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Out of the Activities of the Special Court in Lublin (1939–1944)*

Z działalności Sądu Specjalnego w Lublinie (1939–1944)

ABSTRACT

The article is of a scientific nature. It refers to the activities of the Special Court in Lublin (Sondergericht Lublin) in the years 1939–1944, i.e. one of the German special courts operating in the area of General Government. Investigation of this topic is justified by the lack of even fragmentary findings on that court. Therefore, the purpose of the research was to determine basic facts: what kinds of matters were examined by the Sondergericht; the defendants of what nationality were in majority; what sentences were imposed on the defendants; whether and in what circumstances death penalty was handed down; who presided over the works of the Sondergericht, what judges formed its personnel and what prosecutors took part in the trials before the Sondergericht; where the lawyers involved in the Sondergericht's works came from; whether the court's rulings could be set aside by extraordinary means of challenge. The source basis of these considerations are archival materials, literature and the press. On this basis, original, so far unknown findings have been made on the Special Court in Lublin.

Keywords: German special court; Sondergericht; judges; General Government; death penalty

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INTRODUCTION

The judiciary operating in the Polish territories during the Second World War, for many years, has been the subject matter of investigations by A. Wrzyszcz, who published a book on the German occupational judiciary in the General Government (the GG)[1] and a series of articles.[2] Recently, interesting publications appeared by other authors relating to the German judiciary in the areas incorporated into the Reich[3] and Polish courts in one of the GG's districts – Lublin District.[4] Whereas the state of research on the German judiciary in the territories incorporated into the Reich may be considered decent, the postulates to examine German special courts in the GG remain valid, especially with regard to their decisions. There were several courts of that type in the GG, and only articles on one of them have appeared so far – the Special Court in Radom.[5]

The purpose of this study is to examine, as far as possible considering the preservation state of the sources, the activities of the title Special Court in Lublin (Sondergericht Lublin). So far, this subject matter has not been investigated into and there are not even fragmentary studies in that regard. It should be made clear at the beginning, that the archival fonds making up the court's legacy have not been preserved even in a rudimentary state.[6] This is the case since the German court records from Lublin were burnt.[7] As a result, the source basis for the considerations will be copies of judgments found in penitentiary records, copies of judgments found

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[1] A. Wrzyszcz, *Okupacyjne sądownictwo niemieckie w Generalnym Gubernatorstwie 1939–1945. Organizacja i funkcjonowanie*, Lublin 2008.

[2] This bibliography is impressive. For example, see idem, *Sądy na ziemiach polskich w czasie okupacji niemieckiej (1939–1945). Najnowsze opracowania tematu*, "Studia z Dziejów Państwa i Prawa Polskiego" 2020, vol. 23, pp. 35–54; idem, *Ustrój i prawo w Generalnym Gubernatorstwie w poglądach prawników niemieckich na łamach czasopisma „Deutsches Recht" w czasie II wojny światowej*, "Annales UMCS sectio G (Ius)" 2019, vol. 66(1), pp. 439–450; idem, *Organizacja niemieckiego resortu sprawiedliwości w Generalnym Gubernatorstwie w latach 1939–1945*, "Annales UMCS sectio G (Ius)" 2013, vol. 60(1), pp. 121–133; idem, *Sądownictwo SS i policji w Generalnym Gubernatorstwie (stan badań)*, "Studia Iuridica Lublinensia" 2013, vol. 19, pp. 361–371.

[3] M. Becker, *Sądownictwo niemieckie i jego rola w polityce okupacyjnej na ziemiach polskich wcielonych do Rzeszy 1939–1945*, Warszawa 2020; K. Graczyk, *Sondergericht Kattowitz. Sąd Specjalny w Katowicach 1939–1945*, Warszawa 2020.

[4] H. Mielnik, *Sądownictwo polskie (nieniemieckie) w dystrykcie lubelskim Generalnego Gubernatorstwa w latach 1939–1944*, Lublin 2020.

[5] A. Wrzyszcz, *Sądownictwo okupacyjne państwa totalitarnego – Sąd Specjalny w Radomiu*, [in:] *Przez tysiąclecia: państwo – prawo – jednostka. Materiały ogólnopolskiej konferencji historyków prawa. Ustroń, 17–20 września 2000 r.*, eds. A. Lityński, M. Mikołajczyk, vol. 2, Katowice 2001, pp. 196–207; idem, *Z działalności Sądu Specjalnego w Radomiu (1939–1945)*, "Czasopismo Prawno-Historyczne" 2001, vol. 53(1), pp. 327–342.

[6] Idem, *Okupacyjne sądownictwo niemieckie…*, p. 31.

[7] H. Mielnik, *op. cit.*, p. 32.

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in the Federal Archive in Berlin, copies of judgments gathered in the files of the Main Commission for the Investigation of Nazi Crimes in Poland, judges' personal files, results of a press inquiry and, naturally, literature. On this basis, I managed to establish the profile of cases (criminal, economic or political) prevailing in the preserved body of the Court's decisions, which nationality of defendants was most numerous, that the Special Court in Lublin handed down death penalties and applied the wartime criminal legislation of the Third Reich, that the court examined also cases for helping Jews, that certain of its decisions were challenged by extraordinary objection, who presided over the Sondergericht, what judges formed its personnel and what prosecutors appeared before the Court, and whether and in what form, the population was informed by the press about the decisions delivered.

Special courts appeared in the German legal system in 1933 as criminal political courts under the Regulation of the Reich's government on the establishment of special courts of 21 March 1933. Their adjudicating panels were composed of three professional judges, the proceedings were limited to one instance. On Polish territories, they were introduced already during the September 1939 campaign under the Regulation of the Chief Commander of ground forces, Walter Brauchitsch, of 5 September 1939 on special courts in the occupied Polish territories. That piece of legislation provided for the creation of special courts by army commanders following the example of the special courts operating in Germany, applying the provisions of German criminal law and subject to supervision by the Minister of Justice of the Third Reich. The first court established was the Special Court in Częstochowa and, then, analogous courts appeared in Wieluń (later moved to Piotrków), Bydgoszcz, Lodz, Katowice, Krakow, Kielce, Radom, Przasnysz and Poznan. They operated in such form until 15 November 1939, when the General Governor, by the Regulation on special courts, transformed a part of them (i.e. those seated in the area of the GG) into special courts of the GG, if their seat was in a district capital, or special court branches, if they were seated in other locations.[8]

Special courts of the GG applied German criminal law and legislation introduced by the authorities of the GG, and examined criminal matters delegated to them under specific regulations, under which their jurisdiction was exclusive (permanent). A list of such regulations was published by A. Wrzyszcz, who concluded that they were dominated by normative acts adopted in the first months of occupation, in the area of economy and legislation imposing anti-Jewish restrictions.[9] Additionally, the accusing authorities (referred to as the prosecutor's office since 1943)[10] could bring before a special court cases for particularly serious offences when, bearing in

[8] A. Wrzyszcz, *Okupacyjne sądownictwo niemieckie…*, pp. 43–49; idem, *Z działalności Sądu Specjalnego…*, pp. 329–331; K. Graczyk, *op. cit.*, pp. 72–74.

[9] A. Wrzyszcz, *Okupacyjne sądownictwo niemieckie…*, pp. 134–136.

[10] H. Mielnik, *op. cit.*, p. 60.

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mind exceptional villainy of the act or the resulting agitation of the general public, it was advisable to examine the case by a special court. As a rule of thumb, special courts adjudicated in panels of three and, upon request of the prosecutor's office or in "non-complicated" matters, in panels of one. Proceedings included only one instance, although it was possible to reopen a case. A legally valid judgment could also be challenged by an extraordinary objection (*ausserordentlicher Einspruch*), which could be filed by the Head of the Main Department of Justice within six months of the judgment's validation if the Head had doubts about the judgment's justness. This gave rise to the need to hold a new trial.[11] A case could not be referred from Sondergericht to the ordinary procedure, and appointment of a defence attorney was left to the court's discretion. As opposed to special courts in the Reich, in the special courts of the GG it was possible for a "lay judge" of the special court to deliver, upon request of the prosecutor's office, a written criminal order, imposing penalty up to one year of prison. Such criminal order could be appealed against within two weeks by an objection, which was examined by the special court. In his study on the judicial system in the GG, K. Wille, Head of the Main Department of Justice in the GG, wrote that the authorisation of special courts' adjudication in panels of one and the possibility to deliver criminal orders was a consequence of the fact that in November 1939 the only German courts in the area of the GG were special courts.[12] This situation changed soon upon introduction of a dualistic, separate from each other, system of Polish and German judiciary, which was motivated by segregation between Germans and non-Germans.[13] In mid-1943, special courts were fused with German courts, which gave rise to a change of their name into, e.g., the Special Court at the German Court in Lublin.

[11] A. Wrzyszcz, *Okupacyjne sądownictwo niemieckie…*, pp. 162–163.

[12] New Files Archive, Ministry of Information and Documentation of the Government of the Republic of Poland (in exile) in London, file ref. 105, study by K. Wille "Wymiar Sprawiedliwości w Generalnym Gubernatorstwie", p. 256. This study was not dated, however, judging by its contents, its creation can be estimated to the period between the second half of 1941 (as it mentions the Galizien District) and the end of the first half of 1943 (it mentions independence of special courts, that is condition preceding the reform fusing special courts with German courts).

[13] H. Mielnik, *op. cit.*, p. 54; D. Majer, *„Narodowo obcy" w III Rzeszy. Przyczynek do narodowo-socjalistycznego ustawodawstwa i praktyki prawniczej w administracji i wymiarze sprawiedliwości ze szczególnym uwzględnieniem ziem wcielonych do Rzeszy i Generalnego Gubernatorstwa*, Warszawa 1989, p. 318.

