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Argentina

"LA NACION" 4 de octubre de 1946.-

# PIDIÓ EL INDULTO PARA BORMANN SU ABOGADO DEFENSOR

## Hasta ahora los demás condenados no han solicitado clemencia

**NUREMBERG**, 3 (AP).—No se conocen los planes para el traslado de los tres acusados absueltos por el tribunal militar internacional a la ciudad de Hamburgo, en la zona británica de ocupación. Originalmente se creyó que los tres —Von Papen, Schacht y Fritsche— partirían esta noche o a primera hora de mañana, pero ahora hay indicios de que no lo harán hasta mañana por la tarde o el sábado. Todavía no se ha anunciado oficialmente cuándo ni cómo saldrán de Nuremberg.

Uno de los abogados defensores alemanes dijo, sin embargo, que los tres partirán juntos y viajarán por una ruta secreta a la mencionada ciudad. Von Papen se dirigirá desde Hamburgo hasta Stockhausen, y Schacht a su residencia de Schleswig-Holstein, pero se ignora si llevarán escolta británica o norteamericana desde Hamburgo. En cuanto a Fritsche, piensa permanecer en Hamburgo.

La decisión adoptada hoy en el sentido de que los tres absueltos reciban salvoconductos para salir de la zona y sean escoltados fué firmada por el teniente general Lucius Clay, gobernador militar norteamericano de la zona de Berlín. Hasta que esa orden del general Clay sea transmitida a Anton Pfeiffer, jefe del servicio de desnazificación de Baviera, cerca de un centenar de policías alemanes vestidos de civiles montará guardia en el Palacio de los Tribunales para hacerse cargo de los absueltos para que sean procesados ante la Junta de Desnazificación.

Mientras tanto, en la cárcel que está en los fondos del Palacio de Justicia se ha sabido que Frank y Kaltenbrunner se han negado a elevar apelación alguna al Consejo Aliado de Control. El abogado de Sauckel declaró que apelará en nombre de su defendido, a pesar de la actitud de despreocupación de éste. Seidl dijo que apelará pidiendo clemencia para Hess.

Aunque los abogados de la mayoría de los condenados informaron que apelarán los veredictos, hasta ahora sólo se ha recibido una apelación; la interpuesta en favor del único juzgado en ausencia, Martín Bormann, el lugarteniente de Hitler. Su abogado solicita que se le conmute la sentencia de muerte por la de prisión perpetua.

Los defensores tienen plazo hasta el sábado a las 16.45 para presentar sus apelaciones ante la Secretaría General del Tribunal, que a su vez las transmitirá al Consejo Aliado de Control, con sede en Berlín, o a la Comisión Coordinadora de dicho consejo, si ésta se encuentra todavía en Nuremberg.

Los abogados norteamericanos manifestaron que el veredicto absolutorio pronunciado por el tribunal en favor del financista doctor Hjalmar Schacht ha producido un efecto tan adverso a los planes aliados de juzgar a los industriales alemanes que cooperaron con el régimen nazi en sus planes de guerra, que los juicios que iban a iniciarse durante el mes de octubre tendrán probablemente que ser pospuestos para el año próximo.

El Dr. Britggen Telford Taylor, encargado de procedimientos, declaró que el juez norteamericano Jackson dará cuenta de dicho problema al presidente Truman. Se ha concedido a los abogados un plazo, que expirará el 15 de diciembre próximo, para preparar todas las pruebas contra los industriales germanos, entre los que se cuentan las empresas Krupp y la I. G. Farben, que facilitaron al régimen de Hitler productos y abastecimientos bélicos.

La decisión de posponer los juicios fué adoptada tan pronto como se tuvo conocimiento de que el doctor Schacht había sido absuelto. Algunos letrados norteamericanos expresaron que, a su juicio, va a ser muy difícil condenar a los industriales alemanes de guerra, puesto que una persona de tan considerable influencia en el régimen nazi como el Dr. Schacht, pudo comprobar su inocencia. Agregaron que las pruebas presentadas en el proceso demostraron que el acusado Von Papen, en representación de Hitler, celebró varias conferencias con los magnates industriales alemanes de la zona del Ruhr, a pesar de lo cual también resultó absuelto.

Se informó que la absolución del Estado Mayor Alemán como institución habrá de reflejar también considerable influencia en los procesos que se incoarán contra varios prominentes alemanes "militaristas". La opinión prevalente, expresada por un abogado norteamericano, indica que los llamados militaristas tan sólo podrán ser condenados si resultan convictos personalmente de haber participado en crímenes o atrocidades de guerra.

La secretaría general del Tribunal Militar ha dado curso de inmediato a la apelación interpuesta por el abogado de Borman, enviándola a la comisión cuadripartita, que se mantiene en sesión secreta permanente en esta ciudad, y cuya misión consiste en transmitir a la de Control Aliado los pedidos de clemencia, arreglar todos los detalles relacionados con las ejecuciones de los condenados y el traslado a Berlín de los sentenciados a prisión.

Se cree que Borman murió cuando trataba de huir de Berlín, al hacer su entrada en dicha ciudad las fuerzas rusas, en mayo de 1945. Varias personas, sin embargo, han informado haberlo visto en el Lago de Constanza y en Munich. Fué, como se sabe, condenado a muerte.

### Protesta obrera

**BERLIN**, 3 (AP).—La industria y los transportes públicos se vieron afectados, especialmente en la zona de ocupación rusa, a consecuencia de un paro de diez minutos decretado por los trabajadores como acto de protesta por los fallos absolutorios y sentencias a prisión decretados por el tribunal militar internacional.

### Procesarán a H. Schulz

**NUREMBERG**, 3 (AP). — Heinrich Schulz, acusado de haber participado en el asesinato del ministro del Reich Mathias Erzberger, en 1921, por haber firmado el tratado de Versalles en representación de Alemania, fué encontrado en un campamento-prisión para miembros de la guardia escogida SS, y será entregado a un tribunal civil alemán para ser juzgado por asesinato. Schulz había escapado y vivido en Hungría, Yugoeslavia, España, la Guinea Española y Africa Occidental hasta que Hitler subió al poder y le permitió regresar bajo nombre supuesto.

### La policía alemana

**NUREMBERG**, 3 (R).—Los piquetes de la policía alemana que fueron apostados en torno al Palacio de Justicia para arrestar a Hjalmar Schacht, Franz Von Papen y Hans Fritzsche, los tres absueltos del juicio de Nuremberg, han sido retirados por orden del jefe de policía de esta ciudad, quien expresó que actuaba obedeciendo "órdenes superiores".

### Opinión del Sr. Truman

**WASHINGTON**, 3 (INS).—El presidente Truman, en declaraciones formuladas hoy a los representantes de la prensa, calificó al proceso realizado contra los criminales de guerra nazi, ante el tribunal militar internacional de Nuremberg, como el más trascendental acontecimiento de la última guerra mundial. Destacó que el mismo se desarrolló dentro de la más absoluta imparcialidad.

## *CÓMO SE HALLAN EN SU CELDA LOS CONDENADOS*

**NUREMBERG**, 3 (Por el Dr. Gustav Gilbert, psicólogo de la prisión de Nuremberg, INS).—Once de los hombres que dirigieron el terror en el imperio nazi se encuentran sentados en sus celdas como si fueran condenados que ocupasen el pabellón de la muerte, en la prisión norteamericana de Sing Sing. Se encuentran profundamente deprimidos, tienen dificultad para dormir, carecen de apetito y desean que todo concluya lo antes posible. Hasta el propio ex mariscal Goering, que siempre tenía algo que decir, está ahora silencioso.

Los condenados a la pena capital se quejan de las sentencias, y dicen que el juicio fué injusto. Algunos se muestran indignados y celosos de que Schacht y von Papen hayan sido absueltos, pero, en general, lo que dicen demuestra que se sienten culpables de las acusaciones por las que se les ha condenado.

En la prisión no se registraron escenas ni se han producido desórdenes. Todos los reos se encuentran agotados, vencidos. He convivido con ellos más de un año, viéndolos a todos casi a diario, y creo que he escuchado con más minuciosidad que cualquier otra persona en el mundo las razones que aducían en su defensa. Quiero hacer constar que considero la sentencia completamente honesta y que será justificada por la historia.

Los condenados se entrevistarán con sus abogados una vez al día hasta el sábado, en que quedarán totalmente incomunicados del mundo exterior. Algunos de ellos han preguntado a sus defensores si había alguna esperanza de apelación. Keitel y Jodl no quieren clemencia, pero ambos desean ser fusilados en vez de morir en la horca. El ser ahorcados junto con hombres como Sauckel y Streicher, constituye para ellos el peor insulto.

Si se observase a los reos sin saber quiénes son, podría creerse fácilmente que se trata de criminales corrientes. Ya no se oyen risas. Las celdas se mantienen en un silencio absoluto y hasta puede escucharse el rasguear de la pluma sobre el papel cuando escriben cartas, lo que aun se les permite. No han tratado de discutir su situación conmigo, con el capellán, ni con el médico. Saben que los conocemos demasiado bien y que a nuestro juicio las sentencias son justas. No se nota tensión ni emoción en ellos. Parece que han agotado toda capacidad emotiva. Simplemente, están a la espera, y conservan la esperanza de que todo ha de concluir bien pronto.

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"LA PRENSA" setiembre 28 de 1946.-

# El Lunes o el Martes se Conocerá el Fallo del Tribunal de Nuremberg

**Nuremberg**, septiembre 27 (UP)— Los 21 procesados nazis como criminales de guerra y un mundo anhelante esperan el veredicto del tribunal militar internacional que deberá decidir la suerte de los dirigentes nazis que sumieron al mundo en le guerra más destructora que registra la historia de la humanidad. Las sentencias serán dadas a conocer a principios de la próxima semana, probablemente el lunes o el martes.

Los presos han pasado el día de hoy recibiendo las visitas de sus defensores y parientes más allegados. A los visitantes se les permitió permanecer una hora con los presos y mañana se les autorizará también a estar con ellos una hora, en vez de la media hora que hasta ahora se les concedía. Al mismo tiempo se les dijo que después de la visita de mañana deberán salir inmediatamente de Nuremberg, pues el tribunal no quiere que estén en la ciudad cuando se lean las sentencias.

Cuando los abogados defensores salieron de la prisión, uno de ellos manifestó a los periodistas que todos los procesados muestran valor y entereza. Goering, Wilhelm Keitel, von Ribbentrop, el doctor Hjalmar Schacht y los más importantes procesados han estado "posando" últimamente para pasar el tiempo.

Rudolf Hess mantiene su actitud, real o fingida, de completa indiferencia, por el resultado del juicio. El almirante Karl Doenitz pasa la mayor parte del tiempo leyendo los clásicos. Los abogados defensores están indignados con el tribunal por haberles prohibido que vean a sus patrocinados durante este fin de semana. Presúmese que tal prohibición constituye una medida de seguridad para impedir que puedan entrar armas clandestinamente en la prisión.

**Actividades de los jueces**

Los jueces han estado trabajando durante todo el día de hoy en la pequeña antecámara de la sala del tribunal, a donde les fué enviado el almuerzo.

El pueblo alemán conocerá las sentencias. Las principales radioemisoras de las cuatro zonas de ocupación están ajustando sus instalaciones en el palacio de justicia de Nuremberg para poder difundir el veredicto por todas las zonas, y también en Austria. Además, los diarios alemanes obtendrán cantidades extra de papel para que puedan publicar los textos de las sentencias, de modo que todos podrán escuchar y saber lo que les ocurra a sus ex dirigentes.

El servicio de información norteamericano dice que de cada diez alemanes interrogados siete opinan que todos los dirigentes nazis juzgados son culpables.

Es casi seguro que el veredicto está completado y traducido, y hasta es probable que hayan sido sacadas copias mimeográficas. No se tiene la menor duda de que la culpa de cada procesado y la de las organizaciones ha sido determinada individualmente y de que las sentencias están ya fijadas.

**Medidas adoptadas por el tribunal**

El secretario general del tribunal ha advertido públicamente que el mismo tribunal y las autoridades militares están preparados para entendérselas con cualquiera que deje traslucir los fallos antes de ser leídos en el tribunal. Se ha dispuesto ya prohibir a los periodistas que presencien las ejecuciones, caso de pronunciarse alguna sentencia de muerte. También se ha ordenado que la sala del tribunal sea despejada de fotógrafos en el momento en que se pronuncien las sentencias. No se ha dado explicación sobre estas medidas.

Los secretarios y los intérpretes que conocen el veredicto se hallan estrechamente custodiados, aun cuando los planes de mantenerlos aislados en un castillo acordonado fueron abandonados.

El número de periodistas venidos a Nuremberg aumenta constantemente, y pasa ya de los 400 que asistieron a la apertura del juicio en noviembre del año pasado.

**Personalidades esperadas**

Los visitantes distinguidos que son esperados, en vista de los muchos pedidos de pasajes para trenes y aeroplanos, todavía no han empezado a llegar.

El juez norteamericano Robert H. Jackson, procurador fiscal principal en el juicio, regresó a París, pero se espera que volverá acompañado de los senadores Connally y Vandenberg y del consejero del departamento de Estado, Ben Cohen.

Hasta mañana o el domingo no se sabrá si el general Eisenhower estará presente al leerse las sentencias. La presencia del general Joseph T. Mc Narney dependerá de los planes de Eisenhower, lo mismo que la del general Lucius Clay, del brigadier general Robert McClure, y del embajador Robert Murphy.

También figuran en la lista de visitantes norteamericanos los ministros de Estados Unidos en Suiza, Noruega, Dinamarca y Bélgica y el coronel Anthony J. Drexel Didole, ex ministro en Polonia.

El primer lord naval de Gran Bretaña, almirante sir Andrew Cunningham, el general sir Brian Robertson, miembro del Consejo Aliado de Intervención, y sir William Strang, consejero político del grupo británico del precitado consejo, encabezan la lista de los invitados.

Otras personas esperadas, son el ministro de justicia de Francia y dos miembros del movimiento de resistencia que declararon en el juicio sobre las atrocidades cometidas en los campos de concentración, el jefe de policía de Dinamarca, Paul Kjallke, el ministro de justicia belga, Van Maarseveen, su colega holandés Procopio Drtina y el ministro de justicia checoslovaco H. A. Swiatrowski.

**Dificultades financieras**

**Nuremberg**, septiembre 27 (Reuter) — Un estado de caos financiero ha surgido en Nuremberg porque las autoridades norteamericanas se han negado a suministrar dólares a las delegaciones internacionales que asisten a las sesiones finales del juicio sobre crímenes de guerra que se está ventilando en Nuremberg.

Nuremberg se halla en la zona estadounidense de ocupación en Alemania. Los funcionarios del juicio y los corresponsales se ve ahora obligados a tener cuentas en las casas de provisión de bebidas y comestibles y a adquirir artículos a crédito.

El cajero de campaña del ejército británico, uno de los hombres más asediados actualmente en Nuremberg, declaró hoy:

"La situación es insostenible. Un alto funcionario financiero del ejército británico ha partido a Londres por vía aérea a fin de considerar el problema con las autoridades del gobierno británico. Esperemos que para el lunes hayamos hecho un arreglo de modo que los corresponsales británicos que tienen que efectuar vuelos y pagar sus pasajes en dólares americanos estén en condiciones de hacerlo".

# Censuras de "Pravda" por Una Entrevista a Goering

**Londres**, septiembre 27 (UP)—Radio Moscú trasmitió un artículo aparecido en "Pravda", en el que se crítica a las autoridades norteamericanas por haber permitido que la agencia Internacional News Service entrevistara a Hermann Goering, en su celda de Nuremberg, después de haber hecho aquél su declaración final en el proceso. Acusa, además, a los diarios de Hearst de "ocultarse detrás del periódico uruguayo "El País", que fué el que publicó la entrevista.

Dice "Pravda" que, en general, se creía que el tribunal había dado a Goering y a otros nazis la oportunidad de pronunciar sus últimas palabras, "pero, al parecer —agrega— la más alta autoridad del tribunal no es el presidente. Las últimas palabras de Goering y de otros criminales fueron dadas a la prensa de Hearts".

"El 16 de septiembre —sigue diciendo "Pravda"— el diario uruguayo "El País" publicó en forma destacada una entrevista con Goering, especial para ese diario, según la agencia I. N. S., de Hearst. Goering exponía sus puntos de vista sobre las causas de la derrota alemana. Desde luego, Goering hacía recaer toda la culpa en Hitler".

"Lo que es sorprendente —añade "Pravda"— es que los guardianes de Nuremberg permitieran el acceso a los reporteros de Hearst, como si se tratara de parientes muy allegados. Aun los propios diarios de Hearts no se atrevieron a informar directamente en sus páginas sobre Goering, Keitel y Raeder, y echaron mano de un recurso ingenuo de flanqueo: utilizar el diario uruguayo "El País".

"Detrás de este diario uruguayo, no son solo Hearst y su camarilla los que tratan de ocultarse, sino también aquellos que ofrecieron a los periodistas norteamericanos la posibilidad de llegar hasta un criminal de guerra y tener comunicaciones criminales con él.

"Las gentes más sucias del mundo colocan a Goering en las páginas de un diario, abren su celda y le dan la oportunidad de hablar, como si fuera realmente un hombre con derecho a la existencia. Esto puede calificarse únicamente de corrupción de la sociedad".

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"LA NACION" setiembre 30 de 1946.-

# HOY EN NUREMBERG LEERÁN LOS FALLOS CONTRA LOS NAZIS

## Los acusados dedicaron el domingo a cumplir sus deberes religiosos

NUREMBERG, 29 (AP).—Obedeciendo órdenes especiales del Tribunal Militar Internacional, las tropas norteamericanas adoptaron rigurosas medidas de seguridad en torno a Nuremberg, en vísperas de la lectura de los veredictos y las sentencias del juicio seguido a los 22 jerarcas nazis, uno de los cuales, Martín Bormann, será sentenciado en ausencia. Todos los vehículos son detenidos en las puertas de la ciudad por la policía militar, dedicada a la busca de cualquier elemento que pretenda llegar a la sede del tribunal o a la prisión donde Goering y sus compañeros esperan que sea decidido su destino. Las esposas de todos los procesados han sido obligadas a abandonar la ciudad y todo aquél que entre o salga debe explicar minuciosamente los motivos por qué lo hace.

Las severas precauciones han creado un ambiente apropiado para la publicación de los veredictos y las sentencias, la cual se efectuará en un período de dos días que se iniciará a las 10 de mañana. Según ha trascendido, el tribunal se propone seguir este procedimiento: el presidente Sir Geoffrey Lawrence, representante de Gran Bretaña, comenzará la lectura de la decisión, documento de más de 250 páginas, en presencia de los procesados. Por turnos, la lectura será continuada por los magistrados de los otros países, es decir, de los Estados Unidos, Francia y la Unión Soviética. La primera parte del documento se refiere a los hechos comprobados en la instrucción del sumario y a lo largo de diez meses de audiencias; la segunda parte se dedica a sopesar las pruebas y a exponer las decisiones tomadas por el tribunal en relación con cada uno de los procesados y cada una de las organizaciones del sistema nazi.

Conforme al acuerdo de Londres del 8 de agosto de 1945, las acusaciones comprenden los siguientes apartados:

1o.—Crímenes contra la paz: estudio preparación, iniciación o provocación de una guerra de agresión o en violación de los tratados, acuerdos o seguridades internacionales. Participación en un plan o conspiración para producir cualquiera de las anteriores condiciones.

2o.—Crímenes de guerra o violación de las leyes o costumbres de la guerra. En este apartado, se incluyen los delitos contra las personas, los malos tratos y la deportación para el trabajo forzado o cualquier otra finalidad de que se haya hecho víctima a la población civil de un territorio ocupado. Asesinato o cualquier otro delito contra las personas de los prisioneros de guerra o de los detenidos en el mar, la ejecución de rehenes, el despojo de propiedades públicas o privadas, los incendios premeditados, la destrucción de ciudades, villas o aldeas o la devastación no justificada por necesidades militares. Esta enumeración no es limitativa, pues se estima que los crímenes de guerra pueden adoptar formas no previstas en el acuerdo.

3o.—Crímenes contra la humanidad asesinato, exterminio, reducción a esclavitud, deportación u otros actos inhumanos contra cualquier población civil antes de la guerra o durante la misma.

4o.—Persecuciones por motivos políticos, raciales o religiosos, en ejecución de cualquiera de los crímenes que son de la competencia del tribunal o en relación con los mismos, sea o no en violación de la ley del país en que fueron realizadas. Una nota adjunta al acuerdo considera a los dirigentes, organizadores, instigadores o cómplices en el establecimiento de planes para la comisión de cualquiera de los crímenes comprendidos en los cuatro apartados como responsables de todos los actos realizados por cualquier persona que haya intervenido en el cumplimiento de dichos planes.

Conforme a las actuaciones, figuran incursos en los cuatro apartados de las acusaciones los procesados Hermann Goering, Rudolf Hess, Martin Bormann, Joachim von Ribbentrop, Alfred Rosenberg, Wilhelm Frick, Walter Funck, Alfred Jodl, Arthur Seyss-Inquart y Constantin von Neurath. Los procesados Wilhelm Keitel, Fritz Sauckel y Albert Speer están comprendidos en los apartados 1o., 3o. y 4o. Baldur von Schirach y Julius Streicher figuran en los apartados 1o. y 4o. Hjalmar Schacht y Franz von Papen en los apartados 1o. y 2o., y Karl Doenitz y Erich Raeder en los apartados 1o., 2o. y 3o.

Después de la lectura, el tribunal se propone despejar la sala e incomunicar a los procesados. Los corresponsales han protestado contra esta medida ante el Consejo Aliado de Control de Berlín y pedido que sea modificada y se revise la decisión de no permitir a la prensa asistir a la ejecución de las sentencias. Se cree que las sentencias serán leídas individualmente a cada procesado por el presidente del tribunal.

El tribunal advertirá a los procesados que tienen derecho a apelar de la sentencia ante el Consejo Aliado de Control de Berlín. Es poco probable que se dé a los procesados una nueva oportunidad de hablar en propia defensa.

Los jerarcas nazis pasaron el domingo dedicados a devociones religiosas con sus capellanes católicos o protestantes. Se hallaban vigilados por unos mil oficiales y soldados, la guardia de seguridad más numerosa que se haya mantenido hasta ahora en la vieja prisión.

### Las probables penas

NUREMBERG, 29 ("The New York Times").—El Consejo de Control Aliado podría considerar conveniente conmutar por la pena de prisión perpetua una o dos de las condenas de muerte que indudablemente impondrá el Tribunal Militar Internacional a los 21 jerarcas del régimen nazi. Así se ha expresado en fuentes autorizadas, basándose en que algunos de ellos son de mayor valor para los aliados vivos que muertos. Dicha decisión podría basarse en el valor del conocimiento técnico o político de los prisioneros.

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LA PRENSA, 30 de Septiembre de 1946.-

# Dará Comienzo Hoy a su Ultima Sesión el Tribunal Que Juzga a Jefes Nazis por Crímenes de Guerra

## Para el miércoles habría terminado el extenso proceso de Nuremberg

**Nuremberg**, septiembre 29 (UP)— Policías militares norteamericanos con vehículos blindados recorren las calles de esta ciudad, cerrando en un bloque las cercanías del lugar donde está situado el edificio del Tribunal. Una guardia fuertemente pertrechada de 1.000 hombres ha sido destacada por los alrededores del edificio de la prisión, donde 21 acusados nazis esperan el veredicto que ha de sellar sus destinos. La guardia y custodia de los acusados se hizo más estricta, para impedir que llegaran a éstos visitantes no autorizados.

Fuerzas policiales norteamericanas fueron traídas de otras zonas para reforzar a las tropas que prestan servicio en esta ciudad, siendo distribuídas para custodiar las entradas de la ciudad y las cercanías y el edificio de la prisión y el Tribunal.

Unos 50 traductores, periodistas de la Corte, taquígrafos, dactilógrafos norteamericanos, británicos, franceses, rusos y alemanes que conocen los veredictos, están actualmente celosamente bajo guardia en sus alojamientos como precaución contra la posible infiltración de noticias. Todos solicitaron voluntariamente la adopción de estas medidas y se sometieron a prestar juramento de guardar secreto, firmando una declaración por la que aceptan permanecer encerrados en sus alojamientos especiales desde la mañana del 26 de septiembre hasta el momento en que se den a conocer los veredictos.

Los edificios fueron rodeados por guardias especiales y todos los conductores telefónicos que dan al mismo fueron cortados. Como precaución adicional se llevaron a ese edificio los materiales de trabajo y los alimentos necesarios.

Llegaron a esta ciudad hoy el secretario de estado de la Unión, señor James B. Byrnes, el senador Tom Connally, la esposa del nuevo embajador de Estados Unidos ante el gobierno italiano, James Dunn, y Ben Cohen, miembro de la delegación norteamericana ante la Conferencia de Paz.

Se cree que el presidente del Tribunal, sir Geoffrey Lawrence, comenzará mañana a las 10 a dar lectura a la primera parte del juicio y que ésta le demandará 3 horas. La segunda parte es aún más extensa y su lectura llevará probablemente las horas de toda la tarde y aun parte de la mañana del martes. El texto completo está contenido en unas 250 a 260 carillas escritas a máquina. Al terminarse los dos primeros capítulos del juicio el juez Lawrence dispondrá un receso y los acusados serán llevados de vuelta a sus correspondientes celdas, para aparecer más tarde y escuchar los veredictos y sentencias contra ellos.

Se calculaba esta noche que como el texto de las sentencias es sumamente corto, todo el asunto quedará completamente terminado para el miércoles alrededor de las 15.

Los permisos de los parientes, esposas e hijos de los acusados para permanecer y transitar por la ciudad caducaron esta noche. No se sabe si esas personas han regresado ya a sus hogares, pero de no haberlo hecho tendrán que permanecer encerradas.

## Estado de Salud de Rudolf Hess

**Nuremberg**, septiembre 29 (UP) — Existe la posibilidad de que Rudolf Hess, cuyos extraños síntomas de pérdida de memoria e incoherencia han constituído uno de los puntos de su juicio, pueda ser declarado insano y condenado a reclusión por toda la vida.

## Temen Morir en la Horca los Ex Dirigentes Militares Alemanes

**Nuremberg**, septiembre 29 (UP)—El abogado defensor del mariscal Wilhelm von Keitel ha recibido instrucciones de apelar al Consejo de "Control" Aliado en el sentido de que sea fusilado y no ahorcado en el caso de que se lo condene a muerte, según una información de fuente fidedigna obtenida por la United Press, agregándose que von Keitel, en un estado de gran depresión, manifestó a su abogado que "ante todo está resuelto a morir como soldado". Agregó que si es ahorcado, sería "una mancha más sobre mi buen nombre".

El coronel-general Alfred Jodl jamás se refiere al fallo y dice que su caso está terminado y no quiere pensar más en ello.

Los almirantes Doenitz y Raeder se muestran también serenos, si bien consideran que sería una gran desgracia si los condenaran a la horca. De ser sentenciados a muerte, prefieren ser fusilados.

Hess sigue tan supersticioso como cuando contemplaba las estrellas, y espera que se produzca un milagro a último momento.

En cuanto a Goering, según declaran sus abogados, "no vacila en hacer repetidas alusiones a la suerte que le espera y no duda que será la muerte".

Fritz Sauckel está convencido de que todavía puede hacer algo para persuadir al mundo de que es inocente.

Julius Streicher, según se dice, ha hecho la siguiente manifestación: "Me alegraré de que me condenen a muerte, pues ello significará que por fin podré dormir. Estos centinelas norteamericanos me están despertando continuamente".

Archivo Histórico
Ministerio de Relaciones Exteriores, Comercio Internacional y Culto
Argentina

LA NACION, 1 de Octubre.-

# EL TRIBUNAL INTERNACIONAL ALIADO CONSIDERÓ CULPABLES A LOS 21 JERARCAS ALEMANES

## Se advierte que si bien el estado mayor y el alto comando quedan libres como entidades, sus miembros pueden ser condenados individualmente

NUREMBERG, 30 (AP).—En sentencia histórica que presagia la muerte o severísimo castigo para los principales lugartenientes de Adolfo Hitler, el trágico Fuehrer del Tercer Reich, el Tribunal Militar Internacional declaró que librar una guerra de agresión constituye el "crimen supremo". Las sentencias individuales para los 22 jerarcas nazis procesados serán pronunciadas mañana por el tribunal de las cuatro potencias. En su mayoría los procesados, incluído Hermann Goering, están reconciliados con la idea de que serán condenados a muerte. Se supone que las sentencias serán ejecutadas el 16 de octubre, a menos de que el Consejo Aliado de Control, con sede en Berlín, atienda las apelaciones que los procesados le eleven.

Silenciosos y con expresiones sombrías, los 21 procesados —Martín Bormann ha sido juzgado en ausencia— permanecían inmóviles sentados en los banquillos, en una sala vigilada por numerosos miembros de la policía militar, mientras los magistrados procedían por turnos a la lectura de una sentencia de más de 100.000 palabras. El documento, relación abrumadora de delitos y pruebas de la comisión de los mismos, considera convictos a los 22 procesados y, tras calificar de crimen supremo a la guerra de agresión, declara que ha existido conspiración para desencadenar ésta y que la conducción de la lucha se ha caracterizado por la perpetración de toda clase de crímenes contra el derecho de gentes y la humanidad.

De las siete organizaciones alemanas procesadas, tres resultan absueltas y cuatro son calificadas de criminales. Escapan de la condenación como colectividades el Estado Mayor General, el alto comando y el gabinete del Reich, pero el tribunal advierte que los miembros de estos organismos pueden ser enjuiciados por crímenes de guerra que hayan cometido individualmente, y afirman que existen pruebas de que algunos de estos miembros son culpables "en forma clara y convincente". Se declaran criminales la organización del Partido Nazi, la Gestapo, la policía SD y la organización de las SS. En cuanto a la organización de las SA, constituída por matones y delincuentes antes de la depuración del 30 de junio de 1934, quedó reducida a un grupo sin importancia desde esta fecha.

Las notas más salientes del veredicto contra los veintidós dirigentes y cuatro organizaciones nazis son las siguientes:

La historia del régimen nazi muestra que Hitler y sus colaboradores estaban dispuestos únicamente a negociar sobre la base de que sus exigencias fuesen aceptadas y que, en caso de no serlo, se emplearía la fuerza. Alemania aceptó la dictadura con todos los métodos de horror y la cínica y abierta negación del imperio de la ley. El 27 de mayo de 1936 Goering se opuso a cualquier limitación financiera de la producción bélica, y dijo que todas las medidas que se adoptaren debían serlo sobre la base de la más absoluta seguridad de que estallaría la guerra.

El documento dice que, refiriéndose a los años 1919 a 1933, Gustav Krupp von Bohlen escribió: "Fué un gran mérito para toda la economía bélica alemana no permanecer ociosa durante los años adversos, aunque su actividad no pudiese ser revelada por razones obvias". En cuanto a la preparación de la agresión, se manifiesta que en "Mein Kampf" Hitler aclaró por completo ese punto de vista. No se trataba de un simple diario particular de memorias; su contenido fué gritado a los cuatro vientos. "Mein Kampf" no debe considerarse como un simple ensayo literario. Hitler dijo que era necesario que Alemania conquistase el espacio vital que necesitaba.

Goering declaró que no cree que Hitler tuviese realmente la intención de atacar a Austria y a Checoslovaquia. Raeder manifestó que Hitler no tenía en realidad intención de ir a la guerra. Sin embargo, el tribunal estima que después de la marcha de 1939 no pudo ya dudarse de que Hitler pensaba muy en serio recurrir a la guerra.

Se arguyó que la anexión de Austria estuvo justificada. Ello no obstante, los hechos demuestran claramente que los métodos empleados para alcanzar dicho fin fueron los típicos de todo agresor. El 21 de abril de 1938 se desarrolló una discusión entre Hitler y el mariscal Keitel—hoy uno de los acusados—respecto al "caso Green", mostrando claramente que se estaban estudiando los preparativos de ataque contra Checoslovaquia. La forma en que Hitler condujo las negociaciones con Polonia, con la ayuda de von Ribbentrop, demuestra que no fueron de buena fe o con el menor deseo de mantener la paz.

Los propósitos de Goering han sido siempre conseguir el asentimiento de Gran Bretaña para la conquista de Polonia. El tribunal está completamente convencido de que la guerra iniciada por Alemania contra Polonia fué netamente una guerra agresiva que había de extenderse hasta abarcar a casi todo el mundo y que dió como resultado incontables crímenes, tanto contra el derecho y las costumbres de la guerra como contra la humanidad. La idea de atacar a Noruega tuvo su origen, según parece, en los acusados Raeder y Rosenberg. A la luz de todas las pruebas disponibles, resulta imposible substanciar el argumento de que la invasión de Dinamarca y de Noruega fué defensiva y, a juicio del tribunal, las dos operaciones son actos bélicos agresivos. La invasión de Bélgica, Holanda y Luxemburgo carece por entero de justificación. Hitler y Ribbentrop trataron infructuosamente de persuadir a Italia a que entrase en la guerra atacando a Yugoeslavia. La guerra agresiva contra Grecia y Yugoeslavia estaba a estudio desde hacía mucho tiempo y la invasión fué tan rápida que no hubo tiempo para provocar incidente alguno o encontrar o publicar una explicación política adecuada.

La estructura de las futuras organizaciones políticas y económicas fué ideada por el acusado Rozenberg, después de conferencias sostenidas con Keitel, Jodl, Raeder, Funk, Frick, Goering y von Ribbentrop. Las pruebas demuestran que Alemania tenía el proyecto, cuidadosamente me-

(Continúa en la 2a. pág., 2a. col.)

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# EL JUICIO A LOS JERARCAS NAZIS

(Continuación de la 1a. pág., 6a. col.)

ditado, de aplastar a la Unión Soviética como potencia militar y política. Se argumentó que la Unión Soviética proyectaba un ataque contra Alemania. Es imposible creer que se haya tenido honradamente esta opinión en ningún momento.

También se estudiaron y discutieron las posibilidades de un ataque contra los Estados Unidos para lo futuro. El mismo Ribbentrop acusejó a Matsuoka que llevase al Japón a la guerra.

El acuerdo de Londres define como crimen todo proyecto de guerra o su realización. Se refiere a la guerra de agresión o sea la guerra que viola los tratados internacionales. El tribunal ha decidido que algunos de los acusados proyectaron y libraron guerras agresivas contra doce naciones y, por lo tanto, son culpables de esos crímenes. Se dijo, en nombre de los acusados, que un principio fundamental de toda ley, tanto internacional como interna, es que no puede haber castigo para un crimen sin que antes exista la ley. Decir que es injusto castigar a aquellos que, en abierta violación de los tratados, han atacado sin previo aviso a Estados vecinos, es manifiestamente un error fundamental.

Afirma el tribunal que en tales circunstancias el atacante tiene que saber que está cometiendo un crimen, por lo cual, le, jos de ser injusto castigarle lo sería permitir que sus crímenes quedaran impunes. Ocupando las posiciones que desempeñaban en el gobierno de Alemania, los acusados, o por lo menos algunos de ellos, tienen que haber tenido perfecto conocimiento de los tratados firmados por Alemania, en los cuales se declaraba ilegal el recurso de la guerra para resolver las disputas internacionales. Tienen que haber sabido que obraban en abierta violación del derecho internacional cuando en sus deliberaciones decidieron realizar sus designios de invasión y agresión.

También se ha dicho, en nombre de la mayor parte de estos acusados, que, al hacer lo que hicieron, obraban por órdenes de Hitler y, por lo tanto, no se les podía hacer responsables por los actos realizados al obedecer esas órdenes. El acuerdo de Londres dice específicamente en su artículo 8: "El hecho de que el acusado haya obrado en obediencia de una orden de su gobierno o de un superior no lo librará de la responsabilidad, pero puede considerarse como motivo para aliviar el castigo". Las previsiones de ese artículo están de acuerdo con las leyes de todas las naciones. El hecho de que un soldado haya recibido órdenes de matar o torturar violando las disposiciones del derecho internacional respecto de la guerra no ha sido reconocido nunca como defensa de tales actos de brutalidad. Lo que importa, conforme a derecho, es la posibilidad de opción moral.

Que Alemania iba rápidamente hacia una completa dictadura desde el momento en que los nazis subieron al poder, con propósitos de ir a la guerra, ha sido abrumadoramente demostrado por la sucesión de los actos agresivos de guerra ya expuestos en este veredicto. A juicio del tribunal, las pruebas establecen una maquinación común tendiente a preparar y librar la guerra, en algunos de los acusados. No tiene importancia estudiar aquí si ha sido probada la existencia de una conspiración en el tiempo que abarca la acusación. Se ha establecido, sin que quepa la menor duda, la maquinación con la guerra agresiva como propósito.

El argumento de que no puede existir una maquinación común de esa naturaleza cuando hay una dictadura completa, carece de solidez. Un plan en cuya ejecución interviene un número de personas no deja de ser un plan porque lo haya concebido una sola de esas personas; y quienes ejecutan el plan no quedan exentos de responsabilidad por el hecho de que demuestren haber obrado por orden del hombre que lo concibió. Hitler no podía haber librado la guerra agresiva por sí solo. Era imprescindible que contase con la cooperación de los jefes militares, diplomáticos y hombres de negocios. Cuando éstos, en pleno conocimiento de los fines que perseguía aquél, le dieron su cooperación, se convirtieron en cómplices del plan que aquél organizó. No puede considerárseles inocentes porque Hitler los haya utilizado, si ellos sabían lo que hacían. El hecho de que un dictador les haya dado esas órdenes no les absuelve de responsabilidad. La relación entre el conductor y sus subordinados no excluye en este caso la responsabilidad, como no la excluye en la perpetración de cualquier crimen privado.

El 18 de octubre de 1942, el acusado Keitel hizo circular unas instrucciones autorizadas por Hitler, en las que se ordenaba que todos los miembros de las unidades aliadas de los comandos, a menudo de uniforme y estuvieran o no armados, debían ser "exterminados hasta el último hombre", aunque intentasen rendirse.

Las pruebas presentadas en este proceso han establecido que los territorios ocupados por Alemania fueron explotados en beneficio del esfuerzo bélico alemán, de la manera más despiadada, sin consideración alguna hacia la economía local y siguiendo un plan deliberado. En efecto, se produjo un "saqueo sistemático de la propiedad pública y privada", que de acuerdo con el artículo 6 resulta delito criminal.

El tribunal recuerda la declaración del acusado Rosenberg, quien, en junio de 1941, abogó por el uso de los productos del sur de Rusia y el norte del Cáucaso para alimentar al pueblo alemán, diciendo: "No vemos razón alguna que nos obligue a alimentar también al pueblo ruso con los productos de esos territorios. Sabemos que en este caso se trata de una dura necesidad, que no admite pensar en sentimientos".

Las pruebas que obran en poder del tribunal establecen el hecho de que la conscripción del trabajo fué realizada en muchos casos por métodos duros y violentos. Se realizó con frecuencia la caza del hombre en las calles, en los cinematógrafos, y hasta en las iglesias, así como en las viviendas particulares, durante la noche. Algunas veces las casas fueron incendiadas, llevándose a familias enteras como rehenes.

El 16 de febrero de 1943, en una reunión realizada por la Junta Central de Planes, en la cual se hallaban presentes los acusados Sauckel y Speer, Milch dijo: "Hemos elevado un pedido para que se dicte una orden en el sentido de que un cierto porcentaje de hombres de la artillería antiaérea deben ser rusos, y que para ello se destinarán cincuenta mil hombres, treinta y cinco mil de los cuales han sido empleados ya como artilleros". Esta persecución de los prisioneros a manos de los alemanes ha sido probada, con innumerables detalles, ante el tribunal. Se trata de la prueba de la más sistemática crueldad, en escala sin precedentes. El acusado Frank pronunció las palabras finales de este capítulo de la historia nazi, al declarar ante este tribunal: "Hemos luchado contra el judaísmo; hemos luchado contra él durante años y en este sentido nos permitimos formular declaraciones —hasta en mi propio diario de memorias— que hoy se convierten en testigos contra nosotros: declaraciones terribles. Pasarán mil años y esta culpa de Alemania no podrá ser borrada".

El tribunal está comprometido por el Acuerdo de Londres en lo que se refiere a la definición que da tanto de los crímenes de guerra como de los crímenes contra la humanidad. Con respecto a los crímenes de guerra, no obstante, están definidos ya por el artículo 6, sección B del Acuerdo, aunque ya el Derecho Internacional los catalogaba como tales. Están contenidos en los artículos 46, 50, 52 y 56 de la Convención de La Haya firmada en 1907, y los artículos 2, 3, 46 y 51 de la Convención de Ginebra, firmada en 1929. Que las violaciones de esos artículos constituyen crímenes por los cuales merecen castigo los culpables, está demostrado tan rotundamente que no admite argumento alguno en contra.

Los organismos rectores fueron empleados con fines considerados como criminales por el acuerdo y que comprendían la germanización del territorio incorporado, la persecución de los judíos, la administración del trabajo forzoso y el programa de torturas a los prisioneros. Los acusados Bormann y Sauckel, que eran miembros de dicha organización, figuran entre los que los utilizaron con tales propósitos. Los "gauleiters", "kreisleiters" y "orthgruppenleiters" tuvieron participación, en mayor o menor grado, en todos esos programas criminales. También el Reichsleitung, como organización del personal del partido, es responsable de esos programas delictuosos, como lo son los jefes de las diversas organizaciones de personal de "gauleiters" y "kreisleiters". La decisión del tribunal respecto a la organización del partido incluye solamente a los "amtleiters", que eran los jefes de oficina en el personal del Reichsleitung, el Gauleitung y el Kreisleitung. El tribunal los declara culpables, conforme al significado del acuerdo.

La Gestapo y la SD (policía criminal) fueron empleadas con fines criminales, como la persecución de los judíos, brutalidades y matanzas en los campos de concentración. Las unidades de la SS actuaron activamente en todos los prolegómenos que llevaron a la guerra agresiva. La Waffen SS fué responsable de numerosas matanzas y atrocidades en los territorios ocupados, tales como las de Oradour y Lidice.

El acusado Kaltenbrunner, como miembro de la SS, está complicado en esas actividades. Hasta la depuración que empezó el 30 de junio de 1934, el grupo SA estaba compuesto en gran parte por delincuentes y matones que tomaron parte en todos los atropellos nazis de aquel período. No se ha demostrado, sin embargo, que estas atrocidades sean parte del delito específico de proyectar y librar la guerra, por lo cual el tribunal no puede declarar criminales tales actividades. Después de la depuración, la SA fué reducida al grado de grupo sin importancia.

Después de 1937 el gabinete del Reich no realizó una sola reunión. No se le consultó para nada. En consecuencia, nada se ganaría con declarar que dicho gabinete es una organización criminal. Los miembros del mismo que sean culpables de crímenes deberán ser juzgados. Se calcula que ese grupo estaba integrado por 48 hombres, de los cuales ocho han muerto y diez y siete están sometidos ahora a proceso. El Tribunal cree que no debe hacer declaración alguna de criminalidad con respecto al estado mayor y al alto comando, pues no son una organización ni grupo que puedan ser incluidos en el significado de lo establecido por el Acuerdo. Los grupos mencionados suman, aproximadamente, 130 oficiales, entre vivos y muertos. Su técnica operativa es muy parecida a la de los ejércitos y marinas de los demás países. Aunque no forman un grupo que pueda ser incluido dentro de lo establecido en el acuerdo, fueron, ciertamente, una casta militar despiadada. Muchos de esos hombres se han burlado del juramento que prestaron como militares, en el sentido de obedecer las reglamentaciones. Cuando conviene a su defensa, dicen que tenían que obedecer órdenes. Cuando los hechos lo justifiquen, esos hombres deben ser sometidos a proceso, individualmente.

## Asistentes a las ejecuciones

BERLIN, 30 (AP). — El Consejo de Control Aliado en Alemania decidió permitir que dos corresponsales de prensa por cada una de las cuatro potencias ocupantes presencien las ejecuciones.

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"LA NACION" octubre 2 de 1946.-

# CÓMO ESCUCHARON SU SENTENCIA LOS JEFES ALEMANES

## Casi todos ellos se mantuvieron impasibles mientras era pronunciada

NUREMBERG, 1 (AP).—Rudolf Hess, que durante todo el proceso mantuvo una actitud de inconsciente, se quitó los auriculares que le hubieran permitido escuchar su sentencia, y miró vagamente hacia adelante, mientras el juez lo condenaba a prisión perpetua.

Los jefes nazis marcharon uno a uno hasta situarse frente al estrado del tribunal para enterarse de su suerte. Goering mantuvo su bravía reserva. Cuando penetró en la sala del tribunal, escoltado por dos miembros de la policía militar, su gastado traje gris le colgaba sin gracia. El presidente del tribunal, juez Geoffred Lawrence, frío e impersonal, miró severamente al dirigente nazi y lo condenó a morir en la horca. Bajo la implacable luz de los reflectores, ni un sólo músculo de la cara de Goering se movió.

El serio Joachim von Ribbentrop quedó atolondrado cuando escuchó su sentencia de muerte. Canoso y enfermizo, debió ser ayudado a salir de la sala por un policía militar.

El anciano mariscal de campo Wilhelm von Keitel escuchó silencioso su condena. Cuando el tribunal pronunció la sentencia de muerte, se volvió sin decir palabra y salió por la pequeña puerta del estrado desde el cual los acusados se enteraron de los fallos. El alto y corpulento Ernst Kaltenbrunner, ex jefe de la temida Gestapo, parecía todavía el más fiero de los acusados. Cuando el tribunal lo condenó a morir en la horca, se inclinó irónicamente. El filósofo nazi Alfred Rosenberg se alisó el saco, cruzó las manos y esperó impasible hasta que fué leída la sentencia de muerte. Hans Frank hizo un gesto de asentimiento cuando el juez lo condenó a morir en la horca. El más odiado de todos los hombres sentados en el banquillo de los acusados —odiado por los mismos acusados—, Julius Streicher, permaneció impasible cuando fué condenado a muerte. Dado que se le halló culpable de un solo cargo, se creyó por un momento que podría escapar de la muerte. Wilhelm Frick, en un tiempo combatiente callejero nazi y más tarde "protector de Bohemia y Moravia", estaba ojeroso cuando se pronunció la sentencia de muerte contra él. Pero al igual que Kaltenbrunner, hizo una reverencia al tribunal. El gran almirante Erich Raeder se mostró impasible —al igual que durante todo el proceso— al dictar el tribunal su condena a prisión perpetua. Su sucesor, el gran almirante Karl Doenitz, que se convirtió en Fuehrer de Alemania en los últimos días de la guerra en Europa, escuchó sin emoción cuando se le condenó a 10 años de prisión. La lenidad de la condena impuesta al ex jefe de la flota submarina del Reich sorprendió a muchos espectadores. El desaliñado Walther Funk, en un tiempo ministro de Economía, al oír su condena a perpetuidad lanzó una mirada de disgusto al tribunal. Baldur von Schirach, jefe de las Juventudes Hitleristas, fué retirado rápidamente por sus dos guardias cuando el tribunal lo condenó a 20 años de prisión. Tocó luego el turno a Fritz Sauckel, jefe supremo de los obreros alemanes. Recibió la sentencia de muerte con un gesto jactancioso. El coronel general Alfred Jodl, cuyo voluminoso diario sobre su asociación con Hitler ayudó a probar su culpabilidad y la de sus colegas conspiradores, miró lánguidamente mientras el juez Lawrence lo condenaba a morir en la horca. Arthur Seyss-Inquart se tomó tensamente con ambas manos a la baranda del estrado al escuchar su condena a muerte. Con evidente esfuerzo, el ex "gauleiter" de Holanda y Austria dominó sus emociones. El anciano y desgastado ex canciller Constantin von Neurath parecía débil en sus ropas negras cuando oyó que se le condenaba a 15 años de prisión, que equivalen virtualmente a prisión perpetua en vista de su avanzada edad. Cuando el último par de policías militares se retiró llevando a von Neurath, el juez Lawrence dictó la condena de muerte "in absentia" contra Martin Bormann, lugarteniente de Hitler, y puso fin al histórico proceso de diez meses anunciando la opinión rusa en disidencia, que no tendrá efecto sobre las condenas anunciadas.

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LA PRENSA, 2 de Octubre 1946.-

# ió el Alto Tribunal Aliado



SAUCKEL — SEYSS INQUART



FRICK



Funk.

A prisión por términos diversos: Albert Speer y Baldur von Schirach, a 20 años cada uno; Konstantin von Neurath, a 15 años, y Karl Doenitz, a 10 años.

Absueltos: Hjalmar Schacht, Franz von Papen y Hans Fritzsche.

sión perpetua. Los casos en que el miembro soviético no estuvo de acuerdo, se decidieron por mayoría de tres votos contra uno, siendo tal mayoría requisito de la Carta en todos los casos salvo casos especiales.

**Lectura de las sentencias**

Los 18 sentenciados se mostraron tan impasibles y, en ciertos casos, tan arrogantes, al escuchar los fallos como se exhibían en público en los días de los triunfos nazis.

El juez británico Lawrence, pronunció con tono firme y severo el juicio de las cuatro potencias victoriosas: "¡Acusado Hermann Wilhelm Goering, de acuerdo con los términos de la acusación por la que os ha juzgado el tribunal, se os sentencia a la pena de muerte en la horca!"

Tanto el mariscal von Keitel como el general Jodl no lograron que se les acordara una muerte honrosa de soldados por fusilamiento. A menos que logren la clemencia del Consejo de "Control" Aliado, se les ahorcará.

Las sentencias se pronunciaron en un breve período de 42 minutos, culminando así el histórico proceso de 361 días de duración. Cada acusado permaneció en el recinto alrededor de 30 segundos, existiendo un lapso de dos minutos entre la aparición de cada uno de ellos.

**El comportamiento de los acusados**

He aquí una impresión somera de las actitudes adoptadas por los acusados ante la lectura de sus sentencias:

Goering enrojeció y se quitó los teléfonos, que no funcionaban. Un policía militar le ofreció otro par y Goering comenzó a accionar el pequeño cuadrante con el que capta la trasmisión de las palabras del juez traducidas al idioma que se desee. Como el segundo juego de teléfonos tampoco funcionaba, un capitán norteamericano se dirigió al palco y reparó el defecto técnico.

Hess rehusó colocarse los teléfonos y ofrecía un aspecto de abatimiento. Cuando un policía militar trató de colocarle los teléfonos, los asió con violencia, musitó algo ininteligible en alemán y los mantuvo a su lado mientras se leía su sentencia. Continuó de pie una vez concluida la lectura y hubo que indicarle que marchara hacia el ascensor. Aparentemente Hess escapó a la muerte por sus condiciones mentales y físicas. Ha sufrido largas series de accesos de amnesia, tristeza y risas histéricas, amén de paroxismos estomacales y períodos de completo aturdimiento, que hacen presumir que es por lo menos irresponsable de sus actos.

Von Keitel permaneció erguido con apostura militar cuando Lawrence leyó su sentencia y no demostró emoción alguna, caminando con paso firme. Kaltenbrunner entró en el recinto con paso militar y efectuó una ligera reverencia al tribunal, saludo que repitió después de leerse su sentencia. Rosenberg, arrojó los teléfonos después de escuchar su condena a muerte. Frank parecía indeciso con respecto a la actitud a adoptar frente al presidente del tribunal. Giró la cabeza sonriendo débilmen-

## Cargos Delictivos y Grado de Culpabilidad De los Acusados Nazis

**Nuremberg**, octubre 1º (UP)—Los cargos delictivos que se imputaban a los procesados y las respectivas responsabilidades, han quedado establecidos en la siguiente forma:

Cargos: 1º—Conspiración en el plan común para librar una guerra agresiva. 2º—Crímenes contra la paz. 3º—Crímenes de guerra. 4º—Crímenes contra la humanidad.

Veredicto: Culpables de los cuatro cargos: Hermann Goering, Joachim von Ribbentrop, Wilhelm von Keitel, Alfred Rosenberg, Gustav Jodl, Konstantin von Neurath.

Absueltos: Franz von Papen, Hjalmar Schacht y Hans Fritzsche.

Culpables de uno o más cargos: Arthur Seyss-Inquart, culpable del 2º, 3º y 4º; Karl Doenitz, del 2º y 3º; Albert Speer, del 3º y 4º; Martín Bormann, del 3 y 4º; Balour von Schirach, del 4º; Fritz Sauckel, del 3º y 4º; Erich Raeder, del 1º, 2º y 3º; Walter Funk, del 2º, 3º y 4º; Julius Streicher, del 4º; Wilhelm Frick, del 2º, 3º y 4º; Hans Frank, del 3º y 4º; Ernst Kaltenbrunner, del 3º y 4º, y Rudolf Hess, del 1 y 2º.

## Es Evidentemente Falso El Aplomo que Tratan de Demostrar los Condenados

**Nuremberg**, octubre 1º (UP)—Pálido y tembloroso iba Hermann Goering en el ascensor del salón de la corte y en el camino que lo conducía de regreso a su celda, después de escuchar su sentencia de muerte. Cuando el médico de la prisión, doctor Gustave Gilbert, lo visitó en su celda, dijo Goering: "Me dieron la sentencia de privilegio", pero aquella bravata sólo fué un pobre intento, desmentido por el temblor de sus manos, la vista baja, la intensa palidez del rostro y la inseguridad de la voz.

Después de su visita el doctor Gilbert dijo: "Los intentos de Goering para demostrar su coraje son completamente falsos. Por una ironía del consejo "Control" está anunciada para el pero el citado vocero dijo que es p bable que se realice una sesión espec antes, en los primeros días de la sem na próxima. Confirmó que las eje ciones se cumplirán en la prisión Nuremberg.



› el veredicto leído en el Palacio de Justicia de Nuremberg. (Radio- Nuremberg a Londres y desde ésta, directamente a Buenos Aires).

te a su abogado poco antes de que se leyera su sentencia de muerte. Streicher, al oír su condena se contrajo en una mueca y sacudió su cabeza, marchándose a paso vivo hacia el ascensor.

Funk se ajustó los teléfonos y parecía indiferente. Después de escucharse su sentencia, un guardia le tomó por un brazo y lo llevó hacia la prisión. Doenitz miró gravemente al juez Lawrence y se quitó los teléfonos de un golpe cuando escuchó su sentencia a diez años de presidio. Raeder, se mantuvo firme con los brazos rígidos y no pareció conmoverse. Sin embargo, no se quitó los teléfonos hasta que se lo indicó su guardian.

Schirach, Sauckel y Jodl no demostraron mayor emoción, en cambio Seyss-Inquart se tomó de un banco mientras su rostro estaba rígido. Cuando escuchó las palabras "muerte por ahorcamiento", se inclinó ligeramente hacia adelante.

El rostro de von Neurath era literalmente una máscara y no trasuntó emoción alguna cuando Lawrence leyó su condena a 15 años de cárcel, que equivalen a prisión perpetua porque tiene ya 73 años de edad. El ex protector de Bohemia y Moravia es el más anciano de los acusados.

Los fotógrafos no pudieron traer sus cámaras porque la Corte había prohibido tomar fotografías durante la lectura de las sentencias, acto realizado en la sesión de la tarde del tribunal, que comenzó a las 14.50.

**La sesión de la mañana**

Durante la sesión matutina, que concluyó a las 13.49, el tribunal completó su condenación de la conspiración y la brutalidad nazi, iniciada ayer, y también reveló su decisión de dejar en bertad a Schacht, von Papen y Fritche. Estos tres nacionalsocialistas e —y especialmente el primero y el timo —los considerados por los obs vadores como con más probabilidad de salvar sus vidas. Sin embargo, completa absolución por parte del t bunal constituyó una verdadera sorp sa. Actualmente se encuentran en bertad.

En general se había estimado que acusados estaban suficientemente vueltos en la red de intrigas nazis q les iba a ser difícil evitar cuando nos ser condenados a presidio; es una certeza que la opinión pública alemana se sorprenderá notablemente porque se estimaba que todos los acusados pagarían con sus vidas los delitos de que se les acusaba. De acuerdo con la jurisprudencia nazi, los prisioneros no eran conducidos al banquillo de la infamante corte del pueblo a menos que su culpabilidad estuviera probada sin duda alguna.

Los acusados trataron en todo momento de disimular la emoción que les embargaba, pero Hess parecía no poder dominarse y hacía toda clase de muecas, escribiendo sin cesar.

Schacht hizo un gesto de estupefacción cuando escuchó su absolución. Funk, sentado cerca de él, le sonrió con una mueca. Todos los demás, incluyendo a Goering, se volvieron con rostros asombrados. Schacht inmediatamente extrajo de entre sus ropas una libreta y comenzó a escribir en ella.

El tribunal se rehusó a considerar culpables a los almirantes por la guerra submarina, diciendo que eran responsables por crímenes contra la humanidad. Aunque von Neurath fué calificado de

## Revela

**Nuremberg**, octu mos a continuación salientes del texto pronunciada hoy: ring. Su culpabilida enormidad; nada pu en las constancias d nifique una atenuac sado. Fué el agreso de la guerra, tanto militar como políti del programa sobre los pueblos y creac de opresión contra otras razas —crim que ha confesado a una autoridad activ de los territorios fuerza impulsora de siva después de Hit tapo y los primeros concentración".

**Rudolf Hess:** El gra y confidente de Hitle vamente los preparat rra. También apoyó tler en lo que se re rearme. Participó en Austria, Checoslovaqu bre lo cual estuvo mado y su participa mente voluntaria, m cho contacto con Ko rigente nazi de los S verdad que Hess actu anormal debido a su pero nada indica que plena de la verdad mulados contra él. que Hess que Hitler llevar sus ambiciones

**Joaquín von Ribbe** sable de crímenes de menes contra la humi sus actividades con re ocupados y de los a Firmó la ley incorp Reich; participó en agresión contra Che empeñó un papel es ficativo en la diplom al ataque a Polonia.

Fué consultado con plotación política de Soviet, declarando q bían ser exterminad campos de concentra no considera que sea plicaciones que el ac respecto.

**Wilhelm von Keite** contra Austria por m mores, trasmisiones bras de tropas; dió su directivas de Hitler p tra Checoslovaquia; personalmente a car

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# Hicieron Declaraciones a La Prensa los Procesados Absueltos por el Tribunal

**Nuremberg**, octubre 1º (UP) — Franz von Papen, el doctor Hjalmar Schacht y Hans Fritzsche, los tres dirigentes nazis absueltos por el tribunal internacional de Crímenes de guerra, a quienes se puso en libertad, declararon a los periodistas que lo que quieren es "descanso, olvido y mucho espacio", esto último evidentemente para contrarrestar los efectos de su prolongado encierro en las celdas de la prisión. La conferencia de prensa se realizó en la sala de periodistas del tribunal.

El gobierno austríaco ha reclamado que le sea entregado von Papen para juzgarlo por la participación que tuvo en la opresión de ese país. Sin embargo, el coronel Burton C. Andrus, comandante de la prisión de Nuremberg que ha sido carcelero de los 21 procesados, manifestó que tan pronto como se haya arreglado su trasporte y las cédulas de identidad, los absueltos serán completamente libres. Agregó que no tiene órdenes de entregarlos a ninguna autoridad o gobierno.

Von Papen con su voz suave, casi inaudible, manifestó: "Estoy demasiado fuera de contacto con la Alemania de hoy para saber si sería necesario o útil al país, después de que el más alto tribunal del mundo nos ha absuelto".

Dijo que su vida política "ha terminado definitivamente". En cuanto a sus propósitos inmediatos, expresó que probablemente se dirigirá a la zona francesa de ocupación, donde vive su hija, o a la británica donde está su esposa. Añadió que no le sorprendió el fallo del tribunal pues esperaba ser absuelto.

El coronel Andrus, manifestó que si bien los tres absueltos están en libertad es necesario esperar que se arregle el trasporte y se disponga de credenciales, razón por la cual no podrán salir de Nuremberg todavía.

El propagandista nazi Fritzsche exclamó riendo "¡no!" cuando se le preguntó si hablaría por radio esta noche. "Espero —agregó— que me darán unas cuantas semanas de libertad para reponerme del aturdimiento de estar al fin libre y no tener ante mí los muros grises y las ventanas enrejadas de la celda de la prisión. Pero ahora que he sido absuelto por el Tribunal Militar Internacional, deseo comparecer lo antes posible ante los tribunales de Alemania. Ya dije que me siento completamente inocente de las acusaciones que se formularon aquí contra mí. Ahora me gustaría rendir cuentas ante los tribunales alemanes por lo que hablé y dije por radio".

Schacht y von Papen no estuvieron de acuerdo con este criterio.

El doctor Schacht, declaró: "Prefiero esperar las acusaciones antes de expresar mi opinión. Antes de Hitler había leyes alemanes por las cuales el pueblo era juzgado y existía también una opinión pública libre. Ese no es ahora el caso".

El doctor Schacht dijo con firmeza: "La acusación y yo sabíamos que sería absuelto, porque estaba completamente sin culpa en lo que respecta a la guerra y porque siempre trabajé contra ella".

Agregó que su esposa y su casa, que se hallaban en la zona rusa, no fueron molestadas por los rusos, "pero cuando fuí procesado, mi esposa fué arrojada con sólo una valija de mano por los comunistas alemanes, y tuvo que dirigirse a Berlín, mientras la casa fué saqueada".

Al ser preguntado si tomaría parte en algún cargo político si se lo pidieran los alemanes, expresó que preferiría esperar a que lo llamen antes de contestar.

El doctor Schacht declaró a los periodistas lo siguiente: "Me propongo unirme con mi esposa y mis dos pequeñas hijas, y después desaparecer en algún lugar tranquilo y no saber nunca más nada de prensa".

Al terminar la entrevista se le pidieron autógrafos, a lo que accedió, a cambio de una barra de chocolate, "para mis dos pequeñas hijas —dijo—, que no han tenido chocolate en un año". Los corresponsales franceses replicaron en voz alta: "Hay en Europa niños que no lo han conocido en cuatro años".

El ex ministro de economía del Reich y ex presidente del Reichsbank, manifestó también que consideraba el juicio y su resultado "muy justo, aunque en parte demasiado duro". Declinó entrar en detalles a este respecto.

Al terminar la conferencia de prensa, les fueron entregados a los tres absueltos documentos de identificación temporales hasta que se les suministren los documentos regulares.

## Critica los Fallos de la Corte Un Diario Católico de Roma

**Roma**, octubre 1º (UP) — El vespertino católico "Quotidiano", en un editorial que publica en su primera página, expresa que la 'venganza tomó el lugar de la justicia en Nuremberg", y todos los acusados de Nuremberg, "eran culpables de crímenes sin precedentes en la historia, pero el hombre de la calle hoy, y los historiadores de mañana, recordarán dos cosas: 1º, que todos los jueces fueron elegidos del lado de los países victoriosos y 2º, que todos los acusados pertenecían al país vencido". El lugar de la justicia en Nuremberg fué ocupado por "la vendetta". La gente se pregunta si es posible que todos los criminales responsables de esa guerra universal y amarga, han pertenecido a un solo lado. Este pensamiento se ve reforzado por el hecho de que la responsabilidad de los tres crímenes mayores de esta guerra se encuentran hoy del lado de los que juzgan, primero, los autores del pacto Molotoff-von Ribbentrop de 1939, que provocó la desmembración de Polonia, segundo, la bomba atómica lanzada en Hiroshima, y tercero, la bomba atómica lanzada sobre Nagasaki".

## Cómo Recibió la Noticia de la Sentencia la Esposa de Frank

**Munich**, octubre 1º (UP) — Durante más de una hora después de haber oído que su esposo había sido condenado a morir en la horca, la señora de Frank estuvo sentada junto a su aparato de radio, llorando desconsoladamente. "Por lo menos—dijo—podían fusilarlo".

Junto a ella se hallaba su madre, su hija Sigrid y su hijo Norman, un muchacho todavía; el matrimonio tiene otros tres hijos menores. La esposa del ex protector de Bohemia y Moravia vive actualmente en Neuhaus, cerca de Schliersee, en Baviera.

La hija política de Keitel, que actualmente tiene 29 años de edad, se hallaba en Badwiesee, en casa de unos amigos, según se manifestó en Grisson, sobre el Egernsee. Pero cuando menos, dos de sus tres hijos se asomaban despreocupadamente a una de las ventanas, indiferentes a la suerte que pueda correr su abuelo.

## Schacht, von Papen y Fritzsche Pernoctarán en la Cárcel Local

**Nuremberg**, octubre 1º (UP)—Se ha sabido que Schacht, von Papen y Fritzsche pernoctarán en la cárcel, a pesar de haber sido absueltos, porque los funcionarios de la vigilancia norteamericanos temen por su seguridad si viajan durante la noche.

Se les han asignado habitaciones especiales, abiertas, que marcan un señalado contraste con las celdas enrejadas en que estuvieron confinados durante el proceso.

Las señoras de von Papen y de Schacht llegaron hoy a última hora, y conversaron con sus respectivos esposos, en la sala del consejo de la defensa.

## No Comentan el Veredicto los Diarios de la Capital Soviética

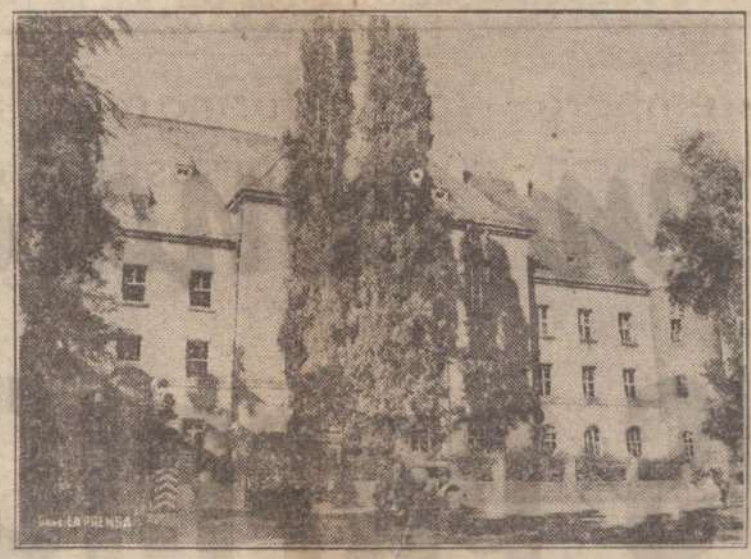
**Moscú**, octubre 1º (UP)—Los matutinos dedican cuatro columnas a las informaciones sobre los procesos de Nuremberg, pero no publicaron comentarios.

**Londres**, octubre 1º (UP)—Radio Moscú dedicó todo el primer boletín noticioso de esta noche a los veredictos y sentencias de Nuremberg.

## Presuntas Tentativas para Apoderarse de Copias del Juicio

**Nuremberg**, octubre 1º (UP)—Los traductores del tribunal revelaron que el domingo por la noche, personas no identificadas trataron de apoderarse de copias del juicio.

El capitán del ejército norteamericano Joachim von Jastrow, a cargo directo de la traducción final, dice que el domingo, en circunstancias en que un automóvil al servicio del tribunal se dirigía hacia Zirnoff, fué seguido por otro y que, posteriormente, el mismo día, se intentó detenerlo, cuando regresaba a la Corte con importantes documentos relacionados con el proceso. "El automóvil—añade—fué seguido, sin lugar a duda alguna, y luego se intentó bloquear el camino. Sin embargo, el coche no fué detenido y los autores del hecho lograron escapar sin ser identificados".



**Frente del Palacio de Justicia de Nuremberg, donde se realizó el trascendental proceso sobre crímenes de guerra**

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# El Juicio de Nuremberg Fija una Norma de la que No Podrán Apartarse ni los Países ni sus Líderes

Por WALTER LIPPMANN

**Nueva York**, octubre 1º — El juicio de Nuremberg no ha terminado sino que acaba de tener un nuevo comienzo. Es éste la solemne afirmación de que la soberanía de las naciones queda sujeta al derecho internacional, el que está por encima de las decisiones de cualquier gobierno y alcanza a todas las personas, de todo el mundo, cualesquiera que sean su rango o autoridad. El veredicto se ha dado en un acto consciente y unánime de todos los gobiernos de acuerdo con esa ley, que lo es tanto para ellos como para los criminales alemanes que han sido juzgados y convictos según sus claras estipulaciones. Esta ley —como todas las leyes— puede ser de nuevo capciosamente interpretada, evadida o subvertida; pero cualquier plan para preparar o para realizar eso, no cae dentro de la órbita del derecho de soberanía nacional, sino que cae en la calificación de acto criminal y todo aquel que participe en esos planes, es personalmnte responsable de ello ante el tribunal de la humanidad. Ningún Estado puede anular esa ley o mediante el derecho de veto colocarse por sobre ella. El principio de la unanimidad todavía se mantiene incólume con respecto a ciertos aspectos no definidos de esa ley internacional. Pero en los aspectos de ella que se han aplicado a los actos juzgados por el tribunal de Nuremberg, existe un consenso universal, interpretado por el juicio unánime, aplicado por acción unánime y establecido como precedente que trasciende todos los derechos y privilegios nacionales que puedan estar en conflicto con aquéllos.

En todos los países sus estadistas tratan de buscar nuevas bases para arreglar las cuestiones derivadas de la guerra y asegurar la paz. Todos ellos comprenden que en cierta forma los gobiernos han perdido la ruta que prometieron seguir y se ven hoy día trabados ante sus propias contradicciones. Perdieron la ruta cuando comenzaron el arreglo de los problemas de la guerra tratando los aspectos secundarios en vez de los asuntos fundamentales. Es imposible arreglar lo que dejó la guerra mundial en un convenio sobre la cuestión de Trieste, de los Balcanes o del Irán. El fracaso en hacer lo que toda otra conferencia de paz hizo, esto es, la de ocuparse en primer término de los principales estados enemigos, dió por inevitable resultado una serie sin fin de problemas insolubles de menor importancia y una especie de enconada guerra de guerrilla diplomática hasta en las crisis más intrascendentes. La concentración cerebral en problemas de menor cuantía ha tenido efectos profundamente perniciosos. Los asuntos capitales se han tornado espantajos. Las relaciones diplomáticas se han hecho asuntos de Estado y mantenidas en un plano tan abstracto, que hemos llegado a la situación de que Gran Bretaña y Estados Unidos deben colegir cuál puede ser la política rusa descifrando la entrevista acordada por Stalin a un periodista inglés. Mientras que Roosevelt y Churchill insistieron en conferenciar con Stalin, aun cuando debieran ir a Moscú o Teherán, Attlee y Truman no hablan con nadie y Bevin y Byrnes se limitan a hacerlo con Molotoff. El hecho de que los cancilleres británico y norteamericano conferencian únicamente con su colega ruso, prueba el hecho de que no discuten ningún asunto fundamental, y no saldrán de Molotoff hasta que insistan en tratar aquellos problemas que solamente Stalin puede decidir.

Estos últimos problemas comienzan ahora a emerger de la bruma que los mantenía ocultos desde la muerte de Roosevelt y la caída de Churchill. Ellos se refieren al futuro de Alemania en Europa y de China y el Japón en el Oriente así como del estratégico equilibrio del poder en el Cercano Oriente. Cuando las relaciones diplomáticas bajen de su plano abstracto en que son mantenidas hoy día, esos problemas deberán discutirse. Todos ellos convergen hacia el mismo problema fundamental, esto es, el de cómo se puede llegar a un convenio general que proteja los intereses vitales de todos.

Las profundas divergencias que dividen a las grandes potencias tienen su origen en el hecho de que más o menos todas ellas anticipan una nueva guerra y tratan de arreglar en primer término aquellos asuntos que le procuren una ventaja estratégica en esa guerra. No tratan de neutralizar a Alemania. Luchan por el dominio de Alemania. Lo mismo hacen con respecto al Cercano Oriente, pues es en esa zona desde donde pueden aplicarse los más recios golpes. Están trabadas en China, poco dispuestas todas a permitir que esa nación arregle sus propios problemas, pues creen que cualquiera potencia que no domine en China tendrá a una China dominada en contra de sus intereses.

El nuevo camino que la humanidad busca es el que nos conduce a la consideración de aquellos problemas fundamentales en forma abierta, directa y dentro del más alto nivel de autoridad. Esos problemas deben ser planteados claramente y obligarse su discusión y arreglo. Ellos no pueden ser dejados de lado ni mediante el "apaciguamiento", la claudicación o el palabrerío retórico. La fórmula que hemos olvidado en la tarea de hacer la paz, es la de que los problemas capitales que dejó la guerra mundial pasada deben ser resueltos solamente por los estadistas de mayor autoridad. Una vez que hayamos vuelto a esa simple fórmula, la vastedad de lo que está en juego reavivará en la mente humana las grandes concepciones de la paz que refleja el juicio de Nuremberg.

(Derechos adquiridos por "La Prensa" a la Editor's Press).

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Guerra 635

LA PRENSA, 5 de octubre de 1946.- Past. 2-

# Presentaron Pedidos de Clemencia los Defensores De Cuatro de los Nazis Condenados en Nuremberg

## Schacht, von Papen y Fritzsche aún no abandonaron la cárcel local

**Nuremberg**, octubre 4 (UP) — Los defensores representantes de cuatro de los 18 nazis sentenciados a muerte o prisión presentaron hoy sendas apelaciones, a la vez que se anunciaba en la secretaría general del Tribunal Militar Internacional que el último plazo para la presentación de esos recursos se cerraría a las 15.45 de mañana.

Los pedidos de clemencia fueron presentados al consejo de "control" aliado de Berlín, en una tentativa por salvar las vidas de Alfred Rosenberg, Wilhelm Frick y Hans Frank, así como por anular la condena a prisión perpetua de Rudolf Hess.

Alfred Seidl, abogado defensor de Frank, dijo que su cliente había "prohibido positivamente" la apelación, pero que decidió presentarla a pedido de la mujer y los hijos del condenado. A este respecto, la apelación tiene una nota en la que se especifica que Frank no deseaba presentarla.

Se espera que mañana se recibirán nuevas apelaciones. Muchos comentaristas expresaron que existen pocas posibilidades de que se conceda clemencia.

En fuentes oficiales locales se declara que se han tomado las providencias necesarias para la separación de los prisioneros, lo que se interpreta como significando que tan pronto como pase el plazo fijado para las apelaciones, se establecerá una sección de celdas para los nazis sentenciados a la horca. En estas condiciones no podrían ver a nadie, excepto a guardias y funcionarios de la prisión.

Los tres absueltos por el tribunal pasaron esta noche nuevamente en la prisión, en habitaciones sin cerrojos, mientras las autoridades deciden cuál será su destino.

Voceros del ejército anunciaron que los funcionarios franceses se han negado a aceptar la entrada de ninguno de los tres a su zona de ocupación, mientras que los británicos negaron la entrada de Hjaimar Schacht y Hans Fritzsche. No se cree probable que los británicos permitan a von Papen la entrada en su zona.

Los acontecimientos registrados desde el martes, día de la lectura del veredicto, han determinado el cierre de todas las zonas de Alemania, menos la norteamericana y la soviética, a los tres liberados y no se cree que ninguno de ellos llegue a pedir permiso para entrar en la zona soviética.

Al parecer, los funcionarios de Baviera no han abandonado por completo sus esperanzas de que puedan arrestar a los tres hombres, una vez que salgan de la prisión, de acuerdo con las normas de desnazificación.

El abogado de Joachim von Ribbentrop dijo que el pedido de clemencia para su cliente iba a ser presentado hoy a la secretaría general, pero hasta última hora no fué posible confirmar si así ocurrió.

Los abogados defensores han sido notificados de que podrán ver a sus clientes por última vez el sábado a las 15.40, después de lo cual se cerrarán las oficinas asignadas para los asesores letrados, así como la mesa de entradas que tenían a su disposición. La señora de von Ribbentrop regresó a Nuremberg, pero su desesperado pedido de último momento para ver a su esposo una vez más ha sido rechazado por funcionarios del tribunal, según informó su abogado.

**Gestiones de la señora de Jodl**

Los esfuerzos de la señora de Jodl para enviar un telegrama a la señora de Roosevelt pidiéndole que interponga su influencia para salvar la vida del ex coronel general Alfred Jodl, fueron frustrados por las ordenanzas que prohiben a los germanos enviar telegramas al exterior.

Ha trascendido que la señora Jodl trató también de apelar ante el general Alphonse Juin, comandante de las tropas francesas en Italia durante la guerra.

No se conocía en Nuremberg el paradero de la señora Raeder, que se cree abandonó su residencia en la zona rusa hace una semana para visitar a su esposo, el ex gran almirante Erich Raeder, antes de la lectura del veredicto.

La policía militar dice suponer que ha llegado a Nuremberg hace dos días un verdugo, que se habría alojado en la cárcel para preparar el cadalso. La identidad del presunto verdugo, así como otros detalles, permanecen en el misterio, pero se cree que se trata del sargento mayor del ejército norteamericano John C. Woods, que durante dieciséis años ha sido verdugo profesional, realizando en Europa 87 ejecuciones, con lo que en su vida ha realizado un total de 313.

## Siete Condenados Cumplirán sus Sentencias en Cárceles de Berlín

**Berlín**, octubre 4 (UP) — La "Kommandatura" de las cuatro potencias aliadas que ejercen el gobierno de esta capital resolvió hoy que Rudolf Hess y sus seis camaradas nazis condenados a prisión por el Tribunal Militar Internacional de Nuremberg, cumplan las sentencias que les fueron impuestas, en una prisión berlinesa.

No se ha dado a conocer, por el momento, la prisión en que serán confinados, pero según funcionarios norteamericanos, el martes próximo se hará un anuncio después que los aliados hayan elaborado los detalles de la admministración cuatripartita.

Un oficial norteamericano expresó: "Por supuesto, no hemos escogido para ellos ningún castillo. No recibirán el tratamiento acordado al káiser, pero tampoco serán encerrados en una mazmorra".

Las conjeturas sobre el lugar que les servirá de prisión varían desde la elección de un castillo en el distrito señorial de Vannsee, en Berlín, hasta los refugios antiaéreos existentes en los límites del Tier Garten, en el corazón de la ciudad.

El anuncio de hoy ha limitado las conjeturas a las cuatro grandes cárceles de esta capital, que se encuentran en las zonas británica y francesa. No existe ninguna gran prisión en los sectores norteamericanos y ruso.

Desde hace días, los berlineses han estado aconsejando que los dirigentes nazis sean encerrados en la prisión de Ploetzensee, que tiene 600 celdas y se encuentra en el sector británico, en la cual fueron ejecutados centenares de alemanes y confinados otros centenares después del atentado cometido el 20 de julio de 1944 contra Hitler.

Otro posible lugar de confinamiento sería la prisión de Spandau, en el sector británico, y la prisión de Moabit. La primera tiene 130 celdas y la segunda 500.

En el sector francés se encuentra la prisión de Tegel, con 500 celdas.

## Encuesta Entre Presos Alemanes

**Nuremberg**, octubre 4 (UP)—Una encuesta realizada entre un millar de presos alemanes, algunos de ellos oficiales del ejército de alta graduación que se encuentran en la prisión local, ha revelado que están en completo acuerdo con 8 de las 22 sentencias dictadas por el tribunal militar internacional que acaba de juzgar a los jerarcas nazis.

Los ocho a quienes "les habría ocurrido lo que tenía que sucederles" son: Goering, Ribbentrop, Keitel, Rosenberg, Frank, Sauckel, Funk y Kaltenbrunner.

En cuanto a la sentencia de muerte dictada contra el general Jodl, esos presos dicen que es "un crimen jurídico". Los presos que conocen a Jodl expresan que éste sólo es un responsable táctico por el despliegue de las tropas alemanas y que tuvo poco que ver con los crímenes de guerra.

La absolución de von Papen ha causado sorpresa entre los nazis de alta jerarquía de la prisión, en vista de sus antecedentes de 30 años de maquinaciones políticas. En cambio, la mayor parte de ellos está de acuerdo con la absolución del doctor Schacht.

Respecto a Fritzsche, dijeron que nunca había estado en la sección de los prisioneros.

Al compararlos con la suerte cabida a Keitel y Jodl, los prisioneros manifestaron que los almirantes Doenitz y Raeder han salido demasiado bien librados, pues, según dijeron, la marina de guerra alemana era más ardientemente nazi que el ejército.

También se mostraron sorprendidos de que el personal de las fuerzas de asalto nazis SA y SS haya sido absuelto. Consideran que esos hombres han sido, desde el principio, es decir, desde los días de las luchas callejeras, los únicos responsables de los incendios de las sinagogas.

## Situación de las Esposas de Dos Altos Ex Dirigentes Nazis

**Nuremberg**, octubre 4 (UP)—El doctor Otto Stahmer, abogado defensor de Goering, declaró hoy que él no cree la noticia de que la señora Emmy Goering, esposa del ex mariscal del Reich, haya pedido a las autoridades norteamericanas de ocupación permiso para reanudar su carrera artística. "Vi a la señora de Goering anteayer —dijo— en su residencia de Neuhas, y en ningún momento me hizo mención de tal propósito. Está demasiado apenada para pensar en eso y además, tiene a su pequeña hija Edda, a la que tendrá que cuidar".

Stahmer también negó que la señora de Goering pase dificultades financieras.

Por su parte, la señora Luise Jodl, esposa del coronel general Alfred Jodl, también condenado a muerte, la cual ha tratado infructuosamente de telegrafiar al mariscal Montgomery, al general Eisenhower, a la viuda del presidente Roosevelt y al general francés Alphonse Juin, para que intercedieran en favor de su esposo, ha remitido hoy al ex primer ministro británico Winston Churchill el telegrama siguiente:

"Usted ha tenido el orgullo de haber sido soldado. Usted era el mástil cuando en peligro mortal Inglaterra mantuvo ondeando la bandera. Permítame que yo, como hija de madre nacida británica, apele a usted como soldado para pedirle que haga oír su voz para salvar la vida de mi esposo, el coronel general Alfred Jodl, quien, como usted, no hizo otra cosa que luchar por su país".

Los otros telegramas que envió le fueron devueltos con la indicación de "no cursable", debido a que las órdenes del gobierno militar prohiben actualmente las telecomunicaciones internacionales a los alemanes.

## Pedido de un Ministro Bávaro

**Munich**, octubre 4 (Reuter)—El ministro de estado de Baviera, doctor Anton Pfeiffer, entregó hoy una carta al gobernador militar de Baviera, en la que solicita autorización para dar cumplimiento a la orden impartida por el Tribunal Alemán de Depuración, para detener al doctor Schacht, al barón Franz von Papen y a Hans Fritzche, los tres jerarcas nazis que fueron absueltos por el Tribunal Internacional de Nuremberg y que se hallan actualmente alojados en el edificio del tribunal de esa ciudad

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LA NACION, 5 de octubre de 1946.

# APELÓ LA DEFENSA DE ALGUNOS DE LOS NAZIS CONDENADOS

**NUREMBERG, 4** (AP).—Las autoridades británicas anunciaron que no habían accedido al pedido formulado por Hjalmar Schacht y Hans Fritzsche para trasladarse a la zona de ocupación británica en Alemania. Actitud análoga adoptaron los franceses ante el pedido de Franz von Papen para establecerse en la zona francesa de ocupación.

Los tres jerarcas nazis absueltos por el tribunal que funcionó en esta ciudad rehusaron abandonar la prisión del Palacio de Justicia mientras no se les otorgue un salvoconducto que les permita dirigirse a cualquier punto. El anuncio británico dice que a Schacht y Fritzsche se les dió oportunidad para elegir alguna otra zona donde radicarse. En caso de que indicaran la zona ocupada por los franceses o los rusos, dice, se les pedirá a estos gobiernos seguridades y a los absueltos se los acompañará hasta el límite fronterizo. El anuncio no lo dice explícitamente, pero se supone que Papen sería aceptado en la zona británica. Si eligieran permanecer en la zona de ocupación norteamericana, y se aprobara su establecimiento en ésta, serían protegidos por la policía alemana contra cualquier acto de violencia popular.

Los abogados de Frick, Rosenberg, Frank, Hess y Streicher presentaron sus apelaciones ante el Consejo Militar Aliado solicitando clemencia.

Rudolf Hess parece haberse dado cuenta por primera vez de que fué condenado a prisión perpetua y se sorprendió de haber podido escapar con vida.

El jerarca nazi, que está —o finge estar— loco, se rehusó a ponerse los auriculares al pronunciarse la setencia, el martes último. Poco después preguntó a los guardias: "¿Qué pasó allá?", informándole entonces su abogado defensor, Dr. Seidl, acerca de la sentencia que le había sido impuesta.

## Actitud de algunos condenados

**NUREMBERG, 4** (AP).—El abogado de Funk dice que su defendido, el ex ministro de Economía del Reich, que fué condenado a prisión perpetua, le expresó su asombro por la resolución del tribunal con respecto a Schacht, diciendo que era difícil de comprender, ya que el Dr. Schacht había dirigido la economía y la preparación industrial del Reich para la guerra durante un período de cinco años. El grueso hombrecito a quien se acusa de haber utilizado los depósitos del Reichsbank para guardar el oro de los dientes de los judíos está en general muy descontento con el veredicto y las condenas del Tribunal Internacional. El abogado de Funk dijo que éste había declarado que "diez meses de proceso eran demasiado para limitarse luego a copiar las acusaciones".

Una actitud completamente distinta es la que puede notarse en Baldur von Schirach, jefe de las Juventudes Hitleristas, que fué sentenciado a veinte años de prisión. Su abogado declaró que von Schirach le ordenó que no apelara en su nombre, porque "sería incorrecto señalar mi disconformidad con un juicio correcto". Agregó luego el acusado que el más grande valor del veredicto del tribunal fué el haberlo absuelto de dos de los puntos de la acusación: los que se refieren a la conspiración para lanzar la guerra agresiva y los crímenes contra la paz. Von Schirach cree que esto significa que la Hitler Judgend (Movimiento Juvenil Hitlerista), que él dirigía, no ha sido considerada culpable de crímenes de guerra.

Por su parte, el acusado Julius Streicher, cuya pluma infundió tanto odio contra los judíos en el régimen nazi, declaró que no le importa en absoluto ser ahorcado o fusilado y que no espera nada de su pedido de apelación al Consejo Aliado de Control, según expresó su abogado. Por su parte, el defensor de von Ribbentrop reveló que el pedido de apelación de von Ribbentrop reveló que constará de dos partes: una redactada por el propio abogado y la otra, que, a su pedido, elevará al Consejo Aliado de Control el propio von Ribbentrop.

## Se esperan las apelaciones

**BERLIN, 4** (AP).—El secretario de la Comisión de Control Aliada informó que se esperaba recibir durante el curso del día de hoy las apelaciones en favor de los generales Keitel y Jodl.

Mañana expirará el plazo fijado para la presentación de los pedidos de apelación en favor de los doce nazis condenados a muerte y se tiene entendido que la Comisión de Control Aliada esperará tener en su poder la totalidad de las apelaciones antes de decidir sobre las mismas, lo cual se hará en una sesión especial de la comisión.

## Discurso del juez Jackson

**BUFFALO, Nueva York, 4 (INS).** — El magistrado de la Corte Suprema de los Estados Unidos, Robert H. Jackson, advirtió hoy a los dictadores de algunos países del oriente de Europa sobre el peligro en que incurren al distanciarse de las normas de conducta nacional que fueron convertidas en parte del derecho internacional en el reciente proceso de Nuremberg.

El Sr. Jackson, jefe de los fiscales norteamericanos en ese juicio, pronunció un discurso en una ceremonia en celebración del centenario de la Universidad de Buffalo, durante la cual recibió el título de doctor honoris causa.

Dijo que los fiscales de Nuremberg trataron de demostrar que los acusados eran tan culpables de fomentar guerras agresivas como de perseguir a minorías políticas y religiosas en Alemania y los países que ocuparon. Agregó:

"La fiscalía abogó porque se estableciese un alto patrón en el comportamiento, tanto hacia otras naciones como hacia el propio pueblo, como base para juzgar a los alemanes; siendo también ése el patrón por el cual se juzgará a cada nación en el futuro. Ninguna de las naciones que formó parte de la acusación en los procesos de Nuremberg puede ahora desviarse de estas normas de conducta sin hacerse merecedora del desprecio de de la humanidad civilizada.

"El péndulo de la política europea oscila en muchos países hacia un absolutismo sin límites bajo el calificativo de dictadura del proletariado. Este absolutismo ha adoptado medidas de persecución contra las minorías, que varían desde las moderadas manifestaciones de preferencia y el embargo de bienes, hasta el asesinato".

Luego comparó la práctica comunista de "liquidar" a las minorías de la oposición con la norma alemana de disponer de los descontentos que no se avenían a contemporizar con los dictados del partido nazi.

En consecuencia, añadió Mr. Jackson, la victoria en la guerra no puso fin ni prometió poner fin a la opresión e injusticia que inevitablemente conducen a la guerra. Dijo:

"La derrota de un grupo de opresores no acaba con la opresión. En muchos de sus aspectos la persecución de las minorías es una cuestión interna de la exclusiva competencia del gobierno y del pueblo, pero sus repercusiones en el orden internacional son tan directas, que la tiranía en cualquier parte del mundo es materia que concierne a todas las naciones de la tierra".

## Mensaje enviado a Churchill

**LONDRES, 4 (INS).**—La esposa del general alemán Alfred Jodl, condenado a muerte por el tribunal militar aliado de Nuremberg, ha cablegrafiado el siguiente mensaje al ex primer ministro Winston Churchill.

"Señor: Siempre habéis sido un hombre orgulloso de vuestras ejecutorias como soldado. Fuisteis el timonel de vuestro pueblo en la hora del peligro máximo, manteniendo izado en lo más alto el pabellón británico. Permitidme que, como hija que soy de madre británica, me dirija al soldado que sois para que intercedáis pidiendo clemencia para mi marido, que al igual que vos mismo no hizo más que combatir por su patria".

## Mensaje de Tojo

**TOKIO, 4 (INS).**—Hideki Tojo, el más importante de los nipones procesados por crímenes de guerra, envió hoy un mensaje de simpatía a Herman Goering y a los otros nazis condenados a muerte por el tribunal de Nuremberg.

Además, Tojo hizo llegar a esta agencia, desde su prisión de Sugamo, la nota, en la que dice: "Ofrezco mis respetos y simpatías a mi colega Goering y a los demás amigos que mueren por su país".

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Parte

# HAN SALIDO DE LA CÁRCEL DOS DE LOS NAZIS ABSUELTOS

**NUREMBERG**, 5 (AP). — Dos de los tres jerarcas nazis absueltos por el Tribunal Militar Internacional, Hjalmar Schacht y Hans Fritsche, fueron sacados en secreto de la prisión durante la noche y ocultados del público en una residencia privada de esta ciudad, protegidos, siguiendo las órdenes del gobierno militar, por la policía norteamericana y alemana. Según la información propalada por la radioemisora de esta ciudad, los dos ex dirigentes nazis fueron puestos en libertad poco antes de la medianoche.

El Dr. Schacht y su esposa fueron alojados en una casa de Frelingstrasse. Se ha sabido que el jefe de policía alemán, Sr. Leo Stahl, hizo detener al Dr. Schacht poco tiempo después de la medianoche, pero hubo de ponerlo en libertad debido a que la orden de detención no había sido preparada en forma. El Sr. Stahl trató de seguir el mismo procedimiento más tarde con Fritsche, pero por las mismas razones hubo de ponerlo en libertad.

El jefe de policía declaró: "Los detendremos a los dos más tarde", cuando se retiren los guardias norteamericanos.

Mientras tanto, Frank von Papen permanece en la prisión de la Corte, esperando la respuesta de las autoridades británicas de ocupación, para dirigirse a esa zona. Un vocero británico dijo que no se le permitirá la entrada a ninguno de los absueltos.

Por su parte, las autoridades norteamericanas declararon que Schacht y Fritsche tienen libertad para dirigirse a donde deseen.

Hoy, pocos minutos antes de las 15.45, hora en que expiraba el plazo para apelar las sentencias, los abogados de Joachim von Ribbentrop, ex ministro de Relaciones Exteriores, y del mariscal Wilhelm von Keitel, presentaron, en nombre de sus defendidos, una solicitud de clemencia. Los condenados a la horca, Kaltenbrunner, Speer y von Schirach, no apelaron. El abogado Alfred Seidl, defensor de Hans Frank, anunció que el Papa Pío XII pidió clemencia ante el Consejo de Control Aliado en favor del ex gobernador de Polonia, quien fué condenado a la horca por los crímenes cometidos contra el pueblo polaco. Frank se convirtió al catolicismo después de su encarcelamiento en Nuremberg. Durante el proceso admitió su culpabilidad y personalmente se rehusó a apelar por la sentencia que le impuso el tribunal. El Dr. Seidl, manifestó que el cardenal Faulhber, de Baviera, intervino en favor de su defendido ante el Vaticano, obteniendo de este modo que el Papa, a su vez, intercediera en favor de Frank.

## Juicios por tribunales alemanes

**BREMEN**, 5 (AP).—Los más altos funcionarios políticos de las zonas de ocupación británica y norteamericana sugirieron formalmente que los tres jerarcas nazis que fueron absueltos por el tribunal militar internacional sean juzgados por una corte alemana por haber cometido crímenes contra el pueblo alemán.

Dicha propuesta fué expresada en una resolución adoptada por unanimidad en la sesión de la conferencia de unidad alemana a la que asistieron los ministros presidentes de ambas zonas. Los funcionarios similares de las zonas francesa y rusa fueron invitados a concurrir a dicha reunión, pero no lo hicieron.

La resolución indicaba que en opinión de los delegados a la conferencia, el tribunal de Nuremberg había juzgado a los acusados basándose en sus crímenes de carácter internacional pero no así con respecto a los de carácter local. Al mismo tiempo, solicitaba que se integrara un tribunal compuesto por los funcionarios alemanes de más alta jerarquía en las cuatro zonas de ocupación para juzgar a los tres jerarcas nazis de acuerdo con las leyes alemanas.

El Sr. Wilhelm Hoegner, ministro presidente de Baviera declaró que todavía tenía el propósito de ordenar la detención de los tres jerarcas nazis absueltos y presentarlos ante los tribunales de desnazificación, si continuaban en la zona de ocupación norteamericana. "Schcht, von Papen y Fritsche, dijo, fueron hallados inocentes de los crímenes contra los aliados. Ahora deben responder por los crímenes cometidos contra el pueblo alemán".

## La esposa de Goering

**BERLIN**, 5 (AP).—Emmy Goering, esposa de Hermann Goering, vió rechazada su apelación a la Oficina de Desnazificación de Munich, mediante la cual trataba de que su nombre quedara limpio de culpa, con el objeto de reanudar su carrera en las tablas. El Sr. Benno Frank, jefe de la sección teatros de la Oficina de Control de Información del gobierno militar norteamericano, fué quien anunció el rechazo hecho por las autoridades germanas a la apelación de la Sra. Goering, agregando que si apelaba a cualquier autoridad norteamericana, también se le negaría lo solicitado.

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LA PRENSA, 6 de octubre de 1.46.- Guerra 635 Parte

# Apela las Sentencias de Nuremberg La Mayoría de los Ex Jerarcas Nazis

## Von Papen, Fritzche y Schacht se someterán a la acción de cualquier autoridad alemana

**Nuremberg**, octubre 5 (UP) — Todos los dirigentes nazis condenados por el tribunal militar aliado, con excepción de Ernst Kaltenbrunner, Baldur von Schirach y Albert Speer, se acogieron a los beneficios de apelación de las sentencias impuestas, elevando las correspondientes solicitudes al consejo de "control" aliado de Berlín.

Mientras tanto, circularon rumores de que Pío XII había intercedido ante el consejo de "control" aliado en favor del ex gobernador nazi de Polonia, Hans Frank, condenado a morir en la horca por los delitos cometidos durante el desempeño de sus funciones.

Por otra parte, se ha informado que dos de los tres jerarcas nazis absueltos por el tribunal de Nuremberg, el doctor Hjalmar Schacht y Hans Fritsche, "tendrán que responder a las acusaciones leves que les han sido formuladas ante tribunales alemanes", según infomó el gobierno militar norteamericano en Alemania. Se presume que Franz von Papen, que resultó absuelto, tendrá que someterse también a enjuiciamiento ante tribunales nacionales.

Los recursos de apelación, que según un alto funcionario del gobierno militar norteamericano "serán considerados tan pronto como sea posible en el curso de la próxima semana", fueron presentados por los abogados defensores respectivos en favor de Hermann Goering, Joachim von Ribbentrop, Hans Frank, Julius Streicher, mariscal de campo Wilhelm Keitel, Wilhelm Frick, Alfred Rosenberg, general Alfred Jodl, Arthur Seyss-Inquart y Fritz Sauckel, condenados a muerte; Rudolf Hess, Walther Funk y Erich Raeder, condenados a cadena perpetua; Constantin von Neurath, condenado a 15 años de prisión, y Karl Doenitz, condenado a 10 años de prisión.

De los tres que no apelaron, Kaltenbrunner está condenado a muerte y von Schirach y Speer a 20 años de cárcel.

La noticia de que el jefe de la Iglesia Católica había intercedido en favor de Frank la dió el abogado defensor de éste, Alfred Seidl, quien dijo que además ostenta la representación de Hess. Manifestó haber sido informado en ese sentido por el cardenal Faulhaber, de Munich, quien, según el propio abogado, había sido intermediario en la petición de clemencia papal. Seidl se convirtió al catolicismo durante la prisión; no obstante, el abogado nombrado se desdijo pocas horas después y calificó las noticias de intervención papal como "prematuras". Explicó que había pedido al cardenal Faulhaber tomar la iniciativa y que creía que el Papa "había enviado ya un mensaje al consejo de "control" en Berlín". Añadió: "Pero luego recibí un telegrama del cardenal, informándome que había comunicado mi petición al Sumo Pontífice".

La aclaración la hizo Seidl después de que la secretaría del tribunal militar y la secretaría del consejo en Berlín informaron que no habían recibido comunicaciones del Vaticano en favor de Frank "ni ninguno de los otros condenados".

La esposa del general Jodl fué autorizada por las autoridades militares norteamericanas para dirigirse al presidente Truman, pidiendo clemencia para su esposo.

Mientras tanto, la situación de los tres absueltos por el tribunal de Nuremberg se hace más confusa cada día. El ministro bávaro de "desnazificación", doctor Anton Pfeifer, declaró que los tres deben ser juzgados por la junta alemana de desnazificación, que entiende de los casos de todos aquellos ciudadanos del Reich reos de haber brindado apoyo activo al nazismo.

Schacht y Fritzche salieron anoche de la cárcel de Nuremberg; no así von Papen, quien permaneció en la prisión en espera, según informó su abogado, del permiso de entrada a la zona británica.

Las autoridades militares británicas dijeron que no se permitirá la entrada a la zona británica a ninguno de los tres absueltos. Igualmente se anunció que las autoridades aliadas no se opondrán al enjuiciamiento de los ex culpados por tribunales civiles y militares, siempre que sean juzgados por cargos ajenos a aquellos por los cuales fueron absueltos en Nuremberg. Según las leyes de desnazificación, de acuerdo con las cuales tendrán que inscribirse como tiene que hacerlo todo alemán adulto, pueden ser condenados como máximo a 10 años de prisión, a la pérdida de sus bienes y de sus derechos civiles.

Se levantaron hoy todas las restricciones contra Schacht y Fritzche, quienes podrán solicitar la ayuda de la policía militar para protegerlos donde quieran dirigirse.

No obstante, pese a que las autoridades militares aliadas no se opondrán al enjuiciamiento de los absueltos por los tribunales alemanes, se ha prohibido la detención de los mismos "hasta nuevo aviso".

Von Papen ha declarado que está dispuesto a someterse a la acción de cualquier autoridad, tan pronto se aclare su situación, y Fritzche informó que pedirá ser juzgado por las leyes de desnazificación. Schacht se pronunció en el mismo sentido, afirmando que no teme de la acción de la justicia alemana, "pues yo no soy nazi; soy demócrata".

## Lo que Dicen en el Vaticano

**Ciudad del Vaticano**, octubre 5 (UP) —En fuentes autorizadas del Vaticano se evitó hoy cuidadosamente confirmar o desautorizar la versión de que Pío XII había interpuesto un pedido de clemencia en favor de Hans Frank, pero se destacó el "necesario papel del pontífice como hacedor de la paz y pacificador de pasiones en casos como el de Nuremberg".

De los detallados interrogatorios que hizo en fuentes autorizadas, este corresponsal extrae la impresión personal de que el Papa recibió un pedido concreto de intercesión en favor de Frank, y que, en respuesta, comunicó su disposición favorable a la merced, lo cual no significa formular un llamamiento directo a la piedad.

Interrogado acerca de si el cardenal Faulhaber, arzobispo de Munich, podría haber recibido y trasmitido un pedido de intervención del Papa en favor de Frank y si en respuesta se le autorizó a comunicar a las autoridades pertinentes la predisposición de Pío XII a la clemencia, el vocero autorizado contestó: "La deducción y conclusión deberá hacerla usted".

## Gestiones para la Formación de Una Corte del Pueblo Alemán

**Francfort**, octubre 5 (UP) — El servicio informativo alemán "Dana" anunció que tres ministros-presidentes que desempeñan sus cargos en la zona norteamericana y los jefes de estado de la zona británica, se reunirán esta noche en Bremen para deliberar sobre la formación de una corte del pueblo que represente a "toda Alemania", para juzgar a von Papen, Schacht y Fritzche, que fueron absueltos por el tribunal de Nuremberg.

Dice "Dana" que los dirigentes germanos señalaron que "los crímenes de los nazis en contra del pueblo alemán —que no se tuvieron en cuenta en Nuremberg— son también enormes, y el pueblo alemán fué el primero en sufrir el nacionalsocialismo. Una sentencia pronunciada

Archivo Histórico
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Guerra 635
2ª Parte

# Confía von Papen en Obtener Permiso Para Trasladarse a la Zona Británica

## Tanto Schacht como Fritzsche preparan sus defensas ante las cortes de desnazificación

**Nuremberg**, octubre 6 (UP) — Mientras el barón Franz von Papen permanece aun en la prisión como huésped del ejército norteamericano, se espera esta noche la respuesta al pedido de aquél para entrar en la zona de ocupación británica de Alemania.

Los otros dos acusados absueltos, Hjalmar Schacht y Hans Fritzsche, se encuentran ya en libertad bajo la protección del ejército norteamericano. Ambos se hallan en un albergue de Nuremberg preparando su defensa para los juicios que les seguirán las cortes alemanas de desnazificación. Es improbable que se les lleve ante esos tribunales antes de tres meses, según manifestó a la United Press el fiscal del "Spruchkammer" de Nuremberg.

Aunque el consejo de la defensa de los acusados se halla familiarizado con sus casos, debido al largo juicio de Nuremberg, los fiscales germanos realizarán una investigación completa y los defensores deben empezar por el principio.

Los germanos que tratan de conseguir empleo y piden que se les haga el juicio para su desnazificación, deben esperar varios meses antes de que se les conceda audiencia, debido a los muchos pedidos que debe atender la Corte, pero es posible que se de prioridad a los pedidos de Fritzsche y Schacht para permanecer en la zona norteamericana, en razón de que ambos acusados atraen el interés público.

