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The “Long Arm” of the Military Justice of the Wehrmacht: A Case Study on Luxembourgish Desertions

Introduction

During the Second World War, the military courts of the Wehrmacht were characterised by their strict and uncompromising procedures. Soldiers in the German military were naturally subject to the jurisdiction of the Wehrmacht courts. These soldiers included *Reichsdeutsche* (with German citizenship before 1939) uniform wearers and those recruited from other occupied countries and regions, such as Luxembourg and Alsace. The Grand Duchy of Luxembourg was *de facto* annexed and incorporated into German territory. The laws and ordinances of the Reich applied to the local population. As (compulsorily) conscripted naturalised Germans, they were also subject to military jurisdiction. The offence that predominantly led Luxembourgers to appear before Wehrmacht courts was desertion. The punishment of individuals did not end with the sentence handed down in court, however, because their communities and families in the occupied homeland also came onto the authorities' agenda, resulting in investigation proceedings or punitive measures. As a result of soldiers' desertion from the Wehrmacht, thousands of family members of Luxembourgish deserters and draft evaders were forcibly resettled in East German territories such as Boberstein (*Bobrów*) in what is today Poland, and had their assets confiscated. This contribution examines the efforts of the courts and military justice administration to capture and arrest individuals in accordance with the laws and ordinances of the Reich.¹ It delves deeper into the investigations conducted by the military court and examines seizures made in the deserters' homelands, as well as threats and arrests involving their families.

¹ This contribution is part of the WARLUX research project at the Luxembourg Centre for Contemporary and Digital History (C²DH) at the University of Luxembourg. The project studies the individual profiles and experiences of Luxembourgers who served in the German Labour Service (*Reichsarbeitsdienst*, RAD) and the Wehrmacht during the Second World War. The focus of the research is not only on the conscripted individuals themselves but also on the experiences of their families and communities. This aspect has been explored in more depth in the doctoral research of Sarah Maya Vercruysse.

Cooperation between military courts and local police forces was used by the occupying authorities to terrorise the inhabitants of occupied territories and to pressure men in the Wehrmacht not to defect. The chapter specifically examines the consequences faced by individual soldiers and their families in the occupied territory of Luxembourg, drawing on the analysis of 54 desertion cases from the industrial town of Schiffingen, located in southern Luxembourg. Using court records and trial transcripts, as well as files from the police and civilian authorities - relating both to the desertions and to the interrogation and forced resettlement of the corresponding families - it seeks to establish a connection between the treatment of deserters and the repercussions for their relatives, highlighting the broader impact of the military apparatus on individuals during the Second World War. Additionally, a limited number of personal accounts from individuals from this research sample, such as memoirs, are employed to offer a glimpse into the perspectives of families. Through an analysis of this source material, this chapter traces the far-reaching influence – or “long arm” – of the military justice system, which extended not only to a soldiers’ original unit, but also to their home regions. Wehrmacht court records provide not only individual and personal information about the defendants’ motives and the court’s findings but also details about their families and backgrounds.

The role of investigating and punishing deserters was shared between various branches of the Wehrmacht and the civil administration, such as police forces, which were responsible for the prosecution and sentencing of deserters and their families. The term “long arm” is used to convey the idea that the German military did not just act through military tribunals; it also involved other institutions and local communities to track down deserters.

This chapter begins with an introduction to the occupation of the Grand Duchy of Luxembourg and the conscription of its men into military service. It then examines judgments in cases of desertion among Luxembourgers in the Wehrmacht. The chapter also explores disagreements between the military and the civil administration on the treatment of deserters, as demonstrated by their correspondence. The final section presents the consequences for the deserters’ families at home. Throughout the chapter an individual case is followed, illustrating the interactions between the military and civilian authorities as well as the consequences for family members.

The consequences of the military justice system on families is a relatively under-researched topic. While studies about the jurisdiction of military courts over soldiers, civilians and personnel have been published recently, the impact on families and the application of the principle of “family liability” (*Sippenhaft*)

have been given little attention.² This article shows how desertion created a chain of events. Desertion – in German, *Fahnenflucht* (literally “fleeing from the flag”) – was interpreted differently by the Wehrmacht and the occupation administration and was seen as an affront to National Socialist ideology and the system. Therefore, measures were taken to interrogate and forcibly resettle families. Although similar measures were introduced by the military and civil occupation institutions for desertions and draft evasion, this article mainly focuses on desertion.³

1 Luxembourgers as Soldiers and Deserters in the Wehrmacht

Along with Belgium and the Netherlands, Luxembourg was invaded on 10 May 1940 by Wehrmacht troops. The Grand Duchess fled the country and a civilian occupation administration (*Zivilverwaltung*, abbreviated as *CdZ*), led by the *Gauleiter* of Koblenz-Trier, Gustav Simon (1900–1945), was established.⁴ The civil administration applied German laws and special extraordinary laws and regulations to the territory of what had been Luxembourg. The goal of the National Socialist regime was to annex and incorporate the former Grand Duchy, which had a population of around 293,000, into the German Reich as part of *Gau Moselland*.⁵ With the new conscription law of 30 August 1942, *Gauleiter* Simon announced that young Luxembourgish

2 To mention just a few: Walter Manoschek, *Opfer der NS-Militärjustiz: Urteilspraxis, Strafvollzug, Entschädigungspolitik in Österreich* (Vienna: Mandelbaum Verlag, 2003); Stefan Kurt Treiber, *Helden oder Feiglinge? Deserteure der Wehrmacht im Zweiten Weltkrieg* (Frankfurt am Main: Campus Verlag GmbH, 2021); Norbert Haase, “Gefahr für die Manneszucht”: *Verweigerung und Widerstand im Spiegel der Spruchstätigkeit von Marinegerichten in Wilhelmshaven (1939–1945)* (Hannover: Hahn, 1996); Manfred Messerschmidt, *Die Wehrmachtjustiz, 1933–1945* (Paderborn: Schöningh, 2005); Claudia Bade, Lars Skowronski and Michael Viebig, *NS-Militärjustiz im Zweiten Weltkrieg: Disziplinierungs- und Repressionsinstrument in Europäischer Dimension*, 1. Aufl, Berichte Und Studien (Dresden, Germany), no. 68 (Göttingen: V&R Unipress, 2015).

3 On draft evasion among Luxembourgers, see Aimé Knepper, *Vie ou Mort des réfractaires* (Luxembourg: Imprimerie Saint-Paul, 1992).

4 *Gauleiters* were the leaders of regional administrative districts within the Nazi Party. They held supreme authority over their respective territories (*Gaue*) and played a crucial role in the party's regional governance. *Gauleiters* held a higher rank than a district leader (*Kreisleiter*) and a local group leader (*Ortsgruppenleiter*) within the party hierarchy.

5 Norbert Haase, “Von ‘Ons Jongen’, ‘Malgré-Nous’ und anderen: Das Schicksal der ausländischen Zwangsrekrutierten im Zweiten Weltkrieg,” in *Die Anderen Soldaten: Wehrkraftzersetzung, Gehorsamsverweigerung und Fahnenflucht im Zweiten Weltkrieg*, ed. Norbert Haase and Gerhard Paul (Frankfurt am Main: Fischer Taschenbuch Verlag, 1995), 168; “*Livre d’or des camps: KZ an*

men born between 1920 and 1924 – later extended to 1927 – would be recruited to the Wehrmacht. This decision came after the announcement of mandatory labour service for men and women on 23 May 1941.⁶

In alignment with National Socialist ideology, which considered Luxembourg-ers to be of “Germanic” ethnicity, the young men were drafted into the German Army. A total of over 10,000 individuals received the order to join the National Socialist forces between 1942 and 1944. However, a substantial number of conscripts, approximately one third, evaded the draft or deserted, mostly by not returning to their regiments after their leave period.