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STATE OF RESEARCH

In literature, not many mentions can be found on the operation of the Sondergericht Lublin. One of the rulings drew the attention of D. Pohl, in his study devoted to the Jewish policy and murder of Jews in the Lublin District of the GG. The cited judgment referred to a case for sheltering Jews. It was inasmuch exceptional as the court refrained from imposing death penalty because the defendant Pole was not proven to have known that the Jew to whom he offered accommodation had illegally left the ghetto. This allowed to draw a conclusion that Poles accused before the Sondergericht of helping Jews had certain chances to survive (as opposed to Jews shot on the spot by the gendarmerie or security police).[14] In a book on religious life in Poland under Nazi occupation, it was indicated that over 30 priests were tried by Sondergerichts in Warsaw, Lublin or "county cities" (this might refer to local branches of special courts).[15] In the study on police battalions one of the orders was quoted about the proper treatment of Jews caught outside the ghetto – it was recommended to abandon their transportation to the Sondergericht in Lublin. Instead, such persons were to be eliminated on the spot.[16] The fact of existence of the Sondergericht in Lublin was reported in a study devoted to the prison located at the Lublin castle.[17] The same source points to advocate Zygmunt Hofmokl[18] as a lawyer acting before the Sondergericht as Jews' defence attorney, who, in this connection, was to be placed in the prison.[19] In the article on the recruitment in the Lublin District for forced labour in the territory of the Reich, it was mentioned that employment agencies and starosts, on multiple occasions, requested the Special Court in Lublin to punish persons refusing to depart for labour. In one of such cases, Sondergericht sentenced eight persons to a penalty of two years and two months of prison and obliged them to work in the Reich.[20] In a study on Cologne advocates in

[14] D. Pohl, *Von der „Judenpolitik" zum Judenmord. Der Distrikt Lublin des Generalgouvernements 1939–1944*, Frankfurt am Main 1993, p. 170. The judgment cited in Pohl's study is analysed in another part of this article.

[15] T. Fręchowicz, *Diecezja podlaska*, [in:] *Życie religijne w Polsce pod okupacją hitlerowską 1939–1945*, ed. Z. Zieliński, Warszawa 1982, pp. 428–429.

[16] S. Klemp, *„Nicht ermittelt". Polizeibataillone und die Nachkriegsjustiz. Ein Handbuch*, Essen 2005, p. 51.

[17] B. Wróblewski, *Władze nadrzędne więzienia*, [in:] *Hitlerowskie więzienie na Zamku w Lublinie 1939–1944*, ed. Z. Mańkowski, Lublin 1988, p. 40.

[18] It is probably about the famous advocate Zygmunt Hofmokl-Ostrowski. For more details about him, see S. Milewski, A. Redzik, *Hofmokl-Ostrowski Zygmunt*, [in:] *Słownik biograficzny adwokatów polskich*, vol. 3, Warszawa 2018, pp. 167–171.

[19] E. Zaleska, *Więźniowie*, [in:] *Hitlerowskie więzienie…*, p. 95.

[20] J. Kasperek, *Niektóre aspekty werbunku na przymusowe roboty do III Rzeszy z dystryktu lubelskiego*, [in:] *Zbrodnie i sprawcy. Ludobójstwo hitlerowskie przed sądem ludzkości i historii*, ed. C. Pilichowski, Warszawa 1980, p. 430.

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the period of national socialism, a bilingual announcement was published dated 17 March 1942 informing about the execution of eleven Jews under the judgment of the Sondergericht Lublin for unlawful abandonment of the ghetto.[21] Judgments of the Sondergericht Lublin of 17 and 21 November 1941 sentencing nine persons to death for "malicious omission to deliver contingents" were mentioned by D. Schenk in the biography of Hans Frank.[22] The fact that Polish farmers were sentenced to the capital punishment was publicly announced, which is confirmed by a poster preserved in the Polish archive.[23] In the Lublin chronicle of events, it was noted that the fusion of the special court with the German court, as a result of which the Special Court at the German Court in Lublin was created, took place on 4 July 1943.[24] The website of the National Museum in Lublin reports that the Sondergericht operated in the Lublin Castle.[25] However, this information is incredible in the light of the findings made by A. Wrzyszcz and H. Mielnik. According to these authors, German courts, including the special court, were seated, together with the District Department of Justice, in the prewar building of the Court of Appeal in Lublin at the address: Krakowskie Przedmieście Street 43.[26]

As a side note, it can be added that the term "Sondergericht Lublin" was erroneously used in German language publications reporting the sentencing by the Special Criminal Court in Lublin of five guards of the Majdanek concentration camp towards the end of 1944.[27]

Bearing in mind the provisions of the Regulation of 15 November 1939 and analysing the reports preserved in the Federal Archive in Berlin, which illustrate activities of prosecutor's offices at the special courts in 1939,[28] it can be concluded

[21] M. Löffelsender, *Kölner Rechtsanwälte im Nationalsozialismus Eine Berufsgruppe zwischen „Gleichschaltung" und Kriegseinsatz*, Tübingen 2015, p. 166.

[22] D. Schenk, *Hans Frank. Biografia generalnego gubernatora*, Kraków 2009, p. 211.

[23] Archive of the National Remembrance Institute in Warsaw (hereinafter: AIPN), GK 141/32, vol. 3, Bekanntmachung des Gouverneurs des Distrikts Lublin vom 25. November 1941, p. 1.

[24] J. Kasperek, *Kronika wydarzeń w Lublinie w okresie okupacji hitlerowskiej*, Lublin 1989, p. 200.

[25] Muzeum Narodowe w Lublinie, *Zamek więzienie*, https://zamek-lublin.pl/o-muzeum-mnl/zamek-wiezienie (access: 1.3.2022).

[26] A. Wrzyszcz, *Okupacyjne sądownictwo niemieckie…*, pp. 308–309; H. Mielnik, *op. cit.*, p. 246.

[27] D. Pohl, *Sowjetische und polnische Strafverfahren wegen NS-Verbrechen – Quellen für den Historiker?*, [in:] *Vom Recht zur Geschichte. Akten aus NS-Prozessen als Quellen der Zeitgeschichte*, eds. J. Finger, S. Keller, A. Wirsching, Göttingen 2009, p. 132; P. Lindner, *Hermann Florstedt. SS-Führer und KZ-Lagerkommandant. Ein Lebensbild im Horizont der Familie*, Halle–Saale 1997, p. 56; B. Dörner, *Die Deutschen und der Holocaust. Was niemand wissen wollte, aber jeder wissen konnte*, Berlin 2007, p. 40.

[28] Bundesarchiv Berlin-Lichterfelde (hereinafter: BA), R 3001/9803/7/2, Gesamtübersicht über die Tätigkeit der Staatsanwaltschaften bei den Sondergerichten in Polen für die Zeit vom 15.11 bis 30.11.1939, p. 125; Gesamtübersicht über die Tätigkeit der Staatsanwaltschaften bei den Sondergerichten in Polen für die Zeit vom 16.12 bis 31.12.1939, p. 188.

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that the earliest possible date of the start of Sondergericht Lublin's operations was 15 November 1939. For a part of the Lublin District, in 1940, a branch of the Special Court in Lublin was established with headquarters in Zamość. The territorial jurisdiction of the Sondergericht Lublin covered the City of Lublin, the Lublin County, and the counties: Biała Podlaska, Radzyń, Chełm, Janów Lubelski and Puławy. On the other hand, the Special Court in Zamość exercised jurisdiction over the counties: Hrubieszów, Zamość, Krasnystaw and Biłgoraj. After moving the special court from Zamość to Chełm, in April 1941, the jurisdiction of "Sondergericht Cholm" covered the counties of: Chełm, Hrubieszów, Zamość and Biłgoraj, and Lublin was competent for the remaining areas of the Lublin District.[29]

PRESERVED BODY OF RULINGS

In Polish (State Archive in Lublin, State Archive in Warsaw, Archive of the Institute of National Remembrance in Warsaw, National Archive in Krakow) and German archives (Federal Archive in Berlin-Lichterfelde), I managed to find 134 judgments delivered by the Special Court in Lublin.[30] It seems that these are only a small fraction of the rulings passed by the discussed court, although it is difficult to offer any rough estimates as no reports were preserved from the Department of Justice of the Lublin District,[31] except for 1942, in which the Special Court in Lublin issued 1,231 judgments (223 people were sentenced to death, over half of whom were Jews).[32] This is not a number which would allow to draw any robust conclusions, however, it seems that based on that body of rulings, certain phenomena can be tentatively signalled and the court's personnel can be determined. Four judgments have been preserved from 1939, 39 from 1940, 18 from 1941, 45 from 1942, 21 from 1943, and 7 from 1944. A total of 269 people were accused in these cases: 239 men and 30 women. The majority of the defendants were Poles (203 persons – 75.5%), followed by Germans (30 persons – 11.2%), Jews (29 persons – 10.8%), Gypsies (3 persons – 1.1%), Ukrainians (3 persons – 1.1%) and Lithuanian

[29] A. Wrzyszcz, *Okupacyjne sądownictwo niemieckie…*, pp. 83–86.

[30] Out of the resources of the State Archive in Lublin, judgments were found in the fonds Prison of the Security Police and Security Service at the Lublin Castle; out of the resources of the Archive of the Institute of National Remembrance in Warsaw, in the fonds Microfilm Collection of the Main Commission for the Investigation of Crimes against the Polish Nation – Institute of National Remembrance from records kept in other institutions; out of the resources of the National Archive in Cracow, in the fonds German Penitentiary in Tarnów and the German Prison in Nowy Wiśnicz; out of the resources of the Federal Archive in Berlin-Lichterfelde in the fonds R 137 I Deutsche Gerichte im Osten, and DOK.K.

[31] A. Wrzyszcz, *Okupacyjne sądownictwo niemieckie…*, pp. 184–194.

[32] B. Manthe, *Richter in der nationalsozialistischen Kriegsgesellschaft. Beruflicher und privater Alltag von Richtern des Oberlandesgerichtsbezirks Köln, 1939–1945*, Tübingen 2013, p. 271.

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(0.4%). The accused Germans included 18 Reich-Germans and 12 Volksdeutsche. Most of the defendants declared their religion to be Roman Catholic, a smaller number declared their religion to be Mosaic; in individual cases, this data was missing or the defendants declared their religion was Evangelical, Orthodox, had no confession and simply believed in God. The majority of the accused were workers (49), farmers (45) and clerks (28). Most of them were aged between 31 and 40 (86 persons), between 22 and 30 (80 persons) and between 41 and 50 (40 persons).