Se supone que von Papen ha decidido permanecer voluntariamente en la prisión de Nuremberg, donde ha pasado su sexta noche consecutiva desde que oficialmente quedó en libertad. Se cree que hace esto porque a donde quiera que vaya, ya sea a dos cuadras o a 200 kilómetros de distancia, recibirá trasporte y escolta del ejército norteamericano, pero sólo por esa única vez. Entretanto, von Papen espera que la respuesta de las autoridades británicas que llegará esta noche o mañana a más tardar, sea favorable, porque en los casos de Fritzsche y Schacht, que hicieron la misma solicitud, se alegó que ninguno de los dos tenía domicilio en la zona británica; von Papen, por su parte, fué capturado por los norteamericanos cuando vivía en lo que ahora es zona británica.

## Declaraciones de von Papen

**Nuremberg**, octubre 6 (UP)—El barón von Papen dió una declaración a la prensa esta tarde, en la que dice: "He presentado una solicitud a las autoridades británicas para que me lleven de nuevo al punto donde fuí tomado prisionero. Allí naturalmente estaré a disposición de cualquier autoridad alemana o aliada.

En cuanto fuese necesario todavía examinar más ampliamente mis actividades políticas bajo la ley alemana, estoy dispuesto a justificarme ante el tribunal competente. El fallo del tribunal militar internacional estaba basado sobre todas mis actividades dentro y fuera de mi país desde el año 1932. El tribunal me absolvió del cargo de criminal en cualquiera de mis actividades. Al propio tiempo el tribunal tomó conocimiento de mis convicciones, especialmente de mi protesta pública contra los métodos nazis hecha en el discurso que pronuncié en Marburgo en 1934, y mi renuncia posterior del gobierno del Reich.

Ya desde entonces, en el discurso de Marburgo, declaré públicamente que quedé desilusionado en mis esperanzas. Pero es a la historia y no a los tribunales a quien corresponde juzgar la corrección o los errores de la política de un estadista. Sostengo que siempre he actuado legalmente y de acuerdo con motivos puramente patrióticos".

## Raeder Pide que se Cambie por la De Muerte su Pena de Prisión

**Londres**, octubre 6 (UP) — La Exchange Telegraph publica una noticia dada por Radio Munich, según la cual el almirante Erich Raeder, condenado a prisión perpetua, apeló al Consejo de "Control" Aliado pidiéndole que modifique la sentencia, condenándolo a muerte. Raeder manifiesta que prefiere, como marino, la muerte a la prisión.

## En una Reunión se Pidió la Pena de Muerte Contra Traficantes de Guerra

**Berlín**, octubre 6 (UP) — Walter Ulbricht, jefe del ejecutivo del partido de unidad socialista, que goza del apoyo soviético, exigió que se dictara la pena de muerte "para cuatrocientos alemanes traficantes de guerra".

Ulbricht, a quien muchos observadores consideran como la personalidad más poderosa de la alianza socialista-comunista, pide la ejecución de "todos los principales industriales, militaristas y banqueros que apoyaron a Hitler antes de que éste llegara al poder y durante su régimen".

Tal demanda la hizo Ulbricht en un discurso que pronunció en la organización "Víctimas del Fascismo", pero no identificó por su nombre a ninguno de los 400 traficantes de guerras a que hizo alusión.

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Guerra 635/946
(2a parte)

# Abandonó la Prisión de Nuremberg y Partió para Stuttgart el Dr. Schacht

**Nuremberg**, octubre 7 (UP)—Hjalmar Schacht, uno de los tres acusados absueltos por el tribunal de esta ciudad, salió esta mañana para Stuttgart, según lo anunciaron funcionarios germanos, apareciendo hoy en la calle por vez primera para informar a las autoridades militares que se ausenta de la ciudad.

Acompañado de su esposa, Schacht se presentó en la oficina del gobierno militar, a la que no pudo entrar —como hubiera sucedido con cualquier otro civil germano— por carecer del pase correspondiente. Se le permitió entrar en el edificio cuando se envió a un mensajero para solicitar permiso a los funcionarios de la policía de seguridad.

Hans Fritzsche obtuvo hoy su tarjeta de racionamiento de las autoridades germanas y, de acuerdo con el funcionario policial a cargo de su custodia, se prepara para trasladarse a Pleissenberg, cerca de Augsburg.

Manifestaron hoy los funcionarios del gobierno militar que Schacht firmó ayer un documento en presencia del doctor Thomas Tehler, fiscal en jefe del Ministerio de Desnazificación de Baviera, comprometiéndose a comparecer ante el tribunal de desnazificación.

Nada se ha decidido aún con respecto al pedido de Franz von Papen, que ha solicitado su ingreso a la zona británica. Según lo manifestado por el abogado Egon Kubuschok, defensor de dicho acusado, su defendido proyecta permanecer una noche más en la prisión, la octava desde que fué absuelto.

Los abogados de Erich Raeder, almirante en jefe de la armada germana, confirmaron que su defendido había solicitado al consejo aliado de "control" que se le fusilara en vez de ser sentenciado a cadena perpetua. Raeder dice en su pedido que considera que esto "será una sentencia menos pesada". El consejo aliado de "control" sólo puede reducir las condenas, pero no aumentarlas.

Raeder dirigió una extensa carta a las autoridades en Berlín, la que está actualmente a estudio. "Tengo setenta años de edad —dice en la misma— y mi resistencia física es limitada; la condena a perpetuidad no ha de significar para mí de larga duración; por otra parte, la forma en que he vivido me hace acreedor a una muerte decorosa en vez de terminar mis días en una cárcel. Consideraría el fusilamiento como pena menos severa y, a la larga, un alivio bendito para todos mis parientes. Este pedido no significa en absoluto una confesión de mi culpabilidad; por el contrario, mantengo mi punto de vista y puedo presentar pruebas, de que el veredicto del tribunal contiene errores evidentes, por ejemplo en el caso de Noruega, como fueron presentados por la parte acusadora, y que sólo pudieron tener su origen en consideraciones políticas".

El abogado defensor manifestó que Raeder redactó personalmente este pedido. Su abogado envió otro propio, argumentando que, tarde o temprano, "Raeder puede tener esperanzas de que se reduzca su sentencia". Agregó que las esposas de los condenados a muerte habían recibido autorización para estar junto a sus esposos durante "una última hora", lo que podrían hacer entre hoy y mañana. La señora Emmy Goering concurrió hoy a la prisión de Nuremberg, en su primera y última visita a su esposo desde que fué sentenciado a muerte.

## Schacht, Fritzsche y von Papen Comparecerán en Noviembre Ante la Corte de Desnazificación

**Munich**, octubre 7 (UP)—El ministro-presidente de Baviera, Wilhelm Hoegner, declaró hoy que Hjalmar Schacht, Walter Fritzsche y Frantz von Papen, permanecerán en libertad hasta que sean juzgados por la corte germana de desnazificación, lo que se realizará probablemente en Nuremberg a mediados de noviembre.

Dijo Hoegner que considera que los tres "son absolutamente culpables" y que cada uno de ellos tendría que probar su inocencia de acuerdo con las leyes de desnazificación o se harían pasibles a una condena de encarcelamiento. La ley establece que es el acusado quien debe presentar las pruebas de su inocencia.

La policía germana ha recibido instrucciones de proteger a los tres nombrados contra cualquier violencia por parte de la población.

Un miembro oficial de la oficina del cardenal Faulhaber manifestó hoy que dicho cardenal había enviado al Vaticano una "declaración de hechos" sobre el caso contra Hans Frank, pero negó que el cardenal hubiera elevado un pedido de clemencia al Consejo Aliado de "Control".

Frank fué condenado a muerte por el tribunal de Nuremberg.

## Apela a la Reina Guillermina El Condenado Seyss-Inquart

**Londres**, octubre 7 (UP)—La Exchange Telegraph informa desde Nuremberg que Arthur Seyss-Inquart, líder nazi condenado a muerte, que cometió la mayor parte de sus delitos como comisario del Reich en los Países Bajos, se dirigió a la reina Guillermina de Holanda pidiéndole que apoye su pedido de clemencia.

En su carta a la soberana, Seyss-Inquart alega que había hecho mucho por aliviar la situación del pueblo holandés.

## Apelaciones Recibidas en Berlín

**Berlín**, octubre 7 (UP)—La secretaría del Consejo de "Control" Aliado anunció esta noche que han llegado a Berlín, procedentes de Nuremberg, peticiones de clemencia de cuatro criminales nazis y de las S. S.

Ya se encuentran en poder del consejo las apelaciones formuladas por los letrados de Wilhelm Frick, Alfred Rosenberg, Julius Streicher y Martin Bormann, esperándose que mañana lleguen por avión de Nuremberg, o a más tardar, el miércoles por la mañana. En fuentes competentes se dice que el consejo podría convocar una reunión especial para el miércoles para considerar las apelaciones. La secretaría dice que no se ha recibido comunicación del Sumo Pontífice.

En fuentes norteamericanas de la Kommandatura aliada en Berlín se dice que no se tiene conocimiento de que los nazis que fueron condenados a prisión estuvieran en viaje hacia esta ciudad, tal como lo afirmara esta tarde el diario "Der Kurier".

La Kommandatura anunciará mañana el nombre de la prisión de Berlín donde se alojará a Rudolf Hess y a sus seis compañeros convictos.

## Desautoriza una Versión el Vaticano

**Ciudad del Vaticano**, octubre 7 (Reuter)—La radioemisora del Vaticano informó hoy que ninguna persona fué autorizada para expresar la opinión del Papa acerca de las sentencias dictadas por el tribunal internacional de Nuremberg.

La radio agregó: "La reciente declaración de un supuesto vocero del Vaticano que dió a conocer la opinión de Pío XII sobre las sentencias de Nuremberg, carece de fundamento."

# Fué Detenido por Agentes De Policía de Stuttgart el Doctor Hjalmar Schacht

**Francfort**, octubre 7 (UP) — La agencia alemana Dana informa que Hjalmar Schacht fué detenido en el castillo de Katherinenhof, cerca de Backnang, por orden del ministro de desnazificación de Wuertemberg Baden, Gottlob Kamm, que hace dos días precisamente había declarado: "Si cualquiera de los tres nazis absueltos aparece en mi estado, lo arrestaré inmediatamente".

"Schacht había llegado al castillo esta mañana, invitado por su dueño, un señor Reusche, y protestó violentamente cuando dos agentes de la policía le presentaron la orden de arresto, diciendo que se había iniciado acción contra él en Nuremberg y que, por lo tanto, no había derecho de detenerle en Stuttgart. Sin embargo, esta mañana cuando salió de Nuremberg, dijo a su abogado: "No quiero que se me juzgue en Nuremberg, quiero que se me procese en Stuttgart".

El ex director del Reichsbank fué confinado en una celda de la cárcel urbana de Stuttgart, que ocupa un edificio de cuatro pisos en precario estado de conservación.

Mientras se hallaba en Baviera, Schacht se encontraba bajo la protección del general Walter J. Muller, gobernador militar de Baviera, que ordenó que los tres absueltos no fueran alcanzados por órdenes de arrestos germanas, antes de que les procesara un tribunal de desnazificación. Sin embargo, esta tarde, el coronel W. W. Dawson, jefe del gobierno militar de Wuertemberg Baden, expresó a la United Press: "En nuestro estado, el interés del gobierno militar en la materia se limita a que el procedimiento sea correcto".

Se ignora cuándo se realizará el juicio de Schacht en Stuttgart.

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Guerra 630 (2a parte)

# EL DR. H. SCHACHT FUÉ PRESO POR LA POLICÍA ALEMANA

## Existe el propósito de hacerlo procesar por un tribunal de desnazificación

**STUTTGART**, 7 (P). — La policía alemana detuvo al doctor Hjalmar Schacht, uno de los tres dirigentes nazis recientemente absueltos por el Tribunal Militar Internacional.

La detención se produjo una hora después que el Dr. Schacht, ex ministro de Economía en el régimen de Hitler, llegó de Nuremberg. Lo ordenó el ministerio alemán de Estado de Wurtemberg-Baden Baden y el presidente de la Corte de Desnazificación de Bachnang estaba presente al ser detenido el Dr. Schacht. Inmediatamente lo confinaron en la cárcel de la Jefatura de Policía.

Bachnang es una pequeña población en la cual el Dr. Schacht había pensado radicarse en la residencia de un amigo.

Se hallaba presente también en el momento de la detención el ministro interino de Desnazificación de Wurtemberg-Baden Baden. Se ha indicado que el Dr. Schacht será procesado por el tribunal alemán de Desnazificación, por su anterior actividad con el régimen nazi.

El Dr. Schacht protestó contra su detención y mostró una carta del gobierno militar norteamericano concediéndole libertad de movimientos por toda la zona norteamericana. Pidió que se le diera oportunidad de hablar con su abogado, su esposa y el ministro alemán que ordenó su detención. Schacht ocupaba la residencia del Sr. Paul Reusch, magnate minero alemán y antiguo amigo del financiero del Tercer Reich. El Sr. Reusch había ofrecido al Dr. Schacht alojamiento transitorio en su casa próxima a Katcherinehof, en la zona de Bachnang.

Las autoridades del gobierno militar norteamericano se pusieron al margen de la detención del Dr. Schacht con una declaración hecha pública pocas horas antes de que el financiero llegara a ésta. En la declaración se dice que "cualquier procedimiento que se siga contra el Dr. Schacht se seguirá conforme a la ley alemana". Está firmada por el coronel W. W. Dawson, director regional del gobierno militar para Wurtemberg-Baden Baden, y añade: "El único interés del gobierno militar en la materia consiste en que se haga el procedimiento adecuado". El coronel Dawson afirmaba que se permitiría la entrada del Dr. Schacht en Stuttgart "como la de cualquier otro ciudadano alemán".

### La declaración del general Clay

**BERLIN**, 7 (P).—El teniente general Lucius Clay, vicegobernador militar norteamericano, informó a los periodistas, en su conferencia de prensa de hoy, que, al menos por el momento, los norteamericanos se oponen a permitir que los alemanes procesen a los tres absueltos, salvo en lo que se refiere a la desnazificación, y que, de cualquier modo, se harán todos los esfuerzos posibles para protegerlos contra el riesgo de que sean acusados por los mismos cargos de que fueron absueltos en Nuremberg. Si los tres son procesados de acuerdo con las leyes de desnazificación en la zona norteamericana, podrán ser condenados a la máxima pena de diez años de prisión, confiscación de todas sus propiedades y permanente prohibición de ejercer cualquier cargo público.

El general Clay dijo que duda de que ningún tribunal alemán, de acuerdo con las leyes actuales, pueda juzgar por alta traición a los tres absueltos, e indicó que las autoridades norteamericanas no se muestran dispuestas ahora a que se establezcan nuevos tribunales alemanes para juzgarlos. Dijo que no se tiene conocimiento oficial de que el Papa haya solicitado clemencia para von Papen, ni que intercediese en su favor anteriormente, como tampoco en favor de Hans Frank, según se dijo en Nuremberg. Los pedidos de clemencia que se han recibido serán considerados por el Consejo Aliado de Control en su próxima reunión normal del 10 de octubre, a no ser que el presidente del mismo, que este mes es el general francés Pierre Koenig, convoque a una reunión especial antes de entonces.

El general Clay dijo que no se tiene conocimiento oficial en esta capital de que el almirante Raeder, como se ha informado, haya pedido que se le fusile en lugar de encarcelarlo. De cualquier manera, dijo que el Consejo Aliado de Control no tiene poderes para aumentar la severidad de la sentencia.

Expresó que el mundo no debe preocuparse, al menos en quince o veinte años, por la posibilidad de que Alemania pueda volver a constituir una amenaza para la paz mundial, "a menos que se convierta en instrumento de terceros".

El general Clay declaró, además, lo que sigue: "No quiero desconocer las posibilidades de que Alemania se recupere en cierto período de tiempo, pero nuestras preocupaciones respecto a que pueda volver a constituir una amenaza de guerra son imposibles en un futuro cercano. Los hombres ya no luchan más a mano limpia".

Agregó que, "aunque la unificación de las zonas británica y norteamericana ha despertado gran interés en los rusos y franceses, y contribuido a aumentar el comercio y el tráfico de viajeros entre las cuatro zonas, ellos no se han decidido aún a participar en dicha unificación".

### El Consejo Aliado

**NUREMBERG**, 7 (P). — Las autoridades militares informaron que el Consejo Aliado de Control decidió reunirse el jueves para convenir los detalles finales de la ejecución de los cabecillas nazis condenados a muerte por el Tribunal Militar Internacional. Hasta tanto se realice esa reunión, todos los funcionarios vinculados con el Tribunal Militar Internacional han recibido órdenes estrictas de no suministrar información alguna sobre los acusados. Un ejemplo típico del estricto secreto que se mantiene fué la visita efectuada esta tarde por Emmy Goering, esposa del ex mariscal comandante de la Luftwaffe, quien obtuvo permiso para entrar en la prisión, pero ninguno de los miembros de la oficina de seguridad se aventuró a decir si la ex actriz había visitado o no a su marido. Un oficial dijo que la Sra. de Goering sólo había conferenciado con el capellán de la prisión.

El Tribunal suspendió todas las visitas de familiares al fin de la semana anterior al pronunciamiento de los veredictos. La oficina de seguridad manifestó, sin embargo, que la cuestión de la reanudación de las visitas es un asunto que está ahora bajo la jurisdicción del Consejo de Control, que lo debe decidir en su anunciada reunión en Berlín.

Los representantes de las cuatro potencias que se reunieron en Nuremberg para recibir las apelaciones de los acusados y discutir los arreglos se han trasladado entretanto a Berlín con sus recomendaciones. Se espera que el grupo regrese a esta ciudad el viernes para poner en movimiento el necesario final. Circulan versiones de que un sargento primero del ejército norteamericano será el encargado de realizar las ejecuciones y que ha sido alojado en un lugar sumamente secreto en las afueras de Nuremberg.

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Guerra 635 (24 Aub)

## ALEMANIA

### Detención de un Ex Funcionario Nazi

**Francfort**, octubre 7 (Reuter)—Adolf Better, ex jefe del campo de concentración de Maidanek, en Polonia, fué detenido en Silesia y deberá comparecer ante un tribunal especial. Está acusado de haber tomado parte en el asesinato de muchos internados.

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Argentina

LA NACION, 10 de octubre de 1946.-

Guerra 635 (2ª Parte)

# W. KEITEL PIDIÓ SER FUSILADO EN VEZ DE AHORCADO

**NUREMBERG**, 9 (AP).—Se ha revelado que el ex jefe del alto comando del ejército alemán, mariscal Wilhelm von Keitel, se dirigió por escrito al Consejo Aliado de Control solicitando ser fusilado en vez de ahorcado. Dice Keitel en su nota que confía que su ejecución sirva de "bendición" al pueblo alemán y sea símbolo de "buen nombre" para el ejército del Reich.

Entretanto, la mayoría de los condenados nazis a sufrir la pena capital ha caído en una especie de resignada depresión, negándose a discutir las sentencias, y actúan como si nada esperaran ya del tribunal que los juzgó.

Uno de los más deprimidos es, tal vez, Hermann Goering, que ante la certeza de su muerte inminente pasa las horas abatido en su yacija de la cárcel contemplando el techo de la celda. Esta descripción fué suministrada a los periodistas por el mayor Frederick Teich, oficial de seguridad que diariamente comprueba el estado de cada uno de los presos. El militar agregó:

"Goering es ahora un hombre golpeado y abatido", y dijo que ninguno de los demás prisioneros "tiene algo bueno que decir del ex mariscal". Añadió que, por el contrario, la mayoría de ellos cree que la conducta del que fué la mano derecha de Hitler ha contribuído en gran parte a la severidad de las sentencias.

Más adelante expresó el mayor Teich que todos los presos opinan que el coronel general Alfred Jodl "merece la muerte de un soldado", es decir, el fusilamiento en vez de la horca, pero ninguno expresó el mismo pensamiento con respecto a Keitel. Agregó que algunos evidenciaron su sorpresa y disgusto por las absoluciones de Schacht y Papen, pero nadie hace objeciones con respecto a la libertad de Fritsche. Dijo también que Funk, que sucedió al Dr. Schacht en la presidencia del Reichsbank, y Goering se quejan de que el banquero haya sido absuelto, alegando que contribuyó tanto como los demás al rearme del Tercer Reich.

## Reunión del Consejo Aliado

**BERLIN**, 9 (AP).—En la sesión realizada esta mañana la Comisión de Control Aliado consideró los pedidos de apelaciones formulados por los criminales de guerra sentenciados en Nuremberg, y, luego de pasar a cuarto intermedio, volvió a reunirse a las 15. La Comisión no dió a conocer detalle alguno sobre los pedidos de apelación, y se espera que mañana se dé a publicidad un comunicado sobre las decisiones adoptadas. En fuentes bien informadas se cree que los pedidos serán rechazados.

## Ahorcaron a 16 nazis

**HERFORD**, Alemania, 9 (AP).—Autoridades del gobierno militar británico anunciaron que 16 criminales de guerra alemanes, entre los que se incluye al comandante y otros miembros del personal que tuvo a su cargo el campo de concentración de Neuengamme, fueron ajusticiados en la horca.

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Guerra 635 (2ª Parte)

# El Consejo de "Control" Aliado Inició en Berlín el Estudio de las Apelaciones

**Berlín**, octubre 9 (UP) — El Consejo Aliado de "Control" para Alemania se reunió durante tres horas y media para iniciar el estudio de los voluminosos escritos de apelaciones sometidos a su consideración por 10 de los jerarcas nazis condenados por el tribunal internacional de Nuremberg; después de dos sesiones no llegó a decisión final alguna ni emitió comunicado sobre las deliberaciones.

La primera reunión del Consejo se inició a las 11 y duró hasta las 12.45; después del cuarto intermedio para almorzar, reanudóse la sesión a las 15, hasta las 16.45. El Consejo volverá a reunirse mañana a las 14.30. Un vocero del organismo indicó que puede esperarse algún comunicado después de esa sesión; rehusó hacer mayores comentarios.

## Hizo Declaraciones a un Periodista la Esposa de Schacht

**Nuremberg**, octubre 9 (Reuter) — Hjalmar Schacht, de 69 años, ex presidente del Reichsbank, se halla desde anoche en una celda sin calefacción en la prisión de Stuttgart, y se siente "disgustado" porque considera que se ha faltado a las dos promesas que le hicieron.

Así dijo al corresponsal la esposa de Schachat, hablando por teléfono desde Bacnan, residencia del propietario de minas Paúl Reusch, donde Schacht fué arrestado por la policía alemana. La señora de Schacht expresó: "Se trata de un hombre anciano y siente el frío, pero más que el frío, se siente muy afectado porque lo primero que le prometieron los norteamericanos, esto es, que no sería arrestado, no lo han cumplido. Además, el ministro de desnazificación por Wuerttemberg - Baden prometió a mi marido que le permitiría una entrevista de media hora. Esa promesa no ha sido cumplida tampoco".

La señora Schacht manifestó que cinco automóviles llenos de policías fueron enviados para efectuar el arresto de su marido, añadiendo que él pidió con urgencia que se le permitiera ver a su abogado y que ella le dijo que el letrado que actuó en Nurembreg se hallaba en camino para Bacnan.

## Habrían Sido Rechazados en Berlín los Pedidos de Clemencia

**Londres**, octubre 9 (Reuter)—La radioemisora suiza anunció esta noche que el Consejo Aliado de "Control" rechazó las peticiones de clemencia hechas por los dirigentes nazis que fueron sentenciados a muerte por el tribunal de Nuremberg.

En los medios informativos de esta capital no se tiene confirmación de la noticia dada por la radioemisora suiza, y las últimas informaciones de Berlín indican que el Consejo Aliado de "Control" se reunirá nuevamente mañana, después de haber tenido dos sesiones secretas en el día de hoy, para considerar las apelaciones de los dirigentes nazis.

## Pídese en Berlín la Pena de Muerte Para los Absueltos en Nuremberg

**Nuremberg**, octubre 9 (Reuter) — Miles de comunistas reunidos anoche en esta ciudad aprobaron por unanimidad una resolución, solicitando que se aplique la pena de muerte a von Papen, Schacht y Fritsche, por parte de la Corte alemana, "como juicio del pueblo".

## Rechaza el Pedido de Seyss-Inquart La Reina Guillermina de Holanda

**La Haya**, octubre 9 (UP)—En círculos oficiales se anunció que la reina Guillermina declinó tomar nota del pedido que se le hiciera para intervenir en favor del ex alto comisionado nazi para Holanda, Arthur Seyss - Inquart, condenado a muerte por el tribunal militar internacional de Nuremberg.

## Goering y Ribbentrop Piden Ser Fusilados en Vez de Ahorcados

**Berlín**, octubre 9 (UP) — En círculos extraoficiales aliados se manifestó esta noche que Goering y von Ribbentrop, en sus peticiones de clemencia al Consejo Aliado de "Control", solicitan ser fusilados en vez de ahorcados.

El contenido de estas y las demás peticiones no ha sido revelado, y la información extraoficial referida expresa que Goering al solicitar el fusilamiento, no pide la gracia de su vida. El mismo informante añadió que von Ribbentrop solicitó cadena perpetua, o, como alternativa de la sentencia de muerte, que se le fusile, si la pena no le es conmutada.

Se dijo que las demás solicitudes elevadas al Consejo piden diversos grados de clemencia de parte de ese organismo; se añadió que la labor del Consejo fué lenta hoy, debido a que los miembros del mismo tomaron conocimiento por primera vez de las peticiones, las que fueron leídas muy lentamente.

## Ejecución de 16 Criminales Nazis

**Bad Oyenhausen**, octubre 9 (UP) — Dieciséis criminales de guerra, incluyendo al convicto personal del campo de concentración de Neungamme, fueron ahorcados en ésta. La ejecución fué secreta y no se ha revelado el sitio donde fué levantado el patíbulo, pero se cree que fué en la cárcel de Hamels.

No se dió ninguna razón oficial explicando por qué se ejecutó a los 11 miembros del personal del campo de Neungamme, 5 meses después de haber dictado contra ellos sentencia de muerte. Estos 11 acusados fueron responsables de la muerte de 40.000 personas. Entre los ejecutados ayer figura el comandante del campo y miembro de la SS, coronel Max Pauly, y el médico de la prisión, doctor Bruno Kitt, que también formó parte del personal del campo de Auschwitz, donde se destacó por sus ejecuciones en las cámaras de gas.

Archivo Histórico — Ministerio de Relaciones Exteriores, Comercio Internacional y Culto — Argentina

LA PRENSA, 11 de octubre de 1946.-

Guerra 635/946 (2ª Parte)

# Rechazó el Consejo Aliado los Pedidos De Clemencia de los Condenados Nazis

## A ese respecto emitióse un comunicado oficial que fué dado a conocer en Berlín

**Berlín**, octubre 10 (UP) — El texto del comunicado que dió el Consejo Aliado de "Control", rehusando clemencia a todos los nazis condenados en Nuremberg, es el siguiente:

"El Consejo Aliado de "Control" realizó su 42ª sesión (extraordinaria) en Berlín, el 9 y 10 de octubre de 1946, con la presidencia del general Koenig. Se hallaban presentes el mariscal del aire sir Sholto Douglas, el general McNarney y el mariscal Sokolovsky.

El Consejo de "Control", de conformidad con las cláusulas del acuerdo de Londres y de la Carta, de fecha 8 de agosto de 1945, y de la directiva número 35, ha tomado en consideración todas las peticiones de clemencia, que le fueron presentadas por, o en nombre, de aquellos acusados convictos y sentenciados por el tribunal militar internacional en Nuremberg, el 2 de octubre de 1946.

Las peticiones de clemencia fueron presentadas en nombre de Hermann Goering, Rudolf Hess, Joachin von Ribbentrop, Wilhelm Keitel, Alfred Rosenberg, Hans Frank, Wilhelm Frick, Jelius Streicher, Walther Funk, Karl Doenitz, Erich Raeder, Fritz Sauckel, Alfred Jodl, Arthur Seyss-Inquart, Konstantin von Neurath y Martín Bormann, y en nombre de las siguientes organizaciones declaradas criminales por el tribunal militar internacional: las SS, la Gestapo, las SD y los grupos dirigentes del partido nazi.

No se presentó pedido de clemencia en nombre de Kaltenbrunner, von Schirach y Speer.

Las peticiones presentadas por los abogados para Goering, Streicher, Frank y von Neurath, lo fueron sin consentimiento o autoridad de sus respectivos defendidos. Sin embargo, el consejo consideró esas peticiones y también todas las otras, conforme a sus méritos. El consejo de "control", en su actuación citada, decidió lo siguiente:

Que las peticiones de clemencia para las SS, Gestapo, SD y grupos de dirigentes del partido nazi, no pudieron ser recibidas porque el consejo de "control" no está autorizado para reconsiderar los juicios del tribunal militar internacional. Solamente puede conceder clemencia. La petición de Raeder no puede ser recibida porque el consejo de "control" sólo tiene poderes para dar clemencia en cuanto a las sentencias ya aprobadas y no puede aumentar esas sentencias. Se rechazan las peticiones de clemencia para Goering, Hess, Ribbentrop, Keitel, Rosenberg, Frank, Frick, Streicher, Funk, Doenitz, Sauckel, Jodl, Seys-Inquart y von Neurath. Se rechazan los pedidos para que Goering, Jodl y Keitel fuesen fusilados en lugar de ahorcados, en el caso de no concedérseles clemencia. Se rechaza como prematura la petición de clemencia para Bormann, sin perjuicio de que pueda someterla al consejo de "control", dentro de los cuatro días de su apresamiento, si éste se efectúa.

El representante soviético formuló la siguiente declaración al consejo de "control":

"El tribunal militar internacional en Nuremberg consideró un caso de excepcional importancia.

"Este caso trataba de la criminal presión que envolvió a la humanidad en la catástrofe de la guerra mundial, en una crisis militar sin precedente por la magnitud de su crueldad, organizada por el gobierno de Hitler, que dió por resultado la muerte de millones de pacíficos ciudadanos. Como miembro del consejo de "control", debo señalar el hecho de que el tribunal, durante los diez meses de su cuidadosa consideración del caso, aprobó un veredicto que traza un cuadro completo de los criminales hitleristas. Estoy firmemente convencido de que los principales criminales militares condenados por el tribunal, en cuyo veredicto fuimos todos unánimes, merecieron el castigo. Al mismo tiempo estimo mi deber señalar que estuve de acuerdo por completo con la opinión del miembro soviético del tribunal, general Nikitchenko y estoy seguro de que hubo bastantes pruebas también para sentenciar a Schacht, von Papen y Fritzsche, y para obtener el fallo de pena capital para Hess, y para reconocer que el gobierno de Hitler con su estado mayor y el supremo comando militar, fueron organismos criminales. Durante el proceso se estableció claramente que von Papen y Schacht habían ayudado activamente a Hitler a llegar al poder.

"Schacht aseguró luego el apoyo económico-financiero para la agresión. Fritzsche, junto con Goebbels, durante un cierto número de años, envenenaron al pueblo alemán con la propaganda nazi. Hess, sucesor de Hitler dentro del partido y el tercero en importancia en la Alemania hitlerista. La actitud de la opinión pública mundial hacia el veredicto del tribunal y hacia la excepción formulada por el representante soviético, me han convencido de la justicia del veredicto del tribunal militar internacional y también de la excepción hecha a este veredicto por el miembro soviético del tribunal militar internacional".

## Cumplirán su Pena en la Cárcel de Spandau los Condenados a Prisión

**Berlín**, octubre 10 (UP)—Una comisión integrada por seis miembros del Consejo de "Control" Aliado realizó una visita de inspección a la prisión de Spandau, que se levanta en la zona británica de la ciudad, lo que ha robustecido la creencia de que el edificio de dos pisos, construído con ladrillos rojos, será en el futuro hogar de Rudolf Hess y los otros seis nazis que fueran condenados a diversos términos de prisión.

Los miembros de la comisión no hicieron comentarios y se sabe que se ha ordenado a los funcionarios de la cárcel "no hablar con nadie".

## Austria Solicitó Oficialmente la Entrega de Schirach y von Papen

**Hamburgo**, octubre 10 (Reuter) — El servicio informativo británico en Alemania anunció que el gobierno austríaco solicitó oficialmente la entrega de Franz von Papen y Baldur von Schirach para ser juzgados en Viena.

## Cumpliránse las Ejecuciones El Miércoles Próximo

**Berlín**, octubre 10 (UP) — El Consejo Aliado de "Control" confirmó esta noche que los 11 jerarcas nazis condenados a muerte por el tribunal de Nuremberg serán ahorcados el próximo miércoles, actuando como testigos una comisión de cuatro oficiales, dos representantes de diarios de cada una de las cuatro potencias de ocupación y un fotógrafo oficial.

No se hace mención sobre el pedido formulado por la agencia norteamericana Acme de películas noticiosas de que se permitiera estar presente a un fotógrafo de cada una de las cuatro potencias.

## No Acepta Interceder en Favor de los Condenados la Cruz Roja Americana

**Méjico**, octubre 10 (UP) — La Cruz Roja Americana no accedió al pedido del organismo similar mejicano, tendiente a formular una solicitud de clemencia en favor de los líderes nazis condenados.

El presidente de dicha entidad, señor Basil O'Connor, dice en su respuesta: "Como presidente del consejo de gobernadores, simpatizo con los principios humanitarios que encierra el pedido mejicano; pero creo que la petición de clemencia por parte de la Cruz Roja, en favor de los dirigentes nazis, es inadecuado".

Archivo Histórico
Ministerio de Relaciones Exteriores, Comercio Internacional y Culto
Argentina

Guerra 630/946 (2a Parte)

"LA NACION"

Buenos Aires, 10 de octubre de 1946.-

# EL CONSEJO ALIADO CONFIRMÓ EL FALLO CONTRA LOS NAZIS

## Rechazó el pedido de hacer fusilar, en vez de ahorcar, a varios reos

**BERLIN**, 10 (AP).—Después de deliberar por espacio de cinco horas y y quince minutos en las sesiones de ayer y hoy, el Consejo Aliado de Control resolvió rechazar los pedidos de indulto para los jerarcas nazis condenados por el tribunal aliado internacional y confirmó que once de ellos, entre los que se encuentra el ex mariscal del Reich, Herman Goering, morirán en la horca el miércoles próximo en Nuremberg.

El anuncio de la fecha expresa que solamente los representantes de las cuatro potencias aliadas, dos periodistas por cada una de las naciones que tienen fuerzas de ocupación en Alemania, y un fotógrafo oficial, presenciarán las ejecuciones.

El organismo aliado rechazó, asimismo, los pedidos de Goering, del mariscal Wilhelm Keitel y del general Alfred Jodl, que solicitaron ser fusilados en vez de ahorcados, y declaró "inaceptable" el pedido del almirante Erich Raeder, que declaró preferir la muerte ante un pelotón de fusilamiento en vez de la condena a prisión perpetua. En este caso el Consejo señaló que "no está autorizado para aumentar la gravedad de la sentencia original".

Acerca de las apelaciones de las organizaciones nazis procesadas en Nuremberg —las S. S., las S. D., la Gestapo y el grupo dirigente del Partido Nacionalsocialista—, se manifestó que las mismas no son aceptables por cuanto el Consejo Aliado de Control no está autorizado para reconsiderar el fallo del tribunal militar internacional. Solamente puede acordar clemencia". La apelación en favor del lugarteniente de Hitler, Martín Bormann, condenado a muerte en rebeldía, fué rechazada por ser "prematura, sin perjuicio de su oportuna presentación por el interesado al Consejo de Control dentro de los cuatro días de su detención, cuando la misma se produzca".

Los tres jerarcas nazis Ernest Kaltenbrunner, ex jefe de la Gestapo —condenado a muerte—, Albert Speer, ministro de Municiones, y el jefe de las Juventudes Hitleristas, Baldur von Schirach —condenados ambos a veinte años de prisión—, no presentaron recurso alguno ante el Consejo Aliado de Control. El miembro soviético del Consejo, mariscal Vassily Sokolovsky, reiteró en el seno del mismo la protesta presentada por los representantes soviéticos en el tribunal de Nuremberg contra la absolución dictada en favor de Franz von Papen, Hjalmar Schacht y Hans Fritzsche y la condena a prisión a Rudolph Hess.

El anuncio oficial no especifica cuándo los siete condenados a prisión serán transferidos de la cárcel de Nuremberg a Berlín, y se cree que serán alojados en la cárcel de Spandau, en el sector británico. Los condenados a la horca, Goering, Ribbentrop, Keitel, Rosemberg, Frank, Frick, Sauckel, Jodl y Seyss-Inquart, han perdido, pues, toda esperanza de salvarse de esa clase de ejecución. El Consejo de Control Aliado, bajo los términos de los estatutos que organizó el tribunal militar internacional, en agosto de 1945, era el único cuerpo al cual los acusados debían presentar sus apelaciones y sólo para solicitar clemencia.

Schacht se encuentra ahora bajo custodia cerca de Stuttgart, esperando el juicio que le iniciará la Junta de Desnazificación. Fritzsche está todavía en Nuremberg, y von Papen permanece en la cárcel, a la espera del permiso para entrar en la zona británica.

En su comunicado, el Consejo expresa que las apelaciones de Goering, Streicher, Frank y von Neurath, sentenciado éste a 15 años de prisión, fueron presentadas por sus abogados sin consentimiento de los acusados. Agrega que el Consejo, sin embargo, ha considerado estas peticiones y otras más.

Archivo Histórico
Ministerio de Relaciones Exteriores, Comercio Internacional y Culto Argentina

# REPÚBLICA ARGENTINA — TELÉGRAFO DE LA NACIÓN

MINISTERIO DEL INTERIOR

MINISTERIO DE RELACIONES EXTERIORES
14 OCT 46
LETRA D No. 744
Dirección General de Asuntos Políticos

*Categoría* urbano

*Destinatario* Dr Atilio Bramuglia Excelentisimo Señor

*Domicilio* Ministro de la Cartera de Relaciones Exteriores

*Destino* Buenos Aires

| PROCEDENCIA | Nº | P | HORA ORIGEN | INDICACIONES |
|---|---|---|---|---|
| Buenos Aires (13) | 1780 | 100 | 17.28 | |
| POR | T | AP | HORA RECEPCIÓN | FECHA |
| Morris,- | Cpdo,- | | 18.30 | Octubre 11/1946 |

FICHADO

EL PRIMER CONGRESO ESPIRITA PANAMERICANO, reunido en Buenos Aires, solicita conmutación de pena de muerte á los condenados culpables de la guerra , la interpretación de la doctrina espirita, cimentada en la inmortalidad del espiritu y la responsabilidad de los actos en el progreso palingenésico de la vida del ser humano, desconoce todo derecho á la existencia de la pena de muerte. Acorde con ello solicita sea conmutada.-

Coronel Delfino Ferreira Presidente Cristoforo Postiglioni

Secretario General

Sanchez de Bustamante 463 Baires

1524 - T. Gráf. C. y T. - 9/946

Archivo Histórico
Ministerio de Relaciones Exteriores, Comercio Internacional y Culto
Argentina

Buenos Aires, octubre 21 de 1946.

Archívese

MINISTERIO RELACIONES EXTERIORES
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Dirección General de Asuntos Políticos

PASCUAL DE ROSA
DIRECTOR GENERAL DE ASUNTOS POLITICOS

Archivo Histórico
Ministerio de Relaciones Exteriores, Comercio Internacional y Culto
Argentina

LA PRENSA, 12 de octubre de 1946.-

Guerra 635 (2ª Parte)

# A los Nazis Condenados No se les Notificó Aún el Rechazo de su Apelación

**Nuremberg**, octubre 11 (UP) — En círculos relacionados con la prisión local se afirma que los once nazis que se encuentran en la galería de condenados han sabido en forma extraoficial que sus apelaciones fueron rechazadas, aunque todavía no se les notificó la decisión del Consejo de "Control" aliado.

Funcionarios de la cárcel dicen que los presos siempre están al tanto de los acontecimientos mundiales, aun cuando no reciben periódicos, porque escuchan las novedades de los corrillos formados por guardias y funcionarios que las comentan entre sí y que en forma involuntaria se convierten en vehículo informativo.

La decisión del consejo ha sido publicada en el periódico militar "Stars and Stripes" que circula en Nuremberg. El coronel Burton C. Andrus, oficial de seguridad de la prisión, expresó que no ha recibido aún instrucciones del Consejo de "Control" Aliado para informar oficialmente a los condenados del rechazo de su pedido de clemencia.

Los cuatro jefes militares en Berlín han decidido que estos 11 hombres y Martin Bormann, si es que aún se encuentra con vida y se le captura, deben morir. Hasta ahora no han indicado a nadie en Nuremberg que notifique a los prisioneros que su última esperanza se ha desvanecido.

## Eisenhower Declinó Intervenir En Favor de Algunos Condenados

**Londres**, octubre 11 (UP)—El general Dwight D. Eisenhower, en una conferencia de prensa, reveló que ha rehusado intervenir en favor de uno o dos líderes nazis que habían apelado a su persona para que les ayudara a obtener clemencia de las autoridades competentes. Reveló que había trasmitido los pedidos a esas autoridades sin comentarios, porque no veía base alguna para intervenir. Añadió que los gobiernos de los "cuatro grandes" habían establecido un mecanismo legal que proporcionó un juicio justo y honesto, y que las apelaciones con respecto al veredicto se encontraban fuera del alcance de cualquier figura militar.

El general reconoció que uno de los pedidos le fué formulado por la esposa del general Jodl, pero rehusó revelar el nombre del otro condenado.

## Ribbentrop Pidió un Empleo Para su Hijo en Inglaterra

**Nuremberg**, octubre 11 (Reuter)—Informóse que von Ribbentrop ha escrito a sir Alexander Walker, de la firma John Walker and Sons, London, pidiéndole que dé un empleo su hijo.

Sir Alexander Walker era anteriormente presidente del directorio de las destilerías de whisky John Walker and Sons, pero se retiró antes de la guerra. La dirección usada por Ribbentrop es la de la casa central que tenía la firma antes de la guerra, que fué destruida por los bombardeos.

Se afirma que Ribbentrop tuvo tratos con la mencionada firma en su calidad de corredor de vinos, antes de iniciarse en la carrera política.

Archivo Histórico — Ministerio de Relaciones Exteriores, Comercio Internacional y Culto

LA PRENSA 13 de octubre de 1946.-

Guerra 635 (Varios)

# CUMPLIMIENTO DE LA CONDENA DE LOS 11 JERARCAS NAZIS

**NUREMBERG, 12 (AP). — Restan menos de cuatro días de vida a los once jerarcas nazis condenados a muerte, pero hasta el momento no se han adoptado medidas en la prisión de Nuremberg para preparar las ejecuciones, que se realizarán el miércoles por la mañana. Se espera la llegada de los representantes del Consejo Aliado de Control, que tendrán a su cargo todo lo relacionado con el cumplimiento de las sentencias impuestas por el Tribunal Militar Internacional.**

Un oficial de seguridad del ejército norteamericano hizo las siguientes observaciones: 1) No se ha levantado ninguna horca; los materiales para la misma no están aquí ni han sido ordenados. 2) El nombre del verdugo que realizará las ejecuciones no ha sido divulgado. Tejiéndose conjeturas se ha mencionado a Pierrepont, famoso verdugo británico, y al sargento primero John Woodshave, del ejército norteamericano. 3) Los condenados se han enterado, por intermedio de sus esposas, que los visitaron por última vez, que sus pedidos de clemencia han sido rechazados por el Consejo Aliado de Control. Si bien esta decisión fué adoptada el jueves en Berlín, hasta hoy no se había recibido en ésta la notificación oficial.

Se espera que mañana se reunirán en esta ciudad los representantes del Consejo para poner en marcha lo convenido por las cuatro potencias. Se cree que las ejecuciones se realizarán una tras otra, iniciándose con la de Hermann Goering al amanecer, y presumiblemente en un patio cubierto y cerrado.

Tres de los condenados a muerte pasan su último fin de semana leyendo libros. Goering lee "Con las aves migratorias al África", el coronel general Alfred Jodl "El viajero" de Knut Hamsun, y Fritz Sauckel "Isla Feliz", de Braun. También Walther Funk, ex ministro de Economía, condenado a prisión perpetua, lee "Hombres contra la Muerte", de Paul de Kruif. Von Papen sigue todavía alojado en la prisión. Funcionarios de la cárcel dijeron que el ex diplomático no ha recibido aún la comunicación que espera de los británicos para saber si se le autoriza a entrar en la zona británica.

La mayoría de los condenados a muerte se despidieron ya de sus parientes y casi todos ellos se muestran decaídos y nerviosos. Julius Streicher solicitó a uno de los médicos psicólogos que examinara primero a sus compañeros y le diera cuenta de sus reacciones. Frank, por su parte, saluda todos los días al médico con las palabras: "¿Cómo está usted?". Frick manifestó que "todo ha terminado y es inútil esperar". Sauckel está completamente fuera de sí y no parece darse cuenta de que el juicio ha terminado. El mariscal Keitel duerme bien, pero, en cambio, Rosenberg, se pasa las noches paseando de un lado a otro en su celda. Hess —condenado a prisión perpetua— habla de organizar un nuevo Reich y en varias ocasiones ha expresado que deseo a los médicos que lo visitan. Jodl se despidió de su esposa en la pequeña celda que ocupa, manteniéndose tan impasible como siempre. Según declaró a los periodistas un oficial de seguridad, el ex jefe del estado mayor de Hitler, vestido con uniforme militar prusiano, mostraba una calma absoluta y ni siquiera se le empañaron los ojos al despedirse de su esposa.

El coronel George Eyster, oficial de relaciones con el público de las fuerzas norteamericanas en Europa, declaró que sólo se permitirá a un fotógrafo oficial sacar vistas de las ejecuciones, y que ellas serán "para fines históricos y para archivos". Esto sugiere que se negará a los diarios esas fotografías y que quizá el público jamás tenga oportunidad de verlas.

## La función periodística

**NUREMBERG, 12 (AP). — La comisión de las cuatro potencias anunció las disposiciones a que deberán atenerse los periodistas de todo el mundo en la transmisión de informaciones acerca de la ejecución de los jerarcas nazis. Según dichas disposiciones, que son muy estrictas, no hay posibilidad de que los periodistas puedan enviar a los diarios o a las agencias informativas ni una palabra sobre las ejecuciones antes de que sea ahorcado el último de los condenados, ni antes de que regresen a la oficina de prensa del Palacio de Justicia los ocho corresponsales autorizados para que presencien las ejecuciones.**

La solicitud de los corresponsales norteamercianos para que se les diera un asiento "extra" a ser ocupado hoy el corresponsal de "The New York Times" en representación de todos los periodistas que pertenecen a diarios ha sido rechazada. Sólo se permitirá la presencia de dos corresponsales por cada una de las cuatro grandes potencias.

Archivo Histórico
Ministerio de Relaciones Exteriores, Comercio Internacional y Culto
Argentina

LA PRENSA, 13 de octubre de 1946.-

Guerra 635 (Polaco)

# Situación en que se Hallan los Jefes Nazis Condenados en Nuremberg

**Nuremberg**, octubre 12 (UP) — Rudolf Hess se queja de que su dieta comprende demasiada carne. Preferiría ciruelas secas. Este ex líder nazi hace planes para un cuarto Reich. Según manifestó el vocero del cuerpo de seguridad de la prisión, Hess discute los planes para el próximo Estado alemán con el médico de su misma nacionalidad que visita a los condenados.

La señora de Jodl se vió esta mañana con su esposo, en visita de despedida, y el vocero de la prisión dice que fué el que mostró mayor serenidad de todos los condenados que vieron por última vez a sus respectivas cónyuges.

Sauckel hállase bastante agitado, duerme mal y no puede hacerse a la idea de que su sentencia es definitiva. Las autoridades de la prisión no han recibido todavía la notificación oficial de que fueron rechazadas las apelaciones y por ello no lo han notificado a los condenados.

Streicher muéstrase interesado por la reacción de sus colegas condenados y ha solicitado del psiquiatra de la prisión que lo visite cuando menos día por medio a fin de imponerse del estado de ánimo de los otros.

"Frank —dice el vocero— parece el más feliz de todos ellos; Ribentrop se muestra deprimido después de la visita, que es la última, que le hizo ayer su esposa. Rosenberg camina por la celda, mostrándose también deprimido. Kaltenbrunner, von Keitel y Seyss-Inquart denotan hallarse en buen estado y soportan bien su suerte, lo mismo que Goering, que parece resignado. Von Papen es todavía el "pensionista distinguido" y espera la respuesta a su pedido de que se le autorice a entrar en la zona de ocupación británica."

## Una Predicción de Hess

**Nuremberg**, octubre 12 (Reuter) — Rudolf Hess está trabajando febrilmente preparando los planes para el cuarto Reich. Todavía no ha establecido todos los detalles, pero declaró al psiquiatra de la prisión, doctor Gustave Gilbert, que Alemania será nuevamente una gran potencia dentro de 20 años.

Archivo Histórico
Ministerio de Relaciones Exteriores, Comercio Internacional y Culto
Argentina

LA NACION, 13 de octubre de 1946.-

Guerra 635/946
(23 parte)

# LOS NAZIS SERÁN EJECUTADOS, SEGÚN SE CREE, EL DÍA 16

**NUREMBERG**, 11 (AP).—Los funcionarios de la prisión declararon no tener conocimiento alguno de que se hubieran realizado preparativos para la ejecución de los once condenados a muerte por el Tribunal Internacional de Crímenes de Guerra.

Las instrucciones emitidas por el Consejo Aliado de Control, antes del veredicto, anunciaban que las ejecuciones se realizarían el décimo quinto día después de haber sido leída la sentencia por la Corte. La sentencia fué pronunciada el 1º de octubre, por lo cual la fecha de la ejecución será el 16 de octubre.

## Gestión de Francia

**PARIS**, 11 (R).—Francia ha pedido a Gran Bretaña, los Estados Unidos y Rusia el establecimiento de una comisión internacional de peritos encargada de poner en funcionamiento los mecanismos de la justicia contra los otros miembros de las cuatro organizaciones nazis declaradas criminales por el tribunal de crímenes de guerra de Nuremberg.

En una nota entregada a los gobiernos de los tres países nombrados, el gobierno francés declara que existen buenas razones para suponer que todos los miembros de los SS, y las otras organizaciones nazis cuyos jefes fueron condenados por el tribunal de Nuremberg, se hallan también vinculados a crímenes de guerra.

Las cuatro organizaciones declaradas criminales son: los SS., la Gestapo, los SD. —Servicio de Seguridad— y el cuerpo dirigente del partido nazi.

La nota aboga por una más estrecha colaboración en las cuatro zonas de ocupación en Alemania, en lo que se refiere a la persecución de los criminales de guerra.

## Expulsión de un periodista de Alemania

**BERLIN**, 11 (R).—El corresponsal de la Agencia Informativa Francesa, Jacques Souvairan, fué expulsado de Alemania por haber dado a conocer los resultados de las reuniones del Consejo de Control sobre las peticiones de clemencia de los jararcas nazis, antes de que fuesen anunciados oficialmente.

El citado periodista fué conducido por un gendarme hasta la frontera francesa, en cumplimiento de la orden dada por el general Pierre Koenig, comandante de las fuerzas francesas de ocupación y que presidió la reunión de ayer del Consejo Aliado de Control.

Archivo Histórico
Ministerio de Relaciones Exteriores, Comercio Internacional y Culto
Argentina

Guerra 635 (2ª Parte)

" LA NACION " 14 de octubre de 1946.-

# COMUNICÓSE A LOS NAZIS EL RECHAZO DE LA APELACIÓN

NUREMBERG, 13 (AP).—Los capellanes de la prisión de Nuremberg oficiaron servicios religiosos especiales en las celdas de los criminales de guerra nazis, once de los cuales serán ejecutados esta semana.

El capellán católico monseñor Sixtus O'Connor y el reverendo H. F. Gerecke, de la Iglesia Luterana alemana, leyeron plegarias a los nazis durante la mayor parte del día. Rosenberg y Streicher, ambos condenados a muerte, rechazaron, como siempre, la asistencia de los capellanes y prefirieron leer libros.

El padre O'Connor confesó a los condenados católicos. El reverendo Gerecke rezó con cada uno de los condenados protestantes una oración en alemán tomada de versículos de San Juan. La oración dice:

"Hay muchas salas en la casa de mi Padre. En la noche más obscura de su vida, clavado ya en la cruz, Jesús ofreció a todos su gracia redentora. Vivió y sufrió el destino de la humanidad y tomó sobre sí las culpas de los hombres. Sobre la culpa y el destino, sobre el océano de odio, se extiende su amor que perdona. Jesús dice: "Volveré y os tomaré conmigo". No quiere que nos quedemos solos. Nos llama. Podemos morir a su lado. Este es el ofrecimiento de Jesús. Nos sacará del pecado para que podamos ser como El. Muy frecuentemente viene a nosotros sólo en la soledad o la última amargura, pero siempre está dispuesto a venir. Rezaremos: "Tú estás con nosotros". Y así aceptaremos su generoso ofrecimiento".

Después de la oración del capellán, en su mayoría los presos repitieron: "Jesús has descendido al dolor humano y has soportado la muerte. Tú no nos abandonarás. Perdona todos nuestros pecados. Has tomado sobre Ti todas las culpas; de otro modo, desesperaríamos. Déjanos estar a tu lado por toda la eternidad".

Horas antes se comunicó oficialmente a todos los presos que sus recursos de apelación habían sido rechazados por el Consejo Aliado de Control. Los presos recibieron la noticia sin emoción, pues ya habían sido informados extraoficialmente de la decisión tomada en Berlín el jueves último.

Conforme a las normas del Tribunal Militar Internacional y del Consejo Aliado de Control, los condenados a muerte deben ser ahorcados antes del miércoles a medianoche. Sin embargo, ninguno de los funcionarios de la prisión sabe todavía el momento y el lugar exactos de las ejecuciones. Se presume que los cadalsos serán erigidos dentro de los límites de la prisión, pero el capitán Sam Binder, uno de los oficiales de la guardia, manifestó que no hay todavía patíbulo alguno en el recinto ni se observa actividad para erigirlo.

Las autoridades médicas de la prisión han certificado la buena salud de los once jerarcas nazis condenados a muerte. Sin embargo, varios de los condenados a penas de prisión siguen recibiendo atención médica. El banquero Walther Funk está sometido a tratamiento y, según declaró su médico, necesitará ser operado en breve. El anciano von Neurath, condenado a quince años de cárcel, padece una afección cardíaca y hace muy poco ejercicio. El almirante Raeder, condenado a prisión perpetua, sufre una hernia.

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Ministerio de Relaciones Exteriores, Comercio Internacional y Culto
Argentina

Guerra 636 (Capital)

" LA PRENSA " 14 de octubre de 1946.-

# Notificóse en Nuremberg a Los Nazis Condenados el Rechazo de sus Apelaciones

**Nuremberg**, octubre 13 (UP)— Las autoridades de la prisión local recibieron hoy la notificación oficial de que el Consejo Aliado había rechazado los pedidos de clemencia, y a las 11.35 hicieron conocer la decisión a todos los condenados.

El vocero de la prisión, quien manifiesta que no se levantaron todavía los patíbulos en los terrenos de aquélla, dice que todos los convictos recibieron la notificación con "su estoicismo de costumbre". Al ser notificados del rechazo de sus recursos, Doenitz, Hess y Frank manifestaron que no habían formulado ningún pedido de clemencia y que sus defensores deben haberlos interpuesto, contra su voluntad.

Dos capellanes del ejército, el pastor protestante H. F. Gerecke, y el sacerdote católico Sixtus O'Connor, visitaron individualmente a los condenados en sus celdas. Los funcionarios de la prisión no dicen si los capellanes visitaron a los 11 condenados a la horca y a los otros 7 sentenciados a prisión.

Uno de los funcionarios de la prisión dice que el ex ministro de hacienda nazi, Walther Funk, será sometido próximamente a una intervención quirúrgica. Probablemente la operación se realizará después de su traslado a la prisión de Berlín, donde debe cumplir su sentencia. En cuanto a Hess, el vocero dice que no denota signos de cambios físico ni mental. Von Neurath sufre de una dolencia al corazón y de arteriosclerosis. Doenitz padece de una artritis crónica, que le resulta sumamente dolorosa en épocas de frío, y Raeder tiene hernia. Von Papen se encuentra todavía en la prisión, como "pensionista", en una celda con la puerta abierta.

## Se Tomará una Película de la Ejecución de los Condenados

**Nuremberg**, octubre 13 (Reuter) — El general Joseph McNarney, comandante de la zona ocupada por Estados Unidos, negó la información de que la unidad cinematográfica del ejército va a filmar la ejecución de los ex jerarcas nazis para exhibirla en los noticiarios. "A este respecto —declaró— se recuerda que el consejo aliado de "control" decidió que los fotógrafos oficiales tomarán la película de la ejecución con fines de carácter histórico".

## JAPON

## Concurso Imperial de Poesía

**Tokio**, octubre 13 (UP) — El emperador Hirohito eligió como título para el Concurso Imperial de Poesía la palabra "Aurora", significando la regeneración del Japón; tal concurso se celebra anualmente en el imperio del Sol Naciente.

Participarán en este concurso miles de japoneses de todas las clases sociales, que contribuirán con sus 36 sílabas denominadas Waka al concurso poético. Tal concurso es de gran importancia para los nipones, porque virtualmente es el único medio directo que tiene el ciudadano de llegar hasta el emperador.

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LA PRENSA 15 de octubre de 1946.-

Guerra 635 (2ª parte)

## Contra la Exhibición Pública de Las Películas de las Ejecuciones

**Londres**, octubre 14 (UP)—Los jefes de la Iglesia británica recibieron firmes seguridades por parte de una importantísima figura del mundo cinematográfico, en el sentido de que las películas que se "filmen" en las ejecuciones de Nuremberg, no se exhibirán en su cadena de cinematógrafos, aun cuando le fueran ofrecidas por los archivos oficiales.

J. Arthur Rank, que posee intereses en 570 salas cinematográficas del Reino Unido, formuló una declaración en la que afirma que ninguno de sus teatros proyectará las películas de las ejecuciones. "No creo que este hecho deba incluirse en los noticiarios británicos para su exhibición pública", comentó.

## Insiste von Ribbentrop en que su Actuación Fué Correcta en Alemania

**Nuremberg**, octubre 14 (Reuter)—"Estoy convencido de haber hecho lo que correspondía cuando entregué el rechazo alemán al ultimátum británico de septiembre de 1939, que fué presentado por el embajador de Gran Bretaña, sir Neville Henderson", declaró el barón von Ribbentrop, ex ministro de relaciones exteriores del Reich, dos días antes de la fecha fijada para su ejecución como criminal de guerra.

"Lo haría nuevamente —afirmó— pero estoy convencido de que Alemania estaba equivocada al abandonar la Sociedad de las Naciones. Yo traté de ejercer influencia sobre el Führer para que no abandonase la Sociedad de las Naciones, pero él no quiso escucharme".

## Mantendráse en Riguroso Secreto El Acto de las Ejecuciones

**Nuremberg**, octubre 14 (UP)—Se mantendrá un secreto sobre las ejecuciones de los nazis condenados a muerte, casi tan grande como el que se observó cuando la rendición de Alemania en Reims, según se ha podido saber hoy. La oficina de la comandancia de la prisión de Nuremberg anunció que los ocho corresponsales, que representarían a la prensa mundial, serán puestos "en cuarentena" para que no tengan contacto con el mundo exterior desde el momento en que entren en la prisión hasta que se terminen las ejecuciones.

Esos ocho corresponsales —dos de cada una de las potencias ocupantes— serán tan sólo testigos no oficiales de las ejecuciones. Se permitirá solamente obtener fotografías a un fotógrafo del ejército norteamericano, pero es dudoso que éstas sean dadas a la publicidad. Esas fotografías serán enviadas íntegramente al consejo de "control" aliado en Berlín. Si algunas son publicadas, ello sólo será después de la reunión del consejo del 20 de octubre.

Un funcionario de la oficina de relaciones públicas de la prisión confirmó que se han recibido instrucciones en ésta de que el miércoles ha sido establecido oficialmente como día de las ejecuciones, pero que hasta las 17.30 (hora de Greenwich) no se había comunicado a los condenados la fecha de su ejecución.

"Ninguno de los condenados cree que Hitler esté vivo —dijo—; tan sólo uno, Julius Streicher, manifestó que Hitler había llegado a tales extremos que era preferible la muerte a ser apresado vivo".

Todos los condenados ocupan hasta ahora sus celdas de costumbre.

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Argentina

LA PRENSA, 15 de octubre de 1946.-

Guerra 635/946 (2a Parte)

# Piden Mayor Información Sobre las Ejecuciones los Periodistas en Nuremberg

**Nuremberg**, octubre 14 (UP) — Los funcionarios de la oficina de relaciones públicas, representando al ejército de Estados Unidos, las autoridades de la prisión de Nuremberg y la comisión de las cuatro potencias que está a cargo de las ejecuciones de los condenados, debieron hacer frente esta mañana a una cantidad de corresponsales descontentos, puesto que a sólo 48 horas de las ejecuciones no se les han suministrado detalles de ninguna especie sobre las mismas.

El vocero oficial ni aun quiso confirmar la fecha de las ejecuciones, que ha sido anunciada oficialmente por el Consejo de "Control" Aliado de Berlín para el miércoles próximo. Dichos funcionarios contestaron todas las preguntas con un seco y categórico "no sabemos". Reiteró el vocero de la prisión que "no se han levantado ni se están levantando las horcas". Agregó que no se ha notificado a los condenados la fecha de la ejecución y que el funcionario de la prisión no tiene conocimiento de que se hubiera fijado fecha para tales ejecuciones.

Hasta el mediodía de hoy los generales —anónimos hasta este momento— que dirigen las ejecuciones no habían emitido ningún comunicado. Los corresponsales pidieron a los funcionario de la oficina de relaciones públicas que indagaran de la comisión el porqué del misterio con que se rodeaban las ejecuciones.

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LA NACION, 15 de octubre de 1946.-

Guerra 635 (2ª parte)

# LOS ONCE REOS DE NUREMBERG SERÁN AHORCADOS MAÑANA

**NUREMBERG, 14** (AP). — Funcionarios de la prisión local confirmaron que las ejecuciones de los once jerarcas nazis condenados a la horca tendrán lugar el miércoles por la mañana, pero se negaron a admitir o negar que se realizarán en la cárcel de Nuremberg.

Los ocho corresponsales elegidos para representar a las cuatro potencias ocupantes fueron informados de que deben estar listos para ser reclutidos en cualquier momento en el día de mañana, quizás al atardecer. No se les indicó adónde serán llevados, pero las órdenes son terminantes en el sentido de que una vez que estén en marcha no podrán ponerse en contacto con el mundo exterior hasta después de realizada la última ejecución.

El mayor Frederick Teich, jefe de la guardia de la prisión de Nuremberg, manifestó que los once jerarcas nazis condenados a muerte gozan de muy buen apetito y mantienen la dignidad y disciplina.

Agregó que ninguno de ellos ha perdido peso y que tanto Goering como von Ribbentrop se ven obligados a tomar sedativos para dormir.

Goering es el condenado que encabeza la lista en cuanto a buen comportamiento. A todos se les permite hacer ligeros ejercicios en los corredores de la prisión y verse mutuamente, pero tienen prohibido conversar entre sí. Todos han obedecido hasta ahora las severas reglamentaciones de la cárcel, sin tratar de violarlas en ningún sentido.

Un oficial de guardia informó que Goering perdió la serenidad una sola vez, cuando prorrumpió en sollozos al guardar los retratos de su esposa e hija. Sauckel ha perdido la serenidad en varias ocasiones y sólo seis de los acusados solicitaron ver a sus esposas por última vez.

Goering vió por última vez a su esposa Emmy, con la que permaneció cerca de una hora. Sauckel se mostró sereno al conversar con su madre y su esposa, esta última madre de sus diez hijos. Jodl dió muestras, igualmente, de gran tranquilidad al entrevistarse con su esposa.

La mayor parte de los prisioneros pasa el día leyendo y escribiendo cartas. Se les tiene prohibido establecer contacto mutuo, pero todos están enterados de las diversas sentencias que han recaído sobre ellos.

El más abatido parece ser el almirante Raeder, que solicitó al Consejo Aliado de Control que le fuera cambiada la pena de cárcel por la sentencia la muerte. Sauckel se encuentra también algo abatido. Hess y Rosenberg se muestran completamente indiferentes y son los únicos que se rehusan a participar en los servicios religiosos.

El otrora gallardo canciller del Reich, von Ribbbentrop, se muestra abatido y débil, y en una conversación con el médico de la prisión recordó el momento solemne en que comunicó al embajador británico en Berlín, Sir Nevile Henderson, la invasión de Polonia. Como se recordará, la nota respectiva fué leída por el canciller nazi al enviado británico en forma sumamente rápida, lo que motivó las protestas del gobierno británico. Ribbentrop afirmó que con gusto volvería a proceder en la misma forma; pero no quiso extenderse en sus comentarios.

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"LA NACION" Buenos Aires, 16 de octubre de 1946.-

Guerra 635 (2ª parte)

# Cómo reacciona el pueblo alemán ante la ejecución

**NUREMBERG**, 15 ("The New York Times").—Muchos alemanes esperan esta noche, junto a sus aparatos de radiotelefonía, las noticias de la ejecución de Hermann Goering y de diez otros destacados colaboradores de Hitler, que, según se dice, ha de comenzar poco después de medianoche. A las 19 los condenados todavía ignoraban a qué hora morirían. Comieron en sus celdas la habitual cena de ensalada de papas, salchichas y pan negro, con té por bebida; escribieron cartas y se sumergieron en diversos tipos de lectura, hasta que a las 21 se apagaron las luces. Ninguno de los comentarios que hicieron al médico y al psiquiatra de la prisión indica que pensaran mucho en los miles de alemanes que en las cervecerías y en sus frías viviendas escuchan las noticias radiotelefónicas y comentan el destino de esos once hombres que fueron sus gobernantes.

Entre el pueblo alemán son escasas las manifestaciones de pena o de alegría respecto a los condenados de Nuremberg. Aturdidos por los cataclismos de un pasado todavía muy reciente y por las penurias de su vida presente, la impresión de las ejecuciones resulta aún más atenuada en razón de que se las preveía desde hace mucho tiempo. Para muchos alemanes es como si Goering y sus compañeros hubiesen muerto ya hace tiempo. Aun siendo así, en un sentido general, no puede negarse que los alemanes se interesan en las últimas noticias concernientes a los hombres cuya dirección los llevó a la guerra en que perecieron treinta millones de seres en el mundo entero —entre ellos cinco millones de alemanes—, varios países quedaron devastados y el Reich se colocó al borde de la destrucción completa. Que los condenados merecen la muerte es cosa que pocos discuten, excepto en lo relativo a los mariscales Jodl y Keitel, "soldados que obedecieron órdenes". Pero hay en el fondo la sensación de que es una noche de deshonor nacional, y ella se advierte en la poca disposición de los alemanes a tratar el tema de la ejecución con extranjeros. Algunos prefieren especular sobre cuáles serán las consecuencias futuras de este precedente de que los triunfadores juzguen y ejecuten a los jefes de los vencidos. Pero la mayoría expresa el criterio sentado por la prensa de la Alemania ocupada: que sólo puede criticarse que no hayan sido más los condenados a muerte y que haya habido tres absoluciones.

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Ministerio de Relaciones Exteriores, Comercio Internacional y Culto
Argentina

"LA NACION" Buenos Aires, 16 de octubre de 1946.-

Guerra 635 (29 Part)

# CASI TODOS ELLOS BUSCARON EN LA FE SU ÚLTIMO SOSTÉN

## Se les dió asistencia religiosa, que solamente Rosenberg se negó a aceptar

**NUREMBERG, 15 (AP).**—En las sombrías celdas de la cárcel de Nuremberg, los once hombres que ayudaron a Hitler a lanzar al mundo a la más sangrienta de todas las guerras, pasan las horas, con cierto conocimiento de que son los últimos momentos de vida, antes de que sean ejecutados en la horca, en cumplimiento de las sentencias impuestas por el Tribunal Militar Internacional. Ninguno de ellos sabe con certeza la hora en que los guardias abrirán la puerta de su celda para conducirlos en silenciosa marcha a lo largo de obscuros corredores hasta el patíbulo. Extraoficialmente se dijo que las ejecuciones tendrán lugar mañana, miércoles, entre las 0.1 y las 6.36 de la mañana. El teniente general Richard McConnell, oficial de relaciones públicas, declaró que no se emitirá anuncio alguno sobre las ejecuciones antes de las 5 de la madrugada.

Los condenados tuvieron a las 17.30 su última comida, consistente en un plato de avena, pan y café. La mayoría de los prisioneros escribió cartas durante el día, siendo Julius Streicher quien más escribió: seis. Todos, salvo Fritz Sauckel, recibieron cartas. Goering recibió 16, pero, según informó un guardia, 15 de ellas eran de contenido hiriente, por lo que no fueron entregadas. En su último día, los condenados a muerte realizaron su habitual caminata de diez a veinte minutos por el angosto corredor de las celdas, unidos por esposas a sus guardias. Goering se negó categóricamente a salir de su celda, donde pasó todo el día.

Diez de los once jerarcas del nazismo condenados a muerte se refugiaron hoy en el consuelo de la religión. Solamente el filósofo del nazismo, Alfred Rosenberg, se rehusó a ver al capellán de la prisión o a leer la Biblia. Los otros, próximo el fin, comentaron extensamente su fe en Dios. Kaltenbrunner comulgó esta mañana. Goering manifestó a los médicos de la prisión que tenía fe en el Ser Supremo, que no temía a la muerte y que trataría de conservar su dignidad hasta el último momento. El general Jodl —uno de los cinco que profesan la religión católica— afirmó que toda religión debe basarse fundamentalmente en el amor al prójimo. Frank, por su parte, se extendió en comentarios sobre la visita que en una ocasión realizó a Roma, en compañía de Hitler y Hess, y sobre los inútiles esfuerzos que hizo para que éstos visitaran la Catedral de San Pedro. Seyss-Inquart se mostró resignado y sereno desde el mismo instante en que le fué anunciada la sentencia de muerte, pues en todo momento creyó que no podría escapar con un castigo menor. Sus consideraciones sobre temas religiosos han sido de una profundidad extraordinaria. Sauckel recobró algo de su habitual tranquilidad —que lo había abandonado en días pasados— y se mostró más resignado con su triste destino, pero sostuvo que fué condenado injustamente. El mariscal Keitel se mostró serio y reposado y habló con entusiasmo del valor que demostró su esposa y de su resignación cristiana. Keitel solicitó a los guardias que le avisaran minutos antes de marchar al patíbulo, a fin de poder "ordenar la celda y dejarla aseada". El ex jefe del estado mayor ha sido quien tuvo —entre todos los nazis— la celda más ordenada durante todo el confinamiento. El único que pasó mal la noche fué Ribbentrop, que padeció insomnio y fuerte dolor de cabeza.

Archivo Histórico
Ministerio de Relaciones Exteriores, Comercio Internacional y Culto
Argentina

"LA NACION" Buenos Aires, 16 de octubre de 1946.-

Guerra 635 (29 Parte)

# HAN SIDO EJECUTADOS LOS JERARCAS NAZIS

## GOERING ESCAPÓ A LA HORCA, PUES SE MATÓ EN SU CELDA

### A los demás los ajusticiaron en las primeras horas de hoy

**NUREMBERG**, 16 (INS).—Transmitimos el relato de las ejecuciones, escrito por el Sr. Kingsbury Smith, representante de esta agencia y en nombre de todos los servicios informativos norteamericanos:

Salvo Goering, que se suicidó en su celda, los otros diez condenados nazis fueron ahorcados separadamente, a la luz de reflectores eléctricos, en el interior de un pequeño gimnasio situado dentro de la prisión de Nuremberg, a unos treinta y cinco metros del pabellón de los condenados a muerte.

El ahorcamiento de los diez condenados duró aproximodamente hora y media, comenzando con von Ribbentrop, que fué ejecutado a la 1.14 horas, y terminando con Seyss-Inquart, que lo fué a las 2.45, confirmándose su muerte a las 2.57.

La mayoría de los condenados dieron vivas a Alemania en el patíbulo, sin que ninguno de ellos se desmayara. Todos subieron con paso firme, si bien un guardia norteamericano los acompañaba a cada lado, tomándolos de los brazos.

Julius Streicher fué el único que gritó "Heil Hitler!" cuando estaba a punto de subir los escalones de la horca y produjo la mayor conmoción al dar gritos retadores en la plataforma del cadalso, diciendo:

"Los bolcheviques los arreglaron a ustedes". Fué también Streicher el único que habló cuando ya tenía la soga puesta sobre la cabeza, exclamando: "Adela, mi querida esposa".

El coronel B. Andrus, comandante de seguridad de la prisión, se dirigía al pabellón de las celdas de los condenados para leer la sentencia de muerte del tribunal a Goering, cuando el guardián que vigilaba a través de la mirilla notó que el cuerpo de Goering se contorsionaba. Avisó al cabo de guardia y entraron a toda prisa en la celda, al mismo tiempo que el cabo llamaba al médico alemán de la prisión, doctor Pfluker. El capellán auxiliar de la prisión, que se encontraba cerca, escuchó que Goering hacía ruidos con la garganta, que se cree hayan sido los estertores de la muerte.

El recipiente donde tenía Goering el veneno estaba construído con el cartucho de una bala y era similar a otro que se le secuestró cuando llegó al campamento de prisioneros de Mondorf y que también contenía cianuro de potasio.

### La muerte de Goering

**NUREMBERG**, 16 (U.P.).—Oficialmente se anunció que todos los jerarcas nazis condenados a muerte fueron ejecutados esta madrugada, menos Goering, que ingirió cianuro de potasio antes de la hora fijada para ajusticiarlo.

Entre sus ropas se encontró una cápsula, aparentemente hecha de un cartucho de munición, que contenía la dosis de veneno. El reo lo ingirió en su celda unas dos horas antes de la ejecución y muy pocos momentos antes de que le fuera leída la sentencia de muerte.

### La llegada de los verdugos

**NUREMBERG**, 16 (INS). — Los guardias de seguridad informaron que han entrado dos verdugos en el pabellón de la prisión, uno inglés, presumiblemente Pierrepoint, y otro, un sargento norteamericano que ha sido utilizado en ejecuciones anteriores de criminales de guerra.

### Anuncio oficial

**NUREMBERG**, 16 (INS). — A las cinco de la madrugada, hora de Nuremberg, el general Morel, acompañado por sus ayudantes, entró en la casa del tribunal de Nuremberg, anunciando al corresponsal de International News Service, Sr. Lowell Bennett: "Todas las ejecuciones han terminado a las cuatro de la madrugada".

El comisionado de Francia en la comisión de control aliado vigiló las ejecuciones.

### Orden de las ejecuciones

**NUREMBERG**, 16 (R).—La ejecución de los once ex jerarcas nazis condenados a muerte por el Tribunal Aliado de Crímenes de Guerra se hizo en un cadalso en la cárcel de Nuremberg, según se anunció oficialmente esta mañana.

Las ejecuciones fueron cumplidas en el orden en que los acusados se sentaron en el banquillo ante el tribunal.

Un portavoz de la cárcel declaró que los testigos estuvieron lo suficientemente cerca del cadalso como para oír cualquier última palabra que los nazis pudieran decir. Los médicos y capellanes estuvieron presentes.

Añadió el portavoz que el informe oficial completo sobre las ejecuciones sería dado a conocer posteriormente por el Consejo de Control aliado.

Mientras se cumplían las penas caía una ligera llovizna en las desiertas calles de Nuremberg.

### De la radio británica

**LONDRES**, 16 (INS).—En información suministrada por la radio británica, se anunció que las ejecuciones comenzaron a la una de la madrugada, hora de Greenwich, y terminaron a las 2.15.

Un corresponsal, desde una casa vecina, frente al edificio de la prisión donde se levantaron las horcas, observó las ejecuciones. Según esta información, primeramente dos soldados llevaron una figura obscura y poco después se oyó el ruido de la trampa de la horca. El mismo ruido se fué oyendo luego con intervalos de cinco minutos, al que seguía un sonido de timbre en cada ocasión.

Hasta la una de la madrugada, hora de Nuremberg, no se observó movimiento extraordinario alguno dentro de la prisión y sólo se veían algunos soldados patrullando los muros. Luego, súbitamente fueron vistos unos diez soldados que atravesaban el patio de la cárcel con dirección al gimnasio.

### El derecho de hablar antes de sufrir la última pena

**NUREMBERG**, 16 (INS).—El general Roy V. Rickard, miembro de la comisión de control que supervisa la ejecución, nos declaró que considera "que algunos de los condenados querrán hacer declaraciones finales", agregando: "Si hablan demasiado, tendremos que acortales su discurso, pero, por la tradición del procedimiento, no podemos impedir que pronuncien sus últimas palabras".

## LAS VÍCTIMAS Y DAÑOS CAUSADOS POR LA GUERRA

**NUREMBERG**, 15 (Esp.). — Once hombres que fueron jefes en el poderoso Reich de Adolfo Hitler han pagado en la horca sus crímenes que llevaron a la muerte a 22.060.000 seres humanos, según estadísticas dadas a conocer por el Vaticano. (Casi dos veces la población de la Argentina). En esa cifra están incluídos más de cuatro millones de judíos y opositores políticos que fueron asesinados en cámaras de gases y campos de concentración.

Además, según la misma fuente informativa, la guerra que esos hombres desencadenaron o ayudaron a desencadenar, causó 34.400.000 heridos, desfigurados o lisiados para toda la vida.

En cuanto a los daños materiales, los estudios del perito James H. Brady los han calculado en más de 230.900.000.000 millones en dólares de hogares, ciudades, puentes, puertos y caminos destruídos. Sólo en armamentos la humanidad gastó 1.154.000 millones de dólares.

En cuatro cargos principales se dividió la acusación contra los ajusticiados: conspiración para librar guerras de agresión, crímenes contra la humanidad, crímenes de guerra, y violación de las leyes y costumbres de la guerra.

Los ocho jueces de cuatro naciones hallaron culpables de todos esos cargos a Hermann Goering, Joachim von Ribbentrop, Wilhelm Keitel, Alfred Rosenberg, Julius Streicher y Alfred Jodl. A Ernest Kaltenbrunner, Hans Frank y Fritz Sauckel se los declaró culpables de los dos últimos cargos, y a Wilhelm Frick y Arthur Seyss-Inquart, de los cargos segundo, tercero y cuarto.

Archivo Histórico — Ministerio de Relaciones Exteriores, Comercio Internacional y Culto Argentina.

"LA NACION" Buenos Aires, 16 de octubre de 1946.-

Guerra 635 (2ª Parte)

# A TRAVÉS DE LAS MIRILLAS DE LAS CELDAS, UN CORRESPONSAL OBSERVÓ A LOS CONDENADOS

## Los jerarcas nazis estuvieron continuamente bajo vigilancia directa, porque se temía que alguno de ellos intentara quitarse la vida, como había hecho Robert Ley

**NUREMBERG**, 15 (INS).—El señor Kingsbury Smith, gerente general del servicio de esta agencia en Europa, fué elegido por sorteo para informar a todas las agencias y diarios norteamericanos sobre la ejecución. Previamente escribió el siguiente despacho sobre los últimos momentos de los condenados en sus celdas:

A través de las mirillas de las puertas de las celdas de la prisión pude contemplar hoy la trágica resignación retratada en los rostros llenos de angustia de la mayoría de los 11 jerarcas nazis condenados a muerte, que serán ahorcados en el patíbulo de la justicia aliada, pocas horas antes de la publicación de este despacho.

Como único representante de la prensa mundial que penetró en el pabellón de los reos en la fuertemente vigilada prisión de la ciudad de Nuremberg, recorrí el corredor donde espera su muerte el nazismo, y pude observar a Hermann Wilhelm Goering y al resto de los altos secuaces de Hitler. Y en verdad que fué un espectáculo inolvidable; estos hombres que desempeñaron papeles tan importantes en el más grande despotismo que ha conocido el mundo desde la Edad Media, ofrecían el triste aspecto de un miserable grupo de infelices.

Por ninguna parte se nota el más leve indicio del poder y la gloria de que disfrutaron cuando dominaban la mayor parte de Europa y aterraban al mundo, ni en su aspecto ni en el desolado ambiente de su última vivienda terrenal. El ex archipoderoso mariscal del Reich, Hermann W. Goering, príncipe heredero del nazismo, estaba echado en una pequeña cama de campaña de hierro que en el pasado sólo había recibido el peso de criminales comunes. Sus amplios hombros, en una expresión de supremo desaliento, parecían derrumbarse sobre la blanca pared desnuda de su estrecha celda de la prisión, tratando de ahogar sus pensamientos sobre el destino inexorable e inminente, sumiéndose en la lectura de un libro. El libro es un manoseado volumen de ornitología, titulado "La migrasión de los pájaros al Africa".

En ese momento no pude evitar el pensar que este sucesor del barón Manfred von Richthofen, el as de los aviadores alemanes de la primera guerra mundial, probablemente desearía ahora tener alas con que volar lejos de esta jaula y sumarse a los pájaros en su vuelo al Africa, o a cualquier parte adonde poder escapar del largo y nuevo brazo del derecho internacional próximo a darle muerte.

A manera de capa sobre los hombros y espalda de su arrugado uniforme gris perla de la Luftwaffe tenía una frazada ordinaria color caqui del ejército norteamericano, que le protegía del aire frío y cortante de octubre que penetraba por la pequeña ventana semiabierta de la prisión, junto con los rayos de un brillante sol otoñal. Sin ser visto por Goering, lo contemplé por encima del hombro de un guardia de seguridad norteamericano, cuya misión consistía en mantener una vigilancia constante sobre el ex señor de la guerra nazi. El guardia se mantenía en pie en la parte exterior de la puerta de la celda cerrada con llave, mirando por una pequeña abertura cuadrada y listo para descorrer en un instante el cerrojo de hierro y penetrar en el interior si Goering trataba de quitarse la vida.

La constante vigilancia día y noche del prisionero se mantuvo desde que Robert Ley, el difunto "leader" obrero nazi, logró ahorcarse en una de estas celdas. Supe que logró realizarlo debido no sólo al hecho de que cada guardián en aquella época tenía que vigilar varias celdas, siguiendo el sistema de recorrido, sino también porque cuando el guardia que vió a Ley pender de la tubería del servicio sanitario [illegible] ducir la llave que traía consigo. Pasaron varios minutos antes de que se abriese la puerta, y finalmente ello se logró cuando Ley era ya cadáver.

Vigilado por los ojos de un guardia, al igual que un gato acecha al ratón, Goering ha tenido muy pocas esperanzas de poder imitar a Ley, si acaso tuvo tal idea.

La característica más destacada del que fuera en un tiempo heredero aparente de Hitler, mientras lo observaba sentado en su camastro en espera de la muerte, era el gesto trágico de amargura y angustia estereotipado en su enorme rostro. No era el de un mártir. No había en él la menor chispa de fe ideológica, ni asomos de un espíritu intrépido, creyente en su causa con razón o sin ella. Era el rostro de un criminal, rudo, maligno y loco. La boca contraída, los labios apretados tenían una tensión de ratonera. Me impresionaron especialmente las profundas arrugas obscuras y las fofas bolsas bajo los ojos, así como la flacidez de sus mejillas. El escaso cabello obscuro que en la sala del tribunal siempre se vió cuidadosamente peinado, estaba enmarañado, como si las manos regordetas de Goering hubiesen estado mesándolo nerviosamente.

La celda de este hombre, principal vestigio de la jerarquía nazi, era la número cinco del pabellón de la muerte. Estaba al extremo del corredor, de modo que Goering será quien tenga que hacer el recorrido más largo cuando se abra la pesada puerta de madera para que inicie su último paseo hacia el patíbulo, por delante de las celdas de los otros diez condenados.

La siguiente mirilla por la cual observé me reveló la figura desmadejada del en un tiempo arrogante ministro de Relaciones Exteriores nazi Joachim von Ribbentrop. El también estaba sentado en su cama, pero en sus manos no había libro alguno. El condenado se hallaba con la vista perdida en el espacio, con los ojos vidriosos y aspecto de embotamiento. El que fué elegante diplomático, que jamás usara una camisa que no procediera de la principal tienda de París y cuyos trajes estaban cortados por los mejores sastres londinenses, ofrecía ahora el contraste de tal reputación, pues es el más sucio de los prisioneros de Nuremberg. Su traje aparecía completamente arrugado. Su celda se hallaba en desorden y las hebras de sus cabellos grises aparecían enmarañadas en torno a su cabeza. El hombre que se paseaba con aire insolente en el apogeo del hitlerismo, ahora aparecía agotado, destrozado, como un desecho humano.

Se observaba marcado contraste entre von Ribbentrop y la figura que vi en la próxima celda. El siguiente prisionero se paseaba de un lado a otro, en forma agitada, sobre el piso de siete por doce pies cubierto por una alfombra de goma. Sus puños se hallaban fuertemente contraídos tras la erecta espalda. Era el soldado, el mariscal de campo Wilhem Keitel, comandante en jefe de la Whermacht, símbolo de la aristocracia del militarismo alemán. Los papeles se hallaban en perfecto orden sobre su frágil mesita de madera. Su celda tenía la apariencia ordenada de todo lo que ha conocido el contacto de un miembro del tradicionalmente metódico estado mayor general alemán. Lo único desordenado que encontré en su celda fué el rostro del mariscal. Parecía como si mentalmente se sintiera crucificado. Tenía la quijada contraída, como haciendo un esfuerzo por resistir heroicamente el dolor interno. No podía esperarse otra cosa de un orgulloso oficial prusiano.

Pero los ojos ardían con una mirada de animal herido, llena de odio. Era evidente que este jefe militar, que movía ejércitos de un extremo a otro de Europa, al gusto de Hitler, no se hallaba conforme con el confinamiento de la estrecha celda de la prisión ni con la inminencia de una muerte deshonrosa, indigna de un soldado, en la macabra pirueta al extremo de la cuerda de la horca. Este hombre, que dijo haber ayudado al rearme de Alemania "solamente por la paz", pero que dictó las órdenes de invasión a Polonia cinco meses antes de llevarse a cabo, no parecía gustar de la idea de convertirse en precedente para ese nuevo principio de derecho internacional, el principio de que los soldados profesionales no pueden escapar a la justicia por hacer una guerra agresiva aduciendo que se limitaron a cumplir órdenes.

El ocupante de la celda siguiente se hallaba almorzando. Contemplé la nuca de un cuello de toro bajo un cráneo calvo y reluciente. Su cuerpo, grueso y pequeño, se inclinaba sobre una escudilla de lata del ejército llena de sopa. Mantenía la escudilla pegada a la barbilla y con la cuchara lanzaba el líquido con impaciencia sobre sus labios gruesos y vulgares. Tenía más aspecto de mono que de hombre. Era Fritz Sauckel, jefe de los obreros extranjeros llevados a Alemania para realizar trabajos forzados, descripto por uno de los jueces como "el mayor y más cruel esclavista desde la época de los Faraones".

Una de las características más impresionantes que noté en los condenados es que todos tenían las camisas abiertas en el cuello. Ninguno tenía corbata, como si ese contacto despertara el recuerdo de la cuerda que pronto iba a estrangularlos.

Al volverme para recorrer por última vez el corredor de las celdas de los once condenados, pensé en los millones que sufrieron y murieron por la maldad de estos nazis. Se me ocurrió que quizá los espíritus de aquellas víctimas de la locura hitleriana han desfilado ya por este corredor, y que esa sea la causa del gesto atormentado visible en la mayor parte de los rostros de estos hombres que están a punto de comparecer ante el tribunal del más allá.

Mi visita al pabellón de los condenados en la cárcel de Nuremberg ha sido efectuada horas antes de que se inicien las ejecuciones. Me acompañaron Arthur Gaeth, de la Mutual Broadcasting System, y el coronel Selby S. Little, jefe delegado de las fuerzas de seguridad del ejército norteamericano. La visita fué facilitada por la cortesía del coronel B. C. Andrus, comandante de seguridad, en razón de ser los únicos representantes de la prensa y la radio norteamericanas que vamos a asistir al episodio histórico de las ejecuciones.

Archivo Histórico
Ministerio de Relaciones Exteriores, Comercio Internacional y Culto
Argentina

"LA PRENSA" Buenos Aires, 16 de octubre de 1946

Guerra 635/23 (anto)

## La Notificación a los Condenados

**Nuremberg**, octubre 16 (UP) — En esferas autorizadas se comunicó a los periodistas esta madrugada que los condenados fueron oficialmente notificados de la fecha de su ejecución en dos oportunidades antes del día del cumplimiento de las sentencias, pero que no se les dió a conocer la hora en que ésta se llevaría a efecto.

En la misma fuente se dijo que las ejecuciones se efectuarían en el orden en que los procesados aparecieron ante el tribunal. Los verdugos, pues se cree que son varios los que actuarán y sus nombres aún no se han revelado, utilizarán una máscara.

Las autoridades de la prisión darán a primeras horas de la mañana de hoy un extenso y detallado comunicado. Recién 24 horas después de realizadas las ejecuciones los periodistas podrán entrevistar al capellán y a los médicos que actuaron en esas circunstancias, y éstos podrán hacer las manifestaciones que crean convenientes. Los asientos de los periodistas se situaron suficientemente cerca de los cadalsos a fin de que éstos pudieran anotar gestos y palabras de los ejecutados.

## La Muerte de J. Streicher

**Nuremberg**, octubre 16 (UP)—Julius Streicher, quien encarnizadamente persiguió a los judíos durante el régimen nazi, murió en la horca al grito de ¡viva Hitler!. Su inesperada exclamación fué seguida por "ahora iré al trono de Dios, heil Hitler; purifiqué la humanidad de judíos y en 1946 logré la recompensa de llegar al cielo." "Los bolcheviques os colgarán algún día", dijo, dirigiéndose a los presentes". Y una vez que se le hubo cubierto la cabeza, añadió: "Adela, mi querida esposa".

## Pormenores de la Ejecución Del Barón von Ribbentrop

**Nuremberg**, octubre 16 (UP)—Los corresponsales que asistieron a las ejecuciones dicen que la primera de ellas duró solamente 4 minutos. Los corresponsales hicieron su entrada al recinto del gimnasio, que era el lugar de la ejecución a la una de la mañana; allí había dispuestas tres horcas, dos de las cuales fueron utilizadas.

El corresponsal británico que asistió a esas ejecuciones informa que los 10 condenados fueron ajusticiados entre la 1.11 de la madrugada y las 2.45, horario de Alemania.

Se expresa que von Ribbentrop, el ex ministro de relaciones exteriores del Tercer Reich, entró al gimnasio rodeado por cuatro guardianes; mostraba cadavérica palidez; sus ojos estaban casi cerrados y, en realidad, más que andar, caminaba sostenido por los guardianes mientras ascendía los 12 peldaños del cadalso.

Ya una vez sobre la plataforma, Ribbentrop, con voz estentórea, gritó: "Dios salve a Alemania; mi último deseo es que Alemania redescubra su unidad, que exista una alianza entre el este y el oeste y que la paz reine sobre la faz de la tierra."

Archivo Histórico
Ministerio de Relaciones Exteriores, Comercio Internacional y Culto
Argentina

"LA PRENSA" Buenos Aires, 16 de octubre de 1946.-

Guerra 635 (2ª Parte)

# Hoy Fueron Ahorcados en Nuremberg Diez de los Ex Dirigentes Nazis

## Goering se suicidó – Las ejecuciones se iniciaron pocos minutos después de la 1, hora alemana

Nuremberg, octubre 16 (UP) — Los corresponsales de la United Press, situados en un punto ventajoso que da al lugar de la prisión de Nuremberg donde deben realizarse las ejecuciones de los 11 dirigentes nazis condenados por crímenes de guerra, anuncian que las ejecuciones de éstos se iniciaron minutos después de la 1, hora local de Alemania, y quedaron terminadas a las 2.45.

Los diez jefes nazis murieron en la horca en las primeras horas de hoy, sentenciados a la última pena, bajo una acusación sin precedentes en la historia; la de haber fraguado una guerra de agresión y la de haber cometido atrocidades contra la humanidad.

### Antes de la Ejecución

**Nuremberg**, octubre 15 (UP) — Herman Goering y los otros diez nazis condenados a muerte esperan ahora ser llamados para emprender el camino al patíbulo. Sólo les quedan algunas horas de vida y todo parece indicar que las ejecuciones empezarán un minuto después de medianoche y terminarán antes de amanecer.

A las 18.40, la oficina del comandante de la prisión anunció que no se había comunicado a los condenados ni la hora ni la fecha de la ejecución. Por su parte, la oficina de relaciones públicas anunció que no se daría ningún informe sobre dichas ejecuciones antes de las 5 (hora 2 argentina) del miércoles.

Todos los informes que los periodistas han podido obtener con respecto a la hora de la ejecución parecen indicar que éstas empezarán a medianoche y durarán tres horas, y que los cadáveres serán enterrados secretamente o quizás cremados. Cómo, cuándo y dónde, nadie lo sabe. El hecho de que se tarde tres horas parece significar que habrá dos patíbulos, pues así se dispondrá de 15 minutos para cada ejecución, desde el momento en que el condenado camina al patíbulo, se coloca sobre la trampa, se le ajusta el nudo corredizo, se hace saltar la trampa, y hasta que su cuerpo quede inmóvil, declarándosele muerto y sacado de la horca. Mientras se ejecute a uno, se preparará la horca para recibir al siguiente.

Los 8 corresponsales—2 norteamericanos, 2 británicos, 2 franceses y 2 rusos— que presenciarán las ejecuciones, en representación de la prensa y radio mundial, fueron hoy llamados mientras estaban en la conferencia de prensa, para recibir sus instrucciones del teniente coronel Richard McConnell. Se supo que se ha ordenado a dichos corresponsales que deben estar listos para trasladarse al lugar de la ejecución a las 20 (17 horas en la Argentina).

Los corresponsales que presenciarán la ejecución son: Kindsbury Smith, de la International News Service; Arthur Gaeth, de la Mutual Broadcasting System; Basil Gingell, de la Exchange Telegraph; Selkirk Panton, del "Daily Express" de Londres; capitán B. V. Afanasiev, de la agencia Tass; mayor V. A. Temin, del "Pravda"; Louis Deroche, de la Agence France Press, y Sacha Simon, de "L'Est Republicain".

El coronel McDonnell visitó hoy la sala de los corresponsales a las 18.45 para poner en conocimiento de éstos que hasta después que hubieran terminado las ejecuciones estaría vedada la entrada en la prisión y sólo podrían penetrar en una de las salas del edificio del tribunal.

### Confirman Oficialmente la Ejecución y que Hermann Goering Logró Suicidarse

NUREMBERG, octubre 16 (UP) Urgente — Oficialmente se anunció que los jefes nazis, juzgados como criminales de guerra, fueron ejecutados en la madrugada de hoy, miércoles, con lo que se dió cumplimiento al fallo del tribunal de Nuremberg.

El ex ministro de aviación, mariscal Goering, se sustrajo al cumplimiento del fallo, por haber logrado suicidarse antes de subir al cadalso, al ingerir cianuro de potasio.

### Refiérese a la Ejecución Un Corresponsal de EE. UU.

**Nueva York**, octubre 16 (UP) — El corresponsal de la Columbia Broadcasting System en Nuremberg anunció a la 1.16 de esta madrugada que en altas esferas se le había informado que los 11 nazis habían sido ejecutados.

En tales esferas se expresó que el funcionario era de tal categoría como para considerar sus declaraciones como un anuncio oficial y que éste había presenciado personalmente las ejecuciones.

### Detalles Relacionados Con el Suicidio del Mariscal Hermann Goering

**Nuremberg**, octubre 16 (UP)—El comandante de la prisión, coronel Andrus, dijo que Goering se suicidó en su cama a las 22.45. Agregó que Goering emitió unos sonidos extraños y entonces el centinela de guardia llamó al cabo de guardia.

Los médicos de la cárcel y el capellán, que fueron llamados inmediatamente, hallaron en la boca del que una vez fuera mariscal de la Luftwaffe restos de cristales que el médico de guardia identificó como una cápsula que contenía cianuro de potasio.

El coronel Andrus, que hizo el anuncio del suicidio de Goering, mostraba estar perturbado por el hecho, y expresó que ya se estaban realizando investigaciones para determinar como Goering podía haber ocultado el veneno a través de las diarias, repetidas y rigurosas requisas a que habían sido sometidas sus ropas y todas sus pertenencias.

Agregó, que el veneno aparentemente se hallaba en un pequeñísimo receptáculo o cartucho de bronce similar a los que se hallaron en posesión de otros "nazis" e igual también a uno que se le requisó a Goering cuando por primera vez el coronel Andrus se hizo cargo de su custodia y lo halló oculto en una lata conteniendo café en polvo.

### Redoblóse la Vigilancia en Todo el Edificio de la Cárcel

**Nuremberg**, octubre 15 (UP) — Las medidas de precaución que se habían adoptado en la prisión de Nuremberg, se redoblaron esta noche, y todo el personal del cercano edificio de la Corte lo abandonó, para que los once condenados puedan cruzar frente a él sin ser vistos.

La hora exacta en que habrá de realizarse la trágica procesión al cadalso, aun permanecía en secreto en las últimas horas de hoy, pero entre los corresponsales se asegura que los jerarcas nazis serán ejecutados un minuto después de media noche.

Los guardias que vigilan todas las entradas a la prisión sólo permiten el paso a los funcionarios y trabajadores cuya presencia sea absolutamente necesaria, y aun éstos deben presentar sus credenciales y sus papeles de identidad, antes de permitírseles el paso al interior de la prisión.

En otro sector de la cárcel, todos juntos en una gran celda y sólo protegidos por una red que evita que puedan suicidarse arrojándose por la ventana, están los siete condenados a prisión en espera de ser trasladados a la cárcel de Spandau, en Berlín, para cumplir su condena.

Un informante de la junta de seguridad local, dice que el secreto en que se mantienen los preparativos para las ejecuciones, se debe a una orden expresa del Consejo Aliado de "Control", pero el informante no especificó si se guardaba tan estricto secreto por temor a que los fanáticos ex miembros de la S. S. trataran de rescatar a último momento a los condenados o simplemente por que las ejecuciones de once condenados por los miembros del ejército no son asuntos que conciernen al resto del mundo.

### No se Tomarán Fotografías ni Películas de las Ejecuciones

**Londres**, octubre 15 (UP) — El primer ministro Clement Attlee anunció en los Comunes que no se tomarán fotografías durante la ejecución de los once criminales de guerra nazis.

Attlee expresó: "Sólo se tomarán fotografías de los cadáveres por un fotógrafo oficial que estará acompañado por representantes de cada una de las cuatro potencias para fines de registro. Y éstas serán las únicas fotografías que se tomen.

El Consejo de "Control" Aliado en el que se encuentra representado el gobierno británico, ha decidido la semana anterior que no deberá tomarse ninguna película sinematográfica ni fotográfica común de la ejecución".

### La Situación de Emmy Goering

**Bayreuth, Alemania**, octubre 15 (Reuter) — "No tengo planes para el futuro después que sea ahorcado mi esposo, pues ante todo debemos dejar pasar esos días espantosos", declaró al corresponsal la señora Emmy Goering, esposa del mariscal del mismo nombre, condenado a muerte por el Tribunal Internacional de Crímenes de Guerra de Nuremberg.

La esposa de Goering reside en una casita de dos habitaciones, situada cerca del castillo de Waldenstein su antigua residencia oficial, en la localidad de Penitz, en los alrededores de Bayreuth. Comparte una de las habitaciones con su hija Edda, que tiene un notable parecido con su padre. La otra habitación es compartida por su hermana mayor, de 60 años de edad y por una mujer que durante los últimos 17 años le sirvió de ama de llaves.

Emmy Goering, quien se afirma ha recibido subsidios especiales de 5.000 marcos de los fondos del partido nazi, vive ahora del producto de sus propiedades secuestradas por las autoridades, que sólo alcanzan para pagar un modesto alquiler y adquirir sus raciones.

Su hija Edda conoce la situación de su padre y sabe que deberá morir en la horca, según informó al corresponsal la esposa de Goering.

### El 16 de Octubre Ante la Historia

**Londres**, octubre 15 (UP) — María Antonieta, reina de Francia, fué guillotinada el 16 de octubre de 1793, exactamente 153 años antes de que los 11 dirigentes nazis suban al patíbulo.

La fecha del 16 de octubre ha sido también famosa en la historia norteamericana. En ese mismo día del año 1859 resultaron muertas cinco personas cuando John Brown atacó Harpers Ferry, y justamente cinco años más tarde, el general Sherman marchó sobre Atlanta.

La actual generación recuerda también que la mayor depresión económica ocurrida en la historia, se inició en la Bolsa de Nueva York el 16 de octubre de 1929.

### Recibieron Mensajes de sus Esposas Algunos de los Condenados

**Nuremberg**, octubre 15 (UP) — Los dirigentes nazis condenados a la pena capital recibieron hoy los últimos mensajes de sus esposas. Ello se hizo por escrito, pues se había prohibido a éstos recibir visitas en vísperas de su ejecución. Las esposas procuraron ocultarse de la vista del público. La señora Goering, según se informa, ha regresado al lugar de su residencia después de la despedida de la semana pasada. Ella se domicilia en Baviera. La señora de Ribbentrop se apresuró a trasladarse a Nuremberg apenas conocida la noticia de su condena y tuvo su última entrevista con su cónyuge hace pocos días, pero no se ha sabido dónde se encontraba hoy. La esposa de Jodl se ha radicado en Nuremberg, pues ha prestado servicios integrando el personal del defensor de su esposo.

### Comunicalo Oficial Sobre las Ejecuciones

NUREMBERG, octubre 16 (UP)—El comunicado oficial emitido por la comisión de las cuatro potencias, dice textualmente

"Las sentencias de muerte dispuestas por el tribunal militar internacional de Nuremberg, en Nuremberg el día 1º de octubre de 1946, con respecto a los criminales de guerra que se citan a continuación, fueron llevadas a efecto en este día, en nuestra presencia:

Joaquín von Ribbentrop, Alfred Rosenberg, Ernest Kaltenbrunner, Hans Frank, Wilhelm Frick, Julius Streicher, Fritz Sauckel, Alfred Jold, Arthur Seiss-Inquart, y el mariscal von Keitel.

Hermann Wilhelm Goering se quitó la vida a las 22.45 del día 15 de octubre de 1946".

El ministro presidente de Baviera doctor Wilhem Hoegner y el fiscal en jefe de Nuremberg doctor Frederich Leisner asistieron al acto en funciones oficiales como testigos de pueblo de Alemamania y constataron la muerte de Hermann Goering".

Archivo Histórico
Ministerio de Relaciones Exteriores, Comercio Internacional y Culto
Argentina

"LA PRENSA" Buenos Aires, 16 de octubre de 1946.-

Guerra 635
(2ª Parte)

# Cómo Pasaron los Condenados Nazis sus Ultimos Momentos

**Por CLINTON B. CONGER, especial para "La Prensa"**

El siguiente despacho fué redactado en la medianoche del martes al miércoles, ignorándose el lugar de la ejecución en esos momentos. — (N. de la R.).

**Nuremberg**, octubre 16 — La democracia tomará once vidas en las primeras horas de hoy, como una retribución simbólica por los millones que han muerto a causa de los sueños insanos de Adolfo Hitler.

En algún momento de las primeras horas de este día de justicia, único en la historia, Hermann Wilhelm Goering encabezará la lenta marcha de los condenados que ascenderán los peldaños del cadalso dentro de la prisión de Nuremberg, para ser colgados por el cuello hasta que mueran. El ahorcamiento es el destino deshonroso tradicional de los criminales comunes, y por la inconcebible enormidad de sus crímenes, estos hombres ante los ojos de la humanidad han sido convictos como tales.

