# NURNBERG MILITARY TRIBUNALS

# INDICTMENTS

# MILITARY TRIBUNALS

CASE NO. 1

THE UNITED STATES OF AMERICA

— against —

KARL BRANDT, SIEGFRIED HANDLOSER, PAUL ROSTOCK, OSKAR SCHROEDER, KARL GENZKEN, KARL GEBHARDT, KURT BLOME, RUDOLF BRANDT, JOACHIM MRUGOWSKY, HELMUT POPPENDICK, WOLFRAM SIEVERS, GERHARD ROSE, SIEGFRIED RUFF, HANS WOLFGANG ROMBERG, VIKTOR BRACK, HERMANN BECKER-FREYSENG, GEORG AUGUST WELTZ, KONRAD SCHAEFER, WALDEMAR HOVEN, WILHELM BEIGLBOECK, ADOLF POKORNY, HERTA OBERHEUSER, and FRITZ FISCHER.

Defendants

PROPERTY OF U.S. ARMY
THE JUDGE ADVOCATE GENERAL'S SCHOOL
LIBRARY

OFFICE OF MILITARY GOVERNMENT FOR GERMANY (US)
NUREMBERG 1946

## INDICTMENT

The United States of America, by the undersigned Telford Taylor, Chief of Counsel for War Crimes, duly appointed to represent said Government in the prosecution of war criminals, charges that the defendants herein participated in a Common Design or Conspiracy to commit and did commit War Crimes and Crimes against Humanity, as defined in Control Council Law No. 10, duly enacted by the Allied Control Council on 20 December 1945. These crimes included murders, brutalities, cruelties, tortures, atrocities, and other inhumane acts, as set forth in Counts One, Two, and Three of this Indictment. Certain defendants are further charged with membership in a Criminal Organization, as set forth in Count Four of this Indictment.

The persons accused as guilty of these crimes and accordingly named as defendants in this case are:

KARL BRANDT—Personal physician to Adolf Hitler; Gruppenführer in the SS and Generalleutnant in the Waffen SS (Major General); Reich Commissioner for Health and Sanitation (Reichskommissar für Sanitäts- und Gesundheitswesen); and member of the Reich Research Council (Reichsforschungsrat).

SIEGFRIED HANDLOSER—Generaloberstabsarzt (Lieutenant General, Medical Service); Medical Inspector of the Army (Heeres-Sanitätsinspekteur); and Chief of the Medical Services of the Armed Forces (Chef des Wehrmachtssanitätswesens).

PAUL ROSTOCK—Chief Surgeon of the Surgical Clinic in Berlin; Surgical Advisor to the Army; and Chief of the Office for Medical Science and Research (Amtschef der Dienststelle Medizinische Wissenschaft und Forschung) under the defendant Karl Brandt, Reich Commissioner for Health and Sanitation.

OSKAR SCHROEDER—Generaloberstabsarzt (Lieutenant General, Medical Service); Chief of Staff of the Inspectorate of the Medical Service of the Luftwaffe (Chef des Stabes, Inspekteur des Luftwaffe-Sanitätswesens); and Chief of the Medical Service of the Luftwaffe (Chef des Sanitätswesens der Luftwaffe).

KARL GENZKEN—Gruppenführer in the SS and Generalleutnant in the Waffen SS (Major General) and Chief of the Medical

Department of the Waffen SS (Chef des Sanitätsamts der Waffen SS).

KARL GEBHARDT—Gruppenführer in the SS and Generalleutnant in the Waffen SS (Major General); Personal physician to Reichsführer SS Himmler; Chief Surgeon of the Staff of the Reich Physician SS and Police (Oberster Kliniker, Reichsarzt SS und Polizei); and President of the German Red Cross.

KURT BLOME—Deputy Reich Health Leader (Reichsgesundheitsführer); and Plenipotentiary for Cancer Research in the Reich Research Council.

RUDOLF BRANDT—Standartenführer in the Allgemeine SS (Colonel); Personal Administrative Officer to Reichsführer SS Himmler (Persönlicher Referent von Himmler); and Ministerial Counsellor and Chief of the Ministerial Office in the Reich Ministry of the Interior.

JOACHIM MRUGOWSKY—Oberführer in the Waffen SS (Senior Colonel); Chief Hygienist of the Reich Physician SS and Police (Oberster Hygieniker, Reichsarzt SS und Polizei); and Chief of the Hygienic Institute of the Waffen SS (Chef des Hygienischen Institutes der Waffen SS).

HELMUT POPPENDICK—Oberführer in the SS (Senior Colonel); and Chief of the Personal Staff of the Reich Physician SS and Police (Chef des Persönlichen Stabes des Reichsarztes SS und Polizei).

WOLFRAM SIEVERS—Standartenführer in the SS (Colonel); Reich Manager of the "Ahnenerbe" (Society and Director of its Institute for Military Scientific Research (Institut für Wehrwissenschaftliche Zweckforschung); and Deputy Chairman of the Managing Board of Directors of the Reich Research Council.

GERHARD ROSE—Generalarzt of the Luftwaffe (Brigadier General); Vice President, Chief of the Department for Tropical Medicine, and Professor of the Robert Koch Institute; and Hygienic Advisor for Tropical Medicine to the Chief of the Medical Service of the Luftwaffe.

SIEGFRIED RUFF—Director of the Department for Aviation Medicine at the German Experimental Institute for Aviation (Deutsche Versuchsanstalt für Luftfahrt).

HANS WOLFGANG ROMBERG—Doctor on the Staff of the Department for Aviation Medicine at the German Experimental Institute for Aviation.

VIKTOR BRACK—Oberführer in the SS (Senior Colonel) and Sturmbannführer in the Waffen SS (Major); and Chief Administrative Officer in the Chancellery of the Führer of the NSDAP (Oberdienstleiter, Kanzlei des Führers der NSDAP).

HERMANN BECKER-FREYSENG—Stabsarzt in the Luftwaffe (Captain, Medical Service); and Chief of the Department for Aviation Medicine of the Chief of the Medical Service of the Luftwaffe.

GEORG AUGUST WELTZ—Oberfeldarzt in the Luftwaffe (Lieutenant Colonel, Medical Service); and Chief of the Institute for Aviation Medicine in Munich (Institut für Luftfahrtmedizin).

KONRAD SCHAEFER—Doctor on the Staff of the Institute for Aviation Medicine in Berlin.

WALDEMAR HOVEN—Hauptsturmführer in the Waffen SS (Captain); and Chief Doctor of the Buchenwald Concentration Camp.

WILHELM BEIGLBOECK—Consulting Physician to the Luftwaffe.

ADOLF POKORNY—Physician, Specialist in Skin and Venereal Diseases.

HERTA OBERHEUSER—Physician at the Ravensbruck Concentration Camp; and Assistant Physician to the defendant Gebhardt at the Hospital at Hohenlychen.

FRITZ FISCHER—Sturmbannführer in the Waffen SS (Major); and Assistant Physician to the defendant Gebhardt at the Hospital at Hohenlychen.

## COUNT ONE — THE COMMON DESIGN OR CONSPIRACY.

1. Between September 1939 and April 1945 all of the defendants herein, acting pursuant to a common design, unlawfully, wilfully, and knowingly did conspire and agree together and with each other and with divers other persons, to commit War Crimes and Crimes against Humanity, as defined in Control Council Law No. 10, Article II.

2. Throughout the period covered by this Indictment all of the defendants herein, acting in concert with each other and with others, unlawfully, wilfully, and knowingly were principals in, accessories to, ordered, abetted, took a consenting part in, and were connected with plans and enterprises involving, the commission of War Crimes and Crimes against Humanity.

3. All of the defendants herein, acting in concert with others for whose acts the defendants are responsible unlawfully, wilfully, and knowingly participated as leaders, organizers, instigators, and accomplices in the formulation and execution of the said common design, conspiracy, plans and enterprises to commit, and which involved the commission of, War Crimes and Crimes against Humanity.

4. It was a part of the said common design, conspiracy, plans and enterprises to perform medical experiments upon concentration camp inmates and other living human subjects, without their consent, in the course of which experiments the defendants committed the murders, brutalities, cruelties, tortures, atrocities, and other inhumane acts, more fully described in Counts Two and Three of this Indictment.

5. The said common design, conspiracy, plans and enterprises embraced the commission of War Crimes and Crimes against Humanity, as set forth in Counts Two and Three of this Indictment, in that the defendants unlawfully, wilfully, and knowingly encouraged, aided, abetted, and participated in the subjection of thousands of persons, including civilians, and members of the armed forces of nations then at war with the German Reich, to murders, brutalities, cruelties, tortures, atrocities, and other inhumane acts.

## COUNT TWO — WAR CRIMES

6. Between September 1939 and April 1945 all of the defendants herein unlawfully, wilfully, and knowingly committed War Crimes, as defined by Article II of Control Council Law No. 10, in that they were principals in, accessories to, ordered, abetted, took a consenting part in, and were connected with plans and enterprises involving medical experiments without the subjects' consent, upon civilians and members of the armed forces of nations then at war with the German Reich and who were in the custody of the German Reich in exercise of belligerent control, in the course of which experiments the defendants committed murders, brutalities, cruelties, tortures, atrocities, and other inhumane acts. Such experiments included, but were not limited to, the following:

(A) HIGH ALTITUDE EXPERIMENTS. From about March 1942 to about August 1942 experiments were conducted at the Dachau Concentration Camp for the benefit of the German Air Force to investigate the limits of human endurance and existence at extremely high altitudes. The experiments were carried out in a low-pressure chamber in which the atmospheric conditions and pressures prevailing at high altitude (up to 68,000 feet) could be duplicated. The experimental subjects were placed in the low-pressure chamber and thereafter the simulated altitude therein was raised. Many victims died as a result of these experi-

ments and others suffered grave injury, torture, and ill treatment. The defendants Karl Brandt, Handloser, Schroeder, Gebhardt, Rudolf Brandt, Mrugowsky, Poppendick, Sievers, Ruff, Romberg, Becker-Freyseng, and Weltz are charged with special responsibility for and participation in these crimes.

(B) FREEZING EXPERIMENTS. From about August 1942 to about May 1943 experiments were conducted at the Dachau Concentration Camp primarily for the benefit of the German Air Force to investigate the most effective means of treating persons who had been severely chilled or frozen. In one series of experiments the subjects were forced to remain in a tank of ice water for periods up to three hours. Extreme rigor developed in a short time. Numerous victims died in the course of these experiments. After the survivors were severely chilled, rewarming was attempted by various means. In another series of experiments, the subjects were kept naked outdoors for many hours at temperatures below freezing. The victims screamed with pain as parts of their bodies froze. The defendants Karl Brandt, Handloser, Schroeder, Gebhardt, Rudolf Brandt, Mrugowsky, Poppendick, Sievers, Becker-Freyseng, and Weltz are charged with special responsibility for and participation in these crimes.

(C) MALARIA EXPERIMENTS. From about February 1942 to about April 1945 experiments were conducted at the Dachau Concentration Camp in order to investigate immunization for and treatment of malaria. Healthy concentration camp inmates were infected by mosquitoes or by injections of extracts of the mucous glands of mosquitoes. After having contracted malaria the subjects were treated with various drugs to test their relative efficacy. Over 1,000 involuntary subjects were used in these experiments. Many of the victims died and others suffered severe pain and permanent disability. The defendants Karl Brandt, Handloser, Rostock, Gebhardt, Blome, Rudolf Brandt, Mrugowsky, Poppendick, and Sievers are charged with special responsibility for and participation in these crimes.

(D) LOST (MUSTARD) GAS EXPERIMENTS. At various times between September 1939 and April 1945 experiments were conducted at Sachsenhausen, Natzweiler, and other concentration camps for the benefit of the German Armed Forces to investigate the most effective treatment of wounds caused by Lost gas. Lost is a poison gas which is commonly known as Mustard gas. Wounds deliberately inflicted on the subjects were infected with Lost. Some of the subjects died as a result of these experiments and others suffered intense pain and injury. The defendants Karl Brandt, Handloser, Blome, Rostock, Gebhardt, Rudolf Brandt, and Sievers are charged with special responsibility for and participation in these crimes.

(E) SULFANILAMIDE EXPERIMENTS. From about July 1942 to about September 1943 experiments to investigate the effectiveness of sulfanilamide were conducted at the Ravensbruck Concentration Camp for the benefit of the German Armed Forces. Wounds deliberately inflicted on the experimental subjects were infected with bacteria such as streptococcus, gas gangrene, and tetanus. Circulation of blood was interrupted by tying off blood vessels at both ends of the wound to create a condition similar to that of a battlefield wound. Infection was aggravated by forcing wood shavings and ground glass into the wounds. The infection was treated with sulfanilamide and other drugs to determine their effectiveness. Some subjects died as a result of these experiments and others suffered serious injury and intense agony. The defendants Karl Brandt, Handloser, Rostock, Schroeder, Genzken, Gebhardt, Blome, Rudolf Brandt, Mrugowsky, Poppendick, Becker-Freyseng, Oberheuser, and Fischer are charged with special responsibility for and participation in these crimes.

(F) BONE, MUSCLE, AND NERVE REGENERATION AND BONE TRANSPLANTATION EXPERIMENTS. From about September 1942 to about December 1943 experiments were conducted at the Ravensbruck Concentration Camp for the benefit of the German Armed Forces to study bone, muscle, and nerve regeneration, and bone transplantation from one person to another. Sections of bones, muscles, and nerves were removed from the subjects. As a result of these operations, many victims suffered intense agony, mutilation, and permanent disability. The defendants Karl Brandt, Handloser, Rostock, Gebhardt, Rudolf Brandt, Oberheuser, and Fischer are charged with special responsibility for and participation in these crimes.

(G) SEAWATER EXPERIMENTS. From about July 1944 to about September 1944 experiments were conducted at the Dachau Concentration Camp for the benefit of the German Air Force and Navy to study various methods of making seawater drinkable. The subjects were deprived of all food and given only chemically processed seawater. Such experiments caused great pain and suffering and resulted in serious bodily injury to the victims. The defendants Karl Brandt, Handloser, Rostock, Schroeder, Gebhardt, Rudolf Brandt, Mrugowsky, Poppendick, Sievers, Becker-Freyseng, Schaefer, and Beiglboeck are charged with special responsibility for and participation in these crimes.

(H) EPIDEMIC JAUNDICE EXPERIMENTS. From about June 1943 to about January 1945 experiments were conducted at the Sachsenhausen and Natzweiler Concentration Camps for the benefit of the German Armed Forces to investigate the causes of, and inoculations against, epidemic jaundice. Experimental subjects were deliberately infected with epidemic jaundice, some of whom died as a result, and

others were caused great pain and suffering. The defendants Karl Brandt, Handloser, Rostock, Schroeder, Gebhardt, Rudolf Brandt, Mrugowsky, Poppendick, Sievers, Rose, and Becker-Freyseng are charged with special responsibility for and participation in these crimes.

(I) STERILIZATION EXPERIMENTS. From about March 1941 to about January 1945 sterilization experiments were conducted at the Auschwitz and Ravensbruck Concentration Camps, and other places. The purpose of these experiments was to develop a method of sterilization which would be suitable for sterilizing millions of people with a minimum of time and effort. These experiments were conducted by means of X-Ray, surgery, and various drugs. Thousands of victims were sterilized and thereby suffered great mental and physical anguish. The defendants Karl Brandt, Gebhardt, Rudolf Brandt, Mrugowsky, Poppendick, Brack, Pokorny, and Oberheuser are charged with special responsibility for and participation in these crimes.

(J) SPOTTED FEVER EXPERIMENTS. From about December 1941 to about February 1945 experiments were conducted at the Buchenwald and Natzweiler Concentration Camps for the benefit of the German Armed Forces to investigate the effectiveness of spotted fever and other vaccines. At Buchenwald numerous healthy inmates were deliberately infected with spotted fever virus in order to keep the virus alive; over 90 % of the victims died as a result. Other healthy inmates were used to determine the effectiveness of different spotted fever vaccines and of various chemical substances. In the course of these experiments 75 % of the selected number of inmates were vaccinated with one of the vaccines or nourished with one of the chemical substances and, after a period of three to four weeks, were infected with spotted fever germs. The remaining 25 % were infected without any previous protection in order to compare the effectiveness of the vaccines and the chemical substances. As a result, hundreds of the persons experimented upon died. Experiments with yellow fever, smallpox, typhus, paratyphus A and B, cholera, and diphtheria were also conducted. Similar experiments with like results were conducted at Natzweiler Concentration Camp. The defendants Karl Brandt, Handloser, Rostock, Schroeder, Genzken, Gebhardt, Rudolf Brandt, Mrugowsky, Poppendick, Sievers, Rose, Becker-Freyseng, and Hoven are charged with special responsibility for and participation in these crimes.

(K) EXPERIMENTS WITH POISON. In or about December 1943 and in or about October 1944 experiments were conducted at the Buchenwald Concentration Camp to investigate the effect of various poisons upon human beings. The poisons were secretly administered to experimental subjects in their food. The victims died as a result of the poison or were killed immediately in order to permit autopsies. In or about

September 1944 experimental subjects were shot with poison bullets and suffered torture and death. The defendants Genzken, Gebhardt, Mrugowsky, and Poppendick are charged with special responsibility for and participation in these crimes.

(L) INCENDIARY BOMB EXPERIMENTS. From about November 1943 to about January 1944 experiments were conducted at the Buchenwald Concentration Camp to test the effect of various pharmaceutical preparations on phosphorus burns. These burns were inflicted on experimental subjects with phosphorus matter taken from incendiary bombs, and caused severe pain, suffering, and serious bodily injury. The defendants Genzken, Gebhardt, Mrugowsky, and Poppendick are charged with special responsibility for and participation in these crimes.

7. Between June 1943 and September 1944 the defendants Rudolf Brandt and Sievers unlawfully, wilfully, and knowingly committed War Crimes, as defined by Article II of Control Council Law No. 10, in that they were principals in, accessories to, ordered, abetted, took a consenting part in, and were connected with plans and enterprises involving the murder of civilians and members of the armed forces of nations then at war with the German Reich and who were in the custody of the German Reich in exercise of belligerent control. One hundred twelve Jews were selected for the purpose of completing a skeleton collection for the Reich University of Strasbourg. Their photographs and anthropological measurements were taken. Then they were killed. Thereafter, comparison tests, anatomical research, studies regarding race, pathological features of the body, form and size of the brain, and other tests, were made. The bodies were sent to Strasbourg and defleshed.

8. Between May 1942 and January 1943 the defendants Blome and Rudolf Brandt unlawfully, wilfully, and knowingly committed War Crimes, as defined by Article II of Control Council Law No. 10, in that they were principals in, accessories to, ordered, abetted, took a consenting part in, and were connected with plans and enterprises involving the murder and mistreatment of tens of thousands of Polish nationals who were civilians and members of the armed forces of a nation then at war with the German Reich and who were in the custody of the German Reich in exercise of belligerent control. These people were alleged to be infected with incurable tuberculosis. On the ground of insuring the health and welfare of Germans in Poland, many tubercular Poles were ruthlessly exterminated while others were isolated in death camps with inadequate medical facilities.

9. Between September 1939 and April 1945 the defendants Karl Brandt, Blome, Brack, and Hoven unlawfully, wilfully, and knowingly committed War Crimes, as defined by Article II of Control Council Law No. 10, in that they were principals in, accessories to, ordered, abetted,

took a consenting part in, and were connected with plans and enterprises involving the execution of the so-called "euthanasia" program of the German Reich in the course of which the defendants herein murdered hundreds of thousands of human beings, including nationals of German-occupied countries. This program involved the systematic and secret execution of the aged, insane, incurably ill, of deformed children, and other persons, by gas, lethal injections, and divers other means in nursing homes, hospitals, and asylums. Such persons were regarded as "useless eaters" and a burden to the German war machine. The relatives of these victims were informed that they died from natural causes, such as heart failure. German doctors involved in the "euthanasia" program were also sent to the Eastern occupied countries to assist in the mass extermination of Jews.

10. The said War Crimes constitute violations of international conventions, particularly of Articles 4, 5, 6, 7, and 46 of the Hague Regulations, 1907, and of Articles 2, 3, and 4 of the Prisoner-of-War Convention (Geneva, 1929), the laws and customs of war, the general principles of criminal law as derived from the criminal laws of all civilized nations, the internal penal laws of the countries in which such crimes were committed, and of Article II, of Control Council Law No. 10.

## COUNT THREE — CRIMES AGAINST HUMANITY

11. Between September 1939 and April 1945 all of the defendants herein unlawfully, wilfully, and knowingly committed Crimes against Humanity, as defined by Article II of Control Council Law No. 10, in that they were principals in, accessories to, ordered, abetted, took a consenting part in, and were connected with plans and enterprises involving medical experiments, without the subjects' consent, upon German civilians and nationals of other countries, in the course of which experiments the defendants committed murders, brutalities, cruelties, tortures, atrocities, and other inhumane acts. The particulars concerning such experiments are set forth in Paragraph 6 of Count Two of this Indictment and are incorporated herein by reference.

12. Between June 1943 and September 1944 the defendants Rudolf Brandt and Sievers unlawfully, wilfully, and knowingly committed Crimes against Humanity, as defined by Article II of Control Council Law No. 10, in that they were principals in, accessories to, ordered, abetted, took a consenting part in, and were connected with plans and enterprises involving the murder of German civilians and nationals of other countries. The particulars concerning such murders are set forth in Paragraph 7 of Count Two of this Indictment and are incorporated herein by reference.

13. Between May 1942 and January 1943 the defendants Blome and

Rudolf Brandt unlawfully, wilfully, and knowingly committed Crimes against Humanity, as defined by Article II of Control Council Law No. 10, in that they were principals in, accessories to, ordered, abetted, took a consenting part in, and were connected with plans and enterprises involving the murder and misreatment of tens of thousands of Polish nationals. The particulars concerning such murder and inhumane treatment are set forth in Paragraph 8 of Count Two of this Indictment and are incorporated herein by reference.

14. Between September 1939 and April 1945 the defendants Karl Brandt, Blome, Brack, and Hoven unlawfully, wilfully, and knowingly committed Crimes against Humanity, as defined by Article II of Control Council Law No. 10, in that they were principals in, accessories to, ordered, abetted, took a consenting part in, and were connected with plans and enterprises involving the execution of the so-called "euthanasia" program of the German Reich, in the course of which the defendants herein murdered hundreds of thousands of human beings, including German civilians, as well as civilians of other nations. The particulars concerning such murders are set forth in Paragraph 9 of Count Two of this Indictment and are incorporated herein by reference.

15. The said Crimes against Humanity constitute violations of international conventions, including Article 46 of the Hague Regulations, 1907, the laws and customs of war, the general principles of criminal law as derived from the criminal laws of all civilized nations, the internal penal laws of the countries in which such crimes were committed, and of Article II of Control Council Law No. 10.

**COUNT FOUR — MEMBERSHIP IN CRIMINAL ORGANIZATION**

16. The defendants Karl Brandt, Genzken, Gebhardt, Rudolf Brandt, Mrugowsky, Poppendick, Sievers, Brack, Hoven, and Fischer are guilty of membership in an organization declared to be criminal by the International Military Tribunal in Case No. 1, in that each of the said defendants was a member of DIE SCHUTZSTAFFELN DER NATIONALSOZIALISTISCHEN DEUTSCHEN ARBEITERPARTEI (commonly known as the "SS") after 1 September 1939. Such membership is in violation of Paragraph I (d) Article II of Control Council Law No. 10.

Wherefore, this Indictment is filed with the Secretary General of the Military Tribunals and the charges herein made against the above named defendants are hereby presented to MILITARY TRIBUNAL No. I.

TELFORD TAYLOR
Brigadier General, USA
Chief of Counsel for War Crimes
Acting on Behalf of the United States of America

Nürnberg, 25 October 1946

# MILITARY TRIBUNALS

CASE NO. 2

## THE UNITED STATES OF AMERICA

— against —

## ERHARD MILCH

Defendant

OFFICE OF MILITARY GOVERNMENT FOR GERMANY (US)
NURNBERG 1946

## INDICTMENT

The United States of America, by the undersigned Telford Taylor, Chief of Counsel for War Crimes, duly appointed to represent said Government in the prosecution of war criminals, charges the defendant Erhard Milch with the commission of War Crimes and Crimes against Humanity as defined in Control Council Law No. 10, duly enacted by the Allied Control Council on 20 December 1945. The defendant Milch between 1939 and 1945 was: Secretary of State in the Air Ministry (Staatssekretär im Reichsluftfahrt-Ministerium), Inspector General of the Air Force (Generalinspecteur der Luftwaffe), Deputy to the Commander in Chief of the Air Force (Stellvertreter des Oberbefehlshabers der Luftwaffe), and Member of the Nazi Party (Mitglied der NSDAP). The defendant Milch was also Field Marshal in the Luftwaffe (Generalfeldmarschall in der Luftwaffe) 1940—45, Aircraft Master General (Generalluftzeugmeister) 1941—44, Member of the Central Planning Board (Mitglied der „Zentralen Planung") 1942—1945, and Chief of the Jaegerstab 1944—1945. The War Crimes and Crimes against Humanity charged herein against the defendant Milch include deportation, enslavement and mis-treatment of millions of persons participation in criminal medical experiments upon human beings, and murders, brutalities, cruelties, tortures, atrocities, and other inhumane acts.

## COUNT ONE

1. Between September 1939 and May 1945 the defendant Milch unlawfully, wilfully, and knowingly committed War Crimes as defined by Article II of Control Council Law No. 10, in that he was a principal in, accessory to, ordered, abetted, took a consenting part in, and was connected with plans and enterprises involving slave labor and deportation to slave labor of the civilian populations of Austria, Czechoslovakia, Italy, Hungary, and other countries and territories occupied by the German armed forces, in the course of which millions of persons were enslaved, deported, ill treated, terrorized, tortured, and murdered.

2. Between September 1939 and May 1945 the defendant Milch unlawfully, wilfully, and knowingly committed War Crimes as defined by Article II of Control Council Law No. 10, in that he was a principal in, accessory to, ordered, abetted, took a consenting part in, and was connected with plans and enterprises involving the use of prisoners of war in war operations and work having a direct relation with war operations, including the manufacture and transportation of arms and munitions, in the course of which murders, cruelties, ill treatment, and other inhumane acts were committed against members of the armed forces of nations then at war with the German Reich and who were in custody of the German Reich in the exercise of belligerent control.

3. In the execution of the plans and enterprises charged in Paragraphs 1 and 2 of this Count, millions of persons were unlawfully subjected to forced labor under cruel and inhumane conditions which resulted in widespread suffering. At least 5,000,000 workers were deported to Germany. The conscription of labor was accomplished in many cases by drastic and violent methods. Workers destined for the Reich were sent under guard to Germany, often packed in trains without adequate heat, food, clothing or sanitary facilities. other inhabitants of occupied countries were conscripted and compelled to work in their own countries to assist the German war economy and on fortifications and military installations. The resources and needs of the occupied countries were completely disregarded in the execution of the said plans and enterprises. Prisoners of war were assigned to work directly related to war operations, including work in munitions factories, loading bombers, carrying ammunition, and manning anti-aircraft guns. The treatment of slave laborers and prisoners of war based on the principle that they should be fed, sheltered, and treated in such a way as to exploit them to the greatest possible extent at the lowest expenditure.

4. The defendant Milch from 1942 to 1945 was a member of the Central Planning Board which had supreme authority for the scheduling of production and the allocation and development of raw materials in the German war ecomony. The Central Planning Board determined the labor requirements of industry, agriculture and all other phases of German war economy, and made requisitions for and allocations of such labor. The defendant Milch had full knowledge of the illegal man-

ner in which foreign laborers were conscripted and prisoners of war utilized to meet such requisitons, and of the unlawful and inhumane conditions under which they were exploited. He attended the meetings of the Central Planning Board, participated in its decisions and in the formulation of basic policies witl reference to the exploitation of such labor, advocated the increased use of forced labor and prisoners of war to expand war production, and urged that cruel and repressive measures be utilized to procure and exploit such labor.

5. During the years 1939—1945 the defendant Milch, as Secretary of State in the Air Ministry, Inspector General of the Air Force, Deputy to the Commander in Chief of the Air Force, Field Marshal in the Luftwaffe, Aircraft Master General, and Chief of the Jaegerstab, had responsibility for the development and production of arms and munitions for the German Air Force. The defendant Milch exploited foreign laborers and prisoners of war in the arms, aircraft and munitions factories under his control, made requisitions for and allocations of such labor within the aircraft industry, and personally directed that cruel and repressive measures be adopted towards such labor.

6. Pursuant to the order of the defendant Milch, prisoners of war who had attempted escape were murdered on or about 15 February 1944.

7. The said War Crimes constitute violations of international conventions, particularly of Articles 4, 5, 6, 7, 46, and 52 of the Hague Regulations, 1907, and of Articles 2, 3, 4, 6, and 31 of the Prisoner-of-War Convention (Geneva, 1929), the laws customs of war, the general principles of criminal law as derived from the criminal laws of all civilized nations, the internal penal laws of the countries in which such crimes were committed, and Article II of Control Council Law No. 10.

## COUNT TWO

8. Between March 1942 and May 1943 the defendant Milch unlawfully, wilfully, and knowingly committed War Crimes as defined in Article II of Control Council Law No. 10, in that he was a principal in, accessory to, ordered, abetted, took a consenting part in and was connected with plans and enterprises involving medical experiments without

the subjects' consent, upon members of the armed forces and civilians of nations then at war with the German Reich and who were in the custody of the German Reich in the exercise of belligerent control, in the course of which experiments the defendant Milch, together with divers other persons, committed murders, brutalities, cruelties, tortures, and other inhumane acts. Such experiments included, but were not limited to, the following:

(A) HIGH ALTITUDE EXPERIMENTS. From about March 1942 to about August 1942 experiments were conducted at the Dachau concentration camps for the benefit of the German Air Force to investigate the limits of human endurance and existence at extremely high altitudes. The experiments were carried out in a low-pressure chamber in which the atmospheric conditions and pressure prevailing at high altitudes (up to 68,000 feet) could be duplicated. The experimental subjects were placed in the low-pressure chamber and thereafter the simulated altitude therein was raised. Many victims died as a result of these experiments and others suffered grave injury, torture, and ill treatment.

(B) FREEZING EXPERIMENTS. From about August 1942 to about May 1943 experiments were conducted at the Dachau concentration camp primarily for the benefit of the German Air Force to investigate the most effective means of treating persons who had been severely chilled or frozen. In one series of experiments the subjects were forced to remain in a tank of ice water for periods up to three hours. Extreme rigor developed in a short time. Numerous victims died in the course of these experiments. After the survivors were severly chilled, rewarming was attempted by various means. In another series of experiments, the subjects were kept naked outdoors for many hours at temperatures below freezing. The victims screamed with pain as parts of their bodies froze.

9. The said War Crimes constitute violations of international conventions, particularly of Articles 4, 5, 6, 7, and 46 of the Hague Regulations, 1907, and of Articles 2, 3, and 4 of the Prisoner-of-War Convention (Geneva, 1929), the laws and customs of war, the general principles of criminal law as derived from the criminal laws of all civilized nations, the internal penal laws of the countries in which such crimes were committed, and of Article II, of Control Council Law No 10.

## COUNT THREE

10. Between September 1939 and May 1945 the defendant Milch unlawfully, wilfully, and knowingly committed Crimes against Humanity, as defined by Article II of Control Council Law No 10, in that he was a principal in, accessory to, ordered, abetted took a consenting part in, and was connected with plans and enterprises involving slave labor and deportation to slave labor of German nationals and nationals of other countries in the course of which millions of persons were enslaved, deported, ill treated, terrorized, tortured, and murdered. The particulars of these crimes are set forth in Count One of this Indictment and are incorporated herein by reference.

11. Between March 1942 and May 1943, the defendant Milch unlawfully, wilfully, and knowingly committed Crimes against Humanity as defined in Article II of Control Council Law No. 10 in that he was principal in, accessory to, ordered, abetted, took a consenting part in, and was connected with plans and enterprises involving medical experiments, without the subjects' consent, upon German nationals and nationals of other countries, in the course of which experiments the defendant Milch, together with divers other persons, committed murders. brutalities, cruelties, tortures, atrocities, and other inhumane acts. The particulars of such experiments are set forth in Count Two of this Indictment and are incorporated herein by reference.

12. The said Crimes against Humanity constitute violations of international conventions, the laws and customs of war, the general principles of criminal law as derived from the criminal laws of all civilized nations, the internal penal laws of the countries in which such crimes were committed, and Article II of Control Council Law No. 10.

WHEREFORE, this Indictment is filed with the Secretary General of the Military Tribunals and the charges herein made against the above named defendant are hereby presented to the Military Tribunals.

TELFORD TAYLOR
Brigadier General, USA
Chief of Counsel for War Crimes
Acting on Behalf of the United States of America

Nurnberg, 13 November 1946

# MILITARY TRIBUNALS

CASE No. 3

**THE UNITED STATES OF AMERICA**

— against —

**JOSEF ALTSTÖTTER, WILHELM VON AMMON, PAUL BARNICKEL, HERMANN CUHORST, KARL ENGERT, GÜNTHER JOEL, HERBERT KLEMM, ERNST LAUTZ, WOLFGANG METTGENBERG, GÜNTHER NEBELUNG, RUDOLF OESCHEY, HANS PETERSEN, OSWALD ROTHAUG, CURT ROTHENBERGER, FRANZ SCHLEGELBERGER, and CARL WESTPHAL,**

Defendants

OFFICE OF MILITARY GOVERNMENT FOR GERMANY (US
NURNBERG 1947

## INDICTMENT

The United States of America, by the undersigned Telford Taylor, Chief of Counsel for War Crimes, duly appointed to represent said Government in the prosecution of war criminals, charges that the defendants herein participated in a Common Design or Conspiracy to commit and did commit War Crimes and Crimes against Humanity, as defined in Control Council Law No. 10, duly enacted by the Allied Control Council on 20 December 1945. These crimes included murders, brutalities, cruelties, tortures, atrocities, plunder of private property, and other inhumane acts, as set forth in Counts One, Two, and Three of this Indictment. Certain defendants are further charged with membership in Criminal Organizations, as set forth in Count Four of this Indictment.

The persons accused as guilty of these crimes and accordingly named as defendants in this cause are:

JOSEF ALTSTOTTER — Chief (Ministerialdirektor) of the Civil Law and Procedure Division (Abteilung VI) of the Reich Ministry of Justice; and Oberfuehrer in the SS.

WILHELM VON AMMON — Ministerial Counsellor (Ministerialrat) of the Criminal Legislation and Administration Division (Abteilung IV) of the Reich Ministry of Justice and coordinator of proceedings against foreigners for offenses against Reich occupational forces abroad.

PAUL BARNICKEL — Senior Public Prosecutor (Reichsanwalt) of the People's Court (Volksgerichtshof); Sturmfuehrer in the SA.

HERMANN CUHORST — Chief Justice (Senatspräsident) of the Special Court (Sondergericht) in Stuttgart; Chief Justice of the First Criminal Senate of the District Court (Landgericht) in Stuttgart; member of the Leadership Corps of the Nazi Party at Gau executive level; sponsoring member (Foerderndes Mitglied) of the SS.

KARL ENGERT — Chief (Ministerialdirektor) of the Penal Administration Division (Abteilung V) and of the secret Prison Inmate Transfer Division (Abteilung XV) of the Reich Ministry of Justice; Oberfuehrer in the SS; Vice President of the People's Court (Volksgerichtshof); Ortsgruppenleiter in the NSDAP Leadership Corps.

GUENTHER JOEL — Legal Adviser (Referent) to the Reich Minister of Justice concerning criminal prosecutions; Chief Public Prosecutor (Generalstaatsanwalt) of Westphalia at Hamm; Obersturmbannfuehrer in the SS; Untersturmbannfuehrer in the SD.

HERBERT KLEMM — State Secretary (Staatssekretaer) of the Reich Ministry of Justice; Director (Ministerialdirektor) of the Legal Education and Training Division (Abteilung II) in the Ministry of Justice; Deputy Director of the National Socialist Lawyers League (NS Rechtswahrerbund); Obergruppenfuehrer in the SA.

ERNST LAUTZ — Chief Public Prosecutor (Oberreichsanwalt) of the People's Court.

WOLFGANG METTGENBERG — Representative of the Chief (Ministerialdirigent) of the Criminal Legislation and Administration Division (Abteilung IV) of the Reich Ministry of Justice, particularly supervising criminal offenses against German occupational forces in occupied territories.

GUENTHER NEBELUNG — Chief Justice of the Fourth Senate of the People's Court; Sturmfuehrer in the SA; Ortsgruppenleiter in the NSDAP Leadership Corps.

RUDOLF OESCHEY — Judge (Landgerichtsrat) of the Special Court in Nurnberg and successor to the defendant Rothaug as Chief Justice (Landgerichtsdirektor) of the same court; member of the Leadership Corps of the Nazi Party at Gau executive level (Gauhauptstellenleiter); an executive (Kommissarischer Leiter) of the National Socialist Lawyers League.

HANS PETERSEN — Lay Judge of the First Senate of the People's Court; Lay Judge of the Special Senate (Besonderer Senat) of the People's Court; Lieutenant General (Obergruppenfuehrer) in the SA.

OSWALD ROTHAUG — Senior Public Prosecutor (Reichsanwalt) of the People's Court; formerly Chief Justice of the Special Court in Nurnberg; member of the Leadership Corps of the Nazi Party at Gau executive level.

CURT ROTHENBERGER — State Secretary (Staatssekretaer) of the Reich Ministry of Justice; deputy president of the Academy of German Law (Akademie des Deutschen Rechts); Gaufuehrer of the National Socialist Lawyers League.

FRANZ SCHLEGELBERGER — State Secretary; Acting Reich Minister of Justice.

CARL WESTPHAL — Ministerial Counsellor (Ministerialrat) of the Criminal Legislation and Administration Division (Abteilung IV) of the Reich Ministry of Justice, and officially responsible for questions of criminal procedure and penal execution within the Reich; Ministry coordinator for nullity pleas against adjudicated sentences.

## COUNT ONE

## THE COMMON DESIGN AND CONSPIRACY

1. Between January 1933 and April 1945 all of the defendants herein, acting pursuant to a common design, unlawfully, wilfully, and knowingly did conspire and agree together and with each other and with divers other persons, to commit War Crimes and Crimes against Humanity, as defined in Control Council Law No. 10, Article II.

2. Throughout the period covered by this Indictment all of the defendants herein, acting in concert with each other and with others, unlawfully, wilfully, and knowingly were principals in, accessories to, ordered, abetted, took a consenting part in, and were connected with plans and enterprises involving, the commission of War Crimes and Crimes against Humanity.

3. All of the defendants herein, acting in concert with each other and with others, unlawfully, wilfully, and knowingly participated as leaders, organizers, instigators, and accomplices in the formulation and execution of the said common design, conspiracy, plans, and enterprises to commit, and which involved the commission of, War Crimes and Crimes against Humanity, and accordingly are individually responsible for their own acts and for all acts performed by any person or persons in execution of the said common design, conspiracy, plans, and enterprises.

4. The said common design, conspiracy, plans, and enterprises embraced the commission of War Crimes and Crimes against Humanity, as set forth in Counts Two and Three of this Indictment, in that the defendants unlawfully, wilfully, and knowingly encouraged, aided, abetted, and participated in the commission of atrocities and offenses against persons and property, including plunder of private property, murder, extermination, enslavement, deportation, unlawful imprisonment, torture, persecutions on political, racial, and religious grounds, and ill-treatment of, and other inhumane acts against thousands of persons, including German civilians, nationals of other countries, and prisoners of war.

5. It was a part of the said common design, conspiracy, plans, and enterprises to enact, issue, enforce, and give effect to certain purported statutes, decrees, and orders, which were criminal both in inception and execution, and to work with the Gestapo, SS, SD, SIPO, and RSHA

for criminal purposes, in the course of which the defendants, by distortion and denial of judicial and penal process, committed the murders, brutalities, cruelties, tortures, atrocities, and other inhumane acts, more fully de scribed in Counts Two and Three of this Indictment.

6. The said common design, conspiracy, plans, and enterprises embraced the assumption by the Reich Ministry of Justice of total control of the Administration of Justice, including preparation of legislation concerning all branches of law, and control of the courts and prisons. The supreme administration of justice in all German states was transferred to the Reich Ministry of Justice in 1934. Thereupon, certain extraordinary courts of a predominantly political nature, with wide and arbitrary criminal jurisdiction, were superimposed upon the existing ordinary court system. The People's Court (Volksgerichtshof) became the court of original and final jurisdiction in cases of "high treason" and "treason". This Court itself had jurisdiction over the investigation and prosecution of all cases before it, and there was no appeal from its decision. The Court's territorial jurisdiction was extended not only to all annexed countries of the Reich but also to the "Protectorate" (Bohemia and Moravia) in 1939. Beginning in 1933, Special Courts (Sondergerichte) also were superimposed upon the ordinary court system under the Reich Ministry of Justice. These Special Courts were of a character which had been outlawed until the NSDAP seizure of power. Jurisdiction of these Special Courts extended to all "political" cases, as well as to all acts deemed inimical to either the Party, the Government, or continued prosecution of the war. At least one Special Court was attached to every Court of Appeal (Oberlandesgericht); Public Prosecutors could arbitrarily refer thereto any case from the local courts (Amtsgerichte) or from the criminal division of the district courts (Landgerichte). Despite guaranties in the Weimar Constitution and the German Judicature Act, that no one may be deprived of his competent judge, and prohibitions against irregular tribunals, these courts were imposed upon Germany, as well as upon the "Protectorate" and the occupied countries.

7. The said common design, conspiracy, plans, and enterprises embraced the use of the judicial process as a powerful weapon for the persecution and extermination of all opponents of the Nazi regime regardless of nationality and for the persecution and extermination of "races". The special political tribunals mentioned above visited cruel punishment and death upon political opponents and members of certain "racial" and national groups. The People's Court was presided over by a minority of trusted Nazi lawyers, and a majority of equally trusted laymen appointed by Hitler from the Elite Guard and Party hierarchy. The People's Court in collaboration with the Gestapo became a terror

court, notorious for the severity of punishment, secrecy of proceedings, and denial to the accused of all semblance of judicial process. Punishment was meted out by Special Courts to victims under a law which condemned all who offended the "healthy sentiment of the people". Independence of the judiciary was destroyed. Judges were removed from the bench for political and "racial" reasons. Periodic "letters" were sent by the Ministry of Justice to all Reich judges and public prosecutors, instructing them as to the results they must accomplish. Both the bench and bar were continually spied upon by the Gestapo and SD, and were directed to keep disposition of their cases politically acceptable. Judges, prosecutors and, in many cases, defense counsel were reduced in effect to an administrative arm of the Nazi Party.

## COUNT TWO — WAR CRIMES

8. Between September 1939 and April 1945 all of the defendants herein unlawfully, wilfully, and knowingly committed War Crimes, as defined by Control Council Law No. 10, in that they were principals in, accessories to, ordered, abetted, took a consenting part in, and were connected with plans and enterprises involving the commission of atrocities and offenses against persons and property, including, but not limited to, plunder of private property, murder, torture, and illegal imprisonment of, and brutalities, atrocities, and other inhumane acts against thousands of persons. These crimes included, but were not limited to, the facts set out in Paragraphs 9 to 17, inclusive, of this Indictment, and were committed against civilians of occupied territories and members of the Armed Forces of nations then at war with the German Reich and who were in the custody of the German Reich in the exercise of belligerent control.

9. Extraordinary irregular courts, superimposed upon the regular court system, were used by all of the defendants for the purpose of and in fact creating a reign of terror to suppress political opposition to the Nazi regime. This was accomplished principally through the People's Court (Volksgerichtshof) and various Special Courts (Sondergerichte), which subjected civilians of the occupied countries to criminal abuse of judicial and penal process including repeated trials on the same charges, criminal abuse of discretion, unwarranted imposition of the death penalty, pre-arrangement of sentences between judges and prosecutors, discriminatory trial processes, and other criminal practices, all of which resulted in murders, brutalities, cruelties, tortures, atrocities, plunder of private property, and other inhumane acts.

10. Special Courts subjected Jews of all nationalities, Poles, Ukranians, Russians, and other nationals of the occupied Eastern territories, indiscriminately classed as "Gypsies", to discriminatory and special penal laws and trials, and denied them all semblance of judicial process. These persons who had been arbitrarily designated "asocial" by conspiracy and agreement between the Ministry of Justice and the SS were turned over by the Ministry of Justice, both during and after service of prison sentences, to the SS to be worked to death. Many such persons were given a summary travesty of trial before extraordinary courts, and after serving the sentences imposed upon them, were turned over to the Gestapo for "protective custody" in concentration camps. Jews dis-

charged from prison were turned over to the Gestapo for final detention in Auschwitz, Lublin, and other concentration camps. The above-described proceedings resulted in the murder, torture, and ill-treatment of thousands of such persons. The defendants von Ammon, Engert, Klemm, Schlegelberger, Mettgenberg, Rothenberger, and Westphal are charged with special responsibility for and participation in these crimes.

11. The German criminal laws, through a series of expansions and perversions by the Ministry of Justice, finally embraced passive defeatism, petty misdemeanors and trivial private utterances as treasonable for the purpose of exterminating Jews or other nationals of the occupied countries. Indictments, trials and convictions were transparent devices for a system of murderous extermination and death became the routine penalty. Jurisdiction of the German criminal code was extended to the entire world, to cover acts of non-Germans as well as Germans living outside the Reich. Non-German nationals were convicted of and executed for "high treason" allegedly commited against the Reich. The above-described proceedings resulted in the murder, torture, unlawful imprisonment, and ill-treatment of thousands of persons. The defendants Barnickel, Cuhorst, Klemm, Lautz, Mettgenberg, Nebelung, Oeschey, Petersen, Rothaug, Rothenberger, Schlegelberger, and Westphal are charged with special responsibility for and participation in these crimes.

12. The Justice Ministry aided and implemented the unlawful annexation and occupation of Czechoslovakia, Poland, and France. Special Courts were created to facilitate the extermination of Poles and Jews and the suppression of political opposition generally by the employment of summary procedures and the enforcement of Draconic penal laws. Sentences were limited to death or transfer to the SS for extermination. The People's Court and Special Courts were projected into these countries, irregular prejudicial regulations and procedures were invoked without notice (even in violation of the Reich Criminal Code as unlawfully extended to other occupied territories), sentences were pre-arranged, and trial and execution followed service of the indictment within a few hours. The above-described proceedings resulted in the murder, ill-treatment, and unlawful imprisonment of thousands of persons. The defendants Klemm, Lautz, Mettgenberg, Schlegelberger, and Westphal are charged with special responsibility for and participation in these crimes.

13. The Ministry of Justice participated with the OKW and the Gestapo, in the execution of Hitler's decree of "night and fog" (Nacht und Nebel) whereby civilians of occupied territories who had been accused of crimes of resistance against occupying forces were spirited away for secret trial by certain Special Courts of the Justice Ministry within the Reich, in the course of which the victims' whereabouts, trial, and sub-

sequent disposition were kept completely secret, thus serving the dual purpose of terrorizing the victims' relatives and associates and barring recourse to any evidence, witnesses, or counsel for defense. The accused was not informed of the disposition of his case, and in almost every instance those who were acquitted or who had served their sentences were handed over by the Justice Ministry to the Gestapo for "protecive custody" for the duration of the war. In the course of the above-described proceedings, thousands of persons were murdered, tortured, ill-treated and illegally imprisoned. The defendants Altstoetter, von Ammon, Engert, Joel, Klemm, Mettgenberg, and Schlegelberger are charged with special responsibility for and participation in these crimes.

14. Hundreds of non-German nationals imprisoned in penal institutions operated by the Reich Ministry of Justice were unlawfully executed and murdered. Death sentences were executed in the absence of the necessary official orders, and while clemency pleas were pending. Many who were not sentenced to death were executed. In the face of Allied military advances so-called "inferior" or "asocial" prison inmates were, by Ministry order, executed regardless of sentences under which they served. In many instances these penal institutions were operated in a manner indistinguishable from concentration camps. The defendants Engert, Joel, Klemm, Lautz, Mettgenberg, Rothenberger and Westphal are charged with special responsibility for and participation in these crimes.

15. The Ministry of Justice participated in the Nazi program of racial purity persuant to which sterilization and castration laws were perverted for the extermination of Jews, "asocials", and certain nationals of the occupied territories. In the course of the program thousands of Jews were sterilized. Insane, aged, and sick nationals of occupied territories, the so-called "useless eaters", were systematically murdered. In the course of the above described proceedings thousands of persons were murdered and ill-treated. The defendants Lautz, Schlegelberger, and Westphal are charged with special responsibility for and participation in these crimes.

16. The Ministry of Justice granted immunity to and amnesty following prosecutions and convictions of Nazi Party members for major crimes committed against civilians of occupied territories. Pardons were granted to members of the Party who nad been sentenced for proved offenses. On the other hand, discriminatory measures against Jews, Poles, "Gypsies", and other designated "asocials" resulted in harsh penal measures and death sentences, deprivation of rights to file private suits and rights of appeal, denial of right to receive amnesty and to file clemency pleas, denial of right of counsel, imposition of special criminal laws permitting the death penalty for all crimes and misdemeanors and,

finally, in the transfer to the Gestapo for "special treatment" of all cases in which Jews were involved. The defendants von Ammon, Joel, Klemm, Rothenberger, and Schlegelberger are charged with special responsibility for and participation in these crimes.

17. By decrees signed by the Reich Minister of Justice and others, the citizenship of all Jews in Bohemia and Moravia was forfeited upon their change of residence by deportation or otherwise; and upon their loss of citizenship their properties were automatically confiscated by the Reich. There were discriminatory changes in the family and inheritance laws by which Jewish property was forfeited at death to the Reich with no compensation to the Jewish heirs. The defendants Altstoetter and Schlegelberger are charged with special responsibility for and participation in these crimes.

18. The Ministry of Justice through suspension and quashing of criminal process, participated in Hitler's program of inciting the German civilian population to murder Allied airmen forced down within the Reich. The defendants Klemm and Lautz are charged with special responsibility for and participation in these crimes.

19. The said War Crimes constitute violations of international conventions, particularly of Articles 4, 5, 6, 7, 23, 43, 45, 46, and 50 of the Hague Regulations, 1907, and of Articles 2, 3, and 4 of the Prisoner-of-War Convention (Geneva, 1929), the laws and customs of war, the general principles of criminal law as derived from the criminal laws of all civilized nations, the internal penal laws of the countries in which such crimes were committed, and of Article II of Control Council Law No. 10.

## COUNT THREE — CRIMES AGAINST HUMANITY

20. Between September 1939 and April 1945 all of the defendants herein unlawfully, wilfully, and knowingly committed Crimes against Humanity as defined by Control Council Law No. 10, in that they were principals in, accessories to, ordered, abetted, took a consenting part in, and were connected with plans and enterprises involving the commission of atrocities and offenses, including but not limited to murder, extermination, enslavement, deportation, illegal imprisonment, torture, persecution on political, racial and religious grounds, and ill-treatment of, and other inhumane acts against German civilians and nationals of occupied countries.

21. Extraordinary irregular courts were used by all of the defendants in creating a reign of terror to suppress political opposition to the German Reich, in the course of which German civilians and nationals of occupied countries were subjected to criminal abuses of judicial and penal process, resulting in murders, brutalities, cruelties, tortures, atrocities, plunder of private property, and other inhumane acts. These crimes are further particularized in Paragraph 9 of this Indictment, which is incorporated herein by reference.

22. Special Courts subjected certain German civilians, and nationals of occupied countries to discriminatory and special penal laws and trials, and denied them all semblance of judicial process. Convicted German civilians and nationals of other countries who were deemed to be political prisoners and criminals designated as "asocial", were turned over to the Reich Security Main Office (RSHA) for extermination in concentration camps. These crimes are further particularized in Paragraph 10 of this Indictment, which is incorporated herein by reference. The defendants von Ammon, Engert, Joel, Klemm, Lautz, Mettgenberg, and Rothenberger are charged with special responsibility for and participation in these crimes.

23. The German criminal laws, through a series of additions, expansions, and perversions by the defendants became a powerful weapon for the subjugation of the German people and for the extermination of certain nationals of the occupied countries. This program resulted in the murder, torture, illegal imprisonment, and ill-treatment of thousands of Germans and nationals of occupied countries. These crimes are further particularized in Paragraph 11 of this Indictment, which is incorporated herein by reference. The defendants Barnickel, Cuhorst, Klemm, Lautz, Mettgenberg, Nebelung, Oeschey, Petersen, Rothaug, Rothen-

berger, Schlegelberger, and Westphal are charged with special responsibility for and participation in these crimes.

24. The Ministry of Justice, through the People's Court and certain Special Courts, aided and implemented the unlawful annexation and occupation of Czechoslovakia, Poland and France. These crimes are further particularized in Paragraph 12 of this Indictment, which is incorporated herein by reference. The defendants Klemm, Lautz, Mettgenberg, Schlegelberger, and Westphal are charged with special responsibility for and participation in these crimes.

25. The Ministry of Justice participated in the decree of "Night and Fog" (Nacht und Nebel) whereby certain persons who committed offenses against the Reich or the German forces in occupied territories were taken secretly by the Gestapo to Germany and handed over to the Special Courts for trial and punishment. This program resulted in the murder, torture, illegal imprisonment, and ill-treatment of thousands of persons. These crimes are further particularized in Paragraph 13 of this Indictment, which is incorporated herein by reference. The defendants Altstoetter, von Ammon, Engert, Joel, Klemm, Mettgenberg, and Schlegelberger are charged with special responsibility for and participation in these crimes.

26. In penal institutions operated by the Reich Ministry of Justice, hundreds of German civilians and nationals of other countries were subjected to murders, brutalities, cruelties, tortures, atrocities, and other inhumane acts. The particulars concerning these crimes are set forth in Paragraph 14 of this Indictment. The defendants Engert, Joel, Klemm, Lautz, Mettgenberg, Rothenberger, and Westphal are charged with special responsibility for and participation in these crimes.

27. Special Health Courts (Erbgesundheitgerichte) perverted eugenic and sterilization laws or policies regarding German civilians and nationals of other countries which resulted in the systematic murder and ill-treatment of thousands of persons. Thousands of German civilians and nationals of other countries committed to institutions for the insane, were systematically murdered. These crimes are further particularized in Paragraph 15 of Count Two of this Indictment, which is incorporated herein by reference. The defendants Lautz, Schlegelberger, and Westphal are charged with special responsibility for and participation in these crimes.

28. The Ministry of Justice granted immunity to and amnesty following prosecutions and convictions of Party members for major crimes committed against civilians of occupied territories. Pardons were granted to members of the Party who had been sentenced for proved offenses. On the other hand, discriminatory judicial proceedings were imposed

against so-called "asocial" German nationals and civilians of the occupied countries. These crimes are further particularized in Paragraph 16 of Count Two of this Indictment and are incorporated herein by reference. The defendants von Ammon, Joel, Klemm, Mettgenberg, Rothenberger, and Schlegelberger are charged with special responsibility for and participation in these crimes.

29. Discriminatory changes made in the German family and inheritance laws for the sole purpose of confiscating Jewish properties, were enforced by the Justice Ministry. All Jewish properties were forfeited at death to the Reich. Jews and Poles, both in Germany and in the occupied countries, were deprived of their citizenship, their property was seized and confiscated, and they were deprived of means of earning a livelihood, by the State, by Party organizations, and by individual members of the Party. These crimes are further particularized in Paragraph 17 of this Indictment, which is incorporated herein by reference. The defendants Altstoetter and Schlegelberger are charged with special responsibility for and participation in these crimes.

30. The Ministry of Justice through suspension and quashing of criminal process, participated in Hitler's program of inciting the German civilian population to murder Allied airmen forced down within the Reich. This program resulted in the murder, torture, and ill-treatment of many persons. These crimes are further particularized in Paragraph 18 of this Indictment, which is incorporated herein by reference. The defendants Klemm and Lautz are charged with special responsibility for and participation in these crimes.

31. The said Crimes against Humanity constitute violations of international conventions, including Article 46 of the Hague Regulations, 1907, the laws and customs of war, the general principles of criminal law as derived from the criminal laws of all civilized nations, the internal penal laws of the countries in which such crimes were committed, and of Article II of Control Council Law No. 10.

## COUNT FOUR

## MEMBERSHIP IN CRIMINAL ORGANIZATIONS

32. The defendants Altstoetter, Cuhorst, Engert, and Joel are guilty of membership in an organization declared to be criminal by the International Military Tribunal in Case No. 1, in that each of the said defendants was a member of DIE SCHUTZSTAFFELN DER NATIONAL SOZIALISTISCHEN DEUTSCHEN ARBEITERPARTEI (commonly known as the "SS") after 1 September 1939.

33. The defendants Cuhorst, Oeschey, Nebelung, and Rothaug are guilty of membership in an organization declared to be criminal by the International Military Tribunal in Case No. 1, in that Cuhorst, Oeschey, and Rothaug were members of the Leadership Corps of the Nazi Party at Gau level after 1 September 1939, and in that Nebelung was an Ortsgruppenleiter of the Leadership Corps of the Nazi Party after 1 September 1939.

34. The defendant Joel is guilty of membership in an organization declared to be criminal by the International Military Tribunal in Case No. 1, in that the said defendant was a member of DER SICHERHEITSDIENST DES REICHSFUEHRER SS (commonly known as the "SD") after 1 September 1939.

Such memberships are in violation of Paragraph I (d) Article II of Control Council Law No. 10.

WHEREFORE, this Indictment is filed with the Secretary General of the Military Tribunals and the charges herein made against the above named defendants are hereby presented to the Military Tribunals.

Acting on Behalf of the United States of America

TELFORD TAYLOR
Brigadier General, U. S. Army
Chief of Counsel for War Crimes

Nurnberg, 4 January 1947

# MILITARY TRIBUNALS

CASE No. 4

**THE UNITED STATES OF AMERICA**

— against —

**OSWALD POHL, AUGUST FRANK, GEORG LOERNER, HEINZ KARL FANSLAU, HANS LOERNER, JOSEPH VOGT, ERWIN TSCHENTSCHER, RUDOLF SCHEIDE, MAX KIEFER, FRANZ EIRENSCHMALZ, KARL SOMMER, HERMAN POOK, HANS BAIER, HANS HOHBERG, LEO VOLK, KARL MUMMENTHEY, HANS BOBERMIN, and HORST KLEIN,**

Defendants

OFFICE OF MILITARY GOVERNMENT FOR GERMANY (US
NURNBERG 1947

und Verwaltungshauptamt, commonly known as "WVHA") and Chief of

# INDICTMENT

The United States of America, by the undersigned Telford Taylor, Chief of Counsel for War Crimes, duly appointed to represent said Government in the prosecution of war criminals, charges that the defendants herein participated in a Common Design or Conspiracy to commit and did commit War Crimes and Crimes against Humanity, as defined in Control Council Law No. 10, duly enacted by the Allied Control Council on 20 December 1945. These crimes included murders, brutalities, cruelties, tortures, atrocities, deportations, enslavement, forced labor, plunder of property, and other inhumane and unlawful acts, as set forth in Counts One, Two, and Three of this Indictment. All but one of the defendants herein are further charged with membership in a Criminal Organization, as set forth in Count Four of this Indictment.

The persons accused as guilty of these crimes and accordingly named as defendants in this case are:

OSWALD POHL — Obergruppenfuehrer in the Schutzstaffeln der Nationalsozialistischen Deutschen Arbeiterpartei (commonly known as the "SS") and General of the Waffen-SS (Lieutenant General); Chief of the SS Main Economic and Administrative Department (SS Wirtschafts- ~~the "SS") and General of the Waffen-SS (Lieutenant General); Chief of~~ Division W of the WVHA.

AUGUST FRANK — Obergruppenfuehrer in the SS and General of the Waffen-SS (Lieutenant General); Deputy Chief of the WVHA and Chief of Division A of the WVHA.

GEORG LOERNER — Gruppenfuehrer in the SS and Generalleutnant of the Waffen-SS (Major General); Deputy Chief of the WVHA, Chief of Division B of the WVHA, and Deputy Chief of Division W of the WVHA.

HEINZ KARL FANSLAU — Brigadefuehrer in the SS and Generalmajor of the Waffen-SS (Brigadier General); Chief of Division A of the WVHA.

HANS LOERNER — SS Oberfuehrer (Senior Colonel) and Chief of Office I of Division A of the WVHA.

JOSEPH VOGT — SS Standartenfuehrer (Colonel) and Chief of Office IV of Division A of the WVHA.

ERWIN TSCHENTSCHER — SS Standartenfuehrer (Colonel); Deputy Chief of Division B and Chief of Office I of Division B of the WVHA.

RUDOLF SCHEIDE — SS Standartenfuehrer (Colonel) and Chief of Office V of Division B of the WVHA.

MAX KIEFER — SS Obersturmbannfuehrer (Lieutenant Colonel) and Chief of Office II of Division C of the WVHA.

FRANZ EIRENSCHMALZ — SS Standartenfuehrer (Colonel) and Chief of Office VI of Division C of the WVHA.

KARL SOMMER — SS Sturmbannfuehrer (Major) and Deputy Chief of Office II of Division D of the WVHA.

HERMANN POOK — Obersturmbannfuehrer (Lieutenant Colonel) of the Waffen-SS and Chief Dentist of the WVHA, of Office III, Division D.

HANS HEINRICH BAIER — SS Oberfuehrer (Senior Colonel) and Amtschef Stab (Executive Officer) of Division W of the WVHA.

HANS HOHBERG — Amtschef Stab (Executive Officer) of Division W of the WVHA.

LEO VOLK — SS Hauptsturmfuehrer (Captain), personal advisor (Persoenlicher Referent) on Pohl's staff, and head of the legal section (Leiter der Rechtsabteilung) in the Executive Office of Division W of the WVHA.

KARL MUMMENTHEY — SS Obersturmbannfuehrer (Lieutenant Colonel) and Chief of Office I of Division W of the WVHA.

HANS BOBERMIN — SS Obersturmbannfuehrer (Lieutenant Colonel) and Chief of Office II of Division W of the WVHA.

HORST KLEIN — SS Obersturmbannfuehrer (Lieutenant Colonel) and Chief of Office VIII of Division W of the WVHA.

## COUNT ONE

## THE COMMON DESIGN OR CONSPIRACY

1. Between January 1933 and April 1945 all of the defendants herein, acting pursuant to a common design, unlawfully, wilfully, and knowingly did conspire and agree together and with each other and with divers other persons, to commit War Crimes and Crimes against Humanity, as defined in Control Council Law No. 10, Article II.

2. Throughout the period covered by this Indictment all of the defendants herein, acting in concert with each other and with others, unlawfully, wilfully, and knowingly were principals in, accessories to, ordered, abetted, took a consenting part in, and were connected with plans and enterprises involving the commission of War Crimes and Crimes against Humanity.

3. It was a part of the said common design, conspiracy, plans, and enterprises

to formulate and carry out ways and means for financing the Schutzstaffeln der Nationalsozialistischen Deutschen Arbeiterpartei (commonly known as the "SS") and each of its various purposes, functions, activities, and enterprises;

to establish, maintain, operate, and administer throughout Germany and other countries concentration camps and labor camps in which thousands of persons, including prisoners of war, German civilians, and nationals of other countries, were unlawfully imprisoned, enslaved, tortured, and murdered;

to formulate and carry out plans to supply the labor and services of the inmates of concentration camps to various industries, enterprises, and undertakings throughout Germany and other countries;

to furnish human subjects for criminal medical, surgical, and biological experimentation and to assist in formulating and carrying out the plans for such unlawful experiments;

to carry out the policies and purposes of the German Reich with reference to the extermination of the Jews;

to carry out the policies and purposes of the German Reich with reference to the sterilization and castration of certain groups of peoples;

to carry out the policies and purposes of the German Reich with reference to the unlawful treatment of prisoners of war;

to carry out the so-called "euthanasia" program of the German Reich; and

to deport the citizens of countries occupied by the armed forces of the German Reich, plundering their property and impressing their services and labor for the German Reich.

4. Throughout the period covered by this indictment all of the defendants herein were associated with the Main Economic and Administrative Department (Wirtschafts- und Verwaltungshauptamt, commonly known as the "WVHA"), which was one of the twelve main departments of the SS.

5. The defendant Oswald Pohl was the head of the WVHA and the defendants August Frank und Georg Loerner were his deputies. The

WVHA was divided into Amtsgruppen (office groups or divisions), which were inter-related in their operations, purposes, and functions.

6. Amtsgruppe A, among other things, discharged the responsibility for financial matters of the SS, including those relating to its concentration camps. This Amtsgruppe was sub-divided into five offices or Aemter, which were charged with responsibility for certain parts of the entire financial administration. The defendants August Frank and Heinz Karl Fanslau were, successively, heads of Amtsgruppe A. The defendants Hans Loerner, August Frank, Joseph Vogt and Heinz Karl Fanslau were heads of offices or Aemter within this Amtsgruppe A.

7. Amtsgruppe B, among other things, was responsible for the supply of food and clothing for inmates of the concentration camps, and of food, uniforms, equipment, billets, and camp quarters for the members of the SS. It was sub-divided into five offices or Aemter. The defendant Georg Loerner was the chief of Amtsgruppe B, and the defendant Erwin Tschentscher was his deputy and chief of one of the offices or Aemter within this Amtsgruppe B. The defendant Rudolf Scheide was head of an office or Amt within this Amtsgruppe B.

8. Amtsgruppe C, among other things was charged with the construction and maintenance of houses, buildings, and structures of the SS, the German Police, and of the concentration camps and prisoner of war camps. It was sub-divided into six offices or Aemter. The defendants Max Kiefer and Franz Eirenschmalz were heads of Aemter or offices within this Amtsgruppe C.

9. Amtsgruppe D, which prior to March 1942 was known as the Inspectorate of Concentration Camps, was responsible, among other things, for the administration of the concentration camps and of the concentration camp inmates. It was responsible for the food, clothing, housing, sanitation, and medical care of the concentration camp inmates, and of the order, discipline, and regulation of the lives of the inmates. It was charged with the supply of the forced services and labor of the concentration camp inmates to public and private employers throughout Germany and the occupied countries. It was sub-divided into six offices or Aemter. The defendant Karl Sommer was the deputy chief of one of the offices or Aemter of Amtsgruppe D, responsible for the supply of the services and labor of concentration camp inmates. The defendant Hermann Pook was in charge of matters relating to dentistry affecting the concentration camp inmates.

10. Amtsgruppe W, among other things, was responsible for the operation and maintenance of various industrial, manufacturing, and service enterprises throughout Germany and the occupied countries. It was also responsible for providing clothing for concentration camp in-

mates. In the operation of the enterprises under its control, this Amtsgruppe employed many concentration camp inmates. It was sub-divided into eight offices or Aemter. The defendant Oswald Pohl was the head of Amtsgruppe W, the defendant Georg Loerner was his deputy, and the defendants Hans Hohberg and Hans Baier were his executive assistants. The defendant Leo Volk was personal adviser on the staff of Oswald Pohl and head of the legal section of the Executive Office of Amtsgruppe W, and the defendants Karl Mummenthey, Hans Bobermin, and Horst Klein were heads of offices or Aemter within this Amtsgruppe.

11. All of the defendants herein, acting in concert with each other and with others, unlawfully, wilfully, and knowing participated as leaders, organizers, instigaters, and accomplices in the formulation and execution of the said common design, conspiracy, plans, and enterprises to commit, and which involved the commission of War Crimes and Crimes against Humanity, and accordingly are individually responsible for their own acts and for all acts performed by any person or persons in execution of the said common design, conspiracy, plans, and enterprises.

12. The said common design, conspiracy, plans, and enterprises embraced the commission of War Crimes and Crimes against Humanity, as set forth in Counts Two and Three of this Indictment, in that the defendants unlawfully, wilfully, and knowingly encouraged, aided, abetted, and participated in the commission of atrocities and offenses against persons and property, including plunder of public and private property, murder, extermination, enslavement, deportation, unlawful imprisonment, torture, persecutions on political, racial and religious grounds, ill-treatment of, and other inhumane and unlawful acts against thousands of persons, including German civilians, nationals of other countries, and prisoners of war.

## COUNT TWO — WAR CRIMES

13. Between September 1939 and April 1945 all of the defendants herein unlawfully, wilfully, and knowingly committed War Crimes, as defined by Control Council Law No. 10, in that they were principals in, accessories to, ordered, abetted, took a consenting part in, and were connected with plans and enterprises involving the commission of atrocities and offenses against persons and property, including, but not limited to, plunder of public and private property, murder, torture, illegal imprisonment, and enslavement and deportation to slave labor of, and brutalities, atrocities, and other inhumane and criminal acts against thou-

sands of persons. These crimes embraced, but were not limited to, the particulars set out in Paragraphs 4 to 10, inclusive, of this Indictment, which are incorporated herein by reference and the acts charged in Paragraphs 14 to 22, inclusive, and were committed against the civilian populations of occupied territories and prisoners of war.

14. The concentration camps were the principal means through which the defendants committed the crimes charged. The WVHA took over jurisdiction of the concentration camps in Germany and the occupied countries and territories in the spring of 1942, and was charged with their operation, maintenance, and administration, and the establishment of new concentration camps. It was responsible for the food, clothing, housing, sanitation, and medical care of the inmates, and for the order, regulations, and discipline of their lives, and had power to exact the death penalty for infraction of its rules.

15. The WVHA discharged the responsibility for the supply of the forced labor and services of concentration camp inmates and the allotment of such supply to public and private employers throughout Germany and the occupied countries and territories. It also forced thousands of concentration camp inmates and other persons into employment in the various industrial, and commercial enterprises which it operated.

16. The established policy of the WVHA was to extract from the inmates of the concentration camps the greatest possible amount of work with the smallest possible amount of food, clothing, housing, sanitation, medical and surgical services, and other necessary provisions or facilities. This policy resulted, forseeably, in the deaths of thousands of people from disease or sheer physical exhaustion. For the vast majority of inmates, there was no provision for eventual release from the concentration camps, except through death, and little or no provision or plan for sustaining life in those incapable of work. Epidemics of disease were treated by killing those afflicted. As a result of this policy, the disposal of bodies of the dead became a problem of insurmountable proportions.

17. Concentration camp inmates were transported from one camp to another as the demands for labor and other circumstances might require. Thousands died on these transports from over-crowding, suffocation, hunger, thirst, cold, disease, physical exhaustion, and treatment by the SS guards. They were often forced to march long distances in cold weather with inadequate shoes and clothing.

18. The murders, torture and ill treatment charged were carried out by the defendants by divers methods, including gassing, shooting, hanging, whipping, beating, gross over-crowding, systematic under-nourishment, systematic imposition of labor tasks beyond the strength

of those ordered to carry them out, medical, surgical, and biological experimentation on involuntary human subjects, criminal sterilization and castration of involuntary human subjects, inadequate provision of surgical and medical services, inadequate clothing, housing and sanitation, exposure to cold, over-work, and grossly inadequate facilities for transporting persons to and from concentration camps and labor camps.

19. In Poland, Russia, and other countries the defendants assisted in planning and carrying out the plunder, spoliation, and confiscation of real and personal property of Jewish, Russian, Polish and other private owners, of churches, communities, towns, cities, and states, the deportation to slave labor and other purposes of civilians there resident, and the resettlement of such regions by peoples asserted by the Nazis to be Aryans. The defendants systematically confiscated the personal property of living and deceased inmates of concentration camps.

20. Civilians and prisoners of war from all the countries of Europe were deported from their homelands and herded into the concentration camps, some of which were fitted with special installations, such as gas-chambers and sealed buses, for their mass execution. Countless Jews, Poles, and Russians, upon their arrival into the concentration camps, were immediately driven from the transport trains and trucks into the waiting gas-chambers, where they were exterminated. Throughout the administration of the concentration camps, the worst treatment was systematically given Jews of all nationalities and Poles and Russians.

21. The defendants assisted in planning and carrying out plans for the subjugation and extermination of entire "races" and nationalities considered inferior by the Nazi hierarchy. Clergymen, attorneys, intellectuals, and other persons were hunted down and transported to the concentration camps, where they were subjected to a calculated process of murder, torture, and ill treatment which the defendants perfected and were ever ready to administer. Experiments were carried out to determine how most efficiently to use the labor and services of the living members of undesired "races" and nationalities and to insure that such persons would be unable to propagate their kind. Inmates of concentration camps were forced to undergo castration and sterilization and to submit to experiments whose purpose was to ascertain a method by which mass sterilization of "undesirable persons" might be effected. Countless persons, including nationals of occupied territories, were murdered in the so-called "euthanasia" program of the German Reich.

22. The defendants assisted in planning and carrying out medical, surgical and biological experiments upon hundreds of involuntary human subjects, without regard to the lives of such subjects, resulting in the murder, torture, and ill treatment of hundreds of persons.

23. The said War Crimes constitute violations of international conventions, particularly Articles 3, 4, 5, 6, 7, 14, 18, 23, 43, 46, 50, 52, 55, and 56 of the Regulations respecting the Laws and Customs of War on Land, annexed to the Hague Convention of October 18, 1907, and Articles 2, 3, 4, 6, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 23, 24, 25, 26, 27, 28, 29, 30, 31, 33, 34, 36, 42, 46, 47, 48, 50, 51, 54, 56, 57, 60, 62, 63, 65, 66, 67, 68, 76, and 77 of the Prisoners of War Convention (Geneva, 1929), the laws and customs of war, the general principles of criminal law as derived from the criminal laws of all civilized nations, the internal penal laws of the countries in which such crimes were committed, and were declared, recognized and defined as crimes by Article II of Control Council Law No. 10.

## COUNT THREE — CRIMES AGAINST HUMANITY

24. Between September 1939 and April 1945 all of the defendants herein unlawfully, wilfully, and knowingly committed Crimes against Humanity as defined by Control Council Law No. 10, in that they were principals in, accessories to, ordered, abetted, took a consenting part in, and were connected with plans and enterprises involving the commission of atrocities and offenses, including but not limited to murder, extermination, enslavement, deportation, illegal imprisonment, torture, persecution on political, racial and religious grounds, and ill-treatment of, and other inhumane and criminal acts against thousands of persons. These crimes embraced, but were not limited to, the particulars set out in Paragraphs 4 to 10, inclusive, and the acts charged in Paragraphs 14 to 22, inclusive, of this Indictment, which are incorporated herein by reference, and were committed against German civilians and nationals of other countries.

25. The said Crimes against Humanity constitute violations of international conventions, including the Articles of the Hague Regulations, 1907, and of the Prisoners of War Convention (Geneva, 1929) enumerated in Paragraph 23 of this Indictment, the laws and customs of war, the general principles of criminal law as derived from the criminal laws of all civilized nations, the internal penal laws of the countries in which such crimes were committed, and were declared, recognized and defined as crimes by Article II of Control Council Law No. 10.

## COUNT FOUR

## MEMBERSHIP IN CRIMINAL ORGANIZATION

26. All of the defendants herein, except defendant Hohberg, are charged with membership, subsequent to September 1, 1939, in the Schutzstaffeln der Nationalsozialistischen Deutschen Arbeiterpartei (commonly known as the "SS"), declared to be criminal by the International Military Tribunal and Paragraph 1 (d) Article II of Control Council Law No. 10.

WHEREFORE, this Indictment is filed with the Secretary General of the Military Tribunals and the charges herein made against the above named defendants are hereby presented to the Military Tribunals.

TELFORD TAYLOR
Brigadier General, U. S. Army
Chief of Counsel for War Crimes
Acting on Behalf of the United States of America

Nurnberg, 13 January, 1947

# MILITARY TRIBUNALS

CASE No. 5

**THE UNITED STATES OF AMERICA**

— against —

FRIEDRICH FLICK, OTTO STEINBRINCK, ODILO BURKART, KONRAD KALETSCH, BERNHARD WEISS and HERMANN TERBERGER

Defendants

OFFICE OF MILITARY GOVERNMENT FOR GERMANY (US)
NURNBERG 1947

# INDICTMENT

The United States of America, by the undersigned Telford Taylor, Chief of Counsel for War Crimes, duly appointed to represent said Government in the prosecution of war criminals, charges that the defendants herein committed War Crimes and Crimes against Humanity, as defined in Control Council Law No. 10, duly enacted by the Allied Control Council on 20 December 1945. These crimes included murders, brutalities, cruelties, tortures, atrocities, deportation, enslavement, plunder of public and private property, persecutions, and other inhumane acts as set forth in Counts One, Two, Three, and Four of this Indictment.

The persons accused as guilty of these crimes and accordingly named as defendants in this case are:

FRIEDRICH FLICK — The principal proprietor, dominating influence, and active head of a large group of industrial enterprises (the most important of which are described in Appendix A hereof) including coal and iron mines and steel producing and fabricating plants, sometimes collectively referred to herein as the "Flick Concern"; member of the Aufsichtsrat (supervisory board) of numerous other large industrial and financial companies; Wehrwirtschaftsfuehrer (military economy leader); member of the Praesidium of Reichsvereinigung Kohle and of Reichsvereinigung Eisen (official bodies for regulation of the coal and iron and steel industries); member of the Kleiner Kreis ("Small Circle"), a small group of leaders of the iron, coal and steel industry which exercised great influence over the industry for many years before and during the war; member of the Verwaltungsrat (supervisory board) of the Berg- und Huettenwerke Ost G. m. b. H. (BHO), a government sponsored company for exploitation of the Russian mining and smelting industries; member of the Beirat (advisory council) of the Wirtschaftsgruppe Eisenschaffende Industrie (Economic Group of the Iron Producing Industry); member of the "Circle of Friends" of Himmler, which gave financial and other support to Die Schutzstaffeln der Nationalsozialistischen Deutschen Arbeiterpartei (commonly known as the SS); member of the Nationalsozialistische Deutsche Arbeiterpartei (Nazi Party, usually abbreviated "NSDAP").

