**A trial without a defendant: The case of Dr. Josef Mengele in Jerusalem**

*Yehudit Dori Deston*

On February 4, 1985, an extraordinary gathering was held at Yad Vashem—The World Holocaust Remembrance Center in Jerusalem. The hall where this event took place had been set up to resemble a courtroom. Upon entering, people were greeted with a sign that read “*J’accuse*” (“I accuse.”) On a raised dais stood a long, rectangular table, and on it name cards had been placed, one for each of the judges sitting in this court. Alongside the judges’ table was a witness stand, adorned with the Yad Vashem logo, and behind it were two Israeli flags. Only one item was conspicuous by its absence—the defendant’s bench. This noticeably missing item was, to a large extent, symbolic of the entire event—–the trial of one of the most notorious and cruel Nazi criminals, Dr. Josef Mengele. Officially dubbed a “public hearing,” in many ways, this was actually a mock trial, with jury, prosecutor, prosecution witnesses, and public gallery. Only the defendant was missing.

At the heart of the trial were Mengele’s crimes, committed under the guise of the “medical experiments” he had forcibly conducted on inmates of the Auschwitz-Birkenau concentration camp during 1943–1944. While the “defendant” standing trial in this case was well-known—notorious, even—the circumstances surrounding the “public hearing” itself are less so. The proceedings were carried out as part of a series of events to mark the fortieth anniversary of the liberation of Auschwitz, at the initiative of the organization CANDLES (Children of Auschwitz Deadly Lab Experiments Survivors), also known as “Forever the Twins of Auschwitz.” The trial ran for three days, during which numerous testimonies were heard from Holocaust survivors who had been eyewitnesses to Mengele’s crimes. At the end of the trial, it was determined that: “there is evidence that justifies the prosecution of Dr. Josef Mengele for war crimes and crimes against humanity, including crimes against the Jewish people and against other peoples.” On the face of it, the proceedings served as a preliminary step towards conducting a lawful criminal trial, where, according to the plan that had been drawn up, Mengele would be brought to justice in Israel, or in any other state that was prepared to put him to trial in accordance with its laws and the principles of international law. But why was there a need for a “pre-trial stage” of this sort? Did this mock trial serve any legal purpose, or was it intended to achieve another goal? And did the proceedings, in the final analysis, fulfil the purposes for which they were intended? This paper seeks to address these questions.

While the entire trial was recorded on video, only a partial record of it has been preserved, at least in the Yad Vashem archive. Sometimes, these recordings stop mid-testimony, and on other occasions, they start only partway through a testimony. The unfortunate result is that the identity of some of the witnesses is unknown. Furthermore (and this may hint at the weak public memory of the event), despite the passage of time, the historical documents that had been collected in preparation for the proceedings, and the exhibits submitted during it, have yet to be catalogued. A partial attempt to transcribe some of the testimonies was made in the past as part of a document, one of the authors of which was a witness at the trial. However, this document does not include all the testimonies heard during the proceedings, nor the speeches or the decision rendered at the conclusion of the hearing.[[1]](#footnote-1) As a result, this paper represents the first clarification of the full story of the Mengele trial, almost four decades after it was held. This paper’s interpretation of the trial suggests that although it ostensibly sought to resemble a criminal trial, in reality, at the center of the event were the Holocaust survivors who testified at it—i.e., the victims of the crimes for which the trial was being held—and not the defendant himself.

***“And there is also a protest here against the fact that Mengele is still walking around as a free man.”[[2]](#footnote-2)***

Josef Mengele, who became known as the “angel of death of Auschwitz,” was and remains one of the most prominent symbols of the Auschwitz extermination camp, and, in fact, of Nazi crimes as a whole. Yet, after the war, all traces of him disappeared. When the proceedings described in this paper took place, Mengele had been dead for almost six years. However, his death was revealed only five months after the proceedings described here. In hindsight, it was discovered that at the end of the war, Mengele had first hidden himself on a farm in Bavaria, and in 1949 emigrated to Argentina, where many Nazi criminals found refuge. Despite many international attempts to locate him, Mengele was never apprehended, and lived under a false identity for 35 years. As far as is known today, he died in 1979 in Brazil, after suffering a stroke while swimming in the sea. The fact of his death was not made known until June 5, 1985, when his remains were removed from a grave that bore the name of a different person.[[3]](#footnote-3)

Mengele has never faced a criminal trial in either a national or an international court of law. After the war, his name was mentioned several times, including in testimonies collected in preparation for the Nuremberg Trials.[[4]](#footnote-4) However, it was not until 1959 that a German court in Freiburg, a city in the district where he had resided, issued an arrest warrant against him. In 1960, the West German Foreign Ministry asked Argentina to extradite him, but Mengele managed to escape to Paraguay and later to Brazil, where he lived with a German couple who gave him sanctuary until the day he died. However, Germany was not the only country that wanted to bring Mengele to justice on its soil. In fact, after the capture of Eichmann, Mengele became the most wanted Nazi war criminal. The United States took steps to locate him,[[5]](#footnote-5) And for about six months, Israel also invested efforts on the intelligence, political, and legal levels to bring him to trial.

Throughout the first two decades after the founding of the State of Israel, Mengele’s name was at the top of the list of Nazi criminals wanted by Mossad. In fact, as new research reveals, in the decade from 1968, with the appointment of Zvi Zamir as head of the Mossad, and the political upheaval of 1977, the Mossad’s activity in locating Nazi war criminals was significantly reduced, with the approval of prime ministers Levi Eshkol, Golda Meir, and Yitzhak Rabin. Nonetheless, the search for Mengele— unlike other Nazi criminals—continued, albeit at a low intensity.[[6]](#footnote-6) With the election of Menachem Begin as prime minister in 1977, and the appointment of Shmuel Tamir as Minister of Justice, the government’s efforts on this issue were renewed.[[7]](#footnote-7) In March 1985, the then Minister of Justice Moshe Nissim appointed an inter-ministerial team tasked with coordinating the handling of locating Mengele and bringing him to justice in Israel. The team began working in collaboration with the office of special investigations, United States Department of Justice and with the prosecutor in Frankfurt, who was in charge of the Mengele case in Germany. In the same month, the Minister of Justice also announced that the State of Israel was offering a reward in the amount of one million dollars for anyone who would bring Mengele to justice in Israel.[[8]](#footnote-8) Along with this, on a public level, various initiatives were taken to locate Mengele and make a public declaration of the serious crimes he had committed. The holding of a public trial was one of these initiatives.

