlau, Bücher, Bd. 59, StB-Nr. 1967; StAG, Sterbeprotokoll Juli 1947, Journal-Nr. 332.
[1340] * 15. 9. 1926, Alcsút (HUN). StLA, JA Karlau, Bücher, Bd. 59, StB-Nr. 2108; Volkszeitung (19. 3. 1947), 3 („Und immer wieder: Ausländer“).
[1341] Volkszeitung (18. 3. 1947), 3 („Totschlag im Tessendorfer Barackenlager“).
[1342] Volkszeitung (19. 3. 1947), 3 („Und immer wieder: Ausländer“).
[1343] TNA, FO 1020/2062: 22. 9. 1947, fol. 77a.
[1344] TNA, FO 1020/2062: 22. 9. 1947, fol. 77a.
[1345] KLA, BPD Klagenfurt, Sch. 46, Brit. Militärgerichtsregister: Office-No. GEN 31.
[1346] KLA, BPD Klagenfurt, Sch. 46, Brit. Militärgerichtsregister: Office-No. GEN 31; Volkswille (24. 9. 1947), 4 („Zwei Jahre Kerker für ungarischen Totschläger“); Volkszeitung (24. 9. 1947), 3 („Ungarischer DP wegen Totschlag verurteilt“).
[1347] StLA, JA Karlau, Bücher, Bd. 59, StB-Nr. 2108; StLA, JA Karlau, Bücher, Bd. 66, StB-Nr. 2108.

7.3.15 Alexei Gadjutschka (24 September 1947, Klagenfurt)

On 24 September 1947, the stateless person Alexei Gadjutschka[1348] stood before a General Court in Klagenfurt. As on the previous day, Sir Douglas Young (presiding), Maj Lyall and Maj Strickland sat at the bench. Dr Erich Fiedler from Klagenfurt was responsible for the defence.[1349] The prosecution accused Gadjutschka of killing the Russian Peter Jakowlew on the evening of 2 May 1947 near the Glan Bridge not far from Mageregg Castle in Klagenfurt. The victim had been beaten to death, robbed of his cash and a watch, and then thrown into the river.[1350] During the investigation, Gadjutschka presented himself as a witness and claimed that he and Yakovlev had been attacked by three strangers. However, the criminal investigation department had doubts about this statement, and, during the interrogation, it emerged that there had only been one perpetrator, namely Gadjutschka himself.[1351]

At his trial, the defendant pleaded guilty to manslaughter. However, the court found him guilty of murder and imposed the ultimate penalty, death by hanging.[1352] After the verdict and sentence had been reviewed by the Legal Division and confirmed by the British High Command, Alexei Gadjutschka was transferred to Graz-Karlau Prison on 10 November 1947 and executed two days later.[1353]

7.3.16 Josef K., Anton Pfeffer (4 December 1947, Klagenfurt)

In the night from 1 to 2 August 1947, the Lithuanian Josef K.,[1354] and the Yugoslav Anton Pfeffer broke into the pantry of the Hannebauer farmhouse in Schleichenfeld (mun. Himmelberg) to steal bacon. But they were seen by Stanislaus Deika, who, like K., was employed as an agricultural labourer at the farm and also came from Lithuania. To cover up their theft, the two decided to get rid of the witness. They sneaked into Deika's room and K. hit the sleeping man with a hammer while Pfeffer was on the lookout. The perpetrators then took the body out of the house and dumped it in a potato field. It was found there on 3 August 1947.[1355]

[1348] * 31. 3. 1906, Kusminka, Kuban district (RUS); † 12. 11. 1947, Graz (AUT). StLA, JA Karlau, Bücher, Bd. 61, Post-Nr. 845[/1947]; StAG, Sterbeprotokoll November 1947, Journal-Nr. 129.
[1349] KLA, BPD Klagenfurt, Sch. 41, Brit. Militärgerichtsregister: Office-No. GEN 32.
[1350] Das kleine Volksblatt (4. 5. 1947), 8 („Unbekannte prügeln einen Russen tot"); Volkswille (6. 5. 1947), 5 („Ausländermordaffäre aufgeklärt"); Volkszeitung (4. 5. 1947), 3 („Wieder ein Ausländermord bei Klagenfurt").
[1351] Volkswille (6. 5. 1947), 5 („Ausländermordaffäre aufgeklärt"); Volkszeitung (6. 5. 1947), 3 („Der Russenmord an der Glanbrücke aufgeklärt").
[1352] KLA, BPD Klagenfurt, Sch. 41, Brit. Militärgerichtsregister: Office-No. GEN 32; Die Neue Zeit (26. 9. 1947), 3 („Todesurteil für einen DP-Mörder").
[1353] StLA, JA Karlau, Bücher, Bd. 66, StB-Nr. 2325; StLA, JA Karlau, Bücher, Bd. 67, StB-Nr. 2325; StLA, JA Karlau, Bücher, Bd. 61, Post-Nr. 845[/1947]; StAG, Sterbeprotokoll November 1947, Journal-Nr. 129. – See also: Volkswille (13. 11. 1947), 5 („Vollstreckung zweier Todesurteile in Graz"); Weltpresse (13. 11. 1947), 2 („Zwei Hinrichtungen in Graz"); Wiener Kurier (13. 11. 1947), 2 („Zwei Mörder hingerichtet").
[1354] * 21. 3. 1922, Plungė (LTU). StLA, JA Karlau, Bücher, Bd. 67, StB-Nr. 2676.
[1355] KLA, Sammlung Egon Payer, Sch. 7, 1947, fol. 32f. [entry: 1. 8. 1947, GP Himmelberg]; Die Neue Zeit (5. 8. 1947), 3 („Seinen Landsmann ermordet"); Das kleine Volksblatt (7. 8. 1947), 4 („Ausländer ermordet

The gendarmerie's investigations quickly focussed on Josef K., the murdered man's work colleague and fellow countryman.[1356] He was tracked down the day after the body had been found at Anton Pfeffer's residence in Klausen (today, mun. Feldkirchen in Kärnten) and arrested, together with his accomplice.[1357]

The British General Court, which convened in Klagenfurt on 4 December 1947, was composed of the chairman Sir Douglas Young and the assessors Lt Col McCleary and Maj Swayne. Mr MacKeown acted as prosecutor.[1358] The Klagenfurt lawyers Dr Gustav Horny (Josef K.) and Dr Leo Oberlaner (Anton Pfeffer) were the defence counsels.[1359]

Josef K. and Anton Pfeffer were charged with *viol. of Ord. No. 200 as amended by Ord. No. 208/1/18a*.[1360] While K. confessed from the beginning, Pfeffer denied any involvement in the crime. Since his guilt could not be proven and the incriminating testimony of his co-defendant, who described him as the actual instigator of the murder, was not sufficient under English law, Pfeffer was acquitted.[1361] The outcome for Josef K. was quite different: he received a death sentence.[1362] However, following a review by the Legal Division on 14 January 1948, it was amended to 20 years imprisonment.[1363] On 4 February 1948, K. was transferred to Graz-Karlau Prison, where he remained in custody until 1 August 1955.[1364] On this day – as a result of the Austrian State Treaty taking effect – he was transferred to the Regional Court prison in Graz on remand.[1365]

7.3.17 Valentin R., Franz Ziwkowitsch (5 December 1947, Klagenfurt)

One day after the proceedings against K. and Pfeffer, another General Court trial took place in Klagenfurt. It was the last time that Sir Douglas Young appeared as presiding judge of a British military court in Austria. His assessors were Lt Col F.H. McCleary and Maj R.T. Lloyd-Dolbey.[1366] The Russian citizens Franz Ziwkowitsch[1367] and Valentin

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Arbeitskameraden"); Österreichische Volksstimme (7. 8. 1947), 3 („Schwere Verbrechen von DP."); Volkswille (7. 8. 1947), 5 („Und wieder Ausländermord").

[1356] Volkszeitung (5. 8. 1947), 3 („Mit einem Hammer den Arbeitskameraden ermordet").

[1357] KLA, Sammlung Egon Payer, Sch. 7, 1947, fol. 32f. [entry: 1. 8. 1947, GP Himmelberg]; Volkszeitung (7. 8. 1947), 3 („Den Mitwisser aus dem Weg geräumt"). – The stolen bacon was also seized in Pfeffer's flat.

[1358] Die Neue Zeit (5. 12. 1947), 3 („Tod durch den Strang für DP-Mörder").

[1359] KLA, BPD Klagenfurt, Sch. 44, Brit. Militärgerichtsregister: Office-No. GEN 33; KLA, BPD Klagenfurt, Sch. 49, Brit. Militärgerichtsregister: Office-No. GEN 34.

[1360] KLA, BPD Klagenfurt, Sch. 44, Brit. Militärgerichtsregister: Office-No. GEN 33; KLA, BPD Klagenfurt, Sch. 49, Brit. Militärgerichtsregister: Office-No. GEN 34.

[1361] Cf. KLA, Sammlung Egon Payer, Sch. 7, 1947, fol. 32f. [entry: 1. 8. 1947, GP Himmelberg].

[1362] Österreichische Volksstimme (6. 12. 1947), 3 („Todesurteil über einen DP"); Österreichische Zeitung (6. 12. 1947), 6 („DP wegen Mordes zum Tode verurteilt"); Weltpresse (6. 12. 1947), 8 („Todesurteil gegen litauischen DP").

[1363] KLA, BPD Klagenfurt, Sch. 44, Brit. Militärgerichtsregister: Office-No. GEN 33.

[1364] StLA, JA Karlau, Bücher, Bd. 61, Post-Nr. 156[/1948]; StLA, JA Karlau, Bücher, Bd. 67, Gefangenen-Vormerkbuch, 1947–1953, StB-Nr. 2676.

[1365] StLA, JA Karlau, Bücher, Bd. 67, Gefangenen-Vormerkbuch, 1947–1953, StB-Nr. 2676; StLA, JA Karlau, Gefangenenakten, Gef 189-1951, Vala Rudolf: 30. 7. 1955, fol. 92.

[1366] KLA, BPD Klagenfurt, Sch. 55, Brit. Militärgerichtsregister: Office-No. GEN 35.

[1367] * 17. 5. 1922, Chișinău (MDA); † 4. 2. 1948, Graz (AUT). StLA, JA Karlau, Bücher, Bd. 61, Zuwachs-Buch, 1945–1951, Post-Nr. 144[/1948].

R.[1368] were charged with the murder of Eduard Kolbitsch[1369] by public prosecutor Lt Col Cohen in accordance with Ordinance No. 208.[1370] Dr Erich Fiedler from Klagenfurt was entrusted with the defence of Ziwkowitsch.[1371]

Eduard Kolbitsch, gendarmerie commander of Moosburg, was killed on 6 May 1947 while on patrol in Bärndorf (mun. Moosburg).[1372] The officer had just been talking to the owner in the kitchen of the Komp farmstead when he was informed that three strangers were approaching the house. He then stepped outside, where – after a brief dispute – he was shot down with a pistol by Franz Ziwkowitsch. Alexander K. (alias Wassily S.)[1373] robbed Kolbitsch of his service weapon including the spare magazine, while the third man, Valentin R., did not intervene in the incident. Franz Ziwkowitsch and Valentin R. had come to Klagenfurt from the DP camp Hafendorf[1374] near Kapfenberg.[1375] Here they met their compatriot Alexander K. and wanted to make their way together to Salzburg in the American occupation zone. Food was to be 'organised' along the way. With this in mind, the men also approached the Komp farm in Bärndorf.

After the shots had been fired at Eduard Kolbitsch, the three Russians turned in a north-westerly direction. On their flight from the gendarmerie,[1376] which lasted several days, they travelled via Markstein (today, mun. Feldkirchen in Kärnten), Flatschach, and Grintschach (both mun. Himmelberg) to the pastures in the north of the Kaiserburg mountain. They were tracked down here in the Dragehütte on 10 May. After an exchange of gunfire in which Ziwkowitsch was hit, they continued their escape. Valentin R. now separated from his accomplices and was arrested the same evening near Wiederschwing

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[1368] * 13. 2. 1922, Tsaritsyn (RUS). StLA, JA Karlau, Bücher, Bd. 61, Zuwachs-Buch, 1945–1951, Post-Nr. 113[/1948].

[1369] * 15. 1. 1899, Pörtschach (AUT). ADG, Pfarre Pörtschach am Wörther See, Geburtsbuch V 1891–1915, p. 83, Nr. 2 [URL: https://data.matricula-online.eu/de/oesterreich/gurk/poertschach-am-woerther-see/P08_005-1/?pg=90 (18. 9. 2025)].

[1370] TNA, FO 1020/2014: 10. 5. 1948.

[1371] KLA, BPD Klagenfurt, Sch. 55, Brit. Militärgerichtsregister: Office-No. GEN 35. – The file card (presumably "Sch. 50, Office No. GEN 36") for Valentin R. is missing from the military court register of the BPD Klagenfurt, which is why the name of his defence counsel remains unknown. – BRUNNER, Kolbitsch 130.

[1372] KLA, Sammlung Egon Payer, Sch. 7, 1947, fol. 18f. [entry: 5. 5. 1947]; Volkswille (8. 5. 1947), 6 („Gendarmeriepostenkommandant durch Ausländer ermordet"); Volkszeitung (8. 5. 1947), 6 („Der Gendarmenmord in Moosburg"). – The funeral of the murder victim was attended by a large congregation of mourners. High-ranking provincial politicians and officials were also present, headed by Governor Ferdinand Wedenig, Security Director Josef Stossier, Provincial Gendarmerie Commander Karl Korytko, and District Governor Rudolf Policky. The funeral was thus both a stage and an opportunity to express outrage at the still precarious security situation in Carinthia. The DPs were seen as the main culprits. Referring to them, Korytko used harsh words in his speech. Volkswille (10. 5. 1947), 4 („Die Säuberung Kärntens von dem Raub- und Mordgesindel gefordert"); Volkszeitung (10. 5. 1947), 5 („Auf der Suche nach den Moosburger Gendarmenmördern"). – The scene was thus reminiscent of the burial of the young child Rosemarie Arbesser in Villach in June 1946 (see chapter 7.3.7).

[1373] * 5. 5. 1918. KLA, Sammlung Egon Payer, Sch. 7, 1947, fol. 18 [entry: 5. 5. 1947].

[1374] Cf. STIEBER, Nachkriegsflüchtlinge 267–270.

[1375] At the beginning of May 1947, Valentin R. and Franz Ziwkowitsch were wanted for petty theft at the expense of inmates of the Hafendorf DP camp. Grazer Tägliches Fahndungsblatt, Jg. 3/Nr. 88 (6. 5. 1947), Art. 3837, 3838; KLA, Sammlung Egon Payer, Sch. 7, 1947, fol. 23 [entry: 5. 5. 1947].

[1376] The suspected perpetrators were not only pursued with gendarmes from the neighbouring posts but officers from the investigation department and a platoon from the Karawankenhof gendarmerie school (near Ferlach) were also deployed. KLA, Sammlung Egon Payer, Sch. 7, 1947, fol. 21 [entry: 5. 5. 1947].

(mun. Reichenau). In the meantime, K. and Ziwkowitsch tried to reach Spittal an der Drau to hide in the DP camp there. However, gendarmerie officers managed to corner them on the southern shore of Lake Millstatt on 12 May. While Ziwkowitsch offered no resistance, Alexander K. was able to escape again and remained in hiding.[1377]

At the trial before the British military court in Klagenfurt on 5 December 1947, Valentin R. and Franz Ziwkowitsch were found guilty and sentenced to death. The latter was sent to Graz-Karlau Prison on 2 February 1948 and was executed two days later.[1378]

According to media reports, the harsh sentence in the case of Valentin R. stood out because he had not been directly involved in Kolbitsch's murder. According to Austrian law, a death sentence would therefore not have been possible, but English law provided a basis for this.[1379] However, Valentin R.'s sentence was commuted to 20 years' imprisonment at the trial review.[1380] He was sent to Graz-Karlau on 26 January 1948, where he was imprisoned until 1 August 1955.[1381] Following the enactment of the Austrian State Treaty, R. was subsequently remanded in custody at the Regional Court's jail.[1382]

7.3.18 Peter K. (24 February 1948, Wolfsberg)

The only General Court hearing in Wolfsberg took place on 24 February 1948. It was also the first trial at this court level in Carinthia at which Mr A. Hamilton acted as presiding judge. The assessors were Lt Col Cohen and Maj Watson.[1383]

The basis for the trial was a dancing party at the Polster Inn in St. Michael im Lavanttal (today, mun. Wolfsberg) on 26 October 1947. It was there that the brothers Richard[1384] and Roman Christöphl from nearby Hattendorf had an – initially, harmless – argument, with some foreign workers. Later that evening, however, Richard Christöphl was found around 200 metres from the inn with serious head injuries, from which he died the next day. Based on witness statements, the gendarmerie arrested the Romanian Peter K., most recently a farm labourer in Eselsdorf, as the suspected offender.[1385] However, the court was not convinced of his guilt. In the end, Peter K. was acquitted.[1386]

[1377] KLA, Sammlung Egon Payer, Sch. 7, 1947, fol. 18–23 [entry: 5. 5. 1947]; Volkszeitung (13. 5. 1947), 3 („Ein Ausländer als Gendarmenmörder gefaßt"); Volkszeitung (14. 5. 1947), 3 („Der zweite Gendarmenmörder am Millstätter See verhaftet"). – Furthermore: BRUNNER, Kolbitsch 128f.
[1378] StLA, JA Karlau, Bücher, Bd. 61, Post-Nr. 144[/1948]; StLA, JA Karlau, Bücher, Bd. 67, StB-Nr. 2664; StAG, Sterbeprotokoll Februar 1948, Journal-Nr. 19. – See also: Neue Zeit (7. 2. 1948), 4 („Hinrichtung in der Strafanstalt Karlau").
[1379] Die Neue Zeit (6. 12. 1947), 3 („Moosburger Gendarmenmord gesühnt").
[1380] TNA, FO 1020/2079.
[1381] StLA, JA Karlau, Bücher, Bd. 61, Post-Nr. 113[/1948]; StLA, JA Karlau, Bücher, Bd. 67, StB-Nr. 2633.
[1382] StLA, JA Karlau, Bücher, Bd. 67, StB-Nr. 2633; StLA, JA Karlau, Gefangenenakten, Gef 189-1951, Vala Rudolf: 30. 7. 1955, fol. 92.
[1383] KLA, BPD Klagenfurt, Sch. 45, Brit. Militärgerichtsregister: Office-No. GEN 37.
[1384] * 24. 11. 1909, Aichberg (today, mun. Wolfsberg, AUT); † 27. 10. 1947, Hattendorf (today, mun. Wolfsberg). ADG, Pfarre St. Michael, Geburtsbuch XIII 1897–1912, p. 152, Nr. 50 [URL: https://data.matricula-online.eu/de/oesterreich/gurk/st-michael-bei-wolfsberg/S51_033-1/?pg=158 (18. 9. 2025)].
[1385] Unterkärntner Nachrichten (1. 11. 1947), 3f. („Aus den Gemeinden"). – Furthermore: Volkswille (29. 10. 1947), 4 („Wolfsberg"); Volkswille (30. 10. 1947), 4 („Wieder ein Ausländer als Mörder").
[1386] KLA, BPD Klagenfurt, Sch. 45, Brit. Militärgerichtsregister: Office-No. GEN 37.

7.3.19 Lorenz Plevel (19–21 May 1948, Villach)

On the night of 1 March 1948, Johann Esich, a Yugoslav employed by a British unit, died in his home in Udmath (now Wudmath) near Föderlach (mun. Wernberg) following a serious head injury. As it appeared to be the fault of a third party, a police investigation was launched, which led to the arrest of Lorenz Plevel[1387], another farm labourer from Yugoslavia.[1388]

The suspect had to answer for murder before the General Court in Villach from 19 May 1948. The presiding judge was Mr A. Hamilton, while Lt Col N.L. Cohen and Maj O.R. Musgrave acted as assessors. The prosecutor was Lt Col J.G.A. Bickford. Dr Franz Feldner took over the defence. His client pleaded not guilty.[1389]

During the trial, it was revealed that the accused had had an affair with the victim's wife. After Plevel had been slapped by Esich on the afternoon of 29 February 1948, he apparently sought revenge. He intercepted Esich at a wayside shrine on the road between Föderlach and Udmath and attacked him with a wooden club. The victim staggered to his home, where he later succumbed to his injuries. Plevel denied the crime in court but was incriminated by the evidence gathered and witness statements. For example, shortly after the crime he had told an acquaintance that he had taught Esich a lesson. The General Court finally found Lorenz Plevel guilty of premeditated murder on the third day of the trial (21 May). The sentence was set at 20 years in prison.[1390] At the end of the trial, Mr Hamilton praised both Dr Feldner's defence strategy and the investigative work of the gendarmerie.[1391]

Plevel was transferred to Graz-Karlau Prison on 25 May 1948.[1392] The Legal Division confirmed the guilty verdict on 29 June 1948 but reduced the sentence to 15 years imprisonment.[1393] Lorenz Plevel remained imprisoned in Karlau before being transferred to the Graz Regional Court prison on 1 August 1955, after the Austrian State Treaty had come into effect.[1394]

[1387] * 6. 8. 1914, Zalog pri Cerkljah (SLO); † 5. 9. 1995, Golnik (SLO). Nadškofijski arhiv Ljubljana, Pfarre Cerklje na Gorenjskem, Taufbuch 1903–1922, p. 161, Nr. 62 [URL: https://data.matricula-online.eu/de/slovenia/ljubljana/cerklje-na-gorenjskem/04442/?pg=206 (18. 9. 2025)]; KLA, Sammlung Egon Payer, Sch. 8, 1948, fol. 7 [entry: 29. 2. 1948].

[1388] Die Neue Zeit (3. 3. 1948), 3 („Vom Liebhaber der Frau ermordet?"); Volkswille (3. 3. 1948), 4 („Udmath"); Volkszeitung (3. 3. 1948), 3 („Mysteriöser Tod eines Schlossers"); Volkswille (4. 3. 1948), 5 („Der Mord in Lind vor seiner Klärung"); Volkszeitung (4. 3. 1948), 3 („Mordversuch aus Rache"); Volkswille (21. 5. 1948), 3 („Prozeßbeginn um den Eifersuchtsmord von Udmath").

[1389] KLA, BPD Klagenfurt, Sch. 49, Brit. Militärgerichtsregister: Office-No. GEN 38; Volkswille (21. 5. 1948), 3 („Prozeßbeginn um den Eifersuchtsmord von Udmath").

[1390] TNA, FO 1020/3106: 4. 6. 1948; Die Neue Zeit (21. 5. 1948), 3 („Ist [P.] der Mörder?"); Volkswille (21. 5. 1948), 3 („Prozeßbeginn um den Eifersuchtsmord von Udmath"); Volkszeitung (21. 5. 1948), 4 („Vom Liebhaber seiner Frau erschlagen"); Die Neue Zeit (22. 5. 1948), 3 („Die Mordtat nachgewiesen").

[1391] Volkswille (22. 5. 1948), 3 („20 Jahre für den Mörder von Udmath"); Volkszeitung (22. 5. 1948), 3 („20 Jahre Gefängnis für Mörder [P.]").

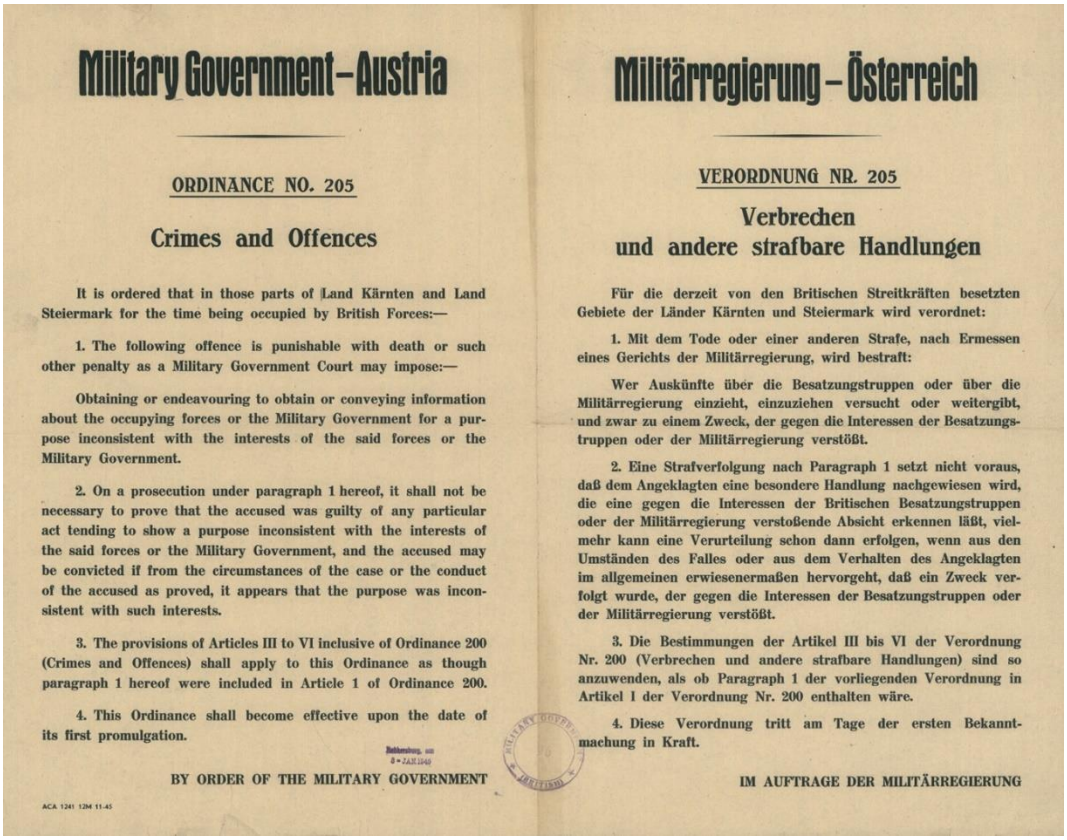
[1392] StLA, JA Karlau, Bücher, Bd. 61, Post-Nr. 461[/1948]; StLA, JA Karlau, Bücher, Bd. 67, StB-Nr. 2981.

[1393] KLA, BPD Klagenfurt, Sch. 49, Brit. Militärgerichtsregister: Office-No. GEN 38.

[1394] StLA, JA Karlau, Bücher, Bd. 67, StB-Nr. 2981; StLA, JA Karlau, Gefangenenakten, Gef 189-1951, Vala Rudolf: 30. 7. 1955, fol. 92.

7.3.20 Elemer Scholz, Leopold W. (10–12 and 15 January 1949, Klagenfurt)

Elemer Scholz[1395] and Leopold W.[1396], who both came from Czechoslovakia (ČSR) but now claimed to be stateless, had to stand trial before a General Court at the Klagenfurt Regional Court from 10 January 1949. Mr A. Hamilton presided over the trial as a single judge.[1397] Dr Wolfgang Albert (Leopold W.), and Dr Rudolf Gries (Elemer Scholz) defended the accused. The prosecutor, Col Bickford, charged Scholz and W. with having gathered or instigated the gathering of information about the British armed forces to their detriment in October and November 1948 in violation of Ordinance No. 205, § 1 (Fig. 12).[1398] This hearing was labelled a spy trial in the media.[1399] However, as the judge and the prosecutor stressed several times, the charge was not espionage, but 'only' an offence against a regulation of the occupying power.[1400]



Military Government – Austria

ORDINANCE NO. 205

Crimes and Offences

It is ordered that in those parts of Land Kärnten and Land Steiermark for the time being occupied by British Forces:—

1. The following offence is punishable with death or such other penalty as a Military Government Court may impose:—

Obtaining or endeavouring to obtain or conveying information about the occupying forces or the Military Government for a purpose inconsistent with the interests of the said forces or the Military Government.

2. On a prosecution under paragraph 1 hereof, it shall not be necessary to prove that the accused was guilty of any particular act tending to show a purpose inconsistent with the interests of the said forces or the Military Government, and the accused may be convicted if from the circumstances of the case or the conduct of the accused as proved, it appears that the purpose was inconsistent with such interests.

3. The provisions of Articles III to VI inclusive of Ordinance 200 (Crimes and Offences) shall apply to this Ordinance as though paragraph 1 hereof were included in Article 1 of Ordinance 200.

4. This Ordinance shall become effective upon the date of its first promulgation.

BY ORDER OF THE MILITARY GOVERNMENT

ACA 1241 12M 11-45

Militärregierung – Österreich

VERORDNUNG NR. 205

Verbrechen und andere strafbare Handlungen

Für die derzeit von den Britischen Streitkräften besetzten Gebiete der Länder Kärnten und Steiermark wird verordnet:

1. Mit dem Tode oder einer anderen Strafe, nach Ermessen eines Gerichts der Militärregierung, wird bestraft:

Wer Auskünfte über die Besatzungstruppen oder über die Militärregierung einzieht, einzuziehen versucht oder weitergibt, und zwar zu einem Zweck, der gegen die Interessen der Besatzungstruppen oder der Militärregierung verstößt.

2. Eine Strafverfolgung nach Paragraph 1 setzt nicht voraus, daß dem Angeklagten eine besondere Handlung nachgewiesen wird, die eine gegen die Interessen der Britischen Besatzungstruppen oder der Militärregierung verstoßende Absicht erkennen läßt, vielmehr kann eine Verurteilung schon dann erfolgen, wenn aus den Umständen des Falles oder aus dem Verhalten des Angeklagten im allgemeinen erwiesenermaßen hervorgeht, daß ein Zweck verfolgt wurde, der gegen die Interessen der Besatzungstruppen oder der Militärregierung verstößt.

3. Die Bestimmungen der Artikel III bis VI der Verordnung Nr. 200 (Verbrechen und andere strafbare Handlungen) sind so anzuwenden, als ob Paragraph 1 der vorliegenden Verordnung in Artikel I der Verordnung Nr. 200 enthalten wäre.

4. Diese Verordnung tritt am Tage der ersten Bekanntmachung in Kraft.

IM AUFTRAGE DER MILITÄRREGIERUNG

Figure 12: Ordinance No. 205 (StLA)

[1395] * 6. 6. 1909, Stráža (SVK). StLA, JA Karlau, Bücher, Bd. 67, StB-Nr. 3482.

[1396] * 22. 5. 1922, Podmokly (CZE). StLA, JA Karlau, Bücher, Bd. 67, StB-Nr. 3483; LG Leoben, 15 Vr 1199/97 (formerly: 15 Vr 892/90), Martin Eisinger, Bd. I, fol. 121.

[1397] Volkszeitung (11. 1. 1949), 4 („Spionage in Klagenfurt?").

[1398] KLA, BPD Klagenfurt, Sch. 52, Brit. Militärgerichtsregister: Office-No. GEN 40; KLA, BPD Klagenfurt, Sch. 54, Brit. Militärgerichtsregister: Office-No. GEN 39.

[1399] Selection: Weltpresse (21. 12. 1948), 2 („Spionageprozeß vor britischem Militärgericht"); Die Neue Zeit (12. 1. 1949), 2 („Eine Wendung im Spionageprozeß"); Volkszeitung (12. 1. 1949), 2 („Spionageprozeß geht weiter").

[1400] Volkszeitung (11. 1. 1949), 4 („Spionage in Klagenfurt?"); Volkszeitung (13. 1. 1949), 2 („Verteidigung plädiert auf Freispruch"); Volkszeitung (16. 1. 1949), 2 („Schuldspruch gegen [W.] und Scholz").

The main perpetrator was Leopold W. from Vienna, who had travelled to Carinthia under a false name to obtain information about the strength, composition and movements of British units, and to photograph military objects on behalf of the ČSR secret service.[1401] Incriminating material (documents, photographic films, cameras) was found in the possession of Leopold W. in the course of enquiries carried out by the Austrian criminal investigation department under the supervision of, or in co-operation with, the British FSS. W. had recruited Elemer Scholz, who was employed as a porter at a British supply depot in Klagenfurt, for his undertaking.[1402] Scholz was paid a total of ATS 1,200 for his services and was also promised family reunification in Czechoslovakia.[1403]

Neither Scholz nor W. pleaded guilty in court[1404] even though both had confessed in writing. In the course of the evidentiary proceedings, the initial impression was that the two 'spies' had acted naively and gathered mostly worthless data. On the second day of the trial, however, an informant of the FSS was questioned. This witness X, who remained anonymous, described how he had first reported Scholz and then – on behalf of the FSS – provided him with British documents. The aim of the occupying power was to identify Leopold W., the alleged accomplice. The said W. had actually paid the witness X for the allegedly relevant material and requested further deliveries[1405] before he was arrested on 18 November 1948.[1406] In cross-examination by Dr Gries, though, this witness lost credibility.[1407]

Prosecutor Bickford emphasised in his closing speech that it did not matter whether the incriminated documents had actually been passed on to a foreign power. The accused had made themselves liable to prosecution simply by gathering such information. Since it could not be assumed that Leopold W. and Scholz had collected the material as a mere hobby, they were to be found guilty.[1408] The defence lawyers, on the other hand, each requested an acquittal for their clients.[1409]

On 15 January 1949, the fourth day of the trial, Judge Hamilton agreed with the prosecutor's argument. In front of a large audience in the Regional Court, he remarked on the weight of the evidence that it was not a question of its value or lack thereof, but of the intention behind it.[1410] He then pronounced two guilty verdicts. The sentence was seven

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[1401] The US intelligence service CIC assumed that the Czechoslovaks were by far the most active of all Eastern European intelligence services in Austria during the early Cold War. „Recruitment of Austrian citizens seems to have been the backbone of these activities." BACHER, Rudolf Vala 2f. – On Czechoslovak espionage in Austria, see also: BEER, Prag versus Wien 122–127.
[1402] Die Neue Zeit (11. 1. 1949), 2 („Die Besatzungsmacht klagt an"); Volkswille (11. 1. 1949), 2 („Oesterreichische Kriminalbeamte im Dienst der englischen Spionage-Abwehr").
[1403] Salzburger Volkszeitung (11. 1. 1949), 2 („Für Spionagedienste – Rückkehr in die CSR"); Volkszeitung (12. 1. 1949), 2 („Spionageprozeß geht weiter").
[1404] KLA, BPD Klagenfurt, Sch. 52, Brit. Militärgerichtsregister: Office-No. GEN 40; KLA, BPD Klagenfurt, Sch. 54, Brit. Militärgerichtsregister: Office-No. GEN 39.
[1405] Die Neue Zeit (11. 1. 1949), 2 („Die Besatzungsmacht klagt an"); Die Neue Zeit (12. 1. 1949), 2 („Eine Wendung im Spionageprozeß"); Volkszeitung (12. 1. 1949), 2 („Spionageprozeß geht weiter").
[1406] Volkszeitung (11. 1. 1949), 4 („Spionage in Klagenfurt?").
[1407] Volkszeitung (12. 1. 1949), 2 („Spionageprozeß geht weiter").
[1408] Die Neue Zeit (13. 1. 1949), 2 („‚Das Interesse der Besatzungsmacht'").
[1409] Volkszeitung (13. 1. 1949), 2 („Verteidigung plädiert auf Freispruch").
[1410] Volkszeitung (16. 1. 1949), 2 („Schuldspruch gegen [W.] und Scholz").

years' imprisonment for Leopold W., and four years' imprisonment for Elemer Scholz, who had mitigating circumstances in his favour.[1411] The judgements and sentences were confirmed by the Legal Division.[1412] On 3 February 1949, the two convicts were sent to the Karlau Prison in Graz. The prison gates opened again for Elemer Scholz on 19 November 1951, when he was granted conditional release.[1413] Leopold W.'s imprisonment ended on 18 July 1953, also on parole.[1414]

7.3.21 Edward Charles P. (28–30 June 1950, Klagenfurt)

Again in Klagenfurt, a General Court convened on 28 June 1950 to hear a gang rape case. The court was presided over by R.B. MacKeown, the prosecution was represented by R.C.S. Ellison and the defence by M.B. Sykes. Edward Charles P., a 21-year-old Briton from Bristol, stood trial.[1415] P. had been a soldier in the British occupying forces in Austria and had returned here after disarming. On 23 May 1950, he and two other men, disguised as policemen, are said to have gained access to a DP camp in Klagenfurt. Under the pretence of looking for deserters, they persuaded the camp resident Zdenka L. to accompany them. On the outskirts of the town, the men then raped her.[1416]

After the arrest of the three suspects, P.'s accomplices were handed over to the Austrian judiciary.[1417] The Briton, on the other hand, had to face a General Military Court. Prosecutor Ellison filed two charges against Edward Charles P.:[1418]

> *Had carnal knowledge of Zdenka* [L.] *without her consent.*
> *Did aid and abet two persons not before this court in having carnal knowledge of* [L.] *Zdenka without her consent.*

On 30 June 1950, P., who pleaded not guilty, was sentenced to four years imprisonment for the first offence (rape) and one year hard labour for the second offence (aiding and abetting).[1419] Both sentences were to be served concurrently. In the course of the procedural review, the Legal Division reduced the sentence to two years.[1420]

[1411] KLA, BPD Klagenfurt, Sch. 52, Brit. Militärgerichtsregister: Office-No. GEN 40; KLA, BPD Klagenfurt, Sch. 54, Brit. Militärgerichtsregister: Office-No. GEN 39; Arbeiter-Zeitung (16. 1. 1949), 4 („Tschechoslowakische Spione verurteilt"); Die Neue Zeit (16. 1. 1949), 2 („Das Urteil im Spionageprozeß"); Weltpresse (17. 1. 1949), 8 („Das Urteil im Klagenfurter Spionageprozeß: 7 und 4 Jahre Gefängnis").
[1412] KLA, BPD Klagenfurt, Sch. 52, Brit. Militärgerichtsregister: Office-No. GEN 40; KLA, BPD Klagenfurt, Sch. 54, Brit. Militärgerichtsregister: Office-No. GEN 39.
[1413] StLA, JA Karlau, Bücher, Bd. 67, StB-Nr. 3482.
[1414] StLA, JA Karlau, Bücher, Bd. 67, StB-Nr. 3483.
[1415] KLA, BPD Klagenfurt, Sch. 48, Brit. Militärgerichtsregister: Office-No. GEN 6193.
[1416] Weltpresse (1. 7. 1950), 2 („Britischer Staatsangehöriger zu fünf Jahren Gefängnis verurteilt"); Die Neue Zeit (2. 7. 1950), 2 („Drei Männer vergingen sich an einer Frau"); Volkszeitung (2. 7. 1950), 3 („Wüstling zu 5 Jahren Gefängnis verurteilt").
[1417] Volkswille (2. 7. 1950), 7 („Ex-‚Tommy' vergewaltigt DP").
[1418] KLA, BPD Klagenfurt, Sch. 48, Brit. Militärgerichtsregister: Office-No. GEN 6193.
[1419] The Criminal Justice Act 1948 abolished hard labour as a punishment in England and Wales. However, as can be seen from the judgement on P., this change did not apply to British military courts.
[1420] KLA, BPD Klagenfurt, Sch. 48, Brit. Militärgerichtsregister: Office-No. GEN 6193.

7.3.22 Anna W. (7–9 November 1951, Klagenfurt)

In the summer of 1951, a suspected spy ring centred around the Viennese Rudolf Vala (see chapter 7.3.23), who was allegedly acting on behalf of the Czechoslovakian secret service, was uncovered in Carinthia. Vala used two young Austrians, Paula L. and Anna W., to gather information about the British troops.[1421] The first court hearing took place on 18 October 1951 in Klagenfurt, where an Intermediate Court had to decide on Paula L.'s guilt or innocence. She was acquitted of the charge of procuring information.[1422]

The British believed that Anna W.[1423] was more deeply involved in the case. Her trial was therefore heard by a General Court in the large courtroom of the Klagenfurt Regional Court from 7 November 1951. R.C.S. Ellison, who had also presided over the trial against Paula L., sat on the bench. Dr Hans Mayer defended the accused. The charge was four counts of obtaining and attempting to obtain information about British troops to their detriment. Each of these was an offence under Ordinance No. 205, § 1. Anna W. pleaded guilty to these four charges. However, she rejected the fifth charge, intimidation of a member of the British troops (punishable under Ordinance No. 209/II/9).[1424]

According to prosecutor Maj. M. Scott[1425], Anna W. had been instigated by her partner Rudolf Vala to start an affair with the British corporal John Edwards (East Yorkshire Regiment), stationed in transit camp 316 "El Alamein" in Villach,[1426] from around the end of 1950 in order to induce him to pass on military documents. The Briton agreed to the deal in return for large promises of money. When Edwards wanted to quit in the early summer of 1951, he was threatened with sending copies of the documents he had already handed over to his superiors.[1427] Edwards then filed a voluntary complaint.[1428] At the end of June 1951, Anna W. was arrested by the Austrian police in Vienna for theft. When her interrogation revealed that she had been involved in espionage, the Austrians informed the American intelligence service CIC and further investigations took their course.[1429]

[1421] Cf. BACHER, Rekrutierung 80; BACHER, Rudolf Vala 9.
[1422] KLA, BPD Klagenfurt, Sch. 46, Brit. Militärgerichtsregister: Office-No. 6206; Volkszeitung (19. 10. 1951), 3 („Ahnungslos ins Spionagenetz"); Kleine Zeitung (20. 10. 1951), 7 („Spionageprozeß in Kärnten").
[1423] * 19. 1. 1929, Klostermarienberg (AUT). LG Leoben, 15 Vr 1199/97 (formerly: 15 Vr 892/90), Martin Eisinger, Bd. I, fol. 125; KLA, BPD Klagenfurt, Sch. 55, Brit. Militärgerichtsregister: Office-No. GEN 6207.
[1424] KLA, BPD Klagenfurt, Sch. 55, Brit. Militärgerichtsregister: Office-No. GEN 6207; Volkszeitung (8. 11. 1951), 3 („Spione für die CSR"); Südost-Tagespost (9. 11. 1951), 5 („Durch die Geliebte Spion geworden"); Volkszeitung (9. 11. 1951), 3 („Annonce als Spioneangebot"); Volkszeitung (10. 11. 1951), 5 („Sieben Jahre Gefängnis für Spionage").
[1425] Das kleine Volksblatt (10. 11. 1951), 9 („Sieben Jahre Gefängnis für eine Spionin"); Weltpresse (10. 11. 1951), 6 („Sieben Jahre für Spionin").
[1426] The Times (10. 10. 1951), 3 ("Corporal sentenced on secrets charge").
[1427] Die Neue Zeit (8. 11. 1951), 5 („Spionageprozeß gegen eine Dreiundzwanzigjährige"); Volkszeitung (8. 11. 1951), 3 („Spione für die CSR").
[1428] Cpl Edwards was sentenced to eight years imprisonment and degradation by a British court martial in Villach in October 1951 for passing on information under the Official Secrets Act. The Times (10. 10. 1951), 3 ("Corporal sentenced on secrets charge"). – Furthermore: Die Neue Zeit (10. 10. 1951), 2 („Britischer Spion verurteilt"); Weltpresse (10. 10. 1951), 8 („Acht Jahre für Spionage"). – On the *Official Secrets Act* see URL: https://www.legislation.gov.uk/ukpga/Geo5/10-11/75/contents/enacted (18. 9. 2025).
[1429] Volkszeitung (15. 11. 1951), 3 („Wie Vala in die Falle ging"); BACHER, Rudolf Vala 12f.

On the third day of the trial (9 November), the General Court in Klagenfurt found Anna W. guilty of the first four charges (obtaining information). Judge Ellison handed down a sentence of seven years in prison.[1430] The last four years of the sentence were suspended as part of the Legal Division's review of the proceedings.[1431] Anna W. initially remained in the Klagenfurt Regional Court jail to serve her sentence.[1432] She was later transferred to Maria Lankowitz Prison in Styria.[1433]

7.3.23 Rudolf Vala (13–17 and 19–21 November 1951, Klagenfurt)

Following on from the trial of Anna W., the alleged main perpetrator Rudolf Vala[1434] had to appear before Judge Ellison in Klagenfurt from 13 November 1951. Dr Hugo Rittler was responsible for the defence.[1435] As mentioned above, Vala was suspected of having set his (then) partner Anna W. on Cpl John Edwards in order to obtain information about the British troops.[1436] Prosecutor Maj M. Scott[1437] listed eleven charges on the basis of Ordinances No. 205 (Art. I) and No. 209 (Art. II, § 7 and § 9 respectively):[1438]

> *9 charges obtaining and attempting to obtain informations about the British Forces to their detriment.*
> *Possession of false Identity Documents.*
> *Intimidating a member of the Allied Forces.*

Rudolf Vala only admitted to possessing a false identity card,[1439] but otherwise pleaded not guilty.

The indictment revealed that Vala had come into contact with the Czechoslovak secret service through a newspaper advert.[1440] He was given money and a camera in Brno and tasked with spying on British units in Carinthia, including the above-mentioned

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[1430] KLA, BPD Klagenfurt, Sch. 55, Brit. Militärgerichtsregister: Office-No. GEN 6207; Die Neue Zeit (10. 11. 1951), 5 („Sieben Jahre Kerker für [W.]"); Südost-Tagespost (10. 11. 1951), 6 („Sieben Jahre Kerker für CS-Spionin"); The Times (10. 11. 1951), 5 ("Woman sentenced by Military Court").
[1431] KLA, BPD Klagenfurt, Sch. 55, Brit. Militärgerichtsregister: Office-No. GEN 6207; BACHER, Rudolf Vala 13.
[1432] Volkszeitung (10. 11. 1951), 5 („Sieben Jahre Gefängnis für Spionage"). – Anna W. was heavily pregnant at the time of her trial. The judge ruled that she should be taken to the hospital in Klagenfurt to give birth.
[1433] LG Leoben, 15 Vr 1199/97 (formerly: 15 Vr 892/90), Martin Eisinger, Bd. I, fol. 125.
[1434] * 3. 5. 1927, Vienna (AUT). StLA, JA Karlau, Bücher, Bd. 67, StB-Nr. 4732; LG Leoben, 15 Vr 1199/97 (formerly: 15 Vr 892/90), Martin Eisinger, Bd. I, fol. 121.
[1435] Die Neue Zeit (17. 11. 1951), 5 („Es waren alle Mittel erlaubt").
[1436] According to the Americans, Rudolf Vala had built up a network of around 20 people who procured a variety of information on the British occupying forces in Carinthia. BACHER, Rekrutierung 80f.
[1437] Die Neue Zeit (14. 11. 1951), 4 („Tschechischer Agent vor Gericht"); Volkszeitung (16. 11. 1951), 3 („Dokumente aus ‚El Alamein'").
[1438] KLA, BPD Klagenfurt, Sch. 54, Brit. Militärgerichtsregister: Office-No. GEN 6208.
[1439] Arbeiter-Zeitung (14. 11. 1952), 3 („Spion der Tschechen vor britischem Militärgericht"); Südost-Tagespost (14. 11. 1951), 6 („Im Spionagedienst für die CSR"); Weltpresse (14. 11. 1951), 8 („Spionage für die Tschechoslowakei").
[1440] For details on Rudolf Vala's recruitment, see: BACHER, Rekrutierung 86–88; BACHER, Rudolf Vala 5–8. – Vala's motives for working for a foreign secret service were not ideological, but financial. As he admitted in his later 'confession' to the CIC, he could not have earned so much money with so little effort in any other job. BACHER, Rekrutierung 82.

transit camp 316 in Villach.[1441] First he instigated Paula L. to obtain documents from the British camp. Later he brought his partner Anna W. from Vienna to Villach, where she was to establish intimate relationships with British soldiers in order to obtain information about the occupying forces from her lovers. This plan was successful for a while in the case of Cpl Edwards.[1442] The Briton had already described his first meeting with Rudolf Vala in a Klagenfurt inn during the trial against Anna W.:[1443]

> "In the course of the first conversation, Vala told him that he could use all kinds of available military information: Information about the strength and build-up of troops and where they are stationed, about all new armaments being introduced, about anti-tank weapons in particular, about all major manoeuvres that have taken place since 1949 and are planned, the assessments of manoeuvres and the names of observers, furthermore news about the nature of the filters of gas masks supplied by the Americans to British troops, and – more generally – information about the British armoured forces and the RAF in Austria. Vala also wanted a telephone directory of the British network in Carinthia, showing the names and locations of officers."

The "information for money" trade worked until Edwards no longer wanted to continue. Rudolf Vala now wrote threatening letters to keep the Briton in line. However, these came to nothing due to Edwards' voluntary disclosure. Finally, Vala was arrested by the Americans (CIC) in Vienna on 29 July 1951,[1444] extradited to the British in September 1951[1445] and transferred to the Klagenfurt Regional Court jail on 16 October 1951.[1446]

On the second day of the trial (14 November), a CIC employee described the circumstances of Rudolf Vala's unmasking: after Anna W.'s arrest at the end of June 1951 and her information about Vala's espionage for the ČSR (see chapter 7.3.22), the Americans in Vienna made contact with Vala, whom they had in fact been targeting since February 1951.[1447] Vala obviously wanted to serve them[1448] and was persuaded by CIC agents to compile a detailed written report on his previous information-gathering activities in the

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[1441] Die Neue Zeit (14. 11. 1951), 4 („Tschechischer Agent vor Gericht"); BACHER, Rudolf Vala 9.
[1442] Volkszeitung (14. 11. 1951), 5 („Ein Spion vor Gericht").
[1443] Volkszeitung (8. 11. 1951), 3 („Spione für die CSR"). Translated into English, German text in the original as follows: „Im Verlaufe der ersten Unterredung hätte ihm Vala erklärt, daß er alle Arten von verfügbaren militärischen Informationen brauchen könne: Informationen über Stärke und Aufbau der Truppen und wo diese stationiert sind, über alle neuen Waffen, die eingeführt werden, über die Panzerfaust im besonderen, über alle großen Manöver, die seit 1949 stattgefunden haben und die geplant sind, die Beurteilungen über Manöver und die Namen der Beobachter, ferner Nachrichten über die Beschaffenheit der Filter von Gasmasken, die von den Amerikanern den britischen Truppen geliefert werden, und ganz allgemein Informationen über die britischen Panzerstreitkräfte und die RAF in Österreich. Auch wünschte Vala ein Telephonbuch des britischen Netzes in Kärnten, aus dem Namen und Standorte von Offizieren hervorgehen." – Cf. BACHER, Rudolf Vala 11.
[1444] BACHER, Rudolf Vala 1, 13.
[1445] BACHER, Rudolf Vala 4, 13.
[1446] StLA, JA Karlau, Gefangenenakten, Gef 189-1951, Vala Rudolf: 12. 5. 1952, fol. 6.
[1447] Die Neue Zeit (15. 11. 1951), 4 („Vala wollte für die Amerikaner arbeiten"); BACHER, Rudolf Vala 12.
[1448] By co-operating with the Americans, Vala presumably hoped to be kept out of British hands. However, the US services were already in contact with the British in this matter. BACHER, Rudolf Vala 4, 13.

service of Czechoslovakia. In doing so, he himself provided the basis for his arrest. However, Judge Ellison came to the conclusion that this de facto confession should not be accepted as evidence because Vala had also received money from the CIC.[1449]

The following three days of the trial (15–17 November) were dominated by further witness hearings, including Paula L. and above all Anna W., who was questioned in detail about her relationship with Vala and Edwards.[1450] On the witness stand, the latter, for his part, described the kind of military documents that he had handed over to his lover and how he was most recently blackmailed by Vala in June 1951.[1451]

The second week of the trial (19/20 November) began with the testimony of the accused. While Vala initially used his defence lawyer's questions to paint a picture of himself as a naïve informer of the ČSR agents, not much remained of this self-portrait after the subsequent questioning by prosecutor Scott.[1452]

On 21 November 1951, the eighth day of the trial, the General Court found Rudolf Vala guilty on all charges. Mr Ellison told Vala that his method of treating other people made a repulsive impression on him and that he did not believe a single word of the defendant's testimony.[1453] The sentence announced was 15 years in prison.[1454] The review of the proceedings led to a reduction of the prison sentence to nine years unconditional and six years suspended.[1455]

After his trial, Rudolf Vala initially remained imprisoned in Klagenfurt. It was not until 16 May 1952 that he was transferred to Graz-Karlau Prison.[1456] From here, he submitted a petition for clemency to the British High Commission for Austria on 10 October 1954, but it was rejected.[1457] Rudolf Vala was finally released from prison on 31 July 1955 as a result of the expiry of foreign jurisdiction in Austria following the enactment of the State Treaty,[1458] after the Graz public prosecutor's office had waived its right to prosecute him.[1459]

[1449] Volkszeitung (15. 11. 1951), 3 („Wie Vala in die Falle ging“).
[1450] Volkszeitung (16. 11. 1951), 3 („Dokumente aus ‚El Alamein‘“); Südost-Tagespost (17. 11. 1951), 5 („Die Geliebte als ‚perfekte Spionin‘“); Volkszeitung (17. 11. 1951), 3 („Die Spionin mit dem Schlafpulver“).
[1451] Die Neue Zeit (18. 11. 1951), 7 („Edwards im Kreuzverhör“); Volkszeitung (18. 11. 1951), 3 („Das ‚Ultimatum‘ des Spions“); Daily News (22. 11. 1951), 7 („Love and greed in a spy drama“).
[1452] Die Neue Zeit (20. 11. 1951), 4 („Vala verschweigt seine Auftraggeber“); Volkszeitung (20. 11. 1951), 3 („Ein Spion zappelt im Netz“); Die Neue Zeit (21. 11. 1951), 5 („Vala vor dem Urteil“); Volkszeitung (21. 11. 1951), 3 („Der Spion ohne Gewissen“).
[1453] Volkszeitung (22. 11. 1951), 3 („15 Jahre Gefängnis für Tschechenspion“).
[1454] Die Neue Zeit (22. 11. 1951), 5 („Fünfzehn Jahre Kerker für Vala“); Volkszeitung (22. 11. 1951), 3 („15 Jahre Gefängnis für Tschechenspion“). – Furthermore: Daily News (22. 11. 1951), 7 ("Love and greed in a spy drama"); Südost-Tagespost (22. 11. 1951), 5 („15 Jahre für CS-Spion“); The Times (22. 11. 1951), 3 ("Austrian sentenced for spying on British").
[1455] KLA, BPD Klagenfurt, Sch. 54, Brit. Militärgerichtsregister: Office-No. GEN 6208; StLA, JA Karlau, Gefangenenakten, Gef 189-1951, Vala Rudolf: 15. 12. 1951, fol. 1. – Furthermore: BACHER, Rudolf Vala 13.
[1456] StLA, JA Karlau, Gefangenenakten, Gef 189-1951, Vala Rudolf: 16. 5. 1952, fol. 2; StLA, JA Karlau, Bücher, Bd. 67, StB-Nr. 4732.
[1457] StLA, JA Karlau, Gefangenenakten, Gef 189-1951, Vala Rudolf: 20. 1. 1955, fol. 83.
[1458] StLA, JA Karlau, Bücher, Bd. 67, StB-Nr. 4732.
[1459] StLA, JA Karlau, Gefangenenakten, Gef 189-1951, Vala Rudolf: 30. 7. 1955, fol. 92.

7.4 Atrocities trials of British General Courts in Styria

7.4.1 The background

7.4.1.1 Death marches of Hungarian Jews through Styria

In autumn 1944, work began on the construction of the so-called 'South-east wall' [Südostwall] along the border of the German Reich from Bratislava to the Drava River. This was a fortification line consisting of anti-tank ditches and defensive positions, which was intended to halt the advance of the Red Army towards Vienna and Graz. In organisational terms, a distinction was made between the Niederdonau construction line up to the Geschriebenstein mountain, and the Steiermark construction line to the south. In addition to locals and prisoners of war, forced labourers were used for the actual entrenchment work. This group included tens of thousands of Hungarian Jews, both men and women, who were, de facto, kept as labour slaves of the Gauleitung and as such had to suffer particularly inhumane conditions during the entrenchment work and in the improvised camps. The hard physical labour with completely inadequate rations, combined with the brutal behaviour of the guards and the harsh weather conditions, led to the exhaustion of the people and the outbreak of diseases, above all typhus.[1460] In February and March 1945, large numbers of sick entrenchment workers were shot, partly on the orders of the Styrian Gauleitung and partly as a result of 'spontaneous' actions by local commanders.[1461]

As a result of the approaching front, Reichsführer-SS Heinrich Himmler ordered the Gauleiters of Lower Danube and Styria to dissolve the camps along the 'South-east wall' at the end of March 1945 and deport the Jewish forced labourers to Mauthausen (Upper Austria), sparing their lives as much as possible.[1462] Due to the lack of functioning train connections, the vast majority of Jews from the Styrian section had to make the journey on foot. These marches took various routes from southern Burgenland through eastern Styria to Gleisdorf and on to Graz.[1463] From here, the Hungarian Jews were mostly driven northwards via Bruck an der Mur and Präbichl.[1464] One transport route ran over the Gaberl Pass and the Triebener Tauern Pass.[1465] In the Gau Oberdonau, the columns marched on in the direction of Mauthausen.[1466]

[1460] For detailed information, see: LAPPIN-EPPEL, Zwangsarbeiter 205–210, 287f.; LAPPIN-EPPEL, Terror 33–37.
[1461] An act of excessive violence that is still known today took place in Rechnitz on 25 March 1945, when around 200 Jewish forced labourers who were no longer able to march were gunned down by a murder squad assembled by the Gestapo at short notice. HOLZINGER G., Südostwall; MANOSCHEK, Rechnitz; LAPPIN-EPPEL, Zwangsarbeiter 290–300.
[1462] LAPPIN, Todesmärsche (2004), 270. – Furthermore: HALBRAINER/LAMPRECHT, unsichtbar 176; BLATMAN, Todesmärsche 356f.; LAPPIN-EPPEL, Zwangsarbeiter 398; KURETSIDIS-HAIDER/GARSCHA, Verfahren 22.
[1463] LAPPIN, Death Marches 232, 234/235 (map); LAPPIN, Todesmärsche (2004), 270, 272, 274; LAPPIN-EPPEL, Zwangsarbeiter 402 (map), 403–416; BLATMAN, Todesmärsche, map 3; LAPPIN-EPPEL, Todesmärsche (2012), 397; LAPPIN-EPPEL, Terror 40.
[1464] LAPPIN-EPPEL, Zwangsarbeiter 417–426, 433–439.
[1465] LAPPIN-EPPEL, Zwangsarbeiter 440–442.
[1466] LAPPIN-EPPEL, Zwangsarbeiter 443–455.

Figure 13: Präbichl Memorial, 2023 (Photo: Meinhard Brunner)

These columns were led by a few men from the SS or Gestapo, who accompanied the transports along the entire route, or at least on lengthy sections. Rations were to be organised by the German Labour Front (DAF). Most of the guards were members of the Volkssturm, who were relieved at the borders of their districts, as well as SA, Hitler Youth, and gendarmes. These units were not subordinate to the SS, but to their own commanders or the respective district leadership. They now escorted Jews, who were already weakened after weeks and months of hard labour on the 'South-east wall', often received no food for days during the march, and usually had to sleep outside in low temperatures.[1467]

What finally turned these transports into *death marches* was the widespread disregard of Himmler's 'order to spare', which, according to Eleonore Lappin, primarily served as an alibi for the party leadership in the post-war period, without noticeably increasing the forced labourers' chances of survival.[1468] Rather, the Gau leadership issued instructions to the district leadership, which in turn directed the Volkssturm commanders to shoot Jews who were no longer able to march or who were making slow progress. Any 'insubordinate' behaviour (e.g. leaving the marching ranks, begging for

[1467] LAPPIN, Ahndung 32; LAPPIN, Death Marches 213, 215f.; LAPPIN, Waffen-SS 82f.; LAPPIN, Todesmarsch 62, 64; LAPPIN-EPPEL, Zwangsarbeiter 398; BLATMAN, Todesmärsche 357f.; LAPPIN-EPPEL, Todesmärsche (2012), 392f.; PRENNINGER, Lager 329f.
[1468] LAPPIN, Todesmärsche (2004), 270.

food) could therefore mean death.[1469] Some section commanders appointed burial detachments before the march set off.[1470] "This gave ample opportunity to satisfy the bloodlust felt by many guards. […] However, most of the murders were committed out of a mix of blind obedience combined with disregard for the lives of Jews."[1471] Although Jews were continually killed along the entire route of these marches, the violence of the escorts culminated at the Präbichl Pass, where a transport of around 5,000 people arrived on 7 April 1945. About 200 of them were killed by Volkssturm and SA men from Eisenerz.[1472]

Those who made it to Mauthausen alive were exposed to further suffering. Because the concentration camp was overcrowded, the Hungarian Jews were first interned in a nearby tent camp. Finally, in the second half of April 1945, well over 10,000 Jews were presumably herded on another, final death march to the Gunskirchen subcamp, where they were practically left to die crammed together. When American troops arrived there on 4 and 5 May 1945, they found around 5,400 survivors. Many of these emaciated people died only a few days or weeks after their liberation.[1473]

7.4.1.2 Penalisation of the final phase crimes by the British occupying power

Compared to the other occupying powers in Austria, the British were the most determined to prosecute war crimes in their zone.[1474] This also applied to the so-called final phase crimes against Hungarian Jews, which were only prosecuted by the occupying power in the British zone, while the processing of such cases was left to Austrian People's Courts in the other occupation zones.[1475] One of the reasons for this was the British doubts as to whether Austrian courts would be able *and* willing to conduct such trials appropriately. In addition, the rather strict denazification process – at least initially – resulted in a considerable shortage of staff at the Austrian courts in the British zone, so that the occupying power had no choice but to take on numerous cases itself in order to guarantee the desired speedy handling of court proceedings.[1476]

In the case of the shooting of Jews at the Präbichl Pass, there was initially disagreement among the British authorities as to which court should deal with the matter. In the

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[1469] LAPPIN-EPPEL, Zwangsarbeiter 398–400; LAPPIN-EPPEL, Todesmärsche (2012), 392f.
[1470] LAPPIN, Death Marches 219
[1471] LAPPIN, Death Marches 221.
[1472] Literature on the death marches through Styria (selection): LAPPIN, Death Marches; LAPPIN, Todesmärsche (2004); LAPPIN, Todesmarsch; LAPPIN-EPPEL, Zwangsarbeiter, esp. 397–442; LAPPIN-EPPEL, Todesmärsche (2012); LAPPIN-EPPEL, Überlebende; LAPPIN-EPPEL, Terror; HALBRAINER, Erschießungen und Massaker.
[1473] For the subsequent fate of the Hungarian Jews in Mauthausen and Gunskirchen, see: BURCZIK, Spuren 191f., 198f.; LAPPIN, Death Marches 238f.; LAPPIN-EPPEL, Überlebende 178f., 181; BLATMAN, Todesmärsche 384–393; FRITZ, Weg 447–449; PRENNINGER, Lager 332–340.
[1474] BEER, Militärgerichtsbarkeit (2018), 129.
[1475] Cf. USLU-PAUER, Vernichtungswut 280, 286–295, 297–302.
[1476] Cf. LAPPIN, Prozesse 345; LAPPIN, Ahndung 33; HALBRAINER/POLASCHEK, Recht 104f.; HALBRAINER, Unsere Pflicht 101; USLU-PAUER, Vernichtungswut 296; HALBRAINER/LAMPRECHT, unsichtbar 271f.; HALBRAINER, Verfolgung 70f.; LAPPIN-EPPEL, Zwangsarbeiter 426f. – For the British approach in Germany, see: RAIM, Justiz, 522–550, esp. 524.

end, Lord Schuster as head of the Legal Division (ACA/BE) prevailed with the view that a court of the Military Government should be entrusted with this task. The responsible authorities in London (FO, WO), Caserta (DJAG), and Vienna (ACA) therefore decided that, in the British zone, only crimes against members of Allied nations (e.g. prisoners of war, bomber crews) should be treated as *war crimes* and punished by Royal Warrant Courts (see chapter 8). Crimes against nationals of enemy states (e.g. Hungary) or stateless persons, on the other hand, were categorised as *war atrocities*, which now fell under the jurisdiction of military government courts.[1477] This set the course for the following trials by British General Courts against Austrians and Germans for crimes committed against Hungarian Jews at the end of the war.[1478] In order to carry out the investigations efficiently, an Atrocities Section was set up in Graz in December 1946 and remained in existence until October 1947.[1479] Serious crimes with a fatal outcome were to be at the centre of their investigations.[1480]

The decision as to which crimes should be assigned to British, and which to Austrian, courts was not always clear-cut in practice. S.H. Smith, as head of the Legal Division, therefore reiterated the desired procedure to the Atrocities Section in May 1947:[1481]

> *Cases in which a murder can be proved should have priority; reasonably clear cases of incitement to murder, that is to say cases where it can be proved that orders to shoot stragglers were given* [...], *should be taken if time and circumstances permit. Ordinary cases of ill-treatment, which did not result in death, will be handed to the Austrians to deal with.*

At this point, a possible expansion of British involvement in the punishment of 'minor' war atrocities in the course of the death marches would no longer have been an option in view of dwindling personnel resources. *If we are to try cases involving ill-treatment not resulting in death* [...], *it seems to me that there will be no forseeable* [!] *end to our work here in Austria,*[1482] as Lt Col Treadwell of the Military Government Courts Branch put it.

In the meantime, the British were also concerned about the public perception of the atrocities trials. In August 1947, S.H. Smith, head of the Legal Division, sent a letter to the Political Division (ACA/BE) in which he expressed the suspicion that the Austrian population was often unaware of the seriousness of the sentences imposed. It is said that there was even an allegation circulating that these trials were only conducted by the

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[1477] Cf. TNA, FO 1020/2034: 11. 2. 1946; LAPPIN, Prozesse 345; LAPPIN, Ahndung 36f., 38; HALBRAINER, Unsere Pflicht 101; LAPPIN-EPPEL, Zwangsarbeiter 429. – About the situation in the British zone in Germany, see: PÖPKEN, Schatten 66f.

[1478] LAPPIN-EPPEL, Zwangsarbeiter 428f. – By November 1947, the British had brought a total of 13 – potentially complex – atrocities cases before a General Court in Styria. 'Smaller' cases were already transferred to Austrian People's Courts in these years. But even after 1947, numerous People's Courts were held in connection with the death marches, although they passed far more lenient judgements than the occupying power. LAPPIN, Ahndung 39f.; LAPPIN, Death Marches 240f.; HALBRAINER, Unsere Pflicht 106.

[1479] LAPPIN, Ahndung 39; USLU-PAUER, Vernichtungswut 296f.; LAPPIN-EPPEL, Zwangsarbeiter 430.

[1480] TNA, FO 1020/2063: 8. 1. 1947.

[1481] TNA, FO 1020/2063: 28. 5. 1947.

[1482] TNA, FO 1020/2063: 19. 5. 1947.

British for show, and that the death sentences were never carried out. A statement was therefore prepared for distribution to the Austrian press to draw attention to the – by then – 17 death sentences that had been carried out.[1483]

The Klöch trial in November 1947 concluded the series of 13 hearings by British General Courts on the death marches. At the same time, the work of the Atrocities Section (also known as the Investigation Section) in Graz came to an end. Their work was highly praised by S.H. Smith:[1484]

> *We are sorry that it will be necessary to close down your Section at the end of the month, but under the present manpower situation that is inevitable. I hope it will be some satisfaction to you and all who have worked with you to know that you have all done a first class job and that you have enhanced the reputation of British justice in the Zone and shown to the Austrian Police how cases are investigated and presented in accordance with the best English practice.*

This statement reiterated the British claim to guarantee an exemplary procedure fulfilling all the requirements of a state governed by the rule of law, particularly in the atrocities trials.[1485] The first Eisenerz trial in April 1946 was regarded as a test case.

7.4.2 Eisenerz I – Otto Christandl et al. (1–29 April 1946, Graz)

7.4.2.1 The course of the death marches over the Präbichl

The events in the Eisenerz area in April 1945 can be reconstructed fairly accurately from witness statements and trial records: On 1 April 1945, during a meeting in Leoben, Kreisleiter (district leader) Otto Christandl informed Anton Eberl, the head of a Volkssturm company in Eisenerz, of a declared transport of Jewish entrenchment workers. Five days later, Christandl announced this transport again at a meeting in Eisenerz.[1486]

On 6 April 1945, the commander of the Eisenerz police, Captain Ernst Bilke, was informed that a transport of several thousand Jews coming from Vordernberg on the next day was to be channelled through Eisenerz via the Präbichl Pass. The police were to control the traffic, while the Volkssturm were to take over the actual guarding duties.[1487] Adolf Schumann, commander of the Volkssturm Eisenerz, assigned this task to the so-called Alarm Company under the leadership of Ludwig Krenn. This unit, made up of particularly loyal men, belonged to the Mitter Battalion that, due to the temporary absence

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[1483] TNA, FO 1020/1187: 6. 8. 1947. – S.H. Smith based this on statements that the editor of the newspaper "Mürztaler Volksstimme" had made to an officer of the Legal Division.
[1484] TNA, FO 1020/2064: 11. 10. 1947.
[1485] LAPPIN, Death Marches 242.
[1486] TNA, FO 1020/2059: 22. 1. 1946 (Statement Engelbert Selenko); TNA, FO 1020/2059: 25. 1. 1946 (Statement Hans Böhm); TNA, FO 1020/2034: 9. 2. 1946, *Narrative of Eisenerz Case* (cited from BEER, Quellen, Dok. 34); Weltpresse (3. 4. 1946), 1 („Zigaretten als Mordlohn"); Wiener Kurier (3. 4. 1946), 3 („Die Schweine gehören erschossen!").
[1487] TNA, FO 1020/2059: 25. 3. 1946 (Statement Ernst Bilke); LAPPIN, Todesmarsch 72; LAPPIN-EPPEL, Zwangsarbeiter 424; BLATMAN, Todesmärsche 371; LAPPIN-EPPEL, Todesmärsche (2012), 401.

of the commander, was led by Anton Eberl at the beginning of April 1945.[1488] In the evening, the alarm company met in the dining room of camp 64 in Trofeng[1489]. On this occasion, Ludwig Krenn gave a speech in which he announced the transport of Jews and added that these 'pigs' should all be shot.[1490] Krenn later remarked to the canteen manager of the camp that something would happen the next day that Eisenerz had never witnessed before.[1491]

The dramatic events of 7 April 1945, a Saturday, took their course in the early hours of the morning. The transport with the Jewish forced labourers set off again after an overnight stay near St. Peter-Freienstein.[1492] After a food distribution in the Trofaiach camp,[1493] there were further abuses and shootings by guards during the march (cf. chapters 7.4.5 and 7.4.7).

Meanwhile, the alarm company of the Volkssturm (allegedly 64 men)[1494] gathered at the Trofeng barracks in Eisenerz at around 8 o'clock.[1495] Weapons and ammunition were handed out to the men. In his speech, commander Ludwig Krenn once again informed the company of their task to take over a column of several thousand Jewish entrenchment labourers at the Präbichl Pass. As few of these Jews as possible were to reach Eisenerz. Anyone who did not dare to shoot should step forward and he would finish them off immediately.[1496] For every Jew shot there would be a cigarette as a reward.[1497] Whoever shoots the most gets a litre of wine.[1498]

The Volkssturm then marched from the Trofeng barracks. At the same time, a lorry with shovels and cramps was sent up the Präbichl.[1499] After around two hours, the com-

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[1488] Das Steirerblatt (2. 4. 1946), 2 („Eisenerzer Massenmörder vor Gericht"); LAPPIN, Todesmarsch 72f.; LAPPIN-EPPEL, Zwangsarbeiter 423; BLATMAN, Todesmärsche 372; LAPPIN-EPPEL, Terror 43.

[1489] Site plan of Camp 64, see: STIEBER, Nachkriegsflüchtlinge 251.

[1490] TNA, FO 1020/2059: 6. 2. 1946/11. 3. 1946 (Statement Franz Bodingbauer); TNA, FO 1020/2059: Statement Anna Feda. – Furthermore: BURCZIK, Spuren 173; RABKO, Menschheit 62; LAPPIN, Todesmarsch 73; LAPPIN-EPPEL, Zwangsarbeiter 424; BLATMAN, Todesmärsche 372; LAPPIN-EPPEL, Todesmärsche (2012), 401; LAPPIN-EPPEL, Überlebende 171.

[1491] TNA, FO 1020/2059: Statement Anna Feda.

[1492] TNA, FO 1020/2059: 22. 1. 1946 (Statement Wolf Gancz); LAPPIN-EPPEL, Zwangsarbeiter 421f. – Nine Jews did not survive this night camp in the Lower Tollinggraben. StLA, Gendarmeriechronik, Bez. Leoben, GP St. Peter-Freienstein, Bd. 1, p. 139; LAPPIN, Todesmärsche (2004), 279; LAPPIN, Todesmarsch 70; LAPPIN-EPPEL, Todesmärsche (2012), 400; LAPPIN-EPPEL, Terror 43.

[1493] TNA, FO 1020/2059: 25. 1. 1946 (Statement Paul Stengl); LAPPIN-EPPEL, Todesmärsche (2012), 400f.

[1494] TNA, FO 1020/2034: 23. 3. 1946.

[1495] The actual time of the muster cannot be determined on the basis of the witness statements because the details differ greatly. Some witnesses claim that the company had already lined up at 5 o'clock.

[1496] TNA, FO 1020/2059: 10. 1. 1946 (Statement Karl Hobitsch), 18. 1. 1946 (Statement Johann Auer), 23. 1. 1946 (Statements Franz Klapf and Heinrich Thaller). – Furthermore: Weltpresse (2. 4. 1946), 1 („Das Blutbad am Prebichl"); Wahrheit (3. 4. 1946), 1f. („Mordpläne bei ungarischem Wein"); Weltpresse (3. 4. 1946), 1 („Zigaretten als Mordlohn"); LAPPIN, Todesmarsch 73; LAPPIN-EPPEL, Zwangsarbeiter 424.

[1497] TNA, FO 1020/2059: 23. 1. 1946 (Statements Ludwig Edlinger, Franz Klapf and Heinrich Thaller); Das Steirerblatt (3. 4. 1946), 1 („Alarmkompanie aus Verbrechern"); British Morning News (4. 4. 1946), 1 ("Murder trial in Austria"); Wahrheit (4. 4. 1946), 1 („Zigaretten für jeden erschossenen Juden").

[1498] TNA, FO 1020/2059: 19. 1. 1946 (Statement Fritz Strampfer), 15. 2. 1946 (Statement Gustav Hochrinner); RABKO, Menschheit 62; LAPPIN, Todesmarsch 73; BLATMAN, Todesmärsche 373.

[1499] TNA, FO 1020/2059: 14. 2. 1946 (Statement Franz Schönberger), 22. 1. 1946 (Statement Engelbert Selenko); LAPPIN, Todesmarsch 74.

pany reached the pass, where it first waited at road construction Camp 60 and later marched to Camp 59 between Hotel Reichenstein and the Präbichl railway station.[1500]

At around 3 p.m., the transport of around 5000 Jews, including several hundred women,[1501] gradually arrived at the Präbichl Pass. Here the Jews received some food from the kitchen of Camp 60, which was brought to the street in cauldrons and baskets.[1502] The weather conditions were bad at the time, with wind and snowfall.[1503]

The guarding was now taken over by the Volkssturm Eisenerz. Police inspector Anton Müller from the Präbichl post was at the head of the column to direct traffic; another officer was deployed at the end of the march.[1504] The Volkssturm men walked at intervals of 30 to 50 metres next to the Jews, who were divided into rows of three. As the transport was very spread out, the guards assigned to the rear had to walk back to the hamlet of Almhäuser.[1505] While the end of the transport had not yet reached the height of the pass, shots could be heard from further ahead. Soon after taking over the transport, some Volkssturm men had begun firing into the marching ranks of forced labourers. Others shot or killed Jews who could not keep up due to exhaustion. The massacre lasted about 30 to 45 minutes, with most of the Jews being killed near the "radio bend"[1506] after the top of the pass.[1507] Survivor Judita Hruza later recalled:[1508]

> "The road went downhill from here. The SS men [!][1509] stood or ran on both sides of the road and shouted: 'Quickly, quickly! You dirty Jews!' And shot into our ranks. People were dropping like flies. We huddled together as we ran. Nobody wanted to be on the sidelines. [...] We ran down the hill, jumped over

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[1500] TNA, FO 1020/2059: 18. 1. 1946 (Statement Johann Auer), 6. 2. 1946 (Statement Maria H.), 14. 2. 1946 (Statement Franz Marchel).
[1501] LAPPIN-EPPEL, Terror 41.
[1502] TNA, FO 1020/2059: 20. 3. 1946 (Statement Anton Müller), 18. 1. 1946 (Statement Maximilian Modlik).
[1503] TNA, FO 1020/2059: 15. 2. 1946 (Statement Gustav Hochrinner), 22. 1. 1946 (Statement Wolf Gancz); LAPPIN-EPPEL, Überlebende 184.
[1504] TNA, FO 1020/2059: 5. 1. 1946 (Statement Rupert Heigl), 18. 1. 1946 (Statement Maximilian Modlik); LAPPIN, Todesmarsch 74; LAPPIN-EPPEL, Überlebende 171.
[1505] TNA, FO 1020/2059: 15. 2. 1946 (Statement Gustav Hochrinner), 11. 3. 1946 (Statement Alois Humer).
[1506] Unlike today, the road over the Präbichl did not yet run through the Gsollgraben in April 1945. It already led up the mountain at the confluence of the Präbichl and Gsollbach streams, where it only rejoined the current road below the top of the pass. The so-called "Radio-Kurve" was a prominent point along this route. The name became popular during motorbike races because the radio reporters were usually positioned here. A large part of this old route was later buried by the waste rock from the Erzberg. Note from Walter Dall-Asen (Landl, 14. 11. 2001).
[1507] LAPPIN, Todesmärsche (2004), 280; LAPPIN-EPPEL, Zwangsarbeiter 425; BLATMAN, Todesmärsche 373–375; LAPPIN-EPPEL, Überlebende 172; LAPPIN-EPPEL, Terror 43; FRITZ, Weg 445f. – See also: TNA, FO 1020/2059: 20. 3. 1946 (Statement Franz K.).
[1508] LAPPIN-EPPEL, Überlebende 178. Translated into English, German text in the original as follows: „Von hier ging die Straße bergab. Die SS-Männer standen oder liefen auf beiden Seiten der Straße und brüllten: ‚Rasch, rasch! Ihr Saujuden!' Und schossen in unsere Reihen. Menschen fielen wie Fliegen. Wir pressten uns aneinander, während wir liefen. Niemand wollte am Rand sein. […] Wir liefen den Berg hinunter, sprangen über blutende Leichen und Verletzte, wir stolperten über sie, fielen, traten auf sie. Einige schrien, andere beteten."
[1509] Survivors of the death marches were usually unable to distinguish which formations the escort teams had belonged to. They therefore often referred to them collectively as SS men. LAPPIN-EPPEL, Überlebende 192, note 46.

bleeding corpses and injured people, we stumbled over them, fell, stepped on them. Some screamed, others prayed."

Numerous passers-by also witnessed the massacre.[1510] When the transport leader, an SS man who was at the end of the march, became aware of what was happening at the front, he ordered the shootings to stop immediately.[1511] Company commander Krenn then issued the instruction that if the Volkssturm men were asked about the dead, they were to claim that the Jews had been shot while trying to escape.[1512]

While residents from the surrounding area were already coming to the police station at Präbichl to report the conduct of the Volkssturm men,[1513] Inspector Müller informed Captain Bilke in Eisenerz about the shots at Präbichl from Camp 62 (Trofeng) in the late afternoon. Bilke instructed him to find out how many Jews had been killed and who had done the shooting. Müller therefore went back to the Präbichl and came across the first corpses at the "radio bend". On the rest of the way to the Präbichl post, he counted around 100 dead bodies and reported his findings to Bilke[1514] who, in turn, informed Adolf Schumann, the Volkssturm commander of Eisenerz, and drove up the Präbichl with him. After this first local inspection, they returned to the valley and met Ludwig Krenn in Gsoll, who reported to Schumann: "Everything's fine!" ["Alles in Ordnung!"]. Krenn was then arrested by Bilke and taken to the Gestapo in Eisenerz.[1515] The Gestapo contacted the superior authorities in Graz. Krenn was eventually released after a short time.[1516]

In the late afternoon, the first part of the transport with around 2000 Jews reached Gsoll, where they were housed in the barracks of a recently disbanded subcamp of Mauthausen.[1517] Although the people here had a roof over their heads, the camp was designed for barely more than 400 people, so the Jews were now crammed tightly together and

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[1510] One of them was Josef Illmeier, who was on his way from Eisenerz to Tragöß on the afternoon of 7 April 1945. In January 1946, he described what he had experienced to the gendarmerie. TNA, FO 1020/2059: 18. 1. 1946 (Statement Josef Illmeier). – See also: LAPPIN, Todesmarsch 75f.

[1511] TNA, FO 1020/2059: 25. 10. 1945 (Statement Martin Kornberger), 18. 1. 1946 (Statement Josef Illmeier); TNA, FO 1020/2034: 9. 2. 1946, *Narrative of Eisenerz Case* (cited from BEER, Quellen, Dok. 34); LAPPIN, Death Marches 221; LAPPIN, Todesmärsche (2004), 280; LAPPIN, Todesmarsch 74, 76; LAPPIN-EPPEL, Zwangsarbeiter 425; BLATMAN, Todesmärsche 375; LAPPIN-EPPEL, Überlebende 172.

[1512] TNA, FO 1020/2059: 18. 1. 1946 (Statement Johann Auer), 23. 1. 1946 (Statement Heinrich Thaller), 11. 3. 1946 (Statement Alois Humer); Das Steirerblatt (4. 4. 1946), 2 („Die Juden auf der Flucht erschossen!"); LAPPIN, Todesmarsch 77; LAPPIN-EPPEL, Todesmärsche (2012), 403.

[1513] TNA, FO 1020/2059: 18. 1. 1946 (Statement Maximilian Modlik).

[1514] TNA, FO 1020/2059: 18. 1. 1946 (Statement Maximilian Modlik), 20. 3. 1946 (Statement Anton Müller); 25. 3. 1946 (Statement Ernst Bilke).

[1515] TNA, FO 1020/2059: 25. 3. 1946 (Statement Ernst Bilke); Das Steirerblatt (5. 4. 1946), 2 („Diese Bilder vergesse ich nie!"); Mürztaler Volksstimme (7. 4. 1946), 1 („Blick ins Inferno!"); LAPPIN, Death Marches 221; LAPPIN, Todesmärsche (2004), 280; LAPPIN-EPPEL, Terror 43.

[1516] TNA, FO 1020/2059: 25. 3. 1946 (Statement Ernst Bilke); British Morning News (3. 4. 1946), 1 ("Austrian murder trial opens"); Neue Zeit (5. 4. 1946), 1 („Alle zehn Schritte ein Toter"); RABKO, Menschheit 64; LAPPIN, Todesmarsch 77; LAPPIN-EPPEL, Zwangsarbeiter 425f.

[1517] The prisoners of the Gsoll subcamp were transferred to the Peggau subcamp in the first half of March 1945. KARNER, Steiermark im Dritten Reich 184, 188; HALBRAINER/LAMPRECHT, unsichtbar 125; LAPPIN-EPPEL, Zwangsarbeiter 433f.; HALBRAINER, Archiv 98; HALBRAINER, Elemente 77; PRENNINGER, Lager 256.

had to spend the night standing or squatting.[1518] The forced labourers who later came down from Präbichl were driven on to Münichtal and had to camp there (again) in a meadow in the open air. In both places, the Jews were guarded by the Volkssturm.[1519] In the evening hours, dozens of Jews were forced to load the corpses from the Präbichl onto a lorry and later bury them in a mass grave in the Seeau near Eisenerz.[1520] On 8 April 1945, Jews were again brought to the Präbichl to collect the remaining bodies, which were then taken away again by lorry.[1521] In the Seeau, the Jews had to dig at least five pits and fill them with around 200 bodies.[1522]

After the 'day of rest' on Sunday, the Jewish forced labourers were driven from the Gsoll camp to Münichtal on 9 April 1945[1523] to be grouped together again with their fellow sufferers in a large transport. In Jassingau (today, mun. Landl), the Volkssturm Hieflau took over the guard up to the Lainbach Bridge. In the Jassingau passage, both weakened, and already dead Jews were repeatedly thrown into the Erzbach stream.[1524] On their way back from Lainbach, the Volkssturm men came across two exhausted Jews sitting by the roadside in Wandau (today, mun. Landl). One of them was forced by the auxiliary gendarme Alois Lube to follow the transport by firing shots into the air. The other Jew, who was no longer able to walk, was put on the handcart of passer-by Ludwig D. A short time later, the assistant gendarme Rupert Pregartner dragged this half-dead man from the cart back onto the road. The Jew then slid down the embankment until he was stopped by an obstacle. Pregartner then instructed the two Volkssturm men, Johann Gatterbauer and Michael Leonhardsberger, to get rid of the man.[1525] According to eyewitness Ludwig D., Gatterbauer and Leonhardsberger climbed down to the Jew and threw or dragged him further down the slope over the railway embankment there to the bank of the Enns.[1526] When Gatterbauer realised that the man was still alive, he refused to kill him. Leonhardsberger then shot the Jew and threw his body into the river.[1527]

[1518] LAPPIN, Todesmarsch 78; LAPPIN-EPPEL, Zwangsarbeiter 434; LAPPIN-EPPEL, Überlebende 173.

[1519] TNA, FO 1020/2059: 5. 1. 1946 (Statement Rupert Heigl), 1. 2. 1946 (Statement Johann Reitbauer), 14. 2. 1946 (Statement Franz Marchel), 18. 4. 1946 (Statement Aloisia P.); LAPPIN, Todesmarsch 78; LAPPIN-EPPEL, Zwangsarbeiter 434; LAPPIN-EPPEL, Überlebende 172f.

[1520] TNA, FO 1020/2059: 22. 1. 1946 (Statement Wolf Gancz); LAPPIN-EPPEL, Todesmärsche (2012), 404; LAPPIN-EPPEL, Überlebende 185, 188.

[1521] TNA, FO 1020/2059: 15. 2. 1946 (Statement Franz Längauer); LAPPIN, Todesmärsche (2004), 280.

[1522] TNA, FO 1020/2059: 7. 1. 1946 (Statement Konrad O.), 14. 2. 1946 (Statement Franz Schönberger), 23. 1. 1946 (Statement Josef Neubauer), 7. 1. 1946 (Statement Josef Staltner); LAPPIN-EPPEL, Zwangsarbeiter 434.

[1523] According to witnesses, numerous Jews were also shot in Münichtal. Their bodies were either thrown into the Erzbach stream or taken to the Seeau. TNA, FO 1020/2059: 5. 1. 1946 (Statement Rupert Heigl), 23. 1. 1946 (Statement Roman Mayer); LAPPIN-EPPEL, Todesmärsche (2012), 404.

[1524] TNA, FO 1020/2059: 31. 1. 1946 (Statements Leopoldine M. and Gustav Pehn), 1. 2. 1946 (Statement Johann Reichl), 11. 2. 1946 (Statement Johann Wagner), 18. 2. 1946 (Statement Josefa Lödl); LAPPIN, Todesmärsche (2004), 281; LAPPIN, Todesmarsch 82.

[1525] TNA, FO 1020/2034; TNA, FO 1020/2059: 28. 5. 1945 (Nationale Josef Jakob); TNA, FO 1020/2059: 29. 1. 1946 (Statement Alois Lube), 1. 2. 1946 (Statement Rudolf Lindner), 4. 3. 1946 (Statement Anton Aigner).

[1526] TNA, FO 1020/2059: 10. 9. 1946 (Statement Ludwig D.).

[1527] TNA, FO 1020/2034; TNA, FO 1020/2059: 28. 5. 1945 (Nationale Josef Jakob). – See also: Das Steirerblatt (24. 4. 1946), 3 („Der Naziarzt Dr. Bresnig als Zeuge"); Weltpresse (24. 4. 1946), 2 („Erschossen und in die Enns geworfen").

Meanwhile, on 9 April, nine Jews remained in the Gsoll camp, some of them unable to march. The camp commander asked the Gestapo in Eisenerz what should be done with them.[1528] Herbert Neumann, Zugführer (platoon leader) of the Volkssturm Eisenerz, was now ordered to shoot these Jews. Neumann summoned the Volkssturm men Anton Gölz, Anton Hebenstreit, Max Mitter, Ambros Pucher, and Karl Schelch and drove with them to the Gsollgraben. There he instructed them to look for a suitable place for a pit and to start digging it. At the same time, the nine Jews were taken from the Gsoll camp by lorry in the direction of Gsollgraben,[1529] but the vehicle soon got stuck in the snow. The Jews then had to disembark and line up at the side of the road, where seven of them were shot by Neumann.[1530] He then gave the order to shoot the remaining two Jews as soon as they had brought the corpses to the grave, and left. During this work, the Eisenerz Gestapo leader Hans Jakob, and Friedrich Wolf, another Zugführer of the Eisenerz Volkssturm, appeared, repeated the shooting order and left again. After they had placed all seven dead in the pit, the two Jews who were still alive, were shot by the Volkssturm men Hebenstreit and Mitter from a distance of around 20 metres under the supervision of Schelch. The pit was then filled in.[1531]

On 10 April 1945, men from the Eisenerz Volkssturm were once again assigned to guard a transport of Jews (approx. 250 people). The column was taken over at Präbichl and brought to the Volkssturm barracks in Trofeng. There, Ernst Feistl took command of the escort team. They marched to the gravel pit in Neustückl (today, mun. Landl), where the Jews had to spend the night. On the way there, one man had stayed behind due to exhaustion. According to witnesses, Feistl later shot this Jew.[1532] While marching on through the Jassingau, the Volkssturm man Johann Huber killed a Jew with rifle shots on 11 April 1945 and had the body thrown into the Erzbach stream.[1533]

Also on 10 April 1945, several Jews unfit to march were shot by Herbert Neumann and Franz Wilding in Seeau.[1534] A final transport of Jews passed the Präbichl Pass on 21 April 1945; once again the Volkssturm's alarm company was deployed to guard it, and around 25 people were killed in the Seeau or near Neustückl.[1535]

[1528] TNA, FO 1020/2059: 23. 3. 1946 (Statement Christian Schleich).

[1529] TNA, FO 1020/2059: 14. 2. 1946 (Statement Franz Schönberger); Neue Zeit (6. 4. 1946), 3 („Sterbende in die Enns geworfen“).

[1530] TNA, FO 1020/2059: 14. 2. 1946 (Statement Franz Schönberger); TNA, FO 1020/2034: 9. 2. 1946, *Narrative of Eisenerz Case* (cited from BEER, Quellen, Dok. 34); Wahrheit (17. 10. 1946), 3 („Neumann, der siebenfache Judenmörder“).

[1531] Cf. TNA, FO 1020/2059: 15. 1. 1946 (Statement Anton Gölz), 27. 3. 1946 (Statement Adalbert Kollar), 16. 1. 1946 (Statement Ambros Pucher); TNA, FO 1020/2055: p. 281f.; LAPPIN, Todesmärsche (2004), 280; LAPPIN, Todesmarsch 79f.; LAPPIN-EPPEL, Zwangsarbeiter 435f.

[1532] TNA, FO 1020/2059: 5. 1. 1946 (Statements Johann Bauernfeind, Josef Krammer and Josef Malle), 7. 1. 1946 (Statement Franz Spannring), 16. 2. 1946 (Statement Anton Praschak); LAPPIN, Todesmärsche (2004), 280; LAPPIN, Todesmarsch 80; LAPPIN-EPPEL, Zwangsarbeiter 439.

[1533] TNA, FO 1020/2059: 20. 3. 1946 (Statement Raimund Windhager).

[1534] LAPPIN, Todesmärsche (2004), 280; LAPPIN-EPPEL, Zwangsarbeiter 437. – These offences were dealt with after the end of the war in the second Eisenerz trial, in which Rudolf Pirmann was also charged as an alleged accomplice (see chapter 7.4.3).

[1535] LAPPIN, Todesmärsche (2004), 281; LAPPIN, Todesmarsch 81; LAPPIN-EPPEL, Zwangsarbeiter 437; LAPPIN-EPPEL, Terror 44.

7.4.2.2 *First Eisenerz trial - preparations*

After the end of the war, both newspaper reports and police investigations ensured that the crimes against the Hungarian Jews could not be swept under the carpet. The "Obersteirisches Tagblatt", published by the Upper Styrian freedom fighters, reported about the large transport of Jews through Leoben and Eisenerz on 29 May[1536] and 1 June 1945[1537] for the first time. Meanwhile, the police in Eisenerz[1538] were already carrying out relevant investigations, which led to the first arrests over the summer of 1945.[1539]

Later, the British occupying forces began to take an interest in the death marches in the Eisenerz area and eventually took over the entire investigation process. It began in mid-October 1945, when the FSS Eisenerz office had two of the five mass graves in the Seeau opened.[1540] Sgt C.J. Wright submitted a report on this to his superiors.[1541] The bodies showed various injuries, not just those from gunshots.[1542] The British confronted mayors and members of the population of neighbouring communities, as well as representatives of the authorities and the press, about this crime at the open graves.[1543] The "Obersteirisches Volksblatt", published by the Psychological Warfare Branch in Leoben, also printed photos of the exhumed dead.[1544]

At the beginning of November, the War Office in London and the Legal Division in Vienna (ACA/BE) were informed of the corpses found near Eisenerz, whereby it was still wrongly assumed that there were up to 7,000 victims.[1545] As mentioned above, the prosecution of this crime was eventually transferred to a court of the military government. However, the investigations themselves were not conducted by the military government, but by FSS and SIB units. They were supported by the Austrian executive branches.[1546] In the weeks that followed, dozens of witnesses were interviewed and (further) arrests made. Sgt Wright, in cooperation with the local police department, did most of the inves-

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[1536] Obersteirisches Tagblatt (29. 5. 1945), 1 („„Erschießt die Bestien!'") (cited from HALBRAINER, Unsere Pflicht 95).

[1537] Obersteirisches Tagblatt (1. 6. 1945), 1 („Eisenerz war Zeuge der nationalsozialistischen Massenschlächterei") (cited from HALBRAINER, Unsere Pflicht 95f.).

[1538] From March 1946, the Eisenerz police station, which had been established in July 1941, was (again) run as a gendarmerie post. GEBHARDT, Gendarmerie 450.

[1539] HALBRAINER, Unsere Pflicht 95f., 102f.

[1540] Around 30 former National Socialists who had been imprisoned in the Krumpental camp were used for the disinterments. Among them were eight men who were later charged in the Eisenerz trials: Johann Gatterbauer, Anton Hirner, Michael Leonhardsberger, Rudolf Pirmann, Karl Schelch, Emmerich Schnabl, Ludwig Wurm, and Rupert Pregartner. Cf. Sammlung Walter Dall-Asen, Häftlingsliste Lager Krumpental: 19. 11. 1945; Obersteirisches Volksblatt (16. 10. 1945), 2 („Fluch dieser Barbarei!").

[1541] LAPPIN, Prozesse 345; LAPPIN, Ahndung 35f.; HALBRAINER, Unsere Pflicht 104, 105; HALBRAINER, Verfolgung 70; LAPPIN-EPPEL, Zwangsarbeiter 428.

[1542] TNA, FO 1020/2059: 7. 1. 1946 (Statement Konrad O.). – See also: Obersteirisches Volksblatt (13. 10. 1945), 5 („Tote klagen an!"); HALBRAINER, Unsere Pflicht 104. – Furthermore: Neue Zeit (2. 4. 1946), 1f. („Der Massenmord am Prebichl"); Neue Zeit (3. 4. 1946), 1 („Die Treibjagd auf todmüde Menschen").

[1543] Obersteirisches Volksblatt (13. 10. 1945), 5 („Tote klagen an!"); HALBRAINER, Unsere Pflicht 104; HALBRAINER, Verfolgung 70.

[1544] Obersteirisches Volksblatt (16. 10. 1945), 2 („Fluch dieser Barbarei!").

[1545] LAPPIN, Ahndung 36; HALBRAINER, Unsere Pflicht 101; HALBRAINER, Verfolgung 70; LAPPIN-EPPEL, Zwangsarbeiter 428; HALBRAINER, NS-Terror 207.

[1546] TNA, FO 1020/2063: 8. 1. 1947; LAPPIN, Ahndung 37f.; LAPPIN-EPPEL, Zwangsarbeiter 429.

tigative work. Wright's immediate superior was Capt Allen of the 418 FSS in Leoben. Individual witness statements were also taken by the 92 Section SIB (Graz).[1547]

In most cases, the victims of the mass shootings near Eisenerz remained nameless.[1548] However, some people who had survived not only the death march but also the subsequent ordeals in Mauthausen and Gunskirchen were able to testify to the British investigators about what they had seen at Präbichl. Among them were Emmerich (Imrich) Adler[1549] (Hörsching DP camp, Upper Austria), Wolf Gancz[1550] (Trofaiach DP camp, Styria), and Salamon Lipschitz[1551] (Ranshofen DP camp, Upper Austria).[1552]

The 19 men from Eisenerz who had been imprisoned in the nearby Krumpental camp for alleged involvement in the killing of Jews[1553] were transferred to the Regional Court jail in Graz on 3 January 1946. Nine other suspects, who were held in the Wolfsberg and Wetzelsdorf camps, followed shortly afterwards. They were placed in solitary confinement in the prison and were only allowed to be visited by their defence lawyers.[1554]

On the recommendation of Lt Col G.W. Treadwell (Legal Division, ACA/BE), who had undertaken an inspection trip to Styria at the turn of the year 1945/46, Leoben was rejected as a possible location for hearings in favour of Graz: *Apart from questions of hotel and prison accommodation, which in a trial of this nature would require careful consideration, it appears that Leoben would not be a suitable place for the trial. The only adequate Court appears to be the large Court Room at the Criminal Courts in Graz* [...].[1555]

7.4.2.3 First Eisenerz trial - prelude

On 1 April 1946 at 10 a.m., the British General Court convened in the jury courtroom of the Graz Regional Court for the first Eisenerz trial. It was presided over by Mr Hildreth Glyn-Jones KC, who – like the prosecutor – had been dispatched from London especially for this trial.[1556] The assessors were Col Glyn Lloyd DSO, Lt Col G.O.N. Thompson DSO, and Lt Col G.H. Brookes.[1557] Dr Georg Lelewer[1558] was appointed as Austrian legal advi-

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[1547] TNA, FO 1020/2059: 10. 1. 1946 (Statement Karl Hobitsch), 15. 1. 1946 (Statement Anton Gölz), 16. 1. 1946 (Statement Ambros Pucher).

