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CHARGE FILES

U.K. vs. GERMANS

PAG - 3

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CHARGE FILES

U.K. vs. GERMAN

PAG - 3

36/UK/G/5

Submitted

Decision of Committee I

8.3.44

C_A

36/UK/G/5

(For the Use of the Secretariat)

Registered Number.

Date of receipt in Secretariat.

36/UK/G/5

26 FEB 1944

UNITED NATIONS WAR CRIMES COMMISSION

UNITED KINGDOM

CHARGES AGAINST GERMAN

WAR CRIMINALS

CHARGE No. UK. G/B.5 *

Name of accused.	Unknown
Rank and unit, or other official position of accused.	Guard in charge on September 20th, 1941, or one of the Guards in charge on that date of a labour company, supplied by Stalag XX.B.
Date and place of commission of alleged crime.	September 20th, 1941 in the neighbourhood of Stalag XX.B. in Germany situated at Marienburg
Number and description of crime in war crime list.	No. 1. Murder of Private Webster (Subject to possibility of reduction to Manslaughter)

SHORT STATEMENT OF FACTS.

Private Webster was a member of a labour company supplied by Stalag XX.B. He was shot dead by the accused. No detail is yet available on the British side. The German claim is that Webster was taken to task by the German guard who is accused because of an act of insubordination of which he was guilty in respect of a peasant woman. The German account alleges that Private Webster struck the guard with his fist and was in the act of attacking him again when the guard in his own defence had to use his firearm whereby Webster was killed.

TRANSMITTED BY ~~Summary Bulletin~~

* Insert serial number under which the case is registered in the files of the National Office of the accusing State.

(26852) Wt.P.1505/1120 500 1,44 A.& E.W.Ltd. Cp.685

Copy/

U.K. - G./BS.

Stelag XI B. Sergeant Frazier, Privates Teague, Russell and Webster
shot dead. S.N. 328/0103/3681.

Serial No. 328

0103/3681 (P.W.2.a.)

From: The War Office (Directorate of Prisoners of War).
To: The Foreign Office (Prisoners of War Department).
Subject: Enquiry into the deaths of Sergeant Frazier, Fusilier
Banfield, Private Webster, Private Teague and Private
Russell.

Reference Foreign Office Note K.W. 2/4 of 3rd April, 1942
enclosing a copy of a memorandum received by the Protecting Power
from the German Foreign Office on the subject of the deaths of the
above named prisoners of war:-

It is requested that the Protecting Power may be asked:-

- (1) to inform the German Government that the brief information contained in the memorandum of 7th February 1942, cannot be accepted as an adequate statement of the circumstances in which Privates Teague, Russell and Webster were shot;
- (2) to draw the attention of the German Government to the proposals contained in Foreign Office memorandum K.W. 5/39 of 28th February, 1942 on the subject of a procedure to be followed in cases where a prisoner of war is killed or severely injured.
- (3) to ask the German Government whether they are prepared to agree to these proposals and immediately to apply that procedure to the cases which are the subject of its memorandum of 7th February, 1942.

(Signed) R. Evelyn Smith, Col.
for Director of Prisoners of War.

P.W.2.a.
9/4/1942
Curzon Street House.
Mayfair W.1.

Copy/

Stalag XX B. Sergeant Frazier, Privates Teague, Russell and Webster
shot dead. S.N. 328/0103/3681

Translation
R.3381

Memorandum

The Foreign Ministry have the honour to communicate the following to the Swiss Legation in Germany with reference to the latter's memorandum of January 7th, 1942 (No.22) and to the memorandum from this Ministry of January 14th, 1942 (E.674) concerning the death of the British prisoners of war Banfield, Frazier, Webster, Teague and Russell.

On September 5th, 1941, the prisoners of war Teague, whilst at the head of various British prisoners of war of his agricultural company who, with hoes in hand were confusedly talking in an excited condition of flinging themselves upon a German guard, was shot dead by the latter.

On 20th September, 1941 the prisoners of war Russell, after he had refused to work at the place assigned to him, struck at the guard calling him to task and tried to knock him down. In defence the guard fired two shots at the prisoner of war, one of which, in the head, killed him.

The prisoner of war Webster, who was detailed to agricultural work, was taken to task on 20th September, 1941, by a German guard, because of an act of insubordination of which he was guilty in respect of a peasant woman. As the prisoner of war then struck the guard with his fist and was in the act of attacking him again, the guard, in his own defence, had to use his firearm, whereby Webster was killed.

The Foreign Ministry will transmit further information respecting the deaths of the British prisoners of war Banfield and Frazier.

Berlin,
February 7th, 1942.

PARTICULARS OF ALLEGED CRIME

In the absence of information from the man of confidence at Stalag XX.B. or from his representative with the Labour Company and statements of other members of the labour company, who presumably were present and were witnesses of what took place, We are not in a position to communicate particulars of the offence.

The German account of the matter has been reproduced in substance in the short statement of facts. The full account is as follows:-

"The prisoner of war Webster, who was detailed to agricultural work, was taken to task on 20th September 1941, by a German guard, because of an act of insubordination of which he was guilty in respect of a peasant woman. As the prisoner of war then struck the guard with his fist and was in the act of attacking him again, the guard, in his own defence, had to use his firearm, whereby Webster was killed."

PARTICULARS OF EVIDENCE IN SUPPORT.

1. The killing of Private Webster is substantiated by a memorandum of the German Authorities dated February 7th 1942 (SN 328/0103/3681). The name of the Guard is not given but it will necessarily be on record and as in similar cases enquiry will require to be made through the protecting power.
2. According to the memorandum Private Webster took exception to criticism of a certain alleged breach of discipline by him and struck the guard with his fist. In consequence the guard shot Private Webster. The memorandum alleges that such action was in self defence.
3. No evidence is yet available from the man of confidence at Stalag XX.B or the prisoner of war representing the interests of the prisoners of war in the labour company.

NOTES ON THE CASE

(Under this heading should be included the view taken as to (a) the degree of responsibility of the accused in view of his official position, e.g., was offence committed on the offender's own initiative, or in obedience to orders, or in carrying out a system approved by authority or a legal provision ; (b) the probable defence ; (c) whether the case appears to be reasonably complete.)

This case is referred to in a summary note which also deals equally briefly with two other cases, that of Private Teague (UK. G/B.4) and Private Russell (UK. G/B.6).

This is either a case of murder, justifiable or excusable homicide or manslaughter.

Definitions of these distinctions in English law are set out in the Notes on the case of Sergeant Frazier (UK. G/B.3). They exist in other systems of law under different terms of definition. In the case of Sergeant Speake (UK. G/B.1) the German Court of Enquiry laid down that shooting was only justifiable if there was no alternative.

There is no suggestion by the Germans that the guard fired other than on his own responsibility.

The defence will presumably be justifiable homicide. It is possible, however, that the defence will be superior orders, since an order by the Camp Commandant, presumably in the nature of a standing order of which the terms are unknown, was probably not withdrawn till some time in 1942.

Meanwhile the position of the case is as follows:

- (a) Death caused by shooting is admitted.
- (b) There is no claim apparently of action under superior orders, though such may yet be made. Prima facie full responsibility rests upon the accused.
- (c) The defence presumably will be justifiable homicide. The onus to prove this is on the accused, who will allege circumstances which call for investigation before they can be accepted as true statements of facts. Superior orders may also be pleaded but would not appear to provide an admissible defence in the circumstances.
- (d) Assuming that the circumstances prove to be as alleged, arguably the situation did not justify such extreme action.
- (e) There are British prisoners of war still in German hands who must have been witnesses to the shooting whose evidence will be available when British prisoners of war arrive back in this country.

While, therefore, it might be contended that guilt or some degree of guilt in this charge is matter for argument the case must be regarded as incomplete since all evidence which should be available in due course is not yet available.

37/UK/G/6

Submitted

Decision of Committee I.

8.3.44

C₁

37/UK/G/6

(For the Use of the Secretariat)

Registered Number.

Date of receipt in Secretariat.

37/UK/G/6

26 FEB 1944

UNITED NATIONS WAR CRIMES COMMISSION

UNITED KINGDOM

CHARGES AGAINST GERMAN

WAR CRIMINALS

CHARGE No. UK. G/B.6. *

Name of accused.	Unknown
Rank and unit, or other official position of accused.	Guard in charge on September 20th 1941 or one of the Guards in charge on that date of one of the labour companies supplied by Stalag XX.B.
Date and place of commission of alleged crime.	September 20th 1941 in the neighbourhood of Stalag XX.B. Situate near Marienburg --- in Germany.
Number and description of crime in war crime list.	No. 1. Murder of Private Russell (Subject to possibility of reduction to Manslaughter)

SHORT STATEMENT OF FACTS.

Private Russell was a member of a labour company supplied by Stalag XX.B. He was shot at twice by the accused. One shot, in the head, killed him.

No detail is yet available on the British side. The German claim is that Russell struck at the accused who had taken him to task for refusal to obey an order.

TRANSMITTED BY SECRETARY GENERAL

* Insert serial number under which the case is registered in the files of the National Office of the accusing State.

(26352) Wt.P.1505/1120 500 1/44 A.&E.W.Ltd. Gp.685

Copy/

U.K. - G B6.

Stalag XI B. Sergeant Frazier, Privates Teague, Russell and Webster shot dead. S.N. 328/0103/3681.

Serial No. 328

0103/3681 (P.W.2.a.)

From: The War Office (Directorate of Prisoners of War).
To: The Foreign Office (Prisoners of War Department).
Subject: Enquiry into the deaths of Sergeant Frazier, Fusilier
Banfield, Private Webster, Private Teague and Private
Russell.

Reference Foreign Office Note K.W. 2/4 of 3rd April, 1942
enclosing a copy of a memorandum received by the Protecting Power
from the German Foreign Office on the subject of the deaths of the
above named prisoners of war:-

It is requested that the Protecting Power may be asked:-

- (1) to inform the German Government that the brief information contained in the memorandum of 7th February 1942, cannot be accepted as an adequate statement of the circumstances in which Privates Teague, Russell and Webster were shot;
- (2) to draw the attention of the German Government to the proposals contained in Foreign Office memorandum K.W. 5/39 of 28th February, 1942 on the subject of a procedure to be followed in cases where a prisoner of war is killed or severely injured.
- (3) to ask the German Government whether they are prepared to agree to these proposals and immediately to apply that procedure to the cases which are the subject of its memorandum of 7th February, 1942.

(Signed) R. Evelyn Smith, Col.
for Director of Prisoners of War.

P.W.2.a.
9/4/1942
Curzon Street House.
Mayfair W.1.

Copy/

Stalag XI B. Sergeant Frazier, Privates Teague, Russell and Webster
shot dead. S.N. 328/0103/3681

Translation
E.3381

Memorandum

The Foreign Ministry have the honour to communicate the following to the Swiss Legation in Germany with reference to the latter's memorandum of January 7th, 1942 (No.22) and to the memorandum from this Ministry of January 14th, 1942 (E.674) concerning the death of the British prisoners of war Banfield, Frazier, Webster, Teague and Russell.

On September 5th, 1941, the prisoner of war Teague, whilst at the head of various British prisoners of war of his agricultural company who, with hoes in hand were confusedly talking in an excited condition of flinging themselves upon a German guard, was shot dead by the latter.

On 20th September, 1941 the prisoners of war Russell, after he had refused to work at the place assigned to him, struck at the guard calling him to task and tried to knock him down. In defence the guard fired two shots at the prisoner of war, one of which, in the head, killed him.

The prisoner of war Webster, who was detailed to agricultural work, was taken to task on 20th September, 1941, by a German guard, because of an act of insubordination of which he was guilty in respect of a peasant woman. As the prisoner of war then struck the guard with his fist and was in the act of attacking him again, the guard, in his own defence, had to use his firearms, whereby Webster was killed.

The Foreign Ministry will transmit further information respecting the deaths of the British prisoners of war Banfield and Frazier.

Berlin,
February 7th, 1942.

PARTICULARS OF ALLEGED CRIME

In the absence of information from the representative of the man of confidence at Stalag XX.B. with the Labour Company or of a statement from the man of confidence in Stalag XX.B. and statements of other members of the labour company who presumably were present and were witnesses of what took place, particulars of the offence cannot be given.

The German account of the matter has been reproduced in substance in the Short Statement of Facts. The full account is as follows:-

"On 20th September 1941, the prisoner of war Russell, after he had refused to work at the place assigned to him, struck at the guard calling him to task and tried to knock him down. In defence the guard fired two shots at the prisoner of war, one of which, in the head, killed him".

PARTICULARS OF EVIDENCE IN SUPPORT.

1. The killing of Private Russell is substantiated by a memorandum of the German Authorities dated February 7th 1942 (SN.328/0103/3681). The name of the Guard is not given but it will necessarily be on record and as in similar cases enquiry will require to be made through the protecting power.
2. The substance of the memorandum has already been quoted. The memorandum alleges that the shooting was in self defence.
3. No evidence is yet available from the man of confidence at Stalag XX.B. or the prisoner of war representing the interests of the prisoners of war in the labour company or from any member or members of the labour company who may have been witnesses of the occurrence.

NOTES ON THE CASE

(Under this heading should be included the view taken as to (a) the degree of responsibility of the accused in view of his official position, e.g., was offence committed on the offender's own initiative, or in obedience to orders, or in carrying out a system approved by authority or a legal provision; (b) the probable defence; (c) whether the case appears to be reasonably complete.)

This case is referred to in a summary note which also deals equally briefly with two other cases, that of Private Teague (UK. G/B.4) and Private Webster (UK.G/B.5).

! This is either a case of murder, justifiable or excusable homicide or manslaughter.

Definitions of these distinctions in English law are set out in the notes on the case of Sergeant Frazier (UK. G/B.3). They exist in other systems of law under different terms of definition. In the case of Sergeant Speake (UK. G/B.1) the German Court of Enquiry laid down that shooting was only justifiable if there was no alternative.

There is no suggestion by the Germans that the guard fired other than on his own responsibility.

The defence will presumably be justifiable homicide. It is possible, however, that the defence will be superior orders, since an order by the Camp Commandant, presumably in the nature of a standing order of which the terms are unknown, was probably not withdrawn till some time in 1942.

Meanwhile the position of the case is as follows:-

- (a) Death caused by shooting is admitted.
- (b) There is no claim apparently of action under superior orders, though such may yet be made. Prima facie full responsibility rests upon the accused.
- (c) The defence presumably will be justifiable homicide. The onus to prove this is on the accused who will allege circumstances which call for investigation before they can be accepted as true statements of facts. Superior orders may also be pleaded but would not appear to provide an admissible defence in the circumstances.
- (d) Assuming that the circumstances prove to be as alleged, arguably the situation did not justify such extreme action.
- (e) There are British prisoners of war still in German hands who must have been witnesses to the shooting whose evidence will be available when British prisoners of war arrive back in this country.

While, therefore, it might be contended that guilt or some degree of guilt in this charge is matter for argument the case must be regarded as incomplete since all evidence which should be available in due course is not yet available.

124/UK/G/24

Submitted Decision of Committee I

14.6.44

Commanding officer B.2 }
Crew - C } B

124/UK/G/24

(For the Use of the Secretariat)

Registered Number.

Date of receipt in Secretariat.

124/UK/G/24

25 JUN 1944

UNITED NATIONS WAR CRIMES COMMISSION

UNITED KINGDOM CHARGES AGAINST GERMAN WAR CRIMINALS

CHARGE No. UK - G/24 *

Name of accused, his rank and unit, or official position. (Not to be translated.)	The Commanding Officer of the tank unit, and the Commander and crew of the German tank, operating before the St. Sylvain position south west of St. Valery-en-Caux at the time and in the circumstances alleged. No further identification of those accused in the present case is possible at the present time.
Date and place of commission of alleged crime.	12th June 1940 St. Valery-en-Caux when before the sector of the British defence known as the St. Sylvain position
Number and description of crime in war crimes list. References to relevant provisions of national law.	No. xxix. Ill-treatment of prisoners of war Breach of Article 9 of the Geneva Convention 1929 relating to the treatment of prisoners of war. Assault and neglect of duty towards a person in the control of the accused, and therefore helpless, or possibly attempted murder when full particulars are available especially in view of the absence of a white flag.

SHORT STATEMENT OF FACTS.

On 12th June 1940 while fighting was still in progress outside St. Valery-en-Caux a British Colour Sergeant, previously taken prisoner, was placed on the outside of a German tank and driven into the St. Sylvain position with orders from the Germans to demand surrender. No white flag was shown and therefore the Colour Sergeant was in danger of being shot by his own people.

The Solicitor for the Affairs

TRANSMITTED BY.....

* Insert serial number under which the case is registered in the files of the National Office of the accusing State.

(26352) Wt.P.1505/1120 500 1/44 A.&E.W.Ltd. Cp.685
(26924) Wt.P.1817/P.1139 5,000 3/44 " " "

PARTICULARS OF ALLEGED CRIME

No further particulars are at present available, nor would it appear to be a type of case which calls for particulars save in so far as they may require to be considered from the point of view of the crime involved in English law. Apart from that a question of fact only is involved. Either the German Commander and crew of a tank treated this British prisoner-of-war in the manner stated or they did not.

PARTICULARS OF EVIDENCE IN SUPPORT

Evidence in support, or the indication where evidence in support is to be found, is in the hands of Prisoner of war No. 957 Major General V.M. Fortune, C.B., D.S.O., formerly commanding the 51st (Highland) Division, which made its last stand at St. Valery-en-Caux. General Fortune is now Senior Officer in Offlag IX A/H

General Fortune was included in all Officers in Offlag IX A/H who were made the subject of reprisals on or about the 30th September and 1st October 1942.

A charge based on these reprisals forms the subject of a later case. (UK - G/B53).

In his letter of protest addressed to the Swiss Legation in Berlin dated October 2nd 1942, General Fortune pointed out that "if all the incidents of bad treatment of British prisoners-of-war had been brought to the notice of the British Government and it had felt justified in inflicting reprisals contrary to the Geneva Convention, the lot of German prisoners-of-war in British hands during the past year would have been a very unhappy one". He then proceeded to substantiate his statement by instances.

In a later letter dated 26th November 1942 enclosing an amplified statement, General Fortune referred to his former letter and continued as follows :-

"Since writing this letter the German papers and wireless have been full of allegations of bad treatment of German and Italian prisoners-of-war, the tone of all these allegations implying that the British do not fight or treat their prisoners in the same chivalrous way that the Axis armies do. I have, therefore, compiled a full list of incidents that have come to my knowledge in this camp. The majority can be backed by sworn evidence (incidents 1 - 34). In a few cases (incidents 35 - 39) witnesses can be given to you for investigation, as evidence is not first hand".

The present case and the next case (UK - G/B24) are the first two cases reported by General Fortune.

The original manuscript statement of the thirty-nine incidents report by Major General Fortune is available.

St. Sylvain is a town about a mile and a half to the south west of St. Valery-en-Caux. The St. Sylvain position will be familiar to General Fortune and Officers who were with him. No doubt can exist, therefore, as to the action of the Germans at this point which forms the subject of the present charge. It is to be expected that the identification of the tank unit concerned will emerge when Officers of the 51st Division still with General Fortune are released at the conclusion of hostilities.

NOTES ON THE CASE

(Under this heading should be included the view taken as to (a) the degree of responsibility of the accused in view of his official position, e.g., was offence committed on the offender's own initiative, or in obedience to orders, or in carrying out a system approved by authority or a legal provision ; (b) the probable defence ; (c) whether the case appears to be reasonably complete.)

This serious and inhumane offence is merely one of the numerous incidents of breaches of the laws and usages of warfare which has characterised German arms.

Article 9 of the Convention provides that "No prisoner may at any time be sent to an area where he would be exposed to the fire of the fighting zone, or be employed to render by his presence certain points or areas immune from bombardment".

The offence is literally within the first part of the provision, and within the spirit of the second part of the provision.

The case cannot be completed until the end of the war.

No argument is called for to show that it involves assault in English Law, and possibly a more serious offence. It is submitted however, that the degree of criminality involved in English Law and the punishment, say a maximum of one year's imprisonment with hard labour for a Common Assault, is no measure of the seriousness of the offence.

In the present case the offence may prove much more serious when the matter is fully investigated. But if this should not prove to be the case the requirement of the Commission is satisfied by the provision of a criminal element in contemplation of English Law.

125/UK/G/25

D

Submitted Decision of Committee I

14.6.44

Commanding officer } b2
Crew } C

125/UK/G/25

(For the Use of the Secretariat)

Registered Number.

Date of receipt in Secretariat.

125/UK/G/25

- 5 JUN 1944

UNITED NATIONS WAR CRIMES COMMISSION

UNITED KINGDOM CHARGES AGAINST GERMAN WAR CRIMINALS

CHARGE No. UK - G/B25 *

Name of accused, his rank and unit, or official position. (Not to be translated.)	The Commanding officer of the tank unit, and the Commander and crew of the German tank, operating between the St. Sylvain position south west of St. Valery-en-Caux and Fécamp at the time and in the circumstances alleged. No further identification of those accused in the present case is possible at the present time.
Date and place of commission of alleged crime.	12th June 1940 Between St. Valery-en-Caux and Fécamp
Number and description of crime in war crimes list. References to relevant provisions of national law.	No. xxix. Ill-treatment of prisoners of War Breach of Article 9 of the Geneva Convention 1929 relating to the treatment of prisoners of war. Assault and neglect of duty towards a person in control of the accused and therefore helpless, or possibly attempted murder when full particulars are available

SHORT STATEMENT OF FACTS.

On 12th June 1940 somewhere between St. Valery-en-Caux and Fécamp, a place nearly twenty miles west of St. Valery-en-Caux along the coast, a British Major, accompanied by a subaltern and five other ranks, all of the regiment which had been holding the St. Sylvain position, which was about a mile south west of St. Valery-en-Caux, were caught in the open by a German armoured vehicle and were taken prisoner. Four of the party were put inside the vehicle. Two other ranks were made to sit between the mudguard and bonnet and the Major was made to sit on the bonnet with his revolver held against his back by a German. There was room inside the vehicle for the whole party. In this manner the party was driven a distance estimated about 15-20 kilometres, i.e. with three prisoners deliberately exposed to the fire of any British still resisting.

TRANSMITTED BY

* Insert serial number under which the case is registered in the files of the National Office of the accusing State.

(26852) W.P.1505/1120 500 1/44 A.R.E.W.Ltd. Cp.685
(26924) W.P.1817/P.1139 5,000 3/44

PARTICULARS OF ALLEGED CRIME

No further particulars are at present available, nor is it a case which calls for particulars, save in so far as they may require to be considered from the point of view of the crime involved in English Law. Apart from that only the question of fact is concerned.

PARTICULARS OF ALLEGED CRIME

No further particulars are at present available, nor is it a case which calls for particulars, save in so far as they may require to be considered from the point of view of the crime involved in English Law. Apart from that only the question of fact is concerned.

PARTICULARS OF EVIDENCE IN SUPPORT

Evidence in support or the indication where evidence in support is to be found is in the hands of Prisoner of war No. 957 Major General V.M. Fortune, C.B., D.S.O., formerly Commanding the 51st Division and now Senior British Officer in Offlag IX A/H.

The present case and the preceding case (UK - G/324) are the first two cases of 39 cases or incidents recorded officially by General Fortune in circumstances described under "Particulars of Evidence" of the preceding case.

The original manuscript statement of the thirty nine incidents reported by Major General Fortune is available.

Clearly when prisoners of war are released the evidence of two officers and five other ranks should be available.

St. Sylvain is a town about a mile and a half to the south west of St. Valery-en-Caux. Fécamp is between fifteen and twenty miles further west on or near the coast.

NOTES ON THE CASE

(Under this heading should be included the view taken as to (a) the degree of responsibility of the accused in view of his official position, e.g., was offence committed on the offender's own initiative, or in obedience to orders, or in carrying out a system approved by authority or a legal provision; (b) the probable defence; (c) whether the case appears to be reasonably complete.)

As was remarked in respect of the last case, this serious and inhumane offence is merely one of the numerous incidents of breaches of the laws and usages of warfare which has characterised German arms.

Article 9 of the Convention provides that no prisoner of war 'may at any time be sent to an area where he would be exposed to the fire of the fighting zone, or be employed to render by his presence certain points or areas immune from bombardment'.

The case is literally within the first part of the provision, and within the spirit of the second part of the provision.

The case cannot be completed until after the war, when there can be no doubt that there will be ample evidence. The only difficulty which arises, as in other cases, will be that of identification. But it is hoped to identify the unit and to attach at least a measure of responsibility to the Commander, and through him to identify the tank crew. This seems legitimate as it is the intention to establish the fact that there was something approaching system in the uniformly bad treatment meted out to British prisoners of war who were consistently discriminated against. On this aspect of the matter every case arising out of the campaign in Northern France and Belgium in 1940 affords evidence which is admissible in accordance with the rule of the admissibility of evidence of facts showing system.

The criminal element under English Law is present and the note in the last case is applicable.

126/UK/6/26

Submitted Decision of Committee T

14.6.44

all C B

126/UK/6/26

(For the Use of the Secretariat)

Registered Number.

Date of receipt in Secretariat.

126/UK/G/26

5

1944

UNITED NATIONS WAR CRIMES COMMISSION

UNITED KINGDOM

CHARGES AGAINST

GERMAN

WAR CRIMINALS

CHARGE No. UK - G/B26. *

Name of accused, his rank and unit, or official position. (Not to be translated.)	The names, ranks and units of those accused are unknown. It is also uncertain until further information is available as to the number of persons who should be put on trial. Provisionally the officers and other ranks are indicated by their positions: 1. The General Commanding in the district of St. Omer 2. The officer commanding the unit which murdered Captain Ernest N.L. Hart, Royal Northumberland Fusiliers, a prisoner of war, in the neighbourhood of St. Omer on or about 24th May 1940. 3. The officer or other rank who ordered Captain Hart (continued on page 2)
Date and place of commission of alleged crime.	On or about 24th May 1940 St. Omer.
Number and description of crime in war crimes list. References to relevant provisions of national law.	No. 1. Murder of Captain Ernest B.L. Hart, Royal Northumberland Fusiliers Murder.

SHORT STATEMENT OF FACTS.

Captain Hart was captured towards the end of May 1940 in the neighbourhood of St. Omer. On or about 24th May he was shot.

TRANSMITTED BY

* Insert serial number under which the case is registered in the files of the National Office of the accusing State.

(26852) W.P.1505/1120 500 144 A.S.E.W.Ltd. Cp.685
(26924) W.P.1817/P.1139 5,000 3-44

Duplicates 22/2.

G. B. I.

COPY
(K.W. 15/26)

Nr. St. OMER CAPTAIN HART CAPTURED AND SHOT
S.N. 63/0103/2993

Serial No. 63

0103/2993 (P.W.3.)

NOTE VERBALE.

From : Director of Prisoners of War.

To : Foreign Office (Prisoners of War Section).

Subject : Alleged shooting after capture of
Captain E.B.L. Hart.

Information has been received which indicates that Capt. E.B.L. Hart was captured in the vicinity of St. Omer and subsequently shot, on or about 24th May, 1940.

It is requested that Mr. Secretary Eden may be good enough to have enquiries made through the diplomatic channel into the circumstances surrounding this officer's death.

(Signed) N. Coates.
Colonel.
Deputy Director of Prisoners of War

War Office
(P.W.3.)
Victoria 1244 Extn. 284.
19.7.41.
Copy to A.U.S.

7
COPY

The War Office,
Hobart House,
Grosvenor Place,
London, S.W.1.

14th August, 1941.

Dear Roberts,

In reply to your letter
K.W.15/26 of 1st August, on the
subject of the alleged shooting of
Captain E.B.L. Hart, I enclose
copies of three letters from prisoners
of war. They form the only
evidence at our disposal.

Captain Hart's regiment was the
Royal Northumberland Fusiliers.

Yours

(Signed) N. Coates.

W. St.C.H. Roberts, Esq., C.M.G., M.C.
P/W Department,
Devonshire House.

COPY

Dear Mrs. Hart,

Just a few lines to let you know I have not for got you I will call and see you as soon as I get home I am sorry to say that I was with him till the last I had a letter from my wife and she told me about your letter asking about me.

(Sgd) Yours P.Docherty

To : Mrs. E.B.L.Hart,
Primrose Cottage,
Rothbury,
Northumberland,
England.

From: - PatrickDocherty,
10401.

COPY

'Will you let me know if many of my
Comapny got back and by the way if
there are any enquiries of Captain
Hart notify them that I and a few
others were with him when he was
killed'.

Extract from letter from Fusilier
Gibson,
2036282. R.N.R.(P/W).

COPY

EB 1177 EJB

RBOT 502

CAPTAIN ERNEST B.L. HART - Royal
Northumberland Fusiliers.

Reference your enquiry dated May
15th, 1941:-

After extensive enquiries I
understand Captain B.L. HART was
captured in the vicinity of St. Omer
and on or about May 24th, 1940, this
officer was shot. Although I have
been advised of the circumstances it
would be inadvisable to pass them on
to you at the present time.
Fusilier Docherty, Captain Hart's
Batman, now a prisoner of war, I
understand took Captain Hart's
possessions off his body.

(Sgd) C.L. Irwin.
Captain.

Oflag VII C/H. Germany.
P.O.W. No. 584.

I N T H E M A T T E R of THE TREATMENT OF BRITISH PRISONERS
OF WAR IN NORTHERN FRANCE AND BELGIUM IN AND AFTER THE
BATTLE OF FRANCE 1940

I, ARTHUR FLEISCHMANN, a citizen of Czechoslovakia and 1st Lieutenant in the Czechoslovak Army in England, until recently temporarily attached to the 2/7th Battalion The Royal Warwickshire Regiment and now returned to the Czechoslovak Army Depot, Southend-on-Sea make oath and say as follows :-

1. I left my country after it was occupied by Germany in 1939. I joined the new Czech army in France in November 1939 and served as a 2nd Lieutenant with the 2nd Czechoslovak Infantry Regiment through the French campaign. I came with that unit to England after the armistice between Germany and France in 1940.
2. During the campaign in France I was a prisoner of war for a short time, I should say about thirty minutes. Then suddenly the tide of war changed and opportunity presented itself to me to escape. But during the time when I was a prisoner of war some exchange of remarks took place between myself and German soldiers. As I have spoken German all my life there was no difficulty in understanding and there seemed to be no lack of willingness on the part of the Germans to speak freely. Their general attitude showed surprise that we were fighting. They expressed their conviction that the conclusion of an armistice between Germany and France was only a question of days, perhaps only of hours. When I remarked that I was a Czech and that I did not believe that the Czechs would sign any armistice with Germany these German soldiers were rather surprised and told me that the German people had no quarrel whatsoever with the Czechs. They said the Czechs now belonged to Greater Germany and were as themselves. They also said that the German Reich had no quarrel with France. The real enemy was England. I recall this phrase in

particular. 'The English bear the blame for all evil and must be destroyed'. The exact words in German were, "Die Engländer tragen die Schuld an allem Ubel und müssen vernichtet werden". The circumstances and the depth of conviction with which these words were spoken made a deep impression on my mind at the time and could neither be mistaken nor forgotten. They showed vividly to me how the German soldier's mind had been influenced by his education and how fully he had absorbed the doctrines of the political leaders of Germany. I was conscious of a curious coupling of hatred with a sense of duty amounting to fanaticism. Later on when I heard of the ill-treatment of British prisoners of war on the march from Belgium and France to Germany I recalled these words and found no difficulty in believing all I heard.

SWORN at 1, The Sanctuary

•
in the City of Westminster

the 17th day of April 1944)

FLEISHMANN ARTUR 1st Lt.

Before me,

HENRY L. BOLTON

A Commissioner for Oaths.

IN THE MATTER of the TREATMENT of
BRITISH PRISONERS OF WAR IN
NORTHERN FRANCE AND BELGIUM IN
AND AFTER THE BATTLE OF FRANCE
1940

A F F I D A V I T
- of -
ARTHUR FLEISCHMANN

THE TREASURY SOLICITOR

PARTICULARS OF ALLEGED CRIME

It is not possible at the present time to amplify the statement contained in the short statement of facts. It is expected that full particulars will be available after the War from eye witnesses.

Continued from Page 1.

Name of Accused,
his rank and unit,
or official position.

to be shot as aforesaid.

4. The officer or other ranks who shot or were present at the shooting of Captain Hart, or otherwise aided or abetted the crime.

PARTICULARS OF EVIDENCE IN SUPPORT

Two witnesses and possibly more will be available to give evidence as eyewitnesses. These men are prisoners of war in Germany.

The first of these is Patrick Docherty, who gives his number as 10401. It is inferred that this is his number as a prisoner of war. The appropriate department of the War Office will identify him so that if alive at the end of the war he will be available. He wrote the following letter to Mrs. F.B.L. Hart, Primrose Cottage, Rothbury, Northumberland, England.

"Just a few lines to let you know that I have not forgot you I will call as soon as I get home I am sorry to say that I was with him till the last I had a letter from my wife and she told me about your letter asking about me".

2. Fusilier Gibson, No. 2036282 (presumably Army number) in the course of a letter wrote as follows :

"Will you let me know if many of my Company got back and by the way if there are any enquiries of Captain Hart notify them that I and a few others were with him when he was killed".

3. Captain C.L. Irwin now or formerly of Oflag VII C/H in Germany, prisoner of war number 584, has written that he has made extensive enquiries and has been advised of the circumstances. He considered, however that it would be inadvisable to pass them on at the present time.

4. The letters above referred to are attached together with a copy of Note Verbale dated 19/7/41 from the Deputy Director Prisoners of War, War Office, to Foreign Office (Prisoners of War Section). The reference is S.N. 63(0103/2993)

5. Copy of an Affidavit by 1st Lieutenant Arthur Fleischmann of the Czecho-Slovak Army is attached. Lieutenant Fleischmann, while a prisoner of war, was told by his German captors that the "Germans had no quarrel with the Czecks or the French. The real enemy was England. He recalls a phrase which translated is: "The English bear the blame for all evil and must be destroyed"

NOTES ON THE CASE

(Under this heading should be included the view taken as to (a) the degree of responsibility of the accused in view of his official position, e.g., was offence committed on the offender's own initiative, or in obedience to orders, or in carrying out a system approved by authority or a legal provision ; (b) the probable defence ; (c) whether the case appears to be reasonably complete.)

The detailed evidence necessary to support the charge are unlikely to be available until the end of the war. There is every reason to suppose that the charge will be substantiated. The only difficulty is likely to be the identification of the accused and the decision as to whether responsibility can properly be carried back further than those immediately concerned with the death of Captain Hart.

No useful purpose can be served by discussing the identity of those immediately concerned at the present time. But it is desirable to consider whether responsibility can be attached in higher ranks.

The evidence of Lieutenant Fleischmann of the Czecho-Slovak Army shows clearly the frame of mind of the average German soldier. Lieutenant Fleischmann gives the impression of being a responsible officer with a well-balanced mind and a sense of justice. He would not have been mistaken in the phrase - "Die Engländer tragen die Schuld an allem Übel und müssen vernichtet werden"

The evidence of discrimination against British prisoners of war at this time is illustrated in the cases following this case. It is likely that the evidence will be greatly increased and strengthened when the prisoners of war are repatriated. Meanwhile though it cannot be said that there was system to the point of massacre there is evidence of systematic ill-treatment, disregard of human life and deliberate disregard of the rights of prisoners of war, only compatible with instruction in the course of training incidental to total warfare. For this, it is submitted, higher authority can properly be made responsible and should be made responsible. It may well be that the commander in the area, and subordinate commanders downward should be brought to book. All must have known much of what was going on and the failure to issue warning orders against illegal action in view of the Hitlerite doctrine should be held to identify commanders with the misdeeds of their subordinates.

Their prosecution will also tend to the identification of the actual perpetrators of these crimes when blame and punishment can be apportioned. These remarks have particular application to the majority of the cases arising from the Campaign in Northern France and Belgium in 1940.

132/UK/G/29

Submitted

Decision of Committee I

21.6.44

all C B

132/UK/G/29

(For the Use of the Secretariat)

Registered Number.

Date of receipt in Secretariat.

132/UK/G/29

16 JUN 1944

UNITED NATIONS WAR CRIMES COMMISSION

UNITED KINGDOM

CHARGES AGAINST GERMAN

WAR CRIMINALS

CHARGE No. UK - G/B.29 *

<p>if accused, his and unit, or position. <i>(to be translated.)</i></p>	<p>The name, rank and units of accused persons is unknown, but they should be identifiable by their positions as follows :-</p> <ol style="list-style-type: none">1. The officer in supreme direction of the provisioning and transfer to Germany of prisoners of war captured in Northern France and Belgium in May and June 19402. The officer or officers in command of the area or areas which included the route or routes of march by which prisoners of war captured at St. Valery-en-Caux on or about 12th June 1940 were marched until entrained en route to Germany.3. The Officer or officers in charge of the route or routes or sections of route or routes by which prisoners-of-war from St. Valery-en-Caux aforesaid were marched to the point of entrainment to Germany.4. Officers and other ranks in immediate control of prisoners of war on the route or routes of march aforesaid.
<p>Date and place of commission of al- leged crime.</p>	<p>On or about 12th June 1940</p> <p>On route of march passing through places of which the following were particularly noted, namely :-</p> <p>St. Pol, Doullens, Bethune, Sectin, Renaix, Ninove</p> <p>Alost, Forges-les-gaux, Hazebrouck, Poix and Lille.</p>
<p>Number and descrip- tion of crime in war crimes list.</p> <p>References to rele- vant provisions of national law.</p>	<p>No. i. Murder.</p> <p>No. xxix. Ill-treatment of prisoners of war.</p> <p>Breaches of articles 2, 4, 7, 10, 11 and 54 of the Geneva Convention 1929 relating to treatment of prisoners of war.</p> <p>Murder or manslaughter, wounding, neglect of duty towards persons in control of the accused and therefore helpless, and assault.</p>

SHORT STATEMENT OF FACTS.

Prisoners of war were treated with great harshness by their guards. They were over-marched and fired at when they fell out. Rations were inadequate and they had to rely on the generosity of inhabitants for food. When it was accepted, the Germans fired at their legs. There was no accommodation provided and no protection from the weather when halted for the night.

TRANSMITTED BY.....

* Insert serial number under which the case is registered in the files of the National Office of the accusing State.

(For the Use of the Secretariat)

Registered Number.

Date of receipt in Secretariat.

132/UK/G/29

16 JUN 1944

UNITED NATIONS WAR CRIMES COMMISSION

UNITED KINGDOM

CHARGES AGAINST GERMAN

WAR CRIMINALS

CHARGE No. UK - G/B.29 *

Names and units unknown; positions, from which approximate rank may be inferred, as follows:

1. General officer or officers commanding German division or divisions operating in the neighbourhood of St. Valery-en-Caux on or about 12th June 1940.
2. Officers commanding units of said division or divisions who captured British officers and other ranks in operations aforesaid and were responsible for their treatment until transfer to appropriate divisional personnel.
3. Provost Marshal or Provost Marshals or other officer or officers deputed by the G.O.C. or G.O.C.'s aforesaid to receive and escort such prisoners of war to Army control or entrainment to P/W camps in Germany, under conditions required by laws and usages of war.
4. Officers and other ranks whether of provost or unit personnel or personnel of L. of C. guard battalions charged with the escort duties.
5. Army Commander, Area Commandant or Officer Commanding Land or Inland Water Transport responsible for correct treatment of P/W between A.H.Q. and P/W camps in relation to above prisoners.

Date and place of commission of alleged crime.	On or about 12th June 1940 On route of march passing through places of which the following were particularly noted, namely :- St. Pol, Doullens, Bethune, Sectin, Renaix, Ninove Alost, Forges-les-gaux, Hazebrouck, Poix and Lille.
Number and description of crime in war crimes list.	No. 1. Murder. No. xxix. Ill-treatment of prisoners of war.
References to relevant provisions of national law.	Breaches of articles 2, 4, 7, 10, 11 and 54 of the Geneva Convention 1929 relating to treatment of prisoners of war. Murder or manslaughter, wounding, neglect of duty towards persons in control of the accused and therefore helpless, and assault.

SHORT STATEMENT OF FACTS.

Prisoners of war were treated with great harshness by their guards. They were over-marched and fired at when they fell out. Rations were inadequate and they had to rely on the generosity of inhabitants for food. When it was accepted, the Germans fired at their legs. There was no accommodation provided and no protection from the weather when halted for the night.

TRANSMITTED BY.....

* Insert serial number under which the case is registered in the files of the National Office of the accusing State.

I N T H E M A T T E R OF THE SHOOTING OF TWO
BRITISH PRISONERS OF WAR AND THE WOUNDING WITH A BAYONET
OF ONE BRITISH PRISONER OF WAR ON THE LINE OF MARCH
THROUGH FRANCE and BELGIUM INTO GERMANY IN OR ABOUT
THE MONTH OF JULY 1940.

I, EDMUND PRADY, M.M., No.444891 formerly Lance-Corporal
7th Battalion Royal Northumberland Fusiliers, and at present
probationer Corps of Military Police (P) stationed at Mytchett
Barracks, Aldershot, make oath and say as follows :-

1. On April 4th 1940 I sailed with my battalion for France.
After a short period of service in the Maginot Line we were sent
to the neighbourhood of Dunkirk.
2. AFTER such a long interval of time during which I went
through many experiences my memory is not clear as to dates,
but as far as I can recall, sometime about the middle of May
we were sent to St. Valerie where on or about June 4th we
became engaged with the enemy. On or about the 10th day of
June 1940 we were surrounded and I was made a prisoner of war.
3. AS such prisoner of war we were marched from St. Valerie to
Belgium which occupied two to three days. Some of the guards
treated the prisoners of war with great brutality. On one
occasion there was a private soldier whose name and unit was
unknown to me. He had been wounded in the feet and could not
keep up. In consequence he fell out. I saw a German non-
commissioned officer shoot him and so far as I could see at a
distance of about fifty yards he was killed outright.
4. IN the course of the same march I saw two other cases of
the treatment accorded to men who fell out. One was the case
of a man in the column ahead who apparently was attracted by
the possibility of getting potatoes from an adjoining field.
He left the ranks and I happened to notice him bending over as
he was pulling potatoes. Suddenly there was the sound of a shot

and this man rolled over and did not move again. The other case was also the case of a man ahead of me in the column. He appeared to collapse through exhaustion. I saw one of the guards stab him in the thigh with a bayonet. He was left by the road side and I never saw him again.

5. When the column was just past a town called Aalst in Belgium I fell out of the ranks with a severe attack of appendicitis. The treatment accorded to me was in direct contrast to the cases above mentioned. I was taken back to Aalst to a civilian hospital and operated upon. When I had recovered I was sent with other prisoners of war to a Camp at Aachen in Germany from which I escaped on June 5th, 1941.

6. I did not find out the names of any of the guards who ill-treated prisoners of war nor was I able to identify their units.

SWORN at 1, The Sanctuary

in the County of Westminster

the 10th day of September 1943

E. PRADY (M.M)

Before me,

HENRY L. BOLTON

Commissioner for Oaths

RE THE SHOOTING OF TWO BRITISH
PRISONERS OF WAR AND THE WOUNDING
WITH A BAYONET OF ONE BRITISH
PRISONER OF WAR

Certified Copy/

A F F I D A V I T

- of -

EDMUND PRADY, M.M., No.444691
Probationer Corps of Military
Police (P).

CERTIFIED to be a true copy of
the original Affidavit.

H. Randall

Dated this 13th day of September, 1943
Storey's Gate,
St. James's Park,
London, S.W.1.

THE TREASURY SOLICITOR

PARTICULARS OF ALLEGED CRIME

1. The following is one account of the march from St. Valery-en-Caux:-

"For about nine days we were marching northwards on the way to Germany, as we were informed by German guards. We were carrying no food and on the first day we received no rations. Thereafter we were given daily one packet of British Army hard biscuits amongst three men, and occasionally at the end of the day about half a pint of black liquid said to be coffee. If it had not been for a certain amount of food which was given to us by French civilians, it is difficult to see how we could have continued to support life. Our food was also supplemented to a small extent by potatoes and sugar beet which we managed to collect while resting at night and sometimes while on the march. This latter proceeding, however, was a very dangerous one as we had been warned against falling out and the guards were in the habit of firing indiscriminately on anyone who fell out unless he had fainted or for other obvious reasons was unable to carry on. I recall in particular the case of a private of the Cameron Highlanders who fell out on the line of march about the 16th day of June near St. Pol, so far as I can remember, and made for a pile of sugar beet. He was shot at and fell. I do not know if he was killed. This was not an isolated case. To the best of my recollection I saw at least three or four similar cases.

I also saw a German guard prod Private Stanley Westland of my Battalion with a bayonet and hit him with a stick. Private Westland had collapsed. The efforts of our comrade to escape the blows rained on him and the failure of the guard to make him get up had a side to them which in our then weak state while being tragic seemed also slightly comic. A cousin of mine, Private Alexander Fraser Dunbar Harper, who was also in the 1st Battalion of the Gordon Highlanders, laughed, with the result that the guard turned on him and attacked him savagely with the stick. Private Harper ran away but the guard pursued him hitting him viciously until he was able to escape by losing himself in the crowd of troops.

On the 9th day of our march, I with the said Privates Westland and Harper escaped".

2. Other brief accounts reported in summary form by A.C. letter of 12.3. 41 were as follows :-

"Had to rely for food on generosity of inhabitants and at times when it was accepted the Germans fired at their legs"

"I saw a German officer shoot 3 wounded soldiers"

"Made to double through villages at the bayonet point"

"After capture we were marched 4 days towards Belgium sleeping every night, generally in the fields in the rain"

"Our treatment on the whole was very harsh; we were marched 20 to 30 kms. a day and received meagre rations...Lille first camp where we slept under a roof".

"Our treatment by the Germans was extremely harsh. At times we were made to double along the road, which was particularly hard on many who were exhausted".

"Marched from St. Valery to Lille at 30 kms. per day for four days from 6 a.m. till 4-5 p.m."

PARTICULARS OF EVIDENCE IN SUPPORT

1. Army Council letter dated 12.3.41, already referred to, (Ref. 0103/2913) records a number of brief statements of information which had been received from prisoners of war, captured 12th June 1940 at St. Valery-en-Caux where the 51st (Highland) division made its last stand. These statements are noted under paragraph 2 of "Particulars of Alleged Crimes"

The names of prisoners of war responsible for these statements are :-

Sgt. Duncan
Pte. Pearce
Pte. Monaghan
Dvrs. McAngus and Tull
Sgt. Hughes
Sgms Sutton and Christie
Dvr. Davison
Dvr. Wilson

2. An affidavit has been taken from L/Cpl. Dunbar, Argyll and Sutherland Highlanders, who escaped after 9 days, was recaptured and has since escaped. The statement quoted under paragraph 1 of "Particulars of Alleged crime" is from that affidavit.

The affidavit itself is attached to a later case in support of a charge of ill-treatment and wrongful imprisonment of Cpl. Dunbar (UK - G/B 47). Cpl. Dunbar, having escaped on the ninth day after capture, say 21st June, 1940, remained at large for three months and was then recaptured.

3. There will, of course, be numerous witnesses from the 51st Division to support the crimes alleged at the end of hostilities, when prisoners of war return to this country.

4. An Affidavit has also been taken from Edmund Brady, M.M., formerly Lance-Corporal 7th Battalion, Royal Northumberland Fusiliers, also of the 51st Division. A copy is attached.

(Continued from page 4)

to be a matter of policy or system which would be laid down by the High Command.

The experiences were generally much the same, but it is considered that the most convenient procedure is to group them as far as possible by lines of march from point of capture. Besides facilitating the identification of those to be charged by localising them, this method will give a fair chance to any who can show any attempt at fairer treatment to escape the general condemnation.

NOTES ON THE CASE

(Under this heading should be included the view taken as to (a) the degree of responsibility of the accused in view of his official position, e.g., was offence committed on the offender's own initiative, or in obedience to orders, or in carrying out a system approved by authority or a legal provision; (b) the probable defence; (c) whether the case appears to be reasonably complete.)

This case, although not the earliest in point of time, is one of some twenty charges, or rather groups of charges, of ill-treatment of prisoners of war captured in Northern France and Belgium during the campaign in 1940.

The arrangement is broadly geographical along the coast, in the first instance, from south to north.

The ill-treatment occurred on the various routes to railhead or waterway en route to prisoners of war camps in Germany.

Although the number of witnesses at present available are few, careful investigation by the War Office and examination of witnesses by the National Office leaves no doubt that a large number of grave charges will be substantiated.

The cumulative effect of these against the Section of the Higher Command in charge of arrangements relating to prisoners of war and responsible for their treatment in accordance with the Geneva Convention of 1929 relating to the treatment of prisoners of war, and their area or sectional deputies, will be serious. The actions of officers and men in immediate charge of prisoners of war was such that no pleas of superior orders, if pleaded, could be admitted to relieve them of responsibility.

These charges go to prove discrimination against British prisoners of war which accords with the presumption raised by the evidence of Lieutenant Arthur Fleischmann of the Czecho-Slovak Army given in his affidavit attached to UK - G/B.26 (Murder of Captain E.N.L. Hart).

The fact that French prisoners of war in much larger numbers were comparatively well provided with food, as will in due course emerge, tends to prove that the virtual starvation of British prisoners of war and the inadequate arrangements for their accommodation was deliberate.

It is not to be supposed that German organisation would have failed for several days before a demand to feed and accommodate British prisoners of war amounting to some 10% of the number which the German High Command expected to capture.

No doubt is entertained that the harsh treatment ranging from assault to murder will be established when the time arrives.

It is submitted that such universal breach of the usages and laws of warfare in Northern France and Belgium cannot be regarded as the responsibility of junior officers, non-commissioned officers and men of the German Army in immediate contact. Blame must be apportioned between all ranks, from the officer in supreme direction of arrangements regarding prisoners of war downwards.

It may be that responsibility should go still higher than the senior officer concerned with prisoners of war, since these charges in the aggregate will be found to amount to a grave indictment of German method which would appear to involve the High Command in contradistinction to the section of the High Command immediately involved. The mass ill-treatment of prisoners of war would seem

(Continued on page 3)

NOTES ON THE CASE

(Under this heading should be included the view taken as to (a) the degree of responsibility of the accused in view of his official position, e.g., was offence committed on the offender's own initiative, or in obedience to orders, or in carrying out a system approved by authority or a legal provision; (b) the probable defence; (c) whether the case appears to be reasonably complete.)

This case, although not the earliest in point of time, is one of some twenty charges, or rather groups of charges, of ill-treatment of prisoners of war captured in Northern France and Belgium during the campaign in 1940.

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The cumulative effect of these against the Section of the Higher Command in charge of arrangements relating to prisoners of war and responsible for their treatment in accordance with the Geneva Convention of 1929 relating to the treatment of prisoners of war, and their area or sectional deputies, will be serious. The actions of officers and men in immediate charge of prisoners of war was such that no pleas of superior orders, if pleaded, could be admitted to relieve them of responsibility.

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(Continued on page 3)

133/UK/G/30

Submitted Decision of Committee I

21.6.44

all C B

133/UK/G/30

(For the Use of the Secretariat)

Registered Number.

Date of receipt in Secretariat.

133/UK/G/30

16 JUN 1944

UNITED NATIONS WAR CRIMES COMMISSION

UNITED KINGDOM CHARGES AGAINST GERMAN WAR CRIMINALS

CHARGE No. UK - G/B 30 *

30.

Names and units unknown; positions from which approximate rank may be inferred, as follows:

1. General officer or officers commanding German division or divisions operating in the neighbourhood of Paris Plage on or about 31st May 1940.
2. Officers commanding units of said division or divisions who captured British officers and other ranks in operations aforesaid and were responsible for their treatment until transfer to appropriate divisional personnel.
3. Provost Marshal or Provost Marshals or other officer or officers deputed by the G.O.C. or G.O.C.'s aforesaid to receive and escort such prisoners of war to Army control or entrainment to P/W camps in Germany under conditions required by laws and usages of war.
4. Officers and other ranks whether of provost or unit personnel or personnel of L. of C. guard battalions charged with the escort duties.

Date and place of commission of alleged crime.

On or about 31st May 1940 and following days.
On route of march from Paris Plage passing through places of which the following were particularly noted, namely, Montreuil, Hesdin, Frevent, Aubigny, Bethune, and Doullens.

Number and description of crime in war crimes list.

No. xxix. - Ill-treatment of prisoners of war.

References to relevant provisions of national law.

The acts complained of constitute breaches of Article 2 of the Geneva Convention, 1929, relating to the treatment of prisoners of war.

SHORT STATEMENT OF FACTS.

British prisoners of war were taken on a circular march which one witness described as passing through Montreuil, Hesdin, Frevent, Aubigny, Bethune, Aubigny and Doullens. The intention seemed to be to impress the local inhabitants with the number of prisoners and to humiliate the prisoners.

TRANSMITTED BY.....

* Insert serial number under which the case is registered in the files of the National Office of the accusing State.

(26852) W.P.1505 1120 500 144 A.S.E.W.L.L. Cp.685
(26924) W.P.1817 P.1139 5,000 344

PARTICULARS OF ALLEGED CRIME

Private Harper, who was captured on or about 28th May, 1940, at Paris Plage, gave a description of his experiences, of which the following is an extract :-

"Starting 31st May via Montreuil, Hesdin, Frevent, Aubigny, Bethune, Aubigny, Doullens, we did a six-day march... This circular march was made by the Germans with the intention of impressing the local inhabitants with the number of prisoners. We heard that other columns had preceded us and had been compelled to do the same thing and in some cases had returned three times to the same camp. There was no doubt that this propaganda march had its effect on the morale of the local population."

No other detail is at present available. But it is to be inferred that the return march to Aubigny from Bethune proceeded by a different route to that taken when going to Bethune.

Furthermore Aubigny could not be reached from Frevent except by way of St. Pol or Arras, nor Bethune from Aubigny except by way of one or other of these places.

Again Doullens is at the southern angle of a triangle made by St. Pol, Arras and Doullens, while Aubigny is on the St. Pol - Arras road, which makes the northern side of the triangle from which Doullens could only be reached by way of Arras or St. Pol.

Clearly the description is incomplete but the map shows the several places mentioned in such relationship to each other as to bear out a march such as is described.

