

TRANSLATION OF DOCUMENT NO. 2194-PS
OFFICE OF U.S. CHIEF OF COUNSEL

Berchtesgaden, the 4, September 1938

Note to the Reich Defense Law

1. The Publications of the Reich Defense Law of 4 Sept. 1938, remains suspended.

2. The following laws and cabinet decisions are repeated effective immediately.

A. Reich Defense Law of 21 May 1935.

B. Decision of the Reich Cabinet of 4 April 1933 to form a Reich Defense Counsel.

C. Rectification and completion of 13 Dec. 1934 of the decision of the Reich Cabinet of 4 Apr. 1933.

D. Decision of the Reich Cabinet of 21 May 1935 on activity of the CB in peace times.

The Leader and Reich Chancellory,
(Signed) Adolph Hitler

The Reich Minister and Chief
of Reich Chancellory
(Signed) Dr. Lammers

CERTIFICATE OF TRANSLATION
OF DOCUMENT NO. 2149-PS

I, A. BREINER, X-046349, Civilian, hereby certify that I am thoroughly conversant with the English and German languages; and that the above is a correct and true translation of Document No. 2194-PS

A. BREINER
Civilian
X-046349

Copy

Secret

The Reichsfuehrer SS
and Chief of the German Police
Hauptamt SS - Court
I b 154/1 Tagb.Nr. 70/42 geh.

Muenchen 4 Feb. 1942

Secret

Subject: Prosecution of offences against the Reich or the occupation-forces.

Distribution: A. B.

I. The following regulations published, by the chief of the Armed Forces High Command, dated 12 Dec. 1941 are being made known herewith:

1.) The chief of the armed-Forces-High Command.

After thoughtful consideration it is the will of the Fuehrer that the measures taken against those who are guilty of offences against the Reich or against the occupation-forces in occupied areas should be altered. The Fuehrer thinks that in the case of such offences like imprisonment, even life imprisonment at hard labor is regarded as a sign of weakness. The only way to succeed in giving a lasting scare to the people is to decree the death penalty or by taking measures which will leave the family and the population uncertain as to the fate of the offender. The deportation to Germany is for just this purpose.

The directives for the prosecution of offences as outlined below correspond with the Fuehrer's conception. They have been examined and approved by him.

KEITEL

2.) The Fuehrer and Supreme Commander of the Armed Forces.

Directives

for the prosecution of offences against the Reich or against the occupation-forces.

Dated 7 Dec. 1941.

Since the Russian offensive started communist elements and other anti-German groups have increased their activities against the Reich and the occupation-forces. The proportions of these activities and the danger they constitute make the strongest measures against the offenders necessary, in order to intimidate them. At present the following directives have to be applied:

I.

For offences of non-German civilians against the Reich or the occupation-forces in occupied areas which endanger their security and efficiency, the death penalty is adequate.

II.

Offences as stated in Article I shall be prosecuted in the occupied areas only if it is certain that the offender or at least the chief offender will get the death penalty and if the pro-

TRANSLATION OF DOCUMENT L 90
OFFICE OF US CHIEF OF COUNSEL
(Cont.)

ceedings and the execution of the death penalty can be performed quickly; otherwise the offender or at least the chief offender shall be deported to Germany.

III.

Offenders who are deported to Germany shall be subject to military law there only if important military necessity calls for it. Inquiries as to the offenders by German and foreign agencies (Dienststellen) shall be answered by stating that these individuals were arrested and that no information on the proceedings could be given out at this particular time.

IV.

The commandant of the occupied area and the legal officials (Gerichtsherren) are within the realm of their jurisdiction personally responsible for the execution of this decree.

V.

The chief of the Armed Forces High command determines to which occupied area this decree should apply. He is empowered to issue comments, executive orders and amendments. The Reichsminister of Justice issues the executive order for the area under his jurisdiction.

For the Chief of the Armed Forces High Command

KEITEL

- 3.) First decree for the execution of the directives as outlined by the Fuehrer and commander in chief of the Armed Forces for the prosecution of offences against the Reich and the occupation-forces in the occupied areas.

According to article V of the directives issued by the Fuehrer and Commander in chief of the Armed Forces for the prosecution of offences against the Reich or the occupation-forces in the occupied areas, dated 7 Dec. 1941, I decree:

I.

The stipulations of article I shall be applicable generally in the following cases:

1. Attack against human life,
2. Espionage,
3. Sabotage,
4. Communist activities,
5. Offences which are liable to create unrest,
6. Favoring the enemy by
 - a) smuggling of human beings (Menschenschmuggel)
 - b) trying to enlist with the Armed Forces of an enemy power
 - c) assistance to enemy soldiers (Parachutists and others)
7. Unauthorized possession of arms.

II

(1) Offences as outlined in article I of the directives are to be prosecuted in the occupied areas only if the following conditions prevail:

1. It has to be probable that the death penalty will be decreed against the offender or at least against the chief offender.
2. The proceedings and the execution of the death penalty will have to be performed within the shortest possible time. (Definitely within one week after the arrest of the offender)
3. There should in particular not exist any political considerations which would make the execution of the death penalty appear unwise.
4. With the exception of murder- and guerrilla warfare - cases, the death penalty should not be expected to be decreed against a woman.

(2) Should a sentence pronounced according to article I be suspended the case may be reopened in the occupied area provided the provisions of article 1 No.1, 3 and 4 are applicable.

III.

