

# The Special Court in Stanisławów (*Sondergericht Stanislaw*) and Its Chairman (1941–1944). Towards Extermination

**Konrad Graczyk**

ORCID ID: 0000-0002-0991-2036

University of Silesia in Katowice, Institute of National Remembrance in Warsaw

## Abstract

The present article concerns the activities of the Special Court in Stanisławów (*Sondergericht Stanislaw*) – one of the German special courts operating in the Galicia District of the General Government – in the years 1941–1944. Taking up this topic is justified by the lack of even fragmentary findings. Accordingly, the purpose of research was to determine the following: what types of cases were heard by the *Sondergericht*; of what nationality were the majority of defendants; what sentences did they receive; was the death penalty used, and, if yes, in which cases; who administered the workings of the *Sondergericht*; which judges were its members and which prosecutors took part in hearings before the *Sondergericht*; from where did the lawyers involved in its work originate; and were the court's rulings ever overturned through extraordinary legal measures. The source basis for the analysis comprises archives, literature, and the press of the period. As regards this aspect, completely new findings were made concerning the Special Court in Stanisławów. In addition, I have described the case of Erwin Wester, the Chairman of the Special Court, who was extradited to Poland after the war for trial, but avoided proceedings due to his death.

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The titular Special Court in Stanisławów (*Sondergericht Stanislaw*) was part of the German occupation court system operating in the Polish lands during the Second World War, which has been researched by numerous scholars starting in the 1960s and 70s. Especially noteworthy are the works of Alfred Konieczny on Upper Silesia (among others, Konieczny, 1972), of Edmund Zarzycki on Gdańsk Pomerania (for example, Zarzycki, 1981), and of Karol Marian Pospieszalski and Czesław Łuczak on Greater Poland (for example, Pospieszalski, 1946; Łuczak, 1996). We should also take a look at new publications, authored by scholars of the younger generation, such as Bogumił Rudawski (2022), Hubert Mielnik (2020) and Konrad Graczyk (2020). Worthy of note is the long-standing and fruitful research conducted on the German judiciary in the General Government by Andrzej Wrzyszc, who has presented the results of his investigations in a monograph (Wrzyszc, 2008a) and in a number of scholarly articles. The above notwithstanding, little is known about the court in Stanisławów. This matter has not yet been addressed even in the form of a scholarly article, while the information available in topical literature is limited to mentions from the aforementioned monograph by Andrzej Wrzyszc and publications on German crimes (Schenk, 2007, p. 157; 2011, p. 21; Pohl, 1997, p. 79). I think that the state of research in this area is largely due to the state of preservation of sources – the fonds containing the output of the Special Court has not survived, even in residual form (the State Archive of the Ivano-Frankivsk Region does not have any documents on the subject, and the same is true of the so-called Sonderarchiv in Moscow – see Panwitz, 2017). These materials were either destroyed deliberately, as part of a prepared evacuation, or underwent permanent spoliation through warfare. Thus, scholars were definitely not encouraged to take up the subject.

The present scholarly article is an attempt at filling the gap. I have based it primarily on the results of preliminary research conducted in the fonds R 137 I Gerichte im Osten (Courts in the East) at the Federal Archives in Berlin. In these archives, I found documents of 17 cases recognized in 1942–44, whose files were taken away as part of an evacuation in 1944. In my research, I also made use of literature, the personal files of German lawyers kept at the Federal Archives in Berlin, and the criminal case file of Erwin Wester, chairman of the Sondergericht, who was extradited to Poland after the war. This source base, although surviving in a state far from the original, allowed me to make findings about the activities of the titular court. Thus, I have tried to answer questions of a basic nature about the court and its jurisprudence: what cases were heard by the Sondergericht, the defendants of which nationality were most numerous, was the death penalty used and was the wartime criminal law of the Third Reich applied, did the court also hear cases concerning the provision of assistance to Jews, who administered the workings of the Sondergericht, and which judges were its members and which prosecutors took part in

hearings before the court. I also attempted to provide a statistical determination of the Special Court's workload, as reflected in the rulings issued.

### The Genesis of the Special Courts

In the Polish lands, German special courts were introduced already during the September Campaign of 1939, this on the basis of a decree on special courts in the occupied Polish territories, issued by the Commander-in-Chief of the German Army, Walther von Brauchitsch, and dated 5 September 1939. The act in question provided for the establishment of such institutions by army commanders on the model of special courts operating in Germany; the newly created courts were to apply the provisions of German criminal law and be subject to supervision by the Reich Minister of Justice. In effect, a panel of three professional judges would adjudicate in single-instance proceedings (Wrzyszczyk, 2008a, pp. 43–45; Graczyk, 2020, pp. 37–39, 72–74).

The special courts of the General Government applied German criminal law and regulations introduced by the authorities of the General Government, dealing with criminal cases delegated on the basis of specific decrees that gave them exclusive (permanent) jurisdiction. In addition, the prosecuting authority (in subsequent nomenclature, the prosecutor's office) could bring to the special court particularly grave crimes, in the case of which, due to the exceptional baseness of the act or the commotion caused among the general public, it was advisable to conduct trial by a special court. As a rule, the special courts adjudicated as a panel comprising three judges, while if the prosecutor's office so requested or if the matter was "uncomplicated" – as a one-man panel. Proceedings were single-instance, although they could be resumed. A legally binding verdict could also be challenged through an extraordinary objection (*außerordentlicher Einspruch*), which could be filed by the Head of the Main Justice Department within six months of the verdict becoming final, if he had any doubts as to its rightness. This necessitated a new trial (Wrzyszczyk, 2008a, pp. 162–163). A case heard before the *Sondergericht* could not be transferred to ordinary proceedings, while the appointment of defense counsel was left to the discretion of the court. Unlike in the special courts functioning in the Reich, court jurors of the special courts operating in the General Government could, if so requested by the prosecution, issue written criminal orders imposing a sentence of up to one year of imprisonment. An objection could be filed against the criminal order within two weeks, and this was considered by the special court. In his study of the judiciary of the General Government, Kurt Wille, Head of the Main Justice Department of the Government of the General Government, wrote that allowing for the possibility of one-man adjudication by a special court

and the issuance of criminal orders ensued from the fact that in November 1939 there were no other German courts in the General Government apart from the special courts.<sup>1</sup> This state of affairs soon changed with the introduction of a dualistic, separate Polish and German court system, motivated by the segregation of Germans and non-Germans (Mielnik, 2020, p. 54; Majer, 1989, p. 318).

While discussing the origins of the German special courts in Galicia, I would also like to point out that the fifth district of the General Government was created in August 1941, following the German attack on the USSR, with Lwów as its capital. The special courts in Lwów, Stanisławów and Tarnopol were established by an order of the Head of the Main Justice Department of the Government of the General Government, dated 13 October 1941. In addition to the judiciary in criminal matters, they temporarily took over the activities hitherto reserved for German courts, while as regards administrative matters – also for the higher German courts. The local jurisdiction of the Special Court in Stanisławów encompassed the districts of Stanisławów, Kałusz, Kołomyja and Horodenka<sup>2</sup> (Kozyra, 2013, p. 48; Wrzyszczyk, 2020, pp. 13–14, 16–17; 2008a, p. 86).

As was the case with the other special courts in the General Government, I assume that the Sondergericht Stanislau consisted of three judges and a prosecutor, and heard cases in one chamber (as a single panel of judges) (Wrzyszczyk, 2008a, pp. 87–90). On the basis of the Directive serving to simplify the administration of justice in the General Government in accordance with wartime needs, dated 5 July 1943 (p. 309), the location of the special courts was changed – from the beginning of August they were merged with the German courts and lost their independent existence. In the case of Stanisławów, this meant establishing a German court in the city and joining it with a special court – this accessoriness was expressed by its new name: Sondergericht beim Deutschen Gericht in Stanislau (Special Court at the German Court in Stanisławów) (Wrzyszczyk, 2008a, pp. 92–93, 99).

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- 1 AAN, catalog no. 105, Ministry of Information and Documentation of the Polish Government (in Exile) in London, study by K. Wille “The administration of justice in the General Government”, p. 256. The study is not dated, but due to its content it can be estimated to have been written between the second half of 1941 (for it mentions the Galicia District) and the end of the first half of 1943 (as it mentions the independence of the special courts, and therefore the state before the reform linking the special courts with the German courts).
  - 2 DALO, catalog no. 60, P-77 Special Court at the German Court in Lwów, Schreiben des Leiters der Deutschen Staatsanwaltschaft in Lemberg betr. Örtliche Zuständigkeit der Sondergerichte vom 21. Februar 1942 [Letter from the Head of the German Prosecutor’s Office in Lwów concerning the *ratione loci* competence of Special Courts, dated 21 February 1942], p. 13.

## Case Law

Due to the small number of surviving case law documents, conclusions drawn from them must be treated with caution. I am aware that the statistical data presented have a tenuous source base, and that research covering the entire destroyed output could give a different image of the court's activities. At the same time, however, the conclusions formulated – indicating the harshness of the court's jurisprudence – correspond with professional opinions about Chairman Wester, as well as the notoriety ascribed by the general public to Sondergericht Stanislaw, especially when we compare it with other special courts in the district. These opinions will be discussed further on in the article.

