

In the winter of 1942, the governments of the Allied powers announced their intent to punish Nazi war criminals. In October 1943, US president Franklin D. Roosevelt, British Prime Minister Winston Churchill, and Soviet leader Josef Stalin signed the Moscow Declaration. The declaration stated that at the time of an armistice, persons deemed responsible for war crimes would be sent back to those countries in which the crimes had been committed and would be judged according to the laws of the nation concerned.

The book analyses the trials held by the Allies against representatives of the defeated Nazi Germany, for plotting and carrying out invasions of other nations. In this book, the author resumes and analyzes the trial opened in Nuremberg on November 14, 1945, against the main political and military leaders of the Third Reich.



Jean Senat Fleury

NUREMBERG: Analyzing the Trial

A former judge with a passion for history, **Jean Sénat Fleury** was born in Haiti and currently lives in Boston. He wrote several historical books.



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THE
NUREMBERG TRIALS

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JEAN SÉNAT FLEURY

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Introduction

The First World War ended with the surrender of Germany, which accepted the conditions set out in the Treaty of Versailles of 1919. The United Kingdom, France, Belgium, Japan, the United States divided the former colonies Germany and the victorious countries, particularly France, obtained the right to high reparations allowances. France, moreover, obtained the reintegration of Alsace and the Moselle, annexed by Bismarck after the war of 1870. Russia, after the Bolshevik Revolution and the Counter-Revolution, became the Soviet Union, while new States (Czechoslovakia, Hungary, Poland, Baltic States) were created in Central Europe, in the name of the principle nationalities, in particular because of the dismemberment of the Austro-Hungarian Empire. The borders of the USSR are also displaced for the benefit of Poland.

In Germany, the Treaty of Versailles was denounced, imposing heavy war indemnities and the loss of "German lands" such as Upper Silesia. In Italy resentment was as strong as in Germany. Italy did not obtain the allocation of the provinces of Istria, Dalmatia and Trentino which the country wished. During the 1920s and 1930s, France and the United Kingdom did not agree on the compensation payable by Germany, and the reconstruction or dismantling of German industrial structures.

This conflict led to the occupation of the industrial region of the Ruhr, rich in coal, iron and metallurgical industry, by Belgian and French troops from 1923 to 1925. This occupation quickly led to a crisis in the German economy, a significant devaluation. Mark and a reinforcement of the policies of the extreme right nationalist and the extreme left communist. The Dawes Plan of 1924 put an end to this occupation. Five years later (1929) the world entered the most serious economic crisis in history. The economic crisis of 1929 affected all the economies of the world, and had serious consequences for the fragile economies of the European countries just out of the war, especially Germany, causing in this country heavily hit by the aftermath of the World War I, unemployment

and recession. The repatriation of large American investments in Germany plunged the German economy into a serious crisis.

In Germany and Italy, economic crises made it easier for the National Socialists to take power. In the Third Reich, the Nazi Party, led by Adolf Hitler, came to power in 1933. Hitler increased his popularity by denouncing the Treaty of Versailles, which is the general demand of all Germans, even the opponents of National Socialism, the Nazi party. Hitler and his fanatical partisans who wanted to conquer "lands" joined forces with other fascist powers (Italy, Japan, Hungary, Bulgaria and Romania). Led by Benito Mussolini, Italy withdrew from the League of Nations and moved closer to Nazi Germany. Italy soon became a dictatorship where all opponents were exiled or murdered. In 1939, Italy invaded Albania, of which she made an Italian protectorate.

In Germany, Adolf Hitler took the power on January 30, 1933. Very quickly, he restored in Germany the generalized military service, prohibited by the treaty of Versailles, remilitarized the Rhineland in 1936 and implemented an aggressive foreign policy. This policy aims to bring together the German speaking populations of Central Europe within the same state.

Hitler realized his plans to conquer Europe by annexing Austria in March 1938: it is the Anschluss. After a provocation operation known as the Gleiwitz incident, German troops invaded Poland on September 1, 1939. On September 3, 1939, France and the United Kingdom declared war on Germany under a treaty of February 1921, which bound them to Poland. On September 17, 1939, in application of the secret clauses of the German-Soviet Pact, the Soviet Union in turn invaded Poland from the east. Thus, the Second World War broke out.

Europe occupied by the Nazis is delivered to terror and looting. Between 1938 and 1941, after the occupation of territories of the main countries of the European continent, the only enemy of Nazi Germany remained the United Kingdom, supported by the Commonwealth. Unable to bend the English and after the debacle in Moscow, where the German army lost 700,000 men (killed,

wounded, or prisoners), or a quarter of the troops dispatched to Russia, Hitler began to see the decline of his regime.

The declaration of war with the United States on December 11, 1941, shortly after Japan's Pearl Harbor attack on December 7, further complicated the situation. On the night of June 5 to 6, 1944, more than 150,000 Allied soldiers, under the command of General Dwight D. Eisenhower, landed in Normandy. Called code named "Overlord" (suzerain in French), this naval aviation operation remains the most gigantic in history. In Europe, the armed conflict ends on May 8, 1945 with the unconditional surrender of the Third Reich. On November 14, 1945, the trial of the main political and military leaders of the Third Reich began in Nuremberg.

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Chapter One

The Nuremberg International Military Tribunal

Creation

In the winter of 1942, the governments of the Allied powers announced their intent to punish Nazi war criminals. In October 1943, US president Franklin D. Roosevelt, British Prime Minister Winston Churchill, and Soviet leader Josef Stalin signed the Moscow Declaration. The declaration stated that at the time of an armistice, persons deemed responsible for war crimes would be sent back to those countries in which the crimes had been committed and would be judged according to the laws of the nation concerned. Major war criminals, whose crimes could be assigned no particular geographic location, would be punished by joint decisions of the Allied governments. On August 8, 1945, after the war was over, the United States, the United Kingdom, the USSR, and the Provisional Government of the French Republic signed a treaty creating and fixing the statute of the international military tribunal “competent to try and punish all persons who, acting on behalf of the European countries of the Axis, will have committed, individually or as members of organizations, any of the following crimes”: crimes against peace, war crimes, and crimes against humanity. It is on the basis of this treaty that in Nuremberg from November 20, 1945, to October 1, 1946, a lawsuit was brought by the Allied powers against twenty-four of the leading political and military leaders of the Third Reich and against seven Nazi organizations (including elite SS unit and the Gestapo). The charges against the defendants were: conspiracy to commit crimes against peace, war crimes, and crimes against humanity. US chief prosecutor Robert H. Jackson, in his introduction at Nuremberg, has well defined the importance of the trial. “The privilege of opening the first trial in history for crimes against the peace of the world imposes a grave responsibility. The wrongs which we seek to condemn and punish have been so calculated, so malignant, and so

devastating, that civilization cannot tolerate their being ignored, because it cannot survive their being repeated.”

Minutes of the Nuremberg Trial

The minutes of this trial were published between 1947 and 1949 by the secretariat of the international military tribunal under the jurisdiction of the Allied Control Authorities for Germany. The official text has been published in French, English, and Russian. In addition to numerous documents and annexes, the text establishes in 21 volumes the precise record of each of the 218 trial hearing days, as well as the preliminary hearings of November 14, 15, and 17, 1945. This large documentary mass forms a corpus of about 6 million words.

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Actors in the Trial

The Judges

The court was composed of the following judges and prosecutors:

1. Henri Donnedieu de Vabres (French)
2. Francis Biddle (American)
3. Lord Justice Lawrence Geoffrey (English)
4. Major-Gen. Iona Nikitchenko (Soviet)

The Assessors

1. André Falco (French)
2. John Parker (American)
3. Sir Norman Birket (English)
4. Col. Alexander Volchkov (Soviet)

The Prosecutors

1. François de Menthon and Champetier de Ribes (French)
2. Robert Jackson (American)
3. Sir David Maxwell-Fyfe and Sir Hartley Shawcross (English)
4. Gen. Roman Rudenko (Soviet)

The Lawyers

Each accused has chosen a lawyer from a list where, in principle, there is no Nazi. Criminal organizations had assigned lawyers. Some names: Dr. Alfred Seidl was the lawyer for Rudolf Hess and Hans Frank. Bormann's lawyer was Dr. Bergold, and Dr. Marx was Streicher's lawyer. The defense attorney for S.S. was Dr. Babel. Some were prominent lawyers such as Schacht's lawyer, Dr. Rudolf Dix, former president of Berlin, or Otto Stahmer, a prominent Hamburg lawyer who defended Göring and Hermann Jahrreis, professor of international law.

Three important absentees:

- Adolf Hitler, the "Führer".
- Heinrich Himmler, head of the SS.
- Joseph Goebbels, minister of propaganda.

A total of twenty-four accused and eight organizations were tried by the court. German industrialist Gustav Krupp was included in the original indictment, but he was elderly and in failing health. It was decided in preliminary hearings to exclude him from the proceedings. Nazi Party secretary Martin Bormann was tried and convicted in absentia. Head of the German Labor Front Robert Ley committed suicide on the eve of the trial. The IMT indicted the Nazi organizations deemed to be criminal. These were the Reich Cabinet, the Leadership Corps of the Nazi Party, the SS, the Security Service (SD), the Secret State Police (Gestapo), the Storm troopers (SA), and the General Staff and High Command of the German Armed Forces.

Chapter Two

The Accused

Hermann Göring (1893-1946)

“Göring was the most prominent man in the Nazi regime. He had been elected president of the Reichstag, the German parliament in 1932. After Hitler was named chancellor of Germany in 1933, Göring was appointed minister of interior for Prussia, where he created the Gestapo and established the first concentration camps. In 1935, Göring became chief of the Luftwaffe, the German air force, and two years later, he was made commissioner of the Four Year Plan, an economic program designed to make Germany self-sufficient in preparation for the ensuing Nazi blitzkrieg. After Germany’s invasion of Finland in 1939, Göring was elevated to reichsmarschall, the highest military rank in Germany, and designated as Hitler’s successor in the event of Hitler’s death.”

“Göring was one the five important leaders present at the Hossbach Conference of November 5, 1937, and attended other important conferences. In the Austrian Anschluss, he was indeed the central figure. He said in court: “I must take 100 per cent responsibility...I even overruled objections by the Führer and brought everything to its final development.” The night before the invasion of Czechoslovakia and the absorption of Bohemia and Moravia, at a conference with Hitler and President Hácha, he threatened to bomb Prague if Hácha did not submit. He attended the Reich Chancellery meeting of May 23, 1939, when Hitler told his military leaders. “There is, therefore, no question of sparing Poland,” and was present at the Obersalzberg briefing of August 22, 1939. He commanded the Luftwaffe in the attack on Poland and throughout the aggressive wars that followed.”

“Göring had helped plan and direct the invasions of Poland and Austria. He had ordered the Luftwaffe to destroy a business district in Rotterdam, Netherlands, even though the city had already surrendered. Göring was also implicated in the extermination of Polish intelligentsia, nobility, and clergy, the execution of British

prisoners of war, the deportation of foreign laborers to Germany, the theft of art from French museums, and the suppression of domestic political opposition. Additionally, Göring admitted on cross-examination that he was responsible for promulgating laws that had facilitated the persecution of Jews throughout Europe. As plenipotentiary he was the active authority in the spoliation of conquered territory. Two months prior to the invasion of the Soviet Union, Hitler gave him the overall direction for the economic administration in the territory. He set up an economic staff for his work.

As reichsmarschall of the Greater German Reich, “the orders of the reichsmarschall cover all economic fields, including nutrition and agriculture.” “Göring 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 as well. 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 Göring. By decree of July 31, 1941, he directed Himmler and Heydrich to “bring about a complete solution of the Jewish question in the German sphere of influence in Europe.”