(1) Regarding offences as stipulated under article I of this directive the judge (Gerichtsherr) in consultation with the intelligence agencies shall determine whether the necessary stipulations (Voraussetzungen) for the conviction in the occupied areas exist. Should his answer be in the affirmative he will then arrange for the court martial (Feldkriegsgericht) to meet. Should the answer be in the negative he will then submit the Files to the immediate superior ranking officer (uebergeordneten Befehlshaber) (Par. 89 Abs.1 KSTVO). This officer has the right to make his own decision.

(2) The superior ranking-officer makes the final decision whether the facts of the case warrant a conviction in the occupied area or not. If the answer is in the affirmative he will entrust the case to a judge (Gerichtsherr) in his field of authority. Should he deny it he will then instruct the secret Field Police to deport the offender to Germany.

IV.

(1) Offenders who are deported to Germany are only then subject to military law if the Armed Forces High Command or the superior ranking officer decides according to article III that important military necessities warrant a trial before a military court (Wehrmichtsgericht) if such a declaration is not made the offender is to be deported to Germany according to the directives as outlined in article 5 par. 2 KstVO.

(2) Should the superior ranking officer use his authority according to article I, he will submit the Files through official channels to the Armed Forces High Command. The Secret Field Police should be told that the offenders are classified as military prisoners (Wehrmichtsgefangene)

(3) The Armed Forces High Command decides on what court proceedings (Gerichtsstand) should be taken against offenders who according to article I are subject to military law (Kriegsverfahren). It has the right to ignore the competence of the military courts. (Zustaendigkeit der Wehrmichtsgerichte) It may also suspend the proceedings for an indefinite period of time.

V.

The court proceedings in Germany are to be conducted under complete exclusion of the public, for reasons of security of the State. Foreign witnesses are to be called at the main trial only with the approval of the Armed Forces High Command.

VI.

The orders pertaining to court martial proceedings as decreed by the chief of the Armed Forces High Command dated 15. Sept. 1941 concerning the situation in Norway (WFSt.Abt.L (IV QU) No. 002034/41 g Kdos) and concerning the communist movements in the occupied areas (WFSt/Abt.L (IV QU) No. 002060/41 g Kdos) dated 16, Sept. 1941 are being replaced with the directives and these executive orders.

VII.

(1) The directives go into effect three weeks after they have been signed. For the time being they are to be applied in all occupied areas except Denmark..

(2) The order already issued for the newly occupied areas in the East are not to be affected by these directives.

(3) Article I of the directives is applicable for proceedings in operation. (Fuer anhaengige Verfahren gilt Abschnitt I der Richtlinien.) The judge (Gerichtsherr) and the superior ranking officer may in such proceedings apply article III of these executive orders accordingly. Should the superior ranking officer order the deportation of an offender to Germany article IV shall be applicable. In the cases of offenders who are deported to Germany before these directives have gone into effect, the Armed Forces High Command may proceed according to article IV, par. 3.

The Chief of the Armed Forces High Command
KEITEL

II. In so far as the SS and the Police are the competent authorities for dealing with offences committed under I, they should proceed accordingly.

For the Reichsfuehrer

SCHARFE
SS Lt.General (Gruppenfuehrer)
Lt.General (Generalleutnant) Waffen-SS

CERTIFICATE OF TRANSLATION
OF DOCUMENT NO L 90

16, November 1945

I, Goetz MAYER, T/5, 33812169, hereby certify that I am thoroughly conversant with the English and German language; and that the above is a true and correct translation of Document L 90.

Goetz MAYER
T/5
33812169

TRANSLATION OF EXTRACTS OF DOCUMENT C-176
OFFICE OF U.S. CHIEF OF COUNSEL

Extracts from War Diary Admiral Bachmann, F.O.I.C., Western France

10.12.42

About 1015. Telephone call from personal representative of the Officer-in-charge of the Security Service in Paris, SS-Obersturmfuehrer Dr. Schmidt to F.O.I.C.'s Flag Lieutenant, requesting postponement of the shooting, as interrogation had not been concluded. Interrogations up to date have produced important information concerning organization and training of the Commandos.

After consultation with the Chief of Operations Staff the Security Service had been directed to get approval direct from Headquarters.

1820. Security Service, Bordeaux, requested Security Service authorities at Fuehrer's headquarters to postpone the shooting for 3 days. Interrogations continued for the time being.

11.12.42

0030. Shooting of the two prisoners was carried out by a unit (strength 1/16) belonging to N.O.I.C. Bordeaux, in the presence of an officer of the Security Service, Bordeaux, on order of the Fuehrer.

(Note in green pencil in margin opposite above entry: "Security Service should have done this. Phone F.O.I.C. in future cases.")

The operation was particularly favored by the weather conditions and the dark night.

(signed) BACHMANN

The following two signals refer to the shooting of prisoners:

1). C-in-C Navy Group West. Paris, 22.12.42.
To: F.O.I.C., Western France.

Subject: Act of sabotage in Bordeaux harbor.

Ref. Gkdos 6447 of 15.12.42.

According to a previous signal, the shooting of the two saboteurs by a detachment from N.O.I.C., Bordeaux, was carried out at 0030 on 11.12.42.

As the execution of saboteurs is a matter for the Security Service, it is ordered that in future cases delinquents are to be handed over to the Security Service to be shot.

2). F.O.I.C., Western France 31.12.42.
No. 6743 A1a.

To: Sea Defense Commandant, Gascogne.
N.O.I.C., Bordeaux

In future cases, it is ordered that saboteurs are to be handed over to the Security Service to be shot, as the execution of saboteurs is a matter for the Security Service.