PARTICULARS OF ALLEGED CRIME

Private Harper, who was captured on or about 28th May, 1940, at Paris Plage, gave a description of his experiences, of which the following is an extract :-

"Starting 31st May via Montreuil, Hesdin, Frevent, Aubigny, Bethune, Aubigny, Doullens, we did a six-day march... This circular march was made by the Germans with the intention of impressing the local inhabitants with the number of prisoners. We heard that other columns had preceded us and had been compelled to do the same thing and in some cases had returned three times to the same camp. There was no doubt that this propaganda march had its effect on the morale of the local population."

No other detail is at present available. But it is to be inferred that the return march to Aubigny from Bethune proceeded by a different route to that taken when going to Bethune.

Furthermore Aubigny could not be reached from Frevent except by way of St. Pol or Arras, nor Bethune from Aubigny except by way of one or other of these places.

Again Doullens is at the southern angle of a triangle made by St. Pol, Arras and Doullens, while Aubigny is on the St. Pol - Arras road, which makes the northern side of the triangle from which Doullens could only be reached by way of Arras or St. Pol.

Clearly the description is incomplete but the map shows the several places mentioned in such relationship to each other as to bear out a march such as is described.

PARTICULARS OF EVIDENCE IN SUPPORT

Private Harper will be available. Details of his examination are contained in A.C. letter of the 12/3/41, reference of which is 0103/2913 entitled "Ill-treatment on march from France or Belgium into Germany."

The letter collects 16 reports on different routes, 8 of which were reported by prisoners of war captured at St. Valery-en-Caux, which are collected in the last case numbered UK -G/ B 29

NOTES ON THE CASE

(Under this heading should be included the view taken as to (a) the degree of responsibility of the accused in view of his official position, e.g., was offence committed on the offender's own initiative, or in obedience to orders, or in carrying out a system approved by authority or a legal provision; (b) the probable defence; (c) whether the case appears to be reasonably complete.)

In addition to imposing a duty to treat prisoners of war humanely, Article 2 of the Geneva Convention 1929, relating to prisoners of war very clearly enjoins on the captor the duty of protecting prisoners of war from insults and from public curiosity.

It is submitted that this is clearly a case within the meaning of this article.

Moreover it is to be supposed that on this route of march, as others, there was inhumane treatment.

It is expected that considerable further evidence will be available in regard to the treatment of prisoners of war on this route which will admit of a strong case against the accused, both on grounds of inhumanity and exposing them to humiliation.

This case may not be considered of great importance in itself. Its value is the contribution it makes to the general picture, with the possibility of its being greatly strengthened.

133/UK/G/30

21.6.44

all C B

Submitted Decision of Committee I

133/UK/G/30

(For the Use of the Secretariat)

Registered Number.

Date of receipt in Secretariat.

133/UK/G/30

16 JUN 1944

UNITED NATIONS WAR CRIMES COMMISSION

UNITED KINGDOM CHARGES AGAINST GERMAN WAR CRIMINALS

CHARGE No. UK - G/B 30 *

Name of accused, his rank and unit, or position. <i>(to be translated.)</i>	The name, rank and units of accused persons are unknown but the accused should be identifiable by their positions, which were as follows :- (1) The officer or officers in supreme direction of the provisioning and transfer to Germany of prisoners of war captured in Northern France and Belgium in May and June, 1940. (2) The officer or officers in command of the area which included the route or routes of march by which prisoners of war captured at Paris Plage on or about 31st May, 1940 were marched until entrained for Germany. (3) The officer or officers in charge of the route or routes by which prisoners of war from Paris Plage were marched to the point of entrainment to Germany. (4) Officers and other ranks in immediate control of prisoners of war on the route or routes of march aforesaid.
Date and place of commission of alleged crime.	On or about 31st May 1940 and following days. On route of march from Paris Plage passing through places of which the following were particularly noted, namely, Montreuil, Hesdin, Frevent, Aubigny, Bethune, and Doullens.
Number and description of crime in war crimes list. References to relevant provisions of national law.	No. xxix. - Ill-treatment of prisoners of war. The acts complained of constitute breaches of Article 2 of the Geneva Convention, 1929, relating to the treatment of prisoners of war.

SHORT STATEMENT OF FACTS.

British prisoners of war were taken on a circular march which one witness described as passing through Montreuil, Hesdin, Frevent, Aubigny, Bethune, Aubigny and Doullens. The intention seemed to be to impress the local inhabitants with the number of prisoners and to humiliate the prisoners.

TRANSMITTED BY.....

* Insert serial number under which the case is registered in the files of the National Office of the accusing State.

(26852) W.P.1505-1120 500 144 A.S.E.W.Lit. Cp.685
(26924) W.P.1817-P.1130 5,000 3-44

(For the Use of the Secretariat)

Registered Number.

Date of receipt in Secretariat.

133/UK/G/30

16 JUN 1944

UNITED NATIONS WAR CRIMES COMMISSION

UNITED KINGDOM CHARGES AGAINST GERMAN WAR CRIMINALS

CHARGE No. UK - G/B 30 *

30.

Names and units unknown; positions from which approximate rank may be inferred, as follows:

1. General officer or officers commanding German division or divisions operating in the neighbourhood of Paris Plage on or about 31st May 1940.
2. Officers commanding units of said division or divisions who captured British officers and other ranks in operations aforesaid and were responsible for their treatment until transfer to appropriate divisional personnel.
3. Provost Marshal or Provost Marshals or other officer or officers deputed by the G.O.C. or G.O.C's aforesaid to receive and escort such prisoners of war to Army control or entrainment to P/W camps in Germany under conditions required by laws and usages of war.
4. Officers and other ranks whether of provost or unit personnel or personnel of L. of C. guard battalions charged with the escort duties.

Date and place of commission of alleged crime.	On or about 31st May 1940 and following days. On route of march from Paris Plage passing through places of which the following were particularly noted, namely, Montreuil, Hesdin, Frevent, Aubigny, Bethune, and Doullens.
Number and description of crime in war crimes list.	No. xxix. - Ill-treatment of prisoners of war.
References to relevant provisions of national law.	The acts complained of constitute breaches of Article 2 of the Geneva Convention, 1929, relating to the treatment of prisoners of war.

SHORT STATEMENT OF FACTS.

British prisoners of war were taken on a circular march which one witness described as passing through Montreuil, Hesdin, Frevent, Aubigny, Bethune, Aubigny and Doullens. The intention seemed to be to impress the local inhabitants with the number of prisoners and to humiliate the prisoners.

TRANSMITTED BY.....

* Insert serial number under which the case is registered in the files of the National Office of the accusing State.

(26352) W.P.1505.1120 500 144 A. & E.W.L.L. Cp.685
(26924) W.P.1817.P.1139 5,000 344 " " "

PARTICULARS OF ALLEGED CRIME

Private Harper, who was captured on or about 28th May, 1940, at Paris Plage, gave a description of his experiences, of which the following is an extract :-

"Starting 31st May via Montreuil, Hesdin, Frevent, Aubigny, Bethune, Aubigny, Doullens, we did a six-day march... This circular march was made by the Germans with the intention of impressing the local inhabitants with the number of prisoners. We heard that other columns had preceded us and had been compelled to do the same thing and in some cases had returned three times to the same camp. There was no doubt that this propaganda march had its effect on the morale of the local population."

No other detail is at present available. But it is to be inferred that the return march to Aubigny from Bethune proceeded by a different route to that taken when going to Bethune.

Furthermore Aubigny could not be reached from Frevent except by way of St. Pol or Arras, nor Bethune from Aubigny except by way of one or other of these places.

Again Doullens is at the southern angle of a triangle made by St. Pol, Arras and Doullens, while Aubigny is on the St. Pol - Arras road, which makes the northern side of the triangle from which Doullens could only be reached by way of Arras or St. Pol.

Clearly the description is incomplete but the map shows the several places mentioned in such relationship to each other as to bear out a march such as is described.

PARTICULARS OF EVIDENCE IN SUPPORT

Private Harper will be available. Details of his examination are contained in A.C. letter of the 12/3/41, reference of which is 0103/2913 entitled "Ill-treatment on march from France or Belgium into Germany."

The letter collects 16 reports on different routes, 8 of which were reported by prisoners of war captured at St. Valery-en-Caux, which are collected in the last case numbered UK -G/ B 29

NOTES ON THE CASE

(Under this heading should be included the view taken as to (a) the degree of responsibility of the accused in view of his official position, e.g., was offence committed on the offender's own initiative, or in obedience to orders, or in carrying out a system approved by authority or a legal provision ; (b) the probable defence ; (c) whether the case appears to be reasonably complete.)

In addition to imposing a duty to treat prisoners of war humanely, Article 2 of the Geneva Convention 1929, relating to prisoners of war very clearly enjoins on the captor the duty of protecting prisoners of war from insults and from public curiosity.

It is submitted that this is clearly a case within the meaning of this article.

Moreover it is to be supposed that on this route of march, as others, there was inhumane treatment.

It is expected that considerable further evidence will be available in regard to the treatment of prisoners of war on this route which will admit of a strong case against the accused, both on grounds of inhumanity and exposing them to humiliation.

This case may not be considered of great importance in itself. Its value is the contribution it makes to the general picture, with the possibility of its being greatly strengthened.

C

1. Officer(s) in supreme direction
2. Officer(s) in command of area
3. Officer(s) i/c route
4. Officers and other routes.

Submitted Decision of Committee T

21.6.44

all C B

(For the Use of the Secretariat)

Registered Number.

Date of receipt in Secretariat.

134/UK/G/31

16 JUN 1944

UNITED NATIONS WAR CRIMES COMMISSION

UNITED KINGDOM CHARGES AGAINST GERMAN WAR CRIMINALS

CHARGE No. UK - G/B 31.*

Name of accused, his rank and unit, or position. (to be translated.)	The name, rank and units of accused persons are unknown but the accused should be identifiable by their positions, which were as follows :- (1) The officer or officers in supreme direction of provisioning and transfer to Germany of prisoners of war captured in Northern France and Belgium in May and June, 1940 (2) The officer or officers in command of the area which included the route or routes of march by which prisoners of war captured at Boulogne on or about 23rd May 1940 were marched until entrained for Germany. (3) The officer or officers in charge of the route or routes by which prisoners of war from Boulogne were marched to the point of entrainment to Germany. (4) Officers and other ranks in immediate control of prisoners of war on the route or routes of march aforesaid.
Date and place of commission of alleged crime.	On or about 23rd May 1940 and following days. On route of march passing from Boulogne by way of Montreuil and Hesdin.
Number and description of crime in war crimes list. References to relevant provisions of national law.	No. xxix - Ill-treatment of prisoners of war. The acts complained of constitute infringement of Articles 2 and 7 of the Geneva Convention, 1929 relating to the treatment of prisoners of war.

SHORT STATEMENT OF FACTS.

British prisoners of war were marched about 40 Kilometres, halted for one hour and then marched another 30 Kilometres.

TRANSMITTED BY.....

* Insert serial number under which the case is registered in the files of the National Office of the accusing State.

(28552) W.P.1505/1120 500 1/44 A.S.E.W.L.I. Cp.685
(26924) W.P.1817/P.1139 5,000 3/44

(For the Use of the Secretariat)

Registered Number.

Date of receipt in Secretariat.

134/UK/G/31

16 JUN 1944

UNITED NATIONS WAR CRIMES COMMISSION

UNITED KINGDOM CHARGES AGAINST GERMAN WAR CRIMINALS

CHARGE No. UK - G/B 31.*

31.

Names and units unknown; positions from which approximate rank may be inferred, as follows:

- 1. General Officer or officers commanding German division or divisions operating in the neighbourhood of Boulogne on or about 23rd May 1940.
2. Officers commanding units of said division or divisions who captured British officers and other ranks in operations aforesaid and were responsible for their treatment until transfer to appropriate divisional personnel.
3. Provost Marshal or Provost Marshals or other officer or officers deputed by the G.O.C. or G.O.C's aforesaid to receive and escort such prisoners of war to Army control or entrainment to P/W camps in Germany under conditions required by laws and usages of war.
4. Officers and other ranks whether of provost or unit personnel or personnel of L. of C. guard battalions charged with the escort duties.

Table with 2 columns: Question/Label and Answer. Rows include: Date and place of commission of alleged crime; Number and description of crime in war crimes list; References to relevant provisions of national law.

SHORT STATEMENT OF FACTS.

British prisoners of war were marched about 40 Kilometres, halted for one hour and then marched another 30 Kilometres.

TRANSMITTED BY

* Insert serial number under which the case is registered in the files of the National Office of the accusing State.

PARTICULARS OF ALLEGED CRIME

R.S.M. Hayes, who was captured on or about 23rd May, 1940, at Boulogne, is recorded as having stated as follows :-

"We were marched a distance of about over 40 Kms. stopped 1 hour then marched another 30 Kms."

He gave the route of march as Montreuil to Hesdin.

Reference to the map shows that from Boulogne to Montreuil is 36 Kilometres which approximates to the witness' estimate, whether about or over 40 kilometres. The next stage, if that stage is from Montreuil to Hesdin, is 22 kilometres as against an estimate of 30 Kilometres. That would mean a total of 58 Kilometres or over 36 miles, as against the witness' estimate of 70 Kilometres or over 43 miles.

PARTICULARS OF EVIDENCE IN SUPPORT

R.S.M. Hayes will be available and details of his examination, extract from which is quoted under "Particulars of alleged crime", are contained in A.C. letter of the 12/3/41, reference of which is 0103/2913 entitled "Ill-treatment on march from France or Belgium into Germany".

The evidence of other prisoners of war captured at Boulogne will become available at the end of the war.

NOTES ON THE CASE

(Under this heading should be included the view taken as to (a) the degree of responsibility of the accused in view of his official position, e.g., was offence committed on the offender's own initiative, or in obedience to orders, or in carrying out a system approved by authority or a legal provision ; (b) the probable defence ; (c) whether the case appears to be reasonably complete.)

In this case, so far as appears at present, the offence is primarily one under Article 7 of the Geneva Convention 1929 relating to the treatment of prisoners of war.

The last paragraph of that Article is as follows :-

"The evacuation of prisoners on foot shall in normal circumstances be effected by stages of not more than 20 kilometres per day, unless the necessity for reaching water and food depots requires longer stages"

The day's march in this case, after days of exhausting fighting, was three times the stipulated distance, and there is no reason to suppose that the length of march can be brought within the exception.

Judging from other cases there is likely to be much more in the case than at present appears. The nearest railhead was Arras, 55 kilometres on and it is unlikely that military requirements would have permitted this comparatively early entrainment. No useful purpose, however, is served by conjecture pending the availability of further and more detailed evidence.

135/UK/G/32

21. 6. 44

All C B

Submitted Decision of Committee I

135/UK/G/32

PHBK/HBD

3.21 UK

Letters should be addressed to—

THE TREASURY SOLICITOR,

and the following reference quoted on the cover and in the letter:

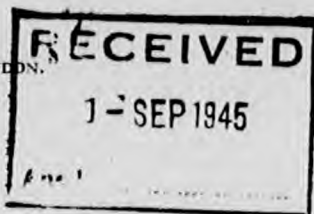
WEB/III(a)

Telephone No.: WHITEHALL 1124
EXTENSION: 33
Telegraphic Address: "PROCTOREX, LONDON."
Code used: A.B.C. 6TH EDN., 5 letter.



STOREY'S GATE,
ST. JAMES'S PARK,
LONDON, S.W.1.

29 August 1945



Sir

GERMAN WAR CRIMES

UK-G/B 32

United Nations War Crimes Reference 135/UK/G 32

The attached copy Affidavit of BSM H J Prince is forwarded for inclusion with the above Charge.

There are seven further copies for use of Committee I, but it is understood that the Committee does not wish to receive copies until all further evidence can be made available for the purpose of putting the accused on the Committee's List. Should the name of the accused already be on the Commission's List it is understood that Committee I is not interested in further evidence and in such cases this Office limits itself to sending evidence to you for the copy of the Case in your File.

I am Sir
Your obedient Servant

P.H.B. Keul

Officer i/c War Crimes Branch
Treasury Solicitor's Department

The Secretary General
United Nations War Crimes Commission
Church House SW 1

I was taken prisoner on 26 May 1940 in Calais. Within an hour of being captured about 250 to 300 of us were marched for about an hour in a round about way through Calais and then joined with another column of about one thousand British and French mixed troops. From there we were marched about 30 to 35 miles to Langueval going on a road a few miles on a road. On arrival there at about 2300 to 2500 hours we were all put into a camp, which was a trench about 30 to 35 miles long and 10 to 15 miles wide. The trench was about 1700 hours. From there the march continued and we arrived at about 1700 hours. There were no tents on the march and we were forced to sleep on the ground. The march continued and we arrived at about 1700 hours. There were no tents on the march and we were forced to sleep on the ground. The march continued and we arrived at about 1700 hours. There were no tents on the march and we were forced to sleep on the ground.

I, No. 142107 P.M., Prince, H.J., 6 A.A. Coy., 2 A.A. Regiment, Royal Artillery, with permanent address at 2, Garden Avenue, Selby Road, Milton, Leeds, Yorkshire, make oath and say as follows:-

APPENDIX

British National Office Charge No : UK-6/B32
 United Nations War Crimes Commission Reference : 135/UK/G/32

Settings by rifle and handgrenade feeding on March from Calais to Germany 26.5.40 to 15.6.40

IN THIS MATTER ON :

there we went on to a place which I think is called Tolenturg in Germany, where we arrived the following day and where we extrained, about 75 to 80 in a cattle truck, to Landsort Stalag 8B (later No. 544). The journey in the train lasted about two and a half days and we were allowed out only once to urinate.

2. The total march lasted about 18 days. During the whole of the march if anybody lagged at all they were struck by the guards with the butts of their rifles. A large number fell out by the wayside and I do not know what happened to them. During this march I did not see any German officer except when we were halted overnight. Apart from the places which I have mentioned we slept in the open fields at night. Throughout the march there were no organised rests. No water was supplied except at the overnight halts when none was distributed but sometimes we were able to find some and take it.

3. I am not able to give the name or any useful description of any of the German officers or guards that I saw throughout the march nor am I able to identify any of them by their uniforms. I am able to name a number of the prisoners who were in the column with me, including Sjt-Major Badrick, OXF and BUCHS LIGHT INFANTRY whose home is at High Wycombe, and Sjt Bedford and Sjt Nichol, and Gunners Banks, Oxman and Sayers, all of 6/2 A.A. Regiment. I believe that Gunner Sayers lives at Eastbourne.

SWORN by the said No. 1421047 B.S.M.
Prince, H.J. at The Judge Advocate
General's Branch, Headquarters,
Northern Command, "Ashfield",
Radclyffe Road, Brighthelm, YORK
this 31st day of July 1945.

(H. J. PRINCE, BSM.)

BEFORE ME

(ARTHUR J.R. BLOK,)

Captain Legal Staff,
Military Department,
Office of the Judge Advocate General.

(For the Use of the Secretariat)

Registered Number.

Date of receipt in Secretariat.

135/UK/G/32

26 May 1944

UNITED NATIONS WAR CRIMES COMMISSION

UNITED KINGDOM CHARGES AGAINST GERMAN WAR CRIMINALS

CHARGE No. UK - G/B 72 *

32

Names and units unknown; positions from which approximate rank may be inferred, as follows:

1. General officer or officers commanding German division or divisions operating in the neighbourhood of Calais on or about 26th May 1940.
2. Officers commanding units of said division or divisions who captured British officers and other ranks in operations aforesaid and were responsible for their treatment until transfer to appropriate divisional personnel.
3. Provost Marshal or Provost Marshals or other officer, or officers deputed by the G.O.C. or G.O.C's aforesaid to receive and escort such prisoners of war to Army control or entrainment to P/W camps in Germany under conditions required by laws and usages of war.
4. Officers and other ranks whether of provost or unit personnel or personnel of L. of C. guard battalions charged with the escort duties.
5. Army Commander, Area Commandant or Officer Commanding Land or Inland Water Transport responsible for correct treatment of P/W between A.H.Q. and P/W camps in relation to above prisoners.

Date and place of commission of alleged crime.	On or about 26th May 1940 and following days. On route of march from Calais.
Number and description of crime in war crimes list.	No.1. Murder No.xvix. Ill-treatment of prisoners of war.
References to relevant provisions of national law.	The acts complained of constitute breach of laws and usages of warfare and in particular infringement of Articles 2, 4, 6, 7, 10, 11 and 54 of the Geneva Convention, 1929, relating to the treatment of prisoners of war. (Continued on page 2.)

SHORT STATEMENT OF FACTS.

British prisoners of war were marched from Calais continuously for 24 hours with breaks of about 20 minutes every 3 or 4 hours. Then after an hours halt they were marched another 24 hours. During this time they were given no food. Those who failed to keep up were urged on by bayonet or rifle butt. Those who collapsed and failed to rise were shot where they fell. And so it continued until the end of the sixth day, prisoners of war being left to get such food as they could from the fields or from towns or villages as they passed by.

TRANSMITTED BY

* Insert serial number under which the case is registered in the files of the National Office of the accusing State.

PARTICULARS OF ALLEGED CRIME

The particulars of the alleged crime are contained in the affidavit of No. 6,842,999 Corporal David Hosington, D.C.M., King's Royal Rifle Corps, sworn 30th September 1943, copy of which is attached hereto.

(Continued from Page 1.)

Murder, unlawful wounding, neglect of duty and cruelty towards persons in the control of the accused, and therefore helpless persons, and assault.

PARTICULARS OF EVIDENCE IN SUPPORT

Corporal Hosington will be available and in his absence his affidavit will be offered in evidence.

Other prisoners of war taken at Calais will also be available.

Corporal Hosington's affidavit reflects conditions which one would suppose were insupportable. He was much pressed to ensure that there was no exaggeration.

Since detailed information has become available of the march from Bataan ^{from} Corporal Hosington's account of the March from Calais ~~to~~ ceases to sound improbable.

Corporal Hosington's military record and his personality give the impression of a keen sense of responsibility and sincerity.

NOTES ON THE CASE

(Under this heading should be included the view taken as to (a) the degree of responsibility of the accused in view of his official position, e.g., was offence committed on the offender's own initiative, or in obedience to orders, or in carrying out a system approved by authority or a legal provision ; (b) the probable defence ; (c) whether the case appears to be reasonably complete.)

This case provides a forcible illustration of the discrimination against British prisoners of war foreshadowed in the statement of the German soldier to Lieutenant Arthur Fleischmann of the Czecho Slovak Army when for some half hour, a prisoner of war. That statement was that Germany had no quarrel with Czecho-Slovakia or even with France. The real enemy was England. He concluded with the phrase: "Die Engländer tragen die Schuld an allem Ubel und müssen vernichtet werden" (see affidavit attached UK - G/B 26)

136/UK/G/33

Submitted Decision of Committee I

21.6.44

All CB

136/UK/G/33

136/UK/G/33

Submitted Decision of Committee I

21.6.44

All C_B

136/UK/G/33

(For the Use of the Secretariat)

Registered Number.

Date of receipt in Secretariat.

136/UK/G/33

1944

UNITED NATIONS WAR CRIMES COMMISSION

BRITISH

CHARGES AGAINST

GERMAN

WAR CRIMINALS

CHARGE No. U.K. - G/B 33*

33.

Names and units unknown; positions, from which approximate rank may be inferred, as follows:

1. General officer or officers commanding German division or divisions operating in the neighbourhood of Dunkirk on or about 20th June 1940.
2. Officers commanding units of said division or divisions who captured British officers and other ranks in operations aforesaid and were responsible for their treatment until transfer to appropriate divisional personnel.
3. Provost Marshal or Provost Marshals or other officer or officers deputed by the G.O.C. or G.O.C.'s aforesaid to receive and escort such prisoners of war to Army control or entrainment to P/W camps in Germany under conditions required by laws and usages of war.
4. Officers and other ranks whether of provost or unit personnel or personnel of L. of C. guard battalions charged with the escort duties.
5. Army Commander, Area Commandant or Officer Commanding Land or Inland Water Transport responsible for correct treatment of P/W between A.H.Q. and P/W camps in relation to above prisoners.

Date and place of commission of alleged crime.

On or about 20th June 1940 and following days
On route of march from Dunquerque passing through the German lines towards Belgium en route to Germany.

Number and description of crime in war crimes list.

No. xxix. Ill-treatment of prisoners of war.

References to relevant provisions of national law.

The acts complained of constitute breach of laws and usages of warfare and in particular infringement of Articles 2, 7, 10, 11 and 34 of the Geneva Convention, 1929, relating to the treatment of prisoners of war.
(Continued on page 3.)

SHORT STATEMENT OF FACTS.

British prisoners of war were not adequately supplied with food, and in some instances were struck with leather whips if they took food from the local inhabitants. They slept at night in fields.

TRANSMITTED BY.....

* Insert serial number under which the case is registered in the files of the National Office of the accusing State.

PARTICULARS OF ALLEGED CRIME

Private Astley, who was captured on 20th June, 1940, at Dunkirk, gave a description of his experiences, of which the following are extracts :-

"Food was scarce.....Prisoners of war were able to obtain food from local inhabitants, but this depended on the guards. In some cases leather whips were used if food was taken from local inhabitants.....slept at night in fields".

No other detail is at present available.

(Continued from page 1).

(4) Officers and other ranks in immediate control of prisoners of war on the route or routes of march aforesaid.

PARTICULARS OF EVIDENCE IN SUPPORT

Private Astley will be available. Details of his examination are contained in A.C. letter of the 12/7/41, reference of which is 0103/2913 entitled "Ill-treatment on march from France or Belgium into Germany."

It is presumed that further evidence will be available from other prisoners of war captured at Dunkirk.

(Continued from page 1).

Assault and neglect of duty towards persons in the control of the accused and therefore defenceless persons.

NOTES ON THE CASE

(Under this heading should be included the view taken as to (a) the degree of responsibility of the accused in view of his official position, e.g., was offence committed on the offender's own initiative, or in obedience to orders, or in carrying out a system approved by authority or a legal provision ; (b) the probable defence ; (c) whether the case appears to be reasonably complete.)

This case is just one of a series of cases which adds a few strokes to the picture of German barbarity and discrimination against British prisoners of war.

Victory seemed to be in sight. The cumulative effect of the evidence justifies the inference, it is submitted, that the Germans had a particular hatred of the British to which they could give effect with impunity, as they have sought.

(For the Use of the Secretariat)

Registered Number.

Date of receipt in Secretariat.

136/UK/G/33

26 Nov 1944

UNITED NATIONS WAR CRIMES COMMISSION

BRITISH

CHARGES AGAINST

GERMAN

WAR CRIMINALS

CHARGE No. U.K.- G/B 33*

<p>of accused, his and unit, or position. (to be translated.)</p>	<p>The name, rank and units of accused persons are unknown but the accused should be identifiable by their positions, which were as follows :- (1) The officer or officers in supreme direction of the provisioning and transfer to Germany of prisoners of war captured in Northern France and Belgium in May and June, 1940 (2) The officer or officers in command of the area which included the route or routes of march by which prisoners of war captured at Dunkirk on 20th June 1940, were marched on their way to Belgium en route to Germany through the German lines. (3) The officer or officers in charge of the route or routes or sections of route or routes by which prisoners of war from Dunkirk were marched to the point of entrainment to Germany. (Continued on page 2.)</p>
<p>Date and place of commission of alleged crime.</p>	<p>On or about 20th June 1940 and following days On route of march from Dunquerque passing through the German lines towards Belgium en route to Germany.</p>
<p>Number and description of crime in war crimes list. References to relevant provisions of national law.</p>	<p>No. xxix. Ill-treatment of prisoners of war. The acts complained of constitute breach of laws and usages of warfare and in particular infringement of Articles 2, 7, 10, 11 and 54 of the Geneva Convention, 1929, relating to the treatment of prisoners of war. (Continued on page 3.)</p>

SHORT STATEMENT OF FACTS.

British prisoners of war were not adequately supplied with food, and in some instances were struck with leather whips if they took food from the local inhabitants. They slept at night in fields.

TRANSMITTED BY.....

* Insert serial number under which the case is registered in the files of the National Office of the accusing State.

(For the Use of the Secretariat)

Registered Number.

Date of receipt in Secretariat.

136/UK/G/33

18 1944

UNITED NATIONS WAR CRIMES COMMISSION

BRITISH CHARGES AGAINST GERMAN WAR CRIMINALS

CHARGE No. U.K.- G/B 33*

33.

Names and units unknown; positions, from which approximate rank may be inferred, as follows:

1. General officer or officers commanding German division or divisions operating in the neighbourhood of Dunkirk on or about 20th June 1940.
2. Officers commanding units of said division or divisions who captured British officers and other ranks in operations aforesaid and were responsible for their treatment until transfer to appropriate divisional personnel.
3. Provost Marshal or Provost Marshals or other officer or officers deputed by the G.O.C. or G.O.C's aforesaid to receive and escort such prisoners of war to Army control or entrainment to P/W camps in Germany under conditions required by laws and usages of war.
4. Officers and other ranks whether of provost or unit personnel or personnel of L. of C. guard battalions charged with the escort duties.
5. Army Commander, Area Commandant or Officer Commanding Land or Inland Water Transport responsible for correct treatment of P/W between A.H.Q. and P/W camps in relation to above prisoners.

Date and place of commission of alleged crime.	On or about 20th June 1940 and following days. On route of march from Dunquerque passing through the German lines towards Belgium en route to Germany.
Number and description of crime in war crimes list.	No. xxix. Ill-treatment of prisoners of war.
References to relevant provisions of national law.	The acts complained of constitute breach of laws and usages of warfare and in particular infringement of Articles 2, 7, 10, 11 and 54 of the Geneva Convention, 1929, relating to the treatment of prisoners of war. (Continued on page 3.)

SHORT STATEMENT OF FACTS.

British prisoners of war were not adequately supplied with food, and in some instances were struck with leather whips if they took food from the local inhabitants. They slept at night in fields.

TRANSMITTED BY.....

* Insert serial number under which the case is registered in the files of the National Office of the accusing State.

(20552) W.P.1205/1120 500 144 A.&E.W.L.L. Cp.685
(20921) W.P.1817/P.1139 5,000 344 " " "

PARTICULARS OF ALLEGED CRIME

Private Astley, who was captured on 20th June, 1940, at Dunkirk, gave a description of his experiences, of which the following are extracts :-

"Food was scarce.....Prisoners of war were able to obtain food from local inhabitants, but this depended on the guards. In some cases leather whips were used if food was taken from local inhabitants.....slept at night in fields".

No other detail is at present available.

(Continued from page 1).

(4) Officers and other ranks in immediate control of prisoners of war on the route or routes of march aforesaid.

PARTICULARS OF EVIDENCE IN SUPPORT

Private Astley will be available. Details of his examination are contained in A.C. letter of the 12/7/41, reference of which is 0103/2913 entitled "Ill-treatment on march from France or Belgium into Germany."

It is presumed that further evidence will be available from other prisoners of war captured at Dunkirk.

(Continued from page 1).

Assault and neglect of duty towards persons in the control of the accused and therefore defenceless persons.

NOTES ON THE CASE

(Under this heading should be included the view taken as to (a) the degree of responsibility of the accused in view of his official position, e.g., was offence committed on the offender's own initiative, or in obedience to orders, or in carrying out a system approved by authority or a legal provision ; (b) the probable defence ; (c) whether the case appears to be reasonably complete.)

This case is just one of a series of cases which adds a few strokes to the picture of German barbarity and discrimination against British prisoners of war.

Victory seemed to be in sight. The cumulative effect of the evidence justifies the inference, it is submitted, that the Germans had a particular hatred of the British to which they could give effect with impunity, as they have sought.

137/UK/G/34

- (1) officer(s) in supreme direction
- (2) officers ifc area
- (3) officers ifc route
- (4) officers and other ranks

Submitted Decision of Committee I

21.6.44

all C B

137/UK/G/34

(For the Use of the Secretariat)

Registered Number.

Date of receipt in Secretariat.

137/UK/G/34

15 1944

UNITED NATIONS WAR CRIMES COMMISSION

BRITISH CHARGES AGAINST GERMAN WAR CRIMINALS

CHARGE No. UK - G/B.34 *

<p>ed, his nit, or i. (slated.)</p>	<p>The name, rank and units of accused persons are unknown, but the accused should be identifiable by their positions, which were as follows :- (1) The officer or officers in supreme direction of the provisioning and transfer to Germany of prisoners of war captured in Northern France and Belgium in May and June 1940 (2) The officer or officers in command of the area which included the route or routes of march by which prisoners of war captured at Cherbourg on 14th June 1940, were marched until entrainment for Germany. (3) The officer or officers in charge of the route or routes or sections of route or routes by which prisoners of war from Cherbourg were marched to the point of entrainment to Germany. (4) Officers and other ranks in immediate control of prisoners of war on the route or routes of march aforesaid.</p>
<p>Date and place of commission of alleged crime.</p>	<p>On or about 14th June 1940 and following days. On route of march from Cherbourg towards Belgium.</p>
<p>Number and description of crime in war crimes list. References to relevant provisions of national law.</p>	<p>No. xvix. Ill-treatment of prisoners of war. The acts complained of constitute breach of laws and usages of warfare and infringement of Articles 2 and 11 of the Geneva Convention 1929, relating to the treatment of prisoners of war.</p>

SHORT STATEMENT OF FACTS.

British prisoners of war on the march from Cherbourg towards Belgium were only given a daily ration of 4 ozs. of black bread and some weak soup at night.

TRANSMITTED BY.....

* Insert serial number under which the case is registered in the files of the National Office of the accusing State.

(26852) W.P.1505/1120 500 1/44 A. & E.W.Ltd. Cp.685
 (26924) W.P.1817/P-1130 5,000 3/44 " " "

(For the Use of the Secretariat)

Registered Number.

Date of receipt in Secretariat.

137/UK/G/34

1944

UNITED NATIONS WAR CRIMES COMMISSION

BRITISH CHARGES AGAINST GERMAN WAR CRIMINALS

CHARGE No. UK - G/B.34 *

34.

Names and units unknown; positions, from which approximate rank may be inferred, as follows:

1. General officer or officers commanding German division or divisions operating in the neighbourhood of Cherbourg on or about 14th June 1940.
2. Officers commanding units of said division or divisions who captured British officers and other ranks in operations aforesaid and were responsible for their treatment until transfer to appropriate divisional personnel.
3. Provost Marshal or Provost Marshals or other officer or officers deputed by the G.O.C. or G.O.C's aforesaid to receive and escort such prisoners of war to Army control or entrainment to P/W camps in Germany under conditions required by laws and usages of war.
4. Officers and other ranks whether of provost or unit personnel or personnel of L. of G. guard battalions charged with the escort duties.
5. Army Commander, Area Commandant or Officer Commanding Land or Inland Water Transport responsible for correct treatment of P/W between A.H.Q. and P/W camps in relation to above prisoners.

Date and place of commission of alleged crime.	On or about 14th June 1940 and following days. On route of march from Cherbourg towards Belgium.
Number and description of crime in war crimes list.	No. xxix. Ill-treatment of prisoners of war.
References to relevant provisions of national law.	The acts complained of constitute breach of laws and usages of warfare and infringement of Articles 2 and 11 of the Geneva Convention 1929, relating to the treatment of prisoners of war.

SHORT STATEMENT OF FACTS.

British prisoners of war on the march from Cherbourg towards Belgium were only given a daily ration of 4 ozs. of black bread and some weak soup at night.

TRANSMITTED BY.....

* Insert serial number under which the case is registered in the files of the National Office of the accusing State.

(20852) W.L.P.1505/1120 500 144 A.&E.W.Ltd. Cp.685
 (20924) W.L.P.1817 P.1139 5,000 344 " " "

PARTICULARS OF ALLEGED CRIME

Private Cabey who was captured on 14th June 1940, at Cherbourg gave a description of his experiences of which the following is an extract :-

"Received a daily ration of 4 ozs. black bread, and some weak soup at night."

No other detail is at present available.

PARTICULARS OF EVIDENCE IN SUPPORT

Private Gabey should be available.

Details of his examination are contained in A.C. letter of 12.7.41 reference of which is 0103/2213 entitled "Ill-treatment on march from France or Belgium into Germany".

It is to be noted, as in previous cases of the type arising from treatment of prisoners of war on the march from point of capture that further evidence should be available on the conclusion of hostilities.

NOTES ON THE CASE

(Under this heading should be included the view taken as to (a) the degree of responsibility of the accused in view of his official position, e.g., was offence committed on the offender's own initiative, or in obedience to orders, or in carrying out a system approved by authority or a legal provision ; (b) the probable defence ; (c) whether the case appears to be reasonably complete.)

This case, on the route of march from Cherbourg, should have come first, geographically speaking, of the six cases of prisoners of war captured at points on the coast of Northern France beginning with UK - G/B.29 (prisoners of war captured at St. Valerie.)

So far as it goes it is clearly a war crime since inhumane treatment and failure to provide food rations equivalent in quantity and quality to that of German depot troops, are both involved in a daily ration of 4 ounces of black bread, presumably in the morning or at midday, and weak soup at night.

It is expected to supply fuller information when further witnesses, now prisoners of war are available.

138/UK/G/35

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Submitted Decision of Committee T

21.6.44

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138/UK/G/35

(For the Use of the Secretariat)

Registered Number.

Date of receipt in Secretariat.

138/UK/G/35

1944

UNITED NATIONS WAR CRIMES COMMISSION

BRITISH CHARGES AGAINST GERMAN WAR CRIMINALS

CHARGE No. UK - G/B 35 *

<p>of accused, his and unit, or position. <i>to be translated.</i></p>	<p>The name, rank and units of accused persons are unknown but the accused should be identifiable by their positions which were as follows :- (1) The officer or officers in supreme direction of the provisioning and transfer to Germany of prisoners of war captured in Northern France and Belgium in May and June, 1940. (2) The officer or officers in command of the area which included the route or routes of march by which prisoners of war captured at Steenwoorde in Belgium on 28th May, 1940, were marched until entrainment for Germany. (3) The officer or officers in charge of the route or routes or sections of route or routes by which prisoners of war from Steenwoorde were marched to the point of entrainment to Germany. (4) Officers and other ranks in immediate control of prisoners of war on the route or routes of march aforesaid.</p>
<p>Date and place of commission of alleged crime.</p>	<p>On or about 28th May, 1940 and following days. On route of march from Steenwoorde in Belgium passing through places of which the following were particularly noted, namely, Hazebrouck, St. Pol, St. Omer, and Doullens.</p>
<p>Number and description of crime in war crimes list. References to relevant provisions of national law.</p>	<p>No. xxix. Ill-treatment of prisoners of war. The acts complained of constitute breach of laws and usages of warfare and infringement of Articles 2, 7, 10 and 11 of the Geneva convention, 1929, relating to the treatment of prisoners of war. Neglect of duty towards persons in the power of the accused and therefore helpless persons.</p>

SHORT STATEMENT OF FACTS.

British prisoners of war were marched about 40 kilometres a day on food consisting of British biscuits and soup made from boiled bones once a day. They slept in fields at night without cover.

TRANSMITTED BY.....

* Insert serial number under which the case is registered in the files of the National Office of the accusing State.

(26952) Wt. P. 1505/1120 500 1/44 A. & E. W. L. L. Cp. 685
(26924) Wt. P. 1817/P. 1130 5,000 3/41 " " "

(For the Use of the Secretariat)

Registered Number.

Date of receipt in Secretariat.

138/UK/G/35

1944

UNITED NATIONS WAR CRIMES COMMISSION

BRITISH CHARGES AGAINST GERMAN WAR CRIMINALS

CHARGE No. UK - G/B 35 *

35.

Names and units unknown; positions, from which approximate rank may be inferred, as follows:

1. General officer or officers commanding German division or divisions operating in the neighbourhood of Steenwoorde on or about 28th May 1940.
2. Officers commanding units of said division or divisions who captured British officers and other ranks in operations aforesaid and were responsible for their treatment until transfer to appropriate divisional personnel.
3. Provost Marshal or Provost Marshals or other officer or officers deputed by the G.O.C. or G.O.C's aforesaid to receive and escort such prisoners of war to Army control or entrainment to P/W camps in Germany under conditions required by laws and usages of war.
4. Officers and other ranks whether of provost or unit personnel or personnel of L. of C. guard battalions charged with the escort duties.
5. Army Commander, Area Commandant or Officer Commanding Land or Inland Water Transport responsible for correct treatment of P/W between A.H.Q. and P/W camps in relation to above prisoners.

Date and place of commission of alleged crime.	On or about 28th May, 1940 and following days. On route of march from Steenwoorde in Belgium passing through places of which the following were particularly noted, namely, Hazebrouck, St. Pol, St. Omer, and Doullens.
Number and description of crime in war crimes list.	No. xxix. Ill-treatment of prisoners of war.
References to relevant provisions of national law.	The acts complained of constitute breach of laws and usages of warfare and infringement of Articles 2, 7, 10 and 11 of the Geneva Convention, 1929, relating to the treatment of prisoners of war. Neglect of duty towards persons in the power of the accused and therefore helpless persons.

SHORT STATEMENT OF FACTS.

British prisoners of war were marched about 40 kilometres a day on food consisting of British biscuits and soup made from boiled bones once a day. They slept in fields at night without cover.

TRANSMITTED BY.....

* Insert serial number under which the case is registered in the files of the National Office of the accusing State.

(20052) W.P.1505/1120 500 1/4 A.&E.W.L.L. Cp.685
(20021) W.P.1817/151130 5,000 3/4 " " "

PARTICULARS OF ALLEGED CRIME

Corporal Frankham was captured on 28th May, 1940 at Steenwoorde gave a description of his experiences, of which the following is an extract :-

"Column of prisoners was marched about 40 kilometres a day and the food was British biscuits and soup made from boiled bones once a day. Slept in open fields without a cover".

No other detail is at present available.

PARTICULARS OF EVIDENCE IN SUPPORT

Corporal Frankham should be available.

Details of his examination are contained in A.C. letter of the 12/3/41, reference of which is 0103/2913 entitled "Ill-treatment on march from France or Belgium into Germany."

As in all cases of this type the evidence of other prisoners of war captured at the same time and place is expected to be available on the conclusion of hostilities.

NOTES ON THE CASE

(Under this heading should be included the view taken as to (a) the degree of responsibility of the accused in view of his official position, e.g., was offence committed on the offender's own initiative, or in obedience to orders, or in carrying out a system approved by authority or a legal provision ; (b) the probable defence ; (c) whether the case appears to be reasonably complete.)

Articles 10 and 11 of the Convention of 1929 relating to prisoners of war clearly enjoin on the captor the duty of providing adequate food and accommodation for prisoners of war and of not subjecting them to inhumane treatment.

Article 7 requires that they be not marched more than 20 kilometres a day unless the necessity for reaching water and food depots requires longer stages.

The Germans anticipated the capture of the whole British Army and should therefore have been prepared to deal with a very large number of prisoners. There should have been no difficulty in accommodating and feeding a tenth of the anticipated numbers.

The names of places mentioned as on the route of march, if correct, point to some confusion in the movements of prisoners of war. Doullens is 50 kilometres as the crow flies, and over 80 kilometres by road, almost due south of Steenwoorde and not on the way to Germany unless the railhead was Amiens, 30 kilometres south of Doullens.

St. Omer, on the other hand, is east of Steenwoorde. It might have been the first big town on the route of march, if it had been circuitous - otherwise it is difficult to find a reason for such a route seeing that Hazebrouck is the nearest railway point to Steenwoorde.

Considerable explanation is called for and will no doubt be supplied when prisoners of war are released at the end of hostilities.

151/UK/G/36

Submitted Decision of Committee I

12. 7. 44

1. B1 B
2. B2 B

28. 9. 44

No change B

151/UK/G/36

(For the Use of the Secretariat)

Registered Number.

Date of receipt in Secretariat.

151/UK/G/36

5th July 1944

UNITED NATIONS WAR CRIMES COMMISSION

BRITISH

CHARGES AGAINST GERMAN

WAR CRIMINALS

CHARGE No. U.K.G/B.44 *

Name of accused, his rank and unit, or official position.

(Not to be translated.)

The name and rank of the accused are unknown, but it is presumed that he was, or they were, as the case may be, a member or members of the German Army Medical Corps.
(1) The first accused is identifiable as the Commandant of the hospital established in the former French Caserne at St. Die in the early part of July, 1940
(2) The second accused, if more than one accused, is identifiable as the receiving officer (if other than the Commandant) at the hospital established in the former French Caserne at St. Die in the early part of July, 1940 above referred to.

Date and place of commission of alleged crime.

In the early part of July, 1940.
St. Die, France.

Number and description of crime in war crimes list.

No.xxix. Ill-treatment of wounded and prisoners of war.

References to relevant provisions of national law.

The acts complained of constitute infringement of the law and usages of war and in particular of Article 1 of the Geneva Convention, 1929 for the amelioration of wounded and sick in the field.
Neglect of duty towards helpless persons by refusal of necessary medical attention and failure to provide sufficient food.

SHORT STATEMENT OF FACTS.

Corporal Ernest Evelyn Lister, D.C.M., was a member of the Supply Reserve Depot Company attached to the 51st Division. On or about June 13th, 1940 in the course of withdrawal in his capacity of driver of the car of the Officer in Command of his unit, he was in a bombing raid at Neuf Chateau, where he was hit and lost consciousness for three days. When he came to he found himself in a French hospital at Bruyeres near Epinal which was staffed by personnel of the French medical corps in charge of an officer of the German medical corps. Corporal Lister's nationality was not disclosed and he was well treated. But in the early part of July he was transferred to a hospital in the former French Caserne at St. Die. In the first instance he was received with apparent sympathy, but when his nationality was discovered, the receiving Officer in the Hospital

TRANSMITTED BY.....

(Continued on page 2)

* Insert serial number under which the case is registered in the files of the National Office of the accusing State.

(20352) Wt. P. 1505/1120 500 1/41 A.S.E.W.L.L. Cp. 685
(20024) Wt. P. 1817/P. 1130 5,000 3/44

PARTICULARS OF ALLEGED CRIME

The particulars of the alleged crime are to be found in the last few sentences of paragraph 2 and in paragraph 3 of an Affidavit by Cpl. Lister which are as follows :-

...."On the morning of June 14th 1940 we arrived at Neuf Chateau where we met the officer in command of our corps in the Saar Valley. About 8 or 9 o'clock there was a severe bombing raid. I was amongst those hit and I did not recover consciousness for three days. I had been wounded in the head and thigh and had undergone the operation of trepanning. When I recovered consciousness on June 17th I was in the hospital at Bruyeres near Epinal but I do not know how I got there. The Hospital was a French Hospital staffed by the French medical corps in charge of an officer of the German medical corps.

"3. In this hospital I was well treated by the French personnel who did not disclose my nationality. The French medical officer in charge of my case was an Alsatian called Muller. In the early part of July as far as I can recall, I was transferred by ambulance on a stretcher to a hospital in the former French Caserne at St. Die. On arrival the cases were passed in one by one and seen by a German officer who appeared to be in charge of the hospital. I could not understand what he said to me but I guessed that he was asking for details of my case. I handed him a chart and X-ray photographs which had been given to me when I left the hospital at Bruyeres. His attitude seemed sympathetic. At that time I was wearing the jacket of an old French uniform. The officer asked my nationality in French which I understood sufficiently. When I replied that I was English he threw the chart and photographs away and went to the next case. Later on when he had examined all the other cases he looked at me again and gave some order in consequence of which I was removed. I was the only British prisoner in that hospital and the callous attitude towards me at the time of my arrival continued. The food consisted of a small amount of boiled barley once a day which was not eatable in my then condition, and but for some food supplied by French soldiers who visited the hospital I do not think I could have survived. I received no treatment and had to do the best I could with the help of other wounded to change the bandages on the few occasions when bandages were made available"

(Continued from page 1)

(or the Commandant if acting in that capacity) threw the chart and photographs away and went to the next case. Later on Corporal Lister was the victim of neglect, lack of treatment and inadequate feeding throughout his stay in the hospital.

PARTICULARS OF EVIDENCE IN SUPPORT

The only witness will be Corporal Ernest Evelyn Lister, D.C.M., No. T/106185 R.A.S.C., 191 A.A.M.T. of St. John's East Cliff East Looe Cornwall at present attached 60th A.A. Bde. Coy., R.A.S.C. Newcourt, Topsham, Devon. It is expected that he will be available to give evidence. To meet the contingency of his not being available, he has given an Affidavit part of which has been quoted. The Affidavit is required in support of another case (UK - G/B 51) to which it is attached.

NOTES ON THE CASE

(Under this heading should be included the view taken as to (a) the degree of responsibility of the accused in view of his official position, e.g., was offence committed on the offender's own initiative, or in obedience to orders, or in carrying out a system approved by authority or a legal provision; (b) the probable defence; (c) whether the case appears to be reasonably complete.)

The identification of the accused in this case should not present difficulty. The attitude of the hospital authorities to Corporal Lister who was the only British Prisoner in the hospital appears to have been remarkable for callousness and discrimination against him. It adds therefore one further proof of the systematic persecution of British prisoners of War which characterised the campaign in Northern France and Belgium in 1940 and it is submitted, should be made the subject of a charge.

1. Medical Officer of 17/21st hospital in Boulogne
2. Commandant of Ross Prison
3. Sergeant of prison guard
4. Gestapo agents

Submitted Decision of Committee I

12.7.44

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|-------|---|---|
| 1. B1 | } | B |
| 2. B1 | | |
| 3. B1 | | |
| 4. C | | |

28.9.44

~~1, 2, 3~~ 2, 3+4 withdrawn B
1 remains B1

(For the Use of the Secretariat)

Registered Number.

Date of receipt in Secretariat.

152/UK/G/37

5th July 1949

UNITED NATIONS WAR CRIMES COMMISSION

BRITISH CHARGES AGAINST GERMAN WAR CRIMINALS

CHARGE No. UK - G/B 45 *

<p>Name of accused, his rank and unit, or official position.</p> <p>(Not to be translated.)</p>	<p>The names of the accused are unknown but they are identifiable with indications of probable rank and units by their positions as follows :-</p> <ol style="list-style-type: none"> 1. The medical officer in charge of the 17/21st Hospital in Boulogne on or about May 22nd, 1940, which had been taken by the Germans. 2. The Commandant of the Prison at Loos from on or about 25th September 1940 to February/March 1941 3. The sergeant of the Prison Guard at the Prison of Loos and probably a non-commissioned officer of the Gestapo, during the above mentioned period when Corporal James John Hogan, D.C.M. was interrogated 4. Gestapo Agents in the prison at Loos who, during the above mentioned period, assaulted Pte. Hoyle of the Buffs.
<p>Date and place of commission of alleged crime.</p>	<p>September 25th 1940 to February/March 1941</p> <p>Loos.</p>
<p>Number and description of crime in war crimes list.</p> <p>References to relevant provisions of national law.</p>	<p>No. 1. Ill-treatment of prisoners of war.</p> <p>Breach of Article 1 of the Geneva Convention 1929 for the amelioration of the sick and wounded in the field.</p> <p>Breach of Articles 2, 50 and 54 of the Geneva Convention 1929 relating to the treatment of prisoners of war</p> <p>(continued on page 2)</p>

SHORT STATEMENT OF FACTS.

Formerly Corporal Norman James John Hogan D.C.M., R.A.S.C., No. 3444749, now discharged from the Army, was wounded and became a prisoner of war 22nd May 1940. He was taken to 17/21st Hospital in Boulogne. The food consisted of six biscuits a day and a little soup. He was subsequently transferred to a Camp for convalescents at Paris, Plage 4th June 1940 from which he escaped the same day. Two days later he was recaptured and taken to Lille from which place he escaped on the 8th June 1940. For rather more than three months he remained at liberty and had hopes of reaching unoccupied France but he was recaptured by the Gestapo and imprisoned in Loos jail for five months' solitary confinement after the Germans discovered that he was an escaped prisoner of war.

TRANSMITTED BY

(Continued on page 3)

* Insert serial number under which the case is registered in the files of the National Office of the accusing State.

(26852) W.P.1505 1120 500 144 A.&E.W.Ltd. Gp.685
(26924) W.P.1817 P.1139 5,000 3 14

James John Brown by the Commission
or other person in the principles of
international law and the violation of the Convention
at Geneva the 7th July 1949 by the Commission
for, particularly articles 1, 2, 3, 4, 5, 6 and 7 of the
said Convention.

STATEMENT

Britannic
Insurance
Company
limited
as Agent

I, James John Brown late Corporal
of the 1st Battalion, The Buffs (East Kent Regiment),
was living at and my
address as follows: - 15 Bevercroft St. Rainsbottom in the County of Lancaster

1. On the outbreak of war in September 1939 I was in
the Reserve Class 2 of the 1st Buffs (East Kent Regiment) and
I received my calling up papers in accordance with which I
reported to my barracks at Lancaster. later in the month, or
early in October, the Battalion in which I was posted was sent
to France. Shortly afterwards I was transferred from my
battalion to the consequently I received promotion
to the rank of Corporal and was in charge of a section.
2. On or about 22nd June 1940 I was wounded and became a
prisoner of war. I was taken to the 17th Light Hospital in
Louvain. The food consisted of six biscuits a day and a
little soup. The hospital had been taken from the Germans, and I
was left alone and very ill, and the things of the British
medical supplies were all the directions.
3. On or about June 26th 1940 I was sent to a camp for
convalescents at Maria Hall, near which I was held for some
days. For days later I was held in a camp near to Lille from
which place on June 28th 1940 I was evacuated. For rather more
than three months I remained at this camp and had good hopes of
getting into uniform and being sent to the front as I had
secured some civilian clothes and was passing as a French
civilian.
4. I was recaptured by the Germans on September 28th 1940.
This time it became imperative for me to pretend my British
nationality, so that I was an enemy prisoner of war, of which
fact the Germans seemed to be fully informed. I was
taken to the civil camp at and treated as a prisoner,
being kept in solitary confinement for five months. During
this period of time I received a small loaf and so-called
coffee in the morning, and half a pint of soup at midday and
half a pint of soup in the evening. for the first
two or three months of my solitary confinement I was
interrogated about my

'planted' documents in a case which had been in my possession and regarding these they as a team the leader of an examination by my interrogators refused to accept my statement that these documents had nothing to do with me and that they had never been in my possession. This interrogation having failed in its purpose of deriving from my informant a which they desired irrespective of whether such information was in my possession or if in my possession whether it could be properly communicated by me I was struck in the face and kicked by the Sergeant and the guards forming the escort. I sent a letter of complaint in relation to this treatment to the Commanding Officer but it was intercepted by the Sergeant of the Guard who again struck me in the face causing me to lose a tooth.