**The State of Israel vs. Josef Mengele**

In many ways, the public trial resembled a “regular” criminal trial. The witnesses gave their testimony before a panel of seven “judges,” who were referred to as “committee members,” and had knowledge or expertise relevant to the proceedings, each in their own field. The committee was chaired by Gideon Hausner, the former Attorney General, who had served as lead prosecutor in the Eichmann trial. Hausner conducted the proceedings much like a chief judge conducts a trial: he explained the order of the hearing to those present, answered questions from members of the witness committee, and even set a timetable for the proceedings and ensured that all customary rules were observed.[[9]](#footnote-9) In addition to Hausner, the committee included: Professor Telford Taylor, chief counsel for the prosecution at the Nuremberg trials; Simon Wiesenthal, the director of the Documentation Center of the Association of Jewish Victims of the Nazi Regime in Vienna; Professor Yehuda Bauer, a historian from the Hebrew University of Jerusalem; Dr. Arno Motulsky, a medical geneticist and a Holocaust survivor himself; and Rafi Eitan, a former intelligence officer who was in charge of the Mossad operation that led to the arrest of Adolf Eichmann half a century earlier.

The seventh and final committee member was Zvi Tarlo. Born in Krakow, Poland, in 1932, Tarlo completed his law studies in the first class of the Faculty of Law at the Hebrew University of Jerusalem, and worked for many years in the State Attorney’s Office and the Ministry of Justice. As a young attorney, he had served as a member of the prosecution team in the Eichmann trial, where he worked alongside Hausner. From 1969–1976, he served as Director General of the Ministry of Justice, and after leaving this post, was appointed a judge at the National Labor Court, serving as its vice-president until his retirement in 1982. Tarlo was the “driving force” behind the trial, and in fact wore three different hats during the proceedings: in addition to serving as a judge, he served as the “head of the investigation team” in the preparations for the proceedings, and in this role, he was entrusted with collecting evidence. In the trial itself, he also served as the “prosecutor, preparing the witnesses for the hearings and conducting their questioning on the witness stand.

The testimonies of the Holocaust survivors were at the heart of the proceedings. One by one, 30 witnesses were called to a witness stand that had been placed on the stage especially for this purpose, and told their stories as part of what the committee members referred to as “testimony,” “statements,” or “evidentiary hearing”—all legal terms. From an evidentiary point of view, the main contribution of the testimonies was that the witnesses gave firsthand accounts of their experiences in the camp, and especially about the crimes committed by Mengele, to which they were eyewitnesses. Most of the witnesses suffered at Mengele’s hands when forced medical experiments and treatments were conducted on them against their will, including blood tests, blood transfer, various injections, eye drops, radiation, excision of body organs, and various surgical procedures.

These witnesses were not the only Auschwitz survivors who were alive in the mid-1980s and who could have given testimony. In fact, other survivors had contacted the trial organizers and asked to testify. Who are the witnesses who were ultimately chosen, and why were they chosen? There is no clear answer to this, but an analysis of the evidence and an examination of the personal characteristics of the witnesses provide some interesting conclusions. While the committee members were all men, most of the witnesses (18 of 30) were women. Almost all were living in Israel at the time, but some traveled especially from the United States, France, and even Australia. They testified, according to their own choice, in Hebrew, English, or French. In terms of their origins, most of the witnesses were born in Hungary (9), Czechoslovakia (5), Poland (4) or Greece (4). Individual witnesses were also from Transylvania, France, Vienna, and the Netherlands. The origin of four of the witnesses is unknown. All the witnesses but one were Jews. At least two thirds of the witnesses had been under 20 years old when they arrived at Auschwitz, and half had been under the age of 17. The youngest had been five years old and the oldest 32. A third of the witnesses (10) were twins, and there were also some (3) who came with their siblings but were thought to be twins because they resembled each other to a high degree. One of them, Elizabeth Moshkovitz, had dwarfism, the daughter of a family of seven individuals with dwarfism who were taken to Auschwitz together. She testified while her sister, who also had dwarfism, sat beside her, both of them in wheelchairs. The two were remarkably identical in looks, and finished each other’s sentences. In the case of one witness, Reichenberg, the audience was given a vivid illustration of the serious injuries inflicted on the witnesses’ bodies: the experiments conducted on him in Auschwitz had irreparably damaged his vocal cords, until he had no voice left. His words were heard through a special device attached to his throat, which, he noted ironically, had been brought to Israel specially from Germany. It is also worth noting that one of the witnesses testified while wearing a black balaclava, so that his identity would not be revealed to those watching the trial. Although it was not stated explicitly, it can be assumed that this was due to the fact that Mengele had performed an operation on him in Auschwitz against his will, in which one of his testicles was removed. In a parallel testimony, although with her face uncovered, witness Mrs. Baruch said that in an operation performed on her against her will, one of her ovaries was removed.

The manner in which the witnesses gave their testimony was very similar to the way direct witness examination is carried out in a criminal trial: in most cases, the testimonies were not given completely freely, with the witnesses choosing the starting and ending points of their evidence, but instead, they responded to questions put to them by Tarlo. At the end of their testimonies, members of the committee asked them additional questions for clarification. As befits a quasi-criminal proceeding, at the heart of which was the question of Mengele’s responsibility for committing the crimes, Tarlo and the other committee members were not interested in the witnesses’ full stories about their experiences in the war. Not a single story of the witnesses’ survival during their years incarcerated in Auschwitz was presented in full. Witnesses were asked to concentrate only on the actions carried out by Mengele, to which they had been eyewitnesses. Thus, each witness was asked at the beginning of his or her testimony*: On what date did you arrive at Auschwitz? When did you see Mengele for the first time?* Immediately after they answered these questions, they were asked: *What can you tell us about the experiments that Mengele carried out on prisoners? Did you witness Mengele’s specific actions? What did you know about his goals and intentions in performing these experiments?* In addition, much like how witnesses are questioned in court, the witnesses were asked to describe specifically, according to their memory, when the events they were talking about took place (or near which holiday in the Jewish calendar), and where in the camp the events occurred (the places that were recalled in the testimonies were: the ramp at the entrance to Auschwitz, the hospital, the women’s camp, the family camp, Block 10, and the parade ground.) The attempts to focus the testimonies on the “defendant” himself, and his actions, and to situate them within a clear pattern of time and place, is a prominent feature of testimonies given in court, in contrast to documentary testimonies that are given more freely.[[10]](#footnote-10) It should also be noted that a cross examination was not conducted during the proceedings, since both the “defendant” and his defense attorney were not present at the trial.

Another “legal” motif of this event is related to the preparations that were made for it, which included the collection of a great deal of historical documentation relating to the crimes committed by Mengele. In addition to questioning the witnesses, those who appeared to testify and those who ultimately did not testify at the trial, various documents were presented to the committee for consideration as background material for discussions. Among these were a document that collated together all of the testimonies from Auschwitz survivors that included references to Mengele (this was edited by Yaakov Bar-Or, who, like Tarlo, was a member of the prosecution team at the Eichmann trial); a review on Mengele prepared by the Public Prosecutor’s office at the Regional Court in Frankfurt am Main; a report prepared by Wiesenthal on the experiments performed by Mengele; and a written testimony about day-to-day life in the camp, written by Menashe Lorenzi, an Auschwitz survivor who was one of the “Mengele twins.”[[11]](#footnote-11) The collection of materials for the trial was similar, to a certain degree, of that of a police investigation, during which evidentiary material is gathered in preparation for the formulation of an indictment and a criminal trial.