Of the 17 cases, 4 were settled by verdicts in 1942, 10 in 1943, and 3 in 1944. A total of 29 people were charged in these cases: 27 men and 2 women. Most were between 31 and 40 years old (9 people), and somewhat fewer between 22 and 30 years old (7). There were 6 people each in the age groups between 41 and 50 and between 51 and 60. In the surveyed group of defendants, the majority were Ukrainians (14 people – 48%). The number of Poles and Reichsdeutsches was identical (7 people each – 24%). The accused included only one Volksdeutscher (3%). A total of 28 people were convicted, while one person was acquitted. Of these, 14 were sentenced to heavy imprisonment (50%) – the term ranged from 1.5 years to 12 years, with 2.5 years being the most common. Six people (21%) were sentenced to imprisonment, with the term ranging from 3 months to 2 years. As many as 8 people received the death penalty (29%). 48% of the acts attributed to defendants were criminal, 29.5% political, and 18.5% economic. The acts in question were mainly directed against property (40%), public order (30% – here I have included primarily violations of anti-Jewish laws, which according to the occupier served to protect the public from Jews), and the economy (18.5%). The most commonly attributed act was theft (8 cases), helping Jews (6), abetting the provision of assistance to Jews (2), and aiding and abetting embezzlement (2). Other acts were attributed in individual instances: price-gouging, forging documents, activities detrimental to the nation, wartime economic crimes, illegal animal slaughter, foreign exchange transgressions, activities having a demoralizing impact on the armed forces, fraud, and drunkenness. Those who helped Jews (6), assisted persons who helped Jews (1), and the perpetrator of an act having a demoralizing impact on the armed forces (1) were all sentenced to death.

These cases were most often heard by three-man adjudicating panels. Only four were examined by panels comprising one judge. In each instance, the collective adjudicating panels were headed by the Chairman of the Sondergericht, Dr Erwin Wester. I have recorded the following as judges who co-participated in trials: Karl Heep, Helmut Pirk, Titus Poklitar, Hans Röhle, Franz Stalinski, Joachim Woelker and Otto Woltereck.

According to a publication in the “Warschauer Zeitung”, Kurt Hill,<sup>3</sup> who was later transferred to the Lwów Prosecutor’s Office and the Special Court in Piotrków,<sup>4</sup> was an adjudicating judge at Sondergericht Stanislaw from February 1942. Paul Rother and Alfred Siewert served as Prosecutors, while Drosdeck, Gauer, Maisch, Weigel, Weindel and Zschesche were Reporters. Data concerning personnel was further elaborated and supplemented using publications printed in the occupation press – for example, the “Krakauer Zeitung” provided information, usually with some delay, on changes in personnel. We know, therefore, that Wester became the Head of Sondergericht Stanislaw as of 1 January 1942,<sup>5</sup> that the First Prosecutor, Dr. Paul Rother, was dismissed with effect from 1 November 1941 from his position as Head of the Prosecuting Authority at the Special Court in Piotrków and appointed Head of the Prosecuting Authority at the Special Court in Stanisławów,<sup>6</sup> that the Counselor of the District Court, Hans Röhle, was discharged from both the Special Court in Stanisławów and the General Government in mid-1943 due to being called up for military service,<sup>7</sup> that Dr. Karl Heep was transferred from Sondergericht Lemberg to Sondergericht Stanislaw with effect from 11 January 1943,<sup>8</sup> that at the beginning of 1943 a judge for special affairs, Dr. Otto Woltereck, was transferred from Sondergericht Stanislaw to Sondergericht Reichshof,<sup>9</sup> that towards the end of 1943 the First Prosecutor, Dr. Paul Rother, was recalled from Stanisławów and appointed Head of the German Prosecutor’s Office in Lublin, while Alfred Siewert was appointed Head of the German Prosecutor’s Office in Stanisławów,<sup>10</sup> that the Counselor of the District Court, Dr. Joachim Woelker, was transferred to Stanisławów in the second half of 1943,<sup>11</sup> and that the Counselor of the National Court, Franz Stalinski, had adjudicated at Sondergericht Tarnopol before serving in Stanisławów.<sup>12</sup>

It is further known that the Sondergericht Stanislaw also held hearings outside its seat – one of the surviving verdicts was passed in Kołomyja.<sup>13</sup> Whereas a post-war source indicates that draconian sentences were handed down at assizes in Stryj, Kołomyja and Nadworna.<sup>14</sup>

3 *Personalmeldungen*, “Warschauer Zeitung” of 26 April 1942.

4 *Personalmeldungen*, “Krakauer Zeitung” of 16 April 1943.

5 *Personalmeldungen*, “Krakauer Zeitung” of 11 March 1942.

6 *Personalmeldungen*, “Krakauer Zeitung” of 23 April 1942.

7 *Personalmeldungen*, “Krakauer Zeitung” of 15 July 1943.

8 *Personalmeldungen*, “Krakauer Zeitung” of 16 February 1943.

9 *Personalmeldungen*, “Krakauer Zeitung” of 20 February 1943.

10 *Personalmeldungen*, “Krakauer Zeitung” of 30 December 1943.

11 *Personalmeldungen*, “Krakauer Zeitung” of 17 November 1943.

12 *Personalmeldungen*, “Krakauer Zeitung” of 11 March 1942.

13 BArch Berlin, R 137 I/2438, Urteil in der Strafsache gegen Dmytro Mateik vom 25. August 1942 [Verdict in the criminal case against Dmytro Mateik, dated 25 August 1942], p. 8.

14 AIPN GK, 296/100, Letter from Marian Biliński to the Prosecutor at the District Court in Warsaw, dated 19 December 1947, pp. 317–318.

Here I would like to present some of the more interesting cases from the modest collection of surviving case law of Sondergericht Stanisław. Judicial punishment for aiding Jews is at the forefront.

The case of Najda, Kokoszka, Kamińska and Fürgang. In the first case from this category, three Poles (Bronisław Najda, Piotr Kokoszka and Józefa Kamińska) and a Ukrainian (Władimir Fürgang) were accused. In accordance with the findings, one day a Jewish family of three showed up in front of Józef Zychowicz's property in Stanisławów. The family inquired about people coming from a neighboring village. After persuasion, Zychowicz led these people to one Piotr Kokoszka, who at their request provided them lodging for two consecutive nights. On the third day, the Jew deposited 3,000 złotys with Kokoszka and asked him to arrange a trip to Delatyn, where he had business matters to attend to. By sheer chance, Fürgang entered the courtyard at this point, and expressed his willingness to provide assistance and perform the ride. The two men agreed on a payment, whereupon the family and the Ukrainian indeed headed for the station to catch the train to Delatyn, although Fürgang got off at an earlier stop and did not reach the destination. Upon their arrival, the Jews went to the accused Kamińska, whom they asked about the availability of accommodation. Kamińska refused, saying that she had no free rooms, but led them to the house of the Najda family. But since her husband was away from home at the time, Eugenia Najda did not want to decide whether to put the Jews up for the night. Upon his return, Bronisław Najda went over to Kamińska, declared that he could take in three people, borrowed a quilt and bedding, and took the Jews with him. The next day, when Najda was getting up early to catch the train, the Jew Majewski asked him to collect the money deposited with Kokoszka, declaring that he could not do this himself since he was Jewish. Najda went to Kokoszka, but the latter only gave him 500 złotys, and handed over 1,500 złotys to Fürgang.

The substantiation of the verdict informs that the defendants' defense was that they were unaware of the Jewish origins of their guests. They claimed that they were beaten during the investigation, and did not make the statements that were later included in the protocols of examination, while the protocols themselves were not read out to them. They considered the amounts of money handed over to them as payment for lodging and meals, or as compensation for not reporting these persons to the police. The accused Kamińska was acquitted, because no evidence emerged in her case indicating that she knew of the Jewish origins of these people. As regards the others, however, the court expressed confidence that the testimony which they had given to the police was based on truth. The claims concerning the protocols were, in the court's view, refuted by the testimony of police officers. Taking all the circumstances into account (such as the amount demanded by Fürgang for the trip to



Delatyn), the court found that the other defendants were aware of the family's Jewish origins. As a result, the Sondergericht attributed to Najda and Kokoszka the act of knowingly providing shelter to Jews, which was qualified under §4b of the Third directive on restrictions of residence in the General Government, dated 15 October 1941.<sup>15</sup> The court acknowledged that it was impossible to determine whether the three Jews had traveled to a Jewish residential district – in the meaning of the Police directive on the establishment of Jewish residential quarters in the Districts of Radom, Kraków and Galicia, dated 10 November 1942 – or whether they had wandered from place to place in a prohibited manner. According to the wording of this provision, it was only punishable to give shelter to a Jew who had “left” his or her designated residential district without authorization. The Sondergericht, however, considered as irrelevant for the criminal legal evaluation the fact that the Jews had not arrived in the designated residential district, since “healthy national feeling” and the “guiding thought of the criminal statute” made the act equally meriting of punishment. Therefore, §2 of the StGB (Strafgesetzbuch – German Criminal Code of 1871)<sup>16</sup> was applied as appropriate in conjunction with §4b of the said directive. Since the ordinance provided only for the death penalty, it was duly imposed on Najda and Kokoszka. Fürgang's action, on the other hand, qualified as aiding and abetting the act – and as such was to be punished in the same way as the main act, unless it constituted a lesser case. The Sondergericht, however, ruled that it did not, for the Ukrainian had acted out of a desire for profit, and indeed supported the main act with his behavior, and therefore also imposed the death penalty.<sup>17</sup>

The records do not inform of Zychowicz's fate; in all probability, he was a defendant in another trial, the records of which have not survived. It should be noted that as regards the matter of reprieving Najda, Kokoszka and Fürgang, the Chairman of the Special Court, Wester, gave a negative opinion. He wrote that this was a normal instance, punishable by death under the directive, and that in the course of proceedings no circumstances supporting clemency had come to light, whereas the needs

<sup>15</sup> §4b stipulated in Subparagraph 1 that Jews who left their designated district without authorization would be punished by death, and that the same punishment would be imposed on persons who knowingly hid such Jews. Whereas pursuant to Subparagraph 2, instigators and aiders were subject to the same punishment as the perpetrator, and the attempted act was to be punished in the same way as that perpetrated; in lesser cases, the court could impose heavy imprisonment or imprisonment.