7. While I was detained by the Germans I saw a British prisoner of war whose name I knew, private Boyle of the Buffs. On one occasion I was a witness to a very serious assault on Boyle by Gestapo agents. Two days later I saw Boyle again when he showed signs of having been severely beaten once more.
8. At the end of my term of solitary confinement as above said I was sent to a prisoner of war camp at Ulstein in Germany. From this camp I escaped in the month of March 1941 and worked my way through Holland, Belgium and France to Gibraltar. I was alone in making my escape but in Brussels I picked up some Belgians who accompanied me until we reached occupied France.

sworn at *Ramsbottom*
in the *Parish* of *Lancaster*
this *fifteenth* day of *February*
1948.

N. I. J. Hogan

before me,

R. Maxwell Barlow.

Commissioner of Oaths.

82

IN THE MATTER of brutal
treatment of Corporal
N. J. J. Hogan, D.C.m.

A F F I D A V I T
of
Corporal N. J. J. Hogan, D.C.M

PARTICULARS OF ALLEGED CRIME

Corporal Hogan has sworn an Affidavit, a copy of which is attached hereto. This Affidavit includes all available particulars and may be said to be complete except for the lack of information as regards the names of the accused.

(Continued from Page 1)

Assault and false imprisonment and neglect of duty towards defenceless persons by denial of suitable food in hospital.

PARTICULARS OF EVIDENCE IN SUPPORT

The only evidence available at present is that of Norman James John Hogan, D.C.M., late Corporal, R.A.S.C., No. 3444749 who has now been discharged from the Army and is at present employed by the Britannic Assurance Co. Ltd., as an agent, and is living at 5 Barcroft Street, Ramsbottom in the County of Lancaster.

From paragraph 8 of the Affidavit it will be seen that Hogan escaped from a Prisoner of War Camp at Mulheim in Germany in March, 1941. Since his return to this country, though he has given very clear and satisfactory accounts of his experiences, the reactions on his general health have been at times rather serious and medical evidence could be produced if necessary showing that he had clearly undergone ill-treatment which would afford some general corroboration

At the end of hostilities Private Hoyle of the Buffs will presumably be available on his release and return to this country and will be able to give evidence in his own case and to prove the presence of Corporal Hogan at Loos.

In paragraph 5 of the Affidavit a certain Captain Lowden is mentioned as having been in the hands of the Gestapo and on his return from Germany no doubt he will be able to give valuable corroboration and support the charges against the Governor of the Prison and other personnel as at the time mentioned.

In a note entitled "German Breaches of International Law which have not been the subject of Protest through the Foreign Office to the Protecting Power", dated the 23rd October 1942 and prepared by the Prisoner of War Department of the War Office, the general detail of this case is referred to under the heading of "Brutality and Ill-treatment". The note includes the statement that the Germans discovered that Hogan was "an escaped prisoner of war but nevertheless imprisoned him in solitary confinement in Loos prison for five months", thus indicating the view that it was also a breach of international law as is clearly the case. The view was expressed in the above mentioned note that Hogan's reliability was good.

(Continued from Page 1)

At an interrogation by the Gestapo he was struck in the face and kicked by a sergeant and by the guards of the escort. While in Loos jail he saw Private Hoyle thrashed by agents of the Gestapo and on another occasion deduced from Hoyle's appearance that he had again been beaten.

NOTES ON THE CASE

(Under this heading should be included the view taken as to (a) the degree of responsibility of the accused in view of his official position, e.g., was offence committed on the offender's own initiative, or in obedience to orders, or in carrying out a system approved by authority or a legal provision ; (b) the probable defence ; (c) whether the case appears to be reasonably complete.)

The facts of this case are clear and the first and second accused and probably the third accused should be identifiable, without difficulty.

In the event of the Governor of Loos prison (the second accused) and the sergeant (the third accused) being identified, it is to be expected that information would be made available as to guards who participated in these offences.

It may appear that the charge based on insufficient food in hospital is not a very serious one. It has its importance, however, as tending to establish the existence of systematic discrimination against and inhumane treatment of British prisoners of war. It may be pointed out that this was in effect the beginning of the campaign. The Germans were well supplied. Early victory was confidently regarded as in sight. There was no sort of justification for seizing medical supplies in captured British hospitals which were needed for British wounded. It cannot be too strongly insisted that actions of the Germans at this time reflected complete disregard of obligation towards prisoners of war for which, it is submitted, they should be made accountable.

174/UK/G/50

Submitted Decision of Committee I

2 August 1944	1	c	
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174/UK/G/50

(For the Use of the Secretariat)

Registered Number.

Date of receipt in Secretariat.

174/UK/G/50

3 JUL 1944

UNITED NATIONS WAR CRIMES COMMISSION

BRITISH CHARGES AGAINST GERMAN WAR CRIMINALS

CHARGE No. UK - G/B 36 *

Name of accused, his rank and unit, or official position.

(Not to be translated.)

Names, ranks, units unknown; positions as follows:

1. General officer or officers commanding German division or divisions operating between Cassel and Hazebrouck on or about 2nd June, 1940
2. Officers commanding units of said division or divisions who captured British officers and other ranks in operations aforesaid and were responsible for their treatment until transfer to appropriate divisional personnel.
3. Provost Marshal or Provost Marshals or other officer or officers deputed by the G.O.C. or G.O.C's aforesaid to receive and escort such prisoners of war to Army control or entrainment to P/W camps in Germany under conditions required by laws and usages of war.
4. Officers and other ranks whether of provost or unit personnel or personnel of L. of C. guard battalions charged with the escort duties.
5. Army Commander or Area Commandant in places where alleged circuitous march took place.

Date and place of commission of alleged crime.

On or about 2nd June 1940 and following days.
On route of march from the Cassel-Hazebrouck area to Cambrai.

Number and description of crime in war crimes list.

No. xxix. Ill-treatment of prisoners of war.

References to relevant provisions of national law.

The acts complained of constitute breach of laws and usages of warfare and infringement of Article 2 of the Geneva Convention, 1929, relating to the treatment of prisoners of war.

SHORT STATEMENT OF FACTS.

British prisoners of war were marched to Cambrai by a circuitous route in order to impress the inhabitants.

TRANSMITTED BY.....

* Insert serial number under which the case is registered in the files of the National Office of the accusing State.

(20352) W.P.1505/1120 500 144 A.S.E.W.L.L. Cp.685
(20924) W.P.1817/P.1130 5,000 344 " " "

(For the Use of the Secretariat)

Registered Number.

Date of receipt in Secretariat.

174/UK/G/50

3 JUL 1944

UNITED NATIONS WAR CRIMES COMMISSION

BRITISH CHARGES AGAINST GERMAN WAR CRIMINALS

CHARGE No. UK - G/R 76 *

Name of accused, his rank and unit, or official position.

(Not to be translated.)

Names, ranks, units unknown; positions as follows:

1. General officer or officers commanding German division or divisions operating between Cassel and Hazebrouck on or about 2nd June, 1940
2. Officers commanding units of said division or divisions who captured British officers and other ranks in operations aforesaid and were responsible for their treatment until transfer to appropriate divisional personnel.
3. Provost Marshal or Provost Marshals or other officer or officers deputed by the G.O.C. or G.O.C's aforesaid to receive and escort such prisoners of war to Army control or entrainment to P/W camps in Germany under conditions required by laws and usages of war.
4. Officers and other ranks whether of provost or unit personnel or personnel of L. of C. guard battalions charged with the escort duties.
5. Army Commander or Area Commandant in places where alleged circuitous march took place.

Date and place of commission of alleged crime.

On or about 2nd June 1940 and following days.
On route of march from the Cassel-Hazebrouck area to Cambrai.

Number and description of crime in war crimes list.

No. xxix. Ill-treatment of prisoners of war.

References to relevant provisions of national law.

The acts complained of constitute breach of laws and usages of warfare and infringement of Article 3 of the Geneva Convention, 1929, relating to the treatment of prisoners of war.

SHORT STATEMENT OF FACTS.

British prisoners of war were marched to Cambrai by a circuitous route in order to impress the inhabitants.

TRANSMITTED BY.....

* Insert serial number under which the case is registered in the files of the National Office of the accusing State.

(26852) W.P. 1505/1120 500 1/44 A.S.E.W.L.L. Cp. 685
(26924) W.P. 1817/P.1130 5,000 3.44

PARTICULARS OF ALLEGED CRIME

Driver Martin, who was captured about 2nd June, 1940, between Cassel and Hazebrouck, gave a description of his experiences, of which the following is an extract :-

"On capture I was marched in the column to Cambrai, our route was a circular one with the idea of impressing the inhabitants".

No other detail is at present available.

PARTICULARS OF EVIDENCE IN SUPPORT

Driver Martin presumably will be available for further examination in due course, and to appear and give evidence in person.

Details of his examination are contained in A.C. letter of the 12/5/41, reference of which is 0107/2913 entitled "Ill-treatment on march from France, or Belgium into Germany".

It is to be noted, as in previous charges based on inhumane treatment of prisoners of war on the march from the point of capture to entrainment or embarkation if transported by inland waterways, that further evidence should be available on the conclusion of hostilities.

Clearly Driver Martin's statement is one which calls for elaboration and which is likely to be supplemented by other witnesses

NOTES ON THE CASE

(Under this heading should be included the view taken as to (a) the degree of responsibility of the accused in view of his official position, e.g., was offence committed on the offender's own initiative, or in obedience to orders, or in carrying out a system approved by authority or a legal provision; (b) the probable defence; (c) whether the case appears to be reasonably complete.)

Article 2 of the Geneva Convention 1929 relating to prisoners of war enjoins on the captor the duty of protecting prisoners of war from insults and from public curiosity.

It is submitted that the German action complained of here is within the meaning of this provision.

If it were an isolated instance of this type of proceeding and on further investigation it was not very clearly shewn to be a case within the intention of this article, it might possibly be allowed to pass. But there are similar cases - one (UK -G/B 30) has already been recorded. The two cases next following (UK G/B 37 and UK - G/B 38) are more serious. The four together clearly indicate at least a measure of system. The recent statement of the Germans, of intention to march Prisoners captured in the Normandy ~~pen~~ through Paris, *front* has also corroborative value, since it shows the state of the German mind in regard to this barbarous practice, long since discarded by civilised nations.

175/UK/G/51

Submitted Decision of Committee I

22nd August 1944

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175/UK/G/51

(For the Use of the Secretariat)

Registered Number.

Date of receipt in Secretariat.

175/UK/G/51

31 JUL 1944

UNITED NATIONS WAR CRIMES COMMISSION

BRITISH CHARGES AGAINST GERMAN WAR CRIMINALS

CHARGE No. UK - G/B.37 *

Name of accused, his rank and unit, or official position.

(Not to be translated.)

Names, ranks, units unknown; positions as follows:

1. General officer or officers commanding German division or divisions operating in area including Hesdin on or about 28th May 1940.
2. Officers commanding units of said division or divisions who captured British officers and other ranks in operations aforesaid and were responsible for their treatment until transfer to appropriate divisional personnel.
3. Provost Marshal or Provost Marshals or other officer or officers deputed by the G.O.C. or G.O.C's aforesaid to receive and escort such prisoners of war to Army control or entrainment to P/W camps in Germany under conditions required by laws and usages of war.
4. Officers and other ranks in immediate control of a group of five British Officers who were prisoners of war in the streets of Hesdin on 28th May 1940.
5. Army Commander or Commandant of Area including Hesdin.

Date and place of commission of alleged crime.	On or about 28th May, 1940. At Hesdin.
Number and description of crime in war crimes list. References to relevant provisions of national law.	No. xxix. Ill-treatment of prisoners of war. The acts complained of constitute breach of laws and usages of warfare and infringement of Article 2 of Geneva Convention, 1929, relating to the treatment of prisoners of war, and Article 1 of the Geneva Convention 1929 for the amelioration of the condition of the wounded and sick in armies in the field. Neglect of duty towards helpless persons.

SHORT STATEMENT OF FACTS.

Five British officers, prisoners of war, were made to stand in the gutter while jeering went on for four hours. Three of them were wounded, one being in a fever. No medical attention was allowed, until at the end of the period two of them were removed in an ambulance.

TRANSMITTED BY.....

* Insert serial number under which the case is registered in the files of the National Office of the accusing State.

(26352) W.P.1505/1120 500 1/4 A.&E.W.L.L. Cp.685
(26924) W.P.1817/P.1139 5,000 3/4

PARTICULARS OF ALLEGED CRIME

An unnamed officer, who was captured on 28th May, 1940, at Hesdin gave a description of his experiences to Brigadier Somerset at Oflag IX.A/H, of which the following are extracts :-

"At Hesdin, on the 28th May, 1940, I and four other British officers were made to stand for four hours in the gutter whilst sundry jeering went on. Three of the officers were wounded and one was suffering from high fever.

I asked for medical attention which could have been given as there were several French and Belgian Medical officers in the street. This however was not allowed. At the end of the four hours two of the officers were taken away in an ambulance".

No other detail is at present available.

PARTICULARS OF EVIDENCE IN SUPPORT

It is presumed that the unnamed officer who gave the above information will be available. Details of his examination are contained in a letter of the 26th November 1942 from Brigadier Somerset to the Swiss Legation at Berlin.

The letter collects 12 reports of different war crimes committed by the Germans and reported by prisoners of war at Oflag IX A/H. of which four relate to incidents in Northern France and Belgium and are therefore included in this series of cases.

The evidence of the other four officers or some of them should also be available on the conclusion of hostilities.

NOTES ON THE CASE

(Under this heading should be included the view taken as to (a) the degree of responsibility of the accused in view of his official position, e.g., was offence committed on the offender's own initiative, or in obedience to orders, or in carrying out a system approved by authority or a legal provision ; (b) the probable defence ; (c) whether the case appears to be reasonably complete.)

Mention has already been made of the provisions of the Geneva Convention of July 27th 1929 relating to prisoners of war which requires protection of prisoners of war from insults and public curiosity. In this case is added the neglect of duty to respect and protect, treat with humanity and care for medically, the wounded and sick under the Geneva Convention concluded on the same day having for its object the amelioration of the condition of the wounded and sick in armies in the field.

All witnesses are still prisoners of war in Germany. Proof, therefore, will not be available until after the war. It does not appear open to doubt, however, that five officers, of whom three were wounded and one was sick, were treated in this manner in the streets of Hesdin as alleged on the alleged date, on or about 28th May 1940.

176/UK/G/52

Submitted Decision of Committee I

2nd August 1944

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176/UK/G/52

(For the Use of the Secretariat)

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176/UK/G/52

Date of receipt in Secretariat.

31 JUL 1944

UNITED NATIONS WAR CRIMES COMMISSION

BRITISH CHARGES AGAINST GERMAN WAR CRIMINALS

CHARGE No. UK - G/B.39 *

Name of accused, his rank and unit, or official position. (Not to be translated.)	<p>Names, ranks, units unknown: positions as follows:</p> <ol style="list-style-type: none">1. General officer or officers commanding German division or divisions operating in the area which included Douai, Cambrai, Valenciennes, Mons and Hal.2. Officers commanding units of said division or divisions who captured British officers and other ranks in operations aforesaid and were responsible for their treatment until transfer to appropriate divisional personnel.3. Provost Marshal or Provost Marshals or other officer or officers deputed by the G.O.C. or G.O.C's aforesaid to receive and escort such prisoners of war to Army control or entrainment to P/W camps in Germany under conditions required by laws and usages of war.4. Officers and other ranks whether of provost or unit personnel or personnel of L. of C. guard battalions charged with the escort duties.5. Army Commander or Area Commandant in places where alleged circuitous march took place.
Date and place of commission of alleged crime.	<p>On or about 27th May 1940 and following days. On route of march, passing through places of which the following were particularly noted, namely, Douai, Cambrai, Valenciennes, Mons and Hal.</p>
Number and description of crime in war crimes list.	<p>No. xxix. Ill-treatment of prisoners of war.</p>
References to relevant provisions of national law.	<p>The acts complained of constitute breach of laws and usages of warfare and infringement of Articles 2, 10 and 11 of the Geneva Convention 1929, relating to the treatment of prisoners of war. Neglect of duty towards helpless persons.</p>

SHORT STATEMENT OF FACTS.

British prisoners of war were taken for 14 days on a circular march which one witness described as passing through Douai, Cambrai, Valenciennes, Mons and Hal. The intention no doubt was to impress the local inhabitants with the number of prisoners and to humiliate the prisoners. Little food was provided, and the prisoners slept most nights in the fields.

TRANSMITTED BY.....

* Insert serial number under which the case is registered in the files of the National Office of the accusing State.

(26352) W.C.P.1505/1120 500 144 A. & E.W.L.L. Cp.685
(26924) W.C.P.1817/P.1139 5,000 344

PARTICULARS OF ALLEGED CRIME

Driver Bucknall, who was captured on 27th May, 1940, at Armentieres, gave a description of his experiences, of which the following is an extract :-

"We were marched for 14 days in a wide circle. Little food and slept most nights in fields".

No other detail is at present available.

~~(Continued from Page 1)~~

~~prisoners of war on the route or routes of march aforesaid.~~

PARTICULARS OF EVIDENCE IN SUPPORT

Driver Bucknall will be available and details of his examination are contained in A.C. letter of the 12.3.41, reference of which is 0103/2913 entitled "Ill-treatment on march from France or Belgium into Germany".

It is to be noted, as in previous cases arising from treatment of prisoners of war on the march from point of capture that further evidence should be available on the conclusion of hostilities.

NOTES ON THE CASE

(Under this heading should be included the view taken as to (a) the degree of responsibility of the accused in view of his official position, e.g., was offence committed on the offender's own initiative, or in obedience to orders, or in carrying out a system approved by authority or a legal provision; (b) the probable defence; (c) whether the case appears to be reasonably complete.)

This is the fourth case, the others being UK - G/B30, UK - G/B36 and UK - G/B 37, in which prisoners of war were exposed to avoidable publicity, presumably for German propaganda purposes, as seems to be now proposed in respect of prisoners captured on the French front.

On this march of fourteen days insufficient food and shelter were provided.

As regards the circuitous nature and length of the march further information is called for. Meanwhile the following points may be noted:

(a) Armentieres and Hal are about the same latitude and the distance between them by road is barely one hundred kilometres

(b) Cambrai, the most southern town mentioned, is about 110 Kilometres by road from Armentieres

(c) If the towns mentioned were the route of march the distance to Hal, via Cambrai, would be about 215 Kilometres

(d) If the meaning of Driver Bucknall's statement is that the "wide circle" was completed, the total of the march, if the direct route from Hal to Armentieres were followed, the total distance would be rather more than 310 Kilometres.

(e) If this march occupied exactly 14 days and ended at Hal, the daily stretch would be about 15 kilometres. If it ended where it started at Armentieres it would be about 22 kilometres.

No useful purpose is served by conjecture but at least it seems clear that the march was circuitous, and it may well prove to have been of excessive length.

NOTES ON THE CASE

(Under this heading should be included the view taken as to (a) the degree of responsibility of the accused in view of his official position, e.g., was offence committed on the offender's own initiative, or in obedience to orders, or in carrying out a system approved by authority or a legal provision; (b) the probable defence; (c) whether the case appears to be reasonably complete.)

This is the fourth case, the others being UK - G/B30, UK - G/B36 and UK - G/B 37, in which prisoners of war were exposed to avoidable publicity, presumably for German propaganda purposes, as seems to be now proposed in respect of prisoners captured on the French front.

On this march of fourteen days insufficient food and shelter were provided.

As regards the circuitous nature and length of the march further information is called for. Meanwhile the following points may be noted:

(a) Armentieres and Hal are about the same latitude and the distance between them by road is barely one hundred kilometres

(b) Cambrai, the most southern town mentioned, is about 110 Kilometres by road from Armentieres

(c) If the towns mentioned were the route of march the distance to Hal, via Cambrai, would be about 215 Kilometres

(d) If the meaning of Driver Bucknall's statement is that the "wide circle" was completed, the total of the march, if the direct route from Hal to Armentieres were followed, the total distance would be rather more than 310 Kilometres.

(e) If this march occupied exactly 14 days and ended at Hal, the daily stretch would be about 15 kilometres. If it ended where it started at Armentieres it would be about 22 kilometres.

No useful purpose is served by conjecture but at least it seems clear that the march was circuitous, and it may well prove to have been of excessive length.

177/UK/G/53

Submitted Decision of Committee I

2 August 1944

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177/UK/G/53

(For the Use of the Secretariat)

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177/UK/G/53

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31 JUL 1944

UNITED NATIONS WAR CRIMES COMMISSION

BRITISH CHARGES AGAINST GERMAN WAR CRIMINALS

CHARGE No. UK - G/B.70 *

Name of accused, his rank and unit, or official position. (Not to be translated.)	<p>Names, ranks, units unknown; positions as follows:</p> <ol style="list-style-type: none">1. General officer or officers commanding German division or divisions operating in area which included St. Omer and Doullens on or about 3rd June 1940.2. Officers commanding units of said division or divisions who captured British officers and other ranks in operations aforesaid and were responsible for their treatment until transfer to appropriate divisional personnel.3. Provost Marshal or Provost Marshals or other officer or officers deputed by the G.O.C. or G.O.C's aforesaid to receive and escort such prisoners of war to Army control or entrainment to P/W camps in Germany under conditions required by laws and usages of war.4. Officers and other ranks whether of provost or unit personnel or personnel of L. of C. guard battalions charged with the escort duties.5. Army Commander or Commandant of Area including St. Omer and Doullens.
Date and place of commission of alleged crime.	On or about 3rd June 1940. Between St. Omer and Doullens.
Number and description of crime in war crimes list. References to relevant provisions of national law.	No. xxix. Ill-treatment of prisoners of war. The acts complained of constitute breach of laws and usages of warfare and in particular infringement of Article 2 of the Geneva Convention, 1929, relating to the treatment of prisoners of war. Neglect of duty towards helpless persons.

SHORT STATEMENT OF FACTS.

British prisoners of war were made alternately to run past a party of French prisoners and then halt to let the other party pass them all the way from St. Omer to Doullens. On arrival the British were not allowed to accept presents of food from the inhabitants, though the French were.

TRANSMITTED BY.....

* Insert serial number under which the case is registered in the files of the National Office of the accusing State.

(26852) W.L.P.1505/1120 500 1/44 A.&E.W.Ltd. Cp.685
(26924) W.L.P.1817/P.1130 5,000 3/44 " " "

PARTICULARS OF ALLEGED CRIME

An unnamed prisoner of war who was captured on or about 3rd June 1940 at St. Omer gave a description of his experiences to General Fortune at Oflag IX A/H, of which the following is an extract :-

"On or about 3rd June 1940 a column consisting of about 100 British officers and men and several hundred French prisoners, were being marched from St. Omer to Doullens. At the start the British headed the column, and the German guard on bicycles continually shouted at them to march faster. This they did. The Unteroffizier on a lorry shouted at them to march faster and fired bursts from a machine-gun to the right and left of the column and over their heads. After outdistancing the French, the British were halted and the French allowed to pass. When the French were about a mile ahead, the British were made to run until they had caught up again, then halted and made to run again. This was repeated five times in the mid-day heat. On arrival at Doullens, after nine hours on the road, the British were not allowed to partake of the refreshments offered by the inhabitants. The French were allowed whatever they could get."

No other detail is at present available.

~~(continued from page 1).~~

~~prisoners of war on the route of march and at the time aforesaid.~~

PARTICULARS OF EVIDENCE IN SUPPORT

It has been stated by General Fortune that the prisoner who supplied the above information will be available to give evidence on oath. Details of his examination are contained in a letter of the 26th November 1948 from Major-General Fortune C.B., D.S.O., to the Swiss Legation at Berlin.

The letter collects 40 reports of war crimes committed by the Germans of which four relate to incidents on the march from Belgium or North France, and are therefore included in this series of cases.

It is to be noted, as in previous cases arising from treatment of prisoners of war on the march from point of capture that further evidence should be available on the conclusion of hostilities.

NOTES ON THE CASE

(Under this heading should be included the view taken as to (a) the degree of responsibility of the accused in view of his official position, e.g., was offence committed on the offender's own initiative, or in obedience to orders, or in carrying out a system approved by authority or a legal provision ; (b) the probable defence ; (c) whether the case appears to be reasonably complete.)

At first sight the report reads as though the march from St. Omer to Doullens took 9 hours only. As the distance is about 80 kilometres this would not be possible. It is to be inferred that the distance was covered in two days or three at most, although prisoners of war are not to be required to march more than 20 kilometres a day by Article 7 of the 1929 Geneva Convention relating to the treatment of prisoners of war. It is not to be supposed that this incident did not occur and that the circumstances will not be established clearly when prisoners of war captured at St. Omer at this time are examined. General Fortune would have satisfied himself before including this statement in his report.

178/UK/G/54

Submitted Decision of Committee I

2nd August 1944

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178/UK/G/54

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178/UK/G/54

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31 JUL 1944

UNITED NATIONS WAR CRIMES COMMISSION

BRITISH CHARGES AGAINST GERMAN WAR CRIMINALS

CHARGE No. UK - G/B 40 *

Names, ranks, units unknown; positions as follows:

Name of accused, his rank and unit, or official position.

(Not to be translated.)

1. General officer or officers commanding German division or divisions operating in the area which included route or routes of march by which prisoners of war captured at Bouillon on 27th May 1940 were marched until entrainment for Germany.
2. Officers commanding units of said division or divisions who captured British officers and other ranks in operations aforesaid and were responsible for their treatment until transfer to appropriate divisional personnel.
3. Provost Marshal or Provost Marshals or other officer or officers deputed by the G.O.C. or G.O.C's aforesaid to receive and escort such prisoners of way to Army control or entrainment to P/W camps in Germany under conditions required by laws and usages of war.
4. Officers and other ranks whether of provost or unit personnel or personnel of L. of C. guard battalions charged with the escort duties.
5. Army Commander, Area Commandant or Officer Commanding Land or Inland Water Transport responsible for correct treatment of P/W between A.H.Q. and P/W Camps in relation to above prisoners.

Date and place of commission of alleged crime.

On or about 24th May 1940 and following days.
On route of march, passing through places of which the following were particularly noted, namely, Bouillon and Bertrix.

Number and description of crime in war crimes list.

No. xxix. Ill-treatment of prisoners of war.

References to relevant provisions of national law.

The acts complained of constitute breach of laws and usages of warfare and infringement of Article 2 of the Geneva Convention 1929, relating to the treatment of prisoners of war.
Assault and unlawful wounding.

SHORT STATEMENT OF FACTS.

British and French prisoners of war were marched from Bouillon to Bertrix. On a steep hill leading out of Bouillon the rear guard harried the last files with the bayonet and finally ran one man through the thigh. The Unteroffizier in charge repeatedly struck the men with a cane. When they were entrained they were placed in dirty and over-crowded cattle trucks and third class carriages.

TRANSMITTED BY.....

* Insert serial number under which the case is registered in the files of the National Office of the accusing State.

(26952) W.L.P.1505/1120 500 1/44 A.&E.W.J.H. Cp.685
(26924) W.L.P.1817 P.1139 5/000 3/44

PARTICULARS OF ALLEGED CRIME

A British prisoner of war whose name is not at present available but who was captured on 24th May, 1940, at Armentières, gave a description of his experiences to Brigadier F. Somerset at Oflag IX A/H., of which the following is an extract :-

"On the morning of the 24th May 1940 a column of prisoners of war about 2,000 strong left Bouillon to march to Bertrix. The column consisted chiefly of French with a small party of British officers and men bringing up the rear. Proceeding up the steep hill leading from Bouillon, the pace in rear was irregular, the last files having alternately to halt and run to keep closed up. The guard incited by a young Unteroffizier brandishing a cane harried these men at the point of the bayonet. One man, failing to keep as close as was thought necessary was thrust through the thigh by the bayonet of a guard. The man was carried to the first halt where his wound was bound up and he was supported for the rest of the march".

This incident would appear to be the same as that recorded by Major-General V.M. Fortune at the same camp but presumably from a different source, as follows:- "On 24th May 1940, near Bouillon, a German infantry battalion passed a mixed column of French and British prisoners. On clearing the way for this battalion, a German guard bayoneted a British other rank who had stumbled. A deep cut in the thigh had to be bandaged with handkerchiefs and the man was forced to continue the march. An Unteroffizier with this column continually belaboured the prisoners with a thick bamboo cane. Later he was severely reprimanded by a German officer who met the column. On 27th May the prisoners were entrained in mixed cattle trucks and third class accommodation. A British major who travelled in a cattle truck describes it as having an inch of coal-dust on the floor and containing 65 officers. After complaints of over-crowding 6 were taken out. The journey lasted 2 days".

No other detail is at present available.

PARTICULARS OF EVIDENCE IN SUPPORT

The indication is clear that, in the absence of accident, the prisoners of war interviewed by Brigadier Somerset and Major General Fortune whose statements are set out above will be available. The statements are contained in two letters to the Swiss Legation at Berlin, from Brigadier Somerset and General Fortune, both letters bearing date 26.11.42.

Brigadier Somerset's letter collects 12 reports of different prisoners of war in Ofleg IX. A/H. as to war crimes committed by the Germans in different parts of Europe and including 4 on the march from Northern France or Belgium all of which are included in this series of cases.

In addition to these two unnamed witnesses, of whose reliability it is assumed that General Fortune and Brigadier Somerset were satisfied, the evidence of further witnesses should be available on the conclusion of hostilities.

NOTES ON THE CASE

(Under this heading should be included the view taken as to (a) the degree of responsibility of the accused in view of his official position, e.g., was offence committed on the offender's own initiative, or in obedience to orders or in carrying out a system approved by authority or a legal provision ; (b) the probable defence ; (c) whether the case appears to be reasonably complete.)

This case is within the Commission's list of War crimes, has a criminal element in English law and constitutes a breach of the Geneva Convention 1929 relating to the treatment of prisoners of war.

The charge primarily concerns those immediately in control of the prisoners of war and these present the greatest difficulty of identification. But those in authority, though they might escape liability for a few isolated wrongful actions cannot resist the implications of the cumulative effect of evidence in so many cases.

It is submitted that the case should be filed though it cannot be completed until after the conclusion of hostilities.

204/UK/G/57

204/UK/G/57

Submitted Decision of Committee I

9 August 1944

1. B₂
2. B₂
3. B₂
4. B₂
5. B₂ #

(For the Use of the Secretariat)

Registered Number.

Date of receipt in Secretariat.

204/UK/G/57

4 AUG 1944

UNITED NATIONS WAR CRIMES COMMISSION

BRITISH (U.K.) CHARGES AGAINST GERMAN WAR CRIMINALS

CHARGE No. UK - G/B 41 *

Name of accused, his rank and unit, or official position. (Not to be translated.)	<p>. Names and units are unknown; positions, indicating approximate rank, are as follows :-</p> <ol style="list-style-type: none">1. General officer or officers commanding German division or divisions operating in the neighbourhood of Holebeke on or about 27th May 1940.2. Officers commanding units of said division or divisions who captured British officers and other ranks in operations aforesaid and were responsible for their treatment until transfer to appropriate divisional personnel.3. Provost Marshal or Provost Marshals or other officer or officers deputed by the G.O.C. or G.Os. C. aforesaid to receive and escort such prisoners of war to Army control or entrainment to P/W camps in Germany under conditions required by laws and usages of war.4. Officers and other ranks whether of provost or unit personnel or personnel of L. of G. guard Battalions (Continued on page 2)
Date and place of commission of alleged crime.	<p>From 27th May to 3rd June 1940.</p> <p>On route of march, passing through places of which the following were particularly noted, namely, Holebeke, Oudenarde, Alost, and Termonde.</p>
Number and description of crime in war crimes list. References to relevant provisions of national law.	<p>No. xxix - Ill-treatment of prisoners of war.</p> <p>The acts complained of constitute breach of laws and usages of warfare and infringement of Articles 2, 10 and 11 of the Geneva Convention 1929, relating to the treatment of prisoners of war.</p> <p>Assault and neglect of duty towards helpless persons.</p>

SHORT STATEMENT OF FACTS.

While British prisoners of war were being marched from Holebeke to Termonde, 5 officers and 40 other ranks were locked for the night in a cowshed deep in liquid manure. At Oudenarde the prisoners were put for the night in the gaol in bare cells, 20 - 30 to a cell. At Alost a German soldier struck a British Lieutenant-Colonel and another officer with a stick injuring the former on the head. On entraining the party were packed for 17 hours in cattle trucks, sixty five to seventy to each truck, with no straw or latrine arrangements. The Germans supplied no food in the whole seven days covered by the above events.

TRANSMITTED BY.....

* Insert serial number under which the case is registered in the files of the National Office of the accusing State.

(20352) W.P. 1505/1120 500 144 A.A.E.W.L.L. Cp.685
(20924) W.P. 1817/P.1139 5,000 344

PARTICULARS OF ALLEGED CRIME

A British prisoner of war whose name is not at present available but who was captured on 27th May, 1940, at Holebeke, gave a description of his experiences, to Major-General V.M. Fortune at Oflag IX A/H., of which the following is an extract:-

"From 27th May - 3rd June 1940 during a march of prisoners from Holebeke to Termonde, the following incidents occurred :-

5 Officers (including a Lieutenant Colonel) and 40 other ranks were locked to spend the night in a cowshed deep in liquid manure.

A wounded British soldier was found lying by the side of the road and the party was forced to wheel him in a wheelbarrow for about 15 miles.

At Oudenarde, the prisoners were put in cells in the local jail, 20 to 30 in a cell which was bare and had no straw.

At Alost, a German soldier struck a British Lt. Colonel and another officer with a stick. The Colonel sustained a deep cut on the head two inches long.

Later the party was entrained, 65 - 70 in a cattle-truck, with no straw or latrine arrangements. The period of the train journey was 17 hours.

During the whole period 27th May to 3rd June no rations were provided by the Germans".

No other detail is at present available.

(Continued from page 1.)

charged with the escort duties.

5. Army Commander, Area Commandant or Officer Commanding rail Transport and responsible for correct treatment of Prisoners of war between A.H.Q. and P/W Camps in relation to above prisoners.

PARTICULARS OF EVIDENCE IN SUPPORT

It is presumed that the prisoner, or prisoners, of war who gave the above information to General Fortune will be available. The facts set out above are contained in a letter of the 26.11.42 from General Fortune to the Swiss Legation in Berlin. It is stated that they will be substantiated on oath if required.

The letter collects 40 reports of different prisoners of war in Oflag IX A/H as to War crimes committed by the Germans, including 4 on the march from N. France or Belgium all of which are included in this series of cases.

It is to be noted, as in previous cases arising from treatment of prisoners of war on the march from point of capture, that further evidence should be available on the conclusion of hostilities from other prisoners who shared the experiences of the prisoner of war responsible for the above account, some of whom must have witnessed or been involved in the events particularised.

NOTES ON THE CASE

(Under this heading should be included the view taken as to (a) the degree of responsibility of the accused in view of his official position, e.g., was offence committed on the offender's own initiative, or in obedience to orders, or in carrying out a system approved by authority or a legal provision ; (b) the probable defence ; (c) whether the case appears to be reasonably complete.)

The particulars supplied through the medium of General Fortune are not likely to be inaccurate. They will have been carefully tested by General Fortune before accepting them and putting them forward. They reflect in a marked manner the strong anti-British hostility, passing far beyond normal hostility as between Combatants, and add further evidence of system.

It is to be expected that further evidence will be available at the end of hostilities and though in the meantime the case must be regarded as incomplete, the narrative of events bears the impress of truth and is in accordance with expectation.

205/UK/G/58

Submitted Decision of Committee I

9 August 1974

- 1. B2
- 2. T2
- 3. B2
- 4. B2

205/UK/G/58

(For the Use of the Secretariat)

Registered Number.

Date of receipt in Secretariat.

205/UK/G/58

4 AUG 1944

UNITED NATIONS WAR CRIMES COMMISSION

BRITISH (UK) CHARGES AGAINST GERMAN WAR CRIMINALS

CHARGE No. UK - G/B 42 *

Name of accused, his rank and unit, or official position. (Not to be translated.)	<p>Names and units are unknown; positions from which approximate rank may be inferred, are as follows :-</p> <ol style="list-style-type: none">1. General officer or officers commanding German division or divisions operating in the neighbourhood of Neuville Vitasse on or about 21st May 1940.2. Officers commanding units of said division or divisions who captured British officers and other ranks in operations aforesaid and were responsible for their treatment until transfer to appropriate divisional personnel.3. Provost Marshal or Provost Marshals or other officer or officers deputed by the G.O.C. or G.Os.C. aforesaid to receive and escort such prisoners of war to Army control or entrainment to P/W camps in Germany under conditions required by laws and usages of war.4. Officers and other ranks whether of provost or unit personnel or personnel of L. of G. guard battalions charged with the escort duties.
Date and place of commission of alleged crime.	<p>On or about 21st May, 1940</p> <p>On route of march passing through places of which the following were particularly noted, namely, Neuville and Nouvillion.</p>
Number and description of crime in war crimes list. References to relevant provisions of national law.	<p>No. xxix. Ill-treatment of wounded and prisoners of war.</p> <p>The acts complained of constitute breach of laws and usages of warfare and infringement of Articles 2 and 11 of the Geneva Conventions, 1929, relating to the treatment of prisoners of war and of Article 7 of the Geneva Convention 1929 for the Amelioration of the condition of the wounded and sick in the field.</p> <p>Neglect of duty towards helpless persons.</p>

SHORT STATEMENT OF FACTS.

About 80 British prisoners of war were marched a distance of 20 kilometres from Neuville to Nouvillion without having had any food for the previous 24 hours. Two badly wounded men were supported for the whole journey, no transport for them being provided by the Germans.

TRANSMITTED BY.....

* Insert serial number under which the case is registered in the files of the National Office of the accusing State.

(26352) W.P.1505/1120 500 1 44 A.A.E.W.L.L. Cp.685
(26924) W.P.1817 P.1139 5,000 3 44

PARTICULARS OF ALLEGED CRIME

An unnamed officer who was captured on 21st May, 1940, at Neuville Vitasse gave a description of his experiences to Brigadier Somerset at Oflag IX A/H., in terms following:

"On May 21st 1940, at Neuville Vitasse, south-east of Arras, approximately 80 all ranks (British) were formed into a column. As Senior Officer I made a quick check and found one sergeant with a badly shattered arm and one private with a painful foot wound.

I asked three German Officers standing near whether they spoke English. One said he could. I then explained that none of us had had food for more than 24 hours, and asked for refreshment before marching. I also asked that medical attention and transport be permitted for the wounded. The officers turned and walked away without reply.

The column marched an hour later to Nouvillion (20 kms). The two wounded had to be supported the entire distance".

No other detail is at present available.

PARTICULARS OF EVIDENCE IN SUPPORT

It is presumed that the officer who gave the above statement to Brigadier Somerset will be available. Details of his examination are contained in a letter of the 26th November 1942 from Brigadier Somerset to the Swiss Legation at Berlin.

The letter collects 12 reports on different war crimes reported by prisoners of war at Oflag IX A/H of which 4 relate to incidents on the march of the captives in Belgium and N. France and are therefore included in this series of cases.

It is to be noted, as in previous cases of the type of case arising from treatment of prisoners of war on the march from point of capture that presumably abundant further evidence will be available on the conclusion of hostilities.

NOTES ON THE CASE

(Under this heading should be included the view taken as to (a) the degree of responsibility of the accused in view of his official position, e.g., was offence committed on the offender's own initiative, or in obedience to orders, or in carrying out a system approved by authority or a legal provision ; (b) the probable defence ; (c) whether the case appears to be reasonably complete.)

Articles of the two Geneva Conventions of 1929 relating to prisoners of war and the amelioration of conditions of wounded and sick in the field very clearly enjoin on the captor the duty of providing adequate food and in the case of wounded, medical attention and means of conveyance for prisoners of war and of not subjecting them to inhumane treatment.

It is expected that considerable further evidence will be available in regard to the treatment of prisoners of war on the route by which prisoners of war captured at Neuville Vitasse were taken to Germany. In order to cover the various areas and routes it is considered desirable to register this case though the evidence will not be available until the end of the war.

206/UK/6/59

Submitted Decision of Committee I

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9 August 1924

206/UK/6/59

(For the Use of the Secretariat)

Registered Number.

Date of receipt in Secretariat.

206/UK/G/59

4 AUG 1944

UNITED NATIONS WAR CRIMES COMMISSION

BRITISH (U.K) CHARGES AGAINST GERMAN WAR CRIMINALS

CHARGE No. UK - G/B 43 *

<p>Name of accused, his rank and unit, or official position. <i>(Not to be translated.)</i></p>	<p>Names and units are unknown; positions from which approximate ranks may be inferred, are as follows :- 1. General officer or officers commanding German division or divisions operating in the neighbourhood of Lille on or about 13th June 1940. 2. Officers commanding units of said division or divisions who captured British officers and other ranks in operations aforesaid and were responsible for their treatment until transfer to appropriate divisional personnel. 3. Provost Marshal or Provost Marshals or other officer or officers deputed by the G.O.C. or G.Os.C. aforesaid to receive and escort such prisoners of war to Army Control or entrainment to P/W camps in Germany under conditions required by laws and usages of war. 4. Officers and other ranks whether of provost or unit personnel or personnel of L. of C. guard battalions charged with the escort duties.</p>
<p>Date and place of commission of alleged crime.</p>	<p>On or about 13th June 1940 and the following days. On route of march from south of Lille to near the Belgian frontier.</p>
<p>Number and description of crime in war crimes list. References to relevant provisions of national law.</p>	<p>No.xxix. Ill-treatment of prisoners of war. The acts complained of constitute breach of laws and usages of warfare and infringement of Article 2 of the Geneva Convention 1929 relating to the treatment of prisoners of war.</p>

SHORT STATEMENT OF FACTS.

While British prisoners of war were being marched from the Lille area to near the Belgian frontier their treatment was bad, stragglers being shot at.

TRANSMITTED BY.....

* Insert serial number under which the case is registered in the files of the National Office of the accusing State.

(26852) W.P.1505/1120 309 144 A.S.E.W.L.L. Cp.685
(26924) W.P.1817/11139 5,000 344

PARTICULARS OF ALLEGED CRIME

Private Jones who was captured on 13th June 1940 south of Lille gave a description of his experiences, of which the following is an extract:-

"Treatment bad, stragglers being shot at".

No other detail is at present available.

PARTICULARS OF EVIDENCE IN SUPPORT

Private Jones will be available and details of his examination are contained in A.C. letter of 12.3.41 reference of which is 0103/2913 entitled "Ill-treatment onmarch from France or Belgium into Germany".

The letter collects 16 reports on different routes, 8 of which were reported by prisoners of war captured at St. Valery-en-Caux, which are collected in the case numbered UK - G/B 29.

It is to be noted, as in previous cases of the type of case arising from treatment of prisoners of war on the march from point of capture, that further evidence should be available on the conclusion of hostilities.

NOTES ON THE CASE

(Under this heading should be included the view taken as to (a) the degree of responsibility of the accused in view of his official position, e.g., was offence committed on the offender's own initiative, or in obedience to orders, or in carrying out a system approved by authority or a legal provision ; (b) the probable defence ; (c) whether the case appears to be reasonably complete.)

It is expected that considerable further evidence will be available in regard to the treatment of prisoners of war on the route by which prisoners of war captured south of Lille were taken to Germany. In order to cover the various areas and routes it is considered desirable to file this case though the detail is brief and it cannot be completed till after the war. On the face of it, it is clearly a war crime and since the War Office was satisfied with the reliability of the information and has passed it to the National Office, it is suggested that it may be accepted with confidence.

207/UK/G/60

Submitted Decision of Committee I

9 August 1944

1. B2
2. B2
3. B2
4. B2
5. B2
6. B2
7. B2

See 164/UK/G/42
also A/C P. 5/20

207/UK/G/60

(For the Use of the Secretariat)

Registered Number.

Date of receipt in Secretariat.

207/UK/G/60

4 AUG 1944

UNITED NATIONS WAR CRIMES COMMISSION

UNITED KINGDOM

CHARGES AGAINST GERMAN

WAR CRIMINALS

CHARGE No. UK - G/B 46 *

Name of accused, his rank and unit, or official position. (Not to be translated.)	Names and units are unknown; positions which approximate ranks may be inferred, are as follows :- 1. General officer or officers commanding German division or divisions operating in the neighbourhood of the La Basse Canal on or about May 20th 1940. 2. Officers commanding units of said division or divisions who captured 10 other ranks of the 7th Battalion The Worcestershire Regiment and about 30 other ranks of other units in operations aforesaid and were responsible for their treatment until transfer to appropriate divisional personnel. 3. Provost Marshal or Provost Marshals or other officer or officers deputed by the G.O.C. or G.O.C's aforesaid to receive and escort such prisoners of war to Army control or entrainment to P/W camps in Germany under conditions required by laws and usages of war. (Continued on page 2)
Date and place of commission of alleged crime.	On or about May 20th 1940 and thereafter till towards the end of June 1940. The events complained of took place: (a) In the neighbourhood of the La Basse Canal; (b) On the march from the La Basse Canal towards Germany via Arras; (c) At Malmedy; (d) At a camp to the rear of the Siegfried line; (e) On the train journey from Dortmund to Thorn Podgorz
Number and description of crime in war crimes list. References to relevant provisions of national law.	No. xxix. Ill-Treatment, of Lce-Cpl. Green and other prisoners of war. No. xxx. Employment of Lce-Cpl. Green and other prisoners of war on unauthorised works. Breach of the laws and usages of warfare and in particular of Articles 2, 6, 7, 10, 11 and 31. of the Geneva Convention, 1929, relating to the treatment of prisoners of war. Assault, robbery, unlawful wounding and neglect of duty towards helpless persons by failure to provide adequate food.

SHORT STATEMENT OF FACTS.

The facts of this case fall into five parts following the five stages of the experiences of Lance-Corporal Green on his way to Germany. They included deprivation of personal effects including gold wrist-watch, gold ring, a silver cigarette case and an English pound note; unlawful wounding of himself and others; neglect by the Germans to provide rations or shelter at least for some nights on the march; humiliation on the march and in a military camp; compulsion to perform tasks of military value to the enemy; and transport by train under inhumane conditions as regards food and accommodation over a period of three days during which prisoners of war were locked in cattle trucks without being let out once.

TRANSMITTED BY.....

* Insert serial number under which the case is registered in the files of the National Office of the accusing State.

(20552) W.C.P.1505/1120 500 1/4 A. & E.W.L.L. Cp.685
(20924) W.C.P.1817/1.1130 5,000 3/4

I N T H E M A T T E R O F T H E T R E A T M E N T O F
Lance-Corporal STANLEY GREEN, D.C.M., R.A.S.C., BRITISH
PRISONER OF WAR BY GERMAN MILITARY PERSONNEL at STALAG
XXA. in GERMANY CONTRARY TO THE PRINCIPLES OF INTERNATIONAL
LAW and IN PARTICULAR OF ARTICLES 2 and 46 OF THE
INTERNATIONAL CONVENTION MADE AT GENEVA July 27th 1929
IN RELATION TO PRISONERS OF WAR.

I, STANLEY GREEN, D.C.M., No. 4915273 Lance-Corporal,
R.A.S.C., at present stationed at Craigillar Camp Stromness
Orkneys (Company No.908), make oath and say as follows:-

1. On February 16th 1938 I enlisted as a member of the
Supplementary Reserve of the South Staffordshire Regiment and on
being called up on September 1st 1939 I proceeded to the
Regimental Depot at Lichfield.
2. About the end of November 1939 I was transferred to the 7th
Worcestershire Regiment. On January 13th 1940 I went with my
battalion to France and was on service at various places along the
Somme until the early part of May 1940 when we were ordered to
Belgium and went into action in the neighbourhood of Tournai.
A few days later we moved south again and on or about May 20th
1940 we took up a position along the La Bassée Canal.
3. About two days later the Germans attacked across the Canal
in force and in due course effected a crossing of the canal on
our right and ultimately outflanked and surrounded us. I was in
"A" Company and in the right half of that Company which was
reduced during the fighting from about 70 officers and other ranks
to about 10 other ranks by Sunday evening May 28th 1940 when we
surrendered.
4. During the next three to four weeks we suffered many
hardships and much brutal treatment on the way to a Prisoners of
War Camp in Germany an account of which is set out in a separate
affidavit by me. Towards the end of June 1940 we arrived at the
Prisoners of War camp which was our ultimate destination. This
camp was commonly known to us as the "balloon hanger", from the

I N T H E M A T T E R O F T H E T R E A T M E N T O F
Lance-Corporal STANLEY GREEN, D.C.M., R.A.S.C., BRITISH
PRISONER OF WAR BY GERMAN MILITARY PERSONNEL at STALAG
XXA. in GERMANY CONTRARY TO THE PRINCIPLES OF INTERNATIONAL
LAW and IN PARTICULAR OF ARTICLES 2 and 43 OF THE
INTERNATIONAL CONVENTION MADE AT GENEVA July 27th 1929
IN RELATION TO PRISONERS OF WAR.

I, STANLEY GREEN, D.C.M., No. 4915273 Lance-Corporal,
R.A.S.C., at present stationed at Craigmillar Camp Stromness
Orkneys (Company No.908), make oath and say as follows:-

1. On February 16th 1938 I enlisted as a member of the
Supplementary Reserve of the South Staffordshire Regiment and on
being called up on September 1st 1939 I proceeded to the
Regimental Depot at Lichfield.
2. About the end of November 1939 I was transferred to the 7th
Worcestershire Regiment. On January 13th 1940 I went with my
battalion to France and was on service at various places along the
Somme until the early part of May 1940 when we were ordered to
Belgium and went into action in the neighbourhood of Tournai.
A few days later we moved south again and on or about May 20th
1940 we took up a position along the La Bassée Canal.
3. About two days later the Germans attacked across the Canal
in force and in due course effected a crossing of the canal on
our right and ultimately outflanked and surrounded us. I was in
"A" Company and in the right half of that Company which was
reduced during the fighting from about 70 officers and other ranks
to about 10 other ranks by Sunday evening May 26th 1940 when we
surrendered.
4. During the next three to four weeks we suffered many
hardships and such brutal treatment on the way to a Prisoners of
War Camp in Germany an account of which is set out in a separate
affidavit by me. Towards the end of June 1940 we arrived at the
Prisoners of War camp which was our ultimate destination. This
camp was commonly known to us as the "balloon hanger", from the

presence of a hangar for an observation balloon. I believe the official name of this camp was Stalag XX A.

5. About a week after I arrived in this camp I escaped alone but I was recaptured after five or six days by two German military police. I was taken back to the camp and brought before the Commandant. I was interrogated by him in English as to how I had got civilian clothes and food. I told him I had stolen the clothes from a boat on the Vistula and that I had existed on carrots and turnips from the fields. He sentenced me to a month of solitary confinement in the cells on one meal a day of bread and water in a fort which was nearby and considered part of the camp. The Commandant then ordered two guards to take me over from my captors. On arrival at the cells I was stripped; my civilian clothes were torn to pieces and closely examined apparently for names or laundry marks to identify the clothes, concealed papers or instruments useful in connection with escape. The two guards besides being armed carried lengths of hose pipe and when they had finished with my clothes they began beating me up until I lost consciousness. I believe I lost my memory for a period of about twelve days afterwards. I estimate it was about twelve days because eighteen days later I was released from the cells by the guard in charge of the cells who crossed my name off what appeared to be a charge paper which he carried affixed to a plywood board. I think I suffered from loss of memory as men then in neighbouring cells subsequently told me that they had spoken to me during that period and that I had replied.
6. The date of my release was July 31st 1940. I fix this date by the fact that two days later, namely on August 2nd, I wrote a letter to my wife which arrived safely and which is now in my possession and from which I have refreshed my memory.
7. On the afternoon of the day on which my sentence was completed two other Prisoners of War named Gunner Harry

Clark, R.A., now in the R.A.S.C., and another man who was a Corporal in the Corps of Military Police but whose name I forget approached me with a suggestion that I join them in an attempt to escape. I accepted the invitation and we made our escape on or about the 7th of August 1940.

8. About fourteen months later I arrived in England, namely in October 1941. I made a report to the War Office (Department P.W.2 (a)) on or about October 14th, 1941. At that time my recollection of events and more particularly of dates and names was more certain than now. The said report was made by me after the usual warning to insure accuracy and I declare that the statements contained therein and the answers then given by me to a number of questions which were put to me are true in every particular.

SWORN at Stromness
.
in the County of Orkney
this 27th day of September
1943.

(Sgd) S. GREEN

Before me,

James G. Warwick,
Provost of Stromness,
and J.P. for County of Orkney.

SEAL.

RE THE TREATMENT OF LANCE CORPORAL
STANLEY GREEN, BRITISH PRISONER OF
WAR BY GERMAN MILITARY PERSONNEL
AT STALAG XX A.

(Sgd) S. GREEN

Certified
Copy

A F F I D A V I T

- of -

L/CPL. STANLEY GREEN, D.C.M., R.A.S.C.

CERTIFIED to be a true copy of the
original Affidavit this *14th* day
of October, 1945

S. Randall

Treasury Solicitor's Department
Storey's Gate,
St. James's Park,
London, S.W.1.

THE TREASURY SOLICITOR

PARTICULARS OF ALLEGED CRIME

A reasonably full account of the matters which form the basis of these charges is set out in an affidavit by Lance-Corporal Green, copy of which is attached hereto. The particulars may be summarised briefly following the five stages of Lce-Corporal Green's experiences as already noted.

(1) After capture on or about May 20th 1940 prisoners were ordered to work a ferry for military purposes. When they refused they were assaulted and wounded by bayonet thrusts in the legs. Subsequently they were deprived of all their personal possessions. When Lce-Cpl. Green tried to save his photographs they were torn up and he was knocked out with a blow by a hand grenade. He lost several teeth and his face showed scars as late as October 1941.