At the beginning of the proceedings, various historical documents from the collected materials were submitted for review by the committee as “prosecution exhibits,” the role of which was to supplement and strengthen, the oral evidence. Among these were a copy of a questionnaire completed by Mengele on January 1, 1939 for admission into the ranks of the SS, with details of his date and place of birth, his service in SS detachments and the German army, his profession, and his residential address; permission granted to Mengele by SS Chief Himmler’s office to marry whom he chose, dated March 1929; a personal questionnaire signed by Mengele dated July 18, 1940, which includes personal details such as his SS soldier number, Nazi party register number, height, education, professional training, previous places of work, and residential address at the time; three letters of appointment from 1943 for various positions as a government physician, the last of which indicates his placement in the role of chief physician of SS personnel in Auschwitz (as of 30.05.1943); and an evaluation report from 19.08.1944 on Mengele’s performance as an Auschwitz camp physician, which praises his scholarship and diligence. In addition to these exhibits, and as is sometimes the case in testimonies given in court, exhibits were submitted by the witnesses themselves for the committee members to review. In two cases these consisted of photographs relevant to the content of the witnesses’ testimonies,[[12]](#footnote-12) and in a third case, the exhibit was a document proving that the witness had testified in the first Belsen trial in Lüneburg, 1945, against Josef Kramer, Franz Hössler, Dr. Fritz Klein, and Irma Grese.[[13]](#footnote-13)

After the testimonies of the survivors were heard, two more witnesses were called to the stand. The first was Professor Shamai Davidson, Medical Director of the Shalvata Mental Health Center, who served as the head of the Elie Wiesel Chair for the Study of the Psycho-Social Trauma of the Holocaust at Bar Ilan University. As a world-renowned expert in the psychiatry of Holocaust survivors,[[14]](#footnote-14) Davidson was invited to speak about the emotional insights gleaned from the testimonies of child Holocaust survivors of the extermination camps, in particular those who were twins and who went through the trauma of the camp alongside a brother or sister. The identity of the second witness is unknown to me, but from the content of his testimony, it is apparent that he was invited to testify based on his legal experience and knowledge about extraditing Nazi war criminals, especially those who had committed crimes concerning human experimentation in the concentration camps. These two witnesses served as a type of “expert witness” of the sort invited to testify in trials based on their experience and expertise in the fields under discussion.

A semblance of a criminal trial was also given to the proceedings through the opening and closing statements in the trial. However, unlike a regular criminal trial, where such speeches are made by the prosecution and defense counsels, one from each, and where their purpose is to present the questions to be decided and the bulk of the evidence supporting the guilt or innocence of the defendant, here, the opening and closing statements were delivered in an unusual way. They were given not only by Tarlo in his role as prosecutor, but also by the “judges panel,” or committee. The first opening speech was given by Hausner, the chairman of the committee. He explained that Mengele was, and continues to be, the most prominent symbol of Auschwitz, and that his actions had caused the disintegration of the bodies and souls of his victims. Hausner noted, among other things, that:

Mengele came to Auschwitz, the kingdom of death and the land of torment, voluntarily, and he integrated well into the work of extermination and experimentation. Mengele’s personality embodies the terrible cruelty that was imbibed from Nazi racism, the fruit of the mysticism of the superior Aryan race. He would make selections and decide with a flick of his thumb who would go to the camp and live for a short while and who would go immediately to the gas chambers and crematorium. It was he who “made his sheep pass under his staff.”

The Hausner of the Mengele trial was quite different from the charismatic and energetic prosecutor of the Eichmann trial. He had aged visibly. However, reading his words, which are beautifully formulated and interspersed with vivid imagery that came to life before his audience’s eyes, it was hard not to recall the famous opening speech he had given 24 years earlier at the start of the prosecution’s case in the Eichmann trial.[[15]](#footnote-15)

At the conclusion of the testimonies, closing speeches were also given by other members of the committee. In their speeches, which were referred to as “statements,” each committee member focused on a different aspect of the evidence, and the findings that had emerged from it, according to their area of expertise. Professor Motulsky, in his role as a geneticist and scientist, referred to the scientific and pseudo-scientific aspects of the experiments conducted by Mengele in Auschwitz, and sought to learn lessons from this about the inherent danger of using human beings as objects in scientific research. Wiesenthal, known as a “Nazi hunter,” wanted to point out that other Nazi criminals were still walking around freely, and to raise awareness of the suffering of the Roma people who were also tortured and exterminated in Auschwitz, and whose voices are not heard. Professor Bauer, who spoke as an historian, emphasized that the testimonies of the surviving witnesses confirmed and complemented what was already known from historical research. For example, Bauer noted that one can conclude from the evidence that there were Wehrmacht men in Auschwitz, that Sonderkommando prisoners in Auschwitz were also employed in forced labor on the ramp in the camp (and not just in the gas chambers), and that Mengele arrived in Auschwitz before spring 1943. Bauer also stressed that “as a university lecturer in the Western world,” Mengele was part of an extermination machine in which a stratum of educated people played a significant part, and that this should serve as a warning sign. Professor Taylor, an internationally renowned jurist in the field of Nazi crimes, estimated that the evidence of Mengele’s participation in the medical experiments and selections substantiated the very serious charges against him, and justified his prosecution before an appropriate tribunal.

The prosecutor in the trial also gave a closing speech. In his speech, Tarlo clarified that, in addition to the testimonies heard, the committee also received a great deal of written evidence, and that all of the material was to be transferred to the Yad Vashem Research Institute. Tarlo apologized on behalf of the committee to the other witnesses who had been willing to testify but, due to time constraints, had only been asked to give written testimony. He also called on other survivors to contact Yad Vashem “so that their testimony will be preserved until the Day of Reckoning, when the efforts to capture Mengele will bear fruit.” Several times in his speech, Tarlo used the phrase, “Planet Auschwitz,” which was taken from the famous testimony of Yehiel De-Nur in the Eichmann trial.[[16]](#footnote-16) It seems that, through his repeated use of this expression, Tarlo, consciously or unconsciously, sought to recreate the enormity of that occasion. Another symbolic mention in Tarlo’s concluding remarks referred to a quote from Uri Zvi Greenberg’s cycle of poems, “Streets of the River,” which became a familiar symbol of the destruction of European Jewry in the Holocaust.[[17]](#footnote-17) Against the background of anti-Semitism and its expression, culminating in the murder of the Jews in Auschwitz, Tarlo strove to convey an unequivocal message:

Hatred will continue to poison the human race as long as there is no power to bring Mengele to justice. There is thus an obligation to bring about the arrest and punishment of the murderers, and of Josef Mengele, their leader. Lest anyone, anywhere, dare to do as they did to the Jewish people, or any other people.

