



Minor Criminal: The Trial of the Man Who Murdered My Grandmother Lord Daniel Finkelstein OBE

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I am honoured to have been asked to deliver this Colin Matthew Gresham public lecture. I have received much intellectual sustenance from Gresham lectures, and it is a privilege to be asked to add my own contribution.

Today I am going to tell the story of one of the great trials of the twentieth century. A trial which was an important moment in spreading public understanding of one of the worst crimes ever committed. A trial that was a media sensation, splashed across front pages all over the world, and which left its mark on a generation. But oddly a trial that was quite quickly overshadowed and is now rarely spoken of, to the point where even people quite familiar with the crimes it dealt with aren't familiar with their prosecution. I have chosen the Belsen Trial as my subject partly because its striking nature seems as obvious to me now as it did to journalists at the time. Partly because it raises all sorts of moral and political questions that remain relevant, the examination of which is one of the purposes of a Colin Matthews lecture. But primarily because the Belsen trial is personal. The main defendant was the man who murdered my grandmother.

At 11.30pm on 24 January 1945 a train pulled into Kreuzlingen station, just over the Swiss border from Germany. The train had originated in Celle near Hannover, and had taken three days to arrive, diverting to Berlin and then edging its way through what was, by this stage of the war, the desolate and bombed German landscape. On board were 800 passengers, predominantly American citizens who had somehow been trapped in axis-occupied territory by the conflict and had been interned. They were generally in good health, but thrilled to be free.

A minority — 136 people in all — were in a different state. No less relieved to be free, but, as one contemporary news account recorded, “shadowy, emotionally and physically broken figures”. For

they were survivors not of internment, bad as that was. They were survivors of the Belsen concentration camp. The observation that they were physically broken came from a Swiss man who saw the group disembark. He said that "they moved past me like so many ghosts". But not every one of the Belsen group was able to do even this. For among them were some who had to be taken to hospital immediately on stretchers. And one of these was my grandmother Margarete Wiener.

Just past midnight, Grete died. She had seen her three young girls to freedom but she did not live to see them grow into full adults. She did not see them live full and happy lives. She did not live to meet her grandchildren. She was murdered, starved to death, when life still had so much to offer her. The homicide was intentional, committed by people who were quite content for her to die, had means to prevent her from dying, and yet who showed no interest in saving her. She was just 49 years old.

If she had lived as long as my mother did, she wouldn't have died until 1980. I would have been 18. I would have called her grandma. I would have played with her after school. As it was, all I was left was a few still photographs and what my mum had to say about her. A brilliant intellectual, a pioneer for women in academic life, a brave and resilient and deeply loving person. Someone I am determined to understand as an individual who was killed by other individuals, not just as a statistic or the unfortunate victim of the unstoppable forces of history.

Exactly 11 weeks after Grete's death, on 12 April 1945, a man called Derrick Sington was standing in a roadside clearing on the road to Winsen in northern Germany, receiving instructions he thought bizarre. Sington was a Lieutenant in charge of a small unit that was part of the British Second Army. Forty four years old, he had been a journalist before the war, and an author, during the conflict, of a book on Joseph Goebbels. By the spring of 1945 he had not only read a great deal about Nazi brutality, he had encountered many refugees and heard their stories. Nonetheless what he was about to encounter left him reeling.

Sington's unit was charged with dealing with civilian populations and relations with the enemy as the allies advanced. The practical importance of this was that he had control of an armoured car with a powerful battery of loudspeakers and three linguists with command of several European languages. This is why he had been called aside to receive new orders. The British had been approached, Sington was told, by two Wehrmacht Colonels making a surprising proposal. The British advance would soon take them to a clearing in the Luneburg forest and there they would encounter a prison camp with more than 60,000 people in it. The Germans were offering to surrender the camp and retreat behind it. Their reason was simple. A typhus epidemic was raging in this place they called Bergen-Belsen. If the British and Germans were to fight there, the inmates might break out and

typhus spread to soldiers and local citizens alike. Sington was to go to the camp, drive through it, and use his amplifier to convey the message that the inmates were free, but that nevertheless they shouldn't leave. This was certainly a singular proposal. But what Sington — with his journalist's sensibility and the reading he had done — found particularly odd, is the idea that he would be greeted by SS guards and be expected to co-operate with them.