[1548] Heimo Halbrainer was able to identify 42 victims of the death marches along the "Iron Road". HALBRAINER, Archiv 93–96.

[1549] TNA, FO 1020/2059: 3. 5. 1946 (Statement Emmerich/Imrich Adler).

[1550] TNA, FO 1020/2059: 22. 1. 1946 (Statement Wolf Gancz).

[1551] TNA, FO 1020/2059: 18. 2. 1946 (Statement Salamon Lipschitz). – See also: FRIEDMAN, Iwan 55f.

[1552] These three witnesses described a one-armed man with a submachine gun. The survivor Hedwig Glauber also remembered this man because of his trigger-happy behaviour. FRIEDMAN, Iwan 54. – Among the defendants at the Eisenerz trial were two men with an amputated forearm, Rudolf Pirmann and Rudolf Mitterböck. As Pirmann had a (weak) alibi, Mitterböck was ultimately found guilty. TNA, FO 1020/2055: p. 285f.; LAPPIN, Todesmarsch 76.

[1553] Cf. TNA, FO 1020/2034: 28. 12. 1945.

[1554] TNA, FO 1020/2034: 4. 1. 1946, 13. 3. 1946.

[1555] TNA, FO 1020/2034: 4. 1. 1946.

[1556] Das Steirerblatt (2. 4. 1946), 1 („Eisenerzer Massenmörder vor Gericht"); LAPPIN, Ahndung 37f.; HALBRAINER, Unsere Pflicht 110; HALBRAINER, NS-Terror 209.

[1557] TNA, FO 1020/2045: 29. 4. 1946.

[1558] See: REITER-ZATLOUKAL, Lelewer 161–176. – Furthermore: Mürztaler Volksstimme (14. 4. 1946), 2 („1939 Emigrant – 1946 Berater der britischen Richter beim Eisenerzer Judenmordprozeß").

sor to the judges.[1559] The prosecution was represented by Theodore Turner KC from London, and Lt Col G.W. Treadwell.[1560] Dr Hans Stolzer, a lawyer from Graz, acted as the prosecution's advisor for Austrian legal issues.[1561]

The indictment referred to sections 134 to 137 (murder) of the Austrian Criminal Code and sections 211 to 213 (murder, manslaughter) of the German Criminal Code [Reichsstrafgesetzbuch].[1562] However, the latter were only relevant insofar as it was necessary to determine which offences would (also) have been punishable under these laws.[1563] The rules of procedure followed the regulations of British military government courts.[1564]

A total of 18 men were in the dock to answer for crimes committed against Hungarian Jews during the death marches over the Präbichl Pass on 7 April 1945 and in the following days at a total of four crime scenes in the Eisenerz area.[1565] The prosecution extended its charges to those responsible or commanders, on the one hand, and to those who carried out the orders, on the other. The first group was accused of instigating the murders:[1566]

- Otto Christandl[1567] was employed as a teacher, with interruptions (suspensions), until 1937. A member of the NSDAP from 1932, he was very active during the period of illegality and was imprisoned as a result from November 1937 to February 1938. After the 'Anschluss' in March 1938, Christandl became Kreisleiter and district school inspector of Leoben and a member of the Reichstag in April 1938. In 1940 and 1942, he volunteered for military service in Norway and Finland respectively. After the end of the war, Otto Christandl first went into hiding before he was arrested in August 1945 in Kaltwasser (today, mun. Stadl-Predlitz).[1568]

[1559] TNA, FO 1020/2034: 20. 3. 1946, 27. 9. 1946; Das Steirerblatt (2. 4. 1946), 1 („Eisenerzer Massenmörder vor Gericht"); Das Steirerblatt (5. 4. 1946), 2 („„Diese Bilder vergesse ich nie!""); Wahrheit (5. 4. 1946), 2 („„Schieß in den Haufen hinein …!""); HALBRAINER, Unsere Pflicht 110. – The involvement of Dr Lelewer was based on a suggestion by the exiled Austrian Maj Dr Schnek (see chapter 7.2.1), who helped prepare the first Eisenerz trial for the Legal Division. LEBENSAFT/MENTSCHL, Vertreibung 40; REITER-ZATLOUKAL, Lelewer 173f.

[1560] TNA, FO 1020/2034: 27. 9. 1946; HALBRAINER, Unsere Pflicht 110.

[1561] Wiener Kurier (1. 4. 1946), 3 („Eisenerzer Massenmord vor Gericht"); Murtaler Volkszeitung (6. 4. 1946), 2 („Gegen die Massenmörder von Eisenerz").

[1562] TNA, FO 1020/2034.

[1563] See also the remarks of the judge before the verdict was announced on 29 April 1946. Wahrheit (30. 4. 1946), 1 („Zehn Todesurteile im Eisenerzer Mordprozeß"). – Furthermore: LAPPIN-EPPEL, Zwangsarbeiter 431, note 260.

[1564] Das Steirerblatt (2. 4. 1946), 1 („Eisenerzer Massenmörder vor Gericht").

[1565] HALBRAINER, Unsere Pflicht 110; HALBRAINER, NS-Terror 209.

[1566] Wording of the indictment: […] *inducing and procuring between the 1st and 10th days of April 1945 inclusive the murder, contrary to Articles 211 and 212 of the German Criminal Code and to Articles 134 to 137 inclusive of the Austrian Criminal Code, of upwards of 200 unknown persons forming a part of a convoy of workers passing through Kreis Leoben, Steiermark, towards Mauthausen on 7th, 9th and 10th days of April 1945 by means of agents,* […] *members of the Volkssturm of Eisenerz*. TNA, FO 1020/2038: 2. 3. 1946, *British Military Government Court – Charge Sheet*. – Cf. Mürztaler Volksstimme (3. 4. 1946), 1 („Der Prozeß gegen die Eisenerzer Massenmörder"); LAPPIN, Prozesse 346f.

[1567] * 28. 5. 1909, Bruck an der Mur (AUT); † 21. 6. 1946, Graz (AUT). DAGS, Pfarre Bruck an der Mur, Taufbuch XIII 1906–1909, p. 263, Post-Nr. 175 [URL: https://data.matricula-online.eu/de/oesterreich/graz-seckau/bruck-an-der-mur/12292/?pg=264 (18. 9. 2025)].

[1568] TNA, FO 1020/2038: *Tactical Interrogation of Christandl Otto*; TNA, FO 1020/2057, 13. 10. 1941, 16. 8. 1945; Wahrheit (26. 4. 1946), 3 („Nur noch 15 Angeklagte"); SCHAFRANEK, Biografien 446.

- Anton Eberl[1569] was a member of the SA from 1932, an NSDAP member from 1938 and, during the Second World War, head commander of several forced labour camps in Eisenerz, as well as company commander of the Volkssturm there. At the beginning of April 1945, he was in charge of the Volkssturm battalion of the absent Friedrich Mitter.[1570] On 8 May 1945, he fled from Eisenerz, first to Upper Austria and then to Schladming (Styria).[1571] After his return, Eberl was arrested at the railway station in Eisenerz on 6 July 1945.[1572]
- Ludwig Krenn[1573] was a miner by profession and, from 1938, overseer at the Reichswerke Hermann Göring in Eisenerz. He joined the NSDAP early on and was involved in the Nazi Putsch in 1934. This was followed by imprisonment in detention camps. After the 'Anschluss', he became an SA Sturmführer and ultimately served as company commander of the Volkssturm Eisenerz.[1574] At the end of the war, Krenn fled to Upper Austria,[1575] where he was arrested near Windischgarsten on 19 January 1946.[1576]
- Adolf Schumann[1577] was a cavalry captain [Rittmeister] in the Austrian armed forces until 1920 and then an employee at Alpine Montan. He was a member of the NSDAP from 1932 to 1933. From 1941 to 1943, Schumann was employed in the Bruck an der Mur military registration office. From autumn 1944, he was Volkssturm battalion commander and head of the Eisenerz Volkssturm. Schumann was arrested in Eisenerz on 5 October 1945.[1578]

The worst of the crimes was the massacre of Hungarian Jews at Präbichl on 7 April 1945, for which Ludwig Krenn was charged not only as an alleged instigator but also for direct participation in the crime. The other defendants – all miners by profession – were subordinate members of the Eisenerz Volkssturm:[1579]

- Karl Etzinger[1580] belonged to the NSDAP from 1933, and to the SS from 1934 to 1936. He spent five months in the Wöllersdorf camp (Lower Austria) for his in-

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[1569] * 12. 10. 1892; † 21. 6. 1946, Graz (AUT). TNA, FO 1020/2057: *Arrest Report* (Anton Eberl).
[1570] TNA, FO 1020/2057: *Arrest Report* (Anton Eberl); TNA, FO 1020/2059: 22. 1. 1946 (Statement Engelbert Selenko); Das Steirerblatt (2. 4. 1946), 2 („Eisenerzer Massenmörder vor Gericht").
[1571] TNA, FO 1020/2059: 6. 12. 1945 (Statement Karl Hobitsch).
[1572] TNA, FO 1020/2057: *Arrest Report* (Anton Eberl); Neue Steirische Zeitung (11. 8. 1945), 3 („Eisenerzer Kriegsverbrecher verhaftet"); Obersteirisches Volksblatt (18. 8. 1945), 3.
[1573] * 19. 6. 1899, Palfau (today, mun. Landl, AUT); † 21. 6. 1946, Graz (AUT). DAGS, Pfarre Palfau, Taufbuch VI 1872–1930, fol. 126, Post-Nr. 16 [URL: https://data.matricula-online.eu/de/oesterreich/graz-seckau/palfau/19318/?pg=128 (18. 9. 2025)].
[1574] TNA, FO 1020/2057: 27. 3. 1946.
[1575] Cf. TNA, FO 1020/2059: 3. 9. 1945 (Statement Anton Mittermayr).
[1576] TNA, FO 1020/2057; Linzer Volksblatt (23. 1. 1946), 2 („In einer Erdhütte gehaust").
[1577] * 27. 8. 1885. TNA, FO 1020/2055.
[1578] TNA, FO 1020/2034: 28. 12. 1945; TNA, FO 1020/2057: 6. 10. 1945 and *Arrest Report* (Adolf Schumann).
[1579] Wording of the indictment: […] *murder, contrary to Articles 211 and 212 of the German Criminal Code and to Articles 134 to 137 inclusive of the Austrian Criminal Code of upwards of 200 unknown persons forming part of a convoy of workers passing through Kreis Leoben towards Mauthausen on the 7th day of April 1945 in the vicinity of the Prebichl Pass at Eisenerz in the said Kreis.* TNA, FO 1020/2044: 2. 3. 1946.
[1580] * 17. 9. 1901, Eggerding (AUT). OÖLA, Pfarre Eggerding, Taufen-Duplikate 1901, [s. p.; PfmF113-00226], Reihezahl 28 [URL: https://data.matricula-online.eu/de/oesterreich/oberoesterreich/eggerding/106%252F1901/?pg=9 (18. 9. 2025)].

volvement in the July Putsch in 1934 and then left for the "Austrian Legion" in Bavaria. After the 'Anschluss', Etzinger was, inter alia, head of the NSV office in Eisenerz and finally Zugführer of the Volkssturm. He was arrested on 11 December 1945 in Eggerding, his birthplace in Upper Austria.[1581]

- Anton Hebenstreit[1582] was arrested on 15 October 1945.[1583]
- Anton Hirner[1584] was an SA member from 1933 and spent three months in a detention centre because of his participation in the Nazi Putsch in 1934. He joined the NSDAP in 1938. Hirner was arrested in Eisenerz on 9 May 1945.[1585]
- Rudolf Mitterböck[1586] was a member of the Socialist Youth from 1927 to 1934. He was sentenced to six months in prison for his involvement in the February Uprising in 1934. From 1938, he was a member of the SA and later the NSDAP. As of February 1945, Mitterböck was in charge of Camp 63 in Eisenerz.[1587]
- Rudolf Pirmann[1588] became a member of the SA in 1933 and again in 1935. In 1936, he spent four months in prison for illegal National Socialist activities. Pirmann was a member of the NSDAP from 1938.[1589] He held the rank of platoon commander in the Volkssturm Eisenerz.
- Emmerich Schnabl[1590] was a member of the Social Democratic Party from 1926 to 1928, the Ostmärkische Sturmscharen from 1935 to 1937 and a member of the NSDAP from 1940. Schnabl was arrested in Eisenerz on 15 October 1945.[1591]
- Franz Taucher[1592] was a KPÖ member in Graz-Straßgang from 1928 to 1934. In 1934, he was imprisoned for 18 months for his involvement in the February Upris-

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[1581] TNA, FO 1020/2057: 31. 1. 1946; StLA, LGS Graz, Vr 1652/45, Franz Stelzhammer u. a.: 16. 8. 1946, fol. 293.

[1582] * 10. 4. 1913, Eisenerz (AUT); † 12. 6. 1981, Eisenerz. DAGS, Pfarre Eisenerz, Taufbuch XI 1911–1922, fol. 93, Post-Nr. 66 [URL: https://data.matricula-online.eu/de/oesterreich/graz-seckau/eisenerz/16655/?pg=94 (18. 9. 2025)].

[1583] StLA, JA Karlau, Bücher, Bd. 59, StB-Nr. 614.

[1584] * 6. 5. 1903, Laussa (AUT); † 21. 6. 1946, Graz (AUT). TNA, FO 1020/2057: *Arrest Report* (Anton Hirner); OÖLA, Pfarre Laussa, Taufen-Duplikate 1903, p. 137 [PfmF353-00212], Reihezahl 12 [URL: https://data.matricula-online.eu/de/oesterreich/oberoesterreich/laussa-lausa/106%252F1903/?pg=4 (18. 9. 2025)].

[1585] TNA, FO 1020/2034: 28. 12. 1945; TNA, FO 1020/2057: *Arrest Report* (Anton Hirner). – Anton Hirner was also suspected of having killed a downed American pilot in the Seeau in October 1944 on the orders of Ludwig Krenn. TNA, FO 1020/2034: 20. 3. 1946; TNA, FO 1020/2024: 3. 5. 1946; TNA, FO 1020/2059: 26. 6. 1945 (Statement Franz Greisinger).

[1586] * 11. 3. 1912, Palfau (today, mun. Landl, AUT); † 21. 6. 1946, Graz (AUT). DAGS, Pfarre Palfau, Taufbuch VI 1872–1930, p. 175, Post-Nr. 5 [URL: https://data.matricula-online.eu/de/oesterreich/graz-seckau/palfau/19318/?pg=177 (18. 9. 2025)].

[1587] TNA, FO 1020/2059: 20. 3. 1946 (Statement Alexandria Kusnezowa).

[1588] * 11. 4. 1913, Eisenerz (AUT); † 23. 7. 1989, Eisenerz. DAGS, Pfarre Eisenerz, Taufbuch XI 1911–1922, fol. 94, Post-Nr. 71 [URL: https://data.matricula-online.eu/de/oesterreich/graz-seckau/eisenerz/16655/?pg=95 (18. 9. 2025)].

[1589] TNA, FO 1020/2057: 5. 2. 1946.

[1590] * 31. 8. 1906, Radmer (AUT); † 21. 6. 1946, Graz (AUT). DAGS, Pfarre Radmer, Taufbuch V 1866–1908, p. 220, Post-Nr. 22 (URL: https://data.matricula-online.eu/de/oesterreich/graz-seckau/radmer/16698/?pg=221 (18. 9. 2025)].

[1591] TNA, FO 1020/2034: 28. 12. 1945; TNA, FO 1020/2057: 17. 10. 1945 and *Arrest Report* (Emmerich Schnabl).

ing. In April 1945, Taucher took up the rank of Zugführer in the Volkssturm Eisenerz. After the end of the war, he relocated to Fehring, where he headed the local branch of the Communist Party from 16 June until his arrest on 2 August 1945.[1593]

- Ludwig Wurm[1594] was a member of the NSDAP and the SS from 1938 (ultimately SS-Rottenführer). From November 1939 to August 1940, he served in an SS Totenkopf unit in Kraków. Wurm then worked as a foreman at the Erzberg mine. From autumn 1944, he was a member of the Volkssturm Eisenerz, ultimately as a Zugführer. Wurm left Eisenerz for the American zone (Liezen) on 8 May 1945 but returned to Leoben at the beginning of September 1945 and was arrested.[1595]

The second offence was committed at the Gsoll camp. For these events on 9 April 1945, the British brought charges against four of those involved:[1596]

- Anton Hebenstreit (see above)
- Max Mitter[1597], miner,[1598] was a member of the NSDAP and SA from 1933 and of the Volkssturm Eisenerz from autumn 1944.[1599]
- Karl Schelch,[1600] a trained saddler and later miner,[1601] was a Gruppenführer in the Volkssturm Eisenerz. His arrest took place on 23 June 1945.[1602]
- Friedrich Wolf[1603] worked as an employee at Alpine Montan in Eisenerz. He was a member of the NSDAP from 1932. He belonged to the SA from 1932 to 1938 (SA-Obertruppführer in 1938), and again from 1944 to 1945. Wolf returned from voluntary military service in 1944 severely wounded and ultimately held the rank of Zugführer in the Volkssturm Eisenerz. After the end of the war, he first went into hiding in Liezen.[1604] Wolf was arrested in Hieflau on 15 August 1945.[1605]

[1592] * 28. 9. 1913, Straßgang (today, mun. Graz, AUT); † 21. 6. 1946, Graz (AUT). DAGS, Pfarre Graz-Straßgang, Taufbuch XVI 1906–1918, p. 196, Post-Nr. 101 [URL: https://data.matricula-online.eu/de/oesterreich/graz-seckau/graz-strassgang/1077/?pg=201 (18. 9. 2025)].

[1593] TNA, FO 1020/2057: 14. 8. 1945, 19. 10. 1945, 16. 3. 1946 and *Arrest Report* (Franz Taucher).

[1594] * 27. 4. 1905, Tollinggraben (mun. St. Peter-Freienstein, AUT); † 21. 6. 1946, Graz (AUT). DAGS, Pfarre St. Peter-Freienstein, Taufbuch VI 1900–1909, p. 104, Post-Nr. 39 [URL: https://data.matricula-online.eu/de/oesterreich/graz-seckau/st-peter-freienstein/9433/?pg=108 (18. 9. 2025)].

[1595] TNA, FO 1020/2057: 6. 9. 1945, 11. 9. 1945, 26. 9. 1945; HALBRAINER, Unsere Pflicht 96.

[1596] Wording of the indictment: […] *murder, contrary to Articles 211 and 212 of the German Criminal Code and to Articles 134 to 137 inclusive of the Austrian Criminal Code, of two unknown persons, then inmates of Gsoll Camp, Eisenerz, in Kreis Leoben and formerly forming part of a convoy of workers passing through the said Kreis towards Mauthausen, on the 9th day of April 1945 in the vicinity of the said Gsoll Camp.* TNA, FO 1020/2048: 2. 3. 1946.

[1597] * 29. 7. 1908, Eisenerz (AUT); † 1. 8. 1956, Graz (AUT). DAGS, Pfarre Eisenerz, Taufbuch X 1900–1910, fol. 405, Post-Nr. 139 [URL: https://data.matricula-online.eu/de/oesterreich/graz-seckau/eisenerz/16654/?pg=406 (18. 9. 2025)].

[1598] StLA, JA Karlau, Bücher, Bd. 59, StB-Nr. 615.

[1599] TNA, FO 1020/2057: 20. 8. 1945.

[1600] * 17. 10. 1910, Eisenerz (AUT); † 10. 11. 1976, Klagenfurt (AUT). DAGS, Pfarre Eisenerz, Taufbuch X 1900–1910, fol. 493, Post-Nr. 142 [URL: https://data.matricula-online.eu/de/oesterreich/graz-seckau/eisenerz/16654/?pg=494 (18. 9. 2025)].

[1601] StLA, JA Karlau, Bücher, Bd. 59, StB-Nr. 616.

[1602] TNA, FO 1020/2034: 28. 12. 1945.

[1603] * 20. 1. 1912, Eisenerz (AUT); † 21. 6. 1946, Graz (AUT). DAGS, Pfarre Eisenerz, Taufbuch XI 1911–1922, fol. 42, Post-Nr. 9 [URL: https://data.matricula-online.eu/de/oesterreich/graz-seckau/eisenerz/16655/?pg=43 (18. 9. 2025)].

[1604] HALBRAINER, Unsere Pflicht 96.

The third offence related to the killing of a Jew in Wandau. In April 1946, only the Volkssturm men involved were initially brought to trial by the British:

- Johann Gatterbauer[1606] had been a member of the Social Democratic Party until 1934. During the Nazi era, he was a member of the DAF until 1945. He was drafted into the Volkssturm Hieflau in October 1944[1607] and arrested on 27 May 1945.[1608]
- Michael Leonhardsberger[1609] was a miner in Eisenerz until the mid-1920s, and a member of the Social Democratic Party at the time. Like Gatterbauer, he was a member of the Volkssturm in Hieflau from October 1944, where he was also arrested on 12 October 1945.[1610]

The fourth and final offence, the killing of another Jew, was committed in Neustückl. In April 1946, a Volkssturm man had to stand trial for murder before the British General Court:

- Ernst Feistl[1611] left military service in 1943 after being wounded and then worked as a commercial employee in Eisenerz. From January 1945, he belonged to the Volkssturm Eisenerz with the rank of Gruppenführer. Feistl was arrested in Eisenerz on 21 October 1945.[1612]

The 18 accused were defended by the lawyers Dr Leopold Böhm (Schumann), Dr Alexander Creydt (Gatterbauer, Krenn), Dr Otto Daghofer (Mitter), Dr Herbert Dollingen (Eberl, Hirner, Mitterböck, Wolf), Dr Walter Eger (Etzinger, Hebenstreit, Pirmann), Dr Robert Griedl (Christandl), Dr Hans Held (Feistl, Leonhardsberger, Schelch, Schnabl, Taucher), and Dr Max Katzianschitz (Wurm), all from Graz.[1613]

7.4.2.4 First Eisenerz trial - process

The first Eisenerz trial attracted a great deal of public interest. Twenty-three press representatives from Austria and abroad had registered to report from Graz. Several Styrian and national newspapers published daily articles.[1614] A British newsreel team was on site as well.[1615] From 11 April, civilians were also allowed to attend.[1616]

[1605] Cf. TNA, FO 1020/2057: 16. 8. 1945, 11. 9. 1945 and *Arrest Report* (Friedrich Wolf); Neue Steirische Zeitung (10. 10. 1945), 1 („Neue Naziverhaftungen in der Steiermark“).
[1606] * 23. 10. 1908, Vienna (AUT). TNA, FO 1020/2059: 28. 5. 1945.
[1607] TNA, FO 1020/2057: 4. 12. 1945.
[1608] TNA, FO 1020/2034: 28. 12. 1945.
[1609] * 23. 4. 1887, Geierschlag (mun. Liebenau, AUT). OÖLA, Pfarre Liebenau, Taufen-Duplikate 1887, fol. 6 [PfmF368-01266], Nr. 32 [URL: https://data.matricula-online.eu/de/oesterreich/oberoesterreich/liebenau/106%252F1887/?pg=6 (18. 9. 2025)].
[1610] TNA, FO 1020/2057: *Arrest Report* (Michael Leonhardsberger).
[1611] * 18. 4. 1923, Eisenerz (AUT); † 21. 6. 1946, Graz (AUT). DAGS, Pfarre Eisenerz, Taufbuch XII 1922–1925, fol. 63, Post-Nr. 93 [URL: https://data.matricula-online.eu/de/oesterreich/graz-seckau/eisenerz/6053-TB-12/?pg=64 (18. 9. 2025)].
[1612] TNA, FO 1020/2034: 28. 12. 1945; TNA, FO 1020/2057: 23. 10. 1945, 16. 11. 1945.
[1613] Cf. TNA, FO 1020/2034: 25. 3. 1946; Weltpresse (30. 3. 1946), 2 („Der Prozeß gegen die Eisenerzer Massenmörder“); Mürztaler Volksstimme (7. 4. 1946), 4 („Die ersten Verhandlungstage gegen die Menschenschlächter vom Prebichl“).
[1614] In April 1946, practically all daily and weekly newspapers published in Austria ran reports on the first Eisenerz trial sooner or later. For chapters 7.4.2.4 and 7.4.2.5 of this work, however, only the articles from

On the first day of the trial, the Chairman began by reading out his authorisation issued by the British High Command in Austria.[1617] The defendants were asked whether they pleaded guilty to the offences they were accused of, which almost all of them denied. Only Anton Hebenstreit admitted to having shot at Jews under orders, but in his opinion without hitting anyone. With regard to the shootings in the Gsollgraben, the charges against Anton Hebenstreit, Max Mitter, Karl Schelch, Friedrich Wolf, and Anton Eberl were extended to instigating or carrying out the murders of *nine* people.[1618] The prosecutor then recounted the events of the death march over the Präbichl.[1619]

The questioning of the prosecution witnesses began in the afternoon with Salamon Lipschitz and Samuel Rosenberg, two survivors of the massacre. Firstly, the events of the mass shootings at Präbichl were to be scrutinised. Lipschitz described how the marching column was shot into after the top of the pass. Among the shooters was a man who was missing a forearm.[1620] When the prosecutor asked him if he saw this one-armed man in the courtroom, Lipschitz pointed at Pirmann.[1621]

The next witness was Sgt Wright from the FSS in Eisenerz, who gave information about the mass graves in Seeau, where he himself had counted 115 bodies.[1622] The Volkssturm man Franz Schönberger testified that, as a driver, he had to transport several lorry loads of 40 to 45 corpses each from Präbichl to Seeau.[1623] A key witness for the prosecution was Engelbert Selenko, who had belonged to both the Volkssturmkompanie Eberl and the Austrian Freedom Front. He testified that Kreisleiter Christandl had announced the transport of Jews via the Präbichl to Anton Eberl in advance. Selenko also described the preparations of Krenn's Volkssturmkompanie on the morning of the death march, as well as Krenn's incendiary speech before the departure.[1624]

On the first seven days of the trial, the public prosecutor called a total of 44 witnesses, including numerous Volkssturm men who had been deployed on the death march, and various other eyewitnesses. Serious accusations were made against Krenn in particular, as well as against Eberl, Hirner, Schnabl, Taucher, and Wurm.[1625] The actions

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the following papers were taken into account: "Das Steirerblatt", "Mürztaler Volksstimme", "Neue Zeit", "Wahrheit", "Weltpresse", "Wiener Kurier" and "British Morning News".

[1615] Neue Zeit (6. 4. 1946), 3 („Sterbende in die Enns geworfen").

[1616] Wahrheit (11. 4. 1946), 2 („„Der machtlose Kreisleiter'"); HALBRAINER, Unsere Pflicht 109f.; HALBRAINER, NS-Terror 207f.

[1617] Wiener Kurier (2. 4. 1946), 3 („Mörder erklären sich unschuldig").

[1618] Weltpresse (2. 4. 1946), 1 („Das Blutbad am Prebichl").

[1619] Das Steirerblatt (2. 4. 1946), 1f. („Eisenerzer Massenmörder vor Gericht"); British Morning News (3. 4. 1946), 1 ("Austrian murder trial opens").

[1620] TNA, WO 235/1119: 1. 4. 1946, p. 2.

[1621] Neue Zeit (2. 4. 1946), 1 („Der Massenmord am Prebichl").

[1622] TNA, WO 235/1119: 1. 4. 1946, p. 3.

[1623] TNA, WO 235/1119: 1. 4. 1946, p. 4f.; Das Steirerblatt (2. 4. 1946), 2 („Eisenerzer Massenmörder vor Gericht"); British Morning News (3. 4. 1946), 1 ("Austrian murder trial opens").

[1624] TNA, WO 235/1119: 2. 4. 1946, p. 1–4; Das Steirerblatt (3. 4. 1946), 1 („Alarmkompanie aus Verbrechern"); Neue Zeit (3. 4. 1946), 1 („Die Treibjagd auf todmüde Menschen"); Wahrheit (3. 4. 1946), 1 („Mordpläne bei ungarischem Wein"); British Morning News (4. 4. 1946), 1 ("Murder trial in Austria"); BURCZIK, Spuren 173; HALBRAINER, Unsere Pflicht 111.

[1625] Weltpresse (3. 4. 1946), 2 („Zigaretten als Mordlohn"); Wiener Kurier (3. 4. 1946), 3 („Die Schweine gehören erschossen!"); Das Steirerblatt (4. 4. 1946), 2 („„Die Juden auf der Flucht erschossen!'"); British

of the two Volkssturm platoon leaders Herbert Neumann and Franz Wilding were described as particularly brutal, but they were not in the dock.[1626] The police commander Ernst Bilke stated on the witness stand that, in the late afternoon of 7 April 1945, while driving from Eisenerz to the top of the pass starting at the "radio bend" – alone on the left side of the road – he had seen a corpse lying about every ten metres.[1627] The contribution of the Hungarian Geza Szecsi, a third surviving victim, was also memorable. At a line-up organised on short notice in the yard of the Regional Court, Szecsi identified Pirmann, Krenn, and Mitterböck as perpetrators.[1628] He then described in the courtroom how men from the escort unit at Präbichl had repeatedly shot into his section of the transport and smashed the heads of Jews who were not immediately dead with rifle butts.[1629]

Beginning on 4 April 1946, the prosecutor questioned witnesses about the other three scenes of the death march in the Eisenerz area. Ernst Feistl was incriminated by three Volkssturm men regarding the shooting of a Jew near Neustückl.[1630] Rupert Pregartner described his role in Wandau as if he had only been marginally involved.[1631] The events in Gsoll and in the Gsollgraben were described by the camp commander Christian Schleich, the camp cook Adalbert Kollar, and the Volkssturm man Anton Gölz.[1632]

The British side was apparently satisfied with the course of the trial so far. The weekly reports from the Psychological Warfare Branch were positive. The attitude of the defendants was also analysed clairvoyantly:[1633]

> *The accused* […] *have impressed themselves on those who have attended the trial as a cross section of society which came to the fore between 1938 and 1945. Hardened criminals, perverted idealists, cloddish peasants, blindly following their superiors, and above all the type of man who had so fallen under the influence of years of propaganda that he was no longer capable of distinguishing between crime and duty, are all represented.*

Morning News (4. 4. 1946), 1 ("Murder trial in Austria"); Neue Zeit (4. 4. 1946), 1 („Der Prozeß gegen die Eisenerzer ‚Mordkompanie'"); Wahrheit (4. 4. 1946), 1f. („Zigaretten für jeden erschossenen Juden"); Weltpresse (4. 4. 1946), 2 („Vorbereitungen wie zu einer Treibjagd"); BURCZIK, Spuren 173; RABKO, Menschheit 69f.; HALBRAINER, Unsere Pflicht 111, 114.

[1626] Herbert Neumann was still on the run in April 1946 and could only be charged at the second Eisenerz trial in October 1946 (see chapter 7.4.3). – Franz Wilding was shot by members of the Austrian Freedom Front in Eisenerz on 8 May 1945. TNA, FO 1020/2059: 22. 1. 1946 (Statement Engelbert Selenko); Stadtgemeindeamt Eisenerz, Sterbebuch Eisenerz 1945, Nr. 104/1945; HALBRAINER, NS-Terror 241, note 49; HOLZINGER E./MUGRAUER, Widerstand 524.

[1627] TNA, WO 235/1119: 4. 4. 1946, p. 1; Das Steirerblatt (5. 4. 1946), 2 („‚Diese Bilder vergesse ich nie!'"); Neue Zeit (5. 4. 1946), 1 („‚Alle zehn Schritte ein Toter'"); Weltpresse (5. 4. 1946), 2 („‚Schieß hinein in den Haufen!'"); Wiener Kurier (5. 4. 1946), 3 („Alle zehn Meter ein Toter").

[1628] See also: TNA, WO 235/1119: 4. 4. 1946, p. 10.

[1629] TNA, WO 235/1119: 4. 4. 1946, p. 8f.; BURCZIK, Spuren 174; HALBRAINER, Unsere Pflicht 114.

[1630] TNA, WO 235/1119: 4. 4. 1946, p. 10f.; Wahrheit (5. 4. 1946), 2 („‚Schieß in den Haufen hinein …!'").

[1631] TNA, WO 235/1119: 5. 4. 1946, p. 2–4, 6f.

[1632] TNA, WO 235/1119: 5. 4. 1946, p. 7–11; Neue Zeit (6. 4. 1946), 3 („Sterbende in die Enns geworfen"); Wahrheit (6. 4. 1946), 2 („Sie mußten ihr Grab selbst schaufeln …"); HALBRAINER, Unsere Pflicht 114f.

[1633] TNA, FO 1007/298: 7. 4. 1946, *Weekly survey of political developments No. 38.*

On 8 April 1946, Judge Glyn-Jones announced at the beginning of the hearing that some of the defendants had tried to coordinate exculpatory statements among themselves in prison. The incriminated notes were handed over to the prosecutor.[1634] Engelbert Selenko was then interviewed a third time.[1635] Sgt Wright also took the stand again to describe the interrogation of the two survivors Wolf Gancz and Hugo Löb in January 1946, who in the meantime could no longer be summoned. In a line-up, they had named Rudolf Mitterböck as the shooter at Präbichl.[1636] At the end of this court day, statements made by the defendants during the preliminary investigation were read out.[1637]

The attempted trafficking of secret messages was brought up again on 9 April 1946.[1638] In the afternoon, a new phase of the trial began, in which all the defendants and numerous witnesses named by the defence were questioned; this lasted until 24 April. It began with Otto Christandl, who denied having been responsible for the events surrounding the transport of Jews.[1639] The fact that he also tried to present himself as pro-Jewish caused amusement among the audience – much to the disapproval of Judge Glyn-Jones.[1640] Adolf Schumann (11/12 April) described Ludwig Krenn as the "Scourge of Eisenerz"[1641]. A few days before the death march, he had already dismissed Krenn from his commando because he had allowed his Volkssturm company to plunder passing Hungarian units. Kreisleiter Christandl, however, ordered Krenn's return.[1642] Schumann concluded that, although Krenn's terror against his subordinates had been appalling, he had not regarded him as a criminal until 7 April 1945.[1643]

Anton Eberl (12/13 April 1946) denied that he had received advance information about the transport of Jews from Christandl. In response to the accusation that he had not stopped the killings at Präbichl, Eberl said that hardly any more shots were fired after his arrival at the pass. He had had no knowledge of the events in the Gsoll and

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[1634] TNA, WO 235/1119: 8. 4. 1946, p. 1; Das Steirerblatt (9. 4. 1946), 3 („Briefschmuggel der Massenmörder"); Neue Zeit (9. 4. 1946), 2 („‚Zum Spaß' in Hilflose geschossen"); Weltpresse (9. 4. 1946), 2 („Der Einarmige mit der Maschinenpistole"); Wiener Kurier (9. 4. 1946), 3 („Eisenerzer Mörder belasten einander"); Mürztaler Volksstimme (10. 4. 1946), 4 („Die Eisenerzer Judenschlächter teilten Genickschüsse aus").
[1635] TNA, WO 235/1119: 8. 4. 1946, p. 1f.
[1636] TNA, WO 235/1119: 8. 4. 1946, p. 3f.
[1637] TNA, WO 235/1119: 8. 4. 1946, p. 5; HALBRAINER, NS-Terror 212.
[1638] TNA, WO 235/1119: 9. 4. 1946, p. 1; Das Steirerblatt (10. 4. 1946), 1 („‚Bitte schnell, es geht um mein Leben!'"); Neue Zeit (10. 4. 1946), 3 („In die Mur geworfen"); Wahrheit (10. 4. 1946), 2 („Was stand in den Kassibern?"); Weltpresse (10. 4. 1946), 2 („Die Mörder wollen einander das Leben retten"); RABKO, Menschheit 70f.; HALBRAINER, Unsere Pflicht 115f.; HALBRAINER, NS-Terror 212f.
[1639] TNA, WO 235/1119: 9. 4. 1946, p. 2–10; TNA, WO 235/1119: 10. 4. 1946, p. 10–27; TNA, WO 235/1119: 11. 4. 1946, p. 30–33; Wiener Kurier (10. 4. 1946), 3 („Die Angeklagten sagen aus"); Weltpresse (11. 4. 1946), 2 („Der ‚einflußlose' Kreisleiter von Leoben").
[1640] TNA, WO 235/1119: 10. 4. 1946, p. 14f.; Das Steirerblatt (11. 4. 1946), 2 („Kreisleiter Christandl als ‚Judenfreund'"); Wahrheit (11. 4. 1946), 2 („‚Der machtlose Kreisleiter'"). – Judge Glyn-Jones reprimanded the laughter and reminded everyone that the defendant's life was at stake in this trial. Wiener Kurier (11. 4. 1946), 3 („Christandl leugnet alles").
[1641] Wahrheit (13. 4. 1946), 2 („Nach dem Mord ging Eberl ins Kino"). Translated into English, German text in the original as follows: "Geißel von Eisenerz". – See also: TNA, WO 235/1119: 12. 4. 1946, p. 60.
[1642] TNA, WO 235/1119: 12. 4. 1946, p. 59f., 68; Wiener Kurier (12. 4. 1946), 3 („Krenns Leute plündern und morden").
[1643] Weltpresse (13. 4. 1946), 2 („Ludwig Krenn – die ‚Geißel von Eisenerz'").

Gsollgraben camps.[1644] Ludwig Krenn (15 April) was also unaware of any personal guilt. He tried to minimise incriminating orders to his Volkssturm company, which were also held against him by his co-defendants, or said that he did not remember them. He only admitted that he had asked the men in his company to testify that the Jews had been shot while fleeing.[1645] Ludwig Wurm (15/16 April) also wanted to present himself as innocent but ultimately confessed in the face of the evidence that he had shot a Jew who had already been wounded. However, he accused his company commander Krenn of being the actual instigator.[1646]

The statements of the two one-armed defendants Rudolf Mitterböck and Rudolf Pirmann (16 April) were congruent insofar as they both denied having been on the Präbichl at all. Pirmann was also not deterred by the fact that witnesses had seen him on the pass summit on the day in question.[1647] Mitterböck was incriminated by one of his defence witnesses of all people.[1648] Anton Hirner (17 April) claimed not to have fired a shot himself.[1649] Franz Taucher (17/18 April) admitted on the witness stand to the killing of a Jew on the orders of Franz Wilding.[1650] In the further course of the questioning, Emmerich Schnabl (18 April) denied any act of murder.[1651] Then it was Anton Hebenstreit's turn (18 April) to confess to shooting two Jews in Gsollgraben.[1652] The subsequently planned cross-examination of Karl Etzinger was cancelled because Mr Turner withdrew the indictment for lack of evidence. Judge Glyn-Jones then declared that the proceedings against Etzinger would be discontinued.[1653] Friedrich Wolf (19 April) denied any re-

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[1644] TNA, WO 235/1119: 12. 4. 1946, p. 74–87; TNA, WO 235/1119: 12. 4. 1946, p. 88–95; Wiener Kurier (13. 4. 1946), 3 („Vom Mord ins Kino“); Das Steirerblatt (14. 4. 1946), 4 („Eisenerz sollte in die Luft gehen!“); Neue Zeit (14. 4. 1946), 3 („‚Das weiß ich nicht!‘“); Wiener Kurier (15. 4. 1946), 3 („Eberl weiß von nichts“); Mürztaler Volksstimme (17. 4. 1946), 4 („Die dritte Woche des Judenmordprozesses hat begonnen“).

[1645] TNA, WO 235/1119: 15. 4. 1946, p. 101–123.

[1646] TNA, WO 235/1119: 15. 4. 1946, p. 124–130; TNA, WO 235/1119: 16. 4. 1946, p. 210–212; Das Steirerblatt (16. 4. 1946), 2 („Krenn kann sich an nichts erinnern“); Weltpresse (16. 4. 1946), 2 („Krenn wird weiterhin schwer belastet“); Wiener Kurier (16. 4. 1946), 3 („Erstes Geständnis in Graz“).

[1647] TNA, WO 235/1119: 16. 4. 1946, p. 214–216, 216–218.

[1648] TNA, WO 235/1119: 16. 4. 1946, p. 219; Das Steirerblatt (17. 4. 1946), 3 („Wurm bleibt bei seinem Geständnis“); Neue Zeit (17. 4. 1946), 3 („‚Werwolfschulung‘“); Weltpresse (17. 4. 1946), 2 („‚Die hättet ihr oben fertigmachen können!‘“); Wiener Kurier (17. 4. 1946), 3 („‚Zeugen sahen nicht richtig‘“); Mürztaler Volksstimme (21. 4. 1946), 5 („250 Tote klagen an!“); RABKO, Menschheit 70.

[1649] TNA, WO 235/1119: 17. 4. 1946, p. 220–223.

[1650] TNA, WO 235/1119: 17. 4. 1946, p. 228–231; TNA, WO 235/1119: 18. 4. 1946, p. 232–234; Das Steirerblatt (18. 4. 1946), 2 („‚Wenn sich einer drückt …‘“); Neue Zeit (18. 4. 1946), 3 („‚Ja, ich habe geschossen!‘“); Wahrheit (18. 4. 1946), 2 („Nichts Neues im Eisenerzer Prozeß“); Weltpresse (18. 4. 1946), 2 („Die Eisenerzer Bestialitäten“); Wiener Kurier (18. 4. 1946), 3 („Neues Geständnis in Graz“). – Taucher continued to deny that, as stated by several witnesses, he had struck at entrenchment workers with such fury that his rifle had broken. He said that he had smashed the rifle himself on a bridge railing to avoid having to take part in further shootings.

[1651] TNA, WO 235/1119: 18. 4. 1946, p. 234–239.

[1652] TNA, WO 235/1119: 18. 4. 1946, p. 239–243; Das Steirerblatt (19. 4. 1946), 3 („Der Angeklagte Etzinger freigelassen“); Mürztaler Volksstimme (24. 4. 1946), 2 („Eisenerzer Judenmordprozeß“).

[1653] Das Steirerblatt (19. 4. 1946), 3 („Der Angeklagte Etzinger freigelassen“); Neue Zeit (19. 4. 1946), 2 („Ein Angeklagter unschuldig befunden“); HALBRAINER, Unsere Pflicht 116; HALBRAINER, NS-Terror 213. – Karl Etzinger remained in custody for the time being at the request of the FSS because his Nazi past was still to be investigated. TNA, FO 1020/2034: 25. 4. 1946; TNA, FO 1020/2024: 3. 5. 1946, 6. 5. 1946. – He was finally released on 9 May 1946 and returned to his home in Upper Austria. There he was arrested

sponsibility for the nine shootings in the Gsollgraben. According to his statement, these killings had been ordered by the Gestapo.[1654] Karl Schelch (20 April) described the shooting of seven Jews by Neumann. That the two survivors also had to be killed had been ordered by Hans Jakob, head of the Gestapo in Eisenerz, in the presence of Wolf. However, he, Schelch, had not given Hebenstreit and Mitter a direct order to shoot.[1655] Max Mitter (20 April) described how he had fired several shots at the Jews in the grave, but – like Schelch before him – invoked superior orders [Befehlsnotstand].[1656]

After the Easter holidays, the first Eisenerz trial continued on Tuesday, 23 April 1946, with the last two parts of the offence. The defendant Ernst Feistl had already admitted to killing a Jew at Neustückl during the preliminary proceedings. In court, however, he now denied it and blamed Wilding instead.[1657] Regarding the events in Wandau, Johann Gatterbauer testified that – on Pregartner's orders – he and Michael Leonhardsberger had dragged an exhausted Jew over an embankment to the banks of the Enns. The man had then been shot by Leonhardsberger.[1658] Leonhardsberger's legal counsel decided not to question his client in court, referring to the available medical report, and did not call any defence witnesses.[1659]

The last witness hearings were scheduled for 24 April 1946. Christandl, Eberl, and Schumann were also questioned again.[1660] Towards the end of the morning hearing, the court decided, to declare Adolf Schumann not guilty. Johann Gatterbauer was also acquitted shortly afterwards. The two left the courtroom as free men.[1661]

The final phase of the trial began with the prosecutor's closing speech (24/25 April). Mr Turner remarked to Michael Leonhardsberger that although he had killed a Jew, his sanity was in doubt. Turner left it up to the court to determine an appropriate atone-

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again on 23 August 1946 for alleged war crimes and transferred to Graz. StLA, LGS Graz, Vr 1652/45, Franz Stelzhammer u. a.: 10. 8. 1946, fol. 283; 22. 8. 1946, fol. 313; 24. 8. 1946, fol. 315. – On 28 October 1948, the trial of the People's Court, at which Etzinger and four co-defendants had to answer for illegal Nazi membership before 1938 and for violations of the War Crimes Act in the forced labour camp Rogaška Slatina (SLO), began. (He had been employed as a camp subordinate in Rogaška Slatina from 1 October 1944 to 31 March 1945). Etzinger was acquitted of the second charge, but sentenced to one year in prison and forfeiture of property under the Prohibition Act. In view of his previous imprisonment, Karl Etzinger was released from jail on the same day. StLA, LGS Graz, Vr 1652/45, Franz Stelzhammer u. a.: 8. 7. 1948, Anklageschrift, fol. 467–475; 30. 10. 1948, Verhandlungsprotokoll, fol. 647–663; 30. 10. 1948, fol. 673; Weltpresse – Graz am Abend (30. 10. 1948), 8 („Sauerbrunner Sadisten heute mittag verurteilt“).

[1654] TNA, WO 235/1119: 19. 4. 1946, p. 244–253; Das Steirerblatt (20. 4. 1946), 4 („‚Die Toten der Gestapo‘“); Neue Zeit (20. 4. 1946), 3 („‚In militärischer Haltung‘“); Weltpresse (20. 4. 1946), 2 („Die Eisenerzer Judenmorde“); Wiener Kurier (20. 4. 1946), 3 („Schuld war die Gestapo“).

[1655] TNA, WO 235/1119: 20. 4. 1946, p. 256–260.

[1656] TNA, WO 235/1119: 20. 4. 1946, p. 260–262; Das Steirerblatt (21. 4. 1946), 4 („Mitter legt ein Geständnis ab“); Neue Zeit (21. 4. 1946), 3 („Mord mit zynischem Lächeln“); RABKO, Menschheit 71.

[1657] TNA, WO 235/1119: 23. 4. 1946, p. 263–265.

[1658] TNA, WO 235/1119: 23. 4. 1946, p. 267–270.

[1659] TNA, WO 235/1119: 23. 4. 1946, p. 271; Das Steirerblatt (24. 4. 1946), 3 („Der Naziarzt Dr. Bresnig als Zeuge“); Neue Zeit (24. 4. 1946), 4 („Faistl widerruft sein Protokoll“); Weltpresse (24. 4. 1946), 2 („Erschossen und in die Enns geworfen“); Wiener Kurier (24. 4. 1946), 3 („Eisenerzer Mordprozeß vor dem Ende“); RABKO, Menschheit 71.

[1660] TNA, WO 235/1119: 24. 4. 1946, p. 274–276.

[1661] TNA, FO 1020/2034: 25. 4. 1946; Das Steirerblatt (25. 4. 1946), 3 („Schumann und Gatterbauer entlassen“); Neue Zeit (25. 4. 1946), 3 („Ein ‚Unschuldig‘ ausgesprochen“); Mürztaler Volksstimme (28. 4. 1946), 4 („Die letzten Verhandlungstage“); HALBRAINER, Unsere Pflicht 116; HALBRAINER, NS-Terror 213.

ment in this case.[1662] With regard the other defendants, Turner demanded guilty verdicts for murder; also, for the one-armed Rudolf Mitterböck[1663], and Rudolf Pirmann[1664]. Otto Christandl and Anton Eberl had not committed any murders themselves but, according to the prosecution, they were equally guilty because they prepared and covered up the massacre by virtue of their position.[1665] The prosecutor commented on the role of Kreisleiter Christandl: *Eberl and Krenn must have known that Christandl's protecting arm was around them.*[1666] And in conclusion: *I ask the Court to believe that Christandl never lifted a finger about the Prebichl affair after that Sunday* [8 April 1945]. […] *His conduct that day is consistent only with guilt.* […] *To take no action was tantamount to inviting a repetition of those murders. I ask for conviction of Christandl on charge of murder.*[1667]

The defence lawyers presented their summations from 25 to 27 April 1946.[1668] They repeatedly spoke of a predicament in which their clients had found themselves as guards of the transport of Jews. They therefore had to commit their offences in order to avoid being shot themselves.[1669] In the case of Wurm, Pirmann and Hebenstreit, insanity was invoked as a reason for mitigation. Krenn was portrayed as a tool of his superiors, while in the case of Eberl the lack of incriminating witness statements was emphasised; at least for the Gsoll shootings. According to his defence lawyer, Wolf had tried to prevent the shootings in Gsoll. Christandl's lawyer saw the former Kreisleiter as a victim of Nazi ideology. In his opinion, responsibility for the death march lay solely with the Gestapo and, moreover, no evidence had been presented that his client had given an order to shoot Jews.[1670]

7.4.2.5 First Eisenerz trial - Closure and consequences

After 24 days of hearings, the first Eisenerz trial came to an end on 29 April 1946. Mr Glyn-Jones recalled that a British military court was holding Austrian citizens to account under Austrian law[1671] and then announced the further procedure for the judgement:[1672]

[1662] TNA, WO 235/1119: 24. 4. 1946, p. 277.

[1663] From the court transcripts: *Mitterböck weeps: „I did not shoot, I did not shoot."* TNA, FO 1020/2055: 24. 4. 1946, p. 285; TNA, WO 235/1119: 24. 4. 1946, p. 281. – Furthermore: RABKO, Menschheit 72.

[1664] TNA, WO 235/1119: 24. 4. 1946, p. 277–282; TNA, WO 235/1119: 25. 4. 1946, p. 283–286; Neue Zeit (25. 4. 1946), 3 („Ein ‚Unschuldig' ausgesprochen"); Wahrheit (25. 4. 1946), 3 („Auch der Angeklagte Schumann entlassen"); Wiener Kurier (25. 4. 1946), 3 („Staatsanwalt verlangt Schuldspruch").

[1665] TNA, WO 235/1119: 25. 4. 1946, p. 283–286; Das Steirerblatt (26. 4. 1946), 3 („Auch Christandl und Eberl des Mordes schuldig!"); Wiener Kurier (26. 4. 1946), 3 („‚Die Schuld schrie zum Himmel!'").

[1666] TNA, WO 235/1119: 25. 4. 1946, p. 284. – Furthermore: Neue Zeit (26. 4. 1946), 3 („Lastautos mit Toten"); Wahrheit (26. 4. 1946), 3 („Nur noch 15 Angeklagte"); Mürztaler Volksstimme (28. 4. 1946), 1 („Kreisleiter Christandl ist verantwortlich für die Eisenerzer Judenmorde"); HALBRAINER, Unsere Pflicht 116; HALBRAINER, NS-Terror 214.

[1667] TNA, WO 235/1119: 25. 4. 1946, p. 286.

[1668] On 26 April 1946, Minister Dr Gerö and a delegation of British parliamentarians also took their seats in the courtroom audience. Wiener Kurier (27. 4. 1946), 3 („Urteil im Eisenerzer Prozeß erst nächste Woche").

[1669] RABKO, Menschheit 72; HALBRAINER, Unsere Pflicht 117; HALBRAINER, NS-Terror 214.

[1670] Neue Zeit (27. 4. 1946), 3 („Die Verteidiger plädieren"); Neue Zeit (28. 4. 1946), 3 („Die Verteidiger haben gesprochen"); Wahrheit (28. 4. 1946), 4 („Der Verteidiger Kristandls spricht"); RABKO, Menschheit 72; HALBRAINER, Unsere Pflicht 117; HALBRAINER, NS-Terror 214.

[1671] Weltpresse (30. 4. 1946), 1 („Sühne für die Judenmorde auf dem Prebichl"). – Furthermore: BURCZIK, Spuren 169; HALBRAINER, Unsere Pflicht 117; HALBRAINER, NS-Terror 214.

> "He will first state the law that was applied, then state the facts that the court assumed to be proven, he will take each individual case and state whether the defendant is guilty or not guilty, after which the defendant in question must leave the courtroom. After the guilty verdict has been pronounced, the defendants will be returned to the dock. The court would then hear what the individual defence lawyers would put forward as particular mitigating circumstances and only then pronounce its verdict. Each defendant would have the right of appeal. This would have to be made to the Commander-in-Chief of the British Armed Forces in Austria."

The presiding judge went on to explain that any punishment in this trial would be in accordance with Austrian law. Furthermore, he pointed out that, in April 1945, §§ 211 and 212 of the German Criminal Code were still in force, which is why the court had to determine under which of the two sections of the law the accused would have been punished if they had already had to answer for their actions at that time.[1673]

Finally, Mr Glyn-Jones pronounced guilty verdicts for murder against almost all of the remaining defendants. Only Rudolf Pirmann got off without a conviction due to a lack of complete evidence.[1674] In the case of Anton Eberl, the guilty verdict related to the events at the Präbichl Pass. He was acquitted of the charge of accessory to murder in the Gsollgraben. Anton Hebenstreit was convicted of the murders in the Gsollgraben but acquitted of the Präbichl murders. Otto Christandl, Anton Eberl, and Friedrich Wolf had not killed anyone themselves, but in the opinion of the court they had to be convicted – as demanded by the prosecution – because they had done nothing to prevent the shootings, although it would have been in their power to do so.[1675]

After the verdicts, the court retired again briefly to deliberate before each defendant was led into the courtroom individually to hear his sentence. Otto Christandl, Anton Eberl, Ernst Feistl, Anton Hirner,[1676] Ludwig Krenn, Rudolf Mitterböck, Emmerich Schnabl, Franz Taucher, Friedrich Wolf, and Ludwig Wurm were sentenced to death. Anton Hebenstreit, Max Mitter, and Karl Schelch were sentenced to ten years in prison,

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[1672] Wahrheit (30. 4. 1946), 1 („Zehn Todesurteile im Eisenerzer Mordprozeß"). Translated into English, German text in the original as follows: „Er werde zuerst das Gesetz nennen, das angewendet wurde, dann die Tatsachen anführen, von denen das Gericht annahm, daß sie bewiesen sind, er werde jeden einzelnen Fall vornehmen und angeben, ob der Angeklagte schuldig oder nichtschuldig sei, worauf der betreffende Angeklagte den Gerichtssaal verlassen müsse. Nachdem der Schuldspruch ausgesprochen worden sei, werden die Angeklagten wieder in die Anklagebank zurückgeführt werden. Dann werde der Gerichtshof hören, was die einzelnen Verteidiger als besondere mildernde Umstände vorbringen würden, und darauf erst sein Urteil verkünden. Jedem Angeklagten stünde das Recht der Berufung zu. Diese müßte an den Oberstkommandierenden der britischen Streitkräfte in Österreich erfolgen.".

[1673] Wahrheit (30. 4. 1946), 1 („Zehn Todesurteile im Eisenerzer Mordprozeß").

[1674] As Rudolf Pirmann was suspected of having committed further murders of Jews in April 1945, he remained behind bars despite his acquittal. TNA, FO 1020/2024: 3. 5. 1946, 6. 5. 1946, 24. 5. 1946, 13. 8. 1946. – Pirmann stood trial on 18 October 1946 at the second Eisenerz trial on the basis of these accusations. However, the uncertain evidence again led to an acquittal (see chapter 7.4.3).

[1675] Wahrheit (30. 4. 1946), 2 („Das Urteil im Eisenerzer Mordprozeß"). – Furthermore: RABKO, Menschheit 73f.; HALBRAINER, Unsere Pflicht 117f.; LAPPIN-EPPEL, Zwangsarbeiter 431f.; HALBRAINER, NS-Terror 215f.

[1676] For the after-effects of this death sentence on Anton Hirner's family, see his granddaughter's thesis: HIRNER, NS-Verbrechen 15–23, 100–113.

taking mitigating circumstances into account. The penalty imposed on Michael Leonhardsberger was six months' imprisonment.[1677] The lenient punishment for Leonhardsberger came about because of his limited sanity.[1678]

In his closing remarks, Mr Glyn-Jones thanked the defence lawyers and interpreters as well as the judicial and security officers for their work.[1679] He concluded the first Eisenerz trial by saying that this was not about war crimes, but about the conviction of criminal offences of the greatest magnitude. Guilt demands atonement. In his opinion, the judgement was in line with the sense of justice and popular sentiment.[1680]

Subsequently, the ten condemned men submitted petitions for a review of the proceedings and appeals for clemency, [1681] all of which were rejected. Therefore, in the early hours of 21 June 1946, a firing squad[1682] executed the men sentenced to death in the courtyard of the Regional Criminal Court[1683] in Graz.[1684]

In Eisenerz, the FSS surveyed and reported on the population's reaction to these executions: *1) British authorities too harsh – particularly with Feistl* [and] *Wolf. 2) Some of accused told lies in Court* [and] *judges got angry* [and] *sentenced them to death for that. 3) A man who saw Mitterböck in prison alleges that he admitted his cruelties in the foreign workers camp at Eisenerz but denied that he was on the Prebichl.* […].[1685] In general, the sentencing practice of the British military courts of punishing the commissioners at least as harshly as the perpetrators was not well received by the Austrian public. The Austrian courts also prosecuted Nazi functionaries only because of their position in the party, but not because of the crimes they had ordered.[1686]

Meanwhile, the men sentenced to ten years in prison in the first Eisenerz trial were sent to the Karlau Prison on 2 May 1946. Karl Schelch was paroled from prison on 11 March 1952. Anton Hebenstreit and Max Mitter followed on 24 June 1952.[1687]

[1677] Das Steirerblatt (30. 4. 1946), 1 („Zehn Judenmörder zum Tod verurteilt"); Neue Zeit (30. 4. 1946), 1 („Zehn Todesurteile in Graz"); Wiener Kurier (30. 4. 1946), 3 („Zehn Todesurteile in Graz"); BURCZIK, Spuren 169, 201, note 41; RABKO, Menschheit 74; HALBRAINER, Unsere Pflicht 118; HALBRAINER/LAMPRECHT, unsichtbar 272; HALBRAINER, NS-Terror 216.

[1678] The court invoked § 213 RStGB (less serious manslaughter), which provided for a prison sentence of no less than six months in the event of mitigating circumstances – in this case the defendant's questionable sanity. TNA, FO 1020/2055: p. 275, p. 281. – According to British opinion, the court went *to the extreme limit of leniency* with this judgement. TNA, FO 1020/2034.

[1679] Wahrheit (30. 4. 1946), 2 („Das Urteil im Eisenerzer Mordprozeß"). – The work of Mr Glyn-Jones was praised by the public, at least according to the Psychological Warfare Branch: *What has impressed many among the public is the* […] *manner in which the Presiding Judge guides the case even down to the smallest details.* TNA, FO 1007/298: 14. 4. 1946, *Weekly survey of political developments No. 39.*

[1680] Weltpresse (30. 4. 1946), 2 („Sühne für die Judenmorde auf dem Prebichl").

[1681] Cf. TNA, FO 1020/2038: 5. 5. 1946; HALBRAINER, Unsere Pflicht 121.

[1682] Cf. TNA, FO 1020/2066: 13. 6. 1946, *Death Warrant* Otto Christandl. – BEER, Militärgerichtsbarkeit (1998), 64; BEER, Briten in Graz 88f.; MUIGG, Graz 104; BEER, Militärgerichtsbarkeit (2018), 129.

[1683] BRUNNER W., Hinrichtungen und Tötungen 292.

[1684] StAG, Sterbeprotokoll Juni 1946, Journal-Nr. 365–374. – See also: Neue Zeit (22. 6. 1946), 1 („Eisenerzer Mörder hingerichtet"); Wahrheit (22. 6. 1946), 1 („Die zehn Eisenerzer Nazimörder hingerichtet"); RABKO, Menschheit 74; HALBRAINER, Unsere Pflicht 119; HALBRAINER, NS-Terror 216.

[1685] TNA, FO 1020/2024: 24. 6. 1946.

[1686] LAPPIN, Prozesse 346–348; LAPPIN, Ahndung 41; LAPPIN, Death Marches 242; HALBRAINER, Unsere Pflicht 101; LAPPIN-EPPEL, Zwangsarbeiter 432.

[1687] StLA, JA Karlau, Bücher, Bd. 59, StB-Nr. 614 (Hebenstreit), 615 (Mitter), 616 (Schelch).

7.4.3 Eisenerz II – Herbert Neumann, Rudolf Pirmann; Johann Huber, Rupert Pregartner (16–23 October 1946, Graz)

At the end of the first Eisenerz trial, it was already clear that this would not be the only one to deal with the death march in the Eisenerz area. This was because the relevant investigations by the British had not yet been fully completed, and because one of the alleged main perpetrators, Herbert Neumann, was still at large. He was accused of involvement in the shootings at the Präbichl Pass on 7 April 1945 and, above all, the murder of seven Jews from the Gsoll camp two days later. He was originally on the Graz Criminal Investigation Department's wanted list for murder[1688] before the British took over the investigation.[1689] Newspaper reports were also placed in the search for Neumann[1690] until he was finally arrested in Germany in September 1946.[1691]

This paved the way for the second Eisenerz trial,[1692] which was held in the Graz Regional Court from 16 October 1946.[1693] The General Court met under Sir Douglas Young.[1694] Among others, the exiled Austrian Maj Dr Friedrich Schnek acted as assessor.[1695] Unlike in the spring, this time the audience in the large jury courtroom was sparse.[1696] During the first two phases of the trial, the focus was on the crimes committed at the Gsoll camp and in Seeau on 9 and 10 April 1945 respectively. Two members of the Volkssturm Eisenerz were on trial:

- Herbert Neumann, a German by birth,[1697] originally worked for the Ullstein publishing house in Berlin, later lived in Linz, and in Eisenerz from 1943, where he managed the co-operative store of the Reichswerke Hermann Göring.[1698] He held the rank of Zugführer in the local Volkssturm. Neumann fled from Eisenerz to Upper Austria on 8 May 1945 and subsequently went into hiding.[1699]
- Rudolf Pirmann (see above)

[1688] Grazer Fahndungsblatt, Jg. 2/Nr. 13 (5. 2. 1946), Art. 995.
[1689] Cf. Grazer Fahndungsblatt, Jg. 2/Nr. 85 (12. 7. 1946), Art. 6279.
[1690] Neue Zeit (11. 7. 1946), 3 („Mörder Neumann wird gesucht"); Murtaler Volkszeitung (20. 7. 1946), 6 („Massenmörder Herbert Neumann").
[1691] Weltpresse (17. 9. 1946), 8 („Anführer der Eisenerzer Mörder verhaftet"); Wiener Kurier (17. 9. 1946), 3 („Anführer des Eisenerzer Massenmordes verhaftet"); Neue Zeit (18. 9. 1946), 3 („Eisenerzer Mörder verhaftet").
[1692] The author does not share the view sometimes expressed in the scientific literature that a distinction should be made between a separate second and third Eisenerz trial. He thus follows the British view. Cf. TNA, FO 1020/2063: 8. 1. 1947.
[1693] Weltpresse (2. 10. 1946), 8 („Zweiter Prebichl-Prozeß in Graz"); Weltpresse (14. 10. 1946), 5 („Bestien in Menschengestalt"); Weltpresse (16. 10. 1946), 8 („Neumann hat 17 Morde verübt"); Neue Zeit (17. 10. 1946), 3 („Der zweite Akt des Eisenerzer Mordprozesses"); RABKO, Menschheit 74; HALBRAINER, NS-Terror 216.
[1694] Sir Douglas Young was to preside over 18 more General Courts in Styria until December 1947.
[1695] Cf. Das Steirerblatt (23. 10. 1946), 3 („Rupert Pregartner zu acht Jahren verurteilt"). – The name of the second assessor could not be ascertained.
[1696] Neue Zeit (17. 10. 1946), 3 („Der zweite Akt des Eisenerzer Mordprozesses").
[1697] * 13. 1. 1905, Bytom Odrzański (POL); † 19. 11. 1946, Graz (AUT). TNA, FO 1020/2024: 6. 5. 1946; Grazer Fahndungsblatt, Jg. 2/Nr. 13 (5. 2. 1946), Art. 995.
[1698] Neue Zeit (11. 7. 1946), 3 („Mörder Neumann wird gesucht"); Neue Zeit (17. 10. 1946), 3 („Der zweite Akt des Eisenerzer Mordprozesses").
[1699] TNA, FO 1020/2024: 3. 5. 1946, 6. 5. 1946; Neue Zeit (11. 7. 1946), 3 („Mörder Neumann wird gesucht").

The third phase of the trial was devoted to the Wandau crime, i.e. the killing of a Jew on 9 April 1945, for which an auxiliary gendarme had to answer:

- Rupert Pregartner[1700] worked as a merchant at Alpine Montan/Reichswerke Hermann Göring in Eisenerz. In April 1945, he was deployed as an auxiliary gendarme in Hieflau. After his arrest on 12 October 1945, Pregartner was intended for prosecution in the first Eisenerz trial,[1701] but was ultimately only questioned as a witness.[1702] Pregartner returned to Eisenerz in April 1946, where he was under town-arrest,[1703] i.e. he had to report to the local police station once a week.[1704]

The fourth set of crimes related to the (alleged) shooting of a Jew in Jassingau on 11 April 1945. The accused was a Volkssturm man:

- Johann Huber[1705] was a blaster by profession.[1706] He was a member of the Volkssturm Hieflau, which was deployed several times in April 1945 to escort transports of Jews from Jassingau to Wandau. Arrested after the end of the war for alleged assaults on entrenchment workers, Huber was also due to sit in the dock at the first Eisenerz trial. However, he was deferred and, in March 1946, initially sent from Graz back to the police jail in Eisenerz.[1707]

Lt Col G.W. Treadwell, as prosecutor, first presented the charges against Herbert Neumann regarding the shooting of seven Jews not far from the Gsoll camp on 9 April 1945.[1708] Neumann pleaded not guilty. Among the first witnesses called were the former Volkssturm men Karl Schelch[1709], Franz Schönberger, and the camp cook Adalbert Kollar. All three testified that they had been close to Neumann when he murdered seven Jews by shooting them in the neck with a pistol.[1710] On the second day of the trial, Neumann's defence lawyer Dr Heinrich Merk, who – as was the case with most of the defendants in the Eisenerz trials – had been appointed by the court,[1711] called his client to the witness stand. Neumann admitted that he had passed on the Gestapo order to execute Jews in the Gsollgraben. The newspaper "Neue Zeit" reported that the accused described the events in Gsoll quite matter-of-factly and without emotion. He had met a

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[1700] * 8. 4. 1900, Hofstätten (AUT); † 13. 2. 1972, Neunkirchen (AUT). DAGS, Pfarre Gleisdorf, Taufbuch VIII 1897–1904, p. 132, Post-Nr. 42 [URL: https://data.matricula-online.eu/de/oesterreich/graz-seckau/gleisdorf/6341/?pg=141 (18. 9. 2025)].
[1701] Cf. TNA, FO 1020/2034: 28. 12. 1945.
[1702] Cf. TNA, FO 1020/2034: 13. 3. 1946.
[1703] TNA, FO 1020/2024: 6. 5. 1946; TNA, FO 1020/2059: 28. 5. 1945 (Nationale Josef Jakob).
[1704] TNA, FO 1020/2024: 24. 5. 1946.
[1705] * 10. 9. 1900, Hieflau (today, mun. Landl, AUT); † 8. 12. 1973, Eisenerz (AUT). DAGS, Pfarre Hieflau, Taufbuch IX 1896–1910, p. 60, Post-Nr. 39 [URL: https://data.matricula-online.eu/de/oesterreich/graz-seckau/hieflau/16644/?pg=61 (18. 9. 2025)].
[1706] StLA, JA Karlau, Bücher, Bd. 59, StB-Nr. 1405.
[1707] TNA, FO 1020/2034: 26. 3. 1946; TNA, FO 1020/2024: 6. 5. 1946.
[1708] The presumed chain of events was outlined in section 7.4.2.1. – See also: HALBRAINER, Unsere Pflicht 119f.; HALBRAINER, NS-Terror 217.
[1709] Karl Schelch was sentenced to ten years in prison during the first Eisenerz trial.
[1710] Arbeiter-Zeitung (17. 10. 1946), 3 („Eisenerz"); Das Steirerblatt (17. 10. 1946), 3 („Der zweite Eisenerzer Prozeß hat begonnen"); Neue Zeit (17. 10. 1946), 3 („Der zweite Akt des Eisenerzer Mordprozesses"); Wahrheit (17. 10. 1946), 3 („Neumann, der siebenfache Judenmörder"). – See also the testimony of Franz Schönberger in the first Eisenerz trial: TNA, WO 235/1119: 1. 4. 1946, p. 4–6.
[1711] Cf. Wahrheit (17. 10. 1946), 3 („Neumann, der siebenfache Judenmörder").

forester on the way and asked him about a favourable spot for shootings.[1712] Neumann then ordered other Volkssturm men to dig a grave in this place. In court, however, he denied having shot at anyone himself.[1713] In the subsequent pleas, the prosecutor spoke of the defendant's indisputable guilt. The defence lawyer, on the other hand, demanded that his client should at least be conceded to have acted in good faith with a lawful order to shoot. After a brief deliberation, the court found Neumann guilty of murder and subsequently imposed the maximum sentence (death by hanging).[1714]

The verdict against Neumann meant that on 18 October 1946, when the murder of Jews in Seeau was heard, only Rudolf Pirmann was on trial. He was defended by Dr Otto Panholzer. According to the indictment, a small transport of Jews had been led over the Präbichl on 10 April 1945. Around a dozen men in particularly poor health were taken to Eisenerz by train at nightfall, loaded onto a lorry and driven to Seeau. There they had to lie down on the ground while a pit was dug next to them. At least four Jews are said to have been placed at the edge of the pit and shot by Neumann and Pirmann, while some others were able to escape in the darkness.[1715] When questioned by the police, Pirmann had stated that he had shot at Jews on Neumann's orders. However, he now pleaded not guilty in court. Although he had fired, he assumed that he had not hit anyone. Finally, Sir Douglas Young declared that, in the opinion of the court, the evidence presented was not sufficient to convict Rudolf Pirmann. Consequently, he was acquitted.[1716]

On 21 October 1946, the third phase of the trial began, in which Rupert Pregartner was accused by Lt Col Treadwell of having ordered the shooting of a Jew in Wandau on 9 April 1945.[1717] The witnesses for the prosecution, Ludwig D. and Johann Gatterbauer[1718], once again described the course of events from their point of view. Pregartner himself firmly denied having given an order to kill. He blamed the Volkssturm men Gatterbauer and Leonhardsberger.[1719] In the final speeches on the morning of 22 October 1946, Lt Col Treadwell demanded a guilty verdict. Dr Josef Primus, on the other hand, as defence counsel, saw insufficient evidence in the prosecution's case and asked for a con-

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[1712] Neue Zeit (18. 10. 1946), 3 („Herbert Neumann zum Tode verurteilt“).

[1713] Welt am Abend (17. 10. 1947), 3 („Zweiter Eisenerzer Prozeß“); Weltpresse (Abend-Ausgabe) (17. 10. 1946), 2 („Zeugen sahen Neumann die Schüsse abgeben“); HALBRAINER, Unsere Pflicht 120.

[1714] Arbeiter-Zeitung (18. 10. 1946), 3 („Todesurteil im Eisenerz-Prozeß“); Das Steirerblatt (18. 10. 1946), 3 („Ernst [!] Neumann zum Tode verurteilt“); Neue Zeit (18. 10. 1946), 3 („Herbert Neumann zum Tode verurteilt“); Wahrheit (18. 10. 1946), 3 („Neumann zum Tod verurteilt“); RABKO, Menschheit 74f.; HALBRAINER, Unsere Pflicht 120; HALBRAINER, NS-Terror 217.

[1715] TNA, FO 1020/2059: 14. 2. 1946 (Statement Franz Schönberger); LAPPIN, Todesmarsch 81; LAPPIN-EPPEL, Zwangsarbeiter 437; LAPPIN-EPPEL, Todesmärsche (2012), 404, 406; HALBRAINER, NS-Terror 217.

[1716] Weltpresse (Abend-Ausgabe) (18. 10. 1946), 8 („Die Mörder von der Seeau“); Das Steirerblatt (19. 10. 1946), 4 („Piermann zum zweitenmal freigesprochen“); Neue Zeit (19. 10. 1946), 3 („Piermann zum zweitenmal freigesprochen“); Wahrheit (19. 10. 1946), 3 („Piermann zum zweitenmal freigesprochen“); Weltpresse (19. 10. 1946), 2 („Pirmann wieder freigesprochen“); RABKO, Menschheit 74; HALBRAINER, Unsere Pflicht 120; HALBRAINER, NS-Terror 217.

[1717] The presumed course of events was outlined in section 7.4.2.1. – See also: Das Steirerblatt (22. 10. 1946), 3 („Pregartner wegen Judenmordes in der Wandau angeklagt“).

[1718] Johann Gatterbauer was charged with murder in the first Eisenerz trial, but was acquitted.

[1719] Weltpresse (Abend-Ausgabe) (21. 10. 1946), 5 („Sechzehnjähriger wollte Verbrechen verhindern“); Das Steirerblatt (22. 10. 1946), 3 („Pregartner wegen Judenmordes in der Wandau angeklagt“); Wahrheit (22. 10. 1946), 3 („Der Judenmörder Pregartner an der Reihe“).

viction of negligent grievous bodily harm or, at most, for involuntary manslaughter.[1720] In the afternoon, the court found Pregartner guilty of attempted murder. The sentence was eight years in prison.[1721]

The fourth and final phase of the trial, in which Johann Huber had to take the stand, began immediately afterwards. The former Volkssturm man was accused of forcing two Jews in Jassingau to take a fellow sufferer who was unable to march behind a wooden hut on 11 April 1945. There, Huber is said to have shot this man with a rifle.[1722] The body was thrown into the Erzbach stream. The defendant pleaded not guilty but was heavily incriminated in the courtroom by three eyewitnesses.[1723] After the closing speeches, the court found Johann Huber guilty on 23 October 1946. The presiding judge commented that it had been concluded that Huber had shot the Jew on his own initiative. That is murder.[1724] Sir Douglas then pronounced the death sentence and, as usual, pointed out the possibility of petitioning the British High Command for a review of the judgement within ten days.[1725] This marked the end of the second Eisenerz trial.[1726]

The review of the proceedings did not change anything in the case of Herbert Neumann, as his sentence was confirmed. He was sent to Graz-Karlau Prison on 18 November 1946 and executed there one day later.[1727] Johann Huber, on the other hand, was spared the gallows because the grounds for mitigation put forward by his defence lawyer Dr Alois Rechberger were taken into account: *One sentence* [Huber] *was commuted to ten years imprisonment on compassionate grounds as the accused was physically deformed and of low mental capacity*.[1728] After the sentence had been reduced, Huber was transferred to Karlau Prison on 6 December 1946. He remained there until his parole on 23 June 1953.[1729] Rupert Pregartner was imprisoned in Graz-Karlau from 29 October 1946 and was transferred to Stein Prison on 24 April 1947.[1730] Rudolf Pirmann returned to work as a foreman in Eisenerz after his release.[1731]

[1720] Das Steirerblatt (23. 10. 1946), 3 („Rupert Pregartner zu acht Jahren verurteilt").
[1721] Weltpresse (Abend-Ausgabe) (22. 10. 1946), 8 („Heute Urteil im Eisenerzer Prozeß"); Wahrheit (23. 10. 1946), 3 („8 Jahre Gefängnis für Pregartner"); Weltpresse (23. 10. 1946), 8 („Der bucklige Judenmörder vom Prebichl"); RABKO, Menschheit 75; HALBRAINER, Unsere Pflicht 120; HALBRAINER, NS-Terror 218.
[1722] See also: TNA, FO 1020/2059: 12. 3. 1946 (Statement Maria P.), 15. 3. 1946 (Statement Elise Reitbauer), 20. 3. 1946 (Statement Raimund Windhager).
[1723] Neue Zeit (23. 10. 1946), 3 („8 Jahre Kerker für Pregartner"); Wahrheit (23. 10. 1946), 3 („8 Jahre Gefängnis für Pregartner"); Weltpresse (23. 10. 1946), 8 („Der bucklige Judenmörder vom Prebichl"); RABKO, Menschheit 75.
[1724] Wahrheit (24. 10. 1946), 3 („Für Huber der Strang als Sühne"). – Furthermore: Das Steirerblatt (24. 10. 1946), 3 („Todesurteil im letzten Eisenerzer Prozeß"); HALBRAINER, Unsere Pflicht 122; HALBRAINER, NS-Terror 218.
[1725] Das Steirerblatt (24. 10. 1946), 3 („Todesurteil im letzten Eisenerzer Prozeß"); Neue Zeit (24. 10. 1946), 3 („Wieder ein Todesurteil in Graz"); Wahrheit (24. 10. 1946), 3 („Für Huber der Strang als Sühne"); Weltpresse (24. 10. 1946), 2 („Der bucklige Judenmörder zum Strang verurteilt").
[1726] For Sir Douglas Young's harsh criticism of organisational deficits during this trial, see chapter 7.1.
[1727] TNA, FO 1020/2867: 7. 12. 1946; StLA, JA Karlau, Bücher, Bd. 59, StB-Nr. 1342; StAG, Sterbeprotokoll November 1946, Journal-Nr. 362.
[1728] TNA, FO 1020/1187: 6. 8. 1947. – Johann Huber had a noticeably arched back. Weltpresse (23. 10. 1946), 8 („Der bucklige Judenmörder vom Prebichl").
[1729] StLA, JA Karlau, Bücher, Bd. 59, StB-Nr. 1405.
[1730] StLA, JA Karlau, Bücher, Bd. 59, StB-Nr. 1228.
[1731] Note from Walter Dall-Asen (Landl, 14. 11. 2001).

The Leoben People's Court had also opened investigations against Johann Huber on suspicion of killing Jews in April 1945 – only shortly before the second Eisenerz trial. These were discontinued in view of the British trial. However, at the end of 1947, the same court began a new trial for the crimes committed in the Jassingau/Lainbach death march section, in which Johann Huber, Rudolf Pirmann, and two members of the Volkssturm Hieflau were also to be charged. Both Huber and Pirmann denied the accusations. Subsequently, these investigations were also terminated in May 1948 with reference to the British trial that had already been concluded.[1732]

After the two Eisenerz trials in 1946, the British convened eleven more General Courts in Graz in the course of 1947 to deal with the death marches of Hungarian Jews through Styria. The first trial in this series took place on 13 March 1947.

7.4.4 Bruck an der Mur – Johann Lantschik (13 March 1947, Graz)

The largest column of the death marches reached the village of Mixnitz (mun. Pernegg an der Mur) on 4 April 1945. At the Schlager Inn, the transport was assigned a new escort detachment of six gendarmes and 20–30 Volkssturm men from Bruck an der Mur and the surrounding area for the stretch to Niklasdorf. An officer from the Hafendorf gendarmerie post, Johann Lantschik,[1733] went to the end of the column, where, sometimes together with Ukrainian SS men, he shot down several Jews as the march continued. The 'offences' of his victims were that they were too exhausted to continue or that they had taken food without permission.[1734]

After the end of the war, Johann Lantschik was arrested by Red Army soldiers in May 1945, initially detained at Böhler Plant VI in Kapfenberg and later transferred to the Wolfsberg camp.[1735] Austrian authorities began investigating Lantschik in June 1945. In the course of questioning by officers of the gendarmerie and municipal police in Bruck an der Mur, he was incriminated in particular by Karl Stipschitz and Vinzenz Stumberger who, as Volkssturm men, had been part of the escort of the transport. Both could (and were willing to) testify to Lantschik's deeds. According to them, two of the shootings took place on 4 April 1945 just outside Mixnitz and near Kirchdorf. After spending the night in a meadow near Zlatten, Lantschik also killed people on the following day at the

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[1732] HALBRAINER, NS-Terror 219f. – The proceedings against the two other Volkssturm men were dropped in February 1949.

[1733] * 21. 6. 1887, Krems an der Donau (AUT); † 16. 4. 1947, Graz (AUT). DASP, Pfarre Krems-St. Veit, Taufbuch 1886–1895, p. 59, Nr. 118 [URL: https://data.matricula-online.eu/de/oesterreich/st-poelten/krems-st-veit/01-23/?pg=91 (18. 9. 2025)]; TNA, FO 1020/2071: 5. 7. 1945; StLA, JA Karlau, Bücher, Bd. 59, StB-Nr. 1694. – See also: StLA, Gendarmeriechronik, Bez. Bruck-Mürzzuschlag, GP Hafendorf, Bd. 1, p. 122.

[1734] TNA, FO 1020/2071: 5. 7. 1945; Neue Steirische Zeitung (23. 8. 1945), 5 („Der Todesmarsch ungarischer Juden"); Neue Zeit (14. 3. 1947), 2 („Hitlergruß rettete nicht vorm Tod"); LAPPIN, Todesmärsche (2004), 276; LAPPIN-EPPEL, Zwangsarbeiter 420.

[1735] StLA, Gendarmeriechronik, Bez. Bruck-Mürzzuschlag, GP Hafendorf, Bd. 1, p. 122f.

Mur canal near Zlatten,[1736] at three places before Bruck an der Mur, and finally in Unteraich.[1737] Stumberger said about one of these incidents:[1738]

> *Next to the Reichsstraße in Einöd near Bruck an der Mur, not far from the so-called Scherr-Hube, two Jews lay down again due to exhaustion. I wanted to pick them up when one of the Jews said to me: "Comrade, just let me rest a bit", as they were sitting on a boundary stone. Then Lantschik said to me: "Leave them alone." I didn't follow the transport but went to see what happened to them. Lantschik and three Ukrainian SS men grabbed these two Jews by the collar of their shirts and pushed them to a bush next to the river Mur. Lantschik then shot one of them in the neck with a pistol, the Ukrainian SS man shot the other with a rifle.* […]

The British took over the court proceedings. On the basis of the Austrian investigations, Maj (from March 1947 Lt Col) John G.A. Bickford prepared the indictment at the Atrocities Section. On 13 March 1947, Johann Lantschik had to answer to a General Court in Graz, presided over by Sir Douglas Young. Mr T.H. Clarke and Maj R.M. Rayner were present as assessors.[1739] The defence was led by Dr Josef Primus. Prosecutor Bickford charged Lantschik with murder at eight different crime scenes with a total of twelve victims under Section 134 of the Austrian Penal Code.[1740] Heavily incriminated by the testimony of witnesses, Lantschik admitted to having shot Jews on the orders of the Gestapo but stated that he could not remember any details. As expected, the court did not accept this explanation[1741] and found the defendant guilty of two counts of murder.[1742] Sir Douglas said at the sentencing:[1743]

[1736] See also: DAGS, Pfarrchronik Pernegg, s. p. [Section: *Als Ende März 1945 …*].

[1737] TNA, FO 1020/2071: 26. 6. 1945 (Statements Karl Stipschitz and Vinzenz Stumberger). – Furthermore: TNA, FO 1020/2071: 19. 6. 1945 (Statement Florian Lenhard), 22. 6. 1945 (Statement Willibald Kirsch), 26. 6. 1945 (Statement Johann Lantschik).

[1738] TNA, FO 1020/2071: 26. 6. 1945 (Statement Vinzenz Stumberger). Translated into English, German text in the original as follows: *Neben der Reichsstraße in Einöd bei Bruck a. d. Mur, unweit der sogenannten Scherr-Hube, blieben wieder zwei Juden infolge Mattigkeit liegen. Ich wollte sie aufheben, da sagte einer der Juden zu mir: „Kamerad, laß mich nur ein bisschen rasten", da sie auf einem Grenzstein saßen. Darauf sagte Lantschik wieder zu mir: „Lassen Sie sie nur." Ich ging aber dem Transport nicht nach, sondern überzeugte mich, was mit diesen geschah. Lantschik sowie drei ukrainische SS-Männer erfaßten wieder diese zwei Juden am Rockkragen und schoben sie zu einem Gebüsch neben der Mur. Lantschik gab dann einem den Genickschuß mit der Pistole, der ukrainische SS-Mann erschoß den anderen mit dem Gewehr*.

[1739] TNA, FO 1020/2070: 7. 3. 1947; TNA, FO 1020/2071: 1. 4. 1947; POLASCHEK, Volksgerichte 31.

[1740] TNA, FO 1020/2071: 13. 3. 1947, *Consoldidated Charge Sheet*.

[1741] In the run-up to the trial, the Legal Division had already reminded Maj Bickford of the exemplary effect of the two Eisenerz trials, in which alleged Gestapo orders had not been accepted by the judges as mitigating evidence. TNA, FO 1020/2071: 18. 2. 1947.

[1742] StLA, LG Leoben, Vr 339/45, fol. 51 (cited from POLASCHEK, Volksgerichte 31); Neue Zeit (14. 3. 1947), 2 („Hitlergruß rettete nicht vorm Tod"); Mürztaler Volksstimme (16. 3. 1947), 1 („Die Genickschüsse des Gendarmen"). – Furthermore: LAPPIN, Todesmärsche (2004), 276; LAPPIN-EPPEL, Zwangsarbeiter 420.

[1743] StLA, LG Leoben, Vr 339/45, fol. 53 (cited from POLASCHEK, Volksgerichte 32). Translated into English, German text in the original source as follows: *Johann Lantschik,* […] *Wir haben das Beweismaterial sorgfältig geprüft und alles erwogen, was Ihre Verteidigung für eine milde Beurteilung dieser beiden grausamen Verbrechen vorgebracht hat. Die Aussagen der beiden Zeugen, die bei Ihnen waren, als Sie diese Juden erschossen haben, beweisen eindeutig, dass Sie keinen Befehl erhalten hatten, diese Juden zu diesem bestimm-*

Johann Lantschik, […] *We have carefully examined the evidence and considered everything that your defence has put forward for a lenient assessment of these two atrocious crimes. The testimony of the two witnesses who were with you when you shot these Jews clearly proves that you had not received an order to shoot these Jews at that particular time.* […] *These two Jews were human beings who would have evoked the compassion of any decent person; you, however, showed no mercy whatsoever. We must therefore, unfortunately, fulfil our duty and sentence you to death by hanging.*

After a review of the proceedings by the Legal Division, the British Commander-in-Chief, Lt Gen Steele confirmed the judgement and guilty verdict.[1744] Johann Lantschik was transferred to Graz-Karlau Prison on 15 April 1947 and executed there the next day by hangman[1745] Leopold Zaglauer.[1746]

7.4.5 Hafning – Klemens Frettensattel (17 March 1947, Graz)

On 7 April 1945, there was another change of escort for the large transport of Jews near Hafning (today, mun. Trofaiach). It was now up to the Vordernberg Volkssturm to bring the column to the Präbichl Pass.[1747] The SA and Volkssturm man Klemens Frettensattel[1748] was assigned to the end of the column. As the march continued between Hafning and Friedauwerk (today, mun. Vordernberg), Frettensattel shot two Jews who had lagged behind out of exhaustion.[1749] The perpetrator later testified that the crews accompanying the transports of Jews were generally aware that stragglers were to be shot.[1750] But according to his own statement, he refused to kill any more Jews.[1751]

Klemens Frettensattel was arrested in January 1946 and confessed to the two shootings.[1752] As it turned out, there were also eyewitnesses to his actions who were willing

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ten Zeitpunkt zu erschiessen. […] *Diese zwei Juden waren Menschen, die das Mitgefühl jedes anständigen Menschen hervorgerufen hätten; Sie aber haben keinerlei Barmherzigkeit gezeigt. Wir haben deshalb, leider, unsere Pflicht zu erfüllen und Sie zum Tode durch Erhängen zu verurteilen*. – See also: Wahrheit (14. 3. 1947), 3 („Achtfacher Mörder zum Tode verurteilt").

[1744] TNA, FO 1020/2071: 1. 4. 1947; POLASCHEK, Volksgerichte 31; LAPPIN-EPPEL, Zwangsarbeiter 420, note 194.

[1745] StLA, JA Karlau, Gefangenenakten, Gef 183-1947, Frettensattel Klement: 16. 4. 1947.

[1746] TNA, FO 1020/2071: 17. 4. 1947; TNA, FO 1020/1187: 6. 8. 1947; StLA, JA Karlau, Bücher, Bd. 59, StB-Nr. 1694; StAG, Sterbeprotokoll April 1947, Journal-Nr. 174. – See also: StLA, Gendarmeriechronik, Bez. Bruck-Mürzzuschlag, BGK Bruck an der Mur, Bd. 1, p. 215f. – After the execution, Lantschik's remains were handed over to the Anatomical Department (University of Graz). StLA, JA Karlau, Gefangenenakten, Gef 183-1947, Frettensattel Klement: 16. 4. 1947; StAG, Sterbeprotokoll April 1947, Journal-Nr. 174.

[1747] TNA, FO 1020/2070: 21. 6. 1946 (Statement Klemens Frettensattel); LAPPIN-EPPEL, Zwangsarbeiter 422.

[1748] * 23. 11. 1908, Koglhof (today, mun. Birkfeld, AUT); † 16. 4. 1947, Graz (AUT). StLA, JA Karlau, Bücher, Bd. 59, StB-Nr. 1693. – Klemens Frettensattel was a miner by trade.

[1749] TNA, FO 1020/2070: 21. 6. 1946 (Statement Klemens Frettensattel; TNA, FO 1020/2070: 1. 4. 1947; Weltpresse (18. 3. 1947), 3 („Doppelmörder zum Tode verurteilt"); LAPPIN-EPPEL, Zwangsarbeiter 400, 422. – Furthermore: StLA, Gendarmeriechronik, Bez. Leoben, GP Vordernberg, Bd. 1, p. 219.

[1750] TNA, FO 1020/2070: 21. 6. 1946 (Statement Klemens Frettensattel); LAPPIN, Todesmarsch 68; HALBRAINER, Unsere Pflicht 122; HALBRAINER, NS-Terror 218.

[1751] TNA, FO 1020/2070: 21. 6. 1946 (Statement Klemens Frettensattel); LAPPIN-EPPEL, Zwangsarbeiter 400.

[1752] TNA, FO 1020/2070: 21. 6. 1946 (Statement Klemens Frettensattel); TNA, FO 1020/2070: 13. 2. 1947.

to talk about it. Johann Eichberger had seen the first incident.[1753] A few hundred metres along the road, local resident Willibald Graf witnessed the second shooting.[1754]

On 17 March 1947, Frettensattel stood before a General Court in the Graz Regional Court, which was again led by Sir Douglas Young. Dr Alois Rechberger had been assigned as defence counsel. The charge under § 134 of the Austrian Penal Code was two counts of murder.[1755] Frettensattel pleaded guilty. Prosecutor Lt Col Bickford emphasised that the incriminated acts had not been committed under duress "[…] because nobody gave the accused the order to shoot the two Jews, nobody stood behind him with a pistol."[1756]

Klemens Frettensattel was found guilty of both charges and sentenced to death.[1757] As usual, the Legal Division then reviewed the procedure and examined the petitions received. Director S.H. Smith commented to Lt Gen Steele:[1758]

> *The petition against the sentence made on behalf of Frettensattl* [!] *is on the grounds that he is of a low mental capacity and therefore easily susceptible to Nazi propaganda with a consequent loss of moral values. He may be of a low mentality but he is not insane and must therefore be held responsible for his actions.*

Smith concluded by recommending to the Commander-in-Chief that the death sentence be confirmed.[1759] And so it happened.[1760] Frettensattel was transferred to Karlau Prison on 15 April 1947. One day later, he was executed at the hands of Leopold Zaglauer.[1761]

7.4.6 Gleisdorf – Johann Brandner, Adolf Slama (8–9 April 1947, Graz)

At the beginning of April 1945, the routes of the forced labour convoys usually ran from the 'South-east wall' via Gleisdorf before marching on to Graz.[1762] Here, a man who could

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[1753] TNA, FO 1020/2070: 26. 1. 1946 (Statement Johann Eichberger).
[1754] TNA, FO 1020/2070: 25. 1. 1946 (Statement Willibald Graf).
[1755] TNA, FO 1020/2070: *Military Government Court – Summons.*
[1756] Wahrheit (18. 3. 1947), 3 („Mörder Frettensattl zum Tode verurteilt"). Translated into English, German text in the original as follows: „[…] denn niemand hat dem Angeklagten den Befehl gegeben, die zwei Juden zu erschießen, niemand ist mit einer Pistole hinter ihm gestanden." – Furthermore: HALBRAINER, Unsere Pflicht 123; HALBRAINER, NS-Terror 218f.
[1757] Das Steirerblatt (18. 3. 1947), 3 („Nachspiel zum Todesmarsch der Juden"); Neue Zeit (18. 3. 1947), 3 („Weiteres Todesurteil gegen Judenmörder"); Weltpresse (18. 3. 1947), 3 („Doppelmörder zum Tode verurteilt"); Wiener Zeitung (18. 3. 1947), 4 („Doppelmörder zum Tode verurteilt"); LAPPIN, Todesmärsche (2004), 279; LAPPIN, Todesmarsch 68; HALBRAINER, Unsere Pflicht 122; HALBRAINER, NS-Terror 218.
[1758] TNA, FO 1020/2070: 1. 4. 1947.
[1759] During the review of proceedings after the second Eisenerz trial, the death sentence against Johann Huber was converted into a prison sentence with reference to the convict's physical deformity and low intelligence (see chapter 7.4.3).
[1760] TNA, FO 1020/2070: 1. 4. 1947, 8. 4. 1947; LAPPIN-EPPEL, Zwangsarbeiter 400, note 67.
[1761] TNA, FO 1020/2070: 17. 4. 1947; TNA, FO 1020/1187: 6. 8. 1947; StLA, JA Karlau, Bücher, Bd. 59, StB-Nr. 1693. – Frettensattel's corpse was handed over to the Anatomical Department (University of Graz). StLA, JA Karlau, Gefangenenakten, Gef 183-1947, Frettensattel Klement: 16. 4. 1947; StAG, Sterbeprotokoll April 1947, Journal-Nr. 175.
[1762] LAPPIN, Death Marches 232; LAPPIN-EPPEL, Zwangsarbeiter 402 (map); BLATMAN, Todesmärsche, map 3; LAPPIN-EPPEL, Todesmärsche (2012), 397. – Cf. ROSENBERGER, Sieben bewegte Jahrzehnte 11f.

no longer walk, the student Tibor Nemenyi,[1763] stayed in the local primary school, which had been converted into a military hospital.[1764] Subsequently, Nemenyi was shot by Adolf Slama[1765] on the orders of Johann Brandner[1766], the Kreisleiter (district leader) of Weiz.[1767]

After the end of the war, Johann Brandner was arrested on 7 September 1945.[1768] For his activities as an illegal National Socialist[1769] before the 'Anschluss' in March 1938, he was sentenced to ten years' imprisonment by the Graz People's Court on 23 August 1946 under Section 11 of the Prohibition Act.[1770] Meanwhile, Brandner was also being investigated by the British occupying forces in connection with the murder of Tibor Nemenyi.

On 29 March 1947, he was transferred from the Karlau Prison to the prison of the Graz Regional Court,[1771] where a General Court convened on 8 April. It was presided over by Sir Douglas, with Mr Cathie and Maj Rayner as assessors.[1772] Lt Col Bickford acted as prosecutor.[1773] Brandner was joined in the dock by his former driver Adolf Slama, who had been arrested at the end of December 1945.[1774] Dr Josef Gröbelbauer (Brandner) and Dr Franz Messek (Slama) were responsible for the defence.[1775] The charges were based on the Austrian Criminal Code and were incitement to murder (Brandner) and execution of an ordered murder (Slama).[1776] The two accused pleaded not guilty.[1777]

[1763] TNA, FO 1020/2072: 24. 4. 1947. – In newspapers, the victim's surname is given as "Nemeth". Neue Zeit (9. 4. 1947), 2 („„Oh weh – das ist mein Grab!'"); Wahrheit (9. 4. 1947), 2 („„Der Jude muß die Erdäpfel von unten ansehen'"). – The „Nemethi" variant also occurs. Das Steirerblatt (9. 4. 1947), 3 („Der Weizer Kreisleiter als Mordanstifter"). – Unlike in the case of many other victims of the death marches through Styria, Tibor Nemenyi's identity could be clarified because identification documents were found when he was exhumed after the end of the war. Cf. Neue Zeit (9. 4. 1947), 2 („„Oh weh – das ist mein Grab!'").

[1764] LAPPIN-EPPEL, Zwangsarbeiter 413.

[1765] * 9. 5. 1894, Vienna (AUT); † 30. 4. 1947, Graz (AUT). StLA, JA Karlau, Bücher, Bd. 59, StB-Nr. 1738.

[1766] * 15. 12. 1908, Donawitz (today, mun. Leoben, AUT); † 30. 4. 1947, Graz (AUT). DAGS, Pfarre Leoben-Waasen, Taufbuch XII 1907–1911, p. 90, Post-Nr. 386 [URL: https://data.matricula-online.eu/de/oesterreich/graz-seckau/leoben-waasen/12489/?pg=90 (18. 9. 2025)]; StLA, JA Karlau, Bücher, Bd. 59, StB-Nr. 987; StLA, LGS Graz, Vr 1076/46, Hans Brandner: 2. 8. 1946, Anklageschrift, fol. 49.

