

UNITED STATES DEPARTMENT OF JUSTICE  
Executive Office for Immigration Review  
Office of the Immigration Judge

NOV 1 1988

File: All 655 361 - Chicago

In the Matter of )  
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Konrads KALLEJS ) IN DEPORTATION PROCEEDINGS UNDER  
 ) SECTION 242 OF THE IMMIGRATION AND  
 ) NATIONALITY ACT  
Respondent )

- CHARGES:
- I. Section 241(a)(1) of the Immigration and Nationality Act of 1952 as amended [8 U.S.C. section 1251(a)(1)] -- Excludable at entry under section 212(a)(19) of the Act [8 U.S.C. section 1182(a)(19)] as an alien who sought to and did procure a visa or other documentation, or sought to and did enter the United States, by fraud, or by willfully misrepresenting material facts
  - II. Section 241(a)(1) of the Immigration and Nationality Act of 1952 as amended [8 U.S.C. section 1251(a)(1)] -- Excludable at entry as an alien who sought to and did procure a visa or other documentation, or sought to and did enter the United States, by fraud, or by willfully misrepresenting material facts, and therefore was not in possession of a valid unexpired immigrant visa under section 212(a)(20) of the Act [8 U.S.C. section 1182(a)(20)]
  - III. Section 241(a)(2) of the Immigration and Nationality Act of 1952 as amended [8 U.S.C. section 1251(a)(2)] -- Excludable at entry as an alien who sought to and did procure a visa or other documentation, or sought to and did enter the United States, by fraud, or by willfully misrepresenting material facts, and therefore is in the United States in violation of section 212(a)(19) of the Act [8 U.S.C. section 1182(a)(19)]
  - IV. Section 241(a)(2) of the Immigration and Nationality Act of 1952 as amended [8 U.S.C. section 1251(a)(2)] -- Excludable at entry as an alien not in possession of a valid unexpired immigrant visa and therefore is in the United States in violation of section 212(a)(20) of the Act [8 U.S.C. section 1182(a)(20)]
  - V. Section 241(a)(19) of the Immigration and Nationality Act of 1952 as amended [8 U.S.C. section 1251(a)(19)] -- Deportable as an alien who ordered, incited, assisted, or otherwise participated in the persecution of persons because of race, religion, national origin, or political opinion between March 23, 1933 and May 8, 1945, under the direction of or in association with the Nazi government of Germany or a government in an area occupied by the military forces of the Nazi government of Germany.

APPLICATIONS: Termination of proceedings, and in the alternative, application for all available forms of relief (deemed pretermitted by the Immigration Judge (Tr. 1363))

ON BEHALF OF THE RESPONDENT:

Ivars Berzins, Esq.  
Ivars Berzins, P.C.  
484 West Montauk Highway  
Babylon, New York 11702

ON BEHALF OF THE SERVICE:

Ronnie L. Edelman, Esq.  
Betty-Ellen Shave, Esq.  
Aron A. Goldberg, Esq.  
Trial Attorneys  
Office of Special Investigations  
1400 New York Ave., N.W.  
Washington, D.C. 20530

DECISION OF THE IMMIGRATION JUDGE

The respondent is a 75-year-old male, a citizen of Australia, who was admitted to the United States for permanent residence on February 6, 1959. On October 29, 1984, an Order to Show Cause was issued against the respondent pursuant to Section 242 of the Immigration and Nationality Act of 1952, as amended [hereinafter, the Act] (Ex. 1). An amended Order to Show Cause dated March 18, 1988, was served on the respondent's attorney by express mail on March 22, 1988 (Ex. 15). In this amended Order the Government alleges that the respondent is deportable under the five above-captioned charges of the Act.

I. Allegations

The first six allegations in the amended Order to Show Cause state that the respondent is a native of Latvia and citizen of Australia who resided primarily in Latvia between 1941 and 1944, during the German occupation of Latvia, and that he was admitted to the United States for permanent residence on February 6, 1959, based on presentation of an Immigrant Visa and Alien Registration card issued on December 3, 1958, by the American Consulate General in Melbourn, Australia.

Allegations 7 thru 25 of the amended Order to Show Cause can be grouped into four lines of inquiry: Respondent's membership in an anti-Soviet

self-defense unit; the existence of the Nazi-subordinated "Arajs Kommando"; Respondent's membership and activities in the Arajs Kommando; and Respondent's alleged misrepresentations to obtain a visa.