As a direct continuation of this, Tarlo concluded his remarks with a “personal request” to the Pope, on behalf of himself and his relatives who were murdered in the Holocaust: “Arrest the Nazi criminal Josef Mengele and bring him to justice for the terrible crimes he committed on Polish soil in the Auschwitz camp between 21 May 1943 and 31 December 1944, in accordance with international law.”

Finally, the highlight of the trial was the decision signed by the committee, which was solemnly read aloud in Hebrew and English. Although the jurists on the committee had emphasized on several occasions throughout the proceedings that “we have no power to declare whether this individual is guilty or innocent, neither to punish him,” in some ways, at least, the decision resembled a judgement handed down at the end of a criminal trial. At the heart of the decision was the statement that a sufficient evidential basis had been presented to support Mengele’s prosecution and that his actions amounted to war crimes, crimes against humanity, and crimes against the Jewish people. The crimes mentioned included counts of murder, causing serious physical harm, and physical and emotional abuse, including of children. Mengele’s main method of committing murders was through selections, where he sent victims to the gas chambers; he also carried out some killings himself with his own hands. The decision also determined, based on the evidence heard, that:

The serious physical injuries and acts of abuse inflicted on the victim’s bodies and souls were committed by Mengele under the guise of scientific experiments, while in reality, they had no scientific value. The experiments conducted by Mengele, through the use of coercive measures on defenseless prisoners, were part of a sordid system of pseudo-scientific investigations by Nazi doctors, who violated the Hippocratic Oath, engaged in fanatical adherence to realizing the mysticism of racial superiority, and the promotion of goals that arose from the racial teachings of the Third Reich. At the heart of these was the extermination of the Jewish people, and alongside them, the elimination of races and members of other races whom the Nazis deemed inferior. Mengele also added to his crimes acts of primitive, sadistic cruelty, while desecrating the bodies and dignity of his victims.

The decision also added that, despite the serious crimes Mengele had committed, he remained a free man. Therefore, the committee called on:

All governments, all religious and faith leaders, all international political, cultural, and social organizations, and every person who values the sanctity of life and the protection of freedom to lend a hand to the capture of Josef Mengele and to his prosecution in a country that is prepared to put him to trial according to its laws, and in light of the principles of international law. The same shall be done to other Nazi criminals who have not yet been prosecuted, and who have yet to be punished. The committee also calls on the peoples of all nations to remember and commemorate the disaster that Nazism inflicted on Europe and on the Jewish people in particular, so that never again will there be a regime like it anywhere in the world that will do the terrible things that were done to our people.[[18]](#footnote-18)

***A reminder shall come from Jerusalem*[[19]](#footnote-19)**

Despite the legal aspects of the proceedings described above, in the final analysis, the “Mengele trial” did not constitute a criminal trial conducted according to accepted procedures and rules. Unlike a regular criminal trial, which has a single purpose—to decide the guilt or innocence of the defendant in the dock—it is clear that the event discussed here was akin to a public gathering, regardless of whether we call it a “public hearing” or a “mock trial.” There is no doubt that the committee members, despite the fact that some were senior lawyers, did not have the authority to try the defendant, certainly not in his absence. What, then, did the organizers consider to be the main purpose of the trial?

The trial’s official goal, which the organizers stated at various times during the proceedings, was to collect evidence for Mengele’s prosecution. In particular, the organizers of the trial had requested that eyewitness testimonies to Mengele’s crimes be collected—testimonies from the victims of the crimes that Mengele had committed himself, with his own hands. However, as the jurists among the committee members surely knew full well, for testimonies to be admissible as evidence in court, they must be collected by an investigatory unit, in accordance with legal procedures. In this sense, the stated purpose of the proceedings gives rise to certain difficulties, and unfortunately does not justify holding the proceedings in the format in which they took place. It therefore seems necessary to be precise, and say that the proceedings were not intended for **evidence-gathering**, but rather for the purpose of **declaring that evidence existed**. That is, the organizers of the mock trial sought to declare that there were sufficient eyewitness survivors of the crimes committed by Mengele. This assertion has two-fold importance. First, externally—that is, in relation to the international community—the proceedings were intended to influence global public opinion regarding the need to arrest Mengele and bring him to justice. By exercising international pressure, the organizers hoped to facilitate Mengele’s extradition to Israel. It can be assumed that, for this reason, part of the trial was conducted in English—some of the panel members gave their “statements” in English, the decision at the conclusion of the hearings was also read out in English, and, more importantly, some of the witnesses, in particular those whose testimonies were perceived to be “strong” both visually and emotionally, were asked to testify in English.[[20]](#footnote-20)

However, the second, and more interesting, reason for the importance of the above claim concerns what was directed inward, in relation to Israel itself, and its preoccupation with Nazi crimes. As I have shown in previous work,[[21]](#footnote-21) in this period, around two decades after the Eichmann trial, Israel did not wish to mar the strong impression that had been created through its success in achieving both the goal of retribution and specific educational goals, among them historical documentation and shaping the collective memory of the Holocaust. Thus, for the purpose of conducting “the second trial of its kind after the Eichmann trial,”[[22]](#footnote-22)the State Attorney’s Office set out three clear criteria for opening additional legal proceedings against Nazi war criminals by submitting a request for their extradition:

1. The existence of evidence that showed the defendant had participated in the mass murder of Jews.
2. A high chance of achieving a conviction, and a high potential for a particularly severe sentence.
3. The presence in Israel of witnesses who could testify to the actions of the defendant, or the willingness of such witnesses to travel to Israel to testify in the trial.

To a large extent, emphasis was placed on the last criterion, since beyond the obvious evidentiary value of the survivors’ testimony, it could also clearly be used to fulfil educational goals.[[23]](#footnote-23)

Forty years after the war, there was a great deal of evidence of the murders and abuses that Mengele had committed himself, by his own hand, and of those for which he was directly responsible. His conviction, were he to be captured and brought to justice, was almost certain, and his expected sentence under Israeli law was the death penalty. It can therefore be assumed that, here, the mock trial was intended to emphasize that Mengele’s case met the third criterion, and most important of all, the second criterion, i.e., that there were eyewitnesses who could testify firsthand about the crimes Mengele had committed. Through the mock trial, the organizers sought to illustrate the possibility that Mengele’s real trial, were he to be arrested and extradited, would better fulfil the educational goals associated with this type of proceeding, as well as to declare Mengele a suitable candidate for a “second trial of its kind after the Eichmann trial.”

