# Chapter 18 Kristallnacht

Innsbruck, 9 November 1938

‘Kristallnacht’ – crystal night – an oddly poetic name for a pogrom, for a night of violence, death and destruction across Germany and Austria. Hugo was one of its many victims.

I applied to the Innsbruck county archives for the 1945/6 witness evidence of the three men who had been prosecuted for attacking him so brutally that night. Many weeks later, it arrived in London in a large white envelope.

I opened it with a mix of curiosity and fear. I wondered how the men would justify their actions, and I also hoped to find some direct testimony from Hugo. I wanted to read his own description of what happened. Hugo died before I was born, and as much as anything I was hoping finally to hear his voice on what happened on this crucial night.

But after I cleared the table and spread out the contents of the package, I soon realised there would be no such luck. Oddly, there was no testimony at all from him as the victim. This is despite the fact that it would have been easy to track him down. Hugo was in touch with plenty of people in Innsbruck, including his family lawyer, who was launching various restitution proceedings for him.

I looked at the dates of the first witness statements: 1, 2 and 13 August 1945. Germany had unconditionally surrendered on 7 May 1945, I was surprised at how quickly the criminal machinery had swung into action: only three months after the war had ended, and in the case of this particular investigation, of relatively minor characters.

Three men were prosecuted for their part in the assault on Hugo: Josef Ebner, the Senior Troop Leader; August Hörhager, Squad Leader; and Hans Ruedl, Troop Leader. All three had fought in the First World War in the same regiment as Hugo: the Kaiserschützen ('Imperial Fusilliers'), a regiment that was disbanded in 1918, straight after the First World War.

By 1938, the three assailants were members of the NSKK or National Socialist Motor Corps, responsible for training men in the use and maintenance of vehicles, as well as transporting vehicles and materials wherever the army needed them. After the war, its members were keen to encourage the allies to conclude that the NSKK was the equivalent of the RAC in England and that its members of the NSKK were little more that motoring enthusiasts.

I found the different and very similar-sounding ranks within the NSKK confusing. With further research, I discovered that there were no fewer than nineteen different ranks within the NSKK. I had no idea that there was so much hierarchy within this relatively unglamorous transport division. It broadly mirrored the ranks in the German army itself, but used slightly different titles. All the defendants were indeed relatively junior players, something they were keen to emphasise in their post-war statements.

Both Ebner and Hörhager explain that they were poor and out of work in the 1930's. Ruedl also complains of his 'poor economic position'. Both Ebner and Hörhager had been Social Democrats but had lost confidence in that party’s ability to improve their lives. Hörhager states that he joined the Nazi party in 1930 as he saw nothing but poverty and misery all around him. He explains that he went to meetings and saw at those meetings everything was much clearer and more companionable amongst the Nazis.

Ebner became a party member in 1934. He rose to the rank of NSKK-Obertruppführer or senior troop leader within the NSKK, a level seven up from the bottom of the nineteen ranks.

Ebner explained that the party had been good to him. He trained as a house painter before the First World War, during which he served on the Italian front for eighteen months. After the war, he returned to house painting but was dismissed when the work ran out in 1934. Thereafter that he was only able to find sporadic employment – life had been tough.

Ebner says in his statement that the NSKK had promised much in their speeches, and they had been true to their word. For his minimal party dues of fifty Groschen per month he had received financial help when times were bad. They had given him groceries and even done his washing. Up until Kristallnacht not much had been asked of him; he had to attend inspections and occasionally had been asked to work on checkpoints in Pradl, a district of Innsbruck.

As a lawyer, I am used to drafting and analysing witness statements in civil cases. I am also familiar with the way in which the recollection of different witnesses will differ about the same set of events. I was nevertheless shocked by the gaps in their accounts and the differences between what they said occurred that evening. All of them were vague about the date on which the events took place and none of them could apparently remember with any certainty the names of those who had been part of their group. It sounded like self-imposed amnesia.

The events of this night were pivotal to my father’s life and he always described them with pinpoint clarity. Every time Kurt was in trouble, he sought the help of psychiatrists and related to them that he was forced to watch his father being attacked and beaten on Kristallnacht with his toboggan. It was a way of explaining his poor mental health and the reason why he had run up debts all over the world.