<sup>16</sup> Strafgesetzbuch für das Deutsche Reich.

<sup>17</sup> BArch Berlin, R 137 I/2432, Urteil in der Strafsache gegen Bronislaus Najda und Andere vom 13. Dezember 1943 [Verdict in the case of Bronisław Najda and others, dated 13 December 1943], pp. 2–4; see also: T. Gonet, *Najda Bronisław, Kokoszka Piotr, Fürgang Władimir, Kamińska Józefa, Zychowicz Józef*, in: Namysło, Berendt, 2014, pp. 90–91.



of war necessitated enforcement of the sentence.<sup>18</sup> However, attorney at law Dr. Adolf Dworski looked for mitigating circumstances, and filed a petition for clemency on Najda's behalf. He pointed out that the matter had actually been agreed upon between Kamińska and Eugenia Najda, neither of whom had known that it concerned Jews; that the persons spoke good Polish, had a Polish surname, and could not be recognized as Jews; that the protocols of examination had not been read out; and that if the punishment was carried out, the family would lose its only breadwinner, who was a simple man of unblemished reputation.<sup>19</sup> Dworski also submitted a similar request for clemency for Kokoszka.<sup>20</sup> Dr. Theodor Belej, an attorney at law, wrote on behalf of Fürgang in the same case.<sup>21</sup> The files still contain requests for clemency written by Najda's wife and Kokoszka's sister. In June 1944, the Governor General decided not to exercise the right of clemency with respect to Kokoszka and Fürgang, while in Najda's case it was stipulated that a decision would be reached later, however this is missing from the records.<sup>22</sup>

The case of Hrynkiw, Kochmann and Kulmann. In the next criminal trial, two Ukrainians – Vasyl Hrynkiw and Marie Kochmann – were accused of providing shelter to Jews, while a Pole, Eugen Kulmann, was charged with a foreign exchange transgression. According to the verdict, the Ukrainians were sentenced to death for aiding Jews, while the Pole was sentenced to one year and three months of imprisonment for failing to proffer to the relevant issuing bank the amount of 180 US dollars within three days of entering into possession thereof.

Hrynkiw and Kochmann lived in an informal relationship and ran a household together. They took in first a woman, and some time later four Jews, who paid them 300 zlotys for shelter, and thereafter the equivalent of this amount in dollars exchanged by a Pole. They paid separately for food. A search was carried out following receipt of a denunciation, and this resulted in one Jew being found; the others, however, were not discovered. They later left their hiding place and fled the apartment, although they were eventually caught. During the trial, the Ukrainians swore that they did not know that those they were hiding were Jews, for

18 BArch Berlin, R 137 I/2432, Äusserung zur Ausübung des Gnadenrechts vom 17. Dezember 1943 [Opinion concerning the exercise of clemency power, dated 17 December 1943], p. 8.

19 BArch Berlin, R 137 I/2432, Gnadengesuch vom 4. Januar 1944 [Request for clemency, dated 4 January 1944], pp. 9–10.

20 BArch Berlin, R 137 I/2432, Gnadengesuch vom 4. Januar 1944 [Request for clemency, dated 4 January 1944], pp. 11–12.

21 BArch Berlin, R 137 I/2432, Gnadengesuch vom 4. Januar 1944 [Request for clemency, dated 4 January 1944], pp. 13–14.

22 BArch Berlin, R 137 I/2432, Versagung des Gnadenaktes vom 6. Juni 1944 [Denial of clemency, dated 6 June 1944], p. 5.

they had Aryan documents. They also claimed that they were beaten and threatened during preliminary proceedings. The court – as in the previous case – found the defendants’ explanations unreliable in the light of testimony given by a police officer. Additionally, he assessed that they were fully aware of the Jewish origins of their guests, if only because of the amount of their remuneration, as well as the currency in which it was paid – the Sondergericht stated that it was common knowledge that the dollar was the currency of the Jews. The construction of a secret hiding place in the apartment also incriminated the defendants.

Their act was qualified under §4b of the Third directive on restrictions of residence in the General Government, dated 15 October 1941.<sup>23</sup> Regarding the issue of clemency, Wester again voiced his opposition, stating that the defendants acted out of a growing desire for profit, and concealed the five Jews in question for a very long time (seven months).<sup>24</sup> The case files contain a decision not to exercise the right of clemency.<sup>25</sup>

The case of Wernej and Chalupinski. In another case, a Ukrainian, one Nikolaus Wernej, was sentenced to death for harboring Jews, while another Ukrainian, Julian Chalupinski, was sentenced to five years’ heavy imprisonment for aiding and abetting. The records show that both men were employed at one of the plants in Stanisławów, where Jews also worked. After the liquidation of the ghetto, the Jewish workers were displaced. At the end of August 1943, Wernej, who was a foreman, walked through the factory’s attic and discovered three Jewish women who had previously been employed there. Out of compassion, he agreed not to turn them in, and allowed them to remain in hiding for two days. Over subsequent days, however, the number of those hiding increased to 13, and they gave Wernej – who bought them bread – \$100. He confided this to Chalupinski, who reached an understanding with the Jews and also received money from them to buy bread. On 12 December 1943, the Jews were discovered.

It was noted in the substantiation of the verdict that while Wernej admittedly did not have the right to administer the factory building, it would have been sufficient for him to satisfy the criteria of a prohibited act consisting in the provision of assistance to Jews by having supervision

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<sup>23</sup> BArch Berlin, R 137 I/2433, Urteil in der Strafsache gegen Wasyl Hrynkiw und Andere vom 27. Januar 1944 [Verdict in the criminal case against Wasyl Hrynkiw, dated 27 January 1944], pp. 56–61; see also: T. Gonet, *Hrenkiw Wasyl, Kochmann Maria*, in: Namysło, Berendt, 2014, pp. 84–85. This case has been described in the following publication: Dörner, 2000, p. 254 and subsequent.

<sup>24</sup> BArch Berlin, R 137 I/2433, Äusserung zur Ausübung des Gnadenrechts vom 31. Januar 1944 [Opinion concerning the exercise of clemency power, dated 31 January 1944], p. 1.

<sup>25</sup> BArch Berlin, R 137 I/2433, Versagung des Gnadenaktes vom 18. Mai 1944 [Denial of clemency, dated 18 May 1944], unpaginated.

of the room to which they willfully came and which he made available to them to live in. In addition, he brought them bread. The court ascertained that Chalupinski had aided and abetted, for he made efforts to obtain bread for the Jews and thus knowingly supported the provision of shelter thereto by the main perpetrator. Chalupinski's deed was classified by the Sondergericht as a lesser offense, since the defendant, living in a family of five and struggling with his wife's long-standing illness, committed it out of want, and, further, had no previous criminal record and was a subordinate of Wernej.<sup>26</sup>

In this instance, the Chairman of the Sondergericht did not object to the granting of clemency. He pointed out that if it was true that during the Bolsheviks' withdrawal from Stanisławów Wernej had demonstrated his commitment to maintaining the factory facilities – thereby serving German interests – this could be sufficient reason to change his punishment.<sup>27</sup> A number of people and institutions requested the German authorities to grant Wernej clemency, among them attorney at law Josef Bojchuk,<sup>28</sup> the convicted man's employer and his staff,<sup>29</sup> and the Ukrainian Central Committee.<sup>30</sup> The efforts were successful, and the death penalty was commuted to five years of heavy imprisonment.<sup>31</sup>

The case of Zahler. The last case involved Leopold Zahler, a Ukrainian, who stood accused of giving shelter for one night to his own wife, who was Jewish. A guilty verdict was passed in February 1944. The Sondergericht deemed it irrelevant whether the Jewish woman had left the Jewish district without authorization, for it considered Zahler's act as meriting of punishment when viewed in the context of "healthy national feeling" and the "guiding thought of the criminal statute."<sup>32</sup>

Wester opined the matter of clemency negatively. Zahler – in all probability without a decision on the right of clemency – was handed over

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- <sup>26</sup> BArch Berlin, R 137 I/2435, Urteil in der Strafsache gegen Julian Chalupinski und Nikolaus Wernej vom 26. Januar 1944 [Verdict in the criminal case against Julian Chalupinski and Nikolaus Wernej, dated 26 January 1944], pp. 34–35; see also: T. Gonet, *Wernej Nikolaus, Chalupinski Julian*, in: Namysło, Berendt, 2014, p. 101.
- <sup>27</sup> BArch Berlin, R 137 I/2435, Äusserung zur Ausübung des Gnadenrechts vom 31. Januar 1944 [Opinion concerning the exercise of clemency power, dated 31 January 1944], p. 1.
- <sup>28</sup> BArch Berlin, R 137 I/2435, Gnadengesuch vom 9. Februar 1944 [Request for clemency, dated 9 February 1944], pp. 2–3.
- <sup>29</sup> BArch Berlin, R 137 I/2435, Gnadengesuch vom 14. Februar 1944 [Request for clemency, dated 14 February 1944], pp. 5–7.
- <sup>30</sup> BArch Berlin, R 137 I/2435, Gnadengesuch vom 7. März 1944 [Request for clemency, dated 7 March 1944], p. 8.
- <sup>31</sup> BArch Berlin, R 137 I/2435, Gnadenakt vom 6. Juni 1944 [Act of clemency, dated 6 June 1944], unpaginated.
- <sup>32</sup> AIPN GK, 94/8641, Urteil in der Strafsache gegen Leopold Zahler vom 26. Februar 1944 [Verdict in the criminal case against Leopold Zahler, dated 26 February 1944], pp. 6–7.

to the security police, who executed him, as further evidence of his Jewish origins had come to light already after the verdict was passed.<sup>33</sup>

The case of Marquardt. Of the remaining case law, it is worth taking a closer look at instances of conviction for having a demoralizing impact on the armed forces (heard exceptionally before the special courts of the General Government), for activities detrimental to the nation, and for a forgery committed by a Greek Catholic clergyman.