A. Respondent's Membership in an Anti-Soviet Self-Defense Unit

Allegations 7 and 8 state that in June and July of 1941 the respondent was a member and organizer of a "Self Defense Unit" in Litene, Latvia, where he assisted and participated in the persecution of persons on the basis of their political opinions.

B. Arajs Kommando

Allegations 9 thru 14, and 17, state that a Kommando unit known inter alia as the "Latvian Security Auxiliary Police" was organized during the early months of the German occupation by Viktors Arajs in Riga, Latvia; that the Latvian Security Auxiliary Police, or "Arajs Kommando," was organized with approval of the Nazi authorities and acted in association with and subordinate to the German Security Police and SD under the regional direction of German SS General Walter Stahlecker; that the SD, SS, and parts of the Security Police were declared to be criminal organizations by the International Military Tribunal at Nuremberg, Germany; that the occupying Nazi authorities used the Arajs Kommando to aid in the persecution and murder of those persons considered to be racially undesirable or enemies of Nazi Germany; and that the Arajs Kommando murdered thousands of Jewish men, women and children in the forests surrounding Riga.

C. Respondent's Alleged Membership and Activities in the Arajs Kommando

Allegations 15 thru 21 state that the respondent joined the Arajs Kommando on July 29 or 30, 1941; that the respondent served as a member, First Lieutenant, and Company Commander in the Arajs Kommando; that the respondent was stationed in Riga from on or about July 29, 1941, to January

1942 during which time the Arajs Kommando murdered thousands of Jewish men, women and children in the forests surrounding Riga; that during the period January 1942 to December 1944, the respondent served as a Company Commander of the Arajs Kommando, subordinate to the Commander of the Security Police and SD; that during the period July 1941 to December 1944, the respondent served as commander of an Arajs Kommando guard unit in concentration camps in the Ostland; that during the period July 1941 to December 1944, the respondent assisted or participated in the shooting of civilians, including Gypsies, and in the destruction of at least one village; and that as a member of the Arajs Kommando and Security Police the respondent assisted or participated in the persecution of persons because of race, religion, national origin, or political opinion, under the direction of or in association with the Nazi government of Germany or a government in an area occupied by the military forces of the Nazi government of Germany.

#### D. Visa Application and Interview

Allegations 23-24 of the Order to Show Cause state that the respondent failed to reveal his association with the Arajs Kommando when obtaining his immigrant visa to the United States and therefore wilfully misrepresented material facts. The Order further states in allegation 25 that on March 1, 1984, the respondent, under oath, admitted to U.S. officials for the first time that he had served as a company commander of a police unit directly subordinate to General Stahlecker; that he served in the 15th SS Grenadier Division of the Latvian Legion (see allegation 22); and that he had misrepresented and concealed these facts when he applied for a visa to enter the United States.

#### II. Deportation Hearing

Hearings in this matter were held before the undersigned on April 4-5, 19-21, 25, May 24, and August 1-3, 1988. The respondent exercised his Fifth

Amendment right against compulsory self-incrimination when called by the Government to testify. However, in rebuttal he chose to testify in his own behalf and was cross-examined. Witness testimony and documentary evidence was offered by both parties. Included in the evidence are video cassettes and corrected transcripts recording the testimony of 13 witnesses deposed in Latvia. These depositions were conducted in Latvia under the supervision of the Soviet Government, and the attorneys for both parties concerned here were present. I granted prior permission to conduct these depositions, I have viewed the results, and I find these depositions admissible as probative and not inherently untrustworthy. See United States v. Osidach, 513 F. Supp. 51 (E.D. Pa. 1981); United States v. Kairys, 600 F. Supp. 1254 (N.D. Ill. 1984), aff'd, 782 F.2d 1374 (7th Cir. 1985), cert. denied, 476 U.S. 1153 (1986). See Exs. 103 and 104. The weight accorded to the testimony of each deponent has been judged individually and is reflected below.