Another purpose, no less important than the preceding, was documentation and commemoration. As noted, the event was held to mark the fortieth anniversary of the liberation of Auschwitz, and Auschwitz survivors from all over Israel, and from several other countries, gathered together to attend the proceedings. As well as the oral testimonies, numerous written testimonies were also collected as part of the preparations for the event. These were transferred for safekeeping to the Yad Vashem archive. There was, therefore, a real historical value in collecting all these testimonies, and in collating them in one place. This purpose was emphasized in the opening remarks of the proceedings by historian Dr. Yitzhak Arad, chairman of the Yad Vashem board:

This evidence will become very valuable documentation that will be used for research and historical writing. It will also serve as a warning to humanity of how society deteriorates, and as a lesson for future generations.

Hausner expressed this, too, in his concluding remarks after reading the decision:

This is perhaps the last opportunity to gather together people who can testify to events from personal knowledge, in an international forum. How many fortieth anniversaries are there in a person’s life?

Some of the panel members pointed out that the value of the evidence was particularly signficant when considered in conjunction with written documentation held by researchers, who were able to corroborate it, offer a broader context, or shed light on elements that had not previously been fully understood, e.g., regarding the exact nature of the experiments Mengele had carried out on the camp’s prisoners. In fact, the purpose of the documentation and commemoration was so important that it was not limited to collecting testimonies just from the survivors t. Some saw the ultimate purpose as being the capture of Mengele himself. As Wiesenthal said in a media interview held during a break between the hearings:

The big importance is not to have him [Mengele] as a criminal but as a witness, forty years later. We need this historic lecture for the younger generations, grandsons and granddaughters of the survivors.

It is interesting to note that this concept finds expression even today, as part of the documentation and disclosure of the tapes of the interviews conducted with Eichmann during his trial, as well as the publication of the personal diaries he wrote at the time.[[24]](#footnote-24) The way in which the event concluded shows, more than anything, the attempt to fulfil the goals of documentation and commemoration. After Hausner finished reading from the transcripts, he announced a minute’s silence in memory of the fallen, for which the audience was asked to stand. Afterward, Hausner closed the session and the trial came to an end. This symbolic act, which was highly reminiscent of the siren that is sounded throughout Israel every Holocaust Remembrance Day, added a ceremonial touch to the event, and emphasized its purpose of commemorating those who perished in the Holocaust.[[25]](#footnote-25)

A third goal in holding this “trial” was to leverage the media coverage of the event as a tool in the global fight against Holocaust denial. This purpose is evident from the remarks made during the signing of the decision at the end of the proceedings, as quoted above. We can learn more about this from Hausner’s closing remarks, in which he explained why it had been necessary to conduct the trial at that particular time:

Holocaust denial is a movement that is continuing to grow. There are many people who seek to renounce all knowledge of, and connection to, the Holocaust. However, the Holocaust will haunt humanity for generations to come. The world after Auschwitz will never return to what it was before, because of the Nazi poison that spilled out and flooded all of Europe.

Hausner’s assertion that there was a pressing need to combat Holocaust denial was not made in a vacuum. By the 1980s, the phenomenon of Holocaust denial had become increasingly widespread around the world, and, as Holocaust survivors aged, there was a real fear that it would continue to gain traction. However, Hausner did not view the proceedings and the testimonies of the eyewitness survivors solely as tools to help combat the negative phenomenon of denial of historical events, but also to sound a warning, and to provide a lesson for the future. As he emphasized later in his speech, the Nazi crimes to which the survivors had testified were “just one example of degeneration. Auschwitz can appear in history in different incarnations, where mutual enmity can cause endless suffering.” Hausner went on to declare that:

Various world powers now possess the technological means for the mass extermination of peoples. If these means are ever used, a terrible human tragedy could be repeated. It is for this reason that the reminder that will come out of Jerusalem is of such importance.

There is no doubt that another, clear declarative purpose of the proceedings was to proclaim Israel to be the representative of Holocaust survivors, and as continuing the path of those who had perished. In this sense, the testimonies had one clear message—that the natural home of the Jewish people, after the Holocaust, is Israel, and that only Israel’s continued existence can ensure that such crimes will never happen again. Hausner also touched on this message in his closing remarks:

We say, there will not be another Shoah. What is the basis on which we say this? As far as the Jewish people are concerned, the guarantee for this is the State of Israel. As long as Israel exists, the days of Auschwitz shall never come again, there will be no expulsions, and there will be no attempt at a final solution. The operation to rescue the Jews of Ethiopia in recent weeks has proved this once again.[[26]](#footnote-26)

This stated purpose found substantial expression in the words of the witnesses themselves, some of whom ended their testimonies with the story of their *aliyah* [immigration] to Israel and their settlement in that country. Some also added that “anti-Semitism is growing all around the world, Jews have no security outside of Israel. Only *Ha’aretz* [the land of Israel] can give shelter.”[[27]](#footnote-27)

***I swore to my mother that one day, I would take revenge on Dr. Mengele*[[28]](#footnote-28)**

Without detracting from the importance of the purposes set out above, studying the visual documentation of the entire event creates a strong impression that there was an additional purpose behind it. In fact, in light of the outcome of these public proceedings, it would not be an exaggeration to say that, in fact, this additional purpose was their true *raison d'être*. I refer, of course, to the purpose of providing survivors with a voice and a platform to tell their stories. A large crowd gathered to watch the trial in person. Several television crews were present, and filmed for the duration of the event, which was broadcast live, and reviewed by the press in Israel and worldwide.[[29]](#footnote-29)

In this sense, then, the trial created a platform for the witnesses, via which they found a suitable framework to publicly describe their suffering. The legal trappings of the event added an aura of respect to the witnesses’ stories, lending them validity and an element of practical utility. The opportunity the witnesses were given to testify in their own languages also contributed to this, when, where necessary, the questions put to them by panel members were translated for them.

There are several expressions of this purpose to be found in the testimonies. For example, witness Orna Birenbach stated that, being a “female witness,” she usually told youngsters about her experiences during the war, but had never disclosed the story of her difficult survival in Auschwitz, explaining that, “I cannot talk about Auschwitz, it’s taboo.” The importance of her testimony in the trial helped her to overcome her difficulties and reveal her full story. An even more significant expression of this, which was repeated in most of the testimonies, was the emphasis the witnesses placed on their perceived victory over Mengele, whether through emigrating to and settling in Israel, or through their personal and professional development. However, it seems from the same testimonies that the greatest victory of all found expression in conceiving and raising children. Many of the witnesses who testified to being subjected to physical abuses as part of the experiments Mengele carried out on them, including experiments that affected their reproductive capacity in various ways, took pains to emphasize that despite the physical and emotional trauma, they had gone on to marry, have children, and raise wonderful families.

