

# The Memorial to the Victims of Nazi Military Justice in Vienna



Mobile deserters' memorial unveiled on September 11, 2009 on Heldenplatz in Vienna. The brackets symbolize the absence of knowledge and commemoration. © Lisa Bolyos



## Memorial to the Victims of Nazi Military Justice

On October 24, 2014, the Memorial to deserters and other victims of Nazi military justice was dedicated in a state ceremony on Ballhausplatz in the heart of Vienna. The memorial was erected by the city of Vienna. The embedded text **all alone** is a quote from a poem by Scottish artist Ian Hamilton Finlay (1925 – 2006). The concrete base and inscription represent the predicament of individuals in the face of societal structures of order and power. Though they are threatened with being anonymized and obliterated, appearing merely as an »X« in a file, their position is nevertheless of central importance. 70 years after the end of the war, the memorial pays respect to those who make their own decisions and stand up to outside pressure. Artist Olaf Nicolai deliberately created only a pedestal – whoever steps onto it becomes part of the memorial, symbolizing the autonomous individual.

Unveiling of the memorial on October 24, 2014. © Georg Hochmuth/APA – Picturedesk

## History of the Memorial

The first initiatives paying tribute to the Austrian victims of Nazi military justice were launched by the victims' relatives. However, the grief they expressed through memorial stones remained private out of shame or fear. In the 1990s, peace movement activists organized the first political initiatives to commemorate deserters. At the turn of the millennium, a group of students from the University of Vienna first began researching the history of Nazi military jurisdiction. The Austrian Parliament then commissioned an in-depth study of the issue, which became the basis for future legislation. In October 2009, the Social Democratic Party, the People's Party and the Green Party together passed the Repeal and Rehabilitation Law, sweeping and comprehensively nullifying sentences issued by Wehrmacht courts. One year later, the municipal government of Vienna led by the Social Democratic Party and the Green Party decided to erect a memorial to deserters.

## Military Justice before 1939

The powers of the Austro-Hungarian military justice were vastly expanded with the beginning of World War I. The courts also played a political role in deterring and eliminating opposition. Austro-Hungarian courts martial conducted about three million trials, meting out some 30,000 death sentences, particularly to civilians in Eastern and South Eastern Europe. Although the Austrofascist dictatorship (1933 – 1938) did use the army to suppress the »internal enemy« (social democrats, communists and national socialists), it did not introduce an independent military justice to this purpose. Following Austria's »Anschluss« (»annexation«) to Germany in March 1938, the Austrian army was incorporated into the German Wehrmacht, taking on its military justice and code of criminal procedure.

Wehrmacht soldiers in front of the former Ministry of War building on Stubenring, 1938. © Österreichische Nationalbibliothek, Bildarchiv



## Wehrmacht Military Justice during World War II

During World War II, Wehrmacht courts sentenced over 30,000 soldiers and civilians to death – men and women from all over Europe. Military justice played a crucial role in supporting the Wehrmacht's war of aggression and annihilation. The maintenance of discipline among the troops had the highest priority. Any form of deviation or disobedience could be punished as an attempt to »undermine the military forces«, which was considered a political crime punishable by death. In addition, the legal department at the supreme command of the Wehrmacht was involved in drafting criminal orders that invalidated the protection of the civilian population guaranteed by international law. Wehrmacht lawyers therefore bore responsibility for the deaths of millions of people, especially in the Soviet Union.

Prisoner soldiers in the harbor of Pietarsaari/Finland, 1942. Only few survived the brutal imprisonment in the Arctic Circle. © Stiftung Denkmal für die ermordeten Juden Europas



Symbol of Nazi judiciary



## The Victims



During World War II, hundreds of thousands of soldiers and civilians were tried before German military courts, including prisoners of war and members of European resistance movements. Most of the sentences pertained to deserters and people found guilty of »undermining the military forces«. According to the regime, their actions posed a threat to the principles of order and obedience. The individual motives of those persecuted by the regime can be clearly identified: political, religious or ideological resistance to National Socialism were just as important as fear for one's family, comprehension of the pointlessness of the war or fear of punishment for petty crimes. In most cases, the individuals were motivated by several factors.