There were still three days of fighting between Sington's briefing and his entry into the camp, but his reception when he did arrive did nothing to reduce his bewilderment at the arrangement. In front of the main gate of Belsen stood a group of smartly attired SS officers. Dark tunics, black peaked caps, breeches and high boots. They were as urbane as they were beautifully dressed.

They talked of their families, and of having served with crack SS divisions before coming to the Belsen, they were friendly and genial. Particularly their leader, the camp commandant Hauptsturmführer Kramer.

They seemed to have no sense that this was a crime scene and that they were the criminals. Yet just beyond this greeting party lay the bodies of 10,000 unburied dead. There were corpses everywhere. Inside the wires, between the wires, in the huts, between the huts, in the gutters. The stench was unimaginable. There was no water, no sanitary facilities, no food. And those still alive were dying. Indeed many thousands more would die even once the camp was fully under British control. This was the camp to which my mother Mirjam had been sent by train on the 11 January 1944 along with her two sisters and Grete.

Many members of the wider family had by this point been, to use the Nazi euphemism, "evacuated to the East". In other words they had been killed in the gas chambers of Sobibor and Auschwitz. But this fate the Wieners had escaped. That is why they had been transported to Belsen. In the third year of the war Heinrich Himmler had reached the conclusion that the Germans might not win. And he had developed the idea of keeping some Jews as hostages, both to assist the war effort and as a hedge against losing. He might swap the Jews for money, or weapons or Germans who had been trapped in Allied occupied countries. To be an exchange Jew you had to be a citizen of an Allied or non aligned countries or have useful connections. To hold these people, Himmler created a camp not far from Hanover known as Bergen-Belsen and it opened in the spring of 1943.

My grandmother and her daughters were not citizens of an eligible country, but they had false Paraguayan papers that suggested that they were. These the Nazis, keen for as many exchange Jews as they could get, were willing to accept. And so it was that Grete Wiener came to Belsen, the place that would kill her when the gas chambers did not.

From the beginning, Belsen lacked everything that made any sort of life possible for any length of time. It lacked warmth, being bleak and cold. It lacked sanitation, being spectacularly ill-suited for accommodating anywhere near the number of inmates it had. It lacked health care, as disease swept through the camp. It lacked rest, requiring grueling work in terrible conditions. It lacked humanity, as the guards beat their charges and lined them up in all weathers for hours for pointless and often sadistic roll calls. And most important of all, it lacked food. One assessment, made in the summer of 1944, is that there was a deficiency of 1000 calories daily. Things got worse after that. My Aunt Ruth kept a diary and often the entry recorded that no food at all had been distributed. Not even the usual tiny daily ration of bread. Not even the cup of turnip soup that was closer to water. From this treatment, Grete died. Even though she was one of only a handful of people who was involved in an actual exchange, freedom in January 1945 did not come soon enough. By the time she died she had suffered kidnap, theft, extortion, false imprisonment and murder. And tens of thousands of others suffered the same fate.

But it wasn't only the SS officers, with their amiable chitter chatter, who weren't sure a crime had really been committed against Grete. The Allied leadership and forces weren't sure either. The basic problem was that the punishment of war crimes after the First World War had been a disaster. And the Allies were keen not to repeat it. After Germany's defeat, David Lloyd George, the British prime minister, had wanted to hang the Kaiser. He campaigned on it. Wilhelm would be tried for having violated the laws and custom of war and the laws of humanity.