An example of the first is the case of fifty-seven-year-old Fritz Marquardt, a Reichsdeutsche from Berlin who was sentenced to death. The substantiation of the sentence informs that in December 1942 he began working in Stanisławów as an accountant at one of the companies. He shared his tied accommodation with a merchant's clerk, Karl Hermanns, who was visited by both business clients and employees. Shortly after the Day of Commemoration of Heroes in 1943 (21 March), Marquardt, in private conversations with Hermanns, started allowing himself to make statements revealing his attitude toward the state. On various occasions, he criticized measures taken by the government, or made remarks about existing political relations. For example, he declared himself an opponent of the Day of Commemoration of Heroes and similar celebrations, as these were only concerned with the cult of National Socialism. He also criticized the approach taken to the "Jewish question." Further, Marquardt blamed National Socialism for the death of his son, who had committed suicide after receiving his call-up papers in 1939. He gave more credence to Churchill's speeches than Hitler's. The bombings of Hamburg, he commented, showed Germany's powerlessness. The verdict also recounted a conversation between the two men about the current war. Hermanns presented a point of view consistent with official propaganda – the Jews were to blame for preventing the conclusion of a peace; the German people lacked living space; and as long as Hitler was at the helm of power, there was no cause for alarm. Marquardt, who described such statements as falsities propagated by National Socialism, spoke out completely differently. He maintained that since the Thirty Years' War, and especially since the National Socialists had come to power, Germany was a global hotbed of unrest, and that those of his compatriots who complied with the government's calls deserved to be punished. He, in turn, described people's faith in and enthusiasm for the Führer as childish.

Before the court, Marquardt denied having uttered these words, but the court considered the fact proven by Hermanns' testimony, and in

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<sup>33</sup> AIPN GK, 94/8641, Schreiben des Leiters der Deutschen Staatsanwaltschaft in Stanislaw an die Hauptabteilung Justiz vom 31. März 1944 [Letter from the Head of the German Prosecutor's Office in Stanisławów to the Main Justice Department, dated 31 March 1944], p. 10.

part by the testimony of another witness. In the verdict, the defendant – in the context of his anti-state declarations – was described as a man without a homeland, who rejected the entirety of political means proposed by the government, and, worse yet, insulted the Führer. These statements were viewed as sufficient to weaken the will of the German people – a nation focused on armed self-determination, which had found itself in the grasp of the gravest defensive struggle, and Marquardt’s act was qualified under §5, Subparagraph 1, Point 1 of the Directive on special wartime criminal law.<sup>34</sup> In addition, it was accepted that he had committed his offense publicly, for he had no guarantee that his interlocutor would keep everything to himself. The dissemination of his defeatist statements was supposed to have been facilitated by the locations where the conversations were held (there were a lot of clients nearby), and by the special conditions prevailing in the East (a small number of Germans would often gather together, and, in the lack of other topics, discuss their own affairs). Thus, the defendant must have taken into consideration that his words would be heard not only by his interlocutor, and his actions were therefore intentional. The court did not agree that this was a “lesser case,” which was tantamount to the imposition of the death penalty.<sup>35</sup>

The fate of the condemned man is unknown – no decision to exercise or refuse the right of clemency has survived. What we do know is that a rather extensive investigation was ordered in February 1944 with the objective of determining whether or not a pardon should be granted. Instructions were given to check a number of issues concerning both the defendant and his family, and also the credibility of the prosecution’s main witness, whose testimony was challenged by the defendant during the trial.<sup>36</sup> The case itself – the conviction of a Reichsdeutsche – allows us to correct Dieter Pohl’s determination that the Special Courts in Galicia were used nearly exclusively to try cases against “persons of foreign nationality” (Pohl, 1997, p. 79).

The case of Volkmer. In the second case, only the sentencing part of the judgment is extant. It allows us to conclude that in May 1943, the Sondergericht Stanislau ascertained that a Reichsdeutsche, one Franz Volkmer, an employee of the Reich railways, was guilty of activities det-

34 Verordnung über das Sonderstrafrecht im Kriege und bei besonderem Einsatz (Kriegssonderstrafrechtsverordnung) vom 17. August.

35 BArch Berlin, R 137 I/2436, Urteil in der Strafsache gegen Fritz Marquardt vom 9. November 1943 [Verdict in the criminal case against Fritz Marquardt, dated 9 November 1943], pp. 1–4.

36 BArch Berlin, R 137 I/2436, Schreiben der Hauptabteilung Justiz an den Leiter der Deutschen Staatsanwaltschaft in Stanislau vom 26. Februar 1944 [Letter from the Main Justice Department to the Head of the German Prosecutor’s Office in Stanisławów, dated 26 February 1944], p. 5.

rimental to the nation, namely of “passive bribery” – corruption. He was sentenced to 12 years of heavy imprisonment, deprivation of civil honorary rights for five years, and forfeiture of more than 10,000 złotych accepted in bribes.<sup>37</sup> Without the substantiation of the verdict, I can only state that in this case the court refrained from imposing the death penalty – which it could have done, as the offense had been classified as “activities detrimental to the nation.”

The case of Kohutiak. In the third case, the Jewish theme reappears. In September 1942, a Greek Catholic priest, Father Stefan Kohutiak, was sentenced to 10 years of heavy imprisonment for forging a marriage certificate. A Jewish man named Schöndorf had a watchmaking shop in Stanisławów. In 1940, Kohutiak went to his establishment because he wanted to purchase a watch. The two men got into a conversation on religious topics, and the Jew expressed the view that the creeds of the Christianity were superior to those of the Jewish religion. In the summer of 1942, after Stanisławów had been occupied, Kohutiak issued Schöndorf, at his request, with a certificate stating that he had already intended to change his religion. In November 1942, the Jew once again visited the clergyman and treated him to a liquor which he brought with him. He now requested a marriage certificate which would show that his parents were of the Greek Catholic faith, and duly provided the necessary date. After checking in the relevant register that Schöndorf’s father did indeed live in the local parish, the clergyman complied with his request. He issued a document informing that on 28 January 1915 a priest by the name of Salewicz, now long-deceased, had certified that the said persons were married on 17 July 1897 before Father Daberewski. The certificate was signed, and Kohutiak affixed thereto the tax stamp taken from the old Austrian original. Although the accused did not accept the 500 złotych offered him by the Jew, he expressed interest in some clothes, and was later actually given a suit.

In its substantiation, the Sondergericht noted, among other things, that marriage certificates issued by church offices were public documents, and that in the German Reich and its occupied and administered territories it was of great importance – in both the political and the ownership aspect – whether someone was Jewish or not. The accused must have been aware of this, even if he did not know, as he claimed, about the “Jewish actions” in Galicia. Further on there was a reference to the fight against world Jewry, which the Reich had undertaken for the common good, and to the special duties incumbent on the accused by virtue of his profession. It was considered exceptionally aggravating that by his act the clergyman

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<sup>37</sup> BAArch Berlin, R 137 I/2430, Urteil in der Strafsache gegen Franz Volkmer vom 22. Mai 1943 [Verdict in the criminal case against Franz Volkmar, dated 22 May 1943], unpaginated.



had countered German policy on the Jewish question, and so the upper limit of the statutory penalty for the offense was deemed appropriate.<sup>38</sup>

A statistical approach. It is difficult, in view of the small source base, to draw far-reaching conclusions about the case law. Nevertheless, it is noteworthy that the percentage of Ukrainian defendants was significantly higher than in the Special Courts from other districts. Future research should, insofar as possible, seek to verify this finding, and also to examine the proportional relationship between various nationalities in comparison with the Special Court in Tarnopol (here, however, the surviving case law is even more modest than that of Stanisławów), and especially with the Special Court in Lwów (whose output should enable reliable statistical analyses). Regardless, I can state that the *Sondergericht* Stanislaw: often applied harsher punishments (heavy imprisonment and the death penalty), perhaps even more often than the “average” Special Court in the General Government; applied the Directive on activities detrimental to the nation; heard cases concerning the provision of aid to Jews and not only applied the Third directive on restrictions of residence in the General Government, dated 15 October 1941, with complete ruthlessness, but when the letter of the law did not allow the desired qualification of an act, it referenced the guiding thought of the criminal statute and utilized analogies. This clearly shows that the judges intended to operate in line with the exterminatory policy of the occupier. Significantly, even this meager collection of sources highlights the role of *Sondergericht* Chairman Erwin Wester and the influence which he exerted on case law. I would like to emphasize that he presided over all of the trials that resulted in death sentences for which documentation is extant. The opinions which he formulated on the pardoning of persons sentenced to death point not only to an unwillingness to spare lives, but indeed to a desire to carry out executions.

Here I would like to present statistical data regarding sentences and criminal orders issued by the *Sondergericht* Stanislaw. Dieter Pohl reported that the three special courts in the Galicia District – Lwów, Stanisławów and Tarnopol – handed down a total of no less than 2,500 sentences (Pohl, 1997, p. 79). His determination was based on a document preserved in the Archives of the Institute of National Remembrance in Warsaw, which had been drawn up at the Galicia District Office – “Review of the operations of Special Courts in the Galicia District.” After analyzing this document, I have come to different findings, which I would like to present in detail.

