

Former Wehrmacht officer condemned as war criminal

Italian civilians massacred in June 1944

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The regional court in Munich on August 11 convicted the former Wehrmacht (German army) officer Josef Scheungraber to life imprisonment for the murder of 10 Italian civilians and the attempted murder of others in June 1944 in Falzano di Cortona in Tuscany.

Josef Scheungraber had already been condemned to life imprisonment in 2006 in absentia by a military court in La Spezia for his war crime in Falzano di Cortona. Up until now, however, he has not had to spend a single day in prison. Any punishment was suspended until a judgment was reached in his German trial.

It still remains unclear whether the 90-year-old war criminal will ever see the inside of a prison. His lawyers have announced an appeal against the judgment at the Federal High Court. Scheungraber remains free until the appeal hearings at the Federal High Court, which will probably convene next year. The court did not see any danger that he would abscond.

The trial against Scheungraber began in the autumn of last year and lasted just under 11 months. The judges at the Munich court were agreed that Josef Scheungraber had given the order to “take retaliatory measures” on June 27, 1944 in Falzano di Cortona as commanding officer of the 1st company of the Mountain Engineer Battalion 818. In retaliation for a partisan attack on two German soldiers, four villagers were shot in the back. An additional 11 men between the ages of 15 to 67 were confined in a house, which was then blown up. Only one of the victims, Gino M. (15 years old at the time) survived the massacre and now, at the age of nearly 80, appeared as a witness in the Munich

trial against Scheungraber.

Scheungraber—who denied in court any responsibility for the massacre of Italian civilians and declared he knew nothing of a partisan attack—was exposed as a liar in court. The judges declared they were convinced that he was responsible for leading the “retaliatory measure” as company commander. Prior to the massacre, Scheungraber had sought permission for the retaliatory action from the divisional command.

As in the cases of many other massacres and war crimes against the Italian civilian population by the German army, the SS officers involved have sought to justify their actions by referring to the orders given by the commander in chief of the German troops in Italy during the war, Albert von Kesselring, the general field marshal.

On June 17, 1944, Kesselring had given the following instruction to the German occupation troops: “Where gangs appear in larger numbers, a certain percent of the male population in the appropriate district are to be arrested and, in the case of acts of violence occurring, are to be shot.... Should soldiers, etc., be fired upon in a particular locality, then it should be burnt down. Perpetrators or ringleaders are to be hung up publicly.” This instruction was referred to repeatedly in the past to argue that those responsible for war crimes were only carrying out their orders.

The court in Munich, under the chairmanship of judge Manfred Götzl, pronounced the actions of Josef Scheungraber as second-degree murder. As the *Süddeutsche Zeitung* wrote on August 12, based on the judgement: “It was a question of revenge, the victims were randomly selected, because they were on the spot.” Scheungraber was unable to resort to the

argument that he was required to obey orders, and such retaliatory measures are also judged illegal according to international law.

The fact that it took 65 years to bring Scheungraber to justice is bound up with the fact that immediately after the collapse of fascism and the end of the Second World War only a handful of leading figures in the Nazi regime were brought to account for their crimes. “The prosecution of NS crimes is not a glorious chapter in German legal history. From approximately 106,000 accused only 167 perpetrators were convicted to lifelong detention.” (*Süddeutsche Zeitung*)

For decades, Scheungraber lived undisturbed in Ottobrunn near Munich. He is an honorary commander of the local fire-brigade and was a member of the local council for 20 years. In 2005 the local council unanimously agreed to award him its Citizen’s Medal.

Although the judgment comes very late, relatives of the victims of the massacre in Falzano di Cortona, and others who had followed the trial and pronouncement of judgment in the courtroom, were relieved that at least one of the perpetrators had been held to account.

Two of the trial observers and co-plaintiffs are Angiola and Margherita Lescai, who lost two members of their family in wartime massacres by the German army—their father and grandfather, Angiolo and Santi Lescai. The two women had travelled from Italy to Munich for the pronouncement of judgement on behalf of the 14 Italian families who had lost relatives in the massacre at Falzano di Cortona.

After the judgment, Angiola Lescai stated, “It would have been so fortunate if my mother had lived to see the conclusion of the case. She had waited her whole life for such a judgment.”



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