From these witness accounts, I am broadly able to piece together what happened. I learn from the statements that the group of men who made up the NSKK Sturm 5 (Pradl) usually met in the Café Hammerle on Museumstraße, diagonally opposite the city’s main museum.

Ebner, the leader of Sturm 5, describes how on 9 November 1938, after their usual inspection, they were ordered to gather at the Café Hammerle by their company leader, NSKK Sturmführer Hochrainer. They duly all turn up in uniform. Hochrainer comes up to their table and says:

‘Sturm 5, you must go home immediately, put on civilian clothes without any insignia and then assemble at the Boznerplatz.’

When Ebner asks what they would be doing, Hochrainer responds that this was to be a surprise for Gauleiter Hofer, who was returning from the November celebrations in Munich. Ebner comments that there is no talk of attacking Jews whilst they were in the café.

Ebner returns home as instructed. He lives with his wife Luisa and their three children in a flat nearby, but he did not say anything to his family about his plans for that evening. He gets changed. It is cold and he would have chosen warm clothes as he does not know how long he will be out. He leaves his flat and makes his way to the Bozner Platz at midnight, just west of the railway station.

When Ebner arrives, he sees others from his Sturm there, including Hörhager, who counts up about forty to fifty men who have gathered in the dark, chatting quietly. Ebner does not remember there being a speech. Instead, Hochrainer moves between the groups giving individual orders. When he gets to Ebner he says:

‘Tonight, in the entire Reich, all Jews are going to be beaten up simultaneously. The groups are doing this as revenge for the murder of the German diplomat.’

Ebner has read in the local paper about the assassination of the German consul in Paris, Ernst vom Rath, by a young Jew, Herschel Grynszpan. Hochrainer instructs Ebner to take a few men with him who are happy to volunteer. He gives Ebner Hugo’s address in the Andreas-Hofer-Straße. Hochrainer encourages Ebner to:

‘Thrash the Saujuden’ (Jewish pigs), and ‘smash the place up’.

Ebner asks what the police will say, to which Hochrainer replies that the police have already been informed and will not intervene.

Ebner turns to those of his Sturm who are standing around him and asks which of them wants to go and beat up Schindler. Ebner recounts that Hörhager was enthusiastic. Hörhager remembers Hochrainer saying:

‘You are to go to Schindler’s place in the Andreas-Hofer-Straße to beat that Jew up so that he needs to be hospitalised. If you kill him, that is fine too. You are covered. The police know to stay away.’

Ebner sets about collecting up his men, shouting across to Ruedl who is standing nearby. Ruedl is a big man and Ebner knows he will be useful. Ebner asks his fellow Sturm members:

‘Which of you would like to go thrash that Jew, Schindler?’

When asked in the post-war proceedings if he volunteered, Hörhager does not recall that he did so. Hochrainer saw the three of them off with a wave, warning them to complete their mission properly as checks would be carried out afterwards.

Unusually, Ebner is given only one address. I assume that Ebner knew Schindler. Everyone in Innsbruck did.

Ebner marched in loose formation with his men the short distance from the Boznerplatz to the Andreas-Hofer-Straße. The accounts vary as to how many men were with him, but it is clear that the group numbered between seven and nine.

Hörhager inserts some self-serving doubt into his testimony when he comments:

‘On the way I thought to myself that we should not be doing this and was not happy to undertake the task we had been set.’

Ebner remembers it rather differently. Far from being the reluctant participant, Ebner recalls that Hörhager was enthusiastic and insisted that Schindler ‘was to be left to him’ to be beaten up.

As they walked towards Hugo's flat, they would have heard screaming and the smashing of windows on some of the otherwise quiet streets that they crossed. Other groups were already hard at work on their tour of destruction.

Ebner's group arrive after midnight; the exact time is unclear as it varies between the statements. They stand outside the four-storey building with its retail shop on the ground floor. The shutters are down on the ground-floor windows. Ebner looks up at the first floor, noting no doubt that the name S. Schindler was still paraded in large letters across the front of the building. All the upper windows are also shuttered and dark.

Ebner tells Ruedl to keep watch and to whistle if anyone comes. Then he goes through the archway that leads to the entrance to the flats above the shop and motions the others to follow him. He tries the heavy wooden door but it is firmly locked. He sees the doorbell of the first-floor flat with its neat label ‘Fa. Schindler.’ He rings the bell.