He aquí sus nombres y títulos: Hermann Goering, mariscal del Tercer Reich; Joachim Von Ribbentrop, ministro de relaciones exteriores; Wilhelm Keitel, mariscal de campo y comandante supremo de las fuerzas germanas; Ernst Kaltenbrunner, jefe de la Gestapo; Alfred Rosenberg, proyectista ideológico del nazismo; Hans Frank, tirano de Polonia; Wilhelm Frick, ministro del interior; Julius Streicher, gaulciter y líder antisemita; Fritz Sauckel, ministro de trabajo y de los esclavos; Alfred Jodl, coronel general y jefe del estado mayor, y Arthur Seyss-Inquart, dictador de Holanda.

Se ignora el lugar exacto de las ejecuciones, pero probablemente se realicen en el gimnasio de la prisión, que es un edificio separado del cuerpo principal. Tampoco se conoce la hora y otros detalles de los ajusticiamientos, todo lo cual se sabrá en forma oficial después de las 5 de hoy, pero es casi seguro que para el amanecer todos estarán muertos y sus cadáveres en camino hacia tumbas secretas y sin lápidas.

Hasta hace muy pocas horas han permanecido sentados leyendo o concentrados en sus pensamientos, en sus pequeñas celdas de 3.60 por 2.10 metros, bajo constante vigilancia contra cualquier tentativa de suicidio, por medio de una ventanilla de 38 por 38 centímetros.

Los que han custodiado a los prisioneros en estos últimos días han dado un cuadro de lo que representa la galería de los condenados:

Una rampa de madera parecida a un túnel conduce del tribunal al ala este de la prisión (que tiene cinco alas), donde se encuentra una puerta de rejas custodiada por dos soldados perfectamente armados. Detrás de la puerta se encuentra el bloque principal de celdas en el que los jerarcas nazis pasaron sus días de presidio. Entre los balcones que existen en cada galería de celdas se han tendido fuertes redes que impiden que nadie se arroje al espacio. En la planta baja se encuentran once celdas que constituyen la galería de la muerte, cada una de ellas con una pesada puerta de roble, a través de cuyas ventanillas cuadradas los guardias, que se turnaban cada dos horas, vigilaban la actitud de los condenados.

Al oscurecer se dirigía la brillante luz de una bombilla eléctrica de cien watts hacia la celda, concentrando sus rayos por medio de un reflector, para que el prisionero contara con una adecuada iluminación. A las 21.30 se desviaba la luz hacia un costado, disminuyendo su intensidad, aunque quedaba suficiente claridad como para que el guardia pudiera observar al prisionero. En las horas de reposo se retiraba de las celdas todo cuanto pudiera haber servido para intentar una fuga o un suicidio. Dentro de cada celda, en el rincón más próximo a la puerta a la izquierda, se tenía una cama de hierro fijada a la pared con un colchón de paja y mantas del ejército. En el otro extremo de la celda se encuentra un artefacto sanitario, cuyas cañerías se han reformado para que no se las pudiera usar para ahorcarse como hiciera Robert Ley. Durante el día la luz entraba por una ventana pequeña, cubierta con vidrio sintético inastillable, la que se podía abrir para ventilación, porque exteriormente barras de hierro de 2.5 centímetros de diámetro impedían la fuga. En el suelo había una estera y una mesa y una silla vacilantes, demasiado endebles como para aguantar el peso de un hombre parado sobre ellas.

En cualquier momento en que un guardia o un visitante hubiera atisbado por las ventanillas en los últimos días, podrían haber sorprendido la siguiente escena:

Goering estaba sentado en su cama leyendo o fumando, vestido con el uniforme gris pálido que usaba en el tribunal o con su traje de diario, un atavío de campesino tirolés. Su celda era la número cinco. Aparecía sombrío y meditabundo, pero aun conservaba rastros de dignidad. Durante largos ratos contemplaba las fotografías de su esposa e hijita, asomándole a veces lágrimas a los ojos, pero en los últimos días dejaba las fotografías de lado.

Frente a la celda de Goering, en el número 28, se encontraba Ernst Kaltenbrunner. Su cicatriz facial hacía aparecer su rostro con una expresión siniestra, diabólica si cabe. Frick ocupaba la celda 27. Streicher, que indicó que le hubiera agradado ser el último para poder observar las reacciones de los otros ajusticiados, se encontraba en la celda 26. Ribbentrop, el de las noches insomnes, con ojos abultados y rostro verdoso, era el ocupante de la séptima celda. El coronel Jodl hacía gimnasia ocasionalmente en la celda número 6, prefiriendo orar allí en lugar de dirigirse a la capilla de la prisión. Keitel se encontraba en la celda número 8 y pasaba las horas leyendo y releyendo las cartas de su esposa. Sólo ocasionalmente mencionaba la vergüenza que le significaba ser ahorcado en lugar de recibir la muerte más digna por fusilamiento. Generalmente demostró ser el más correcto de todos los prisioneros en su conducta y disciplina, pero su rostro demostraba su preocupación. Reiteradamente pidió que se le avisara con tiempo cuando tuviera que ir al cadalso para poder vestirse con toda corrección.

El nervioso Sauckel, que trató de apelar ante el presidente Truman, ocupaba la celda número 11. Es el que más temor demostró ante la idea de la muerte, llorando sobre las fotografías de sus 10 hijos y manteniéndose siempre en cama, leyendo. Seyss-Inquart estaba escribiendo continuamente en su celda 14 y recurría a la religión para recobrar la calma. En la celda 15, Hans Frank casi parecía feliz en su fe religiosa. Mantenía largas conversaciones con los funcionarios de la prisión y con el capellán católico Sixtus O'Connor. Rosenberg tenía la celda 16, la más próxima a la puerta de la rampa de madera. Como ateo que era, permanecía indiferente, escribiendo.

En un piso más alto se encuentra una galería con cocina y despensario, con guardia de médicos y dentistas, donde están los siete prisioneros que aguardan su traslado a la prisión de Spandau, en Berlín. Si se esfuerzan un poco y acercan sus rostros a las ventanillas, podrán ver a la distancia la macabra fila de sus ex compañeros que marcharán a lo largo de los 30 metros de la galería para no volver jamás. — (UP).

Archivo Histórico
Ministerio de Relaciones Exteriores, Comercio Internacional y Culto
Argentina

"LA PRENSA" Buenos Aires, 16 de octubre de 19461

Guerra 635 (29 Parte)

# Principales Datos de la Actuación de Los Nazis Sentenciados a Muerte

**Hermann Goering**—Destacado piloto aviador en la guerra de 1914-1918, fué uno de los primeros en afiliarse al partido nacionalsocialista de Adolf Hitler, participando en los primeros actos de violencia organizados por éste para apoderarse del gobierno; conquistado el poder, fué nombrado presidente del Reichstag y luego del Parlamento de Prusia Oriental; en corto lapso fué promovido del grado de capitán de aviación al de mariscal, y luego al de gran marsical del Reich; por voluntad del Fuehrer se le designó su sucesor; organizó desde el gobierno vastos consorcios industriales que llevaron su nombre; dirigió el ataque aéreo a Gran Bretaña.

**Joachim von Ribbentrop**—Al advenimiento del nazismo, abandonó sus negocios de corretaje de vinos para colaborar en el servicio diplomático del régimen, donde tuvo descollante actuación, preparando en varios países el terreno para el avasallamiento de la soberanía; intervino en la elaboración de los planes para las agresiones a Polonia, Checoslovaquia y Austria; de sentimientos antisemitas, se pronunció en favor de la exterminación de los judíos; al iniciarse la campaña militar contra la Unión de los Soviets, proyectó explotar implacablemente su dilatado territorio de acuerdo con un plan político de amplios alcances; negoció en Moscú el pacto de no agresión germanorruso .

**Wilhelm von Keitel**—Favoreció la ejecución de los planes de anexión de Austria, mediante una hábil agitación basada en trasmisiones radiotelefónicas, movimientos de tropas en la frontera y otros ardides; tuvo a su cargo las invasiones de los territorios de Checoslovaquia y Noruega; suscribió las órdenes para la agresión de Bélgica y Holanda; ordenó la muerte de 50 ó 100 comunistas por cada soldado alemán muerto en suelo ruso; dispuso la entrega a la policía secreta alemana de los paracaidistas aliados capturados; contemporizó con el saqueo de las poblaciones ocupadas; fué el brazo ejecutor de muchas disposiciones de represalia, que se caracterizaron por su falta de humanidad.

**Ernst Kaltenbrunner**—A través de las revelaciones del proceso de Nuremberg, se estima que este jefe nazi ha sido responsable del aniquilamiento de aproximadamente seis millones de israelitas en los campos de concentración o en "progroms"; como jefe de las tristemente célebres SS y de la policía central, estaba facultado para disponer la "custodia protectora" de las personas desafectas al régimen; ordenó la no intervención de la policía en los casos de asesinatos de pilotos aviadores aliados; admitió durante el juicio mencionado haber asistido a la ejecución de prisioneros por fusilamiento o mediante las cámaras de gases letales.

**Alfred Rosenberg**—Se le reconoce como creador de la "filosofía" nazi, mediante la cual pretendía justificar la eliminación o servidumbre de las "razas inferiores"; como ideólogo del partido, se dedicó de lleno a la divulgación de su programa, inclusive en países extranjeros, donde contaba con agentes clandestinos; la política de rigor extremo seguida en los pueblos sometidos tuvo en Rosenberg su principal promotor; se le responsabiliza por los saqueos de obras representativas de la cultura de diversos países doblegados por la maquinaria militar germana.

**Hans Frank**—Pocos gobernadores de territorios ocupados por los nazis demostraron tanto empeño en la destrucción total de un pueblo, como este representante de Hitler en la desdichada Polonia; su rudeza se puso de manifiesto al exponer su programa de acción desde la propia Varsovia: Los polacos serían convertidos en esclavos del gran Imperio alemán, siendo explotados los recursos humanos y económicos del país hasta límites extremos, a fin de proporcionar elementos para la consecución de los planes nazis; no tuvo escrúpulos en decretar el reinado del terror y los actos que causaron la muerte de unos tres millones de judíos.

**Whilhelm Frick** — Después de actuar como ministro del interior de Prusia, este experto administrativo y alto jefe nazi fué nombrado "protector" en Bohemia y Moravia, cargo que desempeñó con gran rigor para ambos pueblos; contribuyó principalmente a la elaboración de leyes que significaron el aniquilamiento de los sindicatos obreros alemanes, los cuales fueron sustituídos por otros de factura oficial; Memel, Danzig y los Sudetes fueron etapas de la expansión germana a las cuales coadyuvó eficazmente; es uno de los principales autores de las leyes de expropiación de los bienes de judíos y toleró la eliminación de personas "ineptas para la vida".

**Julius Streicher** — Se destacó este dirigente nazi por su animosidad contra los judíos, a los que combatió por todos los medios posibles, incitando a las juventudes germanas a agredirlos; fué ardiente defensor de las tituladas "leyes de Nuremberg" de diferenciación racial, cuya aplicación rigurosa fiscalizó desde la alta posición que ocupaba, haciéndose remitir informes de sus agentes sobre el desarrollo de las actividades tendientes a la total anulación de toda persona de ese credo; en su carácter de director del diario "Der Stuermer" propendió a la difusión de las prácticas del antisemitismo en sus aspectos más crueles.

**Fritz Sauckel** — La explotación despiadada de las poblaciones sometidas al yugo nazi tuvo en este jefe uno de sus más prominentes ejecutores; el reclutamiento forzado de hombres para reemplazar en las fábricas de Alemania a los obreros movilizados, fué una de sus mayores preocupaciones, al punto de haber llegado a asumir la dirección principal del abastecimiento de trabajadores-esclavos; se estima que, de acuerdo con sus planes, cerca de 5.000.000 de personas fueron trasladadas a territorio germano, en condiciones sumamente penosas, que no tienen precedentes en la historia moderna.

**Arthur Seyss-Inquart** — Este personaje obtuvo considerable renombre a raíz de las artimañas empleadas por los alemanes para minar la autoridad y el prestigio del gobierno austríaco, en vísperas de la anexión de ese país; ante las amenazas de invasión, fué nombrado canciller de Austria, su patria; partidario del más severo rigor para con los pueblos conquistados, dispuso sin demoras la emigración de los israelitas, a quienes obligó en gran parte a ser internados en campos de concentración; posteriormente actuó como gobernador general de Polonia, donde aplicó igual política; luego fué transferido a Holanda, país en el que implantó el terror y la deportación en vasta escala de obreros-esclavos.

**Martin Bormann** — Grande fué la influencia que ejerció sobre Hitler, a quien indujo a intensificar su acción contra la iglesia cristiana y los judíos; fué ejecutor de los programas de migraciones forzosas de grandes masas y tuvo activa participación en el "linchamiento" de pilotos aliados; identificado totalmente con los planes del Fuehrer, este alto dirigente nazi participó en modo concluyente en el planeamiento de las campañas de agresión a los países vecinos; fué procesado "in absentia", por cuanto las autoridades aliadas carecen de confirmación sobre su muerte, que se supone ocurrió a la entrada de las tropas rusas en Berlín.

## Solicitó Ser Puesto en Libertad el Dr. Schacht, Detenido en Stuttgart

**Franckfourt**, octubre 15 (Reuter) —El doctor Hjalmar Schacht, experto financiero nazi, que fué absuelto por el Tribunal de Crímenes de Guerra de Nuremberg hace dos semanas, ha escrito al general Lucius Clay, vicegobernador militar para la zona norteamericana, solicitándole que sea puesto en libertad de la prisión de Stuttgart, por ser su arresto "ilegal", según anunció el servicio informativo norteamericano en Alemania.

Schacht fué detenido cerca de Stuttgart el 7 del corriente, después de haber salido de Nuremberg, donde había sido enviado un automóvil para su detención de acuerdo con las leyes de "purga" por el fiscal de la Corte alemana de "purgas".

El doctor Friedrich Bergold, defensor legal del desaparecido Martin Bormann, segundo de Hitler, según informó el servicio noticioso norteamericano, ha pedido que Schacht sea trasladado bajo custodia a Nuremberg, donde lo defendería ante la Corte de desnazificación.

### Indiferencia Entre el Público Alemán

**Nuremberg**, octubre 15 (Reuter) — El público alemán se muestra apático al epílogo del drama que se ha desarrollado a sus puertas. Cuando la población despierte mañana, leerá en los diarios que Goering y sus 10 compañeros de prisión han muerto.

Archivo Histórico
Ministerio de Relaciones Exteriores, Comercio Internacional y Culto
Argentina

Por Avión

Buena 635

EMBAJADA
DE LA
REPUBLICA ARGENTINA

A. Políticos

MESA DE ENTRADAS Y EXPEDIENTES
A
ASUNTOS POLITICOS

M. R. E.

Nº 292.

Bogotá, octubre 16 de 1946

CON EL ANEXO
CONFORME

MINISTERIO DE RELACIONES EXTERIORES Y CULTO
8 NOV 46
LETRA E No. 420
Dirección General de Asuntos Políticos

FICHADO

Señor Ministro:

A título informativo, tengo el honor de remitir a V.E. con la presente, los editoriales de los dos diarios más importantes de Colombia, "El Tiempo" y "El Siglo" - liberal y conservador, respectivamente -, que reflejan la opinión general del país acerca del cumplimiento de las sentencias dictadas por el tribunal de Nurenberg.

El primero de dichos diarios considera que el proceso implica un grave error histórico, tanto político como psicológico, analizando las consecuencias que, en su opinión, traerá el resultado de este proceso. El segundo, luego de diversas consideraciones de carácter jurídico, transcribe varios artículos de la Constitución Nacional, expresión de los derechos individuales consagrados en las instituciones y en los sentimientos del pueblo colombiano.

Con tal motivo, saludo a V. E. con mi más alta y distinguida consideración.

Javier T. Gallac

JAVIER T. GALLAC
Encargado de Negocios a. i.

Buenos Aires, noviembre 12 de 1946.-

Acúsese recibo.

PASCUAL LA ROSA
DIRECTOR GENERAL DE ASUNTOS POLITICOS

MINISTERIO DE RELACIONES EXTERIORES
14 NOV. 1946
Dirección General Asuntos Pol

A S. E. el Señor Ministro de Relaciones Exteriores y Culto,
Dr. Juan Atilio Bramuglia.
Buenos Aires.

Archivo Histórico
Ministerio de Relaciones Exteriores, Comercio Internacional y Culto
Argentina

"El Tiempo" Octubre 16 de 1946

# Después de Nuremberg

En la madrugada de hoy el verdugo de Nuremberg ejecutó la sentencia que hace dos semanas acordara, para once jerarcas del nazismo, el tribunal internacional reunido durante casi un año en la histórica ciudad alemana. No por azar, sino deliberadamente, la ciudad que fuera cuna del nacional-socialismo ha sido escenario final del drama desatado por la filosofía de violencia de ese partido.

Con todo lo que haya de razón y aun de justicia en las sentencias de Nuremberg, con todo lo que pueda significar como generosa intención de crear sobre la implacable se eridad de las penas una nueva conciencia para el mundo, consideramos que el proceso implica un grave error histórico, tanto político como psicológico.

No es que hayamos olvidado todo el dolor, toda la tragedia que la barbarie nazi-fascista dejó como huella de su ingrato paso por el mundo. Todavía están claros en el recuerdo de los hombres los crímenes con que se destruyó definitivamente todo sentimiento de humanidad. Aún no desaparece de la tierra la sombra de sangre y de muerte que proyectó siniestramente la swástica de Hitler. El perdón en estas condiciones resultaba un imposible moral, y hubiera sido, sin duda alguna, absurdo concederlo. Pero la muerte no es el único castigo, y hay principios por los cuales muchas de las víctimas de los propios ejecutados de esta madrugada entendieron luchar que acaso explicaran otra forma de castigo, más acorde con el criterio humano que debiera prevalecer en este mundo recién nacido de la amargura.

Es verdad que los países aliados, convertidos contradictoriamente en jueces y partes del proceso, quisieron darle una abundante apariencia de imparcialidad y elaboraron expedientes tan minuciosos como innecesarios, que no hicieron otra cosa que prolongar temporalmente el juicio y crear en torno a los criminales de la guerra una como aureola de martirio que fue destruyendo insensiblemente la conciencia de su responsabilidad delictuosa. Error psicológico que se hizo más patente con todo el aparato de gran espectáculo de crueldad que se le dio a la parte final del proceso.

Desde el punto de vista político, no creemos tampoco muy favorables las consecuencias de lo ocurrido en Nuremberg. Después de todo, los ajusticiados de hoy pueden pasar mañana a la categoría de mártires, y no sería extraño que sobre sus cadáveres se edificara una nueva filosofía de venganza. Es ignorar ingenuamente la psicología del pueblo alemán no temer la posibilidad de tal ocurrencia. Hitler construyó toda su política sobre lo que él consideraba la infamia del tratado de Versalles. No es insensato pensar que alguien tome, no hoy sino mañana, la bandera de la gran humillación de Nuremberg para excitar otra vez al beligerante espíritu germano.

Ahí está el propio caso de Goering, que busca la muerte por sus propias manos dos horas antes de la ejecución, para hacer más impresionante a los ojos de su pueblo el drama de su sacrificio. Los jueces de Nuremberg, sin darse cuenta de ello, le fabricaron un pedestal heroico a una de las más abominables figuras del nazismo. Qué distinta hubiera sido la suerte en el recuerdo de los hombres del insolente mariscal que quiso pasear por la Europa vencida su pecho constelado de joyas, si en vez de condenársele a muerte se le hubiese condenado a vida perpetua. Rodeado por la pesadumbre de sus pecados, el gran responsable hubiera pagado más duramente el precio de sus culpas bajo el tormento del olvido y de su propia conciencia. Hoy pasa al martirologio y no sería imposible que en torno a su memoria alguien creara mañana un poema wagneriano que incorporara su nombre a la teoría de los dioses teutones.

Pero no hagamos abstracciones sobre lo que pudo ser y no fue. Contemplemos simplemente los hechos, así sea sólo para dejar constancia de nuestra romántica fe de liberales, que no puede admitir el castigo de la muerte aun cuando la culpa haya sido de proporciones tan monstruosas como la de estas almas turbias, a quienes sólo Dios en su infinita misericordia podrá perdonar. No el mundo, que por muchos años vivirá en el recuerdo de sus bárbara presencia.

"El Siglo" Octubre 16 de 1946

# La Cultura Jurídica

Un pueblo no puede gloriarse de haber alcanzado cultura jurídica si no dispone de un conjunto armónico de disposiciones positivas con fuerza constitucional y legal que interprete los principios eternos de la justicia y del derecho, deducidos del estudio y conocimiento de la naturaleza humana y de los determinantes invariables de la vida social.

Tales principios son fruto de la investigación filosófica de la humanidad y están refrendados por una experiencia que remonta hasta los orígenes de la historia. Cuando ella aparece, ya se encuentran las legislaciones con bases idénticas a las que rigen las actuales. El progreso de la cultura se registra en la precisión, diafanidad y amplitud con que los sucesivos textos legales recogen y desarrollan esos principios.

Un pueblo moderno tampoco puede presumir de poseer una sólida cultura política, cualquiera que sea el texto escrito de sus instituciones, si sus hombres dirigentes, los que orientan y conducen la opinión general, carecen de convicciones arraigadas sobre los temas fundamentales de la juridicidad y la justicia. No puede ser que esos directores de opinión tomen una posición de expectativa para dejar influir su criterio por el curso de los sucesos contemporáneos, cualquiera que ellos sean.

Con motivo de las sentencias de Nuremberg se ha dicho en Colombia que probablemente se inicia un nuevo Derecho Internacional y nuevas normas judiciales. Sólo la ligereza pudo dictar ese concepto. Porque la cultura jurídica para que valga la pena de ser considerada como tal y dé fundamento a un honroso dictado, no puede ser sustancia etérea deformable por el impulso de pasiones circunstanciales, ni estructura voluble que se incline al soplo del viento. Colombia puede preciarse de ser una nación jurídica porque profesa ciertas convicciones expresadas en su derecho público positivo en la siguiente forma:

*"El legislador no podrá imponer la pena capital en ningún caso".*

(Artículo 25 de la Constitución Nacional).

*"Nadie podrá ser juzgado sino conforme a leyes preexistentes al acto que se impute, ante tribunal competente y observando la plenitud de las formas propias de cada juicio".*

(Artículo 22 de la Constitución Nacional).

*"Aún en tiempo de guerra nadie podrá ser penado ex post-facto, sino con arreglo a la ley, orden o decreto en que previamente se haya prohibido el hecho y determinádose la pena correspondiente".*

(Artículo 24 de la Constitución Nacional).

*"No se podrá imponer pena de confiscación".*

(Artículo 31 de la Constitución Nacional).

Los anteriores artículos expresan derechos individuales que la unanimidad de los miembros de la nación colombiana preconizan y defienden. Ellos forman la más sólida base del orden jurídico colombiano.

Cualesquiera que sean los hechos que ocurran en el atormentado mundo contemporáneo no podrán influir sobre la adhesión que orgullosamente profesamos a ellos. No estamos en manera alguna dispuestos a que tales principios sean modificados ni derogados. Los caudillos o jefes políticos que puedan haberse imaginado que se inicia una moda capaz de alterar la civilizada estructura jurídica a que Colombia ha llegado, cometen una grave equivocación y están distantes de interpretar el sentimiento público.

Archivo Histórico
Ministerio de Relaciones Exteriores, Comercio Internacional y Culto
Argentina

Buenos Aires, noviembre 12 de 1946.-

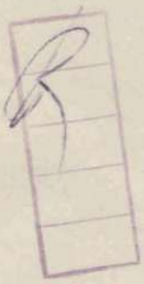
D.R.E.

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Señor Encargado de Negocios:

Tengo el agrado de dirigirme a V.S. acusando recibo de la nota nº 292 de fecha 16 de octubre ppdo., con la que acompaña dos editoriales de lso diarios "El Tiempo"y "El Siglo", liberal y conservador respectivamente, que reflejan la opinión general del país acerca del cumplimiento de las sentencias dictadas por el tribunal de Nurenberg.

Con tal motivo, reitero a V.S. las seguridades de mi más distinguida consideración.






PASCUAL LA ROSA
DIRECTOR GENERAL DE ASUNTOS POLITICOS

A S.S. el señor D. Javier T. Gallac,
Encargado de Negocios a.i. de la República en Colombia.-

Archivo Histórico — Ministerio de Relaciones Exteriores, Comercio Internacional y Culto Argentina

POR AVION.

EMBAJADA DE LA REPUBLICA ARGENTINA

No. 623

Política
Buena 635

MESA DE ENTRADAS Y EXPEDICIONES — ASUNTOS POLITICOS

MINISTERIO DE RELACIONES EXTERIORES Y CULTO
21 NOV 46
LETRA E No. 781
Dirección General de Asuntos Políticos

MESA DE ENTRADAS Y EXPEDICIONES
21 NOV. 1946
MINISTERIO de RELACIONES EXTERIORES y CULTO

FICHADO

QUE EL ANEXO CONFORME

La Embajada de la República en Gran Bretaña envía adjunto al Ministerio de Relaciones Exteriores y Culto el texto del acuerdo firmado entre los Gobiernos del Reino Unido, de los Estados Unidos de América, de Francia y de la Unión Soviética referente al proceso y la pena de los principales criminales de guerra del Eje europeo.

Londres, octubre 15 de 1946.,

EMBAJADA DE LA REPÚBLICA ARGENTINA

////nos Aires, 25 de noviembre de 1946.

Acúsese recibo.

PASCUAL LA ROSA
DIRECTOR DEL DEPARTAMENTO DE RELACIONES EXTERNAS

Anexo: Treaty Series No. 27 (1946).

AL MINISTERIO DE RELACIONES EXTERIORES Y CULTO,
PALACIO SAN MARTIN,
BUENOS AIRES.

MINISTERIO RELACIONES EXTERIORES
27 NOV. 46
DEPARTAMENTO DE RELACIONES EXTERNAS

4/XI/46
Del anexo de la presente pase a la Biblioteca del Departamento de Relaciones Exteriores

Archivo Histórico
Ministerio de Relaciones Exteriores, Comercio Internacional y Culto
Argentina

D. R. E.

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El Ministerio de Relaciones Exteriores y Culto, tiene el agrado de dirigirse a la Embajada de la República en Gran Bretaña, con el objeto de acusar recibo de la nota verbal Nº 623, de fecha 15 de octubre ppdo., con la que adjunta un folleto conteniendo el texto del acuerdo firmado entre los Gobiernos del Reino Unido, Estados Unidos de América, Francia y la Unión Soviética, referente al proceso y pena de los principales criminales de guerra del Eje.

Buenos Aires, 25 de noviembre de 1946.

MINISTERIO
RELACIONES EXTERIORES
27 NOV. 46
DEPARTAMENTO
DE RELACIONES EXTERNAS

Dr. CARLOS R. BERNARDO
SUBSECRETARIO POLITICO
DEL MINISTERIO DE RELACIONES EXTERIORES Y CULTO

A LA EMBAJADA DE LA REPUBLICA EN GRAN BRETAÑA.

Archivo Histórico
Ministerio de Relaciones Exteriores, Comercio Internacional y Culto
Argentina

Guerra 635 (2ª parte)

"LA NACION" Octubre 17 de 1946.-

# NO SE EXPLICA EN QUÉ FORMA GOERING LOGRÓ SUICIDARSE

## El coronel Andrus declaró que había extremado todas las precauciones

**NUREMBERG**, 16 (AP).—El mayor norteamericano Fred Teich, subjefe de Seguridad de la prisión de Nuremberg, declaró que está convencido de que Goering tenía en su poder la cápsula de veneno desde que se inició el proceso, hace once meses. Dijo a los periodista que tanto las ropas y efectos de Goering como la celda en que estaba confinado habían sido revisados minuciosamente, y que sigue siendo un misterio la forma en que consiguió ocultar el veneno con el cual burló a la horca.

El mayor Teich ridiculizó la posibilidad de que el veneno pudiera haber sido entregado hace poco al jerarca nazi. Dijo que las medidas de seguridad adoptadas habían sido demasiado severas para que ello fuese posible.

En otra fuente de la prisión se adelantó la teoría de que el veneno fué pasado por alguien de fuera de la cárcel en un momento en qué visitó a Goering, a pesar de la rígida vigilancia que se mantenía las veinticuatro horas del día.

Mientras tanto, la comisión de tres miembros designada por el Consejo de Control para investigar la forma en que pudo Goering suicidarse y escapar de este modo a la acción de la justicia, inició su tarea para develar el misterio. Los guardias encargados de su custodia y que lo vigilaron constantemente, declararon que el reo en ningún momento se llevó la mano a la boca. También queda sin resolver la cuestión de cómo pudo Goering saber cuándo iba a ser ejecutado, desde que las autoridades se cuidaron especialmente de informar a los reos la hora de su ajusticiamiento.

El cianuro que ingirió Goering estaba contenido en una cápsula de bronce de un viejo proyectil. Los periodistas que observaron anoche la celda del mariscal antes de que éste se suicidara, pudieron ver que el reo tenía el puño derecho cerrado, lo que les induce a creer que ya tenía en su poder la cápsula aludida.

Comprobada su muerte, el cadáver de Goering fué conducido al gimnasio de la cárcel cuando aun pendían de las horcas los cuerpos de Seyss-Inquart y del coronel general Alfred Jodl, y se lo colocó entre los dos cadalsos, para demostrar simbólicamente la ejecución el ex mariscal del Reich. El coronel que se encontraba a cargo de los procedimientos ordenó entonces que se levantara la manta que cubría el cuerpo, y los testigos y corresponsales extranjeros pudieron ver entonces que Goering vestía un pijama de seda negra, que estaba empapado, como resultado, tal vez, de los esfuerzos hechos por los médicos para restituirlo a la vida. Su rostro, aun contorsionado por el dolor de la agonía, tenía empero un gesto de desafío. El cadáver fué cubierto de nuevo, y el que fuera el señor de la guerra pasó así a las páginas de la historia que marcaron el fin de la era de Hitler.

De cómo pudo Goering burlar a último momento a las autoridades, es lo que trata de determinar la junta designada por la Comisión de Control.

Por su parte, el abogado Friedrich Bergold, defensor de Martín Bormann en el proceso ante el tribunal internacional, manifestó que Goering había preparado su suicidio desde julio último, conclusión a la que lo llevaron sus deducciones. Recordó que con motivo de haber formulado el alegato final en favor de los acusados, el 22 de julio, Goering lo hizo llamar a su lado y le dijo sonriendo: "Es usted muy bondadoso, doctor. Estoy muy satisfecho con usted", y luego le repitió el viejo proverbio alemán: "En Nuremberg no se cuelga a nadie antes de llegar a la horca".

### Declaraciones del coronel Andrus

**NUREMBERG**, 16 (INS).—El coronel del ejército norteamericano Burton C. Andrus, de la sección de seguridad de la cárcel de Nuremberg, informó que los miembros de la comisión investigadora nombrada para dilucidar el misterio sospechan que el veneno pudo haber sido suministrado al difunto por su letrado defensor o por su esposa. Respecto a la forma en que pudo ser violada la vigilancia de que eran objeto los reos, el coronel declaró:

"Soy el jefe de la sección de seguridad de la cárcel, pero mis ideas sobre seguridad no siempre fueron puestas en vigor. Ordenes superiores a veces me impidieron hacer lo que las circunstancias aconsejaban". Andrus admitió francamente que el suicidio del ex mariscal lo dejó completamente desconcertado. "Es que, simplemente, no puedo imaginar—dijo—en dónde Goering pudo tener escondido el veneno y cómo hizo para llevárselo a la boca sin que el centinela sospechara nada".

### De la prensa británica

**LONDRES**, 16 (AP).—La prensa británica se muestra irritada porque Goering logró eludir la vigilancia de un guardia norteamericano y evitar su muerte en la horca, y critican acerbamente la decisión de imponer "una mordaza" a la prensa mundial, cuya consecuencia fué que, en su mayor parte, los diarios matutinos publicaran la información falsa de que el ex jefe de la Luftwaffe había sido ahorcado con los restantes jerarcas nazis, según decía un despacho de la agencia noticiosa alemana DANA.

### Declaración de la viuda

**NUEVA YORK**, 16 (AP).—Ed Haaker, de la N. B. C., declaró, en una transmisión realizada desde Nuremberg, que Emmy Goering, esposa del ex mariscal Herman Goering, estalló en sollozos al serle notificado el suicidio de su esposo. Dijo que la señora Goering negó haber dado la cápsula a su marido durante su última visita a la prisión.

### Retirada de los periodistas rusos

**NUREMBERG**, 16 (AP).—Los corresponsales soviéticos se retiraron del grupo de informadores de los periódicos aliados acerca de las ejecuciones de los jerarcas nazis condenados a muerte, negándose a aceptar las copias que se les había suministrado, tal como a los de las otras naciones. Los representantes de la agencia Tass y del diario "Pravda" dijeron haber sido tratados con injusticia, pero se negaron a explicar por qué hacían esta manifestación. Los periodistas soviéticos habían acordado formar parte del grupo de las cuatro grandes potencias y no ofrecieron indicio alguno de que pensaban mantener el acuerdo sólo hasta unas horas después de realizadas las ejecuciones. Los periodistas eran el mayor Antonvic Temin, del diario "Pravda", y el capitán Boris Vladimirovic, de la agencia Tass, los cuales habían pasado aquí varios meses cubriendo toda la información con respecto al juicio.

Los dos oficiales norteamericanos representantes de la Oficina de Relaciones con el Público, encargados de vigilar las tareas relacionadas con la ejecución, declararon que no tenían conocimiento alguno de que los corresponsales rusos hubieran sido tratados de manera incorrecta. El coronel Richard McConnell declaró: "Por lo que he podido saber, se les ha dado el mismo tratamiento que a los corresponsales de los otros tres países encargados de la información relativa a la ejecución. Anoche fuí a buscarlos y los presenté, juntamente con los otros seis corresponsales, al coronel B. C. Andrus, que estaba a cargo de la ejecución de los condenados. Yo no asistí a las ejecuciones, pero ellos salieron al mismo tiempo que los otros y no sé qué clase de quejas pudieran tener".

Archivo Histórico — Ministerio de Relaciones Exteriores, Comercio Internacional y Culto Argentina

"LA NACION" octubre 17 de 1946.-

Guerra 635 La Pas

# EL ULTIMO ACTO DEL DRAMA DE NUREMBERG

## EN EL ESPACIO DE UNA HORA Y MEDIA FUERON AHORCADOS LOS ALTOS JEFES ALEMANES

### Subieron con firmeza al patíbulo, y al ser invitados a decir sus últimas palabras, dieron vítores a Alemania, a los que Streicher añadió expresiones violentas

**NUREMBERG**, 16 (INS).—Kingsbury Smith, jefe de los servicios europeos de International News Service y único representante de la prensa norteamericana que presenció las ejecuciones de Nuremberg, ha escrito el siguiente relato:

Exceptuando a Goering, que se suicidó con cianuro en su celda, los otros diez condenados nazis fueron ahorcados separadamente a la luz de reflectores eléctricos en el interior de un pequeño gimnasio situado dentro de la prisión de Nuremberg, a unos treinta y cinco metros del pabellón de los condenados a muerte.

El ahorcamiento de los diez condenados duró hora y media, aproximadamente, comenzando con von Ribbentrop, que fué ejecutado a la 1.14, y terminando con Seyss-Inquart, que fué ejecutado a las 2.45 y un segundo y medio, siendo declarado cadáver a las 2.57.

La mayoría de los condenados dieron vítores a Alemania en el patíbulo, sin que ninguno de ellos se desmayara. Subió la mayoría con paso firme, si bien un guardia norteamericano los acompañaba a cada lado, tomándolos de los brazos.

Julius Streicher fué el único que gritó "¡Heil Hitler!", cuando estaba a punto de subir los escalones de la horca, y produjo la mayor conmoción al dar gritos retadores en la plataforma del cadalso, diciendo:

"¡Los bolcheviques los arreglarán a ustedes!" Fué también Streicher el único que habló cuando ya tenía la soga puesta sobre la cabeza, exclamando: "¡Adela, mi querida esposa!"

El coronel B. Andrus, comandante de seguridad de la prisión, se dirigía al pabellón de las celdas de los condenados para leer la sentencia de muerte del tribunal a Goering, cuando el guardián que vigilaba a través de la mirilla notó que el cuerpo de Goering se contorsionaba. Llamó al cabo de guardia y entraron a toda prisa en la celda, al mismo tiempo que el cabo llamaba al médico alemán de la prisión, Dr. Pfluker. El capellán auxiliar de la prisión, que se encontraba cerca, simultáneamente escuchó que Goering hacía ruidos con la garganta, que se cree hayan sido los estertores de la muerte.

Las últimas palabras de Ribbentrop, pronunciadas en la plataforma, mientras esperaba que le pusieran la soga negra, pronunciadas con voz firme y alta, fueron: "Que Dios salve a Alemania. Mi último deseo es que Alemania realice su unidad o se llegue a un entendimiento entre el Este y Occidente. Deseo la paz del mundo". Entonces apretó firmemente los labios y fijó la mirada en línea recta ante él.

Tres horcas de madera pintadas de negro se encontraban dentro del gimnasio. Dos de ellas fueron usadas alternativamente para ajusticiar a los condenados individualmente. La tercera se mantuvo en reserva.

Los condenados subieron trece escalones de madera hasta la plataforma situada a más de dos metros de altura. La cuerda estaba suspendida de la viga sostenida por dos postes. Uno solo de los condenados se encontraba en el gimnasio en cada ejecución. Los cuerpos caían toda la altura del individuo en el interior del cadalso, que se hallaba tapiado de madera por tres lados y cubierto por una obscura cortina de lona por el cuarto.

Los condenados fueron llevados uno a uno a la horca. El patio estaba poco alumbrado, pero el gimnasio se hallaba brillantemente iluminado por 10 grandes reflectores eléctricos suspendidos del techo.

A cada condenado se le ataron las manos, se le echó una hopa negra sobre la cabeza y, antes de abrir la trampa, se le ataron las piernas.

Cuando el cadáver de Seyss-Inquart aun pendía de la soga, a la espera de que el médico certificase su muerte, se abrió la puerta del gimnasio y entraron los guardias con el cadáver de Goering en una camilla que fué colocada en el suelo, entre dos horcas.

Los generales que representaban a las cuatro potencias en la comisión aliada de control ordenaron que la frazada del ejército que cubría el cadáver de Goering fuese retirada para que los representantes de la prensa mundial pudiesen comprobar el fallecimiento del mariscal del Reich. Goering se hallaba vestido con un pijama negro, su camisa azul estaba abierta en el pecho y tenía la cabeza inclinada a un costado. El cabello de Goering estaba enmarañado y mostraba una expresión de agonía, contraído en un rictus de dolor.

Keitel demostró el mismo estoicismo ante la horca que en la prisión y ante el tribunal. Mantuvo su cabeza en alto al entrar en el local de la ejecución y pasó la vista alrededor, mientras que las esposas que mantenían sus manos sujetas a su espalda eran substituídas por una cuerda. Con paso militar avanzó entre los dos guardias hacia la horca y subió los escalones lentamente, con paso firme. Las últimas palabras de Keitel, pronunciadas con voz clara y alta, que se elevó hasta convertirse casi en grito, fueron:

"Dios Todopoderoso, ten piedad del pueblo alemán. Más de dos millones de soldados alemanes han muerto por la patria antes que yo. Ahora sigo a mis hijos. Todo por Alemania".

La entrada de Julius Streicher por la puerta del centro del gimnasio donde se realizaron las ejecuciones fué precedida, como en el caso de todos los condenados, por un toque de advertencia dado por un guardia. Un teniente coronel norteamericano había sido mandado a buscar a Streicher a su celda del pabellón de la muerte y regresó con el condenado detrás de él.

Tras entrar Streicher se vió con un sargento del ejército norteamericano a cada lado sosteniéndole los brazos, mientras otro sargento que lo había seguido le quitaba las esposas de las manos, substituyéndolas por una cuerda de cuero. Instantes después, Streicher gritaba "Heil Hitler" con voz escalofriante.

Mientras el eco del grito se perdía, otro coronel norteamericano, en pie junto a los escalones del patíbulo, dijo secamente: "Pregúntele a ese hombre su nombre". Respondiendo a la pregunta del intérprete, Streicher respondió: "Ustedes conocen bien mi nombre". El intérprete repitió la pregunta y el condenado gritó: "Julius Streicher". Entonces, los guardias empezaron a mover a Streicher, subiendo los escalones. Mientras ascendía a la plataforma, el implacable perseguidor de los judíos gritó: "Ahora le toca a Dios".

Streicher fué dado vuelta para que quedase frente a las personas congregadas. Echó una mirada furiosa a los oficiales aliados y a los ocho corresponsales que representábamos a la prensa mundial, y que nos encontrábamos en fila, tras pequeñas mesas, frente a frente a las horcas, y con salvaje odio en sus ojos saltones, exclamó: "Fiesta del Purim de 1946". (El Purim es una fiesta judía que se celebra el mes de septiembre.)

Un oficial norteamericano situado cerca de la horca le preguntó entonces si tenía algo que decir, a lo que Streicher respondió con ira: "Ya los arreglarán los bolcheviques a ustedes, ya los ahorcarán también".

En el momento en que le iban a colocar la hopa en la cabeza, Streicher dijo: "Estoy con Dios", y cuando se la estaban ajustando, se pudo escuchar su voz que decía: "Adela, mi esposa querida". En ese momento se hizo funcionar la trampa con estrépito. La cuerda quedó tensa y el cuerpo quedó balanceándose de un lado a otro, escuchándose un gemido que procedía del sombrío interior del cadalso. Había muerto Julius Streicher.

### Las fotografías tomadas

**NUREMBERG**, 16 (AP).—Trascendió que el fotógrafo oficial del ejército elegido para tomar fotografías de las ejecuciones de los jerarcas del nazismo sólo sacó vistas de los cadáveres después de haber sido retirados de la horca. Fueron sacadas dos fotografías de cada uno de los ajusticiados y del cadáver de Goering. En cada caso, una fotografía del cuerpo tal como estaba vestido en el momento de la ejecución y otra desnudo. Ha sido mantenido en reserva el nombre del fotógrafo. Las fotografías calificadas como secreto máximo, han sido llevadas a Berlín, donde probablemente serán guardadas con fines históricos y de archivo. La comisión coordinadora aliada se reunirá mañana para decidir si alguna de las fotografías será dada a publicidad.

## DESTINO DE LOS CADÁVERES DE LOS JERARCAS NAZIS

### Fueron cargados en furgones que partieron con rumbo desconocido

**NUREMBERG**, 16 (AP). — Cumplida la última fase del drama de Nuremberg, los despojos de los diez ajusticiados esta madrugada en la cárcel de esta ciudad y los de Hermann Goering, que se suicidó en su celda poco antes de la hora fijada para su ejecución, fueron colocados en dos furgones que luego de sellados partieron a las 5.30 con destino desconocido.

En horas de la tarde se cumplió el trámite de oficializar las defunciones de los jerarcas nazis, cumpliendo las disposiciones de las leyes de Nuremberg que no consideran muerta a una persona hasta que su deceso queda inscripto en los registros oficiales. El fiscal de la ciudad, Jacob Leistner, que fué uno de los dos testigos alemanes que presenciaron las ejecuciones, comunicó al archivo el suicidio de Goering y la muerte en la horca de sus diez compañeros. La partida del mariscal dice que falleció el 15 de octubre a las 22.45, hora local, por suicidio. "He visto personalmente su cadáver', dice la notificación, y agrega: 'Los otros diez criminales de guerra fueron muertos por ejecución en cumplimiento de las penas capitales que se les habían impuesto, el 16 de octubre de 1946". A continuación da la lista de los diez ejecutados y la hora en que murió cada uno de ellos.

Los furgones en que fueron colocados los cadáveres de los once nazis partieron de la cárcel protegidos por los "jeeps" tripulados por un general de brigada y soldados de la policía militar de los Estados Unidos armados con ametralladoras livianas. Los reporteros trataron de seguir al convoy y lo lograron durante un corto trecho, pero luego los policías les cerraron el paso, viéndose de este modo imposibilitados de acompañar a los restos en su último viaje el que, por otra parte, al vez no haya sido el postrero, ya que se cree que los féretros fueron trasladados a aviones para su destino final. El capitán Samuel Binder, de la policía de seguridad, manifestó que permanecerá en secreto el lugar en que se dé sepuultura a los cadáveres.

## DEL FISCAL GENERAL Dr. J. F. LEISTNER

**NUREMBERG**, 16 (AP). (Por el doctor Jacob Friedrich Leistner, Fiscal General en Nuremberg). — El hecho que más profunda impresión me causó anoche fué comprobar que todos los acusados hicieron frente a la muerte con valor y dignidad. El comportamiento de los ajusticiados estuvo por encima de todo reproche, con una sola excepción: la de Julius Streicher. Quiso ser un comediante hasta el último momento y su grito de "Heil, Hitler" al entrar en la sala de las ejecuciones fué tan típico como su exclamación de minutos más tarde: "Adela, esposa mía".

Hasta el presente sólo había asistido yo a una ejecución y por fusilamiento. Aunque no se tenga la menor simpatía por el ejecutado, es difícil presenciar impasible una ejecución. Esa afirmación incluye también a Streicher, un hombre a quien jamás había dirigido la palabra.

Me impresionó también la religiosa actitud de Hans Frank y me alegro de que Goering haya optado por suicidarse. Tengo la convicción de que todos los criminales de guerra debieron haberse eliminado, ya que conocían la gravedad de los delitos por ellos cometidos y la suerte que les aguardaba. Algunos alemanes considerarán la actitud de Goering como un último gesto de valor y se alegrarán de que el hombre que estaba inmediatamente detrás de Hitler en el régimen nazi haya escapado a la horca. Pero soy de opinión que todos ellos fueron condenados en juicio equitativo y que el castigo estuvo bien aplicado. Apoyo en todas sus partes la sentencia. Ha sido el caso más importante que he conocido en mi vida, como ser humano y como abogado".

### El verdugo

**NUEVA YORK**, 16 (AP).—La National Broadcasting Company anunció que el verdugo de Nuremberg ha sido el sargento primero del ejército norteamericano John C. Wood.

## EL COMUNICADO OFICIAL SOBRE LAS EJECUCIONES

**NUREMBERG**, 16 (AP).—El comunicado oficial expedido por la Comisión Aliada lleva fecha 16 de octubre y expresa lo siguiente:

"Las sentencias aprobadas por el tribunal militar internacional de Nuremberg el día 1o. de octubre, contra los criminales de guerra mencionados a continuación, fueron ejecutadas hoy en nuestra presencia".

Sigue la lista de los nombres de diez reos, sin incluir el de Goering, para agregar: "Hermann Goering se quitó la vida a las 22.45. El ministro de Baviera, Dr. Wilhelm Hoegner, y el fiscal jefe de la Acusación de Nuremberg, Dr. Friedrich Leisner, asistieron a la ejecución en su carácter oficial, como testigos del pueblo alemán, y vieron el cadáver de Hermann Goering".

Archivo Histórico
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# Conócense los Detalles de la Forma en que Fueron Ahorcados En la Prisión de Nuremberg Diez Principales Dirigentes Nazis

## Presenciaron las ejecuciones cuatro generales y ocho periodistas, en representación de la prensa mundial

**Nuremberg**, octubre 16 (UP) — El señor Kingsbury Smith, corresponsal norteamericano que asistió a las ejecuciones de los jerarcas nazis en representación de la prensa combinada, hizo el siguiente relato de los acontecimientos:

"Diez de los once jerarcas y militares nazis condenados a muerte, fueron ajusticiados esta madrugada en los cadalsos de la prisión de Nuremberg. El ex mariscal del Reich, Hermann Wilhelm Goering, logró eludir la horca de la justicia aliada en las últimas horas de anoche, al quitarse la vida en la celda que ocupaba en la prisión, pocos instantes antes de que el resto de los jerarcas nazis fueran colgados".

A pesar de que un centinela perteneciente al cuerpo de guardia de seguridad estaba apostado observando todos sus movimientos, el ex sucesor de Hitler logró llevarse a la boca y masticar una cápsula conteniendo cianuro de potasio. Goering se envenenó mientras el coronel Burton Andrus, jefe militar norteamericano del cuerpo de seguridad se dirigía por el patio de la prisión hasta las celdas de los que se encontraban en capilla para dar lectura a éste y a los otros diez condenados a muerte, de la sentencia por la que les aplica la pena capital a los dirigentes nazis el Tribunal Militar Internacional.

Goering debía, una hora después de haber recibido lectura de la sentencia, subir el primero al cadalso levantado en el pequeño edificio situado dentro de la prisión donde se ha establecido el gimnasio. Ni a Goering ni a ninguno de los otros condenados a muerte se les había comunicado que iban a ser ejecutados hoy. Cómo pudo adivinar que éste era el día marcado para dar cuenta de sus actos, y cómo se las arregló para ocultar el tóxico entre sus ropas, es cosa que permanece en el misterio y ha provocado confusión entre las fuerzas de seguridad a cargo de su custodia.

El ex ministro de relaciones exteriores del Tercer Reich Alemán, barón von Ribbentrop, encabezó por esta circunstancia el postrer desfile de los condenados. El último en ascender los peldaños del cadalso fué Seyss-Inquart. Todos los condenados fueron colgados en la horca de uno a uno en el espacio brillantemente iluminado para el acto dentro del pequeño gimnasio de la tétrica prisión de Nuremberg.

La ejecución de von Ribbentrop y los otros sentenciados llevó aproximadamente una hora y media. El otrora arrogante diplomático y traidor nazi penetró al lugar donde debían cumplirse las sentencias 11 minutos después de la 1, hora de esta mañana. La trampa cayó justamente a la 1.16 y los encargados del procedimiento lo declararon oficialmente muerto a la 1.30. La trampa cayó ocho veces más. La última para ejecutar a Arthur Seyss-Inquart, el traidor austríaco y "gauletier" nazi de Holanda. Fué ajusticiado este último a las 2.45, y se le dió oficialmente por muerto a las 2.57. Los 10 condenados lograron demostrar coraje mientras desfilaban en el camino hacia la muerte. La mayoría de ellos mostraba amargo desafío en sus rostros, otros penosamente estaban resignados a su triste destino, mientras que algunos invocaron la misericordia del Altísimo en el postrer instante de su vida.

Todos hicieron breves declaraciones en el último instante. El único que en sus declaraciones se refirió a Hitler o a la ideología nazi fué Julius Streicher. Demostrando el más amargo de los desafíos, el asesino de judíos, gritó: "Heil Hitler", mientras llegaba al término de su ascensión en su camino al cadalso. Streicher apareció en el pequeño gimnasio de la prisión, 12 minutos y medio después de las 2, hora alemana.

Tal como se hizo con todos los demás condenados, el guarda que estaba apostado en la puerta exterior advirtió la llegada de Streicher mediante un golpe en la puerta de entrada. Un teniente coronel norteamericano que había sido encargado de la conducción del reo hasta el cadalso penetró primero al edificio del gimnasio. Le seguía Streicher, a quien dos sargentos del ejército detuvieron apenas hizo su entrada y le tomaron por los brazos mientras que otro sargento que le seguía atrás le sacaba las esposas y le colocaba en su lugar unos correajes. Se había dispuesto en principio que los condenados tuvieran que caminar unos 70 metros desde las celdas hasta la cámara de ejecución con las manos libres, pero todos ellos fueron esposados en sus celdas inmediatamente después de descubrirse el suicidio de Goering.

**El suicidio de Goering**

Ignórase si el resto de los condenados se había enterado del suicidio de Goering. Las personas que recorrieron la prisión el martes por la noche vieron a Goering en la cama al parecer durmiendo. El centinela apostado junto a la celda manifestó que en ningún momento vió que Goering echara sus manos bajo las mantas, lo que estaba prohibido por los reglamentos de la prisión.

Certificó la muerte de Goering el médico de la prisión, el mayor alemán Pleucher. Los corresponsales recuerdan que en mayo de 1945 cuando fué apresado Goering tenía entre sus ropas una cápsula conteniendo cianuro de potasio, la que le fué retirada en esas circunstancias. Con el mismo tóxico se suicidó en marzo de 1945 otro de los jerarcas nazis, Heinrich Himmler, y esto ocurrió en momentos en que era detenido por los aliados poco después de la rendición de Alemania. Goering logró llevarse el veneno a la boca y tragarlo a pesar del centinela de vista que la guardia de seguridad había apostado frente a las celdas de cada uno de los condenados para evitar su suicidio. En ese momento el coronel Burton Andrus, comandante de la prisión se dirigía a través del patio de la cárcel y en dirección a las celdas, para dar nuevamente lectura a los condenados de la sentencia oficial de muerte decretada por el Tribunal Militar Internacional de Nuremberg, confirmada por el Consejo de "Control" Aliado.

**Se inician las ejecuciones**

Se habían levantado tres cadalsos, pero sólo se utilizaron dos de ellos en forma alternada. Los cadalsos estaban pintados de negro y las cuerdas de la horca colgaban de sus travesaños. Los condenados debieron subir los trece peldaños de la escalera de madera que conducía a la plataforma del cadalso. Las ejecuciones fueron presenciadas por las autoridades de la prisión, la comisión oficial aliada integrada por 4 generales, y un pequeño grupo de personas entre las que figuraban 8 corresponsales que actuaban en representación de la prensa y radiotelefonía mundiales.

Los condenados hicieron su aparición en la cámara de las ejecuciones de uno a uno sin que en ningún momento se encontrasen dos al mismo tiempo.

El primero en entrar, como ya queda dicho fué von Ribbentrop, quien, antes de que se le colocara el capuchón dijo sus últimas palabras con voz firme: "Dios salve a Alemania. Mi último deseo es que Alemania realice su unidad y que se llegue a un entendimiento entre oriente y occidente. Deseo paz para el mundo".

No contestó von Ribbentrop la primera vez que se le preguntó su nombre ante el cadalso. Al repetírsele la pregunta por segunda vez casi gritó "Joachim von Ribbentrop". Una vez sobre el cadalso, los guardias le hicieron girar para que diera frente a los presentes y en ese momento Ribbentrop pareció apretar los dientes y levantar la cabeza con su antigua arrogancia. Pero sus últimas palabras fueron de sorpresa. Al interrogarle el oficial norteamericano si tenía algo que decir, manifestó "Dios proteja a Alemania" e interrogó luego diciendo: "¿Puedo decir algo más?" El intérprete asintió y von Ribbentrop expresó entonces su deseo de que haya cooperación internacional, cosa que parecía mentira escuchar de labios del hombre que más diabólicamente dirigió la política exterior alemana, asegurando a las naciones pequeñas de Europa que el Reich tenía intenciones pacíficas cuando las fuerzas armadas nazis avanzaban ya en la conquista de esos mismos países.

En momentos en que se le ponía el capuchón, von Ribbentrop miraba fijamente para adelante con los labios apretados. El genio de la diplomacia del fatídico régimen instaurado por Hitler entró al gimnasio a la 1.11. La trampa caía a la 1.16, y, como queda dicho, su muerte oficial se certificaba a la 1.30.

**Ejecución del mariscal von Keitel**

Hizo luego su aparición el mariscal Wilhelm von Keitel, quien mostró el mismo estoicismo que durante su juicio y encarcelamiento. Se dirigió con la cabeza erecta y miró a su alrededor mientras la custodia cambiaba las esposas que le inmovilizaban las manos por las correas. Entre los dos soldados se encaminó hacia el cadalso con porte militar y subió la escalerilla lenta pero firmemente. Sus últimas palabras, pronunciadas con voz clara y fuerte fueron: "Pido a Dios todopoderoso que tenga misericordia del pueblo alemán. Más de dos millones de soldados marcharon a la muerte por su patria antes que yo. Sigo ahora a mis hijos. Todo sea por Alemania".

El mariscal von Keitel fué el primer militar que ha sido ejecutado de acuerdo con el nuevo concepto del derecho internacional: que los soldados profesionales no pueden eludir el castigo por librar guerras de agresión y permitir crímenes contra la humanidad aduciendo que se han limitado a cumplir órdenes superiores.

Von Keitel entró al gimnasio solo 2 minutos después de la ejecución de von Ribbentrop y cuando el cadáver de este colgaba aún de la horca, pero no lo vió por hallarse oculto por el cadalso. Luego de ascender con paso firme la escalera miró desde la plataforma a los presentes con su tradicional altivez de oficial prusiano. Murió con más valor que el demostrado ante el Tribunal Militar donde trató de disculpar sus faltas afirmando que sólo había cumplido órdenes de Hitler. Como ya hemos dicho, el último en ascender al cadalso fué Seyss-Inquart.

**Sube al cadalso Julius Streicher**

Inmediatamente subió el primer antisemita del nazismo. Al reemplazarse sus esposas por las correas prorrumpió en el grito de "Heil, Hitler", cosa que causó sorpresa por lo inesperado. El intérprete entonces le preguntó su nombre y Streicher contestó: "Ustedes lo saben bien". El intérprete repitió la pregunta y el condenado respondió esta vez: "Julius Streicher".

Los guardias comenzaron a subir los peldaños llevando a Streicher, que dijo entonces: "Y ahora esto está en manos de Dios". Desde el cadalso, Streicher miró con ojos cargados de odio a las autoridades aliadas y a los 8 corresponsales que representaban a la prensa mundial y que se encontraban junto a la pared, detrás de pequeñas mesas, y entonces gritó: "Purim Fest 1946" (purim es la fiesta judía que se celebra en el mes de septiembre). Un oficial norteamericano que se hallaba cerca del cadalso le preguntó si tenía algo más que decir, y Streicher le gritó: "Los bolcheviques les colgarán a ustedes uno de estos días". Cuando le colocaron el capuchón negro, Streicher dijo: "Estoy con Dios", y al ajustársele pudo oírse que con voz apagada agregaba: "Adela, mi querida esposa". Inmediatamente se abrió la trampa y el cuerpo de Streicher cayó al interior del cadalso.

Una vez ejecutado el último de los condenados, el traidor austríaco y "gauletier" de Holanda, Seyss Inquart, se abrieron las puertas del gimnasio y fué introducido en una angarilla el cadáver de Goering, el que se colocó en medio de los dos cadalsos que se habían utilizado para las ejecuciones.

La comisión oficial aliada ordenó que se levantara la manta que cubría el cadáver para que los periodistas comprobaran la muerte del jerarca nazi. Vestía un pijama negro y una camisa azul y tenía en su cara la expresión de la agonía.

### Ultimas Palabras de Kaltenbrunner

**Nuremberg**, octubre 16 (UP) — Al preguntársele a Kaltenbrunner si quería decir sus últimas palabras, contestó: "Sí, por favor", y agregó con voz que denotaba muy poco cansancio: "He servido al pueblo alemán y a mi patria con el corazón dispuesto. He cumplido con mi deber de acuerdo con los deseos de mi patria. Lamento que se cometieran crímenes, en los que no tuve parte. Alemania, buena suerte".

### Precauciones Tomadas Contra Probables Disturbios en Hamburgo

**Hamburgo**, octubre 16 (UP) — Los vehículos blindados británicos recorrían el distrito de Hoheluft Chaussee, en Hamburgo, y las tropas británicas montaron guardia, a raíz de un aviso de que los elementos nazis preparaban una demostración de protesta por las ejecuciones de Nuremberg. Para la hora en que se había anunciado la demostración se instalaron en las esquinas de las calles vecinas al estadio "Arena", donde se disputan las peleas de boxeo, pequeños grupos de personas, pero no se organizó ninguna manifestación.

### Acto de Protesta de Prisioneros de Guerra Alemanes en Inglaterra

**Dunmow**, Essex, Inglaterra, octubre 16 (UP) — Los prisioneros de guerra alemanes se declararon hoy en huelga de brazos caídos, al enterarse de que los nazis condenados habían sido ahorcados en Nuremberg. Los prisioneros debían dedicarse hoy al trabajo en los campos dedicados al cultivo de patatas, pero se negaron a hacerlo.

### Interesante Derivación del Juicio Contra el Almirante Karl Doenitz

**Hamburgo**, octubre 16 (UP) — El tribunal británico de crímenes de guerra condenó al capitán de submarinos S. Mohele a la pena de 5 años de prisión, después de haberlo declarado convicto del cargo de haber dado la orden de que se fusilara a los sobrevivientes de los barcos que había hundido.

Mohele fué juzgado por haber cumplido una orden que dijo haber recibido del almirante Karl Doenitz, de quien el tribunal de Nuremberg dijo que "las pruebas no establecen con certeza que Doenitz, deliberadamente, haya ordenado la matanza de los sobrevivientes de barcos hundidos".

Se entiende que el capitán Mohele apelará la sentencia basándose precisamente en la decisión del tribunal de Nuremberg.

### Von Papen Sigue Aún en la Prisión

**Nuremberg**, octubre 16 (UP) — Franz von Papen, uno de los tres encausados absueltos por el tribunal de Nuremberg, se encuentra todavía en la cárcel, en carácter de "prisionero voluntario", a la espera de la respuesta a su pedido de acceso a la zona británica.

# Poco Antes de Morir, Goering Fué Visto En su Celda por Varios Corresponsales

## Según dicen éstos, habría dejado un mensaje escrito dirigido al gobernador de la prisión

**Nuremberg**, octubre 16 (UP) — Poco más de dos horas antes del momento en que debía ser ahorcado, Hermann Goering quitóse la vida en su celda de la prisión de Nuremberg.

El suicidio dentro de la prisión parecía, debido a la vigilancia extrema, casi imposible, pero Goering consiguió realizarlo. Ingirió veneno. Cómo lo obtuvo y cómo consiguió guardarlo sin que se lo descubriesen en la sistemática investigación diaria es cosa que investigan ahora los funcionarios de seguridad norteamericanos.

Goering hubiera sido el primero de los once reos a ajusticiarse anoche. Los ocho corresponsales de las cuatro naciones ocupantes que habían sido escogidos para presenciar las ejecuciones, fueron conducidos a la cárcel horas antes, y a las 21.30 vieron a Goering en la cama, donde aparentemente dormía con toda tranquilidad. Yo mismo —dice el corresponsal que hace este relato— atisbé por la mirilla de que se servían los guardias para mantener la constante vigilancia, y ví al ex Reichmariscal vestido con un pijama, con las manos descansando sobre el corbertor. Advertí que tenía la mano derecha firmemente apretada, y debe haber sido en ese puño donde tenía el veneno.

A medianoche el coronel B. C. Andrus, comandante de la prisión de Nuremberg, dió la noticia: "Goering ha muerto suicidándose". El centinela que lo vigilaba desde la puerta —continuó— no le vió llevarse la mano a la boca. A las 22.55 el centinela vió que se retorcía en la cama y profería ruidos extraños. Llamó al cabo de guardia, que entró en la celda de Goering. El cabo avisó al médico de la prisión y al capellán, que estaban en el mismo piso. También acudió el oficial auxiliar de la prisión. Al llegar oyó a Goering hacer un ruido gutural, que creyó ser el estertor de la muerte. Encontró en la celda un sobre rasgado por la parte superior, con la anotación "H. W. Goering" en lápiz y que contenía tres escritos y un receptáculo de bronce hecho con una cápsula de bala.

Uno de los trozos de papel parecía estar dirigido al gobernador de la prisión. Los documentos se están traduciendo bajo la vigilancia de la comisión tripartita. El examen de los restos reveló la presencia de fragmentos de vidrio en la boca, y un olor que para los médicos indica la existencia de cianuro de potasio.

Ese era el equipo habitual de los nazis, y uno igual, o sea una ampolla de cianuro de potasio, le fué quitado a Goering al llegar a Mondorf, en el Luxemburgo. Todavía no se ha establecido cómo obtuvo la segunda ampolla, ni cómo la ocultó después de la minuciosa inspección de que era objeto la celda. Ya ha empezado la investigación".

### La Hipotesis de un Funcionario

**Columbus**, Ohio, octubre 16 (UP)—Un residente de esta ciudad, que hizo fracasar el primer intento de suicidio de Hermann Goering, manifiesta que la cápsula de veneno utilizada por el jerarca del nazismo para salvarse de morir en la horca es tan pequeña que muy bien pudo haber pasado de boca a boca, cuando Goering besó a su esposa durante su última visita.

El señor Hubert Biddle, ex capitán del ejército norteamericano, estuvo a cargo de Goering y de otros acusados cuando fueron trasportados por vía aérea a Nuremberg para su proceso. Fué quien encontró en una botella perteneciente a von Ribbentrop dos tabletas de veneno y el que, revisando los efectos de Goering, encontró de 12 a 15 pequeñas cápsulas de aluminio que contenían veneno dentro de un recipiente con café molido.

Dice el señor Biddle que aquellas cápsulas eran tan pequeñas que una persona que mantuviera una debajo de la lengua podía hablar normalmente.

### Muéstrase Sorprendido por el Suicidio el Capellán Gerecke

**Nuremberg**, octubre 16 (UP) — El capitán Henry F. Gerecke, capellán protestante que fué el último hombre que vió a Hermann Goering antes de su suicidio, expresó hoy a la United Press que estaba "desagradablemente impresionado y desilusionado" porque había creído que la vuelta a la religión de Goering parecía totalmente sincera.

"Sin embargo —declaró—, no puede hacer sido sincero, pues de lo contrario, no habría concluído sus días en la forma en que lo hizo".

### Juicios del "Daily Worker" de Londres

**Londres**, octubre 16 (UP) — El órgano del partido Comunista británico, "Daily Worker", dice en su edición de esta noche que el suicidio de Hermann Goering "será causa de intranquilidad política y de la pérdida de toda confianza en aquellos que sean responsables".

"El caso de Goering —dice— no puede ser relegado al olvido como un incidente desgraciado. El fracaso de las medidas de seguridad es de trascendencia mundial y es causa de intranquilidad política y de falta de confianza en los responsables".

### Mantendráse en Secreto el Destino Dado a los Cadáveres

**Nuremberg**, octubre 16 (Reuter)—Según informaciones no confirmadas, los nazis ejecutados serán sacados secretamente en vehículos militares y llevados a una localidad costera alemana.

Se dice que los cadáveres de los ejecutados serían llevados a alta mar para ser lanzados al agua y que no se darían a conocer detalles sobre ello. Esto impedirá que los fanáticos nazis pudieran realizar en el futuro peregrinaciones hacia las tumbas de sus líderes muertos.

### Fué un Acto de Cobardía de Goering, Dijo Hans Fritzsche

**Nuremberg**, octubre 16 (UP)—El ex propagandista y diputado nazi Hans Fritzsche, absuelto por el tribunal internacional, manifestó que considera el suicidio de Goering como un acto de "cobardía". Dijo que él, personalmente, se halla "muy afectado por las ejecuciones".

Al preguntársele su opinión sobre el significado de los juicios de Nuremberg, dijo que "se dice que a raíz de esos procesos se está creando una ley internacional, pero eso sólo puede ser cierto si se explan como se debe los crímenes de guerra que se admitieron durante los procesos".

Fritzsche admitió que "los crímenes de guerra" fueron cometidos únicamente por individuos, mientras que hubo otros crímenes de guerra colectivos, que pueden llamarse crímenes alemanes, que fueron oficialmente ordenados y organizados.

### Opina el Juez Roberto Jackson

**Wáshington**, octubre 16 (UP)—El fiscal de Estados Unidos y magistrado de la Suprema Corte, Robert Jackson, dijo que el suicidio de Hermann Goering fué "un desenlace burlesco tras una obertura wagneriana" y que había hecho perder al suicida la única oportunidad que le quedaba de convertirse en "héroe y mártir alemán".

Según Jackson "el fundador de los campos de concentración donde se daba muerte a millones de personas, no tuvo valor para ir a la horca. Su final es digno remate de la cobardía de su vida entera".

También dijo Jackson que lo más importante del asunto está en el efecto que la noticia tendrá en Alemania, pues Goering era el único de los delincuentes nazis de guerra que pudo haber dado origen al mito del martirologio, y agregó que "la horca le ofrecía la mejor plataforma para impresionar a sus simpatizantes con solidez en sus convicciones y desinterés por la causa, pero le faltó valor".

Dijo, por último, que otros condenados "que eran sus satélites" murieron más valientemente que Goering.

### Radio Moscú Anunció Sin Comentarios las Ejecuciones

**Londres**, octubre 16 (UP) — Radio Moscú trasmitió el comunicado oficial de las cuatro potencias sobre el suicidio de Goering y la ejecución en la horca de sus 10 colegas nazis.

Seguidamente reprodujo la declaración del coronel Burton C. Andrus sobre la inexplicable posesión por Goering de la ampolla de veneno, pero no hizo comentario alguno.

### Aconseja Mesura en la Información El Arzobispo de Canterbury

**Londres**, octubre 16 (UP)—El arzobispo de Canterbury manifestó que las ejecuciones de los criminales de Nuremberg no deben ser tratadas como si fuera un espectáculo público, ni descriptas más que para recordar a los hombres que todos somos pecadores.

En una carta dirigida al "Times", el arzobispo añade: "La cuenta de estos miserables con sus congéneres está ya saldada; con todos sus pecados deberán comparecer ahora ante el tribunal de Dios".

El arzobispo expresa también la esperanza de que las informaciones de los diarios sean "muy restringidas", sin ceder "a las exigencias de una curiosidad morbosa e insana".

### Fueron Ejecutados También Otros 48 Criminales de Guerra

**Wáshington**, octubre 16 (UP) — La repartición "crímenes de guerra" del Departamento de Guerra ha informado que 48 alemanes de menor importancia han sido ejecutados después de haber sido sentenciados a muerte por sus crímenes de guerra, y otros 188 esperan ser ejecutados.

Según la misma repartición, hasta ahora han sido juzgados 319 alemanes acusados de crímenes de guerra, 275 de ellos por asesinatos. Los casos restantes comprenden delitos de crueldad, torturas, hambre, negligencia, asaltos y uso indebido de la bandera de parlamento y de uniformes y otros emblemas.

De los jugados hasta ahora fueron absueltos 22.

# Inicióse ya en Nuremberg La Investigación del Caso Del Suicidio de Goering

**Nuremberg**, octubre 16 (UP) — Una junta investigadora norteamericana se reunió secretamente esta noche para indagar sobre el misterio del suicidio de Goering, dado que se supo que el nazi número dos podía haber tenido en su poder el veneno que empleó para burlar la acción de la justicia, desde hace más de un año.

Las actividades de la junta de tres hombres, presididos por un oficial de alta graduación, están encubiertas por un riguroso hermetismo oficial, pero se ha informado que citaron para declarar a todos cuantos pudieran saber algo con respecto a la manera cómo Goering obtuvo el veneno y dónde lo guardaba.

El mayor Frederick Teich, de la oficina del comandante de la prisión, dijo a los periodistas: "Yo creo que tenía el veneno consigo desde que se le detuvo. Esta es mi opinión personal".

Walter Siemers, un abogado alemán que defendiera a Raeder, declaró a la United Press que después del suicidio de Robert Ley, que se ahorcó con una toalla antes de iniciarse el proceso, Goering comentó: "Me suicidaré si así lo deseo y no necesitaré toalla alguna para hacerlo". Esta frase provoca la consideración de un nuevo aspecto del asunto y justifica la conducta observada por Goering en todo el desarrollo del juicio, en el que intentó dejar sentadas las bases de un "código nazi" para el futuro.

Se recuerda que poco después de su captura Goering declaró a los periodistas que los que se suicidaban eran cobardes. Evidentemente, excluyó a los que no veían otro recurso.

El mayor Teich, conversando con los corresponsales, les expuso diversas conjeturas sobre lo que pudo haber ocurrido.

Señaló que el veneno podría habérsele puesto en su comida o en cualquier otro envío por alguno de los doce peones alemanes de la prisión, aunque manifestó que personalmente no lo creía probable. También expresó sus dudas de que la señora Goering pudiera habérselo entregado durante una de sus visitas. Añadió que se le pudo haber entregado en el tribunal, durante la vista del proceso, cuando los abogados se congregaban junto al palco de los acusados. Posiblemente, el organismo investigador citará al abogado de Goering, doctor Otto Stahmer, que ha regresado a Kiel.

Goering, según Teich, no podría haber sobornado a un guardia norteamericano con joyas, porque todas las alhajas de Goering se encontraban guardadas en la caja de hierro del comandante. A propósito de la manera cómo Goering escondió el veneno, dijo: "Cuando un individuo tiene 24 horas al día durante un año para pensar maneras de ocultar algo, bien puede discurrir un método muy hábil". La ampolla de veneno podía haber estado oculta en la gran pipa bávara de Goering, pero en tal caso no podría haber fumado y Teich le ha visto utilizarla el domingo.

A pesar de que era observado por un guardia, Goering, simulando estar dormido, pudo fácilmente haber deslizado la ampolla en su boca cubriéndose la cabeza con la manta o volviéndose de lado en la cama.

Agregó que no es posible que, después de la sentencia, se le hubiera arrojado la cápsula por la ventana de la celda. Admitió, empero, que el veneno podía haber sido introducido en la prisión por personal de la misma, norteamericano o alemán, tales como los doce peluqueros, médicos, dentistas, cocineros germanos y los peones de limpieza. "En lo que a nosotros concierne —afirmó— el personal de la prisión de nacionalidad alemana está a salvo de cualquier sospecha. En cuanto a los investigadores respecta, hasta que no terminen sus pesquisas nadie está a cubierto de sospechas".

Archivo Histórico
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Guerra 635 (2a Parte)

"LA PRENSA" octubre 18 de 1946.-

# Fueron Cremados los Cadáveres de los Ex Jefes Nazis Ahorcados en Nuremberg

## Sus cenizas, por decisión de las autoridades aliadas, han sido "dispersadas secretamente"

**Nuremberg**, octubre 17 (UP)—Los cuerpos de Hermann Goering y los diez dirigentes nazis ahorcados, ayer, "han sido cremados y sus cenizas dispersadas secretamente" por decisión de las autoridades aliadas.

El anuncio, hecho en forma de comunicado suscripto por la comisión aliada de ejecución, integrada por cuatro generales, dice textualmente: "Los cuerpos de Hermann Goering y de los criminales de guerra ejecutados en Nuremberg el 16 de octubre de 1946, de acuerdo con la sentencia del tribunal militar internacional, han sido cremados y sus cenizas dispersadas secretamente". Firman los miembros de la comisión cuatripartita con fecha de hoy.

El coronel Burton C. Andrus, comandante de la prisión, que hizo el anuncio a la prensa, no quiso ampliar el significado de la palabra "dispersadas" ni declarar si se efectuaron ceremonias religiosas al arrojar las cenizas.

En una breve conferencia de prensa sostenida inmediatamente después de leer el comunicado, el coronel Andrus dijo que él sólo informaba en nombre de la comisión del destino de los cadáveres y que no añadiría palabra alguna al comunicado. Sin embargo, ocupándose del misterio del envenenamiento de Goering, dijo a la United Press: "Soy de opinión que tenía el veneno consigo desde hace mucho tiempo, y esta opinión es compartida por la mayoría de la gente que tiene algo que ver con este asunto". Andrus añadió que la junta investigadora había comenzado su trabajo casi inmediatamente después del suicidio, trabajando toda la noche. Esto indicaría que sus miembros se encontraban en Nuremberg en el momento en que se notificó el suicidio a Andrus y los cuatro generales.

Tras de destacar que hasta ahora no se han producido arrestos, Andrus reveló que el mariscal Wilhelm von Keitel hace varios meses fué privado de un instrumento que podía haberle servido para suicidarse. Un guardia vió que von Keitel rápidamente guardaba un objeto que se deslizaba de su cartera cuando estaba cambiando sus ropas. El guardia pidió ayuda y en seguida examinó la cartera, hallando un trozo de metal, que von Keitel no podía tener en su poder porque podía haberle servido para abrirse las venas. Sin embargo, Andrus no dijo si von Keitel alguna vez efectuó una tentativa de suicidio.

Volviendo a ocuparse de Goering, afirmó que todos los funcionarios estaban intrigados por la manera cómo ocultó el veneno tan hábilmente. Manifestó que durante la vista de la causa, cada uno de los prisioneros tenía o se le proporcionaba, por lo menos dos mudas de ropa, usando una en el tribunal mientras la segunda se revisaba prolijamente en su ausencia. Cuando volvían del tribunal se cambiaban de ropa revisándose cuidadosamente la que se quitaban. Algunos de los prisioneros tenían tres y hasta cuatro mudas de ropa, pero todas ellas eran revisadas. Si necesitaban más ropa se les daban mudas del tipo correspondiente a los prisioneros de guerra, suministradas por el ejército con la clasificación "tipo X". No se aceptaban ropas provistas por amigos y parientes.

Los operarios de la sastrería de la prisión son prisioneros de guerra y no salen del edificio porque se les habría deportado de Alemania si no hubieran cumplido estas tareas. Reciben sueldo y han acordado voluntariamente continuar como prisioneros de guerra. Sin embargo, Andrus especificó que les habría sido muy difícil actuar como intermediarios en el suministro o el ocultamiento del veneno.

El funcionario de referencia añadió que los prisioneros recibían un examen físico completo, generalmente en la noche, de baño dos veces a la semana en verano, los martes y jueves. En invierno se efectuaba el baño una vez por semana y a veces dos. El examen físico, que incluía, permitía revisar prolijamente los cuerpos de los prisioneros.

## Limitáronse a Enviar el Comunicado Oficial los Corresponsales Soviéticos

**Nuremberg**, octubre 17 (UP) — Dos corresponsales soviéticos que presenciaron las ejecuciones de Nuremberg dijeron que no habían escrito una sola línea sobre la cuestión y que no tenían intención de hacerlo.

"Enviamos solamente el comunicado oficial" dijo el capitán Boris Vladimirovick, representante de la agencia Tass, quien agregó: "Eran más de las seis de la mañana cuando salimos de la prisión, las ocho en Moscú y ya era muy tarde para los matutinos".

## Prosigue Bajo Riguroso Secreto la Investigación Del Suicidio de Goering

**Nuremberg**, octubre 17 (UP) — El teniente primero Charles Roska, médico de la cárcel, opinó que Goering tomó entre un centímetro cúbico o centímetro y medio de cianuro de potasio. Dijo que una sola gota que llegara al estómago era suficiente para matar a una persona en pocos minutos. Agregó que Goering ya estaba muerto cuando él llegó a la celda.

Las preguntas sobre la cantidad de veneno y el tiempo necesario para matar a una persona fueron las dos únicas que permitió contestar al médico el comandante de la prisión, coronel Burton Andrus. Las demás preguntas no fueron contestadas, por considerar que debía guardarse secreto sobre esos detalles. Fueron entregadas por escrito al doctor Roska, quien las sometió al coronel Andrus.

Cuando se le preguntó si la antigüedad del tóxico influía en el efecto mortal de éste, Roska declaró que podía conservarse indefinidamente siempre que estuviera debidamente envasado, indicando que el hecho de que Goering lo hubiera tenido en su poder un mes o un año no haría diferencia.

Por su parte el capellán, capitán Henry F. Gerecke declaró que Hermann Goering murió en su celda, muy poco después que el guardián notó que "sufría un ataque". Manifestó que se le acercó un guardián alrededor de las 22.45 del martes comunicándole que "Goering sufría ataques". Un funcionario de la cárcel acudió inmediatamente y junto con el capellán fueron a la celda del condenado. "Este funcionario se quedó parado mirando a Goering" dijo el capellán, "y entonces le observé que el acusado se estaba muriendo'. Se llamó inmediatamente al médico de la cárcel, el mayor Pfluecker, anteriormente de la Wehrmacht, el que tomó el pulso a Goering, pero aparentemente éste ya había muerto y, como ya había llegado el médico yo abandoné la celda".

Manifestó el capellán que cuando él entró en la celda, Goering "hacía sonidos raros con la garganta" y tenía un brazo caído fuera de la cama y que, al tomarle el pulso manifestó: "este hombre se está muriendo". El funcionario que lo acompañaba se agachó entonces para tomar la mano derecha de Goering, "produciéndose entonces un ruido de papeles y el funcionario tomó tres sobres que el muerto tenía en dicha mano".

Declaró que dos horas antes había estado con Goering, leyendo oraciones, y que todos los condenados tenían la sospecha de que el miércoles sería la fecha de la ejecución. "Es decir", dijo el capellán, "todos menos Goering, pues nunca logré saber en qué pensaba Goering. El capellán, que conocía la fecha de la ejecución, tuvo gran dificultad en contestar las preguntas directas de Goering. "Realmente tuve gran dificultad para eludir sus preguntas", dijo el capellán. Continuó diciendo: "muchas veces conversé con Goering. Negaba la validez de las escrituras sagradas, no creía en los milagros y negaba la divinidad de Cristo. Debido a esto —dijo el capellán— "me vi obligado a negarle la comunión". Calificó a Goering como "hombre religioso pero no cristiano".

## Niega su Complicidad en el Suicidio la Viuda de Goering

**Sachdilling** (Baviera), octubre 17 (UP) — La viuda de Goering declaró hoy a un corresponsal de la United Press que es "una absoluta insensatez" sospechar que ella hubiera podido entregar el veneno con que se suicidó su marido.

El corresponsal halló a la señora Goering en un diminuto albergue de la montaña, situado a unos 75 kilómetros al noroeste de Nuremberg. El lugar es tan pequeño que ni siquiera está indicado en los mapas militares. En realidad, Sachdilling está compuesto solamente por un albergue y una vivienda.

La viuda se hallaba en el jardín de la parte posterior de la casa y cuando vió que llegaba un automóvil corrió a refugiarse en el interior de la misma. Por intermedio de la dueña, rehusó absolutamente hablar, pero cuando se le envió una nota diciéndole que las informaciones de prensa la señalaban como sospechosa de haber entregado a su esposo el cianuro de potasio con que éste se envenenó la misma noche en que debió haber muerto en el cadalzo, gritó entre sollozos, a través de la puerta entreabierta: "Eso es una completa insensatez. Hubiera sido absolutamente imposible, dadas las condiciones en que se me permitió verlo".

Eso fué todo. A juzgar por el tono, la viuda de Goering se hallaba al borde de la histeria. La puerta se cerró y el corresponsal no volvió a insistir. La dueña de la casa la manifestó que desde el suicidio de Goering no había visitado ni conversado con la señora ningún investigador ni corresponsal.

## Sospecharíase del Abogado de Goering, Doctor Otto Stahmer

**Kiel**, octubre 17 (UP) — El doctor Otto Stahmer, abogado de Hermann Goering, expresó esta noche que no habría ayudado al ex mariscal a cometer su suicidio, "aunque se le hubiese brindado la oportunidad". Sin embargo, se informa que es posible que se arreste al letrado por sospechársele complicado en el suicidio.

El doctor Stahmer, de 67 años de edad, declaró: "La noticia del suicidio constituyó un rudo golpe para mí y nada sé al respecto. Ni Goering ni su esposa jamás me dieron a entender que se estuviera proyectando algo semejante". Añadió que partió de Nuremberg el sábado y que llegó a Kiel el lunes a primera hora.

Un funcionario del servicio secreto británico dijo que tomarían medidas contra Stahmer sólo si recibía instrucciones definidas por parte del cuartel central británico o como resultado de un pedido norteamericano.

## Acerca de una Versión

**Nuremberg**, octubre 17 (UP) — En fuentes habitualmente fidedignas se declaró esta noche que los médicos han descubierto una misteriosa herida de una pulgada de largo en el abdomen de Goering, que probablemente indica el lugar en que estuvo la cápsula de veneno con que se suicidó la noche en que debía ser ejecutado.

El informante vió los cadáveres de Goering y de los otros diez ajusticiados después de haber sido desnudados para que se tomaran las fotografías oficiales.

## El Caso de Mussolini Era La Causa del Horror de Goering a Morir Ahorcado

**Nuremberg**, octubre 17 (Reuter)—El suicidio de Goering confirma las anteriores observaciones de que el ex mariscal del Reich siempre ha temido al ahorcamiento desde que Mussolini siguiera esa suerte en público.

En su celda, Goering dijo al doctor Douglas M. Kelly, médico que asistió a los acusados de Nuremberg: "Hubiera deseado rendirme a los rusos. Ellos me hubieran dado muerte inmediatamente o me hubieran tratado como un héroe. Yo nunca soñé que ustedes, los norteamericanos, tratarían a un mariscal igual que a un criminal común. Ustedes establecen un precedente con estos juicios de guerra. Pienso si ustedes estarían tranquilos en el caso de que sean ustedes los juzgados la próxima vez".

El doctor Kelly entonces le dijo a Goering: "Aparentemente Hitler no compartió su creencia en una salida tan fácil", a lo que respondió Goering: "Hitler! El tenía sus propias ideas sobre la muerte. ¿Recuerda usted el incidente Mussolini? Nosotros tuvimos las escenas completas de la muerte de Mussolini en la calle con su acompañante, y la forma en que fueron colgados cabeza abajo. Todos nosotros lo vimos. Era terrible. Hitler se mostró frenético, tomó las fotografías y al mismo tiempo que salía de la habitación gritó: "Esto nunca me sucederá a mí".

## Renunció su Cargo en el Tribunal Internacional el Juez Jackson

**Wáshington**, octubre 17 (UP) — El presidente Truman aceptó la renuncia presentada por el miembro de la Suprema Corte, juez Robert S. Jackson, como fiscal principal norteamericano en el Tribunal Aliado de delitos de guerra de Nuremberg, que recientemente concluyó con su tarea de juzgar a los jerarcas nazis.

Declaró el presidente Truman que se considerará cuidadosamente la propuesta formulada por el señor Jackson de que los criminales de guerra que aun quedan por juzgar sean procesados por las autoridades aliadas de cada zona de ocupación de Alemania. Entre estos criminales no juzgados, se hallan muchos industriales, políticos, diplomáticos y funcionarios policiales.

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# CREMARON AYER LOS RESTOS DE LOS NAZIS

## PROSIGUE LA INVESTIGACIÓN SOBRE LOS ACONTECIMIENTOS DE LA CÁRCEL DE NUREMBERG

### Sus resultados se mantienen en reserva, y se cree que todavía no hay indicios de la manera como Goering logró suicidarse

**NUREMBERG**, 17 (P). — Oficialmente se anunció que los cadáveres de Goering y los diez nazis ajusticiados ayer fueron cremados y sus cenizas "aventadas secretamente".

El comandante de la prisión, coronel B. C. Andrus, hizo el anuncio en nombre del Consejo Aliado de Control.

Los cadáveres fueron retirados ayer de la prisión a las 5.34, en dos camiones sellados, custodiados por "jeeps". No se reveló el punto donde se efectuó la cremación y la dispersión de las cenizas.

El texto del anuncio oficial es el siguiente:

"El cadáver de Hermann Wilhelm Goering, junto con los cadáveres de los criminales de guerra ejecutados en Nuremberg el 16 de octubre, de acuerdo con las sentencias impuestas por el Tribunal Militar Internacional, ha sido cremado y las cenizas aventadas secretamente. (Firmado): Comisión Cuatripartita para la Detención de Criminales de Guerra".

Mientras prosigue la investigación militar para esclarecer cómo consiguió Goering el veneno con el cual se suicidó, el coronel Andrus dijo que los guardianes hicieron todo lo posible, durante el encarcelamiento de los jerarcas nazis, para impedir cualquier suicidio. Añadió que esos guardianes encontraron a veces pedazos de vidrio en las tabaqueras de los condenados. "Después de tales incidentes —agregó— me convencí de que estaban trabajando a conciencia en todo momento".

Goering y los demás presos eran registrados constantemente, en especial cuando se bañaban. Varios días antes de las ejecuciones fueron registrados todos concienzudamente. El coronel Andrus dijo que ninguno de los funcionarios de la prisión sospechó en ningún momento que Goering pudiera suicidarse. Así lo declaró también el psicólogo el jueves anterior a las ejecuciones.

Expresó que si Goering tenía la cápsula de veneno desde hace algún tiempo, no comprende dónde pudo haberla ocultado. Pudo haberla llevada de la sala de audiencias a la celda en un pañuelo, pero ¿dónde la puso cuando se estaba bañando? Dijo que Goering, a pesar de su valor personal, era un hombre distinto desde el momento en que se le leyó la sentencia. "Envejeció muy rápidamente", añadió.

El coronel ignora lo que decía la nota que Goering dejó para él, porque la entregó, con otras dos, a la Comisión Aliada de Control.

La negativa de Goering de pasear por el corredor después de haber sido sentenciado es ligada ahora al suicidio. Los funcionarios de la prisión creen que no quería abandonar su celda o hacer nada que pudiera exponerlo a que se descubriese el escondite del veneno.

Mientras tanto, las viudas de los ahorcados se encuentran recluídas fuera de Nuremberg, a excepción de Louisa Jodl, que ha sido vista hoy en las calles vestida de negro y caminando como una autómata, sin mirar a derecha ni izquierda .

El reverendo Henry Gedecke, norteamericano, capellán protestante de la prisión, declaró en una entrevista que Goering aparecía preocupado hasta el momento del suicidio por la manera en que los demás condenados harían frente al momento trágico de la horca. "Se jactaba ante mí —dijo— de lo valiente que era, pero al mismo tiempo me preguntaba siempre por los demás". Añadió que la última noche Goering parecía melancólico, pero no más que en las semanas anteriores. "En la última visita que le hice —agregó— quise hablar de religión con él, pero no llegué muy lejos. Al salir, le dije: "Adiós, en nombre de Cristo". El se limitó a sonreír, sin decir nada. Esas fueron las últimas palabras que se le dirigieron antes de morir".

El sacerdote se mostró asombrado al enterarse del suicidio y dijo: "Recuerdo que cuando, hace unas semanas, se pusieron en vigor las nuevas reglamentaciones, Goering se quejó amargamente de que se le esposase junto al guardián en sus paseos por el pasillo.

### Persiste el misterio sobre la muerte de Goering

**NUREMBERG**, 17 (P).—La comisión investigadora integrada por tres oficiales del ejército norteamericano interrogó uno por uno a todos los guardias y demás personas que tuvieron acceso o se acercaron siquiera a la celda del mariscal Hermann Goering durante los días y noches que precedieron a su espectacular suicidio.

La citada comisión, que representa al Consejo Aliado de Control, y cuyos miembros mantienen en secreto su identidad, se rodeó de una barrera de "seguridad" y se rehusa a dar a conocer públicamente sus actividades; pero de fuentes allegadas a los funcionarios internos de la prisión se sabe que por lo menos doce empleados alemanes de la prisión son continuamente interrogados. Aunque no se encuentran oficialmente detenidos, no podrán salir de la prisión hasta que hayan quedado completamente esclarecidos los hechos.

El jefe de la prisión, coronel B. C. Andrus, reiteró la opinión de que el personal a sus órdenes es inocente y declaró, no sin cierta amargura, que es probable que alguno de los abogados defensores alemanes haya entregado al mariscal Goering la cápsula de veneno que le libr de la infamante muerte en la horca; y que seguramente tal cosa ocurrió durante alguna de las últimas sesiones del juicio.

La opinión del coronel Andrus, sin embargo, no concuerda con la de su propio lugarteniente, el mayor Fred Teich, quien personalmente está convencido de que el mariscal Goering descubrió la forma de ocultar el veneno y que quizá estuvo en posesión del mismo desde el comienzo de su encarcelamiento. Tanto el coronel Andrus como el mayor Teich manifestaron que son ajenos a la investigación y que, a mayor abundamiento, ellos también han sido interrogados por la comisión.

Ambos exculpan a la Sra. Emmy Goering. El mayor Teich declaró que hubiera sido materialmente imposible para ella entregar objeto alguno al mariscal Goering, ya que en cada una de las visitas que le hizo, los separaba a ambos una mampara de cristal.

La Sra. de Goering se enteró del suicidio de su esposo por conducto de su doncella cuando se encontraba en su hogar de Naubaus, y al instante prorrumpió en sollozos. Al decir de algunos de sus vecinos, es evidente que no tenía conocimiento previo de las intenciones de suicidio del mariscal.

El mayor Teich trató igualmente de desmentir la versión de que uno de los guardias entregó a Goering el veneno a cambio de uno de sus famosos anillos, pues tanto éstos como sus demás alhajas se encuentran depositados en la caja fuerte de la prisión.

Trascendió que Goering intentó suicidarse hace tres meses con un afilado trozo de celuloide. Un oficial de la prisión dijo que Goering se ingenió para procurarse el celuloide de las piezas interiores de los micrófonos que utilizaba en la sala del tribunal.

Esta revelación echa por tierra la teoría de que Goering se hallaba en posesión del veneno desde hacía tiempo y da base a nuevas conjeturas acerca de cuánto tiempo antes de la fecha de la ejecución obtuvo el cianuro de potasio y de la persona que se lo proporcionó.

La noticia del suicidio y de las ejecuciones no tardó en llegar a conocimiento de los siete condenados a varios términos de prisión, que deberán purgar en la cárcel berlinesa de Spandau. Uno de los guardias manifestó que no hicieron comentarios al respecto, aunque se mostraron contentos de que Goering hubiera podido escapar al cadalso. Se tiene entendido que los condenados a prisión serán trasladados a Berlín en un día aun no determinado del próximo mes de noviembre.

## UN PSIQUIATRA FORMULA OPINIÓN SOBRE GOERING

**BERLIN**, 17 (INS). Por el Dr. Gustave Gilber, neuropsiquiatra de la cárcel de Nuremberg.—Durante un año he visto a Goering casi a diario y he hecho con él numerosas pruebas psicológicas. Su suicidio es la demostración definitiva de que los resultados de tales estudios eran correctos. El hecho de que lograra privarse de la vida no me sorprendió sino porque pensé que las medidas de seguridad adoptadas en la cárcel eran a prueba de suicidio.

Goering sentía en todo momento un gran terror por el patíbulo y deseaba hacer cuanto estuviera a su alcance para evitar esa clase de muerte. Precisamente recuerdo que Goering daba siempre la sensación de estar fraguando algún plan con los prisioneros de guerra alemanes que trabajaban en la prisión, bien cuando alguno de ellos entraba a limpiar su celda, mientras el barbero lo afeitaba, o cuando el sastre encargado de la plancha iba a recoger su ropa. La impresión que me producía era que trataba de catequizarlos de alguna manera. Ahora estoy convencido de que trataba de persuadirlos para que le llevasen algún veneno. También sostengo que el ex lugarteniente de Hitler guardaba en el tubo de la larga pipa bávara que tenía siempre consigo la pócima con que había de quitarse la vida.

No he sido la única persona consciente de que Goering era, en el fondo, un cobarde. En cierta ocasión, después de una sesión del proceso en la que Goering trató de hacer recaer sobre Hitler la responsabilidad de un acto delictuoso a fin de excusarse a sí mismo, von Papen se dirigió a él presa de gran ira y le dijo: "¿Por qué tratas de eludir tu responsabilidad? ¡Cobarde! ¡Tú sabes que eres culpable!". En otra oportunidad Albert Speer me manifestó: "Goering es un cobardón pintoresco, capaz de cualquier cosa por eludir su culpabilidad". Cuando en ocasión de hacerse pública una de las vistas de la causa surgía alguna prueba contra él, Goering se ingeniaba siempre para hacer algo teatral que distrajese a los jueces. Conocía bien los crímenes que se estaban cometiendo durante la guerra, pero se aficionó a los estupefacientes para evitar responder a su propia conciencia. Sin embargo, y no obstante toda su bravuconería, sentíase sobrecogido al pensar en el patíbulo. No ignoraba que su destino lo condenaba a terminar colgado de una soga, y sabía que ello ocurriría en un acto en el que su personalidad no habría de sobreponerse a la de los demás.

## TRUMAN CREE EN LA EFICACIA DEL JUICIO

**WASHINGTON**, 17. (UP).—El presidente Truman declaró que los veredictos de Nuremberg "quedarán en la historia como un faro para señalar a los bandoleros internacionales el destino que les espera". Esta opinión ha sido expresada en una carta dirigida al juez Robert Jackson, miembro de la Suprema Corte de Justicia, al aceptar su renuncia como principal abogado norteamericano en el Tribunal Militar Internacional que juzgó a los principales criminales de guerra nazis.

El Sr. Truman agrega que, por su parte, no vacila en declarar que el precedente histórico establecido en Nuremberg "justifica ampliamente los esfuerzos que demandó, prodigiosos como han sido". Dice también que "este precedente se torna fundamental en el derecho internacional del futuro. Los principios establecidos y los resultados logrados colocan el derecho internacional del lado de la paz y contra la guerra de agresión".

## LA CONDUCTA DE GOERING DESPERTÓ SIEMPRE RECELOS

### La última noche se lo vió dormido mientras los otros reos velaban

**NUREMBERG**, 17 (INS).—La visita de ocho corresponsales aliados a los reos que estaban en capilla la noche del martes en la cárcel de Nuremberg pudo muy bien haber inducido a Hermang Goering, ex mariscal del Reich, a ingerir el veneno que le permitió burlar la pena impuesta por la justicia militar aliada. Todos los periodistas comparten la opinión de que la conmoción causada por la visita de los mismos a la prisión, probablemente produjo el inesperado efecto de sugerirles a Goering y demás condenados que se acercaba la hora de su ejecución. Según los ocho corresponsales, su visita causó el natural revuelo entre los condenados a muerte, en razón de que eran escoltados por varios oficiales de seguridad y al pasar por el estrecho corredor ninguno pudo resistir a la tentación de asomarse por las mirillas de las puertas de cada celda.

Intuyendo su inminente fin, es posible que el mariscal Goering, aprovechando el descuido de su celoso guardia, haya tenido el tiempo suficiente para ingerir el cianuro guardado como reliquia desde su ingreso en el penal. Un instante antes, el corresponsal de INS pudo mirar por encima del hombro del centinela hacia el interior de la celda de Goering. Tendida a todo lo largo en la cama de hierro, estaba la figura corpulenta del hombre a quien los gobiernos aliados estaban ansiosos de ver encabezar la marcha de los reos hacia el patíbulo.

La celda de Goering fué la última hasta donde llegaron los corresponsales en su primer recorrido del pasillo. El representante de INS tuvo oportunidad entonces de observar cómo los reos se paseaban por sus celdas, con excepción de Goering, que se había acostado temprano, y en esos momentos aparentemente dormía. Sorprendido por ese detalle el corresponsal se apersonó al oficial de guardia, un joven teniente, a quien preguntó: "¿Está dormido?", a lo que contestó el militar encogiéndose de hombros: "Lo ignoro". Minutos más tarde, el coronel Selby Little, segundo comandante de la prisión, comunicó al corresponsal: "No hay que sorprenderse; es muy propio de Goering el dormirse precisamente en su última noche". A pesar de las explicaciones no pudo ocultar su preocupación por esa anomalía y así lo participó a sus colegas. Los corresponsales fueron conducidos a una pequeña habitación un tanto retirada de la celda de Goering y donde se guardaban las pertenencias de los prisioneros nazis. Después de concluida la visita, el comandante de la prisión, coronel Burton Andrus, manifestó a los periodistas que volvería a leer a cada reo la sentencia de muerte del tribunal. Esa sería la primera indicación oficial a los reos de su próximo fin en el patíbulo, el cual no era vislumbrado todavía por ellos. El coronel Andrus señaló al corresponsal de INS su deseo de acelerar los pasos conducentes a la ejecución de las sentencias, en virtud de que la visita de los corresponsales, así como la próxima lectura de las mismas sentencias, habrían de servir de indicio a los reos de lo inminente de su marcha hacia el patíbulo.

Aparentemente, al coronel Andrus no le entusiasmaba la visita de los corresponsales al penal la noche de la ejecución, pero éstos le habían solicitado desde días atrás el permiso, concedido finalmente por autorización del Consejo Aliado de Control.

Archivo Histórico
Ministerio de Relaciones Exteriores, Comercio Internacional y Culto
Argentina

Guerra 635 (2ª Parte)

"LA PRENSA" octubre 19 de 1946.-

# Revelóse que los Ex Dirigentes Nazis Tenían Varios Objetos en sus Celdas

## En distintas ocasiones fueron retirados por los funcionarios de la cárcel de Nuremberg

**Nuremberg**, octubre 18 (UP)—Los funcionarios encargados de la seguridad revelaron que en la celda del barón von Ribbentrop fué descubierta el 31 de enero una ampolla de vidrio. El guardián la retiró, pero no se indica si estaba vacía o contenía alguna sustancia.

Uno de dichos funcionarios manifestó que los acusados nazis trataban de coleccionar todo instrumento que pudiera servir para eliminarse por su propia mano, y la variedad de objetos descubiertos va desde los ganchitos para sujetar papel hasta trozos de cuerda.

La lista de los descubrimientos de esa naturaleza hechos en las revisiones diarias, demuestra que Goering había ocultado en el lugar destinado a los banquillos de los acusados, cerca de su asiento, un pedazo de metal perteneciente al auricular que utilizaba. El descubrimiento se hizo porque el auricular funcionaba mal. El trozo metálico en cuestión fué descubierto alrededor del 15 de abril. Diez días más tarde, los guardianes también retiraron el celuloide perteneciente al marco de un retrato de la esposa de Goering, que éste tenía en su celda.

Descubrióse igualmente que von Keitel, Jodl, Saukel, von Neurath, Doenitz y Schacht habían ocultado en sus celdas o carteras instrumentos capaces de servir para los mismos fines de autoeliminación. La lista va desde trozos de cuerda hasta pernos y tornillos grandes y otros trozos de metal, y comprende los siguientes objetos:

Schacht: febrero 2, un metro de cuerda y 10 ganchitos para sujetar papel. Keitel: enero 22, un alfiler de gancho; febrero 6, cuatro pernos y dos tornillos; abril 10, un instrumento de metal, de unos 25 centímetros, hallado en su cartera. Jodl: febrero 10, un pedazo de alambre de unos 15 centímetros, varios lápices pequeños y un sacapuntas roto. Doenitz: mayo 16, una cuerda hecha con cordones para zapatos. Von Neurath: mayo 1º, varios trozos de cordel y de toalla; mayo 30, un tornillo, y agosto 3, una cuchara.

Todos esos objetos fueron retirados como armas suicidas en potencia.

El 31 de marzo, se agrega, se notó la desaparición de una tijera y mientras se procedía a una revisión en su procura, se descubrió un trozo de alambre de unos 13 centímetros en la celda del ex feldmariscal Erhard Milch, que había prestado testimonio en favor de Goering Las tijeras fueron halladas luego en otra parte.

Los funcionarios no se explican cómo ni cuándo lograron los encausados proveerse de esos elementos prohibidos en la prisión.

## La Incineración de los Restos

**Nuremberg**, octubre 18 (UP) — La posibilidad de que los restos de los once criminales de guerra nazi ahorcados hubieran sido incinerados en el lugar donde se efectuaban las cremaciones mientras ellos se hallaban en el poder, fué descartada hoy por el jefe de la comisión de crímenes de guerra de Dachau, coronel Howard Breese.

En una comunicación telefónica con la United Press, dicho jefe dijo que el citado crematorio no ha sido utilizado desde la caída de Alemania. Agregó que, por otra parte, no está en condiciones de funcionar, pues está abierto al público para visitarlo.

## Ecos del Ahorcamiento

**Nuremberg**, octubre 18 (UP) — Anúnciase, sin confirmación, que los dos patíbulos utilizados en las ejecuciones de los criminales de guerra nazis fueron quemados, a fin de impedir que se tomaran como recuerdo partes de los mismos. La misma información dice que las cuerdas fueron también destruídas.