#### Key Government Witnesses

The case presented by the Government at the respondent's deportation hearing with respect to the 241(a)(19) charge was based in large part on the testimony of historical expert Dr. Raul Hilberg, three survivors of war atrocities in Latvia, the deposition witnesses, and admissions made by the respondent in a transcribed interview conducted under oath by Justice Department investigator Jeffrey Mausner on March 1, 1984. The following is a selective distillation of the key witnesses' testimony.

#### A. Dr. Raul Hilberg<sup>1</sup>

Dr. Hilberg testified that the armed forces of Nazi Germany invaded

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<sup>1</sup> Dr. Hilberg was qualified as an expert witness in these proceedings. He is a professor of political science at the University of Vermont where his primary field of academic study is the Holocaust. A detailed description of Professor Hilberg's qualifications is set forth in the Government's Post-Trial Brief at 4-6. I note in particular that Professor Hilberg previously has been qualified as an expert on the Holocaust in deportation cases before the Immigration Court and deportation and denaturalization cases before District Courts and Courts of Appeals. See cases cited at Government's Post-Trial Brief at 4 n.1.

Latvia in June of 1941 (Tr. 96, 97). Within the first few days of the invasion an organization consisting of Latvians and officially known as the Latvian Auxiliary Security Police was formed under the direction of the German forces. Latvian Major Viktors Arajs was placed in command of the Latvian Auxiliary Security Police which commonly became known as the "Arajs Kommando." (Tr. 138, 166-81). The Arajs Kommando was a division of the German Security Police for Latvia (Einsatzkommando 2) which was in turn a division of the German Einsatzgruppe A for the Ostland region. German Dr. Ruldolf Lange was a commander for the Einsatzkommando 2; German General Walter Stahlecker was the initial commander for the Einsatzgruppe A (Tr. 105-11, 128-29, 164, 165). Dr. Hilberg testified that the Arajs Kommando was headquartered in Riga and its task was to assist the Germans in carrying out acts of persecution against Jews, Communists and Gypsies as part of the Nazi program to annihilate these groups (Tr. 97, 98, 104-07, 136, 137, 144-46, 148, 227-28). Dr. Hilberg stated that membership in the Arajs Kommando was initially 50-60, totalled about 100 by August of 1941, grew to approximately 300 by the end of 1941, and included at least 700 members during 1942 and 1943 (Tr. 158-63). He noted that volunteers would not have been confused as to the purpose of the Arajs Kommando, or to the requirement that all members participate in the persecutions (Tr. 154-58, 185-87, 227-28).

Members of the Arajs Kommando assisted in the execution of civilians in and around Riga and at other villages within Latvia, particularly on the Latvian eastern front, where villages were burned and their civilians killed as part of "anti-partisan" activity (Tr. 267-73). They participated in the SS-organized mass killing of thousands of Latvian Jews who had been confined in a section of Riga known as the Riga Ghetto (Tr. 1890-90, 194-95, 227-28).

Arajs Kommando members served as guards at the concentration camp at Salaspils outside of Riga (Tr. 145-46). Dr. Hilberg testified that the inmate population at the Salaspils camp contained from 1000 to 1800 Jews at any one time between December 1941 and the summer of 1942 (Tr. 233-40). Many of these Jews had been transported by the German army from Europe by train (Tr. 233). After the summer of 1942 most of the Jewish population was moved to the Riga ghetto and the camp thereafter was comprised mainly of political and criminal prisoners. The Jews at the camp wore a yellow star on their clothing and had separate barracks from other prisoners (Tr. 241-43). Beginning in December of 1941 the camp was built by the prisoners to include eighteen barracks by the summer of 1942, a double barbed-wired exterior fence, guard towers, and search lights (Tr. 234-35). The camp was under the overall command of Gestapo officer Kurt Krause. Arajs Kommando members were assigned as perimeter guards under the command of a Arajs Kommando guard company commander (Tr. 237-39). Dr. Hilberg gave detailed descriptions of the severe conditions under which the prisoners of Salaspils were forced to live and work (Tr. 235ff.). Many prisoners died from starvation, exposure, overwork, and disease (Tr. 235, 255). Others were beaten or murdered directly by camp guards, including some by public hangings in the camp (Tr. 235-36, 255-57).