OTTO STEINBRINCK — A leading official of numerous Flick enterprises and Flick's principal assistant in the operation of such enterprises from 1925 until the end of 1939; thereafter a leading official of Vereinigte Stahlwerke A. G. and affiliated companies; member of supervisory and executive boards of several other private and governmental organizations; Wehrwirtschaftsfuehrer; Generalbeauftragter fuer die Stahlindustrie (Plenipotentiary General for the steel industry) in the occupied territories of northern France, Luxembourg, and Belgium; Beauftragter Kohle West (Plenipotentiary for coal in the western occupied territories) including all of France, Holland, Belgium, and Luxembourg; member of the "Circle of Friends" of Himmler; member of the Praesidium of the Reichsvereinigung Kohle; Brigadefuehrer (Brigadier General) in the SS and recipient of several SS decorations.

ODILO BURKART — A leading official of numerous Flick enterprises and a close associate of Flick; an official of Reichsvereinigung Eisen and of the Wirtschaftsgruppe Eisenschaffende Industrie; Wehrwirtschaftsfuehrer.

KONRAD KALETSCH — A leading official of numerous Flick enterprises and a close associate of Flick; Wehrwirtschaftsfuehrer; member of the NSDAP.

BERNHARD WEISS — A leading official of numerous Flick enterprises and a close associate of Flick; Wehrwirtschaftsfuehrer; principal official and owner of Siegener Maschinenbau A. G. (Siemag).

HERMANN TERBERGER — A leading official of numerous Flick enterprises including, particularly, the Eisenwerkgesellschaft Maximilianshuette G. m. b. H., and a close associate of Flick; member of the NSDAP; member of Die Sturmabteilungen der NSDAP (commonly known as the SA).

## COUNT ONE

1. Between September 1939 and May 1945 all the defendants committed War Crimes and Crimes against Humanity, as defined by Article II of Control Council Law No. 10, in that they were principals in, accessories to, ordered, abetted, took a consenting part in, were connected with plans and enterprises involving, and were members of organizations or groups connected with: enslavement and deportation to slave labor on a gigantic scale of members of the civilian populations of countries and territories under the belligerent occupation of, or otherwise controlled by, Germany; enslavement of concentration camp inmates including German nationals; and the use of prisoners of war in war operations and work having a direct relation with war operations, including the manufacture and transportation of armaments and munitions. In the course of these activities hundreds of thousands of persons were enslaved, deported, ill treated, terrorized, tortured, and murdered.

2. The acts, conduct, plans, and enterprises charged in Paragraph 1 of this Count were carried out as part of the slave labor program of the Third Reich, in the course of which millions of persons including women and children were subjected to forced labor under cruel and inhumane conditions which resulted in widespread suffering and many deaths. At least 5,000,000 workers were deported to Germany. The conscription of labor was accomplished in many cases by drastic and violent methods. Workers destined for the Reich were sent under guard to Germany, often packed in trains without adequate heat, food, clothing or sanitary facilities. Other inhabitants of occupied countries were conscripted and compelled to work in their own countries to assist the German war economy. The resources and needs of the occupied countries were completely disregarded in the execution of the said plans and enterprises as were the family honor and rights of the civilian populations involved. Prisoners of war were assigned to work directly related to war operations, including work in armaments factories. The treatment of slave laborers and prisoners of war was based on the principle that they should be fed, sheltered, and treated in such a way as to exploit them to the greatest prossible extent at the lowest expenditure.

3. During the period from approximately May 1942 to 1945, the defendant Flick was a member of the Praesidium (governing board) of the Reichsvereinigung Eisen (commonly referred to as the RVE), an official organization for the regulation of the entire German iron and steel industry. The defendants Burkart and Terberger also held official positions and exercised important functions in the RVE and assisted and advised Flick with respect to RVE matters. This organization, the Praesidium of which was largely composed of leading industrialists of the iron and steel industries, was given wide powers by the government anti exercised pervasive influence and authority in these industries. The RVE had wide authority and exercised important functions with respect to the procurement, allocation, use, and treatment of slave labor and prisoners of war. The influence and control which this official organization had over a large sector of German industry, in which vast numbers of such laborers were forced to work, made it an important agency in the administration of the slave labor program. Flick attended numerous meetings of the Praesidium of the RVE and otherwise participated in the formulation and execution of repressive and cruel policies designed to enslave, procure and exploit such labor. Flick's influence and control over policies and actions of the RVE were further extended through officials of his companies who also held positions in the RVE and its subsidiary organizations and committees.

In addition, Flick, Burkart and Terberger participated in the slave labor program within the iron and steel industry between September 1939 and April 1945 through their positions in and influence on the Wirtschaftsgruppe Eisenschaffende Industrie (Economic Group of the Iron Producing Industry) and its subsidiary organizations and committees.

Flick also participated in the slave labor program by virtue of his position and activity on the Verwaltungsrat (supervisory board) of Berg- und Huettenwerke Ost G. m. b. H. (commonly referred to as the BHO), a government sponsored company established for the purpose of taking over and exploiting mines and iron and steel plants in the USSR. As part of its activities this company participated in the program for forced recruitment, enslavement, and deportation of Soviet nationals and prisoners of war to work in Germany, the USSR, and elsewhere.

Flick and Burkart also participated in the slave labor program through their association with the Kleiner Kreis ("Small Circle") of the leaders of the Nord-West Gruppe Eisenschaffende Industrie,

a group which unofficially exercised substantial control over, and influence an, the iron and steel industry.

4. During the period from approximately March 1941 until April 1945, the defendants Flick and Steinbrinck were members of the Praesidium (governing board) of the Reichsvereinigung Kohle (commonly referred to as the RVK), an official organization for the regulation of the entire German coal industry. The defendants Burkart and Weiss were also active in RVK matters and assisted and advised Flick and the Flick Concern therein. The functions and authority of the RVK and its Praesidium in the coal industry corresponded generally with those of the RVE and its Praesidium in the iron and steel industry, as set forth above. As members of the Praesidium, Flick and Steinbrinck attended meetings of the Praesidium and otherwise participated in the formulation and execution of repressive and cruel policies in the administration of the slave labor program designed to enslave, procure and exploit such labor. Flick's influence and control over policies and actions of the RVK were further extended through officials of his companies who also held positions in the RVK and its subsidiary organizations and committees.

5. Between September 1939 and April 1945 the defendant Steinbrinck held the position of Beauftragter Kohle West (Plenipotentiary for coal in the occupied western territories) of France, Holland, Belgium and Luxembourg, and the position of Generalbeauftragter fuer die Stahlindustrie (Plenipotentiary General for the steel industry) in northern France, Belgium and Luxembourg. By virtue of these positions, and his activity therein, he exercised wide authority over the procurement, use, treatment, allocation, and transportation of thousands of slave laborers and prisoners of war.

6. Between September 1939 and May 1945, tens of thousands of slave laborers and prisoners of war were sought and utilized by the defendants in the industrial enterprises and establishments owned, controlled, or influenced by them. In the course of this use of forced labor in the enterprises referred to, the workers were exploited under inhumane conditions with respect to their personal liberty, shelter, food, pay, hours of work, and health. Repressive measures were used to force these workers to enter, or remain in, involuntary servitude. Armed guards, watch dogs and barbed wire enclosures were commonly utilized to keep workers from escaping, and the few who did escape were reported to, and dealt with by, the Gestapo. Penalties, including, cruel beatings,

were often inflicted by persons under the supervision and control of the defendants. Food, sanitary measures, and medical assistance were customarily inadequate and as a result many of the workers suffered illness and died. Prisoners of war were used in war operations and work having a direct relation with war operations, including the manufacture and transportation of armaments and munitions.

The defendants Flick, Burkart, Kaletsch, Weiss and Terberger are charged with responsibility for the acts and conduct set forth in this Paragraph insofar as they relate to establishments of the Flick Concern, including those operated directly or indirectly by the companies set forth in Appendix A hereof. Flick and Weiss are also charged with responsibility for the acts and conduct set forth in this Paragraph insofar as they relate to the Siemag Company. The defendant Steinbrinck is charged with responsibility for the acts and conduct set forth in this Paragraph insofar as they relate to Vereinigte Stahlwerke A. G., and affiliated companies.

7. The acts and conduct of the defendants set forth in this Count were committed unlawfully, wilfully, and knowingly and constitute violations of international conventions, particularly of Articles 3, 4, 5, 6, 7, 14, 18, 23, 43, 46, and 52 of the Hague Regulations, 1907. and of Articles 2, 3, 4, 6, 9-15, 23, 25, 27-34, 46-48, 50, 51, 54, 56, 57, 60, 62, 63, 65-68 and 76 of the Prisoner-of-War Convention (Geneva, 1929), of the laws and customs of war, of the general principles of criminal law as derived from the criminal laws of all civilized nations, of the internal penal laws of the countries in which such crimes were committed, and of Article II of Control Council Law No. 10.

## COUNT TWO

8. Between September 1939 and May 1945, all the defendants except Terberger committed War Crimes and Crimes against Humanity, as defined by Article II of Control Council Law No. 10, in that they were principals in, accessories to, ordered, abetted, took a consenting part in, were connected with plans and enterprises involving, and were members of organizations or groups connected with, plunder of public and private property, spoliation, and other offenses against property in countries and territories which came under the belligerent occupation of Germany in the course of its aggressive wars. These acts bore no relation to the needs of the army of occupation and were out of all proportion to the resources of the occupied territories.

9. In pursuance of deliberate plans and policies, the territories occupied by Germany as a result of its aggressive acts and its aggressive wars were exploited for the German war effort in a most ruthless way beyond the needs of the army of occupation and without consideration of the local economy. These plans and policies were intended not only to strengthen Germany in waging its aggressive wars, but also to secure the permanent economic domination by Germany of the continent of Europe. Public and private property was systematically plundered and pillaged. Agricultural products, raw materials needed by German factories, machine tools, transportation equipment, other finished products, and foreign securities and holdings of foreign exchange were requisitioned and sent to Germany. In addition local industries were placed under German supervision and the distribution of raw materials was rigidly controlled. This supervision of industries ranged from general control provided for by blanket enactments, to the permanent dispossession of rightful owners of specific industrial enterprises. The industries thought to be of value to the German war effort were compelled to continue and most of the rest were closed down altogether.

In Lorraine (France), which, in violation of international law, was annexed by Germany immediately after the German occupation, French private properties were seized by the occupation authorities under the guise of establishing temporary administra-

tion by state commissioners. This artificial creation of German state property was only a temporary measure, and the properties were "reprivatized", by being turned over to German industrial concerns.

Even before the attack on the U,S.S.R. plans had been made for the fullest and most ruthless exploitation of all Soviet economic resources. Concurrently with the invasion it was declared that the restraints of the Annex to Hague Convention IV of 18 October 1907 would not be observed by Germany. The entire Soviet industrial property was declared to be "property marshalled for national economy" (Wirtschafts-Sondervermoegen), belonging to the German state. Representatives of the German civil and military occupation authorities were declared trustes of this property to which Germany purportedly took title. In addition thereto special governmental or semi-governmental companies, Monopolgesellschaften or Ostgesellschaften, were created by the Plenipotentiary of the Four-Year Plan, Hermann Goering, as trustees for the control of certain sectors of Soviet economy. One of these Ostgesellschaften, the Berg- und Huettenwerksgesellschaft Ost m. b. H., usually referred to as the BHO, was trustee with respect to the iron, steel and mining industry of the occupied part of the U.S.S.R. and the main spoliation agency in its field of operations.

10. All the defendants except Terberger participated extensively in the formulation and execution of the foregoing plans and policies of spoliation, by seeking and securing possession, in derogation of the rights of the owners, of valuable properties in the territories occupied by Germany, for themselves, for the Flick Concern, and for other enterprises owned, controlled, or influenced by them; by exploiting all these properties in occupied territories, individually or through enterprises owned, controlled, or influenced by them, for German war purposes to an extent unrelated to the needs of the army of occupation and out of all proportion to the resources of the occupied territories; by abuse, destruction and removal of such property; by taking possession of machinery, equipment, raw materials and other property known by them to have been taken, by themselves or by others, from occupied territories: and by their activities in various official positions. The following instances are cited as examples.

A. IN FRANCE. Effective 1 March 1941 the Friedrich Flick Kommanditgesellschaft (parent holding company in the Flick Concern) secured a "trusteeship" of the plants Rombach and Machern in occupied Lorraine (France), which were the property of a

French company known as Societe Lorraine des Acieries de Rombas. The "trusteeship" was accepted as part of a governmental plan and program, sponsored by defendants and other German industrialists for ultimate transfer to them of legal title to these and other similar properties in France. The Flick Concern was to gain legal title to the plants Rombach and Machern pursuant to this general plan. These properties were operated by the Flick Concern through a company known as Rombacher Huettenwerke, G. m. b. H., from on or about 1 March 1941 until on or about 1 September 1944 in accordance with and in execution of said plan and program. The defendants Flick, Burkart, Kaletsch, and Weiss are charged with responsibility for the foregoing.

B. **IN THE OCCUPIED EAST.** Pursuant to the plans and programs of the Berg- und Huettenwerke Ost, G. m. b. H. (BHO), referred to above, the Flick Concern organized, together with the Reichswerke Hermann Goering, a company called Dnjepr Stahl G. m. b. H. for the purpose of exploiting mining and smelting properties in the U.S.S.R. located near the Dnjepr River. The Flick Concern operated these properties from about January 1943 until the Germans evacuated this region. The defendants Flick, Burkart, Kaletsch, and Weiss are charged with responsibility therefor.

Pursuant to the plans and programs of the BHO, the Siegener Maschinenbau A.G. (Siemag) gained possession of the works Woroshilov at Dnjepropetrowsk in the U.S.S.R. and operated them from about January 1943 until the evacuation of the area in the fall of 1943. Siemag was owned principally by Weiss and was controlled and influenced by Flick and Weiss, both of whom are charged with responsibility therefor.

In accordance with the general plans and programs of the German occupation authorities, the Flick Concern gained possession of the Vairogs railroad car plants in occupied Riga (Rigaer Waggonfabrik "VAIROGS") on or about July 1942. The properties were operated by the Flick Concern until the German retreat from Riga about September 1944. Flick, Burkart, Kaletsch, and Weiss are charged with responsibility therefor.

11. Between 1940 and 1945 the defendants Flick and Steinbrinck participated in plans and programs for spoliation of occupied territories through their positions and membership in, and influence on, various organizations of the iron, steel and coal industries, including Reichsvereinigung Eisen, Reichsvereinigung Kohle, Wirt-

schaftsgruppe Eisenschaffende Industrie, and subsidiary organizations of each, and through membership in, and influence on, the Kleiner Kreis ("Small Circle") of leaders of the Nord-West Gruppe Eisenschaffende Industrie.

Between 1940 and 1945 Steinbrinck participated in the plans and programs for spoliation of western occupied territories by virtue of his positions as Plenipotentiary General for the steel industry in northern France, Luxembourg, and Belgium, and Plenipotentiary for coal in France, Holland, Belgium and Luxembourg.

Between 1941 and 1945 Flick participated in the plans and programs for spoliation of the U.S.S.R. by virtue of his position as a member of the Verwaltungsrat (supervisory board) of the Berg- und Huettenwerke Ost. G.m.b.H. (BHO).

12. The acts and conduct of the defendants set forth in this Count were committed unlawfully, wilfully, and knowingly, and constitute violations of the laws and customs of war, of international treaties and conventions, including Articles 46-56, inclusive, of the Hague Regulations of 1907, of the general principles of criminal law as derived from the criminal laws of all civilized nations, of the internal penal laws of the countries in which such crimes were committed, and of Article II of Control Council Law No. 10.

## COUNT THREE

13. Between January 1936 and April 1945 the defendants Flick, Steinbrinck and Kaletsch committed Crimes against Humanity, as defined in Article II of Control Council Law No. 10, in that they were principals in, accessories to, ordered, abetted, took a consenting part in, and were connected with plans and enterprises involving persecutions on racial, religious, and political grounds, including particularly the "aryanization" of properties belonging in whole or in part to Jews.

14. Commencing with Hitler's seizure of power in 1933 and increasingly in later years, the Government of the Third Reich systematically and ruthlessly persecuted millions of persons on political, racial, and religious grounds. As part of these programs of persecution, the German Government pursued a policy of expelling Jews from economic life. The German Government and Nazi Party embarked on a program involving threats, pressures and coercion generally, formalized and otherwise, to force Jews to transfer all or part of their property to non-Jews, a process usually referred to as "aryanization". The means of forcing Jewish owners to relinquish their properties included discriminatory laws, decrees, orders, and regulations, which made life in Germany difficult and unbearable for the owners; the discriminatory application of general laws, decrees, orders, and regulations; seizure of property under spurious charges; restrictions imposed by police action; and particularly the everpresent threat of the Gestapo to arrest, try, and kill Jews without recourse to any reviewing board or court.

15. The defendants Flick, Steinbrinck, and Kaletsch and the Flick Concern participated in the planning and execution of numerous aryanization projects. Activities in which they participated included procurement of sales which were voluntary in form, but coercive in character, efforts to extend the general aryanization laws, and several types of perversion of governmental authority. They used their close connections with high government officials to obtain special advantages; and some transactions, including those referred to hereinafter, were carried through in close cooperation with officials of the Army High

Command (OKW) and of the Office of the Four-Year-Plan, including Hermann Goering, who were interested in having the properties exploited as fully as possible in connection with the planning, preparation, initiation and waging of Germany's aggressive acts and wars. Examples of aryanization projects in which Flick, Steinbrinck and Kaletsch were involved during the years 1936 through 1945 included the following properties:

A. Hochofenwerk Luebeck A. G. and its affiliated company, Rawack and Gruenfeld A.G.

B. The extensive brown coal properties and enterprises in central and southeastern Germany owned, directly, or indirectly, in substantial part by members of the Petschek family, many of whom were citizens of foreign nations, including Czechoslovakia.

As a result of these aryanization projects, Jewish owners were deprived of valuable properties, which were transferred, directly or indirectly, to the Flick Concern, the Hermann Goering Works, I. G. Farben, the Wintershall and Mannesman Concerns and other German enterprises.

16. The acts and conduct of the defendants set forth in this Count were committed unlawfully, wilfully, and knowingly and constitute violations of international conventions, of the general principles of criminal law as derived from the criminal laws of all civilized nations, of the internal penal laws of the countries in which such crimes were committed, and of Article II of Control Council Law No. 10.

## COUNT FOUR

17. Between 30 January 1933 and April 1945, the defendants Flick and Steinbrinck committed War Crimes and Crimes against Humanity, as defined by Article II of Control Council Law No. 10, in that they were accessories to, abetted, took a consenting part in, were connected with plans and enterprises involving, and were members of organizations or groups connected with: murders, brutalities, cruelties, tortures, atrocities and other inhumane acts committed by the Nazi Party and its organizations, including principally Die Schutzstaffeln der Nationalsozialistischen Deutschen Arbeiterpartei (commonly known as the SS). The criminal activities of the SS included: the guarding and administration of concentration camps and the brutal treatment of their inmates; subjecting prisoners of war and concentration camp inmates to a series of experiments, including freezing to death and killing by poisoned bullets; shooting unarmed prisoners of war; extensive participation in the Nazi slave labor program; murder and ill-treatment of the civilian population in occupied countries, including massacres such as at Lidice; and persecution and extermination of enormous numbers of Jews and others deemed politically undesirable by the SS. The criminal programs of the SS were so widespread and conducted on such a gigantic scale that they were widely known throughout Germany.

18. The defendants Flick and Steinbrinck were members of a group variously known as "Friends of Himmler", „Freundeskreis" (Circle of Friends), and the „Keppler Circle", which, throughout the period of the Third Reich, worked closely with the SS, met frequently and regularly with its leaders, and furnished aid, advice, and support to the SS, financial and otherwise. This organization was composed of about thirty German business leaders, and a number of SS leaders, including Heinrich Himmler, head of the entire SS from 1929 to 1945, Karl Wolff, Himmler's Adjutant, Obergruppenfuehrer and holder of other high positions in the SS; Oswald Pohl, Chief of the SS Main Economic and Administrative Department; Otto Ohlendorf, a leading official of the SS Main State Security Department; and Wolfram Sievers, Manager of the Ahnenerbe Society and Director of its Institute for Military

Scientific Research. The business and industrial members of the Circle included leading officials of the largest enterprises in Germany in the fields of iron, steel and munitions production, banking, chemicals and shipping. These enterprises included I. G. Farben, Vereinigte Stahlwerke, Hermann Goering Werke, Brabag, Junkers, the Wintershall chemical concern, North German Lloyd and Hamburg American shipping lines, Deutsche Bank, Dresdner Bank, Reichs-Kredit-Gesellschaft, the Stein Bank, and Commerz Bank.

The Circle was formed early in 1932 at Hitler's suggestion by his economic adviser, Wilhelm Keppler. It participated in effecting Hitler's rise to power and made plans for the reorganization of German economy in accordance with Hitler's plans. Thereafter the Circle met regularly, up to and including early 1945, with Himmler, Keppler, and other high government officials, and was a means of maintaining close cooperation between the largest business and industrial enterprises on the one hand, and the German Government, Nazi Party, and the SS on the other.

19. Each year from 1933 to 1945, the Circle contributed about one million marks to Himmler to aid in financing the activities of the SS. During this period, the defendants Flick and Steinbrinck made and procured contributions by Flick and the Flick Concern to the SS through the Circle, aggregating at least one hundred thousand marks annually for many years. Flick and the Flick Concern, by the action and procurement of Flick and Steinbrinck, also contributed substantial additional amounts to the SS over the years 1933 to 1945. Steinbrinck also procured substantial contributions by Vereinigte Stahlwerke A. G. and affiliated enterprises to the SS through the Circle in the years 1940 through 1944.

20. The acts and conduct of the defendants set forth in this Count were committed unlawfully, wilfully, and knowingly, and constitute violations of international conventions, of the laws and customs of war, of the general principles of criminal law as derived from the criminal laws of all civilized nations, of the internal penal laws of the countries in which such crimes were committed, and of Article II of Control Council Law No. 10.

## COUNT FIVE

21. The defendant Steinbrinck is charged with membership, subsequent to 1 September 1939, in Die Schutzstaffeln der Nationalsozialistischen Deutschen Arbeiterpartei (commonly known as the "SS"), declared to be criminal by the International Military Tribunal, and Paragraph 1 (d) of Article II of Control Council Law No. 10.

WHEREFORE, this Indictment is filed with the Secretary General of the Military Tribunals and the charges herein made against the above named defendants are hereby presented to the Military Tribunals.

TELFORD TAYLOR
Brigadier General, USA
Chief of Counsel for War Crimes
Acting on Behalf of the United
States of America

Nuremberg, 18 March 1947

The term "Flick Concern", as used in this indictment refers to the business enterprises controlled, influenced and in substance largely owned, by Friedrich Flick. Many additions and changes took place during the years 1933 to 1945 both in the physical plants included in the Concern and in the legal structure in which they were contained. Corporate reorganizations within the Concern were almost constantly in progress. From 1940 to 1945 the general nature of the corporate structure was not fundamentally changed although certain changes took place in intercorporate stockholdings and companies were added to operate plants in occupied territories.

The Flick Concern constituted the largest privately owned and controlled enterprise in Germany for the production of iron, steel products and armaments. It was surpassed in productive capacity in the industry only by the state-owned Hermann Goering Works and by Vereinigte Stahlwerke A.G. (United Steel Works), in which the government held a substantial interest. The Concern owned and operated soft coal, hard coal, and iron mines; blast furnaces and smelting, coking, and chemical plants, including plants for production of synthetic fuel; rolling mills; and fabricating plants for manufacture of finished products, such as ammunition, armorplate, gun carriages, armored cars and trucks and other panzer materials, airplanes and airplane parts, and railroad cars, parts and locomotives.

From at least 1937 until April 1945 the Flick Concern was largely owned, directly or indirectly, by a parent holding company known as Friedrich Flick Kommanditgesellschaft (FKG), a limited partnership of which Friedrich Flick was the only personally liable partner. At first Flick was the sole owner of FKG. In form most of the ownership of FKG was subsequently transferred to Flick's sons, but it was in substance treated by Flick as his own property, and, as the only general partner, he was in complete control of FKG at all times from 1937 to 1945. The most important of the companies of the Flick Concern are listed below. Unless otherwise indicated Flick interests owned a majority of the stock of each. Their designation as companies in the form of A.G. or G.m.b.H. (both of which designations describe limited liability companies) is not exclusive; several of the companies were changed from one form to the other.

The Flick Concern comprised, among other interests, the following:

| NAME AND LOCATION | NATURE OF COMPANY |
|---|---|
| Anhaltische Kohlenwerke A. G. (AKW) | Brown (soft) coal mines in central Germany |
| ATG (Allgemeine Transportanlage Maschinenbau) G. m. b. H., Leipzig | Aircraft |
| Brandenburger Eisenwerke A.G., Brandenburg, near Berlin | Panzer Materials |
| Chemische Werke Essener Steinkohle, A. G. Essen | Chemicals; owned by Essener Steinkohle |
| Eisenwerksgesellschaft Maximilianshuette A. G. (G.m.b.H. after 1944) (abbreviated "Maxhuette") | Iron mines and smelting plants |
| Essener Steinkohlenbergbau A.G., Essen | Hard coal mines in Ruhr |
| Fellawerk A. G. (after 1944, G. m. b. H.) Feucht near Nuremberg | Agricultural machinery |
| Friedrich Flick Kommanditgesellschaft (abbreviated FKG or FFKG) Berlin | Limited partnership which was parent holding company of the Concern; it also directly owned and operated extensive properties, including Brandenburg and Hennigsdorf steel plants. |
| Harpener Bergbau A.G., Dortmund | Hard coal mines in Ruhr. These properties, fogether with Essener Steinkohle, comprised second largest coal group in the Ruhr. |
| Hochofenwerk Luebeck A. G. Luebeck-Herrenwyck | Blast furnaces |

| | |
|---|---|
| Linke Hofmann Werke A.G., Breslau | Tractor and truck vehicles and railway cars |
| Maschinenfabrik Donauwoerth G.m.b.H., Donauwoerth | Machine works |
| Mitteldeutsche Stahlwerke A. G. (after 1943, G.m.b.H.) Riese a. d. Elbe (abbreviated "Mittelstahl") | Iron and steel plants; largest in Germany outside the Ruhr. |
| Saechsische Gusstahlwerke A.G. Doehlen | Iron and steel products; owned 50% by State of Saxony but largely operated by the Flick Concern. |
| Spandauer Stahlindustrie G.m.b.H., Spandau | Steel products. |
| Waggon und Maschinenfabrik A. G., Bautzen (frequently referred to under its former name of Busch-Bautzen) | Electric locomotives; railway cars, couplings. |

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# MILITARY TRIBUNALS

CASE No. 6

## THE UNITED STATES OF AMERICA

—against—

**CARL KRAUCH, HERMANN SCHMITZ, GEORG VON SCHNITZLER, FRITZ GAJEWSKI, HEINRICH HOERLEIN, AUGUST VON KNIERIEM, FRITZ TER MEER, CHRISTIAN SCHNEIDER, OTTO AMBROS, MAX BRUEGGEMANN, ERNST BUERGIN, HEINRICH BUETEFISCH, PAUL HAEFLIGER, MAX ILGNER, FRIEDRICH JAEHNE, HANS KUEHNE, CARL LAUTENSCHLAEGER, WILHELM MANN, HEINRICH OSTER, KARL WURSTER, WALTER DUERRFELD, HEINRICH GATTINEAU, ERICH VON DER HEYDE, and HANS KUGLER, officials of I. G. FARBENINDUSTRIE AKTIENGESELLSCHAFT**

Defendants

OFFICE OF MILITARY GOVERNMENT FOR GERMANY (US)
NURNBERG 1947

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# INDICTMENT

The United States of America, by the undersigned Telford Taylor, Chief of Counsel for War Crimes, duly appointed to represent said Government in the prosecution of war criminals, charges that the defendants herein committed Crimes against Peace, War Crimes and Crimes against Humanity, and participated in a common plan or conspiracy to commit said crimes, all as defined in Control Council Law No. 10, duly enacted by the Allied Control Council on 20 December 1945. These crimes included planning, prenering, initiating and waging wars of aggression and invasions of other countries, as a result of which incalculable destruction was wrought throughout the world, millions of people were killed and many millions more suffered and are still suffering; deportation to slave labor of members of the civilian population of the invaded countries and the enslavement, mistreatment, terrorization, torture and murder of millions of persons, including German nationals as well as foreign nationals; plunder and spoliation of public and private property in the invaded countries pursuant to deliberate plans and policies, intended not only to strengthen Germany in launching its invasions and waging its aggressive wars and secure the permanent economic domination by Germany of the continent of Europe, but also to expand the private empire of the defendants; and other grave crimes as set forth in this Indictment.

The persons accused as guilty of these crimes and accordingly named as defendants in this case are the following officials of I. G. FARBEN-INDUSTRIE AKTIENGESELLSCHAFT (Hereinafter referred to as "FARBEN" in the English text and "I. G." in the German text):

CARL KRAUCH, Chairman of the Aufsichtsrat (Supervisory Board of Directors) of FARBEN, Generalbevollmaechtigter fuer Sonderfragen der Chemischen Erzeugung (General Plenipotentiary for Special Questions of Chemical Production) on Goering's staff in the Office of the Four Year Plan.

HERMANN SCHMITZ, Chairman of the Vorstand (Managing Board of Directors) of FARBEN; Member of the Reichstag; Director of the Bank of International Settlements.

GEORG VON SCHNITZLER, Member of the Central Committee of the Vorstand of FARBEN; Chief of the Commercial Committee of the Vorstand, which planned and directed FARBEN's domestic and foreign sales and commercial activities; Wehrwirtschaftsfuehrer (Military Economy Leader); Hauptsturmfuehrer (Captain) in the Sturmabteilungen (SA) of the NSDAP.

FRITZ GAJEWSKI, Member of the Central Committee of the Vorstand of FARBEN; Chief of Sparte III (Division III) in charge of pro-

duction of photographic materials and artificial fibres; Manager of "Agfa" plants; Wehrwirtschaftsfuehrer.

HEINRICH HOERLEIN, Member of the Central Committee of the Vorstand of FARBEN; Chief of chemical research and development of vaccines, sera, pharmaceuticals and poison gas; Manager of the Elberfeld plant.

AUGUST VON KNIERIEM, Member of the Central Committee of the Vorstand of FARBEN; Chief Counsel of FARBEN; Chairman, Legal and Patent Committees.

FRITZ TER MEER, Member of the Central Committee of the Vorstand of FARBEN; Chief of the Technical Committee of the Vorstand, which planned and directed all of FARBEN's production; Chief of Sparte II in charge of production of buna, poison gas, dyestuffs, chemicals, metals and pharmaceuticals; Wehrwirtschaftsfuehrer.

CHRISTIAN SCHNEIDER, Member of the Central Committee of the Vorstand of FARBEN; Chief of Sparte I in charge of production of nitrogen, gasoline, diesel and lubricating oils, methanol and organic chemicals; Chief of Central Personnel Department, directing the treatment of labor at FARBEN plants; Wehrwirtschaftsfuehrer; Hauptabwehrbeauftragter (Chief of Intelligence Agents); Hauptbetriebsfuehrer (Chief of Plant Leaders); supporting member of the Schutzstaffeln (SS) of the NSDAP.

OTTO AMBROS, Member of the Vorstand of FARBEN; Chief of Chemical Warfare Committee of the Ministry of Armaments and War Production; Production Chief for buna and poison gas; Manager of Auschwitz, Schkopau, Ludwigshafen, Oppau, Gendorf, Dyhernfurth and Falkenhagen plants; Wehrwirtschaftsfuehrer.

MAX BRUEGGEMANN, Member and Secretary of the Vorstand of FARBEN; Member of the Legal Committee; Deputy Plant Leader of the Leverkusen Plant; Deputy Chief of the Sales Combine Pharmaceuticals; Director of the Legal, Patent and Personnel Departments of the Works Combine Lower Rhine.

ERNST BUERGIN, Member of the Vorstand of FARBEN; Chief of Works Combine Central Germany; Betriebsfuehrer (Plant Leader) at Bitterfeld and Wolfen-Farben plants; Production Chief for light metals, dyestuffs, organic intermediates, plastics and nitrogen at these plants.

HEINRICH BUETEFISCH, Member of the Vorstand of FARBEN; Manager of Leuna Plants; Production Chief for gasoline, methanol, and chlorine electrolysis production at Auschwitz and Moosbierbaum; Wehrwirtschaftsfuehrer; Member of the Himmler Freundes Kreis (Circle of Friends of Himmler); Obersturmbannfuehrer (Lieutenant Colonel) in the SS.

PAUL HAEFLIGER, Member of the Vorstand of FARBEN; Member of the Commercial Committee; Chief, Metals Departments, Sales Combine Chemicals.

MAX ILGNER, Member of the Vorstand of FARBEN; Chief of FARben's Berlin N. W. 7 office, directing intelligence, espionage and propaganda activities; Member of the Commercial Committee; Wehrwirtschaftsfuehrer.

FRIEDRICH JAEHNE, Member of the Vorstand of FARBEN; Chief Engineer in charge of construction and physical plant development; Chairman of the Engineering Committee; Deputy Chief, Works Combine Main Valley.

HANS KUEHNE, Member of the Vorstand of FARBEN; Chief of the Works Combine Lower Rhine; Plant Leader at Leverkusen, Elberfeld, Uerdingen and Dormagen plants; Production Chief for inorganics, organic intermediates, dyestuffs and pharmaceuticals at these plants; Chief of the Inorganics Committee.

CARL LAUTENSCHLAEGER, Member of the Vorstand of FARBEN; Chief of Works Combine Main Valley; Plant Leader at Hoechst, Griesheim, Mainkur, Gersthofen, Offenbach, Eystrup, Marburg, Neuhausen Plants; Production Chief for nitrogen, inorganics, organic intermediates, solvents and plastics, dyestuffs and pharmaceuticals at these plants.

WILHELM MANN, Member of the Vorstand of FARBEN; Member of the Commercial Committee; Chief of the Sales Combine Pharmaceuticals; Member of the SA.

HEINRICH OSTER, Member of the Vorstand of FARBEN; Member of the Commercial Committee; Manager of the Nitrogen Syndicate.

KARL WURSTER, Member of the Vorstand of FARBEN; Chief of the Works Combine Upper Rhine; Plant leader at Ludwigshafen and Oppau plants; Production Chief for inorganic chemicals; Wehrwirtschaftsfuehrer.

WALTER DUERRFELD, Director and Construction Manager of the Auschwitz Plant of FARBEN; Director and Construction Manager of the Monowitz Concentration Camp; Chief Engineer at the Leuna Plant.

HEINRICH GATTINEAU, Chief of the Political-Economic Policy Departments, "WIPO", of FARBEN's Berlin N. W. 7 office; Member of Southeast Europe Committee; Director of A. G. Dynamit Nobel, Pressburg, Czechoslovakia.

ERICH VON DER HEYDE, Member of the Political-Economic Policy Department of FARBEN's N. W. 7 office; Deputy to the Chief of Intelligence Agents; Hauptsturmfuehrer (Captain) in the SS; Member of the WI-RUE-AMT (Military Economic and Armaments Office) of the OKW (High Command of the Wehrmacht).

HANS KUGLER, Member of the Commercial Committee of FARBEN; Chief of the Sales Department Dyestuffs for Hungary, Rumania, Yugoslavia, Greece, Bulgaria, Turkey, Czechoslovakia and Austria; Public Commissar for the Falkenau and Aussig plants in Czechoslovakia.

Reference is hereby made to Appendix "A" of this Indictment for a fuller statement of the positions held by each of the defendants.

## COUNT ONE

## PLANNING, PREPARATION, INITIATION and WAGING OF WARS OF AGGRESSION AND INVASIONS OF OTHER COUNTRIES

### STATEMENT OF THE OFFENSE

1. All of the defendants, acting through the instrumentality of FARBEN and otherwise, with divers other persons during a period of years preceding 8 May 1945, participated in the planning, preparation, initiation and waging of wars of aggression and invasions of other countries, which wars of aggression and invasions were also in violation of international laws and treaties. All of the defendants held high positions in the financial, industrial and economic life of Germany and committed these Crimes against Peace, as defined by Article II of Control Council Law No. 10, in that they were principals in, accessories to, ordered, abetted, took a consenting part in, were connected with plans and enterprises involving and were members of organizations or groups, including FARBEN, which were connected with, the commission of said crimes.

2. The invasions and wars of aggression referred to in the preceding paragraph were as follows: against Austria, 12 March 1937; against Czechoslovakia, 1 October, 1938, and 15 March, 1939; against Poland, 1 September, 1939; against the United Kingdom and France, 3 September, 1939; against Denmark and Norway, 9 April, 1940; against Belgium, the Netherlands and Luxembourg, 10 May, 1940; against Yugoslavia and Greece, 6 April 1941; against the U.S.S.R., 22 June, 1941; and against the United States of America, 11 December, 1941.

3. In these invasions and wars of aggression, many millions of people were murdered, tortured, starved, enslaved and robbed; millions of homes were left in ruins; tremendous industrial capacity necessary to maintain the standard of living of peoples all over the world was destroyed; agricultural land capable of feeding millions of people was laid in waste; and a large part of the world was left in economic and political chaos. The life and happiness of all peoples of the world were adversely affected as the result of these invasions and wars of aggression.

## PARTICULARS OF THE DEFENDANTS' PARTICIPATION IN THE PLANNING, PREPARATION, INITIATION AND WAGING OF WARS OF AGGRESSION AND INVASIONS OF OTHER COUNTRIES

### A. The Alliance of FARBEN with Hitler and the Nazi Party

4. In 1921 Adolf Hitler became the supreme leader or Fuehrer of the National Socialist German Workers party, also known as the Nazi

Party. The main points of the Nazi Party Program, which remained unaltered until the party's dissolution in 1945, were to abrogate and overthrow the Treaties of Versailles and Saint Germain, and reconstitute the Wehrmacht; to acquire territories lost by Germany as the result of World War I; to acquire all other territories in Europe assertedly occupied by so-called "racial Germans"; and to acquire such other territories in the world as might be "needed" by the Germans for "Lebensraum". The Nazis proclaimed that persons of so-called "German blood" were a "master race" and were entitled to subjugate, dominate, and exterminate other "races" and peoples, and that war was a noble and necessary German activity. The Nazis proposed to achieve their ends by any means deemed opportune, including resort to force and aggressive war. The policies and program of the Nazi Party were continually and publicly reiterated, and were matters of common knowledge.

5. FARBEN was a power in the world a generation before the Nazis. In 1925 FARBEN was not only the greatest industrial combine ever formed in Germany but one of the greatest in the world. By 1939, its size more than doubled, FARBEN surpassed any single industrial group in Germany in technological and financial influence and in the magnitude of its interests and affiliations. FARBEN's domestic participations comprised some 400 German firms, including manufacturing plants, sales companies, and power installations. FARBEN owned its own railroads, lignite and bituminous coal mines, electric power plants, coke ovens, and magnesite, gypsum and salt mines. FARBEN's foreign participations numbered over 500 firms, and its foreign manufacturing plants and holding companies blanketed Europe. FARBEN's sales companies, research firms, and other agencies were located in every important commercial and industrial center in the world.

6. Hitler, with his program of war, and FARBEN, which could make Germany (with very scanty natural resources essential for war aside from coal) self-sufficient for war, found a basis for close collaboration as early as 1932. The FARBEN leaders and other industrialists saw the Nazi movement growing and saw in it the opportunity to extend their economic dominion.

7. About November, 1932, the defendants BUETEFISCH and GATTINEAU, representing FARBEN, visited Hitler in Munich and discussed the question whether FARBEN could look to him and his party for support in the development of the FARBEN hydrogenation process for producing synthetic gasoline. FARBEN had been contemplating abandonment of its costly synthetic production and research. Hitler informed the FARBEN representatives that he would support them in the development of the hydrogenation process, and assured them that synthetic gasoline fitted into his program.

8. In the Reichstag election of 6 November 1932, the Nazi Party lost two million votes and 34 seats. At this point the Nazi Party was in a critical situation. Large bills were unpaid and the coffers were empty. On 8 December 1932, Joseph Goebbels wrote in his diary: "Severe depression prevails*** financial troubles make all organized work impossible*** the danger now exists of the whole party going to pieces." At the crucial moment, many leading industrialists rallied to the assistance of the Nazis.

9. On 4 January 1933, a meeting was held at the Cologne home of the banker, Baron Kurt von Schroeder, for the purpose of forming an alliance between Franz von Papen and Adolf Hitler. As a result of the meeting, von Papen repeatedly discussed with Hindenburg the formation of a cabinet with Hitler as Chancellor and von Papen as Vice Chancellor. On 30 January 1933, Hindenburg appointed Adolf Hitler Chancellor of Germany. The impending Reichstag election of 5 March 1933 presented a crucial test of Hitler's power.

10. On 20 February 1933 the defendant VON SCHNITZLER, representing FARBEN, met Hitler at Goering's Berlin house. He found there Gustav Krupp von Bohlen and Halbach, head of the Krupp armaments combine and President of the Reich Association of German Industry, and other leading representatives of German Industry. Hitler declared his treasonable purpose to seize power by violence if he failed to win it by votes. Among other things he stated that: Private enterprise cannot be maintained in the age of democracy; when the defense of the existing order is left to a majority, it will irretrievably go under; it is the noblest task of a leader to find ideals that are stronger than the factors that pull the people apart; he found them in Nationalism, in the denial of reconciliation between nations, in the strength and power of individual personality; if one rejects pacifism, one must offer a new idea in its place immediately; we must not forget that all the benefits of culture must be introduced more or less with an iron fist, just as once upon a time the farmers were forced to plant potatoes; we must first gain complete power if we want to crush the other side completely; only when one knows that one had reached the pinnacle of power, that there is no further possible upward development, shall one strike; now we stand before the last election, regardless of the outcome there will be no retreat; if the election does not decide, the decision must be brought about even by other means; there are only two possibilities, either to crowd back the opponent on constitutional grounds, and for this purpose once more this election, or a struggle will be conducted with other weapons, which may demand greater sacrifices, the question of restoration of the Wehrmacht will not be decided at Geneva, but in Germany.

11. At the conclusion of the speech, Goering asked for money, saying that, "The sacrifice asked for would be so much easier for industry to bear if it realized that the election of 5 March would surely be the last one for the next ten years, probably even for the next hundred years." Krupp then expressed to Hitler the industrialists' "gratitude for having given us such a clear picture of his ideas."

12. FARBEN answered Hitler's request for aid with a gift of 400,000 Reichsmarks, the largest contribution by a single firm that resulted from the meeting. The financial support thus given to the Nazis prompted Goering to state that in the election "we had the support of all industry."

13. With the knowledge that he could count on the backing and loyalty of FARBEN and other sections of industry, Hitler moved rapidly to dictatorship. Seven days after the meeting at Goering's house, a decree was enacted suspending constitutional guarantees of freedom and giving Hitler power to arrest persons and hold them in "protective custody." In the 5 March election Hitler won 44 percent of the total vote which together with the Huegenberg vote and the forcible exclusion of the Communist deputies, gave Hitler a majority in the Reichstag. When the Reichstag met on 21 March, Hitler introduced the Enabling Act, giving him full legislative powers including the power to deviate from the Constitution. He made it clear that further forceful measures would be taken if the Enabling Act were not passed. It passed.

14. Hitler had yet to consolidate his dictatorial power by destroying the forces of freedom in Germany before he assaulted freedom in the world. Immediately Hitler needed more money for "party" purposes. The special organizations of the party, such as the SS and SA, were heavy burdens on the party treasury. FARBEN made substantial contributions to support and further these activities.

15. Industry organized to support Hitler's political program, including rearmament and territorial aggrandizement. In April 1933, the Reich Association of German Industry, of which FARBEN was a member, submitted to Hitler a plan for the reorganization of German industry according to the Fuehrerprinzip (leadership principle). In transmitting the plan, Gustav Krupp stated that "the turn of political events is in line with the wishes which I, myself, and the Board of Directors have cherished for a long time. In reorganizing the Reich Association of German Industry. I shall be guided by the idea of bringing the new organization into agreement with the political aims of the German government."

16. Hitler now made good to FARBEN the promise he had given in 1932. In December 1933, FARBEN entered into an agreement with the German government for the enlargement of its synthetic gasoline

plants. All the increased production was guaranteed by the government, as to both price and sales. At the same time FARBEN began discussions with the government and its military agencies on synthetic rubber research and began construction of a secret magnesium plant.

17. In 1934 FARBEN began to work even more closely with the Wehrmacht in the rearmament program and conferences with the military "became more and more numerous and urgent". Construction was started on secret stand-by plants for the production of magnesium and explosives. In 1935 FARBEN plants began to prepare detailed plans for war production and mobilization. "War Games" were conducted to determine the effect of bombing of factories on production and speed of replacement. Drastic secrecy measures were imposed at the direction of the Reich War Ministry with respect to all war production in FARBEN plants, including poison gas production.

18. As a result of the basis for collaboration established between Hitler and FARBEN in 1932, FARBEN concentrated its vast resources on the creation and equiment of the German military machine for war, invented new production processes and produced huge quantities of materials of war, including synthetic rubber, synthetic gasoline, explosives, methanol, nitrates and other critical materials. Without them Germany could not have initiated and waged aggressive war. In order to accomplish this gigantic task, there took place between 1933 and 1939 a tremendous expansion of FARBEN's manufacturing facilities far in excess of the needs of a peacetime economy, undertaken with the encouragement and support of the Third Reich and financed primarily by the government. Having played an indispensable role in preparing Germany for aggressive wars, FARBEN then played an indispensable role in the waging of such wars. Throughout the entire period, FARBEN contributed vast amounts annually to the NSDAP, its various organizations, and to numerous special projects of Hitler, Himmler and other Nazi leaders for the purpose of maintaining the NSDAP in power and financing its criminal activities. FARBEN reaped huge profits and benefits as a result of the alliance which it established with Hitler in 1932 and which was broken only by force of arms in May 1945.

### B. FARBEN synchronized all of its activities with the military planning of the German High Command

19. FARBEN cooperated with Hitler in his earliest efforts to build up a vast military machine in violation of the Versailles Treaty. This intimate cooperation made it necessary for FARBEN to work closely with the Wehrmacht. By 2 September 1935, FARBEN's activities fell so exclusively in the military domain that FARBEN's Central Committee of the Vorstand found it essential to establish in Berlin a military liaison agency, the Vermittlungsstelle W, for the sole purpose of

"providing in the establishment of military economy for a systematic cooperation within the I. G. and particularly for a centralized treatment of questions of military policy and military technics." The functions of this agency were to coordinate the work of the existing plants with the general mobilization plan so that in case of war FARBEN could regulate itself without outside interference, to handle all research problems relating to military production, and to discuss with the military agencies experiments in FARBEN laboratories for the development and production of offensive weapons. Such activities had been carried on for some time by the defendant KRAUCH in the production of synthetic gasoline, nitrogen and other products. FARBEN records of 1935 declared the purpose of Vermittlungsstelle W to be "the building up of a tight organization for armament in the I. G. which could be inserted without difficulty into the existing organization of the I. G. and the individual plants. In the case of war, I. G. FARBEN will be treated by the authorities concerned with armament questions as one big plant which in its task for armament, as far as it is possible to do so from the technical point of view, will regulate itself without any organizational influence from outside". The importance of this new organization to FARBEN is shown by the fact that the Vorstand placed at its head FARBEN's top scientist, the defendant CARL KRAUCH.

20. One of the first responsibilities given to the Vermittlungsstelle W by the Wehrmacht was the enforcement of stringent security measures in FARBEN designed to enable Germany to arm for war with as little notice as possible to the outside world. This security was of the most far reaching nature and covered all of FARBEN's operations connected with rearmament, including production, contracts for production, patents, research and experimentation in the military field. This covered poison gas, explosives, and other military items. On 2 January 1936, on instructions from the defendant TER MEER, a department for counterintelligence service, defense against spying, sabotage and betrayal of working secrets was istablished in the Vermittlungsstelle W which worked in close cooperation with the intelligence service of the Wehrmacht.

21. One purpose of the Vermittlungsstelle W was to assure secrecy, particularly in the field of patents. FARBEN records state: "The Supreme Command of the Army, Military Economic Staff, has frequently pointed out in discussions with respect to the necessity of keeping patent applications of I. G. secret—whether or not these patents resulted from the joint experimental work of the I. G. with the Army officers or from I. G.'s own initiative — that the Army is prepared to indemnify and underwrite any damages arising from this enforced secrecy or arising from the fact that these patents cannot be exploited."

22. By 1934 FARBEN had worked out detailed plans for defending

their plants against air raids. In 1935, the Vermittlungsstelle W supervised Kriegsspiele or "War Games", to determine the effect of bombing on certain factories and the speed of replacement, and to train the Luftwaffe in precision bombing. The Vermittlungsstelle W also acted as intermediary between FARBEN and the government in the preparation of mobilization plans for FARBEN's plants. These plans set forth the production programs which each factory could undertake in the event of war. They were discussed in the Vorstand, and instructions were issued to every FARBEN plant to prepare and deliver production plans of the Vermittlungsstelle W which submitted them to the Ministries of War and Economics. FARBEN's preparations for economic mobilization were so well developed that the military authorities used them as a basis for general war mobilization plans.

23. September, 1939, and the invasion of Poland, found FARBEN long since converted to a wartime footing. The fact that Germany had formally gone to war required no more than a telegram from Vermittlungsstelle W, dated 3 September 1939; "At the order of the Reich Economic Ministry, Dr. Ungewitter just ordered all I. G. plants to switch at once to the production outlined in the mobilization program. The minimum production recently fixed for Ludwigshafen and Oppau also goes into effect immediately with small changes. So far as the reserves of workers presenting themselves at Ludwigshafen and Oppau cannot be utilized effectively in the plant, they are to remain in readiness for employment elsewhere within I. G. Our plants have been notified by telegrams."

24. All of the aforegoing activities constituted vital planning and preparation for aggressive war. The defendant VON SCHNITZLER has stated: "***with the increased tempo after 1936 the Wehrmacht became the prominent factor in the whole picture. Since 1934 a strong movement for investments in our plants for commodities of decisive military importance became more and wore pronounced with the main objective of increasing the military potential of Germany. At first autarchic principles to make Germany independent of importation from abroad was one of the leading objectives. Since 1936, the movement took an entirely military character and military reasons stood in the foreground. Hand in hand with this, the relations between I. G. and the Wehrmacht became more and more intimate and a continuous union between I. G. officials on the one side and the Wehrmacht representatives on the other side was the consequence of it."

### C. FARBEN participated in preparing the Four Year Plan and in directing the economic mobilization of Germany for war

25. Rearmament and reconstitution of the Wehrmacht were indispensable to Hitler's plans for conquest. In April 1936, just

after German troops entered the demilitarized zone of the Rhineland, Hitler appointed Goering Coordinator for Raw Materials and Foreign Exchange and empowered him to supervise all State and Party activities in these fields. In this capacity Goering on 26 May 1936 addressed a meeting of the Committee of Experts for Raw Materials Questions, his principal advisors. The defendant SCHMITZ attended that meeting together with representatives of the Ministries of War and Air, and other high government officials. Supply questions vital to "A-Fall" (the code name for "Case of War") were discussed. Goering emphasized that, once at war, Germany would be cut off from all oil imports; that since a mechanized army and navy was dependent upon oil, the entire waging of war hinged on the solution of the oil problem. Goering also declared that "rubber is our weakest point" and indicated that considerations of cost were "immaterial". Every subject, including oil and rubber, was discussed at the meeting in the light of military requirements for waging war.

26. Shortly thereafter, Carl Bosch, then president of FARBEN, recommended to Goering that he retain the defendant KRAUCH to advise him in the planning and control of the chemical sector of the rearmament program. KRAUCH was put in charge of research and development in Goering's newly created Office for German Raw Materials and Synthetics.

27. On 8 September 1936, at the Nazi Party rally in Nurnberg, Hitler announced the establishment of the Four Year Plan and the appointment of Goering as the Plenipotentiary in charge. The purpose of the Four Year Plan was to make Germany ready for war in four years. The Office of the Four Year Plan was charged with working out complete programs for the development of plant capacity in all fields vital to war mobilization, including chemicals, rubber, gasoline, and explosives. In a memorandum to Goering explaining the objectives of the Four Year Plan, Hitler stated that the final solution of Germany's problem lay in the acquisition of new territories; that such acquisition was the task of "the political leadership"; that in order for "the political leadership" to exercise its responsibilities, the German economy had to be mobilized for the purpose of making Germany self-sufficient in critical war materials.

28. On 17 December 1936 in Hitler's presence, Goering made a speech in the Preussenhaus in Berlin in which he explained to a large audience of government officials and industrialists the aims of the Four Year Plan. Bosch and the defendants KRAUCH and VON SCHNITZLER were present. Goering made clear the intention and decision of the Nazi government to wage war. He said among other things: "The battle which we are approaching demands a colossal

measure of productive ability. No limit on the rearmament can be visualized. The only alternative in this case is victory or destruction. If we win business will be sufficiently compensated." He ended his speech: "Our whole nation is at stake. We live in a time when the final battle is in sight. We are already on the threshold of mobilization and we are already at war. All that is lacking is the actual shooting." On 22 December 1936 VON SCHNITZLER made a confidential report to the responsible officials of FARBEN on Hitler's and Goering's speeches "regarding the responsibilities of the German economy in the application of the Four Year Plan."

29. The defendant KRAUCH was appointed Chief of the Department for Research and Development in the Office of the Four Year Plan, the department responsible for preparing plans to make Germany selfsufficient for war. KRAUCH participated in numerous conferences devoted to military planning at which Goering and other high officials of the Third Reich were present. These meetings related to all phases of military mobilization and were not limited to the chemical field. For example, on 16 June 1937, a conference was held among government officials and representatives of the Iron and Steel Industry. KRAUCH represented the Office for German Raw Materials. Goering called for huge increases in iron production and reduction in the export of semifinished iron products. He stated that the purpose of the Four Year Plan was to create a foundation upon which preparation for war might be accelerated; that warships, guns, ammunition and munitions were to have first priority on iron; that the export of iron "may easily facilitate the armament of the enemy"; and that accordingly "the shipment of iron to the so-called enemy countries like England, France, Belgium, Russia and Czechoslovakia" was to be prohibited.

30. In the summer of 1938, with the invasion of Czechoslovakia imminent, Goering intensified his economic measures in preparation for aggressive war. FARBEN took the initiative in reorganizing the chemical program outlined by the Four Year Plan in line with the requirements for waging war. Goering took his first measures to speed up the program for chemical warfare and explosives at Karin Hall after the defendant KRAUCH had pointed out to him that the figures being relied on in preparation for war were incorrect and the danger of planning war on an inaccurate basis. On 30 June 1938, KRAUCH and Goering worked out the so-called "Karin Hall Plan", also called the "Krauch Plan", which contained a new program for producing chemical warfare agents (poison gas), explosives, rubber and gasoline production. The administrative basis had been prepared by the defendant AMBROS a few days prior thereto. Thereafter KRAUCH was appointed by Goering as Plenipotentiary General of the Four Year Plan for Special Questions of Chemical Production and was

vested with the identical powers suggested by AMBROS. KRAUCH was also appointed head of the "Reichsamt fuer Wirtschaftsaufbau" (Reich Office for Economic Development). With the assistance of key technical men of FARBEN, KRAUCH prepared special mobilization plans for the chemical industry, including an allocation and priority system for labor and building materials.

31. On 14 October 1938, Goering announced to a conference of important government officials, at which the defendant KRAUCH and other representatives of the Four Year Plan were present, that Hitler had ordered him "to carry out a gigantic program compared to which previous achievements are insignificant." He stated that within the shortest possible time the Air Force must be increased fivefold, the Navy expanded, and large stocks of "offensive weapons, particularly heavy artillery pieces and heavy tanks" procured. Goering especially stressed the need for tremendous military production increases in the fields of fuel, powder and explosives.

32. The defendant KRAUCH in his report of April, 1939, on the Krauch Plan to the General Council of the Four Year Plan, outlining the progress of his production plans in the field of oil, rubber, powder, explosives and chemical warfare agents, stated; "When on 30 June 1938 the objectives of increased production in the spheres of work discussed here, were outlined by the Field Marshal, it seemed that the political leadership could determine independently the timing and extent of the political revolution in Europe and could avoid a rupture with a group of powers under the leadership of Great Britain. Since March of this year (the invasion of Czechoslovakia) there is no longer any doubt that this hypothesis does not exist any more." And at the end of his report: "If action does not follow upon these thoughts with the greatest possible speed, all sacrifices of blood in the next war will not spare us the bitter end which once before we have brought upon ourselves owing to lack of foresight and fixed purpose."

33. Throughout his employment in the Office of the Four Year Plan, the defendant KRAUCH continued as a member of the Vorstand of FARBEN until 1940, when he was appointed Chairman of the Aufsichtsrat. Numerous officials and scientists of FARBEN assisted him in the Office of the Four Year Plan. The defendant BUETEFISCH advised KRAUCH on matters pertaining to synthetic gasoline; the defendant AMBROS, on buna production; the defendant WURSTER, on sulphuric acids; and the defendant SCHNEIDER, on nitrogen. Ninety percent of the employees in KRAUCH's office in the Four Year Plan were FARBEN personnel. In their capacity as government advisors on crucial war materials, FARBEN employees conferred continually with government officials on military plans. KRAUCH

and the other FARBEN technicians and scientists retained their positions with FARBEN and continued to receive their salaries from FARBEN while holding governmental positions.

34. The defendants herein and other FARBEN officials and technicians held key positions in other German government agencies and offices which participated in Germany's mobilization for war. The defendant SCHMITZ was a member of the Reichstag. He was also a member of the Board of Directors of the Reichsbank and president of its Currency Committee. The defendants VON SCHNITZLER, GATTINEAU and MANN were members of the Council for Propaganda of the German Economy. In the Ministry of Armaments and War Production, the defendant AMBROS was in charge of buna production and the Chemical Warfare Committee; the defendant BUETEFISCH headed the hydrogenation committee and the Economic Group for Liquid Fuels; the defendant WURSTER was in charge of sulphur and sulphuric compounds production. FARBEN employees were also employed in the High Command of the Wehrmacht, the Labor Front, the Ministry of Aviation and the Military Economy and Armaments Office of General Thomas. Numerous FARBEN officials abroad held leading positions in the Auslandsorganisation (the Foreign Organization) of the NSDAP and other government and party organizations abroad.

35. From 1934 on, the Reichsgruppe Industrie (Reich Group Industry), representing all of German industry, and the Wirtschaftsgruppe Chemische Industrie (Economic Group Chemical Industry), exercised governmental powers in the planning of German mobilization for war. These Economic Groups, on behalf of the German High Command prepared Germany's industrial mobilization plans in conjunction with the various industries. In the Reich Group Industry, the defendant SCHMITZ was a member of the Engerer Beirat (Advisory Council). The defendants SCHMITZ, VON SCHNITZLER and JAEHNE were members of the Grosser Beirat (Greater Advisory Council). FARBEN was represented on all of the Group's important committees. In the Economic Group Chemical Industry, VON SCHNITZLER was deputy chairman and member of the Engerer Beirat (Advisory Council). The defendant TER MEER was a member of the Praesidium. The Group was subdivided into "Fachgruppen" (Sub-Groups), many of which were directed by FARBEN officials, including the defendants, WURSTER, OSTER, VON SCHNITZLER, AMBROS and others.

36. FARBEN's domination of the chemical sector of the Four Year Plan and its role in the government as a whole was so well known that FARBEN was considered by Albert Speer to have been "promoted to governmental status", and was frequently referred to as "the State within the State."

D. **FARBEN participated in creating and equipping the Nazi military machine for aggressive war.**

37. The major contribution which FARBEN rendered in the rearmament of Germany lay in making her capable of waging war by rendering her self-sufficient in three crucial war materials essential to the waging of aggressive war: nitrates, oil, and rubber. In all three cases Germany had no natural resources and was incapable of planning, preparing, or waging aggressive war without FARBEN's development or processes for manufacturing them synthetically.

38. FARBEN developed the Haber-Bosch process for the fixation of nitrogen from air. Nitrogen is the basic element in nitrates production. FARBEN became the largest nitrates producer in the world. Germany, through the instrumentality of FARBEN, not only became self-sufficient in nitrates but prior to the war replaced Chile as the main source of supply for other countries. FARBEN and its subsidiaries produced 84 percent of Germany's explosives and 70 percent of Germany's gunpowder from its nitrogen production.

39. Germany had practically no natural oil. On 26 May 1936, Goering announced to the defendant SCHMITZ and the other members of the Committee of Experts for Raw Materials Questions, that the oil problem had to be solved to enable Germany to motorize the Wehrmacht and prepare for war. FARBEN developed the hydrogenation process whereby coal could be converted into lubricating oils and gasoline. As a result of the conference between Hitler and the defendants BUETEFISCH and GATTINEAU in 1932 (referred to in paragraph 7), FARBEN continued its developmental work which it had considered abandoning. By spring of 1933 FARBEN's quantity production of synthetic gasoline was well under way. A top technical official of FARBEN has stated: "After six years of efforts, I. G. solved the question of producing synthetic gasoline from brown coal on a large scale in the spring of 1933*** the experience of I. G. in this field was absolutely necessary for the conduct of a prolonged war." In 1943 FARBEN produced all the lubricating oil manufactured in Germany, and its processes accounted for nearly all German production of synthetic gasoline. The hydrogenation of coal into gasoline by FARBEN enabled the Wehrmacht to plan and prepare for aggressive war based on the rapid movement of tanks and aircraft, notwithstanding Germany's deficiency in natural petroleum.

40. Germany had no natural rubber. FARBEN discovered that synthetic rubber could also be obtained from coal. This discovery together with the production of synthetic gasoline, by a single stroke made possible the mechanization of the Wehrmacht independently of foreign supplies. After Hitler came into power, efforts to produce

synthetic rubber in sufficient quantities for the waging of war were greatly intensified. In 1942 FARBEN controlled 91.1 percent of synthetic rubber production throughout the world. In 1943 FARBEN accounted for 100 percent of Germany's total production of synthetic rubber. A top technical official of FARBEN has stated: "It would not have been possible to carry on the war for several years without I. G.'s buna."

41. After Hitler's seizure of power, FARBEN developed another production program, unrelated to its usual lines of chemical production, which was indispensable to the creation of the Luftwaffe. This was the production of light metals used in the manufacture of aircraft and ordnance, of which magnesium and magnesium alloys were the most important. FARBEN increased its magnesium production between 1930 and 1942 by over 4,000 percent, and its aluminum production by over 1,300 percent.

42. FARBEN performed most of the research for the secret development of poison gas for war. The experiments were carried out by FARBEN employees under the direction of the defendants HOERLEIN, AMBROS, and TER MEER, in close cooperation with the Wehrmacht. In 1943, FARBEN produced 95 percent of the poison gas in Germany.

43. Thus, from 1933 to 1939, FARBEN marshalled for the German High Command the vitals of modern warfare. The defendant VON SCHNITZLER declared: "It is no overstatement to say that modern warfare would be unthinkable without the results which the German chemical industry achieved under the Four Year Plan."

44. FARBEN's expansion after 1933 and the resultant increase in production was far in excess of the needs of a peacetime economy. FARBEN often took the initiative in persuading the Reich authorities of the need for additional facilities and negotiated with them for the construction thereof. Billions of reichsmarks supplied principally by the German government itself, were invested in new plants, mines and power installations. In other cases the expansion program was, for particular purposes, undertaken at the request of representatives of the German military machine. In 1936, the Wehrmacht, which had requested the construction of numerous types of plants, guaranteed the purchase of all production therefrom. Expanded capacity and production meant increased sales. FARBEN's total sales, (not including the sales of its subsidiaries), in 1932, amounted to approximately 900,000,000 reichsmarks. In 1943, they totalled 3,000,000,000 reichsmarks. Book profits rose from approximately 71,000,000 reichsmarks in 1932 to 571,000,000 reichsmarks in 1942. These figures reflect only part of what FARBEN gained from aggressive war.

45. FARBEN was the core of Germany's military mobilization not only by virtue of its own production but by virtue of its strategic

position in the German economy. All other German chemical companies and numerous other German war industries were almost totally dependent upon the products, resources and technological aid of FARBEN. German tanks, artillery and armored vehicles rolled on FARBEN electron metal wheels, were shod with FARBEN buna rubber and propelled by FARBEN synthetic gasoline. Nazi bombers were armored with FARBEN aluminum and magnesium alloys, carried death loads of FARBEN incendiary bombs and explosives, and were fueled by FARBEN high octane aviation gasoline.

**E. FARBEN procured and stockpiled critical war materials for the Nazi offensive**

46. In 1933, FARBEN embarked upon a tremendous program of synthetics' research and plant expansion as an integral part of the program to make Germany self-sufficient in critical war materials in preparation for aggressive war. Since production had to await the perfection of these processes and the construction of the plants, the German government attempted in the interim to import great quantities of critical war materials in the shortest possible time. The government relied on FARBEN to exploit its cartel connections and its foreign exchange resources to obtain these materials during the transition period, since no other firm in Germany had the requisite international connections or the desperately-needed foreign currency. In this program as in all other phases of the Nazi proparation for total war, FARBEN put its entire organization at the disposal of the Wehrmacht.

47. In 1936 the Ministry of Economics approached the defendant KRAUCH on the matter of making Germany "independent as far as possible from oil supp'ies from abroad." Pending quantity production of synthetic gasoline, FARBEN took steps to secure oil from abroad. FARBEN ordered $ 20,000,000 of gasoline from the Standard Oil Company of New Jersey, which delivered $ 14,000,000 worth. In June 1938 with the invasion of Czechoslovakia imminent Germany was still deficient in one of the main essentials of aviation gasoline, tetra-ethyl lead. On Goering's orders, the Air Ministry immediately asked FARBEN to store in Germany 500 tons of tetra-ethyl lead "up to a time when the plant in Germany is able to cover all needs." FARBEN arranged "to borrow" 500 tons of tetra-ethyl lead from the Ethyl Export Corporation of the United States and misrepresented the purpose of the "loan." The borrowed merchandise was to be returned by the end of 1939. The loan of the lead was secured by the deposit of approximately $ 1,000,000 as collateral by FARBEN. At the expiration date of the loan, 31 December 1939, FARBEN, of course, forfeited the collateral. FARBEN also procured other strategic materials from abroad, including nickel.

48. In addition to stockpiling imports, FARBEN, both on its own initiative and on orders from the Wehrmacht, built up stockpiles of its own war production. Magnesium was stored in incendiary bomb tubes which were packed in cases marked "Textilhuelsen" (Textile Casings); electron metal fabricated by FARBEN from magnesium for use in new types of incendiary bombs and artillery shells were also stockpiled. By 21 December 1936, the Air Ministry informed the director of FARBEN's Bitterfeld magnesium plant that "the present stockpiling would be sufficient at this time for 'A-Fall'." Quantities of chemicals, particularly phosphorus and cyanides essential to the manufacture of poison gas, were stocked. FARBEN was one of the two founders of the Wirtschaftliche Forschungs G.m.b.H. (WIFO) whose main activity was to construct and maintain huge subterranean storage tanks for gasoline and oil for the Wehrmacht.

49. The defendants MANN, VON SCHNITZLER and ILGNER, in consultation with government officials, prepared export programs for all German industry and devised techniques for augmenting Germany's foreign exchange resources. At the request of the Reichsbank and other government agencies, FARBEN used its international credit position to obtain loans of foreign currencies and when the German foreign exchange situation became very desperate, FARBEN sold its products at less than cost.

**F. FARBEN participated in weakening Germany's potential enemies.**

50. Germany's foreign economic policy was aimed primarily at weakening the economic strength of countries which the Third Reich regarded as potential obstacles to the carrying out of its aggressive policy. FARBEN played an indispensable and major role in this program. The defendant VON SCHNITZLER has stated: ". . . the development of I. G. during the last 12 years cannot be separated from the government's foreign policy." The defendant KUGLER stated. "The foremost purpose of the Nazi government and I. G. and all other industrialists was to keep the Wehrmacht all powerful vis-a-vis all other countries including the U. S. A."

51. FARBEN's international affiliations, associations and contracts aggregated in the thousands. Its actual cartel agreements numbered over two thousand and involved industrial concerns throughout the world, including agreements with major industrial concerns, in the United States, Great Britain, France, Norway, Holland, Belgium and Poland. Ordinarily, cartels are associations or combinations of business firms entered into for the purpose of regulating markets and prices in order to maintain prices or to protect plant investments from obsolescence. After the Nazi government came into power, FARBEN used the international cartel as an economic weapon in the preparation for

aggressive war through trade penetration, political propaganda, collection of strategic information about foreign industries, and weakening other countries by crippling production and stifling scientific research. From 1933 on, FARBEN not only obtained critical materials and important scientific information for the German military machine through its cartel connections, but deprived other countries thereof. From 1935 on all cartel agreements, and extensions and modifications thereof, were cleared by FARBEN with the Wehrwirtschaftsstab (Military Economics Staff) of the Wehrmacht.

52. The pressure exerted by FARBEN to restrict industrial development outside Germany was a deliberate and direct phase of military planning for aggressive war. Financial and commercial arrangements between FARBEN and non-German firms were treated by FARBEN in the light of and as part of the German program for war. The result was a tragic retardation of the development of strategic industries in countries which the Nazi government planned to invade and attack.

53. FARBEN's pre-war activities were carefully designed to weaken the United States as an arsenal of democracy. Through its cartel arrangements, FARBEN retarded the production within the United States of certain strategic products, including synthetic rubber, magnesium, synthetic nitrogen, tetrazene, atabrine and sulpha drugs.

54. In the case of magnesium, a cartel arrangement between FARBEN, Aluminum Company of America, and Dow Chemical Company, greatly restricted production within the United States and prohibited exports from the United States to Europe, except to Germany and in negligible amounts, to Great Britain. Thus, Great Britain and the rest of Europe became completely dependent upon Germany for its magnesium. As a result Great Britain was in a desperate situation with respect to magnesium at the outbreak of war. Meanwhile FARBEN expanded its own magnesium production for war as rapidly as possible.

55. When the British Purchasing Mission tried to buy tetrazene primed ammunition in the United States in early 1941, the sale was prevented by a cartel agreement between a subsidiary of Dupont and a subsidiary of FARBEN.

56. When the Japanese captured Java, they captured the bulk of the world's quinine resources. The only substitute to combat malaria was atabrine, a synthetic drug discovered by FARBEN. A single patent, controlled by FARBEN, dictated the terms by which this essential drug could be manufactured in the United States, and prevented its production in the United States prior to Germany's declaration of war against the United States.

57. By means of cartel agreements with Standard Oil Company of New Jersey, FARBEN delayed the development and production of buna

rubber in the United States until 1940, while at the same time producing sufficient buna in Germany to make the German army and German industry independent of rubber imports. During the early part of the period from 1930 to 1940, industrial concerns in the United States undertook research in the field and Standard Oil developed synthetic rubber known as Butyl. Under the terms of an agreement between FARBEN and with full technical information concerning the processes for these products. FARBEN deliberately failed to carry out its obligations under the agreement. Although FARBEN gave repeated assurances to Standard Oil that it would obtain permission from the German government to supply the information about buna rubber to Standard Oil, during the entire time that FARBEN was giving these assurances it had no intention of divulging the process and treated the negotiations as a military matter in consultation with the Wehrmacht and other Nazi government agencies. The result was that on 7 December 1941, the United States found itself at war with no adequate rubber supply and with no adequate program under way for making synthetic rubber Cut off from its rubber supply in the Far East, only the most drastic steps prevented disaster.

G. **FARBEN carried on propaganda, intelligence and espionage activities.**

58. FARBEN's foreign agents formed the core of Nazi intrigue throughout the world. Financed and protected by FARBEN, and ostensibly acting only as business men, FARBEN officials carried on propaganda, intelligence and espionage activities indispensable to German preparation for and waging of aggressive war. In Germany, FARBEN's Berlin N. W. 7 office was transformed into the economic intelligence arm of the Wehrmacht. The Nazi party relied upon FARBEN as one of its main propaganda machines.

59. It was Hitler's basic thesis that: "After the enemy has been completely demoralized from within we will strike". The weapon chosen for this demoralization was propaganda; the instrumentality, the Auslandsorganisation (Foreign Organization) of the NSDAP. The purpose of the Auslandsorganisation was to solidify German racial unity and regiment German institutions abroad, in accordance with National Socialist racial doctrines; prevent the assimilation of Germans in foreign countries; insure the loyalty of all Germans abroad to the Nazi Party; and carry on Fifth Column activities. Numerous FARBEN officials abroad held important positions in the Auslandsorganisation and were its sole representatives in many areas.

60. The German Foreign Office feared political friction if it were obvious that Germany was establishing agents abroad whose chief function was the furtherance of Nazi propaganda. It became official policy, therefore, to foster "an international economic approach"; to

carry on intelligence work and disseminate propaganda behind the facade of seemingly respectable business. Officials and employees of FARBEN concerns throughout the world became "economic agents" of the Third Reich.

61. In 1933 the defendant ILGNER became a member of the "Circle of Experts of the Propaganda Ministry", and president of the Carl Schurz Association, which was active in disseminating Nazi propaganda. In 1933, FARBEN mailed a report idealizing conditions in the Third Reich to all its representatives abroad and requested them to circulate its contents. In 1933, FARBEN's American public relations expert began to disseminate Nazi and anti-Semitic propaganda, and literature throughout the United States.

62. In 1937 the Commercial Committee of the Vorstand established the following policy: "It is hereby understood that in no case will men be sent to our foreign companies who do not belong to the German Labor Front and who do not possess a positive attitude toward the New Order. The men who are to be sent should make it their special duty to represent National Socialist Germanhood". The Commercial Committee further resolved that all foreign representatives were to be armed with Nazi literature and were to work closely with the Auslandsorganisation. Before any employee of FARBEN departed on a foreign assignment, he had to sign a loyalty declaration to the Nazi Party and the New Order and vow that his primary duty would be to represent "National Socialist Germanhood".

63. In advertising campaigns abroad, FARBEN emphasized Nazi ideology. On 16 February 1933, the Board of Directors of the Pharmaceutical Division of FARBEN (Bayer) resolved that advertising in journals hostile to Germany "shall on all terms be avoided. Commercial and advertising considerations have to be put in the background as compared with the more important political point of view". Millions of reichsmarks worth of books, pamphlets, newspaper clippings and documents glorifying the Master Race and the Nazi State were sent abroad by FARBEN for distribution.

64. An even more direct participation in Germany's preparation for and waging of aggressive war was spy work performed by FARBEN throughout the world. On the basis of reports received from leading officials of FARBEN concerns abroad, and intensive research carried on by its experts in Germany, FARBEN supplied the Wehrmacht and other agencies of the Nazi government with foreign political, economic, and military information. FARBEN's camouflaged firms provided an organization ideal for spying; and government officials and employees going abroad frequently requested FARBEN to make available to them the cloak of one of its foreign subsidiaries so that they could disguise their activities.

65. Through the instrumentality of its leading agents abroad, the "Verbindungsmaenner", one of whom was located in every major country of the world, FARBEN received frequent intelligence reports pertaining to economic, political and military matters. So invaluable were these Verbindungsmaenner that in most cases they were absorbed into the OKW/Abwehr (Military Intelligence Division of the Wehrmacht) and into Nazi Party organizations. In addition, FARBEN placed on its payroll members of the "OKW/Abwehr". Reports received from abroad or compiled by FARBEN were given to the Wehrwirtschaftsstab (Military Economics Staff) of General Thomas, the OKW/Abwehr, and the Auslandsorganisation. These reports were received, analyzed, compiled and forwarded to the Vorstand and to the various interested agencies of the Third Reich through FARBEN's Berlin organization known as the "Berlin N. W. 7" office. The Berlin N. W. 7 office also prepared special reports and maps for the Wehrmacht identifying and locating strategic factories in countries about to become the victims of German aggression. These maps and reports were used by the Luftwaffe in selecting their bombing targets. Employees of the Berlin N. W. 7 office worked for the Military Economic Staff and other sections of the Wehrmacht, although they continued to work for and were paid by FARBEN.

66. FARBEN financed the propaganda, intelligence, and espionage activities described above, supplying large amounts of foreign exchange for this purpose. FARBEN also made contributions in reichsmarks to finance subversive activities in preparation for war. An example is a contribution by FARBEN on 22 September 1938, a week before the Munich Agreement, of 100,000 reichsmarks for the "Sudeten German Aid" and the "Sudeten German Free Corps". The latter was a guerrilla organization which was established for creating frontier incidents and executing sabotage attacks in preparation for the invasion of Czechoslovakia.

**H. With the approach of war and in connection with each new act of aggression, FARBEN intensified its preparation for and participation in, the planning and execution of such aggressions and the reaping of spoils therefrom.**

67. In 1936, when the Four Year Plan was announced, the road to aggressive war was already foreshadowed. Thereafter, the inevitability of war as a result of Hitler's aggressive plans and intentions grew increasingly manifest, and the dictatorship of the Third Reich ever more brutal and tyrannical. As the shape of things to come grew clearer and war more imminent, a few prominent supporters of Hitler parted company with the leaders of the Third Reich. Fritz Thyssen, who dominated the great Vereinigte Stahlwerke (United Steel Works), the largest coal and steel trust in Germany, and who had been one of Hitler's earliest supporters, became opposed to certain Hitler policies. When Germany attacked

Poland, Thyssen fled from Germany. Hjalmar Schacht, onetime president of the Reichsbank, Minister of Economics, and Plenipotentiary General for War Economy resigned from the latter two positions in November, 1937. Because of disagreements with Hitler and Goering, particularly over the enormously expensive synthetic program and the promulgations of the Four Year Plan, Schacht became increasingly disaffected and lost influence in the Third Reich.