Interrogado un funcionario del servicio de seguridad de la prisión, dijo que no podía desmentir ni confirmar la versión.

## El Capellán de la Prisión se Negó a Administrar la Comunión a Goering

**Franckfort**, octubre 18 (UP) — El doctor G. M. Gilbert, psicólogo de la prisión de Nuremberg, dijo hoy que el día antes de su suicidio le fué negada la comunión a Hermann Goering. La decisión la tomó el mismo capellán, quien declaró no estar dispuesto a hacer "una representación teatral para Goering".

Al hablar con uno de los representantes de la prensa, el doctor Gilbert dijo que Goering nunca había expresado "el más mínimo arrepentimiento, ni un asomo de creencia en Dios". Agrega el psicólogo que el día antes de suicidarse solicitó al capellán que le diera la comunión y por primera vez manifestó un real interés en los ritos religiosos. El capellán se rehusó diciendo que no creía que Goering deseara realmente la comunión y que por ello no se la administró.

El doctor Gilbert —que visitó diariamente a Goering durante todo el año— dijo que en una oportunidad se hallaba con el ex jefe de las fuerzas aéreas nazis en momentos en que se iniciaba un servicio religioso, circunstancias en que le había dicho: "Mejor es que vaya a la capilla y rece. Dios sabe si un día no lo va a necesitar...", y que la contestación de Goering había sido cínica por demás: "Si voy a la capilla es porque es la única forma de salir de esta celda por media hora".

# Es Probable que no se Juzgue a Fritz Thyssen Como Criminal de Guerra

**Nuremberg**, octubre 18 (UP)—Un informante digno de crédito reveló que el magnate industrial alemán, Fritz Thyssen, que contribuyó financieramente a la campaña que llevó a Hitler al poder, y con quien rompió al estallar la guerra, eludirá ser juzgado como criminal de guerra.

Nuestro informante expresó que el caso de Thyssen es similar al del famoso economista y ex presidente del Reichsbank, doctor Hjalmar Schacht, absuelto por el tribunal internacional de todos los cargos formulados contra él.

Thyssen huyó de Alemania después de romper con los nazis en 1939 y escribió sus memorias en las que fustigó violentamente al régimen nacionalsocialista. En 1942 fué capturado por los alemanes en el sur de Francia al ser ocupada esa región por los ejércitos del Reich, pero sólo lo condenaron a prisión.

La misma persona dijo que son los británicos y no los norteamericanos quienes juzgarán al presunto heredero de los grandes establecimientos Krupp, Alfred Krupp von Bohlen und Halbach. El joven Krupp ocupará el banquillo de los acusados en reemplazo de su padre, a quien la comisión de médicos de las cuatro potencias dictaminó que no está en condiciones de afrontar el juicio.

Un grupo de abogados norteamericanos estuvo preparando el caso contra el joven Krupp durante todo el verano. Sin embargo, recientemente se decidió que deberá ser juzgado por los británicos por cuanto fué arrestado en su residencia de los establecimientos Krupp, en el Ruhr.

El procurador fiscal norteamericano, al protestar contra el pedido de Krupp de que se le exima del juicio, sostiene que "cuatro generaciones de la familia Krupp han sido propietarias y tenido en funcionamiento las grandes fábricas de armamentos y municiones que fueron la principal fuente de abastecimientos de guerra de los alemanes".

El acusador norteamericano ha calificado a la familia Krupp de "símbolo y beneficiaria de las fuerzas más siniestras dedicadas a amenazar la paz de Europa". Citó también un artículo escrito por Alfred Krupp en 1940, en el que se vanagloriaba de haber mantenido su establecimiento como fábrica de armamentos después de la primera guerra mundial "si bien en forma disimulada".

Finalmente, dice el acusador norteamericano, la familia Krupp contribuyó con millones de marcos al sostenimiento del partido nazi, y la acusa también de haber hecho trabajar y de dar malos tratos a 55.000 obreros extranjeros y 19.000 prisioneros de guerra en 1944.

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Argentina

MESA DE ENTRADAS Y EXPEDICIONES
RELACIONES EXTERNAS

MESA DE ENTRADAS Y EXPEDICIONES
14 OCT. 1947
RELACIONES EXTERIORES Y CULTO

CARLOS HONORIO FAAG
Baden-Baden
Langestr.43

Baden-Baden, 9 de Julio de 1947.

Excelentisimo Señor Ministro:

Adjunto a la presente, me permito enviarle cópia de una carta que he digigido hoy al Sr. Ministro d'Affaires étrangéres de Francia en Paris, rogando a V.E. tomar buena nota del contenido.

Ruego además a V.E. ordenar a quien corresponda, para que me sea acordado el apoyo necesario para obtener mi derecho, ya que de parte contraria se hace uso de toda clase de falsedades é informes de ésa naturaleza, para rechazar mi justa demanda de rehabilitación.

Sin otro particular por el momento, me es muy grato saludar a V.E. muy atentamente.

S. S. S.

MINISTERIO DE RELACIONES EXTERIORES Y CULTO
DEPARTAMENTO DE RELACIONES EXTERNAS
14 OCT 47
LETRA 389 No. 305

Al Excmo. Sr. Ministro
de Relaciones Exteriores y Culto
de la Republica Argentina

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Argentina

Buenos Aires, 21 de octubre de 1947.

Téngase presente.

PASCUAL LA ROSA
DIRECTOR DEL DEPARTAMENTO DE RELACIONES EXTERNAS

MINISTERIO DE RELACIONES EXTERIORES y CULTO
21 OCT. 1947
Departamento de Relaciones Externas

Archivo Histórico
Ministerio de Relaciones Exteriores, Comercio Internacional y Culto
Argentina

# Se Está Indagando a Muchas Personas Sobre el Suicidio del Mariscal Goering

## Varios corresponsales pudieron realizar ayer una amplia visita a la prisión de Nuremberg

**Nuremberg**, octubre 18 (UP) — Ahóndase el misterio del suicidio de Hermann Goering con la desautorización hecha por dos altos funcionarios norteamericanos de la prisión local de la noticia de que el cuerpo del extinto jerarca nazi presentaba una herida, y de que la cápsula que contenía el tóxico pudo haber sido ocultada bajo la piel del abdomen del suicida.

Los desmentidos fueron hechos por el médico de la cárcel, doctor Charles Roska, y el comandante de la prisión, coronel Burton C. Andrus. El doctor Roska declaró que se había examinado con toda minuciosidad el cuerpo de Goering sin que se encontrara el menor rasguño. El coronel Andrus corroboró las palabras del facultativo norteamericano.

El actual estado de las investigaciones que se practican para develar el misterio del suicidio puede resumirse en la siguiente forma: 1º La celda número 5, que ocupaba Goering está cerrada y bajo custodia permanente del servicio de seguridad de la cárcel. Los periodistas pudieron inspeccionar esa celda hoy por primera vez; 2º Los investigadores indudablemente están indagando a muchas personas, pero no se ha arrestado a la esposa del suicida Emmy Goering, ni al abogado defensor de éste, Arthur Stahmel, y 3º Los médicos oficiales no responden con amplitud a las preguntas de cómo se registraba a Goering y a los demás prisioneros.

### Manifestaciones del médico de la cárcel

El doctor Roska manifestó al corresponsal de la United Press que los facultativos de la cárcel habían redactado un informe que fué elevado a la junta investigadora y que tenían prohibido hacer más declaraciones sobre el suicidio de Goering hasta tanto la junta, a su vez, pueda dar cuenta de sus actividades a los cuatro generales aliados que presenciaron las ejecuciones. Debido a ello el doctor Roska, que atendió los servicios médicos de los condenados junto con otro profesional norteamericano y uno alemán, no pudo responder a las preguntas sobre detalles observados durante las inspecciones de rutina que se han hecho a los prisioneros.

Empero, el doctor Roska expresó que había examinado el cuerpo de Goering y que no había hallado ni el menor rastro de herida o rasguño en la piel del suicida, tal como se había expresado en ciertas esferas a la United Press. Al preguntársele al médico si era posible o factible que Goering pudiera ocultar bajo la piel o en otra cavidad del cuerpo la cápsula de tóxico, se excusó de responder a la pregunta diciendo que para contestarla debía solicitar el permiso del comandante de la prisión, coronel Andrus.

Este último funcionario, por su parte, declaró al corresponsal de la United Press que Goering no tenía herida alguna en el abdomen que él supiese, pero que no había examinado minuciosamente el cuerpo del muerto.

### Las medidas de seguridad adoptadas

Momentos más tarde, y cuando los corresponsales, acompañados del coronel Andrus, examinaban la sala de visitas de la cárcel donde los prisioneros eran trasladados para conversar con sus parientes y abogados, el comandante expresó que creía imposible que la cápsula con el veneno la hubiera conseguido Goering en esa dependencia, dadas las precauciones que se habían adoptado.

Destacó que un centinela se encontraba con los prisioneros constantemente, mientras que los abogados eran revisados y no se les permitía llevar consigo el sobretodo al locutorio durante las visitas. "Se realizaba —dijo — una revisión razonable a los visitantes". Agregó que uno de los abogados se había mostrado furioso al obligársele a dejar una botellita que contenía píldoras, que eran de su uso personal y para mitigar sus padecimientos. Los parientes que entraban a visitar a los prisioneros eran también vigilados por un guardia que permanecía constantemente en el locutorio observando que no se acercaran a los vidrios ni al tupido enrejado que separaba a los detenidos. Añadió que a las mujeres no se les revisaba, aun cuando se les obligaba a dejar carteras y tapados antes de entrar en esa dependencia.

Dijo finalmente que no le había sido posible asignar guardias que hablasen alemán durante esas entrevistas, por cuanto ello constituía una violación del secreto a que tenían derecho los abogados y sus clientes.

### Visita a la prisión

El corresponsal de la United Press, junto con otros nueve corresponsales y un fotógrafo del ejército soviético, visitaron el bloque de celdas donde los 21 jerarcas nazis estuvieron detenidos durante el juicio y donde Hess y otros 6 sobrevivientes se encuentran aún alojados en celdas, que recorren nerviosamente, llevando ahora números en vez de nombres.

Se pasó luego al gimnasio, lugar donde se ejecutó a los reos. Reinaba allí frialdad y vacío; notábase un fuerte olor a desinfectante y los pisos de madera habían sido lavados, dejándoselos blancos. Podían verse algunas manchas en el piso, a pesar del cuidadoso lavado de que había sido objeto, pero el oficial de la prisión que nos acompañaba, capitán Roberto Starnes, afirmó en forma rotunda que se trataba de manchas de aceite..

Fuera de las manchas, el fuerte olor a desinfectante, y el lavado de los pisos nada queda que recuerde la muerte de los condenados en este pequeño gimnasio.

Pero en el bloque "C", en el ala Este de la prisión, en un depósito, quedan trágicos recuerdos de los ejecutados; tiradores, zapatos, ropa interior, todo ha sido ordenadamente separado y marcado con etiquetas.

Se entra a la prisión por un pasaje cubierto que el coronel Andrus explicó había saido construido para evitar daños o embarazo a los prisioneros que llegan del exterior. Contra las paredes de la prisión existen bolsas de arena con aberturas para ametralladoras, y entre estas paredes una puerta de hierro que da al patio de la prisión. El pasaje continúa a través del patio de la prisión, impidiendo que los prisioneros puedan acercarse a los lugares dañados por bombardeos, donde podrían hallar bastante material para quitarse la vida. Pero a la izquierda de este pasaje existe una abertura que sirve de entrada a un rectángulo de 50 por 25 metros donde los prisioneros hacían sus ejercicios, con órdenes estrictas de no hablar entre sí o cambiarse señales, o acercarse entre sí a menos de 12 pasos, o de inclinarse para recoger objeto alguno del suelo. El patio en cuestión era barrido a menudo.

En agosto de 1945 la prisión de Nuremberg se tomó para alojar a los principales criminales de guerra nazis. Se encontraban allí entonces unos 800 prisioneros de guerra de las fuerzas S S que reparaban los daños causados por los bombardeos en los techos del edificio del tribunal. Reveló el coronel Andrus que uno de estos prisioneros, en una oportunidad, había arrojado un puñal de los utilizados por las tropas paracaidistas a un grupo de prisioneros y centinelas que se dirigía desde el edificio del tribunal a la prisión. A raíz de ello se edificó el corredor o pasaje, tomándose medidas precaucionales contra los prisioneros de las S S, hasta que un guardián, en una oportunidad se vió obligado a hacer fuego hacia las ventanas donde se asomaban los S S. Desde entonces los prisioneros de las S S no aparecieron más en esas ventanas.

### Los nazis condenados a prisión

Mientras los periodistas recorrían la distancia hacia el bloque de celdas del ala "C" de la prisión, el coronel Andrus expresó que los cuatro generales que fiscalizaron las ejecuciones y los siete prisioneros del grupo de condenados que esperan ser trasladados a otra cárcel para cumplir los términos de las sentencias, habían convenido que los periodistas no habrían de verlos, o tratar de mirar por las mirillas a los que se encuentran en las celdas, y que en caso de que vieran a alguno de éstos, no debían fijar su atención sobre los mismos.

Agregó el funcionario norteamericano que vestían esos prisioneros los uniformes de condenados, y que llevaban el correspondiente número de identificación, por el que se les reconocía en vez del nombre, pero una rápida mirada al prisionero von Neurath pareció demostrar que éste vestía sus ropas de siempre, mientras que sentado observaba al exterior por la mirilla de su celda. Sobre cada celda ocupada por estos prisioneros, separadas entre sí por otras cuatro celdas vacías, existe en la actualidad un número que identifica a los prisioneros, donde antes había colocado un nombre. Hess ocupa la celda que lleva el número 13, mientras que la celda número 5, que era la ocupada por Goering, está cerrada con llave, así como lo están las demás celdas que ocuparon los ahorcados. En la celda de Goering hay guardia permanente durante todo el día y la noche, y un solo hombre, que se presume es el brigadier general Ray V. Rickard, tiene la llave de la misma.

### Reducción en el servicio de centinelas

Las autoridades de la prisión han reducido la cantidad de centinelas en servicio en las galerías de celdas. En vez de un centinela de vista por celda, que constantemente observaba el interior de éstas a través de la mirilla, existe ahora en forma normal un solo guardia por piso de galería, quien pasea frente a las celdas lentamente, dando un vistazo al interior de las mismas.

El coronel Andrus llevó luego a los periodistas hasta el depósito de la cárcel, repleto de correajes para servicios especiales de guardia, cascos pintados y linternas de nafta, de las que se mantienen en existencia 80 para el caso de que falle el servicio eléctrico de la prisión o los dinamos de emergencia accionados a motor de que dispone la cárcel.

En esos instantes acertó a pasar el verdugo, sargento mayor John C. Woods, quien llevaba colocado en su hombro izquierdo el brillante distintivo del Tribunal Militar Internacional, y que al notar la presencia de los periodistas se apresuró a saludar y acelerar el paso, mientras que éstos le observaban, aunque sin decir una palabra. Se dirigió hasta la puerta de salida del bloque de celdas, firmó su salida y partió.

### Los empleados alemanes de la cárcel

Los empleados de origen alemán que trabajan en el ala de la prisión que corresponde al bloque de celdas "C", donde Goering se suicidó, manifestaron a los periodistas visitantes que se les había permitido salir de la cárcel de Nuremberg por primera vez el 6 del corriente. Estos empleados han acompañado al coronel Burton C. Andrus hasta esta ciudad desde Mondorf Luxemburgo, para cambiar su estado de prisioneros de guerra por el de trabajadores voluntarios contratados, aunque confinados. Agregan que desde entonces pueden salir diariamente. Se tenía entendido que ninguno de los 21 empleados alemanes podía dejar la prisión.

Archivo Histórico
Ministerio de Relaciones Exteriores, Comercio Internacional y Culto
Argentina

Guerra 635 (2a Parte)

"LA NACION" octubre 19 de 1946.-

# POR QUÉ CREMARON LOS CADÁVERES DE LOS 11 REOS NAZIS

## El Consejo Aliado de Control dió una explicación al respecto

**NUREMBERG, 18 (AP).**—Un informante responsable declaró que el Consejo Aliado de Control rechazó la propuesta de que fueran examinados los cerebros de los nazis ejecutados, con propósitos científicos, luego de larga y fuerte discusión. La decisión de cremar a los criminales ahorcados, así como al suicida Goering, fué tomada muy recientemente. El jueves pasado —cinco días antes de las ejecuciones— las autoridades de Nuremberg estaban listas para llevar a cabo las ceremonias ordinarias de sepultura, aunque éstas fueran absolutamente secretas.

El debate entre las cuatro potencias, tal como aquí se informa, giraba en torno a dos cuestiones principales: la primera, cuántas críticas recaerían sobre las autoridades aliadas por cremar a cinco católicos, como se hizo. La segunda, qué era mejor, mantener al mundo en la obscuridad con respecto al destino eventual de los cadáveres, o hacer imposible la intervención de nadie en cuanto a ese destino. Esta última manera de pensar prevaleció al correr de la discusión: mientras los cadáveres estuviesen enterrados en algún lugar, siempre habría fanáticos buscándolos, ya fuera con propósitos de glorificación o de profanación. Con la cremación no podía caber duda: no podría repetirse un incidente de la índole del que ocurrió cuando el cuerpo de Mussolini fué exhumado por los fascistas.

Tres días antes de las ejecuciones las autoridades de la prisión manifestaron que el destino de los cadáveres no se haría nunca público. Entretanto, las potencias aliadas cambiaron su parecer y decidieron que sería mejor para todos los interesados que la cremación se realizara en el más profundo secreto, pero que se anunciaría a todo el mundo la consumación del hecho.

### La confusión de las noticias

**NUREMBERG, 18 (INS).** — Sólo hoy es posible revelar que la confusión mundial que se produjo en la prensa y la radio respecto de las ejecuciones de los dirigentes alemanes se debió a la retención de las noticias sobre el suicidio de Hermann Goering durante más de siete horas. El hecho de que no se haya permitido anunciar que Goering se había envenenado hasta después de tener la prensa y la radio informaciones de que las ejecuciones se habían verificado, llevó a que se anunciase que once en vez de diez fueron los ajusticiados en el patíbulo de la cárcel de Nuremberg.

### Goering dejó tres cartas

**NUREMBERG, 18 (AP).** — La comisión del Consejo Aliado de Control que dirigió las ejecuciones de los ex jefes nazis tiene ya en su poder la traducción de las tres notas que dejó Goering en su celda al suicidarse. El grupo de cuatro hombres que actúa en nombre del Consejo Aliado es inaccesible y no ha podido obtenerse ni una palabra del contenido de las notas del condenado. Una de ellas, por lo que se sabe, estaba dirigida específicamente al comandante de la prisión, coronel B. C. Andrus. Inmediatamente que se supo esto comenzó a conjeturarse que Goering, en una última burla, pudo haber revelado la hábil manera en que consiguió el veneno y la forma en que lo ocultó hasta que llegó el momento de suicidarse.

### Se anuncia una solución del misterio del suicidio de Goering

**NUREMBERG, 18 (INS).**—Una solución sensacional del misterio del suicidio de Goering fué vaticinada esta noche por dos de los generales aliados miembros de la comisión cuatripartita que dirigió la ejecución de los jefes nazis. Estos dos generales, cuyos nombres no pueden revelarse, nos declararon que la junta militar, nombrada para investigar cómo Goering obtuvo la cápsula de veneno, se encuentra sobre la pista de lo que puede producir una revelación sensacional. Ambos generales expresaron que el comunicado sobre los resultados de la investigación probablemente se dará a conocer dentro de pocos días, y que el mismo exime de toda culpa a las fuerzas de seguridad norteamericanas en relación con el suicidio.

Uno de los generales afirmó: "La junta investigadora militar norteamericana ha descubierto circunstancias muy peculiares sobre el extraño suicidio. No puedo por el momento revelar lo que se ha descubierto, pero debe recordarse que estos jefes nazis habían estado preparándose por largo tiempo— probablemente hasta cinco años— para la posibilidad de que tuvieran necesidad de quitarse la vida rápida y secretamente".

Si los investigadores oficiales han descubierto el origen del veneno, se lo mantienen bien callado hasta el momento. Todos se han limitado a decir que no se habían practicado arrestos.

### Prisioneros alemanes servían a los reos en Nuremberg

**NUREMBERG, 18 (INS).**—Los corresponsales aliados se enteraron hoy de que prisioneros de guerra alemanes entregaban a los condenados las viandas que las eran servidas y dentro de las cuales podían esconder fácilmente pomos de veneno como el que utilizó el ex mariscal del Reich para suicidarse.

El comandante de la cárcel, coronel Burton Andrus, encabezó la inspección practicada hoy, en el curso de la cual se averiguó que las medidas de seguridad puestas en práctica en la penitenciaría no eran, por cierto, muy impresionantes.

Archivo Histórico
Ministerio de Relaciones Exteriores, Comercio Internacional y Culto
Argentina

Guerra 635/22 Parte

"LA PRENSA"

Buenos Aires, 20 de octubre de 1946.-

# Espérase de un Momento A Otro un Informe Acerca Del Suicidio de Goering

**Nuremberg**, octubre 19 (UP) — Esta noche o mañana se espera el informe final del laboratorio del ejército estadounidense sobre la pieza, cuya naturaleza se desconoce, para completar el dictamen oficial del extraño suicidio de Goering.

Las autoridades de la prisión han declinado revelar la naturaleza del informe, pero se indica que no estará en condiciones de ser dado a la publicidad hasta el próximo martes.

Las autoridades indican que la investigación no ha determinado aún oficialmente la causa de la muerte, pero se tiene la casi absoluta certeza de que el veneno fué cianuro de potasio, por lo cual el informe del laboratorio será una mera formalidad. Los siete condenados a prisión llevan ahora el uniforme de presidiarios, con un número en la espalda, y "el mínimo de comodidades en las celdas, las cuales serán mejoradas a medida que demuestren buena conducta". Funk no está en el hospital, sino que sigue en la cárcel.

Las autoridades informaron que, en vista del suicidio de Goering se recibió la orden de llevar a los condenados a muerte esposados o maniatados, explicándoseles a éstos la causa de esa decisión. Por lo que se refiere a los siete reos, ya saben el suicidio de Goering, aunque no se les ha informado oficialmente.

Se confirmó que las precauciones adoptadas con respecto a los presidiarios han sido reducidas.

Se sabe que von Papen ha solicitado de las autoridades norteamericanas que le permitan vivir en un departamento de esta ciudad, bajo custodia, porque está cansado de esperar en la cárcel la respuesta a su pedido a las autoridades británicas para entrar en esa zona.

## Declaración de Fritsche

**Francfort**, octubre 19 (Reuter)—Hans Fritsche, uno de los tres dirigentes nazis absueltos por el Tribunal Internacional de Crímenes de Guerra en Nuremberg, reveló hoy en el curso de una entrevista, que durante el juicio, llevó siempre en su persona un trozo de vidrio cuidadosamente afilado "para el caso de que mis nervios cedieran y no pudieran soportar más".

Agregó que estaba convencido de que nadie entregó a Hermann Goering el veneno con el que se suicidó antes de ir a la horca. "Lo llevó encima en todo momento", afirmó. "Himmler, el jefe de la Gestapo que también se suicidó inciriendo veneno, llevaba un tubito lleno de cianuro en un dispositivo especial entre sus dientes, de manera que no tenía más que morderlo para que el veneno se esparciera por su boca".

## Declaración del General Clay

**Berlín**, octubre 19 (UP) — El teniente general Lucius Clay, vicegobernador militar norteamericano, manifestó hoy que "creía" que el consejo de "control" aliado discutirá el suicidio de Goering. Dice no tener conocimiento de las informaciones de Nuremberg según las cuales las tres notas dejadas por Goering, dirigidas al comandante militar de la prisión, coronel Andrus, se encuentran ya en poder del consejo.

Cree que si el asunto de esas notas se plantea ante el consejo, su discusión se haría durante la citada reunión del lunes. También es posible que se lleve ante el mismo organismo el informe sobre la investigación relacionada con el suicidio de aquel ex jerarca nazi.

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Argentina

Guerra 635 [2ª parte]

"LA NACION"

Buenos Aires, 21 de octubre de 1946.-

## LA INVESTIGACIÓN DEL SUICIDIO DE GOERING

NUREMBERG, 20 (INS.).—Se espera que el martes próximo quede resuelto el misterio que envuelve el suicidio de Hermann Goering, al darse a conocer ese día el informe que ya ha recibido la Comisión de Control Aliada.

Según los miembros de la comisión, han sido resueltos los puntos obscuros de este hecho, y la información que se suministre causará una verdadera sorpresa a todos.

Se ha sabido que mientras tanto, los siete reos condenados a prisión por el tribunal de Nuremberg han sido sometidos a un examen físico especial, cuyos resultados se mantienen en secreto.

### Juzgarán a O. G. Thierack

NUREMBERG, 20 (AP).—El hombre de mayor responsabilidad por la condena a muerte impuesta a unos 100 alemanes como consecuencia del último atentado contra Hitler, en que se quiso dar muerte al Fuhrer con una bomba, será juzgado en Nuremberg, probablemente en diciembre. Se trata del Dr. Otto George Thierack, ministro de Justicia del Reich en aquel entonces, quien fué sometido recientemente a un largo interrogatorio como preliminar de su proceso como criminal de guerra.

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Ministerio de Relaciones Exteriores, Comercio Internacional y Culto
Argentina

Guerra 635 f. 1 a 10

"LA PRENSA"

Buenos Aires, 21 de octubre de 1946.-

# Mañana Serán Reanudadas Las Investigaciones Sobre El Suicidio de H. Goering

**Nuremberg**, octubre 20 (UP)—La investigación acerca del suicidio de Herman Goering se ha suspendido hasta el martes, día en que se cree que la comisión cuatripartita que asistiera a las ejecuciones recibirá el informe del laboratoro de Francfort.

La atención general se dirige ahora a Berlín, donde el consejo de "control" aliado verá mañana las fotografías de los once nazis muertos y decidirá si se darán a la publicidad. El citado organismo recibirá también el informe oficial acerca de las ejecuciones.

El comandante de la prisión de Nuremberg, coronel Burton C. Andrus declaró que no cree que la comisión se reúna antes del martes por la noche, una vez que la junta investigadora haya estudiado el informe de Francfort. Por otra parte, manifestó que hoy ha sido un día tranquilo y normal en la prisión.

Es probable que el Consejo de "control" en Berlín tenga algo que decir mañana acerca de las tres notas que Goering dejó antes de suicidarse. Se tiene entendido que las notas salieron de Nuremberg el sábado al mediodía, pero no han llegado aún a Berlín. El consejo no tendrá para mañana un informe completo acerca del suicidio del criminal de guerra nazi, pero se considera posible que tenga un informe preliminar sobre la manera cómo obtuvo el veneno o dónde lo escondió.

En cuanto se refiere a las fotografías de los condenados se destaca en algunos círculos que la caída reducida de los cuerpos ha determinado en ciertos casos, tales como los de Sauckel y Streicher, que la muerte se produjera por asfixia, quedando los rostros tan congestionados y hasta desfigurados que las fotografías serían demasiado horribles para su publicación. Es posible también que el consejo arroje mayor luz acerca del lugar en que se cremaron sus cuerpos y en que las cenizas fueron "dispersadas secretamente".

Archivo Histórico
Ministerio de Relaciones Exteriores, Comercio Internacional y Culto
Argentina

Política

EMBAJADA
DE LA
REPÚBLICA ARGENTINA
ANTE LA SANTA SEDE
R.E.-nº 264

Roma, octubre 21 de 1946.

Fuera 635

MESA DE ENTRADAS Y EXPEDICIONES
ASUNTOS POLÍTICOS

MINISTERIO DE RELACIONES EXTERIORES Y CULTO
30 OCT 46
LETRA E No. 160
Dirección General de Asuntos Políticos

MESA DE ENTRADAS Y EXPEDICIONES
30 OCT. 1946
MINISTERIO de RELACIONES EXTERIORES y CULTO

Señor Ministro:

La incineración de los cadáveres de los ajusticiados de Nuremberg, provoca una reacción de L'Osservatore Romano que escribe: "Si se quiere evitar la repetición de lo que acaeció en circunstancias semejantes, se habría podido amortajar los cuerpos en el mar, después de haberlos transportado en avión, lo cual no hubiera dejado ninguna huella... La comisión aliada que ha decidido la incineración no percibió las críticas que podrían ser formuladas respecto a ese acto, no solamente en lo que concierne a los cinco católicos cuyas voluntades se violaban conforme a su fe, pero a todos los que no han declarado explícitamente querer faltar a los principios cristianos de la inhumación".

Saludo al señor Ministro con las seguridades de mi más alta y distinguida consideración.

Federico Quintana

FICHADO

//nos Aires, Octubre 31 de 1946.

Acúsese recibo.

PASCUAL LA ROSA
DIRECTOR GENERAL DE ASUNTOS POLITICOS

MINISTERIO DE RELACIONES EXTERIORES
4 de NOV. 1946
Dirección General Asuntos Políticos

A S.E. el señor doctor don Juan Atilio Bramuglia,
Ministro de Relaciones Exteriores y Culto.

Buenos Aires

Archivo Histórico
Ministerio de Relaciones Exteriores, Comercio Internacional y Culto
Argentina

Buenos Aires, Octubre 31 de 1946.-

D. R. E.

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Señor Encargado de Negocios:

Tengo el agrado de dirigirme a V.S. con el objeto de acusar recibo de la nota N°264, de fecha 21 del corriente mes, transcribiendo el comentario que ha merecido, por parte de "L'Osservatore Romano", la incineración de los cadáveres de los ajusticiados en Nuremberg.-

Con tal motivo, hago propicia la oportunidad para reiterar a V.S. las expresiones de mi más alta consideración.-

PASCUAL LA ROSA
DIRECTOR GENERAL DE ASUNTOS POLITICOS

MINISTERIO DE RELACIONES EXTERIORES
NOV. 1946
Dirección General Asuntos Políticos

A S.S. el señor D. Federico Quintana,
Encargado de Negocios a.i. de la República
ante la Santa Sede.-

Archivo Histórico
Ministerio de Relaciones Exteriores, Comercio Internacional y Culto
Argentina

"LA PRENSA"

Buenos Aires, 22 de octubre de 1946.-

Buenos 635

# Daríase por Terminada la Investigación Relacionada Con el Suicidio de Goering

**Nuremberg**, octubre 21 (UP)—Salvo un análisis de laboratorio, que se espera recibir mañana de Francfort, parece estar terminada la investigación que sobre el suicidio de Herman Goering realiza una junta de tres personas.

El coronel Burton C. Andrus, comandante de la prisión local, dejó entrever en una conferencia de prensa, que la comisión investigadora había concluido su labor. Manifestó también que no está en condiciones de indicar la naturaleza del análisis de laboratorio que se está realizando. Añadió, que la celda donde Goering se suicidó ingiriendo cianuro, permanece sellada, porque la comisión de las cuatro potencias que fiscalizó las ejecuciones, ordenó que no se toquen los enseres que pertenecieron al extinto ex jerarca nazi. Sus miembros visitaron la celda varias veces.

Dice Andrus que Rudolf Hess da muestras de una memoria despejada, y que parece hacer gala de ella. Se recordará que los psiquiatras de la prisión habían declarado durante la vista del proceso, que aunque Hess era un hombre mentalmente sano, desde el punto de vista legal, sufría de amnesia casi total. Habían dicho también a ese respecto, que el acusado no podía recordar siquiera a Hitler o la guerra, "salvo bajo el efecto de algún "shock" repentino".

Manifestó también que Hess denota buen humor y que presumiblemente sigue trazando sus planes para el cuarto Reich, "pues con la muerte de Goering, se ha convertido en el prisionero nazi número uno".

En respuesta a una pregunta que se le formulara sobre la solicitud de Franz von Papen de entrar en la zona británica de Alemania, Andrus dijo que el asunto constituía un problema legal. Si bien una de las residencias de von Papen —dijo— se encuentra en la zona británica, su detención la realizaron los norteamericanos y nunca, al menos que él sepa, estuvo bajo custodia de los británicos.

Archivo Histórico
Ministerio de Relaciones Exteriores, Comercio Internacional y Culto
Argentina

Guerra 635

"LA NACION"

Buenos Aires, 22 de octubre de 1946.-

## CONTRA ALGUNOS FALLOS DE NUREMBERG PROTESTA UNA ENTIDAD AUSTRÍACA

La Asociación Austria Libre, de esta capital, ha dado a publicidad una declaración en la que protesta contra la absolución de von Papen y Schacht, por el tribunal de Nuremberg y contra el castigo impuesto a Baldur von Schirach, al que considera poco severo. Destaca la responsabilidad que corresponde al primero de los citados al intervenir activamente en la conspiración para provocar la anexión de Austria al Reich, y señala que Schirach, como "gauleiter" de Viena, no es extraño al sacrificio de miles de patriotas austríacos que lucharon por la libertad de su patria. En cuanto a Schacht, refiérese a su intervención en el apoderamiento de las divisas del Banco Nacional de Austria para facilitar la continuación del rearme nazi y la preparación de la guerra de agresión.

La misma entidad se solidariza con la actitud del gobierno austríaco al solicitar la entrega de los tres dirigentes alemanes citados para ser juzgados por el pueblo de Austria, y pone de relieve lo que a su juicio constituye un grave peligro para los pueblos vecinos de Alemania: la absolución de toda responsabilidad del gabinete alemán y del estado mayor del Reich.

Archivo Histórico
Ministerio de Relaciones Exteriores, Comercio Internacional y Culto
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Guerra 635

"LA PRENSA"

Buenos Aires, 22 de octubre de 1946.-

## Proceso a un Ex Fotógrafo Nazi

**Nuremberg**, octubre 21 (UP) — La junta de desnacificación de Nuremberg, anunció que instituirá una audiencia de desnazificación contra Heinrich Hoffman, ex fotógrafo principal de la Alemania nazi, que gozaba del derecho exclusivo de fotografiar a Hitler.

Hoffman estuvo hasta ahora empleado por el cuerpo de acusadores del tribunal de Nuremberg, con el fin de ayudar a identificar a las personas que figuran en la voluminosa cantidad de fotografías que fueron examinadas. Ahora ha quedado libre de esa tarea pero sin el proceso de desnazificación no le será posible ocupar ningún empleo alemán que no sea un trabajo servil.

Es probable que trascurran tres meses antes de que su caso sea llevado al tribunal de desnazificación, debido a la gran cantidad de audiencias que tiene a consideración.

Archivo Histórico
Ministerio de Relaciones Exteriores, Comercio Internacional y Culto
Argentina

Buena 635

"LA NACION"

Buenos Aires, 23 de octubre de 1946.-

**Las fotografías de Nuremberg**

**BERLIN**, 22 (AP).—El secretario del Consejo Aliado de Control anunció que mañana serán entregadas en esta ciudad a los representantes de la prensa mundial las fotografías oficiales de los cadáveres de los nazis ajusticiados en Nuremberg. Habrá una copia de cada cadáver, inclusive el de Goering, tendido en su ataúd. No se darán fotografías de los ajusticiamientos.

Archivo Histórico
Ministerio de Relaciones Exteriores, Comercio Internacional y Culto
Argentina

Guerra 635

LA PRENSA, octubre 24 de 1946.-

## Serán Juzgados en Nuremberg Tres Altos Jefes Militares Alemanes

**Francfort**, octubre 23 (Reuter) — El general Heinz Guderian, ex jefe del estado mayor general alemán, el mariscal Erhard Milch, ex subsecretario alemán de Aviación, y el general de la Luftwaffe, Karl Heinrich Bodenschatz, figuran entre las personas que están detenidas actualmente en la cárcel de Nuremberg, y que serán sometidas a juicio, ahora que ha finalizado el de los principales criminales de guerra nazis, según anunció hoy el servicio informativo norteamericano en Alemania.

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Ministerio de Relaciones Exteriores, Comercio Internacional y Culto
Argentina

"LA NACION"

Guerra 635

Buenos Aires, 25 de octubre de 1946.-

# ESPÉRASE PARA EN BREVE EL INFORME SOBRE H. GOERING

NUREMBERG, 24 (INS). — Una nueva reunión sostuvieron los miembros de la comisión designada por el Consejo Aliado de Control que tiene a su cargo pronunciarse sobre los resultados de la investigación practicada con relación al suicidio de Hermann Goering.

Un alto oficial del ejército norteamericano expresó al respecto que la comisión ha concretado ya su criterio y que probablemente dará pronto un comunicado explicando la forma en que Goering obtuvo el cianuro con que eludió el cadalso.

## Los próximos procesos

NUREMBERG, 24 (INS).—Los procesos contra los principales reos nazis que no fueron juzgados por el tribunal aliado de Nuremberg comenzarán el próximo mes en la zona norteamericana de ocupación en Alemania, según lo ha anunciado el gobernador militar de dicha zona.

Los primeros juicios de los 23 médicos alemanes acusados de crímenes de guerra se celebrarán en la misma sala donde se condenó a la horca a Goering y a sus colegas nazis, según la misma información. Los cuatro jueces ante los cuales se ventilará la causa contra los médicos alemanes han llegado ya a Nuremberg por vía aérea. Estos mismos jueces, constituidos en nuevo tribunal, dictaminarán en el caso de otros acusados de delitos de guerra.

Archivo Histórico
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Argentina

Guerra 635

"LA NACION"

Buenos Aires, octubre 26 de 1946.

**El suicidio de Goering**

NUREMBERG, 25 (INS).—Un funcionario del ejército norteamericano declaró que las pruebas de laboratorio parecen corroborar la presunción de que Herman Goering mantuvo oculta en una escisión practicada en la región umbilical la cápsula de veneno con que se quitó la vida en la cárcel de esta ciudad.

Archivo Histórico
Ministerio de Relaciones Exteriores, Comercio Internacional y Culto
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Guerra 635

"LA PRENSA"

Buenos Aires, octubre 27 de 1946.

# Publícose un Comunicado Oficial Relacionado con El Suicidio de Goering

**Nuremberg**, octubre 26 (UP)—La comisión investigadora de las cuatro potencias, a cuyo cargo estuvo la ejecución de los jerarcas nazis condenados por crímenes de guerra, anunció esta tarde que de las investigaciones prácticadas queda demostrado que el suicidio del ex mariscal del tercer Reich, Hermann Goering, obedeció a la ingestión de una sustancia tóxica que el detenido tuvo en su posesión desde el momento en que se le detuvo, casi a fines de la guerra.

La comisión anunció el resultado de sus indagaciones a las 17.20 de hoy.

Asistieron a una conferencia con los periodistas el general Paton Walsh, miembro británico de los cuatro grandes, y el general Pierre Morel, presidente de la Comisión. Esta conferencia se realizó inmediatamente después de darse a conocer el anuncio oficial. El general Walsh manifestó a los periodistas que la comisión tiene en su poder los resultados de los análisis de laboratorio y exámenes médicos, así como las pericias practicadas por otros técnicos. Manifestó que el veneno estuvo en un "recipiente común tal como el utilizado por todos los altos jerarcas del nazismo", que media 18 milémetros de largo y contenía aproximadamente un centímetro cúbico de líquido. Añadió que no se extendería en comentarios sobre cómo el ex mariscal del Reich podía haber ocultado la pequeña cápsula conteniendo el tóxico.

Respecto a las cartas que dejara Goering, éstas, manifestó el general Walsh, se encuentran en poder del Consejo de "Control" aliado en Berlín, y cualquier "posible anuncio concerniente al texto de las mismas" tendría que proceder de esas autoridades.

El texto del comunicado expedido por la Comisión expresa que se llegó a la conclusión de que Goering tenía en su poder el tóxico al ser aprehendido y lo mantuvo hasta que lo utilizó la noche del 15 de octubre de 1946, ocultándolo en su cuerpo y en un lugar de la celda. Que las medidas de seguridad adoptadas fueron las adecuadas y se llevaron a efecto en forma satisfactoria, y que no se puede culpar de incumplimiento de sus deberes a los centinelas en servicio ni a los demás guardianes de la prisión pertenecientes al ejército de Estados Unidos ni a los trabajadores alemanes en la prisión.

Archivo Histórico
Ministerio de Relaciones Exteriores, Comercio Internacional y Culto
Argentina

Guerra 635

"LA NACION"

Buenos Aires, octubre 27 de 1946.-

# DIÓSE UN INFORME CON RELACIÓN A LA MUERTE DE GOERING

## Dice que éste tuvo en su poder el veneno desde que fué detenido

**NUREMBERG**, 26 (AP).—El texto del anuncio dado a conocer hoy por la Comisión Cuatripartita sobre el suicidio de Herman Goering dice:

"La Comisión Cuatripartita creada para la detención de los principales criminales de guerra, después de haber estudiado el informe que elevó la junta de oficiales designada para investigar las circunstancias de la muerte de Herman Goering y de haber conducido su propia investigación, ha llegado a las siguientes conclusiones:

"Primera: que Goering tenía en su poder el veneno al ser detenido y lo retuvo hasta utilizarlo en la noche del 15 de octubre.

"Segunda: que existen pruebas en apoyo de la opinión de que en cierto momento Goering pudo haber llevado oculto el veneno en su cavidad umbilical.

"Tercera: que hay pruebas demostrativas, en forma concluyente, de que Goering no ocultó el veneno allí durante todo el período de su encarcelamiento y que durante algún tiempo del mismo lo tuvo oculto en el recto.

"Cuarta: que una obscura cavidad en la parte interior del "toilet" de la celda, bajo el borde curvado, pudo haber ocultado la cápsula del veneno algún tiempo, sin que fuese descubierta más que por medio de un registro extraordinario.

"Quinta: que las medidas de seguridad adoptadas fueron apropiadas a las circunstancias especiales del proceso y cumplidas en forma satisfactoria.

"Sexta: que en particular: a) no puede culparse de incumplimiento del deber al centinela que montaba guardia ante la celda de Goering en el momento de suicidarse éste; b) no puede culparse de acción punible ni negligencia a los demás guardianes de la cárcel, pertenecientes al ejército norteamericano; c) no hay prueba alguna que tienda a complicar a los obreros alemanes que trabajan en la prisión especial.

"La junta de oficiales tuvo a su disposición, para la investigación, los informes de los médicos y otros peritos, así como los resultados de la investigación de laboratorio efectuada".

El resultado de la investigación está contenido en el informe anterior. El miembro ruso de la Comisión, general Makov, no asistió a la reunión, pero el general británico Paton Walsh dijo que expresó su conformidad al dejar la cuestión a cargo de los otros tres miembros, toda vez que sus deberes oficiales en Berlín le impidieron asistir a la reunión.

Archivo Histórico
Ministerio de Relaciones Exteriores, Comercio Internacional y Culto
Argentina

LA PRENSA, 31 de octubre de 1946.-

Guerra G 85

## HUNGRIA

### Fué Ejecutado un Ex Ministro

**Bucarest**, octubre 30 (UP)—Francis Kassai Schallmayer, ministro de propaganda húngaro del ministerio de relaciones exteriores bajo el régimen nazi, fué ejecutado hoy por un pelotón de fusilamiento como culpable de crímenes de guerra.

Durante la ejecución uno de los espectadores gritó: "Eres un asesino y un traidor".

Archivo Histórico
Ministerio de Relaciones Exteriores, Comercio Internacional y Culto
Argentina

LA PRENSA, 21 de noviembre de 1946.-

Guerra 635

## Acúsase a Kesselring de Haber Aprobado la Matanza de Civiles

**Roma**, noviembre 20 (UP) — El mariscal Albert Kesselring aprobó la matanza de civiles italianos como represalia, para impedir los ataques del movimiento de resistencia contra las fuerzas militares germanas, según declaró hoy el jefe de la policía de seguridad alemana para Roma, quien compareció ante el tribunal británico de crímenes de guerra; que está juzgando al general Bernard von Mackensen y al teniente general Kurt Mlaeltzer, por la matanza, como represalia, de 335 romanos en las cavernas adreatinas, próximas a ésta, en marzo de 1944.

El oficial de seguridad, teniente general Wilhelm Harstler, declaró que él, Kesserling y el jefe para Italia de las fuerzas SS, discutieron durante varios meses las represalias contra los civiles, antes de que ocurriera la matanza de Adreatino.

La implicación, en el caso de Kesselring, se produjo a las pocas horas de haberse informado que había llegado a Roma, procedente de Alemania, a bordo de un avión norteamericano.

Sin embargo, a pesar de los insistentes rumores de que Kessiring depondría como testigo, el fiscal británico, coronel R. C. Halse, manifestó que tenía cerrada su lista de testigos y que esperaba dejar terminada su parte para mañana, con el alegato de la acusación.

Al referirse a su conferencia con Kesselring y Maeltzer, Harstler dijo que él había sugerido al mariscal que las víctimas fueran elegidas entre los condenados a muerte, acusados de algún delito grave; Kesselring accedió, pero nunca mencionó que se debía matar a diez italianos por cada alemán muerto, orden que la acusación ha estado tratando de atribuirle.

Al ser preguntado Harstler por el tribunal que quién creía que era el autor de la orden de que se tomaran represalias de 10 por uno, el testigo citó a von Mackensen y a Maeltzer.

Archivo Histórico
Ministerio de Relaciones Exteriores, Comercio Internacional y Culto
Argentina

LA PRENSA, 21 de noviembre de 1946.-

Guerra 635

# Continuó en Roma el Juicio Contra Dos Generales Nazis Por Crímenes de Guerra

**Roma,** noviembre 20 (UP) — El general italiano Giuseppe Presti declaró hoy que consideraba "sumamente ilegales los excesos cometidos por los civiles italianos contra la tropas alemanas durante la ocupación nazi de Roma". Formuló sus manifestaciones al deponer como testigo de la acusación en el tercer día de la vista del proceso instaurado al coronel general Eberhard von Mackensen y al teniente general Kurt Laeltzer ante el tribunal británico de crímenes de guerra.

Presti, que está retirado del servicio, actuó como comandante de división en la primera conflagración mundial, fué líder de los patriotas italianos y desempeñó por un breve período el cargo de comandante de Roma, después de la caída del régimen de Mussolini. A su juicio, los actos cometidos contra los ocupantes germanos de Roma —tales como el lanzamiento de la bomba que dió muerte a 32 soldados nazis y que provocó represalias contra 335 connacionales que fueron ejecutados a raíz de ello— fueron erróneos.

Dijo que había tratado en todo lo posible de evitar "esos excesos", porque "los criminales que los cometían se ocultaban detrás de las polleras de las mujeres y de los niños", quienes serían los que a la postre sufrirían las consecuencias de esos actos terroristas.

El testigo de la acusación volvió a mencionar al mariscal Albert von Kesselring, ex comandante alemán en el sudoeste de Europa, quien por haberse vinculado tan frecuentemente su nombre a la citada masacre, se ha convertido casi en un coacusado "in absentia".

Durante un careo con el defensor alemán de von Mackensen —que ha tratado frecuentemente de extraer testimonios de los testigos para absolver a Kesselring de responsabilidad por aquellas matanzas en masa— el general italiano dijo que el mariscal "hizo todo lo que estaba en su poder para mantener la ley y el orden en Roma", durante la ocupación alemana.

Presti señaló que Kesselring había declarado a Roma ciudad abierta, con lo cual la salvó de muchas muertes y de la destrucción.

Durante el receso de la sesión de hoy, se produjo un incidente entre los espectadores, que en su mayor parte eran parientes allegados de las víctimas de la masacre. Uno de ellos descubrió entre el público a un hombre que había colaborado con los germanos durante la guerra. Inmediatamente fué blanco de los ataque de las mujeres; una de ellas se adelantó, lo escupió y lo abofeteó, debiendo intervenir los carabineros en su auxilio.

La indignación de las mujeres —casi todas enlutadas y viudas o huérfanas de los masacrados— no se debió tanto al hecho de que el hombre fuera un elemento conocido como colaboracionista, sino a que la policía le hubiera facilitado una tarjeta de acceso a la sala de la Corte, cuya capacidad está estrictamente limitada a 80 espectadores.

Archivo Histórico
Ministerio de Relaciones Exteriores, Comercio Internacional y Culto
Argentina

LA NACION, 21 de noviembre de 1946.- Guerra 635

## SIGUIÓ EL JUICIO A LOS NAZIS EN ROMA

ROMA, 20 (P).—Giuseppe Garibaldi, nieto del famoso caudillo italiano del siglo XIX, declaró como testigo de la acusación en el proceso por crímenes de guerra que los británicos siguen contra los dos generales alemanes por la matanza de 335 italianos en las cuevas Ardeatinas, de Roma. Garibaldi, que cuenta 67 años de edad, ex general de brigada del ejército italiano ,atestiguó que él era "leader" de los grupos de resistencia durante la ocupación alemana y que se encontraba prisionero bajo cargos no especificados, cuando los alemanes llevaron a cuatro de sus compañeros de celda para ser fusilados en las cuevas en venganza por la muerte de 22 miembros de las tropas SS. Garibaldi identificó a esos rehenes como un comunista, un hombre que había ocultado a ciudadanos británicos, un gendarme a quien se acusaba de antifascista y otro hombre de quien se sospechaba que había realizado "intrigas antifascistas", y agregó que ninguno de ellos había sido juzgado nunca y ni siquiera interrogado.

Preguntado por los abogados de la defensa el Sr. Garibaldi admitió que algunos "leaders" de la resistencia en Roma, inclusive él mismo, se habían empeñado en impedir por todos los medios los ataques contra las tropas alemanas, y afirmó: "La gente que cometía tales actos se escudaba tras las mujeres y los niños y resultaba difícil distinguir a los criminales de los patriotas". Más adelante declaró: "Roma se hallaba en una situación especial", pero "el molestar a los alemanes fuera de la ciudad era perfectamente legal". Contestó luego afirmativamente a la pregunta hecha por el defensor acerca de si él sabía que el mariscal Albert Kesselring (comandante supremo del ejército alemán de Italia) había declarado a Roma ciudad abierta, aun cuando, eso colocaba a los alemanes en desventaja, y que por lo tanto habían hecho a esa ciudad y al mundo civilizado un gran servicio.

El abogado de la defensa declaró a los periodistas que proyectaba hacer comparecer en el juicio contra los dos generales alemanes al propio mariscal Kesselring, quien también debe hacer frente a un juicio por atrocidades en Italia.

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Ministerio de Relaciones Exteriores, Comercio Internacional y Culto
Argentina

LA NACION, 22 de noviembre de 1946.-

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# EN ROMA SIGUIÓ EL JUICIO CONTRA DOS JEFES NAZIS

**ROMA**, 21 (AP).—En el tribunal militar británico se informó que entre las víctimas de la matanza perpetrada por los nazis en las Cavernas Ardeatinas, en represalia de la muerte de 32 miembros de la organización SS., se encontraba un niño de 14 años.

La Sra. Eleonora Lavagnini, testigo de la acusación, declaró que solamente uno de los rehenes sacados de la prisión Reina del Cielo había sido previamente sentenciado a la pena de muerte. Agregó que los nazis pasaron por alto a otros dos individuos que sí estaban condenados a sufrir la pena máxima.

Uno de los acusados, el coronel general Eberhard von Mackensen, manifestó en una declaración escrita que él había dado instrucciones a sus subordinados en el sentido de que sólo sacaran de la citada prisión a aquellas personas que estuvieran condenadas a muerte o que hubieran cometido crímenes que merecieran dicho castigo.

Otro testigo de la acusación, que se encontraba confinado en la prisión cuando fueron sacados los rehenes —acusado de espionaje y de haber ayudado a escapar a prisioneros de guerra aliados—, declaró que poco antes de llevarse a cabo el atentado contra los guardias nazis de la organización SS, fueron detenidos en el "ghetto" por lo menos 66 judíos.

La acusación ha terminado ya su misión. Los procesados declararon que se presentarán para defenderse ellos mismos. A continuación el tribunal suspendió la audiencia hasta mañana después que el abogado defensor pidió tiempo para preparar su declaración inicial.

Antes de la suspensión de la audiencia el tribunal estudió la apelación de las familias de los rehenes en el sentido de que se les permita visitar las Cuevas Ardeatinas. Stefano Liddonici, secretario de la Asociación de Familias de los Mártires de las Cuevas Ardeatinas, informó al tribunal que "los cadáveres se encuentran sepultados allí todavía, y que considera pertinente que se investiguen las condiciones en que fueron muertos".

Liddonici, cuyo hijo fué uno de los muertos, declaró que los alemanes le notificaron varias semanas después que su hijo había muerto, sin darle las razones.

## El proceso a los 23 médicos alemanes

**NUREMBERG**, 21 (AP). — Veintitrés médicos nazis presentados a juicio en la segunda serie de procesos por crímenes de guerra se declararon inocentes de las acusaciones de haber sometido sometido a cientos de miles de personas en crueles experimentos médicos. Todos los acusados se pusieron de pie inmediatamente y respondieron "no culpable" cuando se los mencionó por turno en la acusación escrita de 17 páginas, que leyó ante el tribunal el general de brigada Telford Taylor. Inmediatamente después de sus declaraciones el juicio fué aplazado hasta el 9 de diciembre.

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Ministerio de Relaciones Exteriores, Comercio Internacional y Culto
Argentina

LA NACION, 28 de noviembre de 1946.-

Rma 635

## CONTINUÓ EL JUICIO A LOS NAZIS EN ROMA

**ROMA**, 27 (AP).—El teniente general Kurt Maeltzer, ex comandante de la ciudad de Roma, se encogió de hombros ante el diluvio de preguntas que le hacían tanto el fiscal como la Corte, y repitió que la ejecución de los 335 rehenes en las cuevas Ardeatinas "no es asunto mío". Al igual que el coronel general Eberhard von Mackensen, ex comandante del 14o. ejército alemán, que también es sometido a juicio ante el tribunal británico, el teniente general Maeltzer trató de convencer a la Corte de que la muerte de las personas inocentes era obra del teniente coronel Herbert Kappler, oficial de la policía nazi, que llevó a cabo las ejecuciones.

Los dos acusados y el mariscal Kesselring, ex comandante supremo del ejército alemán en Italia, sostuvieron enérgicamente que el teniente coronel Kappler les aseguró que podría reunir tantos rehenes como Hitler deseara entre las personas ya condenadas a muerte. Los testigos de la acusación, por el contrario, han sostenido con la misma energía que sólo había entre las personas ejecutadas cuatro o cinco condenadas a muerte.

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Argentina

LA NACION, 1 de diciembre de 1946.-

Gran 635

# HAN CONDENADO A MUERTE EN ROMA A DOS JEFES NAZIS

## Los juzgó un tribunal británico por la matanza de rehenes

**ROMA**, 30 (P).—El tribunal británico de Crímenes de Guerra, condenó a muerte por fusilamiento, al coronel general Eberhard von Mackensen y al teniente general Kurt Maeltzer, después de declararlos culpables de la matanza en masa realizada en las cuevas Ardeatinas, como acto de represalia. Las sentencias quedan sujetas a la confirmación por el teniente general Sir John Harding, comandante de las fuerzas británicas en la zona del Mediterráneo.

Los acusados, flanqueados por policías militares británicos, escucharon el veredicto del tribunal con calma, limitándose a hacer un gesto de asentimiento cuando el traductor oficial les hizo conocer en alemán la sentencia del tribunal. Al retirarse los miembros del mismo, los espectadores italianos estallaron en una salva de aplausos, a la vez que se oían vivas al tribunal.

En su alegato final, el fiscal británico, coronel C. L. Sterling, describió un cuadro sombrío de la matanza de rehenes en represalia por la muerte de 32 policías nazis, a quienes se tendió una emboscada en una de las calles centrales de Roma, el 23 de marzo de 1944, diciendo en uno de los párrafos: "Un niño de 14 años, varios ancianos —335 personas en total—, las manos atadas a la espalda, sin tiempo para ponerse en paz con su alma, ni para decir adiós a parientes y amigos, fueron arrastrados a las cuevas y allí se les obligó a arrodillarse para ser fusilados. Este es el cuadro que exige un castigo ejemplar". Aunque admitiendo la legalidad de las represalias de acuerdo con los términos del derecho internacional, el fiscal Sterling declaró que el tribunal debía considerar la manera aterradora en que se habían realizado las ejecuciones y si los acusados podrían haber impedido o modificado aquella matanza. Añadió luego que el teniente coronel Herbert Kappler, uno de los jefes de la policía nazi que supervisó la ejecución y que será sometido a proceso más adelante, era "un hombre de suprema importancia en este caso". Los acusados juraron que existía un arreglo previo con Kappler, según el cual, sólo serían ejecutadas aquellas personas sobre las cuales pesara una condena a muerte, pero éste negó la existencia de tal acuerdo.

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LIJA.

AJADA ARGENTINA
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Palacio Externas
Junio 635

MESA DE ENTRADAS y EXPEDICIONES
A
RELACIONES EXTERNAS

MINISTERIO DE RELACIONES EXTERIORES y CULTO
DEPARTAMENTO DE RELACIONES EXTERNAS
27 FEB 47
LETRA 248 No. 216

MESA DE ENTRADAS
Y EXPEDICIONES
27 FEB. 1947
MINISTERIO de RELACIONES
EXTERIORES y CULTO

FICHADO

CON EL ANEXO
CONFORME

La Embajada de la República en Gran Bretaña envía adjunto al Ministerio de Relaciones Exteriores el texto del Fallo del Tribunal Militer Internacional de Nuremberg, sobre el Juicio de los Criminales de Guerra Alemanes.

Londres, 2 de diciembre de 1946.

EMBAJADA DE LA REPÚBLICA ARGENTINA

Buenos Aires, 28 de febrero de 1947

Acúsese recibo.

PASCUAL LA ROSA
DIRECTOR DEL DEPARTAMENTO DE RELACIONES EXTERIORES

ANEXO: Miscellaneous No. 12 (1946).

Al Ministerio de Relaciones Exteriores y Culto,
Palacio San Martín,
BUENOS AIRES.

MINISTERIO DE RELACIONES EXTERIORES Y CULTO
28 FEB. 1947
Departamento de Relaciones Externas

Archivo Histórico
Ministerio de Relaciones Exteriores, Comercio Internacional y Culto
Argentina

D. R. E.
D.A.
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El Ministerio de Relaciones Exteriores y Culto tiene el honor de dirigirse a la Embajada de la República en Gran Bretaña, con el objeto de acusar recibo de la nota Nº 724, de fecha 2 de diciembre del año ppdo., con la que se acompaña el texto del Fallo del Tribunal Militar Internacional de Nuremberg, sobre el Juicio de los Criminales de Guerra Alemanes.

Esta Cancilleria hace propicia la oportunidad para reiterar a la Embajada de la República en Londres las seguridades de su más alta y distinguida consideración.

Buenos Aires, 28 de febrero de 1947.

MINISTERIO DE RELACIONES EXTERIORES y CULTO
28 FEB. 1947
Departamento de Relaciones Externas

Dr. CARLOS R. DESMA
SUBSECRETARIO POLITICO
DEL MINISTERIO DE RELACIONES EXTERIORES

A LA EMBAJADA DE LA REPUBLICA EN GRAN BRETAÑA,

LONDRES

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Miscellaneous No. 12 (1946)

# JUDGMENT

## OF THE INTERNATIONAL MILITARY TRIBUNAL

## FOR THE

# TRIAL OF GERMAN MAJOR WAR CRIMINALS

(WITH THE DISSENTING OPINION OF THE SOVIET MEMBER)

## Nuremberg

30th September and 1st October, 1946

*Presented by the Secretary of State for Foreign Affairs to Parliament by Command of His Majesty*

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Argentina



Miscellaneous No. 12 (1946)

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Argentina

# JUDGMENT OF THE INTERNATIONAL MILITARY TRIBUNAL FOR THE TRIAL OF GERMAN MAJOR WAR CRIMINALS

**Nuremberg, 30th September and 1st October, 1946**

THE PRESIDENT: The judgment of the International Military Tribunal will now be read. I shall not read the title and the formal parts.

## JUDGMENT

On the 8th August, 1945, the Government of the United Kingdom of Great Britain and Northern Ireland, the Government of the United States of America, the Provisional Government of the French Republic, and the Government of the Union of Soviet Socialist Republics entered into an Agreement (1) establishing this Tribunal for the trial of War Criminals whose offences have no particular geographical location. In accordance with Article 5, the following Governments of the United Nations have expressed their adherence to the Agreement:

Greece, Denmark, Yugoslavia, the Netherlands, Czechoslovakia, Poland, Belgium, Ethiopia, Australia, Honduras, Norway, Panama, Luxemburg, Haiti, New Zealand, India, Venezuela, Uruguay, and Paraguay.

By the Charter (1) annexed to the Agreement, the constitution, jurisdiction and functions of the Tribunal were defined.

The Tribunal was invested with power to try and punish persons who had committed crimes against peace, war crimes and crimes against humanity as defined in the Charter.

The Charter also provided that at the trial of any individual member of any group or organisation the Tribunal may declare (in connection with any act of which the individual may be convicted) that the group or organisation of which the individual was a member was a criminal organisation.

In Berlin, on the 18th October, 1945, in accordance with Article 14 of the Charter, an Indictment was lodged against the defendants named in the caption above, who had been designated by the Committee of the Chief Prosecutors of the signatory Powers as major war criminals.

A copy of the Indictment in the German language was served upon each defendant in custody at least thirty days before the Trial opened.

This Indictment charges the defendants with crimes against peace by the planning, preparation, initiation and waging of wars of aggression, which were also wars in violation of international treaties, agreements and assurances: with war crimes: and with crimes against humanity. The defendants are also charged with participating in the formulation or execution of a common plan or conspiracy to commit all these crimes. The Tribunal was further asked by the Prosecution to declare all the named groups or organisations to be criminal within the meaning of the Charter.

(1) "Treaty Series No. 27 (1946)" Cmd. 6903.

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The defendant Robert Ley committed suicide in prison on the 25th October, 1945. On the 15th November, 1945, the Tribunal decided that the defendant Gustav Krupp von Bohlen und Halbach could not then be tried because of his physical and mental condition, but that the charges against him in the Indictment should be retained for trial thereafter, if the physical and mental condition of the defendant should permit. On the 17th November, 1945, the Tribunal decided to try the defendant Bormann in his absence under the provisions of Article 12 of the Charter. After argument, and consideration of full medical reports, and a statement from the defendant himself, the Tribunal decided on the 1st December, 1945, that no grounds existed for a postponement of the trial against the defendant Hess because of his mental condition. A similar decision was made in the case of the defendant Streicher.

In accordance with Articles 16 and 23 of the Charter, Counsel were either chosen by the defendants in custody themselves, or at their request were appointed by the Tribunal. In his absence the Tribunal appointed Counsel for the defendant Bormann, and also assigned Counsel to represent the named groups or organisations.

The Trial which was conducted in four languages—English, Russian, French and German—began on the 20th November, 1945, and pleas of " Not Guilty " were made by all the defendants except Bormann.

The hearing of evidence and the speeches of Counsel concluded on 31st August, 1946.

Four hundred and three open sessions of the Tribunal have been held. Thirty-three witnesses gave evidence orally for the Prosecution against the individual defendants, and 61 witnesses, in addition to 19 of the defendants, gave evidence for the Defence.

A further 143 witnesses gave evidence for the Defence by means of written answers to interrogatories.

The Tribunal appointed Commissioners to hear evidence relating to the organisations, and 101 witnesses were heard for the Defence before the Commissioners, and 1,809 affidavits from other witnesses were submitted. Six reports were also submitted, summarising the contents of a great number of further affidavits.

Thirty-eight thousand affidavits, signed by 155,000 people, were submitted on behalf of the Political Leaders, 136,213 on behalf of the SS, 10,000 on behalf of the SA, 7,000 on behalf of the SD, 3,000 on behalf of the General Staff and OKW, and 2,000 on behalf of the Gestapo.

The Tribunal itself heard 22 witnesses for the organisations. The documents tendered in evidence for the prosecution of the individual defendants and the organisations numbered several thousands. A complete stenographic record of everything said in court has been made, as well as an electrical recording of all the proceedings.

Copies of all the documents put in evidence by the Prosecution have been supplied to the Defence in the German language. The applications made by the defendants for the production of witnesses and documents raised serious problems in some instances, on account of the unsettled state of the country. It was also necessary to limit the number of witnesses to be called, in order to have an expeditious hearing, in accordance with Article 18 (c) of the Charter. The Tribunal, after examination, granted all those applications which in their opinion were relevant to the defence of any defendant or named group or organisation, and were not cumulative. Facilities were provided for obtaining those witnesses and documents granted through the office of the General Secretary established by the Tribunal.



Much of the evidence presented to the Tribunal on behalf of the Prosecution was documentary evidence, captured by the Allied armies in German army headquarters, Government buildings, and elsewhere. Some of the documents were found in salt mines, buried in the ground, hidden behind false walls and in other places thought to be secure from discovery. The case, therefore, against the defendants rests in a large measure on documents of their own making, the authenticity of which has not been challenged except in one or two cases.

**The Charter Provisions**

The individual defendants are indicted under Article 6 of the Charter, which is as follows:

> " Article 6. The Tribunal established by the Agreement referred to in Article 1 hereof for the trial and punishment of the major war criminals of the European Axis countries shall have the power to try and punish persons who, acting in the interests of the European Axis countries, whether as individuals or as members of organisations, committed any of the following crimes:
>
> " The following acts, or any of them, are crimes coming within the jurisdiction of the Tribunal for which there shall be individual responsibility:
>
> " (*a*) Crimes against Peace: namely, planning, preparation, initiation or waging of a war of aggression, or a war in violation of international treaties, agreements or assurances, or participation in a common plan or conspiracy for the accomplishment of any of the foregoing:
>
> " (*b*) War Crimes: namely, violations of the laws or customs of war. Such violations shall include, but not be limited to, murder, ill-treatment or deportation to slave labour or for any other purpose of civilian population of or in occupied territory, murder or ill-treatment of prisoners of war or persons on the seas, killing of hostages, plunder of public or private property, wanton destruction of cities, towns or villages, or devastation not justified by military necessity:
>
> " (*c*) Crimes against Humanity: namely, murder, extermination, enslavement, deportation, and other inhumane acts committed against any civilian population, before or during the war, or persecutions on political, racial or religious grounds in execution of or in connection with any crime within the jurisdiction of the Tribunal, whether or not in violation of the domestic law of the country where perpetrated.
>
> " Leaders, organisers, instigators and accomplices participating in the formulation or execution of a common plan or conspiracy to commit any of the foregoing crimes are responsible for all acts performed by any persons in execution of such plan."

These provisions are binding upon the Tribunal as the law to be applied to the case. The Tribunal will later discuss them in more detail; but, before doing so, it is necessary to review the facts. For the purpose of showing the background of the aggressive war and war crimes charged in the Indictment, the Tribunal will begin by reviewing some of the events that followed the first world war, and in particular, by tracing the growth of the Nazi Party under Hitler's leadership to a position of supreme power from which it controlled the destiny of the whole German people, and paved the way for the alleged commission of all the crimes charged against the defendants.

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## THE NAZI REGIME IN GERMANY

### THE ORIGIN AND AIMS OF THE NAZI PARTY

On 5th January, 1919, not two months after the conclusion of the Armistice which ended the first World War, and six months before the signing of the Peace Treaties at Versailles, there came into being in Germany a small political party called the German Labour Party. On the 12th September, 1919, Adolf Hitler became a member of this party, and at the first public meeting held in Munich, on 24th February, 1920, he announced the party's programme. That programme, which remained unaltered until the party was dissolved in 1945, consisted of twenty-five points, of which the following five are of particular interest on account of the light they throw on the matters with which the Tribunal is concerned:

> " Point 1. We demand the unification of all Germans in the Greater Germany, on the basis of the right of a self-determination of peoples.
>
> Point 2. We demand equality of rights for the German people in respect to the other nations; abrogation of the peace treaties of Versailles and Saint Germain.
>
> Point 3. We demand land and territory for the sustenance of our people, and the colonisation of our surplus population.
>
> Point 4. 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. . . .
>
> Point 22. We demand abolition of the mercenary troops and formation of a national army."

Of these aims, the one which seems to have been regarded as the most important, and which figured in almost every public speech, was the removal of the " disgrace " of the Armistice, and the restrictions of the peace treaties of Versailles and Saint Germain. In a typical speech at Munich on the 13th April, 1923, for example, Hitler said with regard to the Treaty of Versailles:

> " The treaty was made in order to bring twenty million Germans to their deaths, and to ruin the German nation. . . . At its foundation our movement formulated three demands.
>
> " 1. Setting aside of the Peace Treaty.
> 2. Unification of all Germans.
> 3. Land and soil to feed our nation."

The demand for the unification of all Germans in the Greater Germany was to play a large part in the events preceding the seizure of Austria and Czechoslovakia; the abrogation of the Treaty of Versailles was to become a decisive motive in attempting to justify the policy of the German Government; the demand for land was to be the justification for the acquisition of " living space " at the expense of other nations; the expulsion of the Jews from membership of the race of German blood was to lead to the atrocities against the Jewish people; and the demand for a national army was to result in measures of rearmament on the largest possible scale, and ultimately to war.

On the 29th July, 1921, the Party which had changed its name to National Sozialistische Deutsche Arbeiter Partei (NSDAP) was reorganised, Hitler becoming the first " Chairman ". It was in this year that the Sturmabteilung or SA was founded, with Hitler at its head, as a private para-military force, which allegedly was to be used for the purpose of protecting NSDAP leaders from attack by rival political parties, and preserving order at NSDAP meetings, but in reality was used for fighting political opponents on the streets. In March, 1923, the defendant Goering was appointed head of the SA.



The procedure within the Party was governed in the most absolute way by the " leadership principle " (Fuehrerprinzip).

According to the principle, each Fuehrer has the right to govern, administer or decree, subject to no control of any kind and at his complete discretion, subject only to the orders he received from above.

This principle applied in the first instance to Hitler himself as the Leader of the Party, and in a lesser degree to all other party officials. All members of the Party swore an oath of " eternal allegiance " to the Leader.

There were only two ways in which Germany could achieve the three main aims above-mentioned, by negotiation, or by force. The twenty-five points of the NSDAP programme do not specifically mention the methods on which the leaders of the party proposed to rely, but the history of the Nazi régime shows that Hitler and his followers were only prepared to negotiate on the terms that their demands were conceded, and that force would be used if they were not.

On the night of the 8th November, 1923, an abortive putsch took place in Munich. Hitler and some of his followers burst into a meeting in the Bürgerbräu Cellar, which was being addressed by the Bavarian Prime Minister Kehr, with the intention of obtaining from him a decision to march forthwith on Berlin. On the morning of the 9th November, however, no Bavarian support was forthcoming, and Hitler's demonstration was met by the armed forces of the Reichswehr and the Police. Only a few volleys were fired; and after a dozen of his followers had been killed, Hitler fled for his life, and the demonstration was over. The defendants Streicher, Frick and Hess all took part in the attempted rising. Hitler was later tried for high treason, and was convicted and sentenced to imprisonment. The SA was outlawed. Hitler was released from prison in 1924 and in 1925 the Schutzstaffel, or SS, was created, nominally to act as his personal bodyguard, but in reality to terrorise political opponents. This was also the year of the publication of " Mein Kampf," containing the political views and aims of Hitler, which came to be regarded as the authentic source of Nazi doctrine.

### THE SEIZURE OF POWER.

In the eight years that followed the publication of " Mein Kampf ", the NSDAP greatly extended its activities throughout Germany, paying particular attention to the training of youth in the ideas of National Socialism. The first Nazi youth organisation had come into existence in 1922, but it was in 1925 that the Hitler Jugend was officially recognised by the NSDAP. In 1931 Baldur von Schirach, who had joined the NSDAP in 1925, became Reich Youth Leader of the NSDAP.

The Party exerted every effort to win political support from the German people. Elections were contested both for the Reichstag and the Landtage. The NSDAP leaders did not make any serious attempt to hide the fact that their only purpose in entering German political life was in order to destroy the democratic structure of the Weimar Republic, and to substitute for it a National Socialist totalitarian régime which would enable them to carry out their avowed policies without opposition. In preparation for the day when he would obtain power in Germany, Hitler in January, 1929, appointed Heinrich Himmler as Reichsfuehrer SS with the special task of building the SS into a strong but *elite* group which would be dependable in all circumstances.

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On the 30th January, 1933, Hitler succeeded in being appointed Chancellor of the Reich by President von Hindenburg. The defendants Goering, Schacht and von Papen were active in enlisting support to bring this about. Von Papen had been appointed Reich Chancellor on the 1st June, 1932. On the 14th June he rescinded the decree of the Bruening Cabinet of the 13th April, 1932, which had dissolved the Nazi para-military organisations, including the SA and the SS. This was done by agreement between Hitler and von Papen, although von Papen denies that it was agreed as early as the 28th May, as Dr. Hans Volz asserts in " Dates from the History of the NSDAP "; but that it was the result of an agreement was admitted in evidence by von Papen.

The Reichstag elections of the 31st July, 1932, resulted in a great accession of strength to the NSDAP, and von Papen offered Hitler the post of Vice-Chancellor, which he refused, insisting upon the Chancellorship itself. In November, 1932, a petition signed by leading industrialists and financiers was presented to President Hindenburg, calling upon him to entrust the Chancellorship to Hitler; and in the collection of signatures to the petition Schacht took a prominent part.

The election of the 6th November, which followed the defeat of the Government, reduced the number of NSDAP members, but von Papen made further efforts to gain Hitler's participation, without success. On the 12th November, Schacht wrote to Hitler:

> " I have no doubt that the present development of things can only lead to your becoming Chancellor. It seems as if our attempt to collect a number of signatures from business circles for this purpose was not altogether in vain. . . ."

After Hitler's refusal of the 16th November, von Papen resigned, and was succeeded by General von Schleicher; but von Papen still continued his activities. He met Hitler at the house of the Cologne banker von Schroeder on the 4th January, 1933, and attended a meeting at the defendant Ribbentrop's house on the 22nd January, with the defendant Goering and others. He also had an interview with President Hindenburg on the 9th January, and from the 22nd January onwards he discussed officially with Hindenburg the formation of a Hitler Cabinet.

Hitler held his first Cabinet meeting on the day of his appointment as Chancellor, at which the defendants Goering, Frick, Funk, von Neurath and von Papen were present in their official capacities. On the 28th February, 1933, the Reichstag building in Berlin was set on fire. This fire was used by Hitler and his Cabinet as a pretext for passing on the same day a decree suspending the constitutional guarantees of freedom. The decree was signed by President Hindenburg and countersigned by Hitler and the defendant Frick, who then occupied the post of Reich Minister of the Interior. On the 5th March elections were held, in which the NSDAP obtained 288 seats of the total of 647. The Hitler Cabinet was anxious to pass an " Enabling Act " that would give them full legislative powers, including the power to deviate from the Constitution. They were without the necessary majority in the Reichstag to be able to do this constitutionally. They therefore made use of the decree suspending the guarantees of freedom and took into so-called " protective custody " a large number of Communist deputies and party officials. Having done this, Hitler introduced the " Enabling Act " into the Reichstag, and after he had made it clear that if it was not passed, further forceful measures would be taken, the Act was passed on the 24th March, 1933.



The PRESIDENT: I will now ask Mr. Justice Birkett to continue reading the judgment.

Mr. JUSTICE BIRKETT:

## THE CONSOLIDATION OF POWER

The NSDAP, having achieved power in this way, now proceeded to extend its hold on every phase of German life. Other political parties were persecuted, their property and assets confiscated, and many of their members placed in concentration camps. On 26th April, 1933, the defendant Goering founded in Prussia the Gestapo as a secret police, and confided to the deputy leader of the Gestapo that its main task was to eliminate political opponents of National Socialism and Hitler. On the 14th July, 1933, a law was passed declaring the NSDAP to be the only political party, and making it criminal to maintain or form any other political party.

In order to place the complete control of the machinery of Government in the hands of the Nazi leaders, a series of laws and decrees were passed which reduced the powers of regional and local governments throughout Germany, transforming them into subordinate divisions of the Government of the Reich. Representative assemblies in the Laender were abolished and with them all local elections. The Government then proceeded to secure control of the Civil Service. This was achieved by a process of centralisation, and by a careful sifting of the whole Civil Service administraton. By a law of the 7th April it was provided that officials " who were of non-Aryan descent " should be retired; and it was also decreed that " officials who because of their previous political activity cannot be guaranteed to exert themselves for the national state without reservation shall be discharged." The law of the 11th April, 1933, provided for the discharge of " all Civil Servants who belong to the Communist Party." Similarly, the Judiciary was subjected to control. Judges were removed from the Bench for political or racial reasons. They were spied upon and made subject to the strongest pressure to join the Nazi Party as an alternative to being dismissed. When the Supreme Court acquitted three of the four defendants charged with complicity in the Reichstag fire, its jurisdiction in cases of treason was thereafter taken away and given to a newly established " People's Court ", consisting of two judges and five officials of the Party. Special courts were set up to try political crimes and only party members were appointed as judges. Persons were arrested by the SS for political reasons, and detained in prisons and concentration camps; and the judges were without power to intervene in any way. Pardons were granted to members of the Party who had been sentenced by the judges for proved offences. In 1935 several officials of the Hohenstein concentration camp were convicted of inflicting brutal treatment upon the inmates. High Nazi officials tried to influence the Court, and after the officials had been convicted, Hitler pardoned them all. In 1942 " Judges' letters " were sent to all German judges by the Government, instructing them as to the " general lines " that they must follow.

In their determination to remove all sources of opposition, the NSDAP leaders turned their attention to the trade unions, the churches and the Jews. In April, 1933, Hitler ordered the late defendant Ley, who was then staff director of the political organisation of the NSDAP, " to take over the trade unions." Most of the trade unions of Germany were joined together in two large federations, the " Free Trade Unions " and the " Christian Trade Unions." Unions outside these two large federations contained only 15 per cent. of the total union membership. On the 21st April, 1933, Ley issued an NSDAP directive announcing a " co-ordination action " to be carried out on

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the 2nd May against the Free Trade Unions. The directive ordered that SA and SS men were to be employed in the planned " occupation of trade union properties and for the taking into protective custody of personalities who come into question." At the conclusion of the action the official NSDAP press service reported that the National Socialist Factory Cells Organisation had " eliminated the old leadership of Free Trade Unions " and taken over the leadership themselves. Similarly, on the 3rd May, 1933, the NSDAP press service announced that the Christian trade unions " have unconditionally subordinated themselves to the leadership of Adolf Hitler." In place of the trade unions the Nazi Government set up a German Labour Front (DAF), controlled by the NSDAP, and which, in practice, all workers in Germany were compelled to join. The chairmen of the unions were taken into custody and were subjected to ill-treatment, ranging from assault and battery to murder.

In their effort to combat the influence of the Christian churches, whose doctrines were fundamentally at variance with National Socialist philosophy and practice, the Nazi Government proceeded more slowly. The extreme step of banning the practice of the Christian religion was not taken, but year by year efforts were made to limit the influence of Christianity on the German people, since, in the words used by the defendant Bormann to the defendant Rosenberg in an official letter, " the Christian religion and National Socialist doctrines are not compatible." In the month of June, 1941, the defendant Bormann issued a secret decree on the relation of Christianity and National Socialism. The decree stated that:

> " For the first time in German history the Fuehrer consciously and completely has the leadership in his own hand. With the Party, its components and attached units, the Fuehrer has created for himself and thereby the German Reich Leadership, an instrument which makes him independent of the Treaty. . . . More and more the people must be separated from the churches and their organs, the Pastor. . . . Never again must an influence on leadership of the people be yielded to the churches. This influence must be broken completely and finally. Only the Reich Government and by its direction the Party, its components and attached units, have a right to leadership of the people."

From the earliest days of the NSDAP, anti-Semitism had occupied a prominent place in National Socialist thought and propaganda. The Jews, who were considered to have no right to German citizenship, were held to have been largely responsible for the troubles with which the nation was afflicted following on the war of 1914-1918. Furthermore, the antipathy to the Jews was intensified by the insistence which was laid upon the superiority of the Germanic race and blood. The second chapter of Book 1 of " Mein Kampf " is dedicated to what may be called the " Master Race " theory, the doctrine of Aryan superiority over all other races, and the right of Germans in virtue of this superiority to dominate and use other peoples for their own ends. With the coming of the Nazis into power in 1933, persecution of the Jews became official state policy. On the 1st April, 1933, a boycott of Jewish enterprises was approved by the Nazi Reich Cabinet, and during the following years a series of anti-Semitic laws were passed, restricting the activities of Jews in the Civil Service, in the legal profession, in journalism and in the armed forces. In September, 1935, the so-called Nuremberg Laws were passed, the most important effect of which was to deprive Jews of German citizenship. In this way the influence of Jewish elements on the affairs of Germany was extinguished, and one more potential source of opposition to Nazi policy was rendered powerless.

In any consideration of the crushing of opposition, the massacre of the 30th June, 1934, must not be forgotten. It has become known as the " Roehm Purge " or " the blood bath ", and revealed the methods which Hitler and



his immediate associates, including the defendant Goering, were ready to employ to strike down all opposition and consolidate their power. On that day Roehm, the Chief of Staff of the SA since 1931, was murdered by Hitler's orders, and the " Old Guard " of the SA was massacred without trial and without warning. The opportunity was taken to murder a large number of people who at one time or another had opposed Hitler.

The ostensible ground for the murder of Roehm was that he was plotting to overthrow Hitler, and the defendant Goering gave evidence that knowledge of such a plot had come to his ears. Whether this was so or not it is not necessary to determine.

On July 3rd the Cabinet approved Hitler's action and described it as " legitimate self-defence by the State."

Shortly afterwards Hindenburg died, and Hitler became both Reich President and Chancellor. At the Nazi-dominated plebiscite, which followed, 38 million Germans expressed their approval, and with the Reichswehr taking the oath of allegiance to the Fuehrer, full power was now in Hitler's hands.

Germany had accepted the Dictatorship with all its methods of terror, and its cynical and open denial of the rule of law.

Apart from the policy of crushing the potential opponents of their régime, the Nazi Government took active steps to increase its power over the German population. In the field of education, everything was done to ensure that the youth of Germany was brought up in the atmosphere of National Socialism and accepted National Socialist teachings. As early as the 7th April, 1933, the law reorganising the Civil Service had made it possible for the Nazi Government to remove all " Subversive and unreliable teachers "; and this was followed by numerous other measures to make sure that the schools were staffed by teachers who could be trusted to teach their pupils the full meaning of National Socialist creed. Apart from the influence of National Socialist teaching in the schools, the Hitler Youth Organisation was also relied upon by the Nazi Leaders for obtaining fanatical support from the younger generation. The defendant von Schirach, who had been Reich Youth Leader of the NSDAP since 1931, was appointed Youth Leader of the German Reich in June, 1933. Soon all the youth organisations had been either dissolved or absorbed by the Hitler Youth, with the exception of the Catholic Youth. The Hitler Youth was organised on strict military lines, and as early as 1933 the Wehrmacht was cooperating in providing pre-military training for the Reich Youth.

The Nazi Government endeavoured to unite the nation in support of their policies through the extensive use of propaganda. A number of agencies were set up whose duty was to control and influence the press, radio, films, publishing firms, etc., in Germany, and to supervise entertainment and cultural and artistic activities. All these agencies came under Goebbels' Ministry of the People's Enlightenment and Propaganda, which together with a corresponding organisation in the NSDAP and the Reich Chamber of Culture, was ultimately responsible for exercising this supervision. The defendant Rosenberg played a leading part in disseminating the National Socialist doctrines on behalf of the Party, and the defendant Fritzsche, in conjunction with Goebbels, performed the same task for the State.

The greatest emphasis was laid on the supreme mission of the German people to lead and dominate by virtue of their Nordic blood and racial purity, and the ground was thus being prepared for the acceptance of the idea of German world supremacy.

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Through the effective control of the radio and the press, the German people, during the years which followed 1933, were subjected to the most intensive propaganda in furtherance of the régime. Hostile criticism, indeed criticism of any kind, was forbidden, and the severest penalties were imposed on those who indulged in it.

Independent judgment, based on freedom of thought, was rendered quite impossible.

## MEASURES OF REARMAMENT

During the years immediately following Hitler's appointment as Chancellor, the Nazi Government set about reorganising the economic life of Germany, and in particular the armament industry. This was done on a vast scale and with extreme thoroughness.

It was necessary to lay a secure financial foundation for the building of armaments, and in April, 1936, the defendant Goering was appointed co-ordinator for raw materials and foreign exchange, and empowered to supervise all State and Party activities in these fields. In this capacity he brought together the War Minister, the Minister of Economics, the Reich Finance Minister, the President of the Reichsbank and the Prussian Finance Minister to discuss problems connected with war mobilisation, and on the 27th May, 1936, in addressing these men, Goering opposed any financial limitation of war production and added that " all measures are to be considered from the standpoint of an assured waging of war." At the Party Rally in Nuremberg in 1936, Hitler announced the establishment of the Four Year Plan and the appointment of Goering as the Plenipotentiary in charge. Goering was already engaged in building a strong air force and on the 8th July, 1938, he announced to a number of leading German aircraft manufacturers that the German Air Force was already superior in quality and quantity to the English. On the 14th October, 1938, at another conference, Goering announced that Hitler had instructed him to organise a gigantic armament programme, which would make insignificant all previous achievements. He said that he had been ordered to build as rapidly as possible an air force five times as large as originally planned, to increase the speed of the rearmament of the navy and army, and to concentrate on offensive weapons, principally heavy artillery and heavy tanks. He then laid down a specific programme designed to accomplish these ends. The extent to which rearmament had been accomplished was stated by Hitler in his memorandum of 9th October, 1939, after the campaign in Poland. He said:

> " The military application of our people's strength has been carried through to such an extent that within a short time at any rate it cannot be markedly improved upon by any manner of effort . . .
>
> " The warlike equipment of the German people is at present larger in quantity and better in quality for a greater number of German divisions than in the year 1914. The weapons themselves, taking a substantial cross-section, are more modern than in the case with any other country in the world at this time. They have just proved their supreme war worthiness in their victorious campaign . . . There is no evidence available to show that any country in the world disposes of a better total ammunition stock than the Reich . . . The A.A. artillery is not equalled by any country in the world."

In this reorganisation of the economic life of Germany for military purposes, the Nazi Government found the German armament industry quite willing to cooperate, and to play its part in the rearmament programme. In April, 1933, Gustav Krupp von Bohlen submitted to Hitler on behalf of the



Reich Association of German Industry a plan for the reorganisation of German industry, which he stated was characterised by the desire to co-ordinate economic measures and political necessity. In the plan itself, 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." What Krupp meant by this statement is fully shown by the draft text of a speech which he planned to deliver in the University of Berlin in January, 1944, though the speech was in fact never delivered. Referring to the years 1919 to 1933, Krupp wrote: " It is the one great merit of the entire German war economy that it did not remain idle during those bad years, even though its activity could not be brought to light, for obvious reasons. 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. . . . Only through the secret activity of German enterprise together with the experience gained meanwhile through production of peace time goods, was it possible after 1933 to fall into step with the new tasks arrived at, restoring Germany's military power."

In October, 1933, Germany withdrew from the International Disarmament Conference and League of Nations. In 1935, the Nazi Government decided to take the first open steps to free itself from its obligations under the Treaty of Versailles. On the 10th March, 1935, the defendant Goering announced that Germany was building a military air force. Six days later, on the 16th March, 1935, a law was passed bearing the signatures, among others, of the defendants Goering, Hess, Frank, Frick, Schacht and von Neurath, instituting compulsory military service and fixing the establishment of the German Army at a peace time strength of 500,000 men. In an endeavour to reassure public opinion in other countries, the Government announced on the 21st May, 1935, that Germany would, though renouncing the disarmament clauses, still respect the territorial limitations of the Versailles Treaty, and would comply with the Locarno Pacts. Nevertheless, on the very day of this announcement, the secret Reich Defence Law was passed and its publication forbidden by Hitler. In this law, the powers and duties of the Chancellor and other Ministers were defined, should Germany become involved in war. It is clear from this law that by May of 1935 Hitler and his Government had arrived at the stage in the carrying out of their policies when it was necessary for them to have in existence the requisite machinery for the administration and government of Germany in the event of their policy leading to war.

At the same time that this preparation of the German economy for war was being carried out, the German armed forces themselves were preparing for a rebuilding of Germany's armed strength.

The Germany Navy was particularly active in this regard. The official German Naval historians, Assmann and Gladisch, admit that the Treaty of Versailles had only been in force for a few months before it was violated, particularly in the construction of a new submarine arm.

The publications of Captain Schuessler and Oberst Scherf, both of which were sponsored by the defendant Raeder, were designed to show the German people the nature of the Navy's effort to rearm in defiance of the Treaty of Versailles.

The full details of these publications have been given in evidence.

On the 12th May, 1934 the defendant Raeder issued the Top Secret armament plan for what was called the Third Armament Phase. This contained the sentence

> " All theoretical and practical A-preparations are to be drawn up with a primary view to readiness for a war *without any alert period.*"

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One month later, in June 1934, the defendant Raeder had a conversation with Hitler in which Hitler instructed him to keep secret the construction of U-boats and of warships over the limit of 10,000 tons which was then being undertaken.

And on the 2nd November, 1934, the defendant Raeder had another conversation with Hitler and the defendant Goering, in which Hitler said that he considered it vital that the German Navy " should be increased as planned, as no war could be carried on if the Navy was not able to safeguard the ore imports from Scandinavia."

The large orders for building given in 1933 and 1934 are sought to be excused by the defendant Raeder on the ground that negotiations were in progress for an agreement between Germany and Great Britain permitting Germany to build ships in excess of the provisions of the Treaty of Versailles. This agreement(2), which was signed in 1935, restricted the German Navy to a tonnage equal to one-third of that of the British, except in respect of U-boats where 45 per cent. was agreed, subject always to the right to exceed this proportion after first informing the British Government and giving them an opportunity of discussion.

The Anglo-German Treaty followed in 1937(3), under which both Powers bound themselves to notify full details of their building programme at least four months before any action was taken.

It is admitted that these clauses were not adhered to by Germany.

In capital vessels, for example, the displacement details were falsified by 20 per cent., whilst in the case of U-boats, the German historians Assmann and Gladisch say:

> " It is probably just in the sphere of submarine construction that Germany adhered the least to the restrictions of the German-British Treaty."

The importance of these breaches of the Treaty is seen when the motive for this re-armament is considered. In the year 1940 the defendant Raeder himself wrote:

> " The Fuehrer hoped until the last moment to be able to put off the threatening conflict with England until 1944-5. At that time, the Navy would have had available a fleet with a powerful U-boat superiority, and a much more favourable ratio as regards strength in all other types of ships, particularly those designed for warfare on the High Seas."

The Nazi Government, as already stated, announced on the 21st May, 1935, their intention to respect the territorial limitations of the Treaty of Versailles. On the 7th March, 1936, in defiance of that Treaty, the demilitarised zone of the Rhineland was entered by German troops. In announcing this action to the German Reichstag, Hitler endeavoured to justify the re-entry by references to the recently concluded alliances between France and the Soviet Union, and between Czechoslovakia and the Soviet Union. He also tried to meet the hostile reaction which he no doubt expected to follow this violation of the Treaty by saying:

> " We have no territorial claims to make in Europe."

## THE COMMON PLAN OR CONSPIRACY AND AGGRESSIVE WAR

The Tribunal now turns to the consideration of the Crimes against peace charged in the Indictment. Count One of the Indictment charges the defendants with conspiring or having a common plan to commit crimes against peace.

(2) " Treaty Series No. 22 (1935) " Cmd. 4953.
(3) " Treaty Series No. 2 (1938) " Cmd. 5637.



Count Two of the Indictment charges the defendants with committing specific crimes against peace by planning, preparing, initiating, and waging wars of aggression against a number of other States. It will be convenient to consider the question of the existence of a common plan and the question of aggressive war together, and to deal later in this Judgment with the question of the individual responsibility of the defendants.

The charges in the Indictment that the defendants planned and waged aggressive wars are charges of the utmost gravity. War is essentially an evil thing. Its consequences are not confined to the belligerent states alone, but affect the whole world.

To initiate a war of aggression, therefore, is not only an international crime; it is the supreme international crime differing only from other war crimes in that it contains within itself the accumulated evil of the whole.

The first acts of aggression referred to in the Indictment are the seizure of Austria and Czechoslovakia and the first war of aggression charged in the Indictment is the war against Poland begun on the 1st September, 1939.

Before examining that charge it is necessary to look more closely at some of the events which preceded these acts of aggression. The war against Poland did not come suddenly out of an otherwise clear sky; the evidence has made it plain that this war of aggression, as well as the seizure of Austria and Czechoslovakia, was pre-meditated and carefully prepared, and was not undertaken until the moment was thought opportune for it to be carried through as a definite part of the pre-ordained scheme and plan.

For the aggressive designs of the Nazi Government were not accidents arising out of the immediate political situation in Europe and the world; they were a deliberate and essential part of Nazi foreign policy.

From the beginning, the National Socialist movement claimed that its object was to unite the German people in the consciousness of their mission and destiny, based on inherent qualities of race, and under the guidance of the Fuehrer.

For its achievement, two things were deemed to be essential: the disruption of the European order as it had existed since the Treaty of Versailles, and the creation of a Greater Germany beyond the frontiers of 1914. This necessarily involved the seizure of foreign territories.

War was seen to be inevitable, or at the very least, highly probable, if these purposes were to be accomplished. The German people, therefore, with all their resources, were to be organised as a great political-military army, schooled to obey without question any policy decreed by the State.

## PREPARATION FOR AGGRESSION.

In " Mein Kampf " Hitler had made this view quite plain. It must be remembered that " Mein Kampf " was no mere private diary in which the secret thoughts of Hitler were set down. Its contents were rather proclaimed from the house-tops. It was used in the schools and Universities and among the Hitler Youth, in the SS and the SA, and among the German people generally, even down to the presentation of an official copy to all newly-married people. By the year 1945 over 6½ million copies had been circulated. The general contents are well known. Over and over again Hitler asserted his belief in the necessity of force as the means of solving international problems, as in the following quotation:

> " The soil on which we now live was not a gift bestowed by Heaven on our forefathers. They had to conquer it by risking their lives. So also in the future, our people will not obtain territory, and therewith the means of existence, as a favour from any other people, but will have to win it by the power of a triumphant sword."

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" Mein Kampf " contains many such passages, and the extolling of force as an instrument of foreign policy is openly proclaimed.

The precise objectives of this policy of force are also set forth in detail. The very first page of the book asserts that " German-Austria must be restored to the great German Motherland," not on economic grounds, but because " people of the same blood should be in the same Reich."

The restoration of the German frontiers of 1914 is declared to be wholly insufficient, and if Germany is to exist at all, it must be as a world power with the necessary territorial magnitude.

" Mein Kampf " is quite explicit in stating where the increased territory is to be found:

> " Therefore we National Socialists have purposely drawn a line through the line of conduct followed by pre-war Germany in foreign policy. We put an end to the perpetual Germanic march towards the South and West of Europe, and turn our eyes towards the lands of the East. We finally put a stop to the colonial and trade policy of the pre-war times, and pass over to the territorial policy of the future.
>
> But when we speak of new territory in Europe to-day, we must think principally of Russia and the border states subject to her."

" Mein Kampf " is not to be regarded as a mere literary exercise, nor as an inflexible policy or plan incapable of modification.

Its importance lies in the unmistakable attitude of aggression revealed throughout its pages.

## THE PLANNING OF AGGRESSION.

Evidence from captured documents has revealed that Hitler held four secret meetings to which the Tribunal proposes to make special reference because of the light they shed upon the question of the common plan and aggressive war.

These meetings took place on the 5th of November, 1937, the 23rd of May, 1939, the 22nd of August, 1939, and the 23rd of November, 1939.

At these meetings important declarations were made by Hitler as to his purposes, which are quite unmistakable in their terms.

The documents which record what took place at these meetings have been subject to some criticism at the hands of defending Counsel.

Their essential authenticity is not denied, but it is said, for example, that they do not purpose to be verbatim transcripts of the speeches they record, that the document dealing with the meeting on the 5th November, 1937, was dated five days after the meeting had taken place, and that the two documents dealing with the meeting of August 22nd, 1939, differ from one another, and are unsigned.

Making the fullest allowance for criticism of this kind, the Tribunal is of the opinion that the documents are documents of the highest value, and that their authenticity and substantial truth are established.

They are obviously careful records of the events they describe, and they have been preserved as such in the archives of the German Government, from whose custody they were captured. Such documents could never be dismissed as inventions, nor even as inaccurate or distorted; they plainly record events which actually took place.



## CONFERENCES OF THE 23RD NOVEMBER, 1939 AND 5TH NOVEMBER, 1937

It will perhaps be useful to deal first of all with the meeting of the 23rd November, 1939, when Hitler called his Supreme Commanders together. A record was made of what was said, by one of those present. At the date of the meeting, Austria and Czechoslovakia had been incorporated into the German Reich, Poland had been conquered by the German armies, and the war with Great Britain and France was still in its static phase. The moment was opportune for a review of past events. Hitler informed the Commanders that the purpose of the Conference was to give them an idea of the world of his thoughts, and to tell them his decision. He thereupon reviewed his political task since 1919, and referred to the secession of Germany from the League of Nations, the denunciation of the Disarmament Conference, the order for re-armament, the introduction of compulsory armed service, the occupation of the Rhineland, the seizure of Austria, and the action against Czechoslovakia. He stated:

> " One year later, Austria came; this step also was considered doubtful. It brought about a considerable reinforcement of the Reich. The next step was Bohemia, Moravia and Poland. This step also was not possible to accomplish in one campaign. First of all, the western fortification had to be finished. It was not possible to reach the goal in one effort. It was clear to me from the first moment that I could not be satisfied with the Sudeten German territory. That was only a partial solution. The decision to march into Bohemia was made. Then followed the erection of the Protectorate and with that the basis for the action against Poland was laid, but I wasn't quite clear at that time whether I should start first against the East and then in the West or vice versa . . . Basically I did not organise the armed forces in order not to strike. The decision to strike was always in me. Earlier or later I wanted to solve the problem. Under pressure it was decided that the East was to be attacked first."

This address, reviewing past events and re-affirming the aggressive intentions present from the beginning, puts beyond any question of doubt the character of the actions against Austria and Czechoslovakia, and the war against Poland.

For they had all been accomplished according to plan; and the nature of that plan must now he examined in a little more detail.

At the meeting of the 23rd November, 1939, Hitler was looking back to things accomplished; at the earlier meetings now to be considered, he was looking forward, and revealing his plans to his confederates. The comparison is instructive.

The meeting held at the Reich Chancellery in Berlin on the 5th November, 1937, was attended by Lieut.-Colonel Hoszbach, Hitler's personal adjutant, who compiled a long note of the proceedings, which he dated the 10th November, 1937, and signed.

The persons present were Hitler, and the defendants Goering, von Neurath and Raeder, in their capacities as Commander-in-Chief of the Luftwaffe, Reich Foreign Minister and Commander-in-Chief of the Navy respectively, General von Blomberg, Minister of War, and General von Fritsch, the Commander-in-Chief of the Army.

Hitler began by saying that the subject of the conference was of such high importance that in other States it would have taken place before the Cabinet. He went on to say that the subject matter of his speech was the result of his detailed deliberations, and of his experience during his four and a half years

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of Government. He requested that the statements he was about to make should be looked upon in the case of his death as his last will and testament. Hitler's main theme was the problem of living space, and he discussed various possible solutions, only to set them aside. He then said that the seizure of living space on the continent of Europe was therefore necessary, expressing himself in these words:

> " It is not a case of conquering people but of conquering agriculturally useful space. It would also be more to the purpose to seek raw material producing territory in Europe directly adjoining the Reich and not overseas, and this solution would have to be brought into effect for one or two generations. . . . The history of all times—Roman Empire, British Empire—has proved that every space expansion can only be effected by breaking resistance and taking risks. Even setbacks are unavoidable: neither formerly nor to-day has space been found without an owner; the attacker always comes up against the proprietor."

He concluded with this observation:

> " The question for Germany is where the greatest possible conquest could be made at the lowest cost."

Nothing could indicate more plainly the aggressive intentions of Hitler, and the events which soon followed showed the reality of his purpose. It is impossible to accept the contention that Hitler did not actually mean war; for after pointing out that Germany might expect the opposition of England and France, and analysing the strength and the weakness of those powers in particular situations, he continued:

> " The German question can be solved only by way of force, and this is never without risk. . . . If we place the decision to apply force with risk at the head of the following expositions, then we are left to reply to the questions ' when ' and ' how '. In this regard we have to decide upon three different cases."

The first of these three cases set forth a hypothetical international situation, in which he would take action not later than 1943 to 1945, saying:

> " If the Fuehrer is still living then it will be his irrevocable decision to solve the German space problem not later than 1943 to 1945. The necessity for action before 1943 to 1945 will come under consideration in Cases 2 and 3."

The second and third cases to which Hitler referred show the plain intention to seize Austria and Czechoslovakia, and in this connection Hitler said:

> " For the improvement of our military-political position, it must be our first aim in every case of entanglement by war to conquer Czechoslovakia and Austria simultaneously in order to remove any threat from the flanks in case of a possible advance westwards."

He further added:

> " The annexation of the two states to Germany militarily and politically would constitute a considerable relief, owing to shorter and better frontiers, the freeing of fighting personnel for other purposes, and the possibility of reconstituting new armies up to a strength of about twelve divisions."

This decision to seize Austria and Czechoslovakia was discussed in some detail; the action was to be taken as soon as a favourable opportunity presented itself.



The military strength which Germany had been building up since 1933 was now to be directed at the two specific countries, Austria and Czechoslovakia.

The defendant Goering testified that he did not believe at that time that Hitler actually meant to attack Austria and Czechoslovakia, and that the purpose of the conference was only to put pressure on von Fritsch to speed up the re-armament of the Army.

The defendant Raeder testified that neither he, nor von Fritsch, nor von Blomberg, believed that Hitler actually meant war, a conviction which the defendant Raeder claims that he held up to the 22nd August, 1939. The basis of this conviction was his hope that Hitler would obtain a " political solution " of Germany's problems. But all that this means, when examined, is the belief that Germany's position would be so good, and Germany's armed might so overwhelming, that the territory desired could be obtained without fighting for it. It must be remembered too that Hitler's declared intention with regard to Austria was actually carried out within a little over four months from the date of the meeting, and within less than a year the first portion of Czechoslovakia was absorbed, and Bohemia and Moravia a few months later. If any doubts had existed in the minds of any of his hearers in November, 1937, after March of 1939 there could no longer be any question that Hitler was in deadly earnest in his decision to resort to war. The Tribunal is satisfied that Lt.-Col. Hoszbach's account of the meeting is substantially correct, and that those present knew that Austria and Czechoslovakia would be annexed by Germany at the first possible opportunity.

THE PRESIDENT: The Tribunal will now adjourn for ten minutes.

(A recess was taken.)

THE PRESIDENT: I will now ask M. Donnedieu de Vabres to continue the reading of the judgment.

## THE INVASION OF AUSTRIA

M. DONNEDIEU DE VABRES:

The invasion of Austria was a pre-meditated aggressive step in furthering the plan to wage aggressive wars against other countries. As a result Germany's flank was protected, that of Czechoslovakia being greatly weakened. The first step had been taken in the seizure of " Lebensraum "; many new divisions of trained fighting men had been acquired; and with the seizure of foreign exchange reserves, the re-armament programme had been greatly strengthened.