(2) On the march towards Germany they were given no food for three days and apparently slept in the fields. They were marched by circuitous routes and ridiculed before the French inhabitants, in particular at Arras.

(3) At Malmedy they were made to work on the preparation of a runway for the use of gliders.

(4) At a military camp behind the Siegfried Line Lce-Cpl. Green was one of about 14 British prisoners of war who were employed on emptying latrines under revolting conditions. No other prisoners of war were so employed. They were given their food last and were thus humiliated especially before the French.

(5) On the journey from Dortmund to Stalag XXA, which is reported to have been situated at Thorn Podgorz, prisoners of war were accommodated in cattle trucks, 60 men to each truck which only gave room for each to sit with legs drawn up almost knees to chin. Each man was given half a loaf of bread and no water. They were then locked in and remained continuously locked in throughout the journey. The journey occupied three days.

(Continued from page 1)

4. Officers and other ranks whether of provost or unit personnel or personnel of L. of C. guard battalions charged with the escort duties.

5. The Commandant of the prisoners of war camp at Malmedy.

6. The Commandant of a prisoners of war camp behind the Siegfried line.

7. Army Commander or Area Commandant and officer directly in charge of entrainment from Dortmund in Germany to Stalag XXA at Thorn Podgorz.

PARTICULARS OF EVIDENCE IN SUPPORT

The main burden of proof will fall on Lance-Corporal Stanley Green, D.C.M., No. 4915273, R.A.S.C., who at the time of the events which form the basis of these charges was serving in a battalion of The Worcestershire Regiment. Should he not be available to give evidence in person an affidavit by him, above referred to, will be available.

It is expected that some corroborative evidence will be available at the end of the war from Private Cyril Bagley, also of the Worcestershire Regiment, who is still a prisoner of war in Germany. Some further charges as well as some corroboration of a general character may develop when Captain Seabrooke of The Worcestershire Regiment is released. There is also some expectation of tracing some of the men who shared some of the phases of Green's experiences.

When Lance-Corporal Green arrived in this country after his escape he was interrogated by the appropriate Department of the War Office. (P.W.2 (a)). Under date 23rd October 1942, a note of 'German Breaches of International Law which have not been the subject of protest through the Foreign Office to the Protecting power' was drawn up. Under the heading 'Brutality and Ill-treatment' (paragraph 5), sub-paragraph 3 is as follows :

"No.4915273 L/Cpl. S. Green, R.A.S.C., was captured at La Bassee on 26.5.40. His valuables and money were taken from him. When he protested at a soldier tearing up his personal photographs, another soldier knocked him out by a blow across the face with a hand-grenade. He lost several teeth and his nose and mouth showed the scars when he was interrogated here in October 1941. He was sent with 13 other British prisoners of war to a point behind the Siegfried Line where for a fortnight they were employed in emptying a large latrine-pit. When the level grew too low for buckets to be used the prisoners were forced to wade in the filth."

The note states that the Reliability of L/Cpl. Green is good.

Apart from the testimony to confidence expressed in Corporal Green the report has corroborative value since it testifies to evidence of wounding in the face.

NOTES ON THE CASE

(Under this heading should be included the view taken as to (a) the degree of responsibility of the accused in view of his official position, e.g., was offence committed on the offender's own initiative, or in obedience to orders, or in carrying out a system approved by authority or a legal provision; (b) the probable defence; (c) whether the case appears to be reasonably complete.)

Of the numerous persons who should be arraigned at first sight there would seem to be but little prospect of identifying the individual captors of L/Cpl. Green and other prisoners of war on May 26th 1940, a total number of roughly forty men, who treated them with such inhumanity. But there is good prospect of the Division being identified and the Divisional Commander, which might lead to some of those directly concerned being traced. Meanwhile it is not suggested that the charge is complete against those secondly accused and that they can be classified other than as 'C'.

It is also very doubtful whether the Camp to the rear of the Siegfried Line can be identified in consequence of which it would be impossible to indicate the Camp Commandant who should be held responsible for the outrage on British prisoners of war perpetrated there. However, the Camp Commandant is listed for the time being amongst the accused in the hope that the Camp may be identified.

All the other persons accused are clearly identifiable since the approximate dates of the matters which form the basis of the charges are known and the places where the incidents took place are also known.

It is submitted that this case should be regarded as substantially complete except in respect of the accused persons mentioned. (List of accused (2) and (4))

Emphasis is placed upon the Affidavit of L/Cpl. Green, which, it is submitted, creates a very good impression of accuracy. The course of events affords a general corroboration of his story. For example, Arras, which is barely 30 Kilometres from La Bassée, was reached much later than should have been the case if the march had not been circuitous. His subsequent contacts and movements could be easily disproved if they were not true. On the whole the view is taken that an impressive narrative of events is added in support of the strong inference to be drawn from Lieutenant Fleischmann's Affidavit attached to UK - G/B 26 (Murder of Captain E.B.L. Hart), and to the cumulative effect of the inferences to be drawn from the intervening cases charging war crimes on the route of march.

1. Examining officer of Gestapo at hille
2. Two other examining officers
3. Judge
4. Commandant of Frontstalag 190 at Stuttgart

Submitted Decision of Committee I

9 August 1944

1. ~~B1~~
2. ~~B1~~
3. ~~B1~~
4. ~~B1~~

adjourned

16 August 1944

- 1 } B1 ✓
- 2 }

- 3 } C B
- 4 }

28.9.44

No change B

(For the Use of the Secretariat)

Registered Number.

Date of receipt in Secretariat.

208/UK/G/61

4 AUG 1944

UNITED NATIONS WAR CRIMES COMMISSION

UNITED KINGDOM

CHARGES AGAINST GERMAN

WAR CRIMINALS

CHARGE No. UK - G/B 47 *

<p>Name of accused, his rank and unit, or official position.</p> <p>(Not to be translated.)</p>	<p>The name, rank, and unit of the accused are unknown, but they are identifiable by their positions, as follows :-</p> <p>(1) The examining officer of the Gestapo at the Caserne Clibert at Lille who examined Lance Corporal Robert Dunbar, D.C.M., then of 1st Battalion Gordon Highlanders on or about the 20th September 1940</p> <p>(2) Two other examining officers of the Gestapo who conducted a further examination of the said Robert Dunbar at the same place some two days later.</p> <p>(3) The Judge who tried the said Robert Dunbar about the end of September 1940 and sentenced him to five months solitary confinement.</p> <p>(4) The Commandant of Frontstalag 190 near Stuttgart.</p>
<p>Date and place of commission of alleged crime.</p>	<p>Between on or about the 16th September 1940 and on or about the 30th September 1940.</p> <p>Lille.</p>
<p>Number and description of crime in war crimes list.</p> <p>References to relevant provisions of national law.</p>	<p>No. xxix. Ill-treatment of prisoners of war.</p> <p>The acts complained of constitute infringement of the law and usages of war and in particular of Articles 2, 4, 50 and 54 of the Geneva Convention 1929 relating to the treatment of prisoners of war.</p> <p>Assault and false imprisonment.</p>

SHORT STATEMENT OF FACTS.

Lance Corporal Robert Dunbar, D.C.M., a prisoner of war, having escaped on or about 21st June 1940, was recaptured on or about 16th September 1940. He was imprisoned at Loos for about a fortnight, during which time he was taken three or four times to the Headquarters of the Gestapo at the Caserne Clibert at Lille. There he was examined and assaulted on refusal to answer questions of military importance. Subsequently he was tried on charges of having escaped and providing himself with civilian clothes and a foreign identity charge, and with sabotage. He was acquitted on the charge of sabotage, but sentenced to five months solitary confinement on the other charges. He was sent to serve his sentence at the Prisoner of War camp Frontstalag 190 near Stuttgart. During his confinement his food consisted daily of a drunk of black bread and a small tin of so-called coffee in the morning, and a similar amount of thin soup in the evening.

TRANSMITTED BY.....

* Insert serial number under which the case is registered in the files of the National Office of the accusing State.

IN THE MATTER OF THE SHOOTING OF PRISONERS OF WAR ON THE LINE OF MARCH THROUGH OCCUPIED FRANCE TOWARDS BELGIUM ON THE WAY TO GERMANY BETWEEN 12th and 21st JUNE 1940 and the BRUTAL TREATMENT AND ILLEGAL IMPRISONMENT BY THE GESTAPO OR OTHER GERMAN AGENCIES of LANCE-CORPORAL ROBERT DUNBAR, D.C.M. No. 2879107 formerly 1st Battalion Gordon Highlanders now 2nd Battalion London Scottish between September 1940 and February 1941 contrary to the PRINCIPLES OF INTERNATIONAL LAW and in particular ARTICLES 2 to 5, 46, 50 and 54 to 57 of the INTERNATIONAL CONVENTION of the 27th July 1929, relative to the TREATMENT OF PRISONERS OF WAR.

A F F I D A V I T

I, ROBERT DUNBAR, D.C.M., No. 2879107, Lance-Corporal, 2nd Battalion, London Scottish, formerly 1st Battalion, Gordon Highlanders, make oath and say as follows:-

1. I enlisted in the Gordon Highlanders in March 1938 and was posted to the 1st Battalion. I went with the said Battalion to France round about three weeks after the declaration of War on Germany. On arrival in France we went through a period of training and subsequently in or about April 1940 we were sent into the outpost line of the Maginot line.
2. In or about the month of May we were in action against the Germans in the said outpost line. A short time later the British troops in that line were relieved by French troops and we were sent by train to the Somme in the neighbourhood of Abbeville. Our Battalion and a battalion of the Black Watch on our right were then ordered to attack a wood held by the Germans which we in due course cleared. But French troops on our left being unable to make progress our left flank was exposed and we were withdrawn by a series of rear-guard actions to St. Valerie on the 9th day of June 1940. In the early morning of the 12th day of June, after being in action, we were surrounded and the remains of the Battalion, amounting, according to my calculation, to about a hundred men, were made prisoners of war.
3. In due course we were lined up and marched away. For about nine days we were marching northward ^{on the way to Germany,} as we were informed by German guards. We were carrying no food and on the first day we received no rations. Thereafter we were given daily one packet of British Army hard biscuits amongst three men, and occasionally at the end of the day about half a pint of black liquid said to be coffee. If it had not been for a certain amount of food which was given to us by French civilians, it is difficult to see how we could have continued to support life. Our food was also supplemented to a small extent by potatoes and sugar beet which we managed to collect while resting at night and sometimes while on the march. This latter proceeding, however, was a very dangerous one as we had been warned against falling out and the guards were in the habit of firing indiscriminately on anyone who fell out unless he had fainted or for other obvious reasons was unable to carry on. I recall in particular the case of a private of the Cameron Highlanders who fell out on the line of march about the 16th day of June near St. Pol, so far as I can remember, and made for a pile of sugar beet. He was shot at and fell. I do not know if he was killed. This was not an isolated case. To the best of my recollection I saw at least three or four similar cases.
4. I also saw a German guard prod Private Stanley Westland of my Battalion with a bayonet and hit him with a stick. Private Westland had collapsed. The efforts of our comrades to escape the blowe rained on him and the failure

of the guard to make him get up had a side to them which in our then weak state while being tragic seemed also slightly comic. A cousin of mine, Private Alexander Fraser Dunbar Harper, who was also in the 1st Battalion of the Gordon Highlanders, laughed, with the result that the guard turned on him and attacked him savagely with the stick. Private Harper ran away but the guard pursued him hitting him viciously until he was able to escape by losing himself in the crowd of troops.

5. On the 9th day of our march, I with the said Privates Westland and Harper escaped. Circumstances soon forced us to separate and as I am informed and verily believe Privates Westland and Harper were not recaptured. I myself avoided recapture for a period of about three months during which time, having been supplied with civilian clothes, I acted as a waiter in a French cafe, posing as a Belgian refugee with very slight knowledge of French on the supposition that my mother tongue was Flemish. My recapture took place on or about the 16th day of September 1940, as a result, as I verily believe, of information given by a Polish woman for the sake of reward. I was taken to a prison at Loos.

6. During my imprisonment at Loos, which lasted about a fortnight, I was taken three or four times to the headquarters of the Gestapo at the Caserne Clibert at Lille. ^{I was examined.} On the occasion of one of such examinations I was threatened by an officer who brandished his revolver in my face and subsequently when I refused to answer questions as to the position of my Unit and on other points of military information, he gave me a blow in the mouth with the butt of his revolver knocking out a tooth which has been replaced by a false tooth since my return to Great Britain. On another occasion two days' later two other officers were examining me. They were moving about the room shouting questions at me from time to time standing over me threateningly and dictating notes to a man taking them down on a type-writer. Amongst the matters on which they wanted information was an alleged landing of paratroops. It appeared that two parachutes had been found in the neighbourhood of the place where I had been captured and from this it was inferred that I was one of a body which had been landed. As all questions on this subject could only be answered in the negative my replies were displeasing to my interrogators who knocked me about, punching me one from either side. I do not know the names ranks or units of these two men, but I think from their shoulder-badges and their authoritative manner that they were officers.

7. About a week after the examination last referred to or rather less I was brought to trial together with the French proprietor of the cafe where I had served as a waiter as above described, and his daughter, both of whom were aware of my identity and had accepted the risk of befriending me. I was charged that while a prisoner of war I had escaped and provided myself with civilian clothes and a foreign identity card. I was also accused of sabotage but the proprietor of the cafe and his daughter deposed to the fact that it was my custom to stay in the house after my day's duties were done and that I had not left the premises. It was therefore impossible that I should have been guilty of sabotage and his charge was withdrawn. I was sentenced to five months solitary confinement on the other charges. The proprietor of the cafe was sentenced to one year's imprisonment. His daughter was also sentenced to one year's imprisonment which was increased to seven years when, on being removed from the Court, she shouted out something which I was told by the interpreter was to the effect that she knew of many other British prisoners of war whom she had helped but that nothing would induce her to divulge their names or whereabouts.

8. I was sent to serve my sentence to the Prisoner of War Camp Frontstalag 190 near Stuttgart and I was given Prisoner of War number 6706. During my term of solitary confinement my food consisted daily of a chunk of black bread which I could not eat until the pangs of hunger compelled me, and a small tin cup of so-called coffee in the morning and a similar amount of thin soup in the evening. I was often so weak that I could scarcely move about my cell.

9. I was released from solitary confinement after four and a half months by which time it was the month of February 1941. Two nights afterwards I escaped with Private Herring a Despatch rider of the Royal Corps of Signals. In due course we reached Holland and subsequently worked our way through Belgium and Occupied France to Unoccupied France where I was interned at St. Hyppolite du Fort which I gathered was about eighty kilometres from Marseilles. In or about July 1941 I escaped from this internment camp and was assisted to cross the Spanish border. Subsequently, however, some days later I was arrested and interned at a place which I understood was called Figaras or Pygarass. At a later period I was imprisoned in the gaol of Saragossa from which I was transferred to Barcelona and thence to Miranda d'Ebro. I was liberated from the last named internment camp at the instance of the British Military Attache at Madrid. I was then sent to Gibraltar from which place I was repatriated, arriving at Greenock on or about the 12th day of November 1941.

SWORN at
in the of
this day of
1943

Before me

Commissioner for Oaths

IN THE MATTER OF THE SHOOTING OF
PRISONERS OF WAR ON THE LINE OF MARCH
THROUGH OCCUPIED FRANCE TOWARDS BELGIUM
ON THE WAY TO GERMANY BETWEEN 12th and
21st JUNE 1940 and the BRUTAL TREATMENT
& ILLEGAL IMPRISONMENT BY THE GESTAPO
OR OTHER GERMAN AGENTS of LANCE-CORPORAL
ROBERT DUNBAR, D.C.M. No. 2879107
formerly 1st Battalion Gordon Highlanders
now 2nd Battalion London Scottish between
SEPTEMBER 1940 and FEBRUARY 1941 CONTRARY
TO THE PRINCIPLES OF INTERNATIONAL LAW &
IN PARTICULAR ARTICLES 2 to 5, 46, 50 and
54 to 57 of the INTERNATIONAL CONVENTION
of the 27th JULY 1929, relative to the
TREATMENT OF PRISONERS OF WAR

Certified Copy/

A F F I D A V I T

-of-

No. 2879107 L/CPL. ROBERT DUNBAR,
D.C.M.

CERTIFIED to be a true copy of
the original Affidavit.

Dated the day of December,
1943

Treasury Solicitor's Department,
Storey's Gate,
St. James's Park,
London, S.W.1.

TREASURY SOLICITOR

PARTICULARS OF ALLEGED CRIME

The short statement of facts, first supplied by the War Office (P.W.2 (a)), has been expanded in an Affidavit by L/Cpl. Dunbar, a copy of which is attached hereto. The paragraphs which refer particularly to this case are numbered 5 - 8.

PARTICULARS OF EVIDENCE IN SUPPORT

The only available evidence is that of L/Cpl. Robert Dunbar, D.C.M. No. 2879107. L/Cpl. Dunbar at the time of the acts complained of was in the 1st Battalion Gordon Highlanders and had marched from St. Valery-en-Caux where his division, the 51st Highland Division, had made its last stand, the remnants surrendering 12th June 1940. L/Cpl. Dunbar is now in the 2nd Battalion London Scottish Regiment and should be available to give evidence in person. Meanwhile he has made an Affidavit a copy of which is attached. This Affidavit covers experiences during the first nine days of the march from St. Valery-en-Caux en route to Germany. It forms part of the evidence of UK - G/B 29.

So far L/Cpl. Dunbar is the only witness. But Private Herring of the R.C. of S. who escaped with him should also become available. Conceivably it might also be possible to trace the owner of the French cafe and his daughter who are referred to in paragraphs 5 and 7 of the Affidavit

There should also be some corroborative evidence from German records, particularly of the Prisoner of War Camp Frontstalag 190 near Stuttgart where he served his sentence.

A measure of corroboration is also obtainable from Corporal Dunbar's Cousin Private Alexander Fraser Dunbar Harper, formerly of the 1st Battalion Gordon Highlanders, now also of the London Scottish.

NOTES ON THE CASE

(Under this heading should be included the view taken as to (a) the degree of responsibility of the accused in view of his official position, e.g., was offence committed on the offender's own initiative, or in obedience to orders, or in carrying out a system approved by authority or a legal provision ; (b) the probable defence ; (c) whether the case appears to be reasonably complete.)

The identification of the accused should not present so much difficulty as in some other cases. Their positions were such that ordinarily they were likely to be held by the same men for some length of time.

L/Cpl. Dunbar creates the impression of a reliable witness and it is submitted that the case may be regarded as complete for the purpose of indicating the accused and demanding their surrender.

209/UK/G/62

Submitted Decision of Committee I

16.8.44

all B2 B

209/UK/G/62

(For the Use of the Secretariat)

Registered Number.

Date of receipt in Secretariat.

209/UK/G/62

4 AUG 1944

UNITED NATIONS WAR CRIMES COMMISSION

UNITED KINGDOM

CHARGES AGAINST GERMAN

WAR CRIMINALS

CHARGE No. UK - G/B 48 *

Name of accused, his rank and unit, or official position. <i>(Not to be translated.)</i>	Names and units are unknown, but their positions, from which approximate ranks can be inferred, were as follows: 1. The Army Commander or Area Commandant responsible for correct treatment of prisoners of war, captured in the neighbourhood of Abbeville on about 6th June 1940, between A.H.Q. and P/W camps in Germany. 2. Officer in charge of inland water transport between Belgium or Holland and Germany on or about the 27th day of June 1940 when a large number of British prisoners of war were transported in a barge by river or canal to Germany, some of the prisoners being men from the 51st (Highland) division captured in the neighbourhood of Abbeville. 3. The Officer in charge of prisoners of war on the barge in question.
Date and place of commission of alleged crime.	Round about June 27th 1940. On inland waters from Belgium or Holland to Germany.
Number and description of crime in war crimes list.	No.xxix. Inhumane treatment of prisoners of war.
References to relevant provisions of national law.	Breach of Laws and Usages of Warfare and particularly Articles 2 and 11 of the Geneva Convention 1929 relating to the treatment of prisoners of war. Neglect of duty towards persons for whose reasonable maintenance they were responsible

SHORT STATEMENT OF FACTS.

Prisoners of war captured in France on or about June 6th 1940 were sent from Belgium or Holland into Germany by barge. The voyage lasted five days. When once embarked they were put under hatches where there was only standing room. Later on they were allowed on deck for a time. Neither food nor water was given by the guards during the whole of the voyage. The only sustenance for British Prisoners of war was a slice of bread each about half an inch thick provided by the Dutch Red Cross as they passed through a place believed to be Rotterdam. French prisoners of war who were well supplied with food did not help their British comrades. Mutual recriminations led to friction and the British were put under hatches for several hours. Several British prisoners of war fainted. The first food supplied was on disembarkation.

TRANSMITTED BY

* Insert serial number under which the case is registered in the files of the National Office of the accusing State.

(26352) W.P.1505-1120 500 1-44 A.&E.W.Ltd. Gp.685
(26924) W.P.1817-P-1139 5,000 3-44

I N T H E M A T T E R of BRUTALITY TOWARDS AND THE
TREATMENT OF BRITISH PRISONERS OF WAR BY GERMAN
MILITARY PERSONNEL ON THEIR WAY FROM FRANCE AND
BELGIUM TO GERMANY CONTRARY TO THE PRINCIPLES OF
INTERNATIONAL LAW AND IN PARTICULAR ARTICLES 2, 4,
6, 7, 9, 11 and 31 of the INTERNATIONAL CONVENTION
MADE AT GENEVA JULY 27th 1929 IN RELATION TO
PRISONERS OF WAR

I, JAMES MUIR LANG GOLDIE, D.C.M., No. 2965254 Private,
2nd Battalion Argyll and Sutherland Highlanders, at present
Drifffield, East Riding of Yorkshire
stationed at ~~Kirkwall, Orkney~~, make oath and say as follows:-

1. On September 15th 1939 I being twenty years of age was called up in the Militia. I was instructed to report at the Regimental Base of the Argyll and Sutherland Highlanders at Stirling Castle Stirling. In or about the month of February 1940 I was posted to the 7th Battalion and I went to France on draft.
2. In May 1940 the Battalion having been on duty in the Maginot Line was sent to Abbeville to meet the threat of a German advance in that direction.
3. The Battalion went into action on the early morning of June 3rd or June 4th 1940 and after fierce fighting in which heavy casualties were sustained we were surrounded and compelled to surrender on about June 6th. I was sent to a Prisoners of War Camp near Jena in Germany known as Stalag IX G.
4. We were marched into Belgium and through Belgium to Holland on our way to Germany. This march occupied about three weeks during which time only occasional and wholly insufficient rations were supplied consisting of dark brown beans and mouldy black bread. We were mainly dependent upon food and drink supplied to us by the civilian population as we passed through towns and villages.
5. From Holland we were taken to Germany by river. We were embarked on barges and put under hatches where there was only standing room. Sometime after we had started the hatches

were opened and we were allowed on deck. The voyage lasted for about five days. We were carrying no food and were given neither food nor water by the guards for the whole of this time. The only sustenance we received was a slice of bread each about half an inch thick which was given to us by the Dutch Red Cross as we passed through a place which I thought was Rotterdam. There were also some French Prisoners of war who were well supplied with food but they did not help us out. Mutual recriminations lead to friction and the British were put under hatches for several hours. We were all very played out and several men fainted. On disembarkation we were given food. Subsequently we proceeded by train to a distributing centre from which I was sent to the Prisoners of War Camp aforementioned.

SWORN at Milburn House)
)
)
 • City and) J. GOLDIE
 in the/County of Newcastle-upon-Tyne)
 this 17th day of September 1943)

Before me,

HENRY INGLEDEW

A Commissioner for Oaths

Re BRUTALITY TOWARDS AND THE
TREATMENT OF BRITISH
PRISONERS OF WAR BY GERMAN
MILITARY PERSONNEL ON THEIR
WAY FROM FRANCE AND BELGIUM

Certified Copy/

A F F I D A V I T

- of -

JAMES MUIR LANG GOLDIE, D.C.M.

CERTIFIED to be a true copy of
the original Affidavit.

D. Hardall.

Treasury Solicitor's Department,
Storey's Gate,
St. James's Park, S.W.1.
27th September, 1943

THE TREASURY SOLICITOR

I N T H E M A T T E R of THE TREATMENT OF BRITISH PRISONERS OF WAR BY GERMAN MILITARY PERSONNEL ON THEIR WAY FROM FRANCE AND BELGIUM TO GERMANY CONTRARY TO THE PRINCIPLES OF INTERNATIONAL LAW and IN PARTICULAR ARTICLES 2, 4, 6, 7, 9, 11 and 31 of THE INTERNATIONAL CONVENTION MADE AT GENEVA JULY 27th, 1929 in RELATION TO PRISONERS OF WAR

I, WILLIAM MACFARLANE, D.C.M., No. 2977912, Private, 11th Battalion Argyll and Sutherland Highlanders at present stationed at Barrow in Furness, Lancashire, make oath and say as follows :-

1. I enlisted in the Argyll and Sutherland Highlanders on January 8th 1931. I was on service in Hong Kong and China with the 2nd Battalion from July 1931 to sometime in 1933 when the Battalion was transferred to India. While in India I saw service in the Gallani (North West Frontier) campaign in 1935 and in the Waziristan Campaign in 1937. During the latter campaign I was wounded.
2. I went on to the Reserve on January 8th 1938 and was recalled to the Colours on the outbreak of war on September 3rd 1939. I went to France on draft to the 7th Battalion ("C" Company) at the beginning of 1940.
3. In April and May 1940 the Battalion was on duty in part of the outpost line to the Maginot Line but we were withdrawn and sent to Abbeville to meet a German threat due to the out-flanking movement by German forces.
4. The Battalion went into action on the early morning of June 3rd or 4th 1940 and after fierce fighting in which heavy casualties were sustained the remnants were surrounded and compelled to surrender. I thus became a Prisoner of war and in due course was sent to a Prisoners of War Camp near Jena in Germany. This camp was known as stalag IX C.
5. On our way to the Prisoners of War camp aforesaid we were marched into Belgium and through Belgium to Holland to

a river which I took to be the Rhine. This march occupied about three weeks during which time only occasional rations were supplied consisting of a small amount of dark brown beans and a piece of mouldy black bread. We were mainly dependent upon food and drink supplied to us by the civilian population as we passed through towns and villages.

8. When we arrived at the river to which I have already referred we were very exhausted. Nevertheless we were put on barges without food, some of us including myself under hatches and the others on deck. The barges were grossly overcrowded and we were on them for about five days. We were carrying no food and were given neither food nor water by the guards for the whole of this time. The only sustenance we received was a slice of bread each about half an inch thick and not much bigger if at all than half a slice from a standard English tin loaf which was given to us by the Dutch Red Cross as I was informed and verily believe. We were all almost at our last gasp and several men fainted. On disembarkation we were given food and proceeded by train to a distributing centre from which I was sent with others to the Prisoners of War Camp aforesaid.

SWORN at

.

in the County of

this day of 1943)

Before me,

Re THE TREATMENT OF BRITISH
PRISONERS OF WAR BY GERMAN
MILITARY PERSONNEL ON THEIR
WAY FROM FRANCE AND BELGIUM
TO GERMANY

A F F I D A V I T
- of -
WILLIAM MACFARLANE, D.C.M.

THE TREASURY SOLICITOR

PARTICULARS OF ALLEGED CRIME

Nothing requires to be added to the short statement of facts which are taken from the affidavit of James Muir Lang Goldie, D.C.M. No. 2985254 Pte. 2nd Battalion Argyll and Sutherland Highlanders, copy of which is attached hereto.

No. 2977912 Private William MacFarlane, D.C.M., 11th Battalion Argyll and Sutherland Highlanders also gave information which was embodied in a draft affidavit which was approved by him. Before it was sworn he was sent overseas. A copy is attached. Proof can be given that the statements contained therein are facts to which Private MacFarlane was prepared to swear.

PARTICULARS OF EVIDENCE IN SUPPORT

The evidence^s contained in attached affidavit and draft affidavit and no doubt the evidence of several witnesses will be available when the war is over and prisoners of war are released.

Privates Goldie and Macfarlane whose statements have been referred to are expected to be available as witnesses in person.

No doubt there will be other witnesses at the end of hostilities.

Should Private Goldie not be available his affidavit should be admissible.

Similarly the contents of the affidavit proposed to be sworn by Private MacFarlane should be admitted to proof.

Both these men made reports to the War Office Prisoners of War Department in the course of duty on their return to this country. Evidence of such statements should also be admissible. They are summarised in the note dated 23rd October 1942 referred to in other cases which is headed "German breaches of international Law which have not been the subject of protest through the Foreign Office to the Protecting Power". MacFarlane's report dealt mainly with another matter, but his reliability as that of Goldie is described as good.

NOTES ON THE CASE

(Under this heading should be included the view taken as to (a) the degree of responsibility of the accused in view of his official position, e.g., was offence committed on the offender's own initiative, or in obedience to orders, or in carrying out a system approved by authority or a legal provision; (b) the probable defence; (c) whether the case appears to be reasonably complete.)

It is submitted that no doubt can be entertained of the central fact namely transportation by barge from Holland, or possibly Belgium to Germany. The food conditions testified to in many other cases provide evidence of systematic semi-starvation of prisoners of war which affords strong corroboration of the statements of these two men.

With two reliable witnesses available, subject to the vicissitudes of war, the case may be said to be complete.

Of those accused, while none can escape responsibility, the officer in charge of inland water transport would seem to bear the greater degree in a case of this kind.

NOTES ON THE CASE

(Under this heading should be included the view taken as to (a) the degree of responsibility of the accused in view of his official position, e.g., was offence committed on the offender's own initiative, or in obedience to orders, or in carrying out a system approved by authority or a legal provision ; (b) the probable defence ; (c) whether the case appears to be reasonably complete.)

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With two reliable witnesses available, subject to the vicissitudes of war, the case may be said to be complete.

Of those accused, while none can escape responsibility, the officer in charge of inland water transport would seem to bear the greater degree in a case of this kind.

210/UK/G/63

Submitted Decision of Committee I

No. 8. 144

all B2 B.

210/UK/G/63

(For the Use of the Secretariat)

Registered Number.

Date of receipt in Secretariat.

210/UK/G/63

4 AUG 1941

UNITED NATIONS WAR CRIMES COMMISSION

UNITED KINGDOM CHARGES AGAINST GERMAN WAR CRIMINALS

CHARGE No. UK - G/B 49 *

<p>Name of accused, his rank and unit, or official position.</p> <p>(Not to be translated.)</p>	<p>Names and units are unknown but their positions from which approximate ranks may be inferred, were as follows:-</p> <ol style="list-style-type: none">1. The Army Commander or Area Commandant at Walsoorden on 29th June 19402. The officer in charge of inland water transport from Walsoorden to Germany on 29th June 19403. The officer in control of prisoners of war on the S.S. "Konigin Emma" on 29th June 1940.
<p>Date and place of commission of alleged crime.</p>	<p>29th June 1940 and following days. On route by S.S. "Konigin Emma" from Walsoorden to Germany.</p>
<p>Number and description of crime in war crimes list.</p> <p>References to relevant provisions of national law.</p>	<p>No.xxix. Ill-treatment of prisoners of war.</p> <p>The acts complained of constitute infringement of Articles 2 and 11 of the Geneva Convention 1929, relating to the treatment of prisoners of war.</p> <p>Neglect of duty towards persons for whose reasonable maintenance they were responsible.</p>

SHORT STATEMENT OF FACTS.

300 British and 700 French prisoners of war were packed on to a small paddle-steamer, the "Konigin Emma". The holds were full and the deck too crowded to permit of lying down. There were no sanitary arrangements. The food was bad. The journey lasted 40 hours.

TRANSMITTED BY

* Insert serial number under which the case is registered in the files of the National Office of the accusing State.

(26932) W.P.1505 1129 500 144 A.S.F.W.L.L. Cp.685
(26921) W.P.1817 P.1139 5,000 3-41

PARTICULARS OF ALLEGED CRIME

A British prisoner, or British prisoners, of war in Oflag IX A/H gave a statement to General Fortune of their experiences on this voyage of which the following is an extract:-

"On 29th June 1940 at Walscoorden, a party of 300 British officer prisoners of war and 700 French were embarked in the "Konigin Emma", a small paddle-steamer. The accommodation space was quite inadequate, the holds being full and the deck so crowded that it was not possible for all to lie down. The journey took 40 hours. There were no sanitary arrangements, the only facility being a perch on the side of the ship. Many of the loaves issued were so mouldy as to be uneatable".

PARTICULARS OF EVIDENCE IN SUPPORT

It is presumed that the officer or officers who gave the above statement to General Fortune will be available to give evidence. The facts set out above are contained in a letter of 26.11. 42 from General Fortune to the Swiss Legation in Berlin.

This letter, which has been referred to in other cases, collects 40 reported war crimes committed by the Germans of which four relate to offences committed against prisoners of war on their way to Germany and are accordingly included in this series of cases.

NOTES ON THE CASE

(Under this heading should be included the view taken as to (a) the degree of responsibility of the accused in view of his official position, e.g., was offence committed on the offender's own initiative, or in obedience to orders, or in carrying out a system approved by authority or a legal provision ; (b) the probable defence ; (c) whether the case appears to be reasonably complete.)

On the assumption that the facts were as above the offence is clear.

It is not to be supposed that the fact of this transfer by boat to Germany would not be correct or that the conditions which were characteristic of the German attitude towards prisoners of war, particularly British prisoners of war, were not substantially accurate.

It is expected that considerable further evidence will be available.

211/UK/G/64

Submitted Decision of Committee I

16.8.44

all B2

211/UK/G/64

(For the Use of the Secretariat)

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211/UK/G/64

4 AUG 1941

UNITED NATIONS WAR CRIMES COMMISSION

BRITISH (UK) CHARGES AGAINST GERMAN WAR CRIMINALS

CHARGE No. UK - G/B 50 *

Name of accused, his rank and unit, or official position. (Not to be translated.)	Names and units of accused are unknown but the positions held by them, from which their ranks may be inferred approximately were as follows :- 1. The Army Commander or Area Commandant at Lokeren on 12th August 1940 2. The officer in charge of inland water transport from Lokeren to Germany 12th August 1940. 3. The officer in control of prisoners of war on the barge in which prisoners of war were conveyed from Lokeren to Germany 12th August 1940
Date and place of commission of alleged crime.	12th August 1940 and the following days. On route by barge from Lokeren to Emmerich.
Number and description of crime in war crimes list.	No. xxix. Ill-treatment of prisoners of war.
References to relevant provisions of national law.	The acts complained of constitute infringement of Article 2 of the Geneva Convention 1929, relating to the treatment of prisoners of war.

SHORT STATEMENT OF FACTS.

About 1000 British prisoners of war (of all ranks) were embarked on a coal barge with French black troops. Crowding was great and there was no room to lie down. The journey lasted 48 hours.

TRANSMITTED BY.....

* Insert serial number under which the case is registered in the files of the National Office of the accusing State.

(26852) W.P.1505/1120 500 144 A.&E.W.Lt.I. Cp.685
(26924) W.P.1817/P.1139 5,000 3-44

PARTICULARS OF ALLEGED CRIME

A British prisoner, or British prisoners of war in Oflag IX A/H. gave an account of their experiences to Brigadier Somerset of which the following is an extract:-

"On 12th August 1940, approximately 1000 officers and men were embarked on a coal barge at Lokeren en route for Emmerich. They were very crowded and there was no separate accommodation for officers. At night there was no room to lie down, and if the hatches were opened for air the rain poured in. Black French Colonial Troops were in the same hold as British Officers. The duration of the journey was 48 hours"

No other detail is at present available.

PARTICULARS OF EVIDENCE IN SUPPORT

It is presumed that the officer, or officers, who gave the above statement to Brigadier Somerset will be available to give evidence. The facts set out above are contained in a letter of 26.11.42 from Brigadier Somerset to the Swiss Legation at Berlin. This letter collects 12 reported crimes committed by the Germans of which 4 relate to offences committed against prisoners of war on their way to Germany, and are accordingly included in this series of cases.

NOTES ON THE CASE

(Under this heading should be included the view taken as to (a) the degree of responsibility of the accused in view of his official position, e.g., was offence committed on the offender's own initiative, or in obedience to orders, or in carrying out a system approved by authority or a legal provision ; (b) the probable defence ; (c) whether the case appears to be reasonably complete.)

In addition to being an offence under Article 2 of the convention relating to prisoners of war, on grounds of inhumanity, the action of the German authorities is open to criticism on other grounds. However liberal the view of British officers may have been towards prisoners of war of other nationality and race, the action was intended to humiliate them.

It is expected that further evidence will be available in due course.

313/UK/G/68

RENPE, Wilhelm

WATSLAWEK, Franz

Submitted Decision of Committee I

27.9.44

Part C B

313/UK/G/68

(For the Use of the Secretariat)

Registered Number.

Date of receipt in Secretariat.

313/UK/G/68

1944

UNITED NATIONS WAR CRIMES COMMISSION

BRITISH CHARGES AGAINST GERMAN WAR CRIMINALS

CHARGE No. UK - G/B 68 *

<p>Name of accused, his rank and unit, or official position.</p> <p>(Not to be translated.)</p>	<p>(1) Fahrsteiger Wilhelm Rempe in charge on the 25th February 1943 of prisoners working in the mines at Jaworzno</p> <p>(2) Hilfposten Franz Watslawek, a guard at the same date and place</p>
<p>Date and place of commission of alleged crime.</p>	<p>25th February 1943 Jaworzno</p>
<p>Number and description of crime in war crimes list.</p> <p>References to relevant provisions of national law.</p>	<p>(1) Murder Murder or Manslaughter</p>

SHORT STATEMENT OF FACTS.

The second accused shot dead Private Isaac Zassler, a Palestinian prisoner of war.

TRANSMITTED BY.....

* Insert serial number under which the case is registered in the files of the National Office of the accusing State.

(20352) W.P.1505.1120 500 1/44 A. & E.W.Ltd. Cp.685
 (20024) W.P.1817.P.1139 5,000 3/44

PARTICULARS OF ALLEGED CRIME

Particulars of this case are contained in a report by R.S.M.S. Sherriff, No. 10,775, who may be presumed to have been the man of confidence, which may be summarised as follows :-

On the 25th February 1943, Zassler proceeded with Working Party R. 561 to the pit at Jaworzno, at which the party were working. On arrival Zassler did not take up his work, and upon search being made was found by the first accused, Rempe, lying on his chest in the locomotive shed suffering, as he alleged, from pains in his leg. He had not reported sick that morning. Rempe telephoned to the surface of the pit to Unteroffizier Kalenski, who thereupon came down and ordered Zassler to work, which he then did "with good will". Kalenski then returned to the surface, but descending again some time later to see that all was well found that the second accused, Watslawek had shot Zassler dead. According to their own account Rempe and Watslawek directed Zassler to change his place of work, the latter actually going with him (armed with his rifle) to show him where to resume work. On the way Zassler turned on him, grasped his tie and threatened to strike him with his pit lamp. Watslawek then fired three shots all of which hit Zassler in the head and killed him instantly.

PARTICULARS OF EVIDENCE IN SUPPORT

There were so far as is known at present no British witnesses of this event, R.S.M. Sherriff's report is based on a report made to him by the Germans. It is possible, however, that some other members of the Working party in question can throw some light on the matter when they emerge from captivity.

Copy supplied by the War Office of R.S.M. Sherriff's report contained in a note of the British Legation at Berne dated 27th July 1943 (Ref. xxi/350/43) is attached to the last case. The relative extract has been copied and is attached.

Copy of the German Memorandum addressed to the Swiss Legation (K.W. 2/48. No. R 10,664 dated 15th June 1943) is attached.

NOTES ON THE CASE

(Under this heading should be included the view taken as to (a) the degree of responsibility of the accused in view of his official position, e.g., was offence committed on the offender's own initiative, or in obedience to orders, or in carrying out a system approved by authority or a legal provision ; (b) the probable defence ; (c) whether the case appears to be reasonably complete.)

This case is based largely on inference. The admitted fact, however, is that Hilfposten Franz Watslawek shot and killed Signalsman Zassler.

This, it is submitted, is a case of unnecessary use of force. It is unlikely that a man armed with a rifle, and with comrades no doubt within call, should need to shoot dead a man who is attacking him with a pit lamp. Moreover it appears that the accused shot the deceased three times. It is also matter for unfavourable comment that neither Watzlawek or Rempe reported the occurrence to Kalenski at the surface. It is arguable that this indicated that they felt no great confidence in their position.

It may possibly be that Rempe was entirely innocent of the whole affair, but since he was in charge of the workers underground it seems logical to couple his name with that of Watslawek in this charge. But as regards Watslawek there is a prima facie case which he is called upon to meet.

NOTES ON THE CASE

(Under this heading should be included the view taken as to (a) the degree of responsibility of the accused in view of his official position, e.g., was offence committed on the offender's own initiative, or in obedience to orders, or in carrying out a system approved by authority or a legal provision ; (b) the probable defence ; (c) whether the case appears to be reasonably complete.)

This case is based largely on inference. The admitted fact, however, is that Hilfposten Franz Watslawek shot and killed Signalman Zassler.

This, it is submitted, is a case of unnecessary use of force. It is unlikely that a man armed with a rifle, and with comrades no doubt within call, should need to shoot dead a man who is attacking him with a pit lamp. Moreover it appears that the accused shot the deceased three times. It is also matter for unfavourable comment that neither Watzlawek or Rempe reported the occurrence to Kalenski at the surface. It is arguable that this indicated that they felt no great confidence in their position.

It may possibly be that Rempe was entirely innocent of the whole affair, but since he was in charge of the workers underground it seems logical to couple his name with that of Watslawek in this charge. But as regards Watslawek there is a prima facie case which he is called upon to meet.

316/UK/6/71

1. Officers i/c train, Oflag IX A/H. Spangenberg to Wehrburg
2. Officers in control of POW
3. other ranks

Submitted Decision of Committee I

27.9.44

all B2 B

316/UK/6/71

TO:- The Treasury Solicitor

Warranes,
Hookley,
Essex.

Sept. 10. 1944

Statement by Capt. G. S. Lowden, of this address,
regarding an assault by German soldiers on
British Officer, P.O. about Oct/Nov. 1941

With reference to the incident to which you refer, I confirm that I was a member of the party of officers, several of whose names I append.

Briefly, the circumstances were as follows:-

1. We were ordered, impolitely, by a member of the guard to remove our boots and place them in the luggage rack.
2. We demanded an interpreter, who was fetched, and repeated the order, as a polite request.
3. We protested that the floor was too dirty for our stockinged feet, and requested that an officer be brought, to discuss the matter with us as officers.
4. The interpreter left, and a moment or two later several German soldiers burst into the compartment and proceeded savagely to beat us about with the butts of their rifles. Personally I was not struck - I was seated by the door, and in their eagerness to be amongst us they trooped past me and belaboured those further inside the carriage.
5. They were supported by a feldwebel, purple with teutonic excitement, with a drawn pistol with which he quelled our objections to being battered about. In my judgment he was eager to shoot, and some of our lives hung by a thread.
6. We placed our footwear on the rack, and subsided.
7. When we reached Warburg, Capt. Clough Taylor, who had been struck in the leg, was not sure of being able to get along on foot, but a friendly interpreter warned him he had better keep up somehow, as the feldwebel referred to in paragraph 5 was a hard case, was looking for an excuse to shoot one of us, and would undoubtedly do so if there were any sign of even straggling on the march.
8. Names of some others present:
Capt G.C. Wright, 9th Lancers
" Clough-Taylor (Gloucester Regt)
" F. Corfield, R.A.
" R. Mortimer (Coldstream or Grenadier Guards)
Lt. J. Surtees
" C. Rohme, R.O.Y.L.
Pl. Lt. Roland Allen, R.A.F. and a number of other R.A.F. Officers.
9. On arrival at Warburg we reported the episode to Brig. Somerset, the Senior Officer of our party.

(sgd) GUY S. LOWDEN.

TO:- The Treasury Solicitor

Warrennes,
Hookley,
Essex.

Sept. 10. 1944

Statement by Capt. G. S. Lowden, of this address,
regarding an assault by German Soldiers on
British Officer, P.O.W. about Oct/Nov. 1941

With reference to the incident to which you refer, I confirm that I was a member of the party of officers, several of whose names I append.

Briefly, the circumstances were as follows:-

1. We were ordered, impolitely, by a member of the guard to remove our boots and place them in the luggage rack.
2. We demanded an interpreter, who was fetched, and repeated the order, as a polite request.
3. We protested that the floor was too dirty for our stockinged feet, and requested that an officer be brought, to discuss the matter with us as officers.
4. The interpreter left, and a moment or two later several German soldiers burst into the compartment and proceeded savagely to bash us about with the butts of their rifles. Personally I was not struck - I was seated by the door, and in their eagerness to be amongst us they trampled past me and belaboured those further inside the carriage.
5. They were supported by a feldwebel, purple with teutonic excitement, with a drawn pistol with which he quelled our objections to being battered about. In my judgment he was eager to shoot, and some of our lives hung by a thread.
6. We placed our footwear on the rack, and subsided.
7. When we reached Warburg, Capt. Clough Taylor, who had been struck in the leg, was not sure of being able to get along on foot, but a friendly interpreter warned him he had better keep up somehow, as the feldwebel referred to in paragraph 5 was a hard case, was looking for an excuse to shoot one of us, and would undoubtedly do so if there were any sign of even straggling on the march.
8. Names of some others present:
Capt G.C. Wright, 9th Lancers
" Clough-Taylor (of Gloucester Regt?)
" F. Corfield, R.A.
" R. Mortimer (Coldstream or Grenadier Guards)
Lt. J. Burtees
" C. Rohme, R.O.Y.A.
Pl. Lt. Roland Allen, R.A.F. and a number of other R.A.F. Officers.
9. On arrival at Warburg we reported the episode to Brig. Somerset, the Senior Officer of our party.

(sgd) GUY S. LOWDEN.

TO:- The Treasury Solicitor

Harrennes,
Hockley,
Essex.

Sept. 10. 1944

Statement by Capt. G. L. Lowden, of this address,
regarding an assault by German soldiers on
British Officer, R.A.F. about Oct/Nov. 1941

With reference to the incident to which you refer, I confirm that I was a member of the party of officers, several of whose names I append.

Briefly, the circumstances were as follows:-

1. We were ordered, impolitely, by a member of the guard to remove our boots and place them in the luggage rack.
2. We demanded an interpreter, who was fetched, and repeated the order, as a polite request.
3. We protested that the floor was too dirty for our stockinged feet, and requested that an officer be brought, to discuss the matter with us as officers.
4. The interpreter left, and a moment or two later several German soldiers burst into the compartment and proceeded savagely to bash us about with the butts of their rifles. Personally I was not struck - I was seated by the door, and in their eagerness to be amongst us they trooped past me and belaboured those further inside the carriage.
5. They were supported by a feldwebel, purple with teutonic excitement, with a drawn pistol with which he quelled our objections to being battered about. In my judgment he was eager to shoot, and some of our lives hung by a thread.
6. We placed our footwear on the rack, and subsided.
7. When we reached Harburg, Capt. Clough Taylor, who had been struck in the leg, was not sure of being able to get along on foot, but a friendly interpreter warned him he had better keep up somehow, as the feldwebel referred to in paragraph 5 was a hard case, was looking for an excuse to shoot one of us, and would undoubtedly do so if there were any sign of even straggling on the march.
8. Names of some others present:
Capt. G.C. Wright, 9th Lancers
" Clough-Taylor (Gloucester Regt)
" F. Corfield, R.A.
" R. Mortimer (Coldstream or Grenadier Guards)
Lt. J. Surtees
" C. Rohme, R.O.Y.L.
Fl. Lt. Roland Allen, R.A.F. and a number of other R.A.F. Officers.
9. On arrival at Harburg we reported the episode to Brig. Somerset, the Senior Officer of our party.

(sgd) GUY L. LOWDEN.

TO:- The Treasury Solicitor

Warrennes,
Hookley,
Essex.

Sept. 10. 1944

Statement by Capt. G. . . Lowden, of this address,
regarding an assault by German soldiers on
British Officer, P.O. . . about Oct./Nov. 1941

With reference to the incident to which you refer, I confirm that I was a member of the party of officers, several of whose names I append.

Briefly, the circumstances were as follows:-

1. We were ordered, impolitely, by a member of the guard to remove our boots and place them in the luggage rack.
2. We demanded an interpreter, who was fetched, and repeated the order, as a polite request.
3. We protested that the floor was too dirty for our stockinged feet, and requested that an officer be brought, to discuss the matter with us as officers.
4. The interpreter left, and a moment or two later several German soldiers burst into the compartment and proceeded savagely to bash us about with the butts of their rifles. Personally I was not struck - I was seated by the door, and in their eagerness to be amongst us they trampled past me and belaboured those further inside the carriage.
5. They were supported by a feldwebel, purple with teutonic excitement, with a drawn pistol with which he quelled our objections to being battered about. In my judgment he was eager to shoot, and some of our lives hung by a thread.
6. We placed our footwear on the rack, and subsided.
7. When we reached Warburg, Capt. Clough Taylor, who had been struck in the leg, was not sure of being able to get along on foot, but a friendly interpreter warned him he had better keep up somehow, as the feldwebel referred to in paragraph 5 was a hard case, was looking for an excuse to shoot one of us, and would undoubtedly do so if there were any sign of even straggling on the march.
8. Names of some who were present:
Capt G.C. Bright, 9th Lancers
" Clough-Taylor (Gloucester regt)
" F. Corfield, R.A.
" A. Mortimer (Coldstream or Grenadier Guards)
Lt. J. Hurtess
" C. Rohme, A.S.Y.S.
Pl. Lt. Roland Allen, R.A.S. and a number of other R.A.S. officers.
9. On arrival at Warburg we reported the episode to Brig. Somerset, the Senior Officer of our party.

(sgd) GUY . . .

(For the Use of the Secretariat)

Registered Number.

Date of receipt in Secretariat.

316/UK/G/71

1944

UNITED NATIONS WAR CRIMES COMMISSION

BRITISH CHARGES AGAINST GERMAN WAR CRIMINALS

CHARGE No. UK - G/B 71 *

Name of accused, his rank and unit, or official position. <i>(Not to be translated.)</i>	The name, rank and units of accused persons are unknown but the accused should be identifiable by their positions, which were as follows :- 1. The Officer in command of the train by which prisoners of war from Oflag IX A/H Spangenburg were sent to Warburg on 10th October 1941 2. Officers and other ranks in immediate control of prisoners of war on the said journey and in particular those in charge of the coach in which the events occurred which resulted in the present charge.
Date and place of commission of alleged crime.	10th October 1941 On journey by rail from Spangenburg to Warburg
Number and description of crime in war crimes list. References to relevant provisions of national law.	No. xxix - Ill-treatment of prisoners of war The acts complained of constitute infringement of Article 2 of the Geneva Convention, 1929, relating to the treatment of prisoners of war. Assault.

SHORT STATEMENT OF FACTS.

British officers were ordered to take their boots off and put them on the rack. As a result of their demurring at this order due to the state of the floor, they were beaten with rifle butts by the guards.

TRANSMITTED BY.....

* Insert serial number under which the case is registered in the files of the National Office of the accusing State.

(26352) W.P.1505/1120 500 144 A.&E.W.L.L. Cp.685
(26924) W.P.1817/P.1139 5,000 344

TO:- The Treasury Solicitor

Warrennes,
Hockley,
Essex.

Sept. 10. 1944

Statement by Capt. G.S. Lowden, of this address,
regarding an assault by German Soldiers on
British Officer, P.O.W. about Oct/Nov. 1941

With reference to the incident to which you refer, I confirm that I was a member of the party of officers, several of whose names I append.

Briefly, the circumstances were as follows:-

1. We were ordered, impolitely, by a member of the guard to remove our boots and place them in the luggage rack.
2. We demanded an interpreter, who was fetched, and repeated the order, as a polite request.
3. We protested that the floor was too dirty for our stockinged feet, and requested that an officer be brought, to discuss the matter with us as officers.
4. The interpreter left, and a moment or two later several German soldiers burst into the compartment and proceeded savagely to bash us about with the butts of their rifles. Personally I was not struck - I was seated by the door, and in their eagerness to be amongst us they trampled past me and belaboured those further inside the carriage
5. They were supported by a feldwebel, purple with teutonic excitement, with a drawn pistol with which he quelled our objections to being battered about. In my judgment he was eager to shoot, and some of our lives hung by a thread.
6. We placed our footwear on the rack, and subsided.
7. When we reached Warburg, Capt. Clough Taylor, who had been struck in the leg, was not sure of being able to get along on foot, but a friendly interpreter warned him he had better keep up somehow, as the feldwebel referred to in paragraph 5 was a hard case, was looking for an excuse to shoot one of us, and would undoubtedly do so if there were any sign of even straggling on the march.
8. Names of some others present:
 - Capt S.C. Wright, 9th Lancers
 - " Clough-Taylor (Q Gloucester Regt?)
 - " F. Corfield, R.A.
 - " R. Mortimer (Coldstream or Grenadier Guards)
 - Lt. J. Surtees
 - " C. Rohme, K.O.Y.L.
 - Fl. Lt. Roland Ellen, R.A.F. and a number of other R.A.F. Officers.
9. On arrival at Warburg we reported the episode to Brig. Somerset, the Senior Officer of our party.

(Sgd) GUY S. LOWDEN.

PARTICULARS OF ALLEGED CRIME

Prisoners of war in Oflag IX A/H gave a statement of their experiences to Brigadier Somerset of which the following is an extract :-

"On 10th October 1941 during the train journey from Spangenburg to Warburg whilst playing bridge in the railway carriage, we were ordered to take our boots off. This we did, but when we were further ordered to put them on the rack, we demurred because of the filthy state of the floor, and asked to see an officer. When the train stopped at Kassel one of the guards jumped out and spoke to an N.C.O. who came back and the guard then proceeded to beat us up with rifle-butts. There were no breakages of limbs but several officers received injuries".

Since then one of the officers who made the Complaint has been repatriated.

He is Captain Guy Stuart Lowden, The York and Lancaster Regiment.

Copy of a statement of the facts, prepared by him to which he will testify in person or by affidavit, as required, is attached.