Rudolph Hess (1894-1987)

“He joined the Nazi Party in 1920 and took part in the Munich putsch of November 9, 1923. He was imprisoned with Hitler in Landsberg Fortress in 1924, and became his most intimate personal confidant. On April 21, 1933, he was appointed representative of the Führer and, on December 1, minister of the Reich without a portfolio. On February 4, 1938, he became a member of the secret cabinet council, and on August 30, 1938, Hitler officially appointed him as his successor after Göring. On May 10, 1941, he left Germany by plane and went to Scotland.” “Representative of the Führer, Hess was the highest man of the Nazi Party. He was allowed to make decisions on behalf of Hitler. He had the power to approve, before they came into force, all the legislative acts proposed by the various ministers. In these various ways, he took an active part in the preparation of the war. His signature appears

at the bottom of the law of March 16, 1935, which instituted compulsory military service. He participated in the German aggression against Austria, Czechoslovakia and Poland. He coordinated the activities of the illegal Nazi Party in Austria and gave them instructions throughout the period between the assassination of Dollfuss and the Anschluss. He was in Vienna on March 12, 1938, when German troops entered.”

“On March 13, he signed the law that incorporated Austria into the German Reich. A law of June 10, 1939, provided for its participation in the administration of Austria. On July 24, 1938, in a speech he delivered in commemoration of the coup attempt of the national socialists, four years earlier, he had celebrated the steps that led to the Anschluss and justified the occupation of Austria by Germany.” “In the summer of 1938, he received regular reports from Henlein, leader of the Sudeten German party in Czechoslovakia. On September 27, 1938, at the time of the Munich crisis, he and Keitel agreed to execute Hitler’s instructions to operate the Nazi Party mechanism for secret mobilization. On April 14, 1939, he signed a decree incorporating the Sudetenland into the Reich, and an order of June 10, 1939, providing for his participation in the administration of that territory.”

“On June 7, 1938, he had joined Henlein’s party in the German Nazi Party, and had declared in a speech that Hitler would not have hesitated to seize the Sudetenland by force, if circumstances had demanded. On August 27, 1939, the attack on Poland having been temporarily postponed in the hope of persuading Great Britain to abandon the guarantee given by it to that country, he publicly praised “the magnanimous offer” of Hitler to Poland, and accused the latter of bellicose agitation, an attitude of which England, according to him, was responsible. After the invasion of Poland he signed the decrees that incorporated into the Danzig Reich and certain Polish territories and created the general government.” “Only ten days after Hitler set June 22, 1941, as the date of the attack on the Soviet Union, he set out for England with certain peace proposals that, he thought, Hitler considered acceptable. In the conversations he had after his arrival in Britain, he ardently

supported all the acts of aggression committed up to that time and tried to justify the attitude of Germany, vis-à-vis Austria, Czechoslovakia, Poland, Norway, Denmark, Belgium and the Netherlands. He accused England and France of being responsible for the war.”

Alfred Rosenberg (1893-1946)

“Rosenberg joined the Nazi Party in 1919. He took part in the Munich putsch on November 9, 1923, and tried to keep the Nazi Party, which had become illegal, while Hitler was in prison. Recognized as the ideologue of the party, he developed and spread the Nazi doctrines in the newspapers *Völkischer Beobachter* and *N.S. Monatshefte*, of which he was the publisher of many works. His book *The Myth of the Twentieth Century* was printed in over a million copies. In 1940, he was elected to the Reichstag and became the Party’s representative in the foreign ministry. In April 1933, he was appointed reichsleiter and director of the party’s foreign affairs service (APA). In January 1934, Hitler made him his deputy for the control of all spiritual and ideological education of the party.”

“As director of the APA, he was in charge of an organization whose agents were involved in Nazi intrigues in all parts of the world. APA, for example, played an important role in Romania’s accession to the Axis. As director of the APA, he took a large part in the material and strategic preparation of the attack against Norway. He was with Raeder, at the origin of the plan of attack, which he had been interested in since the interview he had had with Quisling, in June 1939. Quisling had stressed the importance of the Norwegian coast to the case of a conflict between Germany and England and expressed the fear that Britain would be helped by the Norwegians. As a result of this conference, Rosenberg arranged for Quisling to work closely with the Nazis and to gain political support.”

“Rosenberg is one of the main people responsible for the development and execution of the measures that were adopted in the occupied territories of the east. On April 2, 1941, he was

informed by Hitler of the imminence of the attack on the Soviet Union and agreed to cooperate as a political adviser. On April 20, 1941, he was appointed commissioner for central control of Eastern European affairs. During the preparation of the occupation plans, he had numerous conferences with Keitel, Raeder, Göring, Funk, von Ribbentrop, and other important personalities of the Reich. In April and May 1941, he drew up several draft regulations for the organization of the administration of the occupied territories of the east. On June 20, 1941, two days before the outbreak of the attack on the USSR, he made a speech to his deputies about the problems posed by the occupation and the measures to be considered. On July 16, 1941, he attended Hitler's lecture, during which methods of administration and occupation were examined. On July 17, 1941, Hitler appointed Rosenberg reichs-minister for the occupied eastern territories and officially entrusted him with the responsibility of the civil administration."

"Rosenberg is responsible for the systematic looting of public and private property that was practiced in all the invaded countries of Europe. Acting on the orders of Hitler, in January 1940, to found the "Hohe Schule", he organized and directed the "Einsatzstab Rosenberg", which looted museums and libraries, confiscated works of art and collections, and ransacked private homes. During "Action M" [Möbel], which was launched in December 1941 at the suggestion of Hitler, 69,000 Jewish homes were looted in the west, including 38,000 in Paris only, and it took 26,984 railroad cars to transport the confiscated furniture to Germany. As of July 14, 1944, 21,903 works of art, including famous paintings and museum pieces, had already been seized in the West by the Einsatzstab."

"Appointed on July 17, 1941, by Hitler, reichsminister for the occupied territories of the east, he was invested with the supreme authority for these regions. He helped shape the policy of Germanization, exploitation, forced labor, and the extermination of Jews and opponents of Nazism, and organized the administration that carried out this policy. He took part in the conference of July 16, 1941, during which Hitler had declared, "We have now the task

of sharing the big cake according to our needs, to be able to, first dominate it, [and], then to administer it and finally the exploit. Hitler added that it was necessary to act pitilessly. Rosenberg took office the next day. Its directories provided for the sidelining of Jews and sending them to ghettos. His consent to the “Heu aktion” is indicated by the signature he affixed to the order of June 14, 1944 concerning the arrest of forty to fifty thousand children, aged between ten and fourteen, for sending them to Germany. In December 1941, he suggested to Hitler that the hundred hostages to be shot in France should be chosen only among the Jews.”

Hans Frank (1900-1946)

“He was appointed head of the civil administration of the occupied Polish territories, and on October 12, 1939, on the express order of Hitler, he became governor-general. On October 3, 1939, he described the policy he intended to adopt in the following terms: “Poland will be treated as a colony. The Poles will be the slaves of the Greatest German Reich.” This occupation policy resulted in the total destruction of Poland as a national entity by the ruthless exploitation of its human and economic resources for the German war effort. All resistance was crushed with extreme severity. A regime of terror was instituted, reinforced by summary courts that ordered, for example, public executions of groups of twenty to two hundred Poles or mass executions of hostages. The concentration camp system was introduced in the country. The famous Treblinka and Maidanek camps were established.”

“As early as February 6, 1940, Frank himself revealed this regime of terror, commenting cynically during a report the poster where von Neurath announced the execution of the Czech students. “If I ordered posters to be stuck to the walls every time seven Poles were shot, the forests of Poland would not be enough to make the necessary paper.” On May 30, 1940, Frank told a police meeting that he was taking advantage of the Western European offensive, which was diverting Poland from the world’s attention, to liquidate the thousands of Poles likely to oppose German rule, including “the main representatives of the Polish intellectual elite.” Under a decree that he had signed with Hitler’s agreement on October 2,

1943, he declared: “Any individual of non-German nationality who sabotages the work done on behalf of the Reich in the general government would be tried by summary courts of the security police and the SD and sentenced to death.”

“From the beginning of his administration, Frank inaugurated the deportation of workers for forced labor in Germany. On January 25, 1940, he expressed his intention of deporting 1 million workers and, on May 10, 1940, said that this figure was to be reached by police raids. On August 18, 1942, Frank announced that he had already supplied 800,000 workers to the Reich and that he expected to be able to deliver another 40,000 by the end of the year. The persecutions of the Jews began immediately. Originally, the territory contained 2, 5-3.5 million Jews. They were all forced to live in the ghettos, subject to exceptional laws, deprived of the necessary food for their substance, finally systematically and brutally exterminated. On December 16, 1941, Frank told his cabinet members: “We must exterminate the Jews, or find them wherever possible, to maintain the structure and cohesion of the Reich. By January 25, 1944, Frank estimated that there were only 100,000 Jews left in Europe. He voluntarily and knowingly participated in the measures of terror in Poland, in the economic exploitation of that country, which led to the famine and death of a large number of people, and in the deportation for forced labor in Germany, of more than one million Poles. He participated in the program that led to the murder of more than 3 million Jews.”

Wilhelm Frick (1877-1946)

“A recognized specialist in administrative matters, Frick became part of Hitler’s first cabinet, which appointed him minister of the interior of the Reich. As German minister of interior, he had signed decrees sanctioning the execution of Jews and other persons held in “protective custody” at the concentration camps and had given Himmler a blank check to take any “security measures” necessary to ensure the German foothold in the occupied territories. He held this important position until August 1943, when he was appointed protector of the Reich for Bohemia-Moravia. Frick exercised supreme authority over Bohemia and Moravia and

was responsible for implementing Hitler's policies of enslavement, deportation, torture, and extermination in these territories."

"Thanks to these functions that placed him at the center of all the internal administration of the country, he became minister of the interior of Prussia, director of Reich elections, general plenipotentiary to the administration, and member of the defense council of the Reich, the Council of Ministers for the Defense of the Reich, and the Council of Three. When various countries that were to be incorporated into the Reich were invaded, Frick was placed at the head of the central services of these incorporations. Although Frick officially joined the Nazi Party in 1925, he had already, during the Munich putsch and, while he was an official of the police department of that city, sided with Hitler and the national socialist cause. Elected a member of the Reichstag in 1924, he became reichsleiter, in his capacity as leader of the national socialist group of this house."

"Frick, an ambitious Nazi, actively contributed to putting Germany under the absolute domination of the National-Socialist Party. As soon as Hitler became chancellor of the Reich, as minister of the interior, Frick began to group the regional governments under the sovereignty of the Reich. Many laws he had drafted, signed and enforced had the effect of suppressing all opposition parties and also opened the way for the Gestapo to annihilate any individual opposition. He was the main and ruthless author of legislation aimed at eliminating trade unions, churches and Jews. Six months after the annexation of Austria, by a decree of Hitler, Frick became, under the law of defense of the Reich of September 4, 1938, plenipotentiary general to the administration of the Reich. It was further provided that, in the event that Hitler proclaimed the "state of defense," Frick would be in charge of the war administration, except for the military and economic sector. The ministries of justice, education, and cults were, as well as the office of space affairs, placed under his authority. In carrying out the task entrusted to him, Frick set up an administrative organization that was adapted to the conditions of war and that, according to his

own statements, came into play when Germany had decided to adopt a recourse policy to the force.”