B. Alfred Winter, Kurt Servos and Ernest Ilberg

Alfred Winter and Kurt Servos testified that they were deported from Germany to Riga, Latvia, in December of 1941 because they were Jews. Ernest Ilberg stated that he was deported from Germany to Riga in January of 1942 (Tr. 423-24, 491-92). All three testified that they were confined in the Riga Ghetto and at the Salaspils camp at various times. Each confirmed the testimony of Dr. Hilberg regarding the horrible conditions at the Salaspils camp. Alfred Winter stated that he was imprisoned at Salaspils concentration

camp from December 22, 1941, until mid-July 1942, with the exception of a 12-day transfer to the Riga Ghetto (Tr. 432-34). At this time two barracks had been built by the prisoners and they were working on more (Tr. 434-35). 500 prisoners were housed in each barracks with minimal bedding, meager rations of food, only what clothing they were permitted to keep from what they brought, and lack of sanitary facilities (Tr. 435-42). Alfred Winter testified that he was assigned to burial duty, collecting bodies from the barracks and lying them in an open field until mass graves could be prepared (Tr. 444-53). Later he was assigned to be a corpsman at a sawmill outside the camp and often treated persons who had been beaten (Tr. 468-70). He testified that he was guarded in this capacity by Latvian guards. He stated that he witnessed about one hundred executions by hanging or shooting, and several random killings (Tr. 453, 462-65). Most of these executions were carried out by members of the Latvian guard under the supervision of the Germans (Tr. 454). On one occasion Alfred Winter was beaten by Nickel, the camp commandant (Tr. 468-70).

Kurt Servos was imprisoned at Salaspils from the end of December 1941 thru the end of May or the beginning of June 1942, and again from the end of June or beginning of July thru early September 1942 (Tr. 491-98, 503). Kurt Servos confirmed the overcrowded living conditions, hard labor, inadequate food, and deaths by malnutrition and disease cited in the testimony of Alfred Winter. Kurt Servos stated that every morning corpses were brought from the barracks, and that perhaps 40% of the prisoners died in the first four months that Kurt Servos spent at the camp (Tr. 505-09). He stated that the camp was guarded by armed Latvian SS men who were supervised by German officers. The guards carried out executions and stood guard at the work sites (Tr. 509-10). Kurt Servos testified that he witnessed several random killings by Dr. Lange

on visits to the camp. He also witnessed the execution by hanging of five prisoners who had attempted to escape (Tr. 512-15). Kurt Servos was assigned to work in the sawmills and to unload personal baggage belonging to new arrivals at the camp. He stated that from the names on the baggage he could tell that it had belonged to German Jews (Tr. 515-17).

Ernest Ilberg was confined in Salaspils from February of 1942 to mid-August 1942 (Tr. 550). He confirmed the poor conditions of the camp and that the prisoners were guarded by armed Latvian SS men under the command of German SS men (Tr. 550-54). Jews, political prisoners and Latvian women were among the prisoners at Salaspils (Tr. 560). Ernest Ilberg testified that near to the Salaspils camp was a Soviet prisoner-of-war camp (Tr. 560-61). Ernest Ilberg was assigned to forced labor at the sawmill, and then later to a barracks within the camp where he sorted and cleaned possessions that had been confiscated from the inmates on arrival (Tr. 554-58). Ernest Ilberg testified that he witnessed public hangings at the camp, and he stressed that the prison population was forced to line up and view the executions. Most of the camp deaths, however, were from starvation or disease. Ernest Ilberg stated that when he left Salaspils in August of 1942, at least some Jews and the Latvian women prisoners remained there (Tr. 563).

C. Government Deposition Witnesses<sup>2</sup>

Rudolfs Soms (Ex. 81CT, 9-14-87)

Rudolfs Soms joined the Araj's Kommando in February 1942 and served in the organization until 1944 (18). Shortly after joining he was sent from Riga to Zabolotye, near Nasva, on Latvia's eastern front, as a private in a platoon commanded by Indans. Rudolfs Soms testified that Indans was subordinate to

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<sup>2</sup> For all depositions the page cites in parentheses refer to the page(s) of the Exhibit listed in the caption behind the name of the deponent.

company commander First Lieutenant Kalejs (19-20, 25, 36). Kalejs was in turn responsible to Viktors Arajs, and Kalejs' unit was part of the Arajs Kommando (19-20, 99). The Arajs Kommando was a division of the German SD, and Viktors Arajs reported to German officer Dr. Lange, who reported to Kaltenbrunner (21, 37). Rudolfs Soms testified that his platoon was stationed in Zabolotye, and that Kalejs was stationed in Nasva. Rudolfs Soms stated he was told that Kalejs was the company commander upon arrival.