68. In sharp contrast with Thyssen, Schacht, and others, the close collaboration between FARBEN leaders and the political and military leaders of the Third Reich became even closer as the time for committing aggressive acts and launching aggressive wars grew nearer. FARBEN was the chief protagonist and executor of the synthetic program and profited enormously thereby. FARBEN played a leading role in the Four Year Plan and in directing the economic mobilization of Germany for war. Prior to the invasions and wars, FARBEN took radical measures to cloak and conceal its assets abroad and marshalled its resources in Germany to enable the Wehrmacht to attack at the appointed time. Hard on the heels of the invading German armies. FARBEN officials followed with plans carefully prepared in advance for the exploitation of industry in the occupied countries in accordance with the needs of the German war machine and the ambitious designs of FARBEN to expand its economic empire.

69. From 1937 on, FARBEN embarked upon an intensive program to camouflage and cloak its foreign holdings to protect them from seizure in the coming wars by enemy custodians. These measures not only served the interests of FARBEN, but enabled its foreign empire to carry out the greatly intensified efforts of the Nazi government to strengthen Germany at the expense of other nations. The defendant VON SCHNITZLER stated: "Even without being directly informed that the government intended to wage war, it was impossible for officials of I. G. or any other industrialists to believe that the enormous production of armaments and preparation for war starting from the coming into power of Hitler accelerated in 1936 and reaching unbelievable proportions in 1938 could have any other meaning but that Hitler and the Nazi government intended to wage war come what may. In view of the enormous concentration on military production and of the intensive military preparation, no person of I. G. or any other industrial leader could believe that this was being done for defensive purposes. We of I. G. were well aware of this fact as were all German industrialists and on a commercial side, shortly after the Anschluss in 1938, I. G. FARBEN took measures to protect its foreign assets in France and the British Empire."

70. Immediately prior to the Munich Conference of 29 September 1938, a special procedure was worked out by the officials of the German government, after consultation with FARBEN, authorizing the cloaking

of German foreign assets through transfers to neutral trustees as a protection against wartime seizure.

71. In March of 1939, the Legal Committee of FARBEN, whose chairman was the defendant VON KNIERIEM, concluded that; "*** the risk of seizure of the sales organizations in the event of war is minimized if the holders of shares or similar interests are neutrals residing in neutral countries. Such a distribution of holdings of shares or other interests has the further advantage of forestalling any conflicts which may trouble the conscience of an enemy national who will inevitably be caught between his patriotic feelings and his loyalty to I. G. A further advantage is that the neutral, in case of war, generally retains his freedom of movement, enemy nationals are frequently called into the service of their country, in various capacities, and therefore, can no longer take care of business matters." FARBEN's Legal Committee then recommended that FARBEN sever all "legal" ties with FARBEN cloaks.

72. Thereafter FARBEN, in anticipation of coming wars of aggression, made the drastic recommendation to the German government that it be permitted to transfer outright hundreds of millions of dollars of foreign assets. On 24 July 1939, a letter was sent to the Reich Ministry of Economics in which FARBEN explained that it was convinced that: "A real protection of our foreign sales companies against the danger of a sequestration in war can only be obtained by our renouncing all legal ties of a direct or indirect nature between the owners of the shares and ourselves *** and by granting these shares to such neutral quarters as will give the absolute guarantee by virtue of personal relations of long years standing, partly even covering decades, that in spite of their absolute independence and neutrality they will never dispose of these values otherwise than in a way fully considering our interests." The German government approved these measures.

73. Early in 1940, FARBEN began to take active measures in anticipation of possible war with the United States. A plan was adopted for "Americanizing" FARBEN's most important single asset in the United States, the General Aniline and Film Corporation, which FARBEN owned through I. G. Chemie, Switzerland. In a letter dated 15 May 1940, to the Reich Ministry of Economics, FARBEN explained: "Based on the expiration of the World War, we have constantly endeavored since the beginning of the war to protect as far as possible this American company in the event of war entanglements with the U. S. ***". Thereafter, the High Command of the Wehrmacht was contacted for the purpose of taking up negotiations in connection with the rearrangement of FARBEN's relations with I. G. Chemie.

74. FARBEN not only protected its foreign holdings but prepared and carried out plans whereby it would reap the spoils of each aggressive act, and expand its empire at the expense of each invaded nation. The

German government cooperated with FARBEN in this program of plunder and spoliation designed to build up the German war potential as well as reward FARBEN for its major role in preparing Germany for war.

75. On 9 April 1938, one month after the invasion of Austria, FARBEN was already armed with a plan for a "New Order for the Chemical Industry of Austria", which it submitted to KEPPLER, Hitler's special representative in Vienna. The plan provided for the integration of the major chemical industries of Austria within the framework of the Four Year Plan. FARBEN succeeded in "acquiring" the Austrian chemical industry.

76. Prior to the Munich Pact of 29 September 1938, FARBEN had already prepared plans for the industrial invasion of Czechoslovakia. On 3 May 1938, Hitler signed directive "Green", stating his final decision to destroy Czechoslovakia soon, initiating military preparation all along the line. In July 1938, a report on the chemical industries of Czechoslovakia was prepared for the use of the Commercial Committee of FARBEN and thereafter FARBEN initiated discussions with the interested German authorities and recommended that its representatives be appointed commissars to take over the operation and management of the chemical industries of Czechoslovakia and integrate their production to the Four Year Plan. On September 23, 1938, a week before the Munich Conference, the defendant KUEHNE wrote the defendants TER MEER and VON SCHNITZLER congratulating them on their success in achieving the acceptance of FARBEN nominees. On the previous day FARBEN had made its contribution of 100,000 reichsmarks for financing the creation of frontier incidents and the execution of sabotage attacks against Czechoslovakia.

77. Hitler, at a meeting on 23 May, 1939, with the heads of the armed forces and their staffs, announced his decision to attack Poland, and in the weeks that followed this conference, intensive preparations were made for the attack. In July, 1939, FARBEN officials obtained information from German government officials on the basis of which the defendant knew that Poland would be invaded in September. FARBEN's facilities were then completely mobilized in preparation for the attack. In anticipation of benefits to be derived from this aggression, FARBEN on 28 July, 1939, prepared a comprehensive report entitled: "The Most Important Chemical Factories in Poland", which report formed the basis for future acquisitions in Poland. FARBEN later absorbed the Polish chemical industry.

78. Envisaging the defeat of France, FARBEN's plans for enlarging its empire went beyond preparations for reaping the spoils of each new aggression. FARBEN set its sights more in line with Hitler's aim of world conquest, which now seemed closer to reality.

79. FARBEN began preparing for the Reich government a "New Order" (Neuordnung) for the chemical industry. On 24 June, 1940, the defendant VON SCHNITZLER summoned a meeting of the Commercial Committee to agree upon the principles underlying the New Order. On 3 August, 1940, FARBEN submitted to the Reich Ministry of Economics its detailed plans for the New Order. FARBEN explained that a "major economics sphere" would be shaped in Europe which "will, upon conclusion of the war, have the task of organizing the exchange of goods with other major spheres in competitive markets — a task which includes more particularly the recovery and securing of world respect for the German chemical industry. In the observations and planning to be made in regard thereto, it is necessary to bear in mind especially the shifting and developing trends in the international economic forces which resulted from the last war, such as may be seen more and more in the increased influence of the United States in Latin America, of Japan in the Far East, and of Italy in Southeast Europe and the Near East."

80. The immediate short range objective of the New Order was to integrate European production with the German war machine. The long range objective was the incorporation of the chemical industry of Europe, including Great Britain, within the framework of the Nazi New Order, and the domination of the chemical industry of the world. The New Order of FARBEN proposed the use of its economic weapons, cartels, capital investments and technical know-how so as to combat the last remaining challenge to its supremacy, the United States.

81. Preparation of the New Order was predicated on FARBEN's "claim to leadership" in Europe, which FARBEN alleged had been taken away by the Treaty of Versailles, and which the New Order was to rectify. In developing that "claim" the New Order contained a recital of damages alleged to have been sustained as a direct result of the Treaty and also included a claim for direct and indirect damages sustained in consequence of World War II, for which, FARBEN charged, Great Britain and France were responsible.

82. The New Order document was not hastily prepared at the behest of the government, but was a complete exposition of projects which FARBEN had developed since World War I and hoped to accomplish through German aggrandizement. The New Order document contains thousands of pages of specific programs for the chemical industries of Europe, including Great Britain. These detailed plans outlined the existing structure of the chemical industries of the European countries and set forth their future organization and direction. In many instances FARBEN planned to liquidate completely chemical companies and chemical production in certain countries, making those countries wholly dependent upon the Reich and thereby securing Germany's military supremacy.

83. "It must be remembered", stated the defendant VON SCHNITZLER, "that in preparing the Neuordnung we were following the lines of the so-called Gross-Raum-Politik (expansionist policy) laid down by the government. We were looking to the overwhelming downfall of France and eventual capitulation of England when we prepared the document. It must be remembered that we knew well the aims and policies of the Government and we knew that it was the intention of the Government to improve its strength in relation to the countries outside of the European sphere. This meant, of course, the United States, because outside of Europe the United States was the only strong country with which Germany had to reckon. Therefore, we wrote in the Neuordnung that we intended to keep Germany as strong as possible militaristically in relation to the United States."

**I. FARBEN participated in plunder, spoliation, slavery and mass murder as part of the invasions and wars of aggression**

84. In addition to the acts and conduct of the defendants set forth above, the participation of the defendants in planning, preparation, initiation, and waging of wars of aggression and invasions of other countries included:

a) The acts and conduct set forth in Count Two of this Indictment, relating to plunder and spoliation, which acts and conduct were committed as an integral part of the planning, preparation, initiation, and waging of wars of aggression and invasions of other countries. The allegations made in said Count Two are hereby incorporated in this Count.

b) The acts and conduct set forth in Count Three of this indictment, relating to slavery and mass murder, which acts and conduct were committed as an integral part of the planning, preparation, initiation, and waging of wars of aggression and invasions of other countries. The allegations made in said Count Three are hereby incorporated in this Count.

## VIOLATION OF LAW

85. The acts and conduct set forth in this count were committed by the defendants unlawfully, willfully and knowingly, and constitute violations of international laws, treaties, agreements and assurances, and of Article II of Control Council Law No. 10.

## COUNT TWO

## PLUNDER AND SPOLIATION

### STATEMENT OF THE OFFENSE

86. All of the defendants, acting through the instrumentality of FARBEN and otherwise, with divers other persons, during the period from 12 March 1938, to 8 May 1945, committed War Crimes and Crimes against Humanity as defined in Article II of Control Council Law No. 10, in that they participated in the plunder of public and private property, exploitation, spoliation, and other offenses against property in countries and territories which came under the belligerent occupation of Germany in the course of its invasions and aggressive wars. All of the defendants committed these War Crimes and Crimes against Humanity as defined by Article II of Control Council Law No. 10, in that they were principals in, accessories to, ordered, abetted, took a consenting part in, were connected with plans and enterprises involving and were members of organizations or groups, including FARBEN, which were connected with, the commission of said crimes.

### PARTICULARS OF DEFENDANTS' PARTICIPATION IN PLUNDER AND SPOLIATION

87. The methods employed to exploit the resources of the occupied territories varied from country to country. In some occupied countries, exploitation was carried out within the framework of the existing economic structure. Local industries were placed under German supervision and production and distribution were rigidly controlled. The industries thought to be of value to the German war effort were compelled to continue. The majority of the others were closed. Raw materials and finished products alike were confiscated. A Goering directive of 19 October 1939, with respect to Poland, provided: "The task for the economic treatment of the various administrative regions is different, depending on whether the country involved will be incorporated politically into the German Reich, or whether we will deal with the Government General, which in all probability will not be a part of Germany, in the first mentioned territories, the safeguarding of all their productive facilities and supplies must be aimed at, as well as a complete incorporation into the greater German economic system at the earliest possible time. On the other hand, there must be removed from the territories of the Government General all raw materials, scrap materials, machines, etc. which are of use for the German war economy. Enterprises which are not absolutely necessary for the meager maintenance of

a naked existence of the population must be transferred to Germany unless such transfer shall require an unreasonably long period of time and would make it more practicable to exploit those enterprises by giving them German orders, to be executed at their present location."

88. In organizing the plunder of property in occupied territories and countries, the means adopted varied from outright confiscation which was cloaked by the enactment of various sequestration decrees, to "negotiations" with the owners of such property for its acquisition. This latter technique was particularly used in the West. The German authorities made a pretense of paying for all the property which they seized. This pretense merely disguised the fact that the raw materials, machinery and other goods diverted to Germany were paid for by the occupied countries themselves, either by the device of excessive occupation costs or by forced loans in return for a credit balance in a "clearing account" which was a nominal account only. The means adopted were intended to and did effectuate the plans to strengthen Germany in waging its aggressive wars, insure the subservience of the economy of conquered countries to Germany, and secure the permament economic domination of the continent of Europe. In the East, the German government organized special corporations as their trustees for the express purpose of exploiting seized industries in such a manner that not only would the German war machine and its economy be strengthened but the local economy laid in ruin.

89. FARBEN marched with the Wehrmacht and played a major role in Germany's program for acquisition by conquest. It used its expert technical knowledge and resources to plunder and exploit the chemical and related industries of Europe, to enrich itself from unlawful acquisitions, to strengthen the German war machine and to assure the subjugation of the conquered countries to the German economy. To that end, it conceived, initiated, and prepared detailed plans for the acquisition by it, with the aid of German military force, of the chemical industries of Austria, Czechoslovakia, Poland, Norway, France, Russia, and other countries.

### A. FARBEN in Austria

90. In Austria one of the two major chemical industrial firms was the PULVERFABRIK SKODAWERKE WETZLER A. G. (SKODA-WETZLER WORKS), controlled by the CREDITANSTALT BANK of Austria. The Rothschilds, a Jewish family, owned a majority interest in this bank. With the invasion of Austria and the introduction of the "aryanization" program, the controlling Rothschild interests in the CREDITANSTALT BANK were confiscated and turned over to the DEUTSCHE BANK. Thereupon FARBEN which had sought unsuccess-

fully to acquire an interest in the SKODA-WETZLER WORKS prior to the invasion, was quick to take advantage of the changed situation. FARBEN proceeded to acquire control of the SKODA-WETZLER WORKS through the DEUTSCHE BANK.

91. These chemical works and the other principal chemical firms of Austria were reorganized by FARBEN and merged into the newly created DONAU CHEMIE A.G. FARBEN expanded the facilities of its newly acquired Austrian chemical industries, increased the production of war material for the German military machine, integrated the entire Austrian chemical industry with its own operations, and participated in the subjugation of the Austria economy to the German economy and the destruction of its former independence.

**B. FARBEN in Czechoslovakia**

92. In Czechoslovakia, the largest chemical concern (the fourth largest in Europe), was the VEREIN FUR CHEMISCHE UND METALLURGISCHE PRODUKTION of Prague (PRAGER VEREIN). This concern which had two important plants located in the Sudetenland, one at FALKENAU and the other at AUSSIG, was one of FARBEN's biggest competitors in Southeastern Europe.

93. Prior to the Munich Pact of 29 September 1938, FARBEN made various unsuccessful attempts to acquire an interest in the PRAGER VEREIN. After the annexation of Austria and the accelerated Nazi agitation in the Sudetenland, FARBEN renewed its interest and prepared plans for the acquisition of the PRAGER VEREIN. FARBEN proposed to the Reich government that the defendants WURSTER and KUGLER be appointed commissars to operate the plants. One week prior to the Munich Pact, the Ministry of Economics informed FARBEN that its proposed representatives were acceptable. The Sudeten-German Economic Board advised FARBEN that the "Czech-Jewish management in Prague is done for" but recommended that it share the management of the plants with one of the Sudeten-German managers who remained with the chemical works. FARBEN reluctantly consented to share the management, but at the same time informed the German authorities that "I.G. would now lay claim to the acquisition of both works." The defendants VON SCHNITZLER, TER MEER, KUEHNE, ILGNER, HAEFLIGER, and WURSTER and others participated in these negotiations.

94. On 29 September 1938, the Munich Pact was signed. The next day the defendant SCHMITZ wired Hitler that he was "profoundly impressed by the return of Sudeten-Germany to the Reich which you, My Fuehrer, have achieved", and that FARBEN "puts an amount of

## D. FARBEN in Norway

101. In 1940 the most important chemical concern in Norway was the NORSK-HYDRO ELEKTRISK KVAELSTOFAKTIESEL-SKABET (NORSK-HYDRO). This company was particularly important as a producer of nitrogen and nitrogen products. Prior to 1940, French interests controlled about 60% of the corporation. FARBEN's participation was approximately 25%. With the aid and participation of representatives of the German government, FARBEN forced an increase in the capitalization of NORSK-HYDRO, excluding the French stockholders from participation therein, as a result of which the French were ousted from control. FARBEN and the German government obtained the controlling interest.

102. With the acquisition of control by FARBEN and the German government of NORSK-HYDRO, the production of the Norwegian chemical industry was coordinated with the production of the German chemical industry to supply the German military machine. New facilities were constructed to produce light metals for the Luftwaffe. Among the plants owned by NORSK-HYDRO, was an electro-chemical plant at Vemor which had been producing heavy water. It was discovered that heavy water could be used in the manufacture of atom bombs and orders were issued to expand immediately the existing facilities of the electro-chemical plants of NORSK-HYDRO to increase substantially the production of such heavy water.

## E. FARBEN in France

103. Prior to the French-German Armistice of June, 1940, the three principal chemical firms in France were: COMPAGNIE NATIONALE DE MATIERES COLORANTES ET MANUFACTURES DE PRODUITS CHIMIQUES DU NORD REUNIES ETABLISSEMENTS KUHLMANN, Paris (KUHLMANN), the second largest chemical company on the continent; SOCIETE ANONYME DES MATIERES COLORANTES & PRODUITS CHIMIQUES DE SAINT-DENIS, Paris (SAINT DENIS); and, COMPAGNIE FRANCAISE DE PRODUITS CHIMIQUES ET MATIERES COLORANTE DE SAINT-CLAIR-DU-RHONE, Paris (SAINT-CLAIR-DU-RHONE).

104. On 3 August 1940 FARBEN submitted to the Reich Ministry of Economics and to Ambassador HEMMEN, the Head of the German Armistice Commission, its detailed plans for the New Order (to which reference has previously been made in Count One). FARBEN proposed to acquire control of the French chemical industry by merging the principal dyestuff and chemical corporations into one big combine in which it would have a 50 per cent participation. The consideration for this participation was to be payment by FARBEN of a fixed amount to the German government, rather than to the private owners.

105. The New Order was received very favorably by the German authorities. FARBEN requested the German authorities to starve the French chemical industry into submission by withholding necessary raw materials. To this end FARBEN arranged that "no negotiations with the French should take place unless first the French indicated openly that genuine necessity obliged them to recognize the superiority of the German dyestuff industry." On 25 September 1940. FARBEN's Commercial Committee agreed to take a "reserved attitude toward the French partners." The defendant VON SCHNITZLER on 4 October 1940 instructed FARBEN agents to represent to the French that it could not as yet open negotiations. On 12 October 1940 FARBEN's agent in Paris reported to the defendant VON SCHNITZLER on a conference held on 10 October 1940 with Frossard, President of KUHLMANN, at which Mr. Frossard requested a conference with FARBEN stating that: "The chemical industry in France must live, which is in the interest of the European economy. German chemical industry cannot intend that on the French side this branch of the industry should disappear completely. You must help us." Frossard further indicated that the French were prepared to accept a limitation of dyestuffs production, to manufacture preliminary and intermediate products for German industry so far as necessary, and even to sell its products under a German label.

106. On 21 November 1940 representatives of FARBEN and the French Chemical Industry met at Wiesbaden under the auspices of the Armistice Commission. Representing FARBEN were VON SCHNITZLER, TER MEER, KUGLER and TERHAAR. Ambassador Hemmen presided. VON SCHNITZLER read and gave to the French delegation a memorandum setting forth the basis upon which an "agreement" could be affected. FARBEN's "claim to leadership" of the dyestuffs industry in Europe was to be recognized and accepted by the French. Going beyond its claims in the New Order, FARBEN now insisted on an absolute majority in the French chemical industry.

107. In developing its theme of the new German economic sphere, FARBEN stated that it will be a "necessity of business and political economy, that there be a complete accommodation of the French dyestuffs industry to the German dyestuffs industry." The French urged that the cartel agreement of 1927, as amended in 1929, though suspended by the war, was still valid and should constitute the basis for further negotiations. Thereupon the French speaker was interrupted by Ambassador Hemmen, who speaking loudly, with great violence, and pounding the table with his fists, said there could be no further discussion on any such basis; that the could not find words strong enough to express his amazement over such proposals; that the French must recognize the FARBEN "claim to leadership", that French prosperity was only due to the "Diktat" of Versailles; that France was actually

defeated and that they would have to accept the conditions stated or face the prospect of an immediate expropriation of their plants. The defendant VON SCHNITZLER flatly rejected the French proposals as an "imputation and insult" stating that the proposals ignored the "political and economic facts" especially since "France had declared war on Germany."

108. The next day FARBEN insisted that a new company be organized into which the French dyestuffs industry would be incorporated with FARBEN holding a 51 per cent participation. Production and the expansion of facilities were to be controlled, and the export market was to be entirely relinquished by the French.

109. Prostesting the harshness of the terms, the management of the French firms sought to shift the negotiation from a private to a governmental basis. FARBEN was adamant. Then the French submitted an alternative plan providing for participation by FARBEN in a newly formed sales organization rather than a production organization. This, too, was rejected. The defendant VON SCHNITZLER addressed the French saying: "If you don't come to terms on the basis suggested by us, we shall impose on your plants the same regime we have applied to MULHOUSE." The plants of the SOCIETE DES MATIERES COLORANTES ET PRODUITS CHIMIQUES DE MULHOUSE, and the KUHLMANN plant at VILLERS ST. PAUL, had already been seized by the Germans. Thereupon an agreement was reached in principle although the French still protested a 51 percent participation by FARBEN.

110. On 18 November 1941, the result of the "negotiations" was finally formalized in the "Francolor Agreement." This agreement embodied the terms which FARBEN had prepared prior to the conference of 20 January 1941. It provided among other things for the creation of a new corporation known as FRANCOLOR to which were transferred the principal asset of KUHLMANN, SAINT DENIS and SAINT CLAIR-DU-RHONE. FARBEN took a 51 percent participation in FRANCOLOR. In exchange for its assets the French received shares of FARBEN stock representing one percent of FARBEN's capitalization. Such shares could not be sold by the French purchasers, except to each other. Having thus acquired control, FARBEN "aryanized" the plants, transferred skilled French workers to Germany, dismantled and shipped special equipment to Germany, and converted these plants for armament production.

111. The German government annexed Alsace-Lorraine, and confiscated the plants located there which belonged to French nationals. Among the plants located in this area were the dyestuffs plant of KUHLMANN's SOCIETE DES MATIERES COLORANTES ET PRODUITS CHIMIQUES DE MULHOUSE, the oxygen plants, the OXYGENE

LIQUIDE STRASSBOURG-SCHILTIGHEIM (Alsace) and the factory of the OXHYDRIQUE FRANCAISE in Diedenhofen (Lorraine). FARBEN acquired these plants from the German government without payment to or consent of the French owners.

112. France had developed a substantial pharmaceutical line of which the SOCIETE DES USINES CHIMIQUES RHONE-POULENC (RHONE-POULENC) was the principal firm. The pharmaceutical branch of FARBEN, the BAYER organization, was also desirous of "negotiating" an agreement in that field. The RHONE-POULENC plants, however, were located in unoccupied France. With the aid and assistance of the German authorities the defendant MANN conducted successful "negotiations" resulting in a formal agreement whereby FARBEN acquired a 51 percent interest in a subsidiary of RHONE-POULENC and whereby that subsidiary was made the joint sales agency for the products of BAYER and RHONE-POULENC. FARBEN paid for its purchase through the "clearing account."

113. By the aforementioned "negotiations", FARBEN acquired control of the French chemical and pharmaceutical industries, integrated its production to its own operations and participated in the subjugation of the French economy to the German economy and in the destruction of its former independence.

## F. FARBEN in Russia

114. On 18 December 1940, Hitler issued a directive stating that by 15 May 1941, "The German armed forces must be prepared to crush Soviet Russia in a quick campaign before the end of the war against England." The code name for this campaign was "Case Barbarossa." A special plan, called the "Oldenburg" plan, to be administered by an Economic General Staff, was set up as an economic counterpart to "Case Barbarossa", to assure the most efficient exploitation of Soviet resources. The German armies were to be fed out of Soviet territory even "if many millions of people will be starved to death." In planning the said aggression and destruction of Soviet resources, the German government openly rejected the restrictions of the Hague Convention of 1907 declaring that its rules "regarding the administration of territories occupied by a belligerent do not apply since the Soviet Union is to be considered dissolved"; the entire Soviet industrial property was marshalled for "National Economy" and belonged to the German State. The plan envisaged a campaign of exploitation designed to subjugate the entire Soviet economy, to strip it of its industrial facilities, and to reduce the Soviet Economy to an agrarian status.

115. Special corporations, called MONOPOLGESELLSCHAFTEN or OSTGESELLSCHAFTEN were organized for the express purpose of

exploiting the specialized industrial fields. These corporations were to be appointed "trustees" to operate Soviet industrial facilities exclusively for the German war economy.

116. To lay a basis for future claim to Soviet industrial plants, FARBEN set out to acquire influence in and control of the special corporations through substantial financial participations, and through placing its personnel in key positions in these corporations, FARBEN secured a financial participation in the KONTINENTALE OEL A.G. which Goering had organized as early as March, 1941, to exploit the oil resources of the East. The defendant BUETEFISCH attended the initial meeting where the organizational details were agreed upon. The defendant KRAUCH was made a member of the Vorstand of KONTINENTALE OEL A. G. and Hermann Abs, of the FARBEN Aufsichtsrat, was made an official of the company. The oil properties and related facilities of the Soviet Union were assigned to the KONTINENTALE OEL A. G. for exploitation. In the CHEMIE OST, G. m. b. H. another special corporation, FARBEN obtained a substantial financial participation. A FARBEN official was made its manager and the defendant VON SCHNITZLER a member of its advisory board. Defendant OSTER was made manager of the STICKSTOFF OST, a corporation organized to exploit nitrogen facilities.

117. FARBEN made available to the German government the service of the defendant AMBROS and other experts to prepare for the exploitation of Soviet industry. On 28 June 1941, one week after the attack of Russia, the defendant AMBROS wrote the defendant KRAUCH offering the services of FARBEN specialists who should "take over the plants there." The following week the defendant ILGNER issued instructions for the submission of plans to reorganize Russian industry under German leadership, using FARBEN's experience in Czechoslovakia as a model. At the same time the defendant AMBROS selected a group of chemists and specialists to go to Russia and on 1 July 1941, informed the Buna Commission that, prior to their departure for Russia, it was necessary that the policies relating to the production of certain types of Buna be fixed in order "to make; as soon as possible, the Russian production subservient to our intentions." In December, 1941, FARBEN proposed to the German Ministry of Economics the formation of a special corporation for exploiting the Russian buna plants, whose stock was to be owned 100 percent by FARBEN.

118. In January, 1942, FARBEN's Berlin N. W. 7 office submitted a secret report on the government agencies participating in the exploitation of the Soviet Union. Its own participations in the exploitation of Russia in special chemical, textile and related fields were listed. FARBEN was informed by this report that the policy

of the government was to give German industry a free hand in Russia and that "the directives provide for ruthless cleaning of the industrial cities of South Russia and for the removal of all usable industrial machinery*** The East is ultimately to be a 'pure agricultural and raw material territory". A copy of this report was sent to each member of the Vorstand and of the Commercial Committee at the request of the defendant MANN.

## VIOLATION OF LAW

119. The acts and conduct of the defendants set forth in this Count were committed unlawfully, willfully, and knowingly, and constitute vivlations of the laws and customs of war, of international treaties and conventions, including Articles 46-56, inclusive, of Hague Regulations of 1907, of the general principles of criminal law as derived from the criminal laws of all civilized nations, of the internal penal laws of the countries in which such crimes were committed, and of Article II of Control Council Law No. 10.

## COUNT THREE

## SLAVERY AND MASS MURDER

### STATEMENT OF THE OFFENSE

120. All of the defendants, acting through the instrumentality of FARBEN and otherwise, with divers other persons, during the period from 1 September 1939 to 8 May 1945, committed War Crimes and Crimes against Humanity as defined by Article II of Control Council Law No. 10, in that they participated in the enslavement and deportation to slave labor on a gigantic scale of members of the civilian population of countries and territories under the belligerent occupation of, or otherwise controlled by Germany; the enslavement of concentration camp inmates, including German nationals; the use of prisoners of war in war operations and work having a direct relation to war operations, including the manufacture and transportation of war material and equipment; and the mistreatment terrorization, torture and murder of enslaved persons. In the course of these activities, millions of persons were uprooted from their homes deported, enslaved, illtreated, terrorized, tortured and murdered. All of the defendants committed these War Crimes and Crimes against Humanity, as defined by Article II of Control Council Law No. 10, in that they were principals in, accessories to, ordered, abetted, took a consenting part in, were connected with plans and enterprises involving, and were members of organizations or groups, including FARBEN, which were connected with, the commission of said crimes.

### PARTICULARS OF DEFENDANTS' PARTICIPATION IN SLAVERY AND MASS MURDER

#### A. Role of FARBEN in Slave Labor Program

121. The acts, conduct, plans, and enterprises referred to above were carried out as part of the slave labor program of the Third Reich, in the course of which millions of persons, including women and children were subjected to forced labor under cruel and inhuman conditions which resulted in widespread suffering and millions of deaths. At least five million workers were deported to Germany. Conscription of labor was implemented in most cases by brutal and violent methods, among which were included systematic manhunts in the streets, motion picture theatres, houses of worship and other public places, and frequent invasions of homes during the night. Workers deported for the Reich were sent under armed guard to Germany, often packed in trains without heating, food, clothing, or sanitary facilities, as a result of which many of them

were dead upon arrival, and most of the survivors were seriously ill. Those inhabitants of occupied countries who were not deported to Germany were conscripted and compelled to work in their own countries to assist the German war machine.

122. In the execution of said plans and enterprises the human and material resources of the belligerently occupied countries, completely out of proportion to the needs of the occupying forces, were seized and harnessed to the German war machine. The needs of the respective countries were utterly disregarded and the family honor and rights of the civilian populations involved were ruthlessly despoiled. Prisoners of war were forced to labor at work related directly to war operations including work in factories engaged in production for war. The principle guiding the handling and treatment of the civilian slave laborers and the prisoners of war was the one enunciated in official orders to the effect that they should "be fed, sheltered, and treated in such a way as to exploit them to the greatest possible extent at the lowest conceivable degree of expenditure."

123. The defendant KRAUCH, with the aid and assistance of FARBEN officials and with the knowledge and approval of the Vorstand, prepared and organized the details of the plans of the chemical industry for war mobilization. Such plans included, among other things, provisions for the procurement and exploitation of slave labor to supply the German war machine with materials and equipment with which to wage aggressive war. The defendant KRAUCH, as general Plenipotentiary for Special Questions of Chemical Production in the Four Year Plan, was the highest authority in passing on allocations of labor for the entire chemical industry, including foreign and concentration camp labor and prisoners of war. KRAUCH attended meetings of the Central Planning Board, the top governmental authority responsible for the overall planning and coordination of all matters relating to war production, including labor supply.

124. The exploitation of enslaved workers and of prisoners of war for works directly connected with war operations was standard policy of FARBEN. In 1941 the defendant SCHMITZ, in his business report to the Aufsichtsrat, stated that the respective works of FARBEN must direct their efforts to obtaining necessary workers and that its requirements could in general be covered through foreign workers and prisoners of war.

125. FARBEN established labor recruiting offices which were specifically charged with responsibility for combing the labor field of the chemical industries in the newly conquered countries, or countries and territories otherwise under Nazi control, to the end that skilled workers be forcibly deported to the Reich to work for FARBEN. In furtherance

of such policy, FARBEN with the knowledge and approval of the Vorstand and acting throught the defendants AMBROS, SCHNITZLER, TER MEER and others, exerted special pressure on French industrialists and with the aid and assistance of the German occupying forces, recruited by forcible deportation, and by willful misrepresentations, skilled and non-skilled French workers to come to Germany and work in the FARBEN plants where war material and equipment was being produced. French workers who were alleged to have come voluntarily were free to go home if they so chose. Any attempt to exercise freedom of contract by leaving their work was followed by manhunts, and capture resulted in transfers by "special transport" to the nearest labor office where they were returned to their involuntary servitude in FARBEN plants.

126. Concentration camp inmates were utilized by FARBEN as a source and means of procuring slave labor and to make more efficient use of this human commodity FARBEN constructed camps to house them. These camps were enclosed with barbed wire, and the slave laborers housed therein were guarded by SS men. Deportees from Eastern occupied countries were guarded by armed plant guards accompanied by watch dogs. In its plants FARBEN accepted and appointed as its security representatives men designated by the SS and Gestapo and in the administration of its plants adopted the policies and practices of the Gestapo. Although the FARBEN plant manager was responsible for the morale and discipline of its slave workers, it was standard policy to call in the Gestapo to enforce discipline.

127. FARBEN was aggressive in its acquisition of slave laborers and sent its representatives to concentration camps to make selections of those considered most physically fit for servitude in FARBEN plants. This is illustrated by a complaint made by the head of the Personnel Divison of FARBEN's Kamerawerke, Munich, to the Commandant of the Dachau Concentration Camp, that a transport which left Ravensbruck with inmates selected by FARBEN engineers contained only 250 Dutch women instead of 260 and that 63 of this number were not selected by them. Another instance is the demand made in January, 1944, by the same office of FARBEN's Kamerawerke, Munich, to the Labor Office, Munich, for the requisition of Polish female prisoners whose term of imprisonment was about to expire. In this case FARBEN specifically requested that the sentences of such prisoners be extended.

128. In all FARBEN plants and works, where slave labor was used, sub-human standards of living were the established order. Inadequate food rations, overcrowded and filthy sleeping quarters, excessive hours of hard physical labor, continued beatings and other cruel disciplinary measures, brought about a high percentage of illness and disease among the inmates. In cases of disease, little or no medical care was furnished, as a result of which many slave laborers died.

129. The extent of FARBEN slave labor activities is shown by the following figures: During the period here involved, the total number of workers reached 200,000 of which approximately 50 per cent were slave labor. Beginning in 1941, with approximately 10,000 slave laborers, FARBEN progressively increased its exploitation of such slave labor to approximately 22,000 in 1942; 58,000 in 1943; 85,000 in 1944 and 100,000 in 1945. These figures represent only the numbers of slave laborers in FARBEN plants at a given time and do not reflect the fact that many died and were replaced and many were "exchanged". FARBEN in its use of slave labor affected the freedom, the well-being, and the lives of many hundreds of thousands of human beings.

130. In FARBEN's internal organization, the Technical Committee passed upon and recommended to the Vorstand the construction of barracks and concentration camps, together with installations and equipment necessary to house the slave labor. The Vorstand, thereupon, gave its approval to the projects so recommended and authorized the necessary expenditures. The welfare of such slave labor, including the administration of the barracks and concentration camps and the type of disciplinary action to be taken against the slave labor, was under the immediate supervision of the plant leaders and plant managers, including the defendants WURSTER, AMBROS, LAUTENSCHLAEGER, BUERGIN and GAJEWSKI. The Vorstand "delegated" its overall responsibility for the welfare of laborers in all its plants to the defendant SCHNEIDER as Hauptbetriebsfuehrer (Chief of Plant Leaders). SCHNEIDER consulted with the plant leaders and plant managers and other members of the Vorstand, including the defendants VON SCHNITZLER, ILGNER, TER MEER and BRUEGGEMANN in formulating policy decisions. The defendant KRAUCH discussed with SCHNEIDER and other members of the Vorstand the requisitioning and handling of slave labor.

B. **Use of Poison Gas and Medical Experimentation upon Enslaved Persons.**

131. Poison gases and various deadly pharmaceuticals manufactured by FARBEN and supplied by FARBEN to officials of the SS were used in experimentation upon and the extermination of enslaved persons in concentration camps throughout Europe. Experiments on human beings (including concentration camp inmates), without their consent, were conducted by FARBEN to determine the effect of deadly gases, vaccines, and related products.

C. **FARBEN at Auschwitz.**

132. The Auschwitz concentration camp was established for the main purpose of exterminating human beings. Life or death of the inmates depended solely upon their fitness for work. All who were considered fit to work were used as slave laborers; all who were not considered fit

to work were exterminated in gas chambers and their bodies burned. When the remainder of dead exceeded the capacity of the specially constructed crematoria, the "overflow" of human beings was burned in huge open bonfires. Here many victims were also burned alive. In Auschwitz alone, three to four million persons were exterminated, and another one-half million died from disease and starvation.

133. The decision between life and death of newly arrived inmates was made pursuant to a screening system which operated as follows: There were two SS doctors on duty to examine the incoming transports of prisoners. The prisoners would be marched by one of the doctors who would make spot decisions as they walked by. Those who appeared fit for work were sent into the camp. Others were sent immediately to the extermination chambers. Children of tender years were usually exterminated, since by reason of their youth, most of them were considered unable to work. Steps were taken to conceal from the victims the fact that they were to be exterminated and it was represented to them that by going through the gas chambers they were only going through a bathing and delousing process. It took from three to fifteen minutes to kill the people in the death chamber, and when their screaming had stopped it was assumed they were dead. About a half hour later, the doors were opened and the bodies removed, whereupon special commandos of the SS took off the rings and extracted the gold from the teeth of the corpses. The bodies were then cremated and after cremation, their ashes were used for fertilizer. In some instances, attempts were made to utilize the fat from the bodies of the victims in the commercial manufacture of soap.

134. At Auschwitz, innumerable inmates were forcibly subjected to cruel and unusual experiments in surgery and tests of various medications. These surgical and medical experiments consisted in the main of castrations, ovarian operations, amputations, complete removal of sexual organs, abortions, sterilization by X-Ray, injection with the virus of certain diseases, and subsequent oral or intra-venal application of various drugs and pharmaceutical products. Many of the pharmaceuticals used were manufactured by and procured from one or more of FARBEN's plants.

135. In or about 1940, the defendant KRAUCH discussed the construction of a new buna plant with the defendant AMBROS. The defendant AMBROS in consultation with the defendant TER MEER proceeded to make a survey of suitable locations and recommended to the FARBEN Vorstand that the buna plant be constructed at Auschwitz. In recommending said location, the defendant AMBROS called specific attention to the available labor supply from the concentration camps in that area. The Vorstand approved the recommendations and authorized the construction of a buna plant at Auschwitz.

136. To insure the cooperation of the SS in the furnishing of concentration camp labor, FARBEN took steps to establish friendly relationships with the SS. In 1941 FARBEN made a contribution to the SS, through the "Circle", of 100,000 marks and thereafter made similar annual contributions to the SS. The defendant BUETEFISCH was a member of the "Keppler Circle" subsequently known as the "Friends of Himmler" and "Freundeskreis" (Circle of Friends). This select group included the leading industrialists in Germany. Regular and frequent meetings were held at which Heinrich Himmler, Reichs-Fuehrer of the SS, presided. Its membership, in addition to leading German industrialists and bankers, included Karl Wolff, Himmler's Adjutant; Oswald Pohl, Chief of all concentration camps; Otto Ohlendorf, a leading official of the SS who testified before the IMT that his SS Commandos had killed 90,000 women, men and children, mostly Jews in Russia; and Wolfram Sievers, who directed the program of criminal medical experimentation on human beings. This "Circle" made regular annual contributions of at least one million marks to Himmler to aid in financing the criminal activities of the SS. These activities consisted of the guarding and administration of concentration camps and the brutal treatment of their inmates; subjecting prisoners of war and concentration camp inmates to a series of experiments, including freezing to death and killing by poisoned bullets; shooting unarmed prisoners of war; extensive participation in the slave labor program; murder and ill-treatment of the civilian population in occupied countries, including massacres such as at Lidice and the destruction of the Warsaw ghetto; and persecution and extermination of millions of Jews and others deemed politically undesirable by the SS. The criminal programs of the SS were so widespread and conducted on such a gigantic scale that they were a matter of common knowledge throughout Germany and throughout the world. In addition to the defendant BUETEFISCH, FARBEN maintained its liaison with the SS through various members of its organization who held high offices in the SS and through the personal friendship between the defendant AMBROS and Himmler. FARBEN was given top priority in the allocation of concentration camp inmates to work at the buna plant at Auschwitz.

137. Early in 1941 FARBEN, having secured priority in the procurement of concentration camp labor from Auschwitz, undertook the construction of the Buna Plant at Auschwitz. Goering issued an order to Himmler, in or about February, 1941, to the effect that Jews in Auschwitz and surrounding areas must be immediately vacated because of the Buna factory to be constructed. The said order further provided that concentration camp inmates be used for the construction of said Buna works, estimating that eight to twelve thousand workers would be needed. Himmler and the defendant KRAUCH were authorized to

prepare and formulate necessary orders to carry the foregoing into effect, and to notify Goering when such orders were formulated. Pursuant to the said directive of February, 1941, from Goering to Himmler, the SS was authorized to make arrangements with FARBEN for the use of concentration camp inmates in the construction of the Buna works. Thereafter, at a meeting held in Berlin, FARBEN agreed with General Wolff of the SS that it would pay the SS one and a half to four marks per day for different classes of labor which were to be furnished by the SS from the concentration camp at Auschwitz. The lowest rate was for the labor of those children of tender years who were considered strong enough physically that they were given the opportunity to work for a short time in lieu of immediate death. None of the inmates ever received any portion of these payments.

138. In order to bring more slave workers closer to the Buna plant, and thus better integrate production with concentration camp facilities in the Auschwitz system, in October, 1942, FARBEN constructed an additional camp at Auschwitz called Monowitz, adjacent to the Buna Plant site. The standard pattern of concentration camp construction was followed. Monowitz, like the others, was surrounded by dense barbed wire fences, charged with high tension electric current. It contained strategically placed guard towers, torture enclosures, and all other standard concentration camp accessories and equipment, including a specially constructed railway spur leading into Monowitz, over which were carried the well-known "transports" of inmates. Monowitz received not only as many inmates as FARBEN could obtain from the Auschwitz concentration camp but received new inmates and was administered in every way like all the other camps. For the construction and equipping of Monowitz, FARBEN, with the specific approval of the Vorstand, expended upwards of 5,000,000 reichsmarks.

139. FARBEN reached an understanding with the SS relating to the administration of Monowitz, and, pursuant to this agreement, assumed responsibility, among other things, for the furnishing of food, quarters, and similar facilities. The policing of the concentration camp was shared between the SS and the "Work Police" which was set up and armed by FARBEN.

140. In the administration of the Monowitz concentration camp FARBEN set up a special punishment division to which were sent workers who did not conform to the murderous requirements of production efficiency imposed by FARBEN. As a result of such action, beatings and other forms of corporal punishment were administered, and in many cases the workers were sent to the extermination chambers at Birkenau, another part of the Auschwitz system, which was notorious for its gas chambers and crematoria.

141. FARBEN, in complete defiance of all decency and human considerations, abused its slave workers by subjecting them, among other things, to excessively long, arduous, and exhausting work, utterly disregarding their health or physical condition. The sole criterion of the right to live or die was the production efficiency of said inmates. By virtue of inadequate rest, inadequate food (which was given to the inmates while in bed at the barracks), and because of the inadequate quarters (which consisted of a bed of polluted straw, shared by from two to four inmates), many died at their work or collapsed from serious illness there contracted. With the first signs of a decline in the production efficiency of any such workers, although caused by illness or exhaustion, such workers would be subjected to the well-known "SELEKTION". "SELEKTION", in its simplest definition meant that if, upon a cursory examination, it appeared that the inmate would not be restored within a few days to full productive capacity, he was considered expendable and was sent to the "Birkenau" camp of Auschwitz for the customary extermination. The meaning of "SELECTION" and "BIRKENAU" were known to everyone at Auschwitz and became a matter of common knowledge.

142. The working conditions at the FARBEN Buna plant were so severe and unendurable that very often inmates were driven to suicide by either dashing through the guards and provoking death by rifle shot or hurling themselves into the high-tension electrically-charged barbed wire fences. As a result of these conditions, the labor turnover in the Buna plant in one year amounted to at least three hundred per cent. Besides those who were exterminated and committed suicide, up to and sometimes over one hundred persons died at their work every day from sheer exhaustion. All depletions occasioned by extermination and other means of death were balanced by replacement with new inmates. Thus, FARBEN secured a continuous supply of fresh inmates in order to maintain full production.

143. FARBEN's conduct at Auschwitz can be best described by a remark of Hitler: "What does it matter to us? Look away if it makes you sick".

## VIOLATION OF LAW

144. The acts and conduct of the defendants set forth in this Count were committed unlawfully, willfully, and knowingly and constitute violations of international conventions, particularly of Articles 3, 4, 5, 6, 7, 14, 18, 23, 43, 46 and 52 of the Hague Regulations, 1907, and of Articles 2, 3, 4, 6, 9—15, 23, 25, 27—34, 46—48, 50, 51, 54, 56, 57, 60, 62,

63, 65—68, and 76 of the Prisoner-of-War Convention (Geneva, 1929), of the laws and customs of war, of the general principles of criminal law as derived from the criminal laws of all civilized nations, of the internal penal laws of the countries in which such crimes were committed, and of Article II of Control Council Law No. 10.

## COUNT FOUR

### MEMBERSHIP IN THE SS

145. The defendants SCHNEIDER, BUETEFISCH, and VON DER HEYDE are charged with membership, subsequent to 1 September 1939, in Die Schutzstaffeln der Nationalsozialistischen Deutschen Arbeiterpartei (commonly known as the "SS"), declared to be criminal by the International Military Tribunal, and Paragraph 1 (d) of Article II of Control Council Law No. 10.

## COUNT FIVE

## COMMON PLAN OR CONSPIRACY

146. All the defendants, acting through the instrumentality of FARBEN and otherwise, with divers other persons, during a period of years preceding 8 May 1945, participated as leaders, organizers, instigators and accomplices in the formulation and execution of a common plan or conspiracy to commit, or which involved the commission of Crimes against Peace (including the acts constituting War Crimes and Crimes against Humanity, which were committed as an integral part of such Crimes against Peace) as defined by Control Council Law No. 10, and are individually responsible for their own acts and for all acts committed by any persons in the execution of such common plan or conspiracy.

147. The acts and conduct of the defendants set forth in Counts One, Two and Three of this Indictment formed a part of said common plan or conspiracy and all the allegations made in said Counts are incorporated in this Count.

WHEREFORE, this Indictment is filed with the Secretary General of the Military Tribunals and the charges herein made against the abovenamed defendants are hereby presented to the Military Tribunals.

**TELFORD TAYLOR,**
Brigadier General, USA
Chief of Counsel for War Crimes
Acting on Behalf of the United States of America

Nurnberg, 3 May 1947

## APPENDIX A

### Statement of Positions held by each of the Defendants

The following is a list of the high positions held by each of the defendants in the financial, industrial and economic life of Germany and of the high political, civil and military positions held by each of the defendants in Germany. Each of the defendants, by using these positions and his personal influence, participated in the planning, preparation, initiation and waging of wars of aggression and invasions of other countries, and committed Crimes against Peace as set forth in Count One and War Crimes and Crimes against Humanity as set forth in Counts Two and Three, and participated in a common plan or conspiracy to commit said crimes as set forth in Count Five.

KRAUCH:

The defendant Carl KRAUCH during the period from 1932 to 1945 was: Member of the Vorstand and of the Zentralausschuss (Central Committee); Chairman, Aufsichtsrat: Chief, Sparte I (Division I); Chief, Vermittlungsstelle W (Liaison Office W) of Farben; Member, NSDAP; Member, NSFK; Member, DAF (German Labor Front); Wehrwirtschaftsfuehrer (Military Economy Leader); Holder of Ritterkreuz des Kriegsverdienstkreuzes (Knight's Cross of the War Merit Cross); Member, Beirat (Advisory Council), Wirtschaftsgruppe Chemische Industrie (Economic Group Chemical Industry); Chief, Reichsamt fuer Wirtschaftsausbau (Reich Office for Economic Development); Chief, Abteilung Forschung und Entwicklung, Amt fuer Deutsche Roh- und Werkstoffe, Vierjahresplan (Research and Development Department, Office for German Raw Materials and Synthetics, Four Year Plan); Generalbevollmaechtigter fuer Sonderfragen der Chemischen Erzeugung (General Plenipotentiary for Special Questions of Chemical Production); Member, Deutsche Akademie fuer Luftfahrtforschung (German Academy for Aviation Research); Senator, Kaiser-Wilhelm-Gesellschaft (Kaiser Wilhelm Society); Honorary Member, Verein Deutscher Chemiker (Association of German Chemists); Member, Directorate, Reichsforschungsrat (Reich Research Council); Chairman, Aufsichtsrat, Gesellschaft fuer Landeskultur G. m. b. H., Halle-Saale; Deputy Chairman, Aufsichtsrat, A. G. fuer Stickstoffduenger, Knapsack/Koeln; Member, Aufsichtsrat, Deutsche Gasolin A. G., Berlin; Member, Aufsichtsrat, Braunkohle-Benzin A. G., Berlin; Member, Aufsichtsrat, Braunkohlen-Produkte A. G., Berlin; Member Aufsichtsrat Ford-Werke A. G., Koeln; Member, Aufsichtsrat, Kontinentale Oel A. G., Berlin; Geschaeftsfuehrer (Manager), Ammoniak-

werk Merseburg G. m. b. H., Merseburg; and chairman or board member of other industrial firms, combines, and enterprises, within Germany and the occupied countries.

SCHMITZ:

The defendant Hermann SCHMITZ during the period from 1932 to 1945 was: Chairman of the Vorstand and of the Zentralausschuss (Central Committee) of Farben; Member, Reichstag; Wehrwirtschaftsfuehrer Military Economy Leader); Member, Gutachter-Ausschuss ueber Rohstoff-Fragen (Committee of Experts on Raw Materials Questions) of Goering; Member, Engerer Beirat (Select Advisory Council), Reichsgruppe Industrie (Reich Group Industry); Member, Board of Directors, Bank fuer Internationalen Zahlungsausgleich (Bank of International Settlements), Basle; Chairman, Waehrungsausschuss (Currency Committee), Reichsbank; Member, Akademie fuer Deutsches Recht (Academy for German Law); Member, Ausschuss fuer Aktienrecht (Committee for Corporate Law); Akademie fuer Deutsches Recht; Chairman, Vorstandsrat (Board of Directors), Haus der Deutschen Kunst (House of German Art); Chairman, Aufsichtsrat, Dynamit A. G., vorm. Alfred Nobel and Co., Troisdorf (munitions and explosives combine); Chairman, Aufsichtsrat, Rheinische Stahlwerke A. G., Essen (coal combine); Deputy Chairman, Aufsichtsrat, Vereinigte Stahlwerke A. G., Duesseldorf (steel combine); Chairman, Aufsichtsrat, A. G. fuer Stickstoffduenger, Knapsack/Koeln; Chairman, Aufsichtsrat, Deutsche Celluloid-Fabrik A. G., Eilenburg; Chairman, Aufsichtsrat, A. Riebeck'sche Montanwerke A. G., Halle/Saale; Chairman, Aufsichtsrat, Wolff & Co. K. G. a. A., Walsrode; Member, Aufsichtsrat, Friedrich Krupp A. G., Essen; Member, Aufsichtsrat, Kalle & Co. A. G., Wiesbaden-Biebrich; Member, Aufsichtsrat, Stickstoff-Syndikat G. m. b. H. Berlin; Member, Aufsichtsrat, Metallgesellschaft A. G., Frankfurt; Member, Aufsichtsrat, Norddeutsche Raffinerie, Hamburg; Member, Aufsichtsrat, Rheinische Gummi- und Celluloid-Fabrik, Mannheim; Member, Aufsichtsrat, Allianz-Versicherungs-A. G., Berlin; Chairman, Ammoniakwerk Merseburg G. m. b. H., Merseburg; Chairman, Aufsichtsrat, Deutsche Laenderbank A. G., Berlin; Chairman, Aufsichtsrat, Deutsche Industriebank, Berlin; Member, Aufsichtsrat, Deutsche Bank, Berlin; Member, Aufsichtsrat, Reichskreditgesellschaft A.G. Berlin; Member, Siebener Ausschuss (Committee of Seven), Deutsche Golddiskontbank, Berlin; Chairman, Europaeische Stickstoffkonvention (European Nitrogen Convention); Member, Aufsichtsrat, Norsk Hydro Elektrisk Kvaelsstoffaktieselskabet, Oslo, Norway; Chairman, Verwaltungsrat, Internationale Gesellschaft der Stickstoff-Industrie A. G., Basle, Switzerland; Chairman, Verwaltungsrat, Internationale Gesellschaft fuer Chemische Unternehmungen A. G., Basle, Switzerland; President and Chairman, Board of Directors, American I. G., Chemical Corp.,

New York; and chairman or board member of other industrial firms, combines and enterprises within Germany, and the occupied countries and elsewhere.

VON SCHNITZLER:

The defendant Georg August Eduard von SCHNITZLER during the period from 1932 to 1945 was: Member of the Vorstand and of the Zentralausschuss (Central Committee); Chairman Kaufmaennischer Ausschuss (Commercial Committee); Chief, Verkaufsgemeinschaft Farbstoffe (Sales Combine Dyestuffs); Chief Verkaufsgemeinschaft Chemikalien (Sales Combine Chemicals); Chairman, Farben-Ausschuss (Dyestuffs Committee); Chairman, Chemikalien-Ausschuss (Chemicals Committee), of Farben; Member, NSDAP; Hauptsturmfuehrer (Captain) SA; Member, DAF (German Labor Front); Member, NSKK; Wehrwirtschaftsfuehrer (Military Economy Leader); Member, Grosser Beirat (Greater Advisory Council), Reichsgruppe Industrie (Reich Group Industry); Chairman, Staendiger Ausstellungs- und Messe-Ausschuss (Permanent Committee for Exhibitions and Fairs), and Ausschuss fuer Industrielle Wirtschaftswerbung, (Committee for Economic Propaganda of Industry), Reichsgruppe Industrie; Member, Aussenhandels-Ausschuss (Committee for Foreign Trade), Reichsgruppe Industrie; Deputy Chairman, Wirtschaftsgruppe Chemische Industrie (Economic Group Chemical Industry); Chief, Fachgruppe 16, Teerfarben und Teerfarben-Zwischenprodukte (Sub-Group 16, Tar Dyes and Tar Dye Intermediates), Wirtschaftsgruppe Chemische Industrie; Chairman, Werberat der Deutschen Wirtschaft (Council for Propaganda of German Economy), Ministry of Propaganda; Representative of German Group in Vier-Parteien Farbstoff Kartell (Dyestuffs Four-Party Cartel); Chairman, Zwischenstaatliches Deutsch-Belgisches Comité (Interstate German-Belgian Committee); Vice President, Schiedsgerichtshof der Internationalen Handelskammer (Court of Arbitration, International Chamber of Commerce); Vice Chairman, Deutsch-italienische Studienstiftung (German-Italian Studies Foundation); Member, Deutsch-spanische Gesellschaft (German-Spanish Society); Member, Deutsch-franzoesische Gesellschaft (German-French Society); Member Directorate, Deutsche Gruppe der Internationalen Handelskammer (German Group of International Chamber of Commerce); Chairman, Aufsichtsrat, Chemische Werke Dornach G. m. b. H., Muelhausen-Dornach; Chairman, Verwaltungsrat, Gesellschaft fuer Verkaufsfoerderung (Company for Sales Promotion); Chairman, Frankfurt-Hesse Regional Beirat (Advisory Council), Deutsche Bank; Vice Chairman, Deutscher Soda- und Atznatronverband, Berlin; Member, Aufsichtsrat, Ala-Anzeigen A. G., Berlin; Member, Aufsichtsrat, Kalle & Co. A. G., Wiesbaden-Biebrich; Chairman, Aufsichtsrat, Chemische Werke Aussig-Falkenau G. m. b. H., Aussig, Czechoslovakia; Vice Chairman, Auf-

sichtsrat, Sociedad Electro-Quimica de Flix, Flix Spain; Member, Aufsichtsrat, A. S. de Matiéres Colorantes et Produits Chimiques, Francolor, Paris, France; Member, Aufsichtsrat, Aziende Colori Nazionali Affini S. A., Milan, Italy; and chairman or board member of other industrial firms, combines, enterprises within Germany, the occupied countries and elsewhere.

GAJEWSKI:

The defendant Fritz GAJEWSKI during the period from 1932 to 1945 was: Member of the Vorstand and of the Zentralausschuss (Central Committee); Chief Sparte III (Division III); Manager of "Agfa" plants; Deputy Chairman, Technischer Ausschuss (Technical Committee) of Farben; Member, NSDAP; Member, DAF (German Labor Front); Member, NS Bund Deutscher Technik (National Socialist Bund of German Technicians); Member, Reichsluftschutzbund (Reich Air Raid Protection Bund); Wehrwirtschaftsfuehrer (Military Economy Leader); Member, Beirat (Advisory Council), Wirtschaftsgruppe Chemische Industrie (Economic Group Chemical Industry); Member, Beirat, Fachgruppe Chemische Herstellung von Fasern (Sub-group for Chemical Production of Artificial Fibres), Wirtschaftsgruppe Chemische Industrie; Member, Zellwolleausschuss (Artificial Fibres Committee), Wirtschaftsgruppe Textilindustrie; Member, Beirat, Fachgruppe Zellstofferzeugung (Sub-group for Cellulose Production), Wirtschaftsgruppe Papier-, Zellstoff- und Holzstoff-Erzeugung (Economic Group Paper, Card-board, Cellulose and Wood Pulp Production); Member, Beirat Industrie- und Handelskammer (Chamber of Industry and Commerce), Halle/Saale; Member, Beirat, Gauwirtschaftskammer Halle-Merseburg (Gau Economic Chamber Halle-Merseburg), Halle/Saale; Chairman, Pensionskasse der Agfa der Angestellten der I. G. Farben A. G. (Pension Fund of Agfa of Employees of I. G. Farben A. G.), Wolfen-Bitterfeld; Member, Vorstand, I. G. Betriebs-Sparvereinigung (Plant Savings Association), Ludwigshafen; Chief, Section V, Berufsgenossenschaft der Chemischen Industrie (Trade Association of Chemical Industrie), Leipzig; Deputy Member, Beirat, Landesverband Sachsen des Reichsverbandes der gewerblichen Berufsgenossenschaften (Saxony Country Union of the Reich Union of Industrial Trade Associations), Dresden; Member, Kuratorium (Board of Trustees), Mitteleuropaeischer Wirtschaftstag (Central European Economic Diet); Ordentliches Mitglied des Arbeitsausschusses (Full Member of Working Committee), Kunstseide-Verkaufs-Bueros G.m.b.H., Berlin; Deputy Chairman, Aufsichtsrat, Deutsche Celluloid-Fabrik A.G., Eilenburg; Deputy Chairman, Aufsichtsrat, Kalle und Co. A. G., Wiesbaden-Biebrich; Member, Aufsichtsrat Deutsche Grube A. G., Halle/Saale; Member, Aufsichtsrat. AGFA Gemeinnuetzige Altersheim G.m.b.H., Berlin; Member, Aufsichtsrat, Dynamit A. G., vorm. Alfred Nobel und Co., Trois-

dorf; Member, Aufsichtsrat, Gemeinnuetzige Wohnungsbaugesellschaft, Wolfen; Member, Gesellschaftsrat (Company Board), Dr. Alexander Wacker, Gesellschaft fuer Elektro-chemische Industrie G.m.b.H., Munich; Chairman, Verwaltungsrat, Chemische Industrie A.G., Pressburg, Czechoslovakia; Member, Verwaltungsrat, A.G. Dynamit Nobel, Pressburg, Czechoslovakia; and chairman or board member of other industrial firms, combines and enterprises within Germany and the occupied countries.

HOERLEIN:

The defendant Philipp Heinrich HOERLEIN during the period from 1932 to 1945 was: Member of the Vorstand and of the Zentralausschuss (Central Committee); Member, Technischer Ausschuss (Technical Committee); Manager, Elberfeld Plant, in charge of development of vaccines, sera pharmaceuticals and poison gas; Chairman, Pharmazeutische Hauptkonferenz (Pharmaceuticals Main Committee), of Farben; Member, NSDAP; Member, DAF (German Labor Front); Member, NS Bund Deutscher Technik (National Socialist Bund of German Technicians); Chairman, Justus-Liebig-Gesellschaft (Julius Liebig Society); Treasurer, Kaiser-Wilhelm-Gesellschaft (Kaiser Wilhelm Society); Treasurer, Deutsche Chemische Gesellschaft (German Chemical Association); Chairman, Wuppertal Regional Beirat (Advisory Council), Deutsche Bank; Member, Handelskammer (Chamber of Commerce), Wuppertal; Chairman, Aufsichtsrat, Behringwerke A. G., Marburg; and chairman or board member of other industrial firms, combines and enterprises within Germany and the occupied countries.

VON KNIERIEM:

The defendant Johann August von KNIERIEM during the period from 1932 to 1945 was: Member of the Vorstand and of the Zentralausschuss (Central Committee); Chairman, Rechtsausschuss (Legal Committee) and Patent-Ausschuss (Patent Committee) of Farben; Member, NSDAP; Member, DAF (German Labor Front); Member, NS Rechtswahrerbund (National Socialist Lawyers Association); Member, Deutsche Adelsgesellschaft (German Society of Nobles); Member, Ausschuss fuer Patent-Muster-Zeichenwesen (Committee for Patents and Trademarks), Reichsgruppe Industrie (Reich Group Industry); Member, Ausschuss fuer Marktordnung und Betriebwirtschaft (Committee for Market Regulation and Business Economics), Reichsgruppe Industrie; Member, Rechtsausschuss (Law Committee), Reichsgruppe Industrie, and of the following special sub-committees; Aktienrecht (Corporation Law), G. m. b. H.-Recht (Law for Limited Companies), and Eigentumsvorbehalt (Law of Con-

ditional Transfer of Property); Member, Praesidialausschuss fuer Kartell- und Steuerpolitik, betriebswirtschaftliche Fragen und Probleme der Marktordnung (Board Committee for Cartel and Tax Policies, Business Economics Questions, and Market Problems), Reichsgruppe Industrie; Member, Akademie fuer Deutsches Recht (Academy for German Law); Chairman, Ausschuss fuer das Recht (Academy for German Law); mittee for the Law of Copyright); Akademie fuer Deutsches Recht; Member, Arbeitsgemeinschaft fuer Deutsche und Ungarische Rechtsbeziehungen (Working Association for German-Hungarian Legal Relations), Akademie fuer Deutsches Recht; Member, Arbeitsgemeinschaft fuer Vierjahresplanfragen im Rahmen des Patentausschusses (Working Association for Four Year Plan Questions within Framework of Patent-Committee); Akademie fuer Deutsches Recht; Member, Patent- und Gebrauchsmusterrechts-Ausschuss (Patents and Trademarks Law Committee); Urheberrechts-Ausschuss (Patent Law Committee), Warenzeichen- und Wettbewerbsausschuss (Trademarks and Competition Committee), Deutsche Arbeitsgemeinschaft fuer Gewerblichen Rechtsschutz und Urheberrecht (German Working Association for Legal Protection of Industry and Patent Law); Ordentliches Mitglied (Full Member); Internationale Rechtskammer (International Chamber of Law); Chairman, Sektion "Gewerblicher Rechtsschutz" (Section "Industrial Legal Protection"), Internationale Rechtskammer; Member, Ausschuss fuer Fragen des gewerblichen Rechtsschutzes (Committee for Questions of Industrial Legal Protection); Internationale Handelskammer (International Chamber of Commerce); Member, Ausschuss fuer Fragen internationaler Kartelle (Committee for Questions of International Cartels); Internationale Handelskammer; Member, Kaiser-Wilhelm-Gesellschaft (Kaiser Wilhelm Society); Member, Aufsichtsrat, Anorgana G. m. b. H., Frankfurt; Member, Verwaltungsrat, Stickstoff Syndicat G. m. b. H., Berlin; Geschaeftsfuehrer (Manager), Ammonialwerk Merseburg G. m. b.H., Merseburg; Board Member, International Hydrogenation Patents Co., The Hague, Holland; Board Member, International Hydrogenation Engineering and Chemical Co., The Hague, Holland; and chairman or board member of other Industrial firms, combines and enterprises within Germany and the occupied countries.

TER MEER:

The defendant Fritz ter MEER during the period from 1932 to 1945 was: Member of the Vorstand, and of the Zentralausschuss (Central Committee); Chief, Technischer Ausschuss (Technical Committee); Chief Sparte II (Division II) of Farben; Member, NSDAP; Member, DAF (German Labor Front); Wehrwirtschaftsfuehrer (Military Economy Leader); Beauftragter (Commissioner) and Ruestungsobmann (Armament Commissioner) of the Generalbeauftragter fuer Italien des Reichsministers

fuer Ruestung und Kriegsproduktion (Commissioner for Italy of the Reich Ministry for Armament and War Production); Vice-Chairman and Member, Praesidium, Wirtschaftsgruppe Chemische Industrie (Economic Group Chemical Industry); Member, Beirat (Advisory Council), Wirtschaftsgruppe Chemische Industrie; Chief, and Chairman, Produktionsausschuss (Production Committee), Sammelgruppe I, Sonstige Anorganische Erzeugnisse (Sub-group I, Other Inorganic Products), Wirtschaftsgruppe Chemische Industrie; Member, Beirat, Industrie und Handelskammer (Chamber of Industry and Commerce), Rhein-Main Region, Frankfurt; Chairman, Berufsgenossenschaft der Chemischen Industrie (Trade Association of Chemical Industry), Berlin; Member, Beirat, Reichsverband der Gewerblichen Berufsgenossenschaften (Reich Union of Industrial Trade Associations), Berlin-Wilmersdorf; Member, Haus der Technik (House of Technology), Gau Hessen-Nassau; President, Emil Fischer Gesellschaft (Emil Fischer Society); Chairman, Verwaltungsausschuss des Kaiser-Wilhelm-Instituts fuer Chemie (Administrative Committee of the Kaiser Wilhelm Institute for Chemistry); Member, Stipendien-Ausschuss (Scholarship Committee), Justus-Liebig-Gesellschaft (Justus Liebig Society); Treasurer, Chemical Group, NS Bund Deutscher Technik (National Socialist Bund of German Technicians); Chairman, Aufsichtsrat, Chemische Werke Huels G. m. b. H., Huels; Chairman, Aufsichtsrat Versuchswerk fuer Kautschuk-Verarbeitung G. m. b. H., Leverkusen; Chairman, Aufsichtsrat Anorgana G. m. b. H., Frankfurt; Chairman, Aufsichtsrat, Duesseldorfer Waggonfabrik A. G., Duesseldorf; Chairman, Aufsichtsrat, Waggonfabrik Uerdingen A. G., Uerdingen; Deputy Chairman, Aufsichtsrat, Duisburger Kupferhuette, Duisburg; Member, Aufsichtsrat, A. G. fuer Stickstoffduenger, Knapsack/Koeln; Member, Aufsichtsrat, Chemische Werke Dornach G. m. b. H., Muelhausen-Dornach; Member, Beirat (Advisory Council) Adam Opel A. G., Ruesselsheim; Member, Gesellschaftsrat (Company Board), Dr. Alexander Wacker Gesellschaft fuer Elektrochemische Industrie G. m. b. H., Munich; Geschaeftsfuehrer (Manager), Bunawerke G. m. b. H., Schkopau; Member, Verwaltungsrat, S. A. de Matiéres Colorantes et Produits Chimiques, Francolor, Paris, France; Member, Verwaltungsrat, Aziende Colori Nazionati Affini, A. S., Milan, Italy; Member Verwaltungsrat, Societa Lombarda Bianchi and Co., Rho, Italy; Member, Verwaltungsrat, Soc. Italiana Carboni Attivi, Milan, Italy; Member, Verwaltungsrat, Fabricacion Nacional de Colorantes y Explosives S. A., Barcelona, Spain; Member, Aufsichtsrat, Durand and Huguenin, Basle, Switzerland; Member, Board, General Aniline Works, New York; Member, Board, American I. G. Chemical Co., New York; and chairman or board member of other industrial firms, combines and enterprises within Germany, the occupied countries and elsewhere.

SCHNEIDER:

The defendant Christian SCHNEIDER during the period from 1932 to 1945 was: Member of the Vorstand and of the Zentralausschuss (Central Committee); Chief, Sparte I (Division I); Chief, Central Personnel Department; Hauptabwehrbeauftragter (Chief Counter-Intelligence Agent), OKW-Abwehr; Hauptbetriebsfuehrer (Chief of Plant leaders) of Farben; Member, NSDAP; Foerderndes Mitglied (Supporting Member) SS; Member, DAF (German Labor Front); Member Beirat, Wirtschaftsgruppe Chemische Industrie (Economic Group Chemical Industry); Member, Arbeitsausschuss fuer Gesundheitsfuehrung (Committee for Supervision of Health), Reichsgruppe Industrie (Reich Group Industry); Member, Beirat (Advisory Council), Wirtschaftskammer Mittelelbe, (Chamber of Economics of the Central Elbe Region); Member, Sachverstaendigenausschuss (Experts Committee), Reichstreuhaender der Arbeit (Reich Trustee of Labor), Wirtschaftsgebiet Mittelelbe (Economic Territory Central Elbe), Magdeburg; Member, Beirat, Industrieabteilung der Wirtschaftskammer (Industrial Department of the Chamber of Economics), Magdeburg; Vice-Chairman, Industrie- und Handelskammer (Chamber of Industry and Commerce), Halle/Saale; Member, Ausschuss des Reichsinstituts fuer Berufsausbildung in Handel und Gewerbe (Committee of Reich Institute for Professional Training in Commerce and Industry); Member, Vorstand, Berufsgenossenschaft der Chemischen Industrie (Trade Association of Chemical Industry); Member, Arbeitskammer (Labor Chamber), Halle/Saale; Member, Beirat des Gauleiters des NSDAP (Advisory Council of Gau Leader of NSDAP), Gauleitung Halle-Merseburg (Gau Administration Halle-Merseburg); Member, Arbeitsausschuss der DAF (Working Committee of German Labor Front), Gauleitung Halle-Merseburg; Member, Unternehmerfuehrerkreis (Association of Employers) of the Gauleitung Halle-Merseburg of the NSDAP; Assistant, Gauwirtschaftsberater der NSDAP (Gau Economic Advisory of NSDAP), Gauleitung Halle-Merseburg; Member, Preussischer Provinzialrat (Prussian Provincial Council); Honorary Member, Finanzgericht des Landesfinanzamt (Finance Court of the Country Treasury), Magdeburg; Member, Aufsichtsrat, Deutsche Gasolin, A. G., Berlin; Member, Aufsichtsrat, Deutsche Grube A.G., Halle/Saale; Member, Verwaltungsrat, Stickstoffsyndikat G. m. b. H., Berlin; Geschaeftsfuehrer (Manager), Ammoniakwerk Merseburg G. m. b. H., Merseburg; and chairman or board member of other industrial firms, combines and enterprises within Germany and the occupied countries.

AMBROS:

The defendant Otto AMBROS during the period from 1932 to 1945 was; Member of the Vorstand; Member, Technischer Ausschuss (Technical Committee); Plant Manager at Auschwitz, Schkopau, Ludwigs-

hafen, Huels, Gendorf, Dyhernfurt, and Falkenhagen; Member, Chemikalien Ausschuss (Chemicals Committee); Chairman, Kommission Kunststoff und Kautschuk (Plastics and Rubber Committee); Chairman, Kommission fuer Waschrohstoffe (Detergent Raw Materials Committee); Chairman, Zwischenprodukte Kommission (Intermediates Committee), of Farben; Member, NSDAP; Member, DAF (German Labor Front); Wehrwirtschaftsfuehrer (Military Economy Leader); Holder of Ritterkreuz des Kriegsverdienstkreuzes (Knight's Cross of the War Merit Cross); Chief, Sonderausschuss Kunststoffe (Special Committee Plastics); Reich Ministry of Armaments and Munitions; Special Consultant to Chief, Abteilung Forschung und Entwicklung, Vierjahresplan (Research and Development Department, Four Year Plan); Chief, Sonderausschuss "C" (Special Committee C, Chemical Warfare); Hauptausschuss Pulver und Sprengstoff (Main Committee Powder and Explosives), Ruestungslieferungsamt (Armament Supply Office); Chief, Fachabteilung Textilhilfsmittel (Subgroup Textile Auxiliaries); Wirtschaftsgruppe Chemische Industrie (Economic Group Chemical Industry); Expert for Buna, Wirtschaftsgruppe Chemische Industrie; Chairman, Produktionsausschuss (Production Committee), Fachgruppe Karbidchemie, Methanol und Holzverkohlung (Subgroup Carbide Chemistry, Methanol and Charcoal), Wirtschaftsgruppe Chemische Industrie; Member, Aufsichtsrat, Chemische Werke, Huels G. m. b. H., Huels; Member, Aufsichtsrat, Chemische Fabrik Holten G. m. b. H., Oberhausen-Holten; Member, Aufsichtsrat, Steedener Kalkwerke G. m. b. H., Dehrn-Lahn; Geschaeftsfuehrer (Manager), Anorgana G. m.b. H., Frankfurt; Geschaeftsfuehrer, Luranil Baugesellschaft m. b. H., Ludwigshafen; Geschaeftsfuehrer, Monturon G. m. b. H., Falkenhagen; Deputy Geschaeftsfuehrer, Buna Werke G. m. b. H., Schkopau; Member, Arbeitsausschuss (Working Committee); Deutsch-Koloniale Gerbstoff Gesellschaft G. m. b. H., Karlsruhe; Member, Aufsichtsrat, Fuerstengrube G. m. b. H., Kattowitz, Poland; Member, Verwaltungsrat, S. A. de Matieres Colorantes et de Produits Chimiques, Francolor, Paris, France; and chairman or board member of numerous industrial firms, combines and enterprises within Germany and the occupied countries.

BRUEGGEMANN:

The defendant Max BRUEGGEMANN during the period from 1932 to 1945 was: Member and Secretary, Vorstand; Deputy General Manager, Leverkusen; Deputy Chief, Verkaufsgemeinschaft Pharmazeutika und Pflanzenschutz (Sales Combine Pharmaceuticals and Plants Protective Agents); Director, Legal, Patent, and Personnel Departments, Betriebsgemeinschaft Niederrhein (Works Combine Lower Rhine) of Farben; Member, NSDAP; Member DAF (German Labor Front); Vice-Chairman, Industrie- und Handelskammer (Chamber of Industry and Commerce),

Solingen; Vice-President, Verwaltungsrat, Vereinigung der Hersteller Chemisch-Pharmazeutischer Praeparate, "Vepha" (Union of the Manufacturers of Chemical-Pharmaceutical Preparations), Berlin; Member, Aufsichtsrat, Fluoritwerke A.G., Berlin; Member, Aufsichtsrat, Chemosan A. G., Troppau; Member, Aufsichtsrat, Injekta A. G., Berlin; Member, Aufsichtsrat, Behringwerke A. G., Marburg; Geschaeftsfuehrer (Manager), Titangesellschaft G. m. b. H., Leverkusen; Member, Aufsichtsrat, Koelner Verlags-Anstalt und Druckerei A. G., Koeln; and chairman or board member of numerous industrial firms, combines and enterprises within Germany and the occupied countries.

BUERGIN:

The defendant Ernst BUERGIN during the period from 1932 to 1945 was: Member, Vorstand; Member, Technischer Ausschuss (Technical Committee); Chief Betriebesgemeinschaft Mitteldeutschland (Works Combine Central Germany); Chief, Bitterfeld Plants; Supervisor, Wolfen Farben Plants; Chairman, Chlor-Unterkommission (Chlorine Sub-Committee) of Farben; Member, NSDAP; Member, DAF (German Labor Front); Wehrwirtschaftsfuehrer (Military Economy Leader); Collaborator of Krauch in Four Year Plan; Chairman, Technischer Ausschuss (Technical Committee), Fachgruppe Soda, Aetzalkalien, Chlor, Salzsaeure und verwandte Erzeugnisse (Sub-group Soda, Caustic Alkalines, Chlorine, Hydrochloric Acid and related Products), Wirtschaftsgruppe Chemische Industrie Economic Group Chemical Industry); Member, Aufsichtsrat, Deutsche Grube A. G., Halle/Saale; Member, Aufsichtsrat, Aluminiumwerk G. m. b. H., Bitterfeld; Member, Aufsichtsrat, Deutsche Magnesit A. G., Munich; Chairman, Beirat (Advisory Council), Metallguss G. m. b. H., Leipzig; Member, Beirat, Westfaelische Leichtmetallwerke, G. m. b. H., Nachrodt; Member, Aufsichtsrat, Nordisk Lettmetall A. S., Oslo, Norway; Member, Verwaltungsrat, Kraftwerk Ryburg-Schwoerstadt A. G., Rheinfelden, Switzerland; Member, Aufsichtsrat, Sociedad Electro-Quimica de Flix, Flix, Spain; and Chairman or board member of other industrial firms, combines and enterprises within Germany and the occupied countries.