“Frick signed the law of March 13, 1938, which united Austria to the Reich and he was charged with its execution. He established a German administration in Austria and took legislative measures that introduced into the country the laws of the Reich, including the Nuremberg decrees and the law on military service. He confided the police questions to Himmler. It was Frick again who had signed on Hitler’s orders the laws incorporating in the Reich the Sudeten countries, Memel, Danzig, and the eastern territories (West Prussia and Pomerania) as well as those of Eupen and Malmedy and Moresnet. He was charged with the effective execution of these incorporations and the establishment of a German administration in these territories. He signed the law establishing the Protectorate of Bohemia and Moravia. As head of the central services for Bohemia and Moravia, for the general government, and for Norway, he had the task of creating close cooperation between the German administrators of these territories and the supreme authorities of the Reich. In all the occupied countries, he appointed the administrative staff and informed Rosenberg of the designations made in the eastern territories. Finally, he signed the laws that appointed Terboven commissioner of the Reich in Norway, and Seyss-Inquart commissioner of the Reich in Holland.”

“A fanatical anti-Semite, he prepared, signed, and enforced with Hitler’s agreement a large number of laws designed to eliminate Jews from German life and economy. His legislative work was the basis of the Nuremberg decrees, which he actively pursued. After banning the Jews from practicing certain professions and confiscating their fortune, he finally signed in 1943, after the massive exterminations of Jews operated in the east, a decree that placed them as “outlawed” and put their fate in their hands of the Gestapo. These measures, which paved the way for the “Final Solution,” were extended by Frick to the incorporated territories as well as to some of the occupied territories. During the period when he was Protector of the Reich for Bohemia and Moravia, thousands

of Jews were transferred from the Terezin ghetto in Czechoslovakia to Auschwitz, where they were killed. He instituted by decree an exceptional criminal procedure applicable to the Jews and Poles of the general government. Euthanasia was practiced during the war in sanatoriums, hospitals and asylums under the authority of Frick.”

Wilhelm Keitel (1882-1946)

“Appointed head of the OKW by the decision of Hitler, Keitel exerted pressure on Austria, emitting broadcast messages and false rumors by organizing movements of troops. Keitel directed all these maneuvers, and Jodl noted in his diary that “the effect was swift and energetic.” When Schuschnigg had decided to organize a plebiscite, Keitel, the same night, informed Hitler and his generals; and Hitler published the “Otto Case” Adolf Hitler and Hirohito: On Trials 41 that Keitel had issued. On April 21, 1938, Hitler and Keitel discussed how to use an “incident”- such as the assassination of the German minister in Prague- as a pretext for the attack on Czechoslovakia. Keitel signed many directives and memorandums concerning the “Green Case” and, among other things, the May 30 instruction which contained the following statement by Hitler: “It is my irrevocable decision to crush Czechoslovakia by military action in the very near future.”

“After Munich, he initialed Hitler’s order for the attack on Czechoslovakia and added two supplements. The second stated that the attack should appear abroad as an “act of simple pacification” and not as a bellicose enterprise. He also attended the negotiations between Hitler and Hácha, after which the latter finally yielded. He was still present on May 23, 1939, when Hitler announced his decision to attack Poland on the first favorable occasion. He had signed the order enjoining the Wehrmacht to submit for the 1st of May to the OKW the schedule of operations of the “White Case.” On December 12, 1939, he studied with Hitler, Jodl, and Raeder the question of the invasion of Norway and Denmark, and an instruction of January 27, 1940, from Hitler himself, gave him the “personal direction” and “immediate plans” concerning Norway. Hitler declared, on May 23, 1939, that

he would take no account of the neutrality of Belgium and the Netherlands. Keitel signed the orders of attack on October 15, and 20, and November 28, 1939. Thereafter, seventeen orders pushing the date of the attack until the spring of 1940 were all signed by Keitel and Jodl.”

“As for the invasion of the Soviet Union, Keitel declared that he had opposed both for military reasons and because it would constitute a violation of the non-aggression pact. In spite of this, he put his initials on the “Barbarossa Case” signed by Hitler on December 18, 1940, and attended the meeting of February 3, 1941, between Hitler and the representatives of the OKW. On March 13, 1941, he added an addendum to settle the relations between the military leaders and the political leaders. He also established the schedule of the invasion operations on June 6 and attended the conference on June 14, 1941, during which the generals made their final reports before the attack. He appointed Jodl and Warlimont to represent the OKW, with Rosenberg on matters pertaining to the eastern territories. On June 16, 1941, he ordered all units in the army to apply the economic guidelines that Göring had given in the “Green Record” for the use of food products and raw materials supplied by the Russian territory.”

“After the OKW published, on September 8, 1941, ruthless rules for the treatment of Soviet prisoners of war, Canaris wrote to Keitel that the SD, in dealing with this issue, violated the rules of international law. On this memorandum, Keitel, on September 23, wrote with his hand and signed the following note: “We raise objections inspired by a chivalrous conception of war, but here, it is a question of destroying an ideology. Therefore, I approve and support these measures.” On August 4, 1942, Keitel, following Hitler’s instructions, issued a directive that the paratroopers were to be delivered to the SD. On October 18, 1942, Hitler published the commando order that was applied on many occasions. After landing in Normandy, Keitel reiterated this order and then extended it to Allied units fighting alongside the resistance groups. He admitted that the order was illegal, but claimed he could not prevent Hitler from promulgating it.”

“Keitel, still under Hitler’s instructions, ordered the military authorities to cooperate with the “Einsatzstab Rosenberg” for the looting of cultural property in the occupied territories. Lahousen stated that Keitel had told him on September 12, 1939, in Hitler’s special train, that the intellectual class, the nobility, and the Jews of Poland had to be suppressed. On September 16, 1941, following Hitler’s instructions, he ordered the attacks on German soldiers in the east by the killing of fifty to one hundred communists for a German soldier, adding that” in the east, a human life was less than nothing. On October 1, he ordered the military leaders to detain permanently hostages ready for execution in case German soldiers were attacked. Josef Terboven, Reich commissioner for Norway, wrote to Hitler that Keitel’s proposal to hold the workers’ parents accountable for the acts committed by the latter could only be applied if the use of platoons was allowed. Keitel wrote in the margin of this memorandum: “Yes, that’s the best.”

“On May 12, 1941, five weeks before the invasion of the Soviet Union, the OKW urged Hitler to approve an OKH directive, ordering the army to “liquidate” the political commissars. On May 13, after instructions from Hitler, Keitel signed an order that civilians suspected of committing crimes against the troops should be executed without trial. On July 24, Keitel signed another order calling legal punishments inadequate, saying that the troops had to use terrorist methods. On December 7, 1941, he signed the decree “Nacht und Nebel” which provided that civilians would be prosecuted in the occupied territories only if a death sentence was probable. In other cases, they had to be surrendered to the Gestapo to be taken away in Germany. He also ordered that Soviet prisoners of war should be employed in the German war industry. On September 8, 1942, he ordered the assignment of French, Dutch and Belgian citizens to the construction of the “Atlantic Wall.” Finally, he was present when, on January 4, 1944, Hitler gave Sauckel the order to recruit four million new workers into the occupied territories.”

Joachim von Ribbentrop (1893-1946)

“Ribbentrop joined the Nazi Party in 1932. The next year, he became Hitler’s advisor and representative of the Nazi Party in foreign affairs. In 1934, Hitler appointed him delegate for disarmament and, in 1935, minister plenipotentiary without portfolio. It was in this last capacity that he had negotiated the Anglo-German Naval Agreement in 1935 and the “Anti-Comintern” Pact in 1936. On August 11, 1936, he was sent as ambassador to England. On February 4, 1938, he succeeded von Neurath as minister of foreign affairs of the Reich. On January 2, 1938, when he was still ambassador to England, he sent a memorandum to Hitler stating that, in his opinion, a favorable amendment to Germany of the status quo in the east could only be obtained by force and proposing ways to prevent England and France from intervening in a European war for this purpose. When he became foreign minister, Hitler told him that Germany still had four problems to solve: Austria, the Sudeten territories, Memel and Danzig, and mentioned the possibility of “slaughtering his game” and resorting to a “military settlement” to solve them.”

“On February 12, 1938, he attended the interview in which Hitler forced Schuschnigg, through threats of invasion, to make a series of concessions to strengthen the position of the Nazis in Austria, including the appointment of Seyss-Inquart as minister of security and the interior, with the control of the police. He was in London when the occupation of Austria was carried out, and thanks to the information provided by Göring he informed the British government that Germany had not presented an ultimatum to Austria, but intervened only to prevent a civil war. On March 13, 1938, he signed the law incorporating Austria into the German Reich. He participated in plans of aggression against Czechoslovakia.”

“As early as March 1938, he maintained close contact with the Sudeten German party and gave them instructions aimed at continuing to make the Sudeten question a burning question, capable of serving as an excuse for the planned attack on the Sudetenland, Czechoslovakia. In August 1938, he took part in a

conference whose object was to obtain the support of the Hungarians in the event of war with Czechoslovakia. After the Munich Pact, on Hitler's instructions, he continued to exert diplomatic pressure to occupy the rest of the country. He helped encourage Slovaks to demand their independence. He attended the conference of March 14 and 15, 1939, during which Hitler, under threat of invasion, forced President Hácha to consent to the occupation of Czechoslovakia by Germany. After the entrance of the German troops, he signed the law establishing a protectorate on Bohemia and Moravia."

"He played a particularly important role in the diplomatic activity that led to the aggression against Poland. On October 24, 1938, less than a month after the Munich Pact, he had a dinner with the Polish ambassador to Berlin, Józef Lipski, at the Grand Hotel in Berchtesgaden. During the meal he informed him of Hitler's proposal. "The time has come," he said, "for an understanding between Poland and Germany over Danzig. The Führer is looking to build a large motorway to connect Germany to East Prussia. This highway must go through the Danzig corridor. That is why he asks the Polish government to consider granting this passage to Germany." Second, "the Führer wants Poland to side with the Axis in the event of a war with Russia. In return, Germany will extend the non-aggression treaty signed with Marshal Pilsudski for a period of twenty years. Ribbentrop advised Lipski to verbally and confidentially, make these suggestions to Colonel Beck to avoid any leakage of information, especially to the press. Lipski promised to report Hitler's request to his government, knowing in advance that the answer would be negative. On November 19, 1938, Ribbentrop received Lipski at his office, and the ambassador told him Beck's answer. "Poland refuses all concessions concerning Danzig. Any decision by Germany to seek to incorporate Danzig into its territory will lead to a conflict." Five days after the meeting between Ribbentrop and Lipski on November 24, 1938, Hitler asked the commander of his army to prepare secret plans to occupy the Danzig."

“Ribbentrop took part, on August 12, 1939, in a conference whose aim was to obtain Italy’s support for the attack leading to a general war in Europe. In the period between August 25 and August 30, 1939, he exposed Hitler’s demands for Danzig and the Polish Corridor to the British ambassador. He knew, however, that the attack on Poland had only been temporarily postponed for to encourage the English to disengage themselves from the guarantee they had given to this country. Hitler informed him in advance of the attacks that were to be made against Norway and Denmark, on the one hand, the Netherlands, on the other, he prepared the official memorandum of the ministry of foreign affairs which tried to justify these acts of aggression. He attended the conference on January 20, 1941, during which Hitler and Mussolini had considered the attack on Greece, and at the conference of the same month that allowed Hitler to obtain from Antonescu that German troops were allowed to cross Romania to carry out this attack. When, on March 25, 1941, Yugoslavia adhered to the Tripartite Pact, it had received from von Ribbentrop the assurance that Germany would respect its sovereignty and territorial integrity. On March 27, 1941, following the Yugoslav coup against the Axis, he attended a meeting at which plans were made to realize Hitler’s intention to destroy Yugoslavia.”

