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STRAFVOLLSTRECKUNGSZÜGE (StVZ)

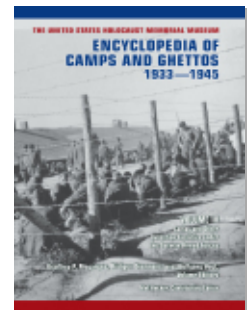
Published by

Hecker, Mel and Geoffrey P. Megargee.

The United States Holocaust Memorial Museum Encyclopedia of Camps and Ghettos, 1933–1945, Volume IV:
Camps and Other Detention Facilities Under the German Armed Forces.

Indiana University Press, 2022.

Project MUSE. <https://muse.jhu.edu/book/111925>.



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[74.48.170.251] Project MUSE (2025-01-01 16:15 GMT)

numerischer Folge und deren Aufschlüsselung. Bearbeitet nach den im Bundesarchiv-Militärarchiv verwahrten Unterlagen des Heeresfeldpostmeisters, vol. 3 (Osnabrück: Biblio, 1982), p. 75.

STRAFVOLLSTRECKUNGSZÜGE (StVZ)

Strafvollstreckungszüge (StVZ) are first mentioned in the Wehrmacht “enforcement plan” of November 27, 1942, which came into force on January 1, 1943. Under that plan, prison sentences of up to three months should be served in the “Strafvollstreckungszüge of the divisions, armies, etc.,” if the sentencing court so ordered.¹ This regulation applied only to enlisted men, officers, and noncommissioned officers (NCOs and the equivalent military officers who had not been deprived of rank, remaining responsible to the Military Prisoners’ Units (*Wehrmachtgefangenenabteilungen*) of the *Wehrmachtgefängnisse* (military prisons)).²

In an OKH leaflet from January 24, 1943, which gave an overview of the “enforcement facilities in the area of the field armies,” there is no reference to StVZs.³ The first mention of “Strafvollstreckungszüge in the divisions” appears in another paper from March 16, 1943, and even then with the comment “number unknown.”⁴ The creation of StVZs must have begun in January 1943, as they were not suddenly created in all sections of the Wehrmacht but only on demand. For example, on February 21, 1944, the Third Panzer Army received an “order to the General Kommandos of all divisions to establish Strafvollstreckungszüge for service of prison sentences up to 6 weeks.”⁵ The great importance that the Wehrmacht leadership together with its legal section placed upon the introduction of the StVZs is reflected by the fact that the StVZs received a separate article in the July 1944 *Zeitschrift für Wehrrecht (Journal of Military Justice)*.⁶

For the introduction of the StVZs, authorities were able to draw on experiences from earlier organizations that were established by individual units based on the regulations on “temporary enforcement” under §109 of the Military Criminal Procedure Code (*Kriegsstrafverfahrensordnung*, KStVO) and §55 of the Wehrmachtdisziplinarstrafordnung (WDSStO; Wehrmacht Disciplinary Penal Code). The later-Generalfeldmarschall Walter Model played a leading role. On March 20, 1942, as commander of the Ninth Army, Model ordered that soldiers sentenced to prison terms for whom “commutation of the entire sentence [to ‘front probation’] did not appear justifiable,” would “generally be sentenced to a partial service” and “expediently placed under intensified arrest, as this is a more effective form of punishment than imprisonment.”⁷ Model did not believe in the “more effective nature” of the intensified arrest only because of the “hard camp conditions” and a diet of only “water and bread.”⁸ The “service of a sentence in the form of imprisonment” was, in Model’s view, “to be avoided because—for sentences of more than three months—transport to the Wehrmacht penal facilities in the Reich and transfer to

special units” were connected. Additionally, “the regulated life in the penal facilities in the Reich could perhaps appear acceptable to some compared to the unpleasant conditions in which the troops here [i.e., at the front] must live, if the conditions of imprisonment in the Reich were not exacerbated.” In other words, to avoid a transfer from the front, Model determined that an “arrest [of a criminal and disciplinary nature for] more than 10 days should be served in arrest facilities that should be created in each division, etc. Suitable officers are to be selected to lead these arrest facilities; they will be responsible for ensuring that the penalty follows the Wehrmacht enforcement plan (H. Dv. 3 g).”⁹ Units were to report by May 1, 1942, where the “arrest facilities,” as they were then known, would be located.