PARTICULARS OF EVIDENCE IN SUPPORT

Captain Lowden is available as a witness and presumably other officers who joined in giving the above information to Brigadier Somerset will be available. The summary which was made by Brigadier Somerset was contained in his letter of the 26.11.42 to the Swiss Legation at Berlin.

The letter collects 12 reports of war crimes committed by the Germans in various parts of Europe.

Brigadier Somerset would not have made such statements if he had not been satisfied that the allegations were well founded.

As has already happened in this case through the circumstance of Captain Lowden being put in touch with the British National Office in another connection (see UK - G/B 69)

NOTES ON THE CASE

(Under this heading should be included the view taken as to (a) the degree of responsibility of the accused in view of his official position, e.g., was offence committed on the offender's own initiative, or in obedience to orders, or in carrying out a system approved by authority or a legal provision ; (b) the probable defence ; (c) whether the case appears to be reasonably complete.)

Article 2 of the Convention relating to prisoners of war very clearly enjoins on the captor the duty of not inflicting ill treatment upon prisoners of war.

If the sanctity of international Conventions is to be maintained, it is thought that the lesser offences against their provisions cannot be safely ignored. Moreover it is suggested that the steady application of just punishment by reaching personally a large section of enemy offenders will in the long run have a more widespread effect.

International Conventions, though having no expressed sanctions, represent attempts to codify recognised Laws and Usages of War.

Clearly armed forces whose members have suffered by reason of breaches of such Laws and Usages have the right to impose appropriate punishment.

It might be considered to be unfortunate if the educative value of the correct exercise of this right were ignored in cases where the offence is clear and identification should be possible in due course. Captain Lowden's statement makes it clear that there can be no defence.

NOTES ON THE CASE

(Under this heading should be included the view taken as to (a) the degree of responsibility of the accused in view of his official position, e.g., was offence committed on the offender's own initiative, or in obedience to orders, or in carrying out a system approved by authority or a legal provision; (b) the probable defence; (c) whether the case appears to be reasonably complete.)

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If the sanctity of international Conventions is to be maintained, it is thought that the lesser offences against their provisions cannot be safely ignored. Moreover it is suggested that the steady application of just punishment by reaching personally a large section of enemy offenders will in the long run have a more widespread effect.

International Conventions, though having no expressed sanctions, represent attempts to codify recognised Laws and Usages of War.

Clearly armed forces whose members have suffered by reason of breaches of such Laws and Usages have the right to impose appropriate punishment.

It might be considered to be unfortunate if the educative value of the correct exercise of this right were ignored in cases where the offence is clear and identification should be possible in due course. Captain Lowden's statement makes it clear that there can be no defence.

328/UK/G/74

Submitted Decision of Committee
11. x. 44
Brt C

1. Committee of Reception Camp at Woking
2. A German soldier

328/UK/G/74

(For the Use of the Secretariat)

Registered Number.

Date of receipt in Secretariat.

328/UK/G/74

6 October 1944

UNITED NATIONS WAR CRIMES COMMISSION

BRITISH CHARGES AGAINST GERMAN WAR CRIMINALS

CHARGE No. UK - G/B 72 *

Name of accused, his rank and unit, or official position. (Not to be translated.)	The name, rank and units of accused persons are unknown but the accused should be identifiable by their positions, which were as follows :- 1. The Commandant of the reception camp at Warburg on or about 13th October 1941 2. A German soldier who at the above time and place struck a British Officer with his rifle butt and broke his arm.
Date and place of commission of alleged crime.	13th October 1941 Warburg
Number and description of crime in war crimes list. References to relevant provisions of national law.	No. xxix - Ill-treatment of prisoners of war. The act complained of constitutes infringement of Article 2 of the Geneva Convention 1864, relating to the treatment of prisoners of war. Assault.

SHORT STATEMENT OF FACTS.

A German soldier struck a British Officer with his rifle butt and broke his arm.

TRANSMITTED BY.....

* Insert serial number under which the case is registered in the files of the National Office of the accusing State.

(26352) W.L.P.1505/1120 500 1/44 A.S.E.W.L.11 Cp.685
(26924) W.L.P.1817/P.1139 5,000 3/44 " " "

PARTICULARS OF ALLEGED CRIME

A British prisoner of war in Oflag IX A/H gave an account of his experiences to Brigadier Somerset of which the following is an extract :-

"On 13th October 1941, whilst awaiting a search in the reception camp at Warburg I saw a German soldier reverse his rifle and strike the arm of a British officer. By this action the officer's arm was broken. The incident was witnessed by several other officers".

No other detail is at present available.

PARTICULARS OF EVIDENCE IN SUPPORT

It is presumed that the officer whose arm was broken, together with the officer who gave the above statement to Brigadier Somerset, and other witnesses of the assault, will be available to give evidence. The facts set out above are contained in a letter of 26.11.42 from Brigadier Somerset to the Swiss Legation at Berlin, setting out a list of 12 reported war crimes committed by the Germans in various parts of Europe.

NOTES ON THE CASE

(Under this heading should be included the view taken as to (a) the degree of responsibility of the accused in view of his official position, e.g., was offence committed on the offender's own initiative, or in obedience to orders, or in carrying out a system approved by authority or a legal provision ; (b) the probable defence ; (c) whether the case appears to be reasonably complete.)

The breach of the Geneva Convention relating to the treatment of prisoners of war, is clear, and the observations under this heading in UK - G/B 71 apply.

The identification of the Camp Commandant should present no difficulty and since surgical treatment will have been called for, sufficient attention will have been drawn to the matter to enable the second accused to be identified.

329/UK/G/75

1. Transport office at Eisenach
2. Manager of Goods Yard at Eisenach
3. Shunter's staff

Submitted Decision of Committee I

11. X. 44

all C B

329/UK/G/75

(For the Use of the Secretariat)

Registered Number.

Date of receipt in Secretariat.

329/UK/G/75

6 October 1942

UNITED NATIONS WAR CRIMES COMMISSION

BRITISH CHARGES AGAINST GERMAN WAR CRIMINALS

CHARGE No. UK - G/B 73 *

Name of accused, his rank and unit, or official position. (Not to be translated.)	The name, rank and units of accused persons are unknown but the accused should be identifiable by their positions, which were as follows :- 1. The Transport Officer at Eisenach, mid-July 1942 2. The Manager of the Goods Yard at Eisenach Station, mid-July 1942 3. The Shunting Staff at the same time and place who used a coach containing wounded officer prisoners of war for shunting purposes
Date and place of commission of alleged crime.	Mid-July 1942 At Eisenach
Number and description of crime in war crimes list. References to relevant provisions of national law.	No.xxix - Ill-treatment of wounded and prisoners of war The act complained of constitutes infringement of Article 2 of the Geneva Convention 1929, relating to the treatment of prisoners of war. Neglect of defenceless persons

SHORT STATEMENT OF FACTS.

A hospital coach containing 19 wounded R.A.F. officers was used as a "buffer coach" for shunting for 3 hours in the Eisenach Goods Yards.

TRANSMITTED BY.....

* Insert serial number under which the case is registered in the files of the National Office of the accusing State.

(26352) W.P.1505/1120 500 1/44 A.& E.W.Ltd. Cp.685
(26924) W.P.1817/P.1139 5,000 3/44 " " "

PARTICULARS OF ALLEGED CRIME

A British prisoner, or prisoners of war in Oflag IX A/H gave an account of their experiences to General Fortune of which the following is an extract :-

"At Eisenach, in Mid-July 1942 a hospital coach marked with a Red Cross containing 19 wounded R.A.F. officers, was taken from a siding and used for about 3 hours as a "buffer coach" by a shunting engine which was "making up" other trains. The coach was eventually put into another train. The German Feldwebel in charge of the prisoners of war had telephoned for permission to have the coach attached to a passenger train but had been told that it was to go attached to a goods train".

No other detail is at present available.

PARTICULARS OF EVIDENCE IN SUPPORT

It is presumed that the officer who gave the above statement to General Fortune will be available to give evidence. The facts set out above are contained in a letter of 26.11.42 from General Fortune to the Swiss Legation at Berlin, setting out a list of 12 reported war crimes committed by the Germans in various parts of Europe.

The Feldwebel in charge of prisoners of war may possibly be a witness.

NOTES ON THE CASE

(Under this heading should be included the view taken as to (a) the degree of responsibility of the accused in view of his official position, e.g., was offence committed on the offender's own initiative, or in obedience to orders, or in carrying out a system approved by authority or a legal provision ; (b) the probable defence ; (c) whether the case appears to be reasonably complete.)

It is assumed that there was a military Transport Officer at this place who should be easily identifiable. The Manager of the Goods Yard at Eisenach Station and the Shunting Staff should also be identifiable since they would be in the permanent service of the railway subject to man-power requirements.

330/UK/G/76

1. Office in direction of transport and provisioning (from Cete)
2. Transport office at Suda Bay
3. Do. at Piraeus
4. Office of the SS Arcadia

Submitted Decision of Committee I

11. x. 44

all C B

330/UK/G/76

(For the Use of the Secretariat)

Registered Number.

Date of receipt in Secretariat.

330/UK/G/76

7th October 1944

UNITED NATIONS WAR CRIMES COMMISSION

BRITISH CHARGES AGAINST GERMAN WAR CRIMINALS

CHARGE No. UK - G/B 74 *

Name of accused, his rank and unit, or official position. <i>(Not to be translated.)</i>	The name, rank and units of accused persons are unknown but the accused should be identifiable by their positions, which were as follows :- (1) The Officer in supreme direction of the provisioning and transfer to the mainland of prisoners of war captured in Crete in May and June 1941 (2) The Transport Officer at Suda Bay, Crete, who embarked prisoners of war for Salonika by way of Piraeus on S.S. "Arcadia", on 23rd September 1941 (3) The Transport Officer at Piraeus who embarked on S.S. "Arcadia" for Salonika 350 prisoners of war in lieu of those who were disembarked at Piraeus (4) Officer in charge of prisoners of war on S.S. "Arcadia" between 23rd September 1941 and about 9th October 1941 when they arrived at Salonika.
Date and place of commission of alleged crime.	23rd September 1941 and the following days On route from Suda Bay to Piraeus and Salonika
Number and description of crime in war crimes list. References to relevant provisions of national law.	No. xxix - Ill-treatment of prisoners of war The acts complained of constitute infringement of Article 2 of the Geneva Convention 1929, relating to the treatment of prisoners of war. Assault, false imprisonment and neglect of defenceless persons.

SHORT STATEMENT OF FACTS.

About 350 British prisoners of war and 800 Greeks were embarked on the "Arcadia". All prisoners regardless of rank or health were placed in the ship's hold, without adequate provision for washing or sanitary arrangements. On arrival at Piraeus the fit prisoners of war plus another consignment of about 350 were kept on board under similar conditions until they were dispatched by sea to Salonika. Reprisals were threatened if any attempts to escape were made.

TRANSMITTED BY.....

* Insert serial number under which the case is registered in the files of the National Office of the accusing State.

(20352) W.P.1505/1120 500 1/44 A.&E.W.L.1. Cp.655
(20924) W.P.1817/10139 5,000 3/44

PARTICULARS OF ALLEGED CRIME

A British prisoner or prisoners of war in Oflag IX A/H gave an account of their experiences to Brigadier Somerset of which the following is an extract :-

"On 23rd September 1941, approximately 350 British prisoners of war, including 3 Lt. Colonels, 13 other officers, medical officers, sick, wounded and protected personnel, were embarked together with approximately 800 Greek soldiers, many of whom were seriously ill and wounded, in the ship "Arcadia" at Suda Bay, Crete.

All ranks were put into the holds of the ship without any distinction between fit, sick, wounded, Greeks or officers. There were no washing arrangements, and the only latrines were poles over the fore-part of the ship. On the deck, in full view of these latrine arrangements were three Greek women.

On arrival at Piraeus, the sick and wounded with one medical officer were transferred to an Italian Hospital ship and the Greeks were disembarked. The other British prisoners of war were taken ashore for one night and then re-embarked with a further 350 all ranks, mostly medical officers and medical personnel. The prisoners of war were on this ship under these conditions for 14 days until finally disembarked at Salonika. They were told on embarkation at Suda Bay that in the event of any attempted escape, ten men would be shot for every one that escaped".

No other detail is at present available.

PARTICULARS OF EVIDENCE IN SUPPORT

It is presumed that the officer or officers who gave the above statement will be available to give evidence. In addition there must be many other witnesses who will become available in due course.

The facts set out above are contained in a letter of 26.11.42 from Brigadier Somerset to the Swiss Legation at Berlin, setting out a list of 12 reported war crimes committed by the Germans in various parts of Europe.

Reference is also made to this episode in a letter of the same date from General Fortune to the Swiss Legation, but the account forwarded by Brigadier Somerset is the more detailed of the two.

NOTES ON THE CASE

(Under this heading should be included the view taken as to (a) the degree of responsibility of the accused in view of his official position, e.g., was offence committed on the offender's own initiative, or in obedience to orders, or in carrying out a system approved by authority or a legal provision ; (b) the probable defence ; (c) whether the case appears to be reasonably complete.)

It is expected that considerable further evidence will be available in regard to the treatment of prisoners of war on being transferred from Crete to Greece en route for Germany.

The gravity of the offence of the third accused is less than that of the second accused as owing to the number disembarked ~~accused~~ at Piraeus the accommodation was not so restricted. The conditions, however, were not improved.

Clearly there is an offence and it would appear that it should not be overlooked. (See remarks under this head in UK - G/B 71)

337/UK/G/79

1. Camp Commandant .
2. Officer or other rank

Submitted Decision of Committee I.

18.X.44

Both C ⁶

337/UK/G/79

(For the Use of the Secretariat)

Registered Number.

Date of receipt in Secretariat.

337/UK/G/79

10th October 1941

UNITED NATIONS WAR CRIMES COMMISSION

BRITISH

CHARGES AGAINST GERMAN

WAR CRIMINALS

CHARGE No. UK - G/B 77 *

Name of accused, his rank and unit, or official position. (Not to be translated.)	The name, rank and units of accused persons are unknown but the accused should be identifiable by their positions, which were as follows :- 1. The Camp Commandant of Prisoners of war at Corinth on the 4th June 1941. 2. The Officer or other rank in charge of the party of prisoners of war at Corinth on 4 th June 1941 subjected to delousing treatment in circumstances described below.
Date and place of commission of alleged crime.	4th June 1941 At Corinth.
Number and description of crime in war crimes list. References to relevant provisions of national law.	No. xxix - Ill-treatment of prisoners of war The acts complained of constitute infringement of Article 2 of the Geneva Convention, 1929, relating to the treatment of prisoners of war. Assault and neglect of defenceless persons.

SHORT STATEMENT OF FACTS.

About 90 British and Dominion officers were compelled to march barefooted and clad only in light drawers, through the town of Corinth to the sea-shore where they underwent a primitive form of "delousing". As part of this process they were compelled even when suffering from open wounds to go into the sea. They were also sprayed with creosote. They were then marched back again to camp through the town. Their clothes were not returned to them till more than 5 hours later, in fact after midnight.

TRANSMITTED BY.....

* Insert serial number under which the case is registered in the files of the National Office of the accusing State.

(20352) W.P.1505/1120 500 1/44 A.S.E.W.L.L. Cp.685
(20924) W.P.1817/P.1139 5,000 3/44

PARTICULARS OF ALLEGED CRIME

A British prisoner, or prisoners of war in Oflag IX ⁴/H gave a statement of their experiences to General Fortune of which the following is an extract :-

"On 4th June 1941, at Corinth, between 80 and 100 British and Dominion officers and a number of other ranks were assembled at the instigation of German camp authorities to undergo delousing treatment. At about 2.0 p.m. all their clothing and possessions were removed. All personnel were then issued with a pair of thin calico drawers. At about 5.0 p.m. the officers were marched under German guard through the camp, barefooted and clad only in the issued short drawers, thence along a main road and through the streets of an inhabited part of Corinth. The route through the camp was in full view of Jugoslavs, Italians, Indians and Palestinians and Cypriots of various ranks. The party was marched to a beach about 1½ miles from the camp and were then ordered to go into the sea water. At least one member of the party was suffering from an open wound. They were then marched along the beach over shingles to where a crude delousing plant was set up. Every officer was squirted on various parts of the body with a type of creosote solution. They were sent into the sea again and finally marched back to camp, again through a populated area, reaching camp at about 7.30 p.m. when a chill wind was blowing. Clothing and possessions were not returned till after midnight, reveille on 5th June being about 2 hours later"

No other details are at present available.

PARTICULARS OF EVIDENCE IN SUPPORT

It is presumed that the officer or officers who gave the above information to General Fortune will be available. Details of the case are contained in a letter of the 26.11.42 from General Fortunate to the Swiss Legation at Berlin.

The letter collects 40 reports of war crimes committed by the Germans in various parts of Europe.

NOTES ON THE CASE

(Under this heading should be included the view taken as to (a) the degree of responsibility of the accused in view of his official position, e.g., was offence committed on the offender's own initiative, or in obedience to orders, or in carrying out a system approved by authority or a legal provision ; (b) the probable defence ; (c) whether the case appears to be reasonably complete.)

This may seem a petty case but apart from the ill-treatment of a wounded man, it involves insult and humiliation of British and Dominions' officers. For reasons noted under this heading in UK - G/B 71 this case is included.

If the second accused cannot be identified the case will merely add a further incident reflecting the callous and insulting attitude of the Camp Commandant towards Prisoners of war.

338/UK/G/80

1. Officer in charge of provisioning etc.
2. Transport officer
3. Officers etc POW

Submitted Decision of Committee I

18.X.44

All C I

338/UK/G/80

(For the Use of the Secretariat)

Registered Number.

Date of receipt in Secretariat.

338/UK/G/80

10th October 1944

UNITED NATIONS WAR CRIMES COMMISSION

BRITISH CHARGES AGAINST GERMAN WAR CRIMINALS

CHARGE No. UK - G/B 78 *

Name of accused, his rank and unit, or official position. (Not to be translated.)	The name, rank and units of accused persons are unknown but the accused should be identifiable by their positions which were as follows :- (1) The officer in general charge of the arrangements for provisioning and accommodating prisoners of war captured in Greece in May and June 1941 on their transfer to Germany. (2) The Transport officer, Provost Marshal or other officer in immediate charge in May & June 1941 of transfer of prisoners of war from Salonika to Luckenwalde (3) Officers in charge of prisoners of war, on the said route or stages of the said route on the occasion of transfer of 22 British Officers in circumstances detailed below.
Date and place of commission of alleged crime.	Date as yet unknown but probably May or June 1941 En route from Salonika to Luckenwalde in Germany.
Number and description of crime in war crimes list. References to relevant provisions of national law.	No. xxix - Ill-treatment of prisoners of war. The acts complained of constitute infringement of Article 2. of the Geneva Convention 1929, relating to the treatment of prisoners of war. False imprisonment and neglect of defenceless persons.

SHORT STATEMENT OF FACTS.

During a 7 day journey from Salonika to Luckenwalde in Germany 22 British officers were shut in a cattle-truck without straw, washing or sanitary arrangements. Water was only supplied at irregular intervals and food was inadequate. No exercise was allowed. On arrival at Berlin the officers were marched through the streets in daylight in their unwashed and unshaved condition.

TRANSMITTED BY.....

* Insert serial number under which the case is registered in the files of the National Office of the accusing State.

(26252) W.P.1505/1120 500 144 A.S.E.W.L.L. Cp.685
(26024) W.P.1817/P.1139 5,000 344 " " "

PARTICULARS OF ALLEGED CRIME

A British prisoner, or British prisoners of war in Flag IX A/H gave a statement to General Fortune of their experiences on these occasions of which the following is an extract:-

"For a 7 day journey from Salonika to Luckenwalde (Germany) 22 British officer prisoners of war, including 2 Lieut.Colonels, many of them suffering from dysentery and diarrhoea, were accommodated in a cattle-truck without straw. There were no latrine arrangements and no washing arrangements. Drinking water was only available by favour of the German guard. During the whole journey they were not once allowed out for exercise. Doors of the trucks were kept closed travelling in Germany. 5 day's bread ration (11 to a loaf) was issued and 2 small tins of wurst and 4 biscuits per officer for the whole journey. The prisoners of war were later marched about 1½ miles in daylight in an unwashed and unshaven condition through the streets of Berlin carrying their kit".

No other detail is at present available.

PARTICULARS OF EVIDENCE IN SUPPORT

It is presumed that the officer or officers who gave the above statement to General Fortune will be available to give evidence. The facts set out above are contained in a letter of 26.11.42 from General Fortune to the Swiss Legation in Berlin setting out a list of 40 reported war crimes committed by the Germans in various parts of Europe.

PARTICULARS OF EVIDENCE IN SUPPORT

It is presumed that the officer or officers who gave the above statement to General Fortune will be available to give evidence. The facts set out above are contained in a letter of 26.11.42 from General Fortune to the Swiss Legation in Berlin setting out a list of 40 reported war crimes committed by the Germans in various parts of Europe.

NOTES ON THE CASE

(Under this heading should be included the view taken as to (a) the degree of responsibility of the accused in view of his official position, e.g., was offence committed on the offender's own initiative, or in obedience to orders, or in carrying out a system approved by authority or a legal provision ; (b) the probable defence ; (c) whether the case appears to be reasonably complete.)

Remarks made under this heading in UK - G/B 77 have the same application in this case.

The inference seems justified that there was machinery for dealing with prisoners of war taken in Crete and Greece and that the men in effect operating were likely not to have been changed very frequently. They should be easily traced in due course.

352/UK/G/80

Guard in POW camp in Corinth

Submitted Decision of Committee I

1. X. 44

~~Reported for term B~~
Adjourned

5 SEP 1945

C

Revised

352/UK/G/85

(For the Use of the Secretariat)

Registered Number.

Date of receipt in Secretariat.

352/UK/G/85

21st October 1944

UNITED NATIONS WAR CRIMES COMMISSION

BRITISH CHARGES AGAINST GERMAN WAR CRIMINALS

CHARGE No. UK - G/B 84 *

Name of accused, his rank and unit, or official position. (Not to be translated.)	The name, rank and units of accused persons are unknown but the accused should be identifiable by their positions, which were as follows :- The guard in the prisoners of war camp at Corinth who shot Corporal Ochs on 5th or 6th May, 1941.
Date and place of commission of alleged crime.	5th or 6th May, 1941. At Corinth, Greece.
Number and description of crime in war crimes list. References to relevant provisions of national law.	No. 1 Murder or No. xxix Ill-treatment of prisoners of war. Breach of Article 2 of Geneva Convention, 1929, relating to treatment of prisoners of war. Murder or wounding.

SHORT STATEMENT OF FACTS.

On the 5th or 6th May, 1941, Corporal Ochs, a Palestinian, was shot in the lung, while repairing the camp fences.

TRANSMITTED BY.....

* Insert serial number under which the case is registered in the files of the National Office of the accusing State.

(26852) W.P.1505/1129 500 1/11 A. & E.W.L.L. Gp.685
(26924) W.P.1817/P.1139 5,000 3/44

PARTICULARS OF ALLEGED CRIME

The only particulars of this case are contained in an addendum to War Office Memorandum No.443, which states:-

"At Corinth prisoners of war camp on the 5th or 6th May 1941, a German parachutist guard shot Corporal Ochs, a Palestinian, in the left lung, just above the heart, while he was repairing the fences round the camp by order of the German authorities".

No other details are as yet available.

PARTICULARS OF EVIDENCE IN SUPPORT

It is presumed that the prisoner, or prisoners, of war who made the above statement will be available to substantiate and supplement the evidence on which this charge is framed.

The source is said by the War Office memorandum to be "reliable". It does not appear whether Ochs is still alive or whether he died as a result of his wound.

The evidence of the Camp Commandant should be called for.

NOTES ON THE CASE

(Under this heading should be included the view taken as to (a) the degree of responsibility of the accused in view of his official position, e.g., was offence committed on the offender's own initiative, or in obedience to orders, or in carrying out a system approved by authority or a legal provision ; (b) the probable defence ; (c) whether the case appears to be reasonably complete.)

Assuming the necessary evidence becomes available in due course in support of the allegation, there will be a clear prima facie case of wounding, or if Corporal Ochs subsequently died, of murder.

It is probable that the accused will be identified as such a serious matter must have come to the notice of the authorities.

There is no connection as yet between the Camp Commandant and this crime. But the Camp Commandant must be called upon for such information as he may have upon this matter.

1. Officer in command of Luftwaffe (Crete)
2. Officer commanding parachute troops
3. Officer in command of a unit of the Luftwaffe
4. Officers in command of parachute troops
5. Officers and other ranks
6. Officers and other ranks who evicted staff of hospital

Submitted Decision of Committee I

1. 21. 46

~~Reported for~~ B

Advanced

28. 2. 45

1-6 C

Revised

Letters should be addressed to—
THE TREASURY SOLICITOR,
and the following reference quoted on the
cover and in the letter:

Telephone No.: WHITEHALL 1124
EXTENSION: 33
Telegraphic Address:
"PROCTOREX, LONDON."
Code used: A.B.C. 6TH EDN., 5 letter.



3.21 UK
STOREY'S GATE,
ST. JAMES'S PARK,
LONDON, S.W.1.

7th March 1946.

RECEIVED

11 MAR 1946

sd.....

With Mr. P. H. B. Kent's
compliments.

The Secretary-General,
United Nations War Crimes Commission,
Lansdowne House,
Berkeley Square,
W.1.

(Ref: my letter 1st March 1946.)

*his key
please find
out this
or ask for
a copy
inf.*

pro memoria

- 1) All the cases involved have been classified as 'C' cases and no additional information or request has been submitted by the N.O.
- 2) General K. Student has already been sentenced to 5 years imprisonment on minor charges, but found not guilty of the main charges submitted in the cases.
- 3) no action

13.5.46

lit.

28 February 1946

ND/JAG/PS/55/13(30)
55/14(92)
54/3(30)

CONFIDENTIAL

Commander-in-Chief,
British Army of the Rhine.

British National Office Charges G/B 87, 86, 85, 92, 91.
United Nations Charges Against German War Criminals.
War Crimes Committed in Crete.

Accused:- Kurt STUDENT.

1. I am directed by the Judge Advocate General of the Forces to forward this case to you. The charges have been registered with the United Nations War Crimes Commission as war crimes.

2. The Judge Advocate General has instructed me to convey to you the following advice regarding the case.

3. In my opinion the evidence justifies trial by Military Court under the Royal Warrant of the above-named accused upon the following charges:-

1st Charge COMMITTING A WAR CRIME

in that he

in the Kingdom of Greece on or about 22 May 1941 in violation of the laws and usages of war as Commander-in-Chief of the German Forces in Crete was responsible for the use of British prisoners of war as a screen for the advance of German troops when near MALEME on the Island of Crete troops under his command drove a party of British prisoners of war before them resulting in at least six of the said British prisoners of war being killed by the fire of British troops.

2nd Charge COMMITTING A WAR CRIME

in that he

in the Kingdom of Greece in May 1941 in violation of the laws and usages of war as Commander-in-Chief of the German Forces in Crete was responsible for the employment of British prisoners of war on prohibited work when at MALEME Aerodrome on the Island of Crete troops under his command compelled British prisoners of war to unload arms, ammunition and war-like stores from German aircraft.

3rd Charge COMMITTING A WAR CRIME

in that he

in the Kingdom of Greece on or about 23 May 1941 in violation of the laws and usages of war as Commander-in-Chief of the German Forces in Crete was responsible for the killing of British prisoners of war when at MALEME Aerodrome on the Island of Crete troops under his command shot and killed several British prisoners of war for refusing to do prohibited work.

4th Charge COMMITTING A WAR CRIME

in that he

/s/ the.....

in the Kingdom of Greece on or about 24 May 1941 in violation of the laws and usages of war as Commander-in-Chief of the German Forces in Crete was responsible for the bombing of No. 7 General Hospital which near GALATOS on the Island of Crete aircraft under his command bombed the said Hospital which was marked with the Red Cross.

5th Charge

COMMITTING A WAR CRIME

in that he

in the Kingdom of Greece on or about 24 May 1941 in violation of the laws and usages of war as Commander-in-Chief of the German Forces in Crete was responsible for the use of British prisoners of war as a screen for the advance of German troops when near GALATOS on the Island of Crete troops under his command drove a party of British prisoners of war before them (the said British prisoners of war being the Staff and patients of No. 7 General Hospital) resulting in Staff-Serjeant Whetton Royal Army Medical Corps and other British prisoners of war being killed by the fire of British troops.

6th Charge

COMMITTING A WAR CRIME

in that he

on the Island of Crete in the Kingdom of Greece on or about 27 May 1941 in violation of the laws and usages of war as Commander-in-Chief of the German Forces in Crete was responsible for the killing of British prisoners of war when near GALATOS troops under his command killed three soldiers of the Welch Regiment who had surrendered to them.

7th Charge

COMMITTING A WAR CRIME

in that he

on the Island of Crete in the Kingdom of Greece on or about 27 May 1941 in violation of the laws and usages of war as Commander-in-Chief of the German Forces in Crete was responsible for the killing of a British prisoner of war when near GALATOS troops under his command wilfully exposed British prisoners of war to the fire of British troops resulting in the death of Private Davies of the Welch Regiment.

8th Charge

COMMITTING A WAR CRIME

in that he

on the Island of Crete in the Kingdom of Greece in June 1941 in violation of the laws and usages of war as Commander-in-Chief of the German Forces in Crete was responsible for the killing of British prisoners of war when at a prison camp near MALME troops under his command shot and killed several British prisoners of war.

4. The accused is at present awaiting trial in the United Kingdom at Camp No. 11.

5. The accused should be attached to a unit and the Commanding Officer should sign the charge sheet as such in accordance with the provisions of paragraph 4 of the Regulations for the Trial of War Criminals as set out in Army Order 81 of 1945. In the heading of the charge sheet the accused should be described as "Kurt Student a German national in the charge of.....(unit).... pursuant to Regulation 4 of the Regulations for the Trial of War Criminals."

6. (a) The following witnesses should be called to give evidence in person at the trial in accordance with their affidavits:-

(i)	F/Sjt. H. Wilkinson	(ii)	Sjt R.J. Lawrence.
(iii)	Sjt W. Campbell	(iv)	Captain W.R. Crowe
(v)	Pte A. Jones	(vi)	Cpl M. Meehan.

/If.....

If any of these witnesses are not available their affidavits should be handed in to the Court in accordance with the provisions of Regulation 8(1)(a).

(b) The evidence of the following witnesses should be given at the trial by putting in their affidavits or statements under Regulation 8(1)(d).

(i) Major J. Duigan.

(ii) Mr. J.H. Ledgerwood.

(iii) Oberstleutnant FRIEHR von der BENDT.

(c) Lieut. E. Gordon Savage, W.O.I.U., should be called to produce two statements made by the accused. He should depose to the conditions under which the statements were made and what he said to the accused before he made them.

(d) The statement of General Bruno BRAUER should be in the possession of the Prosecuting Officer and should be put in in rebuttal, or used in cross-examination at his discretion.

7. In view of the former rank of the accused you may think that the Court should consist of a Major-General as President and 4 Senior Officers, including a New Zealand officer as N.Z.E.F. provided a large proportion of the British troops fighting in Crete.

8. The Judge Advocate General further directs me to say that he considers this to be a case in which he should depute a judge advocate. If you will inform me of the proposed date of trial the necessary arrangements will be made.

9. This is a case in which the prosecution should be conducted by an officer with legal qualifications and application should be made to the Deputy Judge Advocate General at your Headquarters for the appointment of such an officer.

10. You will doubtless arrange for the accused to be defended by a German lawyer. The accused should be supplied with copies of the statements of the witnesses whose evidence is advised above, except that of General BRAUER. These documents should either be translated into German or the accused should be offered the services of an interpreter when receiving the papers.

11. Copies of the charge sheet and of the affidavits and statements referred to in paragraph 6 hereof will be required for the use of the President, Judge Advocate and Prosecutor in addition to the originals which should be in the hands of the President.

12. An impartial person competent to act as interpreter in the German language should be available at the trial.

13. I enclose herewith the originals and 9 copies of each of the affidavits and statements referred to in paragraph 6 hereof, and four copies of the relevant Sheets of the Ordnance Map.

14. An experienced shorthand writer should be available to take notes of the proceedings and you will doubtless apply to the Deputy Judge Advocate General at your Headquarters for such a person.

(Sgd H. H. H. H.)

Brigadier,
Military Deputy,
J.A.G.

Copies to:- A.G.3.(V.W.) (2)

D.J.A.G., B.A.O.R. (2)

Treasury Solicitor (3)

U.H.W.C.C. - G/B 87, 86, 85, 92, 91
355 UK/G/88, 354 UK/G/87, 353 UK/G/86,
359 UK/G/92, 360 UK/G/93

15 FEB 1945

IN THE MATTER OF THE CHARGE OF
SYSTEMATIC BOMBING AT OR ABOUT 8 a.m. OR OR ABOUT
THE 24th OF MAY 1941 OF NO.7 GENERAL HOSPITAL,
CRETE, AGAINST THE OFFICER IN COMMAND OF THE
LUFTWAFFE OPERATING IN CRETE IN MAY 1941 AND OTHERS.

BRITISH NATIONAL OFFICE REFERENCE UK - G/885.

U.N.F.C.C. REFERENCE 355/UK/G/88.

A F F I D A V I T.

I, WILFRID RAYMOND CROWE, Captain R.A.M.C. at present
Officer Commanding Camp Reception Station, Chenies House, Chenies,
Near Rickmansworth, Herts with permanent address C/o Canada House,
Cockspur Street, London, S.W.1. make oath and say as follows :-

1. I have perused the particulars of alleged crime herein and entertain no doubt that the statement of Sergeant W. Campbell, R.A.M.C. said to be now a prisoner at Stalag VIII B. Germany is a true account of the bombing of No.7 General Hospital, Crete, by the Luftwaffe, except that to the best of my knowledge and belief the said bombing took place on the 25th May 1941, that is to say, one day later than that stated by the said Sergeant Campbell.
2. I was landed with my Unit which was A Battalion, Layforce, at Souda Bay in Crete on the North side of the island on the night of May 24th 1941 about 23.45 hours. This landing place was distant about 7 miles from Galatas in Crete, in the neighbourhood of which No.7 General Hospital, Crete was situated. We could see from our positions the following day (May 25th 1941) that, what was stated to be No.7 General Hospital, Crete was being bombed. The bombing was heavy and appeared to be very systematic lasting for the best part of an hour.
3. My Unit established itself near Souda Bay and we carried on our duties on various parts of the island until the morning of June 1st 1941 when forces on the island officially surrendered. I with part of my Unit was taken prisoner about 8 p.m. on June 1st 1941 at Port Lutra on the South side of the island.

4. During the days of June 2nd and 3rd 1941 we were marched across the island to Canea and the following day June 4th to Mallema where the Germans had established an aerodrome. A few days later we were sent by air, road and rail to the Prisoner of War Camp at Salonika in Greece. In the course of the march to Mallema we spent one night and part of a day beside the site of the former No.7 General Hospital, Crete, already referred to as having been bombed on 24th or 25th of May according to the respective accounts of Sergeant Campbell and myself. Although I had not previously visited the Hospital or the site, there could be no doubt that a Hospital of important proportions had recently existed on this spot as there could clearly be seen beds, parts of X-Ray equipment and remains of considerable quantities of General Hospital equipment.

5. To the best of my recollection and belief the time of the bombing was the morning of the 25th May 1941 because I remember clearly that we had landed the previous night and had listened to the Empire Day wireless program at sea. Ordinarily it would be possible that bombing had taken place two mornings running but for the fact that Sergeant Campbell states that after the bombing several parachutists routed out of the slit-trenches in which they had taken refuge from the bombing of No.7 General Hospital some 500 to 600 patients and medical personnel. From this it seems to follow that the destruction of the hospital was complete in one attack, as to the date of which I think Sergeant Campbell must be mistaken.

6. Sergeant Campbell further states that using the threat of Tommy guns, rifles and hand grenades about a dozen parachutists compelled the medical personnel and sick and wounded to march into the olive groves towards Galatas. They found themselves acting as a screen and came under fire from our troops (18th Battalion New Zealand Infantry). There were

several casualties. I have no first hand information of this occurrence but I heard about it at the time and there was no doubt in my mind from the sources from which I received the accounts that the allegation ^{was} ~~is~~ well founded.

SWORN by the said Wilfrid Raymond)
Grove at 1, The Sanctuary) W. R. GROVE
in the City of Westminster)
this 11th day of January 1945)

Before me,

HENRY L. BOLTON

A Commissioner for Oaths.

IN THE MATTER OF THE CHARGE OF
SYSTEMATIC BOMBING AT OR ABOUT
8 am. ON OR ABOUT THE 24th OF
MAY 1941 OF NO.7 GENERAL HOSPITAL
CRETE, AGAINST THE OFFICER IN
COMMAND OF THE LUFTWAFFE
OPERATING IN CRETE IN MAY 1941
AND OTHERS

Certified Copy/

A F F I D A V I T

- of -

CAPTAIN WILFRID RAYMOND CROWE
Royal Army Medical Corps.

CERTIFIED to be a true copy of the
original Affidavit.

D. H. Randall

Dated this *15th* day of January, 1945
The Treasury Solicitor's Department,
Storey's Gate, St. James's Park,
London, S.W.1.

THE TREASURY SOLICITOR.

(For the Use of the Secretariat)

Registered Number.

Date of receipt in Secretariat.

353/UK/G/86

21st Oct 1944

UNITED NATIONS WAR CRIMES COMMISSION

UNITED KINGDOM CHARGES AGAINST GERMAN WAR CRIMINALS

CHARGE No. UK - G/B 85.*

Name of accused, his rank and unit, or official position. (Not to be translated.)	The name, rank and units of accused persons are unknown but the accused should be identifiable by their positions which were as follows :- (1) The officer in command of the Luftwaffe operating in Crete in May 1941. (2) The officer commanding parachute troops operating at same time and place. (3) The officer in command of the unit of the Luftwaffe which on the morning of 24th May 1941 bombed No.7 General Hospital, Crete. (4) The officer in command of the parachute troops which landed in Crete on that day in the area of the said hospital. (5) Officers and other ranks directly concerned in the bombing which caused the death of 6 members of the staff of the said hospital. (6) (See bottom of page 2)
Date and place of commission of alleged crime.	24th May, 1941 Nr. Galatas, Crete.
Number and description of crime in war crimes list.	No.1. Murder No.xxiii. Deliberate bombardment of hospitals.
References to relevant provisions of national law.	The acts complained of constitute infringement of Article 9 of the Geneva Convention, 1929, relating to the treatment of prisoners of war, and of Article 1 of the Geneva Convention of the same year relating to the treatment of the sick and wounded. Murder, wounding, assault and breach of duty towards defenceless persons.

SHORT STATEMENT OF FACTS.

At 8.0 a.m. on 24th May 1941, No.7 General Hospital Crete was systematically bombed for about three quarters of an hour by units of German aircraft, in spite of numerous precautions to make it clear that the area involved was used for medical purposes. Some of the hospital marquees were obliterated and 6 of the staff killed.

At about 9.45 a.m. on the same day German parachute troops evicted the rest of the staff and the patients from the trenches where they had taken refuge and forced them to act as a screen for their advance against the New Zealand 18th Battalion, whereby there were several casualties.

TRANSMITTED BY.....

*Insert serial number under which the case is registered in the files of the National Office of the accusing State.

(26352) W.P.1505/1120 500 144 A.N.E.W.L.II. Cp.685
(26924) W.P.1817/P.1139 5,000 3-44

PARTICULARS OF ALLEGED CRIME

Particulars of these events are contained in a statement of Sergt. W. Campbell, R.A.M.C. now a prisoner at Stalag VIII B. which runs as follows :-

"On the morning of the 24th May, 1941, at about 8.0 a.m. several waves of bombers and fighter planes repeatedly crossed and re-crossed at an extremely low altitude the area of No.7 General Hospital. Several sticks of bombs were released. This continued for about three quarters of an hour. Two or three marquees were obliterated, 3 medical officers and 3 other ranks were killed. Both the hospital buildings bore the Red Cross on the roof. A large red Cross on a white background was set out on the ground in the middle of the hospital area. There was an even larger Red Cross on the cliff top at the edge of the hospital area. Two Red Cross flags were flying at either end of the hospital area. At about 9.45 a.m. on the 24th May 1941, several parachutists routed out of the slit trenches in which they had taken refuge from the bombing of No.7 General Hospital, some 500 - 600 patients and medical personnel. Using the threat of tommy guns, rifles and hand-grenades about a dozen parachutists compelled the medical personnel and sick and wounded to march into the olive groves towards Galatas. They found themselves acting as a screen and came under fire from our troops (18th Battalion New Zealand Infantry). There were several casualties".

(Continued from page 1)

- (6) Officers and other ranks who evicted the rest of the staff of the said hospital and patients, from trenches and forced them to act as a screen in an attack on the 18th New Zealand Battalion resulting in several casualties.

PARTICULARS OF EVIDENCE IN SUPPORT

It is presumed that Sergt. Campbell will be available to substantiate or supplement the evidence now put forward, which is contained in a dispatch forwarded by the Protecting Power on 31st August 1942. Sergt. Campbell is stated to be a "fair" witness.

NOTES ON THE CASE

(Under this heading should be included the view taken as to (a) the degree of responsibility of the accused in view of his official position, e.g., was offence committed on the offender's own initiative, or in obedience to orders, or in carrying out a system approved by authority or a legal provision ; (b) the probable defence ; (c) whether the case appears to be reasonably complete.)

The statement of Sergt. Campbell is supported by the probabilities of the situation. It will be expected that further evidence as to both crimes will be forthcoming when other prisoners are able to tell their stories.

In the meantime it is submitted that the evidence of Sergt. Campbell shows a clear breach by the Germans of Article 1 of the Convention of 1929 relating to the sick and wounded, whereby the Red Cross is to protect medical buildings and staff from "offensive action" and also of Article 9 of the Convention relating to the treatment of prisoners of war, which prohibits the dispatch of prisoners to places where they will come under the fire of their own troops or where their presence may deter these troops from in fact firing.

1. Officer in command of Luftwaffe (Crete)
2. Officer commanding parachute troops
3. Officer in command of a unit of the Luftwaffe
4. Officer in command of parachute troops
5. Officers and other ranks
6. Officers and other ranks who evicted staff of hospital

Submitted Decision of Committee I

1. XI. 44	Reported for the B	
28. 2. 45	Adjourned 1-6 C	Revised

Letters should be addressed to—
THE TREASURY SOLICITOR,
and the following reference quoted on the
cover and in the letter:

Telephone No.: WHITEHALL 1124
EXTENSION: 33
Telegraphic Address: "PROCTOREX, LONDON."
Code used: A.B.C. 8TH EDN., 5 letter.



3.21 VY
STOREY'S GATE,
ST. JAMES'S PARK,
LONDON, S.W.1.

7th March 1946.

RECEIVED

11 MAR 1946

sd.....

With Mr. P. H. B. Kent's
compliments.

The Secretary-General,
United Nations War Crimes Commission,
Lansdowne House,
Berkeley Square,
W.1.


(ref: my letter 1st March 1946.)

*his key
please find
out the
or ask for
a copy
int.*

pro memoria

- 1) All the cases involved have been classified as 'C' cases and no additional information or request has been submitted by the K.O.
- 2) General K. Student has already been sentenced to 5 years imprisonment on minor charges, but found not guilty of the main charges submitted in the cases.
- 3) no action

13.5.46

 A handwritten signature in black ink, appearing to be 'J. H. H.', written over a horizontal line.

28 February 1946

ND/JAG/W3/55/13(30)
55/14(30)
54/3(30)

CONFIDENTIAL

Commander-in-Chief,
British Army of the Rhine.

British National Office Charges G/B 87, 86, 85, 92, 91.
United Nations Charges Against German War Criminals.
War Crimes Committed in Crete.

Accused:- Kurt STUDENT.

1. I am directed by the Judge Advocate General of the Forces to forward this case to you. The charges have been registered with the United Nations War Crimes Commission as war crimes.
2. The Judge Advocate General has instructed me to convey to you the following advice regarding the case.
3. In my opinion the evidence justifies trial by Military Court under the Royal Warrant of the above-named accused upon the following charges:-

1st Charge

COMMITTING A WAR CRIME

in that he

in the Kingdom of Greece on or about 22 May 1941 in violation of the laws and usages of war as Commander-in-Chief of the German Forces in Crete was responsible for the use of British prisoners of war as a screen for the advance of German troops when near MALEME on the Island of Crete troops under his command drove a party of British prisoners of war before them resulting in at least six of the said British prisoners of war being killed by the fire of British troops.

2nd Charge

COMMITTING A WAR CRIME

in that he

in the Kingdom of Greece in May 1941 in violation of the laws and usages of war as Commander-in-Chief of the German Forces in Crete was responsible for the employment of British prisoners of war on prohibited work when at MALEME Aerodrome on the Island of Crete troops under his command compelled British prisoners of war to unload arms ammunition and war-like stores from German aircraft.

3rd Charge

COMMITTING A WAR CRIME

in that he

in the Kingdom of Greece on or about 23 May 1941 in violation of the laws and usages of war as Commander-in-Chief of the German Forces in Crete was responsible for the killing of British prisoners of war when at MALEME Aerodrome on the Island of Crete troops under his command shot and killed several British prisoners of war for refusing to do prohibited work.

4th Charge

COMMITTING A WAR CRIME

in that he

/s/ the.....

in the Kingdom of Greece on or about 24 May 1941 in violation of the laws and usages of war as Commander-in-Chief of the German Forces in Crete was responsible for the bombing of No. 7 General Hospital when near GALATOS on the Island of Crete aircraft under his command bombed the said hospital which was marked with the Red Cross.

5th Charge

COMMITTING A WAR CRIME

in that he

in the Kingdom of Greece on or about 24 May 1941 in violation of the laws and usages of war as Commander-in-Chief of the German Forces in Crete was responsible for the use of British prisoners of war as a screen for the advance of German troops when near GALATOS on the Island of Crete troops under his command drove a party of British prisoners of war before them (the said British prisoners of war being the Staff and patients of No. 7 General Hospital) resulting in Staff-Serjeant Whetton Royal Army Medical Corps and other British prisoners of war being killed by the fire of British troops.

6th Charge

COMMITTING A WAR CRIME

in that he

on the Island of Crete in the Kingdom of Greece on or about 27 May 1941 in violation of the laws and usages of war as Commander-in-Chief of the German Forces in Crete was responsible for the killing of British prisoners of war when near GALATOS troops under his command killed three soldiers of the Welch Regiment who had surrendered to them.

7th Charge

COMMITTING A WAR CRIME

in that he

on the Island of Crete in the Kingdom of Greece on or about 27 May 1941 in violation of the laws and usages of war as Commander-in-Chief of the German Forces in Crete was responsible for the killing of a British prisoner of war when near GALATOS troops under his command wilfully exposed British prisoners of war to the fire of British troops resulting in the death of Private Davies of the Welch Regiment.

8th Charge

COMMITTING A WAR CRIME

in that he

on the Island of Crete in the Kingdom of Greece in June 1941 in violation of the laws and usages of war as Commander-in-Chief of the German Forces in Crete was responsible for the killing of British prisoners of war when at a prison camp near MALME troops under his command shot and killed several British prisoners of war.

4. The accused is at present awaiting trial in the United Kingdom at Camp No. 11.

5. The accused should be attached to a unit and the Commanding Officer should sign the charge sheet as such in accordance with the provisions of paragraph 4 of the Regulations for the Trial of War Criminals as set out in Army Order 81 of 1945. In the heading of the charge sheet the accused should be described as "Kurt Student a German national in the charge of.....(unit).... pursuant to Regulation 4 of the Regulations for the Trial of War Criminals."

6. (a) The following witnesses should be called to give evidence in person at the trial in accordance with their affidavits:-

- | | |
|-------------------------|-------------------------|
| (i) F/Sjt. H. Wilkinson | (ii) Sjt R.J. Lawrence. |
| (iii) Sjt W. Campbell | (iv) Captain W.R. Crowe |
| (v) Pte A. Jones | (vi) Cpl M. Meehan. |

/IP.....

If any of these witnesses are not available their affidavits should be handed in to the Court in accordance with the provisions of Regulation 8(1)(a).

(b) The evidence of the following witnesses should be given at the trial by putting in their affidavits or statements under Regulation 8(1)(d).

(i) Major J. Duigan.

(ii) Mr. J.E. Ledgerwood.

(iii) Oberstleutnant FREIHERR von der MEYDE.

(c) Lieut. E. Gordon Savage, W.C.I.U., should be called to produce two statements made by the accused. He should depose to the conditions under which the statements were made and what he said to the accused before he made them.

(d) The statement of General Bruno BRAUER should be in the possession of the Prosecuting Officer and should be put in in rebuttal, or used in cross-examination at his discretion.

7. In view of the former rank of the accused you may think that the Court should consist of a Major-General as President and 4 Senior Officers, including a New Zealand officer as N.Z.E.F. provided a large proportion of the British troops fighting in Crete.

8. The Judge Advocate General further directs me to say that he considers this to be a case in which he should depute a judge advocate. If you will inform me of the proposed date of trial the necessary arrangements will be made.

9. This is a case in which the prosecution should be conducted by an officer with legal qualifications and application should be made to the Deputy Judge Advocate General at your Headquarters for the appointment of such an officer.

10. You will doubtless arrange for the accused to be defended by a German lawyer. The accused should be supplied with copies of the statements of the witnesses whose evidence is advised above, except that of General BRAUER. These documents should either be translated into German or the accused should be offered the services of an interpreter when receiving the papers.

11. Copies of the charge sheet and of the affidavits and statements referred to in paragraph 6 hereof will be required for the use of the President, Judge Advocate and Prosecutor in addition to the originals which should be in the hands of the President.

12. An impartial person competent to act as interpreter in the German language should be available at the trial.

13. I enclose herewith the originals and 9 copies of each of the affidavits and statements referred to in paragraph 6 hereof, and four copies of the relevant sheets of the Ordnance Map.

14. An experienced shorthand writer should be available to take notes of the proceedings and you will doubtless apply to the Deputy Judge Advocate General at your Headquarters for such a person.

(Sgd. H. SHAPCOTT)

Brigadier,
Military Deputy,
J.A.G.

Copies to:- A.G.3.(V.W). (2)

D.J.A.G., B.A.O.R. (2)

Treasury Solicitor (3)

- G/B 87, 86, 85, 92, 91
U.N.W.C.C. - 355 UK/G/88, 354 UK/G/87, 353 UK/G/86,
359 UK/G/92, 360 UK/G/93

15 FEB 1945

IN THE MATTER OF THE CHARGE OF
SYSTEMATIC BOMBING AT OR ABOUT 8 A.M. ON OR ABOUT
THE 24th OF MAY 1941 OF NO.7 GENERAL HOSPITAL,
CRETE, AGAINST THE OFFICER IN COMMAND OF THE
LUFTWAFFE OPERATING IN CRETE IN MAY 1941 AND OTHERS.

BRITISH NATIONAL OFFICE REFERENCE UK - G/885.

U.N.F.C.C. REFERENCE 352/UK/G/88.

A F F I D A V I T.

I, WILFRID RAYMOND CROWE, Captain R.A.M.C. at present
Officer Commanding Camp Reception Station, Chenies House, Chenies,
Near Rickmansworth, Herts with permanent address c/o Canada House,
Cockspur Street, London, S.W.1. make oath and say as follows :-

1. I have perused the particulars of alleged crime herein and entertain no doubt that the statement of Sergeant W. Campbell, R.A.M.C. said to be now a prisoner at Stalag VIII B. Germany is a true account of the bombing of No.7 General Hospital, Crete, by the Luftwaffe, except that to the best of my knowledge and belief the said bombing took place on the 25th May 1941, that is to say, one day later than that stated by the said Sergeant Campbell.
2. I was landed with my Unit which was A Battalion, Layforce, at Souda Bay in Crete on the North side of the island on the night of May 24th 1941 about 23.45 hours. This landing place was distant about 7 miles from Galatas in Crete, in the neighbourhood of which No.7 General Hospital, Crete was situated. We could see from our positions the following day (May 25th 1941) that, what was stated to be No.7 General Hospital, Crete was being bombed. The bombing was heavy and appeared to be very systematic lasting for the best part of an hour.
3. My Unit established itself near Souda Bay and we carried on our duties on various parts of the island until the morning of June 1st 1941 when forces on the island officially surrendered. I with part of my Unit was taken prisoner about 8 p.m. on June 1st 1941 at Port Lutra on the South side of the island.

4. During the days of June 2nd and 3rd 1941 we were marched across the island to Canea and the following day June 4th to Mallema where the Germans had established an aerodrome. A few days later we were sent by air, road and rail to the Prisoner of War Camp at Salonika in Greece. In the course of the march to Mallema we spent one night and part of a day beside the site of the former No.7 General Hospital, Crete, already referred to as having been bombed on 24th or 25th of May according to the respective accounts of Sergeant Campbell and myself. Although I had not previously visited the Hospital or the site, there could be no doubt that a Hospital of important proportions had recently existed on this spot as there could clearly be seen beds, parts of X-Ray equipment and remains of considerable quantities of General Hospital equipment.
5. To the best of my recollection and belief the time of the bombing was the morning of the 25th May 1941 because I remember clearly that we had landed the previous night and had listened to the Empire Day wireless program at sea. Ordinarily it would be possible that bombing had taken place two mornings running but for the fact that Sergeant Campbell states that after the bombing several parachutists routed out of the slit-trenches in which they had taken refuge from the bombing of No.7 General Hospital some 500 to 600 patients and medical personnel. From this it seems to follow that the destruction of the hospital was complete in one attack, as to the date of which I think Sergeant Campbell must be mistaken.
6. Sergeant Campbell further states that using the threat of Tommy guns, rifles and hand grenades about a dozen parachutists compelled the medical personnel and sick and wounded to march into the olive groves towards Galatas. They found themselves acting as a screen and came under fire from our troops (18th Battalion New Zealand Infantry). There were

several casualties. I have no first hand information of this occurrence but I heard about it at the time and there was no doubt in my mind from the sources from which I received the accounts that the allegation ^{was} ~~is~~ well founded.