The most common charge, occurring 44 times, was theft. Twenty-two cases was embezzlement qualified under several provisions of the German Criminal Code of 15 May 1871 (Strafgesetzbuch, StGB)[33]: §§ 246, 348 and 350, and in certain cases also in conjunction with § 4 of the Regulation against national parasites of 5 September 1939.[34] Eighteen people were accused of with illegal slaughter, 18 of appropriation of office, 17 of robbery, 15 of clandestine trading, 11 of bribery, 8 of burglary, 6 of refusal to work, 5 each of forest theft, fraud, extorting a voucher, plundering and supportership (helping) Jews. Other charges involved arson, robbery, handling, murder, extortion, wartime economic offence, plunder, conducting games of chance without authorisation, breach of an employment contract, accessory to hidden trading, robbery of postal deliveries and decomposing impact on the German Wehrmacht. Also in other cases acts were qualified under the provisions of the StGB or regulations adopted by the authorities of the Reich, e.g. the Regulation on wartime economy of 4 September 1939,[35] or under regulations adopted by the General Governor, such as the Regulation for the protection of forests and game in the General Government of 13 April 1940.[36]

Twelve persons were acquitted from the above charges, in case of two there was no resolution at all (their fate was not specified in the content of the judgment although they were referred to as defendants in the introduction part of the bill of indictment), 104 persons were sentenced to the penalty of prison, 133 to the penalty of severe prison, 9 to death penalty and 9 to fine. Most of the imputed acts were criminal (65.5%), almost every third was economic (29%), and political offences were marginal (5,5%). If particular imputed acts are qualified according to the violated legal interest, it turns out that these were most often acts against property (45%), economy (26%) and documents (6%). Other legal interests were violated in isolated cases.

Most of the preserved cases were heard by the Special Court in panels of three (70%), fewer in panels of one (29%), and only in one case the adjudicating panel was composed of two judges (1%). The panel of two sentenced three Volksdeutsche

[33] RGBl. 1871, p. 127.
[34] RGBl. 1939, p. 1679.
[35] RGBl. 1939, p. 1609.
[36] Journal of Regulations of the General Government for the Occupied Polish Territories, no. 26, p. 137.

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accused of appropriation of office and extortion to the penalties of severe prison from 1.5 year to 2.5 years.[37] The motives behind the two-person composition of the adjudicating panel were not recorded in the preserved documents. Examination of a case in the panel of one judge was requested by the prosecutor in the bill of indictment, and the preserved documents show that such request was allowed by the President of the Court. This led to a quite peculiar situation in which trial took part also in the absence of the prosecutor.[38]

Fines imposed by the Sondergericht Lublin were in the range of 200–65,000 zlotys. A 200-zloty fine was imposed, beside the penalty of two-month imprisonment, on two Poles organising games of chance without appropriate authorisation.[39] For example, in another case amount of fine was imposed, instead of the penalty of two-month imprisonment, on a German official (inspector in the road construction office), a Reich-German, who appropriated belongings left in a Jewish apartment. Those assets were previously confiscated, and the amount of fine was a consequence of the value of the appropriated objects.[40] The highest fine – 65,000 zloty – was imposed in the case of a foreign exchange offence.[41]

Death penalty was imposed on two out of six members of a criminal group engaged in thefts and handling of stolen goods. With regard to a 55-year-old Pole, the imposition of death sentence followed from his qualification as national parasite and dangerous notorious offender, and his partner was also found to be a dangerous notorious offender.[42] The same sentence was imposed on a 22-year-old Volksdeutsch from Odessa, for accessory to inciting desertion, who, at the request of an illiterate friend wrote a letter dictated by the latter with communist contents and inciting to leave the army.[43]

[37] BA, R 137 I/304, Urteil in der Strafsache gegen Stanislaw Szczota und Andere vom 21. Dezember 1943, p. 40.

[38] For example, see BA, R 137 I/300, Anklageschrift vom 22. Juli 1943 [Bill of indictment of 22 VII 1943], p. 15; Verhandlungsprotokoll vom 26. August 1943, pp. 19–20.

[39] State Archive in Lublin, Prison of the Security Police and Security Service in Lublin, file ref. 5, Urteil in der Strafsache gegen Stanislaw Majkowski und Wladyslaw Zapiorkowski vom 20. Februar 1942, p. 170.

[40] BA, R 137 I Gerichte im Osten/254, Urteil in der Strafsache gegen Rudolf Richter vom 8. Dezember 1942, pp. 1–5.

[41] National Archive in Cracow (hereinhafter: ANK), German Prison in Nowy Wiśnicz, 118, Urteil in der Strafsache gegen Symcha Feldzamen und Andere vom 14. Dezember 1939, pp. 7–8.

[42] BA, DO1/DOK/357/5, Urteil in der Strafsache gegen den Angeklagten Boleslaw Gladosz und Andere vom 9. März 1943, p. 106.

[43] AIPN, Microfilm Collection of the Main Commission for the Investigation of Crimes against the Polish Nation – Institute of National Remembrance from records kept in other institutions, IPN BU 2535/248, Files of fudges of the Sondergericht Lublin, Urteil in der Strafsache gegen Boris Mai vom 1. Februar 1944, bp.

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Also two Poles residing in Puławy were sentenced to death penalty for supporting Jews.[44] The legal basis for the conviction was § 4 (b) (2) of the Third Regulation on the restrictions of residence in the General Government of 15 October 1941.[45] By this Regulation, the German authorities entered the way of direct physical extermination of Jews and penalisation of help provided to the persecuted with death penalty. This was a novelty not only in the occupied Poland but in the entire Europe.[46] In the examined case, support consisted in the provision for use, for consideration, of a means of transport and transporting the Jews, as well as intermediation in that undertaking. Both defendants defended themselves by claiming to have believed that the Jews had an official permit to the transport, however, the Special Court gave no credence to such explanation judging by the amount of the received remuneration. Since the defendants acted for profit, the court ruled out that the case could be "less severe", which was tantamount to handing down capital punishment. The General Governor pardoned both convicts, changing the death penalty to a penalty of three-year prison, despite negative opinions of the Sondergericht and of the prosecutor.[47]

The main penalty was also imposed for illegal possession of weapons,[48] appropriation of office and extortion with the use of cold weapons,[49] and against two people – for a war economic crime, clandestine trade, ritual slaughter and price gouging.[50]

In the preserved body of rulings, special attention must be drawn to the case described by D. Pohl, reported also in the volume titled *Represje za pomoc Żydom na okupowanych ziemiach polskich w czasie II wojny światowej*.[51] In neither pub-

[44] BA, DO1/DOK/357/5, Urteil in der Strafsache gegen Stefan Scierka und Jan Dzieglewski vom 28. August 1942, pp. 22–27.

[45] Journal of Regulations of the General Government, no. 99, p. 595. The provision of § 4 (b) provided in subparagraph (1) that Jews leaving the quarter designated for Jews without authorisation were subject to death penalty; the same penalty applied to persons who knowingly sheltered such Jews. In addition, under subparagraph (2), abettors and accessories were subject to the same penalty as the perpetrator, and attempted act was to be punished in the same way as perpetration; in less severe cases the court could impose the penalties of severe prison or prison.

[46] B. Musiał, *Kto dopomoże Żydowi…*, Poznań 2019, p. 81.

[47] BA, DO1/DOK/357/5, Schreiben vom Hauptabteilung Justiz an den Leiter der Deutschen Staatsanwaltschaft vom 11. November 1943, p. 35; Schreiben des Leiters der Anklagebehörde bei dem Sondergericht Lublin an die Regierung des Generalgouvernements – Hauptabteilung Justiz vom 2. Oktober 1942.

[48] ANK, German Prison in Nowy Wiśnicz, 68, Urteil in der Strafsache gegen Gustaw Schmidtke und Andere vom 16. September 1940, pp. 5–6.

[49] ANK, German Prison in Nowy Wiśnicz, 79, Urteil in der Strafsache gegen Jozef Kusmider und Franciszek Ratanski vom 20. Mai 1941, pp. 7–15.

[50] ANK, German Prison in Nowy Wiśnicz, 119, Urteil in der Strafsache gegen Franciszek Kordzielewski und Andere vom 13. Februar 1942, pp. 14–22.

[51] T. Gonet, *Kukiełka Jan, Dorosz Kazimierz, Hubka Michał*, [in:] *Represje za pomoc Żydom na okupowanych ziemiach polskich w czasie II wojny światowej*, eds. M. Grądzka-Rejak, A. Namysło, vol. 1, Warszawa 2019, pp. 205–206.

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lication, mention was made about the legal qualification of the act, and since basic procedural documents in the case have been preserved, the course of the proceedings can be reconstructed. It follows from the final police report that an anonymous report was made to the Ukrainian police station in Księżpol (Biłgoraj County) that in the village of Bukowina Jews are sheltered by different farmers. On 3 April 1943, Ukrainian policemen verified the denunciation and found one man and two women in the cellar of Michał Hubka and one man in the barn of Jan Kukiełka. It turned out that yet another resident of the village, Kazimierz Dorosz, hosted Jews against payment. The three farmers were arrested, and four Jews were shot two days later. The bill of indictment in the case was prepared in July 1943. The farmers were accused that after 30 November 1942, in Bukowina, they provided accommodation, food and sheltered Jews outside the Jewish quarter, i.e. crime under § 3 (2) of the Police Regulation creating Jewish quarters in the Warsaw and Lublin Districts of 28 October 1942. The main trial before the Sondergericht was held on 28 July 1943. In the minutes from the trial, the subject matter of the proceedings was erroneously defined as "Beherbung von Juden" instead of "Beherbergung", that is provision of shelter. The defendants were not represented by an advocate; however, an interpreter took part in the trial. The prosecutor requested death penalty for each defendant, and the defendants requested acquittal. Comparison of the contents of the bill of indictment and the minutes from the trial with the operative part of the judgment leads to the conclusion that the court changed the legal qualification to support. An important circumstance translating into the legal basis of the conviction was the fact that, as determined by the court, assistance was not provided to Jews residing outside the Jewish quarter since by that time Jews had already been deported and the Jewish Quarter was liquidated, which meant that the quarter could not be abandoned. It was impossible for the court to directly apply § 4 (b) of the Third Regulation on the restrictions of residence in the General Government of 15 October 1941[52] since the rule referred only to Jews leaving the Jewish quarter and persons who knowingly assisted such Jews. The provision cited in the bill of indictment, § 3 (2) of the Police Regulation creating Jewish quarters in the Warsaw and Lublin Districts of 28 October 1942 was also excluded by the court as it did not contain any independent criminal norm. The court ruled out also the possibility to apply § 4 (b) of the Third Regulation on the restrictions of residence in the General Government of 15 October 1941 as per § 2 StGB because sufficient punishment could be imposed under § 257 StGB (on support) in conjunction with § 4 (a) of the Second Regulation on the restrictions of residence in the General Government of 29 April 1941.[53] Section 2 StGB provided

[52] Journal of Regulations of the General Government, no. 99, p. 595.