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38 BArch Berlin, R 137 I/2439, Urteil in der Strafsache gegen Stefan Kohutiak vom 14. September 1942 [Verdict in the criminal case against Stefan Kohutiak, dated 14 September 1942], pp. 8–9.



Merkmal	Bei Beginn im vorherigen Monat				Bei Abgang im vorherigen Monat				Gesamt				Gesamt				Gesamt			
	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4
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Special Courts, the overall number of cases ending in a verdict must agree with the sum of verdicts passed by one-man and collective adjudicating panels.<sup>40</sup> The difficulty of properly understanding this document is due, on the one hand, to the fact that it was handwritten (in pen), and, on the other, to its partial damage by water. Some entries are blurry and, as a result, questionable and unreadable.

Making an effort at analysis and recalculating the questionable partial data, I arrived at certain findings concerning the Court in Stanisławów, which I have put forward in the table. I have limited myself to showing the statistics of sentences and criminal orders issued, as these were the most relevant parameters for illustrating the Court's workload. Unfortunately, the document did not include equally important data, such as the number of acquittals and convictions, or the frequency of imposition of specific types of punishments.

As can be seen from the table, the Special Court in Stanisławów issued a total of 846 sentences, of which 564 were handed down by a single judge and 282 by panels comprising three judges, as well as 290 criminal orders. Every third sentence was passed by a collective adjudicating panel, which indicates that these were more serious cases than those decided by a single judge or a criminal order. Further, it should be noted that the Sondergericht Stanislau commenced sentencing proper only in December 1941 (only criminal orders – not sentences – were issued in October), and its functioning came to an end in February 1944. Perhaps surprisingly, it is difficult to see a consistent trend, either upward or downward, in the rhythm and frequency of rulings. Data for individual months vary. I would, however, like to emphasize that the lack of criminal orders in November 1942 and the following months was due to a change in legislation – from then on, these were issued by the Prosecutor's Office.

The document in question also enabled me to make calculations for Tarnopol and Lwów. It turned out that during the period covered by the review, the Special Court in Lwów issued 1,317 sentences (980 by one-man panels and 337 by three-man panels) and 1,456 criminal orders, while the Special Court in Tarnopol issued 793 sentences (705 by one-man panels and 88 by three-man panels) and 679 criminal orders. If we take into account the obvious correlation between the issuance of a sentence by a single judge and the low caliber of a case (in light of the applicable provisions), which – consequently – results in the imposition of a lighter punishment, it becomes apparent that Stanisławów had the

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<sup>40</sup> AIPN GK, 108/43, Schreiben der Regierung des Generalgouvernements – des Leiters der Hauptabteilung Justiz betr. Geschäftsübersichten der Gerichte und Staatsanwaltschaften vom 23. April 1941 [Letter from the Government of the General Government – Head of the Main Justice Department concerning reviews of the operations of courts and prosecutors' offices, dated 23 April 1941], p. 26.

**Table 1. Statistics of verdicts and criminal orders issued by the Special Court in Stanisławów**

compiled by the author on the basis of: AIPN GK, 97/8, pp. 4–6

Month	Verdicts given by:			Criminal orders	
	panel comprising one judge	panel comprising three judges	total		
1941	October	0	0	0	15
	November	0	0	0	0
	December	2	3	5	7
1942	January	8	5	13	2
	February	7	10	17	14
	March	3	8	11	5
	April	21	3	24	8
	May	11	1	12	5
	June	17	4	21	39
	July	25	15	40	39
	August	18	17	35	40
	September	52	44	96	64
	October	64	24	88	52
	November	40	6	46	0
	December	20	5	25	0
1943	January	26	7	33	0
	February	48	3	51	0
	March	0	25	25	0
	April	23	8	31	0
	May	49	8	57	0
	June	17	4	21	0
	July	0	21	21	0
	August	30	10	40	0
	September	0	18	18	0
	October	14	7	21	0
	November	11	12	23	0
	December	14	5	19	0
1944	January	25	4	29	0
	February	19	5	24	0
<b>Total</b>	<b>564</b>	<b>282</b>	<b>846</b>	<b>290</b>	

highest percentage of complicated and more serious cases (requiring adjudication by three-man panels). We may therefore surmise that the percentage of harsh punishments was also higher. At the same time, the difference between Stanisławów and Tarnopol appears significant. I have determined that the total number of rulings issued by the Special Courts in Galicia was 5,381, this comprising 2,956 verdicts (2,249 of which were issued by one-man panels and 707 by three-man panels) and 2,425 criminal orders. It should be kept in mind that this statistic does not include a certain number of sentences handed down after the evacuation, when some Special Courts resumed operations in the General Government, and later in the German Reich.

The evacuation of the courts from the General Government took place in two phases. The first covered the Galicia District and began in January 1944, while the second included the remaining Districts and commenced in July 1944. It is not known exactly when the Sondergericht Stanislaw was evacuated. This presumably occurred after the withdrawal of the Special Court in Tarnopol, located more easterly, which was carried out on the night of 6–7 March 1944. The personnel and property were transported to other townships located within the General Government. The same was done with part of the German court records, while the rest were burned (Wrzyszczyk, 2008b, pp. 266–269). The destruction of these files is the main reason for the scant availability of sources.

We do not know whether the Sondergericht Stanislaw continued its activities in one of the cities of the Reich, for example in Zgorzelec, which became the seat of the Reserve Agency of the Organs of the Ministry of Justice of the General Government (Ausweichstelle der Justizbehörden des Generalgouvernements). This is not confirmed by any documents, although official papers have survived for other Special Courts of the General Government – such as those informing of sentences handed down in Zgorzelec in late 1944 and early 1945. The names of the members of the Sondergericht Stanislaw mentioned earlier have not been mentioned in Andrzej Wrzyszczyk's article on the aforementioned "Reserve Agency" (Wrzyszczyk, 2016, pp. 517–527), which also seems to support the hypothesis that the Stanislaw court had ceased functioning.

### The Case of Erwin Wester

Passing on to the case of Erwin Wester, I would first like to deal with his biography, drawn up on the basis of his personal files, which are preserved in both German and Polish archives. Wester was born on 26 December 1898 in Gelsenkirchen, North Rhine-Westphalia, to a merchant family. In September 1917, he was mobilized to the Landsturm, and, although he did not fight on the front, he received the Cross of Honor for War Participants. From 1918 to 1931, he was a member of the German National People's Party,

switching to the NSDAP on 1 May 1933. He later joined several organizations subordinate to the Nazi Party, such as the National Socialist Welfare Movement. In 1921, in Cologne, he passed the first state law exam with a sufficient score, while in 1924, in Berlin, he passed the second exam with the same result. Ten years later, in 1931, he married, and went on to have four children. In September 1927, he was appointed Counselor at the District Court in Gelsenkirchen, and in April 1939 he was promoted to Senior Counselor at the District Court in Konstanz. During this time, however, he was delegated to the labor court and employed as an Auxiliary Judge, first at the Higher National Court in Hamm, and thereafter at the National Court in Dortmund and the Special Court in Dortmund. Perhaps this last episode was, along with his involvement in the Nazi Party, one of the circumstances that decided about his subsequent posting to Galicia.

Official opinions of him were positive: Wester was described as a diligent and conscientious worker, with some knowledge of the law and the requisite life experience. Also praised was the way in which he presided over hearings at court. Regarding his political stance, superiors stressed his involvement in the Nazi Party and the German Labor Front, and also that he was fully in agreement with the tenets of the National Socialist state. An opinion written in 1938 assessed him as suitable for promotion to both the position of Director of the District Court (horizontal promotion) and that of Director of the National Court or Counselor at the Higher National Court (vertical promotion).<sup>41</sup>

The decision to delegate Wester to the General Government was made on 27 August 1941, and he was scheduled to appear at the Main Justice Department of the Government of the General Government in Kraków on 9 September. He was assigned a clerk and a sergeant, who were delegated along with him.<sup>42</sup> As of 1 January 1942, Wester was appointed Head of the Special Court in Stanisławów.<sup>43</sup> His personal file contains documents from 1942–1943 which indicate that Wester sought to return to the Reich – he wanted to apply for a judicial position in Baden. It is unclear how he justified his requests. In fact, in January 1943 a decision was issued

41 BArch Berlin, R 3001/80230, Personalbogen [Form for personal particulars], unpaginated; Personal- und Befähigungsnachweisung [Personnel and qualifications list], pp. 42–43.

42 BArch Berlin, R 3001/80230, Schreiben des Reichsministers der Justiz an den Oberlandesgerichtspräsidenten in Karlsruhe vom 27. August 1941 [Letter from the Reich Minister of Justice to the President of the Higher National Court in Karlsruhe, dated 27 August 1941], p. 51.

