

A Trial Without a Defendant

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In February 1985, a mock trial was conducted in Yad Vashem in Jerusalem for SS officer Dr. Josef Mengele. Mengele himself had died six years earlier, but his death was not publicized until June 1985, and thus the trial organizers were convinced that Mengele was still alive. At the heart of the proceedings stood the testimonies of 30 Auschwitz survivors, most of whom had been tortured by Mengele for prolonged periods in the experimental laboratory he had directed at the camp. Their testimony was intended to constitute evidentiary material that would serve as proof of Mengele's crimes when he would finally be brought to trial.

Except for the absence of the accused and his defense attorneys, in certain respects, this "trial" was similar to a regular criminal trial. It was conducted by a seven-member commission, which served as a kind of panel of judges. Some of the "judges" were legally trained and had practical legal experience, and some had expertise relevant to the "trial." When all the witnesses had been heard, the judges read the "verdict," which stated: "There is evidence that justifies the prosecution of Josef Mengele for war crimes and crimes against humanity as a whole, including crimes against the Jewish people and against other nations." In their verdict, the judges also called upon all countries around the world to take action to capture Mengele and bring him to trial in accordance with international law, and to "remember and always make mention, so that no regime will ever do such horrific deeds as were done to our people."

Regardless of its historical importance, when Mengele's death became known, the "trial" sank into oblivion, and the testimonies of the survivors remained sealed in the Yad Vashem archives, with no further legal or historical use. Through this "trial," the research examines the difference between the testimony of Holocaust survivors in legal contexts and in historical contexts, as well as the difference between criminal proceedings and other stages, including semi-legal proceedings, for the purposes of documentation, commemoration, and the shaping of the collective memory of the Holocaust.