US President Woodrow Wilson did not agree. He thought it would be hard for any tribunal to find the Kaiser personally guilty, that it would create resentment in Germany and look like victors justice. The Kaiser had in any case fled to neutral Holland. The US agreed to a formal attempt to extradite him, knowing it would fail. And it duly did. This made the argument for prosecuting other officers and officials harder. It seemed unjust to hold the Kaiser's soldiers guilty when he had himself escaped proceedings. When the Allies demanded the extradition of 900 men it wished to try, Germany refused. It probably would have been politically impossible for its government to do anything else. A compromise was reached allowing Germany to try its own accused before its Imperial Court in Leipzig. Only 12 cases were brought, with only six convictions. Even for these the sentences were light. The whole thing had been a farce. One way of avoiding such a farce at the end of the second world war was simply not to try. Simply avoid categorising Axis actions as crimes and consider them instead as simple acts of war.

As the war advanced, this position became increasingly difficult to maintain. The issue had started low on the agenda of the main Allied combatants, but it was high on the agenda of governments in

exile. It was their territory on which the main atrocities were being committed and it was happening to their people. Both their political pressure and the information they were providing proved hard to defy altogether. The Allies duly began to make general threats about the prosecution of war criminals after the conflict was over. But they avoided anything too specific. They had a practical concern that anything too precise might lead to harsher Axis treatment of Allied prisoners. And might later make them look foolish. They also failed to resolve any of the difficult questions about the nature of proceedings. To give a few examples. Wouldn't it seem ridiculous to try someone like Hitler? It wasn't just that formulating a charge and constituting a court would be difficult. It is that the decision over his fate would ultimately be political not judicial and it would be wrong to pretend otherwise.

So there was a strong lobby — with Churchill and Roosevelt part of it — simply to shoot the major leaders of the Nazi government once they were caught. If a list of war criminals were drawn up, should they say that Hitler was on it? If it was acknowledged that he was on the list, then what was the reason for withholding other names? Yet if they refused to acknowledge he was on the list, were they letting him off?

And what about German soldiers? At one point, in a dinner held towards the end of 1943, Stalin proposed executing 50,000 officers and liquidating the German general staff. When Churchill responded sharply, Roosevelt suggested compromising and shooting only 49,000 people. Churchill stomped out of the room and Stalin had to run after him, seeking to persuade the British prime minister it had all been a joke. Churchill was never entirely sure that it was. And later Stalin retaliated by throwing his weight behind a trial for the main war criminals, something Churchill had been against. So the main parties disagreed and they didn't have time or inclination to conclude the debate. All of which meant that the war came to an end without many of the major questions being resolved. And one of them was whether it had been a war crime to kill Grete.

It was a war crime to breach the established rules governing war by, for instance, ill-treating hostages. Or killing prisoners. Or plundering property.

Grete had obviously been the victim of all of this. But she had been a German before the war, having her citizenship removed by the Nazis in the month before the conflict began. And during the war she had been stateless.

And the Allies couldn't come to an agreement that ill treatment, imprisonment, even death visited upon people who weren't party to the war could be considered a war crime. They were nervous enough about war crimes trials without adding the novelty of trying Germans for atrocities against

their own citizens. And there were other dangerously novel elements to consider. The Wiener family had fled from their home in Germany in 1934 under pressure from the Nazis? There hadn't been a war then, so how could that be a war crime? On top of everything else, declaring it a war crime to kill a stateless person would be to charge someone with breaking a law that wasn't law when they broke it. So, as Sington stood outside the gates of Belsen with a smiling Kramer, the status of the offences against Grete were unclear. But moments later, as the British proceeded into the camp, what did become clear is that they were visiting the scene of one of the worst crimes of the twentieth century. Accompanied by one of its greatest criminals.