Model’s plans were partially rendered obsolete by the “Führer-Order” of April 2, 1942, which moved the majority of the enforcement of military justice out of the military prisons and into the penal units—the field penal battalions (*Feldstrafgefangenen-Abteilungen*, FStGA) and field penal camps (*Feldstraflager*)—near the front. Transport to the Reich for prisoners serving sentences of more than three months could now be avoided by transfer to a field penal battalion. As a result, the “arrest facilities . . . in every division” ordered by Model were not created.¹⁰

Those who were arrested were, on the other hand, sentenced to short prison terms of less than three months or a multiweek “intensified arrest,” after which a “front probation” was granted. In the first case, it was possible to rely on the military prisons (*Kriegswehrmachtgefängnisse*, generally located in the rear area of the front) and, in the second case, on the mobile army prisons (*Beweglichen Heeresgefängnisse*) and Military Detention Centers (*Kriegswehrmachtbfaltanstalten*), in which, according to regulations, “arrest penalties of any type”—legal or disciplinary—“up to six weeks” could be enforced.¹¹ However, these facilities were relatively far behind the front. The lack of labor during the arrest periods was also seen as a “weak point.” The “idleness” and “greater security of life,” based on the “experiences of the First World War”—according to Oberstkriegsgerichtsrat Burkhardt—created the danger that “unreliable and undutiful soldiers” would, therefore, have an incentive to seek such punishments.¹² At the same time, even Model recognized that the “intensified arrest” had negative effects on the eventual operational capacity. As Burkhardt later recorded, “the bodily state of those punished with intensified arrest was . . . impaired” when they were sent “back to the units pale and starved.”¹³

Further disadvantages eventually resulted from the decreased number of the mobile military prisons, military detention centers, and military prisons as well as from the resulting transport costs. The military jurist Burkhardt explained: “Enforcement of arrest ran into technical difficulties in its execution due to mobile warfare in the East. It was almost impossible to find suitable locations for the service of arrest. Then it was also notably difficult that the punished must be withdrawn from the fighting troops; there were

additional difficulties in transferring the punished to the next detention center, never mind later, when they had to find their unit again after serving their sentence. Thus, sometimes people were moved very far from their units during their punishment.¹⁴

On the basis of the “experiences of the front,” according to Burkhardt, “first in the east, then also on other fronts, completely new forms of punishment [were developed] in the armies, corps, and divisions,” which were given “the designation ‘Strafvollstreckungszüge’ (StVZ).”¹⁵ Their eventual introduction was justified on the same basis as the field penal battalions and field penal camps: to create a similar form of short-term punishment for troops near the front that had an enhanced deterrent effect. This reasoning explains the introduction of the StVZs, while at the same time fewer soldiers were being sentenced to short terms in the FStGAs.¹⁶ Burkhardt summarized the composition of the inmates of the StVZs: “Those who were punished [with terms of up to three months] as well as disciplinary and legal arrests and arrest punishments, were sent to the StVZs to serve their sentence in place of prison time. It must be noted that these two types of prisoners are divided in their housing, while at work there is no way to distinguish between the two.”¹⁷

The recommended separate housing of those arrested for disciplinary and criminal actions as well as the possibility to “earn benefits for diligence and special achievements” can be recognized as further developments of the field penal battalions and field penal camps into categories based on the progressive “graduated punishment” of the Weimar Republic.¹⁸ It was also required that “*untrainable and irredeemable elements* [emphasis in original] . . . must be separated and sent to other forms of punishment by the Gerichtsherr.”¹⁹ This statement referred primarily to the field penal battalions, from which further transfers to “front probation” in *Bewährungstruppe* 500 or a field penal camp, with the prospect of future internment in a concentration camp, could occur. However, assignment to penal camps remained the exception, and terms in the StVZs became the norm “for first or minor offenses.”²⁰

