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### **Working Paper**

“The Grey Men: Holocaust Perpetrators and the Mechanisms of (Non-)Prosecution in Austria and Poland” (2024–2026)

Dr. Eva Reder, Senior Research Fellow, Department of Contemporary History, University of Vienna

a0105162@univie.ac.at

### **Abstract**

The project examines the involvement of Austrian perpetrators in the Holocaust-by-bullets in occupied Poland and their transnational postwar prosecution. It focuses on low- and mid-level actors—policemen, company foremen, and members of the civil administration—the “Grey Men”—who operated within German occupation structures and later largely reintegrated into Austrian society. Drawing on Elżbieta Janicka’s concept of the “Holocaust Framework” (2018), the analysis examines how proximity and interaction shaped the dynamics of violence, particularly in small towns where ghettos were not strictly segregated from non-Jewish populations. It further traces Austrian–Polish cooperation in the identification and prosecution of perpetrators, as well as the mechanisms of (non-)prosecution and (non-)extradition shaped by the Cold War. Based on Polish and Austrian judicial sources, witness testimonies, and diplomatic correspondence, the study links on-the-ground dynamics of violence with transnational legal processes. It argues that uneven prosecution was not incidental but emerged from this interaction, and that the scale of violence depended less on formal role than on social relations and situational opportunity structures.

## **Within and Beyond: The Grey Men in the Holocaust Framework**

This paper is based on a presentation of my project “*The Grey Men: Holocaust Perpetrators and the Mechanisms of (Non-)Prosecution in Austria and Poland*” given on January 21st, 2026.

It examines Austrian perpetrators in occupied Poland and the transnational mechanisms that structured their postwar prosecution between Austria and Poland from 1945 to 1970. It focuses on low- and mid-level actors—policemen, foremen, and members of the civil administration—who operated outside concentration and extermination camps and whose involvement in everyday settings of occupation has been less systematically addressed. These actors—the “Grey Men”—operated within closely structured social environments and were involved in everyday practices of occupation: during the war, they blended into German occupation structures; after 1945, many reintegrated into Austrian society. They were neither prominent enough to become central figures of memory nor marginal enough to disappear entirely.

This study adapts Elżbieta Janicka’s concept of the “Holocaust framework” to perpetrator research, using it as a tool for analysing complex settings of occupation. It foregrounds social relations, thereby situating the Polish context both as the site of violence and as a historiographical and source-based framework. Perpetrators in small towns operated in close proximity to Jewish victims and non-Jewish civilians within shared social environments. Within this framework, Austrian perpetrators appear as structurally dominant yet locally dependent actors, embedded in everyday relations of interaction while relying on local knowledge, intermediaries, and non-Jewish “participating observers” to identify, pursue, and control their victims.<sup>1</sup> Violence thus emerges not as the product of institutional structures alone, but through everyday social relations.

The analysis proceeds on three levels. It reconstructs how violence unfolded in occupied Poland by tracing Austrian perpetrators within the social environments in which they operated. It further traces the transnational processes of identification, investigation, and (non-)prosecution after 1945, following how cases moved across borders. Finally, it reconstructs criminal proceedings in Poland, focusing on both their procedural dynamics and the ways perpetrators presented themselves in court. The analysis shows that everyday settings of occupation in Poland shaped not only perpetrators’ scope of action, but also the ways in which their actions were later interpreted and prosecuted. Cases of ghetto liquidations, shootings, and the pursuit of Jews in hiding illustrate how these environments both enabled violence and determined the possibilities

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<sup>1</sup> Janicka, p. 135-139.

and limits of postwar prosecution, as Jewish survivors and non-Jewish witnesses—who often testified against perpetrators they had known for years under occupation—proved central to identifying perpetrators and enabling prosecution within broader legal and political frameworks.