Camp Kommandant Josef Kramer was 38 years in April 1945 and had made being a Nazi his career. In 1925 he had lost his job as an electrician and he hadn't found another one for nine years. He'd been forced to live at home with his parents, which he found degrading. The National Socialist party, in many ways, had saved him. After he had joined it in 1931 he had first found male companionship, and then, upon joining the SS, a steady job. He wasn't a particularly political person. But he began to appreciate that his experience, an experience of humiliation and poverty, was that of millions of others and Hitler offered a way out. In Kramer's case that way out came with a steady income and a solid, middling sort of status. Status such as that his father, a mid-ranking public official, had possessed. He never questioned any of it, or anything he was asked to do. At first there was little occasion for him to do so. But later? Well, he wasn't really the doubting kind. His early SS years were spent mainly as an administrator, first in Dachau, later in Sachsenhausen. In these jobs he was aware of what was going on in the camps, but not directly involved. But in 1938 he achieved his first position involving overall responsibility for a camp. He became deputy to the commandant of Mathausen. Further promotions and further training followed, before in July 1942, Kramer achieved his own command. He became the Commandant of Natzweiler. By this point he almost certainly knew of the programme of mass murders. But after August 1943 there is no room for doubt. For in that month he supervised the gassing of eighty prisoners in Natzweiler, sending their bodies, as instructed, to the University of Strasbourg for scientific research.

At his trial he would say; "I didn't feel anything. I received an order to kill the prisoners and that is what I did." This attitude made him perfect for his next assignment. In May 1944 he was sent to Auschwitz to become the commandant of Birkenau. He had been brought in to supervise the liquidation of Hungary's Jews in the gas chambers. And he was not a distant presence. He was directly engaged in the physical act of murdering tens of thousands of people.

It was only with the advance of the Red Army from the East that Kramer ceased his work in Auschwitz, being allocated instead to Belsen. His skills, apparently, were needed. He was a tough,

experienced and disciplined administrator and Belsen was in danger of collapsing into chaos. What had started as an exchange camp for Himmler's hostages was rapidly becoming the dumping ground for every kind of starved, beaten inmate of the entire camp system. It was in the middle of Germany and it would be among the last to be overrun by the Allies. The first commandant of Belsen, Adolf Haas, wasn't considered strong enough to handle the new situation. So at the end of November 1944, Kramer replaced him. This is why he was there to meet Sington and his amplifier at the gate in April 1945. After the initial bizarre exchange, Sington signalled his intention to take his lorry through the camp, as planned. Kramer warned against it. Not because it would reveal the extent of the atrocity he was presiding over, since he seemed supremely unbothered by that. It was more that, as he told the British, everything was quiet at the moment and their appearance would cause a tumult. Sington proceeded in any case, and Kramer jumped on the running board. Crowds gathered in their thousands, surging forward as Germans fired at them and overseers hit them with sticks. "Now the tumult is beginning," Sington recorded Kramer as saying, adding that the Commandant had spoken "with the dismayed solicitude of the expert whose advice has gone unheeded by an inexperienced superior".

This characterised Kramer's attitude during all the coming hours. He felt it was hard enough to keep discipline in a camp with all these people fighting for food, and the British were making it harder for him to hand over an orderly Belsen. Kramer and his officers were indignant at the disruption caused by the loudspeakers. The British had disorganised everything. Sington later in the day came across them restoring their form of order by shooting dead seven or eight prisoners who were searching for potatoes. It was only possible for the British to stop this by threatening to fire back.

None of the Germans they encountered seemed to have the slightest sense that they had done anything wrong. When Sington made his way out of the gate, his announcements having been made, he shouted to a saluting Kramer from his lorry that he seemed to have created something close to hell. Kramer bridled. The camp had only become bad recently, he said. He looked, said Sington "offended, as if I were an inspecting officer blaming him unjustly for a faulty turn-out".

At 10.30 in the morning of the 17th September 1945, in a converted gymnasium on the outskirts of Luneberg, about 50 miles away from Belsen, began the trial of Josef Kramer and with him, 44 other defendants. After the first hours of following him as he strutted round the camp, Kramer had been arrested. And, after his officers had been put to work burying the corpses of the people they had killed, his staff had been arrested. The question after that, was what to do with them.