TRANSLATION OF EXTRACTS OF DOCUMENT C-176
(cont'd)

CERTIFICATE OF TRANSLATION
OF EXTRACTS OF DOCUMENT
No. C-176

7 December 1945

I, EVELYN GLAZIER, P/O, W.R.N.S., 37371, hereby certify that I am thoroughly conversant with the English and German languages; and that the above is a true and correct translation of Extracts of Document C-176.

EVELYN GLAZIER
P/O, W.R.N.S.
37371

TRANSLATION OF DOCUMENT 740-PS
OFFICE OF U S CHIEF OF COUNSEL

Ops Staff of the Armed Forces (Verw.1)
No. 006988/44. Secret.

30 June 1944
Secret
3 Copies
Copy No.1

Subject: Treatment of enemy terror-aviators

Marginal note: "We must really do something about
this now. What is still necessary?"

(initialled)
(W. Warlimont)

Initialled K (Keitel) and 30/6 (30 June) in
upper right hand corner.

Agenda

- I. Enclosed I submit the draft of a reply of the Minister for Foreign Affairs to the Chief of the Supreme Command of the Armed Forces, which has been passed to the Armed Forces Ops Staff (WFSt) through Ambassador RITTER.

Ambassador RITTER has advised us by telephone on 29 June that the Minister for Foreign Affairs has approved this draft, but that he has ordered Envoy SONNLEITNER to present the attitude of the Foreign Office to the Führer, before the letter is sent to the Chief of the Supreme Command of the Armed Forces. The letter is to be forwarded to the Chief of the Supreme Command of the Armed Forces only after the approval by the Führer of the principles established by the Foreign Office.

- II. The Reichsmarshall agrees with the precise wording of the definition of the term "terror-aviators" as given by the Supreme Command of the Armed Forces and with the proposed procedure.

/s/ WARLIMONT

Distribution:

Chief of Supreme Command of Armed Forces via
Deputy Chief of the Armed Forces Ops. Staff
KTB (War Diary)
Qu (Verw.1)

Copy# 1
Copy# 2
Copy# 3

(pencil note
illegible)

CERTIFICATE OF TRANSLATION
OF DOCUMENT NO. 740-PS

2 November 1945.

I, FRED NIEBERGALL, 2nd Lt Inf. 0-1335567, hereby certify that I am thoroughly conversant with the English and German languages; and that the above is a true and correct translation of Document No. 740-PS

FRED NIEBERGALL
2nd Lt Inf
0-1335567.

3756

TRANSLATION OF V/247

D/785

Supreme Command of the Armed Forces
No. 007195/44 Top Secret/ Ops.Staff
of the Wehrmacht/Qu. (Admin 1)

Fuhrer's HQ., 4.7.44

Top Secret

2 copies

2nd copy

Reference: 1) OKW/Ops. Staff of the Wehrmacht/Qu. (Admin 1) No. 771793/44
Top Secret Command Matter. second subject of 15.6.44

2) The Reich Marshal of the Greater German Reich - Adjutant's
Office No. 1605/44 Top Secret of 19.6.44

pencil note :
terror airmen !

To The C in C of the Luftwaffe for the attention of Colonel von Brauchitsch
of the General Staff.

Please report whether instructions have been given to the Commandant
of the Air Force reception camp of Oberursel in the sense of the statements
of the Supreme Command of the Armed Forces/Operational Staff of the Armed
Forces of the 15th June, or when it is intended to do so.

By order

signature (illegible)

pencil note:

no answer to be had
from the C in C Luftwaffe!

(5924)

TOP SECRET

OKW

No. 771793/44 Top Secret Command matter 2nd subject
Wehrmacht Ops. Staff/Qu (Admin 1)

Führer's HQ., 14.6.44

2 copies
2nd copy

Command matter !
by officer only !

Subject: Treatment of enemy terror fliers

To the

C in C of the Air Force

For the attention of Colonel von Brauchitsch of the General Staff

I. On the basis of the preliminary talks which have taken place and in agreement with the Reich Foreign Secretary and the head of the Security Police and SD., the following facts are to be considered terroristic actions which are to be taken into consideration when publishing a case of lynch law or which justify the handing over of enemy prisoner of war airmen from the Air Force reception camp of Oberursel to the SD for special treatment:

- 1) strafing of the civil population, both individuals and crowds;
- 2) shooting at our own (German) shot down aircraft crews when coming down by parachute;
- 3) strafing of public passenger trains;
- 4) strafing of hospitals and hospital trains, clearly marked with the Red Cross.

Please obtain the consent of the Reich Marshal to this formulation of the facts, and, if necessary, give the Commandant of the Air Force reception camp of Oberursel verbal instructions to act accordingly.
ed

It is further request/that you obtain the Reich Marshal's consent also to the procedure intended for the handling of public announcements, as it can be seen from the letter to the Reich Foreign Secretary of which a copy is enclosed.

Please confirm in writing, if possible by the 18th instant.

THE CHIEF OF THE OKW.

1 enclosure

(5919)

The Chief
of the Supreme Command of the Armed Forces.
Op. Staff of the OKW/Qu. (Admin. 1)/No. 771793/44.
Top Secret, Gen Officers only 2nd. Subject.

3 Copies.

2nd. Copy.

Subject:- Treatment of enemy terror fliers.

To: Foreign Office
for Ambassador Ritter,
Salzburg.

Initialled W. (Warlimont) 14/6.