SWORN by the said Wilfrid Raymond)
Crowe at 1, The Sanctuary) W. R. CROWE
in the City of Westminster)
this 11th day of January 1945)

Before me,

HENRY L. BOLTON

A Commissioner for Oaths.

IN THE MATTER OF THE CHARGE OF
SYSTEMATIC BOMBING AT OR ABOUT
8 am. ON OR ABOUT THE 24th OF
MAY 1941 OF NO.7 GENERAL HOSPITAL
CRETE, AGAINST THE OFFICER IN
COMMAND OF THE LUFTWAFFE
OPERATING IN CRETE IN MAY 1941
AND OTHERS

Certified Copy/

A F F I D A V I T

- of -

CAPTAIN WILFRID RAYMOND CROWE
Royal Army Medical Corps.

CERTIFIED to be a true copy of the
original Affidavit.

D. Randall

Dated this 15th day of January, 1945
The Treasury Solicitor's Department,
Storey's Gate, St. James's Park,
London, S.W.1.

THE TREASURY SOLICITOR.

(For the Use of the Secretariat)

Registered Number.

Date of receipt in Secretariat.

353/UK/G/86

21st Oct 1944

UNITED NATIONS WAR CRIMES COMMISSION

UNITED KINGDOM CHARGES AGAINST GERMAN WAR CRIMINALS

CHARGE No. UK - G/B 85.*

Name of accused, his rank and unit, or official position. (Not to be translated.)	The name, rank and units of accused persons are unknown but the accused should be identifiable by their positions which were as follows :- (1) The officer in command of the Luftwaffe operating in Crete in May 1941. (2) The officer commanding parachute troops operating at same time and place. (3) The officer in command of the unit of the Luftwaffe which on the morning of 24th May 1941 bombed No.7 General Hospital, Crete. (4) The officer in command of the parachute troops which landed in Crete on that day in the area of the said hospital. (5) Officers and other ranks directly concerned in the bombing which caused the death of 6 members of the staff of the said hospital. (6) (See bottom of page 2)
Date and place of commission of alleged crime.	24th May, 1941 Nr. Galatas, Crete.
Number and description of crime in war crimes list.	No.1. Murder No.xxiii. Deliberate bombardment of hospitals.
References to relevant provisions of national law.	The acts complained of constitute infringement of Article 9 of the Geneva Convention, 1929, relating to the treatment of prisoners of war, and of Article 1 of the Geneva Convention of the same year relating to the treatment of the sick and wounded. Murder, wounding, assault and breach of duty towards defenceless persons.

SHORT STATEMENT OF FACTS.

At 8.0 a.m on 24th May 1941, No.7 General Hospital Crete was systematically bombed for about three quarters of an hour by units of German aircraft, in spite of numerous precautions to make it clear that the area involved was used for medical purposes. Some of the hospital marquees were obliterated and 6 of the staff killed.

At about 9.45 a.m on the same day German parachute troops evicted the rest of the staff and the patients from the trenches where they had taken refuge and forced them to act as a screen for their advance against the New Zealand 18th Battalion, whereby there were several casualties.

TRANSMITTED BY.....

* Insert serial number under which the case is registered in the files of the National Office of the accusing State.

PARTICULARS OF ALLEGED CRIME

Particulars of these events are contained in a statement of Sergt. W. Campbell, R.A.M.C. now a prisoner at Stalag VIII B. which runs as follows :-

"On the morning of the 24th May, 1941, at about 8.0 a.m. several waves of bombers and fighter planes repeatedly crossed and re-crossed at an extremely low altitude the area of No.7 General Hospital. Several sticks of bombs were released. This continued for about three quarters of an hour. Two or three marquees were obliterated, 3 medical officers and 3 other ranks were killed. Both the hospital buildings bore the Red Cross on the roof. A large red Cross on a white background was set out on the ground in the middle of the hospital area. There was an even larger Red Cross on the cliff top at the edge of the hospital area. Two Red Cross flags were flying at either end of the hospital area. At about 9.45 a.m. on the 24th May 1941, several parachutists routed out of the slit trenches in which they had taken refuge from the bombing of No.7 General Hospital, some 500 - 600 patients and medical personnel. Using the threat of tommy guns, rifles and hand-grenades about a dozen parachutists compelled the medical personnel and sick and wounded to march into the olive groves towards Galatas. They found themselves acting as a screen and came under fire from our troops (18th Battalion New Zealand Infantry). There were several casualties".

(Continued from page 1)

- (6) Officers and other ranks who evicted the rest of the staff of the said hospital and patients, from trenches and forced them to act as a screen in an attack on the 18th New Zealand Battalion resulting in several casualties.

PARTICULARS OF EVIDENCE IN SUPPORT

It is presumed that Sergt. Campbell will be available to substantiate or supplement the evidence now put forward, which is contained in a dispatch forwarded by the Protecting Power on 31st August 1942. Sergt. Campbell is stated to be a "fair" witness.

NOTES ON THE CASE

(Under this heading should be included the view taken as to (a) the degree of responsibility of the accused in view of his official position, e.g., was offence committed on the offender's own initiative, or in obedience to orders, or in carrying out a system approved by authority or a legal provision ; (b) the probable defence ; (c) whether the case appears to be reasonably complete.)

The statement of Sergt. Campbell is supported by the probabilities of the situation. It will be expected that further evidence as to both crimes will be forthcoming when other prisoners are able to tell their stories.

In the meantime it is submitted that the evidence of Sergt. Campbell shows a clear breach by the Germans of Article 1 of the Convention of 1929 relating to the sick and wounded, whereby the Red Cross is to protect medical buildings and staff from "offensive action" and also of Article 9 of the Convention relating to the treatment of prisoners of war, which prohibits the dispatch of prisoners to places where they will come under the fire of their own troops or where their presence may deter these troops from in fact firing.

354/UK/G/87

5 SEP 1944

Received

~~Report for...~~
Admiral

1. XI. 44

Submitted Decision of Committee I

1. General Officer in command of troops in Ceta.
2. Officer(s) in command of troops which captured Malame aerodrome.
3. Officers other ranks.

354/UK/G/87
See also 553/UK

(For the Use of the Secretariat)

Registered Number.

Date of receipt in Secretariat.

354/UK/G/87

31st Oct 1941

UNITED NATIONS WAR CRIMES COMMISSION

UNITED KINGDOM CHARGES AGAINST GERMAN WAR CRIMINALS

CHARGE No. UK - G/B 86. *

<p>Name of accused, his rank and unit, or official position.</p> <p>(Not to be translated.)</p>	<p>The name, rank and units of accused persons are unknown but the accused should be identifiable by their positions which were as follows :-</p> <p>(1) The General Officer in command of the troops operating in Crete in May 1941, and his Chief of Staff.</p> <p>(2) The Officer or Officers in command of the troops which on 20th May 1941 captured the Malame aerodrome.</p> <p>(3) Officers and other ranks who employed British troops immediately on capture of the Malame aerodrome, or its partial capture, as a screen for attacks on British positions.</p>
<p>Date and place of commission of alleged crime.</p>	<p>20th May, 1941. Malame, Crete.</p>
<p>Number and description of crime in war crimes list.</p> <p>References to relevant provisions of national law.</p>	<p>No.1. Murder</p> <p>No.xxix. Ill-treatment of prisoners of war.</p> <p>The acts complained of constitute a breach of Article 9 of the Geneva Convention of 1929, relating to the treatment of prisoners of war.</p> <p>Murder or manslaughter and wounding.</p>

SHORT STATEMENT OF FACTS.

On the 20th May, 1941, 30 men captured at Malame aerodrome were made to march as a screen for the Germans against British positions whereby several were killed, and others wounded.

TRANSMITTED BY.....

* Insert serial number under which the case is registered in the files of the National Office of the accusing State.

(26752) W.P.1505/1120 500 1/44 A.S.E.W.Ltd. Cp.685
(26924) W.P.1817/1-1139 5,000 3/44

PARTICULARS OF ALLEGED CRIME

The only particulars of this case are contained in a statement of Sergt. H. Wilkinson, R.A.F. now a prisoner at Stalag VIII.B. which states:-

"On 20th May 1941, within ten minutes of capture at Malame aerodrome, 30 men were forced to march with their hands up towards a British position, thus acting as cover for German troops. Several of the party were killed and others wounded".

PARTICULARS OF EVIDENCE IN SUPPORT

It is presumed that Sergt. Wilkinson will be available to substantiate and supplement the evidence on which this charge is framed.

His statement is contained in a dispatch forwarded by the Protecting Power on 31st August 1942. Sergt. Wilkinson is stated to be a "fair" witness.

The Foreign Office reference to this dispatch is

NOTES ON THE CASE

(Under this heading should be included the view taken as to (a) the degree of responsibility of the accused in view of his official position, e.g., was offence committed on the offender's own initiative, or in obedience to orders, or in carrying out a system approved by authority or a legal provision ; (b) the probable defence ; (c) whether the case appears to be reasonably complete.)

At present the case is incomplete since there is lack of identification of the accused. But a clear prima facie case of breach of Article 9 of the Convention is established by Sergt. Wilkinson's statement, the prisoners having been sent to a place where they were exposed to the fire of their own troops.

Identification of the Commander in Crete in May 1941 should present no difficulty. Nor should it be difficult to ascertain in due course the unit which captured the Malame aerodrome. The identification of subordinate officers, if not other ranks, should follow on identification of officers in the higher commands indicated in relation to the first and second officers accused.

355/UK/G/88

Serial No 355/UK

1. General officer commanding German forces in Crete.
2. Camp Commandant i/c POW at or near Maleme.
3. Officers & other ranks in control of P.O.W captured at Maleme aerodrome.

Submitted Decision of Committee I

1. XI. 44

~~Revised~~ ~~Proposed~~ B

Adjourned

5 SEP 1945

C

Revised

355/UK/G/88

(For the Use of the Secretariat)

Registered Number.

Date of receipt in Secretariat.

355/UK/G/88

21st October 1944

UNITED NATIONS WAR CRIMES COMMISSION

UNITED KINGDOM CHARGES AGAINST GERMAN WAR CRIMINALS

CHARGE No. UK - G/B 87.*

Name of accused, his rank and unit, or official position. (Not to be translated.)	The name, rank and units of some of the accused persons are unknown, but such accused should be identifiable by their positions, which were as follows:- (1) The General Officer commanding German forces in Crete in May 1941, and his Chief of Staff. (2) The Camp Commandant or other in charge of prisoners of war at or near Malme in Crete at that time. (3) Officers and other ranks in immediate control of prisoners of war captured at and around Malme aerodrome on the days prior to May 21st 1941, who compelled them to work on the aerodrome unloading German transport planes.
Date and place of commission of alleged crime.	21st May 1941 and the ensuing days Malme in Crete.
Number and description of crime in war crimes list. References to relevant provisions of national law.	No.1 Murder. No.xxix. Ill-treatment of prisoners of war. No.xxx. Illegal employment of prisoners of war. The acts complained of constitute breaches of Articles 9 and 31 of the Geneva Convention of 1929 relating to the treatment of prisoners of war, and of Article 1 of the Geneva Convention 1929 providing for amelioration of condition of wounded in the field. Murder and assault.

SHORT STATEMENT OF FACTS.

About 40 British prisoners captured at or near Malme aerodrome were forced to work on the aerodrome unloading guns, etc. from German planes. During this time they were subject to British artillery fire and to attacks by aircraft. There were many casualties. Those who refused were ill-treated and some killed. Sergt. Wilkinson was beaten kicked and had to be carried to the side of the aerodrome. Private Williamson, who was badly wounded was compelled to fill in holes on the aerodrome with a spade.

TRANSMITTED BY.....

* Insert serial number under which the case is registered in the files of the National Office of the accusing State.

(26852) W.I.P. 1505 1120 500 144 A.S.E.W.L.U. Cp.685
(26924) W.I.P. 1817 P.1139 5,000 3/44

PARTICULARS OF ALLEGED CRIME

Particulars of this case are contained in a statement by Sergt. H. Wilkinson, R.A.F. now prisoner at Stalag VIII.B. which is supported by other witnesses and reads as follows:-

"On 21st May 1941, about 40 prisoners of war captured on the previous day were compelled to work on Malame aerodrome. One prisoner of war, who refused in spite of threats to drive a partly unserviceable Bren Gun Carrier out of the dry river bed, was shot dead before the other prisoners. On the aerodrome they were forced to unload field guns and ammunition from Junkers planes. Several men who refused to do this work were killed. The work continued for several days. For the first 3 days the prisoners received no food. The aerodrome was for some time under heavy shell fire from British Artillery and the prisoners suffered heavy casualties. They were not allowed to attend to their own wounded. They were also exposed to bombs and machine gun fire from British aircraft. They were also employed under fire to fill in bomb and shell craters. No. 966694, L.A.C. Williamson, R.A.F., though badly wounded in the right arm, was compelled to use a spade to fill in holes. No. 563314, Sergt. H. Wilkinson, R.A.F. who objected to work was kicked and beaten and had to be laid at the side of the aerodrome".

PARTICULARS OF EVIDENCE IN SUPPORT

The witnesses who have been named are :-

Sergt. H. Wilkinson, R.A.F.
Cpl. R. Laurence, R.A.F.
Pte. R. Twiddle, R.A.F.

Presumably they will be available to substantiate and supplement the evidence on which this charge is put forward. All these men are now in Stalag VIII B. The reliability of their evidence is graded as "fair". The statement quoted above is contained in the dispatch forwarded by the Protecting Power on 31st August 1942, which forms the basis of the preceding case.

NOTES ON THE CASE

(Under this heading should be included the view taken as to (a) the degree of responsibility of the accused in view of his official position, e.g., was offence committed on the offender's own initiative, or in obedience to orders, or in carrying out a system approved by authority or a legal provision ; (b) the probable defence ; (c) whether the case appears to be reasonably complete.)

If the evidence of the three witnesses had been graded more highly, the case would be reasonably complete, subject to the identification of the accused.

Pending investigation of the evidence, the material is submitted as showing a prima facie case of murder in the cases of those men who were shot for refusing to carry out the illegal work, and an equally clear prima facie case of breaches of Articles 9 and 31 of the Convention of 1929 which forbid respectively the sending of a prisoner "to an area where he would be exposed to the fire of the fighting zone" and the employment of prisoners on work which has "direct connection with the operations of war" particularly "transport of arms or munitions of any kind" or "the transport of material destined for combatant units".

356/UK/G/89

1. General officer commanding German forces operating in Crete.
2. Camp Commandant at Canea POW camp.
3. Officers & other ranks i/c working party (parties) of P.O.W.

Submitted Decision of Committee I

1. XI. 44

~~Agreed problem B~~

Adjourned

5 SEP 1945

C

Revised

356/UK/G/89

(For the Use of the Secretariat)

Registered Number.

Date of receipt in Secretariat.

356/UK/G/89

21st Oct 1941

UNITED NATIONS WAR CRIMES COMMISSION

UNITED KINGDOM CHARGES AGAINST GERMAN WAR CRIMINALS

CHARGE No. UK - G/B 88. *

Name of accused, his rank and unit, or official position. <i>(Not to be translated.)</i>	<p>The name, rank and units of accused persons are unknown, but the accused should be identifiable by their positions, which were as follows :-</p> <p>(1) The General Officer commanding German Forces operating in Crete on or about July 15th 1941 and his chief of staff.</p> <p>(2) The Camp Commandant at Canea prisoners of war camp on or about July 15th 1941.</p> <p>(3) Officers and other ranks in charge of a working party or working parties of prisoners of war from Canea camp on or about July 15th 1941 who were employed in storing shells near the Malame Aerodrome.</p>
Date and place of commission of alleged crime.	<p>On or about 15th July, 1941. Near Canea, Crete.</p>
Number and description of crime in war crimes list. References to relevant provisions of national law.	<p>No. xxx. Illegal employment of prisoners of war.</p> <p>The acts complained of constitute a breach of Article 31 of the Geneva Convention of 1929, relating to the treatment of prisoners of war.</p> <p>Assault.</p>

SHORT STATEMENT OF FACTS.

On or about July 15th 1941 and the ensuing days a party of British prisoners of war were taken from Canea camp and made to carry shells to an underground dump for the service of guns erected close to Malame aerodrome by the Germans.

TRANSMITTED BY.....

* Insert serial number under which the case is registered in the files of the National Office of the accusing State.

(26252) W.P.1505/1120 500 1/4 A.S.E.W.L.L. Cp.685
(26024) W.P.1817/P.1139 5,000 3/4

PARTICULARS OF ALLEGED CRIME

The only particulars of this case are contained in a statement of Corporal T.E. Gulley, R.A.F. now a prisoner at Stalag VIII.B. which states :-

"About 15th July 1941 a party of prisoners of war were taken from Canea camp to a place about 3 miles on the Canea side of the Malame aerodrome, where the Germans were putting some coastal guns into position. They were forced to carry shells for these guns to an underground dump. The shells weighed about 100 lbs each. Prisoners of war were employed on this job for four days".

PARTICULARS OF EVIDENCE IN SUPPORT

It is presumed that Corporal Gulley will be available to substantiate and supplement the evidence on which this charge is framed.

His statement is contained in the dispatch forwarded by the Protecting Power on 31st August 1942, which forms the basis of the two cases preceding this. Corporal Gulley is stated to be a "fair" witness.

NOTES ON THE CASE

(Under this heading should be included the view taken as to (a) the degree of responsibility of the accused in view of his official position, e.g., was offence committed on the offender's own initiative, or in obedience to orders, or in carrying out a system approved by authority or a legal provision; (b) the probable defence; (c) whether the case appears to be reasonably complete.)

The observations under this heading in the preceding case apply here also.

357/UK/G/90

1. Officer(s) i/c POW during transfer from Athens to Salonika.
2. Officers + other ranks.

Submitted Decision of Committee I

1. XI. 44

~~Reported for Committee B~~
Adjourned

28.2.45

1+2

C

Revised

357/UK/G/90

15 FEB 1945

IN THE MATTER OF THE WOUNDING OF CAPTAIN HERMON AND CAPTAIN G. A. ASHLEY-COOPER BY A GERMAN GUARD ON 8TH JUNE, 1941, AT A SMALL STATION WHERE A TRAIN CARRYING PRISONERS OF WAR FROM ATHENS TO SALONICA WAS HALTED

BRITISH NATIONAL OFFICE REFERENCE UK-G/N.89
U.K.W.C.C. REFERENCE 357/UK/G/90.

AFFIDAVIT

I, WILFRED RAYMOND CROWE, Captain, R.A.M.C. at present G.C. Camp Reception Station, Chenies House, Chenies, near Rickmansworth, Herts, with permanent address C/o. Canada House, Cockspur Street, London, E.W.1. make oath and say as follows:-

1. The Particulars of Alleged Crime herein contains copy of a Statement of Captain S.A. Morse, the first paragraph of which runs as follows:-

"On 6th June 1941 between Athens and Lemna, the train stopped at a small station where some Greek women and children were trying to give food to the British officers. Capt. Hermon was sitting in the corner seat of a 3rd class carriage with his left arm resting on the sash of the open window, when a German guard fired down the length of the train, wounding Capt. Hermon in the right wrist and severing the main artery. Capt. Hermon was making no effort to obtain food nor were any Greeks near his carriage. A ricochet from this bullet struck Capt. G.A. Ashley-Cooper on the jaw."

2. I was myself travelling on this train as one of a number of prisoners of war being transferred from Athens to Salonica. I did not see the incident but I heard the shot. Subsequently I attended Captain Hermon and found that he was suffering from a gun shot wound (small calibre bullet) through his wrist. After attending Captain Hermon I attended Captain Ashley-Cooper who had been struck presumably by the same bullet as there was the sound of only one shot at that time and he had sustained a wound of the face, superficial wound only. Shooting down the length of the train and between the train and civilians on station platforms occurred very frequently.

3. At the time the shot was fired I was sitting in a carriage and it sounded to me as though someone had fired down the length of the train. This was consistent with the systematic refusal of the German Authorities to allow prisoners of war to

supplement the Camp rations by purchases or gifts from local vendors of
food notwithstanding that the food rations were not much more than
sufficient to sustain life and were deficient in many important vitamins.

SWORN at 1 The Sanctuary,
in the City of Westminster
this 11th day of January
1945.

W.R. CROWE

Before me

HENRY L. BOLTON

A Commissioner for Oaths

(For the Use of the Secretariat)

Registered Number.

Date of receipt in Secretariat.

357/UK/G/90

21st October 1944

UNITED NATIONS WAR CRIMES COMMISSION

UNITED KINGDOM CHARGES AGAINST GERMAN WAR CRIMINALS

CHARGE No. UK - G/B 89. *

Name of accused, his rank and unit, or official position. (Not to be translated.)	The name, rank and units of accused persons are unknown but the accused should be identifiable by their positions which were as follows :- (1) The Officer or Officers in charge of the transfer on the 8th June 1941 and ensuing days of British Prisoners of war by train from Athens to Salonika via Lamia (2) Officers and other ranks in immediate charge of the prisoners of war on the said journey.
Date and place of commission of alleged crime.	8th and 10th June 1941. On the railway between Athens and Salonika.
Number and description of crime in war crimes list.	No. xxix. Ill-treatment of prisoners of war.
References to relevant provisions of national law.	The acts complained of constitute infringement of Article 2 of the Geneva Convention 1929, relating to the treatment of prisoners of war. Wounding. Assault.

SHORT STATEMENT OF FACTS.

On the 8th June a German soldier fired down the length of the train when it was halted at a small station between Athens and Lamia, to prevent Greek women and children giving food to the prisoners. In so doing he wounded Capt. Hermon in the right wrist and severed the main artery. Two days later after a halt where the officers had been allowed out of the train a guard struck Capt. Burton with his fist and his rifle-butt while re-entraining was in progress.

TRANSMITTED BY.....

* Insert serial number under which the case is registered in the files of the National Office of the accusing State.

(26352) W.P.1505/1120 500 144 A.S.E.W.L.L. Cp.685
(26924) W.P.1817/P.1139 5,000 3-44

PARTICULARS OF ALLEGED CRIME

Particulars of these events are contained in a statement of Capt. S.A. Morse which runs as follows :-

"On 6th June 1941 between Athens and Lamia, the train stopped at a small station where some Greek women and children were trying to give food to the British officers. Capt. Hermon was sitting in the corner seat of a 3rd class carriage with his left arm resting on the sash of the open window, when a German guard fired down the length of the train, wounding Capt. Hermon in the right wrist and severing the main artery. Capt. Hermon was making no effort to obtain food nor were any Greeks near his carriage. A ricochet from this bullet struck Capt. G.A. Ashley-Cooper on the jaw.

On the 10th June 1941, whilst travelling from Athens to Salonika, Capt. W.J. Burton was ordered by a German soldier (private) in a most offensive manner to close the door of the cattle truck into which the officers were being forced. As all the officers had not yet entered the truck, Capt. Burton did not comply with this order, whereupon the soldier hit him with his fist, then with his rifle-butt and finally threatened him with his bayonet. This soldier also threatened Lt. Col. J.D. Young, R.E. and pushed him into the truck entirely without provocation".

PARTICULARS OF EVIDENCE IN SUPPORT

The facts are contained in a War Office paper incorporating three reports by Capt. Morse dated 8.8.42 of which the W.O. reference is 0103/3247/P.W.2a) and F.O. reference 42/1 of 11.2.43.

Four witnesses should be available, two of whom were wounded and two assaulted. They were :-

Captain Hermon
Captain G.A. Ashley-Cooper
Lt. Col. J.D. Young, R.E.
Captain W.J. Burton.

It is not clear whether Captain S.A. Morse, who made the report, was an eye-witness in any of the cases but he is likely to be a valuable witness.

NOTES ON THE CASE

(Under this heading should be included the view taken as to (a) the degree of responsibility of the accused in view of his official position, e.g., was offence committed on the offender's own initiative, or in obedience to orders, or in carrying out a system approved by authority or a legal provision ; (b) the probable defence ; (c) whether the case appears to be reasonably complete.)

In this case the two events have been grouped together because they appear to have occurred on the same journey from Athens to Salonika via Lamia and show a consistent course of ill-treatment by the guards.

There is at present no identification of the accused. But the number of prisoners captured in Greece and Crete was not inconsiderable and an organisation must have existed for dealing with prisoners of war of which particulars are expected to be forthcoming in due course. Identification of those in authority may be expected and through them the actual perpetrators of these outrages. Responsibility can be apportioned when the facts emerge more fully, e.g. the orders given to guards, the care taken to see that guards were aware of the rights of prisoners of war.

(For the Use of the Secretariat)

Registered Number.

Date of receipt in Secretariat.

357/UK/G/90

21st October 1944

UNITED NATIONS WAR CRIMES COMMISSION

UNITED KINGDOM CHARGES AGAINST GERMAN WAR CRIMINALS

CHARGE No. UK - G/B 89. *

Name of accused, his rank and unit, or official position.

(Not to be translated.)

The name, rank and units of accused persons are unknown but the accused should be identifiable by their positions which were as follows :-

- (1) The Officer or Officers in charge of the transfer on the 8th June 1941 and ensuing days of British Prisoners of war by train from Athens to Salonika via Lamia
- (2) Officers and other ranks in immediate charge of the prisoners of war on the said journey.

Date and place of commission of alleged crime.

8th and 10th June 1941.
On the railway between Athens and Salonika.

Number and description of crime in war crimes list.

No. xxix. Ill-treatment of prisoners of war.

References to relevant provisions of national law.

The acts complained of constitute infringement of Article 2 of the Geneva Convention 1929, relating to the treatment of prisoners of war.
Wounding.
Assault.

SHORT STATEMENT OF FACTS.

On the 8th June a German soldier fired down the length of the train when it was halted at a small station between Athens and Lamia, to prevent Greek women and children giving food to the prisoners. In so doing he wounded Capt. Hermon in the right wrist and severed the main artery. Two days later after a halt where the officers had been allowed out of the train a guard struck Capt. Burton with his fist and his rifle-butt while re-entraining was in progress.

TRANSMITTED BY.....

* Insert serial number under which the case is registered in the files of the National Office of the accusing State.

PARTICULARS OF ALLEGED CRIME

Particulars of these events are contained in a statement of Capt. S.A. Morse which runs as follows :-

"On 6th June 1941 between Athens and Lamia, the train stopped at a small station where some Greek women and children were trying to give food to the British officers. Capt. Hermon was sitting in the corner seat of a 3rd class carriage with his left arm resting on the sash of the open window, when a German guard fired down the length of the train, wounding Capt. Hermon in the right wrist and severing the main artery. Capt. Hermon was making no effort to obtain food nor were any Greeks near his carriage. A ricochet from this bullet struck Capt. G.A. Ashley-Cooper on the jaw.

On the 10th June 1941, whilst travelling from Athens to Salonika, Capt. W.J. Burton was ordered by a German soldier (private) in a most offensive manner to close the door of the cattle truck into which the officers were being forced. As all the officers had not yet entered the truck, Capt. Burton did not comply with this order, whereupon the soldier hit him with his fist, then with his rifle-butt and finally threatened him with his bayonet. This soldier also threatened Lt. Col. J.D. Young, R.E. and pushed him into the truck entirely without provocation".

PARTICULARS OF EVIDENCE IN SUPPORT

The facts are contained in a War Office paper incorporating three reports by Capt. Morse dated 8.8.42 of which the W.O. reference is 0103/3247/P.W.2a) and F.O. reference 42/1 of 11.2.43.

Four witnesses should be available, two of whom were wounded and two assaulted. They were :-

Captain Hermon
Captain G.A. Ashley-Cooper
Lt. Col. J.D. Young, R.E.
Captain W.J. Burton.

It is not clear whether Captain S.A. Morse, who made the report, was an eye-witness in any of the cases but he is likely to be a valuable witness.

NOTES ON THE CASE

(Under this heading should be included the view taken as to (a) the degree of responsibility of the accused in view of his official position, e.g., was offence committed on the offender's own initiative, or in obedience to orders, or in carrying out a system approved by authority or a legal provision ; (b) the probable defence ; (c) whether the case appears to be reasonably complete.)

In this case the two events have been grouped together because they appear to have occurred on the same journey from Athens to Salonika via Lamia and show a consistent course of ill-treatment by the guards.

There is at present no identification of the accused but the number of prisoners captured in Greece and Crete was not inconsiderable and an organisation must have existed for dealing with prisoners of war of which particulars are expected to be forthcoming in due course. Identification of those in authority may be expected and through them the actual perpetrators of these outrages. Responsibility can be apportioned when the facts emerge more fully, e.g. the orders given to guards, the care taken to see that guards were aware of the rights of prisoners of war.

NOTES ON THE CASE

(Under this heading should be included the view taken as to (a) the degree of responsibility of the accused in view of his official position, e.g., was offence committed on the offender's own initiative, or in obedience to orders, or in carrying out a system approved by authority or a legal provision ; (b) the probable defence ; (c) whether the case appears to be reasonably complete.)

In this case the two events have been grouped together because they appear to have occurred on the same journey from Athens to Salonika via Lamia and show a consistent course of ill-treatment by the guards.

There is at present no identification of the accused but the number of prisoners captured in Greece and Crete was not inconsiderable and an organisation must have existed for dealing with prisoners of war of which particulars are expected to be forthcoming in due course. Identification of those in authority may be expected and through them the actual perpetrators of these outrages. Responsibility can be apportioned when the facts emerge more fully, e.g. the orders given to guards, the care taken to see that guards were aware of the rights of prisoners of war.

358/UK/G/91

1. Camp Commandant of P.O.W. camp at Salomka.
2. German Guard.

Submitted Decision of Committee I

1. XI. 44

~~Rejected for Item B~~
Adjourned

5 SEP 1945

C

moved

358/UK/G/91

(For the Use of the Secretariat)

Registered Number.

Date of receipt in Secretariat.

358/UK/G/91

21st October 1946

UNITED NATIONS WAR CRIMES COMMISSION

UNITED KINGDOM CHARGES AGAINST GERMAN WAR CRIMINALS

CHARGE No. UK - G/B 90*

Name of accused, his rank and unit, or official position. (Not to be translated.)	The name, rank and units of some of the accused persons are unknown, but such accused should be identifiable by their positions, which were as follows :- (1) The Camp Commandant of prisoners of war camp at Salonika on or about 19th June 1941. (2) The German guard who on above date in the said camp found a Cypriot hiding in a shed, whom they shot and killed.
Date and place of commission of alleged crime.	19th June, 1941. Salonika, Greece.
Number and description of crime in war crimes list. References to relevant provisions of national law.	No.1. Murder Murder.

SHORT STATEMENT OF FACTS.

German guards shot a Cypriot whom they found hiding in a shed, although he had surrendered and abandoned all attempts to escape.

TRANSMITTED BY.....

* Insert serial number under which the case is registered in the files of the National Office of the accusing State.

(26252) W.P. 1595/1120 500 1-44 A.& E.W.L.1. Cp.685
(26924) W.P. 1817/P.1139 5,000 3-44

PARTICULARS OF ALLEGED CRIME

Particulars of this case are contained in a statement by Capt. S.A. Morse which reads as follows :-

"At about 22.30 hours on the 19th June 1941 at Salonika, while Captain's Hermon and Borwick were lying up in some outhouses close to the wire with the intention of escaping, the German guards searched the area and found a Cypriot soldier hiding in a shed some ten yards from the wire. They pulled him out, and although the Cypriot surrendered and asked for mercy they deliberately shot him, taking three shots to kill him".

PARTICULARS OF EVIDENCE IN SUPPORT

In this case there were two eye-witnesses. They were:

Captain Hermon, and
Captain Borwick.

It is presumed that they will be available to substantiate and supplement the information presumably supplied by them to Captain Morse on which this charge is put forward. Captain Morse' report is contained in a War Office paper headed 0103/3247 (P.W.2.a) incorporating three reports of Captain Morse dated 8.8.42.

NOTES ON THE CASE

(Under this heading should be included the view taken as to (a) the degree of responsibility of the accused in view of his official position, e.g., was offence committed on the offender's own initiative, or in obedience to orders, or in carrying out a system approved by authority or a legal provision ; (b) the probable defence ; (c) whether the case appears to be reasonably complete.)

It is submitted, that as it now stands this case shows a prima facie case of murder of the Cypriot soldier whose identity it will no doubt be possible to ascertain later.

There is no direct link between the Camp Commandant and the crime, but he is answerable for correct behaviour of the guards, and at the least must be available to give information leading to the apprehension of the Chief accused who perpetrated the deed. He will no doubt plead superior orders. Whether the first accused has incurred heavy responsibility or less serious responsibility or has no responsibility can only be determined on investigation of the facts. Prima facie it is not reasonable to support such cold-blooded murder by a guard unless at the least the attitude of those in authority were a strongly pre-disposing influence.

359/UK/G/92

See also 353/UK

D

1. Officer in command of force operating near Galatos (Crete).
2. " " " of unit.
3. Officer or other rank.

Submitted Decision of Committee I

1. XI. 44

~~Revised for item B~~
Adjourned B

5 SEP 1945

C

Adjourned

359/UK/G/92

(For the Use of the Secretariat)

Registered Number.

Date of receipt in Secretariat.

359/UK/G/92

21st October 1941

UNITED NATIONS WAR CRIMES COMMISSION

UNITED KINGDOM CHARGES AGAINST GERMAN WAR CRIMINALS

CHARGE No. UK - G/B 91 *

Name of accused, his rank and unit, or official position. (Not to be translated.)	The names, ranks and units of the accused are not known, but they should be identifiable by their positions which were as follows :- (1) The Officer in Command of the force operating near Galatos Crete on or about 27th May 1941. (2) The officer in command of the unit which captured Private O.N. Davies, Welch Regt. at the time and place aforesaid. (3) The officer or other rank or ranks, who compelled the said Davies to march in front of German troops at time and place aforesaid whereby he was killed.
Date and place of commission of alleged crime.	27th May 1941 Nr. Galatos, Crete.
Number and description of crime in war crimes list. References to relevant provisions of national law.	No. 1. Murder The acts complained of constitute a breach of Article 7 of the Geneva Convention of 1929, relating to the treatment of prisoners of war. Murder.

SHORT STATEMENT OF FACTS.

Private O.N. Davies (Army No. 3967432) of the Welch Regiment was forced to march in front of German troops and was thereby killed.

TRANSMITTED BY.....

* Insert serial number under which the case is registered in the files of the National Office of the accusing State.

(28852) W.P. 1505 1120 500 144 A. & E.W.L.11 Cp. 685
(28924) W.P. 1817 P. 1139 5,000 3-14 " " "

PARTICULARS OF ALLEGED CRIME

Particulars of these events are contained in an undated statement by Corporal M. Meehan the Welch Regiment, which reads as follows :-

"This man was captured and was forced to march in front of the enemy and was killed by British gun fire. This man was in my Section and I can verify my statement".

No other details are at present available.

PARTICULARS OF EVIDENCE IN SUPPORT

It is presumed that Cpl. M. Meehan Army No. 4073681 P/W No. 94153, Welch Regiment, will be available to substantiate and supplement the evidence on which this charge is framed. Presumably also others will be able to corroborate his story.

The W.O. reference to the statement of Cpl. Meehan is 0103/3247 (P.W.2a). The F.O. reference is K.W.42/1 dated 15. 5. 43.

NOTES ON THE CASE

(Under this heading should be included the view taken as to (a) the degree of responsibility of the accused in view of his official position, e.g., was offence committed on the offender's own initiative, or in obedience to orders, or in carrying out a system approved by authority or a legal provision ; (b) the probable defence ; (c) whether the case appears to be reasonably complete.)

It is expected that further evidence will be available in regard to this case. It is considered desirable to register it, though at present it is to some extent incomplete, since a clear prima facie case of a breach of the convention seems to be established. Article 7 states that prisoners of war "shall not be unnecessarily exposed to danger". No argument is necessary to show that the use of a prisoner as a screen is not a breach of that article.

Since the deliberate exposure of this prisoner to danger resulted in his death the accused directly responsible are guilty of murder.

The degree of responsibility of accused not directly involved will depend upon the orders given in relation to the means of conducting military operations.

360/UK/G/93

353/UK

1. Officer in command of force near Galatos (Crete).
2. " " " of unit.
3. Officer or other rank

Submitted Decision of Committee I

1. XI. 44

~~Approved for B~~
Adjourned B

5 SEP 1945

C adjourned

360/UK/G/93

(For the Use of the Secretariat)

Registered Number.

Date of receipt in Secretariat.

360/UK/G/93

21st October 1944

UNITED NATIONS WAR CRIMES COMMISSION

UNITED KINGDOM CHARGES AGAINST GERMAN WAR CRIMINALS

CHARGE No. UK - G/B 92 *

Name of accused, his rank and unit, or official position. <i>(Not to be translated.)</i>	The names, ranks and units of the accused are not known, but they should be identifiable by their positions which were as follows :- (1) The officer in Command of the force operating near Galatos in Crete on or about 27th May 1941 (2) The officer in command of the unit which captured Private J.H. Smith, Welch Regiment at the time and place aforesaid. (3) The officer or other rank who shot the said Private Smith on capture as aforesaid
Date and place of commission of alleged crime.	27th May 1941 Nr. Galatos, Crete
Number and description of crime in war crimes list.	No. 1. Murder
References to relevant provisions of national law.	Murder

SHORT STATEMENT OF FACTS.

Private J.H. Smith (Army No. 3967463) of the Welch Regiment who was wounded was shot dead after capture

TRANSMITTED BY.....

* Insert serial number under which the case is registered in the files of the National Office of the accusing State.

(26352) W.P.1505.1120 500 1/44 A.S.E.W.L.I.L. Cp.685
(26924) W.P.1817 P.1139 5,000 3/44

PARTICULARS OF ALLEGED CRIME

Particulars of these events are contained in an undated statement by Corporal M. Meehan of the Welch Regiment, which reads as follows :-

"This man was in my Section and was severely wounded in the face by a German hand grenade. This man was captured and immediately shot. I can verify this statement as I witnessed the incident myself".

No other details are at present available, unless this is the incident referred to in another statement by Corporal Meehan, which is not related to any specific individual, and which reads :

"This man was in my section and reported to me that he was wounded. On being captured this man was lying in a trench alive and was immediately shot by the enemy after he was captured. I can verify my statement as the above mentioned person was in my Section".

PARTICULARS OF EVIDENCE IN SUPPORT

It is presumed that Cpl. Meehan Army No. 4073691 - P/W No. 94153 Welch Regiment, will be available to substantiate and supplement the evidence on which this charge is framed. It is to be supposed that others will be able to corroborate his story.

The W.O. reference of the statement of Cpl. Meehan is 0103/3247 (P.W.2a). The F.O. reference is K.W.42/1 dated 15.5.43.

NOTES ON THE CASE

(Under this heading should be included the view taken as to (a) the degree of responsibility of the accused in view of his official position, e.g., was offence committed on the offender's own initiative, or in obedience to orders, or in carrying out a system approved by authority or a legal provision ; (b) the probable defence ; (c) whether the case appears to be reasonably complete.)

It is expected that further evidence will be available in regard to this case, and that the third accused will be identified. Even if he is not identified, no doubt can be entertained as to the murder having taken place. The case has a value therefore as evidence of the vindictive and callous attitude of the Germans towards British prisoners of war.

361/UK/G/94

1. Officer in command of troops in neighbourhood of Maleme (Crete).
2. Officer i/c prisoners.
3. Officer & other ranks

Submitted Decision of Committee I

1. XI. 44

Rejected pro tem. B

361/UK/G/94

(For the Use of the Secretariat)

Registered Number.

Date of receipt in Secretariat.

361/UK/G/94

21st October 1944

UNITED NATIONS WAR CRIMES COMMISSION

UNITED KINGDOM CHARGES AGAINST GERMAN WAR CRIMINALS

CHARGE No. UK - G/B 93 *

Name of accused, his rank and unit, or official position.

(Not to be translated.)

The names, ranks and units of the accused are not known, but they should be identifiable by their positions, which were as follows :-

- (1) The Officer in Command of troops operating in the neighbourhood of Maleme in Crete in July 1941.
- (2) The officer in charge of British prisoners at the same time and place who permitted the Gestapo to intervene.
- (3) The officer and other ranks of the Gestapo who fired and killed an unnamed British prisoner of war at the same time and place.

Date and place of commission of alleged crime.

July 1941
Near Maleme, Crete

Number and description of crime in war crimes list.

No. 1. Murder

References to relevant provisions of national law.

Murder

SHORT STATEMENT OF FACTS.

A British prisoner of war was shot dead after capture by men of the Gestapo.

TRANSMITTED BY.....

* Insert serial number under which the case is registered in the files of the National Office of the accusing State.

PARTICULARS OF ALLEGED CRIME

Particulars of these events are contained in a statement by an unnamed Lance-Bombardier in the 20th H.A.A. Royal Artillery, who has escaped from enemy territory, which reads as follows :-

"I was taken prisoner for the second time during July 1941 and was a witness of a very cruel act committed by the Germans to a British soldier. A number of us had been captured in the mountains of Crete and we were lined up in a wood near Maleme prison camp. German Gestapo troops arrived with machine guns, said that we were all going to be shot, and asked if we were all Tommies; on receiving the reply "Yes, and proud of it", they began to fire over our heads with a machine gun. A few seconds later they shot an English soldier (believed to be a Marine) through the chest and started laughing.

On seeing this I lost my temper and shouted words of protest. They then threatened to shoot me. In the meantime the British Tommy who was still alive said "Dont shoot me, I am a married man with children". On hearing this, a German soldier laughing drew his pistol and walking up to the dying soldier said in English "What are you afraid to die?". He then shot him through the head.

We were then led away to Maleme prison camp and I was beaten with a stick and told that I was mad to fight for England - what would I gain if I was not a Lord - that England was the richest country in the world and the poorest paid soldiers and that we deserved all we got. Two days later I managed to escape again".

PARTICULARS OF EVIDENCE IN SUPPORT

Enquiry is being made for the name of the Lance-Bombardier in question and since he is reputed in this country, for his attendance for further examination at the National Office.

NOTES ON THE CASE

(Under this heading should be included the view taken as to (a) the degree of responsibility of the accused in view of his official position, e.g., was offence committed on the offender's own initiative, or in obedience to orders, or in carrying out a system approved by authority or a legal provision ; (b) the probable defence ; (c) whether the case appears to be reasonably complete.)

There should be further evidence available in regard to this case.

Despite lack of identification the case goes to swell the total of evidence in support of the indictment of Germans in authority in Crete in 1941.

1. Area Commandant at Corinth
2. Commandant at Barracks, Corinth
3. Officers and O.T.

Submitted Decision of Committee I

8. XI. 64

- | | |
|----|---------------|
| 1. | } Adjourned B |
| 2. | |
| 3. | |

(For the Use of the Secretariat)

Registered Number.

Date of receipt in Secretariat.

365/UK/G/95

3 OCT 1944

UNITED NATIONS WAR CRIMES COMMISSION

UNITED KINGDOM

CHARGES AGAINST

GERMAN

WAR CRIMINALS

CHARGE No. UK - G/B 94 *

Name of accused, his rank and unit, or official position.

(Not to be translated.)

The names, ranks and units of the accused are not known but they should be identifiable by their positions, which were as follows :-

1. The Area Commandant at Corinth during April and May 1941
2. The Commandant at the Barracks at Corinth used as a prisoners of war camp in April and May 1941
3. The officers and other ranks in charge of working parties of prisoners of war at Corinth in April and May 1941

Date and place of commission of alleged crime.

April and May 1941
Corinth.

Number and description of crime in war crimes list.

No. xxx. Illegal employment of prisoners of war.

References to relevant provisions of national law.

The acts complained of constitute a breach of Article 31 of the Geneva Convention of 1929 relating to the treatment of prisoners of war.

SHORT STATEMENT OF FACTS.

British prisoners of war were used to transport war material.

TRANSMITTED BY

* Insert serial number under which the case is registered in the files of the National Office of the accusing State.

(26252) W.P.1505/1120 500 144 A.&E.W.L.L. Cp.685
(26924) W.P.1817/P.1139 5,000 344

PARTICULARS OF ALLEGED CRIME

Particulars of these events are contained in a statement by Lt. J.O. Wells dated 21st August 1942 which reads as follows :-

"When I was captured at Corinth, Greece, at 5 p.m. 26th April, 1941, I was taken with my men to a compound about 3 miles east of the town. Here British prisoners of war were working under the supervision of German Guards. The next day all prisoners were marched to a temporary aerodrome approximately 4 miles west of Corinth and working parties were picked out, their main duties were shifting ammunition, bombs and fuel about the aerodrome. That evening we were marched to the Corinth barracks and thenceforth we remained there, but working parties of other ranks were frequently required each day. They were required to haul and shift about aeroplanes, gliders, bombs and ammunition".

PARTICULARS OF EVIDENCE IN SUPPORT

It is presumed that Lt. Wells will be available to substantiate and if necessary supplement the evidence set out above. No doubt also other prisoners will be able to corroborate Lt. Wells.

NOTES ON THE CASE

(Under this heading should be included the view taken as to (a) the degree of responsibility of the accused in view of his official position, e.g., was offence committed on the offender's own initiative, or in obedience to orders, or in carrying out a system approved by authority or a legal provision ; (b) the probable defence ; (c) whether the case appears to be reasonably complete.)

It is expected that the accused will be identified and that a case will be made out of breach of Article 31 of the Geneva Convention 1929 relating to the treatment of prisoners of war.

Apart from the fact that the offence intrinsically is a serious one it has value in relation to the attitude of the German Authorities towards British prisoners of war in considering the award of punishment.

368/UK/G/98

Submitted Decision of Committee I
8. XI. 44 112 Adyomud B

- 1. Officer a N.C.O. i/c British POW at Salonika
- 2. Guard

368/UK/G/98

(For the Use of the Secretariat)

Registered Number.

Date of receipt in Secretariat.

368/UK/G/98

UNITED NATIONS WAR CRIMES COMMISSION

UNITED KINGDOM CHARGES AGAINST GERMAN WAR CRIMINALS

CHARGE No. UK - G/B 97 *

Name of accused, his rank and unit, or official position. (Not to be translated.)	The name, rank and units of accused persons are unknown but the accused should be identifiable by their positions which were as follows :- 1. The officer or N.C.O. in charge of British prisoners of war at Salonika being marched from the Station to the prisoners of war camp at Salonika 2. The guard who assaulted Lieut. D.J. Maw on the occasion above referred to
Date and place of commission of alleged crime.	10th June 1941 Salonika, Greece.
Number and description of crime in war crimes list. References to relevant provisions of national law.	No. xxix. Ill-treatment of prisoners of war. The acts complained of constitute infringement of Article 2 of the Geneva Convention, 1929, relating to the treatment of prisoners of war. Assault.

SHORT STATEMENT OF FACTS.

A German sentry kicked and beat with his rifle butt, Lt. D.J. Maw, who had stopped, while marching from the station to the camp at Salonika, to rip off the loose sole of his boot.

The Secretary for the Affairs
of His Majesty's Treasury

TRANSMITTED BY.....

* Insert serial number under which the case is registered in the files of the National Office of the accusing State.

(26352) W.P.1505/1120 500 1-41 A.S.E.W.L.11 Cp.685
(26924) W.P.1817/P.1130 5,000 3-44 " " " "

PARTICULARS OF ALLEGED CRIME

Particulars of these events are contained in a statement of Lt. D.J. Maw dated 8.8. 42 which runs as follows:-

"I was being marched in company with other officer prisoners of war from the station at Salonika to the prison camp on the 10th June 1941. The sole of my boot practically came off so that I could not march. I stopped for a moment to rip it off completely and was promptly kicked by a German sentry. I could not speak German, but by signs left no doubt in the sentries mind as to my reasonable intention. He struck me eight times in the small of the back with the butt of his rifle and then threatened to shoot me through the head. I was turning to join the column again when I was kicked and pushed again by the sentry, but he did not this time use his rifle. Throughout he used abusive language, the only phrase which I understood being "English Swine-hound"

PARTICULARS OF EVIDENCE IN SUPPORT

It is assumed that Lt. D.J. Maw will be available to substantiate or supplement the evidence now put forward, which is one of a collection of 71 reports of which the War Office reference is 0103/3247 (P.W.2.a.)

The Foreign Office reference is 42/1 of 11. 2. 43.

NOTES ON THE CASE

(Under this heading should be included the view taken as to (a) the degree of responsibility of the accused in view of his official position, e.g., was offence committed on the offender's own initiative, or in obedience to orders, or in carrying out a system approved by authority or a legal provision ; (b) the probable defence ; (c) whether the case appears to be reasonably complete.)

This case will probably present insuperable difficulties of identification. But evidence of the incident has value in conjunction with other incidents and Lieut. Maw may be a valuable witness in relation to conditions generally.

1. Railway Transport Officer, Provost Marshal or other officer
2. Officer or N.C.O. in charge of train

Submitted Decision of Committee I

8. XI.44

Adjourn (B)

(For the Use of the Secretariat)

Registered Number.

Date of receipt in Secretariat.

370/UK/G/100

UNITED NATIONS WAR CRIMES COMMISSION

UNITED KINGDOM

CHARGES AGAINST GERMAN

WAR CRIMINALS

CHARGE No. UK - G/B 99 *

Name of accused, his rank and unit, or official position. (Not to be translated.)	<p>The name, rank and units of accused persons are unknown but the accused should be identifiable by their positions which were as follows :-</p> <ol style="list-style-type: none">1. The Railway Transport officer, Provost Marshal or other officer or officers in charge of arrangements for transport of prisoners of war from Salonika in Greece to Lubeck in Germany on 22nd July 1941 and following days2. The officer or N.C.O. in charge of the train on the said journey on the said days, or the several officers and N.C.O's in charge of the sections of the said journey.
Date and place of commission of alleged crime.	<p>22nd July 1941 and the following six days On Journey by rail from Salonika to Lubeck</p>
Number and description of crime in war crimes list. References to relevant provisions of national law.	<p>No. xxix. Ill-treatment of prisoners of war. The acts complained of constitute infringement of Article 2 of the Geneva Convention 1929, relating to the treatment of prisoners of war. Neglect of defenceless persons.</p>

SHORT STATEMENT OF FACTS.

About 400 British officer prisoners of war and the same number of Arab labourers from Palestine were sent from Salonika to Lubeck in freight-wagons (35 to a wagon) Their diet was inadequate and there was no sanitary arrangements in the wagons, nor room for all to lie down together. By day the heat was stifling. Infrequent halts were made for the men to get out and relieve themselves by the line. On arrival at Lubeck they were marched off in filthy condition before a large crowd.

The Secretary for the Affairs
of the United Nations

TRANSMITTED BY.....

* Insert serial number under which the case is registered in the files of the National Office of the accusing State.

PARTICULARS OF ALLEGED CRIME

A British prisoner of war in Oflag IX A/H gave an account of his experiences to Brigadier Somerset of which the following is an extract:-

"After 7 weeks of existence on starvation rations on the march and at transit camps in Crete and Greece, I was one of a party of about 400 British officers and the same number of Arabs from a Palestinian labour unit which entrained at Salonika on 22nd July 1941. We were transported in standard freight wagons (35 officers per wagon). This number made it impossible for all to lie down at the same time and with the door shut the air was very foul. The journey to Lubeck took 7 days.

During the first five days the heat during the day was stifling. To prevent escape the doors were locked. The guards refused to open the doors on any but rare occasions, despite the fact that fully 30% of our number were suffering from dysentery or bad diarrhoea, as a result of the ill-balanced and starvation diet we had existed on for seven weeks. The intervals between the opening of the wagon doors, when we were permitted out to relieve ourselves by the railway lines, were sometimes as great as 24 hours and rarely much less. The conditions in the wagon, where there was no latrine facilities whatever, was looking indescribably filthy.

At the station at Lubeck a large crowd of civilians had assembled to see us marched off looking like filthy skeletons and smelling a good deal worse".

A similar statement has been furnished to the War Office by Major J. Duigan of the New Zealand Artillery, who states :-

"On 22nd July 1941, a train-load consisting mainly of British, Australian and New Zealand Officers left Salonika for Lubeck. These officers were accommodated in goods trucks, between 30 and 36 to a truck including all their luggage. The majority were suffering from diarrhoea and dysentery. No latrine conveniences were provided inside the trucks, which were locked up except on those occasions when the train stopped and prisoners were allowed a few minutes to relieve themselves. These occasions were far from adequate, more especially in view of the complaints from which prisoners were suffering and the gross overcrowding. The German guards were fully aware of the conditions prevailing inside the trucks. Shortly after leaving Belgrade, the prisoners were kept locked up on the train for a period slightly in excess of twenty hours. No drinking water (other than that carried on the person) was available during this period. It is considered that such treatment was quite unnecessary and inexcusable and can be looked upon only as wilful cruelty towards the prisoners".

PARTICULARS OF EVIDENCE IN SUPPORT

It is presumed that the officer who gave the above statement to Brigadier Somerset will be available to give evidence. The facts set out above are contained in a letter of 26.11.42 from Brigadier Somerset to the Swiss Legation at Berlin, setting out a list of 12 reported war crimes committed by the Germans in various parts of Europe.

The statement of Major Duigan is dated 8th August 1942. He also will no doubt be available to give evidence in due course.

NOTES ON THE CASE

(Under this heading should be included the view taken as to (a) the degree of responsibility of the accused in view of his official position, e.g., was offence committed on the offender's own initiative, or in obedience to orders, or in carrying out a system approved by authority or a legal provision ; (b) the probable defence ; (c) whether the case appears to be reasonably complete.)

This case is very similar to UK - G/B 75. In that case a large number of prisoners of war were sent from Salonika to Lubeck under similar conditions.

This journey took place in late August and early September 1941.

It is improbable that between July 22nd and the end of August there were not a number of similar transfers of prisoners of war. There must have been a transport organisation which should not be difficult to trace, leading to the identity of the accused.

1. Commandant of POW in Stalag VIII B
2. Untersoffizier (Corporal)

Submitted Decision of Committee I

8. XI. 44

Adjutant of B

5 SEP 1945

Both C

(For the Use of the Secretariat)

Registered Number.

Date of receipt in Secretariat.

