

incriminating against Tessmann. And these witnesses not only were inspectors of the Police prison who lived and worked there, but among them were also prisoners. One cannot overlook witnesses such as Neddennin and Elias. The witness Elias, an upright, truthful Jew of a distinguished character, certainly has no cause to hide anything of the entire situation. Yes, if only a little of it had been true, if really the ill-treatment had taken place, then the witness Elias would have had to state the contrary.

But what did the witness Elias say as a matter of fact? He said: "I have not been beaten". Thus from nobody, thus neither by Tessmann. Furthermore the witness Elias stated: I did not hear anything about beatings." Nothing! Keep this in mind! For he was not in solitary confinement but in a hall together with Jews. There he would have heard something. The witness Neddennin gives the same evidence.

Furthermore the witness Elias testifies that the treatment was extremely correct and pertinent, neither was the treatment intended to exercise a pressure for the interrogation not to mention any mental compulsion before a questioning. Thus neither in a physical nor psychological regard a pressure, compulsion, influence was brought to bear, so that finally and lastly the witness Elias testifies, saying word by word: "I do not care for gossip at all and evidently much is idle talk and much exaggeration can be recognised." One cannot pass over lightly and put little value on such evidence as has been given by the witnesses Elias, Neddennin, Kluth and others.

- II. The second point of the prosecution accuses Tessmann of having taken part in the execution of 11 Poles. What happened? Properly, we have only two witnesses who can elucidate the development in juridical respect. They are Tessmann and Dr. Kreutzer. As we know Tessmann never received any files regarding the prisoners, only a chit of arrest was given to him. In it the reason for the arrest was given as: Plunderer. Now we all know quite well from those days that after the heavy air-raids which destroyed the city of Hamburg looting and plundering was an everyday occurrence. Everywhere on planks, houses, walls, notices were pasted in several languages that looting would be punished with death. That is a self-evident measure and the same justice in all civilized countries. This is a command of self-preservation and not an act of cruelty. Tessmann knew of the fact of looting. Now the witness Dr. Kreutzer affirms that never an execution of Poles took place without judgment. It is a fact that the eleven Poles were detained together in a big cell and only after they had been transported into town, were they put into solitary confinement. There must have been a reason for it. And this change from joint imprisonment to solitary confinement must have been preceded by an established fact. The solitary confinement points to the eleven Poles having been sentenced. Dr. Kreutzer states that the Poles were brought before a court martial or special court. This happened in any case. Thereby a regular sentence had been given by the court. The execution proper took place in public in order to act as deterrent. In this case also, which endangered the lives of the people in general, the circles of East-workers who were likely to become pilferers and plunderers were to be warned and frightened off. The execution of the sentence pronounced by the court was carried out by the Gestapo, who had made the arrests. Therefore Tessmann did not commit any offence against the law by accompanying the transport and did not offend against the international penal law. The defendant Tessmann had no powers to decide about the prisoners themselves or about life and death. As an administrator of the prison he had to care only for the guarding of the prisoners.