Pencil Note by Warlimont: this does not quite hit the nail on the head. Pencil note by Warlimont; but only publications.)
In connection with Press reports at home and abroad about the treatment of terror fliers, who fall into the hands of the population, it is necessary to formulate unambiguously the concept of the facts which are to constitute a criminal act in this sense. Simultaneously, the method to be used in publishing cases which have led either to lynch justice by the population, or - where the terror fliers have been caught by the Armed Forces or the police - to special treatment by the S.D., must be laid down.

Marginal Note

In agreement with the Supreme Commander of the Air Force, I intend the letter enclosed in draft, which is to serve as a directive to the Commandant of the Air Force Collecting Camp of Oberursel. It refers to those cases which, on the basis of the investigation carried out in this camp, prove to be suited to the isolation of the perpetrator, owing to suspicions being confirmed, and to his being handed over to the S.D., before any case is published by the press, radio etc., steps must be taken to ensure that name, unit, place where the crime was committed and other details give an irreproachable picture, the publication of which will have the intended deterrent effect on the commission of further murderous acts. In this connection, the formulation of the announcement must take into account the fact that enemy protests along all lines must be reckoned with. In agreement with the head of the Security Police and SD and with the Supreme Commander of the Air Force, it is therefore intended to reach an agreement in future between the Supreme Command of the Air Force, the Operational Staff of the Armed Forces, the Foreign Office and the SD before every publication, in order to lay down the facts, time and form of publication.

Please confirm, if possible by the 18th of this month, that you are in agreement with the above formulation and with the procedure intended for announcements.

SEC24-10/C-179

Naval War Staff

BERLIN, 28 October 1942

Ref. No.1 SKL I Op. 26367/42 Most Secret

To:- See Distribution:

Enclosed please find a Führer Order regarding annihilation of terror and sabotage units.

This order must not be distributed in writing by Flotilla leaders, Section Commanders or officers of this rank.

After verbal distribution to subordinate sections the above authorities must hand this order over to the next highest section which is responsible for its confiscation and destruction.

PP:

In Draft signed:

WAGNER

Checked:

2.

TOP SECRET

The Fuehrer

No. 003830/42 g. Kdos. OKW/WFSt.

Fuehrer HQ, 18 Oct. 1942

12 Copies

- 1.) For some time our enemies have been using in their warfare methods which are outside the international Geneva Conventions. Especially brutal and treacherous is the behavior of the so-called commandos, who, as is established, are partially recruited even from freed criminals in enemy countries. From captured orders it is divulged, that they are directed not only to shackle prisoners, but also to kill defenseless prisoners on the spot at the moment in which they believe that the latter as prisoners represent a burden in the further pursuit of their purposes or could otherwise be a hindrance. Finally, orders have been found in which the killing of prisoners has been demanded in principle.
- 2.) For this reason it was already announced in an addendum to the Armed Forces report of 7 October 1942, that in the future, Germany, in the face of these sabotage troops of the British and their accomplices, will resort to the same procedure, i.e., that they will be ruthlessly mowed down by the German troops in combat, wherever they may appear.
- 3.) I therefore order:

From now on all enemies on so-called Commando missions in Europe or Africa challenged by German troops, even if they are to all appearances soldiers in uniform or demolition troops, whether armed or unarmed, in battle or in flight, are to be slaughtered to the last man. It does not make any difference whether they are landed from ships and aeroplanes for their actions, or whether they are dropped by parachute. Even if these individuals, when found, should apparently be prepared to give themselves up, no pardon is to be granted them on principle. In each individual case full information is to be sent to the O.K.W. for publication in the Report of the Military Forces.
- 4.) If individual members of such commandos, such as agents, saboteurs, etc. fall into the hands of the military forces by some other means, through the police in occupied territories for instance, they are to be handed over immediately to the SD. Any imprisonment under military guard, in PW Stockades for instance, etc., is strictly prohibited, even if this is only intended for a short time.
- 5.) This order does not apply to the treatment of any enemy soldiers who, in the course of normal hostilities (large-scale offensive actions, landing operations and airborne operations), are captured - in open battle or give themselves up. Nor does this order apply to enemy soldiers falling into our hands after battles at sea, or enemy soldiers trying to save their lives by parachute after battles.

3.

- 6.) I will hold responsible under Military Law, for failing to carry out this order, all commanders and officers who either have neglected their duty of instructing the troops about this order, or acted against this order where it was to be executed.

Signed: Adolf Hitler.

DISTRIBUTION:

General Army Staff	1st Copy
Chief of Army Armament and C-in-C Reinforcements	2nd Copy
Supreme Command of the Navy/Naval War Staff	3rd Copy
C-in-C Air Force/Air Force Ops Staff	4th Copy
C-in-C Armed Forces Norway	5th Copy
C-in-C Armed Forces Netherlands	6th Copy
C-in-C Armed Forces South East	7th Copy
C-in-C Armed Forces Eastern province	8th Copy
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W.R	20th Copy
Armed Forces propaganda	21st Copy
Armed Forces Ops Staff (Army))	
(Navy)) Ktb	22nd Copy
(Air Force))	
Organisation)	
Qu(draft))	23rd Copy

Note for Distribution:

These instructions are not to be distributed over and above the Battalions and corresponding staffs of the other services. After notification, those copies distributed over and above the Regimental and corresponding staffs of the other services must be withdrawn and destroyed.

CERTIFICATE OF TRANSLATION OF DOCUMENT NO.C-179

I, Mark S. Schafer, Pvt. 42090012, hereby certify that I am thoroughly conversant with the English and German languages; and that the above is a true and correct translation of Document No. C-179.