“In May 1941, he attended a conference between Hitler and Antonescu, about the Romanian participation in the attack against the Soviet Union. He also spoke with Rosenberg about the establishment of a pre-military plan for the political exploitation of the Soviet territories. In July 1941, after the outbreak of the war against the Soviet Union, he urged Japan to attack that country. He participated in a meeting on June 6, 1944, during which the systematic lynching of Allied airmen conducting low-level attacks was decided. In December 1944, von Ribbentrop, in his capacity as minister of foreign affairs, was made aware of the plans for the assassination of a French general, a prisoner of war, and he invited his subordinates to ensure that the details of this operation were executed in such a way as to prevent its discovery by the Allied powers.”

“He is also responsible for war crimes and crimes against humanity because of his activity with regard to the occupied countries and the satellites of the Axis. The most important German official in Denmark and in Vichy France was its representative at the ministry of foreign affairs, and von Ribbentrop is therefore responsible for the economic and political measures applied during the occupation of these countries. He urged Italians to adopt ruthless methods in Yugoslavia and Greece. He played an important role in the “Final Solution” of the Jewish question. In September 1942, on Hitler’s instructions, he ordered German diplomatic representatives accredited to certain Axis satellites to accelerate the deportation of Jews to the east. In June 1942, his ambassador to France asked Laval to deliver fifty thousand Jews to deport them to the east. On February 25, 1943, he protested to Mussolini against the slowness of the Italians to deport Jews from the Italian occupation zone to France. On April 17, 1943, he attended an interview between Hitler and Horthy about the deportation of the Jews from Hungary and made known to the regent of that country that the “Jews had to be exterminated, put into concentration camps. At the conference, Hitler equated the Jews with “tubercle bacilli” and said that if they did not work, they had to be shot.”

“Von Ribbentrop, Hitler’s faithful disciple, participated in all Nazi aggression, from the occupation of Austria to the invasion of the Soviet Union. He was personally involved in the diplomatic preparation of these acts, and Hitler ordered Göring to execute the military phase of the attacks. In the administration of territories Germany had unjustly seized, he participated in the application of criminal methods including, in particular, those that led to the extermination of the Jews.”

Julius Streicher (1885-1946)

“A member of the Nazi Party, Streicher was a convinced follower of Hitler’s policy. Having, for twenty-five years, preached, by word and pen, hatred of the Jews, he was universally known as their most bitter enemy. In his weekly or monthly speeches and articles, he showed the virus of anti-Semitism in the German spirit and pushed the people to engage in hostile actions against the Jews.

Each issue of the *Stürmer*, which, in 1935, had a print run of six hundred thousand copies, was filled with such articles, often even licentious and abject. The circulation of Streicher's racist newspaper had fueled the Nazis' maniacal hatred of Jews and fomented an atmosphere in which genocide was acceptable and desirable. In an article Streicher had published during 1942, he described Jewish procreation as a curse of God that could only be lifted through a process of political and ethnic emasculation."

"He was in charge of the boycott of Jewish enterprises that began on April 1, 1933. He took part in the Nuremberg decrees of 1935. He was responsible for the fire of the Nuremberg synagogue of August 10, 1938, and on November 10, he publicly advocated the pogrom that took place on that date. From 1938, he began to demand the annihilation of the Jewish race. Hundreds of thousands of articles in the *Stürmer* written between 1938 and 1941, dealt with the question of "eliminating" Jews as a solution to world problems." "An editorial, published in September 1938, called the Jew a "bacillus," a scourge, declared that he was not a human being and accused him of being "a parasite," a nuisance, a criminal, and a criminal propagator of diseases, that must be destroyed in the interest of humanity. Other articles proclaimed that the Jewish problem could only be solved when the "international Jewry" had been destroyed and predicted that within fifty years, the Jewish graves "would testify that this people of killers and criminals have found the lot he deserved."

Albert Speer (1905-1981)

"In 1932, Speer joined the Nazi Party. In 1934, he was chosen as an architect by Hitler and became his personal adviser. Shortly after, he was appointed head of the labor front service, and was officially responsible for all matters relating to construction in the führer delegate's headquarters. He held these positions until 1941. On February 15, 1942, after the death of Fritz Todt, Speer was called to head the organization and was appointed minister of armaments and munitions of the Reich, [Armaments and War Production after September 2, 1943]. In addition to these positions, he was appointed following these appointments in March and April

1942 as the plenipotentiary general for armaments and a member of the Central Planning Committee, both of which depended on Four years Plan. Speer was a Reichstag deputy from 1941 until the end of the war.”

“As reichsminister for armaments and ammunition and as general plenipotentiary to armaments under the Four Year Plan, Speer exercised extensive powers over production. At first, he was in charge of the construction and weapons production for the OKW. His authority was gradually extended to naval armaments, to civilian production, and finally, on August 1, 1944, to aeronautical armament. It occupied a predominant position in the Central Planning Committee, which enjoyed supreme authority over the German economy, as well as the distribution of raw materials and the increase of their production. The attitude adopted by Speer consisted in asserting that the plan had the power, for the industries under its control, to give Sauckel instructions concerning the recruitment of the workers. Despite Speer’s objections, Speer succeeded in making his point of view prevail. In practice, Speer indicated to Sauckel the approximate number of workers needed; Sauckel obtained the labor and divided it among the different industries according to the instructions given by Speer.”

“When Speer addressed his demands to Sauckel, he knew he would be provided with foreign workers recruited by force. He took part in conferences where an extension of the compulsory work program was envisaged to satisfy his requests. From August 10 to 12, 1942, he attended a conference with Hitler and Sauckel during which it was agreed that the workers of the occupied territories would be forcibly sent by Sauckel where it was necessary for the industries placed under Speer’s control. Speer also attended a conference held at Hitler’s headquarters on January 4, 1944, during which it was decided that Sauckel should obtain “at least 4 million new workers from the occupied territories” to provide the work required by Speer, while Sauckel claimed he could only do so with the help of Himmler.”

“Sauckel constantly informed Speer and his delegates that foreign workers were being recruited by force. On March 1, 1944, Speer’s

representative strongly criticized Sauckel for not being able to send 4 million workers to the occupied territories to be supplied. In some cases, Speer demanded that workers be sent from specific foreign countries. Thus, at the conference held from August 10 to 12 1942, Sauckel received an order from Hitler to provide Speer with “1 million Russian workers for the German arms industry by the end of October 1942.” At a meeting of the Central Planning Committee on April 22, 1943, Speer examined plans to supply Russian workers for coal mines and categorically rejected the proposal to fill the gap in by German workers.”

“Speer had advocated a reorganization of the labor force to increase the use of German workers in war production in Germany and to use the labor of the occupied territories for the local production of foodstuffs previously manufactured in Germany. Speer took steps in this direction by establishing in the occupied territories what were called “locked industries” which produced goods for subsequent shipment to Germany. The workers in these industries were exempted from deportation for forced labor, and all workers who had been ordered to leave for the Reich could avoid deportation by working in the “blocked industries.” This system, which was a little less inhumane than deportation to Germany, was, however, illegal. Moreover, the blocked industries played only a minor role in the general program of forced labor. Nevertheless, Speer wanted to coordinate their use with the execution of this program, the methods of application of which he was perfectly familiar. Officially, he was the main beneficiary and constantly asked for extension.”

“In his capacity as head of the Todt Organization, Speer was also directly involved in the use of forced laborers. The Todt Organization operated mainly in the occupied territories for work such as the construction of the “Atlantic Wall” and strategic roads; Speer acknowledged that he had relied on mandatory service to maintain sufficient staff in this organization. He also used the labor of concentration camps to use it in the industries under his control. In the beginning, he used this source of labor only for small isolated factories, and later, fearing Himmler would interfere in his

field, he tried to employ as few as concentration-camp workers as possible.”

“Speer was also involved in the employment of prisoners of war in the arms industries, mainly employing Soviet prisoners of war in industries covered by the Geneva Convention. At a meeting of the Central Planning Committee on October 30, 1942, Speer expressed his opinion that many of the forced laborers being ill were only simulators and he said, “There is nothing to be said for the SS and police who take rigorous measures and put those who are known as idle in concentration camps.””

Arthur Seyss-Inquart (1892-1946)

“An Austrian lawyer, Seyss-Inquart was appointed state councilor in Austria in May 1937, following German pressure. Since 1931 he had collaborated with the Austrian Nazi Party with which he had many difficulties. He did not actually join the Nazi Party until March 13, 1938. He was appointed minister of security and the interior of Austria and invested with powers over the police. It was one of the conditions that Hitler had imposed on Schuschnigg at the Berchtesgaden conference of February 12, 1938. “Seyss-Inquart participated in the last phase of the negotiations, which preceded the occupation of Austria by Germany and was appointed chancellor of Austria following threats of invasion by the German troops made to that country. On March 12, 1938, Seyss-Inquart met Hitler in Linz and gave a speech welcoming the German forces and advocating the meeting of Germany and Austria. On March 13, he obtained the promulgation of a law according to which Austria became a province of Germany and he succeeded Miklas in the office of president of the republic when the latter preferred to resign rather than to sign the law. The title of Seyss-Inquart was changed to that of governor of Austria for the Reich on March 15, 1938, and the same day he received the rank of SS general. He was appointed minister of the Reich without portfolio on May 1939.”

“On March 11, 1939, he went to Bratislava, where he had met the members of the Slovak cabinet, which led him to declare the independence of the country. This declaration was made in close

co-ordination with Hitler's offensive against Czechoslovakia. As governor of Austria, Seyss-Inquart instituted a program of confiscation of Jewish property. While in power, the Jews were forced to emigrate, were interned in concentration camps, and were victims of pogroms. Finally he cooperated with the security police and the 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." "As Reich commissioner for the Netherlands, Seyss-Inquart immediately began sending forced laborers to Germany. Until 1942, the labor service was voluntary in principle, but, in fact, made compulsory by the strong economic and governmental pressure that was exerted. In 1942, Seyss-Inquart formally decreed the compulsory labor service and used the security police and the SD to prevent evasion of his order. During the occupation, more than five hundred thousand people were sent from the Netherlands to the Reich as workers, and only a very small proportion was really voluntary."

"In September 1939, Seyss-Inquart was appointed head of the civil administration of the southern part of Poland. On October 12, 1939, he became deputy to Frank, governor general of Poland. On May 18, 1940, he was appointed commissioner of the Reich for the Netherlands. In these three functions, he administered occupied territories following wars of aggression. This role was of paramount importance for the other wars unleashed by Germany."

"In his capacity as deputy governor general for the general government of Poland, Seyss-Inquart approved the methods used during the occupation of that country. In November 1939, during an inspection trip, Seyss-Inquart declared that the administration of Poland should result in the exploitation of its economic resources for the benefit of Germany. He also advocated the persecution of the Jews; he was also aware of the beginning of the "AB Action", which led to the assassination of a large number of Polish intellectuals."

"Seyss-Inquart ruthlessly applied terror measures to suppress any opposition to the German occupation, a program which, he said,

was intended to “annihilate” his opponents. In collaboration with local SS and police chiefs, he played a role in the execution of hostages carried out in connection with crimes committed against the occupation authorities, and in sending to concentration camps all those who were suspected of opposition to the occupation policy, including priests and teachers. Under the threat of reprisals against their families, many Dutch police officers were forced to take part in the execution of this program. The Dutch courts also had to participate, but when they showed their reluctance to pronounce prison sentences that most often led to the murder of the prisoner, the use of the emergency courts was generalized.”