At the front, Rudolfs Soms engaged in two battles, the first near Zabolotye (6-8 kilometers from Nasva), and the second, about one month later, at the village of Sanniki (about 20 kilometers from Zabolotye). Rudolfs Soms testified that Kalejs participated in each battle, although he only saw Kalejs from a distance and did not have personal contact with him at these actions (8, 13, 60).

Rudolfs Soms testified that at the first battle his platoon was assigned to the outskirts of the village to guard against potential escapees. Rudolfs Soms did not see any of the inhabitants of the village and none attempted to escape. While Rudolfs Soms' platoon remained outside the village, Kalejs' unit entered. Rudolfs Soms saw the village houses and a church spire burning. He stated he believes the church spire had been used as an observation tower. Rudolfs Soms stated that later he learned from his commander and from members of Kalejs' unit, that the inhabitants of the village, who were Gypsies, had been exterminated and the entire village burned (10, 27, 29, 97-100).

German General Stahlecker commanded the attack against Sanniki, which involved Latvian, German and Estonian units. Rudolfs Soms testified that Stahlecker had received information that Sanniki contained a headquarters for Soviet military units and had to be destroyed (97). Similar to the first battle, Rudolfs Soms' unit remained 1 to 1 1/2 kilometers from the village.

Rudolfs Soms testified that Kalejs' ski patrol company broke into the village, and shooting and return machine-gun and rifle fire could be heard. On cross-examination, Rudolfs Soms stated that 9 men in his platoon were killed and many wounded.

General Stahlecker was among those wounded. Rudolfs Soms testified he believes that in revenge for the wounding of Stahlecker, who died being transported from the battle, the village was burned down and the inhabitants in the central village annihilated (12, 97). Some civilians resisted and died in the battle, others escaped the central village and remained alive (97). Rudolfs Soms stated he later heard that an order to level the village and kill the remaining inhabitants had been issued, but he does not know who gave the order (30).

Karlis Strazds (EX. 83CT, 9-15-87)

Karlis Strazds voluntarily joined the Auxiliary Police of the SD at the end of February 1942. From February thru April he served as an Arajs Kommando guard in Liepaja (73-83), and from the end of April thru June as an Arajs Kommando guard in Minsk (84). In July 1942 he was sent to the Fuerstenberg Police School in Germany. When he returned to Riga from Fuerstenberg in November 1942 he was sent to the Salaspils camp. At Salaspils Karlis Strazds served for approximately one week as an exterior camp guard. Karlis Strazds testified that First Lieutenant Kalejs was the company commander of the guard unit at Salaspils, and that the guard company was a unit of the Arajs Kommando (9-11). Both Karlis Strazds' and Kalejs' uniforms were marked SD on the sleeve (23, 141). The Arajs Kommando was in turn responsible to Lange, the chief of the German SD (39). Karlis Strazds indicated that Kalejs was already present at the camp when Karlis Strazds arrived, and he estimated that Kalejs commanded 3 platoons totalling 100-120 men (20, 32). Kalejs gave the orders

as to who went on guard duty. His orders were carried out by the platoon leader and top sergeant (31). Karlis Strazds' platoon leader was named Lācis (32).

Karlis Strazds stated that during his week at Salaspils he was stationed as a guard along the exterior fence which surrounded the entire camp. He was armed with a German rifle (24) and had orders to shoot any prisoner attempting to escape from the camp (27). Karlis Strazds recalled that at the time he was present at Salaspils there were approximately 7-8 thousand prisoners housed in 15-20 barracks. The prisoners were mainly political, including soviet activists and Jews (24-25). The Jews were housed in a separate barracks and were required to wear a star on their clothing (30). Karlis Strazds recalled that both men and women prisoners were present at the camp. He stated that he believes there were no children at the camp during the time he was a guard. The external guards were not permitted to have contact with the prisoners. This was left to a system of internal guards who were commanded by Viduss (39). The internal guards carried truncheons and beat the prisoners (39).