Mark S. Schafer,
Pvt. 42090012.

WFSt / Qu (III)

10. 5. 1943

Subject: Saboteurs, Toftefjord.

TOP SECRET

NOTICE

On the 30. 3. 1943 in Toftefjord (70° Lat.) an enemy cutter was sighted, cutter was blown up by the enemy. Crew: 2 dead men, 10 prisoners.

Cutter was sent from Scalloway (Shetland Is.) by the Norwegian Navy.

Armament: 2 Colt - MG's, 2 mounted MG's, a small transmitter. In addition there were supposed to have been 4 MG's, 6 submachine guns and 1,000 kg of explosives on board.

Captain of the Cutter: Norwegian, Lt. Eskeland.

Purpose: Construction of an organization for sabotaging of strong-points, battery positions, staff and troop billets and bridges.

Assigner of Mission in London: Norwegian, Maj. Munthe.

Fuehrer order executed by S.D. (security service).

Wehrmacht Report of 6.4 announces the following about it:

In Northern Norway an enemy sabotage-unit was engaged and destroyed on approaching the coast.

CERTIFICATE OF TRANSLATION
OF DOCUMENT NO. 526-PS

16 Oct. 1945

I, WILLARD EVANS SKIDMORE, Lt(jg) USNR 391590, hereby certify that I am thoroughly conversant with the English and German languages: and that the above is a true and correct translation of Document 526-PS.

WILLARD EVANS SKIDMORE
LT(jg) USNR
391590.

SEC24-10/C-178

Berlin, 11.2. 1943

Naval War Staff

New: Reg. No. 1. Skl II 446/43 Top Secret
requested by: 3rd Skl. 1219 g. of 2/1/43Top SecretPencil note: I suggest informing Chief 3/SKL-Io - the subordinate
commanders are informed.Top Secret,
to be transmitted by officer courier.

I) Via

Ia

to be shown to 1./SKL (Naval War Staff).

SUBJECT: Treatment of Saboteurs:

From the notice given by 3/SKL (Naval War Staff) on February 1st 43, it has been discovered that the competent departments of the General Staff of the Army, as well as those of the Air Force Operations Staff have a wrong conception regarding the treatment of saboteurs. A telephone inquiry at 3/SKL proved that this Naval authority was not correctly informed either. In view of this situation, reference is made to figure 6) of the Fuehrer order of October 18, 42 (Appendix to volume-No. 1 SKL I ops 26 367/42 Top Secret of October 28, 42) according to which all commanders and officers, who have neglected their duty in instructing their units about the order referring to treatment of saboteurs, are threatened with punishment by court martial.

The first Fuehrer order concerning this matter of October 18, 42 (Appendix to volume -No. 1. SKL. 1 ops 2108/42 Top Secret of October 27, 42) was given the protection of Top Secret merely because it is stated therein:

1.) That, according to the Fuehrer's views the spreading of military sabotage organizations in the East and West may have portentous consequences for our whole conduct of the war and

2.) that the shooting of uniformed prisoners acting on military orders must be carried out even after they have surrendered voluntarily and asked for pardon.

On the other hand, the annihilation of sabotage units in battle is no at all to be kept secret but on the contrary to be currently published in the OKW (Supreme Command of the Armed Forces) reports. The purpose of these measures to act as a deterrent, will not be achieved, if those taking in enemy "Commando Operations" would not learn that certain death and not safe imprisonment awaits them. As the saboteurs are to be annihilated immediately, unless their statements are first needed for military reasons, it is necessary that not only all members of the Armed Forces must receive instructions that these types of saboteurs, even if they are in uniform, are to be annihilated, but also all departments of the home staff, dealing with this kind of question, must be informed of the course of action which has been ordered.

Practical difficulties may develop because of the definition of the term "sabotage units". The annihilation instructions,

according to figure 5 of the Fuehrer order of October 18, 42, do not apply to troop participating in large scale landing operations and large scale air borne operations. The criterion is to be found in that in the latter case an open battle takes place, whereas, for instance, 10 or more people who land by sea or air or drop by parachute not to fight an open battle but to destroy either a factory, a bridge or a railway installation, would fall into the category of those who must be annihilated.

It is to be assumed that Security III is acquainted with the Fuehrer order and will therefore reply accordingly to the objections of the Army General Staff and the Air Force Operations Staff. As far as the Navy is concerned, it remains to be seen whether or not this case should be used to make sure, after a conference with the C-in-C of the Navy, that all departments concerned have an entirely clear conception regarding the treatment of members of Commando units.

II) Ii

Ii

Translator's note: Initials unreadable.

CERTIFICATE OF TRANSLATION
OF DOCUMENT NO C-178

23 November 1945

I, WALTER SELIGSON, 1st Lt., O-1558904, hereby certify that I am thoroughly conversant with the English and German languages; and that the above is a true and correct translation of Document No. C-178.

