Former SS member faces trial for war crimes in the Netherlands

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Almost 59 years after the death of Dutch resistance fighter Jan Houtman, the trial of 88-year-old former Nazi SS (Schutzstaffel) member Herbertus Bikker opened on September 8, 2003, in the German district court of Hagen. Bikker is accused of shooting the 27-year-old Houtman to death on November 17, 1944, on a farm in the Netherlands district of Dalfsen.

The trial sheds light on the brutal occupation of the Netherlands by Hitler's National Socialist regime and the terrible consequences for resistance fighters at the hands of both the military secret service and their helpers, Dutch collaborators. That so much time elapsed before Bikker was obliged to stand trial expresses the diffident attitude of German authorities to those responsible for Nazi crimes. The trial was repeatedly adjourned because of the health of the accused, who had not, as in other similar cases, been found from the outset to be unfit for trial.

Herbertus Bikker joined the Waffen SS [the "armed SS," the SS army that numbered 900,000 at its height] during the German occupation of the Netherlands, which lasted from 1940 to 1945. At the time of the offence he was employed in the regular police as a guard in the Erika correction and labour camp, in Ommen. Many camp inhabitants were workers who had resisted forced labour in Germany or who had participated in the resistance to Germany's occupation of the Netherlands.

Bikker belonged to a notorious strike force which made the prisoners' lives a misery. One of their tasks was to carry out raids in the surrounding apartment blocks. They carried out arbitrary arrests of people suspected of being resistance members. They threatened next of kin and plundered residences. They were also notorious for abusing and killing prisoners. Because Bikker was particularly infamous for hunting down underground fighters ("Onderduikers") he was known to camp prisoners as the "butcher of Ommen."

After the fall of the Nazi dictatorship in May 1945 and the liberation of the Netherlands, Bikker was initially sentenced to death in 1949 by a Netherlands court. After an appeal the sentence was altered to life imprisonment. On December 26, 1952, Bikker and six other convicted war criminals, all members of the Dutch Waffen-SS or the secret police, managed to escape from the prison in Breda. They fled over the German-Netherlands border and reported to a German police station. There they were told to pay a 10 deutsche mark fine for illegally crossing a border and were able to continue their escape unhindered. They received assistance in Germany from former SS members who were once again occupying influential positions.

The legal basis upon which authorities refused to extradite Bikker and other escapees to the Netherlands rested upon a "Fuhrer-edict" decreed in May 1943, which designated them to be German nationals. Thus, according to the German constitution of 1949, they could not be turned over to other countries. The "Fuhrer-edict" guaranteed German citizenship to all those who were members of Hitler's Nazi party or who were members of the German armed forces.

Bikker was summoned to appear before a Dortmund court in the mid-1950s, but the case was discontinued due to "lack of evidence." The Netherlands' courts were reluctant to hand over their evidence to the German courts because they distrusted the many Nazi judges who had continued in seamless fashion in their posts after the fall of the Third Reich.

Bikker lived undisturbed in Hagen in North-Rhine Westphalia for the next 50 years. It was only by virtue of Bikker's own boast of having shot Jan Houtman, in a 1997 interview with *Stern* reporter Werner Schmitz, that a lawsuit was finally undertaken. Describing the events on November 17, 1944, as he lined up and shot Houtman, a member of the resistance group "knokploeg," Bikker told Schmitz, "And then I gave him the final shot."

Some 10 years ago, the Dutch law journalist and Nazi hunter, Jack Koistra, traced Herbertus Bikker to his residence in Hagen. After this was reported on Dutch television, the minister of justice in The Hague demanded Bikker's immediate extradition—a move rejected by German authorities. In November 1995, German and Dutch members of anti-fascist groups along with a few surviving resistance fighters demonstrated outside Bikker's Hagen apartment, calling out, "Herbertus Bikker is a murderer." They were fined for taking part in a "demonstration without a permit."

The event brought the case to the attention of the *Stern* editors, Werner Schmitz and Albert Eikenaar, and it is due to their investigative journalism that Bikker again came before the courts. After the publication of the *Stern* interview in 1997, chief prosecutor Ulrich Maaß from the Nazi crimes central office began investigations at the state attorney's office in Dortmund.