[53] The provision read as follows: (1) Whoever violates orders adopted under this Regulation shall be punished in administrative criminal proceedings in accordance with the Regulation on administrative criminal proceedings in the General Government of 13 September 1940 (Journal

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that penalty should be imposed on whoever committed an act defined by statutory law as punishable or which deserved to be punished in line with the underlining idea of a criminal statute and according to the healthy national feeling; if a specific criminal statute did not directly apply to the act, the act should be punished under the statute whose underlying idea was most adequate to the act. As a consequence, "appropriate application of a statute" was out of question when there was a legal provision corresponding to the act's unlawfulness which enabled its adequate punishment. In the absence of such provision – as argued by the special court – the next source of knowledge about the law was to be healthy national feeling in conjunction with the underlying idea of a criminal statute. In the judgment, restrictions of residence imposed on Jews were assessed as measures conditioned "politically and temporarily", justified by security and purposeful reasons. Since a majority of Jews were already deported, the danger posed by them in the political, criminal and sanitary dimension was reduced. As a result, the special court had to consider if "healthy national feeling" required imposition of penalty on the perpetrators in case of acts of sheltering Jews by Poles regardless of the lack of black letter law. Resort to "healthy national feeling" required a reprehensible act, violation of high moral and human values and acute disturbance of social life. On the other hand, the national feeling did not call for punishment if the act did not match the intentions of the state leadership and was not threatened by any penalty at all or by an especially severe penalty. In the opinion of the court, the will of the "German man and German nation" and common sense indicated that sheltering Jews was unlawful; however, the social psyche was in no case agitated to such an extent that only death of the person providing shelter could restore peace to the social life. In consequence, "healthy national feeling" was not the relevant basis of law in this case in conjunction with an underlining idea of a criminal statute, especially that sufficient punishment was possible under the existing legislation. Jews in the case at hand violated § 4 (a) of the Second Regulation on the restrictions of residence in the General Government of 29 April 1941 (as they did not arrive in the designated quarter within 30 November 1942), for which they could be punished by prison, fine, or, in particularly severe cases, heavy prison. As a result, the defendants – in the lack of other provisions adequate to their behaviour – committed support under § 257 StGB since they provided assistance to Jews so that the latter could avoid criminal liability. When meting out the penalty, the court noted, on the one hand, that two out of the three defendants had clear criminal record and, on the other one, that they wanted to gain wealth. As a consequence, Kukiełka and Dorosz

of Regulations of the General Government I, p. 300). (2) Criminal rulings are delivered by county (municipal) starost. (3) If punishment in the administrative criminal proceedings proves insufficient, the county (municipal) starost shall refer the case to the German accusing authority. The court may impose a penalty of prison and fine up to 10,000 zlotys or one of those penalties. In particularly severe cases, instead of a penalty of prison, the court may impose a penalty of severe prison.

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were sentenced to three years of prison, and Hubka – who did not benefit from the act at all – to one year of prison.[54]

The reasoning of the Special Court in the discussed case may seem strange – the court did not use an opportunity to impose death penalty and to ensure a deterrent effect on persons hiding Jews. However, it is impossible to answer the question if the judges were simply guided by an intention to save the defendants' lives or only legal scrupulousness did not allow them to sentence the defendants under a more severe provision, in reliance on the general clause available in the criminal law of the Third Reich (reference to "healthy national feeling"). The final judgment of the Sondergericht did not conclude the case as the Head of the Main Department of Justice filed an extraordinary objection and, at the same time, appointed the Higher German Court in w Lublin as competent to re-examine the case. The difference of opinion related to the assessment if, as a part of the construction applied by the Sondergericht, "sufficient" punishment could be guaranteed. According to the argumentation deployed in the objection, it was irrelevant to the unlawfulness of an act of sheltering Jews if the Jews in question illegally abandoned the Jewish quarter or had never arrived in that quarter since in both cases the danger posed by a Jew to their environment was identical. Therefore, "healthy national feeling" required not only to punish provision of shelter to a Jew in each and every case but also to punish such acts with the same severity, and that end could be achieved only through appropriate application of § 4 (b) of the Third Regulation on the restrictions of residence in the General Government of 15 October 1941. Further reasoning deployed in the objection referred to the argument of rational legislator, who considered unsatisfactory the construction of resorting to support, as the legislator moved certain of its statutory definition elements to a new type of prohibited act, and, in fact, introduced a special type of support under § 4 (b) (1) second sentence of the Third Regulation on the restrictions of residence in the General Government of 15 October 1941, threatened exclusively by death penalty.[55] As a result of different events, the objection was not examined by the Higher German Court in Lublin. It may be surprising that the President of the Higher German Court in Lublin appointed as the reporter of the case circuit court counsellor Leonhard Mennicken, who took part in the delivery of the judgment challenged by the extraordinary objection.[56] The trial scheduled for 4 February 1944 was cancelled because Kukiełka and Hubka were meanwhile transported from the Lublin prison to KL Auschwitz, and Dorosz was placed in the penitentiary in Landsberg, Bayern. Kukiełka died in

[54] BA, R 137 I/301, Schlussbericht vom 29. Mai 1943, p. 18; Anklageschrift vom 9. Juli 1943, p. 23; Verhandlungsprotokoll vom 28. Juli 1943, pp. 29–31; Urteil in der Strafsache gegen Jan Kukielka, Michal Hubka und Kasimierz Dorosz vom 28. Juli 1943, pp. 32–39.

[55] BA, R 137 I/301, Ausserordentlicher Einspruch vom 10. Dezember 1943, pp. 50–51.

[56] BA, R 137 I/301, Verfügung vom 7. Januar 1944, p. 53.

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the concentration camp on 15 January 1944. Further fate of Dorosz is unknown. Hubka survived the war.[57]

An extraordinary objection was filed also in two other cases. In the first, Sondergericht Lublin sentenced two farmers, a 31-year-old Polish man and a 32-year-old Polish woman, for illegal slaughter under § 1 of the Regulation on wartime economy of 4 September 1939, to a penalty of fine of 600 zlotys each. The extraordinary objection in that case was filed because the judicial level of penalty was considered "exceptionally lenient". In the objection, a request was made for imposing a penalty of prison or severe prison. The preserved documents show that, eventually, the case was not examined by the Higher German Court in Lublin.[58]

An extraordinary objection was also filed against the judgment sentencing a 40-year-old Reich-German to a penalty of fine of 300 zlotys for retaining a thing he had found (*Fundunterschlagung*) under § 246 StGB (relating to appropriation). It followed from the judgment's justification that the defendant was employed in a company performing certain works in the air base in Dęblin and on 22 January 1944, during a ward round, he found a 2.6 meter long and 8 to 10 centimetres wide transmission belt, which he wanted to sell later in agreement with a certain Pole. In the extraordinary objection, the penalty imposed was considered too low. It was also recommended to check in the repeated trial before the Higher German Court in Lublin if the act should not be qualified under § 143a StGB (relating to destroying, damaging, abandoning or hiding defensive measures). After the trial held already in Zgorzelec, on 11 January 1945, the Higher Court sentenced the defendant to the penalty of six months of prison.[59] The above examples show that extraordinary objection was used as a means to increase the level of sentence.

Several criminal orders from the years 1940–1941, preserved in the State Archive in Lublin,[60] demonstrate that the Sondergericht Lublin took advantage of this form of resolving simpler matters. In five matters, criminal orders were issued against nine persons. Offences punished in such procedure were: bribery and foreign exchange misdemeanour, theft of wood, unauthorised possession of a radio receiver, embezzlement and theft of coal. The highest custodial sentence – one year of imprisonment – was imposed on an unauthorised holder of a radio receiver. In other matters, the level of penalty was between three and six months.

[57] T. Gonet, *op. cit.*, p. 206.

[58] BA, R 137 I/300, Urteil in der Strafsache gegen Julian Wolski und Cecylia Drehlich vom 26. August 1943, pp. 22–24; Ausserordentlicher Einspruch vom 3. Dezember 1943, pp. 25–26.

[59] BA, R 137 I/281, Urteil in der Strafsache gegen Kazimir Wollschläger vom 4. Mai 1944, pp. 20–22; Ausserordentlicher Einspruch vom 14. November 1944, p. 25; Urteil in der Strafsache gegen Kazimir Wollschläger vom 11. Januar 1945, p. 36.

[60] State Archive in Lublin, Prison of the Security Police and Security Service in Lublin, file ref. 5, p. 67, 75; file ref. 6, p. 83, 96, 136.

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There are a couple of matters from Lublin in the Federal Archive in Berlin which eventually were not concluded with a judgment of the Lublin Special Court. Undoubtedly, this was caused also by the course of wartime events, especially evacuation of the judicial authorities and problems with transporting prisoners and temporarily arrested persons. For example, in middle June 1944 in Lublin, a bill of indictment was filed against four Reich-Germans in connection with a murder. The prosecutor requested scheduling the date of the trial before the Special Court in Lublin before a panel of three judges. The preserved documents do not show that the date of the trial was actually set. However, it is known that one of the defendants, who, as a professional criminal had been placed from 1940 in KL Sachsenhausen and from June 1942 in KL Lublin, escaped from works outside the camp.[61] Most probably, proceedings against a certain Pole to whom, already in 1942 false accusation had been imputed, were finished in the same way. The defendant did not appear at the trial in October 1942 and, as a result, an arrest warrant was issued against him. It is unknown when he was actually captured, however, he was placed in KL Auschwitz. The judicial authorities tried to bring him to Lublin, so that the suspended proceedings could be resumed, however, for "police and state" reasons (*staatspolizeliche Gründe*) such transport was not authorised by the Commissioner of the Security Police and SD in the Radom District. Then, the defendant was moved to KL Buchenwald, from which his transport to the Lublin prison actually started, however, because of a "change in the military position", he was taken back to KL Buchenwald.[62] In another case, the bill of indictment was made in June 1944, and the trial was scheduled for 25 July 1944, however, that date of the trial was then cancelled because two important witnesses, serving in the military, could not appear in court as their unit was moved to another location. The preserved archival materials do not suggest that any further activities were undertaken in the case.[63]

STAFFING

The preserved body of rulings does not permit to say much about the internal structure of the special court. In one of the bills of indictment from November 1941 the prosecutor requested scheduling of the main trial before the First Division

[61] BA, R 137 I/242, Anklageschrift vom 15. Juni 1944, pp. 31–36; Vermerk vom 13. Dezember 1944.