Like everyone else in Innsbruck, Ebner would have known that the Gauleiter has taken over the Villa Schindler and that Hugo was forced to move back to their original family flat above the headquarters of the Schindler business.

Ebner would have been able to hear the doorbell ringing in the flat. But no one answers. He goes back onto the street and looked up at the first-floor window, no doubt wondering which one is Hugo’s bedroom. A light is switched on above their heads on the second floor. All the first-floor windows remained stubbornly dark.

Inside the flat, I imagine that Hugo has woken up immediately. He would have been able to hear the men’s voices directly below his window. Hugo adores dogs and his chocolate coloured hunting dog Tasso was with him that night. I imagine Hugo patting his dog, calming him, whilst he figures out what to do.

Hugo is no coward, and he would have got out of bed and walked quietly over to the window to look down onto the street through a crack in the slatted wooden shutters. The flat would have been cold, the stove that provided heating during the day having burnt itself out.

What were these men doing late on a Wednesday night? They were not in uniform. I can only imagine Hugo’s fear as the men rang the doorbell again. He knew that a night-time visit did not bode well and, with a growing horror, that he was trapped.

When I visited the building it was clear to me that whilst the usage has changed, the layout remains broadly the same. Even if Hugo could creep down the stairs into the back courtyard behind the flat, there is no rear exit to the building and he would be trapped in the courtyard.

The visitors are persistent; they ring the doorbell again. Except, this time they ring the bell belonging to the flat of his upstairs neighbour. Hugo could hear Frau Freiger getting up and moving around. According to Sophie Freiger's statement, when she looked out of the window she did not recognise any of the men despite the street lighting. She has poor night vision and she certainly is not going to let strangers into the house.

‘We have to see Herr Schindler. Let us in immediately,’ Ebner shouts up at her.

‘Herr Schindler lives on the first floor. Now go away. I am going back to bed.’ Frau Freiger closes her window and goes back to bed.

Hovering anxiously by the closed shuttered window, hoping that the men would disperse, Hugo would have heaved a sigh of relief. The men ring Frau Freiger’s doorbell again. According to her statement, she got up and opened her window once again. Ebner shouted up:

‘Please unlock the door, Frau Freiger. I have to travel tonight and I have urgent business with Schindler.’

But the equally determined Frau Freiger is not convinced; banging her window shut, she goes back to bed.

According to Ebner’s statement, he then rings another bell on the second floor. ‘Open up, Leo,’ another of the men shouts up at the third floor. They are now ringing the bell of Hugo’s other neighbour, Leo Lischka. He is a work colleague of Josef Schneider, one of the men in Sturm 5.

Leo sends his sister to open the window and defuse the situation. Schneider demands to speak to Leo, who, after much hesitation, starts to descend the stairwell. On the second floor he meets Frau Freiger, with whom he confers in whispers. In his witness statement, Leo reports that he told her:

‘Look, Frau Freiger, I don’t want to let them in either, but we cannot really refuse entry to them. They are not in uniform, but I recognise them. They are NSKK men. Maybe they just want to ask Herr Schindler some questions.’

Hugo would have listened as Leo made his way downstairs to unlock the front door.

‘So, what is this all about?’ Leo asked. ‘Hey, wait a minute…’ Leo’s voice tailed off as Schneider shoves him to one side and three of the six men storm past him up to the first floor. Ebner is at the front.

Leo retreats up the stairs to his flat on the second floor. Frau Freiger stands on the second-floor landing with her two children, who have by now woken up and are next to her wide-eyed, looking over the banister. Leo’s sister stands beside her. They watch from above as Ebner rings Hugo’s doorbell repeatedly. Ebner shouts up at them to go back into their flats.

‘Help! Murderers! Open the door!’ yells Ebner. Inside, Hugo has lit a candle. I imagine him shaking with fear, but still he does not open the door. His beloved dog is whining, sensing the danger just beyond the door, as Ebner throws his weight at it. The door held.

‘August. Josef. Help me.’ The three of them try to force it. This time the whole wall shakes, with small bits of plaster and clouds of dust being dislodged from above. The door still holds.