The labor details of the StVZs were responsible for “the military needs”²¹ of their respective areas of the front. The OKH noted at the beginning of September 1944 that, for the required “hard, physical labor possibly under enemy fire,” an affiliation with the Pioneer Battalions would appear useful.²² Burkhardt gave additional advice: “The time of work must be as long and the performance demanded as high as possible without deleterious effects on health; they must also work longer hours than the men in the units. They will work all day on Sunday.”²³ The instructions for the StVZs issued by the Oberbefehlshaber West (Western Commander) Generalfeldmarschall Rundstedt on March 27, 1944, which came into force on May 1, 1944, stated that, in summer, the prisoners were to work 15 hours a day, and, in winter, 12 hours a day, in construction, mining, or munitions transport.²⁴

The negative experiences caused by undernourishment in the original form of “intensified arrest,” and especially in the

early days of the field penal battalions and field penal camps, resulted in the decision that, in the StVZs, “food supply [was to be] normal.” With a view to maintaining fighting strength, a proposed decrease of the food ration was abandoned: “In the end . . . the *maintenance of fighting strength* [emphasis in original] must not be forgotten; it is alongside work. Allocation of light weapons other than handguns appears necessary so that the StVZs can be used immediately [in combat] in an emergency.”²⁵ For the same reason, “doctors’ visits” were to be ensured, so that all men in the StVZs remained “healthy and fit for hard labor.”²⁶ In practice, hunger was nevertheless the rule in the StVZs, because the normal rations for the recommended labor quotas (“the most exceptional”) were barely sufficient. It was explicitly noted that “supplemental food supply is impermissible.”²⁷

The terror that spread even to StVZs on the nonfighting fronts in the final weeks of the war is demonstrated in the example of the Greek island of Kos (then known by its Italian name, Coo). While the Wehrmacht evacuated Greece in the fall of 1944, German occupation troops remained on Kos and other eastern Aegean islands. A large number of them belonged to *Bewährungstruppe* 999. The occupation forces on the islands were soon cut off from regular supply. To maintain discipline among the starving troops, the local officers (including those in the StVZs) struck back. In the StVZs, the universally slim food rations were reduced to especially meager starvation rations, which often triggered despair. The “Commandant of the East Aegean,” Generalmajor Wagener, reported the events in the StVZ on Kos in his Order of the Day on April 1, 1945:

A large commando was assembled from the occupation forces on Coo and Marine Artillery Unit 624 to recapture 10 escapees from the StVZ on Coo who had fled into the hills. Despite great difficulties in the rugged and impassable hills, cold nights, and shortage of water and food supplies, the unit was able to track down and capture the escapees on the third day of their expedition. I express my gratitude to the officers and their capable men for their exemplary achievement and give my special recognition to the zeal which is solely to thank for their success. In recognition of their special achievement, I have awarded individual soldiers the *Kriegsverdienstkreuz* [War Merit Cross] 1st and 2nd Class and announced two promotions.²⁸

Further details come from the report of Fritz Näther, who was forced to participate in the search commando. The Communist from Altenburg was sent to the X Fortress Infantry Battalion of *Bewährungstruppe* 999 after he was sentenced to a year and a half in prison in June 1934 for his resistance work. He reported:

At midnight the planned pursuit of the escapees began. We could not imagine the hardships that would

come. Day and night, from midnight Thursday to noon on Monday we went up and down through the hills, through tunnels, along slopes, through thick, thorny underbrush. A series of comrades withdrew due to broken bones from falls, one succumbed to a heart attack, one died in the hospital of exhaustion, two were mistakenly shot by their own comrades. . . . The result of this hunt was that . . . all of the escapees were captured. . . . On the return march . . . they had to carry the equipment of the officers and a badly wounded comrade. They marched back under constant abuse and beatings. In Pilly, they were taken in front of the comrades who had gathered there, as well as the curious local population, and once again abused and beaten.²⁹