### **Rethinking Perpetration**

Perpetrator research has long prioritised centralized institutions, elite actors, and camp-based systems of violence, obscuring the role of lower- and mid-level perpetrators of the “Holocaust-by-bullets” in occupied Poland. Debates about Austrian involvement in the Holocaust have likewise centred on questions of Austrian overrepresentation, as well as on camp systems and SS leadership.<sup>2</sup> As these approaches offer limited insight into social relations under occupation and the dynamics of violence, this study shifts attention to the interaction between these settings and the transnational processes that shaped postwar prosecution.

At the same time, the transnational prosecution of Austrian perpetrators remains understudied, although research on postwar trials in Eastern Europe has expanded.<sup>3</sup> Existing studies remain predominantly camp-centred<sup>4</sup> or have focused mainly on Austrian and Soviet postwar trials.<sup>5</sup> Apart from a case study on the trial of Franz Grün and a volume on the Majdanek trials<sup>6</sup> Polish judicial proceedings have received little attention.

One reason for this knowledge gap lies in problems of identification. Polish judicial authorities rarely distinguished between German and Austrian perpetrators, classifying both as *hitlerowcy* (“followers of Hitler”). This practice shaped both legal proceedings and historiography: it impeded prosecution and made Austrian perpetrators difficult to identify, even where they appear in the sources. It also obscured specifically Austrian dimensions of perpetration, such as the misclassification of Austrian nationals as German citizens and the omission of those extradited without prior detention in prisoner-of-war camps, thereby affecting subsequent interpretations.

Recent Holocaust scholarship has drawn attention to the importance of local social dynamics and spatial proximity in shaping Holocaust violence. It emphasizes the interpersonal relations between occupiers, Jews and non-Jewish civilians, but also Polish “blue police”, Ukrainian auxiliary police, as well as Polish mayors.<sup>7</sup>

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<sup>2</sup> Fleck/Kranebitter (2025); Bauer (2024).

<sup>3</sup> Rauschenberger et al. (2023); Roth (2023).

<sup>4</sup> Rabl (2019).

<sup>5</sup> Stelzl-Marx et al. (2024).

<sup>6</sup> Garscha/Selerowicz (2011/2014).

<sup>7</sup> Bartov (2019), Grabowski (2020); Wiercholska (2022); Rossoliński-Liebe (2024).

Polish judicial sources—extensive, detailed, and comparatively underused—offer insights into both the dynamics of violence and postwar prosecution, allowing Austrian perpetrators to be analysed from a different perspective within the settings of occupation. Drawing on these sources within a transnational framework, the analysis links patterns of violence with postwar legal processes and shows that their decentralized and situational character complicates established models of responsibility. It thus helps explain uneven outcomes of prosecution, shaped not only by legal considerations but also by nationality, extradition regimes, and Cold War geopolitics.

### **Reconstructing Violence and (Non-)Prosecution: Sources and Methods**

The project draws on a working database of several hundred Austrian perpetrators active in occupied Poland, compiled through cross-referencing archival and published sources, including approximately forty cases with substantial archival documentation, covering both those convicted in Poland and those investigated without successful extradition. The analysis focuses on the German occupational districts of Radom, Krakau, and Galicia, where the density of sources enables closer reconstruction.

The study draws on Polish and Austrian judicial, administrative, and commemorative sources, primarily Polish-language archival materials, including trial records, witness testimonies, extradition files, and diplomatic correspondence. These materials enable the analysis of both the conditions of violence and cross-border mechanisms of prosecution. The analysis reconstructs processes of identification, extradition, and prosecution while examining the language of judicial proceedings—particularly how perpetrators and witnesses presented themselves in court—and situating these within a micro-historical reconstruction of everyday settings of occupation.

Judicial records are shaped by the requirements of legal proceedings, which were primarily concerned with establishing individual guilt. Defendants were not obliged to contribute to the reconstruction of events. These sources therefore provide insight not only into violence itself, but into the language, narrative structures, and forms of argumentation through which it was described in the Polish postwar period. Judicial records are thus read both as sources of information and as historically situated narratives shaped by legal and political frameworks, in which inconsistencies and silences form part of the conditions under which knowledge about the Holocaust was produced.