The public exposure of the scenes at the camps, David Dimbleby's famous report, a short movie reel shown in British cinemas and then later around the world, changed the debate around the prosecution of war crimes. With millions of British citizens watching bulldozers shovelling corpses, hearing talk of "smells and sounds, horrible beyond belief" it was no longer plausible that those directly responsible would avoid prosecution, even if that idea had ever been realistic. The problems thrown up by the First World War trials couldn't be solved any more by just ignoring the whole question.

The issue instead became how rapidly, and in what form, prosecution would begin. The attempt to put off serious discussion of the matter until the war was over, ceased. The war was coming to an end, and the problem was urgent. This didn't, by itself, resolve some of the tricky questions of precedence and retrospective law making. But most of those need only be answered in order to trial what were considered the major criminals. The arch criminals, like Himmler and Goring and Ribbentrop who had started the war.

Kramer, the murderer of my grandmother, the man who almost starved my mother to death as well, was a minor criminal. This did, of course, leave the question of whether he was simply an officer obeying the orders he had been given. And that would become one of the major issues in the trial. In the days after liberation, British officers had begun to take witness statements. It was a relatively informal exercise whose primary purpose was to understand the crimes that had been uncovered. The most important thing it made clear is that by the end of the war the camps at Belsen and Auschwitz were linked.

The very reason that Kramer had come to Belsen was to supervise the detention of tens of thousands of Auschwitz prisoners. Some had already arrived, resulting in the chaos that the new Commandant was charged with eliminating. But after Kramer came tens of thousands more prisoners, marched there under the supervision of SS guards.

So the witness statements told of cruelty and death caused in both camps by the guards that were now under Kramer's command in Belsen. The officers were less yielding. They mostly denied individual acts of cruelty, and Kramer, who had been in charge of Birkenau, denied knowing anything about the gas chambers at all. One other thing became apparent during this early collection of information. Many witnesses were not able or willing to stay to appear in a trial. It wouldn't be practical to keep them all at Belsen until proceedings were under way. It was going to be necessary to take their evidence in a formal way and allow documents to be used in the trial, absent the witness. Together this information determined the next steps.

The British government decided it would issue a Royal Warrant, which it did on the 18th of June, that would allow the creation of military courts to try those accused of war crimes. The questions about retrospective law and the treatment of German nationals and stateless people would be overcome by restricting the courts and charges to those accused of crimes against allied nationals and those in occupied countries. The murder of Grete would, in other words, not be prosecuted.

But the murderer of Grete would be.

In May 1945 Lieutenant Colonel Leo Genn, already present at Belsen, had received a secret telegram. He was ordered to form and take command of a new unit. The Number 1 War Crimes Investigation Team. This would proceed to collect, in an organised and proper way, the evidence to allow a trial to go ahead for crimes perpetrated at Belsen and Auschwitz. There needed to be a properly assembled case, strong enough to withstand the sort of bland denials the officers were making.

Genn was an impressive man. A barrister and already an accomplished actor. He'd been in Laurence Olivier's *Henry V* and after the war he was successful enough in Hollywood to be nominated for an academy award. And he collected together an impressive team of interrogators and linguists.

The evidence-taking itself was less impressive. The team was able, but, as explained by Thomas Harding in his account of the life of one member of it, it was handicapped by the fact that the army gave them no help beyond the use of the offices in Belsen. "No typewriters, recording devices, intelligence support, vehicles or communication equipment." There also weren't enough staff and their witnesses kept leaving. "Not only have many of the horses gone," Genn reported to headquarters, "but I doubt if I have the necessary strength to shut the stable door on those that remain." Nonetheless, they quite rapidly assembled more than enough evidence of war crimes, turning the handwritten informal notes into properly witnessed affidavits, and interviewing the officers that had been arrested in Belsen. For the most part, the evidence from Belsen was unsurprising to them. They could see it themselves simply by walking round the camp. It seemed fairly obvious that harsh methods would have been used to keep any sort of control when keeping people in such inhuman conditions. But the stories of the Auschwitz gas chambers that the officers finally began to admit to were startling. Here were stories of selection for death, medical experiments and mass murder on an unthinkable scale. There had been rumours, but what the investigators were being told surpassed that.