The numerical strength of a StVZ was generally between 20 and, at the most, 40–50 prisoners. The total number of StVZs was unknown, however, as the aforementioned OKH report from March 16, 1943, indicated. Seidler, who erroneously asserts that the StVZs were first established in 1944, says, without citing sources, that by the spring of 1944, almost every division at the front and at least every Army Corps in the rear areas had a StVZ.³⁰ Thus, there could have been hundreds more StVZs. This development seems possible because the results of the StVZs were not bad in the view of the Wehrmacht. At the least, in the *Journal of Military Justice* in the summer of 1944, the following description was published: “The experiences with the StVZs to this point are unreservedly good; the labor performance is generally recognized as respectable. The StVZs, after some initial hesitation, were appreciated and adopted by all units. The results achieved to this point show that this new form of punishment with its new principles developed in accordance with the Wehrmachtstrafrecht [military criminal law], does not remove the punished from within the framework of the community, but ties them more firmly to the community.”³¹

In his July 1944 article, Burkhardt noted that up to that point, no final central regulations for the StVZs existed: “The basic principles of this type of punishment must be derived from the intended purpose and determined by further experience.”³² On the other hand, regulations were provided for the special StVZs created for “volunteers from the east” (i.e., Soviet collaborators) “in the area of each Army and each Wehrmacht Commander.”³³ Regarding the labor details, supply, and demotion in service rank, the instructions largely corresponded to those that had been given for the StVZs for German soldiers in Burkhardt’s aforementioned article and by Commander West on March 27, 1944. Differences resulted mainly from considerations for security policy and racial ideology; for example, “commanders and staff [may] only [be] German.” The commanding officer should have available “a German soldier for each 5 prisoners, and a German NCO for each 15 prisoners” and “the necessary number of translators.” It was explicitly stated that “any integration with German StVZs must be avoided.” Additionally, the

separation of those arrested for disciplinary and criminal offenses was not required in the StVZs for “foreigners” as it was in the StVZs for German soldiers; “volunteers punished for criminal and disciplinary offenses are not to be divided within the StVZ.”³⁴

An expectation announced by Burkhardt in his hymn of praise to the StVZs would not be fulfilled by either the StVZs for Germans or those for “foreigners.” The military jurist had ended his article with the hopeful words: “Thus, the StVZs will contribute their part to the final victory.”³⁵

SOURCES Information about Strafvollstreckungszüge can be found in the following publications: Franz W. Seidler, *Die Militärgerichtsbarkeit der Deutschen Wehrmacht 1939–1945: Rechtsprechung und Strafvollzug* (Munich: Herbig, 1991); and Manfred Messerschmidt, *Die Wehrmachtjustiz 1933–1945* (Paderborn: Ferdinand Schöningh, 2005).

Hans-Peter Klausch
Trans. Dallas Michelbacher

NOTES

1. Allgemeine Heeresmitteilungen (AHM), hg. vom Oberkommando des Heeres, Berlin 1942 (9.), Nr. 1034 (OKW, 27.11.1942, 54 f 10 Vollstr. Pl. Str 3495/42 Tr Abt [Str II]), p. 576.

2. It appears that the first StVZs for punished NCOs (without loss of rank) were created in 1944. See *Gliederung und Feldpostnummern-Übersicht der Straf-, Bewährungs- und Erziehungseinheiten und -einrichtungen in der früheren deutschen Wehrmacht*, ed. Personenstandsarchiv II des Landes Nordrhein-Westfalen (Kornelimünster: Bundesarchiv, Abteilung Zentralnachweisstelle, 1953), p. 5; *Die Sondereinheiten in der früheren deutschen Wehrmacht (Straf-, Bewährungs- und Erziehungseinrichtungen)*, ed. Personenstandsarchiv II des Landes Nordrhein-Westfalen (Kornelimünster: Bundesarchiv, Abteilung Zentralnachweisstelle, 1952), p. 36.