WALTER SELIGSON
1st Lt.
O-1558904

Armed Forces Operational Staff
Qm (Adm. 1)
No. 006688/44 Top Secret

Fuehrer's Hq, 23 June 1944
TOP SECRET
3 copies
1st Copy

Reference: The Fuehrer's Order No 003832/42/OKW/WFST of 18 Oct 42

Subject: Treatment of Commando-men

Conference Memorandum

Supreme Command West reports by teletype message No 1750/44 Top Secret of 23 June 44:

" The treatment of enemy commando groups has so far been carried out according to the order referred to. With the large-scale landing achieved, a new situation has arisen. The order referred to directs in number 5 that enemy soldiers who are taken prisoner in open combat or surrender within the limits of normal combat operations (large-scale landing operations and undertakings) are not to be treated according to numbers 3 and 4. It must be established in a form easily understood by the troops how far the concept "within the limits of normal combat operations, etc." is to be extended. The view of the Supreme Command West is as follows:

A. The commitment of air-borne troops and commandos effected in Normandy falls clearly under number 5.

B. It is likewise not to be contested that paratroop units or groups set down further to the rear are connected with the large-scale landing operation effected, if they have the mission of breaking supply lines or carrying out deceptive manoeuvres etc. The German combat soldier will not always be able, during battle, to decide whether it is a question of sabotage groups parachuted down or larger air-borne operations in closer or more distant connection with a landing from the sea already carried out or still being carried out.

C. As a result of the large turn-over of troops in the area of the Supreme Command West, especially recently, it is possible that a considerable number of soldiers are ignorant of the order referred to, which dates from more than 1 1/2 years ago. For Germans from foreign countries (Volksdeutsche) and foreign nationalities the differentiation in the treatment of prisoners will hardly be able to be made clear due to language difficulties. A further reproduction of the order in the present situation, where cases of losses must be considered, is held by Supreme Command West to be a false course of action. Considerable reprisals against our own prisoners must be expected if its contents becomes known.

D. The application of number 5 for all enemy soldiers in uniform penetrating from the outside into the occupied western areas is held by Supreme Command West to be the most correct and clearest solution. On the other hand an order of the chief office for Reich security to the commander of the SIPO (Security Police) and the SD (Party Security Service) in Paris has decided that numbers 3 and 4 of the order referred to are to be applied in the future the same as before in the case of uniformed parachutists committed in groups. A conversation with representatives of the higher SS and police fuehrers in France and of the Commander of the SIPO and SD in Paris gave the result that according to the opinion of all concerned the difficulty lies in the determination of the "limits of normal combat operations". As a solution it was agreed to set a line (e.g. Seine from the mouth to Rouen-Argentan-Avranches) North of which number 5, inland of which numbers 3 and 4 apply. This solution also must be called incomplete, since the combat situation can at any time bring the necessity of extending this line to other coastal areas as well. In case of a large-scale aerial landing in the interior such boundaries cannot be drawn anymore at all. Supreme Command West requests, therefore, that, in agreement with the Reichsfuehrer SS, the decision be made, that, in view of the new situation, number 5 is to be applied in the whole occupied western area."

Position taken by Armed Forces Operational Staff:

1. The Commando order remains basically in effect even after the enemy landing in the west.

2. Number 5 of the order is to be clarified to the effect, that the order is not valid for those enemy soldiers in uniform, who are captured in open combat in the immediate combat area of the beachhead by our troops committed there, or who surrender. Our troops committed in the immediate combat area means the divisions fighting on the front line as well as reserves up to and including corps headquarters.

3. Furthermore, in doubtful cases enemy personnel who have fallen into our hands alive are to be turned over to the SD, upon whom it is incumbent to determine whether the Commando order is to be applied or not.

4. Supreme Command West is to see to it that all units committed in its zone are orally acquainted in a suitable manner with the order concerning the treatment of members of commando undertakings of 18 Oct 42 along with the above explanation.

Proposal:

Attached teletype message.

signed: WARLIMONT

Distribution:

Chief of the Supreme Command of the Armed Forces 1 copy
through Deputy Commander of the Armed Forces Operational Staff
Ktb 2 copies
Qu - Draft 3 copies

- - - - -
CERTIFICATE OF TRANSLATION
OF DOCUMENT NO 531-PS

13 October 1945

I, FRED NIEBERGALL, 2nd Lt Inf, O-1335567, hereby certify that I am thoroughly conversant with the English and German languages; and that the above is a true and correct translation of Document 531-PS.

FRED NIEBERGALL
2nd Lt Inf
O-1335567

TRANSLATION OF DOCUMENT 530-PS -
OFFICE OF U S CHIEF OF COUNSEL

WFSt/Qu (Verw. 1)

Fuehrer Headquarters

24 June 1944

TOP SECRET

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SSD - T e l e g r a m

TO 1) Supreme Commander West
2) For information: Chief of Army General Staff
3) " " OKL/Tw.Fu.Stab
4) " " OKW/L.Skl
5) " " Reichsfuehrer SS, Command Staff
6) " " Military Commander, France
7) " " OKW/WR

Reference: 1) Fuehrer order No. 003830/42/gK. of 18 Oct 1942/OKW/WFSt
2) Telegram, Supreme Commander West No 1750/44 gK. of 23 June 44

Subject: Treatment of commando participants

1) Original order of #1 remains basically in force.

2) Figure #5 refers to enemy soldiers in uniform, who surrendered or were captured in the immediate combat area of the bridgehead in open combat by our own troops, committed there. In this respect the divisions fighting in the front lines as well as the reserves up to and including general commands are considered our own troops committed in the immediate area.

3) Moreover in doubtful cases, enemy personnel captured alive are to be turned over to the Security Service (SD), which is to examine whether the commando order is to be applied or not.

4) Supreme commander West is charged that all troops and units under his command will verbally be informed in an appropriate manner about the order for the treatment of members of commando attacks of 18 October 1942 as well as the above explanations.

initialled: W (Warlimont)

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(Translator's note: In the text of this document under 1) the word "basically" (grundsätzlich) is marked out and "fully" (voll) is inserted; under 3) "Moreover" (Im ubrigen) is crossed out; the figure 4) is crossed out and replaced by 5); and the whole of the document has a line diagonally through it.)