By then Hugo has moved into the small hall. He holds Tasso’s collar in one hand and the candle in the other, knowing that he does not stand a chance against these thugs. He is 50 years old. I have pictures of him in his youth doing a bit of boxing, but that was more than twenty years earlier. He was been pretty fit when

he fought up in the mountains in the Great War, but now he is just a frightened, balding, slightly overweight middle-aged man – and he knew it.

‘Ruedl, come up here and me. You’re strong,’ Ebner shouts down to the front door.

Hugo hears more footsteps on the stairs. There is a further onslaught on the door, now by four men, and it finally gave way.

Three of the men topple into the cold, unlit hall of the flat. Hörhager is careful to say that Ebner and Ruedl were ahead of him. There is a moment of surprise as they take in Hugo standing in his striped pyjamas with a candle and slightly stooping as he holds Tasso’s collar.

‘We have done nothing to harm anyone,’ Hugo pleads. ‘Why are you doing this? I don’t understand.’ His voice shakes as he tries to summon the words to stop what he guesses is about to happen. Hugo recognises the men. They are all local Innsbruckers. He might even have known them from his old regiment.

Hörhager picks up Kurt’s toboggan, which is propped up against a wall in the hall. He holds the woven seat and lifts it high above his head, then brings it down hard on Hugo’s head. One of the iron strips that is nailed to the hooped runners to protect the wood, cuts a deep vertical gash down Hugo's forehead, and blood drips down his face and into his eyes.

For a moment Hugo stands completely still, then he staggers backwards, moaning. The pain is excruciating. He drops the candle, which goes out and loses his grip on Tasso, who runs out of the open door of the flat and is caught by Karl Tautermann on the landing. Tautermann describes in his witness testimony how he remains there and does not go into the flat. He could hear Hugo’s screaming and a woman crying. He could also hear two women above him who were complaining loudly that this was a ‘*Schweinerei*’ (literally a pig’s mess, i.e. a scandal) and how outrageous it was that such a commotion is taking place in the middle of the night.

In his witness testimony, Hörhager makes light of his involvement and says they each slap Hugo, being careful to make the point that he only hit Hugo with his hand. Given the extent of Hugo's injuries, it is seems more likely that he smashed the toboggan over Hugo's head. When Hörhager is challenged on this, he explains it away by saying that Hugo must have received his injuries when he fell following the slap. Hörhager adds that he is of the view that the others must have slapped Hugo as well because that was why they have come along.

By contrast, Ebner describes how Hörhager throws Hugo into his bedroom and carries on hitting him. Ebner denies that he hit Hugo and says that instead he was preoccupied with taking Frau Schindler out of the room as she was standing there crying in her nightdress. Ebner declares that as far as he knows only Hörhager beats Hugo up. When Ebner checks back in the bedroom, he sees that it has been turned upside down, and that Hugo is sitting bleeding and crying on the bed. When Ebner is asked why he did not hit Hugo, he says that as Hugo is already lying bleeding on the bed, he no longer wanted to hit him.

Packing cases stand in the sitting room. Hugo is planning to ship out their possessions the following week. The villa, the café and the family distillery have all been sold. Hörhager admits only to breaking into one cupboard, and that he says was just because there was so much confusion. In fact, the men forced open the crates and in an orgy of destruction take out all the china and glass they can find and smash it.

On seeing all the trappings of middle-class wealth around him – the nice lamps, a large clock and a piano – Hörhager is described in an article by historian, Michael Guggenberger - as being seized with rage. He picks up the piano stool and starting to smash the piano with it. Discordant notes mix with his grunts as he systematically works his way up and down the keyboard.

Hörhager goes back into the bedroom with the remains of the piano stool and calmly smashes Hugo over the head so hard that Hugo is thrown to the floor, his arm apparently useless. Not content with this attack, one of the other members of the gang then moves in, raising his hobnailed boot and stamps on Hugo’s face, knocking him unconscious.

Most of the witness statements name 'Mrs Schindler' as being present. Some commentators have assumed that this was Edith Schindler, but I don't think that is correct. Whoever the woman was, she screams as Hugo passes out, and, shaking off Ebner’s arm, escapes the flat and runs up to Leo’s flat, somehow dodging the other men. The statements say she shouted, ‘Please, you have to help. They are killing Hugo.’

