

Germany: Trial opens of former SS member Heinrich Boere

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Some 65 years after the event, the trial has begun of former SS member Heinrich Boere. The 88-year-old is accused of having shot three civilians in occupied Holland as part of an SS murder squad.

In 1949, a special court in Amsterdam found Boere guilty *in absentia* and sentenced him to death. The sentence was later reduced to life imprisonment. However, the German authorities refused to extradite him, and, as was the case with many other Nazi criminals, repeatedly intervened to prevent Boere from being held to account for his crimes.

The Boere trial will likely be one of the two last two cases involving Nazis to be heard in a German court. On November 30, the trial begins in Munich of 89-year-old John Demjanjuk, who is accused of being an accessory to the murder of at least 27,900 Jews in the Sobibor extermination camp.

Boere is accused, together with SS member Petrus Besteman, of shooting the pharmacist Fritz Bicknese in Breda, Holland on the evening of July 14, 1944. On September 3 of the same year, together with another accomplice, Hendrik Kromhout, he is accused of murdering two civilians in Voorschoten—Teunis de Groot and Frans Willem Kusters.

Boere and his two accomplices were members of a 15-strong special commando unit of the Dutch SS, directed by Johannes Hendrik Feldmeijer, tasked with responding to the actions of Dutch resistance fighters with “counter-terror.” For each person killed by the resistance fighters, three Dutch people suspected of being linked to the resistance were to be murdered. This operation, code-named “Silver Fir,” claimed more than fifty lives between September 1943 and the end of 1944.

In each case the victim was carefully selected. Boere and his accomplices rang the person’s door bell and then examined the ID papers of their prospective victim before cold-bloodedly murdering him or taking him away to be

shot elsewhere.

Operation Silver Fir formed part of the Nazi regime of occupation in Holland under Reich Commissioner Arthur Seyß-Inquart. He was responsible for the deportation of over 100,000 Jews to the extermination camps and the sending to Germany or to areas occupied by Germany of 1.5 million Dutch workers who were compelled to carry out forced labour.

The commissioner for security was SS-Obergruppenführer (Lieutenant General) Hanns Albin Rauter, under whom served SS-Brigadeführer (Brigadier General) Erich Naumann as commander of the security police and the security service. Before his deployment to the Netherlands, Naumann had led the notorious “Einsatzgruppe B” on the Eastern front, which was responsible for the mass killing of Jews and Sinti.

In September 1943, as the resistance of the Dutch population grew and resistance fighters increased their attacks on the Dutch Nazi party and officials and politicians who collaborated with the occupying forces, Rauter and Naumann ordered the formation of the “Feldmeijer Special Commando Unit.”

At this time, Heinrich Boere had already been an SS member for three years. The son of a German mother and a Dutch father, in September 1940 at the age of 19 he had voluntarily joined the Waffen SS. During the war against the Soviet Union he was sent to the Caucasus. He returned to the Netherlands due to a serious illness, and was there assigned to the “Feldmeijer Special Commando Unit.”

After the war, several of those responsible for Nazi crimes in Holland were brought to account. SS-Obergruppenführer Hanns Albin Rauter stood trial in the Netherlands, was sentenced to death and executed. Erich Naumann, the commander of the security police, was found guilty in the Nuremburg trials of Einsatzgruppe members and was hung.

Hendrik Feldmeijer, the leader of the special commando

unit, was sentenced to death by a Dutch special court, along with Boere's accomplices, Jacobus Besteman and Hendrik Kromhout. Later the death penalties were reduced to detention for many years, with Besteman serving 13 years and Kromhout ten.

Heinrich Boere was initially arrested, but in 1947 was able to flee across the German border to Eschweiler (near Aachen), where just a few kilometres from the border he found work as a miner.

Although he had been found guilty *in absentia* in the Netherlands, he lived a relatively unimpaired life in Eschweiler for thirty years. In 1980, Holland called for his extradition and he spent two months in custody pending deportation.

However, the superior regional court in Cologne held that his extradition was inadmissible. The court based its ruling on a decree by Adolf Hitler of May 19 1943, according to which all "ethnically German foreigners" were granted German nationality when voluntarily joining the Waffen SS. And a German citizen could not be extradited.

Already at the time, the Dortmund Central Office for the Investigation of National Socialist [Nazi] Crimes used the extradition demand as an opportunity to launch a preliminary investigation into Boere. However, the director of the Central Office at that time, senior public prosecutor Hermann Weissing, came to the conclusion that "Operation Silver Fir"—that is, the murders carried out by the Feldmeijer commandos—was conducted according to the prevailing law of the time and that their "order and implementation" had therefore been "permissible and legal."

Boere was able to live peacefully and undisturbed in Eschweiler for a further two decades, the last years in a retirement home. During the whole time he used his correct name and never denied being involved in the crimes of which he was accused.

In 2003, the Dutch Ministry of Justice requested that the 1949 verdict of the Amsterdam court against Boere be implemented in Germany. It took a further four years until the Aachen regional court granted this request, in February 2007. Again, the superior regional court in Cologne saved Boere from having to begin his punishment. This time, it gave the reason that Boere had not been granted an appropriate defence in Amsterdam, and, having fled the proceedings, had no possibility of legal redress.

In the meantime, someone new had assumed the post of director of the Dortmund Central Office for the

Investigation of National Socialist Crimes. In August 2007, the new director, senior public prosecutor Ulrich Maaß, took up anew the investigation of the Heinrich Boere case. Together with the co-plaintiffs—Tuin de Groot, the now 76-year-old son of Teunis de Groot, and two sons of the pharmacist Fritz Bicknese—he was able to have the case against Boere reopened.

At the beginning of this month, the Supreme Court gave the green light by rejecting an application from Boere's defence attorneys that their client was unable to stand trial on health grounds.

However, on the first day of the hearing not even the indictment was read out because Boere's counsel lodged a petition challenging the partiality of senior public prosecutor Maaß. They accused him of pre-judging the case in his comments to the media, thus denying their client a fair trial.

The court recessed for consultations and then decided to postpone the trial till the next week. Tuin de Groot, who had travelled to the court and wanted to make a personal statement regarding the lifelong effect of his father's murder on the family, was visibly disappointed.

Even if the trial proceeds to a verdict, it is quite possible that Boere's advanced years will mean he never has to face punishment. Nevertheless, Tuin de Groot's attorney, Detlef Hartmann, told *Spiegel Online*: "We finally want a German court to determine: This was murder." His client, he continued, loved and respected his father "very much" and still had the bullets that killed him in 1944. What they were demanding above all, however, was clarity. Therefore the trial should make clear "everything which Boere had done in the war... including in the Caucasus."



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