

Judgement : Kaltenbrunner

THE PRESIDENT:

Kaltenbrunner is indicted under [Counts One, Three](#) and [Four](#). He joined the Austrian Nazi Party and the SS in 1932. In 1935 he became leader of the SS in Austria. After the Anschluss he was appointed Austrian State Secretary for Security and when this position was abolished in 1941 he was made Higher SS and Police Leader. On 30th January, 1943, he was appointed Chief of the Security Police and SD and Head of the Reich Security Head Office (RSHA), a position which had been held by Heydrich -until his assassination in June. 1942. He held the rank of Obergruppenfuehrer in the SS.

Crimes against Peace

As leader of the SS in Austria Kaltenbrunner was active in the Nazi intrigue against the Schuschnigg Government. On the night of 11th March, 38, after Goering had ordered Austrian National Socialists to seize control of the Austrian Government, 500 Austrian SS men under Kaltenbrunner's command surrounded the Federal Chancellery and a special detachment under the command of his adjutant entered the Federal Chancellery while Seyss-Inquart was negotiating with President Miklas. But there is no evidence connecting Kaltenbrunner with plans to wage aggressive war on any other front. The Anschluss, although it was an aggressive act, is not charged as an aggressive war, and the evidence against Kaltenbrunner under Count One does not in the opinion of the Tribunal, show his direct participation in any plan to wage such a war.

War Crimes and Crimes against Humanity

When he became Chief of the Security Police and SD and Head of the RSHA on 30th January, 1943, Kaltenbrunner took charge of an organisation which included the main offices of the Gestapo, the SD and the Criminal Police. As Chief of the RSHA, Kaltenbrunner had authority to order protective custody to and release from concentration camps. Orders to this effect were normally sent over his signature. Kaltenbrunner was aware of conditions in concentration camps. He had undoubtedly visited Mauthausen and witnesses testified that he had seen prisoners killed by the various methods of execution, hanging, shooting in the back of the neck and gassing, as part of a demonstration. Kaltenbrunner himself ordered the execution of prisoners in those camps and his office was used to transmit to the camps execution orders which originated in Himmler's office. At the end of the war Kaltenbrunner participated in the arrangements for the evacuation of inmates of concentration camps, and the liquidation of many of them. to prevent them from being liberated by the Allied armies.

During the period in which Kaltenbrunner was Head of the RSHA, it was engaged in a widespread programme of war crimes and crimes against humanity. These crimes included the mistreatment and murder of prisoners of war. Einsatz Kommandos operating under the control of the Gestapo were engaged in the screening of Soviet prisoners of war, Jews, commissars and others who were thought to be ideologically hostile to the Nazi system were reported to the RSHA, which had them transferred to a concentration camp and murdered. An RSHA order issued during Kaltenbrunner's regime established the "Bullet Decree," under which certain escaped prisoners of war who were recaptured were taken to Mauthausen and shot. The order for the execution of commando troops was extended by the Gestapo to include parachutists while Kaltenbrunner was Chief of the RSHA. An order signed by Kaltenbrunner instructed the Police not to interfere with attacks on bailed out Allied fliers. In December, 1944, Kaltenbrunner participated in the murder of one of the French Generals held as a prisoner of war.

During the period in which Kaltenbrunner was Head of the RSHA, the Gestapo and SD in occupied territories continued the murder and illtreatment of the population, using methods which included the torture and confinement in concentration camps. usually under orders to which Kaltenbrunner's name was signed.

The Gestapo was responsible for enforcing a rigid labour discipline on the slave labourers and Kaltenbrunner established a series of labour reformatory camps for this purpose. When the SS embarked on a slave labour programme of its own, the Gestapo was used to obtain the needed workers by sending labourers to concentration camps.

The RSHA played a leading part in the " final solution " of the Jewish question by the extermination of the Jews. A special section under the Amt IV of the RSHA was established to supervise this programme. Under its direction approximately six million Jews were murdered. of which two million were killed by Einsatzgruppen and other units of the Security Police. Kaltenbrunner had been informed of the activities of these Einsatzgruppen when he was a Higher SS and Police Leader, and they continued to function after he had become Chief of the RSHA.

The murder of approximately four million Jews in concentration camps has heretofore been described. This part of the programme was also under the supervision of the RSHA when Kaltenbrunner was head of that organisation, and special missions of the RSHA scoured the occupied territories and the various Axis satellites arranging for the deportation of Jews to these extermination institutions. Kaltenbrunner was informed of these activities. A letter which he wrote on 30th June, 1944, described the shipment to Vienna of 12,000 Jews for that purpose, and directed that all who could not work would have to be kept in readiness for " special action," which meant murder. Kaltenbrunner denied his signature to this letter, as he did on a very large number of orders on which his name was stamped or typed, and, in a few instances, written. It is inconceivable that in matters of such importance his signature could have appeared so many times without his authority.

Kaltenbrunner has claimed that when he took office as Chief of the Security Police and SD and as Head of the RSHA he did so pursuant to an understanding with Himmler under which he was to confine his activities to matters involving foreign intelligence, and not to assume overall control over the activities of the RSHA. He claims that the criminal programme had been started before his assumption of office; that he seldom knew what was going on; and that when he was informed he did what he could to stop them. It is true that he showed a special interest in matters involving foreign intelligence. But he exercised control over the activities of the RSHA; was aware of the crimes it was committing, and was an active participant in many of them.

Conclusion

The Tribunal finds that Kaltenbrunner is not guilty on [Count One](#). He is guilty under [Counts Three](#) and [Four](#).

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1/10-1946: Defendant Ernst Kaltenbrunner, on the counts of the [Indictment](#) on which you have been convicted. the Tribunal sentences you to death by hanging.

<https://avalon.law.yale.edu/imt/judsent.asp>