In August 1942, upon the announcement of the military draft, no specific guidelines were provided regarding the integration and treatment of Luxembourgers within the Wehrmacht. However, by December of the same year, a ban had been imposed by the Chief of Army Armaments and the Commander of the Reserve Army, General Army Office (*Chef der Heeresrüstung und Befehlshaber des Ersatzheeres*), *Generaloberst* Friedrich Fromm (1888–1945) on the deployment of soldiers from Alsace, Lorraine, and Luxembourg in Western Europe.⁷ Exceptions were made for war volunteers whose political reliability was beyond doubt. It is not clear whether the imposition of this ban in 1942 was a result of the war situation in the East, which required more men, or due to the increasing rates of draft evasion and desertion of the affected men. The newly recruited men were distributed among the Wehrmacht troops rather than forming their own units and divisions. In 1943, a directive was issued by the German Military High Command (*Oberkommando der Wehrmacht*, OKW) stating that the proportion of soldiers from Alsace, Lorraine and Luxembourg in the reserve army should not exceed 8% but could temporarily reach 15% in exceptional cases. In active combat units, the proportion should not exceed 5%. The goal of this order was to mix these ethnic German (*Volksdeutsche*) soldiers with others in order to prevent the forma-

Èmsiädlong”, *Rappel: organe de la Ligue luxembourgeoise des prisonniers et déportés politiques*, 5–6 (1990): 497.

6 Verordnung über die Reichsarbeitsdienstpflicht in Luxemburg in: “Verordnungsblatt Chef der Zivilverwaltung Luxemburg,” 23 May 1941, 232; Verordnung über die Wehrpflicht in Luxemburg in: “Verordnungsblatt Chef der Zivilverwaltung Luxemburg,” 31 August 1942, 253.

7 Order by the Chief of Army Armaments and Commander of the Reserve Army (Chef H Rüst and BdE/AHA/IvVIII Nr. 5619/42 g.K.), 1 December 1942 and confirmed by OKW Nr 1956/43 geh. WFSt/Org(II), Treatment and use of conscripts from the German-administered western territories (Alsace, Lorraine, Luxembourg), 19 May 1943 (Copy), Bundesarchiv (BArch) RH 10/12.

tion of distinct groups, and to encourage their integration and Germanisation within the military.⁸

The conscription of non-German citizens was a clear violation of international law. Article 23 of the “Regulations Annexed to the Fourth Hague Convention” of 1907 stipulated that it was “forbidden to compel the nationals of the hostile party to take part in the operations of war directed against their own country”.⁹ German lawyers and the National Socialist administration were aware of this, especially since the German conscription law from 1935 specified that only German citizens could be conscripted into the Wehrmacht.¹⁰ Before the Luxembourgers were conscripted, some legal issues regarding their nationality had to be clarified. The “Ordinance on citizenship in Alsace, Lorraine and Luxembourg” of 23 August 1943 promised the ethnic German conscripts of the Wehrmacht and Waffen-SS from these regions unrestricted German citizenship. However, naturalisation was only declared after they had joined the army.¹¹ Conscription in these regions was therefore not a result of the granting of citizenship; rather, citizenship was used as a solution to legitimise compulsory military service.¹²

As ethnic Germans, Luxembourgers were considered to be regular soldiers in the Wehrmacht. They were distributed among the units on an equal footing with *Reichsdeutsche*.¹³ They had the same duties, but they also had the same “rights” to

8 Chief of Army Armaments and Commander of the Replacement Army, Chief of Training in the Replacement Army, Guidelines for the treatment of conscripts from Alsace, Lorraine, Luxembourg and Lower Styria, 12 February 1943, BArch RH 14/123.

9 “Convention (IV) respecting the Laws and Customs of War on Land and its annex: Regulations concerning the Laws and Customs of War on Land. The Hague, October 18, 1907,” International Humanitarian Law Databases, accessed 19 June 2025, <https://ihl-databases.icrc.org/en/ihl-treaties/hague-conv-iv-1907/regulations-art-23#:~:text=A%20belligerent%20is%20likewise%20forbidden,the%20commencement%20of%20the%20war.>

10 With the “Law on the establishment of the Wehrmacht” (*Gesetz über den Aufbau der Wehrmacht*) of 16 March 1935 (Reichsgesetzblatt (RGBl.) I.1935, 375), followed by the “Military code” (*Wehrgesetz*) of 21 May 1935 (RGBl. I 1935, 609–614), military service was reintroduced in Germany and the Reichswehr was renamed the “Wehrmacht”. The duration of military service was initially set at one year and extended to two years in August 1936.

11 Verordnung über die Wehrpflicht in Luxemburg in: “Verordnungsblatt Chef der Zivilverwaltung Luxemburg,” 31 August 1942, 253; Verordnung über die Staatsangehörigkeit im Elsaß, in Lothringen und in Luxemburg in: Verordnungsblatt Chef der Zivilverwaltung Luxemburg, 23 August 1942, 254.

12 Frédéric Stroh and Peter M. Quadflieg, eds, *L’incorporation de force dans les territoires annexés par le IIIe Reich: 1939–1945* (Strasbourg: Presses Universitaires de Strasbourg, 2016), 33.

13 Order by the OKW Nr 1956/43 geh.WFSt/Org(II), Treatment and use of conscripts from the German-administered western territories (Alsace, Lorraine, Luxembourgers), 19 May 1943 (Copy), BArch RH 10/12.

supplies and medical treatment, awards, and promotions. From 30 August 1942 until late summer 1944, when Luxembourg was liberated by US troops, they were sent to German military training camps after their service in the RAD, and then directly to the front.

The occupation of Luxembourg was met with mistrust and rejection by the population, but also with collaboration in all parts of the administration and voluntary enrolment by some Luxembourgers. The announcement of the introduction of compulsory military service was followed by strike actions throughout the country, particularly in the ARBED steel industry in the south. The strikes were harshly repressed by the National Socialist authorities and resulted in summary executions and death sentences for participants. Despite this repression, resistance to military service persisted, albeit on a local scale, through support for draft evasion, provision for deserters and assistance to help draft evaders and deserters safely cross the border into France and Belgium.

1.1 Desertions Among Luxembourgers

After the first wave of enlistments from August to October 1942, the training period and the first leave permits, the military noticed an increasing number of desertions, especially from mid-1943 onwards.¹⁴ This emerges from a report by the Court of Infantry Division No. 172 in Koblenz, near Luxembourg. This divisional court was specifically competent to deal with insubordinate forcibly conscripted from Luxembourg, Alsace, and Lorraine. By December 1943, 1,010 cases had been announced and 891 soldiers were fugitives.¹⁵ In May 1944, 145 new cases were added and in total over 1,426 conscripts were on the run.¹⁶ Sixteen were sentenced to death.¹⁷ According to Stefan Kurt Treiber's survey on Luxembourg, most cases of desertion were soldiers who did not return from home leave.¹⁸

¹⁴ By August 1943, over 41% of all conscripted men had joined the Wehrmacht. In the second wave of conscription, between September 1943 and August 1944, 38% of conscripts joined the Wehrmacht (Quadflieg, 2008, 144).

¹⁵ Report by Court of Division No. 172, Koblenz-Ehrenbreitstein, Court Cases "Luxemburger" November 1943–June 1944, BArch RW 60/91.

¹⁶ Report by Court of Division No. 172, Koblenz-Ehrenbreitstein, Court Cases "Luxemburger" November 1943–June 1944, BArch RW 60/91.

¹⁷ Report by Court of Division No. 172, Koblenz-Ehrenbreitstein, Court Cases "Luxemburger" November 1943–June 1944, BArch RW 60/91.