“From an economic point of view, Seyss-Inquart administered the Netherlands in defiance of the rules laid down by the Hague Convention, which it considered out of date. Moreover, a policy of maximum exploitation of the country’s economic potential was adopted and applied with little or no regard for the repercussions it might have on its inhabitants. A widespread looting of public and private property was carried out by Seyss-Inquart, which gave him by his orders a semblance of legality, and which made financial manipulations to facilitate this looting.”

“One of the first measures of Seyss-Inquart as Reich commissioner for the Netherlands was to enact a series of exceptional economic laws targeting Jews. Then came decrees demanding that the Jews be enumerated, Hitler forced them to live in ghettos and to wear the Star of David. They were also arrested periodically and held in concentration camps, and finally, at the suggestion of Heydrich, deported en masse. Nearly 120,000 Jews out of 400,000 who lived in Holland were sent to Auschwitz for the “Final Solution.”

Konstantin Von Neurath (1873-1956)

“A career diplomat, he served as German ambassador to Great Britain from 1930 to 1932. On June 2, 1932, he was appointed minister of foreign affairs in von Papen’s cabinet, and he held that position in the cabinets of Von Schleicher and Hitler. On February 4, 1938, Von Neurath resigned as minister of foreign affairs and became Reichsminister without portfolio, chairman of the secret

cabinet council, and member of the Reich defense council. From March 18, 1939 to September 27, 1941, he was the protector of Bohemia and Moravia. He had the rank of obergruppenführer honorary in the SS.”

“As minister of foreign affairs, von Neurath assisted Hitler with his advice on the withdrawal of Germany from the Conference on Disarmament and the League of Nations on October 14, 1933, the decision to rearm, the promulgation of the law on compulsory military service on March 16, 1935 and the secret law on the defense of the Reich on the twenty-first. He was chiefly the leader of the negotiations for the Anglo-German Naval Agreement of June 18, 1935. He played an important role with Hitler when he decided to reoccupy the Rhineland, on March 7, 1936, and he predicted that the occupation could be carried out without the French reacting. On May 18, 1936, he declared to the U.S. ambassador to France that the foreign policy of the German Government was confined to not moving until “the Rhineland was digested” and that once the fortifications of the Rhineland countries were finished, the countries of Central Europe, realizing that France could not enter Germany as it pleased, “will consider their foreign policy in a totally different way, and that new spheres of influence may then be established.”

“Von Neurath took part in the “Hossbach Conference” of November 5, 1937. He testified that Hitler’s statements so impressed him that he had had a heart attack. Shortly after, he offered his resignation, which was accepted on February 4, 1938, at the very time when von Fritsch and von Blomberg were dismissed. While aware of Hitler’s plans for aggression, he retained an official connection with the Nazi regime in his capacity as reichsminister without portfolio, as chairman of the secret cabinet council, and as a member of the Reich defense council. He assumed the direction of the ministry of foreign affairs at the time of the occupation of Austria and assured the British ambassador that this occupation was not due to a German ultimatum. He declared at that time to the Czechoslovak minister that Germany intended to respect its arbitration agreement with that country.

Von Neurath took part in the negotiations that preceded the Munich Agreement.”

Criminal Activities in Czechoslovakia

“On March 18, 1939, von Neurath was appointed protector of Bohemia-Moravia, which was occupied by armed force. The consent of Hácha obtained by force cannot suffice to justify this occupation. A protectorate was established on this country by Hitler’s decree of March 16, 1939, which further declared that this new territory “would henceforth belong to the German Reich,” which implied that the Czechoslovak Republic had ceased to exist. But the status of Bohemia-Moravia, as defined by this proclamation, was also inspired by the thesis that these countries retained their sovereignty to the extent that the interests of Germany represented by the protectorate were not contrary. The occupation of Bohemia and Moravia is therefore to be regarded as a military occupation subject to the laws of war. Although Czechoslovakia did not accede to the 1907 Hague Convention, the land-based war laws set forth in this Convention constitute the expression of international law as it existed at the time, and are therefore applicable in this case.”

“In his capacity as protector of the Reich, von Neurath instituted in Bohemia-Moravia a regulation similar to that of Germany. The free press, political parties, and trade unions were abolished. All groups that could be used by the opposition were banned. Czech industry was incorporated as part of German war production and exploited for the benefit of the war effort. The policy of anti-Semitism was also introduced into the legislation. Jews were excluded from important positions in government and business.”

“In August 1939, von Neurath issued a proclamation warning the public against sabotage, stating that “the responsibility for any act of sabotage would not rest solely with its perpetrators, but with the entire Czech population. When the war broke out on September 1st, 1939, the security police arrested eight thousand notable Czechs and put them in preventive detention. Many of them died in concentration camps as a result of their abuse. In October and

November 1939, Czech students organized a series of demonstrations. As a result of the latter, by Hitler's order, all the universities were closed. Twelve hundred students were thrown into prison and the nine leaders of the demonstration were shot by the security police and the SD. Von Neurath was notified in advance of this action, which was then the subject of a proclamation bearing his signature and posted throughout the protectorate."

"On August 31, 1940, von Neurath gave Lammers a memorandum he had written on the future of the protectorate, and another on the same question, written by Karl Hermann Frank, which he had approved. Both of them dealt with the problem of Germanization and proposed that the majority of Czechs should be assimilated to the German race. Both of them recommended the elimination of the "Czech intelligencia" and other groups that might be hostile to Germanization; von Neurath, meanwhile, advocated expulsion and Frank expulsion or "special treatment."

"Von Neurath claimed that the repressive measures were, in fact, carried out by the security police and the SD, who were placed under the orders of his secretary of state, Karl Hermann Frank. The latter had been appointed on Himmler's proposal and reported directly to him on his activities as SS and police chief. Von Neurath further alleged that the anti-Semitic measures and those that permitted the economic exploitation of the country were put into effect in the protectorate as a result of decisions taken by the Reich government. The accused was the main senior German official in the protectorate at a time when it was important that this territory be administered in conjunction with the conduct of Germany's wars of aggression in the east. And von Neurath was not unaware that at that time, war crimes and crimes against humanity were covered by his authority."

Alfred Jodl (1890-1946)

"From 1935 to 1938, Jodl was chief of the national defense section in the High Command of the Armed Forces. After a year spent in a unit, he became, in August 1939, chief of staff of operations of the

High Command of the Armed Forces. Although he had Keitel as immediate superior, he was in direct contact with Hitler for all matters of military operations. From a strictly military point of view, Jodl was the real instigator of the war and one of the main leaders of the strategy and the conduct of operations.

“According to Jodl’s diary, dated February 13 and 14, 1938, Hitler gave him and Keitel the order to maintain the armed pressure that, at the conference with Schuschnigg, had begun to exercise against Austria, by simulating military measures that, moreover, attained their object. When Hitler decided to “not tolerate” the plebiscite of Schuschnigg, Jodl produced, during the conference, the “old project,” that is, the plan as conceived by the general staff. His paper shows, on March 10, that Hitler then ordered the preparation of the “Otto Case” by a directive that Jodl had countersigned.” “Jodl issued further instructions on March 11 and initialed Hitler’s invasion order for the same day. According to Schmundt’s notes, Jodl was very active in the preparations for attacking Czechoslovakia. He initialed Articles 14, 17, 24, 36, and 37 of these notes. Jodl acknowledges that he agreed with the OKH that the “incident.” that was intended to provide a pretext for Germany’s intervention would occur no later than 14:00 hours on day X-1, the day before the attack, and he admits, moreover, to have specified that the time fixed for this incident must be such that the weather conditions were conducive to theft. With propaganda specialists, he spoke of “imminent common tasks” resulting in particular from Germany’s violations of international law, their exploitation by the enemy and their refutation by the Germans, “tasks” that Jodl considered “particularly important.”

“After Munich, Jodl wrote, “Czechoslovakia has disappeared as a power. The Führer’s genius and his determination not to retreat, even in the face of a world war, once again made it possible to win, without resorting to force. We remain hopeful that the unbelieving, the weak, and the hesitant are now converted and will remain so.”

“Shortly after the occupation of the Sudetenland, Jodl was detached to a unit. He did not become chief of the operations staff of the OKW until the end of August 1939.” “On December 12,

1939, Jodl discussed the invasion of Norway with Hitler, Keitel, and Raeder. His diary is filled with later notes on the role he had played in the preparations for this attack. Jodl explains that his comment that Hitler was still seeking an ““excuse”” for action meant that he was awaiting credible information about the British’s plan, and he justified the invasion as a necessary operation to prevent the execution of these plans. His testimony shows that since October 1939, Hitler planned to attack western nations through Belgium, but did not think he could invade Holland before mid-November. On February 8, 1940, Jodl, his representative Warlimont, and Jeschonnek, in charge of strategic air issues, discussed the ““new idea”” of attacking Norway, Denmark, and Holland, while guaranteeing the neutrality of Belgium. Most of the seventeen orders that, for various reasons, notably because of atmospheric conditions, handed over in May 1940, the attack to the west, were signed by Jodl.”

“He was actively involved in the preparations for the attack on Greece and Yugoslavia and initialed the order to intervene in Albania, which Hitler had given on January 11, 1941. On January 20, four months before the attack, Hitler, at a meeting of German and Italian generals, at which Jodl was present, declared that the German troops assembled in Romania should be used against Greece. On March 18, Jodl was still present when Hitler told Raeder that all Greece must be occupied before a solution could come. It was also in his presence that on March 27, Hitler declared to the high command that Yugoslavia had to be wiped out with ““ruthless rigor”” and that Belgrade should be bombarded without a declaration of war.” “As early as July 29, 1940, Jodl invited Warlimont to make plans, telling him that Hitler had decided to attack. Later, Hitler told Warlimont that he had made this decision as early as August 1940, but that he had delayed its execution for military reasons. Jodl initialed Hitler’s directive of November 12, 1940, according to which verbally ordered preparations were to be pursued, and, on December 18, also signed the ““Barbarossa Case.”” On February 3, 1941, Jodl discussed with Hitler and Keitel the invasion and, on June 14, he was present when the last reports on the ““Barbarossa Case”” were made.”

Ernst Kaltenbrunner (1903-1946)

“In 1932, he joined the Austrian Nazi Party and the SS. In 1935, he became chief of the SS for Austria. After the Anschluss, Hitler appointed him secretary of state for security in Austria and, then, when this post was abolished, in 1941, chief of police and SS. On January 30, 1943, he became chief of the Security Police and the SD and head of the RSHA, a post that had been occupied by Heydrich until his assassination in June 1942. He had the rank of Obergruppenführer in the SS. As leader of the SS in Austria, he played an active role in the plot against the Schuschnigg government. On the night of March 11, 1938, after Göring, under Hitler’s instructions, had ordered the Austrian national socialists to seize the government, five hundred SS, under the command of Kaltenbrunner, encircled the Federal Chancellery. A special detachment entered it under the direction of his deputy, while Seyss-Inquart negotiated with President Miklas.”

“On January 30, 1943, Hitler appointed him chief of the security police and SD and head of the RSHA. He took charge of an organization that included the main services of the Gestapo, the SD, and the criminal police. As head of the RSHA, he had the authority either to order “protective custody” in concentration camps or to release internees. The orders in this area always bore his signature. He was aware of the conditions of life in the concentration camps. During a visit to Mauthausen, he saw prisoners executed as a demonstration, by various methods: hanging, shot in the neck, and gas asphyxiation. He personally ordered executions of internees and his service was used to transmit to the concentration camps the execution orders emanating from Himmler’s office. The RSHA under Kaltenbrunner was used to carry out a vast program of war crimes and crimes against humanity. Prisoners of war were mistreated and murdered.”