43 BArch Berlin, R 102/333, Bestallungsurkunde vom 20. Februar 1942 [Act of nomination, dated 20 February 1942], p. 26. Wester's personal file, kept at the Federal Archives in Berlin in fonds R 102, is a copy made using a photocopier of documents selected from the original personal file from the period of his service in the General Government, now held in AIPN GK, 97/103. Most of the surviving documents relate to Wester's remuneration and leave, and their usefulness for the purposes of the present study is severely limited.

dismissing him from the General Government, and he was due to be succeeded by the Counselor at the Reich Chamber Court, Wilhelm Prothmann, who worked at the Higher German Court in Warsaw.<sup>44</sup> However, the decision was reversed, and Wester's arguments were deemed insufficient by his superiors. There were also difficulties with finding a new person to delegate.<sup>45</sup>

The Head of the Main Justice Department rated Wester as averagely qualified and having a satisfactory knowledge of the law. He was an energetic, goal-conscious and very responsible judge who, after receiving training, commenced performance of his official duties with great zeal, and strove especially hard to contribute to the development of jurisprudence in the General Government. He also displayed the severity required under the circumstances.<sup>46</sup> Whereas the opinion of the Head of the Justice Department in the Galicia District emphasized that the case law of the Sondergericht Stanislaw was regarded in the District as particularly harsh, with sentences being handed down swiftly.<sup>47</sup> Wester was proud that the Sondergericht which he administered had a reputation throughout the East for acting ruthlessly – also against German citizens.<sup>48</sup>

Correspondence preserved in the personal files indirectly confirms the presumed evacuation of the Special Court in Stanisławów in March 1944, for its Head began his journey by train from Stanisławów on 24 March,<sup>49</sup> arriving in Konstanz three days later and hoping for a quick formal dismissal.<sup>50</sup> He assumed judicial duties at the District Court in Konstanz in the second half of April 1944, even without receiving a dismissal, and from there he was sent to the National Court in Freiburg, where he

44 BArch Berlin, R 102/333, Schreiben der Hauptabteilung Justiz an die Abteilung Justiz in Lemberg vom 12. Januar 1943 [Letter from the Main Justice Department to the Justice Department in Lwów, dated 12 January 1943], p. 54.

45 BArch Berlin, R 3001/80230, Vermerk vom 4. Februar 1942 [Note, dated 4 February 1942], p. 52; Schreiben des Reichsministers der Justiz an die Hauptabteilung Justiz in Krakau vom 4. März 1943 [Letter from the Reich Minister of Justice to the Main Justice Department in Kraków, dated 4 March 1943], p. 53; Schreiben des Reichsministers der Justiz an die Hauptabteilung Justiz in Krakau vom 6. Oktober 1943 [Letter from the Reich Minister of Justice to the Main Justice Department in Kraków, dated 6 October 1943], p. 55.

46 BArch Berlin, R 3001/80230, Personal- und Befähigungsnachweisung [Personnel and qualifications list], unpaginated.

47 BArch Berlin, R 102/333, Dienstleistungszeugnis vom 4. Mai 1943 [Record of service, dated 4 May 1943], unpaginated.

48 AIPN GK, 296/100, Zeugnis des Dr. Sturms vom 16. August 1945 [Testimony of Dr Sturm, dated 16 August 1945], pp. 185–186.

49 BArch Berlin, R 102/333, Reisekostenrechnung [Bill of travel expenses], undated, unpaginated.

50 BArch Berlin, R 3001/80230, Schreiben des Dr. Westers an den Ministerialrat Dr. Köhler vom 31. März 1944 [Letter from Dr Wester to the Ministerial Counselor, Dr Köhler, dated 31 March 1944], p. 57.



was appointed Deputy Chairman of the Special Court and its member.<sup>51</sup> Formally, his delegation to the General Government was revoked as of 30 April, but this was not communicated until 11 May 1944.<sup>52</sup>

Documents produced even before Wester's extradition to Poland show that the French occupation authorities arrested him as early as 30 April 1945, on the basis of denunciations containing reports of his activity at the court in Stanisławów. He was released in December 1945, but was detained again a few days later in Konstanz. He complained about this, maintaining that he had not committed any crime, and that the death sentences which he passed were based on legally valid regulations, including the Third directive on restrictions of residence in the General Government, dated 15 October 1941, which used the absolute death penalty.<sup>53</sup> Documentation from this period naturally contains a great many so-called *Persilscheine*, or favorable testimonies regarding Wester and his attitude during the period of the Third Reich. These certificates were very common in post-war Germany. On average, every second German adult produced a letter exonerating another person. The number of *Persilscheine* collected varied according to a person's occupational status, with clerks presenting on average 7.5 certificates, and laborers 2.5. The issuers were usually superiors, employees or colleagues, less often friends or relatives. They mostly assured about the absence of political involvement, a person's attachment to his family and his love of his work, as well as his friendliness and kindness. In one instance, the council of a certain commune even issued *Persilscheine* to all of its residents *ex officio* (Wahl, 2009, pp. 50–51, 61).

In the case of the Head of the Sondergericht Stanislaw, certificates of this type were provided by Judge Dr. Sturm of Konstanz, who wrote that Wester was not happy about his posting to Stanislaw, and sought to be recalled, both before his departure and during his stay in Galicia;<sup>54</sup> attorney at law Josef Bojczuk, who stated that the activities of the Chairman of the Sondergericht Stanislaw were correct in every aspect (the right to a defense, the manner in which trials were conducted, verdicts based on

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51 BArch Berlin, R 3001/80230, Schreiben des Oberlandesgerichtspräsidenten in Karlsruhe an den Reichminister der Justiz vom 27. April 1944 [Letter from the President of the Higher National Court in Karlsruhe to the Reich Minister of Justice, dated 27 April 1944], p. 60.

52 BArch Berlin, R 3001/80230, Schreiben des Reichsministers der Justiz an den Oberlandesgerichtspräsidenten in Karlsruhe vom 11. Mai 1944 [Letter from the Reich Minister of Justice to the President of the Higher National Court in Karlsruhe, dated 11 May 1944], p. 61.

53 AIPN GK, 296/100, Schreiben des Dr. Westers an den Präsidenten des Militärgerichts in Konstanz vom 3. Juni 1946 [Letter from Dr. Wester to the President of the Military Court in Konstanz, dated 3 June 1946], pp. 80–81.

54 AIPN GK, 296/100, Bestätigung vom 23. November 1945 [Confirmation, dated 23 November 1945], p. 95.



the results of trials, and the sentences – often harsh, but always within the statutory limits);<sup>55</sup> and Dionys Kondratzky, who was an interpreter during hearings at the Sondergericht and also testified to the correctness of Wester’s behavior.<sup>56</sup>

While being interrogated by the French authorities, Wester himself strove to show numerous situations from his life proving that he was not an anti-Semite, such as trying to rent an apartment in a Jewish tenement, tolerating a court official who was a mixed-race Jew, his parents’ contacts with Jews, and condemning in private conversations the burning of synagogues and the destruction of Jewish property. The explanations given at the time allow us to make a number of findings regarding the titular court.

Wester declared himself an opponent of the war and insisted that he was posted to Stanisławów ex officio, not at his request. He pointed out that the process of creating the Sondergericht continued right until December 1941, and that about 90% of the population of the Stanisławów judicial district were Ukrainians and 10% Poles, leaving aside the number of Germans and Jews, about which he had no knowledge. He defined the role of the Sondergericht Stanislaw thusly: operating in three-man panels, it was intended to hear cases of serious crime, such as murder, manslaughter, rape, robbery and similar acts, for which a punishment more severe than five years of heavy imprisonment was presumably to be handed down. The role was, therefore, to be analogous to that of a National Court in the Reich. In addition, the Prosecutor brought before the Sondergericht so-called “lesser cases,” in which, due to the difficulty of evidentiary proceedings, it was deemed advisable to hold hearings before a collective adjudicating panel – other cases were settled by single judges who were members of the Special Court. Further, the court’s jurisdiction encompassed acts described in special laws, and this was a situation analogous to the legal state of affairs in the Reich. Recalling the beginning of his employment at the Sondergericht Stanislaw, Wester mentioned several trivial cases against Jews, concerning, for example, not wearing a Star of David armband and petty theft, for which lenient punishments – fines or a few weeks of imprisonment – were handed out. He made it clear that not a single death sentence was passed against a Jew, and that the harshest punishments were between 6 and 12 months of imprisonment. Moreover, he invoked the principle that more should be required of Germans in a foreign country than of locals, and so the former were punished with greater severity. No death sentence had been pronounced

55 AIPN GK, 296/100, Eidesstattliche Erklärung vom 27. Mai 1947 [Declaration made under oath, dated 27 May 1947], p. 241.

56 AIPN GK, 296/100, Eidesstattliche Erklärung vom 9. Juni 1947 [Declaration made under oath, dated 9 June 1947], p. 244.

until the summer of 1942, he claimed. Capital punishment was first imposed against two Reichsdeutsches, who, while serving as officials, enriched themselves on Wehrmacht war booty (specifically, they embezzled jewelry) and thus committed activities detrimental to the nation. The sentence was carried out by firing squad. The next three death sentences were handed down in the winter of 1942 against Ukrainians for illegally milling grain in quantities between 50 and 100 quintals, which qualified as a crime under the Directive serving to secure the collection of harvests, dated 11 July 1942,<sup>57</sup> in conjunction with the Directive on the wartime economy, dated 4 September 1939.<sup>58</sup> According to Wester's account, only the first of these verdicts was carried out; the second was amended by a pardon, while the third was overturned by the Sondergericht itself after a retrial and acquittal – the prosecution's main witness pleaded guilty to perjury after the verdict was passed. In the summer of 1943, a postal clerk was sentenced to death after a circumstantial trial for robbing field mail. In this case, too, proceedings were reopened, and, although a retrial did not take place because the witnesses were unable to appear due to the wartime situation, the sentence was not carried out. Wester went on to mention three death sentences for the murder of relatives, which were handed down between late 1942 and early 1944 – these sentences were carried out. He then cited four cases where the death penalty was imposed for helping Jews. In the first, a farmer hid a Jewish woman in his home for several weeks; he was pardoned due to his state of health. A woman who hid a Jewess at her home and who lied about the fact to the police during a search was also pardoned. Her death sentence was commuted to a term of imprisonment of two years, and she was released after five months. Two more death sentences handed down for aiding Jews were not ratified – that is, the question of the right of clemency was not resolved – before the liquidation of the Special Court and Prosecutor's Office in Stanisławów.