[62] BA, R 137 I/244, Anklageschrift vom 14. August 1942, p. 21; Verhandlungsprotokoll vom 5. Oktober 1942, p. 25; Schreiben des Kommandeurs der Sicherheitspolizei u. des SD für den Distrikt Radom vom 25. November 1944.

[63] BA, R 137 I/245, Anklageschrift vom 13. Juni 1944, pp. 16–17; Schreiben des Heeres San.-Staffel Pulawy vom 19. Juli 1944.

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(1. Abteilung) of the Special Court,[64] which would suggest that the Sondergericht was divided, at that time, into divisions and that there were at least two such units, although such distinction was not expressed in any of the preserved judgments, which were simply delivered under the name "Sondergericht in Lublin" or "Sondergericht beim Deutschen Gericht in Lublin". Certain guidelines in this regard can be found in an article published in "Krakauer Zeitung" in November 1941, which reported that a third Sondergericht was created in Lublin at that time, whose responsibility was to be combatting economic crime.[65] Therefore, it is possible that the third Sondergericht referred to in the article was, in fact, a third division of the existing Special Court. It is highly probable that there were differences in the structure of special courts because no uniformity was introduced from above and presidents of particular courts issued orders on the distribution of responsibilities in their institutions. In Krakow, e.g., there was a division into chambers (*Kammern*).[66] The functioning of two chambers in the Special Court in Lublin is confirmed in the personal files of Wilhelm Prothmann, who in June 1943 was entrusted with presiding over the second chamber.[67]

According to the establishment plan for 1941, the personnel of Sondergericht Lublin was to be formed by 5 judges and 12 clerks and employees.[68] In the examined cases, the function of judge presiding over the trial was most often performed by Erich Studemund (19.5%), less often by Hans Kiel (7.5%), Franz Wiesmann (6.5%) and Alfons Schlenzka (6.5%). The other judges presided over the adjudicating panel only in several cases. Apart from the persons named above, members of the Special Court were: Clemens Schlitt, Kurt Dittmann, Ernst Fritsch, Wilhelm Kniffler, Leonhard Mennicken, Oskar Nötzold, Joachim-Karl Werner, Werner Petzoldt, Wilhelm Prothmann, Horst von Seydewitz, Max Tschischgale, Werner Schultz, Friedrich Wicha and Joachim Zander.

The preserved documents allow to conclude that, for the most part of the war period, the post of President of the Sondergericht Lublin was held by Studemund, who had been moved to GG from the Regional Court in Schwerin in March 1940, where he had held the position of regional court director. Previously, from November 1939, this post was held by regional court director Dr. Hans Kiel, future Head of the District Department of Justice in Lublin.[69] Studemund's mission was finished

[64] BA, R 137 I/271, Anklageschrift vom 29. November 1941, pp. 12–14.

[65] *Die Ernte in Lublin weitgehend erfaßt. Ein drittes Sondergericht neu eingerichtet – Dienstsitzung der Kreishauptleute mit Gouverneur Zörner*, "Krakauer Zeitung", 19.11.1941.

[66] A. Wrzyszcz, *Okupacyjne sądownictwo niemieckie…*, p. 87.

[67] BA, R 102/279, Schreiben der Regierung des Generalgouvernements Hauptabteilung Justiz an das Amt des Distrikts Abteilung Justiz in Lublin vom 2. Juni 1943, p. 1.

[68] A. Wrzyszcz, *Okupacyjne sądownictwo niemieckie…*, p. 87.

[69] M. Du Prel, *Das deutsche Generalgouvernement Polen. Ein Überblick über Gebiet, Gestaltung und Geschichte*, Krakau 1940; AIPN, GK 166/31, Protokół przesłuchania Ludwika Göttingera przed Okręgową Komisją Badania Zbrodni Niemieckich w Lublinie z 3 I 1948, p. 31.

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only in August 1944. In the meantime, he was awarded a second-class War Cross for Merits. Studemund was born in 1891 in Mecklenburg, in a physician's family. He fought in the First World War, for which he was awarded, among others, a second-class Iron Cross. In 1914, he passed the first legal exam, and in 1922 the second legal exam. In 1926, he became a circuit court counsellor. In May 1933, he became a member of the NSDAP, he also belonged to other national-socialist organisations. In 1937, he was promoted to the position of regional court director. He was very highly esteemed by his superiors, who praised his professionalism, punctuality, diligence, friendliness and strong national-socialist conviction.[70] Notably, Kiel was remembered by one of the Special Court's ushers as ruthless in relation to Poles and as a judge who often handed down death sentences, and Studemund, admittedly, was to be mild tempered but also executed law without scruples.[71]

Out of the judicial staff, the only unknown figure is Wiesmann. As far as other judges are concerned, their basic personal data could be collected. Von Seydewitz worked in Lublin from 12 August 1941 to 2 May 1943, from where he was transferred to the Special Court in Piotrków.[72] Zander was born in 1908, in the years 1941–1942 he was a counsellor of the Circuit Court in Gdańsk, then he was moved to Lublin,[73] first to the price control office and, from 1 November 1941, to the Sondergericht.[74] Not much is known about Schlenzka. After the war, two ushers employed in the Sondergericht during the occupation testified about him. They remembered him as severe in relation to Polish defendants – when examining cases in panel of one, he imposed more severe penalties than requested by the prosecutor. He independently heard cases for smuggling, hidden trading or illegal slaughter, and in panels of three judges – cases for hiding Jews or Soviet captives and for illegal possession of weapons. He did not speak Polish and, probably, previously worked as an advocate.[75] Schlitt was born in 1906. He had a doctoral degree. From 1937 on, he was a member of the NSDAP, in 1939 he became counsellor of the Regional Court in Koblenz, and was a member of the Special Court in Lublin in the years 1940–1943.[76] Dittmann was born in 1901 in Dresden. In 1925, he passed the first legal exam, and the second one in 1929. He had a doctoral degree and before the war

[70] BA, R 3001/77814, Verzeichnis der Richter und Staatsanwälte; Schreiben der Hauptabteilung Justiz an den Oberlandesgerichtspräsidenten in Rostock vom 8. August 1944, p. 34.

[71] AIPN, GK 166/31, Protokół przesłuchania Stefana Dobkiewicza w Komendzie Miasta Milicji Obywatelskiej w Lublinie z 22 marca 1947 r., p. 41.

[72] BA, R 102/264, Zeugnis vom 13. Juli 1944, p. 6.

[73] BA, DO1/DOK.P 9784, Bericht für die Polnische Hauptkommission über Zander, Joachim vom 5. Juli 1967, p. 1.

[74] *Personalnachrichten*, "Krakauer Zeitung", 21.12.1941.

[75] AIPN, GK 164/3623, Protokół przesłuchania świadków w sprawie niemieckiego sędziego Schlencka z 15 marca 1946 r., p. 2.

[76] BA, DO1/DOK.P 5583, Bericht für die Polnische Hauptkommission über Schlitt, Clemens vom 4. Juli 1967, pp. 1, 5–9.

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worked as an advocate and notary. He joined the NSDAP in May 1933. He belonged to many national-socialist organisations, and from April 1933 was a member of the SS. On 2 October 1940, he was made a deputy judge (*beauftragter Richter*) of the Circuit Court in Friedland, Mecklenburg, and on the same date was delegated to the Sondergericht Lublin as a replacement for regional court counsellor Ernst Fritsch, who had been enrolled in the Wehrmacht.[77] Werner was born in 1907 in Berlin. From May 1933 on, he belonged to the NSDAP and had the rank of Blockleiter. He was also a member of the National Socialist Lawyer's Association. In 1930, on the second attempt, he passed the first legal exam, and the second one in 1934. In 1939, he was appointed a circuit court counsellor, and in 1941 promoted to the position of counsellor of the Berlin Regional Court. He was delegated to the GG in August 1942. This delegation was cancelled in June 1943 as a result of drafting Werner into the Wehrmacht.[78] Prothmann was born in 1895 in Berlin. He fought in the First World War, for which he was awarded, among others, a second-class Iron Cross. In 1922, he passed the first and in 1925 the second legal exam. In 1929, he was appointed circuit court counsellor. In 1934, he was promoted to the position of counsellor of the Berlin Regional Court, and in 1942 counsellor of the Chamber Court in Berlin. He was not a member of the NSDAP although he belonged to the National Socialist Lawyer's Association and the National Socialist Welfare. He was delegated to the GG on 5 January 1943, and his first place of work was the Higher German Court in Warsaw. The delegation was cancelled in September 1944.[79] Tschischgale, for the most part of his career in the GG, had ties with Krakow and did not work in Lublin. However, his name appears on the judgment delivered in panel of one, on 13 November 1944, by the Sondergericht Lublin, replacement station in Zgorzelec (*Ausweichstelle Görlitz*).[80] In the absence of any personal dossier, his party personal information card was accessed, as submitted in 1939. The information card shows that Tschischgale was born in 1901, joined the NSDAP in May 1933, and belonged to several national-socialist organisations.[81] Schultz

[77] BA, DO1/DOK.P 907, Personal- und Befähigungsnachweisung, p. 4; R 102/310, Schreiben der Abteilung Justiz and das Amt des Chefs des Distrikts in Lublin dot. Ersatzkraft für Landgerichtsrat Fritsch vom Sondergericht Lublin vom 27. September 1940, p. 9.

[78] BA, R 3001/80150, Personalbogen; Schreiben des Reichsministers der Justiz an den Kammergerichtspräsidenten betr. Abordnung des Landgerichtsrats Werner vom 14. August 1942, p. 36; Schreiben des Reichsministers der Justiz an den Kammergerichtspräsidenten betr. Landgerichtsrat Werner vom 26. Juni 1943, p. 39.