374/UK/G/104

8 OCT 1944

UNITED NATIONS WAR CRIMES COMMISSION

UNITED KINGDOM CHARGES AGAINST GERMAN WAR CRIMINALS

CHARGE No. UK - G/B 103 *

Name of accused, his rank and unit, or official position. (Not to be translated.)	The name, rank and units of the accused is not known for certain but they should be identifiable by their position which was as follows :- (1) The Commandant in February 1944 of the prisoners of war Stalag VIII.B. (2) The Unteroffizier (Corporal) in charge on the 23rd February 1944 of the Labour detachment T.715 from the above camp.
Date and place of commission of alleged crime.	23rd February 1944. At or near the prisoners of war camp Stalag VIII B. situated at Teschen, Silesia
Number and description of crime in war crimes list. References to relevant provisions of national law.	No. 1. Murder Breach of Articles 2 and 32 of Geneva Convention 1929 relating to treatment of prisoners of war Murder or manslaughter.

SHORT STATEMENT OF FACTS.

The second accused shot dead Corporal Leslie Reynolds,
No. 32886 of the Royal Army Service Corps.

The Solicitor General
of H.M. Treasury.

TRANSMITTED BY.....

* Insert serial number under which the case is registered in the files of the National Office of the accusing State.

(26852) Wt.P.1505 1120 500 1/44 A.N.E.W.Ltd. Cp.685
(26924) Wt.P.1*17 P.1139 5,000 3/44 " " " "

Copy.
(K.W. 2/7)

No. 5048
XXI/179/44

His Majesty's Minister at Berne
presents his compliments to His Majesty's Principal
Secretary of State for Foreign Affairs and has the
honour to transmit to him the under-mentioned
documents.

British Legation,

Berne.

21st July, 1944.

Reference to previous correspondence:

Berne despatch 4853 of 11.7.44

Description of Enclosure.

Name and Date.	Subject.
From: F.P.D.	British Interests :
Date: 20th July, 1944.	Death of P.O.W. Cpl. Leslie REYNOLDS of Stalag VIII B.

COPIE

(K.W. 2/7)

B.52.GBr.(1)23-110 Reynolds - LU/Mc

./.

Comme suite à note B.52.GBr.(1)23-110 Reynolds WR/De du 7 juillet 1944 (33552), le Département Politique fédéral, Division des Intérêts étrangers, a l'honneur de faire tenir sous ce pli à la Légation de Sa Majesté Britannique copie d'un rapport de l'homme de confiance du Détachement de Travail E 715, Stalag VIII B concernant la mort du prisonnier de guerre britannique Cpl. Leslie Reynolds, No. 32886.

En transmettant ce rapport, la Légation de Suisse à Berlin a précisé qu'il avait été remis non censuré à l'un de ses collaborateurs. En revanche, le résultat de l'enquête officielle ordonnée par les autorités allemandes ne lui a pas encore été communiqué. Elle ne manquera pas de la faire parvenir aussitôt qu'elle l'aura reçu.

Berne, le 20 juillet 1944.

Annexe: copie d'un rapport

A la Légation de Sa Majesté Britannique

B e r n e

COPY

(K.W. 2/7)

AUSCHWITZ E. 715.

R.S.M. F.C. READ.

STATEMENT RE : THE LATE P.O.W. No. 39886/VIII.B. Cpl.
REYNOLDS Leslie. REGIMENT R.A.S.C. WHO MET HIS DEATH BY SHOOT-
ING ON THE AFTERNOON OF 23.2.44 :

Employed on Arbeit Bau 963. Five men with Reynolds
wer engaged in bringing up pipes to a certain place where they
were being hoisted up to a bridge.

Certain civilians had already refused earlier to work
on the bridge. Before the midday break, the civilian engineer
asked the five men to go up and work on the bridge. This they
refused to do, considering it dangerous as there was no
scaffolding protection, safety belts were not provided and some
ice and snow still lay about. The engineer took their numbers
and made no comment. The men continued their present task till
midday ; after the break they were again asked to work on top,
again they refused to go up. They were threatened that a posten
would be brought to them, subsequently three men went off to
bring up another pipe, two men remained WEST AND WALSH and were
accosted by the under-officer who hit them with his revolver
barrel and forced them up the ladder with his revolver point.
The under-officer then put his revolver into his pocket. The
three men approached carrying a pipe assisted by two other men.
They were made to lay down the pipe and come to the place where
the ladder was erected. The master then read out their numbers
and attempted to identify the men. When one man made out as if
to point out his own number on the paper, the under-officer
attacked him with his r revolver beating him (Watson) about the
shoulder and head. The under-officer then attacked them all in
turn in order to force them up the ladder.

During this time the revolver was distinctly heard to
click twice, finally he attacked REYNOLDS who retreated back one
step until he was prevented from going further by a large pipe
laying behind him. The under-officer lunged at him, missed
and hit again this time hitting him on the chest with the
revolver barrel. He was drawing back the revolver when it
exploded while still very near REYNOLDS. REYNOLDS put up his
hand to his chest and sank slowly to the ground. A doctor was
immediately sent for, the body carried into a shed. Then the
under-officer forced the men to go back smount the bridgehead to
work there the rest of the afternoon. The men were working all
morning and again until the time of the incident. There was no
refusal to work but to go on the place they considered dangerous.
There was no question of querelling with the under-officer. The
latter was already known to the men as having already bayoneted
one man and for using blows on other occasions.

The previous camp leader R.S.M. BESTER had already made
official complaints against the under-officer, REYNOLDS was a
quiet reserved man and had been in no previous trouble with the
Authorities.

WITNESSES : 32835 HUGHES. Cpl. 410 WALSH. Pte.
 33055 WEST. Pte. 221945 WATSON. Pte.
 32874 DUNN. Pte 32918 HORTH. Pte
 32845 SHIPTON. Pte.

Yours sincerely,

(Sgt.) CHARTERS 16440

C.S.M. Camp Leader. Vertrauensmann.

19.3.44.

PARTICULARS OF ALLEGED CRIME

On the day in question Reynolds and four other men were at work near a bridge, on which civilian workers (? Germans) had refused to work as they considered it dangerous owing to a lack of scaffolding, safety belts, etc. The civil engineer then asked the prisoners to undertake the work. They refused and he took their numbers

After the midday break they were again asked to go on the bridge and again refused. Later while Reynolds with two of the men was away fetching a pipe for use on the bridge the second accused appeared on the scene and compelled the two remaining men, West and Walsh, to go up on to the bridge at the pistol point, beating them with the butt of his revolver at the same time. When the others returned he attacked them in turn and drove them up on to the bridge. The last to be attacked was Reynolds and in the course of a scrimmage, while the accused was striking him with the barrel of the revolver, it went off and killed him on the spot. Reynolds is described as a quiet reserved man, who had never had any previous trouble with the authorities.

PARTICULARS OF EVIDENCE IN SUPPORT

The Particulars set out above are contained in a report by C.S.M. Charters the Camp Leader (Vertrauensmann) at Stalag VIII B dated 19. 3.44. (References K.W.2/7, Auschwitz E 715)

Copy of this report is attached.

He also states that his predecessor as Camp Leader R.S.M. Bester had already made official complaints against the second accused.

In the circumstances the identification of the second accused should not be difficult. Unfortunately the reference to the witnesses who should be available are limited to names, without initials, army numbers and units, and P/W numbers.

They are as follows :-

C.S.M. Charters, Camp Leader,	P/W No. 16440
R.S.M. Bester	
Cpl. Hughes	P/W No 32885
Pte. West	do. 33055
Pte. Dunn	do. 32874
Pte. Shipton	do. 32845
Pte. Walsh	do. 410
Pte. Watson	do. 221945
Pte. H	do. 32918

NOTES ON THE CASE

(Under this heading should be included the view taken as to (a) the degree of responsibility of the accused in view of his official position, e.g., was offence committed on the offender's own initiative, or in obedience to orders, or in carrying out a system approved by authority or a legal provision ; (b) the probable defence ; (c) whether the case appears to be reasonably complete.)

This case reveals a clear case of murder, or at the least manslaughter, against the second accused

C.S.M. Charters' reference to previous official complaints against the second accused seems to indicate that the camp authorities may have been aware of his bad conduct and for that reason the Commandant has also been joined as an accused person.

The employment of prisoners of war on dangerous work is forbidden by Article 32 of the Convention of 1929 and the men were clearly entitled to demur at being asked to do work which civilian workers, presumably Germans, had refused to do on the specific ground of danger.

NOTES ON THE CASE

(Under this heading should be included the view taken as to (a) the degree of responsibility of the accused in view of his official position, e.g., was offence committed on the offender's own initiative, or in obedience to orders, or in carrying out a system approved by authority or a legal provision ; (b) the probable defence ; (c) whether the case appears to be reasonably complete.)

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375/UK/G/105

Guard at Stoleg VIII B

Submitted Decision of Committee I

8. XI. 44

Adjoin B

375/UK/G/105

(For the Use of the Secretariat)

Registered Number.

Date of receipt in Secretariat.

375/UK/G/105

8 OCT 1944

UNITED NATIONS WAR CRIMES COMMISSION

UNITED KINGDOM CHARGES AGAINST GERMAN WAR CRIMINALS .

CHARGE No. UK - G/B 104*

Name of accused, his rank and unit, or official position. (Not to be translated.)	The name, rank and unit of the accused is not known for certain but he should be identifiable by his position which was as follows :- One of the guards at the prisoners of war camp Stalag VIII B in December 1943.
Date and place of commission of alleged crime.	13th December 1943 At or near the prisoners of war camp Stalag VIII B. situated at Teschen, Silesia
Number and description of crime in war crimes list. References to relevant provisions of national law.	No. 1. Murder Breach of Article 2 of Geneva Convention 1929 relating to the treatment of prisoners of war. Murder or manslaughter.

SHORT STATEMENT OF FACTS.

The second accused shot dead Privates J.H. Burling and F.Sydney Smith.

TRANSMITTED BY.....

* Insert serial number under which the case is registered in the files of the National Office of the accusing State.

COPY
MINISTRY OF FOREIGN AFFAIRS

R. 1119 Br.

The Ministry of Foreign Affairs have the honour to inform the Swiss Legation, in reply to their Memorandum of 12th January, 1944 - No. 2055 - concerning the British prisoners of war BURLING AND SMITH, of the following:

On 13.12.1943 the prisoners of war of a work detachment in the sphere of Stalag VIII B, were in the dressing room of their detachment as usual after their work for washing and changing. The prisoner of war BURLING took an unusually long time to clean up and when the majority of the prisoners of war had already left the room he still sat on a form in the dressing room. In response to the orders of the sentry to get dressed more quickly, he answered with curses. When the sentry gave him to understand that he would no longer tolerate this BURLING reached for the sentry's rifle and hit him several times in the face. When BURLING renewed his attack the sentry jumped aside and fired a shot which killed BURLING at once. The oblique shot unfortunately also hit the prisoner of war SMITH, who had had no part in the incident, and who was still in the dressing room some little distance away, whereby he also was killed.

In the course of the investigation carried out by the competent authority, another British prisoner of war confirmed that BURLING had abused the sentry and had hit him in the face with his fist before he had shot at BURLING.

The competent authorities have established that, acting in self-defence, the sentry made legal use of the weapon.

The home addresses of the deceased are:-

J.H. Burling,
65 Wangee Road,
Lakemba,
Sydney, Australia.

To the
Swiss Legation,
Foreign Interests Division.

F. Sydney Smith/

F. Sydney Smith,
101 Cotsford Street,
Tooting,
London S.W. 17.

Berlin 24th March, 1944.

PARTICULARS OF ALLEGED CRIME

According to the Germans on the day in question Burling hung about in the dressing room after the working party of which he was a member had washed and changed after the day's work. When ordered by the second accused to hurry up he replied with curses. On being told that this would not be tolerated he attempted to snatch the accused's rifle from him at the same time striking him in the face several times. The accused jumped aside and fired killing Burling at once and by accident killing Smith also since the bullet passed through Burling and hit him. It is further alleged that at the inquiry another prisoner of war confirmed that Burling had cursed and struck the accused before the latter fired. No account from a British source is yet forthcoming.

T.H. Burling, was an Australian. His home address is given by the Germans as 65 Wangee Road, Lakemba, Sydney, Australia

F. Sydney Smith was an Englishman, with home address at 101 Cotsford Street, Tooting, London, S.W.17.

PARTICULARS OF EVIDENCE IN SUPPORT

The Particulars set out above are contained in a communication from the German Foreign Office to the Protecting Power dated 24th March 1944 (Ref. 1119 Br.), copy of which is attached hereto.

No other evidence of any sort is as yet available.

In order to identify the accused it will be necessary to call the Camp Commandant, Captain Gengnajel

The suggestion is ventured that in addition to lists of accused persons there should also be lists of German witnesses.

All commandants at camps at the time crimes were committed should be available, if submitted, partly in order to give evidence of conditions and identification and partly to refute any plea of superior orders. In some cases where evidence emerges as of a measure of responsibility resting upon the commandant, it may be necessary at that stage to add the commandant concerned as an accused person.

NOTES ON THE CASE

(Under this heading should be included the view taken as to (a) the degree of responsibility of the accused in view of his official position, e.g., was offence committed on the offender's own initiative, or in obedience to orders, or in carrying out a system approved by authority or a legal provision ; (b) the probable defence ; (c) whether the case appears to be reasonably complete.)

It is desired to register this case since there is a clear admission of the killing of two British prisoners of war, which calls for investigation.

In the event of subsequent reports confirming the account given by the second accused as to the events leading up to the deaths of Burling and Smith, the case may be dropped, at all events so far as the charge of murder is concerned, but should British witnesses when available give a different account it will be necessary to proceed with the double charge of murder, since the death of Smith, though no doubt in itself an accident, would have arisen from an unlawful act.

No doubt the defence will be self-defence and on the facts alleged by the Germans the question will arise whether it was not an excessive use of force within the principle laid down by the Germans themselves in the Case where Sergeant Speake met his death and Gunner Russell was wounded, the accused guard being Bruksch (UK - G/B 1)

Moreover it does not follow that the German account will prove to be correct.

There is nothing to connect Captain Gengnajel, Commandant of VIII.B with the crime.

He will be a necessary witness and for purposes of identification of the accused and also to meet any defence by the accused of superior orders.

633/UK/G/124

Underoffizier at Working Camp M.73,
Stalag IV-F.

Submitted. Decision of Committee I.

5.4.45

C.R.

633/UK/G/124

(For the Use of the Secretariat)

Registered Number.

Date of receipt in Secretariat.

633/UK/G/124

23 MAR 1945

UNITED NATIONS WAR CRIMES COMMISSION

UNITED KINGDOM

CHARGES AGAINST

GERMAN

WAR CRIMINALS

CHARGE No. UK - G/B 123*

Name of accused, his rank and unit, or official position. <i>(Not to be translated.)</i>	An Unteroffizier at Working Camp M.73, Stalag IV.F on 21st June 1944.
Date and place of commission of alleged crime.	21st June 1944. At or near Hartmansdorf, Chemnitz.
Number and description of crime in war crimes list. References to relevant provisions of national law.	No.1. Murder Breach of usages of warfare and laws of war. Murder.

SHORT STATEMENT OF FACTS.

The accused shot Private Arthur Hamper and an unknown Serb soldier with his revolver after they had abandoned an attempt to escape and in fact had returned to the camp. The Serb would appear to have been killed on the spot. Hamper lived for three days before dying of pneumonia caused by his wound.

The Solicitor for the Affairs
of H.M. Treasury.

TRANSMITTED BY.....

* Insert serial number under which the case is registered in the files of the National Office of the accusing State.

(26852) W.P.1505-1120 500 1-44 A.S.E.W.L.L. Cp.685
(26924) W.P.1817-P.1139 5,000 3-44

British Legation
Berne

Copy.

22nd December 1944.

(K.W. 2/48)

XXI/419/44

Dear Prisoners of War Department,

Please refer to our despatch 7451 of 6th November concerning the death of the British prisoner of war Arthur Hamper.

We enclose herewith copies of a statement concerning the incident which led to his death together with a report from the Senior British Medical Officer which have not passed through the hands of the German censor.

Yours ever,

CHANCERY

Prisoners of War Department,
Foreign Office,
London, S.W.

Copy

Re: 6886695 Pte. Arthur HALPER, POW No.252, 684 IV BF

The patient was admitted to Lazarett Hohenstein Ernstthal Stalag IV F at 10.00 a.m. June 22nd 1944.

He was suffering from the effects of a bullet wound which entered the lower left chest.

After examination by a French surgeon, he underwent an operation which necessitated the removal of the spleen.

On June 24th the patient showed signs of pneumonia from which he died on June 25th. He died quite peacefully and note in any undue discomfort.

(Sgd) H.R. FOSBERY,

Major R.A.M.C.
Senior British Medical Officer.

COPY

RES. LAZ. HORENSTEIN

Statement made by:

6286095 Pte. Arthur HAMPER, POW No. 232.684 IV BF on June
24th 1944

"I escaped with a Serb soldier from the camp M73 IV F between 9.00 and 10.00 a.m. on Wednesday June 21st 1944. We lay under cover till about 6.00 p.m. that night when we moved off; at about an hour later (7.00 p.m.) we ran into an underofficer from the camp.

He then hit us both with a stick and kicked us back to the lager, but we were not taken inside the barbed wire. On arrival we were kicked and struck with rubber truncheons by two postons.

The underofficer then shot the Serb first and then me; the Serb being shot four or five times.

Blankets were then fetched and we were both covered up. About 15 - 20 minutes later I crawled away and walked 6 - 7 kilometers, where I gave myself up at a railway station to the railway assistants. They telephoned to the Civil Police, who took me to the police station, where I was placed in a cell, and await the arrival of some British prisoners who brought me to this lazarett on a stretcher"

The above statement was read over to Pte. Arthur HAMPER in the presence of the undermentioned and he replied: "That is right".

Major H.R. Fosbery, R.A.M.C. P.o.W. 3643, 6398844
Corporal J.R. Wilson, R.A.M.C. POW 260.723

The above story agrees in every detail to the one told to 136.449 Capt. A.C.P.D. Thompson, R.A.M.C. POW No. 22834 IV BF on patient's admission.

PARTICULARS OF ALLEGED CRIME

According to statements made to Major H.R. Fosbery and Capt. A.C.P.D. Thompson both of the R.A.M.C. after his admission to Lazaret Hohenstein Ernstthal at Stalag IV.F. by Hamper himself, he escaped on the 21st June 1944 with a Serb soldier between 9.30 and 10.0 a.m. lying hid till about 6.0 p.m. when they moved off. About one hour later they ran into the accused, who struck them with his stick and kicked them back to the lager, where they were kicked and beaten with rubber truncheons by two guards. The accused then fired upon them both hitting the Serb four or five times and Hamper once. Both men fell and were covered with blankets. Hamper crawled away and gave himself up at a railway station from which he was taken to the police station until the arrival of a stretcher party who took him to the lazaret.

He was operated on by a French surgeon, who removed the spleen, but three days later, (on the 24th June 1944) he contracted pneumonia and died next day.

PARTICULARS OF EVIDENCE IN SUPPORT

The only evidence of the actual commission of this crime available is that of Hamper himself, but Major Fosbery has made a statement as to his admission to the lazaret and his condition, while both he and Capt. Thompson can testify that he made more or less identical statements to them at different times as to how he came to be wounded.

NOTES ON THE CASE

(Under this heading should be included the view taken as to (a) the degree of responsibility of the accused in view of his official position, e.g., was offence committed on the offender's own initiative, or in obedience to orders, or in carrying out a system approved by authority or a legal provision ; (b) the probable defence ; (c) whether the case appears to be reasonably complete.)

This case presents two difficulties. In the first place Hamper does not seem to have made any attempt to identify the accused. Secondly the actual crime took place, so far as is known at present, in the presence of Germans only and they will no doubt allege that Hamper and the Serb were trying to escape when shot, or were resisting re-capture, or assaulting the guards.

The first of these may be surmounted by the evidence of Fosbery, Thompson or other prisoners who may have heard who the particular unteroffizier was.

The second would be countered primarily by the two statements of Hamper, when more or less at death's door. Although the conditions were absent that could make of such statements a dying declaration in terms of the English law of Evidence, it is unlikely that at such a time he would invent a quite detailed and reasonable story as to what had occurred, or that he would attempt to fix a charge of murder on an innocent man.

Hamper's statements also receive strong corroboration from the medical evidence of the position of the wound which would appear to be inconsistent with the idea of being shot in attempting to escape.

NOTES ON THE CASE

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Hamper's statements also receive strong corroboration from the medical evidence of the position of the wound which would appear to be inconsistent with the idea of being shot in attempting to escape.

634/UK/G/125

11

Unknown German acting as Steiger at
Beuthen.

Submitted. Decision of Committee I.

5.4.45

C B

634/UK/G/125

(For the Use of the Secretariat)

Registered Number.

Date of receipt in Secretariat.

634/UK/C/125

23 MAR 1945

UNITED NATIONS WAR CRIMES COMMISSION

UNITED KINGDOM CHARGES AGAINST ~~ROMANIAN~~ GERMAN WAR CRIMINALS
CHARGE No. UK - G/B 124*

Name of accused, his rank and unit, or official position. (Not to be translated.)	A German of unknown name who was acting as Steiger (Foreman) in a coal pit at or near Beuthen in Silesia on the 4th December 1943.
Date and place of commission of alleged crime.	4th December 1943. At or near Beuthen aforesaid.
Number and description of crime in war crimes list. References to relevant provisions of national law.	No.xxix. Ill-treatment of prisoners of war. Breach of Article 2 of the Geneva Convention 1929 relating to the treatment of prisoners of war. Assault.

SHORT STATEMENT OF FACTS.

The accused without justification struck a severely injured Private L.E. Abbott with a pick while he (Abbott) was working in the coal mine above referred to, as a member of the working party E.72 from Stalag VIII.B.

TRANSMITTED BY.....

* Insert serial number under which the case is registered in the files of the National Office of the accusing State.

(26352) W.C.P.1505 1120 500 1 11 A.A.E.W.L.I. Cp.685
(26924) W.C.P.1817 P.1139 5,000 3 11

(For the Use of the Secretariat)

Registered Number.

Date of receipt in Secretariat.

634/UK/C/125

23 MAR 1945

UNITED NATIONS WAR CRIMES COMMISSION

UNITED KINGDOM CHARGES AGAINST ~~RUMANIAN~~ GERMAN WAR CRIMINALS

CHARGE No. UK - G/B 124*

Name of accused, his rank and unit, or official position. <i>(Not to be translated.)</i>	A German of unknown name who was acting as Steiger (Foreman) in a coal pit at or near Beuthen in Silesia on the 4th December 1943.
Date and place of commission of alleged crime.	4th December 1943. At or near Beuthen aforesaid.
Number and description of crime in war crimes list. References to relevant provisions of national law.	No.xxix. Ill-treatment of prisoners of war. Breach of Article 2 of the Geneva Convention 1929 relating to the treatment of prisoners of war. Assault.

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TRANSMITTED BY.....

* Insert serial number under which the case is registered in the files of the National Office of the accusing State.

(26352) W.P. 1505 1120 500 1-44 A.S.E.W.L.L. Cp.685
(26924) W.P. 1817 1-1129 5,000 3-44

1.

COPY

Encl.132 to 0103/4360 (P.W.2. 8.10.44
Foreign Office ref. K.W.2/7. 31. 8.44

No. 5145

His Majesty's Minister at Berne presents his compliments to His Majesty's Principal Secretary of State for Foreign Affairs and has the honour to transmit to him the under-mentioned documents.

British Legation,
Berne.

26. 7. 1944

Reference to previous correspondence:

Description of Enclosure

Name and Date	Subject
From: Federal Political Department 24. 7. 1944.	Statements by P.O.Ws. at Stalag VIII.B. concerning wounding of Private L.E. ABBOTT

Copy.

TN 3-E.72

Schweizerische Gesandtschaft
Abtlg. Schutzmachangelegenheiten
BERLIN, W. 8.

Sirs,

Re: P.O.W. No. 32386, Pte.L.E.ABBOTT

In connection with the assault on the above-mentioned British P.O.W. whilst working at Arbeitskommando E.72, I brought the matter forward during the visit of your Delegates, M.Naville and M.Buchmuller, to this Stalag on February 15th, 1944.

I now attach two statements - the original complaint by Abbott and reply from the mine authorities. It will be observed that the two statements, complaint and reply, differ widely.

It seems incredible that Abbott, having received a wound on his head necessitating six stitches through falling on the water-main, was then able to deal Oberhaeuse Reuther a blow on the chest sufficient to fell him. To make matters worse, Abbott, who by then must have been very faint, is alleged to have continued the attack on Reuther whilst he, Reuther, lay on the ground.

It also seems incredible that the Einspueler Sladek Felix was standing by and apparently did nothing whilst all this was happening.

I cannot agree that the work output referred to in the last paragraph of the mine authorities' statement is relevant to what still appears to have been a brutal assault.

I therefore respectfully request that further investigations be made into this case, and that action be taken which will prevent attacks of this nature on British prisoners of war.

I have the honour to be, Sirs,
Your obedient Servant,
(Sgd) F. READ,
R.S.M.POW No.19
Camp Leader.

3.4.1944
Stalag VIII B. Germany.

COPY.

To:

The Commandant,
Stalag 344

Sir,

Since having been returned to Stalag 344 sick, I beg to make the following statement :-

On the evening of 4th December, 1943, I was working in a pit at E.72, BEUTHEN, and I was employed as on the previous day helping the fillers back with empty wagons. At about 18.30 hours a Steiger told me to help fill a wagon. This I refused to do for reasons of my deafness and trouble with my leg due to an accident which occurred in February, 1941. The Steiger demanded my number and together with another civilian went to my coat, presumably to search it with the object of ascertaining my number. I objected to this, and removed my coat from where it was hanging.

The Steiger went away but returned in company with another Steiger at about 1900 hours. I tried to explain my case, but difficulty with the language prevented their understanding what I intended to convey. I was struck on the jaw by the second Steiger, and upon that I removed my coat again from the peg as also my lamp, and started to walk away.

I had proceeded about 20 paces when I was struck by the Steiger with his pick on my left shoulder. This was followed by a second blow which struck the side of my head, and which caused me to fall to the ground. Lying on the ground with blood from my head wound streaming over my face I tried to defend myself from further attempted attacks with the pick.

When I was allowed to regain my feet, I was taken to the lift in a coal wagon, removed to the surface and taken to the dressing station.

I was eventually taken to Beuthen Hospital where six stitches were applied to the wounds in my head, after which I was transferred to hospital in Kattowitz. On 10th December, I was allowed out of bed and on 13th December, the stitches were removed from my head wounds.

On leaving hospital I was excused all work for two weeks, and since my last examination by a German Military Doctor, on 4th January, I have been excused from work of all kind.

I had previously been excused the working of filling wagons in the pit, on account of the danger due to my deafness. Since the attack on me, my malady has been aggravated and I suffer from severe head pains.

I am, Sir,
Yours obediently,
(Sgd) L.F. ABBOTT,
Private

P.O. Nr. 32368

24.1.1944

Copy.

TRANSLATION

REPORT

The pillar hewer GOLLY PAUL and his learner - hewer DRAGON JOSEF in department 6 complained yesterday to me about the bad work output of the Englishman ABBOT MARK No. 8801. The Englishman should have helped the fillers in the pushing and filling of wagons on the pier. He helped the filler to push the waggon about 40 meters in the pier, but refused to fill it. I met him before the pier sitting, and commanded him to help the fillers and not to sit around. He made a sign of refusal to me, stood up and adopted a boxing attitude towards me. As I thereupon wanted to ascertain his name or number and the Hewer GOLLY wanted to search his belongings for this purpose, he gave the Hewer a push on the chest. I informed the Watchkommando over this matter immediately. I then visited the place once more and closed the matter with the Hewer. I attempted once more with good will to get the Englishman to work. But he picked up his kit and ran out into the brake which was moving. There he ran into the Oberhauer REUTHER who was working in the vicinity with the Nasher SLADEK FELIX. REUTHER called to the Englishman, but he did not stop and instead tried to increase his speed. Thereby he fell and knocked his head on a water main. As Reuther went to help him up, the P.O.W. dealt him a heavy blow on the chest. Reuther fell and lost his lamp and wedgemattock. Reuther who lay on the ground defended himself against the blows of the Englishman

The work output of the English is very bad for the greater part in departments 7 and 8. Their attitude towards the Hewers is very contrary and unhelpful.

HOHENZOLLERNGRUNE, 6 December 1943

(Sgd)

PARTICULARS OF ALLEGED CRIME

Evidence of this crime has been given in a statement made by Private Abbott himself, now at Stalag 344. He states that on the day in question a dispute arose between himself and a Steiger as to his work. Abbott having refused to help fill a wagon on account of his deafness and a leg injury, the Steiger and another man (according to the German account, a hewer of the name of Paul Golly) went to his coat to see what his number was, no doubt for the purpose of reporting him, upon which Abbott took his coat away. The Steiger went away and returned with another Steiger to both of whom Abbott attempted to explain his objection to doing the work required of him, but language difficulties prevented their understanding him, and the second Steiger ultimately hit him on the jaw. Abbott thereupon walked away with his coat and lamp, but had only gone a few paces when the Steiger struck him again on the shoulder and head with his pick, the second blow felling him to the ground and causing an injury which later required six stitches. While Abbott lay on the ground more blows were aimed at him which he warded off with his arms. He was taken to the surface and his wound dressed and he was later transferred to hospitals at Beuthen and Kottowitz. He has since been excused all work by the German military doctors. His deafness has been aggravated by the blow on his head and he suffers from severe head pains.

From the German side comes a statement of the Steiger dated 6th December 1943 in which he says that the hewer Golly and his assistant Josef Dragon complained to him of Abbott's refusal to work and that he remonstrated with him, whereupon Abbott adopted a boxing attitude. He (the Steiger) and Golly then tried to look at Abbott's coat to see his number, but he picked it up and ran off colliding with Oberhauer Reuther who was working hardby with a man named Felix Sladek. Reuther called to Abbott, but the latter increased his speed and falling hit his head heavily on a water-main. When Reuther went to help him up he knocked him down and attacked him while on the ground. The Steiger adds that the work of the English in this pit had been on the whole bad and un-cooperative.

PARTICULARS OF EVIDENCE IN SUPPORT

As to the actual assault Private Abbott is of course the only witness against at least five, and it may be six, Germans, but it is possible that some record of his treatment in the German Military Hospitals at Beuthen and Kattowitz may become available, which will cast some light on the nature of his wound. It is possible also that some of the doctors might be able to express an opinion as to how he received it.

NOTES ON THE CASE

(Under this heading should be included the view taken as to (a) the degree of responsibility of the accused in view of his official position, e.g., was offence committed on the offender's own initiative, or in obedience to orders, or in carrying out a system approved by authority or a legal provision ; (b) the probable defence ; (c) whether the case appears to be reasonably complete.)

This case is not perhaps at first glance a very satisfactory one, since there will be at least five Germans as witnesses against Abbott alone. On the other hand the German story is *prima facie* an unlikely one. Assuming that Abbott ran off and fell, cutting his head on the water main, would he be likely to assault the man who came to help him up? Possibly if he was concussed and did not know what he was doing, but improbably. Again why should he continue to attack Reuther after he had knocked him down? And what were the other Germans, particularly Reuther's mate Sladek, doing to let him carry out this prolonged assault? These points are taken up by Regt. Sergt. Major F. Read, the camp leader, in a letter of complaint to the Protecting Power of 3rd April 1944, and they are points of substance.

It must be admitted, however, that if the Germans concerned hold together in the matter of evidence, the case will be unlikely to succeed, unless the medical officers who treated Abbott at Beuthen and Kattowitz are prepared to state that in their opinion his head injuries were such as to suggest that he had been struck with a pick, rather than hit his head in falling on a water-main.

784/UK/G/151

Two guards (S.S.) acc. P.O.W. from 9th SS Panzer Div.,
Arnhem (Arnhem) to Zulpheu.

Submitted Decision of Committee I

24.4.45

C B

784/UK/G/151

(For the Use of the Secretariat)

Registered Number.

Date of receipt in Secretariat.

784/UK/G/151

13 APR 1945

UNITED NATIONS WAR CRIMES COMMISSION

UNITED KINGDOM

CHARGES AGAINST

GERMAN

WAR CRIMINALS

CHARGE No. UK - G/B 150*

Name of accused, his rank and unit, or official position. <i>(Not to be translated.)</i>	Names of the accused are unknown. Two guards, both S.S. men, on duty accompanying British prisoners of war from the 9th S.S. Panzer Division P.O.W. cage at Arnheim to Zutphen (Arnheim?)
Date and place of commission of alleged crime.	23rd September, 1944. Near Zutphen, Holland.
Number and description of crime in war crimes list. References to relevant provisions of national law.	No.1. Murder of Lieutenant H.A. Platt, Lieutenant T.V. McNabb, both of the Reconnaissance Corps, an unknown Glider Pilot, Private McCrachen of the 2nd Battalion, Parachute Regiment and an unknown other rank. Breach of Usages of Warfare and Laws of War. Murder.

SHORT STATEMENT OF FACTS.

At about 1700 hours on the 23rd September 1944, a party of some 25 British officers and other ranks were being moved by lorry from Arnheim (Arnheim?) to Zutphen in charge of 5 guards. On the journey two of the officers attempted to escape whereupon two of the guards opened fire at point blank range on the prisoners in the lorry killing outright, two officer-prisoners and two other tank prisoners: Lieutenant McNabb was so seriously wounded that he subsequently died in hospital.

TRANSMITTED BY.....

* Insert serial number under which the case is registered in the files of the National Office of the accusing State.

(For the Use of the Secretariat)

Registered Number.

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784/UK/G/151

13 APR 1949

UNITED NATIONS WAR CRIMES COMMISSION

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CHARGES AGAINST

GERMAN

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TRANSMITTED BY

* Insert serial number under which the case is registered in the files of the National Office of the accusing State.

(26552) W.L.P.1505-1120 500 1-44 A.R.E.W.L.L. Cp.685
(26924) W.L.P.1817-151130 5,000 3-44

British Legation,
Berne.

(K.W. 2/48A)

20th January 1945

XXI/14/45.

Dear Prisoners of War Department,

We enclose herewith a copy of a report from Major C.F.H. Gough M.C. Reconnaissance Corps Prisoner of War No. 005951 Oflag 79 concerning the shooting of British Prisoners on 23rd September 1944 near Zutphen. This has been transmitted to us by the Swiss and has not passed through the hands of the German censor.

Yours ever,

CHANCERY

Prisoners of War Department,
Foreign Office,
London, S.W.

COPI.

To the Protecting Power.

I wish to report an incident which occurred on 23rd Sept. 1944 near ZUTPHEN in Holland as a result of which 3 British officers & 2 British other ranks were killed and approx. 5 other British prisoners were wounded. The circumstances were as follows. At about 1700 hrs. a party of British Airborne Officers & a few other ranks numbering approximately 25 in all were placed in a lorry and moved from the 9th S.S. Panzer Division P.O.W. cage at ARNHEIM to ZUTPHEN. I was a member of this party. Besides the driver of the truck there were 5 guards, all S.S. men, 3 of whom were on the rear of the truck, one sitting with the driver and 1 standing on the running board. We were extremely squashed and it was impossible for those in the body of the lorry to move. The lorry was uncovered.

We had reached a small village about 4 Km. short of ZUTPHEN where the lorry had stopped suddenly and then re-started. Before it had gathered full speed, two officer prisoners who were standing on the left hand side of the lorry jumped out and ran away. One of them, Major HIBBERD of the Parachute Regiment made good his escape, but the other, Major MUNFORD, ran about 300 yards and fell exhausted. The guards did not fire on either of these officers. Instead, the guard on the running board and the one beside the driver jumped off as the truck was pulling up and ran round to the back from which two of the guards had also jumped. The third who was on the left hand side remained on the truck.

Two of the guards standing in the roadway, opened fire at point blank range on the prisoners in the truck, killing outright his own fellow guard and 2 officer prisoners and 2 other rank prisoners. One of these officers was Lt. H.A. PLATT, Reconnaissance Corps, the other one was a Glider Pilot whose name I do not know. One of the other ranks was Pte. McCRACKEN of the 2nd Bn. Parachute Regiment. Amongst those seriously wounded were

Lt. T.V. McNABB, Reconnaissance Corps, who subsequently died in hospital.

Major Anthony Cotterill (the well-known novelist and reported of Royal Fusiliers attached to 1st Parachute Bde.

Lt. A.L. Tannenbaum, 2nd Parachute Bn.

Most of the others received injuries of a minor character. After two or three magazines had been fired, all the prisoners were ordered out of the truck and sat on the road in a half-circle in front of the guards who were in a highly excited condition. We were told that we were responsible for the death of the German guard and that we should all be shot. At this stage Major MUNFORD was brought back. The dead and wounded were then taken off the truck and deposited on the road.

We were kept seated on the road for about an hour, during which time one of the officers who speaks German heard the guards debating whether or not they would shoot the lot of us. Eventually and very fortunately for us an interpreter from the ZUTPHEN P.O.W. cage arrived in a car, and he was able, with a certain amount of difficulty, to pacify the S.S. guards sufficiently to allow us to proceed with the dead and wounded in another truck to ZUTPHEN.

The undermentioned officers were in the party in addition to those whom I have mentioned:

Major W. Arnold Royal Artillery 1st Airborne Div.

Capt. B.W. Briggs, Parachute Regiment

Major Byng-Laddick " "

Capt. D. McLean " "

Capt. D.G. Mortlock, R.A.S.C. I have the honour to be Sir,

From Major C.F.H. GOUGH, M.C. (14320)
Reconnaissance Corps. POW. No. 005951

Your obedient Servant,

C.F.H. GOUGH, Major.

PARTICULARS OF ALLEGED CRIME

At about 1700 hours on the 23rd September, 1944, a party of British Airborne Officers and a few other ranks numbering some 25 in all were placed in a lorry and moved from the 9th S.S. Panzer Division P.O.W. cage at a place given as Arnheim to Zutphen. (Note. Arnheim cannot be identified, but Arnhem is 29 kilometres from Zutphen S.S.W.) Besides the driver there were 5 guards, all S.S. men, 3 of whom were in the back of the lorry, one sitting with the driver and one on the running board.

The lorry stopped at a small village about 4 kilometres short of Zutphen and as it was gathering speed on restarting, two officer prisoners jumped out and ran away. The guards did not fire on either of these officers but instead the guard on the running board and the one beside the driver jumped off as the lorry was pulling up and ran round to the back from which two of the guards had also jumped; the third man on the back remained on the lorry.

Two of the guards standing in the road then opened fire at point blank range on the prisoners in the lorry, killing outright their own fellow guard, Lieutenant H.A. Platt, an unknown Glider Pilot, Private McCrachen and an unknown other rank; most of the other prisoners in the lorry were wounded - Lieutenant McNabb so seriously that he subsequently died in hospital.

PARTICULARS OF EVIDENCE IN SUPPORT

The only evidence available at the present time is that contained in a report (copy attached) to the Protecting Power from Major C.F.H. Gough, M.C. (14320) Reconnaissance Corps, P.O.W. No. 005951.

Statements will also be required from some of the following who were in the lorry and are now prisoners of war :-

Major W. Arnold, R.A., 1st Airborne Division
Captain B.W. Briggs, Parachute Regiment
Major Byng-Maddick, Parachute Regiment
Major A. Cotterill, Royal Fusiliers, attached 1st
Parachute Brigade
Captain D. McLean, Parachute Regiment
Captain D.G. Mortlock, R.A.S.C.
Lieutenant A.L. Tannenbaum, 2nd Parachute Battalion

The interpreter of the P/W cage at Zutphen might be a valuable witness. He might be identifiable through local Dutch sources.

The place where the shooting took place may be a place shown on the main road about 5 kilometres short of Zutphen. The name is rather obscured on the map by a line indicating a "beek" or small canal, but it appears to be Brunwer.

NOTES ON THE CASE

(Under this heading should be included the view taken as to (a) the degree of responsibility of the accused in view of his official position, e.g., was offence committed on the offender's own initiative, or in obedience to orders, or in carrying out a system approved by authority or a legal provision ; (b) the probable defence ; (c) whether the case appears to be reasonably complete.)

The only missing feature in this case, which calls for no comment or argument, is the identity of the men concerned. There is nothing by way of description and unless assistance is obtained from the Germans, who could no doubt identify the men if they wished to, it may be hard to trace them.

The action of the accused was taken on their own responsibility and initiative and there appears to be no defence. The only line that could be taken was that the shooting was necessary to prevent a mass escape but in any event that is not borne out by the evidence and the mentality of the accused is shown by the fact that after the shooting the guards debated for a considerable length of time whether or not to shoot the remaining prisoners. It was only on the arrival of an interpreter from the Zutphen P.O.W. cage that order was restored.

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(Under this heading should be included the view taken as to (a) the degree of responsibility of the accused in view of his official position, e.g., was offence committed on the offender's own initiative, or in obedience to orders, or in carrying out a system approved by authority or a legal provision ; (b) the probable defence ; (c) whether the case appears to be reasonably complete.)

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944/UK/G/167

- i. Officer(s) i/c of POW in Yugoslavia
- ii. do. do. Austria
- iii. Commandant of Military Prison, Vienna
- iv. POMPERL
- v. HANDEKEVITCH
- vi. Commandant, Oflag IV. C.

Submitted Decision of Committee I

27.6.45 Adjourn B

5 SEP 1945

C

Revised

944/UK/G/167

21 UK ✓

Letters should be addressed to—

THE TREASURY SOLICITOR,

and the following reference quoted on the cover and in the letter:

WCB/III/PHBK



STOREY'S GATE,
ST. JAMES'S PARK,
LONDON, S.W.1.

Telephone No.: WHITEHALL 1124
EXTENSION: 33

Telegraphic Address: "PROCTOREX, LONDON."

Code used: A.B.C. 6TH EDN., 5 letter.

RECEIVED
27 MAR 1946 25th March 1946.
Ans'd.....

Sir,

UK - G/B 166
U.N.W.C.C. Ref: 944/UK/G/167

It will be recalled that this case was adjourned for further information which has not yet materialised. On the whole it appears improbable that the charge will ever reach a point which will justify proceedings. On the other hand it is desirable that it remain on the record since there would appear to be no doubt that offences have been committed of which notice should be taken if better identification and fuller evidence can be made available.

This is a view in which the J.A.G.'s Department concurs.

PHBK/DEC

I am, Sir,
Your obedient servant,

[Handwritten signature]

*no action
his*

O. i/c War Crimes Branch
Treasury Solicitor's Department

The Secretary-General,
United Nations War Crimes Commission,
Lansdowne House,
Berkeley Square,
W.1.

(For the Use of the Secretariat)

Registered Number.

Date of receipt in Secretariat.

944/UK/G/167

16 JUN 1945

UNITED NATIONS WAR CRIMES COMMISSION

UNITED KINGDOM CHARGES AGAINST GERMAN WAR CRIMINALS

CHARGE No. UK. - G/B.166

Name of accused, his rank and unit, or official position. <i>(Not to be translated.)</i>	<ol style="list-style-type: none">i. The officer or officers in charge of prisoners of war in Ugo-Slavia during the months of March to May 1944 inclusive.ii. The officer or officers in charge of prisoners of war in Austria during the months of May to August 1944 inclusive.iii. The Commandant of the Military Prison (Untersuchungsgefängnis) in Vienna from 19th May - 7th June 1944.iv. Colonel Pomperl, Commandant of Stalag XVII.A. from the 7th June to 20th August 1944.v. Captain Handekévitch, Adjutant to the above named.vi. The Commandant of Oflag IV.C. from 20th August - 26th October 1944.
Date and place of commission of alleged crime.	During the months of March to October 1944. At or near Belgrade, Vienna, Kaisersteinbruch & Colditz, and on the journey between the last two places.
Number and description of crime in war crimes list. References to relevant provisions of national law.	Ill-treatment of prisoners of war. Breach of Customs of Warfare and Laws of War and in particular of Article 2 of the Geneva Convention 1929 relating to the treatment of prisoners of war and of Article 1 of the Geneva Convention 1929 relating to the amelioration of the condition of the sick and wounded Assault and False Imprisonment.

SHORT STATEMENT OF FACTS.

The six accused were responsible for a number of breaches of the Conventions of 1929 in the case of Capt. V. Vercoe, and also of other British and Allied prisoners of war, who were from time to time in their custody. The details of the said breaches are more particularly set out under the next heading of this charge.

TRANSMITTED BY.....

* Insert serial number under which the case is registered in the files of the National Office of the accusing State.

(26352) W.F.1503/1120 500 144 A.S.F.W.L.L. Cp.685
(26924) W.F.1517/1130 5,000 344

PARTICULARS OF ALLEGED CRIME

The basis of this charge is a long and detailed statement by Captain V. Vercoe bearing date the 8th March 1945 and describing with a wealth of detail his own adventures after his capture by the Germans on the 23rd March 1944, and those of his comrades, Brigadier Davies and the rest, after such dates as they joined him in his captivity. It is evident from this statement that Capt. Vercoe was flying to join the forces of General Mihailovitch, or "Marshal Tito", when his plane crashed and in the ensuing accident his arms and at least one leg was broken. When the statement opens he was in a hut in the mountains with some Greeks and a force of Chetniks (from which it may be deduced that his mission had lain to General Mihailovitch) and he was on the 23rd March 1944 captured by Russian troops fighting for the Germans, who overran the Chetnik's position. Capt. Vercoe was found lying on a stretcher in a frozen "wadi" where the Chetniks had hidden him when the battle opened. Apart from looting his effects, the Russians did not treat him badly, and after several temporary stopping places at all of which he seems to have received surprisingly good treatment from a strange medley of Germans, Austrians, Italians and Serbs he arrived on the 27th March at Belgrade and was lodged in the sick quarters opposite the Gestapo H.Q. Here he remained until April 17th when he, together with Brigadier Davies, who had arrived in the sick quarters at a date unspecified by Capt. Vercoe, were conveyed to the Civilian Concentration Camp at Banica. This was done because on two consecutive day's raids the American Air Force had virtually wiped out the centre of the town, including the hospital to which Capt. Vercoe was about to be admitted. After two days of acute discomfort owing to the complete disorganisation of the whole district by the raids they were well treated in this camp and it does not appear that any charge could properly be preferred against either Leutnant Winter, the Commandant of this camp nor against Ober-Lt. Muller, the head of the Gestapo in Belgrade, for their treatment of these men who were thrust into their hands in both cases extremely ill (though Capt. Vercoe gives no details of the cause of Brig. Davies' state he was clearly very ill and like Capt. Vercoe himself a "stretcher-case"). The blame for the failure to dispatch them at once to a proper military hospital in Germany would seem to lie with the first accused, or at least with the organisation of which he was the head.

On the 11th May the two officers in question together with three other British prisoners Capt. Hawksworth, Sergt. Shenton and Gunner Gray, and two Ugo-Slavs, were entrained at Belgrade for Vienna, which they reached on the next day. Surprisingly lavish rations were issued to them for the journey. Having arrived in Vienna the Brigadier and Capt. Vercoe were placed in the Civil Police Prison for a few hours, where except for the doctor who saw them, who was rude and unpleasant, they were well treated, and were then taken on to join the rest of their party in a camp at Ober Langendorf, supposed to be for civilian workers. Here also they were all treated (although before the arrival of the Brigadier and Captain Vercoe the others had apparently been put for a few hours in a filthy cell) and received medical attention. On the 18th May they were taken by train to another camp up the Danube valley at Munthausen, where again after an unpleasant beginning they were very well treated, but next morning they were taken back once more to Vienna and at last handed over to the Wehrmacht and placed in the Military Prison there. Pausing here again it must in fairness be stated that the authorities at the various camps and prisons in and around Vienna seem to have done their best to make this party comfortable,

(Continued on page 3)

PARTICULARS OF EVIDENCE IN SUPPORT

There are a number of witnesses as to the various illegalities revealed by this case. Capt. Vercoe and Brigadier Davis can speak to more or less the whole course of events to which exception can be taken, while Capts. Hawksworth and Watt, and Sergeants Shenton, Cornwall and Robinson and Gunner Gray can support them as far as the dates when they joined the party. So also can the three Americans, and the two Ugo-Slav Officers, assuming them all to be still alive.

(Continued from page 2)

once they appreciated who they were, and the continual changes and journeys which must have been trying in the extreme to wounded men (and in fact caused a hernia to form on the Brigadier's wound) must be laid at the door of the second accused and his organisation, which was clearly thoroughly inefficient.

Upon arrival at Vienna on the 19th May the whole party was taken to the Military Prison for prisoners awaiting court martial, where the five British prisoners were placed in a cell together. Ultimately the Brigadier got a cell to himself, the two sergeants another, while Captains Vercoe and Hawksworth shared a cell with the two Ugo-Slavs. Food was of the worst and exercise inadequate. In this prison they encountered more British personnel, Capt. Watt and Sergeants Cornwall and Robinson and three Americans Col. Duke and Captains Nunn and Suarez, who shared their subsequent adventures.

On the 7th June the whole party of 13 was transferred to Stalag XVII.A. at Kaisersteinbruch, where they were issued with prisoner of war discs at last. They also began to receive Red Cross parcels which as well as the food was atrocious. The Commandant, Colonel Pomperl, and his adjutant Capt. Handekévitch were consistently unpleasant, but the Austrian Sonder-Führer, by name Ebballetter, did his best to make the party comfortable. They also received a visit from Mr. Dinsler of the Protecting Power, who protested vehemently to the Germans about the conditions in which these 13 men were kept. As a result conditions improved at least as regards bedding, etc.

On the 20th August the whole party was transferred by road and rail to Oflag IV.C. at Colditz, which is, it is believed, in Bavaria. The whole party, except Capt. Vercoe who was on crutches, were chained together in pairs, under a written order applicable to all prisoners undergoing transfer. This order would appear also prima facie to lie at the door of the second accused.

At IV.C. the food was also abominable, so much so that Capt. Vercoe alleges that the prisoners had to spend most of their time in bed from sheer weakness. Here the whole party remained till in October 1944 Capt. Vercoe went before a Medical Board and was repatriated.

NOTES ON THE CASE

(Under this heading should be included the view taken as to (a) the degree of responsibility of the accused in view of his official position, e.g., was offence committed on the offender's own initiative, or in obedience to orders, or in carrying out a system approved by authority or a legal provision ; (b) the probable defence ; (c) whether the case appears to be reasonably complete.)

In this case there has been a flagrant breach of a number of Articles of the Conventions of 1929 for which the first two accused as the persons responsible generally for the treatment accorded to Capt. Vercoe and his comrades in Ugo-Slavia and Austria respectively must be held primarily to blame. The facts that the whole party was on one occasion bound, on many occasions transported purposelessly from one place of confinement to another, at no time afforded adequate medical treatment, and until they were handed over to the Wehrmacht on the 18th May detained entirely in civil prisons all point to a complete failure on the part of the authorities to appreciate their duties to prisoners of war, and constitute breaches of Articles 2 and 9, relating respectively to the humane treatment of prisoners, and to the type of place in which they may be interned, and of Article 1 of the Convention for the amelioration of the conditions of sick and wounded by reason of neglect and disregard of the requirements of the condition of Brigadier Davies and Captain Vercoe by reason of their wounds. For the above the first two accused are responsible.

With regard to the other four accused, they must be held responsible for the appalling food and other conditions in the military camps under their respective rule. In this connection it is worthy of note that contrary to the more usual practice whereas the food and general treatment accorded to the prisoners while in the hands of the Gestapo was on the whole good, after they were handed over to the Wehrmacht they were uniformly bad, and in fact but for the technical illegality of detaining prisoners of war at all in civil prisons no complaint can be made as to this earlier period.

1015/UK/G/170

Personnel of Wehrmacht or S.S.

Submitted Decision of Committee I

11.7.45

C
CARDS CHECKED

1015/UK/G/170

(For the Use of the Secretariat)

Registered Number.

Date of receipt in Secretariat.

1015/UK/G/170

6 JUL 1945

UNITED NATIONS WAR CRIMES COMMISSION

UNITED KINGDOM CHARGES AGAINST GERMAN WAR CRIMINALS

CHARGE No. UK-G/B 169 *

Name of accused, his rank and unit, or official position.

(Not to be translated.)

Personnel of the Wehrmacht or S.S. at present unknown, operating in the vicinity of Brionne, France on or about 19th August 1944.

Date and place of commission of alleged crime.

On or about 19th August 1944 in the vicinity of Brionne, France.

Number and description of crime in war crimes list.

References to relevant provisions of national law.

No.1 - Murder.

Breaches of Usages of Warfare & Laws of war and in particular of Articles 2, 54 or 60 - 67 of the Geneva Convention 1929 relating to the treatment of prisoners of war.

Murder.

SHORT STATEMENT OF FACTS.

Sapper Erlis, H. (1901238) while operating with 2 S.A.S. Regiment, A.A.C. on or about 19th August 1944 in the vicinity of Brionne, France, was taken prisoner. He was not officially reported a prisoner of war. His body was later found by a Frenchman and interred on or about 29th October 1944 in or near Yville-sur-Seine; his shoes had been removed and his arms were tied behind his back. The deceased soldier's identity disc, partially defaced, was secured by the French authorities.

TRANSMITTED BY

* Insert serial number under which the case is registered in the files of the National Office of the accusing State.

1901238 Drv. (1/c) R. Erlis, R.E. 2 S.A.S.

P.W.2.

You will wish to see the attached copies of correspondence from which it appears that a man was deliberately killed after capture - although not officially reported P/W. There is no doubt as to identity as the "rubbing" from the identity disc makes the name and Army No. quite clear.

Death has been officially recorded:- "Killed in action on or shortly after 19.8.44 and next-of-kin was informed accordingly on 7.12.44. Next-of-kin subsequently called here and she was informed that her husband's body was found by a Frenchman and buried, but we were not at liberty to disclose the place yet.

Cas. (L)
Sefton Park 4000, Ext.40
15.12.44

COPY.

2E21/CAS/69735

Subject: Missing Personnel. 21 Nov. 44

To The Under Secretary of State,
the War Office, Casualty Branch,
Bluecoat School,
Wavertree,
Liverpool, 15.

From: G.H.Q. 2nd Echelon,
21 Army Group.

1901238 Spr. ERLIS, H.
2 SAS. Regt. AAC. Missing believed
P.O.W. 19 August 1944

The enclosed statement by a French Civilian, M.A. Piette, together with an identity disc and a silver medallion of St. Therese is forwarded as evidence in the case of the above soldier.