On the 21st May, 1935, Hitler announced in the Reichstag that Germany did not intend either to attack Austria or to interfere in her internal affairs. On the 1st May, 1936, he publicly coupled Czechoslovakia with Austria in his avowal of peaceful intentions; and so late as the 11th July, 1936, he recognised by treaty the full sovereignty of Austria.

Austria was in fact seized by Germany in the month of March, 1938. For a number of years before that date, the National Socialists in Germany had been cooperating with the National Socialists of Austria with the ultimate object of incorporating Austria into the German Reich. The Putsch of July 25th, 1934, which resulted in the assassination of Chancellor Dollfuss, had the seizure of Austria as its object; but the Putsch failed, with the consequence that the National Socialist Party was outlawed in Austria. On the 11th July, 1936, an agreement was entered into between the two countries, Article 1 of which stated:

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" The German Government recognises the full sovereignty of the Federated State of Austria in the spirit of the pronouncements of the German Fuehrer and Chancellor of the 21st May, 1935."

Article 2 declared:

" Each of the two Governments regards the inner political order (including the question of Austrian National Socialism) obtaining in the other country as an internal affair of the other country, upon which it will exercise neither direct nor indirect influence."

The National Socialist movement in Austria however continued its illegal activities under cover of secrecy; and the National Socialists of Germany gave the Party active support. The resulting " incidents " were seized upon by the German National Socialists as an excuse for interfering in Austrian affairs. After the conference of the 5th November, 1937, these " incidents " rapidly multiplied. The relationship between the two countries steadily worsened, and finally the Austrian Chancellor Schuschnigg was persuaded by the defendant von Papen and others to seek a conference with Hitler, which took place at Berchtesgaden on the 12th February, 1938. The defendant Keitel was present at the conference, and Dr. Schuschnigg was threatened by Hitler with an immediate invasion of Austria. Schuschnigg finally agreed to grant a political amnesty to various Nazis convicted of crime, and to appoint the Nazi Seyss-Inquart as Minister of the Interior and Security with control of the Police. On the 9th March, 1938, in an attempt to preserve the independence of his country, Dr. Schuschnigg decided to hold a plebiscite on the question of Austrian independence, which was fixed for the 13th March, 1938. Hitler, two days later, sent an ultimatum to Schuschnigg that the plebiscite must be withdrawn. In the afternoon and evening of the 11th March, 1938, the defendant Goering made a series of demands upon the Austrian Government, each backed up by the threat of invasion. After Schuschnigg had agreed to the cancellation of the plebiscite, another demand was put forward that Schuschnigg must resign, and that the defendant Seyss-Inquart should be appointed Chancellor. In consequence, Schuschnigg resigned, and President Miklas, after at first refusing to appoint Seyss-Inquart as Chancellor, gave way and appointed him.

Meanwhile Hitler had given the final order for the German troops to cross the border at dawn on the 12th of March and instructed Seyss-Inquart to use formations of Austrian National Socialists to depose Miklas and to seize control of the Austrian Government. After the order to march had been given to the German troops, Goering telephoned the German Embassy in Vienna and dictated a telegram in which he wished Seyss-Inquart to send to Hitler to justify the military action which had already been ordered.

It was:

" The provisional Austrian Government, which, after the dismissal of the Schuschnigg Government, considers its task to establish peace and order in Austria, sends to the German Government the urgent request to support it in its task and to help it to prevent bloodshed. For this purpose it asks the German Government to send German troops as soon as possible."

Keppler, an official of the German Embassy, replied:

" Well, SA and SS are marching through the streets, but everything is quiet."

After some further discussion, Goering stated:

" Please show him (Seyss-Inquart) the text of the telegram, and do tell him that we are asking him—well, he doesn't even have to send the telegram. All he needs to do is to say ' Agreed '."

Seyss-Inquart never sent the telegram; he never even telegraphed " Agreed."



It appears that as soon as he was appointed Chancellor, some time after 10 p.m., he called Keppler and told him to call up Hitler and transmit his protests against the occupation. This action outraged the defendant Goering, because " it would disturb the rest of the Fuehrer, who wanted to go to Austria the next day." At 11.15 p.m. an official in the Ministry of Propaganda in Berlin telephoned the German Embassy in Vienna and was told by Keppler: " Tell the General Field Marshal that Seyss-Inquart agrees."

At daybreak on the 12th March, 1938, German troops marched into Austria, and met with no resistance. It was announced in the German press that Seyss-Inquart had been appointed the successor to Schuschnigg, and the telegram which Goering had suggested, but which was never sent, was quoted to show that Seyss-Inquart had requested the presence of German troops to prevent disorder. On the 13th March, 1938, a law was passed for the reunion of Austria in the German Reich. Seyss-Inquart demanded that President Miklas should sign this law, but he refused to do so, and resigned his office. He was succeeded by Seyss-Inquart, who signed the law in the name of Austria. This law was then adopted as a law of the Reich by a Reich Cabinet decree issued the same day, and signed by Hitler and the defendants Goering, Frick, von Ribbentrop and Hess.

It was contended before the Tribunal that the annexation of Austria was justified by the strong desire expressed in many quarters for the union of Austria and Germany; that there were many matters in common between the two peoples that made this union desirable; and that in the result the object was achieved without bloodshed.

These matters, even if true, are really immaterial, for the facts plainly prove that the methods employed to achieve the object were those of an aggressor. The ultimate factor was the armed might of Germany ready to be used if any resistance was encountered. Moreover, none of these considerations appear from the Hoszbach account of the meetings of the 5th November, 1937, to have been the motives which actuated Hitler; on the contrary, all the emphasis is there laid on the advantage to be gained by Germany in her military strength by the annexation of Austria.

## THE SEIZURE OF CZECHOSLOVAKIA

The conference of the 5th November, 1937, made it quite plain that the seizure of Czechoslovakia by Germany had been definitely decided upon. The only question remaining was the selection of the suitable moment to do it. On the 4th March, 1938, the defendant Ribbentrop wrote to the defendant Keitel with regard to a suggestion made to Ribbentrop by the Hungarian Ambassador in Berlin, that possible war aims against Czechoslovakia should be discussed between the German and Hungarian armies. In the course of this letter Ribbentrop said:

" I have many doubts about such negotiations. In case we should discuss with Hungary possible war aims against Czechoslovakia, the danger exists that other parties as well would be informed about this."

On the 11th March, 1938, Goering made two separate statements to M. Mastny, the Czechoslovak Minister in Berlin, assuring him that the developments then taking place in Austria would in no way have any detrimental influence on the relations between the German Reich and Czechoslovakia, and emphasised the continued earnest endeavour on the part of the Germans to improve those mutual relations. On the 12th March, Goering asked M. Mastny to call on him, and repeated these assurances.

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On the 15th March German troops occupied Bohemia and Moravia, and on the 16th March the German decree was issued incorporating Bohemia and Moravia in the Reich as a protectorate, and this degree was signed by the defendants Ribbentrop and Frick.

## THE AGGRESSION AGAINST POLAND

By March, 1939, the plan to annex Austria and Czechoslovakia, which had been discussed by Hitler at the meeting of the 5th November, 1937, had been accomplished. The time had now come for the German leaders to consider further acts of aggression, made more possible of attainment because of that accomplishment.

On the 23rd May, 1939, a meeting was held in Hitler's study in the new Reich Chancellery in Berlin. Hitler announced his decision to attack Poland and gave his reasons, and discussed the effect the decision might have on other countries. In point of time, this was the second of the important meetings to which reference has already been made, and in order to appreciate the full significance of what was said and done, it is necessary to state shortly some of the main events in the history of German-Polish relations.

As long ago as the year 1925 an Arbitration Treaty between Germany and Poland had been made at Locarno, providing for the settlement of all disputes between the two countries. On the 26th January, 1934, a German-Polish declaration of non-aggression was made, signed of behalf of the German Government by the defendant von Neurath. On the 30th January, 1934, and again on the 30th January, 1937, Hitler made speeches in the Reichstag in which he expressed his view that Poland and Germany could work together in harmony and peace. On the 20th February, 1938, Hitler made a third speech in the Reichstag in the course of which he said with regard to Poland:

> " And so the way to a friendly understanding has been successfully paved, an understanding which, beginning with Danzig, has today, in spite of the attempts of certain mischief makers, succeeded in finally taking the poison out of the relations between Germany and Poland and transforming them into a sincere, friendly cooperation. Relying on her friendships, Germany will not leave a stone unturned to save that ideal which provides the foundation for the task which is ahead of us—peace."

On the 26th September, 1938, in the middle of the crisis over the Sudetenland, Hitler made the speech in Berlin which has already been quoted, and announced that he had informed the British Prime Minister that when the Czechoslovakian problem has been solved there would be no more territorial problems for Germany in Europe. Nevertheless, on the 24th November of the same year, an OKW directive was issued to the German armed forces to make preparations for an attack upon Danzig; it stated:

> " The Feuhrer has ordered:
>
> (1) Preparations are also to be made to enable the Free State of Danzig to be occupied by German troops by surprise."

In spite of having ordered military preparations for the occupation of Danzig, Hitler, on the 30th January, 1939, said in a speech in the Reichstag:

> " During the troubled months of the past year, the friendship between Germany and Poland has been one of the most reassuring factors in the political life of Europe."

Five days previously, on the 25th January, 1939, Ribbentrop said in the course of a speech in Warsaw:

> " Thus Poland and Germany can look forward to the future with full confidence in the solid basis of their mutual relations."



Following the occupation of Bohemia and Moravia by Germany on the 15th March, 1939, which was a flagrant breach of the Munich Agreement, Great Britain gave an assurance to Poland on the 31st March, 1939, that in the event of any action which clearly threatened Polish independence, and which the Polish Government accordingly considered it vital to resist with their national forces, Great Britain would feel itself bound at once to lend Poland all the support in its power. The French Government took the same stand. It is interesting to note in this connection, that one of the arguments frequently presented by the defence in the present case is that the defendants were influenced to think that their conduct was not in breach of international law by the acquiescence of other Powers. The declarations of Great Britain and France showed, at least, that this view could be held no longer.

On the 3rd April, 1939, a revised OKW directive was issued to the armed forces, which after referring to the question of Danzig made reference to Fall Weiss (the military code name for the German invasion of Poland) and stated:

> " The Fuehrer has added the following directions to Fall Weiss:
>
> (1) Preparations must be made in such a way that the operation can be carried out at any time from the 1st September, 1939, onwards.
>
> (2) The High Command of the Armed Forces has been directed to draw up a precise timetable for Fall Weiss and to arrange by conferences the synchronised timings between the three branches of the Armed Forces."

On the 11th April, 1939, a further directive was signed by Hitler and issued to the armed forces, and in one of the annexes to that document the words occur:

> " Quarrels with Poland should be avoided. Should Poland however adopt a threatening attitude towards Germany, " a final settlement " will be necessary, notwithstanding the pact with Poland. The aim is then to destroy Polish military strength, and to create in the East a situation which satisfies the requirements of defence. The Free State of Danzig will be incorporated into Germany at the outbreak of the conflict at the latest. Policy aims at limiting the war to Poland, and this is considered possible in view of the internal crisis in France, and British restraint as a result of this."

In spite of the contents of these two directives, Hitler made a speech in the Reichstag on the 28th April, 1939, in which, after describing the Polish Government's alleged rejection of an offer he had made with regard to Danzig and the Polish Corridor, he stated:

> " I have regretted greatly this incomprehensible attitude of the Polish Government, but that alone is not the decisive fact; the worst is that now Poland like Czechoslovakia a year ago believes, under the pressure of a lying international campaign, that it must call up its troops, although Germany on her part has not called up a single man, and had not thought of proceeding in any way against Poland. . . . The intention to attack on the part of Germany which was merely invented by the international Press . . ."

It was four weeks after making this speech that Hitler, on the 23rd May, 1939, held the important military conference to which reference has already been made. Among the persons present were the defendants Goering, Raeder and Keitel. The adjutant on duty that day was Lieutenant-Colonel Schmundt, and he made a record of what happened, certifying it with his signature as a correct record.

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The purpose of the meeting was to enable Hitler to inform the heads of the armed forces and their staffs of his views on the political situation and his future aims. After analysing the political situation and reviewing the course of events since 1933, Hitler announced his decision to attack Poland. He admitted that the quarrel with Poland over Danzig was not the reason for this attack, but the necessity for Germany to enlarge her living space and secure her food supplies. He said:

> " The solution of the problem demands courage. The principle by which one evades solving the problem by adapting oneself to circumstances is inadmissible. Circumstances must rather be adapted to. This is impossible without invasion of foreign states or attacks upon foreign property."

Later in his address he added:

> " 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. Our task is to isolate Poland. The success of the isolation will be decisive . . . The isolation of Poland is a matter of skilful politics."

Lt.-Col. Schmundt's record of the meeting reveals that Hitler fully realised the possibility of Great Britain and France coming to Poland's assistance. If, therefore, the isolation of Poland could not be achieved, Hitler was of opinion that Germany should attack Great Britain and France first, or at any rate should concentrate primarily on the war in the West, in order to defeat Great Britain and France quickly, or at least to destroy their effectiveness. Nevertheless, Hitler stressed that war with England and France would be a life and death struggle, which might last a long time, and that preparations must be made accordingly.

During the weeks which followed this conference, other meetings were held and directives were issued in preparation for the war. The defendant Ribbentrop was sent to Moscow to negotiate a non-agression pact with the Soviet Union.

On the 22nd August, 1939, there took place the important meeting of that day, to which reference has already been made. The Prosecution have put in evidence two unsigned captured documents which appear to be records made of this meeting by persons who were present. The first document is headed: " The Fuehrer's speech to the Commanders-in-Chief on the 22nd August, 1939 . . . " The purpose of the speech was to announce the decision to make war on Poland at once, and Hitler began by saying:

> " It was clear to me that a conflict with Poland had to come sooner or later. I had already made this decision in the Spring, but I thought that I would first turn against the West in a few years, and only afterwards against the East . . . I wanted to establish an acceptable relationship with Poland in order to fight first against the West. But this plan, which was agreeable to me, could not be executed since essential points have changed. It became clear to me that Poland would attack us in case of a conflict with the West."

Hitler then went on to explain why he had decided that the most favourable moment had arrived for starting the war. " Now," said Hitler, " Poland is in the position in which I wanted her . . . I am only afraid that at the last moment some Schweinehund will make a proposal for mediation . . . A beginning has been made for the destruction of England's hegemony."



This document closely resembles one of the documents put in evidence on behalf of the defendant Raeder. This latter document consists of a summary of the same speech, compiled on the day it was made, by one Admiral Boehm, from notes he had taken during the meeting. In substance it says that the moment had arrived to settle the dispute with Poland by military invasion, that although a conflict between Germany and the West was unavoidable in the long run, the likelihood of Great Britain and France coming to Poland's assistance was not great, and that even if a war in the West should come about, the first aim should be the crushing of the Polish military strength. It also contains a statement by Hitler that an appropriate propaganda reason for invading Poland would be given, the truth or falsehood of which was unimportant, since " the Right lies in Victory."

The second unsigned document put in evidence by the Prosecution is headed: " Second Speech by the Fuehrer on the 22nd August, 1939," and it is in the form of notes of the main points made by Hitler. Some of these are as follows:

> " Everybody shall have to make a point of it that we were determined from the beginning to fight the Western Powers. Struggle for life or death . . . destruction of Poland in the foreground. The aim is elimination of living forces, not the arrival at a certain line. Even if war should break out in the West, the destruction of Poland shall be the primary objective. I shall give a propagandist cause for starting the war—never mind whether it be plausible or not. The victor shall not be asked later on whether we told the truth or not. In starting and making a war, not the Right is what matters, but Victory . . . The start will be ordered probably by Saturday morning." (That is to say, the 26th August.)

In spite of it being described as a second speech, there are sufficient points of similarity with the two previously mentioned documents to make it appear very probable that this is an account of the same speech, not as detailed as the other two, but in substance the same.

These three documents establish that the final decision as to the date of Poland's destruction, which had been agreed upon and planned earlier in the year, was reached by Hitler shortly before the 22nd August, 1939. They also show that although he hoped to be able to avoid having to fight Great Britain and France as well, he fully realised there was a risk of this happening, but it was a risk which he was determined to take.

The events of the last days of August confirm this determination. On the 22nd August, 1939, the same day as the speech just referred to, the British Prime Minister wrote a letter to Hitler, in which he said:

> " Having thus made our position perfectly clear, I wish to repeat to you my conviction that war between our two peoples would be the greatest calamity that could occur."

On the 23rd August Hitler replied:

> " The question of the treatment of European problems on a peaceful basis is not a decision which rests with Germany, but primarily on those who since the crime committed by the Versailles Diktat have stubbornly and consistently opposed any peaceful revision. Only after a change of spirit on the part of the responsible Powers can there be any real change in the relationship between England and Germany."

There followed a number of appeals to Hitler to refrain from forcing the Polish issue to the point of war. These were from President Roosevelt

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on the 24th and 25th August; from His Holiness the Pope on the 24th and 31st August; and from M. Daladier, the Prime Minister of France, on the 26th August. All these appeals fell on deaf ears.

On the 25th August, Great Britain signed a pact of mutual assistance with Poland, which reinforced the understanding she had given to Poland earlier in the year. This coupled with the news of Mussolini's unwillingness to enter the war on Germany's side, made Hitler hesitate for a moment. The invasion of Poland, which was timed to start on the 26th August, was postponed until a further attempt had been made to persuade Great Britain not to intervene. Hitler offered to enter into a comprehensive agreement with Great Britain, once the Polish question had been settled. In reply to this, Great Britain made a counter-suggestion for the settlement of the Polish dispute by negotiation. On the 29th August Hitler informed the British Ambassador that the German Government, though sceptical as to the result, would be prepared to enter into direct negotiations with a Polish emissary, provided he arrived in Berlin with plenipotentiary powers by midnight for the following day, August 30th. The Polish Government were informed of this, but with the example of Schuschnigg and Hacha before them, they decided not to send such an emissary. At midnight on the 30th August the defendant Ribbentrop read to the British Ambassador at top speed a document containing the first precise formulation of the German demands against Poland. He refused, however, to give the Ambassador a copy of this, and stated that in any case it was too late now, since no Polish plenipotentiary had arrived.

In the opinion of the Tribunal, the manner in which these negotiations were conducted by Hitler and Ribbentrop showed that they were not entered into in good faith or with any desire to maintain peace, but solely in the attempt to prevent Great Britain and France from honouring their obligations to Poland.

Parallel with these negotiations were the unsuccessful attempts made by Goering to effect the isolation of Poland by persuading Great Britain not to stand by her pledged word, through the services of one Birger Dahlerus, a Swede. Dahlerus, who was called as a witness by Goering, had a considerable knowledge of England and of things English, and in July, 1939, was anxious to bring about a better understanding between England and Germany, in the hope of preventing a war between the two countries. He got into contact with Goering as well as with official circles in London, and during the latter part of August, Goering used him as an unofficial intermediary to try and deter the British Government from their opposition to Germany's intentions towards Poland. Dahlerus, of course, had no knowledge at the time of the decision which Hitler had secretly announced on the 22nd August, nor of the German military directives for the attack on Poland which were already in existence. As he admitted in his evidence, it was not until the 26th September, after the conquest of Poland was virtually complete, that he first realised that Goering's aim all along had been to get Great Britain's consent to Germany's seizure of Poland.

After all attempts to persuade Germany to agree to a settlement of her dispute with Poland on a reasonable basis had failed, Hitler, on the 31st August, issued his final directive, in which he announced that the attack on Poland would start in the early morning hours of the 1st September, and gave instructions as to what action would be taken if Great Britain and France should enter the war in defence of Poland.

In the opinion of the Tribunal, the events of the days immediately preceding the 1st September, 1939, demonstrate the determination of Hitler and his associates to carry out the declared intention of invading Poland at all costs, despite appeals from every quarter. With the ever increasing evidence



before him that this intention would lead to war with Great Britain and France as well, Hitler was resolved not to depart from the course he had set for himself. The Tribunal is fully satisfied by the evidence that the war initiated by Germany against Poland on the 1st September, 1939, was most plainly an aggressive war, which was to develop in due course into a war which embraced almost the whole world, and resulted in the commission of countless crimes, both against the laws and customs of war, and against humanity.

The PRESIDENT: Now I shall ask M. Falco to continue the reading of the judgment.

M. FALCO:

## THE INVASION OF DENMARK AND NORWAY

The aggressive war against Poland was but the beginning. The aggression of Nazi Germany quickly spread from country to country. In point of time the first two countries to suffer were Denmark and Norway.

On the 31st May, 1939, a Treaty of Non-Aggression was made between Germany and Denmark, and signed by the defendant Ribbentrop. It was there solemnly stated that the parties to the Treaty were " firmly resolved to maintain peace between Denmark and Germany under all circumstances." Nevertheless, Germany invaded Denmark on the 9th April, 1940.

On the 2nd September, 1939, after the outbreak of war with Poland, Germany sent a solemn assurance to Norway in these terms:

> " The German Reich Government is determined in view of the friendly relations which exist between Norway and Germany, under no circumstance to prejudice the inviolability and integrity of Norway, and to respect the territory of the Norwegian State. In making this declaration the Reich Government naturally expects, on its side, that Norway will observe an unimpeachable neutrality towards the Reich and will not tolerate any breaches of Norwegian neutrality by any third party which might occur. Should the attitude of the Royal Norwegian Government differ from this so that any such breach of neutrality by a third party occurs, the Reich Government would then obviously be compelled to safeguard the interests of the Reich in such a way as the resulting situation might dictate."

On the 9th April, 1940, in pursuance of her plan of campaign, Norway was invaded by Germany.

The idea of attacking Norway originated, it appears, with the defendants Raeder and Rosenberg. On the 3rd October, 1939, Raeder prepared a memorandum on the subject of " gaining bases in Norway," and amongst the questions discussed was the question: " Can bases be gained by military force against Norway's will, if it is impossible to carry this out without fighting? " Despite this fact, three days later, further assurances were given to Norway by Germany, which stated:

> " Germany has never had any conflicts of interest or even points of controversy with the Northern States, and neither has she any to-day."

Three days later again, the defendant Doenitz prepared a memorandum on the same subject, namely, bases in Norway, and suggested the establishment of a base in Trondheim with an alternative of supplying fuel in Narvik. At the same time the defendant Raeder was in correspondence with Admiral Karls, who pointed out to him the importance of an occupation of the

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Norwegian coast by Germany. On the 10th October, Raeder reported to Hitler the disadvantages to Germany which an occupation by the British would have. In the months of October and November Raeder continued to work on the possible occupation of Norway, in conjunction with the "Rosenberg Organisation." The "Rosenberg Organisation" was the Foreign Affairs Bureau of the NSDAP, and Rosenberg as Reichsleiter was in charge of it. Early in December, Quisling, the notorious Norwegian traitor, visited Berlin and was seen by the defendants Rosenberg and Raeder. He put forward a plan for a *coup d'etat* in Norway. On the 12th December, the defendant Raeder and the naval staff, together with the defendants Keitel and Jodl, had a conference with Hitler, when Raeder reported on his interview with Quisling, and set out Quisling's views. On the 16th December, Hitler himself interviewed Quisling on all these matters. In the report of the activities of the Foreign Affairs Bureau of the NSDAP for the years 1933-1943, under the heading of "Political preparations for the military occupation of Norway," it is stated that at the interview with Quisling Hitler said that he would prefer a neutral attitude on the part of Norway as well as the whole of Scandinavia, as he did not desire to extend the theatre of war, or to draw other nations into the conflict. If the enemy attempted to extend the war he would be compelled to guard himself against that undertaking; however he promised Quisling financial support, and assigned to a special military staff the examination of the military questions involved.

On the 27th January, 1940, a memorandum was prepared by the defendant Keitel regarding the plans for the invasion of Norway. On the 28th February, 1940, the defendant Jodl entered in his diary:

> "I proposed first to the Chief of OKW and then to the Fuehrer that "Case Yellow" (that is the operation against the Netherlands) and Weser Exercise (that is the operation against Norway and Denmark) must be prepared in such a way that they will be independent of one another as regard both time and forces employed."

On the 1st March Hitler issued a directive regarding the Weser Exercise which contained the words:

> "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 start line against Britain . . . The crossing of the Danish border and the landings in Norway must take place simultaneously . . . It is most important that the Scandinavian States as well as the Western opponents should be taken by surprise by our measures."

On the 24th March, the naval operation orders for the Weser Exercise were issued, and on the 30th March the defendant Doenitz as Commander-in-Chief of U-boats issued his operational order for the occupation of Denmark and Norway. On the 9th April, 1940, the German forces invaded Norway and Denmark.

From this narrative it is clear that as early as October, 1939, the question of invading Norway was under consideration. The defence that has been made here is that Germany was compelled to attack Norway to forestall an Allied invasion, and her action was therefore preventive.

It must be remembered that preventive action in foreign territory is justified only in case of "an instant and overwhelming necessity for self-defence, leaving no choice of means, and no moment of deliberation." (The Caroline



Case, 1808.6.C.Rob.461). How widely the view was held in influential German circles that the Allies intended to occupy Norway cannot be determined with exactitude. Quisling asserted that the Allies would intervene in Norway with the tacit consent of the Norwegian Government. The German Legation at Oslo disagreed with this view, although the Naval Attaché at that Legation shared it.

The War Diary of the German Naval Operations Staff for 13th January, 1940, stated that the Chief of the Naval Operations Staff thought that the most favourable solution would be the maintenance of the neutrality of Norway, but he harboured the firm conviction that England intended to occupy Norway in the near future relying on the tacit agreement of the Norwegian Government.

The directive of Hitler issued on 1st March, 1940, for the attack on Denmark and Norway stated that the operation "should prevent British encroachment on Scandinavia and the Baltic."

It is, however, to be remembered that the defendant Raeder's memorandum of the 3rd October, 1939, makes no reference to forestalling the Allies, but it is based upon "the aim of improving our strategical and operational position."

The memoradum itself is headed "Gaining of Bases in Norway." The same observation applies *mutatis mutandis* to the memorandum of the defendant Doenitz of 9th October, 1939.

Furthermore, on the 13th March, the defendant Jodl recorded in his diary:

> "Fuehrer does not give order yet for 'W' (Weser Exercise). He is still looking for an excuse." (Justification?)

On the 14th March, 1940, he again wrote:

> "Fuehrer has not yet decided what reason to give for 'Weser Exercise'."

On the 21st March, 1940, he recorded the misgivings of Task Force XXI about the long interval between taking up readiness positions and the close of the diplomatic negotiations, and added:

> "Fuehrer rejects any earlier negotiations, as otherwise calls for help go out to England and America. If resistance is put up it must be ruthlessly broken."

On 2nd April he records that all the preparations are completed; on 4th April the Naval Operation Order was issued; and on the 9th April, the invasion was begun.

From all this it is clear that when the plans for an attack on Norway were being made, they were not made for the purpose of forestalling an imminent Allied landing, but, at the most, that they might prevent an Allied occupation at some future date.

When the final orders for the German invasion of Norway were given, the diary of the Naval Operations Staff for 23rd March, 1940, records:

> "A mass encroachment by the English into Norwegian territorial waters . . . is not to be expected at the present time."

And Admiral Assmann's entry for 26th March says:

> "British landing in Norway not considered serious."

Documents which were subsequently captured by the Germans are relied on to show that the Allied plan to occupy harbours and airports in Western Norway was a definite plan, although in all points considerably behind the German

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plans under which the invasion was actually carried out. These documents indicate that an altered plan had been finally agreed upon on 20th March, 1940, that a convoy should leave England on 5th April, and that mining in Norwegian waters would begin the same day; and that on 5th April the sailing time had been postponed until 8th April. But these plans were not the cause of the German invasion of Norway. Norway was occupied by Germany to afford her bases from which a more effective attack on England and France might be made, pursuant to plans prepared long in advance of the Allied plans which are now relied on to support the argument of self-defence.

It was further argued that Germany alone could decide, in accordance with the reservations made by many of the Signatory Powers at the time of the conclusion of the Briand-Kellogg Pact, whether preventive action was a necessity, and that in making her decision her judgment was conclusive. But whether action taken under the claim of self-defence was in fact aggressive or defensive must ultimately be subject to investigation and adjudication if international law is ever to be enforced.

No suggestion is made by the defendants that there was any plan by any belligerent, other than Germany, to occupy Denmark. No excuse for that aggression has ever been offered.

As the German armies entered Norway and Denmark, German memoranda were handed to the Norwegian and Danish Governments which gave the assurance that the German troops did not come as enemies, that they did not intend to make use of the points occupied by German troops as bases for operations against England, as long as they were not forced to do so by measures taken by England and France, and that they had come to protect the North against the proposed occupation of Norwegian strong points by English-French forces.

The memoranda added that Germany had no intention of infringing the territorial integrity and political independence of the Kingdom of Norway then or in the future. Nevertheless, on the 3rd June, 1940, a German Naval memorandum discussed the use to be made of Norway and Denmark, and put forward one solution for consideration, that the territories of Denmark and Norway acquired during the course of the war should continue to be occupied and organised so that they could in the future be considered as German possessions.

In the light of all the available evidence it is impossible to accept the contention that the invasions of Denmark and Norway were defensive, and in the opinion of the Tribunal they were acts of aggressive war.

## THE INVASION OF BELGIUM, THE NETHERLANDS AND LUXEMBURG

The plan to seize Belgium and the Netherlands was considered in August, 1938, when the attack on Czechoslovakia was being formulated, and the possibility of war with France and England was contemplated. The advantage to Germany of being able to use these countries for their own purposes, particularly as air bases in the war against England and France, was emphasised. In May of 1939, when Hitler made his irrevocable decision to attack Poland, and foresaw the possibility at least of a war with England and France in consequence, he told his military commanders:

> " Dutch and Belgian air bases must be occupied. . . . Declarations of neutrality must be ignored."



On August 22nd in the same year, he told his military commanders that England and France, in his opinion, would not " violate the neutrality of these countries." At the same time he assured Belgium and Holland and Luxemburg that he would respect their neutrality; and on the 6th October, 1939, after the Polish campaign, he repeated this assurance. On the 7th October General von Brauchitsch directed Army Group B to prepare " for the immediate invasion of Dutch and Belgian territory, if the political situation so demands." In a series of orders, which were signed by the defendants Keitel and Jodl, the attack was fixed for the 10th November, 1939, but it was postponed from time to time until May of 1940 on account of weather conditions and transport problems.

At the conference on the 23rd November, 1939, Hitler said:

> " 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 favourable 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."

On the 10th May, 1940, the German forces invaded the Netherlands, Belgium and Luxemburg. On the same day the German Ambassadors handed to the Netherlands and Belgian Governments a memorandum alleging that the British and French armies, with the consent of Belgium and Holland, were planning to march through those countries to attack the Ruhr, and justifying the invasion on these grounds. Germany, however, assured the Netherlands and Belgium that their integrity and their possessions would be respected. A similar memorandum was delivered to Luxemburg on the same date.

There is no evidence before the Tribunal to justify the contention that the Netherlands, Belgium and Luxemburg were invaded by Germany because their occupation had been planned by England and France. British and French staffs had been cooperating in making certain plans for military operations in the Low Countries, but the purpose of this planning was to defend these countries in the event of a German attack.

The invasion of Belgium, Holland and Luxemburg was entirely without justification.

It was carried out in pursuance of policies long considered and prepared, and was plainly an act of aggressive war. The resolve to invade was made without any other consideration than the advancement of the aggressive policies of Germany.

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## THE AGGRESSION AGAINST YUGOSLAVIA AND GREECE

On the 12th August, 1939, Hitler had a conversation with Ciano and the defendant Ribbentrop at Obersalzberg. He said then:

> " Generally speaking, the best thing to happen would be for the neutrals to be liquidated one after the other. This process could be carried out more easily if on every occasion one partner of the Axis covered the other while it was dealing with the uncertain neutral. Italy might well regard Yugoslavia as a neutral of this kind."

This observation was made only two months after Hitler had given assurances to Yugoslavia that he would regard her frontier as final and inviolable. On the occasion of the visit to Germany of the Prince Regent of Yugoslavia on 1st June, 1939, Hitler had said in a public speech:

> " The firmly established reliable relationship of Germany to Yugoslavia now that owing to historical events we have become neighbours with common boundaries fixed for all time, will not only guarantee lasting peace between our two peoples and countries, but can also represent an element of calm to our nerve-racked continent. This peace is the goal of all who are disposed to perform really constructive work."

On the 6th October, 1939, Germany repeated these assurances to Yugoslavia, after Hitler and Ribbentrop had unsuccessfully tried to persuade Italy to enter the war on the side of Germany by attacking Yugoslavia. On the 28th October, 1940, Italy invaded Greece, but the military operations met with no success. In November Hitler wrote to Mussolini with regard to the invasion of Greece, and the extension of the war in the Balkans, and pointed out that no military operations could take place in the Balkans before the following March, and therefore Yugoslavia must if at all possible be won over by other means, and in other ways. But on the 12th November, 1940, Hitler issued a directive for the prosecution of the war, and it included the words:

> " The Balkans: The Commander-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."

On the 13th December he issued a directive concerning the operation " Marita," the code name for the invasion of Greece, in which he stated:

> " 1. The result of the battles in Albania is not yet decisive. Because of a dangerous situation in Albania, it is doubly necessary that the British endeavour be foited to create air bases under the protection of a Balkan front, which would be dangerous above all to Italy as to the Roumanian oilfields.
>
> 2. My plan therefore is (*a*) to form a slowly increasing task force in Southern Roumania within the next month, (*b*) after the setting in of favourable weather, probably in March, to send a task force for the occupation of the Aegean north coast by way of Bulgaria and if necessary to occupy the entire Greek mainland."

On the 20th January, 1941, at a meeting between Hitler and Mussolini, at which the defendants Ribbentrop, Keitel, Jodl and others were present, Hitler stated:

> " The massing of troops in Roumania serves a threefold purpose.
> (*a*) An operation against Greece;
> (*b*) Protection of Bulgaria against Russia and Turkey;
> (*c*) Safeguarding the guarantee to Roumania. . . .



> It is desirable that this deployment be completed without interference from the enemy. Therefore, disclose the game as late as possible. The tendency will be to cross the Danube at the last possible moment, and to line up for attack at the earliest possible moment."

On the 19th February, 1941, an OKW directive re the operation " Marita " stated:

> " On the 18th February the Fuehrer made the following decision regarding the carrying out of Operation Marita: The following dates are envisaged: Commencement of building bridge, 28th February: Crossing of the Danube, 2nd March."

On the 3rd March, 1941, British troops landed in Greece to assist the Greeks to resist the Italians; and on the 18th March, at a meeting between Hitler and the defendant Raeder, at which the defendants Keitel and Jodl were also present, the defendant Raeder asked for confirmation that the " whole of Greece will have to be occupied, even in the event of a peaceful settlement," to which Hitler replied, " The complete occupation is a prerequisite of any settlement."

On the 25th March, on the occasion of the adherence of Yugoslavia to the Tripartite Pact at a meeting in Vienna, the defendant Ribbentrop, on behalf of the German Government, confirmed the determination of Germany to respect the sovereignty and territorial integrity of Yugoslavia at all times. On the 26th March the Yugoslav Ministers, who had adhered to the Tripartite Pact, were removed from office by a *coup d'etat* in Belgrade on their return from Vienna, and the new Government repudiated the Pact. Thereupon on 27th March, at a conference in Berlin with the High Command at which the defendants Goering, Keitel and Jodl were present, and the defendant Ribbentrop part of the time, Hitler stated that Yugoslavia was an uncertain factor in regard to the contemplated attack on Greece, and even more so with regard to the attack upon Russia which was to be conducted later on. Hitler announced that he was 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. He stated that he would act with " unmerciful harshness."

On the 6th April German forces invaded Greece and Yugoslavia without warning, and Belgrade was bombed by the Luftwaffe. So swift was this particular invasion that there had not been time to establish any " incidents " as a usual preliminary, or to find and publish any adequate " political " explanations. As the attack was starting on the 6th April, Hitler proclaimed to the German people that this attack was necessary because the British forces in Greece (who were helping the Greeks to defend themselves against the Italians) represented a British attempt to extend the war to the Balkans.

It is clear from this narrative that aggressive war against Greece and Yugoslavia had long been in contemplation, certainly as early as August of 1939. The fact that Great Britain had come to the assistance of the Greeks, and might thereafter be in a position to inflict great damage upon German interests was made the occasion for the occupation of both countries.

## THE AGGRESSIVE WAR AGAINST THE UNION OF SOVIET SOCIALIST REPUBLICS

On the 23rd August, 1939, Germany signed the non-aggression pact with the Union of Soviet Socialist Republics.

The evidence has shown unmistakably that the Soviet Union on their part conformed to the terms of this pact; indeed the German Government

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itself had been assured of this by the highest German sources. Thus, the German Ambassador in Moscow informed his Government that the Soviet Union would go to war only if attacked by Germany, and this statement is recorded in the German War Diary under the date of June 6th, 1941.

Nevertheless, as early as the late summer of 1940, Germany began to make preparations for an attack on the U.S.S.R., in spite of the non-aggression pact. This operation was secretly planned under the code name " Case Barbarossa ", and the former Field Marshal Paulus testified that on the 3rd September, 1940, when he joined the German General Staff, he continued developing " Case Barbarossa ", which was finally completed at the beginning of November, 1940; and that even then, the German General Staff had no information that the Soviet Union was preparing for war.

On the 18th of December, 1940, Hitler issued directive No. 21, initialled by Keitel and Jodl, which called for the completion of all preparations connected with the realisation of " Case Barbarossa " by the 15th May, 1941. This directive stated:

> " The German armed forces must be prepared to crush Soviet Russia in a quick campaign before the end of the war against England . . . Great caution has to be exercised that the intention of an attack will not be recognised."

Before the directive of the 18th December had been made, the defendant Goering had informed General Thomas, chief of the Office of War Economy of the OKW, of the plan, and General Thomas made surveys of the economic possibilities of the USSR including its raw materials, its power and transport system, and its capacity to produce arms.

In accordance with these surveys, an economic staff for the Eastern territories with many military-economic units (inspectorates, Commandos, groups) was created under the supervision of the defendant Goering. In conjunction with the military command, these units were to achieve the most complete and efficient economic exploitation of the occupied territories in the interest of Germany.

The framework of the future political and economic organisation of the occupied territories was designed by the defendant Rosenberg over a period of three months, after conferences with and assistance by the defendants Keitel, Jodl, Raeder, Funk, Goering, Ribbentrop, and Frick or their representatives. It was made the subject of a most detailed report immediately after the invasion.

These plans outlined the destruction of the Soviet Union as an independent State, and its partition, the creation of so-called Reich Commissariats, and the conversion of Esthonia, Latvia, Byelorussia and other territories into German colonies.

At the same time Germany drew Hungary, Roumania and Finland into the war against the U.S.S.R. In December 1940 Hungary agreed to participate on the promise of Germany that she should have certain territories at the expense of Yugoslavia.

In May 1941 a final agreement was concluded with Antonescu, the Prime Minister of Roumania, regarding the attack on the U.S.S.R., in which Germany promised to Roumania, Bessarabia, Northern Bukovina and the right to occupy Soviet territory up to the Dnieper.

On the 22nd June, 1941, without any declaration of war, Germany invaded Soviet territory in accordance with the plans so long made.



The evidence which has been given before this Tribunal proves that Germany had the design carefully thought out, to crush the U.S.S.R. as a political and military power, so that Germany might expand to the east according to her own desire. In " Mein Kampf ", Hitler had written:

> " If new territory were to be acquired in Europe, it must have been mainly at Russia's cost, and once again the new German Empire should have set out on its march along the same road as was formerly trodden by the Teutonic Knights, this time to acquire soil for the German plough by means of the German sword and thus provide the nation with its daily bread."

But there was a more immediate purpose, and in one of the memoranda of the OKW, that immediate purpose was stated to be to feed the German armies from Soviet territory in the third year of the war, even if " as a result many millions of people, as the defendant Rosenberg said, will be starved to death if we take out of the country the things necessary for us."

The final aims of the attack on the Soviet Union were formulated at a conference with Hitler on July 16, 1941, in which the defendants Goering, Keitel, Rosenberg and Bormann participated:

> " There can be no talk of the creation of a military power west of the Urals, even if we should have to fight 100 years to achieve this . . . All the Baltic regions must become part of the Reich. The Crimea and adjoining regions (North of the Crimea) must likewise be incorporated into the Reich. The region of the Volga as well as the Baku district must likewise be incorporated into the Reich. The Finns want Eastern Karelia. However, in view of the large deposits of nickel, the Kola peninsula must be ceded to Germany."

It was contended for the defendants that the attack upon the U.S.S.R., was justified because the Soviet Union was contemplating an attack upon Germany, and making preparations to that end. It is impossible to believe that this view was ever honestly entertained.

The plans for the economic exploitation of the U.S.S.R., for the removal of masses of the population, for the murder of Commissars and political leaders, were all part of the carefully prepared scheme launched on the 22nd June without warning of any kind, and without the shadow of legal excuse. It was plain aggression.

## WAR AGAINST THE UNITED STATES

Four days after the attack launched by the Japanese on the United States fleet in Pearl Harbour on December 7, 1941, Germany declared war on the United States.

The Tripartite Pact between Germany, Italy, and Japan, had been signed on the 27th September, 1940, and from that date until the attack upon the U.S.S.R., the defendant Ribbentrop, with other defendants, was endeavouring to induce Japan to attack British possessions in the Far East. This, it was thought, would hasten England's defeat, and also keep the United States out of the war.

The possibility of a direct attack on the United States was considered and discussed as a matter for the future. Major von Falkenstein, the Luftwaffe Liaison officer with the Operations Staff of the OKW, summarising military problems which needed discussion in Berlin in October of 1940, spoke of the possibility " of the prosecution of the war against America at a later date." It is clear, too, that the German policy of keeping America out of the war, if possible, did not prevent Germany promising support to Japan even against the United States. On the 4th April, 1941, Hitler told Matsuoka, the Japanese

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Foreign Minister, in the presence of the defendant Ribbentrop, that Germany would " strike without delay " if a Japanese attack on Singapore should lead to war between Japan and the United States. The next day Ribbentrop himself urged Matsuoka to bring Japan into the war.

On the 28th November, 1941, ten days before the attack on Pearl Harbour, Ribbentrop encouraged Japan, through her Ambassador in Berlin, to attack Great Britain and the United States, and stated that should Japan become engaged in a war with the United States, Germany would join the war immediately. A few days later, Japanese representatives told Germany and Italy that Japan was preparing to attack the United States, and asked for their support. Germany and Italy agreed to do this, although in the Tripartite Pact, Italy and Germany had undertaken to assist Japan only if she were attacked. When the assault on Pearl Harbour did take place, the defendant Ribbentrop is reported to have been " overjoyed," and later, at a ceremony in Berlin, when a German medal was awarded to Oshima, the Japanese Ambassador, Hitler indicated his approval of the tactics which the Japanese had adopted of negotiating with the United States as long as possible, and then striking hard without any declaration of war.

Although it is true that Hitler and his colleagues originally did not consider that a war with the United States would be beneficial to their interest, it is apparent that in the course of 1941 that view was revised, and Japan was given every encouragement to adopt a policy which would almost certainly bring the United States into the war. And when Japan attacked the United States fleet in Pearl Harbour and thus made aggressive war against the United States, the Nazi Government caused Germany to enter that war at once on the side of Japan by declaring war themselves on the United States.

The PRESIDENT: The Tribunal will adjourn until a quarter past two.

(A recess was taken until 2.15 p.m.)

The PRESIDENT: I now ask Mr. Biddle to continue the reading of the judgment.

Mr. BIDDLE:

## VIOLATIONS OF INTERNATIONAL TREATIES

The Charter defines as a crime the planning or waging of war that is a war of aggression or a war in violation of international treaties. The Tribunal has decided that certain of the defendants planned and waged aggressive wars against twelve nations, and were therefore guilty of this series of crimes. This makes it unnecessary to discuss the subject in further detail, or even to consider at any length the extent to which these aggressive wars were also " wars in violation of international treaties, agreements or assurances." These treaties are set out in Appendix C of the Indictment. Those of principal importance are the following.

## HAGUE CONVENTIONS

In the 1899 Convention(4) the signatory powers agreed: " before an appeal to arms . . . to have recourse, as far as circumstances allow, to the good offices or mediation of one or more friendly powers." A similar clause was inserted in the Convention for Pacific Settlement of International Disputes of 1907(5). In the accompanying Convention Relative to Opening of Hostilities(5), Article I contains this far more specific language:

> " The Contracting Powers recognise that hostilities between them must not commence without a previous and explicit warning, in the form of either a declaration of war, giving reasons, or an ultimatum with a conditional declaration of war."

Germany was a party to these conventions.

(4) " Treaty Series No. 9 (1901) " Cmd. 798.
(5) " Miscellaneous No. 6 (1908) " Cmd. 4175.



## VERSAILLES TREATY(6)

Breaches of certain provisions of the Versailles Treaty are also relied on by the Prosecution—not to fortify the left bank of the Rhine (Art. 42-44); to " respect strictly the independence of Austria " (Art. 80); renunciation of any rights in Memel (Art. 99), and the Free City of Danzig (Art. 100); the recognition of the independence of the Czecho-Slovak State; and the Military, Naval and Air Clauses against German rearmament found in Part V. There is no doubt that action was taken by the German Government contrary to all these provisions, the details of which are set out in Appendix C. With regard to the Treaty of Versailles, the matters relied on are:

1. The violation of Articles 42 to 44 in respect of the demilitarised zone of the Rhineland.

2. The annexation of Austria on the 13th March, 1938, in violation of Article 80;

3. The incorporation of the district of Memel on the 22nd March, 1939, in violation of Article 99;

4. The incorporation of the Free City of Danzig on the 1st September, 1939, in violation of Article 100;

5. The incorporation of the provinces of Bohemia and Moravia on the 16th March, 1939, in violation of Article 81;

6. The repudiation of the military naval and air clauses of the Treaty, in or about March of 1935.

On the 21st May, 1935, Germany announced that, whilst renouncing the disarmament clauses of the Treaty, she would still respect the territorial limitations, and would comply with the Locarno Pact. [With regard to the first five breaches alleged, therefore, the Tribunal finds the allegation proved.]

## TREATIES OF MUTUAL GUARANTEE, ARBITRATION AND NON-AGGRESSION

It is unnecessary to discuss in any detail the various treaties entered into by Germany with other powers. Treaties (7) of Mutual Guarantee were signed by Germany at Locarno in 1925, with Belgium, France, Great Britain and Italy, assuring the maintenance of the territorial *status quo*. Arbitration treaties(8) were also executed by Germany at Locarno with Czechoslovakia, Belgium and Poland.

Article I of the latter treaty is typical, providing:

> " All disputes of every kind between Germany and Poland . . . which it may not be possible to settle amicably by the normal methods of diplomacy, shall be submitted for decision to an arbitral tribunal . . ."

Conventions of Arbitration and Conciliation were entered into between Germany, the Netherlands and Denmark in 1926; and between Germany and Luxemberg in 1929. Non-aggression treaties were executed by Germany with Denmark and Russia in 1939.

(6) " Treaty Series No. 4 (1919) " Cmd. 153.
(7) " Treaty Series No. 28 (1926) " Cmd. 2764.
(8) " Miscellaneous No. 11 (1925) " Cmd. 2525.

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## KELLOGG-BRIAND PACT(9)

The Pact of Paris was signed on the 27th August, 1928, by Germany, the United States, Belgium, France, Great Britain, Italy, Japan, Poland and other countries; and subsequently by other powers. The Tribunal has made full reference to the nature of this Pact and its legal effect in another part of this judgment. It is therefore not necessary to discuss the matter further here, save to state that in the opinion of the Tribunal this Pact was violated by Germany in all the cases of aggressive war charged in the Indictment. It is to be noted that on the 26th January, 1930, Germany signed a Declaration for the Maintenance of Permanent Peace with Poland, which was explicitly based on the Pact of Paris, and in which the use of force was outlawed for a period of ten years.

The Tribunal does not find it necessary to consider any of the other treaties referred to in the Appendix, or the repeated agreements and assurances of her peaceful intentions entered into by Germany.

## THE LAW OF THE CHARTER

The jurisdiction of the Tribunal is defined in the Agreement and Charter, and the crimes coming within the jurisdiction of the Tribunal, for which there shall be individual responsibility, are set out in Article 6. The law of the Charter is decisive, and binding upon the Tribunal.

The making of the Charter was the exercise of the sovereign legislative power by the countries to which the German Reich unconditionally surrendered; and the undoubted right of these countries to legislate for the occupied territories has been recognised by the civilised world. The Charter is not an arbitrary exercise of power on the part of the victorious nations, but in the view of the Tribunal, as will be shown, it is the expression of international law existing at the time of its creation; and to that extent is itself a contribution to international law.

The Signatory Powers created this Tribunal, defined the law it was to administer, and made regulations for the proper conduct of the Trial. In doing so, they have done together what any one of them might have done singly; for it is not to be doubted that any nation has the right thus to set up special courts to administer law. With regard to the constitution of the court, all that the defendants are entitled to ask is to receive a fair trial on the facts and law.

The Charter makes the planning or waging of a war of aggression or a war in violation of international treaties a crime; and it is therefore not strictly necessary to consider whether and to what extent aggressive war was a crime before the execution of the London Agreement. But in view of the great importance of the questions of law involved, the Tribunal has heard full argument from the Prosecution and the Defence, and will express its view on the matter.

It was urged on behalf of the defendants that a fundamental principle of all law—international and domestic—is that there can be no punishment of crime without a pre-existing law. "*Nullum crimen sine lege, nulla poena sine lege.*" It was submitted that *ex post facto* punishment is abhorent to the law of all civilised nations, that no sovereign power had made aggressive war a crime at the time the alleged criminal acts were committed, that no statute had defined aggressive war, that no penalty had been fixed for its commission, and no court had been created to try and punish offenders.

(9) "Treaty Series No. 29 (1929)" Cmd. 3410.



In the first place, it is to be observed that the maxim *nullum crimen sine lege* is not a limitation of sovereignty, but is in general a principle of justice. To assert that it is unjust to punish those who in defiance of treaties and assurances have attacked neighbouring states without warning is obviously untrue, for in such circumstances the attacker must know that he is doing wrong, and so far from it being unjust to punish him, it would be unjust if his wrong were allowed to go unpunished. Occupying the positions they did in the government of Germany, the defendants, or at least some of them must have known of the treaties signed by Germany, outlawing recourse to war for the settlement of international disputes; they must have known that they were acting in defiance of all international law when in complete deliberation they carried out their designs of invasion and aggression. On this view of the case alone, it would appear that the maxim has no application to the present facts.

This view is strongly reinforced by a consideration of the state of international law in 1939, so far as aggressive war is concerned. The General Treaty for the Renunciation of War of 27th August, 1928, more generally known as the Pact of Paris or the Kellogg-Briand Pact, was binding on sixty-three nations, including Germany, Italy and Japan at the outbreak of war in 1939. In the preamble, the signatories declared that they were:—

> "Deeply sensible of their solemn duty to promote the welfare of mankind; persuaded that the time has come when a frank renunciation of war as an instrument of national policy should be made to the end that the peaceful and friendly relations now existing between their peoples should be perpetuated . . . . all changes in their relations with one another should be sought only by pacific means . . . . thus uniting civilised nations of the world in a common renunciation of war as an instrument of their national policy . . . ."

The first two Articles are as follows:—

> "Article I: The High Contracting Parties solemnly declare in the names of their respective peoples that they condemn recourse to war for the solution of international controversies and renounce it as an instrument of national policy in their relations to one another."
>
> "Article II: The High Contracting Parties agree that the settlement or solution of all disputes or conflicts of whatever nature or of whatever origin they may be, which may arise among them, shall never be sought except by pacific means."

The question is, what was the legal effect of this Pact? The nations who signed the Pact or adhered to it unconditionally condemned recourse to war for the future as an instrument of policy, and expressly renounced it. After the signing of the Pact, any nation resorting to war as an instrument of national policy breaks the Pact. In the opinion of the Tribunal, the solemn renunciation of war as an instrument of national policy necessarily involves the proposition that such a war is illegal in international law; and that those who plan and wage such a war, with its inevitable and terrible consequences, are committing a crime in so doing. War for the solution of international controversies undertaken as an instrument of national policy certainly includes a war of aggression, and such a war is therefore outlawed by the Pact. As Mr. Henry L. Stimson, then Secretary of State of the United States, said in 1932:—

> "War between nations was renounced by the signatories of the Kellogg-Briand Treaty. This means that it has become throughout practically the entire world . . . . an illegal thing. Hereafter, when

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nations engage in armed conflict, either one or both of them must be termed violators of this general treaty law . . . . We denounce them as law breakers."

But it is argued that the Pact does not expressly enact that such wars are crimes, or set up courts to try those who make such wars. To that extent the same is true with regard to the laws of war contained in the Hague Convention. The Hague Convention of 1907 prohibited resort to certain methods of waging war. These included the inhumane treatment of prisoners, the employmen of poisoned weapons, the improper use of flags of truce, and similar matters. Many of these prohibitions had been enforced long before the date of the Convention; but since 1907 they have certainly been crimes, punishable as offences against the laws of war; yet the Hague Convention nowhere designates such practices as criminal, nor is any sentence prescribed, nor any mention made of a court to try and punish offenders. For many years past, however, military tribunals have tried and punished individuals guilty of violating the rules of land warfare laid down by this Conventon. In the opinion of the Tribunal, those who wage aggressive war are doing that which is equally illegal, and of much greater moment than a breach of one of the rules of the Hague Convention. In interpreting the words of the Pact, it must be remembered that international law is not the product of an international legislature, and that such international agreements as the Pact of Paris have to deal with general principles of law, and not with administrative matters of procedure. The law of war is to be found not only in treaties, but in the customs and practices of states which gradually obtained universal recognition, and from the general principles of justice applied by jurists and practised by military courts. This law is not static, but by continual adaptation follows the needs of a changing world. Indeed, in many cases treaties do no more than express and define for more accurate reference the principles of law already existing.

The view which the Tribunal takes of the true interpretation of the Pact is supported by the international history which preceded it. In the year 1923 the draft of a Treaty of Mutual Assistance was sponsored by the League of Nations. In Article I the Treaty declared " that aggressive war is an international crime," and that the parties would " undertake that no one of them will be guilty of its commission." The draft treaty was submitted to twenty-nine States, about half of whom were in favour of accepting the text. The principal objection appeared to be in the difficulty of defining the acts which would constitute " aggression," rather than any doubt as to the criminality of aggressive war. The preamble to the League of Nations 1924 Protocol for the Pacific Settlement of International Disputes (" Geneva Protocol "), after " recognising the solidarity of the members of the international community," declared that " a war of aggression constitutes a violation of this solidarity and is an international crime." It went on to declare that the contracting parties were " desirous of facilitating the complete application of the system provided in the Covenant of the League of Nations for the pacific settlement of disputes between the states and of ensuring the repression of international crimes." The Protocol was recommended to the members of the League of Nations by a unanimous resolution in the Assembly of the forty-eight members of the League. These members included Italy and Japan, but Germany was not then a member of the League.

Although the Protocol was never ratified, it was signed by the leading statesmen of the world, representing the vast majority of the civilised states and peoples, and may be regarded as strong evidence of the intention to brand aggressive war as an international crime.



At the meeting of the Assembly of the League of Nations on the 24th September, 1927, all the delegations then present (including the German, the Italian and the Japanese), unanimously adopted a declaration concerning wars of aggression. The preamble to the declaration stated:

" The Assembly:

Recognising the solidarity which unites the community of nations;

Being inspired by a firm desire for the maintenance of general peace;

Being convinced that a war of aggression can never serve as a means of settling international disputes, and is in consequence an international crime. . . ."

The unanimous resolution of the 18th February, 1928, of twenty-one American Republics of the Sixth (Havana) Pan-American Conference, declared that " war of aggression constitutes an international crime against the human species."

All these expressions of opinion, and others that could be cited, so solemnly made, reinforce the construction which the Tribunal placed upon the Pact of Paris, that resort to a war of aggression is not merely illegal, but is criminal. The prohibition of aggressive war demanded by the conscience of the world, finds its expression in the series of pacts and treaties to which the Tribunal has just referred.

It is also important to remember that Article 227 of the Treaty of Versailles provided for the constitution of a special Tribunal, composed of representatives of five of the Allied and Associated Powers which had been belligerents in the first World War opposed to Germany, to try the former German Emperor " for a supreme offence against international morality and the sanctity of treaties." The purpose of this trial was expressed to be " to vindicate the solemn obligations of international undertakings, and the validity of international morality." In Article 228 of the Treaty, the German Government expressly recognised the right of the Allied Powers " to bring before military tribunals persons accused of having committed acts in violation of the laws and customs of war."

It was submitted that international law is concerned with the actions of sovereign States, and provides no punishment for individuuals; and further, that where the act in question is an act of state, those who carry it out are not personally responsible, but are protected by the doctrine of the sovereignty of the State. In the opinion of the Tribunal, both these submissions must be rejected. That international law imposes duties and liabilities upon individuals as well as upon States has long been recognised. In the recent case of Ex Parte Quirin (1942 317 US 1), before the Supreme Court of the United States, persons were charged during the war with landing in the United States for purposes of spying and sabotage. The late Chief Justice Stone, speaking for the Court, said:

" From the very beginning of its history this Court has applied the law of war as including that part of the law of nations which prescribes for the conduct of war, the status, rights and duties of enemy nations as well as enemy individuals."

He went on to give a list of cases tried by the Courts, where individual offenders were charged with offences against the laws of nations, and particularly the laws of war. Many other authorities could be cited, but enough has been said to show that individuals can be punished for violations of international law. Crimes against international law are committed by men, not by abstract entities, and only by punishing individuals who commit such crimes can the provisions of international law be enforced.

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The provisions of Article 228 of the Treaty of Versailles already referred to illustrate and enforce this view of individual responsibility.

The principle of international law, which under certain circumstances, protects the representatives of a state, cannot be applied to acts which are condemned as criminal by international law. The authors of these acts cannot shelter themselves behind their official position in order to be freed from punishment in appropriate proceedings. Article 7 of the Charter expressly declares:

> " The official position of defendants, whether as Heads of State, or responsible officials in government departments, shall not be considered as freeing them from responsibility, or mitigating punishment."

On the other hand the very essence of the Charter is that individuals have international duties which transcend the national obligations of obedience imposed by the individual State. He who violates the laws of war cannot obtain immunity while acting in pursuance of the authority of the State if the State in authorising action moves outside its competence under international law.

It was also submitted on behalf of most of these defendants that in doing what they did they were acting under the orders of Hitler, and therefore cannot be held responsible for the acts committed by them in carrying out these orders. The Charter specifically provides in Article 8:

> " The fact that the defendant acted pursuant to order of his Government or of a superior shall not free him from responsibility, but may be considered in mitigation of punishment."

The provisions of this Article are in conformity with the law of all nations. That a soldier was ordered to kill or torture in violation of the international law of war has never been recognised as a defence to such acts of brutality, though, as the Charter here provides, the order may be urged in mitigation of the punishment. The true test, which is found in varying degrees in the criminal law of most nations, is not the existence of the order, but whether moral choice was in fact possible.

## THE LAW AS TO THE COMMON PLAN OR CONSPIRACY

In the previous recital of the facts relating to aggressive war, it is clear that planning and preparation had been carried out in the most systematic way at every stage of the history.

Planning and preparation are essential to the making of war. In the opinion of the Tribunal aggressive war is a crime under international law. The Charter defines this offence as planning, preparation, initiation or waging of a war of aggression " *or* participation in a common plan or conspiracy for the accomplishment . . . of the foregoing." The Indictment follows this distinction. Count One charges the common plan or conspiracy. Count Two charges the planning and waging of war. The same evidence has been introduced to support both counts. We shall therefore discuss both counts together, as they are in substance the same. The defendants have been charged under both counts, and their guilt under each count must be determined.

The " common plan or conspiracy " charged in the Indictment covers twenty-five years, from the formation of the Nazi party in 1919 to the end of the war in 1945. The party is spoken of as " the instrument of cohesion among the defendants " for carrying out the purposes of the conspiracy—the overthrowing of the Treaty of Versailles, acquiring territory lost by Germany in the last war and " lebensraum " in Europe, by the use, if necessary,



of armed force, of aggressive war. The " seizure of power " by the Nazis, the use of terror, the destruction of trade unions, the attack on Christian teaching and on churches, the persecution of the Jews, the regimentation of youth—all these are said to be steps deliberately taken to carry out the common plan. It found expression, so it is alleged, in secret rearmament, the withdrawal by Germany from the Disarmament Conference and the League of Nations, universal military service, and seizure of the Rhineland. Finally, according to the Indictment, aggressive action was planned and carried out against Austria and Czechoslovakia in 1936-1938, followed by the planning and waging of war against Poland; and, successively, against ten other countries.

The Prosecution says, in effect, that any significant participation in the affairs of the Nazi Party or Government is evidence of a participation in a conspiracy that is in itself criminal. Conspiracy is not defined in the Charter. But in the opinion of the Tribunal the conspiracy must be clearly outlined in its criminal purpose. It must not be too far removed from the time of decision and of action. The planning, to be criminal, must not rest merely on the declarations of a party programme, such as are found in the twenty-five points of the Nazi Party, announced in 1920, or the political affirmations expressed in " Mein Kampf " in later years. The Tribunal must examine whether a concrete plan to wage war existed, and determine the participants in that concrete plan.

It is not necessary to decide whether a single master conspiracy between the defendants has been established by the evidence. The seizure of power by the Nazi Party, and the subsequent domination by the Nazi State of all spheres of economic and social life must of course be remembered when the later plans for waging war are examined. That plans were made to wage wars, as early as 5th November, 1937, and probably before that, is apparent. And thereafter, such preparations continued in many directions, and against the peace of many countries. Indeed the threat of war—and war itself if necessary—was an integral part of the Nazi policy. But the evidence establishes with certainty the existence of many separate plans rather than a single conspiracy embracing them all. That Germany was rapidly moving to complete dictatorship from the moment that the Nazis seized power, and progressively in the direction of war, has been overwhelmingly shown in the ordered sequence of aggressive acts and wars already set out in this Judgment.

In the opinion of the Tribunal, the evidence establishes the common planning to prepare and wage war by certain of the defendants. It is immaterial to consider whether a single conspiracy to the extent and over the time set out in the Indictment has been conclusively proved. Continued planning, with aggressive war as the objective, has been established beyond doubt. The truth of the situation was well stated by Paul Schmidt, official interpreter of the German Foreign Office, as follows:

> " The general objectives of the Nazi leadership were apparent from the start, namely the domination of the European Continent, to be achieved first by the incorporation of all German speaking groups in the Reich, and secondly, by territorial expansion under the slogan ' Lebensraum.' The execution of these basic objectives, however, seemed to be characterised by improvisation. Each succeeding step was apparently carried out as each new situation arose, but all consistent with the ultimate objectives mentioned above."

The argument that such common planning cannot exist where there is complete dictatorship is unsound. A plan in the execution of which a number of persons participate is still a plan, even though conceived by only one of them; and those who execute the plan do not avoid responsibility by showing

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that they acted under the direction of the man who conceived it. Hitler could not make aggressive war by himself. He had to have the co-operation of statesmen, military leaders, diplomats, and business men. When they, with knowledge of his aims, gave him their co-operation, they made themselves parties to the plan he had initiated. They are not to be deemed innocent because Hitler made use of them, if they knew what they were doing. That they were assigned to their tasks by a dictator does not absolve them from responsibility for their acts. The relation of leader and follower does not preclude responsibility here any more than it does in the comparable tyranny of organised domestic crime.

Count One, however, charges not only the conspiracy to commit aggressive war, but also to commit war crimes and crimes against humanity. But the Charter does not define as a separate crime any conspiracy except the one to commit acts of aggressive war. Article 6 of the Charter provides:

> " Leaders, organisers, instigators and accomplices participating in the formulation or execution of a common plan or conspiracy to commit any of the foregoing crimes are responsible for all acts performed by any persons in execution of such plan."

In the opinion of the Tribunal these words do not add a new and separate crime to those already listed. The words are designed to establish the responsibility of persons participating in a common plan. The Tribunal will therefore disregard the charges in Count One that the defendants conspired to commit war crimes and crimes against humanity, and will consider only the common plan to prepare, initiate and wage aggressive war.

The PRESIDENT: I now ask Judge Parker to continue the reading of the Judgment.

Judge PARKER:

## WAR CRIMES AND CRIMES AGAINST HUMANITY

The evidence relating to war crimes has been overwhelming, in its volume and its detail. It is impossible for this Judgment adequately to review it, or to record the mass of documentary and oral evidence that has been presented. The truth remains that war crimes were committed on a vast scale, never before seen in the history of war. They were perpetrated in all the countries occupied by Germany, and on the High Seas, and were attended by every conceivable circumstance of cruelty and horror. There can be no doubt that the majority of them arose from the Nazi conception of " total war ", with which the aggressive wars were waged. For in this conception of " total war ", the moral ideas underlying the conventions which seek to make war more humane are no longer regarded as having force or validity. Everything is made subordinate to the overmastering dictates of war. Rules, regulations, assurances and treaties all alike are of no moment; and so, freed from the restraining influence of international law, the aggressive war is conducted by the Nazi leaders in the most barbaric way. Accordingly, war crimes were committed when and wherever the Fuehrer and his close associates thought them to be advantageous. They were for the most part the result of cold and criminal calculation.

On some occasions, war crimes were deliberately planned long in advance. In the case of the Soviet Union, the plunder of the territories to be occupied, and the ill-treatment of the civilian population, were settled in minute detail before the attack was begun. As early as the Autumn of 1940, the invasion of the territories of the Soviet Union was being considered. From that date onwards, the methods to be employed in destroying all possible opposition were continuously under discussion.



Similarly, when planning to exploit the inhabitants of the occupied countries for slave labour on the very greatest scale, the German Government conceived it as an integral part of the war economy, and planned and organised this particular war crime down to the last elaborate detail.

Other war crimes, such as the murder of prisoners of war who had escaped and been recaptured, or the murder of Commandos or captured airmen, or the destruction of the Soviet Commissars, were the result of direct orders circulated through the highest official channels.

The Tribunal proposes, therefore, to deal quite generally with the question of war crimes, and to refer to them later when examining the responsibility of the individual defendants in relation to them. Prisoners of war were ill-treated and tortured and murdered, not only in defiance of the well-established rules of international law, but in complete disregard of the elementary dictates of humanity. Civilian populations in occupied territories suffered the same fate. Whole populations were deported to Germany for the purposes of slave labour upon defence works, armament production and similar tasks connected with the war effort. Hostages were taken in very large numbers from the civilian populations in all the occupied countries, and were shot as suited the German purposes. Public and private property was systematically plundered and pillaged in order to enlarge the resources of Germany at the expense of the rest of Europe. Cities and towns and villages were wantonly destroyed without military justification or necessity.

## MURDER AND ILL-TREATMENT OF PRISONERS OF WAR

Article 6 (*b*) of the Charter defines war crimes in these words:

> " War crimes: namely, violations of the laws or customs of war. Such violations shall include, but not be limited to, murder, ill-treatment or deportation to slave labour or for any other purpose of civilian population of or in occupied territory, murder or ill-treatment of prisoners of war or persons on the seas, killing of hostages, plunder of public or private property, wanton destruction of cities, towns, or villages, or devastation not justified by military necessity."

In the course of the war, many Allied soldiers who had surrendered to the Germans were shot immediately, often as a matter of deliberate, calculated policy. On the 18th October, 1942, the defendant Keitel circulated a directive authorised by Hitler, 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. This order was supplemented from time to time, and was effective throughout the remainder of the war, although after the Allied landings in Normandy in 1944 it was made clear that the order did not apply to " Commandos " captured within the immediate battle area. Under the provisions of this order, Allied " Commando " troops, and other military units operating independently, lost their lives in Norway, France, Czechoslovakia and Italy. Many of them were killed on the spot, and in no case were those who were executed later in concentration camps ever given a trial of any kind. For example, an American military mission which landed behind the German front in the Balkans in January, 1945, numbering about twelve to fifteen men and wearing uniform, were taken to Mauthausen under the authority of this order, and according to the affidavit of Adolf Zutte, the adjutant of the Mauthausen Concentration Camp, all of them were shot.

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In March, 1944, the OKH issued the " Kugel " or " Bullet " decree, which directed that every escaped officer and NCO prisoner of war who had not been put to work, with the exception of British and American prisoners of war, should on recapture be handed over to the SIPO and SD. This order was distributed by the SIPO and SD to their regional offices. These escaped officers and NCOs were to be sent to the concentration camp at Mauthausen, to be executed upon arrival, by means of a bullet shot in the neck.

In March, 1944, fifty officers of the British Royal Air Force, who escaped from the camp at Sagan where they were confined as prisoners, were shot on recapture, on the direct orders of Hitler. Their bodies were immediately cremated, and the urns containing their ashes were returned to the camp. It was not contended by the defendants that this was other than plain murder, in complete violation of international law.

When Allied airmen were forced to land in Germany, they were sometimes killed at once by the civilian population. The police were instructed not to interfere with these killings, and the Ministry of Justice was informed that no one should be prosecuted for taking part in them.

The treatment of Soviet prisoners of war was characterised by particular inhumanity. The death of so many of them was not due merely to the action of individual guards, or to the exigencies of life in the camps. It was the result of systematic plans to murder. More than a month before the German invasion of the Soviet Union, the OKW were making special plans for dealing with political representatives serving with the Soviet armed forces who might be captured. One proposal was that " political Commissars *of the Army* are not recognised as *Prisoners of War*, and are to be *liquidated* at the latest in the transient prisoner of war camps." The defendant Keitel gave evidence that instructions incorporating this proposal were issued to the Germany army.

On the 8th September, 1941, regulations for the treatment of Soviet prisoners of war in all prisoner of war camps were issued, signed by General Reinecke, the head of the prisoner of war department of the High Command. These orders stated:

> " The Bolshevist soldier has therefore lost all claim to treatment as an honourable 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 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."

The Soviet prisoners of war were left without suitable clothing. The wounded without medical care; they were starved, and in many cases left to die.

On the 17th July, 1941, the Gestapo issued an order providing for the killing of all Soviet prisoners of war who were or might be dangerous to National Socialism. The order recited:

> " The mission of the Commanders of the SIPO and SD stationed in Stalags is the political investigation of all camp inmates, the elimination and further ' treatment ' (*a*) of all political, criminal or in some other way unbearable elements among them, (*b*) of those persons who could be used for the reconstruction of the occupied territories. . . Further, the commanders must make efforts from



> the beginning to seek out among the prisoners elements which appear reliable, regardless if there are Communists concerned or not, in order to use them for Intelligence purposes inside of the camp, and if advisable, later in the occupied territories also. By use of such informers, and by use of all other existing possibilities, the discovery of all elements to be eliminated among the prisoners must proceed step by step at once . . .
>
> " Above all, the following must be discovered: all important functionaries of State and Party, especially professional revolutionaries . . . all People's Commissars in the Red Army, leading personalities of the State . . . leading personalities of the business world, members of the Soviet Russian Intelligence, all Jews, all persons who are found to be agitators or fanatical Communists. Executions are not to be held in the camp or in the immediate vicinity of the camp . . . The prisoners are to be taken for special treatment if possible into the former Soviet Russian territory."

The affidavit of Warlimont, deputy Chief of Staff of the Wehrmacht, and the testimony of Ohlendorf, former Chief of Amt III of the RSHA, and of Lahousen, the head of one of the sections of the Abwehr, the Wehrmacht's Intelligence Service, all indicate the thoroughness with which this order was carried out.

The affidavit of Kurt Lindown, a former Gestapo official, states:

> " . . . There existed in the prisoner of war camps on the Eastern Front small screening teams (Einsatz commandos) headed by lower ranking members of the Secret Police (Gestapo). These teams were assigned to the camp commanders and had the job to segregate the prisoners of war who were candidates for execution according to the orders that had been given, and to report them to the office of the Secret Police."

On the 23rd October, 1941, the camp commander of the Gross Rosen concentration camp reported to Mueller, chief of the Gestapo, a list of the Soviet prisoners of war who had been executed there on the previous day.

An account of the general conditions and treatment of Soviet prisoners of war during the first eight months after the German attack upon Russia was given in a letter which the defendant Rosenberg sent to the defendant Keitel on the 28th February, 1942:

> " The fate of the Soviet prisoners of war in Germany is on the contrary a tragedy of the greatest extent . . . A large part of them has starved, or died because of the hazards of the weather. Thousands also died from spotted fever.
>
> " The camp commanders have forbidden the civilian population to put food at the disposal of the prisoners, and they have rather let them starve to death.
>
> " In many cases, when prisoners of war could no longer keep up on the march because of hunger and exhaustion, they were shot before the eyes of the horrified population, and the corpses were left.
>
> " In numerous camps, no shelter for the prisoners of war was provided at all. They lay under the open sky during rain or snow. Even tools were not made available to dig holes or caves."

In some cases Soviet prisoners of war were branded with a special permanent mark. There was put in evidence the OKW order dated the 20th July, 1942, which laid down that:

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> " The brand is to take the shape of an acute angle of about 45 degrees, with the long side to be 1 cm. in length, pointing upwards and burnt on the left buttock . . . This brand is made with the aid of a lancet available in any military unit. The colouring used is Chinese ink."

The carrying out of this order was the responsibility of the military authorities, though it was widely circulated by the Chief of the SIPO and the SD to German police officials for information.

Soviet prisoners of war were also made the subject of medical experiments of the most cruel and inhuman kind. In July, 1943, experimental work was begun in preparation for a campaign of bacteriological warfare; Soviet prisoners of war were used in these medical experiments, which more often than not proved fatal. In connection with this campaign for bacteriological warfare, preparations were also made for the spreading of bacterial emulsions from planes, with the object of producing widespread failures of crops and consequent starvation. These measures were never applied, possibly because of the rapid deterioration of Germany's military position.

The argument in defence of the charge with regard to the murder and ill-treatment of Soviet prisoners of war, that the U.S.S.R. was not a party to the Geneva Convention, is quite without foundation. On the 15th September 1941 Admiral Canaris protested against the regulations for the treatment of Soviet prisoners of war, signed by General Reinecke on the 8th September 1941. He then stated:

> " The Geneva Convention for the treatment of prisoners of war is not binding in the relationship between Germany and the U.S.S.R. Therefore only the principles of general international law on the treatment of prisoners of war apply. Since the 18th century these have gradually been established along the lines that war captivity is neither revenge nor punishment, but solely protective custody, the only purpose of which is to prevent the prisoners of war from further participation in the war. This principle was developed in accordance with the view held by all armies that it is contrary to military tradition to kill or injure helpless people. . . The decrees for the treatment of Soviet prisoners of war enclosed are based on a fundamentally different view-point."

This protest, which correctly stated the legal position, was ignored. The defendant Keitel made a note on this memorandum:

> " The objections arise from the military concept of chivalrous warfare. This is the destruction of an ideology. Therefore I approve and back the measures."

## MURDER AND ILL-TREATMENT OF CIVILIAN POPULATION

Article 6(*b*) of the Charter provides that " ill-treatment . . . of civilian population of or in occupied territory . . . killing of hostages . . . wanton destruction of cities, towns or villages " shall be a war crime. In the main, these provisions are merely declaratory of the existing laws of war as expressed by the Hague Convention, Article 46, which stated:

> " Family honour and rights, the lives of persons and private property, as well as religious convictions and practices must be respected."

The territories occupied by Germany were administered in violation of the laws of war. The evidence is quite overwhelming of a systematic rule of violence, brutality and terror. On the 7th December, 1941, Hitler issued the directive since known as the " Nacht und Nebel Erlass " (Night and



Fog Decree), under which persons who committed offences against the Reich or the German forces in occupied territories, except where the death sentence was certain, were to be taken secretly to Germany and handed over to the SIPO and SD for trial or punishment in Germany. This decree was signed by the defendant Keitel. After these civilians arrived in Germany, no word of them was permitted to reach the country from which they came, or their relatives; even in cases when they died awaiting trial the families were not informed, the purpose being to create anxiety in the minds of the family of the arrested person. Hitler's purpose in issuing this decree was stated by the defendant Keitel in a covering letter, dated 12th December, 1941, to be as follows:

> " Efficient and enduring intimidation can only be achieved either by capital punishment or by measures by which the relatives of the criminal and the population do not know the fate of the criminal. This aim is achieved when the criminal is transferred to Germany."

Even persons who were only suspected of opposing any of the policies of the German occupation authorities were arrested, and on arrest were interrogated by the Gestapo and the SD in the most shameful manner. On the 12th June 1942 the Chief of the SIPO and SD published, through Mueller, the Gestapo Chief, an order authorising the use of " third degree " methods of interrogation, where preliminary investigation had indicated that the person could give information on important matters, such as subversive activities, though not for the purpose of extorting confessions of the prisoner's own crimes. This order provided:

> " . . . Third degree may, under this supposition, only be employed against Communists, Marxists, Jehovah's Witnesses, saboteurs, terrorists, members of resistance movements, parachute agents, anti-social elements, Polish or Soviet Russian loafers or tramps; in all other cases my permission must first be obtained. . . Third degree can, according to circumstances, consist amongst other methods of very simple diet (bread and water), hard bunk, dark cell, deprivation of sleep, exhaustive drilling, also in flogging (for more than twenty strokes a doctor must be consulted)."

The brutal suppression of all opposition to the German occupation was not confined to severe measures against suspected members of resistance movements themselves, but was also extended to their families. On the 19th July, 1944, the Commander of the SIPO and SD in the district of Radom, in Poland, published an order, transmitted through the Higher SS and Police leaders, to the effect that in all cases of assassination or attempted assassination of Germans, or where saboteurs had destroyed vital installations not only the guilty person, but also all his or her male relatives should be shot, and female relatives over sixteen years of age put into a concentration camp.

In the summer of 1944, the Einsatz Commando of the SIPO and SD at Luxemburg caused persons to be confined at Sachsenhausen concentration camp because they were relatives of deserters, and were therefore " expected to endanger the interest of the German Reich if allowed to go free."

The practice of keeping hostages to prevent and to punish any form of civil disorder was resorted to by the Germans; an order issued by the defendant Keitel on the 16th September, 1941, spoke in terms of fifty or a hundred lives from the occupied areas of the Soviet Union for one German life taken. The order stated that " it should be remembered that a human life in unsettled countries frequently counts for nothing, and a deterrent effect can be obtained only by unusual severity." The exact number of persons killed as a result

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of this policy is not known, but large numbers were killed in France and the other occupied territories in the West, while in the East the slaughter was on an even more extensive scale. In addition to the killing of hostages, entire towns were destroyed in some cases; such massacres as those of Oradour-sur-Glane in France and Lidice in Czechoslovakia, both of which were described to the Tribunal in detail, are examples of the organised use of terror by the occupying forces to beat down and destroy all opposition to their rule.

One of the most notorious means of terrorising the people in occupied territories was the use of concentration camps. They were first established in Germany at the moment of the seizure of power by the Nazi Government. Their original purpose was to imprison without trial all those persons who were opposed to the Government, or who were in any way obnoxious to German authority. With the aid of a secret police force, this practice was widely extended, and in course of time concentration camps became places of organised and systematic murder, where millions of people were destroyed.

In the administration of the occupied territories the concentration camps were used to destroy all opposition groups. The persons arrested by the Gestapo were as a rule sent to concentration camps. They were conveyed to the camps in many cases without any care whatever being taken for them, and great numbers died on the way. Those who arrived at the camp were subject to systematic cruelty. They were given hard physical labour, inadequate food, clothes and shelter, and were subject at all times to the rigours of a soulless régime, and the private whims of individual guards. In the report of the War Crimes Branch of the Judge Advocate's Section of the 3rd U.S. Army, under date 21st June, 1945, the condition at the Flossenburg concentration camp were investigated, and one passage may be quoted:

> " Flossenburg concentration camp can be described as a factory dealing in death. Although this camp had in view the primary object of putting to work the mass slave labour, another of its primary objects was the elimination of human lives by the methods employed in handling the prisoners. Hunger and starvation rations, sadism, inadequate clothing, medical neglect, disease, beatings, bangings, freezing, forced suicides, shooting, etc., all played a major rôle in obtaining their object. Prisoners were murdered at random; spite killings against Jews were common, injections of poison and shooting in the neck were everyday occurrences; epidemics of typhus and spotted fever were permitted to run rampant as a means of eliminating prisoners; life in this camp meant nothing. Killing became a common thing, so common that a quick death was welcomed by the unfortunate ones."

A certain number of the concentration camps were equipped with gas chambers for the wholesale destruction of the inmates, and with furnaces for the burning of the bodies. Some of them were in fact used for the extermination of Jews as part of the " final solution " of the Jewish problem. Most of the non-Jewish inmates were used for labour, although the conditions under which they worked made labour and death almost synonymous terms. Those inmates who became ill and were unable to work were either destroyed in the gas chambers or sent to special infirmaries, where they were given entirely inadequate medical treatment, worse food if possible than the working inmates, and left to die.

The murder and ill-treatment of civilian populations reached its height in the treatment of the citizens of the Soviet Union and Poland. Some four weeks before the invasion of Russia began, special task forces of the SIPO



and SD, called Einsatz Groups, were formed on the orders of Himmler for the purpose of following the German armies into Russia, combating partisans and members of Resistance Groups, and exterminating the Jews and communist leaders and other sections of the population. In the beginning, four such Einsatz Groups were formed, one operating in the Baltic States, one towards Moscow, one towards Kiev, and one operating in the south of Russia. Ohlendorf, former chief of Amt III of the RSHA, who led the fourth group, stated in his affidavit:

> " When the German army invaded Russia, I was leader of Einsatzgruppe D, in the southern sector, and in the course of the year during which I was leader of the Einsatzgruppe D it liquidated approximately 90,000 men, women and children. The majority of those liquidated were Jews, but there were also among them some communist functionaries."

In an order issued by the defendant Keitel on the 23rd July, 1941, and drafted by the defendant Jodl, it was stated that

> " in view of the vast size of the occupied areas in the East, the forces available for establishing security in these areas will be sufficient only if all resistance is punished, not by legal prosecution of the guilty, but by the spreading of such terror by the armed forces as is alone appropriate to eradicate every inclination to resist among the population . . . Commanders must find the means of keeping order by applying suitable draconian measures."

The evidence has shown that this order was ruthlessly carried out in the territory of the Soviet Union and in Poland. A significant illustration of the measures actually applied occurs in the document which was sent in 1943 to the defendant Rosenberg by the Reich Commissar for Eastern Territories, who wrote:

> " It should be possible to avoid atrocities and to bury those who have been liquidated. To lock men, women and children into barns and set fire to them does not appear to be a suitable method of combating bands, even if it is desired to exterminate the population. This method is not worthy of the German cause, and hurts our reputation severely."

The Tribunal has before it an affidavit of one Hermann Graebe, dated 10th November, 1945, describing the immense mass murders which he witnessed. He was the manager and engineer in charge of the branch of the Solingen firm of Josef Jung in Spolbunow, Ukraine, from September, 1941, to January, 1944. He first of all described the attack upon the Jewish ghetto at Rowno:

> ". . . Then the electric floodlights which had been erected all round the ghetto were switched on. SS and militia details of four to six members entered or at least tried to enter the houses. Where the doors and windows were closed, and the inhabitants did not open upon the knocking, the SS men and militia broke the windows, forced the doors with beams and crowbars, and entered the dwelling. The owners were driven on to the street just as they were, regardless of whether they were dressed or whether they had been in bed. . . . Car after car was filled. Over it hung the screaming of women and children, the cracking of whips and rifle shots."

Graebe then described how a mass execution at Dubno, which he witnessed on the 5th October, 1942, was carried out:

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". . . Now we heard shots in quick succession from behind one of the earth mounds. The people who had got off the trucks, men, women and children of all ages, had to undress upon the orders of an SS man, who carried a riding or dog whip. . . . Without screaming or crying, these people undressed, stood around by families, kissed each other, said farewells, and waited for the command of another SS man, who stood near the excavation, also with a whip in his hand. . . . At that moment the SS man at the excavation called something to his comrade. The latter counted off about 20 persons, and instructed them to walk behind the earth mound. . . . I walked around the mound and stood in front of a tremendous grave; closely pressed together, the people were lying on top of each other so that only their heads were visible. The excavation was already two-thirds full; I estimated that it contained about a thousand people. . . . Now already the next group approached, descended into the excavation, lined themselves up against the previous victims and were shot."

The foregoing crimes against the civilian population are sufficiently appalling, and yet the evidence shows that at any rate in the East, the mass murders and cruelties were not committed solely for the purpose of stamping out opposition or resistance to the German occupying forces. In Poland and the Soviet Union these crimes were part of a plan to get rid of whole native populations by expulsion and annihilation, in order that their territory could be used for colonisation by Germans. Hitler had written in " Mein Kampf " on these lines, and the plan was clearly stated by Himmler in July, 1942, when he wrote:

" It is not our task to Germanise the East in the old sense, that is to teach the people there the German language and the German law, but to see to it that only people of purely Germanic blood live in the East."

In August, 1942, the policy for the Eastern Territories as laid down by Bormann was summarised by a subordinate of Rosenberg as follows:

" The Slavs are to work for us. In so far as we do not need them, they may die. Therefore, compulsory vaccination and Germanic health services are superfluous. The fertility of the Slavs is undesirable."

It was Himmler again who stated in October, 1943:

" What happens to a Russian, a Czech, does not interest me in the slightest. What the nations can offer in the way of good blood of our type, we will take. If necessary, by kidnapping their children and raising them here with us. Whether nations live in prosperity or starve to death interests me only in so far as we need them as slaves for our Kultur, otherwise it is of no interest to me."

In Poland the intelligentsia had been marked down for extermination as early as September, 1939, and in May, 1940, the defendant Frank wrote in his diary of " taking advantage of the focusing of world interest on the Western Front, by wholesale liquidation of thousands of Poles, first leading representatives of the Polish intelligentsia." Earlier, Frank had been directed to reduce the " entire Polish economy to absolute minimum necessary for bare existence. The Poles shall be the slaves of the Greater German World Empire." In January, 1940, he recorded in his diary that " cheap labour must be removed from the General Government by hundreds of thousands.



This will hamper the native biological propagation." So successfully did the Germans carry out this policy in Poland that by the end of the war one third of the population had been killed, and the whole of the country devastated.

It was the same story in the occupied area of the Soviet Union. At the time of the launching of the German attack in June, 1941, Rosenberg told his collaborators:

" The object of feeding the German people stands this year without a doubt at the top of the list of Germany's claims on the East, and there the southern territories and the northern Caucasus will have to serve as a balance for the feeding of the German people. . . . A very extensive evacuation will be necessary, without any doubt, and it is sure that the future will hold very hard years in store for the Russians."

Three or four weeks later Hitler discussed with Rosenberg, Goering, Keitel and others his plan for the exploitation of the Soviet population and territory, which included among other things the evacuation of the inhabitants of the Crimea and its settlement by Germans.

A somewhat similar fate was planned for Czechoslovakia by the defendant von Neurath, in August, 1940; the intelligentsia were to be " expelled," but the rest of the population was to be Germanised rather than expelled or exterminated, since there was a shortage of Germans to replace them.

In the West the population of Alsace were the victims of a German " expulsion action." Between July and December, 1940, 105,000 Alsatians were either deported from their homes or prevented from returning to them. A captured German report dated 7th August, 1942, with regard to Alsace states that:

" The problem of race will be given first consideration, and this in such a manner that persons of racial value will be deported to Germany proper, and racially inferior persons to France."

The PRESIDENT: The Tribunal will adjourn for ten minutes.

(A recess was taken.)

The PRESIDENT: I now ask General Nikitchenko to continue the reading of the judgment.

General NIKITCHENKO: Article 49 of the Hague Convention provides that an occupying power may levy a contribution of money from the occupied territory to pay for the needs of the army of occupation, and for the administration of the territory in question. Article 52 of the Hague Convention provides that an occupying power may make requisitions in kind only for the needs of the army of occupation, and that these requisitions shall be in proportion to the resources of the country. These Articles, together with Article 48, dealing with the expenditure of money collected in taxes, and Articles 53, 55 and 56, dealing with public property, make it clear that under the rules of war, the economy of an occupied country can only be required to bear the expenses of the occupation, and these should not be greater than the economy of the country can reasonably be expected to bear. Article 56 reads as follows:

" The property of municipalities, of religious, charitable, educational, artistic and scientific institutions, although belonging to the State, is to be accorded the same standing as private property. All pre-meditated seizure, destruction or damage of such institutions, historical monuments, works of art and science, is prohibited and should be prosecuted."

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The evidence in this case has established, however, that the territories occupied by Germany were exploited for the German war effort in the most ruthless way, without consideration of the local economy, and in consequence of a deliberate design and policy. There was in truth a systematic " plunder of public or private property ", which was criminal under Article 6 (*b*) of the Charter. The German occupation policy was clearly stated in a speech made by the defendant Goering on the 6th August, 1942, to the various German authorities in charge of occupied territories:

> " 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."

The methods employed to exploit the resources of the occupied territories to the full varied from country to country. In some of the occupied countries in the East and the West, this exploitation was carried out within the framework of the existing economic structure. The local industries were put under German supervision, and the distribution of war materials was rigidly controlled. 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. Raw materials and the finished products alike were confiscated for the needs of the Germany industry. As early as the 19th October, 1939, the defendant Goering had issued a directive giving detailed instructions for the administration of the occupied territories; it provided:

> " The task for the economic treatment of the various administrative regions is different, depending on whether the country is involved which will be incorporated politically into the German Reich, or whether we will deal with the Government-General, which in all probability will not be made 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 meagre maintenance of the naked 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."

As a consequence of this order, agricultural products, raw materials needed by German factories, machine tools, transportation equipment, other finished products and even foreign securities and holdings of foreign exchange were all requisitioned and sent to Germany. These resources were requisitioned in a manner out of all proportion to the economic resources of those countries, and resulted in famine, inflation and an active black market. At first the German occupation authorities attempted to suppress the black market, because it was a channel of distribution keeping local products out of German hands. When attempts at suppression failed, a German purchasing agency was organised to make purchases for Germany on the black market, thus carrying out the



assurance made by the defendant Goering that it was " necessary that all should know that if there is to be famine anywhere, it shall in no case be in Germany."

In many of the occupied countries of the East and the West, the authorities maintained the pretence of paying for all the property which they seized. This elaborate pretence of payment merely disguised the fact that the goods sent to Germany from these occupied countries 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 on a " clearing account " which was an account merely in name.

In most of the occupied countries of the East even this pretence of legality was not maintained; economic exploitation became deliberate plunder. This policy was first put into effect in the administration of the Government-General in Poland. The main exploitation of the raw materials in the East was centred on agricultural products and very large amounts of food were shipped from the Government-General to Germany.

The evidence of the widespread starvation among the Polish people in the Government-General indicates the ruthlessness and the severity with which the policy of exploitation was carried out.

The occupation of the territories of the U.S.S.R., was characterised by premeditated and systematic looting. Before the attack on the U.S.S.R., an economic staff—Oldenburg—was organised to ensure the most efficient exploitation of Soviet territories. The German armies were to be fed out of Soviet territory, even if " many millions of people will be starved to death." An OKW directive issued before the attack said:

> " To obtain the greatest possible quantity of food and crude oil for Germany—that is the main economic purpose of the campaign."

Similarly, a declaration by the defendant Rosenberg of the 20th June, 1941, had advocated the use of the produce from Southern Russia and of the Northern Caucasus to feed the German people, saying:

> " We see absolutely no reason for any obligation on our part to feed also the Russian people with the products of that surplus territory. We know that this is a harsh necessity, bare of any feelings."

When the Soviet territory was occupied, this policy was put into effect; there was a large scale confiscation of agricultural supplies, with complete disregard of the needs of the inhabitants of the occupied territory.

In addition to the seizure of raw materials and manufactured articles, a wholesale seizure was made of art treasures, furniture, textiles and similar articles in all the invaded countries.

The defendant Rosenberg was designated by Hitler on the 29th January, 1940, Head of the Centre for National Socialist Ideological and Educational Research, and thereafter the organisation known as the " Einsatzstab Rosenberg " conducted its operations on a very great scale. Originally designed for the establishent of a research library, it developed into a project for the seizure of cultural treasures. On the 1st March, 1942, Hitler issued a further decree. authorising Rosenberg to search libraries, lodges and cultural establishments, to seize material from these establishments, as well as culture treasures owned by Jews. Similar directions were given where the ownership could not be clearly established. The decree directed the co-operation of the Wehrmacht High Command, and indicated that Rosenberg's activities in the West were to be conducted in his capacity as Reichsleiter, and in the East in his capacity as Reichsminister. Thereafter, Rosenberg's activities were extended to the occupied countries. The report of Robert Scholz, Chief of the special staff for Pictorial Art, stated:

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" During the period from March, 1941, to July, 1944, the special staff for Pictorial Art brought into the Reich 29 large shipments, including 137 freight cars with 4,174 cases of art works."

The report of Scholz refers to 25 portfolios of pictures of the most valuable works of the art collection seized in the West, which portfolios were presented to the Fuehrer. Thirty-nine volumes, prepared by the Einsatzstab, contained photographs of paintings, textiles, furniture, candelabra and numerous other objects of art, and illustrated the value and magnitude of the collection which had been made. In many of the occupied countries private collections were robbed, libraries were plundered, and private houses were pillaged.

Museums, palaces and libraries in the occupied territories of the U.S.S.R. were systematically looted. Rosenberg's Einsatzstab, Ribbentrop's special " Battalion ", the Reichscommissars and representatives of the Military Command seized objects of cultural and historical value belonging to the people of the Soviet Union, which were sent to Germany. Thus, the Reichscommissar of the Ukraine removed paintings and objects of art from Kiev and Kharkov and sent them to East Prussia. Rare volumes and objects of art from the palaces of Peterhof, Tsarskoye Selo, and Pavlovsk were shipped to Germany. In his letter to Rosenberg of the 3rd October, 1941, Reichscommissar Kube stated that the value of the objects of art taken from Byelorussia ran into millions of roubles. The scale of this plundering can also be seen in the letter sent from Rosenberg's department to von Milde-Schreden in which it is stated that during the month of October, 1943, alone, about 40 box-cars loaded with objects of cultural value were transported to the Reich.

With regard to the suggestion that the purpose of the seizure of art treasures was protective and meant for their preservation, it is necessary to say a few words. On the 1st December, 1939, Himmler, as the Reich Commissioner for the " strengthening of Germanism ", issued a decree to the regional officers of the secret police in the annexed eastern territories, and to the commanders of the security service in Radom, Warsaw and Lublin. This decree contained administrative directions for carrying out the art seizure programme, and in Clause 1 it is stated:

" To strengthen Germanism in the defence of the Reich, all articles mentioned in Section 2 of this decree are hereby confiscated . . . . They are confiscated for the benefit of the German Reich, and are at the disposal of the Reich Commissioner for the strengthening of Germanism."

The intention to enrich Germany by the seizures, rather than to protect the seized objects, is indicated in an undated report by Dr. Hans Posse, director of the Dresden State Picture Gallery:

" I was able to gain some knowledge on the public and private collections, as well as clerical property, in Cracow and Warsaw. It is true that we cannot hope too much to enrich ourselves from the acquisition of great art works of paintings and sculptures, with the exception of the Veit-Stoss altar, and the plates of Hans von Kulnback in the Church of Maria in Cracow . . . and several other works from the national museum in Warsaw."

## SLAVE LABOUR POLICY

Article 6 (*b*) of the Charter provides that the " ill-treatment or deportation to slave labour or for any other purpose, of civilian population of or in occupied territory " shall be a war crime. The laws relating to forced labour by the inhabitants of occupied territories are found in Article 52 of The Hague Convention, which provides:—



" Requisition in kind and services shall not be demanded from municipalities or inhabitants except for the needs of the army of occupation. They shall be in proportion to the resources of the country, and of such a nature as not to involve the inhabitants in the obligation of taking part in military operations against their own country."

The policy of the German occupation authorities was in flagrant violation of the terms of this Convention. Some idea of this policy may be gathered from the statement made by Hitler in a speech on 9th November, 1941:—

" The territory which now works for us contains more than 250,000,000 men, but the territory which works indirectly for us includes now more than 350,000,000. In the measure in which it concerns German territory, the domain which we have taken under our administration, it is not doubtful that we shall succeed in harnessing the very last man to this work."

The actual results achieved were not so complete as this, but the German occupation authorities did succeed in forcing many of the inhabitants of the occupied territories to work for the German war effort, and in deporting at least 5,000,000 persons to Germany to serve German industry and agriculture.

In the early stages of the war, manpower in the occupied territories was under the control of various occupation authorities, and the procedure varied from country to country. In all the occupied territories compulsory labour service was promptly instituted. Inhabitants of the occupied countries were conscripted and compelled to work in local occupations, to assist the German war economy. In many cases they were forced to work on German fortifications and military installations. As local supplies of raw materials and local industrial capacity became inadequate to meet the German requirements, the system of deporting labourers to Germany was put into force. By the middle of April, 1940, compulsory deportation of labourers to Germany had been ordered in the Government General; and a similar procedure was followed in other eastern territories as they were occupied. A description of this compulsory deportation from Poland was given by Himmler. In an address to SS officers he recalled how in weather 40 degrees below zero they had to " haul away thousands, tens of thousands, hundreds of thousands." On a later occasion Himmler stated:—

" Whether ten thousand Russian females fall down from exhaustion while digging an anti-tank ditch interests me only in so far as the anti-tank ditch for Germany is finished . . . . We must realise that we have 6-7 million foreigners in Germany . . . . They are none of them dangerous so long as we take severe measures at the merest trifles."

During the first two years of the German occupation of France, Belgium, Holland and Norway, however, an attempt was made to obtain the necessary workers on a voluntary basis. How unsuccessful this was may be seen from the report of the meeting of the Central Planning Board on the 1st March, 1944. The representative of the defendant Speer, one Koehrl, speaking of the situation in France, said:—

" During all this time a great number of Frenchmen were recruited, and voluntarily went to Germany."

He was interrupted by the defendant Sauckel:

" Not only voluntary, some were recruited forcibly."

To which Koehrl replied:

" The calling up started after the recruitment no longer yielded enough results."

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fighting armed forces under the leadership of Adolf Hitler, for the armament of the armed forces, and also for the nutrition of the Homeland. The raw materials, as well as the fertility of the conquered territories and their human labour power, are to be used completely and conscientiously to the profit of Germany and her Allies. . . . All prisoners of war from the territories of the West, as well as the East, actually in Germany, must be completely incorporated into the German armament and nutrition industries. . . . Consequently it is an immediate necessity to use the human reserves of the conquered Soviet territory to the fullest extent. Should we not succeed in obtaining the necessary amount of labour on a voluntary basis, we must immediately institute conscription or forced labour. . . . The complete employment of all prisoners of war, as well as the use of a gigantic number of new foreign civilian workers, men and women, has become an indisputable necessity for the solution of the mobilisation of the labour programme in this war."

Reference should also be made to the policy which was in existence in Germany by the summer of 1940, under which all aged, insane, and incurable people, " useless eaters," were transferred to special institutions where they were killed, and their relatives informed that they had died from natural causes. The victims were not confined to German citizens, but included foreign labourers, who were no longer able to work, and were therefore useless to the German war machine. It has been estimated that at least some 275,000 people were killed in this manner in nursing homes, hospitals and asylums, which were under the jurisdiction of the defendant Frick, in his capacity as Minister of the Interior. How many foreign workers were included in this total it has been quite impossible to determine.

## PERSECUTION OF THE JEWS

The persecution of the Jews at the hands of the Nazi Government has been proved in the greatest detail before the Tribunal. It is a record of consistent and systematic inhumanity on the greatest scale. Ohlendorf, chief of Amt III in the RSHA from 1939 to 1943, and who was in command of one of the Einsatz groups in the campaign against the Soviet Union testified as to the methods employed in the extermination of the Jews. He said that he employed firing squads to shoot the victims in order to lessen the sense of individual guilt on the part of his men; and the 90,000 men, women and children who were murdered in one year by his particular group were mostly Jews.

When the witness Bach Zelewski was asked how Ohlendorf could admit the murder of 90,000 people, he replied:

" I am of the opinion that when, for years, for decades, the doctrine is preached that the Slav race is an inferior race, and Jews not even human, then such an outcome is inevitable."

But the defendant Frank spoke the final words of this chapter of Nazi history when he testified in this court:

" We have fought against Jewry; we have fought against it for years: and we have allowed ourselves to make utterances and my own diary has become a witness against me in this connection—utterances which are terrible. . . . A thousand years will pass and this guilt of Germany will still not be erased."

The anti-Jewish policy was formulated in Point 4 of the Party Programme 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." Other points of the programme declared that Jews should be treated as foreigners, that they should not be permitted to hold public office, that they should be expelled from the Reich if it were impossible to nourish the entire population of the State, that they should be denied any further immigration into Germany, and that they should be prohibited from publishing German newspapers. The Nazi Party preached these doctrines throughout its history. " Der Stuermer " and other publications were allowed to disseminate hatred of the Jews, and in the speeches and public declarations of the Nazi leaders, the Jews were held up to public ridicule and contempt.

With the seizure of power, the persecution of the Jews was intensified. A series of discriminatory laws were passed, which limited the offices and professions permitted to Jews; and restrictions were placed on their family life and their rights of citizenship. By the autumn of 1938, the Nazi policy towards the Jews had reached the stage where it was directed towards the complete exclusion of Jews from German life. Pogroms were organised, which included the burning and demolishing of synagogues, the looting of Jewish businesses, and the arrest of prominent Jewish business men. A collective fine of one billion marks was imposed on the Jews, the seizure of Jewish assets was authorised, and the movement of Jews was restricted by regulations to certain specified districts and hours. The creation of ghettoes was carried out on an extensive scale, and by an order of the Security Police Jews were compelled to wear a yellow star to be worn on the breast and back.

It was contended for the Prosecution that certain aspects of this anti-Semitic policy were connected with the plans for aggressive war. The violent measures taken against the Jews in November, 1938, were nominally in retaliation for the killing of an official of the German Embassy in Paris. But the decision to seize Austria and Czechoslovakia had been made a year before. The imposition of a fine of one billion marks was made, and the confiscation of the financial holdings of the Jews was decreed, at a time when German armament expenditure had put the German treasury in difficulties, and when the reduction of expenditure on armaments was being considered. These steps were taken, moreover, with the approval of the defendant Goering, who had been given responsibility for economic matters of this kind, and who was the strongest advocate of an extensive rearmament programme notwithstanding the financial difficulties.

It was further said that the connection of the anti-Semitic policy with aggressive war was not limited to economic matters. The German Foreign Office circular, in an article of 25th January, 1939, entitled " Jewish question as a factor in German Foreign Policy in the year 1938 ", described the new phase in the Nazi anti-Semitic policy in these words:

" It is certainly no coincidence that the fateful year 1938 has brought nearer the solution of the Jewish question simultaneously with the realisation of the idea of Greater Germany, since the Jewish policy was both the basis and consequence of the events of the year 1938. The advance made by Jewish influence and the destructive Jewish spirit in politics, economy, and culture, paralysed the power and the will of the German people to rise again, more perhaps even than the power policy opposition of the former enemy Allied powers of the first World War. The healing of this sickness among the people was therefore certainly one of the most important requirements for exerting the force which, in the year 1938, resulted in the joining together of Greater Germany in defiance of the world."