3. OKH—General z.b.V. beim OKH. Merkblatt 2 vom 24.1.1943, BA-MA, RH 13/v. 13.

4. Kurze Übersicht über Organisation und Aufgaben des Wehrmachtstrafvollzugs, der Bewährungstruppe sowie der Sondereinheiten des Heeres, Berlin, den 16.3.1943, BA-MA, RH 14/37.

5. KTB Pz.AOK 3 Abt. Ia Nr. 8, Bd. 2, vom 21.2.1944, BA-MA, RH 21-3/284. It remains unclear what cause was given for the sentencing restrictions to six weeks.

6. Oberstkriegsgerichtsrat Burkhardt, “Wandlungen der Wehrmacht-Strafvollstreckung im Kriege,” in *Zeitschrift für Wehrrecht (ZWR)* 9 (1944), pp. H. 3, 108–115.

7. Oberbefehlshaber der 9. Armee—Abt. III—Az: 14 a/f vom 20.3.1942, BA-MA, RH 20-9/329.

8. *Vorschrift für den Vollzug von Freiheitsstrafen und anderer Freiheitsentziehung in der Wehrmacht*. December 4, 1937 (unaltered reprint, Berlin, 1940), p. 33. The so-called intensification did not apply on the so-called good days (i.e., the first three days after arrest and then on every third day of arrest thereafter).

9. Oberbefehlshaber der 9. Armee—Abt. III—Az: 14 a/f vom 20.3.1942, BA-MA, RH 20-9/329.

10. Ibid.

11. OKH—General z.b.V. beim OKH. Merkblatt 2 vom 24.1.1943, BA-MA, RH 13/v. 13.

12. Oberstkriegsgerichtsrat Burkhardt, “Wandlungen der Wehrmacht-Strafvollstreckung im Kriege,” pp. H. 3, 109.

13. *Ibid.*, p. 113.

14. *Ibid.*, p. 110.

15. *Ibid.*

16. On a small number of short-term penalties in the FSt-GAs, cf. Fritz Wüllner Thomas Geldmacher, “Strafvollzug. Der Umgang der Deutschen Wehrmacht mit militärgerichtlich verurteilten Soldaten,” in *Opfer der NS-Militärjustiz. Urteilspraxis—Strafvollzug—Entschädigungspraxis in Österreich*, ed. Walter Manoschek (Vienna: Mandelbaum, 2003), pp. 437, 457.

17. Oberstkriegsgerichtsrat Burkhardt, “Wandlungen der Wehrmacht-Strafvollstreckung im Kriege,” pp. H. 3, 112.

18. *Ibid.*, p. 113.

19. *Ibid.*, p. 114.

20. *Ibid.*, p. 112.

21. *Ibid.*

22. OKH—General z.b.V. beim OKH Az. 551/Gr.Str. Nr. 363/44 vom 4.9.1944: Merkblatt über Vollzugseinrichtungen und Bewährungstruppen, BA-MA, RH 14/34, Bl. 82.

23. Oberstkriegsgerichtsrat Burkhardt, “Wandlungen der Wehrmacht-Strafvollstreckung im Kriege,” pp. H. 3, 112.

24. See Messerschmidt, *Die Wehrmachtjustiz*, p. 365; Seidler, *Die Militärgerichtsbarkeit*, p. 166.

25. Oberstkriegsgerichtsrat Burkhardt, “Wandlungen der Wehrmacht-Strafvollstreckung im Kriege,” pp. H. 3, 113.

26. *Ibid.*

27. *Ibid.* At least in the Waffen-SS StVZs, decreased food rations were used as a disciplinary measure. See Seidler, *Die Militärgerichtsbarkeit*, p. 169.

28. Kommandant Ost-Ägäis Abt. II a vom 1.4.1945 (Tagessbefehl Nr. 81), BA-MA, RH 26/1007/20, Bl. 14.

29. Fritz Näther, *Meine Erlebnisse in der Bewährungseinheit 999*, no date (ca. 1960, unpublished manuscript, copy in possession of the author). See also Fritz Näther, “Altenburger Antifaschisten in der Bewährungseinheit 999,” in *Heimatkalender 1960 für die Kreise Altenburg und Schmölln*, p. 71; Hans-Peter Klausch, *Die Geschichte der Bewährungsbataillone 999 unter besonderer Berücksichtigung des antifaschistischen Widerstandes*, Vol. 2 (Cologne, Pahl-Rugenstein, 1987), pp. 741–759.