[1767] Das Steirerblatt (9. 4. 1947), 3 („Der Weizer Kreisleiter als Mordanstifter").

[1768] StLA, LGS Graz, Vr 1076/46, Hans Brandner: 26. 8. 1946, Strafvollzugsanordnung, fol. 85; StLA, JA Karlau, Bücher, Bd. 59, StB-Nr. 987; SCHAFRANEK, Biografien 444. – Furthermore: Neue Steirische Zeitung (10. 10. 1945), 1 („Neue Naziverhaftungen in der Steiermark").

[1769] Johann Brandner was a trained dental technician. He joined the NSDAP in 1933 and actively participated in the July Putsch of 1934, which led to a six-month prison sentence. He then resumed his illegal Nazi activities, became district leader of Weiz in 1936 and was imprisoned again for six months. After the 'Anschluss' in 1938, Brandner was 'officially' appointed Kreisleiter of Weiz. In the SA, he ultimately held the rank of Obersturmbannführer. In 1940, he was awarded the so-called Blutorden. StLA, LGS Graz, Vr 1076/46, Hans Brandner: 23. 8. 1946, fol. 75–79; SCHAFRANEK, Biografien 444f.

[1770] StLA, LGS Graz, Vr 1076/46, Hans Brandner: 23. 8. 1946, fol. 75–79; StLA, JA Karlau, Bücher, Bd. 59, StB-Nr. 987; StLA, JA Karlau, Bücher, Bd. 66, StB-Nr.: 987; Weltpresse (26. 8. 1946), 5 („Verurteilter Kreisleiter"); POLASCHEK, Volksgerichte 30, 88; SCHAFRANEK, Biografien 445.

[1771] StLA, JA Karlau, Bücher, Bd. 59, StB-Nr. 987. – See also: TNA, FO 1020/2072: 29. 3. 1947, *Summons* Brandner Johann.

[1772] TNA, FO 1020/2072: 1. 4. 1947.

[1773] Neue Zeit (4. 4. 1947), 3 („Dienstag Prozeß gegen den Weizer Kreisleiter").

[1774] StLA, Gendarmeriechronik, Bez. Weiz, GP Gleisdorf, Bd. 2, s. p. [entry: 31. 12. 1945]; Neue Zeit (9. 1. 1946), 3 („Ein Weizer Kriegsverbrecher"). – See also: TNA, FO 1020/2072: 29. 3. 1947, *Summons* Slama Adolf.

[1775] Neue Zeit (10. 4. 1947), 3 („Weizer Kreisleiter zum Tode verurteilt").

[1776] Neue Zeit (4. 4. 1947), 3 („Dienstag Prozeß gegen den Weizer Kreisleiter").

[1777] Das Steirerblatt (9. 4. 1947), 3 („Der Weizer Kreisleiter als Mordanstifter").

According to the results of the investigation, which were now presented at the trial, Johann Brandner had given a local NSDAP-leader the order to call in some Volkssturm men to shoot Nemenyi. Loidl passed this instruction on to Adolf Slama. Slama then dug a grave himself in an orchard not far from the primary school. Nemenyi was taken to the hole by an SS man and pushed into it. Slama then fired two shots at the Hungarian.[1778]

On the second day of the trial (9 April), Slama testified that he had not shot Nemenyi directly. The actual murderer was the SS man he did not know. His original confession could be explained by the fact that he was intimidated by a gendarmerie officer. Brandner in turn referred to an order from the Gauleitung to kill all Jews who were no longer able to march. He himself had not given an order to shoot the Jew in Gleisdorf but only made a suggestion [!].[1779]After the closing statements by the defence lawyers, the court retired for a brief deliberation. It then handed down two guilty verdicts and Sir Douglas passed two death sentences.[1780]

The two convicts petitioned the Legal Division for a review of the proceedings, but to no avail. Director S.H. Smith advised the Commander-in-Chief to approve the guilty verdicts: *In my view these are two cases of deliberate murder with no redeeming features that would justify any mitigation of the full legal penalty. I recommend that you confirm the sentences of the Court.*[1781] After Lt Gen Steele had signed off the execution orders,[1782] Johann Brandner and Adolf Slama were taken to the Karlau Prison in Graz on 29 April 1947 to be executed the following day.[1783]

7.4.7 Kurzheim – Johann Czar, Josef Pechböck (2 June 1947, Graz)

After an overnight stay near St. Peter-Freienstein, the Volkssturm from Trofaiach took over the transport of Jews on 7 April 1945. Members of the convoy escorts also committed atrocities on this leg.[1784] Two Jews had been shot near the village of Kurzheim and one on the nearby knoll of Gladen (today, mun. Trofaiach). The victims were to be taken to the camp cemetery in Trofaiach by the Volkssturm members Gruppenführer Johann Czar and Zugführer Josef Pechböck. On the Gladen, they realised – according to the later indictment – that the supposedly dead man was still gasping, whereupon they shot the dying man.

[1778] Neue Zeit (9. 4. 1947), 2 („„Oh weh – das ist mein Grab!'"); Wahrheit (9. 4. 1947), 2 („„Der Jude muß die Erdäpfel von unten ansehen'").
[1779] Das Steirerblatt (10. 4. 1947), 3 („Zwei Todesurteile des Militärgerichtes").
[1780] Wahrheit (10. 4. 1947), 3 („Brandner und Slama zum Tode verurteilt"). – Furthermore: Wiener Kurier (10. 4. 1947), 2 („Ehemaliger Kreisleiter zum Tode verurteilt"); Obersteirische Zeitung (12. 4. 1947), 1 („Kreisleiter von Weiz zum Tode verurteilt"); BURCZIK, Spuren 180; LAPPIN-EPPEL, Zwangsarbeiter 413.
[1781] TNA, FO 1020/2072: 24. 4. 1947.
[1782] TNA, FO 1020/2072: 25. 4. 1947.
[1783] TNA, FO 1020/2072: 30. 4. 1947; StLA, JA Karlau, Bücher, Bd. 59, StB-Nr. 987, 1738; StLA, JA Karlau, Bücher, Bd. 66, StB-Nr.: 987, 1738; StAG, Sterbeprotokoll April 1947, Journal-Nr. 337, 338. – See also: Neue Zeit (6. 5. 1947), 3 („Weizer Kreisleiter hingerichtet"); HALBRAINER/POLASCHEK, Recht 107; SCHAFRANEK, Biografien 445.
[1784] After the British military government had ordered investigations into the shooting of Jews in the Trofaiach area, 13 bodies were exhumed in 1946. StLA, Gendarmeriechronik, Bez. Leoben, GP Trofaiach, Bd. 1, p. 153.

As a result of British enquiries after the end of the war, S.H. Smith, as head of the Legal Division, convened a General Court in Graz on 2 June 1947 to rule on Josef Pechböck *and such other persons as may be brought before it*.[1785] The second defendant was Johann Czar. As usual, Sir Douglas Young was appointed president and the assessors were again Mr Cathie and Maj Rayner.[1786] The prosecutor was Lt Col Bickford.

Before the General Court, Johann Czar and Josef Pechböck now testified that they had wanted to give the Jew the 'coup de grace' but had not hit him. In the court's opinion, it could not be proven that the victim was still alive when the two Volkssturm men shot him. They were therefore acquitted.[1787]

While Pechböck was released, Czar remained in custody pending investigations under the Prohibition Act.[1788] He was sentenced to one year in prison by the Leoben People's Court in October 1947.[1789]

7.4.8 Rothleiten – Johann Sommer (3 June 1947, Graz)

In the district of the Frohnleiten gendarmerie post, 16 Jews who could no longer walk were simply shot in the first days of April 1945.[1790] They came from one of at least five marching transports of different sizes.[1791] The largest column passed the market town on 4 April under the guard of the Volkssturm Frohnleiten, and was later handed over to the next escort commando in Mixnitz (cf. chapter 7.4.4). On the way there, killings occurred near Rothleiten, among other places. The perpetrators were probably Ukrainian SS men,[1792] because Volkssturm men in this section had refused to carry out the execution orders of their superiors.[1793] This conclusion was reached after both British and Austrian authorities had investigated the events, with these enquiries focusing on three men, namely Franz Isker (platoon leader), Johann Sommer[1794], and Adolf Wagner.[1795]

[1785] TNA, FO 1020/2062: 28. 5. 1947, fol. 52.
[1786] TNA, FO 1020/2062: 28. 5. 1947, fol. 52.
[1787] On the Kurzheim trial, see: Das Steirerblatt (3. 6. 1947), 4 („Die Judenmorde bei Trofaiach"); Neue Zeit (3. 6. 1947), 3 („Zwei Freisprüche"); Wahrheit (3. 6. 1947), 3 („Zwei Freisprüche"); HALBRAINER, Unsere Pflicht 123; LAPPIN-EPPEL, Zwangsarbeiter 422; HALBRAINER, NS-Terror 219.
[1788] Das Steirerblatt (3. 6. 1947), 4 („Die Judenmorde bei Trofaiach").
[1789] Obersteirische Zeitung (25. 10. 1947), 3.
[1790] StLA, Gendarmeriechronik, Bez. Graz Umgebung, GP Frohnleiten, Bd. 1, s. p. [entry: 1945]; BURCZIK, Spuren 182; ZINK, Hakenkreuz 119. – Furthermore: LAPPIN, Todesmärsche (2004), 275. – After the end of the war, 40 nameless Jews who had died in Frohnleiten and neighbouring communities during the Nazi era were buried at the cemetery in Adriach. The majority of these people were victims of the death marches. Cf. LAPPIN, Todesmarsch 66; ZINK, Hakenkreuz 119.
[1791] LAPPIN, Todesmärsche (2004), 275.
[1792] Cf. the witness statements in the People's Court file Isker/Sommer/Wagner. Selection: 15. 10. 1945 (Statement Bernhard Grimm), fol. 21; 15. 4. 1947 (Statement Rosa Jantscher), fol. 137; 16. 4. 1947 (Statement Bernhard Grimm), fol. 135. StLA, LGS Graz, Vr 6791/47, Franz Isker u. a.
[1793] StLA, LGS Graz, Vr 6791/47, Franz Isker u. a.: 15. 12. 1947, Anklageschrift; LAPPIN, Todesmarsch 65.
[1794] * 26. 12. 1894, Graz (AUT). DAGS, Pfarre Graz-Münzgraben, Taufbuch XV 1893–1895, p. 205, Post-Nr. 529 [URL: https://data.matricula-online.eu/de/oesterreich/graz-seckau/graz-muenzgraben/682/?pg=210 (18. 9. 2025)]. – Johann Sommer had been a member of the NSDAP since 1933 and was allegedly involved in the July Putsch in 1934, after which he was temporarily imprisoned. During the Nazi era, he headed the local DAF group in Frohnleiten. StLA, LGS Graz, Vr 6791/47, Franz Isker u. a.: 25. 10. 1945, fol. 13; 6. 9. 1947.
[1795] StLA, LGS Graz, Vr 6791/47, Franz Isker u. a.

The Graz Regional Court initiated preliminary proceedings against Johann Sommer for incitement to murder (§§ 5, 134 of the Austrian Penal Code).[1796] The suspect was in custody from 25 October 1945.[1797] Two months later, investigations under the Prohibition Act were also opened with the consent of the occupying forces.[1798] Subsequently, the British took over the proceedings against Sommer[1799] and brought him before a General Court on 3 June 1947. The "Das Steirerblatt" and "Wahrheit" newspapers reported on this trial, which most likely took place in Graz.[1800] These reports do not reveal the composition of the Court. However, it was probably Sir Douglas Young, Mr Cathie and Maj Rayner who had already been summoned for the hearing on 2 June 1947 (chapter 7.4.7) *and on such subsequent days as may be necessary*[1801].

The indictment was based on the interrogations by Austrian authorities (gendarmerie, Frohnleiten District Court, Graz Regional Court).[1802] According to this, Johann Sommer was part of the Volkssturm escort of the death march on 4 April 1945. In Rothleiten (today, mun. Frohnleiten), at the crossroads to Gams, he was ordered to take away a Jew lying by the roadside. He called in some forced labourers from the nearby Schweizer paper mill, who loaded the apparently dead man onto a cart. When it was realised that he was still alive, Johann Sommer is said to have brought an SS officer who killed the Jew with multiple shots.[1803] According to the prosecution, Sommer had intended precisely this course of events – or at least had not prevented it. Sommer, on the other hand, stood by his statement made during the investigation that he had protested against the murder of the Jew without success. As the prosecutor was unable to prove anything to the contrary, Johann Sommer was acquitted by the British military court.[1804]

The two other Volkssturm men were transferred to Austrian jurisdiction: Franz Isker stood before the People's Court in Graz on 1 April 1948; he was acquitted of the murder charge but sentenced to five years in prison for mistreating Hungarian Jews and ordering his subordinates to shoot those unable to march.[1805] The investigations against Adolf Wagner had already been closed in December 1947.[1806]

[1796] StLA, LGS Graz, Vr 6791/47, Franz Isker u. a.: 26. 10. 1945, fol. 5f.; 30. 10. 1945, fol. 1.
[1797] StLA, LGS Graz, Vr 6791/47, Franz Isker u. a.: 26. 10. 1945, fol. [6]; 24. 9. 1947, Amtsvermerk, fol. 111.
[1798] StLA, LGS Graz, Vr 6791/47, Franz Isker u. a.: 29. 12. 1945, fol. 41.
[1799] Johann Sommer was transferred to the district court in Graz on 8 April 1947 by order of the British. StLA, LGS Graz, Vr 6791/47, Franz Isker u. a.: 24. 9. 1947, Amtsvermerk, fol. 111.
[1800] Das Steirerblatt (4. 6. 1947), 3 („Judenmord bei Frohnleiten"); Wahrheit (4. 6. 1947), 3 („Der dritte Freispruch"). – Apart from this, the author is not aware of any archival or literary evidence of the British trial against Johann Sommer on 3 June 1947.
[1801] TNA, FO 1020/2062: 28. 5. 1947, fol. 52.
[1802] Cf. StLA, LGS Graz, Vr 6791/47, Franz Isker u. a.
[1803] The body was then buried by the labourers near the Gamsbach stream. StLA, LGS Graz, Vr 6791/47, Franz Isker u. a.: 24. 8. 1945 (Statement Alois Pleiner), fol. 9; 25. 8. 1945 (Statement Dimytro Onufrak), fol. 7.
[1804] Das Steirerblatt (4. 6. 1947), 3 („Judenmord bei Frohnleiten"); Wahrheit (4. 6. 1947), 3 („Der dritte Freispruch"). – Johann Sommer was released on 4 June 1947. StLA, LGS Graz, Vr 6791/47, Franz Isker u. a.: 24. 9. 1947, Amtsvermerk, fol. 111. – The Graz Regional Court discontinued its proceedings against Sommer in December 1947. StLA, LGS Graz, Vr 6791/47, Franz Isker u. a.: Beschluss der LGS-Ratskammer, fol. 169.
[1805] StLA, LGS Graz, Vr 6791/47, Franz Isker u. a.: 1. 4. 1948, fol. 201–203; Neue Zeit (2. 4. 1948), 3 („Fünf Jahre für einen Menschenschinder"); POLASCHEK, Volksgerichte 168; LAPPIN-EPPEL, Zwangsarbeiter 419.
[1806] StLA, LGS Graz, Vr 6791/47, Franz Isker u. a.: Beschluss der LGS-Ratskammer, fol. 171.

7.4.9 Prenning – Karl Maxl, Hubert Reiter (6–7 June 1947, Graz)

On 4 April 1945, escorts of the death march murdered at least eight Jews in the Peggau area. Between December 1945 and April 1946, their bodies were exhumed together with those of the murdered inmates of the Peggau-Hinterberg subcamp, forensically examined and then buried in a mass grave with a total of 82 dead near the former camp site.[1807] Among those exhumed were two men who had been shot and buried not far from the village of Prenning (mun. Deutschfeistritz) on 5 April 1945.[1808] On that day, eight Volkssturm men who had escaped from the front after a short combat mission near Feldbach, came to Peggau and now wanted to return to their hometowns in the Aichfeld region (Upper Styria). In Peggau they were stopped by an SS patrol, which ordered the highest-ranking man of the group, Zugführer Hubert Reiter,[1809] to take over two Jews.[1810] The two Hungarians were probably part of a smaller transport of forced labourers that was to be driven under guard from Graz to Mauthausen. They were handed over to Reiter's unit and, after walking about four kilometres, were shot in the neck[1811] just off the road at the so-called Johannes Cross between Prenning and Waldstein.[1812]

After the end of the war, these events led to enquiries by the Deutschfeistritz gendarmerie post and subsequently to preliminary investigations by the Graz public prosecutor's office for murder. In addition to Hubert Reiter, Karl Maxl[1813], and Emil Peer[1814] were also suspected of the offence. The latter two were arrested and interrogated by the municipal security guards at their home in Knittelfeld at the end of May 1946. Karl Maxl confessed that he, Reiter and Peer had led two Jews off the road and killed one of them. *When I heard Reiter's shot, I felt as if I had been given the order to shoot at the same time,*

[1807] FARKAS, Kollektives Gedächtnis 87f.; FARKAS, Personalisierung 10, 26–49. – For photos of the exhumations, see: HALBRAINER/LAMPRECHT, unsichtbar 127; HALBRAINER, Elemente 78. – Furthermore: StLA, Gendarmeriechronik, Bez. Graz Umgebung, GP Deutschfeistritz, Bd. 1, s. p. [entry: 17. 4. 1946].

[1808] Like many victims of the death marches, these two remained nameless because no identity cards were found when they were exhumed on 15 April 1946. Their remains were given a consecutive number. According to the autopsy report, "Body No. 75" was a male youth estimated to be between 16 and 18 years old. "Body No. 76" was an adult male, between 40 and 50 years old. In both cases, the cause of death was given as a shot to the neck. StLA, LGS Graz, Vr 1966/48, Hubert Reiter u. a.: 6. 6. 1946 (Statement Johann Nopp), fol. 129; FARKAS, Personalisierung 45f.

[1809] * 3. 9. 1910, Knittelfeld (AUT); † 16. 7. 1947, Graz (AUT). DAGS, Pfarre Knittelfeld, Taufbuch XII 1910–1915, p. 31, Post-Nr. 246 [URL: https://data.matricula-online.eu/de/oesterreich/graz-seckau/knittelfeld/18272/?pg=32 (18. 9. 2025)]; StLA, JA Karlau, Bücher, Bd. 59, StB-Nr. 1941.

[1810] HALBRAINER, Haus 206.

[1811] StLA, LGS Graz, Vr 1966/48, Hubert Reiter u. a.: 30. 5. 1946 (Statement Emil Peer), fol. 17; FARKAS, Personalisierung 46.

[1812] StLA, LGS Graz, Vr 1966/48, Hubert Reiter u. a.: 29. 5. 1946 (Statement Franz Höhn), fol. 8; StLA, Gendarmeriechronik, Bez. Graz Umgebung, GP Deutschfeistritz, Bd. 1, s. p. [entry: 17. 4. 1946]; Das Steirerblatt (7. 6. 1947), 4 („Deserteure ermorden zwei ungarische Juden"); Neue Zeit (7. 6. 1947), 3 („Wieder ein Judenmord-Prozeß"); HALBRAINER, Haus 206; BRUNNER M., Erschießung.

[1813] * 25. 1. 1900, Judendorf (today, mun. Leoben, AUT); † 16. 7. 1947, Graz (AUT). DAGS, Pfarre Leoben-St. Xaver, Taufbuch XIII 1895–1903, p. 315, Post-Nr. 28 [URL: https://data.matricula-online.eu/de/oesterreich/graz-seckau/leoben-st-xaver/12447/?pg=318 (18. 9. 2025)]; StLA, JA Karlau, Bücher, Bd. 59, StB-Nr. 1940.

[1814] * 27. 10. 1903, Ptuj (SLO). Nadškofijski arhiv Maribor, Pfarre Ptuj-Sv. Jurij, Taufbuch 1894–1919, p. 157, Nr. 55 [URL: https://data.matricula-online.eu/de/slovenia/maribor/ptuj-sv-jurij/5329/?pg=162 (18. 9. 2025)]; StLA, LGS Graz, Vr 1966/48, Hubert Reiter u. a., fol. 15.

and I pulled the trigger.[1815] According to Maxl, Peer also pointed his rifle at the Jew but did not fire. Emil Peer, on the other hand, denied having aimed at all. Reiter had shot the younger man and Maxl the older one.[1816]

After the end of the war, Hubert Reiter was living in Bad Gastein (Province of Salzburg),[1817] where he was arrested by the gendarmerie on 28 March 1946 for violating the Electoral and Prohibition Act and sent to the St. Johann im Pongau district prison.[1818] By order of the American CIC, he was transferred to the Marcus W. Orr Camp near Salzburg in June 1946.[1819] In August 1946, the public prosecutor's office in Salzburg charged Reiter with fraud under Section 7 of the Electoral Act, for failing to disclose that he had been an illegal member of the NSDAP and SA before 1938 on his voter registration form.[1820] At the end of October 1946, the Salzburg Regional Court decided to transfer the proceedings against Hubert Reiter to the Regional Court in Graz.[1821] However, it was not until 5 December 1946 that he arrived in Graz.[1822]

During his interrogation, Hubert Reiter stated that, on 5 April 1945, he had taken two men who were described as looters from an SS officer in Peggau. They were now to be brought to Übelbach to the field police. If they were in danger of fleeing, the gun was to be used. When the younger man later tried to escape, he shot after him and killed him. The second man had been shot by Maxl or Peer. Reiter justified himself by saying that he had only acted in accordance with the law because these two civilians were allegedly looters and had admitted to it.[1823]

Subsequently, the public prosecutor's office in Graz drafted an indictment against Hubert Reiter and Karl Maxl for murder and ordered murder (§§ 134, 135/3 of the Austrian Penal Code), as well as according to § 1/1 of the War Crimes Act, and against Emil Peer for aiding and abetting.[1824] Reiter was also to be prosecuted under Sections 8 and 11 of the Prohibition Act. Reiter was named as the instigator in the indictment.[1825] His justification that the Jews were looters was rejected: *There is no proof that the two men who were shot were actually looters* [...] *and it can rather be assumed that the defendants*

[1815] StLA, LGS Graz, Vr 1966/48, Hubert Reiter u. a.: 30. 5. 1946 (Statement Karl Maxl), fol. [12]. Translated into English, German text in the original as follows: *Als ich den Schuss von Reiter hörte, war es mir, als wenn ich gleichzeitig den Befehl erhalten hätte, auch zu schießen und habe losgedrückt*.
[1816] StLA, LGS Graz, Vr 1966/48, Hubert Reiter u. a.: 30. 5. 1946 (Statement Emil Peer), fol. 17.
[1817] StLA, JA Karlau, Bücher, Bd. 59, StB-Nr. 1941.
[1818] StLA, LGS Graz, Vr 1966/48, Hubert Reiter u. a.: 31. 5. 1946, Vorfallenheitsbericht, fol. 105. – See also: Salzburger Nachrichten (5. 6. 1946), 3; Salzburger Tagblatt (5. 6. 1946), 5.
[1819] StLA, LGS Graz, Vr 1966/48, Hubert Reiter u. a.: 6. 6. 1946, fol. 97; 16. 7. 1946, fol. 57; HALBRAINER, Haus 206.
[1820] StLA, LGS Graz, Vr 1966/48, Hubert Reiter u. a.: 9. 8. 1946, Anklageschrift, fol. 61f. – Cf. StLA, LGS Graz, Vr 1966/48, Hubert Reiter u. a.: 5. 11. 1945, Wähleranlageblatt, fol. 29.
[1821] StLA, LGS Graz, Vr 1966/48, Hubert Reiter u. a.: 17. 9. 1946, Hauptverhandlungen, fol. 71f.; 29. 10. 1946 [s. p.].
[1822] StLA, LGS Graz, Vr 1966/48, Hubert Reiter u. a.: 5. 12. 1946, Übernahmsbericht, fol. 115.
[1823] StLA, LGS Graz, Vr 1966/48, Hubert Reiter u. a.: 19. 12. 1946, Vernehmung des Beschuldigten, fol. 119–124b; BRUNNER M., Erschießung.
[1824] Cf. HALBRAINER, Haus 206.
[1825] StLA, LGS Graz, Vr 1966/48, Hubert Reiter u. a.: Anklageschrift.

only want to feign a certain semblance of law and legality for their brutal actions by making this claim.[1826]

At the beginning of 1947, however, the Austrian judiciary forwarded this case to the Austrian Courts Section of the British occupying power, which in turn involved the Atrocities Section.[1827] On 6 June 1947, Reiter and Maxl had to stand trial in Graz before a British General Court presided over by Sir Douglas Young. The charges were brought by Lt Col Bickford as prosecutor. The defendants more or less repeated their previous statements in the courtroom.[1828] On the second day of the trial, defence lawyers Dr Johann Held (Maxl) and Dr Friedrich Rödiger (Reiter) pleaded for leniency for their clients. However, on 7 June 1947, the court found both Karl Maxl and Hubert Reiter guilty and sentenced them to death.[1829] Maxl and Reiter were sent to Graz-Karlau Prison on 15 July 1947, where they were executed the following day.[1830]

The third person involved in the offence, Emil Peer, was questioned by the military court as a witness, but was not prosecuted himself due to lack of evidence.[1831] In his case, after a lengthy back and forth between British and Austrian authorities, a People's Court hearing was held in Graz in October 1948, that ultimately ended in an acquittal.

7.4.10 Graz-Liebenau – Alois Frühwirt, Nikolaus Pichler, Josef Thorbauer (8–12 September 1947, Graz)

The Jewish forced labourers brought in marching columns from southern Burgenland and south-eastern Styria were divided up into several camps in Graz at the beginning of April 1945. A few 'rest days' were planned here, and the transports were to be reorganized before the onward march to Mauthausen.[1832] One of these transit camps was located in the Liebenau district,[1833] where around 220 sick Jews – most of whom were suffering from typhus – were housed separately. They received only meagre food rations and, on the orders of camp commander Nikolaus Pichler, were completely denied medi-

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[1826] StLA, LGS Graz, Vr 1966/48, Hubert Reiter u. a.: Anklageschrift. Translated into English, German text in the original source as follows: *Daß die beiden Erschossenen tatsächlich Plünderer gewesen sind, ist durch nichts erwiesen* […] *und es ist vielmehr anzunehmen, dass die Beschuldigten durch diese Behauptung nur für ihr brutales Vorgehen einen gewissen Schein von Recht und Legalität vortäuschen wollen*.

[1827] TNA, FO 1020/2062: 25. 6. 1947, fol. 57.

[1828] Das Steirerblatt (7. 6. 1947), 4 („Deserteure ermorden zwei ungarische Juden"); Neue Zeit (7. 6. 1947), 3 („Wieder ein Judenmord-Prozeß"); Wahrheit (7. 6. 1947), 3 („Und wieder zwei Morde vor Gericht").

[1829] Das Steirerblatt (8. 6. 1947), 3 („Zwei Todesurteile des Militärgerichtes"); Wahrheit (8. 6. 1947), 4 („Reiter und Marxl [!] zum Tode verurteilt"); HALBRAINER, Haus 206; BRUNNER M., Erschießung.

[1830] StLA, JA Karlau, Bücher, Bd. 59, StB-Nr. 1940, 1941; StAG, Sterbeprotokoll Juli 1947, Journal-Nr. 165, 166; TNA, FO 1020/1187: 6. 8. 1947; BRUNNER M., Erschießung.

[1831] TNA, FO 1020/2062: 25. 6. 1947, fol. 57.

[1832] LAPPIN, Death Marches 232; LAPPIN-EPPEL, Zwangsarbeiter 414; LAPPIN-EPPEL, Todesmärsche (2012), 398; LAPPIN-EPPEL, Terror 40; STELZL-MARX, Verbrechen 107.

[1833] Established in 1940 as "Camp V", this area consisted of 190 wooden barracks, initially housing ethnic Germans, but later mainly prisoners of war and forced labourers. STELZL, Lager in Graz 357; STELZL-MARX, Liebenauer Prozeß 3; STELZL-MARX, Lager Graz-Liebenau 15f., 69; STELZL-MARX, NS-Verbrechen 464f.; STELZL-MARX, Lager Liebenau 54–57, 62.

cal care. Instead, Pichler announced that he wanted to eliminate these people with morphine. In the following days, dozens of Jews were shot in the Liebenau camp.[1834]

Although these crimes were known to the public, the official authorities initially failed to deal with them after the end of the war. In October 1945, the Graz police also refrained from investigating a report of a mass grave at the Liebenau camp.[1835] It was only after the British occupying forces had begun investigations and made arrests that exhumations took place at the camp site in May 1947, during which 53 bodies were recovered.[1836] The stage was now set for a trial.

In his capacity as Deputy Chief Legal Officer, Sir Douglas Young convened a General Court in Graz for 8 September 1947 *and on such subsequent days as may be necessary*[1837], which he himself presided over. His assessors were Mr A. Hamilton (Legal Division) and Maj R.P. Williams (2nd Royal Hampshire Regiment).[1838] Prosecutor Rawlins charged Nikolaus Pichler[1839] and the former camp leaders Alois Frühwirt[1840] and Franz Eder[1841], as well as the former camp policeman Josef Thorbauer[1842] with murder under § 134 of the Austrian Penal Code and with violating humanity and human dignity under § 4 of the Austrian War Crimes Act.[1843] The defence lawyers were Dr Knaffl (Frühwirt), Dr Aichholzer (Pichler) and Dr Spranger (Thorbauer). Around 60 witnesses were to be heard.[1844] The trial attracted considerable public interest.[1845] The large jury room at the county court (Fig. 14) was too small to accommodate the entire audience.[1846]

[1834] Das Steirerblatt (9. 9. 1947), 3 („Fünf Judenmörder der Lager Liebenau und Steinfeld vor Gericht"); Neue Zeit (9. 9. 1947), 3 („35 Morde im Lager Liebenau"); Weltpresse (9. 9. 1947), 4 („Das Massaker im Liebenauer Ausländerlager"); STELZL, Lager in Graz 357f.; STELZL-MARX, Liebenauer Prozeß 3; LAPPIN-EPPEL, Zwangsarbeiter 415; STELZL-MARX, Lager Graz-Liebenau 31–38, 69; STELZL-MARX, NS-Verbrechen 467–472; STELZL-MARX, Verbrechen 107–112; STELZL-MARX, Britische Nachkriegsjustiz 223.

[1835] STELZL-MARX, Liebenauer Prozeß 3f.; STELZL-MARX, Opfer 137.

[1836] Wahrheit (14. 5. 1947), 3 („Massengrab im Lager Liebenau aufgefunden"); STELZL-MARX, Lager Graz-Liebenau 41–49, 69f.; STELZL-MARX, NS-Verbrechen 463, 472–474. – On 6 June 1947, 46 people exhumed from the Liebenau camp were buried in the Jewish cemetery in Graz. STELZL-MARX, Liebenauer Prozeß 4; STELZL-MARX, Lager Graz-Liebenau 50, 70; STELZL-MARX, NS-Verbrechen 474; STELZL-MARX, Opfer 140.

[1837] TNA, FO 1020/2062: 30. 8. 1947.

[1838] TNA, FO 1020/2062: 30. 8. 1947.

[1839] * 4. 3. 1909, Friesach (AUT); † 15. 10. 1947, Graz (AUT). ADG, Pfarre Friesach, Geburtsbuch XIV 1904–1911, fol. 98, Nr. 15 [URL: https://data.matricula-online.eu/de/oesterreich/gurk/friesach/F11_014-1/?pg=115 (18. 9. 2025)]; StLA, JA Karlau, Bücher, Bd. 59, StB-Nr. 2184.

[1840] * 19. 9. 1914, Graz (AUT); † 15. 10. 1947, Graz (AUT). DAGS, Pfarre Graz-Hl. Blut, Taufbuch XXXVIII 1913–1935, fol. 49, Post-Nr. 97 [URL: http://data.matricula-online.eu/de/oesterreich/graz-seckau/graz-hl-blut/576/?pg=51 (18. 9. 2025)]; StLA, JA Karlau, Bücher, Bd. 59, StB-Nr. 2185.

[1841] * 2. 11. 1909, Graz (AUT). STELZL-MARX, Lager Graz-Liebenau 55; STELZL-MARX, NS-Verbrechen 478; STELZL-MARX, Zum Tode verurteilt (2018), 147.

[1842] * 2. 12. 1894, Klagenfurt (AUT); † 15. 10. 1949, Graz (AUT). ADG, Pfarre Klagenfurt-St. Egid, Geburtsbuch XXII 1893–1895, fol. 196, Nr. 457 [URL: https://data.matricula-online.eu/de/oesterreich/gurk/klagenfurt-st-egid/K15_025-1/?pg=220 (18. 9. 2025)].

[1843] Wiener Kurier (9. 9. 1947), 2 („Die Liebenauer ‚Liquidierungen' werden gesühnt"); STELZL-MARX, Liebenauer Prozeß 4; STELZL-MARX, Lager Graz-Liebenau 51, 70; STELZL-MARX, NS-Verbrechen 475; STELZL-MARX, Zum Tode verurteilt (2018), 143; STELZL-MARX, Britische Nachkriegsjustiz 224.

[1844] Neue Zeit (7. 9. 1947), 3 („Drei große Militärgerichtsprozesse"); Wahrheit (9. 9. 1947), 3 („Judengemetzel als ‚Spaß'").

[1845] On the coverage of the Liebenau trial, see: STELZL-MARX, Liebenauer Prozeß 4–7.

[1846] Neue Zeit (13. 9. 1947), 3 („Zwei Todesurteile im Liebenauer Prozeß"); Wahrheit (13. 9. 1947), 3 („Pichler und Frühwirt zum Tode durch den Strang verurteilt").

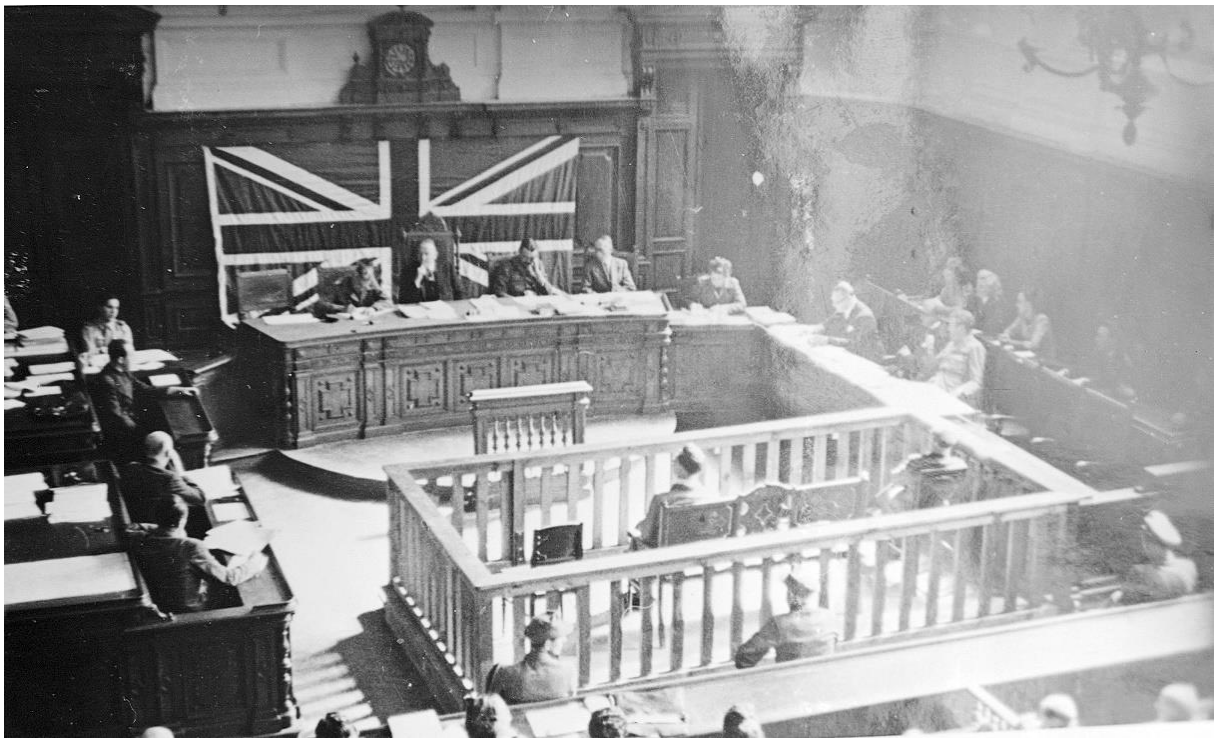

Figure 14: View of the courtroom during the Liebenau trial, September 1947 (Universalmuseum Joanneum Graz / Multimediale Sammlungen)

The charges against Franz Eder were dropped on 9 September because – as several witnesses confirmed – he had left the camp before the arrival of the transport of the Jews.[1847] The coroner Dr Max Fossel testified on 10 September that gunshot wounds had been determined as the cause of death in 34 autopsied bodies, 26 of which had been shot in the neck.[1848] Afterwards, Nikolaus Pichler, Alois Frühwirt, and Josef Thorbauer, among others, were interrogated. Pichler tried to play down his responsibility and denied having shot Jews himself. However, he accused several other men of murdering the sick. Frühwirt admitted to killing four people and, like Pichler, pointed to other shootings of Jews at the Liebenau camp by Gestapo and SD men. Thorbauer claimed that all the accusations against him were lies and accused witnesses of perjury, while his lawyer tried to portray him as mentally impaired.[1849]

The Liebenau trial ended on the morning of 12 September 1947 with the announcement of the verdict. First, Judge Young commented on Josef Thorbauer. In the court's opinion, there was insufficient evidence to convict him of murder. However, Thorbauer was found guilty of offences against humanity and human dignity and sentenced to three

[1847] Das Steirerblatt (10. 9. 1947), 3 („‚Heil Hitler, Mordbefehl ausgeführt!'"); Neue Zeit (10. 9. 1947), 3 („Ein lebender Häftling im Massengrab"); Wahrheit (10. 9. 1947), 3 („‚Für Zigaretten leg' ich noch mehr um'"); STELZL-MARX, Liebenauer Prozeß 4; STELZL-MARX, Lager Graz-Liebenau 58; STELZL-MARX, Zum Tode verurteilt (2018), 146; STELZL-MARX, Britische Nachkriegsjustiz 226.

[1848] Cf. Das Steirerblatt (11. 9. 1947), 3 („‚Ob Recht, ob Unrecht, ich habe nie geprüft'"); STELZL-MARX, Opfer 139–142.

[1849] Neue Zeit (11. 9. 1947), 3 („Ein Geständnis im Liebenauer Prozeß"); Wahrheit (11. 9. 1947), 3 („Todesursache – Genickschuß"); Das Steirerblatt (12. 9. 1947), 3 („‚Er wird stets nach der Schrift leben'"); Neue Zeit (12. 9. 1947), 3 („‚Bibelforscher' unter Mordanklage"); Wahrheit (12. 9. 1947), 3 („Der Liebenauer-Prozeß"); STELZL-MARX, Lager Graz-Liebenau 58f.; STELZL-MARX, Zum Tode verurteilt (2018), 146.

years in prison. Nikolaus Pichler and Alois Frühwirt were found guilty on both charges (see above). The sentence in each case was death by hanging.[1850]

As usual, those sentenced to death had ten days to appeal to the British Commander-in-Chief for clemency. But Sir Douglas gave them no hope of success.[1851] In fact, the death sentences were confirmed.[1852] Alois Frühwirt and Nikolaus Pichler – together with Franz Lindenbaum, Fritz Winkler and Josef Egger (Judenburg trial) – were executed by hanging in Graz-Karlau Prison on 15 October 1947.[1853] About six weeks after the verdict, Josef Thorbauer was transferred to Karlau. He remained there until his conditional release on 3 September 1948.[1854]

7.4.11 Graz-Steinfeld – Josef Pammer (12 September 1947, Graz)

With the court unchanged, a further General Court hearing took place on the afternoon of 12 September 1947. The starting point of this trial was the Steinfeld camp in Graz.[1855] A Russian forced labourer is said to have damaged the camp's lighting system there at Easter 1945. When camp commander Nikolaus Pichler was informed of the incident, he saw it as an act of sabotage and ordered Volkssturm man Josef Pammer[1856] to shoot the Russian. Pammer led the Russian to the Jewish cemetery in Graz-Wetzelsdorf and killed him with two shots.[1857]

At the British military court, the originally planned charges against Nikolaus Pichler were dropped as a result of his conviction in the previous Liebenau trial.[1858] Josef Pammer was charged with the murder of the Russian and manslaughter in other cases. The defendant pleaded guilty to the first charge, but not to the second. The defence lawyer, Dr Friedrich Schimm, emphasised his client's predicament due to Pichler's threat. Pammer himself had argued similarly to the investigators: "I refused to carry out Pich-

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[1850] Das Steirerblatt (13. 9. 1947), 3 („Pichler und Frühwirt zum Tode verurteilt"); Neue Zeit (13. 9. 1947), 3 („Zwei Todesurteile im Liebenauer Prozeß"); Wahrheit (13. 9. 1947), 3 („Pichler und Frühwirt zum Tode durch den Strang verurteilt"); BURCZIK, Spuren 178f.; STELZL, Lager in Graz 358; STELZL-MARX, Liebenauer Prozeß 4; LAPPIN-EPPEL, Zwangsarbeiter 416; STELZL-MARX, Lager Graz-Liebenau 60–62, 70; LAPPIN-EPPEL, Terror 40; STELZL-MARX, NS-Verbrechen 478f.; STELZL-MARX, Britische Nachkriegsjustiz 227–229.

[1851] Wiener Zeitung (13. 9. 1947), 3 („Zwei Todesurteile in Graz"); STELZL-MARX, Lager Graz-Liebenau 63; STELZL-MARX, NS-Verbrechen 482.

[1852] STELZL-MARX, Lager Graz-Liebenau 63–66; STELZL-MARX, NS-Verbrechen 480–482; STELZL-MARX, Britische Nachkriegsjustiz 230–232.

[1853] StLA, JA Karlau, Bücher, Bd. 59, StB-Nr. 2184; StAG, Sterbeprotokoll Oktober 1947, Journal-Nr. 180, 182. – See also: Neue Zeit (16. 10. 1947), 3 („Fünf Hinrichtungen in Graz"); STELZL-MARX, Lager Graz-Liebenau 67f.; STELZL-MARX, Britische Nachkriegsjustiz 230.

[1854] StLA, JA Karlau, Bücher, Bd. 59, StB-Nr. 2234.

[1855] The Steinfeld camp was "Camp I", built in 1940 not far from the Jewish cemetery in Graz-Wetzelsdorf. STELZL, Lager in Graz 360f.; MUIGG, Graz 194.

[1856] * 9. 2. 1899, Graz (AUT); † 11. 1. 1974, Graz. DAGS, Pfarre Graz-St. Andrä (Land), Taufbuch VIII 1896–1902, p. 149, Post-Nr. 27 [URL: https://data.matricula-online.eu/de/oesterreich/graz-seckau/graz-st-andrae-land/1016/?pg=151 (18. 9. 2025)]; STELZL-MARX, Lager Graz-Liebenau 55.

[1857] Das Steirerblatt (13. 9. 1947), 3 („Pichler und Frühwirt zum Tode verurteilt"); Neue Zeit (13. 9. 1947), 4 („Fremdarbeiter unter Zwang ermordet"); STELZL, Lager in Graz 361; STELZL-MARX, Lager Graz-Liebenau 62; STELZL-MARX, NS-Verbrechen 476; STELZL-MARX, Zum Tode verurteilt (2018), 145.

[1858] Das Steirerblatt (13. 9. 1947), 3 („Pichler und Frühwirt zum Tode verurteilt"); STELZL-MARX, Liebenauer Prozeß 10, note 37; STELZL-MARX, Lager Graz-Liebenau 62.

ler's order because I had never killed a man before. But Pichler said he would put me up against the wall if I didn't carry out the order, so I had to shoot the man."[1859] After prosecutor Rawlins had emphasised that it would have to be carefully examined whether or not there was an irrevocable order and whether the defendant acted under strong duress, a discussion ensued with the judge. In the end, the process had an unexpected outcome for many: Sir Douglas Young announced Pammer's acquittal of murder. He was found guilty of manslaughter and sentenced to 26 months in prison. However, he was immediately released as he had already served the sentence due to the time he had previously spent in jail.[1860]

While the "Neue Zeit" newspaper sensationalised the acquittal,[1861] the "Wahrheit" newspaper found it incomprehensible "that a defendant who declares himself guilty of murder can get away with a sentence of 26 months"[1862].

7.4.12 Judenburg – Josef Egger, Albin Großmann, Karl Leitenmüller, Franz Lindenbaum, Franz Puchner, Fritz Winkler (15–17 September 1947, Graz)

From the beginning of April 1945, the route of most death march columns through Styria led from Graz via Bruck an der Mur and the Präbichl Pass to Mauthausen. However, one transport of about 1000 Jews was taken to Upper Austria via the Gaberl Pass and the Triebener Tauern Pass. This transport reached the top of the Gaberl Pass on 9 April, where about 20 Volkssturm men from Fohnsdorf took over guarding it. They drove the Jews via Weißkirchen and Strettweg (today, mun. Judenburg) to Thaling (today, mun. Pöls-Oberkurzheim), where Pöls Volkssturm men replaced some of the guards,[1863] and further up the Pöls valley. They went via Hohentauern to Sunk (mun. Hohentauern), where the transport was handed over to the Volkssturm Trieben on 13 April. The familiar scenes were repeated on this section of the death march: Members of the escorting squad repeatedly mistreated and killed Jews. This all happened in broad daylight, often near residential buildings. As a result, similar to the massacre at Präbichl, numerous bystanders witnessed the crimes.[1864]

[1859] Neue Zeit (13. 9. 1947), 4 („Fremdarbeiter unter Zwang ermordet"). Translated into English, German text in the original as follows: „Ich weigerte mich, den Befehl des Pichler auszuführen, da ich noch niemals einen Menschen umgebracht habe. Aber Pichler sagte, er würde mich an die Wand stellen, wenn ich den Befehl nicht ausführe, und ich mußte daher den Mann erschießen."

[1860] Neue Zeit (13. 9. 1947), 4 („Fremdarbeiter unter Zwang ermordet"); Wahrheit (13. 9. 1947), 3 („Mildes Urteil beim Steinfeld-Prozeß"). – Furthermore: LAPPIN, Prozesse 348; STELZL, Lager in Graz 361; STELZL-MARX, Lager Graz-Liebenau 62.

[1861] Neue Zeit (13. 9. 1947), 4 („Fremdarbeiter unter Zwang ermordet").

[1862] Wahrheit (13. 9. 1947), 3 („Mildes Urteil beim Steinfeld-Prozeß"). Translated into English. German text in the original as follows: „[Es bleibt unverständlich,] daß ein Angeklagter, der sich selbst des Mordes für schuldig erklärt, mit einer Strafe von 26 Monaten davonkommen kann." – See also: STELZL-MARX, Lager Graz-Liebenau 62f.

[1863] StLA, LGS Leoben, Vr 1075/47, Rudolf Weber: 21. 4. 1946, fol. 85; StLA, Gendarmeriechronik, Bez. Murtal, GP Pöls, Bd. 1, s. p. [entry: September 1947]; LEITNER, Todesmarsch Triebener Tauern 8.

[1864] StLA, Gendarmeriechronik, Bez. Murtal, GP Weißkirchen, Bd. 2, s. p. [entry: 10. 4. 1945]; StLA, Gendarmeriechronik, Bez. Murtal, GP Pöls, Bd. 1, s. p. [entry: September 1947]; StLA, Gendarmeriechronik, Bez. Liezen, GP Trieben, Bd. 2, p. 66f.; Murtaler Volkszeitung (4. 5. 1946), 1 („Massenmord bei Juden-

A few weeks after the end of the war, officers from the Pöls and Fohnsdorf gendarmerie stations began investigating the murders of Jews in the Pöls Valley. Evidence was collected, suspected perpetrators were identified from among the guards and the first interrogations were carried out.[1865] On 11 July 1945, gendarmes from Pöls arrested the former SA men Karl Leitenmüller and Josef Strutz, who were transferred to the Knittelfeld district court.[1866] On 2 August 1945, the Fohnsdorf miners Josef Egger, Franz Lindenbaum and Fritz Winkler, as well as the locksmith Franz Puchner were arrested by gendarmes from the Weißkirchen post.[1867] The men were taken to Judenburg prison, where they were held on remand.[1868] The gendarmerie investigations continued for several months. Finally, in a letter dated 21 April 1946, the Judenburg District Gendarmerie Command sent the British Military Government a comprehensive report on the investigations and arrests relating to the events of the death march in April 1945.[1869] In May 1946, the People's Court in Graz initiated proceedings for this offences.[1870] In April 1947, however, the British took over the case and made preparations for a trial.[1871]

On 15 September 1947, the so-called Judenburg Trial[1872] against Josef Egger[1873], Albin Großmann[1874], Karl Leitenmüller[1875], Franz Lindenbaum[1876], Franz Puchner[1877], and

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burg"); Österreichische Zeitung (5. 5. 1946), 2 („Dreizehnfache Bluttat von Volkssturmmännern bei Judenburg"); ANDRITSCH, Augenzeugenberichte 103f.; BURCZIK, Spuren 184; LAPPIN, Death Marches 237f.; LAPPIN, Todesmärsche (2004), 281f.; LEITNER, Todesmarsch Triebener Tauern 5–10; BRUNNER M., Ordnung 227; HALBRAINER, Trauriges Gegenstück 125–131; LAPPIN-EPPEL, Todesmärsche (2012), 408f.

[1865] Cf. TNA, WO 310/155.

[1866] TNA, WO 310/155: 17. 7. 1945, 28. 7. 1945. – Proceedings were initiated against Karl Leitenmüller and Josef Strutz at the Knittelfeld District Court, and later at the Leoben People's Court. StLA, LGS Leoben, Vr 1075/47, Rudolf Weber: 21. 4. 1946 ([fol. 78]); HALBRAINER, Trauriges Gegenstück 132.

[1867] TNA, WO 310/155: 3. 8. 1945; StLA, Gendarmeriechronik, Bez. Murtal, GP Fohnsdorf, Bd. 1, s. p. [entry: 2. 8. 1945]; StLA, Gendarmeriechronik, Bez. Murtal, BGK Judenburg, Bd. 2, s. p. [entry: 2. 8. 1945]; BURCZIK, Spuren 184.

[1868] StLA, BG Judenburg, Jv 193/45, Gefangenenhausberichte. – The gendarmerie brought charges against Egger, Puchner, and Winkler before the British Military Court at Judenburg on suspicion of the murder and maltreatment of Jews. StLA, LGS Leoben, Vr 1075/47, Rudolf Weber: 21. 4. 1946 ([fol. 78]).

[1869] StLA, LGS Leoben, Vr 1075/47, Rudolf Weber: 21. 4. 1946, fol. 77–99.

[1870] StLA, LGS Graz, Vr 2841/46 (cited from HALBRAINER, Trauriges Gegenstück 136, note 29); HALBRAINER, Trauriges Gegenstück 132.

[1871] BEER, Amtliches 168f.; HALBRAINER, Trauriges Gegenstück 132f.; BRUNNER M., Ordnung 227f.

[1872] A German translation of the trial transcript has been preserved in National Archives of Austria. The author would like to thank Dr Eleonore Lappin-Eppel, Vienna, for providing a copy.

[1873] * 19. 11. 1901, Bad Ischl (AUT); † 15. 10. 1947, Graz (AUT). OÖLA, Pfarre Bad Ischl, Taufen-Duplikate 1901, [s. p.; PfmF281-00376], Reihezahl 246 [URL: https://data.matricula-online.eu/de/oesterreich/oberoesterreich/bad-ischl/106%252F1901/?pg=32 (18. 9. 2025)]; TNA, WO 310/155: 3. 8. 1945; StLA, JA Karlau, Bücher, Bd. 59, StB-Nr. 2186.

[1874] * 2. 2. 1901, St. Peter-Freienstein (AUT); † 1. 9. 1967, Graz (AUT). DAGS, Pfarre St. Peter-Freienstein, Taufbuch VI 1900–1909, p. 7, Post-Nr. 11 [URL: https://data.matricula-online.eu/de/oesterreich/graz-seckau/st-peter-freienstein/9433/?pg=8 (18. 9. 2025)]; StLA, JA Karlau, Bücher, Bd. 59, StB-Nr. 2232.

[1875] * 20. 10. 1899, Unterneudorf (today, mun. Aigen-Schlägl, AUT). OÖLA, Pfarre Aigen im Mühlkreis, Taufen-Duplikate 1899, p. 25 [PfmF011-00068], Reihezahl 99 [URL: https://data.matricula-online.eu/de/oesterreich/oberoesterreich/aigen-im-muehlkreis/106%252F1899/?pg=26 (18. 9. 2025)].

[1876] * 20. 3. 1914, Celje (SLO); † 15. 10. 1947, Graz (AUT). Nadškofijski arhiv Maribor, Pfarre Celje-Sv. Danijel, Taufbuch 1912–1917, p. 199, Nr. 105 [URL: https://data.matricula-online.eu/de/slovenia/maribor/celje-sv-danijel/00247/?pg=233 (18. 9. 2025)]; StLA, JA Karlau, Bücher, Bd. 59, StB-Nr. 2188.

[1877] * 9. 12. 1903, Hausbach (today, mun. Schwarzenau, AUT); † 5. 7. 1976, Knittelfeld (AUT). DASP, Pfarre Großhaselbach, Taufbuch 1893–1911, p. 149, Nr. 69 [URL: https://data.matricula-online.eu/de/oesterreich/st-poelten/grosshaselbach/01-13/?pg=154 (18. 9. 2025)]; TNA, WO 310/155: 3. 8. 1945.

Fritz Winkler[1878] began before a General Court in Graz. The presiding judge was Sir Douglas Young, and the assessors were Mr A. Hamilton and Maj R.P. Williams (2nd Royal Hampshire Regiment). Mr Rawlins represented the prosecution. The defence was assigned to Dr Friedrich Weis-Ostborn (Lindenbaum), Dr Hugo Martinowitz (Winkler, Puchner?), Dr Arnold Spork (Egger), and Dr Alois Schwaberger (Großmann). The defendants were charged under Austrian law with murder, attempted murder, and aiding and abetting (§§ 5, 134, 135, 138 Austrian Criminal Code) and violation of human dignity (§ 3/2 War Crimes Act). All the accused pleaded not guilty.[1879]

At the beginning of the trial, prosecutor Rawlins summarised the indictment, which was based on the investigations of the gendarmerie and the British Atrocity Section. According to this, Franz Lindenbaum, as commander (Kompanieführer) of the Volkssturm men, allegedly gave the order to shoot weakened Jews when taking over the transport at Gaberl Pass. He had also organised a separate burial squad to march at the back of the column with shovels.[1880] Soon after the Gaberl Pass, a first Jew was shot by Fritz Winkler. The next shooting, this time by Josef Egger, took place near Weißkirchen. According to the prosecution, Egger again shot a man near Strettweg who had attempted suicide by slitting his wrists. Albin Großmann is also said to have fired at this person.[1881] Near Pöls, the command was transferred from Lindenbaum to Franz Puchner, without any change in the behaviour of the escorts. Karl Leitenmüller is said to have been involved in the shooting of a Jew close to the Neuperhauser farm in Unterzeiring[1882] (today, mun. Pöls-Oberkurzheim) a short time later. In Möderbrugg (today, mun. Pölstal) it was Egger again who killed a Jew who was unable to walk,[1883] and the same perpetrator is believed to have murdered another Jew near the Weingruber farmstead[1884], located between the villages of St. Johann am Tauern and Hohentauern. In total, Rawlins accused the defendants of killing six Jews.[1885]

[1878] * 31. 12. 1908, Fohnsdorf (AUT); † 15. 10. 1947, Graz (AUT). DAGS, Pfarre Fohnsdorf, Taufbuch XVIII 1908–1915, p. 28, Post-Nr. 401 [URL: https://data.matricula-online.eu/de/oesterreich/graz-seckau/fohnsdorf/12593/?pg=29 (18. 9. 2025)]; TNA, WO 310/155: 3. 8. 1945; StLA, JA Karlau, Bücher, Bd. 59, StB-Nr. 2187.

[1879] TNA, FO 1020/2078: 6. 10. 1947; BRUNNER M., Ordnung 229. – Furthermore: Das Steirerblatt (16. 9. 1947), 3 („Der Judentodesmarsch über Gaberl und Tauern"); Neue Zeit (16. 9. 1947), 3 („Der nächste Judenmordprozeß"); Wahrheit (16. 9. 1947), 3 („Judentransport mit ‚Beerdigungskommando'"); Murtaler Zeitung (20. 9. 1947), 1 („Judenmorde gesühnt").

[1880] TNA, FO 1020/2078: 6. 10. 1947. – See also: StLA, LGS Leoben, Vr 1075/47, Rudolf Weber: 7. 7. 1947, fol. 49; 21. 4. 1946, [fol. 78].

[1881] TNA, FO 1020/2078: 6. 10. 1947; StLA, Gendarmeriechronik, Bez. Murtal, BGK Judenburg, Bd. 3, s. p. [entry: 15. 9. 1947]; BLATMAN, Todesmärsche 376. – The Judenburg district gendarmerie command reported Albin Großmann to the British military court in Judenburg on 16 February 1946 on suspicion of murder. StLA, LGS Leoben, Vr 1075/47, Rudolf Weber: 21. 4. 1946 ([fol. 78]).

[1882] Cf. StLA, LGS Graz, Vr 2841/46, Josef Strutz u. a. (I. Band): 12. 3. 1946 (Statement Heinrich Neuper), fol. 113; StLA, LGS Graz, Vr 2841/46, Josef Strutz u. a. (II. Band): Skizze Judengrab Unterzeiring.

[1883] Cf. StLA, LGS Graz, Vr 2841/46, Josef Strutz u. a. (II. Band): Skizze Judengrab Möderbrugg.

[1884] Cf. StLA, LGS Graz, Vr 2841/46, Josef Strutz u. a. (I. Band): 14. 3. 1946 (Statements Franz and Emilie Kristan vulgo Weingruber), fol. 129, 131; StLA, LGS Graz, Vr 2841/46, Josef Strutz u. a. (II. Band): Skizze Judengrab Weingruber; HALBRAINER, Trauriges Gegenstück 130.

[1885] AdR BuMinJu 68.763/55: Mitschrift Judenburger Prozess, p. 1–11; Das Steirerblatt (16. 9. 1947), 3 („Der Judentodesmarsch über Gaberl und Tauern"); BRUNNER M., Ordnung 229. – See also: LAPPIN, Todesmärsche (2004), 282; LAPPIN-EPPEL, Zwangsarbeiter 440f.

The evidentiary proceedings began with the interrogation of gendarme Franz Stocker, who had drawn a sketch of the crime scenes and Jewish graves along the route of the march. Three Volkssturm men (Andreas Bierbaumer, Lorenz Steiner, and Johann Tockner), who had been members of the escorting group in April 1945, followed as witnesses. Lindenbaum, Winkler and Egger in particular were blamed by them. Lorenz Schmidt from Weißkirchen testified to the shooting of a weakened Jew from the transport by Egger. This incident was confirmed on the witness stand by the Volkssturm man Rudolf Willhuber. The Fohnsdorf gendarmes Sebastian Reicher and Ernst Schönbacher, among others, who toned down Großmann's role, were then interrogated. After questioning three further witnesses about the events in Unterzeiring and Möderbrugg, Karl Leitenmüller was acquitted for lack of evidence. At the end of the first day of the trial, witnesses spoke about the shooting of a Jew by Egger in Möderbrugg.[1886]

The second day of the trial (16 September) began with witness statements on the murder of Jews in St. Johann am Tauern. Egger was once again heavily incriminated. In the morning, the proceedings against Franz Puchner were discontinued due to insufficient evidence. Dr Max Fossel then explained his forensic report. He had examined five of the bodies exhumed along the route of the march in June and July 1947[1887] and found that they had all been shot in the head or neck. The victim exhumed near Weißkirchen, who was shot in the liver, had been autopsied by another coroner.[1888]

The defendants' testimonies followed in the afternoon. Franz Lindenbaum denied any authority to give orders and blamed the transport commander, an SS officer named Wolf, and the DAF district commander Franz Wurm for all the incidents.[1889] Moreover, he had usually marched at the front of the transport and had not noticed any of the shootings. Fritz Winkler could not remember any of the incriminated incidents, not even weakened persons on the transport. He emphasised that he had helped the Jews several times. Josef Egger admitted during his interrogation that he had shot a Jew in St. Johann am Tauern, but only because he wanted to escape. In Strettweg, he had shot a Jew who had cut his wrists but had not killed him. The fatal shot was later fired by Albin Großmann. Egger denied the killing in Weißkirchen and could not remember the killing in Möderbrugg. Großmann gave a different account of the events in Strettweg, incriminating Egger for his part. He himself had only feignedly fired into the grave of the already dead Jew. Winkler and Egger both testified that Lindenbaum had not given any orders.[1890]

[1886] AdR BuMinJu 68.763/55: Mitschrift Judenburger Prozess, p. 11–29. – See also: Das Steirerblatt (16. 9. 1947), 3 („Der Judentodesmarsch über Gaberl und Tauern"); Neue Zeit (16. 9. 1947), 3 („Der nächste Judenmordprozeß"); Wahrheit (16. 9. 1947), 3 („Judentransport mit ‚Beerdigungskommando'"); Obersteirische Zeitung (17. 9. 1947), 1 („Der Todesmarsch vom Gaberl nach Trieben"); BRUNNER M., Ordnung 229f.
[1887] Cf. StLA, Gendarmeriechronik, Bez. Murtal, GP Oberzeiring, Bd. 1, s. p. [entry: 2. 6. 1947].
[1888] AdR BuMinJu 68.763/55: Mitschrift Judenburger Prozess, p. 29–35.
[1889] TNA, FO 1020/2078: 6. 10. 1947; LAPPIN-EPPEL, Zwangsarbeiter 440.
[1890] AdR BuMinJu 68.763/55: Mitschrift Judenburger Prozess, p. 35–47. – See also: Das Steirerblatt (17. 9. 1947), 3 („‚Himmelfahrtskommando' Gaberl–Trieben"); Wahrheit (17. 9. 1947), 3 („Erst das Grab schaufeln, dann Genickschuß"); Murtaler Zeitung (27. 9. 1947), 1 („Wie sie das Urteil aufnahmen"); BRUNNER M., Ordnung 230.

On 17 September, the prosecution and defence made their closing statements.[1891] Judge Young then summarised his assessment, emphasising that he wanted to place the greatest possible weight on the incriminating statements of the Volkssturm members on the witness stand, because they had been very reluctant to testify against the men in the dock.[1892] The defence lawyers were then given the opportunity to present any mitigating evidence on behalf of their clients.[1893]

In the afternoon, the presiding judge declared that all four defendants had been found guilty. The court sentenced Fritz Winkler to death for murder. Josef Egger was sentenced to death for three counts of murder and one count of attempted murder. According to the court, Franz Lindenbaum had instigated five murders through his orders. He was also sentenced to death.[1894] Albin Großmann was sentenced to ten years in prison, taking mitigating circumstances into account.[1895]

All three men sentenced to the maximum penalty sought a review of their cases, but their sentences were upheld by the Commander-in-Chief of the British Forces in Austria, as recommended by the Legal Division.[1896] Josef Egger, Franz Lindenbaum, and Fritz Winkler were sent to Graz-Karlau Prison on 14 October 1947. Here they were executed by hanging the next day.[1897] Albin Großmann was also imprisoned in Karlau from 21 October 1947. After his sentence was reviewed three times, it was reduced to the time already served on 7 October 1948, allowing Großmann to leave prison.[1898]

It should be noted that the indictment for the Judenburg trial before the British military court did not contain all the shootings and mistreatment documented by the investigators of the death march through the Judenburg district. According to this, murders of Jews had also taken place at the Mur Bridge in Judenburg, at the Unterhauser farmstead (between St. Johann am Tauern and Hohentauern), as well as at the Steinkogler Inn and not far from the Brodjäger Inn (both in the Hohentauern neighbourhood).[1899]

[1891] AdR BuMinJu 68.763/55: Mitschrift Judenburger Prozess, p. 47–67; Murtaler Zeitung (27. 9. 1947), 1 („Wie sie das Urteil aufnahmen“).

[1892] AdR BuMinJu 68.763/55: Mitschrift Judenburger Prozess, p. 67.

[1893] AdR BuMinJu 68.763/55: Mitschrift Judenburger Prozess, p. 76–79; BRUNNER M., Ordnung 230f.

[1894] The court thus followed the British legal opinion that those persons who had organised or ordered Nazi crimes should be punished at least as severely, if not more severely, than the perpetrators themselves. Cf. LAPPIN, Ahndung 40; LAPPIN-EPPEL, Zwangsarbeiter 431.

[1895] AdR BuMinJu 68.763/55: Mitschrift Judenburger Prozess, p. 79–81; StLA, Gendarmeriechronik, Bez. Murtal, BGK Judenburg, Bd. 3, s. p. [entry: 15. 9. 1947]. – See also: Neue Zeit (18. 9. 1947), 3 („Wieder drei Todesurteile“); Murtaler Zeitung (20. 9. 1947), 1 („Judenmorde gesühnt“); Murtaler Zeitung (27. 9. 1947), 1 („Wie sie das Urteil aufnahmen“); BURCZIK, Spuren 179; BRUNNER M., Ordnung 231f.

[1896] TNA, FO 1020/2078: 6. 10. 1947, 10. 10. 1947; AdR BuMinJu 68.763/55: Mitschrift Judenburger Prozess, p. 84.

[1897] StLA, JA Karlau, Bücher, Bd. 59, StB-Nr. 2186, 2187, 2188; StAG, Sterbeprotokoll Oktober 1947, Journal-Nr. 179, 181, 183. – See also: Neue Zeit (16. 10. 1947), 3 („Fünf Hinrichtungen in Graz“); Neues Österreich (16. 10. 1947), 3 („Fünf Hinrichtungen in Graz“); BRUNNER M., Ordnung 232.

[1898] AdR BuMinJu 68.763/55: Mitschrift Judenburger Prozess, p. 86; StLA, JA Karlau, Bücher, Bd. 59, StB-Nr. 2232; BRUNNER M., Ordnung 232.

[1899] Cf. StLA, LGS Graz, Vr 2841/46, Josef Strutz u. a. (II. Band): Sketches of the Jewish graves (Villa Moser/Unterhauser, Steinkogler, Hohentauern and Sunk); StLA, LGS Leoben, Vr 1075/47, Rudolf Weber: 21. 4. 1946, fol. 79–91; BRUNNER M., Ordnung 236, note 80. – Furthermore: LEITNER, Todesmarsch Triebener Tauern 9; LEITNER, Todesmarsch Bezirk Liezen 9.

Although some of these unpunished crimes of the Judenburg death march were returned to the Austrian judiciary after the British trial, almost all the relevant proceedings of the People's Courts in Leoben and Graz against alleged perpetrators from the ranks of the escorts were subsequently either discontinued or cancelled.[1900] Only Josef Strutz from Pöls stood trial at the People's Court in Graz on 11 January 1950 for the mistreatment of Hungarian Jews. He was sentenced to 15 months in prison on the basis of the War Crimes Act. Strutz had already served his sentence due to previous prison terms.[1901]

7.4.13 Liezen – Nikolaus Been, Martin Mernik (13–14 October 1947, Graz)

When the death march column, which had been led through the Pöls valley (see chapter 7.4.12) reached Liezen on 13 April 1945 under the guard of the Volkssturm, many of the Jews were so starved that they ate grass, snails and earthworms. Local residents who wanted to give the people food were driven away by the escorts at gunpoint.[1902] The Jews spent the night on the south bank of the Enns near a hay barn by the Rötel Bridge, where most of them had to camp out in the cold and wet as usual. The Jews were given food from the kitchen of the forced labour camp at the Schmidhütte factory, but they were often beaten during distribution.[1903]

The next day, the death march continued in the direction of the Pyhrn Pass. However, some Jews who were no longer able to walk were left behind at the camp site. Six of them, who had collapsed by the roadside, were immediately placed in a previously dug grave by the Enns and shot.[1904] This scenario was repeated later[1905] when seven other Jews, allegedly suffering from typhus, were taken from the above mentioned hay barn and killed near the Enns River.[1906]

[1900] See HALBRAINER, Trauriges Gegenstück 133f., 135, note 16 and 136, note 28 and 29: StLA, LGS Leoben, Vr 1075/47, Rudolf Weber; StLA, LGS Graz, Vr 2841/46, Josef Strutz u. a.

[1901] StLA, LGS Graz, Vr 2841/46, Josef Strutz u. a. (III. Band): 11. 1. 1950, Hauptverhandlung, fol. 333–345; Neue Zeit (12. 1. 1950), 5 („Hiebe mit dem Ochsenziemer"); Österreichische Volksstimme (14. 1. 1950), 8 („Der Folterknecht mit dem ‚Imitationsstaberl'"); Murtaler Zeitung (21. 1. 1950), 1 („Was 1945 alles geschah …"); HALBRAINER, Trauriges Gegenstück 133f.; HALBRAINER, Haus 205; PRUCKER, Quälereien 97f.

[1902] Das Steirerblatt (14. 10. 1947), 3 („Sechs Judenmorde vor Gericht"); Neue Zeit (14. 10. 1947), 3 („Die sechs Judenmorde in Liezen"); FRIEDMAN, Iwan 62; BEER, Great Deal of Work 31; BEER, Liezen 142; LAPPIN-EPPEL, Zwangsarbeiter 441; LEITNER, Todesmarsch Triebener Tauern 10–12; LEITNER, Todesmarsch Bezirk Liezen 11; SCHWAIGER, Stadterhebung 203f.

[1903] LAPPIN-EPPEL, Zwangsarbeiter 441.

[1904] Wahrheit (14. 10. 1947), 3 („Gemetzel am Ostersonntag"); LAPPIN, Todesmärsche (2004), 282; LEITNER, Todesmarsch Triebener Tauern 11f. – For the course of events, see also the witness statements in the People's Court file in relation to Martin Mernik and Otto M. StLA, LGS Graz, Vr 2891/48. – The first six Jews were exhumed on 2 May 1947. StLA, LGS Graz, Vr 2891/48, Martin Mernik u. a.: fol. 44f.

[1905] It is not clear from the sources whether the killing of the seven Jews from the hay barn took place a few hours after the first shootings or not until a few days later, as the testimonies contradict each other on this point. – In the subsequent court hearings, the date of the commission of the crimes was assumed to be 14 April 1945 for both sets of offences.

[1906] Das Steirerblatt (15. 10. 1947), 3 („Judenmassaker von Liezen gesühnt"); Neue Zeit (15. 10. 1947), 3 („Der Holländer Been zum Tode verurteilt"); LAPPIN, Todesmärsche (2004), 282; LAPPIN-EPPEL, Zwangsarbeiter 442; LAPPIN-EPPEL, Todesmärsche (2012), 410. – According to the investigations of the Liezen gendarmerie, the grave of the seven Jews was located about 500 metres west of the Rötel Bridge on the south bank of the Enns river. StLA, LGS Graz, Vr 2116/49, Otto [M.] u. a. (I. Band): 1. 10. 1948, fol. 151.

93

Legal Form. No. 1

MILITARY GOVERNMENT COURT
MILITÄRGERICHT

SUMMONS
VORLADUNG

..... Military Government
Court of .....
.....
Case No. .....

To / *An* MERNIK Martin (Name)

of / *aus* Andritz, Ursprungweg 38 (Address) (Anschrift)

You are hereby summoned to appear in person before the Military Government Court sitting at Landesgericht, Graz. (Address of Court) (Anschrift des Gerichtes)
Sie werden hiemit vorgeladen, persönlich vor dem Militärgericht in

on / *am* 8.th september, (Date) (Datum) 19 at / *um* 10.00 hrs., to answer the / *Uhr zu erscheinen, um sich*

following charges:—
gegen die folgende(n) Beschuldigung(en) zu verantworten.

Violation of / *Vergehen gegen* paragraphe 134,135 und 136 des oesterr.gesetzbuches in that you

at / *in* in der Naehe von Liezen zusammen mit (Place) (Ort) BEEN Nikolaus, on or about / *am* sonntag, 14. April, 1945 (Date) (Datum)

ermordeten sechs unbekannte personen, die glaublich einem zug juedischer Arbeiter angehoerten.

Failure to comply with this summons will subject you to punishment.
Unentschuldigtes Fernbleiben wird bestraft.

Date / *Datum* 27.August, 1947. By order / *Im Auftrage von* (signed) / *(Unterschrift)* O. Iraz

Appointment / *Rang* S.O.I.Legal Division.

CERTIFICATE OF SERVICE *ZUSTELLUNGSNACHWEIS*

I hereby certify that I have this day served the summons of which this is a copy upon the person named therein; personally/ by leaving it at the address shown therein/by sending it through the post to the address shown therein.
Ich bestätige hiemit, dass ich am heutigen Tage eine Vorladung laut obiger Abschrift der darin genannten Person persönlich/ durch Abgabe an der angegebenen Adresse/ durch Absendung bei Post an die angegebene Adresse zugestellt habe.

Date / *Datum* Graz 30. 8. 47 Signed / *Unterschrift des Zustellers* Marko v. Wilhelm

Receipt acknowledged / *Empfangsbestätigung:* Date / *Datum* Graz 30. 8. 47 Signed / *Unterschrift des Empfängers* Mernik Martin

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Auszug aus der Verordnung Nr. 100 betreffend die Militärgerichte

ARTIKEL V

RECHTE DES ANGEKLAGTEN

Jedermann, der sich vor irgendeinem Gericht der Militärregierung zu verantworten hat, ist berechtigt:

(a) Eine Abschrift der gegen ihn erhobenen Anklage vor der Verhandlung zugestellt zu erhalten;

(b) bei der Verhandlung anwesend zu sein, daselbst auszusagen und Zeugen dem Verhör und Kreuzverhör zu unterwerfen. Das Gericht kann in Abwesenheit des Angeklagten verhandeln, falls der Angeklagte darum förmlich ersucht hat und sein Ersuchen bewilligt worden ist, oder falls vermutet wird, dass sich der Angeklagte, dem eine Vorladung zugestellt worden ist, seiner Bestrafung durch Flucht entzogen hat. Wenn das Gericht davon überzeugt ist, dass alle erforderlichen Schritte unternommen worden sind, dem Angeklagten die Vorladung zuzustellen, so kann es in seiner Abwesenheit das Verfahren bis einschliesslich der Beweisaufnahme, aber nicht darüber hinaus, durchführen; das Gericht kann eine vorläufige Verfügung über das Vermögen des Angeklagten treffen, falls dies gerechtfertigt erscheint;

(c) sich mit einem Rechtsanwalte vor der Verhandlung zu beraten, sich selbst zu verteidigen oder sich bei der Verhandlung durch einen von ihm gewählten Rechtsanwalt vertreten zu lassen. Das Gericht kann jedoch bestimmte Personen von der Vertretung ausschliessen;

(d) in Fällen, in denen die Todesstrafe verhängt werden kann, durch einen Offizier der Alliierten Streitkräfte oder eine andere vom Gericht bestimmte Person vertreten zu werden, falls er keinen anderen Verteidiger hat;

(e) zur Verhandlung Zeugen zwecks seiner Verteidigung mitzubringen oder sie auf sein Ersuchen gerichtlich vorladen zu lassen, falls dies durchführbar ist;

(f) das Gericht um Vertagung zu ersuchen, falls dies zur Vorbereitung seiner Verteidigung notwendig ist;

(g) sich die Verhandlungsvorgänge übersetzen zu lassen, falls er der Verhandlungssprache nicht mächtig ist;

(h) im Falle eines Schuldspruches binnen 10 Tagen nach der Verkündigung des Urteiles ein Gesuch um Überprüfung einzureichen, worin die Gründe für die erbetene Ausserkraftsetzung oder Abänderung des Schuld- oder Strafausspruchs darzulegen sind.

PSS ACA (BE) 2228 10M 10-46

Figure 15: Summons (Legal Form 1) for Martin Mernik to appear at a Military Government Court hearing at the Graz Regional Court, 27 August 1947 (StLA)

After the end of the war, the Liezen gendarmerie began investigating the murder of a total of 13 Jews and eventually reported three Schmidhütte camp leaders (Martin Mernik, Nikolaus Been, Otto M.) to the public prosecutor's office.[1907] For the time being, the occupying power remained responsible for the judicial process. To this end, S.H. Smith, in his capacity as Director of the British Legal Division, convened a General Court, which was held in Graz from 13 October 1947.[1908] It was composed of the presiding judge Sir Douglas Young, and the assessors Maj A.L. Lyall and Maj T.C. Adams MBE (1st East Yorkshire Regiment).[1909] The prosecution was represented by Lt Col Bickford. In the dock were senior camp leader Martin Mernik[1910] and camp leader Nikolaus Been[1911]. Mernik's defence was probably in the hands of Dr Emil Stugger.[1912]

The first charge related to the killing of six Jews (described above). Mernik and Been were accused of murder under §§ 134–136 of the Austrian Criminal Code.[1913] Otto M. testified as a witness that Been and he himself had been instructed by Mernik to lead the six victims to the grave one by one. Mernik stated that the fatal shots were then fired by Nikolaus Been, a foreign labourer named Vladimir Starashenko[1914], and a Volkssturm man.[1915] In the end, the court found that there was not enough evidence against either Been or Mernik and acquitted both of them of this charge.[1916] Martin Mernik nevertheless remained in custody because the Austrian judiciary was investigating him and Otto M. for murder in a separate case.[1917]

[1907] StLA, LGS Graz, Vr 2891/48, Martin Mernik u. a.: 28. 4. 1947; StLA, Gendarmeriechronik, Bez. Liezen, BGK Liezen, Bd. 1, p. 237f. – Mernik and Been had been put on the wanted list. Grazer Fahndungsblatt, Jg. 1/Nr. 4 (10. 11. 1945), Art. 494, 495.

[1908] The trial was originally scheduled to begin on 8 September 1947. Cf. StLA, LGS Graz, Vr 2891/48, Martin Mernik u. a.: 27. 8. 1947, *Military Government Court - Summons*, fol. 93.

[1909] TNA, FO 1020/2062: 6. 10. 1947, fol. 86; TNA, FO 1020/2062: 6. 10. 1947, fol. 87.

[1910] * 11. 4. 1915, Graz (AUT); † 14. 5. 1981, Graz. DAGS, Pfarre Graz-Kalvarienberg, Taufbuch K 1915–1921, p. 11, Post-Nr. 100 [URL: https://data.matricula-online.eu/de/oesterreich/graz-seckau/graz-kalvarienberg/17756/?pg=13 (18. 9. 2025)].

[1911] * 29. 7. 1908, Amsterdam (NED); † 12. 11. 1947, Graz (AUT). StLA, JA Karlau, Bücher, Bd. 61, Post-Nr. 854[/1947].

[1912] Cf. StLA, LGS Graz, Vr 2891/48, Martin Mernik u. a.: 19. 2. 1947, Vollmacht in Strafsachen. – Nikolaus Been's lawyer could not be identified from the sources consulted.

[1913] StLA, LGS Graz, Vr 2891/48, Martin Mernik u. a.: 27. 8. 1947, *Military Government Court - Summons*, fol. 93.

[1914] Vladimir Starashenko was wanted by the British War Crimes Investigation Branch from August 1947 onwards. StLA, LGS Graz, Vr 2116/49, Otto [M.] u. a. (I. Band).

[1915] See the relevant statements by Nikolaus Been (StLA, LGS Graz, Vr 2116/49, Otto [M.] u. a., I. Band: 15. 7. 1947), Otto M. (StLA, LGS Graz, Vr 2116/49, Otto [M.] u. a., I. Band: 23. 5. 1947; StLA, LGS Graz, Vr 2891/48, Martin Mernik u. a.: 16. 7. 1947) and Martin Mernik (StLA, LGS Graz, Vr 2116/49, Otto [M.] u. a., I. Band: 15. 7. 1947) during their interrogation by the British Investigation Branch (Legal Division).

[1916] Das Steirerblatt (14. 10. 1947), 3 („Sechs Judenmorde vor Gericht"); Neue Zeit (14. 10. 1947), 3 („Die sechs Judenmorde in Liezen"); Welt am Abend (14. 10. 1947), 2 („Judenmordprozeß in Graz"); Weltpresse (14. 10. 1947), 4 („Unter der Anklage des sechsfachen Mordes"); Neue Zeit (15. 10. 1947), 3 („Der Holländer Been zum Tode verurteilt").

[1917] The subject of the investigation was an altercation in the Liezen forced labour camp, in which two soldiers from the Wlassow troops and a Pole were shot dead on the evening of 7 May 1945; Nikolaus Been was also considered a suspect. Martin Mernik stood before the People's Court in Graz on 27 July 1948 and was acquitted. Welt am Abend (28. 7. 1948), 3 („‚Ist das Luder noch nicht hin?'"). – Furthermore: StLA, LGS Graz, Vr 2891/48, Martin Mernik u. a.: 20. 6. 1945, fol. 101; 12. 12. 1947, fol. 1b; 25. 5. 1948, Anklageschrift, fol. 221–223; 27. 7. 1948, Hauptverhandlung, fol. 247–257 and 261; Neue Zeit (28. 7. 1948), 3 („Nachspiel zum Ausländermord bei Liezen").

The trial of the Higher Military Court was continued on 14 October 1947. Nikolaus Been was now the sole defendant. Lt Col Bickford accused him of having organised the murder of seven Jews (see above) and of having killed four people himself. The latter was again testified to by Otto M.[1918] Been, on the other hand, repeated in court what he had already stated during his interrogation by the Investigation Branch: He had only taken the Jews to the prepared grave where they had been shot by other men.[1919] The Volkssturm men Josef Hartner and Karl Pauritsch, who were questioned as witnesses, stated that they had been assigned to barrier duties away from the action.[1920] On the same day, Judge Young pronounced the guilty verdict for Nikolaus Been on four counts of murder and sentenced him to death by hanging.[1921] Nikolaus Been was taken to Graz-Karlau Prison on 11 November 1947 and executed the next day.[1922]

As with other British death march trials, there was a legal sequel to the Liezen crime, with the Austrian authorities reopening investigations into three other alleged participants in the crime (Josef Hartner, Otto M., Karl Pauritsch).[1923]

7.4.14 Klöch – Arnulf Lill, Anton Oswald, Anton Rutte, Anton Sablatnig, Robert Sattler (10–13 November 1947, Graz)

On 10 November 1947, a General Court convened in Graz to hear the so-called Klöch trial.[1924] The venue was the district court on Paulustorgasse.[1925] The judge was once again Sir Douglas Young, flanked by assessors Mr W.J. Worth and Maj T.C. Adams MBE (1st East Yorkshire Regiment).[1926] Lt Col Bickford prosecuted the case. This was the thirteenth and final trial by a British court over atrocity crimes in Styria.

The offence in question was the shooting of 26 people in Klöch at the end of March 1945.[1927] Since January 1945, up to 400 Hungarian Jews – who were used as forced labourers in the construction of the 'South-east wall' – had been staying in this village. As a

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[1918] Cf. StLA, LGS Graz, Vr 2891/48, Martin Mernik u. a.: 1. 8. 1947.
[1919] StLA, LGS Graz, Vr 2116/49, Otto [M.] u. a. (I. Band): 1. 8. 1947, fol. 3, 5.
[1920] StLA, LGS Graz, Vr 2116/49, Otto [M.] u. a. (I. Band): 2. 9. 1948, fol. 147.
[1921] Das Steirerblatt (15. 10. 1947), 3 („Judenmassaker von Liezen gesühnt"); Neue Zeit (15. 10. 1947), 3 („Der Holländer Been zum Tode verurteilt"); Wahrheit (15. 10. 1947), 3 („Todesurteil im Liezener Prozeß"); Weltpresse (15. 10. 1947), 4 („Todesurteil im Grazer Judenmordprozeß"); Wiener Kurier (15. 10. 1947), 2 („Strang für einen Mörder wehrloser Juden"); LAPPIN-EPPEL, Zwangsarbeiter 442, note 342.
[1922] StLA, JA Karlau, Bücher, Bd. 66, StB-Nr.: 2334; StLA, JA Karlau, Bücher, Bd. 67, StB-Nr. 2334; StAG, Sterbeprotokoll November 1947, Journal-Nr. 130. – See also: Weltpresse (13. 11. 1947), 2 („Zwei Hinrichtungen in Graz").
[1923] LAPPIN, Ahndung 39.
[1924] TNA, FO 1020/2062: 4. 11. 1947, fol. 92/93. – Furthermore: StLA, Gendarmeriechronik, Bez. Südoststeiermark, GP Klöch, Bd. 2, s. p. [entry: 10. 11. 1947]. – The trial was originally scheduled to begin on 22 October 1947, but was postponed at the request of the defence. TNA, FO 1020/2064: 23. 10. 1947.
[1925] Neue Zeit (5. 11. 1947), 3 („Klöcher Judenmordprozeß am 10. November"); Das Steirerblatt (11. 11. 1947), 1 („Das Juden-Massaker bei Klöch"); Neue Zeit (11. 11. 1947), 2 („Der Klöcher Judenmordprozeß").
[1926] TNA, FO 1020/2062: 4. 11. 1947, fol. 92/93.
[1927] The Austrian authorities (gendarmerie, criminal police and state police) began investigating the mass murders of Jews near Klöch and St. Anna am Aigen in July 1945. StLA, Pol-Dion Graz, Akten, Kriminalpolizei, Sonderreihe, K. 6, KrPol-7154-1945; StLA, Pol-Dion Graz, Akten, Kriminalpolizei, Sonderreihe, K. 8, KrPol-871-1946 (Sammelakt, therein: KrPol-7367-1945).

result of being quartered in the schoolhouse under the worst possible hygienic conditions, illnesses, especially typhus, soon spread. In the belief that they would be taken to a hospital, a Jewish doctor finally selected 26 sick people on 24 March 1945, but they were loaded onto lorries and shot in the so-called "Klöcklwald" forest east of Klöch.[1928]

In November 1947, there were five men in the dock of the General Court. Anton Rutte[1929], Kreisleiter of Feldbach and responsible for section V of the 'South-east wall' (Mogersdorf to Radkersburg),[1930] and Arnulf Lill[1931], Kreisleiter of Mureck and responsible for subsections V/1 (Radkersburg) and V/2 (Klöch),[1932] were charged with ordering the killing of the sick Jews. SA-Obersturmführer Anton Oswald[1933], head of subsection V/2,[1934] and the Volkssturm men Anton Sablatnig[1935], and Robert Sattler[1936] were put on trial for carrying out the orders. Their defence lawyers were Dr Johann Held (Sablatnig), Dr Richard Kaan (Rutte), Dr Rudolf Pauer-Kulpathal (Oswald), Dr Josef Pongratz (Lill), and Dr Franz Schreiner (Sattler).[1937] None of the defendants pleaded guilty.[1938]

[1928] StLA, Pol-Dion Graz, Akten, Kriminalpolizei, Sonderreihe, K. 6, KrPol-7154-1945: 2. 8. 1945 (Statement Alois Ulrich), fol. 4f. and 21. 8. 1945 (Vorläufiges Ermittlungsergebnis) [see also: StLA, Pol-Dion Graz, Akten, Kriminalpolizei, Sonderreihe, K. 8, KrPol-871-1946 (Sammelakt, therein: KrPol-7367-1945)]; Das Steirerblatt (11. 11. 1947), 1 („Das Juden-Massaker bei Klöch"); Wahrheit (11. 11. 1947), 2 („Das Grab wurde eine Woche vorher augehoben"); SCHOBER, Jüdisches Schicksal 182–185, 187, 194; LAPPIN-EPPEL, Zwangsarbeiter 364, 367; LAPPIN-EPPEL/SCHOBER, Einsatz 180; BLATMAN, Todesmärsche 367; BRUNNER, Arnulf Lill 26. – Furthermore: StLA, Gendarmeriechronik, Bez. Südoststeiermark, GP Klöch, Bd. 2, s. p. – On 30 March 1945, the Jewish entrenchment workers were driven on the death march towards Mauthausen. At least 17 Jews who were no longer able to walk were left behind in the Klöch schoolhouse. They were first locked up in a room and a few days later, around 4 April 1945, shot by SS men in another forest ("Steinriegelwald", south-west of Klöch). StLA, Pol-Dion Graz, Akten, Kriminalpolizei, Sonderreihe, K. 6, KrPol-7154-1945: 18. 7. 1945, 26. 7. 1945, 29. 7. 1945 (Statement Franziska Costa-Kuhn), 16. 8. 1945 (Statement Hermann Domittner et al.); StLA, LGS Graz, Vr 2482/47, Anton Rutte u. a.: 22. 11. 1947, fol. 99; LAPPIN, Death Marches 220; LAPPIN, Todesmärsche (2004), 273; SCHOBER, Jüdisches Schicksal 185; LAPPIN-EPPEL/SCHOBER, Einsatz 181; LAPPIN-EPPEL, Todesmärsche (2012), 391; BRUNNER, Arnulf Lill 29, note 12.

[1929] * 6. 7. 1904, Graz (AUT); † 1. 11. 1964, Graz. DAGS, Pfarre Graz-Graben, Taufbuch X 1899–1915, p. 139, Post-Nr. 75 [URL: https://data.matricula-online.eu/de/oesterreich/graz-seckau/graz-graben/198/?pg=140 (18. 9. 2025)]; StLA, LGS Graz, Vr 2482/47, Anton Rutte u. a.: 12. 3. 1947, fol. 15; StLA, JA Karlau, Bücher, Bd. 61, Post-Nr. 961[/1947].

[1930] LAPPIN, Death Marches 214; LAPPIN, Waffen-SS 86, 90f.; LAPPIN, Todesmärsche (2004), 264; SCHOBER, Jüdisches Schicksal 180; LAPPIN-EPPEL, Zwangsarbeiter 287, 336; LAPPIN-EPPEL/SCHOBER, Einsatz 175, 177.

[1931] * 16. 9. 1911, Eibiswald (AUT); † 23. 9. 1999, Vorau (AUT). StLA, JA Karlau, Bücher, Bd. 61, Post-Nr. 957[/1947]; Kleine Zeitung (25. 9. 1999), 72. – Further information on Arnulf Lill: LAPPIN-EPPEL, Zwangsarbeiter 337; SCHAFRANEK, Biografien 490f.; BRUNNER, Arnulf Lill 25–29.

[1932] LAPPIN-EPPEL, Zwangsarbeiter 336.

[1933] * 19. 12. 1914, Graz (AUT). DAGS, Pfarre Graz-St. Andrä, Taufbuch XX 1911–1916, p. 305, Post-Nr. 391 [URL: https://data.matricula-online.eu/de/oesterreich/graz-seckau/graz-st-andrae/1418/?pg=306 (18. 9. 2025)]; StLA, JA Karlau, Bücher, Bd. 61, Post-Nr. 960[/1947]; Neue Steirische Zeitung (10. 10. 1945), 1 („Neue Naziverhaftungen in der Steiermark"); LAPPIN-EPPEL, Zwangsarbeiter 365.

[1934] LAPPIN-EPPEL/SCHOBER, Einsatz 179.

[1935] * 9. 9. 1901, Klagenfurt (AUT); † 21. 11. 1955, Rosental (AUT). ADG, Pfarre Klagenfurt-Dom, Geburtsbuch XIX 1897–1905, p. 247, Post-Nr. 131 [URL: https://data.matricula-online.eu/de/oesterreich/gurk/klagenfurt-dom/K13_022-1/?pg=267 (18. 9. 2025)]; StLA, JA Karlau, Bücher, Bd. 61, Post-Nr. 959[/1947].

[1936] * 6. 6. 1904, Köflach (AUT); † 29. 4. 1983, Graz (AUT). DAGS, Pfarre Köflach, Taufbuch XVI 1903–1908, p. 57, Post-Nr. 111 [URL: https://data.matricula-online.eu/de/oesterreich/graz-seckau/koeflach/14039/?pg=58 (18. 9. 2025)]; StLA, JA Karlau, Bücher, Bd. 61, Post-Nr. 958[/1947].

[1937] Neue Zeit (14. 11. 1947), 3 („Fünf Todesurteile im Judenmordprozeß").

[1938] Neue Zeit (11. 11. 1947), 2 („Der Klöcher Judenmordprozeß"); BRUNNER, Arnulf Lill 26.

In the course of the proceedings, it was established that the order to kill the sick Jews had come from the Gauleitung in the person of Franz Steindl, who was in charge of the 'South-east wall' project in Styria.[1939] Anton Rutte passed the order on to Arnulf Lill, who in turn instructed Anton Oswald.[1940] The pretext for the execution was the containment of the typhoid epidemic.[1941] As there were no SS units available in Klöch at the time, Oswald was to lead the killing of the Jews. This order was confirmed by Arnulf Lill.[1942] From the trial report of the daily newspaper "Wahrheit": "When Oswald hesitated for a few days before carrying out the order, he was reminded of his 'duty' by Lill on the telephone."[1943] Finally, Anton Sablatnig took the Jews by lorry to a pre-excavated grave in the "Klöcklwald" forest, where they had to line up in two groups. By his own admission, Oswald opened fire on the Jews with a submachine gun. Sattler and Sablatnig did the same with rifles.[1944] According to the testimony of forensic scientist Dr Max Fossel, who had carried out the autopsy of the bodies exhumed on 29 August 1947[1945], not all of those killed had gunshot wounds. Five of them had had their skulls crushed.[1946]

On the second day of the trial (11 November), Rutte justified his actions by saying that shooting the sick Jews was a last resort due to the lack of available medication. Apart from that, he had only carried out orders. Lill expressed himself similarly.[1947] The next day, Sablatnig denied active involvement in the shooting. Sattler stated that he had

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[1939] Das Steirerblatt (11. 11. 1947), 1 („Das Juden-Massaker bei Klöch"); LAPPIN, Todesmärsche (2004), 273; LAPPIN-EPPEL, Zwangsarbeiter 321. – Cf. StLA, LGS Graz, Vr 2924/60, Anton Rutte u. a.: 4. 9. 1947, fol. 25 (Statement Anton Rutte).

[1940] Das Steirerblatt (11. 11. 1947), 1; Wahrheit (12. 11. 1947), 2; LAPPIN-EPPEL, Zwangsarbeiter 366. – Cf. StLA, LGS Graz, Vr 2924/60, Anton Rutte u. a.: 4. 9. 1947, fol. 25 (Statement Anton Rutte); 26. 8. 1947, fol. 27f. (Statement Arnulf Lill).

[1941] Neue Zeit (12. 11. 1947), 2 („Erschießungen gegen Epidemiegefahr"); Wahrheit (12. 11. 1947), 2 („Die ‚Menschlichkeit' der Judenmörder von Klöch"); LAPPIN, Waffen-SS 91; LAPPIN-EPPEL, Zwangsarbeiter 337f., 366. – In the camps of the Jewish forced labourers who had to build the 'South-east wall' in Gau Steiermark, cases of typhus and other illnesses increased from February 1945. During these weeks, mass shootings were carried out by SS units in several places to 'control the epidemic'. In a forest near Deutsch Haseldorf (today, mun. Klöch), about 40 Jews allegedly suffering from typhus were shot on the orders of Anton Rutte. LAPPIN, Waffen-SS 89–91; LAPPIN-EPPEL, Zwangsarbeiter 343, 345–348, 356, 359, 362; LAPPIN-EPPEL/SCHOBER, Einsatz 184, 188, 195f., 207.

[1942] Cf. StLA, LGS Graz, Vr 2924/60, Anton Rutte u. a.: 26. 8. 1947, fol. 27f. (Statement Arnulf Lill); LAPPIN-EPPEL, Zwangsarbeiter 366.

[1943] Wahrheit (12. 11. 1947), 2. Translated into English, German text in the original as follows: „Als Oswald einige Tage mit der Durchführung des Befehls zögerte, wurde er von Lill telephonisch an seine ‚Pflicht' erinnert." – Furthermore: StLA, LGS Graz, Vr 2924/60, Anton Rutte u. a.: 26. 8. 1947, fol. 31 (Statement Anton Oswald); LAPPIN-EPPEL, Zwangsarbeiter 366f.

[1944] Das Steirerblatt (11. 11. 1947), 1 („Das Juden-Massaker bei Klöch"); Wahrheit (11. 11. 1947), 2 („Das Grab wurde eine Woche vorher augehoben"); Weltpresse (11. 11. 1947), 2 („Nazikreisleiter ‚liquidieren' eine Epidemie"); LAPPIN-EPPEL/SCHOBER, Einsatz 180; BLATMAN, Todesmärsche 366f.; BRUNNER, Arnulf Lill 26f. – Cf. StLA, LGS Graz, Vr 2924/60, Anton Rutte u. a.: 26. 8. 1947, fol. 31f. (Statement Anton Oswald); 22. 8. 1947, fol. 33–35 (Statement Anton Sablatnig); 27. 8. 1947, fol. 37–39 (Statement Robert Sattler).

[1945] StLA, LGS Graz, Vr 2924/60, Anton Rutte u. a.: 25. 9. 1947, fol. 41–49v (Exhumierungsprotokoll) and fol. 51–53v (Exhumierungsgutachten); StLA, Gendarmeriechronik, Bez. Südoststeiermark, GP Klöch, Bd. 2, s. p. [entry: 29. 8. 1947]; SCHOBER, Jüdisches Schicksal 186; LAPPIN-EPPEL/SCHOBER, Einsatz 181. – The bodies were taken to the Jewish cemetery in Trautmannsdorf for burial on 30 August 1947.

[1946] Wahrheit (11. 11. 1947), 2 („Das Grab wurde eine Woche vorher augehoben").