[79] BA, R 3001/71277, Personalbogen; Schreiben des Reichsministers der Justiz an den Kammergerichtspräsidenten betr. Abordnung des Kammergerichtsrats Wilhelm Prothmann in das Generalgouvernement vom 11. Dezember 1942, p. 48; Schreiben der Hauptabteilung Justiz an den Reichsminister der Justiz vom 6. Januar 1943, p. 50; Schreiben des Reichsministers der Justiz an den Kammergerichtspräsidenten vom 22. September 1944, p. 51.

[80] BA, R 137 I/256, Urteil in der Strafsache gegen Eugen Föller vom 13. November 1944, p. 27.

[81] BA, R 9361/I/3698, Fragebogen, p. 183767.

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was born in 1898 in Berlin. He moved to the GG in August 1941. At the beginning, he worked in the Special Court in Piotrków, from which he was transferred to the Special Court in Lublin in May 1943, where he replaced von Seydewitz.[82] Mennicken's fragmented personal files indicate that his delegation to the GG was cancelled in November 1944 and that, at that time, he was already employed in the Higher German Court in Lublin and in the District Department of Justice.[83] Wicha was born in 1906. He was a person displaced from Bukowina, where he practiced as an advocate. He was not a member of the NSDAP, however, he belonged to other national socialist organisations. He served as deputy judge in Bielsko from April 1943, and from October 1943 on was delegated to Sondergericht Lublin.[84] Kniffler and Mennicken came to the GG in March 1940 from the district of the Higher Regional Court in Cologne, where the former worked in the District Court in Cologne, and the latter practiced as an attorney.[85] Nötzold, on the other hand, came to the GG in 1939 from the district of the Higher Regional Court in Dresden. He was appointed to the Special Court in Warsaw, from which – presumably – he was sent to Lublin for a short time in 1940.[86] Petzoldt, together with judges Kiel and Fritsch (all from Berlin), was appointed to the Special Court in Lublin already in November 1939.[87]

Based on the preserved judgments, also the names of prosecutors can be noted down who forwarded the prosecution's case at the trial. In the preserved cases most often – in 24 trials – the person acting as public prosecutor was Bernhard Kaehlig. About 10 supported the indictment by Hans Hesse, Erwin Hühner, Rudolf Geissler, Heinrich Kallenberg and Hans Schröder.[88] In several cases, prosecution was represented by other lawyers: Hoffmann, Zander (most probably this referred to Joachim Zander, who was also a judge),[89] Franz Bachmann, Wolfgang Hanitzsch, Knoll, Paul Rother, Dr. Karl Reimig, Erich Kalthoff, Meinicke, Riechert, Schiller and Schulte. Based on alternative sources, I could additionally establish that Friedrich Velten[90] worked in the prosecutor's office at the Special Court in Lublin as

[82] BA, R 102/271, Personalbogen, p. 1; Verfügung vom 30. April 1943, p. 4.

[83] BA, R 3001/82508, Schreiben der Hauptabteilung Justiz an den Reichsminister der Justiz vom 8. November 1944, p. 1.

[84] BA, R 102/276, Personalbogen, p. 2.

[85] BA, R 3001/63720, Schreiben des Reichsministers der Justiz an den Oberlandesgerichtspräsidenten in Köln vom 1. März 1940, p. 20.

[86] BA, R 3001/69789, Schreiben des Reichsministers der Justiz an den Kammergerichtspräsidenten und den Generalstaatsanwalt beim Kammergericht vom 18. November 1939, p. 36.

[87] BA, R 3001/70642, Schreiben des Reichsministers der Justiz an den Oberlandesgerichtspräsidenten in Dresden vom 18. November 1939, p. 24.

[88] *Personalnachrichten*, "Krakauer Zeitung", 6.11.1941.

[89] Similar practice of holding by one person the positions of prosecutor and special court judge was also observed in Radom. See A. Wrzyszcz, *Z działalności Sądu Specjalnego…*, p. 339.

[90] BA, R 102/248, Personalbogen, p. 5.

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deputy prosecutor (*beauftragter Staatsanwalt*). The German prosecutor's office in the GG was situated at special courts although it rendered its legal services also before German courts and higher German courts, and decided about delegating criminal matters to the Polish judiciary. According to the establishment plan for the year 1941, the German prosecutor's office in Lublin was to be composed of 1 over-prosecutor, 6 prosecutors and 23 officials and employees. We do not know who presided over the German Prosecutor's Office in Lublin in 1939. However, its director from 7 January 1940 on was Dr. Bernhard Kaehlig. In March 1943, he was replaced by Josef Blum,[91] whereas Kaehlig was appointed director of the German prosecutor's Office in Radom (on 30 September 1943 his delegation to the GG was cancelled).[92] In December 1943, Blum was transferred to an equivalent position in Radom, and the new director of the Prosecutor's Office in Lublin was Dr. Paul Rother, who previously presided over the Prosecutor's Office in Stanisławów.[93]

In the period of his direction of the Prosecutor's Office in Lublin, Kaehlig, supported by Governor Zörner, gave a lecture on the methods of combatting crime in the specific circumstances of the GG. The audience were invited guests and persons employed in the German administration. In his presentation, Kaehlig argued, among others, that the first task of German courts and special courts was to address "atrocious murders of Volksdeutsche by Poles" and, then, to combat banditry.[94] Most apparently, Kaehlig was remembered by the Polish personnel of the German Prosecutor's Office in Lublin, persons employed as interpreters and ushers. One testimony was preserved according to which he was a demanding and severe superior both to the Polish and German personnel. Other testimonies about Kaehlig demonstrated his brutality in relation to Polish detainees, abuse and battering, scornful and hostile treatment. The testimonies mentioned also harassment of Polish subordinates, forcing work after office hours and on holidays, and ruthless punishment of even slightest disciplinary infringements, e.g. the consequence of being late at work was referral to forced labour in the Reich, and providing information to a visitor about the predicted release of her son, which followed from freshly delivered correspondence to prison, led to imposition on a Polish official of a penalty of six-month imprisonment. One of the reports demonstrates even that

[91] *Personalnachrichten*, "Krakauer Zeitung", 16.4.1943.

[92] BA, R 3001/835, Schreiben des Reichsministers der Justiz an den Generalstaatsanwalt beim Kammergericht betr. Ablösung des Staatsanwalts Dr. Bernhard Kaehlig vom 23. September 1943, p. 83; *Personalnachrichten*, "Krakauer Zeitung", 31.3.1943.

[93] *Personalnachrichten*, "Krakauer Zeitung", 30.12.1943; *Personalnachrichten*, "Krakauer Zeitung", 20.2.1944.

[94] *Methoden der Verbrechen-Bekämpfung. Die besonderen Erfordernisse im GG – Vortrag von Staatsanwalt Kaehling*, "Krakauer Zeitung", 14.1.1942; *Methoden der Verbrechen-Bekämpfung. Die besonderen Erfordernisse im GG*, "Krakauer Zeitung", 15.1.1942. In the title of the former press release, the surname of prosecutor Kaehlig was misspelled.

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Kaehlig would oppose when the court wanted to mitigate the punishment in cases against Poles.[95]

Personal records of only a few prosecutors have been preserved. Kallenberg was born in 1902 near Essen. He joined the NSDAP in May 1933. He was transferred to the GG from Dortmund in February 1941. He served as deputy prosecutor, first in Rzeszów, and then in Lublin and Krakow.[96] Dr Geissler first pursued the profession of advocate in Leipzig. In 1941, he was appointed as deputy prosecutor and delegated to the GG – first he was sent to the Prosecutor's Office in Warsaw[97] and then to Lublin. It follows from the preserved minutes from trials that he forwarded the prosecution's case before the Sondergericht in July, August, September and October 1943, and in February 1944.[98] Dr Bachmann came from Cologne, where he was born in 1907 and practiced as an advocate. He joined the NSDAP in 1937, and the SA in October 1933. He came to the GG in June 1940. First, he worked in Rzeszów, then in Częstochowa. He appeared at the trial before the Special Court in Lublin in March 1943, as a result of which two persons were sentenced to death penalty, as national parasites, for thefts and handling of stolen goods.[99] Dr. Hanitzsch was born in 1900 near Mainz. He practiced as an advocate in Dresden. He started to work in the GG in March 1941 as deputy judge in the Special Court in Radom. Then, he served in the German Prosecutor's Office in Kielce, and in April 1943 was transferred to Lublin.[100] Dr. Reimig was born in 1903 in Rhineland. As

[95] AIPN, GK 166/31, Protokół przesłuchania Ludwika Göttingera przed Okręgową Komisją Badania Zbrodni Niemieckich w Lublinie z 29 stycznia 1947 r., p. 26; Protokół przesłuchania Leokadii Tarkowej przed Okręgową Komisją Badania Zbrodni Niemieckich w Lublinie z 25 stycznia 1947 r., p. 32; Protokół przesłuchania Michała Bojarskiego przed Okręgową Komisją Badania Zbrodni Niemieckich w Lublinie z 24 stycznia 1947 r., p. 35; Protokół przesłuchania Mieczysława Benczyńskiego przed Okręgową Komisją Badania Zbrodni Niemieckich w Lublinie z 15 kwietnia 1947 r., p. 38; Protokół przesłuchania Aleksandry Kopystyńskiej przed Sędzią Śledczym I rejonu Sądu Okręgowego w Olsztynie z 15 września 1947 r., p. 39; Protokół przesłuchania Stefana Dobkiewicza w Komendzie Miasta Milicji Obywatelskiej w Lublinie z 22 marca 1947 r., p. 41.

[96] BA, VBS 1036 (R 102).Obj. 12 ZD 55-0949, Personalbogen; Schreiben der Abteilung Justiz an das Personalamt beim Gouverneur des Distrikts in Krakau vom 22. März 1944.

[97] BA, R 3001/57042, Schreiben des Oberlandesgerichtspräsidenten in Dresden an den Reichsminister der Justiz vom 18. August 1944, p. 3.