To reconstruct the dynamics of violence, the analysis focuses on interactions between perpetrators, Jewish victims, and non-Jewish civilians. This perspective draws on Elżbieta Janicka’s concept of the “Holocaust framework,” which replaces the category of the bystander in Raul Hilberg’s triad with the notion of the “participating observer” to capture the intimate

relational character of the German occupation in Poland. Applied here to perpetrator research, it serves to reconstruct the settings in which violence emerged, even where direct evidence of interaction remains fragmentary.

### **Situational Violence: Beyond Institutional Roles**

Preliminary analysis of Polish legal files indicates that even low-ranking Austrian perpetrators were investigated in considerable detail, with some cases containing extensive witness testimony and cross-border correspondence. Violence unfolded in conditions of close social proximity between perpetrators, Jewish victims, and non-Jewish civilians, especially in small towns where ghettos were not physically segregated and the improvised nature of mass shootings often obscured individual responsibility.

Chronic personnel shortages in the German occupation and security apparatus blurred institutional boundaries and enabled administrative staff and company employees to assume active roles in the Holocaust. As a result, low- and mid-level actors were frequently involved in deportations, executions, and the pursuit of Jews in hiding, rather than remaining confined to formally defined roles. Violence thus cannot be understood as the product of hierarchical command structures but emerged through interactions shaped by power relations, interpersonal familiarity, opportunism, and practices of denunciation embedded in everyday life under occupation. Responsibility, therefore, appears as situational and relational rather than solely hierarchical, distributed across networks of actors and shaped by specific social configurations. The scale of violence depended less on formal position than on locally available opportunity structures arising from institutional scarcity and blurred administrative boundaries. Authority operated not only through institutional hierarchies but also through para-institutional positions. The absence of clear institutional boundaries created spaces in which actors assumed multiple roles, shifting between administrative, supervisory, and directly violent functions. This fluidity complicates attempts to assign responsibility along strictly institutional lines and points to perpetration as embedded in social relations rather than determined by formal structures.

### **The Production of (Non-)Prosecution**

From this perspective, Austria is analytically significant because perpetrators operated within German occupation structures but were prosecuted within a different national framework after 1945. This makes the transnational dimension of postwar justice particularly visible: nationality had direct legal consequences for jurisdiction, extradition, and prosecutorial responsibility, all of which depended on national classification.

Poland had been a central site of Nazi occupation and genocidal violence, yet the immediate postwar period was also marked by continued antisemitism and violence against Jewish survivors, leading many to leave the country. These developments coincided with the investigations, extradition requests, and trials and formed a key backdrop to postwar judicial processes. Polish authorities generally did not distinguish between German and Austrian perpetrators, a practice that shaped legal proceedings and historiography while complicating identification and rendering existing figures on extradited Austrian perpetrators incomplete.

Between 1944 and 1956, approximately 5,500 German and Austrian perpetrators were convicted in Poland<sup>8</sup>, and several hundred Austrians served prison sentences there.<sup>9</sup> Extraditions peaked in the late 1940s, particularly between 1948 and 1950, but did not cease entirely thereafter. Even in the early 1950s, Austrian perpetrators continued to be investigated, extradited, and tried, although with declining frequency. Available figures must be treated with caution, however, given the persistent lack of distinction between Austrian and German nationals in official records. As Cold War dynamics intensified, legal cooperation increasingly stalled, driven by Western mistrust of extraditions to Eastern Bloc countries and a growing priority on stabilizing and rebuilding Austria. Even where evidence was substantial, cases frequently stalled or were abandoned due to jurisdictional fragmentation and diplomatic inertia. This was not only a matter of political reluctance, but of procedural constraints embedded in competing legal systems and administrative practices.