¹⁸ According to the same author, deserting from home may have been seen as a more viable option than deserting at the front line or defecting to the enemy. Additionally, non-German soldiers may have had a higher chance of successful desertion, as they could rely on the anti-

To tackle the problem of desertion, the Commander of the Reserve Army announced a ban on leave for all ethnic Germans from German occupied territories, i.e. occupied Alsace-Lorraine, Luxembourg, Lower Styria and Carniola, in December 1943.¹⁹

In the German Military Penal Code, there were two types of desertion: desertion (*Fahnenflucht*) and unauthorised absence (*unerlaubte Entfernung*). Desertion was defined as the act of "intentionally evading the obligation to serve in the Wehrmacht or seeking to end the service relationship by leaving or staying away from one's unit or office."²⁰ Unauthorised absence, on the other hand, referred to anyone who "intentionally or recklessly absented themselves from their unit or office for more than three days or in the field for more than one day".²¹ The punishment for these offences ranged from imprisonment to the death penalty.²²

Many Luxembourgers were sentenced *in absentia* for "unauthorised absence" as they did not return from leave. In general statistics of punishments and desertions, Luxembourgers are not mentioned explicitly, which makes it difficult to determine accurate figures. However, Luxembourgers gained attention within the Wehrmacht due to their high rate of desertion and draft evasion. Recent studies show that Luxembourgers proportionally deserted more frequently than *Reichsdeutsche* soldiers: an estimated 2,300 Luxembourgers deserted and 1,200 evaded the draft, accounting for approximately 34.5% of recruited Luxembourgers.²³

German attitude of the local population and gain their support. Without the help of others, survival as a deserter would have been nearly impossible, as they had to be kept hidden, provided with food and safely escorted over the border; Treiber, *Helden oder Feiglinge*, 204.

19 Chief of the Alsace civil administration, Robert Wagner, to the chief of the High Command of the Wehrmacht (OKW), Wilhelm Keitel, about the leave ban for ethnic Germans from the *CdZ*-regions, 21 January 1944, BArch NS 19/2179.

20 "Wer sich einer unerlaubten Entfernung (§§. 64, 65, 68) in der Absicht, sich seiner gesetzlichen oder von ihm übernommenen Verpflichtung zum Dienste dauernd zu entziehen, schuldig macht, ist wegen Fahnenflucht (Desertion) zu bestrafen", "Fahnenflucht" §§ 69 and 70 Militärstrafgesetzbuch (MStGB), from 10 October 1940, announced on 16 October 1940 (RGBl. I 1940, 1347).

21 "Wer von seiner Truppe oder von seiner Dienststellung sich eigenmächtig entfernt oder vorsätzlich fern bleibt, oder wer den ihm erteilten Urlaub eigenmächtig überschreitet, wird wegen unerlaubter Entfernung mit Freiheitsstrafe bis zu sechs Monaten bestraft", "Unerlaubte Entfernung" § 64 MStGB, from 10 October 1940, announced on 16 October 1940 (RGBl. I 1940, 1347).

22 Files in the Bundesarchiv's Military Archive in Freiburg (Record Group "Pers 15") indicate that more trials dealt with unauthorised absence (17,829) than desertion (14,225). This record group is being continually inventoried.

23 André Hohengarten, "Die Zwangsrekrutierung Der Luxemburger in die Deutsche Wehrmacht", *Histoire & Mémoire. Les Cahiers Du CDREF* 1 (2010): 23; Haase, "Von 'Ons Jongen' und 'Malgré-nous' und anderen. Das Schicksal der ausländischen Zwangsrekrutierten im Zweiten

These post-war estimates must, however, be viewed with a critical eye as fugitives were often counted as both draft evaders and deserters. In addition, there were both unreported desertions and claimed desertions. The prevailing post-war narrative in the country favoured the hero or resistance fighter, which meant that it was better to say that one had deserted as a recruited German soldier than to admit that one had tacitly followed National Socialist orders. Furthermore, the exact number of Luxembourgers who were prosecuted by the German military justice system during the Second World War is uncertain, as no reliable data currently exists.

1.2 Reactions of the Military and Civil Administration

The rising numbers of deserters naturally attracted the attention of officials. As a rule, reported offences, thefts or desertions were dealt with by the competent military court of the division and, in the case of the reserve army, by the military districts. If a Luxembourger was suspected of having left his unit “without justification”, his case ended up at the nearby divisional courts in Trier, Koblenz, and the Eifel, as most Luxembourgers deserted at home during their leave from the front. Cases of desertion were also reported to higher military authorities: in November 1943, the Army Law Department (*Amtsgruppe Heeresrechtswesen*) compiled a list of proceedings against Luxembourgers (as well as residents of Alsace and Lorraine) for “desertion” and “subversion of military strength” (Figure 1).²⁴

The civil administration naturally also noticed the rise of deserters. The *Gauleiter* of Luxembourg, Gustav Simon, wrote on 8 February 1943 to the *Reichsführer-SS* Heinrich Himmler (1900–1945) and voiced his support for harsh punishment: in his eyes Luxembourgish deserters should in principle be sentenced to death.²⁵ On the same day, *Gauleiter* Simon reiterated his demands in another letter to *Generaloberst* Fromm.²⁶ Simon documented the increase in cases of desertion within six months of the implementation of the conscription law. For the

Weltkrieg,” 171; Peter M. Quadflieg, “Zwangssoldaten” Und “Ons Jongen”. *Eupen-Malmedy und Luxemburg als Rekrutierungsgebiet der Deutschen Wehrmacht im Zweiten Weltkrieg* (Aachen: Shaker Verlag, 2008), 115.

²⁴ Copy of the report on criminal proceedings against soldiers from Alsace, Lorraine and Luxembourg, 3 November 1943, BArch NS 19/2179.

²⁵ *Gauleiter* Simon to the *Reichsführer-SS* Heinrich Himmler on the treatment of Luxembourgish deserters, 8 February 1944, BArch NS 19/2179.

²⁶ *Gauleiter* Simon to *Generaloberst* Fromm on the treatment of Luxembourgish deserters, 8 February 1944, BArch NS 19/2179.

Reported cases of desertion, 1943

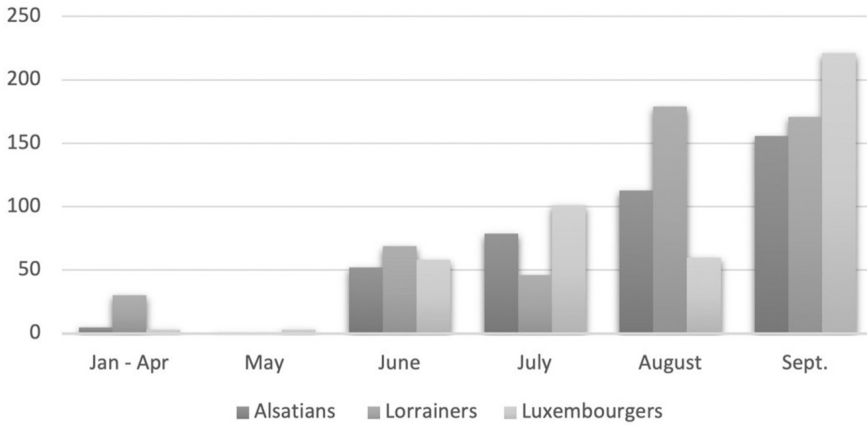


Figure 1: Reported cases in 1943 of deserters from Alsace, Lorraine, and Luxembourg (NS 19/2179).

month of September 1943 alone, 221 cases were reported. He acknowledged that the resistance movement in Luxembourg was powerful and that Luxembourgish soldiers were able to escape to the West using false passports. He attributed this to the perceived leniency of the courts in sentencing deserters. Some were sentenced to death, which he supported, but otherwise he felt that sentences were too lenient. He also pointed out that 800 Luxembourgers had already been killed at the front and that it was not fair that some were evading conscription or leaving their position. He argued that the population was becoming “enlightened” and politically informed and that the same was expected of Luxembourg conscripts as of any German soldier from the “old Reich”. He proposed the establishment of a specialised court which would try only cases from Luxembourg and sentence all deserters to death by default. Simon concluded by stating “that no deserter from the *CdZ* area of Luxembourg may survive this war”.²⁷

The Court of Division 172, Special Department in Koblenz wrote its statement to the Army Justice Department (*Heeresjustizwesen*) on 17 February 1943: “The court is reluctant to give special treatment to Luxembourgers” and totally re-

²⁷ “[D]ass kein Fahnenflüchtiger aus dem CdZ-Bereich Luxemburg diesen Krieg überleben darf.” quoted after *Gauleiter* Simon to *Generaloberst* Fromm on the treatment of Luxembourgish deserters, 8 February 1944, BArch NS 19/2179.

