

Statement of KALTENBRUNNER on

Imprisonment of Relatives for Kindred  
Responsibility

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APPENDIX III

Die Sippenhaftung (arrest of relatives  
for kindred responsibility).

Statement by KALTENBRUNNER:

"The use of the expression 'Sippenhaftung' is closely connected with the attempted coup d'etat of the 20th July 1944. HITLER stated that he did not regard the regulations for passing sentence as sufficiently wide to cover so grave a crime, which not only greatly endangered the Head of the State, but also the security of the population and state during the very difficult conditions of wartime. Thus, in addition to the author of the crime being arrested, his relations were also held responsible and arrested. Under the term 'Sippe' all blood relatives were included. This Fuehrer Order, which was published in the Press, was made legal. The 'Sippenhaftung' (arrest of relatives) was carried out in the form of internment, and in some cases property was confiscated. In each individual case the decision rested personally with HIMMLER. Cases of 'Sippenhaft' can be differentiated as follows:

1. Arrest of relatives of those who played an active part in the plot of July 20, 1944. These cases were treated quite differently from what was assumed or supposed abroad. I believe that, in all, not more than 300 persons in this category were arrested, but contrary to what was assumed abroad, not one of these persons was executed. After a short period only most of these persons were released on account of representations made or in consideration of family conditions then prevailing.
2. In addition, 'Sippenhaft' action was taken against German officers and personnel who deserted to the Russians or who gave away information to the Russians when P.O.W's. An essential preliminary was the establishment, through military court martial, that the member of the German Armed Forces had allowed himself to be employed by the Russians against Germany in the capacity of a soldier, propagandist or agent, e.g. enlistment in the Seydlitz units, activity in a Frontpropagandatrupp or a parachute agent. In this category also arrests only occurred occasionally, since the necessary verdicts were only passed towards the end of the war. The procedure for establishing proof was mostly very difficult, except in those cases where the culprit was recaptured. Photographs of groups of persons, published by the enemy propaganda, were often found to be fakes, thus contradicting the evidence.
3. Finally arrest measures were taken against relatives of deserters on other fronts, but these cases also were rare. Arrest only took place in cases when it could

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be concluded from the previous criminal record of the family, or where there was evidence of repeated activity in enemy organizations, that political advantage played some role in the man's desertion.

This type of 'Sippenhaftung' was firmly established in a Military Order and in the case of desertion was only applied, as already stated, in special circumstances by court-martial; sentences were solely imprisonment, and neither the death penalty nor confiscation of property were applied. The preliminary measure for judging the family circumstances was carried out by the Wehrmachtstreifendienst in conjunction with the Kripo.

In this connection reference is made to the Russian method of 'Sippenhaft', since the Soviets do not recognize the expression P.O.W. as far as their own personnel are concerned, and generally regard surrender as a P.O.W. as desertion.

The basic legal principles, or better the legal justification of these measures by the Russians were based on this principle.

In Germany the application of this principle of 'Sippenhaftung' was very much disputed. I recall having discussed this difficult problem with Dr. THIERACK, Reichsjustizminister, and was able to confirm that the Minister shared my attitude which was averse to this principle. There were a number of legal experts who accepted this type of family responsibility, and arrest, from the historical point of view and referred to ancient Germanic law principles."

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