[98] BA, R 137 I/301, Verhandlungsprotokoll vom 28. Juli 1943, p. 29; R 137 I/298, Verhandlungsprotokoll vom 10. August 1943; R 137 I/252, Verhandlungsprotokoll vom 6. Oktober 1943, p. 13; R 3001/158831, Urteil in der Strafsache gegen Alexander Olechowy vom 28. September 1943, p. 15; AIPN, Microfilm Collection of the Main Commission for the Investigation of Crimes against the Polish Nation – Institute of National Remembrance from records kept in other institutions, IPN BU 2535/248, Files of the judges of Sondergericht Lublin, Urteil in der Strafsache gegen Boris Mai vom 1. Februar 1944.

[99] BA, R 52/V/1, Personalbogen; DO1/DOK/357/5, Urteil in der Strafsache gegen den Angeklagten Boleslaw Gladosz und Andere vom 9. März 1943.

[100] BA, R 102/315, Personalbogen, p. 2; Vermerk vom 8. April 1943, p. 77.

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an advocate, he ran a law firm in Cologne. In August 1940, he was delegated to the GG and worked as deputy prosecutor in Lublin. He returned to the Reich already in March 1941.[101] Kalthoff was born in 1902 in Dortmund. He worked in that city as an advocate. In 1937, he became a member of the NSDAP. In February 1941, he became a deputy prosecutor. He was delegated to the GG, first to Piotrków, then to Lublin. It follows from his personal records that in Lublin he worked both in the Prosecutor's Office and in the Special Court.[102]

The preserved judgments allowed as well to record the names of officials providing clerical services in the Special Court in Lublin. In 24 cases, the recorder was not specified in the judgment. Most often, this function was performed by Pogge, whereas other officials only sporadically appeared in the courtroom. Those were: von Bargen, Bartsch, Bischoff, Dominick, Ebert, Gressmann, Horn, Hüsemann, Klein, Krull, Lenk, Lewrick (Lewick), Lutz, Mayer (Meyer), Mennicken, Noel, Nowottny, Pauli, Piela, Spenker, Trapmann and Zimmermann. In certain cases, it was necessary to engage an interpreter. This function was performed by Jasiński and Malys. Based on the minutes from trials sporadically preserved in the court files, it was possible to note down the names of advocates. The persons allowed to act in this capacity before German courts in the GG were advocates from the Reich and advocates of German origin who obtained permission from the Head of the Main Department of Justice.[103] The lawyers who appeared before the Sondergericht as defence attorneys were, among others, Dydenko, Ganczarski, Hofmokl-Ostrowski, Schrodt and Steinfeld.

SONDERGERICHT LUBLIN IN THE OCCUPATIONAL PRESS

An interesting source of information about the activities of the German judiciary in the GG, practically disregarded in the research conducted so far, was occupational press, both Polish and German language titles. I found information on the Special Court in Lublin in "Nowy Głos Lubelski", "Goniec Krakowski", "Krakauer Zeitung", "Kurier Częstochowski" and "Dziennik Radomski".

The earliest press release – in February 1940 – appeared in "Kurier Częstochowski". It related to the sentencing by the special court of a Jewish merchant for an attempt to corrupt a German criminal official to a penalty of imprisonment "for a longer period of time". In the brief, emphasis was placed on the ethnic origin of the perpetrator and the reprehensibility of his behaviour, as well as the warning of

[101] BA, R 102/278, Schreiben des Leiters der Abteilung Justiz in Lublin an die Regierung des Generalgouvernements – Abteilung Justiz – in Krakau vom 19. März 1941, p. 39.

[102] BA, R 102/282, Personalbogen, pp. 1–4; Anordnung vom 8. April 1943, p. 75.

[103] A. Wrzyszcz, *Z działalności Sądu Specjalnego…*, p. 340.

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other Jews.[104] "Kurier Częstochowski" published texts relating to the Lublin Sondergericht in 1940, 1941 and 1942. In September 1940, a text appeared reporting the activities of a band of robbers, which was broken up by the police and whose members were to appear before the Special Court as defendants indicted of armed robberies.[105] In October 1940, a press release appeared on two death sentences. The first was handed down on a perpetrator of the so-called September offence: a 54-year-old Pole, in the middle of September 1939, denounced to Polish soldiers three residents of a nearby locality to whom he was ill disposed. Two of them were then arrested and "murdered", whereas the third one escaped. The text informed that the 54-year-old took advantage of "specific wartime conditions", which allows to surmise that his act was qualified, among others, under the Regulation on national parasites of 5 September 1939. The other death sentence was imposed on a 23-year-old perpetrator of a holdup, who had been punished several times before the war.[106] In December 1940, the paper reported the execution of death penalty imposed by the Special Court on a 31-year-old Pole for an attempt of raping a German. According to the printed relation, the attempt of rape took place in an inn, it was preceded by threats directed against "Nazis", and boiled down to a violation of bodily integrity and an attempt to strike with a stool. At the end of the note, a warning was made that such acts are subject to absolute death penalty.[107] In 1941, in a few other editions, information appeared about death sentences delivered by the Special Court in Lublin at sessions in Zamość: against perpetrator of murder and illegal possession of weapon,[108] perpetrators of robbery, illegal possession of weapon and non-disclosure of illegal possession of weapon,[109] robbery,[110] and person convicted for illegal possession of weapon and robbery attempt.[111] Those matters were resolved in a period of operation of the independent court in Zamość (a short time later it was moved to Chełm). Therefore, it is unclear why – according to the press releases – out-of-town trials of the Special Court in Lublin took place in Zamość since at that time the Zamość County did not fall under the Court's jurisdiction. This is all the more puzzling that, in different editions of occupational dailies, I found other news releases about judgments handed down by the Special

[104] *Żydowska bezczelność spotkała się z surową karą*, "Kurier Częstochowski", 25/26.21940.
[105] *Aresztowanie groźnej szajki bandyckiej*, "Kurier Częstochowski", 4.9.1940.
[106] *Dwa wyroki śmierci w Sądzie Specjalnym*, "Kurier Częstochowski", 24.10.1940.
[107] *Wyrok śmierci*, "Kurier Częstochowski", 4.12.1940.
[108] *Wyrok śmierci za dokonanie morderstwa*, "Kurier Częstochowski", 23.3.1941.
[109] *Bandyta 6-krotnie skazany na śmierć*, "Kurier Częstochowski", 25.3.1941.
[110] *Zbrodniarz pospolity skazany na śmierć*, "Kurier Częstochowski", 26.3.1941.
[111] *Wyrok śmierci za usiłowany rabunek i nieprawne posiadanie broni*, "Kurier Częstochowski", 27.3.1941.

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Court in Zamość in 1940 and 1941.[112] It cannot be excluded that journalists were not precise enough in this regard and did not consequently follow the distinction between an independent court and an out-of-town trial of another court.

In 1942, six notes were published in "Kurier Częstochowski" about handing down death penalties by the Lublin Special Court: on a perpetrator of murder with robbery,[113] two Jews for illegal slaughter and inflating prices,[114] two employees of the post office for stealing postal items,[115] perpetrator of illegal possession of weapon and mugging,[116] notorious recidivist thief for a wartime economic offence,[117] and 38-year-old Polish woman for notorious house thefts.[118]

Slightly more publications on the most severe decisions of the Sondergericht Lublin appeared in "Goniec Krakowski", and, as in the case of "Kurier Częstochowski", they came from the years 1940–1942. In April 1940, the paper reported execution of two criminals – perpetrators of murder and "two crimes defined in the Regulation on the combatting of banditry".[119] In an edition from December 1940, information was published about executing a 31-year-old convicted for an attempt of raping a German,[120] which was reported also by other newspapers in the GG. In February 1941, readers were informed about the sentencing to death penalty by the Sondergericht Lublin of a holder of two automatic pistols, which were not delivered to the German authorities although the offender was aware of a respective legal obligation.[121] Further press releases informed about death penalties handed down by the Sondergericht Lublin at out-of-town sessions in Zamość. In this respect, the briefs were consistent with the editions of "Kurier Częstochowski". On 20 March 1941, the Court sentenced a Zamość resident for illegal possession of ammunition and false accusation, considering the defendant a national parasite.[122] Already one day later, another death penalty was delivered – for murder and illegal possession of weapons,[123] and on 24 March two men were sentenced, out of which one committed robbery, illegal possession of weapon and non-disclosure of illegal possession of a weapon, and the other was convicted for robbery.[124] In October 1941, notes on two

[112] For example, see *Cztery wyroki śmierci w Zamościu*, "Nowy Głos Lubelski", 8.11.1940; *Za nieprawne posiadanie broni skazani na śmierć*, "Goniec Krakowski", 24.4.1941.
[113] *Wyrok śmierci na bandytę*, "Kurier Częstochowski", 15.7.1942.
[114] *Kara śmierci na Żydów*, "Kurier Częstochowski", 18.7.1942.
[115] *Kara śmierci na złodziei pocztowych*, "Kurier Częstochowski", 7.8.1942.
[116] *Wyrok na bandytę*, "Kurier Częstochowski", 12.8.1942.
[117] *Złodziej skazany na karę śmierci*, "Kurier Częstochowski", 6.9.1942.
[118] *Skazana na karę śmierci*, "Kurier Częstochowski", 7.9.1942.
[119] *Stracenie dwóch zbrodniarzy w Lublinie*, "Goniec Krakowski", 28.4.1940.
[120] *Kara śmierci za zaatakowanie Niemca*, "Goniec Krakowski", 3.12.1940.
[121] *Skazany na śmierć za nieoddanie broni palnej*, "Goniec Krakowski", 15.2.1941.
[122] *Wyrok śmierci za niedozwolone posiadanie broni*, "Goniec Krakowski", 21.3.1941.
[123] *Wyrok śmierci za zbrodnię mordu*, "Goniec Krakowski", 22.3.1941.
[124] *Dwa wyroki śmierci na zbrodniarzy w Lublinie*, "Goniec Krakowski", 25.3.1941.