BUETEFISCH:

The defendant Heinrich BUETEFISCH during the period from 1932 to 1945 was: Member, Vorstand; Chief, Leuna Works, Member, Technischer Ausschuss (Technical Committee) of Farben; Wehrwirtschaftsfuehrer (Military Economy Leader); Holder of Ritterkreuz des Kriegsverdienstkreuzes (Knight's Cross of the War Merit Cross); Member, Freundeskreis Himmler (Himmler Circle of Friends); Member, NSDAP; Obersturmbannfuehrer (Lieutenant-Colonel) SS; Member, DAF (German-

Labor Front); Member NSKK; Member, NSFK; Member, NS Bund Deutscher Technik (National Socialist Bund of Technicians); Collaborator of Krauch in Four Year Plan; Chief Committee for Oil, Reich Ministry of Armament and Munitions; Produktionsbeauftragter (Production Commissioner) for Oil, Ruestungsministerium (Ministry of Armaments); Chief, Wirtschaftsgruppe Kraftstoff Industrie (Economic Group Liquid Fuel Industry); Chief, Arbeitsgemeinschaft fuer Hydrierung, Synthese und Schwelung (Working Association for Hydrogenation, Synthesis and Smoldering), (Wirtschaftsgruppe Kraftstoff Industrie; President, Technischer Experten-Ausschuss (Technical Experts Committee), Convention Internationale de l'azote (International Nitrogen Convention); Chairman, Arbeitsgemeinschaft Duengung (Working Association Fertilizers); Chairman, Aufsichtsrat, Norddeutsche Hydrierwerke Poelitz A. G., Poelitz, Pomerania; Member, Aufsichtsrat, Kontinentale Oel A. G., Berlin; Member, Aufsichtsrat, Mineraloelbaugesellschaft A. G., Berlin; Member, Aufsichtsrat, Sueddeutsche Kalkstickstoffwerke A. G., Trostberg; Member, Verwaltungsrat, Stickstoff-Syndikat G. m. b. H., Berlin; Member, Vorstand, Braunkohle-Benzin A. G., Berlin, Deputy Geschaeftsfuehrer (Manager), Ammoniakwerk Merseburg G. m. b. H., Merseburg; Chief, Technischer Ausschuss (Technical Committee), Stickstoff-Syndikat G. m. b. H., Berlin; Chairman, Aufsichtsrat, Fuerstengrube G. m. b. H., Kattowitz, Poland; Deputy chairman, Aufsichtsrat, Steinberg Naphta A. G., Vienna, Austria; Member, Aufsichtsrat, Stickstoff Ostmark A. G., Linz, Austria; Member, Aufsichtsrat, Gewerkschaft Austrogasco; Vienna, Austria; Member, Aufsichtsrat, Donau-Chemie A. G., Vienna, Austria; Chairman, Verwaltungsrat, Donay Oel, G. m. b. H., Vienna, Austria; Member, Aufsichtsrat, A. G. Dynamit Nobel Pressburg, Czechoslovakia; Member, Aufsichtsrat, Apollo-Mineraloel-Raffinerie A. G., Pressburg, Czechoslovakia; Member, Aufsichtsrat, Stickstoffwerke A. G., Maria Rast, Yugoslavia; Member, Aufsichtsrat, Bosnische Elektrizitaet A. G., Jajce, Yugoslavia; Member, Aufsichtsrat, Nitrammonia S.A.R., Bucharest, Roumania; Member, Aufsichtsrat, Azot S.A.R., Bucharest, Roumania; Member, Aufsichtsrat, A. G. fuer industrielle Sprengstoffe, "Ipari", Budapest, Hungary; and chairman or board member of other industrial firms, combines and enterprises within Germany and the occupied countries.

HAEFLIGER:

The defendant Paul HAEFLIGER during the period from 1932 to 1945 was: Member, Vorstand; Member, Kaufmaennischer Ausschuss (Commercial Committee); Vice-chairman, Central Management, Verkaufsgemeinschaft Chemikalien (Sales Combine Chemicals); Chief, Metals Section, Verkaufsgemeinschaft Chemikalien; Member, Chemikalienausschuss (Chemicals Comittee); Member, Suedosteuropa-Ausschuss

(Southeast Europe Committee); Member, Ostasien-Ausschuss East Asia Committee); Member, Ost-Ausschuss (East Committee); Member, Propaganda Kommission (Propaganda Committee) of Farben; Member, DAF (German Labor Front); Chairman, Aufsichtsrat, Deutsche Edelsteingesellschaft vorm. Hermann Wild A. G., Idar-Oberstein; Deputy Chairman Aufsichtsrat, Deutsche Magnesit A. G., Munich; Member, Verwaltungsrat, Schwefel G. m. b. H., Frankfurt, Member, Verwaltungsrat, Schwefelnatrium G. m. b. H., Frankfurt; Member, Beirat, (Advisory Council), Pyrophor G. m. b. H., Essen; Member, Beirat, Westfaelische Leichtmetallwerke G. m. b. H., Nachrodt; Member, Aufsichtsrat, Chemische Werke Aussig-Falkenau G. m. b. H., Aussig, Czechoslovakia; Deputy Chairman, Aufsichtsrat, Carbidwerk Deutsch-Matrei A. G., Vienna, Austria; Member, Aufsichtsrat, Donau Chemie A. G., Vienna, Austria; Member, Beirat, Elektrochemia Suedosteuropaeische Handelsgesellschaft m. b. H., Vienna, Austria; Member, Beirat, Nordisk Lettmetall A. S., Oslo, Norway; Member, Aufsichtsrat, S. A. Magnesio Italiani Sulcis, Torino, Italy; and chairman or board member of other industrial firms, combines and enterprises within Germany and the occupied countries.

ILGNER:

The defendant Max ILGNER during the period from 1932 to 1945 was: Member, Vorstand, Chief, Berlin NW 7 Departments, including Wirtschaftspolitische Abteilung, WIPO (Economic Policy Department), Volkswirtschaftliche Abteilung, VOWI (Economic Research Department), and Zentralfinanzverwaltung, ZEFI (Central Finance Administration); Member, Kaufmaennischer Ausschuss (Commercial Committee), of Farben; Member, NSDAP; Member, DAF (German Labor Front); Member, NSKK; Member, NS Reichskriegerbund (National Socialist Reich Soldiers' Bund); Member, Reichsfilmkammer (Reich Film Chamber); Member, Reichskolonialbund (Reich Colonial Bund); Wehrwirtschaftsfuehrer (Military Economy Leader); Member, Circle of Foreign Trade Experts, Ministry of Propaganda; Member, Circle of Foreign Trade Experts for Foreign Economic Questions; President, Vereinigung Carl Schurz (Carl Schurz Association); Vice President Mitteleuropaeischer Wirtschaftstag (Central European Economic Diet); Member, Praesidium, Deutsch-Amerikanischer Wirtschaftsverband (German-American Economic Association); Member, Vorstand, Wirtschaftsverband fuer Mittel- und Suedamerika (Economic Association for Central and South America); Deputy Chairman, Vorstandsrat (Board of Directors), Deutsch-Bulgarische Handelskammer (German-Bulgarian Chamber of Commerce); Member, Praesidium, Deutsch-Norwegische Handelskammer (German-Norwegian Chamber of Commerce); Member, Ausschuss fuer Aussen-

handel und Waehrungsfragen der Internationalen Handelskammer (Committee for Foreign Trade and Currency Questions of the International Chamber of Commerce); Paris; Deputy Member, Kuratorium (Council of Trustees), Institut fuer Konjunkturforschung (Institute for Market Analysis), Berlin; Chairman, Suedostausschuss (South-east Committee), Reichsgruppe Industrie (Reich Group Industry); Chairman, Ungarnausschuss (Hungary Committee), Reichsgruppe Industrie; Chairman, Deutsche Gruppe des Deutsch-Rumaenischen Expertenausschusses fuer Industrie-Finanzierungsfragen (German Group of the German-Roumanian Experts Committee for Questions of Financing Industry)), Reichs-Suedostausschuss (Southeast Committee), Wirtschaftsgruppe Chemische Industrie; Member, Arbeitskreis fuer Aussenwirtschaftsfragen (Working Committee for Foreign Trade Questions); Member, miscellaneous German political and public agencies and international propaganda associations; Member, Aufsichtsrat, Deutsche Gasolin A. G., Berlin; Member, Aufsichtsrat, Deutsche Ueberseeische Bank, Berlin; Member, Verwaltungsrat, Stickstoff-Syndikat G. m. b. H., Berlin; Geschaeftsfuehrer (Manager), Bunawerke G. m. b. H., Schkopau; Deputy Manager, Ammoniakwerk Merseburg G. m. b. H., Merseburg; Chairman, Aufsichtsrat, Donau Chemie A. G., Vienna, Austria; Member, Aufsichtsrat, Creditanstalt-Bankverein, Vienna, Austria; Member, Aufsichtsrat, Chemische Werke Aussig-Falkenau, G. m. b. H., Aussig, Czechoslovakia; Second Vice-President, Verwaltungsrat, A. G., Dynamit Nobel, Pressburg, Czechoslovakia; Chairman, Aufsichtsrat, Nordisk Lettmetall A. S., Oslo, Norway; Member, Verwaltungsrat, A. G. fuer industrielle Sprengstoffe, "Ipari", Budapest, Hungary; Member, Verwaltungsrat, Prima Societata Romana de Explosivi S. A. R. Bucharest, Roumania; Member, Verwaltungsrat, Azot S. A. R., Bucharest, Roumania; Vice-President, American I. G. Chemical Corp., New York; and chairman or board member of other industrial firms, combines, enterprises within Germany, the occupied countries, and elsewhere.

JAEHNE:

The defendant Friedrich JAEHNE during the period from 1932 to 1945 was: Member, Vorstand; Chairman Technische Kommission (Engineering Committee); Chief, Engineering Department, Hoechst; Deputy Chief, Betriebsgemeinschaft Maingau (Works Combine Main Valley); Member, Technischer Ausschuss (Technical Committee), of Farben; Member, NSDAP; Member, DAF (German Labor Front); Wehrwirtschaftsfuehrer (Military Economy Leader); Member, Grosser Beirat (Greater Advisory Council), Reichsgruppe Industrie (Reichgroup Industry); Member, Finanzausschuss (Finance Committee), Werkluftschutz-Bereichsvertrauensstelle Hessen (Hesse Regional Trustee Agency for Plant Air Raid Protection), Reichsgruppe Industrie, Frankfurt; Vice-Chairman, and Chief Industrie-

Abteilung (Industrial Department). Gauwirtschaftskammer Hessen (Gau Chamber of Economics, Hesse) Bezirksstelle Hessen (District Office Hesse), Reichsgruppe Industrie; Member, Praesidium, Deutscher Normenausschuss (German Standardizing Committee); Member, Vorstand und Beirat (Advisory Council), Reichsverband der Technischen Ueberwachungsvereine (Reich Union of Technical Supervisory Associations); Vorstand-Beiratsmitglied (Member, Advisory Council, Vorstand), and Chief, Technischer Ausschuss (Technical Committee), Berufsgenossenschaft der Chemischen Industrie (Trade Association of the Chemical Industry); Bezirksbevollmaechtigter fuer Wirtschaftstransporte der Reichsbahndirektion (Regional Plenipotentiary for Business Transport of the Reich Railway Management), Frankfurt; Member, Kuratorium (Board of Trustees, Reichs-Roentgenstelle beim Staatlichen Materialpruefungsamt (Reich X-ray Agency of the Government Office for Testing of Materials), Berlin; Member, Grubenvorstand (Mine Management), Gewerkschaft Auguste-Victoria, Marl-Huels; Member, Aufsichtsrat, Gesellschaft fuer Lindes Eismaschinen A. G., Hoellriegelskreuth; Member, Aufsichtsrat, Alzerke G.m.b.H., Munich; and chairman or board member of numerous industrial firms, combines and enterprises within Germany and the occupied countries.

KUEHNE:

The defendant Hans KUEHNE during the period from 1932 to 1945 was: Member, Vorstand; Member, Technischer Ausschuss (Technical Committee); Chief, Anorganische Kommission (Inorganic Committee); Chief, Betriebsgemeinschaft Niederrhein (Works Combine Lower Rhine); Betriebsführer (Plant Leader), Leverkusen Plant, of Farben; Member, NSDAP; Member, DAF (German Labor Front); Member, Beirat (Advisory Council) and Industrie-Abteilung (Industrial Department), Wirtschaftskammer (Chamber of Economics), Duesseldorf; Member, Beirat, Handelskammer (Chamber of Commerce), Munich-Gladbach; Member Bezirksarbeitskammer (District Labor-Chamber), Essen; Geschaeftsfuehrer (Manager), Ostmark Branch Office, Wirtschaftsgruppe Metallwaren und verwandte Industriezweige (Economic Group Metalware and Related Industrial Products); Chairman, Aufsichtsrat, Duisburger Kupferhuette, Duisburg; Deputy Chairman, Aufsichtsrat, A. G. fuer Lithoponefabrikation, Wuenschendorf/Elster; Deputy Chairman, Aufsichtsrat, Erzgesellschaft zur Erschliessung von Nichteisenmetallen m.b.H., Berlin; Member, Aufsichtsrat, A.G. fuer Chemische Industrie, Gelsenkirchen-Schalke; Member, Aufsichtsrat Rheinisch-Westfaelisches Elektrizitaets-Werk A.G., Essen; Member, Aufsichtsrat, Rheinische Fluss- und Schwerspatwerke A.G. Frankfurt; Member, Aufsichtsrat, Sachtleben A.G. fuer Bergbau und Chemische Industrie, Koeln; Member, Aufsichtsrat, Chemische Werke Huels G.m.b.H., Huels; Member, Verwaltungsrat, Chemische Fabrik Marienhuette G.m.b.H., Fuerstenwalde/

Spree; Geschaeftsfuehrer (Manager), Titangesellschaft m.b.H., Leverkusen; Member, Gesellschaftsrat (Company Council), Deutsche Aktivkohle G.m.b.H., Frankfurt; General Director and Chairman, Vorstand, Donau Chemie A.G., Vienna, Austria; Member, Aufsichtsrat, Chemische Werke Aussig-Falkenau G.m.b.H., Aussig, Czechoslovakia; Vice-Chairman, Verwaltungsrat, A.G. Dynamit Nobel, Pressburg, Czechoslovakia; Member, Aufsichtsrat, Societa Italiana del Litopone, Milan, Italy; Member, Aufsichtsrat, Societe Italiana Carboni Attivi, Milan, Italy; Vice-Chairman. Aufsichtsrat, Lack und Oelindustrie, Zagreb, Yugoslavia; Chairman, Verwaltungsrat, Bosnische Elektrizitaets A.G., Jajce, Yugoslavia; Vice-Chairman, Verwaltungsrat, Stickstoffwerke A.G., Maria Rast, Yugoslavia; and chairman or board member of numerous industrial firms, combines and enterprises within Germany and the occupied countries.

LAUTENSCHLAEGER:

The defendant Carl Ludwig LAUTENSCHLAEGER during the period from 1932 to 1945 was: Member; Vorstand; Member, Technischer Ausschuss (Technical Committee); Betriebsfuehrer (Plant Leader), Hoechst Plant; Chief, Betriebsgemeinschaft Maingau (Works Combine Main Valley) of Farben; Member, NSDAP; Member, DAF (German Labor Front); Wehrwirtschaftsfuehrer (Military Economy Leader); Member, Vorstand, Koch-Institut, Frankfurt; Member, Vorstand, Behring-Institut, Marburg; Member, Forschungsrat (Research Council), Kaiser-Wilhelm-Gesellschaft fuer Psychiatrie (Kaiser Wilhelm Society for Psychiatry), Munich; Deputy Chairman, Aufsichtsrat, A.G. zur Gemeinnuetzigen Beschaffung von Wohnungen, Frankfurt; Member, Aufsichtsrat, Behringwerke A.G., Marburg; and chairman or board member of other industrial firms, combines and enterprises within Germany and the occupied countries.

MANN:

The defendant Wilhelm Rudolf MANN during the period from 1932 to 1945 was: Member, Vorstand; Member, Kaufmaennischer Ausschuss (Commercial Committee); Member, Ostasien-Ausschuss (East Asia Committee); Chairman, Ostausschuss (East Committee); Member, Pharmazeutische Hauptkonferenz (Pharmaceutical Main Committee); Member, Pharmazeutische Wissenschaftliche und Technische Zentralkonferenz (Pharmaceutical Scientific and Technical Central Committee); Chief Verkaufsgemeinschaft Pharmazeutica und Pflanzenschutz (Sales Combine Pharmaceuticals and Plant Protective Agents) of Farben; Member; NSDAP; Sturmfuehrer (Lieutenant) SA; Member, DAF (German Labor Front); Reichswirtschaftsrichter (Reich Economic Judge); Member, Grosser Beirat (Greater Advisory Council), Reichsgruppe Industrie (Reich Group Industry); Chairman, Kolonialwirtschaftlicher Ausschuss (Colonial Economy Committee), Reichsgruppe Industrie; Member, Werberat der Deutschen

Wirtschaft (Council for Propaganda of German Economy), Ministry of Propaganda; Member, Ausschuss fuer Allgem. Angelegenheiten (Committee for General Affairs) and Ausschuss fuer Auslandswerbung (Committee for Foreign Propaganda), Werberat der Deutschen Wirtschaft; Member, Beirat (Advisory Council), Forschungsinstitut fuer Werbewissenschaft (Research Institute for Science of Propaganda) Berlin; Member, Staendiger Beirat (Permanent Advisory Council), Wirtschaftsstelle des Reichsverbandes der deutschen Zeitungsverleger (Economy Office of the Reich Union of German Newspaper Publishers), Berlin; President, Gesellschaft fuer Konsumforschung (Society for Consumer Research), Berlin; Member, Verwaltungsrat, Institut fuer Wirtschaftsbeobachtung der deutschen Fertigware (Institute for Economic Observation of German Finished Goods), Nuernberg; Deputy Chairman, Aufsichtsrat, Behringwerke A.G., Marburg; Deputy Chairman, Aufsichtsrat, Chemisch-Pharmazeutische A.G. Homburg, Frankfurt; Chairman, Verwaltungsrat, "Degesch", Deutsche Gesellschaft fuer Schaedlingsbekaempfung G. m. b. H., Frankfurt; Chairman, Aufsichtsrat Chemosan Union A.G., Vienna, Austria; Chairman, Aufsichtsrat, Hellco A.G., Troppau, Czechoslovakia; and Chairman or board member of other industrial firms, combines, enterprises within Germany, the occupied countries and elsewhere.

OSTER:

The defendant Heinrich OSTER during the period from 1932 to 1945 was: Member, Vorstand; Member, Kaufmaennischer Ausschuss (Commercial Committee); Member, Ostasien-Ausschuss (East Asia Committee) Chief, Verkauf Stickstoff und Oel (Sales Organization Nitrogen and Oil) of Farben; Member, NSDAP; Foerderndes Mitglied (Supporting member), SS-Reitersturm; Member, DAF (German Labor Front); Chief, Fachabteilung Stickstoff (Sub-department Nitrogen); Wirtschaftsgruppe Chemische Industrie (Economic Group Chemical Industry); Member, Arbeitskammer (Labor Chamber), Berlin-Brandenburg; Member, Unterausschuss Duengemittel und Sprengstoffe (Sub-Committee Fertilizers and Explosives), Gau Berlin; Member, Hauptausschuss Chemie (Main Committee Chemistry); Gau Greater Berlin; Geschaeftsfuehrer (Manager), Stickstoff-Syndikat G.m.b.H., Berlin; Geschaeftsfuehrer, Stickstoff Ost G.m.b.H., Berlin; Deputy Geschaeftsfuehrer Ammoniakwerk Merseburg G.m.b.H., Merseburg; Member, Aufsichtsrat, Sueddeutsche Kalkstickstoff A. G., Trostberg; Member, Aufsichtsrat, Stickstoffwerke Ostmark A.G., Linz, Austria; Member, Vorstand, Norsk Hydro Elektrisk Kvaelstofaktieselskabet Oslo, Norway; Member, Aufsichtsrat, Stickstoffwerke A.G., Maria Rast, Yugoslavia; and chairman or board member of other industrial firms, combines, enterprises and banks within Germany, the occupied countries and elsewhere.

**WURSTER:**

The defendant Carl WURSTER during the period from 1932 to 1945 was: Member, Vorstand; Member, Technischer Ausschuss (Technical Committee); Chief, Betriebsgemeinschaft Oberrhein (Works Combine Upper Rhine); Betriebsfuehrer Plant Leader, Ludwigshafen-Oppau; Member, Chemikalien-Ausschuss (Chemicals Committee); Chairman, Anorganische Kommission (Inorganic Committee) of Farben; Member, NSDAP; Member, DAF (German Labor Front); Wehrwirtschaftsfuehrer (Military Economy Leader); holder of Ritterkreuz des Kriegsverdienstkreuzes (Knight's Cross of the War Merit Cross); Collaborator of Krauch in Four Year Plan, Amt fuer Deutsche Roh- und Werkstoffe (Office for German Raw Materials and Synthetics); Acting vicechairman and member, Praesidium, Wirtschaftsgruppe Chemische Industrie (Economic Group Chemical Industry); Chief, and Chairman, Technischer Ausschuss (Technical Committee), Fachgruppe Schwefel und Schwefelverbindungen (Sub-Group for Suphur and Sulphur Compounds), Wirtschaftsgruppe Chemische Industrie; Member, Beirat (Advisory Council), and Bezirksobmann (District Chairman), Saarpfalz, Wirtschaftsgruppe Chemische Industrie; Member, Beirat, Wirtschaftskammer Westmark (Chamber of Economics Westmark), Saarbruecken; President, Wirtschaftskammer Ludwigshafen (Chamber of Economics, Ludwigshafen); Member, Aufsichtsrat, Sueddeutsche Holzverzuckerungswerke A. G., Regensburg; Member, Aufsichtsrat, Duisburger Kupferhuette, Duisburg; and chairman or board member of other industrial firms, combines, enterprises within Germany, the occupied countries, and elsewhere.

DUERRFELD:

The defendant Walter DUERRFELD during the period from 1932 to 1945 was: Director; Chief Engineer, Leuna Works; Director and Construction Manager, Buna-Auschwitz Plant and Monowitz Concentration Camp of Farben; Member, NSDAP; Member, DAF (German Labor Front); Hauptsturmfuehrer (Captain), NSFK; Bezirksobmann (District Chairman); upper Silesia, Wirtschaftsgruppe Chemische Industrie (Economic Group Chemical Industry).

GATTINEAU:

The defendant Heinrich GATTINEAU during the period from 1932 to 1945, was: Director: Chief, Wirtschaftspolitische Abteilung, WIPO (Economic Policy Department); Deputy Liaison Officer of the I. G. Sparten (Divisions) for Austria; Member, Suedosteuropa-Ausschuss (Southeast Europe Committee) of Farben; Member, NSDAP; Standartenfuehrer (Colonel) SA; Member, DAF (German Labor Front); Member, Werberat der Deutschen Wirtschaft (Council for Propaganda of German

Economy), Ministry of Propaganda; Member, Committee for Southeast Europe, Wirtschaftsgruppe Chemische Industrie (Economic Group Chemical Industry); Member, Vorstand, Donau Chemie A. G., Vienna, Austria; Acting Director, A. G. Dynamit Nobel, Pressburg, Czechoslovakia; Acting Director, Chemische Industrie A. G., Pressburg, Czechoslovakia; Member, Vorstand, Ostslowakische Chemische Fabrik A. G., Kostolany, Czechoslovakia; Member, Verwaltungsrat, Dynamona A. G., Pressburg, Czechoslovakia; Member, Verwaltungsrat, Apollo Naphtahandels A. G., Prague, Czechoslovakia; Member, Verwaltungsrat, Nobel-Bickford A. G., Pressburg, Czechoslovakia; Member, Verwaltungsrat, Apollo Mineraloel Raffinerie A. G., Pressburg, Czechoslovakia; Member, Verwaltungsrat, Stickstoffwerke A. G., Maria Rast, Yugoslavia; Chairman, Verwaltungsrat, Lack- und Oelindustrie A. G., Zagreb, Yugoslavia; Chairman, Verwaltungsrat, A. G., Dynamit Nobel, Belgrade, Yugoslavia; Member, Verwaltungsrat Bosnische Elektrizitaets A. G., Jajce, Yugoslavia; Member, Verwaltungsrat, A. G. fuer Sprengstoff und Chemische Produkte, Zagreb, Yugoslavia; Member, Verwaltungsrat, Azot S. A. R., Bucharest, Roumania; Member, Verwaltungsrat, Prima Societata Romana de Explosivi S. A. R., Bucharest, Roumania; Member, Verwaltungsrat, Nitrammonia S. A. R., Bucharest, Roumania; Member, Verwaltungsrat, A. G. fuer industrielle Sprengstoffe, "Ipari", Budapest, Hungary; and chairman or board member of other industrial firms, combines and enterprises within Germany and the occupied countries.

VON DER HEYDE:

The defendant Erich von der HEYDE during the period from 1932 to 1945 was: Prokurist; Member, Wirtschaftspolitische Abteilung, WIPO (Economic Policy Department); Chief, Liaison Office, Nitrogen and Gasoline, Berlin N W 7; Deputy to Schneider, Hauptabwehrbeauftragter (Counter-Intelligence Agent), Counter-Intelligence Branch OKW, in charge of defense and counter-intelligence of Berlin NW 7, of Farben; Member, NSDAP; Member, DAF (German Labor Front); Hauptsturmfuehrer (Captain) SS; Member of Wehrwirtschfats-Ruestungsamt (Military Economics and Armament Office) of OKW.

KUGLER:

The defendant Hans KUGLER during the period from 1932 to 1945 was: Director; Member, Kaufmaennischer Ausschuss (Commercial Committee); Second Vice-Chairman, Farben-Ausschuss (Dyestuffs Committee); Member, Engerer Farben-Ausschuss (Dyestuffs Steering Committee); Member, Coloristische Kommission (Dyestuffs Application Committee); Chief, Sales Department Dyestuffs for Hungary, Roumania, Yugoslavia, Greece, Bulgaria, Turkey, Czechoslovakia, Austria, the Near East, and

Africa; Member, Suedosteuropa-Ausschuss (Southeast Europe Committee) of Farben; Member, NSDAP; Member, DAF (German Labor Front); Deputy Chief, Fachgruppe 16, Teerfarben und Teerfarbenzwischenprodukte (Sub-Group 16, Tar Dyes and Tar-Dye Intermediates), Wirtschaftsgruppe Chemische Industrie (Economic Group Chemical Industry); Member, Beirat fuer Exportfragen der Pruefungsstelle Chemie (Advisory Council for Export Questions of the Supervisory Office Chemistry); Reich Economic Ministry Commissioner, Aussig Falkenau Factories, Verein fuer Chemische und Metallurgische Produktion, Prague, Czechoslovakia; Acting Manager, Teerfarbenwerke Aussig G. m. b. H., Aussig, Czechoslovakia, Member, Beirat (Advisory Council), Chemische Werke Aussig-Falkenau G. m. b. H., Aussig, Czechoslovakia; Member, Commercial Committee, S. A. de Matieres Colorantes et Produits Chimiques Francolor, Paris, France.

# APPENDIX B

## Historial Listing of the Firms which were Merged in 1926 to Form FARBEN

In 1904, the first Interessengemeinschaft (Combine of Interests or Trust) of the German Dyestuffs Industry was formed consisting of the following firms:

Badische Anilin & Soda Fabrik, of Ludwigshafen
Farbenfabriken vorm. Friedr. Bayer & Co., of Leverkusen
Farbwerke vorm. Meister Lucius & Bruening, of Hoechst am Main
Aktiengesellschaft fuer Anilinfabrikation, of Berlin
Leopold Cassella & Co., G. m. b. H., of Frankfurt a. M.
Kalle & Co., A. G., of Biebrick

These concerns had been formed in the 1860's and individually represented the most powerful chemical firms in Germany. With the 1904 pooling of technological and financial resources, these six firms achieved an almost complete domination of the organic dyestuffs, pharmaceuticals, explosives and synthetic chemical industries of the world.

In 1916 the Chemische Fabriken vorm. Weiler — ter Meer, Uerdingen, and Chemische Fabrik Griesheim — Elektron, Frankfurt a. M., were brought into the combine.

On December 9, 1925, the Badische Anilin- und Soda-Fabrik, the largest of the component firms of the Interessengemeinschaft changed its name to I. G. Farbenindustrie Aktiengesellschaft, and transferred its home office to Frankfurt. Five other firms were merged with Badische:

Farbenfabriken vorm. Friedr. Bayer & Co., of Leverkusen
Farbwerke vorm. Meister Lucius & Bruening, of Hoechst am Main
Aktiengesellschaft fuer Anilinfabrikation, of Berlin
Chemische Fabriken vorm. Weiler — ter Meer, Uerdingen
Chemische Fabrik Griesheim — Elektron, Frankfurt a. M.

The two firms, Leopold Cassella & Co., G. m. b. H. and Kalle & Co., Aktiengesellschaft which had belonged to the 1904 combine were not included in the formal merger since the majority of their shares were already held by the other firms. They were included, however, in the reorganization attending the merger.

In 1926, after the formal incorporation, a number of concerns were brought into the development of the combine. Among these were five of Germany's most important explosives companies:

Dynamit-Aktiengesellschaft vorm. Alfred Nobel & Co., Troisdorf
Rheinisch-Westfaelische Sprengstoff-A. G., Koeln
Aktiengesellschaft Siegener Dynamitfabrik, Koeln
A. Riebeck'sche Montanwerke A. G., Halle
Koeln-Rottweil A. G., Berlin

# MILITARY TRIBUNALS

CASE No. 7

**THE UNITED STATES OF AMERICA**

— against —

**WILHELM LIST, MAXIMILIAN VON WEICHS, LOTHAR RENDULIC, WALTER KUNTZE, HERMANN FOERTSCH, FRANZ BOEHME, HELMUTH FELMY, HUBERT LANZ, ERNST DEHNER, ERNST VON LEYSER, WILHELM SPEIDEL, and KURT VON GEITNER,**

Defendants

OFFICE OF MILITARY GOVERNMENT FOR GERMANY (US)
NÜRNBERG 1947

# INDICTMENT

The United States of America, by the undersigned Telford Taylor, Chief of Counsel for War Crimes, duly appointed to represent said Government in the prosecution of war criminals, charges the defendants herein with the commission of War Crimes and Crimes against Humanity, as defined in Control Council Law No. 10, duly enacted by the Allied Control Council on 20 December 1945. These crimes included murder, ill-treatment, and deportation to slave labor of prisoners of war and other members of the armed forces of nations at war with Germany, and of civilian populations of territories occupied by the German armed forces, plunder of public and private property, wanton destruction of cities, towns, and villages, and other atrocities and offenses against civilian populations.

The persons accused as guilty of these crimes and accordingly named as defendants in this case are:

WILHELM LIST — Generalfeldmarschall (General of the Army); Commander-in-Chief Twelfth Army, April 1941 — October 1941; Wehrmachtsbefehlshaber Südost (Armed Forces Commander Southeast); June 1941 — October 1941; Commander-in-Chief Army Group A, July 1942 — September 1942.

MAXIMILIAN VON WEICHS — Generalfeldmarschall (General of the Army); Commander-in-Chief Second Army, April 1941 — July 1942; Commander-in-Chief Army Group B, July 1942 — February 1943; Commander-in-Chief Army Group F and Supreme Commander Southeast, August 1943 — March 1945.

LOTHAR RENDULIC — Generaloberst (General); Commander-in-Chief Second Panzer Army, August 1943 — June 1944; Commander-in-Chief Twentieth Mountain Army, July 1944 — January 1945; Wehrmachtsbefehlshaber Nord (Armed Forces Commander North), December 1944 — January 1945; Commander-in-Chief Army Group North, January 1945 — March 1945; Commander-in-Chief Army Group Courland, March 1945 — April 1945; Commander-in-Chief Army Group South, April 1945 — May 1945.

WALTER KUNTZE — General der Pioniere (Lieutenant General, Engineers); Acting Commander-in-Chief Twelfth Army, October 1941 — August 1942.

HERMANN FOERTSCH — General der Infanterie (Lieutenant General, Infantry); Chief of Staff Twelfth Army, May 1941 — August 1942; Chief of Staff Army Group E, August 1942 — August 1943; Chief of Staff Army Group F, August 1943—March 1944.

FRANZ BOEHME — General der Gebirgstruppen (Lieutenant General, Mountain Troops); Commander XVIII Mountain Army Corps, April 1941 — December 1941; Plenipotentiary Commanding General in Serbia, September 1941 — December 1941; Commander-in-Chief Second Panzer Army, June 1944 — July 1944; Commander-in-Chief Twentieth Mountain Army and Wehrmachtsbefehlshaber Nord (Armed Forces Commander North), January 1945 — May 1945.

HELMUTH FELMY — General der Flieger (Lieutenant General, Air Force); Commander Southern Greece, June 1941 — August 1942; Commander LXVIII Army Corps, June 1943 — October 1944.

HUBERT LANZ — General der Gebirgstruppen (Lieutenant General, Mountain Troops); Commander 1st Mountain Division October 1940 — January 1943; Commander XXII Mountain Army Corps, August 1943 — October 1944.

ERNST DEHNER — General der Infanterie (Lieutenant General, Infantry); Commander LXIX Army Reserve Corps, August 1943 — March 1944.

ERNST VON LEYSER — General der Infanterie (Lieutenant General, Infantry); Commander XV Mountain Army Corps, November 1943 — July 1944; Commander XXI Mountain Army Corps, July 1944 — April 1945.

WILHELM SPEIDEL — General der Flieger (Lieutenant General, Air Force); Commander Southern Greece, October 1942 — September 1943; Military Commander Greece, September 1943 — June 1944.

KURT VON GEITNER — Generalmajor (Brigadier General); Chief of Staff to the Commanding General in Serbia, July 1942 — August 1943; Chief of Staff to the Military Commander of Serbia and Military Commander Southeast, August 1943 — October 1944.

* * *

Reference is hereby made to Appendix "A" of this Indictment for a fuller statement of the positions held by each of the defendants herein:

## COUNT ONE

1. Between September 1939 and May 1945, all of the defendants unlawfully, wilfully and knowingly committed War Crimes and Crimes against Humanity, as defined in Article II of Control Council Law No. 10, in that they were principals in, accessories to, ordered, abetted, took a consenting part in, were connected with plans and enterprises involving, and were members of organizations or groups connected with, the murder of hundreds of thousands of persons from the civilian populations of Greece, Yugoslavia and Albania, by troops of the German Armed Forces under the command and jurisdiction of, responsible to, and acting pursuant to orders issued, executed and distributed by, the defendants herein. The victims of these crimes included persons from all walks of life — doctors, lawyers, clergymen, artists, teachers, laborers, farmers — who, regardless of age or sex, were rounded up from the streets, from their homes, or from their places of work, and placed in prison camps and stockades. When attacks by lawfully constituted enemy military forces, and attacks by unknown persons, against German troops and installations took place, these persons were, without benefit of investigation or trial, summarily hanged or shot. They were executed at arbitrarily established ratios varying from 50 to 100 for each German soldier killed and 25 to 50 for each German soldier wounded.

2. Other thousands of non-combatants, arbitrarily designated as "partisans", "communists", "communist suspects", "bandits" and "bandit suspects", also without benefit of investigation or trial, were terrorized, tortured and murdered, in retaliation for attacks by lawfully constituted enemy military forces and attacks by unknown persons against German troops and installations.

3. These acts of collective punishment were part of a deliberate scheme of terror and intimidation, wholly unwarranted and unjustified by military necessity and in flagrant violation of the laws and customs of war, to compel the inhabitants of the aforementioned territories to furnish information concerning the size, strength and disposition of their national armies, to reduce the manpower potential of the armies of resistance, and to decimate for future generations the native populations of these occupied territories.

4. Pursuant to, and in implementation of, this scheme of terror and intimidation, the defendants herein issued, executed, and distributed, to troops under their command and jurisdiction, orders for the execution of 100 "hostages" in retaliation for each German soldier killed, 50 "hostages" in retaliation for each German soldier wounded, 10 "hostages" in retaliation for each person under German protection killed, 5 "hos-

tages" in retaliation for each person under German protection wounded, and up to 100 "hostages" in retaliation for each attack upon any "object" under German protection.

5. The murders and other crimes charged in this Count included, but were not limited to, the following:

a. On or about 28 April 1941, the Commander-in-Chief of the Second Army ordered the execution of 100 Serbs, taken from all classes of the population, in retaliation for the death of one German soldier and the wounding of two others, and publicly announced that "in the future 100 Serbs will be ruthlessly shot for every German harmed as a result of a surprise attack conducted by Serbs".

b. On or about 3 September 1941, in Serbia, troops of the LXV Hoeheres Kommando (Corps Command), under the command and jurisdiction of the Twelfth Army, executed 20 "communists" in reprisal for the death of three German soldiers killed in a surprise attack on the Rtanj mine.

c. On or about 30 October 1941, the Plenipotentiary Commanding General of Serbia, in his ten-day report to the Commander-in-Chief Twelfth Army and Supreme Commander Southeast, stated that the following executions had taken place: "405 hostages in Belgrade (total up to now in Belgrade, 4750), 90 communists in Camp Sabac, 2300 hostages in Krageujevac, and 1700 hostages in Kraljevo."

d. On or about 29 November 1941, in Belgrade, Yugoslavia, troops under the command and jurisdiction of the Commanding General in Serbia executed 100 "hostages" in retaliation for the killing of a German sergeant.

e. On or about 17 March 1943, the Commanding General in Serbia ordered troops under his command and jurisdiction to execute 10 "communists" in retaliation for the destruction of 14 telegraph poles southwest of Topola, Serbia during the night 25—26 February 1943.

f. On or about 27 June 1943, troops under the command and jurisdiction of the Commanding General in Serbia executed 350 "communists" in retaliation for the murder of three German customs officials.

g. On or about 15 August 1943, troops under the command and jurisdiction of the commanding General in Serbia executed 150 hostages in retaliation for the murder, on 9 August 1943, of two German soldiers and the wounding of two others on the road near Pozarevac, Serbia.

h. On or about 15 September 1943, the Military Commander of Serbia and Military Commander Southeast ordered troops under his command and jurisdiction to execute 450 "communist suspects" in retaliation for the attack of 1 September 1943 on a German column near Crkvice, Serbia, as a result of which seven German policemen were killed and four wounded.

i. On or about 15 September 1943, in Croatia, as a measure of revenge for a railway raid, troops of the 173rd Reserve Division, under the command and jurisdiction of the LXIX Reserve Corps, executed 40 "hostages" at the place of the raid.

j. On or about 30 September 1943, in retaliation for sabotage on an electric installation, troops under the command and jurisdiction of the XXII Mountain Corps executed 17 civilians.

k. On or about 28 September 1943, in Croatia, troops of the 173rd Reserve Division, under the command and jurisdiction of the LXIX Reserve Corps, executed 40 "hostages" in retaliation for an attack on a railway.

l. On or about 3 October 1943, in reprisal for an attack on a motorcycle escort in which a non-commissioned officer was killed, troops under the command and jurisdiction of the XXII Mountain Corps "executed four hostages at once" and reported that "further retaliation measures were continuing".

m. On or about 10 October 1943, in retaliation for a raid on a freight train 12 km. southeast of Vinkovci, Croatia, troops of the 187th Reserve Division, under the command and jurisdiction of the LXIX Reserve Corps, executed 20 "bandit suspects" taken from near the place of the raid.

n. On or about 26 November 1943, in retaliation for an attack by "bandits" on the road Tripolis-Sparta, Greece, troops under the command and jurisdiction of the LXVIII Infantry Corps executed 100 "hostages" at the site of the attack.

o. On or about 2 December 1943, in retaliation for an attack on a railway station southeast of Tripolis, Greece, troops under the command and jurisdiction of the LXVIII Infantry Corps executed 50 "hostages".

p. On or about 5 December 1943, in Aighion, Greece, troops under the command and jurisdiction of the LXVIII Infantry Corps shot 50 "hostages" in reprisal for recent attacks.

q. On or about 10 January 1944, troops under the command and jurisdiction of the Military Commander of Greece executed 50 "communists" in retaliation for the murder of two German policemen.

r. On or about 21 March 1944, troops under the command and jurisdiction of the Military Commander of Greece executed 52 "hostages" in Tripolis, Greece and 44 "hostages" in Sparta, Greece as a retaliation measure.

s. On or about 28 March 1944, while carrying out a mopping-up operation, troops of the 7th SS "Prinz Eugen" Division and detachments of the 369th "Devil's" Division, under the command and jurisdiction of the Second Panzer Army, raided numerous peaceful Croatian villages, burned the inhabitants alive and set fire to their property: 300 persons were killed at Krivodol, five in Smilici, 40 in Legatori, 65 in Grubisipici, 80 in Bandovina-Blazevici, 645 in Vostani and 700 in Rudi. In Otok 22 persons and in Ovrlije 150 persons were burned to death; in Sladovici seven persons were shot and the entire village burned to the ground.

t. On or about 5 April 1944, troops of the 4th SS (Polizei) Panzer Grenadier Division, under the command and jurisdiction of the LXVIII Infantry Corps, brutally murdered 215 persons, mostly old men, women and children, in the village of Klissura, Greece, in retaliation for the death of two German soldiers killed in the neighborhood of that village by members of Greek "partisan" units.

u. On or about 10 June 1944, troops of the 4th SS (Polizei) Panzer Grenadier Regiment, under the command and jurisdiction of the LXVIII Infantry Corps, shot and killed, in the village of Distomon, Greece, 300 "bandits" and "bandit suspects" and set the village on fire.

v. On or about 11 August 1944, in reprisal for an attack east of Kukes, Albania in which two cars were set on fire, troops of the 21st SS "Skanderbeg" Division under the command and jurisdiction of the XXI Mountain Corps, hanged six "hostages" at the place of the attack.

w. On or about 15 August 1944, in Athens, Greece, troops under the command and jurisdiction of the Military Commander of Greece executed 200 Greek citizens and 100 "communists" in retaliation for the death of the German General KRECH.

6. The acts and conduct of the defendants set forth in this Count were committed unlawfully, wilfully and knowingly, and constitute violations of international conventions, of the Hague Regulations, 1907, of the laws and customs of war, of the general principles of criminal law as derived from the criminal laws of all civilized nations, of the internal penal laws of the countries in which such crimes were committed, and were declared, recognized, and defined as crimes by Article II of Control Council Law No. 10.

## COUNT TWO

7. Between September 1939 and May 1945, all of the defendants unlawfully, wilfully and knowingly committed War Crimes and Crimes against Humanity, as defined in Article II of Control Council Law No. 10, in that they were principals in, accessories to, ordered, abetted, took a consenting part in, were connected with plans and enterprises involving, and were members of organizations or groups connected with, the plundering and looting of public and private property, the wanton destruction of cities, towns and villages, frequently together with the murder of the inhabitants thereof, and the commission of other acts of devastation not justified by military necessity, in the occupied territories of Norway, Greece, Yugoslavia and Albania, by troops of the German Armed Forces under the command and jurisdiction of, responsible to, and acting pursuant to orders issued, executed and distributed by, the defendants herein. The defendants ordered troops under their command and jurisdiction to burn, destroy and level to the ground entire villages and towns, and, on numerous occasions, to execute the inhabitants of such villages and towns. Such arbitrary, inhumane and disproportionately harsh measures of reprisal dislocated hundreds of families, made thousands of peaceful non-combatants homeless and destitute, and brought untold suffering, humiliation, misery and death to vast numbers of innocent civilians.

8. This program of wholesale devastation was carried out not only as part of a cruel, senseless pacification-through-terror scheme, wholly unwarranted and unjustified by military necessity and in flagrant violation of the laws and customs of war, but also in furtherance of a long-range plan to despoil and retard for decades the economic and industrial potential of the occupied territories.

9. The acts of destruction and other crimes charged in this Count included, but were not limited to, the following:

a. On or about 10 October 1944, the Commander-in-Chief of the Twentieth Mountain Army, the defendant RENDULIC, issued an order, to troops under his command and jurisdiction, for the complete destruction of all shelter and means of existence in, and the total evacuation of the entire civilian population of, the northern Norwegian province of Finnmark. During the months of October and November 1944 this order was effectively and ruthlessly carried out. For no compelling military reasons, and in literal execution of instructions to show no sympathy to the civilian population, the evacuated residents were made to witness the burning of their homes and possessions and the destruction of churches, public buildings, food supplies, barns, livestock, bridges, transport facilities and natural resources of an area in which they and

their families had lived for generations. Relatives and friends were separated, many of the evacuees became ill from cold and disease, hundreds died from exposure or perished at sea in the small boats and fishing smacks used in the evacuation, while still others were summarily shot for refusing to leave their homeland—in all, the thoroughness and brutality of this evacuation left some 61,000 men, women and children homeless, starving and destitute.

b. On or about 25 September 1941, in Serbia, troops under the command and jurisdiction of the Commanding General in Serbia were ordered to burn, and did burn, villages and farms in and around the plains of Drina and at the bend of the Sava river.

c. During the months of September and October 1941, in the course of so-called "punitive expeditions" (Strafexpeditionen), troops under the command and jurisdiction of the Twelfth Army burned and completely destroyed the following villages in the Valjevo district of Serbia: Grabevica, Divci, Dracic, Jovanja, Selic, Loznica, Lukavac, Petnica, Popucke, Babjic, Susoke, Skela, Grabovac, Zabrizje, Stubline, Pricevic and Beoluzevic.

d. On or about 15 August 1943, during the course of a reprisal raid south of Arilje, Serbia, troops under the command and jurisdiction of the Commanding General in Serbia burned 460 houses.

e. On or about 24 September 1943, during the execution of "Action Kammerhofer", troops of the 173rd Reserve Division, under the command and jurisdiction of the LXIX Reserve Corps, set fire to two Croatian villages.

f. On or about 5 October 1943, in retaliation for the murder of a Regimental Commander and for telephone "sabotage", troops under the command and jurisdiction of the XXII Mountain Corps destroyed the Greek village of Akmotopos and executed its entire population.

g. On or about 16 October 1943, troops of the 187th Reserve Division, under the command and jurisdiction of the LXIX Reserve Corps, arrested the inhabitants of the Croatian villages of Paklonica and Vocarica as "hostages" and then burned the villages to the ground.

h. On or about 15 November 1943, troops of the 187th Reserve Division, under the command and jurisdiction of the LXIX Reserve Corps, burned the village of Jamena, Croatia.

i. On or about 27 November 1943, troops of the 173rd Reserve Division, under the command and jurisdiction of the LXIX Reserve Corps, burned the Croatian village of Grgurevci.

j. On or about 1 December 1943, in the course of retaliation activities against "bandits" in the district of Korca, Greece, troops under

the command and jurisdicton of the XXII Mountain Corps destroyed one village and shot all of the able-bodied male inhabitants found therein.

k. On or about 15 December 1943, in the course of continuing retaliation activities in the district of Kalavritha, Greece, troops under the command and jurisdiction of the LXVIII Infantry Corps burned four villages, completely leveled Kalavritha, destroyed two convents, and executed 511 male "hostages".

l. During the period January 1944 — March 1945, troops of the 392nd Infantry Division, under the command and jurisdiction of the XXI Mountain Corps, burned, plundered and looted the Croatian villages of Dreznica, Pisac, Tuzevic and Vojvodersa.

m. On or about 28 March 1944, troops of the 7th SS "Prinz Eugen" Division under the command and jurisdiction of the Second Panzer Army burned, plundered and looted the Dalmatian villages of Otok, Ovrnje, Ruda and Dolac Donji.

n. On or about 15 May 1944, troops under the command and jurisdiction of the LXVIII Infantry Corps burned fifty houses in the village of Kimi, Greece, in retaliation for an attack on a German truck.

o. On or about 11 July 1944, troops of the 369th "Devil's" Division, under the command and jurisdiction of the Second Panzer Army, destroyed by fire the Croatian villages of Zagnjesde and Udora, executing the male population of those villages and transporting the female population to the concentration camp at Stolac, Croatia.

p. On or about 13 August 1944, pursuant to an order of the Commander-in-Chief Army Group F and Supreme Commander Southeast, the defendant WEICHS, the Greek village of Karpenision was burned to the ground.

10. The acts and conduct of the defendants set forth in this Count were committed unlawfully, wilfully and knowingly, and constitute violations of International Conventions, of the Hague Regulations, 1907, of the laws and customs of war, of the general principles of criminal law as derived from the criminal laws of all civilized nations, of the internal penal laws of the countries in which such crimes were committed, and were declared, recognized, and defined as crimes by Article II of Control Council Law No. 10.

## COUNT THREE

11. Between September 1939 and May 1945, all of the defendants unlawfully, wilfully and knowingly committed War Crimes and Crimes against Humanity, as defined in Article II of Control Council Law No. 10, in that they were principals in, accessories to, ordered, abetted, took a consenting part in, were connected with plans and enterprises involving, and were members of organizations or groups connected with, the initiation and drafting of certain illegal orders, and their subsequent issuance and distribution to, and execution by, troop units of the German Armed Forces under the command and jurisdiction of, and responsible to, the defendants herein. Such illegal orders directed inter alia that enemy troops be refused quarter and be denied the status and rights of prisoners of war, and that surrendered members of the military forces of nations at war with Germany be summarily executed. Such illegal orders further directed that regular members of the national armies of Greece, Yugoslavia and Italy be designated and treated by troops of the German Armed Forces subordinate to the defendants herein as "partisans", "rebels", "communists" and "bandits", and that the relatives of the members of such national armies be held responsible for said members' lawful acts of warfare. These orders were carried out thoroughly and ruthlessly, and as a result thousands of soldiers and prisoners-of-war were murdered and illtreated.

12. The murders and other crimes charged in this Count included, but were not limited to, the following:

a. On or about 28 April 1941, the Commander-In-Chief of the Second Army issued and distributed, to troops under his command and jurisdiction, an order stating that "whoever appears in the Serbian uniform with a weapon in his hand transgresses international law and is to be shot to death immediately", that "if in any area (of Serbia) an armed band appears, then even the men capable of bearing arms who are seized are to be shot to death, because they were in the proximity of the band, if it cannot immediately be ascertained with certainty that they were not connected with the band", and, further, "that the bodies of all persons shot to death are to be hanged up and left hanging".

b. During a period of time after June 1941, all of the defendants herein issued, executed and distributed, to troops under their command and jurisdiction, an order for the summary execution of political Commissars, even though such persons were regularly attached to, and wore the recognized uniform of, members of the established military forces of enemy belligerents.

c. On or about 23 July 1941, the Commander-in-Chief Twelfth Army and Supreme Commander Southeast issued and distributed, to troops under his command and jurisdiction, an order to punish resistance in the occupied territories of Greece and Yugoslavia "not by legal prosecution of the guilty, but by spreading terror and applying draconic measures".

d. On or about 2 October 1941, the Plenipotentiary Commanding General in Serbia ordered troops under his command and jurisdiction to execute 2100 Yugoslavian prisoners of war in retaliation for the death of 21 German soldiers.

e. On or about 4 October 1941, the Plenipotentiary Commanding General in Serbia issued an order to troops under his command and jurisdiction to give no quarter to members of the Yugoslav National Army.

f. On or about 14 October 1941, the Plenipotentiary Commanding General in Serbia ordered troops under his command and jurisdiction to arrest all wives, and male relatives aged 15 years and over, of members of the Yugoslav National Army and to confine them in concentration camps.

g. On or about 2 November 1941, the Plenipotentiary Commanding General in Serbia issued an order to troops under his command and jurisdiction to continue the practice of shooting, after a short interrogation, all "partisans" captured in combat.

h. During a period of time after 18 October 1942, all of the defendants herein, except the defendant LIST, issued, executed, and distributed to troops under their command and jurisdiction an order to execute in battle, or within 24 hours after capture, all members of Allied "commando" and "military mission" units, whether or not such persons were regularly attached to, and wore the recognized uniform of, duly authorized members of the established military forces of enemy belligerents.

i. On or about 11 September 1943, the Commander-in-Chief and the Chief of Staff of army Group F and Supreme Command Southeast, the Commander-in-Chief Second Panzer Army, the Commanders of the LXVIII Infantry Corps, XXII Mountain Corps, LXIX Reserve Corps, and XV Mountain Corps and the Military Commander of Serbia and Military Commander Southeast, issued, executed and distributed to troops under their command and jurisdiction an order for the execution of one staff officer and 50 men of each Division of the surrendered Italian Army which, prior to its surrender, had sold, given away, or destroyed its weapons, and for the execution of one officer and 10 men of each such Division which, prior to its surrender, had made a motor vehicle unusable.

j. On or about 24 September 1943, the Commander of the XXII Mountain Corps ordered troops under his command and jurisdiction to execute the captured Italian General Gandini and all officers of his staff.

k. On or about 28 September 1943, in Croatia, troops under the command and jurisdiction of the Second Panzer Army executed 300 captured officers of the Italian "Bergamo" Division.

l. On or about 1 November 1943, troops of the 100th Jaeger Division, under the command and jurisdiction of the Second Panzer Army, executed two captured colonels, the Operations and Supply Officers respectively, of the Italian Ninth Army.

13. The acts and conduct of the defendants set forth in this Count were committed unlawfully, wilfully, and knowingly and constitute violations of international conventions, of the Hague Regulations, 1907, of the Prisoner-of-War Convention (Geneva, 1929), of the laws and customs of war, of the general principles of criminal law as derived from the criminal laws of all civilized nations, of the internal penal laws of the countries in which such crimes were committed, and were declared, recognized and defined as crimes by Article II of Control Council Law No. 10.

## COUNT FOUR

14. Between September 1939 and May 1945, all of the defendants unlawfully, wilfully and knowingly committed War Crimes and Crimes against Humanity, as defined in Article II of Control Council Law No. 10, in that they were principals in, accessories to, ordered, abetted, took a consenting part in, were connected with plans and enterprises involving, and were members of organizations or groups connected with, the murder, torture, and systematic terrorization, imprisonment in concentration camps, arbitrary forced labor on fortifications and entrenchments to be used by the enemy, and deportation to slave labor, of the civilian populations of Greece, Yugoslavia and Albania, by troops of the German Armed Forces under the command and jurisdiction of, responsible to, and acting pursuant to orders issued, executed, and distributed by, the defendants herein. Great numbers of citizens—"democrats, nationalists, Jews, and Gypsies",—were arbitrarily seized and thrown into concentration camps where they were systematically beaten, tortured, ill-treated and murdered, while other masses of the civilian population were forcibly conscripted for labor in the Reich and the occupied territories, transported in trains without adequate heat or sanitary conditions, and there, separated from family and friends, were made to labor long hours under inhumane conditions.

15. The murders, imprisonment in concentration camps, deportation to slave labor and other crimes charged in this Count included, but were not limited to, the following:

a. On or about 23 September 1941, troops of the 342nd Division, under the command and jurisdiction of the XVIII Mountain Corps, were ordered to place the entire male population, between the ages of 14 and 70, of the town of Sabac, Serbia, in a concentration camp.

b. On or about 6 October 1941, the Plenipotentiary Commanding General in Serbia ordered troops of the 342nd Infantry Division, under the command and jurisdiction of the XVIII Mountain Corps, to clear the district south of Mitrovica and northeast of Ravnje of its entire population and to erect in the nearby town of Zasaviza a concentration camp capable of accommodating 30,000 persons.

c. On or about 11 October 1941, the Plenipotentiary Commanding General in Serbia ordered the execution of 2200 Jews from a concentration camp in Belgrade, Yugoslavia.

d. On or about 10 August 1943, the Chief of Staff Army Group E and Supreme Command Southeast issued, executed, and distributed to troops subordinate to that command an order to deport the male population of whole villages in the occupied territories of Greece and

Yugoslavia for forced labor in Germany, and "to answer attacks on German soldiers and damage to German property in all cases by the shooting or hanging of hostages, the destruction of surrounding villages, etc.".

e. On or about 30 November 1943, during "Action Hafenfahrt", troops of the 100th Jaeger Division, under the command and jurisdiction of the Second Panzer Army, were ordered to arrest and deport to the concentration camp at Semlin all "communists" in the Albanian cities of Durazzo and Shijeb.

f. On or about 2 December 1943, the Commander-in-Chief of the Second Panzer Army ordered troops under his command and jurisdiction engaged in the operation "Panther" to evacuate the male population of Croatian towns and villages for deportation to forced labor in Germany.

g. On or about 3 December 1943, during Operation "Panther", the Commander of the XVth Mountain Corps ordered troops under his command and jurisdiction to deport the able-bodied population of numerous Croatian villages to Germany for forced labor.

16. The acts and conduct of the defendants set forth in this Count were committed unlawfully, wilfully and knowingly and constitute violations of international conventions, of the Hague Regulations, 1907, of the laws and customs of war, of the general principles of criminal law as derived from the criminal laws of all civilized nations, of the internal penal laws of the countries in which such crimes were committed, and were declared, recognized and defined as crimes by Article II of Control Council Law No. 10.

WHEREFORE, this Indictment is filed with the Secretary General of the Military Tribunals and the charges herein made against the above-named defendants are hereby presented to the Military Tribunals.

**TELFORD TAYLOR**
Brigadier General, USA
Chief of Counsel for War Crimes
Acting on behalf of the United States of America

Nurnberg, 10 May 1947

## APPENDIX A.

### Statement of Military Commands Held by Each of the Defendants, September, 1939 to May, 1945

The following is a list of the high military commands held by each of the defendants in the German Armed Forces during the period September 1939 — May 1945. Each of the defendants, in holding and exercising these commands, committed War Crimes and Crimes against Humanity as set forth in this Indictment.

**LIST:**

The defendant Wilhelm LIST during the period September 1939—May 1945 was: (1939) Commander-in-Chief Fourteenth Army during the campaign against Poland; (1939—1940) Commander-in-Chief Twelfth Army in the West; (1941) Commander-in-Chief Twelfth Army and Supreme Commander Southeast during the campaign against, and subsequent occupation of, Greece; (1942) Commander-in-Chief Army Group "A" on the Eastern Front; retired on 10 September, 1942.

Decorations:

Ritterkreuz **(Knight's Cross)**; Slovakisches Siegerkreuz **(Slovakian Victory Cross)**; Großkreuz des Heiligen Alexander mit Schwert **(Grand Cross of the Holy Alexander with Sword)**; Großkreuz des Ungarischen Militaerischen Verdienstordens mit Schwert **(Grand Cross of the Hungarian Military Order of Merit with Sword)**; Michael der Tapfere II. und III. Klasse **(Order of Michael the Brave 2nd and 3rd Class)**; Großoffizier des Orden vom Haus Savoyen mit Schwert **(Officer of the Orders of the House of Savoy with Sword)**.

Promotions:

(1939) Generaloberst (General); (18 July 1940) Generalfeldmarschall (General of the Army).

**WEICHS:**

The defendant Maximilian von WEICHS during the period September 1939—May 1945 was: (1938—1939) Commanding General XIII Infantry Corps during the occupations of Austria, the Sudetenland, and

Czechoslovakia, and during the campaign against Poland; (1940—1942) Commander-in-Chief Second Army during the campaigns against the Low Countries, France, Yugoslavia and Russia; (1942—1943) Commander-in-Chief Army Group "B" on the Eastern Front; (1943—1945) Commander-in-Chief Army Group "F" and Supreme Commander Southeast during the occupations of Greece, Yugoslavia and Albania; March 1945 —May 1945 Fuehrer Reserve.

Decorations:

Spange zum E.K. II und zum E.K. I **(Clasp to the Iron Cross 1st and Cross)**; Eichenlaub zum Ritterkreuz des E.K. **(Oak Leaf to the Knight's 2nd Class)**; Ritterkreuz des Eisernen Kreuzes **(Knight's Cross of the Iron Cross of the Iron Cross)**; Großkreuz zum Ungarischen Verdienstorden **(Grand Cross to the Hungarian Order for Meritorious Service)**; Orden der Italienischen Krone **(Order of the Italian Crown)**; Bulgarischer St. Alexander Orden **(Bulgarian St. Alexander Order)**; Kroatischer Zvonimir Orden **(Croatian Zvonimir Order)**.

Promotions:

(1936) General der Kavallerie (Lieutenant General, Cavalry); (1940) Generaloberst (General); (1943) Generalfeldmarschall (General of the Army).

**RENDULIC:**

The defendant Lothar RENDULIC during the period September 1939 —May 1945 was: (1939) Chief of Staff XVII Infantry Corps during the campaign against Poland; (1940) Commanding General 14th Infantry Division during the campaigns against the Low Countries and France; (1940—1942) Commanding General 52nd Infantry Division during the occupation of France and the campaign against Russia; (1942—1943) Commanding General XXXV Army Corps on the Eastern Front; (1943 —1944) Commander-in-Chief Second Panzer Army during the occupation of Yugoslavia and Albania; (1944) Commander-in-Chief Twentieth Mountain Army in Finland and Norway and Commander-in-Chief Armed Forces in Norway; (1945) Commander-in-Chief Army Group North in East Prussia, Commander-in-Chief Army Group Courland and Commander-in-Chief Army Group South.

Decorations:

Eisernes Kreuz I and II **(Iron Cross 1st and 2nd Class)**; Deutsches Kreuz in Gold **(German Cross in Gold)**; Ritterkreuz des Eisernen Kreuzes **(Knight's Cross of the Iron Cross)**; Ostmedaille **(Eastern Medal)**; Eichenlaub zum Ritterkreuz mit Schwertern **(Oak Leaves with Swords to the Iron Cross)**.

Promotions:

(September 1939) Oberst (Colonel); (December 1939) Generalmajor (Brigadier General); (1941) Generalleutnant (Major General); (1942) General der Infanterie (Lieutenant General, Infantry); (1944) Generaloberst (General).

Became a member of the Austrian Nazi Party in 1932.

Austrian Military Attache in Paris, France (1934—1936).

**KUNTZE:**

The defendant Walter KUNTZE during the period September 1939 to May 1945 was: (1940, 1941) Commanding General of XXIV Infantry Corps during the campaigns against the Low Countries, France and Russia; (1941) Deputy of Field Marshal LIST, Commander-in-Chief Twelfth Army Armed Forces Commander Southeast; (1942—1945) in charge of training of Replacement Army; (Autumn 1944) in charge of work on the West Wall.

Decorations:

Spange zum E.K. II und E.K. I **(Clasp to Iron Cross 2nd Class and Iron Cross 1st Class)**; Ritterkreuz des Eisernen Kreuzes **(Knight's Cross of the Iron Cross)**; Deutsches Kreuz in Silber **(German Cross in Silver)**; Schutzwallehrenzeichen **(Medal of the Atlantic Wall)**; Großkreuz zum Bulgarischen Militaerischen Verdienstorden **(Grand Cross to the Bulgarian Order for meritorious Military Service)**; Großorden der Krone Koenig Zwonimirs **(Order of the crown of King Zwonimir)**.

Promotions:

(1938) General der Pioniere (Lieutenant-General, Engineers).

**FOERTSCH:**

The defendant Hermann FOERTSCH during the period September 1939—May 1945 was: (1939) Chief of Staff of Wehrkreis (Service Command) VIII; (1939—1940) Chief of Staff of XXVI Infantry Corps in the West; (1940) Commanding Officer of the General Staff Courses in Berlin; (1941) Liaison Officer of OKH (Army High Command) with Twelfth Army in the Balkan campaign against Greece; (1941) Chief of Staff of Twelfth Army; (1942—1943) Chief of Staff of Army Group "E" and later of Army Group "F"; (Summer 1944) Commanding General of the 21st Infantry Division on the Eastern Front; (1944) Commanding General of the X Infantry Corps; (1945) Commander-in-Chief First Army on Western frontier of the Reich.

Decorations:

Spange zum Eisernen Kreuz II. Klasse und I. Klasse **(Clasps to the Iron Cross 2nd Class and 1st Class)**; Deutsches Kreuz in Gold **(German Cross in Gold)**; Ritterkreuz des Eisernen Kreuzes **(Knight's Cross to the Iron Cross)**.

Promotions:

(1938) Oberst (Colonel); (1942) Generalmajor (Brigadier General); (1943) Generalleutnant (Major General); (1944) General der Infanterie (Lieutenant General, Infantry).

Publications:

Most important publications:
**Kriegskunst heute und morgen (The Art of Warfare today and tomorrow).**

**BOEHME:**

The defendant Franz BOEHME during the period September 1939—May 1945 was: (1939—1940) Commanding General, 32nd Infantry Division during the campaigns against Poland, the Low Countries and France; (1940-1941) Commanding General XVIII Infantry Corps, and (1941) Plenipotentiary Military Commander in Serbia; (1942-1943) Commanding General XVIII Infantry Corps in Finland; (1944) Commander-in-Chief Second Panzer Army; (1945) Commander-in-Chief Twentieth Mountain Army and Armed Forces Commander Norway.

Decorations:

Eisernes Kreuz I. Klasse und II. Klasse **(Iron Cross 1st and 2nd Class)**; Ritterkreuz des Eisernen Kreuzes **(Knight's Cross of the Iron Cross)**; Deutsches Kreuz in Gold **(German Cross in Gold)**.

Promotions:

(1939) Generalleutnant (Major General); 1940 (General der Gebirgstruppen (Lieutenant General, Mountain Troops).

**FELMY:**

The defendant Helmuth FELMY during the period September 1939—May 1945 was: (1939—1940) Commander of Luftflotte (Air Fleet) No. II; (1941) Head of the German Military Mission to Irak; (1941) Military Commander Southern Greece and Commander Special Staff "F" (Staff of former Military Mission Irak, at that time located in Greece); (1942—1944) Commanding General of LXVIII Infantry Corps on Eastern Front, in Greece, Yugoslavia and Hungary; (1944—1945) Commanding General of XXXIV Infantry Corps in Yugoslavia.

Decorations:

Spange zum E.K. II and I **(Clasps to the Iron Cross 2nd Class and 1st Class)**; Deutsches Kreuz in Gold **(German Cross in Gold)**.

Promotions:

(1938) General der Flieger (Lieutenant General, Air Force).
Became a member of the Nazi Party in 1940.

**LANZ:**

The defendant Hubert LANZ during the period September 1939—May 1945 was: (1939—1940) Chief of Staff of Wehrkreis (Service Command) V; (1940) Chief of Staff of XVIII Mountain Corps, during the campaigns against the Low Countries and France; (1940—1943) Commanding General of 1st Mountain Division during the campaigns against Yugoslavia and Russia; (1943) Deputy Commander of the XXXXIX Mountain Corps in Russia; (1943—1945) Commanding General of XXII Mountain Corps in Greece and Hungary.

Decorations:

Ritterkreuz des Eisernen Kreuzes **(Knight's Cross of the Iron Cross)**; Eichenlaub zum Ritterkreuz **(Oak Leaves to the Knight's Cross of the Iron Cross)**.

Promotions:

(1939) Oberst (Colonel); (1940) Generalmajor (Brigadier General); (1942) Generalleutnant (Major General); (1943) General der Gebirgstruppen (Lieutenant General, Mountain Troops).

**DEHNER:**

The defendant Ernst DEHNER during the period September 1939—May 1945 was: (1940) Commander of the 87th Infantry Regiment in Belgium; (1941—1942) Commanding General of the 106th Infantry Division during the campaign against Russia and on occupation duty in Northern France; (1942) Commanding General of the LXXXII Infantry Corps; (1943—1944) Commanding General of LXIX Reserve Corps in Croatia; (1944) Military Commander Southern France.

Decorations:

Silberne Spange zum Preussischen Eisernen Kreuz I. und II. Klasse **(Silver Clasps to Prussian Iron Cross 1st and 2nd Class)**, Infanterie-Sturmabzeichen **(Infantry Assault Medal)**; Ritterkreuz des Eisernen Kreuzes **(Knight's Cross of the Iron Cross)**; Medaille "Winterschlacht im Osten" **(Medal of the Winter Battle in the East)**; Orden vom Heiligen Zwonimir **(Order of the Holy Zwonimir)**.

Promotions:

(1936) Oberst (Colonel); (1940) Generalmajor (Brigadier General); (1942) Generalleutnant (Major General); (1942) General der Infanterie (Lieutenant General, Infantry).

**LEYSER:**

The defendant Ernst LEYSER during the period September 1939—May 1945 was: (1939—1940) Commander of 169th Infantry Regiment during the campaign against Poland, the Low Countries and France; (1941) Commanding General of the 269th Infantry Division in Russia; (1942) Commanding General of the XXVI Corps in Russia; (1943—1944) Commanding General of XV Mountain Corps in Croatia; (1944—1945) Commanding General of XXI Mountain Corps in Albania.

Decorations:

Spange zum Eisernen Kreuz I. und II. Klasse **(Clasps to the Iron Cross 1st and 2nd Class)**; Ritterkreuz des Eisernen Kreuzes **(Knight's Cross of the Iron Cross)**; Deutsches Kreuz in Gold **(German Cross in Gold)**.

Promotions:

(1937) Oberst (Colonel); (1941) Generalmajor (Brigadier General); (1942) Generalleutnant (Major General); 1942 General der Infanterie (Lieutenant General, Infantry).

**SPEIDEL:**

The defendant Wilhelm SPEIDEL during the period September 1939—May 1945, was: (1939) Chief of Staff Luftflotte (Air Fleet) I during the campaign against Poland; (1940) Chief of Staff Luftflotte (Air Fleet) II during the campaigns against Poland, the Low Countries and France; (1940—1942) Commanding General and Commander of the German Air Force Mission in Rumania; (1942) Military Commander Southern Greece; (1943—1944) Military Commander Greece; (1944—1945) Commander of the Liaison Staff OKL (Air Force High Command) Southeast; (1945) Commander, Special Field Police Regiment III.

Decorations:

Spange zum Eisernen Kreuz I. und II. Klasse **(Clasps to the Iron Cross 1st Class and 2nd Class)**; various Rumanian and Bulgarian decorations.

Promotions:

(1937) Oberst (Colonel); (1939) Generalmajor (Brigadier General); (1940) Generalleutnant (Major General); (1942) General der Flieger (Lieutenant General, Air Force).

**GEITNER:**

The defendant Kurt von GEITNER during the period September 1939 —May 1945 was: (1939) Commander of an Infantry Replacement Regiment; (1940) Operations Officer of Wehrkreis (Service Command) VIII; (1940) Chief of Staff XXXXV Infantry Corps during the occupation of France; (1941) attached to Staff of Army Group Center during the campaign against Russia; (1942) Chief of Staff to the Commanding General and Commander in Serbia; (1943) Chief of Staff to the Military Commander of Serbia and Military Commander South-East.

Decorations:

Spangen zum Eisernen Kreuz I. und II. Klasse **(Clasps to the Iron Cross 1st and 2nd Class)**; Kriegsverdienstkreuz II. Klasse **(War Merit Cross 2nd Class)**.

Promotions:

(1936) Major der Reserve (Major, Reserve Officer); (1940) Oberstleutnant (Lieutenant Colonel); (1942) Oberst (Colonel); (1944) Generalmajor (Brigadier General).

Became a member of the Nazi Party in Spring, 1938.

# MILITARY TRIBUNALS

CASE No. 8

**THE UNITED STATES OF AMERICA**

—against—

**ULRICH GREIFELT, RUDOLF CREUTZ, KONRAD MEYER-HETLING, OTTO SCHWARZENBERGER, HERBERT HUEBNER, WERNER LORENZ, HEINZ BRUECKNER, OTTO HOFMANN, RICHARD HILDEBRANDT, FRITZ SCHWALM, MAX SOLLMANN, GREGOR EBNER, GUENTHER TESCH, and INGE VIERMETZ**

Defendants

OFFICE OF MILITARY GOVERNMENT FOR GERMANY (US)
NURNBERG 1947

# INDICTMENT

The United States of America, by the undersigned Telford Taylor, Chief of Counsel for War Crimes, duly appointed to represent said Government in the prosecution of war criminals, charges that the defendants herein committed Crimes against Humanity and War Crimes, as defined in Control Council Law No. 10, duly enacted by the Allied Control Council on 20 December 1945. These crimes included murders, brutalities, cruelties, tortures, atrocities, deportation, enslavement, plunder of property, persecutions and other inhumane acts, as set forth in Counts One and Two of this Indictment. All but one of the defendants herein are further charged with membership in a Criminal Organization, as set forth in Count Three of this Indictment.

The persons accused as guilty of these crimes and accordingly named as defendants in this case are:

ULRICH GREIFELT—Obergruppenfuehrer in Die Schutzstaffeln der Nationalsozialistischen Deutschen Arbeiterpartei (commonly known as the "SS") and General of Police (Lt. General); Chief of the Main Staff Office (Stabshauptamt) of the Reichs Commissioner for the Strengthening of Germanism (Reichskommissar fuer die Festigung des deutschen Volkstums, commonly known as the "RKFDV"); Chief of Amtsgruppe "B" of the Main Staff Office.

RUDOLF CREUTZ—Oberfuehrer (Senior Colonel) in the SS; Deputy to GREIFELT and Chief of Amtsgruppe "A" of the Main Staff Office of the RKFDV.

KONRAD MEYER-HETLING—Oberfuehrer (Senior Colonel) in the SS; Chief of Amtsgruppe "C" of the Main Staff Office of the RKFDV.

OTTO SCHWARZENBERGER—Oberfuehrer (Senior Colonel) in the SS; Chief of Amt V in Amtsgruppe "B" of the Main Staff Office of the RKFDV.

HERBERT HUEBNER—Standartenfuehrer (Colonel) in the SS; Chief of Branch Office Posen of the Main Staff Office of the RKFDV and local representative of the SS Main Race and Settlement Office (Rasse und Siedlungshauptamt, commonly known as "RuSHA") for the Warthegau.

WERNER LORENZ—Obergruppenfuehrer in the SS and General of the Waffen-SS and Police (Lt. General); Chief of the Repatriation Office for Ethnic Germans (Volksdeutsche Mittelstelle, commonly known as "VOMI") of the SS.

HEINZ BRUECKNER—Sturmbannfuehrer (Major) in the SS; Chief of Amt VI of VOMI.

OTTO HOFMANN—Obergruppenfuehrer (Lt. General) in the SS; Chief of RuSHA, July 9, 1940—April 20, 1943; later Higher SS and Police Leader (HSSPF) for Southwestern Germany.

RICHARD HILDEBRANDT—Obergruppenfuehrer in the SS and General of Police (Lt. General); Chief of RuSHA, April 20, 1943—May 1945.

FRITZ SCHWALM—Obersturmbannfuehrer (Lt. Colonel) in the SS; Chief of Staff of RuSHA and principal RuSHA representative at the Immigration Center at Lodz (Einwandererzentrale Lodz, commonly known as "EWZ").

MAX SOLLMANN—Standartenfuehrer (Colonel) in the SS; Chief of Lebensborn, e. V. (Well of Life Society) of the SS; Chief of Main Department A of Lebensborn.

GREGOR EBNER—Oberfuehrer (Senior Colonel) in the SS; Chief of the Main Health Department of Lebensborn.

GUENTHER TESCH—Sturmbannfuehrer (Major) in the SS; Chief of the Main Legal Department of Lebensborn.

INGE VIERMETZ—Deputy Chief of Main Department A of Lebensborn.

## COUNT ONE—CRIMES AGAINST HUMANITY

1. Between September 1939 and April 1945, all the defendants herein committed Crimes Against Humanity as defined by Control Council Law No. 10, in that they were principals in, accessories to, ordered, abetted, took a consenting part in, were connected with plans and enterprises involving, and were members of organizations or groups connected with:

Atrocities and offenses, including but not limited to murder, extermination, enslavement, deportation, imprisonment, torture, persecutions on political, racial and religious grounds, and other inhumane and criminal acts against civilian populations, including German civilians and nationals of other countries, and against prisoners of war.

2. The acts, conduct, plans and enterprises charged in Paragraph 1 of this Count were carried out as part of a systematic program of genocide, aimed at the destruction of foreign nations and ethnic groups, in part by murderous extermination, and in part by elimination and suppression of national characteristics. The object of this program was to strengthen the German nation and the so-called "Aryan" race at the expense of such other nations and groups by imposing Nazi and German characteristics upon individuals selected therefrom (such imposition being hereinafter called "Germanization"), and by the extermination of "undesirable" racial elements. This program was carried out in part by

a) Kidnapping the children of foreign nationals in order to select for Germanization those who were considered of "racial value";

b) Encouraging and compelling abortions on Eastern workers for the purposes of preserving their working capacity as slave labor and nations;

c) Taking away, for the purpose of extermination or Germanization, infants born to Eastern workers in Germany;

d) Executing, imprisoning in concentration camps, or Germanizing Eastern workers and prisoners of war who had had sexual intercourse with Germans, and imprisoning the Germans involved;

e) Preventing marriages and hampering reproduction of enemy nationals;

f) Evacuating enemy populations from their native lands by force and resettling so-called "ethnic Germans" (Volksdeutsche) on such lands;

g) Compelling nationals of other countries to perform work in Germany, to become members of the German community, to accept

German citizenship, and to join the German Armed Forces, the Waffen-SS, the Reich Labor Service and similar organizations;

h) Plundering public and private property in Germany and in the incorporated and occupied territories, e. g., taking church property, real estate, hospitals, apartments, goods of all kinds, and even personal effects of concentration camp inmates; and

i) Participating in the persecution and extermination of Jews.

3. Throughout the period covered by this Indictment, all of the defendants herein were associated directly or indirectly with the Main Staff Office (Stabshauptamt) of the Reich Commissioner for the Strengthening of Germanism (Reichskommissar fuer die Festigung des deutschen Volkstums, commonly known as the "RKFDV"), with the Repatriation Office for Ethnic Germans (Volksdeutsche Mittelstelle, commonly known as "VOMI"), with the SS-Main Race and Settlement Office (SS-Rasse und Siedlungshauptamt, commonly known as "RuSHA"), and with the Well of Life Society (Lebensborn, e. V., commonly known as Lebensborn).

4. Heinrich Himmler, Reichs Fuehrer of the SS and Chief of the German Police, was also the RKFDV. In his capacity as RKFDV he established the Main Staff Office (Stabshauptamt) with the defendant ULRICH GREIFELT in charge. The Main Staff Office was responsible, among other things, for bringing "ethnic Germans" into Germany, for evacuating non-Germans from desirable areas in foreign lands, and for establishing new settlements of Germans and "ethnic Germans" in such areas. These activities involved transfer of populations, Germanization of citizens of other countries, deportation of Eastern workers, deportation to slave labor of members of other countries eligible for Germanization, kidnapping of so-called "racially valuable" children for Germanization, participation in the performance of abortions on Eastern workers, murder and plunder of property. ULRICH GREIFELT was Chief of the Main Staff Office and in personal charge of Amtsgruppe B, which consisted of the offices for economy, agriculture, and finance; RUDOLF CREUTZ was Chief of Amtsgruppe A, which consisted of the Central Office and the offices for resettlement of folkdom, and labor, and was in personal charge of Amt Z (Central Office); KONRAD MEYER-HETLING was Chief of Amtsgruppe C, which consisted of the Central Land Office and the offices for planning and construction, and was in personal charge of Amt VI (Planning); OTTO SCHWARZENBERGER was Chief of Amt V (Finance); and HERBERT HUEBNER was Chief of Branch Office Posen.

