

# German court stops prosecution of SS soldier involved in French war crime

**Elisabeth Zimmermann****17 December 2014**

On December 9, the Cologne district court announced in a press release that it would not initiate proceedings against an 89-year-old pensioner from Cologne. The accused, Werner Christukat, had been charged by the Dortmund state prosecutor responsible for the investigation of crimes committed during the Nazi dictatorship. He was accused of participating in the murder of 25 people and aiding and abetting the murder of several hundred other victims. He was allegedly part of an SS tank regiment that stormed the French village of Oradour-sur-Glane and massacred its inhabitants on July 10, 1944.

In justifying its decision not to pursue the case against Christukat, the court referred to "the incontrovertible historical fact that on July 10, 1944 members of the third company of the first battalion of the 'Führer' SS tank regiment committed a massacre in the region of Oradour-sur-Glane killing 642 people and burning down the village."

The court concluded, however, that it would probably be unable to prove that the accused had been involved in the murders. Although the accused had admitted to being present at the events in Oradour-sur-Glane, he claimed not to have fired a weapon, or assumed responsibility for surveillance or transportation tasks. With the evidence available, it would not be possible to disprove his version of events.

A company roster presented by the state prosecutor, naming the accused as a machine gunner in one of the groups which participated was declared by the Cologne court not to provide definitive proof. This was justified by the claim that the list was incomplete and not presented in the original.

The Oradour massacre was a bestial war crime. With 642 victims, it was the largest massacre numerically in Western Europe during World War II. The Waffen SS

murdered almost every resident of Oradour, with only six surviving. The village was completely destroyed. The SS locked 254 women and 207 children inside the village church and burned them alive. Of these, only one seriously injured woman was saved.

The men and older boys were driven by the SS into garages and barns and shot. Robert Hebras, one of the survivors, described the course of this horrific crime:

"Suddenly I heard an explosion, probably that of a grenade. At that signal soldiers aimed their machine guns at us and opened fire. In a numbing din and smell of gunpowder, all of the men fell on top of each other. The cries of pain, the heat, the smell of blood combined with the grass, dust and gunpowder transformed the barn into an inferno. I did not realise what had happened. Everything happened so quickly, and when the machine guns stopped, cries and groans rise from the pile of broken bodies. I didn't know if I was injured. I felt something warm and sticky on my hand. I stayed completely still, as if I was dead. I heard steps. It was the soldiers climbing over our bodies to finish off the survivors." (Cited in *Frankreich und die Deutschen Kriegsverbrecher* (France and German war criminals), by Claudia Moisel, p. 39.)

The massacre took place just a few weeks after the allied invasion at Normandy on June 6, 1944. The SS division was led by Heinrich Lammerding. As commander of a combat group of the second SS tank division, he had already ordered the destruction of entire towns and villages in the Soviet Union. From March 1944, he supported the regional military command in southwest France in its so-called "pacification actions" against French resistance fighters.

Following the allied invasion, his division was to be transferred as quickly as possible to the English

Channel coast. According to a June 8 order from the supreme western command of the Wehrmacht, they were to continue “combating terrorists” on their march through the French interior.

The capture of a battalion commander near Limoges was used as an excuse for brutal retaliatory measures, which were implemented by the first battalion of the Führer regiment in Oradour beginning on the afternoon of 10 June 1944 under the leadership of battalion commander Dieckmann.

Moisel writes in her book, “With Oradour, the world public suddenly became aware that German troops were now also prepared to carry out brutal retaliatory measures against the civilian population on the western front, measures which had been a part of daily life in the National Socialist terrorisation of the occupied and conquered areas of eastern Europe since the beginning of the war.”

She wrote further, “The Wehrmacht and security police had cooperated closely in the punitive measures against the French resistance since the autumn of 1943. The deployment of people with combat experience on the eastern front was part of the strategy. Attacks on the civilian population and collective reprisals were part of daily life under the German rule in France.”

As with many similar Nazi war crimes in Italy, Greece, Czechoslovakia, Yugoslavia and the Soviet Union, the German judicial system has never held an individual to account or handed them over to France. Only an East German court sentenced the 63-year-old Heinz Barth to life imprisonment in 1983 for his participation in the massacre as an SS lieutenant. In the reunified Germany, Barth was granted a wounded veteran’s pension, and was released from prison in 1997. He died in 2007.

A French military tribunal in Bordeaux in 1953 did sentence two SS officers to death and 18 more participants to forced labour. But 14 from Alsace, who were among those convicted, were immediately released due to an amnesty for French citizens. The German SS officers, including those sentenced to death, were all released by 1959.

The amnesty adopted in 1953 was preceded by several political and judicial conflicts within France, and between France and Germany. After the Nuremberg trials, which targeted the leadership of the German state during the Nazi dictatorship, the pursuit

of war criminals was very quickly limited and abandoned in West Germany and many countries in Western Europe that had suffered under German occupation.

Behind this policy was the start of the Cold War with the Soviet Union, the integration of the German Federal Republic into the Western NATO military alliance and the integration of many former Nazis into leading political positions in West Germany. Lammerding, according to Wikipedia, lived “as a successful construction businessman after the war in Düsseldorf and enjoyed his later years at lake Tegernsee.”

The French amnesty law resulted in relatives of the Oradour victims opposing the participation of government officials at the annual commemorations of the massacre. The burnt out remains of the village were designated as a memorial immediately after the war and still serve today as a commemoration of this horrific war crime.

The opening of a trial against one of the few still living SS members, who according to evidence and his own admission was present at the massacre, could have at least shed some light on the political and historical background to this monstrous war crime. His statement that, although he was present, he did not participate or assist with the murders is hardly credible.

In light of the German government’s development of an aggressive, militarist foreign policy the court’s decision is not surprising. German Foreign Minister Frank-Walter Steinmeier (Social Democratic Party, SPD) recently demanded that Germany must “once again lead Europe in order to lead the world.” At a time when the German elite is once again striving for world power, it now is even more determined to absolve itself judicially from former war crimes than it was immediately after the Second World War.

Two of the joint plaintiffs have announced through their lawyers that they will appeal the decision of the Cologne court not to hold a trial.



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