[1947] Das Steirerblatt (12. 11. 1947), 1 („Rutte verteidigt sich"); Neue Zeit (12. 11. 1947), 2 („Erschießungen gegen Epidemiegefahr"); Arbeiter-Zeitung (15. 11. 1947), 4 („Erschossen, weil sie krank waren").

originally spoken out against the planned killings but had been put under pressure by Oswald. He, Sattler, had given the 'coup de grace' to two Jews who were still alive after the first volleys.[1948] Finally, several defence witnesses were called. In his closing speech, prosecutor Bickford again accused all five defendants of murder.[1949]

The defence lawyers for Rutte and Lill either downplayed or denied their clients' direct involvement in the murders. For Oswald, Sablatnig, and Sattler, various mitigating circumstances were argued[1950] and/or acquittals demanded. Judge Young noted that, in his view, the defendants had not been compelled to kill the Jews. He recalled similar trials in which Volkssturm men had appeared as witnesses who did not carry out such murder orders and were by no means shot.[1951] Young added that the Court's decision in this case would be based on the Austrian Criminal Code for ordinary murder (§ 135).

The Klöch trial ended on 13 November 1947 with guilty verdicts and death sentences for all five defendants. However, Sir Douglas announced that he would support appeals for clemency from Sablatnig and Sattler.[1952] One month later, Lt Gen Alexander Galloway, High Commissioner and Commander-in-Chief of the British troops in Austria, reduced all penalties. The sentences of Lill, Oswald, and Rutte were changed to 15 years in prison, those of Sablatnig and Sattler to ten years in prison.[1953] The five men were brought to the Karlau Prison on 12 December 1947.[1954] The prison gates opened again for Anton Sablatnig on 30 August 1948.[1955] Robert Sattler was paroled on 16 July 1952.[1956] Arnulf Lill, Anton Oswald, and Anton Rutte benefited from a Christmas amnesty on 22 December 1953.[1957]

Parallel to the proceedings of the occupying power, the public prosecutor's office in Graz conducted preliminary investigations against Arnulf Lill[1958] and Anton Rutte[1959] for

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[1948] Murtaler Zeitung (22. 11. 1947), 1 („Sühne für Judenmassaker").

[1949] Neue Zeit (13. 11. 1947), 2 („Vor dem Urteil im Klöcher Judenmordprozeß"); Wahrheit (13. 11. 1947), 2 („Schüsse von ‚ungefähr'"); BRUNNER, Arnulf Lill 27.

[1950] Alleged mitigating circumstances included the existence of a so-called irresistible compulsion to shoot. The latter would exclude the malicious intent of an offence according to Austrian Criminal Code § 2g.

[1951] Das Steirerblatt (14. 11. 1947), 2 („Fünf Todesurteile im Klöcher Prozeß"); Wahrheit (14. 11. 1947), 3 („Die Judenmörder zum Tode verurteilt").

[1952] Neue Zeit (14. 11. 1947), 3 („Fünf Todesurteile im Judenmordprozeß"); Murtaler Zeitung (22. 11. 1947), 1 („Sühne für Judenmassaker"). – Furthermore: POLASCHEK, Volksgerichte 92; LAPPIN, Waffen-SS 92; SCHOBER, Jüdisches Schicksal 186; LAPPIN-EPPEL, Zwangsarbeiter 341f., 368; LAPPIN-EPPEL/SCHOBER, Einsatz 182; BRUNNER, Arnulf Lill 27.

[1953] StLA, LGS Graz, Vr 2924/60, Anton Rutte u. a., fol. 3, 7, 11, 15, 19; Neue Zeit (10. 12. 1947), 3 („Judenmörder von Klöch begnadigt"); Murtaler Zeitung (13. 12. 1947), 1 („Sattler begnadigt"); LAPPIN, Prozesse 350, note 15; LAPPIN, Waffen-SS 92, note 76; HALBRAINER/POLASCHEK, Recht 107; SCHOBER, Jüdisches Schicksal 186; LAPPIN-EPPEL, Zwangsarbeiter 368; LAPPIN-EPPEL/SCHOBER, Einsatz 182.

[1954] StLA, JA Karlau, Bücher, Bd. 67, StB-Nr. 2437, 2438, 2439, 2440, 2441.

[1955] StLA, JA Karlau, Bücher, Bd. 67, StB-Nr. 2439.

[1956] StLA, JA Karlau, Bücher, Bd. 67, StB-Nr. 2438.

[1957] StLA, JA Karlau, Bücher, Bd. 67, StB-Nr. 2437, 2440, 2441; Südost-Tagespost (22. 12. 1953), 1 („Die Weihnachtsamnestie ist da. Auch ‚Politische' begnadigt"); LAPPIN, Ahndung 43; LAPPIN-EPPEL, Zwangsarbeiter 432, note 268; SCHAFRANEK, Biografien 490. – Lill returned to his former profession as a bank clerk. In 1954, he took over the management of Sparkasse (savings bank) Vorau, where he remained until his retirement in 1976. Kleine Zeitung (25. 9. 1999), 72; BRUNNER, Arnulf Lill 27f.

[1958] StLA, LGS Graz, Vr 6806/47, Arnulf Lill.

[1959] StLA, LGS Graz, Vr 2482/47, Anton Rutte u. a.

illegal NS-membership (§ 11 VG) and war crimes (§ 1/6 KVG). They were discontinued in February and March 1948 due to the British trial, whose verdicts were based on Austrian law.[1960] In 1960, the Graz public prosecutor's office was to become active once again in this case. However, the 'Austrian' murder investigations[1961] against Anton Rutte, Arnulf Lill, Anton Oswald and Robert Sattler were closed – also with reference to the British military court.[1962]

7.5 Further trials of British General Courts in Styria

7.5.1 Josef D., Peter E. (19 February to 8 March 1946, Graz)

The first trial of a British General Court in Styria began on 19 February 1946. The presiding judge was Lt Col G.A. Bamlet.[1963] Josef D.[1964] and Peter E.[1965], both from Lviv, were in the dock at the Graz Regional Court. The defence lawyers were Dr August Bichler (Josef D.) and Dr Hans Wunsch (Peter E.).[1966] As the young men were charged with numerous offences under British and Austrian law by the prosecutor Maj J.G.A. Bickford – in an indictment of ten typewritten pages[1967] – many witnesses had to be heard,[1968] and the trial did not end until 8 March 1946.[1969]

According to the prosecution, Josef D. and Peter E. had joined a gang of DPs that committed robberies in alpine huts and farms in the districts of Judenburg, Leoben, and Bruck an der Mur (Upper Styria) in the autumn of 1945. The killing of the shepherd David Brugger on the Brandstätteralm near Oberaich on 10 November, and the alleged rape of a girl by Josef D. in Lobming near St. Stefan ob Leoben on 20 November were also part of the trial.[1970] When gendarmes from the St. Michael post confronted D. and E. at

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[1960] StLA, LGS Graz, Vr 6806/47, Arnulf Lill: 13. 2. 1948, fol. 3v. – Furthermore: StLA, LGS Graz, Vr 2482/47, Anton Rutte u. a.: 8. 3. 1948, fol. 1v; POLASCHEK, Volksgerichte 92.
[1961] StLA, LGS Graz, Vr 2924/60, Anton Rutte u. a.: 26. 10. 1960, fol. 1.
[1962] StLA, LGS Graz, Vr 2924/60, Anton Rutte u. a.: 26. 10. 1960, fol. 1. – At the same time, the case against Anton Sablatnig was closed as he was no longer alive (cf. § 224 öStG).
[1963] Das Steirerblatt (20. 2. 1946), 3 („Der ‚General Court' verhandelt in Graz").
[1964] * 19. 11. 1925, Lviv (UKR). StLA, JA Karlau, Bücher, Bd. 59, StB-Nr. 464.
[1965] * 25. 5. 1925, Lviv (UKR). Grazer Fahndungsblatt, Jg. 2/Nr. 47 (3. 5. 1946), Art. 3760.
[1966] Dr Bichler was originally supposed to represent both defendants, but on the first day of the trial he pointed out a conflict of interest. As a result, a defence lawyer for Peter E. was nominated at short notice in the person of Dr Wunsch. Das Steirerblatt (21. 2. 1946), 3 („Der Militärgerichtsprozeß"); Das Steirerblatt (22. 2. 1946), 3 („Beweisverfahren aufgenommen").
[1967] Neue Zeit (20. 2. 1946), 3 („Jugendliche auf der Anklagebank").
[1968] Cf. Neue Zeit (21. 2. 1946), 3 („Jugendliche auf der Anklagebank"); Das Steirerblatt (22. 2. 1946), 3 („Beweisverfahren aufgenommen"); Neue Zeit (22. 2. 1946), 3 („Jugendliche auf der Anklagebank"); Das Steirerblatt (23. 2. 1946), 3 („Der Militärgerichtsprozeß"); Das Steirerblatt (24. 2. 1946), 4 („Der Prozeß gegen [E.] und [D.]"); Das Steirerblatt (26. 2. 1946), 4 („Der Militärgerichtsprozeß"); Neue Zeit (26. 2. 1946), 3 („Jugendliche auf der Anklagebank").
[1969] The British sources available on this trial are very sparse. Nevertheless, it is possible to speak of a good level of information, since the Graz newspapers "Das Steirerblatt" and "Neue Zeit" reported almost daily on the progress of the trial.
[1970] For the individual charges, see: Das Steirerblatt (20. 2. 1946), 3 („Der ‚General Court' verhandelt in Graz").

the Steringhütte on the Gleinalm on 21 November, they exchanged gunfire with the officers. Their accomplice Jaroslaw Bandrowsky was shot dead as a result.[1971]

Josef D. and Peter E. pleaded not guilty before the British military court.[1972] Prosecutor Bickford called for a rational assessment of the facts: "It is not the purpose of this trial to examine whether the acts of the accused were the result of the tragedy that befell Poland[1973] at the hands of the Germans, or whether their crimes arose from a feeling of hatred of the Slavs against the Germans […]".[1974] The defence lawyers, on the other hand, insisted on their clients' painful experiences during the Second World War as grounds for mitigation. Both of them had witnessed the killing of close family members at a very young age before being deported from their homeland to Germany to perform forced labour. After the end of the war, they lived in a DP camp in Judenburg.[1975] Dr Wunsch asked the court to consider that his client was a victim of the times.[1976]

Finally, on the 16th day of the trial, 8 March 1946, both defendants were found guilty of conspiracy to plunder, unauthorised possession of weapons, resisting arrest, and robbery (cf. Austrian Criminal Code, § 194)[1977]. Josef D. was also found guilty of rape. As Lt Col Bamlet pointed out, it was only due to the youth of the defendants and the mitigating factors cited by the defence that the death penalty was waived. He sentenced both Josef D. and Peter E. to twelve years in prison. In conclusion, the judge thanked the trial interpreters in particular and lauded the gendarmes involved in the arrest.[1978]

Ten days after their conviction, D. and E. were transferred to Graz-Karlau Prison. Neither stayed behind bars for too long. Peter E. managed to abscond as early as 26 April 1946.[1979] Three years later, on 9 April 1949, Josef D. escaped from prison.[1980]

[1971] StLA, Gendarmeriechronik, Bez. Leoben, GP St. Michael, Bd. 3, p. 98; StLA, Gendarmeriechronik, Bez. Graz Umgebung, GP Übelbach, Bd. 1, s. p. [entry: 21. 11. 1945]; Neue Zeit (27. 2. 1946), 3 („Jugendliche auf der Anklagebank"); BRUNNER M., Schwere Straftaten 236.

[1972] Neue Zeit (20. 2. 1946), 3 („Jugendliche auf der Anklagebank"); Wahrheit (9. 3. 1946), 3 („Das Urteil im Jugendprozeß").

[1973] The defendants' home town, Lviv, was part of Poland during the inter-war period. As a result of the Hitler-Stalin Pact, it fell to the Soviet Union in September 1939. From June 1941 to July 1944, the city was occupied by German troops.

[1974] Neue Zeit (6. 3. 1946), 1 („Resultat einer Tragödie"). Translated into English, German text in the original as follows: „Es gilt in diesem Prozeß nicht zu untersuchen, ob die Taten der Angeklagten das Resultat der Tragödie sind, die durch die Deutschen über Polen hereingebrochen ist, oder ob ihre Verbrechen einem Haßgefühl der Slawen gegen Deutsche entsprangen […]".

[1975] Neue Zeit (28. 2. 1946), 3 („Jugendliche auf der Anklagebank"); Neue Zeit (7. 3. 1946), 3 („Jugendliche auf der Anklagebank"); Neue Zeit (8. 3. 1946), 3 („Jugendliche auf der Anklagebank").

[1976] Neue Zeit (8. 3. 1946), 3 („Jugendliche auf der Anklagebank"). – Furthermore: Das Steirerblatt (9. 3. 1946), 4 („Je zwölf Jahre Kerker für die Plünderer").

[1977] Neue Zeit (9. 3. 1946), 3 („Jugendliche auf der Anklagebank").

[1978] Das Steirerblatt (9. 3. 1946), 4 („Je zwölf Jahre Kerker für die Plünderer"); Neue Zeit (9. 3. 1946), 3 („Jugendliche auf der Anklagebank"); Wahrheit (9. 3. 1946), 3 („Das Urteil im Jugendprozeß"); BRUNNER M., Schwere Straftaten 236.

[1979] StLA, JA Karlau, Bücher, Bd. 59, StB-Nr. 465; Grazer Fahndungsblatt, Jg. 2/Nr. 47 (3. 5. 1946), Art. 3760; Das Steirerblatt (1. 5. 1946), 4 („Aus der Karlau ausgebrochen"). – Lt Col Logan (Penal Administration Section) summarised Peter E.'s escape from Karlau Prison as follows: *His escape was a very considerable achievement, and he has not been recaptured. This is the first recorded "breakout" in the history of that formidable but badly bomb-battered establishment.* […] *It is a sorry story of careless irresponsibility.* TNA, FO 1020/2866: 11. 5. 1946.

[1980] StLA, JA Karlau, Bücher, Bd. 59, StB-Nr. 464; BRUNNER M., Schwere Straftaten 236.

7.5.2 Ivan R., Paul Szetinski (25 October 1946, Leoben)

The first and only hearing of a General Court in Leoben took place on 25 October 1946 under the direction of Sir Douglas Young. The accused were the two Ukrainians Ivan R.[1981] and Paul Szetinski (also Sidinsky)[1982] from the Kapfenberg DP camp. On the evening of 30 March 1946, together with three fugitive accomplices,[1983] they are said to have robbed the Bauer in Burgstall farm, not far from Mixnitz (mun. Pernegg an der Mur). The owner, Ignaz Bräuner,[1984] was shot and wounded so badly that he later died in hospital.[1985] The looting of the house was interrupted by an approaching gendarmerie patrol, before which the robbers fled. Ivan R. and Szetinski, who was carrying a loaded pistol, were arrested in Mautstatt (mun. Pernegg an der Mur) a few hours later.[1986]

The British court found both defendants guilty: Paul Szetinski was sentenced to death for murder. Ivan R. was sentenced to seven years in prison for looting;[1987] this was later reduced to five years. Szetinski was transferred to Graz-Karlau Prison on 5 November 1946 and hanged two weeks later, on 19 November.[1988] Ivan R. was also taken to Karlau, where he remained in custody until his repatriation on 20 February 1948.[1989]

7.5.3 Gregor Kosost (21–23 November 1946, Graz)

Beginning on 21 November 1946, the British General Court held a series of four hearings into various murder cases in the large jury courtroom of the Graz Regional Court. Sir Douglas Young presided in each case, with J.T. Reckitt as prosecutor.[1990] It started with the trial Gregor Kosost[1991], accused of a double murder near Judenburg.[1992]

On the evening of 20 April 1946, Holy Saturday, the deaf-mute farmhand Peter Schlacher and the crofter Franz Götschl were killed in the Auerlinggraben (today, mun. Judenburg). When the deceased were discovered, their pocket watches, shoes, and a rucksack

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[1981] * 1. 1. 1920. StLA, JA Karlau, Bücher, Bd. 59, StB-Nr. 1289.
[1982] * 24. 5. 1924; † 19. 11. 1946, Graz (AUT). StLA, JA Karlau, Bücher, Bd. 59, StB-Nr. 1290.
[1983] One of the fugitives was identified as Stepan S. (* 12. 12. 1920) and a wanted notice was issued by the Graz criminal investigation department. Grazer Fahndungsblatt, Jg. 2/Nr. 33 (3. 4. 1946) („Raubmordversuch in Mixnitz"). – Other suspects were Ivan T. and Ivan K. StLA, Gendarmeriechronik, Bez. Bruck-Mürzzuschlag, GP Mixnitz, Bd. 1, p. 151.
[1984] * 1. 8. 1905, Burgstall (mun. Pernegg an der Mur, AUT). DAGS, Pfarre Pernegg, Taufbuch VIII 1901–1924, fol. 61, Post-Nr. 49 [URL: https://data.matricula-online.eu/de/oesterreich/graz-seckau/pernegg/12276/?pg=63 (18. 9. 2025)].
[1985] StLA, Gendarmeriechronik, Bez. Bruck-Mürzzuschlag, GP Mixnitz, Bd. 1, p. 150–152; Das Steirerblatt (2. 4. 1946), 3 („Raubüberfall"); Mürztaler Volksstimme (3. 4. 1946), 5 („Raubüberfall bei Mixnitz").
[1986] StLA, Gendarmeriechronik, Bez. Bruck-Mürzzuschlag, GP Mixnitz, Bd. 1, p. 151.
[1987] Wahrheit (29. 10. 1946), 3 („Der Raubüberfall in Mixnitz gesühnt").
[1988] TNA, FO 1020/2867: 7. 12. 1946; StLA, JA Karlau, Bücher, Bd. 59, StB-Nr. 1290; StAG, Sterbeprotokoll November 1946, Journal-Nr. 363.
[1989] StLA, JA Karlau, Bücher, Bd. 59, StB-Nr. 1289; BRUNNER M., Schwere Straftaten 237.
[1990] Das Steirerblatt (21. 11. 1946), 3 („Mehrere Mordprozesse bevorstehend"); Neue Zeit (21. 11. 1946), 3 („Mehrere Mordprozesse in Graz"); Wahrheit (21. 11. 1946), 3 („Mehrere Mordprozesse in Graz"); Weltpresse (21. 11. 1946), 8 („Mordprozesse vor dem Obersten britischen Militärgericht in Graz").
[1991] * 15. 8. 1916, Kyiv (UKR); † 9. 1. 1947, Graz (AUT). StLA, JA Karlau, Bücher, Bd. 59, StB-Nr. 1479.
[1992] The original plan had been to hold this trial in Judenburg. However, it was first moved to Leoben and finally to Graz. TNA, FO 1020/2863: 18. 6. 1946, fol. 3; TNA, FO 1020/2863: 29. 6. 1946, fol. 15.

were missing. Three days later, Gregor Kosost, who lived on a farm near Obdach, was arrested. During questioning by the gendarmerie, he initially denied any responsibility and claimed that the offence had been committed by other foreigners. In view of various circumstantial evidence, he finally led the officers to the place where he had buried the murder weapon and the watch of one of the victims. Now Kosost also confessed – at least in the opinion of the officers. According to this, he had first killed Schlacher with a stone. He then shot Götschl, who had come along the road by chance and had thus become a witness to the murder. Both men were then robbed by him.[1993]

Over the course of the three-day trial before the military court, numerous witnesses were heard whose statements pointed to Gregor Kosost as the perpetrator. However, the accused himself now denied having committed the murders. His defence lawyer, Dr August Ludikar, criticised the fact that the indictment was only based on circumstantial evidence and pointed in particular to the lack of a direct witness to the crime. Despite this, on 23 November 1946, the court found Gregor Kosost guilty of murder under § 134 of the Austrian Criminal Code and of unauthorised possession of a weapon.[1994] The sentence was death by hanging.[1995] Sir Douglas added: "Gregor Kosost, you are guilty of the cruel murder of a deaf-mute and a peasant and there is only one punishment for this offence."[1996] Kosost was transferred to Graz-Karlau Prison on 8 January 1947 and executed the following day.[1997]

7.5.4 Alexej K., Nikolaus L. (25–26 November 1946, Graz)

On 25 November 1946, the General Court dealt with the violent death of 72-year-old Ludmilla Gaisrucker[1998], which had occurred on 11 March 1946 in Krottendorf (near Kapfenberg). The accused were the Ukrainian Alexej K.[1999], and the Russian Nikolaus

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[1993] StLA, Gendarmeriechronik, Bez. Murtal, BGK Judenburg, Bd. 2, s. p. [entry: 21. 4. 1946]; StLA, Gendarmeriechronik, Bez. Murtal, GP Judenburg, Bd. 2, s. p. [entry: „Doppelmord in Reifling"]. – Furthermore: Das Steirerblatt (24. 4. 1946), 3 („Doppelraubmord im Auerlinggraben"); Murtaler Volkszeitung (27. 4. 1946), 3 („Doppelmord am Karsamstag"); Murtaler Volkszeitung (4. 5. 1946), 5 („Geständnis des Mörders vom Auerlinggraben"); Das Steirerblatt (22. 11. 1946), 3 („Der Doppelraubmord bei Judenburg").

[1994] Wahrheit (24. 11. 1946), 4 („Doppelmörder Kosost zum Tode verurteilt").

[1995] StLA, Gendarmeriechronik, Bez. Murtal, GP Judenburg, Bd. 2, s. p. [entry: 21. 11. 1946]; Neue Zeit (22. 11. 1946), 3 („Der Doppelmord im Auerlinggraben vor Gericht"); Wahrheit (22. 11. 1946), 3 („Blutbefleckte Kleider verrieten den Mörder"); Das Steirerblatt (23. 11. 1946), 3 („Der Doppelraubmord bei Judenburg"); Neue Zeit (23. 11. 1946), 4 („Noch immer neue Belastungsmomente"); Wahrheit (23. 11. 1946), 3 („Der Angeklagte leugnet"); Das Steirerblatt (24. 11. 1946), 3 („Todesurteil gegen Gregor Kosost"); Weltpresse (25. 11. 1946), 2 („Britisches Militärgericht fällt Todesurteil").

[1996] Murtaler Volkszeitung (30. 11. 1946), 1 („Des grausamen Mordes schuldig"). Translated into English, German text in the original as follows: „Gregor Kosost, Sie sind des grausamen Mordes an einem Taubstummen und an einem armen Bauern schuldig und für diese Tat gibt es nur diese eine Strafe."

[1997] StLA, JA Karlau, Bücher, Bd. 59, StB-Nr. 1479; StAG, Sterbeprotokoll Jänner 1947, Journal-Nr. 435; BRUNNER M., Schwere Straftaten 237.

[1998] * 8. 9. 1873, Oberort (today, mun. Tragöß-St. Katharein, AUT); † 11. 3. 1946, Krottendorf (OG Kapfenberg, AUT). DAGS, Pfarre Tragöß, Taufbuch IX 1873–1917, fol. 8, Post-Nr. 36 [URL: https://data.matricula-online.eu/de/oesterreich/graz-seckau/tragoess/16725/?pg=9 (18. 9. 2025)]; DAGS, Pfarre Kapfenberg-St. Oswald, Trauungsbuch V 1910–1919, p. 274, Post-Nr. 39 [URL: https://data.matricula-online.eu/de/oesterreich/graz-seckau/kapfenberg-st-oswald/16447/?pg=278 (18. 9. 2025)].

[1999] * 10. 3. 1924. StLA, Gendarmeriechronik, Bez. Bruck-Mürzzuschlag, GP Hafendorf, Bd. 1, p. 135.

L.[2000] from the Hafendorf DP camp. Together with their accomplice Josef K.[2001], they allegedly broke into the house of the Gaisrucker family at night and ransacked the cellar and attic. When Ludmilla Gaisrucker was woken by the noise and went to check, a shot was fired that fatally wounded her.[2002] The defendants pleaded not guilty.[2003]

The Ukrainian Kassynkov who claimed that Nikolaus L. had admitted the offence to him while in custody, stood out among the witnesses questioned. However, the court did not consider the evidence to be sufficient. Alexei K. was released on the first day of the trial.[2004] A day later, at the start of the trial, prosecutor J.T. Reckitt moved that Nikolaus L. also be acquitted on the grounds that Kassynkow's incriminating statements were not consistent with the expert's report of Prof. Werkgartner and contained other inconsistencies. Judge Sir Douglas Young granted this request.[2005]

7.5.5 Iwan G. (26–27 November 1946, Graz)

The next trial of the General Court in Graz began on the afternoon of 26 November 1946. In the dock was the Russian Ivan G.[2006] His defence lawyer was Dr Max Katzianschitz.[2007] This trial was in connection with a robbery and murder in Knittelfeld. Josefa Samitz[2008] had been found dead in her flat at Kärntnerstraße 32 on 26 August 1946. The woman had been bound and gagged, causing her to suffocate. Cash and various valuables were missing from the victim's possessions.[2009] Within a few hours, Iwan G. from the Judenburg DP camp was arrested by the gendarmerie as a suspect, and some of the loot was recovered. His alleged accomplice Peter K., on the other hand, managed to escape.[2010]

[2000] * 14. 2. 1918. StLA, Gendarmeriechronik, Bez. Bruck-Mürzzuschlag, GP Hafendorf, Bd. 1, p. 135.

[2001] Josef K. had already been sentenced to death by a General Court in Villach on 26 June 1946 for his involvement in a murder in the Völkendorf DP camp (mun. Villach). The sentence was later reduced to ten years imprisonment (see chapter 7.3.6). Cf. Grazer Fahndungsblatt, Jg. 2/Nr. 40 (16. 4. 1946), Art. 3243; StLA, Gendarmeriechronik, Bez. Bruck-Mürzzuschlag, GP Hafendorf, Bd. 1, p. 135; Das Steirerblatt (26. 11. 1946), 3 („DPs als Mörder einer greisen Bäuerin vor Gericht“).

[2002] StLA, Gendarmeriechronik, Bez. Bruck-Mürzzuschlag, GP Hafendorf, Bd. 1, p. 135; StLA, Gendarmeriechronik, Bez. Bruck-Mürzzuschlag, GAK Bruck an der Mur, Bd. 2, p. 103; StLA, Gendarmeriechronik, Bez. Bruck-Mürzzuschlag, BGK Bruck an der Mur, Bd. 1, p. 223; Grazer Fahndungsblatt, Jg. 2/Nr. 27 (21. 3. 1946) („Raubmord“); Mürztaler Volksstimme (13. 3. 1946), 4 („Raubmord in Hafendorf“); Neue Zeit (27. 3. 1946), 3 („Die Raubmörder von Hafendorf“); Neue Zeit (26. 11. 1946), 3 („Die verräterische Militärmütze“).

[2003] BRUNNER M., Schwere Straftaten 237f.

[2004] Wahrheit (26. 11. 1946), 3 („Wegen Raubmordes auf der Anklagebank“); Weltpresse (Abend-Ausgabe) (26. 11. 1946), 8 („Mordprozeß vor dem britischen Militärgericht“).

[2005] Das Steirerblatt (27. 11. 1946), 3 („Der Raubmord von Krottendorf blieb ungesühnt“); Neue Zeit (27. 11. 1946), 3 („Ein sensationeller Freispruch“); Wahrheit (27. 11. 1946), 3 („Auch der zweite Angeklagte freigesprochen“); BRUNNER M., Schwere Straftaten 238.

[2006] * 17. 9. 1921, Rostov (RUS). StLA, JA Karlau, Bücher, Bd. 59, StB-Nr. 1435.

[2007] Das Steirerblatt (28. 11. 1946), 3 („Zehn Jahre Kerker und Heiratsbewilligung“).

[2008] * 26. 12. 1883, Völkermarkt (AUT); † 26. 8. 1946, Knittelfeld (AUT). ADG, Pfarre Völkermarkt, Geburtsbuch VI 1871–1896, p. 108, Nr. 39 [URL: https://data.matricula-online.eu/de/oesterreich/gurk/voelkermarkt/V10_006-1/?pg=111 (18. 9. 2025)]; DAGS, Pfarre Knittelfeld, Trauungsbuch VII 1901–1911, p. 107, Post-Nr. 47 [URL: https://data.matricula-online.eu/de/oesterreich/graz-seckau/knittelfeld/12717/?pg=108 (18. 9. 2025)].

[2009] Neue Zeit (28. 8. 1946), 3 („Raubmord an einer Greisin“); Murtaler Volkszeitung (31. 8. 1946), 1 („Raubmord an einer Greisin“).

[2010] StLA, Gendarmeriechronik, Bez. Murtal, GP Knittelfeld, Bd. 2, s. p. [entry: 26. 8. 1946].

Before the British General Court, Iwan G. pleaded not guilty to the charge of murder. He merely admitted that he had been present during the raid on Josefa Samitz. He was familiar with the local circumstances because his girlfriend lived in the same house as the victim. However, he blamed Peter K. for the actual attack on Samitz and the looting of her flat.[2011] According to his own statement, he had also only taken Samitz' valuables found in his possession from K. for safekeeping. The court believed him and handed down a guilty verdict for accessory to robbery and manslaughter on the second day of the trial. The sentence was set at ten years imprisonment.[2012]

The concluding statement by Judge Sir Douglas Young is remarkable: According to him, Iwan G. should have been sentenced to death under British law. However, due to the existence of mitigating circumstances, the comparatively lenient sentence was imposed under Austrian law.[2013] Iwan G. was transferred to Karlau Prison on 13 December 1946. He was paroled on 16 September 1953.[2014]

7.5.6 Wilhelm Hödl (27–28 November 1946, Graz)

A murder at the Grandhotel Gärner in Leoben, which took place on 21 September 1946, caused quite a stir. In the early hours of the morning, night porter Paul Martonoschi had been fatally shot in the chest. After a short time, Wilhelm Hödl[2015] from Graz and two companions were arrested on suspicion of having committed the offence. The investigation revealed that Hödl had entered the hotel to look for cigarette butts in the ashtrays. He noticed a parcel lying in the porter's lodge and wanted to take it. When Hödl was surprised by Martonoschi, he shot him down with a pistol.[2016]

On the afternoon of 27 November 1946, Wilhelm Hödl had to answer to the British General Court in Graz, which was again presided over by Sir Douglas Young.[2017] The defendant pleaded guilty but denied premeditation. On the second day of the trial, his defence lawyer, Dr Josef Klement, tried unsuccessfully to prove that his client had lost his mind as legal reason for exemption from punishment. After a short deliberation, Judge Young turned to Wilhelm Hödl in front of a crowded courtroom and said:[2018]

[2011] Das Steirerblatt (27. 11. 1946), 3 („Ein weiterer DP als Mörder vor Gericht"); Neue Zeit (27. 11. 1946), 3 („Die Uhr der Ermordeten"); Wahrheit (27. 11. 1946), 3 („Noch ein Frauenmord").

[2012] Das Steirerblatt (28. 11. 1946), 3 („Zehn Jahre Kerker und Heiratsbewilligung"); Neue Zeit (28. 11. 1946), 3 („Hart an der Todesstrafe vorbei"); Wahrheit (28. 11. 1946), 3 („10 Jahre für [G.]"); Murtaler Volkszeitung (30. 11. 1946), 2 („Der Knittelfelder Raubmord vor Gericht").

[2013] Neue Zeit (28. 11. 1946), 3 („Hart an der Todesstrafe vorbei"); Murtaler Volkszeitung (30. 11. 1946), 2 („Der Knittelfelder Raubmord vor Gericht").

[2014] StLA, JA Karlau, Bücher, Bd. 59, StB-Nr. 1435; BRUNNER M., Schwere Straftaten 238.

[2015] * 17. 5. 1926, Graz (AUT); † 9. 1. 1947, Graz. StLA, JA Karlau, Bücher, Bd. 59, StB-Nr. 1480.

[2016] Neues Österreich (22. 9. 1946), 4 („Der Portier des Leobener Grand-Hotels ermordet"); Neues Österreich (24. 9. 1946), 3 („Der Mord im Leobener Grand Hotel"); Neue Zeit (27. 9. 1946), 3 („Der Leobner Mörder verhaftet"); Das Steirerblatt (28. 11. 1946), 3 („Mörder des Leobener Hotelportiers vor Gericht"); BRUNNER M., Schwere Straftaten 239.

[2017] It had originally been planned to hold this General Court hearing in Leoben on 25 October 1946. Neue Zeit (25. 10. 1946), 3 („Der Mord im Leobner Grand-Hotel").

[2018] Wahrheit (29. 11. 1946), 3 („Mord am Leobner Hotelportier gesühnt"). Translated into English, German text in the original as follows: „Das Gericht hat Sie des Mordes für schuldig befunden. Sie waren nicht

> "The court found you guilty of murder. You were not charged under Austrian law, but under the laws of the British occupying forces in Austria. Even the unauthorised carrying of firearms is punishable by death. You killed a human being. The murdered porter is survived by four children. In view of this, it is our duty to punish you with the highest penalty, death by hanging."

Young also noted that the death penalty is usually only imposed for unauthorised possession of weapons if there is a related homicide offence. However, the defendant should also be found guilty of murder under Austrian law because there was obviously intent to kill and there were no mitigating circumstances.[2019]

At the end of this hearing, which marked the conclusion of four consecutive trials of the General Court in the Graz Regional Court, Sir Douglas made a statement in which he expressly praised the investigative work of the Austrian gendarmerie and criminal police, as well as the supervisory activities of the British security officers.[2020] Wilhelm Hödl was sent to Karlau Prison on 8 January 1947 and executed there the following day.[2021]

7.5.7 Nikolai Subzow (31 July 1947, Leibnitz)

The only trial by a British General Court in Leibnitz took place on 31 July 1947. The court was dealing with a double murder in the Löschertoni farmhouse in Wuggitz near Eibiswald[2022] (Styria). A bloodbath had been committed there in the early hours of 10 May 1947. Rosa Peterlin, the owner's daughter, was found dead in her bed. She had evidently died as a result of numerous stab wounds. Her partner Stanislaus Kida had also suffered severe stab wounds and died soon after being admitted to the hospital in Graz.[2023] The Russian Nikolai Subzow (also Subkow)[2024] was arrested in the Kapfenberg DP camp as the alleged perpetrator. Subzow confessed to the gendarmerie that he had entered the farmhouse to steal food. When he was surprised by the occupants, he first stabbed Kida with a knife and then killed Peterlin.[2025]

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nach österreichischem Recht, sondern nach den Gesetzen der britischen Okkupationstruppen in Österreich angeklagt. Allein das unbefugte Tragen von Schußwaffen kann mit dem Tode bestraft werden. Sie haben einen Menschen getötet. Der ermordete Portier hinterläßt vier Kinder. In Anbetracht dessen ist es unsere Pflicht, Sie mit der höchsten Strafe zu bestrafen, mit dem Tod durch den Strang."

[2019] Obersteirische Zeitung (30. 11. 1946), 1 („Mörder des Grand-Hotel-Portiers zum Tod verurteilt").

[2020] Obersteirische Zeitung (30. 11. 1946), 1 („Mörder des Grand-Hotel-Portiers zum Tod verurteilt"). – See also: Neue Zeit (17. 12. 1946), 3 („Belobende Anerkennung der steirischen Exekutive").

[2021] StLA, JA Karlau, Bücher, Bd. 59, StB-Nr. 1480; StAG, Sterbeprotokoll Jänner 1947, Journal-Nr. 436.

[2022] We would like to thank Herbert Blatnik, Eibiswald, for information about the crime scene.

[2023] Das Steirerblatt (11. 5. 1947), 3 („Mord aus Eifersucht"); Neue Zeit (11. 5. 1947), 3 („Mit Messerstichen tot im Bett"); Wahrheit (11. 5. 1947), 4 („Liebespaar erstochen im Bett aufgefunden"); Weltpresse (13. 5. 1947), 3 („Mord an einer Bauerntochter"); Weststeirische Rundschau (17. 5. 1947), 1 („Bestialischer Doppelraubmord eines Ausländers").

[2024] * 25. 1. 1926, Krasnodar (RUS); † 26. 9. 1947, Graz (AUT). TNA, FO 1020/2075: 11. 5. 1947 (Statement Nikolai Subzow); StLA, JA Karlau, Bücher, Bd. 59, StB-Nr. 1970.

[2025] TNA, FO 1020/2075: 11. 5. 1947 and 13. 5. 1947. – Furthermore: Das Steirerblatt (13. 5. 1947), 3 („Russischer DP als Mörder festgenommen"); Neue Zeit (13. 5. 1947), 3 („Der Doppelraubmord bereits aufgeklärt"); Wahrheit (13. 5. 1947), 3 („DP als Doppelmörder überführt"); Weltpresse (14. 5. 1947), 3 („Doppelmord nach dem Diebstahl"); BRUNNER M., Schwere Straftaten 239f.

Following the completion of the investigation, the Legal Division announced the convening of a General Court, which was to sit in Leibnitz on 31 July 1947 under the presidency of Sir Douglas Young. Lt Col G.W. Treadwell was appointed to represent the prosecution.[2026] As instructed, the Legal Branch in Graz appointed two assessors and an Austrian lawyer as defence counsel. They chose Lt Col J.G.A. Bickford, Maj R.R. Penney and Dr Otto Adler respectively.[2027] The official appointment of the General Court for the Subzow trial was made on 22 July 1947 by S.H. Smith, Director of the Legal Division.[2028] Subzow was examined for his sanity before the trial, but no abnormalities were found.[2029]

In any case, the trial did not hold any surprises. Apart from Subzow's written admission of guilt,[2030] which he maintained in court, there was also material evidence available. Two buttons were recovered at the scene of the crime, which obviously originated from the defendant's (bloodstained) jacket.[2031] Nikolai Subzow was found guilty of two counts of murder on the first day of the trial and sentenced to the maximum penalty.[2032]

As expected, the British Commander-in-Chief confirmed the death sentence. Around three weeks before the trial, Subzow had been transferred from Karlau Prison to the Regional Court prison in Graz. He remained imprisoned here after his conviction until he was returned to Karlau on 25 September 1947, where his execution was carried out the following day[2033] "in the gallows yard" [„im Galgenhof"][2034].

7.5.8 "Schloßberg Gang" (17 and 20–21 October 1947, Graz)

This chapter begins with a brief description of the historical context that led to the trial of members of the so-called "Schloßberg Gang" in October 1947. The situation on the southern Styrian border had already been chaotic for months after the end of the Second World War due to the influx of refugees. The establishment of the Prohibited Frontier Zone (PFZ) by the British, and patrols by occupying soldiers and gendarmerie, only provided temporary calm. The resurgence of refugee movements as a result of the expulsion of ethnic Germans from south-east Europe, and the sensitive political situation in the face of Yugoslavian territorial claims led to a renewed deterioration in the security situation as 1946 wore on, particularly on the south-west Styrian border.[2035]

[2026] TNA, FO 1020/2075: 18. 7. 1947.
[2027] TNA, FO 1020/2075: 21. 7. 1947.
[2028] TNA, FO 1020/2075: 22. 7. 1947.
[2029] TNA, FO 1020/2075: 20. 8. 1947; BRUNNER M., Schwere Straftaten 240.
[2030] TNA, FO 1020/2075: 11. 5. 1947 and 13. 5. 1947.
[2031] TNA, FO 1020/2075: 20. 8. 1947.
[2032] TNA, FO 1020/2075: 31. 7. 1947; StLA, Gendarmeriechronik, Bez. Deutschlandsberg, GP Eibiswald, Bd. 2, p. 81, 87; Weststeirische Rundschau (9. 8. 1947), 1 („Gerechtes Urteil über den Raubmörder von Wuggitz"); BRUNNER M., Schwere Straftaten 240.
[2033] TNA, FO 1020/2075: 26. 9. 1947; StLA, JA Karlau, Bücher, Bd. 59, StB-Nr. 1970; StAG, Sterbeprotokoll September 1947, Journal-Nr. 268; BRUNNER M., Schwere Straftaten 240.
[2034] Neues Österreich (27. 9. 1947), 3 („Ein DP hingerichtet").
[2035] SCHNEIDER, Aspekte 122f.; SCHNEIDER, Operation „Freeborn" 220–222; SCHNEIDER, Besatzungs- und Sicherheitspolitik 82f.; ENGELKE, Flüchtling 29f.

The main problem for the British in this region turned out to be the appearance of commandos from the so-called "White Guards". These were supporters of the last Yugoslav king, Peter II, who opposed the new communist rulers under Josip Broz Tito and used the border region on the Austrian side as a supply area for their guerrilla war in Yugoslavia. The Styrian population on the border, especially on the often-isolated farms, was inevitably drawn into the conflict. There was regular looting, as well as attacks on life and limb. However, anyone who supported the White Guards – voluntarily or not – ran the risk of becoming the target of attacks by their opponents, the "Red Guards", who became active from June 1947 onwards.[2036] This small-scale war reached its climax in the summer of 1947.[2037] The British occupying power only succeeded in calming the situation through diplomatic pressure on Yugoslavia, and by having additional troops patrol the state border. The gendarmerie, which was also deployed but poorly equipped, played more of a secondary role in this process.[2038]

An anti-communist group led by Ferdinand Serneč, consisting of about 20 men, followed the same line of attack as the White Guards. They used DP camps in Salzburg and Styria as bases to carry out raids on their political foes in Yugoslavia.[2039] In post-war parlance, this group was usually referred to as the Serneč or Schloßberg gang.[2040] In July 1947, twelve members of the group, including its leader, were brought before a military court in Ljubljana, which handed down seven death sentences.[2041] Suspected members

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[2036] SCHNEIDER, Aspekte 124–127; GEBHARDT, Gendarmerie 360f.; SCHNEIDER, Military Security 475–478; JEŘÁBEK, Partisanen 162–164; SCHNEIDER, Besatzungs- und Sicherheitspolitik 84f.; ENGELKE, Flüchtling 30f.; BEER, Zweite Chance 191f.

[2037] The night raid on the Hammerkautz farm in Großwalz (today, mun. Leutschach an der Weinstraße) on 27 June 1947, during which a troop of Red Guards killed two members of the Kerbler family, who owned the farm, and two gendarmes, caused particular publicity. StLA, Gendarmeriechronik, Bez. Leibnitz, GP Leutschach, Bd. 1, s. p. [entry: 27. 6. 1947]; StLA, Gendarmeriechronik, Bez. Deutschlandsberg, GP Eibiswald, Bd. 2, p. 81–83; Neue Zeit (29. 6. 1947), 1 („Bandenüberfälle an der Grenze"); The Times (1. 7. 1947), 3 ("Murder raids in Yugoslavia"); Weststeirische Rundschau (5. 7. 1947), 1 („Schwere Zwischenfälle in unserem Grenzgebiet"); GEBHARDT, Gendarmerie 361; JEŘÁBEK, Partisanen 164f.; ENGELKE, Flüchtling 31–35.

[2038] SCHNEIDER, Aspekte 127, 129f.; GEBHARDT, Gendarmerie 361; SCHNEIDER, Besatzungs- und Sicherheitspolitik 85–87. – See also: StLA, Gendarmeriechronik, Bez. Deutschlandsberg, GP Eibiswald, Bd. 2, p. 78, 80, 84f., 93.

[2039] On the activities of anti-communist groups in northern Slovenia after 1945, see ČOH, Križari 204, 206–211.

[2040] The area of the (then) municipality of Schloßberg near Leutschach was frequently used by White Guards and similar groups as a retreat and, at the same time, as a gateway to Yugoslavia. – On the Serneč gang see also: JEŘÁBEK, Partisanen 165, 167f.

[2041] Das Steirerblatt (23. 7. 1947), 1 („Prozeß gegen die Sernec-Bande"); Neue Zeit (23. 7. 1947), 1 („Prozeß gegen Grenzbanditen"); Das Steirerblatt (24. 7. 1947), 2 („Der Laibacher Weißgardistenprozeß"); Das Steirerblatt (25. 7. 1947), 2 („Der Laibacher Prozeß"); Das Steirerblatt (27. 7. 1947), 1 („Noch sechs Todesurteile in Laibach"); Neue Zeit (27. 7. 1947), 1 („Sieben Todesurteile im Grenzbanditenprozeß"); JEŘÁBEK, Partisanen 167; ČOH, Križari 206f. – During this trial, accusations were made that British authorities had provided support to the anti-communist groups in the Styrian border region. A corresponding press release from the Yugoslav news agency TANJUG was taken up by communist daily newspapers in Austria (selection): Wahrheit (24. 7. 1947), 2 („Zusammenarbeit österreichischer Grenzorgane mit König-Peter-Banditen"); Österreichische Volksstimme (24. 7. 1947), 2 („Vor dem Militärgericht in Ljubljana"); Volkswille (24. 7. 1947), 1f. („Zusammenarbeit österreichischer Grenzorgane mit ‚König Peter-Banditen' enthüllt"); Wahrheit (25. 7. 1947), 2 („Vor dem Urteil im Prozeß gegen die König-Peter-Banditen"). – As a result, the "Wahrheit" in Graz, among others, was banned from publication for three days by the British military government. Wiener Zeitung (26. 7. 1947), 2 („Grazer ‚Wahrheit' verboten"); Österreichische Volksstimme (26. 7. 1947), 1 („Dreitägiges Erscheinungsverbot für die Grazer ‚Wahrheit'").

or supporters of the Schloßberg gang were also arrested in Styria. From January 1947, this resulted in trials before Austrian courts and the British Intermediate Court in Leibnitz, each of which handed down prison sentences of several years.[2042]

This brings us back to the hearing of the Higher Military Court in Graz. During joint operations by the British military police and the Austrian gendarmerie, more so-called Schloßberg bandits were arrested in the summer of 1947.[2043] They were now to be tried before a General Court in Graz. The start was originally planned for mid-September but was postponed due to the arrests in August.[2044]

Finally, on 17 October 1947, ten Yugoslavs appeared before Judge Sir Douglas Young, most of whom had grown up near the Austrian border: Josef B.[2045], Ernst C.[2046], Slavko J., Johann K.[2047], Milan L.[2048], Ladislaus Požauko[2049], Franz P.[2050], Josef S.[2051], Ivica S.[2052], and Iwan V.[2053]. They were all represented by Dr Otto Adler.[2054]

The charges brought by prosecutor Ashton[2055] were mainly for illegal possession of weapons and illegal border crossing. In addition, there were other offences (see below), but the sources do not allow any precise attribution to individual defendants. In any case, the newspaper reports on this hearing give the impression that, in the course of the trial, most of the serious crimes committed in the border region in the previous months were linked to the Schloßberg gang. "They captured and abducted customs and gendarmerie officers. They are also accused of several murders committed against gendarmerie officers and civilians."[2056] By attributing virtually all of the White Guard's misdeeds in the border region to this one group, it was probably intended to give the impression that the culprits were now all in custody.

[2042] Wahrheit (1. 7. 1947), 2 („Jugoslawische Weißgardisten vor Leibnitzer Gericht"); Neue Zeit (2. 7. 1947), 1 („Intervention der Landesregierung"); Das Steirerblatt (31. 7. 1947), 2 („Bestrafte Bandenmitglieder"); Weltpresse (31. 7. 1947), 4 („Verhaftungen von Mitgliedern der Schloßberg-Bande"). – Cf. TNA, FO 1020/3525: Case-No. 1638, 1639.

[2043] Neue Zeit (27. 8. 1947), 3 („Mitglieder der ‚Sernec-Bande' verhaftet"); Österreichische Zeitung (27. 8. 1947), 3 („Zwölf jugoslawische Terroristen verhaftet"); Weltpresse (27. 8. 1947), 4 („Wieder Schloßberg-Banditen ausgehoben"); Volkswille (28. 8. 1947), 8 („Faschistische Grenzbande unschädlich gemacht"); Weststeirische Rundschau (30. 8. 1947), 1 („Mitglieder der Schloßbergbande ausgehoben"); JEŘÁBEK, Partisanen 166f.

[2044] TNA, FO 1020/2062: 29. 8. 1947, fol. 71.

[2045] * 2. 3. 1923, Stanečka vas (SLO). StLA, JA Karlau, Bücher, Bd. 59, StB-Nr. 2294.

[2046] * 10. 1. 1925, Svečina (SLO). StLA, JA Karlau, Bücher, Bd. 59, StB-Nr. 2288. – See also: Grazer Tägliches Fahndungsblatt, Jg. 3/Nr. 182 (28. 8. 1947), Art. 8568.

[2047] * 10. 5. 1929, Sladki Vrh (SLO). StLA, JA Karlau, Bücher, Bd. 59, StB-Nr. 2285.

[2048] * 28. 9. 1926, Vuhred (SLO). StLA, JA Karlau, Bücher, Bd. 59, StB-Nr. 2290.

[2049] * 13. 7. 1921, Selnica ob Dravi (SLO); † 21. 7. 1948, Graz (AUT). StAG, Sterbeprotokoll Juli 1948, Journal-Nr. 224; StLA, JA Karlau, Bücher, Bd. 59, StB-Nr. 2291.

[2050] * 27. 11. 1927, Sladki Vrh (SLO). StLA, JA Karlau, Bücher, Bd. 59, StB-Nr. 2287.

[2051] * 21. 7. 1925, Selnica ob Dravi (SLO). StLA, JA Karlau, Bücher, Bd. 59, StB-Nr. 2280.

[2052] * 23. 8. 1925, Vrbovsko (HR). StLA, JA Karlau, Bücher, Bd. 59, StB-Nr. 2292.

[2053] * 8. 5. 1927, Ruše (SLO). StLA, JA Karlau, Bücher, Bd. 59, StB-Nr. 2289.

[2054] Das Steirerblatt (18. 10. 1947), 1 („Die Sernec-Bande vor Gericht").

[2055] Neue Zeit (18. 10. 1947), 3 („Schloßbergbande vor Gericht").

[2056] Weltpresse (18. 10. 1947), 1 („Zehn Morde der Schloßberg-Banditen"). Translated into English, German text in the original as follows: „Sie haben Zoll- und Gendarmeriebeamte gefangengenommen und verschleppt. Außerdem werden ihnen einige Morde, begangen an Gendarmeriebeamten und Ziviliisten [!], zur Last gelegt."

On the first day of the trial, the British FSS officer Capt David Saunders was called as a witness after the District Governor of Leibnitz (Franz Junger). According to his statement, it took an entire British infantry battalion and increased gendarmerie presence to disarm the gang.[2057] Saunders described the abduction of four customs officers in April 1947, the murder of a woman at the end of May, the discovery of two bodies, the shooting of a British sergeant and three gendarmes in June, and the events at the Hammerkautz farm in the same month. During the arrest of some of the accused in Wagna, an ammunition depot was also found.[2058]

Further witnesses were questioned on the second day of the trial (20 October). Starting again with Capt Saunders.[2059] Then, Maj Coult, Public Safety Officer for the Leibnitz district, described the security situation in the Leutschach and Schloßberg area. Finally, customs officer Rucker and gendarme Schwarz were questioned.[2060]

The defendants' statements on the third day of the trial (21 October) contained justifications and denials, rarely confessions. The fact that the gang was connected to a White Guard organisation and was partly controlled from its headquarters in the St. Johann im Pongau DP camp[2061] could hardly be overlooked. However, the court sought to marginalise the political aspect of the trial. Judge Young explained that the court was not taking a position in favour of or against Marshal Tito or 'King' Peter but was deciding only on the basis of the charges brought.[2062] Young was also not convinced that the murders cited in the trial were actually committed by the Serneč gang. And furthermore: "However, the activities of the defendants constituted a serious abuse of the right to hospitality in Austria. The local population had never supplied the gang with food voluntarily, but only under armed coercion."[2063] At the end of the day, Sir Douglas announced nine guilty verdicts and one acquittal (Slavko J.). The sentences were as follows: Ladislaus Požauko ten years,[2064] Milan L. and Josef S. seven years, Josef B. four years, Franz P. and Iwan V. three years, Ernst C., Johann K., and Ivica S. two years.[2065]

[2057] Weltpresse (18. 10. 1947), 1 („Zehn Morde der Schloßberg-Banditen").

[2058] Neue Zeit (18. 10. 1947), 3 („Schloßbergbande vor Gericht"); Wahrheit (18. 10. 1947), 3 („Prozeß gegen die Leutschacher Königsbanditen").

[2059] Capt Saunders doubted the defendants' involvement in the Hammerkautz robbery. – The connection with the Schloßberg gang was probably that members of the group used this farm as a base or – at least – socialized there. This in turn is probably the explanation for the fatal attack by Red Guards on 27 June 1947. Cf. ČOH, Križari 207; ENGELKE, Flüchtling 33.

[2060] Das Steirerblatt (21. 10. 1947), 3 („Viehschmuggel war die Hauptbeschäftigung"); Neue Zeit (21. 10. 1947), 3 („Ein Schuldregister wird aufgeschlagen").

[2061] Cf. ČOH, Križari 199, 207.

[2062] Wahrheit (22. 10. 1947), 3 („Saufgelage österreichischer Grenzbeamter mit König-Peter-Banditen").

[2063] Das Steirerblatt (22. 10. 1947), 3 („Sernec-Bande des Mißbrauches des Gastrechtes schuldig"). Translated into English, German text in the original as follows: „Aber die Tätigkeit der Angeklagten war ein schwerer Mißbrauch des Gastrechtes in Österreich. Die Bevölkerung habe die Bande niemals freiwillig, sondern nur unter bewaffnetem Zwang mit Lebensmitteln versorgt."

[2064] According to newspaper reports, Požauko was convicted of weapons possession, disarming law enforcement officers, and gang affiliation. Das kleine Volksblatt (22. 10. 1947), 6 („Der Prozeß gegen die Schloßberg-Bande"); Österreichische Zeitung (22. 10. 1947), 2 („Das Urteil gegen die ‚Sernec-Bande'").

[2065] Neue Zeit (22. 10. 1947), 3 („Zwei bis zehn Jahre für Schloßbergbanditen"); Weltpresse (22. 10. 1947), 4 („Kerker für Schloßberg-Banditen"); BRUNNER M., Schwere Straftaten 241f. – See also: StLA, JA Karlau, Bücher, Bd. 59, StB-Nr. 2280, 2285, 2287, 2288, 2289, 2290, 2291, 2292, 2294.

All of the convicts were sent to Graz-Karlau Prison on 4 November 1947. With the exception of Požauko (see chapter 7.5.12), they were transferred to Germany on 26 August 1948.[2066]

7.5.9 Dimitro B., Peter B., Petro H., Wasyl K., Fedor R., Isidor S., Pavel S., Wasyl Z. (18–20 November and 1 December 1947, Graz)

In the evening of 8 June 1947, the Ukrainian Dr Wasil Berecansky was beaten and kicked so severely by several men in Grünhübl (near Judenburg) that he died in hospital two days later.[2067] Within a week, compatriots of the victim, who were suspected of the offence, were arrested.[2068] The eight alleged perpetrators were Dimitro B.[2069], Peter B., Petro H., Wasyl K.[2070], Fedor R.[2071], Isidor S.[2072], Pavel S.[2073], and Wasyl Z.[2074]

The judicial processing of this incident began – after some delays[2075] – on 18 November 1947 in the district court on Paulustorgasse in Graz.[2076] To this end, the Chief Legal Officer S.H. Smith had convened a General Court with Judge Sir Douglas Young and assessors Maj A.B. Whitehead (East Yorkshire Regiment) and Mr W.J. Worth.[2077] The prosecution was represented by Lt Col J.G.A. Bickford. Dr Mitter (Dimitro B., Wasyl K., Fedor R., Isidor S.) and Dr Wagner (Peter B., Petro H., Pavel S., Wasyl Z.) shared the defence.[2078]

From the prosecutor's point of view, several shortcomings affected the handling of this trial: The relevant Public Safety Officer had not been able to fully prepare the indictment by the start of the trial due to work overload,[2079] three important witnesses had already left the country, and the victim had not been subjected to an autopsy. Moreover, there were connections that went far beyond the mere facts of the case. *It is an important and complex murder case with political or quasi political implications and there is*

[2066] StLA, JA Karlau, Bücher, Bd. 59, StB-Nr. 2280, 2285, 2287, 2288, 2289, 2290, 2292, 2294; BRUNNER M., Schwere Straftaten 242. – It has not been possible to establish the reason for the transfer of the prisoners to Germany.

[2067] StLA, Gendarmeriechronik, Bez. Murtal, GP Judenburg, Bd. 2, s. p. [entry: June 1947]; Wahrheit (13. 6. 1947), 3 („Ausländer von Ausländern ermordet"); Murtaler Zeitung (14. 6. 1947), 2 („Ueberfallen und zu Tode getrampelt"); Neue Zeit (19. 11. 1947), 3 („Judenburger Fememord findet seine Sühne").

[2068] Two suspects, Wasyl K. and Fedor R., were arrested in Grades (today, mun. Metnitz) in Carinthia. Volkswille (14. 6. 1947), 4 („Grades").

[2069] * 7. 11. 1922. StLA, JA Karlau, Bücher, Bd. 67, StB-Nr. 2418.

[2070] * 22. 2. 1922. StLA, JA Karlau, Bücher, Bd. 67, StB-Nr. 2416.

[2071] * 22. 8. 1918. StLA, JA Karlau, Bücher, Bd. 67, StB-Nr. 2419.

[2072] * 17. 2. 1923. StLA, JA Karlau, Bücher, Bd. 67, StB-Nr. 2415.

[2073] * 14. 8. 1923. StLA, JA Karlau, Bücher, Bd. 67, StB-Nr. 2417.

[2074] Neue Zeit (19. 11. 1947), 3 („Judenburger Fememord findet seine Sühne"); Österreichische Volksstimme (20. 11. 1947), 3 („Der Judenburger Fememord"); BRUNNER M., Schwere Straftaten 242.

[2075] The trial had originally been scheduled for September 1947. TNA, FO 1020/2062: 29. 8. 1947, fol. 71; TNA, FO 1020/2062: 2. 10. 1947, fol. 89; TNA, FO 1020/2062: 3. 10. 1947, fol. 84; TNA, FO 1020/2062: 8. 10. 1947, fol. 90.

[2076] Neue Zeit (19. 11. 1947), 3 („Judenburger Fememord findet seine Sühne").

[2077] TNA, FO 1020/2062: 15. 11. 1947, fol. 93A.

[2078] Neue Zeit (19. 11. 1947), 3 („Judenburger Fememord findet seine Sühne"); BRUNNER M., Schwere Straftaten 242.

[2079] Lt Col Bickford therefore suggested that the Internal Division be advised that homicide investigations should be prioritised by the PSOs.

a great deal more behind the affair than would appear upon the surface, as Lt Col Bickford pointed out in a letter to the Legal Division.[2080]

According to Bickford, Petro H. and Peter B. were the instigators of the offence. The other defendants were allegedly recruited by them in the Friesach area (Carinthia) and in the Judenburg DP camp to attack Dr Berecansky, who was working as a consultant for DPs on behalf of the Judenburg labour office.[2081] However, the motive for the attack remained unclear during the trial. Inconsistencies in work assignments were considered a possible explanation. There was also speculation about murder on behalf of a Ukrainian underground movement. Newspapers wrote about a vehmic murder.[2082] Some of the accused named "the great unknown" as the person behind the crime.[2083] At least it became clear that Vasyl K., Fedor R. and Isidor S. had received the direct order to beat up Berecansky from Pavel S.[2084] Much to the dissatisfaction of Lt Col Bickford, however, it was not possible to gather sufficient evidence against the suspected mastermind Petro H.: *In my view, it is very probable* […] *that a serious injustice will be done and that the instigator will go free whilst the primitive hooligans he employed will be the only ones to suffer for the crime.*[2085]

A report in the "Steirerblatt" newspaper gives an idea of the slow progress of this General Court hearing:[2086]

> "It is not without reason that the military court trial is being held in the delivery room of the old maternity hospital,[2087] for it is truly a 'difficult birth'; not only the need to reproduce each question and answer in three languages, but also the testimonies of the defendants, which often contradict their previous statements, have an inhibiting effect on the trial."

On 20 November, the trial was interrupted for ten days to await further investigations.[2088] Peter B. and Wasyl Z. had previously been acquitted.[2089] What Bickford had

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[2080] TNA, FO 1020/2062: 25. 11. 1947, fol. 94.

[2081] StLA, Gendarmeriechronik, Bez. Murtal, BGK Judenburg, Bd. 2, s. p. [entry: 6. 6. 1947]; StLA, Gendarmeriechronik, Bez. Murtal, GP Judenburg, Bd. 2, s. p. [entry: June 1947]; Das Steirerblatt (19. 11. 1947), 3 („Ukrainische DPs töteten einen Landsmann").

[2082] Wahrheit (20. 11. 1947), 3 („Der Judenburger Fememordprozeß"); Neue Zeit (2. 12. 1947), 3 („Die Urteile im Fememordprozeß"); Weltpresse (2. 12. 1947), 4 („Die Urteile im Judenburger Fememordprozeß").

[2083] Neue Zeit (21. 11. 1947), 3 („Judenburger Fememord vertagt"); Wahrheit (21. 11. 1947), 3 („Der Judenburger Fememord"); Murtaler Zeitung (22. 11. 1947), 2 („Der Judenburger Fememord").

[2084] Das Steirerblatt (20. 11. 1947), 3 („Der Judenburger Fememord"); Murtaler Zeitung (29. 11. 1947), 1 („Ein Unbekannter namens Michael").

[2085] TNA, FO 1020/2062: 25. 11. 1947, fol. 94; BRUNNER M., Schwere Straftaten 242.

[2086] Das Steirerblatt (21. 11. 1947), 3 („Judenburger Fememordprozeß vertagt"). Translated into English, German text in the original as follows: „Der Militärgerichtsprozeß […] findet nicht umsonst im Kreißsaal der alten Gebärklinik statt, denn er ist wahrhaft eine ‚Schwergeburt'; nicht nur die Notwendigkeit, jede Frage und Antwort in drei Sprachen wiederzugeben, sondern auch die ihren früheren Angaben vielfach widersprechenden Zeugenaussagen der Angeklagten wirken prozeßhemmend."

[2087] In 1912, the Graz District Court for criminal matters moved to the so-called "Palmburg" in Paulustorgasse, which had previously housed the maternity clinic of the General Hospital. REISMANN/MITTERMÜLLER, Stadtlexikon 367; SCHÖGGL-ERNST, Recht und Gericht 391.

[2088] TNA, FO 1020/2062: 25. 11. 1947, fol. 94; Neue Zeit (21. 11. 1947), 3 („Judenburger Fememord vertagt").

expected finally happened on 1 December 1947. He had to drop the charges against Petro H. due to a lack of evidence.[2090] In his closing speech, the prosecutor denied a political motive for the murder of Dr Berecansky and assumed that the perpetrators had personal reasons. The defence raised the issue of the victim's possible involvement in the deportation of fellow countrymen to concentration camps during the Second World War, which the prosecution strictly rejected.[2091] In the end, Dimitro B., Vasyl K., Fedor R., Isidor S., and Pavel S. were found guilty of manslaughter. All five Ukrainians were sentenced to twelve years in prison.[2092] The court also ordered their forced repatriation, but the men, who did not want to return home under any circumstances,[2093] appealed successfully. They served their sentences from 4 December 1947 in Graz-Karlau Prison, where they remained until their parole on 22 December 1954.[2094]

7.5.10 Josef T. (2 December 1947, Graz)

The last General Court presided over by Sir Douglas Young in Graz convened on 2 December 1947. Maj A.B. Whitehead and Mr W.J. Worth are likely to have acted as assessors again.[2095] The reason for this trial was a series of knife attacks carried out by the ethnic German Josef T.[2096] on the evening of All Souls' Day 1947 in the Kapfenberg area. After he and his accomplice Heinrich Bachmeier had already attacked passers-by in Kapfenberg, he encountered a group of pedestrians in Hafendorf[2097]. After an exchange of words, T. pulled out his knife and stabbed the labourer Max W., inflicting serious injuries. The perpetrator then fled in the direction of the nearby Deuchendorf[2098] DP camp. In the darkness, however, he mistook his companion Bachmeier for a pursuer and stabbed him as well, causing him to bleed to death. Josef T. was arrested that same night in the DP camp by gendarmes from the Hafendorf post.[2099]

[2089] Das Steirerblatt (19. 11. 1947), 3 („Ukrainische DPs töteten einen Landsmann"); Neue Zeit (19. 11. 1947), 3 („Judenburger Fememord findet seine Sühne"); Wahrheit (19. 11. 1947), 3 („Der Judenburger Fememord vor Gericht"); Murtaler Zeitung (22. 11. 1947), 2 („Der Judenburger Fememord").
[2090] Das Steirerblatt (2. 12. 1947), 3 („Bruch der Gastfreundschaft – Zwangsrepatriierung"); Murtaler Zeitung (6. 12. 1947), 1 („12 Jahre Gefängnis für Totschläger"). – However, at the request of the prosecutor, Petro H. was remanded in custody.
[2091] Das Steirerblatt (2. 12. 1947), 3 („Bruch der Gastfreundschaft – Zwangsrepatriierung"); Weltpresse (2. 12. 1947), 4 („Die Urteile im Judenburger Fememordprozeß"); Wiener Zeitung (2. 12. 1947), 3 („Die Ermordung des Dr. Berecansky"); Murtaler Zeitung (6. 12. 1947), 1 („12 Jahre Gefängnis für Totschläger").
[2092] Neue Zeit (2. 12. 1947), 3 („Die Urteile im Fememordprozeß"); Wahrheit (2. 12. 1947), 3 („Das Urteil im Judenburger Fememordprozeß"); Murtaler Zeitung (6. 12. 1947), 1 („12 Jahre Gefängnis für Totschläger").
[2093] Das Steirerblatt (2. 12. 1947), 3 („Bruch der Gastfreundschaft – Zwangsrepatriierung").
[2094] StLA, JA Karlau, Bücher, Bd. 61, Post-Nr. 935[/1947], 936[/1947], 937[/1947], 938[/1947], 939[/1947]; StLA, JA Karlau, Bücher, Bd. 67, StB-Nr. 2415, 2416, 2417, 2418, 2419; BRUNNER M., Schwere Straftaten 242.
[2095] Cf. TNA, FO 1020/2062: 15. 11. 1947, fol. 93A.
[2096] * 1. 1. 1929, Klinja vas (SLO). StLA, JA Karlau, Bücher, Bd. 67, StB-Nr. 2400.
[2097] We would like to thank Franz Jäger, Parschlug, for further information on the location of the crime.
[2098] Cf. STIEBER, Flüchtlingswesen 221; STIEBER, Nachkriegsflüchtlinge 271–273.
[2099] StLA, Gendarmeriechronik, Bez. Bruck-Mürzzuschlag, GP Hafendorf, Bd. 1, p. 151f.; Das Steirerblatt (4. 11. 1947), 3 („Amokläufer in Kapfenberg"); Neue Zeit (4. 11. 1947), 3 („Blutige Allerseelen in Kapfenberg"); BRUNNER M., Schwere Straftaten 242.

Because of his DP status, Josef T. had to answer to a British military court one month after his acts. Lt Col Bickford charged him with murder and attempted murder.[2100] The court agreed with the public prosecutor and found T. guilty. Taking into account various mitigating factors, the sentence was set at three years in prison.[2101] One day after the trial, Josef T. was taken to Karlau Prison. He was granted parole on 8 July 1949.[2102]

7.5.11 Arthur M. (12–13 April 1948, Graz)

At around 2 a.m. on 14 November 1947, the German Arthur M.[2103], and the Austrian Konrad Pfeifer[2104] broke into the Sing jewellery shop in Graz. When they were caught in flagrante delicto by a policeman, they shot at the officer. The police pursued the perpetrators but Pfeifer initially managed to escape.[2105] Arthur M., on the other hand, was tracked down on Ungergasse; he tried to flee but was seriously injured in a gunfight and arrested.[2106]

Six months later, Arthur M. stood before a General Court in Graz for attempted murder.[2107] Mr Hamilton presided – for the first time in Styria – and J.G.A. Bickford represented the prosecution. M. denied intent to murder. Judge Hamilton handed down a guilty verdict on the second day of the trial and sentenced the defendant to eight years in prison.[2108] Arthur M. was transferred to Graz-Karlau Prison on 14 April 1948 and released on 12 April 1952 as a result of a conditional pardon.[2109]

7.5.12 Ladislaus Požauko (29–30 April and 4 May 1948, Graz)

During a raid by the British military police on the night of 22 to 23 August 1947, Ladislaus Požauko[2110] from Selnica ob Dravi (SLO) was arrested in a house in Graz as a sus-

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[2100] Das Steirerblatt (3. 12. 1947), 3 („Bluttaten eines angetrunkenen Gottscheers“).
[2101] StLA, Gendarmeriechronik, Bez. Bruck-Mürzzuschlag, GP Hafendorf, Bd. 1, p. 152f.; Wahrheit (3. 12. 1947), 3 („Der Mord in Deuchendorf“); Weltpresse (3. 12. 1947), 4 („Den Freund erstochen“).
[2102] StLA, JA Karlau, Bücher, Bd. 67, StB-Nr. 2400; BRUNNER M., Schwere Straftaten 242f.
[2103] * 20. 1. 1915, Jelenia Góra (POL). StLA, JA Karlau, Bücher, Bd. 67, StB-Nr. 2878.
[2104] * 11. 9. 1914, Graz (AUT); † 15. 1. 1961, Gratwein (AUT). DAGS, Pfarre Graz-Hl. Erlöser, Taufbuch XXXVII 1914–1916, fol. 43, Post-Nr. 1461 [URL: https://data.matricula-online.eu/de/oesterreich/graz-seckau/graz-hl-erloeser/247/?pg=44 (18. 9. 2025)]; StLA, JA Karlau, Bücher, Bd. 67, StB-Nr. 3428. – On Konrad Pfeifer, see also: TNA, FO 1020/3525: Case-No. 1888.
[2105] Neue Zeit (16. 11. 1947), 3 („Einbrecher auf der Flucht“). – After his arrest, Konrad Pfeifer was sentenced to 18 months imprisonment by the Graz Regional Court on 7 January 1949. StLA, JA Karlau, Bücher, Bd. 67, StB-Nr. 3428.
[2106] Neue Zeit (15. 11. 1947), 3 („Feuergefecht in der Grazer Innenstadt“); Wahrheit (15. 11. 1947), 3 („Feuergefecht mit Juwelendieben“); Wahrheit (13. 4. 1948), 3 („Schüsse bei einer Einbrecherjagd“).
[2107] Arthur M. had already been sentenced to six months in prison by a British Intermediate Court in Graz in May 1947 for theft and possession of a lock pick. After serving his sentence, he was sent to the SEP camp in Feistritz an der Drau. TNA, FO 1020/3525: Case-No. 1881; Wahrheit (14. 4. 1948), 3 („8 Jahre für [M.]“).
[2108] Weltpresse – Graz am Abend (12. 4. 1948), 4 („Der Schuß auf den Polizisten“); Weltpresse – Graz am Abend (13. 4. 1948), 4 („Acht Jahre für [M.]“); Neue Zeit (13. 4. 1948), 3 („Der Einbrecher von Sing vor Gericht“); Neue Zeit (14. 4. 1948), 3 („Acht Jahre für versuchten Mord“).
[2109] StLA, JA Karlau, Bücher, Bd. 67, StB-Nr. 2878; BRUNNER M., Schwere Straftaten 243.
[2110] * 13. 7. 1921, Selnica ob Dravi (SLO); † 21. 7. 1948, Graz (AUT). StAG, Sterbeprotokoll Juli 1948, Journal-Nr. 224; StLA, JA Karlau, Bücher, Bd. 59, StB-Nr. 2291.

pected ringleader of the so-called "Schloßberg Gang".[2111] In October 1947, he and nine accomplices stood before the British General Court in Graz and he was sentenced to ten years in prison (see chapter 7.5.8). The conviction was for possession of weapons and gang activity, among other things, but not for a homicide offence, although Požauko had already admitted to shooting a Yugoslav soldier during his interrogation by the FSS and again at the trial.[2112]

Ladislaus Požauko was not put on trial for this crime until 29 April 1948 at the General Court in Graz.[2113] It is not possible to prove beyond doubt why the occupying power took delayed action here. According to a newspaper report on the trial from October 1947, the presiding judge, Young, was of the opinion that there was no proof that Požauko had not killed in self-defence.[2114] Six months later, the murder charge was considered more solid. In the three-day trial, prosecutor Lt Col Bickford accused Požauko of killing a Yugoslav soldier named Slatkovic (also Slakovich) who had been abducted to Austrian territory on the night of 26 to 27 February 1947 at the Fiki farmstead in Remschnigg (today, mun. Leutschach an der Weinstraße), which was located directly on the border.[2115] The order had come from the DP camp in St. Johann im Pongau, where the White Guards had their headquarters in Austria. Požauko only admitted that there had been an order from Salzburg to execute captured commissars or Communist Yugoslav functionaries.[2116] He now justified himself with self-defence, although this contradicted his statements from autumn 1947 and he was also incriminated by witnesses. Judge Hamilton did not believe the defendant and pronounced a guilty verdict. The sentence was death by hanging.[2117] After confirmation by the British Commander-in-Chief, Ladislaus Požauko was transferred from the Regional Court prison back to Karlau on 20 July 1948 and executed one day later.[2118]

7.5.13 Franz G., Johann P., Rupert Z. (7–8 June 1948, Graz)

On the evening of 11 March 1948, the Kerscheggbrenner farmstead in Kerschegg (today, mun. St. Andrä-Höch) was the target of a raid by four Yugoslavs from the Kapellenstraße DP camp in Graz. The perpetrators held the residents of the house at gunpoint for two

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[2111] Weststeirische Rundschau (30. 8. 1947), 1 („Mitglieder der Schloßbergbande ausgehoben").
[2112] Das Steirerblatt (21. 10. 1947), 3 („Viehschmuggel war die Hauptbeschäftigung"); Neue Zeit (21. 10. 1947), 3 („Ein Schuldregister wird aufgeschlagen"); Österreichische Zeitung (22. 10. 1947), 2 („Das Urteil gegen die ‚Sernec-Bande'"); BRUNNER M., Schwere Straftaten 243.
[2113] Weltpresse – Graz am Abend (29. 4. 1948), 4 („Bandit mordet an der Grenze"); Das Steirerblatt (30. 4. 1948), 4 („Sernetzbande vor dem Militärgericht"); Neue Zeit (30. 4. 1948), 3 („Ein Soldatenmord an der Grenze"); Wahrheit (30. 4. 1948), 3 („Mord an einem jugoslawischen Soldaten").
[2114] Das Steirerblatt (22. 10. 1947), 3 („Sernec-Bande des Mißbrauches des Gastrechtes schuldig").
[2115] In early May 1947, a poorly buried male corpse was exhumed at Fiki Farm. Neue Zeit (30. 4. 1948), 3 („Ein Soldatenmord an der Grenze").
[2116] Neue Zeit (1. 5. 1948), 4 („Mordbefehl aus Salzburg?").
[2117] Weltpresse – Graz am Abend (30. 4. 1948), 8 („Die Bluttat der Schloßbergbande"); Weltpresse – Graz am Abend (4. 5. 1948), 4 („Bandit zum Tod verurteilt"); Neue Zeit (5. 5. 1948), 3 („Todesurteil für Soldatenmörder"); Weltpresse (5. 5. 1948), 4 („Todesurteil in Graz"); JEŘÁBEK, Partisanen 168f.
[2118] TNA, FO 1020/3106: 4. 8. 1948; StAG, Sterbeprotokoll Juli 1948, Journal-Nr. 224; StLA, JA Karlau, Bücher, Bd. 67, StB-Nr. 3062 [with incorrect date of death 22. 7. 1948]; BRUNNER M., Schwere Straftaten 243.

hours while they stole large quantities of food, cash, and textiles. Afterwards they fled but were stopped at the Isker Inn (later "Spitzwirt") in Wildon by the auxiliary gendarme Hermann Breineder[2119]. The officer was able to arrest Franz G.[2120] and Rupert Z.[2121].[2122] Johann P.[2123] was later caught by the criminal investigation department in Graz.[2124] The fourth perpetrator escaped.[2125]

Franz G., Johann P., and Rupert Z. had to answer to Judge Hamilton at the General Court in Graz on 7 June 1948. All three were found guilty of robbery, and the possession and use of weapons. The sentences were seven years in prison for Franz G., five years for Rupert Z., and two years for Johann P.[2126] They were sent to Graz-Karlau Prison on 10 June 1948. The prison gates opened for G. and Z. on 1 September 1950 following their conditional release. P. had already been transferred to the Voitsberg District Court on 2 July 1949 for further execution of his sentence.[2127]

7.5.14 Erich F., Elsa F. (22 June to 9 July 1948, Graz)

The 27th hearing of a British General Court in Styria dealt with the murder of the German Auguste Rauber[2128], which had taken place in Graz-Straßgang in the summer of 1947. The circumstances of this crime caused quite a stir in the city. Accordingly, the investigation and, in particular, the subsequent court trial were accompanied by extensive coverage in the print media.[2129]

On the morning of 28 July 1947, a dead woman was discovered next to the dung heap at the Zach Inn (Kreuzwirt) in Straßgang, stuck upside down in the shaft leading to the slurry pit. The forensic examination revealed that she had suffered severe beatings to the head. However, death had only occurred as a result of suffocation in the slurry. After

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[2119] Hermann Breineder had already been involved in the arrest of the British deserter Stanley McCaw in Wildon in September 1946. McCaw was on the run after shooting railwayman Johann Fuchs and throwing him off a moving train near Stübing (mun. Deutschfeistritz). Cf. StLA, Gendarmeriechronik, Bez. Leibnitz, GP Wildon, Bd. 1, s. p. [entry: 1946]; StLA, Pol-Dion Graz, Akten, Kriminalpolizei, Sonderreihe, K. 8, KrPol-53-1946; Neue Zeit (17. 9. 1946), 3 („Mußmaßlicher [!] Mörder des Zugführers Fuchs verhaftet").
[2120] * 7. 1. 1921, Zgornja Kungota (SLO). StLA, JA Karlau, Bücher, Bd. 67, StB-Nr. 3009.
[2121] * 10. 8. 1926, Svečina (SLO). StLA, JA Karlau, Bücher, Bd. 67, StB-Nr. 3012.
[2122] StLA, Gendarmeriechronik, Bez. Leibnitz, GP St. Nikolai im Sausal, Bd. 2, s. p. [entry: 11. 3. 1948]; StLA, Gendarmeriechronik, Bez. Leibnitz, GP Wildon, Bd. 1, s. p. [entry: 12. 3. 1948]. – Furthermore: Weltpresse – Graz am Abend (12. 3. 1948), 4 („Vierköpfige Räuberbande plündert stundenlang"); Neue Zeit (13. 3. 1948), 4 („Bewaffnete Ausländer plündern ein Gehöft"); Wahrheit (13. 3. 1948), 3 („Feuergefecht mit einer Räuberbande"); Weltpresse – Graz am Abend (13. 3. 1948), 8 („Bandenkampf in den Murauen").
[2123] * 7. 12. 1926, Bukovci (SLO). StLA, JA Karlau, Bücher, Bd. 67, StB-Nr. 3010.
[2124] StLA, Gendarmeriechronik, Bez. Leibnitz, GP St. Nikolai im Sausal, Bd. 2, s. p. [entry: 11. 3. 1948].
[2125] BRUNNER M., Schwere Straftaten 243.
[2126] StLA, JA Karlau, Bücher, Bd. 67, StB-Nr. 3009, 3010, 3012; StLA, Gendarmeriechronik, Bez. Leibnitz, GP St. Nikolai im Sausal, Bd. 2, s. p. [entry: 11. 3. 1948]; StLA, Gendarmeriechronik, Bez. Leibnitz, GP Wildon, Bd. 1, s. p. [entry: 12. 3. 1948]; Weltpresse – Graz am Abend (8. 6. 1948), 4 („Räuberische DP's verurteilt"); Das Steirerblatt (9. 6. 1948), 3 („Drei Räuber vor dem Militärgericht"); Neue Zeit (9. 6. 1948), 2 („14 Jahre für räuberische DPs").
[2127] StLA, JA Karlau, Bücher, Bd. 67, StB-Nr. 3009, 3010, 3012; BRUNNER M., Schwere Straftaten 243f.
[2128] * 2. 5. 1908, Landsweiler (DEU); † 27. 7. 1947, Graz (AUT). StLA, Pol-Dion Graz, Akten, Kriminalpolizei, Sonderreihe, K. 12, KrPol-9005-1947: 31. 3. 1947 (Transportschein).
[2129] BRUNNER M., Auguste Rauber.

the dead woman had been identified, her lover, the Sudeten German Erich F.[2130], and his wife Elsa F.[2131] were arrested as suspects in the crime.[2132] The Austrian Criminal Investigation Department began an extensive enquiry into the case, which was provisionally concluded with a final report on 5 August 1947.[2133] De facto, this was done for the British occupying power, which took over the prosecution because the alleged perpetrators were Displaced Persons.[2134]

From 22 June 1948,[2135] Erich F. and Elsa F. had to answer for murder before the British General Court in Graz. Judge Hamilton presided over the trial; Lt Col Bickford prosecuted. Elsa F. was represented by Dr Kristl, while her husband decided to defend himself. Originally scheduled to take place in the district court, the trial had to be moved to the large jury courtroom of the Regional Court on the second day due to the great interest shown by the public.[2136] From the very beginning, there was one facet of the trial that increased its 'entertainment value' for the court audience, namely the unusual, sometimes bizarre behaviour of Erich F. He was particularly conspicuous for his unconventional statements and disrespectful behaviour towards the court. For example, Erich F. responded to the presiding judge's customary question to the defendants at the beginning of the trial as to whether they would plead guilty with the 'threat' that he would sue the court if it considered him a defendant. Elsa F. also pleaded not guilty.[2137]

According to the results of the investigation, Erich F. had been in Graz since the end of the war. He lived in the Keplerschule DP quarters and worked as a locksmith at the Puch works. Erich F. was having a relationship with Auguste Rauber when his wife Elsa arrived in Graz from Czechoslovakia with their child on 24 July 1947. The next day she moved into a servant's room in the stables of the Zach Inn, where she was visited by Erich F. and his lover in the late evening of 27 July. Auguste Rauber had been lured to Straßgang under the pretence of a planned discussion. Shortly after arriving in Elsa F.'s room, however, she was strangled, beaten with a truncheon, then taken into the courtyard and dumped – still alive – into the slurry pit. Elsa F. then tried to remove traces of the crime from her room.[2138]

[2130] * 8. 3. 1923, Děčín (CZE). StLA, JA Karlau, Bücher, Bd. 67, StB-Nr. 3161.

[2131] * 8. 11. 1926, Liberec (CZE). StLA, Pol-Dion Graz, Akten, Kriminalpolizei, Sonderreihe, K. 12, KrPol-9005-1947: 28. 7. 1947 (Fahndung, fol. 14).

[2132] StLA, Pol-Dion Graz, Akten, Kriminalpolizei, Sonderreihe, K. 12, KrPol-9005-1947: 28. 7. 1947 (Amtsvermerk, fol. 12f.); Neue Zeit (30. 7. 1947), 3 („Entsetzliche Mordtat in Straßgang"); Wahrheit (30. 7. 1947), 4 („Mysteriöser Mord in Straßgang"); Neue Zeit (1. 8. 1947), 3 („Straßganger Mord bereits aufgeklärt"); Wahrheit (1. 8. 1947), 3 („Der Mord in Straßgang aufgeklärt"); BRUNNER M., Schwere Straftaten 244.

[2133] Cf. StLA, Pol-Dion Graz, Akten, Kriminalpolizei, Sonderreihe, K. 12, KrPol-9005-1947: 5. 8. 1947 (Schlußbericht, fol. 66–75).

[2134] BRUNNER M., Auguste Rauber.

[2135] Neue Zeit (19. 6. 1948), 4 („Dienstag Straßganger Mordprozeß").

[2136] Das Steirerblatt (24. 6. 1948), 4 („Im Zimmer des Opfers übernachtet").

[2137] Neue Zeit (23. 6. 1948), 3 („Ehepaar ermordet Geliebte des Ehegatten"); Wahrheit (23. 6. 1948), 3 („Mord an der unbequem gewordenen Geliebten"); BRUNNER M., Auguste Rauber.

[2138] StLA, Pol-Dion Graz, Akten, Kriminalpolizei, Sonderreihe, K. 12, KrPol-9005-1947: 5. 8. 1947 (Schlußbericht, fol. 66–75); Das Steirerblatt (23. 6. 1948), 3 („Frauenleiche in der Jauchengrube"); Wahrheit (23. 6. 1948), 3 („Mord an der unbequem gewordenen Geliebten"); Neue Zeit (24. 6. 1948), 4 („Ehepaar [F.] belastet sich gegenseitig"); BRUNNER M., Auguste Rauber; BRUNNER M., Schwere Straftaten 244.

In the course of the trial, the defendants incriminated each other. The questioning by Lt Col Bickford and Dr Kristl revealed further information about Erich F. His real name was Erich H. For some years, however, he had been using the surname of his foster parents (F.), as well as that of his mother (W.). He gave Auguste Rauber – although already married himself – a promise of marriage and wanted to emigrate to Chile with her. The wedding was to take place on 27 July 1947. Then F.'s wife turned up in Graz and the wedding day became the day of Rauber's death.[2139]

After Erich F. conducted a self-interrogation as his own defence counsel on 29 June 1948, he repeatedly became entangled in contradictions during questioning by the prosecutor, Bickford, and Judge Hamilton on the following days. He was also cautioned about his behaviour in court.[2140] Elsa F. finally gave up her denial and admitted on the seventh day of the trial (3 July) that she was involved in the murder and that it was her idea to sink the (supposedly) dead Rauber in the slurry pit.[2141] After a visit to the crime scene in Straßgang (5 July),[2142] the pleadings by the prosecution and defence were scheduled for 7 July.[2143] Lt Col Bickford did not forget to emphasise that this trial demonstrated the exemplary nature of British jurisprudence.[2144]

On the tenth day, 9 July 1948, the trial was finally concluded in the packed courtroom. Mr Hamilton found both defendants guilty of murder. The sentence for Erich F. was death by hanging. His wife Elsa was sentenced to ten years in prison.[2145] Erich F.'s death sentence was commuted to life imprisonment two months later when it was reviewed by the Legal Division,[2146] and he was sent to Graz-Karlau Prison on 14 September 1948.[2147] Elsa F. had to serve her sentence in Maria Lankowitz Prison. She was paroled from there on 27 March 1954.[2148]

Erich F. remained imprisoned in Karlau until 1 August 1955. On this day, he was transferred to the Graz Regional Court prison on remand.[2149] The reason for this was the

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[2139] Wahrheit (24. 6. 1948), 3 („Mörder betreuen das Kind der Ermordeten"); Das Steirerblatt (25. 6. 1948), 4 („Der Mörder mit den drei Namen"); Neue Zeit (25. 6. 1948), 3 („Erich [F.] – ein verhinderter Bigamist"); Wahrheit (25. 6. 1948), 3 („Der Mordtag sollte der Hochzeitstag werden").

[2140] Das Steirerblatt (30. 6. 1948), 3 („Rätsel um den Straßganger Mord"); Neue Zeit (30. 6. 1948), 3 („Erich [F.] verhört sich selbst"); Wahrheit (30. 6. 1948), 4 („Der Goldschatz der Ermordeten"); Neue Zeit (1. 7. 1948), 4 („Mordversuch beim Baden in der Mur?"); Wahrheit (1. 7. 1948), 3 („Der Brief in der Zündholzschachtel"); Das Steirerblatt (3. 7. 1948), 4 („[F.] dingt seine Gattin zum Mord"); Wahrheit (3. 7. 1948), 3 („[F.] will den Verdacht auf einen Dritten lenken").

[2141] Das Steirerblatt (4. 7. 1948), 4 („‚Mein Gatte ist ein Feigling!'"); Neue Zeit (4. 7. 1948), 4 („Else [F.] gibt den Mord zu"); Wahrheit (4. 7. 1948), 5 („Ein wahres oder wieder ein falsches Geständnis?").

[2142] Neue Zeit (6. 7. 1948), 3 („Mittwoch Plädoyers im [F.]-Prozeß"); Wahrheit (6. 7. 1948), 4 („Lokalaugenschein an der Mordstelle").

[2143] Neue Zeit (8. 7. 1948), 4 („Staatsanwalt Bickford: Ein vorbedachter Mord").

[2144] Wahrheit (8. 7. 1948), 3 („Morgen Urteil im [F.]-Prozeß"); BRUNNER M., Schwere Straftaten 244.

[2145] TNA, FO 1020/3106: 4. 8. 1948; Neue Zeit (10. 7. 1948), 4 („Der Strang für Erich [F.]"); Wahrheit (10. 7. 1948), 4 („Erich [F.] zum Tode verurteilt"); BRUNNER M., Auguste Rauber.

[2146] Neue Zeit (16. 9. 1948), 4 („Erich [F.] begnadigt").

[2147] StLA, JA Karlau, Bücher, Bd. 61, Post-Nr. 641[/1948]; StLA, JA Karlau, Bücher, Bd. 67, StB-Nr. 3161.

[2148] StLA, Pol-Dion Graz, Akten, Kriminalpolizei, Sonderreihe, K. 12, KrPol-9005-1947: 23. 6. 1954; Kleine Zeitung (12. 9. 1956), 6 („Mörder neuerlich vor den Richtern"); BRUNNER M., Auguste Rauber; BRUNNER M., Schwere Straftaten 244.

[2149] StLA, JA Karlau, Bücher, Bd. 67, StB-Nr. 3161; StLA, JA Karlau, Gefangenenakten, Gef 189-1951, Vala Rudolf: 30. 7. 1955, fol. 92.

entry into force of the Austrian State Treaty, which meant that prison sentences based on court judgements by the occupying powers were no longer relevant. However, some Allied proceedings were reopened by the Austrian judiciary in 1955. This included the Auguste Rauber murder case.[2150] For Erich F., this initially 'only' meant being transferred from one prison to another. On the other hand, the situation for his now ex-wife Elsa, who had divorced, was much more difficult. She had already been free for a year and a half at the time, had remarried and was also expecting a child. Now she was remanded in custody again and had to give birth – for the second time[2151] – in prison.[2152]

It was not until 11 September 1956 that the two had to stand trial before an Austrian jury.[2153] This trial in Graz did not bring any really new findings compared to the British General Court eight years earlier, but it ended much more quickly. On the second day, the jury found both defendants guilty of the murder of Auguste Rauber. Erich F.'s sentence of life imprisonment was confirmed. His ex-wife Elsa received a sentence of six years and eleven months in prison. As her previous prison terms were taken into account, she was released immediately.[2154]

7.6 Trials of British General Courts in Vienna

The following hearings of higher military courts of the British occupying power in Vienna were held in the Juvenile Court (III, Rüdengasse 7).[2155]

7.6.1 Johann M. (19 September 1946, Vienna)

The first hearing of a General Court in the British occupation zone in Vienna took place on 19 September 1946 under the presidency of Lord Schuster. Lt Col McNulty and Maj Belaf acted as assessors. The prosecution was represented by Lt Col Treadwell, the defence by Dr Franz Sejna.[2156] The defendant Johann M. had a certain (local) reputation because he had served as district leader (KPÖ) of Hietzing for around three months after the end of the war in 1945 and had then managed the Auhof cinema in the street of the same name.[2157]

[2150] Kleine Zeitung (19. 8. 1955), 8 („Neue Verfahren werden nötig"); Südost-Tagespost (19. 8. 1955), 5 („Militärgerichtsurteile nichtig"); BRUNNER M., Auguste Rauber.
[2151] Das Steirerblatt (24. 6. 1948), 4 („Im Zimmer des Opfers übernachtet").
[2152] Wahrheit (12. 9. 1956), 3 („Straßganger Mord vor den Geschworenen"); BRUNNER M., Auguste Rauber.
[2153] Kleine Zeitung (12. 9. 1956), 6 („Mörder neuerlich vor den Richtern"); Südost-Tagespost (12. 9. 1956), 5 („Ein Mordprozeß wird wiederholt"); Wahrheit (12. 9. 1956), 3 („Straßganger Mord vor den Geschworenen").
[2154] Kleine Zeitung (13. 9. 1956), 7 („Zum zweitenmal lebenslänglich für [H.]"); Südost-Tagespost (13. 9. 1956), 5 („Britisches Urteil bestätigt"); Wahrheit (13. 9. 1956), 4 („Lebenslänglich für Erich [H.]"); BRUNNER M., Auguste Rauber; BRUNNER M., Schwere Straftaten 244.
[2155] Österreichische Volksstimme (18. 9. 1946), 3 („Besitzer eines Waffenarsenals vor britischem Militärgericht"); Weltpresse (14. 1. 1947), 2 („Britisches Militärgericht sühnt Überfall").
[2156] TNA, FO 1020/3500: Case-No. 1/46.
[2157] Wiener Zeitung (20. 9. 1946), 3 („Sechs Jahre wegen Waffenverheimlichung").

Johann M. was accused of an offence against VIAC Order No. 1, Art. I (possession of weapons). Following a tip-off, the British military police confiscated a considerable arsenal at the end of July 1946 during house searches in the villa occupied by M. (XIII, Stadlergasse 27) and in the Auhof cinema: 52 rifles, 13 pistols, a mortar, 80 detonators, four hand grenades, and 1821 rounds of ammunition.[2158] This was presumably the most serious case of illegal possession of weapons that had taken place in the British occupation zone in Austria up to that time.[2159] The sheer size of the weapons find, and the presumed hostile intentions of the accused towards the Allies, are probably also the reasons why this case was heard before a General Court and not before an Intermediate Court.

The defendant pleaded guilty and explained that he had collected the weapons after the end of the war in order to resell them as hunting rifles. The defence lawyer wanted to have his client declared insane, but Lord Schuster did not let him have his way. Instead, Johann M. was sentenced to six years in prison.[2160] He escaped a heavier sentence because the judges concluded that the weapons were not intended to be used against the occupying forces.[2161] The guilty verdict and sentence were confirmed by the ACA (BE) on 24 September and again on 14 October 1946. On 9 August 1948, M.'s sentence was suspended on condition that he did not commit any offences for two years.[2162]

7.6.2 Thomas Henry Beeson (18–19 November 1946, Vienna)

On 23 October 1946, the British citizen Thomas Henry Beeson, a former employee of the British Element of the Allied Commission for Austria (Economic Division), was brought before an Intermediate Court in Vienna. The prosecutor, Maj J. Madill, charged him with unauthorised possession of property belonging to the Allied Forces, namely three different identity documents: *Allied Forces permit, Vienna Pass issued by APM Vienna Area,* and *ACA (BE) Pass*.[2163] Beeson pleaded not guilty to Judge Lt Col A.B. McNulty. After a further day of proceedings on 30 October, this case was removed from the Intermediate Court and transferred to the next higher level. This process cannot be documented by the Court Register for the hearings of higher military courts in Vienna because the trial in question is missing.[2164] However, other British sources, including the monthly report of the Public Safety Branch Vienna for November 1946, explicitly refer to a *General Court case*.[2165]

[2158] TNA, FO 1020/3500: Case-No. 1/46. – See also: Wiener Kurier (1. 8. 1946), 3 („Waffenfund bei früherem Bezirksbürgermeister“).
[2159] Weltpresse (20. 9. 1946), 8 („Waffenarsenal in Hietzing“); Salzburger Nachrichten (20. 9. 1946), 2 („Ein passionierter Jäger“).
[2160] TNA, FO 1020/2033: 3. 10. 1946; Wiener Kurier (20. 9. 1946), 3 („Das Waffenmagazin des Hietzinger Bürgermeisters“).
[2161] Arbeiter-Zeitung (20. 9. 1946), 3 („Sechs Jahre Gefängnis für ein Waffenlager“); Österreichische Volksstimme (20. 9. 1946), 3 („Das Waffenarsenal in der Stadlergasse“).
[2162] TNA, FO 1020/3500: Case-No. 1/46.
[2163] TNA, FO 1020/3524: Case-No. 74/46.
[2164] Cf. TNA, FO 1020/3500.
[2165] TNA, FO 1020/2953: 12. 12. 1946. – Furthermore: TNA, FO 945/334: 1. 11. 1946; TNA, FO 1020/1971: 5. 12. 1946.

This court convened at Schönbrunn Palace on 18 November 1946 under the presidency of Lord Schuster. The assessors were Mr W.W.J. Bolland and Lt Col W.S. Mounteney. Mr J.H.G. Way represented the prosecution and Mr J.T. Reckitt acted as defence counsel.[2166] Evidently, new accusations had arisen against Thomas Henry Beeson, because Mr Way now charged him with issuing and using official documents, unauthorised border crossings, using false number plates, and claiming favours under the pretext of still being a member of the Allied Commission for Austria. In total, the indictment comprised 21 counts, most of which were based on Ordinances No. 200 and No. 802, and Decree No. 3. As the prosecutor could also refer to British criminal law in the case of a British citizen, Beeson was additionally charged under the *Official Secrets Act 1920*[2167] (Sect. 1/2a) and the *Larceny Act 1916*[2168] (Sect. 32/1).[2169] However, Beeson only pleaded guilty to three offences (using false number plates, two illegal border crossings).[2170]

After two days of hearings, Lord Schuster remarked in his closing speech that it was important to consider whether it was fair to the accused to hear so many charges in *one* trial. In the end, however, it had been decided in favour of this: *I reached the conclusion, with the aid of my colleagues, that the whole story was so bound together that it was impossible to try these charges separately.*[2171] The judge then pronounced guilty verdicts on 14 charges.[2172] Thomas Henry Beeson was sentenced to one year in prison.[2173] His subsequent *Petition to His Majesty The King*[2174] was rejected.[2175]

7.6.3 Adolf E., Herbert Kreim, Josef M. (15 January 1947, Vienna)

The third and last hearing of a British General Court in Vienna took place on 15 January 1947. It was presided over by Sir Douglas Young. The assessors were Mr J.R.W. Bennett and Maj B.A. Clark. The role of prosecutor was again taken by Lt Col Treadwell. The defendants Adolf E., Herbert Kreim and Josef M. were accused of a robbery in Meidling. The defence lawyers were Dr Ernst Zörnlaib (Herbert Kreim), Dr Ignaz Brandstetter (Adolf E.), and Dr Hans Eisenschimmel (Josef M.).[2176]

Three identical charges were brought against each of the three young Austrians, using both VIAC Order No. 1 and Ordinance No. 200:[2177]

[2166] TNA, FO 945/334: *Case Record*, fol. 1A.
[2167] URL: https://www.legislation.gov.uk/ukpga/Geo5/10-11/75/section/1/enacted (18. 9. 2025).
[2168] URL: https://www.legislation.gov.uk/ukpga/1916/50/section/32/enacted (18. 9. 2025).
[2169] TNA, FO 945/334: 1. 11. 1946, Anklageschrift.
[2170] TNA, FO 945/334: Trial transcript, p. 37f.; TNA, FO 945/334: 23. 12. 1946, fol. 6A.
[2171] TNA, FO 945/334: Trial transcript, p. 38.
[2172] TNA, FO 945/334: *Memorandum on the Case*, fol. 7A.
[2173] TNA, FO 945/334: Trial transcript, p. 43. – Furthermore: TNA, FO 945/334: *Case Record*, fol. 1A; Neues Österreich (20. 11. 1946), 3 („Verurteilung eines Engländers durch die britische Militärregierung"); Weltpresse (20. 11. 1946), 8 („Britischer Staatsangehöriger in Wien verurteilt").
[2174] TNA, FO 945/334: *Petition to His Majesty The King*, [s. d., s. p.].
[2175] TNA, FO 945/334: 3. 4. 1947, fol. 27B.
[2176] Cf. TNA, FO 1020/3500: Case-No. 1/47.
[2177] TNA, FO 1020/3500: Case-No. 1/47. – It should be noted that the subject of the proceedings was not the robbery itself, but the illegal possession of weapons and an offence against public order respectively.