Some of the witnesses even asked to say additional remarks after finishing their testimonies about Mengele’s crimes. After being granted permission to do so, they stressed the various lessons that they believed had emerged from their stories, such as Israel being a refuge for the Jewish people, the necessity of fighting anti-Semitism, or the triumph of spirit and faith. Some went further, and addressed Mengele himself, as if he were present in the hall and could hear them. Witness Vera Kregel, for example, said that she “had a private war with Mengele,” who forcibly separated her from her mother, and that “my revenge was being undisciplined.” Mrs. Seres, the daughter of two doctors, described how she buried her mother, who had died of typhus in the camp, with her bare hands, and suddenly, her voice broke:

I covered my mother with both hands in this grave and I swore to my mother that one day, I would take revenge on Dr. Mengele, and if you hear me, and if you see me, you will know that I am an officer, and I became a head nurse, and you can be proud of me because I didn’t break there.

The best example to illustrate the claim that the proceedings provided the survivors with a safe, nurturing space to tell the stories of their survival can be found in the final testimony, given by witness Ruth Elias. In a quiet and steady voice, in eloquent, fluent language, Elías gave her chilling testimony to the assembled audience. She described the birth of her baby daughter in the women’s camp in Auschwitz, and about the order given by Mengele to the *Blockalteste* (head of the block) to wrap a strip of cloth around her chest to prevent her from breastfeeding the baby, to conduct an experiment on how long it would take her to starve to death. Elias said that after six or seven days, the baby had become so weak that she no longer had the strength to cry, and Mengele announced the next day that she and her daughter would be sent to the gas chambers. She burst into bitter tears, and a Jewish doctor who was a prisoner in the same block came to her aid. In what seem to be the climax of her testimony, she said:

After the lights went off, she came back with a syringe in her hand. She told me to give it to my child. I asked what it was and she said it was morphine. It will kill my child, it cannot live anymore. She told me that I was young and that she had taken the Hippocratic Oath. She said that she must save my life but that my child would not last. She talked and talked and talked until I did it. I murdered my own child. In the morning, Mengele arrived. I was prepared to go, but he didn't want me, he only wanted my child. He couldn’t find the corpse in piles of corpses. He came back to me, telling me that I was lucky and that I would be leaving Auschwitz on the next transport.

Elias went on to briefly narrate the events up until the end of the war. When Tarlo asked her, “Are you married? Do you have children?” she replied in the affirmative and asked if she could “say something unrelated to Mengele.” She continued:

I had only one wish, to leave Europe where I had this terrible trauma. My only wish was to go to Israel. Among those survivors … was my present husband who also lost a wife and child. We went together to Israel and I am very proud that I have the honor to be in Israel where I was able to raise a new family with roots in my very beloved country.

It was no coincidence that that Elias was chosen to sign the testimony sheet at the trial, as evidenced by the fact that Tarlo had asked her to give her testimony in English. It is clear from her testimony that this was not the first time she had borne witness in front of an audience. In fact, Elias was a veteran witness who had given testimony on various occasions in Israel and Germany.[[30]](#footnote-30) In 2004, almost two decades after testifying at the Mengele trial, she was even chosen to speak as a survivors’ representative at the State Opening Ceremony of Holocaust Martyrs’ and Heroes’ Remembrance Day at Yad Vashem.[[31]](#footnote-31) In many ways, Elias is considered a “professional witness.”[[32]](#footnote-32) On the one hand, Elias’ testimony accomplished the goals that had been set for it and the other testimonies: it presented a solid evidentiary foundation for Mengele’s prosecution on counts of murder and abuse; it illustrated the importance of documenting the atrocities; and while specific, precise, and unbearably difficult, it also emphasized the additional messages that were bound up with it. On the other hand, at the same time, Elias’ testimony also provided her with a unique platform to freely tell her story, and through the “conclusion” that she herself chose for it, to give these events the interpretation that she wanted them to have.

A further element of the Mengele proceedings that lent a dimension of respect to and sincere appreciation for the courage of the survivor witnesses—differentiating it from testimony given in court—was the applause that broke out at the conclusion of some particularly moving testimonies. These included the testimony of Azriel Neeman, who had been a doctor in Auschwitz, and that of Zvi Spiegel, a twin who had been appointed by Mengele to be in charge of twin children, and had taken care of their well-being to the best of his ability, even saving some of them from being sent to the gas chambers. At the end of his testimony, and with Tarlo’s guidance, Spiegel was recognized by some members of the audience, who as children and teenagers during the war had been under his protection in Auschwitz. We should also note the applause that echoed after Elias’ moving testimony, and after that of Mrs. Baruch, who, as a 15-year-old girl in Auschwitz, had been forcibly subjected to radiation and life-threatening surgical procedures on her abdomen, after which she thought she would not be able to bear children. In the last two contexts, it seems that the applause was a response to the fact that these women’s stories symbolized the victory and continuity of the Jewish people, despite the attempts to annihilate them—a kind of living fulfilment of the Biblical description, “But the more they were oppressed, the more they multiplied and spread.”[[33]](#footnote-33)

Ultimately, the main impression the visual documentation of the trial leaves us with is the central place given to the eyewitness survivors to tell their stories. Yet, more than the stories themselves, composed of facts, dates, and locations, the platform that the trial gave to the testimonies allowed the witnesses to express a range of emotions, beginning with sorrow, loss, anger, and revenge, and ending with personal and national pride, and a sense of victory.[[34]](#footnote-34) This emotional dimension made the description of the horrors experienced by the survivors more understandable and accessible for the audience, and deepened their feelings of identification with the victims’ suffering. More importantly, giving evidence in the trial served as a kind of therapeutic process for the survivors. Their voices were heard. The witnesses were not only witnesses for the prosecution, but became active partners in the trial. While the proceedings focused on the defendant and the crimes that he had committed, it was the surviving witnesses and their personal stories that took center stage. In this sense, the proceedings were about achieving justice for the victims of the crimes more than serving justice upon the defendant himself.