‘I can’t. There is nothing I can do. There are too many of them,’ Leo is said to have replied through a crack in the door.

Distraught, she returns to the flat. Hugo is still unconscious, and the whole flat has been turned upside down. All the furniture has been knocked over and a lamp torn from its socket. Only one clock remains in place. It apparently defeated Hörhager as it was screwed to the wall. The kitchen has been emptied, and all the crockery and glasses smashed. Ruedl claims in his statement that he did not break any furniture, and also states that he never hit Hugo and told the others to stop beating a defenceless man.

In all, the whole episode lasts no more than twenty minutes. As they leave, one of the men shouts at Hugo: ‘You had no mercy on us, when we were unemployed for years!’

Three other Jewish families are also beaten up on the same street that night: Mr and Mrs Steiner at number 3; Arthur Goldenberg and his son Fritz at number 29; and Flora Bauer and her son Stefan at number 40. Flora’s other son Wilhelm, who is elsewhere in Innsbruck, is killed.

When the men left Hugo, the group split up. Three went home, and Hörhager, Schneider and Ebner walk to the railway station bar to report to Squadron Leader Mayerbrucker, who is waiting for them. Ebner describes carefully what they have done, noting by name who has been cooperative and who has been less helpful.

On reflection, when questioned in 1946, Ebner concedes that what they did that evening lacked humanity and was not right, but he justified it with the standard cliché:

‘I received an order, it was happening all over the Reich, the others were all doing it and all of us felt a degree of hatred towards the Jews’.

He concludes that:

‘I didn’t really fancy the whole escapade, but as an older Stormtrooper I would not have dared to say no. I was never one to get into fights.’

Back at the flat, Sofie Freiger is trying to wake up Dr Biendl, who lives on the third floor. He is out at his mother’s house but returned a short while later.

According to his witness statement, Dr Biendl entered the Schindler flat and found the bedroom in chaos. Furniture was broken and there were splashes of blood everywhere. Biendl describes how shocked he was at Hugo’s state. He has a 10 cm gash on his head that was bleeding heavily and was deep enough to reveal his skull. His arm and leg were also injured. Just as Dr Biendl is bandaging Hugo up, three members of the Gestapo arrive in the flat. Upon seeing the doctor, they scream at him, ‘What are you doing here?!’

Dr Biendl responded, ‘As a doctor, I am obliged to provide medical help.’

The Gestapo then apparently looked around the room, note the broken furniture and, seemingly satisfied, left a few minutes later. In his statement, Dr Biendl describes Hugo as being utterly deranged. Hugo was very lucky indeed to have the doctor as a neighbour, not only because of the medical treatment he received but also because the Gestapo might otherwise have arrested him and taken him into 'protective custody', as they did many other Jews that evening.

After the Gestapo leave, Dr Biendl moves Hugo to a local sanatorium, where he stitches up the wound himself under local anaesthetic. He decides against getting Hugo X-rayed as that would mean a trip to the X-ray room and others would then know he is in the sanatorium. Instead he uses cold compresses to bring down the swelling. In his witness statement, he does not recall any fractures and only remembers using bandages to treat Hugo.

Four days later Hugo leaves the sanatorium. He has no time to convalesce as he is determined to get himself and the rest of his family out of Austria. Sofie, who at eighty-one is still a formidable force, has no desire to leave Innsbruck, but even she can see that the Tyrol is no longer tenable.

The decision is made for them. In December 1938, Sofie, Hugo and Erich are ordered to move to Vienna as part of Hofer’s last sweep of the Jews in western Austria. As far as I can reconstruct, Erich escaped the violence of Innsbruck's pogrom as he was in a clinic in Germany for his heart condition.

Gauleiter Hofer has finally achieved his ambition. He is able to report to Hitler that his Gau of the Tyrol and Vorarlberg is – nearly - Jew-free. A few Jews, such as Hugo's uncle Leopold Dubsky is still in Innsbruck and his cousin, Egon Dubsky is in a clinic in Hall, near Innsbruck.

From Vienna, Hugo negotiates his and his brother’s exit to England, eventually collecting up all the various documents they need. Hugo left in late December 1938 via France to England. Erich, Grete and Peter leave in May 1939. They were allowed to take 10 Reichsmark each with them.