5. The Office for Repatriation of Ethnic Germans (VOMI) was responsible, among other things, for the selection of "ethnic Germans",

their evacuation from their native country, their transportation into "VOMI" camps, their care in these camps including temporary employment as well as ideological training, and their indoctrination after final employment or resettlement. It took large amounts of personal effects of concentration camp inmates and of real estate, for the use of resettlers. VOMI also played a leading part in the compulsory conscription of enemy nationals into the Armed Forces, Waffen-SS, Police and similar organizations. In addition, it participated in the compulsory Germanization of "ethnic Germans" and people of German descent, in the forcing into slave labor of individuals considered eligible for Germanization, and in the kidnapping of foreign children. WERNER LORENZ was the Chief of VOMI; and HEINZ BRUECKNER was Chief of Amt VI (Safeguarding of German Folkdom in the Reich—Sicherung deutschen Volkstums im Reich).

6. The SS Main Race and Settlement Office (RuSHA) was responsible, among other things, for racial examinations. These racial examinations were carried out by RuS leaders (Rasse und Siedlungs-Fuehrer) or their staff members, called racial examiners (Eignungspruefer), in connection with: cases where sexual intercourse between workers and prisoners of war of the Eastern nations and Germans had occurred, pregnancy of Eastern workers, children born to Eastern workers, classification of people of German descent, selection of enemy nationals, particularly Poles and Slovenes, for slave labor and Germanization, kidnapping of children eligible for Germanization, transfers of populations, and persecution and extermination of Jews. OTTO HOFMANN was the Chief of RuSHA from 1940 to 1943; RICHARD HILDEBRANDT was the Chief of RuSHA from 1943 to 1945; FRITZ SCHWALM was Chief of Staff of RuSHA; and HERBERT HUEBNER was the RuS leader for the Warthegau.

7. Lebensborn was responsible, among other things, for the kidnapping of foreign children for the purpose of Germanization. MAX SOLLMANN was the Chief of Lebensborn and in personal charge of Main Department A, which consisted of offices for reception into homes, guardianship, foster homes and adoption, statistics, and registration; GREGOR EBNER was the Chief of the Main Health Department; GUENTHER TESCH was the Chief of the Main Legal Department; and INGE VIERMETZ was Deputy Chief of Main Department A.

8. The RKFDV Main Staff Office, VOMI, RuSHA, and Lebensborn were inter-related in their operations, purposes, and functions. The Main Staff Office was the driving force for carrying out the program set forth above in Paragraph 2. VOMI, RuSHA and Lebensborn participated in the execution of various portions of this program. RuSHA, in carrying out racial investigations and examinations, took a leading part in the accomplishment of the program. Since negative results of racial in-

vestigations and examinations led to the extermination or imprisonment in concentration camps of the individuals concerned, the Main Staff Office, as well as VOMI, RuSHA and Lebensborn, acted in close cooperation with the SS Reich Main Security Office (SS Reichssicherheitshauptamt, commonly known as the "RSHA"). The RSHA imposed capital punishment and imprisonment in concentration camps upon individuals designated by RuSHA, after examination, and upon those persons who resisted measures which the Main Staff Office, VOMI, RuSHA and Lebensborn sought to carry out.

9. The ties between the Main Staff Office, VOMI, RuSHA and Lebensborn were not only organizational but also personal. Higher SS and Police leaders, such as the defendant OTTO HOFMANN, after his resignation as Chief of RuSHA, represented at the same time the RKFDV. In some instances, RuS leaders also represented Lebensborn.

10. The fundamental purpose of the four organizations described as set forth above in Paragraphs 4 to 9 inclusive, was to proclaim and safeguard the supposed superiority of "Nordic" blood, and to exterminate and suppress all sources which might "dilute" or "taint" it. The underlying objective was to assure Nazi dominance over Germany and German domination over Europe in perpetuity. In carrying out the plans and enterprises constituting a vast integrated scheme to commit genocide and thereby to strengthen Germany, the defendants herein participated in criminal activities, including but not limited to those set forth hereinafter in Paragraphs 11 to 21, inclusive, of this Indictment.

11. **Kidnapping of Alien Children.** An extensive plan of kidnapping "racially valuable" alien children was instituted. This plan had the twofold purpose of weakening enemy nations and increasing the population of Germany. It was also used as a method of retaliation and intimidation in the occupied countries. During the war years, numerous Czech, Polish, Yugoslav and Norwegian children were taken from their parents or guardians and classified according to their "racial value". Also included in this program were the illegitimate children of non-German mothers, fathered by members of the German armed forces in the occupied countries. Those children considered to be "racially valuable" were selected for Germanization and placed in foster homes or designated children's homes. In carrying out this program, numerous birth certificates were falsified and German names were given to those children selected for Germanization. The defendants GREIFELT, CREUTZ, MEYER-HETLING, SCHWARZENBERGER, HUEBNER, HILDEBRANDT, HOFMANN, SCHWALM, SOLLMANN, EBNER, TESCH, VIERMETZ, LORENZ and BRUECKNER are charged with special responsibility for and participation in these crimes.

12. **Abortions.** All known cases of pregnancy among deported Eastern slave workers were submitted to RuSHA. Examinations were conducted of the racial characteristics of the expectant mother and father. In the majority of instances, where the racial examinations yielded negative results showing that the expected child was not of "racial value", the Eastern women workers were induced or forced to undergo abortions. When the expected child was found to be of "racial value" it was taken shortly after birth, as described below in Paragraph 13. The desired results of this systematic program of abortions were immediately, to keep the women available as labor, and, ultimately, to reduce the populations of the Eastern nations. Abortions on Polish women in the Government General were also encouraged by the withdrawal of abortion cases from the jurisdiction of the Polish courts. The defendants GREIFELT, CREUTZ, MEYER-HETLING, SCHWARZENBERGER, HOFMANN, HILDEBRANDT, SCHWALM, HUEBNER, LORENZ and BRUECKNER are charged with special responsibility for and participation in these crimes.

13. **Taking Away Infants of Eastern Workers.** Often cases of pregnancy among workers were not discovered until too late for an abortion to be performed or until the child was actually born. Racial examinations of the expectant mother and father were carried out. When the child was determined to be of "racial value", it was taken immediately after birth by the National Socialist Public Welfare Association (NSV) or Lebensborn, for the purpose of Germanization. Numerous children not selected for Germanization were taken from their mothers and placed in designated collection centers for the purpose of extermination. The defendants GREIFELT, CREUTZ, MEYER-HETLING, SCHWARZENBERGER, HUEBNER, HILDEBRANDT, HOFMANN, SCHWALM, SOLLMANN, EBNER, TESCH and VIERMETZ are charged with special responsibility for and participation in these crimes.

14. **Punishment for Sexual Intercourse with Germans.** Czechs, Poles and other Eastern workers or prisoners of war who had had sexual intercourse with Germans were examined by the racial examiners of RuSHA. Those who were found to be not "racially desirable" were imprisoned in concentration camps or executed. Those found "racially valuable" were Germanized. The defendants GREIFELT, CREUTZ, MEYER-HETLING, SCHWARZENBERGER, HOFMANN, HILDEBRANDT, and SCHWALM are charged with special responsibility for and participation in these crimes.

15. **Hampering Reproduction of Enemy Nationals.** To further weaken enemy nations, both restrictive and prohibitive measures were taken to discourage marriages and reproduction of enemy nationals. The

ultimate aim and natural result of these measures was to impede procreation among nationals of Eastern countries. The defendants GREIFELT, CREUTZ, MEYER-HETLING, SCHWARZENBERGER, HOFMANN, HILDEBRANDT, SCHWALM, HUEBNER, LORENZ and BRUECKNER are charged with special responsibility for and participation in these crimes.

16. **Forced Evacuation and Resettlement of Populations.** In occupied territories enemy populations were forcibly evacuated from their homes and transferred either to other occupied territories, particularly to the Government General, or to Germany for slave labor. They were replaced by Germans and "ethnic Germans". The latter were systematically collected in foreign countries, either occupied or under German domination, brought to camps and then transferred to occupied areas from which the native population had been removed. Before resettlers were transferred to their final destination they were racially and politically examined by the Staff of the Immigration Center at Lodz (Einwandererzentrale Lodz). "O" Cases, i. e., those who were found "racially valuable" and politically reliable were transferred to Eastern areas. "A" Cases, i. e., those who were found less reliable but "racially valuable" were brought to Germany proper. "S" Cases, i. e., those found not "racially valuable" were either sent to the Government General or returned to their native countries. In addition, special actions were undertaken in France and Belgium to transfer citizens allegedly of German descent from these countries either to Germany or to Alsace-Lorraine, depending on their political reliability. Those found "racially valuable" were given German citizenship and settled either in Germany or in the Eastern occupied territories; men of military age were inducted into the Armed Forces or Waffen-SS; those found not "racially valuable" were brought to parts of France other than Alsace-Lorraine or placed in concentration camps. At the same time the populations of non-German descent in Alsace-Lorraine, Luxembourg, Eupen, Malmedy and Moresnet were evacuated. The defendants GREIFELT, CREUTZ, MEYER-HETLING, SCHWARZENBERGER, HUEBNER, LORENZ, BRUECKNER, HOFMANN, HILDEBRANDT and SCHWALM are charged with special responsibility for and participation in these crimes.

17. **Forced Germanization of Enemy Nationals.** After the outbreak of the war, large numbers of nationals of other countries who were considered to be "ethnic Germans" or of German descent were classified and registered in the four DVL (German Peoples' List) Groups. These four DVL Groups may be broadly characterized as follows: Group I—"ethnic Germans" actively pro-German before the occupation; Group II—"ethnic Germans" who had been known as such before the occupation; Group III—persons allegedly of German descent who could easily be Germanized, and members of minority Slavic groups which

were considered to have Germanic affiliations; and Group IV—persons allegedly of some German descent who were actively anti-German. Persons in Groups I and II were given full German citizenship while persons in Groups III and IV received German citizenship subject to revocation. One of the main purposes of this procedure was to procure men for induction into the Armed Forces, the Waffen-SS, the Police, and similar organizations, and, thus, to force them to fight against the countries to which they owed allegiance. Members of these groups who deserted were executed, Persons classified in DVL Groups III and IV were subjected to extraordinary limitations of their economic and civil rights. Individuals who refused to file application for Germanization under this procedure were placed in concentration camps, their children taken away, and their property confiscated. The defendants GREIFELT, CREUTZ, MEYER-HETLING, SCHWARZENBERGER, HUEBNER, LORENZ, BRUECKNER, HOFMANN, HILDEBRANDT and SCHWALM are charged with special responsibility for and participation in these crimes.

18. **Slave labor.** In addition to the DVL program, selected foreign nationals without any German ancestry were sent to Germany as slave labor and for possible future Germanization. Most of them were employed in agriculture, industry and as domestic help. Those who refused to submit to slave labor or Germanization were placed in concentration camps. The defendants GREIFELT, CREUTZ, MEYER-HETLING, SCHWARZENBERGER, HUEBNER, LORENZ, BRUECKNER, HOFMANN, HILDEBRANDT and SCHWALM are charged with special responsibility for and participation in these crimes.

19. **Conscription of Non-Germans.** Nationals of occupied or dominated countries who were not of German descent were compelled to join the Armed Forces, Waffen-SS, Police and similar organizations. This conscription was done by VOMI in close cooperation with the SS Central Office (SS-Hauptamt) and through associations such as the Association of Germans Abroad (Verein fuer Deutschtum im Ausland, commonly known as the "VDA"). The defendants LORENZ and BRUECKNER are charged with special responsibility for and participation in these crimes.

20. **Plunder.** The plunder of private and public property, both in Germany and in the occupied territories, formed a large part of the activities carried on by the defendants named herein. Great amounts of private property were confiscated for use of resettlers or for other purposes. Church property and cultural goods were seized for the same purpose. The value of landed property confiscated from Poles and Jews in Poland alone was estimated by the defendant GREIFELT at seven hundred million to eight hundred million marks. Personal effects

confiscated from concentration camp inmates were distributed among resettlers. Lebensborn took over Jewish and Polish hospitals and Jewish apartments and goods. Concentration camp enterprises were founded by the WVHA (the SS Main Economic and Administrative Office) in agreement with the Main Staff Office and the proceeds placed in special accounts. The Main Staff Office was thus a partner in the exploitation of the slave labor of the Jews and other inmates of concentration camps and in the taking over of Jewish property in the Government General. The defendants GREIFELT, CREUTZ, MEYER-HETLING, SCHWARZENBERGER, HUEBNER, LORENZ, BRUECKNER, HOFMANN, HILDEBRANDT, SCHWALM, SOLLMANN, EBNER, TESCH and VIERMETZ are charged with special responsibility for and participation in these crimes.

21. **Persecution and Extermination of Jews.** The RKFDV Main Staff Office was responsible for the evacuation of large numbers of Jews from the occupied and incorporated territories. RuSHA also participated extensively in the persecution and extermination of Jews. The Genealogy Office (Ahnentafelamt) of RuSHA prepared and retained in its files the names of all Jewish families in the Reich and persons having any Jewish ancestry. This office also participated in preparing similar files in the Netherlands, Belgium, Norway, Denmark, Danzig, and France where it worked together with the RSHA (Reich Main Security Office). These files were used for enforcing discriminatory measures against Jews and preparing transport lists of Jews to be taken from Germany and the occupied countries to the extermination camps in the East. The defendants GREIFELT, CREUTZ, MEYER-HETLING, SCHWARZENBERGER, HOFMANN, HILDEBRANDT, SCHWALM and HUEBNER are charged with special responsibility for and participation in these crimes.

22. The defendant HILDEBRANDT is charged with special responsibility for and participation in the extermination of thousands of German nationals pursuant to the so-called "euthanasia program" of the Third Reich, from September 1939 to February, 1940.

23. The acts and conduct of the defendants set forth in this Count were committed unlawfully, wilfully, and knowingly and constitute violations of international conventions, particularly of Articles 4, 5, 6, 7, 23, 43, 45, 46, 47, 52 and 56 of the Hague Regulations, 1907, and of Articles 2, 3, 4, 9 and 31 of the Prisoner of War Convention (Geneva, 1929), of the laws and customs of war, of the general principles of criminal law as derived from the criminal laws of all civilized nations, of the internal penal laws of the countries in which such crimes were committed, and of Article II of Control Council Law No. 10.

## COUNT TWO—WAR CRIMES

24. Between September 1939 and April 1945, all the defendants herein committed War Crimes, as defined by Control Council Law No. 10, in that they were principals in, accessories to, ordered, abetted, took a consenting part in, were connected with plans and enterprises involving, and were members of organizations or groups connected with: atrocities and offenses against persons and property constituting violations of the laws or customs of war, including but not limited to plunder of public and private property, murder, extermination, enslavement, deportation, imprisonment, torture, and ill-treatment of and other inhumane acts against thousands of persons. These crimes embraced, but were not limited to, the particulars set out in Paragraphs 11 to 21, inclusive, of this Indictment, which are incorporated herein by reference, and were committed against prisoners of war and civilian populations of countries and territories under the belligerent occupation of, or otherwise controlled by, Germany.

25. The acts and conduct of the defendants set forth in this Count were committed unlawfully, wilfully, and knowingly and constitute violations of international conventions, including the Articles of the Hague Regulations, 1907, and of the Prisoner of War Convention (Geneve, 1929), enumerated in Paragraph 23 of this Indictment, of the laws and customs of war, of the general principles of criminal law as derived from the criminal laws of all civilized nations, of the internal penal laws of the countries in which such crimes were committed, and of Article II of Control Council Law No. 10.

## COUNT THREE—MEMBERSHIP IN CRIMINAL ORGANIZATION

26. All of the defendants herein, except defendant VIERMETZ, are charged with membership, subsequent to September 1, 1939, in the Schutzstaffeln der Nationalsozialistischen Deutschen Arbeiterpartei (commonly known as the "SS"), declared to be criminal by the International Military Tribunal and Paragraph 1 (d) of Article II of Control Council Law No. 10.

Wherefore, this Indictment is filed with the Secretary General of the Military Tribunals and the charges herein made against the above named defendants are hereby presented to the Military Tribunals.

TELFORD TAYLOR

Brigadier General U. S. Army

Chief of Counsel for War Crimes

Acting on Behalf of the United States of America

Nurnberg, 1 JULY 1947

# MILITARY TRIBUNALS

CASE No. 9

THE UNITED STATES OF AMERICA

— against —

OTTO OHLENDORF, HEINZ JOST, ERICH NAUMANN, OTTO RASCH, ERWIN SCHULZ, FRANZ SIX, PAUL BLOBEL, WALTER BLUME, MARTIN SANDBERGER, WILLY SEIBERT, EUGEN STEIMLE, ERNST BIBERSTEIN, WERNER BRAUNE, WALTER HAENSCH, GUSTAV NOSSKE, ADOLF OTT, EDUARD STRAUCH, EMIL HAUSSMAN, WALDEMAR KLINGELHOEFER, LOTHAR FENDLER, WALDEMAR VON RADETZKY, FELIX RUEHL, HEINZ SCHUBERT, and MATHIAS GRAF

Defendants

OFFICE OF MILITARY GOVERNMENT FOR GERMANY (US)
NURNBERG 1947

# INDICTMENT

The United States of America, by the undersigned, Telford Taylor, Chief of Counsel for War Crimes, duly appointed to represent said Government in the prosecution of war criminals, charges that the defendants herein committed Crimes against Humanity and War Crimes, as defined in Control Council Law No. 10, duly enacted by the Allied Control Council on 20 December 1945. These crimes included the murder of more than one million persons, tortures, atrocities, and other inhumane acts, as set forth in Counts One and Two of this Indictment. All of the defendants are further charged with membership in criminal organizations, as set forth in Count Three of this Indictment.

The persons accused as guilty of these crimes and accordingly named as defendants in this case are:

OTTO OHLENDORF — Gruppenführer (Major General) in the Schutzstaffeln der Nationalsozialistischen Deutschen Arbeiterpartei (commonly known as the "SS"); member of the Reichssicherheitsdienst des Reichsführers SS (commonly known as the "SD"); Commanding Officer of Einsatzgruppe D.

HEINZ JOST — Brigadeführer (Brigadier General) in the SS; member of the SD; Commanding Officer of Einsatzgruppe A.

ERICH NAUMANN — Brigadeführer (Brigadier General) in the SS; Member of the SD; Commanding Officer of Einsatzgruppe A.

OTTO RASCH — Brigadeführer (Brigadier General) in the SS; member of the SD; member of the Geheime Staatspolizei (commonly known as the "Gestapo"); Commanding Officer of Einsatzgruppe C.

ERWIN SCHULZ — Brigadeführer (Brigadier General) in the SS; member of the Gestapo; Commanding Officer of Einsatzkommando 5 of Einsatzgruppe C.

FRANZ SIX — Brigadeführer (Brigadier General) in the SS; member of the SD; Commanding Officer of "Vorkommando Moskau" of Einsatzgruppe B.

PAUL BLOBEL — Standartenführer (Colonel) in the SS; member of the SD; Commanding Officer of Sonderkommando 4a of Einsatzgruppe C.

WALTER BLUME — Standartenführer (Colonel) in the SS; member of the SD; member of the Gestapo; Commanding Officer of Sonderkommando 7a of Einsatzgruppe B.

MARTIN SANDBERGER — Standartenführer (Colonel) in the SS; member of the SD; Commanding Officer of Einsatzkommando 1a of Einsatzgruppe A.

WILLY SEIBERT — Standartenführer (Colonel) in the SS; member of the SD; Deputy Chief of Einsatzgruppe D.

EUGEN STEIMLE — Standartenführer (Colonel) in the SS; member of the SD; Commanding Officer of Sonderkommando 7a of Einsatzgruppe B; Commanding Officer Sonderkommando 4a of Einsatzgruppe C.

ERNST BIBERSTEIN — Obersturmbannführer (Lt. Colonel) in the SS; member of the SD; Commanding Officer of Einsatzkommando 6 of Einsatzgruppe C.

WERNER BRAUNE — Obersturmbannführer (Lt. Colonel) in the SS; member of the SD; member of the Gestapo; Commanding Officer of Sonderkommando 11b of Einsatzgruppe D.

WALTER HAENSCH — Obersturmbannführer (Lt. Colonel) in the SS; member of the SD; Commanding Officer of Sonderkommando 4b of Einsatzgruppe C.

GUSTAV NOSSKE — Obersturmbannführer (Lt. Colonel) in the SS; member of the Gestapo; Commanding Officer of Einsatzkommando 12 of Einsatzgruppe D.

ADOLF OTT — Obersturmbannführer (Lt. Colonel) in the SS; member of the SD; Commanding Officer of Sonderkommando 7b of Einsatzgruppe B.

EDUARD STRAUCH — Obersturmbannführer (Lt. Colonel) in the SS; member of the SD; Commanding Officer of Einsatzkommando 2 of Einsatzgruppe A.

EMIL HAUSSMAN — Sturmbannführer (Major) in the SS; member of the SD; officer of Einsatzkommando 12 of Einsatzgruppe D.

WALDEMAR KLINGELHOEFER — Sturmbannführer (Major) in the SS; member of the SD; member of Sonderkommando 7b of Einsatzgruppe B; Commanding Officer of Vorkommando Moscow.

LOTHAR FENDLER — Sturmbannführer (Major) in the SS; member of the SD; Deputy Chief of Sonderkommando 4b of Einsatzgruppe C.

WALDEMAR VON RADETZKY — Sturmbannführer (Major) in the SS; member of the SD; Deputy Chief of Sonderkommando 4a of Einsatzgruppe C.

FELIX RUEHL — Hauptsturmführer (Captain) in the SS; member of the Gestapo; Officer of Sonderkommando 10b of Einsatzgruppe D.

HEINZ SCHUBERT — Obersturmführer (1st Lieutnant) in the SS; member of the SD; Officer of Einsatzgruppe D.

MATHIAS GRAF — Untersturmführer (2nd Lieutenant) in the SS; member of the SD; Officer of Einsatzkommando 6 of Einsatzgruppe C.

## COUNT ONE

## CRIMES AGAINST HUMANITY

1. Between May 1941 and July 1943 all of the defendants herein committed Crimes against Humanity, as defined in Article II of Control Council Law No. 10 in that they were principals in, accessories to, ordered, abetted, took a consenting part in, were connected with plans and enterprises involving, and were members of organizations or groups connected with: atrocities and offenses including but not limited to, persecutions on political, racial and religious grounds, murder, extermination, imprisonment, and other inhumane acts committed against civilian populations including German nationals and nationals of other countries.

2. The acts, conduct, plans and enterprises charged in paragraph 1 of this Count were carried out as part of a systematic program of genocide, aimed at the destruction of foreign nations and ethnic groups by murderous extermination.

3. Beginning in May 1941, on the orders of Himmler, special task forces called "Einsatzgruppen" were formed from the personnel of the SS, the SD, the Gestapo, and other police units. The primary purpose of these groups was to accompany the German army into the Eastern territories, and exterminate Jews, Gypsies, Soviet officials, and other elements of the civilian population regarded as racially "inferior" or "politically undesirable."

4. Initially four Einsatzgruppen were formed, each of which supervised the operation of a number of subordinate units called "Einsatzkommandos" or "Sonderkommandos." Some Einsatzgruppen had, in addition, other units for special purposes. Each Einsatzgruppe together with its subordinate units consisted of about 500 to 600 persons. Einsatzgruppe A, operating mainly in the Baltic region, included Sonderkommandos 1a and 1b and Einsatzkommandos 2 and 3. Einsatzgruppe B, operating mainly in the area toward Moscow, included Sonderkommandos 7a and 7b, Einsatzkommandos 8 and 9, and special units named Vorkommando Moscow (also known as Sonderkommando 7c) and Trupp Smolensk. Einsatzgruppe C, operating mainly in the area toward Kiev, included Sonderkommandos 4a and 4b and Einsatzkommandos 5 and 6. Einsatzgruppe D, operating mainly in the area of southern Russia, included Sonderkommandos 10a and 10b and Einsatzkommandos 11a, 11b, and 12

5. All of the defendants herein, as officers or staff members of one or more Einsatzgruppen or their subordinate units, committed murders, atrocities, and other inhumane acts as more specifically set forth in paragraphs 6 to 9, inclusive of this Count.

6. Einsatzgruppe A and the units under its command committed murders and other crimes which included, but were not limited to the following:

(a) During the period 22 June 1941 to 15 October 1941, in Lithuania, Latvia, Esthonia, and White Ruthenia, Einsatzgruppe A murdered 118, 430 Jews and 3,398 Communists.

(b) On or about 4 July 1941 in the city of Riga, Sonderkommando 1a and Einsatzkommando 2, together with auxiliary police under their command, carried out pogroms in which all synagogues were destroyed, and 400 Jews were murdered.

(c) During October 1941, in Esthonia, Einsatzkommando 1a, together with Esthonian units under their command, committed murders pursuant to a program for the extermination of all Jewish males over sixteen except doctors and Jewish elders.

(d) During the period 7 November 1941, to 11 November 1941, in Minsk, Sonderkommando 1b murdered 6,624 Jews.

(e) During the period 22 June 1941, to 16 January 1942, in its operational areas, Einsatzkommando 2 murdered 33,970 persons.

(f) On 30 November 1941 in Riga, 20 men of Einsatzkommando 2 participated in the murder of 10,600 Jews.

(g) During the period 22 June 1941, to 19 September 1941, in Lithuania, Einsatzkommando 3 murdered 46,692 persons.

(h) During the period 22 June 1941, to 10 August 1941, in the area of Kauen and Riga, Einsatzgruppe A murdered 29,000 persons.

(i) During the period 2 October 1941, to 10 October 1941, in the vicinity of Krasnowardeisk, Einsatzgruppe A murdered 260 persons.

(j) During the period 15 October 1941, to 5 November 1941 in the vicinity of Krasnowardeisk, Einsatzgruppe A murdered 156 persons.

(k) During the period 24 October 1941, to 5 November 1941, in the vicinity of Krasnowardeisk, Einsatzgruppe A murdered 118 persons.

(l) On 20 November 1941, in the vicinity of Krasnowardeisk, Einsatzgruppe A murdered 855 persons.

(m) In about December 1941, in the ghetto in Witebsk, units of Einsatzgruppe A murdered 4,090 Jews.

(n) On 22 December 1941, in Wilna, units of Einsatzgruppe A murdered 402 persons including 385 Jews.

(o) On 1 February 1942, in Loknia, units of Einsatzgruppe A murdered the 38 gypsies and Jews remaining there.

(p) On 2 and 3 March 1942, in Minsk units of Einsatzgruppe A murdered 3,412 Jews.

(q) On 2 and 3 March 1942, in Baranowitschi, units of Einsatzgruppe A murdered 2,007 Jews.

(r) On 17 March 1942, in Ilja, east of Wilakia, units of Einsatzgruppe A murdered 520 Jews.

(s) On or about 7 April 1942, in Kauen and Olita, Lithuania, units of Einsatzgruppe A murdered 44 persons.

(t) During the period 10 April 1942, to 24 April 1942, in Latvia, units of Einsatzgruppe A murdered 1,272 persons, including 983 Jews, 204 Communists, and 71 Gypsies.

7. Einsatzgruppe B and the units under its command committed murders and other crimes which included, but were not limited to, the following:

(a) In about July 1941, in the city of Minsk, units of Einsatzgruppe B murdered 1,050 Jews and liquidated political officials, "Asiatics", and others.

(b) During the period 22 June 1941 to 14 November 1941, in the vicinity of Minsk and Smolensk, Einsatzgruppe B murdered more than 45,467 persons.

(c) On 15 October 1941, in Mogilew, units of Einsatzgruppe B murdered 83 "Asiatics."

(d) On 19 October 1941 in Mogilew, units of Einsatzgruppe B participated in the murder of 3,726 Jews.

(e) On 23 October 1941 in the vicinity of Mogilew, units of Einsatzgruppe B murdered 279 Jews.

(f) During the period 22 June 1941, to 14 November 1941, in its operational areas, Sonderkommando 7a murdered 1,517 persons.

(g) In September or October 1941, in Sadrudubs, Sonderkommando 7a murdered 272 Jews.

(h) During the period 6 March 1942 to 30 March 1942, in the vicinity of Klinzy, Sonderkommando 7a murdered 1,585 Jews and 45 Gypsies.

(i) During the period 22 June 1941 to 14 November 1941, in its operational areas, Sonderkommando 7b murdered 1,822 persons.

(j) During the period from September to October 1941, in Redschitza, White Ruthenia, Sonderkommando 7b murdered 216 Jews.

(k) During the period 6 March 1942, to 30 March 1942, in the vicinity of Bryansk, Sonderkommando 7b murdered 82 persons, including 27 Jews.

(l) During the period 22 June 1941 to 14 November 1941, in its operational areas, Einsatzkommando 8 murdered 28,219 persons.

(m) In September or October 1941, in the area of Schklow, Einsatzkommando 8 murdered 627 Jews and 812 other persons.

(n) In September or October 1941, in Mogilew, Einsatzkommando 8 participated in the murder of 113 Jews.

(o) In September or October 1941, in Krupka, Einsatzkommando 8 murdered 912 Jews.

(p) In September or October 1941, in Scholopenitsche, Einsatzkommando 8 murdered 822 Jews.

(q) During the period 6 March 1942 to 30 March 1942, in the vicinity of Mogilew, Einsatzkommando 8 murdered 1,609 persons, including 1,551 Jews and 33 Gypsies.

(r) On 8 October 1941, in the ghetto of Witebsk, Einsatzkommando 9 began murdering Jews and by 25 October 1941, 3,000 Jews had been executed.

(s) During the period 6 March 1942 to 30 March 1942, in the vicinity of Witebsk, Einsatzkommando 9 murdered 273 persons, including 170 Jews.

(t) During the period 22 June 1941 to 14 November 1941, in its operational areas, the Group Staff of Einsatzgruppe B, and the Vorkommando Moscow murdered 2,457 persons.

(u) During the period 22 June 1941 to 20 August 1941, in the vicinity of Smolensk, the Group Staff of Einsatzgruppe B and the Vorkommando Moscow murdered 144 persons.

(v) In September or October 1941, in Tatarsk, the Group Staff of Einsatzgruppe B and the Vorkommando Moscow murdered all male Jews.

(w) During the period 6 March to 30 March 1942, in the vicinity of Roslawl, Vorkommando Moscow murdered 52 persons.

(x) During the period 6 March 1942 to 30 March 1942, in the vicinity of Smolensk, Trupp Smolensk murdered 60 persons, including 18 Jews.

8. Einsatzgruppe C and the units under its command committed murders and other crimes which included, but were not limited to, the following:

(a) During the period 22 June 1941 to 3 November 1941, in the vicinity of Shitomir, Novo Ukrainia and Kiew, Einsatzgruppe C murdered more than 75,000 Jews.

(b) On 19 September 1941 in Shitomir, Einsatzgruppe C murdered 3,145 Jews and confiscated their clothing and valuables.

(c) During the period 22 June 1941 to 29 July 1941, in the vicinity of Shitomir, Sonderkommando 4a murdered 2,531 persons.

(d) During the period 22 June 1941 to 12 October 1941, in its operational areas, Sonderkommando 4a murdered more than 51,000 persons.

(e) During the period from 27 June to 29 June 1941, in the vicinity of Sokal and Luck, Sonderkommando 4a murdered 300 Jews and 317 Communists.

(f) In July or August 1941 in Fastow, Sonderkommando 4a murdered all the Jews between the ages of 12 and 60.

(g) In September or October 1941, in the vicinity of Wyrna and Dederew, Sonderkommando 4a murdered 32 Gypsies.

(h) On 29 and 30 September 1941 in Kiew, Einsatzkommando 4a, together with the Group Staff and police units, murdered 33,771 Jews and confiscated their clothing and valuables.

(i) On 8 October 1941 in Jagotin, Sonderkommando 4a murdered 125 Jews.

(j) On 23 November 1941 in Poltawa, Sonderkommando 4a murdered 1,538 Jews.

(k) In about July 1941, in Tarnapol, Sonderkommando 4b murdered 180 Jews.

(l) During the period from 13 September to 26 September 1941 in the vicinity of Krementschug, Sonderkommando 4b murdered 125 Jews and 103 political officials.

(m) During the period 4 October 1941 to 10 October 1941, in Poltawa, Sonderkommando 4b murdered 186 persons.

(n) From about 11 October 1941 to 30 October 1941 in the vicinity of Poltawa, Sonderkommando 4b murdered 595 persons.

(o) During the period 14 January 1942 to 12 February 1942, in the vicinity of Kiew, Sonderkommando 4b murdered 861 persons, including 139 Jews and 649 political officials.

(p) During the period from February 1942 to March 1942, in the vicinity of Artemowsk, Sonderkommando 4b murdered 1,317 persons, including 1,224 Jews and 63 "political activists."

(q) During the period from 22 June 1941 to 10 November 1941, in its operational areas, Einsatzkommando 5 murdered 29,644 persons.

(r) During July or August 1941, in Berditschew, Einsatzkommando 5 murdered 74 Jews.

(s) During the period 7 September 1941 to 5 October 1941, in the vicinity of Berditschew, Einsatzkommando 5 murdered 8,800 Jews and 207 political officials.

(t) On 22 and 23 September 1941, in Uman, Einsatzkommando 5 murdered 1,412 Jews.

(u) During the period 20 October 1941 to 26 October 1941, in the vicinity of Kiew, Einsatzkommando 5 murdered 4,372 Jews and 36 political officials.

(v) During the period from 23 November 1941 to 30 November 1941, in the vicinity of Rowne, Einsatzkommando 5 murdered 2,615 Jews and 64 political officials.

(w) During the period from 12 January 1942 to 24 January 1942 in the vicinity of Kiew, Einsatzkommando 5 murdered about 8,000 Jews and 104 political officials.

(x) During the period from 24 November 1941 to 30 November 1941 in the vicinity of Knjepropetrowsk, Einsatzkommando 6 murdered 226 Jews and 19 political officials.

(y) From about 10 January 1942 to 6 February 1942, in the vicinity of Stalino, Einsatzkommando 6 murdered about 149 Jews and 173 political officials.

(z) In about February 1942, in the vicinity of Stalino, Einsatzkommando 6 murdered 493 persons, including 80 "political activists" and 369 Jews.

9. Einsatzgruppe D and the units under its command committed murders and other crimes which included, but were not limited to, the following:

(a) During the period from 22 June 1941 to July 1943, Einsatzgruppe D, in the area of Southern Russia, murdered more than 90,000 persons.

(b) On 15 July 1941, in the vicinity of Belzy, Sonderkommando 10a murdered 45 persons, including the Counsel of Jewish Elders.

(c) In July 1941, in the vicinity of Czernowitz, Sonderkommando 10b murdered 16 Communists and 682 Jews.

(d) During the period 22 June 1941 to 7 August 1941, in the vicinity of Kitschinew, Einsatzkommando 11a murdered 551 Jews.

(e) In about July 1941, in Thiginia, Einsatzkommando 11b murdered 151 Jews.

(f) In about December 1941, in the vicinity of Simferopol, Einsatzkommando 11b murdered over 700 persons.

(g) During the period from 22 June 1941 to 23 August 1941, in Babtschinzy, Einsatzkommando 12 murdered 94 Jews.

(h) During the period 15 July 1941 to 30 July 1941 in the vicinity of Chotin, Einsatzgruppe D murdered 150 Jews and Communists.

(i) During the period 19 August 1941 to 15 September 1941, in the vicinity of Nikolajew, Einsatzgruppe D murdered 8,890 Jews and Communists.

(j) During the period 16 September 1941 to 30 September 1941, in the viciniaty of Nikowajew and Cherson, Einsatzgruppe D murdered 22,467 Jews.

(k) During the period 1 October 1941 to 15 October 1941, in the area east of the Dnjepr, Einsatzgruppe D murdered 4,891 Jews and 46 Communists.

(l) During the period 15 January 1942 to 31 January 1942, within its operational areas, Einsatzgruppe D murdered 3,601 persons, including 3,286 Jews and 152 Communists.

(m) During the period 1 February 1942 to 15 February 1942, within its operational areas, Einsatzgruppe D murdered 1,451 persons, including 920 Jews and 468 Communists.

(n) During the period 16 February 1942 to 28 February 1942, within its operational areas, Einsatzgruppe D murdered 1,515 persons, including 729 Jews, 271 Communists and 421 Gypsies and other persons.

(o) During the period 1 March 1942 to 15 March 1942 within its operational areas, Einsatzgruppe D murdered 2,010 persons, including 678 Jews, 359 Communists, and 810 Gypsies and other persons.

(p) During the period 15 March 1942 to 30 March 1942, within its operational areas, Einsatzgruppe D murdered 1,501 persons, including 588 Jews, 405 Communists and 261 Gypsies and other persons.

10. The acts and conduct of the defendants set forth in this Count were committed unlawfully, wilfully, and knowingly, and constitute violations of the law of nations, international conventions, general principles of criminal law as derived from the criminal laws of all civilized nations, the international penal laws of the countries in which such crimes were committed, and Article II of Control Council Law No. 10.

## COUNT TWO

## WAR CRIMES

11. Between 22 June 1941 and July 1943, all of the defendants herein committed war crimes, as defined in Article II of Control Council Law No. 10, in that they were principals in, accessories to, ordered, abetted, took a consenting part in, were connected with: plans and enterprises involving, and were members of organizations or groups connected with: atrocities and offenses against persons and property constituting violations of the laws or customs of war, including, but not limited to, murder and ill treatment of prisoners of war and civilian populations of countries and territories under the belligerent occupation of, or otherwise controlled by Germany, and wanton destruction and devastation not justified by military necessity. The particulars concerning these crimes are set forth in paragraphs 6 to 9, inclusive, of Count One of this Indictment and are incorporated herein by reference.

12. The acts and conduct of the defendants set forth in this Count were committed unlawfully, wilfully and knowingly, and constitute violations of international conventions, particularly of Articles 43 and 46 of the Regulations of the Hague Convention No. IV, 1907, the Prisoner-of-War Convention (Geneva, 1929), the laws and customs of war, the general principles of criminal law as derived from the criminal laws of all civilized nations, the international penal laws of the countries in which such crimes were committed, and Article II of Control Council Law No. 10.

## COUNT THREE

## MEMBERSHIP IN CRIMINAL ORGANIZATIONS

13. All the defendants herein are charged with membership, subsequent to 1 September 1939, in organizations declared to be criminal by the International Military Tribunal and paragraph 1 (d) of Article II of Control Council Law No. 10.

(a) All the defendants were members of the Schutzstaffeln der Nationalsozialistischen Deutschen Arbeiterpartei (commonly known as the "SS").

(b) The defendants Ohlendorf, Jost, Naumann, Rasch, Six, Blobel, Blume, Sandberger, Seibert, Steimle, Biberstein, Braune, Haensch, Ott, Strauch, Haussman, Klingelhoefer, Fendler, Von Radetzky, Schubert, and Graf were members of Aemter III, VI, and VII of the Reichssicherheitshauptamt (RSHA) constituting the Reichssicherheitsdienst des Reichsführers SS (commonly known as the "SD").

c) The defendants Rasch, Schulz, Blume, Braune, Biberstein, Nosske, and Ruehl were members of Amt IV of the Reichssicherheitshauptamt (RSHA) constituting the Geheime Staatspolizei (commonly known as the "Gestapo").

WHEREFORE, this Indictment is filed with the Secretary General of the Military Tribunals and the charges herein made against the above named defendants are hereby presented to the Military Tribunals.

Acting on Behalf of the United States of America

TELFORD TAYLOR
Brigadier General, U. S. Army
Chief of Counsel for War Crimes

Nurnberg, 25 July 1947

# MILITARY TRIBUNALS

CASE NO. 10

THE UNITED STATES OF AMERICA

—against—

**ALFRED FELIX ALWIN KRUPP VON BOHLEN UND HALBACH, EWALD OSKAR LUDWIG LOESER, EDUARD HOUDREMONT, ERICH MUELLER, FRIEDRICH WILHELM JANSSEN, KARL HEINRICH PFIRSCH, MAX OTTO IHN, KARL ADOLF FERDINAND EBERHARDT, HEINRICH LEO KORSCHAN, FRIEDRICH VON BUELOW, WERNER WILHELM HEINRICH LEHMANN, HANS ALBERT GUSTAV KUPKE**

Defendants

OFFICE OF MILITARY GOVERNMENT FOR GERMANY (US)
NÜRNBERG 1947 - 48

## INDICTMENT

The United States of America, by the undersigned Telford Taylor, Chief of Counsel for War Crimes, duly appointed to represent said Government in the prosecution of war criminals, charges that the defendants herein committed Crimes against Peace, War Crimes and Crimes against Humanity, and participated in a common plan and conspiracy to commit Crimes against Peace, all as defined in Control Council Law Number 10, duly enacted by the Allied Control Council on 20 December 1945. These crimes included planning, preparing, initiating and waging wars of aggression and invasions of other countries, as a result of which incalculable destruction was wrought throughout the world, millions of people were killed and many millions more suffered and are still suffering; deportation to slave labor of members of the civilian population of the invaded countries and the enslavement, mistreatment, torture and murder of millions of persons, including German nationals as well as foreign nationals; plunder and spoliation of public and private property in the invaded countries pursuant to deliberate plans and policies intended not only to strengthen Germany in launching its invasions and waging its aggressive wars and to secure the permanent domination by Germany of the continent of Europe, but also to expand the private empire of the defendants; and other grave crimes as set forth in this Indictment.

The persons hereinafter named were all officials of Fried. Krupp AG., Essen (1903—1943) and its successor, Fried. Krupp Essen. The original enterprise of Fried. Krupp was founded in 1812. It was transformed into a corporation (A. G.) in 1903, which was succeeded in December 1943 by an unincorporated firm, Fried. Krupp, Essen, in accordance with a special Hitler decree. These firms constituted successively the Family Enterprise of the Krupp family and, together with their subsidiaries and other interests, are hereinafter referred to as "KRUPP." The managing body of the Fried. Krupp A. G. is hereinafter referred to as the "Vorstand", and that of the succeeding unincorporated firm, as the "Direktorium."

The persons accused as guilty of these crimes and accordingly named as defendants in this case are:

ALFRED FELIX ALWIN KRUPP VON BOHLEN UND HALBACH — Sole owner, proprietor, active and directing head of Fried. Krupp, Essen, and Fuehrer der Betriebe (Leader of the Plants), from December 1943; successor to Gustav and Bertha Krupp von Bohlen und Halbach, directing head and owner respectively of Fried. Krupp A. G.; previously active head, Chairman of the Vorstand and head of the War Material and Raw Materials Departments of Fried. Krupp A. G., Essen; Wehrwirtschaftsfuehrer (Military Economy Leader); Deputy Chairman of the Reichsvereinigung Eisen (Reich Association Iron) and member of the

Presidium of the Reichsvereinigung Kohle (Reich Association Coal) (hereinafter referred to as the "RVE" and "RVK"); member of the Verwaltungsrat of the Berg and Huettenwerksgesellschaft Ost G. m. b. H. (hereinafter referred to as the "BHO"); member of the Armament Commission (Ruestungsrat) in the Office of the Reich Minister for Armament and War Production (Reichsminister fuer Ruestung und Kriegsproduktion); member of the Nationalsozialistische Deutsche Arbeiter Partei (Nazi Party, hereinafter referred to as the "NSDAP"); sponsoring member of Die Schutzstaffeln der Nationalsozialistischen Deutschen Arbeiter Partei (hereinafter referred to as the "SS"); Standartenfuehrer (Colonel) of the Nationalsocialistisches Flieger Korps (National Socialist Flying Corps, hereinafter referred to as the "NSFK").

EWALD OSKAR LUDWIG LOESER — Member of the Vorstand and head of the Administrative and Finance Departments of Fried. Krupp A. G. until March 1943; Wehrwirtschaftsfuehrer; Krupp representative in the Kleiner Kreis (Small Circle, a group which exercised great influence over the coal, iron and steel industries) Reich trustee for Phillips Radio, Eindhoven, Netherlands, in 1944.

EDUARD HOUDREMONT — Member of KRUPP Direktorium and deputy member of the Vorstand, head of the Metallurgical, Steel and Machine Departments; plant leader (Fuehrer des Betriebes), Gusstahlfabrik, Essen; Wehrwirtschaftsführer; Special Commissioner for Metal Substitutes (Sonderbeauftragter fuer Metallumstellung) in Reich Ministry for Armament and War Production and the Ministry of Economics (Reichswirtschaftsministerium); advisor to the administrators of the Four Year Plan; member of the NSDAP.

ERICH MUELLER — Member of KRUPP Vorstand and Direktorium, head of the Artillery Designing and Machine Construction Departments and coordinator of artillery construction; Wehrwirtschaftsfuehrer; armaments advisor to Hitler; advisor to the War Ministry; head of Armament Committed (Waffenausschuss) in the office of Reich Minister for Arms and Munitions; Chairman of the Weapons Development Committee (Entwicklungskommission der Waffen) of the Ministry for Armament and War Production; member of the NSDAP.

FRIEDRICH WILHELM JANSSEN — Member of KRUPP Direktorium and deputy member of the Vorstand; successor to Ewald Loeser as head of the Administrative and Finance Departments; member of the NSDAP; sponsoring member of the SS.

KARL HEINRICH PFIRSCH — Deputy member of KRUPP Direktorium and Vorstand, and head of the War Material and Machine Sales Departments; head of the Berlin office, 1943—45; Wehrwirtschaftsfuehrer; member of the NSDAP.

MAX OTTO IHN — Deputy member of KRUPP Direktorium and Vorstand, deputy to Ewald Loeser and Friedrich Janssen, concerned par-

ticularly with personnel and intelligence; deputy plant leader, Gusstahlfabrik, Essen; member of the NSDAP.

KARL ADOLF FERDINAND EBERHARDT — Deputy member of KRUPP Direktorium and Vorstand, and successor to Karl Pfirsch as head of the War Material and Machine Sales Departments; member of the NSDAP.

HEINRICH LEO KORSCHAN — Deputy member of KRUPP Vorstand; head of the Department of Steel Plants and deputy head of the Metallurgical Department; trustee and administrator of KRUPP wartime enterprises in Eastern and Southeastern Europe; managing director of Krupp Bertha Werk, Breslau; member of the NSDAP.

FRIEDRICH VON BUELOW — An official of KRUPP, concerned particularly with confidential, intelligence, and public relations matters; head of the Berlin office, 1932-36; military and political Chief of Counter-Intelligence (Hauptabwehrbeauftragter) at KRUPP, Essen, and direct representative of Krupp with Nazi officials, the Gestapo and SS; chief of the Works Police (Werkschutz), Gusstahlfabrik, Essen.

WERNER WILHELM HEINRICH LEHMANN — An official of KRUPP, deputy to Max Ihn and in charge of Arbeitseinsatz "A" (labor procurement); member of the NSDAP.

HANS ALBERT GUSTAV KUPKE — An official of KRUPP, head of experimental firing ranges at Essen; head of the foreign workers camps (Oberlagerfuehrer); previously an official of the Army Ordnance Office (Heereswaffenamt); member of the NSDAP.

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Reference is hereby made to Appendix "A" of this Indictment for a fuller statement of the positions and activities of each of the defendants.

## COUNT ONE — CRIMES AGAINST PEACE

1. All of the defendants, with divers other persons, including Gustav Krupp von Bohlen und Halbach, Paul Goerens and Fritz Mueller, during a period of years preceding 8 May 1945, committed Crimes against Peace as defined in Article II of Control Council Law Number 10, in that they participated in the initiation of invasions of other countries and wars of aggression in violation of international laws and treaties, including but not limited to planning, preparation, initiation, and waging wars of aggression, and wars in violation of international treaties, agreements, and assurances.

2. The defendants held high positions in the political, financial industrial and economic life of Germany and committed Crimes against Peace in that they were principals in, accessories to, ordered, abetted, took a consenting part in, were connected with plans and enterprises involving, and were members of organizations and groups, including KRUPP, connected with the commission of Crimes against Peace.

3. The invasions and wars referred to and the dates of their initiation were as follows: Austria, 12 March 1938; Czechoslovakia, 1 October 1938 and 15 March 1939; Poland, 1 September 1939; Denmark and Norway, 9 April 1940; Belgium, the Netherlands and Luxembourg, 10 May 1940; Yugoslavia and Greece, 6 April 1941; the USSR, 22 June 1941; and the United States of America, 11 December 1941.

4. In these invasions and wars many millions of people were murdered, tortured, starved, enslaved and robbed; countless numbers became diseased; millions of homes were left in ruins; tremendous industrial capacity capable of feeding millions of people was laid in waste; and a large part of the world was left in economic and political chaos. The lives and happiness of two billion people were adversely affected as the result of these invasions and wars of aggression.

5. The origins, development and background of the crimes which the defendants herein committed, and of the criminal plans in which they participated, may be traced through a period of over one hundred years of German militarism, and one hundred thirty-three years, embracing four generations, of KRUPP armament making. In World War I KRUPP's contribution to German might included the "Big Bertha" gun which terrorized the civilian population of Paris. In World War II, KRUPP, through the defendant Alfred Krupp, following "an example set by Alfred Krupp in the War of 1870," offered Hitler the "Big Gustav" gun, which shelled Sevastopol. Upon the occasion, in 1940, of the designation, in Hitler's presence, of KRUPP as a "National Socialist Model Enterprise," the award was accepted with the words: "It (the award) is in honor of a social-political attitude, which, while having its roots in a 128-year-old tradition, has developed organically so as to fit into the new times, into the National Socialist Germany."

6. KRUPP, as the principal German maker of large caliber artillery, armor plate and other high quality armament, the largest private builder of U-boats and warships, and the second largest producer of iron and coal in Germany, contributed substantially to the ability of the Third Reich to wage its invasions and wars of aggression. When these invasions and wars were first initiated KRUPP was a gigantic vertical enterprise composed principally of coal and iron ore mines, transport units, blast furnaces, rolling mills, shipyards, machine, armament and other manufacturing plants, the most important units and

subsidiaries of which are named in Appendix "B" of this Indictment. In 1939 it consisted of at least 175 domestic and 60 foreign subsidiary units. Its interests centered in the Ruhr area and particularly in Essen where the seat of the enterprise was located, but its branches dotted the globe and during World War II major interests grew up throughout Europe.

7. The restrictions which the Versailles Treaty placed upon the armament of Germany were systematically circumvented and violated by KRUPP. As the KRUPP Vorstand, which at that time included the defendants Alfred Krupp and Loeser, said in 1938 of the post-Versailles period, "Our company decided to preserve the precious experience irreplacable for the war potential of our people. This we did as the trustee of an historical heritage *** in order to be ready to execute armament orders when the time came." And Gustav Krupp von Bohlen said, "Even the Allied snoop commissioners were duped." In March 1941 Gustav Krupp von Bohlen wrote, "Through years of secret work, scientific and basic groundwork was laid in order to be ready again to work for the German armed forces at the appointed hour without loss of time or experience." Manufacture of tanks started in 1926. Research and experimental work was done on naval armament, including work on submarines, warships, armor plating and fire control. Remote control of naval fire was demonstrated in 1929. Experimental work on rocket designing was started in 1930.

8. The program of the Nazi Party coincided with the aspirations of the KRUPP firm to re-establish a powerful Germany, with KRUPP as the armament center. The main points of that program, which were first announced in 1920 and thereafter continually and publicly reiterated so as to become matters of common knowledge, were to remove the restrictions which the peace treaties of Versailles and St. Germain imposed on the military armament and activity of Germany; to reconstitute the Wehrmacht; and to acquire, by any means deemed opportune, including war, the territories lost by Germany as the result of the World War of 1914—1918 and other territories asserted to be occupied by so-called "racial Germans" or to be required by "racial Germans" as "Lebensraum" or living space. This program proclaimed, among other things, that so-called "racial Germans" were a "master race" entitled to subjugate other peoples; that the German people should be ruled under the Fuehrerprinzip (leadership principle); and that war was a noble and necessary activity of Germans.

9. The name, prestige and financial support of KRUPP was used to bring the NSDAP into power over Germany and to put into effect its announced program. On 20 February 1933, immediately prior to the crucial Reichstag election of 5 March 1933, Gustav Krupp von Bohlen,

together with other leading industrialists, met Hitler at Goering's Berlin house. Hitler declared his treasonable purpose to seize power by violence if the Nazis failed in this election. Among other things he stated that: private enterprise cannot be maintained in the age of democracy; when the defense of the existing order is left to a majority it will irretrievably go under; it is the noblest task of a leader to find ideals that are stronger than the factors that pull the people apart; he found them in Nationalism, in the denial of reconciliation between nations, in the strength and power of individual personality; if one rejects pacifism, one must offer a new idea in its place immediately; we must not forget that all the benefits of culture must be introduced more or less with an iron fist, just as once upon a time the farmers were forced to plant potatoes; we must first gain power if we want to crush the other side completely; only when one knows that one has reached the pinnacle of power, that there is no further stand before the last election; regardless of the outcome there will be no retreat; if the election does not decide, the decision must be brought about by other means; there are only two possibilities, either to crowd back the opponent on the basis of the constitution, and for this purpose once more this election, or a struggle will be conducted with other weapons, which may demand greater sacrifices; the question of restoration of the Wehrmacht will not be decided at Geneva, but in Germany. At the conclusion of the speech Goering asked for money, saying that, "The sacrifice asked for would be so much easier for industry to bear if it realized that the election of 5 March will surely be the last one for the next ten years, possibly for the next hundred years." Gustav Krupp von Bohlen then expressed to Hitler the industrialists' "gratitude for having given us such a clear picture of his ideas," and initiated the collection of over 3,000,000 RM from the assembled industrialists with a pledge of 1,000,000 RM from the Ruhr. When the Reichstag met on 24 March 1933 following the election of 5 March 1933 Hitler introduced the "Enabling Act" which turned Germany into a dictatorship. The ouster from the Reichstag of his political opponents and the aid of the Deutschnationale Volkspartei, which was heavily financed and supported by KRUPP, gave him the votes needed for its enactment.

10. The NSDAP, having achieved power over the political life of the country, proceeded to extend its hold to all other phases of German life. Gustav Krupp von Bohlen undertook, as Chairman of the Reich Association of German Industry, the largest association of German industrialists, to bring that Association into "agreement with the political aims of the Reich Government." In April 1933 he submitted to Hitler the plan of that Association for the reorganization of German industry according to the Fuehrerprinzip (leadership principle). The introduction of this principle into the sphere of business and industry served to

promote a war economy by centralizing authority through compulsory memberships in so-called "autonomous" organizations governed by men committed to carrying out the program and aggressive aims of the Third Reich.

11. To strengthen the NSDAP Gustav Krupp von Bohlen, in May 1933, organized the Adolf Hitler Spende. This was a fund collected from every circle of German industry, banking and agriculture, and put at the disposal of Hitler, the Stahlhelm and the NSDAP organizations. Eighty-five per cent of industry contributed to it and it was the greatest private source of funds for the NSDAP. KRUPP alone contributed in excess of 6,000,000 RM to it. Its leadership, originally assumed by Gustav Krupp von Bohlen, subsequently devolved upon the defendant Alfred Krupp.

12. Immediately after the Nazi seizure of power the rearmament of Germany was accelerated. On 21 May 1935 Germany formally renounced the armament clauses of the Versailles Treaty. By 1939 Hitler was able to state that: "For more than six years I have worked for the building up of the German Wehrmacht. During this time more than 90 billions have been spent for the building up of our army. It is today the best equipped in the world and in every respect surpasses that of the year 1914."

13. To produce armaments on this vast scale the entire economic life of Germany, and particularly the armament industry, was reorganized. The chief agency through which this was accomplished was the Four Year Plan, establishment of which was announced on 8 September 1936 at the Nazi Party rally in Nurnberg. Its purpose was to make Germany ready for war in four years. In a memorandum to Goering, Plenipotentiary for the Four Year Plan, explaining its objectives, Hitler stated that the final solution of Germany's problem lay in the acquisition of new territories; that such acquisition was the task of "the political leadership"; that in order for "the political leadership" to exercise its responsibilities the German economy had to be mobilized for the purpose of making Germany self-sufficient in critical war materials.

14. The defendants, and other KRUPP officials whose cooperation was needed for the accomplishment of the aims of the Four Year Plan, were advised as to the purposes of the plan and participated in its execution. On 17 December 1936 Goering made a speech in the Preussenhaus in Berlin to the members of the Reichsgruppe Industrie in which he made clear the intention and decision of the Third Reich to wage war. He said, among other things: "The battle which we are approaching demands a colossal measure of productive ability. No limit on the rearmament can be visualized. The only alternative in this case is victory or destruction. If we win business will be sufficiently com-

pensated." He ended his speech: "Our whole nation is at stake. We live in a time when the final battle is in sight. We are already on the threshhold of mobilization and we are already at war. All that is lacking is the actual shooting." On 17 March 1937 at a conference held under the auspices of the Four Year Plan and which was attended by high ranking government officials and representatives of the leading iron and steel firms, including KRUPP, Goering emphasized that the "shortage of ores must not endanger the program of munition production or armaments in case of war." In the discussion that followed he agreed that Roechling, a leading industrialist, had correctly stated the problem as: "What is the quantity that the German ore mining industry must be prepared to supply the German nation in case of war, and in how many years must this goal be attained?" At a second meeting of that same group held three months later, on 16 June 1937, to discuss the progress of the program, Goering made even clearer that Germany was preparing for war and that production and distribution, including the export of iron and steel products, had to be adjusted accordingly. Elsewhere he stated that the purpose of the Four Year Plan was to create a foundation upon which preparation for war might be accelerated and the most urgent necessity was to increase iron production. Iron was to be used first to increase iron production, and then for the armed forces, for warships and tanks, for the Four Year Plan and for export for foreign exchange. The export of semi-finished products was to be reduced and care was to be exercised that export did not facilitate the arming of the enemy. Goering was assured that only six per cent of Germany's export of iron went to "so-called enemy countries such as England, France, Belgium, Russia and Czechoslovakia." The iron and steel industries gave their full cooperation to this program. On 4 November 1938 at a conference in Duesseldorf of iron and steel industrialists, including the defendants Alfred Krupp and Loeser, Goering's representatives congratulated the members of the industry upon their accomplishments.

15. KRUPP fully and willingly cooperated in the rearmament of Germany for foreign aggression. The KRUPP firm, under the direction of the defendants, synchronized all its activities with the German government and its plans and preparations for invasions and wars. Each of the defendants, during the period of association with KRUPP, participated in its activities in support of the program of aggression and continued the assistance and aid to the Nazi Party initiated by Gustav Krupp von Bohlen as leader of KRUPP in 1933. The assistance KRUPP rendered under the direction of the defendants, through its research, foreign organizations, manufactures, and exports, was indispensable to the preparation, initiation and waging of Germany's aggressive wars.

16. KRUPP laboratories, furnaces and mines were utilized in the attempt to make Germany self-sufficient and invincible. In cooperation with the Four Year Plan research was conducted in coal, chemistry and metallurgy, under the direction of the defendant Houdremont, for the purpose of reducing Germany's dependence upon outside sources by the fullest utilization of German ores and other raw materials, even those of poor quality. Research in armament production, started prior to the Nazi accession to power, was continued on a far vaster scale. Personnel was doubled and elaborate tests were instituted. German intervention in Spain in aid of Franco was used as an opportunity to test in actual combat the weapons developed by KRUPP. The results of research carried on by KRUPP were utilized by the entire German armament industry. KRUPP gave other German armament firms the necessary blueprints and information needed to produce vital armaments, including siege guns, tank guns and turrets, mortars and caissons for field guns. The defendant Mueller, working in close cooperation with German military authorities, fully utilized KRUPP research and personnel to design the weapons needed to meet the special conditions to be anticipated in the invasion of particular countries.

17. All the productive facilities of the KRUPP firm were coordinated with the program for rearmament. Direct production of armaments on a vast scale started in 1933 and continued in increasing volume until the last years of the war. Strict secrecy measures were instituted almost immediately upon the start of the rearmament program to conceal its scope. The KRUPP firm actively cooperated in the disguised methods of financing used to conceal Germany's rearmament program. It was one of the founders of the Metallurgische Forschung Gesellschaft, m.b.H. (MEFO), through which Germany concealed the expenditure of 12,000,000,000 RM for rearmament purposes between 1935 and 1938. KRUPP was one of the principal users of the "MEFO" bills until their discontinuance in 1938, when it was no longer deemed necessary to conceal the vast progress of German rearmament. The KRUPP firm was one of the chief sources of supply of offensive weapons, such as heavy tanks, artillery and submarines, needed for the waging of aggressive war. The "Gustav" gun which shelled Sevastopol, the submarines that formed the "wolf packs" which harried Atlantic shipping, and the tanks which overran most of Europe and North Africa for Germany were KRUPP products. In addition to finished armament products the facilities of the KRUPP firm were used to manufacture intermediate products for sale to other armament manufacturers. Production throughout KRUPP was regulated strictly in accordance with the requirements of the German war machine.

18. The products of the KRUPP shipyards and plants were indispensable to the rebuilding of the German navy. By 1939 the Germania

Yards were constructing one submarine a month. In addition to this they were building a battleship, an aircraft carrier, cruisers, and other vessels for the German navy. The "Bismarck," "Tirpitz," "Admiral Graf Spee," "Admiral Scheer" and "Deutschland" were armed by KRUPP. In building and arming the German navy KRUPP disregarded the limitations imposed by international treaties upon the armament and size of German vessels, and participated in concealing the breach of those treaties.

19. To meet the demands of the German rearmament program KRUPP altered and expanded its production facilities. A new synthetic gasoline plant, the KRUPPSCHE Treibstoffwerk G.m.b.H., was established at a cost of 20,000,000 RM, as part of the program to make Germany self-sufficient in the event of war. The shipbuilding facilities of the Germania yards were enlarged in accordance with the shipbuilding program of the German navy under which it was planned to build three battleships a year. The other production facilities of KRUPP were similarly enlarged. Production of iron and steel by the Gusstahlfabrik and the Friedrich-Alfred Huette, increased from 1,500,000 tons in 1932 to 4,000,000 tons in 1938. Production, in Reichsmarks, in the business year ending 1942 was about five and one half times that of the pre-Hitler, depression year ending in 1932. The number of employees increased from 35,000 in 1932 to 112,000 in 1939. Part of this expansion was financed directly by the German government and large German banks and part by KRUPP, and resulted in a production in excess of and different from the needs of a peacetime economy.

20. The exports and foreign affiliates and resources of KRUPP were fully utilized by the defendants to assist the Third Reich in the economic penetration of foreign countries for the purpose and with the result of weakening the economies and military defensive strength of foreign countries and strengthening the economies and offensive military strength of the German Reich and its allies.

21. KRUPP's foreign patents and agreements abroad were used to restrict foreign production, keep foreign prices high, provide KRUPP with technical information and general economic intelligence and furnish foreign exchange to KRUPP through royalty payments. These patents and agreements affected particularly stainless steel and tungsten carbide, the latter of which is of great importance in the production of machine tools. Under the terms of the licenses given in the United States for the use of certain steel formulas, KRUPP required that it be supplied with the production figures of the American licensees. After the outbreak of war in 1939 the KRUPP subsidiary in the United States, the Nirosta Company, continued to demand these rights, even in respect to royalty-free production by American plants on United States government contracts. To facilitate use of its foreign patents and

licenses in the interest of Germany KRUPP cloaked its interests in foreign enterprises.

22. KRUPP, in these and other ways, carried on espionage activities on behalf of the German government. Its business connections abroad enabled it to secure information concerning armament development and progress outside Germany. This information was turned over to competent military strength of the countries in question.

23. The KRUPP connections abroad were used for the dissemination of Nazi propaganda. Personal letters setting out the Nazi viewpoint, booklets sympathetic to the NSDAP, and similar material, were sent out by KRUPP to the people with whom it did business abroad. This was done in close cooperation with the interested government bureaus charged with distributing propaganda and in such fashion as to conceal its official origin. The Third Reich was thus enabled to increase the effectiveness of its propaganda devices. The defendant Ihn supervised much of this KRUPP activity, which was part of German preparation for waging aggressive war.

24. KRUPP export business, like its research, production and foreign affiliations, was likewise coordinated with the Nazi armament program. Exports were controlled in the interest of securing foreign exchange and to advance the military objectives of the Third Reich. The foreign exchange secured through such sales was used for the stock-piling of materials necessary for the waging of aggressive war. Exports were regulated so as to build up the military position of friendly countries, while keeping those deemed "enemy countries" weak or dependent upon Germany. War materials were either entirely cut off from particular countries upon their selection as victims of German aggression, or doled out in the minimum quantities necessary to allay suspicion. So, for example, on 17 May 1939, one week before the conference at the Reich Chancellery in Berlin at which Hitler announced to a group of leaders of the Third Reich his intention to attack Poland, KRUPP was advised to cease export of war materials to Poland. An inquiry from Holland regarding anti-aircraft guns dated 16 October 1939, nine days after the German Army had been ordered to prepare for the immediate invasion of Dutch and Belgian territory, was referred to the defendants Mueller and Eberhardt, among others, and was marked by KRUPP "Not to be answered." Two months before the actual invasion of Holland KRUPP advised the Foreign Ministry not to awaken the suspicion of the Netherlands government by withholding visas and preventing inspection of guns on order which KRUPP had no intention of delivering. While KRUPP was denying material to the intended victims of German aggression it was supplying European satellite governments and Japan with equipment for the manufacture of armaments with approval of the German High Command.

25. The coordination of all phases of activity of the KRUPP firm with the program of the Nazi government was accomplished through the close liaison maintained at all times between the defendants and the government. From the start of the rearmament program KRUPP officials were in constant communication with officials of the military and economic branches of the government. To facilitate coordination of the work and activities of the KRUPP firm with the military offices of the Reich, the "R-Office," or "Ruestungs Vertretung," was established by KRUPP in 1936 in Berlin and operated under special security measures. This office included among its functions and duties the coordination and supervision of military contracts, financing of military orders, military and industrial espionage in foreign countries and the coordination of confidential relationships of the defendants and KRUPP with the military and military-economic offices.

26. The defendants Mueller and Houdremont collaborated closely with the military procurement agencies in the design of weapons and scheduling of production. Upon the establishment of the Office of the Reichsminister for Arms and Munitions, Mueller's position as military advisor was officially recognized by placing him at the head of the Armament Committee. When this Office was succeeded by the Ministry for Armaments and War Production he continued to hold a leading position as head of one of the "Rings" and of the Weapons Division Committee. The defendant Alfred Krupp was on the Armaments Advisory Commission (Ruestungsrat) of this Ministry; the defendant Houdremont was in charge of its Special Committee for Metal Substitutes. KRUPP personnel were to be found on many of the other Main Committees and Rings. The value of KRUPP personnel to Germany's rearmament was recognized by the designation of "Wehrwirtschaftsfuehrer" awarded to the defendants Alfred Krupp, Loeser, Houdremont, Mueller, Janssen and Pfirsch.

27. The high positions held by the defendants in the political, financial, industrial and economic life of Germany facilitated the coordination between the activities of the KRUPP firm and the German program for rearmament. They held key positions in the economic organizations and groups which, acting in cooperation with the German High Command, prepared Germany's industrial mobilization plan. The defendant Alfred Krupp was a member of the Beirat of the Wirtschaftsgruppe Eisenschaffende Industrie (herein called "WGE"); and the defendant Loeser was a member of the Kleiner Kreis, which exercised great influence in the WGE and in the iron, steel and coal industries generally. The defendants Alfred Krupp, Loeser, Ihn and von Buelow were also active in the District Group North West, the most important suborganization of the WGE. The KRUPP firm was equally well represented in the RVE (Reichsvereinigung Eisen), an official organization for the

governance of the iron and steel industry in Germany's war economy, organized in May 1942; the RVK (Reichsvereinigung Kohle), organized in April 1941, which occupied a similar position in the coal industry; and the Rheinische-Westphalische Kohlen Syndikat (herein called "RWKS"), the principal suborganization of the RVK. The defendant Alfred Krupp was Deputy Chairman of the RVE; and the defendants Mueller and Ihn were members. The defendant Alfred Krupp was on the Presidium of the RVK. The defendants likewise played a leading role in the AGK, the Armament Export Association of the Reichsgruppe Industrie. No weapons could be exported from Germany without the permission of the AGK, and the defendants Alfred Krupp and Pfirsch were members of its Beirat.

28. Each step taken by the Nazi government after its accession to power made clearer that it was on the road to aggressive war. After the announcement of the Four Year Plan in 1936 the inevitability of war as the result of Hitler's aggressive plans and intentions grew increasingly manifest and the dictatorship of the Third Reich more brutal and tyrannical. As succeeding events indicated more and more clearly the war-like intentions of the German government and the imminence of aggressive war, a few prominent supporters of Hitler parted company with the leaders of the Third Reich. In sharp contrast with these, however, KRUPP and the defendants did not terminate, but, on the contrary, intensified their close collaboration with the political and military leaders of the Third Reich. Just prior to the actual launching of Germany's aggressive wars KRUPP's war production reached new heights. In conjunction with the Nazi government and as part of the MOB (Mobilization) Plan it had already scheduled its operations so as to assure their continuance without interruption in the event of war. It took steps to protect its financial position abroad against the anticipated outbreak of war, including transferring its foreign assets to other companies to cloak their real ownership and preparing to set off foreign debts against foreign assets. With the actual start of war the defendants participated even more closely in the government's war plans and activities, and KRUPP officials became part of the official government machinery.

29. During the entire period of actual conflict KRUPP was one of the principal sources of supply for German armed forces and one of the chief beneficiaries of German invasions and wars. To assist the Third Reich and as an integral part of the waging of its aggressive wars and to secure the aggrandizement of KRUPP the defendants plundered and exploited private property in and public property and resources of occupied countries and enslaved their citizens. These acts are more fully set forth in Counts Two and Three of this Indictment, and the allegations made therein are hereby incorporated in this Count. Plants

in Austria, France and Belgium, chromium ore deposits in Yugoslavia, nickel mines in Greece, naval and shipbuilding facilities in Holland, and iron and steel plants and foundries in the Soviet Union were exploited by the defendants in furtherance of these wars of aggression. Citizens of these and other countries were compelled to work for KRUPP in the manufacture of armaments and munitions. This exploitation of the human and material resources of the occupied countries in violation of the laws and customs of war enabled Germany to wage and prolong the criminal invasions and wars in which it was engaged.

30. Throughout the entire period of preparation and planning for Germany's criminal invasions and wars and during the period of the actual initiation and waging of such wars, the defendants supported and approved the aims and programs of the Third Reich and of the NSDAP and placed at their service the productive resources of KRUPP, the prestige of the firm, its owners and executives, and its financial power.

A. The defendant Alfred Krupp, as leader of the KRUPP firm, pledged it to continue the KRUPP tradition of armaments and the support of the Fuehrer initiated by his father. In a proclamation to the workers of KRUPP in 1943 he boasted of the glorious history of the KRUPP weapon forges; pointed with pride to the workers as active adherents of Nazi ideology; and promised revenge against the Allies.

B. All of the defendants, except von Buelow and Loeser, were members of the NSDAP and pledged acceptance of Nazi doctrine and aims; Loeser, as early as 1933, had joined the Nationalsocialistisches Flieger Korps; and von Buelow was a Gestapo confidant. The defendants assisted in the spread of NSDAP doctrines and gave financial support to the Party through the KRUPP firm and as individuals. Two plants of the KRUPP firm alone, the Gussstahlfabrik and the Friedrich-Alfred Huette, contributed to Nazi organizations between 30 January 1933 and 1 September 1939 over 4,759,420.88 RM and between 1 September 1939 and May 1945 over 7,606,967.61 RM, a total of over 12,366,382.49 RM.

C. The KRUPP firm supported the Four Year Plan for making Germany self-sufficient and the other economic measures taken to mobilize Germany. KRUPP worked harmoniously with the state-owned Hermann Goering Works, which was engaged in the exploitation of the low grade ores found in Germany, thereby diminishing its dependence on external sources of supply. The defendant Houdremont acted as consultant in respect to that project in preparation for war.

D. Close personal contacts were fostered between the leaders of KRUPP and the Nazi hierarchy. From 1934 Hitler was a

frequent visitor at the Essen plants, and other visitors at the Gusstahlfabrik included: Mussolini, special Japanese envoys, Goering, Hess, Goebbels, Himmler, von Ribbentrop, Bormann, von Neurath, von Blomberg, von Fritsch, Keitel, Raeder, von Mackensen, Todt, Speer, Funk, Ley and Sauckel. Gustav Krupp von Bohlen and the defendants Alfred Krupp and Mueller, among others, on numerous occasions visited, reported to, and made plans with Hitler in Essen, Berlin, Berchtesgaden and elsewhere.

31. The participation and assistance of KRUPP and the defendants in the plans and enterprises of the NSDAP and of the German Reich was profitable and well rewarded.

A. The Family Enterprise was vastly enriched by KRUPP's zeal under the Nazi program of armament and aggressive war. The net profit of the firm, after taxes, gifts and reserves, rose steadily as armament accelerated; for the year ending 30 September 1935 it was 57,216,392 RM; for the year ending 30 September 1937 — 97,071,632 RM; for the year ending 30 September 1940 — 111,555,216 RM. The book value of the KRUPP firm mounted from 170,592,712 RM on 1 October 1933 to 513,824,717 RM on 1 October 1943. The enhanced value reflects the firm's profits on the armament of Germany and the results of its looting and spoliation of the resources of the occupied countries in the wake of the German army.

B. On 12 November 1943 in recognition of the services of the Krupp family and firm to the war aims of the Third Reich, Hitler issued a special decree, the Lex Krupp, which declared: "The enterprise of Fried. Krupp, a Family Enterprise for 132 years, deserves the highest recognition for its incomparable efforts to boost the military potential of Germany. Therefore, it is my wish that the Enterprise be preserved as family property***." The defendant Alfred Krupp, with the approval of Hitler, was thereupon designated by Bertha Krupp von Bohlen, former owner, as owner and leader of the Family Enterprise.

32. The acts and conduct of the defendants set forth in this Count were committed unlawfully, knowingly and wilfully and constitute violations of international laws, treaties, agreements and assurances, and of Article II of Control Council Law Number 10.

## COUNT TWO — PLUNDER AND SPOLIATION

33. All of the defendants, except Lehmann and Kupke, with divers other persons, during the period from March 1938 to May 1945, committed War Crimes and Crimes against Humanity as defined in Article

II of Control Council Law Number 10, in that they participated in the plunder of public and private property, exploitation, spoliation, devastation and other offenses against property and the civilian economies of countries and territories which came under the belligerent occupation of Germany in the course of its invasions and wars, resulting in privation and suffering to millions of the inhabitants.

34. The defendants committed War Crimes and Crimes against Humanity, as set forth in paragraph 33 above, in that they were principals in, accessories to, ordered, abetted, took a consenting part in, were connected with plans and enterprises involving, and were members of organizations and groups, including KRUPP, which were connected with the commission of War Crimes and Crimes against Humanity.

35. In consequence of a deliberate design and policy, the territories occupied by Germany in the course of its aggressive acts and its aggressive wars were exploited in a ruthless way far beyond the needs of the army of occupation and in disregard of the needs of the local economy. The requisitions and other demands made on the economies of the occupied countries were out of all proportion to their resources and inflicted severe suffering upon their civilian inhabitants. Agricultural products, raw materials useful to German factories, machine tools, transportation equipment, other finished products, foreign securities, holdings of foreign exchange and other property were requisitioned and sent to Germany. Patent rights were seized. Property rights of Jews, Slavs and of political opponents of the Nazi regime were special targets of the despoilers. The management and operation of, and the title to industrial, mining, commercial and other enterprises were frequently acquired or assumed by, or awarded to favored German officials and firms. Production for the local economy was drastically curtailed, and the production of industries and mines was geared to support the German war machine. In planning and organizing the plunder of and offenses against property in occupied territories and countries, the means adopted varied from complete dispossession and outright confiscation, which were cloaked by the enactment of various sequestration decrees, to general control through blanket enactments and negotiations under pressure with the owners of such property for its acquisition. This latter technique was used particularly in the West. At times a pretense was made of paying for the property seized. This pretense merely disguised the fact that the goods, including raw materials, machinery and equipment sent to Germany from, or employed for German benefit in, these occupied countries were paid for by the occupied countries themselves by various devices, including excessive occupation charges, forced loans in return for a credit balance in an alleged clearing account and currency manipulation. The means adopted were intended to and did carry into effect the plans of the Third Reich to strengthen Germany,

in waging and in preparing and initiating further aggressive wars, to insure the subservience to Germany of the economies of the conquered countries, and to secure German economic domination of the continent of Europe. The German occupation policy in Poland was clearly stated in a directive by Goering on 19 October 1939:

> "On the other hand, there must be removed from the territories of the Government-General all raw materials, scrap materials, machines, etc., which are of use for the German war economy. Enterprises which are not absolutely necessary for the meager maintenance of the bare existence of the population must be transferred to Germany, unless such transfer would require an unreasonably long period of time, and would make it more practicable to exploit those enterprises by giving them German orders, to be executed at their present location."

Later in a speech made on 6 August 1942 to the various German authorities in charge of Eastern occupied territories, Goering said:

> "God knows, you are not sent out there to work for the welfare of the people in your charge, but to get the utmost out of them, so that the German people can live. That is what I expect of your exertions. This everlasting concern about foreign people must cease now, once and for all. I have here before me reports on what you are expected to deliver. It is nothing at all, when I consider your territories. It makes no difference to me in this connection if you say that your people will starve."

36. The defendants participated extensively in the formulation and execution of the foregoing plans, policies and acts of spoliation and plunder, by seeking and securing possession through duress, in derogation of the rights of the owners, of valuable properties in the territories occupied by Germany for themselves, for KRUPP and for other enterprises owned, controlled and influenced by them; by exploiting properties in occupied territories, individually or through enterprises owned, controlled and influenced by them in the interest of the German war economy, without relation to the needs of the army of occupation and out of all proportion to the resources of the occupied territories or the welfare and needs of its inhabitants; by abuse, destruction and removal of such property; by taking possession of machinery, equipment, raw materials and other property known by them to have been taken by themselves and by others from occupied territories; by their activities and positions in KRUPP and in other private enterprises, and in official and governmental positions; and through memberships, representation, control and influence in financial, industrial, and economic organizations and groups which were connected with the commission of War Crimes and Crimes against Humanity.