30. See Seidler, *Die Militärgerichtsbarkeit*, p. 166.

31. Oberstkriegsgerichtsrat Burkhardt, “Wandlungen der Wehrmacht-Strafvollstreckung im Kriege,” p. 115.

32. *Ibid.*, p. 110.

33. Allgemeine Heeresmitteilungen (AHM), hg. vom Oberkommando des Heeres, Berlin 1944 (11.), Nr. 547 (OKH, 23.9.44: Gen. d. Freiw. Verb. b. Chef Gen. St. d. H./OKH/Gen. St. d. H./Org. Abt.—H/37676/44 g), p. 298.

34. *Ibid.*

35. Oberstkriegsgerichtsrat Burkhardt, “Wandlungen der Wehrmacht-Strafvollstreckung im Kriege,” pp. H. 3, 115.

UNTERSUCHUNGSGEFÄNGNISSE (UG) BERLIN

Berlin played a major role in the Wehrmacht judiciary. The city not only hosted many military courts but also had especially important ones that could be called Wehrmacht special

courts. In the German capital, there were numerous high command staffs, so there were also established military special courts. The regular military courts served units stationed in Berlin, mostly training units or the numerous subordinate departments and military schools. This situation created a need for large-capacity detention facilities, especially after the beginning of World War II.

In October 1936, the Reich Court-Martial (*Reichskriegsgericht*) was established in Berlin. It functioned as an Appellate Court of the Wehrmacht until August 1939 and was also responsible for alleged cases of treason. The Reich Court-Martial was considered the Supreme Court of the Wehrmacht. After the beginning of World War II, appeals and revisions were suspended and the Reich Court-Martial instead received special jurisdiction for cases of *Wehrkraftzersetzung* (subversion of fighting power), including for conscientious objection, espionage, and members of resistance groups in domestic and international territory. Because of the increasing number of bombing attacks on Berlin, the Reich Court-Martial relocated to Torgau in August 1943. Nevertheless, detainees for the court remained in Berlin.

Other courts were also active in the Berlin area. The Court of the Wehrmacht Headquarters in Berlin (*Gericht der Wehrmachtkommandantur Berlin*) was a part of the special courts of the military. This court dealt primarily with deserters whom the authorities had seized in the territory of the German Reich. In addition, it dealt with cases in which a soldier had been sentenced by another military court, but the responsible commander had not verified the verdict (usually because the verdict was considered too lenient). The Army Central Court (*Zentralgericht des Heeres*) was established in April 1944. It was intended to be involved in searches for deserters in the Reich territory and to punish political offenses and corruption. Near Berlin, in Bad Saarow, was the Field Court of the Air Force z.b.V. (*Feldgericht der Luftwaffe z.b.V.*) (z.b.V. means for special employment), which was responsible for the prosecution of political offenses by members of the Air Force. At the end of January 1945, the Flying Court Martial of Defense District (*Fliegendes Standgericht des Wehrkreises*) III, the Defense District that included Berlin, was added. At least 150 military judges were deployed in the military special courts and the numerous regular military courts of Berlin at any one time.

Before the war began and in its opening months, the Wehrmacht used part of the Berlin-Plötzensee Prison, in the Plötzensee district of Berlin. Plötzensee was one of the most important prisons of the German judiciary and the central execution site of the Reich Ministry of Justice. This changed in 1940: the Wehrmacht withdrew the prisoners from Plötzensee and henceforth used a substation of Plötzensee as a central remand prison (*Untersuchungsgefängnis*). The prison was located at Lehrter Street 61, which the Reich Ministry of Justice gave to the armed forces (map 4b). The Wehrmacht Remand Prison “Lehrterstrasse 61” was at the same time a Wehrmacht Detention Facility (*Wehrmacht-Arrestanstalt*).