jected the “special penal provisions”.²⁸ The court determined that the problem lay in the home regions of the civil administration, because only in rare cases of desertion did Luxembourgers act on their own initiative. It argued that the only way to get to the root of the issue was to “fight” the anti-German organisations in Luxembourg. Luxembourg conscripts were, after all, only “victims” of the political masterminds who had to be stopped if desertion was to be controlled. In the other regions, such as Lorraine, desertions were also high and accounted for about 20% of total cases in the courts. The court insisted on a uniform line according to the law and not, as Simon suggested, on special treatment for Luxembourgers. The Court of Division 172 also received back-up from *Generaloberst* Fromm: soldiers from the incorporated areas were to be treated in the same way as soldiers from the “old Reich”.²⁹ The sentencing of suspects from annexed and occupied territories remained mainly the same as for *Reichsdeutsche* defendants, but it also showed the ruthless and ideological side of the National Socialist terror regime. In reality, the military court files also contained cases in which the accused were punished more severely or more leniently because of their origin. This was expressed in the case of the Luxembourgish sailor E. W., who had absconded in the Netherlands in 1943 with the help of the resistance movement. In March 1944, a naval court imposed a life sentence for desertion: “[the] decisive factor for the court was the fact that the accused came from Luxembourg. As a Luxembourger, he completely lacks the military discipline and education that is instilled in every German young man from his earliest childhood and that gives German soldiers a completely different conception of duty and ethnicity. It is well known how little a population such as that of Luxembourg is familiar with such concepts. What one can absolutely expect from a German man based on his entire education, one cannot demand from a Luxembourger.”³⁰

²⁸ Court of Division No. 172, special department in Koblenz to the Chief of the Army Justice Department, 17 February 1943, BArch RW 60/4241.

²⁹ The Chief of Army Armaments and Commander of the Reserve Army about criminal proceedings against deserters from Luxembourg, 29 May 1944, BArch NS 19/2179.

³⁰ “Entscheidend war für das Gericht die Tatsache, dass der Angeklagte aus Luxemburg stammt. Als solcher Luxemburger geht ihm die militärische Disziplin und Erziehung völlig ab, die jedem deutschen jungen Manne von frühester Kindheit eingeimpft wird und die dem deutschen Soldaten eine ganz andere Auffassung von Pflicht und Volkszugehörigkeit gibt. Es ist ja bekannt, wie wenig ein Volk, wie das luxemburgischen solche Begriffe kennt. Was man bei einem deutschen Manne unbedingt voraussetzen kann auf Grund seiner ganzen Ausbildung, kann man bei einem Luxemburger nicht verlangen.” Quoted from military court file, E. W., BArch Pers 15/186842. For a more in-depth analysis, it is necessary to broaden the study and consider more cases to determine if Luxembourgers were sentenced differently or more harshly than their German comrades. The Bundesarchiv’s Military Archive contains over 300 additional cases of Lux-

The military planned to keep applying the usual measures, blaming the political situation in the occupied territories for the rise in desertion rates. The military and civilian authorities continued to try to catch and punish fugitives and close their cases, but the prosecution and arrest of those helping deserters (*Hintermänner*) were also essential to prevent further desertions. At the beginning of 1944, Court 172 in Koblenz urged that Luxembourgish deserters who had been arrested in Belgium, the Netherlands and France should be transferred quickly and without delay to give the Security Police (*Sicherheitspolizei*) the opportunity to catch those aiding desertion in Luxembourg.³¹ Efforts to curb desertions at the front and in occupied territories were multifaceted. There was the politically motivated effort by *Gauleiter* Simon to impose the death penalty for every deserter from Luxembourg, but there was also the effort to prosecute Luxembourg soldiers according to the Military Penal Code, with the same level of severity as for other soldiers. However, the success rate in prosecuting and punishing deserters was relatively low, as evidenced by the numbers and cases brought to trial. As the authorities were not able to apprehend all the deserters, they shifted their focus to another group: soldiers' relatives.

As an illustration, the investigation of the desertion of Luxembourgish conscript R. G. by the military court and the local authorities is followed in this chapter and juxtaposed with the consequences for his family. R. G. was born on 3 September 1922 and lived in Schiffingen, an industrial town in the south of Luxembourg. He was drafted during the first wave in October 1942 and arrived after his training at his unit in Ukraine (*Ausbildungsbataillon* II, 153rd *Feldausbildung-Division*) in May 1943. His court file contains short evaluations stating that he was an applicant for reserve officer service and was considered to have "a good soldierly attitude". R. G. was granted leave from the front on 14 October 1943 and travelled from Ukraine home to Luxembourg, where he did not return to his unit on 8 November 1943.³²

embourgishers in the Pers 15 record group that need to be taken into account. Moreover, the inventory of this record group is ongoing, so more cases of *Volksdeutsche* soldiers from Alsace, Lorraine, and Silesia are expected to be discovered.

³¹ Court of Division No. 172, Koblenz-Ehrenbreitstein department to the Chief Judge of DAB 7, Wiesbaden, 11 March 1944, BArch RW 60/75.

³² Military court file, R. G., BArch Pers 15/12867.

2 Consequences of Desertion in Luxembourg

2.1 Local Investigations in Home Communities

When a unit detected the unauthorised absence of a Wehrmacht soldier,³³ it informed the relevant authorities, such as the respective military court, the counterintelligence office (*Abwehrstelle*), the Reich Criminal Police Department (*Reichskriminalpolizei*) and the local civilian and police authorities in Luxembourg, which set in motion a whole series of search measures.³⁴ The counterintelligence office also forwarded to the regional Wehrmacht offices any suspicious reports about soldiers from Luxembourg who had not returned from leave and probably deserted.³⁵ Since many Luxembourgers deserted in their homeland, the local State Protection Police (*Schutzpolizei*) of the fugitive's home community started a local investigation by performing house searches and interrogating close family members with whom a soldier might be staying or be in contact.³⁶ Any correspondence with or pictures of soldiers found in the houses were confiscated. Equipment and uniforms were recovered, inventoried, and secured. Investigations into desertion could begin a couple of days to several months after the presumed desertion, depending on the case. In the case of R. G., the investigation and military justice procedure by the Court of the 153rd *Feldausbildungs-Division* only started in February 1944, three months after his desertion, as his unit did not anticipate his desertion and initially thought he had been assigned to another unit on his return.³⁷

Post-war testimonies show that the families did not always cooperate as productively as the official documents led to believe. In an effort to mislead investi-

³³ This section is mainly based on an analysis of the military court files on deserters from the industrial town of Schiffingen and hundreds of war documents containing local police investigations against deserters and draft evaders in the Esch/Alzette region; Lëtzebuerg City Museum, collection Kreisleitung N.S.D.A.P. Esch-sur-Alzette, 3 folders (at the moment this article went to printing, these documents were transferred to the National Archives of Luxembourg under reference numbers CdZ-G-15291; CdZ-G-15292; CdZ-G-15290; CdZ-G-15293; CdZ-G-15291; CdZ-G-15292; CdZ-G-15290; CdZ-G-15282).

³⁴ In some cases, the State Protection Police (*Schutzpolizei*) and the Luxembourg military district command (*Wehrbezirkskommando Luxemburg*) knew about the desertion of a soldier on leave before the unit and started the desertion investigation.

³⁵ Transcript from the counterintelligence office in military district XX to the counterintelligence office in district XII Wiesbaden, about fugitives from Lorraine and Luxembourg, 19 February 1944, Archives Nationales de Luxembourg (ANLux) CdZ-A-4620.

³⁶ Lëtzebuerg City Museum, collection Kreisleitung N.S.D.A.P. Esch-sur-Alzette; Maria Fritsche, *Entziehungen: Österreichische Deserteure und Selbstverstümmelter in der Deutschen Wehrmacht* (Vienna: Böhlau Verlag, 2004), 72.