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The Nazi persecution of Jews in Germany before the war, severe and repressive as it was, cannot compare, however, with the policy pursued during the war in the occupied territories. Originally the policy was similar to that which had been in force inside Germany. Jews were required to register, were forced to live in ghettoes, to wear the yellow star, and were used as slave labourers. In the summer of 1941, however, plans were made for the " final solution " of the Jewish question in all of Europe. This " final solution " meant the extermination of the Jews, which early in 1939 Hitler had threatened would be one of the consequences of an outbreak of war, and a special section in the Gestapo under Adolf Eichmann, as head of Section B4 of the Gestapo, was formed to carry out the policy.

The plan for exterminating the Jews was developed shortly after the attack on the Soviet Union. Einsatzgruppen of the Security Police and SD, formed for the purpose of breaking the resistance of the population of the areas lying behind the German armies in the East, were given the duty of exterminating the Jews in those areas. The effectiveness of the work of the Einsatzgruppen is shown by the fact that in February, 1942, Heydrich was able to report that Estonia had already been cleared of Jews and that in Riga the number of Jews had been reduced from 29,500 to 2,500. Altogether the Einsatzgruppen operating in the occupied Baltic States killed over 135,000 Jews in three months.

Nor did these special units operate completely independently of the German Armed Forces. There is clear evidence that leaders of the Einsatzgruppen obtained the co-operation of Army Commanders. In one case the relations between an Einsatzgruppe and the military authorities was described at the time as being " very close, almost cordial "; in another case the smoothness of an Einsatz-commando's operation was attributed to the " understanding for this procedure " shown by the army authorities.

Units of the Security Police and SD in the occupied territories of the East, which were under civil administration, were given a similar task. The planned and systematic character of the Jewish persecutions is best illustrated by the original report of the SS Brigadier-General Stroop, who was in charge of the destruction of the ghetto in Warsaw, which took place in 1943. The Tribunal received in evidence that report, illustrated with photographs, bearing on its title page: " The Jewish Ghetto in Warsaw no longer exists." The volume records a series of reports sent by Stroop to the Higher SS and Police Fuehrer East. In April and May, 1943, in one report, Stroop wrote:

> " The resistance put up by the Jews and bandits could only be suppressed by energetic actions of our troops day and night. The Reichsfuehrer SS ordered therefore on the 23rd April, 1943 the cleaning out of the ghetto with utter ruthlessness and merciless tenacity. I therefore decided to destroy and burn down the entire ghetto, without regard to the armament factories. These factories were systematically dismantled and then burnt. Jews usually left their hideouts, but frequently remained in the burning buildings, and jumped out of the windows only when the heat became unbearable. They then tried to crawl with broken bones across the street into buildings which were not afire. . . . Life in the sewers was not pleasant after the first week. Many times we could hear loud voices in the sewers. . . . Tear gas bombs were thrown into the manholes, and the Jews driven out of the sewers and captured. Countless numbers of Jews were liquidated in sewers and bunkers through blasting. The longer the resistance continued, the tougher became the members of the Waffen SS, Police and Wehrmacht, who always discharged their duties in an exemplary manner."



Stroop recorded that his action at Warsaw eliminated " a proved total of 56,065 people. To that we have to add the number of those killed through blasting, fire, etc., which cannot be counted." Grim evidence of mass murders of Jews was also presented to the Tribunal in cinematograph films depicting the communal graves of hundreds of victims which were subsequently discovered by the Allies.

These atrocities were all part and parcel of the policy inaugurated in 1941, and it is not surprising that there should be evidence that one or two German officials entered vain protests against the brutal manner in which the killings were carried out. But the methods employed never conformed to a single pattern. The massacres of Rowno and Dubno, of which the German engineer Graebe spoke, were examples of one method, the systematic extermination of Jews in concentration camps, was another. Part of the " final solution " was the gathering of Jews from all German occupied Europe in concentration camps. Their physical condition was the test of life or death. All who were fit to work were used as slave labourers in the concentration camps; all who were not fit to work were destroyed in gas chambers and their bodies burnt. Certain concentration camps such as Treblinka and Auschwitz were set aside for this main purpose. With regard to Auschwitz, the Tribunal heard the evidence of Hoess, the Commandant of the camp from 1st May, 1940, to 1st December, 1943. He estimated that in the camp of Auschwitz alone in that time 2,500,000 persons were exterminated, and that a further 500,000 died from disease and starvation. Hoess described the screening for extermination by stating in evidence:

> " We had two SS doctors on duty at Auschwitz 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 were fit for work were sent into the camp. Others were sent immediately to the extermination plants. Children of tender years were invariably exterminated since by reason of their youth they were unable to work. Still another improvement we made over Treblinka was that at Treblinka the victims almost always knew that they were to be exterminated and at Auschwitz we endeavoured to fool the victims into thinking that they were to go through a delousing process. Of course, frequently they realised our true intentions and we sometimes had riots and difficulties due to that fact. Very frequently women would hide their children under their clothes, but of course when we found them we would send the children in to be exterminated."

He described the actual killing by stating:

> " It took from three to fifteen minutes to kill the people in the death chamber, depending upon climatic conditions. We knew when the people were dead because their screaming stopped. We usually waited about one half-hour before we opened the doors and removed the bodies. After the bodies were removed our special commandos took off the rings and extracted the gold from the teeth of the corpses."

Beating, starvation, torture, and killing were general. The inmates were subjected to cruel experiments at Dachau in August, 1942, victims were immersed in cold water until their body temperature was reduced to 28° Centigrade, when they died immediately. Other experiments included high altitude experiments in pressure chambers, experiments to determine how long human beings could survive in freezing water, experiments with poison bullets, experiments with contagious diseases, and experiments dealing with sterilisation of men and women by X-rays and other methods.

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Evidence was given of the treatment of the inmates before and after their extermination. There was testimony that the hair of women victims was cut off before they were killed, and shipped to Germany, there to be used in the manufacture of mattresses. The clothes, money and valuables of the inmates were also salvaged and sent to the appropriate agencies for disposition. After the extermination the gold teeth and fillings were taken from the heads of the corpses and sent to the Reichsbank.

After cremation the ashes were used for fertilizer, and in some instances attempts were made to utilise the fat from the bodies of the victims in the commercial manufacture of soap. Special groups travelled through Europe to find Jews and subject them to the "final solution." German missions were sent to such satellite countries as Hungary and Bulgaria, to arrange for the shipment of Jews to extermination camps and it is known that by the end of 1944, 400,000 Jews from Hungary had been murdered at Auschwitz. Evidence has also been given of the evacuation of 110,000 Jews from part of Roumania for "liquidation." Adolf Eichmann, who had been put in charge of this programme by Hitler, has estimated that the policy pursued resulted in the killing of 6,000,000 Jews, of which 4,000,000 were killed in the extermination institutions.

## THE LAW RELATING TO WAR CRIMES AND CRIMES AGAINST HUMANITY

Article 6 of the Charter provides:

> "(*b*) War Crimes: namely, violations of the laws or customs of war. Such violations shall include, but not be limited to, murder, ill-treatment or deportation to slave labour or for any other purpose of civilian population of or in occupied territory, murder or ill-treatment of prisoners of war or persons on the seas, killing of hostages, plunder of public or private property, wanton destruction of cities, towns or villages, or devastation not justified by military necessity;
>
> "(*c*) Crimes against Humanity: namely, murder, extermination, enslavement, deportation, and other inhumane acts committed against any civilian population, before or during the war; or persecutions on political, racial or religious grounds in execution of or in connection with any crime within the jurisdiction of the Tribunal, whether or not in violation of the domestic law of the country where perpetrated."

As heretofore stated, the Charter does not define as a separate crime any conspiracy except the one set out in Article 6 (*a*), dealing with crimes against peace.

The Tribunal is of course bound by the Charter, in the definition which it gives both of war crimes and crimes against humanity. With respect to war crimes, however, as has already been pointed out, the crimes defined by Article 6, section (*b*), of the Charter were already recognised as war crimes under international law. They were covered by Articles 46, 50, 52, and 56 of the Hague Convention of 1907, and Articles 2, 3, 4, 46, and 51 of the Geneva Convention of 1929. That violations of these provisions constituted crimes for which the guilty individuals were punishable is too well settled to admit of argument.

But it is argued that the Hague Convention does not apply in this case, because of the "general participation" clause in Article 2 of the Hague Convention of 1907. That clause provided:



> "The provisions contained in the regulations (Rules of Land Warfare) referred to in Article I as well as in the present Convention do not apply except between contracting powers, and then only if all the belligerents are parties to the Convention."

Several of the belligerents in the recent war were not parties to this Convention.

In the opinion of the Tribunal it is not necessary to decide this question. The rules of land warfare expressed in the Convention undoubtedly represented an advance over existing international law at the time of their adoption. But the Convention expressly stated that it was an attempt "to revise the general laws and customs of war," which it thus recognised to be then existing, but by 1939 these rules laid down in the Convention were recognised by all civilised nations, and were regarded as being declaratory of the laws and customs of war which are referred to in Article 6 (*b*) of the Charter.

A further submission was made that Germany was no longer bound by the rules of land warfare in many of the territories occupied during the war, because Germany had completely subjugated those countries and incorporated them into the German Reich, a fact which gave Germany authority to deal with the occupied countries as though they were part of Germany. In the view of the Tribunal it is unnecessary in this case to decide whether this doctrine of subjugation, dependent as it is upon military conquest, has any application where the subjugation is the result of the crime of aggressive war. The doctrine was never considered to be applicable so long as there was an army in the field attempting to restore the occupied countries to their true owners, and in this case, therefore, the doctrine could not apply to any territories occupied after the 1st September, 1939. As to the war crimes committed in Bohemia and Moravia, it is a sufficient answer that these territories were never added to the Reich, but a mere protectorate was established over them.

With regard to crimes against humanity, there is no doubt whatever that political opponents were murdered in Germany before the war, and that many of them were kept in concentration camps in circumstances of great horror and cruelty. The policy of terror was certainly carried out on a vast scale, and in many cases was organised and systematic. The policy of persecution, repression and murder of civilians in Germany before the war of 1939, who were likely to be hostile to the Government, was most ruthlessly carried out. The persecution of Jews during the same period is established beyond all doubt. To constitute crimes against humanity, the acts relied on before the outbreak of war must have been in execution of, or in connection with, any crime within the jurisdiction of the Tribunal. The Tribunal is of the opinion that revolting and horrible as many of these crimes were, it has not been satisfactorily proved that they were done in execution of, or in connection with, any such crime. The Tribunal therefore cannot make a general declaration that the acts before 1939 were crimes against humanity within the meaning of the Charter, but from the beginning of the war in 1939 war crimes were committed on a vast scale, which were also crimes against humanity; and insofar as the inhumane acts charged in the Indictment, and committed after the beginning of the war, did not constitute war crimes, they were all committed in execution of, or in connection with, the aggressive war, and therefore constituted crimes against humanity.

The PRESIDENT: I now ask Colonel Volchkov to continue the reading of the Judgment.

Colonel VOLCHKOV:

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## THE ACCUSED ORGANISATIONS

Article 9 of the Charter provides:

" At the trial of any individual member of any group or organisation the Tribunal may declare (in connection with any act of which the individual may be convicted) that the group or organisation of which the individual was a member was a criminal organisation.

" After receipt of the Indictment the Tribunal shall give such notice as it thinks fit that the prosecution intends to ask the Tribunal to make such declaration and any member of the organisation will be entitled to apply to the Tribunal for leave to be heard by the Tribunal upon the question of the criminal character of the organisation. The Tribunal shall have power to allow or reject the application. If the application is allowed, the Tribunal may direct in what manner the applicants shall be represented and heard."

Article 10 of the Charter makes clear that the declaration of criminality against an accused organisation is final, and cannot be challenged in any subsequent criminal proceeding against a member of that organisation. Article 10 is as follows:

" In cases where a group or organisation is declared criminal by the Tribunal, the competent national authority of any Signatory shall have the right to bring individuals to trial for membership therein before national, military or occupation courts. In any such case the criminal nature of the group or organisation is considered proved and shall not be questioned."

The effect of the declaration of criminality by the Tribunal is well illustrated by Law Number 10 of the Control Council of Germany passed on the 20th day of December, 1945, which provides:

" Each of the following acts is recognised as a crime:

. . .

" (*d*) Membership in categories of a criminal group or organisation declared criminal by the International Military Tribunal.

. . .

" (3) Any person found guilty of any of the crimes above mentioned may upon conviction be punished as shall be determined by the Tribunal to be just. Such punishment may consist of one or more of the following:

(*a*) Death.

(*b*) Imprisonment for life or a term of years, with or without hard labour.

(*c*) Fine, and imprisonment with or without hard labour, in lieu thereof."

In effect, therefore, a member of an organisation which the Tribunal has declared to be criminal may be subsequently convicted of the crime of membership and be punished for that crime by death. This is not to assume that international or military courts which will try these individuals will not exercise appropriate standards of justice. This is a far-reaching and novel procedure. Its application, unless properly safeguarded, may produce great injustice.

Article 9, it should be noted, uses the words " The Tribunal may declare " so that the Tribunal is vested with discretion as to whether it will declare any organisation criminal. This discretion is a judicial one and does not permit arbitrary action, but should be exercised in accordance with well settled legal



principles, one of the most important of which is that criminal guilt is personal, and that mass punishments should be avoided. If satisfied of the criminal guilt of any organisation or group, this Tribunal should not hesitate to declare it to be criminal because the theory of " group criminality " is new, or because it might be unjustly applied by some subsequent tribunals. On the other hand, the Tribunal should make such declaration of criminality so far as possible in a manner to insure that innocent persons will not be punished.

A criminal organisation is analogous to a criminal conspiracy in that the essence of both is cooperation for criminal purposes. There must be a group bound together and organised for a common purpose. The group must be formed or used in connection with the commission of crimes denounced by the Charter. Since the declaration with respect to the organisations and groups will, as has been pointed out, fix the criminality of its members, that definition should exclude persons who had no knowledge of the criminal purposes or acts of the organisation and those who were drafted by the State for membership, unless they were personally implicated in the commission of acts declared criminal by Article 6 of the Charter as members of the organisation. Membership alone is not enough to come within the scope of these declarations.

Since declarations of criminality which the Tribunal makes will be used by other courts in the trial of persons on account of their membership in the organisations found to be criminal, the Tribunal feels it appropriate to make the following recommendations:

1. That so far as possible throughout the four zones of occupation in Germany the classifications, sanctions and penalties be standardised. Uniformity of treatment so far as practical should be a basic principle. This does not, of course, mean that discretion in sentencing should not be vested in the court; but the discretion should be within fixed limits appropriate to the nature of the crime.

2. Law No. 10, to which reference has already been made, leaves punishment entirely in the discretion of the trial court even to the extent of inflicting the death penalty.

The De-Nazification Law of 5th March, 1946, however, passed for Bavaria, Greater-Hesse and Wuerttemberg-Baden, provides definite sentences for punishment in each type of offence. The Tribunal recommends that in no case should punishment imposed under Law No. 10 upon any members of an organisation or group declared by the Tribunal to be criminal exceed the punishment fixed by the De-Nazification Law. No person should be punished under both laws.

3. The Tribunal recommends to the Control Council that Law No. 10 be amended to prescribe limitations on the punishment which may be imposed for membership in a criminal group or organisation so that such punishment shall not exceed the punishment prescribed by the De-Nazification Law.

The Indictment asks that the Tribunal declare to be criminal the following organisations: The Leadership Corps of the Nazi Party; The Gestapo; The S.D.; The S.S.; The S.A.; The Reich Cabinet, and The General Staff and High Command of the German Armed Forces.

## THE LEADERSHIP CORPS OF THE NAZI PARTY

**Structure and Component Parts:** The Indictment has named the Leadership Corps of the Nazi Party as a group or organisation which should be declared criminal. The Leadership Corps of the Nazi Party consisted, in effect, of the official organisation of the Nazi Party, with Hitler as Fuehrer at its head. The actual work of running the Leadership Corps was carried out



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by the Chief of the Party Chancellery (Hess, succeeded by Bormann) assisted by the Party Reich Directorate, or Reichsleitung, which was composed of the Reichleiters, the heads of the functional organisations of the Party, as well as of the heads of the various main departments and offices which were attached to the Party Reich Directorate. Under the Chief of the Party Chancellery were the Gauleiters, with territorial jurisdiction over the main administrative regions of the Party, the Gaus. The Gauleiters were assisted by a Party Gau Directorate or Gauleitung, similar in composition and in function to the Party Reich Directorate. Under the Gauleiters in the Party hierarchy were the Kreisleiters with territorial jurisdiction over a Kreis, usually consisting of a single county, and assisted by a Party Kreis Directorate, or Kreisleitung. The Kreisleiters were the lowest members of the Party hierarchy who were full time paid employees. Directly under the Kreisleiters were the Ortsgruppenleiters, then the Zellenleiters and then the Blockleiters. Directives and instructions were received from the Party Reich Directorate. The Gauleiters had the function of interpreting such orders and issuing them to lower formations. The Kreisleiters had a certain discretion in interpreting orders, but the Ortsgruppenleiters had not, but acted under definite instructions. Instructions were only issued in writing down as far as the Ortsgruppenleiters. The Block and Zellenleiters usually received instructions orally. Membership in the Leadership Corps at all levels was voluntary.

On 28th February, 1946, the Prosecution excluded from the declaration all members of the staffs of the Ortsgruppenleiters and all assistants of the Zellenleiters and Blockleiters. The declaration sought against the Leadership Corps of the Nazi Party thus includes the Fuehrer, the Reichsleitung, the Gauleiters and their staff officers, the Kreisleiters and their staff officers, the Ortsgruppenleiters, the Zellenleiters and the Blockleiters, a group estimated to contain at least 600,000 people.

**Aims and Activities:** The primary purposes of the Leadership Corps from its beginning was to assist the Nazis in obtaining and, after January 30, 1933, in retaining, control of the German State. The machinery of the Leadership Corps was used for the widespread dissemination of Nazi propaganda and to keep a detailed check on the political attitudes of the German people. In this activity the lower Political Leaders played a particularly important rôle. The Blockleiters were instructed by the Party Manual to report to the Ortsgruppenleiters, all persons circulating damaging rumours or criticism of the régime. The Ortsgruppenleiters, on the basis of information supplied them by the Blockleiters and Zellenleiters, kept a card index of the people within their Ortsgruppe which recorded the factors which would be used in forming a judgment as to their political reliability. The Leadership Corps was particularly active during plebiscites. All members of the Leadership Corps were active in getting out the vote and insuring the highest possible proportion of " yes " votes. Ortsgruppenleiters and Political Leaders of higher ranks often collaborated with the Gestapo and SD in taking steps to determine those who refused to vote or who voted " no ", and in taking steps against them which went as far as arrest and detention in a concentration camp.

**Criminal Activity:** These steps, which relate merely to the consolidation of control of the Nazi Party, are not criminal under the view of the conspiracy to wage aggressive war which has previously been set forth. But the Leadership Corps was also used for similar steps in Austria and those parts of Czechoslovakia, Lithuania, Poland, France, Belgium, Luxembourg and Yugoslavia which were incorporated into the Reich and within the Gaus of the Nazi Party. In those territories the machinery of the Leadership Corps was used for their Germanisation through the elimination of local customs and the detection and



arrest of persons who opposed German occupation. This was criminal under Article 6 (*b*) of the Charter in those areas governed by the Hague Rules of Land Warfare and criminal under Article 6 (*c*) of the Charter as to the remainder.

The Leadership Corps played its part in the persecution of the Jews. It was involved in the economic and political discrimination against the Jews, which was put into effect shortly after the Nazis came into power. The Gestapo and SD were instructed to co-ordinate with the Gauleiters and Kreisleiters the measures taken in the pogroms of the 9th and 10th November in the year 1938. The Leadership Corps was also used to prevent German public opinion from reacting against the measures taken against the Jews in the East. On the 9th October, 1942, a confidential information bulletin was sent to all Gauleiters and Kreisleiters entitled " Preparatory Measures for the Final Solution of the Jewish Question in Europe. Rumours concerning the Conditions of the Jews in the East." This bulletin stated that rumours were being started by returning soldiers concerning the conditions of Jews in the East which some Germans might not understand, and outlined in detail the official explanation to be given. This bulletin contained no explicit statement that the Jews were being exterminated, but it did indicate they were going to labour camps, and spoke of their complete segregation and elimination and the necessity of ruthless severity. Thus, even at its face value, it indicated the utilisation of the machinery of the Leadership Corps to keep German public opinion from rebelling at a programme which was stated to involve condemning the Jews of Europe to a lifetime of slavery. This information continued to be available to the Leadership Corps. The August, 1944, edition of " Die Lage ", a publication which was circulated among the Political Leaders, described the deportation of 430,000 Jews from Hungary.

The Leadership Corps played an important part in the administration of the Slave Labour Programme. A Sauckel decree dated 6th April, 1942, appointed the Gauleiters as Plenipotentiary for Labour Mobilisation for their Gaus with authority to co-ordinate all agencies dealing with labour questions in their Gaus, with specific authority over the employment of foreign workers, including their conditions of work, feeding and housing. Under this authority the Gauleiters assumed control over the allocation of labour in their Gaus, including the forced labourers from foreign countries. In carrying out this task the Gauleiters used many Party offices within their Gaus, including subordinate Political Leaders. For example, Sauckel's decree of the 8th September, 1942, relating to the allocation for household labour of 400,000 women labourers brought in from the East, established a procedure under which applications filed for such workers should be passed on by the Kreisleiters, whose judgment was final.

Under Sauckel's directive the Leadership Corps was directly concerned with the treatment given foreign workers, and the Gauleiters were specifically instructed to prevent " politically inept factory heads " from giving too much consideration to the care of Eastern workers." The type of question which was considered in their treatment included reports by the Kreisleiters on pregnancies among the female slave labourers, which would result in an abortion if the child's parentage would not meet the racial standards laid down by the SS and usually detention in a concentration camp for the female slave labourer. The evidence has established that under the supervision of the Leadership Corps, the industrial workers were housed in camps under atrocious sanitary conditions, worked long hours and were inadequately fed. Under similar supervision, the agricultural workers, who were somewhat better treated were prohibited transportation, entertainment and religious worship, and were worked without any time limit on their working hours and under regulations

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which gave the employer the right to inflict corporal punishment. The Political Leaders, at least down to the Ortsgruppenleiters, were responsible for this supervision. On the 5th May, 1943, a memorandum of Bormann instructing that mistreatment of slave labourers cease was distributed down to the Ortsgruppenleiters. Similarly on the 10th November, 1944, a Speer circular transmitted a Himmler directive which provided that all members of the Nazi Party, in accordance with instructions from the Kreisleiter, would be warned by the Ortsgruppenleiters of their duty to keep foreign workers under careful observation.

The Leadership Corps was directly concerned with the treatment of prisoners of war. On 5th November, 1941, Bormann transmitted a directive down to the level of Kreisleiter instructing them to insure compliance by the Army with the recent directives of the Department of the Interior ordering that dead Russian prisoners of war should be buried wrapped in tar paper in a remote place without any ceremony or any decorations of their graves. On 25th November, 1943, Bormann sent a circular instructing the Gauleiters to report any lenient treatment of prisoners of war. On 13th September, 1944, Bormann sent a directive down to the level of Kreisleiter ordering that liaison be established between the Kreisleiters and the guards of the prisoners of war in order " to better assimilate the commitment of the prisoners of war to the political and economic demands ". On 17th October, 1944, an OKW directive instructed the officer in charge of the prisoners of war to confer with the Kreisleiters on questions of the productivity of labour. The use of prisoners of war, particularly those from the East, was accompanied by a widespread violation of the rules of land warfare. This evidence establishes that the Leadership Corps down to the level of Kreisleiter was a participant in this illegal treatment.

The machinery of the Leadership Corps was also utilised in attempts made to deprive Allied airmen of the protection to which they were entitled under the Geneva Convention. On 13th March, 1940, a directive of Hess transmitted instructions through the Leadership Corps down to the Blockleiter for the guidance of the civilian population in case of the landing of enemy planes or parachutists, which stated that enemy parachutists were to be immediately arrested or " made harmless ". On 30th May, 1944, Bormann sent a circular letter to all Gau and Kreisleiters reporting instances of lynchings of Allied low level fliers in which no police action was taken. It was requested that Ortsgruppenleiters be informed orally of the contents of this letter. This letter accompanied a propaganda drive which had been instituted by Goebbels to induce such lynchings, and clearly amounted to instructions to induce such lynchings or at least to violate the Geneva Convention by withdrawing any police protection. Some lynchings were carried out pursuant to this programme, but it does not appear that they were carried out throughout all of Germany. Nevertheless, the existence of this circular letter shows that the heads of the Leadership Corps were utilising it for a purpose which was patently illegal and which involved the use of the machinery of the Leadership Corps at least through the Ortsgruppenleiter.

*Conclusion*

The Leadership Corps was used for purposes which were criminal under the Charter and involved the Germanisation of incorporated territory, the persecution of the Jews, the administration of the slave labour programme, and the mistreatment of prisoners of war. The defendants Bormann and Sauckel, who were members of this organisation, were among those who used it for these purposes. The Gauleiters, the Kreisleiters, and the Ortsgruppenleiters participated, to one degree or another, in these criminal



programmes. The Reichsleitung as the staff organisation of the Party is also responsible for these criminal programmes as well as the heads of the various staff organisations of the Gauleiters and Kreisleiters. The decision of the Tribunal on these staff organisations includes only the Amtsleiters who were heads of offices on the staffs of the Reichsleitung, Gauleitung and Kreisleitung. With respect to other staff officers and party organisations attached to the Leadership Corps other than the Amtsleiters referred to above, the Tribunal will follow the suggestion of the Prosecution in excluding them from the declaration.

The Tribunal declares to be criminal within the meaning of the Charter the group composed of those members of the Leadership Corps holding the positions enumerated in the preceding paragraph who became or remained members of the organisation with knowledge that it was being used for the commission of acts declared criminal by Article 6 of the Charter, or who were personally implicated as members of the organisation in the commission of such crimes. The basis of this finding is the participation of the organisation in war crimes and crimes against humanity connected with the war; the group declared criminal cannot include, therefore, persons who had ceased to hold the positions enumerated in the preceding paragraph prior to 1st September, 1939.

## GESTAPO AND SD

**Structure and Component Parts:** The Prosecution has named Die Geheime Staatspolizei (Gestapo) and Die Sicherheitsdienst des Reichsfuehrer SS (SD) as groups or organisations which should be declared criminal. The Prosecution presented the cases against the Gestapo and SD together, stating that this was necessary because of the close working relationship between them. The Tribunal permitted the SD to present its defence separately because of a claim of conflicting interests, but after examining the evidence has decided to consider the case of the Gestapo and SD together.

The Gestapo and the SD were first linked together on 26th June, 1936, by the appointment of Heydrich, who was the Chief of the SD, to the position of Chief of the Security Police, which was defined to include both the Gestapo and the Criminal Police. Prior to that time the SD had been the intelligence agency, first of the SS, and, after 4th June, 1934, of the entire Nazi Party. The Gestapo had been composed of the various political police forces of the several German Federal states which had been unified under the personal leadership of Himmler, with the assistance of Goering. Himmler had been appointed Chief of the German Police in the Ministry of the Interior on 17th June, 1936, and in his capacity as Reichsfuehrer SS and Chief of the German Police issued his decree of 26th June, 1936, which placed both the Criminal Police, or Kripo, and the Gestapo in the Security Police, and placed both the Security Police and the SD under the command of Heydrich.

This consolidation under the leadership of Heydrich of the Security Police, a State organisation, and the SD, a Party organisation, was formalised by the decree of 27th September, 1939, which united the various state and Party offices which were under Heydrich as Chief of the Security Police and SD into one administrative unit, the Reichs Security Head Office (RSHA) which was at the same time both one of the principal offices (Hauptamter) of the SS under Himmler as Reichsfuehrer SS and an office in the Ministry of the Interior under Himmler as Chief of the German Police. The internal structure of the RSHA shows the manner in which it consolidated the offices of the Security Police with those of the SD. The RSHA was divided into seven offices (Amter), two of which (Amt I and Amt II) dealt with administrative

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matters. The Security Police were represented by Amt IV, the head office of the Gestapo, and by Amt V, the head office of the Criminal Police. The SD were represented by Amt III, the head office for SD activities inside Germany, by Amt VI, the head office for SD activities outside of Germany, and by Amt VII, the office for ideological research. Shortly after the creation of the RSHA, in November, 1939, the Security Police was "coordinated" with the SS by taking all officials of the Gestapo and Criminal Police into the SS at ranks equivalent to their positions.

The creation of the RSHA represented the formalisation, at the top level, of the relationship under which the SD served as the intelligence agency for the Security Police. A similar coordination existed in the local offices. Within Germany and areas which were incorporated within the Reich for the purpose of civil administration, local offices of the Gestapo, Criminal Police and SD were formally separate. They were subject to coordination by Inspectors of the Security Police and SD on the staffs of the local Higher SS and Police Leaders, however, and one of the principal functions of the local SD units was to serve as the intelligence agency for the local Gestapo units. In the occupied territories the formal relationship between local units of the Gestapo, Criminal Police and SD was slightly closer. They were organised into local units of the Security Police and SD and were under the control of both the RSHA and of the Higher SS and Police Leader who was appointed by Himmler to serve on the staff of the occupying authority. The offices of the Security Police and SD in occupied territory were composed of departments corresponding to the various Amts of the RSHA. In occupied territories which were still considered to be operational military areas or where German control had not been formally established, the organisation of the Security Police and SD was only slightly changed. Members of the Gestapo, Kripo and SD were joined together into military type organisations known as Einsatz Kommandos and Einsatzgruppen in which the key positions were held by members of the Gestapo, Kripo, and SD and in which members of the Order Police, the Waffen SS and even the Wehrmacht were used as auxiliaries. These organisations were under the over-all control of the RSHA, but in front line areas were under the operational control of the appropriate Army Commander.

It can thus be seen that from a functional point of view both the Gestapo and the SD were important and closely related groups within the organisation of the Security Police and the SD. The Security Police and SD was under a single command, that of Heydrich and later Kaltenbrunner, as Chief of the Security Police and SD; it had a single headquarters, the RSHA; it had its own command channels and worked as one organisation both in Germany, in occupied territories and in the areas immediately behind the front lines. During the period with which the Tribunal is primarily concerned, applicants for positions in the Security Police and SD received training in all its components, the Gestapo, Criminal Police and SD. Some confusion has been caused by the fact that part of the organisation was technically a formation of the Nazi Party while another part of the organisation was an office in the Government, but this is of no particular significance in view of the law of 1st December, 1933, declaring the unity of the Nazi Party and the German State.

The Security Police and SD was a voluntary organisation. It is true that many civil servants and administrative officials were transferred into the Security Police. The claim that this transfer was compulsory amounts to nothing more than the claim that they had to accept the transfer or resign their positions, with a possibility of having incurred official disfavour. During the war a member of the Security Police and SD did not have a free choice of assignments within that organisation and the refusal to accept a particular



position, especially when serving in occupied territory, might have led to serious punishment. The fact remains, however, that all members of the Security Police and SD joined the organisation voluntarily under no other sanction than the desire to retain their positions as officials.

The organisation of the Security Police and SD also included three special units which must be dealt with separately. The first of these was the Frontier Police or Grenzpolizei which came under the control of the Gestapo in 1937. Their duties consisted in the control of passage over the borders of Germany. They arrested persons who crossed the borders illegally. It is also clear from the evidence presented that they received directives from the Gestapo to transfer foreign workers whom they apprehended to concentration camps. They could also request the local office of the Gestapo for permission to commit persons arrested to concentration camps. The Tribunal is of the opinion that the Frontier Police must be included in the charge of criminality against the Gestapo.

The border and customs protection or Zollgrenzschutz became part of the Gestapo in the summer of 1944. The functions of this organisation were similar to the Frontier Police in enforcing border regulations with particular respect to the prevention of smuggling. It does not appear, however, that their transfer was complete but that about half of their personnel of 54,000 remained under the Reich Finance Administration or the Order Police. A few days before the end of the war the whole organisation was transferred back to the Reich Finance Administration. The transfer of the organisation to the Gestapo was so late and it participated so little in the overall activites of the organisation that the Tribunal does not feel that it should be dealt with in considering the criminality of the Gestapo.

The third organisation was the so-called Secret Field Police which was originally under the Army but which in 1942 was transferred by military order to the Security Police. The Secret Field Police was concerned with security matters within the Army in occupied territory, and also with the prevention of attacks by civilians on military installations or units, and committed war crimes and crimes against humanity on a wide scale. It has not been proved, however, that it was a part of the Gestapo and the Tribunal does not consider it as coming within the charge of criminality contained in the Indictment, except such members as may have been transferred to Amt IV of the RSHA or were members of organisations declared criminal by this Judgment.

**Criminal Activity:** Originally, one of the primary functions of the Gestapo was the prevention of any political opposition to the Nazi régime, a function which it performed with the assistance of the SD. The principal weapon used in performing this function was the concentration camp. The Gestapo did not have administrative control over the concentration camps, but, acting though the RSHA, was responsible for the detention of political prisoners in those camps. Gestapo officials were usually responsible for the interrogation of political prisoners at the camps.

The Gestapo and the SD also dealt with charges of treason and with questions relating to the Press, the Churches and the Jews. As the Nazi programme of anti-Semitic persecution increased in intensity the role played by these groups became increasingly important. In the early morning of 10th November, 1938, Heydrich sent a telegram to all offices of the Gestapo and SD giving instructions for the organisation of the pogroms of that date and instructing them to arrest as many Jews as the prisons could hold "especially rich ones," but to be careful that those arrested were healthy and not too old. By 11th November, 1938, 20,000 Jews had been arrested and many were sent to concentration camps. On 24th January, 1939, Heydrich, the Chief of

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the Security Police and SD, was charged with furthering the emigration and evacuation of Jews from Germany, and on 31st July, 1941, with bringing about a complete solution of the Jewish problem in German dominated Europe. A special section of the Gestapo office of the RSHA under Standartenfuehrer Eichmann was set up with responsibility for Jewish matters which employed its own agents to investigate the Jewish problem in occupied territory. Local offices of the Gestapo were used first to supervise the emigration of Jews and later to deport them to the East both from Germany and from the territories occupied during the war. Einsatzgruppen of the Security Police and SD operating behind the lines of the Eastern Front engaged in the wholesale massacre of Jews. A special detachment from Gestapo headquarters in the RSHA was used to arrange for the deportation of Jews from Axis satellites to Germany for the " final solution."

Local offices of the Security Police and SD played an important role in the German administration of occupied territories. The nature of their participation is shown by measures taken in the summer of 1938 in preparation for the attack on Czechoslovakia which was then in contemplation. Einsatzgruppen of the Gestapo and SD were organised to follow the Army into Czechoslovakia to provide for the security of political life in the occupied territories. Plans were made for the infiltration of SD men into the area in advance, and for the building up of a system of files to indicate what inhabitants should be placed under surveillance, deprived of passports or liquidated. These plans were considerably altered due to the cancellation of the attack on Czechoslovakia, but in the military operations which actually occurred, particularly in the war against U.S.S.R., Einsatzgruppen of the Security Police and SD went into operation, and combined brutal measures for the pacification of the civilian population with the wholesale slaughter of Jews. Heydrich gave orders to fabricate incidents on the Polish-German frontier in 1939 which would give Hitler sufficient provocation to attack Poland. Both Gestapo and SD personnel were involved in these operations.

The local units of the Security Police and SD continued their work in the occupied territories after they had ceased to be an area of operations. The Security Police and SD engaged in widespread arrests of the civilian population of these occupied countries, imprisoned many of them under inhumane conditions, subjected them to brutal third degree methods, and sent many of them to concentration camps. Local units of the Security Police and SD were also involved in the shooting of hostages, the imprisonment of relatives, the execution of persons charged as terrorists and saboteurs without a trial, and the enforcement of the " Nacht und Nebel " decrees under which persons charged with a type of offence believed to endanger the security of the occupying forces were either executed within a week or secretly removed to Germany without being permitted to communicate with their family and friends.

Offices of the Security Police and SD were involved in the administration of the Slave Labour Programme. In some occupied territories they helped local labour authorities to meet the quotas imposed by Sauckel. Gestapo offices inside of Germany were given surveillance over slave labourers and responsibility for apprehending those who were absent from their place of work. The Gestapo also had charge of the so-called work training camps. Although both German and foreign workers could be committed to these camps, they played a significant rôle in forcing foreign labourers to work for the German war effort. In the latter stages of the war as the SS embarked on a slave labour programme of its own, the Gestapo was used to arrest workers for the purpose of insuring an adequate supply in the concentration camps.



The local offices of the Security Police and SD were also involved in the commission of war crimes involving the mistreatment and murder of prisoners of war. Soviet prisoners of war in prisoner of war camps in Germany were screened by Einsatz Kommandos acting under the directions of the local Gestapo offices. Commissars, Jews, members of the intelligentsia, " fanatical Communists " and even those who were considered incurably sick were classified as " intolerable," and exterminated. The local offices of the Security Police and SD were involved in the enforcement of the " Bullet " decree, put into effect on 4th March, 1944, under which certain categories of prisoners of war, who were recaptured, were not treated as prisoners of war but taken to Mauthausen in secret and shot. Members of the Security Police and the SD were charged with the enforcement of the decree for the shooting of parachutists and commandos.

**Conclusion.**

The Gestapo and SD were used for purposes which were criminal under the Charter involving the persecution and extermination of the Jews, brutalities and killings in concentration camps, excesses in the administration of occupied territories, the administration of the slave labour programme and the mistreatment and murder of prisoners of war. The defendant Kaltenbrunner, who was a member of this organisation, was among those who used it for these purposes. In dealing with the Gestapo the Tribunal includes all executive and administrative officials of Amt IV of the RSHA or concerned with Gestapo administration in other departments of the RSHA and all local Gestapo officials serving both inside and outside of Germany, including the members of the Frontier Police, but not including the members of the Border and Customs Protection or the Secret Field Police, except such members as have been specified above. At the suggestion of the Prosecution the Tribunal does not include persons employed by the Gestapo for purely clerical, stenographic, janitorial or similar unofficial routine tasks. In dealing with the SD the Tribunal includes Amts III, VI and VII of the RSHA and all other members of the SD, including all local representatives and agents, honorary or otherwise, whether they were technically members of the SS or not.

The Tribunal declares to be criminal within the meaning of the Charter the group composed of those members of the Gestapo and SD holding the positions enumerated in the preceding paragraph who became or remained members of the organisation with knowledge that it was being used for the commission of acts declared criminal by Article 6 of the Charter, or who were personally implicated as members of the organisation in the commission of such crimes. The basis for this finding is the participation of the organisation in war crimes and crimes against humanity connected with the war; this group declared criminal cannot include, therefore, persons who had ceased to hold the positions enumerated in the preceding paragraph prior to 1st September, 1939.

The PRESIDENT:

**The SS**

**Structure and Component Parts:** The Prosecution has named Die Schutzstaffeln Der Nationalsocialistischen Deutschen Arbeiterpartei (commonly known as the SS) as an organisation which should be declared criminal. The portion of the Indictment dealing with the SS also includes the Die Sicherheitsdienst des Reichsfuehrer—SS (commonly known as the SD). This latter organisation, which was originally an intelligence branch of the SS, later became an important part of the organisation of Security Police and SD and is dealt with in the Tribunal's Judgment on the Gestapo.

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The SS was originally established by Hitler in 1925 as an elite section of the SA for political purposes under the pretext of protecting speakers at public meetings of the Nazi Party. After the Nazis had obtained power the SS was used to maintain order and control audiences at mass demonstrations and was given the additional duty of " internal security " by a decree of the Fuehrer. The SS played an important role at the time of the Roehm purge of 30th June, 1934, and, as a reward for its services, was made an independent unit of the Nazi Party shortly thereafter.

In 1929, when Himmler was first appointed as Reichs Fuehrer the SS consisted of 280 men who were regarded as especially trustworthy. In 1933, it was composed of 52,000 men drawn from all walks of life. The original formation of the SS was the Allgemeine SS, which by 1939 had grown to a corps of 240,000 men, organised on military lines into divisions and regiments. During the war its strength declined to well under 40,000.

The SS originally contained two other formations, the SS Verfuegungstruppe, a force consisting of SS members who volunteered for four years' armed service in lieu of compulsory service with the Army, and the SS Totenkopf Verbaende, special troops employed to guard concentration camps, which came under the control of the SS in 1934. The SS Verfuegungstruppe was organised as an armed unit to be employed with the Army in the event of mobilisation. In the summer of 1939, the Verfuegungstruppe was equipped as a motorised division to form the nucleus of the forces which came to be known in 1940 as the Waffen SS. In that year the Waffen SS comprised 100,000 men, 56,000 coming from the Verfuegungstruppe and the rest from the Allegemeine SS and the Totenkopf Verbaende. At the end of the war it is estimated to have consisted of about 580,000 men and 40 divisions. The Waffen SS was under the tactical command of the Army, but was equipped and supplied through the administrative branches of the SS and under SS disciplinary control.

The SS Central Organisation had 12 main offices. The most important of these were the RSHA, which has already been discussed, the WVHA or Economic Administration Main Office which administered concentration camps along with its other duties, a Race and Settlement Office together with auxiliary offices for repatriation of racial Germans (Volksdeutschemittelstelle). The SS Central Organisation also had a legal office and the SS possessed its own legal system; and its personnel were under the jurisdiction of special courts. Also attached to the SS main offices was a research foundation known as the Experiments Ahnenerbe. The scientists attached to this organisation are stated to have been mainly honorary members of the SS. During the war an institute for military scientific research became attached to the Ahnenerbe which conducted extensive experiments involving the use of living human beings. An employee of this institute was a certain Dr. Rascher, who conducted these experiments with the full knowledge of the Ahnenerbe, which was subsidised and under the patronage of the Reichsfuehrer SS who was a trustee of the foundation.

Beginning in 1933 there was a gradual but thorough amalgamation of the police and SS. In 1936 Himmler, the Reichs Fuehrer SS, became Chief of the German Police with authority over the regular uniformed police as well as the Security Police. Himmler established a system under which Higher SS and Police Leaders, appointed for each Wehrkreis, served as his personal representatives in coordinating the activities of the Order Police, Security Police and SD and Allgemeine SS within their jurisdictions. In 1939 the SS and police systems were coordinated by taking into the SS all officials of the Security and Order Police, at SS ranks equivalent to their rank in the police.



Until 1940 the SS was an entirely voluntary organisation. After the formation of the Waffen SS in 1940 there was a gradually increasing number of conscripts into the Waffen SS. It appears that about a third of the total number of people joining the Waffen SS were conscripts, that the proportion of conscripts was higher at the end of the war than at the beginning, but that there continued to be a high proportion of volunteers until the end of the war.

**Criminal Activities:** SS units were active participants in the steps leading up to aggressive war. The Verfuegungstruppe was used in the occupation of the Sudetenland, of Bohemia and Moravia and of Memel. The Henlein Free Corps was under the jurisdiction of the Reichs Fuehrer SS for operations in the Sudetenland in 1938 and the Volksdeutschemittelstelle financed fifth column activities there.

The SS was even a more general participant in the commission of war crimes and crimes against humanity. Through its control over the organisation of the Police, particularly the Security Police and SD, the SS was involved in all the crimes which have been outlined in the section of this Judgment dealing with the Gestapo and SD. Other branches of the SS were equally involved in these criminal programmes. There is evidence that the shooting of unarmed prisoners of war was the general practice in some Waffen SS divisions. On 1st October, 1944, the custody of prisoners of war and interned persons was transferred to Himmler, who in turn transferred prisoner of war affairs to SS Obergruppenfuehrer Berger and to SS Obergruppenfuehrer Pohl. The Race and Settlement Office of the SS together with the Volksdeutschemittelstelle were active in carrying out schemes for Germanisation of occupied territories according to the racial principles of the Nazi Party and were involved in the deportation of Jews and other foreign nationals. Units of the Waffen SS and Einsatzgruppen operating directly under the SS main office were used to carry out these plans. These units were also involved in the widespread murder and ill-treatment of the civilian population of occupied territories. Under the guise of combatting partisan units, units of the SS exterminated Jews and people deemed politically undesirable by the SS, and their reports record the execution of enormous numbers of persons. Waffen SS divisions were responsible for many massacres and atrocities in occupied territories such as the massacres at Oradour and Lidice.

From 1934 onwards the SS was responsible for the guarding and administration of concentration camps. The evidence leaves no doubt that the consistently brutal treatment of the inmates of concentration camps was carried out as a result of the general policy of the SS, which was that the inmates were racial inferiors to be treated only with contempt. There is evidence that where manpower considerations permitted, Himmler wanted to rotate guard battalions so that all members of the SS would be instructed as to the proper attitude to take to inferior races. After 1942 when the concentration camps were placed under the control of the WVHA they were used as a source of slave labour. An agreement made with the Ministry of Justice on 18th September, 1942, provided that anti-social elements who had finished prison sentences were to be delivered to the SS to be worked to death. Steps were continually taken, involving the use of the Security Police and SD and even the Waffen SS, to insure that the SS had an adequate supply of concentration camp labour for its projects. In connection with the administration of the concentration camps, the SS embarked on a series of experiments on human beings which were performed on prisoners of war or concentration camp inmates. These experiments included freezing to death, and killing by poison bullets. The SS was able to obtain an allocation of Government funds for this kind of research on the grounds that they had access to human material not available to other agencies.

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To which the defendant Sauckel replied:

> " Out of the five million workers who arrived in Germany, not even 200,000 came voluntarily,"

and Koehrl rejoined:—

> " Let us forget for the moment whether or not some slight pressure was used. Formally, at least, they were volunteers."

Committees were set up to encourage recruiting, and a vigorous propaganda campaign was begun to induce workers to volunteer for service in Germany. This propaganda campaign included, for example, the promise that a prisoner of war would be returned for every labourer who volunteered to go to Germany. In some cases it was supplemented by withdrawing the ration cards of labourers who refused to go to Germany, or by discharging them from their jobs and denying them unemployment benefit or an opportunity to work elsewhere. In some cases workers and their families were threatened with reprisals by the police if they refused to go to Germany. It was on the 21st March, 1942, that the defendant Sauckel was appointed Plenipotentiary-General for the Utilisation of Labour, with authority over " all available manpower, including that of workers recruited abroad, and of prisoners of war."

The defendant Sauckel was directly under the defendant Goering as Commissioner of the Four Year Plan, and a Goering decree of the 27th March, 1942, transferred all his authority over manpower to Sauckel. Sauckel's instructions, too, were that foreign labour should be recruited on a voluntary basis, but also provided that " where, however, in the occupied territories the appeal for volunteers does not suffice, obligatory service and drafting must under all circumstances be resorted to." Rules requiring labour service in Germany were published in all the occupied territories. The number of labourers to be supplied was fixed by Sauckel, and the local authorities were instructed to meet these requirements by conscription if necessary. That conscription was the rule rather than the exception is shown by the statement of Sauckel already quoted, on the 1st March, 1944.

The defendant Sauckel frequently asserted that the workers belonging to foreign nations were treated humanely, and that the conditions in which they lived were good. But whatever the intention of Sauckel may have been, and however much he may have desired that foreign labourers should be treated humanely, the evidence before the Tribunal establishes the fact that the conscription of labour was accomplished in many cases by drastic and violent methods. The " mistakes and blunders " were on a very great scale. Man-hunts took place in the streets, at motion picture houses, even at churches and at night in private houses. Houses were sometimes burnt down, and the families taken as hostages, practices which were described by the defendant Rosenberg as having their origin " in the blackest periods of the slave trade." The methods used in obtaining forced labour from the Ukraine appear from an order issued to SD officers which stated:

> " It will not be possible always to refrain from using force. . . . When searching villages, especially when it has been necessary to burn down a village, the whole population will be put at the disposal of the Commissioner by force. . . As a rule no more children will be shot. . . If we limit harsh measures through the above orders for the time being, it is only done for the following reason. . . The most important thing is the recruitment of workers."



The resources and needs of the occupied countries were completely disregarded in carrying out this policy. The treatment of the labourers was governed by Sauckel's instructions of the 20th April, 1942, to the effect that:

> " All the men must be fed, sheltered and treated in such a way as to exploit them to the highest possible extent, at the lowest conceivable degree of expenditure."

The evidence showed that workers destined for the Reich were sent under guard to Germany, often packed in trains without adequate heat, food, clothing or sanitary facilities. The evidence further showed that the treatment of the labourers in Germany in many cases was brutal and degrading. The evidence relating to the Krupp Works at Essen showed that punishments of the most cruel kind were inflicted on the workers. Theoretically at least the workers were paid, housed and fed by the DAF, and even permitted to transfer their savings and to send mail and parcels back to their native country; but restrictive regulations took a proportion of the pay; the camps in which they were housed were insanitary; and the food was very often less than the minimum necessary to give the workers strength to do their jobs. In the case of Poles employed on farms in Germany, the employers were given authority to inflict corporal punishment and were ordered, if possible, to house them in stables, not in their own homes. They were subject to constant supervision by the Gestapo and the SS, and if they attempted to leave their jobs they were sent to correction camps or concentration camps. The concentration camps were also used to increase the supply of labour. Concentration camp commanders were ordered to work their prisoners to the limits of their physical power. During the latter stages of the war the concentration camps were so productive in certain types of work that the Gestapo was actually instructed to arrest certain classes of labourers so that they could be used in this way. Allied prisoners of war were also regarded as a possible source of labour. Pressure was exercised on non-commissioned officers to force them to consent to work, by transferring to disciplinary camps those who did not consent. Many of the prisoners of war were assigned to work directly related to military operations, in violation of Article 31 of the Geneva Convention. They were put to work in munition factories and even made to load bombers, to carry ammunition and to dig trenches, often under the most hazardous conditions. This condition applied particularly to the Soviet prisoners of war. On the 16th February, 1943, at a meeting of the Central Planning Board, at which the defendants Sauckel and Speer were present, Milch said:

> " We have made a request for an order that a certain percentage of men in the Ack-Ack artillery must be Russians; 50,000 will be taken altogether. 30,000 are already employed as gunners. This is an amusing thing, that Russians must work the guns."

And on the 4th October, 1943, at Posen, Himmler, speaking of the Russian prisoners, captured in the early days of the war, said:

> " At that time we did not value the mass of humanity as we value it to-day, as raw material, as labour. What, after all, thinking in terms of generations, is not to be regretted, but is now deplorable by reason of the loss of labour, is that the prisoners died in tens and hundreds of thousands of exhaustion and hunger."

The general policy underlying the mobilisation of slave labour was stated by Sauckel on the 20th April, 1942. He said:

> " The aim of this new gigantic labour mobilisation is to use all the rich and tremendous sources conquered and secured for us by our

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The SS played a particularly significant rôle in the persecution of the Jews. The SS was directly involved in the demonstrations of 10th November, 1938. The evacuation of the Jews from occupied territories was carried out under the directions of the SS with the assistance of SS Police units. The extermination of the Jews was carried out under the direction of the SS central organisation. It was actually put into effect by SS formations. The Einsatzgruppen engaged in wholesale massacres of the Jews. SS police units were also involved. For example, the massacre of Jews in the Warsaw Ghetto was carried out under the directions of the SS Brigadefuehrer and Major General of the Police Stroup. A special group from the SS central organisation arranged for the deportation of Jews from various Axis satellites and their extermination was carried out in the concentration camps run by the WVHA.

It is impossible to single out any one portion of the SS which was not involved in these criminal activities. The Allgemeine SS was an active participant in the persecution of the Jews and was used as a source of concentration camp guards. Units of the Waffen SS were directly involved in the killing of prisoners of war and the atrocities in occupied countries. It supplied personnel for the Einsatzgruppen, and had command over the concentration camp guards after its absorption of the Totenkopf SS, which originally controlled the system. Various SS Police units were also widely used in the atrocities in occupied countries and the extermination of the Jews there. The SS central organisation supervised the activities of these various formations and was responsible for such special projects as the human experiments and " final solution " of the Jewish question.

The Tribunal finds that knowledge of these criminal activities was sufficiently general to justify declaring that the SS was a criminal organisation to the extent hereinafter described. It does appear that an attempt was made to keep secret some phases of its activities, but its criminal programmes were so widespread, and involved slaughter on such a gigantic scale, that its criminal activities must have been widely known. It must be recognised, moreover, that the criminal activities of the SS followed quite logically from the principles on which it was organised. Every effort had been made to make the SS a highly disciplined organisation composed of the elite of National Socialism. Himmler had stated that there were people in Germany " who become sick when they see these black coats " and that he did not expect that " they should be loved by too many." Himmler also indicated his view that the SS was concerned with perpetuating the elite racial stock with the object of making Europe a Germanic Continent and the SS was instructed that it was designed to assist the Nazi Government in the ultimate domination of Europe and the elimination of all inferior races. This mystic and fanatical belief in the superiority of the Nordic German developed into the studied contempt and even hatred of other races which led to criminal activities of the type outlined above being considered as a matter of course if not a matter of pride. The actions of a soldier in the Waffen SS who in September, 1939, acting entirely on his own initiative, killed fifty Jewish labourers whom he had been guarding, were described by the statement that as an SS man, he was " particularly sensitive to the sight of Jews," and had acted " quite thoughtlessly in a youthful spirit of adventure " and a sentence of three years' imprisonment imposed on him was dropped under an amnesty. Hess wrote with truth that the Waffen SS were more suitable for the specific tasks to be solved in occupied territory owing to their extensive training in questions of race and nationality. Himmler, in a series of speeches made in 1943, indicated his pride in the ability of the SS to carry out these criminal acts. He encouraged his men to be " tough and ruthless," he spoke of shooting " thousands of leading Poles," and thanked them for their



cooperation and lack of squeamishness at the sight of hundreds and thousands of corpses of their victims. He extolled ruthlessness in exterminating the Jewish race and later described this process as " delousing." These speeches show the general attitude prevailing; the SS was consistent with these criminal acts.

**Conclusions:** The SS was utilised for purposes which were criminal under the Charter involving the persecution and extermination of the Jews, brutalities and killings in concentration camps, excesses in the administration of occupied territories, the administration of the slave labour programme and the mistreatment and murder of prisoners of war. The defendant Kaltenbrunner was a member of the SS implicated in these activities. In dealing with the SS the Tribunal includes all persons who had been officially accepted as members of the SS including the members of the Allgemeine SS, members of the Waffen SS, members of the SS Totenkopf Verbaende and the members of any of the different police forces who were members of the SS. The Tribunal does not include the so-called SS riding units. The Sicherheitsdienst des Reichsfuehrer SS (commonly known as the SD) is dealt with in the Tribunal's Judgment on the Gestapo and SD.

The Tribunal declares to be criminal within the meaning of the Charter the group composed of those persons who had been officially accepted as members of the SS as enumerated in the preceding paragraph who became or remained members of the organisation with knowledge that it was being used for the commission of acts declared criminal by Article 6 of the Charter, or who were personally implicated as members of the organisation in the commission of such crimes, excluding, however, those who were drafted into membership by the State in such a way as to give them no choice in the matter, and who had committed no such crimes. The basis of this finding is the participation of the organisation in war crimes and crimes against humanity connected with the war; this group declared criminal cannot include, therefore, persons who had ceased to belong to the organisations enumerated in the preceding paragraph prior to 1st September, 1939.

## THE SA

**Structure and Component Parts:** The prosecution has named Die Sturmabteilungen der Nationalsozialistischen Deutschen Arbeiterpartei (commonly known as the SA) as an organisation which should be declared criminal. The SA was founded in 1921 for political purposes. It was organised on military lines. Its members wore their own uniforms and had their own discipline and regulations. After the Nazis had obtained power the SA greatly increased in membership due to the incorporation within it of certain veterans' organisations. In April 1933, the Stahlheim, an organisation of one and a half million members, was transferred into the SA, with the exception of its members over 45 years of age and some others, pursuant to an agreement between their leader Seldte and Hitler. Another veterans' organisation, the so-called Kyffhauserbund, was transferred in the same manner, together with a number of rural riding organisations.

Until 1933, there is no question but that membership in the SA was voluntary. After 1933 civil servants were under certain political and economic pressure to join the SA. Members of the Stahlhelm, the Kyffhauserbund and the rural riding associations were transferred into the SA without their knowledge but the Tribunal is not satisfied that the members in general endeavoured to protest against this transfer or that there was any evidence, except in isolated cases, of the consequences of refusal. The Tribunal therefore finds that membership in the SA was generally voluntary.

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By the end of 1933 the SA was composed of four and a half million men. As a result of changes made after 1934, in 1939 the SA numbered one and a half million men.

**Activities:** In the early days of the Nazi movement the storm troopers of the SA acted as the " strong arm of the Party ". They took part in the beer hall feuds and were used for street fighting in battles against political opponents. The SA was also used to disseminate Nazi ideology and propaganda and placed particular emphasis on anti-Semitic propaganda, the doctrine of " Lebensraum ", the revision of the Versailles Treaty and the return of Germany's colonies.

After the Nazi advent to power, and particularly after the elections of 5th March, 1933, the SA played an important role in establishing a Nazi reign of terror over Germany. The SA was involved in outbreaks of violence against the Jews and was used to arrest political opponents and to guard concentration camps, where they subjected their prisoners to brutal mistreatment.

On 30th June and 1st and 2nd July, 1934, a purge of SA leaders occurred. The protext which was given for this purge, which involved the killing of Roehm, the Chief of Staff of the SA, and many other SA leaders, was the existence of a plot against Hitler. This purge resulted in a great reduction in the influence and power of the SA. After 1934, it rapidly declined in political significance.

After 1934 the SA engaged in certain forms of military or para-military training. The SA continued to engage in the dissemination of Nazi propaganda. Isolated units of the SA were even involved in the steps leading up to aggressive war and in the commission of war crimes and crimes against humanity. SA units were among the first in the occupation of Austria in March, 1938. The SA supplied many of the men and a large part of the equipment which composed the Sudeten Free Corps of Henlein, although it appears that the corps was under the jurisdiction of SS during its operation in Czechoslovakia.

After the occupation of Poland, the SA group Sudeten was used for transporting prisoners of war. Units of the SA were employed in the guarding of prisoners in Danzig, Posen, Silesia and the Baltic states.

Some SA units were used to blow up synagogues in the Jewish pogrom of the 10th and 11th of November, 1938. Groups of the SA were concerned in the ill-treatment of Jews in the Ghettos of Vilna and Kaunas.

**Conclusion.**

Up until the purge beginning on 30th June, 1934, the SA was a group composed in large part of ruffians and bullies who participated in the Nazi outrages of that period. It has not been shown, however, that these atrocities were part of a specific plan to wage aggressive war, and the Tribunal therefore cannot hold that these activities were criminal under the Charter. After the purge, the SA was reduced to the status of a group of unimportant Nazi hangers-on. Although in specific instances some units of the SA were used for the commission of war crimes and crimes against humanity, it cannot be said that its members generally participated in or even knew of the criminal acts. For these reasons the Tribunal does not declare the SA to be a criminal organisation within the meaning of Article 9 of the Charter.

## THE REICH CABINET

The prosecution has named as a criminal organisation the Reich Cabinet (Die Reichsregierung) consisting of members of the ordinary cabinet after 30th January, 1933, members of the Council of Ministers for the defence of the Reich and members of the Secret Cabinet Council. The Tribunal is of



opinion that no declaration of criminality should be made with respect to the Reich Cabinet for two reasons: (1) because it is not shown that after 1937 it ever really acted as a group or organisation; (2) because the group of persons here charged is so small that members could be conveniently tried in proper cases without resort to a declaration that the Cabinet of which they were members was criminal.

As to the first reason for our decision, it is to be observed that from the time that it can be said that a conspiracy to make aggressive war existed the Reich Cabinet did not constitute a governing body, but was merely an aggregation of administrative officers subject to the absolute control of Hitler. Not a single meeting of the Reich Cabinet was held after 1937, but laws were promulgated in the name of one or more of the cabinet members. The Secret Cabinet Council never met at all. A number of the cabinet members were undoubtedly involved in the conspiracy to make aggressive war; but they were involved as individuals, and there is no evidence that the cabinet as a group or organisation took any part in these crimes. It will be remembered that when Hitler disclosed his aims of criminal aggression at the Hoszbach Conference, the disclosure was not made before the cabinet and that the cabinet was not consulted with regard to it, but, on the contrary, that it was made secretly to a small group upon whom Hitler would necessarily rely in carrying on the war. Likewise no cabinet order authorised the invasion of Poland. On the contrary, the defendant Schacht testifies that he sought to stop the invasion by a plea to the Commander-in-Chief of the Army that Hitler's order was in violation of the Constitution because not authorised by the cabinet.

It does appear, however, that various laws authorising acts which were criminal under the Charter were circulated among the members of the Reich Cabinet and issued under its authority signed by the members whose departments were concerned. This does not, however, prove that the Reich Cabinet, after 1937, ever really acted as an organisation.

As to the second reason, it is clear that those members of the Reich Cabinet who have been guilty of crimes should be brought to trial; and a number of them are now on trial before the Tribunal. It is estimated that there are 48 members of the group, that eight of these are dead and 17 are now on trial, leaving only 23 at the most, as to whom the declaration could have any importance. Any others who are guilty should also be brought to trial; but nothing would be accomplished to expedite or facilitate their trials by declaring the Reich Cabinet to be a criminal organisation. Where an organisation with a large membership is used for such purposes, a declaration obviates the necessity of inquiring as to its criminal character in the later trial of members who are accused of participating through membership in its criminal purposes and thus saves much time and trouble. There is no such advantage in the case of a small group like the Reich Cabinet.

## GENERAL STAFF AND HIGH COMMAND

The prosecution has also asked that the General Staff and High Command of the German Armed Forces be declared a criminal organisation. The Tribunal believes that no declaration of criminality should be made with respect to the General Staff and High Command. The number of persons charged, while larger than that of the Reich Cabinet, is still so small that individual trials of these officers would accomplish the purpose here sought better than a declaration such as is requested. But a more compelling reason

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is that in the opinion of the Tribunal the General Staff and High Command is neither an " organisation " nor a " group " within the meaning of those terms as used in Article 9 of the Charter.

Some comment on the nature of this alleged group is requisite. According to the Indictment and evidence before the Tribunal, it consists of approximately 130 officers, living and dead, who at any time during the period from February, 1938, when Hitler reorganised the Armed Forces, and May, 1945, when Germany surrendered, held certain positions in the military hierarchy. These men were high-ranking officers in the three armed services: OKH—Army, OKM—Navy, and OKL—Air Force. Above them was the over-all armed forces authority, OKW—High Command of the German Armed Forces with Hitler as the Supreme Commander. The Officers in the OKW, including defendant Keitel as Chief of the High Command, were in a sense Hitler's personal staff. In the larger sense they co-ordinated and directed the three services, with particular emphasis on the functions of planning and operations.

The individual officers in this alleged group were, at one time or another, in one of four categories: (1) Commanders-in-Chief of one of the three services; (2) Chief of Staff of one of the three services; (3) " Oberbefehlshabers ", the field commanders-in-chief of one of the three services, which of course comprised by far the largest number of these persons; or (4) an OKW officer, of which there were three, defendants Keitel and Jodl, and the latter's Deputy Chief, Warlimont. This is the meaning of the Indictment in its use of the term " General Staff and High Command ".

The Prosecution has here drawn the line. The Prosecution does not indict the next level of the military hierarchy consisting of commanders of army corps, and equivalent ranks in the Navy and Air Force, nor the level below, the division commanders or their equivalent in the other branches. And the staff officers of the four staff commands of OKW, OKH, OKM, and OKL are not included, nor are the trained specialists who were customarily called General Staff officers.

In effect, then, those indicted as members are military leaders of the Reich of the highest rank. No serious effort was made to assert that they composed an " organisation " in the sense of Article 9. The assertion is rather that they were a " group ", which is a wider and more embracing term than " organisation ".

The Tribunal does not so find. According to the evidence, their planning at staff level, the constant conferences between staff officers and field commanders, their operational technique in the field and at headquarters was much the same as that of the armies, navies and air forces of all other countries. The over-all effort of OKW at co-ordination and direction could be matched by a similar, though not identical form of organisation in other military forces, such as the Anglo-American Combined Chiefs of Staff.

To derive from this pattern of their activities the existence of an association or group does not, in the opinion of the Tribunal, logically follow. On such a theory the top commanders of every other nation are just such an association rather than what they actually are, an aggregation of military men, a number of individuals who happen at a given period of time to hold the high-ranking military positions.

Much of the evidence and the argument has centred around the question of whether membership in these organisations was or was not voluntary; in this case, it seems to the Tribunal to be quite beside the point. For this alleged criminal organisation has one characteristic, a controlling one, which sharply distinguishes it from the other five indicted. When an individual



became a member of the SS for instance, he did so, voluntarily or otherwise, but certainly with the knowledge that he was joining something. In the case of the General Staff and High Command, however, he could not know he was joining a group or organisation, for such organisation did not exist except in the charge of the Indictment. He knew only that he had achieved a certain high rank in one of the three services, and could not be conscious of the fact that he was becoming a member of anything so tangible as a " group," as that word is commonly used. His relations with his brother officers in his own branch of the service and his association with those of the other two branches were, in general, like those of other services all over the world.

The Tribunal therefore does not declare the General Staff and High Command to be a criminal organisation.

Although the Tribunal is of the opinion that the term " group " in Article 9 must mean something more than this collection of military officers, it has heard much evidence as to the participation of these officers in planning and waging aggressive war, and in committing war crimes and crimes against humanity. This evidence is, as to many of them, clear and convincing.

They have been responsible in large measure for the miseries and suffering that have fallen on millions of men, women and children. They have been a disgrace to the honourable profession of arms. Without their military guidance the aggressive ambitions of Hitler and his fellow Nazis would have been academic and sterile. Although they were not a group falling within the words of the Charter, they were certainly a ruthless military caste. The contemporary German militarism flourished briefly with its recent ally, National Socialism, as well as or better than it had in the generations of the past.

Many of these men have made a mockery of the soldier's oath of obedience to military orders. When it suits their defence they say they had to obey; when confronted with Hitler's brutal crimes, which are shown to have been within their general knowledge, they say they disobeyed. The truth is they actively participated in all these crimes, or sat silent and acquiescent, witnessing the commission of crimes on a scale larger and more shocking than the world has ever had the misfortune to know. This must be said.

Where the facts warrant it, these men should be brought to trial so that those among them who are guilty of these crimes should not escape punishment.

The Tribunal will sit to-morrow at 9.30 a.m., and the Tribunal will now adjourn.

(The Tribunal adjourned until 9.30 a.m., 1st October, 1946.)

The PRESIDENT: There is a correction which the Tribunal wishes to make in the judgment pronounced yesterday at page 159([10]) with reference to the SD.

The Tribunal's attention has been drawn to the fact that the Prosecution expressly excluded honorary informers who were not members of the SS, and members of the Abwehr who were transferred to the SD. In view of that exclusion by the Prosecution, the Tribunal also excludes those persons from the SD which was declared criminal.

Article 26 of the Charter provides that the Judgment of the Tribunal as to the guilt or innocence of any defendant shall give the reasons on which it is based.

The Tribunal will now state those reasons in declaring its Judgment on such guilt or innocence.

([10]) See "Conclusion" page 75.

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## GOERING

Goering is indicted on all four counts. The evidence shows that after Hitler he was the most prominent man in the Nazi Régime. He was Commander-in-Chief of the Luftwaffe, Plenipotentiary for the Four Year Plan, and had tremendous influence with Hitler, at least until 1943 when their relationship deteriorated, ending in his arrest in 1945. He testified that Hitler kept him informed of all important military and political problems.

**Crimes against Peace**

From the moment he joined the Party in 1922 and took command of the street-fighting organisation, the SA, Goering was the adviser, the active agent of Hitler and one of the prime leaders of the Nazi movement. As Hitler's political deputy he was largely instrumental in bringing the National Socialists to power in 1933, and was charged with consolidating this power and expanding German armed might. He developed the Gestapo, and created the first concentration camps, relinquishing them to Himmler in 1934, conducted the Roehm purge in that year, and engineered the sordid proceedings which resulted in the removal of von Blomberg and von Fritsch from the Army. In 1936 he became Plenipotentiary for the Four Year Plan, and in theory and in practice was the economic dictator of the Reich. Shortly after the Pact of Munich, he announced that he would embark on a five-fold expansion of the Luftwaffe, and speed rearmament with emphasis on offensive weapons.

Goering was one of the five important leaders present at the Hoszbach Conference of 5th November, 1937, and he attended the other important conferences already discussed in this Judgment. In the Austrian Anschluss, he was indeed the central figure, the ringleader. He said in Court: " I must take 100 per cent. responsibility. . . . I even overruled objections by the Fuehrer and brought everything to its final development." In the seizure of the Sudetenland, he played his rôle as Luftwaffe chief by planning an air offensive which proved unnecessary and his rôle as a politician by lulling the Czechs with false promises of friendship. The night before the invasion of Czechoslovakia and the absorption of Bohemia and Moravia, at a conference with Hitler and President Hacha he threatened to bomb Prague if Hacha did not submit. This threat he admitted in his testimony.

Goering attended the Reich Chancellery meeting of 23rd May, 1939, when Hitler told his military leaders " there is, therefore, no question of sparing Poland," and was present at the Obersalzburg briefing of 22nd August, 1939. And the evidence shows he was active in the diplomatic manœuvres which followed. With Hitler's connivance, he used the Swedish businessman, Dahlerus, as a go-between to the British, as described by Dahlerus to this Tribunal, to try to prevent the British Government from keeping its guarantee to the Poles.

He commanded the Luftwaffe in the attack on Poland and throughout the aggressive wars which followed.

Even if he opposed Hitler's plans against Norway and the Soviet Union, as he alleged, it is clear that he did so only for strategic reasons; once Hitler had decided the issue, he followed him without hesitation. He made it clear in his testimony that these differences were never ideological or legal. He was " in a rage " about the invasion of Norway, but only because he had not received sufficient warning to prepare the Luftwaffe offensive. He admitted he approved of the attack: " My attitude was perfectly positive." He was active in preparing and executing the Yugoslavian and Greek campaigns, and testified that " Plan Marita," the attack on Greece, had been prepared long beforehand. The Soviet Union he regarded as the " most threatening menace to Germany," but said there was no immediate military necessity for the



attack. Indeed, his only objection to the war of aggression against the U.S.S.R. was its timing; he wished for strategic reasons to delay until Britain was conquered. He testified: " My point of view was decided by political and military reasons only."

After his own admissions to this Tribunal, from the positions which he held, the conferences he attended, and the public words he uttered, there can remain no doubt that Goering was the moving force for aggressive war second only to Hitler. He was the planner and prime mover in the military and diplomatic preparation for war which Germany pursued.

**War Crimes and Crimes against Humanity**

The record is filled with Goering's admissions of his complicity in the use of slave labour. " We did use this labour for security reasons so that they would not be active in their own country and would not work against us. On the other hand, they served to help in the economic war." And again: " Workers were forced to come to the Reich. That is something I have not denied." The man who spoke these words was Plenipotentiary for the Four Year Plan charged with the recruitment and allocation of manpower. As Luftwaffe Commander-in-Chief he demanded from Himmler more slave labourers for his underground aircraft factories: " That I requested inmates of concentration camps for the armament of the Luftwaffe is correct and it is to be taken as a matter of course."

As Plenipotentiary, Goering signed a directive concerning the treatment of Polish workers in Germany and implemented it by regulations of the SD, including " special treatment ". He issued directives to use Soviet and French prisoners of war in the armament industry; he spoke of seizing Poles and Dutch and making them prisoners of war if necessary, and using them for work. He agrees Russian prisoners of war were used to man anti-aircraft batteries.

As Plenipotentiary, Goering was the active authority in the spoliation of conquered territory. He made plans for the spoliation of Soviet territory long before the war on the Soviet Union. Two months prior to the invasion of the Soviet Union, Hitler gave Goering the over-all direction for the economic administration in the territory. Goering set up an economic staff for this function. As Reichsmarshal of the Greater German Reich, " the orders of the Reichmarshal cover all economic fields, including nutrition and agriculture." His so-called " Green " folder, printed by the Wehrmacht, set up an " Economic Executive Staff, East." This directive contemplated plundering and abandonment of all industry in the food deficit regions and, from the food surplus regions, a diversion of food to German needs. Goering claims its purposes have been misunderstood but admits " that as a matter of course and a matter of duty we would have used Russia for our purposes," when conquered.

And he participated in the conference of 16th July, 1941, when Hitler said the National Socialists had no intention of ever leaving the occupied countries, and that " all necessary measures—shooting, desettling, etc.—" should be taken.

Goering persecuted the Jews, particularly after the November, 1938 riots, and not only in Germany where he raised the billion mark fine as stated elsewhere, but in the conquered territories as well. His own utterances then and his testimony now show this interest was primarily economic—how to get their property and how to force them out of the economic life of Europe. As these countries fell before the German army, he extended the Reich's anti-Jewish laws to them; the Reichsgesetzblatt for 1939, 1940, and 1941 contains several anti-Jewish decrees signed by Goering. Although their extermination

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was in Himmler's hands, Goering was far from disinterested or inactive, despite his protestations in the witness box. By decree of 31st July, 1941, he directed Himmler and Heydrich to bring " about a complete solution of the Jewish question in the German sphere of influence in Europe."

There is nothing to be said in mitigation. For Goering was often, indeed almost always, the moving force, second only to his leader. He was the leading war aggressor, both as political and as military leader; he was the director of the slave labour programme and the creator of the oppressive programme against the Jews and other races, at home and abroad. All of these crimes he has frankly admitted. On some specific cases there may be conflict of testimony, but in terms of the broad outline, his own admissions are more than sufficiently wide to be conclusive of his guilt. His guilt is unique in its enormity. The record discloses no excuses for this man.

**Conclusion**

The Tribunal finds the defendant Goering guilty on all four counts of the Indictment.

Major General MIKITCHENKO:

## HESS

Hess is indicted under all four counts. He joined the Nazi Party in 1920 and participated in the Munich Putsch on 9th November, 1923. He was imprisoned with Hitler in the Landsberg fortress in 1924 and became Hitler's closest personal confidant, a relationship which lasted until Hess's flight to the British Isles. On 21st April, 1933, he was appointed Deputy to the Fuehrer, and on 1st December, 1933, was made Reichs Minister without Portfolio. He was appointed Member of the Secret Cabinet Council on 4th February, 1938, and a member of the Ministerial Council for the Defence of the Reich on 30th August, 1939. In September, 1939, Hess was officially announced by Hitler as successor designate to the Fuehrer after Goering. On 10th May, 1941, he flew from Germany to Scotland.

**Crimes against Peace**

As Deputy to the Fuehrer, Hess was the top man in the Nazi Party with responsibility for handling all Party matters, and authority to make decisions in Hitler's name on all questions of Party leadership. As Reichs Minister without Portfolio he had the authority to approve all legislation suggested by the different Reichs Ministers before it could be enacted as law. In these positions, Hess was an active supporter of preparations for war. His signature appears on the law of 16th March, 1935, establishing compulsory military service. Throughout the years he supported Hitler's policy of vigorous rearmament in many speeches. He told the people that they must sacrifice for armaments, repeating the phrase, " Guns instead of butter." It is true that between 1933 and 1937 Hess made speeches in which he expressed a desire for peace and advocated international economic co-operation. But nothing which they contained can alter the fact that of all the defendants none knew better than Hess how determined Hitler was to realise his ambitions, how fanatical and violent a man he was, and how little likely he was to refrain from resort to force, if this was the only way in which he could achieve his aims.

Hess was an informed and willing participant in German aggression against Austria, Czechoslovakia and Poland. He was in touch with the illegal Nazi Party in Austria throughout the entire period between the murder of Dollfuss and the Anschluss, and gave instructions to it during that period. Hess was in



Vienna on 12th March, 1938, when the German troops moved in; and on 13th March, 1938, he signed the law for the Reunion of Austria within the German Reich. A law of 10th June, 1939, provided for his participation in the administration of Austria. On 24th July, 1938, he made a speech in commemoration of the unsuccessful putsch by Austrian National Socialists which had been attempted four years before, praising the steps leading up to Anschluss and defending the occupation of Austria by Germany.

In the summer of 1938 Hess was in active touch with Henlein, Chief of the Sudeten German Party in Czechoslovakia. On 27th September, 1938, at the time of the Munich crisis, he arranged with Keitel to carry out the instructions of Hitler to make the machinery of the Nazi Party available for a secret mobilisation. On 14th April, 1939, Hess signed a decree setting up the government of the Sudetenland as an integral part of the Reich; and an ordinance of 10th June, 1939, provided for his participation in the administration of the Sudetenland. On 7th November, 1938, Hess absorbed Henlein's Sudeten German Party into the Nazi Party, and made a speech in which he emphasised that Hitler had been prepared to resort to war if this had been necessary to acquire the Sudetenland.

On 27th August, 1939, when the attack on Poland had been temporarily postponed in an attempt to induce Great Britain to abandon its guarantee to Poland, Hess publicly praised Hitler's " magnanimous offer " to Poland, and attacked Poland for agitating for war and England for being responsible for Poland's attitude. After the invasion of Poland Hess signed decrees incorporating Danzig and certain Polish territories into the Reich, and setting up the General Government (Poland).

These specific steps which this defendant took in support of Hitler's plans for aggressive action do not indicate the full extent of his responsibility. Until his flight to England, Hess was Hitler's closest personal confidant. Their relationship was such that Hess must have been informed of Hitler's aggressive plans when they came into existence. And he took action to carry out these plans whenever action was necessary.

With him on his flight to England, Hess carried certain peace proposals which he alleged Hitler was prepared to accept. It is significant to note that this flight took place only ten days after the date on which Hitler fixed 22nd June, 1941, as the time for attacking the Soviet Union. In conversations carried on after his arrival in England Hess wholeheartedly supported all Germany's aggressive actions up to that time, and attempted to justify Germany's action in connection with Austria, Czechoslovakia, Poland, Norway, Denmark, Belgium and the Netherlands. He blamed England and France for the war.

**War Crimes and Crimes against Humanity**

There is evidence showing the participation of the Party Chancellery, under Hess, in the distribution of orders connected with the commission of war crimes; that Hess may have had knowledge of even if he did not participate in the crimes that were being committed in the East, and proposed laws discriminating against Jews and Poles; and that he signed decrees forcing certain groups of Poles to accept German citizenship. The Tribunal, however, does not find that the evidence sufficiently connects Hess with these crimes to sustain a finding of guilt.

As previously indicated the Tribunal found, after a full medical examination of and report on the condition of this defendant, that he should be tried, without any postponement of his case. Since that time further motions have been made that he should again be examined. These the Tribunal denied,

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after having had a report from the prison psychologist. That Hess acts in an abnormal manner, suffers from loss of memory, and has mentally deteriorated during this trial, may be true. But there is nothing to show that he does not realise the nature of the charges against him, or is incapable of defending himself. He was ably represented at the trial by counsel, appointed for that purpose by the Tribunal. There is no suggestion that Hess was not completely sane when the acts charged against him were committed.

**Conclusion**

The Tribunal finds the defendant Hess guilty on Counts One and Two; and not guilty on Counts Three and Four.

## RIBBENTROP

Ribbentrop is indicted under all four counts. He joined the Nazi Party in 1932. By 1933 he had been made Foreign Policy Adviser to Hitler, and in the same year the representative of the Nazi Party on Foreign Policy. In 1934 he was appointed Delegate for Disarmament Questions, and in 1935 Minister Plenipotentiary at Large, a capacity in which he negotiated the Anglo-German Naval Agreement in 1935 and the Anti-Comintern Pact in 1936. On 11th August, 1936, he was appointed Ambassador to England. On 4th February, 1938, he succeeded von Neurath as Reichsminister for Foreign Affairs as part of the general reshuffle which accompanied the dismissal of von Fritsch and von Blomberg.

**Crimes against Peace.**

Ribbentrop was not present at the Hoszbach Conference held on 5th November, 1937, but on 2nd January, 1938, while still Ambassador to England, he sent a memorandum to Hitler indicating his opinion that a change in the *status quo* in the East in the German sense could only be carried out by force and suggesting methods to prevent England and France from intervening in a European war fought to bring about such a change. When Ribbentrop became Foreign Minister Hitler told him that Germany still had four problems to solve, Austria, Sudetenland, Memel and Danzig, and mentioned the possibility of " some sort of a show-down " or " military settlement " for their solution.

On 12th February, 1938, Ribbentrop attended the conference between Hitler and Schuschnigg at which Hitler, by threats of invasion, forced Schuschnigg to grant a series of concessions designed to strengthen the Nazis in Austria, including the appointment of Seyss-Inquart as Minister of Security and Interior, with control over the Police. Ribbentrop was in London when the occupation of Austria was actually carried out and, on the basis of information supplied him by Goering, informed the British Government that Germany had not presented Austria with an ultimatum, but had intervened in Austria only to prevent civil war. On 13th March, 1938, Ribbentrop signed the law incorporating Austria into the German Reich.

Ribbentrop participated in the aggressive plans against Czechoslovakia. Beginning in March 1938, he was in close touch with the Sudeten German Party and gave them instructions which had the effect of keeping the Sudeten German question a live issue which might serve as an excuse for the attack which Germany was planning against Czechoslovakia. In August 1938 he participated in a conference for the purpose of obtaining Hungarian support in the event of a war with Czechoslovakia. After the Munich Pact he continued to bring diplomatic pressure with the object of occupying the remainder of Czechoslovakia. He was instrumental in inducing the Slovaks to proclaim their independence. He was present at the conference of 14th-15th March,



1939, at which Hitler, by threats of invasion, compelled President Hacha to consent to the German occupation of Czechoslovakia. After the German troops had marched in, Ribbentrop signed the law establishing a Protectorate over Bohemia and Moravia.

Ribbentrop played a particularly significant role in the diplomatic activity which led up to the attack on Poland. He participated in a conference held on 12th August, 1939, for the purpose of obtaining Italian support if the attack should lead to a general European war. Ribbentrop discussed the German demands with respect to Danzig and the Polish Corridor with the British Ambassador in the period from 25th August to 30th August, 1939, when he knew that the German plans to attack Poland had merely been temporarily postponed in an attempt to induce the British to abandon their guarantee to the Poles. The way in which he carried out these discussions makes it clear that he did not enter them in good faith in an attempt to reach a settlement of the difficulties between Germany and Poland.

Ribbentrop was advised in advance of the attack on Norway and Denmark and of the attack on the Low Countries, and prepared the official Foreign Office memoranda attempting to justify these aggressive actions.

Ribbentrop attended the conference on 20th January, 1941, at which Hitler and Mussolini discussed the proposed attack on Greece, and the conference in January 1941, at which Hitler obtained from Antonescu permission for German troops to go through Rumania for this attack. On 25th March, 1941, when Yugoslavia adhered to the Axis Tripartite Pact, Ribbentrop had assured Yugoslavia that Germany would respect its sovereignty and territorial integrity. On 27th March, 1941, he attended the meeting, held after the *coup d'etat* in Yugoslavia, at which plans were made to carry out Hitler's announced intention to destroy Yugoslavia.

Ribbentrop attended a conference in May 1941 with Hitler and Antonescu relating to Rumanian participation in the attack on the U.S.S.R. He also consulted with Rosenberg in the preliminary planning for the political exploitation of Soviet territories and in July 1941, after the outbreak of war, urged Japan to attack the Soviet Union.

**War Crimes and Crimes against Humanity**

Ribbentrop participated in a meeting of 6th June, 1944, at which it was agreed to start a programme under which Allied aviators carrying out machine gun attacks on the civilian population should be lynched. In December, 1944 Ribbentrop was informed of the plans to murder one of the French Generals held as a prisoner of war and directed his subordinates to see that the details were worked out in such a way as to prevent its detection by the protecting powers. Ribbentrop is also responsible for war crimes and crimes against humanity because of his activities with respect to occupied countries and Axis satellites. The top German official in both Denmark and Vichy France was a Foreign Office representative, and Ribbentrop is therefore responsible for the general economic and political policies put into effect in the occupation of those countries. He urged the Italians to adopt a ruthless occupation policy in Yugoslavia and Greece.

He played an important part in Hitler's " final solution " of the Jewish question. In September, 1942 he ordered the German diplomatic representatives accredited to various Axis satellites to hasten the deportation of Jews to the East. In June, 1942 the German Ambassador to Vichy requested Laval to turn over 50,000 Jews for deportation to the East. On 25th February, 1943, Ribbentrop protested to Mussolini against Italian slowness in deporting Jews from the Italian occupation zone of France. On 17th April, 1943, he took part in a conference between Hitler and Horthy

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on the deportation of Jews from Hungary and informed Horthy that the "Jews must either be exterminated or taken to concentration camps." At the same conference Hitler had likened the Jews to "tuberculosis bacilli" and said if they did not work they were to be shot.

Ribbentrop's defence to the charges made against him is that Hitler made all the important decisions and that he was such a great admirer and faithful follower of Hitler that he never questioned Hitler's repeated assertions that he wanted peace or the truth of the reasons that Hitler gave in explaining aggressive action. The Tribunal does not consider this explanation to be true. Ribbentrop participated in all of the Nazi aggressions from the occupation of Austria to the invasion of the Soviet Union. Although he was personally concerned with the diplomatic rather than the military aspect of these actions, his diplomatic efforts were so closely connected with war that he could not have remained unaware of the aggressive nature of Hitler's actions. In the administration of territories over which Germany acquired control by illegal invasion Ribbentrop also assisted in carrying out criminal policies, particularly those involving the extermination of the Jews. There is abundant evidence, moreover, that Ribbentrop was in complete sympathy with all the main tenets of the National Socialist creed, and that his collaboration with Hitler and with other defendants in the commission of crimes against peace, war crimes and crimes against humanity was whole-hearted. It was because Hitler's policy and plans coincided with his own ideas that Ribbentrop served him so willingly to the end.

**Conclusion**

The Tribunal finds that Ribbentrop is guilty on all four counts.

M. DE VABRES:

## KEITEL

Keitel is indicted on all four counts. He was Chief of Staff to the then Minister of War von Blomberg from 1935 to 4th February, 1938; on that day Hitler took command of the armed forces, making Keitel Chief of the High Command of the Armed Forces. Keitel did not have command authority over the three Wehrmacht branches which enjoyed direct access to the Supreme Commander. OKW was in effect Hitler's military staff.

**Crimes against Peace**

Keitel attended the Schuschnigg conference in February, 1938 with two other generals. Their presence, he admitted, was a "military demonstration," but since he had been appointed OKW Chief just one week before he had not known why he had been summoned. Hitler and Keitel then continued to put pressure on Austria with false rumours, broadcasts and troop manœuvres. Keitel made the military and other arrangements and Jodl's diary noted "the effect is quick and strong." When Schuschnigg called his plebiscite, Keitel that night briefed Hitler and his generals, and Hitler issued "Case Otto" which Keitel initialled.

On 21st April, 1938, Hitler and Keitel considered making use of a possible "incident," such as the assassination of the German Minister at Prague, to preface the attack on Czechoslovakia. Keitel signed many directives and memoranda on "Fall Gruen," including the directive of 30th May, containing Hitler's statement: "It is my unalterable decision to smash Czechoslovakia by military action in the near future." After Munich, Keitel initialled Hitler's directive for the attack on Czechoslovakia, and issued two supplements. The second supplement said the attack should appear to the outside world as "merely an act of pacification and not a warlike undertaking." The OKW Chief attended Hitler's negotiations with Hacha when the latter surrendered.



Keitel was present on 23rd May, 1939, when Hitler announced his decision "to attack Poland at the first suitable opportunity." Already he had signed the directive requiring the Wehrmacht to submit its "Fall Weiss" timetable to OKW by 1st May.

The invasion of Norway and Denmark he discussed on 12th December, 1939, with Hitler, Jodl and Raeder. By directive of 27th January, 1940, the Norway plans were placed under Keitel's "direct and personal guidance." Hitler had said on 23rd May, 1939, he would ignore the neutrality of Belgium and the Netherlands, and Keitel signed orders for these attacks on 15th October, 20th November, and 28th November, 1939. Orders postponing this attack 17 times until Spring, 1940, all were signed by Keitel or Jodl.

Formal planning for attacking Greece and Yugoslavia had begun in November, 1940. On 18th March, 1941, Keitel heard Hitler tell Raeder complete occupation of Greece was a prerequisite to settlement, and also heard Hitler decree on 27th March that the destruction of Yugoslavia should take place with "unmerciful harshness."

Ketitel testified that he opposed the invasion of the Soviet Union for military reasons, and also because it would constitute a violation of the non-aggression Pact. Nevertheless he initialled "Case Barbarossa," signed by Hitler on 18th December, 1940, and attended the OKW discusssion with Hitler on 3rd February, 1941. Keitel's supplement of 13th March established the relationship between the military and political officers. He issued his timetable for the invasion on 6th June, 1941, and was present at the briefing of 14th June when the generals gave their final reports before attack. He appointed Jodl and Warlimont as OKW representatives to Rosenberg on matters concerning the Eastern Territories. On 16th June he directed all army units to carry out the economic directives issued by Goering in the so-called "Green Folder," for the exploitation of Russian territory, food and raw materials.

**War Crimes and Crimes against Humanity**

On 4th August, 1942, Keitel issued a directive that paratroopers were to be turned over to the SD. On 18th October Hitler issued the Commando Order which was carried out in several instances. After the landing in Normandy, Keitel reaffirmed the order, and later extended it to Allied missions fighting with partisans. He admits he did not believe the order was legal but claims he could not stop Hitler from decreeing it.

When, on 8th September, 1941, OKW issued its ruthless regulations for the treatment of Soviet POW's, Canaris wrote to Keitel that under international law the SD should have nothing to do with this matter. On this memorandum in Keitel's handwriting, dated 23rd September and initialled by him, is the statement: "The objections arise from the military concept of chivalrous warfare. This is the destruction of an ideology. Therefore I approve and back the measures." Keitel testified that he really agreed with Canaris and argued with Hitler, but lost. The OKW Chief directed the military authorities to cooperate with the Einsatzstab Rosenberg in looting cultural property in occupied territories.

Lahousen testified that Keitel told him on 12th September, 1939, while aboard Hitler's headquarters train, that the Polish intelligentsia, nobility and Jews were to be liquidated. On 20th October, Hitler told Keitel the intelligentsia would be prevented from forming a ruling class, the standard of living would remain low, and Poland would be used only for labour forces. Keitel does not remember the Lahousen conversation, but admits there was such a policy and that he had protested without effect to Hitler about it.

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On 16th September, 1941, Keitel ordered that attacks on soldiers in the East should be met by putting to death 50 to 100 Communists for one German soldier, with the comment that human life was less than nothing in the East. On 1st October he ordered military commanders always to have hostages to execute when German soldiers were attacked. When Terboven, the Reich Commissioner in Norway, wrote Hitler that Keitel's suggestion that workmen's relatives be held responsible for sabotage, could work only if firing squads were authorised, Keitel wrote on this memorandum in the margin: " Yes, that is the best."

On 12th May, 1941, five weeks before the invasion of the Soviet Union, the OKW urged upon Hitler a directive of the OKH that political commissars be liquidated by the Army. Keitel admitted the directive was passed on to field commanders. And on 13th May Keitel signed an order that civilians suspected of offences against troops should be shot without trial, and that prosecution of German soldiers for offences against civilians was unnecessary. On 27th July all copies of this directive were ordered destroyed without affecting its validity. Four days previously he signed another order that legal punishment was inadequate and troops should use terrorism.

On 7th December, 1941, as already discussed in this opinion, the so-called " Nacht und Nebel " decree, over Keitel's signature, provided that in occupied territories civilians who had been accused of crimes of resistance against the army of occupation would be tried only if a death sentence was likely; otherwise they would be handed to the Gestapo for transportation to Germany.

Keitel directed that Russian POW's be used in German war industry. On 8th September, 1942, he ordered French, Dutch and Belgian citizens to work on the construction of the Atlantic Wall. He was present on 4th January, 1944, when Hitler directed Sauckel to obtain four million new workers from occupied territories.

In the face of these documents Keitel does not deny his connection with these acts. Rather, his defence relies on the fact that he is a soldier, and on the doctrine of " superior orders," prohibited by Article 8 of the Charter as a defence.

There is nothing in mitigation. Superior orders, even to a soldier, cannot be considered in mitigation where crimes as shocking and extensive have been committed consciously, ruthlessly and without military excuse or justification.

**Conclusion**

The Tribunal finds Keitel guilty on all four counts.

THE PRESIDENT:

## KALTENBRUNNER

Kaltenbrunner is indicted under Counts One, Three and Four. He joined the Austrian Nazi Party and the SS in 1932. In 1935 he became leader of the SS in Austria. After the Anschluss he was appointed Austrian State Secretary for Security and when this position was abolished in 1941 he was made Higher SS and Police Leader. On 30th January, 1943, he was appointed Chief of the Security Police and SD and Head of the Reich Security Head Office (RSHA), a position which had been held by Heydrich until his assassination in June, 1942. He held the rank of Obergruppenfuehrer in the SS.

**Crimes against Peace**

As leader of the SS in Austria Kaltenbrunner was active in the Nazi intrigue against the Schuschnigg Government. On the night of 11th March, 1938, after Goering had ordered Austrian National Socialists to seize control of the



Austrian Government, 500 Austrian SS men under Kaltenbrunner's command surrounded the Federal Chancellery and a special detachment under the command of his adjutant entered the Federal Chancellery while Seyss-Inquart was negotiating with President Miklas. But there is no evidence connecting Kaltenbrunner with plans to wage aggressive war on any other front. The Anschluss, although it was an aggressive act, is not charged as an aggressive war, and the evidence against Kaltenbrunner under Count One does not, in the opinion of the Tribunal, show his direct participation in any plan to wage such a war.

**War Crimes and Crimes against Humanity**

When he became Chief of the Security Police and SD and Head of the RSHA on 30th January, 1943, Kaltenbrunner took charge of an organisation which included the main offices of the Gestapo, the SD and the Criminal Police. As Chief of the RSHA, Kaltenbrunner had authority to order protective custody to and release from concentration camps. Orders to this effect were normally sent over his signature. Kaltenbrunner was aware of conditions in concentration camps. He had undoubtedly visited Mauthausen and witnesses testified that he had seen prisoners killed by the various methods of execution, hanging, shooting in the back of the neck and gassing, as part of a demonstration. Kaltenbrunner himself ordered the execution of prisoners in those camps and his office was used to transmit to the camps execution orders which originated in Himmler's office. At the end of the war Kaltenbrunner participated in the arrangements for the evacuation of inmates of concentration camps, and the liquidation of many of them, to prevent them from being liberated by the Allied armies.

During the period in which Kaltenbrunner was Head of the RSHA, it was engaged in a widespread programme of war crimes and crimes against humanity. These crimes included the mistreatment and murder of prisoners of war. Einsatz Kommandos operating under the control of the Gestapo were engaged in the screening of Soviet prisoners of war. Jews, commissars, and others who were thought to be ideologically hostile to the Nazi system were reported to the RSHA, which had them transferred to a concentration camp and murdered. An RSHA order issued during Kaltenbrunner's régime established the " Bullet Decree," under which certain escaped prisoners of war who were recaptured were taken to Mauthausen and shot. The order for the execution of commando troops was extended by the Gestapo to include parachutists while Kaltenbrunner was Chief of the RSHA. An order signed by Kaltenbrunner instructed the Police not to interfere with attacks on bailed out Allied fliers. In December, 1944, Kaltenbrunner participated in the murder of one of the French Generals held as a prisoner of war.

During the period in which Kaltenbrunner was Head of the RSHA, the Gestapo and SD in occupied territories continued the murder and ill-treatment of the population, using methods which included the torture and confinement in concentration camps, usually under orders to which Kaltenbrunner's name was signed.

The Gestapo was responsible for enforcing a rigid labour discipline on the slave labourers and Kaltenbrunner established a series of labour reformatory camps for this purpose. When the SS embarked on a slave labour programme of its own, the Gestapo was used to obtain the needed workers by sending labourers to concentration camps.

The RSHA played a leading part in the " final solution " of the Jewish question by the extermination of the Jews. A special section under the Amt IV of the RSHA was established to supervise this programme. Under its direction approximately six million Jews were murdered, of which two million

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were killed by Einsatzgruppen and other units of the Security Police. Kaltenbrunner had been informed of the activities of these Einsatzgruppen when he was a Higher SS and Police Leader, and they continued to function after he had become Chief of the RSHA.

The murder of approximately four million Jews in concentration camps has heretofore been described. This part of the programme was also under the supervision of the RSHA when Kaltenbrunner was head of that organisation, and special missions of the RSHA scoured the occupied territories and the various Axis satellites arranging for the deportation of Jews to these extermination institutions. Kaltenbrunner was informed of these activities. A letter which he wrote on 30th June, 1944, described the shipment to Vienna of 12,000 Jews for that purpose, and directed that all who could not work would have to be kept in readiness for " special action," which meant murder. Kaltenbrunner denied his signature to this letter, as he did on a very large number of orders on which his name was stamped or typed, and, in a few instances, written. It is inconceivable that in matters of such importance his signature could have appeared so many times without his authority.

Kaltenbrunner has claimed that when he took office as Chief of the Security Police and SD and as Head of the RSHA he did so pursuant to an understanding with Himmler under which he was to confine his activities to matters involving foreign intelligence, and not to assume overall control over the activities of the RSHA. He claims that the criminal programme had been started before his assumption of office; that he seldom knew what was going on; and that when he was informed he did what he could to stop them. It is true that he showed a special interest in matters involving foreign intelligence. But he exercised control over the activities of the RSHA; was aware of the crimes it was committing, and was an active participant in many of them.

**Conclusion**

The Tribunal finds that Kaltenbrunner is not guilty on Count One. He is guilty under Counts Three and Four.

Major General NIKITCHENKO:

## ROSENBERG

Rosenberg is indicted on all four counts. He joined the Nazi Party in 1919, participated in the Munich Putsch of 9th November, 1923, and tried to keep the illegal Nazi Party together while Hitler was in jail. Recognised as the Party's ideologist, he developed and spread Nazi doctrines in the newspapers " Voelkischer Beobachter " and " N S Monatshefte," which he edited, and in the numerous books he wrote. His book, " Myth of the Twentieth Century," had a circulation of over a million copies.

In 1930, Rosenberg was elected to the Reichstag and he became the Party's representative for Foreign Affairs. In April, 1933, he was made Reichsleiter and head of the Office of Foreign Affairs of the NSDAP (The APA). Hitler, in January 1934, appointed Rosenberg his Deputy for the Supervision of the Entire Spiritual and Ideological Training of the NSDAP. In January 1940, he was designated to set up the " Hohe Schule," the Centre of National Socialistic Ideological and Educational Research, and he organised the " Einsatzstab Rosenberg " in connection with this task. He was appointed Reich Minister for the Occupied Eastern Territories on 17th July, 1941.

**Crimes Against Peace**

As head of the APA, Rosenberg was in charge of an organisation whose agents were active in Nazi intrigue in all parts of the world. His own reports.



for example, claim that the APA was largely responsible for Roumania's joining the Axis. As head of the APA, he played an important role in the preparation and planning of the attack on Norway.

Rosenberg, together with Raeder, was one of the originators of the plan for attacking Norway. Rosenberg had become interested in Norway as early as June, 1939, when he conferred with Quisling. Quisling had pointed out the importance of the Norwegian Coast in the event of a conflict between Germany and Great Britain, and stated his fears that Great Britain might be able to obtain Norwegian assistance. As a result of this conference Rosenberg arranged for Quisling to collaborate closely with the National Socialists and to receive political assistance by the Nazis.

When the war broke out Quisling began to express fear of British intervention in Norway. Rosenberg supported this view, and transmitted to Raeder a plan to use Quisling for a coup in Norway. Rosenberg was instrumental in arranging the conferences in December, 1939, between Hitler and Quisling which led to the preparation of the attack on Norway, and at which Hitler promised Quisling financial assistance. After these conferences Hitler assigned to Rosenberg the political exploitation of Norway. Two weeks after Norway was occupied, Hitler told Rosenberg that he had based his decision to attack Norway " on the continuous warnings of Quisling as reported to him by Reichsleiter Rosenberg."

Rosenberg bears a major responsibility for the formulation and execution of occupation policies in the Occupied Eastern Territories. He was informed by Hitler on 2nd April, 1941, of the coming attack against the Soviet Union, and he agreed to help in the capacity of a " Political Adviser." On 20th April, 1941, he was appointed Commissioner for the Central Control of Questions connected with the East-European Region. In preparing the plans for the occupation, he had numerous conferences with Keitel Raeder, Goering, Funk, Ribbentrop, and other high Reich authorities. In April and May, 1941, he prepared several drafts of instructions concerning the setting up of the administration in the Occupied Eastern Territories. On 20th June, 1941, two days before the attack on the U.S.S.R., he made a speech to his assistants about the problems and policies of occupation. Rosenberg attended Hitler's conference of 16th July, 1941, in the course of which policies of administration and occupation were discussed. On 17th July, 1941, Hitler appointed Rosenberg Reich Minister for the Occupied Eastern Territories, and publicly charged him with responsibility for civil administration.

**War Crimes and Crimes against Humanity**

Rosenberg is responsible for a system of organised plunder of both public and private property throughout the invaded countries of Europe. Acting under Hitler's orders of January, 1940, to set up the " Hohe Schule," he organised and directed the " Einsatzstab Rosenberg," which plundered museums and libraries, confiscated art treasures and collections and pillaged private houses. His own reports show the extent of the confiscations. In " Action-M " (Moebel), instituted in December, 1941, at Rosenberg's suggestion, 69,619 Jewish homes were plundered in the West, 38,000 of them in Paris alone, and it took 26,984 railroad cars to transport the confiscated furnishings to Germany. As of 14th July, 1944, more than 21,903 art objects, including famous paintings and museum pieces, had been seized by the Einsatzstab in the West.

With his appointment as Reich Minister for Occupied Eastern Territories on 17th July, 1941, Rosenberg became the supreme authority for those areas. He helped to formulate the policies of Germanisation, exploitation, forced labour, extermination of Jews and opponents of Nazi rule, and he set up the

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administration which carried them out. He took part in the conference of 16th July, 1941, in which Hitler stated that they were faced with the task 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," and he indicated that ruthless action was contemplated. Rosenberg accepted his appointment on the following day.

Rosenberg had knowledge of the brutal treatment and terror to which the Eastern people were subjected. He directed that the Hague Rules of Land Warfare were not applicable in the Occupied Eastern Territories. He had knowledge of and took an active part in stripping the Eastern Territories of raw materials and foodstuffs, which were all sent to Germany. He stated that feeding the German people was first on the list of claims on the East, and that the Soviet people would suffer thereby. His directives provided for the segregation of Jews, ultimately in Ghettos. His subordinates engaged in mass killings of Jews, and his civil administrators in the East considered that cleansing the Eastern Occupied Territories of Jews as necessary. In December, 1941, Rosenberg made the suggestion to Hitler that in a case of shooting 100 hostages, Jews only be used. Rosenberg had knowledge of the deportation of labourers from the East, of the methods of " recruiting " and the transportation horrors, and of the treatment Eastern labourers received in the Reich. He gave his civil administrators quotas of labourers to be sent to the Reich, which had to be met by whatever means necessary. His signature of approval appears on the order of 14th June, 1944, for the " Heu Aktion," the apprehension of 40,000 to 50,000 youths, aged 10-14, for shipment to the Reich.

