

# History: The Conviction of the “Bookkeeper Of Auschwitz”. “Complicity in the Deaths of 300,000 Holocaust Victims”

The Collective Criminalization of all Members of a State Military Institution

By [Karin Brothers](#)

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Image: Oskar Groening (World War II archive), facing charges of being an accomplice to the murder of 300,000 at Auschwitz.

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*American and Canadian Media rarely miss an opportunity to give prominent coverage to Holocaust stories, so their silence on the recent conviction of the so-called Bookkeeper of Auschwitz is notable. The reason might be the stunning implication of this conviction, which validated criminalizing all members of a state military organization that committed crimes against humanity, regardless of the personal lack of involvement.*

Oskar Gröning is a 94-year old German who came to public attention ten years ago when he appeared in a BBC documentary to refute Holocaust deniers; as a former member of the SS, he verified the existence of the Auschwitz gas chambers. Gröning, a trained bank clerk, had joined the SS as a 20-year old in September 1942; he was assigned to remove the luggage from the loading ramps of the train station at the Auschwitz- Birkenau camp and to count the bank notes in the luggage and send them to the Reich security office in Berlin. Gröning was not accused of any violence against those incarcerated.

Although Poland wanted to try Gröning after the war for suspicion of war crimes at Auschwitz, the Americans closed down the pursuit of low-ranking Nazis because it interfered with their priorities of rebuilding of Germany and fighting Communism in Europe. Between 1945 and 2005, 172,294 people were investigated for war crimes in Germany; 6,656 were convicted. Sixty-five hundred Auschwitz guards have stood trial, and up until this trial, there were only 49 convictions; only a handful served prison terms.

For many decades, the German legal system would not prosecute former members of the SS or concentration camp guards unless there was evidence that linked them directly to the mass killings of the Holocaust. The situation changed with Germany’s 2011 conviction of John Demjanjuk, a Ukrainian guard at the Sobibor camp in Nazi-occupied Poland; the court ruled that Demjanjuk had aided and abetted mass murder just by working at a concentration camp. Demjanjuk died in 2012, before his appeal could be heard; but from then on, an individual’s employment at a concentration camp could be considered adequate

to pursue a war crimes conviction at this court.

## Trial

At the start of Gröning's April, 2015 trial for complicity in the deaths of 300,000 Holocaust victims, he stated: *"This moral guilt I acknowledge here, before the victims, with regret and humility;"* it was up to the court to decide his legal guilt. The trial raised the issue of whether those who did not personally participate in the Nazi machine's killings were still guilty of the crimes. Prosecutors argued that Gröning's actions as a bookkeeper make him criminally complicit in the regime responsible for mass murder.

## verdict:

The twelve-week trial in Germany ended on July 15, 2015 when Gröning was found guilty of being an accessory to the murder of 300,000 Hungarian Jews and he was sentenced to four years in prison. Judge Frank Kompisch delivered the verdict, making it plain that every German had a choice about how far to go along with the Nazi government. The judge said that while Gröning had not been directly involved in the killings he had been an integral cog in the machine of the Auschwitz extermination apparatus.... *"a machinery designed entirely for the killing of humans"* that was *"inhumane and all but unbearable for the human psyche"*. To join the SS and take *"a safe desk job"* at Auschwitz *"was your decision."* he said, *"but it was not because you were unfree."* *"Mr Gröning, don't tell me you did not see the suffering, of course you saw it."* The verdict will be appealed.



## Implications

The German verdict potentially breaks new legal ground with the principle of that was engaged in the commission of crimes against humanity, while also making irrelevant the context of war and state repression of its citizenry. While some may claim that the

Holocaust was unique, and the verdict thus not applicable to other military “machines”, other situations should also qualify, such as Israel’s ongoing ethnic cleansing of indigenous Palestinians and its apartheid and genocidal treatment of Palestinians living under its 65-year long occupation in the West Bank, the Gaza Strip and East Jerusalem.

The principle, if upheld and if applied internationally, could give today’s victims of egregious state criminality some hope for future accountability and justice.

*Karin Brothers is a freelance writer*

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