³⁷ Military court file, R. G., BArch Pers 15/12867.

gators and avoid repressive measures, relatives made false statements and provided false evidence, such as letters written by the deserter and posted in Germany by a comrade or a Luxembourgish resistance movement, which gave the impression that the deserter had disappeared across the Rhine. Parents and wives who were all too aware of the desertion also wrote letters to the units asking for news of their son or husband to demonstrate their concern. Personal accounts also indicate that items that may have been incriminating were removed from houses before they were searched.³⁸

During the investigations, the local authorities, including the State Protection Police, the local mayor and district chief (*Landrat*), the Security Police (*Einsatzkommando der Sicherheitspolizei und des SD*), the unit of the deserter and the competent military court worked closely together on the case. The Security Police kept a central register of all desertions and draft evasions in the country and issued search alerts (on a wanted list called *Fahndung*), based both on the reports of the Wehrmacht units and on the searches carried out by the local police forces (*gendarmérie*) and State Protection Police.³⁹ These lists were also sent to the different home districts or municipalities. The previously mentioned conscript from Schifflingen, for example, appears on the list of the Security Police on 23 February 1944.⁴⁰ Next to fugitive prisoners of war, *Ostarbeiter* (foreign workers deported from occupied Central and Eastern Europe to provide labour) from the ARBED factories and civilians who committed civilian crimes, however, deserters and draft evaders only played a minor role in these lists. Most of the people caught were smugglers or petty criminals. The military justice system also kept detailed records and maintained separate lists of wanted individuals for Luxembourgers who had deserted (*Fahndungsliste*).⁴¹

Despite the regular border controls and random checks, suspects and listed fugitives were still able to evade capture in the sparsely populated and forested border areas. This was despite the request of *Gauleiter* Simon to *SS-Sturmabführer* Fritz Hartmann (1906–1974) on 18 August 1942 that Luxembourg's borders with Belgium and France be reinforced in view of possible escape attempts, as well as the increase

38 Marc Trossen, "Verluere Joëren": 85 Luxemburger Zeitzeugen des Zweiten Weltkriegs berichten, vol. 1, *Zwangsrekrutierte, Refraktäre, Deserteure, Resistenzler, aber auch Kollaborateure, Kriegsfreiwillige* . . . (Redange/Attert: Les Amis de l'Histoire - Luxembourg, 2015), 222, 552; Aimé Knepper, *Les réfractaires dans les bunkers* (Luxembourg: Editions Saint-Paul, 2004), 44, 61.

39 Reporting sheet of the Einsatzkommando der Sicherheitspolizei, 9 July 1943, BArch R 70/2 Luxembourg.

40 Daily wanted list of the task force of the Einsatzkommandos der Sicherheitspolizei und des Sicherheitsdienst, 23 February 1944, ANLux CdZ-C-1285.

41 Wanted list of Luxembourgers (*Fahndungsliste "Luxemburger"*), 8 December 1944, BArch RW 60/3967.

in the number of police officers deployed by the customs office after the introduction of military service.⁴² The Security Service (*Sicherheitsdienst*, SD) and police forces also carried out large-scale manhunts against these fugitives both within Luxembourg and in the neighbouring countries.⁴³ In spring 1944, an SD task force arrested 70 Luxembourgish draft evaders in the French Massif Central, 11 of whom were shot in the Natzweiler-Struthof concentration camp. The others were sentenced to death by Wehrmacht courts in Trier and Metz for “desertion” and “subversion”.⁴⁴

The competent military courts were also involved in local investigations and requested regular updates on the status of cases. They would ask the local police authorities for additional information about the fugitive’s community, his parents, and his employer to obtain more information on his whereabouts. If the fugitive was not “apprehended” after a certain period of time, the case would be handed over to the Tracing Office of the Wehrmacht Commandant’s Office in Berlin and as from April/May 1944 to the Central Military Court (*Zentralgericht des Heeres*, ZGH).⁴⁵ The military court files reveal how statements from parents, confiscated letters and pictures, and documentation from the military were used in the investigation and assessment of a fugitive.⁴⁶ Given the large number of deserters from the Western CdZ areas, Alsace-Lorraine and Luxembourg, the military justice administration also seems to have created a template to put into the investigation files with a reference code/num-

42 Paul Dostert, *Luxemburg zwischen Selbstbehauptung und nationaler Selbstaufgabe: die deutsche Besatzungspolitik und die Volksdeutsche Bewegung 1940–1945* (Luxembourg: Imprimerie Saint-Paul, 1985), 178; Head of the main customs office (*Hauptzollamt*) to the district customs office G (*Bezirkszollamt*), 12 October 1942, ANLux CdZ-C-1217.

43 Dostert, *Luxemburg zwischen Selbstbehauptung und nationaler Selbstaufgabe*, 178.

44 André Hohengarten, “Die Zwangsrekrutierung der Luxemburger in die Deutsche Wehrmacht”, Michael Eberlein and Norbert Haase, ed., *Luxemburger Zwangsrekrutierte im Wehrmachtgefängnis Torgau-Fort Zinna 1943–1945* (Dresden: Sächsisches Druck- und Verlagshaus GmbH, 1996), 12.

45 This court was established by decree in April 1944 and assumed responsibilities from the Court of the Wehrmacht Command, including political criminal cases, corruption cases of particular significance, and fugitive investigations. This shift was intended to relieve the Court of the Wehrmacht Command in light of the increasing number of wanted fugitives and political offences. According to Thomas Walter, fugitive investigations accounted for the largest portion of the ZGH’s activities; Fritz Wüllner, *Die NS-Militärjustiz und das Elend der Geschichtsschreibung: ein grundlegender Forschungsbericht* (Baden-Baden: Nomos Verlagsgesellschaft, 1991), 454 and 502; Thomas Walter, “„Schnelle Justiz - gute Justiz“? Die NS-Militärjustiz als Instrument des Terrors”, in *Opfer der NS-Militärjustiz. Urteilspraxis – Strafvollzug – Entschädigungspolitik in Österreich*, ed. Walter Manoschek (Vienna: Mandelbaum Verlag, 2003), 43.

46 Examples here are the investigations of Robert A. from Schiffingen and the military court file of R. G.; Letter from the Central Military Court to the local police of Schiffingen in Luxembourg, 8 June 1944, Lëtzebuerg City Museum, collection Kreisleitung N.S.D.A.P. Esch-sur-Alzette; Military court file, R. G., BArch Pers 15/12867.

ber composed of F (*Fahnenflucht*) and E (*Elsässer* [conscripts from Alsace]), Lo (*Lothringer* [conscripts from Lorraine]) or Lux (*Luxemburger*), containing several standardised questions (Table 1).⁴⁷ What is remarkable here is not only the information regarding the deserter himself but also the reference to measures taken against close family members. Unauthorised absence, for example, resulted in the suspension of family support (*Familienunterhalt*) for the conscript and his family.⁴⁸ Furthermore, in the case of ethnic German conscripts, relatives were threatened with forced resettlement due to an intertwined interplay between the various National Socialist civil authorities, the Wehrmacht and the military courts.

Table 1: Reproduction of the template for deserters from Alsace, Lorraine, and Luxembourg (example available in military court file, J. D., BArch Pers 15/152095).

F/E	F/Lo	F/Lux
1. Feststehend, dass im Ausland:		
2. Anzunehmen, dass im Ausland:		
a. allein:		
b. mit Familie:		
3. Familie umgesiedelt:		
4. Früher franz. Soldat: nein, ja, wo?		
5. Verwandtschaftliche Beziehungen zu Frankreich ?		
6. Muttersprache: deutsch, französisch		
7. Familienunterhalt gesperrt:		
8. Flucht vom Ersatztruppenteil, von Feldtruppe, vom Urlaub nicht zurückgekehrt.		