It took another six years before the case commenced. In the meantime, some of the eyewitnesses to Jan Houtman's murder had died. Jan Houtman's widow had also died three years earlier. But an important witness, who had already provided written evidence five years earlier, was able to appear at the district court in Hagen on October 10, 2003, to testify.

Now 81 years old, Annie Bosch-Klink was well able to remember the events which occurred 59 years earlier on her parents' farm. She was then 22 years old and from the kitchen window saw how two members of the SS approached the farm. She was gripped by panic because her brother and his friend, active members of the resistance, were staying at the farm. Then she remembers one of the SS members suddenly breaking off from the other. He pursued the men who were fleeing and then she heard a number of shots. Her brother Jan and his friend, who had hidden themselves in a dugout in a horse stall, also watched as Bikker shot at Houtman, who lay wounded on the ground. Then they heard Bikker say, "Have you had enough? You won't get up again. You're really dead now."

Annie Bosch-Klink is able to recall the events so vividly because they remained imprinted on her memory throughout her life. After Houtman's murder, Bikker threatened her father, "I'll kill you as well," and "Clear

off, I'll get you later." Her description of the events of November 17 clearly contradicts Bikker's defence, given in testimony in the 1950s, that he shot Jan Houtman in "the course of his duties" as he "attempted to escape."

The brutal crime that became the subject of a court case in Hagen after almost six decades is only one of thousands committed by the German SS and occupation forces and their Dutch collaborators.

Due to their overwhelming military superiority, the German army was able to subjugate the Netherlands a few days after they marched into the country on May 10, 1940. The commander-in-chief of the Netherlands military forces, General Winkelman, signed the terms of surrender on May 15, 1940.

Due to bomb strikes and artillery fire, the toll of civilian casualties exceeded that of the Netherlands armed forces. A total of 800 lives were lost in a single German bomb strike on central Rotterdam, which went ahead despite the fact that negotiations for surrender were already under way. Out of fear of incarceration by the Gestapo, 150 Jewish citizens committed suicide. The measures carried out by the military were intended, above all, to spread fear and terror among the population of the occupied country.

According to the 1946 Netherlands yearbook published in Utrecht, during the five-year German occupation 2,800 Netherlands citizens were sentenced to death, approximately 20,000 died in German concentration camps and prisons and 600 died in Netherlands prison camps. This did not include deaths due to actions of the military in the course of organising the so-called labour front or the deaths of murdered Dutch Jews.

The brutal measures of the occupation forces fuelled domestic resistance aimed against the German army and its Dutch supporters and collaborators. While sections of the Dutch ruling elite and officialdom attempted to defend themselves and at least retain a semblance of independence, Nazi bosses made clear that they would only be satisfied by complete submission to directives from Berlin. The aim was to subordinate Dutch commerce and society to the requirements of Germany's plans for conquest of Europe and the Soviet Union.

Initially, Nazi measures were less extreme than those employed during their occupation of the countries of Eastern Europe. This changed suddenly after a strike by Amsterdam workers against the deportation of Jewish citizens in 1941.

In his study, *Nazi rule and Dutch collaboration: The Netherlands under German occupation 1940-1945*, Gerhard Hirschfeld writes, "During the second phase of the occupation, which lasted from spring 1941 until March/April 1943, the political climate between the population and the occupying authorities deteriorated rapidly. The strike of Amsterdam workers in response to the deportation of their Jewish fellow-citizens on 25 February 1941—the first mass strike in a territory occupied by the Wehrmacht—and the brutal reaction of the German police authorities in the following days, signalled to the Dutch public that the transition from a period of surprising leniency to one of routine Nazi occupation had finally been completed. The SD (Sicherheitdeinst—secret service) and the German police, the military police and the and the Wehrmacht courts resorted ever more frequently and deliberately to methods of intimidation and open terror; arrests, police raids, the shooting of hostages and death sentences soon became the order of the day. At the same time, the Dutch resistance became more widespread and organised."

The Nazi-installed Reichskommissar, Arthur Seyss-Inquart, who had already met with Hitler's approval at the time of the takeover of Austria and for a short time had been deputy in the Polish government, stated in the aftermath of the February strike in Amsterdam that henceforth one had to dismiss plans for voluntary Dutch cooperation and "national unity." In its place he announced a new line: "With us or against us."