In December 1942 Karlis Strazds was sent to Sauriesi where there was a second concentration camp located near a quarry. Karlis Strazds testified that he was appointed chief of the sixteen guards at Sauriesi by Kalejs. Kalejs personally traveled to the Sauriesi camp to install Karlis Strazds as chief of the guards, and he returned to visit the camp weekly (40, 42, 131). Karlis Strazds described the Sauriesi camp as smaller and more tolerable for the prisoners than Salaspils. The camp housed 300 Latvian male prisoners, suspected activists, in two barracks. Karlis Strazds stated that there were no Jewish prisoners at Sauriesi (36). The prisoners worked in a quarry.

In June 1943 the Kalejs company, including Karlis Strazds and Kalejs were sent to Porkhov. The company consisted of 3 platoons of 40 members each plus

10 persons who performed cooking, supply, and medical functions (44). In Porkhov, the company guarded another prisoner camp located in the village of Krasnaya Beryozka and also searched for partisans in the surrounding area (11, 48). Karlis Strazds testified that Kalejs decided which platoon would remain to guard the prisoners and who would go out to search for partisans (48). Kalejs received his orders from the German SD chief in Porkhov (47). The majority of the 200 prisoners at the Porkhov camp were Latvian Jews who were required to work on a farm (49, 102).

Karlis Strazds recalled one incident where shootings took place in Porkhov. He testified that on this occasion 20-30 gypsies were brought by truck to a pit, or bomb crater, about 2-3 kilometers outside Krasnaya Beryozka, where they were shot and buried in the pit. Karlis Strazds testified that Germans did all the shooting while Lacis' platoon, including Karlis Strazds, was ordered to guard the surrounding area to keep curious villagers away, watch for escape attempts, and bury the victims. Initially Karlis Strazds stated that Kalejs had ordered the platoon to stand guard, later he clarified that he did not know who had given the order to the platoon. Karlis Strazds testified that Kalejs was not present at the shootings (12-13, 50-53).

In August of 1943 the Kalejs company, including Karlis Strazds and Kalejs, returned to Riga where they were reorganized into units again under the command of Kalejs. The company was then sent to Skaune to guard the border and search for Soviet partisans (13, 59). Only one skirmish with partisans occurred during this time. At this incident a woman was taken prisoner by Kalejs and the rest of the officers and was forced to serve as a charwoman. Karlis Strazds stated that this woman managed to escape in October 1943 (14, 60). The company did not meet any civilians, as the villagers had

already fled the area (66). In November 1943 the company and various German divisions met with regular Soviet army troops near the town of Nevel (14). On December 23, 1943, they were attacked by the Soviet army. Karlis Strazds testified that Kalejs was present with the company up to the day of this attack when he fell ill and left the front line (14, 67). Karlis Strazds remained at the front line until mid-February 1944, when he returned to Riga (67).

Karlis Strazds testified that he last saw Kalejs in June or July 1944 at Arajs Kommando headquarters in Riga where Kalejs congratulated him on receiving an "iron cross" decoration (15, 68, 144).

Alfred Putnins (Ex. 84CT, 9-17-87)

Kalejs is the brother of Alfred Putnins' former wife, Vilhelmine Olga Kalejs. Alfred Putnins testified that he first met Kalejs in the summer of 1940. In March of 1942 Alfred Putnins and Vilhelmine Olga Kalejs were married. Alfred Putnins stated that Kalejs wore the uniform of a First Lieutenant of the Latvian Army. Alfred Putnins stated that his former wife lived with Kalejs and her parents in an apartment in Riga, and that the family also had a summer home. When Alfred Putnins came to Riga on leave from military service at the end of 1943, and in spring 1944, he did not meet up with Kalejs. Alfred Putnins testified that to his recollection, no certificate showing military service was required to enter the Riga University, at least if one was already enrolled (30). Alfred Putnins was presented with a prior statement he had made to Soviet officials on July 24, 1985. He disagreed with one sentence on this Protocol by stating that he did not have personal knowledge that Kalejs was in the Arajs Kommando, only that his wife had said that others said Kalejs was a member of the Arajs Kommando (48). The evidence reflects that Alfred Putnins may have last seen Kalejs in Latvia at Kalejs' apartment in 1944 (51, 59).