Wester stated that cases involving the provision of aid to Jews were considered by the judges of the Sondergericht Stanisław to be criminal, not political, despite the political reasons for issuing the Directive on restrictions of residence in the General Government. This was due, on the one hand, to the usage in this instrument of a construction analogous to abetment, that is, a type of act familiar to all criminal codes of civilized countries. Namely, Jews were ordered to live in ghettos, and therefore aiding a Jew in remaining outside a ghetto had to constitute abetment – help

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<sup>57</sup> The Directive in question stipulated the death penalty for maliciously damaging or destroying agricultural products of any kind used to feed people or animals, maliciously failing to meet the obligation to supply agricultural produce, removing by way of a punishable act from the disposal of the authorities of a significant amount of agricultural products, as well as for persons who incited or abetted such crimes.

<sup>58</sup> Kriegswirtschaftsverordnung vom 4. September 1939.

was given to a Jew in committing a crime. On the other hand, the superior authorities justified the absolute death penalty on the grounds that Jews in great masses were fleeing across the border to the Balkans and coincidentally providing valuable intelligence to the enemy, which information could jeopardize Germany's conduct of the war. Therefore, it was necessary to keep them under control, and this could only succeed if they were placed in ghettos. Wester added that he had indeed heard from the local population about the large numbers of persons crossing the border, and in consequence the judges were convinced that the reasons for issuing the directive were genuine. In this situation, the provision of shelter to Jews could even be viewed as aiding and abetting espionage, and so judges were not convinced that their actions were unlawful or inhumane. He digressed that even if one were to consider the application of laws prohibiting the provision of aid to Jews as a crime against humanity, it is not the court that should be recognized as the perpetrator, but rather the government of the General Government – as the legislator and confirmator of sentences – for it was this body that, instead of allowing the application of different punishments, decided to establish the absolute death penalty and thus took responsibility for its imposition.

Wester went on to say that in all proceedings before the *Sondergericht*, regulations concerning the availability of defense counsel were properly applied, and that defendants could choose for themselves one of eight to ten Ukrainian and Polish attorneys at law admitted by the Justice Department in Lwów, who enjoyed the full entitlements of a German defense counsel. At the end of the hearing, he went on to invoke the exclusion of the guilt and illegality of his own actions as a result of the performance of his official and professional duties, and noted that in his work he was never guided by feelings of hatred, but by the sense of justice, and acted in good faith.<sup>59</sup>

These explanations, while a valuable source for research into the operations of the *Sondergericht* Stanislaw, must be analyzed with caution. After all, they are, by their very nature, a subjective message, formulated in circumstances of being charged with crimes against humanity and during incarceration. It is clear – especially when confronted with other sources produced during the war, such as the opinion of the Head of the District Justice Department that the *Sondergericht* was considered the harshest in the District – that Wester sought to bring to the fore events and circumstances that presented him in a favorable light. He portrayed himself as a judge who fairly, justly and impartially enforced the existing law, despite its harshness, whereas in reality his goal was to fit in with

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59 AIPN GK, 296/100, Vernehmungsprotokoll vom 1. Februar 1946 [Minutes of an examination, dated 1 February 1946], pp. 122–131.

the policies of the German Reich and take part in the extermination of the local population, as is evidenced by the case of the three Poles and the Ukrainian, in which the court made use of a general concept – “the guiding thought of the criminal statute” – to bring about a conviction when the factual basis was lacking.

The image created by Wester during proceedings against him was in stark contrast to the rumors circulating about him in Konstanz, namely, that he had himself photographed with executed Poles or Jews – and this is exactly what several people testified.<sup>60</sup> These accusations are further made plausible by the finding among his family and office photographs of a picture of an execution carried out on several people.<sup>61</sup> Whereas the testimony of witnesses with closer ties to the Wester family<sup>62</sup> only served to incriminate him further. A person whom they casually engaged testified that Wester’s wife boasted that her husband heads the “Jewish court” and orders, with joy, the execution of thousands of Jews every day.<sup>63</sup> On another occasion, Mrs. Wester informed her household members that her husband very much liked the position of judge in Stanisławów, for it allowed him to “stir the blood of the Jews,” that hanging Jews and Poles made him happy, and that when he sent her photographs in which he stood by hanged Jews and Poles, in the accompanying letter he expressed his hope that these pictures would give her Christmas joy.<sup>64</sup>

Wester’s musings on the absolute death penalty for helping Jews turned out to be disingenuous when confronted with the testimony of another witness, to whom the Head of the Sondergericht talked about his activities in Galicia. He said, among other things, that he sentenced people to death because they gave a piece of bread to a Jew, or that a mother of five children was sentenced for hiding a Jew. The horrified interlocutor asked him if no other punishment could be applied, since these were, after all, trivialities. To this, Wester replied that it was the right punishment, because “the Poles are not people like us.”<sup>65</sup> Other testimony informs that for Wester, the best Christmas present was to sign 20 death sentences on Jews.<sup>66</sup>

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<sup>60</sup> AIPN GK, 296/100, Vernehmungsprotokoll vom 24. Januar 1946 [Minutes of an examination, dated 24 January 1946], p. 159; Vernehmungsprotokoll vom 24. Januar 1946 [Minutes of an examination, dated 24 January 1946], p. 161.

<sup>61</sup> AIPN GK, 296/100, Envelope with photographs, p. 144.

<sup>62</sup> Wester’s wife and children lived in Konstanz, but visited him in Stanisławów.  
<sup>63</sup> AIPN GK, 296/100, Vernehmungsprotokoll vom 21. Januar 1946 [Minutes of an examination, dated 21 January 1946], p. 162.

<sup>64</sup> AIPN GK, 296/100, Vernehmungsprotokoll vom 9. Januar 1946 [Minutes of an examination, dated 9 January 1946], pp. 163–165.

<sup>65</sup> AIPN GK, 296/100, Vernehmungsprotokoll vom 10. Januar 1946 [Minutes of an examination, dated 10 January 1946], p. 167.

<sup>66</sup> AIPN GK, 296/100, Vernehmungsprotokoll vom 19. Januar 1946 [Minutes of an examination, dated 19 January 1946], p. 174.

After approximately 21 months, Wester was released from detention and sought permission to move to Gelsenkirchen, as he saw no way to ensure his family's livelihood in Konstanz.<sup>67</sup> Surviving documents do not say what happened to him until he was handed over to Poland, which occurred in late August 1947. In a decision dated 27 August 1947, the Plenipotentiary of the Polish Military Mission for the Investigation of War Crimes recognized Erwin Hugo Wester as a war criminal and a criminal against humanity, placed him on the list of war criminals, and handed him over to the Polish authorities for prosecution under Polish law. In the substantiation it was written that during the occupation, in the years 1941–44, he had been the Chairman of the Sondergericht in Stanisławów and caused the execution of many Poles.<sup>68</sup> He was transferred from the French occupation zone of Germany.<sup>69</sup> In October 1947, he found himself in Poland, where he was placed under the jurisdiction of the Prosecutor of the District Court in Warsaw.<sup>70</sup>

In November 1947, the “Weekly Press Bulletin of the Ministry of Justice” published an appeal concerning the investigation into the criminal activities of Erwin Wester. In response, Tadeusz Mischczyszyn – then Secretary of the District Court in Brzeg – sent a letter to the Prosecutor of the District Court in Warsaw. He described Wester's activities in general terms, noting the harsh, and indeed criminal penalties meted out for various acts against Poles, Jews and Ukrainians. Specifically, he cited the case of the death sentence handed down to Michał Wiwczarenko, a butcher from Pasieczna near Stanisławów, and his wife for harboring Jews. Both were executed, orphaning five children. Mischczyszyn also recalled the death sentences issued by the Sondergericht against a certain railroad worker (for harboring Jews), and a German, the Starost of Kałusz (for appropriating gold looted from residents of Kałusz administrative district).<sup>71</sup>

Wester's hearing before the Investigating Judge in Warsaw took place on 16 January 1948. He did not admit his guilt. Further, he explained that he had only passed some 12 death sentences – solely in cases of murder or assault on German officials, misappropriation of gold by German officials, and, once, in the trial of a woman accused of harboring Jews (she

67 AIPN GK, 296/100, Schreiben des Dr. Westers an den Direktor der Untersuchungsbehörde in Baden-Baden vom 9. Juni 1947 [Letter from Dr Wester to the Director of the Office of Inquiry in Baden-Baden, dated 9 June 1947], p. 205.

68 AIPN GK, 184/430, Decision, dated 27 August 1947, p. 20.

69 AIPN GK, 296/100, Letter from the Deputy Prosecutor, Major Stanisław Pławski, to the First Prosecutor of the Supreme National Tribunal in Warsaw, undated, no data regarding place of publication, p. 54.