1) VIAC Order No. 1, Art. I. – 1 pistol
2) Ord. 200, Art I, § 8. – Unauthorized use of a deadly weapon, to wit 1 iron bar
3) Ord. 200, Art II, § 41. – Conspiring to steal a quantity of gold

Why theft of gold was mentioned is clear from the circumstances of the offence: On the afternoon of 19 November 1946, the three accused allegedly attacked the tailor Felix (or Ferdinand) Peka in his flat (XII, Arndtstraße), knocked him down and seriously injured him because they believed he was in possession of gold.[2178] The victim's cries for help drew the attention of a neighbour, whereupon the perpetrators fled with a suitcase containing items of clothing. However, they were quickly tracked down.[2179]

The British military court found the defendants guilty on all counts. The sentence was eight years in prison.[2180] At the end of the hearing, Judge Young explained that during his work in Carinthia and Styria he had often had the opportunity to congratulate the police on their work. Now he repeated this praise to the Vienna police.[2181]

ACA (BE) confirmed the sentences of Herbert Kreim and Josef M. In the case of Adolf E., the judgement also provided for his examination by a psychiatrist, whose findings were to serve as a decision-making aid for the review by the Legal Division. At the fifth review on 23 March 1948, E. was ordered to be placed in the mental institution "Am Steinhof" until he could be considered fit for punishment again.[2182] Adolf E. returned to jail on 22 October 1948 when he was transferred to Graz-Karlau Prison. However, he was soon released again and sent to the Graz "Feldhof" mental institution from 11 December 1948. On 29 March 1950, he was transferred back to "Steinhof" before the remainder of his sentence was suspended in the same year.[2183]

A fourth perpetrator, Friedrich Voyta,[2184] who was also involved in the attack on Peka, was not arrested until February 1947.[2185] Voyta stood before a British Intermediate Court in Vienna on 22 July 1947, which sentenced him to ten years imprisonment.[2186] After being sentenced to a further prison term by the Vienna I Regional Court, Friedrich Voyta was held in the Karlau Prison from 28 February 1951. On 7 January 1952, he managed to escape while undergoing treatment at hospital,[2187] remaining at large until his re-arrest in the summer of 1952.[2188]

[2178] Weltpresse (16. 1. 1947), 4 („Britisches Lob für die Wiener Polizei").
[2179] Weltpresse (20. 11. 1946), 5 („Ist man noch in seiner Wohnung sicher?"); Wiener Kurier (21. 11. 1946), 3 („Einen Kriegsinvaliden beraubt").
[2180] Cf. TNA, FO 1020/3112: 9. 2. 1947.
[2181] Weltpresse (16. 1. 1947), 4 („Britisches Lob für die Wiener Polizei").
[2182] TNA, FO 1020/3500: Case-No. 1/47.
[2183] StLA, JA Karlau, Bücher, Bd. 67, StB-Nr. 3228.
[2184] * 24. 7. 1921, Vienna (AUT); † 17. 7. 1986, Vienna. DAW, 08., Alservorstadtkrankenhaus, Taufbuch 1921, fol. 49 [URL: https://data.matricula-online.eu/de/oesterreich/wien/08-alservorstadtkrankenhaus/01-254/?pg=54 (18. 9. 2025)]; StLA, JA Karlau, Bücher, Bd. 67, StB-Nr. 4241.
[2185] Linzer Volksblatt (20. 2. 1947), 3 („Gäste aus Wien").
[2186] TNA, FO 1020/3524: Case-No. 76/47; TNA, FO 1020/1971: July 1947, *Monthly Report from 1–28 July 1947, HQ Vienna Area, Legal Branch*; TNA, FO 1020/3112: 12. 8. 1947.
[2187] StLA, JA Karlau, Bücher, Bd. 67, StB-Nr. 4241; Arbeiter-Zeitung (10. 1. 1952), 3 („Zum sechstenmal aus dem Gefängnis ausgebrochen"); Weltpresse (10. 1. 1952), 8 („Ausbrecherkönig in Graz entsprungen").
[2188] Das kleine Volksblatt (1. 8. 1952), 9 („Falsches Mitleid mit einem Sträfling").

8 BRITISH ROYAL WARRANT COURTS IN AUSTRIA

8.1 Introductory remarks on the organisation and operation of the Royal Warrant Courts

8.1.1 Legal basis of the Royal Warrant Courts

The establishment of British courts to punish war crimes against members of Allied nations was based on the *Royal Warrant* published in Army Order 81 of 14 June 1945. At the same time, it laid down the definition of a war crime: *War Crime means a violation of the laws and usages of war committed during any war in which His Majesty has been or may be engaged at any time since the 2nd September 1939.*[2189]

The rules of procedure laid down in the Royal Warrant largely corresponded to those of a Field General Court Martial, i.e. the highest level of a court martial of the British Army, which usually punished crimes committed by its own soldiers.[2190] However, the provisions for war crimes trials also deviated in part from a court martial; for example, with regard to the less stringent rules of evidence (*Regulation 8*).[2191] At the very first British war crimes trial in Austria (chapter 8.3.1), the prosecutor reminded judges and assessors in his summation that the strict rules on the assessment of evidence that usually apply in British courts can or must be handled more leniently in the case of a Royal Warrant Court:[2192]

> *This has been found necessary as a matter of public policy because many of the atrocities and bestialities committed in this war occurred some considerable time ago, and having occurred in countries other than England it has not been possible always to bring before you actual eye-witnesses of these events. Therefore you are entitled to accept as evidence, "hearsay" and general notoriety, written statements not on oath and various other things.*

The transcripts of proceedings preserved from the Royal Warrant Courts in Austria show (ideally) the following course of events:[2193]

- ⇨ opening of the trial, reading of the convening order
- ⇨ swearing in of the court and the interpreter

[2189] Full wording of the Royal Warrant, Army Order 81, see: TNA, FO 1020/2863: 18. 6. 1945, *Royal Warrant*. – More details, see: HASSEL, Kriegsverbrechen 103–143 and Annex I; VORDERMAYER, Justice 55f., 58–66.
[2190] TNA, FO 1020/2863: 18. 6. 1945, *Royal Warrant, Regulation 3*; HASSEL, Kriegsverbrechen 112f.
[2191] TNA, FO 1020/2863: 18. 6. 1945, *Royal Warrant, Regulation 8*; HASSEL, Kriegsverbrechen 119–125; VORDERMAYER, Justice 56, 61f.; FORM, Ahndung 21; BEßMANN/MÖLLER, Royal Warrant 78.
[2192] TNA, WO 235/138: *Prosecutor's Speech*, p. 1.
[2193] See a selection of trial transcripts: TNA, WO 235/200; TNA, WO 235/244; TNA, WO 235/360. – With deviations: HASSEL, Kriegsverbrechen 142f.; VORDERMAYER, Justice 81.

- ⇨ interrogation: name of the accused and (after reading out the indictment) plea
- ⇨ opening address of the prosecution
- ⇨ evidence of the prosecution
- ⇨ instruction of the accused about his rights regarding the examination of witnesses
- ⇨ opening address of the defence counsel
- ⇨ evidence of the defence counsel
- ⇨ closing address of the defence counsel
- ⇨ closing address of the prosecution
- ⇨ summary by Judge Advocate (if present)
- ⇨ court withdraws to deliberate on the verdict
- ⇨ reopening and finding
- ⇨ in the event of a guilty verdict: citation of mitigating circumstances by the defence counsel
- ⇨ court withdraws to deliberate on the sentence
- ⇨ reopening and sentence
- ⇨ closing of the trial

It did not matter *where* a war crime was committed (*Regulation 4*). What mattered was which officer authorised to convene a Royal Warrant Court was responsible for the area in which an alleged offender stayed after the end of the war.[2194] In Austria, this task fell to the Commander-in-Chief of the British forces.

Regulation 5 governed the composition of the court (see chapter 8.2.1). The defendant was not entitled to object to the President or any member of the court or the Judge Advocate (*Regulation 6*).[2195] At the beginning of the trial, he was only allowed to plead guilty or not guilty, while further statements were prohibited.[2196] Both the prosecutor and the defendant were able to call in counsel.[2197]

Under *Regulation 9*, a Royal Warrant Court could impose death sentences, prison sentences, confiscations, and fines. An acquittal became final immediately.[2198] All convictions had to be confirmed by a higher authority, usually the *Confirming Officer*. A convicted person only had the right to submit a petition to the *Confirming Officer* against the finding or sentence or both within 14 days (*Regulation 10*) but an appeal was not permitted.[2199]

[2194] TNA, FO 1020/2863: 18. 6. 1945, *Royal Warrant, Regulation 4*; HASSEL, Kriegsverbrechen 114; BEßMANN/MÖLLER, Royal Warrant 79.
[2195] HASSEL, Kriegsverbrechen 117.
[2196] Cf. TNA, FO 1020/2863: 18. 6. 1945, *Royal Warrant, Regulation 6*; HASSEL, Kriegsverbrechen 117; BEßMANN/MÖLLER, Royal Warrant 79.
[2197] Cf. TNA, FO 1020/2863: 18. 6. 1945, *Royal Warrant, Regulation 7*; HASSEL, Kriegsverbrechen 118.
[2198] Cf. TNA, FO 1020/2863: 18. 6. 1945, *Royal Warrant, Regulation 9*; HASSEL, Kriegsverbrechen 125–127; BEßMANN/MÖLLER, Royal Warrant 79f.
[2199] Cf. TNA, FO 1020/2863: 18. 6. 1945, *Royal Warrant, Regulation 10*; HASSEL, Kriegsverbrechen 127f.; VORDERMAYER, Justice 61; BEßMANN/MÖLLER, Royal Warrant 79f. – For further regulations and subsequent amendments, see: HASSEL, Kriegsverbrechen 128–140.

8.1.2 British war crimes investigations

The Royal Warrant Courts were under the supervision of the Judge Advocate General's Office (JAG), the authority in the War Office responsible for investigating and prosecuting war crimes.[2200] The Deputy Judge Advocate General in Caserta (HQ Central Mediterranean Force) commanded the investigators deployed in Austria. From Caserta, a separate War Crimes Branch was set up in Klagenfurt in January 1946 and assigned to the Assistant Director Judge Advocate General (ADJAG) at British Troops Austria. This branch was merged with the War Crimes Group, North West Europe, in the British Army of the Rhine (BAOR) in January 1947. From June 1947 to March 1948, there was also a separate War Crimes Group, South East Europe, which reported directly to the Military Deputy, Judge Advocate General in London. Finally, to a lesser extent, the Office of the Treasury Solicitor (TS) also dealt with war crimes.[2201]

The primary task of the investigators was to gather sufficient evidence that could lead to prosecution.[2202] In order to assess the extent of these investigations and the number of resulting war crimes trials in Austria, the author had to rely on the files of the competent authorities in the National Archives. Thus, most of the British investigations focused on alleged crimes against Allied prisoners of war, most of which had taken place in one of the hundreds of work detachments at the Wolfsberg POW camp (Stalag XVIII A),[2203] and – less frequently – in the vicinity of the main camp. Other crime scenes included the subcamps on the Loibl Pass and in Peggau, the Feliferhof shooting range near Graz, and the hospital in Klagenfurt. However, the British investigations were not limited to the fate of prisoners of war. They also looked into the deaths of Allied airmen near Graz, the crimes committed against Jews during the death marches, the sterilisation of Polish and Russian women in Graz, and the killing of partisans near Velden (Carinthia), to name but a few examples. In total, the investigators examined at least 40 crime scenes in the British occupation zone and beyond.[2204] According to current knowledge, these investigations have led to 18 war crimes trials in Austria[2205] from 1946 to 1948 (see chapter 8.3).

[2200] BEER, Militärgerichtsbarkeit (1998), 60f.; BLOXHAM, Pragmatismus 142f.
[2201] BRUNNER M., Ermittlungs- und Prozessakten 14.
[2202] BEER, Militärgerichtsbarkeit (1998), 61.
[2203] On 28 February 1945, the Germans reported a total of 320 labour detachments of British POWs attached to the Wolfsberg camp to the International Red Cross. TNA, WO 224/205: 10. 4. 1945. – A list of the locations where British prisoners of war were deployed in Styria and Lower Styria can be found at: PETSCHNIGG, Front 269–287. This includes the deployment categories "L" (Landwirtschaft / agriculture) and "GW" (Gewerbliche Wirtschaft / commercial economy). The third, albeit rare, category was "HV" (Heeresverwaltungskommando / Army Administrative Command). Cf. PETSCHNIGG, Front 52f.; SPECKNER, Gewalt 181–184.
[2204] See BRUNNER M., Ermittlungs- und Prozessakten 14–17. – SPECKNER gives the total number of British prisoners of war who died in the 'Ostmark' as (at least!) 20, six of them in Stalag XVII A (Kaisersteinbruch) and 14 in the area of Stalag XVIII A (Wolfsberg). However, the latter 'only' resulted from Allied air raids or illnesses. SPECKNER, Gewalt 212 and 209, 282, 287.
[2205] The previously assumed number of 15 British Royal Warrant Courts in Austria did not include the hearings against Karl Diebitsch, Johann Fritz and Sebastian Scherer. Cf. FORM, Justizpolitische Aspekte 5; FORM, Transitional Justice 65; HASSEL, Kriegsverbrechen 154, note 44; FORM, Ahndung 21.

Meanwhile, the government in London had already decided to end the prosecution of war crimes in November 1946. The emerging Cold War now dominated the agenda. At the same time, investigators and military tribunals were confronted with massive cuts in personnel and funding. The War Crimes Group, North West Europe, was originally due to be disbanded in October 1948.[2206] In fact, the last British war crimes trial in Germany, the Manstein trial, did not come to an end until December 1949.

8.1.3 Locations of the Royal Warrant Courts

Across Europe, the majority of British war crimes trials took place in Germany, where 329 trials were recorded between September 1945 and December 1949.[2207] There were 46 proceedings in Italy, two in Norway, and one in the Netherlands.[2208] Of the 18 known Royal Warrant Courts in Austria (see Table 18), seven convened in Völkermarkt. Two proceedings each were held in Klagenfurt, Leoben, and Wagna (Schloss Retzhof). Egg am Faaker See, Villach and Graz were each once the scene of war crimes trials. Two further hearings cannot be located with certainty but were in any case conducted in the British occupation zone in Austria.

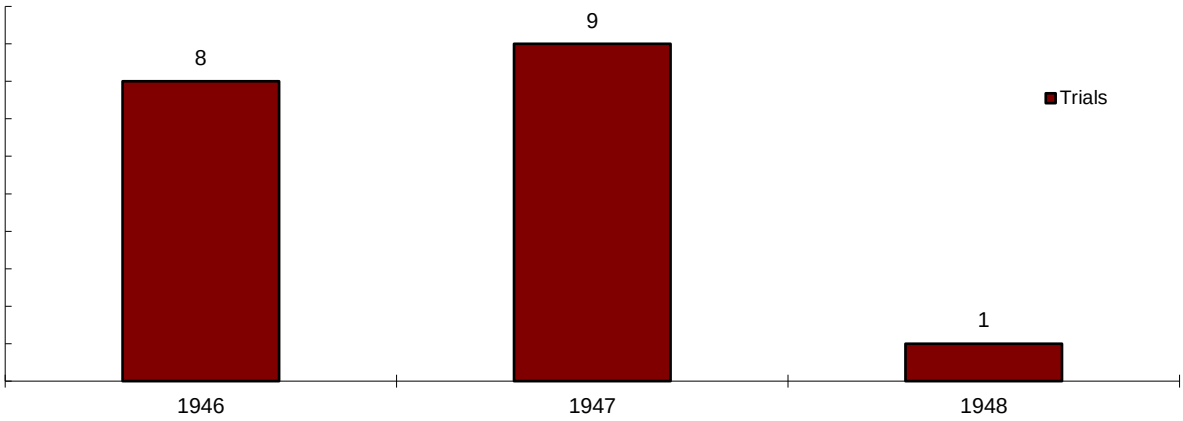
Venue	Trials	First trial	Last trial
Egg am Faaker See	1	16. 9. 1946	
Graz	1	26. 9. 1946	
Klagenfurt	2	2. 9. 1947	10. 10. 1947
Leoben	2	29. 4. 1946	6. 11. 1946
Wagna	2	31. 5. 1946	20. 9. 1946
Villach	1	3. 9. 1946	
Völkermarkt	7	22. 5. 1946	28. 8. 1947
n. s.	2	23. 1. 1947	16. 1. 1948

Table 18: Locations of British Royal Warrant Courts in Austria

8.1.4 Statistics of the Royal Warrant Courts

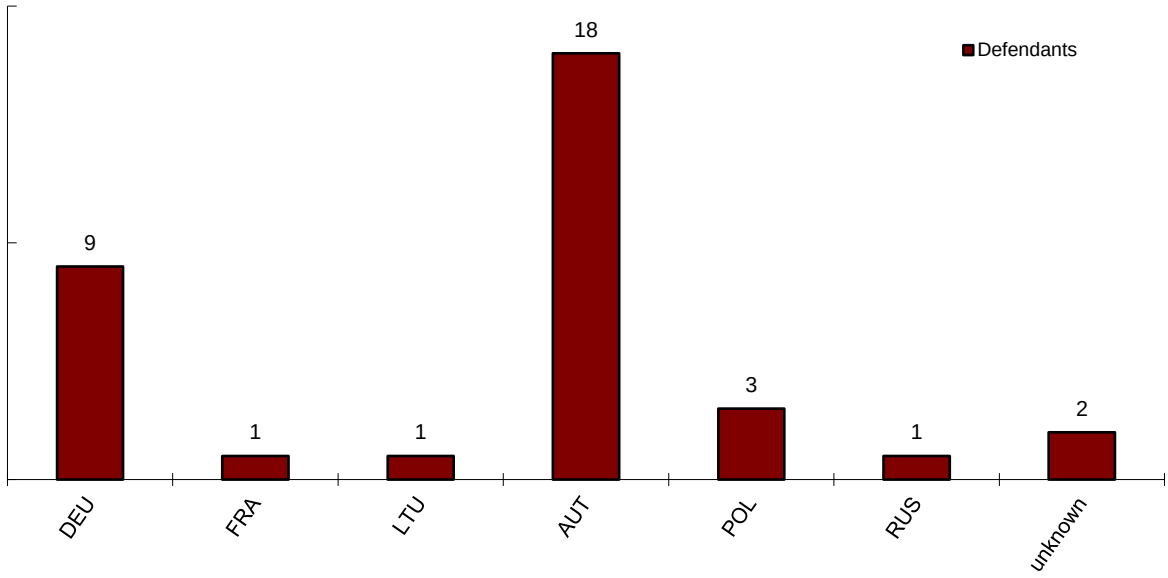
As mentioned above, the British occupying power in Austria held 18 war crimes trials between April 1946 and January 1948 (Graph 16). The 35 defendants were all men. The court decisions included two death sentences, 24 prison sentences, and nine acquittals. The death sentences were carried out in both cases.

[2206] BLOXHAM, British War Crimes Policy 119–121.
[2207] A comprehensive list of all British Royal Warrant Courts in Germany is available: HASSEL, Kriegsverbrechen 262–279.
[2208] FORM, Justizpolitische Aspekte 5; FORM, Transitional Justice 65; HASSEL, Kriegsverbrechen 153f.; FORM, Ahndung 21, 23.



Graph 16: Annual overview of trials before Royal Warrant Courts in Austria

A look at the nationalities of the accused reveals an Austrian 'majority' of 18 people (51.4 %). The remaining persons were de facto ethnic Germans, even if their places of birth were spread across several different countries after the end of the Second World War (Graph 17). No relevant data is known for two defendants.



Graph 17: National origin of defendants before Royal Warrant Courts in Austria

8.2 Staff of British Royal Warrant Courts

8.2.1 Judges and assessors (Royal Warrant Courts)

By definition, the personnel of a British war crimes court were not recruited from members of the military government, but from officers who either belonged to a combat unit stationed in Austria or were part of the General List; i.e. were not assigned to a specific

army unit. The details were governed by *Regulation 5* of the Royal Warrant. Accordingly, the court had to consist of a presiding judge and at least two other officers. If the accused was an officer, the court structure was to be adapted to this circumstance wherever possible. The judges should therefore be of the same or higher rank, and at least partly belong to the same branch of the armed forces (army, navy, air force).[2209] Normally, at least one member of the court had to have a legal qualification (legal member). A Judge Advocate could be present at the trial to provide legal advice to the court members.[2210] It was also possible to appoint one or more officers from another Allied power if, for example, victims from that state were also affected by the incriminated offence (see chapter 8.3.16). However, such officers were not allowed to preside and could not make up more than half of the judges.[2211]

The presence of a Legal Member and a Judge Advocate was usually regarded as dispensable if the presiding judge had the status of *permanent president*. This requirement was met by Lt Col D.F. Yate-Lee (Bedfordshire and Hertfordshire Regiment), for example, who presided over more than half of all British war crimes trials in Austria, including the first Loibl Pass trial. As far as is known, a total of seven officers were assigned to preside over the 18 Royal Warrant Courts and 53 officers, including two Frenchmen, were deployed as assessors (Table 19).[2212]

Judge[2213]	Assessor[2214]	Trials	Date, venue(s)
	Ackerley C.L., Capt [not present]	1	5.–6. 11. 1946, Leoben (Johann Darnhofer)
	Bacon P.G., Lt	1	23.–25. 1. 1947, n. s. (Sebastian Scherer)
	Bamlet G.A., Lt Col	1	29. 4. – 14. 5. 1946, Leoben (Ferdinand Brandl et al.)
Barlas T.W.C., Maj		1	25. 9. – 1. 10. 1947, Klagenfurt (August Staab et al.)
	Baudet L., Capt (FRA)	1	2. 9. – 10. 10. 1947, Klagenfurt (Otto Bindrich et al.)
	Bird N.F.G., Capt	1	9. 6. 1947, Völkermarkt (Alfred Petraschek)
	Bissmire D.L., Capt	1	18.–20. 9. 1946, Wagna (Georg Baumann et al.)
	Blane A., Lt	1	9. 6. 1947, Völkermarkt (Alfred Petraschek)

[2209] Cf. TNA, FO 1020/2863: 18. 6. 1945, *Royal Warrant, Regulation 5*; HASSEL, Kriegsverbrechen 115; VORDERMAYER, Justice 58; BEßMANN/MÖLLER, Royal Warrant 79.
[2210] The Third Amendment to the Royal Warrant, dated 28 February 1946, gave the convening officer the option of appointing neither a Judge Advocate nor a Legal Member. HASSEL, Kriegsverbrechen 117, 134f. – Furthermore: VORDERMAYER, Justice 58f.
[2211] Cf. TNA, FO 1020/2863: 18. 6. 1945, *Royal Warrant, Regulation 5*; HASSEL, Kriegsverbrechen 115; BEßMANN/MÖLLER, Royal Warrant 79.
[2212] The composition of the bench at the trial against Leopold Bruckner (Šentilj) could not be ascertained.
[2213] The highest (known) rank is given for officers.
[2214] The highest (known) rank is given for officers.

Judge[2213]	Assessor[2214]	Trials	Date, venue(s)
	Bradley H., Capt	1	18.–20. 9. 1946, Wagna (Georg Baumann et al.)
	Bylett D.F., Maj	1	27.–29. 5. 1947, Völkermarkt (Adolf Schrenk)
	Canet C., Capt (FRA)	1	2. 9. – 10. 10. 1947, Klagenfurt (Otto Bindrich et al.)
	Cooke Hurle F.J., Maj	1	3.–4. 6. 1947, Völkermarkt (Karl Benesch)
	Courlay J.M., Capt	1	16. 9. 1946, Egg am Faaker See (Johann Fritz)
	Crowley P.L., Capt	1	27.–29. 5. 1947, Völkermarkt (Adolf Schrenk)
	Doggett J.C., Maj	1	22.–25. 5. 1946, Völkermarkt (Robert Gross et al.)
	Dyas J.H., Maj	1	18.–20. 9. 1946, Wagna (Georg Baumann et al.)
	Eckersley N.L., Lt	1	26. 9. – 3. 10. 1946, Graz (Josef Pfisterer)
	Feely B.J., 2/Lt	1	3.–4. 6. 1947, Völkermarkt (Karl Benesch)
	Field Fisher T.G., Maj	1	31. 5. – 1. 6. 1946, Wagna (Franz Kotulan)
Field Fisher T.G., Maj		1	3. & 9. 9. 1946, Villach (Viktor Gassner)
	Fielding W., Maj	1	25. 9. – 1. 10. 1947, Klagenfurt (August Staab et al.)
Fowler-Esson J.P., Lt Col		1	31. 5. – 1. 6. 1946, Wagna (Franz Kotulan)
	Goudie W.H., Maj	2	26. 8. 1947, Völkermarkt (Max Paustian) 28. 8. 1947, Völkermarkt (Rudolf Klvacek)
	Gunner C.C., Lt	1	3. & 9. 9. 1946, Villach (Viktor Gassner)
Hill G., Maj		1	13. & 16. 1. 1948 (Karl Diebitsch)
	Hobson D.G., Capt	1	23.–25. 1. 1947 (Sebastian Scherer)
	Holland S.J., Lt	2	26. 8. 1947, Völkermarkt (Max Paustian) 28. 8. 1947, Völkermarkt (Rudolf Klvacek)
	Howard-Appleton J., Maj	2	26. 8. 1947, Völkermarkt (Max Paustian) 28. 8. 1947, Völkermarkt (Rudolf Klvacek)
	Hudson E., Capt	1	29. 4. – 14. 5. 1946, Leoben (Ferdinand Brandl et al.)
Iremonger J.L., Maj		2	23.–25. 1. 1947 (Sebastian Scherer) 9. 6. 1947, Völkermarkt (Alfred Petraschek)
	Joy H.F.C., Capt	1	23.–25. 1. 1947 (Sebastian Scherer)
	Kentish B.L., Maj	1	16. 9. 1946, Egg am Faaker See (Johann Fritz)

Judge[2213]	Assessor[2214]	Trials	Date, venue(s)
	Kingsley Smith F.H., Capt	1	3.–4. 6. 1947, Völkermarkt (Karl Benesch)
	Leadbeater W.K., Capt	1	29. 4. – 14. 5. 1946, Leoben (Ferdinand Brandl et al.)
	Lofting J.D., Capt	2	27.–29. 5. 1947, Völkermarkt (Adolf Schrenk) 2. 9. – 10. 10. 1947, Klagenfurt (Otto Bindrich et al.)
	Longbottom J., Maj	1	2. 9. – 10. 10. 1947, Klagenfurt (Otto Bindrich et al.)
	March D.W., Capt	1	31. 5. – 1. 6. 1946, Wagna (Franz Kotulan)
	McCrow T.T., Capt	1	3. & 9. 9. 1946, Villach (Viktor Gassner)
	Miller T., Maj	1	31. 5. – 1. 6. 1946, Wagna (Franz Kotulan)
	Newell K.S., Capt	1	9. 6. 1947, Völkermarkt (Alfred Petraschek)
	Newman W.A., Maj	1	22.–25. 5. 1946, Völkermarkt (Robert Gross et al.)
	Penman D.S., Capt	1	3. & 9. 9. 1946, Villach (Viktor Gassner)
	Place A., Capt	2	26. 8. 1947, Völkermarkt (Max Paustian) 28. 8. 1947, Völkermarkt (Rudolf Klvacek)
	Prince R.B., Maj	1	26. 9. – 3. 10. 1946, Graz (Josef Pfisterer)
	Proctor J.H., Maj	1	18.–20. 9. 1946, Wagna (Georg Baumann et al.)
	Rowlands H., Capt [not present]	1	3.–4. 6. 1947, Völkermarkt (Karl Benesch)
Russell G.D.B., Lt Col		1	29. 4. – 14. 5. 1946, Leoben (Ferdinand Brandl et al.)
	Russell-Smith D., Capt	1	13. & 16. 1. 1948 (Karl Diebitsch)
	Rutherford A.J.H., Maj	1	29. 4. – 14. 5. 1946, Leoben (Ferdinand Brandl et al.)
	Sadleir T., Lt	1	26. 9. – 3. 10. 1946, Graz (Josef Pfisterer)
	Scott A.T., Lt	1	16. 9. 1946, Egg am Faaker See (Johann Fritz)
	Semple E.R.W.M., Maj	1	3. & 9. 9. 1946, Villach (Viktor Gassner)
	Smith W., Capt	1	22.–25. 5. 1946, Völkermarkt (Robert Gross et al.)
	Strange A., Capt	1	25. 9. – 1. 10. 1947, Klagenfurt (August Staab et al.)
	Trainor T.T., Capt	1	16. 9. 1946, Egg am Faaker See (Johann Fritz)

Judge[2213]	Assessor[2214]	Trials	Date, venue(s)
	Wain L., Maj	1	13. & 16. 1. 1948 (Karl Diebitsch)
	Wells S.J., 2/Lt	1	5.–6. 11. 1946, Leoben (Johann Darnhofer)
	Whitehead A.B., Maj	1	5.–6. 11. 1946, Leoben (Johann Darnhofer)
	Williams P.N., Lt	1	27.–29. 5. 1947, Völkermarkt (Adolf Schrenk)
Yate-Lee D.F., Lt Col		10	22.–25. 5. 1946, Völkermarkt (Robert Gross et al.) 16. 9. 1946, Egg am Faaker See (Johann Fritz) 18.–20. 9. 1946, Wagna (Georg Baumann et al.) 26. 9. – 3. 10. 1946, Graz (Josef Pfisterer) 5.–6. 11. 1946, Leoben (Johann Darnhofer) 27.–29. 5. 1947, Völkermarkt (Adolf Schrenk) 3.–4. 6. 1947, Völkermarkt (Karl Benesch) 26. 8. 1947, Völkermarkt (Max Paustian) 28. 8. 1947, Völkermarkt (Rudolf Klvacek) 2. 9. – 10. 10. 1947, Klagenfurt (Otto Bindrich et al.)
N. N.		1	20. 8. 1947, Völkermarkt (Leopold Bruckner)

Table 19: Judges and assessors at the British Royal Warrant Courts in Austria

8.2.2 Prosecutors (Royal Warrant Courts)

While prosecution before the General Courts, the highest level of military government courts in Austria, was also entrusted to British civilians working as lawyers for the military government, this was the exclusive responsibility of British officers in the case of the Royal Warrant Courts.

Prosecutor[2215]	Trials	Date, venue(s)
Davies R.D.B., Capt	2	26. 8. 1947, Völkermarkt (Max Paustian) 28. 8. 1947, Völkermarkt (Rudolf Klvacek)
Dunbar N.C.H. Capt	3	29. 4. – 14. 5. 1946, Leoben (Ferdinand Brandl et al.) 22.–25. 5. 1946, Völkermarkt (Robert Gross et al.) 31. 5. – 1. 6. 1946, Wagna (Franz Kotulan)
Fielding W., Maj	1	13. & 16. 1. 1948 (Karl Diebitsch)

[2215] The highest (known) rank is given for officers.

Prosecutor[2215]	Trials	Date, venue(s)
Goudie W.H., Maj	5	3. & 9. 9. 1946, Villach (Viktor Gassner) 18.–20. 9. 1946, Wagna (Georg Baumann et al.) 26. 9. – 3. 10. 1946, Graz (Josef Pfisterer) 5.–6. 11. 1946, Leoben (Johann Darnhofer) 2. 9. – 10. 10. 1947, Klagenfurt (Otto Bindrich et al.)
Marr [?] H.J.E., Maj	2	27.–29. 5. 1947, Völkermarkt (Adolf Schrenk) 3.–4. 6. 1947, Völkermarkt (Karl Benesch)
McKenzie A., Capt	1	23.–25. 1. 1947 (Sebastian Scherer)
Sleator J.C., Capt	1	9. 6. 1947, Völkermarkt (Alfred Petraschek)
N. N.	3	16. 9. 1946, Egg am Faaker See (Johann Fritz) 20. 8. 1947, Völkermarkt (Leopold Bruckner) 25. 9. – 1. 10. 1947, Klagenfurt (August Staab et al.)

Table 20: Prosecutors at the British Royal Warrant Courts in Austria

8.2.3 Defence counsels (Royal Warrant Courts)

Only persons who met the criteria set out in the rules of procedure of a Field General Court Martial could act as defence counsel before a British war crimes court.[2216] The JAG office usually advised the convening officer of a Royal Warrant Court to organise local legal representation for the accused where possible. As can be seen from Table 21, de facto, 22 mandates in Austria were held by domestic lawyers,[2217] and ten mandates by British officers. The name of the defence lawyer could not be found for three hearings.

British officers assigned as public defenders of suspected war criminals[2218] faced a delicate task, as the Royal Warrant Courts were largely charged with serious offences against their own countrymen. As Margaretha Franziska Vordermayer describes in detail,[2219] they had to reconcile procedural rules, call of duty, professional ethics, and the desired exemplary effect of British jurisprudence – regardless of their personal sensitivities. "British officers therefore had the role not only of defending their clients in court, but also of promoting and advocating a democratic ideal of justice as conscientious jurists."[2220]

[2216] Cf. TNA, FO 1020/2863: 18. 6. 1945, *Royal Warrant, Regulation 7*; HASSEL, Kriegsverbrechen 118. – See also: Manual of Military Law 1929, 672–674 (Rules of Procedure, No. 88–93).
[2217] In three cases, the Austrian defence counsel was assisted by a British officer.
[2218] British officers rarely volunteered to act as defenders before a Royal Warrant Court but were ordered to do so and consequently had to fulfil this order. Cf. VORDERMAYER, Justice 112.
[2219] VORDERMAYER, Justice 62–66, 112–121; VORDERMAYER, Britische Offiziere 159, 162–165.
[2220] VORDERMAYER, Britische Offiziere 159. Translated into English, German text in the original as follows: „Deshalb kam den britischen Offizieren die Rolle zu, in den Gerichtsverfahren nicht nur als Verteidiger ihrer Mandanten aufzutreten, sondern zugleich als gewissenhafte Juristen für ein demokratisches Rechtsideal zu werben und einzutreten."

Defence counsel[2221]	Representations	Date, venue(s), accused
BALL F., Maj	1	31. 5. – 1. 6. 1946, Wagna (Franz Kotulan)
BENTLEY A., Capt	1	9. 6. 1947, Völkermarkt (Alfred Petraschek)
Bichler [?] August, Dr	1	5.–6. 11. 1946, Leoben (Johann Darnhofer)
Brand Franz, Dr	1	22.–25. 5. 1946, Völkermarkt (Michael Widhalm)
BROWN A., Capt	1	23.–25. 1. 1947 (Sebastian Scherer)
Grientschnig Hermann, Dr	1	2. 9. – 10. 10. 1947, Klagenfurt (Paul Gruschwitz)
Freiberger Ludwig, Dr	1	29. 4. – 14. 5. 1946, Leoben (Artur Hocevar)
Fux Roman, Dr	1	2. 9. – 10. 10. 1947, Klagenfurt (Walter Brietzke)
HAMILTON P.A., Capt	1	22.–25. 5. 1946, Völkermarkt (Robert Gross)
Knapitsch Otto, Dr	1	2. 9. – 10. 10. 1947, Klagenfurt (Jakob Winkler)
Mayer Hans, Dr	3	2. 9. – 10. 10. 1947, Klagenfurt (Johann Gärtner, Friedrich Porschel, Max Skierde)
Melion Heribert, Dr	1	2. 9. – 10. 10. 1947, Klagenfurt (Sigbert Ramsauer)
Messiner Otto, Dr	1	2. 9. – 10. 10. 1947, Klagenfurt (Karl Sachse)
Napetschnig Wilhelm, Dr	1	25. 9. – 1. 10. 1947, Klagenfurt (August Staab)
PENNY, Lt	2	26. 8. 1947, Völkermarkt (Max Paustian) 28. 8. 1947, Völkermarkt (Rudolf Klvacek)
Pongratz Josef, Dr	2	29. 4. – 14. 5. 1946, Leoben (Ferdinand Brandl, Michael Steiner)
Sadila Alexander, Dr	4	2. 9. – 10. 10. 1947, Klagenfurt (Otto Bindrich, Robert Flaig, Franz Kessner, Hugo Köbernik)
STANTON R.H.F., Capt	1	27.–29. 5. 1947, Völkermarkt (Adolf Schrenk)
Stenitzer Josef, Dr	3	18.–20. 9. 1946, Wagna (Georg Baumann, Johann Felgitscher, Heinrich Stradner)
STONER I., Capt	1	3. & 9. 9. 1946, Villach (Viktor Gassner)
Svejda J., Dr	1	26. 9. – 3. 10. 1946, Graz (Josef Pfisterer)
THOMSON C.G., Capt	1	13. & 16. 1. 1948 (Karl Diebitsch)
TOMLINSON R.F., Capt	1	3.–4. 6. 1947, Völkermarkt (Karl Benesch)
N. N.	3	16. 9. 1946, Egg am Faaker See (Johann Fritz) 20. 8. 1947, Völkermarkt (Leopold Bruckner) 25. 9. – 1. 10. 1947, Klagenfurt (Simon Stichler)

Table 21: Defence counsels at the British Royal Warrant Courts in Austria

[2221] The names of British defenders are in capital letters. – The highest (known) rank is given for officers.

8.3 Trials of British Royal Warrant Courts in Austria

8.3.1 Liezen – Ferdinand Brandl, Artur Hocevar, Michael Steiner (29 April to 14 May 1946, Leoben)

The first trial of a British Royal Warrant Court in Austria began in Leoben on 29 April 1946. The subject of the trial was the alleged mistreatment of prisoners of war in work camp 180/GW Liezen (Styria). Among the up to 200 inmates of this camp were many POWs who had already attempted to escape. Most of them were to be deployed to work on the construction site of the Schmidhütte armaments factory.[2222] When evidence of mistreatment of these prisoners of war emerged after the war, four Austrians were targeted by British investigators.

Ferdinand Brandl[2223] commanded the third company of Landesschützenbataillon 877, which was last stationed in Irdning and responsible for guarding the prisoners in Liezen. Brandl had returned to his civilian job as a teacher in September 1945 before he was arrested in November 1945 and taken to the Graz-Wetzelsdorf camp.[2224] Dr Artur Hocevar[2225] worked as a district doctor in Liezen from 1938 and was later also responsible for the medical care of prisoners of war. He was in British custody from 30 October 1945.[2226] Michael Steiner[2227] belonged to the Landesschützenbataillon 877 as Oberfeldwebel and was commander of the work camp 180/GW from October to December 1944.[2228] He was arrested in Vienna on 23 February 1946.[2229] Another soldier from Landesschützenbataillon 877 was Georg Schick,[2230] was deployed in Camp 180/GW as a guard and occasionally as an interpreter. According to his own statement, he was arrested by the French occupying forces in Vienna on 13 December 1945, handed over to the British shortly afterwards and taken by them to the Graz-Wetzelsdorf camp.[2231]

[2222] Cf. TNA, WO 235/138: 13. 9. 1945 (Affidavit John Dennis Jeffs). – Furthermore: SCHRETTHAUSER, Schmidhütte 332.

[2223] * 7. 5. 1890, Radlbrunn (today, mun. Ziersdorf, AUT); † 9. 5. 1970, Mistelbach (AUT). DASP, Pfarre Radlbrunn, Taufbuch 01-04 1880–1898, fol. 49, Nr. 10 [URL: http://data.matricula-online.eu/de/oesterreich/wien/radlbrunn/01-04/?pg=52 (18. 9. 2025)]; StLA, JA Karlau, Bücher, Bd. 59, StB-Nr. 1923.

[2224] TNA, WO 235/138: 9. 12. 1945, Anlage 1. – See also: StLA, JA Karlau, Bücher, Bd. 59, StB-Nr. 1923.

[2225] * 16. 4. 1892, Selzthal (AUT); † 30. 11. 1953, Liezen (AUT). DAGS, Pfarre Rottenmann, Taufbuch VIII 1844–1902, p. 162, Post-Nr. 34 [URL: https://data.matricula-online.eu/de/oesterreich/graz-seckau/rottenmann/12537/?pg=166 (18. 9. 2025)]; StLA, JA Karlau, Bücher, Bd. 59, StB-Nr. 1925.

[2226] TNA, WO 235/138: 14. 5. 1946(?), *Notes on speeches in mitigation*. – See also: SCHWAIGER, Liezen 199.

[2227] * 19. 5. 1890, Gutental (today, mun. Alland, AUT); † 18. 3. 1977, Vienna (AUT). DASP, Pfarre Maria Raisenmarkt, Taufbuch 01-06 1883–1900, fol. 45, Nr. 10 [URL: https://data.matricula-online.eu/de/oesterreich/wien/maria-raisenmarkt/01-06/?pg=47 (18. 9. 2025)]; StLA, JA Karlau, Bücher, Bd. 59, StB-Nr. 1929.

[2228] TNA, WO 235/138: 22. 3. 1946; TNA, WO 235/138: 17. 5. 1946, *Berufung/Petition*.

[2229] StLA, JA Karlau, Gefangenenakten, Gef 179-1946, Steiner Michael: Akt Nr. 6.

[2230] * 3. 12. 1890, Wetzelsdorf (today, mun. Poysdorf, AUT); † 22. 4. 1946, Graz (AUT). DAW, Pfarre Wetzelsdorf, Taufbuch 1875–1898, fol. 125, Nr. 35 [URL: https://data.matricula-online.eu/de/oesterreich/wien/wetzelsdorf/01-03/?pg=129 (18. 9. 2025)]; StAG, Sterbeprotokoll April 1946, Journal-Nr. 450.

[2231] TNA, WO 235/138: *Bericht des Georg Schick* [...].

Figure 16: Photograph of the bunker at Schmidhütte Liezen (from the British investigation file), December 1945 (TNA)

In December 1945, the British intelligence officer Maj Antony Frederic Aimé Imbert-Terry was ordered from London to Austria to interrogate suspects. He interviewed Ferdinand Brandl in Graz, Artur Hocevar[2232] in Liezen and/or Graz, and Georg Schick at the FSS headquarters in Vienna. Last but not least, Maj Imbert-Terry personally inspected the area of the Schmidhütte in Liezen, where he took photos of an incriminated earth bunker (Fig. 16), among other things.[2233] All three men wrote extensive statements on the incidents in work camp 180/GW, which they signed in the presence of Maj Imbert-Terry.

Brandl first explained the history of the camp in detail before going into the accusations against him. According to this, he was on his way from Rottenmann to Schladming in mid-September 1944 when he was told that around 20 British POWs were refusing to work in Liezen. He then went to see for himself and decided to punish 17 British prisoners with six days of detention. As the cell reserved for POWs in the Liezen district court

[2232] According to Imbert-Terry's affidavit, Hocevar was in Liezen Hospital at the time of the interrogation. However, Hocevar signed his written statement on 10 December 1945 at the hospital in Graz. TNA, WO 235/358: 15. 1. 1946 (Affidavit Antony Frederic Aimé Imbert-Terry); TNA, WO 235/138: 10. 12. 1945, fol. 54r.
[2233] TNA, WO 235/358: 15. 1. 1946 (Affidavit Antony Frederic Aimé Imbert-Terry).

at the time would have been too small, Brandl declared an air raid shelter at the Schmidhütte to be the place of detention. Brandl did not remember that he had assaulted two prisoners of war who had escaped at Christmas 1944 after their recapture.[2234]

Hocevar explained his application for NSDAP membership by saying that he would otherwise have lost his position as a district doctor. However, he had not taken on any party functions and had never taken part in meetings or marches. He was given responsibility for treating some of the POWs held in Liezen and the surrounding area around 1941. From 1942 he was also the works doctor at Schmidhütte. He praised himself highly for his medical work.[2235] According to his own statement, he had been repeatedly reprimanded for his overly gentle treatment of foreigners.[2236] As evidence of his considerate approach, Hocevar submitted some 50 medical reports on foreign workers and prisoners of war whom he had sent to hospitals in Rottenmann, Gröbming, and Graz from 1945.[2237] A different picture emerged from the surveys conducted by the Liezen gendarmerie post: According to this, Hocevar is said to have treated the English and French POWs very badly and sent them to work even when they were genuinely ill. He is also said to have called them pigs. He was known as a die-hard Nazi but allegedly held no position in the NSDAP.[2238]

Schick stated that he was present in autumn 1944 when the British, who had been punished by being locked up in an earth bunker, were to be made to work in the Schmidhütte again.[2239] Hptm. Brandl had ordered the guards to force the POWs to work at gunpoint if necessary – allegedly in accordance with the Geneva Convention. In fact, individual guards beat unwilling prisoners with rifle butts. After their shift, the POWs were taken back to the bunker, with their trousers and shoes removed beforehand. Schick himself admitted to hitting prisoner Lambley in Liezen with a rifle butt for refusing to work, and prisoner Prescott in Untertal (today, mun. Schladming) for insubordination.[2240] Schick's moderate self-description was contradicted by statements from former prisoners of war who described him as a particularly brutal man.[2241]

To bring the events in Liezen to justice, on 26 April 1946, Lt Gen Richard McCreery, Commander-in-Chief of the British troops in Austria, convened a Royal Warrant Court, consisting of the presiding judge Lt Col W.B. Radford (1st Royal Gloucestershire Hussars), the legal member Maj W.H. Goudie (Somerset Light Infantry), and the other asses-

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[2234] TNA, WO 235/138: 9. 12. 1945, p. 10/29.
[2235] TNA, WO 235/138: 10. 12. 1945, fol. 52v.
[2236] TNA, WO 235/138: 10. 12. 1945, fol. 53r. – The Liezen public health officer Dr Severin Kalcher confirmed that Hocevar had been reprimanded by the district administration in February 1945 for being too lenient in his assessment of prisoners of war's ability to work. TNA, WO 235/138: 31. 10. 1945.
[2237] TNA, WO 235/138.
[2238] TNA, WO 235/138: 27. 11. 1945.
[2239] Georg Schick stated that there were 24 prisoners of war in the bunker. TNA, WO 235/138: [Report Georg Schick], p. 60f.
[2240] TNA, WO 235/138: [Report Georg Schick], p. 59–64.
[2241] *Tchick* [!] *was a particularly violent man; he frequently attacked the prisoners* […]. TNA, WO 235/138: 13. 9. 1945 (Affidavit John Dennis Jeffs), No. 7a. – *Gefreiter Tchick* [!] *was a particularly brutal type and I have seen him many times knock prisoners about.* TNA, WO 235/138: 24. 9. 1945 (Affidavit Alec Lambley), No. 8.

sors Maj A.J.H. Rutherford (King's Own Yorkshire Light Infantry), Capt W.K. Leadbeater (West Yorkshire Regiment), and Capt E. Hudson (West Yorkshire Regiment). A day later Radford and Goudie were replaced by Lt Col G.D.B. Russell (West Yorkshire Regiment), and Lt Col G.A. Bamlet (General List) respectively.[2242] Capt N.C.H. Dunbar represented the prosecution.[2243] The defence lawyers were Dr Ludwig Freiberger from Bruck an der Mur (Hocevar)[2244] and Dr Josef Pongratz from Graz (Brandl, Steiner)[2245].

Capt Dunbar accused the defendants of mistreatment of POWs in Liezen (AK 180/GW) in the period between 1 April 1944 and 1 April 1945. Tpr Leslie Colton[2246] (Royal Armoured Corps), Pte John Dennis Jeffs[2247] (Bedfordshire and Hertfordshire Regiment), and Gnr Alec Lambley[2248] (Royal Artillery) were named as victims.[2249] Dunbar's accusations ranged from the detention of prisoners of war in an underground bunker at Schmidhütte without due process to regular beatings, floggings after unsuccessful escape attempts,[2250] mishandling of the Red Cross and clothing parcels intended for the prisoners, and neglect of the POWs by the camp doctor.[2251] Ferdinand Brandl, Artur Hocevar, and Michael Steiner pleaded not guilty.[2252] The charges against Georg Schick had been dropped as a result of his suicide shortly before the start of the trial.[2253]

As no complete transcript of this trial has been preserved in the British files, there is no comprehensive list of witnesses. From the surviving pleadings, however, it can at least be deduced that Dr Freiberger called a large number of witnesses for his client Dr Hocevar.[2254] It is also on record that none of the named British victims testified personally in court.[2255] Instead, six affidavits of former POWs, including L. Colton, J.D. Jeffs, and A. Lambley were presented as evidence.[2256] This was the basis for the bleak picture of conditions in the 180/GW work camp that Capt Dunbar painted in his closing speech.: *The whole tone of the evidence for the prosecution has been that not only have these incidents happened but that there was a continuous course of ill-treatment by the accused the*

[2242] TNA, WO 235/138: 26./27. 4. 1946.
[2243] TNA, WO 235/138: *Prosecutor's Speech*.
[2244] TNA, WO 235/138: Defence speech for Hocevar.
[2245] TNA, WO 235/138: Defence speech for Brandl and Steiner.
[2246] * 1. 2. 1914, Swinton (GBR). Service Number: 553037, POW number: 1278. TNA, WO 416/73/411 [Catalogue description].
[2247] * 1. 8. 1920, London (GBR). Service Number: 5336373, POW number: 2495. TNA, WO 416/196/159 [Catalogue description].
[2248] * 25. 12. 1913, Yorkshire (GBR). Service Number: 5334322, POW number: 2692. TNA, WO 416/215/220 [Catalogue description].
[2249] TNA, WO 235/138: 14. 5. 1946.
[2250] Cf. TNA, WO 235/138: 24. 9. 1945 (Statement Leslie Colton).
[2251] TNA, WO 235/138: *Prosecutor's Speech*, p. 2.
[2252] TNA, WO 235/138: 14. 5. 1946.
[2253] Georg Schick hanged himself in the Graz-Wetzelsdorf camp on 22 April 1946. StAG, Sterbeprotokoll April 1946, Journal-Nr. 450. – See also: TNA, WO 235/138: *Prosecutor's Speech*, p. 4.
[2254] See TNA, WO 235/138: *Verteidigungsrede für den Angeklagten Dr. Artur Hocevar* […], p. 1–11.
[2255] Cf. TNA, WO 235/138: *Prosecutor's Speech*, p. 3.
[2256] TNA, WO 235/138: 24. 9. 1945 (Affidavit Leslie Colton), 13. 9. 1945 (Affidavit John Dennis Jeffs), 24. 9. 1945 (Affidavit Alec Lambley). – Furthermore: TNA, WO 235/138: 13. 8. 1945 (Affidavit Ronald Bertram Hadaway), 28. 8. 1945 (Affidavit William Campbell Watkins) and 22. 8. 1945 (Affidavit Terence Joseph Bateson)]. T.J. Bateson was one of the most important witnesses for the prosecution at the Gullinggraben trial before a Royal Warrant Court in Graz (26 September to 3 October 1946) (see chapter 8.3.7).

whole time which not only affected the three men named in the charge but all the prisoners in the camp in one way or another.[2257]

On the last day of the trial, 14 May 1946, the Royal Warrant Court handed down three guilty verdicts. The sentences were all for imprisonment: Ferdinand Brandl 15 years,[2258] Michael Steiner five years, and Dr. Artur Hocevar two years.[2259] Prior to confirmation by the Commander-in-Chief, an assessment had to be obtained from the DJAG office. Although it was regretted that no British victims had testified in person at the trial, it was concluded that the trial had been conducted properly. Neither would the applications for review made by the defence counsel lead to any need to change the guilty verdicts.[2260] Consequently, the new British Commander-in-Chief in Austria, Lt Gen James Steele, confirmed the court decision on 8 June 1946.[2261]

The three convicts were initially sent to a military prison in Rome on 1 July 1946 (*32 Military Prison & Detention Barrack C.M.F.*)[2262], and then to Graz-Karlau Prison on 9 July 1947.[2263] By order of the military government, the prison gates were opened for Dr Artur Hocevar on 4 October 1947.[2264] Michael Steiner was released on 14 September 1949,[2265] Ferdinand Brandl on 23 July 1952[2266].

8.3.2 Viktring – Robert Gross, Michael Widhalm (22–25 May 1946, Völkermarkt)

Allied bombing raids on Klagenfurt reached their peak in the period from February to April 1945.[2267] During an air raid alarm in the late morning of 28 February 1945[2268], two British prisoners of war from the Waidmannsdorf camp (AK 10029/GW)[2269] took advantage of the confusing situation to attempt an escape. Tpr Jack Keats[2270] (Royal Armoured Corps) and Spr John Marsh[2271] (Royal Engineers) wanted to make their way south to the Yugoslavian border despite the prevailing snowy conditions. A short time

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[2257] TNA, WO 235/138: *Prosecutor's Speech*, p. 2f.
[2258] Ferdinand Brandl's prison sentence was later reduced from 15 to 10 years. StLA, JA Karlau, Bücher, Bd. 59, StB-Nr. 1923.
[2259] TNA, WO 235/138: 14. 5. 1946; UNWCC, British Military Courts, Trial against Ferdinand Brandl et al.: DJAG Case-No. 19/874 [URL: https://www.legal-tools.org/doc/a47929/ (18. 9. 2025)].
[2260] TNA, WO 235/138: 3. 6. 1946.
[2261] TNA, WO 235/138: 8. 6. 1946 (Confirmation of the verdicts by Lt Gen Steele).
[2262] Cf. StLA, JA Karlau, Gefangenenakten, Gef 179-1946, Steiner Michael: Akt Nr. 4.
[2263] StLA, JA Karlau, Bücher, Bd. 59, StB-Nr. 1923, 1925, 1929; StLA, JA Karlau, Gefangenenakten, Gef 179-1946, Steiner Michael: Akt Nr. 12.
[2264] StLA, JA Karlau, Bücher, Bd. 59, StB-Nr. 1925; StLA, JA Karlau, Bücher, Bd. 66, StB-Nr. 1925.
[2265] StLA, JA Karlau, Bücher, Bd. 59, StB-Nr. 1929. – Furthermore: StLA, JA Karlau, Gefangenenakten, Gef 179-1946, Steiner Michael.
[2266] StLA, JA Karlau, Bücher, Bd. 59, StB-Nr. 1923.
[2267] Cf. BEER/KARNER, Krieg aus der Luft 196 and 197.
[2268] Cf. RAUCHENSTEINER, Krieg 60.
[2269] See also: ANGERER, The Forgotten Camp.
[2270] * 11. 11. 1916, Bristol (GBR). Service Number: 7909392, POW number: 3343. TNA, WO 416/205/45 [Catalogue description]. – See also: TNA, WO 310/96: *War Crimes Investigation's Report: Shooting of British Ps.W. at Viktring*.
[2271] * 31. 7. 1917, Liverpool (GBR); † 28. 2. 1945, Viktring (mun. Klagenfurt am Wörthersee, AUT). Service Number: 2035534, POW number: 2387. TNA, WO 416/246/595 [Catalogue description].

later, a patrol from the Viktring gendarmerie post with four officers (Lt Johann Mösslacher, Ernst Jessacher, Michael Widhalm, and Robert Gross), and two Volkssturm men (Josef Gabalier, Erwin M.) combed a nearby wooded area where two suspicious men had been seen. While on patrol, Widhalm came across the two Englishmen and fired a rifle shot at them, fatally wounding J. Marsh.[2272] J. Keats, who had remained unharmed, was arrested and taken back to the Wolfsberg main camp on the same day.[2273]

The consequences of this act can be well traced on the basis of the report by Sgt Gilbert Lawrence Conyard, who, according to his own testimony, had served as a POWs' spokesman in the Waidmannsdorf camp from 1942 to 1945.[2274] The Australian identified his dead comrade in the mortuary at Annabichl cemetery one day after the fatal shots. Marsh was then buried there in the presence of other prisoners of war.[2275] In mid-April 1945, Conyard received a message from Polish forced labourers from Viktring, in which the persons possibly involved in the killing of Marsh were named. Shortly after the arrival of British troops in the Klagenfurt area, G.L. Conyard began his own investigations. One of the suspects named by the Poles, Josef Gabalier, finally provided him with the names of the alleged main perpetrators: Michael Widhalm[2276], and Robert Gross[2277]. Conyard's search for Widhalm was unsuccessful[2278] but he did manage to track Gross down in Viktring at the end of May.[2279] On 28 May 1945, Conyard reported the shooting of Spr J. Marsh to the 77 Section SIB in Klagenfurt. At the same time, he handed over Josef Gabalier, Robert Gross, and Erwin M. to the British investigators as suspected perpetrators and witnesses[2280] and the prosecution took its course.

[2272] TNA, WO 310/96: 19. 7. 1945, 27. 7. 1945, 14. 8. 1945, 27. 8. 1945; TNA, WO 235/358: 30. 10. 1945 (Affidavit Jack Keats), 22. 2. 1946 (Statement Michael Widhalm); TNA, WO 311/262: 5. 12. 1945, (h), *Serial No. 31*; ANGERER, The Forgotten Camp [chapter "Escape Attempts"].

[2273] TNA, WO 235/358: 8. 6. 1945 (Statement G.L. Conyard), p. 3; TNA, WO 310/96: 27. 7. 1945, 14. 8. 1945; ANGERER, War Crime Story [chapter "The Escape"].

[2274] TNA, WO 235/358: 8. 6. 1945 (Statement G.L. Conyard), p. 1–6; ANGERER, War Crime Story [chapter "The Shooting of John Marsh"]. – Furthermore: URL: https://www.ancestry.co.uk/search/collections/62114/?name=_Conyard&name_x=_1 (questionnaire Gilbert Lawrence Conyard) (12. 1. 2024).

[2275] See also: TNA, WO 310/96: 19. 7. 1945; ANGERER, War Crime Story [chapter "The Esacpe"]. – After the end of the war, J. Marsh's body was transferred to the Commonwealth War Cemetery in Klagenfurt (grave 2.G.4.). His date of death is incorrectly stated on the gravestone as 1 March 1945. Cf. URL: https://www.cwgc.org/find-records/find-war-dead/casualty-details/2805549/john-marsh/ (18. 9. 2025); https://de.findagrave.com/memorial/56432986/john-marsh (18. 9. 2025). – For confirmation of the date of death "28 February 1946" see also: TNA, WO 310/96: *War Crimes Investigation's Report: Shooting of British Ps.W. at Viktring*, (a).

[2276] * 25. 2. 1910, Mollands (today, mun. Schönberg am Kamp, AUT); † 24. 5. 1995, Eugendorf (AUT). DASP, Pfarre Schönberg am Kamp, Taufbuch 1907–1938, p. 24, Nr. 2 [URL: https://data.matricula-online.eu/de/oesterreich/st-poelten/schoenberg-kamp/01%252F08/?pg=26 (18. 9. 2025)]; TNA, WO 310/96: 7. 2. 1946, *P.O.W. Form*. – Michael Widhalm was commanding officer of the gendarmerie post in Reifnitz. TNA, WO 310/96: *War Crimes Investigation's Report: Shooting of British Ps.W. at Viktring*, (g).

[2277] * 11. 10 .1911, Diefmatten (FRA). TNA, WO 235/358: [20. 3. 1946].

[2278] Michael Widhalm is believed to have fled to his home in Filzmoos (Province of Salzburg) at the end of the war. He was later held in US custody at Camp Marcus W. Orr near Salzburg. At the request of the Central Mediterranean Forces (CMF), Widhalm was transferred – via Camp Wolfsberg – to Afragola (209 POW Camp) near Naples on 9 February 1946. TNA, WO 310/96: 10. 11. 1945.

[2279] TNA, WO 235/358: 8. 6. 1945 (Statement G.L. Conyard); ANGERER, War Crime Story [chapter "In Search of the Perpetrator"].

[2280] TNA, WO 310/96: 27. 7. 1945.

After his initial interrogation, Gross was arrested and transferred to the Wolfsberg camp. According to his written statement of July 1945, which he confirmed to Capt Colin Osborne Kennedy (ADJAG) on 20 March 1946,[2281] the starting point of the gendarmerie patrol had been a report by Josef Gabalier,[2282] who claimed to have seen two parachutists. The gendarmes split into two groups, with Gross himself marching close to Widhalm. Due to the hilly landscape, he briefly lost sight of him and then heard a shot, followed by a shout of "Halt!". When he caught up with Widhalm, he saw the two men who had been shot. They were obviously not paratroopers, but prisoners of war. *I could see that the wounded soldier had been hit by a bullet that had hit him in the right side and exited the body on the left.*[2283]

The unharmed POW, J. Keats, made an affidavit in his native England, describing the decisive moments:[2284]

> *While coming out of the foothills and approaching a track* […] *I heard a shout "Police" and immediately threw myself to the ground. Marsh, who was behind me, half-turned and stumbled in the snow and was immediately shot dead by a burst of automatic rifle fire.*

A recorded interrogation of Michael Widhalm took place on 22 February 1946 by the SIB officer Capt Norman Eric Middleton on behalf of the DJAG headquarters in the Allied POW camp Afragola (ITA).[2285] Widhalm testified that he had left the patrol to follow fresh footprints in the snow. After a short time, he saw two men about 100 to 150 metres away who were moving suspiciously and – he assumed – were armed. He shouted at them to stop, but they did not raise their hands even after the third request. He therefore thought they were looking for a way to escape or to shoot at him. According to his own statement, he fired a single shot with his rifle, without aiming, but in their direction. When he looked, he realised that one of the men had fallen to the ground, the other was standing next to him with his hands up.[2286] Only when the two men were searched did he realise that they were British prisoners of war.[2287]

After Michael Widhalm and Robert Gross had been charged with a war crime (the killing of Spr J. Marsh),[2288] they stood trial in Völkermarkt on 22 May 1946.[2289] It was the

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[2281] TNA, WO 235/358: 20. 3. 1946 (Statement Robert Gross), Trial transcript, p. 7f.
[2282] At the later hearing before the Royal Warrant Court, Johann Mösslacher and Michael Widhalm also testified that Josef Gabalier had reported the sighting of two armed parachutists, which was denied by Gabalier himself. TNA, WO 235/358: Trial transcript, p. 14, 28, 33 bzw. p. 12.
[2283] TNA, WO 235/358: 20. 3. 1946 (Statement Robert Gross). Translated into English, German text in the original source as follows: *Ich konnte sehen, dass der verwundete Soldat von einer Kugel getroffen war, die ihn in der rechten Seite getroffen hatte und links den Koerper wieder verlassen hatte.*
[2284] TNA, WO 235/358: 13. 10. 1945 (Affidavit Jack Keats). – See also: TNA, WO 310/96: 27. 8. 1945.
[2285] TNA, WO 235/358: 2. 4. 1946.
[2286] TNA, WO 235/358: 22. 2. 1946 (Statement Michael Widhalm).
[2287] TNA, WO 235/358: 22. 2. 1946 (Statement Michael Widhalm).
[2288] TNA, WO 310/96: 2. 5. 1946, *Charge Sheet*. – Cf. TNA, WO 311/262: 5. 12. 1945, (h), *Serial No. 31*, 18. 2. 1946.
[2289] Originally, the Viktring trial was to take place at the Klagenfurt Regional Court from 15 April 1946. Cf. TNA, WO 310/96: 28. 3. 1946.

first British war crimes trial in Austria presided over by Lt Col D.F. Yate-Lee (Bedfordshire and Hertfordshire Regiment). His assessors were Maj W.A. Newman (5th Northamptonshire Regiment) and Capt W. Smith (2nd Lancashire Fusiliers), while Maj J.C. Doggett (Royal Signals) acted as Legal Member.[2290] Capt N.C.H. Dunbar from the JAG Staff Pool represented the prosecution. Capt P.A. Hamilton MC (2nd Inniskillings Fusiliers) acted as defence counsel for Robert Gross, and Dr Franz Brand for Michael Widhalm. At the beginning of the trial, both Gross and Widhalm declared themselves innocent.[2291]

In the run-up to the trial, the British Ministry of Defence had initiated the transfer of J. Keats, who was regarded as the most important witness for the prosecution, to Austria.[2292] However, he refused to take part in the trial for health reasons,[2293] so that only his affidavit could be presented as evidence.[2294] Capt Dunbar first summoned Erwin M., whom the Viktring gendarmes had called in to reinforce their patrol on 28 February 1945, to the witness stand.[2295] Shortly after the men had split up, M. heard a shot from the direction of the second group. When he got there himself, he saw two strangers, apparently British POWs. One of them was lying on the snow-covered forest floor, bleeding from a wound in his torso, the other was standing next to him with his hands up. Widhalm claimed to have fired. The injured man was still alive at the time, breathing weakly. M.'s account of the following scene is described in the trial transcript:[2296]

> *Gross and I were left there. Three or four minutes later Gross said "I cannot see (or watch) the wounded man suffering" and immediately pulled out his pistol. Gross pointed his pistol at the man. I said "there is no need to do this, he is nearly dead anyway." At the same moment the wounded man turned his head to one side and died. Gross then replaced his pistol in his holster.*

During cross-examination and when questioned by the court, M. explained that no one had cared for the wounded man. No one expressed any regret or tried to help him, not even he himself.[2297]

After the investigator Capt Kennedy, Capt Dunbar called Josef Gabalier as the third witness. The farmer had not seen the shooting but remembered that Widhalm reported to his superior Johann Mösslacher after the entire patrol had gathered at the scene. He is said to have praised his Russian-made submachine gun.[2298] Gabalier confirmed that Gross was prevented by M. from giving Marsh the 'coup de grace'.[2299]

[2290] TNA, WO 235/358: 17. 5. 1946; TNA, WO 310/96: 16. 5. 1946. – Maj J. Devroome (5th Royal East Kent Regiment) had been assigned as a Waiting Member.
[2291] TNA, WO 235/358: Trial transcript, p. 1. – Furthermore: Neues Österreich (24. 5. 1946), 2 („Ehemalige Gendarmen vor britischem Militärgericht").
[2292] TNA, WO 311/262: 19. 1. 1946.
[2293] TNA, WO 310/96: 12. 2. 1946.
[2294] TNA, WO 235/358: 13. 10. 1945 (Affidavit Jack Keats).
[2295] TNA, WO 235/358: Trial transcript, p. 2–7.
[2296] TNA, WO 235/358: Trial transcript, p. 4f.
[2297] TNA, WO 235/358: Trial transcript, p. 6f. – See also: ANGERER, War Crime Story [chapter "The Escape"].
[2298] TNA, WO 235/358: Trial transcript, p. 12; ANGERER, War Crime Story [chapter "The Escape"].
[2299] TNA, WO 235/358: Trial transcript, p. 9–13.

At the start of the second day of the trial, Mösslacher, the highest-ranking officer who had summoned the patrol, was questioned. He testified that he had only heard one shot in the forest, nothing else. Widhalm reported that he had only fired after the two men had not responded to his call to stop. Mösslacher took Keats to the gendarmerie post in Viktring. On his orders, Marsh's body was to be transported to the nearby fire station.[2300]

Overall, the first witness testimonies revealed a contradictory picture of who the patrol was actually supposed to be looking for. There was talk of Allied paratroopers, as well as partisans or "bandits", although the two terms were also used synonymously. In any case, they had apparently not expected to come across fugitive prisoners of war.

Capt Hamilton requested that the charges against his client Gross be dropped. He could not have prevented the fatal shots. The fact that Gross had wanted to deliver a 'coup de grace' to Marsh was not a war crime. The court now retired to deliberate and subsequently declared Robert Gross not guilty.[2301]

On the third day of the trial, Dr Brand called the defence witnesses, starting with the remaining defendant. Widhalm initially repeated what he had said about the course of the patrol during his interrogation at the Afragola camp. During cross-examination, he also endeavoured to give an exculpatory account of the events, and in particular, rejected the statements of Gabalier, whom he described as a liar, and responsible for what had happened because he had erroneously reported the sighting of armed parachutists. On the crucial question of whether or when he made the Englishmen aware of him, Widhalm insisted that he had 'properly' shouted "Halt" three times *before* the shot.[2302]

This was followed by a similarly detailed interrogation of Robert Gross. Like the other gendarmes, he also recalled the frequent partisan actions in the Viktring area and the correspondingly tense atmosphere. According to Gross, Mösslacher gave the order at the beginning of the patrol to open fire if the suspected parachutists attempted to escape. As far as Widhalm's call to halt was concerned, he now testified that he had heard it immediately *before* the shot was fired. He had only learnt later that the foreign men were British prisoners of war.[2303] During cross-examination on 25 May, Gross, who was born in Alsace, justified these deviations from his original statement with a mistake by the interpreter and, above all, with his own inability to read German. Gross also contradicted M.'s statements. He had not pointed a gun at the Englishman, who was no longer alive when the rest of the patrol arrived.[2304]

[2300] TNA, WO 235/358: Trial transcript, p. 14–23. – In Viktring, the physician Dr Emanuel Schroll carried out an initial examination of the corpse. TNA, WO 310/96: 26. 11. 1945.
[2301] TNA, WO 235/358: Trial transcript, p. 24f.
[2302] TNA, WO 235/358: Trial transcript, p. 27–40. – According to his affidavit, J. Keats remembered a call before the shot. TNA, WO 235/358: 13. 10. 1945 (Affidavit Jack Keats). – Some of the witnesses questioned in the courtroom had heard one call, some had heard none at all.
[2303] TNA, WO 235/358: Trial transcript, p. 41–45.
[2304] TNA, WO 235/358: Trial transcript, p. 45–50.

The trial came to an end with two further witnesses and the closing statements. Michael Widhalm was found guilty and sentenced to nine years in prison.[2305] Two days later, he submitted an extensive petition to the military court.[2306] In the opinion of the DJAG office (CMF), however, it did not justify a change in the ruling.[2307] This led to the confirmation of the judgement by Lt Gen Steele.[2308] Widhalm was transferred to a British military prison in Rome. Lt Gen Steele was also the addressee of the letter of 25 March 1947, in which Widhalm asked for conditional remission or reduction of the sentence imposed as an act of clemency.[2309] In fact, his sentence was commuted in full on 1 July 1947.[2310] On 9 July, Widhalm was sent to the Karlau Prison in Graz, which he left as a free man on 14 July 1947.[2311]

8.3.3 Weinburg am Saßbach – Franz Kotulan (31 May to 1 June 1946, Wagna)

The British prisoners of war from the Weinburg am Saßbach work camp (AK 600/L) in Styria were usually taken to their work sites on nearby farms by guards at 6 a.m. and returned to the camp at 8 p.m. On the evening of 14 May 1942, Ascension Day, sentry Franz Kotulan[2312] wanted to pick up around ten prisoners as usual but only found three or four of them. The others had already returned to camp. When Kotulan confronted the prisoners, a confrontation ensued with Cpl John Dermot Troy[2313] (25th Bn., 2 NZEF) (Fig. 17), which ended with the New Zealander being fatally shot.[2314] The deceased was buried in Leibnitz with military honours.[2315]

[2305] TNA, WO 235/358: Trial transcript, p. 50–58; ANGERER, War Crime Story [chapter "The Trial"]; ANGERER, The Forgotten Camp [chapter "Escape Attempts"]. – See also: Volkszeitung (28. 5. 1946), 3 („Sühne für Kriegsgefangenenmord bei Viktring"); Weltpresse (28. 5. 1946), 5 („Gendarm von britischem Militärgericht verurteilt").
[2306] TNA, WO 235/358: 27. 5. 1946.
[2307] TNA, WO 235/358: 10. 6. 1946.
[2308] TNA, WO 235/358: 23. 6. 1946.
[2309] TNA, WO 235/358: 25. 3. 1947.
[2310] The reason given for the remission of sentence was the unresolved doubts as to whether Widhalm had shouted before firing the shot or not. *It is a principle of British justice that the accused should have the benefit of any element of doubt. The Commander in Chief, therefore, after careful deliberation is of the opinion that, as there is an element of doubt, a reduction of sentence would not be appropriate but that the balance of the sentence should be remitted.* TNA, WO 310/96.
[2311] StLA, JA Karlau, Bücher, Bd. 59, StB-Nr. 1926.
[2312] * 27. 11. 1900, Vienna (AUT); † 9. 7. 1977. StLA, JA Karlau, Bücher, Bd. 59, StB-Nr. 1927; URL: https://tng.adler-wien.eu/showmedia.php?mediaID=146897&cemeteryID=1 (18. 9. 2025).
[2313] * 30. 5. 1917, Wellington (NZE); † 14. 5. 1942, Weinburg am Saßbach (today, mun. St. Veit in der Südsteiermark, AUT). Service Number: 32706. TNA, WO 416/367/3 [Catalogue description]; TNA, WO 235/116: 11. 8. 1945, Beglaubigte Abschrift aus dem Sterbebuch der Gemeinde Weinburg, Todesbestätigung John Charles [!] Troy [with date of birth "30 May 1914"]. – Cf. URL: https://www.aucklandmuseum.com/war-memorial/online-cenotaph/record/C26029 (18. 9. 2025).
[2314] The official cause of death was: *Erschossen bei Widersetzlichkeit.* TNA, WO 235/116: 11. 8. 1945, Beglaubigte Abschrift aus dem Sterbebuch der Gemeinde Weinburg, Todesbestätigung John Charles [!] Troy.
[2315] TNA, WO 235/116: 19. 3. 1946 (Affidavit Kenneth Burke Rubie), Trial transcript, p. 3. – Ian Brown's website contains two photos showing the funeral of J.D. Troy. URL: http://www.stalag18a.org/wc6L.html (18. 9. 2025). – Troy's body was exhumed after the end of the war and buried in the Commonwealth War Cemetery in Klagenfurt (grave 6.C.17.). Cf. URL: https://www.cwgc.org/find-records/find-war-dead/casualty-details/2805717/john-dermot-troy/ (18. 9. 2025).

Figure 17: John Dermot Troy (Auckland War Memorial Museum / Lewis Solomon)

Figure 18: Ronald John McLennan (Auckland War Memorial Museum)

When this incident was investigated in autumn 1945, the recollections of the guard on the one hand and the British eyewitnesses on the other differed – as is usually the case in such instances. Franz Kotulan was arrested at his home in Vienna on 20 September 1945 and initially detained in Margareten District Court (Vienna V).[2316] There he described the events in Weinburg during his first interrogation by an Austrian criminal policeman (in the presence of a SIB-investigator). According to this, Troy was upset because he had to work on a public holiday, and also nervous because he hadn't received any mail for a few months. This may have been the reason that he wanted to attack him despite repeated shouts to stop. According to his own statement, Kotulan could not help but take the rifle in his hand out of fear. The shot went off unintentionally and hit Troy in the chest.[2317]

One of the eyewitnesses was Kenneth Burke Rubie, who later testified in his native Australia:[2318]

> *Shortly after the guard Kotulan arrived at the Lager* […] *there appeared to be an argument between Kotulan and Troy because Troy alleged that Kotulan was late coming to escort them home. Kotulan accused the remainder of us of knocking off early and coming home alone. Troy* […] *said to Kotulan "This has nothing to do with you; you are only a guard. Wait till the Commandant comes home and I will explain it to him." While Troy was speaking, he walked towards Kotulan in a natural manner and in no way was aggressive. When Troy was about six feet away Kotulan brought his rifle up to the on guard position, pumped a shell into the*

[2316] TNA, WO 235/116: 15. 4. 1948.
[2317] TNA, WO 235/116: 22. 9. 1945 (Statement Franz Kotulan). – Furthermore: TNA, WO 235/116: Trial transcript, p. 6–8; BRUNNER M., Weinburg.
[2318] TNA, WO 235/116: 19. 3. 1946 (Affidavit Kenneth Burke Rubie).

breech of the rifle and screamed "Halt". Troy appeared to take another step forward to brush the rifle aside and Kotulan fired, killing Troy instantly.

Another eyewitness, Charles Francis Carroll, corroborated much of what his compatriot Rubie had said. According to him, there had been tensions between Kotulan and the prisoners for some time because he had repeatedly been late in picking them up from the farmers.[2319]

As expected, Franz Kotulan was charged with a war crime for the shooting of Cpl John Dermot Troy.[2320] The trial took place from 31 May 1946 before a Royal Warrant Court at Schloss Retzhof (mun. Wagna). The court was presided over by Lt Col J.P. Fowler-Esson DSC MC (2nd Hampshire Regiment). Maj T.G. Field Fisher (King's Royal Rifle Corps) acted as Legal Member. Other assessors were Maj T. Miller (2nd Loyal Regiment) and Capt D.W. March (4th Devonshire Regiment).[2321] In the run-up to the trial, the London JAG office in the person of Brig Henry Shapcott, had informed the Commander-in-Chief of the Central Mediterranean Forces that – as usual – an officer with legal qualifications should represent the prosecution.[2322] This task was accordingly assigned to Capt N.C.H. Dunbar, who was a member of the JAG staff pool.[2323] A recommendation for the appointment of defence counsel also came from London: *You will doubtless arrange for the accused to have the services of a British officer at his trial*.[2324] Maj F. Ball MBE (4th Devonshire Regiment) was chosen. At the beginning of the trial, Kotulan pleaded not guilty.[2325]

The former local farmer's leader of Weinburg, Alois Voit, was questioned as first witness for the prosecution. He described how he had to take Troy's body to a warehouse and that Kotulan was still devastated hours after the fatal shot.[2326] The farmer Margarethe Schneider, on whose estate John Dermot Troy had worked for nine months, described him as a very good worker, and well-behaved, albeit nervous and easily agitated.[2327] Willibald Bohnhoff and an interpreter were questioned about Kotulan's first interrogation in Vienna.[2328]

Defence counsel Maj Ball first called Franz Kotulan, who once again described the events of 14 May 1942 in detail, from his point of view, to the witness stand. He repeated that he had felt threatened or attacked by Troy and therefore – now deviating from his first interrogation – made use of his weapon in accordance with his training.[2329] Rai-

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[2319] TNA, WO 235/116: 4. 3. 1946 (Affidavit Charles Francis Carroll); BRUNNER M., Weinburg.
[2320] TNA, WO 235/116: 27. 5. 1946.
[2321] Capt H.V. Leaver (2nd Loyal Regiment) was assigned as Waiting Member. TNA, WO 235/116: 27. 5. 1946.
[2322] TNA, WO 235/116: 9. 1. 1946.
[2323] TNA, WO 235/116: Trial transcript, p. 1.
[2324] TNA, WO 235/116: 9. 1. 1946.
[2325] TNA, WO 235/116: Trial transcript, p. 1; BRUNNER M., Weinburg. – Furthermore: Das Steirerblatt (2. 6. 1946), 3 („Mordprozeß im Schloß Retznei [!]"); Wahrheit (4. 6. 1946), 3 („Fünf Jahre Gefängnis für Kotular [!]").
[2326] TNA, WO 235/116: Trial transcript, p. 2–5.
[2327] TNA, WO 235/116: Trial transcript, p. 5.
[2328] TNA, WO 235/116: Trial transcript, p. 6–8; BRUNNER M., Weinburg.
[2329] Cf. TNA, WO 235/116: Trial transcript, p. 9–18. – Furthermore: Das Steirerblatt (4. 6. 1946), 3 („Fünf Jahre Gefängnis für Franz Kotular [!]"); Wahrheit (4. 6. 1946), 3 („Fünf Jahre Gefängnis für Kotular [!]").

mund Olscher, Kotulan's commanding officer on the day of the shooting, the Weinburg tenant Max Rebenik, and the accused's wife were then questioned.[2330]

In his closing speech, Maj Ball particularly criticised the fact that the prosecution's case was based only on two affidavits taken four years after the events in Sydney, but not a single witness to the crime was present in the courtroom. *The defence is in fact denied any opportunity of cross-examining the most material witnesses in the case. I submit that this not only limits the defence but also very probably prevents justice being done.*[2331]

The defence lawyer did not succeed with his objections. The court found Franz Kotulan guilty and sentenced him to five years in prison on 1 June 1946.[2332] His petition[2333] was rejected on the recommendation of the DJAG office[2334]. On the contrary, the judgement was confirmed on 30 June 1946 by Lt Gen Steele.[2335] Kotulan served the first year of his sentence in a British military prison in Rome.[2336] On 9 July 1947, he was transferred to Graz-Karlau Prison. On 26 July 1949, Franz Kotulan's sentence was reduced to the time already served in prison and he was released.[2337]

8.3.4 Graz-Wetzelsdorf – Viktor Gassner (3 and 9 September 1946, Villach)

The British POWs of the comparatively large work camp 107/GW in the Wetzelsdorf district of Graz were used for various jobs in the urban area.[2338] After the war, two former prisoners, Capt Dr Ian McDougal Stewart[2339] (Royal Army Medical Corps) and Gnr John Frederick Edwards[2340] (Royal Artillery), made allegations in sworn statements[2341] that detainees had been mistreated in Wetzelsdorf in February 1945.

On 7 February 1946, the former camp commander Viktor Gassner[2342], still a free man, wrote a statement on the allegations made in the office of the investigator Capt Sid-

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[2330] TNA, WO 235/116: Trial transcript, p. 18–24.
[2331] TNA, WO 235/116: *Final Speech for the Defence*; BRUNNER M., Weinburg. – See also: TNA, WO 311/284: *General report of the proceedings of a Military Court* […], p. 3.
[2332] UNWCC, British Military Courts, Trial against Franz Kotulan: DJAG Case-No. 16139/2 [URL: https://www.legal-tools.org/doc/e89916/ (18. 9. 2025)]; Das Steirerblatt (4. 6. 1946), 3 („Fünf Jahre Gefängnis für Franz Kotular [!]"); Wahrheit (4. 6. 1946), 3 („Fünf Jahre Gefängnis für Kotular [!]").
[2333] TNA, WO 235/116: 4. 6. 1946.
[2334] TNA, WO 235/116: 18. 6. 1946.
[2335] TNA, WO 235/116: 30. 6. 1946; TNA, WO 311/284: *General report of the proceedings of a Military Court* […], p. 3.
[2336] TNA, WO 235/116: 15. 4. 1948.
[2337] StLA, JA Karlau, Bücher, Bd. 59, StB-Nr. 1927; StLA, JA Karlau, Bücher, Bd. 66, StB-Nr. 1927.
[2338] British POWs were involved in the construction of the air-raid shelters in the Schloßberg. See also: BACHER/STELZL-MARX, Schloßbergstollen 412–418 and PETSCHNIGG, Front 126–128.
[2339] * 23. 12. 1914, Hutten (GBR). POW number: 1434. TNA, WO 416/344/554 [Catalogue description]. – Furthermore: URL: https://www.ancestry.co.uk/search/collections/62114/?name=Ian+McDougall+Guthrie+_Stewart (questionnaire Ian McDougall Guthrie Stewart) (18. 9. 2025).
[2340] * 1. 6. 1917, Liverpool (GBR). Service Number: 914206, POW number: 6937. TNA, WO 416/109/265 [Catalogue description]. – Furthermore: URL: https://www.ancestry.co.uk/search/collections/62114/?name=John+Frederick+_Edwards (questionnaire John Frederick Edwards (18. 9. 2025).
[2341] Cf. TNA, WO 235/331: 15. 6. 1946.
[2342] * 6. 3. 1887, Klagenfurt (AUT); † 2. 2. 1973, Graz (AUT). ADG, Pfarre Klagenfurt-St. Egid, Geburtsbuch XX 1886–1889, fol. 51, Nr. 108 [URL: https://data.matricula-online.eu/de/oesterreich/gurk/klagenfurt-st-egid/K15_023-1/?pg=62 (18. 9. 2025)]; TNA, WO 235/331: 7. 2. 1946.

ney Charles Slingsby in Graz. He ruled out any misconduct by the guards towards the prisoners of war, both in the Wetzelsdorf camp and at the workplaces.[2343] However, Gassner was subsequently arrested, charged with a war crime (involvement in the mistreatment of British prisoners of war) and tried in Villach on 3 September 1946.

The Royal Warrant Court was presided over by Maj T.G. Field Fisher (King's Royal Rifle Corps), who also acted as Legal Member. The assessors were Maj E.R.W.M. Semple (2nd Inniskillings Fusiliers), Capt T.T. McCrow (8th Argyll and Sutherland Highlanders), Capt D.S. Penman (8th Argyll and Sutherland Highlanders), and Lt C.C. Gunner (Royal Irish Fusiliers).[2344] Maj W.H. Goudie appeared as prosecutor for the first time. The defence was taken over by Capt I. Stoner.[2345]

Dr Stewart was the first witness for the prosecution to report on the incriminated incidents. According to his statement, at around midnight on 15 February 1945, all prisoners, including those who had fallen ill, had to line up outside. The temperature was below -10° Celsius. There were no seriously ill prisoners, but at least one man had a high fever. When Stewart protested to Gassner, he loudly rebuffed him, grabbed him by the coat and had him led away. He then placed the camp doctor under arrest in the infirmary for several days. Over the next two nights, the prisoners had to line up again and were forced to march while being beaten. *I remember taking sick parade the following mornings. I found bruises on the British prisoners on the back and loins with slight abrasions affecting about 15 men.*[2346] Stewart also suggested that the assaults on the second and third nights were carried out by SS men from the neighbouring barracks, who reinforced the camp guards on a few days. In his opinion, however, Gassner was well informed about everything.[2347]

The second witness for the prosecution, J.F. Edwards, testified how he was forced outside by Gassner even though he was ill. Edwards confirmed that the prisoners were taken out of the barracks by the SS in the following nights and driven to the nearby railway station to work there. *We were struck if we were not quick enough.*[2348] The court then adjourned to 9 September 1946 at the request of the defence counsel, who had apparently been appointed at very short notice.[2349]

On the second day of the trial, Viktor Gassner was questioned and confirmed the confrontation with Dr Stewart. Apart from that, he endeavoured to paint a picture of procedures in accordance with regulations. Sick prisoners were allowed to stay in their barracks as long as they had confirmation from the German camp doctor. Only if the prisoners took too long to report for work did those who were slightly ill have to go outside, where their sick certificates were checked. In any case, he could not remember being

[2343] TNA, WO 235/331: 7. 2. 1946.
[2344] TNA, WO 235/331: 3. 9. 1946. – In preparation for the hearing, the JAG's London office had stated that the presence of a Judge Advocate was not considered necessary. TNA, WO 235/331: 15. 6. 1946, No. 8.
[2345] TNA, WO 235/331: Trial transcript, p. 1.
[2346] TNA, WO 235/331: Trial transcript, p. 2f.
[2347] TNA, WO 235/331: Trial transcript, p. 1–4.
[2348] TNA, WO 235/331: Trial transcript, p. 5f.
[2349] TNA, WO 235/331: Trial transcript, p. 7.

told by a prisoner that he had a fever or, as claimed by Stewart and Edwards, being present when the camp doctors examined prisoners who had obviously been beaten. Nor had he himself ever seen a POW being beaten. However, he was aware of the assaults by the SS guards.[2350]

After questioning Johann Eisenberger, Gassner's company commander in the 891 Rifle Battalion, and Karl Karadensky, an employee in the administration of the 107/GW work camp, the defence lawyer made his closing statement. He pointed out that the mistreatment of the British had been carried out firstly by the SS and secondly outside the camp.[2351] The prosecutor then stated, among other things, that Gassner himself had admitted to leaving the prisoners out in the cold until his orders were obeyed. At the end of the trial, Viktor Gassner was found guilty. The sentence of nine months' imprisonment[2352] was confirmed on 14 January 1947 by Lt Gen Steele[2353] after DJAG had raised no objections.[2354]

8.3.5 Kirchdorf – Johann Fritz (16 September 1946, Egg am Faaker See)

After the end of the war, New Zealander Capt A.J. Beattie, who was stationed in Graz, was tasked with investigating the fate of missing British prisoners of war. In July 1945, he travelled to Pernegg (Styria) to investigate a tip-off about the violent death of his compatriot Pte Ronald John McLennan[2355] (19th Bn., 2 NZEF) (Fig. 18). Beattie received the relevant gendarmerie report and was able to speak to eyewitness Anna Fohn.[2356] According to her, McLennan was shot near the Hiebaum butcher's shop[2357] in the village of Kirchdorf (mun. Pernegg an der Mur) on 27 March 1942[2358] and buried a few days later at the local cemetery.[2359] A guard at the work camp 119/GW in Peggau[2360] named Johann Fritz[2361] was believed to be the shooter.

[2350] TNA, WO 235/331: Trial transcript, p. 7–14.
[2351] TNA, WO 235/331: Trial transcript, p. 14–17.
[2352] TNA, WO 235/331: Trial transcript, p. 18.
[2353] TNA, WO 235/331: 14. 1. 1947.
[2354] TNA, WO 235/331: 8. 1. 1947.
[2355] * 27. 10. 1908, Taihape (NZE); † 27. 3. 1942, Pernegg an der Mur (AUT). Service Number: 5156, POW number: 4939. TNA, WO 416/240/202 [Catalogue description]; Gemeindeamt Pernegg an der Mur, Sterbebuch Pernegg 1940–1942, Nr. 19/1942. – Cf. URL: https://www.aucklandmuseum.com/war-memorial/online-cenotaph/record/C29580 (18. 9. 2025).
[2356] TNA, WO 311/235: 30. 7. 1945.
[2357] The butcher's shop Hiebaum was located at today's address Kirchdorf No. 5.
[2358] Cf. StLA, Gendarmeriechronik, Bez. Bruck-Mürzzuschlag, GP Kirchdorf bei Pernegg, Bd. 1, p. 140.
[2359] TNA, WO 311/235: 8. 6. 1945 (Statement W.H. Collins); TNA, WO 311/235: 9. 10. 1945, *Extract from the Graves Register*; StLA, Gendarmeriechronik, Bez. Bruck-Mürzzuschlag, GP Kirchdorf bei Pernegg, Bd. 1, p. 140. –McLennan's final burial place is in the Commonwealth War Cemetery in Klagenfurt (grave 5.B.4.). Cf. URL: https://www.cwgc.org/find-records/find-war-dead/casualty-details/2805536/ronald-john-mclennan/ (18. 9. 2025).
[2360] Cf. PETSCHNIGG, Front 279.
[2361] * 22. 3. 1911, Königsberg (today, mun. Aspangberg-St. Peter, AUT); † 13. 2. 1973, Neunkirchen (AUT). DAW, Pfarre Unteraspang, Taufbuch 1906–1912, fol. 154, Reihe-Zahl 20 [URL: https://data.matricula-online.eu/de/oesterreich/wien/unteraspang/01-12/?pg=157 (18. 9. 2025)].

The occupying power's investigations into this case were already well advanced in December 1945. Affidavits had been obtained from four Englishmen who could testify to the course of events[2362] and Fritz had been put on the wanted list.[2363] There were also reports from a former prisoner of war from New Zealand and two Austrian women who had witnessed the crime as well.[2364]

As usual in such cases (see chapter 8.3.3), the official reason given for McLennan's death was that he was shot because he had offered resistance.[2365] In the British investigation files, however, the incriminated events read as follows:[2366]

> *On or about 27th March 1942 a party of British prisoners of war from Working Camp 119/G.W. were working in a trench for cable laying in the village of Pernegg* [!]*, Austria. The accused was the guard in charge of the party. Sometime during the afternoon one of the prisoners, a New Zealand Private named J. McLennan got out of the trench to go and relieve himself at the latrine used by the prisoners. The accused stopped him. McLennan explained where he was going but the accused refused to let him go. McLennan protested and moved about three paces in the direction of the latrine. The accused then shot Private McLennan from a distance of about two or three yards and Private McLennan died in a few minutes.*

Johann Fritz was imprisoned on 7 February 1946[2367] after returning home from French captivity the day before.[2368] During his first interrogation at Aspang police station (Lower Austria), Fritz confessed to having shot at a POW in Pernegg. However, he claimed to have been attacked by the New Zealander with a spade beforehand. Fritz also claimed to have been incited by bystanders.[2369]

On 16 September 1946, Johann Fritz stood before the Royal Warrant Court in Egg[2370] (today, mun. Villach), accused of committing a war crime[2371] by killing R.J. McLennan.[2372] Lt Col D.F. Yate-Lee (Bedfordshire and Hertfordshire Regiment) presided over the pro-

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[2362] TNA, WO 311/235: 5. 12. 1945, (d), *Serial No. 21*; TNA, WO 311/235: 18. 9. 1945 (Affidavit John Turner), 15. 10. 1945 (Affidavit William Arthur Bacon), 26. 10. 1945 (Affidavit John Kilgallon), 5. 11. 1945 (Affidavit Philip Henry Copus).
[2363] TNA, WO 311/235: 24. 12. 1945.
[2364] TNA, WO 311/235: 24. 12. 1945. – See also: TNA, WO 311/235: 8. 6. 1945 (Statement W.H. Collins), 29. 10. 1945 (Statements Ursula Bommer and Anna Fohn).
[2365] Gemeindeamt Pernegg an der Mur, Sterbebuch Pernegg 1940–1942, Nr. 19/1942. – Furthermore: StLA, Gendarmeriechronik, Bez. Bruck-Mürzzuschlag, GP Kirchdorf bei Pernegg, Bd. 1, p. 140.
[2366] TNA, TS 26/497: 20. 11. 1945. – Furthermore: TNA, WO 311/235: 5. 12. 1945, (d), *Serial No. 21.*
[2367] Cf. StLA, JA Karlau, Bücher, Bd. 59, StB-Nr. 1924; StLA, JA Karlau, Gefangenenakten, Gef 180-1946, Pfisterer Josef: 9. 6. 1952, fol. 35. – See also: TNA, WO 311/235: 18. 3. 1946.
[2368] TNA, WO 311/235: 7. 2. 1946.
[2369] TNA, WO 311/235: 7. 2. 1946.
[2370] The venue of the trial was the village of Egg am Faaker See (today, mun. Villach), where the British had confiscated hotels and inns, among other things. Cf. HOFER, Maria Gail (1999), 311; HOFER, Maria Gail (2016), 243, B55.
[2371] TNA, WO 311/235: 30. 4. 1946.
[2372] UNWCC, British Military Courts, Trial against Johann Fritz: DJAG Case-No. VW/16141/13 [URL: https://www.legal-tools.org/doc/a4b6c1/ (18. 9. 2025)].

ceedings, while the panel of assessors comprised Maj B.L. Kentish (1st Royal Irish Fusiliers)[2373], Capt J.M. Courlay (8th Argyll and Sutherland Highlanders), Capt T.T. Trainor MM (2nd Inniskillings Fusiliers), and Lt A.T. Scott (2nd Inniskillings Fusiliers).[2374]

As no trial transcript has been preserved,[2375] it remains unclear at this point which witnesses were questioned in the courtroom, and whether any other evidence was presented in addition to the aforementioned affidavits and statements. The names of the prosecutor and the defence lawyer remain unknown. In any case, the latter's job would have been easier if R.J. McLennan had tried to escape or – as claimed by the German authorities and the defendant – had attacked Johann Fritz. However, this is unlikely. According to the witnesses[2376], Pte McLennan had shown no aggressive behaviour; he simply wanted to go to the latrine, which Johann Fritz refused – with fatal consequences.

