

Nazi war criminal Klaas Carel Faber dies unpunished

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On May 24, the Dutch war criminal Klaas Carel Faber died in a hospital in Ingolstadt, Bavaria, at the age of 90. After World War II, Faber was sentenced to death for murdering Jews and resistance fighters in the Netherlands. A year later, his sentence was commuted to life imprisonment.

In 1952, he escaped from a Dutch prison in Breda along with six other Nazi war criminals and fled to Germany. He was able to live there for six decades, largely undisturbed. The German judiciary rejected all motions lodged by the Dutch authorities for his extradition to Holland or for him to serve his sentence in Germany.

Klaas Carel Faber and his brother, Pieter Johan, were among the first to join the Nazi security forces as voluntary collaborators following the German occupation of the Netherlands in 1940. They became members of the SS special unit, Silver Pine, led by Johannes Hendrik Feldmeijer. The father of the two brothers had been a member of the Dutch Nazi Party (NSB) since 1933. He was shot by resistance fighters in May 1944.

According to the *NiederlandeNet* news web site, Klaas Carel Faber and his brother were active as schoolboys in the NSB's youth organisation, the Jeugdstorm. After joining the Dutch unit of the Waffen-SS, Klaas Carel Faber became the instructor, and in May 1942 the bodyguard, of the NSB leader, Anton Mussert.

Silver Pine was particularly notorious for its brutal and murderous thuggery. It harassed prisoners in various criminal and forced labour camps, led raids on private homes, arbitrarily arrested people suspected of supporting the resistance, threatened family members and looted homes. It was also responsible for the maltreatment and killing of prisoners.

The Faber brothers were commissioned as wardens in the Westerbork transit camp and Groningen prison. The Nazis used the Westerbork transit prison to deport tens of thousands of Dutch Jews to German concentration and extermination camps. Anne Frank and her family passed through Westerbork on the way to their deaths at Bergen-Belsen. Many Jews were tortured and murdered by the SS in

Westerbork before they reached Germany.

In 1947, a Dutch court initially sentenced Klaas Carel Faber and his brother Pieter Johan to death. Klaas Carel Faber was found guilty of killing at least 22 Jews and resistance fighters. Pieter Johan Faber was executed, but a court commuted Klaas Carel Faber's death penalty to life imprisonment in 1948. During the proceedings, Faber admitted to the murder of at least six people.

After Klaas Carel Faber and the six other SS war criminals managed to escape from the Dutch prison in Breda in December 1952, they encountered few difficulties once they had crossed the Dutch-German border. They registered themselves at a German police station. There they had to pay a fine of 10 marks each for illegal border crossing, but were permitted to continue their flight unhindered.

Involved in the escape and its preparation was ex-SS officer Herbertus Bikker, who also lived in Germany virtually unmolested until his death in November 2008. In a 1997 interview with reporters from *Stern* magazine, Bikker boasted that at the border, "The head customs officer was a real comrade".

A court order gave each of the seven fugitives 20 marks—10 for the fine and 10 for their travel costs. Commenting on this, Bikker said: "In the court, they were all comrades".

Immediately after their escape, the Dutch government applied for the extradition of the seven convicts. However, even though they were all quickly apprehended, only one of them was returned to the Netherlands—Jacob de Jonge, who was kidnapped by the British military police, despite protests from the Adenauer government.

All the others, including Klaas Carel Faber, were declared by the Federal Court to be German citizens and thus protected from extradition by the German constitution. The legal basis for this ruling was ascribed to the "Führer decree" of May 19, 1943. This edict had been used by Hitler to grant German citizenship to non-Germans who had joined Nazi or German army units. The decree has never been suspended or abrogated in the more than six decades since

the founding of the Federal Republic of Germany.