They were soon able to go back to those officers who had been denying any crime and challenge them. In particular they challenged Kramer on his denial that he had knowledge of the gas chambers. Kramer indicated that given the weight of evidence, he was willing to talk. In an affidavit that would shortly be central to his trial, the Commandant admitted that he had been the head of the section of Auschwitz Birkenau that contained gas chambers within it. He claimed however that Rudolf Höss, the overall Auschwitz commandant had retained overall control; that he, Kramer, had no discretion and no involvement in determining who would be gassed; and that even Höss was just acting on orders from Himmler. "My feelings about orders in regard to the gas chambers were to be slightly surprised and wonder to myself whether such action was really right." Perhaps he thought that exculpatory. But as Harding recalls, the effect on Leo Genn and his interpreter was the opposite. They concluded that Kramer was not just physically aware of what he was doing. He was morally aware. So here he was, Josef Kramer, sometime commandant, 10.30am 17th September 1945, standing for the judge's entrance into court, with a number hanging from his neck on a piece of cloth, on trial for his life.

Kramer was not standing alone. Standing alongside him in the dock were those of the arrested officers and camp supervisors that the investigators believed to be guilty of the most serious of the crimes that they had uncovered. Forty four others. Dr Fritz Klein, a doctor who had conducted medical experiments in Auschwitz. Irma Grese, just 21 years old, accused of being among the most cruel of the Auschwitz and Belsen guards. Elisabeth Volkenrath, also young, only 23 year old, who had headed the women's camp. Each with a number to allow identification in what promised to be a complicated trial. Almost all of the 45, save one supervisor, were charged with crimes at Belsen, while 13 were charged with crimes at Auschwitz too. Naturally, Kramer was in this latter group.

Being accused of the most serious crimes was not the only criterion for being in the dock. The other was that the British had to have you under arrest. Kramer's predecessor, Haas, had fled, and along with many other Belsen offenders never faced any sort of court. Standing also, were the British officers appearing for the defence. There were 12 in all. Major Thomas Winwood, a country solicitor by profession and disposition, was one of them. The Major had seen a notice in the early summer of 1945 from British Army headquarters requesting the names of serving officers qualified as barristers or solicitors. He lamented later that he ignored the "first rule of Army life 'never to volunteer' - and having qualified as a solicitor in 1938, sent in his name. Two months later he was ordered to report to RAF HQ in Celle. When he got there he was informed that as he was first there he would get the first on the list. He would be defending the commandant of Belsen. He had 30 minutes to read the papers and then was taken to see his clients. He would be defending three other people as well as Kramer. The trial would begin in seven days.

And finally, standing also were the 400 people filling the public gallery. And a large group of reporters filing for newspapers and broadcasters all over the world. Grese, because of her blonde hair and striking looks, became a particular focus of attention. The numbers in the gallery fell off after a while, but the trial remained a sensation throughout its tenure.

Later the Belsen trial came to be overshadowed by Nuremberg. The point came, in fact, where it isn't much remembered except by scholars. But at the time it was different. The Belsen trial was the first moment when the crimes of the Holocaust and the evidence supporting it were revealed in court, and made the impact you might expect from such shocking revelations. It was telling a story as yet little known. When one of the first witnesses, Ada Bimko, talked of conditions and killings in Auschwitz, the Judge Advocate felt clarification was needed. "Where exactly is Auschwitz?" he asked.