Sofie, Hugo’s sister Martha and her husband Siegfried stay behind in Vienna. I find one account from Martha’s daughter Marguerite, who managed to escape to France and then the US. In this she recounts that Martha, Siegfried and Sofie made a late attempt to flee to the Far East, where they had friends. The route from Germany and Austria to Shanghai was a recognised escape route, which was used by a number of their Jewish friends in 1938. But they made their exit too late. According to Marguerite's account they boarded a train but were pulled off it and deported to Theresienstadt in Czechoslovakia, just north of Vienna. I have no other evidence to support this account.

Sofie and Siegfried died in Theresienstadt. I found their death certificates in the online archives. Theresienstadt was advertised to the world by the Nazis as the model ghetto, with its own theatres and cafés. It was even visited by the Red Cross. From the camp archives, I can see that both Sofie and Siegfried died in 1942, Sofie of pneumonia and Siegfried of a bowel infection.

Martha survived Theresienstadt. From early 1942, prisoners were transported from there on to Auschwitz and other death camps. I could find no listing for Martha in Auschwitz’s online archives. However, Kurt’s papers contained a letter from Martha's son Erwin Salzer, dated 8 June 1946. He writes that he has tracked down the doctor who had worked at Theresienstadt, and been told by him that Siegfried and Sofie both died there. Erwin has also spoken to another witness who had seen his mother Martha in Auschwitz. Whilst he has no definitive proof, he is forced to conclude that his mother was gassed there.

To work through the many statements and sometimes conflicting testimony, I wrote down the salient points, creating a chronology and list of sources, trying to reconstruct as accurately as I could what actually happened. My work took me many hours, during which time I was so enmeshed in the facts that I had not realised that so much time had passed. Exhausted and stiff from sitting for too long, I put the statements down and stood up to stretch. I was trying to reconcile what I had been told with what I had on the table in front of me. Even beyond the reach of my fatigue, I had a growing sense that what my father had told me was not entirely accurate.

I reread my notes – there was no mention in them of Kurt being present in the flat on Kristallnacht. I immediately phoned my sister Sophie, to check her recollection. She surprised me by saying that Kurt had said that he was in Innsbruck but not in the flat. But that did not seem to make sense either.

Perplexed, I didn’t sleep at all well that night. The next day, I went back and rechecked all the photo albums and paperwork for clues as to Edith and Kurt’s whereabouts on 10 November 1938. Finally, I had it, a half-forgotten form wherein Edith had set-out her assets, completed in June 1938. She gives her address as ‘3 Lamaster Grove, London NW3’. This was one of the many bits of Nazi bureaucracy that I found amongst Kurt’s papers, and I had not until now given the address on the form much thought. It is an official form, with instructions to complete and submit it by 30 June 1938. It is unsigned.

I had been more interested in Hugo’s form. He leaves his submission to the very last moment, and signs and lodges his form on 30 June 1938, as required by the authorities. It is a substantial document in which he lists all his various properties including the villa, the café, the jam factory and the building on Andreas-Hofer-Straße, as well as any loans outstanding on them, their recent sales to third parties and the money he is expecting from those sales. It also lists his carpets, watches, jewellery and household silver, down to the very last silver teaspoon. Intriguingly, he owned specialist silver cutlery for eating asparagus.

But now, realising the significance of Edith’s form, I look up the address she has given. There is no ‘Lamaster Road’ in London. But there is a Lancaster Road NW3, an address that Kurt had mentioned to me. It must have been a typo. I was interested in the fact that Edith had to complete this form, even though she appears to have been safely living in London. However, I think that the most likely explanation is that Hugo was forced to present a complete set of forms for his whole family, including his mother, before he could make any headway in emigrating. This meant that if Edith was in London in June 1938 when the form needed to be submitted, Hugo would have been obliged to fill out Edith's form for her. That would explain the absence of her signature. I concluded that it was unlikely that Edith had travelled back to Innsbruck from the safety of England. If she had done, I feel sure that Edith would have made something of it in her later life and told her grandchildren. She always boasted to us about being the one who saved the family.

