

Judge Removed From Nazi Case

BONN (JTA) — A West German judge has been disqualified from presiding at a Nazi war crimes trial, because of evidence he used tactics to help the accused, including the deliberate withholding of written testimony by a key Polish witness.

Judge Joachim Kuhtz, chairman of the district court in Hanover, was removed from the case of Heinrich Niemeir, 66, who is charged with killing 12 inmates of the Auschwitz death camp, most of them Jews, when the camp was evacuated before advancing Russian troops in 1945.

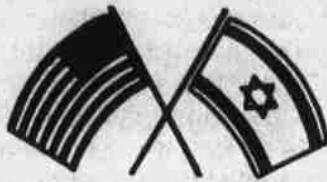
Niemeir was convicted at a trial in the 1970s and sentenced to six years in prison. The conviction was overturned on technicalities and a new trial was ordered.

Kuhtz, who presided at the second trial, was criticized for dilatory tactics, such as ordering 10 trips abroad to take testimony from witnesses living in the United States, Israel, Poland, Australia and other countries.

It was disclosed recently that testimony by a Polish witness was

discovered by accident in a court file unrelated to Niemeir's case. An investigation revealed that Kuhtz had received the testimony more than three years ago and asked for its translation into German.

The translation was made, but Kuhtz informed the court that the testimony was "not available." Observers at the trial charged that he withheld it in yet another attempt to gain acquittal for the defendant. The trial will continue with another judge presiding.



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