After early legal skirmishes — over trying Belsen and Auschwitz defendants separately for instance, a request that was denied — the trial moved quickly to the substance of the charges. Colonel Tommie Backhouse, a barrister from Blackburn, opened the prosecution, Leo Genn by his side. His aim was to use Genn's investigation to prove a concerted effort, uniting the defendants in a common endeavour. His approach was relentlessness. First in his initial speech and then with the witnesses he called, Backhouse told one story after another of shooting and whippings and beatings and ill treatment. Knowing that Kramer would argue that starvation and illness in Belsen was not his fault, that he had in fact complained to headquarters about conditions in the camp, Backhouse asserted that what had gone on had not been mere neglect. It was death "by deliberate starvation and ill-treatment with the malicious knowledge that they must cause death and lasting physical injury."

His first witness, Brigadier Glyn Hughes, the main organiser of British medical support after Belsen's liberation, said that he had in fact found plentiful food and medical supplies under Nazi control that had not been used. He described Kramer as "quite callous and indifferent" to the enormous suffering all around him. Another crucial early witness was Doctor Ada Bimko, a Polish Jew whose entire family had been gassed in Auschwitz. She testified directly that she had seen Kramer on the station platform when trains arrived at Auschwitz. Selections for the gas chamber were made and "I saw the accused Kramer present on several occasions at these selections".

The defence in cross examination and later in the trial tried hard to undermine this evidence and other similarly direct accounts. They argued that hunger could produce hallucinations, and that witnesses wanted revenge and distorted the truth to get it. They had some success undermining the written evidence of those who had not stayed to give evidence in court but Bimko was articulate and

certain. She wasn't an easy person to ignore. Nor did the court find it easy to ignore the film of Belsen played by the prosecution, or the evidence of such witnesses as Anita Lasker. Some of the lesser defendants might be able to argue that individual acts of cruelty had been incorrectly ascribed to them. For Kramer such deflection was impossible. Instead he, and his lawyer Winwood on his behalf, tried two tacks. The first, was that he was merely obeying orders. This became known as the Nuremberg defence, but first it had been the Belsen defence. Kramer's argument was that he believed in the Fuhrer principle. This meant he was bound not only to follow an order but to believe that if it came from the Fuhrer it must be right. He wasn't as convinced, though, about Himmler. As he finished his opening statement on Kramer's behalf, Winwood said this:

"Finally, in the last days, Kramer stood completely alone, deserted by his superiors while these waves of circumstances beat around him. Since the date of the liberation by the British, Josef Kramer, former Commandant, has been branded throughout the world as 'The Beast of Belsen'. When the curtain finally rings down on this stage Josef Kramer will, in my submission, stand forth not as 'The Beast of Belsen' but as 'The scapegoat of Belsen', the scapegoat for the man Heinrich Himmler whose bones are rotting on Lüneburg Heath not very far from here, and as the scapegoat for the whole National Socialist system."

His other line of defence was that he did his best in difficult circumstances. In Auschwitz he was only doing his job, in Belsen he was struggling against forces beyond his control. Winwood, on behalf of his client, took it into his head to try to excuse the chaos in the camps by saying that: "The type of internee who came to these concentration camps was a very low type and I would go so far as to say that by the time we got to Auschwitz and Belsen, the vast majority of the inhabitants of the concentration camps were the dregs of the Ghettoes of middle Europe." My grandmother, I should point out, had a PHD in economics.

That a British officer should say such a thing, whether under instructions or not, caused huge offence. And the resulting fuss in Britain ensured that in future war crimes defendants would appoint their own counsel rather than have one provided by the British. But In addition to offending public sentiment, Winwood's argument did not save his client. In fairness, it is doubtful if anything really could have.

When on the 14th November 1945 the Judge Advocate came to sum up the case he rejected both of Kramer's arguments. The Beast of Belsen was not the Scapegoat of Belsen. It was, he said, settled law that officers are bound to follow legal orders only. And while he allowed that witnesses could be biased and written affidavits were a dangerous way to proceed, he regarded it clear that

the accused had been involved in gassings, beatings, the use of savage dogs and the overworking and underfeeding of internees.