Upon occasion Rosenberg objected to the excesses and atrocities committed by his subordinates, notably in the case of Koch, but these excesses continued and he stayed in office until the end.

**Conclusion**

The Tribunal finds that Rosenberg is guilty on all four counts.

Mr. BIDDLE:

**FRANK**

Frank is indicted under Counts One, Three and Four. Frank joined the Nazi Party in 1927. He became a member of the Reichstag in 1930, the Bavarian State Minister of Justice in March, 1933, and when this position was incorporated into the Reich Government in 1934, Reich Minister without Portfolio. He was made a Reichsleiter of the Nazi Party in charge of Legal Affairs in 1933, and in the same year President of the Academy of German Law. Frank was also given the honorary rank of Obergruppenfuehrer in the SA. In 1942 Frank became involved in a temporary dispute with Himmler as to the type of legal system which should be in effect in Germany. During the same year he was dismissed as Reichsleiter of the Nazi Party and as President of the Academy of German Law.

**Crimes against Peace**

The evidence has not satisfied the Tribunal that Frank was sufficiently connected with the common plan to wage aggressive war to allow the Tribunal to convict him on Count One.

**War Crimes are Crimes against Humanity**

Frank was appointed Chief Civil Administration Officer for occupied Polish territory and, on 12th October, 1939, was made Governor General of the occupied Polish territory. On 3rd October, 1939, he described the policy



which he intended to put into effect by stating: " Poland shall be treated like a colony; the Poles will become the slaves of the Greater German World Empire." The evidence establishes that this occupation policy was based on the complete destruction of Poland as a national entity, and a ruthless exploitation of its human and economic resources for the German war effort. All opposition was crushed with the utmost harshness. A reign of terror was instituted, backed by summary police courts which ordered such actions as the public shootings of groups of twenty to two hundred Poles, and the widespread shootings of hostages. The concentration camp system was introduced in the General Government by the establishment of the notorious Treblinka and Maydanek camps. As early as 6th February, 1940, Frank gave an indication of the extent of this reign of terror by his cynical comment to a newspaper reporter on von Neurath's poster announcing the execution of the Czech students: " If I wished to order that one should hang up posters about every seven Poles shot, there would not be enough forests in Poland with which to make the paper for these posters." On 30th May, 1940, Frank told a police conference that he was taking advantage of the offensive in the West which diverted the attention of the world from Poland to liquidate thousands of Poles who would be likely to resist German domination of Poland, including " the leading representatives of the Polish intelligentsia." Pursuant to these instructions the brutal A.B. action was begun under which the Security Police and SD carried out these exterminations which were only partially subjected to the restraints of legal procedure. On 2nd October, 1943, Frank issued a decree under which any non-Germans hindering German construction in the General Government were to be tried by summary courts of the Security Police and SD and sentenced to death.

The economic demands made on the General Government were far in excess of the needs of the army of occupation, and were out of all proportion to the resources of the country. The food raised in Poland was shipped to Germany on such a wide scale that the rations of the population of the occupied territories were reduced to the starvation level, and epidemics were widespread. Some steps were taken to provide for the feeding of the agricultural workers who were used to raise the crops, but the requirements of the rest of the population were disregarded. It is undoubtedly true, as argued by counsel for the defence, that some suffering in the General Government was inevitable as a result of the ravages of war and the economic confusion resulting therefrom. But the suffering was increased by a planned policy of economic exploitation.

Frank introduced the deportation of slave labourers to Germany in the very early stages of his administration. On 25th January, 1940, he indicated his intention of deporting one million labourers to Germany, suggesting on 10th May, 1940, the use of police raids to meet this quota. On 18th August, 1942, Frank reported that he had already supplied 800,000 workers for the Reich, and expected to be able to supply 140,000 more before the end of the year.

The persecution of the Jews was immediately begun in the General Government. The area originally contained from 2,500,000 to 3,500,000 Jews. They were forced into ghettos, subjected to discriminatory laws, deprived of the food necessary to avoid starvation, and finally systematically and brutally exterminated. On 16th December, 1941, Frank told the Cabinet of the Governor General: " We must annihilate the Jews wherever we find them and wherever it is possible, in order to maintain there the structure of Reich as a whole." By 25th January, 1944, Frank estimated that there were only 100,000 Jews left.

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At the beginning of his testimony, Frank stated that he had a feeling of "terrible guilt" for the atrocities committed in the occupied territories. But his defence was largely devoted to an attempt to prove that he was not in fact responsible; that he ordered only the necessary pacification measures; that the excesses were due to the activities of the police which were not under his control; and that he never even knew of the activities of the concentration camps. It has also been argued that the starvation was due to the aftermath of the war and policies carried out under the Four Year Plan; that the forced labour programme was under the direction of Sauckel; and that the extermination of the Jews was by the police and SS under direct orders from Himmler.

It is undoubtedly true that most of the criminal programme charged against Frank was put into effect through the police, that Frank had jurisdictional difficulties with Himmler over the control of the police, and that Hitler resolved many of these disputes in favour of Himmler. It therefore may well be true that some of the crimes committed in the General Government were committed without the knowledge of Frank, and even occasionally despite his opposition. It may also be true that some of the criminal policies put into effect in the General Government did not originate with Frank but were carried out pursuant to orders from Germany. But it is also true that Frank was a willing and knowing participant in the use of terrorism in Poland; in the economic exploitation of Poland in a way which led to the death by starvation of a large number of people; in the deportation to Germany as slave labourers of over a million Poles; and in a programme involving the murder of at least three million Jews.

**Conclusion**

The Tribunal finds that Frank is not guilty on Count One but guilty under Counts Three and Four.

M. DE VABRES:

## FRICK

Frick is indicted on all four counts. Recognised as the chief Nazi administrative specialist and bureaucrat, he was appointed Reichminister of the Interior in Hitler's first cabinet. He retained this important position until August, 1943, when he was appointed Reich Protector of Bohemia and Moravia. In connection with his duties at the centre of all internal and domestic administration, he became the Prussian Minister of the Interior, Reich Director of Elections, General Plenipotentiary for the Administration of the Reich, and a member of the Reich Defence Council, the Ministerial Council for Defence of the Reich, and the "Three Man College." As the several countries incorporated into the Reich were overrun, he was placed at the head of the Central Offices for their incorporation.

Though Frick did not officially join the Nazi Party until 1925, he had previously allied himself with Hitler and the National Socialist cause during the Munich Putsch, while he was an official in the Munich Police Department. Elected to the Reichstag in 1924, he became a Reichsleiter as leader of the National Socialist faction in that body.

**Crimes against Peace**

An avid Nazi, Frick was largely responsible for bringing the German Nation under the complete control of the NSDAP. After Hitler became Reich Chancellor, the new Minister of the Interior immediately began to incorporate local governments under the sovereignty of the Reich. The numerous laws he drafted, signed, and administered abolished all opposition parties and prepared the way for the Gestapo and their concentration camps to extinguish all



individual opposition. He was largely responsible for the legislation which suppressed the Trade Unions, the Church, the Jews. He performed this task with ruthless efficiency.

Before the date of the Austrian aggression Frick was concerned only with domestic administration within the Reich. The evidence does not show that he participated in any of the conferences at which Hitler outlined his aggressive intentions. Consequently the Tribunal takes the view that Frick was not a member of the common plan or conspiracy to wage aggressive war as defined in this Judgment.

Six months after the seizure of Austria, under the provisions of the Reich Defence Law of 4th September, 1938, Frick became General Plenipotentiary for the Administration of the Reich. He was made responsible for war administration, except the military and economic, in the event of Hitler's proclaiming a state of defence. The Reich Ministries of Justice, Education, Religion, and the Office of Spatial Planning were made subordinate to him. Performing his allotted duties, Frick devised an administrative organisation in accordance with wartime standards. According to his own statement, this was actually put into operation after Germany decided to adopt a policy of war.

Frick signed the law of 13th March, 1938, which united Austria with the Reich, and he was made responsible for its accomplishment. In setting up German administration in Austria, he issued decrees which introduced German law, the Nürnberg Decrees, the Military Service Law, and he provided for police security by Himmler.

He also signed the laws incorporating into the Reich the Sudetenland, Memel, Danzig, the Eastern territories (West Prussia and Posen) and Eupen, Malmedy, and Moresnot. He was placed in charge of the actual incorporation, and of the establishment of German administration over these territories. He signed the law establishing the Protectorate of Bohemia and Moravia.

As the head of the Central Offices for Bohemia and Moravia, the Government General, and Norway, he was charged with obtaining close co-operation between the German officials in these occupied countries and the supreme authorities of the Reich. He supplied German civil servants for the administrations in all occupied territories, advising Rosenberg as to their assignment in the Occupied Eastern Territories. He signed the laws appointing Terboven Reich Commissioner to Norway and Seyss-Inquart to Holland.

**War Crimes and Crimes against Humanity**

Always rabidly anti-Semitic, Frick drafted, signed, and administered many laws designed to eliminate Jews from German life and economy. His work formed the basis of the Nürnberg Decrees, and he was active in enforcing them. Responsible for prohibiting Jews from following various professions, and for confiscating their property, he signed a final decree in 1943, after the mass destruction of Jews in the East, which placed them "outside the law" and handed them over to the Gestapo. These laws paved the way for the "final solution", and were extended by Frick to the Incorporated Territories and to certain of the Occupied Territories. While he was Reich Protector of Bohemia and Moravia, thousands of Jews were transferred from the Terezin Ghetto in Czechoslovakia to Auschwitz, where they were killed. He issued a decree providing for special penal laws against Jews and Poles in the Government General.

The police officially fell under the jurisdiction of the Reichminister of the Interior. But Frick actually exercised little control over Himmler and police matters. However, he signed the law appointing Himmler Chief of the German Police, as well as the decrees establishing Gestapo jurisdiction

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over concentration camps and regulating the execution of orders for protective custody. From the many complaints he received, and from the testimony of witnesses, the Tribunal concludes that he knew of atrocities committed in these camps. With knowledge of Himmler's methods, Frick signed decrees authorising him to take necessary security measures in certain of the Incorporated Territories. What these " security measures " turned out to be has already been dealt with.

As the Supreme Reich Authority in Bohemia and Moravia, Frick bears general responsibility for the acts of oppression in that territory after 20th August, 1943, such as terrorism of the population, slave labour, and the deportation of Jews to the concentration camps for extermination. It is true that Frick's duties as Reich Protector were considerably more limited than those of his predecessor, and that he had no legislative and limited personal executive authority in the Protectorate. Nevertheless, Frick knew full well what the Nazi policies of occupation were in Europe, particularly with respect to Jews, at that time, and by accepting the office of Reich Protector he assumed responsibility for carrying out those policies in Bohemia and Moravia.

German citizenship in the occupied countries as well as in the Reich came under his juridiction while he was Minister of the Interior. Having created a racial register of persons of German extraction, Frick conferred German citizenship on certain categories of citizens of foreign countries. He is responsible for Germanisation in Austria, Sudetenland, Memel, Danzig, Eastern Territories (West Prussia and Posen), and in the territories of the Eupen, Malmedy, and Moresnot. He forced on the citizens of these territories, German law, German courts, German education, German police security, and compulsory military service.

During the war nursing homes, hospitals, and asylums in which euthanasia was practised as described elsewhere in this Judgment, came under Frick's jurisdiction. He had knowledge that insane, sick and aged people, " useless eaters," were being systematically put to death. Complaints of these murders reached him, but he did nothing to stop them. A report of the Czechoslovak War Crimes Commission estimated that 275,000 mentally deficient and aged people, for whose welfare he was responsible, fell victim to it.

**Conclusion**

The Tribunal finds that Frick is not guilty on Count One. He is guilty on Counts Two, Three and Four.

The PRESIDENT:

## STREICHER

Streicher is indicted on Counts One and Four. One of the earliest members of the Nazi Party, joining in 1921, he took part in the Munich Putsch. From 1925 to 1940 he was Gauleiter of Franconia. Elected to the Reichstag in 1933, he was an honorary general in the SA. His persecution of the Jews was notorious. He was the publisher of " Der Stürmer," an anti-Semitic weekly newspaper, from 1923 to 1945 and was its editor until 1933.

**Crimes against Peace**

Streicher was a staunch Nazi and supporter of Hitler's main policies. There is no evidence to show that he was ever within Hitler's inner circle of advisers; nor during his career was he closely connected with the formulation of the policies which led to war. He was never present, for example, at any of the important conferences when Hitler explained his decisions to his leaders. Although he was a Gauleiter there is no evidence to prove that



he had knowledge of those policies. In the opinion of the Tribunal, the evidence fails to establish his connection with the conspiracy or common plan to wage aggressive war as that conspiracy has been elsewhere defined in this Judgment.

**Crimes against Humanity**

For his twenty-five years of speaking, writing, and preaching hatred of the Jews, Streicher was widely known as " Jew-Baiter Number One." In his speeches and articles, week after week, month after month, he infected the German mind with the virus of anti-Semitism, and incited the German people to active persecution. Each issue of " Der Stürmer," which reached a circulation of 600,000 in 1935, was filled with such articles, often lewd and disgusting.

Streicher had charge of the Jewish boycott of 1st April, 1933. He advocated the Nürnberg Decrees of 1935. He was responsible for the demolition on 10th August, 1938, of the Synagogue in Nürnberg. And on 10th November, 1938, he spoke publicity in support of the Jewish pogrom which was taking place at that time.

But it was not only in Germany that this defendant advocated his doctrines. As early as 1938 he began to call for the annihilation of the Jewish race. Twenty-three different articles of " Der Stürmer " between 1938 and 1941 were produced in evidence, in which extermination " root and branch " was preached. Typical of his teachings was a leading article in September, 1938, which termed the Jew a germ and a pest, not a human being, but " a parasite, an enemy, an evil-doer, a disseminator of diseases who must be destroyed in the interest of mankind." Other articles urged that only when world Jewry had been annihilated would the Jewish problem have been solved, and predicted that fifty years hence the Jewish graves " will proclaim that this people of murderers and criminals has after all met its deserved fate." Streicher, in February, 1940, published a letter from one of " Der Stürmer's " readers which compared Jews with swarms of locusts which must be exterminated completely. Such was the poison Streicher injected into the minds of thousands of Germans which caused them to follow the National Socialists policy of Jewish persecution and extermination. A leading article of " Der Stürmer " in May, 1939, shows clearly his aim:

> " A punitive expedition must come against the Jews in Russia. A punitive expedition which will provide the same fate for them that every murderer and criminal must expect. Death sentence and execution. The Jews in Russia must be killed. They must be exterminated root and branch."

As the war in the early stages proved successful in acquiring more and more territory for the Reich, Streicher even intensified his efforts to incite the Germans against the Jews. In the record are twenty-six articles from " Der Stürmer ", published between August, 1941 and September, 1944, twelve by Streicher's own hand, which demanded annihilation and extermination in unequivocal terms. He wrote and published on 25th December, 1941:

> " If the danger of the reproduction of that curse of God in the Jewish blood is to finally come to an end, then there is only one way—the extermination of that people whose father is the devil."

And in February, 1944, his own article stated:

> " Whoever does what a Jew does is a scoundrel, a criminal. And he who repeats and wishes to copy him deserves the same fate, annihilation, death."

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With knowledge of the extermination of the Jews in the Occupied Eastern Territory, this defendant continued to write and publish his propaganda of death. Testifying in this trial, he vehemently denied any knowledge of mass executions of Jews. But the evidence makes it clear that he continually received current information on the progress of the " final solution ". His press photographer was sent to visit the ghettos of the East in the Spring of 1943, the time of the destruction of the Warsaw Ghetto. The Jewish newspaper, " Iraelitisches Wochenblatt ", which Streicher received and read, carried in each issue accounts of Jewish atrocities in the East, and gave figures on the number of Jews who had been deported and killed. For example, issues appearing in the summer and fall of 1942 reported the death of 72,729 Jews in Warsaw, 17,542 in Lodz, 18,000 in Croatia, 125,000 in Rumania, 14,000 in Latvia, 85,000 in Yugoslavia, 700,000 in all of Poland. In November, 1943, Streicher quoted verbatim an article from the " Israelitisches Wochenblatt " which stated that the Jews had virtually disappeared from Europe, and commented " This is not a Jewish lie." In December, 1942, referring to an article in the " London Times " about the atrocities, aiming at extermination, Streicher said that Hitler had given warning that the second World War would lead to the destruction of Jewry. In January, 1943, he wrote and published an article which said that Hitler's prophecy was being fulfilled, that world Jewry was being extirpated, and that it was wonderful to know that Hitler was freeing the world of its Jewish tormentors.

In the face of the evidence before the Tribunal it is idle for Streicher to suggest that the solution of the Jewish problem which he favoured was strictly limited to the classification of Jews as aliens, and the passing of discriminatory legislation such as the Nürnberg Laws, supplemented if possible by international agreement on the creation of a Jewish State somewhere in the world, to which all Jews should emigrate.

Streicher's incitement to murder and extermination at the time when Jews in the East were being killed under the most horrible conditions clearly constitutes persecution on political and racial grounds in connection with war crimes, as defined by the Charter, and constitutes a crime against humanity.

**Conclusion**

The Tribunal finds that Streicher is not guilty of Count One, but that he is guilty on Count Four.

## FUNK

Funk is indicted under all four counts. Funk, who had previously been a financial journalist, joined the Nazi Party in 1931, and shortly thereafter became one of Hitler's personal economic advisers. On 30th January, 1933, Funk was made Press Chief in the Reich Government, and on 11th March, 1933, became Under Secretary in the Ministry of Propaganda and shortly thereafter a leading figure in the various Nazi organisations which were used to control the press, films, music and publishing houses. Funk took office as Minister of Economics and Plenipotentiary General for War Economy in early 1938 and as President of the Reichsbank in January, 1939. He succeeded Schacht in all three of these positions. He was made a member of the Ministerial Council for the Defence of the Reich on August, 1939, and a member of the Central Planning Board in September, 1943.

**Crimes against Peace**

Funk became active in the economic field after the Nazi plans to wage aggressive war had been clearly defined. One of his representatives attended a conference on 14th October, 1938, at which Goering announced a gigantic increase in armaments and instructed the Ministry of Economics to increase



exports to obtain the necessary exchange. On 28th January, 1939, one of Funk's subordinates sent a memorandum to the OKW on the use of prisoners of war to make up labour deficiencies which would arise in case of mobilisation. On 30th May, 1939, the Under Secretary of the Ministry of Economics attending a meeting at which detailed plans were made for the financing of the war.

On 25th August, 1939, Funk wrote a letter to Hitler expressing his gratitude that he had been able to participate in such world shaking events; that his plans for the " financing of the war," for the control of wage and price conditions and for the strengthening of the Reichsbank had been completed; and that he had inconspicuously transferred into gold all foreign exchange resources available to Germany. On 14th October, 1939, after the war had begun, Funk made a speech in which he stated that the economic and financial departments of Germany working under the Four Year Plan had been engaged in the secret economic preparation for war for over a year.

Funk participated in the economic planning which preceded the attack on the U.S.S.R. His deputy held daily conferences with Rosenberg on the economic problems which would arise in the occupation of Soviet territory. Funk himself participated in planning for the printing of rouble notes in Germany prior to the attack to serve as occupation currency in the U.S.S.R. After the attack he made a speech in which he described plans he had made for the economic exploitation of the " vast territories of the Soviet Union " which were to be used as a source of raw material for Europe.

Funk was not one of the leading figures in originating the Nazi plans for aggressive war. His activity in the economic sphere was under the supervision of Goering as Plenipotentiary General of the Four Year Plan. He did, however, participate in the economic preparation for certain of the aggressive wars, notably those against Poland and the Soviet Union, but his guilt can be adequately dealt with under Count Two of the Indictment.

**War Crimes and Crimes against Humanity**

In his capacity as Under Secretary in the Ministry of Propaganda and Vice-Chairman of the Reichs Chamber of Culture, Funk had participated in the early Nazi programme of economic discrimination against the Jews. On 12th November, 1938, after the pogroms of November, he attended a meeting held under the chairmanship of Goering to discuss the solution of the Jewish problem and proposed a decree providing for the banning of Jews from all business activities, which Goering issued the same day under the authority of the Four Year Plan. Funk has testified that he was shocked at the outbreaks of 10th November, but on 15th November, he made a speech describing these outbreaks as a " violent explosion of the disgust of the German people, because of a criminal Jewish attack against the German people," and saying that the elimination of the Jews from economic life followed logically their elimination from political life.

In 1942 Funk entered into an agreement with Himmler under which the Reichsbank was to receive certain gold and jewels and currency from the SS and instructed his subordinates, who were to work out the details, not to ask too many questions. As a result of this agreement the SS sent to the Reichsbank the personal belongings taken from the victims who had been exterminated in the concentration camps. The Reichsbank kept the coins and bank notes and sent the jewels, watches and personal belongings to Berlin Municipal Pawn Shops. The gold from the eyeglasses, and gold teeth and fillings was stored in the Reichsbank vaults. Funk has protested that he did not know that the Reichsbank was receiving articles of this kind. The Tribunal is of the opinion that Funk either knew what was being received or was deliberately closing his eyes to what was being done.

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As Minister of Economics and President of the Reichsbank, Funk participated in the economic exploitation of occupied territories. He was President of the Continental Oil Company which was charged with the exploitation of the oil resources of occupied territories in the East. He was responsible for the seizure of the gold reserves of the Czechoslovakian National Bank and for the liquidation of the Yugoslavian National Bank. On 6th June, 1942, Funk's deputy sent a letter to the OKW requesting that funds from the French Occupation Cost Fund be made available for black market purchases. Funk's knowledge of German occupation policies is shown by his presence at the meeting of 8th August, 1942, at which Goering addressed the various German occupation chiefs, told them of the products required from their territories, and added, " It makes no difference to me in this connection if you say that your people will starve."

In the fall of 1943, Funk was a member of the Central Planning Board which determined the total number of labourers needed for German industry, and required Sauckel to produce them, usually by deportation from occupied territories. Funk did not appear to be particularly interested in this aspect of the forced labour programme, and usually sent a deputy to attend the meetings, often SS General Ohlendorf, the former Chief of the SD inside of Germany and the former Commander of Einsatzgruppe D. But Funk was aware that the Board of which he was a member was demanding the importation of slave labourers, and allocating them to the various industries under its control.

As President of the Reichsbank, Funk was also indirectly involved in the utilisation of concentration camp labour. Under his direction the Reichsbank set up a revolving fund of 12,000,000 Reichsmarks to the credit of the SS for the construction of factories to use concentration camp labourers.

In spite of the fact that he occupied important official positions, Funk was never a dominant figure in the various programmes in which he participated. This is a mitigating fact of which the Tribunal takes notice.

**Conclusion**

The Tribunal finds that Funk is not guilty on Count One but is guilty under Counts Two, Three and Four.

The PRESIDENT: The Court will adjourn for 10 minutes.

(A short recess was taken.)

MR. BIDDLE:

## SCHACHT

Schacht is indicted under Counts One and Two of the Indictment. Schacht served as Commissioner of Currency and President of the Reichsbank from 1923 to 1930; was reappointed President of the bank on 17th March, 1933; Minister of Economics in August, 1934; and Plenipotentiary General for War Economy in May, 1935. He resigned from these two positions in November, 1937, and was appointed Minister without Portfolio. He was reappointed as President of the Reichsbank for a one-year term on 16th March, 1937, and for a four-year term on 9th March, 1938, but was dismissed on 20th January, 1939. He was dismissed as Minister without Portfolio on 22nd January, 1943.

**Crimes against Peace**

Schacht was an active supporter of the Nazi Party before its accession to power on 30th January, 1933, and supported the appointment of Hitler to the post of Chancellor. After that date he played an important rôle in the vigorous rearmament programme which was adopted, using the facilities of



the Reichsbank to the fullest extent in the German rearmament effort. The Reichsbank, in its traditional capacity as financial agent for the German Government, floated long-term Government loans, the proceeds of which were used for rearmament. He devised a system under which five-year notes, known as M.E.F.O. bills, guaranteed by the Reichsbank and backed, in effect, by nothing more than its position as a bank of issue, were used to obtain large sums for rearmament from the short-term money market. As Minister of Economics and as Plenipotentiary General for War Economy he was active in organising the German economy for war. He made detailed plans for industrial mobilisation and the coordination of the Army with industry in the event of war. He was particularly concerned with shortages of raw materials and started a scheme of stock-piling, and a system of exchange control designed to prevent Germany's weak foreign exchange position from hindering the acquisition abroad of raw materials needed for rearmament. On 3rd May, 1935, he sent a memorandum to Hitler stating that " the accomplishment of the armament programme with speed and in quantity is the problem of German politics, that everything else therefore should be subordinated to this purpose."

Schacht, by April, 1936, began to lose his influence as the central figure in the German rearmament effort when Goering was appointed Coordinator for Raw Materials and Foreign Exchange. Goering advocated a greatly expanded programme for the production of synthetic raw materials which was opposed by Schacht on the ground that the resulting financial strain might involve inflation. The influence of Schacht suffered further when on 16th October, 1936, Goering was appointed Plenipotentiary for the Four-Year Plan with the task of putting " the entire economy in a state of readiness for war " within four years. Schacht had opposed the announcement of this plan and the appointment of Goering to head it, and it is clear that Hitler's action represented a decision that Schacht's economic policies were too conservative for the drastic rearmament policy which Hitler wanted to put into effect.

After Goering's appointment, Schacht and Goering promptly became embroiled in a series of disputes. Although there was an element of personal controversy running through these disputes, Schacht disagreed with Goering on certain basic policy issues. Schacht, on financial grounds, advocated a retrenchment in the rearmament programme, opposed as uneconomical much of the proposed expansion of production facilities, particularly for synthetics, urged a drastic tightening on government credit and a cautious policy in dealing with Germany's foreign exchange reserves. As a result of this dispute and of a bitter argument in which Hitler accused Schacht of upsetting his plans by his financial methods, Schacht went on leave of absence from the Ministry of Economics on 5th September, 1937, and resigned as Minister of Economics and as Plenipotentiary General for War Economy on 16th November, 1937.

As President of the Reichsbank, Schacht was still involved in disputes. Throughout 1938, the Reichsbank continued to function as the financial agent for the German Government in floating long-term loans to finance armaments. But on 31st March, 1938, Schacht discontinued the practice of floating short-term notes guaranteed by the Reichsbank for armament expenditures. At the end of 1938, in an attempt to regain control of fiscal policy through the Reichsbank, Schacht refused an urgent request of the Reichsminister of Finance for a special credit to pay the salaries of civil servants which were not covered by existing funds. On 2nd January, 1939, Schacht held a conference with Hitler at which he urged him to reduce expenditures for armaments. On 7th January, 1939, Schacht submitted to Hitler a report signed by the Directors of the Reichsbank which urged a drastic curtailment of armament expenditures

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and a balanced budget as the only method of preventing inflation. On 19th January, Hitler dismissed Schacht as President of the Reichsbank. On 22nd January, 1943, Hitler dismissed Schacht as Reich Minister without Portfolio because of his " whole attitude during the present fateful fight of the German nation." On 23rd July, 1944, Schacht was arrested by the Gestapo and confined in a concentration camp until the end of the war.

It is clear that Schacht was a central figure in Germany's rearmament programme, and the steps which he took, particularly in the early days of the Nazi régime, were responsible for Nazi Germany's rapid rise as a military power. But rearmament of itself is not criminal under the Charter. To be a crime against peace under Article 6 of the Charter it must be shown that Schacht carried out this rearmament as part of the Nazi plans to wage aggressive wars.

Schacht has contended that he participated in the rearmament programme only because he wanted to build up a strong and independent Germany which would carry out a foreign policy which would command respect on an equal basis with other European countries; that when he discovered that the Nazis were rearming for aggressive purposes he attempted to slow down the speed of rearmament; and that after the dismissal of von Fritsch and von Blomberg he participated in plans to get rid of Hitler, first by deposing him and later by assassination.

Schacht, as early as 1936, began to advocate a limitation of the rearmament programme for financial reasons. Had the policies advocated by him been put into effect, Germany would not have been prepared for a general European war. Insistence on his policies led to his eventual dismissal from all positions of economic significance in Germany. On the other hand, Schacht, with his intimate knowledge of German finance, was in a peculiarly good position to understand the true significance of Hitler's frantic rearmament, and to realise that the economic policy adopted was consistent only with war as its object.

Moreover Schacht continued to participate in German economic life and even, in a minor way, in some of the early Nazi aggressions. Prior to the occupation of Austria he set a rate of exchange between the mark and the schilling. After the occupation of Austria he arranged for the incorporation of the Austrian National Bank into the Reichsbank and made a violently pro-Nazi speech in which he stated that the Reichsbank would always be Nazi as long as he was connected with it, praised Hitler, defended the occupation of Austria, scoffed at objections to the way it was carried out, and ended with " to our Fuehrer a triple ' Sieg Heil '." He has not contended that this speech did not represent his state of mind at the time. After the occupation of the Sudetenland, he arranged for currency conversion and for the incorporation into the Reichsbank of local Czech banks of issue. On 29th November, 1938, he made a speech in which he pointed with pride to his economic policy which had created the high degree of German armament, and added that this armament had made Germany's foreign policy possible.

Schacht was not involved in the planning of any of the specific wars of aggression charged in Count Two. His participation in the occupation of Austria and the Sudetenland (neither of which are charged as aggressive wars) was on such a limited basis that it does not amount to participation in the common plan charged in Count One. He was clearly not one of the inner circle around Hitler which was most closely involved with this common plan. He was regarded by this group with undisguised hostility. The testimony of Speer shows that Schacht's arrest on 23rd July, 1944, was based as much on Hitler's enmity towards Schacht growing out of his attitude before the war as it was on suspicion of his complicity in the bomb plot. The case against Schacht therefore depends on the inference that Schacht did in fact know of the Nazi aggressive plans.



On this all important question evidence has been given for the prosecution, and a considerable volume of evidence for the defence. The Tribunal has considered the whole of this evidence with great care, and comes to the conclusion that this necessary inference has not been established beyond a reasonable doubt.

**Conclusion**

The Tribunal finds that Schacht is not guilty on this Indictment, and directs that he shall be discharged by the Marshal, when the Tribunal presently adjourns.

M. DE VABRES:

## DOENITZ

Doenitz is indicated on Counts One, Two and Three. In 1935 he took command of the first U-boat flotilla commissioned since 1918, became in 1936 commander of the submarine arm, was made Vice-Admiral in 1940, Admiral in 1942, and on 30th January, 1943, Commander-in-Chief of the German Navy. On 1st May, 1945, he became the Head of State, succeeding Hitler.

**Crimes Against Peace**

Although Doenitz built and trained the German U-boat arm, the evidence does not show he was privy to the conspiracy to wage aggressive wars or that he prepared and initiated such wars. He was a line officer performing strictly tactical duties. He was not present at the important conferences when plans for aggressive wars were announced, and there is no evidence he was informed about the decisions reached there. Doenitz did, however, wage aggressive war within the meaning of that word as used by the Charter. Submarine warfare which began immediately upon the outbreak of war, was fully co-ordinated with the other branches of the Wehrmacht. It is clear that his U-boats, few in number at the time, were fully prepared to wage war.

It is true that until his appointment in January, 1943, as Commander-in-Chief he was not an " Oberbefehlshaber ". But this statement underestimates the importance of Doenitz' position. He was no mere Army or division commander. The U-boat arm was the principal part of the German fleet and Doenitz was its leader. The High Seas fleet made a few minor, if spectacular, raids during the early years of the war but the real damage to the enemy was done almost exclusively by his submarines as the millions of tons of allied and neutral shipping sunk will testify. Doenitz was solely in charge of this warfare. The Naval War Command reserved for itself only the decision as to the number of submarines in each area. In the invasion of Norway, for example, Doenitz made recommendations in October, 1939, as to submarine bases, which he claims were no more than a staff study, and in March, 1940, he made out the operational orders for the supporting U-boats, as discussed elsewhere in this Judgment.

That his importance to the German war effort was so regarded is eloquently proved by Raeder's recommendation of Doenitz as his successor and his appointment by Hitler on 30th January, 1943, as Commander-in-Chief of the Navy. Hitler too knew that submarine warfare was the essential part of Germany's naval warfare.

From January, 1943, Doenitz was consulted almost continuously by Hitler. The evidence was that they conferred on naval problems about 120 times during the course of the war.

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As late as April, 1945, when he admits he knew the struggle was hopeless, Doenitz as its Commander-in-Chief urged the Navy to continue its fight. On 1st May, 1945, he became the Head of State and as such ordered the Wehrmacht to continue its war in the East, until capitulation on 9th May, 1945. Doenitz explained that his reason for these orders was to insure that the German civilian population might be evacuated and the Army might make an orderly retreat from the East.

In the view of the Tribunal, the evidence shows that Doenitz was active in waging aggressive war.

**War Crimes**

Doenitz is charged with waging unrestricted submarine warfare contrary to the Naval Protocol of 1936[11]) to which Germany acceded, and which re-affirmed the rules of submarine warfare laid down in the London Naval Agreement of 1930[12]).

The prosecution has submitted that on 3rd September, 1939, the German U-boat arm began to wage unrestricted submarine warfare upon all merchant ships, whether enemy or neutral, cynically disregarding the Protocol; and that a calculated effort was made throughout the war to disguise this practice by making hypocritical references to international law and supposed violations by the Allies.

Doenitz insists that at all times the Navy remained within the confines of international law and of the Protocol. He testified that when the war began, the guide to submarine warfare was the German Prize Ordinance taken almost literally from the Protocol, that pursuant to the German view, he ordered submarines to attack all merchant ships in convoy, and all that refused to stop or used their radio upon sighting a submarine. When his reports indicated that British merchant ships were being used to give information by wireless, were being armed and were attacking submarines on sight, he ordered his submarines on 17th October, 1939, to attack all enemy merchant ships without warning on the ground that resistance was to be expected. Orders already had been issued on 21st September, 1939, to attack all ships, including neutrals, sailing at night without lights in the English Channel.

On 24th November, 1939, the German Government issued a warning to neutral shipping that, owing to the frequent engagements taking place in the waters around the British Isles and the French Coast between U-boats and Allied merchant ships which were armed and had instructions to use those arms as well as to ram U-boats, the safety of neutral ships in those waters could no longer be taken for granted. On 1st January, 1940, the German U-boat command, acting on the instructions of Hitler, ordered U-boats to attack all Greek merchant ships in the zone surrounding the British Isles which was banned by the United States to its own ships and also merchant ships of every nationality in the limited area of the Bristol Channel. Five days later a further order was given to U-boats to " make immediately unrestricted use of weapons against all ships " in an area of the North Sea, the limits of which were defined. Finally on the 18th January, 1940, U-boats were authorised to sink, without warning, all ships " in those waters near the enemy coasts in which the use of mines can be pretended." Exceptions were to be made in the cases of United States, Italian, Japanese and Soviet ships.

Shortly after the outbreak of war the British Admiralty, in accordance with its Handbook of Instructions of 1938 to the Merchant Navy, armed its merchant vessels, in many cases convoyed them with armed escort, gave

(11) " Treaty Series No. 29 (1936) " Cmd. 5302.
(12) " Treaty Series No. 1 (1931) " Cmd. 3758.



orders to send position reports upon sighting submarines, thus integrating merchant vessels into the warning network of naval intelligence. On 1st October, 1939, the British Admiralty announced British merchant ships had been ordered to ram U-boats if possible.

In the actual circumstances of this case, the Tribunal is not prepared to hold Doenitz guilty for his conduct of submarine warfare against British armed merchant ships.

However, the proclamation of operational zones and the sinking of neutral merchant vessels which enter those zones presents a different question. This practice was employed in the War of 1914-18 by Germany and adopted in retaliation by Great Britain. The Washington conference of 1922, the London Naval Agreement of 1930, and the Protocol of 1936, were entered into with full knowledge that such zones had been employed in the First World War. Yet the Protocol made no exception for operational zones. The order of Doenitz to sink neutral ships without warning when found within these zones was, therefore, in the opinion of the Tribunal, violation of the Protocol.

It is also asserted that the German U-boat arm not only did not carry out the warning and rescue provisions of the Protocol but that Doenitz deliberately ordered the killing of survivors of shipwrecked vessels, whether enemy or neutral. The prosecution has introduced much evidence surrounding two orders of Doenitz, War Order No. 154, issued in 1939, and the so-called " Laconia " Order of 1942. The defence argues that these orders and the evidence supporting them do not show such a policy and introduced much evidence to the contrary. The Tribunal is of the opinion that the evidence does not establish with the certainty required that Doenitz deliberately ordered the killing of shipwrecked survivors. The orders were undoubtedly ambiguous, and deserve the strongest censure.

The evidence further shows that the rescue provisions were not carried out and that the defendant ordered that they should not be carried out. The argument of the defence is that the security of the submarine is, as the first rule of the sea, paramount to rescue and that the development of aircraft made rescue impossible. This may be so, but the Protocol is explicit. If the commander cannot rescue, then under its terms he cannot sink a merchant vessel and should allow it to pass harmless before his periscope. These orders, then, prove Doenitz is guilty of a violation of the Protocol.

In view of all the facts proved and in particular of an order of the British Admiralty announced on the 8th May, 1940, according to which all vessels should be sunk at sight in the Skagerrak, and the answers to interrogatories by Admiral Nimitz stating that unrestricted submarine warfare was carried on in the Pacific Ocean by the United States from the first day that nation entered the war, the sentence of Doenitz is not assessed on the ground of his breaches of the international law of submarine warfare.

Doenitz was also charged with responsibility for Hitler's Commando Order of 18th October, 1942. Doenitz admitted he received and knew of the order when he was Flag Officer of U-boats, but disclaimed responsibility. He points out that the order by its express terms excluded men captured in naval warfare, that the Navy had no territorial commands on land, and that submarine commanders would never encounter commandos.

In one instance, when he was Commander-in-Chief of the Navy, in 1943, the members of an allied motor torpedo boat were captured by German Naval Forces. They were interrogated for intelligence purposes on behalf of the local admiral, and then turned over by his order to the SD and shot. Doenitz said that if they were captured by the Navy their execution was a violation of the commando order, that the execution was not announced in

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the Wehrmacht communiqué, and that he was never informed of the incident. He pointed out that the admiral in question was not in his chain of command, but was subordinate to the army general in command of the Norway occupation. But Doenitz permitted the order to remain in full force when he became commander-in-chief, and to that extent he is responsible.

In a conference of 11th December, 1944, Doenitz said " 12,000 concentration camp prisoners will be employed in the shipyards as additional labour." At this time Doenitz had no jurisdiction over shipyard construction, and claims that this was merely a suggestion at the meeting that the responsible officials do something about the production of ships, that he took no steps to get these workers since it was not a matter for his jurisdiction and that he does not know whether they ever were procured. He admits he knew of concentration camps. A man in his position must necessarily have known that citizens of occupied countries in large numbers were confined in the concentration camps.

In 1945, Hitler requested the opinion of Jodl and Doenitz whether the Geneva Convention should be denounced. The notes of the meeting between the two military leaders on 20th February, 1945, show that Doenitz expressed his view that the disadvantages of such an action outweighed the advantages. The summary of Doenitz's attitude shown in the notes taken by an officer, included the following sentence:

> " It would be better to carry out the measures considered necessary without warning, and at all costs to save face with the outer world."

The prosecution insisted that " the measures " referred to meant the Convention should not be denounced, but should be broken at will. The defence explanation is that Hitler wanted to break the Convention for two reasons: to take away from German troops the protection of the Convention, thus preventing them from continuing to surrender in large groups to the British and Americans; and also to permit reprisals against Allied prisoners of war because of Allied bombing raids. Doenitz claims that what he meant by " measures " were disciplinary measures against German troops to prevent them from surrendering, and that his words had no reference to measures against the Allies; moreover that this was merely a suggestion, and that in any event no such measures were ever taken, either against Allies or Germans. The Tribunal, however, does not believe this explanation. The Geneva Convention was not, however, denounced by Germany. The defence has introduced several affidavits to prove that British naval prisoners of war in camps under Doenitz's jurisdiction were treated strictly according to the Convention, and the Tribunal takes this fact into consideration, regarding it as a mitigating circumstance.

**Conclusion**

The Tribunal finds Doenitz is not guilty on Count One of the Indictment and is guilty on Counts Two and Three.

The PRESIDENT:

## RAEDER

Raeder is indicted on Counts One, Two and Three. In 1928 he became Chief of Naval Command and in 1935 Oberbefehlshaber der Kriegsmarine (OKM); in 1939 Hitler made him Gross-Admiral. He was a member of the Reich Defence Council. On 30th January, 1943, Doenitz replaced him at his own request, and he became Admiral Inspector of the Navy, a nominal title.



**Crimes against Peace**

In the 15 years he commanded it, Raeder built and directed the German Navy; he accepts full responsibility until retirement in 1943. He admits the Navy violated the Versailles Treaty, insisting it was " a matter of honour for every man " to do so, and alleges that the violations were for the most part minor, and Germany built less than her allowable strength. These violations, as well as those of the Anglo-German Naval Agreement of 1935, have already been discussed elsewhere in this Judgment.

Raeder received the directive of 24th June, 1937, from von Blomberg requiring special preparations for war against Austria. He was one of the five leaders present at the Hoszbach Conference of 5th November, 1937. He claims Hitler merely wished by this conference to spur the Army to faster rearmament, insists he believed the questions of Austria and Czechoslovakia would be settled peacefully, as they were, and points to the new naval treaty with England which had just been signed. He received no orders to speed construction of U-boats, indicating that Hitler was not planning war.

Raeder received directives on " Fall Gruen " and the directives on " Fall Weiss " beginning with that of 3rd April, 1939; the latter directed the Navy to support the Army by intervention from the sea. He was also one of the few chief leaders present at the meeting of 23rd May, 1939. He attended the Obersalzburg briefing of 22nd August, 1939.

The conception of the invasion of Norway first arose in the mind of Raeder and not that of Hitler. Despite Hitler's desire, as shown by his directive of October, 1939, to keep Scandinavia neutral, the Navy examined the advantages of naval bases there as early as October. Admiral Karls originally suggested to Raeder the desirable aspects of bases in Norway. A questionnaire, dated 3rd October, 1939, which sought comments on the desirability of such bases, was circulated within SKL. On 10th October, Raeder discussed the matter with Hitler; his War Diary entry for that day says Hitler intended to give the matter consideration. A few months later Hitler talked to Raeder, Quisling, Keitel and Jodl; OKW began its planning and the Naval War Staff worked with OKW staff officers. Raeder received Keitel's directive for Norway on 27th January, 1940, and the subsequent directive of 1st March, signed by Hitler.

Raeder defends his actions on the ground it was a move to forestall the British. It is not necessary again to discuss this defence, which the Tribunal have heretofore treated in some detail, concluding that Germany's invasion of Norway and Denmark was aggressive war. In a letter to the Navy, Raeder said: " The operations of the Navy in the occupation of Norway will for all time remain the great contribution of the Navy to this war."

Raeder received the directives, including the innumerable postponements, for the attack in the West. In a meeting of 18th March, 1941, with Hitler, he urged the occupation of all Greece. He claims this was only after the British had landed and Hitler had ordered the attack, and points out the Navy had no interest in Greece. He received Hitler's directive on Yugoslavia.

Raeder endeavoured to dissuade Hitler from embarking upon the invasion of the U.S.S.R. In September, 1940, he urged on Hitler an aggressive Mediterranean policy as an alternative to an attack on Russia. On 14th November, 1940, he urged the war against England " as our main enemy " and that submarine and naval air force construction be continued. He voiced " serious objections against the Russian campaign before the defeat of England," according to notes of the German Naval War Staff. He claims his objections were based on the violation of the Non-Aggression Pact as well as

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strategy. But once the decision had been made, he gave permission six days before the invasion of the Soviet Union to attack Russian submarines in the Baltic Sea within a specified warning area and defends this action because these submarines were " snooping " on German activities.

It is clear from this evidence that Raeder participated in the planning and waging of aggressive war.

**War Crimes**

Raeder is charged with war crimes on the high seas. The " Athenia," an unarmed British passenger liner, was sunk on 3rd September, 1939, while outward bound to America. The Germans two months later charged that Mr. Churchill deliberately sank the " Athenia " to encourage American hostility to Germany. In fact, it was sunk by the German U-boat 30. Raeder claims that an inexperienced U-boat commander sank it in mistake for an armed merchant cruiser, that this was not known until the U-30 returned several weeks after the German denial and that Hitler then directed the Navy and Foreign Office to continue denying it. Raeder denied knowledge of the propaganda campaign attacking Mr. Churchill.

The most serious charge against Raeder is that he carried out unrestricted submarine warfare, including sinking of unarmed merchant ships, of neutrals, non-rescue and machine-gunning of survivors, contrary to the London Protocol of 1936. The Tribunal makes the same finding on Raeder on this charge as it did as to Doenitz, which has already been announced, up until 30th January, 1943, when Raeder retired.

The Commando Order of the 18th October, 1942, which expressly did not apply to naval warfare, was transmitted by the Naval War Staff to the lower naval commanders with the direction it should be distributed orally by flotilla leaders and section commanders to their subordinates. Two commandos were put to death by the Navy, and not by the SD, at Bordeaux on the 10th December, 1942, the comment of the Naval War Staff was that this was " in accordance with the Fuehrer's special order, but is nevertheless something new in international law, since the soldiers were in uniform." Raeder admits he passed the order down through the chain of command, and he did not object to Hitler.

**Conclusion**

The Tribunal finds that Raeder is guilty on Counts One, Two, and Three.

General NIKITCHENKO:

## VON SCHIRACH

Von Schirach is indicted under Counts One and Four. He joined the Nazi Party and the SA in 1925. In 1929 he became the Leader of the National Socialist Students Union. In 1931 he was made Reichs Youth Leader of the Nazi Party with control over all Nazi youth organisations including the Hitler Jugend. In 1933, after the Nazis had obtained control of the Government, von Schirach was made Leader of Youth in the German Reich, originally a position within the Ministry of the Interior, but, after 1st December, 1936, an office in the Reich Cabinet. In 1940, von Schirach resigned as head of the Hitler Jugend and Leader of Youth in the German Reich, but retained his position as Reichsleiter with control over Youth Education. In 1940 he was appointed Gauleiter of Vienna, Reichs Governor of Vienna, and Reichs Defence Commissioner for that territory.



**Crimes against Peace**

After the Nazis had come to power von Schirach, utilising both physical violence and official pressure, either drove out of existence or took over all youth groups which competed with the Hitler Jugend. A Hitler decree of 1st December, 1936, incorporated all German youth within the Hitler Jugend. By the time formal conscription was introduced in 1940, 97 per cent. of those eligible were already members.

Von Schirach used the Hitler Jugend to educate German Youth " in the spirit of National Socialism " and subjected them to an intensive programme of Nazi propaganda. He established the Hitler Jugend as a source of replacements for the Nazi Party formations. In October, 1938, he entered into an agreement with Himmler under which members of the Hitler Jugend who met SS standards would be considered as the primary source of replacements for the SS.

Von Schirach also used the Hitler Jugend for pre-military training. Special units were set up whose primary purpose was training specialists for the various branches of the service. On 11th August, 1939, he entered into an agreement with Keitel under which the Hitler Jugend agreed to carry out its premilitary activities under standards laid down by the Wehrmacht and the Wehrmacht agreed to train 30,000 Hitler Jugend instructors each year. The Hitler Jugend placed particular emphasis on the military spirit and its training programme stressed the importance of return of the colonies, the necessity for Lebensraum and the noble destiny of German youth to die for Hitler.

Despite the warlike nature of the activities of the Hitler Jugend, however, it does not appear that von Schirach was involved in the development of Hitler's plan for territorial expansion by means of aggressive war, or that he participated in the planning or preparation of any of the wars of aggression.

**Crimes against Humanity**

In July, 1940, von Schirach was appointed Gauleiter of Vienna. At the same time he was appointed Reichs Governor for Vienna and Reichs Defence Commissioner, originally for Military District 17, including the Gaus of Vienna, Upper Danube and Lower Danube and, after 17th November, 1942, for the Gau of Vienna alone. As Reichs Defence Commissioner, he had control of the civilian war economy. As Reichs Governor he was head of the municipal administration of the city of Vienna, and, under the supervision of the Minister of the Interior, in charge of the governmental administration of the Reich in Vienna.

Von Schirach is not charged with the commission of war crimes in Vienna, only with the commission of crimes against humanity. As has already been seen, Austria was occupied pursuant to a common plan of aggression. Its occupation is, therefore, a " crime within the jurisdiction of the Tribunal," as that term is used in Article 6 (c) of the Charter. As a result, " murder, extermination, enslavement, deportation and other inhumane acts " and " persecutions on political, racial or religious grounds " in connection with this occupation constitute a crime against humanity under that Article.

As Gauleiter of Vienna, von Schirach came under the Sauckel decree dated 6th April, 1942, making the Gauleiters Sauckel's plenipotentiaries for manpower with authority to supervise the utilisation and treatment of manpower within their Gaus. Sauckel's directives provided that the forced labourers were to be fed, sheltered and treated so as to exploit them to the highest possible degree at the lowest possible expense.

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When von Schirach became Gauleiter of Vienna the deportation of the Jews had already been begun, and only 60,000 out of Vienna's original 190,000 Jews remained. On 2nd October, 1940, he attended a conference at Hitler's office and told Frank that he had 50,000 Jews in Vienna which the General Government would have to take over from him. On 3rd December, 1940, von Schirach received a letter from Lammers stating that after the receipt of the reports made by von Schirach, Hitler had decided to deport the 60,000 Jews still remaining in Vienna to the General Government because of the housing shortage in Vienna. The deportation of the Jews from Vienna was then begun and continued until the early fall of 1942. On 15th September, 1942, von Schirach made a speech in which he defended his action in having driven " tens of thousands upon tens of thousands of Jews into the Ghetto of the East " as " contributing to European culture."

While the Jews were being deported from Vienna reports, addressed to him in his official capacity, were received in von Schirach's office from the office of the Chief of the Security Police and SD which contained a description of the activities of Einsatzgruppen in exterminating Jews. Many of these reports were initialled by one of von Schirach's principal deputies. On 30th June, 1944, von Schirach's office also received a letter from Kaltenbrunner informing him that a shipment of 12,000 Jews was on its way to Vienna for essential war work and that all those who were incapable of work would have to be kept in readiness for " special action."

The Tribunal finds that von Schirach, while he did not originate the policy of deporting Jews from Vienna, participated in this deportation after he had become Gauleiter of Vienna. He knew that the best the Jews could hope for was a miserable existence in the Ghettoes of the East. Bulletins describing the Jewish extermination were in his office.

While Gauleiter of Vienna, von Schirach continued to function as Reichsleiter for Youth Education and in this capacity he was informed of the Hitler Jugend's participation in the plan put into effect in the fall of 1944 under which 50,000 young people between the ages of 10 and 20 were evacuated into Germany from areas recaptured by the Soviet forces and used as apprentices in German industry and as auxiliaries in units of the German armed forces. In the summer of 1942, von Schirach telegraphed Bormann urging that a bombing attack on an English cultural town be carried out in retaliation for the assassination of Heydrich which, he claimed, had been planned by the British.

**Conclusion**

The Tribunal finds that von Schirach is not guilty on Count One. He is guilty under Count Four.

Mr. BIDDLE:

## SAUCKEL

Sauckel is indicted under all four counts. Sauckel joined the Nazi Party in 1923, and became Gauleiter of Thuringia in 1927. He was a member of the Thuringian legislature from 1927 to 1933, was appointed Reichsstatthalter for Thuringia in 1932, and Thuringian Minister of the Interior and Head of the Thuringian State Ministry in May 1933. He became a member of the Reichstag in 1933. He held the formal rank of Obergruppenfuehrer in both the SA and the SS.

**Crimes against Peace**

The evidence has not satisfied the Tribunal that Sauckel was sufficiently connected with the common plan to wage aggressive war or sufficiently



involved in the planning or waging of the aggressive wars to allow the Tribunal to convict him on Counts One and Two.

**War Crimes and Crimes against Humanity**

On 21st March, 1942, Hitler appointed Sauckel Plenipotentiary General for the Utilisation of Labour, with authority to put under uniform control " the utilisation of all available manpower, including that of workers recruited abroad and of prisoners of war ". Sauckel was instructed to operate within the fabric of the Four Year Plan, and on 27th March, 1942, Goering issued a decree as Commissioner for the Four Year Plan transferring his manpower sections to Sauckel. On 30th September, 1942, Hitler gave Sauckel authority to appoint Commissioners in the various occupied territories, and " to take all necessary measures for the enforcement " of the decree of 21st March, 1942.

Under the authority which he obtained by these decrees, Sauckel set up a programme for the mobilisation of the labour resources available to the Reich. One of the important parts of this mobilisation was the systematic exploitation, by force, of the labour resources of the occupied territories. Shortly after Sauckel had taken office, he had the governing authorities in the various occupied territories issue decrees, establishing compulsory labour service in Germany. Under the authority of these decrees Sauckel's Commissioners, backed up by the police authorities of the occupied territories, obtained and sent to Germany the labourers which were necessary to fill the quotas given them by Sauckel. He described so-called " voluntary " recruiting by Janates " a whole batch of male and female agents just as was done in the olden times for shanghaiing ". That real voluntary recruiting was the exception rather than the rule is shown by Sauckel's statement on 1st March, 1944, that " out of five million foreign workers who arrived in Germany not even 200,000 came voluntarily ". Although he now claims that the statement is not true, the circumstances under which it was made, as well as the evidence presented before the Tribunal, leave no doubt that it was substantially accurate.

The manner in which the unfortunate slave labourers were collected and transported to Germany, and what happened to them after they arrived, has already been described. Sauckel argues that he is not responsible for these excesses in the administration of the programme. He says that the total number of workers to be obtained was set by the demands from agriculture and from industry; that obtaining the workers was the responsibility of the occupation authorities, transporting them to Germany that of the German railways, and taking care of them in Germany that of the Ministries of Labour and Agriculture, the German Labour Front and the various industries involved. He testifies that insofar as he had any authority he was constantly urging humane treatment.

There is no doubt, however, that Sauckel had over-all responsibility for the slave labour programme. At the time of the events in question he did not fail to assert control over the fields which he now claims were the sole responsibility of others. His regulations provided that his Commissioners should have authority for obtaining labour, and he was constantly in the field supervising the steps which were being taken. He was aware of ruthless methods being taken to obtain labourers, and vigorously supported them on the ground that they were necessary to fill the quotas.

Sauckel's regulations also provided that he had responsibility for transporting the labourers to Germany, allocating them to employers and taking care of them, and that the other agencies involved in these processes were

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subordinate to him. He was informed of the bad conditions which existed. It does not appear that he advocated brutality for its own sake, or was an advocate of any programme such as Himmler's plan for extermination through work. His attitude was thus expressed in a regulation:

" All the men must be fed, sheltered and treated in such a way as to exploit them to the highest possible extent at the lowest conceivable degree of expenditure."

The evidence shows that Sauckel was in charge of a programme which involved deportation for slave labour of more than 5,000,000 human beings, many of them under terrible conditions of cruelty and suffering.

**Conclusion**

The Tribunal finds that Sauckel is not guilty on Counts One and Two. He is guilty under Counts Three and Four.

M. De Vabres:

## JODL

Jodl is indicted on all four counts. From 1935 to 1938 he was chief of the National Defence Section in the High Command. After a year in command of troops in August, 1939, he returned to become Chief of the Operations Staff of the High Command of the Armed Forces. Although his immediate superior was defendant Keitel, he reported directly to Hitler on operational matters. In the strict military sense, Jodl was the actual planner of the war and responsible in large measure for the strategy and conduct of operations.

Jodl defends himself on the ground he was a soldier sworn to obedience, and not a politician; and that his staff and planning work left him no time for other matters. He said that when he signed or initialled orders, memoranda and letters, he did so for Hitler and often in the absence of Keitel. Though he claims that as a soldier he had to obey Hitler, he says that he often tried to obstruct certain measures by delay, which occasionally proved successful as when he resisted Hitler's demand that a directive be issued to lynch allied " terror fliers."

**Crimes against Peace**

Entries in Jodl's diary of 13th and 14th February, 1938, show Hitler instructed both him and Keitel to keep up military pressure against Austria begun at the Schuschnigg conference by simulating military measures, and that these achieved their purpose. When Hitler decided " not to tolerate " Schuschnigg's plebiscite, Jodl brought to the conference the "old draft," the existing staff plan. His diary for 10th March shows Hitler then ordered the preparation of " Case Otto ", and the directive was initialled by Jodl. Jodl issued supplementary instructions on 11th March, and initialled Hitler's order for the invasion on the same date.

In planning the attack on Czechoslovakia, Jodl was very active, according to the Schmundt Notes. He initialled items 14, 17, 24, 36 and 37 in the Notes. Jodl admits he agreed with OKH that the " incident " to provide German intervention must occur at the latest by 2 p.m. on X-1 Day, the day before the attack, and said it must occur at a fixed time in good flying weather. Jodl conferred with the propaganda experts on " imminent common tasks " such as German violations of international law, exploitation of them by the enemy and refutations by the Germans, which " task " Jodl considered " particularly important."



After Munich, Jodl wrote:

" Czechoslovakia as a power is out . . . The genius of the Fuehrer and his determination not to shun even a World War have again won the victory without the use of force. The hope remains that the incredulous, the weak and the doubtful people have been converted and will remain that way."

Shortly after the Sudeten occupation, Jodl went to a post command and did not become Chief of the Operations Staff in OKW until the end of August, 1939.

Jodl discussed the Norway invasion with Hitler, Keitel and Raeder on 12th December, 1939; his diary is replete with late entries on his activities in preparing this attack. Jodl explains his comment that Hitler was still looking for an " excuse " to move meant that he was waiting for reliable intelligence on the British plans, and defends the invasion as a necessary move to forestall them. His testimony shows that from October, 1939, Hitler planned to attack the West through Belgium, but was doubtful about invading Holland until the middle of November. On 8th February, 1940, Jodl, his deputy Warlimont, and Jeschonnek, the air forces planner, discussed among themselves the " new idea " of attacking Norway, Denmark and Holland, but guaranteeing the neutrality of Belgium. Many of the 17 orders postponing the attack in the West for various reasons including weather conditions, until May, 1940, were signed by Jodl.

He was active in the planning against Greece and Yugoslavia. The Hitler order of 11th January, 1941, to intervene in Albania was initialled by Jodl. On 20th January, four months before the attack, Hitler told a conference of German and Italian generals in Jodl's presence that German troop concentrations in Roumania were to be used against Greece. Jodl was present on 18th March when Hitler told Raeder all Greece must be occupied before any settlement could be reached. On 27th March when Hitler told the German High Command that the destruction of Yugoslavia should be accomplished with " unmerciful harshness," and the decision was taken to bomb Belgrade without a declaration of war, Jodl was also there.

Jodl testified that Hitler feared an attack by Russia and so attacked first. This preparation began almost a year before the invasion. Jodl told Warlimont as early as 29th July, 1940, to prepare the plans since Hitler had decided to attack; and Hitler later told Warlimont he had planned to attack in August, 1940, but postponed it for military reasons. He initialled Hitler's directive of 12th November, 1940, according to which preparations verbally ordered should be continued and also initialled " Case Barbarossa " on 18th December. On 3rd February, 1941, Hitler, Jodl and Keitel discussed the invasion, and he was present on 14th June when final reports on " Case Barbarossa " were made.

**War Crimes and Crimes against Humanity**

On 18th October, 1942, Hitler issued the Commando Order and a day later a supplementary explanation to commanding officers only. The covering memorandum was signed by Jodl. Early drafts of the order were made by Jodl's staff, with his knowledge. Jodl testified he was strongly opposed on moral and legal grounds, but could not refuse to pass it on. He insists he tried to mitigate its harshness in practice by not informing Hitler when it was not carried out. He initialled the OKW memorandum of 25th June, 1944, reaffirming the Order after the Normandy landings.

A plan to eliminate Soviet commissars was in the directive for " Case Barbarossa ". The decision whether they should be killed without trial

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was to be made by an officer. A draft contains Jodl's handwriting suggesting this should be handled as retaliation, and he testified this was his attempt to get around it.

When in 1945 Hitler considered denouncing the Geneva Convention, Jodl argued the disadvantages outweighed the advantages. On 21st February, he told Hitler adherence to the Convention would not interfere with the conduct of the war, giving as an example the sinking of a British hospital ship as a reprisal and calling it a mistake. He said he did so because it was the only attitude Hitler would consider, that moral or legal arguments had no effect and argues he thus prevented Hitler from denouncing the Convention.

There is little evidence that Jodl was actively connected with the slave labour programme, and he must have concentrated on his stategic planning function. But in his speech of 7th November, 1943, to the Gauleiters he said it was necessary to act " with remorseless vigour and resolution " in Denmark, France and the Low Countries to compel work on the Atlantic Wall.

By teletype of 28th October, 1944, Jodl ordered the evacuation of all persons in Northern Norway and the burning of their houses so they could not help the Russians. Jodl says he was against this, but Hitler ordered it and it was not fully carried out. A document of the Norwegian Government says such an evacuation did take place in Northern Norway and 30,000 houses were damaged. On 7th October, 1941, Jodl signed an order that Hitler would not accept an offer of surrender of Leningrad or Moscow, but on the contrary he insisted that they be completely destroyed. He says this was done because the Germans were afraid those cities would be mined by the Russians as was Kiev. No surrender was ever offered.

His defence, in brief, is the doctrine of " superior orders ", prohibited by Article 8 of the Charter as a defence. There is nothing in mitigation. Participation in such crimes as these has never been required of any soldier and he cannot now shield himself behind a mythical requirement of soldierly obedience at all costs as his excuse for commission of these crimes.

**Conclusion**

The Tribunal finds that Jodl is guilty on all four counts.

THE PRESIDENT:

## VON PAPEN

Von Papen is indicted under Counts One and Two. He was appointed Chancellor of the Reich on 1st June, 1932, and was succeeded by von Schleicher on 2nd December, 1932. He was made Vice Chancellor in the Hitler Cabinet on 30th January, 1933, and on 13th November, 1933, Plenipotentiary for the Saar. On 26th July, 1934, he was appointed Minister to Vienna, and was recalled on 4th February, 1938. On 29th April, 1939, he was appointed Ambassador to Turkey. He returned to Germany when Turkey broke off diplomatic relations with Germany in August, 1944.

**Crimes against Peace**

Von Papen was active in 1932 and 1933 in helping Hitler to form the Coalition Cabinet and aided in his appointment as Chancellor on 30th January, 1933. As Vice Chancellor in that Cabinet he participated in the Nazi consolidation of control in 1933. On 16th June, 1934, however, von Papen made a speech at Marburg which contained a denunciation of the Nazi attempts to suppress the free press and the church, of the existence of a reign of terror, and of " 150 per cent Nazis " who were mistaking



" brutality for vitality ". On 30th June, 1934, in the wave of violence which accompanied the so-called Roehm Purge, von Papen was taken into custody by the SS, his office force was arrested, and two of his associates, including the man who had helped him work on the Marburg speech, were murdered. Von Papen was released on 3rd July, 1934.

Notwithstanding the murder of his associates, von Papen accepted the position of Minister to Austria on 26th July, 1934, the day after Dollfuss had been assassinated. His appointment was announced in a letter from Hitler which instructed him to direct relations between the two countries " into normal and friendly channels " and assured him of Hitler's " complete and unlimited confidence ". As Minister to Austria, von Papen was active in trying to strengthen the position of the Nazi Party in Austria for the purpose of bringing about Anschluss. In early 1935 he attended a meeting in Berlin at which the policy was laid down to avoid everything which would give the appearance of German intervention in the internal affairs of Austria. Yet he arranged for 200,000 marks a month to be transmitted to " the persecuted National Socialist sufferers in Austria ". On 17th May, 1935, he reported to Hitler the results of a conference with Captain Leopold, the Leader of the Austrian Nazis, and urged Hitler to make a statement recognising the national independence of Austria, and predicting that the result might be to help the formation of a coalition between Schuschnigg's Christian Socialists and the Austrian Nazis against Starhemberg. On 27th July, 1935, von Papen reported to Hitler that the union of Austria and Germany could not be brought about by external pressure but only by the strength of the National Socialist Movement. He urged that the Austrian Nazi Party change its character as a centralised Reich German Party and become a rallying point for all National Germans.

Von Papen was involved in occasional Nazi political demonstrations, supported Nazi propaganda activities and submitted detailed reports on the activities of the Nazi Party, and routine reports relating to Austrian military defences. His Austrian policy resulted in the agreement of 11th July, 1936, which nominally restored relations between Germany and Austria to " normal and friendly form ", but which had a secret supplement providing for an amnesty for Austrian Nazis, the lifting of censorship on Nazi papers, the resumption of political activities by Nazis and the appointment of men friendly to the Nazis in the Schuschnigg Cabinet.

After the signing of this agreement von Papen offered to resign but his resignation was not accepted. Thereafter he proceeded to bring continued pressure on the Austrian Government to bring Nazis into the Schuschnigg Cabinet and to get them important positions in the Fatherland Front, Austria's single legal party. On 1st September, 1936, von Papen wrote Hitler advising him that anti-Nazis in the Austrian Ministry of Security were holding up the infiltration of the Nazis into the Austrian Government and recommended bringing " slowly intensified pressure directed at changing the régime ".

On 4th February, 1938, von Papen was notified of his recall as Minister to Austria, at the same time that von Fritsch, von Blomberg and von Neurath were removed from their positions. He informed Hitler that he regretted his recall because he had been trying since November, 1937, to induce Schuschnigg to hold a conference with Hitler and Schuschnigg had indicated his willingness to do so. Acting under Hitler's instructions, von Papen then returned to Austria and arranged the conference which was held at Berchtesgaden on 12th February, 1938. Von Papen accompanied Schuschnigg to that conference, and at its conclusion advised Schuschnigg to comply with Hitler's demands. On 10th March, 1938, Hitler ordered von Papen to return to Berlin. Von Papen was in the Chancellery on 11th March when the occupation of Austria

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was ordered. No evidence has been offered showing that von Papen was in favour of the decision to occupy Austria by force, and he has testified that he urged Hitler not to take this step.

After the annexation of Austria von Papen retired into private life and there is no evidence that he took any part in politics. He accepted the position of Ambassador to Turkey in April 1939 but no evidence had been offered concerning his activities in that position implicating him in crimes.

The evidence leaves no doubt that von Papen's primary purpose as Minister to Austria was to undermine the Schuschnigg régime and strengthen the Austrian Nazis for the purpose of bringing about Anschluss. To carry through this plan he engaged in both intrigue and bullying. But the Charter does not make criminal such offences against political morality, however bad these may be. Under the Charter von Papen can be held guilty only if he was a party to the planning of aggressive war. There is no showing that he was a party to the plans under which the occupation of Austria was a step in the direction of further aggressive action, or even that he participated in plans to occupy Austria by aggressive war if necessary. But it is not established beyond a reasonable doubt that this was the purpose of his activity, and therefore the Tribunal cannot hold that he was a party to the common plan charged in Count One or participated in the planning of the aggressive wars charged under Count Two.

**Conclusion**

The Tribunal finds that von Papen is not guilty under this Indictment, and directs that he shall be discharged by the Marshal, when the Tribunal presently adjourns.

Major General NIKITCHENKO:

## SEYSS-INQUART

Seyss-Inquart is indicted under all Four Counts. Seyss-Inquart, an Austrian attorney, was appointed State Councillor in Austria in May, 1937, as a result of German pressure. He had been associated with the Austrian Nazi Party since 1931, but had often had difficulties with that Party and did not actually join the Nazi Party until 13th March, 1938. He was appointed Austrian Minister of Security and Interior with control over the police pursuant to one of the conditions which Hitler had imposed on Schuschnigg in the Berchtesgaden conference of 12th February, 1938.

**Activities in Austria**

Seyss-Inquart participated in the last stages of the Nazi intrigue which preceded the German occupation of Austria, and was made Chancellor of Austria as a result of German threats of invasion.

On 12th March, 1938, Seyss-Inquart met Hitler at Linz and made a speech welcoming the German forces and advocating the reunion of Germany and Austria. On 13th March, he obtained the passage of a law providing that Austria should become a province of Germany and succeeded Miklas as President of Austria when Miklas resigned rather than sign the law. Seyss-Inquart's title was changed to Reichs Governor of Austria on 15th March, 1938, and on the same day he was given the title of a General in the SS. He was made a Reichs Minister without Portfolio on 1st May, 1939.

On 11th March, 1939, he visited the Slovakian Cabinet in Bratislava and induced them to declare their independence in a way which fitted in closely with Hitler's offensive against the independence of Czechoslovakia.



As Reichs Governor of Austria, Seyss-Inquart instituted a programme of confiscating Jewish property. Under his régime Jews were forced to emigrate, were sent to concentration camps and were subject to pogroms. At the end of his régime he cooperated with the Security Police and SD in the deportation of Jews from Austria to the East. While he was Governor of Austria, political opponents of the Nazis were sent to concentration camps by the Gestapo, mistreated and often killed.

**Criminal Activities in Poland and the Netherlands**

In September, 1939, Seyss-Inquart was appointed Chief of Civil Administration of South Poland. On 12th October, 1939, Seyss-Inquart was made Deputy Governor General of the General Government of Poland under Frank. On 18th May, 1940, Seyss-Inquart was appointed Reichs Commissioner for occupied Netherlands. In these positions he assumed responsibility for governing territory which had been occupied by aggressive wars and the administration of which was of vital importance in the aggressive war being waged by Germany.

As Deputy Governor General of the General Government of Poland, Seyss-Inquart was a supporter of the harsh occupation policies which were put in effect. In November, 1939, while on an inspection tour through the General Government, Seyss-Inquart stated that Poland was to be so administered as to exploit its economic resources for the benefit of Germany. Seyss-Inquart also advocated the persecution of Jews and was informed of the beginning of the AB action which involved the murder of many Polish intellectuals.

As Reichs Commissioner for Occupied Netherlands, Seyss-Inquart was ruthless in applying terrorism to suppress all opposition to the German occupation, a programme which he described as "annihilating" his opponents. In collaboration with the local Hitler SS and Police Leaders he was involved in the shooting of hostages for offences against the occupation authorities and sending to concentration camps all suspected opponents of occupation policies including priests and educators. Many of the Dutch police were forced to participate in these programmes by threats of reprisal against their families. Dutch courts were also forced to participate in this programme, but when they indicated their reluctance to give sentences of imprisonment because so many prisoners were in fact killed, a greater emphasis was placed on the use of summary police courts.

Seyss-Inquart carried out the economic administration of the Netherlands without regard for rules of the Hague Convention which he described as obsolete. Instead, a policy was adopted for the maximum utilisation of economic potential of the Netherlands, and executed with small regard for its effect on the inhabitants. There was widespread pillage of public and private property which was given colour of legality by Seyss-Inquart's regulations, and assisted by manipulations of the financial institutions of the Netherlands under his control.

As Reichs Commissioner for the Netherlands, Seyss-Inquart immediately began sending forced labourers to Germany. Up until 1942, labour service in Germany was theoretically voluntary, but was actually coerced by strong economic and governmental pressure. In 1942, Seyss-Inquart formally decreed compulsory labour service, and utilised the services of the Security Police and SD to prevent evasion of his order. During the occupation over 500,000 people were sent from the Netherlands to the Reich as labourers and only a very small proportion were actually volunteers.

One of Seyss-Inquart's first steps as Reich Commissioner of the Netherlands was to put into effect a series of laws imposing economic discriminations against the Jews. This was followed by decrees requiring their registration,

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decrees compelling them to reside in Ghettos and to wear the Star of David, sporadic arrests and detention in concentration camps, and finally, at the suggestion of Heydrich, the mass deportation of almost 120,000 of Holland's 140,000 Jews to Auschwitz and the "final solution." Seyss-Inquart admits knowing that they were going to Auschwitz but claims that he heard from people who had been to Auschwitz that the Jews were comparatively well off there, and that he thought that they were being held there for resettlement after the war. In light of the evidence and on account of his official position it is impossible to believe this claim.

Seyss-Inquart contends that he was not responsible for many of the crimes committed in the occupation of the Netherlands because they were either ordered from the Reich, committed by the Army, over which he had no control, or by the German Higher SS and Police Leader, who, he claims, reported directly to Himmler. It is true that some of the excesses were the responsibility of the Army, and that the Higher SS and Police Leader, although he was at the disposal of Seyss-Inquart, could always report directly to Himmler. It is also true that in certain cases Seyss-Inquart opposed the extreme measures used by these other agencies, as when he was largely successful in preventing the Army from carrying out a scorched earth policy, and urged the Higher SS and Police Leaders to reduce the number of hostages to be shot. But the fact remains that Seyss-Inquart was a knowing and voluntary participant in war crimes and crimes against humanity which were committed in the occupation of the Netherlands.

**Conclusion**

The Tribunal finds that Seyss-Inquart is guilty under Counts Two, Three and Four. Seyss-Inquart is not guilty on Count One.

MR. BIDDLE:

## SPEER

Speer is indicted under all Four Counts. Speer joined the Nazi Party in 1932. In 1934 he was made Hitler's architect and became a close personal confidant. Shortly thereafter he was made a Department Head in the German Labour Front and the official in charge of Capital Construction on the staff of the Deputy to the Fuehrer, positions which he held through 1941. On 15th February, 1942, after the death of Fritz Todt, Speer was appointed Chief of the Organisation Todt and Reich Minister for Armaments and Munitions (after 2nd September, 1943, for Armaments and War Production). The positions were supplemented by his appointments in March and April, 1942, as General Plenipotentiary for Armaments and as a member of the Central Planning Board, both within the Four Year Plan. Speer was a member of the Reichstag from 1941 until the end of the war.

**Crimes against Peace**

The Tribunal is of opinion that Speer's activities do not amount to initiating, planning, or preparing wars of aggression, or of conspiring to that end. He became the head of the armament industry well after all of the wars had been commenced and were under way. His activities in charge of German Armament Production were in aid of the war effort in the same way that other productive enterprises aid in the waging of war; but the Tribunal is not prepared to find that such activities involve engaging in the common plan to wage aggressive war as charged under Count I or waging aggressive war as charged under Count II.



**War Crimes and Crimes against Humanity**

The evidence introduced against Speer under Counts Three and Four relates entirely to his participation in the slave labour programme. Speer himself had no direct administrative responsibility for this programme. Although he had advocated the appointment of a General Plenipotentiary for the Utilisation of Labour because he wanted one central authority with whom he could deal on labour matters, he did not obtain administrative control over Sauckel. Sauckel was appointed directly by Hitler, under the decree of 21st March, 1942, which provided that he should be directly responsible to Goering, as Plenipotentiary of the Four-Year Plan.

As Reich Minister for Armaments and Munitions and General Plenipotentiary for Armaments under the Four-Year Plan, Speer had extensive authority over production. His original authority was over construction and production of arms for the OKH. This was progressively expanded to include naval armaments, civilian production and finally, on 1st August, 1944, air armament. As the dominant member of the Central Planning Board, which had supreme authority for the scheduling of German production and the allocation and development of raw materials, Speer took the position that the Board had authority to instruct Sauckel to provide labourers for industries under its control and succeeded in sustaining this position over the objection of Sauckel. The practice was developed under which Speer transmitted to Sauckel an estimate of the total number of workers needed. Sauckel obtained the labour and allocated it to the various industries in accordance with instructions supplied by Speer.

Speer knew when he made his demands on Sauckel that they would be supplied by foreign labourers serving under compulsion. He participated in conferences involving the extension of the slave labour programme for the purpose of satisfying his demands. He was present at a conference held during 10th August and 12th August, 1942, with Hitler and Sauckel at which it was agreed that Sauckel should bring labourers by force from occupied territories where this was necessary to satisfy the labour needs of the industries under Speer's control. Speer also attended a conference in Hitler's headquarters on 4th January, 1944, at which the decision was made that Sauckel should obtain "at least 4 million new workers from occupied territories" in order to satisfy the demands for labour made by Speer, although Sauckel indicated that he could do this only with help from Himmler.

Sauckel continually informed Speer and his representatives that foreign labourers were being obtained by force. At a meeting on 1st March, 1944, Speer's deputy questioned Sauckel very closely about his failure to live up to the obligation to supply four million workers from occupied territories. In some cases Speer demanded labourers from specific foreign countries. Thus, at the conference 10th-12th August, 1942, Sauckel was instructed to supply Speer with "a further million Russian labourers for the German armament industry up to and including October, 1942." At a meeting of the Central Planning Board on 22nd April, 1943, Speer discussed plans to obtain Russian labourers for use in the coal mines, and flatly vetoed the suggestion that this labour deficit should be made up by German labour.

Speer has argued that he advocated the reorganisation of the labour programme to place a greater emphasis on utilisation of German labour in war production in Germany and on the use of labour in occupied countries in local production of consumer goods formerly produced in Germany. Speer took steps in this direction by establishing the so-called "blocked industries" in the occupied territories which were used to produce goods to be shipped to

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Germany. Employees of these industries were immune from deportation to Germany as slave labourers and any worker who had been ordered to go to Germany could avoid deportation if he went to work for a blocked industry. This system, although somewhat less inhumane than deportation to Germany, was still illegal. The system of blocked industries played only a small part in the over-all slave labour programme knowing the way in which it was actually being administered. In an official sense, he was its principal beneficiary and he constantly urged its extension.

Speer was also directly involved in the utilisation of forced labour as Chief of the Organisation Todt. The Organisation Todt functioned principally in the occupied areas on such projects as the Atlantic Wall and the construction of military highways, and Speer has admitted that he relied on compulsory service to keep it adequately staffed. He also used concentration camp labour in the industries under his control. He originally arranged to tap this source of labour for use in small out of the way factories; and later, fearful of Himmler's jurisdictional ambitions, attempted to use as few concentration camp workers as possible.

Speer was also involved in the use of prisoners of war in armament industries but contends that he only utilised Soviet prisoners of war in industries covered by the Geneva Convention.

Speer's position was such that he was not directly concerned with the cruelty in the administration of the slave labour programme, although he was aware of its existence. For example, at meetings of the Central Planning Board he was informed that his demands for labour were so large as to necessitate violent methods in recruiting. At a meeting of the Central Planning Board on 30th October, 1942, Speer voiced his opinion that many slave labourers who claimed to be sick were malingerers and stated: " There is nothing to be said against SS and Police taking drastic steps and putting those known as slackers into concentration camps." Speer, however, insisted that the slave labourers be given adequate food and working conditions so that they could work efficiently.

In mitigation it must be recognised that Speer's establishment of blocked industries did keep many labourers in their homes and that in the closing stages of the war he was one of the few men who had the courage to tell Hitler that the war was lost and to take steps to prevent the senseless destruction of production facilities, both in occupied territories and in Germany. He carried out his opposition to Hitler's scorched earth programme in some of the Western countries and in Germany by deliberately sabotaging it at considerable personal risk.

**Conclusion**

The Tribunal finds that Speer is not guilty on Counts One and Two, but is guilty under Counts Three and Four.

M. DE VABRES:

## VON NEURATH

Von Neurath is indicted under all Four Counts. He is a professional diplomat who served as German Ambassador to Great Britain from 1930 to 1932. On 2nd June, 1932, he was appointed Minister of Foreign Affairs in the von Papen cabinet, a position which he held under the cabinets of von Schleicher and Hitler. Von Neurath resigned as Minister of Foreign Affairs on 4th February, 1938, and was made Reichs Minister without Portfolio, President of the Secret Cabinet Council and a member of the Reich



Defence Council. On 18th March, 1939, he was appointed Reich Protector for Bohemia and Moravia, and served in this capacity until 27th September, 1941. He held the formal rank of Obergruppenfuehrer in the SS.

**Crimes against Peace**

As Minister of Foreign Affairs, von Neurath advised Hitler in connection with the withdrawal from the Disarmament Conference and the League of Nations on 14th October, 1933; the institution of rearmament; the passage on 16th March, 1935, of the law for universal military service; and the passage on 21st May, 1935, of the secret Reich Defence Law. He was a key figure in the negotiation of the Naval Accord entered into between Germany and England on 18th June, 1935. Von Neurath played an important part in Hitler's decision to reoccupy the Rhineland on 7th March, 1936, and predicted that the occupation could be carried through without any reprisals from the French. On 18th May, 1936, he told the American Ambassador to France that it was the policy of the German Government to do nothing in foreign affairs until " the Rhineland had been digested ", and that as soon as the fortifications in the Rhineland had been constructed and the countries of Central Europe realised that France could not enter Germany at will, " all those countries will begin to feel very differently about their foreign policies and a new constellation will develop."

Von Neurath took part in the Hoszbach conference of 5th November, 1937. He has testified that he was so shocked by Hitler's statements that he had a heart attack. Shortly thereafter, he offered to resign, and his resignation was accepted on 4th February, 1938, at the same time that von Fritsch and von Blomberg were dismissed. Yet with knowledge of Hitler's aggressive plans he retained a formal relationship with the Nazi régime as Reichs Minister without Portfolio, President of the Secret Cabinet Council and a member of the Reichs Defence Council. He took charge of the Foreign Office at the time of the occupation of Austria, assured the British Ambassador that this had not been caused by a German ultimatum, and informed the Czechoslovakian Minister that Germany intended to abide by its arbitration convention with Czechoslovakia. Von Neurath participated in the last phase of the negotiations preceding the Munich Pact but contends that he entered these discussions only to urge Hitler to make every effort to settle the issues by peaceful means.

**Criminal Activities in Czechoslovakia**

Von Neurath was appointed Reichs Protector for Bohemia and Moravia on 18th March, 1939. Bohemia and Moravia were occupied by military force. Hacha's consent, obtained as it was by duress, cannot be considered as justifying the occupation. Hitler's decree of 16th March, 1939, establishing the Protectorate, stated that this new territory should " belong henceforth to the territory of the German Reich ", an assumption that the Republic of Czechoslovakia no longer existed. But it also went on the theory that Bohemia and Moravia retained their sovereignty subject only to the interests of Germany as expressed by the Protectorate. Therefore even if the doctrine of subjugation should be considered to be applicable to territory occupied by aggressive action, the Tribunal does not believe that this Proclamation amounted to an incorporation which was sufficient to bring the doctrine into effect. The occupation of Bohemia and Moravia must therefore be considered a military occupation covered by the rules of warfare. Although Czechoslovakia was not a party to the Hague Convention of 1907, the rules of land warfare expressed in this Convention are declaratory of existing international law and hence are applicable.

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As Reichs Protector, von Neurath instituted an administration in Bohemia and Moravia similar to that in effect in Germany. The free press, political parties and trade unions were abolished. All groups which might serve as opposition were outlawed. Czechoslovakian industry was worked into the structure of German war production, and exploited for the German war effort. Nazi anti-Semitic policies and laws were also introduced. Jews were barred from leading positions in Government and business.

In August, 1939, von Neurath issued a proclamation warning against any acts of sabotage and stating that " the responsibility for all acts of sabotage is attributed not only to individual perpetrators but to the entire Czech population." When the war broke out on 1st September, 1939, 8,000 prominent Czechs were arrested by the Security Police in Bohemia and Moravia and put into protective custody. Many of this group died in concentration camps as a result of mistreatment.

In October and November, 1939, Czechoslovakian students held a series of demonstrations. As a result, on Hitler's orders, all universities were closed, 1,200 students imprisoned, and the nine leaders of the demonstration shot by Security Police and SD. Von Neurath testified that he was not informed of this action in advance, but it was announced by proclamation over his signature posted on placards throughout the Protectorate, which he claims, however, was done without his authority.

On 31st August, 1940, von Neurath transmitted to Lammers a memorandum which he had prepared dealing with the future of the Protectorate, and a memorandum with his approval prepared by Carl Herman Frank on the same subject. Both dealt with the question of Germanisation and proposed that the majority of the Czechs might be assimilated racially into the German nation. Both advocated the elimination of the Czechoslovakian intelligentsia and other groups which might resist Germanisation, von Neurath's by expulsion, Frank's by expulsion or " special treatment."

Von Neurath has argued that the actual enforcement of the repressive measures was carried out by the Security Police and SD who were under the control of his State Secretary, Carl Herman Frank, who was appointed at the suggestion of Himmler and who, as a Higher SS and Police Leader, reported directly to Himmler. Von Neurath further argues that anti-Semitic measures and those resulting in economic exploitation were put into effect in the Protectorate as the result of policies decided upon in the Reich. However this may be, he served as the chief German official in the Protectorate when the administration of this territory played an important rôle in the wars of aggression which Germany was waging in the East knowing that war crimes and crimes against humanity were being committed under his authority.

In mitigation it must be remembered that von Neurath did intervene with the Security Police and SD for the release of many of the Czechoslovaks who were arrested on 1st September, 1939, and for the release of students arrested later in the fall. On 23rd September, 1941, he was summoned before Hitler and told that he was not being harsh enough and that Heydrich was being sent to the Protectorate to combat the Czechoslovakian resistance groups. Von Neurath attempted to dissuade Hitler from sending Heydrich, but in vain, and when he was not successful offered to resign. When his resignation was not accepted he went on leave, on 27th September, 1941, and refused to act as Protector after that date. His resignation was formally accepted in August, 1943.

**Conclusion**

The Tribunal finds that von Neurath is guilty under all four Counts.



## FRITZSCHE

Fritszche is indicted on Counts One, Three and Four. He was best known as a radio commentator, discussing once a week the events of the day on his own programme, " Hans Fritzsche Speaks." He began broadcasting in September, 1932; in the same year he was made the head of the Wireless News Service, a Reich Government agency. When on 1st May, 1933, this agency was incorporated by the National Socialists into their Reich Ministry of Popular Enlightenment and Propaganda, Fritzsche became a member of the Nazi Party and went to that Ministry. In December, 1938, he became head of the Home Press Division of the Ministry; in October, 1942, he was promoted to the rank of Ministerial Director. After serving briefly on the Eastern Front in a propaganda company, he was, in November, 1942, made head of the Radio Division of the Propaganda Ministry and Plenipotentiary for the Political Organisation of the Greater German Radio.

**Crimes against Peace**

As head of the Home Press Division, Fritzsche supervised the German press of 2,300 daily newspapers. In pursuance of this function he held daily press conferences to deliver the directives of the Propaganda Ministry to these papers. He was, however, subordinate to Dietrich, the Reich Press Chief, who was in turn a subordinate of Goebbels. It was Dietrich who received the directives to the press of Goebbels and other Reich Ministers, and prepared them as instructions, which he then handed to Fritzsche for the press.

From time to time, the " Daily Paroles of the Reich Press Chief " as these instructions were labelled, directed the press to present to the people certain themes, such as the leadership principle, the Jewish problem, the problem of living space, or other standard Nazi ideas. A vigorous propaganda campaign was carried out before each major act of aggression. While Fritzsche headed the Home Press Division, he instructed the press how the actions or wars against Bohemia and Moravia, Poland, Yugoslavia, and the Soviet Union should be dealt with. Fritzsche had no control of the formulation of these propaganda policies. He was merely a conduit to the press of the instructions handed him by Dietrich. In February, 1939, and before the absorption of Bohemia and Moravia, for instance, he received Dietrich's order to bring to the attention of the press Slovakia's efforts for independence, and the anti-Germanic policies and politics of the existing Prague Government. This order to Dietrich originated in the Foreign Office.

The Radio Division of which Fritzsche became the head in November, 1942, was one of the twelve divisions of the Propaganda Ministry. In the beginning Dietrich and other heads of divisions exerted influence over the policies to be followed by Radio. Towards the end of the war, however, Fritzsche became the sole authority within the Ministry for radio activities. In this capacity he formulated and issued daily radio " paroles " to all Reich Propaganda Offices, according to the general political policies of the Nazi régime, subject to the directives of the Radio-Political Division of the Foreign Office, and the personal supervision of Goebbels.

Fritzsche, with other officials of the Propaganda Ministry, was present at Goebbels' daily staff conferences. Here they were instructed in the news and propaganda policies of the day. After 1943 Fritzsche himself occasionally held these conferences, but only when Goebbels and his State Secretaries were absent. And even then his only function was to transmit the Goebbels' directives relayed to him by telephone.

This is the summary of Fritzsche's positions and influence in the Third Reich. Never did he achieve sufficient stature to attend the planning conferences which led to aggressive war; indeed according to his own uncontradicted testimony he never even had a conversation with Hitler. Nor is there

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any showing that he was informed of the decisions taken at these conferences. His activities cannot be said to be those which fall within the definition of the common plan to wage aggressive war as already set forth in this Judgment.

**War Crimes and Crimes against Humanity**

The prosecution has asserted that Fritzsche incited and encouraged the commission of war crimes, by deliberately falsifying news to arouse in the German people those passions which led them to the commission of atrocities under Counts Three and Four. His position and official duties were not sufficiently important, however, to infer that he took part in originating or formulating propaganda campaigns.

Excerpts in evidence from his speeches show definite anti-Semitism on his part. He broadcast, for example, that the war had been caused by Jews and said their fate had turned out " as unpleasant as the Fuehrer predicted." But these speeches did not urge persecution or extermination of Jews. There is no evidence that he was aware of their extermination in the East. The evidence moreover shows that he twice attempted to have publication of the anti-Semitic " Der Stürmer " suppressed, though unsuccessfully.

In these broadcasts Fritzsche sometimes spread false news, but it was not proved he knew it to be false. For example, he reported that no German U-boat was in the vicinity of the " Athenia " when it was sunk. This information was untrue; but Fritzsche, having received it from the German Navy, had no reason to believe it was untrue.

It appears that Fritzsche sometimes made strong statements of a propagandistic nature in his broadcasts. But the Tribunal is not prepared to hold that they were intended to incite the German people to commit atrocities on conquered peoples, and he cannot be held to have been a participant in the crimes charged. His aim was rather to arouse popular sentiment in support of Hitler and the German war effort.

**Conclusion**

The Tribunal finds that Fritzsche is not guilty under this Indictment, and directs that he shall be discharged by the Marshal when the Tribunal presently adjourns.

## BORMANN

Bormann is indicted on Counts One, Three, and Four. He joined the National Socialist Party in 1925, was a member of the Staff of the Supreme Command of the SA from 1928 to 1930, was in charge of the Aid Fund of the Party, and was Reichsleiter from 1933 to 1945. From 1933 to 1941 he was Chief of Staff in the Office of the Fuehrer's Deputy and, after the flight of Hess to England, became Head of the Party Chancellery on 12th May, 1941. On 12th April, 1943, he became Secretary to the Fuehrer. He was political and organisational head of the Volkssturm and a General in the SS.

**Crimes against Peace**

Bormann, in the beginning a minor Nazi, but then steadily rose to a position of power and, particularly in the closing days, of great influence over Hitler. He was active in the Party's rise to power and even more so in the consolidation of that power. He devoted much of his time to the persecution of the churches and of the Jews within Germany.

The evidence does not show that Bormann knew of Hitler's plans to prepare, initiate or wage aggressive wars. He attended none of the important conferences when Hitler revealed piece by piece these plans for aggression. Nor can knowledge be conclusively inferred from the positions he held. It



was only when he became Head of the Party Chancellery in 1941, and later in 1943 secretary to the Fuehrer when he attended many of Hitler's conferences, that his positions gave him the necessary access. Under the view stated elsewhere which the Tribunal has taken of the conspiracy to wage aggressive war, there is not sufficient evidence to bring Bormann within the scope of Count One.

**War Crimes and Crimes against Humanity**

By decree of 29th May, 1941, Bormann took over the offices and powers held by Hess; by the decree of 24th January, 1942, these powers were extended to give him control over all laws and directives issued by Hitler. He was thus responsible for laws and orders issued thereafter. On 1st December, 1942, all Gaus became Reich Defence districts, and the Party Gauleiters responsible to Bormann were appointed Reich Defence Commissioners. In effect, this made them the administrators of the entire civilian war effort. This was so not only in Germany, but also in those territories which were incorporated into the Reich from the absorbed and conquered territories.

Through this mechanism Bormann controlled the ruthless exploitations of the subjected populace. His order of 12th August, 1942, placed all party agencies at the disposal of Himmler's programme for forced resettlement and denationalisation of persons in the occupied countries. Three weeks after the invasion of Russia, he attended the conference of 16th July, 1941, at Hitler's field quarters with Goering, Rosenberg and Keitel; Bormann's report shows that there were discussed and developed detailed plans of enslavement and annihilation of the population of these territories. And on 8th May, 1942, he conferred with Hitler and Rosenberg on the forced resettlement of Dutch personnel in Latvia, the extermination programme in Russia, and the economic exploitation of the Eastern Territories. He was interested in the confiscation of art and other properties in the East. His letter of 11th January, 1944, called for the creation of a large-scale organisation to withdraw commodities from the occupied territories for the bombed-out German populace.

Bormann was extremely active in the persecution of the Jews, not only in Germany but also in the absorbed and conquered countries. He took part in the discussions which led to the removal of 60,000 Jews from Vienna to Poland in co-operation with the SS and the Gestapo. He signed the decree of 31st May, 1941, extending the Nürnberg Laws to the annexed Eastern Territories. In an order of 9th October, 1942, he declared that the permanent elimination of Jews in Greater German territory could no longer be solved by emigration, but only by applying " ruthless force " in the special camps in the East. On 1st July, 1943, he signed an ordinance withdrawing Jews from the protection of the law courts and placing them under the exclusive jurisdiction of Himmler's Gestapo.

Bormann was prominent in the slave labour programme. The Party Leaders supervised slave labour matters in the respective Gaus, including employment, conditions of work, feeding and housing. By his circular of 5th May, 1943, to the Leadership Corps, distributed down to the level of Ortsgruppenleiters, he issued directions regulating the treatment of foreign workers, pointing out they were subject to SS control on security problems, and ordered the previous mistreatment to cease. A report of 4th September, 1942, relating to the transfer of 500,000 female domestic workers from the East to Germany showed that control was to be exercised by Sauckel, Himmler and Bormann. Sauckel by decree of 8th September, directed the Kreisleiters to supervise the distribution and assignment of these female labourers.

Bormann also issued a series of orders to the Party Leaders dealing with the treatment of prisoners of war. On 5th November, 1941, he prohibited decent burials for Russian prisoners of war. On 25th November, 1943, he

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directed Gauleiters to report cases of lenient treatment of prisoners of war. And on 13th September, 1944, he ordered liaison between the Kreisleiters with the camp commandants in determining the use to be made of prisoners of war for forced labour. On 29th January, 1943, he transmitted to his leaders OKW instructions allowing the use of firearms, and corporal punishment on recalcitrant prisoners of war, contrary to the Rules of Land Warfare. On 30th September, 1944, he signed a decree taking from the OKW jurisdiction over prisoners of war and handing them over to Himmler and the SS.

Bormann is responsible for the lynching of Allied airmen. On 30th May, 1944, he prohibited any police action or criminal proceedings against persons who had taken part in the lynching of Allied fliers. This was accompanied by a Goebbels' propaganda campaign inciting the German people to take action of this nature and the conference of 6th June, 1944, where regulations for the application of lynching were discussed.

His counsel, who has laboured under difficulties, was unable to refute this evidence. In the face of these documents which bear Bormann's signature it is difficult to see how he could do so even were the defendant present. Counsel has argued that Bormann is dead and that the Tribunal should not avail itself of Article 12 of the Charter which gives it the right to take proceedings *in absentia*. But the evidence of death is not conclusive, and the Tribunal, as previously stated, determined to try him *in absentia*. If Bormann is not dead and is later apprehended, the Control Council for Germany may, under Article 29 of the Charter, consider any facts in mitigation, and alter or reduce his sentence, if deemed proper.

**Conclusion**

The Tribunal finds that Bormann is not guilty on Count One, but is guilty on Counts Three and Four.

THE PRESIDENT: Before pronouncing sentence on any of the defendants, and while all of the defendants are present, the Tribunal takes the occasion to advise them that any applications for clemency of the Control Council must be lodged with the General Secretary of this Tribunal within four days from to-day.

The Tribunal will now adjourn and will sit again at ten minutes to three.

(A recess was taken until 2.50 p.m.)

2.50 p.m.

The PRESIDENT: In accordance with Article 27 of the Charter, the International Military Tribunal will now pronounce the sentences on the defendants convicted on this Indictment.

Defendant Hermann Wilhelm Goering, on the counts of the Indictment on which you have been convicted, the International Military Tribunal sentences you to death by hanging.

Defendant Rudolf Hess, on the counts of the Indictment on which you have been convicted, the Tribunal sentences you to imprisonment for life.

Defendant Joachim von Ribbentrop, on the counts of the Indictment on which you have been convicted, the Tribunal sentences you to death by hanging.

Defendant Wilhelm Keitel, on the counts of the Indictment on which you have been convicted, the Tribunal sentences you to death by hanging.

Defendant Ernst Kaltenbrunner, on the counts of the Indictment on which you have been convicted, the Tribunal sentences you to death by hanging.



Defendant Alfred Rosenberg, on the counts of the Indictment on which you have been convicted, the Tribunal sentences you to death by hanging.

Defendant Hans Frank, on the counts of the Indictment on which you have been convicted, the Tribunal sentences you to death by hanging.

Defendant Wilhelm Frick, on the counts of the Indictment on which you have been convicted, the Tribunal sentences you to death by hanging.

Defendant Julius Streicher, on the count of the Indictment on which you have been convicted, the Tribunal sentences you to death by hanging.

Defendant Walther Funk, on the counts of the Indictment on which you have been convicted, the Tribunal sentences you to imprisonment for life.

Defendant Karl Doenitz, on the counts of the Indictment on which you have been convicted, the Tribunal sentences you to ten years imprisonment.

Defendant Erich Raeder, on the counts of the Indictment on which you have been convicted, the Tribunal sentences you to imprisonment for life.

Defendant Baldur von Schirach, on the counts of the Indictment on which you have been convicted, the Tribunal sentences you to twenty years imprisonment.

Defendant Fritz Sauckel, on the counts of the Indictment on which you have been convicted, the Tribunal sentences you to death by hanging.

Defendant Alfred Jodl, on the counts of the Indictment on which you have been convicted, the Tribunal sentences you to death by hanging.

Defendant Arthur Seyss-Inquart, on the counts of the Indictment on which you have been convicted, the Tribunal sentences you to death by hanging.

Defendant Albert Speer, on the counts of the Indictment on which you have been convicted, the Tribunal sentences you to twenty years imprisonment.

Defendant Konstantin von Neurath, on the counts of the Indictment on which you have been convicted, the Tribunal sentences you to fifteen years imprisonment.

The Tribunal sentences the Defendant Martin Bormann, on the counts of the Indictment on which he has been convicted, to death by hanging.

I have an announcement to make. The Soviet Member of the International Military Tribunal desires to record his dissent from the decisions in the cases of the Defendants Schacht, von Papen, and Fritzsche. He is of the opinion that they should have been convicted and not acquitted.

He also dissents from the decisions in respect to the Reichs Cabinet, the General Staff and High Command, being of the opinion that they should have been declared to be criminal organisations.

He also dissents from the decision in the case of the sentence on the Defendant Hess, and is of the opinion that the sentence should have been death, and not life imprisonment.

This dissenting opinion will be put into writing and annexed to the judgment and will be published as soon as possible.

(The Tribunal adjourned.)

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**DISSENTING OPINION of the Soviet Member of the International Military Tribunal, Major General Jurisprudence I. T. Nikitchenko on the Judgment concerning defendants Schacht, von Papen, Fritzsche and Hess and the accused organisations Reichscabinet, General Staff, and OKW.**

The Tribunal decided:

(*a*) to acquit the defendants Hjalmar Schacht, Franz von Papen and Hans Fritzsche;

(*b*) to sentence the defendant Rudolf Hess to life imprisonment;

(*c*) not to declare criminal the following organisations: the Reichscabinet, General Staff and OKW.

In this respect I cannot agree with the decision adopted by the Tribunal as it does not correspond to the facts of the case and is based on incorrect conclusions.

**I. The unfounded acquittal of defendant Schacht.**

The evidence, submitted to the Tribunal in the case of Schacht, confirms the following facts:

(*a*) Schacht established contact with Goering in December, 1930, and with Hitler at the beginning of 1931. He subsequently established contact between the leadership of the Nazi Party and the foremost representatives of the German industrial and financial circles. This, in particular, is confirmed by the testimony of Witness Severing. (Transcript, Afternoon Session, 23rd May, 1946; also US—615.)

(*b*) In July, 1932, Schacht demanded that Papen resign his post as Reich Chancellor in favour of Hitler. This fact is confirmed by Papen's testimony at the preliminary interrogation and by Schacht's own testimony in Court. (Transcript, Afternoon Session, 2nd May, 1946.)

(*c*) In November, 1932, Schacht collected signatures of German industrialists, urging them to come out for Hitler's appointment as Reich Chancellor. On November 12th, 1932, Schacht wrote to Hitler:

> " I have no doubt that the way we are directing the course of events can only lead to your appointment as Reich Chancellor. We are trying to secure a large number of signatures among the industrial circles to ensure your appointment to this post." (EC—456, US—773, PS—3901, US—837.)

(*d*) In February, 1933, Schacht organised the financing of the pre-election campaign conducted by the Nazi Party, and demanded at the conference of Hitler and Goering with the industrialists, that the latter provide three million marks (D—203). Schacht admitted in Court that he had pointed out the necessity for providing the Nazi leaders with this sum (Transcript, Afternoon Session, 3rd May, 1946), while the defendant Funk and the former member of the management of " I.G. Farbenindustrie " Schnitzler, who were present at this conference, both confirmed that it was Schacht who was the Initiator of the financing of the pre-election campaign. (Transcript 4th July, 1946, and EC—439, US—618.)

(*e*) Utilising his prestige Schacht also repeatedly admitted in his public statements that he asked for the support in the elections of both the Nazi Party and of Hitler. (US—615, Transcript, Afternoon Session, 2nd May, 1946.)

On 2nd August, 1932, Schacht wrote to Hitler:

> " No matter where my activities lead me in the near future, even if some day you see me imprisoned in a fortress, you can always depend on me as your loyal aide." (EC—457, US—619.)



*Thus, Schacht consciously and deliberately supported the Nazi Party and actively aided in the seizure of power in Germany by the Fascists.* Even prior to his appointment as Plenipotentiary for War Economy, and immediately after the seizure of power by the Nazis, Schacht led in planning and developing the German armaments, as follows:

(*a*) On 17th March, 1933, Schacht was appointed President of the Reichsbank (PS—3021, US—11), and as he himself stated in a speech before his Reichsbank colleagues on 21st March, 1938, the Reichsbank under his management was " none other than a national socialist institution ". (Transcript, Afternoon Session, 3rd May, 1946.)

(*b*) In August, 1934, Schacht was appointed Reich Minister of Economy (PS—3021, US—11). His Ministry " was given the task of carrying out the economic preparation for war ". (EC—128, US—623.) A special decree granted Schacht in his capacity of Reich Minister of Economy, unlimited authority in the field of economy. (" Reichsgesetzblatt " for 1934, Part 1, p. 565.)

(*c*) Making use of these powers in 1934, Schacht launched upon the execution of the " new programme " developed by him (" Reichsgesetzblatt ", 1934, Part I, p. 826), and, as Schacht himself noted in his speech of 29th November, 1938, this organisation played a tremendous part in the course of Germany's rearmament. (EC—611, U—62.)

(*d*) For the purpose of the most effective execution of this " new programme " Schacht used the property and means of those political enemies of the Nazi Régime, who either became the victims of terror or were forced to emigrate (Schacht's note to Hitler of 3rd May, 1939, PS—1168, US—137).