70 AIPN GK, 296/100, Excerpt from directive no. 17, dated 11 October 1947, p. 289.

71 AIPN GK, 296/100, Letter from Tadeusz Mischczyszyn to the Prosecutor at the District Court, dated 19 November 1947, pp. 292–293. The case of Michał Wiwczarenko and his wife has not been noted in the publication: Namysło, Berendt, 2014.

was, however, pardoned). He requested that his former colleagues, Röhle, Woltereck and Siewert, be questioned as witnesses.<sup>72</sup>

On 6 March 1948, an indictment was drawn up against Wester. It was alleged that: “in the years 1941–44 in Stanisławów, accommodating the objectives of the authorities of the German state, he participated in carrying out the murders of persons from among the civilian population, issuing death sentences as Chairman of the Special Court in Stanisławów, these based on special German criminal provisions contrary to international law,” which was qualified under Article 1, Point 1 of the Decree of the Polish Committee of National Liberation, dated 31 August 1944, on the sentences applicable to Fascist-Hitlerite criminals found guilty of murdering and mistreating the civilian population and prisoners of war, and also to traitors of the Polish nation, in the wording adopted in December 1946.<sup>73</sup> The substantiation cited opinions about Wester taken from the testimony of numerous witnesses interviewed by the French occupation authorities, as well as accounts of conversations held with him during vacations spent in Konstanz. These made it possible to conclude that Wester was known there as a fanatical National Socialist and anti-Semite, that during his visits to the city he stated that pronouncing death sentences on Polish citizens of Polish and Ukrainian nationality for harboring Jews in hiding was the main scope of his activities, and, finally, that he was hostile towards the accused.<sup>74</sup> To illustrate the character of the accused, it was cited that he was photographed next to hanged Poles and sent this photograph to his wife as a Christmas present. The author of the indictment demonstrated that the criminal provisions applied by Wester were a flagrant violation of the norms of the Hague Convention and of elementary legal principles recognized by civilized nations.<sup>75</sup>

The relevant order was issued on 22 March 1948 in response to the indictment. This concerned, among others, serving a public complaint and requesting a criminal record.<sup>76</sup> During his incarceration in Mokotów prison, Wester complained of mistreatment – being forced to perform heavy building work despite his poor health, and receiving beatings and

<sup>72</sup> AIPN GK, 296/100, Minutes of an examination of a suspect, dated 16 January 1948, p. 305.

<sup>73</sup> Article 1 in its final form read: “Whosoever, while accommodating the objectives of the authorities of the German state or of a state allied therewith: (1) took part in the murder of persons from among the civilian population or of military persons or prisoners of war; (2) by pointing out or capturing acted to the detriment of persons sought or persecuted by said authorities for political, national, religious or racial reasons, shall be punished by death.”

<sup>74</sup> An account according to which the wife of the Chairman of the Sondergericht Stanislaw was proud that her children did not avert their eyes while watching a transport of Jews through a window is symptomatic of the entire family’s attitude to the “Jewish question” (Pohl, 1997, p. 314).

<sup>75</sup> AIPN GK, 296/100, Indictment, dated 6 March 1948, pp. 353–354.

<sup>76</sup> AIPN GK, 296/100, Order, dated 22 March 1948, p. 9.



threats.<sup>77</sup> In early June 1948, he drafted a response to the indictment, in which he requested the appointment of a German-speaking attorney at law and the submission of the contents of the normative acts upon which the indictment was based, and also repeated his previous statements made to the French authorities. In doing so, he cited witnesses – his former colleagues from the Sondergericht. Furthermore, he pointed out that no death sentence had been carried out by hanging.<sup>78</sup>

The Wester case did not go to trial before the District Court in Warsaw because the defendant died on 10 July 1948.<sup>79</sup> The cause of death was myocardial damage and circulatory failure.<sup>80</sup> Due to Erwin Wester's death, criminal proceedings against him were discontinued by a decision dated 30 July 1948.<sup>81</sup>

Wester was one of four German lawyers handed over to the Polish justice system after the war in connection with his professional activities in occupied Poland. The cases of three have been noted in the literature – of Wester, Albert Michel and Josef Abbott (Becker, 2014, p. 273; Kobierska-Motas, 1992, pp. 28, 163, 241). The latter two resulted in legally binding convictions. Michel, who served on the Special Court in Kraków (Sondergericht Krakau), was sentenced by the District Court in Kraków to two years in jail in 1949 (Graczyk, 2021, p. 213). The Court of Appeals in Gdańsk sentenced Josef Abbott, Prosecutor at the Special Court in Gdańsk (Sondergericht Danzig), to a harsher punishment – seven years of imprisonment – in 1950 (Graczyk, 2023, pp. 323–350). To this enumeration I can add Hellmuth Holland, head of the German Prosecutor's Office in Piotrków in the years 1941–44, who was convicted in two cases: one tried before the District Court in Piotrków in 1949 and another before the Provincial Court in Łódź in 1954, and received terms of imprisonment of six and eight years respectively.<sup>82</sup>

## Conclusions

I can state that the Special Court in Stanisławów (from the second half of 1943, formally the Special Court at the German Court in Stanisławów) was established in October 1941 as one of three Special Courts in the Galicia

<sup>77</sup> AIPN GK, 296/100, Report of Erwin Wester to the Prosecutor at the District Court in Warsaw, dated 14 May 1948, pp. 18–19.

<sup>78</sup> AIPN GK, 296/100, Letter from Erwin Wester to the District Court in Warsaw, dated 3 June 1948, pp. 33–38.

<sup>79</sup> AIPN GK, 296/100, Notification of the death of a prisoner, dated 10 July 1948, p. 42.

<sup>80</sup> AIPN GK, 296/100, Opinion of the prison doctor, dated 13 July 1948, p. 43.

<sup>81</sup> AIPN GK, 296/100, Minutes of a closed session, dated 30 July 1948, p. 45.

<sup>82</sup> AIPN Ld, 503/48, vol. 3, Conclusion of a verdict, dated 30 March 1949, pp. 359–360; AIPN Ld, 503/48, vol. 1, Verdict, dated 20 February 1954, pp. 168–175.



District of the General Government. It was in the course of organization in October, November and a part of December, issued its first sentences in December 1941, and had a Chairman in the person of Dr. Erwin Wester from 1 January 1942. His period of activity came to an end in February 1944, due to the impending evacuation. Most likely, he did not resume work in this capacity in any of the cities of the General Government or the German Reich.

The workings of the Sondergericht were headed at all times by one man, Wester, who, all things considered, had a significant influence on its jurisprudence and the punishments which it meted out. Surviving sources have allowed me to determine that the Sondergericht employed at least nine judges, and that at least two prosecutors served as Public Prosecutors during trials held before the court. Some of the lawyers were transferred between the other Special Courts in the District.

The small number of extant court rulings has allowed me to determine that the Sondergericht dealt with both criminal and political and economic cases. The docket included cases of theft, aiding Jews, abetting the provision of assistance to Jews, aiding and abetting embezzlement, price-gouging, forging documents, activities detrimental to the nation, wartime economic crimes, illegal animal slaughter, foreign exchange transgressions, activities having a demoralizing impact on the armed forces, and drunkenness. It should be emphasized that in the group of cases analyzed, the death penalty was imposed in a fairly high percentage – primarily for helping Jews. Ukrainians accounted for a significant percentage of defendants. In addition to Poles, those convicted included a number of Germans, which fact has made it possible to verify the previous findings of German historiography that the Special Courts in the Galicia District adjudicated exclusively against non-Germans (Pohl, 1997, p. 79).

Admittedly, the cases preserved and examined in the present article were tried mainly by collective adjudicating panels, but in reality – and this is known from a tabular report compiled by the District Justice Department – two-thirds of verdicts were handed down by a single judge. The Sondergericht Stanislaw also issued 290 criminal orders – the least in the entire district. This indicates a clear reluctance to apply this form of case settlement, especially as it entailed a low penalty.

The conclusion that can be drawn from the surviving case law and the tabular report of the District Justice Department concerns the severity of the sentences. It finds additional support in the opinions formulated about Wester. I am referring here to both the opinions drawn up by his superiors (the Head of the Main Justice Department and the Head of the Justice Department in the Galicia District), and the public notoriety surrounding the Sondergericht (of which its Chairman was proud), as well as the rumors spread in Wester's homeland, based on his own stories. His superiors, when writing about the "severity required by the circumstances" and the fact that the Sondergericht's jurisprudence was considered

“particularly harsh” in the district, were simply referring to the large percentage of cases in which capital punishment was imposed. Wester’s emotional attitude towards his own actions, expressed in letter correspondence and conversations held during his vacations in Konstanz, indicates that he found an almost pathological satisfaction in passing death sentences. The surviving opinions on the possible pardoning of those convicted of sheltering Jews form part of this trend. Wester’s boasting about the number of death sentences against Jews signed on a single day – contradicting his post-war assertions that he had not sentenced a single Jew to death – suggests his significant participation in the German occupier’s exterminatory policy.

Based on surviving case law, I can conclude that the Sondergericht sentenced at least eight people to death. Other sources, which do not overlap with the sentences examined, allow us to increase this statistic by 14 people (two Reichsdeutsches convicted of activities detrimental to the nation, and specifically for embezzling jewelry – this was probably the case also reported by Tadeusz Mischyszyn, when he wrote about the Starost of Kałusz; three Ukrainians for illegally grinding grain; a postal worker for robbing mail; three people for murder; a farmer; a woman who lied to the police; a railroad worker; and Michał Wiwczarenko and his wife for hiding Jews). This brings the total to at least 22 people sentenced to death by the Sondergericht Stanislaw under the Chairmanship by Wester. If we take into consideration that he viewed the signing of death sentences on 20 Jews to be the best Christmas present, it is reasonable to think that this figure is understated by several times. This finding makes Wester’s explanation to the effect that he only issued some 12 death sentences completely unbelievable.

In light of the sources analyzed, Wester’s stance and his approach to the severity of punishment meted out by the Sondergericht are not in doubt. This judge was fully accepting of the darkest tendencies of the judiciary of the Third Reich. I would like to emphasize the diligence with which the French occupation authorities handled Wester’s case, interviewing a great many witnesses and thus helping construct an image of Wester’s activities in Stanisławów radically different from that which he himself strove to create. The evidence gathered made it possible to surrender him to Poland and organize a trial. The District Court in Warsaw did not pass a verdict only because of Wester’s death. As such, he was not formally convicted and is therefore subject to the presumption of innocence. However, it is hard to shake off the impression that his case most appropriately illustrates the actions of a “bloody judge” – a term used by the propaganda of the German Democratic Republic to describe judges of the Third Reich who continued their employment in the judiciary of the Federal Republic of Germany.

(transl. by Maciej Zakrzewski)

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