According to reliable reports from the Netherlands Red Cross, approximately 95,000 Dutch Jews were transported through the transit camps Westerbork and Vught to the German extermination camps in Auschwitz and Sobibor between July 1942 and September 1944. Of these, only 1,070 survived. Others were transported to Buchenwald/Ravensbrück, Bergen-Belsen and Theresienstadt. The total number either murdered in the camps or put to death in other ways was 102,000, or 75 percent of all Jews in Holland at the outbreak of World War Two. The Dutch police proved in the main to be willing helpers of the German occupation forces, secret police and SS in their hunt to track down and deport Dutch Jews.

The goal of Nazi policy was evident in its reckless exploitation of the Dutch economy. The needs of the civilian population were entirely subordinated to the requirements of the German war effort, such as the manufacture of military uniforms, boots, etc. Enterprises not essential for the war effort were often deprived of raw materials and forced to close. Workers who lost their jobs, along with many others, were deported as forced labourers to Germany, where they were often used to displace German workers sent off into battle on the Eastern Front.

Forced labour in Germany was despised by Dutch workers and the unemployed. According to a September 25, 1941, memorandum from the national minister for employment, 30 percent of Dutch forced labourers sought to flee their workplaces (18,000 of approximately 60,000 working in Germany). Between October 1942 and March/April 1943 there were a number of campaigns set in motion to conscript Dutch workers for forced labour in the German armaments, iron and steel industries. By the end of 1943, 425,000 Netherlanders were working in German or German-occupied zones.

In April 1943, Hitler ordered that Dutch prisoners of war, released in May 1940, be returned to internment camps in line with the now proclaimed policy of "total war." This edict unleashed an unprecedented strike wave, which Hirschfeld describes: "Almost a million Dutchmen walked out on their jobs, and there were a number of serious disruptions to the transport and supply systems. The German security services were initially taken by surprise, but then reacted with their customary brutality and ruthlessness; by the last day of the strike alone, 7 May 1943, 80 sentences of death had been imposed and 60 people executed by order of a court martial."

The camp in Ommen was then functioning as a work camp for "economic felons." Economic offences included refusing to work, as well as industrial sabotage or even pilfering food. Cases dealing with transgressions of this kind rose from 21,000 (1941) to 120,000 (1943).

Gerhard Hirschfeld writes at the beginning of his overview of the German occupation of the Netherlands, "As the military situation deteriorated after the defeats on the Eastern Front and in the Mediterranean, the German occupation of the Netherlands became increasingly brutal and ruthless. [Dutch concentration camps such as Westerbrook, Vught, Amersfoort and Ommen had by now become household names and provoked instant fear and despair within the Dutch community.] The destruction of the Jewish population by means of deportation to extermination camps 'in the East,' economic exploitation by the German war economy, and the deportation of Dutch workers to the Reich—all reached their peak in 1943-4. Entire branches of industry stopped production or worked on German orders alone. During the winter months of 1944, production fell to about 25 percent of the level of 1938. The effects of war and the collapse of the transport system caused catastrophic bottlenecks in supplies, culminating in the 'hunger winter' of 1944/5.... More than 20,000 people starved to death or died as a consequence of deficiency symptoms."

And further: "Economic and social pauperisation increased the willingness of many Dutch people to participate in some form of resistance to the occupation. The actions of the underground resistance organisations became more effective and began to affect the German authorities and their Dutch contacts with some severity. Police and

security services—and the Wehrmacht—responded with brutal reprisals, even against non-participants and innocent people. Terror had been elevated into the supreme necessity and instrument of power."

For example, in retaliation for an attack by a Netherlands resistance fighter on a German officer, Christiansen, the commanding officer of the military, razed to the ground the village of Putten in the province of Gelderland am Westrand der Veluwe, ordered the immediate shooting of seven of its inhabitants, and deported 660 to the concentration camp of Amersfoort and then to Neuengamme concentration camp; only 116 survived. After the attempted murder of Rauter (the SS governor of the Netherlands, Heinrich Himmler's immediate subordinate) on March 6, 1945, an attack which Rauter (though badly wounded) survived, the chief of the secret police and the security forces, Dr. Schöngarth, ordered 250 Hollanders to be shot.

Note: All numbers and dates from the period of the German occupation of the Netherlands were taken from *Nazi rule and Dutch collaboration: The Netherlands under German occupation 1940-1945*, by Gerhard Hirschfeld (Deutsche Verlagsanstalt, 1984).