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convicting judgments appeared: in respect of a "dangerous criminal", perpetrator of two robberies,[125] and a "dangerous criminal" guilty of blackmail, purporting to be a public official.[126] In 1942, only five press releases appeared informing only about handing down a death penalty by the Court or about execution of such penalty. These related to cases for two burglaries,[127] murder with robbery,[128] murder and desecration of a corpse,[129] malicious non-provision of the prescribed contingent of grain and potatoes,[130] and wartime economic offence.[131]

The capital's "Krakauer Zeitung" published only a few pieces of information about the judgments of the Lublin court. Text on the execution of two men sentenced to capital punishment for a wartime economic offence consisting in "malicious non-compliance with the obligation to deliver a grain contingent", appeared in March 1941.[132] In January 1942, a brief appeared about the execution of two men – violent offenders sentenced to death penalty. The first committed a rape on a woman, the other murder.[133]

Two death sentences imposed by the Lublin Special Court, notified in 1940 to its readers by "Kurier Częstochowski" were also reported in "Nowy Głos Lubelski". This refers to the matter of a 31-year-old man sentenced to death penalty for an attempt to rape a German and of a 54-year-old man who denounced three Volksdeutsche.[134] Oddly enough, the contents of the news releases in both cases were identical. "Nowy Głos Lubelski" published several other briefs in 1941 and 1942. All of them informed about either imposition of death penalty or execution of such penalty handed down by the Lublin Special Court. In 1941, readers in Lublin could learn about the sentencing of a 48-year-old resident of Chełm Lubelski for illegal possession of weapon[135] and several death sentences imposed by the Sondergericht Lublin at out-of-town sessions in Zamość: on a 29-year-old Zamość resident for illegal possession of weapon,[136] a perpetrator of robbery, illegal possession of weapon and non-disclosure of illegal possession of weapon, and of a murder and illegal possession of weapon,[137] perpetrator of illegal possession of weapon and

[125] *Stracenie niebezpiecznego bandyty*, "Goniec Krakowski", 21.10.1941.
[126] *Wyrok śmierci na bandytę*, "Goniec Krakowski", 23.10.1941.
[127] *Bandyta skazany na karę śmierci*, "Goniec Krakowski", 11.3.1942.
[128] *Wyrok śmierci na mordercę*, "Goniec Krakowski", 4.6.1942.
[129] *Stracenie bestjalskiego mordercy*, "Goniec Krakowski", 12.6.1942.
[130] *Kara śmierci za naruszenie zarządzeń gospodarki wojennej*, "Goniec Krakowski", 4.6.1942.
[131] *Notoryczny złodziej skazany na karę śmierci*, "Goniec Krakowski", 5.9.1942.
[132] *Zwei Wirtschaftsschädlinge hingerichtet. Für böswillige Nichtablieferung der Kontingente*, "Krakauer Zeitung", 25.3.1941.
[133] *Sühne für ein Notzuchtverbrechen. Auch ein Mörder hingerichtet*, "Krakauer Zeitung", 10.1.1942.
[134] *Dwa wyroki śmierci w Sądzie Specjalnym w Lublinie*, "Nowy Głos Lubelski", 17.10.1940.
[135] *Wyrok śmierci w Lublinie*, "Nowy Głos Lubelski", 18.2.1941.
[136] *Wyrok śmierci za niedozwolone posiadanie broni*, "Nowy Głos Lubelski", 23–24.3.1941.
[137] *6-krotny wyrok śmierci w Zamościu*, "Nowy Głos Lubelski", 25.3.1941.

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an attempt of robbery,[138] person guilty of two holdups,[139] and a murderer.[140] Press releases in 1942 informed about the sentencing of a perpetrator of two robberies,[141] perpetrator of a robbery in the former ghetto's area,[142] perpetrator of a murder with robbery,[143] person guilty of illegal possession of weapon and holdups,[144] two employees of the post office who stole mail items,[145] and two perpetrators of a wartime economic offence and burglary.[146]

The above enumeration should be supplemented with only one note from "Dziennik Radomski", which in January 1942 reported that the Jew Chaim Zylberman was sentenced to death by the "German Special Court in Lublin" for "secret slaughter, price gouging and ritual slaughter". According to the newspaper, the man bought larger quantities of bulls and calves, the meat of which he sold at grazier prices.[147]

CONCLUSIONS

Based on the sparsely preserved file materials illustrating the activities of the Special Court in Lublin, it can be concluded that the dominant national group of defendants were Poles, and over 60% of imputed acts were criminal. Most of the cases were examined by a panel of three, however, the court partly adjudicated in panels of one, or even exceptionally two judges. Sondergericht Lublin handed down death penalty – this happened mostly in serious criminal cases, where the court applied the provisions of German criminal law on new types of offenders (national parasite, violent offender, dangerous notorious offender), in matters for non-provision of contingents, war economic crime, illegal abandoning of the ghetto, and support of Jews. On the other hand, in at least one case relating to the provision of help to Jews, the Sondergericht Lublin changed the legal qualification by the prosecutor's office to less severe one and imposed custodial sentences. Certain judgments of the Lublin Special Court were challenged by extraordinary objections when the Head of the Main Department of Justice considered the level of penalty too lenient. Due to the evacuation of judicial authorities from the Lublin District,

[138] *Wyrok śmierci w Zamościu*, "Nowy Głos Lubelski", 29.3.1941.
[139] *Skazanie niebezpiecznego bandyty*, "Nowy Głos Lubelski", 24.10.1941.
[140] *Wyrok śmierci za zabójcę siostry*, "Nowy Głos Lubelski", 30.10.1941.
[141] *Bandyta skazany na karę śmierci*, "Nowy Głos Lubelski", 17.3.1942.
[142] *Za rabunek skazany na karę śmierci*, "Nowy Głos Lubelski", 20.5.1942.
[143] *Notoryczny bandyta skazany na śmierć*, "Nowy Głos Lubelski", 18.7.1942.
[144] *Bandyta Żuk z Rosoczy skazany na śmierć*, "Nowy Głos Lubelski", 8.8.1942.
[145] *Złodzieje pocztowi z Łukowa skazani na śmierć*, "Nowy Głos Lubelski", 14.8.1942.
[146] *Wyrok śmierci za włamanie do sklepu tekstylnego*, "Nowy Głos Lubelski", 23–24.8.1942.
[147] *Wyrok śmierci na żyda paskarza*, "Dziennik Radomski", 17.1.1942.

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in July 1944,[148] a part of pending matters were not concluded with a judgment until the end of the war.

The judicial staff of the Sondergericht Lublin should be estimated to at least 19 persons. It was composed of nominated or deputy judges with different professional level and experience. It can be assumed that their motivation to serve in the GG was not homogeneous. Within that group, there were both unmarried and married men, both young, who could be driven by the prospects of promotion, and older and more experienced persons, to whom the transfer could even mean a certain unjustified banishment (e.g. Wilhelm Prothmann was a valued counsellor of the Chamber Court in Berlin). The deputy judges, just as deputy prosecutors, who had previously pursued the profession of advocate, could be driven by hope to be permanently accepted in the judiciary. The prosecutorial function before the Sondergericht was carried out at least by 18 prosecutors.

The works of the Sondergericht Lublin were initially presided over by Hans Kiel, a later director of the District Department of Justice in Lublin. Afterwards, this position was held, until the evacuation, by Erich Studemund. Both were experienced judges, had the rank of regional court directors. The German Prosecutor's Office in Lublin was directed by four lawyers. The name of its first head, the person who held this position in 1939, remains unknown, however, since January 1940 he was replaced by Bernhard Kaehlig. After Kaehlig, the Prosecutor's Office was directed, consecutively, by Josef Blum and Paul Rother.

Press inquiry has revealed that the publications on the judgments of the Special Court in Lublin appeared not only in the local press ("Nowy Głos Lubelski"), but also in dailies which came out in other districts. These publications had only the form of several sentences long briefs and their scope did not even approximate the form of an article. They were formulated concisely and although in a vast majority of cases they did not reveal the culprit's nationality, such nationality could be inferred from the published personal data (given name and surname). Several press releases published in different newspapers concerned the same judgments. It must be emphasized that the press informed almost exclusively about the cases of imposing death penalty, which permits, on this sole basis and after rejecting repetitions, to calculate the number of individuals sentenced to that penalty by the Sondergericht Lublin as 32 persons (31 men and one woman). If we add five persons sentenced to capital punishment, as follows from the preserved court files, we obtain a total of 41 persons (39 men and two women) sentenced to death by the Sondergericht Lublin. This number should be increased by the cases, reported in literature, of sentencing 11 Jews for illegal abandoning of the ghetto and 9 persons for non-provision of

[148] A. Wrzyszcz, *Placówka Zapasowa Organów Resortu Sprawiedliwości Generalnego Gubernatorstwa w Görlitz 1944–1945*, [in:] *Nil nisi veritas. Księga dedykowana Profesorowi Jackowi Matuszewskiemu*, eds. M. Głuszak, D. Wiśniewska-Jóźwiak, Łódź 2016, p. 518.

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contingents. As a consequence, we obtain the number of 61 persons sentenced to death penalty (including 31 people in 1942: 4 from the archives, 16 from the press – after rejecting repetitions, 11 from the announcement). Obviously, this figure, in the context of sparse preservation of the archival sources, should be treated as underestimated several times, since the report for 1942 quoted at the beginning shows that 223 people were sentenced to death that year. Comparing both numbers, we must conclude that at least 253 people were sentenced to death.

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ABSTRAKT

Artykuł ma charakter naukowy. Dotyczy działalności Sądu Specjalnego w Lublinie (Sondergericht Lublin) w latach 1939–1944, tj. jednego z niemieckich sądów specjalnych funkcjonujących na obszarze Generalnego Gubernatorstwa. Podjęcie tego tematu jest uzasadnione brakiem choćby fragmentarycznych ustaleń dotyczących tego sądu. W związku z tym celem badań było poczynienie podstawowych ustaleń: jakiego rodzaju sprawy były rozpatrywane przez Sondergericht; oskarżeni

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jakiej narodowości przeważali; na jakie kary byli skazywani; czy i w jakich sprawach orzekano karę śmierci; kto kierował pracami Sondergerichtu, jacy sędziowie byli jego członkami i jacy prokuratorzy brali udział w rozprawach przed Sondergerichtem; skąd pochodzili prawnicy zaangażowani w prace Sondergerichtu; czy jego orzeczenia były wzruszane na drodze nadzwyczajnych środków prawnych. Podstawę źródłową rozważań stanowią archiwalia, literatura i prasa. Na tej podstawie poczyniono oryginalne, nieznane dotychczas ustalenia dotyczące Sądu Specjalnego w Lublinie.

Słowa kluczowe: niemiecki sąd specjalny; Sondergericht; sędziowie; Generalne Gubernatorstwo; kara śmierci

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