Karl Lauterbach (1924–1945), executed for »undermining the military forces«.

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Franz Jägerstätter (1907–1943), executed for being a conscientious objector. © Gedenkstätte

Deutscher Widerstand, Berlin

David Holzer (1923–2015), convicted for desertion.

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## Judges and Convening Authorities



Responsibility for the horrifying record of Wehrmacht military justice lies primarily with the judges and the convening authorities. The latter were mostly high-ranking officers who were responsible for confirming the sentences of military courts. Even though the military and political leadership during the war tried to enforce a tough and consistent jurisdiction through a series of decrees, the judges did have some leeway when reaching their decisions. Despite this, many of them passed down very harsh sentences. After 1945, military judges continued their careers both in Western Germany and in Austria, working at courts as well as at universities, in politics and in business. Not one of them was ever sentenced for the judicial crimes he had committed.

Erich Schwinge (1903–1994): military judge, later a professor at the University of Marburg.

Otto Tschadek (1904–1969): military judge in Kiel, later a socialist parliamentarian and Austrian minister of justice.

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## Recognition and Rehabilitation



For many years, the people who had been sentenced by Wehrmacht courts did not stand a chance of being recognized as victims of Nazi persecution, neither in Austria, nor in Germany. Deserters in particular were deemed »traitors« and »cowards«. A broad coalition of civic movements, political parties and academics laid the foundation for their legal rehabilitation in Germany in the 1980s. This process was set in motion in Austria somewhat later, yielding success within a relatively short period of time. Following an initiative of the Green Party, the Austrian Parliament passed the Repeal and Rehabilitation Law on October 21, 2009 with the support of the Social Democratic Party, the People's Party and the Green Party. Both in Austria and in Germany, most of the victims of Nazi military justice did not live to witness their rehabilitation.

Richard Wadani, Wehrmacht deserter and honorary chairman of the committee »Justice for the victims of Nazi military justice«, during a memorial event in Vienna-Kagran, 2006.

© Personenkomitee »Gerechtigkeit für die Opfer der NS-Militärjustiz«

## Network of Persecution in Vienna



Vienna was one of the centers of Nazi military justice in the Third Reich. Numerous organs of persecution were located here, in military district XVII: military courts, interrogation and torture sites, prisons and execution sites. Since May 2014, information panels have marked these historic sites in Vienna ([www.deserteursdenkmal.at](http://www.deserteursdenkmal.at)). Ballhausplatz itself holds no historical significance for Nazi military justice. Adjacent Heldenplatz (»Heroes' Square«), however, epitomizes military traditions like no other square in Vienna. The Outer Castle Gate houses a memorial chamber dedicated to the Austrian resistance movement, next to which is a crypt in memory of the soldiers who died in action during the two world wars. During state holidays, soldiers are sworn in here and the Austrian army holds a parade. On March 15, 1938, hundreds of thousands of Austrians gathered at Heldenplatz to celebrate Adolf Hitler and Austria's »Anschluss« to Nazi Germany.

Information panel on the site of the former Wehrmachtunter-suchungsgefängnis (Wehrmacht remand prison) X in Vienna-Favoriten, unveiled on April 7, 2015; the municipal garrison headquarters in Universitätsstraße 7 were the seat of several Wehrmacht courts and convening authorities.

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## Information | Contact | Education

The Viennese Memorial to the Victims of Nazi Military Justice is part of a network of educational institutions. Further information about the history of the persecution of deserters, about the debate concerning their rehabilitation in Austria after 1945 as well as background information on the memorial are available at [www.deserteursdenkmal.at](http://www.deserteursdenkmal.at). Moreover, we offer educational and didactic materials to schools and others. You can book a guided tour of the memorial at [office@viennaguideservice.at](mailto:office@viennaguideservice.at), with the Austrian Mauthausen Committee [www.mkoe.at](http://www.mkoe.at) as well as with the Documentation Center of Austrian Resistance [www.doew.at](http://www.doew.at).

**Editor:** Kulturabteilung der Stadt Wien (MA 7)  
1082 Wien, Friedrich-Schmidt-Platz 5  
**Text:** Dr. Magnus Koch  
**Cover Photo:** Iris Ranzinger  
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