“As chief of the RSHA, he gave orders to the Gestapo and the SD to mistreat and exterminate the population in the occupied territories and, to use methods such as torture and internment in concentration camps. The Gestapo, under his control, was

responsible for enforcing rigid discipline to which the forced laborers were subjected and a series of reprisals were created for this purpose by Kaltenbrunner. The RSHA played a vital role in achieving the “Final Solution” of the Jewish question, which was nothing but the extermination of the Jews. A special section under the authority of Amendment IV of the RSHA was created to execute this program. Under his leadership, about 6 million Jews were killed, including 2 million by the Einsatzgruppen and other units of the security police.”

“The RSHA, under the direction of Kaltenbrunner, controlled the execution of this part of the program; Special groups traveled through the occupied territories and satellite countries of the Axis to search for Jews and deport them to the places where they were exterminated. In a letter written by him on June 30, 1944, he described to Hitler the embarkation of twelve thousand Jews for Vienna, and he ordered that “all those who were unable to work be kept ready for a special action,” which meant their extermination.”

Erich Raeder (1893-1946)

“In 1928, Raeder became chief of the marine branch and, in 1935, commander-in-chief of the navy [OKM]. In 1939, Hitler made him grand admiral. He was a member of the Reich defense council. On January 30, 1943, at his request, he was replaced by Dönitz and received the honorary title of admiral inspector of the navy. During the fifteen years of his command, Raeder rebuilt the German fleet and led it to battle; he accepted full responsibility until his retirement in 1943. He acknowledged that the Navy had violated the Treaty of Versailles, but said that “every man would have put his point of honor.” He alleges, moreover, that most of these violations were minimal and that the shipbuilding industry in Germany had remained below the legal limit. These violations, as well as those of the 1935 Anglo-German Naval Agreement, were analyzed during his judgment.” “Raeder received from Werner von Blomberg the directives of June 24, 1937, which ordered special preparations for the war against Austria. He was one of five personalities present at the Hossbach Conference. He claims at this

meeting, Hitler only wanted to stimulate the army to obtain faster rearmament. Raeder also asserts that he personally believed the questions of Austria and Czechoslovakia would be settled peacefully with regard to the naval agreement that had just been signed at that time. He received no instructions to speed up the construction of the submarines and concluded that Hitler was not planning a war.”

“Raeder received instructions on the “Green Case” and the “White Case” from April 3, 1939. The first ordered the navy to assist the army with naval intervention. Raeder was one of the military leaders present at the meeting of May 23, 1939, and, on August 22, took part in the Obersalzberg meeting, in which general instructions were given.”

“It was on Raeder’s advice that Hitler had made the decision to invade Norway. Despite the desire expressed by Hitler in his directive of October 1939 to maintain the neutrality of Scandinavia, the navy at that time considered the advantage that would result from the establishment of naval bases in these areas. Admiral Karls, first of all, pointed out to Raeder the interest of bases located in Norway. A questionnaire, dated October 3, 1939, was distributed to the directorate of naval operations to collect information on the usefulness of these bases. On October 10, Raeder discussed these questions with Hitler. He notes at this date in his war diary that Hitler intended to take the matter into consideration. A few months later, he spoke with Raeder, Quisling, Keitel, and Jodl. At the same time that the OKW had begun to draw up plans, the naval staff worked in liaison with the OKW’s staff officers. On January 27, 1940, Raeder received Keitel’s order concerning Norway and, on March 1, the order that Hitler gave afterward. In a letter to the navy, Raeder said, “Naval operations related to the occupation of Norway will forever remain the great contribution the Navy made to this war.”

“Raeder received orders and numerous counter-orders concerning the attack on the west. On March 18, 1941, at a meeting attended by Hitler, he urged to occupy all of Greece. He claims that, on the one hand, he made this recommendation only after the British had

landed and Hitler had ordered the attack and, on the other hand, the navy itself was not interested in Greece. He also received Hitler's order concerning Yugoslavia. On November 14, he advised to activate the war against England, the "main enemy," and claimed that the construction of the submarine fleet and naval aviation should be continued. According to the notes of the German naval headquarters, he raised "serious objections" to a Russian campaign undertaken before the defeat of England. He asserts that his objections were based on the desire not to violate the non-Aggression pact, as well as on strategic considerations. 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 the limits of a given area. He excuses this attitude by alleging that these submarines were engaged in reconnaissance operations. It follows that Raeder participated in the preparation and conduct of wars of aggression."

War Crimes

"Raeder, in carrying out Hitler's policy, is also accused of war crimes committed on the high seas. The Athenia, an unarmed British liner, was sunk on September 3, 1939, during her voyage to America. Two months later, the Germans claimed that Mr. Churchill had deliberately sunk the Athenia to excite American hostility toward Germany. In fact, this ship was torpedoed by the German U-30 submarine. Raeder claims that an inexperienced submarine commander sank him by mistake, believing he was dealing with an armed merchant ship, and that the truth came out only when he had returned from the U-30 several weeks after the German denial was given. Hitler then ordered the navy and the foreign office to continue to deny the fact. Raeder claims that he was not aware of the propaganda campaign against Mr. Churchill."

"The most serious charge against Raeder is that of conducting a total underwater war, including the torpedoing of unarmed and neutral disarmed merchant ships, the abandonment of the survivors, and their strafing, in violation of the London Protocol of 1936. At the same time that the German economy was preparing for war, the army was organizing itself to rebuild Germany's

military power.” “The navy was particularly active in this regard. Nazi official historians, Assmann and Gladisch, admit that the Treaty of Versailles was in force only a few months ago when it was violated, notably by the construction of a new submarine force.”

“The publications of Captain Schuessler and Colonel Scherff, both sponsored by Raeder, showed the German people the nature of the navy’s effort to rearm in defiance of the Treaty of Versailles.” “The documents dealing with the details of this rearmament were filed as evidence. On May 12, 1934, Raeder published a plan entitled: “The Third Phase of Armament.” It reads, “All theoretical and practical preparations must be continued so that we are ready to go to war without any warning period.”

“A month later, Raeder had a new conversation with Hitler during which he had ordered him to keep secret the construction, then underway, of submarines and warships, exceeding the limit of ten thousand tons. On November 2, Raeder had a new interview with Hitler and Göring. Hitler declared that it was considered vital that the German fleet “should be developed according to established plans, no war can be waged unless the navy were able to protect the import of ore from Scandinavia.” “In accordance with this statement, Raeder had taken all steps to strengthen the capacity of the German navy. In the case of liners, for example, tonnage figures were falsified and decreased by 20 per-cents.”

“As for the submarines, the historians of the German navy, Assmann and Gladisch, wrote about them: “It is probable that it was precisely in the field of submarine construction that Germany paid the least attention to the restrictions of the Anglo-German Treaty.” In fact, in the year 1940, Raeder wrote: ““Until the last moment, the Führer hoped to be able to retreat until 1944-1945, the date of the AngloGerman conflict that threatened [them]. At that time, the navy would have had a powerful submarine superiority and a much more favorable balance of power with respect to all other types of ships, especially those destined for high seas warfare.””

Fritz Sauckel (1894 - 1946)

“On March 21, 1942, Hitler appointed Sauckel general plenipotentiary for the use of labor, with the power to co-ordinate the use of all available labor, including the employment of workers recruited from abroad and prisoners of war. Sauckel was to act within the framework of the Four Year Plan, and on March 27, 1942, Göring, in his capacity as commissioner for that plan, promulgated a decree by which his manpower services were transferred to Sauckel. On September 30, 1942, Hitler gave Sauckel authority to appoint commissioners in the various occupied territories and to take all necessary measures for the execution of the decree of March 21, 1942. Thanks to the powers thus conferred on him, Sauckel established a program of mobilization of all the labor resources available to the Reich.”

“One of the main aspects of this mobilization was the systematic exploitation, by force, of the labor potential of the occupied territories. Shortly after Sauckel took office, he had promulgated by the government authorities of the various invaded territories decrees establishing compulsory labor service in Germany. By virtue of these decrees the commissioners 62 Jean Sénat Fleury of Sauckel, supported by the police authorities of the occupied regions, recruited and sent to Germany the number of workers necessary to reach the quotas fixed by Sauckel. The so-called “voluntary” recruitment system was described by him during a conference as being implemented by a gang of agents of both sexes who operated according to methods used in Shanghai, as in the good old days.”

“Sauckel’s statement of March 1, 1944, that out of the 5 million foreign workers in Germany there were not even two hundred thousand volunteers, shows that truly voluntary recruitment was exceptional. Although he now claims that this statement is inaccurate, the circumstances in which it was made, as well as the evidence adduced in the proceedings, make it possible to say without a doubt that it was, as a whole, in keeping with the truth.”

“It has already been described how those who were unfortunately forced into compulsory labor were collected and transported to

Germany and their fate. Sauckel claims that he is not responsible for the excesses committed during the execution of the program. He explained that the total number of workers to be recruited was based on the needs of agriculture and industry, that the occupation authorities needed to find the necessary workers, and that the German railways had the burden of forwarding them to Germany; upon their arrival in the Reich, they were placed under the control of the ministries of labor and agriculture, the German labor front, and the various industries concerned. He stated before the tribunal that, to the extent that he had some power, he constantly demanded a humane treatment for the workers.”

“It is none the less true that Sauckel undoubtedly had a general responsibility throughout the compulsory work program. At the time, he was certainly in control of the areas he now claims others were in charge of. The regulations it enacted gave its commissioners the power to recruit labor; and he constantly applied himself to watch the measures taken. He was aware of the ruthless methods employed for recruitment and fully supported these methods on the basis of what was needed to meet the quotas.”

“It follows from Sauckel’s instructions that he was responsible for the transportation of the workers to Germany, their distribution among the employers, their housing and subsistence, and that all the agencies dealing with these matters were subordinate to him. He knew the defective conditions in which the workers lived. It does not appear that he was, in principle, in favor of brutal methods of extermination by labor, as Himmler was. His attitude is expressed in a regulation: “All men must be fed, housed, and treated to obtain the maximum return with the minimum of expenses.”

“It has been shown that Sauckel was in charge of a program involving more than 5 million human beings deporting for compulsory labor and that for many of them, this deportation was carried out under cruel conditions.”

Martin Bormann (1900 - 1945)

“Supreme command of the SA from 1928 to 1930, Bormann was in charge of the party relief fund and served as reichsleiter from 1933 to 1945. From 1933 to 1941, he was chief of staff to the führer delegate and, on May 12, 1941, after Hess’s flight to England; he was made head of the party chancellery. On April 12, 1943, he became secretary of the Führer. He was political and technical leader of the “Volkssturm” and general of the SS.”

Crimes against Peace

“Bormann, who at first had a rather inferior rank in the party, gradually rose to a leadership position and, particularly toward the end of the regime, exerted a great influence on Hitler. He took an active part in the accession of the ruling party and an even more active part in the consolidation of this power. He devoted much of his activity to the persecution of churches and Jews in Germany. In its efforts to combat the influence of the Christian churches, whose doctrines were radically opposed to those of the national socialist philosophy, the Nazi government proceeded slowly. It never radically forbids the practice of the Christian religion, but from year to year endeavored to limit the influence it could exert on the German people.” Bormann wrote to Rosenberg: “The Christian religion and the national socialist doctrine are incompatible.”

“In June 1941, he secretly issued a decree regulating the relations of the Christian religion with national-socialist. It was stated there: “The Führer is aware of having in his hands an absolute power, as the history of Germany has never known. By creating the party, the units that compose it, and those attached to it, it has forged for itself and also for the leaders of the German Reich an instrument that makes it independent of the treaty ... More and more, the people must be removed from the churches and their representatives, the pastors ... We must never let the churches influence the people’s government. This influence must be completely and definitively destroyed. Only the government of the Reich and, in accordance with its instructions, the party, its constituent units and those attached to it, have the right to rule the

people. As Chief of the party chancellery in 1941 and secretary of the Führer in 1943, Bormann attended most of Hitler's lectures."