2.2 The Shared Liability of Relatives

In an effort to exert pressure on fugitives and to discourage conscripts from deserting and fleeing, the civil administration in Luxembourg began targeting its punitive measures directly towards their relatives in 1943. The “Regulation on

⁴⁷ Military court file, J. W., BArch Pers 15/128200; Military court file, J. D., BArch Pers 15/152095; Military court file, J. D., BArch Pers 15/152759

⁴⁸ Verordnung zur Durchführung und Ergänzung des Einsatz-Familienunterhaltsgesetzes (RGBl. I.1940, 913); Treiber, *Helden oder Feiglinge*, 280; Fritzsche, *Entziehungen: Österreichische Deserteure und Selbstverstümmelter in der Deutschen Wehrmacht*, 72.

measures against draft evasion” of 10 July 1943 (published on 15 July 1943) stipulated that “the head of the civil administration can impose property confiscation or other appropriate measures on relatives of deserters or people who evade military service or compulsory labour service, as well as on relatives of other disturbers of the peace”.⁴⁹ The legislation was to be implemented retrospectively as from 30 August 1942, the day on which military service was introduced. Research nevertheless indicates that repressive measures against the families of deserters were already being carried out prior to the implementation of the regulation, which essentially served to give the measures a legal basis and increase the scale of the action. Interestingly, the regulation did not clarify who was considered as a relative, nor did it specify what it meant by “other appropriate measures”, which kept the door open for interpretation. This is in stark contrast to the law of 1 October 1943 in Alsace, which clearly defined which relatives of deserters and draft evaders would be considered for forced resettlement.⁵⁰ On 16 July 1943, the “Luxembourgish” press specified that desertions would lead to the forced resettlement (*Umsiedlung* or *Absiedlung*⁵¹) and dispossession of relatives and justified the measure to the public by stating that “[it] must be assumed in principle that no conscript of labour and military service can become a deserter without the financial assistance provided to him by his deserter relatives. Consequently, harsh action against the relatives of deserters [. . .] is justified in every way.”⁵²

49 “Der Chef der Zivilverwaltung kann gegen Angehörige von Fahnenflüchtigen oder solchen Personen, die sich der Wehrpflicht oder Arbeitsdienstpflicht entziehen, sowie gegen Angehörige sonstiger Friedensstörer Vermögensbeschlagnahme und Vermögenseinziehung oder andere geeignete Maßnahmen verhängen”, quotation from Verordnung über Maßnahmen gegen Wehrpflichtentziehung in: “Verordnungsblatt Chef der Zivilverwaltung Luxemburg,” 15 July 1943, 152.

50 Lothar Kettenacker, *Nationalsozialistische Volkstumspolitik im Elsaß* (Stuttgart: Deutsche Verlags-Anstalt, 1973), 228; Frédéric Stroh, “Refus et résistance face à l’incorporation de force’ à l’Ouest et leur répression: Eupen-Malmedy, Luxembourg, Alsace, Moselle”, in *L’incorporation de force dans les territoires annexés par le IIIe Reich – Die Zwangsrekrutierung in den vom Dritten Reich annektierten Gebieten*, by Peter M. Quadflieg and Frédéric Stroh (Strasbourg: Presses universitaires de Strasbourg, 2016), 55.

51 The terms *Umsiedlung* and *Absiedlung* are used interchangeably in the primary sources and secondary literature on the topic. According to the National Socialist *Hauptamt für Volkstumsfragen*, the term *Umsiedlung* could not be used to designate the punitive measure against politically or ethnically *untrustworthy* people. It rather referred to “the deep faith of hundreds of thousands of ethnic Germans that follow the Führer’s path” and was used as “an honour and uplifting commitment” to the German *Volkstum*. Luxembourgish relocated families were therefore officially *Absiedler*, even though they were most often (mistakenly) referred to as *Umsiedler*; Transcript from the confidential information of the party chancellery, ANLux CdZ-A-4556-04.

52 “[Es] muss grundsätzlich angenommen werden, dass kein Arbeitsdienst- und Wehrpflichtiger ohne die finanzielle Hilfe, die ihm seine Angehörigen der Fahnenflüchtigen zuteilwerden lassen,

The involvement of family members in desertion was thus laid down by the German administration. Individuals who could be proven to have participated in or been aware of the criminal act were convicted as accessories (*Beihilfe*) by the German special civilian court (*Sondergericht*) and sent to prison or concentration camps.⁵³ In the case of resettlements, the source material indicates that households were punished under the pretext of providing help to deserters or failing to report them. The sources lack any proof of the families' actual involvement and contain no indications of judicial enquiries, let alone convictions. The assessment forms of R. G.'s family, for example, stated: "[it] can be assumed that the desertion was known to the parents beforehand. They can therefore no longer stay in the border region of Luxembourg."⁵⁴ R. G.'s parents were also found to be uncooperative during the local investigation by the State Protection Police, as "[they] do not want to be able to state where their son R. is at present".⁵⁵ The report of a meeting of the central commission responsible for the organisation of the resettlements in Luxembourg in December 1943 also refers to this ungrounded responsibility of family members, stating that "it must be considered as self-evident that the parents and family will be held jointly responsible for the son's behaviour".⁵⁶

2.3 Absiedlung

Understanding the forced resettlement of relatives of Luxembourgish deserters and the role of the military justice system involves viewing the measure outside a

fahnenflüchtig werden kann. Infolgedessen ist ein scharfes Vorgehen gegen die Angehörigen der Fahnenflüchtigen [. . .] in jeder Weise gerechtfertigt", cited from "Jeder Deserteur siedelt seine Angehörigen oder seine Sippe um", *Escher Tageblatt* 164 (16 July 1943), 4.

53 Verordnung über Maßnahmen gegen Wehrpflichtentziehung in: "Verordnungsblatt Chef der Zivilverwaltung Luxemburg," 15 July 1943, 152; Lena Haase, "Verfolgung – Verhaftung – Verschleppung. Die Deportation von Luxemburgerinnen nach Flußbach und Ravensbrück", in *Le Luxembourg et le Troisième Reich: un état des lieux – Luxemburg und das Dritte Reich: eine Bestandsaufnahme*, ed. Musée national de la Résistance et des Droits Humains (Luxembourg: Op der Lay, 2021), 661.

54 "Es ist anzunehmen, dass die Fahnenflucht den Eltern vorher bekannt war. Die Eltern können daher nicht länger im Grenzland Luxemburg bleiben." Quoted from the assessment form of E. G. by the Reich Commissioner for the Consolidation of German Nationhood, BArch R 49/92.

55 "Die Eltern des R. G., [. . .] wollen nicht angeben können, wo sich ihr Sohn R. z.Zt. befindet." Quoted from the military court file, R. G., 2 March 1944, BArch Pers 15/12867.

56 "Es müsse hierbei als selbstverständlich betrachtet werden, daß die Eltern und die Sippe für das Verhalten des Sohnes mitverantwortlich gemacht werden", quoted from "Desertion führt zur Absiedlung", *Escher Tageblatt* 291 (11–12 December 1943), 4.

purely military context and as part of wider National Socialist policies concerning the population (*Volkstumspolitik*) and the occupied territories.

With the aim of (ethnically) reorganising Europe according to the National Socialist ideology and racial principles – known as the New Order (*Neuordnung*) – the National Socialist regime carried out large-scale expulsions and population shifts in the occupied territories from the end of the 1930s onwards. In order to repopulate and Germanise these regions, as well as to “repatriate” Germans “of good racial stock” within German territory, the Reich Commissioner for the Consolidation of German Nationhood (*Reichskommissar für die Festigung deutschen Volkstums*, RKF), under the control of Himmler, orchestrated the removal of “harmful influences” and the settlement of *Volksdeutscher* in these areas. The *Volksdeutsche Mittelstelle* (VoMi) and the *Deutsche Umsiedlungs- und Treuhandgesellschaft* (DUT) were assigned respectively to house the new settlers in temporary resettlement camps and to collect, manage and exploit their assets.⁵⁷

Between 1942 and 1944, more than 4,000 Luxembourgers were forcibly relocated by the RKF to resettlement camps (*Umsiedlungslager*) in Silesia, Sudetenland and the Hunsrück.⁵⁸ The civil administration started to apply this procedure in September 1942 to family members of “unreliable elements”, such as participants in the strikes, senior civil servants, and members of the Luxembourgish elite. The measure was presented as a politically necessary step to safeguard the integrity of the border region of the Reich and its ethnic German population.⁵⁹ The relocated families were not regarded as direct enemies of the state, and because of their Germanic descent they were considered capable of being “re-Germanised” and assimilated with the “reliable and healthy population” within German territory.⁶⁰ According to the civil administration, forced resettlement was to be seen not as a punishment, but as an “opportunity for re-education”. This also applied to the families of deserters, who from mid-1943 onwards made

57 Markus Leniger, *Nationalsozialistische “Volkstumsarbeit” und Umsiedlungspolitik 1933–1945 – Von der Minderheitenbetreuung zur Siedlerauslese* (Berlin: Frank & Timme, 2013), 15; Detlef Brandes, *Lexikon der Vertreibungen: Deportation, Zwangsaussiedlung und ethnische Säuberung im Europa des 20. Jahrhunderts* (Vienna: Böhlau Verlag, 2010), 683.