The court reached a decision on the first day of the trial: The defendant was found guilty and sentenced to twelve years in jail. On 26 October 1946, Lt Gen Steele confirmed this judgement.[2377] Johann Fritz probably served the first part of his sentence in Rome before being transferred to Graz-Karlau Prison on 9 July 1947. After serving two thirds of his sentence, he was released on 8 February 1954.[2378]

8.3.6 Kleinfelgitsch – Georg Baumann, Johann Felgitscher, Heinrich Stradner (18–20 September 1946, Wagna)

An agricultural work camp of British prisoners of war was temporarily located in Kleinfelgitsch near Heiligenkreuz am Waasen (Styria).[2379] Relations between the local population and the POWs were generally good.[2380] However, on the evening of 9 May 1943, a Sunday, a confrontation escalated between the farmer Johann Felgitscher[2381] and the Scotsman Dvr Alec Johnston[2382] (Royal Army Service Corps). Felgitscher received support from neighbour Heinrich Stradner[2383] and local farmers' leader Georg Baumann[2384],

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[2373] The participation of Maj Kentish in this trial is a further indication of the location of the trial, as his unit, the 1st Royal Irish Fusiliers, was stationed in Egg (as of 3 May 1946). BEER, Die „britische" Steiermark 751.
[2374] UNWCC, British Military Courts, Trial against Johann Fritz: DJAG Case-No. VW/16141/13 [URL: https://www.legal-tools.org/doc/a4b6c1/ (18. 9. 2025)].
[2375] According to the TNA catalogue, the stock "WO 235/251" is missing at transfer. URL: https://discovery.nationalarchives.gov.uk/details/r/C4407650 (18. 9. 2025).
[2376] Cf. TNA, WO 311/235: 30. 7. 1945.
[2377] UNWCC, British Military Courts, Trial against Johann Fritz: DJAG Case-No. VW/16141/13 [URL: https://www.legal-tools.org/doc/a4b6c1/ (18. 9. 2025)].
[2378] StLA, JA Karlau, Bücher, Bd. 59, StB-Nr. 1924. – See also: StLA, JA Karlau, Gefangenenakten, Gef 180-1946, Pfisterer Josef: 29. 7. 1952, fol. 37–39.
[2379] Cf. RIEGLER, Heiligenkreuz 252.
[2380] PETSCHNIGG, Front 217.
[2381] * 13. 5. 1909, Kleinfelgitsch (today, mun. Heiligenkreuz am Waasen, AUT); † 30. 6. 1964, Kleinfelgitsch. DAGS, Pfarre Heiligenkreuz am Waasen, Taufbuch XI 1907–1923, fol. 62, Post-Nr. 58 [URL: https://data.matricula-online.eu/de/oesterreich/graz-seckau/heiligenkreuz-am-waasen/5337/?pg=63 (18. 9. 2025)]; TNA, WO 235/244: 15. 8. 1946.
[2382] * 22. 10. 1915, Glasgow (GBR). Service Number: T/162999, POW number: 5471. TNA, WO 416/199/48 [Catalogue description].
[2383] * 12. 7. 1899, Unterragnitz (AUT); † 21. 5. 1963, Heiligenkreuz am Waasen (AUT). DAGS, St. Georgen an der Stiefing, Taufbuch X 1897–1917, fol. 56, Post-Nr. 57 [URL: https://data.matricula-online.eu/

and the dispute ended with a severe beating for Johnston.[2385] The next day Alec Johnston was taken to the doctor in Heiligenkreuz am Waasen, Dr Artur Satter, who examined him but saw no need for medical treatment.[2386] A short time later, the prisoners were removed from Kleinfelgitsch.[2387]

After the end of the war, those involved gave conflicting accounts to the British JAG investigators about the course of events. Johnston testified that a discussion with Felgitscher about the war had developed into a scuffle in which he was badly beaten.[2388] Dvr John Hunter Pretswell described Johnston's condition on his return to the camp:[2389]

> *On his back there were marks and bruises which seemed to have been inflicted with some sort of solid instrument.* [...] *His face looked badly smashed up and was covered with blood all over. Both his eyes were nearly closed.*

Felgitscher, on the other hand, claimed that Johnston had come to his farm drunk with two other Britons and had demanded alcohol. When he sent them away, Johnston became violent and knocked out two of his teeth. He then had to hide with the locals who had been called in because several prisoners of war from the camp turned up. The situation was only calmed by the arrival of gendarmerie officer Philipp Peer from Heiligenkreuz am Waasen.[2390] Baumann and Stradner also identified Johnston as the aggressor. The former was the only one to admit to hitting the Englishman.[2391]

The British investigator Capt Desmond Cassidy visited Dr Satter's practice in Heiligenkreuz am Waasen on 3 June 1946. In the medical records, he found an entry dated 10 May 1943, according to which Alec Johnston had been found to have about a dozen strokes of the cane and strangulation marks on his neck.[2392] At the end of the investigation, Georg Baumann, Johann Felgitscher and Heinrich Stradner were charged with ill-treatment of a prisoner of war.[2393]

The Royal Warrant Court convened at Schloss Retzhof[2394] on 18 September 1946.[2395] The President of the Court was Lt Col D.F. Yate-Lee (Bedfordshire and Hertfordshire Regiment). The four assessors Maj J.H. Dyas (2nd Hampshire Regiment), Maj J.H. Proctor

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de/oesterreich/graz-seckau/st-georgen-an-der-stiefing/15500/?pg=58 (18. 9. 2025)]; TNA, WO 235/244: 15. 8. 1946, fol. 18 [here date of birth: 11. 7. 1899].

[2384] * 1. 7. 1896, Stangersdorf (mun. Lang, AUT). DAGS, Pfarre Lang, Taufbuch VI 1854–1900, fol. 240, Nr. 12 [URL: https://data.matricula-online.eu/de/oesterreich/graz-seckau/lang/9095/?pg=486 (18. 9. 2025)]; TNA, WO 235/244: 15. 8. 1946, fol. 16. – Furthermore: Das Steirerblatt (22. 9. 1946), 3 („Das Urteil im Prozeß von Retzhof").

[2385] PETSCHNIGG, Front 217, 219.

[2386] TNA, WO 235/244: 9. 1. 1946 (Affidavit John Hunter Pretswell), Trial transcript, p. 3.

[2387] TNA, WO 235/244: 9. 1. 1946 (Affidavit John Hunter Pretswell); PETSCHNIGG, Front 219f.

[2388] PETSCHNIGG, Front 217f.

[2389] TNA, WO 235/244: 9. 1. 1946 (Affidavit John Hunter Pretswell); PETSCHNIGG, Front 219.

[2390] TNA, WO 235/244: 15. 8. 1946 (Statement Johann Felgitscher), fol. 14.

[2391] TNA, WO 235/244: 15. 8. 1946 (Statement Heinrich Stradner), fol. 18, 15. 8. 1946 (Statement Georg Baumann), fol. 16.

[2392] TNA, WO 235/244: 22. 8. 1946 (Affidavit Desmond Cassidy).

[2393] TNA, WO 235/244: 13. 9. 1946, *Charge Sheet*.

[2394] Schloss Retzhof was used by the British occupying forces, primarily as a military hospital, from the end of July 1945 until October 1946. MATZER, Retzhof 32, 127.

[2395] Das Steirerblatt (21. 9. 1946), 3 („Kriegsverbrecherprozeß im Schloß Retzhof").

(2nd Loyal Regiment), Capt H. Bradley (17th Field Regiment Royal Artillery), and Capt D.L. Bissmire (4th Devonshire Regiment) completed the bench.[2396] Maj W.H. Goudie MC (Somerset Light Infantry) served another stint as prosecutor, while Leibnitz lawyer Dr Josef Stenitzer, assisted by Maj A.N. Totman (Devonshire Regiment), acted as defence counsel.[2397]

Alec Johnston had travelled from Kilmarnock.[2398] As the first witness for the prosecution, he described the course of his discussion (conducted in German) with Johann Felgitscher once again. According to the report, Felgitscher had pushed him, whereupon Johnston punched him in the face. He was subsequently punched, and beaten with a rubber truncheon by several farmers and his hands and legs were tied. Since then, he has often suffered from headaches.[2399] On the witness stand, Dr Artur Satter stated that he could not recall any serious injuries to Johnston.[2400] Heinrich Rauch from Kleinfelgitsch confirmed that he had seen Johnston's swollen and black eyes, as well as welts on his body.[2401] Philipp Peer described the situation when he arrived at the POW camp.[2402]

The defence called all three defendants and other people from Kleinfelgitsch as witnesses. Felgitscher and Stradner generally repeated their earlier statements and explained, as Baumann did after them, that Johnston was neither beaten with a rubber truncheon nor tied up.[2403] Baumann admitted to slapping the Scotsman and also hitting him with a cattle prod to defend himself against his attacks.[2404] The other witnesses testified that, on the Sunday in question (9 May 1943), Johnston had de facto gone on a carousing tour in the area around Kleinfelgitsch with other prisoners of war and a guard and had only returned to the village in the evening.[2405]

On the third day of the trial, the court acquitted Johann Felgitscher and Heinrich Stradner. Georg Baumann was found guilty. His sentence was six months in prison.[2406] The DJAG office in Italy (HQ CMF) raised no objections to the course of the trial[2407] and Lt Gen Steele then confirmed the verdict on 23 November 1946.[2408]

[2396] TNA, WO 235/244: 18. 9. 1946. – In preparation for the hearing, the JAG's London office had stated that the presence of a judge advocate was not considered necessary. A Legal Member would also be dispensable if the proceedings are conducted by a *permanent president*. TNA, WO 235/244: 25. 6. 1946, No. 8. Cf. HASSEL, Kriegsverbrechen 134f. – This requirement was fulfilled by the appointment of Lt Col D.F. Yate-Lee as presiding judge.
[2397] TNA, WO 235/244: Trial transcript, p. 1.
[2398] Cf. TNA, WO 235/244: 25. 6. 1946.
[2399] TNA, WO 235/244: Trial transcript, p. 1–4.
[2400] TNA, WO 235/244: Trial transcript, p. 4–8. – At the request of the prosecutor, Dr Satter was classified by the court as a *hostile witness*.
[2401] TNA, WO 235/244: Trial transcript, p. 8f.
[2402] TNA, WO 235/244: Trial transcript, p. 9–11.
[2403] TNA, WO 235/244: Trial transcript, p. 14–21.
[2404] TNA, WO 235/244: Trial transcript, p. 21–25.
[2405] TNA, WO 235/244: Trial transcript, p. 26–29.
[2406] TNA, WO 235/244: Trial transcript, p. 38, 23. 11. 1946 (Confirmation of the verdicts by Lt Gen Steele); UNWCC, British Military Courts, Trial against Johann Felgitscher et al.: DJAG Case-No. VW/16141/19 [URL: https://www.legal-tools.org/doc/9c6ebe/ (18. 9. 2025)]; Das Steirerblatt (22. 9. 1946), 3 („Das Urteil im Prozeß von Retzhof"); PETSCHNIGG, Front 220.
[2407] TNA, WO 235/244: 12. 11. 1946.
[2408] TNA, WO 235/244: 23. 11. 1946.

8.3.7 Gullinggraben – Josef Pfisterer (26 September to 3 October 1946, Graz)

At the beginning of December 1942, the special work detachment AK 2056/L[2409] was set up in Gullinggraben,[2410] in the municipality of Aigen im Ennstal (Styria), for escaped British prisoners of war who had been recaptured[2411]. The camp inmates were mainly deployed in the construction of the new road to Mitteregg.[2412] One of the POWs, the New Zealander Pte Alfred Hector Peterson[2413] (22nd Bn., 2 NZEF), was shot by the guard Martin Eisinger[2414] on 3 December 1942.

According to the official version, the shot was fired in self-defence.[2415] However, this finding ignored the fact that eleven British prisoners of war had already incriminated the camp commandant Josef Pfisterer[2416] (Fig. 19) in the course of the relevant investigations by German military authorities in June 1943. According to their testimony, a civilian labourer named Stich (also Strich) had accused Pte Peterson of working too slowly and ordered him to come with him to the camp barracks. At the entrance to the camp, Peterson was pushed by the foreman Berger, whereupon the prisoner of war returned the blow. Eisinger intervened, but the situation escalated further. *Immediately afterwards, Herr Strich*[2417] *picked up the pick and Peterson the shovel and both momentarily adopted a threatening attitude.*[2418] According to the eyewitnesses, Pfisterer then shouted an order to Eisinger to shoot, and Peterson's fate took its course:[2419]

[2409] Cf. StLA, Zeitgeschichtliche Sammlung, K. 406/H. 4: 27. 5. 1943, Stalag XVIII A, Kommandaturbefehl Nr. 21.

[2410] The Gullinggraben POW camp was probably located in the area of today's Danglmaier quarry, i.e. below the Bereiter farmstead. – We would like to thank Martin Parth (Liezen) and Karl Langmann (Irdning) for their important information on the camp location!

[2411] General information on penal camps for British prisoners of war who had attempted to escape, see: MASON, Prisoners of War 137f.; MONTEATH, P.O.W. 252–254.

[2412] Cf. PETSCHNIGG, Front 102.

[2413] * 16. 10. 1918, New Plymouth (NZE); † 3. 12. 1942, Gulling (mun. Aigen im Ennstal, AUT). Service Number: 30016, POW number: 4267. TNA, WO 416/288/198 [Catalogue description]; Marktgemeindeamt Irdning-Donnersbachtal, Sterbebuch Irdning 1940–1943, Nr. 27/1943; TNA, WO 235/241: 4. 3. 1946, Beglaubigte Abschrift aus dem Sterbebuch der Gemeinde Irdning, Todesbestätigung Alfred Hector Peterson. – Cf. URL: https://www.aucklandmuseum.com/war-memorial/online-cenotaph/record/C30779 (18. 9. 2025).

[2414] * 31. 5. 1907, Falkenstein (AUT); † 13. 3. 1997, Mistelbach (AUT). DAW, Pfarre Falkenstein, Taufbuch 1899–1934, fol. 83, Reihe-Zahl 13 [URL: https://data.matricula-online.eu/de/oesterreich/wien/falkenstein/01-09/?pg=87 (18. 9. 2025)].

[2415] Marktgemeindeamt Irdning-Donnersbachtal, Sterbebuch Irdning 1940–1943, Nr. 27/1943; TNA, WO 235/241: 4. 3. 1946, Beglaubigte Abschrift aus dem Sterbebuch der Gemeinde Irdning, Todesbestätigung Alfred Hector Peterson.

[2416] * 21. 2. 1898, Wienerherberg (today, mun. Ebergassing, AUT); † 17. 3. 1983, Vienna (AUT). DAW, Pfarre Wienerherberg, Taufbuch 1867–1898, fol. 235, Nr. 5 [URL: https://data.matricula-online.eu/de/oesterreich/wien/wienerherberg/01-07/?pg=238 (18. 9. 2025)]; StLA, JA Karlau, Bücher, Bd. 59, StB-Nr. 1928.

[2417] According to testimony in the later RWC trial, Peterson confronted Berger, not Stich. TNA, WO 235/241: Trial transcript, p. 4f., 17.

[2418] TNA, WO 235/241: 14. 6. 1943, *Report on the shooting of Pte. Peterson* [...] (signed by: Edwin Henry Brown, Frank Chard, Robert Cheesman, George Gleeson, John Gardner, Desmond P. Haid, David L. Harpur, Arthur J. Johnson, James McDonald, Andrew P. O'Brien, Roy B. Reynolds).

[2419] TNA, WO 235/241: 14. 6. 1943, *Report on the shooting of Pte. Peterson* [...] (signed by: Edwin Henry Brown, Frank Chard, Robert Cheesman, George Gleeson, John Gardner, Desmond P. Haid, David L. Harpur, Arthur J. Johnson, James McDonald, Andrew P. O'Brien, Roy B. Reynolds).

> […] *the guard proceeded to load his rifle. The rifle jammed, and the Commandant, together with the guard, made attempts to free it.* […]
> *The Commandant, failing to free the rifle, turned and ran into the barracks, returning almost immediately with another rifle, but as he came out of the door, the Guard, having freed his rifle, loaded it and shot Peterson through the head.*

From March 1940 to May 1945, Josef Pfisterer was a member of the Landesschützenbataillon 877, where he held the rank of Obergefreiter.[2420] The death of the prisoner of war Peterson obviously did not affect Pfisterer's reputation. In May 1943, the commandant of the Wolfsberg main camp gave him special recognition for what was described as his exemplary leadership of the special labour detachment A 2056/L Gullinggraben.[2421] After Pfisterer's transfer to the 1542/L work camp in Donnersbach (Styria), he received another commendation in December 1943.[2422]

The British investigation launched after the end of the war into a possible war crime in the Gullinggraben strengthened the suspicion that the gunman had not acted spontaneously, but on Pfisterer's orders.[2423] Both the Australian William Cecil Cosgrove, and the New Zealander Colin Philip Langdon testified to the 60 Section SIB that Peterson's killing had been preceded by an order from Pfisterer. According to the former prisoners of war, the body of their comrade was first left on the spot and then buried unclothed. It was only when the labour detachment was relocated in 1943 that he was exhumed and buried with military honours in the Irdning[2424] cemetery.[2425]

Josef Pfisterer was arrested on 16 March 1946.[2426] Originally, he was to be tried together with Martin Eisinger,[2427] but the latter was not in British custody.[2428] Pfisterer's

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[2420] StLA, JA Karlau, Gefangenenakten, Gef 180-1946, Pfisterer Josef, p. 2 and fol. 8.
[2421] StLA, Zeitgeschichtliche Sammlung, K. 406/H. 4: 27. 5. 1943, Stalag XVIII A, Kommandaturbefehl Nr. 21. – Martin Eisinger was also commended for his *excellent service* in the Gullinggraben.
[2422] StLA, Zeitgeschichtliche Sammlung, K. 406/H. 4: 16. 12. 1943, Stalag XVIII A, Kommandaturbefehl Nr. 48.
[2423] Cf. TNA, WO 310/35: 31. 1. 1946; TNA, WO 311/165: 14. 6. 1943, 30. [?]. 1945. – See also: PETSCHNIGG, Front 102f.
[2424] A.H. Peterson was reburied at the Commonwealth War Cemetery in Klagenfurt (grave 6.D.16.) after the end of the war. Cf. URL: https://www.cwgc.org/find-records/find-war-dead/casualty-details/2805611/alfred-hector-peterson/ (18. 9. 2025).
[2425] TNA, WO 235/241: 3. 5. 1945 (Statement William Cecil Cosgrove); TNA, WO 235/241: 14. 5. 1945 (Statement Colin Philip Langdon); TNA, WO 235/241: Trial transcript, p. 22; Das Steirerblatt (28. 9. 1946), 4 („Britischer Kriegsgefangener erschossen").
[2426] StLA, JA Karlau, Bücher, Bd. 59, StB-Nr. 1928; StLA, JA Karlau, Gefangenenakten, Gef 180-1946, Pfisterer Josef: 9. 6. 1952, fol. 35. – A different source gives the date of Pfisterer's arrest as 15 March 1946. LG Leoben, 15 Vr 1199/97 (formerly: 15 Vr 892/90), Martin Eisinger, Bd. I, fol. 97.
[2427] Cf. TNA, WO 235/241: 1. 5. 1946.
[2428] Martin Eisinger was taken prisoner by the Russians in April 1944. At the end of the war, contrary to expectations, he was not handed over to the British. LG Leoben, 15 Vr 1199/97, Martin Eisinger, Bd. II, fol. 5; CHINNERY, Hitler's atrocities 300f. – Eisinger returned from captivity in November 1947, but at that time neither the British nor the Austrian judiciary had any interest in reopening the Gullinggraben case. In 1987, the Central Office of the State Justice Administrations for the Investigation of National Socialist Crimes (Ludwigsburg) opened a preliminary investigation against Martin Eisinger for murder (Gullinggraben crime scene) on the basis of a UNWCC wanted list, which was followed by proceedings by the Mosbach public prosecutor's office in Baden-Württemberg (DEU). The referral to this authority was based on incorrect information about Eisinger's Wehrmacht unit. After the investigation into his whereabouts revealed Pottenhofen in Lower Austria as Eisinger's place of residence, the proceedings were transferred

trial before a Royal Warrant Court in Graz finally began on 26 September 1946.[2429] Lt Gen Steele once again appointed Lt Col D.F. Yate-Lee (Bedfordshire and Hertfordshire Regiment) as president. The assessors were Maj R.B. Prince (2nd Loyal Regiment), Lt T. Sadleir (Royal Electrical and Mechanical Engineers), and Lt N.L. Eckersley (Royal Engineers).[2430] Maj W.H. Goudie MC (Somerset Light Infantry) acted as prosecutor. Dr J. Svejda took over the defence, assisted by Capt K. Creedy-Smith.[2431] Pfisterer pleaded not guilty to the charge of being involved in the killing of Pte Peterson.[2432]

As his first witness, Maj Goudie called Terence Joseph Bateson[2433], who had been man of confidence of the POWs in Gullinggraben in December 1942. Bateson emphasised that Peterson was pushed several times by foremen Berger and Stich before the confrontation with the cramp and shovel took place outside the camp gate. Shortly afterwards, with Peterson having put his shovel on the ground, Pfisterer stepped out of his office and Bateson, standing about eleven metres (12 yards) away, heard him shouting a shooting order to the guard Eisinger.[2434] As Eisinger's rifle had jammed, Pfisterer rushed back to his office to get another one. When Pfisterer returned and saw that the guard was now ready to fire, he repeated the order to shoot and Eisinger pulled the trigger.[2435]

The other witnesses for the prosecution, G.H. Arnold and E.H. Brown, confirmed Bateson's statements.[2436] It was also unanimously reported that the surrounding prisoners, and perhaps Peterson himself, did not expect Eisinger to actually shoot, especially since threatening gestures by the guards with weapons were not unusual.[2437]

When questioned by his defence counsel, Josef Pfisterer described the incriminated events in the Gullinggraben differently from the three Englishmen before him. As an Obergefreiter (lance corporal), he had no authority to take disciplinary measures against prisoners of war. Instead, any breaches of the rules were to be reported to his superiors. When the argument between Berger and Peterson escalated, he had just been on his way to his office. In any case, he did not give Eisinger an order to shoot; there was no reason

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to the public prosecutor's office in Korneuburg (1989) and from there to the public prosecutor's office in Leoben (1990). Further investigations had to be interrupted due to the poor health of Martin Eisinger before the proceedings were closed following his death (13 March 1997). LG Leoben, 15 Vr 1199/97 (formerly: 15 Vr 892/90), Martin Eisinger, Bd. I.

[2429] TNA, WO 235/241; UNWCC, British Military Courts, Trial against Josef Pfisterer: DJAG Case-No. VW/16141/6 [URL: https://www.legal-tools.org/doc/0e375e/ (18. 9. 2025)]; Das Steirerblatt (28. 9. 1946), 4 („Britischer Kriegsgefangener erschossen"); Neue Zeit (28. 9. 1946), 3 („Mörder vor dem Militärgericht"); Weltpresse (28. 9. 1946), 8 („Mord an einem britischen Kriegsgefangenen").

[2430] TNA, WO 235/241: 2. 9. 1946. – In preparation for the hearing, the JAG's London office had stated that the presence of a Judge Advocate was not considered necessary. A Legal Member would also be dispensable if the proceedings are conducted by a *permanent president*. TNA, WO 235/241: 1. 5. 1946, No. 7. – This requirement was fulfilled by the appointment of Lt Col D.F. Yate-Lee as presiding judge.

[2431] Cf. TNA, WO 235/241: 9. 10. 1946.

[2432] TNA, WO 235/241: 2. 9. 1946; Weltpresse (Abend-Ausgabe) (3. 10. 1946), 8 („Die Tötung des britischen Kriegsgefangenen").

[2433] * 28. 10. 1919, Lancaster (GBR). Service Number: 2005033, POW number: 2400. TNA, WO 416/22/275 [Catalogue description].

[2434] TNA, WO 235/241: Trial transcript, p. 5.

[2435] TNA, WO 235/241: Trial transcript, p. 2–15.

[2436] TNA, WO 235/241: Trial transcript, p. 16–23 and p. 23–29; Neue Zeit (28. 9. 1946), 3 („Mörder vor dem Militärgericht").

[2437] *We were used to this bluff in other camps,* as Brown put it. TNA, WO 235/241: Trial transcript, p. 29.

to do so, and the guard did not have a jammed weapon. Only after the shot had been fired did he pick up his rifle to prevent the other prisoners of war, who were standing on the other side of the stream, from crossing the bridge.[2438] Pfisterer stood by his statements during cross-examination.[2439]

The next witness called by the defence was Karl Berger, who presented a different version of events. He had been knocked down by Peterson in front of the camp entrance with a punch and was then half unconscious. When he regained consciousness, he saw Peterson standing opposite Eisinger with a shovel raised. Then the shot was fired. At no time did he hear Pfisterer give the order to shoot. Berger also could not remember seeing Bateson on this side of the bridge.[2440] Berger denied to Maj Goudie that he had pushed Peterson or threatened him with a cramp.[2441]

Ferdinand Brandl, Pfisterer's superior, had been in British custody in Rome since July 1946 (see chapter 8.3.1) and was transferred to Graz for his testimony before the Royal Warrant Court. He described how he had been informed, in December 1942, about the shooting of a prisoner of war from the Gullinggraben work camp. One day later, together with the court officer of Stalag XVIII A, Dr Rudolf Ladurner,[2442] he questioned Berger, Eisinger, Pfisterer, and Bateson at the scene of the incident. The latter made no accusations against Pfisterer. Eisinger explained that he had acted in self-defence and without an order to shoot. Peterson's body had already been taken to the mortuary in Irdning.[2443] Brandl submitted his report to the divisional court in Graz, which accepted Eisinger's justification. The case was re-examined six months later (see above).[2444]

After the witness interviews had been concluded, the court went to the scene of the crime in the Gullinggraben for an on-site inspection. This was in response to a request by the defence, which doubted that other POWs could have heard Pfisterer's alleged order to fire against the background of the noisy Gullingbach stream.[2445]

On the seventh day of the trial, 3 October 1946, Pfisterer was found guilty[2446] and sentenced to 17 years in prison.[2447] Pfisterer's defence lawyer Dr Svejda submitted a petition for a review to the British Commander-in-Chief in Austria.[2448] However, according to the JAG Branch in Klagenfurt, which was consulted, there was no need to change

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[2438] TNA, WO 235/241: Trial transcript, p. 31–34.
[2439] TNA, WO 235/241: Trial transcript, p. 36–44.
[2440] TNA, WO 235/241: Trial transcript, p. 47–52.
[2441] TNA, WO 235/241: Trial transcript, p. 52, 55.
[2442] See also: TNA, WO 235/241: 25. 9. 1946.
[2443] If Brandl's statement is to be believed, POW representatives approached him to arrange a funeral with military honours for Peterson. The funeral service was conducted by the military chaplain J.H. Ledgerwood. Around 60 POWs are said to have taken part. TNA, WO 235/241: Trial transcript, p. 62f.
[2444] TNA, WO 235/241: Trial transcript, p. 56–69.
[2445] TNA, WO 235/241: Trial transcript, p. 70f.; Das Steirerblatt (4. 10. 1946), 3 („Erschießung eines britischen Kriegsgefangenen“).
[2446] TNA, WO 235/241: Trial transcript, p. 110.
[2447] UNWCC, British Military Courts, Trial against Josef Pfisterer: DJAG Case-No. VW/16141/6 [URL: https://www.legal-tools.org/doc/0e375e/ (18. 9. 2025)]; Das Steirerblatt (4. 10. 1946), 3 („Erschießung eines britischen Kriegsgefangenen“); The Evening Star (22. 1. 1947), 4 (“Murdered by enemy”); PETSCHNIGG, Front 103.
[2448] TNA, WO 235/241: 9. 10. 1946.

the guilty verdict. Apart from that: *The consideration as to whether it would be advisable to reduce the sentence is entirely a matter for your* [C-in-C, author's note] *decision.*[2449] Lt Gen Steele confirmed the verdict, but reduced the prison sentence to ten years.[2450] On 18 January 1947, Pfisterer was transferred to a military prison in Rome (*32 Military Prison & Detention Barracks*).[2451] On 9 July 1947, he was sent to Graz-Karlau Prison from where he was finally released on 18 November 1952.[2452]

8.3.8 Unterpremstätten – Johann Darnhofer (5–6 November 1946, Leoben)

One of the few POW work camps (AK 173/HV) assigned to the army administration was located in Unterpremstätten (today, mun. Premstätten). After the end of the war, British authorities began an investigation into a suspected war crime in the vicinity of this camp. The guard Johann Darnhofer[2453] is said to have fired at the prisoner Pte Richard James Bell[2454] (Royal Army Service Corps) there in February 1944. The eyewitness Gnr Frederick Hindle[2455] and Bell himself were questioned about this incident in England in the autumn of 1945. They stated that in Unterpremstätten, they had been part of a party of about 60 British prisoners who were doing woodwork. One morning, the POWs were just about to go to their break hut when Bell left the marching line to fetch his coat, which he had forgotten. He was then told by Darnhofer not to go anywhere without permission. After an exchange of words, Darnhofer fired a shot at Bell with his rifle without hitting him. Another shot was prevented by other prisoners. Bell and Hindle provided an exact description of the shooter and declared in unison that they could easily identify him if necessary.[2456]

Johann Darnhofer was interrogated about the incident in Unterpremstätten by Capt. Desmond Cassidy (JAG/BTA) on 10 April 1946.[2457] Darnhofer denied that he had ever been there. According to him, he belonged to the 6th company of Landesschützenbataillon 891 and was deployed in various places to guard prisoners of war, but never in Unterpremstätten.[2458] Darnhofer was subsequently charged by JAG with the attempted murder of the prisoner of war R.J. Bell and thus with a war crime.[2459] He had to answer to a Royal Warrant Court in Leoben on 5 and 6 November 1946.

[2449] TNA, WO 235/241: 8. 11. 1946.
[2450] TNA, WO 235/241: 26. 11. 1946.
[2451] StLA, JA Karlau, Gefangenenakten, Gef 180-1946, Pfisterer Josef: 18. 1. 1947, fol. 2–5.
[2452] StLA, JA Karlau, Bücher, Bd. 59, StB-Nr. 1928.
[2453] * 16. 6. 1902, Freienberg (today, mun. Stubenberg, AUT); † 26. 6. 1961, Weiz (AUT). DAGS, Pfarre Stubenberg, Taufbuch VIII 1901–1917, fol. 19, Post-Nr. 30 [URL: https://data.matricula-online.eu/de/oesterreich/graz-seckau/stubenberg/14070/?pg=20 (18. 9. 2025)]; TNA, WO 235/200: 10. 4. 1946.
[2454] * 5. 2. 1912, Oldham (GBR). Service Number: 221812, POW number: 3124. TNA, WO 416/26/67 [Catalogue description].
[2455] * 18. 10. 1918, Accrington (GBR). Service Number: 1445083, POW number: 4870. TNA, WO 416/177/380 [Catalogue description].
[2456] TNA, WO 235/200: 24. 9. 1945 (Affidavit Richard J. Bell), 23. 10. 1945 (Affidavit Frederick Hindle).
[2457] TNA, WO 235/200: 10. 4. 1946 (Affidavit Desmond Cassidy).
[2458] TNA, WO 235/200: 10. 4. 1946 (Statement Johann Darnhofer).
[2459] TNA, WO 235/200: *Charge Sheet*.

Lt Col D.F. Yate-Lee (Bedfordshire and Hertfordshire Regiment) as president, and the assessors Maj A.B. Whitehead MC (1st East Yorkshire Regiment) and 2/Lt S.J. Wells (2nd Lancashire Fusiliers) constituted the court,[2460] while Capt C.L. Ackerley (17th Field Regiment Royal Artillery), who was intended to be the third assessor, was absent. The prosecution was represented by Maj W.H. Goudie MC (Somerset Light Infantry). An Austrian lawyer acted as defence counsel,[2461] assisted by a British officer.[2462]

At the trial, R.J. Bell and F. Hindle testified as witnesses, identified Darnhofer and repeated their accusations.[2463] But the defendant and his lawyer insisted that it could only be a case of mistaken identity. Whether the right man was in the dock became the crucial question in this trial.[2464] In the end, the court's doubts prevailed and the trial ended in acquittal.[2465]

8.3.9 St. Marein im Mürztal – Sebastian Scherer (23–25 January 1947)

From 1942 to 1944, a generously dimensioned steel and rolling mill of the Böhler Company (Plant XII) was built on the municipal territory of St. Marein im Mürztal and St. Lorenzen im Mürztal (Styria). Hundreds of POWs, many of them British, were deployed on the construction site (AK 95/GW).[2466] On the morning of 31 January 1944, three Englishmen, Pte Walter Smith, Pte Charles Edward Walker and Fus Raymond Wilburn, as well as the Scotsman Pte William F. Keeling[2467] (Argyll and Sutherland Highlanders) were instructed by the shaft foreman Sebastian Scherer[2468] to continue excavation work on a canal. In the early morning, landslide debris buried Keeling up to chest height. After being rescued, the British camp doctor diagnosed internal injuries. Pte Keeling was then transferred to the hospital in Bruck an der Mur, where he died on 2 February 1944.[2469] His (first) burial probably took place in the cemetery of the place of death.[2470]

[2460] TNA, WO 235/200: 25. 10. 1946. – In preparation for the hearing, the JAG's London office had stated that the presence of a judge advocate was not considered necessary. A Legal Member would also be dispensable if the proceedings are conducted by a *permanent president*. TNA, WO 235/200: 12. 9. 1946, No. 7. Cf. HASSEL, Kriegsverbrechen 134f. – This requirement was fulfilled by the appointment of Lt Col D.F. Yate-Lee as presiding judge.

[2461] The name of the defence lawyer is given as *Dr. Pichl A.* in the trial transcript. TNA, WO 235/200: Trial transcript, p. 1. – It is likely to be Leoben-based lawyer Dr August Bichler. BIRNER, Informator 9.

[2462] TNA, WO 235/200: Trial transcript, p. 1.

[2463] TNA, WO 235/200: Trial transcript, p. 1–6, 9–14. – Bell: *I'm quite sure accused is the man* (p. 2). – Hindle: *I can't be mistaken about accused's identity* (p. 14).

[2464] TNA, WO 235/200: Trial transcript, p. 15–33.

[2465] TNA, WO 235/200: Trial transcript, p. 33; TNA, WO 235/200: 6. 11. 1946; UNWCC, British Military Courts, Trial against Johann Darnhofer: DJAG Case-No. 19/888 [URL: https://www.legal-tools.org/doc/a2a09f/ (18. 9. 2025)].

[2466] As of 16 December 1943, there were 1553 workers on the construction site, including 889 POWs. SPANNRING, Werk XII, 26.

[2467] * 6. 3. 1919, Schottland (GBR); † 2. 2. 1944, Bruck an der Mur (AUT). Service Number: 3318291, POW number: 6358. TNA, WO 416/205/154 [Catalogue description].

[2468] * 20. 1. 1897, Strogn (DEU). TNA, WO 235/243: 3. 2. 1944, Unfallmeldung GP St. Marein im Mürztal.

[2469] The official cause of death was abdominal contusion and internal haemorrhage due to an industrial accident. Stadtgemeindeamt Bruck an der Mur, Sterbebuch Bruck an der Mur 1944, Bd. 1, Nr. 171/1944.

[2470] Cf. URL: http://www.stalag18a.org/tommo/tommo06.jpg (18. 9. 2025). – In the early years after the war, Keeling's body was moved to the Commonwealth War Cemetery at Klagenfurt (grave 5.B.2.) (Fig. 20).

Figure 19: Josef Pfisterer (StLA)

Figure 20: Gravestone of William F. Keeling (Photo: Ian Brown)

Was this a tragic but unsuspicious accident or was William Keeling the victim of a war crime? Of course, this death was later looked into by JAG investigators and their enquiries ultimately led to an indictment based on the testimony of two British witnesses. William Thomas Crossingham and James Gibson Munro gave sworn statements in England in May 1946 in which they blamed Sebastian Scherer for the death of Pte Keeling. Crossingham reported that, as deputy POW representative, he had asked Scherer several times, without success, to have the trench in question stabilised because of the loose, gravelly soil and its close proximity to the route of a works railway. *It was perfectly obvious that a trench of this nature ought to have been revetted*.[2471] Instead, the excavation work continued for several days until the accident finally occurred.[2472] The camp doctor Munro also testified that POWs had asked in vain for the trench to be reinforced. *I consider that Scherer was guilty of criminal negligence in omitting to reinforce* [the trench] *with boarding and that he was responsible for Private Kelling's injuries and death.*[2473]

In the above-mentioned indictment,[2474] Sebastian Scherer was accused of involvement in the mistreatment of British POWs. The fact that he made them work in dangerous conditions is said to have led to the death of Pte Keeling.[2475] Scherer subsequently

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Cf. URL: https://www.cwgc.org/find-records/find-war-dead/casualty-details/2805501/william-fleming-keeling/ (18. 9. 2025); URL: http://www.stalag18a.org/headstones/Keeling.JPG (18. 9. 2025).

[2471] TNA, WO 235/243: 31. 5. 1946 (Affidavit William Thomas Crossingham).

[2472] TNA, WO 235/243: 31. 5. 1946 (Affidavit William Thomas Crossingham).

[2473] TNA, WO 235/243: 18. 5. 1946 (Affidavit James Gibson Munro).

[2474] The JAG office in London would have liked to see a fuller indictment here. In addition to Sebastian Scherer, Edgar Kopetschke (Böhler company) and Hans Madenach (site manager) should also be brought before a Royal Warrant Court for the mistreatment of British POWs in St. Marein im Mürztal. However, CMF considered the evidence against Kopetschke and Madenach to be too weak to justify the time required to prepare a trial. TNA, WO 235/243: 24. 6. 1946, 9. 9. 1946.

[2475] TNA, WO 235/243: 9. 9. 1946, 19. 1. 1947; UNWCC, British Military Courts, Trial against Sebastian Scherer: DJAG Case-No. VW/16141/22 [URL: https://www.legal-tools.org/doc/44d6dc/ (18. 9. 2025)]. – There were two errors in the wording of the indictment against Scherer: The incriminated period was

found himself as a prisoner in the Wolfsberg camp, where he made an extensive statement to Capt Leo Hillman[2476] at the beginning of January 1947. According to his recollection, he warned the four prisoners of war not to dig too deep when excavating the trench. When he realised that this had already happened, he ordered that it be stabilized with planks. He then turned his attention to another working group. A short time later, the landslide occurred, and Keeling was partially buried.[2477]

For legal clarification, Lt Gen James Steele convened a Royal Warrant Court, before which Sebastian Scherer had to answer from 23 January 1947.[2478] Although the inspected court files do not mention a place of trial, there is no question that the proceedings must have taken place in Steele's area of command, i.e. in Austria.[2479] The presiding officer Maj J.L. Iremonger (Royal Lincolnshire Regiment) was flanked by Capt H.F.C. Joy (17th Field Regiment Royal Artillery), Capt D.G. Hobson (1st East Yorkshire Regiment), and Lt P.G. Bacon (2nd Hampshire Regiment).[2480] Capt A. McKenzie (JAG) represented the prosecution, while Capt A. Brown (17th Field Regiment Royal Artillery) was in charge of the defence.[2481]

Eric Graham Taylor[2482] (Royal Marines), who had been interpreting for the prisoners of war, was the first witness to describe the situation at St Marein. He testified that Scherer was repeatedly approached by POW spokesman Maurice H. Mantle – with reference to the Geneva Convention – about the lack of safety precautions during canal construction.[2483] However, the accused did not show any insight even after Keeling's accident: *In effect he said that the work was essential and had got to be completed on time and there were only P.O.W. working there and if a P.O.W. got hurt that was only a mere detail.*[2484] Mantle[2485] then confirmed Taylor's statements on the witness stand.[2486]

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given as *in or about October 1943*, although Keeling's accident happened on 31 January 1944. Keeling's regiment was named as *The Cameronians* instead of *The Argyll and Sutherland Highlanders*.

[2476] Cf. TNA, WO 235/243: 11. 1. 1947 (Affidavit Leo Hillman). – The Jew Leo Hillman(n) was born in Vienna in 1923. After escaping in 1938, he joined the British army. Hillman (aka Charles Victor Kennedy) completed special operations with the Special Interrogation Group (SIG) and later with the Special Operations Executive (SOE), for which he was awarded the Military Medal (1943) and the Military Cross (1945). From the fall of 1945, Hillman was stationed as a security officer at Camp Wolfsberg (373 POW Camp). His duties also included investigations into Nazi war crimes. PIRKER, Leo Hillman 236–241. – Furthermore: LEBENSAFT/MENTSCHL, Exilanten 145f.; PIRKER, Subversion 420–422, 507–510.

[2477] TNA, WO 235/243: 4. 1. 1947 (Statement Sebastian Scherer), fol. 3–6.

[2478] TNA, WO 235/243: 19. 1. 1947. – Neither the presence of a Judge Advocate nor a Legal Member was deemed necessary by the JAG Office if the trial is directed by a permanent president. TNA, WO 235/243: 9. 9. 1946, No. 6.

[2479] The TNA catalogue description incorrectly states Padua in Italy as the venue of the trial. TNA, WO 235/243.

[2480] TNA, WO 235/243: 19. 1. 1947; UNWCC, British Military Courts, Trial against Sebastian Scherer: DJAG Case-No. VW/16141/22 [URL: https://www.legal-tools.org/doc/44d6dc/ (18. 9. 2025)].

[2481] TNA, WO 235/243: 19. 1. 1947, Trial transcript, p. 1.

[2482] * 26. 11. 1919, Redditch (GBR). Service Number: EX2236, POW number: 6168. TNA, WO 416/355/123 [Catalogue description]. – Furthermore: URL: https://www.ancestry.co.uk/search/collections/62114/?name=Eric+Graham+_Taylor&name_x=_1 (questionnaire Eric Graham Taylor) (18. 9. 2025)

[2483] TNA, WO 235/243: Trial transcript, p. 1–12.

[2484] TNA, WO 235/243: Trial transcript, p. 4.

[2485] * 17. 3. 1908, Fermoy (IRL). Service Number: 18660210, POW number: 7881. TNA, WO 416/245/405 [Catalogue description].

[2486] TNA, WO 235/243: Trial transcript, p. 12–17.

On the second day of the trial, the defendant was called by his defence lawyer. Scherer claimed that he always paid attention to planking when building a canal under his supervision, and that this was carried out by civilian workers, not prisoners of war. He did not recall repeated security complaints from prisoners of war.[2487] As the second defence witness, construction manager Hans Madenach testified that the prisoners of war were subject to a piecework system during their excavation work and therefore could not wait for a trench to be planked out. They wanted to complete their daily quota so that they could return to the camp.[2488]

On the morning of 25 January 1947, Karl Bernhard, who had been in charge of the accident investigation at the St. Marein gendarmerie post in 1944, was questioned.[2489] After closing arguments by Captain Brown and Captain McKenzie, the trial ended with the acquittal of Sebastian Scherer.[2490]

8.3.10 Radmer I – Adolf Schrenk (27–29 May 1947, Völkermarkt)

Prisoners of war at the Radmer work camp (Styria) were mainly employed in ore mining. They were subjected to comparatively harsh working and detention conditions which pushed the men to their physical limits and probably cost some British prisoners their lives.[2491] Apparently, however, the causes or responsibilities for these deaths remained too vague for prosecution, and after the end of the war 'only' investigations into ill-treatment at Radmer in 1941 and 1942 led to war crimes trials. Besides the camp commandant Alfred Petraschek (see chapter 8.3.12), his secretary Adolf Schrenk[2492] (both of Landesschützenbataillon 877) was targeted by the British investigators.

Interviews with former prisoners confirmed that the situation in Radmer was characterised by a problematic, sometimes life-threatening, mixture of poor health due to malnutrition, hard physical labour, harsh climatic conditions, and rough treatment by Schrenk.[2493] John William Axten, a former corporal in the Royal Engineers, recalled in London in January 1947:[2494]

> *Our general health was bad when we arrived at Radmer largely owing to malnutrition.* […] *This, allied to the fact, that the camp itself was very high and the work was very hard, resulted in our daily sick parade being fairly numerous. Schrenk, who had no mercy for us, considered that most of the people were malingering and he himself, despite the fact that he had no medical qualifi-*

[2487] TNA, WO 235/243: Trial transcript, p. 21–33.
[2488] TNA, WO 235/243: Trial transcript, p. 33–39, esp. p. 35.
[2489] TNA, WO 235/243: Trial transcript, p. 40–43.
[2490] TNA, WO 235/243: Trial transcript, p. 44; TNA, WO 235/243: 19. 1. 1947.
[2491] PETSCHNIGG, Front 123f.
[2492] * 11. 1. 1904, Vienna (AUT). StLA, JA Karlau, Bücher, Bd. 59, StB-Nr. 1988.
[2493] See also the memoirs of former POW Don Luckett concerning the deputy commandant of the Radmer camp. "This character made it his business to make our lives as unpleasant as possible." PETSCHNIGG, Front 106.
[2494] TNA, WO 235/461: 9. 1. 1947 (Affidavit John William Axten).

cations, took the sick parade each night. [...] *As long as I was present at these sick parades I do not think Schrenk ever let more than one or two see the German doctor at a time.*

In his affidavit, Axten emphasised the deaths of his comrades Jones, Cleland, and Warren. At least in the first case (Jones), in Axten's opinion, there was a direct connection with Schrenk, because the latter had repeatedly refused to allow the sick Englishman to see a doctor until he finally succumbed to pneumonia.[2495] Indeed, in the early autumn of 1941, three prisoners of war from the Radmer work camp – Vincent Cyril Jones[2496] (Royal Engineers), Donald Hugh Cleland[2497] (Pioneer Corps), and Harlock George Warren[2498] (Royal Engineers) – died of disease within three weeks.

Following these deaths, S/Sgt Arthur Ramsay Bull (2/3 Field Hygiene Section, AIF), a POW with medical training, was transferred from Wolfsberg main camp to Radmer at the beginning of November 1941. During his interrogation in Glenorchy, Tasmania, in November 1946, Bull stated that, on his very first evening in the Radmer camp, he organised a sick call, to which around a third of the prisoners turned up. Even if most of the complaints were of a marginal nature, Bull was struck by the poor constitution of his comrades. *Almost everyone in the camp showed obvious signs of vitamin deficiency*.[2499] Bull had brought around 40 pounds of medical supplies with him from Wolfsberg. Although these goods were locked away by the camp commandant Petraschek on Bull's arrival in Radmer, the paramedic was allowed to access them if necessary. *But when* [Petraschek] *was absent, and Schrenk in charge, I had to almost crawl to obtain any supplies at all.*[2500] Bull gave a number of other examples of how Schrenk obstructed the prisoners' medical care.[2501] In December 1941, Schrenk refused to transfer the prisoner Hearn to the main camp, although it had been categorised as urgent by the doctor. Hearn only returned to Wolfsberg in March 1942, where he died a month later. *His death was certainly hastened, if not brought about, by Schrenk's obstructiveness.*[2502]

[2495] TNA, WO 235/461: 9. 1. 1947 (Affidavit John William Axten).

[2496] * 15. 10. 1916, Hendon (GBR); † 24. 9. 1941, Radmer (AUT). Service Number: 2181878, POW number: 5481. TNA, WO 416/202/172 [Catalogue description]; Gemeindeamt Landl, Sterbebuch Hieflau 1940–1944, Nr. 28/1941 [here first name *Victor*]. – The official causes of death were pneumonia and heart insufficiency. Gemeindeamt Landl, Sterbebuch Hieflau 1940–1944, Nr. 28/1941.

[2497] * 27. 9. 1916, Gillingham (GBR); † 11. 10. 1941, Radmer (AUT). Service Number: 2113060, POW number: 5515. TNA, WO 416/69/116 [Catalogue description]; Gemeindeamt Landl, Sterbebuch Hieflau 1940–1944, Nr. 33/1941 [here first name *Hugh Donald*]. – The official causes of death were heart insufficiency and septic angina. Gemeindeamt Landl, Sterbebuch Hieflau 1940–1944, Nr. 33/1941.

[2498] * 3. 9. 1915, Burwell (GBR); † 13. 10. 1941, Eisenerz (AUT). Service Number: 2020776, POW number: 5611. TNA, WO 416/380/247 [Catalogue description]; Stadtgemeindeamt Eisenerz, Sterbebuch Eisenerz 1942, Nr. 5/1942. – The official cause of death was pneumonia. Stadtgemeindeamt Eisenerz, Sterbebuch Eisenerz 1942, Nr. 5/1942.

[2499] TNA, WO 235/461: 30. 11. 1946, fol. 2 (Affidavit Arthur Ramsay Bull).

[2500] TNA, WO 235/461: 30. 11. 1946, fol. 3 (Affidavit Arthur Ramsay Bull).

[2501] For example, he regularly cancelled or ignored the recommendations of the German doctor who came to the camp every week. TNA, WO 235/461: 30. 11. 1946, fol. 3 (Affidavit Arthur Ramsay Bull).

[2502] TNA, WO 235/461: 30. 11. 1946, fol. 4 (Affidavit Arthur Ramsay Bull).

Adolf Schrenk was arrested on 6 August 1946[2503] and held in the Wolfsberg camp (373 POW Camp) from 17 August 1946, where he was interrogated by Capt Hillman three months later. At this time, Hillman was particularly interested in the attempted escape of two Englishmen from Radmer in February 1942 (see chapter 8.3.12).[2504] Before Schrenk commented on this in detail, he described the condition of the British POWs who had been transferred to the Radmer camp in July 1941. He also did not forget to denounce his superior Alfred Petraschek:[2505]

> *The physical condition of the prisoners was extremely poor. Almost all of the British were quite run-down due to hunger and were therefore unable to do the hard labour. However, the factory management at Radmer insisted on carrying out the previous workload. The treatment of the prisoners of war was good, although Petraschek had a quick-tempered nature that often enraged him even on minor occasions.*

From 27 May 1947, Adolf Schrenk stood before a Royal Warrant Court in Völkermarkt, which Lt Gen James Steele had summoned with the following composition: Lt Col D.F. Yate-Lee (Bedfordshire and Hertfordshire Regiment), Maj D.F. Bylett (Royal Army Service Corps), Capt P.L. Crowley (Royal Army Service Corps), Capt J.D. Lofting MC (Royal Ulster Rifles) and Lt P.N. Williams (Royal Hampshire Regiment).[2506] The charge was brought by Maj H.J.E. Marr[2507] (JAG) and read as follows: […] *Committing a War Crime in that he at Radmer Working Camp, attached Stalag XVIIIA, Wolfsberg, Austria, between the years 1941 and 1942, in violation of the laws and usages of war, was concerned in the ill-treatment of British Prisoners of War.*[2508] Schrenk's defence was in the hands of Capt R.H.F. Stanton (2nd Somerset Light Infantry).[2509]

Maj Marr was able to call Rfn Kenneth Eaton Davis, Tpr Wilfred John Sillence[2510], and Sgt Lambert Fletcher[2511], three former prisoners of war. In addition, he submitted the

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[2503] TNA, WO 235/461: 10. 6. 1947.
[2504] TNA, WO 235/461: 19. 2. 1947 (Affidavit Leo Hillman).
[2505] TNA, WO 235/461: 13./15. 11. 1946, fol. 2 (Statement Adolf Schrenk). Translated into English, German text in the original source as follows: *Der körperliche Zustand der Gefangenen war denkbar schlecht. Fast alle Briten waren durch Hunger ziemlich heruntergekommen und konnten daher die schwere Arbeit nicht leisten. Die Werksdirektion von Radmer bestand jedoch auf die* [!] *Durchführung des bisher bestandenen Pensums. Die Behandlung der Kriegsgefangenen war gut, wenngleich Petraschek eine aufbrausende Art besaß, die ihn oft schon bei geringfügigen Anlässen in Wut versetzte.*
[2506] TNA, WO 235/461: 21. 5. 1947. – In preparation for the hearing, the JAG office in the person of Col. R.C. Halse had stated that the presence of a Judge Advocate was not considered necessary. A Legal Member would also be dispensable if the trial is presided over by a *permanent president*. TNA, WO 235/461: No. 6. Cf. HASSEL, Kriegsverbrechen 134f. – This requirement was fulfilled by the appointment of Lt Col D.F. Yate-Lee as presiding judge.
[2507] Reading of the surname not clear. TNA, WO 235/461: Trial transcript, p. 1.
[2508] TNA, WO 235/461: 2. 5. 1947, *Charge Sheet*.
[2509] TNA, WO 235/461: Trial transcript, p. 1.
[2510] * 12. 4. 1906, Bramshaw (GBR). Service Number: 7877493, POW number: 2762. TNA, WO 416/328/579 [Catalogue description].
[2511] * 4. 11. 1902, Aigburth (GBR). Service Number: 902389, POW number: 5190. TNA, WO 416/123/125 [Catalogue description].

above-mentioned affidavits (Axten, Bull) and statements (Schrenk) to the court. Davis reported that the prisoners in Radmer, including himself, were frequently beaten by the guards. *Guards struck with fists, open hands, rifles* [and] *pistols.*[2512] Schrenk was usually present and did nothing about it, on the contrary.[2513] *He personally hit most of us for making complaints.*[2514] Davis, and later Sillence, also spoke of their joint escape attempt in February 1942 (see chapter 8.3.12), which ended with both of them being severely maltreated by the guards and also by Schrenk.[2515] Finally, Sillence accused Schrenk of withholding parcels from the Red Cross.[2516]

L. Fletcher also stated that prisoners were beaten by Adolf Schrenk and other guards. The witness likewise recalled the fate of his comrades V.C. Jones and D.H. Cleland. Despite falling ill, the two prisoners of war had been sent to work by Schrenk and only given access to medical care when it was already too late.[2517]

Capt Stanton called Adolf Schrenk as his first witness. The accused denied that he had ever beaten or mistreated a POW, as well as all the other accusations levelled against him; in particular, those concerning the handling of sick prisoners.[2518] The former community doctors of Radmer, who were also responsible for the treatment of sick prisoners of war, were then interviewed. Dr Ottowitz (Oct. 1939 to Oct. 1941) spoke about the death of a tall, well-built British man. According to his recollection, he had tonsillitis but then died due to heart problems.[2519] Unlike his predecessor, Dr Gallowitz (from Oct. 1941) came to the POW camp at least once a week to visit the sick. He could not remember that his recommendations for the transfer of patients to Wolfsberg had been disregarded or that anyone had looked as if he had been beaten. There was also no patient named Hearn in his records.[2520] Alfred Petraschek gave evidence on the correct procedures for dealing with sick prisoners. With the exception of Davis and Sillence, no British prisoners were beaten during his time as commandant.[2521] Finally, the defence called Theodor Ellend, who was responsible for the POW camps in the Leoben area in 1941/42. However, he was unable to recall any details about the Radmer camp.[2522]

The trial in Völkermarkt ended on 29 May 1947 with a guilty verdict for Adolf Schrenk. The sentence was eight years in prison.[2523] On the same day, the statement from the DJAG office was submitted to BTA headquarters: *In my opinion, the proceedings*

[2512] TNA, WO 235/461: Trial transcript, p. 2. – John William Axten, on the other hand, had portrayed the guards in Radmer as relatively correct – apart from Adolf Schrenk. *Apart from the medical aspect there was very little ill-treatment at Radmer Camp. Schrenk was the only one of the guards whom I personally saw assaulting people.* TNA, WO 235/461: 9. 1. 1947 (Affidavit John William Axten).
[2513] TNA, WO 235/461: Trial transcript, p. 2.
[2514] TNA, WO 235/461: Trial transcript, p. 4.
[2515] TNA, WO 235/461: Trial transcript, p. 3, 4f.
[2516] TNA, WO 235/461: Trial transcript, p. 5.
[2517] TNA, WO 235/461: Trial transcript, p. 6f.
[2518] TNA, WO 235/461: Trial transcript, p. 11–15.
[2519] TNA, WO 235/461: Trial transcript, p. 16. – Dr Ottowitz was referring to D.H. Cleland, who had died in Radmer on 11 October 1941. Gemeindeamt Landl, Sterbebuch Hieflau 1940–1944, Nr. 33/1941.
[2520] TNA, WO 235/461: Trial transcript, p. 17.
[2521] TNA, WO 235/461: Trial transcript, p. 18f.
[2522] TNA, WO 235/461: Trial transcript, p. 20f.
[2523] TNA, WO 235/461: 30. 6. 1947 (Confirmation of the verdict by Lt Gen Steele).

are legally in order and the finding and sentence of the court may properly be confirmed.[2524] As usual, Lt Gen Steele followed this recommendation by confirming the sentence as of 30 June 1947.[2525] Prior to this, Adolf Schrenk, his wife Maria, and his mother Berta had submitted petitions,[2526] which DJAG in turn commented on to the C-in-C. They saw no reason to change the court's guilty verdict. However, any reduction in the sentence would be entirely at Steele's discretion.[2527] In fact, the prison sentence was later reduced to five years. Adolf Schrenk was sent to Karlau Prison in Graz on 14 August 1947 and was paroled on 29 September 1950.[2528]

8.3.11 Veitsch – Karl Benesch (3–4 June 1947, Völkermarkt)

In July 1942, a penal camp (AK 980/GW) was set up at the so-called quarry of the Veitsch magnesite works (Styria) for an initial 63 British prisoners of war who had already attempted to escape.[2529] Here, on 9 October 1942, the Englishman Gnr George Boardman[2530] (Royal Artillery) was shot by the camp commandant Karl Benesch.[2531] Previously, the prisoners had gone on strike over the punishment of the Australian James Shaw, which they felt was unjust, and demanded to speak to an officer.[2532] When they refused to leave their barracks on the morning of 9 October 1942, the incriminated incident occurred. According to witnesses, Benesch[2533] fired two shots from a pistol. Boardman was hit once and shot through both buttocks. To avoid further casualties in their ranks, the prisoners then ended their strike.[2534] A short time later, Boardman was transferred to the main camp in Wolfsberg. His injury healed rather quickly.[2535]

According to his own statement, after the end of the war, Karl Benesch was in US-captivity until January 1946.[2536] On 30 August 1946, he was interrogated by the British

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[2524] TNA, WO 235/461: 29. 5. 1947 [Signature illegible].
[2525] TNA, WO 235/461: 30. 6. 1947.
[2526] TNA, WO 235/461: 8. 6. 1947, 8. 6. 1947, 10. 6. 1947.
[2527] TNA, WO 235/461: 21. 7. 1947.
[2528] StLA, JA Karlau, Bücher, Bd. 59, StB-Nr. 1988.
[2529] StLA, Gendarmeriechronik, Bez. Bruck-Mürzzuschlag, GP Veitsch, Bd. 1, p. 150; PICKL, Veitsch 106; PETSCHNIGG, Front 109, note 383. – See also: TNA, WO 235/359: Trial transcript, p. 5. – On the evening of 13 September 1942, 24 prisoners of war were able to escape from the Veitsch camp. However, they were soon caught by patrols of the Gendarmerie and Landwacht. StLA, Gendarmeriechronik, Bez. Bruck-Mürzzuschlag, GP Veitsch, Bd. 1, p. 151f., 153; PICKL, Veitsch 106.
[2530] * 10. 11. 1914, Market Rasen (GBR). Service Number: 1569128, POW number: 481. TNA, WO 416/33/415 [Catalogue description]. – Furthermore: URL: https://www.ancestry.co.uk/search/collections/62114/?name=George+ Boardman&name x= 1 (questionnaire George Boardman) (18. 9. 2025).
[2531] StLA, Gendarmeriechronik, Bez. Bruck-Mürzzuschlag, GP Veitsch, Bd. 1, p. 152.
[2532] TNA, WO 235/359: 11. 1. 1946 (Statement Frank Powell Chitty), fol. 7, 5. 2. 1946 (Statement John Edmund Fearon), Trial transcript, p. 2f.; PETSCHNIGG, Front 109f.
[2533] * 24. 1. 1898, Vienna (AUT). TNA, WO 235/359: 30. 8. 1946 (Statement Karl Benesch), fol. 16; StLA, JA Karlau, Bücher, Bd. 59, StB-Nr. 1932.
[2534] TNA, WO 235/359: 5. 2. 1946 (Statement John Edmund Fearon). – Furthermore: TNA, WO 235/359: 11. 1. 1946 (Statement Frank Powell Chitty), fol. 7.
[2535] TNA, WO 235/359: 11. 1. 1946 (Statement Frank Powell Chitty), fol. 7v. – Furthermore: TNA, WO 235/359: 5. 2. 1946 (Statement John Edmund Fearon).
[2536] TNA, WO 235/359: 10. 6. 1947 (Gnadengesuch Karl Benesch).

War Crimes Investigator Capt Louis Raymond Botto at the Russian headquarters in the Favoriten district of Vienna (X, Inzersdorfer Straße 10).[2537] Benesch described the scene in the barracks as an accident: *To intimidate the prisoners, I drew my service pistol. In the melee, the prisoners had become very rowdy and uncooperative, and I accidentally fired my pistol. The shots, there were two of them, hit a prisoner in the pelvis.*[2538] The investigators also questioned two New Zealanders who had been imprisoned at the Veitsch camp, POW spokesman Frank Powell Chitty from Auckland,[2539] and John Edmund Fearon from New Plymouth[2540]. The Veitsch company doctor, Dr Rudolf Stvarnik[2541], was also interrogated.

Benesch was eventually handed over to the British occupying forces and held in the custody of the 2nd Somerset Light Infantry Battalion[2542] before being brought before a Royal Warrant Court in Völkermarkt on 3 and 4 June 1947. According to the charge sheet, he had committed a war crime by wounding George Boardman.[2543]

The court was presided over by Lt Col D.F. Yate-Lee (Bedfordshire and Hertfordshire Regiment). His assessors were Maj F.J. Cooke Hurle (Somerset Light Infantry), Capt F.H. Kingsley Smith MC (Inniskillings Fusiliers), and 2/Lt B.J. Feely (Royal Ulster Rifles).[2544] Capt H Rowlands (Royal Signals) was also due to act as an assessor but was not present at the hearing.[2545] Maj H.J.E. Marr[2546] (JAG) was the prosecutor, while Capt R.F. Tomlinson was responsible for the defence.[2547]

The prosecution called George Boardman, who testified that Benesch first gave the prisoners two minutes to get to work, to the stand. After the time limit had elapsed, he came into the barracks with a pistol in his hand, tried unsuccessfully to push him out – he was the last in line – and then fired two shots. Whether it was targeted or not remained unclear. *I don't know if he aimed. I didn't see him fire.*[2548] Vernon Robert Shuttleworth, who had carried out the initial treatment, and the eyewitnesses Kenneth Eaton Davis and Wilfred John Sillence were questioned afterwards.[2549]

[2537] TNA, WO 235/359: 17. 4. 1947 (Affidavit Louis Raymond Botto), fol. 14.
[2538] TNA, WO 235/359: 30. 8. 1946 (Statement Karl Benesch), fol. 16. Translated into English, German text in the original source as follows: *Um die Gefangenen einzuschüchtern, zog ich meine Dienstpistole. In dem Gedränge, die Gefangenen waren sehr laut und unwillig, ist mir die Pistole ganz unabsichtlich losgegangen. Die Schüsse, es waren 2, trafen einen Gefangenen im Becken.*
[2539] TNA, WO 235/359: 11. 1. 1946 (Statement Frank Powell Chitty), fol. 7f.
[2540] TNA, WO 235/359: 5. 2. 1946 (Statement John Edmund Fearon).
[2541] TNA, WO 235/359: 3. 9. 1946 (Statement Rudolf Stvarnik), fol. 11f.
[2542] TNA, WO 235/359: 10. 5. 1947, *Charge Sheet*.
[2543] TNA, WO 235/359: 10. 5. 1947, *Charge Sheet*.
[2544] TNA, WO 235/359: 3. 6. 1947. – In preparation for the hearing, the JAG's London office had stated that the presence of a judge advocate was not considered necessary. A Legal Member would also be dispensable if the proceedings are conducted by a *permanent president*. TNA, WO 235/359: 15. 3. 1947, No. 7. Cf. HASSEL, Kriegsverbrechen 134f. – This requirement was fulfilled by the appointment of Lt Col D.F. Yate-Lee as presiding judge.
[2545] TNA, WO 235/359: Trial transcript, p. 1.
[2546] Reading of the surname not clear. TNA, WO 235/359: Trial transcript, p. 1.
[2547] TNA, WO 235/359: Trial transcript, p. 1.
[2548] TNA, WO 235/359: Trial transcript, p. 3.
[2549] TNA, WO 235/359: Trial transcript, p. 4–8.

Only Karl Benesch was called by the defence. He spoke of a scuffle with Boardman, whom he wanted to push towards the door. The pistol had gone off unintentionally.[2550]

The trial ended with a guilty verdict. The defendant was sentenced to two years behind bars. After DJAG had given the go-ahead,[2551] Lt Gen Steele confirmed the verdict on 30 June 1947.[2552] Karl Benesch was then transferred from Wolfsberg (373 POW Camp) to the Graz-Karlau Prison on 12 July 1947. He was released on 4 December 1948.[2553]

8.3.12 Radmer II – Alfred Petraschek (9 June 1947, Völkermarkt)

The difficult situation of the prisoners of war in the Radmer work camp has already been mentioned (chapter 8.3.10). At the relevant trial, the unsuccessful escape attempt by the British Rfn Kenneth Eton Davis (King's Royal Rifle Corps), and Tpr Wilfred John Sillence[2554] (Royal Armoured Corps) in February 1942 was mentioned several times. This was the initial focus of the British war crimes investigators. Their enquiries resulted in an indictment against Alfred Petraschek[2555], the commandant in Radmer, for mistreatment of prisoners of war. On 9 June 1947, he stood before a Royal Warrant Court in Völkermarkt, which Lt Gen Steele had convened.[2556]

Maj J.L. Iremonger (Royal Lincolnshire Regiment) was appointed president. The assessors were still unknown at the time of the convocation, as the Commander-in-Chief had only specified the desired military ranks and the army units which were to nominate them.[2557] In the end, Capt N.F.G. Bird (Royal Army Service Corps), Capt K.S. Newell (Royal Signals) and Lt A. Blane (Argyll and Sutherland Highlanders) were appointed. The prosecution was brought by Capt J.C. Sleator (JAG). The defence counsel was Capt A. Bentley (Royal Army Service Corps). His client pleaded not guilty.[2558]

K.E. Davis was the first witness to give a detailed description of the course of his failed escape to the court. Davis had arrived at the Radmer camp at the end of January 1942, where he met W.J. Sillence. Together, the two Englishmen developed an escape plan, which they put into action at the end of February 1942. They were able to slip away unnoticed on the way to their workplace in the morning. Their first destination was Hieflau, from where they wanted to try to escape by train to Switzerland. They actu-

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[2550] TNA, WO 235/359: Trial transcript, p. 9–14.
[2551] TNA, WO 235/359: 6. 6. 1947.
[2552] TNA, WO 235/359: 30. 6. 1947; PETSCHNIGG, Front 110.
[2553] StLA, JA Karlau, Bücher, Bd. 59, StB-Nr. 1932.
[2554] * 12. 4. 1906, Bramshaw (GBR). Service Number: 7877493, POW number: 2762. TNA, WO 416/328/579 [Catalogue description].
[2555] * 21. 6. 1899, Pottendorf (AUT); † 15. 4. 1973, Vienna (AUT). DAW, Pfarre Pottendorf, Taufbuch 1890–1902, fol. 263, Nr. 64 [URL: https://data.matricula-online.eu/de/oesterreich/wien/pottendorf/01-11/?pg=270 (18. 9. 2025)]; StLA, JA Karlau, Bücher, Bd. 59, StB-Nr. 1933.
[2556] TNA, WO 235/360: 5. 6. 1947, 9. 6. 1947 (p. 1).
[2557] TNA, WO 235/360: 5. 6. 1947, 9. 6. 1947 (p. 1). – It is not clear from the convening form for the Radmer II trial that a Judge Advocate or a Legal Member took part. In principle, since the Third Amendment to the Royal Warrant (28 February 1946), the convening officer has had the option of appointing neither a Judge Advocate nor a Legal Member. HASSEL, Kriegsverbrechen 134f.
[2558] TNA, WO 235/360: Trial transcript, p. 1.

ally managed to board a train at around midnight but were apprehended by the railway police and handed over to the Hieflau gendarmerie, who informed the work camp in Radmer. They were then picked up by two guards to be taken back to the camp. A little later, they were met by Alfred Petraschek and two or three other guards. According to Davis, the soldiers and especially Petraschek repeatedly beat him up with a pistol and with their bare fists. On his return to the camp, Davis was bleeding from the face and half unconscious. He was locked in a cell with Sillence for around three weeks.[2559]

W.J. Sillence also spoke about the verbal abuse and severe beatings he suffered at the hands of Petraschek and other guards.[2560] *There was one continued assault all the way back.*[2561] And further: *I was bleeding from the mouth and nose, which was practically a mass of pulp.*[2562] The prosecutor then read out the statement of the New Zealander Frank Powell Chitty, who testified to the mistreatment of the escaped Englishmen by the guards on their arrival at the camp prison. *The two men were struck literally dozens of times.*[2563]

In the afternoon, Alfred Petraschek was called as the only witness for the defence. He recanted his earlier statement that he had only seen Davis and Sillence the morning after their escape, when they were brought back to the camp.[2564] He now admitted that he had marched out himself the night before, but insisted that he had neither insulted nor beaten the prisoners.[2565]

Following the closing arguments, a guilty verdict was handed down. The sentence was five years in prison.[2566] On the recommendation of the DJAG office at BTA headquarters,[2567] Lt Gen Steele confirmed the court decision.[2568] Alfred Petraschek was sent to Graz-Karlau Prison on 12 July 1947 and released on 9 October 1950 after serving two thirds of his sentence.[2569]

8.3.13 Šentilj – Leopold Bruckner (20 August 1947, Völkermarkt)

At the next war crimes trial in Völkermarkt on 20 August 1947, Leopold Bruckner[2570] sat in the dock. The former commander of the work camp AK 45/L in Šentilj (SLO), a member of Landesschützenbataillon 891, was charged with the murder of Pte William Alfred

[2559] TNA, WO 235/360: Trial transcript, p. 2–10.
[2560] TNA, WO 235/360: Trial transcript, p. 13–20.
[2561] TNA, WO 235/360: Trial transcript, p. 17.
[2562] TNA, WO 235/360: Trial transcript, p. 18f.
[2563] Cf. TNA, WO 235/360: 11. 1. 1946 (Statement Frank Powell Chitty).
[2564] Cf. TNA, WO 235/360: 6. 6. 1947 (Statement Alfred Petraschek).
[2565] TNA, WO 235/360: Trial transcript, p. 23–28.
[2566] TNA, WO 235/360: Trial transcript, p. 35, 37.
[2567] TNA, WO 235/360: 21. 6. 1947.
[2568] TNA, WO 235/360: 30. 6. 1947 (Confirmation of the verdict by Lt Gen Steele).
[2569] StLA, JA Karlau, Bücher, Bd. 59, StB-Nr. 1933.
[2570] * 11. 1. 1902, Vienna (AUT); † 13. 4. 1967, Vienna. DAW, 16., Neuottakring, Taufbuch 1902, fol. 16, Reihe-Zahl 46 [URL: https://data.matricula-online.eu/de/oesterreich/wien/16-neuottakring/01-07/?pg=26 (18. 9. 2025)]; StLA, JA Karlau, Bücher, Bd. 67, StB-Nr. 2390; LG Leoben, 15 Vr 1199/97 (formerly: 15 Vr 892/90), Martin Eisinger, Bd. I, fol. 121.

Griffin[2571] (21st Bn., 2 NZEF) (Fig. 21), and Pte Eric Lynn Black[2572] (Australian Army Service Corps), as well as the mistreatment of Pte Ernest James MacDonald[2573] (6th Div., AIF) in February and April 1944 respectively.[2574]

The British authorities began their investigations into work camp 45/L in the spring of 1944. Griffin's death had been brought to their attention by the Swiss government.[2575] It was presumably from this source that they received the relevant investigation report by Oberstleutnant von Reckow, commander of the main camp XVIII A (Wolfsberg), in which Leopold Bruckner's shooting was portrayed as self-defence. According to the report, Griffin was drunk on 15 February 1944 and wanted to attack Bruckner with a knife in the POW quarters.[2576] The British were informed about the Black and MacDonald case (8 April 1944) by an extensive report that had been leaked to them by the Swiss legation in Berlin.[2577] In addition, the testimony of the only surviving victim, Pte MacDonald, had been available since the summer of 1944.[2578]

According to British investigations, W.A. Griffin wanted to clean his shoes with a knife in the POW camp on 15 February 1944 after the work assignment when he was told by Bruckner to go into the barracks. Because the New Zealander did not respond, he was shot. Three days later, Griffin was buried at Šentilj's cemetery.[2579] On 8 April 1944, E.L. Black and E.J. MacDonald were walking back from work when they slipped into a creek bed just before the POW quarters. Bruckner, who was drunk, was amused, put a bayonet on his rifle and thrust it several times at the men, who pushed it away each time. When MacDonald finally grabbed the rifle so that it fell to the ground, Bruckner flew into a rage. He took a few steps back and drew his pistol, shooting Black in the head first. Bruckner then ordered a security guard to shoot MacDonald while he himself fired another shot at Black with a rifle.[2580] The Australian was buried at the local cemetery.[2581]

[2571] * 27. 10. 1915, Ramsgate (AUS?); † 15. 2. 1944, Šentilj (SLO). Service Number: 23035, POW number: 3643. TNA, WO 416/152/82 [Catalogue description]. – Cf. URL: https://www.aucklandmuseum.com/war-memorial/online-cenotaph/record/C25052 (18. 9. 2025).

[2572] * 10. 9. 1919, Sydney (AUS); † 8. 4. 1944, Šentilj (SLO). Service Number: NX2593, POW number: 220. TNA, WO 416/31/258 [Catalogue description].

[2573] * 16. 7. 1918, Glen Innes (AUS). Service Number: NX4164, POW number: 5652. TNA, WO 416/234/67 [Catalogue description].

[2574] Cf. TNA, WO 311/262: 5. 12. 1945, (b), *Serial No. 9*.

[2575] TNA, TS 26/283: 30. 3. 1944.

[2576] TNA, TS 26/283: 3. 3. 1944. – Such an 'interpretation' was not surprising, as the German side usually presented comparable deaths among POWs as the fault of the person killed.

[2577] TNA, TS 26/283: 19. 4. 1944/24. 2. 1945.

[2578] E.J. MacDonald was shot by a guard soldier in Šentilj and then taken to hospital in Maribor. He later managed to escape from there to Italy and return to his Australian homeland. TNA, TS 26/283: 16. 8. 1944.

[2579] TNA, TS 26/283: 3. 3. 1944, 16. 8. 1944. – W.A. Griffin's remains were transferred to the Commonwealth War Cemetery in Belgrade after the end of the war (grave 5.C.2.). URL: https://www.cwgc.org/find-records/find-war-dead/casualty-details/2224177/william-alfred-griffin/ (18. 9. 2025).

[2580] TNA, WO 311/262: 5. 12. 1945, (b), *Serial No. 9*; TNA, TS 26/283: 15. 6. 1945 (Affidavit Albert Allan Leysham), 16. 8. 1944 (Bericht Ernest James Macdonald).

[2581] After the end of the war, E.L. Black's body was exhumed and transferred to the Commonwealth War Cemetery in Belgrade (grave 5.C.1.). – His date of death is given as 15 April 1944 on the websites of the Commonwealth War Graves Commission and the Australian War Memorial. URL: https://www.cwgc.org/find-records/find-war-dead/casualty-details/2224031/eric-lynn-black/ (18. 9. 2025); URL: https://www.awm.gov.au/collection/R1682837 (18. 9. 2025).

Figure 21: William Alfred Griffin (Naturhistorisches Museum Wien)

Figure 22: Arthur Percy Plowman (Naturhistorisches Museum Wien)

Leopold Bruckner was imprisoned from 21 December 1946.[2582] The war crimes indictment was followed by the RWC trial in Völkermarkt. However, as the most important relevant file in London-Kew has not been preserved,[2583] there is a lack of information about the composition of the court, the evidence, the witnesses called and the course of the trial. However, at least the outcome of the trial is known: Leopold Bruckner was found guilty on the first day of the trial, 20 August 1947, and sentenced to 20 years in prison. Eight days later, he was transferred to Graz-Karlau Prison.[2584] On 31 July 1955, following the coming into force of the Austrian State Treaty,[2585] he was released after the public prosecutor's office in Graz refrained from further prosecution.[2586]

After the release of Johann Fritz (chapter 8.3.5) and Sigbert Ramsauer (chapter 8.3.16) in February and April 1954 respectively, Leopold Bruckner remained the last war criminal convicted by a British military court in Austria who was still in prison.[2587]

8.3.14 Krusdorf – Max Paustian (26 August 1947, Völkermarkt)

In April 1945, the Gleichenberg Valley became a frontline area and was the scene of, frequently fierce, fighting between German and Russian troops. Not far from the frontline, the British POWs Mne Ernest John Beckham[2588] (Royal Marines) and Pte Charles William

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[2582] StLA, JA Karlau, Bücher, Bd. 67, StB-Nr. 2390; StLA, JA Karlau, Gefangenenakten, Gef 180-1946, Pfisterer Josef: 9. 6. 1952, fol. 35.
[2583] According to the TNA catalogue, the stock "WO 235/462" is missing at transfer. URL: https://discovery.nationalarchives.gov.uk/details/r/C4407863 (18. 9. 2025).
[2584] StLA, JA Karlau, Bücher, Bd. 61, Post-Nr. 910[/1947]; StLA, JA Karlau, Bücher, Bd. 67, StB-Nr. 2390.
[2585] StLA, JA Karlau, Bücher, Bd. 67, StB-Nr. 2390.
[2586] StLA, JA Karlau, Gefangenenakten, Gef 189-1951, Vala Rudolf: 30. 7. 1955, fol. 92.
[2587] StLA, JA Karlau, Bücher, Bd. 59, StB-Nr. 1924; RETTL/PIRKER, Ramsauer 277, 284. – See also: StLA, JA Karlau, Gefangenenakten, Gef 180-1946, Pfisterer Josef: 29. 7. 1952, fol. 37–39.
[2588] * 13. 3. 1900, Meopham (GBR); † April 1945 or 6. 5. 1945, Krusdorf (today, mun. Straden, AUT). Service Number: CH/20975, POW number: 6320. TNA, WO 416/24/368 [Catalogue description].

Burns[2589] (Royal Army Veterinary Corps) were assigned to a work detachment (presumably AK 246/L[2590]). In the midst of the life-threatening and chaotic situation, the two Englishmen attempted to escape, but fell into the hands of SS-Untersturmführer Josef Hoffmann in Muggendorf (today, mun. Straden). They were taken to the command post of the II Battalion, Panzergrenadier Regiment 35, 16th SS Panzergrenadier Division,[2591] which was located around two kilometres outside Krusdorf (today, mun. Straden). Here, Beckham and Burns are said to have been handed over to the commanding officer, Hauptsturmführer Max Paustian,[2592] and then shot at the edge of the forest.[2593] This crime scenario crystallised during the fact-finding carried out by the British investigators who interviewed several Austrian witnesses as well as former POWs after the end of the war.[2594] The bodies of Beckham and Burns were initially buried on the spot, but were exhumed in mid-May 1945 and buried next to the Krusdorf chapel.[2595]

After this case had been registered as an alleged war crime, the JAG office in London recommended that charges be brought against the former SS members Prück, Wiedemann, and Duitsberger, as well as Max Paustian.[2596] But only the latter could be traced by the British. On 22 July 1946, Paustian made a statement under oath in the Sandbostel internment camp in Germany. According to this, he was deployed as a battalion commander in SS Panzergrenadier Regiment 35 at the beginning of April 1945. His unit arrived in the Krusdorf area around 10 April and remained there for about three weeks. As commander, he was responsible for everything concerning his battalion. However, he could not remember the shooting of two Englishmen by his soldiers. Paustian said that no prisoners were ever brought to the command post.[2597]

[2589] * 2. 12. 1913, Middlesbrough (GBR); † April 1945 or 6. 5. 1945, Krusdorf (today, mun. Straden, AUT). Service Number: 553224, POW number: 7879. TNA, WO 416/51/247 [Catalogue description].

[2590] Cf. PETSCHNIGG, Front 275.

[2591] Members of the 16th SS Panzergrenadier Division "Reichsführer SS" had committed numerous war crimes against civilians in northern and central Italy between July and December 1944, including the mass shootings at Marzabotto (29 September to 1 October 1944). See also: GENTILE, Wehrmacht und Waffen-SS 201–304, 407. – The II Battalion of the Panzergrenadier Regiment 35 was the main perpetrator of the massacre in Sant'Anna di Stazzema (12 August 1944) with at least 389 victims. GENTILE, Wehrmacht und Waffen-SS 215–227, 260f., 296; PEZZINO, Memory and Massacre 19.

[2592] * 24. 5. 1915, Hamburg (DEU). TNA, WO 235/397: 22. 7. 1946 (Statement Max Paustian).

[2593] The British case files date the shooting of POWs E.J. Beckham and C.W. Burns *in or about April 1945*. Their gravestones in Klagenfurt give the date of death as 6 May 1945.

[2594] TNA, WO 235/397: 8. 2. 1946 (Statement Anna Raaber), 8. 4. 1946 (Statement Alois Gruber), 11. 3. 1947 (Statement Franz Weidinger); TNA, WO 235/397: 21. 2. 1946 (Affidavit Andrew Harrower), 11. 3. 1946 (Affidavit William Edward Baron).

[2595] TNA, WO 235/397: 21. 2. 1946 (Affidavit Andrew Harrower), 11. 3. 1946 (Affidavit William Edward Baron); TNA, WO 235/397: Trial transcript, p. 2; FELDNER-ZIMMERMANN, Bezirke (2005), 50. – E.J. Beckham and C.W. Burns were later reburied to the Commonwealth War Cemetery at Klagenfurt (graves 6.D.7-8.). URL: https://www.cwgc.org/find-records/find-war-dead/casualty-details/2805230/ernest-john-beckham/ (18. 9. 2025); URL: https://www.cwgc.org/find-records/find-war-dead/casualty-details/2805268/charles-william-burns/ (18. 9. 2025); URL: http://www.stalag18a.org/headstones/Beckham.JPG (18. 9. 2025); URL: http://www.stalag18a.org/headstones/BurnsCW.JPG (18. 9. 2025).

[2596] TNA, WO 235/397: 14. 2. 1947. – See also: FELDNER-ZIMMERMANN, Bezirke (2001), 94; FELDNER-ZIMMERMANN, Bezirke (2005), 50.

[2597] TNA, WO 235/397: 22. 7. 1946 (Statement Max Paustian). – Furthermore: FELDNER-ZIMMERMANN, Bezirke (2001), 94; FELDNER-ZIMMERMANN, Bezirke (2005), 50f.

Max Paustian finally had to face a Royal Warrant Court appointed by Lt Gen Steele to answer charges of war crimes for his involvement in the killing of POWs Beckham and Burns.[2598] This trial took place on 26 August 1947 in Völkermarkt under the presidency of Lt Col D.F. Yate-Lee (Bedfordshire and Hertfordshire Regiment). Maj J. Howard-Appleton (Royal Engineers), Capt A. Place (Royal Army Service Corps), and Lt S.J. Holland (West Yorkshire Regiment) acted as assessors. Maj W.H. Goudie MC (Somerset Light Infantry) was present as a Legal Member.[2599] Capt R.D.B. Davies (JAG) led the prosecution, while Lt Penny (2nd Somerset Light Infantry) took over Paustian's defence.[2600]

As the first witness for the prosecution, Josef Hoffmann testified that after the two Englishmen had been captured, he was instructed by field telephone to have them brought to the battalion headquarters. He thought he remembered that this order came from Paustian himself, who had given his name. Under cross-examination, he was no longer so sure about this because the conversation had been disturbed by the noise of the battle.[2601] Another member of the II Battalion, Panzergrenadier Regiment 35, Erwin Zühlke, a former SS-Unterführer, subsequently testified. His subordinate Prück had told him that he had killed two British prisoners of war together with Wiedemann. However, Zühlke did not know who had given the order to shoot. Later, Zühlke himself saw the graves of the executed men, which were about two hundred metres away from the battalion headquarters as the crow flies.[2602] Finally, Capt Davies submitted seven statements or affidavits from the investigation files.[2603]

Lt Penny did not present any evidence for the defence. Instead, he requested an acquittal for Max Paustian due to the lack of validity of the charges. This variant (*no case to answer*) was thus used for the first time in a British war crimes trial in Austria (see Chapter 8.3.18). And it was 'successful': the court questioned Josef Hoffmann again, who could not, or would not, say with certainty whether he had spoken to Paustian on the field telephone. And so, the trial came to an end: *The accused is informed in open Court of the finding of NOT GUILTY* […].[2604]

8.3.15 Trieben – Rudolf Klvacek (28 August 1947, Völkermarkt)

The agricultural work detachment (AK 253/L) in Trieben (Styria) comprised around 30 Allied prisoners of war, most of them English, in 1945. A fenced-in barrack served as their quarters. In February 1945, six prisoners made an – ultimately unsuccessful – escape attempt. When their disappearance was discovered on the next morning, the com-

[2598] TNA, WO 235/397: 20. 8. 1947.
[2599] TNA, WO 235/397: 20. 8. 1947.
[2600] TNA, WO 235/397: Trial transcript, p. 1.
[2601] TNA, WO 235/397: Trial transcript, p. 3f.
[2602] TNA, WO 235/397: Trial transcript, p. 5.
[2603] TNA, WO 235/397: Trial transcript, p. 7f.
[2604] TNA, WO 235/397: Trial transcript, p. 8. – Capital letters as in the original. – See also: TNA, WO 235/397: 26. 8. 1947; FELDNER-ZIMMERMANN, Bezirke (2001), 94; FELDNER-ZIMMERMANN, Bezirke (2005), 51.

mandant Rudolf Klvacek[2605] ordered all the guards to go into the prisoners' quarters, with bayonets fixed to make the POWs leave their dormitory quickly and line up in the adjoining dining room. The Englishman Joseph Lee reacted too slowly for Klvacek's liking. He therefore hit him with a rifle butt and wounded him with a bayonet. The New Zealander Arthur Percy Plowman[2606] (Fig. 22) described the further development as follows:[2607]

> *As we came through from the dormitory to the dining room Kopelchek* [!] *was standing at the intervening door with a rifle in his hands – butt uppermost. He had a firm grasp of the rifle in both hands and as each soldier went through the door Kopelchek* [!] *attempted to hit him with the rifle butt. Some soldiers were sufficiently nimble to parry the blows aimed at them, but most of them received a blow of some sort from the rifle butt. During all this time Kopelchek* [!] *was yelling at the guards as well as at us. He was in a highly excited condition and seemed to have lost all control of himself.*

A few days after these incidents, Klvacek was withdrawn from Trieben and assigned to another work camp.[2608]

From April 1946, Rudolf Klvacek was detained in the Wolfsberg camp,[2609] where the first interrogation by ADJAG officer Capt Colin Osborne Kennedy took place on 10 May 1946.[2610] Klvacek claimed that he had been informed in advance of the planned escape attempt by some prisoners from the Trieben camp and had deliberately done nothing to stop it. He only admitted to having insulted the POWs during roll call the next morning. It was news to him that prisoners were beaten or even stabbed in the process.[2611] However, Klvacek was incriminated by former prisoners of war,[2612] as well as by the head of the work commando at the Trieben magnesite plant (AK 940/GW). Leopold Fritsch stated that he had heard about Klvacek's behaviour towards the prisoners of war from a POW spokesman. During a visit to a pub, Klvacek himself had also told him about beatings he had given Britons.[2613]

On 28 August 1947, Rudolf Klvacek was charged with war crimes in Völkermarkt. According to the indictment, he was accused of ill-treating Pte Charles Edward Hancock[2614]

[2605] * 10. 9. 1901, Vienna (AUT). StLA, JA Karlau, Bücher, Bd. 59, StB-Nr. 2179.
[2606] * 15. 8. 1917, Wellington (NZE). Service Number: 2278, POW number: 3648. TNA, WO 416/291/574 [Catalogue description]. – Furthermore: https://www.ancestry.co.uk/search/collections/62114/ (questionnaire Arthur Percy Plowman) (12. 1. 2024).
[2607] TNA, WO 235/398: 7. 3. 1946 (Statement Arthur Percy Plowman).
[2608] TNA, WO 235/398: 7. 3. 1946 (Statement Arthur Percy Plowman), 31. 3. 1947 (Statement Leopold Fritsch).
[2609] TNA, WO 235/398: 28. 8. 1947.
[2610] TNA, WO 235/398: May 1946 (Affidavit Colin Osborne Kennedy).
[2611] TNA, WO 235/398: 10. 5. 1947 (Statement Rudolf Klvacek).
[2612] TNA, WO 235/398: 7. 3. 1946 (Statement Arthur Percy Plowman), 11. 1. 1947 (Statement Edward Ruhi).
[2613] TNA, WO 235/398: 31. 3. 1947 (Statement Leopold Fritsch). – For the report of an escaped POW, see: TNA, WO 235/398: 29. 4. 1947 (Affidavit Alfred Baillie).
[2614] * 28. 9. 1922, Leighton Buzzard (GBR). Service Number: 5961255, POW number: 6380. TNA, WO 416/160/220 [Catalogue description].

(Bedfordshire and Hertfordshire Regiment), Fus Joseph Lee[2615] (Royal Northumberland Fusiliers), and Spr Arthur Percy Plowman (2 NZEF).[2616] The composition of the court remained unchanged from the Krusdorf trial (see chapter 8.3.14). Lt Col D.F. Yate-Lee presided over the trial, Maj J. Howard-Appleton, Capt A. Place and Lt S.J. Holland were his assessors. Maj W.H. Goudie MC acted as Legal Member.[2617] Capt R.D.B. Davies (prosecution) and Lt Penny (defence) also repeated their duties.[2618]

According to the trial transcript, the prosecution and defence each called only one person to the witness stand, C.E. Hancock and Rudolf Klvacek respectively.[2619] The court sentenced the defendant to nine months in prison. After receiving the usual assessment from the DJAG office in Klagenfurt,[2620] Lt Gen Galloway confirmed the verdict on 1 October 1947.[2621] On 21 March 1948, having served three quarters of his sentence, Rudolf Klvacek was released from Graz-Karlau Prison.[2622]

8.3.16 Loiblpass I – Sigbert Ramsauer et al. (2 September to 10 October 1947, Klagenfurt)

The war crimes trials of the British occupying power in Austria have, so far, only been recognised by historical research as a statistical factor, but otherwise largely ignored. Only the Viktring trial and the two Loibl Pass trials are an exception. The first Loibl trial in particular, by far the largest (twelve defendants) and longest (six weeks) RWC trial, has been the subject of some very extensive studies. They shed light either on the trial as a whole[2623] or on individual defendants[2624]. The media coverage of this process was also comparatively extensive. Therefore, a brief description may suffice in the following.

The subject of the trial were crimes committed against detainees of the two subcamps on the Loibl Pass[2625] by SS men and Kapos.[2626] Among the at least 39 fatalities were French, Polish, and Russian, but no British, nationals. The fact that the case was nevertheless heard before a British court in Klagenfurt, rather than in the French occupation zone, was partly due to the 'practical' reason that most of the suspects were already in British custody. But there may also have been an educational purpose. The aim

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[2615] * 30. 4. 1918, Wallsend (GBR). Service Number: 4270949, POW number: 1393. TNA, WO 416/220/123 [Catalogue description]. – Furthermore: https://www.ancestry.co.uk/search/collections/62114/ (questionnaire Joseph Michael Lee) (12. 1. 2024).
[2616] TNA, WO 235/398: 22. 8. 1947, *Charge Sheet*.
[2617] TNA, WO 235/398: 20. 8. 1947.
[2618] TNA, WO 235/398: Trial transcript, p. 1.
[2619] TNA, WO 235/398: Trial transcript, p. 2–8.
[2620] TNA, WO 235/398: 15. 9. 1947.
[2621] TNA, WO 235/398: 1. 10. 1947.
[2622] StLA, JA Karlau, Bücher, Bd. 59, StB-Nr. 2179.
[2623] VILLA, KZ Loibl. – Furthermore: TISLER/TESSIER, Loibl-KZ 437–443; RABL, Mauthausen 118–129; BEßMANN/PIRKER, KZ-Häftlinge 92–96, 98f., 101–105
[2624] RETTL/PIRKER, Ramsauer.
[2625] Literature on the subcamps at the Loibl Pass and the fate of the prisoners (selection): FREUND, KZ-Häftling; ZAUSNIG, Loibl-Tunnel; WALZL, Zwangsarbeit 57–62; JANOUCH, Briefe; TISLER/TESSIER, Loibl-KZ.
[2626] TNA, WO 311/364: 22. 8. 1947; FREUND, KZ-Häftling 36.

was to confront the Carinthian population with the Nazi crimes committed on the Loibl Pass and to make it clear that they would be punished.[2627]

From 2 September 1947, the Royal Warrant Court convened in Klagenfurt Regional Court under the presidency of Lt Col D.F. Yate-Lee (Bedfordshire and Hertfordshire Regiment). In addition to Yate-Lee, Maj J. Longbottom MC (West Yorkshire Regiment), Capt J.D. Lofting MC (Royal Ulster Rifles) and the two French officers Capt L. Baudet and Capt C. Canet sat on the bench. Frederick Honig Esq. was the first and only Judge Advocate to take part in a British war crimes trial in Austria.[2628]

Prosecutor Maj W.H. Goudie MC accused Unterscharführer Otto Bindrich[2629], Robert Flaig, Franz Kessner, Hugo Köbernik[2630] and Friedrich Porschel[2631] as well as Johann Gärtner[2632] and Max Skierde[2633] of mistreating prisoners. The other five defendants – Hauptsturmführer Jakob Winkler[2634], Hauptsturmführer Sigbert Ramsauer[2635], Oberscharführer Walter Brietzke[2636], Oberscharführer Paul Gruschwitz[2637], and Unterscharführer Karl Sachse[2638] – also stood trial for the killing of prisoners.[2639] The Austrian lawyers Dr Roman Fux (Brietzke), Dr Hermann Grientschnig (Gruschwitz), Dr Heribert Melion (Ramsauer), Dr Otto Knapitsch (Winkler), Dr Hans Mayer (Gärtner, Porschel, Skierde), Dr Otto Messiner (Sachse), and Dr Alexander Sadila (Bindrich, Flaig, Kessner, Köbernik) were in charge of defending the accused.[2640]

The trial ended on 10 October 1947 with death sentences for Walter Brietzke and Jakob Winkler,[2641] who were executed in Graz on 10 March 1948.[2642] Most of the other defendants were sentenced to prison terms.[2643] Sigbert Ramsauer was sentenced to life

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[2627] RETTL/PIRKER, Ramsauer 208–211; VILLA, KZ Loibl 117–122, 176; RABL, Mauthausen 121; BEßMANN/PIRKER, KZ-Häftlinge 101.
[2628] TNA, WO 235/578: 25. 8. 1947. – Capt J.E.B. Conder MC (Royal Hampshire Reg.) acted as Waiting Member.
[2629] * 10. 5. 1903, Torgau (DEU). StLA, JA Karlau, Bücher, Bd. 61, Post-Nr. 282[/1948].
[2630] * 20. 11. 1914, Osiek Wielki (POL). StLA, JA Karlau, Bücher, Bd. 67, StB-Nr. 2805.
[2631] * 26. 7. 1894, Pokrowskoje (RUS). StLA, JA Karlau, Bücher, Bd. 67, StB-Nr. 2807.
[2632] * 15. 11. 1904, Kempten (DEU). StLA, JA Karlau, Bücher, Bd. 61, Post-Nr. 283[/1948].
[2633] * 7. 3. 1901, Elbląg (POL). StLA, JA Karlau, Bücher, Bd. 61, Post-Nr. 286[/1948].
[2634] * 24. 7. 1892, Zweibrücken (DEU); † 10. 3. 1948, Graz (AUT). StLA, JA Karlau, Bücher, Bd. 67, StB-Nr. 2796.
[2635] * 19. 10. 1909, Klagenfurt (AUT); † 13. 6. 1991, Klagenfurt. ADG, Pfarre Klagenfurt-St. Egid, Geburtsbuch XXIV 1904–1917, fol. 242, Nr. 108 [URL: https://data.matricula-online.eu/de/oesterreich/gurk/klagenfurt-st-egid/K15_027-1/?pg=263 (18. 9. 2025)]; StLA, JA Karlau, Bücher, Bd. 61, Post-Nr. 289[/1948]; TISLER/TESSIER, Loibl-KZ 454; RETTL/PIRKER, Ramsauer 10.
[2636] * 2. 6. 1913, Szczecin (POL); † 10. 3. 1948, Graz (AUT). StLA, JA Karlau, Bücher, Bd. 61, Post-Nr. 277[/1948]; StLA, JA Karlau, Bücher, Bd. 67, StB-Nr. 2797.
[2637] * 26. 9. 1894, Rebesgrün (DEU). StLA, JA Karlau, Bücher, Bd. 67, StB-Nr. 2804.
[2638] * 3. 3. 1902, Nausnitz (DEU). StLA, JA Karlau, Bücher, Bd. 61, Post-Nr. 288[/1948].
[2639] TNA, FO 1020/2862: 13. 8. 1947; TNA, WO 235/578: 11. 8. 1947; TNA, WO 235/580: 30. 8. 1947; TNA, WO 235/581: 18. 2. 1948.
[2640] Cf. TNA, FO 1020/2862: 28. 8. 1947.
[2641] RETTL/PIRKER, Ramsauer 248f.; VILLA, KZ Loibl 247; RABL, Mauthausen 124.
[2642] StLA, JA Karlau, Bücher, Bd. 67, StB-Nr. 2796, 2797; TNA, WO 235/578: 24. 3. 1954; Neue Zeit (11. 3. 1948), 3 („Die Mörder vom Loiblpaß hingerichtet"); VILLA, KZ Loibl 249; RABL, Mauthausen 127; RABL, Justiz und Strafverfolgung 296. – The execution of Brietzke and Winkler was also scheduled to be attended by the presiding judge, Lt Col D.F. Yate-Lee. TNA, WO 235/578: 26. 2. 1948, 27. 2. 1948.
[2643] After their conviction, the ten offenders were imprisoned in the Wolfsberg camp – as they had been before the trial. TNA, WO 235/578: 26. 2. 1948; TNA, WO 235/580: 30. 8. 1947. – The two men sentenced to death, Brietzke and Winkler, were transferred to Graz-Karlau Prison on 9 March 1948. The remaining

imprisonment, but was released on 2 April 1954 for medical reasons, having last been detained in Garsten (Upper Austria).[2644] Karl Sachse's sentence of 20 years[2645] was reduced to 15 years on 2 February 1950.[2646] He was released from prison in Werl[2647] on 9 May 1955.[2648] Paul Gruschwitz, actually sentenced to twelve years,[2649] was granted parole in Werl on 21 December 1951.[2650] At the same time as Gruschwitz, Hugo Köbernik (nine years)[2651] also left Werl prison as a free man.[2652] Max Skierde (six years)[2653] was released on 9 February 1951.[2654] Otto Bindrich's five-year prison term[2655] ended prematurely in Werl on 9 February 1951.[2656] Johann Gärtner (four years)[2657] was also in Werl when his transfer to the French occupying forces in Reutlingen was approved on 4 July 1949. Gärtner had to face a further charge of war crimes and was sentenced to 15 years imprisonment on 23 May 1950; this was later reduced to ten years.[2658] Friedrich Porschel's three-year prison sentence[2659] ended on 8 October 1949 following his parole.[2660] Only the defendants Flaig and Kessner had been acquitted in the course of the trial.[2661]

8.3.17 Loiblpass II – August Staab, Simon Stichler (25 September to 1 October 1947, Klagenfurt)

At times, the second, smaller trial, which was held in the Lendorf barracks in Klagenfurt from 25 September 1947, ran parallel to the main Loibl Pass trial.[2662] The accused were two Germans, August Staab[2663], and Simon Stichler[2664] (aka Stickler), who were accused

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eight men followed a day later and were subsequently allocated to other prisons (see below). StLA, JA Karlau, Bücher, Bd. 61, Post-Nr. 276/1948, 277/1948, 282/1948, 283/1948, 284/1948, 285/1948, 286/1948, 287/1948, 288/1948, 289/1948; StLA, JA Karlau, Bücher, Bd. 67, StB-Nr. 2802, 2803, 2804, 2805, 2806, 2807, 2808, 2809.