**Conclusions**

The story of the Mengele trial offers a platform for a wider discussion about the role of eyewitness testimony in legal and quasi-legal proceedings that deal with mass atrocities. The public hearing for Mengele focused on testimony given by survivors—and, in fact, apart from these testimonies, there was no other content to the proceedings. Indeed, viewing the Mengele trial as a process that centered on the eyewitness survivors and their testimonies, we can attribute to it, even in retrospect, concepts of alternative justice. In this way, the trial can be seen as a process of transitional justice that was ahead of its time.[[35]](#footnote-35) We can identify in it many similarities with restorative justice proceedings, which focus on the victim and his or her suffering, as opposed to retributive justice, which centers on determining a defendant’s guilt.[[36]](#footnote-36)

The use of collective justice procedures to deal with mass atrocities and mass violence started becoming more prevalent at the end of the last century, against the background of the limitations inherent in national and international criminal law regarding addressing collective trauma. A good example of this is the Truth and Reconciliation Commission (TRC) established in South Africa in the mid-1990s, whose main purpose was to determine historical truth—which is not always the same as legal truth—by giving central stage to the testimonies of the victims of the crimes, albeit at the cost of waiving punishment for the criminal perpetrators. The TRC sub-commission responsible for victim testimony—the Human Rights Violations committee—was not subject to the rules and procedures of criminal law, and, during its public hearings, permitted victims to testify without being cross-examined. Their testimonies were thus transformed—they were no longer used as admissible evidence to prove the guilt of the defendant on trial, as is customary in a criminal trial; rather, their purpose was to recognize that those testifying were victims, as part of a process of healing and addressing post-trauma.[[37]](#footnote-37)

It is clear that the testimonies heard in the Mengele trial had no evidentiary value. Not only were the witnesses not subjected to cross-examination, but the “defendant” was not represented at all during the proceedings; in fact, he was not even present. What, then, was the value of these testimonies, beyond that of historical documentation? In her paper “On emotions, language, and justice: Between the Eichmann Trial and the TRC in South Africa,” Leora Bilsky proposes a new model for victim testimonies in legal proceedings that deal with atrocities and mass violence. According to Bilsky, what is needed is a shift from eyewitness “legal testimony,” which is evaluated according to its factual content, to “ethical testimony,” which fulfils the moral obligation of survivors to preserve the stories of those who have perished. Bilsky suggests that these testimonies have two “heads”: that of the narrator, and that of the listener. Testimonies are, of course, given by the witnesses, but require completion, in the sense that there needs to be an empathetic listener to receive them.[[38]](#footnote-38) This reading of testimonies goes one step further than the model that has been used thus far by scholars. It considers audiences who hear testimonies in Holocaust trials as “witnesses of the witnesses,” that is, as those who will pass on the memory of events, filtered through the memories of the testifying survivors, to future generations.[[39]](#footnote-39) According to this model, the value of giving evidence in legal and quasi-legal frameworks is no longer “purely” legal. The purpose of the evidence is not limited to establishing an evidentiary foundation capable of convicting a defendant and punishing him or her for the crimes they committed. An independent, and equally important, purpose is to give a voice and a platform to the victims’ stories.

If we view this role of testimony as a central feature of mass atrocity trials, we must ask and answer a difficult question: is the way to give survivors a voice to dispense with the procedural rules of a standard criminal trial? This question may no longer be very relevant to Holocaust trials, certainly not in Israel, but it is so within a broader discussion of how to deal with atrocities and mass violence within the courtroom. I do not pretend to offer an unequivocal answer to this complex question, but limit myself to noting two important aspects. First, if we dispense with the evidentiary value of eyewitness testimony, we can permit survivors to tell their personal stories from their own point of view, without having to prove their credibility according to the standard used in criminal trials. On the other hand, the validity and reliability of evidence derives its strength, to a large extent, from the legitimacy of the legal process. The Mengele trial demonstrates this point well. There is no doubt that the trial did not fulfil its main goal—that is, to collect evidence to be used in a real criminal trial—as Mengele was never brought to justice. However, more than that, in the final analysis, despite the resonance it had at the time it took place, the trial has been forgotten and lost from public memory and consciousness. It is also absent from historical research. Thus, from a historical perspective, it cannot be said that the trial succeeded in fulfilling its stated additional educational and documentary goals. This conclusion raises the question of whether, in reality, only the public aura and cachet of the traditional criminal legal process have the power to anchor such a trial and the evidence given in it within collective memory.

1. Michael A. Grodin, Eva Mozes Kor & Susan Benedict, “”The Trial That Never Happened: Josef Mengele and the Twins of Auschwitz,” 5 WAR Crimes GENOCIDE & Crimes against HUMAN. 3 (2011). [↑](#footnote-ref-1)
2. This quote is taken from the opening remarks of the proceedings, which were delivered by Dr Yitzhak Arad, chairman of the board of Yad Vashem. [↑](#footnote-ref-2)
3. Gerald L. Posner and John Ware, “Mengele: The Complete Story,” New York: McGraw-Hill, 1986; David G. Marwell, *Mengele: Unmasking the “Angel of Death*,” W.W. Norton & Company, 2020. [↑](#footnote-ref-3)
4. Yosef (Yossi) Chen, “Searching for the Needle in the Haystack: Tracking the ‘Doctor of Death’ from Auschwitz—Josef Mengele,” 2007. [↑](#footnote-ref-4)
5. “In the Matter of Josef Mengele: A Report to the Attorney General of the United States,” U.S. Department of Justice, Office of Special Investigations Criminal Division. October 1992. p. 206. [↑](#footnote-ref-5)
6. Yosef Chen, “The Pursuit of Nazi War Criminals—The Preparation of the Amal, Messer, and Amal Messer Headquarters, Mossad Research,” Department of History, pp. 31, 40, 51, 134. Available on the Yad Vashem website: http://www.yadvashem.org/he/archive/about/our-collections/mossad-documents [↑](#footnote-ref-6)
7. Yehudit Dori Deston, “The Demjanjuk Trial: The End of Nazi Prosecution in Israel,” Ph.D. dissertation, Hebrew University of Jerusalem, 2017, pp. 86–80 (Hebrew); Denis Goldman, “The Renewal of Legal Activity Against Nazi Criminals,” 1987, p. 13, copy in author’s possession. According to Goldman, who gave me a copy of the article, this was published in a military newspaper in 1987. I have not been able to locate the issue in which it was published. [↑](#footnote-ref-7)
8. Tom Segev, “The Seventh Million: The Israelis and the Holocaust,” p. 429. Simon Wiesenthal also offered a reward of $100,000 to anyone who provided information leading to the capture of Mengele. See: Tom Segev, *Wiesenthal: The Biography*, p. 350. [↑](#footnote-ref-8)
9. For example, when members of the audience commented on how some of the testimonies were cut off, Hausner clarified, “We have 30 witnesses to hear. This is not a trial or a hearing about the Holocaust, [as opposed to a trial about Mengele’s crimes only]. That is why each witness was chosen to describe only a specific part. Then he concludes his testimony. This is how we are managing things.” On another occasion, after the concluding remarks of one of the committee members were heard and the audience broke into applause, Hausner clarified, “We do not usually applaud on these occasions.” [↑](#footnote-ref-9)
10. Dori Deston, “The Demjanjuk Trial,” pp. 184–182. [↑](#footnote-ref-10)
11. For Lorenzi’s testimony, see Yad Vashem Archive, 0.3/5129, Item No. 3559066 (check) [↑](#footnote-ref-11)
12. See: testimony of Yakov Freimarch and Elizabeth Moshkovitz. [↑](#footnote-ref-12)
13. See: testimony of Helena Mamermish. For more on the subject of the first Belsen trial, also known as “the trial of Josef Kramer and 44 others,” and the testimonies of survivors in this trial, see: N.C.H. Beresford, “The Belsen trials 1945-48, an investigation and analysis,” 2009. [↑](#footnote-ref-13)
14. For Davidson’s writings, see for example: Shamai Davidson, “The clinical effects of massive psychic trauma in families of Holocaust survivors,” *Journal of Marital and Family Therapy* 6.1 (1980): 11–21; Shamai Davidson, “Human reciprocity among the Jewish prisoners in the Nazi concentration camps,” Jerusalem, Yad Vashem (1980): pp. 555–572. [↑](#footnote-ref-14)
15. For the text of the speech, and the circumstances in which it was written, see: Gideon Hausner, “The Eichmann Trial in Jerusalem,” pp, 324–325, 2011; Tami Hausner-Roch and Tali Roh-Ronen, “Criminal Case 40/61, Attorney General vs. Adolf Eichmann” p. 157, in: *Roots in Law*, Dina Zilber, Ed., 2020. [↑](#footnote-ref-15)
16. See De-Nur’s words: “There is no time there, as it is here, on Earth. Every fraction of a second passes on a different wheel of time there. The inhabitants of this planet had no names. They had no parents and no children. They did not dress like they dress here. They were not born there, and they did not give birth. They breathed according to different laws of nature. They didn’t live according to the laws of the world here, and they didn’t die.” To watch De-Nur’s testimony at the Eichmann trial, see https://www.youtube.com/watch?v=rfpDN0JNDTg