The legal framework for these prosecutions was provided by the so-called August Decrees, which remained formally in force even after the 1956 amnesty. Investigations were largely conducted by the Main Commission for the Investigation of German Crimes in Poland (pol. Główna Komisja Badania Zbrodni Niemieckich w Polsce), which functioned as the central institution for gathering evidence and preparing cases. As the predecessor of the Institute of National Remembrance (pol. Instytut Pamięci Narodowej-IPN), it created regional commissions in thirteen voivodeship capitals throughout the 1940s. Its activities were complemented by Polish diplomatic missions abroad, including the Polish Political Mission in Vienna (pol. Misja Polityczna Rzeczypospolitej Polskiej w Wiedniu), which served as a key intermediary between Polish and Austrian authorities, coordinating extradition requests, facilitating communication, and supporting the collection and transmission of evidence across borders.

In parallel, non-state actors such as Tuviah Friedman and Simon Wiesenthal, both Polish citizens before the war, contributed significantly to the transnational circulation of information. Operating

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<sup>8</sup> Finder/Prusin, p. 5

<sup>9</sup> Borodziej, p. 419.

from Vienna, they maintained extensive networks linking courts, institutions, and witnesses in Austria, Poland, Israel, Germany, and the United States. These interactions formed a transnational field of prosecution in which state and non-state actors, legal frameworks, and diplomatic channels intersected across borders. Postwar justice functioned as a fragmented transnational process shaped by nationality, institutional frameworks, and geopolitical conditions rather than by the scale of violence alone.

### **The Uneven Aftermath**

Austrian Holocaust perpetrators in occupied Poland operated within social environments in which violence emerged through proximity, interaction, and institutional fluidity, while postwar justice remained uneven and contingent, shaped less by the scale of violence than by nationality, institutional frameworks, and geopolitical constellations.

Non-prosecution thus emerges not as an absence of justice but as a produced outcome, shaped by the interplay of social relations on the ground and transnational legal constraints. Perpetration and prosecution thus emerge as processes unfolding both within and beyond the same social and institutional frameworks.

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*Dr. Eva Reder* is a historian and Senior Research Fellow at the Department of Contemporary History at the University of Vienna. She leads the project "*The Grey Men: Holocaust Perpetrators and the Mechanisms of (Non-)Prosecution in Austria and Poland*", funded by the Fondation pour la Mémoire de la Shoah (Paris, 2024–2026). Her doctoral thesis on pogroms in Poland (1918–1920 and 1945–46), published as *Antijüdische Pogrome in Polen im 20. Jahrhundert. Gewaltausbrüche im Schatten der Staatsbildung 1918–20 und 1945–46* (Marburg: Verlag des Herder-Instituts für Ostmitteleuropastudien, 2019), was awarded the Richard G. Plaschka Award (2018) by the Austrian Academy of Sciences (ÖAW) for outstanding achievements in the field of East, East-Central, and Southeast European history, as well as the Marko Feingold Prize by the University of Salzburg (2019).

Her research examines Holocaust violence, antisemitism in East Central Europe, and the social and political contexts of mass violence, contributing to debates on the relationship between local dynamics and broader structures of violence and justice. She studied history in Vienna and

Poznań and works with archival sources in German, English, and Polish, including extensive research in Poland and Ukraine. During her studies, she received fellowships from Austrian institutions, including the University of Vienna and the Austrian Research Association (Österreichische Forschungsgemeinschaft, ÖFG), as well as from international research institutions such as the Vienna Wiesenthal Institute for Holocaust Studies, the Herder Institute in Marburg, and the German Historical Institute in Warsaw.

Her work has been published in peer-reviewed journals, and she is currently developing a series of publications on Austrian Holocaust perpetrators and postwar justice. She has served on the editorial board of the Copernico research network, where she co-edited the thematic section *“Jewish Life in Eastern Europe – Yesterday and Today.”*