[2644] TNA, WO 235/578: 22. 2. 1948 (Confirmation of the verdict by Lt Gen Galloway); Südost-Tagespost (3. 4. 1954), 2; The Times (3. 4. 1954), 5; RETTL/PIRKER, Ramsauer 284; RABL, Mauthausen 127f.; RABL, Justiz und Strafverfolgung 296.

[2645] TNA, WO 235/578: 22. 2. 1948 (Confirmation of the verdict by Lt Gen Galloway).

[2646] TNA, WO 235/578: 24. 3. 1954.

[2647] The Werl Prison (now, North Rhine-Westphalia, DEU) was used from 1948 as *Allied National Prison* for war criminals convicted by British military courts in Germany. WESTEMEIER, Werl 62.

[2648] RABL, Mauthausen 128.

[2649] TNA, WO 235/578: 22. 2. 1948 (Confirmation of the verdict by Lt Gen Galloway).

[2650] TNA, WO 235/578: 24. 3. 1954; RABL, Mauthausen 128.

[2651] TNA, WO 235/578: 22. 2. 1948 (Confirmation of the verdict by Lt Gen Galloway).

[2652] TNA, WO 235/578: 24. 3. 1954; RABL, Mauthausen 128.

[2653] TNA, WO 235/578: 22. 2. 1948 (Confirmation of the verdict by Lt Gen Galloway).

[2654] TNA, WO 235/578: 24. 3. 1954; RABL, Mauthausen 128f.

[2655] TNA, WO 235/578: 22. 2. 1948 (Confirmation of the verdict by Lt Gen Galloway).

[2656] TNA, WO 235/578: 24. 3. 1954; RABL, Mauthausen 128.

[2657] TNA, WO 235/578: 22. 2. 1948 (Confirmation of the verdict by Lt Gen Galloway).

[2658] TNA, WO 235/578: 24. 3. 1954. – Furthermore: TISLER/TESSIER, Loibl-KZ 441; RABL, Mauthausen 129.

[2659] TNA, WO 235/578: 22. 2. 1948 (Confirmation of the verdict by Lt Gen Galloway).

[2660] TNA, WO 235/578: 24. 3. 1954; RABL, Mauthausen 128.

[2661] RETTL/PIRKER, Ramsauer 249; VILLA, KZ Loibl 18; RABL, Mauthausen 124.

[2662] RETTL/PIRKER, Ramsauer 249; VILLA, KZ Loibl 116, 129–138; RABL, Mauthausen 125f.; BEßMANN/PIRKER, KZ-Häftlinge 103. – The 'availability' of nine French witnesses, who were in Klagenfurt for their testimony at the main Loiblpass trial, was decisive for the scheduling of the trial.

[2663] * 6. 5. 1909, Nürnberg (DEU). StLA, JA Karlau, Bücher, Bd. 67, StB-Nr. 2327; VILLA, KZ Loibl 132.

of *the illtreatment of Allied Nationals*[2665] at the Loibl Pass.[2666] August Staab was considered a professional criminal who was deployed by the SS as a Kapo in the North Camp. According to witness testimony, he established a regime of violence in his block, which also included sexual assaults on young men.[2667] The SS man and dog handler Simon Stichler was notorious among the prisoners of the southern camp for his brutality. Among other things, he set his German shepherd on the internees.[2668]

The Royal Warrant Court was composed of Maj T.W.C. Barlas (Gordon Highlanders), Maj W. Fielding (I Corps / Legal Member), and Capt A. Strange (Manchester Regiment) on behalf of the British Commander-in-Chief in Austria.[2669] The trial ended on 1 October 1947 with two guilty verdicts. Simon Stichler was sentenced to three years in prison; August Staab to four years,[2670] one year of which was conditional.[2671] Stichler and Staab were sent to Graz-Karlau Prison on 10 November 1947 before being transferred to Germany on 26 August 1948.[2672]

8.3.18 Ponte di Piave – Karl Diebitsch (13 and 16 January 1948)

On 26 or 28 February 1945, L/Cpl David Russell[2673] (22nd Bn., 2 NZEF) was brought before a firing squad of the 3rd Company of Police Volunteer Battalion II in Ponte di Piave (Treviso Province, ITA).[2674] The New Zealander had managed to escape from German captivity in 1944 and go into hiding in north-east Italy. Thanks in part to his contacts with Italian partisans, he was able to lead other escaped POWs to a British task force in the mountain village of Tramonti di Sopra, which organised their evacuation via Yugoslavia to southern Italy. Russell was recaptured by the Germans at the beginning of 1945 but managed to escape from a camp near Udine again with some of his comrades. He found shelter once more with Italian families near the Livenza river until he was picked up by a German-Italian patrol in Torre di Mosto on 23 February 1945.[2675] During the subsequent interrogation in Ponte di Piave, the New Zealander was beaten in an attempt to obtain information about the whereabouts of other prisoners of war or their helpers,

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[2664] * 29. 4. 1912, Kaunas (LTU). StLA, JA Karlau, Bücher, Bd. 67, StB-Nr. 2328.
[2665] TNA, WO 235/583: 22. 9. 1947 (cited from RABL, Mauthausen 125, note 593). – Furthermore: VILLA, KZ Loibl 130f., 135.
[2666] Cf. TNA, WO 311/364.
[2667] VILLA, KZ Loibl 133f.
[2668] VILLA, KZ Loibl 134f.
[2669] VILLA, KZ Loibl 131.
[2670] RETTL/PIRKER, Ramsauer 249; VILLA, KZ Loibl 136; RABL, Mauthausen 126.
[2671] StLA, JA Karlau, Bücher, Bd. 67, StB-Nr. 2327, 2328.
[2672] StLA, JA Karlau, Bücher, Bd. 67, StB-Nr. 2327, 2328.
[2673] * 30. 3. 1911, Ayr (GBR); † 26. 2. (or 28. 2.) 1945, Ponte di Piave (ITA). – Cf. URL: https://www.aucklandmuseum.com/war-memorial/online-cenotaph/record/C18469 (18. 9. 2025). – David Russell's date of death is mainly given as 26 February 1945 in the British investigation files, but 28 February 1945 on his gravestone and other memorials.
[2674] TNA, WO 235/463: 24. 10. 1945 (Statement Guido Pozzobon); TNA, WO 235/463: 31. 1. 1946 (Statement Eberhard Haupt); CURILLA, Ordnungspolizei 632 [here Police Volunteer Battalion IV].
[2675] MASON, Prisoners of War 429, 474f. – See also: TNA, WO 32/22166: 5. 6. 1945 (Statement A.W. Scott). – Deviating from MASON: JACOBS, Fighting 185–189.

but this was unsuccessful. When Russell still refused to betray anyone after a three-day ultimatum and further beatings, he was executed.[2676]

The Special Investigation Branch began its enquiries into the circumstances of this execution in June 1945. The first on-site interviews by Sgt W.J. Sharman (67 Section SIB) revealed that David Russell was shot in the garden of Villa Tommaseo in Ponte di Piave by a unit of about ten Italians under the command of the German Sergeant Laube.[2677] The commanding officer at the execution was Oberleutnant Eberhard Haupt. He was questioned by British investigators in January 1946 in Kassassin (305 POW Camp) in Egypt. Haupt stated that he had received the order to kill from his superior, SS-Standartenführer (Colonel) Karl Diebitsch[2678].[2679] Subsequently, on 14 March 1946, the JAG office in London approved the indictment of Diebitsch and Haupt for a war crime (involvement in the killing of David Russell). However, as the former was still not in British custody at this time, the prosecution of the two men was handled separately.[2680]

The investigation against Karl Diebitsch was finally continued in autumn 1947, after the German had been transferred to Wolfsberg (373 POW Camp). Here, on 28 October 1947, he told Capt Hillman that he had commanded a security unit in the Piave construction line from late autumn 1944. At the time of the execution in Ponte di Piave, however, he was on furlough.[2681] Diebitsch emphatically declared that he had nothing to do with the shooting of L/Cpl Russell.[2682]

Eventually, the JAG office turned to the British Commander-in-Chief in Austria with the recommendation that Diebitsch be brought before a Royal Warrant Court. But JAG conceded that there was only circumstantial evidence to support the charge that Diebitsch had given the order to shoot Russell. It was particularly regrettable that

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[2676] MASON, Prisoners of War 475; JACOBS, Fighting 190f. – Cf. TNA, WO 235/463: 24. 10. 1945 (Statement Guido Pozzobon); Trial transcript, p. 8f.; URL: https://www.aucklandmuseum.com/war-memorial/online-cenotaph/record/C18469 (18. 9. 2025). – David Russell was originally buried at Ponte di Piave cemetery, but was transferred to the Commonwealth War Cemetery in Udine (grave IV.D.2.) in October 1945. MASON, Prisoners of War 475; JACOBS, Fighting 191; URL: https://www.cwgc.org/find-records/find-war-dead/casualty-details/2817889/david-russell/ (18. 9. 2025).

[2677] TNA, WO 32/22166: 4. 6. 1945 (Statement Francesco Porpiora); 6. 6. 1945 (Statement Giovanni Lorenzonetto).

[2678] * 3. 1. 1899, Hannover (DEU); † 1985 in Kreuth or 1992 in Rottach-Egern (both DEU). – Karl Diebitsch worked as a painter and porcelain decorator parallel to his SS career. A long-time advisor to Heinrich Himmler on artistic matters, he designed SS accessories, coats of arms, stamps and vases, co-founded the (later SS-owned) Allach porcelain manufactory near Munich and held numerous honorary posts in the cultural field. HUBER, Porzellan-Manufaktur 12, 197f.; HEYDER, Diebitsch 212; URL: https://de.wikipedia.org/wiki/Karl_Diebitsch (18. 9. 2025); URL: https://en.wikipedia.org/wiki/Karl_Diebitsch (18. 9. 2025).

[2679] TNA, WO 235/463: 31. 1. 1946 (Statement Eberhard Haupt). – In Sgt Sharman's report of 10 June 1945, *Colonel Dibich* [!] was named as the SS officer who had ordered Russell's execution. TNA, WO 32/22166: 10. 6. 1945.

[2680] TNA, WO 235/463: 14. 3. 1946.

[2681] Diebitsch gave 20 February 1945 as the date of his return to Italy. However, he (erroneously) assumed that the execution of the New Zealander had already taken place on 18 February 1945. TNA, WO 235/463: 28. 10. 1947 (Statement Karl Diebitsch).

[2682] TNA, WO 235/463: 28. 10. 1947 (Statement Karl Diebitsch).

Eberhard Haupt[2683] now lived in the German eastern zone and therefore could not be summoned. *The case for the prosecution will* […] *largely rest upon whether or not the evidence of the witness Marterer is believed by the court. The latter is the only witness who can say that the order for the execution was received from the accused's headquarters.*[2684]

Although the incriminated events had taken place in Italy, the subsequent war crimes trial was to be held in Austria because the accused was in Wolfsberg and thus in the command area of Lt Gen Alexander Galloway. This procedure complied with *Regulation 4* of the Royal Warrant (see chapter 8.1), according to which it was not the location of a war crime that was decisive, but the whereabouts of the alleged perpetrator after the end of the war. Accordingly, Lt Gen Galloway was responsible for convening the Royal Warrant Court against Karl Diebitsch.[2685]

The trial took place on 13 and 16 January 1948 under the direction of Maj G. Hill MBE (Royal Army Service Corps). Maj L. Wain (Royal Army Service Corps / Legal Member) and Capt D. Russell-Smith (Royal Ulster Rifles) flanked the presiding judge.[2686] The prosecutor, Maj W. Fielding, came from the War Crimes Group South-East Europe. His civilian profession was *barrister at law*. In contrast, the defence counsel Capt C.G. Thomson (2nd Somerset Light Infantry) apparently had no legal qualifications.[2687]

At the beginning of the trial, Karl Diebitsch pleaded not guilty.[2688] During the subsequent interrogation of witnesses by the prosecutor practically nothing specific was said about the role of the accused, but all the more about Oberleutnant Haupt. Witness Franz Marterer, a former non-commissioned officer in Haupt's company, had been present at Russell's execution. His account was recorded in the trial transcript as follows:[2689]

> *After everything has been prepared the prisoner was brought on the scene handcuffed, he refused to be blindfolded. Lt. Haupt read out the sentence from some document. I heard parts of it, like 'For espionage on the fortifications'. I heard no name read out. I knew by hearsay* [the document] *came from S. Polo di Piave* […]*, our direct superior H.Q. was there.* […] *Then Lt. Haupt gave a sign to* [Sgt Maj] *Laube. The squad fired, the prisoner fell, Lt. Haupt admonished the coup de grâce.*

[2683] After his time as a POW, Eberhard Haupt joined the German police force, most recently in Recklinghausen. In 1969, he was to be questioned by the public prosecutor's office in Bochum about the execution of David Russell, among other things, but he committed suicide beforehand. Frankfurter Allgemeine Zeitung (18. 9. 1969), 9 („Vermißter Polizeirat erschossen aufgefunden"); CURILLA, Ordnungspolizei 664.

[2684] TNA, WO 235/463: 7. 11. 1947. – At the same time, JAG announced that no Judge Advocate will be present at this trial. Under these circumstances, however, at least one of the judges must have legal qualifications.

[2685] TNA, WO 235/463: 8. 1. 1948. – The location of the trial is not clear, but it is reasonable to assume that the trial – like (at least) eight of the nine Royal Warrant Courts held in Austria during 1947 – took place either in Klagenfurt or in Völkermarkt. – See also: CHINNERY, Hitler's atrocities 300.

[2686] TNA, WO 235/463: 8. 1. 1948. – Capt W.D. Basford (Royal Hampshire Regiment) was assigned as a Waiting Member.

[2687] TNA, WO 235/463: Trial transcript, p. 3. – If it is true that Capt Thomson had no legal qualifications, the strange (and actually undesirable) constellation here was that an unqualified defence lawyer faced an expert prosecutor. Cf. VORDERMAYER, Justice 102f.

[2688] TNA, WO 235/463: 16. 1. 1948.

[2689] TNA, WO 235/463: Trial transcript, p. 5.

Figure 23: Memorial for David Russell at the cemetery in Ponte di Piave, 2024 (Photo: Meinhard Brunner)

During cross-examination, Marterer named guarding the fortifications on the Piave and fighting partisans as the main tasks of his company. Haupt had a free hand in both areas. Marterer also believed Haupt was capable of faking the existence of a firing order.[2690] Maj Fielding then read out seven statements from Italian witnesses and finally applied for a postponement to allow the questioning of a further witness for the prosecution. The court therefore adjourned until 16 January 1948.[2691]

On the second day of the trial, Guiseppe Vettorello from Torre di Mosto (ITA), who had harboured Russell several times in February 1945, took the witness stand. Vettorello was arrested at the same time as Russell and taken to Ponte di Piave for questioning by German officers but was released the same day. A few days later, he heard about

[2690] TNA, WO 235/463: Trial transcript, p. 5f.
[2691] TNA, WO 235/463: Trial transcript, p. 7.

Russell's execution. When the New Zealander's body was exhumed at the cemetery in Ponte di Piave in October 1945,[2692] Vettorello recognised him by his clothes.[2693]

Capt Thomson then applied for his client to be acquitted because, in his opinion, the prosecution had not presented any evidence of guilt (*no case to answer*). However, the court rejected the motion, meaning that Karl Diebitsch was the only defence witness to be questioned. He now repeated that he had nothing to do with the shooting of the New Zealander. He testified that he had returned to his HQ in San Polo di Piave from furlough on 20 February 1945.[2694] There had been no telephone or radio contact with Oberleutnant Haupt in the following days. According to Diebitsch, Haupt's weekly reports had also not mentioned the arrest or shooting of a British soldier.[2695]

In the course of the trial, all responsibility for Russell's death was therefore shifted to the absent Oberleutnant Haupt, while Karl Diebitsch more or less kept a clean slate. Unsurprisingly, the judges' final deliberations resulted in the defendant being acquitted.[2696]

David Russell was the first member of the New Zealand Defence Force to be posthumously awarded the George Cross.[2697] The official announcement was made on 24 December 1948.[2698] A small memorial was erected at Russell's first grave in Ponte di Piave in 1945,[2699] which was replaced by a new plaque in 1995 (Fig. 23).[2700] Another plaque in honour of the New Zealander can be found in the loggia of Ponte di Piave's town hall.[2701]

[2692] See JACOBS, Fighting 192/193: Photo of Russell's exhumation.
[2693] TNA, WO 235/463: Trial transcript, p. 8f. – See also: JACOBS, Fighting 190.
[2694] The last witness for the prosecution (sic!) was Karl Diebitsch's former adjutant, Botho von Seidlitz, who testified that his superior had only returned from a holiday in Germany at the beginning of March 1945. TNA, WO 235/463: Trial transcript, p. 10f.
[2695] TNA, WO 235/463: Trial transcript, p. 11–14.
[2696] TNA, WO 235/463: Trial transcript, p. [14]; 16. 1. 1948.
[2697] MASON, Prisoners of War 429, note 4; URL: https://en.wikipedia.org/wiki/David_Russell_(GC) (18. 9. 2025).
[2698] The London Gazette (24. 12. 1948), 6669; URL: https://en.wikipedia.org/wiki/List_of_George_Cross_recipients (18. 9. 2025). – Furthermore: Ashburton Guardian (27. 12. 1948), 2 ("George Cross awarded"). – See also David Russell's NZEF personnel file: National Library of New Zealand, Russell, David, GC [George Cross] - WWII 30169 - Army [URL: https://ndhadeliver.natlib.govt.nz/delivery/DeliveryManagerServlet?dps_pid=IE21461054 (18. 9. 2025)].
[2699] Ashburton Guardian (21. 11. 1946), 5 ("New Zealand war graves"); The Evening Star (21. 11. 1946), 6 ("Unsung Heroes"); MASON, Prisoners of War 475; JACOBS, Fighting 185.
[2700] Cf. URL: https://www.aucklandmuseum.com/war-memorial/online-cenotaph/record/C18469 (18. 9. 2025).
[2701] As of February 2024. – See also: JACOBS, Fighting 185.

9 EXCURSUS: PRISON SYSTEM AND EXECUTIONS

9.1 Prison system

The occupying power used the existing detention centres and prisons to hold people who had either been arrested by the British or had already been sentenced by one of their military courts. However, as the British made numerous arrests, the prisons soon ran out of space. And this problem was to become even more acute with the reopening of the Austrian courts in August (Carinthia) and October (Styria) 1945.[2702] In July 1945, the British health officer Lt G.E. Evans had already criticised the overcrowding and lousy hygienic conditions in the Judenburg and Murau prisons.[2703] During an inspection tour of Carinthia and Styria in October 1945, Lt Col A.F. Logan of the Penal Administration Section (Ministry of Justice Control Branch, ACA/BE) identified three problem areas: overcrowding, malnutrition of the inmates, and inadequate equipment (including furnishings, blankets, mattresses, crockery, heating material).[2704] He only found the situation in the Regional Court prison and the Karlau men's prison in Graz to be clean and orderly.[2705]

In fact, from then on, Karlau saw a steady influx of prisoners who had been sentenced by British military courts in Carinthia (including East Tyrol) and Styria. As a rule, these men had to serve prison sentences of more than six months. On 20 October 1945 alone, 27 detainees who had been sentenced by Intermediate Courts at various Carinthian locations were transferred to the Karlau Prison.[2706] Four days later, a further 40 men who had also been sentenced to prison by Intermediate[2707] or Summary Courts[2708] in Carinthia and East Tyrol (i.e. Lienz) arrived in Graz. From September 1946, all delinquents sentenced to death by the British were also sent to the Karlau Prison. They were usually brought to Graz the day before their execution, where the gallows awaited them in the courtyard of the prison.

However, such transfers did little to change the consistently high prisoner numbers. While the food situation and the structural conditions in the prisons gradually improved,

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[2702] BRUNNER M., Militärgericht 41.
[2703] TNA, FO 1020/3306: 7. 7. 1945; BEER, Amtliches 170, 181f.; BRUNNER M., Militärgericht 41.
[2704] TNA, FO 1020/1967: 24. 10. 1945; BEER, Let Right be Done 206f.; STIEBER, Briten 201. – Furthermore: SCHNEIDER, Tätigkeit 226f.
[2705] BEER, Let Right be Done 207.
[2706] StLA, JA Karlau, Bücher, Bd. 59, StB-Nr. 113, 114, 120–122, 126–128, 130, 131, 134–143, 145–147, 149, 152–154. – Another prisoner was sentenced by a Summary Court in Carinthia. StLA, JA Karlau, Bücher, Bd. 59, StB-Nr. 148.
[2707] StLA, JA Karlau, Bücher, Bd. 59, StB-Nr. 156, 157, 159–164, 168, 171, 172, 176, 179, 180, 182, 184, 187–189, 194.
[2708] StLA, JA Karlau, Bücher, Bd. 59, StB-Nr. 158, 165–167, 169, 170, 173–175, 177, 178, 181, 183–186, 191–193, 195.

overcrowding continued to be a headache for the British. When health officers inspected the prisons in Villach, Klagenfurt, Friesach, St. Veit an der Glan, Feldkirchen, and Völkermarkt again in late autumn 1945, they still saw overcrowded cells.[2709] Accordingly, the monthly reports of the Penal Administration Section contained little that was positive for some time to come concerning *overcrowding*. In February 1946, it was soberly stated: *The best that can be said of this difficult problem is that the situation did not materially worsen* […].[2710] Temporary relief came when hundreds of FSS prisoners were taken out of the regular jails.[2711] In April 1946, 35 per cent of the Styrian prisons were considered overcrowded, *two of them badly*.[2712] In Carinthia, the figure was 33 per cent, *three prisons being shockingly overcrowded*.[2713] In the following months, the number of prisoners rose again, which – in the opinion of the British – was due to the numerous arrests under the Prohibition Act, the War Crimes Act, and the Electoral Act, as well as the tardiness of the Austrian courts.[2714] The latter was again mainly due to a severe shortage of staff.: *As a result of denazification it is impossible for an always decreasing number of judges and public prosecutors to keep pace with the accelerated flow of arrests under the anti-Nazi laws.*[2715] As a result, there were considerably more people in jail awaiting trial than prisoners who had already been sentenced.[2716] At the end of July 1946, a total of 3347 inmates were counted in Carinthia and Styria, compared to 2488 at the beginning of April.[2717] The highest number of prisoners in the British zone was recorded on 21 September 1946: 3591.[2718] The situation then slowly began to ease thanks to the opening of additional places of detention (including Schloss Welzenegg near Klagenfurt).[2719] Nevertheless, Lt Col Logan remarked in December 1946: *It must, however, be pointed out that our efforts to vanquish the overcrowding problem resemble the labour of Sisyphus.*[2720]

Not included in the above figures were suspected National Socialist functionaries, who formed a separate category, for whose detention the British used the former "Stalag XVIII A" in Wolfsberg (now "373 POW Camp" or "373 Detention Camp"), as well as the

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[2709] TNA, FO 1020/2653: 22. 11. 1945, 23. 11. 1945, 24. 11. 1945, 26. 11. 1945, 1. 12. 1945. – Lt J.H. Irvine wrote about the situation in St. Veit an der Glan in his report to Lt Col Logan: *This prison* […] *has a normal capacity of 32. At present there are 69 prisoners and this figure was as high as 88 only a few days ago.* TNA, FO 1020/2653: 24. 11. 1945.
[2710] TNA, FO 1020/2866: 18. 3. 1946.
[2711] TNA, FO 1020/2866: 18. 3. 1946. – From 1 to 17 March 1946, the FSS also refrained from new arrests. As a result, the number of FSS prisoners had fallen by around 700 by the end of the month and by mid-April 1946 only 207 were recorded in the prisons of the British occupation zone. TNA, FO 1020/2866: 24. 4. 1946. – However, the figures went up again the very next month. TNA, FO 1020/2866: 11. 5. 1946.
[2712] TNA, FO 1020/2866: 11. 5. 1946.
[2713] TNA, FO 1020/2866: 11. 5. 1946.
[2714] TNA, FO 1020/2866: 11. 5. 1946.
[2715] TNA, FO 1020/2866: 19. 6. 1946.
[2716] TNA, FO 1020/2866: 19. 6. 1946.
[2717] TNA, FO 1020/2867: 7. 8. 1946.
[2718] TNA, FO 1020/2867: 14. [10.] 1946; STIEBER, Briten 201. – The latest increase was mainly due to the fact that around 160 people who had been released by the British from the Wolfsberg and Weißenstein camps were immediately re-imprisoned by the Austrian authorities.
[2719] TNA, FO 1020/2867: 7. 12. 1946. – The prison in Maria Lankowitz was opened for female prisoners on 11 November 1946.
[2720] TNA, FO 1020/2867: 7. 12. 1946.

smaller, new camps in Weißenstein (near Villach), and Graz-Wetzelsdorf.[2721] In total, up to 10,000 people are said to have been imprisoned in these camps between 1945 and 1948. At peak periods, almost 4,000 men and women were held in Wolfsberg alone.[2722]

The situation in the British sectors (i.e. districts) of Vienna was somewhat more relaxed. In September 1945, the British found four prisons (youth prison, III; district prison, V; police prisons, XI and XIII) as well as camps used for this purpose (Simmeringer Haide, XI), and bunkers (Herderplatz, XI). After its inspection, the Public Safety Branch noted good hygienic conditions and no overcrowding in almost all of these facilities. However, the catering was criticised, especially in the youth detention centre.[2723] The only real problem was the situation in the Simmering camp and, as a result, the British had 60 inmates transferred at once.[2724]

Also in the district of Simmering was the former Kaiserebersdorf juvenile detention centre, which was used again as a correctional facility for juvenile delinquents from November 1945.[2725] That juveniles sentenced to imprisonment by British military courts could also be interned here was arranged between the occupying power and State Secretary of Justice Josef Gerö.[2726] The Legal Branch of the British Military Government in Graz informed the Military Government Officers at the beginning of January 1946 that, from then on, young convicts (up to the age of 17) could be sent to Kaiserebersdorf. Even though the contingent from Styria remained limited to twelve boys for the time being, this made the work of the military judges easier in that they no longer necessarily had to send young people to 'normal' prisons for serious offences.[2727] However, they were also obliged to bear in mind that, according to the Austrian Juvenile Courts Act 1928 (Federal Law Gazette No. 234/1947), § 1, persons below the age of 14 were considered "minors", and persons between the ages of 14 and 18 were considered "juveniles". Minors could only be sent to educational institutions as "Zöglinge" [pupils], juveniles also as "Sträflinge" [convicts].[2728]

The British considered it a grievance if prisoners had to wait an excessively long time for their trial. One focal point of this problem was the detention centre at Graz Regional Court. In March 1947, at least 75 per cent of the 761 inmates were still awaiting trial.[2729] In an attempt to reduce these figures, a British officer interviewed all the prisoners on remand in September 1947; 613 people in all. Subsequently, the occupying power

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[2721] At least temporarily, the British also used facilities in Ebenthal, Federaun, and Vienna to hold internees. BEER, Entnazifizierung 411.
[2722] KASTNER, Wolfsberg 7, 63, 68f. – Furthermore: BEER, Entnazifizierung 411.
[2723] TNA, FO 1020/3111: 24. 9. 1945.
[2724] TNA, FO 1020/3111: 28. 10. 1945.
[2725] TNA, FO 1020/3037: 27. 11. 1945.
[2726] WEINZIERL, Anfänge 42; BRUNNER M., Militärgericht 37, note 186.
[2727] TNA, FO 1020/3271: 9. 1. 1946. – At this point, it must be noted that the young people in the correctional facility Kaiserebersdorf were often exposed to shameful conditions.. Cf. URL: www.geschichtewiki.wien.gv.at/Kaiserebersdorf (Bundeserziehungsanstalt) (18. 9. 2025).
[2728] TNA, FO 1020/3271: 19. 2. 1946.
[2729] TNA, FO 1020/2868: 12. 4. 1947.

ordered a number of dismissals. This process was later repeated in other larger prisons, much to the displeasure of the Austrian authorities.[2730]

In December 1947, the Legal Division (ACA/BE) issued a new procedure with regard to prisoners who were behind bars at the instigation of the British. From then on, anyone arrested by a Public Safety Officer, or on his behalf, in the British zone, had to be brought before a British military judge within seven days. This judge then had to decide, *whether or not there is a case to be answered* and if so, whether the accused will remain in custody or whether he can be released pending trial. The length of pre-trial detention also had to be determined. It should last no more than 14 days and have a maximum of 28 days for serious offences. (Slightly stricter rules applied to arrests by the FSS.) *Unless there is some valid reason to the contrary* […] *the accused should be released pending trial.*[2731] In July 1948, the British recorded 491 prisoners who had been sentenced by their military courts and a further 57 who were awaiting trial.[2732]

However, the fact that convicts from British military courts served their sentences in Austrian jails did not mean that they were entirely subject to the Austrian prison system. For example, the Austrian Penal Code (öStG 1945) provided for four different types of imprisonment: Arrest and strict arrest (for offences), dungeon and severe dungeon (for crimes).[2733] Moreover, conviction for a crime was accompanied by the loss of certain civil rights.[2734] Such rules did not apply to British military court prisoners, as the Legal Division made clear in its (internal) *Direction No. 5*. It also emphasised the military commander's sole right to pardon:[2735]

> […] *5. All terms of imprisonment for offences against Military Government legislation will be awarded as "imprisonment" and will be deemed to be imprisonment second grade (strenger Arrest).*
> *6. Sentences of imprisonment given by Military Government Courts will NOT carry with them any consequential loss of civil rights such as might follow from a sentence by the Austrian courts.* […]
> *10. The existing Austrian reprieve or remission system is not applicable to persons committed to Austrian prisons by Military Government Courts. The prerogative of mercy is vested solely in the Military Governor who exercises such powers through this Division.* […]

Under Austrian law, a dungeon penalty was always accompanied by the convict being ordered to work. On this point, the British agreed to the extent that they permitted the

[2730] TNA, FO 1020/2868: 11. 10. 1947.
[2731] TNA, FO 1020/3106: 8. 12. 1947.
[2732] TNA, FO 1020/3106: 4. 8. 1948.
[2733] StG 1945, §§ 14, 26, 244, 245. – The gradation of prison sentences was abolished in Austria in 1974. BGBl. Nr. 422/1974, Art. III.
[2734] StG 1945, § 26.
[2735] TNA, FO 1020/2820: 22. 12. 1945.

use of 'their' prisoners for labour assignments.[2736] Such prisoners also worked on the construction site of the hydroelectric power stations in Kaprun (Province of Salzburg).[2737] On 21 January 1947 alone, 39 prisoners were transferred from Graz-Karlau to the prison in Salzburg to be deployed in Kaprun. 22 of these people had been sentenced by a British military court.[2738]

Of course, the prisoners' outdoor work contributed to the relatively high number of escape attempts. As early as April 1946, the president of the Graz Higher Regional Court ordered the district courts to transfer all prisoners in their gaols who were considered to be at risk of escaping to the Graz prison.[2739] In September 1947 alone, the Penal Administration Section recorded 37 prison breaks in the British zone.[2740]

Smaller gaols in particular proved to be less escape-proof. In addition, the guards posed a problem of their own.[2741] There were too few of them, they were inadequately trained or not trained at all, were poorly paid, and had a low social standing.[2742] Their sloppiness prompted Lt Col Logan to sum up in exasperation: *The sorry tale of ignorance, negligence and carelessness is repeated time and again. So far as escort duty is concerned the Austrian prison service can only be described as deplorably inefficient.*[2743] Logan observed fundamentally insurmountable differences of opinion between the British and Austrians on issues of prison security. [When] *we discuss these matters with Austrian officials we can find no common ground at all*.[2744]

When five prisoners disappeared at the same time from the arrest in Sillian (East Tyrol) in April 1947, the carelessness of the guards once again played a decisive role. British officers therefore considered whether these guards could be brought before a military court and charged in accordance with Ordinance No. 200, § 41, *especially where the Austrian Authorities propose to inflict punishment which is derisory*.[2745] However, such plans were quickly stopped by the Director of the Legal Division, S.H. Smith, because he considered such disciplinary measures to be a matter for the Austrian authorities. *But I am quite convinced that it would be a cardinal error for us ourselves to attempt to punish the Warders*.[2746]

[2736] In the case of foreign nationals with a prison sentence of one year or longer imposed by the occupying power, the written consent of the Legal Division had to be obtained prior to deployment for outdoor work. StLA, OLG Graz, K. 34, Jv Engländer-Akten, 1945–1955, Jv 2621-1a/49-1: 18. 2. 1949.
[2737] Cf. RIGELE G., Kaprun 318; REITER, Tauernkraftwerk Kaprun 190.
[2738] StLA, JA Karlau, Bücher, Bd. 59, StB-Nr. 307, 346, 498, 600, 647, 665, 732, 787, 800, 852, 936, 1051, 1056, 1091, 1129, 1140, 1143, 1189, 1199, 1271, 1309, 1312, 1319, 1320, 1324, 1338, 1349, 1350, 1376, 1388, 1395, 1399, 1438, 1459, 1460, 1463, 1465, 1471, 1476. – Similar transfers from Graz to Salzburg, albeit with fewer prisoners, took place several times between 1946 and 1948.
[2739] TNA, FO 1020/2866: 11. 5. 1946.
[2740] TNA, FO 1020/2868: 11. 10. 1947.
[2741] Lt Col Logan (Penal Administration Section) quoted the Roman poet Juvenal: *Quis custodiet ipsos custodes?* [Who will guard the guards themselves?]. TNA, FO 1020/2866: 11. 5. 1946.
[2742] TNA, FO 1020/2867: 14. [10.] 1946; STIEBER, Briten 202.
[2743] TNA, FO 1020/2868: 11. 3. 1947.
[2744] TNA, FO 1020/2868: 7. 7. 1947.
[2745] TNA, FO 1020/2868: 13. 5. 1947. – Furthermore: TNA, FO 1020/2868: 12. 4. 1947.
[2746] TNA, FO 1020/2868: 16. 5. 1947.

As this study shows, the intensity of British military jurisdiction in Austria declined rapidly after 1948. This led to a sharp decrease in the number of prisoners sentenced by the British. In a letter dated 10 December 1951, the British Element of the Allied Commission entrusted Justice Minister Otto Tschadek with the further enforcement of sentences handed down by British military courts in Austria and the decision on any petitions for clemency.[2747] At this point, only 35 people were affected by this arrangement.[2748] By order of the British High Commissioner, such prisoners were entitled to a remission of one third (instead of the previous one quarter) of their sentence from 1 January 1953 if they behaved well.[2749]

Back to Graz: the last two new arrivals at Karlau Prison on the basis of a British military court ruling were recorded on 16 May 1952.[2750] When the Austrian State Treaty came into force on 27 July 1955, there were still nine prisoners in the Karlau Prison who had been sentenced by the British. The five Austrians among them were released on 31 July 1955,[2751] while the four foreigners were sent to the prison at the Graz Regional Court[2752] because the public prosecutor's office had imposed pre-trial detention.[2753]

9.2 Processing of executions

During the first post-war years, the imposition and execution of death sentences was common judicial practice in Austria. In Austrian law, the reintroduction of the Federal Constitution of 1920 (as amended in 1929) meant that the death penalty would no longer exist, but the corresponding Article No. 85 was suspended until the abolition of the death penalty in 1950.[2754] Between 1945 and 1950, Austrian courts handed down 100 death sentences. Of these, 57 were imposed by criminal courts (16 sentences were carried out), and 43 by people's courts, which in turn resulted in 30 executions.[2755] In the British zone of occupation, courts of the military government handed down a total of 53 death sentences by 1948, 42 of which were executed.[2756] In addition, there were two

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[2747] StLA, OLG Graz, K. 34, Jv Engländer-Akten, 1945–1955, Jv 11826-16/51: 28. 2. 1952. – See also: Das kleine Volksblatt (14. 11. 1951), 4 („Briten verzichten auf Begnadigungsrecht“).
[2748] StLA, OLG Graz, K. 34, Jv Engländer-Akten, 1945–1955, Jv 11826-16/51: 28. 2. 1952; LAPPIN-EPPEL, Zwangsarbeiter 432. – As of 1 November 1952, 39 prisoners with Austrian citizenship in Austrian prisons were being held on behalf of an occupying power. LG Leoben, 15 Vr 1199/97 (formerly: 15 Vr 892/90), Martin Eisinger, Bd. I, fol. 117–127.
[2749] StLA, OLG Graz, K. 34, Jv Engländer-Akten, 1945–1955, Jv 127-1a/53-1: 3. 1. 1953.
[2750] StLA, JA Karlau, Bücher, Bd. 67, StB-Nr. 4732, 4733.
[2751] StLA, JA Karlau, Bücher, Bd. 59, StB-Nr. 847 (Rudolf H.), 1790 (August L.); StLA, JA Karlau, Bücher, Bd. 67, StB-Nr. 2390 (Leopold Bruckner), 4732 (Rudolf Vala), 4890 (Erich V.).
[2752] StLA, JA Karlau, Bücher, Bd. 67, StB-Nr. 2633 (Valentin R.), 2676 (Josef K.), 2981 (Lorenz Plevel), 3161 (Erich F.).
[2753] StLA, JA Karlau, Gefangenenakten, Gef 189-1951, Vala Rudolf: 30. 7. 1955, fol. 92.
[2754] MIKLAU, Todesstrafe 134f.
[2755] KURETSIDIS-HAIDER, Todesurteile 91–97; MIKLAU, Todesstrafe 135; RABL, Justiz und Strafverfolgung 286.
[2756] BEER, Wiederaufbau 120, 132f.; KURETSIDIS-HAIDER, Todesurteile 108. – British courts handed down 392 death sentences in Germany, of which 231 were executed (as of November 1949). GELDERBLOM/LÖLKE, Vollstreckung 143.

death sentences imposed by a British war crimes court (i.e. RWC, Loibl Pass trial), which were also carried out.

The British followed a precise protocol for carrying out such executions,[2757] as can be seen from the example of the execution of the Austrian Anton Kuss. Kuss was sentenced to death for murder by a General Court in Klagenfurt on 22 May 1946 (see chapter 7.3.5).[2758] On 27 June, the Allied Commission for Austria, British Element, informed the Senior Military Government Officer (SMGO) Carinthia and the headquarters of the British troops of the confirmation of the death sentence by the Supreme Commander. The SMGO was responsible for preparing the execution, which was to be carried out by firing squad.[2759] He had to determine the time and place of the execution and arrange for the burial of the delinquent.[2760] By order of the British Army Headquarters in Austria, the 78th Infantry Division appointed a twelve-man firing squad from the ranks of the Royal East Kent Regiment ("Buffs"), as well as a doctor who had to be present to confirm the death of the culprit.[2761] The officer in charge of the Penal Administration Section in Klagenfurt was responsible for informing the convict and the prison authorities that the death sentence had been confirmed. He also had to identify the convict to the commander of the firing squad. After the execution, a *certificate of execution of sentence* had to be completed, which was part of Legal Form 14 (*Death Warrant*). This form had to be signed by the commanding officer of the firing squad, the doctor present, and an officer from the Penal Administration Section.[2762] Last but not least, information about the convicted person's crime was also transmitted, *which may be of interest to the firing party.*[2763] Anton Kuss was finally executed on 18 July 1946 in Ferlach.[2764]

In Styria, the first death sentences handed down by a British military court were also carried out by firing squad. The executed persons were the ten men who had been sentenced to the maximum penalty at the first Eisenerz trial. They were executed on 21 June 1946 in Graz.[2765] However, executions by firing squad were not an optimal solution from the British point of view, as they required relatively elaborate preparations.[2766] At the end of June 1946, the ACA (BE) therefore commissioned the Senior Military Government Officer Steiermark to erect a gallows. *This gallows at Graz would serve for all British requirements in Austria.*[2767] Construction of the execution site began in July 1946 in the Karlau courtyard, although individual components first had to be procured from Eng-

[2757] TNA, FO 1020/2863: 20. 2. 1946, *Procedure for carrying out executions on war criminals*.
[2758] KLA, BPD Klagenfurt, Sch. 45, Brit. Militärgerichtsregister: Office-No. GEN 7.
[2759] TNA, FO 1020/2863: 16. 6. 1946.
[2760] TNA, FO 1020/2863: 27. 6. 1946, fol. 13.
[2761] TNA, FO 1020/2863: 29. 6. 1946, fol. 14; TNA, FO 1020/2863: 8. 7. 1946, fol. 34.
[2762] TNA, FO 1020/2863: 27. 6. 1946, fol. 13.
[2763] TNA, FO 1020/2863: 29. 6. 1946, fol. 14.
[2764] TNA, FO 1020/2863: 18. 7. 1946, fol. 47.
[2765] BEER, Militärgerichtsbarkeit (1998), 64; BEER, Militärgerichtsbarkeit (2018), 129.
[2766] In Germany, the British no longer used firing squads for executions from June 1947 onwards, as there were fewer and fewer battle-hardened soldiers available. Young conscripts were not trusted with such missions. EVANS, Rituale 917.
[2767] TNA, FO 1020/2863: 26. 6. 1946, fol. 17; BRUNNER M., Dienstreise 92.

land. The gallows was finally completed at the end of August 1946 and soon put to use.[2768]

In the spring and summer of 1946, General Courts in Carinthia sentenced eight people, young men from Poland and the Ukraine (today's border), to death.[2769] They were transferred to the Karlau Prison on 18 September 1946.[2770] Shortly afterwards, the English executioner Albert Pierrepoint (1905–1992) also arrived in Graz. Pierrepoint was here to instruct Austrian prison officials in the functionality of the newly erected gallows.[2771] Although death sentences were also carried out by hanging in Austria, a so-called Würgegalgen (strangling gallows) was used, which the British strictly rejected. They favoured the gallows used in Great Britain (long drop). The length of the rope was determined on the basis of the delinquent's height and weight so that death occurred immediately by breaking the neck after a trapdoor was opened and not by suffocation, as was the case with the Würgegalgen.[2772]

Numerous newspapers reported on Albert Pierrepoint's arrival in Austria.[2773] Contrary to the usual practice for men of his profession, there could be no question of anonymity in his case, since he had become highly publicised in December 1945 by the execution of eleven members of the SS sentenced to death in the Bergen-Belsen trial.[2774] Pierrepoint was to return to Germany several more times up until 1949 to hang a total of around 200 men and women convicted as war criminals by British military courts.[2775]

In preparation for the forthcoming executions in Graz, the Legal Division sent all the necessary forms to the British headquarters in Styria on 17 September 1946. Legal Form 13 (*Order on Review*) contained the confirmation of the death sentences following a review of the proceedings by the Military Government Courts Branch. Legal Form 14

[2768] TNA, FO 1020/2867: 7. 8. 1946, 16. 9. 1946.

[2769] See chapter 7.3.2, 7.3.6, 7.3.7, 7.3.8.

[2770] StLA, JA Karlau, Bücher, Bd. 59, StB-Nr. 1107–1114; StLA, JA Karlau, Bücher, Bd. 66, StB-Nr. 1109, 1110, 1112, 1113, 1114. – The memoirs of the executioner Albert Pierrepoint, of all people, give an impression of the condition of these people in the last hours of their lives. He wanted to see the condemned on the eve of the executions and summarised his impressions: "I never saw a more dejected group of people in my life. They were unclean, very roughly clothed, spiritless and, to my eye, hungry." PIERREPOINT, Executioner 160f. – However, Pierrepoint also made similar comments about the eleven death row prisoners after the Bergen-Belsen trial in November 1945. PIERREPOINT, Executioner 146f..

[2771] TNA, FO 1020/2062: 17. 9. 1946, fol. 11; TNA, FO 1020/2863: 26. 6. 1946, fol. 17; Das Steirerblatt (21. 9. 1946), 3 („Englischer Scharfrichter in Graz"); BEER, Kriegsende 33; STIEBER, Briten 203, note 11.

[2772] EVANS, Rituale 912; GELDERBLOM/LÖLKE, Vollstreckung 144f.; URL: https://en.wikipedia.org/wiki/Hanging#Long_drop (18. 9. 2025); BRUNNER M., Dienstreise 93.

[2773] Selection: Weltpresse (19. 9. 1946), 8 („Englischer Scharfrichter auf Reisen"); Wiener Zeitung (20. 9. 1946), 4 („Der englische Oberhenker in Österreich"); Neue Zeit (21. 9. 1946), 3 („Englischer Oberhenker in Graz"); Salzburger Volkszeitung (23. 9. 1946), 2 („Englischer Henker in Graz").

[2774] PIERREPOINT, Executioner 158. – See also: EVANS, Rituale 913, 916; GELDERBLOM/LÖLKE, Vollstreckung 145. – Pierrepoint's prominence in England was also due to the execution of the British fascists John Amery and William Joyce in December 1945 and January 1946 respectively.

[2775] Albert Pierrepoint came from a hangman's dynasty, so to speak. His father Henry and his uncle Thomas had already worked as hangmen in England. He himself took part in executions as an assistant from 1932 and acted as an executioner himself from 1941. By the time he resigned in February 1956, Albert Pierrepoint had executed more than 400 people; the exact number remains disputed. PIERREPOINT, Executioner 109–111, 127f.; EVANS, Rituale 913; MUIGG, Graz 104; URL: https://en.wikipedia.org/wiki/Albert_Pierrepoint (18. 9. 2025); BRUNNER M., Dienstreise 94.

(*Death Warrant*) was the actual execution order issued by the Commander-in-Chief. At the same time, it was announced that the public hangman Albert Pierrepoint would come from Vienna to Graz on 20 September. After Pierrepoint's arrival, the headquarters in Graz was instructed to organise the executions in coordination with the Penal Administration Section (Lt Col Logan). *LtCol Logan is in possession of the rules relating to execution of condemned persons and has copies of Home Office instructions and Table of Drops.*[2776]

In accordance with British instructions for executions in Graz, a delinquent was only transferred to the Karlau Prison where he was subject to strict surveillance, after his death sentence had been confirmed. An officer from the Penal Administration Section had to check the prisoner's identity and then inform him that the death sentence was about to be carried out. The execution was to take place the following day. The prisoner was now allowed to consult a legal advisor again if necessary or receive a visit from relatives, provided they were available during the remaining time. In addition, a priest had to be on call. A representative of the Chief Civil Affairs Officer (CCAO) Styria, the prison governor, and the prison doctor had to be present at the execution itself. Any other person authorised by the Legal Division was also permitted to be present. Immediately before the execution, the representative of the CCAO had to make sure that the person on death row was actually the person named in the execution order.[2777]

One day before the scheduled executions in Graz, Albert Pierrepoint explained their upcoming tasks to his Austrian helpers.[2778] Assisted by the Austrian Leopold Zaglauer, who had been designated as the future executioner, Pierrepoint carried out the first five executions himself on the morning of 24 September 1946. The other three executions were carried out by Zaglauer and his two assistants under Pierrepoint's supervision. As there were eight death sentences to be executed, for which only one gallows was available, the executed prisoners did not hang for an hour as usual[2779] but were taken down as soon as the prison doctor, Dr Kaufmann, had ascertained their death.[2780]

As can be seen from the Penal Administration Section's report to the Legal Division, all executions were performed without incident. Albert Pierrepoint noted that Leopold

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[2776] TNA, FO 1020/2062: 17. 9. 1946, fol. 12. – See also: TNA, FO 1020/2062: 17. 9. 1946, fol. 11; BRUNNER M., Dienstreise 94.

[2777] TNA, FO 1020/2863: 17. 9. 1946, fol. 86, *Instructions for the execution in the Maennerstrafanstalt (Karlau Prison) Graz of persons condemned to death by Military Government Courts in the British Zone, Austria*. – See also the procedures prior to the justification of Klemens Frettensattel and Johann Lantschik on 16 April 1947, which were recorded in Frettensattel's prisoner file. StLA, JA Karlau, Gefangenenakten, Gef 183-1947, Frettensattel Klement.

[2778] "With the aid of an army Major who spoke German I spent two hours in getting over to the Austrian executioners what I wanted them to do on this occasion as my assistants. It was not a long time to convey, in another language, the routine to be followed for eight hangings." PIERREPOINT, Executioner 160; BRUNNER M., Dienstreise 94.

[2779] Cf. TNA, FO 1020/2863: 17. 9. 1946, fol. 86, *Instructions for the execution in the Maennerstrafanstalt (Karlau Prison) Graz of persons condemned to death by Military Government Courts in the British Zone, Austria*.

[2780] TNA, FO 1020/2062: 25. 9. 1946, fol. 14. – Furthermore: StLA, JA Karlau, Bücher, Bd. 65; BRUNNER M., Dienstreise 95.

Zaglauer and his assistants were now able to carry out executions themselves.[2781] The Austrian executioner was deployed again a few days later: On 1 October 1946 he had to carry out two English-style[2782] executions on the gallows in Salzburg (American zone).[2783] From then on, the British resorted to Zaglauer by requesting him from the Austrian Ministry of Justice whenever executions were pending in Graz resulting from the judgements of their military courts.[2784]

As had already happened with the executions after the Eisenerz trial, the Austrian press was to continue to report regularly on executions at the suggestion of Dr Gustav Zigeuner, President of the Higher Regional Court of Graz. If the delinquents were foreigners, corresponding notices were also posted in the DP camps.[2785]

The eight executions on 24 September 1946 still caused diplomatic 'aftershocks'. The Polish Mission in Vienna requested information from the British about the identity of the compatriots concerned and the reasons for their sentencing and asked for a 72-hour postponement of the executions. The latter could hardly be considered because this letter did not arrive until one day after the execution of the sentence.[2786] The subsequent protest from the Polish side prompted the British authorities to adopt a new procedure: In future, the respective mission had to be informed of charges, evidence, guilty verdicts, and sentences before the execution of nationals of a state that belonged to the United Nations and had a mission in Germany or Austria. But with deliberation: […] *care should be taken to avoid any suggestion that you are consulting the Allied Mission as to the propriety of the execution of the sentence.*[2787]

Accordingly, on 20 August 1947, Sir Douglas Young informed Col Pokrovsky, his counterpart in the Soviet legal department of the Allied Commission for Austria, about the conviction of the Russian citizen Nikolai Subzow by a British court and his imminent execution (see chapter 7.5.7). In his letter, Young summarised the facts of the case and asked for feedback if the Soviet side wanted further information.[2788] Serious objections were probably either not raised or ignored, because Subzow was executed in Graz at the end of September 1947.

The newly erected gallows in Graz had proved its worth in the eyes of the British during the executions on 24 September 1946: *The new apparatus worked throughout*

[2781] TNA, FO 1020/2062: 25. 9. 1946, fol. 14.
[2782] Leopold Zaglauer remarked about these two executions in Salzburg that Mr Pierrepoint's instructions were of great benefit to him. TNA, FO 1020/2062: 20. 10. 1946.
[2783] Cf. Salzburger Nachrichten (2. 10. 1946), 3 („Zwei Hinrichtungen in Salzburg").
[2784] TNA, FO 1020/2062: 26. 6. 1947, fol. 56; Neue Zeit (1. 12. 1946), 3 („Hinrichtungen in Graz"); BRUNNER M., Dienstreise 95.
[2785] TNA, FO 1020/2062: 22. 1. 1947, fol. 33; TNA, FO 1020/2062: 27. 1. 1947, fol. 35; TNA, FO 1020/2062: 27. 1. 1947, fol. 37; TNA, FO 1020/2062: 30. 1. 1947, fol. 38; TNA, FO 1020/2062: 1. 2. 1947, fol. 39; TNA, FO 1020/2062: 15. 2. 1947, fol. 40.
[2786] TNA, FO 1020/2062: 25. 9. 1946, fol. 16.
[2787] TNA, FO 1020/2062: 7. 11. 1946. Cf. TNA, FO 1020/2062: 18. 11. 1946, fol. 24; TNA, FO 1020/2062: 25. 11. 1946; TNA, FO 1020/2062: 29. 11. 1946, fol. 27. – The Soviets were also interested in the men executed on 24 September 1946. They wanted to clarify whether there had been any Russian nationals among them. TNA, FO 1020/2062: 22. 11. 1946, fol. 22; TNA, FO 1020/2062: 26. 11. 1946, fol. 23.
[2788] TNA, FO 1020/2075: 20. 8. 1947.

without a hitch of any sort.[2789] Soon afterwards, the occupying power invited media representatives to a tour of the Karlau Prison, where British officers explained in detail the execution process on the gallows with a trapdoor, which in their opinion was the most humane, quickest and safest method of execution.[2790] Another 'demonstration' took place on 29 November 1946. Leopold Zaglauer used a dummy to show how the gallows worked. Among those present were senior British officers such as Col A.P. Block (CCAO), his deputy Lt Col K.C. Boyd, Lt Col L.R. Ashton (SPSO), Lt Col A.F. Logan and Maj P.A. Stocking (Penal Administration Section) as well as the judges Sir Douglas Young (Legal Division) and Dr Rudolf Watzek-Mischan (People's Court Graz).[2791]

After the end of the war in 1945, however, the Austrians reintroduced the above-mentioned Würgegalgen for the execution of death sentences,[2792] which the British considered unsuitable.[2793] They therefore attempted to make the execution procedure of their choice more 'palatable' to the Austrians. The newly qualified Austrian executioner Zaglauer also spoke out in favour of introducing the British method.[2794] However, the Austrian judicial authorities refused to take this step, citing medical and technical reasons.[2795] The strangling gallows thus remained in use until the last execution in Austria on 24 March 1950.[2796] Two months later, on 24 May 1950, the death penalty in ordinary criminal proceedings was abolished by the Austrian National Assembly. De jure, however, the death penalty could still be imposed by People's Courts until 1955 and by courts-martial until 1968.[2797]

Meanwhile, there were already internal discussions within the British occupying power about the continuation of executions. The immediate cause was a referendum in the House of Commons in London, which voted for the (trial) abolition of the death penalty on 14 April 1948.[2798] Sir Alfred Brown, Director of the Legal Division in Vienna, now

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[2789] TNA, FO 1020/2062: 25. 9. 1946, fol. 14; TNA, FO 1020/2867: 14. [10.] 1946. – Lord Schuster contacted the Economic Division (BE) to thank them for the work of Capt M.F.H. Stephens, who had to supervise the construction of the gallows in Graz under difficult circumstances because the only building instructions available were blueprints supplied by the Home Office. *It was an extremely difficult engineering matter to build the Gallows and the Drop.* TNA, FO 1020/2062: 11. 12. 1946, fol. 31/32.

[2790] Neue Zeit (15. 10. 1946), 3 („In acht Sekunden im Jenseits"). – The President of the Higher Regional Court of Graz, Dr Gustav Zigeuner, also took part in this on-site visit. – Furthermore: Das Steirerblatt (15. 10. 1946), 3 („Justifizierung nach dem Gallow-System").

[2791] TNA, FO 1020/2867: 7. 12. 1946.

[2792] Cf. URL: https://de.wikipedia.org/wiki/W%C3%BCrgegalgen (18. 9. 2025).

[2793] A British report on the execution of Dr Franz Niedermoser, who was hanged on 16 November 1946 following a death sentence by the People's Court in Klagenfurt, stated: *It is reported that the Austrian-style execution is somewhat barbaric.* TNA, FO 1020/2867: 5. 12. 1946.

[2794] TNA, FO 1020/2062: 20. 10. 1946.

[2795] TNA, FO 1020/2062: 27. 8. 1947. – The assessment of the Graz-Karlau Prison doctor also served as an argument. Dr Kaufmann had been present at executions using the English and Austrian methods and found the latter to be simpler because it was less prone to error. TNA, FO 1020/2062.

[2796] Cf. URL: https://de.wikipedia.org/wiki/W%C3%BCrgegalgen (18. 9. 2025).

[2797] On the abolition of the death penalty in Austria after the Second World War, see: Wiener Zeitung (25. 5. 1950), 1f. („Die Todesstrafe gefallen!"); The Times (25. 5. 1950), 8 ("Death penalty in Austria to end"); KONRAD, Rechtsstaat 70f., 76f.; HAAS, Todesstrafe 137f.; SCHÖGGL-ERNST, Recht und Gericht 431; MIKLAU, Todesstrafe 135–137.

[2798] This vote by the House of Commons was to be incorporated into the *Criminal Justice Act 1948*, but was later rejected by the House of Lords. The death penalty therefore remained valid law in Great Britain.

anticipated a possible extension of this regulation to British military courts. Therefore, on 16 April 1948, he instructed the Controller of the Courts Branch, Mr Hamilton, to discuss the question of the death penalty in the British zone of occupation with the senior judicial officers for Carinthia and Styria. As it turned out, they were unanimous in their opinion that the military courts should continue to be authorised to impose the death penalty.[2799] Nonetheless, in response to the House of Commons decision, death sentences in the British zone could now only be carried out after obtaining authorisation from London.[2800]

The British gallows in the courtyard of the Karlau Prison was used for the last time on 22 July 1948 to execute a General Court judgement. When it became clear that no further executions were to be expected, the question arose as to what should be done with the apparatus. In December 1949, the Controller of the Courts Branch in Graz recommended that the gallows should only be removed shortly before the British withdrew from Austria. But then it should not be forgotten. [Otherwise] *it is, I think, by no means beyond the bounds of possibility that it would become at some future date a macabre showpiece illustrating "the bloody rule of the British Occupying Power"*.[2801] In the end, the execution site in the Karlau Prison was dismantled on 20 April 1950. The wooden components remained on site at the disposal of the prison management, while the mechanical parts were packed into boxes and stored by the British.[2802] According to a proposal by the Legal Division, they were later to be handed over to Wandsworth Prison in London.[2803]

Weltpresse (15. 4. 1948), 2 („Unterhaus beschließt die Abschaffung der Todesstrafe"); Weltpresse (3. 6. 1948), 2 („Gegensatz zwischen Unterhaus und Oberhaus in Frage der Todesstrafe"); EVANS, Rituale 885.

[2799] TNA, FO 1020/2062: 16. 4. 1948, fol. 102; TNA, FO 1020/2062: 22. 4. 1948, fol 101; TNA, FO 1020/2062: 23. 4. 1948, fol. 103; TNA, FO 1020/2014: 4. 5. 1948.

[2800] TNA, FO 1020/2062: 19. 4. 1948, fol. 100.

[2801] TNA, FO 1020/2017: 14. 12. 1949.

[2802] TNA, FO 1020/2017: 18. 5. 1950.

[2803] TNA, FO 1020/2017: 19. 6. 1950.

10 Military jurisdiction of the other three occupying powers in Austria

In addition to the British, the other three occupying powers had their own military courts in Austria. The Americans and French basically followed the same scheme as the British, which differentiated between summary, intermediate, and higher military courts with correspondingly graduated levels of punishment. The procedure in the Soviet zone was clearly different. The following three chapters will now outline the activities of the American, French and Soviet military courts in Austria.

10.1 American military courts in Austria

What has been said above about the organisation of the British Military Government Courts can, to a large extent, also be said about the American zone. In both cases the basic documents were Orders No. 100 and No. 200.[2804] Like the British, the Americans set up Summary Courts just a few days after the end of the war to counter the chaotic conditions in their zone. These early US trials mostly dealt with curfew violations, theft, possession of weapons, and false statements.[2805] The first US military court hearing in Salzburg is said to have taken place on 11 May 1945.[2806] False statements were also the subject of one of the first Intermediate Court hearings in Salzburg. The Americans counted on the educational and deterrent effect of their judicature when, on 6 July 1945, the Nazi public prosecutor Dr Friedrich Stainer was sentenced to ten years' imprisonment and a fine of 20,000 marks for making false statements in the military government's questionnaire.[2807] By the end of July 1945, the Americans already had 13 Summary and one Intermediate Court in Upper Austria. Their workload totalled 4174 cases by the end of the year.[2808]

Not to be forgotten are the US military courts in Styria. During the American occupation of the Liezen district (north of the Enns), which lasted until 9 July 1945,[2809] they convened in the district capital,[2810] as well as sporadically in Ausseerland,[2811] which be-

[2804] Tweraser, Military Justice 154–157; Tweraser, US-Militärregierung 246f., 249; Tweraser, Kriegsverbrecherprozesse 66. – See also: Granichstaedten-Czerva, Verfahren 2.
[2805] Cf. Tweraser, Military Justice 157f.
[2806] Roth/Kramml, Chronik 194. – For the typical course of proceedings before an American (or British) military court, cf. Freund/Bowker, Strafgerichtsverfahren 270–272.
[2807] Salzburger Nachrichten (7. 7. 1945), 2 („10 Jahre Gefängnis für falsche Angaben"); Oberösterreichische Nachrichten (2. 8. 1945), 1 („Seine größte Schuld"); Roth/Kramml, Chronik 203.
[2808] Tweraser, US-Militärregierung 250f.
[2809] Beer, Great Deal of Work 36.
[2810] Cf. StLA, JA Karlau, Bücher, Bd. 59, StB-Nr. 93.
[2811] Cf. Wiener Zeitung (10. 1. 1946), 4. – Furthermore: Salzkammergut-Zeitung (9. 12. 1945), 5 („Bestrafter Rechtsanwalt").

longed to the US occupation zone until 1955, although it was reincorporated into the province of Styria with effect from 1 July 1948.[2812]

The first trial by an American General Court that ended with a death sentence took place in Linz on 20 December 1945. The Pole Anton Jakubowski was sentenced to death for the murder of two prison guards in Grieskirchen (Upper Austria).[2813] The Americans were in no particular hurry to set up military courts in their Viennese occupation sectors.[2814] The first hearing of a US military court took place here at the end of January 1946 at the seat of the Ministry of Justice (Palace of Justice).[2815] A total of 32,495 cases were heard by American military courts in Austria by the end of 1949.[2816]

The Bad Ischl milk trial is a striking example of American military jurisdiction in Austria. On 20 August 1947, a protest of around 200 people against the poor food situation took place in Bad Ischl (Upper Austria). It was supported by the local Communist Party and led to anti-Semitic riots. The target of the attacks were Jewish DPs, who were collectively insulted as being contrabandists. The US occupying forces then brought six men and women before a General Court in Linz for offences against Ordinance No. 200 (§ 16: incitement to or participation in a riot; § 33: promotion of or participation in an unauthorised assembly). On 25 September 1947, the harsh sentences of up to 15 years imprisonment were published. Communist newspapers then launched a storm of protest that reached across all party lines and was also supported by the federal government. This campaign was soon successful. On 8 October 1947, Gen Keyes, the American Commander-in-Chief in Austria, reduced the prison sentences to a maximum of one year.[2817]

The outcome of this hearing accelerated the deliberations of the US judicial authorities to review Ordinance No. 200. At the end of November 1947, Gen Keyes announced the repeal of two articles and 15 paragraphs of this ordinance for the American zone of occupation.[2818] After a further reduction in January 1949, four articles and 14 paragraphs remained before finally, from April 1950, only espionage, illegal communication of information, and offences against the 'famous' paragraph 41 (acts against public order or the interests of the military government) remained punishable. From then on, the Americans themselves only punished cases that concerned their immediate security interests. All other proceedings were left to the Austrian courts. This constellation was not to change until the signing of the State Treaty in 1955.[2819]

[2812] Cf. LGBlSt Nr. 54/1948, 129; HASIBA/POLASCHEK, Landesgesetzgebung 21. – See also: Weltpresse – Graz am Abend (1. 7. 1948), 6 („Heute mittag Ausseerland heimgekehrt").

[2813] Oberösterreichische Nachrichten (21. 12. 1945), 3 („Todesurteil gegen Jakubowski"); TWERASER, US-Militärregierung 252. – Jakubowski was hanged in the courtyard of Garsten Prison on 9 December 1946. Weltpresse (10. 12. 1946), 8 („Hinrichtung in Garsten").

[2814] TNA, FO 1020/3010: 16. 11. 1945, *Legal Sub-Committee Meeting No. 8*.

[2815] Cf. TNA, FO 1020/2957: 1. 2. 1946.

[2816] TWERASER, Kriegsverbrecherprozesse 66; TWERASER, US-Militärregierung 295.

[2817] JAGSCHITZ, Einfluß 122f., 124; TWERASER, Military Justice 164–170; TWERASER, US-Militärregierung 274, 277–284; SCHIEDEL, Bad Ischl 21; REITER, Milch-Prozeß 323–327.

[2818] Wiener Zeitung (30. 11. 1947), 1 („Milderung der Militärregierungsverordnung 200"); TWERASER, Military Justice 171.

[2819] TWERASER, Military Justice 174–176.

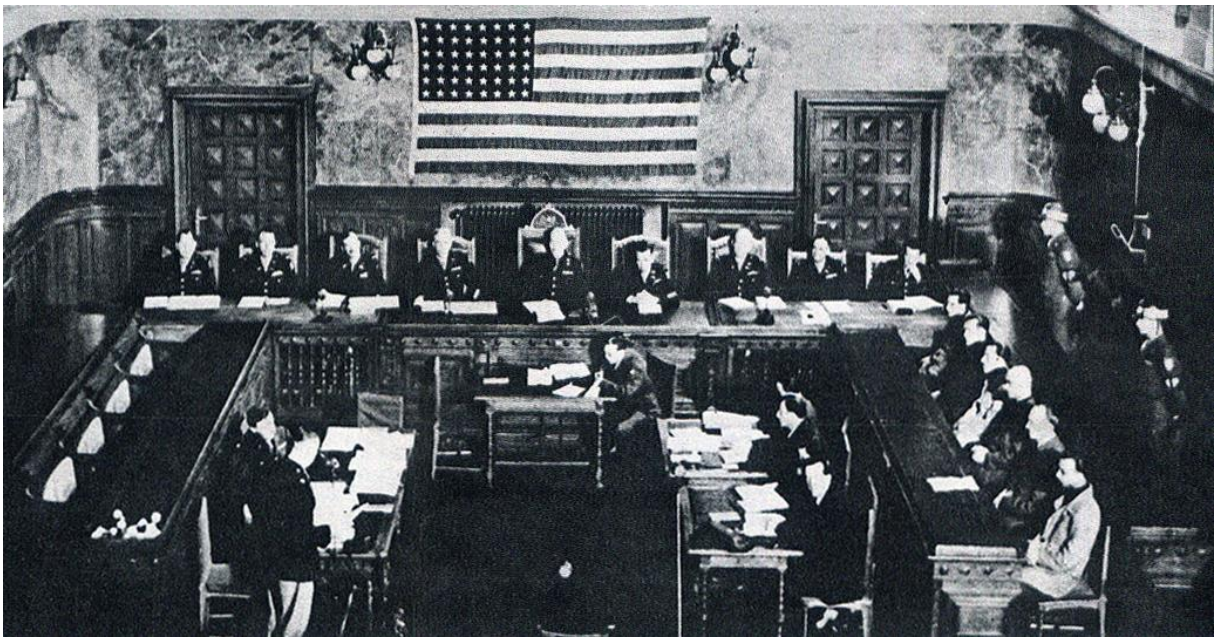

Figure 24: View of the courtroom during the first US war crimes trial in Salzburg, 22 May 1946 (StLA)

The Americans set up military commissions to punish war crimes, focussing on the mistreatment and killing of downed US bomber crews. The first of these American war crimes trials in Austria began on 22 May 1946 (Fig. 24). The defendants were six members of an SS combat group who were accused of murdering US Air Force soldiers in western Hungary in March 1945. On 7 June 1946, the court handed down four death sentences and two life sentences.[2820] Four other trials for the murder of US airmen also ended with death sentences.[2821] By May 1948, the Americans had conducted a total of 16 war crimes trials in Salzburg, involving 61 defendants.[2822] It should be noted that not all alleged war crimes against Americans were tried by a US military commission, as the occupying power sometimes left such proceedings to Austrian courts.[2823]

[2820] Wiener Kurier (22. 5. 1946), 3 („Mord an US-Fliegern findet Sühne"); Wiener Kurier (23. 5. 1946), 3 („Kriegsverbrecherprozeß in Salzburg begonnen"); Wiener Kurier (8. 6. 1946), 3 („SS-Mörder zum Tode verurteilt"); JAGSCHITZ, Einfluß 122f., 124; ROTH/KRAMML, Chronik 233; STOURZH K., Aspekte 131; TWERASER, Kriegsverbrecherprozesse 80, 82–84, 97; KURETSIDIS-HAIDER, Todesurteile 107f. – Two death sentences were executed on 1 October 1946 in the courtyard of the Salzburg Regional Court. Salzburger Nachrichten (2. 10. 1946), 3 („Zwei Hinrichtungen in Salzburg"); ROTH/KRAMML, Chronik 240. – The two remaining death sentences were commuted to life imprisonment in September 1946. After a further review of the proceedings in March 1948, these sentences were remitted and the convicts released. Salzburger Nachrichten (16. 9. 1946), 3 („Zwei Todesurteile aufgehoben"); TWERASER, Kriegsverbrecherprozesse 80, 84.
[2821] TWERASER, Kriegsverbrecherprozesse 97, 100; KURETSIDIS-HAIDER, Todesurteile 108.
[2822] TWERASER, Kriegsverbrecherprozesse 79, 95, 97–100; HANISCH, Unwirtliche Zeiten 40. – Summaries of all American war crimes trials in Austria can be viewed at the International Research and Documentation Centre for War Crimes Trials at Marburg University. Cf. URL: https://www.uni-marburg.de/de/icwc/dokumentation/icwc-datenbank/umfang-der-bestaende (18. 9. 2025).
[2823] TWERASER, Kriegsverbrecherprozesse 79f.

10.2 French military courts in Austria

The jurisdiction of the military government in the French zone (Vorarlberg, North Tyrol, Vienna) followed the same three-tier system as that of the Americans and British.[2824] A Summary Military Court (*Tribunal Sommaire*) is thought to have held hearings in Feldkirch from June 1945.[2825] These courts were not officially opened until a month later at three locations in the province of Vorarlberg: Bregenz (3 July), Feldkirch (20 July), and Bludenz (25 July).[2826] In Tyrol, where the French only replaced the Americans on 10 July, Summary Courts were set up in seven districts in autumn 1945: Imst (21 September), Landeck (24 September), Innsbruck (25 September), Reutte (27 September), Schwaz (6 October), Kufstein (9 October), and Kitzbühel (19 October).[2827]

The opening of the first and second level military courts was celebrated with a ceremony held in the Innsbruck Landhaus on 25 September 1945.[2828] The Intermediate Military Court (*Tribunal Intermédiaire*), based in Innsbruck, was authorised for the whole of North Tyrol.[2829] The one in Feldkirch covered Vorarlberg and went into action on 5 November 1945.[2830] The establishment of French military courts in Tyrol and Vorarlberg therefore took place relatively late. The situation was different in Vienna, where the French – as the first Western occupying power – operated a Summary Court from 31 October 1945.[2831]

The highest court in the French occupation zone was the *Tribunal Général* based in Innsbruck, which had divisions for Tyrol and Vorarlberg.[2832] After an official ceremony on 25 January 1946,[2833] the first hearing took place on 9 February 1946.[2834] The first death sentence handed down by a French court was that of Michael Janu(c)z, a Pole who, with accomplices, had murdered two men in Außerbraz (Vorarlberg) at the end of July 1945. He was sentenced to death in Feldkirch on 16 March 1946 and executed there on 2 May 1946.[2835] An interim report on the activities of the courts of the French military government in Vorarlberg and North Tyrol recorded (as of 15 August 1946) 4302 proceedings with 5671 defendants, 527 of whom were acquitted.[2836]

[2824] STOURZH K., Aspekte 39.
[2825] VEITER, Französische Militärgerichtsbarkeit 66f.
[2826] EISTERER, Französische Besatzungspolitik 238.
[2827] EISTERER, Französische Besatzungspolitik 238, 404, note 381; STOURZH K., Aspekte 39.
[2828] Tiroler Tageszeitung (26. 9. 1945), 1 („Eröffnung der französischen Militärgerichte in Innsbruck").
[2829] EISTERER, Französische Besatzungspolitik 238; STOURZH K., Aspekte 39.
[2830] VEITER, Französische Militärgerichtsbarkeit 68; EISTERER, Französische Besatzungspolitik 238.
[2831] TNA, FO 1020/3036: 31. 10. 1945; TNA, FO 1020/3010: 16. 11. 1945, *Legal Sub-Committee Meeting No. 8*.
[2832] VEITER, Französische Militärgerichtsbarkeit 69f.; STOURZH K., Aspekte 39.
[2833] Wiener Kurier (28. 1. 1946), 3 („Oberstes Gericht der Militäregierung in Innsbruck"); EISTERER, Französische Besatzungspolitik 238f.
[2834] Wiener Kurier (9. 2. 1946), 3 („Mordprozeß vor Oberstem französischen Militärgericht"); Salzburger Nachrichten (14. 2. 1946), 3 („Im Rausch die Geliebte erschossen").
[2835] See: STACHNIß/WIDERIN, Doppelmord 7–12. – Furthermore: Vorarlberger Nachrichten (3. 5. 1946), 2 („Mörder Janucz hingerichtet"); VEITER, Französische Militärgerichtsbarkeit 70; EISTERER, Französische Besatzungspolitik 240; WALSER, Hinrichtung 21f., 122, 129.
[2836] EISTERER, Französische Besatzungspolitik 240.

At the beginning of 1947, the French reorganised their military jurisdiction in Austria. The ten existing Summary Courts were dissolved. The Intermediate Courts were now replaced by the *Tribunaux français de la Province de Tyrol, de Vorarlberg et de la ville de Vienne*, i.e. French courts for the individual parts of the French zone of occupation in Austria. However, the one for Vorarlberg was dissolved in the same year due to a lack of proceedings. From then on, the *Tribunal français de la zone d'occupation Tyrol-Vorarlberg*, which met in Innsbruck, was in charge. The highest court level was also reorganised by replacing the former Higher Military Court with a *Tribunal Supérieur Français* in Innsbruck. Its jurisdiction extended to Tyrol and Vorarlberg as well as the French sectors in Vienna. It was responsible for proceedings against French citizens and for serious offences that had to be transferred from the *Tribunal français de la zone d'occupation Tyrol-Vorarlberg*. Finally, the *Tribunal Supérieur Français* was also responsible for prosecuting war crimes, even if these trials accounted for a comparatively small proportion of the court's work.[2837]

The first French war crimes trial took place in Innsbruck from 22 to 24 May 1947. On trial was Josef M., who, according to the indictment, had killed two Russians in December 1943 while serving as a guard at the Brixlegg POW camp (Tyrol). He was sentenced to 25 years in prison.[2838] Similar cases concerning the ill treatment or killing of prisoners or (French) forced labourers made up the bulk of the other war crimes trials in Innsbruck.[2839] According to Katharina Stourzh, the French conducted at least 20 such trials by 1950. 43 people were charged.[2840]

The Murau trial, which took place in autumn 1947 before the Higher Military Court in Innsbruck against seven defendants, including Franz Amberger as the former district leader of Murau (Styria), provides one example of the punishment of a final-phase crime by the French occupying power. The subject of the trial was the killing of several foreigners, including a French POW, in the Murau area in the final weeks of the Second World War. Although the crime scene was in the British zone, the death of a Frenchman had undoubtedly affected the interests of the French occupying power. The trial ended on 13 December 1947 with three guilty verdicts for murder and four acquittals.[2841]

A year later, the war crimes trial concerning the Gestapo camp in Innsbruck's Reichenau district attracted public interest.[2842] The occupying power had become active here because the prisoners in Reichenau included both French nationals and members of other Allied nations. The principal defendants were Werner Hilliges and Max Nedwed,[2843] two former heads of the Innsbruck Gestapo, who were accused of murdering prisoners, among other offences. They were joined in the dock by five of the camp's

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[2837] STOURZH K., Alliierte Prozesse 357f.; STOURZH K., Aspekte 48–51, 57f.; HÄMMERLE, Reichenau 32–34.
[2838] Österreichische Zeitung (25. 5. 1947), 3 („Sühne für Doppelmord an sowjetischen Kriegsgefangenen"); STOURZH K., Aspekte 51f., 143.
[2839] STOURZH K., Aspekte 62.
[2840] Cf. STOURZH K., Aspekte 143–152.
[2841] STOURZH K., Aspekte 64–66; 147f.; WIELAND, Murau 128–130; USLU-PAUER, Vernichtungswut 296.
[2842] STOURZH K., Aspekte 101–117; HÄMMERLE, Reichenau 51–65.
[2843] Cf. GAFKE, Heydrichs „Ostmärker" 295f.; HÄMMERLE, Reichenau 37f.

guards on charges of alleged ill-treatment of prisoners. On 18 December 1948, after a twelve-day trial, the court in the old Innsbruck Landhaus handed down six guilty verdicts. The principal defendants were sentenced to life imprisonment (Hilliges) and 20 years imprisonment (Nedwed).[2844]

10.3 Soviet military courts in Austria

The military jurisdiction of the Soviet occupying power in Austria can hardly be compared with that of the British, Americans, and French. The main differences were that the trials took place before secret military tribunals and that both Austrian authorities and family members hardly ever received any information about the further fate of arrested and sentenced persons.[2845] Moreover, the rights of the accused before military courts in the Soviet zone as laid down in Ordinance No. 100 of the Western Allies were largely irrelevant.[2846]

Military justice in the Russian zone thus contributed to the impression of arbitrary rule that was engraved in the collective memory of the Austrian population. The factual reasons or pretexts for arrests included war crimes, Werwolf activities, illegal possession of weapons, clashes with Soviet soldiers, and criminal offences. As the occupation – and the Cold War – continued, the number of arrests on espionage charges increased. Less well known is the occasional practice of the Russians to hand over arrested persons to Austrian authorities if there were no offences against the occupying power. Austrian police and gendarmes in turn carried out arrests on behalf of the Soviet commandant's offices on a case-by-case basis.[2847]

The total number of civilians arrested by the Soviet authorities in Austria is given as approximately 2200 (as of 2015).[2848] According to the study by Harald Knoll and Barbara Stelzl-Marx, the courts of the occupying power sentenced over 1000 Austrians to, mostly long, prison sentences for war, state, and everyday crimes.[2849] Of these people, 188 were sentenced to death, 152 were executed, 199 died while in prison, 818 returned

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[2844] Wiener Zeitung (19. 12. 1948), 5 („Urteil im Innsbrucker Gestapoprozeß"); STOURZH K., Aspekte 150–152; HÄMMERLE, Reichenau 64f.

[2845] KNOLL/STELZL-MARX, Sowjetische Strafjustiz 319.

[2846] See the remarks by Federal Chancellor Julius Raab on Soviet military tribunals in his foreign policy statement in the National Assembly on 18 June 1953. Parlament Österreich, Stenographisches Protokoll, 12. Sitzung des Nationalrates der Republik Österreich, VII. Gesetzgebungsperiode, 18. Juni 1953, S. 289. URL: https://www.parlament.gv.at/dokument/VII/NRSITZ/12/imfname_158357.pdf (18. 9. 2025); Südost-Tagespost (19. 6. 1953), 2 („Räumung noch vor Staatsvertrag").

[2847] STELZL-MARX, Entnazifizierung 438f.; KNOLL/STELZL-MARX, Sowjetische Strafjustiz 275, 282, 284, 286–288; STELZL-MARX, Zum Tode verurteilt (2015), 274f.

[2848] KNOLL/STELZL-MARX, Sowjetische Strafjustiz 275, 319; STELZL-MARX, Zum Tode verurteilt (2015), 275. – This figure is significantly lower than one might expect under the impression of collective memory. However, Knoll and Stelzl-Marx point out that there is still a number of unreported cases of deportations by the Red Army, particularly for the year 1945.

[2849] KNOLL/STELZL-MARX, Sowjetische Strafjustiz 275.

to Austria after serving their sentences; the fate of 751 is unknown.[2850] The actual trials took place either before military tribunals of Soviet troops in Austria or before a special commission of the state security authorities in Moscow.[2851] The legal basis was mainly the Russian Criminal Code (especially Art. 58) or – in the case of war crimes – the so-called "Ukaz 43"[2852]. Finally, Article 2 of Law No. 10 issued by the Control Council in Germany on 20 December 1945 was applied in isolated cases.[2853]

Almost a quarter of all Austrian civilians convicted by Soviet courts had been arrested for offences against 'Ostarbeiter' or Soviet prisoners of war (91 cases) or for war crimes on the territory of the Soviet Union (109 cases). Fifty of these offenders were former policemen who had been involved in the ill-treatment and murder of Jews, particularly in the Galicia district of the Generalgouvernement.[2854] If the victims of war crimes were not their own citizens, as in the case of the shot-down bomber crews of the Western Allies, Soviet military tribunals remained dormant.[2855]

One of the oppressions of Soviet occupation was that Austrian civilians convicted by military courts had to serve their sentences in the USSR.[2856] It was not until April 1952 that the Soviet occupying power informed the Ministry of Justice that convicts in such cases were to be transferred to Stein Prison (Lower Austria) in future.[2857] From then on, Austrian prisoners were also sometimes taken from penal camps in the USSR and sent to Stein.[2858]

[2850] KNOLL/STELZL-MARX, Sowjetische Strafjustiz 275, 285–287. – Furthermore: KURETSIDIS-HAIDER, Todesurteile 109.

[2851] KARNER, Gewahrsamsmacht 115; KNOLL/STELZL-MARX, Sowjetische Strafjustiz 284f., 319.

[2852] Decree of the Presidium of the Supreme Soviet of the USSR of 19 April 1943. STELZL-MARX, Entnazifizierung 443f. – Furthermore: KARNER, Gewahrsamsmacht 110; KNOLL/STELZL-MARX, Sowjetische Strafjustiz 288, 304; KURETSIDIS-HAIDER, Todesurteile 110.

[2853] KARNER, Gewahrsamsmacht 110f.; STELZL-MARX, Entnazifizierung 440f.; KNOLL/STELZL-MARX, Sowjetische Strafjustiz 288–290, 319.

[2854] KNOLL/STELZL-MARX, Sowjetische Strafjustiz 288, 303f., 306f.; KURETSIDIS-HAIDER, Todesurteile 110; STELZL-MARX, Zum Tode verurteilt (2015), 285f.

[2855] KNOLL/STELZL-MARX, Sowjetische Strafjustiz 320.

[2856] KNOLL/STELZL-MARX, Sowjetische Strafjustiz 319.

[2857] Das kleine Volksblatt (5. 6. 1952), 1 („Von russischen Militärgerichten Verurteilte in Stein"); Südost-Tagespost (5. 6. 1952), 2 („Häftlinge der Sowjets nach Stein"); The Times (5. 6. 1952), 7 ("Austrians sentenced by Russians"); Wiener Zeitung (5. 6. 1952), 1 („Ein sowjetisches Zugeständnis"). – Cf. Südost-Tagespost (31. 5. 1953), 2 („Sowjetmilitärjustiz: Langjährige Kerkerstrafen für zwei Oesterreicher")

[2858] Österreichische Zeitung (1. 7. 1952), 2 („Sowjetbehörden überstellen Strafgefangene in österreichische Gefängnisse"); Das kleine Volksblatt (7. 8. 1952), 3 („Stein – Strafanstalt der Russen"); Südost-Tagespost (7. 8. 1952), 1 („Österreichische Sowjethäftlinge kommen nach Stein"); Südost-Tagespost (2. 4. 1953), 2 („Amnestie auch für Oesterreicher!").

11 Summary

From 1945 to 1955, the British occupation zone in Austria comprised the provinces of Carinthia (including East Tyrol) and Styria (excluding Ausseerland), and five districts in Vienna. The British established a military government, whose multi-layered administrative apparatus affected many areas of the local population's life, in those regions. In addition to public safety and education, particular attention was paid to the judicial system, which was now controlled by the occupying power in accordance with international law. The judiciary was subject to comparatively strict denazification, so that the Austrian courts were only able to resume their work area-wide from October 1945.

At the same time, the British established a three-tier system of the military government's own courts. The lowest level consisted of Summary Courts, which could impose prison sentences of a maximum of one year. The intermediate level consisted of the Intermediate Courts, which had the power to impose sentences of up to ten years imprisonment. The third and highest level was formed by the General Courts, which could impose any punishment provided for by law, including the death penalty. The jurisdiction of these courts extended to all persons living in the occupation zone, with the exception of prisoners of war, members of the Allied Forces, and persons with diplomatic immunity. They were authorised to punish offences against the laws and customs of war, against the orders of the military government, and against Austrian legislation.

The Intermediate Courts were usually set up in the district, as well as the provincial, capitals. Based on the sources analysed for this study, 8662 defendants can be documented for the intermediate court level in Carinthia, 2668 in Styria, and 464 in Vienna in the period from 1945 to 1953. Around 28 per cent of all trials at intermediate military courts concerned cases of illegal possession of weapons. Other frequently recurring offences included possession or theft of Allied property, acts against public order, and unauthorised use of weapons. Trials were led by British officers or lawyers. Both officers and Austrian lawyers or selected gendarmerie officers acted as prosecutors. Defence lawyers were present at just under 20 percent of all hearings. Most of these were Austrian lawyers. British lawyers were appointed as defence counsel when a fellow countryman was on trial.

Between 1946 and 1951, 53 trials involving 133 defendants took place before the General Courts of the British occupying power in Austria. The venues were Klagenfurt, Lienz, Spittal an der Drau, Villach, Wolfsberg, Graz, Leibnitz, Leoben, and Vienna. In general, higher military courts dealt with the punishment of serious crimes that had occurred during the post-war period. Only in Styria were they also convened to punish atrocities committed against Hungarian Jews during the death marches to Mauthausen (March/April 1945). The British held 13 such trials with 49 defendants. In these atrocities trials, the charges were generally based on the murder paragraphs (§§ 134–138) of the Austrian Criminal Code. The remaining proceedings were either also conducted on

murder charges or related to offences under a regulation of the military government (mainly possession of weapons, use of weapons, looting, acts against public order, and later also murder and espionage).

The position of presiding judge was assigned exclusively to experienced lawyers, who, like the public prosecutors, usually came from the staff of the Legal Division at the Allied Commission for Austria (British Element). Unlike in the Intermediate Courts, each defendant had to be represented by legal counsel before a General Court. For this task, the occupying power used Austrian lawyers – unless the defendant was British. Until 1948, jurisdiction over Displaced Persons was restricted to the occupying power. This resulted, among other things, in the strikingly high proportion of foreigners among the defendants before British General Courts. In total, 78 out of 133 defendants were not Austrian.

British General Courts in Austria handed down 22 acquittals, 58 prison sentences and 53 death sentences, 42 of which were executed. Apart from one case in Ferlach (Carinthia), all of these executions were carried out in Graz (Styria). The first ten delinquents were killed by firing squad in the Regional Court. All further executions took place in Graz-Karlau Prison, where a British-style gallows had been erected.

The courts set up by the British on the basis of the Royal Warrant of 14 June 1945 to punish war crimes against Allied prisoners of war constituted a separate category. Here too, the possible penalties ranged up to the death penalty. In Austria, they were convened by the respective Commander-in-Chief of the British troops. The 18 relevant trials were primarily concerned with the mistreatment or killing of Allied prisoners of war in the numerous labour detachments of the Wolfsberg POW camp. Only the two Loibl Pass trials dealt with crimes committed in subcamps of a concentration camp. A total of 35 defendants had to answer for war crimes in the British occupation zone. Two death sentences were imposed and executed. There were 24 prison sentences and nine acquittals.

As the occupation continued, the jurisdiction of the British courts was gradually reduced so that they no longer played a significant role by the early 1950s at the latest, but their existence as such remained a source of controversy that provided fodder for numerous political and media debates.

In summary, the effect of role model the British intended to provide, and the broad impact of their jurisdiction for the Austrian judiciary, and also the Austrian population, was probably limited. Although newspaper reports (of varying scope) appeared on all 13 atrocities trials, it was primarily the first Eisenerz trial that attracted a great deal of public attention. General Courts dealing with post-war crimes were also mostly reported in the daily newspapers of Carinthia and Styria. However, only trials that promised a certain 'entertainment value' in view of the unusual circumstances of the offence aroused significant interest. For example, the murder trial against Mr and Mrs F. in 1948 or the espionage trials in 1949 and 1951. Similarly, the activities of British Intermediate Courts were only noted sporadically. Apart from the first Loibl Pass trial, the 18 war crimes trials of the occupying power had to make do without any significant public attention at all.

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- 69/116: Name: Donald Hugh (James) Cleland, Date of Birth: 27/09/1916, Place of Birth: Gillingham, 1939–1945
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  URL: https://en.wikipedia.org/wiki/David_Russell_(GC)
- Douglas Young
  URL: https://en.wikipedia.org/wiki/Douglas_Young_(judge)
- Hanging
  URL: https://en.wikipedia.org/wiki/Hanging#Long_drop
- Hildreth Glyn-Jones
  URL: https://en.wikipedia.org/wiki/Hildreth_Glyn-Jones
- K.L. Gauba
  URL: https://en.wikipedia.org/wiki/K._L._Gauba
- Karl Diebitsch
  URL. https://en.wikipedia.org/wiki/Karl_Diebitsch
- Lahore High Court
  URL: https://en.wikipedia.org/wiki/Lahore_High_Court
- List of George Cross recipients
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12.1.5.8 Further Online sources

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- Australian War Memorial
  URL: https://www.awm.gov.au/

- Austro-British Society Carinthia
  URL: https://austrobritishcarinthia.at/

- Charity Commission for England and Wales
  URL: https://register-of-charities.charitycommission.gov.uk

- Commonwealth War Graves Commission
  URL: https://www.cwgc.org/

- Find a Grave
  URL: https://www.findagrave.com

- Heraldisch-Genealogische Gesellschaft Adler – Genealogische Datenbank
  URL: https://tng.adler-wien.eu/

- Historic Hansard
  URL: https://hansard.parliament.uk/

- Internet Movie Database
  URL: https://www.imdb.com/

- National Library of Australia – Trove
  URL: https://trove.nla.gov.au/

- National Library of New Zealand – Papers Past
  URL: https://paperspast.natlib.govt.nz/

- Philipps-Universität Marburg – Internationales Forschungs- und Dokumentationszentrum Kriegsverbrecherprozesse
  URL: https://www.uni-marburg.de/de/icwc

- Prisoner of War – Web Page by Ian Brown
  URL: http://www.stalag18a.org/

- Wien Geschichte Wiki
  URL: www.geschichtewiki.wien.gv.at/Kaiserebersdorf_(Bundeserziehungsanstalt)

12.2 Newspapers

In round brackets is the place of publication, in square brackets the library or archive whose holdings were used in analogue or online form.

12.2.1 International Newspapers

Ashburton Guardian (Ashburton, NZE) [URL: https://paperspast.natlib.govt.nz/]
(British) Morning News (Vienna) [ÖNB]
Daily News (Perth, AUS) [URL: https://trove.nla.gov.au/]
Frankfurter Allgemeine Zeitung (Frankfurt, DEU) [UB Graz]
Mitteilungsblatt, PWB 8. Armee (Klagenfurt) [KLA]
The Advertiser (Adelaide, AUS) [URL: https://trove.nla.gov.au/]
The Barrier Miner (Broken Hill, AUS) [URL: https://trove.nla.gov.au/]
The Evening Star (Dunedin, NZE) [URL: https://paperspast.natlib.govt.nz/]
The Jewish Chronicle (London, GBR) [URL: https://www.thejc.com/]
The London Gazette (London, GBR) [URL: https://www.thegazette.co.uk/]
The Sydney Morning Herald (Sydney, AUS) [URL: https://trove.nla.gov.au/]
The Times (London, GBR) [UB Graz]

12.2.2 Austrian Newspapers

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Das kleine Volksblatt (Vienna) [ÖNB/ANNO (URL: https://anno.onb.ac.at/)]
Das Steirerblatt / Südost-Tagespost (Graz) [StLA]
Der Neue Mahnruf (Vienna) [ÖNB/ANNO (URL: https://anno.onb.ac.at/)]

Die Neue Zeit (Klagenfurt) [KLA]
Kärntner Nachrichten (Klagenfurt) [ÖNB/ANNO (URL: https://anno.onb.ac.at/)]
Kleine Zeitung (Graz) [StLA]
Linzer Volksblatt (Linz) [ÖNB/ANNO (URL: https://anno.onb.ac.at/)]
Murtaler Volkszeitung / Murtaler Zeitung (Judenburg) [ÖNB/ANNO (URL: https://anno.onb.ac.at/)]
Mürztaler Volksstimme (Bruck an der Mur) [StLB]
Neue Steirische Zeitung (Graz) [ÖNB/ANNO (URL: https://anno.onb.ac.at/)]
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Neues Österreich (Vienna) [ÖNB/ANNO (URL: https://anno.onb.ac.at/)]
Oberösterreichische Nachrichten (Linz) [ÖNB/ANNO (URL: https://anno.onb.ac.at/)]
Obersteirische Zeitung (Leoben) [ÖNB/ANNO (URL: https://anno.onb.ac.at/)]
Obersteirisches Tagblatt (Leoben)
Obersteirisches Volksblatt (Leoben) [ÖNB]
Österreichische Volksstimme (Vienna) [ÖNB/ANNO (URL: https://anno.onb.ac.at/)]
Österreichische Zeitung (Vienna) [ÖNB/ANNO (URL: https://anno.onb.ac.at/)]
Osttiroler Bote (Lienz) [UB Klagenfurt]
Salzburger Nachrichten (Salzburg) [ÖNB/ANNO (URL: https://anno.onb.ac.at/)]
Salzburger Tagblatt (Salzburg) [ÖNB/ANNO (URL: https://anno.onb.ac.at/)]
Salzburger Volkszeitung (Salzburg) [ÖNB/ANNO (URL: https://anno.onb.ac.at/)]
Salzkammergut-Zeitung (Gmunden) [ÖNB/ANNO (URL: https://anno.onb.ac.at/)]
Tiroler Tageszeitung (Innsbruck) [ÖNB]
Unterkärntner Nachrichten (Wolfsberg) [ÖNB/ANNO (URL: https://anno.onb.ac.at/)]
Volkswille (Klagenfurt) [KLA, ÖNB/ANNO (URL: https://anno.onb.ac.at/)]
Volkszeitung (Klagenfurt) [KLA, UB Klagenfurt]
Vorarlberger Nachrichten (Bregenz) [ÖNB/ANNO (URL: https://anno.onb.ac.at/)]
Vorarlberger Volksblatt (Bregenz) [ÖNB/ANNO (URL: https://anno.onb.ac.at/)]
Wahrheit (Graz) [StLB]
Welt am Abend (Vienna) [ÖNB/ANNO (URL: https://anno.onb.ac.at/)]
Weltpresse (Vienna) [ÖNB/ANNO (URL: https://anno.onb.ac.at/)]
Weltpresse – Graz am Abend (Graz) [StLA]
Weststeirische Rundschau (Deutschlandsberg) [StLB]
Wiener Kurier (Vienna) [ÖNB/ANNO (URL: https://anno.onb.ac.at/)]
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12.4 Abbrevations

2/Lt	Second Lieutenant
ACA (BE)	Allied Commission for Austria (British Element)
ADG	Archiv der Diözese Gurk
ADJAG	Assistant Director Judge Advocate General
ADOS	Assistant Director of Ordnance Services
AIF	Australian Imperial Force
AK	Arbeitskommando [Work camp]
ANNO	Austrian Newspapers Online
ATS	Auxiliary Territorial Service
ATS	Austrian schilling
AUS	Australia
AUT	Austria
BAOR	British Army of the Rhine
BDStG	Bedarfsdeckungsstrafgesetz [Law on covering of needs]
BE	British Element
Bez.	Bezirk [district]
BG	Bezirksgericht [District Court]
BGBl.	Bundesgesetzblatt [Federal Law Gazette]
BGK	Bezirksgendarmeriekommando [District gendarmerie command]
Bn.	Battalion
Brig	Brigadier
BTA	British Troops Austria
C-in-C	Commander-in-chief
CA	Civil Affairs
Capt	Captain
CCAO	Chief Civil Affairs Officer
CIC	Counter Intelligence Corps
CMF	Central Mediterranean Forces
Col	Colonel
Cpl	Corporal
ČSR	Czechoslovakia
CZE	Czech Republic
D	Decree
DAF	Deutsche Arbeitsfront [German Labour Front]
DAGS	Diözesanarchiv [Diocesan archives] Graz-Seckau
DASP	Diözesanarchiv St. Pölten
DAW	Diözesanarchiv Wien
DEU	Deutschland [Germany]
DJAG	Deputy Judge Advocate General
DP	Displaced Person(s)
DSC	Distinguished Service Cross
DSO	Companion of the Distinguished Service Order
ESP	Spain
Esq.	Esquire
FM	Field Marshal
FO	Foreign Office
FSS	Field Security Service / Section
Fus	Fusilier
GA	Gemeindeamt [Municipal office]
GBR	Great Britain
GEN	General Court
Gen	General
Gen.	Genosse [comrade]
GHQ	General Headquarters
Gnr	Gunner
GP	Gendarmerieposten [Gendarmerie station]
GW	Gewerbliche Wirtschaft [commercial economy]
Hptm.	Hauptmann [Captain]
HQ	Headquarters
HR	Croatia
HUN	Hungary
HV	Heeresverwaltung [Army Administrative Command]
ICC	International Criminal Court
Insp.	Inspector
ITA	Italy
JA	Justizanstalt [prison]
JAG	Judge Advocate General
KC	King's Counsel
KG	Kreisgericht [Regional Court]
KLA	Kärntner Landesarchiv [Carinthian Provincial Archives]
KPÖ	Kommunistische Partei Österreichs [Communist Party of Austria]
KVG	Kriegsverbrechergesetz [Const. Act on War Crimes]

l	Liter
L	Landwirtschaft [agriculture]
£	Pfund Sterling
L/Cpl	Lance Corporal
LG	Landesgericht [Regional Court]
LGBlSbg	Landesgesetzblatt für das Land Salzburg [Law Gazette for the Province of Salzburg]
LGBlSt	Landesgesetzblatt für das Land Steiermark [Law Gazette for the Province of Styria]
LGK	Landesgendarmeriekommando [Provincial gendarmerie command]
LGS	Landesgericht für Strafsachen [Regional Criminal Court]
Lt	Lieutenant
Lt Col	Lieutenant Colonel
Lt Gen	Lieutenant General
LTU	Lithuania
Maj	Major
Maj Gen	Major General
MBE	Member (Order of the) British Empire
MC	Military Cross
MDA	Moldova
MG	Military Government
MGO	Military Government Officer
MM	Military Medal
Mne	Marine
mun.	municipality
N	Notice
N. N.	Nomen nescio
n. s.	not specified
NAAFI/EFI	Navy, Army and Air Force Institutes / Expeditionary Force Institutes
NED	Netherlands
Nr.	Nummer [number]
NSDAP	Nationalsozialistische Deutsche Arbeiterpartei [National Socialist German Workers' Party]
NSV	Nationalsozialistische Volkswohlfahrt [National Socialist People's Welfare]
NZEF	New Zealand Expeditionary Force
NZL	New Zealand
O	Ordinance
OF	Osvobodilna Fronta Slovenskega naroda [Liberation Front of the Slovene Nation]
OLG	Oberlandesgericht [Higher Regional Court]
ÖNB	Österreichische Nationalbibliothek [Austrian National Library]
OÖLA	Oberösterreichisches Landesarchiv [Upper Austrian Provincial Archives]
öStG	Österreichisches Strafgesetz [Austrian Criminal Code]
OT	Organisation Todt
ÖVP	Österreichische Volkspartei [Austrian People's Party]
PFZ	Prohibited Frontier Zone
POL	Poland
POW	Prisoner of War
PSO	Public Safety Officer
Pte	Private
PWB	Psychological Warfare Branch
Rfn	Rifleman
RStGB	Reichsstrafgesetzbuch [German Criminal Code]
RUS	Russia
RWC	Royal Warrant Court
s. p.	no pagination
S/Sgt	Staff Sergeant
SA	Sturmabteilung
SEP	Surrendered Enemy Personnel
Sgt	Sergeant
Sgt Maj	Sergeant Major
SIB	Special Investigation Branch
SLO	Slovenia
SMGO	Senior Military Government Officer
SPÖ	Sozialdemokratische Partei Österreichs [Social Democratic Party of Austria]
Spr	Sapper
SPSO	Senior Public Safety Officer
SS	Sturmstaffel
StAG	Stadtarchiv Graz [Graz City Archives]
StB-Nr.	Stammbuch-Nummer [Register number]
StGBl.	State Gazette

StLA	Steiermärkisches Landes-archiv [Styrian Provincial Archives]
StLB	Steiermärkische Landes-bibliothek [Steiermark State Library]
SVK	Slovakia
Tpr	Trooper
TS	Treasury Solicitor
u. a.	und andere [and others]
UB	Universitätsbibliothek [University library]
UKR	Ukraine
UNRRA	United Nations Relief and Rehabilitation Administration
UNWCC	United Nations War Crimes Commission
VG	Verbotsgesetz [Constitutional Act on the Prohibition of the NSDAP]
VIAC	Vienna Inter-Allied Command
VuABlSt	Verordnungs- und Amtsblatt für das Land Steiermark [Official Gazette for the Province of Styria]
WD	War Department
W/Cdr	Wing Commander
WO	War Office

APPENDIX

Appendix 1:

Ordinance No. 100

Source: VuABlSt 33/4 (29. 1. 1946), 21–25

MILITARY GOVERNMENT AUSTRIA
Ordinance No. 100

Military Government Courts

It being necessary to establish Courts for the trial of offences against the interests of the Military Government, it is ordered that in those parts of Land Kärnten and Land Steiermark for the time being occupied by British Force:

Article I
Kinds of Military Government Courts

1. Military Government Courts are established for the occupied territory as follows:
General Military Courts,
Intermediate Military Courts,
Summary Military Courts.