58 Marc Gloden, “Zur ‘Wiedereindeutschung’ ins Reich: die Umsiedlungen von 1942–1945 – Une rééducation au cœur du Reich: les transplantations de 1942 à 1945”, in *Le Luxembourg et le Troisième Reich: un état des lieux – Luxembourg und das Dritte Reich: eine Bestandsaufnahme*, ed. Musée National de la Résistance et des Droits Humains (Luxembourg: Op der Lay, 2021), 625.

59 “Umsiedlungsaktion für Luxemburg”, *Luxemburger Wort* 252 (9 September 1942), 3.

60 “Umsiedlungsaktion für Luxemburg”; Isabel Heinemann, *Rasse, Siedlung, deutsches Blut: Das Rasse- und Siedlungshauptamt der SS und die rassenpolitische Neuordnung Europas* (Göttingen: Wallstein Verlag, 2003), 324; Kettenacker, *Nationalsozialistische Volkstumspolitik im Elsaß*, 263.

up a considerable part of the resettled population.⁶¹ Although these families were linked to *traitors*, their Germanic descent still allowed them to be deployed in other areas of the empire where they could be useful. In exchange, ethnic German re-settlers (*Ansiedler*) from South Tyrol, Bosnia and Bukovina were brought to Luxembourg to cultivate the liberated agricultural lands, to continue the operation of the companies and to positively influence the Germanisation process in the area.⁶² Similar measures were applied against relatives of ethnic German deserters and draft evaders from occupied and annexed regions as the Alsace, Lorraine, Lower Styria and Upper Carniola.⁶³ Towards the final months of the war, relatives of all Wehrmacht soldiers whose reliability was questionable – due to, for example, desertion defecting to the enemy, or suspicion of treason during captivity – could be held liable “with property, liberty or life”.⁶⁴ The forced resettlements were, however, aimed specifically at families of ethnic German descent and not at *Reichsdeutscher*.

While families of deserters were easily identified through military records and local investigations, by no means all relatives were targeted by this measure and the associated disposessions. The criteria used to select some families and not others remain vague, just like the legislation on who was to be considered a “relative”. Within every district (*Kreis*), a specific commission was responsible for singling out and investigating the people that were to be transferred. These commissions were chaired by the district leader (*Kreisleiter*) and assisted by the district chief, a representative of the *Gestapo*, the district medical officer (*Kreisamtsarzt*) and in some cases also the district farmer leader (*Kreisbauernführer*) or the district master craftsmen (*Kreishandwerksmeister*). From 1943 onwards, it also included the *Landesleiter* of the *Volksdeutsche Bewegung*, a Luxembourgish National Socialist organisation, and a special representative for personnel matters from the central administration. Local group leaders (*Ortsgruppenleiter*) also appear to have

⁶¹ According to the existing literature, this last group formed the majority of the total number of relocated individuals. Even though it is clear that they formed a large part of the total number, this statement cannot yet be confirmed.

⁶² Dostert, *Luxemburg zwischen Selbstbehauptung und nationaler Selbstaufgabe*, 109–110.

⁶³ For more information see: Stiller, Alexa. *Völkische Politik: Praktiken der Exklusion und Inklusion in polnischen, französischen und slowenischen Annexionsgebieten 1939–1945*. (Göttingen: Wallstein, 2022).

⁶⁴ Order by the OKW Wfst/Qu. 2/NSF/W Nr. 09395/44 dated 19 November 1944, quoted in Rudolf Absolon, “Das Wehrmachtstrafrecht im 2. Weltkrieg: Sammlung der grundlegenden Gesetze, Verordnungen und Erlasse” (Kornelimünster: Bundesarchiv Abt. Zentralsachverhalt, 1958), 97–98.

played an important role in this selection procedure, as they prepared the political assessments of the targeted families.⁶⁵

The research shows no active involvement of military tribunals in the procedure. The military courts seem to have been rather passive observers; they would ask the local authorities whether a family had been resettled in the interest of their own investigation into the deserter.⁶⁶ The forced resettlements were also independent from the military court trial or conviction of the deserter as they often occurred before the conclusion of the trial or the proclamation of the sentence. After the investigation into the parents of R. G. in February and March 1944, his mother was sent to Nohfelden resettlement camp on 20 June 1944, while his father was forcibly put to work (*dienstverpflichtet*) in Wissen earlier that month. His sister, born in 1926, was originally listed as fugitive. On 27 June 1944, the Central Military Court asked for an additional investigation into the parents and the confiscation of a letter from the fugitive, to which State Protection Police responded that the family had been resettled.⁶⁷ This shows that the court was unaware of the status of the case. The last entry in the court file dates from 12 August 1944 but does not contain a verdict or any information about the fate of the conscript. It is noteworthy – yet not uncommon – that the resettlement took place four months after the start of the investigation and seven months after the desertion, which demonstrates the length of the procedures and the difficult communication between the various actors involved, in this case with a unit stationed in Ukraine. According to post-war witness reports, R. G. left Luxembourg on 8 November 1943 and fled to France, to Les Ancizes (Clermont-Ferrand), where many Luxembourgers were already hidden thanks to the Luxembourgish and French resistance movements. He was presumably brought to the Clermont-Ferrand region via the Luxembourgish resistance organisation *Ungeheuer* and given a place to sleep and eat in the mines. He moved back home to Schifflingen after the war and continued working as an electrician. His family was repatriated to Luxembourg on 13 April 1945.⁶⁸

The observed passivity of the military tribunal with regard to the punishment of relatives of Luxembourgish soldiers contrasts with the findings of historian Robert Loeffel, who cites the court of the 28th *Jäger* Division which ordered the forced reset-

65 Benoît Majerus, “Faiblesse, opportunisme, conviction . . . : les degrés de l’implication dans la collaboration avec l’Allemagne nationale-socialiste à travers l’exemple des Ortsgruppenleiter luxembourgeois” (Master diss., Université Libre de Bruxelles, 1999), 104.

66 Military court file, J. W., BArch Pers 15/128200; Military court file, J. D., BArch Pers 15/152095; Military court file, J. D., BArch Pers 15/152759; Military court file, R. G., BArch Pers 15/12867.