Rolands Bahsteins (Ex. 89CT, 9-19-87)

Rolands Bahsteins served as a clerk/secretary/interpreter for Kalejs at the Salaspils concentration camp from the beginning of 1943 until autumn of that year when he deserted (8-9). He stated that Kalejs was the commander of the guard company at Salaspils. The Kalejs company was part of the Latvian SD and was headed by Viktors Arajs (8, 13). Rolands Bahsteins testified that he worked in the same building as Kalejs, in an adjoining room, that he saw Kalejs at least once every day, and that one of his tasks was to interpret for Kalejs who did not speak German (15, 20, 33). Rolands Bahsteins carried a rifle. His and Kalejs' uniforms were marked with SD epaulets (14).

Rolands Bahsteins described Salaspils as a concentration camp for political and criminal prisoners. The camp was a large field surrounded by barbed wire with watchtowers in each corner and barracks for the prisoners. Rolands Bahsteins testified that it seemed to him there were no Jews at the camp, and he did not recall seeing prisoners marked with the Star of David (15-16). He did not remember any hangings that took place at the camp (37). The purpose of the Kalejs company guards was to guard the prisoners at the camp and on work details (9, 19). The Kalejs guards were stationed outside the perimeter fence and they were forbidden to have contact with the prisoners inside the camp (54-56). Rolands Bahsteins gave conflicting testimony as to whether there was an internal guard at Salaspils led by Viduss, and also whether there were German guards at the camp (20-22, 29, 46). Rolands Bahsteins also believes that the Kalejs guard company guarded the camp at Sauriesi (29). Rolands Bahsteins did not recognize what the Government purports to be Kalejs' signature on an application to the University of Riga, 15 May 1943 (Government's Dep. Ex. 5) (34-36). When confronted with a protocol signed by Rolands Bahsteins in 1986, he stated that Germans gave

orders to Kalejs and that Kalejs was one of the first to join the SD in 1941 (47). On cross-examination Rolands Bahsteins stated that he had read in a newspaper that Kalejs was a war criminal who was living in the United States (48).

Viktors Ennitis (Ex. 90CT, 9-21-87)

Viktors Ennitis was appointed a guard at the Sauriesi camp in July 1942 where he served for approximately two weeks under one Lieutenant Berzins (8-9). There were at most 150 prisoners at Sauriesi during his tour of duty (48). He then transferred to the guard company at Salaspils where he served until being transferred to the front on December 16, 1942 (9, 14). Viktors Ennitis testified that Lieutenant Kalejs was the commander of the guard company at Salaspils, and that the guard unit he had served in at Sauriesi was a detail of the Kalejs company (14, 42). Kalejs was subordinate to Viktors Arajs who reported to Dr. Lange (15). The Kalejs company guards had no contact with the prisoners aside from escorting them to work places outside the camp (9). The inmates were Jews and political prisoners (23). Viktors Ennitis stated that Kalejs distributed guard duties through his subordinates (10, 18, 20). Viktors Ennitis was assigned to guard duty in the perimeter watchtowers and also as an escort to 22 prisoners assigned to dig up tree stumps outside the camp (9, 15). He carried a rifle and had orders indirectly from Kalejs to fire one warning shot, and then shoot to kill, if anyone tried to escape (16-18).

Viktors Ennitis testified that during the time he was at the camp Viduss was installed as head of the internal guards. According to Viktors Ennitis, Viduss was a Latvian of lower rank than Kalejs, but he did not report to Kalejs. Viduss was responsible only to German officers, and the internal guards did not mix with the external Kalejs guards. Among the Germans

involved at the camp were Lange, Krause, camp commandant Nickel, and Teckemeior (31-41).

Viktors Ennitis stated that he witnessed the hanging of two Jews on the gallows at the camp under the supervision of Lange and Krause who forced another Jew to serve as executioner (29). He stated that other prisoners were made to watch, and that Kalejs was also present at this execution (29-30). He also indicated that members of the Kalejs guard company participated in treating the prisoners brutally by making them do exercises to the point of exhaustion (66).

Karlis Rozkalns (EX. 92CT, 9-22-87)

Karlis Rozkalns joined the Araj's Kommando in December 1941 at the headquarters on Valdemara Street (8, 28). He testified that he was a camp guard at Salaspils in January to early February 1942. He initially stated that Kalejs was the company commander of the Salaspils guard unit (8, 22), then he withdrew his statement concerning Kalejs' presence at Salaspils (70-71).