37. The defendants exercised pervasive influence and authority in the iron and steel and coal industries and exercised important functions in respect to the spoliation of occupied territories through and by means of their memberships, representation, control and influence in various economic organizations including: RVE, RVK, Kleiner Kreis and others. The influence and control exerted by the defendants over policies and actions of these organizations and groups were further extended through the positions and activities of other officials of KRUPP companies. The defendant Alfred Krupp was especially influential and active in these organizations and groups; and he travelled in the occupied countries to organize their spoliation and plunder. The Kleiner Kreis, of which the defendant Loeser was a member representing KRUPP, upon the downfall of France demanded so insistently immediate action granting permanent titles in seized property to favored German industrialists that the Reich Minister of Economics, Funk, was forced to ask the members to curb their lust for property.

38. Throughout occupied Europe KRUPP was heavily engaged in spoliation and plundering activities. The KRUPP legal department participated in spoliation deals and negotiations and attempted to give them the color of lawfulness. Industrial property, machinery, raw material, patent rights, and other property rights and human labor were the targets of KRUPP's economic plans and activities to encourage, assist and take advantage of German criminal invasions and wars. Through the defendants and their representatives, KRUPP acquired, and benefited from, numerous immovable properties in occupied territories, employing devices including: seizure, purchases and leases influenced by force, "trusteeships" (Treuhandschaften), and "sponsorships" (Patenschaften). KRUPP acquired and benefited similarly from acquisition of movable property seized in the occupied countries for use there or in Germany in the interest of the German war effort. The particulars in paragraphs 39—44, inclusive are illustrative.

39. FRANCE. Even prior to the war the German Reich Government had invited German industrialists to submit an account of all losses of properties suffered in consequence of the defeat in the First World War and the Treaty of Versailles. KRUPP had suffered such losses, particularly in Lorraine, although money compensation had been paid by the German Republic. Following the German occupation, German industries, among them KRUPP, put in claims to booty in France. The defendant Janssen, then the principal KRUPP representative in Berlin, was instructed from Essen to make KRUPP claims known at the Reich Ministry of Economics. KRUPP sent groups of technical experts into the occupied zone in France and obtained reports concerning French enterprises which KRUPP might take over advantageously. KRUPP established the subsidiary firm KRUPP S. A. in Paris, to amalgamate

all KRUPP enterprises in France. KRUPP unlawfully obtained control through trusteeships and so-called "sponsorships" (Patenschaften) of numerous French enterprises; acquired rights and interest in mines, including the wolfram ore mine "Montbelleux"; founded jointly with other German concerns the Erzgesellschaft, for joint exploitation of French ore deposits, both colonial and European; threatened the French Custodian of Jewish property and thereby obtained the privilege of exploiting the Austin factory at Liancourt; took over the "Elmag" plant in Alsace; participated with other industrial concerns and the Hermann Goering Works in the seizure and exploitation of Lorraine coke ovens, gas and other property; participated in the dismantling of French factories and was a beneficiary of the looting of French raw materials, machinery, automobiles, urban real estate and other property, goods and materials; and at a meeting in or near Strasbourg in the summer of 1944 participated in organizing last-minute plunder and spoliation of French property in anticipation of the German evacuation of France and of the defeat of Germany in the war. For example:

A. By agreement with the Reich's Organization Todt, KRUPP took over, without notifying the concessionaire and the owner until a later date, the exploitation of a wolfram ore mine at Montbelleux, near Fougere, France. Upon the withdrawal of German forces from the area the mine installations and the warehouse were blasted and destroyed by and with the participation of KRUPP representatives and engineers.

B. KRUPP entered into a so-called "agreement" (Betriebsueberlassung) with the German commissar for a lease of the plants, including machinery, of the Elsaessische Maschinenfabrik A. G., Mulhouse, Alsace (Elmag) and founded a new company, the Elsaessische Maschinenfabrik G.m.b.H. When the plant was evacuated in September 1944 KRUPP dismantled the machinery and shipped it to Germany. KRUPP withdrew current funds and working capital belonging to the French company and did not even leave enough to pay the workers and employees.

C. In April 1941 KRUPP's engineer, Eisfeld, from Rheinhausen, accompanied by German workers and military officers, commenced dismantling a valuable sheet metal bending machine and a valuable sheet metal bending press at the Alsthom plant in Belfort, France. Both items were shipped to a KRUPP plant in Germany.

40. BELGIUM AND THE NETHERLANDS. Krupp-Brussels S.A. was founded with the purpose of obtaining, and did obtain, control of Belgian plants acquired unlawfully, including the American owned Lot factory of the S.A. Gregg. KRUPP participated in the so-called Ruhrhilfe Aktion, a project involving the dismantling of Dutch factories and machinery

for the benefit of Ruhr plants, including those of KRUPP. KRUPP participated in the earlier Lager Aktions, concerned chiefly with the requisitioning of new iron and steel materials from Dutch owners. KRUPP agents selected the material desired by KRUPP and informed the RVE, which ordered the requisition. KRUPP companies carried out the transport of such materials directly to KRUPP plants in Germany and to plants of the Vereinigte Stahlwerke, for which KRUPP acted as agent in this looting.

41. AUSTRIA. Prior to the Anschluss there had been in Austria well-founded fears of German domination and of the acquisition by Germans of Austrian industrial plants. For many years KRUPP had attempted unsuccessfully to acquire the Berndorfer Metallwarenfabrik Arthur Krupp, A.G. Negotiations were conducted by KRUPP with Goering, Hitler's plenipotentiary for Anschluss. The German-appointed trustee of the Austrian Creditanstalt was directed by Goering to sell Berndorf only to KRUPP. Backed by Goering's favor and German might, KRUPP, and the defendant Loeser in particular, conducted negotiations concerning the price and the Berndorf properties to be acquired. The acquisition of Berndorf was, in the words of KRUPP's official historian, a "pleasant consequence" of the annexation of Austria.

42. YUGOSLAVIA. Shortly after the German Army occupied Yugoslavia KRUPP attempted to obtain control of the Chrom-Asseo, A.G. and its Jeserina chrome mines by obtaining a majority of the shares which had been seized from a family considered "non-aryan." However, representatives of an Italian company had previously taken the shares to Rome and KRUPP was required by the German Foreign Office to accept a minority interest in partnership with the Italian plunderers. KRUPP subsequently acquired other shares, including shares seized by the Reichcommissar for Enemy and Jewish Property. In the negotiations, conducted by KRUPP's representatives Ballas and Kyllmann, KRUPP also succeeded in obtaining a share of the chrome ore.

43. GREECE. Prior to the war KRUPP attempted to obtain control of the nickel ore mine "Lokris", which was the property of a Greek citizen. The Societe Anonyme Internationale des Mines et Commerce de Minerals, Athens, controlled by a Greek, Charilaos, held the mining concession. KRUPP's offers for shares of the mine and the mining concession company were low and were rejected. When the German Army invaded Greece to assist their Italian allies in subduing the Greek nation, Charilaos feared the seizure or confiscation of his shares and of his mine by Italians or Germans, both of whom had indicated a dangerous interest in the mine. Taking advantage of such fears KRUPP acquired 44,895 shares under duress from Charilaos. KRUPP subsequently acquired under similar circumstances 7,000 shares from the President of the S.A. Internationale, a Greek citizen, which gave KRUPP a controlling interest.

44. SOVIET UNION. KRUPP took full advantage of the German program, adopted even before the attack on the USSR, for the fullest and most ruthless exploitation of all Soviet economic resources. The restraints of the Hague Convention were not recognized by Germany as applying to the Soviet territory. All Soviet property was declared to be "Property Marshalled for the National Economy" (Wirtschafts-Sondervermoegen) and representatives of the German civil and military occupation authorities were declared trustees of this property to which Germany purportedly took title. Special governmental or semi-governmental companies, Monopolgesellschafter or Ostgesellschaften, were created by the Plenipotentiary of the Four Year Plan, Goering, as trustees for the control of certain sectors of Soviet economy. One of these Ostgesellschaften, the Berg- und Huettenwerksgesellschaft Ost m. b. H., herein referred to as the BHO, was the trustee for the iron, steel, and mining industry and the main spoliation agency in its field of operations. KRUPP obtained from this organization the priority for exploitation of the Ukraine and the trusteeship of numerous valuable enterprises, including two plants in Mariupol; the Ilyitch and Azov "A" plants, in Kramatorskaya; and the Molotov Works in Dneperpetrovsk. In 1943 KRUPP undertook the complete dismantling of the electro-steel mill at Mariupol for shipment to the KRUPP Bertha Werk near Breslau. Under special provisions of its agreement with the BHO, KRUPP obtained an option, to be exercised after the war, on the property of which it was trustee. Pursuant to the plans and programs of the BHO, RVK and RVE, KRUPP participated in numerous plans and programs for exploiting mining and smelting properties in Russia, and for stripping the occupied territory of stocks, raw materials, scrap iron and other property.

45. The acts and conduct of the defendants set forth in this Count were committed unlawfully, wilfully, and knowingly, and constitute violations of the laws and customs of war, of international treaties and conventions, including Articles 46—56, inclusive, of the Hague Regulations of 1907, of the general principles of criminal law as derived from the criminal laws of all civilized nations, of the internal penal laws of the countries in which such crimes were committed, and of Article II of Control Council Law Number 10.

## COUNT THREE — DEPORTATION, EXPLOITATION AND ABUSE OF SLAVE LABOR

46. All of the defendants, with divers other persons, during the period from September 1939 to May 1945, committed War Crimes and Crimes against Humanity, as defined in Article II of Control Council

Law Number 10, in that they participated in atrocities and offenses against persons, including: murder; extermination; enslavement; deportation; imprisonment; torture; abuse; and other inhumane acts committed against civilian populations of countries and territories under the belligerent occupation of, or otherwise controlled by, the Third Reich; enslavement and deportation of foreign and German nationals, including concentration camp inmates; employment of prisoners of war in war operations, work having a direct relation to war operations, including the manufacture and transport of armament and munitions, and in dangerous occupations; persecution on political, racial and religious grounds; and exploitation and ill treatment of all categories of persons referred to above.

47. The defendants committed War Crimes and Crimes against Humanity, as set forth in paragraph 46 above, in that they were principals in, accessories to, ordered, abetted, took a consenting part in, were connected with plans and enterprises involving, and were members of organizations and groups, including KRUPP, which were connected with the commission of War Crimes and Crimes against Humanity.

48. The acts, conduct, plans, and enterprises charged in this Count were carried out as a part of the slave labor plan and progrm of the Third Reich. Millions of persons, including women and children, were subjected to forced labor under cruel and inhumane conditions which resulted in widespread suffering and many deaths. At least 5,000,000 workers were deported to Germany. The conscription of labor was accomplished in many cases by drastic and violent methods. Workers destined for the Reich were sent under guard to Germany, often packed in trains without adequate heat, food, clothing, or sanitary facilities. Other inhabitants of occupied countries were conscripted and compelled to work in their own countries to assist the German war economy. The needs of the occupied countries were completely disregarded in the execution of the said plans and enterprises, as were the family honor and rights of the civilian populations involved. Prisoners of war were assigned to work directly related to war operations, including work in armament factories. Millions of prisoners were herded into concentration camps, and then driven to death in factories and mines or into more expeditious death in gas chambers. The treatment of slave laborers and prisoners of war was based on the principle that they should be fed, sheltered and treated in such a way as to exploit them to the greatest possible extent at the lowest possible expenditure.

49. Through and by means of their offices, memberships, representation, control and influence in the RVE, RVK and other organizations and groups, the defendants victimized and committed offenses against hundreds of thousands of civilians and prisoners of war in the iron and steel and the mining industries alone, in Germany and the occupied

territories. These organizations and groups were given wide powers by the Government, exercised pervasive influence and authority in these industries, and performed important functions in respect to the procurement, enslavement, deportation, allocation, and treatment of foreign civilians, prisoners of war and concentration camp inmates. Members of the governing bodies of these organizations and groups, including the defendants Alfred Krupp and Houdremont, met and consulted with, and advised the Central Planning Board, which was the top wartime coordinating body in the Third Reich on matters of industry and manpower. The influence and control exerted by the defendants over policies and actions of these organizations and groups were further extended through the positions and activities of other officials and subordinates of KRUPP.

50. The defendants sought out, requested and recruited foreign workers, prisoners of war and concentration camp inmates from the Third Reich and satellite government ministries and agencies, from the German military forces, the SS, the official economic organizations and elsewhere. KRUPP maintained offices in occupied countries and recruited foreign civilians who were forced, terrorized and misled into employment with KRUPP. The defendant Lehmann, for example, recruited foreign workers in the course of numerous trips to the Netherlands, Belgium, France, Poland and Italy. In 1942 the KRUPP ignitor workshop in Essen complained bitterly that foreign workers were made available only two or three months after being requisitioned; and the defendants Mueller, Eberhardt and Korschan participated in the attempt to remedy this complaint. The defendants advised, influenced and assisted governmental ministries and agencies, the military, the Gestapo, the SS, the official economic organizations and others on matters pertaining to the recruiting, allocation and utilization of slave labor. Under its slave labor program, KRUPP employed in KRUPP enterprises over 55,000 foreign workers, over 18,000 prisoners of war and over 5,000 concentration camp inmates, not including replacements, within a period of about five years, and not including workers in KRUPP plants in the occupied countries.

51. In the course of recruitment, deportation to slave labor, allocation and utilization of slave labor by the defendants, and in the industrial plants, mines and enterprises of KRUPP, foreign civilian workers, prisoners of war and concentration camp inmates were exploited under inhumane conditions and subjected to atrocities, ill treatment and offenses against their persons in innumerable ways. The particulars in paragraphs 52—62, inclusive, all illustrative.

52. Repressive measures were used to force workers to enter into and remain in involuntary servitude. Armed guards, barbed wire

enclosures and other measures were utilized to keep workers from association with the German population, and from escaping; and the few who did escape were reported to and dealt with by KRUPP's Works Police and the Gestapo. When hordes of starving, ragged prisoners of war and foreign workers were crammed into Essen in 1942 the defendants Ihn and the Personnel Department of the Gusstahlfabrik issued a circular reminding German civilians that "all prisoners of war — even the French ones — are nationals of enemy states. * * * Civilian Russian workers are to be treated the same as prisoners of war. Any kind of sympathy is false sympathy which the courts will not recognize as an excuse." In a circular in 1943, the defendant Ihn notified all plants that certain categories of so-called voluntary workers, i. e., Eastern workers (Ostarbeiter), Poles, Netherlanders, Belgians and Frenchmen, after the normal expiration of their contract period, were subject to compulsory extension thereof; with the distinction in regard to Netherlanders, Belgians and Frenchmen that the attempt was first to be made to induce them to a voluntary extension of the contract. The circular continued: "In case they are not ready to do it on a voluntary basis, they will be committed to service by the Labor Office."

53. Penalties, torture and abuse, including cruel beatings, were often inflicted by persons under the supervision and control of the defendants, and sometimes by means of special torture equipment ordered and manufactured by KRUPP for that purpose; and KRUPP authorized its Works Police to mete out punishments. Various crimes of violence, committed by KRUPP employees against the persons of foreign workers, prisoners of war and concentration camp inmates, took place at Essen, including murders, shootings and brutal beatings. The defendant von Buelow encouraged brutality by the expression of approval of a recommendation that a guard be publicly commended for killing a Russian prisoner of war for attempting to pick up bread while clearing rubble of the KRUPP bakery in Essen. KRUPP sent "unruly" foreign workers to a special disciplinary camp; and, through the defendant von Buelow's deputy, KRUPP actively encouraged harsh treatment of foreigners there, so that conditions in the camp should not compare favorably with conditions in KRUPP plants. In one camp Eastern women workers were awakened by pouring cold water on them. Kickings and beatings by foremen were common. KRUPP officials distributed steel switches for disciplinary purposes. A fantastic method of torture employed at KRUPP, Essen, was the use of an iron cupboard into which slave workers were crammed in a crouching position and left for periods of hours up to serveral days. A refinement of torture was to pour water during winter weather onto the victims through air holes in the top of the cupboard.

54. Persecution on political, racial and religious grounds was practiced on workers brought from occupied countries and especially on concentration camp inmates, Eastern workers and Russian prisoners of war. Circulars of the KRUPP Gusstahlfabrik gave instructions that more severe punishment for the same "offenses" be inflicted upon Polish, Czechoslovakian and Eastern workers than on others. For a period of years, smaller amounts of food were issued for the same work to Poles than to German workers, and the same policy was instituted in the case of other Eastern workers. The systematic discrimination against the Russian prisoners of war and the Jewish concentration camp inmates in the distribution of food at the KRUPP Bertha Works resulted in actual fighting between these two groups for spoiled food which the foreign civilian workers had rejected as unfit for human consumption.

55. The labor of foreign women and children was exploited in war production and at other tasks. A KRUPP official reported in 1942 to the defendants Eberhardt and Ihn and to others concerning the manufacture of anti-tank gun barrels and the latest assignment of 600 Russians, consisting of 450 women and 150 juveniles fourteen years of age. Objection was made by a production official to this assignment on the sole ground of the unskilled character of the laborers. During a period of about three months in 1944 the KRUPP Werkschutz at Essen reported to the firm and the Gestapo the escapes of at least six foreign juveniles under seventeen years of age. KRUPP employed 520 Hungarian Jewesses from the concentration camp Buchenwald and used them in Essen plants and construction work at heavy labor.

56. Children were separated from parents as a part of the policy to require the parents to labor and for other purposes, and many children of foreign workers died of neglect and ill treatment by KRUPP officials, doctors, and nurses. In a four month period at the end of 1943 and early in 1944, in a group of approximately 130 children at a camp maintained by KRUPP near Essen for the children of foreign workers, approximately one-third of the children died. About one-half of the deaths were due to causes denominated on the death certificates as general weakness.

57. Foreign workers, prisoners of war and concentration camp inmates were subjected to work which was excessive according to ordinary and customary hours of exertion and the capacities of the individuals, affected as they were by insufficient food, clothing, rest, medical care and otherwise. KRUPP's chief physician reported to the defendant Ihn and others that the nutrition of Eastern workers was inadequate, and that plant leaders often needed two Russians for work otherwise performed by one worker of normal strength. Moreover,

foreign workers and prisoners of war frequently were entirely deprived of food during a working day of twelve hours.

58. The denial of food was a customary form of punishment utilized by the defendants, and severe and brutal punishment was inflicted upon starving victims who tried desperately to obtain adequate food. The defendant Loeser ordered food withheld from foreign civilians who might be regarded as loafing on the job. Similar measures were applied against prisoners of war and Italian internees. The defendant von Buelow openly authorized the administration by KRUPP personnel of severe corporal punishment to foreign workers caught stealing food.

59. Food, sanitary measures, medical assistance, clothing and shelter were customarily inadequate, and as a result, many of the workers became ill and died. After describing the horrible living conditions, barely sufficient food, the lack of medicine, bandages, and proper medical treatment in one of the prisoner of war camps in Essen, a KRUPP doctor found it astonishing that the number of sick was not higher than it in fact was — nine to ten per cent of the inmates. KRUPP doctors had severe standards for release from work, and persons able to march to work were not ordinarily regarded as "sick." The chief physician at KRUPP, Essen, reported to the defendants Alfred Krupp and Loeser, concerning health conditions among Eastern workers in 1942, that no hunger oedema had been observed among German workers, but it had appeared among Eastern workers. The KRUPP hospital in Essen, in reporting the causes of death in a group of 54 Eastern workers, referred to four deaths by external causes and 50 as a result of illnesses, among which were 38 cases of tuberculosis and two of malnutrition.

60. Slave workers were exposed to air raids, deprived of shelter and protection from air raids, and required to work in the most dangerous locations during air raid alarms. KRUPP continued to demand and to receive thousands of foreign workers, prisoners of war and concentration camp inmates, knowing that air raid shelter other than trenches would not be provided. Concentration camp inmates employed at the KRUPP Bertha Works were the last workers to leave this armament plant during an air raid alarm.

61. Prisoners of war and foreign civilians were used in war operations, including the manufacture and transport of armament and munitions, and were exploited and ill treated under these and other conditions of employment. On 25 January 1944 KRUPP employed on tank production, in one department, at least 1151 civilian foreign workers and 412 prisoners of war.

62. KRUPP engaged in a policy and a widespread practice of exploitation of concentration camp labor. These concentration camp

inmates were employed, among other places, at the Gusstahlfabrik in Essen; the Bertha Works in Markstaedt near Breslau; Wuestergiersdorf; the Norddeutsche Huette; Deschimag; Weserflugzeugbau, G. m. b. H.; Geisenheim; the Elmag plant in Mulhouse, Alsace, France; and at a plant in the notorious concentration camp at Auschwitz. During negotiations with the SS and the Special Committee M3 of the Office of the Reichminister for Armament and War Production, in 1943, KRUPP participated in the giving to the SS of lists of approximately 500 Jewish workers and in their compulsory transfer from Berlin to the Auschwitz concentration camp for work in KRUPP's contemplated production of shell fuses at Auschwitz. The defendants Mueller and Eberhardt were notified of this action. Numerous other important KRUPP projects were planned upon the assumption and the intention that the labor of concentration camp inmates would be available for the execution of those projects, including a plant at Maekrisch Schoenberg and four earlier projects at Auschwitz. The defendant von Buelow and others frequently referred KRUPP workers to and received them back from the disciplinary camp Dechenschule in Essen.

63. The acts and conduct of the defendants set forth in this Count were committed unlawfully, wilfully and knowingly and constitute violations of international conventions, particularly of Articles 3, 4, 5, 6, 7, 14, 18, 23, 43, 46 and 52 of the Hague Regulations, 1907, and of Articles 2, 3, 4, 6, 9-15, 23, 25, 27-34, 46-48, 50, 51, 54, 56, 57, 60, 62, 63, 65-68 and 76 of the Prisoner-of-War Convention (Geneva, 1929), of the laws and customs of war, of the general principles of criminal law as derived from the criminal laws of all civilized nations, of the internal penal laws of the countries in which such crimes were committed, and of Article II of Control Council Law Number 10

## COUNT FOUR — COMMON PLAN OR CONSPIRACY

64. All of the defendants, with divers other persons, during a period of years preceding 8 May 1945, participated as leaders, organizers, instigators and accomplices in the formulation and execution of a common plan and conspiracy to commit, and which involved the commission of, Crimes against Peace (including the acts constituting War Crimes and Crimes against Humanity, which were committed as an integral part of such Crimes against Peace) is defined in Control Council Law Number 10, and are individually responsible for their own acts and for all acts committed by any persons in the execution of such common plan or conspiracy.

65. The acts and conduct of the defendants set forth in Counts One, Two and Three of this Indictment formed a part of said common plan or conspiracy and all the allegations made in said Counts are incorporated in this Count.

WHEREFORE, this Indictment is filed with the Secretary General of the Military Tribunals and the charges herein made against the above-named defendants are hereby presented to the Military Tribunals.

TELFORD TAYLOR
Brigadier General, U.S. Army
Chief of Counsel for War Crimes
Acting on behalf of the United
States of America.

Nürnberg, 16 August 1947.

# MILITARY TRIBUNALS

CASE No. 11

THE UNITED STATES OF AMERICA

— against —

ERNST VON WEIZSAECKER, GUSTAV ADOLF STEENGRACHT VON MOYLAND, WILHELM KEPPLER, ERNST WILHELM BOHLE, ERNST WOERMANN, KARL RITTER, OTTO VON ERDMANNSDORFF, EDMUND VEESENMAYER, HANS HEINRICH LAMMERS, WILHELM STUCKART, RICHARD WALTHER DARRE, OTTO MEISSNER, OTTO DIETRICH, GOTTLOB BERGER, WALTER SCHELLENBERG, LUTZ SCHWERIN VON KROSIGK, EMIL PUHL, KARL RASCHE, PAUL KOERNER, PAUL PLEIGER, and HANS KEHRL

Defendants

OFFICE OF MILITARY GOVERNMENT FOR GERMANY (US)
NÜRNBERG 1948

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# INDICTMENT

The United States of America, by the undersigned Telford Taylor, Chief of Counsel for War Crimes, duly appointed to represent said Government in the prosecution of war criminals, charges that the defendants herein committed Crimes against Peace, War Crimes and Crimes against Humanity, and participated in a common plan and conspiracy to commit Crimes against Peace, all as defined in Control Council Law No. 10, duly enacted by the Allied Control Council on 20 December 1945. These crimes included planning, preparing, initiating and waging of wars of aggression and invasions of other countries, as a result of which incalculable destruction was wrought throughout the world, millions of people were killed, and many millions more suffered and are still suffering; deportation to slave labor of members of the civilian population of the invaded countries and the enslavement, mistreatment, torture and murder of millions of persons, including German nationals as well as foreign nationals; plunder and spoliation of public and private property in the invaded countries pursuant to deliberate plans and policies intended not only to strengthen Germany in launching its invasions and waging its aggressive wars, but also to secure the permanent domination by Germany of the continent of Europe; and other grave crimes set forth in this Indictment.

The persons accused as guilty of these crimes and accordingly named as defendants in this case are:

ERNST VON WEIZSAECKER—State Secretary (Staatssekretaer) of the German Foreign Office (Auswaertiges Amt) from 1938 to 1943; Ministerial Director (Ministerialdirektor) and Chief of the Political Division of the German Foreign Office (Leiter der Politischen Abteilung des Auswaertigen Amts) from 1936 to 1938; German Ambassador (Deutscher Botschafter) to the Vatican from 1943 to 1945; Brigadier General (Brigadefuehrer) of the Schutzstaffel der Nationalsozialistischen Deutschen Arbeiterpartei (commonly known as the "SS"); member of the Nationalsozialistische Deutsche Arbeiterpartei (commonly known as the "NSDAP").

GUSTAV ADOLF STEENGRACHT VON MOYLAND—State secretary (Staatssekretaer) of the German Foreign Office (Aus-

waertiges Amt) from 1943 to 1945; member of the German Foreign Minister's personal staff from 1940 to 1943; Deputy Chief Adjutant (Stellvertretender Chefadjutant) of the German Foreign Minister and Minister First Class (Gesandter Erster Klasse) from 1941 to 1943; Brigadier General (Brigadefuehrer) of the Sturmabteilung der NSDAP (commonly known as the "SA"); member of the NSDAP.

WILHELM KEPPLER—State Secretary for Special Assignments (Staatssekretaer zur besonderen Verwendung) in the German Foreign Office (Auswaertiges Amt) from 1938 to 1945; economic advisor (Wirtschaftsberater) to Adolf Hitler from 1932 to 1938; special German representative for Austrian affairs (Deutscher Sondervertreter fuer Oesterreichische Angelegenheiten), 1938; Reich Commissioner (Reichskommissar) for Austria, 1938; special German representative for Slovakian affairs (Deutscher Sondervertreter fuer Slowakische Angelegenheiten), 1939; special commissioner (Sonderbeauftragter) for German war materials, 1934; general expert for German raw materials in the Four Year Plan, (Sachverstaendiger fuer alle Fragen der Deutschen Rohstoffversorgung im Rahmen des Vierjahresplanes), 1936; Chairman, Vice-Chairman, and member of the Aufsichtsrat of industrial and other enterprises owned by or connected with the German Reich, including the Kontinentale Oel A.G., Berlin, Deutsche Umsiedlungs-Treuhandgesellschaft, Berlin; member of the Reichstag; Lieutenant General (Obergruppenfuehrer) of the SS; a founder and member of the "Circle of Friends" of Himmler; member of the Leadership Corps and holder of the Golden Party Badge of the NSDAP.

ERNST WILHELM BOHLE—Chief of the Foreign Organization (Auslandsorganisation) of the NSDAP (commonly known as "AO") from 1933 to 1945; State Secretary and Chief of the Foreign Organization in the German Foreign (Staatssekretaer and Chef der Auslandsorganisation im Auswaertigen Amt) from 1937 to 1941; member of the Reichstag; Lieutenant General (Obergruppenfuehrer) of the SS; Gau Leader (Gauleiter) and holder of the Golden Party Badge of the NSDAP.

ERNST WOERMANN—Ministerial Director and Chief of the Political Division of the German Foreign Office (Ministerialdirektor and Leiter der Politischen Abteilung des Auswaertigen Amts) with the rank of Under State Secretary (Unterstaatssekretaer) from 1938 to 1943; German Ambassador in Nanking, China from 1943 to 1945; Senior Counsellor of Legation (Vortragender Legationsrat) and Chief of the International Law Section in the

Legal Division of the German Foreign Office (Leiter des Voelkerrechts-Referats der Rechtsabteilung des Deutschen Auswaertigen Amts) from 1932 to 1935; Chief of the European Section (Leiter des Europa-Referats) of the Political Division and Minister First Class (Gesandter Erster Klasse) of the German Foreign Office in 1936; Counsellor of Embassy (Botschaftsrat) at the German Embassy, London, from 1936 to 1938; Senior Colonel (Oberfuehrer) of the SS; member of the NSDAP.

KARL RITTER—Ambassador for Special Assignments (Botschafter zur besonderen Verwendung) in the German Foreign Office from 1939 to 1945; Liaison Officer (Verbindungsmann) between the German Foreign Minister and the Chief of the High Command of the German Armed Forces (OKW); German Ambassador (Deutscher Botschafter) to Brazil from 1937 to 1938; member of the NSDAP.

OTTO VON ERDMANNSDORFF—Ministerial Dirigent (Ministerialdirigent) and Deputy to the Chief (Stellvertretender Leiter) of the Political Division of the German Foreign Office from 1941 to 1943; German Minister (Deutscher Gesandter) to Hungary from 1937 to 1941; member of the NSDAP.

EDMUND VEESENMAYER—German Minister and Plenipotentiary of the Reich (Bevollmaechtigter des Reichs) in Hungary from 1944 to 1945; attached for special assignments to the German Foreign Office from 1939 to 1944; Brigadier General (Brigadefuehrer) of the SS; member of the NSDAP.

HANS HEINRICH LAMMERS—Reich Minister and Chief ot the Reich Chancellery (Reichsminister und Chef der Reichskanzlei) from 1937 to 1945; member of the Reich Cabinet from 1937 to 1945; State Secretary (Staatssekretaer) in the Reich Chancellery in 1933; State Secretary and Chief of the Reich Chancellery (Staatssekretaer und Chef der Reichskanzlei) from 1934 to 1937; member and executive secretary of the Secret Cabinet Council (Geschaeftsfuehrendes Mitglied des Geheimen Kabinettsrates); executive member of Ministerial Council for the Defenses of the Reich (Geschaeftsfuehrendes Mitglied des Ministerrats fuer die Reichsverteidigung); Lieutenant General (Obergruppenfuehrer) of the SS; member and holder of the Golden Party Badge of the NSDAP.

WILHELM STUCKART—State Secretary (Staatssekretaer) in the Reich Ministry of the Interior (Reichsministerium des Innern) from 1935 to 1945; Chief of the Central Bureau in the Reich Ministry of the Interior for the Incorporation of Austria (Leiter der Zentralstelle im Reichsministerium des Innern zur Durchfuehrung

der Wiedervereinigung Oesterreichs mit dem Deutschen Reich), 1938, for the incorporation of the Sudeten Territory (fuer die Ueberleitung der sudeten-deutschen Gebiete), 1938, for Bohemia and Moravia (fuer das Protektorat Boehmen und Maehren), 1939, for Alsace, Lorraine, and Luxembourg (fuer Elsaß, Lothringen und Luxembourg), 1940, for Norway (fuer Norwegen), 1941, and for the occupied Southeastern Territories (fuer die besetzten Sued-Ost-Gebiete), 1941; member of the Ministerial Council for the Defense of the Reich (Ministerrat fuer die Reichsverteidigung) Staff Leader (Stabsleiter) of the General Plenipotentiary for the Administration of the Reich (Generalbevollmaechtigter fuer die Reichsverwaltung), 1939; member of General Council for Four Year Plan (Generalrat fuer den Vierjahresplan); appointed Reich Minister of the Interior (Reichsminister des Innern), May 1945; Lieutenant General (Obergruppenfuehrer) of the SS; member and holder of the Golden Party Badge of the NSDAP.

RICHARD WALTHER DARRE—Reich Minister for Food and Agriculture (Reichsminister fuer Ernaehrung und Landwirtschaft) from 1933 to 1945; Reich Peasant Leader (Reichsbauernfuehrer) from 1933 to 1945; Head of the Reich Food Estate (Reichsnaehrstand) from 1934 to 1945; Reich Leader of the Reich Office for Agrarian Policies (Reichsleiter des Reichsamtes fuer Agrarpolitik) in the NSDAP from 1933 to 1942; Chief of the Race and Settlement Main Office (Leiter des Rasse- und Siedlungshauptamts of the SS) from 1931 to 1938; Prussian Minister of Agriculture (Preußischer Landwirtschaftsminister) from 1933 to 1942; member of the Reichstag from 1932 to 1945; member of the Prussian State Council (Preußischer Staatsrat) from 1933 to 1945; President of the Supreme Hereditary Farm Court (Vorsitzender des Reichserbhofgerichtes) from 1933 to 1942; Lieutenant General (Obergruppenfuehrer) of the SS; Reichsleiter and holder of the Golden Party Badge of the NSDAP.

OTTO MEISSNER—Chief of the Presidential Chancellery (Chef der Praesidialkanzlei) from 1934 to 1945; State Minister with the rank of Reich Minister (Staatsminister mit dem Rang eines Reichsministers) without portfolio, from 1937 to 1945; member and holder of the Golden Party Badge of the NSDAP.

OTTO DIETRICH—State Secretary in the Reich Ministry of Public Enlightenment and Propaganda (Staatssekretaer im Reichsministerium fuer Volksaufklaerung und Propaganda) from 1937 to 1945; Press Chief of the Reich Government (Pressechef der Reichsregierung) from 1937 to 1945; Reich Press Chief of the NSDAP (Reichspressechef der NSDAP) from 1932 to 1945; Chief

of the Reich Press Office of the NSDAP (Leiter der Pressestelle bei der Reichsleitung der NSDAP) from 1934 to 1945; Hitler's press consultant and member of Hitler's personal staff (Pressenachrichtenreferent und Angehoeriger des persoenlichen Stabes Hitlers) from 1933 to 1945; Chairman of the Reich League of the German Press (Reichsverband der Deutschen Presse) from 1933 to 1934; Vice President of the Reich Press Chamber (Reichspressekammer) from 1934 to 1945; member of the Reichstag from 1936 to 1945; member of the Reich Culture Senate (Reichskultursenat) from 1934 to 1945; Lieutenant General (Obergruppenfuehrer) of the SS, Reichsleiter and holder of the Golden Party Badge of the NSDAP.

GOTTLOB BERGER—Lieutenant General (Obergruppenfuehrer) of the SS and Lieutenant General (General) in the Waffen SS; Chief of the SS Main Office (SS Hauptamt) from 1940 to 1945; Liaison Officer (Verbindungsoffizier) between the Reichsfuehrer SS and the Reich Minister for the Occupied Eastern Territories (Reichsminister fuer die besetzten Ostgebiete) from 1941 to 1945, Chief of the Political Directing Staff (Chef des politischen Fuehrungsstabs) of the Reich Ministry for the Occupied Eastern Territories (Reichsministerium fuer die besetzten Ostgebiete) from 1943 to 1945; Supreme Military Commander (Militaerischer Oberbefehlshaber) in Slovakia in 1944; Chief of Postal Censorship of the German Postal Service (Postueberwachungsstellen der Deutschen Reichspost) from 1942 to 1945; Chief of Prisoner of War Affairs from 1944 to 1945; member of the Reichstag; member and holder of the Golden Party Badge of the NSDAP.

WALTER SCHELLENBERG—Brigadier General (Brigadefuehrer) of the SS and Brigadier General (Generalmajor) in the Waffen SS and Police; Chief of the combined civil and military intelligence service of the RSHA from 1944 to 1945; Chief of the Foreign Intelligence Division (Amt VI) of the RSHA from 1941 to 1944; Section Chief of AMT IV E of the RSHA from 1939 to 1941; Section Chief (Amtschef) of the Sicherheitsdienst des Reichsfuehrers SS (commonly known as the "SD") member of the NSDAP.

LUTZ SCHWERIN VON KROSIGK—Reich Minister of Finance (Reichsminister der Finanzen) from 1932 to 1945; appointed Reich Minister for Foreign Affairs (Reichsminister des Auswaertigen) in May 1945; member and holder of the Golden Party Badge of the NSDAP.

EMIL PUHL—Member of the Board of Directors of the Reichsbank (Reichsbankdirektorium) from 1935 to 1945; Vice President of the Reichsbank from 1939 to 1945; Chairman of the Verwal-

tungsrat of the Reichskreditkassen from 1935 to 1945; member of the Verwaltungsrat of the Verrechnungskasse from 1935 to 1939; member of the Aufsichtsrat of the Deutsche Golddiskontbank from 1935 to 1945; member of the NSDAP.

KARL RASCHE—Member, later Speaker, of the Vorstand of the Dresdner Bank from 1935 to 1945; Chairman of the Verwaltungsrat of the Boehmische Escompte Bank, Prague (commonly known as the "BEB") from 1939 to 1945; Chairman of the Verwaltungsrat of the Poldihuette A.G., Kladno-Prague, from 1939 to 1942; member of the Aufsichtsrat of the Laenderbank, Vienna, from 1939 to 1945, of the Sudetenlaendische Bergbau A.G., Brno, from 1939 to 1945, of the Kontinentale Oel A.G., from 1940 to 1945; member of the Verwaltungsrat of the Bruenner Waffenwerke A.G., Brno, from 1939 to 1945, and of the A.G. Vormals Skoda Werke, Prague, from 1939 to 1945; member of the Bierat of the Witkowitzer Bergbau und Eisenhutten Gewerkschaft from 1940 to 1945; and member of the supervisory boards of other industrial firms and enterprises; Lieutenant Colonel (Obersturmbannfuehrer) of the SS; member of the "Circle of Friends" of Himmler; member of the NSDAP.

PAUL KOERNER—Permanent Deputy of Goering as General Plenipotentiary of the Four Year Plan (Beauftragter fuer den Vierjahresplan) and Chief of the Office of the Four Year Plan from 1936 to 1945; Chairman of the General Council (Generalrat) for the Four Year Plan from 1939 to 1942; member of the Central Planning Board (Zentrale Planung) from 1942 to 1945; State Secretary to the General Plenipotentiary for the Four Year Plan from 1936 to 1945 and of the Prussian State Ministry from 1933 to 1945 (Staatssekretaer des Beauftragten fuer den Vierjahresplan des Preußischen Staatsministeriums); Deputy Head of the Economic Executive Staff, East (Wirtschaftsfuehrungsstab Ost) from 1941 to 1945; Chairman of the Verwaltungsrat of the Berg- und Huettenwerke Ost GmbH (commonly abbreviated BHO) from 1941 to 1943; Chairman of the Aufsichtsrat of the Reichswerke A.G. "Hermann Goering" from 1937 to 1942; Chairman of the Aufsichtsrat of Reichswerke A.G. fuer Erzbergbau und Eisenhuetten "Hermann Goering" from 1937 to 1942; Chairman of the Aufsichtsrat of the Reichswerke A.G. fuer Berg- und Huettenbetriebe "Hermann Goering" from 1940 to 1942; and member of the supervisory boards of other industrial firms and enterprises; member of the Reichstag in 1933 and from 1936 to 1945; member of the Prussian State Council (Preußischer Staatsrat) from 1938 to 1945; Lieutenant General (Obergruppenfuehrer) of the SS; member and holder of the Golden Party Badge of the NSDAP.

PAUL PLEIGER—Chairman of the Reich Association for Coal (Reichsvereinigung Kohle) from 1941 to 1945; Reich Commissioner (Reichsbeauftragter) for Coal in the occupied, annexed, and incorporated territories from 1942 to 1945; Manager from 1941 to 1943, and thereafter until 1945, Chairman of the Verwaltungsrat of the Berg- und Huettenwerke Ost GmbH (BHO); Active head and dominating influence from 1937 to 1945 in the large group of industrial enterprises including coal and iron mines, steel producing and finishing plants and armament factories, sometimes collectively referred to herein as the "Hermann Goering Works"; Chairman of the Vorstand of the Reichswerke A.G. fuer Erzbergbau and Eisenhuetten "Hermann Goering", Berlin, from 1938 to 1945, and also Chairman of the same enterprise from 1942 to 1945; Chairman of the Vorstand of the Reichswerke A.G. fuer Berg- und Huettenbetriebe "Hermann Goering" from 1941 to 1945, and Chairman of the Aufsichtsrat of the same enterprise from 1942 to 1945; member of the Vorstand of the A.G. Reichswerke "Hermann Goering", Berlin, from 1939 to 1940; member of the Aufsichtsrat and Vorstand of other industrial firms and enterprises; member of the Prussian State Council (Preußischer Staatsrat) from 1943 to 1945; member of the Armament Council; Gau Economic Advisor for Gau Westfalen-Sued; Military Economy Leader (Wehrwirtschaftsfuehrer); member and holder of the Golden Party Badge of the NSDAP.

HANS KEHRL—Chief of the Planning Office (Planungsamt) of the Central Planning Board (Zentrale Planung) from 1943 to 1945; Chief of the Planning Office of the Reich Ministry for Armaments and War Production (Reichsministerium fuer Ruestung und Kriegsproduktion) from 1943 to 1945; Chief of the Office of Raw Materials (Rohstoffamt) in the Reich Ministry of Armaments and War Production from 1943 to 1945; Consultant for Special Questions in the Economics Ministry from 1938 to 1942; Chief of the Textile Division of the Economics Ministry from 1938 to 1942; Chief of Section IV/2 in Office for German Raw Materials and Synthetics of the Four Year Plan (Amt fuer Deutsche Roh- und "Werkstoffe" innerhalb des Vierjahresplanes) from 1936 to 1938, member of the Beirat of the Deutsche Umsiedlungs-Treuhandgesellschaft from 1940 to 1943; Chairman of the Verwaltungsrat of the Ostfaser GmbH from 1941 to 1945; member of the Aufsichtsrat of numerous corporations including: Reichswerke A.G. "Hermann Goering" from 1940 to 1945, Sudetenlaendische Bergbau A.G. from 1940 to 1945, and Sudetenlaendische Treibstoff A.G. from 1940 to 1945; President of the Chamber of Industry and Commerce of Niederlausitz from 1934 to 1942; mem-

ber of the "Circle of Friends" of Himmler from 1942 to 1945; Brigadier General (Brigadefuehrer) of the SS; Gau Economic Advisor of the NSDAP (Gauwirtschaftsberater) for the Gau Brandenburg from 1933 to 1938; Military Economy Leader (Wehrwirtschaftsfuehrer); member of the NSDAP.

## COUNT ONE

## PLANNING, PREPARATION, INITIATION AND WAGING OF WARS OF AGGRESSION AND INVASIONS OF OTHER COUNTRIES

### STATEMENT OF THE OFFENSE

1. The defendants WEIZSAECKER, KEPPLER, BOHLE, WOERMANN, RITTER, ERDMANNSDORFF, VEESENMAYER, LAMMERS, STUCKART, DARRE, MEISSNER, DIETRICH, BERGER, SCHELLENBERG, SCHWERIN-KROSIGK, KOERNER and PLEIGER, with divers other persons, during a period of years preceding 8 May 1945, committed Crimes against Peace as defined in Article II of Control Council Law No. 10, in that they participated in the initiation of invasions of other countries and wars of aggression in violation of international laws and treaties, including but not limited to planning, preparation, initiation and waging of wars of aggression, and wars in violation of international treaties, agreements and assurances. The defendants held high political, military and civil positions and high positions in the financial, industrial and economic life of Germany and committed Crimes against Peace in that they were principals in, accessories to, ordered, abetted, took a consenting part in, were connected with plans and enterprises involving, and were members of organizations and groups connected with, the commission of Crimes against Peace.

2. The invasions and wars referred to and the dates of their initiation were as follows: Austria, 12 March 1938; Czechoslovakia, 1 October 1938 and 15 March 1939; Poland, 1 September 1939; the United Kingdom and France, 3 September 1939; Denmark and Norway, 9 April 1940; Belgium, the Netherlands and Luxembourg, 10 May 1940; Yugoslavia and Greece, 6 April 1941; the Union of Soviet Socialist Republics, 22 June 1941; and the United States of America, 11 December 1941.

3. In these invasions and wars, many millions of people were murdered, tortured, starved, enslaved and robbed; countless numbers became diseased; millions of homes were left in ruins;

tremendous industrial capacity necessary to maintain the standard of living of peoples all over the world was destroyed; agricultural land capable of feeding millions of people was laid in waste; and a large part of the world was left in political and economic chaos. The lives and happiness of all peoples of the world were adversely affected as the result of these invasions and wars of aggression.

4. In 1921 Adolf Hitler became the supreme leader or Fuehrer of the National Socialist German Workers Party, also known as the Nazi Party. The main points of the Nazi Party Program, which remained unaltered until the party's dissolution in 1945, were to abrogate and overthrow the Treaties of Versailles and Saint Germain, and reconstitute the Wehrmacht; to acquire territories lost by Germany as the result of World War I; to acquire all other territories in Europe assertedly occupied by "racial Germans"; and to acquire such other territories in the world as might be "needed" by the Germans for "Lebensraum". The Nazis proclaimed that persons of "German blood" were a "master race" and were entitled to subjugate, dominate, and exterminate other "races" and peoples, and that war was a noble and necessary German activity. The Nazis proposed to achieve their ends by any means deemed opportune, including resort to force and aggressive war. The policies and program of the Nazi Party were continually and publicly reiterated and were matters of common knowledge.

5. On 30 January 1933, Hitler was appointed Chancellor of the Reich by President von Hindenburg. The defendants MEISSNER, LAMMERS, KEPPLER and DIETRICH were active participants in Hitler's seizure of power, in that they marshalled the financial, political, psychological, and propaganda support necessary for its success. On the day of his appointment as Chancellor, Hitler held his first Cabinet meeting, at which the defendant SCHWERIN-KROSIGK was present. On 27 February 1933, the Reichstag building in Berlin was set on fire. This was used by Hitler and his Cabinet members as a pretext for the immediate issuance of a decree suspending the constitutional guarantees.

6. The NSDAP thereafter proceeded to extend its dominion over every phase of German life. Other political parties were persecuted, many of their members were arrested and thrown into concentration camps, and eventually all other parties were outlawed by the law of 14 July 1933, which declared the NSDAP to be the only legal party in Germany. The defendants LAMMERS, MEISSNER, and DIETRICH cloaked these activities with

a semblance of legality by spurious procedural techniques, and the property and assets of the dissolved parties were confiscated and the proceeds were seized by the defendant SCHWERIN-KROSIGK on behalf of the Reich Treasury. In order to place complete and centralized control of the machinery of the German Government in the hands of the leaders of the Third Reich, a series of laws and decrees were passed abolishing representative assemblies and autonomous regional and local governments throughout Germany. These administrative measures were coordinated by the defendant LAMMERS, and the defendant DIETRICH directed and controlled the use of press and propaganda organs to crush the development of any opposing political opinion. The Government then proceeded to secure control of the Civil Service, the Judiciary, and the educational system, by the persecution and dismissal of civil servants, judges, and educators for political or racial reasons. The defendant LAMMERS coordinated these measures administratively, the necessary fiscal regulations to effect this reorganization were provided by the defendant SCHWERIN-KROSIGK, and the defendant STUCKART participated in the dismissal of politically and racially "undesirable" officials in the universities and schools throughout Germany. The defendant MEISSNER participated in the granting of pardons to criminal members of the Party who had been sentenced for proved offenses by judges not yet controlled or purged by the Party. The defendant DIETRICH issued through NSDAP press channels propaganda in support of these tyrannical measures; the defendant KEPPLER participated in the formulation of expropriation measures directed against persons of Jewish extraction and others; and the defendant SCHWERIN-KROSIGK accepted into the Reich Treasury financial gains which accrued to the new Government from these expropriations. The defendant DARRE developed and disseminated Nazi racial doctrines, and effected the "nazification" of German agriculture and husbandry and the elimination of political, racial and religious "undesirables" from the agricultural economy.

7. During a period of years prior to May 1945, the Third Reich engaged in a ruthless program of aggression and conquest which came to involve almost the entire civilized world and resulted in the initiation and waging, by Germany, of wars of aggression against other countries on a vast scale. The program, which envisaged Nazi domination of all of Europe and later of the entire world, was carefully planned in advance of its actual execution through diplomatic, political, financial, economic, agri-

cultural, propaganda, administrative and military preparations; the initial military successes evidenced the effectiveness of these preparations. Pursuant to the general program of aggression, diplomatic offensives were synchronized with the total mobilization of all the resources of the German Reich for war. The economic and agricultural life of Germany was reorganized for military purposes; financial preparations were made; and the German armed forces were raised to formidable strength. Propaganda campaigns were launched to incite the German people to support the program of aggression, and the activities of the supreme Reich authorities were coordinated to achieve the full mobilization required by the Nazi concepts of total warfare. The conquest of each of the countries invaded was foreshadowed by a series of political and diplomatic moves whereby, in disregard of treaties, assurances and agreements, fifth column activities were fomented, prominent individuals kidnapped, pretexts for aggression fabricated, propaganda campaigns initiated, potential allies secured, and the political isolation of the victim effected. After these invasions, previously formulated measures were put into effect to incorporate certain of the conquered territories into the German Reich and to complete the subjugation of countries belligerently occupied. Legislation was introduced extending German law and German administration to these territories, and their economies were harnessed to the German war machine to further Germany's ability to wage its wars of aggression.

8. The defendants WEIZSAECKER, WOERMANN, KEPPLER, RITTER, ERDMANNSDORFF, and VEESENMAYER, as high officials of the German Foreign Office, played dominant roles in the diplomatic plans and preparations for invasions and wars of aggression, and later participated in the diplomatic phases of the waging of these wars. The defendant LAMMERS, as the de facto Chancellor of Hitler, coordinated at the highest level the planning and preparation required for the total mobilization of the German Reich, and as Hitler's chief legislative agent, signed the most important decrees for the planning, preparation, initiation and waging of wars of aggression. The defendant STUCKART, as one of the chief Nazi administrative and managerial specialists, had jurisdiction over the administrative mobilization of the German Reich, and with the defendant LAMMERS participated in the incorporation of conquered territories into the German Reich and in the administration of the incorporated and occupied territories. The defendant DARRE mobilized the German agricultural economy for aggression by measures to insure maximum self-

sufficiency in foodstuffs for the German armed forces and the civilian population, and to enable the German Reich to initiate and wage its wars of aggression, and later he participated in the absorption of the agricultural economies of the territories incorporated into "Greater Germany" and in the seizure and distribution of agricultural products looted from the occupied territories. The defendant MEISSNER staged conferences and meetings at which the leaders of the countries to be victimized were threatened. The defendant DIETRICH created, formulated and controlled press and propaganda policies of the NSDAP and of the German Government, both in furtherance of plans and preparations for aggression, and in the propaganda phases of the waging of these wars. The defendant BOHLE, as head of the Foreign Organization of the NSDAP, participated in economic preparations for war, and in Nazi infiltration and fifth column activities through propaganda, espionage, terrorism, and financial contributions to "Quislings" groups whereby the governments of the prospective victims were undermined in accordance with the plans of aggression. The defendant BERGER participated in the recruitment of SS personnel and the fomentation of fifth column activities in countries that were subsequently invaded by Germany and later participated in the establishment of SS and political puppet organizations in the occupied countries in furtherance of the subjugation of these territories. The defendant SCHELLENBERG participated in the fabrication of pretexts for aggression and was connected with and participated in SS and SD plans and preparations for aggressive war. The defendant SCHWERIN-KROSIGK directed the financial mobilization of the German Reich for aggression by fiscal measures which insured the financing of Germany's rearmament program and other civil and military expenses incidental to preparations for aggressive war, and later was responsible for the incorporation of the financial institutions and the seizure of the financial resources of territories and countries incorporated into or occupied by the German Reich in furtherance of the waging of these wars of aggression. The defendant KOERNER, as the permanent deputy of Goering, played a leading role in the planning, coordination and execution of an economic program to prepare the German Reich for the waging of aggressive war; he was further responsible for coordinating the economic exploitation of the occupied territories in furtherance of the waging of aggressive war. The defendant PLEIGER, as director of the Iron and Metals Section of the Office of the Four Year Plan, participated in these preparations for aggressive war

and was further responsible, with the defendant KOERNER, for the organization and direction of the Hermann Goering Works, which was created to, and did, provide iron, steel and finished armament products for the equipment of the German armies of conquest.

9. In furtherance of the planning and preparation for aggressive war, the defendant LAMMERS coordinated at the highest level the total mobilization of the economic, financial, administrative and military resources of the Third Reich. He signed laws and decrees including, among others, the Reich Defense Law, decrees creating the Secret Cabinet Council and establishing the Ministerial Council for the Defense of the Reich, and the decree whereby Hitler assumed personal command of the Wehrmacht. He further effected total mobilization by participation in meetings of the Reich Defense Council, the Reich Defense Committee, the General Council for the Four Year Plan and the Ministerial Council for the Defense of the Reich, whereby the military, economic, financial, agricultural and rearmament phases of mobilization were accomplished. He resolved jurisdictional problems and conflicts as to the respective spheres of competence in mobilization schemes of various supreme Reich authorities, and received reports regularly from the Plenipotentiary General for Economy, from the Plenipotentiary General for Administration, and the Plenipotentiary for the Four Year Plan. By virtue of the aforesaid activities and otherwise, the defendant LAMMERS synchronized the economic, financial, military and administrative preparations with the general program of aggression.

10. The defendant STUCKART drafted, formulated, and signed decrees and legislation required for the administrative mobilization of the Reich for war, including the laws pertaining to military conscription and the Reich Defense Law. He was one of the leading officials responsible for war-time civil administration, and in the performance of his duties he created an administrative organization in accordance with war-time needs, which was actually put into operation after Germany adopted a policy of aggression. He played a key role in the preparation of the machinery required for the incorporation of conquered territories into the Reich and for the administration of countries to be incorporated into or belligerently occupied by the German Reich in the course of its wars of aggression.

11. The defendant SCHWERIN-KROSIGK was responsible for the financing of the wars of aggression by the floating of long and short term loans, the supplying of the means for honoring

"MEFO bills", the expropriation of property of alleged opponents of Germany's aggressive policies, the strengthening of the Reichsbank, the transfer into gold of foreign exchange resources available to Germany, and otherwise. He was further responsible for financing other phases of the economic, military and political preparations for war, and maintained secret budgets to conceal the extent of the rearmament program and the growth of the armed forces, and prepared and executed other fiscal measures required to finance the preparations of the Reich for war.

12. The defendant DIETRICH, as press chief of the Party and the Reich, created, formulated, and controlled the press policy for the State and for the Party. Through the issuance of daily instructions, he subordinated the entire German press to the political, diplomatic and military purposes of the Nazi leaders. By the falsification, distortion and perversion of news and the extensive use of inflammatory propaganda, he so influenced and deceived the German people as to secure their support of the aggressive policies of the German Reich. He participated in the psychological planning and preparation for wars of aggression; the greatest emphasis was placed on the supreme mission of the German people to lead and dominate other peoples by virtue of the Nazi doctrine of racial superiority, and, thus, the ground was prepared for support of the concept of German world supremacy. Before each aggressive act, press campaigns were initiated under the direction of the defendant DIETRICH to weaken the prospective victims, provide spurious "justification" for aggression, and prepare the German people psychologically for war.

13. In order to achieve maximum German self-sufficiency in foodstuffs in preparation for aggressive wars, the defendant DARRE organized the agricultural economy for aggressive war so as to obtain control over virtually every phase of German agriculture, including food production, processing, distribution and consumption, as well as importation of all major agricultural commodities. He also participated in the military, economic, and rearmament phases of the preparations for aggression; he signed laws and decrees directed toward effecting total mobilization, including the institution of compulsory military service, the procurement of land for the use of the Armed Forces and the mobilization of the war food economy. He participated in the formulation of a grain storage program designed to make Germany self-sufficient in grain supplies, and, in cooperation with the High Command of the Armed Forces and others, requisitioned the storage space required for the tremendous grain reserves which

were being built up. Long before the outbreak of war, secret decrees were prepared under his direction in the Reich Ministry for Food and Agriculture, which, covered in minute detail the war food economy program to be put into effect under the war mobilization order, and created an administrative organization in accordance with war-time standards. These decrees were put into operation when Germany attacked Poland.

14. In furtherance of economic planning for aggression, the defendant KOERNER participated, with Goering, the defendant KEPPLER and divers other persons, in the establishment of the Four Year Plan in 1936. Thereafter, the defendant KOERNER, as Goering's Deputy, directed the Office of the Four Year Plan which was charged with control over the essential economic activities of the German agencies preparing for war, exercised supreme authority in economic matters, was responsible for the development and stockpiling of critical war material, and which was designed to prepare the armed forces and the German economy for aggressive war within four years. Between 1939 and 1942, KOERNER also served as Chairman of the General Council of the Four Year Plan, which was concerned with problems of labor allocation and production in the war economy. The defendant PLEIGER, by virtue of his position as the first head of the Iron and Metals Section of the Office of the Four Year Plan, participated in the economic planning for German aggression. Further, as a result of researches into German war-time requirements conducted by the Office of the Four Year Plan, the defendants PLEIGER and KOERNER participated with Goering and others in the creation of the Hermann Goering Works in 1937. The defendant PLEIGER, as the dominant figure and active head of the Hermann Goering Works, was responsible for directing its activities, and the defendant KOERNER, as chairman of the Aufsichtsrat and holder of other high positions therein, was influential in determining the policies of this huge complex, which was founded in furtherance of the planning, preparation and waging of wars of aggression by enormously expanding Germany's steel and armament production resources and by making Germany self-sufficient with respect to iron ore.

15. In country after country, the pattern of diplomatic planning and preparation for invasions and wars of aggression was substantially the same. The program adopted for the destruction of these countries involved, on the one hand, the making of treaties, agreements and assurances which the German Reich pledged herself to respect their territorial integrity and, on the other hand,

the promotion of fifth column activities and the accomplishment of illegal political penetration designed to undermine their sovereignty. In AUSTRIA, in wanton disregard of the Austro-German treaty of 11 July 1936, whereby Germany obligated herself not to interfere in Austrian affairs, the defendants KEPPLER, VEESENMAYER, WEIZSAECKER and BOHLE provided political and financial support to the outlawed National Socialist party of Austria in order to maintain continuous pressure against the legitimate government. As a result thereof the relations between the two countries steadily worsened, culminating in the conference at Berchtesgaden on 12 February 1938 at which the Austrian Chancellor Schuschnigg, in the presence of the defendant KEPPLER, was threatened with an immediate German military invasion of Austria. In the face of this threat and of the subsequent diplomatic and propaganda pressure exerted by the defendants KEPPLER, VEESENMAYER, DIETRICH, BOHLE, and others, Dr. Schuschnigg was finally forced to resign on 11 March 1938, and at daybreak on 12 March 1938, German troops marched into Austria. In order to justify the invasion and give it a semblance of legality, a fictitious telegram concocted by Goering and KEPPLER was quoted by the German press to establish that the newly-created Austrian puppet government had requested the presence of German troops to prevent disorder.

16. In continuation of the Nazi policy of diplomatically isolating and then destroying each of its victims separately, CZECHOSLOVAKIA, the next victim of German aggression, received solemn assurances from the Third Reich of its peaceful intentions, at the time of the Anschluss with Austria early in 1938. Simultaneously members of the German Foreign Office, including the defendants WEIZSAECKER and WOERMANN, were secretly preparing the groundwork for aggression by providing political, military and financial assistance to the Sudeten German Party, under the leadership of Konrad Henlein, and inciting that movement to lodge continual demands for the complete separation of the Sudetenland from the Czechoslovakian republic. The defendant BOHLE employed the Foreign Organization of the NSDAP to foment fifth column activities in Czechoslovakia, and the defendant BERGER participated in the training of the Henlein Free Corps by the SS in Germany and served as personal liaison between the Reichsfuehrer SS and Henlein. The defendant ERDMANNSDORFF negotiated Balkan support for this aggressive act. In the press and propaganda campaigns launched prior to the conquest of Czechoslovakia, the defendant DIETRICH issued

instructions to the press to "play up" the alleged persecution of Sudeten-German and Slovak minorities within Czechoslovakia and the "anti-German politics" of the Prague government. The Munich pact of 29 September 1938, signed in the presence of the defendant MEISSNER, among others, and the separation of the Sudetenland from Czechoslovakia, marked the successful culmination of this phase of German diplomatic policy. In flagrant violation of this pact, whereby Germany had agreed to respect the integrity of the remaining territory of Czechoslovakia, the defendants KEPPLER, VEESENMAYER, DIETRICH, MEISSNER, and BOHLE continued to foment a Slovak independence movement in order to further the Nazi program of aggression. On March 14, 1939 the Czechoslovakian president, Hacha, at a conference in Berlin, in the presence of the defendants WEIZSAECKER, DIETRICH, KEPPLER and MEISSNER, was violently threatened by Hitler with the immediate military invasion of Czechoslovakia and the destruction of Prague by bombing. In the face of these threats, Hacha capitulated, and on 15 March 1939, the defendants LAMMERS, MEISSNER and STUCKART, among others, accompanied Hitler to Prague when German troops marched into Bohemia and Moravia.

17. Repeating the pattern of duplicity employed in the conquests of Austria and Czechoslovakia, the defendants WEIZSAECKER, WOERMANN, BOHLE, KEPPLER, and VEESENMAYER participated in a series of diplomatic and political moves against POLAND whereby, in disregard of recent assurances and agreements, the return of Danzig and the Polish Corridor was demanded as a pretext for aggression, Polish counter-proposals for the peaceful settlement of German claims were rejected, and an energetic program to mobilize potential allies in the German cause of aggression and to neutralize France and Great Britain as possible opponents was undertaken. The political, propaganda and diplomatic blueprint for this war of aggression was carefully designed by the defendants WEIZSAECKER, WOERMANN, DIETRICH, BOHLE, and VEESENMAYER, among others, to shift the apparent responsibility for the war to the victim. Border incidents were staged, and alleged acts of terrorism committed by the Poles against German nationals and racial Germans were fabricated and publicized. All attempts by France, Great Britain, the United States, and other nations, to persuade the German Reich to agree to a peaceful settlement of her dispute with Poland were rejected. In the early hours of 1 September 1939, Germany

launched this war of aggression which came to involve Great Britain, France, and the greater part of the world.

18. Subsequent to the outbreak of war, the pattern of diplomatic and political planning and preparation remained substantially unchanged, and further aggression was embarked upon whenever considered politically or militarily expedient. Prior to the invasion of Norway, the German Foreign Office financed the fifth column activities of Vidkun Quisling, and the defendants LAMMERS and BOHLE maintained liaison with Quisling and coordinated the camouflaged fifth column activities of the Reich authorities engaged in secret preparation for the aggression against Norway. The defendants WEIZSAECKER, WOERMANN, and RITTER participated in the preparation and promulgation by the German Foreign Office of the official diplomatic communiqués purporting in part to justify the aggressions against NORWAY and DENMARK on 9 April 1940, and against the NETHERLANDS, BELGIUM and LUXEMBOURG on 10 May 1940. The defendant SCHELLENBERG participated in the staging of the "Venlo Incident" which involved the kidnapping of enemy and neutral nationals to fabricate a pretext for the invasion of the Low Countries. Like the aggressions against the Scandinavian and Low Countries, plans for the aggressive war against GREECE and YUGOSLAVIA were characterized by a series of diplomatic and political moves by the defendants WEIZSAECKER, WOERMANN, RITTER, VEESENMAYER, and other members of the German Foreign Office. The defendants BERGER and BOHLE participated in the creation of plans for fifth column activities, the fabrication of atrocities allegedly committed against racial Germans in Yugoslavia which were publicized in the press and propaganda organs under the supervision of the defendant DIETRICH as a pretext for aggression, and the secret recruitment of racial Germans who, subsequent to the invasion on 6 April 1941, were activated by the defendant BERGER into Waffen SS military divisions which assisted in the German military conquest of Yugoslavia.

19. In the preparation and planning which preceded the undeclared attack against the UNION of SOVIET SOCIALIST REPUBLICS on 22 June 1941, German diplomatic efforts were directed by the defendants WEIZSAECKER, WOERMANN, RITTER, BOHLE, and ERDMANNSDORFF towards mobilizing allies in the German cause of aggression, and as a result thereof, the military support of Roumania and Hungary was secured. As early as November 1940 the defendant KOERNER was informed

by Goering of the coming attack against the Soviet Union, and thereafter he attended and advised at conferences which were convened to consider the scope and method of German exploitation of the Eastern economies. On 20 April 1941, a Fuehrer decree, signed by the defendant LAMMERS, appointed Reichsleiter Rosenberg commissioner for the centralized control of problems relating to the Soviet Union and other Eastern Territories. The defendants KOERNER and STUCKART and representatives of the German Foreign Office, over a period of months preceding the invasion, worked with Rosenberg to design the framework of the future political, administrative and economic organization of the territories of the Soviet Union, including the selection of officials for the civil administration of those territories by the defendant STUCKART. In this same period the activities of the defendant DIETRICH were integrated with Rosenberg's plans. In order to reverse the trend of German public opinion as it had been nurtured after the Non-Aggression Pact between Germany and the Soviet Union, the defendant DIETRICH directed the press and propaganda agencies to renew anti-Soviet propaganda and to present the coming aggression against the Soviet Union as a "preventive war" for the defense of the Fatherland. During this period the defendant SCHELLENBERG participated in the creation of special task forces of the SS, called "Einsatzgruppen", for the extermination of all opposition in the territories of the Soviet Union to be invaded. Well in advance of the actual attack, the defendant LAMMERS signed legislation appointing the Plenipotentiary for the Four Year Plan as the German official responsible for the economic exploitation of the territories to be occupied, and operational zones were established in the Arctic Ocean and in the Baltic and Black Seas, by the defendant WEIZSAECKER and other members of the German Foreign Office, for the German naval and air forces.

20. The pattern of German diplomatic and political preparation which preceded the attack on the UNITED STATES OF AMERICA differed from the pattern of previous Nazi aggressions on account of the geographical position occupied by Germany with respect to the United States and because of Germany's involvement in the European conflict. The Foreign Organization of the NSDAP, under the leadership of the defendant BOHLE, had been engaged for many years prior to the war in infiltration into the economic and political life of the United States and other countries of the Western Hemisphere and had fomented fifth column activities in these countries in furtherance of the German

Reichs preparations for possible aggression against the United States. In addition, from early 1941, continuous diplomatic efforts were made by the defendants WEIZSAECKER, WOERMANN and RITTER and other members of the German Foreign Office to induce Japan to attack British possessions in the Far East, and Japan was further assured in the presence of the defendant MEISSNER that should she become engaged in a war with the United States, Germany would immediately participate. During the prelude to aggression, German public opinion was systematically inflamed against the United States. After the attack at Pearl Harbor on 7 December 1941, Hitler issued orders on 8 December 1941 to the German navy to attack American ships "whenever and wherever they may be", despite the fact that a state of war was not declared between Germany and the United States until 11 December 1941.

21. Pursuant to Nazi theories of "Lebensraum", and in furtherance of the German Reich's waging of wars of aggression, certain of the conquered territories were "incorporated" into Germany. The defendant LAMMERS signed, among others, the laws uniting Austria, the Free City of Danzig, Memel, Eupen, Malmedy and Moresnet with the German Reich, the decree appointing the Reich Commissioner for Austria, and legislation extending German civil administration to Austria, the Sudetenland and the Eastern Territories (West Prussia and Posen). He was responsible for the over-all coordination of the incorporation of these territories and participated in the appointment of administrators for the performance of the administrative tasks involved. He participated in the formulation of the law of 13th March 1938 which united Austria with the Reich. In setting up German administration in Austria, he drafted and signed decrees which introduced German law and its enforcement by the Gestapo and SD, the Nürnberg racial decrees, and the military service law. He participated in the formulation of the laws incorporating into the Reich the Sudetenland, Memel, Danzig, the Eastern territories (West Prussia and Posen), and Eupen, Malmedy and Moresnet, and in plans for the incorporation of French territory. The defendant DARRE participated in the absorption into the German war food economy of the agricultural economies of these incorporated territories by measures which introduced German agricultural administration and legislation, and which controlled virtually every phase of agriculture. SS personnel were recruited in these territories and SS units organized under the direction of the defendant BERGER. The financial incorporation of the ter-

ritories united with the Reich was accomplished by the defendant SCHWERIN-KROSIGK; in setting up German financial control over these incorporated territories, he assumed control over their financial institutions and extended Germany's financial regulations to these territories. The proceeds from the expropriation of public and private property in these territories by agencies of the German Reich were turned over, in many instances, to the Reich Treasury and used in the financing of aggressive wars.

22. The complete subjugation of the territories belligerently occupied by the German Reich was so designed as to obtain the maximum economic, financial and military benefit from these territories, and through the establishment of administrative machinery to effect policies of ruthless exploitation. The defendant LAMMERS signed legislation establishing the Protectorate of Bohemia and Moravia and the authority of the German Reich to legislate in the Protectorate. He also signed the laws extending German administration to the Government General and to the occupied Eastern territories, and signed legislation appointing administrators in the Protectorate, the Government General and other of the occupied territories, including the appointment of Goering as Plenipotentiary of the Four Year Plan in charge of the economic exploitation of the USSR. The defendant LAMMERS was further responsible for coordinating with the supreme Reich authorities policies initiated in the occupied territories and was actively engaged in the direction and administration of these territories. The defendant STUCKART, as the head of the Central Offices for Austria, the Sudetenland, Bohemia and Moravia, the Government General, Norway and the occupied Southeastern territories, was charged with the internal civil administration of these territories and obtaining close cooperation between the German officials in these occupied countries and the supreme Reich authorities, participated in the formulation of the proclamation establishing the Protectorate of Bohemia and Moravia, and promulgated changes in the boundaries of Alsace and Lorraine. The defendant BERGER participated in the establishment of SS organizations and the recruitment of SS personnel from among the nationals of the occupied territories and in certain of the puppet governments, such as Croatia, compelled the institution of compulsory conscription for Waffen SS military divisions. He also participated in the establishment in these territories of puppet political organizations which fully cooperated with the occupation authorities. The defendant SCHWERIN-KROSIGK was responsible for the maximum exploitation of the financial resources of

these occupied territories and controlled their fiscal institutions in such a manner as to obtain maximum revenues for the German Reich. The Reich Treasury, under his direction, received the proceeds from the expropriation of public and private properties and provided the necessary financial assistance for the administration of these territories and the waging of the German Reich's wars of aggression. The defendants WEIZSAECKER, WOERMANN, RITTER, ERDMANNSDORFF, VEESENMAYER, and KEPPLER, as leading officials of the German Foreign Office, participated in the political development and direction of the occupied territories, particularly those territories, wherein puppet governments under the domination of the German Foreign Office had been installed. By the maintenance of continuous diplomatic pressure, intimidation and coercion, the puppet and satellite governments were compelled to support Germany in the course of its wars of aggression. Further, they participated in the partitioning of certain of the occupied territories, including Yugoslavia, and in the evolution of plans for the final integration of the occupied countries into the orbit of the German Reich after the cessation of hostilities.

23. In addition to the acts and conduct of the defendants set forth above, the participation of the defendants in planning, preparation, initiation, and waging of wars of aggression and invasions of other countries included the acts and conduct set forth in Counts Three to Seven inclusive, of this Indictment, which acts and conduct were committed as an integral part of the planning, preparation, initiation, and waging of wars of aggression and invasions of other countries included the acts and conduct set forth in Counts Three to Seven inclusive, of this Indictment, which acts and conduct were committed as an integral part of the planning, preparation, initiation, and waging of wars of aggression and invasions of other countries. The allegations made in said Counts Three to Seven are hereby incorporated in this Count.

## VIOLATION OF LAW

24. The acts and conduct set forth in this Count were committed by the defendants unlawfully, wilfully, and knowingly, and constitute violations of international law, treaties, agreements, and assurances, and of Article II of Control Council Law No. 10.

## COUNT TWO

## COMMON PLAN AND CONSPIRACY

25. The defendants WEIZSAECKER, KEPPLER, BOHLE, WOERMANN, RITTER, ERDMANNSDORFF, VEESENMAYER, LAMMERS, STUCKART, DARRE, MEISSNER, DIETRICH, BERGER, SCHELLENBERG, SCHWERIN-KROSIGK, KOERNER and PLEIGER, with divers other persons, during a period of years preceding 8 May 1945, participated as leaders, organizers, instigators, and accomplices in the formulation and execution of a common plan and conspiracy to commit, and which involved the commission of, Crimes against Peace, (including the acts constituting War Crimes and Crimes against Humanity, which were committed as an integral part of such Crimes against Peace) as defined by Control Council Law No. 10, and are individually responsible for their own acts and for all acts committed by any persons in the execution of such common plan and conspiracy.

26. The acts and conduct of the defendants set forth in Counts One, Three, Four, Five, Six, and Seven of this Indictment formed a part of said common plan and conspiracy and all the allegations made in said Counts are incorporated in this Count.

## COUNT THREE

## WAR CRIMES: MURDER AND ILL-TREATMENT Of BELLIGERENTS AND PRISONERS OF WAR

27. The defendants WEIZSAECKER, STEENGRACHT, RITTER, WOERMANN, ERDMANNSDORFF, LAMMERS, DIETRICH, and BERGER, with divers other persons, during the period from September 1939 to May 1945, committed War Crimes, as defined in Article II of Control Council Law No. 10, in that they participated in atrocities and offenses against prisoners of war and members of the armed forces of nations then at war with the Third Reich or were under the belligerent control of, or military occupation by Germany, including murder, ill treatment, enslavement, brutalities, cruelties, and other inhumane acts. Prisoners of war and belligerents were starved, lynched, branded, shackled, tortured and murdered in flagrant violation of the laws and customs of war, and through diplomatic distortion, denial and fabricated justification, the perpetration of these offenses and atrocities was concealed from the protective powers. The defendants committed War Crimes in that they were principals in, accessories to, ordered, abetted, took a consenting part in, were connected with plans and enterprises involving, and were members of organizations and groups connected with, the commission of War Crimes.

28. The murders and other crimes charged in this Count included, but were not limited to, the following:

a. The Third Reich adopted an official policy in 1943 whereby the civilian population was urged to lynch English, American, and other Allied fliers who had been forced by military action to land in Germany. In order to encourage these killings, the Reichsfuehrer SS in August 1943 ordered the police not to interfere in assaults committed by German civilians on English and American "Terror Fliers". The defendant DIETRICH issued a directive that all newspapers withhold from publication any mention of the killing of Allied fliers. The German Foreign Minister and the defendant LAMMERS took part in meetings and conferences which resulted in the formulation, on 6 June 1944, of a decree which stated that captured enemy aviators should be exposed to

"Lynch Law". The defendant RITTER wrote on 20 June 1944 that in spite of the obvious objections, founded on international law and foreign politics, the German Foreign Office was in agreement with the proposed measures. A secret circular issued by Reichsleiter Bormann containing this "Flier Order" was sent to the supreme Reich authorities, including the German Foreign Office, the defendant BERGER, and the defendant LAMMERS, among others; the defendant LAMMERS forwarded this circular to the Reich Ministry of Justice with the statement that the Reichsfuehrer SS had already received necessary police instructions. In accordance with this policy, it was also provided that if these fliers were not lynched by the civilian population, they were, upon capture by German authorities, to be segregated from other prisoners of war, classified as criminals and denied prisoner of war status to circumvent the intervention of the protective power, and turned over to the SD for "special treatment", which meant execution. This plan was initiated by the German Foreign Office through the efforts of the defendant RITTER. As a result of these policies, many American, English, and other Allied fliers were lynched by the German civilian population or murdered by the SD.

b. On 18 October 1942 Hitler issued a decree which ordered that all members of Allied "Commando" units, often when in uniform and whether armed or not, were to be "slaughtered to the last man", even if they attempted to surrender. It was further provided that if such Allied troops came into the hands of the military authorities after being first captured by the local police, or in any other way, they should be handed over immediately to the SD for "special treatment". Under the provisions of this policy, many Allied troops were murdered, and the defendants WEIZSAECKER, STEENGRACHT, RITTER, WOERMANN, and ERDMANNSDORFF, among others, with full knowledge of these killings, informed the protective powers through diplomatic channels that these troops had been killed "in combat".

c. In March 1944 approximately fifty officers of the British Royal Air Force, who escaped from the camp at Stalag Luft III where they were confined as prisoners of war, were shot on recapture. The German Foreign Office was fully advised and prepared "cover up" diplomatic notes to the protective power, Switzerland. Thadden of the German Foreign Office wrote to Wagner, a subordinate of the defendant STEENGRACHT, stating that a communication was being sent to Great Britian via Switzerland to the effect that, in the course of a search, "a number of British and other escaped officers had to be shot as they had not

obeyed instructions when caught." In furtherance of this policy to shoot escaped prisoners of war upon recapture, the defendant RITTER issued a warning notice, disclosing the creation of so-called "death zones" for the alleged protection of "vital installations" wherein "all unauthorized persons will be shot on sight". A letter from the German Foreign Minister to the defendant RITTER in July 1944 stated that the Fuehrer was in agreement with the German Foreign Office communication to the Swiss Embassy concerning the escape of the prisoners of war from Stalag III, and that he further agreed to the issuance of the warning notice and the forwarding of such a communication to the Swiss Embassy.

d. Between November 1944 and January 1945, plans were formulated to murder a French general who was a prisoner of war in German custody. A number of conferences were held between officials of the Office of Chief of Prisoner of War Affairs, the German Foreign Office, and other agencies regarding the detailed arrangements as to the proposed murder. The German Foreign Office prepared diplomatic notes to the protective power, Switzerland, and elaborate precautions were taken to cover up the murder as a justifiable shooting of a prisoner of war "while attempting to escape". The defendants STEENGRACHT and RITTER and their subordinates participated in these arrangements. The French General Mesny was selected on the suggestion of the defendant BERGER. A plan was evolved which culminated in the murder on 19 January 1945, during a fabricated escape incident, of General Mesny. Under the supervision and with the approval of the defendant BERGER, his subordinates in the Office of Chief of Prisoner of War Affairs collaborated with the Gestapo in putting the murder plan into effect.

e. Between September 1944 and May 1945, hundreds of thousands of American and Allied prisoners of war in the custody of the German Reich were compelled to undertake forced marches in severe weather without adequate rest, shelter, food, clothing and medical supplies. Such forced marches conducted under the authority of the defendant BERGER. resulted in great privation and death to many thousands of prisoners.