67 Military court file, R. G., BArch Pers 15/12867

68 Trossen, “*Verluere Joëren*,” 304; Knepper, *Vie ou Mort des réfractaires*, 154.

tlement and deportation of the relatives of three deserters from Alsace in October 1944.⁶⁹ This discrepancy may be attributed to the escalation of prosecutions and the increasing implementation of repressive measures against relatives of opponents (*Sippenhaftung*) in the wake of the assassination attempt on Hitler on 20 July 1944, just a few weeks prior to the liberation of Luxembourg on 10 September 1944.⁷⁰

The *Absiedlung* of the families of Luxembourgish deserters closely resembles the previously mentioned principle of *Sippenhaftung*. This was an arbitrary punishment practised in the different regions of the Reich whereby relatives of a recognised traitor were held liable for the actions of their family member purely on account of their kinship. It implies that those punished were innocent, which makes it difficult to determine genuine cases. As historians Maria Fritsche and Johannes Salzig clearly point out in their research, what looks like a case of family liability at first glance may, after closer investigation, indicate the involvement or anti-German classification of the relatives concerned.⁷¹ Within German military history, however, it was not unusual to punish the family of a soldier for his desertion or treason.⁷² During the Second World War, the National Socialist regime, as well as the Wehrmacht and the military courts, used *Sippenhaftung* to enforce obedience and ensure discipline, first in the occupied regions against the ethnic German conscripts and population, and after the attempt to assassinate Hitler on 20 July 1944 also domestically in Germany.⁷³ Penalties ranged from imprisonment to deportation, loss of citizenship and property confiscation. The principle was used unsystematically and arbitrarily, which created a climate of fear among soldiers and the local population. Clear guidelines for the application of

69 Johannes Salzig, *Die Sippenhaft als Repressionsmassnahme des nationalsozialistischen Regimes: ideologische Grundlagen, Umsetzung, Wirkung*, Schriftenreihe der Forschungsgemeinschaft 20. Juli 1944 e.V 20 (Augsburg: Wißner-Verlag, 2015), 72.

70 The military court files consulted for this research included cases where families were relocated before 20 July 1944; Norbert Haase, "Justizterror in der Wehrmacht am Ende des Zweiten Weltkrieges", in *Terror nach Innen. Verbrechen am Ende des Zweiten Weltkrieges*, ed. Cord Arendes, Edgar Wolfrum and Jörg Ziedler, Dachauer Symposien zur Zeitgeschichte (Göttingen: De Gruyter, 2006), 80, 93.

71 Maria Fritsche, "'... haftet die Sippe mit Vermögen, Freiheit oder Leben ...': Die Anwendung der Sippenhaft bei Familien verfolgter Wehrmachtsoldaten", in *Opfer der NS-Militärjustiz. Urteilspraxis – Strafvollzug – Entschädigungspolitik in Österreich*, ed. Walter Manoschek (Vienna: Mandelbaum Verlag, 2003), 484; Salzig, *Die Sippenhaft als Repressionsmassnahme des nationalsozialistischen Regimes*, 139 and 141.

72 Matthias Weidemann, *Geschichte der Sippenhaftung: Das Entstehenmüssen von Verwandten* (Münster: LIT Verlag, 2002).

73 Salzig, *Die Sippenhaft als Repressionsmassnahme des nationalsozialistischen Regimes*, 479; Robert Loeffel, *Family Punishment in Nazi Germany: Sippenhaft, Terror and Myth* (Basingstoke: Palgrave Macmillan, 2014), 53.

the principle were lacking until the OKW initiated its codification on 19 November 1944 with a decree on measures against defectors.⁷⁴

Conclusion

The Wehrmacht justice system was known for its uncompromising nature, as evidenced by the harshness of the punishments it inflicted from the beginning. The military judiciary demonstrated its unwavering allegiance to the National Socialist regime. As Norbert Haase wrote, “over the course of World War II, the Wehrmacht justice system developed increasingly into a political justice system”.⁷⁵ National Socialism did not tolerate any deviation, and the Wehrmacht military justice system did not abide any form of transgression that implied military weakness. Draft evaders and deserters were considered to be traitors to the German people and were punished with extreme severity.

Even though desertion rates among non-German soldiers in the Wehrmacht were significantly higher than among German soldiers, towards the end of the war the desertion rate of all Wehrmacht soldiers, regardless of origin, increased significantly, as did the implementation of the death penalty.⁷⁶ It is estimated that of the approximately 18 million Wehrmacht soldiers, around 300,000 cases of desertion were reported.⁷⁷ This is relatively high in comparison with desertion rates and punishment in the First World War or in other modern armies.⁷⁸ While the exact number of Luxembourgish soldiers who were tried and executed is not known, it is clear that they were included in the total number of deserters in the Wehrmacht. It remains, however, important to note that desertion was not a widespread or general phenomenon among soldiers either, as evidenced by the figures presented. This indicates that the majority of soldiers remained *loyal* and did not desert their duties.

The treatment of Luxembourgers by military courts serves as just one example of the treatment of naturalised soldiers of German origin. However, the court

74 Order by the OKW WFSt/Qu. 2/NSF/W Nr. 09395/44 dated 19 November 1944, quoted by Absolon (1958), 97–98; Salzig, *Die Sippenhaft als Repressionsmassnahme des nationalsozialistischen Regimes*, 458, 472; Loeffel, *Family Punishment in Nazi Germany*, 55, 59.

75 Haase, “Justizterror in der Wehrmacht am Ende des Zweiten Weltkrieges”, 98.

76 Franz W. Seidler, “Die Fahnenflucht in der deutschen Wehrmacht während des Zweiten Weltkrieges”, *Militärgeschichtliche Zeitschrift* 22 (1977): 28, <https://doi.org/10.1524/mgzs.1977.22.2.23>; Haase, “Justizterror in der Wehrmacht am Ende des Zweiten Weltkrieges”, 84–85.

77 Wüllner, *Die NS-Militärjustiz und das Elend der Geschichtsschreibung*, 168 and 234.

78 Treiber, *Helden oder Feiglinge*, 250.

records analysed indicate that Luxembourgers, like other German-origin conscripts, were not subjected to significantly different treatment by the military courts. As this research illustrates, the military courts were inclined to adopt a uniform approach in their sentencing, as demonstrated by the refusal of the Court of Division 172 to distinguish between soldiers from the former Grand Duchy and others. This went against the wishes of *Gauleiter* Simon to impose harsher sentences, including the death penalty, on every suspect.⁷⁹ Nonetheless, it cannot be excluded that in some instances, the military courts may have imposed different sentences based on the soldiers' origin, such as Luxembourg or Austria. However, there is no evidence to suggest that Luxembourgers were subjected to a higher execution rate. Furthermore, this does not imply that the Wehrmacht and civilian authorities were lenient, as in the majority of cases those arrested were sentenced to death.

The Wehrmacht reacted to the rising number of desertions but did not impose the severe measures demanded by the *Gauleiter*. Despite the differing opinions between the military justice system and the civilian administration, not only were Luxembourgish deserters actively pursued and prosecuted, the military courts also extended their reach into the local communities by collaborating with local authorities to track down and target them back home. The courts ordered additional investigations into deserters' backgrounds, showing a particular interest in their families and home environments. However, in the cases studied, this interest appeared to be primarily aimed at locating the deserters rather than punishing their relatives. While the military courts were informed about the forced resettlement of deserters' families, no records suggest they were directly involved in carrying out these actions. Instead, the military justice system focused its influence on its own legal mandate – investigating and prosecuting deserters – while leaving the broader persecution of families, which aligned more with political objectives, to the civilian authorities.

As suggested by Robert Loeffel, this implication could however have changed after the assassination attempt on Hitler on 20 July 1944 and the formalisation of the implementation of *Sippenhaft* by the military in November 1944.⁸⁰ Unfortunately, no court records of Luxembourgish deserters dating from this period whose relatives were resettled could be consulted in the context of this study as Luxembourg was

⁷⁹ It is important to note that not all instances of desertion or unauthorised absence were met with execution. In some cases, individuals were given prison sentences or had their death penalty commuted to long-term imprisonment. The death penalty was also sometimes converted to a fifteen-year prison sentence; see the case of Alfred P., BArch R 3018/4413.

⁸⁰ Order by the OKW WFSt/Qu. 2/NSF/W Nr. 09395/44 dated 19 November 1944, quoted by Abso-
lon (1958), 97–98; Loeffel, *Family Punishment in Nazi Germany*, 72.

liberated in early September 1944. In general, it can be concluded that the military courts – much like the National Socialist authorities in general – were not out to apply this principle on a large scale. Instead, they used it as a threat and a means of pressure to enforce loyalty from the soldiers and relied on the deterrent effect of the examples set. The effectiveness of this approach is difficult to determine. Nevertheless, the fear of this punishment persisted in Luxembourg even after the war and was used as justification for soldiers who did not desert.