CERTIFICATE OF TRANSLATION
OF DOCUMENT NO 530-PS

22 October 1945

I, WILLARD EVANS SKIDMORE, Lt (jg) USNR, 391590, hereby certify that I am thoroughly conversant with the English and German languages; and that the above is a true and correct translation of Document 530-PS.

WILLARD EVANS SKIDMORE
Lt (jg) USNR
391590
He com

DRAFT

TRANSLATION

Ambassador RITTER No. 444
SALZBURG, 20 June 1944

Copy
Secret

1.) To
Chief of the Supreme Command of the Armed Forces
With reference to your correspondence of 15 June 1944
Nr. FSt/Qu. (Verw.) Nr. 7/1793/44 gKChefs. II. Ang.,
concerning the treatment of enemy terror-aviators.

In spite of the obvious objections, founded on international law and foreign politics, the Foreign Office is basically in agreement with the proposed measures.

In the examination of the individual cases a distinction must be made between the cases of lynching and the cases of special treatment by the S.D. (Security Service)

I. In the cases of lynching, the precise establishment of the circumstances deserving punishment, according to points 1-4 of the communication of 15 June, is not very essential. First, the German authorities are not directly responsible, since death had occurred, before a German official became concerned with the case. Furthermore, the accompanying circumstances will be such, that it will not be difficult to depict the case in an appropriate manner upon publication. Hence, in cases of lynching, it will be of primary importance correctly to handle the individual case upon publication.

II. The suggested procedure for special treatment by the S.D. (Security Service) including subsequent publication, would be tenable, only if GERMANY, on this occasion simultaneously would openly repudiate the commitment of International Law, presently in force, and shall recognized by GERMANY. When an enemy aviator is seized by the Army or by the Police, and is delivered to the Air Forces (L.F.) Reception Camp OBERURSEL, he has received, by this very fact, the legal status of a prisoner of war. The Prisoner of War Treaty of 27 July, 1929 establishes definite rules on the prosecution and sentencing of the Prisoner of War, and the Execution of the death penalty, as for example in Article 66: Death sentences may be carried out only three months after the protective power has been notified of the sentence; in Article 63: a prisoner of war will be tried only by the same courts and under the same procedure as members of the German Armed Forces. These rules are so specific, that it would be futile to try to cover up any violation of them by clever wording of the publication of an individual incident. On the other hand, the Foreign Office cannot recommend on this occasion a formal repudiation of the Prisoner of War Treaty,

An emergency solution would be to prevent suspected fliers from ever attaining a legal Prisoner of War status, that is, that immediately upon seizure they be told that they are not considered Prisoners of War but criminals, that they would not be turned over to the agencies having jurisdiction over Prisoners of War; hence not go to a Prisoner of War Camp; but that they would be delivered to the authorities in charge of the prosecution of criminal acts and that they would be tried in a summary proceeding. If the evidence at the trial should reveal that the special procedure is not applicable to a particular case, the fliers concerned may subsequently be given the status of Prisoner of War by transfer to the Air Forces (L.F.) Reception Camp OBERURSEL. Naturally, not even this expedient will prevent the possibility that GERMANY will be accused of the violation of existing treaties and maybe

not even the adoption of reprisals upon German prisoners of war. At any rate this solution would enable us clearly to define our attitude, thus relieving us of the necessity of openly having to renounce the present agreements or of the need of having to use excuses, which no one would believe, upon the publication of each individual case.

Of the acts deemed crimes listed under ##1-4 by the letter of 15 June, we note that those listed under 1 and 4 are legally unobjectionable. Those under 2 and 3 are not. The Foreign Office, however, would be willing to disregard this. Perhaps it would be preferable to combine Nos. 1, 3, and 4 to the effect that all strafing attacks on the civilian population by an aviator will be dealt with as crimes. The various facts under 1, 3 and 4 would then be significant only as especially outstanding examples. The Foreign Office sees no reason why such attacks should not be expiated, when they are directed against the civilian population in ordinary dwelling houses, in automobiles, on riverboats, etc.

The Foreign Office bases its opinion on the fact that it is altogether forbidden to German fliers to strafe the civilian population during their attacks in ENGLAND. According to information received by the Foreign Office, such an order was issued some time ago by the Supreme Commander of the Air Forces. In case of general publication, the existence of such an order could be pointed out.

III. It follows from the above, that the main weight of the action will have to be placed on lynchings. Should the campaign be carried out to such an extent that the purpose, to wit: "the deterrence of enemy aviators" is actually achieved, which goal is favored by the Foreign Office, then the strafing attacks by enemy fliers upon the civilian populations must be stressed in a completely different propagandist manner than heretofore; if not in the publicity for home consumption, then certainly in the propaganda directed to foreign countries. The pertinent German local departments, most likely the Police, would have to be informed immediately to submit a short, truthful report to a central depository in BERLIN giving particulars as to place, time, number of dead and wounded.

This central depository would at once forward those reports to the Foreign Office for exploitation. Since similar strafing attacks upon civilian populations have occurred in other countries, for example, in FRANCE, BELGIUM, GREECE AND POLAND, the pertinent German departments or the governments in those countries are to be directed to collect the instances of such strafing attacks against the civilian population in the same manner and to exploit them propagandistically in foreign countries, in collaboration with German offices.