War Crimes and Crimes against Humanity

"By virtue of the decree of May 29, 1941, Bormann succeeded Hess in the positions he held and inherited his powers. By decree of January 24, 1942, these were extended to allow him to control all the laws and directives emanating from Hitler. He bore the responsibility for the laws and orders promulgated after that date. On December 1, 1942, all the gaues became "defense districts" of the Reich, and the gauleiter of the party, responsible to Bormann, were appointed commissioners for the defense of the Reich, which amounted to submit to their administration all the effort of population war. Their role extended not only to Germany, but also to the territories conquered and incorporated in the Reich."

"Thanks to this system, Bormann directed the ruthless exploitation of the population under his command. His order of August 12, 1942, made all the party agencies available to Himmler for the execution, by force, of his program of colonization and "denationalization" of the inhabitants of the occupied countries. Three weeks after the invasion of the Soviet Union, he attended the conference of July 16, 1941, which took place at Hitler's headquarters and was also attended by Göring, Rosenberg and Keitel. Bormann's report shows that detailed plans were made to enslave and exterminate the population of these territories. On May 8, 1942, he discussed with Hitler and Rosenberg the transfer to Latvia of Dutch nationals, the program of extermination of the Soviet populations and the economic exploitation of the eastern territories. He was also involved in the confiscation of works of art and other property. By a letter of January 11, 1944 he asked for the creation of a large organization to take in the occupied territories what could be useful to the Germans who were victims of the bombings."

"Bormann, on Hitler's leadership, played an active role in the persecution of Jews, both in Germany and in the occupied countries. He took part in the discussions that led to the transfer to

Poland of sixty thousand Jews from Vienna, with the help of the SS and the Gestapo. He signed the decree of May 31, 1941 which extended the application of the Nuremberg laws to the annexed territories of the East. In an order dated October 9, 1942, he declared that the permanent elimination of Jews from the territories of Greater Germany could no longer be effected by emigration, but only by the use of a “merciless force” in the special camps of the East. On July 1, 1943, he signed an ordinance that deprived the Jews of the protection of ordinary courts and placed them under the exclusive jurisdiction of Himmler’s Gestapo.”

“Bormann played a leading role in the forced labor program. Party leaders controlled their respective issues, including hiring, working conditions, food and housing. By his circular of May 5, 1943, addressed to the corps of party political leaders and even transmitted to the ortsgruppenleiter, Bormann gave instructions for the treatment of foreign workers, stressing that they should be placed under the direction of the SS, as to the questions and ordered that the ill-treatment inflicted on them be stopped until that moment. A report of September 4, 1942, concerning the transfer of five hundred thousand workers from the east to Germany shows that the direction of these operations belonged to Sauckel, Himmler and Bormann. Sauckel, by a decree dated September 8, ordered the kreisleiters to control the distribution and assignment of these workers.”

“Following Hitler’s requests Bormann also sent the party leaders a series of orders relating to the treatment to be inflicted on prisoners of war. On November 5, 1941, he banned the decent burial of Russian prisoners of war. On November 25, 1943, he ordered the gauleiter to report to him the cases in which the prisoners of war were treated with softness. On September 13, 1944, he ordered the kreisleiters to contact the camp commanders to determine how it was possible to use prisoners of war as part of the forced labor program. On January 29, 1943, he transmitted to the subordinate chiefs the OKW’s instructions authorizing corporal punishment and the use of firearms against recalcitrant prisoners of

war, which was contrary to wartime regulations. On September 30, 1944, he signed a decree transferring from OKW to Himmler and the SS jurisdiction over matters relating to prisoners of war.”

“Bormann was responsible for the lynching of Allied airmen. On May 30, 1944, he prohibited the taking of police measures or criminal prosecution of those who had participated in the lynching of these airmen. At the same time, Goebbels continued his propaganda of excitement to incite the German people to act in this way against the airmen. A conference was held on June 6, 1944, during which rules on the application of lynching were discussed.”

FRANTZ VON PAPPEN (1879 - 1969)

In 1932, President Hindenburg appointed von Papen to succeed Brüning. This fifty-two-year-old aristocrat, with no political past, was linked to the extreme right of the Catholic Center party. In early June 1932, von Papen took over as head of what came to be known as the "barons' cabinet" because of the number of conservative aristocrats in it. At Nuremberg, von Papen was accused of having conspired with Hitler to persuade Hindenburg to take Hitler into the government as Reich Chancellor. Von Papen, former Chancellor, indeed met Hitler at the banker Schroeder's on January 4, 1933, to discuss the latter's coming to power. Very introduced in Catholic circles, he allowed the rallying of the Zentrum of Ludwig Kaas in March 1933. He allowed the signing of a concordat between Hitler and Cardinal Eugenio Pacelli who would become Pius XII (July 1933). Its influence was then greatly reduced. He was ambassador to Vienna from 1934 to 1938, then to

Ankara from 1939 to 1944. After the Nuremberg acquittal, a German court sentenced him to hard labor but he was released in 1949.

HANS FRITZSCHE (1900 - 1953)

Fritzsche was responsible for controlling the German press, then head of radio at the Ministry of Propaganda, under the orders of Joseph Goebbels. Notable for a voice that sounded like Goebbels on the radio, he broadcast Nazi propaganda. He was acquitted at the Nuremberg trial.

BALDUR VON SCHIRACH (1907 - 1974)

Coming from a family of officers, von Schirach joined the Nazi party in 1925. He became leader of the Hitlerian students in 1929, then leader of the Hitler Youth in 1931, a position he kept until 1940. He played an important role in the Nazi recruitment of youth. He is known to have publicly pronounced the famous sentence: "When I hear the word culture, I take out my revolver"! (from a nationalist play by Hanns Johst). He was appointed Gauleiter of Vienna in 1940. He led a policy of arrests and deportation of Jews but protested in 1943 against the systematic extermination and massacres of the east then fell into disgrace. He was sentenced to 20 years in prison during the Nuremberg trial.

WALTHER FUNK (1890 - 1960)

Journalist, specialist in financial matters, Funk replaced Schacht at the beginning of 1938 as Reich Economics Minister. He was appointed President of the Reichsbank. Sentenced to life imprisonment in 1946 in Nuremberg, he was released in 1957.

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Chapter Three

Overview of the Trial

- November 20, 1945: Start of the trials.
- November 21, 1945: Judge Robert H. Jackson opens for the prosecution with a speech lasting several hours, leaving an impression on both the court and the public.
- November 26, 1945: The Hossbach Memorandum (of a conference in which Hitler explained his war plans) is presented.
- November 29, 1945: The film “Nazi Concentration Camps” is screened.
- November 30, 1945: Witness Erwin von Lahousen testifies that Keitel and von Ribbentrop gave orders for the murder of Poles, Jews, and Russian prisoners of war.
- December 11, 1945: The film The Nazi Plan is screened, showing long-term planning and preparations for war by the Nazis.
- January 3, 1946: Witness Otto Ohlendorf, former head of Einsatzgruppe D, admits to the murder of around ninety thousand Jews.
- January 3, 1946: Witness Dieter Wisliceny describes the organization of RSHA Department IV-B-4, in charge of the Final Solution.
- January 7, 1946: Witness and former SS-obergruppenführer Erich Von Bach-Zelewski admits to the organized mass murder of Jews and other groups in the Soviet Union.
- January 28, 1946: Witness Marie-Claude Vaillant-Couturier, member of the French resistance and concentration camp survivor, testifies on the Holocaust, becoming the first Holocaust survivor to do so.

- February 11-12, 1946: Witness and former field marshal Friedrich Paulus, who had been secretly brought to Nuremberg, testifies on the question of waging a war of aggression.
- February 14, 1946 : The Soviet prosecutors try to blame the Katyn massacre on the Germans.
- February 19, 1946: The film Cruelties of the German-Fascist Intruders, detailing the atrocities that took place in the extermination camps, is screened.
- February 27, 1946: Witness Abraham Sutzkever testifies on the murder of almost eighty thousand Jews in Vilnius by the Germans occupying the city.
- March 8, 1946: The first witness for the defense testifies – former general Karl Bodenschatz.
- March 13-22, 1946: Herman Göring takes the stand.
- April 15, 1946: Witness Rudolph Höss, former commandant of Auschwitz, confirms that Kaltenbrunner had never been there, but admits to having carried out mass murder.
- May 1946: Witness Ernst Von Weizsäcker explains the German-Soviet non-aggression pact of 1939, including its secret protocol detailing the division of Eastern Europe between Germany and the Soviet Union.
- June 20, 1946: Albert Speer takes the stand. He is the only defendant to take personal responsibility for his actions.
- June 29, 1946: The defense for Martin Bormann testifies.
- July 1-2, 1946: The court hears six witnesses testifying on the Katyn massacre; the Soviets fail to pin the blame for the event on Germany.
- July 2, 1946: Adm. Chester W. Nimitz provides written testimony regarding attacks on merchant vessels without warning, admitting that Germany was not alone in these attacks, as the United States has done the same.

- July 4, 1946: Final statements for the defense.
- July 26, 1946: Final statements for the prosecution.
- July 30, 1946: Start of the trial of the “criminal organizations.”
- August 31, 1946: Last statements by the defendants.
- September 1, 1946: The court adjourns.
- September 30 October 1, 1946: The sentencing occurs, taking two days, with the individual sentences read out on the afternoon of October 1, 1945.
- The accusers were successful in unveiling the background of developments leading to the outbreak of World War II, which cost a fortune in Europe alone, as well as the extent of the atrocities committed in the name of the Hitler regime. Twelve of the accused were sentenced to death, seven received prison sentences (ranging from ten years to life in prison), three were acquitted, and two were not charged.

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Chapter Four

Critics of the Trial

During interviews with the Soviets, in the interviews given to newspapers, radio, and television channels, the man who had first discovered the corpses of Hitler and Eva Braun, Heinz Linge, the faithful servant of the dictator, said: “When I entered, on my left, I saw Hitler. He was in the right corner of the couch ... Hitler’s head was slightly tilted forward. On his right temple, there was a hole about the size of a ten-cent coin.” While many historians have agreed on the German dictator’s suicide version, many still question it. H. D. Baumann and Ron T. Hansig, the authors of *Hitler’s Escape*, are among those who question the thesis of suicide, a thesis also previously refuted by Russian dictator Joseph Stalin, who was convinced of Hitler’s escape to Spain in April 1945. In the spring of 1945, Heinrich Himmler, Wilhelm Burgdorf, Hans Krebs, and Joseph Goebbels committed suicide to escape arrest.

From November 20, 1945, to October 1, 1946, initiated by the Allied Forces, twenty-four senior Nazi officials were judged in the Nuremberg trial. Twenty-one of them were present in person to attend the debates. This historic trial is under the authority of the international military tribunal established by the London agreements of August 8, 1945, and composed of four judges, four prosecutors, and four Soviet, French, American, and British assessors. For more than ten months, the accused appeared for conspiracy, crimes against peace, war crimes, and crimes against humanity. More than four hundred journalists were present to cover the event. The accused were the following: Hermann Göring, Rudolf Hess, Joachim von Ribbentrop, Wilhelm Keitel, Martin Bormann, Hans Frank, Wilhelm Frick, Walther Funk, Ernst Kaltenbrunner, Gustav Krupp von Bohlen, Robert Ley, Fritzche Hans, Alfred Rosenberg, Karl Dönitz, Erich Raeder, Baldur von Schirach, Frantz von Papen, Hjalmar Schacht, Konstantin von Neurath, Arthur Seyss-Inquart, Albert Speer, Julius Streicher, Fritz Sauckel, and Alfred Jodl.