Assuming Edith is in London from June 1938, who then was the woman in the flat on the night Hugo was beaten up? There were of course two other Mrs Schindlers: Sofie Schindler and Grete Schindler, Erich's wife. I think if the witnesses had seen Sofie there whilst her son was being beaten up, they would have made that clear. I suspect that Sofie was up in Igls in Siegfried's house there. As far as I can tell from the land registry the forced sale of that house did not take place until 17 March 1939. So the most likely explanation is that the woman in the flat was Grete Schindler, Erich's wife. Looking at the photos again, I can track Erich's movements, I think he has gone to a clinic in Germany to have some treatment for his heart condition. The flat above the business was spacious and had six bedrooms. Hugo and Erich owned it jointly. So I can imagine Grete and Hugo shared the flat in those difficult months as Hugo tried to wind up and sell their various businesses.

Once I had located Edith in London in June 1938, the next puzzle was to work out where Kurt was that night. Was it possible that he was asleep in the flat during the assault on Hugo? That seemed unlikely. Was he hiding in a cupboard? Again, that is unlikely as the men turned the whole flat upside down. Furthermore, he is not mentioned in any of the witness statements.

I went back to the documents, Sophie and I had collected from Kurt's house after he died. Amongst them I found a thin cardboard folder of correspondence between Edith, her parents and her uncle Otto Langer in Prague. It is written in cramped handwriting on thin, tissue-like paper. My understanding of the series of letter is not helped by the fact that it is partly in Czech and partly in German. However, I understand enough to gather that Edith’s parents, Albert and Hermine Roth, are in London by September 1938. Tucked into the back of the file I then find definitive evidence: Albert Roth’s Czech passport, date-stamped 17 September 1938 on his arrival in England. He is given three months’ leave to remain. As the situation in Europe deteriorates, his permission to stay is extended. My working theory, based on the correspondence and the passport, is that Kurt travelled with his grandparents to England.

I went back to the photo albums to search for more clues, and found one small, shabby album that I had not looked at properly before. It was clearly been put together by Kurt himself, and includes pictures of his family home in Innsbruck and their dog. This is the dog who was present in the flat when Hugo was beaten up. There are also photos of the ferry on which he sailed across the Channel and the White Cliffs of Dover.

The photos are labelled slightly inexpertly in rounded childish writing in English as ‘The view to the English coast’. Kurt is practising his language skills. In one of the tiny photos I convince myself that I can see Albert and Hermine as they shelter from the wind in coats and hats on deck. In truth, I cannot be sure as their faces are obscured. There are further pictures of Buckingham Palace, the Changing of the Guard and Hyde Park. His grandparents are clearly keeping Kurt busy by taking him to the tourist attractions.

On one page, Kurt records ‘The first day with Mumy,’ so clearly he travelled to England separately from Edith. Then, there in the corner of one page in faint but unmistakeable writing, is a date: ‘September 1938’, 2 months before Kristallnacht. I knew immediately that Edith, having arranged for her parents and only son to join her in England, would never have sent him back at the age of thirteen into the eye of the Nazi storm. I doubted too that she would have travelled back to Innsbruck after September 1938.

I was forced to conclude that Kurt was misleading everyone all these years about being present when his father was beaten up in Innsbruck on Kristallnacht.

Had he deliberately lied? Or was it possible that he was suffering from a form of post-traumatic stress disorder from hearing what had happened to his father? If so, why did none of the many eminent psychiatrists who examined him over the years ever spot this?

I found one medical report amongst Kurt’s papers from a Dr Crombach of the University Clinic at Innsbruck University, dated 21 February 1989. Dr Crombach records that Kurt told him that his father had been severely beaten up by the Nazis and that he was ‘forced to watch’. Dr Crombach does not question Kurt’s story. Perhaps understandably, he takes it at face value and faithfully notes that one origin of the ‘severe neurotic disturbance’ from which Kurt was suffering was the fact that as a thirteen-year-old boy, ‘he had to look on while his father was being tortured.’

I know from my own work with witnesses how terribly fallible people’s memories are. They are not a record of what happened but merely a person's recollection of what happened. In my experience, the very first recollection of an event that a witness gives me is often the most accurate. Sometimes, the more I probe as a lawyer, the more I show the witness documents and pictures, the less accurate the memory becomes as it is rewritten and often distorted from endless retelling. Is this what happened here?