On Friday 16th November 1945 the court went into private session at 11am and emerged at 4 o'clock in the afternoon. In short order Josef Kramer was pronounced guilty on both the Auschwitz and the Belsen charges. The next day it was announced that he would be hanged, along with ten others including Klein, Grese and Volkenrath.

It was a cold, damp day in December, a little after a month from the sentencing when Albert Pierrepoint the British state hangman appeared in Hamelin jail to carry out the sentences. When Pierrepoint weighed Kramer he noted that he had lost two stone since he had been captured. But he remained powerful. Klein, who was hanged with him, barely came up to his commandant's shoulders. Pierrepoint reported that he felt relief when he had tied Kramer's wrists safely behind his back.

Every Christmas after the December in which he hanged Commandant Kramer, Albert Pierrepoint received an envelope. It contained just a five pound note. Only the first one had anything else in the envelope by way of identification or explanation. It contained a scrap of paper, and on it the scrawled word "Belsen".

This then was the story of the trial of the man who murdered my grandmother. It had lasted for six weeks and in 45 minutes it wasn't possible to provide anything like a full account. I decided to explain the trial and its context rather than take you through every day of thrust and counter thrust in court. I hope you feel that was the correct choice. There is still a bigger story to tell, but that will have to wait for another occasion.

Let me finish with some short observations.

First, one of the greatest concerns about the war crimes trials was that they would be seen as victors' justice. And of course, the Belsen trial was victors' justice. I mean that in the literal sense that it only took place because Britain was victorious. The Belsen trial was only possible because Britain had Kramer under its command. They couldn't and didn't try those they didn't hold. When we talk loosely of the international legal order we don't often note that such an order can only be enforced if we have police. The justice that was meted out to Josef Kramer was avoided, for instance, by the Soviets who imprisoned my father and worked my paternal grandfather to the point of death. Because the Soviets were victors too.

Second, the story of the Belsen trial shows the power and importance of developing international law. The Belsen trial had to proceed without the later rules governing crimes against humanity. This meant that the murder of my grandmother went unpunished, even though the criminals were convicted of similar crimes committed against others. The development of international criminal law may be at an early stage and its imposition may currently be highly political and unsatisfactory, but it is still something we should aspire to perfect.

Thirdly, the sentences at Belsen raise questions about capital punishment that I am still struggling with. I have always been a strong instinctive opponent of capital punishment. Yet I have never doubted that it was right to hang the Nuremberg defendants. I feel the same about Kramer. I have always complacently satisfied myself with the thought that the case against someone like Kramer differed not merely in extent, but also in nature, because his guilt was so clear. Which it absolutely was. But reading the trial transcript made me realise that all the arguments about identification and mitigation that are raised in more routine murder cases, were raised in the Belsen trial too.

Derrick Sington, the first British officer at Belsen, became a committed opponent of capital punishment. And in his book on the topic he included a chapter on Irma Grese. He said that “to the crimes of Auschwitz and Belsen, immense and unsurpassed in their horror, had been added a vile deed in Hamelin, a deed with its own special brand of wickedness, its own particular aura of evil”. I understand his disgust. I share his feeling that there is something deeply repulsive about capital punishment. But am I really wrong to be satisfied that they hanged Kramer?

Finally I want to add this. Common to almost all the literature on the Belsen Trial is the sense that it was something of a failure. It was slapdash, it failed adequately to reflect Jewish suffering, it was a farcical way to deal with a crime of such magnitude, it was naive. And it would be so easy to go along with this. After all, it was a trial of my grandmother’s murder in which it didn’t prove possible even to include that crime in the charges. But I am my mother’s son. And I was brought up to have a sense of proportion, to appreciate when people are trying hard in difficult circumstances, and never to be too censorious when things that are good aren’t perfect.

So I end with these words. In all the circumstances I think that they did pretty well.

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