Despite the Nuremberg verdict, hundreds or even thousands of Nazis were still at large. These former supporters of the German dictator, suspected of war crimes, were still numerous to have not been brought to justice. Since 2001, 104 former Nazis have been convicted for their participation in the Holocaust, where about 6 million Jews were murdered by the Nazis and their accomplices. This book raises the question of how it is relevant to know if there had been no irrefutable evidence about the suicide of Adolf Hitler at the time of the judgment of the Nazi criminals in Nuremberg in November 1945, if there was not a legal document attesting the death of the German dictator, and, finally, if we did not collect all the necessary evidence on the most controversial issue, namely, whether Hitler was alive or gone. Why did the military tribunal in Nuremberg not judge Adolf Hitler in absentia? The mere statement of German Gestapo leader Heinrich Müller revealing to U.S. interrogators, the U.S. CIC, that he arranged the escape of Hitler and his mistress Eva Braun to Barcelona, Spain, on April 22, 1945, was an element of sufficient doubt to consider Hitler as disappeared at the time and the necessity to judge him in Nuremberg. Why had Stalin spread the story in 1945 that Hitler had escaped when he knew the body had been found? We have a lot to say about Alexander Iljitsch Besymenski's explanation: "First, it was resolved not to publish the results of the forensic medical report but to hold it in reserve in case someone might try to slip Adolf Hitler and Hirohito: On Trials 101 into the role of the Führer saved by a miracle." Second, "it was resolved to continue the investigations to exclude any possibility of error or deliberate deception." It was only in 1972 that Dr. Reidar Fauske Sognaes, a dental forensic expert from UCLA, had discovered that the teeth pictures of the corpse's dentures kept on file matched exactly those in the X-ray head plates of Hitler taken in 1943. This hard evidence, Dr. Sognaes told the Sixth International Meeting of Forensic Sciences at Edinburgh, proved beyond doubt that Hitler was dead and the Soviets had autopsied the right body.

The question is why the Soviets who had autopsied the body of Hitler hid the results? It may be imagined that the analysis of the calcined remains took place after the trial; this is another element

that confirms that it was unknown in November 1945, the date of the opening of the trial, that the rest of the body found was that of Hitler. The second question is why, between the signing of the London agreements on August 8, 1945, and the official opening of the trial on October 18, 1945, the four delegations that met to establish the final list of the accused decided to remove the name of Adolf Hitler from the list while eight new names were added to it? Indeed, at the time of the meeting between the American and British delegations, the latter proposed a list of ten names, all stopped by the British and the Americans and who were charged, with the exception of Julius Streicher, as high dignitaries in the Nazi regime. The British then completed this first proposal by adding seven additional names, including that of Adolf Hitler, whose death was not yet proven. The Americans accepted the list.

So who influenced the decision to remove Hitler's name? Why did American, English, French, and Russian legal experts, who agreed on the rules of the international military tribunal and who defined the charges, not decide to judge Hitler in absentia in Nuremberg? The creation of the international military tribunal dates from August 8, 1945, and the trial opened in the autumn of the same year, it is obvious that we did not yet have all the justifying evidence to prove Hitler's death. Surely, there was a lack of the results of the Russian experts on the analysis of the calcined remains presented as those of the dictator at the moment when the investigation of the case began only a few months after the taking of Berlin. To end the Second World War by setting up a tribunal in Nuremberg and opening a judicial procedure to try the German Nazis is a decision that is certainly more political than legal. About my critics on the Nuremberg trial, other questions need to be asked.

For example, a surprising number of Hitler's family and many of his associates have not been brought to justice and have not been interrogated by the prosecution: the four secretaries; his two favorite architects, Speer and Giesler; his pilot, Baur; his chauffeur, Kempka; his valet, Linge; Heim and Koeppen, who copied down his table conversations; the best friend of his wife, Frau Schneider;

his two favorite fighters, Otto Skorzeny and Hans Ulrich Rudel; and the three women he particularly admired: Leni Riefenstahl, Gerdy Troost, and Helene Hanfstaengl. A number of his adjutants and close friends officers not only had not been interrogated during the investigation but also talked freely of their experiences a few years after the verdict: Puttkamer, Engel, Winsche, Schulze and, Günsche. With the Russians completely encircling Berlin, to the point that even a fly could not leave the capital so well controlled, how to explain that Martin Bormann who was until the last moment in the company of Hitler, refugee in the bunker, could had been escaped of the capital without there ever being any trace of his person until date? Bormann was sentenced in absentia by the Nuremberg military tribunal. How to explain the judgment of acquittal of von Papen who not only gave the power to Hitler but played an active role in the implantation of Nazism in Germany? How can one also explain the acquittals of Baldur von Schirach and Hans Fritzsche, who were close collaborators of Hitler?

To end a war by setting up a court and opening a judicial procedure to try the leaders of the defeated belligerent power is a decision that is certainly more political than legal. From this we understand the political decision not to judge Hitler in absentia in Nuremberg. Accepting the confirmation of the death of the German dictator even before the found remains are authenticated means politically the end of the Second World War. On the other hand, my point of view as a lawyer, coupled with my experience as a former judge who has had a long career investigating criminal cases, goes beyond the political process aimed at pursuing Nazi criminals in Nuremberg, particularly the absence of Hitler's name as accused. For the jurist, even in the case of crippled doubt about the death of Hitler, the latter is considered by law to be disappeared, and even before the full outcome of the investigation to confirm his death; Adolf Hitler should be tried in absentia in Nuremberg. We must accept that judging Hitler, even in absentia at the time, was not to the advantage of Stalin who was in the camp of the Allies. Judging Hitler in absentia in Nuremberg would have opened a public debate on senior officials and businessmen of the occupied territories who had participated and cooperated with the dictator.

In addition, a verdict recognizing Hitler's guilt at the time, would had allowed the Allies to have a legal document to confiscate legally the assets of officials who had collaborated with the Nazis, and force them to repay humanity for all the losses caused by the war.

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Chapter Five

The Benefits of the Trial

In addition to the notions of war crimes and crimes against peace, the tribunal defines a new charge: crimes against humanity. There was only one international military tribunal held under the London statute, and there was only one trial: the Nuremberg trial. At the end of the ten months of hearing during which none of the twenty-one defendants pleaded guilty, eleven are nevertheless sentenced to death and three acquitted. The others are sentenced to life imprisonment ranging from ten years to life. The Jewish genocide, yet evoked throughout the trial, is diluted in the mass of Nazi crimes. On December 20, 1945, the Allied Control Council passed Law no. 10, which allowed trials to be held in each Allied control zone on the basis of the London Statute and created in Germany a uniform legal basis for prosecution against war criminals other than those tried by the IMT. Only Americans use this opportunity. From December 9, 1946 to April 14, 1949, twelve trials were heard and brought before an American tribunal by Gen. Telford Taylor in the premises of the Nuremberg courthouse. These lawsuits are known as “the Nuremberg trials.” The doctors’ trial (first trial), the Einsatzgruppen trial, and the IG Farben trial attracted particular attention in the media. On April 10, 1948, he sentenced fourteen of the twenty-four defendants to death (only 4 of them were executed: Ohlendorf, Naumann, Blobel, Braune). The trial of Nazi doctors gives birth to the definition of a medical ethics through the Nuremberg Code. Law no. 10 is also applied for German courts in the FRG, which are relatively lenient. The lawsuit of Tokyo (November 12, 1946 - November 12, 1948) is instituted according to the statute of London. He is brought against the main Japanese war criminals by an international tribunal dominated by the Americans; his judgment confirms and develops the Nuremberg law.

On May 11, 1960, the Israeli secret service captured Adolf Eichmann in Argentina. The Eichmann trial opened in Jerusalem for a period of eight months. This is the first time since the Nuremberg international military tribunal in 1946 that an important

Nazi cadre had been brought before the judges. It was especially the first time that a Nazi dignitary was tried, in Israel, a very young state born thirteen years earlier in 1948. The trial was the first almost entirely filmed and the second large trial where cameras were authorized in a courtroom after Nuremberg. Adolf Eichmann was sentenced to death on December 15, 1961, the only death sentence in Israel, and hanged on June 1, 1962. The war and the Nuremberg law give rise to the hope of creating an international law. The Convention on the Prevention and Punishment of the Crime of Genocide was adopted by the United Nations on December 9, 1948. The United Nations General Assembly unanimously adopted the Universal Declaration of Human Rights on December 10, 1948.

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Conclusion

With the signing of the Treaty of Versailles, we lived in the illusion of a world of peace where the thought of another world war seemed to want to fade from the collective memory for at least a hundred centuries. Yet, twenty years after the peace agreement signed in Paris, the world would witness the deadliest war in history with a count of more than sixty million deaths added to the hundreds of millions of homeless people and cities devastated on the European and Asian continents. Although it is not surprising that the signatory countries of the Versailles Treaty were part of the Second World War, it is surprising, however, that the victors of the Second World War would once again be playing with a trial, as if the twenty-four senior Nazi regime judges tried by the international military tribunal at Nuremberg were the only ones guilty of the crimes and atrocities of the Second World War.

The eagerness with which this trial took place is misleading; one may wonder why this judgment could be held without any consideration to judge the leader of the Nazi regime, in this case Adolf Hitler? It is also valid to denounce the quota of the accused (twenty-four), initially tried by the international military tribunal Nuremberg, and a hundred others judged by the Americans, still in Nuremberg and before the International Military Tribunal for the Far East united to try crimes committed on the Pacific front, a number that seems insignificant, when we know that Nazism (1933 - 1945) had several ramifications, be it at the political, economic or social level. All in all, the omission of the name of the Führer in the Nuremberg trial, without being convinced that he had committed suicide shows how the verdict was not intended to do justice to the millions of victims of Hitler's tyranny and advocates the predominance of his race to the detriment of other races in the world. The start of this trial was solely in the Allied plan to have a legal document dedicating the victory of the winners over the losers and find a legal way to share the cake.

On September 30, 1946, the four judges representing the four victorious countries of the Second World War –the United States, USSR, Great Britain, and France– opened the last act of the

Nuremberg trial. On October 1, at 1:50 pm, twenty-four senior German leaders accused of crimes against peace, war crimes, and crimes against humanity, as well as eight organizations of Nazi Germany, awaited the verdict. Each of them stood in the courtroom, listening in silence to the reading of the sentence, and then he was brought back to his cell, while the next accused came to take his place in the box. Twelve of them were sentenced by hanging: Hermann Göring, Joachim von Ribbentrop, Wilhelm Keitel, Ernst Kaltenbrunner, Julius Streicher, Hans Frank, Wilhelm Frick, Alfred Rosenberg, Fritz Sauckel, Alfred Jold, and SeyssInquart. Martin Bormann was sentenced in absentia. Rudolf Hess, Walther Funk and Erich Raeder were sentenced to life in prison; Konstantin von Neurath, Karl Dönitz, and Albert Speer to several years of detention. Finally, Baldur von Schirach, Frantz von Papen, and Hans Fritzche were acquitted. Those sentenced to death were hanged on October 16, 1946, except for Hermann Göring, who had poisoned himself the day before in his cell.

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AUTHOR

A former judge with a passion for history, Jean Sénat Fleury was born in Haiti and currently lives in Boston. He wrote several historical books. *The NUREMBERG TRIAL* is a book of information and training. The book analyses the trials held by the Allies against representatives of the defeated Nazi Germany, for plotting and carrying out invasions of other nations.

In this book, the author resumes and analyzes the trial opened in Nuremberg on November 14, 1945 against the main political and military leaders of the Third Reich.

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