I am now pretty certain that Kurt was not present. I feel embarrassed and disappointed that he has chosen to exploit for his own ends one of the worst pogroms of the twentieth century. As a lawyer, I am familiar with the self- justification and exaggeration of some witnesses. It is not uncommon for witnesses to try to describe themselves in more glowing and heroic terms than is perhaps warranted. However, it is rare to come across outright untruths involving someone inserting themselves into a set of violent events when they were nowhere near them.

I feel very disturbed by Kurt's lie. I turn to one of the experts in the area, my cousin John Kafka, who in his book 'Psychoanalysis' has a whole chapter on false memories. He points out that: 'if all memories are not exact reproductions, all memories are false memories.'' I do some more reading and find that there is a recognised psychological phenomenon known as 'flashbulb memories', namely memories of very traumatic events, which are both intense and sometimes inaccurate. These memories have been studied since the 1970s, particularly following widely followed moments of public trauma, such as the *Challenger* disaster in 1986 and the 9/11 terrorist attacks in 2001. Occasionally people who were nowhere near such events do insert themselves into them in their memories.

This happened to the NBC broadcaster Brian Williams regarding an incident in Iraq when he was covering the Second Gulf War. Over a twelve-year period from 2003 onwards he recounted repeatedly that a military helicopter in which he was travelling was shot down in the desert by a rocket-propelled grenade. In fact, he was not in the helicopter at all, and in 2015 he was forced to recant. He was widely decried as a self-aggrandising liar.

Some commentators, however, such as Malcolm Gladwell, were kinder and warned that we should not see memory as ‘date-stamped video tape’ but instead as something a great deal more fallible and upon which we should not rely. In short, he thought that we would be wise not to see such memory lapses in terms of character flaws.

Was Kurt’s memory of being present when his father was beaten up a genuine mistake brought about by his undoubted trauma of hearing from his father first-hand about the horror of that night? Did he perhaps feel guilty that it was his toboggan that was used to hurt Hugo or that he was not there to protect his father?

I wondered if Dr Crombach, the author of the report was still alive. I found a website for him and managed to track him down. I scanned in his report from thirty years ago and sent it to him. There was no response to my emails. Eventually, I summoned up the courage to telephone him.

Dr Crombach was initially reluctant to speak to me, explaining that he had retired twelve years ago. I sensed a reticence. I tried to work out whether I had called at an inconvenient time or whether he really did not want me digging around in the past. I did my best to reassure him and asked him to name a time that was convenient to him. I explained that I was trying to piece together my family history and that that I was puzzled as to where Kurt was on 10 November 1938.

Nervously, I dialled Dr Crombach's number at the appointed time. I asked Dr Crombach whether he remembered Kurt, after all it was thirty years since he wrote his report. There was a pause and Dr Crombach said he remembered Kurt well. I explained that I appeared to have uncovered evidence that Kurt was safely in London on Kristallnacht and had not after all witnessed his father being beaten up. I got the impression that Dr Crombach was not entirely surprised. He explained that it was not his job to probe the facts but to examine the effect that these recollections had on Kurt. In any event at that time he would have accepted a holocaust survivor's testimony at face value and would not have dissected it.

I asked him whether it was possibly a false memory? Dr Crombach said that he thought it was quite possible that Kurt himself believed that he had been there. Or had come to believe that he was there. Kurt is not here to defend himself. I decide to give Kurt the benefit of the doubt.

The witness statements I read were key to the trial of the men who beat up Hugo in November 1938. In 1947, Ebner, Hörhager and Ruedl were convicted and given sentences of between fourteen months and two years for their involvement in the attack on Hugo. Ebner and Hörhager also had their assets confiscated. No charges were pressed against the other men in the group as they had not touched Hugo. However, these three men were merely the foot soldiers, junior participants in a bigger plan, coordinated by senior party members and ordered by Gauleiter Hofer.

I was in many ways more interested in what happened to Hochrainer, who had passed on the orders for the attacks and, in particular, Hofer, who sat at the top of Tyrolthe Tyrol chain of command.

After giving his order to Ebner to attack Hugo, Hochrainer participated in five other attacks at various houses in Innsbruck. He was prosecuted in 1947 and sentenced to two years’ imprisonment. His assets were also confiscated by the state. He was released in 1953.

That just left Gauleiter Hofer, a far harder man to trace and pin down. What had happened to him?