Schacht used swindler's tactics and coercion " in an effort to acquire raw material and foreign currency for armaments ". (Affidavit of Vice-President of the Reichsbank, Puhl EC—437, US—624.)

(*e*) During the very first day of his association with Reichsbank, Schacht issued a series of decrees (27th October, 1933, 23rd March, 1934, 19th February, 1935), which in the long run helped realise the broad programme of the financing of armaments, developed by him, and with the aid of which, as he testified, he " had found the way to finance the rearmament programme ".

In his speech in Leipzig on 1st March, 1935, Schacht, while summing up his preceding economic and financial activities, announced " . . . everything that I say and do has the Fuehrer's full agreement and I shall not do or say anything which is not approved by the Fuehrer ". (USSR—427.)

Having become the Plenipotentiary General for War Economy, Schacht unified under himself the leadership of the entire German economy and through his efforts the establishment of the Hitlerite war machine was accomplished.

(*a*) The secret law of 21st May, 1935, which appointed Schacht the Plenipotentiary General for War Economy, states as follows: " The task of the Plenipotentiary General for War Economy is to place all the economic resources in the service of warfare." " The Plenipotentiary General for War Economy within the framework of his functions is given the right to issue legal orders, deviating from the existing laws." " He is the responsible head for financing wars through the Reich Ministry and the Reichsbank." (PS—2261, US—24.)

(*b*) Schacht financed German armaments through the MEFO system of promissory notes, which was a swindling venture on a national scale that has no precedent, and the success of which was dependent upon the realisation of the aggressive plans of the Hitlerites. It was because of this that Schacht set 1942 as the date when the MEFO notes were to mature, and he pointed

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out in his speech of 29th November, 1938, the relation between " the daring credit policy " of the Reichsbank and the aims of the Hitlerite foreign policy. (EC—611, US—622.)

(*c*) Having made full use of his plenary powers, Schacht carefully developed and carried out a broad programme of economic mobilisation which allowed the Hitlerite leaders to wage war at any time considered most favourable. In particular, from the report of Schacht's deputy, Wohltat, " the preparation for mobilisation carried out by the Plenipotentiary for War Economy " shows that Schacht provided to the last detail for the system of exploitation of the German economy in war time, all the way from the utilisation of industrial enterprises, of raw material resources and manpower down to the distribution of 80,000,000 ration cards (EC—258, US—625). It is significant that this report was drawn up a month after Hitler's statement at the conference of 5th November, 1937, at which Hitler set forth this concrete plan of aggression (PS—386, US—25).

Summarising his past activity, Schacht wrote in January, 1937: " I worked out the preparation for war in accordance with the principle that the plan of our war economy must be built in peace time in such a way that there will be no necessity for any reorganisation in case of war ". Schacht confirmed his statement in Court (Transcript, Afternoon Session, 2nd May, 1946).

Schacht consciously and deliberately prepared Germany for war.

(*d*) The former Minister of War, von Blomberg, testified that: " Schacht was fully cognisant of the plans for development and increase of the German armed forces, since he was constantly informed . . . of all the financing necessary for the development of the German armed forces ". (U.S.—838.)

On 31st August, 1936, von Blomberg informed Schacht that: " The establishment of all the Air Force units must be completed by 1st April, 1937, and therefore large expenditures must be entailed in 1936 . . ." (PS—1301, US—123.)

In the Spring of 1937, Schacht participated in the military exercises in Godesberg. (EC—174.)

(*e*) In his memorandum to Hitler on 3rd May, 1935, entitled the " Financing of Rearmament ", Schacht wrote: " A speedy fulfilment of the programme for rearmament on a mass scale is the basis of German policy, and, therefore, everything else must be subordinate to this task; the completion of this task, the achievement of this purpose must meet no obstacles . . ." (PS—1168, US—37.)

In his speech on 29th November, 1938, Schacht announced the Reichsbank's policy made possible for Germany to create an " unsurpassed machine, and, in turn, this war machine made possible the realisation of the aims of our policy ". (EC—611, US—622.)

One must exclude the supposition that Schacht was not informed as to what purposes these weapons were to serve since he could not but take into consideration their unprecedented scale and an obvious preference for offensive types of weapons, heavy tanks, bombers, and so on. Besides, Schacht knew perfectly well that not a single country intended to wage war on Germany nor had it any reasons to do so.

(*a*) Schacht utilised the military might growing under his direction to back Germany's territorial demands which grew in proportion to the increase in armaments.



Schacht testified in court that " at first he confined himself (in his demands) to the colonies which had once belonged to Germany." (Transcript, Morning Session, 3rd May, 1946.)

In September, 1934, during his talk with the American Ambassador Dodd, Schacht pointed out that he " desired annexation if possible without war, but through war, if the U.S. would stay out of it ". (EC—461, US—58.)

In 1935, Schacht announced to the American Consul Fuller: " Colonies are essential to Germany. If it is possible, we shall acquire them through negotiations; if not, we shall seize them." (EC—450, US—629.)

Schacht admitted in Court that military pressure put upon Czechoslovakia was " in some measure the result and the fruit of his labour ". (Transcript, Morning Session, 3rd May, 1946.)

(*b*) Schacht personally participated in the plunder of private and State property of the countries which became victims of Hitlerite aggressions.

The minutes of the conference of the Military-Economic Staff on 11th March, 1938, in which Schacht participated, state that those present were given Hitler's latest directives about the invasion of Austria. Further, the minutes state that: " After this, at the suggestion of Schacht, it was decided that . . . all the financial accounting will be made in Reichsmarks at the rate of exchange: 2 shillings for one Reichsmark ". (EC—421, US—645.)

Schacht admitted in court that he personally was in charge of the seizure of the Czechoslovak National Bank after the occupation of Czechoslovakia. (Transcript, Morning Session, 3rd May, 1946.)

(*c*) At the beginning of 1940, Schacht offered Hitler his services for negotiations with the United States of America in regard to the discontinuance of aid to England and he informed Goering of his offer. PS—3700, US—780.)

(*d*) Schacht considered it his duty to greet and congratulate Hitler publicly after the signing of armistice with France, although Schacht, better than anyone else, understood the usurpatory nature of the armistice. (German Documentary, US—635.)

(*e*) In his letter to Funk on 17th October, 1941, Schacht suggested a more effective exploitation of occupied territory. In this case, too, Schacht acted on his own initiative. (EC—504, US—830.)

Schacht also participated in the persecution of the Jews:

(*a*) He testified in court that he " continued the policy of the persecution of the Jews as a matter of principle " (Transcript, Afternoon Session, 2nd May, 1946) although, he stated, " to a certain extent " it was a matter of conscience which, however, " was not serious enough to bring about a break " between him and the Nazis. (Same Transcript; also US—616.)

(*b*) In his capacity of Minister of Economy, Schacht signed a series of decrees, in accordance with which the property of the Jews in Germany was subject to plunder with impunity. (US—832 and US—616.) Schacht confirmed in Court the fact that he had signed a series of anti-semitic decrees. (Transcript, Afternoon Session, 2nd May, 1946.)

As to the reasons for Schacht's resignation from the post of the Minister of Economy and the Plenipotentiary General for War Economy in November, 1937, and also from the post of the President of the Reichsbank on 20th November, 1939, and finally from the post of the Minister without Portfolio in January, 1943, the evidence submitted establishes the following:

(*a*) The reason is not Schacht's disagreement with the economic preparation for aggressive wars.

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Three weeks before leaving the Ministry of Economy and the post of Plenipotentiary General for War Economy, Schacht wrote to Goering: " . . . I also don't consider that my opinion can differ from yours on economic policy . . ." (EC—497, US—775.)

In his reply Goering states: ". . . You promised me your support and collaboration . . . You have repeated this promise many times, even after differences of opinion began to creep up between us." (EC—493, US—642.)

Schacht testified in Court that Goering and he " differed in matters of procedure ". (Transcript, Morning Session, 3rd May, 1946.)

In the preliminary examination Goering testified that Schacht's leaving the Reichsbank " had no relation to the programme of rearmament ". (US—648.)

The vice-president of the Reichsbank, Puhl, confirmed that Schacht's resignation from the Reichsbank can be explained by " his desire to extricate himself from a dangerous situation " which developed as the result of Schacht's own crooked financial operations. (EC—534, US—646.)

(*b*) The reason is not Schacht's disapproval of mass terror conducted by the Hitlerites.

The witness for the Defence, Gesevius, testified that he constantly informed Schacht of the criminal actions of the Gestapo, created by Goering, and that nevertheless, right up to the end of 1936, Schacht looked for " Goering's support ". (Transcript, Morning Session, 24th April, 1946.)

In his letter to von Blomberg on 24th December, 1935, Schacht suggested that Gestapo apply " more cautious methods " since the open terror of the Gestapo " hinders the objectives of rearmament ". (Transcript, Afternoon Session, 2nd May, 1946.)

On 30th January, 1937, Schacht was awarded a golden Party insignia by Hitler. (EC—393, US—643.) As stated in an official German publication, " he was able to be of greater help to the Party than if he were actually a member of the Party ". (EC—460, US—617.)

Only in 1943, having understood earlier than many other Germans, the inevitability of the failure of the Hitlerite régime, did Schacht establish contact with the opposition circles, however, doing nothing to help depose this régime. Therefore, it was not by chance that having found out these connections of Schacht, Hitler still spared Schacht's life.

It is thus indisputably established that:

(1) Schacht actively assisted in the seizure of power by the Nazis;

(2) During a period of 12 years Schacht closely collaborated with Hitler;

(3) Schacht provided the economic and financial basis for the creation of the Hitlerite military machine;

(4) Schacht prepared Germany's economy for the waging of aggressive wars;

(5) Schacht participated in the persecution of Jews and in the plunder of territories occupied by the Germans.

*Therefore, Schacht's leading part in the preparation and execution of the common criminal plan is proved.*

The decision to acquit Schacht is in obvious contradiction with the evidence in possession of the Tribunal.



**II. The Unfounded Acquittal of defendant von Papen.**

The verdict does not dispute the fact that von Papen prepared the way for Hitler's appointment to the post of the Reichskanzler and that he actively helped Nazis in their seizure of power.

In a speech of the 2nd of November, 1933, von Papen said the following on the subject:

> " Then and there, on becoming the Reichskanzler (this was in 1932) I spoke in favour of the young and fighting movement for freedom; just as on the 30th of January I was chosen by Fate to surrender power into the hands of our Kanzler and Fuehrer, so to-day I must tell the German people and all those who have maintained their trust in me: merciful God blessed Germany by granting her in these days of deep sorrow a Fuehrer like this." (PS—2375.)

*It was von Papen who revoked Bruening's order dissolving the SS and the SA,* thus allowing the Nazis to realise their programme of mass terror. (D—631.)

Again it was the defendant who, by the application of brute force, did away with the Social Democrat Government of Braun and Severing. (Severing's Testimony, Transcript, Afternoon Session, 14th June, 1946, p. 11.)

On the 4th of January, 1933, Papen had a conference with Hitler, Hess, and Himmler. (D—632.)

Papen participated in the purge of the State machinery of all personnel considered unreliable from the Nazi point of view; *on the 21st of March,* 1933, *he signed a decree creating special political tribunals;* he had also signed an order granting amnesty to criminals whose crimes were committed in the course of the " national revolution "; he participated in drafting the text of the order " insuring party and state unity "; and so on.

Subsequently Papen faithfully served the Hitler régime.

During the Putsch of 1934, *Papen ordered his subordinate Tschirschky to appear in the Gestapo,* knowing full well what awaited him there. Tshirschky as is well known, was executed (D—684) while Papen helped to keep the bloody murder secret from public opinion. (D—718.)

Defendant played a tremendous rôle in helping Nazis to take possession of Austria.

Three weeks after the assassination of Dollfuss, on the 26th of July, 1934, Hitler told Papen that he was being appointed Minister to Vienna, specially noting in a letter: " You have been and continue to be in possession of my full and unlimited trust." (PS—2799.)

In this connection it is impossible to ignore the testimony of the American Ambassador Messerschmidt who quoted Papen as saying that " the seizure of Austria is only the first step " and that he, von Papen is in Austria for the purpose of " further weakening the Austrian Government." (US—57.)

Defendant was Hitler's chief adviser in effecting plans for the seizure of Austria. It was he who proposed several tactical manœuvres, to quiet the vigilance of world opinion on the one hand, and allow Germany to conclude her war preparations, on the other.

This follows indisputably from Papen's statement to the Austrian Minister Berger-Waldeneck (PS—1760), from the Report of Gauleiter Reuner of 6th July, 1939 (US—61), from Papen's Report to Hitler of 26th August, 1936 (PS—2246), from Papen's Report to Hitler of 1st September, 1936 (US—67), and from a series of other documents which had been submitted in evidence.

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Papen played this game until the issuance of the order for alerting the German Armed Forces for moving into Austria. (US—69.) He participated in arranging the conference between Hitler and Schuschnigg of 12th February, 1938. (US—69.)

It was Papen who in a letter to Hitler emphatically recommended that financial aid be given the Nazi organisation in Austria known as the "Freedom Union", specifically for "its fight against the Jewry." (PS—2830.)

Indisputable appears the fact of the Nazi seizure of Austria and of Papen's participation in this act of aggression. After the occupation of Austria, Hitler rewarded von Papen with the golden insignia of the Nazi Party. (D—632.)

Neither is it possible to ignore von Papen's rôle as *agent provocateur* when in his capacity of diplomat he was the German Ambassador to Turkey—whenever evaluation of his activity there is made.

The post of Ambassador to Turkey was at the time of considerable importance in helping the Nazis realise their aggressive plans.

The official Nazi biographer wrote about von Papen as follows:

> "Shortly after (the occupation of Austria) the Fuehrer had need of von Papen's services again and on 18th April, 1939, he therefore, appointed him German Ambassador in Ankara". (D—632.)

It should also be noted that for his Turkish activities, Hitler rewarded von Papen with the Knight's Cross for his "military services". (D—632.)

Thus evidence submitted establishes beyond doubt that:

1. Von Papen actively aided the Nazis in their seizure of power.
2. Von Papen used both his efforts and his connections to solidify and strengthen the Hitlerian terroristic régime in Germany.
3. Von Papen actively participated in the Nazi aggression against Austria culminating in its occupation.
4. Von Papen faithfully served Hitler up to the very end aiding the Nazi plans of aggression both with his ability and his diplomatic skill.

It therefore follows that defendant von Papen bears considerable responsibility for the crimes of the Hitlerite régime.

For these reasons I cannot consent to the acquittal of defendant von Papen.

**III. The Unfounded Acquittal of defendant Fritsche.**

The acquittal of defendant Hans Fritzsche follows from the reasoning that Fritzsche, allegedly, had not reached in Germany the official position making him responsible for the criminal actions of the Hitler régime and that his own personal activity in this respect cannot be considered criminal. The verdict characterises him as a secondary figure carrying out the directives of Goebbels and Ribbentrop, and of the Reich Press Director Dietrich.

The verdict does not take into consideration or mention the fact that it was Fritzsche who until 1942 was the Director *de facto* of the Reich Press and that, according to himself, subsequent to 1942, he became the "Commander-in-Chief of the German radio." (Transcript, Morning Session, 23rd January, 1946.)

For the correct definition of the rôle of defendant Hans Fritzsche it is necessary, firstly, to keep clearly in mind the importance attached by Hitler and his closest associates (as Goering, for example) to propaganda in general and to radio propaganda in particular. This was considered one of the most important and essential factors in the success of conducting an aggressive war.



The Germany of Hitler, propaganda was invariably a factor in preparing and conducting acts of aggression and in training the German populace to accept obediently the criminal enterprises of German fascism.

The aims of these enterprises were served by a huge and well centralised propaganda machinery. With the help of the police controls and of a system of censorship it was possible to do away altogether with the freedom of the press and of speech.

The basic method of the Nazi propagandistic activity lay in the false presentation of facts. This is stated quite frankly in Hitler's "Mein Kampf"; "With the help of a skilful and continuous application of propaganda it is possible to make the people conceive even of heaven as hell and also make them consider heavenly the most miserly existence." (US—276, p. 302.)

The dissemination of provocative lies and the systematic deception of public opinion were as necessary to the Hitlerites for the realisation of their plans as were the production of armaments and the drafting of military plans. Without propaganda, founded on the total eclipse of the freedom of press and of speech, it would not have been possible for German Fascism to realise its aggressive intentions, to lay the groundwork and then to put to practice the war crimes and the crimes against humanity.

In the propaganda system of the Hitler State it was the daily press and the radio that were the most important weapons.

In his court testimony, defendant Goering named three factors as essential in the successful conduct of modern war according to the Nazi concept, namely, (1) the military operations of the armed forces, (2) economic warfare, (3) propaganda. With reference to the latter he said: "*Propaganda has tremendous value, particularly propaganda carried by means of radio. . . .* Germany has learned this through experience better than anyone else". (English Transcript, pp. 5981-5982.)

With such concepts in ascendance it is impossible to suppose that the supreme rulers of the Reich would appoint to the post of Director of Radio Propaganda who supervised radio activity of all the broadcasting companies and directed their propagandistic content—a man they considered a secondary figure.

The point of view of the verdict contradicts both the evidence submitted and the actual state of affairs.

Beginning with 1942, and into 1945, Fritzsche was not only Chief of the Radio Department of the Reich Ministry of Propaganda but also "Plenipotentiary for the Political Organisation of Radio in Greater Germany". This circumstance is fully proven by the sworn affidavit of Fritzsche himself. (PS—3469, US—721.) It thus follows that not at all was Fritzsche merely "one of the twelve departmental chiefs in the Ministry of Propaganda" who acquired responsibility for all radio propaganda only toward the end of the war, as the verdict asserts.

Fritzsche was the Political Director of the German radio up and into 1945, i.e., up to the moment of German defeat and capitulation. For this reason it is Fritzsche who bears responsibility for the false and provocative broadcasts of the German radio during the years of the war.

As chief of the Press Section inside Germany it was also Fritzsche who was responsible for the activity of the German daily press consisting of 2,300 newspapers. It was Fritzsche who created and perfected the Information Section winning from the Reich Government for the purpose an increase in the subsidy granted the newspapers from 400,000 to 4,000,000 marks. Subsequently Fritzsche participated energetically in the development of the

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propaganda campaigns preparatory to the acts of aggression against Czechoslovakia and Poland. (Transcript, Morning Session, 23rd January, 1946.) A similar active propaganda campaign was conducted by the Defendant prior to the attack on Yugoslavia as he himself admitted on oath in court. (Transcript, Morning Session, 23rd January, 1946.)

Fritzsche was informed of the plan to attack the Soviet Union and was put " au courant " the military intentions at a conference with Rosenberg. (PS—1039, US—146, Rosenberg's Written Report to Hitler on the Subject of Preliminary Drafts on Eastern European Problems.)

Fritzsche headed the German press campaign falsifying reports of Germany's aggressive war against France, England, Norway, the Soviet Union, the U.S.A., and the other States.

The assertion that Fritzsche was not informed of the war crimes and the crimes against humanity then being perpetrated by the Hitlerites in the occupied regions does not agree with the facts. From Fritzsche's testimony in court it is obvious that already in May, 1942, while in the Propaganda Section of the 6th Army, he was aware of Hitler's decree ordering execution for all Soviet political workers and Soviet intellectuals, the so-called " Commissar Decree ". It is also established that already at the beginning of hostilities Fritzsche was fully aware of the fact that the Nazis were carrying out their decision to do away with all Jews in Europe. For instance, when commenting on Hitler's statement that " among results of the war there will be the annihilation of the Jewish race in Europe " (p. 248 of the transcript), Fritzsche stated that: " As the Fuhrer predicted it will occur in the event of war in Europe, the fate of the European Jewry turned out to be quite sad." (P. 3231 of the transcript.) It is further established that the defendant systematically preached the anti-social theory of race hatred and characterised peoples inhabiting countries victimised by aggression as " sub-humans ". (Transcript, Morning Session, 26th April, 1946, p. 83; and of the Afternoon Session, pp. 1-2.)

When the fate of Nazi Germany became clear, Fritzsche came out with energetic support of the defendant Martin Bormann and of other fanatical Hitler adherents who organised the undercover fascist association, the so-called " Werewolf."

On the 7th of April, 1945, for example, in his last radio address, Fritzsche agitated for all the civilian population of Germany to take active part in the activities of this terroristic Nazi underground organisation.

He said: " Let no one be surprised to find the civilian population, wearing civilian clothes, still continuing the fight in the regions already occupied and even after occupation has taken place. We shall call this phenomenon " Werewolf " since it will have arisen without any preliminary planning and without a definite organisation, out of the very instinct of life." (USSR—496.)

In his radio addresses Fritzsche welcomes the German use of the new terror weapons in conducting the war, specifically the use of the " V " rockets. On receiving a plan for the introduction of bacterial warfare he immediately forwarded it to the OKW for acceptance. (USSR—484, Evidence submitted during the Afternoon Session, 28th June, 1946.)

I consider Fritzsche's responsibility fully proven. His activity had a most basic relation to the preparation and the conduct of aggressive warfare as well as to the other crimes of the Hitler régime.



**IV. Concerning the sentence of the defendant Rudolf Hess.**

The Judgment of the Tribunal correctly and adequately portrays the outstanding position which Rudolf Hess occupied in the leadership of the Nazi party and State. He was indeed Hitler's closest personal confident and his authority was exceedingly great. In this connection it is sufficient to quote Hitler's decree appointing Hess as his deputy: " I hereby appoint Hess as my deputy and give him full power to make decisions in my name on all questions of Party Leadership. (Transcript, 7th February, 1946, afternoon.)

But the authority of Hess was not only confined to questions of Party leadership.

The official NSDAP publication " Party Year Book for 1941 ", which was admitted as USA Exhibit No. 255, PS—3163, states that: . . . " In addition to the duties of Party leadership, the Deputy of the Fuehrer has far-reaching powers in the field of the State. These are first: participation in national and State legislation, including the preparation of Fuehrer's order. The Deputy of the Fuehrer in this way validates the conception of the Party. . . . second, Approval of the Deputy of the Fuehrer of proposed appointments for official and labour service leaders. Three, securing the influence of the Party over the self-government of the municipal units." (Doc. USA—255, PS—3163.)

Hess was an active supporter of Hitler's aggressive policy. The crimes against peace committed by him are dealt with in sufficient detail in the Judgment. The mission undertaken by Hess in flying to England should be considered as the last of these crimes, as it was undertaken in the hope of facilitating the realisation of aggression against the Soviet Union by temporarily restraining England from fighting.

The failure of this mission led to Hess's isolation and he took no direct part in the planning and commission of subsequent crimes of the Hitler régime. There can be no doubt, however, that Hess did everything possible for the preparation of these crimes.

Hess, together with Himmler, occupied the rôle of creator of the SS police organisations of German fascism which afterwards committed the most ruthless crimes against humanity. The defendant clearly pointed out the " special tasks " which faced the SS formations on occupied territories.

When the Waffen SS were being formed Hess issued a special order through the Party Chancellery which made aiding the conscription of Party members into these organisations by all means compulsory for Party organs. He outlined the tasks set before the Waffen—SS as follows:

> " The units of the Waffen—SS composed of National Socialists are more suitable than other armed units for the specific tasks to be solved in the occupied Eastern territories due to the intensive training in regard to questions of race and nationality." (GB—267, 3245—PS.)

As early as 1934 the defendant initiated a proposal that the so-called SD under the Reichsfuehrer SS (Security Service) be given extraordinary powers and thus become the leading force in Nazi Germany.

On the 9th of June, 1934, Hess issued a decree in accordance with which the " Security Service of the Reichsfuehrer SS " was declared to be the " sole political news and defence service of the Party ". (GB—257.)

Thus the defendant played a direct part in the creation and consolidation of the system of special police organs which were being prepared for the commission of crimes on occupied territories.

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We find Hess to have always been an advocate of the man-hating " master race " theory. In a speech made on the 16th January, 1937, while speaking of the education of the German nation, Hess pointed out: " Thus, they are being educated to put Germans above the subjects of a foreign nation, regardless of their positions or their origin." (GB—253, 3124—PS.)

Hess signed the so-called " Law for the Protection of Blood and Honour " on the 15th September, 1935. (USA—300, 3179—PS.) The body of this law states that " the Fuehrer's deputy is authorised to issue all necessary decrees and directives " for the practical realisation of the " Nuremberg decrees."

On the 14th of November, 1935, Hess issued an ordinance under the Reich citizenship law in accordance with which the Jews were denied the right to vote at elections or hold public office. (GB—258; 1417—PS.)

On the 20th of May, 1938, a decree signed by Hess extended the Nuremberg laws to Austria. (GB—259, 224—PS.)

On 12th October, 1939, Hess signed a decree creating the administration of Polish occupied territories (Reichsgesetzblatt N—210, 1939, p. 2077). Article 2 of this decree gave the defendant Frank the power of dictator.

There is sufficiently convincing evidence showing that this defendant did not limit himself to this general directive which introduced into the occupied Polish territories a régime of unbridled terror. As is shown in the letter of the Reichsminister of Justice to the Chief of the Reichs Chancellery dated 17th April, 1941, Hess was the initiator in the formation of special " penal laws " for Poles and Jews in occupied Eastern territories. The rôle of this defendant in the drawing up of these " laws " is characterised by the Minister of Justice in the following words:

> " In accordance with the opinion of the Fuehrer's deputy I started from the point of view that the Pole is less susceptible to the infliction of ordinary punishment. . . . Under these new kinds of punishment, prisoners are to be lodged outside prisons in camps and are to be forced to do heavy and heaviest labour. . . . The introduction of corporal punishment which the Deputy of the Fuehrer has brought up for discussion has not been included in the draft. I can not agree to this type of punishment. . . . The procedure for enforcing prosecution has been abrogated, for it seemed intolerable that Poles or Jews should be able to instigate a public indictment. Poles and Jews have also been deprived of the right to prosecute in their own names or join the public prosecution in an action. . . . From the very beginning it was intended to intensify special treatment in case of need: When this necessity became actual a supplementary decree was issued to which the Fuehrer's deputy refers to in his letter. . . ." (GB—268, R—96.)

Thus, there can be no doubt that Hess together with the other major war criminals is guilty of crimes against humanity.

Taking into consideration that among political leaders of Hitlerite Germany Hess was third in significance and played a decisive rôle in the crimes of the Nazi régime, I consider the only justified sentence in his case can be—death.

**V. Incorrect Judgment With Regard to the Reich Cabinet.**

The Prosecution has posed before the Tribunal the question of declaring the Reich Cabinet a criminal organisation. The verdict rejects the claim of the Prosecution, unfoundedly refusing to declare the Hitler Government a criminal organisation.

With such a decision I cannot agree.

The Tribunal considers it proven that the Hitlerites have committed innumerable and monstrous crimes.



The Tribunal also considers it proven that these crimes, were as a rule committed intentionally and on an organised scale, according to previously prepared plans and directives. (" Plan Barbarossa ", " Night and Fog ", " Bullet ", etc.)

The Tribunal has declared several of the Nazi mass organisations criminal, the organisations founded for the realisation and putting to practice the plans of the Hitler Government.

In view of this it appears particularly untenable and rationally incorrect to refuse to declare the Reich Cabinet, the directing organ of the State with a direct and active rôle in the working out of the criminal enterprises, a criminal organisation. The members of this directing staff had great power, each headed an appropriate government agency, each participated in preparing and realising the Nazi programme.

In confirmation it is deemed proper to cite several facts:

1. Immediately after the Nazi ascent to power—on the 24th of March, 1933—there was a law passed entitled " The Law of Defence of the People and the State " whereby the Reich Cabinet, besides the Reichstag, received the right of issuing new legislature.

On the 26th May, 1933, the Reich Government issued a decree ordering the confiscation of the property of all Communist organisations and on the 14th of June, the same year, it also confiscated the property of the Social Democrat organisations. On the 1st December, 1933, the Reich Government issued the law " Ensuring Party and State Unity ".

Following through its programme of liquidating democratic institutions, in 1934, the Government passed a law of the " Reconstruction of the Reich " whereby democratic elections were abolished for both central and local representative bodies. The Reichstag thereby became an institution without functional meaning. (Transcript, Afternoon Session, 22nd November, 1945, pp. 23-25.)

By the law of 7th April, 1933, and others, all Reich government employees, including judges, ever noted for any anti-Nazi tendencies or ever having belonged to leftish organisations, as well as all Jews, were to be removed from the government service and substituted by Nazis. In accordance with the " Basic Positions of the German Law on Government Employees " of the 26th January, 1937, " the inner harmony of the official and the Nazi party is a necessary presupposition of his appointment to his post . . . government employees must be the executors of the will of the National Socialist State, directed by the NSDAP ". (Defence Exhibit No. 28, p. 59.)

On the 1st May, 1934, there was created the Ministry of Education instructed to train students in the spirit of militarism, of racial hatred, and in terms of reality thoroughly falsified by Nazi ideology. (PS—2078.)

Free trade unions were abolished, their property confiscated, and the majority of the leaders jailed.

To suppress even a semblance of resistance the Government created the Gestapo and the concentration camps. Without any trial or even a concrete charge hundreds of thousands of persons were arrested and then done away with merely on a suspicion of an anti-Nazi tendency.

There were issued the so-called Nuremberg Laws against the Jews. Hess and Frick, both members of the Reich Government, implemented these by additional decrees.

It was the activity of the Reich Cabinet that brought on the war which took millions of human lives and caused inestimable damage in property and in suffering borne by the many nations.

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to have been within their general knowledge, they say they disobeyed. The truth is they actively participated in all these crimes, or sat silent and acquiescent, witnessing the commission of crimes on a scale larger and more shocking than the world ever had the misfortune to know . . . This must be said."

All these assertions in the verdict are correct and are based on numerous and reliable depositions. The only thing that remains incomprehensible is the reasoning which does not recognise as criminal that " hundreds of higher ranking officers " who caused the world and their own country so much sorrow, the reasons backing the decision not to declare the organisation criminal.

The verdict advances the following reasons for the decision, reasons quite contradictory to the facts:

(*a*) That the crimes were committed by representatives of the General Staff and of the OKW as private individuals and not as members of a criminal conspiracy.

(*b*) That the General Staff and the OKW were merely weapons in the hands of the conspirators and interpreters or executors of the conspirators' will.

Numerous evidence disputes such conclusions.

1. *The leading representative of the General Staff and of the OKW, along with a small circle of the higher Hitlerite officials, were called upon by the conspirators to participate in the development and the realisation of the plans of aggression, not as passive functionaries, but as active participants in the conspiracy against peace and humanity.*

Without their advice and active co-operation, Hitler could not have solved these problems.

In the majority of cases their opinion was decisive. It is impossible to imagine how the aggressive plans of Hitler's Germany could have been realised had it not been for the full support given him by the leading staff members of the Armed Forces.

Least of all did Hitler conceal his criminal plans and motivations from the leaders of the Supreme Command.

For instance, while preparing for the attack on Poland, as early as 29th May, 1939, at a conference with the high military commanders of the new Reich Chancellery, he stated:

" For us the matter consists of the expansion of ' Lebensraum ' to the East."

" Thus the question of sparing Poland cannot be considered, and, instead, we have to consider the decision to attack Poland at the first opportunity." (L—79.)

Long before the seizure of Czechoslovakia, in a directive of 30th May, 1938, Hitler, addressing the representatives of the Supreme Command, cynically stated:

" From the military and political point of view, the most favourable time is a lightning attack on the basis of some incident, by which Germany will have been strongly provoked and which will morally justify the military measures to at least part of the world opinion." (PS—388.)

Prior to the invasion of Yugoslavia, in a directive dated 27th March, 1941, addressing the representatives of the High Command, Hitler wrote:



" Even if Yugoslavia declares its loyalty, it must be considered an enemy and must, therefore, be smashed as soon as possible." (PS—1746.)

While preparing for the invasion of the U.S.S.R., Hitler invited the representatives of the General Staff and the OKW to help him work out the related plans and directives not at all as simply the military experts.

In the instructions to apply propaganda in the region " Barbarossa," issued by the OKW in June, 1941, it is pointed out that:

" For the time we should not have propaganda directed at the dismemberment of the Soviet Union." (PS—446.)

As early as 13th May, 1941, OKW ordered the troops to use any terrorist measures against the civilian populations of the temporarily occupied regions of the Soviet Union.

Here a special stipulation read: : " To confirm only such sentences as are in accordance with the political intentions of the Leadership." (G—50.)

2. *OKW and the General Staff issued the most brutal decrees and orders for relentless measures against the unarmed peaceful population and the prisoners of war.*

In the " decree of special liability to punishment in the region " Barbarossa " while preparing for the attack upon the Soviet Union, the OKW abolished beforehand the jurisdiction of the military courts, granting the right of repressions over the peaceful population to individual officers and soldiers.

It is particularly stated there that:

" Crimes of hostile civilians are excluded from the juridiction of the courts martial . . . . ", " Suspected elements must be immediately delivered to the officer. The latter will decide whether they should be shot . . . .", " it is absolutely forbidden to hold suspects for the purpose of bringing them to trial." There are also provisions for " the most extreme measures, and, in particular, ' Measures for mass violence ', if circumstances do not permit the rapid detection of the guilty."

In the same decree of the OKW the guarantee of impunity was assured in advance to the military criminals from the service personnel of the German Army. It states there as follows: " The bringing of suits of actions, committed by officials of the Army and by the service personnel against hostile civilians is not obligatory even in cases where such actions at the same time constitute military crimes or offences . . . . ".

In the course of the war the High Command consistently followed this policy, increasing its terroristic actions with regard to prisoners of war and the peaceful populations of occupied countries.

The OKW directive of 16th September, 1941, states:

" It is important to realise that human life in the countries to which this refers, means nothing, and that intimidating action is possible only through the application of unusual brutality ". (P—98.)

Addressing the commanders of the Army groups on 23rd July, 1941, the OKW simply briefed them as follows: " It is not in the demand for additional security detachments, but in the application of appropriate draconic measures that the commanding officers must use to keep order in the regions under their jurisdiction." (PS—459.)

The OKW directive of 16th December, 1941, states:

" The troops . . . have the right and are obliged to apply . . . any measures whatsoever *also against women and children* if this contributes to success . . . . " (USSR—16.)

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Among the most brutal OKW directives concerning the treatment of prisoners of war one must consider the order entitled " Night and Fog ". The reasons for resorting to capital punishment for prisoners of war were offences, which according to international conventions, generally should not carry any punishment; for example, escape from the camp.

The order states:

> " Penalty for such offences, consisting of loss of freedom and even a life sentence is a sign of weakness. Only death sentences or measures which entail ignorance of the fate of the guilty by local population will achieve real effectiveness." (L—90, US—224, Transcript, Afternoon Session, 25th January, 1946.)

In the course of the present trial a great deal of evidence of application of this order has been submitted. One example of this kind of crime is the murder of 50 officer-pilots. The fact that this crime was inspired by the High Command cannot be doubted.

OKW also issued an order for the destruction of the " Commando " units. The original order was submitted to the Court. (PS—498, US—501.) According to this order, officers and soldiers of the " Commando " units had to be shot, except in cases when they were to be questioned, after which they were shot in any case.

This order was unswervingly carried out by the commanding officers of Army units. In June, 1944, Rundstedt, the Commander-in-Chief of the German troops in the West, reported that Hitler's order in regard to " the treatment of the Commando groups of the enemy is still being carried out ". (PS—531, US—550.)

3. *The High Command, along with the SS and the Police, is guilty of the most brutal police actions in the occupied regions.*

The instructions relating to special regions, issued by OKW on 13th March, 1941, contemplated the necessity of synchronising the activities in occupied territories between the Army Command and the Reichsfuehrer of the SS. As is seen from the testimony of the chief of the 3d Department of RSHA and who was concurrently chief of the Einsatzgruppe " D ", Otto Ohlendorf, and of the chief of the VI Department of RSHA, Walter Schellenberg, in accordance with OKW instructions there was an agreement made between the general staff and the RSHA about the organisation of special " operational groups " of the Security Police and SD—" Einsatzgruppen ", assigned to the appropriate army detachments.

Crimes committed by the Einsatzgruppen on the territory of the temporarily occupied regions are countless. The Einsatzgruppen were acting in close contact with the commanding officers of the appropriate army groups.

The following excerpt from the report of Einsatzgruppe " A " is extremely characteristic as evidence:

> ". . . among our functions is the establishment of personal liaison with the commanding officer both at the front and in the rear. It must be pointed out that the relations with the army were of the best, in some cases very close, almost hearty, as, for instance, the commander of the tank group, Colonel-General Hoppner ". (L—180.)

4. *The representatives of the High Command acted in all the echelons of the army as members of a criminal group.*

In spite of the violation of international law and of the customs of war, the directives of the OKW and of the General Staff and the command of individual army units were applied in life and were augmented by even more brutal orders issued as implementation to these directives.



In this connection it is characteristic to note the directive of Field Marshal von Reichenau, Army group commander, addressed to his soldiers: " The soldier in the eastern territories is not only a warrior skilled in the art of warfare but a bearer of a merciless national ideology." And elsewhere, calling for the extermination of the Jews. Reichenau wrote: " Thus the soldier must be in full cognisance of the necessity for harsh and just revenge on those sub-humans, the Jews ". (USA—556.)

As another example the order of Field Marshal von Mannstein addressed to his soldiers can be referred to. On the basis of the " political aims of the war " the Field Marshal cynically appealed to his soldiers to wage the war in violation of the " recognised laws of warfare in Europe ". (USA—927.)

Thus, in the course of the hearing of evidence it has been proven beyond all doubt that the General Staff and the Supreme Command of the Hitlerite Army comprised a highly dangerous criminal organisation.

* * * * *

I consider it my duty as a Judge to draw up my dissenting opinion concerning those important questions in which I disagree with the decision adopted by the members of the Tribunal.

Soviet Member I.M.T.,
Major General Jurisprudence,
I. T. NIKITCHENKO.



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"La Nación" 3 de diciembre de 1946.

Gilmer 635

**Proceso por eutanasia**

**FRANCFORT**, 2 (AP).—Se inició hoy el proceso, ante un tribunal alemán, de seis funcionarios nazis acusados de haber practicado la eutanasia en varios millares de ancianos e inválidos germanos. El fiscal, Rudolf Gilmer, dice que dichas muertes fueron llevadas a efecto por orden directa de Hitler, emitida el 1º de septiembre de 1939, en la cual disponía que fuesen muertos todos los "enfermos incurables".

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LA PRENSA, 6 de diciembre de 1946.-

Prensa 635

## Fueron Condenados a la Horca Dos Terribles Criminales Nazis

**Frankfort**, diciembre 5 (Reuter) — Dos ex guardianes del campo de concentración de Dachau, Ernst Frohnapfel y Alois Hipp, considerados como de los más sanguinarios que actuaron en ese campo, fueron sentenciados a muerte en la horca por el tribunal militar reunido en Dachau, según informó hoy el servicio noticioso norteamericano en Alemania.

Otro guardián, Ernst Angerer fué sentenciado a 25 años de prisión. Frohnapfel e Hipp confesaron haber tomado parte en ejecuciones ilegales en 1942.

Uno de los testigos declaró la forma en que Hipp actuaba, ordenando que se colgara a los prisioneros con las manos atadas a la espalda para después tener a sus víctimas durante horas balanceándose de un lado a otro, y gritando de dolor.

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La Prensa, 6 de diciembre de 1946.-

Gral 635

# En Ravensbruek, Alemania, Inicióse Proceso Contra 16 Funcionarios Nazis

**Hamburgo**, diciembre 5 (Reuter)— Se inició el proceso contra 16 funcionarios alemanes del campo de concentración de Ravensbruek, en el que estaban internadas mujeres, de las que murieron 5.000 a causa de malos tratos y operaciones misteriosas realizadas por los médicos del campamento.

Los procesados son diez hombres y seis mujeres que están acusadas de actos de brutalidad y asesinatos y experimentos médicos. Entre ellos figuran cuatro médicos que realizaron experimentos de injertos de piel y huesos y pusieron inyecciones que mataron a muchas mujeres o las dejaron idiotas para siempre.

En la acusación fiscal se expresa que de las 150.000 mujeres enviadas al campo de Ravensbruek durante la guerra, sólo se salvaron 15.000, que fueron liberadas por los aliados, y más de 5.000 perecieron en las cámaras de gases. El fiscal, al revelar los horrores cometidos en el campo dijo: "En el campamento debía haber solamente unas seis o siete mil mujeres, pero llegó a albergar cerca de 45.000. El promedio de muertes al año llegó a ser de cien por cien. Se realizaron operaciones experimentales, tomando a las mujeres como conejillos de Indias. Las operaciones eran realizadas en cuevas subterráneas. Muchas mujeres murieron en esos macabros experimentos".

El campo de Ravensbruek está en las orillas del lago de su nombre, cerca de Berlín, y el 90 por ciento de las mujeres internadas pertenecía a las naciones aliadas.

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Juicio 695

"LA PRENSA"

Buenos Aires, diciembre 9 de 1946.-

# Acusados de Crímenes se Enjuiciará en Nuremberg A 23 Hombres de Ciencia

**Nuremberg**, diciembre 8 (UP) — Veintitrés médicos y hombres de ciencia nazis, entre los cuales se encuentra una mujer, y a quienes se acusa de haber efectuado una serie de asesinatos científicos, mediante los cuales se dió muerte a cientos de miles de internados en campos de concentración, serán juzgados mañana. Penetrarán a la sala del tribunal militar para ocupar los mismos banquillos de acusados que tuvieran Goering, Kalterbrunner y Streicher ante la justicia norteamericana.

Se anticipa que los acusados alegarán en su favor que toda esa larga serie de torturas y asesinatos eran necesarias para el proceso de la ciencia médica, y citarán por ejemplo los experimentos efectuados en Estados Unidos con la fiebre amarilla, con sujetos que se prestaron voluntariamente para la experimentación y a los que deliberadamente se les infectó con el bacilo causante de esa enfermedad.

Por ironía podrán demostrar en algunos casos que con los experimentos realizados se lograron adelantos en la ciencia médica. De acuerdo con lo manifestado por el ex mayor Leo Anderson, que reveló muchas de las pruebas que se presentarán mañana ante el tribunal, los médicos nazis en sus experimentos de congelación de seres humanos efectuaron algunos importantes descubrimientos.

Anderson expresa: "Los científicos del campo de Dachau estaban encenagados con sangre y obscenidades, pero aparentemente llegaron a resolver el método para reanimar a las personas afectadas por una larga exposición al frío. En tales experimentos los nazis tuvieron éxito al reanimar a dos hombres que estaban congelados y cuya respiración y circulación de la sangre se habían paralizado. No existen constancias de las cantidades de muertos en estas experiencias de congelación".

Los profesionales norteamericanos después de examinar los registros de los nazis manifiestan que éstos revelan los siguientes hechos importantes: La manera más efectiva de salvar a las víctimas casi ahogadas en agua fría es someterlas a una rápida inmersión en agua caliente. El hombre vive más tiempo en agua helada sobre sus espaldas siempre que el cuello y la cabeza se mantengan fuera del agua. Si las víctimas no se ahogan en agua helada, usualmente fallecen de fallas al corazón al bajar la temperatura del cuerpo por debajo de 66.7 grados centígrados.

Los acusados que comparecerán mañana ante el Tribunal y sus cargos son los siguientes:

Karl Brandt, médico personal de Hitler; Fried Handloser, médico inspector del ejército germano; Paul Rosstok, jefe de la oficina de investigaciones científicas medicinales; Oskar Schroeder, jefe de la inspección médica de la Luftwaffe; Karl Genzken, jefe del departamento médico del Waffen SS.; Karl Gebhardt, médico personal de Himmler y presidente de la Cruz Roja Alemana; Kurt Blome, diputado del Reich y dirigente de la sanidad; Rudolf Brandt, oficial administrativo del personal de Himmler; Helmut Poppendick, jefe de personal médico de las fuerzas SS.; Wolfram Sievers, director del Instituto Militar de Investigaciones Científicas; Gerhard Rose, general de la Luftwaffe; Siegfried Ruff, director del Departamento de Aviación Médica; Hans Wolfgang Romberg, miembro del personal de la Aviación Médica; Hermann Becker-Freyseng, médico del personal de la Luftwaffe; Georg August Welte, jefe del Instituto de Aviación Médica, de Munich; Konrad Schefer, médico del personal médico del instituto de aviación de Berlín; Waldemar Hoven, jefe médico del campo de Concentración de Buchenwald; Wilhelm Biegblock, médico consultor de la Luftwaffe; Adolf Pokorny, médico especialista en enfermedades de la piel y venéreas; Herta Oberhauser, jefa de las médicas del campo de concentración de Ravensbruck; Fritz Fischer, "sturmbann" de las Waffen SS.; Joachim Merchowsky, jefe del Instituto de Higiene de las Waffen SS.

Las acusaciones se dividen en cuatro grupos:

1º) deseo común o conspiración para la comisión de crímenes contra la humanidad; 2º) crímenes de guerra; 3º) crímenes contra la humanidad; 4º) asociación ilícita en una organización criminal.

Todos los acusados están comprendidos en los tres primeros cargos y Brandt, Genzken y Fischer de todos los cuatro cargos.

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LA PRENSA, 10 de diciembre de 1946.-

Juicio 635

# Juzgarán en Nuremberg a 23 Médicos Acusados de Asesinatos y Torturas

**Nuremberg**, diciembre 6 (UP) — Veintitres médicos nazis, entre ellos una mujer, comparecerán el próximo lunes ante el tribunal militar norteamericano acusados de asesinatos y torturas a miles de internados en los campos de concentración, los que fueron utilizados por ese grupo de facultativos como "conejillos de las Indias".

En su gran mayoría el grupo está integrado por médicos, pero existen también algunos acusados que eran funcionarios administrativos. Todos éstos se sentarán en los mismos bancos en que lo hicieran Goering y sus secuaces, allí mismo donde en el otoño pasado escucharon las sentencias de muerte que les fueran impuestas.

Entre los cargos que se formulan contra estos facultativos se encuentra la realización de experimentos de congelación, presión y contaminación de enfermedades a los internados en los diversos campamentos de concentración. Entre los acusados se halla el médico personal de Hitler e Himmler y la facultativa doctora Berta Oberhauser.

Un testigo ha declarado que se colocaba a la víctima en una cámara de presión "hasta que reventaban sus pulmones. Los hombres se enloquecían y se tiraban de los cabellos, se arañaban la cara, golpeaban las cabezas contra las puertas y gritaban".

Experimentos de congelación: las víctimas sujetas a este experimento se las dejaba al aire libre y desnudas durante 9 a 14 horas, hasta que las manos y los pies se les congelaban o se les sumergía en agua helada durante tres horas.

Injertos de huesos y músculos: se dispone de pruebas que demuestran fotografías de mujeres polacas con grandes orificios en sus piernas y a quienes se les retiró músculos y huesos.

La colección de esqueletos de Estrasburgo: la acusación demostrará que se "elaboraban esqueletos" para destinarlos a piezas de museo con humanos vivos. Las víctimas eran cuidadosamente medidas antes de ser ultimadas, dedicándose especial cuidado a las medidas antropométricas. Luego se procedía a cortarles la cabeza y ésta era trasportada en recipientes de latón herméticamente cerrados, especialmente fabricados para este fin, y conteniendo dentro un líquido destinado a conservar la pieza anatómica.

Envenenamiento: las víctimas recibían heridas con balas envenenadas, y si no morían, eran matadas para practicárseles autopsias.

Pruebas con agua de mar: las víctimas eran alimentadas con agua de mar para determinar cuánto tiempo puede vivir un hombre abandonado en el océano.

Experimentos con sulfamidas: las víctimas recibían heridas sobre las que se echaba vidrio molido y aserrín para "simular las condiciones del campo de batalla", de manera de poder determinarse el efecto de las sulfanilamidas.

Contaminación de malaria: más de 1.000 víctimas fueron deliberadamente contaminadas con malaria en el campo de concentración de Dachau.

Eutanasia: cientos de miles de sujetos "inútilmente alimentados", personas de edad, enfermos e insanos, así como deformados, fueron secreta y sistemáticamente asesinados.

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LA PRENSA, 10 de diciembre de 1946.-

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## Declaración de un Testigo De Nacionalidad Polaca

**Hamburgo**, diciembre 9 (Reuter) — "A los internados en el campo de concentración de Ravensbruck para mujeres, se les dió de comer alimentos mezclados con arena y sopa en las que había gusanos", declaró Elena Dizledzlecks, de nacionalidad polaca, que estuvo internada en ese campo, por pertenecer al servicio de resistencia polaca, durante la reunión del tribunal que juzga a 16 miembros del personal del campo de Ravensbruck.

"A los internados se les trataba peor que a los animales", declaró la testigo. "Había escasez de platos y los internados eran obligados a utilizar tarros de lata que encontraban en la basura".

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# Acusados de Indescriptible Crueldad son Juzgados 23 Médicos Nazis en Alemania

**Nuremberg**, diciembre 9 (UP) — Estados Unidos inició hoy su juicio contra 23 médicos nazis y colaboradores, por los experimentos fatales que realizaron con internados en campos de concentración, los que, de acuerdo con las palabras del fiscal, brigadier general Telford Taylor, "llegaban en grandes grupos y eran tratados peor que animales".

El proceso sobre las torturas infligidas a estos "seres humanos" es el primero de una larga serie de juicios que se celebrarán en la misma sala donde fueron juzgados los dirigentes nacionalsocialistas.

La acusación se ha limitado a un día, acordándose dos para la defensa. La corte entrará en receso el 21 del corriente, hasta el 2 de enero.

"Estos acusados son responsables de crímenes en masa y torturas de crueldad indescriptible —dijo el fiscal Taylor— y es nuestra obligación mostrar a todos los pueblos del mundo cómo y por qué ocurrieron estas cosas".

Luego destacó que los campos de Auschwitz y Ravensbruck eran centros de esterilización y afirmó que en Dachau se esterilizaban seres humanos, en lugar de monos, en experimentos de descompresión por aumento de altitud. Manifestó también que el acusado Victor Brack había sugerido que se eligieran y preservaran dos millones de judíos para trabajos diversos, "aunque ello sólo podría hacerse si a la vez se los incapacita para reproducirse".

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La Prensa, 12 de diciembre 1946

Prensa 6 35

# Reveláronse Detalles de Experimentos de Médicos Nazis con Seres Humanos

**Nuremberg**, diciembre 11 (UP) — Una carta que fué sometida como prueba ante el tribunal de Nuremberg, donde se sigue juicio a 23 médicos y administradores sanitarios nazis, revela que el doctor Sigmund Rasher realizaba experimentos sobre seres humanos, especialmente en Dachau, y se enorgullecía de ello, presentándose ante Heinrich Himmler como cruzado de las investigaciones científicas, mientras elaboraba nuevos métodos de tortura y muerte violenta y rápida.

La carta presentada da una información detallada de uno de los experimentos del doctor Rasher, que consistía en someter a un joven judío a una presión semejante a la que soportaría a una altura de 12 kilómetros, pero sin proveerlo de oxígeno. Al relatar detalladamente el experimento, dice la carta: "Después de cuatro minutos de sometido a la presión, el sujeto traspira copiosamente y mueve la cabeza con desesperación. A los cinco minutos le acometen calambres. Entre los seis y diez minutos aumenta en forma visible el ritmo de la respiración, hasta que el sujeto queda inconsciente. Pasados 30 minutos la respiración cesa y momentos después empieza la bisección, en la que se comprueba que pinchando la aurícula derecha del corazón la sangre surge en un chorro delgado y continuo durante 15 minutos".

Tales eran los experimentos a que se dedicaba el doctor Rasher, muchos de cuyos superiores, que también participaron en la matanza del campo de concentración, figuran entre los acusados.

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# Hallaríase en Sud América Martín Bormann Después de Haber Residido en Suecia

**Estocolmo**, diciembre 11 (UP) — El diario vespertino "Aftontidningen" publicó una sensacional información, según la cual el desaparecido dirigente nazi Martín Bormann, segundo de Hitler, estuvo durante dos semanas en Malmoe, ciudad del sur de Suecia, en el mes de abril último, después de lo cual se dirigió a la América del Sur, donde se encontraría actualmente. El referido diario es órgano del partido Socialdemocrático y está sostenido por las uniones obreras.

Según dicha información Bormann inspeccionó el grupo clandestino nazi que tiene su asiento en Malmoe, al que dió nuevas instrucciones para la prosecución de sus actividades, cuyo objeto final es el retorno del nazismo.

Añade que después de varios meses de investigaciones secretas pudo descubrirse la existencia del grupo nazi, lo que permitió comprobar que se trata de una fuerte organización subterránea en la que figuran varios militares alemanes de alta graduación y cierto número de dirigentes comerciales suecos que han estado actuando en Malmoe dirigiendo la organización y ayudando a los nazis a escapar a la América del Sur.

El "Aftontidningen" espresa que Bormann se entrevistó con los dirigentes nazis la noche del 13 al 14 de abril de este año, en el departamento que ocupa un hombre de negocios sueco, al que se da el nombre de "Mister K", en Queen Square de Malmoe.

Bormann llegó a Suecia en un ferryboat, procedente de Copenhague, dotado de pasaporte holandés extendido a nombre de "Van Knoothen".

Un sueco, de quien no se da el nombre, que acudió a recibir a Bormann, hizo la siguiente descripción de la entrevista del ex líder nazi con el hombre de negocios "K" y otros dos alemanes, de quienes tampoco se dan los nombres:

"La viva discusión que sostenían, —dijo—, fué interrumpida cuando yo entré en la sala donde había cuatro hombres sentados. El director "K" les aseguró que yo era de confianza, después de lo cual se reanudó la conversación, dando Bormann un detallado informe sobre la organización y las actividades del movimiento clandestino nazi, del que dijo que había fuertes grupos en cada país.

"Yo no reconocí a Bormann en el primer momento, debido a que tenía la cara en la sombra. Sin embargo, al mirarle fijamente a los ojos, lo reconocí y le dije: "Feldherrnhalle, 1940. Usted es Martín Bormann".

"Bormann admitió entonces que, efectivamente, él era el segundo hombre del Tercer Reich, y mostró cómo habían cambiado las líneas de su cara después de una operación. En esa ocasión Bormann hizo la promesa siguiente: "Volveremos dentro de cinco años y en forma que jamás el mundo olvidará".

El "Aftontidningen" sigue diciendo que el misterioso señor "K", que es un acaudalado hombre de negocios que "controla" por lo menos una y posiblemente más de las grandes industrias de Suecia, es nativo de Alemania, pero obtuvo la ciudadanía sueca inmediatamente después de terminada la guerra.

Agrega que "Míster K" actúa como jefe de la poderosa organización clandestina nazi escandinava, la que coopera con el llamado "Niederlagsgruppe", cuya tarea consiste en ayudar a escapar a los dirigentes, militares y hombres de ciencia nazis.

Según la persona informante del "Aftontidningen", al preguntarle cuál había sido la suerte de Hitler, y si era verdad que había muerto, Bormann contestó: "Me encontré con él en Baviera hace poco".

"Cuando "Míster K" le contestó que había sido hallado el cadáver de Hitler, Bormann replicó: "Sí, pero también encontraron mi cadáver".

Finalmente, el mismo diario dice que en una ocasión anterior, "Míster K" aseguró que Axmann, líder de la juventud nazi, había visitado a Estocolmo en mayo o junio de este año.

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La Prensa, 12 diciembre de 1946

Guerra 635

## HUNGRIA

### Huyó del País un Criminal de Guerra

**Budapest**, diciembre 11 (UP) — El parlamentario húngaro Charles Vertessy, acusado de haber cometido asesinatos terroristas en 1919 por orden del almirante Horthy, huyó de Hungría y se dirige a París.

Vertessy fué conducido en automóvil hasta la frontera austriaca por Ferenc Vidovits, también parlamentario y miembro muy conocido del partido de los pequeños terratenientes.

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La Prensa, 12 diciembre 1946

Leg 635

## FRANCIA

### Búscase en Chaumont a un Grupo De Prisioneros Alemanes Evadidos

**Chaumont**, diciembre 11 (UP) — Varias patrullas de vigilancia buscaban hoy en la región oriental de Francia, a un grupo de prisioneros de guerra germanos que se supone robaron ayer un avión en el aeropuerto de Langers, en el que emprendieron vuelo hacia Alemania. El avión desaparecido era de fabricación alemana y destinado a viajes cortos de turismo. Cuando desapareció de su hangar en el vecino aeropuerto, tenía en su tanque el combustible suficiente para realizar un vuelo de 1.000 kilómetros.

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La Nación, 17 de diciembre de 1946.

Juan 635

## EL PROCESO CONTRA LOS MÉDICOS ALEMANES

**NUREMBERG**, 16 (AP). — Heinrich August Vieweg, ex internado en el campo de concentración de Dachau, compareció como testigo en el juicio seguido contra veintitrés médicos alemanes acusados de crímenes de guerra, por haber realizado experimentos médicos inhumanos, y declaró que las tropas escogidas de asalto destruyeron todos los registros médicos de la estación experimental de Dachau, salvando solamente los registros que indicaban los casos curados. El testigo añadió que se habían dejado esas anotaciones para impresionar a los norteamericanos.

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La Prensa, 18 diciembre 1946.-

Juan 635

# Sábese de Otros Crímenes Cometidos por los Nazis Con Oficiales Soviéticos

**Nuremberg**, diciembre 17 (UP) — Un testigo alemán, Heinrich Stoehen, miembro de la Legislatura bávara y ex prisionero político en el campo de Dachau, atestiguó que muchos internados murieron allí a consecuencia de experimentos en los que se les infectaba con materias descompuestas, para luego someterlos a distintos tratamientos.

Un ex ayudante médico del campo de concentración de Dachau, describió también cómo dos fuertes oficiales rusos fueron sumergidos durante cuatro horas en agua helada, hasta que por fin sucumbieron al terrible experimento. El testigo en cuestión, Walter Neff, estuvo también internado en Dachau como prisionero político hasta que recibió el perdón, y dijo que los experimentos helando a seres humanos eran dirigidos por el doctor Sigmund Rascher, con quien Neff actuó de ayudante.

Neff dijo que los rusos demostraron tener una resistencia extraordinaria y que al cabo de dos horas y media aun poseían todo su conocimiento. Al cabo de ese tiempo, uno de ellos se volvió al otro y le dijo: "Camarada, dile a ese oficial que bien podía pegarnos un tiro". El otro le replicó: "Camarada, no esperes misericordia de este perro fascista". Ambos se dieron entonces las manos en señal de despedida.

Neff dijo también que un joven ayudante polaco intentó dar cloroformo a los dos oficiales, aprovechando un momento en que el doctor Rascher había salido de la habitación, pero Rascher entró de pronto y amenazando con su pistola al polaco y a Neff, les gritó: "No oséis entremeteros en este experimento". Dos horas más tarde, ambos oficiales habían muerto.

## Proceso al Mariscal Milch

**Nuremberg**, diciembre 17 (UP) — Se supo que el ex mariscal de la Luftwaffe Erhard Milch comparecerá ante un tribunal de crímenes de guerra el próximo viernes, acusado de haber infligido malos tratos a trabajadores esclavizados y de haber efectuado experimentos médicos criminales.

Los jueces que intervendrán en esa causa, que se verá después del receso de Navidad del tribunal, serán Robert M. Toms, juez de Michigan; F. Donald Philips, juez de Carolina del Norte; Michael A. Musmannd, juez de Pittsbúrgo, y John J. Speight, fiscal especial del Departamento de Justicia de Alabama.

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La Prensa, 19/XII/46

## CANADA

# Fueron Ahorcados 4 Prisioneros De Nacionalidad Germana

**Lethbridge**, Alberta, diciembre 18 (Reuter) — Cuatro prisioneros de guerra alemanes fueron ahorcados hoy, pocas horas después de haber intentado suicidarse, seccionándose las venas de las muñecas.

Al mismo tiempo, un veterano del ejército canadiense sufrió la pena suprema por el asesinato de un niño, siendo así el mayor número de ahorcamientos en un sólo día que registra la historia del Canadá en los últimos 60 años.

Los prisioneros alemanes fueron convictos de haber dado muerte a un compañero de prisión, Karl Lehmann, a quien ahorcaron con una cuerda, después de haber recibido órdenes de Alemania, por intermedio de una radioemisora oculta, de liquidar a todos los comunistas. Tres de ellos cometieron un intento de suicidio pocas horas antes de que se cumpliera la sentencia que les fué impuesta, pero los guardianes de la prisión descubrieron la tentativa casi inmediatamente.

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La Prensa, 19/XII/46

Leg. 635

# Muchos Nazis y Fascistas Se Dirigen Hacia España Y Países de Sud América

**París**, diciembre 18 (Reuter)—Expresa el diario "Resistence", de esta capital, que funcionarios nazis y miembros de los SS están pasando a España y a Sud América, especialmente a la Argentina, "por intermedio de una bien organizada red de rutas clandestinas"; que pasan por Marsella y Perpignan.

Una organización de vastas ramificaciones internacionales ha sido creada entre ex fascistas y ex nazis y sus simpatizantes para facilitar tales huidas, dice el referido órgano, calificando a esta organización de "Internacional Negra".

Dinero, ropas y documentos falsos son suministrados a los refugiados, que a veces se hacen pasar como turistas procedentes de Dinamarca y otros países escandinavos.

Exprésase que de Perpignan pasan a España sobre los pasos de la montaña. En Marsella son introducidos clandestinamente en buques que zarpan para Sud América, cuyos capitanes han sido previamente "comprados". La mayoría de estos hombres son especialistas y tienen puestos asegurados en España o en la Argentina. Algunos de ellos han regresado a Francia, Alemania y los países balcánicos en misiones secretas, para organizar grupos fascistas y movimientos sediciosos".

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Folio 635

# Hizo un Macabro Relato de Los Experimentos de los Médicos Nazis, un Testigo

**Nuremberg**, diciembre 18 (UP) — Un ex prisionero de guerra francés volvió a relatar hoy la historia de la colección de cerebros judíos reunida por Heinrich Himmler, de la cual se oyó hablar por primera vez el pasado verano durante la vista de la causa contra los principales líderes nazis.

El tribunal de crímenes de guerra siguió con gran interés la descripción detallada del plan que, según afirmó el testigo, fué sugerido por primera vez por el doctor Wolfran Sievers, uno de los 23 acusados en el actual juicio. Tal sugestión fué trasmitida a Himmler en 1942 por el doctor Rudolf Brandt, otro de los procesados.

El testigo, Henri Pierre, que se vió obligado a trabajar en el macabro proyecto, dijo que en 1943 se enviaron al instituto anatómico de la Universidad de Estrasburgo 86 cadáveres, entre ellos los de 30 mujeres. "Yo ayudé a descargar los cuerpos" —dijo el testigo—, que aun estaban calientes. Tenían los ojos muy abiertos y brillantes y había rastros de sangre en sus fosas nasales y en la boca. Creo que debieron ser asfixiadas o envenenadas. Ninguna de las víctimas que habíamos recibido con anterioridad presentaba aquellos síntomas. Inmediatamente tomamos medidas para preservar sus cuerpos".

Pierre había relatado con anterioridad que durante el primer año en que trabajó en el instituto había ayudado a preservar los cadáveres de 250 prisioneros rusos y polacos. "Aproximadamente dos semanas más tarde — dijo — recibimos los cadáveres de 30 hombres exactamente en el mismo estado. Comenzamos con ellos inmediatamente los trabajos de preservación siguiendo los mismos procedimientos. Más tarde se recibieron los cadáveres de otros 26 hombres. Todos los cuerpos los colocábamos en tanques, a razón de 15 en cada uno, donde permanecían durante un año sin ser tocados para nada. Los cuerpos de los rusos y polacos que se habían recibido antes estaban todos enflaquecidos, pero a estos últimos se veía que no se les había privado de nada. Nos dijeron que eran judíos todos ellos".

Añadió el testigo que cuando Estrasburgo estuvo en peligro de caer, en septiembre de 1944, se recibió la orden de que se descuartizaran los cuerpos y se quemaran en el crematorio de la ciudad, pero era demasiado trabajo, y algunos de ellos quedaban todavía en los tanques cuando las tropas aliadas liberaron la ciudad.

La documentación presentada al tribunal proporciona los antecedentes del proyecto, iniciado cuando el doctor Sievers se quejó a Himmler de que no se tuviera una colección de calaveras de la raza judía. Los documentos prueban que propuso que se diera a la Werhmacht la orden de que entregara a todos los comisarios políticos bolcheviques que fueran judíos, porque sus cerebros permitirían hacer análisis interesantes. En el proyecto se proponía que se midieran los cerebros antes de matar a los judíos. Una vez producida la muerte, las cabezas que no estuvieran dañadas serían separadas del tronco y enviadas a un laboratorio en un recipiente de estaño.

## Las Crueldades Cometidas en El Campamento de Dachau

**Nuremberg**, diciembre 18 (UP) — Los internados en los campos de concentración de Dachau eran obligados a ingerir pastillas de cianuro de potasio como parte de los demoniacos experimentos del doctor Sigmund Rascher, según declaró hoy el ex internado Walter Neff.

Neff, que afirmó que fué obligado a intervenir como ayudante en algunos de los experimentos realizados en Dachau, manifestó que el veneno era producido igualmente en Dachau.

Rascher está acusado también de haber realizado experimentos de congelación y de tratar de hacer revivir a hombres congelados. El tribunal supone que este médico asesino ha fallecido.

Neff explicó: "Rascher fabricaba de 60 a 80 tabletas de cianuro por día y las llevaba a los dormitorios, y donde obligaba a los internados a ingerirlos. Muchas de las víctimas sufrían horriblemente antes de morir".

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La Prensa, 20 diciembre 1946.-

Juicio 635

GRAN BRETAÑA

## Fueron Condenados a Muerte En Europa 1.432 Acusados

**Londres**, diciembre 19 (U.P.) — La comisión de crímenes de guerra de las Naciones Unidas anunció que 1.432 personas han sido condenadas a muerte en Europa por crímenes de guerra cometidos, aunque la cifra no incluye a los condenados a muerte en Rusia o en la zona de ocupación soviética de Alemania.

Para el 1º de diciembre habían sido juzgadas 24.365 personas por los tribunales británicos, norteamericanos, franceses, griegos, noruegos, checoslovacos y polacos. De ellos 16.443 fueron condenados a distintas penas de prisión y 6.520 fueron absueltos.

En el Lejano Oriente, los tribunales norteamericanos, británicos y australianos han juzgado a 1.468 criminales de guerra, de los que 457 fueron condenados a muerte, 735 a distintas penas de prisión y 276 fueron absueltos.

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Juicio 6.35

# Conócense Más Detalles Sobre Crímenes Cometidos Por los Médicos Alemanes

**Nuremberg**, diciembre 19 (UP) — Uno de los documentos leídos hoy ante el tribunal que juzga a los 23 médicos nazis acusados de crímenes contra la humanidad revela que Kurt Blome, uno de los procesados, pidió que los programas de exterminio en masa fueran mantenidos en secreto para que los aliados no pudieran utilizarlos en su "propaganda antinazi".

El fiscal presentó una carta en la que Blome abogaba por el exterminio de todos los tuberculosos polacos ,pero advertía que previamente era preciso obtener el consentimiento de Hitler y que "si se guarda un secreto absoluto, se lograrán vencer todos los escrúpulos". La carta de Blome expresa también preocupación ante la posibilidad de que la Iglesia Católica pudiera enterarse de las matanzas en masa.

Una declaración de otro de los procesados, Rudolf Brandt, revela que, con secreto o sin él, "numerosos" polacos fueron eliminados y que otros muchos fueron enviados a campamentos aislados, donde no se les prestó ninguna asistencia médica de 1940 a 1943.

El fiscal presentó también como prueba las declaraciones prestadas por un hombre ya ejecutado, Josek Kramer, "la bestia de Belsen", en las que se relata cómo funcionaban los campos de exterminio. Kramer describió en esas declaraciones cómo había empujado a los judíos desnudos al interior de las cámaras de gases del campo de Natzweiler, y cómo los contemplaba después mientras morían.

Natzweiler, al igual que el campo de Sachsenhausen, era uno de los lugares en que se efectuaban experimentos sobre la ictericia epidémica, experimentos en los que participaron 11 de los procesados, de acuerdo con los documentos que obran en poder de la acusación.

Archivo Histórico
Ministerio de Relaciones Exteriores, Comercio Internacional y Culto
Argentina

La Prensa, 20 de Octubre de 1946.

Jurm 635

# PUBLICÁRONSE LAS CIFRAS SOBRE LOS PROCESOS ALIADOS

**LONDRES**, 19 (UP).—Se informó en la Comisión de Crímenes de Guerra que 24.365 personas han sido juzgadas por los tribunales militares internacionales de acuerdo con acusaciones presentadas por los gobiernos de Gran Bretaña, los Estados Unidos, Francia, Grecia, Noruega, Checoslovaquia y Polonia.

De ellos, 1432 fueron sentenciados a muerte, 16.413 a prisión y 6520 absueltos. Las cifras correspondientes a Noruega y Checoslovaquia incluyen a las personas juzgadas por colaboracionismo y alta traición.

En el Lejano Oriente fueron juzgadas 1468 personas por tribunales norteamericanos, británicos y australianos, de las cuales 457 fueron sentenciadas a muerte, 135 a prisión y 276 absueltas. No se conocen datos respecto a los juzgados en Rusia o la zona soviética de ocupación.

## El juicio a los médicos

**NUREMBERG**, 19 (UP).—Fué leída ante el tribunal que juzga a los veintitrés médicos nazis acusados de haber cometido crímenes de guerra una declaración jurada que indica que se dejó morir a centenares de hombres y mujeres internados en los campos de concentración, a fin de que sus esqueletos pudieran ser utilizados por la Universidad de Estrasburgo para enriquecer su colección de osamentas humanas.

La declaración lleva la firma de Joseph Kramer, comandante del campo de concentración de Belsen, que ya fué condenado a muerte y ahorcado por las autoridades británicas. Agrega que se dió muerte a muchos internados del campo de concentración de Natzweiler por medio de gases e inyecciones venenosas, a fin de que sus cadáveres pudieran ser destinados a investigaciones médicas.

Archivo Histórico
Ministerio de Relaciones Exteriores, Comercio Internacional y Culto
Argentina

La Nación, 2 Diciembre 1946.-

Prensa 635

## SERÁ PROCESADO EL MARISCAL E. MILCH

NUREMBERG, 20 (AP).—Se ha iniciado el juicio en el tribunal militar norteamericano contra el mariscal Erhard Milch, segundo jefe de la Luftwaffe nazi, a quien se acusa de ser responsable de la muerte de millones de personas. El acusado hizo declaratoria de inocencia.

El alegato de la acusación señala a Milch —que fué inspector general de las fuerzas aéreas alemanas y miembro del Gran Consejo nazi— como responsable de haber participado en proyectos y actos relacionados con el empleo de trabajadores forzados.

Archivo Histórico
Ministerio de Relaciones Exteriores, Comercio Internacional y Culto
Argentina

La Prensa 21 diciembre 1946

Juan 6.35

# Probaron en Nuremberg las Torturas a que Sometían a Sus Víctimas Médicos Nazis

**Nuremberg**, diciembre 20 (UP) — Una mujer polaca que soportó cuatro experimentos quirúrgicos óseos y musculares en el campo de concentración de Ravensbruck, identificó hoy a 3 de 23 médicos nazis en el proceso que se sigue a estos facultativos por realizar experimentos en seres humanos.

En efecto; Wkadhskiwa Jarikewska se levantó del banquillo de los testigos, y acercándose al palco de los acusados señaló sin vacilar a los doctores Fritz Fischer, Herta Oberhauser y Karl Gebhardt como culpables de las torturas sufridas. La testigo afirmó que Fischer se encontraba en la sala de operaciones realizando las intervenciones quirúrgicas, que Oberhauser actuaba como asistente para vendar las heridas y que Gebhardt examinaba a los internados en los campos de concentración.

La testigo, de 37 años de edad, ex miembro del movimiento clandestino de resistencia polaco, expresó que su pierna había sido abierta en dos oportunidades, infectándosela adrede, y sacándosele trozos de tibia en otras oportunidades.

Dijo que no se le pidió su consentimiento antes de las operaciones y que cuando en la tercera oportunidad protestó porque se la conducía a la sala de operaciones, dos guardias de las fuerzas de asalto la sujetaron por los brazos, mientras le inyectaban un narcótico.

Destacó que la tercera operación se realizó en su cucheta de la celda. En seguida se quitó sus zapatos y medias y mostró al tribunal sus piernas cicatrizadas, que aun le duelen intensamente.

Tres jóvenes polacas, que comparecieron después como testigos, revelaron que a no ser por la oportuna llegada de tropas norteamericanas, se les habrían inyectado gérmenes infecciosos para producirles gangrena. Las muchachas exhibieron sus piernas aún lacaradas y parcialmente mutiladas por los bárbaros experimentos de los médicos nazis.

Dijeron luego que en las pruebas que sufrieron se las trató con drogas sulfa, pero señalaron que compañeras infectadas adrede que no habían sido sometidas a la acción de dicha droga estaban deformadas para siempre. Tres de los acusados fueron identificados por los testigos.

Las muchachas señalaron a la doctora Herta Oberhauser entre las culpables de las torturas. El tribunal volverá a reunirse el sábado y luego entrará en receso durante Navidad.

**El proceso contra el general Milch**

**Nuremberg**, diciembre 20 (UP) — El ex mariscal de campo Erhard Milch, que fué jefe del estado mayor de Goering, dijo hoy ser inocente de la acusación de crímenes contra la humanidad y de malos tratos contra los trabajadores esclavos y los prisioneros de guerra. Milch será juzgado ante un tribunal militar norteamericano de crímenes de guerra el 2 de enero próximo.

# Serán Enjuiciados 27.000 Nazis En la Zona de Ocupación Británica

**Hamburgo**, diciembre 20 (UP) — Las autoridades militares británicas ordenaron el inmediato enjuiciamiento de 27.000 miembros de las organizaciones nazis convictos por el tribunal de Nuremberg. Los juicios se realizarán en las cortes alemanas de la zona británicas.

Esta es la primera orden formal de las potencias ocupantes para la celebración de juicios de tal naturaleza a miembros de las tres organizaciones sindicadas como culpables en el juicio mayor de Nuremberg. Los enjuiciados pertenecieron a la Gestapo, a las S.S. y a las S.D.

Todos los acusados se hallan en la zona británica y se cree que los juicios estarán terminados dentro de un año.

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La Prensa, 25/XII/46

Prensa 635

## Absolvióse a Tres Acusados Nazis

**Francfort**, diciembre 24 (UP). — Los funcionarios del ejército anunciaron hoy que "Sally, la del eje", y dos de sus compatriotas norteamericanos que trabajaron para los nazis durante la guerra fueron puestos en libertad por orden del Departamento de Justicia.

Sally, cuyo verdadero nombre es Mildred Elizabeth Gillers, nació en Portland, estado de Oregón; había trasmitido radiotelefónicamente propaganda nazi y se hallaba detenida desde el 15 de marzo de 1945. Juntamente con ella se hallaban presos Donald Day y Herbert Burgman, norteamericanos, que también trabajaron igualmente en la radio y la propaganda alemanas.

Los funcionarios no indican las razones que se han tenido en cuenta para su liberación. Se ha estipulado, empero, que los tres deben presentarse regularmente a las autoridades norteamericanas y que están sujetos a ser citados en cualquier momento.

Sally, con su dulce voz, hizo llamamientos radiotelefónicos a los soldados norteamericanos para que se rindieran durante las campañas en el norte de Africa, Italia y Alemania. Había llegado a este último país, para estudiar música, en 1934. Donald Day, oriundo de Nueva York, era corresponsal del "Chicago Tribune" en los Estados del Báltico, y empezó a trabajar para el doctor Goebbels en 1942. Burgman nació en Hokah, Minnesota. Había actuado como empleado del servicio civil de Estados Unidos durante la ocupación, después de la primera guerra mundial, y luego fué empleado de la embajada de la Unión en Berlín.

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La Prensa 26/XII/46

Cuerpo 635

# Aprobóse en Francfort la Amnistía para Alemanes Acusados de Delitos Leves

**Francfort**, diciembre 24 (UP) — El general Joseph T. McNarney, comandante militar norteamericano en Europa, aprobó una amnistía que comprende aproximadamente a 800.000 alemanes "no incursos en la ley de desnazificación, como mayores delincuentes, y cuya situación financiera demuestra que no se beneficiaron de la codicia y ambiciones nazis". McNarney hizo este anuncio en el segundo discurso que personalmente dirigió con motivo de la Navidad, a los alemanes congregados en la plaza Romerberg, lugar donde antiguamente eran coronados los emperadores del Sacro Imperio Romano; y donde vió la luz la primera constitución social de Alemania. El mensaje fué también trasmitido por radio a toda la zona de ocupación de Estados Unidos.

"Esta amnistía —dijo McNarney— comprende especialmente a las personas no consideradas por la ley de desnazificación como incursas en delitos mayores, y aquéllas cuyos ingresos anuales en el período de 1943 a 1945 fueron inferiores a 3.600 marcos y cuyas propiedades impositivas en 1945 no excedían de 20.000 marcos. Comprende también a las personas que no están acusadas de delitos mayores y a los delincuentes que hayan quedado lisiados en más de un 50 por ciento de su capacidad física. Estoy seguro de que esta amnistía permitirá a la administración germana proseguir más vigorosamente la búsqueda y castigo de los nazis activos que trajeron la destrucción a su propio país y, al mismo tiempo, alentará a los comprendidos en ella a marchar por la senda de la democracia.

"Aunque vuestros tribunales propios —agregó— han hecho progresos en la aplicación de la ley de desnazificación, y si bien no han sido enteramente satisfactorios, nosotros nos sentimos animados por los crecientes esfuerzos evidenciados en las últimas seis semanas. Un aspecto positivo de esos sustanciales progresos ha sido la creación de instituciones democráticas. Me refiero especialmente a la formación de gobiernos locales y estaduales, cuya culminación ha sido la aprobación de constituciones y la elección de asambleas constituyentes por la voluntad popular libremente expresada en cada uno de los tres estados de la zona norteamericana".

"Puedo aseguraros —siguió diciendo McNarney— que las fuerzas de ocupación norteamericanas no están animadas de un espíritu de venganza. No tienen ningún deseo de prolongar las dificultades que estáis afrontando. La política del gobierno de Estados Unidos fué claramente expuesta en el discurso que el honorable James F. Byrnes pronunció en Stuttgart el 6 de septiembre. En él recalcó que el "pueblo norteamericano que luchó por la libertad, no tiene ningún deseo de esclavizar al pueblo alemán". Los norteamericanos creen en la libertad y combatieron por una libertad que debe ser compartida con todos aquellos que estén dispuestos a respetar la libertad de los demás.

"Grandes progresos se han registrado en la desnazificación, en general; pero en la desnazificación de los campos económico, industrial y financiero, comprobamos que los progresos han sido menores. El escenario alemán se caracteriza todavía por la escasez de víveres, carbón, trasportes, materias primas para la industria y productos de consumo virtualmente de todas clases. Esta situación económica altamente insatisfactoria me obliga a reconocer sinceramente que se ha visto acentuada en cierta extensión por la falta, de parte de las cuatro potencias ocupantes, de dar cumplimiento a la importante disposición del acuerdo de Potsdam, que establece que Alemania sea tratada como una unidad económica. La delimitación de las zonas sólo debe existir para señalar las zonas de ocupación y no para entorpecer la vida económica de Alemania".

Después de referirse a la distribución de los productos esenciales entre las diversas zonas, agregó: "Permítaseme destacar que el pueblo norteamericano no tiene deseo alguno de negar al pueblo alemán la oportunidad de abrirse paso para salir de sus actuales dificultades mientras Alemania respete la libertad humana y abjure de la guerra y del militarismo".

Luego para bastarse a sí mismas McNarney se refirió al apoyo prestado por el ejército norteamericano al programa de la juventud germana, el cual, dijo, "se está desenvolviendo satisfactoriamente".

"En suma —terminó diciendo—, puede anticiparse que la situación económica mostrará una mejora sustancial y que el desarrollo del gobierno democrático y de las actividades de la juventud progresarán aún más favorablemente durante el próximo año. Esos factores conducirán al pacífico mantenimiento propio y a una Alemania democrática siempre que el pueblo alemán abrigue el honrado propósito de alcanzar ese fin".

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La Prensa, 29/XII/46

Guerra 635

## La Situación de los Espías Consideró el Ministro de Relaciones

El ministro de relaciones exteriores y culto mantuvo en el trascurso del día de ayer varias conversaciones vinculadas con la situación de los espías del "eje" cuya expulsión del país acaba de decretar el Poder Ejecutivo. Con el propósito de cambiar ideas acerca del cumplimiento de los compromisos internacionales del país en este aspecto el canciller se mantuvo en contacto con los ministros del interior, marina y guerra y con el jefe de la policía federal.

Se reiteró anoche en la Cancillería que próximamente el doctor Bramuglia dará a conocer la deportación de otros detenidos por actividades que atentan contra la seguridad y dignidad de la Nación, previstas y reprimidas por el artículo 219 del Código Penal.

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La Prensa, 2/1/47

685

## El Juicio al Ex Gobernador De Alemania en Francia, Gral. Otto von Stulpnagel

**París**, enero 1º (UP)—Los funcionarios de la justicia están preparando su caso contra el general Otto von Stulpnagel, que fué gobernador militar de París durante la ocupación nazi.

Stulgnagel fué sometido ya a los interrogatorios preliminares y el antes arrogante jefe alemán presentaba un extraño contraste al mostrarse apocado y sumiso; vestía pantalones verdes, un saco de civil y un sombrero de paño.

El procesado fué traído a París desde Alemania el 26 de diciembre, acusado de asesinato, complicidad en falsos arrestos, destrucción de bienes y saqueo. Este general alemán, que cuenta 68 años, fué comandante de la zona ocupada de Francia al mismo tiempo que gobernador de París, desde octubre de 1940 hasta enero de 1942.

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Argentina

La Prensa, 2/I/47

Juicio 635

## ALEMANIA

# Comparecerá Hoy Ante el Tribunal De Nuremberg el Mariscal Milch

**Nuremberg**, enero 1º (UP) — El mariscal de la Luftwaffe, Erhard Milch, ex ministro de aviación del Reich y oficial de estado mayor de Hermann Goering, comparecerá mañana ante un tribunal de crímenes de guerra norteamericano, acusado de haber participado en el plan nazi organizando el trabajo esclavizado y de haber sancionado los experimentos inhumanos que se efectuaban con los internados de los campos de concentración.

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Argentina

Enero 1947

# Inicióse el Juicio en Nuremberg Contra el Ex Mariscal Erhard Milch

**Nuremberg**, enero 2 (UP) — Inicióse el proceso contra el ex mariscal de campo Erhard Milch, mano derecha de Goering y en un tiempo secretario de estado del Ministerio del Aire nazi, acusado de malos tratos a los civiles de los países conquistados por los germanos, de elaborar el programa de obreros esclavos para Alemania, y de tortura y asesinato de internados en los campos de concentración y prisioneros de guerra.

En la audiencia de hoy, presidida por tres jueces civiles nosteamericanos, Milch escuchó la lectura del documento acusatorio del fiscal Clark Denney, quien le describe como "un criminal de guerra que empleó su alta inteligencia y su capacidad ejecutiva para la conquista y la elaboración de un plan destinado a esclavizar al mundo. La vida de Erhard Milch —añade— es la historia de la traición personal y profesional; el acusado jamás se apartó de los objetivos y los ideales del militarismo alemán".

Denney dijo que Milch, amargado por la derrota alemana en la primera guerra, ganó un sitio de importancia en el círculo íntimo de los militaristas nazis, y fué el hombre "que no permitió que la dificultad ni el honor se opusieran a los objetivos nazis".

## El Proceso a los 23 Médicos

**Nuremberg**, enero 2 (UP) — Al reanudarse el juicio contra los 23 médicos nazis acusados de realizar experimentos criminales en las víctimas de los campamentos de concentración, el abogado defensor de los acusados, doctor Fritz Sauter, se quejó de que era materialmente imposible obtener testigos de descargo, puesto que éstos tienen temor a las represalias.

Durante los juicios anteriores —añadió— muchos testigos fueron detenidos y ahora "cuando pedimos a los germanos que hagan declaraciones juradas, éstos rehusan hacerlo, diciendo que nada saben del asunto, mientras que otras alegan que su propia libertad es de más valor que la de los acusados".

Esta queja fué formulada después que el tribunal decidió que todas las declaraciones juradas debían ser certificadas por las autoridades militares, medida que dijo Sauter hacía aún más difícil la posibilidad de obtenerlas.

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CARLOS HONORIO FAAG
Baden-Baden
Langestr.43

Copia

Baden-Baden, 7 de Febrero de 1947.

Excelentisimo Senor Ministro:

La Embajada de la República Argentina en Francia, a la que me había dirijido por escrito demandando intervención diplomática, relatando lo que me habia sucedido en los primeros dias d l mes de Febrero 1946 ante el Gouvernement militaires de esta plaza, me acaba de notificar, que habia recibido del Ministerio d'Affaires étrangéres de Francia, un informe al respecto. En dicho informe se habla de una condena que me habia impuesto el Tribunal sommaire de Baden-Baden, el dia 8 de Febrero 1946

" por resultar comprobada la existencia de falsa declaración sobre un cuestionario relativo a la actividad politica desenvuelta bajo el règimen nazi. "

Enterado el que suscribe del párrafo antecitado, me veo obligado - por medio de la presente - a protestar energicamente ante V.E. por la falsedad de la información trasmitida por el informante en ésta, para legalizar un acto de violencia con privasión de libertad, cometida contra un ciudadano argentino, por empleados subalternos del Gouvernement militaire de ésta zona de ocupación. Y para que conste, afirmo lo siguiente:

1) La condena de un año de prisión que me ha dictado el Tribunal sommaire de Baden-Baden en su sesion del 8 de Febrero 1946, tenia como base infundada, una falsa declaración sobre mi nacionalidad argentina, la que yo habia citado al demandar una carta de preferencia para resp. como extrangero.

2) Al solicitar la misma en la reparticion correspondiente del G.M., he presentado - para los efectos del caso - la documentación personal que me acredita como argentino, obteniendo sin dificultad la cédula pedida. Hasta aquel momento n a d i e me habia solicitado explicaciones relativas a mi estadia en Alemania, ni yo mismo estaba obligado a darlas, sin previa demanda anticipada.

3) Un cuestionario relativo a mi ~~actualidad~~ actividad politica desenvuelta bajo el régimen legal nazi y que pudiera justificar el extrano proceso é injusta condena, no ha existido nunca, ni menos puede llevar la firma del que suscribe.

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4) Tratábase en realidad - en mi caso - de la afirmación verbal de ser de nacionalidad argentina, lo que - por ignorancia - rehusaron a reconocer los miembros del G.M., como también el juez de instrucción y posterior Presidente del Tribunal sommaire, que por lo visto desconocían por completo las leyes constitucionales que rigen en la República Argentina.

5) Al publicarse - en el periódico local - la sentencia que había dictado contra mi persona el Tribunal sommaire - no se ha mencionado nada sobre una " falsa declaración en un cuestionario ", sinó únicamente se habla en él, de una falsa declaración de nacionalidad. Una prueba más sobre la exactitud de mis afirmaciones.

La privasión de mi libertad por muchos meses, me ha causado serios perjuicios personales (morales y materiales). Uno de éstos perjuicios ha sido la requisición injustificada é ilegal de mis bienes, que no tiene precedentes en la República Argentina. Más aún, teniéndose en cuenta, que las autoridades alemanas correspondientes como también las de requisición francesa, habían comprobado que las mismas no habían sido efectuadas reglamentariamente. Exijo por consiguiente, la inmediata anulacion de la órden extendida con posterioridad, ya que ni siquiera la ley Nr. 52 del consejo de control en Alemania contiene artículos aplicables a mi persona y bienes de exclusiva propiedad.

Llamo especialmente la atención del Excmo. Sr. Ministro d'Affaires étrangéres de Francia, que mi filación nazista data de tiempos anteriores a la actual ocupación y que mi actuación ha sido únicamente de caracter benéfico en favor de la población pobre y obrera de ésta ciudad. Una actuación " politica " no puede comprobarme nadie, por ser absolutamente desconocida. Por consiguiente no estaba yo obligado a dar cuenta de mi proceder a autoridad ajena, que no fuera la de mi país natal, del cual poseo - desde el dia de mi nacimiento - ciudadanía irrenunciable. Sólo á las autoridades argentinas les reservo el derecho de juzgarme, siempre que así lo estipulen las leyes constitucionales del país.

Yo no estoy dispuesto a tolerar, que persona alguna se aleja del

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camino recto de la verdad. Por consiguiente continuaré a reclamar á quien corresponda, para salir airoso de éste asunto, que no dice nada en favor de los que lo pusieron en escena. Pondré continuamente á las autoridades argentinas al corriente de los acontecimientos y espero obtener bien pronto la rehabilitación, que tengo bien merecida por cierto.

En casos análogos - y si los perjudicados hubieron sido personas de nacionalidad francesa - el gobierno que V.E. tiene el honor de representar, defenderia los intereses de los mismos, con la misma tenacidad y anhelo. Su futura intervención en éste caso - Excmo. Sr. Ministro - no puede ser contraria a mis justos intereses. Lo que dejo expuesto en éste escrito, es verdad absoluta.

Finalmente pongo en conocimiento de V.E., que he enviado en el dia de hoy, cópia de éste escrito, al Excmo. Sr. Ministro de Relaciones y Culto de la República Argentina, como también á su representante diplomático en Paris.

Dios guarde a V. E.

( F a a g )

Al Excmo. Senor
Ministro de Relaciones Exteriores
de Francia

P A R I S
- - - - - - - -
Quai d'Orsay

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MINISTERIO DE RELACIONES EXTERIORES y CULTO
DEPARTAMENTO DE RELACIONES EXTERNAS
16 OCT. 47
LETRA 2/880 No. 416

# MINISTERIO DE RELACIONES EXTERIORES Y CULTO

## MEMORANDUM Nº 334.

Para información del Señor Director del Departamento de Relaciones Externas, Dr. PASCUAL LA ROSA.-

Producido por: el Señor Subsecretario Político, Dr. CARLOS RAUL DESMARAS.-

15 de octubre de 1947.-

OBJETO:

Me dirijo al Señor Director acompañando un recorte del diario "La Prensa" del día de la fecha, referente a la propuesta yugoslava sobre entrega de criminales de guerra ante la Asamblea de las Naciones Unidas, a fin de que se agregue a los antecedentes que obran en el Departamento a su cargo.-

FICHADO ANOTADO

Dr. CARLOS R. DESMARÁS
SUBSECRETARIO POLITICO
DEL MINISTERIO DE RELACIONES EXTERIORES Y CULTO

Buenos Aires, 22 de octubre de 1947.

Agréguese a sus antecedentes.

PASCUAL LA ROSA
DIRECTOR DEL DEPARTAMENTO DE RELACIONES EXTERNAS

MINISTERIO DE RELACIONES EXTERIORES y CULTO
24 OCT. 1947
Departamento de Relaciones Externas

Archivo Histórico
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Argentina

LA PRENSA

BUENOS AIRES, MIERCOLES 15 DE OCTUBRE DE 1947

# Necesidad de equilibrar el presupuesto

El Estado no tiene más recursos ordinarios y corrientes que los que obtiene mediante la aplicación de los impuestos. Las entradas de dinero que el tesoro consigue al negociar títulos de renta son excepcionales, puesto que ellas no son sino, simplemente, adelantos de capital, cuya devolución se difiere en el tiempo, dividiendo su pago en cuotas anuales. Pero es evidente que un presupuesto de gastos, cuya ejecución debe tener lugar durante doce meses, no podría ser totalmente costeado con vos y reales. Es así como para 1948 el Congreso ha votado una ley que autoriza gastos de administración "a financiar con recursos de rentas generales" —es decir, con dinero contante y sonante— por 3.091,6 millones de pesos, deducidas economías a realizarse; y, por otra parte, erogaciones "a financiar con el producto de la negociación de títulos", por 1.146,5 millones. Los gastos totales llegan a una cifra bastante mayor, pues las Cámaras votaron una segunda ley que amplía las autorizaciones de la anterior. Pero, de todos modos y dejando esta circunstancia de lado, es posible comprobar que el año venidero el presupuesto general, sin contar las dependencias autárquicas, comprenderá dos grandes grupos de gastos: uno por 3.091,6 millones y el otro por 1.146,5. Frente a ellos, el cuadro de recursos estima las entradas en 3.092 millones de pesos, solamente.

Es de toda evidencia que el presupuesto presenta, así, un desequilibrio que alcanza a 1.146 millones, importe de la emisión de valores que se autoriza para "aportes y contribuciones del Estado", inversiones para la "defensa nacional" y realización de "trabajos públicos". Y si se estima la atención de esta emisión —cuyo monto irá a agregarse a los 11.000 millones que el país ya adeuda— en sólo cinco por ciento de su valor, es decir, en 57 millones, se comprende bien que los presupuestos de los años que seguirán al actual deberán anotar en sus cuadros, cada año, una partida por esta cantidad que deberá repetirse en cada ejercicio —y serán muchos—, hasta que la deuda quede extinguida. Anotemos, de paso, que las emisiones de títulos no se utilizan únicamente para obras y trabajos públicos, sino también para el pago de otras necesidades del Estado, distintas de aquéllas.

Este desequilibrio que constantemente se impone al régimen de los gastos anuales de la Nación produce dos consecuencias. La primera de ellas es la injusta traslación del peso de los servicios de la deuda que se contrae, a los presupuestos de los años futuros. La segunda es el crecimiento de la cuenta general de la deuda del Estado. Se ve, así, cómo la sanción de presupuestos desequilibrados es causa directa e inmediata de futuros desniveles en los programas financieros de los ejercicios que han de seguir, y cómo los déficit, al acumularse, determinan también otro grave y creciente desequilibrio: el que significa el constante aumento del pasivo patrimonial de la Nación. Ha sido por gastar más de lo que se podía, que la deuda pública ha crecido tan exageradamente en nuestro país. Hace diez años el pasivo total no excedía de 3.914 millones; a fines de 1940 la cifra era ya de 5.190, y en diciembre de 1942 sumaba 6.330. En mayo último —dato oficial—, la deuda total alcanzaba a 11.130 millones de pesos.

Esta manera de conducir la hacienda fiscal necesita ser rectifica-

Archivo Histórico · Ministerio de Relaciones Exteriores, Comercio Internacional y Culto Argentina

POR VALIJA

ANOTADO

Relac. Exteriores

Leg. 635

EMBAJADA DE LA REPUBLICA ARGENTINA

No. 488

MESA DE ENTRADAS Y EXPEDICIONES

MINISTERIO DE RELACIONES EXTERIORES Y CULTO
DEPARTAMENTO DE RELACIONES EXTERIORES
2 DIC. 47
LETRA 248 No. 132

Londres, octubre 14 de 1947.

Señor Ministro:

Tengo el honor de dirigirme a V.E. para remitir con la presente, a título informativo los 12 primeros tomos publicados por el "Stationery Office" de los procedimientos del Tribunal Militar Internacional de Nuremberg en el juicio seguido contra los criminales de guerra alemanes.

ANEXOS:
12 TOMOS DE LA PUBLICACION DEL JUICIO DE CRIMINALES DE GUERRA ALEMANES.

CON EL ANEXO

Oportunamente remitiré a V.E. los tomos que ulteriormente se publiquen.

Saludo a V.E. con mi más alta y distinguida consideración.

Ricardo de Labougle

FICHADO

RICARDO DE LABOUGLE
Embajador Extraordinario
y Plenipotenciario.

A S.E. el Sr. Ministro de
Relaciones Exteriores y Culto,
Dr. Don Juan Atilio Bramuglia,
BUENOS AIRES.

Archivo Histórico
Ministerio de Relaciones Exteriores, Comercio Internacional y Culto
Argentina

ANOTADO

No. 488

Buenos Aires, 11 de diciembre de 1947.

Acúsese recibo.

PASCUAL LA ROSA
DIRECTOR DEL DEPARTAMENTO DE RELACIONES EXTERIORES

MINISTERIO DE RELACIONES EXTERIORES Y CULTO
11 DIC. 1947
Departamento de Relaciones Externas

ANEXOS:
12 TOMOS DE LA PUBLICACION DEL JUICIO DE CRIMINALES DE GUERRA ALEMANES.

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Ministerio de Relaciones Exteriores, Comercio Internacional y Culto
Argentina

Buenos Aires, 11 de diciembre de 1947.

D. R. E.

D.A.

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Señor Embajador:

Me es grato dirigirme a V.E. con el objeto de acusar recibo de su nota Nº 488 de fecha 14 de octubre ppdo., a la que tuvo a bien acompañar los 12 primeros tomos publicados por el "Stationery Office" sobre los procedimientos del Tribunal Militar Internacional de Nuremberg en el juicio seguido contra los criminales de guerra alemanes.

Al agradecer a V.E. el envío de referencia, que ha sido incorporado a la biblioteca de este Departamento, aprovecho la oportunidad para saludarlo con mi más alta y distinguida consideración.

jpc

MINISTERIO DE RELACIONES EXTERIORES Y CULTO
11 DIC. 1947
Departamento de Relaciones Externas

DR. CARLOS R. DESMARÁS
SUBSECRETARIO POLITICO
DEL MINISTERIO DE RELACIONES EXTERIORES Y CULTO

A S.E. el Embajador Extraordinario y Plenipotenciario de la República en Gran Bretaña, Dr. Ricardo de Labougle.

LONDRES

Archivo Histórico
Ministerio de Relaciones Exteriores, Comercio Internacional y Culto
Argentina

" La Nación" octubre 3 de 1946 .

## DETENCIÓN A BORDO DE UN BARCO ESPAÑOL

MONTEVIDEO 2 (Esp.).—La Jefatura de Policía informó hoy que antes de zarpar para Buenos Aires el barco español Cabo de Buena Esperanza detuvo al pasajero Carlos Lesca Saralegui, que viajaba acompañado por su esposa. El procedimiento se efectuó a pedido de la legación de Francia, según la cual el prevenido fué director del diario colaboracionista "Je Suis Partout", que respondía a las directivas de Laval y Abetz. El Sr. Lesca protestó por el procedimiento, quedando detenido en la División de Investigaciones, mientras se siguen los trámites correspondientes, confiando su defensa al Dr. José Irureta Goyena. Según ha trascendido, el señor Lesca sería de nacionalidad argentina y tendría en el Río de la Plata algunos campos de su propiedad. Por su parte, la legación de Francia anunció que formalizaría el pedido de extradición correspondiente.

### Pedido de amparo

MONTEVIDEO, 2 (AP).—Un funcionario de la embajada argentina confirmó que Carlos Lesca o Carlos Saralegui, nombre este último con que viajaba en el Cabo de Buena Esperanza, donde fué detenido, ha pedido amparo a la referida misión diplomática. Lesca fué desembarcado por disposición del Ministerio del Interior y a pedido de la embajada de Francia, que sostiene que el nombrado está prófugo de la justicia francesa. Lesca es acusado de colaboracionismo con los alemanes por ser director del periódico "Je Suis Partout", que respondía a las directivas de Otto Abetz.

El viajero trató de resistir la orden, pero fué obligado a abandonar el barco. Alojado en la División de Investigaciones, quiso hacer valer su condición de ciudadano argentino, presentando un recurso de amparo ante la Embajada y designando defensor al Dr. José Irureta Goyena, quien hasta hoy no aceptó ese cargo, pues desea conocer antes la clase de delitos que se imputan al detenido. La Embajada tomó algunas providencias, pero hasta el momento no se sabe si Lesca es, efectivamente, ciudadano argentino, realizándose las averiguaciones del caso, pues no falta quien afirme que el detenido es uruguayo.

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Argentina

**LEGACION**
de la
**REPUBLICA ARGENTINA**
M.R.E.C.N°159.

RELACIONES EXTERNAS

Varsovia, noviembre 4 de 1947.

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MESA DE ENTRADA
RELACIONES EXTERNAS
MINISTERIO DE RELACIONES EXTERIORES y CULTO
DEPARTAMENTO DE RELACIONES EXTERNAS
22 NOV 47
LETRA 284 No. 61
22 NOV 1947
RELACIONES EXTERIORES Y CULTO

Señor Ministro:

Tengo el honor de llevar a conocimiento de V.E. que la Misión Militar Polaca en Berlin ha dirigido una nota al Consejo Interaliado de Control referente a la decisión tomada por las autoridades anglosajonas en el sentido de no tomar en cuenta a patir del 1° de noviembre, ninguna solicitud de extradición de Alemania de criminales de guerra

La nota destaca que la cuestión de las sanciones contra los criminales de guerra no puede ser tratada arbitrariamente por los comandantes de las diferentes zonas, y que debe ser realizada de una manera uniforme sobre el territorio de toda Alemania. Dicha decisión de las autoridades americanas y británicas, contradice los principios de los acuerdos internacionales de los años 1943-1947.

La nota señala que la preparación de las solicitudes individuales de extradición requiere un tiempo bastante largo. pues los alemanes han hecho todo lo posible para borrar las huellas de su actividad criminal. No obstante los crímenes de guerra no pueden quedar impunes, solamente porque aquellos que los han cometido hayan logrado borrar las huellas.

ESCANEADO

Como el castigo de los crímenes de guerra constituye uno de los principios fundamentales de la política de ocupación en Alemania la nota subraya la necesidad de que se tomen en cuenta los pedidos de extradición, en la misma forma y procedimiento que hasta el presente.

Saludo al Señor Ministro con las expresiones de mi más alta y distinguida consideración.

Federico Quintana

A S.E. el Señor Ministro de Relaciones Exteriores y Culto
Doctor don Juan Atilio Bramuglia

BUENOS AIRES

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Ministerio de Relaciones Exteriores, Comercio Internacional y Culto
Argentina

LEGACION
de la
REPUBLICA ARGENTINA
M.R.E.C.N°179.

Buenos Aires, 26 de noviembre de 1947.

ACUSESE RECIBO

PASCUAL LA ROSA
DIRECTOR DEL DEPARTAMENTO DE RELACIONES CULTURALES

MINISTERIO DE RELACIONES EXTERIORES Y CULTO
DEPARTAMENTO DE RELACIONES CULTURALES
22 NOV 47

MINISTERIO DE RELACIONES EXTERIORES Y CULTO
28 NOV 1947
Departamento de Relaciones Exteriores

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Ministerio de Relaciones Exteriores, Comercio Internacional y Culto
Argentina

Buenos Aires, 26 de noviembre de 1947.

D. R. E.

D.A.

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Señor Encargado de Negocios:

Tengo el agrado de dirigirme a V.S., con el objeto de acusar recibo de la nota N° 159 de fecha 4 del corriente, referente a las observaciones que la Misión Militar Polaca en Berlín formula en una nota que dirigiera al Consejo Interaliado de Control, con motivo de la decisión tomada por las autoridades anglo-sajonas en el sentido de no tomar en cuenta ninguna solicitud de extradición de criminales de guerra después del 1° del mes en curso.

Hago propicia la oportunidad para renovar a V.S., las seguridades de mi más distinguida consideración.

Archivo de Relaciones Exteriores
Departamento de Relaciones Exteriores

PASCUAL LA ROSA
DIRECTOR DEL DEPARTAMENTO DE RELACIONES EXTERIORES

A S.S. el Encargado de Negocios a.i. de la República en Polonia,
don Jorge R.Reyna Robin.

VARSOVIA

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Argentina

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Argentina