    For more on De-Nur’s testimony, see: Hanna Yablonka, “The State of Israel vs. Adolf Eichmann,” pp. 126-128 (2001). Refer to Renana’s article. [↑](#footnote-ref-16)
17. For more information, see: Dan Miron, “Three Zones of Meaning in ‘The Streets of the River’: Seventy Years (1951-2021) Since the Phenomenon of Uri Zvi Greenberg’s Cycle of Poems,” National Academy of Sciences, Lectures by New Members for 5781, Issue 43, November 2021, pp. 5–11. [↑](#footnote-ref-17)
18. Note: the difference between the Hebrew version and the English version should be noted here. [↑](#footnote-ref-18)
19. A quote from the concluding remarks of the chairman of the committee, Gideon Hausner. [↑](#footnote-ref-19)
20. See the testimony of Ruth Elias, discussed later in this paper. [↑](#footnote-ref-20)
21. Dori Deston, “The Demjanjuk Trial,” pp. 86–93. [↑](#footnote-ref-21)
22. Attorney Denis Goldman, Director of the International Department in the State Attorney’s Office, used this expression in his letter to Moshe Gilboa, Director of the Diaspora Division at the Ministry of Foreign Affairs, dated September 8, 1986. See: State Archives, Demjanjuk trial, Ministry of Justice files, binder “Demjanjuk trial ongoing 1, extradition,” GL-2/21598 [↑](#footnote-ref-22)
23. For a description of the criteria, see **NAME** and also see: Goldman’s letter to Moshe Nissim, Minister of Justice, dated March 20, 1986, in the State Archives, Demjanjuk trial, Ministry of Justice files, binder “District Court 1986 ongoing 2,” GL-3/21598. [↑](#footnote-ref-23)
24. REF [↑](#footnote-ref-24)
25. See: Roni Stauber, “The Lesson for a Generation: Holocaust and Heroism in Public Thought in Israel in the 1950s,” Jerusalem, Yad Ben-Zvi and the Ben Gurion Heritage Center, 2000, pp. 48–60; James Young, “When a Day Remembers: A Performative History of Yom Ha-Shoah,” History and Memory, Vol. 2, 2, 1990, pp. 54–75; LOOK FOR A RELEVANT REF FROM VARED VINITSKY SEROSI [↑](#footnote-ref-25)
26. Here, Hausner is referring to “Operation Moses,” under which Ethiopian Jews were brought to Israel. The operation ran from November 21, 1984 and January 5, 1985. Around 6,364 Jews were transferred from refugee camps in Sudan to Belgium, and from there were flown to Israel. For more information, see: ADD REFERENCE [↑](#footnote-ref-26)
27. Taken from the testimony of Dr. Azriel Neeman. See also the testimony of Ruth Elias. [↑](#footnote-ref-27)
28. Taken from the testimony of Mrs. Seres. [↑](#footnote-ref-28)
29. Segev, Wiesenthal, p.356; verhallen nie die Schreie, Der Stern, 1985, no. 18; Davis, Helen mentions Vera Alexander and Moshe Ofer, *Jerusalem Post*, February 1, 1985 [↑](#footnote-ref-29)
30. For her autobiographical book, see: Ruth Elias, “Ruach Haim,” (Sefrit Poalim, 1990) [↑](#footnote-ref-30)
31. For Elias’ speech at this event, see the Yad Vashem website, https://www.yadvashem.org/he/remembrance/archive/address-on-behalf-of-the-survivors/ruth-elias.html [↑](#footnote-ref-31)
32. For more on the concept of the “professional witness,” see Anna Sheftel and Stacey Zembrzycki, “Professionalizing Survival: The Politics of Public Memory Among Holocaust Survivor-educators in Montreal,” Journal of Modern Jewish Studies 12(2), 2013, pp. 210–231. [↑](#footnote-ref-32)
33. Exodus, 1:12 [↑](#footnote-ref-33)
34. For a discussion of the role of expressing emotions in evidence in trials of mass atrocities, see: Leora Bilsky, “Beyond vengeance and forgiveness: Victims’ testimonies in the Eichmann trial and South Africa’s truth and reconciliation committees,” in: Law & Emotions (Orit Rozin and Yoram Shachar, Eds., 2020), pp. 335–81. [↑](#footnote-ref-34)
35. For a comparison, some have claimed that the Eichmann trial, held over 20 years earlier, anticipated the process of transitional justice, because it elevated the status of the victims. See: Sonali Chakravarti, “Sing the rage: Listening to anger after mass violence,” (University of Chicago Press, 2014), p.49; Bilsky, “Beyond vengeance and forgiveness,” p. 63. [↑](#footnote-ref-35)
36. Sara Kendall and Sarah Nouwen “Representational practices at the International Criminal Court: The gap between juridified and abstract victimhood,” Law & Contemp. Probs. 76, 235, 238–262 (2013); Leora Bilsky “Transformative justice: Israeli identity on trial,” p. 114 (University of Michigan Press, 2009). [↑](#footnote-ref-36)
37. Bilsky, “Beyond vengeance and forgiveness,” pp. 63–65. [↑](#footnote-ref-37)
38. Ibid., pp. 80–81. [↑](#footnote-ref-38)
39. Lawrence Douglas, “The memory of judgement: Making law and history in the trials of the Holocaust,” 3, 258 (2001). [↑](#footnote-ref-39)