## VIOLATION OF LAW

29. The acts and conduct of the defendants set forth in this Count were committed unlawfully, wilfully, and knowingly, and constitute violations of International conventions, including the

Hague Regulations, 1907, and the Prisoner of War Convention, Geneva, 1929, of the laws and customs of war; of the general principles of criminal law as derived from the criminal laws of all civilized nations; of the internal penal laws of the countries in which such crimes were committed; and of Article II of Control Council Law No. 10.

## COUNT FOUR

## CRIMES AGAINST HUMANITY: ATROCITIES AND OFFENSES COMMITTED AGAINST GERMAN NATIONALS ON POLITICAL, RACIAL, AND RELIGIOUS GROUNDS FROM 1933 to 1939

30. The defendants DARRE, DIETRICH, LAMMERS, STUCKART, MEISSNER, SCHWERIN-KROSIGK, RASCHE, KOERNER, KEPPLER, VEESENMAYER, BOHLE, WEIZSAECKER and WOERMANN, with divers other persons, during the period from January 1933 to September 1939, committed Crimes against Humanity as defined in Article II of Control Council Law No. 10, in that they participated in atrocities and offenses against German nationals, including murder, extermination, ill-treatment, enslavement, imprisonment, plundering and looting of property, and other persecutions and inhumane acts committed on political, racial, and religious grounds. The defendants committed Crimes against Humanity in that they were principals in, were connected with plans and enterprises involving, and were members of organizations and groups connected with, the commission of Crimes against Humanity.

31. With the appointment of Hitler as Reich Chancellor, and the seizure of government control by the NSDAP on 30 January 1933, a program of persecution of German nationals, on political, racial and religious grounds, was initated and executed with the participation of the defendants charged in this Count. The persecution was concentrated against political enemies of the National Socialist regime, including members of the Reichstag, party leaders, leaders and officials of the German trade unions, the Catholic and the Protestant churches and other religious denominations, the Free Masons, and persons of Jewish extraction. The decree of 28 February 1933 suspending the constitutional guarantees was used by the defendants to throw alleged political enemies into concentration camps, and to confiscate their property. The persecution on political grounds embraced all political parties, groups, their leading officials, and civil servants. On 7 April 1933, a law was promulgated eliminating from office all civil servants who were opposed to National Socialist ideology. All political

parties, other than the NSDAP, were finally outlawed by the law of 14th July 1933. Their property was confiscated. Starting in February 1933, thousands of political leaders and prominent supporters of other parties were murdered or thrown into concentration camps. The defendants LAMMERS, STUCKART, and MEISSNER participated in legislative measures for the effectuation of these persecutions. The defendant SCHWERIN-KROSIGK, as head of the Reich Treasury, supported the program of persecution by financing budgets for the establishment and management of the SS and of the concentration camps, and accepted the confiscated assets of the political persecutees into the Reich Treasury. The defendant DIETRICH, through his press and propaganda organs, conditioned public opinion for the persecution of those designated as political enemies. The other defendants named in this Count participated in their spheres of jurisdiction in the persecution of non-Nazi civil servants, for example, the defendant STUCKART, in the field of teaching and education and in the administration of the Reich Ministry of the Interior, and the defendant DIETRICH, by banning non-Nazi publishers, editors, journalists, writers and artists from their professions.

32. Before the Nazi government took control, organized labor held a well-established and influential position in Germany. Most of the trade unions of Germany were joined together in two large congresses or federations, the Free Trade Unions and the Christian Trade Unions. The Nazi government, viewing German trade unionism as incompatible with their objectives, dissolved the trade unions, murdered union leaders, threw them into concentration camps, or otherwise mistreated them, and confiscated union funds and their property. The defendant SCHWERIN-KROSIGK financed institutions and personnel engaged in the commission of these persecutions, the defendant LAMMERS coordinated administrative measures at the highest level, and the other defendants participated in their respective spheres of jurisdiction.

33. The persecution of the Christian churches, their clergy and religious orders, and of prominent Christian leaders among the laity, started immediately after the National Socialist government came into power. The defendants LAMMERS and STUCKART were connected with legislative and administrative measures promoting religious persecution such as confiscating church property and suppressing religious orders and religious youth organizations. The defendant SCHWERIN-KROSIGK accepted into the Reich Treasury funds from confiscated church and religious property. Catholic and Protestant clergy, and prominent church

leaders among the laity were mistreated and thrown into concentration camps. The defendants LAMMERS and STUCKART participated in the formulation of legal pretexts for these persecutions. The defendant DIETRICH through his press and propaganda organs, publicized these pretexts and banned religious magazines. Whenever protests were lodged in connection with these persecutions, the defendants WEIZSAECKER and WOERMANN, by denials and deceptions, misrepresented and concealed the prevailing terror, thus paving the way for the continuation and intensification of the persecution of the churchmen.

34. Immediately after the Hitler Government came into power on 30 January 1933, the anti-Jewish policy of the NSDAP was put into effect. This policy was based upon Point 4 of the program of the NSDAP, which declared "only a member of the race can be a citizen. A member of the race can only be one who is of German blood, without consideration of creed. Consequently no Jew can be a member of the race." Furthermore the policy was based on the doctrine of the NSDAP that Jews are sub-human beings, as proclaimed by the press and propaganda organs of the NSDAP under the control and supervision of the defendant DIETRICH and as proclaimed by the defendant DARRE, who advocated the elimination of the Jews in numerous books and speeches. The effectuation of this program started early in 1933 with beatings and arrests of Germans of Jewish extraction. The next stop was a boycott of Jewish enterprises on 1 April 1933. The Central Committee for this boycott was headed by Streicher and included the defendant DARRE. Beginning 7 April 1933, legislative, administrative and police measures were enacted depriving Germans of Jewish extraction of every conceivable right and economic position that they might have had as German citizens or even as human beings. Germans of Jewish extraction were barred from the professions, including law, medicine, teaching, writing, and the arts and sciences; from all public service, national, state and local; and from the universities and other educational institutions. The defendants LAMMERS, STUCKART, MEISSNER, DIETRICH, BOHLE, DARRE, SCHWERIN - KROSIGK, and KOERNER participated in the formulation, enactment, and execution of these measures. The defendant DIETRICH had jurisdiction in executing these measures in the field of writing, journalism, and the press; the defendant STUCKART supervised the drafting of the executive directives for the administration of the Nürnberg Laws. The other defendants participated in their spheres of jurisdiction in the execution and administration of these laws.

35. As the segregation of Germans of Jewish extraction from the political, cultural and social life of the nation proceeded and was intensified, the defendants, together with other German Government and NSDAP agencies, sought pretexts for the economic stripping and impoverishment of their victims. The defendant DARRE was responsible for the issuance of an order in December, 1937, which prohibited all members of the Reich Food Estate from consulting Jewish physicians or lawyers, or from purchasing in Jewish shops. As part of an intimidation campaign, illegal arrests, prepared with the cooperation of the internal revenue agencies which were under the jurisdiction of the defendant SCHWERIN-KROSIGK, were made in the summer of 1938. The assassination in Paris of the German Legation Secretary von Rath by a Pole of Jewish extraction was seized upon by Reich authorities as a pretext for launching a nation-wide program. The night of 9 to 10 November 1938 unleashed an orgy of arson, destruction, mass arrests and murder against Germans of Jewish extraction. Synagogues were burned, cemeteries were desecrated, private property was wantonly destroyed, and many tens of thousands of persons were thrown into concentration camps and subjected to torture or murdered. The defendant WEIZSAECKER delivered a speech in Paris at the funeral of von Rath expressing his concurrence with this policy of mass reprisal by giving voice to the anti-Jewish battle cry, "Germany Awake". This manufactured pogrom was advertised by the press organs of the defendant DIETRICH as a "spontaneous action of the German masses". A series of governmental measures excluding Germans of Jewish extraction from the national economy, depriving them without compensation of large portions of their property and forcing their emigration as paupers, followed. "Legal" measures designed to expropriate and confiscate the domestic and foreign properties of all Germans of Jewish extraction, were inaugurated in an inter-departmental conference held on 12 November 1938 under the chairmanship of Goering, in which the defendants SCHWERIN-KROSIGK, STUCKART and WOERMANN participated. The defendant BOHLE was immediately informed about the results of the meeting. Among the measures of economic strangulation initiated by and resulting from this conference was the imposition of a collective fine of one billion marks against Germans of Jewish extraction, subsequently collected under the direction of the defendant SCHWERIN-KROSIGK. It was used for war mobilization purposes by agencies of the Four Year Plan, of which the defendant KOERNER was

Secretary of State. The defendants KEPPLER and VEESENMAYER participated in the formulation and execution of the "aryanization" of large, privately-owned industrial enterprises. The defendant DARRE participated in the issuance of decrees compelling the forced sale of agricultural and forest lands owned by Germans of Jewish extraction. Members of the German Foreign Office participated in the enforced seizure of properties and the blocking of accounts of German nationals of Jewish extraction located abroad, and the Foreign Organization of the NSDAP under the supervision of the defendant BOHLE, by pressure, intimidation and blackmail, compelled the elimination of all "non-Aryans" from German-owned and controlled enterprises abroad and further attempted to secure partial payment of the aforementioned collective fine from these German nationals. Further, the defendants WEIZSAECKER and BOHLE participated in the formulation and execution of the plan to force German nationals of Jewish extraction to emigrate from the Reich in an impoverished condition. The defendant SCHWERIN-KROSIGK devised tax pretexts to extort from the emigrants their fortunes. Homes of the expropriated were assigned by his department to many officials of the Reich and the NSDAP, among them the defendants WEIZSAECKER and ERDMANNSDORFF.

36. The defendant KEPPLER was a founder and the defendant RASCHE was an active member of a group known as the "Circle of Friends" of Himmler, which, throughout the period of the Third Reich, worked closely with the SS, met frequently and regularly with its leaders, and furnished aid, advice and support to the SS, financial and otherwise, with knowledge that the SS was engaged in various criminal activities including the persecution of Jews and the administration of concentration camps where persons deemed undesirable on political, racial and religious grounds were confined, ill-treated and murdered. This organization was composed of about thirty German business and financial leaders, and a number of SS leaders, including Heinrich Himmler, head of the entire SS from 1929 to 1945; Karl Wolff, Himmler's Adjutant; Oswald Pohl, Chief of the SS Main Economic and Administrative Department; Otto Ohlendorf, a leading official of the SS Main State Security Department; and Wolfram Sievers, Manager of the Ahnenerbe Society and Director of its Institute for Military Scientific Research. The Circle made regular annual contributions of about one million marks to Himmler to aid in financing the activities of the SS. The defendant RASCHE made and procured contributions by the Dresdner Bank to the SS through the Circle, aggregating at least fifty thousand marks

annually for many years and was instrumental in having the monies contributed to the SS through the Circle deposited in a special account at the Dresdner Bank. The defendant RASCHE, through his position and influence in the Dresdner Bank, also participated in various other ways in the persecution program of the Third Reich. During the period here involved, the defendant RASCHE sponsored, supported and approved large loans by the Dresdner Bank, widely known as the "SS Bank", to the SS and its agencies and other organizations, including the Reich Security Main Office (RSHA) and the Security Police and SD, which played significant roles in the persecution of the Jews and the detention of political prisoners in concentration camps. The defendant DARRE also sponsored and supported the program of Jewish persecution which was contucted by the SS. Even before the establishment of the Third Reich, he assisted in the creation of the "Main Race and Settlement Office of the SS" and thereafter, as head of that office and otherwise, he participated in the ideological training of the SS. The defendant RASCHE was party to dismissal by the Dresdner Bank of Jewish officials and employees pursuant to the policy of the Third Reich directed towards complete exclusion of Jews from German life and he was a participant in so-called arvanization transactions and activities of the Dresdner Bank which were carried out as a part of this same policy.

## VIOLATION OF LAW

37. The acts and conduct of the defendants set forth in this Count were committed unlawfully, wilfully, and knowingly and constitute violations of international conventions, of the general principles of criminal law a derived from the criminal laws of all civilized nations, of the internal penal laws of the countries in which such crimes were committed, and of Article II of Control Council Law No. 10.

## COUNT FIVE

## WAR CRIMES AND CRIMES AGAINST HUMANITY: ATROCITIES AND OFFENSES COMMITTED AGAINST CIVILIAN POPULATIONS

38. The defendants WEIZSAECKER, STEENGRACHT, KEPPLER, BOHLE, WOERMANN, RITTER, ERDMANNSDORFF, VEESENMAYER, LAMMERS, STUCKART, DARRE, MEISSNER, DIETRICH, BERGER, SCHELLENBERG, SCHWERIN-KROSIGK, RASCHE, KEHRL, and PUHL, with divers other persons, during the period from March 1938 to May 1945, committed War Crimes and Crimes against Humanity, as defined by Article II of Control Council Law No. 10, in that they participated in atrocities and offenses, including murder, extermination, enslavement, deportation, imprisonment, killing of hostages, torture, persecutions on political, racial and religious grounds, and other inhumane and criminal acts against German nationals and members of the civilian populations of countries and territories under the belligerent occupation of, or otherwise controlled by Germany, plunder of public and private property, wanton destruction of cities, towns and villages, and devastation not justified by military necessity. The defendants committed War Crimes and Crimes against Humanity, in that they were principals in, accessories to, ordered, abetted, took a consenting part in, were connected with plans and enterprises involving, and were members of organizations and groups connected with, the commission of War Crimes and Crimes against Humanity.

39. The Third Reich embarked upon a systematic program of genocide, aimed at the destruction of nations and ethnic groups within the German sphere of influence, in part by murderous extermination, and in part by elimination and suppression of national characteristics. The object of this program was to strengthen the German nation and the alleged "Arvan" race at the expense of such other nations and groups, by imposing Nazi and German characteristics upon individuals selected therefrom (such imposition being hereinafter called "Germanization") and by the extermination of "undesirable racial elements". The defendants created, formulated, and disseminated inflammatory

teachings which incited the Germans to the active persecution of "political and racial undesirables". In speeches, articles, news releases, and other publications, it was constantly reiterated that those groups were germs, pests, and subhumans who must be destroyed.

40. Portions of the civilian populations of occupied countries, especially in Poland and the occupied Eastern territories, were compelled by force to evacuate their homesteads, which were sequestered and confiscated by the Third Reich; their properties, real and personal, were treated as revenue of the Reich; and so-called "ethnic" Germans (Volksdeutsche) were resettled on such lands. Concurrent with the invasion of Poland, the defendant LAMMERS participated in the formulation of a program for the strengthening of Germanism in Poland which outlined the task of resettling German nationals and racial Germans in this conquered territory and the elimination of "non-Aryans". A Fuehrer decree signed by the defendant LAMMERS was issued on 7 October 1939, laying the foundation for the consolidation of the territory for "Germanization". The defendant STUCKART prepared orders and issued instructions on Germanization and cooperated closely with the SS Main Race and Settlement Office (RuSHA). Special sections in the Ministry of Food and Agriculture, which supervised the administration of the sequestered agricultural properties, were established by the defendant DARRE. Agencies created by the Ministry of Food and Agriculture and the Reich Food Estate participated actively in selecting German settlers, arranging transport, aiding actual settlement and securing deliveries of agricultural products from these properties to Germany. German racial registers were established and legislation enacted defining these classes of "ethnic Germans" and other nationals of occupied territories and the puppet and satellite governments eligible for Germanization, and subsequent acquisition, in some instances, of German citizenship was compelled. Individuals who were forced to accept such citizenship or upon whom such citizenship was conferred by decree became amenable to military conscription, service in the armed forces, and other obligations of citizenship. Failure to fulfill these obligations resulted in imprisonment or death; the forced Germanization constituted the basis for such punishment. Those classes of persons deemed ineligible and those individuals that refused Germanization were deported to forced labor, confined in concentration camps, and in many instances liquidated. The defendants WEIZSAECKER, WOERMANN, BOHLE, RITTER, ERDMANNSDORFF, and STUCKART, secured

the evacuation of German nationals and racial Germans from the puppet and satellite governments through negotiations, treaties, and other arrangements made by them and their field representatives in order that they be resettled in the incorporated and occupied territories.

41. In the occupied territories the use of judicial mechanisms was a powerful weapon for the suppression and extermination of all opponents of the Nazi occupation and for the persecution and extermination of "races". Special police tribunals and other summary courts were created in Germany and in the occupied territories, which subjected civilians of these occupied countries to criminal abuse, and denial of judicial and penal process. Special legislation was enacted providing summary trial by these special courts and invoking the death penalty or imprisonment in concentration camps for all members of the civilian population of the occupied territories suspected of opposing any of the policies of the German occupation authorities. The defendant LAMMERS directed policy concerning these judicial measures of "extermination" through the Ministry of Justice in cooperation with Bormann and Himmler. Under the Night and Fog Decree (Nacht-und-Nebel-Erlass), persons who committed offenses against the Reich or the German forces in the occupied territories, except where the death sentence was certain, were handed over to the police and taken secretly to Germany for trial and punishment, without notification to their relatives of the disposition of the case. By virtue of special legislation and authorization, certain classes of civilians in the occupied territories, deemed politically, racially, or religiously undesirable, if suspected of having committed a crime, were deprived of all legal remedy and turned over to the Gestapo for summary treatment. Pleas of clemency were filed with and reviewed by the defendant MEISSNER, prior to their submission to Hitler. The purpose of the aforesaid measures was to create a reign of judicial terror in the occupied countries in order to suppress all resistance and exterminate undesirable elements.

42. In furtherance of the German Reich's program of "pacification" of the occupied territories through terrorism, the arrest, imprisonment, deportation and murder of so-called hostages was effected. Jews, alleged Communists, "asocials", and other innocent members of the civilian population of the occupied countries not connected with any acts against the occupying power were taken as hostages and, without benefit of investigation or trial, were summarily deported, hanged, or shot. These innocent victims were executed or deported at arbitrarily established ratios for attacks

by person or persons unknown on German installations and German personnel in the occupied territories. In many cases the recommendation and approval of the German Foreign Office, with the participation of the defendants WEIZSAECKER, STEENGRACHT, BOHLE, WOERMANN, RITTER, ERDMANNSDORFF, and their representatives, was required prior to the execution of these measures and the necessary diplomatic "cover-up" was effected to conceal the nature of these crimes.

43. Recruitment drives were conducted in the occupied territories and the puppet and satellite governments within the German sphere of influence by the defendant BERGER. SS units were organized in these countries and SS recruits were obtained, often by compulsion, from among prisoners of war and the nationals of these countries. Through coercive methods, political measures and propaganda, these recruits and conscriptees were assigned to Waffen SS military divisions, the administration of the SS concentration camp system, specially-constituted penal battalions (such as the notorious Dirlewanger Sonderkommando) and other SS and police units. These units engaged in the commission of atrocities and offenses against the civilian populations of occupied and satellite countries, and the defendant BERGER formulated and disseminated inflammatory doctrines inciting these and other units to commit such crimes.

44. Simultaneously with German aggressive expansion, the anti-Jewish activities of the defendants were extended to the incorporated, occupied, and otherwise German-dominated countries. Deprivation of civil rights and expropriation of the property of Austrian, Czechoslovakian, Polish and other nationals of Jewish extraction were initiated by the defendants immediately after annexation or occupation of the country. The defendant STUCKART supervised the drafting of legislative acts and the other defendants collaborated, in their respective governmental spheres, in the execution of this program, in the course of which tens of thousands of foreign nationals of Jewish extraction were thrown into concentration camps and tortured, and many of them were murdered. The defendant BERGER furnished SS personnel to staff these camps. The defendant DARRE supervised a food rationing program under which Jews were excluded from distributions of vital food, and thereby weakened and exposed to sickness and death. The defendant WEIZSAECKER participated in appropriating German Foreign Office funds for pogroms in Lithuania.

45. The above-mentioned inhumane acts were followed by barbarous mass killings of people of Jewish extraction and other foreign nationals in the occupied territories. In May 1941, the defendant SCHELLENBERG drafted the final agreement which established special task forces called "Einsatzgruppen" for the purpose of exterminating hundreds of thousands of men, women and children populations regarded as racially "inferior" or "politically undesirable". Through the execution of this program, the eastern territories, regarded by the defendants as "Lebensraum" for a greater Germany, were to be vacated of all people viewed as dangerous to plans for German hegemony in the East. The progress reports on these killings, regularly submitted to the German Foreign Office by the RSHA and German Foreign Office field representatives, were brought to the attention of the defendants WEIZSAECKER, WOERMANN, and ERDMANNSDORFF, to assist in the shaping of political policies for the disposition of occupied territories.

46. A program for the extermination of all surviving European Jews was set up by the defendants in the winter of 1941 and 1942 and organized and systematically carried out during the following period. Through the efforts of the defendants DARRE, BERGER, DIETRICH and others, the rationale and justification for, and the impetus to, mass slaughter were presented to the German people. During inter-departmental conferences on the "Final Solution of the Jewish Question", which took place in Berlin on 20 January 1942, 6 March 1942 and 27 October 1942, the policy and techniques for the "Final Solution of the Jewish Question" were established. The policy-making session of 20 January 1942 included the state secretaries or representatives of the ministries and agencies concerned; the defendant STUCKART participated in the conference, the defendant LAMMERS was represented by his Ministerial Director Kritzinger, and the German Foreign Office was represented by Under-State Secretary Luther, who reported the results of the conference to his State Secretary, the defendant WEIZSAECKER, immediately after the conference. In the two other conferences, the details were arranged. They were attended by the representatives of the departments of which the defendants were policy makers or leading officials.

47. The previous program for driving out the Jews as pauper emigres was now supplanted by a program for the evacuation of eleven million European Jews to camps in Eastern Europe for ultimate extermination. They were to be transported to those areas in huge labor gangs, and there the weak were to be killed

immediately, and the able-bodied worked to death. Closest cooperation between the departments of which the defendants were leading officials was provided, with the RSHA in charge of the actual operations.

48. In the execution of this program millions of people of Jewish extraction from Austria, Czechoslovakia, Poland, France, Belgium, the Netherlands, Denmark, Norway, Hungary, Bulgaria, Yugoslavia, Roumania, the Baltic States, the Soviet Union, Greece, Italy, and also from Germany were deported to the Eastern extermination areas and murdered according to inter-departmental plan. The defendants LAMMERS and STUCKART were principally connected with the formulation of the genocidal policy, and the defendant DIETRICH conditioned public opinion to accept this program, by concealing the real nature of the mass deportations. Since by far the greater part of the victims of this genocidal program were nationals of puppet and satellite countries dominated by the Third Reich, the German Foreign Office through the defendants WEIZSAECKER, STEENGRACHT, KEPPLER, BOHLE, WOERMANN, RITTER, ERDMANNSDORFF, and VEESENMAYER and the defendant BERGER, forced these governments to deport persons of Jewish extraction within their countries to German extermination camps in the East and directed and controlled the execution of these measures. The decree of 1 July 1943, formulated with the participation of the defendant STUCKART and others and signed by the defendant SCHWERIN-KROSIGK, deprived all Jews in Germany of judicial process and authorized the police to punish "all criminal actions committed by Jews", and provided for the confiscation of property of persons of Jewish extraction by the Reich after their death.

49. The defendant PUHL, as the leading official of the Reichsbank, directed and supervised the execution of an agreement between Funk and Himmler for the receipt, classification, deposit, conversion and disposal of properties taken by the SS from victims exterminated in concentration camps. These properties, totalling millions of Reichsmarks in value, included, among other things, gold teeth and fillings, spectacle frames, rings, jewelry and watches. To insure secrecy, the deliveries from the SS were credited to a fictitious account and the transaction was given a code name. The proceeds were credited to the account of the Reich Treasury under the defendant SCHWERIN-KROSIGK.

50. The defendants KEPPLER and RASCHE, during the period following the initiation by Germany of its invasions and wars of aggression, continued their membership and activity in the

"Circle of Friends" of Himmler and furnished aid, advice and support to the SS through the Circle and otherwise. Early in 1942, the defendant KEHRL became a member of the Circle and thereafter participated actively in meetings and affairs of the Circle. The activities of the SS during this period included participation in schemes for Germanization of occupied territories according to the racial principles of the Nazi Party, deportation of Jews and other foreign nationals and widespread murder and ill treatment of the civilian populations of occupied territories. The defendant SCHWERIN-KROSIGK financed the budget of and furnished other fiscal support for the SS. The Dresdner Bank, with the support and approval of the defendant RASCHE, furnished substantial financial and other assistance to the SS both in Germany and in the incorporated and occupied territories. The defendant RASCHE also sponsored, supported and approved the furnishing of financial and other assistance by the Dresdner Bank to agencies of the Third Reich which were active in the formulation and execution of the programs of the Third Reich for Germanization of incorporated territories, deportation and ill treatment of the civilian population of occupied countries, and persecution of Jews and other persons deemed racially or politically undesirable. The agencies of the Third Reich to whom large loans were made by the Dresdner Bank included the Deutsche Umsiedlungs-Treuhandgesellschaft (commonly known as DUT), established pursuant to instructions of the Reich Commissioner for the Strengthening of Germanism and headed by the defendant KEPPLER. The latter participated actively in extending to countries which came under the control of Germany the policy of the Third Reich to exclude Jews from political and economic life and was instrumental, together with the defendant RASCHE, in application of this policy to employees of the Dresdner Bank, its branches and affiliates in such countries.

## VIOLATION OF LAW

51. The acts and conduct of the defendants set forth in this Count were committed unlawfully, wilfully, and knowingly, and constitute violations of international conventions, including the Hague Regulations, 1907, and the Prisoner of War Convention, Geneva, 1929; of the laws and customs of war; of the general principles of criminal law, as derived from the criminal law of all civilized nations; of the internal penal laws of the countries in which such crimes were committed; and of Article II of Control Council Law No. 10.

## COUNT SIX

## WAR CRIMES AND CRIMES AGAINST HUMANITY: PLUNDER AND SPOLIATION

52. The defendants WEIZSAECKER, STEENGRACHT, KEPPLER, WOERMANN, RITTER, DARRE, LAMMERS, STUCKART, MEISSNER, BOHLE, BERGER, KOERNER, PLEIGER, KEHRL, RASCHE, and SCHWERIN-KROSIGK, with divers other persons, during the period from March 1938 to May 1945, committed War Crimes and Crimes against Humanity as defined in Article II of Control Council Law No. 10, in that they participated in the plunder of public and private property, exploitation, spoliation and other offenses against property and the civilian economies of countries and territories which came under the belligerent occupation of Germany in the course of its invasions and aggressive wars. The defendants committed War Crimes and Crimes against Humanity in that they were principals in, accessories to, ordered, abetted, took a consenting part in, were connected with plans and enterprises involving, and were members of organizations or groups connected with, the commission of War Crimes and Crimes against Humanity.

53. The countries and territories occupied by Germany were exploited for the German war effort in a most ruthless way, without consideration of the local economy and in pursuance of a deliberate design and policy. These plans and policies were intended not only to strengthen Germany in waging its aggressive wars, but also to secure the permanent economic domination by Germany of the continent of Europe. The methods employed to exploit the resources of the occupied territories varied from country to country. In some occupied countries, exploitation was carried out within the framework of the existing economic structure and a pretense was maintained of paying for property which was seized. This pretense merely disguised the fact that the raw materials, machinery and other goods diverted to Germany were paid for by the occupied countries themselves, either by the device of excessive occupation costs or by forced loans in return for a credit balance in a "clearing account" which was a nominal

account only. In other occupied countries, economic exploitation became deliberate plunder and no pretense of legality was maintained. Agricultural products, raw materials needed by German factories, machine tools, transportation equipment, other finished products and foreign securities and holdings of foreign exchange were seized and sent to Germany. In all the occupied and incorporated territories, there was wholesale plunder of art treasures, furniture, textiles, and other articles.

54. The defendants charged in this Count participated in the formulation and execution of various parts of the aforesaid plans and programs for the exploitation and spoliation of the occupied countries and territories. The defendants LAMMERS and STUCKART formulated and signed various decrees authorizing confiscations of property in the occupied countries. They attended meetings at which occupation policies were discussed and formulated, received reports concerning the execution of such policies, and participated in a wide variety of ways in the furtherance of such policies. The German Foreign Office and the defendant SCHWERIN-KROSIGK played a significant role in establishing and carrying out programs for economic exploitation in various occupied countries, particularly in occupied territories in the west. These programs included exaction of excessive occupation indemnities, establishment of so-called "clearing accounts" and the transfer to German ownership of industrial participations and foreign investments by means of compulsory sales. The defendants WEIZSAECKER, WOERMANN, STEENGRACHT and RITTER received reports from the representatives of the German Foreign Office concerning the planning and execution of these programs and were participants in such programs. The defendant RASCHE directed and supervised activities of the DRESDNER BANK and its affiliates in occupied western areas involving economic exploitation, including particularly activities involving transfer of control of Dutch enterprises to selected German firms through the process called "Verflechtung", which was an "interlacing" of Dutch and German capital and economic interests. The defendant KEHRL drafted and participated in the execution of the so-called "Kehrl Plan" for the exploitation of the textile industry in the occupied western territories and otherwise participated as Generalreferent in the Reich Ministry of Economics in the programs for economic exploitation in the occupied territories. Under the Kehrl Plan, complete control was obtained by Germans of the existing textile production in the occupied regions of Belgium and Northern France, and enormous quantities of raw

materials and finished products were transferred from the occupied western territories to Germany.

55. The Nazi program for exploitation of the agricultural resources of the territories occupied by Germany was planned and executed as to obtain the utmost from the occupied areas with complete disregard for the needs of the inhabitants. Food in vast quantities was removed from the occupied countries and shipped to Germany by a number of techniques ranging from outright seizure to elaborate financial schemes designed to establish a pretense of payment. The foodstuff quotas for occupied areas were set by the Office of the Four Year Plan, headed by the defendant KOERNER and in which defendant DARRE's representative from the Ministry of Food and Agriculture was an active participant. The orders for fulfillment of these quotas were transmitted by the Ministry of Food and Agriculture to the competent officials in the occupied areas, with the various agencies directed by the defendant DARRE participating in the acquisition of the agricultural products and in their storage and distribution within Germany. The defendant KOERNER, as Goering's representative for the management of the Economic Executive Staff, East, an organization established to organize and direct economic spoliation of occupied eastern territories, was an active participant in the execution of its plans and programs which called for plundering all industry in and abandoning food-deficit regions, and diverting food to German needs from food-surplus regions. The defendant RASCHE participated in furnishing substantial financial and other assistance to Reich agencies involved in the exportation to Germany of Polish goods and products, particularly food and agricultural products.

56. The defendants KEHRL and RASCHE were prominent figures in the plunder of public and private property in Czechoslovakia. By virtue of powers delegated by Reich Minister of Economics Funk, the defendant KEHRL directed and reviewed German acquisitions of industrial and financial properties in the Sudetenland and the "Protectorate", and he and the defendant RASCHE were specifically empowered by Goering to acquire and regroup major segments of Czech industry so that they could be coordinated effectively with the German war effort. The defendants KEHRL and RASCHE drafted and executed plans for the seizure of control of important Czech coal, steel and armament properties. With the defendant KEHRL supervising, the defendant RASCHE acted as the sole negotiator for many of the properties selected for acquisition, and he was authorized to employ

all necessary means and devices, including the use of forced expropriations. As a result of the activities of the defendants RASCHE and KEHRL, the Hermann Goering Works, largely influenced and controlled by the defendants PLEIGER and KOERNER, secured ownership and control of plants and properties forming the foundation of the industrial life of Czechoslovakia. The defendants KEHRL and RASCHE also participated in the transfer of control of major financial institutions in Czechoslovakia to Germans. Even before the Munich Pact was signed, the defendant RASCHE selected the Sudeten branches of the Boehmische Escompte Bank (BEB) and the Zivnostenska Bank as prime targets in the expansion plans of the Dresdner Bank. Immediately after the German Army occupied the Sudeten Region, the defendant RASCHE obtained the consent of the defendant KEHRL for exclusive negotiations rights to acquire these branches. The result of negotiations with these Prague banks, conducted by the defendant RASCHE, was the absorption of their Sudeten branch banks by the Dresdner Bank at no cost to itself. Thereafter, before the seizure of the remainder of Czechoslovakia by Germany, the Dresdner Bank, with the approval of the defendant KEHRL, planned to gain control of the BEB itself. Immediately after the occupation of Bohemia and Moravia, the defendant RASCHE obtained the defendant KEHRL's approval for taking over the BEB and, without waiting for the formalities of transfer to be completed, the Dresdner Bank assumed direction of the operations of the BEB. The formal change of control was then accomplished by writing down the value of existing shares and issuing new shares, to which the Dresdner Bank subscribed. The Dresdner Bank, by the use of similar techniques, acquired the Bank fuer Handel und Industrie, formerly Laenderbank, Prague, and merged it with the BEB. The defendant RASCHE further participated in, facilitated and sought advantages from the program of aryanization introduced into countries occupied by Germany designed to expel Jews from economic life and involving threats, pressure and coercion to force Jews to transfer their properties to Germans.

57. The German program for the exploitation and spoliation of incorporated and occupied territories was particularly ruthless in the East. The defendant STUCKART was active in the affairs of the Main Trustee Office East (Haupttreuhandstelle Ost), an agency prominent in the execution of such program in Poland. The defendant KEPPLER participated in the exploitation of Poland through his position and activity in various spoliation

agencies, including the Deutsche Umsiedlungs-Treuhandgesellschaft. The defendant RASCHE participated in furnishing substantial financial and other assistance to Reich agencies involved in the sequestration and confiscation of Polish and Jewish enterprises and properties in Poland. Various defendants, including KOERNER, LAMMERS, and STUCKART, assisted in the formulation, even before the attack on the Soviet Union, of the program for the fullest exploitation of all Soviet economic resources and thereafter in the execution of such program. The defendant KOERNER, as Deputy to Goering as Plenipotentiary for the Four Year Plan, also participated in the formulation and execution of measures under the decree of 29 June 1941 which directed the Plenipotentiary for the Four Year Plan to order all measures in the newly occupied Eastern Territories which were necessary for the utmost exploitation of supplies and economic power found there, for the benefit of the German war economy. The defendant BERGER, as liaison officer between Rosenberg, in his capacity as Reich Minister for the Occupied Eastern Territories, and Himmler, was active in the execution of various parts of the plans for spoliation in the East. The defendants SCHWERIN-KROSIGK, DARRE, LAMMERS, KOERNER, PLEIGER, STUCKART and KEHRL, among other defendants, took part in numerous meetings at which exploitation policies were discussed and plans were made. The defendant LAMMERS was present at a conference of 16 July 1941, at which Hitler stated that the task faced as of "cutting up the giant cake according to our needs, in order to be able: first to dominate it, second, to administer it, and third, to exploit it."

58. As a part of the program of the Third Reich for the exploitation of the Soviet Union, all Soviet property was declared to be "Property Marshalled for the National Economy" (Wirtschafts-Sondervermoegen) belonging to the German State. Special corporations, called Monopolgesellschaften of Ostgesellschaften, organized for the express purpose of exploiting the specialized industrial field, were appointed "trustees" to operate Soviet industrial facilities exclusively for the German war economy. The defendants PLEIGER and KOERNER, during the period from August 1941 to March 1943, were General Manager and Chairman of the Verwaltungsrat (Supervisory Board), respectively, of the Berg- und Huettenwerke Ost GmbH (commonly referred to as BHO), the "trustee" for the iron, steel and mining industry and the main spoliation agency in its field of operations. After March 1943, the defendant PLEIGER was both General Manager and

Chairman of the Verwaltungsrat. The BHO was responsible, among other things, for the exploitation of coal and ore mines, the draining off of raw materials from the occupied territory; the transfer under sponsorships (Patenschaft) of industrial plants to private enterprise for exploitation in the interests of Germany; and the dismantling of some Ukrainian plants and shipment of the parts to Germany for use in German enterprises. As the German war situation worsened, many plants were destroyed, and machines, installations, and materials were removed, stored, and distributed by the BHO. The Hermann Goering Works, with defendant PLEIGER playing a leading part, engaged in various transactions in conjunction with the BHO involving the economic spoliation of the Soviet Union. The defendant KEHRL was Chairman of the Verwaltungsrat of Ostfaser GmbH and its subsidiary companies, which were established as "trustees" for the textile industries in the Soviet Union and other occupied Eastern territories. The activities of these "trustees", directed and supervised by the defendant KEHRL, included the taking over and operation of hundreds of textile plants, the seizure of enormous quantities of raw materials and the exportation to the Reich of seized materials and plant production. The necessary financing for these activities was obtained, in considerable part, from credits advanced by the Dresdner Bank and its affiliates, with the support and approval of the defendant RASCHE. The defendant KEPPLER was a leading figure in the Kontinentale Oel A.G. which was designated to exploit the oil resources of the Soviet Union and other occupied territories which fell into German hands.

59. The wholesale seizure of cultural and art treasures and other articles extended to all occupied territories and countries. The defendant LAMMERS signed and circulated decrees which authorized seizure and confiscation of such articles in incorporated and occupied territories, attended meetings at which plans for such seizures were discussed, received reports concerning seizures which had been effected, and assisted in a variety of ways in the execution of the program which involved plunder of museums, libraries and private homes. The defendants WEIZSAECKER, WOERMANN and RITTER, in their positions in the German Foreign Office, received and acted upon reports relative to seizures and looting of cultural and art treasures, the activities in the Soviet Union being carried out in part by a special "battalion" which was sent to the East by the German Foreign Office to seize and send to Germany objects of cultural and historical value. The defendant BERGER, as Chief of the Political Direct-

ing Staff of the Reich Ministry for the Occupied Eastern Territories, assumed charge in 1943 of the Central Office for the Collection of Cultural Objects, established in April 1942 as an office of Rosenberg's Einsatzstab within the Ministry for Eastern Affairs. The defendant BERGER was an active participant in the transfer to Germany of a vast number of art treasures and other articles seized in the East.

## VIOLATION OF LAW

60. The acts and conduct of the defendants set forth in this Count were committed unlawfully, wilfully, and knowingly, and constitute violations of international conventions, including the Hague Regulations, 1907; of the laws and customs of war; of the general principles of criminal law as derived from the criminal laws of all civilized nations; of the internal penal laws of the countries in which such crimes were committed; and of Article II of Control Council Law No. 10.

## COUNT SEVEN

## WAR CRIMES AND CRIMES AGAINST HUMANITY: SLAVE LABOR

61. The defendants WEIZSAECKER, STEENGRACHT, WOERMANN, LAMMERS, STUCKART, RITTER, VEESENMAYER, BERGER, DARRE, KOERNER, PLEIGER, KEHRL, PUHL, and RASCHE, with divers other persons, during the period from March 1938 to May 1945, committed War Crimes and Crimes against Humanity as defined by Article II of Control Council Law No. 10, in that they participated in enslavement and deportation to slave labor on a gigantic scale of members of the civilian populations of countries and territories under the belligerent occupation of, or otherwise controlled by, the Third Reich; enslavement of concentration camp inmates including German nationals; the use of prisoners of war in war operations and work having a direct relation to war operations; and the ill treatment, terrorization, torture, and murder of enslaved persons, including prisoners of war. The defendants committed War Crimes and Crimes against Humanity in that they were principals in, accessories to, ordered, abetted, took a consenting part in, were connected with plans and enterprises involving, and were members of organizations or groups connected with, the commission of War Crimes and Crimes against Humanity.

62. The acts and conduct referred to above were carried out as part of the slave labor program of the Third Reich, which was deliberately and carefully planned both to maintain German military power and to weaken the countries and territories occupied by Germany. The resources and needs of the occupied countries were completely disregarded in the execution of these plans and enterprises, as were the family honor and rights of the civilian populations involved. In many instances the work assigned was of a nature which compelled the laborers to assist military operations against their own countries; prisoners of war were often compelled to work on projects directly related to war operations. At least five million workers were deported to Germany. Other inhabitants of occupied countries were conscripted and compelled to work in their own countries to assist the German war economy.

In many cases labor was secured through fraud or by drastic and violent methods, among which were included systematic impressment in the streets and police invasions of homes. Persons deported were transferred under armed guard, often packed in trains under cruel and degrading conditions without adequate heat, food, clothing or sanitation. Millions of persons, including women and children, were subjected to such labor under cruel and inhumane conditions including lack of adequate food or decent shelter, which resulted in widespread suffering and many deaths. The treatment of slave labor and prisoners of war was based on the principle that they should be fed, sheltered and treated in such a way as to exploit them to the greatest possible extent at the lowest expenditure.

63. The defendants charged in this Count participated in the program of the German Government, in the planning of the program, in effecting deportations, in allocating laborers, and in the enslavement and mistreatment of the laborers in the course of their employment. To achieve the Third Reich's goals the close cooperation of numerous ministries, agencies and industrial enterprises was necessary. The defendant LAMMERS coordinated the activities of the various Nazi agencies involved, resolved their jurisdictional disputes, and served as liaison between these agencies and Hitler. In such capacities the defendant LAMMERS presided at major conferences on the labor problem where he mediated conflicting views and offered his own suggestions to the direct administrators of the program, such as Sauckel. His influence in slave labor matters was consistently exercised in the direction of the strongest execution of the enslavement program. On 21 March 1942 the defendant LAMMERS, with Hitler and Keitel, signed legislation appointing Sauckel as Plenipotentiary General for the Utilization of Labor and directing Sauckel to use all available labor including foreign workers and prisoners of war to mobilize still unreached manpower in Germany and the occupied territories. The defendants LAMMERS, STUCKART and BERGER participated in the formulation, drafting and issuance of laws and decrees which regulated the wages and conditions of employment of slave labor, and the defendants LAMMERS and STUCKART also determined the respective priorities of labor recruitment drives. At an important manpower conference in July 1944, where, with the defendant LAMMERS presiding, the introduction of more ruthless methods of conscription and exploitation of slave labor were discussed, the defendant STEENGRACHT stated that continuous political and diplomatic pressure

would be maintained on the puppet and satellite governments to secure their maximum cooperation in effecting these measures.

64. In the planning and execution of the slave labor program the German Foreign Office was principally responsible for obtaining the consent, by political and diplomatic pressure, coercion and intimidation, of satellite governments and others dominated by Germany, to the conscription and deportation of workers to Germany. The defendants WEIZSAECKER, STEENGRACHT, WOERMANN, RITTER, and VEESENMAYER supported and effected such transfers and deportations on a large scale. Their participation in the slave labor program included securing the enactment of compulsory labor laws for occupied and satellite countries, conducting negotiations and bringing pressure upon those governments to send workers to Germany, urging military commanders in the occupied territories to fill manpower quotas, giving "legal" advice and justifications to German authorities, and defending or concealing the character of the labor program from the inquiries of neutral States acting as protecting powers, and sanctioned the use of prisoners of war in war operations.

65. The defendant BERGER participated in the planning and execution of the enslavement and subsequent deportation of the civilian population of the occupied Eastern territories to the Reich. Military and police battalions were recruited by the defendant BERGER for the purpose of effecting such conscriptions and deportations. The defendant BERGER, in cooperation with the defendants LAMMERS and STUCKART participated in the executions of plans for the forcible seizure and impressment of young persons, without regard for age, sex or work status, into the service of pseudo-military organization, variously known as "SS Airforce Helpers", "SS Trainees", "SS Helpers", and "Airforce Helpers". In the so-called "Heu-Aktion", which was a part of the same program, thousands of boys and girls, ten to fifteen years old, were conscripted and deported to the Reich to work in German armament industry. Further, the mobilization of labor of prisoners of war was organized by the defendant BERGER in cooperation with POHL, Chief of the SS Main Economic and Administrative Department.

66. The defendant DARRE directed and supervised staffs which regulated the entire agricultural economy of Germany and guided and controlled the individual conduct of millions of German farmers and their employees. Shortly after the invasion of Poland, the defendant DARRE actively sought a million or more Polish workers to be used on German farms, and, through his represen-

tatives in the General Council of the Four Year Plan, brought pressure upon Hans Frank, Governor General for Occupied Poland, to have this demand for labor satisfied, suggesting forcible and violent measures for "recruitment" where necessary. Deputies of the defendant DARRE were dispatched to the Government General to guarantee that the deportations would be carried out promptly. During the war years the demands of the defendant DARRE were dispatched to the Government General to guarantee that the deportations would be carried out promptly. During the war years the demands of the defendant DARRE for more slave labor were unremitting and hundreds of thousands of persons were deported for the uses of German agriculture. The defendant DARRE advocated a most ruthless treatment of slave laborers employed by German farmers, in full accordance with the racial precepts and standards of National Socialism. With full knowledge of the actual treatment which was being meted out to slave laborers, the defendant DARRE, directly and through his agencies, protested against leniency in the treatment of these "racial enemies", transmitted SS and Nazi Party instructions and warnings to German farmers against humane feeling toward the slave workers, recommended corporal punishment to discourage laziness or refractory attitudes, and suggested that the facilities of the SS and Gestapo be used to maintain good discipline. The defendant DARRE was responsible for the German food rationing program, administered by the Reich Food Offices as part of the Reich Ministry of Food and Agriculture. Foreign workers and prisoners of war were given semi-starvation rations under this program. Within the slave labor group further discriminatory classification along "racial" lines was enforced to the detriment of Poles, Jews, and Russians, both civilians and prisoners of war. As a result of this policy, large numbers of foreign workers were starved to death, others suffered and died from diseases induced by nutritional deficiencies, and others suffered and are suffering from permanent physical impairment.

67. The defendant KOERNER, during the period from September 1939 to May 1945, was permanent deputy to Goering as General Plenipotentiary of the Four Year Plan, charged with the task of representing Goering in all current activities of the Four Year Plan, which, among other things, was concerned with the recruitment and allocation of manpower. The defendant KOERNER participated actively in the formulation and execution of the program for forced recruitment, enslavement and exploitation of foreign workers, and the use and exploitation of prisoners

of war in work related directly to war operations. As Chairman of the General Council for the Four Year Plan, during the period from December 1939 to 1942, the defendant KOERNER dealt with questions of labor conscription and allocation, including the use of forced foreign labor. The General Council had the task of planning and supervising the work of Four Year Plan Departments, and its influence, under the leadership of the defendant KOERNER, was important in the slave labor program. The defendant KOERNER, during the period from April 1942 to April 1945, was a member of the Central Planning Board, which had supreme authority for the scheduling of production and the allocation and development of raw materials in the German war economy. The central planning board determined the labor requirements of industry, agriculture and all other sections of the German economy and made requisitions for and allocations of such labor. The defendant KOERNER had full knowledge of the illegal manner in which foreign workers were conscripted and prisoners of war were utilized to meet such requisitions, and of the unlawful and inhumane conditions under which they were exploited. He attended the meetings of the Central Planning Board, participated in its decisions and in the formulation of basic policies with reference to the exploitation of such labor.

68. The defendant KEHRL, during the period from September 1943 to May 1945, was Chief of the Planning Office of the Central Planning Board and Chief of the Planning Office of the Reich Ministry of Armaments and War Production, in which capacities, among others, he participated actively in the formulation and execution of the slave labor program of the Third Reich. His activities included arrangements for, attendance at and participation in meetings of the Central Planning Board; submittal of proposed assignments of manpower to industry, agriculture and other sectors of the German economy in the Board for decision; and preparation of the decisions of the Board and supervision over their execution. With full knowledge of the nature of the slave labor program, the defendant KEHRL advocated and participated in numerous measures involving the forced recruitment and exploitation of foreign workers, and the use and exploitation of prisoners of war in work directly related to war operations.

69. The defendant PLEIGER, during the period from approximately March 1941 until May 1945, was Chairman of the Praesidium (Governing Board) of the Reichsvereinigung Kohle (commonly known as the "RVK"), an official agency for the regulation of the entire German coal industry. This organization was

given wide powers by the Government and exercised important functions with respect to the procurement, allocation, use and treatment of slave labor, including prisoners of war. The influence and control which this organization had over a large segment of German industry, in which vast numbers of such laborers were forced to work, made it an important agency in the formulation and administration of the slave labor program. The defendant PLEIGER was the dominant figure in the RVK and chief participant in the formulation and execution of policies designed to procure, enslave and exploit such labor. As head of the RVK, the defendant PLEIGER presented the manpower requirements of the coal industry to the Central Planning Board and urged the recruitment and allocation of ever-increasing numbers of slave laborers to the coal mines. He sought out and recruited foreign workers, prisoners of war and concentration camp labor through the Third Reich and satellite governments and agencies, the German military forces, the SS, and elsewhere.

70. The defendants PLEIGER and KOERNER held numerous key positions and were the leading figures in the Hermann Goering Works, a vast Reich-owned industrial empire, the activities of which, among other things, ranged over nearly every branch of mining and heavy industry, and many branches of armament production. The Hermann Goering Works used many thousands of foreign laborers, prisoners of war and concentration camp inmates. In the course of the use of forced labor in enterprises of the Hermann Goering Works, the workers were exploited under inhuman conditions with respect to their personal liberty, shelter, food, pay, hours of work, and health. Repressive measures were used to force these workers to enter, or remain in, involuntary servitude. Prisoners of war were used in work having a direct relation to war operations and in unhealthful and dangerous work. The defendants PLEIGER and KOERNER were active in recruiting slave labor including prisoners of war for these enterprises. The defendant PLEIGER made arrangements for joint enterprises between the SS and the Hermann Goering Works, involving the use of concentration camps workers in such enterprises.

71. The defendants PUHL and RASCHE were active in financing enterprises which, to their knowledge, were primarily created to exploit slave labor. Beginning in 1939 the defendant PUHL, acting directly, through the instrumentality of the Reichsbank and otherwise, conducted negotiations with the SS concerning a loan of eight million Reichsmarks (RK 8,000,000) to the Deutsche

Erd und Steinwerke (commonly known as the DEST), an SS economic subsidiary which was explicitly designed to utilize concentration camp labor for the purposes of the Four Year Plan. Upon the recommendation of the defendant PUHL, this loan was granted by the Golddiskontbank. Thereafter, he further assisted the DEST in securing additional large loans, obtaining reductions in interest rates on such loans and receiving extensions of time for repayment. The defendant RASCHE took a leading role, in conjunction with Emil Meyer, his colleague in the SS, the "Circle of Friends", and the Vorstand of the Dresdner Bank, in sponsoring, supporting, approving, and obtaining approval for loans totalling millions of Reichsmarks to enterprises which used concentration camp labor on a wide scale and under inhumane conditions. The enterprise to which such loans were made included numerous industries and services maintained and operated throughout Germany and the occupied countries by the Main Economic and Administrative Department (Wirtschafts- und Verwaltungshauptamt, commonly known as the WVHA), which was a main department of the SS charged with the operation, maintenance, administration and establishment of concentration camps. In many instances the loans were unsecured and in other instances secured only by a so-called "declaration of the Reichsfuehrer SS".

## VIOLATION OF LAW

72. The acts and conduct of the defendants set forth in this Count were committed unlawfully, wilfully, and knowingly, and constitute violations of international conventions, including the Hague Regulations, 1907, and the Prisoner of War Convention Geneva, 1929; of the laws and customs of war; of the general principles of criminal law as derived from the criminal laws of all civilized nations; of the internal penal laws of the countries in which such crimes were committed; and of Article II of Control Council Law No. 10.

## COUNT EIGHT

## MEMBERSHIP IN CRIMINAL ORGANIZATIONS

73. The defendants WEIZSAECKER, KEPPLER, BOHLE, WOERMANN, VEESENMAYER, LAMMERS, STUCKART, DARRE, DIETRICH, BERGER, SCHELLENBERG, RASCHE, KEHRL, and KOERNER, are charged with membership, subsequent to 1 September 1939, in Die Schutzstaffel der National-sozialistischen Deutschen Arbeiterpartei (commonly known as the "SS"), declared to be criminal by the International Military Tribunal, and Paragraph 1 (d) of Article II of Control Council Law No. 10.

74. The defendant SCHELLENBERG is charged with membership, subsequent to 1 September 1939, in the Sicherheitsdienst des Reichsfuehrers SS (commonly known as the "SD"), declared to be criminal by the International Military Tribunal, and Paragraph 1 (d) of Article II of Control Council Law No. 10.

75. The defendants BOHLE, DARRE, DIETRICH and KEPPLER are charged with membership, subsequent to 1 September 1939, in categories of the Leadership Corps of the Nazi Party, declared to be criminal by the International Military Tribunal, and Paragraph 1 (d) of Article II of Control Council Law No. 10.

WHEREFORE, this Indictment is filed with the Secretary General of the Military Tribunals and the charges herein made against the above named defendants are hereby presented to the Military Tribunals.

/s/ Telford Taylor
TELFORD TAYLOR
Brigadier General, USA
Chief of Counsel for War Crimes
Acting on Behalf of the
United States of America.

Nürnberg, 15 November 1947.

# MILITARY TRIBUNALS

Case No. 12

THE UNITED STATES OF AMERICA

—against—

**WILHELM VON LEEB, HUGO SPERRLE, GEORG KARL FRIEDRICH-WILHELM VON KUECHLER, JOHANNES BLASKOWITZ, HERMANN HOTH, HANS REINHARDT, HANS VON SALMUTH, KARL HOLLIDT, OTTO SCHNIEWIND, KARL VON ROQUES, HERMANN REINECKE, WALTER WARLIMONT, OTTO WOEHLER, and RUDOLF LEHMANN.**

Defendants

OFFICE OF MILITARY GOVERNMENT FOR GERMANY (US)
NÜRNBERG 1947

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## INDICTMENT

The United States of America, by the undersigned Telford Taylor, Chief of Counsel for War Crimes, duly appointed to represent said Government in the prosecution of war criminals, charges that the defendants herein, with divers other persons, including Erich Raeder, Gerd von Rundstedt, Walter von Brauchitsch, Fedor von Bock, Wilhelm Keitel, Fritz Erich von Manstein, and Alfred Jodl (see Appendix A), committed Crimes against Peace, War Crimes and Crimes against Humanity, and participated in a common plan and conspiracy to commit Crimes against Peace, all as defined in Control Council Law Number 10, duly enacted by the Allied Control Council on 20 December 1945. These crimes included planning, preparing, initiating, and waging of wars of aggression and invasions of other countries; murder, torture, deportation, enslavement into forced labor and mistreatment of millions of persons; plunder of public and private property, wanton devastation, and destruction of cities, towns, and villages; and other grave crimes as set forth in this Indictment.

The persons accused as guilty of these crimes and accordingly named as defendants in this case are:

WILHELM VON LEEB—Generalfeldmarschall (General of the Army); October 1935 to February 1938, Commander in Chief Army Group Command (Heeresgruppenkommando) 2; October 1938 to November 1938, Commander in Chief 12th Army; September 1939 to May 1941, Commander in Chief Army Group C; June 1941 to January 1942, Commander in Chief Army Group North.

HUGO SPERRLE—Generalfeldmarschall (General of the Army); November 1936 to October 1937, Commander of the "Condor Legion" in Spain; February 1938 to January 1939, Commanding General of Air Group (Luftgruppe) 3; February 1939 to August 1944, Commander in Chief Air Fleet (Luftflotte) 3.

GEORG KARL FRIEDRICH-WILHELM VON KUECHLER—Generalfeldmarschall (General of the Army); September 1939, Commander in Chief 3rd Army; October and November 1939, Commander of East Prussian Defense Zone; November 1939 to January 1942, Commander in Chief 18th Army; January 1942 to January 1944, Commander in Chief Army Group North.

JOHANNES BLASKOWITZ—Generaloberst (General); November 1938 to August 1939, Commander in Chief Army Group Command

(Heeresgruppenkommando) 3; September 1939 to October 1939, Commander in Chief 8th Army; October 1939, Commander in Chief 2nd Army; October 1939 to May 1940, Commander in Chief East (Oberbefehlshaber Ost); May 1940, Commander in Chief 9th Army; June 1940, Military Commander (Militärbefehlshaber) Northern France; October 1940 to May 1944, Commander in Chief 1st Army; May 1944 to September 1944, Acting Commander in Chief Army Group G; December 1944 to January 1945, Commander in Chief Army Group G; January 1945 to April 1945, Commander in Chief Army Group H; April 1945, Commander in Chief Netherlands and 25th Army.

HERMANN HOTH—Generaloberst (General); November 1938 to November 1940, Commanding General XV Corps; November 1940 to October 1941, Commander Panzer Group 3; October 1941 to April 1942, Commander in Chief 17th Army; May 1942 to December 1943, Commander in Chief 4th Panzer Army.

HANS REINHARDT—Generaloberst (General); October 1938 to February 1940, Commander 4th Panzer Division; February 1940 to October 1941, Commanding General XXXXI Corps; October 1941 to August 1944, Commander of Panzer Group 3 (later 3rd Panzer Army); August 1944 to January 1945, Acting Commander in Chief Army Group Center.

HANS VON SALMUTH—Generaloberst (General); 1937 to August 1939, Chief of Staff Army Group Command (Heeresgruppenkommando) 1; September and October 1939, Chief of Staff Army Group North; October 1939 to May 1941, Chief of Staff Army Group B; May 1941 to February 1942, Commanding General XXX Corps; April and May 1942, Acting Commander in Chief 17th Army; June and July 1942, Acting Commander in Chief 4th Army; July 1942 to February 1943, Commander in Chief 2nd Army; August 1943 to August 1944, Commander in Chief 15th Army.

KARL HOLLIDT—Generaloberst (General); November 1938 to August 1939, Commander of Infantry (Infanteriefuehrer) in District 9; September 1939, Commander 52nd Infantry Division; September 1939 to October 1939, Chief of Staff 5th Army; October 1939 to May 1940, Chief of Staff to the Commander in Chief East; May 1940 to October 1940, Chief of Staff 9th Army; October 1940 to January 1942, Commander 50th Infantry Division; January 1942 to December 1942, Commanding General XVII Corps; December 1942 to March 1943, Commander Army (Armeeabteilung) Hollidt; March 1943 to April 1944, Commander in Chief 6th Army.

OTTO SCHNIEWIND—Generaladmiral (Admiral); November 1937 to November 1938, Chief of Navy Armament Office (Marine-Wehr-Amt); November 1938 to May 1941, Chief of the Navy Command Office (Marine-Kommando-Amt), and Chief of Staff of the Naval War Staff (Seekriegsleitung); June 1941 to July 1944, Commander of the Fleet (Flottenchef);

March 1942 to August 1942, Commander of Naval Battle Forces (Flottenstreitkraefte) in Norway; March 1943 to May 1944, Commander of Naval Group North (Marinegruppe Nord).

KARL VON ROQUES—General der Infanterie (Lieutenant General, Infantry); April 1940 to March 1941, Commander of a Division in the Zone of the Interior; March 1941 to June 1942, Commander Rear Area, Army Group (rueckwaertiges Heeresgebiet) South; September and October 1941, Commanding General of Group (Armeegruppe) von Roques. July 1942 to December 1942, Commander Rear Area, Army Group A.

HERMANN REINECKE—General der Infanterie (Lieutenant General, Infantry); January 1939 to December 1939, Chief of the Department "Armed Forces General Affairs" (Amtsgruppe Allgemeine Wehrmachts-Angelegenheiten) in the High Command of the Armed Forces (Oberkommando der Wehrmacht "OKW"); 1939 to 1945, Chief of the General Office of the OKW (Allgemeines Wehrmachts-Amt); 1943 to 1945, Chief of the National Socialist Guidance Staff of the OKW (N.S. Fuehrungsstab im OKW).

WALTER WARLIMONT—General der Artillerie (Lieutenant General, Artillery); August to November 1936, Military Envoy to General Franco in Spain, and Leader of the German Volunteer Corps; November 1938 to September 1944, Chief of Department National Defense (Landesverteidigung (L), in the Armed Forces Operation Staff (Wehrmachtfuehrungstab "WFSt") of the OKW; January 1942 to September 1944, Deputy Chief "WFSt".

OTTO WOEHLER—General der Infanterie (Lieutenant General, Infantry); April 1938, Ia (Operations Officer) Army Group 5 (later changed to AOK 14); October 1939 to October 1940, Chief of Staff XVII Corps; October 1940 to May 1942, Chief of Staff 11th Army; May 1942 to February 1943, Chief of Staff Army Group Center; February 1943 to July 1943, Commanding General I Corps; July and August 1943, Acting Commander XXVI Corps; August 1943 to December 1944, Commander in Chief 8th Army; December 1944 to April 1945, Commander in Chief Army Group South.

RUDOLF LEHMANN—Generaloberstabsrichter (Lieutenant General, Judge Advocate); July 1938 to May 1944, Ministerial Director in the OKW and Chief of the Legal Division (Wehrmachtrechtswesen—"WR"); May 1944 to May 1945, Judge Advocate General of the OKW (Generaloberstabsrichter).

***

Reference is hereby made to Appendix "A" of this Indictment for a more complete statement of the positions held by each of the defendants.

## COUNT ONE—CRIMES AGAINST PEACE

1. All of the defendants, with divers other persons, including the co-participants listed in Appendix A, during a period of years preceding 8 May 1945, committed Crimes against Peace as defined in Article II of Control Council Law Number 10, in that they participated in the initiation of invasions of other countries and wars of aggression in violation of international laws and treaties, including but not limited to the planning, preparation, initiation, and waging of wars of aggression, and wars in violation of international treaties, agreements and assurances.

2. The defendants held high military positions in Germany and committed Crimes against Peace in that they were principals in, accessories to, ordered, abetted, took a consenting part in, were connected with plans and enterprises involving, and were members of organizations and groups connected with, the commission of Crimes against Peace.

3. The invasions and wars referred to and the dates of their initiation were as follows: Austria, 12 March 1938; Czechoslovakia, 1 October 1938 and 15 March 1939; Poland, 1 September 1939; the United Kingdom and France, 3 September 1939; Denmark and Norway, 9 April 1940; Belgium, the Netherlands and Luxembourg, 10 May 1940; Yugoslavia and Greece, 6 April 1941; the U.S.S.R., 22 June 1941; and the United States of America, 11 December 1941.

4. The origins, development, and background of the crimes which the defendants herein committed, and the criminal plans in which they participated, may be traced through many decades of German militarism. After World War I, the leaders of the German army and navy collaborated with each other and with German armament manufacturers to evade, by clandestine means, the limitations which the Versailles Treaty had imposed on the German armed forces. The creation of a Wehrmacht so large and powerful that Germany could expand her geographical boundaries by force or threat of force was the prime objective of Germany's military leaders and the Nazis alike, and was the foundation stone of their collaboration. Soon after Hitler came to political power, Germany withdrew from the International Disarmament Conference and the League of Nations, and in May 1934 Raeder issued a top secret armament plan "with a primary view to readiness for a war without any alert period". Naval construction in violation of treaty limits was intensified under the Third Reich, and in 1935 Germany openly announced the establishment of the German Air Force. In March 1935 military service was made compulsory in Germany, and the same year the peacetime strength of the German army was established at 500,000 men. The German military leaders, in collaboration with certain political and industrial leaders, thereafter brought about an enormous expansion

of the German armed forces, and organized the entire nation "as a great political military army" in preparation for German conquest. At the same time, and in the course of planning and preparing for aggressive wars, the Third Reich adopted a policy of strengthening "Nazi" and "fascist" political movements in other countries, and entered into alliances or close relations with other countries, notably Italy and Japan, which secured their support for, and participation in, Germany's program of conquest by military force. When civil war broke out in Spain, Germany's military and political leaders sent troops and arms, for the purpose of establishing a new regime in Spain which would support the Third Reich in its aggressive and war-like policies, and in order to exploit the civil war as a testing ground for German planes and other arms and as a training ground for German pilots and other troops. The defendant WARLIMONT was the first commander of the German troops in Spain; subsequently these troops became known as the "Condor Legion", of which the defendant SPERRLE was the commander from November 1936 to November 1937. The policies and activities described in this paragraph greatly increased Germany's capacity to wage aggressive war, and led to the major aggressive steps hereinafter set forth.

## A. Austria and Czechoslovakia

5. At least as early as November 1937, discussions took place between the military and political leaders of the Third Reich with respect to the destruction, by force or threat of force, of the independence of Austria and Czechoslovakia and the conquest of these countries. A plan for the military occupation of Austria, known as "Fall Otto" (Case Otto), had previously been prepared by the German military leaders. On the 11th and 12th of February 1938 Hitler summoned the Austrian Chancellor Schuschnigg to a conference at Berchtesgaden and subjected Schuschnigg to violent political and military threats in order to strengthen the Nazi party in Austria and to undermine Austrian independence. The defendant SPERRLE, Keitel, and other military leaders participated in this meeting and in bringing pressure to bear on Schuschnigg. Thereafter, SPERRLE and other military leaders conducted a campaign of threatening military manoeuvers in order to maintain military pressure against Austria. On 9 March 1938 in an attempt to presserve the independence of his country, Schuschnigg announced a plebiscite on the question of Austrian independence, to be held on 13 March 1938. On 10 March 1938 Hitler conferred with various military leaders, who thereafter commenced immediate preparations for the invasion of Austria in accordance with the pre-existing plan ("Fall Otto"), and a German ultimatum was sent to Schuschnigg demanding that the plebiscite not be held. Mobilization orders were dispatched to the available units of

the German armed forces. Schuschnigg succumbed to these threats resigned, and was succeeded by Seyss-Inquart. On 12 March 1938 German troops marched into Austria, and the next day, pursuant to a "law" signed by Seyss-Inquart on behalf of Austria, and by Hitler and others on behalf of Germany, Austria was annexed to Germany.

6. After the annexation of Austria, the German military leadership, including Rundstedt, Brauchitsch and Manstein, concentrated on plans for the destruction of Czechoslovakia. These plans were known as "Fall Gruen" (Case Green). On 30 May 1938 Hitler issued a military directive which announced his "unalterable decision to smash Czechoslovakia by military action in the near future". On 10 August 1938 the defendants LEEB, SPERRLE, KUECHLER, SALMUTH, and others met with Hitler at Berchtesgaden to discuss the timing of the planned attack on Czechoslovakia. During the next six weeks, the German armed forces were brought to an advanced state of preparation in accordance with the plan ("Fall Gruen") for the invasion of Czechoslovakia in which the German 12th Army, commanded by the defendant LEEB, and the German 2nd Army, of which the defendant SALMUTH was Chief of Staff would participate. As a result of violent military threats, and after the diplomatic conferences at Berchtesgaden and Bad Godesberg, the Government of Czechoslovakia capitulated to Hitler's demand for the cession of the Sudetenland, as provided for in the Munich Pact of 29 September 1938. Immediately thereafter, the Sudetenland was occupied by German forces under the command of the defendant LEEB.

7. On 11 October 1938, in response to an inquiry from Hitler, Keitel set forth certain estimates as to the amount of forces and time which would be required to break all military resistance in Bohemia and Moravia. On 21 October 1938 a new directive to the armed forces stated that "it must be possible to smash at any time the remainder of Czechoslovakia if her policy should become hostile towards Germany" and that a later order would specify "the future tasks for the armed forces and the preparation for the conduct of war resulting from those tasks". On 14 March 1939 the Czech President (Hacha) was summoned to Berlin and was threatened by Hitler, Keitel, and others with the immediate invasion of Bohemia and Moravia and the destruction of Prague by bombing unless the incorporation of Bohemia and Moravia into the Reich was consented to. On 15 March 1939, in flagrant violation of the Munich Pact, German troops, under the command of Defendant BLASKOWITZ and others, occupied Bohemia and Moravia, and these states were incorporated into the Reich as a Protectorate by a decree of 16 March 1939.

## B. Poland, France and The United Kingdom

8. After the successful consummation of the above described invasions and preparations for aggressive war, the defendants herein, and other high military and political leaders of Germany, proceeded with their plans for the conquest of Poland. To this end, Brauchitsch as Commander in Chief of the Army was instructed by Hitler on 25 March 1939 that the Polish question was to be worked on, that the timing of a solution would be based upon favorable political conditions, and that Poland should be knocked out so completely that it need not be taken into account as a political factor for decades. Work on military preparations was begun immediately. On 3 April 1939 "Fall Weiss" (Case White) was adopted as the code name for the plan to invade Poland, and Keitel, in a message to military leaders, gave as the main objective the destruction of the Polish armed forces. On 28 April 1939 Hitler delivered a public address in the Reichstag, complaining that "Poland like Czechoslovakia, a year ago, believes under the pressure of a lying international campaign, that it must call up troops, although Germany on her part has not called up a single man and had not thought of proceeding in any way against Poland."

9. On 23 May 1939 Hitler held a meeting attended by SCHNIEWIND, WARLIMONT, Brauchitsch and others, at which Hitler reiterated his intention to attack Poland. He stated that Danzig was not the subject of the dispute at all; that it was a question of expanding Germany's living space in the East and of securing food resources. He continued: "There is, therefore, no question of sparing Poland, and we are left with the decision to attack Poland at the first suitable opportunity. We cannot expect a repetition of the Czech affair. There will be war."

10. During the following three months, intensive and detailed preparations for war, based on "Fall Weiss", were undertaken by KUECHLER, BLASKOWITZ, REINHARDT, SALMUTH, HOLLIDT, SCHNIEWIND, WARLIMONT, Rundstedt, Brauchitsch and Manstein, and by other military leaders. The over-all operational planning for "Fall Weiss" was initiated and worked out by the "Working Staff Rundstedt", headed by Rundstedt with Manstein as his Chief of Staff. Preparations were made on the basis of a surprise attack on Poland. By 15 June 1939 these plans had been prepared and distributed; KUECHLER and BLASKOWITZ were among those who received copies. Two Army Groups—Army Group South, commanded by Rundstedt and composed of the 14th, 10th and 8th Armies, and Army Group North, commanded by Bock and composed of the 3rd and 4th Armies—were formed in eastern Germany. A third Army Group—Army Group C, commanded by LEEB and composed of the 1st, 7th and 16th Armies and Panzer Group Guderian—was formed in western Germany. Conferences between the

commanders of these army groups and armies took place frequently. As a result of these plans, by 22 June 1939 a preliminary timetable for the invasion of Poland was transmitted to Hitler. On 14 July 1939 the final timetable was completed and distributed to SCHNIEWIND, Brauchitsch and other military leaders, along with orders for the taking of hostages, treatment of partisans, arrest of Jews, internment of male Poles of the age group between 17 and 45, and similar orders.

11. On 22 August 1939 Hitler called a conference of military leaders to announce the decision to attack Poland at one. All the principal leaders of the armed forces, including the defendants LEEB, KUECHLER, BLASKOWITZ, SCHNIEWIND, WARLIMONT and others, were present. Hitler stated that it was clear to him that a conflict with Poland would come sooner or later; that he had determined upont a "solution by force". He confidently boasted that Brauchitsch had promised to bring the war against Poland to a conclusion within a few weeks.

12. During this period of planning for the Polish invasion, a series of frontier "incidents" were used to justify the impending attack. Among such manufactured incidents was a spurious attack on 31 August 1939 against the radio station at Gleiwitz, Germany, by Polish-speaking SS men in Polish uniforms. Earlier on the same day Hitler had issued his order to invade Poland on 1 September 1939 at 0445 hours. This invasion precipitated aggressive war also against the United Kingdom and France. Among the units which took part in the Polish attack were Army Group South, commanded by Rundstedt with Manstein as Chief of Staff; the 8th Army of that group, commanded BLASKOWITZ; Army Group North, commanded by Bock, with SALMUTH as Chief of Staff; the 3rd Army of that group, commanded by KUECHLER; the XV Corps, commanded by HOTH, and the 4th Panzer Division, commanded by REINHARDT.

### C. Denmark and Norway

13. For some time prior to 10 October 1939 the German Naval War Staff had been considering the importance of Norway for sea and air warfare against England and France and had originated and developed plans for the invasion and occupation of Norway. On 10 October 1939 the leading members of the Naval War Staff urged upon Hitler the importance of such an invasion and, as the result of their influence, Hitler took the matter under consideration. On 12 December 1939 Hitler met with the Norwegians, Quisling and Hagelin. Thereafter during the month of December 1939, while WARLIMONT proceeded with preparations for the invasion of Norway, Hagelin maintained contact with SCHNIEWIND for the purpose of developing a coup d'état through the

"Quisling Party", and giving the German Navy information, which was passed on to WARLIMONT. This collaboration between Quisling, Hagelin, SCHNIEWIND and WARLIMONT continued through March 1940.

14. On 27 January 1940 Keitel issued a memorandum prepared by WARLIMONT's office concerning the planned invasion of Denmark and Norway and designating the operation "Weseruebung" (Weser Exercise). On 1 March 1940 Hitler issued a directive prepared in WARLIMONT's office for "Weseruebung", stating in part:

> The development of the situation in Scandinavia requires the making of all preparations for the occupation of Denmark and Norway by a part of the German Armed Forces . . . This operation should prevent British encroachment on Scandinavia and the Baltic; further it should guarantee our ore base in Sweden and give our Navy and Air Force a wider starting line against Britain. . . . On principle we will do our utmost to make the operation appear as a **peaceful** occupation, the object of which is the military protection of the neutrality of the Scandinavian States. Corresponding demands will be transmitted tot he Governments at the beginning of the occupation. If necessary, demonstrations by the Navy and the Air Force will provide the necessary emphasis. If, in spite of this, resistance should be met with, all military means will be used to crush it.
>
> The Staff (for the operation) is to be completed from all the three branches of the Armed Forces.
>
> It is most important that the Scandinavian States as well as the Western opponents should be **taken by surprise** by our measures . . .

15. At the same time a working staff was formed within the Naval War Staff, and on 5 March 1940 at a conference within the Navy, drafts of the first directives for the operation were prepared, with the approval of SCHNIEWIND. On 12 March 1940 SCHNIEWIND issued an order to various Navy Group Commands giving tactical directives for landing locations in the invasion of Norway. On 9 April 1940 the German armed forces invaded Denmark and Norway.

16. Only the defendants SCHNIEWIND, REINECKE, WARLIMONT and LEHMANN are charged with responsibility under paragraphs 13 to 15 inclusive of this Count.

### D. Belgium, The Netherlands and Luxembourg

17. On 23 May 1939 Hitler discussed with SCHNIEWIND, WARLIMONT, Brauchitsch and other high ranking Wehrmacht leaders the

future tasks of the armed forces. Hitler said: "Dutch and Belgian air bases must be occupied . . . Declarations of neutrality must be ignored. If England and France intend the war between Germany and Poland to lead to a conflict, they will support Holland and Belgium in their neutrality and make them build fortifications, in order finally to force them into cooperation . . . Therefore, if England intends to intervene in the Polish war, we must occupy Holland with lightning speed . . . An effort must be made to deal the enemy a significant or the final decisive blow. Considerations of right or wrong or treaties do not enter into the matter . . . If Holland and Belgium are successfully occupied and held, and if France is also divided, the fundamental conditions for a successful war against England will have been secured."

18. On 22 August 1939, in a conference previously described in paragraph 11 hereof, and attended by LEEB, KUECHLER, BLASKOWITZ, SCHNIEWIND, WARLIMONT, Rundstedt, Brauchitsch, Manstein and other high-ranking officers, Hitler stated: "Another possibility is the violation of Dutch, Belgian and Swiss neutrality. I have no doubt that all these states, as well as Scandinavia, will defend their neutrality by all available means. England and France will not violate the neutrality of these countries." On the same date and again on 6 October 1939, publicly and to the knowledge of these defendants, Hitler assured Belgium and Holland that he would respect their neutrality.

19. On 7 October 1939 Brauchitsch ordered LEEB and others to prepare for the immediate invasion of France, Luxembourg, Holland and Belgium, and on 9 October 1939 Hitler distributed to Brauchitsch, as Commander in Chief of the Army, as well as to the Commanders in Chief of the Navy and Air Force, a memorandum requiring preparations to be made for an attacking operation through Luxembourg, Belgium and Holland. In this memorandum Hitler stated that the only possible area of attack against France was through those countries, and that "The trifling signifiance of treaties of agreement has been proved on all sides in recent years". The commanders were ordered to keep Hitler fully informed of the state of preparation. On 19 October 1939, pursuant to Hitler's instructions, Brauchitsch distributed an over-all plan of operations, under the code name "Fall Gelb" (Case Yellow), for the offensive through the Low Countries. This was distributed to Rundstedt, as Commander in Chief of Army Group A, to LEEB of Army Group C, to SPERRLE, as Commander in Chief of Air Fleet 3, to BLASKOWITZ, as Commander of the 2nd Army, and to other army group and army commanders; Manstein, as Chief of Staff of Army Group A, SALMUTH, as Chief of Staff of Army Group B, and WARLI-

MONT, as Deputy Chief of Operations of OKW, also received notice of this plan. From November to May 1940 the date of the invasion was repeatedly postponed for tactical reasons.

20. On 11 November 1939 Rundstedt, with Manstein as his Chief of Staff, held a conference with the commanders of the armies, corps and divisions within his group, to consider the tactics necessary in the impending attack. On 16 November 1939, Army Group B issued its operational orders for the attack on Holland to subordinate units, including among others, the 9th Army with HOLLIDT as Chief of Staff, and the 18th Army commanded by KUECHLER. During the period of tactical planning by the field commanders in October and November, Brauchitsch representing the Army, and WARLIMONT and others of the OKW, were working on administrative plans for the military occupation of the Low Countries.