In February 1942 Karlis Rozkalns was sent to Nasva as a member of a ski patrol led by company commander First Lieutenant Kalejs (9, 17). This company led by Kalejs was a part of the Araj's Kommando (17). Near Nasva he participated in an attack on a village allegedly containing partisans. He testified that he was also present at the battle in mid-March 1942 where German General Stahlecker was fatally wounded (12), and he heard that inhabitants of the village had been driven into one building and the building burned (13).

Karlis Rozkalns accidentally injured his leg at the front and was sent first to Berlin and then back to Riga where he served in the canteen at the Araj's Kommando headquarters on Krisjana Borona street. He testified that he

saw Kalejs at the canteen in uniform four or five times (21, 58). Karlis Rozkalns remembered there being three company commanders in the Arajs Kommando, of which Kalejs was one (59). The canteen was later transferred to Kalny Street (13, 52-53).

Georgs Pimanis (Ex. 93CT, 9-23-87)

Georgs Pimanis testified that he served as an armed guard of the Arajs Kommando at the Salaspils camp for five days to two weeks at the end of August or beginning of September 1942 (9). During this time he saw Kalejs at the Salaspils camp one time. Kalejs was wearing a Latvian Army uniform. It was Georgs Pimanis' understanding that Kalejs was a Senior Lieutenant, the commander of a company in the Arajs Kommando, and that he was at the camp to recruit soldiers (10-13, 17, 30-31). At Salaspils, Georgs Pimanis, as a member of the external guards, was under the command of Grundmanis (14, 21). He testified that the internal guard unit at Salaspils was composed of Germans led by German officers Krause, Nickels, and Teckemeier, and the Latvian Viduss (29). Georgs Pimanis testified that there were approximately 20 Jews remaining at Salaspils at the time he was stationed there, and that the rest had been shot in the Bikernieki Forest. These 20 Jews were distinguished by a Star of David on their clothing (16-18). Georgs Pimanis also noted that there were women and Soviet children at the camp (19). After Salaspils, Georgs Pimanis served at the Bene detention camp for political prisoners (21-22), and occasionally also at the Sauriesi camp (26).

D. Respondent's Deposition Witnesses

Edgars Jurgitis (Ex. 82CT, 9-15-87)

Edgars Jurgitis joined the Arajs Kommando in July 1941 and remained until the end of the war in 1945. He served as an office worker in the supply

department under Elmuts at the Arajs Kommando headquarters at 99 Krisjana Barona Street in Riga. Edgars Jurgitis stated that the Arajs Kommando was also known as the Latvian Security Auxiliary Police and was subordinate to the German Security Police (23). Edgars Jurgitis testified that at headquarters he saw office data naming Kalejs. He also saw Kalejs at the supply department settling accounts with Elmuts, although he did not speak to Kalejs.

Edgars Jurgitis testified that on three different occasions and locations, for a couple of hours each occasion, he was assigned to guard roads leading into the woods (20, 26). He heard gunfire coming from the woods and later heard talk among Arajs Kommando members that Jews had been executed by Germans in the forests while the Arajs Kommando stood guard. He also indicated that he heard people say that columns of people had been marched from the Riga Ghetto towards the Rumbula Forest.

Jekabs Kalnins (Ex. 85CT, 9-18-87)

Jekabs Kalnins testified that he served as an editor in the Arajs Kommando (17) from the end of July 1941 thru February or March of 1942 (9), and that during this time or any time 1941-44 he did not know Kalejs (9). During the 8 months that Jekabs Kalnins was a member of the Arajs Kommando he witnessed such atrocities as the burning of two synagogues and the execution of Jews in the Bikernieki Forest outside of Riga. (10-11, 22-25). He first met Kalejs in a displaced persons camp in Germany in 1948 or 1949.

Gennadij Murnieks (Ex. 86CT, 9-18-87)

Gennadij Murnieks testified that he does not know a man by the name of Kalejs (9). Gennadij Murnieks entered service in the Arajs Kommando in July of 1941 in response to an announcement over the radio calling for Latvians to register at Arajs Kommando headquarters at 19 Valdemara Street in Riga (32). These headquarters later moved to Krisjana Barona Street (40). He testified