IV. In the letter of 15 June the intention was communicated that until further notice, an understanding with the Foreign Office would have to be reached prior to any publication. The Foreign Office attaches particular value to this point and also to the fact that this understanding be reached, not only until further notice, but for the entire duration of the campaign.

By Order (signed) RITTER (crossed out)

Page 3

TRANSLATION OF DOCUMENT 728-PS
OFFICE OF U S CHIEF OF COUNSEL
(cont.)

CERTIFICATE OF TRANSLATION
OF DOCUMENT NO 728-PS

23 November 1945

I, L. DAVENPORT, 32496587, hereby certify that I am thoroughly conversant with the English and German languages; and that the above is a true and correct translation of Document 728-PS.

L. DAVENPORT
32496587

TOP SECRET

THE FUHRER

Führer's Headquarters, 30.7.1944

OKW/Operational Staff of the Armed Forces/Qu. 2/Admin. 1 No. 009169/44

30 copies
24th copy

Re: Combatting of terrorists and saboteurs in the occupied territories.
Jurisdiction.

The continually increasing acts of terror and sabotage in the occupied territories, which are being committed increasingly by uniformly led gangs, compel us to take the severest counter-measures, corresponding to the rigour of the war that has been forced on us. Those who attack us from the rear at the decisive stage of our fight for existence deserve no consideration.

I therefore order that :

- I. All acts of violence by non-German civilians in the occupied territories against the German Armed Forces, the SS and the Police and against installations which serve their purposes, are to be combatted as follows. as acts of terrorism and sabotage:
 - 1) The troops and every single member of the Armed Forces, the SS and the Police are to overcome on the spot all terrorists and saboteurs whom they catch in the act.
 - 2) Those who are apprehended later, are to be handed over to the nearest local station of the Security Police and SD.
 - 3) Accomplices, especially women, who do not participate directly in the fighting are to be put to work. Children are to be spared.
- II. The Chief of the OKW will issue the necessary executive instructions. He is entitled to make alterations and additions, as far as any need of the war operations makes it imperative.

signed ADOLF HITLER

certified copy
(signed)

Oberfeldrichter
(Senior Field Judge)

(5915)

D/764

Supreme Command of the Armed Forces
Fst/Qu 2/Verw 1.No.009169/44 g. Kdos.
WR (1/3) No. 79/44 g. Kdos.

(Operational Staff of the Wehrmacht/Qu. 2 /Admin 1. No. 009169/44
WR (I/3) No. 79/44
top secret

Fuhrer's Headquarters 18.8.1944

30 copies
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Top Secret

Subject: 1. Combatting of terrorists and saboteurs in the occupied areas.
2. Jurisdiction over non-German civilians in the occupied territories.

2 enclosures.

- 1) Enclosed are copies of the Fuhrer's decree of 30.7.1944 and of the 1st Executive Decree of 18.8.1944
- 2) The Fuhrer's decree and the Executive Decree do not apply to Finland, Rumania, Hungary, Croatia, Slovakia and Bulgaria, nor to the subjects of these countries.
- 3) The Fuhrer's decree is to be made known at once orally to all personnel of the Armed Forces, SS and Police and must form the subject of regular emphatic instruction. It must only be distributed in writing down to divisions and similarly ranking units.
- 4) Current legal proceedings for all acts of terrorism and sabotage and all other crimes by non-German civilians in the occupied territories which imperil the security or war-preparedness of the occupying power, are to be suspended. Accusations must be taken back. The execution of sentences is no longer to be ordered. The culprits are to be handed over with a report of the proceedings to the nearest local authority of the Security Police and SD. In the case of death sentences which already have legal force, the present instructions are to remain valid.
- 5) Crimes which affect German interests but do not imperil the security or war-preparedness of the occupying power, do not justify the retention of the jurisdiction over non German civilians in the occupied territories. I authorise the commanders of the occupied territories to draw up new regulations in agreement with the Higher SS and Police chiefs. The following measures, inter alia, are to be considered:-
 - a) handing over to the SD for forced labour.

D/764 (2nd page)

- b) settlement by police administrative criminal proceedings,
- c) handing over to any existing local German civil courts,
- d) handing over to courts of their own country.

I reserve the decision with regard to Denmark.

The Chief of the Supreme Command of the Armed Forces

signed KEITEL
certified copy

Senior Military Judge.

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TRANSLATION OF DOCUMENT L-154
OFFICE OF U.S. CHIEF OF COUNSEL

(handwritten) PG. Buckemueller
Gauleiter Service, 25. February 1945

The Gauleiter and National Defense Commissioner
of the Gau Westfalen-South

- 1) To all County Councillors, Mayors and police officials
- 2) To County Leaders, for information
- 3) County Staff Chiefs of the Volkssturm are to give corresponding instructions to the men of the Volkssturm.

Fighter-bomber pilots who are shot down are on principle not to be protected against the indignation of the people. I expect from all police offices that they will refuse to lend their protection to these gangster types. Authorities acting in contradiction to the popular sentiment will have to account to me. All police and gendarmerie officials are to be informed immediately of this my attitude.

(signed) Albert Hoffmann

Taken down:
Schmidt

initialed by:

Buckemueller
(SA - Obersturmbannfuhrer
and County Staff Chief of the
Volkssturm)

CERTIFICATE OF TRANSLATION
OF DOCUMENT L - 154

4. December 1945

I, MARTHA von GRONEFELD, AGO No. 046272, hereby certify that I am thoroughly conversant with the English and German languages and that the above is a true and correct translation of Document L - 154.

MARTHA von GRONEFELD
AGO No. 046272