21. On 23 November 1939 Hitler again discussed the intended operation with the commanding generals and their chiefs of staff. Among those present at this meeting were LEEB, KUECHLER, SALMUTH, HOLLIDT, SCHNIEWIND, Rundstedt, Brauchitsch and Manstein. At this time Hitler stated:

> We have an Achilles heel: The Ruhr. The progress of the war depends on the possession of the Ruhr. If England and France push through Belgium and Holland into the Ruhr, we shall be in the greatest danger . . . Certainly England and France will assume the offensive against Germany when they are armed. England and France have means of pressure to bring Belgium and Holland to request English and French help. In Belgium and Holland the sympathies are all for France and England . . . If the French army marches into Belgium in order to attack us, it will be too late for us. We must anticipate them . . . We shall sow the English coast with mines which cannot be cleared. This mine warfare with the Luftwaffe demands a different starting point. England cannot live without its imports. We can feed ourselves. The permanent sowing of mines on the English coasts will bring England to her knees. However, this can only occur if we have occupied Belgium and Holland . . . My decision is unchangeable; I shall attack France and England at the most favorable and quickest moment. Breach of the neutrality of Belgium and Holland is meaningless. No one will question that when we have won. We shall not bring about the breach of neutrality as idiotically as it was in 1914. If we do not break the neutrality, then England and France will. Without attack, the war is not to be ended victoriously.

22. On 12 December 1939 SCHNIEWIND ordered Naval Group West to support the army operations in the coming offensive against the Low Countries. A copy of this order went to WARLIMONT. On 30 December 1939 a further tactical order for the Navy in the coming operations was received from OKW and initialed by SCHNIEWIND. In a report on 12 January 1940 Rundstedt stressed his conception of a total decision on land with one overwhelming offensive. He continued: "Partial goals, as they were given at first in the directives of the OKH, like the defeat of strong enemy forces in Belgium or Northern France and the conquest of the Belgian Coast, do not justify the bad political repercussions which the breach of the neutrality of three states will certainly entail." In reply Brauchitsch pointed out that it was a mistake to assume that only a partial goal would be reached.

23. On 27 March 1940 a general conference with Hitler was held, which most of the commanding officers attended. LEEB made a report at this conference concerning his share in the coming campaign. Hitler expressed his satisfaction with the way the armed forces had been prepared during the preceding half year. On 27 March 1940 the OKW issued an order signed by WARLIMONT and distributed to the Army and Air Force, as well as to other departments of the OKW, providing for the closing of the border on the night before the invasion of the Low Countries. On 9 May 1940 a Hitler decree, previously prepared early in November 1939, was issued formally authorizing Brauchitsch to set up a military administration in Luxembourg, Belgium and Holland.

24. On 10 May 1940 German forces invaded the Netherlands, Belgium and Luxembourg. The immediate order for the invasion was given by Brauchitsch as Commander in Chief of the Army. A principal part in the invasion was taken by Army Group A, commanded by Rundstedt. One of the corps in the 12th Army of his group was the XXXXI Corps commanded by REINHARDT. Other elements that took part in the attack included Army Group B, with SALMUTH as its Chief of Staff; XV Motorized Corps of the 4th Army, commanded by HOTH; the XXXVIII Corps of the 4th Army, commanded by Manstein; and the 18th Army under the command of KUECHLER. Army Group C, which subsequently attacked directly into France, was under the command of LEEB, who had been active in the planning of the entire campaign Airfleet (Luftflotte) 3, commanded by SPERRLE, supported Army Group A in its attack. On 10 June 1940 Italy joined Germany in the attack upon France and Great Britain.

### E. Yugoslavia and Greece

25. After Italy's declaration of war upon France and Great Britain, Mussolini tried to enlarge Italy's African holdings by attacks upon the

British in Africa. He had long had the ambition to expand Italy's dominion in the Mediterranean area; on 28 October 1940 Italy served an ultimatum on Greece, demanding the surrender of certain Greek bases. Upon the expiration of the ultimatum, Italian troops invaded Greece. Italian attacks were thrust back and it became necessary for Germany to plan to assist Italy.

26. On 12 November 1940 Hitler issued Directive No. 18 outlining proposed military operations, in which he stated:

> 2. Spain and Portugal. Political steps to bring about an early Spanish entry into the war have been taken. The aim of German intervention in the Iberian peninsula (code name Felix) will be to drive the English out of the Western Mediterranean. For this purpose:
>
> a. Gibraltar will be taken and the Straits closed.
> b. The British will be prevented from gaining a foothold at another point of the Iberian peninsula, or the Atlantic Islands.
>
> The preparation and execution of this operation is intended as follows:
>
> Section I
>
> a. Reconnaissance troops (officers in civilian clothes) make the necessary preparations for the action against Gibraltar and for taking over airdromes. As regards disguise and cooperation with the Spaniards they will comply with the security measures of the Chief of Foreign Intelligence.
>
> b. Special units of the Foreign Intelligence Bureau are to take over the protection of the Gibraltar area, in secret cooperation with the Spaniards, against English attempts to widen the terrain in front and against premature discovery and frustration of our preparations.
>
> ***
>
> 4. Balkans. The commanders-in-chief of the Army will make preparations for occupying the Greek mainland north of the Aegean Sea in case of need, entering through Bulgaria, and thus make possible the use of German air force units against targets in the Eastern Mediterranean, in particular against those English air bases which are threatening the Rumanian oil area.
>
> In order to be able to face all eventualities and to keep Turkey in check, the use of an army group of an approximate strength of ten divisions is to be the basis for the planning and the cal-

culations of deployment. It will not be possible to count on the railway, leading through Yugoslavia, for moving these forces into position.

This directive was prepared in WARLIMONT'S office and was sent to various offices of the Army and Navy.

27. On 13 December 1940 Hitler issued Directive No. 20 concerning operation "Marita", the code name adopted for the planned invasion of Greece, in which he said it was necessary to foil the British endeavor "to create air bases under the protection of a Balkan front". He continued "My plan therefore is (a) to form a slowly increasing task force in Southern Rumania within the next months; (b) after the setting in of favorable weather, probably in March, to send this task force for the occupation of the Aegean North Coast by way of Bulgaria, and if necessary to occupy the entire Greek mainland (Operation Marita)". In the same directive Hitler stated that the "Yugoslavs' position cannot yet be clearly determined". This directive was prepared by WARLIMONT's office and was received by SCHNIEWIND, among others. On 20 January 1941 Hitler stated in a conference with representatives of the Italian Government that one of the purposes of the massing of troops in Rumania was for "an operation against Greece." A résumé of this conference was sent to the offices of Brauchitsch, SCHNIEWIND and WARLIMONT.

28. On 26 March 1941, in reaction to the Yugoslav government's adherence to the Tripartite Pact on the previous day, the Yugoslav regency was removed by a coup d'état and Peter was installed as King of Yugoslavia. Hitler immediately conferred with the leaders of the Army, including HOLLIDT and Brauchitsch. Hitler stated that Yugoslavia was an uncertain factor in regard to the coming "Marita" action and even more in regard to the "Barbarossa" undertaking (U.S.S.R.) later on. In notes on the conference sent to WARLIMONT, among others, it was stated:

> The Fuehrer is determined, without waiting for possible loyalty declarations of the new government, to make all preparations in order to destroy Yugoslavia militarily and as a national unit. No diplomatic inquiries will be made nor ultimatums presented. Assurances of the Yugoslav government, which cannot be trusted anyhow, in the future will not be taken note of. The attack will start as soon as the means and troops suitable for it are ready . . . Politically, it is especially important that the blow against Yugoslavia is carried out with unmerciful harshness and that the military destruction is done in a lightning-like undertaking.

29. On 28 March 1941 Raeder reported to Hitler regarding military operations against Yugoslavia. Later, in a diary entry known to SCHNIEWIND, he commented that Hitler's directive ". . . with ruthless logic . . . draws the conclusions which arise from the development of the position in Yugoslavia. After the recent occurrences Yugoslavia must be treated as an enemy, however future developments may be, and must therefore be destroyed. Military operations should begin simultaneously with operation 'Marita', if possible . . ." On 30 March 1941 Brauchitsch issued deployment instructions for "Action 25" against Yugoslavia and for the "Marita" action, saying:

> The political situation in the Balkans having changed by reason of the Yugoslav military revolt, Yugoslavia has to be considered as an enemy even should it make declarations of loyalty at first. **The Fuehrer and Supreme Commander has decided therefore to destroy Yugoslavia as quickly as possible.**
>
> . . . the Air Force shall attack continuously by day and night the Yugoslav ground organization and Belgrade.
>
> Simultaneously—by no means earlier—the attack of the 12th Army (under the command of List) . . . begins against Yugoslavia and Greece.

On 6 April 1941, while the German Air Force bombed Belgrade, the German Army invaded Yugoslavia and Greece.

30. Only the defendants REINHARDT, HOLLIDT, SCHNIEWIND REINECKE, WARLIMONT and LEHMANN are charged with responsibility under paragraphs 25 to 29 inclusive of this Count.

### F. The Union of Soviet Socialist Republics

31. On 29 July 1940 Jodl, in a conference at Bad Reichenhall, informed WARLIMONT and other military leaders that Hitler intended to attack the U.S.S.R. in the spring of 1941. On 6 September 1940 Jodl issued an OKW directive to WARLIMONT and Brauchitsch, among others, in which it was stated that the eastern territory would be manned more strongly in the weeks to come, but regroupings were not to create the impression in Russia that an offensive in the East was being prepared On the same day, in compliance with this directive, Brauchitsch ordered the transfer of a large number of army units to the East, in preparation for operations against the U.S.S.R. Brauchitsch's order, together with an operational map for deployment, was sent to LEEB, KUECHLER and Rundstedt, among others.

32. On 20 September 1940 a memorandum was issued to Brauchitsch from Hitler's headquarters, signed by Keitel and prepared by WARLIMONT's office, stating that Hitler had decided to send a military mission

to Rumania, one of whose tasks was to prepare for deployment of German and Rumanian forces from Rumanian bases "in case a war with Soviet Russia is forced upon us".

33. On 12 November 1940 Hitler issued Directive No. 18, prepared by WARLIMONT's office, outlining the preparatory measures for the prosecution of the war. It was stated that political discussions had been initiated with the aim of clarifying Russia's attitude for the time being but:

> Irrespective of the results of these discussions, all preparations for the East which have already been verbally ordered will be continued.
>
> Instructions on this will follow, as soon as the general outline of the army's operational plans have been submitted to, and approved by, me (Hitler).

34. On 18 December 1940 Hitler issued Directive No. 21, also prepared by WARLIMONT, on the invasion of Russia. This directive named the proposed operation against Russia "Fall Barbarossa" (Case Barbarossa), and stated: "The German Armed Forces must be prepared **to crush Soviet Russia in a quick campaign** before the end of the war against England". It stated that the Army and the Air Force would be employed against Russia, and that the Navy would continue the concentration of its forces against England. It continued:

> The mass of the Russian Army in Western Russia is to be destroyed in daring operation by driving forward deep wedges with tanks and the retreat of intact battle-ready troops into the wide spaces of Russia is to be prevented.
>
> In quick pursuit a (given) line is to be reached from where the Russian Air Force will no longer be able to attack German Reich territory. The first goal of operations is the protection against Asiatic Russia from the general line Volga-Archangelsk. In case of necessity, the last industrial area in the Urals left to Russia could be eliminated by the Luftwaffe.

35. On 20 January 1941 SCHNIEWIND, for the Navy, issued a letter to the OKW, OKH and OKL giving the intentions of the Navy in respect to the planned campaign against the U.S.S.R. pursuant to Directive No. 21. On 31 January 1941 Brauchitsch issued an order concerning deployment for the "Barbarossa" operation, naming Rundstedt Commander of Army Group South, Bock Commander of Army Group Center, and LEEB Commander of Army Group North. On 2 February 1941 Hitler held a conference on "Fall Barbarossa", attended by Brauchitsch, in which the details of the planned attack on the U.S.S.R. were discussed Notes of the conference were sent to WARLIMONT. On 3 February

1941 LEEB as Commander of Army Group C conferred with HOTH, Commander of Panzer Group 3, on plans for operations against the U.S.S.R., and on 8 February 1941 LEEB discussed these plans with representatives of the 18th Army, commanded by KUECHLER.

36. Preparations for the "Barbarossa" operation were carried on continuously by all the defendants herein, as well as by other military leaders, in the spring of 1941. For example, all units subordinate to LEEB and Rundstedt engaged in war games and prepared elaborate tactical maps; Rundstedt issued orders for the concealment of troop movements; LEEB ordered KUECHLER to prepare for an attack on the Baltic Islands; as early as March, REINHARDT, as Commander of the XXXXI Corps, was preparing a plan of attack for his corps; and on 25 April 1941 WARLIMONT was named as liaison officer from the OKW to Rosenberg in his capacity as Commissioner for the Central Control of Questions Connected with the East-European Region.

37. On 12 May 1941 a draft of an order for the murder of "political commissars" in the coming attack was issued from Hitler's headquarters, initialed by WARLIMONT and reviewed by LEHMANN, and on 19 May 1941 in a conference held in Brauchitsch's headquarters the German High Command decided that political commissars in the Soviet Army when captured would be handed over to police and SS officials for execution. On 13 May 1941 Keitel issued an order prepared by WARLIMONT and LEHMANN on military jurisdiction in the "Barbarossa" area, in which it was directed that German military courts were not to try enemy civilians, that any officer was authorized to decide whether suspected persons were to be shot, and that crimes committed by members of the Wehrmacht against the civilian population need not be punished.

38. On 15 May 1941 Brauchitsch again conferred with LEEB on the plans for operations against the U.S.S.R. Following a conference on 25 May 1941, a Finno-German military agreement was executed on 10 June 1941 relative to the planned attack on the U.S.S.R. WARLIMONT and Brauchitsch participated in the preparation of this agreement. On 1 June 1941 Keitel issued a timetable prepared by WARLIMONT's office for "Fall Barbarossa", indicating the disposition of Army, Navy and Air Force units for the operation.

39. On 6 June 1941 WARLIMONT distributed a letter enclosing a draft of an order prepared with LEHMANN's assistance for the murder of political commissars in the planned operation against the U.S.S.R., and requesting that the order receive restricted distribution to high-ranking commanders and that oral orders be given to others. On 8 June 1941 Brauchitsch issued an order directing the liquidation of all political

commissars. This order was distributed to LEEB, KUECHLER and HOTH and thereafter to the other defendants herein, with the exception of SPERRLE, BLASKOWITZ and SCHNIEWIND.

40. On 14 June 1941 Hitler held a conference on "Fall Barbarossa" in the Chancellory at Berlin to discuss with the military leaders preparations for the attack on the U.S.S.R. Among the participants in this conference were LEEB, KUECHLER, HOTH, WARLIMONT, Rundstedt, Brauchitsch and Bock. On 22 June 1941 the German armed forces invaded the U.S.S.R. The military units which took part in the attack included Army Group North commanded by LEEB, Army Group South commanded by Rundstedt and with ROQUES as Rear Area Commander, the 18th Army commanded by KUECHLER, the 3rd Panzer Group commanded by HOTH, the 11th Army with WOEHLER as Chief of Staff, the XXXXI Corps commanded by REINHARDT, the XXX Corps commanded by SALMUTH, and the 50th Infantry Division commanded by HOLLIDT. Rumania, Hungary, Finland and Italy also declared war against and attacked the U.S.S.R., and Spain sent troops (including the "Blue Division") which joined in the attack.

41. All the defendants except SPERRLE and BLASKOWITZ are charged with responsibility under paragraphs 31 to 40 inclusive of this Count; the defendants ROQUES and WOEHLER are charged with responsibility under this Count only under such paragraphs.

G. **The United States of America**

42. On 27 September 1940 Germany, on the advice of its military leaders, entered into a military and economic alliance with Italy and Japan. Partially as a result of this alliance, and after the attack by Japan on the US., Germany declared war on the US on 11 December 1941.

43. In addition to the acts and conduct of the defendants set forth above, the participation of the defendants in the planning, preparation initiation, and waging of wars of aggression and invasions of other countries included the acts and conduct set forth in Counts Two and Three of this Indictment, which acts and conduct were committed as an integral part of the planning, preparation, initiation, and waging of wars of aggression and invasions of other countries. The allegations made in said Counts Two and Three are hereby incorporated in this Count.

44. The acts and conduct of the defendants set forth in this Count were committed unlawfully, wilfully, and knowingly, and constitute violations of international laws, treaties, agreements and assurances, and of Article II of Control Council Law Number 10.

## COUNT TWO—WAR CRIMES AND CRIMES AGAINST HUMANITY: CRIMES AGAINST ENEMY BELLIGERENTS AND PRISONERS OF WAR

45. Between September 1939 and May 1945 all of the defendants herein, with divers other persons including the co-participants listed in Appendix A, committed War Crimes and Crimes against Humanity, as defined in Article II of Control Council Law Number 10, in that they participated in the commission of atrocities and offenses against prisoners of war and members of armed forces of nations then at war with the Third Reich or under the belligerent control of or military occupation by Germany, including but not limited to murder, ill-treatment, denial of status and rights, refusal of quarter, employment under inhumane conditions and at prohibited labor of prisoners of war and members of military forces, and other inhumane acts and violations of the laws and customs of war. The defendants committed War Crimes and Crimes against Humanity in that they were principals in, accessories to, ordered, abetted, took a consenting part in, were connected with plans and enterprises involving, and were members of organizations and groups connected with, the commission of War Crimes and Crimes against Humanity.

46. Unlawful orders initiated, drafted, distributed and executed by the defendants directed that certain enemy troops be refused quarter and be denied the status and rights of prisoners of war, and that certain captured members of the military forces of nations at war with Germany be summarily executed. Such orders further directed that certain members of enemy armed forces be designated and treated by troops of the German armed forces, subordinate to the defendants, either as "partisans, Communists, bandits, terrorists" or by other terms denying them the status and rights of prisoners of war. Prisoners of war were compelled to work in war operations and in work having a direct relation to war operations, including the manufacture, transport and loading of arms and munitions, and the building of fortifications. This work was ordered within the combat zone as well as in rear areas. Pursuant to "total war" theory and as part of a program to exploit all non-German peoples, prisoners of war were denied rights to which they were entitled under conventions and the laws and customs of war. Soldiers were branded denied adequate food, shelter, clothing and care, subjected to all types of cruelties and unlawful reprisals, tortured and murdered. Special screening and extermination units, such as Einsatz Groups of the Security Police and Sicherheitsdienst (commonly known as the "SD"), operating with the support and under the jurisdiction of the Wehrmacht, selected and killed prisoners of war for religious, political and racial reasons. Many recaptured prisoners were ordered executed. The crimes described in paragraphs 45 and 46 included, but were not limited to, those set forth hereafter in this Count.

## A. The "Commissar" Order

47. In a conference on 28 March 1941, some months prior to the invasion of the U.S.S.R., Hitler discussed with his commanding generals a proposed plan for the summary execution of all Soviet "political commissars", who were members of the Soviet armed forces fighting in uniform as combat troops. On 6 June 1941 WARLIMONT, with the assistance of LEHMANN, prepared and distributed an order entitled "Directive for the Treatment of Political Commissars" to the Army, Navy, and Air Force. On 8 June 1941 Brauchitsch transmitted that order with certain minor amendments to LEEB, KUECHLER, HOTH and other military leaders, and each of them made further distribution. This order directed summary execution of political commissars even if they were serving in and wearing the uniform of Soviet military forces. It further provided that commissars were not to be recognized as soldiers and were to be granted none of the protections of international law. In implementation of this criminal order, REINECKE issued a series of decrees for the screening, selection, and execution of Soviet prisoners of war as political commissars and for the transfer of such commissars to concentration camps for execution. The enforcement of these orders resulted in the murder of many thousands of prisoners of war. All of the defendants, with the exception of SPERRLE, BLASKOWITZ and SCHNIEWIND, are charged with responsibility for the initiation, issuance, distribution and execution of such orders, and for the commission of crimes charged in this paragraph. The following particulars are set forth as examples of such crimes selected from many instances for which proof will be adduced:

a. From 21 June 1941 to about 8 July 1941, troops of the XXXXI Corps, commanded by REINHARDT, in Panzer Group 4 under Army Group North, commanded by LEEB, killed 97 "political commissars".

b. From 21 June 1941 to about 19 July 1941, troops of Panzer Group 4, under Army Group North, commanded by LEEB, killed 172 "political commissars".

c. From 21 June 1941 to about 1 August 1941, troops of Panzer Group 3 commanded by HOTH, killed 170 "political commissars".

d. On or about 1 October 1941, troops of the Rear Area of the 11th Army, of which WOEHLER was Chief of Staff, killed 1 "political commissar".

e. On or about 4 October 1941, troops of the 454th Security Division, under ROQUES as Commanding General of the Rear Area of Army Group South, killed 1 "political commissar".

f. From about 18 October 1941 to 26 October 1941, in the operational area of the XXVIII Corps in the U.S.S.R., troops of the 18th Army, commanded by KUECHLER and under Army Group North, commanded by LEEB, killed 17 "political commissars".

g. On 29 May 1942, in the operational area of the XXXXIV Corps, troops of the 17th Army, commanded by SALMUTH, killed 2 "political commissars".

B. **The "Commando" Order**

48. On 18 October 1942 Hitler issued an order, hereinafter referred to as the "Commando" Order, prepared and drafted by WARLIMONT and LEHMANN. This order directed that "all enemies on so-called Commando missions in Europe or Africa challenged by German troops, even if they are to all appearances soldiers in uniform or demolition troops, either armed or unarmed, in battle or in flight, are to be slaughtered to the last man . . . even if these individuals . . . should be prepared to give themselves up, no pardon is to be granted them on principle." On 30 July 1944 this "Commando" Order was extended to members of military missions in an order suggested and drafted by WARLIMONT.

49. Enforcement of these orders resulted in the murder of many Allied troops. All of the defendants herein, with the exception of LEEB, received such orders and are charged with responsibility for the initiation, issuance, distribution and execution of such orders and for the commission of crimes charged in this paragraph. The following particulars are set forth as examples of such crimes selected from many instances for which proof will be adduced:

a. On or about 7 July 1944 near Poitiers in France, troops of the LXXX Corps of the 18th Army, under Army Group G, commanded by BLASKOWITZ, executed 1 American prisoner of war and 30 British prisoners of war.

b. On or about 22 May 1944 on the island of Alimnia near Greece an English soldier and a Greek sailor were executed on instructions of WARLIMONT.

c. On or about 16 April 1944 a British prisoner of war was turned over by Stalag 7a, then under the control and jurisdiction of REINECKE, to the SD for execution.

d. On or about 10 December 1942 in or near Bordeaux, France, members of the German naval forces executed 2 uniformed British soldiers.

e. On or about 20 November 1942 near Stavanger, Norway, members of the German armed forces executed 17 uniformed British soldiers.

f. On or about 22 March 1944 near La Spezia, Italy, members of the German armed forces executed 15 uniformed U.S. soldiers.

g. In January 1945 in the Mauthausen Concentration Camp, Austria, from 12 to 15 American prisoners of war, comprising an American military mission, were executed.

### C. Prohibited Labor of Prisoners of War

50. Prisoners of war held by the Germans were regarded as an unrestricted source of labor and millions of prisoners of war were used in labor prohibited by the Geneva Convention. All of the defendants herein, with the exception of SCHNIEWIND, initiated, issued, distributed and executed orders directing the use of, and did use, prisoners of war in war operations and work having a direct relation to war operations, including the manufacture and transportation of arms and munitions, work on fortifications, the removal of mines, labor within zones of operations and other dangerous work, said work being prohibited labor specifically forbidden by the Geneva Convention.

51. On 24 July 1941 Brauchitsch, as Commander in Chief of the Army, issued the following directive:

> I. Screening, Separation: The prisoners of war are to be separated if possible into the following groups . . .
>
> 2. Asiatics (according to their race), Jews, German-speaking Russians . . .
>
> 3. A transfer to the Reich of prisoners of war under I-2 will not take place. They have to be used in the first place for employment in the zone of operations, because employment of these prisoners of war in the Reich is out of the question.
>
> The claims of the air force and navy for prisoner of war labor have to be filled.

52. On 3 August 1941 and on other occasions, officers of divisions in the 18th Army, then commanded by KUECHLER in Army Group North, commanded by LEEB, issued orders directing the removal of mines by prisoners of war. On 2 March 1942 in the LIX Corps of the 3rd Panzer Army, commanded by REINHARDT, it was ordered that prisoners of war and local inhabitants, in case of suspicion of mined streets or areas, were to advance and remove the mines. On 16 March 1943 REINECKE, on behalf of OKW, ordered that prisoners of war should be used as labor in war-essential industries, and prisoners of war were in fact so used.

53. On 2 February 1945, BLASKOWITZ, as Commanding General of Army Group G, ordered the use of prisoners of war for the construction of fortifications. On 31 March 1942 WOEHLER, as Chief of Staff of the 11th Army, dispatched from the 11th Army area in the U.S.S.R. 5529 Soviet prisoners of war for labor in the armament factories in Germany. On 10 August 1942, in prison camp "Taps" in the U.S.S.R. within the rear area of Army Group North, commanded by KUECHLER, 887 prisoners of war were employed in the construction of fortifications.

### D. Murder and Ill-Treatment of Prisoners of War

54. Millions of prisoners of war other than "commandos" and "commissars" were mistreated and killed. Out of 3,600,000 Soviet prisoners

of war taken prior to August 1942, many hundreds of thousands died or were killed and the survivors were already in wretched physical condition. Such crimes were instigated and encouraged in orders and directives issued by various German military leaders. For example, on 8 September 1941 REINECKE ordered ruthless and criminal action against Soviet soldiers as follows:

> The Bolshevist soldier has therefore lost all claim to treatment as an honorable opponent, in accordance with the Geneva Convention . . . The order for ruthless and energetic action must be given at the slightest indication of insubordination, especially in the case of Bolshevist fanatics. Insubordination, active or passive resistance, must be broken immediately by force of arms (bayonets, butts, and firearms) . . . Anyone carrying out the order who does not use his weapons, or does so with insufficient energy, is punishable . . . Prisoners of war attempting to escape are to be fired on without previous challenge. No warning shot must ever be fired. . . . The use of arms against prisoners of war is as a rule legal.

55. On or about 24 July 1941 and thereafter, all of the defendants herein, with the exception of SPERRLE, BLASKOWITZ, and SCHNIEWIND, initiated, issued, distributed, and executed orders directing the summary execution of prisoners of war similar to the following Brauchitsch directive:

> I. Screening, Separation: The prisoners of war are to be separated if possible into the following groups . . .
>
> 3. Politically obnoxious and suspicious elements, commissars and instigators . . .
>
> 3. The transfer of prisoners of war under I-3 into the Reich is prohibited. They have to be treated according to special directives by decision of the camp commandant.

56. On 9 August 1941 ROQUES, Commanding General of Army Group South, Rear Area, issued to units of his command the following order:

> The numerous reports about dropped parachutists show that the Russians are using this method of warfare to an ever-increasing extent in the rear area . . .
>
> Therefore, they also, as a matter of principle, are to be treated as guerrillas.

57. All of the defendants, except SCHNIEWIND, are charged with responsibility for the initiation, issuance, distribution and execution of orders such as those set forth in paragraphs 54, 55, and 56, and for the commission of crimes charged in paragraphs 54 to 57, inclusive. The following particulars are set forth as examples of such crimes selected from many instances for which proof will be adduced:

a. On or about 28 July 1941 in the sector of Zwiahel in the U.S.S.R., troops commanded by ROQUES, within the Rear Area of Army Group South, killed 73 surrendered Soviet prisoners of war as "guerrillas".

b. On or about 25 August 1941, in the U.S.S.R., troops of the 18th Army, commanded by KUECHLER, under Army Group North, commanded by LEEB, killed 35 wounded prisoners of war.

c. On or about 9 September 1941 in Djedkowow in the U.S.S.R., troops of Panzer Group 3, then under the command of HOTH, killed 4 Soviet prisoners of war.

d. On or about 13 September 1941, troops of the 213th Security Division, ROQUES, as Commanding General of the Rear Area Army Group South, executed 13 escaped and recaptured Soviet prisoners of war.

e. On or about 15 October 1941 in the area of the 24th Infantry Division, more than 1,000 Soviet prisoners of war, under ROQUES, were shot to death because they were unable to march, or died from exhaustion.

f. On 16 October 1941 in Nikolayev, troops of the 11th Army, of which WOEHLER was Chief of Staff, delivered 75 Jewish prisoners of war to the SD for execution.

g. On or about 22 October 1941, 20 Soviet prisoners of war were executed at concentration camp "Gross Rosen"; on or about 15 October 1941, 21 Soviet prisoners of war were executed at Dachau; on or about 22 October 1941, 40 Soviet prisoners of war were executed at Dachau; on or about 8 November 1941, 99 Soviet prisoners of war were executed at Dachau; on or about 12 November 1941, 135 Soviet prisoners of war were executed at Dachau; between 1 September 1941 and 23 January 1942, 1,082 Soviet prisoners of war were selected by the Gestapo at Regensburg for execution; all of said prisoners of war being under the control of REINECKE and executed pursuant to agreements made by REINECKE with other authorities.

h. In the period immediately preceding 9 November 1941 in the operational area of the 18th Army prisoners of war under the control of KUECHLER, Commander in Chief of the 18th Army, under Army Group North, commanded by LEEB, died at the rate of 100 daily from malnutrition.

i. In the month of September 1942 in the rear area of the 2nd Army commanded by SALMUTH, 384 prisoners of war died or were shot and 42 others were turned over to the SD for execution.

j. In the period from 1 January 1942 to 6 March 1942 in the rear area of the 11th Army, 2,366 prisoners of war were killed or died of exhaustion, neglect and disease, and 317 prisoners of war were turned over to the SD for execution.

k. From 14 January 1942 to 29 September 1942 in the rear area of Army Group North, commanded by KUECHLER, 200 captured Soviet prisoners of war were executed.

l. In July 1943 in the rear area of the 4th Panzer Army commanded by HOTH, 24 prisoners of war were turned over to the SD for execution, and in August 1943, 39 prisoners of war were turned over to the SD for execution.

m. In January 1945 a French prisoner of war, the General Mesney, then under the control of the German Prisoner of War Administration, was murdered, and thereafter false reports of the cause and nature of his death were issued by REINECKE with knowledge that Mesney had been murdered.

58. The acts and conduct of the defendants set forth in this Count were committed unlawfully, wilfully, and knowingly, and constitute violations of the laws and customs of war, of international treaties and conventions, including the Hague Regulations, 1907, and the Prisoner-of-War Convention (Geneva, 1929), of the general principles of criminal law as derived from the criminal laws of all civilized nations, of the internal penal laws of the countries in which such crimes were committed, and of Article II of Control Council Law Number 10.

## COUNT THREE—WAR CRIMES AND CRIMES AGAINST HUMANITY: CRIMES AGAINST CIVILIANS

59. Between September 1939 and May 1945 all of the defendants herein, with divers other persons including the co-participants listed in Appendix A, committed War Crimes and Crimes against Humanity as defined in Article II of Control Council Law Number 10, in that they participated in atrocities and offenses, including murder, extermination, ill treatment, torture, conscription to forced labor, deportation to slave labor or for other purposes, imprisonment without cause, killing of hostages, persecutions on political, racial and religious grounds, plunder of public and private property, wanton destruction of cities, towns and villages, devastation not justified by military necessity, and other inhumane and criminal acts against German nationals and members of the civilian populations of countries and territories under the belligerent occupation of, or otherwise controlled by Germany. The defendants committed War Crimes and Crimes against Humanity, in that they were principals in, accessories to, ordered, abetted, took a consenting part in,

were connected with plans and enterprises involving, and were members of organizations and groups which were connected with, the commission of War Crimes and Crimes against Humanity.

60. Numerous murders and other crimes against civilians were carried out by troops and other agencies of the German Reich under the command or control of the German armed forces. Special extermination groups within the framework of the Army, such as Einsatz Groups of the Security Police and SD and other police units, operating under army jurisdiction, were directed to treat Soviet nationals, Jews, democrats, nationalists, gypsies and others as racial inferiors, sub-humans and beasts. Pursuant to this program of genocide and extermination, millions of such persons were killed. As the result of the suspension of courts martial in territories invaded by the German Army, hundreds of civilians were wantonly executed without trial. Suspicion of offenses against the German forces was considered sufficient reason for execution or secret abduction. Civilian functionaries and political leaders were executed merely because of their position. Murder and violence by German troops were encouraged by German army order and it was specifically directed that the perpetrators of such crimes need not be punished. The German Army officially disseminated propaganda, literature and public expressions advocating and inciting murder, enslavement, genocide and extermination.

61. Collective penalties, seizure and execution of hostages and reprisal measures were instituted as part of a deliberate scheme of terror and intimidation wholly unwarranted and unjustified by military necessity, and in flagrant violation of the laws and customs of war, to compel the victims to furnish military information, and to exterminate certain races and classes. These measures consisted not only of offenses against the persons of the victims but also included a program of wholesale destruction and devastation of property. Offers of surrender were refused and entire cities and villages were razed.

62. Masses of the civilian population were forcibly conscripted for labor in the Reich and in the occupied territories and were deported and forced to labor under inhumane conditions. Civilians were forced to labor on fortifications, entrenchments, clearing mines, and in other dangerous operations, even while under fire.

63. Invaded territories were exploited for the benefit of the German economy. Cattle, food, personal property and other material resources were seized. All forms of wealth, both by subterfuge and by outright confiscation, were plundered by the military and by attached agencies within the organization and jurisdiction of the armed forces. The crimes described in paragraphs 59 to 63 inclusive, included but were not limited to, those set forth hereinafter in this Count.

## A. Deportation and Enslavement of Civilians

64. The acts, conduct, plans and enterprises charged in this Count included those carried out as part of the slave labor program of the Third Reich, in the course of which millions of persons including women and children were subjected to forced labor under cruel and inhumane conditions which resulted in widespread suffering and many deaths. At least 5,000,000 workers were deported to Germany. The conscription of labor was accomplished in many cases by drastic and violent methods. Workers destined for the Reich were sent under guard to Germany, often packed in trains without adequate heat, food, clothing or sanitary facilities. Other inhabitants of occupied countries were conscripted and compelled to work in their own countries to assist the German war economy. The resources and needs of the occupied countries were completely disregarded in the execution of the said plans and enterprises, as were the family honor and rights of the civilian population involved. The treatment of slave laborers and prisoners of war was based or the principle that they should be fed, sheltered, and treated in such a way as to exploit them to the greatest possible extent at the lowest expenditure. The German armed forces played an important part in this enslavement operation and all of the defendants, with the exception of SCHNIEWIND, are charged with participation therein.

65. On 17 September 1942 a Hitler decree transmitted by WARLIMONT for the OKW stated that it was necessary to employ all available labor forces for the erecting of coastal defenses in the West. This order was received, distributed and executed by Rundstedt and other military leaders. Similarly, on 25 January 1943 Rundstedt, as Commander in Chief West, issued to subordinate commands his "Fundamental Order No. 2", directing that protection and cooperation be given to "recruiting commissions" acting for the purpose of conscripting and deporting slave labor in the occupied territory. On 1 August 1944 BLASKOWITZ as Commander in Chief of Army Group G directed the 1st Army, the 19th Army and other of his units to give all help and assistance to labor drafting agencies, since additional foreign workers were needed to speed up production in Germany. Every able-bodied male suspected of belonging to or being in sympathy with the resistance movement was to be deported to Germany for labor, and the responsibility for carrying out such measures was to rest with the armies in their respective sectors. Again on 10 August 1944 BLASKOWITZ distributed to units of his army group an order of the Commander in Chief West providing that all able-bodied men between 16 and 55 years of age in sectors where resistance forces were observed were to be arrested for deportation to Germany.

66. On 21 July 1941, on 16 August 1941 and on other dates, ROQUES, Commanding General, Rear Area, Army Group South, issued an order to subordinate units that forced labor gangs, especially including Jews, were to be set up immediately in all territory occupied by the Germans. On 4 May 1943 REINHARDT as Commander in Chief of the 3rd Panzer Army in the U.S.S.R. ordered all subordinate units in his army to collect for labor allocation all men between the ages of 16 and 50 and all women between the ages of 16 and 40 capable of bearing arms and able to work.

67. The orders set forth above, and others similar thereto, resulted in numerous crimes. The following particulars are set forth as further examples of such crimes selected from many instances for which proof will be adduced:

a. On or about 3 July 1944 near Nice, in France, troops of the 62nd Reserve Corps in Army Group G, commanded by BLASKOWITZ, arrested 60 French nationals for deportation to Germany as laborers.

b. From October 1941 to January 1942, troops of the 285th Security Division, in the rear area of Army Group North, commanded by LEEB, in cooperation with "recruiting missions" for forced labor, deported to slave labor in Germany 1,496 men and 2,824 women.

c. From 11 December to 20 December 1941 in Dshankey, within the rear area of the 11th Army, of which WOEHLER was Chief of Staff, a camp for Jews of the Dshankey district was established by the army and guarded by troops of the army for the purpose of providing all types of slave labor for the city district.

d. From 1 to 14 March 1942, within the operational area of the XXXXIV Corps in the U.S.S.R., troops of the 17th Army, then commanded by HOTH, forced the evacuation of all able-bodied men from 16 to 55 years of age, and conscripted 2,500 civilians to forced labor on field fortifications.

e. On 27 May 1943 in the operational area of the LIV Corps of the 3rd Panzer Army, commanded by REINHARDT, 5,850 civilians were employed in labor for the Corps, and of that number 2,033 were employed in work on fortifications and entrenchments.

f. In May 1943 in the rear area of the 6th Army, commanded by HOLLIDT, all girls of 18 and 19 years of age were drafted for forced labor on fortifications.

g. On or about 22 August 1943 the civilian population within the operational area of the 4th Panzer Army under the command

of HOTH were forced to labor on entrenchment work and on or about 27 November 1943 the civilian population of certain designated villages were forced to furnish mines searching squads for the purpose of keeping the streets clear of mines.

## B. Plunder of Public and Private Property, Wanton Destruction and Devastation not Justified by Military Necessity

68. All of the defendants are charged with unjustified devastation, wanton destruction, and plunder of public and private property in German-occupied territory pursuant to a deliberate design and policy of the German armed forces. Thus, on 2 March 1942 troops of the LIX Corps of the 3rd Panzer Army, commanded by REINHARDT, were issued the following order:

> The Russian winter demands sufficient means of protection against the cold. Wherever the needed articles cannot be supplied through the supply channels, they are to be confiscated in the country **without** regard for the local population.
> There must no longer be a soldier doing duty wearing low boots or without warm gloves. Wherever the organization of the Korueck proves insufficient the troops are hereby ordered to help themselves. The equipment of the soldiers will vary depending on their assignment.

On 23 December 1941 Manstein, as Commander in Chief of the 11th Army, issued an order to SALMUTH, commanding the XXX Corps, stating: "All land that we have been forced to abandon to the enemy must be made unusable. Each village must be destroyed and burned down, without regard for the population, in order to make it uninhabitable for the enemy. This must be prepared in advance. If the destruction is not possible, undestroyed towns and villages must be later destroyed by the Air Force." On 11 August 1941 ROQUES, as Commanding General of the Rear Area of Army Group South, ordered the seizure of all Jewish religious items made from precious metals. The following particulars are set forth as further examples of such crimes, selected from many instances for which proof will be adduced:

a. In December 1941 and January 1942 and thereafter, in the operational area of the 3rd Panzer Army commanded by REINHARDT and pursuant to his direct order to create a devastated zone between the German and Russian lines, all villages and houses in line of retreat of the army were burned, all cattle driven away or slaughtered, all non-German vehicles were destroyed, all civilian furs and felt boots were seized, and the entire population of the devastated zone evacuated.

b. In the fall and winter of 1943 in the U.S.S.R., in territories being evacuated by Army Group North commanded by KUECHLER, in order to force an evacuation or elimination of the population, villages, houses, wells, mills, cellars and furnaces were destroyed, and all movable items, including milling stones, tools, carts, etc., were carried back or destroyed by the troops, resulting in innumerable civilian deaths and the destruction of a tremendous amount of property.

c. In November 1943, troops of the 6th Army commanded by HOLLIDT seized all cattle, poultry and agricultural machinery in the area, and removed 40,000 tons of corn, of which 4,000 tons were thrown into the Dnieper River.

d. In the period from 3 October 1944 to 17 January 1945, after the capitulation of the city of Warsaw, Poland, troops of units within Army Group Center, commanded by and subject to the control and jurisdiction of REINHARDT, razed the city of Warsaw.

### C. Murder, Ill Treatment and Persecution of Civilian Populations

69. Pursuant to the extermination policies of the Third Reich, millions of civilians, including at least 6,000,000 Jews, were slaughtered. Innumerable others were ill-treated, tortured, and persecuted for political, racial and religious reasons. Many of these murders and inhumanities were committed by regular troops of the German armed forces or by other military or police units under their command and control. All of the defendants herein are charged with responsibility for the initiation, issuance, distribution and execution of the orders hereinafter set out and orders similar thereto, and for the commission of the crimes charged in paragraphs 69 to 81, inclusive.

70. On 22 July 1940 KUECHLER, Commander in Chief of the 18th Army, issued an order in which he said, among other things: "I ask further that any soldier, especially officers, refrain from criticism of the racial struggle which is being carried out; for example, the treatment of the Polish minority, the Jews and church matters. The racial struggle which has raged in the East for centuries requires for its final racial solution decisive measures carried out in an energetic manner."

71. On 14 May 1941 Keitel issued an order, drafted and prepared by WARLIMONT and LEHMANN, and directly distributed to SCHNIEWIND, Brauchitsch and others of the German High Command, and thereafter received, distributed and executed by all of the defendants herein. The order, entitled "Order Concerning the Exercise of Martial Jurisdiction and Procedure in the Area Barbarossa and Special Military Measures", directed the troops to take ruthless action and that:

... military courts and courts martial will not be competent for **crimes committed by enemy** civilians...

Guerrillas should be disposed of ruthlessly by the troops, whether fighting or in flight.

Likewise all other attacks by enemy civilians on the Armed Forces, its members and employees, are to be suppressed at once by the troops, using the most extreme methods...

Where such measures have been neglected or were not at first possible, **persons suspected of criminal action will be brought at once before an officer,** who will decide whether they are to be shot. On the orders of an officer with the powers of at least a battalion commander, **collective despotic measures** will be taken without delay against **localities** . . . (from which attacks emanate) . . .

With regard to offenses committed against enemy civilians by members of the Wehrmacht and its employees, **prosecution is not obligatory,** even if the deed is at the same time a military crime or offense.

A court martial was to be ordered in such cases only "... if maintenance of discipline or security of the forces call for such a measure."

72. In July 1941 Brauchitsch, in an order issued to the Commander of the Rear Area of Army Group North, responsible to LEEB, and to ROQUES the Commander of the Rear Area of Army Group South, responsible to Rundstedt, and thereafter received, issued, distributed and executed by all of the defendants herein with the exception of SPERRLE, BLASKOWITZ, SCHNIEWIND, REINECKE, WARLIMONT and LEHMANN, directed:

Attacks and acts of violence of all kinds against persons or things as well as all attempts to be fought down with arms ruthlessly until the annihilation of the opponents is accomplished.

Whenever passive resistance is encountered or if barricades, shootings, attacks or other acts of sabotage occur where the perpetrators cannot be immediately determined and liquidated as provided in previous directives, immediate collective measures of force are to be carried out. Previous arrests of hostages as a guarantee against future violations are not necessary.

Russian soldiers who become separated from their unit and who roam around in the Army Rear Areas and as such are a threat to the pacification of the country are to be called upon by proclamation and radio to report at once to German Authorities. In case they do not report after the deadline, they are to be considered as guerrillas and treated as such.

All assistance by the population favoring partisans, stragglers, etc., is also to be considered as guerrilla warfare.

Suspicious elements who cannot be proved to have committed serious criminal acts but who seem dangerous because of their convictions and attitude are to be turned over to Einsatzgruppen of the SP o. SD. The roaming around of persons without identification papers is to be stopped.

73. On 21 July 1941, on 11 August 1941, on 28 August 1941 and on other dates, ROQUES as Commanding General of the rear area of Army Group South issued orders to subordinate units directing that Jews were to be compelled to wear identifying insignia, that they were to be used for forced labor and were to receive food rations lower than those of the rest of the population, that they were to pay contributions, that ghettos were to be set up, and that Jewish religious services were to be prohibited.

74. On 16 September 1941 Keitel, in an order which emanated from WARLIMONT'S department and was distributed to SCHNIEWIND, LEHMANN and Brauchitsch directly, as well as to other military leaders of the Wehrmacht, and during the period immediately following 16 September 1941, was received, issued, distributed and executed by all the defendants herein, directed:

It should be inferred, in every case of resistance... that it is of Communist origin.

... the most drastic measures should be taken immediately on the first indication... In this connection it should be remembered that a human life in unsettled countries frequently counts for nothing and a deterrent effect can be attained only by unusual severity ... the death penalty for 50-100 Communists should generally be regarded in these cases as suitable atonement for one German soldier's life.

75. On 1 October 1941 SALMUTH, as Commanding General of the XXX Corps in the 11th Army ordered as follows:

The battle against Bolshevism requires an energetic and ruthless attack, especially against Jews, the chief carriers of Bolshevism.

76. On 7 December 1941 the Commanding General of the 257 Infantry Division, in the 17th Army commanded by HOTH, issued special orders on partisan warfare. These orders stated:

For the interrogation the following measures are to be used: It has never happened that a person who is being interrogated incriminates a single person without being harshly treated Therefore, the following is to be observed: All persons being inter-

rogated are to be held strictly to the truth. From the outset they expect to be treated according to the methods used by the NLVD and for this reason they expect beatings from the very beginning. The following measures are to be used: 25 lashes on the buttocks, in the case of women, with a rubber hose and, in the case of men, with an oxtail or a night stick.

... persons who have been severely interrogated as well as those who have been found guilty (they have to be confronted) must be liquidated at the end of the strictest and thorough interrogation. Generally the liquidations should take place in an inconspicuous way such as with a shot through the neck, and the bodies should be buried in such a way that it is no longer possible for the relatives to exhume them.

77. On 2 March 1942 and thereafter troops of the LIX Corps of the 3rd Panzer Army, commanded by REINHARDT, committed murder and other crimes in execution of the following order issued by the Corps:

A weak attitude towards the population ... costs blood ... In every Russian he must see an active or passive supporter of the Red Army ... Arrest of hostages may be necessary ... For incidents in a village its inhabitants are to be made responsible on principle. Reprisals must be directed against the life and property of the inhabitants. The question of guilt of an individual plays no role. Only the strongest measures can serve as a deterrent and protect the lives of German soldiers.

78. On 12 February 1944 Rundstedt, as Commander in Chief West, distributed to SALMUTH, Commander of the 15th Army, and to other subordinates, instructions for the combatting of partisans. In the period immediately following 12 February 1944 SALMUTH received and distributed to troops under his command and jurisdiction these instructions, directing immediate counter-measures against all assaults on troop columns, including immediate return of fire, arrest of all civilians in the vicinity, and burning down of houses from which shots had been fired. It also stated:

If innocents are hurt, it is regrettable, but exclusively the fault of the terrorists.

... In view of the present situation there is no reason for punishment if the measures taken should prove too severe.

Again on 11 June 1944 Rundstedt as Commander in Chief West issued to BLASKOWITZ and other subordinate commanders an order directing:

... that in the large scale operations against the bands in southern France, action will be taken with ruthless force and without mercy.

... for return of order and security the most severe measures have to be taken to intimidate the inhabitants of these repeatedly infested territories...

79. The execution of the above-described orders resulted in numerous murders and other crimes. The following particulars are set forth as further examples of such crimes, selected from many instances for which proof will be adduced:

a. From 22 June 1941 to 31 December 1941, within the rear area of Army Group North, troops of the 285th Security Division, under the control and jurisdiction of Army Group North, commanded by LEEB, summarily shot 841 persons, arbitrarily listed by the Division as 738 "partisans and civilians", 99 "persons", and 4 Red Army soldiers "shot while escaping".

b. On or about 28 July 1941, within the rear area of Army Group South, troops subject to the control and command of ROQUES, Commanding General of the Rear Area of Army Group South, executed 1,658 Jews.

c. From 1 August 1941 to 31 March 1942, troops within the rear area of Army Group North, commanded by LEEB until 18 January 1942 and thereafter by KUECHLER, captured 8,329 civilians and Soviet soldiers, arbitrarily defined as "partisans", and killed a majority of those captured, without trial.

d. On or about 31 August 1941, in Czerwone, troops commanded by ROQUES within the Rear Area of Army Group South, executed 63 Jews.

e. From 14 September 1941 to 28 September 1941, troops of Panzer Group 3, commanded by HOTH, killed 281 persons 120 as "actual partisans" and 161 as "potential partisans".

f. In the period immediately prior to 28 October 1941, in the city of Melitipol within the rear area of the 11th Army, of which WOEHLER was Chief of Sttff, 2,000 Jews were turned over by the Army to the SD for execution.

g. From about 5 November to 15 November 1941 in Simferopol, within the rear area of the 11th Army, commanded by Manstein and with WOEHLER as Chief of Staff, members of the SD and Army executed 11,000 Jews.

h. In November 1941 in Kalinin, by special order of the Commander of Kalinin, under Panzer Group 3, commanded by REINHARDT, 10 insane persons were killed because "there was no possibility to provide for their quarters and food".

i. On or about 3 January 1942 in Makarjewo, by direction of KUECHLER, Commander in Chief of the 18th Army, under

Army Group North, commanded by LEEB, members of the SD exterminated approximately 240 insane persons located in the insane asylum at Makarjewo.

j. On 14 January 1942 in the area of Eupatoria, troops in the rear area of the 11th Army, killed 1,300 male persons in retaliation for alleged civilian support of a landing by Soviet troops.

k. From 28 February 1942 to 14 March 1942, within the operational area of the XXXXIV Corps, troops of the 17th Army, commanded by HOTH, delivered 53 persons for execution to members of SD units, and, in addition, executed 63 persons as "partisans", 112 "for moving around without identification and suspicion of illegal activities", 28 as "communists", 27 as "spies", 4 "saboteurs", 6 "thieves", and 8 persons "moving in unauthorized front lines".

l. In March 1942 in the village of Kolushy, troops of the 3rd Panzer Army commanded by REINHARDT destroyed the village and killed all of its inhabitants as an antipartisan reprisal action.

m. From 15 March 1942 to 29 April 1942, within the area of the XXXXIV Corps, troops of the 17th Army, commanded by HOTH, summarily executed 140 persons as "partisans", 147 as "communists", 151 as "spies", 23 for "sabotage and refusal to work", 44 for "anti-German propaganda", 14 for "theft", 13 as "Jews", and 15 for "moving about without identification papers".

n. From 30 April 1942 to 14 May 1942, within the operational area of the XXXXIV Corps, troops of the 17th Army, commanded by SALMUTH, summarily executed 17 persons as "partisans", 12 as "communists", 10 as "spies", 5 as "saboteurs", 4 for "theft", 8 for "possession of arms", 4 for "anti-German propaganda", 1 for "refusal to work", and 2 as "Jews".

o. On 9 June 1942, troops of the 285th Security Division in the Rear Area, Army Group North, commanded by KUECHLER, shot 128 gypsies as "partisan helpers".

p. On 13 and 14 June 1942, near Wjasma, by direct order of REINHARDT as Commanding General of the 3rd Panzer Army, the SD in Wjasma killed 113 physically and mentally abnormal persons "on suspicion that those cripples were used for espionage".

80. Millions of murders and other crimes in the Eastern territories occupied by the Germans were committed by special task forces called "Einsatzgruppen" formed from personnel of the SS, the SD, the Gestapo and other police units. Pursuant to an agreement made in April 1941 between the SD and the Army, these forces accompanied the German

Army into the Eastern occupied territories and operated within the jurisdictional spheres of the Army for the purpose of exterminating elements of the population considered "inferior" and "politically or racially undesirable". On 28 April 1941 Brauchitsch issued a directive, previously reviewed by WARLIMONT, to Rundstedt and other military leaders. This directive authorized the operations of the Einsatz Groups within the operational areas of the Army pursuant to the right of the armies to exclude their employment and subject to the duty of the groups to report to the armies their missions and accomplishments. Initially four Einsatzgruppen were formed, each of which supervised the operations of a number of subordinate units. Einsatzgruppe A operated mainly in the Baltic region within the area of Army Group North commanded first by von LEEB and later by von KUECHLER; Einsatzgruppe B operated mainly within the area of Army Group Center commanded by von Bock; Einsatzgruppe C operated mainly within the area of Army Group South commanded by von Rundstedt; Einsatzgruppe D operated mainly within the area of the 11th Army commanded by von Manstein. The following particulars are set forth as examples of crimes selected from many instances for which proof will be adduced:

a. From 20 October 1941 to 30 October 1941, in Mariupol, members of the SD and soldiers, all under the command and jurisdiction of the 11th Army, of which WOEHLER was Chief of Staff, executed 8,000 Jews and turned over the vacated Jewish homes, clothes and personal belongings to the 11th Army for military use.

b. Immediately prior to 1 October 1941 in the city of Kiev, units within the rear area of Army Group South, under the control and jurisdiction and subject to the command of ROQUES, executed 34,000 Jews.

c. From 22 June 1941 to 15 October 1941 in Lithuania, Latvia, Estonia and White Ruthenia, Einsatzgruppe A within the area of Army Group North, commanded by LEEB, murdered 118,430 Jews and 3,398 Communists.

d. From 22 June 1941 to 3 November 1941 in the vicinity of Shitomir, Novo Ukrainka and Kiev all within the area of Army Group South, Einsatzgruppe C murdered more than 75,000 Jews.

e. From 1 October 1941 to 15 October 1941 in the area east of Dnjepr, within the operational area of the 11th Army, with WOEHLER as Chief of Staff, Einsatzgruppe D murdered 4,891 Jews and 46 Communists.

81. On 7 December 1941 and thereafter orders and decrees, respectively known and referred to as "Nacht und Nebel" (Night and Fog) and "Sabotage" and "Terror" decrees, prepared and formulated by

WARLIMONT and LEHMANN, were issued, directing the secret seizure, terrorization, and murder, in the occupied territories, of civilians suspected or accused of committing offenses or acts of resistance against the German occupying forces, and further directed that only those cases should be judicially tried in the occupied territories where both the trial and execution of the offenders could be accomplished within a week after arrest. In other cases, the orders further directed, the accused were to be secretly taken to Germany and their whereabouts and subsequent disposition kept in complete secrecy to serve the dual purpose of terrorizing the victims' families and friends and barring recourse to evidence, witnesses and counsel. Thereafter, in 1944, orders emanating from OKW and prepared and formulated by WARLIMONT and LEHMANN suspended all legal proceedings and intensified the severity of the terror decrees. As a result of this series of decrees, innumerable persons were imprisoned without trial, forced to slave labor, imprisoned in concentration camps and murdered.

82. The acts and conduct of the defendants set forth in this Count were committed unlawfully, wilfully, and knowingly, and constitute violations of the laws and customs of war, of international treaties and conventions, including the Hague Regulations, 1907, and the Prisoner-of-War Convention (Geneva, 1929), of the general principles of criminal law as derived from the criminal laws of all civilized nations, of the internal penal laws of the countries in which such crimes were committed, and of Article II of Control Council Law Number 10.

## COUNT FOUR—COMMON PLAN OR CONSPIRACY

83. All the defendants, with divers other persons, during a period of years preceding 8 May 1945, participated as leaders, organizers, instigators and accomplices in the formulation and execution of a common plan and conspiracy to commit, and which involved the commission of, Crimes against Peace (including the acts constituting War Crimes and Crimes against Humanity, which were committed as an integral part of such Crimes against Peace) as defined in Control Council Law Number 10, and are individually responsible for their own acts and for all acts committed by any persons in the execution of such common plan or conspiracy.

84. The acts and conduct of the defendants set forth in Counts One, Two and Three of this Indictment formed a part of said common plan or conspiracy and all the allegations made in said Counts are incorporated in this Count.

WHEREFORE, this Indictment is filed with the Secretary General of the Military Tribunals and the charges herein made against the above-named defendants are hereby presented to the Military Tribunals.

TELFORD TAYLOR
Brigadier General, USA
Chief of Counsel for War Crimes
Acting on behalf of the United
States of America

Nürnberg, 28 November 1947.

## APPENDIX A

### Statement of Military Positions Held by the Defendants and Co-Participants

The following is a list of the military positions held by each of the defendants and co-participants named in the Indictment. Each of the defendants, in holding and exercising these positions, committed Crimes against Peace, War Crimes and Crimes against Humanity as set forth in this Indictment.

WILHELM VON LEEB — Generalfeldmarschall (General of the Army); (1918) Major at end of World War I; (May to October 1919) Department Chief in Bavarian Ministry for Military Affairs; (October 1919 to June 1921 Staff Officer in Ministry of National Defense (Reichswehrministerium); (June 1921 to September 1923) Chief of Staff Army District (Wehrkreiskommando) II; (October 1923 to September 1924) Chief of Staff Army District (Wehrkreiskommando) VII; (October 1924 to January 1926) Commander II Battery, Artillery Regiment 7; (February 1926 to January 1928) Commander 7th Artillery Regiment; (March 1928 to January 1930) Commander of Artillery, District V; (February 1930 to September 1935) Commander Army District (Wehrkreiskommando) VII; (October 1935 to February 1938) Commander in Chief Army Group Command (Heeresgruppenkommando) 2; (October 1938) Commander in Chief 12th Army; (September 1939 to May 1941) Commander in Chief Army Group C; (June 1941 to January 1942) Commander in Chief Army Group North.

Promotions: (1916) Major (Major); (1920) Oberstleutnant (Lieutenant Colonel); (1925) Oberst (Colonel); (February 1929) Generalmajor (Brigadier General); (December 1929) Generalleutnant (Major General); (1934)

General der Artillerie (Lieutenant General, Artillery); (1939) General Oberst (General); (1940) Generalfeldmarschall (General of the Army).

HUGO SPERRLE — Generalfeldmarschall (General of the Army); (1918) Captain at end of World War I; (1922 to 1923) Staff Officer in the 5th Division; (1925) Special duty with Reich Air Ministry; (1929) Battalion Commander in Infantry Regiment 14; (1931) Commander of Infantry Regiment 8; (1934) Special duty with Reich Air Ministry; (1935) Commanding General Air District (Luftkreis) 5; (November 1936 to October 1937) Commander of the "Condor Legion" in Spain; (February 1938 to January 1939) Commanding General of Air Group (Luftgruppe) 3; (February 1939 to August 1944) Commander in Chief Air Fleet (Luftflotte) 3.

Promotions: (1918) Hauptmann (Captain); (1926) Major (Major); (1933) Oberst (Colonel); (1935) Generalmajor (Brigadier General); (1937) Generalleutnant (Major General); (1937) General der Flieger (Lieutenant General, Air Force); (1940) Generalfeldmarschall (General of the Army).

GEORG KARL FRIEDRICH-WILHELM VON KUECHLER — Generalfeldmarschall (General of the Army); (1918) Captain at end of World War I; (October 1919 to September 1921) Instructor Infantry School at Munich; (October 1921 to March 1923) Staff Officer of Infantry Training Branch; (April 1923 to January 1927) Battery Chief in Artillery Regiment 5; (April 1927 to February 1928) Instructor at the Infantry School Ohrdruf; (March 1928 to January 1930) Staff Officer in the Training and Education Branch (Reichswehrministerium-Ausbildungsabteilung); (February 1930 to September 1932) Commander of the Cavalry School Jueterbog; (October 1932 to March 1935) Commander 1st Division Artillery; (April 1935 to March 1937) Inspector of Military Schools; April 1937 to August 1939) Commanding General (Kommandierender General) I Corps, East Prussia; (September 1939) Commander in Chief 3rd Army; (October and November 1939) Commander of East Prussian Defense Zone; (November 1939 to January 1942) Commander in Chief 18th Army; (January 1942 to January 1944) Commander in Chief Army Group North.

Promotions: (1918) Hauptmann (Captain); (1924) Major (Major); (1929) Oberstleutnant (Lieutenant Colonel); (1931) Oberst (Colonel); (1935) Generalmajor (Brigadier General); (1937) Generalleutnant (Major General); (1937) General der Artillerie (Lieutenant General, Artillery); (1940) Generaloberst (General); (1942) Generalfeldmarschall (General of the Army).

JOHANNES BLASKOWITZ — Generaloberst (General); (1918) Captain at end of World War I; (1919) General Staff Officer with Army District (Wehrkreiskommando) V; (1921) General Staff Officer with Commander of Infantry (Infanteriefuehrer) District V; (1924) Commander 3rd Battalion Infantry Regiment 13; (1928) Chief of Staff, 5th Divi-

sion; (1930) Commander Infantry Regiment 14; (1933) Inspector of Armament Schools; (1935) Commanding General Army District (Wehrkreis) II; (November 1938 to August 1939) Commander in Chief Army Group Command (Heeresgruppenkommando) 3; (September 1939 to October 1939) Commander in Chief 8th Army; (October 1939) Commander in Chief 2nd Army; (October 1939 to May 1940) Commander in Chief East (Oberbefehlshaber Ost); (May 1940) Commander in Chief 9th Army; (June 1940) Military Commander (Militaerbefehlshaber) Northern France; (October 1940 to May 1944) Commander in Chief 1st Army; (May 1944 to September 1944) Acting Commander in Chief Army Group G; (December 1944 to January 1945) Commander in Chief Army Group G; (January 1945 to April 1945) Commander in Chief Army Group H; (April 1945) Commander in Chief Netherlands and 25th Army.

Promotions: (1918) Hauptmann (Captain); (1922) Major (Major) (1926) Oberstleutnant (Lieutenant Colonel); (1929) Oberst (Colonel); (1932) Generalmajor (Brigadier General); (1933) Generalleutnant (Major General); (1936) General der Infanterie (Lieutenant General, Infantry); (1939) Generaloberst (General).

HERMANN HOTH — Generaloberst (General); (1918) Captain end of World War I; (August 1919 to March 1920) Company Commander Volunteer Militia Unit (Landjaeger Korps); (March 1920 to September 1920) Company Commander Infantry Regiment 32; (October 1920 to December 1920) Company Commander Infantry Regiment 18; (January 1921 to September 1923) Staff Officer in Ministry of National Defense; (October 1923 to September 1925) Staff Officer with Commander of Infantry (Infanteriefuehrer) District II; (October 1925 to December 1928) Staff Officer in Ministry of National Defense; (January 1929 to October 1930) Commander I Battalion, Infantry Regiment 4; (November 1930 to September 1932) Staff Officer I Corps; (October 1932 to January 1934) Commander, Infantry Regiment 17; (February 1934 to September 1935) Fortress Commandant Luebeck; (October 1934 to October 1935) Infantry Commander (Infanteriefuehrer) District III; (October 1935 to November 1938) Commander 18th Division; (November 1938 to November 1940) Commanding General XV Corps; (November 1940 to October 1941) Commander, Panzer Group 3; (October 1941 to April 1942) Commander in Chief 17th Army; (May 1942 to December 1943) Commander in Chief 4th Panzer Army.

Promotions: (1918) Hauptmann (Captain); (1924) Major (Major); (1929) Oberstleutnant (Lieutenant Colonel); (1932) Oberst (Colonel); (1934) Generalmajor (Brigadier General); (1936) Generalleutnant (Major General); (1938) General der Infanterie (Lieutenant General, Infantry); (1940) Generaloberst (General).

HANS REINHARDT — Generaloberst (General); (1918) Captain end of World War I; (January 1919 to March 1919) Company Commander Infantry Regiment 107; (March 1919 to March 1922) General Staff Officer, 24th Infantry Division; (April 1922 to September 1925) General Staff Officer with Commander of Artillery in District IV Dresden; (October 1925 to September 1927) Instructor Infantry School Ohrdruf and Dresden; (October 1927 to September 1931) Instructor of Tactics and War History; (October 1931 to February 1933) Commander III Battalion Infantry Regiment 10; (March 1933 to September 1933) Chief of Staff Military District (Wehrkreiskommando) IV; (October 1933 to October 1937) Chief of Army Training Department in the OKH (Heeresausbildungs Abteilung); (October 1937 to November 1938) Commander 1st Rifle Brigade in the 1st Panzer Division; (November 1938 to February 1940) Commander 4th Panzer Division; (February 1940 to October 1941) Commanding General XXXXI Corps; (October 1941 to August 1944) Commander Panzer Group 3 (later 3rd Panzer Army); (August 1944 to January 1945) Acting Commander in Chief of Army Group Center.

Promotions: (1918) Hauptmann (Captain); (1927) Major (Major); (1931) Oberstleutnant (Lieutenant Colonel); (1934) Oberst (Colonel); (1937) Generalmajor (Brigadier General); (1939) Generalleutnant (Major General); (1940) General der Panzer Truppen (Lieutenant General, Panzer Troops); (1942) Generaloberst (General).

HANS VON SALMUTH — Generaloberst (General); (1918) Captain at end of World War I; (March 1919 to April 1921) Staff Officer, Infantry Regiment I; (April 1921 to September 1922) Staff Officer, Army District (Wehrkreiskommando) 1; (October 1922 to September 1924) Staff Officer with Commander of Artillery (Artilleriefuehrer) District I; (October 1924 to March 1927) Staff Officer with Fortress Commander Koenigsberg; (April 1927 to January 1930) Company Commander in Infantry Regiment 9; (January 1930 to September 1932) 1st General Staff Officer, Army District (Wehrkreiskommando) I; (October 1932 to November 1933) Commander Battalion I, Infantry Regiment 12; (December 1933 to October 1935) Chief of Staff Army District (Wehrkreiskommando) II; (October 1935 to October 1937) Chief of Staff II Corps; (October 1937 to August 1939) Chief of Staff Army Group Command (Heeresgruppenkommando) 1; (September and October 1939) Chief of Staff Army Group North; (October 1939 to May 1941 Chief of Staff Army Group "B"; (May 1941 to February 1942) Commanding General XXX Corps; (April and May 1942) Acting Commander in Chief 17th Army; (June and July 1942) Acting Commander in Chief 4th Army; (July 1942 to February 1943) Commander in Chief 2nd Army; (August 1943 to August 1944) Commander in Chief 15th Army.

Promotions: (1918) Hauptmann (Captain); (1928) Major (Major); (1932) Oberstleutnant (Lieutenant Colonel); (1934) Oberst (Colonel); (1937) Gen-

éralmajor (Brigadier General); (1939) Generalleutnant (Major General); (1940) General der Infanterie (Lieutenant General, Infantry); (1943) Generaloberst (General).

KARL HOLLIDT — Generaloberst (General); (1918) Captain at end of World War I; (April 1919 to September 1923) Regimental Adjutant (Regimentsadjutant) Infantry Regiment 15; (October 1923 to September 1925) Staff Officer in Ministry of National Defense; (October 1925 to March 1926) Commander 1st Squadron, Cavalry Regiment 3; (April 1926 to September 1927) Staff Officer with Infantry Commander (Infanteriefuehrer) District III; (October 1927 to September 1930) Company Commander in Infantry Regiment 12; (October 1930 to September 1931) Staff Officer in I Corps; (October 1931 to November 1933) Staff Officer in Army District (Wehrkreis) V as instructor for War History and Tactics; (December 1933 to March 1935) Battalion Commander in Infantry Regiment 12; (March 1935 to November 1938) Chief of Staff Army District (Wehrkreis) I; (November 1938 to August 1939) Infantry Commander (Infanteriefuehrer) District 9; (September 1939) Commander Infantry Division 52; (September 1939 to October 1939) Chief of Staff 5th Army; (October 1939 to May 1940) Chief of Staff to the Commander in Chief East; (May 1940 to October 1940) Chief of Staff 9th Army; (October 1940 to January 1942) Commander 50th Infantry Division; (January 1942 to December 1942) Commander of XVII Corps; (December 1942 to March 1943) Commander Army (Armeeabteilung) Hollidt; (March 1943 to April 1944) Commander in Chief 6th Army; (February 1945) Liaison Officer to Party Chancellory under Reichsleiter Berman and Deputy to Gauleiter Rhine-Westphalian Industrial District.

Promotions: (1918) Hauptmann (Captain); (1930) Major (Major); (1932) Oberstleutnant (Lieutenant Colonel); (1935) Oberst (Colonel); (1938) Generalmajor (Brigadier General), (1940) Generalleutnant (Major General); (1942) General der Infanterie (Lieutenant General, Infantry); (1943) Generaloberst (General).

OTTO SCHNIEWIND — Generaladmiral (Admiral); (1938) Lieutenant Senior Grade at end of World War I; (June 1919 to January 1920) British Prisoner of War; (June 1920 to December 1920) Commander of Mine Sweeper Flotilla; (January 1921 to June 1922) Staff Officer of Navy Station North Sea (Marinestation der Nordsee); (June 1922 to October 1924) Navy Staff Officer of Navy Command at Berlin (Marineleitung); (Fall 1924 to October 1926) Navy Adjutant to the Minister of War; (November 1926 to October 1928) Commander of Destroyer Squadron; (November 1928 to October 1930) Commander of Destroyer Flotilla; (1930 to 1932) Member of Fleet Staff (Flottenstab); (October 1932 to May 1934) Captain of Cruiser "Koeln"; (May 1934 to October 1937) Chief of Staff of Fleet (Chef des Flottenstabes); (October 1937 to November 1938) Chief of Navy Armament Office (Marine-Wehr-Amt); (No-

vember 1938 to May 1941) Chief of Navy Command Office (Marine-Kommando-Amt) and Chief of Staff of Naval War Staff (Seekriegsleitung); (June 1941 to July 1944) Commander of the Fleet (Flottenchef); (March 1942 to August 1942) Commander of Naval Battle Forces (Flottenstreitkräfte) in Norway; (March 1943 to May 1944) Commander of Naval Group North (Marinegruppe Nord).

Promotions: (1918) Kapitaenleutnant (Lieutenant Senior Grade); (1925) Korvettenkapitaen (Lieutenant Commander); (1931) Fregattenkapitaen (Commander); (1933) Kapitaen (Captain); (1937) Konteradmiral (Commodore); (1939) Viceadmiral (Rear Admiral); (1940) Admiral (Vice Admiral); (1944) Generaladmiral (Admiral).

KARL VON ROQUES — General der Infanterie (Lieutenant General, Infantry); (1918) Major at end of World War I; (1919 to January 1933) Officer on Active Duty with the German Army (Reichswehr); (August 1934 to December 1939) Member of Civilian Air Raid Protection Service in Berlin; (April 1940 to March 1941) Division Commander in the Zone of the Interior; (March 1941 to June 1942) Commander of Rear Area, Army Group (rueckwaertiges Heeresgebiet) South; (September and October 1941) Commanding General of Group (Armeegruppe) von Roques; (July 1942 to December 1942) Commander Rear Area, Army Group A.

Promotions: (1918) Major (Major); (1925) Oberstleutnant (Lieutenant Colonel); (1928) Oberst (Colonel); (1931) Generalmajor (Brigadier General); (1938) Generalleutnant (Major General); (1941) General der Infanterie (Lieutenant General, Infantry).

HERMANN REINECKE — General der Infanterie (Lieutenant General, Infantry); (1918) Captain at end of World War I; (May 1918 to May 1924) Staff Officer in the High Command of the Army (Heeresleitung); (1924 to December 1927) Commander 13th Infantry Regiment Ortelsburg; (January 1928 to September 1932) On special duty in the Ministry of National Defense; (October 1932 to 1934) Battalion Commander 6th Infantry Regiment Luebeck; (1934 to October 1936) On special duty in Ministry of National Defense; (November 1936 to 1937) Director of Ibero-American Institute — Berlin; (January 1939 to December 1939) Chief of the Department "Armed Forces General Affairs" (Amtsgruppe Allgemeine Wehrmachts Angelegenheiten) in the High Command of the Armed Forces (Oberkommando der Wehrmacht "OKW"); (1939 to 1945) Chief of the General Office of the OKW (Allgemeines Wehrmachts Amt); (1943 to 1945) Chief of the National Socialist Guidance Staff of the OKW (N. S. Fuehrungsstab im OKW).

Promotions: (1918) Hauptmann (Captain); (1929) Major (Major); (1933) Oberstleutnant (Lieutenant Colonel); (1935) Oberst (Colonel); (1939) Generalmajor (Brigadier General); (1940) Generalleutnant (Major General); (1942) General der Infanterie (Lieutenant General), Infantry).

WALTER WARLIMONT — General der Artillerie (Lieutenant General, Artillery); (1918) First Lieutenant at end of World War I; (1919) Officer in Free Corps Maerker; (December 1919 to September 1921) Adjutant Artillery Regiment 6; (October 1921 to September 1922) Battery Commander in Artillery Regiment 6; (October 1922 to September 1923) Inspection Officer, Infantry School at Munich; (October 1923 to September 1925) Staff Officer in Army District (Wehrkreiskommando) VI; (October 1925 to September 1926) Assigned to Ministry of National Defense for Training; (October 1926 to September 1928) Second Adjutant to Chief of Staff; (October 1928 to January 1929) Special duty with Army Ordnance Office (Heereswaffenamt) Military Economics Staff (Wehrwirtschaftsstab) in the Ministry of National Defense; (February 1929 to September 1929) Staff Officer with Artillery Regiment 1; (May 1929 to September 1930) On special duty in USA; (October 1930 to March 1933) Battery Commander Artillery Regiment 1; (April 1933 to June 1934) Chief of Industrial Planning in Ordnance Office (Waffenamt); (July 1934 to December 1936) Chief of Ordnance Office (Waffenamt); (August 1936 to November 1936) Military Envoy to General Franco in Spain and Leader of the German Volunteer Corps; (December 1936 to October 1937) Commander Battery 2 Artillery Regiment 34; (October 1937 to November 1938) Commander Artillery Regiment 26; (November 1938 to September 1944) Chief of Department National Defense (Landesverteidigung) (L) in OKW; (January 1942 to September 1944) Deputy Chief WFSt (Wehrmachtfuehrungsstab) in OKW.

Promotions: (1918) Oberleutnant (First Lieutenant); (1925) Hauptmann (Captain); (1933) Major (Major); (1935) Oberstleutnant (Lieutenant Colonel); (1938) Oberst (Colonel); (1940) Generalmajor (Brigadier General). (1942) Generalleutnant (Major General); (1944) General der Artillerie (Lieutenant General, Artillery).

OTTO WOEHLER — General der Infanterie (Lieutenant General, Infantry); (1918) First Lieutenant at end of World War I; (1919 to 1921) Regimental Adjutant with Infantry Regiment 15; (1921 to 1923) Battalion Adjutant Infantry Regiment 15; (March 1923 to October 1926) Staff Officer with Commander of Army District (Wehrkreis) 5; (1927) Company Commander; (1928 to April 1931) Staff Officer with 3rd Cavalry Division; (May 1931 to Spring 1933) Company Commander, Infantry Regiment 6; (Spring 1933 to Summer 1934) General Staff Officer with the Commandant of the Fortress Kuestrin; (Fall 1934 to September 1936) Operations Officer, 8th Infantry Division; (September 1936 to Fall 1937) Operations Officer, VII Corps; (Fall 1937 to Spring 1938) On training duty in the Armed Forces Academy (Wehrmachtakademie) Berlin; (April 1938) Operations Officer Army Group 5 (later changed to AOK 14); (October 1939 to October 1940) Chief of Staff XVII Corps; (October 1940 to May 1942) Chief of Staff 11th Army; (May 1942 to February 1943)

(Artilleriefuehrer) in District II; (October 1921 to October 1922) Battery Commander; (November 1922 to September 1925) Staff Officer in Ministry of National Defense; (October and November 1925) Staff Officer in Artillery Regiment 6; (December 1925 to October 1927) Unit Commander in Artillery Regiment 6; (November 1927 to January 1930) Chief of Staff 6th Division; (January 1930 to February 1932) Department Chief in the Ministry of National Defense; (March 1932 to January 1933) Inspector of Artillery; (February 1933 to June 1935) Commander 1st Division and Army District (Wehrkreis) I; (June 1935 to March 1937) Commanding General I Corps; (April 1937 to February 1938) Commander-in-Chief Army Group Command (Heeresgruppenkommando) 4; (February 1938 to December 1941) Commander-in-Chief of the German Army.

FEDOR VON BOCK — Generalfeldmarschall (General of the Army); (September 1939) Commander-in-Chief Army Group North; (October 1939 to April 1941) Commander-in-Chief Army Group B; (May 1941 to January 1942) Commander-in-Chief Army Group Center; (January 1942 to July 1942) Commander-in-Chief Army Group South.

WILHELM KEITEL — Generalfeldmarschall (General of the Army); (1938 to 1945) Chief of the High Command of the German Armed Forces and Member of the Secret Cabinet Council.

ERICH VON MANSTEIN (formerly von Lewinski) Generalfeldmarschall (General of the Army); (1918) Captain at the end of World War I; (October 1921 to September 1923) Commander Company 6 in Infantry Regiment 5; (October 1923 to September 1924) Staff Officer in the 2nd Division; (October 1924 to September 1927) Staff Officer in the 4th Division; (October 1927 to August 1929) Staff Officer with Commander of Infantry (Infanteriefuehrer) in District IV; (September 1929 to September 1932) Staff Officer in the Ministry of National [illegible]; (October 1932 to January 1934) Commander 2nd Battalion, Infantry Regiment 4; (February 1934 to June 1935) Staff Officer in the 3rd Division; (July 1935 to October 1936) Department Chief in the General Staff of the Army; (October 1936 to February 1938) First Quartermaster in the General Staff of the Army; (February 1938 to August 1939) Commander of the 18th Division, (October 1939 to February 1940) Chief of Staff of Army Group A; (February 1940 to March 1941) Commanding General XXXVIII Corps; (March 1941 to September 1941) Commanding General LVI Corps; (September 1941 to November 1942) Commander-in-Chief 11th Army; (November 1942 to March 1944) Commander-in-Chief Army Group South.

ALFRED JODL — Generaloberst (General); (1932 to 1945) Chief of the Operations Department (WFSt) in the OKW.