Article II
Jurisdiction

2. Military Government Courts shall have jurisdiction over all persons in occupied Austrian territory except Prisoners of War and members of the Allied Forces who are subject to military, naval or air force law and are serving under the command of any Commander in Austria of the forces of the United Nations and persons who are entitled to diplomatic immunity.

3. Military Government Courts shall have jurisdiction over:

a) All offences against law and usages of war.

b) All offences under any Proclamation, Ordinance, Decree, Notice or order issued by or under the authority of the Military Government or of any Commander of the Allied Forces.

c) All offences under the laws in force in Austria.

Article III
Powers of Sentence

4(a) A General Military Court may impose any lawful sentence including death.

(b) An Intermediate Court may impose any lawful sentence except death or imprisonment in excess of ten years, or fine in excess of 2.500 Pounds / 10.000 Dollars / 500.000 francs.

(c) A Summary Court may impose any lawful sentence except death or imprisonment in excess of one year, or fine in excess of 250 Pounds / 1.000 Dollars / 50.000 francs.

(d) Both a term of imprisonment and a fine may be imposed for the same offence. Intermediate and Summary Military Courts may impose sentences of imprisonment to the full extent of their powers and additional imprisonment in default of payment of fines.

(e) When an offence is charged under Austrian (German) law the Court on conviction is not limited by the maximum sentence permitted under such law, but may impose such sentences within its powers, as the circumstances of the case may require.

(f) In addition to or in lieu of sentence of fine, imprisonment or death (within its powers) a Military Government Court may make any order with respect to the person of the accused and the forfeiture, restitution or disposal of the property, premises or businesses involve in the offence which is appropriate and authorised by the Rules of Military Government Courts; and shall have power at any time to impound money or any other objects, to grant bail and forfeit security therefor, to order arrest, to compel the attendance and order the detention of witnesses, to ad-

minister oaths, to punish for contempt of court, and such other powers as may be necessary and appropriate for the due administration of justice.

Article IV
Composition of Courts

5. All members of the Military Government Courts shall be officers of the Allied Forces, or members of the Allied Commission for Austria.

6. General Military Courts shall consist of not less than three members. Intermediate and Summary Courts shall consist of one or more members.

7. Advisers to sit with any Court may be appointed by the Court itself or by an authority empowered to appoint such Court. They shall give the Court such advice and assistance as it may require, but shall have no vote.

8. Clerks, interpreters, shorthand writers and other persons necessary for the conduct of proceedings, may be appointed by the Court.

Article V
Rights of Accused

9. Every accused before a Military Government Court shall be entitled:

(a) To have in advance of trial a copy of the charges upon which he is to be tried.

(b) To be present at his trial, to give evidence and to examine or cross-examine any witness; but the Court may proceed in the absence of the accused if the accused has applied for, and has been granted permission to be absent, or if the accused is believed to be a fugitive from justice and such accused has been served with a summons to appear before the Court. If the Court is satisfied that all reasonable steps have been taken so to serve the accused, the Court may proceed in his absence up to but not beyond the taking of evidence and may make such interim order concerning the property of the accused as may be just.

(c) To consult a lawyer before trial, and to conduct his own defence or to be represented at the trial by a lawyer of his own choice, subject to the right of the Court to debar any person from appearing before the Court.

(d) In any case in which a sentence of death may be imposed, to be represented by an officer of the Allied Forces, or such other person as the Court may direct, if he is not otherwise represented.

(e) To bring with him to his trial such material witnesses in his defence as he may wish, or to have them summoned by the Court at his request, if practicable.

(f) To apply to the Court for an adjournment where necessary to enable him to prepare his defence.

(g) To have the proceedings translated, when he is otherwise unable to understand the language in which they are conducted.

(h) In the event of conviction to file, within 10 days of the date thereof, a petition for review setting forth grounds why the findings or sentence shoulb [!] be set aside or modified.

Article VI
Proceedings

10. Military Government Courts shall sit in public, save that the officer convening any Court or the President thereof may order that a case or part of a case shall be heard in camera, in the interests of the Military Government administration.

Article VII
Review

11. The following cases must be reviewed:

(a) All cases in which a petition for review has been filed.
(b) All cases in which the Court imposed a sentence of more than five years imprisonment.

(c) All cases in which the sentence of the Court was suspended.

12. The record of every case for review shall be reviewed by such officer or officers as may be designated for that purpose by order or under the authority of the Military Government and in the absence of any designation, by the convening authority.

13. The reviewing authority shall have power to set aside or quash any finding of guilty; to affirm, suspend, reduce, commute or modify any sentence; to substitute for a finding of guilty a finding of guilty on an amended charge (if it appears that the Court might before finding and without prejudice to the accused have so amended that charge and that the Court would have been satisfied on the evidence that the accused was guilty of the charge so amended); to order a new trial; and to make such other as may be appropriate. The reviewing authority shall not set aside a finding of not guilty. The reviewing authority may increase the sentence in any case in which a petition for review has been filed which is considered to be frivolous, but not otherwise.

Article VIII
Confirmation of Death Sentence

14. No sentence of death shall be executed unless and until confirmed in writing by the Commander-in-Chief of the forces occupying the place in which the trial was held or by such other officer as he may designate. The confirming authority shall have with respect to such sentence, all powers of a reviewing authority.

Article IX
Rules

15. Rules of Military Government Courts not inconsistent with this Ordinance prescribing the procedure of such courts and the mode of exercise of the powers conferred may be made, amended or supplemented by or under the authority of the Military Government.

Article X
Effective Date

16. This Ordinance shall become effective upon the date of its first promulgation.

By Order of the Military Government

Appendix 2:

Ordinance No. 200

Source: VuABlSt 32/4 (21. 8. 1945), 57–62

MILITARY GOVERNMENT AUSTRIA
Ordinance No. 200

Crimes and Offences

In order to provide for the maintenance of law and order and the security of the Allied Forces, I, HAROLD R.L.G. ALEXANDER G.C.B., C.S.I., D.S.O., M.C., A.D.C., Field Marshal, Supreme Allied Commander Mediterranean Theatre of Operations and Military Governor HEREBY ORDER as follows:

Article I
Crimes and Offences

The following offences are punishable by death or such other penalty as a Military Government Court may impose:

1. Espionage;

2. Communication with the enemy forces or, except through authorised channels, with any person in enemy territory not occupied by the Allied Forces;

3. Communication of information which may be dangerous to the security or property of the Allied Forces; unauthorised possession of such information if not promptly reported; unauthorised communication by code or cipher; unauthorised receipt of communication by code or cipher if not promptly reported;

4. Armed attack on or armed resistance to the Allied Forces;

5. Killing or assaulting any member of the Allied Forces;

6. Falsely pretending to be a member of the Allied Forces; wearing any uniform of the Allied Forces without authority;

7. Unlawful possession or control of any firearm, ammunition, explosive or other war material or of apparatus or other means for transmitting messages;

8. Unauthorised use of any firearm or other deadly weapon, ammunition, explosive or similar war material;

9. Furthering the escape of any person detained by Allied authority or assisting or concealing any such person after escape;

10. Assisting any member of the enemy forces to avoid capture;

11. Unauthorised interference with transportation or communications or with the operation of any public service or utility;

12. Wilful damage to any war material of the Allied Forces or to any installation or property necessary or useful to military operations or the Military Government;

13. Wilful destruction, removal, interference with or concealment of any records or archives of any nature, public or private;

14. Plunder, pillage or looting; robbing; or abusing the dead or wounded;

15. Wilfully interfering with or misleading any member of or person acting under the authority of the Allied Forces in the performances of his duties;

16. Incitement to or participation in rioting or public disorder;

17. Stealing, or obtaining by fraud, property of the Allied Forces or any member thereof;

18. Any violation of the laws of war; any act in aid of the enemies of the United Nations; any act endangering the security of the Allied Forces.

Article II
Other Offences

The following offences are punishable by such penalty other than death as a Military Government Court may impose:

19. Disobedience of any Proclamation, Ordinance, Notice or order made by or under the authority of the Allied Forces or the Military Government where a penalty is not expressly imposed; disobedience of orders issued by Austrian authorities in pursuance of orders given to them by the Military Government.

20. Being out of doors without a permit during curfew;

21. Leaving or entering Austrian territory except as authorised by the Allied authority;

22. Failure, without authority, to have possession of a valid identity card;

23. Making, issuing or knowingly having possession of any false permit, identity card or other documents of official concern to the Allied Forces; delivery of any such matter, whether false or valid, to any unauthorised person or for any unauthorised purpose;

24. Counterfeiting or altering any currency, coin or stamps or having possession of or uttering any thereof, having reason to believe it to be false or altered; possession, control or disposition of any property for use for any such purpose;

25. Inviting or conducting any member of the Allied Forces into a place designated "Off Limits" or "Out of Bounds", or supplying goods or services to such member in any such place;

26. Corruption or intimidation of any member of, or person acting under the authority of, the Allied Forces, or the Military Government, or of any State or municipal official; receiving or offering to receive, a bribe in connection with any matter of interest to the Military Government;

27. Unauthorised possession, control or disposition of property belonging to the Allied Forces, or to a member of such Forces;

28. Destruction, concealment, unauthorised possession or disposition of or interference with, any ship, installation, plant, equipment or other economic asset, or plans or records relating thereto, required by the Military Government.

29. Knowingly making any false statement, orally or in writing to any member of, or person acting under the authority of, the Allied Forces or the Military Government in a matter of official concern; or in any manner defrauding, or refusing to give information required by, any Allied authority;

30. False assumption of authority from the Allied Forces or the Military Government; unauthorised possession or control of any part of an Allied uniform, whether genuine or false;

31. Defacement or unauthorised removal of written or printed matter posted under the authority of the Allied Forces or the Military Government;

32. Wilful destruction, alteration or concealment of any work of art, monument or other cultural property created by another;

33. Promoting, aiding or attending any public gathering unless held for religious purposes or authorised by the Allied Forces or the Military Government;

34. Resisting arrest by a person acting under the authority of the Allied Forces or the Military Government; escaping from arrest or detention imposed under such authority;

35. Aiding, or failing to report, any person known to be wanted by the Allied Forces;

36. Dissemination of any rumour calculated to alarm or excite the people or to undermine the morale of the Allied Forces;

37. Act or conduct calculated to support or aid any organisation dissolved or declared illegal by the Allied Forces or the Military Government; the provocative display of flags or insignia of any such organisation;

38. Conduct hostile or disrespectful to the Allied Forces or to any of the United Nations;

39. Initiating or carrying out any criminal prosecution, disciplinary measure or any other form of punishment or victimisation against any person for co-operating with the Allied Forces or the Military Government;

40. Travelling or carrying goods of any description on a military vehicle without the written authority of the Military Government;

41. Any act or neglect to the prejudice of good order of the occupied territory or the interests of the Military Government, the Allied Forces or any member thereof.

Article III
Attempts, Conspiracies

Any person shall be punished as a principal who attempts to commit or conspires or agrees with another to commit, an offence under this or any other enactment of the Military Government, or who advises, assists in, or procures the commission of any such offence, or who having a knowledge of an illegal offence fails to report it.

Article IV
Collective Fines

The Burgermeister [!] or other principal representative of any community may be charged with and tried as representing the residents thereof with any offence for which such residents are alleged to be collectively responsible, and in the event of his being convicted of such offence in his representative capacity, and collective responsibility being established, a collective fine may be imposed upon the community.

Article V
Responsibility for Corporate Acts

Every director, official or employee of any incorporated or un-incorporated company, society, or association, and every partner or employee of a partnership, who in any such capacity, either alone or jointly with others, causes, directs, urges or votes in favour of an act or omission which constitutes an offence for which the company, society, association or partnership would be triable by a Military Government Court shall be liable therefor as though such act or omission had been done or made in his individual capacity.

Article VI
Defence

1. It shall be a good defence to any charge hereunder that the offence charged was an act of legitimate warfare by any person entitled to the status of a combatant.

2. It shall not be a defence to any charge that any person charged was acting under orders of any civil or military superior or any person purporting to act as an official or member of the NSDAP or that the alleged offence was committed under duress.

3. It shall not be a defence to any charge that any person has been tried and convicted or acquitted of an offence by an Austrian Court but the sentence awarded by such Austrian Court will be taken into consideration when awarding sentence.

Article VII
Definitions

1. The expression “Allied Forces” as used herein or, in the absence of indication to the contrary in Proclamations, Ordinances, Notices or orders of the Military Government, includes persons subject to military, naval or air force law or the jurisdiction of British Naval Courts who are serv-

ing under the command of any Commander of any force of the United Nations, and any military formation or civilian agency composed in whole or in part of such persons.

2. The expression "enemy force" includes all persons, whether entitled to belligerent status or not, who are or have been engaged in armed resistance to the Allied Forces.

Article VIII
Effective Date

This Ordinance shall become effective upon the date of its first promulgation.

H.R. Alexander, Field Marshal,
Supreme Allied Commander,
Mediterranean Theatre of Operations

Appendix 3:

Rules of Military Government Courts

Source: TNA, FO 1020/1878

RULES OF MILITARY GOVERNMENT COURTS

Construction of Rules

1. These Rules shall be read with and subject to the Proclamations and Ordinances of the Military Government.

Courts

2. Before proceeding with the hearing of any case, a Military Government Court shall satisfy itself that it is properly constituted, having regard to whether it is a General, Intermediate or Summary Military Court, that no member of the court has a personal interest in or prejudice with regard to the case or will be needed as a witness in the case, and that it has jurisdiction over the person and offence.
3. When the court consists of more than one officer, the senior in rank shall preside except that a Legal Officer may be designated to preside by the Appointing Authority or by the senior in rank. The presiding officer shall be responsible for the making of the record and may require any other member to assist him in making it. Any member of the court may sign the record.
4. No addition to or substitution in the membership of the court shall be made in the course of a trial. The failure of any member to be present throughout any trial shall not invalidate the trial, provided that the court is at no time reduced below the legal minimal. No member who has been absent at any time shall take any further part in the trial.
5. Every issue shall be determined by a majority of the votes of the members of the court as then constituted, except that a two-thirds vote shall be required for a sentence of death. When the voting is evenly divided the presiding officer shall cast a second vote. When the court consists of more than one officer, voting shall be in inverse order of rank.

Prosecutors and Counsel

6. Any officer of the Allied Forces, or any other person acceptable to the court, may act as a prosecutor.
7. Any lawyer not debarred from appearing by the Military Government or by the court, or such other person as the court may direct, may appear as defending counsel. The court may appoint an officer of the Allied Forces, or with the consent of the accused designate local counsel, to represent the accused or assist in his defence if the nature of the case makes·it desirable. Where a sentence of death may be imposed and the accused is not represented, the court shall appoint an officer of the Allied Forces to represent him at his trial.

Officials

8. A Military Government Court may appoint interpreters, shorthand writers, clerks, advisors and other officials, either generally for a period or for the trial of a particular case, who need not be a member of the Allied Forces. Any shorthand writer or interpreter shall, before assuming his duties, take an oath in the form set out in the Legal Manual for the purpose of particular proceedings or of any term or session of the court.

Preliminary Procedure

Arrest and Summons

9. All proceedings in a Military Government Court will be commenced by Summons to appear, warrant of arrest, or arrest without warrant.

10. A warrant of arrest may be issued by any officer of Allied Forces and may be executed by any member of the Allied Forces or any person acting under the authority thereof.
11. A summons may be signed and served by any member of the Allied Forces or any person acting under the authority thereof.

Charges

12. A copy of the charges shall be delivered to an accused or his representative as soon as practicable after arrest and in any event before trial. Where proceedings are commenced by service of a warrant of arrest or a summons adequately stating the charges, no separate charge sheet need be used.
13. Each charge shall disclose one offence only and shall be particularised sufficiently to identify the place, the time and the subject matter of the alleged offence, and shall specify the provision under which the offence is charged.
14. Any number of charges may be contained in the same charge sheet, and alternative charges may be based on the same facts.
15. Two or more persons may be tried jointly for the same offence where the charge arises out of the same set of circumstances.

Arraignment and Pleadings

16. All persons arrested for an offence with or without a warrant will be brought as soon as practicable before e Summary Military Court, except that the Chief Legal Officer or any officer authorised by him may order that any particular case or class of cases be brought directly before Intermediate or General Military Court for trial.
17. A Summary Military Court, on the accused appearing before it, may defer the hearing and in that event will order the accused to be detained in custody or released on or without bail on such terms as the court thinks fit.
18. In the event of a decision to proceed, the court will read to the accused the charges brought against him and will ask the accused after the reading of each charge whether he pleads guilty or not guilty to it. If necessary the court will explain these terms to the accused. The court will enter in the record of the case the plea made to each charge.
19. At the time of pleading to the charges the court may interrogate the accused as provided in Rule 34.
20. The court may accept a plea of guilty to an offence other than that charged and a plea of not guilty to the offence charged.
21. If the answer of the accused to any charge is such that it appears he may not be guilty of the offence charged, than whatever his plea may be, the court shall enter a plea of not guilty.
22. All charges to which an accused person pleads not guilty shall be tried together, unless on the application of the accused the court grants leave for any of them to be tried separately.

Procedure on Plea of Guilty in Summary Military Court

23. Upon a plea of guilty of all offences charged, a Summary Military Court will hear such statements for the prosecution and the defence and such evidence as it requires to enable it to determine the sentence to be imposed. If it has power to impose adequate punishment, it will proceed at once to the sentence.
24. If in the opinion of the Summary Military Court a sentence should be imposed in excess of that which it has power to impose, it will adjourn the case and report it to the legal officer responsible for the place or area in which the court is sitting.

25. Before such reference, a Summary Military Court may, however, in its discretion for the purpose of perpetuating testimony or for any other reason receive evidence respecting the commission of the alleged offence.

Procedure on plea of Not Guilty in Summary Military Court

26. Upon a plea of not guilty, the court, either by way of preliminary hearing or as part of the trial, will hear such statements for the prosecution and the defence and such evidence as it requires to enable it to determine:
    a. Whether the case should be referred for trial to an Intermediate or General Military Court, either because of its own lack of power to impose sentence in the event of conviction, or for any other reason.
    b. Whether there is sufficient substance to the charge to justify a trial thereon by any court.
27. A Summary Military Court will then either:
    a. dismiss some or all of the charges (whether or not the court would have had power to impose sufficient sentence in the event of a conviction);
    b. refer the case to the legal officer responsible for the place or area in which the court is sitting for trial by an Intermediate or General Military Court;
    c. retain the charges and proceed with the case.
28. The court, even if it decides to refer the case to the legal officer responsible for the place or area in which the court is sitting, may receive further evidence as provided in para (25) and should do so if there is any doubt as to the future availability of any witnesses.

Trial Procedure

Trial Procedure in Summary Military Court

29. All persons charged with an offence shall, unless directions to the contrary have been given by the Chief Legal Officer, be taken in the first instance before a Summary Military Court.
30. A Summary Military Court shall be guided by the following outline of procedure, which may be modified to fit the circumstances of the particular case:
    a. A statement by the prosecutor outlining the facts to be proved by the prosecution, and the calling of the prosecution's witnesses;
    b. after each witness has given his evidence, cross examination by the accused or his representative;
    c. re-examination by the prosecutor of any witness upon any new matter appearing in the cross examination or, with the court's consent, upon any other matter.
    d. when all the witnesses for the prosecution have been called and the case for prosecution closed, a statement or by the accused or his representative, followed by the calling examination, cross-examination and re-examination of the witnesses for the defence;
    e. when all the witnesses for the defence have been called and the case for the defence closed, with leave of the court the calling by the prosecution or re-calling of any witness for the purpose of re-buttal of any material statement made by any witness for the defence or of giving evidence on any new matter raised by the defence;
    f. a summing up by the prosecution followed by a summing up by the accused or his representative;
    g. consideration and announcement of the finding;

h. in the event of acquittal on all charges, the discharge of the accused;

i. in the event of conviction, hearing of statements and evidence for the prosecution and the defence including evidence of prior conviction, bearing upon the sentence to be imposed;

j. consideration of sentence with any other orders made by the court and its announcement in open court.

31. After the close of the case for the prosecution, the court may acquit the accused on any charge if it decides there is not sufficient evidence to support the charge and that the accused should not be required to answer it, and any such acquittal shall be entered in the record of the case. The court may of its own motion or on the application of the prosecution at any time also direct that any further charge or charges be preferred against the accused and may grant any necessary adjournment for that purpose.

32. The court may at any stage of the examination question any witness and may call or re-call any witness at any time before finding if it considers it necessary in the interests of justice.

33. Each witness called shall take an oath or make affirmation before giving evidence, except that a child under fourteen years of age who in the judgment of the court does not understand the nature of an oath but nevertheless understands the duty of speaking the truth may give evidence without being sworn or making affirmation. The oath or affirmation may be administered in either English or any other language.

34. The court may interrogate the accused at any time of pleading or at the trial, but shall not apply any compulsion to require him to answer. Any statements then made may be received as evidence. If the accused chooses to testify whether sworn or not, he may be cross-examined and if cross-examined, re-examined.

Trial Procedure in Intermediate and General Military Courts

35. The procedure in Intermediate and General Military Courts shall be the same as that provided herein for Summary Military Courts except that:

a. the record of any evidence taken in a Summary Military Court will be made available to the Intermediate or General Military Court, and the record of any evidence taken in the Intermediate Court made available to the General Military Court , and any witness whose evidence differs from that given by him before the lower court may be cross-examined thereon or questioned by the court;

b. if any witness is unavailable, the Intermediate or General Military Court, may, after hearing the prosecution and defence, receive in evidence the record of his testimony in the lower court;

c. a plea of guilty to an offence punishable by death may be accepted provided the court is satisfied from the nature of the case that the punishment of death would be clearly excessive and that a lesser punishment which it is within its power to impose would suffice.

Evidence

36. A Military Government Court shall in general admit oral, written and physical evidence having a bearing on the issues before it, and may exclude any evidence which in its opinion is of no value as proof. If security is at stake, evidence may be taken in camera and in exceptional cases where security demands, it may be excluded altogether.

37. The court shall in general require the production of the best evidence available.

38. Evidence of bad character of an accused shall be admissible before finding only when the accused person has introduced evidence as to his own good character or as to the bad character of any witness for the prosecution.

Amendment of Charges and Pleas

39. A Military Government Court may amend a charge at any time before finding, provided that an adjournment is granted if necessary, and that no injustice is thereby done to the accused.
40. An accused person may at any time before finding, with the leave of the court, alter a plea of not guilty to one of guilty.
41. The court may on its own motion or at the request of the accused at any time before sentence alter a plea of guilty to one of not guilty.
42. An accused person who has pleaded guilty to a charge in a Summary or Intermediate Military Court may, if the case is referred to a higher court for trial, alter that plea to one of not guilty.

Sentences

43. A Military Government Court shall announce its findings on each charge before it and shall pronounce one sentence in respect of all the charges upon which the accused is found guilty.
44. Every sentence of imprisonment shall state the date of commencement thereof, which, if the accused was previously in custody, shall ordinarily make allowance for the period of custody.
45. A Military Government Court shall, when imposing any fine impose a sentence of imprisonment to be served in default of payment of such fine, and may direct the period within which the fine shall be paid. In the event of default in payment of a fine, the court may order the alternative sentence to be put into effect without bringing the accused again before the court. A report shall be made in the manner provided for transmission of records.
46. In addition to or in lieu of sentence of fine, imprisonment or death, (within its jurisdiction), a Military Government Court may:
    a. order the restitution to the lawful owner, or the forfeiture to, or temporary custody by, the Allied Forces or local public authority of any property including any proceeds thereof whether in their original form or converted into some other form of property where the accused is found guilty of an offence of which the illegal possession, transport, use, purchase or sale of such property is an essential element;
    b. order the closing of any business premises or residence, the suspension of business, or the withdrawal or suspension of any licence for the operation of the same or any similar business, where the accused is found guilty of the illegal operation of a business, and, in any such case may order the forfeiture to, or temporary custody by, the Allied Forces or local public authority of any stock in trade to which such illegal operation relates;
    c. order the accused to establish his residence within or without a designated area or not to leave or enter a designated area without permission.
47. A Military Government Court in imposing any sentence may in exceptional circumstances suspend the execution thereof in whole or in part on such terms as it thinks fit.
48. Except as the Court may otherwise direct, every sentence except a sentence of death shall be put into execution forthwith and without awaiting the action of the Reviewing Authority.

General Provisions

Report to Appropriate Legal Officer for Reference to Higher Court

49. Whenever a Summary Military Court or an Intermediate Military Court reports a case to the legal officer responsible for the place or area in which the court is sitting, which either may do at any stage of the proceedings, the court shall

a. enter the order of reference in the record of the case,
b. make and enter in the record, after hearing the prosecution and defence, an order directing that the accused be held in custody, or released on or without bail, pending trial, and,
c. send the record to the Chief Legal Officer or as he may direct.

50. The Chief Legal Officer or an officer authorised by him may set aside any order of reference and direct that the case be tried by the court which reported the case or by any other court.

Attendance and Detention of Witnesses

51. A Military Government Court shall have power to summon as a witness any person except a child under 14 years of age, in which case it may summon the parent or guardian to bring the child to attend as a witness, and except a member of The Allied Forces, in which case it may request the Commanding Officer of such member to order his attendance.
52. Any person whom the court may summon as a witness may be ordered to bring with him any document or article in his possession or under his control which has a bearing on the issues in the case.
53. Wherever the court has reason to believe that a witness may be intimidated or become unavailable at the trial it may direct that he be detained as a material witness, provided that no such person shall be detained for a period of more than 21 days without a further order being made. A report of such detention shall be made forthwith in the manner provided for the transmission of the records.
54. All witnesses, unless otherwise directed by the court, shall remain outside until they are required to give evidence and thereafter shall remain in court until released.

Compellability of Witnesses

55. Any person other than the accused may be required to testify before a Military Government Court except a person of unsound mind, provided that no witness shall be required to incriminate himself; provided also that the court shall not compel
    a. a husband or wife or parent or child to give evidence against each other,
    b. a legal adviser to disclose any communication between himself and a client made in the course of a professional relationship except when the communication was part of or connected with an unlawful act or omission,
    c. a priest to disclose any communication made in the course of a confession.

Contempt

56. A Military Government court shall have power to hold in contempt any person including the accused, counsel, witnesses, officials, spectators, who offend the dignity of the court, in any matter, or disregards its orders. Such contempt may be punished by fine, imprisonment or other appropriate punishment. In exercising its power to punish for a contempt a Military Court shall make a record which shall be transmitted and reviewed as in the case of any other sentence.

Impounding

57. A Military Government Court may in its discretion impound, by an order directing any person to be charged with the care thereof, any document or article relating to proceedings before it, whether or not it has been received in evidence.

Disposition of Funds

58. Receipt shall be given for all fines and property forfeited to the Allied Forces. Property forfeited to the Allied Forces shall be disposed of as the court shall direct, or in accordance with such procedure as may be prescribed with respect thereto by the Chief Legal Officer or under his authority. All fines and proceeds of property forfeited to the Allied Forces shall be treated as funds of the Military Government to be accounted for in accordance with instructions of the Financial Division, Military Government. A record of fines shall be kept by each Court and report made to the Chief Legal Officer or as he may direct.

Insanity

59. Wherever a court is satisfied that the accused is unable by reason of insanity to understand the nature of the charges against him or the proceedings of the court, or that the accused committed the offence for which he is being tried but was insane when he committed it, the court shall record a finding of such fact and may make an order providing for temporary custody, pending direction by the Reviewing Authority for permanent custody or other disposition.

Juvenile Offenders

60. In cases involving offenders under the age of 18 years, Military Government Courts shall adopt a flexible procedure based on the accepted practices of local juvenile courts and those of Great Britain and the United States, including so far as practicable the following measures:
    a. report by a Welfare Officer in advance of trial;
    b. detention, where necessary, in a special institution, or in any event apart from adult offenders;
    c. hearing informally in closed sessions;
    d. interrogation of parents and release in their custody if appropriate.
61. An offender over 16 years of age but under 18 years of age may be treated in all respects as an adult unless in the opinion of the court his physical and mental immaturity make his treatment under para (60) (above) advisable.

Records

62. Every Military Government Court shall in every case make and transmit to the Chief Legal Officer or as he may direct a record containing the date and place of its proceedings, the names of the members of the court, of the accused, of the prosecutor, and of defence counsel, the original charge sheet or summons, the pleas, the name and the opinion of the adviser, if any, the findings, and the sentence or order of the court. In addition, in every case in which there is a plea of not guilty, the record shall contain minutes or summary of the essential evidence, A Summary Military Court may include the record of more than one case in a single report.
63. Every Military Government Court shall keep a permanent register of its proceedings.
64. If before the conclusion of any proceeding or before review, the record of such proceeding is lost or destroyed and no sufficient certificate of the substance of the proceeding can be obtained, the court or the reviewing authority may declare such proceeding null and void and remand the case for a new trial. A sufficient certificate shall be one signed by any member of the court embodying to the satisfaction of the Reviewing authority the charges, findings and sentence and the effect of the material evidence.

Petitions for Review

65. Petitions for review shall be filed at the nearest Military Government Headquarters and shall be transmitted to the Chief Legal Officer or as he may direct in the same manner as records. They are to be presented within 10 days of the conviction provided that the trial judge or in his absence the Military Government Officer in command in the place of trial may, on application made before the expiration of the said 10 days, extend the time.

Powers of the Reviewing Authority

66. The Reviewing Authority may upon review
    a. affirm any finding of guilty, or set aside any such finding with or without an order for a new trial.
    b. the Reviewing Authority may upon review substitute for a finding of guilty a finding of guilty on an amended charge, if it appears that the court might before finding and without prejudice to the accused have so amended that charge and that the court would have been satisfied on the evidence that the accused was guilty of the charge so amended.
    c. affirm, suspend, reduce, commute, quash or modify any sentence or order, and make appropriate order for the discharge of the accused or the return of fine or the restitution of property.
    d. enforce the sentence or any part thereof by removal of the suspension.
    e. increase the sentence in cases of "frivolous" petitions.
    f. make such other orders as may be appropriate.
67. The Reviewing Authority may at any time remit or suspend any sentence or part thereof.

Effect of Irregularities

68. The proceedings shall not be invalidated nor any findings of the sentence disapproved, for any error or omission, technical or otherwise, occurring in such proceedings, unless in the opinion of the Reviewing Authority, after an examination of the record, it shall appear that error or omission has resulted in injustice to the accused.

Procedure in Absence of Specific Rules

69. Where no procedure has been directed in any matter a Military Government Court may adopt such procedure as it thinks fit, provided that no injustice is thereby done to the accused.

Trial in Absence of Fugitive Accused

70. In the event of the accused not appearing before the court then
    a. if it is proved that the accused was duly served with a summons to appear the court may proceed with the trial in his absence and may, if it considers the case against him proved, record a conviction and sentence.
    b. if it is not so proved but the court is satisfied that after reasonable steps have been taken to find and summon the accused he cannot be found, the court may proceed in his absence up to but not beyond the recording of evidence and the making of any order permitted under Sub-Rule (a) of this Rule. In the event of the accused being subsequently brought before the court such recorded evidence shall be admissible as evidence in the case, provided that the accused shall be entitled to cross-examine any of the witnesses for the prosecution whose attendance can be procured (in which

case the prosecution shall be entitled to re-examine) and both the prosecution and the accused shall be entitled to call fresh evidence.

c. In either of the above cases the court shall appoint an Officer of the Allied Forces or other suitable person to represent the defence.

d. In addition to its powers under Rule (46) the court may in proceedings under Sub-Rule (a) of this Rule for the purpose of enforcing a sentence or a fine, make such order regarding the custody or disposition of any property which the accused owns or in which has an interest as appears to be just and appropriate.

e. In proceedings under- Sub-Rule (b) of this Rule the court may whenever it appears to be just and appropriate make an interim order for the custody or impounding of any property which the accused owns or in which he has an interest, pending the conclusion of the trial, or may make any final order with respect to such property as may hereafter be authorised by further Rules of Procedure. This power of the Court is without prejudice to the powers of the Military Government under Law No. 52 (Blocking and Control of Property).

Appendix 4:

British General Courts in Carinthia and East Tyrol (overview)

Sequence	1		
Accused	**Location of offence**	**Date of offence**	**Victim(s)**
Ivan **R.**	Wolfsberg [?]	[?]	G. Schrattner
Date of trial	**Venue**	**Charge(s)**	
3. 1. 1946	Klagenfurt	Murder, use of weapon(s)	
Judge(s)	**Prosecutor**	**Defence counsel**	
Sir Douglas Young Maj N.L. Cohen	Maj P.L.E. Rawlins	Capt L.A. de Pinna	
Finding/Sentence	**Annotation**		
10 years	Release on 21. 3. 1949 (Graz)		

Sequence	2		
Accused	**Location of offence**	**Date of offence**	**Victim(s)**
Wasil **Sossnowsky** Michael **Werhun**	Kaltenberg (mun. Eberstein)	12. 11. 1945	Karl Mostegl, Karl Schranz, Maria R., Johanna S., Engelbert R., Pauline P.
Date of trial	**Venue**	**Charge(s)**	
6.–7. 5. 1946	Klagenfurt	Use of weapon(s), looting	
Judge(s)	**Prosecutor**	**Defence counsel**	
Sir Douglas Young Maj T.G.R. Burrows Capt Walker	N. N.	Dr Leo Oberlaner (Werhun) Dr Max Streit (Sossnowsky)	
Finding/Sentence	**Annotation**		
Wasil Sossnowsky: Death Michael Werhun: Death	Wasil Sossnowsky: Execution on 24. 9. 1946 (Graz) Michael Werhun: Execution on 24. 9. 1946 (Graz)		

Sequence	3		
Accused	**Location of offence**	**Date of offence**	**Victim(s)**
Franz **Kernle** Michael **P.** Roman **P.**	Guttaringberg (mun. Guttaring)	6. 1. 1946	Josef Gragger, Max M., Alois Springer
Date of trial	**Venue**	**Charge(s)**	
9. & 20.–21. 5. 1946	Klagenfurt	Use of weapon(s), conspiracy to use weapon(s)	
Judge(s)	**Prosecutor**	**Defence counsel**	
Sir Douglas Young Maj T.G.R. Burrows Capt C.F. Wells	N. N.	Dr Kurt Dörflinger (Michael P.) Dr Valentin Slamnig (Franz Kernle, Roman P.)	
Finding/Sentence	**Annotation**		
Michael P.: 10 years Roman P.: 10 years Franz Kernle: Acquittal			

Sequence	4		
Accused	**Location of offence**	**Date of offence**	**Victim(s)**
Andreas **K.** Mieczislaw **Rudak** Włodzimierz **S.**	near Spittal an der Drau	Autumn 1945	Franz Bergner, Simon Kund(n)ig, Barbara Langer
Date of trial	**Venue**	**Charge(s)**	
14. 5. 1946	Klagenfurt	Use of weapon(s), looting et al.	
Judge(s)	**Prosecutor**	**Defence counsel**	
Sir Douglas Young Maj T.G.R. Burrows Capt C.F. Wells	N. N.	Dr Erich Fiedler (Mieczislaw Rudak) Dr Hermann Grientschnig (Andreas K.) Dr Mauer (Włodzimierz S.)	
Finding/Sentence	**Annotation**		
Andreas K.: 12 years Mieczislaw Rudak: 12 years Włodzimierz S.: 6 months			

Sequence	5		
Accused	**Location of offence**	**Date of offence**	**Victim(s)**
Anton **Kuss**	Kaltenberg (mun. Eberstein)	8. 5. 1945	Iwan Wintoniew
Date of trial	**Venue**	**Charge(s)**	
22. 5. 1946	Klagenfurt	Murder	
Judge(s)	**Prosecutor**	**Defence counsel**	
Sir Douglas Young Maj T.G.R. Burrows Capt C.F. Wells	N. N.	Dr Ignaz Tschurtschenthaler	
Finding/Sentence	**Annotation**		
Death	Execution on 18. 7. 1946 (Ferlach)		

Sequence	6		
Accused	**Location of offence**	**Date of offence**	**Victim(s)**
Ivan **B.** Josef **K.** Wolodymyr **Melisz** Stefan **Melnitschuk**	Völkendorf (mun. Villach)	4. 4. 1946	Icko Pupko
Date of trial	**Venue**	**Charge(s)**	
25.–26. 6. 1946	Villach	Possession of weapon(s), use of weapon(s)	
Judge(s)	**Prosecutor**	**Defence counsel**	
Sir Douglas Young Mr C.E.L. Blagg Capt Porter	Maj P.L.E. Rawlins	Dr Franz Feldner (Stefan Melnitschuk) Dr Friedrich Klauss (Ivan B.) Dr Leo Kulterer (Josef K.) Dr Hans Wollrab (Wolodymyr Melisz)	
Finding/Sentence	**Annotation**		
Ivan B.: Death Josef K.: Death Wolodymyr Melisz: Death Stefan Melnitschuk: Death	Wolodymyr Melisz: Execution on 24. 9. 1946 (Graz) Stefan Melnitschuk: Execution on 24. 9. 1946 (Graz) Ivan B.: Pardon (20 years) Josef K.: Pardon (10 years)		

Sequence	7		
Accused	**Location of offence**	**Date of offence**	**Victim(s)**
Piotr **Lewkowicz**	near Judendorf (mun. Villach)	10. 6. 1946	Rosemarie Arbesser
Date of trial	**Venue**	**Charge(s)**	
27. 6. 1946	Villach	Murder, act to the prejudice of good order	
Judge(s)	**Prosecutor**	**Defence counsel**	
Sir Douglas Young Mr C.E.L. Blagg Capt Porter	Maj P.L.E. Rawlins	Dr Franz Feldner	
Finding/Sentence	**Annotation**		
Death	Execution on 24. 9. 1946 (Graz)		

Sequence	8		
Accused	**Location of offence**	**Date of offence**	**Victim(s)**
Peter **Bartko** Wasil **B.** Michael **Jaskow** Petro **K.** Josef **K.** Michael **Perzak** Iwan **Pylypczuk** Michael **S.**	Heiligengeist (today, mun. Villach) Liesing (mun. Stockenboi) Pölling (mun. Treffen) Radlach (mun. Steinfeld) Töplitsch (today, mun. Weißenstein) Tschinowitz (today, mun. Villach)	10. 5. 1946, 23. 5. 1946, 30. 5. 1946, 7. 6. 1946	Johann Katzianka, Johann Pernull, Michael Ortner, Christoph Kanduth, Franz Jaunik, Gertrude G. et al.
Date of trial	**Venue**	**Charge(s)**	
1.–2. 8. 1946	Villach	Possession of weapon(s), use of weapon(s), rape, act to the prejudice of good order et al.	
Judge(s)	**Prosecutor**	**Defence counsel**	
Sir Douglas Young Mr J.T. Reckitt Mr J.H.G. Way Capt G. Bell	Maj P.L.E. Rawlins	Dr Franz Feldner (Michael Jaskow, Petro K., Josef K., Michael S.) Dr Friedrich Klauss (Michael Perzak) Dr Leopold Ragger (Peter Bartko, Wasil B., Iwan Pylypczuk)	
finding/sentence	**annotation**		
Peter Bartko: Death Michael Jaskow: Death Michael Perzak: Death Wasil B.: 12 years Petro K.: 10 years Michael S.: 10 years Iwan Pylypczuk: 7 years Josef K.: 2 years	Peter Bartko: Execution on 24. 9. 1946 (Graz) Michael Jaskow: Execution on 24. 9. 1946 (Graz) Michael Perzak: Execution on 24. 9. 1946 (Graz)		

Sequence	9		
Accused	**Location of offence**	**Date of offence**	**Victim(s)**
Michael **D.**	Villach	3. 4. 1946, 4. 4. 1946	Alexander Karbowsky, Icko Pupko
Date of trial	**Venue**	**Charge(s)**	
6. 8. 1946	Villach	Use of weapon(s), act to the prejudice of good order, conspiracy to commit an offence	
Judge(s)	**Prosecutor**	**Defence counsel**	
Sir Douglas Young Mr J.T. Reckitt Mr J.H.G. Way Capt G. Bell	Maj P.L.E. Rawlins	Dr Franz Feldner	
finding/sentence	**annotation**		
10 years			

Sequence	10		
Accused	**Location of offence**	**Date of offence**	**Victim(s)**
Vaso **Mandic** Manojlo **Scepanovic**	Leisach Gödnach (mun. Dölsach) Michelsberg (mun. Nikolsdorf) Nikolsdorf Tristacher Alm	6. 3. 1946, 14. 4. 1946, 1./2. 5. 1946, 1. 7. 1946	Michael Eder, [N.] Hackl, Martha Müller, Sieglinde Skorpil, [N.] Waldnig
Date of trial	**Venue**	**Charge(s)**	
17.–18. 2. & 10. 3. 1947	Lienz, Spittal/Drau	Looting, possession of weapon(s), use of weapon(s), act to the prejudice of good order	
Judge(s)	**Prosecutor**	**Defence counsel**	
Sir Douglas Young Lt Col Stannus Maj Johnson	Mr Clark	Dr Hermann Peterlunger (Vaso Mandic) Dr Eduard Vracko (Manojlo Scepanovic)	
Finding/Sentence	**Annotation**		
Manojlo Scepanovic: 11 ½ months Vaso Mandic: 10 months			

Sequence	11		
Accused	**Location of offence**	**Date of offence**	**Victim(s)**
Gottfried **Rossmann**	Aifersdorf (mun. Paternion)	8. 2. 1946	Rolf Thieme
Date of trial	**Venue**	**Charge(s)**	
31. 3. 1947	Villach	Use of weapon(s)	
Judge(s)	**Prosecutor**	**Defence counsel**	
Sir Douglas Young Mr T.H. Clarke Maj H.L.S. Hamilton	Lt Col G.W. Treadwell	Dr Eduard Vracko	
Finding/Sentence	**Annotation**		
Death	Execution on 2. 7. 1947 (Graz)		

Sequence	12		
Accused	**Location of offence**	**Date of offence**	**Victim(s)**
Franz **Blasic**	Klagenfurt	13. 1. 1947	Ivan Krznaric
Date of trial	**Venue**	**Charge(s)**	
28. 5. 1947	Klagenfurt	Use of weapon(s)	
Judge(s)	**Prosecutor**	**Defence counsel**	
Sir Douglas Young Mr W.E. Chance Maj C.A.W. Samuda	Mr Clark	Dr Richard Matejcek	
Finding/Sentence	**Annotation**		
Death	Execution on 30. 7. 1947 (Graz)		

Sequence	13		
Accused	**Location of offence**	**Date of offence**	**Victim(s)**
Konstantin **Narishkin** Alexander **Schelesnjak**	Waidmannsdorf (mun. Klagenfurt)	4. 1. 1947	Ivan Andrusyk
Date of trial	**Venue**	**Charge(s)**	
29. 5. 1947	Klagenfurt	Murder, robbery et al.	
Judge(s)	**Prosecutor**	**Defence counsel**	
Sir Douglas Young Mr W.E. Chance Maj C.A.W. Samuda	Mr Clark	Dr Hans Mayer (Alexander Schelesnjak) Dr Otto Messiner (Konstantin Narishkin)	
Finding/Sentence	**Annotation**		
Alexander Schelesnjak: Death Konstantin Narishkin: 9 months	Alexander Schelesnjak: Execution on 30. 7. 1947 (Graz)		

Sequence	14		
Accused	**Location of offence**	**Date of offence**	**Victim(s)**
Sandor **L.**	Tessendorf (mun. Klagenfurt)	16. 3. 1947	Franz Wien
Date of trial	**Venue**	**Charge(s)**	
23. 9. 1947	Klagenfurt	Murder	
Judge(s)	**Prosecutor**	**Defence counsel**	
Sir Douglas Young Maj A.L. Lyall Maj Strickland	N. N.	Dr Gustav Horny	
Finding/Sentence	**Annotation**		
2 years	Release on 16. 9. 1948 (Graz)		

Sequence	15		
Accused	**Location of offence**	**Date of offence**	**Victim(s)**
Alexei **Gadjutschka**	near Schloss Mageregg (mun. Klagenfurt)	2. 5. 1947	Peter Jakowlew
Date of trial	**Venue**	**Charge(s)**	
24. 9. 1947	Klagenfurt	Murder	
Judge(s)	**Prosecutor**	**Defence counsel**	
Sir Douglas Young Maj A.L. Lyall Maj Strickland	N. N.	Dr Erich Fiedler	
Finding/Sentence	**Annotation**		
Death	Execution on 12. 11. 1947 (Graz)		

Sequence	16		
Accused	**Location of offence**	**Date of offence**	**Victim(s)**
Josef **K.** Anton **Pfeffer**	Schleichenfeld (mun. Himmelberg)	1./2. 8. 1947	Stanislaus Deika
Date of trial	**Venue**	**Charge(s)**	
4. 12. 1947	Klagenfurt	Murder	
Judge(s)	**Prosecutor**	**Defence counsel**	
Sir Douglas Young Lt Col F.H. McCleary Maj Swayne	R.B. MacKeown	Dr Gustav Horny (Josef K.) Dr Leo Oberlaner (Anton Pfeffer)	
Finding/Sentence	**Annotation**		
Josef K.: Death Anton Pfeffer: Acquittal	Josef K.: Pardon (20 years)		

Sequence	17		
Accused	**Location of offence**	**Date of offence**	**Victim(s)**
Valentin **R.** Franz **Ziwkowitsch**	Bärndorf (mun. Moosburg)	6. 5. 1947	Eduard Kolbitsch
Date of trial	**Venue**	**Charge(s)**	
5. 12. 1947	Klagenfurt	Murder	
Judge(s)	**Prosecutor**	**Defence counsel**	
Sir Douglas Young Lt Col F.H. McCleary Maj R.T. Lloyd-Dolbey	Lt Col N.L. Cohen	Dr Erich Fiedler (Franz Ziwkowitsch) N. N. (Valentin R.)	
Finding/Sentence	**Annotation**		
Valentin R.: Death Franz Ziwkowitsch: Death	Franz Ziwkowitsch: Execution on 4. 2. 1948 (Graz) Valentin R.: Pardon (20 years)		

Sequence	18		
Accused	**Location of offence**	**Date of offence**	**Victim(s)**
Peter **K.**	St. Michael (today, mun. Wolfsberg)	26. 10. 1947	Richard Christöphl
Date of trial	**Venue**	**Charge(s)**	
24. 2. 1948	Wolfsberg	Murder	
Judge(s)	**Prosecutor**	**Defence counsel**	
Mr A. Hamilton Lt Col N.L. Cohen Maj G. Watson	N. N.	Dr Kienzl	
Finding/Sentence	**Annotation**		
Acquittal			

Sequence	19		
Accused	**Location of offence**	**Date of offence**	**Victim(s)**
Lorenz **Plevel**	Udmath (today, Wudmath) (today, mun. Wernberg)	29. 2. 1948	Johann Esich
Date of trial	**Venue**	**Charge(s)**	
19.–21. 5. 1948	Villach	Murder	
Judge(s)	**Prosecutor**	**Defence counsel**	
Mr A. Hamilton Lt Col N.L. Cohen Maj O.R. Musgrave	Lt Col J.G.A. Bickford	Dr Franz Feldner	
Finding/Sentence	**Annotation**		
20 years	Pardon (15 years)		

Sequence	20		
Accused	**Location of offence**	**Date of offence**	**Victim(s)**
Elemer **Scholz** Leopold **W.**	Klagenfurt et al.	Okt./Nov. 1948	
Date of trial	**Venue**	**Charge(s)**	
10.–12. & 15. 1. 1949	Klagenfurt	Obtaining information about British troops to their detriment et al.	
Judge(s)	**Prosecutor**	**Defence counsel**	
Mr A. Hamilton	Col J.G.A. Bickford	Dr Wolfgang Albert (Leopold W.) Dr Rudolf Gries (Elemer Scholz)	
Finding/Sentence	**Annotation**		
Leopold W.: 7 years Elemer Scholz: 4 years	Leopold W.: Release on 18. 7. 1953 (Graz) Elemer Scholz: Release on 19. 11. 1951 (Graz)		

Sequence	21		
Accused	**Location of offence**	**Date of offence**	**Victim(s)**
Edward **P.**	Klagenfurt	23. 5. 1950	Zdenka L.
Date of trial	**Venue**	**Charge(s)**	
28.–30. 6. 1950	Klagenfurt	Rape, aiding and abetting rape	
Judge(s)	**Prosecutor**	**Defence counsel**	
Mr R.B. MacKeown	Mr R.C.S. Ellison	Mr M.B. Sykes	
Finding/Sentence	**Annotation**		
4 years	Pardon (2 years)		

Sequence	22		
Accused	**Location of offence**	**Date of offence**	**Victim(s)**
Anna **W.**	Villach	1950/51	
Date of trial	**Venue**	**Charge(s)**	
7.–9. 11. 1951	Klagenfurt	Obtaining information about British troops to their detriment et al.	
Judge(s)	**Prosecutor**	**Defence counsel**	
Mr R.C.S. Ellison	Maj M. Scott	Dr Hans Mayer	
Finding/Sentence	**Annotation**		
7 years	Pardon (3 years)		

Sequence	23		
Accused	**Location of offence**	**Date of offence**	**Victim(s)**
Rudolf **Vala**	Klagenfurt et al.	1950/51	
Date of trial	**Venue**	**Charge(s)**	
13.–17. & 19.–21. 11. 1951	Klagenfurt	Obtaining information about British troops to their detriment et al.	
Judge(s)	**Prosecutor**	**Defence counsel**	
Mr R.C.S. Ellison	Maj M. Scott	Dr Hugo Rittler	
Finding/Sentence	**Annotation**		
15 years	Pardon (9 years), release on 31. 7. 1955 (Graz)		

Appendix 5:

British General Courts in Styria (overview)

Sequence	1		
Accused	**Location of offence**	**Date of offence**	**Victim(s)**
Josef **D.** Peter **E.**	Stalleralm (today, mun. Obdach) Kickerlochhütte (today, mun. Weißkirchen) Brandstätteralm (today, mun. Bruck an der Mur) Lobming (mun. St. Stefan ob Leoben) Störingalm (mun. Übelbach)	28. 10. 1945, 29. 10. 1945, 10. 11. 1945, 20. 11. 1945, 21. 11.1945	David Brugger, Weiner family, Schrempf family et al.
Date of trial	**Venue**	**Charge(s)**	
19. 2. – 8. 3. 1946	Graz	Robbery and manslaughter, looting et al.	
Judge(s)	**Prosecutor**	**Defence counsel**	
Lt Col G.A. Bamlet N. N. N. N.	Maj J.G.A. Bickford	Dr August Bichler (Josef D.) Dr Hans Wunsch (Peter E.)	
Finding/Sentence	**Annotation**		
Josef D.: 12 years Peter E.: 12 years	Josef D.: Escape on 9. 4. 1949 (Graz) Peter E.: Escape on 26. 4. 1946 (Graz)		

Sequence	**2**	[First *atrocities* trial]	
Accused	**Location of offence**	**Date of offence**	**Victim(s)**
Otto **Christandl** Anton **Eberl** Karl **Etzinger** Ernst **Feistl** Johann **Gatterbauer** Anton **Hebenstreit** Anton **Hirner** Ludwig **Krenn** Michael **Leonhardsberger** Max **Mitter** Rudolf **Mitterböck** Rudolf **Pirmann** Karl **Schelch** Emmerich **Schnabl** Adolf **Schumann** Franz **Taucher** Friedrich **Wolf** Ludwig **Wurm**	Präbichl, Gsoll (mun. Eisenerz) Neustückl, Wandau (today, mun. Landl)	7. 4. 1945, 9. 4. 1945, 10. 4. 1945	Hungarian Jews
Date of trial	**Venue**	**Charge(s)**	
1. 4. – 29. 4. 1946	Graz	Murder	
Judge(s)	**Prosecutor**	**Defence counsel**	
Mr H. Glyn-Jones KC Col Glyn Lloyd DSO Lt Col G.O.N. Thompson DSO Lt Col G.H. Brookes	Mr T. Turner Lt Col G.W. Treadwell	Dr Leopold Böhm (Adolf Schumann) Dr Alexander Creydt (Johann Gatterbauer, Ludwig Krenn) Dr Otto Daghofer (Max Mitter) Dr Herbert Dollingen (Anton Eberl, Anton Hirner, Rudolf Mitterböck, Friedrich Wolf) Dr Walter Eger (Karl Etzinger, Anton Hebenstreit, Rudolf Pirmann) Dr Robert Griedl (Otto Christandl) Dr Hans Held (Ernst Feistl, Michael Leonhardsberger, Karl Schelch, Emmerich Schnabl, Franz Taucher) Dr Max Katzianschitz (Ludwig Wurm)	

Finding/Sentence	Annotation
Otto Christandl: Death	Otto Christandl: Execution on 21. 6. 1946 (Graz)
Anton Eberl: Death	Anton Eberl: Execution on 21. 6. 1946 (Graz)
Ernst Feistl: Death	Ernst Feistl: Execution on 21. 6. 1946 (Graz)
Anton Hirner: Death	Anton Hirner: Execution on 21. 6. 1946 (Graz)
Ludwig Krenn: Death	Ludwig Krenn: Execution on 21. 6. 1946 (Graz)
Rudolf Mitterböck: Death	Rudolf Mitterböck: Execution on 21. 6. 1946 (Graz)
Emmerich Schnabl: Death	Emmerich Schnabl: Execution on 21. 6. 1946 (Graz)
Franz Taucher: Death	Franz Taucher: Execution on 21. 6. 1946 (Graz)
Friedrich Wolf: Death	Friedrich Wolf: Execution on 21. 6. 1946 (Graz)
Ludwig Wurm: Death	Ludwig Wurm: Execution on 21. 6. 1946 (Graz)
Anton Hebenstreit: 10 years	Anton Hebenstreit: Release on 24. 6. 1952 (Graz)
Max Mitter: 10 years	Max Mitter: Release on 24. 6. 1952 (Graz)
Karl Schelch: 10 years	Karl Schelch: Release on 11. 3. 1952 (Graz)
Michael Leonhardsberger: 6 months	Michael Leonhardsberger: Sentence served in pre-trial detention
Karl Etzinger: Acquittal	
Johann Gatterbauer: Acquittal	
Adolf Schumann: Acquittal	
Rudolf Pirmann: Acquittal	

Sequence	**3**	[Second *atrocities* trial]	
Accused	**Location of offence**	**Date of offence**	**Victim(s)**
Johann **Huber** Herbert **Neumann** Rudolf **Pirmann** Rupert **Pregartner**	Gsoll, Seeau (mun. Eisenerz) Jassingau, Wandau (today, mun. Landl)	9. 4. 1945, 10. 4. 1945, 11. 4. 1945	Hungarian Jews
Date of trial	**Venue**	**Charge(s)**	
16.–18. & 21.–23. 10. 1946	Graz	Murder	
Judge(s)	**Prosecutor**	**Defence counsel**	
Sir Douglas Young Maj Dr. Friedrich Schnek N. N.	Lt Col G.W. Treadwell	Dr Heinrich Merk (Herbert Neumann) Dr Otto Panholzer (Rudolf Pirmann) Dr Josef Primus (Rupert Pregartner) Dr Alois Rechberger (Johann Huber)	
Finding/Sentence	**Annotation**		
Herbert Neumann: Death Johann Huber: Death Rupert Pregartner: 8 years Rudolf Pirmann: Acquittal	Herbert Neumann: Execution on 19. 11. 1946 (Graz) Johann Huber: Pardon (10 years), release on 23. 6. 1953 (Graz)		

Sequence	4		
Accused	**Location of offence**	**Date of offence**	**Victim(s)**
Ivan **R.** Paul **Szetinski**	Mixnitz (mun. Pernegg an der Mur)	30. 3. 1946	Ignaz Bräuner
Date of trial	**Venue**	**Charge(s)**	
25. 10. 1946	Leoben	Murder, looting	
Judge(s)	**Prosecutor**	**Defence counsel**	
Sir Douglas Young N. N. N. N.	N. N.	N. N.	
Finding/Sentence	**Annotation**		
Paul Szetinski: Death Ivan R.: 7 years	Paul Szetinski: Execution on 19. 11. 1946 (Graz) Ivan R.: Pardon (5 years), release on 20. 2. 1948 (Graz)		

Sequence	5		
Accused	**Location of offence**	**Date of offence**	**Victim(s)**
Gregor **Kosost**	Auerlinggraben (today, mun. Judenburg)	20. 4. 1946	Franz Götschl, Peter Schlacher
Date of trial	**Venue**	**Charge(s)**	
21.–23. 11. 1946	Graz	Murder	
Judge(s)	**Prosecutor**	**Defence counsel**	
Sir Douglas Young N. N. N. N.	Mr J.T. Reckitt	Dr August Ludikar	
Finding/Sentence	**Annotation**		
Death	Execution on 9. 1. 1947 (Graz)		

Sequence	6		
Accused	**Location of offence**	**Date of offence**	**Victim(s)**
Alexej **K.** Nikolaus **L.**	Krottendorf (mun. Kapfenberg)	11. 3. 1946	Ludmilla Gaisrucker
Date of trial	**Venue**	**Charge(s)**	
25.–26. 11. 1946	Graz	Murder [?]	
Judge(s)	**Prosecutor**	**Defence counsel**	
Sir Douglas Young N. N. N. N.	Mr J.T. Reckitt	N. N.	
Finding/Sentence	**Annotation**		
Alexej K.: Acquittal Nikolaus L.: Acquittal			

Sequence	7		
Accused	**Location of offence**	**Date of offence**	**Victim(s)**
Iwan **G.**	Knittelfeld	26. 8. 1946	Josefa Samitz
Date of trial	**Venue**	**Charge(s)**	
26.–27. 11. 1946	Graz	Robbery and manslaughter et al.	
Judge(s)	**Prosecutor**	**Defence counsel**	
Sir Douglas Young N. N. N. N.	Mr J.T. Reckitt	Dr Max Katzianschitz	
Finding/Sentence	**Annotation**		
10 years	Release on 16. 9. 1953 (Graz)		

Sequence	8		
Accused	**Location of offence**	**Date of offence**	**Victim(s)**
Wilhelm **Hödl**	Leoben	21. 9. 1946	Paul Martonoschi
Date of trial	**Venue**	**Charge(s)**	
27.–28. 11. 1946	Graz	Possession of weapon(s)	
Judge(s)	**Prosecutor**	**Defence counsel**	
Sir Douglas Young N. N. N. N.	Mr J.T. Reckitt	Dr Josef Klement	
Finding/Sentence	**Annotation**		
Death	Execution on 9. 1. 1947 (Graz)		

Sequence	**9**	[Third *atrocities* trial]	
Accused	**Location of offence**	**Date of offence**	**Victim(s)**
Johann **Lantschik**	Bruck an der Mur region	4. 4. 1945, 5. 4. 1945	N. N. (Hungarian Jews)
Date of trial	**Venue**	**Charge(s)**	
13. 3. 1947	Graz	Murder	
Judge(s)	**Prosecutor**	**Defence counsel**	
Sir Douglas Young Mr T.H. Clarke Maj R.M. Rayner	Lt Col J.G.A. Bickford	Dr Josef Primus	
Finding/Sentence	**Annotation**		
Death	Execution on 16. 4. 1947 (Graz)		

Sequence	**10**	[Fourth *atrocities* trial]	
Accused	**Location of offence**	**Date of offence**	**Victim(s)**
Klemens **Frettensattel**	Hafning (today, mun. Trofaiach)	7. 4. 1945	N. N. (two Hungarian Jews)
Date of trial	**Venue**	**Charge(s)**	
17. 3. 1947	Graz	Murder	
Judge(s)	**Prosecutor**	**Defence counsel**	
Sir Douglas Young Mr T.H. Clarke Maj R.M. Rayner	Lt Col J.G.A. Bickford	Dr Alois Rechberger	
Finding/Sentence	**Annotation**		
Death	Execution on 16. 4. 1947 (Graz)		

Sequence	**11**	[Fifth *atrocities* trial]	
Accused	**Location of offence**	**Date of offence**	**Victim(s)**
Johann **Brandner** Adolf **Slama**	Gleisdorf	Anfang April 1945	Tibor Nemenyi
Date of trial	**Venue**	**Charge(s)**	
8.–9. 4. 1947	Graz	Murder, incitement to murder	
Judge(s)	**Prosecutor**	**Defence counsel**	
Sir Douglas Young Mr Cathie Maj R.M. Rayner	Lt Col J.G.A. Bickford	Dr Josef Gröbelbauer (Johann Brandner) Dr Franz Messek (Adolf Slama)	
Finding/Sentence	**Annotation**		
Johann Brandner: Death Adolf Slama: Death	Johann Brandner: Execution on 30. 4. 1947 (Graz) Adolf Slama: Execution on 30. 4. 1947 (Graz)		

Sequence	**12**	[Sixth *atrocities* trial]	
Accused	**Location of offence**	**Date of offence**	**Victim(s)**
Johann **Czar** Josef **Pechböck**	Kurzheim (today, mun. Trofaiach)	7. 4. 1945	N. N. (Hungarian Jews)
Date of trial	**Venue**	**Charge(s)**	
2. 6. 1947	Graz	Murder [?]	
Judge(s)	**Prosecutor**	**Defence counsel**	
Sir Douglas Young Mr Cathie Maj R.M. Rayner	Lt Col J.G.A. Bickford	N. N.	
Finding/Sentence	**Annotation**		
Johann Czar: Acquittal Josef Pechböck: Acquittal			

Sequence	13	[Seventh *atrocities* trial]	
Accused	**Location of offence**	**Date of offence**	**Victim(s)**
Johann **Sommer**	Rothleiten (today, mun. Frohnleiten)	4. 4. 1945	N. N. (Hungarian Jews)
Date of trial	**Venue**	**Charge(s)**	
3. 6. 1947	Graz	Incitement to murder	
Judge(s)	**Prosecutor**	**Defence counsel**	
Sir Douglas Young [?] Mr Cathie [?] Maj R.M. Rayner [?]	N. N.	N. N.	
Finding/Sentence	**Annotation**		
Acquittal			

Sequence	**14**	[Eigth *atrocities* trial]	
Accused	**Location of offence**	**Date of offence**	**Victim(s)**
Karl **Maxl** Hubert **Reiter**	Prenning (mun. Deutschfeistritz)	5. 4. 1945	N. N. (two Hungarian Jews)
Date of trial	**Venue**	**Charge(s)**	
6.–7. 6. 1947	Graz	Murder (öStG), violation of humanity and human dignity (KVG)	
Judge(s)	**Prosecutor**	**Defence counsel**	
Sir Douglas Young N. N. N. N.	Lt Col J.G.A. Bickford	Dr Johann Held (Karl Maxl) Dr Friedrich Rödiger (Hubert Reiter)	
Finding/Sentence	**Annotation**		
Karl Maxl: Death Hubert Reiter: Death	Karl Maxl: Execution on 16. 7. 1947 (Graz) Hubert Reiter: Execution on 16. 7. 1947 (Graz)		

Sequence	15		
Accused	**Location of offence**	**Date of offence**	**Victim(s)**
Nikolai **Subzow**	Wuggitz (today, mun. Eibiswald)	10. 5. 1947	Rosa Peterlin, Stanislaus Kida
Date of trial	**Venue**	**Charge(s)**	
31. 7. 1947	Leibnitz	Murder	
Judge(s)	**Prosecutor**	**Defence counsel**	
Sir Douglas Young Lt Col J.G.A. Bickford Maj R.R. Penney	Lt Col G.W. Treadwell	Dr Otto Adler	
Finding/Sentence	**Annotation**		
Death	Execution on 26. 9. 1947 (Graz)		

Sequence	16	[Ninth *atrocities* trial]	
Accused	**Location of offence**	**Date of offence**	**Victim(s)**
Franz **Eder** Alois **Frühwirt** Nikolaus **Pichler** Josef **Thorbauer**	Graz-Liebenau	Anfang April 1945	N. N. (Hungarian Jews)
Date of trial	**Venue**	**Charge(s)**	
8.–12. 9. 1947	Graz	Murder (öStG), violation of humanity and human dignity (KVG)	
Judge(s)	**Prosecutor**	**Defence counsel**	
Sir Douglas Young Mr A. Hamilton Maj R.P. Williams	Mr Rawlins	Dr Aichholzer (Nikolaus Pichler) Dr Ferdinand Knaffl (Alois Frühwirt) Dr Josef Spranger (Josef Thorbauer) N. N. (Franz Eder)	
Finding/Sentence	**Annotation**		
Alois Frühwirt: Death Nikolaus Pichler: Death Josef Thorbauer: 3 years Franz Eder: Acquittal	Alois Frühwirt: Execution on 15. 10. 1947 (Graz) Nikolaus Pichler: Execution on 15. 10. 1947 (Graz) Josef Thorbauer: Release on 3. 9. 1948 (Graz)		

Sequence	**17**	[Tenth *atrocities* trial]	
Accused	**Location of offence**	**Date of offence**	**Victim(s)**
Josef **Pammer**	Graz (Steinfeld camp)	1. 4. 1945 [?]	N. N. (Russian forced labourer)
Date of trial	**Venue**	**Charge(s)**	
12. 9. 1947	Graz	Murder, manslaughter	
Judge(s)	**Prosecutor**	**Defence counsel**	
Sir Douglas Young Mr A. Hamilton Maj R.P. Williams	Mr Rawlins	Dr Friedrich Schimm	
Finding/Sentence	**Annotation**		
Acquittal			

Sequence	18	[Eleventh *atrocities* trial]	
Accused	**Location of offence**	**Date of offence**	**Victim(s)**
Josef **Egger** Albin **Großmann** Karl **Leitenmüller** Franz **Lindenbaum** Franz **Puchner** Fritz **Winkler**	Judenburg region, Pölstal	9. 4. 1945, 10. 4. 1945, 11. 4. 1945, 12. 4. 1945, 13. 4. 1945	N. N. (Hungarian Jews)
Date of trial	**Venue**	**Charge(s)**	
15.–17. 9. 1947	Graz	Murder (öStG), violation of humanity and human dignity (KVG)	
Judge(s)	**Prosecutor**	**Defence counsel**	
Sir Douglas Young Mr A. Hamilton Maj R.P. Williams	Mr Rawlins	Dr Hugo Martinowitz (Franz Puchner [?], Fritz Winkler) Dr Arnold Spork (Josef Egger) Dr Alois Schwaberger (Albin Großmann) Dr Friedrich Weis-Ostborn (Franz Lindenbaum) N. N. (Karl Leitenmüller)	
Finding/Sentence	**Annotation**		
Josef Egger: Death Franz Lindenbaum: Death Fritz Winkler: Death Albin Großmann: 10 years Karl Leitenmüller: Acquittal Franz Puchner: Acquittal	Josef Egger: Execution on 15. 10. 1947 (Graz) Franz Lindenbaum: Execution on 15. 10. 1947 (Graz) Fritz Winkler: Execution on 15. 10. 1947 (Graz) Albin Großmann: Release on 7. 10. 1948 (Graz)		

Sequence	**19**	[Twelfth *atrocities* trial]	
Accused	**Location of offence**	**Date of offence**	**Victim(s)**
Nikolaus **Been** Martin **Mernik**	Liezen	14. 4. 1945	N. N. (Hungarian Jews)
Date of trial	**Venue**	**Charge(s)**	
13.–14. 10. 1947	Graz	Murder, aiding and abetting murder	
Judge(s)	**Prosecutor**	**Defence counsel**	
Sir Douglas Young Maj A.L. Lyall Maj T.C. Adams MBE	Lt Col J.G.A. Bickford	Dr Emil Stugger [?] (Martin Mernik) N. N. (Nikolaus Been)	
Finding/Sentence	**Annotation**		
Nikolaus Been: Death Martin Mernik: Acquittal	Nikolaus Been: Execution on 12. 11. 1947 (Graz)		

Sequence	20		
Accused	**Location of offence**	**Date of offence**	**Victim(s)**
[“Schloßberg Gang”] Josef **B.** Ernst **C.** Slavko **J.** Johann **K.** Milan **L.** Ladislaus **Požauko** Franz **P.** Josef **S.** Ivica **S.** Iwan **V.**	Schloßberg (today, mun. Leutschach an der Weinstraße)	v. a. June–July 1947	N. N.
Date of trial	**Venue**	**Charge(s)**	
17. & 20.–21. 10. 1947	Graz	Possession of weapon(s), illegal border crossing et al.	
Judge(s)	**Prosecutor**	**Defence counsel**	
Sir Douglas Young N. N. N. N.	Lt Col L.R. Ashton	Dr Otto Adler	
Finding/Sentence	**Annotation**		
Ladislaus Požauko: 10 years Milan L.: 7 years Josef S.: 7 years Josef B.: 4 years Franz P.: 3 years Ernst C.: 2 years Johann K.: 2 years Ivica S.: 2 years Iwan V.: 2 years Slavko J.: Acquittal			

Sequence	21	[Thirteenth *atrocities* trial]	
Accused	**Location of offence**	**Date of offence**	**Victim(s)**
Arnulf **Lill** Anton **Oswald** Anton **Rutte** Anton **Sablatnig** Robert **Sattler**	Klöch	24. 3. 1945	N. N. (26 Hungarian Jews)
Date of trial	**Venue**	**Charge(s)**	
10.–13. 11. 1947	Graz	Murder	
Judge(s)	**Prosecutor**	**Defence counsel**	
Sir Douglas Young Mr W.J. Worth Maj T.C. Adams MBE	Lt Col J.G.A. Bickford	Dr Johann Held (Anton Sablatnig) Dr Richard Kaan (Anton Rutte) Dr Rudolf Pauer-Kulpathal (Anton Oswald) Dr Josef Pongratz (Arnulf Lill) Dr Franz Schreiner (Robert Sattler)	
Finding/Sentence	**Annotation**		
Arnulf Lill: Death Anton Oswald: Death Anton Rutte: Death Anton Sablatnig: Death Robert Sattler: Death	Arnulf Lill: Pardon (15 years), release on 22. 12. 1953 (Graz) Anton Oswald: Pardon (15 years), release on 22. 12. 1953 (Graz) Anton Rutte: Pardon (15 years), release on 22. 12. 1953 (Graz) Anton Sablatnig: Pardon (10 years), release on 30. 8. 1948 (Graz) Robert Sattler: Pardon (10 years), release on 16. 7. 1952 (Graz)		

Sequence	22		
Accused	**Location of offence**	**Date of offence**	**Victim(s)**
Dimitro **B.** Peter **B.** Petro **H.** Wasyl **K.** Fedor **R.** Isidor **S.** Pavel **S.** Wasyl **Z.**	Grünhübl (mun. Judenburg)	8. 6. 1947	Wasil Berecansky
Date of trial	**Venue**	**Charge(s)**	
18.–20. 11. & 1. 12. 1947	Graz	Murder	
Judge(s)	**Prosecutor**	**Defence counsel**	
Sir Douglas Young Maj A.B. Whitehead Mr W.J. Worth	Lt Col J.G.A. Bickford	Dr Heinrich Mitter (Dimitro B., Wasyl K., Fedor R., Isidor S.) Dr Wagner (Peter B., Petro H., Pavel S., Wasyl Z.)	
Finding/Sentence	**Annotation**		
Dimitro B.: 12 years Wasyl K.: 12 years Fedor R.: 12 years Isidor S.: 12 years Pavel S.: 12 years Peter B.: Acquittal Petro H.: Acquittal Wasyl Z.: Acquittal	Dimitro B.: Release on 22. 12. 1954 (Graz) Wasyl K.: Release on 22. 12. 1954 (Graz) Fedor R.: Release on 22. 12. 1954 (Graz) Isidor S.: Release on 22. 12. 1954 (Graz) Pavel S.: Release on 22. 12. 1954 (Graz)		

Sequence	23		
Accused	**Location of offence**	**Date of offence**	**Victim(s)**
Josef **T.**	Schirmitzbühel, Deuchendorf (mun. Kapfenberg)	2. 11. 1947	Heinrich Bachmeier, Max W.
Date of trial	**Venue**	**Charge(s)**	
2. 12. 1947	Graz	Murder, attempted murder	
Judge(s)	**Prosecutor**	**Defence counsel**	
Sir Douglas Young Maj A.B. Whitehead Mr W.J. Worth	Lt Col J.G.A. Bickford	N. N.	
Finding/Sentence	**Annotation**		
3 years	Release on 8. 7. 1949 (Graz)		

Sequence	24		
Accused	**Location of offence**	**Date of offence**	**Victim(s)**
Arthur **M.**	Graz (Murgasse)	14. 11. 1947	[N.] Puntigam et al.
Date of trial	**Venue**	**Charge(s)**	
12.–13. 4. 1948	Graz	Attempted murder	
Judge(s)	**Prosecutor**	**Defence counsel**	
Mr A. Hamilton	Lt Col J.G.A. Bickford	N. N.	
Finding/Sentence	**Annotation**		
8 years	Release on 12. 4. 1952 (Graz)		

Sequence	25		
Accused	**Location of offence**	**Date of offence**	**Victim(s)**
Ladislaus **Požauko**	Remschnigg (today, mun. Leutschach an der Weinstraße)	26./27. 2. 1947	[N.] Slatkovic
Date of trial	**Venue**	**Charge(s)**	
29.–30. 4. & 4. 5. 1948	Graz	Murder	
Judge(s)	**Prosecutor**	**Defence counsel**	
Mr A. Hamilton	Lt Col J.G.A. Bickford	N. N.	
Finding/Sentence	**Annotation**		
Death	Execution on 21. 7. 1948 (Graz)		

Sequence	26		
Accused	**Location of offence**	**Date of offence**	**Victim(s)**
Franz **G.** Johann **P.** Rupert **Z.**	Kerschegg (today, mun. St. Andrä-Höch)	11. 3. 1948	Aldrian family, Hermann Breineder
Date of trial	**Venue**	**Charge(s)**	
7.–8. 6. 1948	Graz	Robbery, possession of weapon(s), use of weapon(s)	
Judge(s)	**Prosecutor**	**Defence counsel**	
Mr A. Hamilton	N. N.	N. N.	
Finding/Sentence	**Annotation**		
Franz G.: 7 years Rupert Z.: 5 years Johann P.: 2 years	Franz G.: Release on 1. 9. 1950 (Graz) Rupert Z.: Release on 1. 9. 1950 (Graz)		

Sequence	27		
Accused	**Location of offence**	**Date of offence**	**Victim(s)**
Elsa **F.** Erich **F.**	Graz-Straßgang	27. 7. 1947	Auguste Rauber
Date of trial	**Venue**	**Charge(s)**	
22. 6. – 9. 7. 1948	Graz	Murder	
Judge(s)	**Prosecutor**	**Defence counsel**	
Mr A. Hamilton	Lt Col J.G.A. Bickford	Dr Kristl (Elsa F.) Erich F. defends himself	
Finding/Sentence	**Annotation**		
Erich F.: Death Elsa F.: 10 years	Erich F.: Pardon (life sentence) Elsa F.: Release on 27. 3. 1954 (Maria Lankowitz)		

Appendix 6:

British General Courts in Vienna (overview)

Sequence	1		
Accused	**Location of offence**	**Date of offence**	**Victim(s)**
Johann **M.**	Vienna-Hietzing	1945/46	
Date of trial	**Venue**	**Charge(s)**	
19. 9. 1946	Vienna	Possession of weapon(s)	
Judge(s)	**Prosecutor**	**Defence counsel**	
Lord Claud Schuster Lt Col A.B. McNulty Maj Belaf	Lt Col G.W. Treadwell	Dr Franz Sejna	
Finding/Sentence	**Annotation**		
6 years	Release on 9. 8. 1948		

Sequence	2		
Accused	**Location of offence**	**Date of offence**	**Victim(s)**
Thomas Henry **Beeson**	Vienna Villach Thörl (mun. Arnoldstein) Klagenfurt	April–July 1946	
Judge(s)	**Prosecutor**	**Defence counsel**	
18.–19. 11. 1946	Vienna	Issuing and using official documents, unauthorised border crossings, using false number plates, falsely pretending to be a member of the Allied Commission for Austria et al.	
Richter	**Ankläger**	**Verteidiger**	
Lord Claud Schuster Mr W.W.J. Bolland Lt Col W.S. Mounteney	Mr J.H.G. Way	Mr J.T. Reckitt	
Finding/Sentence	**Annotation**		
1 year			

Sequence	3		
Accused	**Location of offence**	**Date of offence**	**Victim(s)**
Adolf **E.** Herbert **Kreim** Josef **M.**	Vienna-Meidling	19. 11. 1946	Felix Peka
Date of trial	**Venue**	**Charge(s)**	
15. 1. 1947	Vienna	Robbery, possession of weapon(s) et al.	
Judge(s)	**Prosecutor**	**Defence counsel**	
Sir Douglas Young Mr J.R.W. Bennett Maj B.A. Clark	Lt Col G.W. Treadwell	Dr Ernst Zörnleib (Herbert Kreim) Dr Ignaz Brandstetter (Adolf E.) Dr Hans Eisenschimmel (Josef M.)	
Finding/Sentence	**Annotation**		
Adolf E.: 8 years Herbert Kreim: 8 years Josef M.: 8 years			

Appendix 7:

British Royal Warrant Courts in Austria (overview)

Sequence	1		
Accused	**Location of offence**	**Date of offence**	**Victim(s)**
Ferdinand **Brandl** Artur **Hocevar** Michael **Steiner**	Liezen AK 180/GW	April 1944 to March 1945	Tpr L. Colton Pte J.D. Jeffs Gnr A. Lambley
Date of trial	**Venue**	**Charge(s)**	
29. 4. – 14. 5. 1946	Leoben	War crime(s) – ill-treatment of POW(s)	
Judge(s)	**Prosecutor**	**Defence counsel**	
Lt Col G.D.B. Russell Lt Col G.A. Bamlet (Legal Member) Maj A.J.H. Rutherford Capt E. Hudson Capt W.K. Leadbeater	Capt N.C.H. Dunbar	Dr Josef Pongratz (Ferdinand Brandl, Michael Steiner) Dr Ludwig Freiberger (Artur Hocevar)	
Finding/Sentence	**Annotation**		
Ferdinand Brandl: 15 years Michael Steiner: 5 years Artur Hocevar: 2 years	Ferdinand Brandl: Pardon (10 years), release on 23. 7. 1952 (Graz) Michael Steiner: Release on 14. 9. 1949 (Graz) Artur Hocevar: Release on 4. 10. 1947 (Graz)		

Sequence	2		
Accused	**Location of offence**	**Date of offence**	**Victim(s)**
Robert **Gross** Michael **Widhalm**	Viktring (mun. Klagenfurt)	28. 2. 1945	Spr J. Marsh
Date of trial	**Venue**	**Charge(s)**	
22.–25. 5. 1946	Völkermarkt	War crime(s) – killing of POW(s)	
Judge(s)	**Prosecutor**	**Defence counsel**	
Lt Col D.F. Yate-Lee Maj J.C. Doggett (Legal Member) Maj W.A. Newman Capt W. Smith Maj J. Devroome (Waiting Member)	Capt N.C.H. Dunbar	Capt P.A. Hamilton MC (Robert Gross) Dr Franz Brand (Michael Widhalm)	
Finding/Sentence	**Annotation**		
Michael Widhalm: 9 years Robert Gross: Acquittal	Michael Widhalm: Release on 14. 7. 1947 (Graz)		

Sequence	3		
Accused	**Location of offence**	**Date of offence**	**Victim(s)**
Franz **Kotulan**	Weinburg am Saßbach (today, mun. St. Veit in der Südsteiermark) AK 600/L	14. 5. 1942	Cpl J.D. Troy
Date of trial	**Venue**	**Charge(s)**	
31. 5. – 1. 6. 1946	Schloss Retzhof (mun. Wagna)	War crime(s) – killing of POW(s)	
Judge(s)	**Prosecutor**	**Defence counsel**	
Lt Col J.P. Fowler-Esson DSC MC Maj T.G. Field Fisher (Legal Member) Maj T. Miller Capt D.W. March Capt H.V. Leaver (Waiting Member)	Capt N.C.H. Dunbar	Maj F. Ball MBE	
Finding/Sentence	**Annotation**		
5 years	Release on 26. 7. 1949 (Graz)		

Sequence	4		
Accused	**Location of offence**	**Date of offence**	**Victim(s)**
Viktor **Gassner**	Graz-Wetzelsdorf AK 107/GW	February 1945	Gnr J.F. Edwards et al.
Date of trial	**Venue**	**Charge(s)**	
3. & 9. 9. 1946	Villach	War crime(s) – ill-treatment of POW(s)	
Judge(s)	**Prosecutor**	**Defence counsel**	
Maj T.G. Field Fisher (Legal Member) Maj E.R.W.M. Semple Capt T.T. McCrow Capt D.S. Penman Lt C.C. Gunner	Maj W.H. Goudie	Capt I. Stoner	
Finding/Sentence	**Annotation**		
9 months			

Sequence	5		
Accused	**Location of offence**	**Date of offence**	**Victim(s)**
Johann **Fritz**	Kirchdorf (mun. Pernegg an der Mur) AK 119/GW	27. 3. 1942	Pte R.J. McLennan
Date of trial	**Venue**	**Charge(s)**	
16. 9. 1946	Egg am Faaker See (today, mun. Villach)	War crime(s) – killing of POW(s)	
Judge(s)	**Prosecutor**	**Defence counsel**	
Lt Col D.F. Yate-Lee Maj B.L. Kentish Capt J.M. Courlay Capt T.T. Trainor MM Lt A.T. Scott	N. N.	N. N.	
Finding/Sentence	**Annotation**		
12 years	Release on 8. 2. 1954 (Graz)		

Sequence	6		
Accused	**Location of offence**	**Date of offence**	**Victim(s)**
Georg **Baumann** Johann **Felgitscher** Heinrich **Stradner**	Kleinfelgitsch (today, mun. Heiligenkreuz am Waasen)	May 1943	Dvr A. Johnston
Date of trial	**Venue**	**Charge(s)**	
18.–20. 9. 1946	Schloss Retzhof (mun. Wagna)	War crime(s) – ill-treatment of POW(s)	
Judge(s)	**Prosecutor**	**Defence counsel**	
Lt Col D.F. Yate-Lee Maj J.H. Dyas Maj J.H. Proctor Capt D.L. Bissmire Capt H. Bradley	Maj W.H. Goudie MC	Dr Josef Stenitzer Maj A.N. Totman [*assisting*]	
Finding/Sentence	**Annotation**		
Georg Baumann: 6 months Johann Felgitscher: Acquittal Heinrich Stradner: Acquittal			

Sequence	7		
Accused	**Location of offence**	**Date of offence**	**Victim(s)**
Josef **Pfisterer**	Gullinggraben (mun. Aigen im Ennstal) AK 2056/L	3. 12. 1942	Pte A.H. Peterson
Date of trial	**Venue**	**Charge(s)**	
26. 9. – 3. 10. 1946	Graz	War crime(s) – killing of POW(s)	
Judge(s)	**Prosecutor**	**Defence counsel**	
Lt Col D.F. Yate-Lee Maj R.B. Prince Lt N.L. Eckersley Lt T. Sadleir	Maj W.H. Goudie MC	Dr J. Svejda Capt K. Creedy-Smith [*assisting*]	
Finding/Sentence	**Annotation**		
17 years	Pardon (10 years), release on 18. 11. 1952 (Graz)		

Sequence	8		
Accused	**Location of offence**	**Date of offence**	**Victim(s)**
Johann **Darnhofer**	Unterpremstätten (today, mun. Premstätten) AK 173/HV	February 1944	Pte R.J. Bell
Date of trial	**Venue**	**Charge(s)**	
5.–6. 11. 1946	Leoben	War crime(s) – attempted murder of POW(s)	
Judge(s)	**Prosecutor**	**Defence counsel**	
Lt Col D.F. Yate-Lee Maj A.B. Whitehead MC Capt C.L. Ackerley [not present] 2/Lt S.J. Wells	Maj W.H. Goudie MC	Dr August Bichler [?]	
Finding/Sentence	**Annotation**		
Acquittal			

Sequence	9		
Accused	**Location of offence**	**Date of offence**	**Victim(s)**
Sebastian **Scherer**	St. Marein im Mürztal AK 95/GW	31. 1. 1944	Pte W.F. Keeling
Date of trial	**Venue**	**Charge(s)**	
23.–25. 1. 1947	n. s.	War crime(s) – ill-treatment of POW(s)	
Judge(s)	**Prosecutor**	**Defence counsel**	
Maj J.L. Iremonger Capt D.G. Hobson Capt H.F.C. Joy Lt P.G. Bacon	Capt A. McKenzie	Capt A. Brown	
Finding/Sentence	**Annotation**		
Acquittal			

Sequence	10		
Accused	**Location of offence**	**Date of offence**	**Victim(s)**
Adolf **Schrenk**	Radmer	1941/1942	N. N.
Date of trial	**Venue**	**Charge(s)**	
27.–29. 5. 1947	Völkermarkt	War crime(s) – ill-treatment of POW(s)	
Judge(s)	**Prosecutor**	**Defence counsel**	
Lt Col D.F. Yate-Lee Maj D.F. Bylett Capt P.L. Crowley Capt J.D. Lofting MC Lt P.N. Williams	Maj H.J.E. Marr [?]	Capt R.H.F. Stanton	
Finding/Sentence	**Annotation**		
8 years	Release on 29. 9. 1950 (Graz)		

Sequence	11		
Accused	**Location of offence**	**Date of offence**	**Victim(s)**
Karl **Benesch**	Veitsch (today, mun. St. Barbara im Mürztal) AK 980/GW	(ca.) 9. 10. 1942	Gnr G. Boardman
Date of trial	**Venue**	**Charge(s)**	
3.–4. 6. 1947	Völkermarkt	War crime(s) – wounding of POW(s)	
Judge(s)	**Prosecutor**	**Defence counsel**	
Lt Col D.F. Yate-Lee Maj F.J. Cooke Hurle Capt F.H. Kingsley Smith MC Capt H. Rowlands [not present] 2/Lt B.J. Feely	Maj H.J.E. Marr [?]	Capt R.F. Tomlinson	
Finding/Sentence	**Annotation**		
2 years	Release on 4. 12. 1948 (Graz)		

Sequence	12		
Accused	**Location of offence**	**Date of offence**	**Victim(s)**
Alfred **Petraschek**	Radmer	February 1942	Rfn K.E. Davis Tpr W.J. Sillence
Date of trial	**Venue**	**Charge(s)**	
9. 6. 1947	Völkermarkt	War crime(s) – ill-treatment of POW(s)	
Judge(s)	**Prosecutor**	**Defence counsel**	
Maj J.L. Iremonger Capt N.F.G. Bird Capt K.S. Newell Lt A. Blane	Capt J.C. Sleator	Capt A. Bentley	
Finding/Sentence	**Annotation**		
5 years	Release on 9. 10. 1950 (Graz)		

Sequence	13		
Accused	**Location of offence**	**Date of offence**	**Victim(s)**
Leopold **Bruckner**	Šentilj (SLO) AK 45/L	15. 2. 1944, 8. 4. 1944	Pte W.A. Griffin Pte E.L. Black Pte E.J. MacDonald
Date of trial	**Venue**	**Charge(s)**	
20. 8. 1947	Völkermarkt	War crime(s) – killing and ill-treatment of POW(s)	
Judge(s)	**Prosecutor**	**Defence counsel**	
N. N. N. N. N. N.	N. N.	N. N.	
Finding/Sentence	**Annotation**		
20 years	Release on 31. 7. 1955 (Graz)		

Sequence	14		
Accused	**Location of offence**	**Date of offence**	**Victim(s)**
Max **Paustian**	Krusdorf (today, mun. Straden)	April 1945 oder 6. 5. 1945	Mne E.J. Beckham Pte C.W. Burns
Date of trial	**Venue**	**Charge(s)**	
26. 8. 1947	Völkermarkt	War crime(s) – killing of POW(s)	
Judge(s)	**Prosecutor**	**Defence counsel**	
Lt Col D.F. Yate-Lee Maj W.H. Goudie MC (Legal Member) Maj J. Howard-Appleton Capt A. Place Lt S.J. Holland	Capt R.D.B. Davies	Lt Penny	
Finding/Sentence	**Annotation**		
Acquittal			

Sequence	15		
Accused	**Location of offence**	**Date of offence**	**Victim(s)**
Rudolf **Klvacek**	Trieben AK 253/L	February 1945	Pte C.E. Hancock Fus J. Lee Spr A.P. Plowman et al.
Date of trial	**Venue**	**Charge(s)**	
28. 8. 1947	Völkermarkt	War crime(s) – ill-treatment of POW(s)	
Judge(s)	**Prosecutor**	**Defence counsel**	
Lt Col D.F. Yate-Lee Maj W.H. Goudie MC (Legal Member) Maj J. Howard-Appleton Capt A. Place Lt S.J. Holland	Capt R.D.B. Davies	Lt Penny	
Finding/Sentence	**Annotation**		
9 months	Release on 21. 3. 1948 (Graz)		

Sequence	16		
Accused	**Location of offence**	**Date of offence**	**Victim(s)**
Otto **Bindrich** Walter **Brietzke** Robert **Flaig** Johann **Gärtner** Paul **Gruschwitz** Franz **Kessner** Hugo **Köbernik** Friedrich **Porschel** Sigbert **Ramsauer** Karl **Sachse** Max **Skierde** Jakob **Winkler**	Loiblpass (today, mun. Ferlach; mun. Tržič, SLO) Subcamps	June 1943 to May 1945	Inmates of subcamps at Loibl Pass
Date of trial	**Venue**	**Charge(s)**	
2. 9. – 10. 10. 1947	Klagenfurt	War crime(s) – killing of POW(s) War crime(s) – ill-treatment of POW(s)	
Judge(s)	**Prosecutor**	**Defence counsel**	
Lt Col D.F. Yate-Lee Maj J. Longbottom MC Capt L. Baudet [French Army] Capt C. Canet [French Army] Capt J.D. Lofting MC Frederick Honig Esq. (Judge Advocat) Capt J.E.B. Conder MC (Waiting Member)	Maj W.H. Goudie MC	Dr Roman Fux (Walter Brietzke) Dr Hermann Grientschnig (Paul Gruschwitz) Dr Heribert Melion (Sigbert Ramsauer) Dr Otto Knapitsch (Jakob Winkler) Dr Hans Mayer (Johann Gärtner, Friedrich Porschel, Max Skierde) Dr Otto Messiner (Karl Sachse) Dr Alexander Sadila (Otto Bindrich, Robert Flaig, Franz Kessner, Hugo Köbernik)	

Finding/Sentence	Annotation
Walter Brietzke: Death Jakob Winkler: Death Sigbert Ramsauer: Life sentence Karl Sachse: 20 years Paul Gruschwitz: 12 years Hugo Köbernik: 9 years Max Skierde: 6 years Otto Bindrich: 5 years Johann Gärtner: 4 years Friedrich Porschel: 3 years Robert Flaig: Acquittal Franz Kessner: Acquittal	Walter Brietzke: Execution on 10. 3. 1948 (Graz) Jakob Winkler: Execution on 10. 3. 1948 (Graz) Sigbert Ramsauer: Release on 2. 4. 1954 (Garsten) Karl Sachse: Release on 9. 5. 1955 (Werl) Paul Gruschwitz: Release on 21. 12. 1951 (Werl) Max Skierde: Release on 9. 2. 1951 Hugo Köbernik: Release on 21. 12. 1951 (Werl) Otto Bindrich: Release on 9. 2. 1951 (Werl) Johann Gärtner: Transfer to the French occupying forces in July 1949 Friedrich Porschel: Release on 8. 10. 1949

Sequence	17		
Accused	**Location of offence**	**Date of offence**	**Victim(s)**
August **Staab** Simon **Stichler**	Loiblpass (today, mun. Ferlach; mun. Tržič, SLO) Subcamps	November 1943 to May 1945	Inmates of subcamps at Loibl Pass
Date of trial	**Venue**	**Charge(s)**	
25. 9. – 1. 10. 1947	Klagenfurt	War crime(s) – ill-treatment of POW(s)	
Judge(s)[2859]	**Prosecutor**	**Defence counsel**	
Maj T.W.C. Barlas Maj W. Fielding (Legal Member) Capt A. Strange	N. N.	Dr Wilhelm Napetschnig (August Staab) N. N. (Simon Stichler)	
Finding/Sentence	**Annotation**		
August Staab: 4 years Simon Stichler: 3 years			

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Sequence	18		
Accused	**Location of offence**	**Date of offence**	**Victim(s)**
Karl **Diebitsch**	Ponte di Piave (ITA)	26. 2. 1945 oder 28. 2. 1945	L/Cpl D. Russell
Date of trial	**Venue**	**Charge(s)**	
13. & 16. 1. 1948	n. s.	War crime(s) – killing of POW(s)	
Judge(s)	**Prosecutor**	**Defence counsel**	
Maj G. Hill MBE Maj L. Wain (Legal Member) Capt D. Russell-Smith Capt W.D. Basford (Waiting Member)	Maj W. Fielding	Capt C.G. Thomson	
Finding/Sentence	**Annotation**		
Acquittal			