The public prosecutor in Dusseldorf opened proceedings against Klaas Carel Faber in 1954. However, the Dusseldorf district court rejected admission of the indictment in 1957 on the grounds that there was insufficient evidence. At the time, the Dutch government refused to provide legal assistance to Faber, insisting instead on his extradition and rightly considering the German courts to be riddled with former Nazis.

The proceedings against Faber and the other fugitive war criminals from Breda were dismissed. Faber lived undisturbed in the Ruhr region until 1961, and then moved to Ingolstadt in Bavaria. There he worked as an office employee of the Audi car company until his retirement. For more than two decades, he and his wife were then able to enjoy living on his pension in the Pius district of Ingolstadt.

In line with the 2002 introduction of the European Arrest Warrant, the Dutch judiciary again tried in 2003 to have Faber brought to justice. It applied for Faber to serve the 1948 Dutch life sentence in a German prison. However, the Ingolstadt district court resolved in 2004 that an enforcement of the verdict was inadmissible because the investigation carried out in 1954 was inconclusive. The Ingolstadt prosecutor then declared the case closed.

All subsequent attempts by the Dutch government to secure Faber's extradition or instigate a lawsuit against him in Germany were quashed by the German authorities. In 2006, German legislation was adapted to the EU's European Arrest Warrant agreement. However, the agreement included a clause specifying that German citizens could be extradited to serve a sentence only if they were willing to comply with the procedure. At a hearing before the Ingolstadt district court in May 2011, the central public prosecution office in Munich announced that Faber had refused to comply with extradition to the Netherlands.

Most of the German mainstream media showed little interest in the death of the 90-year-old SS war criminal. Efraim Zuroff, director of the Vienna Wiesenthal Institute for Holocaust Studies—which had put Faber at No. 3 on its list of most wanted Nazi criminals—described it as a scandal that Germany had for decades cited Hitler's "Führer decree" to justify its refusal to extradite a mass murderer, thus enabling him to escape punishment for his crimes.

In early May, the failure to extradite Faber to the Netherlands again provoked criticism. The occasion was the invitation to German President Joachim Gauck to give a speech on the Dutch day of remembrance commemorating the end of Nazi occupation. A Dutch pressure group took the opportunity to once again demand the extradition of the war criminal. *NiederlandeNet* commented that Germany should have sent Faber to Breda, rather than Gauck.

Gauck, who has often praised the German Federal Republic as a bastion of freedom and democracy as opposed to the former "East German dictatorship", sidestepped the Faber issue in Breda, noting only that as federal president he could do little in the matter. He also praised Germany as state guaranteeing the rule of law.

He made no mention of the fact that the systematic refusal of the German judiciary to deliver a convicted war criminal to justice was certainly no isolated case. Hardly anyone in Germany has ever been prosecuted as a Nazi war criminal. Since the end of the war, the German authorities have investigated more than 100,000 cases, but only 6,500 defendants have been convicted, mostly for minor offences.

Gauck praised the "historical consciousness of the Germans" and spoke at length about the significance of the liberation from National Socialism. But he said nothing about the participation of Nazis in the economy, politics and state apparatus of the postwar Federal Republic. Not a word about Hans Globke, the Nazi commentator and promoter of the Nuremberg race laws, who headed Konrad Adenauer's chancellery during the 1950s. Nothing about Chancellor Kurt-Georg Kiesinger, the former Nazi propaganda operative and liaison officer to Joseph Goebbels; nor anything about his predecessors as federal president, Heinrich Lübke, Karl Carstens and Walter Scheel, who were all members of the Nazi Party.

And he said nothing about the later federal president, Richard von Weizsäcker, who began his career as an attorney at the Nuremberg war crime trials. There he defended his father, Ernst von Weizsäcker, who had served as a Nazi state secretary in the Reich Ministry of Foreign Affairs and, as an SS colonel, had worked closely with Foreign Minister Joachim von Ribbentrop. The federal president's father was eventually convicted as war a criminal at Nuremberg, owing to his part in the deportation of French Jews to Auschwitz.



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