These effects were handed to Captain H. Barrow, R.A.S.C. H.Q., 1 Tank Bde. by M. le Comte de Malatie, together with the statement.

(Sgd)

D.A.G.
G.H.Q. 2nd Echelon
21 Army Group.

Oxford
AP/MN

Copy to 65453/34.

COPY.

Yville s/Seine le 29 Octobre 1944

A la date du 29 Octobre 1944, je soussigne Piette garde champetre a Yville-sur-Seine assiste de Genet, Bernear Leclere, Gervais, avoird inhume un soldat allie portant jeune vetu de cuir marron, motocycloste ou aviateur, los mains lices derriere le vos, et serrees avec la martugale de son vetements, sans chausseurs.

Necaille en carton au ceu premiere letter effacie

Gis H.
C.E.
190 - 1238.

Novialle argent ferme allongee de Sainte Therese ci-foint ces pieces remises a Monsieur le Comte de Malatic maire d'Yville a/Seine le 31 Octobre 1944.

Inhume dans la cocur de Monsieur Barby pres du lac.

(Sgd) A. PIETTE
Garde Champetre.

COPY.

2E21/CAS/69735

Subject: Missing Personnel. 21 Nov. 44

To The Under Secretary of State,
the War Office, Casualty Branch,
Bluecoat School,
Wavertree,
Liverpool, 15.

From: G.H.Q. 2nd Echelon,
21 Army Group.

1901238 Spr. ERLIS, H.
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(Sgd)

D.A.G.
G.H.Q. 2nd Echelon
21 Army Group.

Oxford
AP/MN

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Gis H.
C.E.
190 - 1238.

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Inhume dans la cocur de Monsieur Barby pres du lac.

(Sgd) A. PIETTE
Garde Champetre.

COPY.

ROUGH TRANSLATION

On the date of 29 Oct. 44, I, the undersigned, Piette, game keeper at Yville-sur-Seine assisted by Genet, Bernard Leclere, Gervais, to bring a young Allied soldier dressed in maroon leather, either a motor-cyclist or an airman with his hands tied behind his back and bound with the belt of his clothes, without shoes.

The medallion (identity disc) in the box was round his neck - the first letter defaced :-

GIS H.
C.E.
190 - 1238.

The silver medallion of St. Therese.

These were handed to Me. Le Comte de Malatie, Mayor of Yville s/Seine on 31 Oct. 44.

Buried in the Courtyard of M. Barbey near to the lake.

(Sgd) A. PIETTE,
Gamekeeper.

COPY.

Certified Statement by 47554 Capt. R.J. HOLLAND, M.C.

Re - 1901238 Pot. Erlis
and 11052369 Pot Bintley, T.N.E.

"These men were last seen by me on Sunday, August 20th 1944, when they set out to lay tyre busters on the road near Brionne. On the way they went to a farm which was occupied by the Germans, with the idea of placing some incendiaries in the German trucks. They ran into four Germans lying under a hedge, who gave themselves up - sixteen more Germans gave themselves up, and while they were dealing with these shooting started and according to the maquis Bintley was hit in the head and died almost at once. While Erlis was taken prisoner, having presumably stayed behind to look after Bintley. I have only the word of the Maquis of these details but it seems certain because the maquis held a large memorial service for Bintley on Sunday, August 27th.

Bintley's remains are in the care of the Cure of St. Eloi-de-Fourques, near Brionne, (Eure, France)".

(Sgd) R.J. HOLLAND, Capt
30th September, 1944.

PARTICULARS OF ALLEGED CRIME

Little is at present known of the circumstances in which Spr. Erlis met his death although there is a strong inference that it was by violence.

In the course of the Normandy Campaign, Erlis in company with a soldier of the U.S.A. Forces, proceeded on 20th August 1944 to a place near Brionne for the purpose of laying "tyre-busters". On their way they captured four German soldiers and soon after sixteen more Germans surrendered to them. At this point shooting started and the U.S. soldier was killed. Erlis was himself taken prisoner.

On 29th October 1944, M. Piette, a Gamekeeper at Yville-Sur-Seine, assisted in the burial of an "Allied Soldier" whose body had been found. With the body was an identity disc which although partially defaced bore particulars which identify the body as that of Spr. Erlis. M. Piette noted that the body was without shoes and that the hands had been tied together.

Spr. Erlis was officially recorded by the British Army Authorities as "Killed in action on or shortly after 19th August 1944". In view of the information supplied by the French Maquis, it would appear that Erlis was killed after being made a prisoner of war.

PARTICULARS OF EVIDENCE IN SUPPORT

There is as yet no direct evidence as to the manner of Erlis' death. Capt. Holland received information from the Maquis which will doubtless lead to the identification of those of its members who can speak as to the circumstances of Erlis' capture. The statement of the Gamekeeper, M. Piette, indicates that Erlis met his death by violence. Statements by Capt. Holland and M. Piette attached.

NOTES ON THE CASE

(Under this heading should be included the view taken as to (a) the degree of responsibility of the accused in view of his official position, e.g., was offence committed on the offender's own initiative, or in obedience to orders, or in carrying out a system approved by authority or a legal provision ; (b) the probable defence ; (c) whether the case appears to be reasonably complete.)

Until the identity of this accused is established, it is not possible to say whether Spr. Erlis was killed on the personal initiative of German soldiers or in obedience to orders. It is hoped that many circumstantial particulars will be obtained from the local Maquis, and M. Piette may be able to amplify his statement. The German Order of Battle supplemented by information to be obtained from the Maquis will probably yield particulars of the German unit and in turn of the individuals having custody of Erlis when he was made prisoner.

The case is not yet reasonably complete but it is considered that prima facie evidence of a crime exists.

1253/UK/G/193

(See file 787/UK/G/153)

(See Mr. Kent's letter of
31.12.45 incorporating
this case in 1628)

The

PICKARD

Submitted Decision of Committee 1
Adjourn W.

15 AUG 1945

1253/UK/G/193

(For the Use of the Secretariat)

Registered Number.

Date of receipt in Secretariat.

1253/UK/G/193

8 AUG 1945

UNITED NATIONS WAR CRIMES COMMISSION

UNITED KINGDOM CHARGES AGAINST GERMAN WAR CRIMINALS

CHARGE No. UK - G/B 193

Name of accused, his rank and unit, or official position.

PICKARD, Hauptmann, aged 50 years, approximately.

(Not to be translated.)

*x) 50 years according to W. D. Wild
35 - years " " F. S. N. K. K. K.*

Date and place of commission of alleged crime.

July 1944 and February 1945 at Stalag Luft IV, near KAIFHEIDE, Germany.

Number and description of crime in war crimes list.

No. xxix. Ill-treatment of prisoners of war.

References to relevant provisions of national law.

Breach of the Laws and Usages of War.

Assault and unlawful wounding.

SHORT STATEMENT OF FACTS.

The accused was the commander of the guard at Stalag Luft IV and was also responsible for transport arrangements for prisoners of war reaching the camp. He ordered a party of some 800 prisoners of war to run from KAIFHEIDE station to Stalag Luft IV, a distance of four kilometres, inciting the guards to prod Flying-Officer Donald Hector MacKenzie, Royal Air Force, 580504 Warrant Officer George Anthony Wright, Royal Air Force, and many other British prisoners of war with their bayonets and club them with rifles.

TRANSMITTED BY

* Insert serial number under which the case is registered in the files of the National Office of the accusing State.

WCB/PHBK

33

13th September 1945.

Sir,

UK - G/B 152
U.N.W.C.C. Ref: 787/UK/G/153

-and-

UK - G/B 191
U.N.W.C.C. Ref: 1253/UK/G/193

I regret to record an unfortunate overlapping of work between this Department and the J.A.G.'s Department which has resulted in the same facts being made the subject of two separate charges filed with the Commission and registered under the reference numbers quoted above.

The information filed with the two separate Statements of the Case is being combined under ref: 1253/UK/G/193, as later information from War Office sources has led to the identification of the accused by name, which was not the case when the earlier Charge (UK - G/B 152; Commission's Ref: 787/UK/G/153) was filed.

Will you please make the necessary note on the above Charges.

In case it should be for your convenience in dealing with the two files, I enclose carbon copy of this letter.

PHBK/DEC

The Secretary General,
U.N.W.C.C.
Church House,
Gt. Smith Street, S.W.1.

I am, Sir,
Your obedient servant,

P. H. Kent
O. i/c War Crimes Branch
Treasury Solicitor's Department.

31st December 1945.

Sir,

our UK - G/B 151	U.S.A.C.C. 786/UK/G/152
" UK - G/B 152	787/UK/G/153
" UK - G/B 191	1253/UK/G/193

I have been advised by the J.A.G. that the United States authorities are conducting parallel enquiries in relation to gross ill-treatment of PAs during transit from Stalag Luft VI to Stalag Luft IV, which have formed the subject of the above charges.

2. The American file apparently contains a great deal more evidence than we have been able to procure, and in consequence it has been decided by the J.A.G. that the U.S. Deputy Theater Judge advocate is in a more satisfactory position to secure that justice be done. It has therefore been agreed that the above cases should be taken over by the American authorities, and accordingly all original evidence and information available in this case has been handed to the U.S. Deputy Theater Judge advocate's office.

3. The accused will be dealt with in one case, your reference for which is 1622/US/G/1.

Yrsk/D&C

I am, Sir,
Your obedient servant,

P.H.A. Kent

G. 1/c War Crimes Branch
Treasury Solicitor's Department

The Secretary General,
United Nations War Crimes Commission,
11, Upper Grosvenor Street, London, W.1

IN THE MARCH OF THE INTER-DEPARTMENT OF BRITISH PRISONERS OF WAR
DURING A JOURNEY FROM STALAG LAUF VI TO STALAG LAUF IV
AND IN THE MARCH OF THE INTER-DEPARTMENT OF BRITISH PRISONERS OF WAR
DURING A MARCH FROM STALAG LAUF IV TOWARDS STALAG LAUF I
1 FEBRUARY 1945

British National Office No:

United Nations War Crimes Commission Reference:

APPENDIX

I, SSGM Warrant Officer GEORGE ARTHUR WALKER, Royal Air Force, was held
at No. 4 Medical Rehabilitation Unit, Royal Air Force, with an official
address at 3 Victoria Place, New Atherton, Bishop Auckland, County Durham
MARK ONE AND SAY AS FOLLOWS:

1 I was one of a party of prisoners of war from the British Army
which was moved from Stalag Lauf VI to Stalag Lauf IV in the summer of 1944.
My recollection of the date was that it was 30 June. The party travelled in
a very small ship for three days and there were approximately 200 British
prisoners of war crowded into the hold.

2 On arrival at SCHNEIDERHAUSEN we were crowded into railway trucks,
about one third of the party being handcuffed together in pairs. The guards
on the train sold us or our bread ration for cigarettes. In some cases our
kit was stolen and when we accused the guards of the theft they said they
would shoot us if we complained to the officer in charge and would report that
we had attempted to escape.

3 When the party arrived at KALWISDORF, a small railway station about
four kilometres from Stalag Lauf IV, there was an escort of young local guards.
Before setting off for the camp we were kept standing in the sun, which was
very hot, for an hour with all our kit on. Our party was made to run all the
way from the station to the camp being subjected to bayonet thrusts, slaps
with rifles and biting by dogs. I myself saw a rifle broken in half over
the head of a young prisoner who, I think, was a Canadian. The guards then
chanting with their bayonets would shout "Ein für Hamburg, Ein für Berlin," and
other phrases like "Lauf gangsters" and "Terror fliegere". Some men had
the backs of prisoners of war and those who refused to drop their rifles
with rifles. One prisoner in the party received over thirty wounds and
was still in hospital some six months later as a result of a painful leg wound
by a dog bite.

4 The German officer in charge of the journey from the station to the
camp was a man whose age I estimate to be about fifty. He was about five feet
three inches in height, with grey hair, close-cropped, fresh complexion,
slightly corpulent. I afterwards learnt that his name was Hauptmann Richard
of the German Luftwaffe.

5 In February 1945 shortly before we were marched away from Stalag Lauf IV
I personally saw Hauptmann Richard enter the stores where the P.O.s
personal packages were stored and help himself to cigars, chocolates etc from
these stores.

6 On 3 February 1945 we were ordered to march away from Stalag Lauf IV
and Hauptmann Richard made fifty allied prisoners of war who had previously been
admitted into hospital by the German and British medical officers march with the

.../part

party. I escaped from this march after three days, but before that the only food given to us by the Germans was one-fifth of a loaf of bread per man per day. British prisoners of war were clubbed with rifles and told to keep on the march although other nationalities were allowed to fall behind for ablutions.

SHOWN by the above-named GEORGE ANTHONY WRIGHT
at 6 Spring Gardens in the City of Westminster
this sixteenth day of July 1945
EMPORE MS

(sgd) G.A. WRIGHT

(sgd) R.G. DOW.

Lieutenant-colonel.

Military Department,
Office of the Judge Advocate General,
London.

PARTICULARS OF ALLEGED CRIME

On 18th July 1944 a party of some 800 allied prisoners of war in transit from Stalag Luft VI to Stalag Luft IV arrived at KAIFHEIDE station at about midday locked up in very crowded conditions in railway trucks. The prisoners were kept in the trucks until the following day when after having their kit returned to them about 50% of the party were handcuffed together in pairs. The prisoners were then made to stand in a very hot sun for an hour wearing and/or carrying all their kit. They were then given the order by the accused to double to the camp which was at a distance of some four kilometres. The accused was raving and shouting and inciting the guards who were mainly young Marines to strike the prisoners with their rifles and bayonets, telling the guards that the prisoners were "Air gangsters and terror Fliegers". Many of the prisoners were forced to jettison their kit in order to keep running and those who refused to do so were clubbed with rifles and the kit cut from their backs. The German guards looted the kit, including the contents of Red Cross parcels. A very small percentage of the party retained their possession or any part of their kit when the camp was reached. When complaint was made about this to the camp commandant he said that the prisoners of war had thrown their kit away and had only themselves to blame. One prisoner of war had over thirty wounds from bayonet stabs and bites from dogs which were also let loose on the prisoners during this forced run. Another prisoner was in hospital for six months as a result of a poisoned leg arising out of being bitten by one of these dogs.

PARTICULARS OF EVIDENCE IN SUPPORT

Contained in the affidavits of Flying Officer Mackenzie and Warrant Officer Wright, originals of which are attached to office copy of the Charge and copies of which are attached hereto.

NOTES ON THE CASE

(Under this heading should be included the view taken as to (a) the degree of responsibility of the accused in view of his official position, e.g., was offence committed on the offender's own initiative, or in obedience to orders, or in carrying out a system approved by authority or a legal provision ; (b) the probable defence ; (c) whether the case appears to be reasonably complete.)

A considerable number of repatriated prisoners of war have reported on this case and further affidavits will be taken from them in due course. A Wanted Report for the accused has been submitted to C R O W C A S S. There appears to be no defence to the charge.

15H1/UK/E/23H

1. N.C.O. German Guard
2. Sergeant of "Bunkah" Guard

Submitted Decision of Committee I

26 SEP 1945

Both C & B

15H1/UK/E/23H

(For the Use of the Secretariat)

Registered Number.

Date of receipt in Secretariat.

1541/UK/G/234

18 SEP 1945

UNITED NATIONS WAR CRIMES COMMISSION

UNITED KINGDOM

CHARGES AGAINST

GERMAN

WAR CRIMINALS

CASE No. UK-G/B.237 *

Name of accused, his rank and unit, or official position. (Not to be translated.)	1. Obergefreiter whose name is unknown, who was an N.C.O. German Guard Company at STALAG XVIII A, WOLFSBERG, Austria, in July 1943. 2. Oberfeldwebel whose name is unknown, who was a Serjeant of the "Bunkah" Guard, STALAG XVIII A, WOLFSBERG, Austria, in July 1943.
Date and place of commission of alleged crime.	16 July, 1943. Stalag XVIII A, WOLFSBERG Austria.
Number and description of crime in war crimes list. References to relevant provisions of national law.	xxix - Ill-treatment of prisoners of war Breach of the laws and usages of war. Shooting with intent to cause grievous bodily harm.

SHORT STATEMENT OF FACTS.

On 16th July 1943 Pte. E.W. Dillon of the Australian Imperial Forces, after being involved in an argument with an Obergefreiter at Stalag XVIII A, was taken into the guard room and a shot was fired at him by the second accused which caused a flesh wound in his right deltoid muscle and a wound in his right temple.

TRANSMITTED BY

* Insert serial number under which the case is registered in the files of the National Office of the accusing State.
(29655) Wt.P.252/4 5,000 5/45 A.& E.W.Ltd. Gp.685

IN THE MATTER OF WAR CRIMES AND IN THE MATTER
OF THE WOUNDING OF NUMBER IX/1,6283 PRIVATE M.V.
DILLON, AUSTRALIAN IMPERIAL FORCES, ON THE
16 JULY 1943.

British National Office Charge

British Nations War Crimes Commission Reference

A F F I D A V I T.

I, JOSEF ROSELMUND NOYRE, with permanent home address at 48, Cross House,
Crown Street, London, E.C. 1, make oath and say as follows:-

1. On July 1943 I was number 7377823 Private J. MOORE, R.A.M.C. and was
a prisoner of war at Stalag XVIII A Wolfsberg in Eries Kanten, Austria. At
about 2.30 p.m. on Friday 16 July 1943 I was standing at the South corner
of the British compound at Stalag XVIII A conversing with a friend who was
working in the "Bunkah" yard. I saw a British soldier come along and
hand a dixey to a prisoner of war who I afterwards learned was Private
Dillon.

2. I understand German fairly well and I heard the guard on duty in the
British compound say "It is strictly forbidden and if you do not hand it
back I will tell the Obergefreiter. I heard Dillon say "You are not going to
get this George." The guard then went to fetch the Obergefreiter. The
Obergefreiter appeared and by this time Dillon was drinking from the dixey
etc. The Obergefreiter asked him to give it back and at the same time
snatched the dixey away from Dillon and threw it to the ground. After
throwing the dixey to the ground the Obergefreiter made a snatch at the
dixey etc which Dillon was drinking from. Dillon then threw up his arm
in an angry swipe and in doing so knocked the Obergefreiter's hat off.
The Obergefreiter then picked up his hat and marched back to the guard room.
He then called the guard from the window of the guard room and told him to
fetch the discipline sergeant. He then came out again and told the British
prisoners to move further away from the wire. He also appeared to have a few
more words of conversation with Dillon but I could not understand what was
said because he was too far away from me. About five minutes after this
the guard came back and a couple of minutes later the discipline sergeant
came along. When he was abreast of the "Bunkah" wire he called for Dillon
who did not resist or say anything but walked abreast with the sergeant, he,
Dillon being on the one side of the wire and the sergeant on the other.
About four or five yards from the "Bunkah" door the sergeant drew his revolver.
He was roaring and raving and calling Dillon "pig Englander". The Obergefreiter
opened the "Bunkah" door and the sergeant walked in, still raving. He waved
the gun at Dillon and Dillon walked up the steps of the guard room followed by
the sergeant, followed by the Obergefreiter. Ten or fifteen seconds after
he had gone into the guard room, I heard a scuffle coming from inside and then
there was a shot. I remained where I was, but told a Gunner Barrett to go
and fetch a doctor. In the meantime the sergeant came to the window of the
guard room, stood there and blew down the chamber of his pistol. I could see
that he was speaking to the Obergefreiter in a very agitated manner and after
a few minutes the Obergefreiter locked the door of the outside of the "Bunkah"
and put the key in his pocket.

3. The sergeant put his head out of the window and said to the Obergefreiter

"Go and fetch an officer and a sanitator." The sergeant also told the guard to come to him and the sergeant swore at him and told him to find out where the keys were. The guard after looking seriously about told the sergeant that he thought the Obergefreiter had taken them with him. The sergeant at this time was looking out of the window waiting for the Obergefreiter to come back. R.S.M. Knight, the same interpreter arrived about this time. Shortly afterwards Hauptmann Steiner, the Camp Commandant and the German sanitator, sergeant-major Binder arrived. They all went into the "Buckah." They were followed in a few minutes by Major Kilmont who also went into the "Buckah". About five or six minutes after this I saw Private Dillon being carried out on a stretcher and he was bleeding from a wound in the back.

4. Approximately two months after the shooting incident Dillon was tried by the Germans for striking a German soldier and I was a witness at the trial. Dillon was sentenced first of all to twelve months. A few minutes later he was brought back into the court and sentenced to eighteen months imprisonment. He appealed against this sentence and was given six years imprisonment.

5. I would describe the Obergefreiter, whose name I cannot at present recollect, as being a man of about 5'7" or 5' 8" in height, approximately 150 pounds weight, age 35 to 40. He had a cante in either his right or left eye and he came from Vienna.

I would describe the disciplinary sergeant, whose name I cannot at present recall, as being 5'5" to 5'6" in height, about 150 pounds weight, age 45 to 50, fresh complexion. He had a very hoarse voice and a very bad temper and walked in rather a slovenly fashion for a soldier of such smart appearance as he always presented.

SWORN by the above named)
JOHN CORNELIUS MOORE at)
6, Spring Gardens in the)
City of Westminster this)
17th day of July 1945) (JOHN C. MOORE)

BEFORE ME

(C. BUCKLEY)

A Commissioner for Oaths.

100/JAG/23/21/87

IN THE MATTER OF WAR CRIMES AND IN THE MATTER OF THE WOUNDING OF
NUMBER NE/46283 PRIVATE H.W. DILLON, AUSTRALIAN IMPERIAL FORCES,
ON THE 16TH JULY 1943.

British National Office Charge No:

United Nations War Crimes Commission Reference:

A F F I D A V I T

I, No. 1445385 Regimental Sergeant Major George Albert KNIGHE, Royal Artillery, with permanent home address at 62 Parkland Drive, Cadby, Leicester, make oath and say as follows:-

1. On the 16th July 1943 I was Camp Sergeant Major at Stalag XVIII A, Wolfsegg, Austria.
2. At about 1435 hours on that day in consequence of a statement made to me by Company Quartermaster Sergeant Francis, Australian Imperial Forces, I left the office in the English compound where I was working, sent for the camp interpreter who arrived within a minute, and went at once to the Bunkah which is the detention cell.
3. When I arrived I saw a Sergeant of the Bunkah guard who was I believe of the rank of Ober Feldwebel looking out of the window. Through the interpreter I inquired whether one of our men had been shot and he answered in the same way "Yes, Dillon". I then asked to be admitted to the Bunkah but he said that he had sent the postern holding the key for the Commandant, Hauptmann Steiner, and the sentinels. I sent my interpreter at the double to fetch a British doctor and remained outside the door. I waited for three or four minutes until the postern returned with the key and the Sergeant of the guard then opened the door and let me into the Bunkah where I saw Private Dillon lying in the passage with a wound in his head.
4. Two or three minutes later Hauptmann Steiner arrived together with the Discipline Sergeant who was Sergeant Major Binder and a German sanitarian. Major Kinross, R.I.M.C. arrived almost immediately afterwards and he also went inside the Bunkah and attended to Private Dillon. Meanwhile I remained with Private Dillon and Hauptmann Steiner, Sergeant Major Binder and the German sanitarian stood by.
5. I saw nothing of the actual shooting.
6. I have been shown what purports to be a copy of an affidavit sworn herein by John Cornelius Moore and I say that the references in paragraph 2 of the said affidavit to the Discipline Sergeant are inaccurate because as hereinafore stated the Discipline Sergeant was Sergeant Major Binder. The Sergeant who was in the Bunkah and who admitted me is not properly described as the Discipline Sergeant but rather as Sergeant of the Guard.
7. I cannot now remember whether, when the Sergeant of the Guard let me into the Bunkah, he had a pistol in his hand. As stated there was no other sergeant in the Bunkah at that time. I do not think I ever heard his name but, if I did, I cannot now remember it. I would describe him as a rather short and stout man whose age I cannot state, but who wore the 1914-1918 war medals. He was clean-shaven, of sallow complexion and very glum about the face. I cannot say the colour of his hair and I do not consider he was austere in his appearance, bearing or turn out. I could recognise this Ober Feldwebel without any difficulty. He was a man who was very rarely seen in the English prisoners compound.
8. I knew the Obergefuehrer quite well, as he was at the camp for a considerable time. He took turns with a number of others at being in charge of the Bunkah which duty he performed about once a week. I do not think that he had any other duties in the Polish part of the camp. I never remember hearing his name and I

/s/.....

do not know it. I should describe him as fairly tall about five feet ten inches in height, thin, aged about thirty or a bit more, clean shaven and of dark hair and complexion. Apart from this I know nothing of his origin or where he came from.

9. I was not present at the trial referred to in paragraph 4 of the affidavit of the said John Cornelius Moore.

SWORN this eighth day of August)
one thousand nine hundred and forty) (sd. R.S.H. KNIGHT, George Albert)
five.)

Before me,

(E.J.T.C. BAGSHAW)

Captain Legal Staff,
J.A.G.'s Branch,
NOTTINGHAM.

IN THE MATTER OF WAR CRIMES AND HUMAN RIGHTS
OF THE WOUNDED TO BE PROSECUTED BY THE
PROSECUTOR GENERAL, AUSTRALIAN IMPERIAL FORCE, 1945
JULY 1945

British National Office Charge

United Nations War Crimes Commission ref:

A P P E A R A N C E

I, Major PATRICK DAVID CLIFFORD JENNONS, Royal Army Medical Corps, Officer Commanding Military Hospital, Moxington, Dorset, with permanent home address at 39, London Road, Newark-on-Trent, make oath and say as follows:-

1 I was Senior Medical Officer at Mazing XVII A from June 1942 to May 1945.

2 At about 2.40 p.m. on Friday, 16th July 1945 Private Gardner A.A.F.C. reported to me that a British soldier had been shot in the Bunkah. I immediately went to the Bunkah, instructing Gardner to bring dressings and to follow me. I found Private A. S. Dillon, of the Australian Imperial Force, lying in a dark corridor surrounded by German soldiers and officers. I found a flesh wound in the right shoulder and a bullet wound in the right temple. In my opinion, from what I observed, the shot had been fired from a pistol at close range. There were powder marks on Dillon's battledress over his right shoulder. There was a shallow through and through flesh wound in his right temple. From these facts I deduced that a pistol had been held near Dillon's head, and while the pistol was being fired Dillon had attempted to ward it off with his right arm. Both wounds were caused by the same bullet.

Said
bullet and
a wound in
his right

3 Dillon was covered with blood but when I saw him the bleeding from his wounds was by that time slight. I applied a temporary dressing and had him removed to hospital with the consent of the German authorities. I admitted him to hospital suffering from haemorrhage and shock.

4 An X ray photograph taken a few days later showed a bullet lying internally to his right mandible near the angle.

5 I later presided over a court of enquiry held in the camp into the shooting of Private Dillon.

6 I have no personal knowledge of the identity of the person who fired the shot which caused the wounds.

SWORN by the above-named)
at Spring Gardens, in)
the City of Westminster,)
this 26th day of July)
1945, before me

(P. D. C. JENNONS)

(R. S. J. W.) Lieut.-Colonel
Legal Coun.
Military Department,
The Advocate General's Office, London.

PARTICULARS OF ALLEGED CRIME

On 16th July 1943 Pte. E.W. Dillon of the Australian Imperial Forces was handed a dixey in the "Bunkah" yard at Stalag XVIII A by another prisoner of war. The German guard on duty told Pte. Dillon that it was forbidden for him to receive this dixey at this part of the camp and ordered him to hand it back. Dillon declined to obey the order and the guard then went to fetch the Obergefreiter, who is the first accused. When the Obergefreiter appeared Pte. Dillon was drinking from the dixey lid and the Obergefreiter snatched the dixey away from Dillon and threw it to the ground. He then made an attempt to snatch the dixey lid from which Dillon was drinking. Dillon threw up his arm to avoid being deprived of the dixey lid and in so-doing knocked the hat off the Obergefreiter. The Obergefreiter then sent for the Serjeant of the guard. He appeared a few minutes later and called for Pte. Dillon to come with him. Dillon obeyed this order, walking abreast with the Serjeant of the guard each being on different sides of the barbed wire. When they approached to a distance of about five yards from the "Bunkah" door opening out of the barbed wire the Guard serjeant drew his revolver and cursing and raving called Dillon "pig Englander". The Obergefreiter, who was at the door by this time, opened it. The Serjeant of the guard walked in and waving his revolver at Dillon made the latter enter the guard room. They were followed by the Obergefreiter. A scuffle was heard coming from inside the guard room followed by a shot and Pte. J. Moore of the Royal Army Medical Corps then saw the serjeant of the guard come to the window of the guard room and blow down the chamber of his pistol. R.S.M. Knight of the Royal Artillery, who was Camp Serjeant-Major of the British compound at this time entered the guard room having been sent for and saw Pte. Dillon lying in the passage of the guard room with a wound in his head. Pte. Dillon was later examined by Major Patrick Kimmont of the Royal Army Medical Corps, who was the senior medical officer at Stalag XVIII A at this time, and he found that there were powder marks on Dillon's battle dress over his right shoulder, that there was a shallow through and through flesh wound in Dillon's right deltoid muscle and a wound in his right temple. An X-ray photograph taken later showed a bullet lying internally to Dillon's right mandible near the angle.

PARTICULARS OF EVIDENCE IN SUPPORT

Particulars of the evidence in support is contained in the affidavits of :-

(a) JOHN CORNELIUS MOORE. This affidavit describes the incidents leading up to Dillon being taken into the guard room; the sound of the scuffle in the guard room and the fact that the serjeant of the guard was seen shortly after the shot to be blowing down the chamber of his pistol.

(b) 1415385 R.S.M. GEORGE ALBERT KNIGHT, R.A. This affidavit contains evidence relating to the discovery of Pte. Dillon lying in the passage of the guard room with a wound in his head.

(c) Major PATRICK DAVID CLIFFORD KINMONT, R.A.M.C. This affidavit contains evidence of the condition of Dillon after the shooting, a description of the probable direction of the bullet and the results of an X-ray examination made later of Pte. Dillon.

NOTES ON THE CASE

(Under this heading should be included the view taken as to (a) the degree of responsibility of the accused in view of his official position, e.g., was offence committed on the offender's own initiative, or in obedience to orders, or in carrying out a system approved by authority or a legal provision ; (b) the probable defence ; (c) whether the case appears to be reasonably complete.)

There is a certain amount of discrepancy between the evidence of Mr. Moore and R.S.M. Knight since Moore indicates that the person responsible for the shooting was the "disciplinaire serjeant at Stalag XVIII A" whereas R.S.M. Knight, who was in a better position to know the German personalities at the Camp, states that the person responsible was the serjeant of the guard and not the disciplinaire serjeant who was a German called Binder.

The probable defence will be that Dillon was attempting to attack the serjeant of the guard who drew his revolver and fired in self defence. As the serjeant of the guard was accompanied at the time by the Obergefreiter, this would not appear to be a defence of much substance.

1556/UK/G/242

1. KINDERVATER, Kurt
2. DRENKGERB, Karl Heinrich

Date Submitted

Decision of Committee I

3 OCT 1943

~~Post~~ Adjourn

(B)

1556/UK/G/242

(For the Use of the Secretariat)

Registered Number.

Date of receipt in Secretariat.

1556/UK/G/242

21 1945

UNITED NATIONS WAR CRIMES COMMISSION

UNITED KINGDOM CHARGES AGAINST GERMAN WAR CRIMINALS

CASE No. UK-G/B 245. *

Name of accused, his rank and unit, or official position. <i>(Not to be translated.)</i>	1. Kurt KINLERVATER, Camp Leader of Reichsbahnledigenheim. 2. Karl Heinrich DRENKGERB, Keeper of the Linber Room at the same camp.
Date and place of commission of alleged crime.	October 1943 at Kiel.
Number and description of crime in war crimes list. References to relevant provisions of national law.	No.xxix. Ill-treatment of prisoners of war. Article 2 of the Geneva Convention Assault.

SHORT STATEMENT OF FACTS.

These accused were in charge of a camp for slave workers. 2 British airmen landed in the vicinity of the camp and they were beaten by the two accused in violation of the laws and usages of war.

TRANSMITTED BY

* Insert serial number under which the case is registered in the files of the National Office of the accusing State.

(29655) W.L.P. 252/4 5,000 5/45 A. & E.W. Ltd. Gp. 655

UK-G/B 245

STATEMENT

Edward DUBIS, born 11.10.22 (23 years old)
Polish camp SICHOP, Rhine Barracks, First Building, Room 26.

.....
I saw two English pilots who were captured near the camp and brought into the camp. Adenauer and Drenckburg kicked these two pilots from the spot they were captured right up to the camp. After a while they were taken away from the camp.

(Signed) DUBIS

Spoken before me at Kiel on 8th 2.11.49

(Sgt) M. HIGGS, Major,
909 Mill Gov Det.

STATEMENT

Leon GERSHMAN, born 20.1.1899.
Polish camp, SICHOP, Rhine Barracks, 2nd Building Room 32.

.....
In about the end of October 1945, between 12 and 13 hrs, when there was an air attack on Kiel, two English pilots were shot down and landed by parachute near Helgenstein. One of them, I believe, was Drenckburg, who wanted to kill them. I have seen that Drenckburg hit the English soldiers. After a short time the prisoners were taken to a prisoner of war camp by German officers and soldiers.

(Signed) LEON GERSHMAN

Spoken before me at Kiel on 2.11.49.

(Sgt) M. HIGGS, Major,
909 Mill Gov Det.

Page 2

PARTICULARS OF ALLEGED CRIME

See Short Statement of Facts.

PARTICULARS OF EVIDENCE IN SUPPORT

Statements of Edward Dubia and Leon Czerwonowski which relate (inter alia) to the ill-treatment referred to above.

NOTES ON THE CASE

(Under this heading should be included the view taken as to (a) the degree of responsibility of the accused in view of his official position, e.g., was offence committed on the offender's own initiative, or in obedience to orders, or in carrying out a system approved by authority or a legal provision ; (b) the probable defence ; (c) whether the case appears to be reasonably complete.)

There can be no defence to this charge.

1560/UK/G/246

Unknown German sentry
at Lager 22A, nr. BRUX

Date Submitted	Decision of Committee I
3 OCT 1945	C
24 OCT 1945	No change
	B

1560/UK/G/246

(For the Use of the Secretariat)

P

Registered Number.

Date of receipt in Secretariat.

1560/UK/G/246

UNITED NATIONS WAR CRIMES COMMISSION

UNITED KINGDOM CHARGES AGAINST GERMAN WAR CRIMINALS

CASE No. UK-G/B 249 *

Name of accused, his rank and unit, or official position.

(Not to be translated.)

An unknown German soldier who was a sentry on duty at Lager 22A, OBERGEORCENTHAL, near BRUX in the Sudetenland on the night of 20th/21st July 1944

Date and place of commission of alleged crime.

21st July 1944
OBERGEORCENTHAL, near BRUX in the Sudetenland.

Number and description of crime in war crimes list.

References to relevant provisions of national law.

No. i. Murder

Breach of the Laws and Usages of War

Common law offence of murder.

SHORT STATEMENT OF FACTS.

At 12.15 a.m. on the 21st July 1944 Private L. FRANCIS, 2/5 Essex Regiment, was shot twice by the accused after answering a challenge and died as the result of his wounds.

TRANSMITTED BY.....

* Insert serial number under which the case is registered in the files of the National Office of the accusing State.

PHBK/HBD

3.21

Letters should be addressed to—

THE TREASURY SOLICITOR

and the following reference quoted on
the cover and in the letter

CP/III(a)

Telephone ... WHITEHALL 1124
EXTENSION 33

Telegraphic Address
PROCIOROX, LONDON

Code used: A B C 6th EDN, 5 letter

STOREY'S GATE,

ST. JAMES'S PARK,

LONDON, S.W.1



RECEIVED
8-OCT-1945
And... WAR CRIMES

October 1945

Sir

UNWCC Ref - 1560/UK/G/246
BNO Number - UK-G/B 249
.....

One copy of an Affidavit sworn by
Gunner William RANDALL is attached
for inclusion with the above Charge.

The Charge, having been classified
under 'C', seven additional copies
are also forwarded for use of
Committee 1.

I am Sir

Your obedient Servant

W.B. Kim C.

Officer i/c War Crimes Branch
Treasury Solicitor's Department

The Secretary General
United Nations War Crimes Commission
Church House
Westminster SW 1

ND/JAG/FS/22/199.

IN THE MATTER OF THE MURDER OF PRIVATE L. FRANCOIS
AT LAGER 22A ATTACHED TO STALAG IV G.

British National Office Charge No: UK-G/B 249

United Nations War Crimes Commission Reference: 1560/UK/G/246

A F F I D A V I T

I, 938857 Gunner William RANDALL, Royal Artillery, with permanent home address at 29 Brookland Road, Walsall Wood, Walsall, Staffs, make oath and say as follows:-

1. I was captured near Borsa Matruh in 1942 and was in a number of prisoner of war camps in Italy before being interned at Lager 22A, Obergeorgenthal near Bruck in the Sudeetenland. I was in Lager 22A from November 1943 until I was liberated in May 1945.

2. I remember Corporal Gordon Lea very well; he was the British Man of Confidence in the camp while I was there. I have read his affidavit and the account he gives of the death of Private Francois and I agree with everything he says.

3. I was a great friend of Private Francois and while we were in the camp we were both members of the band and owing to that we were kept in the camp doing various odd jobs and did not go out with the others to work every day; also there was not the same check kept on our movements and we had greater freedom of activity. We had often discussed the possibility of escaping and one night we decided to have a try. It was on the 21st July 1944 at about midnight when Francois and myself went out into the compound and started to try and wriggle under the wire which surrounded the camp. At the place we chose there was some fairly long grass and we hoped it might give us the necessary cover. Unfortunately one of the sentries evidently saw us and fired at once. He was then about ten to fifteen yards away as far as I can remember. The shot struck Francois in the hip. I lay still in the grass and was apparently unnoticed. I then heard the sentry running up towards us. It was fairly dark at the time but light enough for him to see what was going on at a distance of a few feet. When he got to us, despite the fact that Francois was lying motionless on the ground and shouting "Posteln, Posteln" and making no effort to struggle away, the sentry deliberately shot Francois twice and killed him where he lay. In my opinion it was sheer murder. While this was going on I simply lay still on the ground until some other Germans appeared when I stood up and was taken back to the camp gaol.

4. As a result of this there was no court of inquiry held by the Germans and all that happened was that I was interviewed by the Camp Commandant. I succeeded in convincing him that we were just coming back into the camp after a walk round and I was released the next day.

5. I cannot remember the name of the sentry who shot Francois but I would describe him as follows: aged about 25; height about 5ft 8ins; heavily built and thick set; one eye (I think it was the right one) was completely closed as a result of a war wound; fair hair; clean shaven; a proper 'bruiser' type; pale complexion and heavy jawed; he was slightly bandy-legged and had rather a shambling walk; he belonged to one of the Landschuts battalions attached to the camp and wore a grey-green uniform.

SWORN by the above-named William Randall at
6 Spring Gardens in the City of Westminster
this eighteenth day of September 1945
Before me

(Sgd) W. Randall

Gnr.

(Sgd) A. M. BIRD HADDOCK, Capt. Legal Staff,
Military Dept. Office of The Judge Advocate General

MO/JAG/FS/22/199.

IN THE MATTER OF THE MURDER OF PRIVATE
L. FRANCIS AT LAGER XXA ATTACHED TO
STALAG IV C.

British National Office Charge No:

United Nations War Crimes Commission Reference:

I, 5883680 Corporal Gordon LEA, Royal Army Ordnance Corps at present on repatriation leave with permanent home address Old Catton Vicarage, Norwich, make oath and say as follows :-

1. I was captured at Tobruk in 1942 and was in a number of prisoner of war camps in Africa and Italy before being interned at Lager XXA, Obergeorgenthal, near Brux in the Sudetenland. I was in Lager XXA from May 1944 until the end of the war against Germany. I was British Man of Confidence from August 1944 until the end of my imprisonment.

2. I remember the death of Private L. Francis. At that time I was a member of the Administrative Staff at the camp. After Francis' death I took a statement from a prisoner of war named W. Randall; I am unable to remember whether he was a driver or a gunner. I have heard that Randall was involved in a motor accident after the liberation of the camp and I do not know whether he was fatally injured or not. Randall gave me the following account of the shooting of Private Francis:-

"At 1215 a.m. on 21st July 1944 he and Francis were outside the wire of the camp crawling through the long grass when they were challenged by a sentry. The sentry fired and shot Francis in the hip. Randall lay still and was apparently unnoticed by the sentry. The sentry approached to within about five yards and Francis shouted 'Posten, posten'. The sentry thereupon fired twice again and one of these shots went into Francis' chest and proved fatal. Randall lay still on the ground until other Germans appeared when he gave himself up."

To my knowledge no Court of Enquiry was held by the Germans since Randall was not called as a witness by them. I cannot remember the name of the sentry but I know who he was and this is his description:- 30 years of age; about 5ft 6ins to 5ft 7ins in height; over 11 stone in weight; stout build; he had bright blue eyes, the left one having been nearly obliterated by a war wound and only the blue corner of the pupil of the eye showed; he had very fair hair and had a face like a pig with a ruddy complexion and thick jowls. He also had a bit of a turned-up nose like a snout. He belonged to 379 Landschutz Battalion.

SWORN by the above-named Gordon Lea at
6 Spring Gardens in the City of Westminster
this twenty first day of August 1945) (Sgd) G. LEA.

Before me

(Sgd) R. G. DOW

Idcut-colonel.

Military Department,
Office of The Judge Advocate General, London.

WD/JAG/PS/22/199(D)

IN THE MATTER OF GERMAN WAR CRIMES AND IN THE MATTER
OF THE MURDER OF PRIVATE L. FRANCIS BY A GERMAN
GUARD AT LAGER XXIIa ON 19 JULY 1944.

British National Office Charge No:

United Nations War Crimes Commission Reference:

A F F I D A V I T.

I, W.S./Captain JOHN EDWARD READMAN (136190) R.A.M.C. at present stationed at C.R.S. Cheltenham, with permanent home address at Hill Orchard, Oxbrood Lane, Cookham Dean in the County of Berks, hereby make oath and say as follows:-

1. On 4 June 1944 I was captured by the Germans in Crete.
2. In July 1944 I was medical officer at Lager XXIIa at Obergurgenthal near Brax in the Sudetenland. I was responsible for the medical care of British prisoners of war in Lager XXIIa.
3. About midnight on 20 July 1944 I was called out of bed to attend Private L. FRANCIS, 2/5 Essex Regiment. I went to the medical inspection room and there saw Private L. FRANCIS lying on a stretcher. I examined him and found he was dead. He had a rifle bullet wound in the left hip. The bullet, which had obviously been fired at a range of 3/4 yards, had entered the hip from behind and had penetrated right through the hip with the result that the head of the left femur was exposed. There was a second bullet wound in the chest or abdomen. I cannot remember whether this wound had entered the body from the back or front. This second wound caused instantaneous death.
4. I made enquiries as to how Private L. FRANCIS had come to receive these injuries and was informed that he had left the camp without permission earlier in the evening; that about 2300 hours he returned and was walking alongside the barbed wire surrounding the camp to a place where he could enter the camp through the barbed wire; that he was seen by a German sentry who fired the two shots at him and caused the wounds I have described. There was no suggestion made at the time, as far as I know, that Private FRANCIS had attempted to run away when the guard saw him. I believe that orders had been issued to the guards and published to the British prisoners that any prisoner seen outside the wire would be fired at.
5. I do not know the name of the guard who fired the shot nor can I describe him. The chief man of confidence in the camp was I/Cpl. Frederick Hindle, Green Howards. He may be able to give the name and a description of the guard concerned.
6. Paragraphs 1, 2, 3 and 5 of this my affidavit are true; paragraph 4 is true to the best of my knowledge information and belief.

Sworn by the above-named John Edward
Readman at Wilton, Salisbury, this
5th day of September 1945,

(Signed) J.E. Readman.

Before me,

(Signed) R.G. Cheesman.

Captain,
Military Department,
Judge Advocate General's Office.

PARTICULARS OF ALLEGED CRIME

On the night of the 30th/31st July 1944 Private L. FRANCIS, 2/5 Essex Regiment, and Gunner W. RANDALL, Royal Artillery, were outside the wire of the camp at Lager 22A. endeavouring to make their way back into the camp without being observed by the German sentry. The sentry, however, did observe these two British prisoners of war and challenged them. The sentry then fired, hitting Private FRANCIS in the hip. Gunner RANDALL lay still and was apparently not noticed by the sentry. The sentry approached to within about 5 yards of Private FRANCIS who called out "Posten Posten". In spite of this clear call for assistance on the part of Private FRANCIS the sentry fired twice more, one of these shots passing through Private FRANCIS's chest and causing instantaneous death.

PARTICULARS OF EVIDENCE IN SUPPORT

Is contained in the affidavits of :-

- (1) 5883680 Corporal GORDON LVA, Royal Army Ordnance corps. This Affidavit contains the substance of a report made to the deponent by Gunner W. RANDALL after the death of Private FRANCIS. It also contains a description of the sentry who fired the shots.
- (2) Captain J.E. READMAN, which describes the wounds sustained by Private FRANCIS and the result of enquiries made by Captain READMAN into the cause of his death.

NOTES ON THE CASE

(Under this heading should be included the view taken as to (a) the degree of responsibility of the accused in view of his official position, e.g., was offence committed on the offender's own initiative, or in obedience to orders, or in carrying out a system approved by authority or a legal provision ; (b) the probable defence ; (c) whether the case appears to be reasonably complete.)

It appears clear that Private FRANCIS and Gunner RANDALL should not have been outside the wire of the camp in the small hours of the morning of the 21st July 1944 and that the sentry may possibly claim justification for firing the first shot which wounded Private FRANCIS. There was, however, no justification for the firing of the second and third shots, one of which proved instantaneously fatal.

2967/UK/G/S16

1. UNKNOWN German Feldwebel
2. UNKNOWN Obergefreiter.

Date Submitted

Decision of Committee I

2 MAY 1946

A, D: C

B

2967/UK/G/S16

(For the Use of the Secretariat)

Registered Number.

Date of receipt in Secretariat.

2965/UK/15/50

17 APR 1946

UNITED NATIONS WAR CRIMES COMMISSION

UNITED KINGDOM CHARGES AGAINST GERMAN WAR CRIMINALS

CASE No. UK - G/B 509 *

Name of accused, his rank and unit, or official position.

(Not to be translated.)

German Feldwebel and Obergefreiter in charge of a working party attached to TREBBIERSFELD Camp (Stalag 18 B).

Date and place of commission of alleged crime.

(i) July 1941
TREBBIERSFELD CAMP

(ii) August 1941
TREBBIERSFELD CAMP

Number and description of crime in war crimes list.

(i) No. I - Murder
(ii) No. XXIX Ill-treatment of prisoners of war

References to relevant provisions of national law.

(i) Murder
(ii) Ill-treatment

Breaches of International law

Breaches of the Laws and Usages of War, and in particular Article 2 of the Geneva Convention 1929, relating to Prisoners of War.

SHORT STATEMENT OF FACTS.

(i) Corporal SCOTT, 312 Company RASC, being obviously ill, was assaulted by an unknown Obergefreiter with the result that he died the following day.

(ii) Lance Corporal WARD, R.T.R. and Driver MAGUIRE were grossly assaulted by both the Feldwebel and Obergefreiter sometime in August 1941 at TREBBIERSFELD.

TRANSMITTED BY Office of J.A.G. (Mil. Dept)

* Insert serial number under which the case is registered in the files of the National Office of the accusing State.

(29655) W.P.252 4 5,000 5/45 A. & E. W.Ltd. Gp.685
(30449) W.P.1183 17 5,000 10/45

ND/JAG/FS/22/637
HMA/IRT

IN THE MATTER OF GERMAN WAR CRIMES AND
IN THE MATTER OF THE DEATH AND ILL-
TREATMENT OF BRITISH PRISONERS OF WAR
IN TREMMERSFELD CAMP, IN JULY 1941

British National Office Charge Number :-

United Nations War Crimes Commission Reference :-

A F F I D A V I T

I, No. 187395 Driver Henry George ERBE of the Royal Army Service Corps, with permanent home address at 32, Pearson Street, Shoreditch, London E.2., make oath and say as follows:-

1. I was taken prisoner at Kalamata, Greece, on the 29th April, 1942 and I was taken to Tremmersfeld camp where I remained until August 1941.

2. The conditions there were extremely bad, there being little food, negligible medical supplies and constant brutality by the guards. There was no sleeping accommodation and we had to sleep on the floor without blankets. One day in July we were on parade in the morning for the selection of working parties. A German Obergefreiter whose name I do not know was making his selection and came to Corporal Scott of 312 Company, RASC, and told him he had to work that day. Corporal Scott, who was obviously in great pain with some internal injury to his right rib, explained that he was in no condition to work and that he felt very ill. The Obergefreiter thereupon seized his hand and jerked his arm upwards many times in a pumping motion until Scott was almost fainting. Those of us who had been detailed for work then left the parade and I cannot say what happened to Corporal Scott, but I do know that on arrival back at the camp that night after work, we learnt that Corporal Scott had gone to hospital. The next day we heard that he was dead and it is my firm opinion that his death was largely due to the ill-treatment received at the hands of this Obergefreiter. Also if he had been taken to the medical aid post, to which we normally went, he would have received the most inadequate treatment, as whenever we went there with any complaint the treatment was always the same; namely two Aspros and then work. Transport was never provided for the sick to attend this medical aid post which was about four miles away from the camp.

3. Towards the end of July Driver Maguire, RASC, and Lance Corporal Ward, RTR, and a third corporal from the RTR, made a plan to escape. I was originally on this escape plan myself, but had to drop out due to sickness. However, I did see Maguire and Ward leave the camp by cutting the wire when the sentries were not looking, and swimming a river. I then naturally presumed that they had got away successfully. However, a few days later when I was in the camp, I heard the most terrible screams. I went to this noise and found that there was a beating up going on in a hut at the top of a long flight of steps; I was not allowed in. A few moments later Maguire and Ward were thrown out of the hut and thrown down the stairs. They had obviously received a very severe beating from the German guards and were in great pain. In spite of this the German Feldwebel came up to these two men and as they were lying on the ground he beckoned to Maguire to come towards him. As he approached, the Feldwebel, who was standing on the third or fourth stair leading up to the hut, kicked Maguire in the face and knocked him down. The Obergefreiter then came along and started kicking the two men in the body and on the head and hit them with a bayonet. The two men were then put in a small wet and cold cellar in which they could not stand upright and which was normally used for storing potatoes. They remained here for two days. I witnessed the whole

of this incident from the time they were thrown down the steps until they were thrown into the dungeon, but I could do nothing to help because the Germans trained their guns on us. As a result of this attempted escape our food was cut and our cigarettes stopped.

4. I know that two other British other ranks died as a result of ill-treatment in the camp, but I cannot give details of their names or cause of death.
5. On one occasion when we were being paid for our work I was given some money and I threw it back at the person who gave it to me saying, "You can use this for toilet paper." I was then marched up to the Guard Room and given a beating up by the aforesaid Feldwebel and Obergefreiter with sticks, belts, and rubber truncheons for about five minutes.
6. I do not know the names of the Feldwebel and the Obergefreiter but I will try to describe them. The Feldwebel was about 11stone, 5ft. 8ins. in height, aged about 44, had a black bushy moustache, medium build, fresh complexion, and had a slight limp. I think he had been in the last war. The Obergefreiter was about 5ft. 5ins., 40 years old, pale complexion, dark hair, stocky build, and with a vicious demeanour.

SWORN by the said Henry George ERBE)
at 6, Spring Gardens, in the City of)
Westminster, this sixteenth day of)
January 1946.) (Signed) H.G. ERBE

BEFORE ME
(Signed) E. Beaton,
Captain, Legal Staff,
Military Department,
Judge Advocate General's Office.

MD/JAG/WS/22/637

IN THE MATTER OF GERMAN WAR CRIMES AND
IN THE MATTER OF THE DEATH AND ILL-
TREATMENT OF BRITISH PRISONERS OF WAR
IN TREMMERSFELD CAMP, IN JULY 1941.

British National Office Charge Number:-

United Nations War Crimes Commission Reference:-

A F F I D A V I T

I, STANLEY JOHN WOODS, of New Road Corner, Nether Compton, Sherborne, in the county of DORSET, make oath and say as follows:-

1. I was taken prisoner by the Germans at "T BEACH", near NAETHIAN, ISLAND OF CORINTH, on 28 April 1941 whilst serving as a Lance Corporal in the 3rd Battalion, The Royal Tank Regiment and after being detained in various Camps I was taken to TREMMERSFELD Camp in July 1941 and where I remained until the middle of August 1941.
2. TREMMERSFELD Camp was a working Kommando attached to Stalag XVIII B, MARBURG, and was occupied by about 150 British prisoners of war and under the supervision of a German Feldwebel and 9 or 10 other guards.
3. Conditions in the Camp were extremely bad; food was in short supply; negligible medical supplies and accommodation consisted of lofts above stables in which had been erected rough double tier beds. No blankets were issued to prisoners nor was there any replacement of clothing. Washing facilities consisted of a kind of horse trough about 6 feet in length with no running water supply. Water for this trough and for the cook house had to be carried from the nearby river which ran from the camp to the neighbouring town CILLI which was about 5 miles away.
4. The prisoners were engaged on Working parties at 3 quarries which lay between the camp and CILLI and work was of an arduous nature as the men were employed on wheeling stone from the quarry to the crusher and with breaking stone into suitable pieces for the crusher. The quarries were owned by a Yugoslav contractor and the engineer in charge who was a Yugoslav spoke English extremely well. Towards the end of my stay in TREMMERSFELD Camp the civilians employed in these quarries were permitted by the Germans to strike the prisoners if they considered that the prisoners were not working hard enough. There were incidents of beating up by the civilians but I was not witness to any of them.
5. The Working Party paraded for work at 0700 hours and returned to the camp at 1730 hours. The work was for 6 days a week and on Sundays we were marched to the nearby river for the purpose of having a bath. No soap was supplied for washing except towards the end of my stay at TREMMERSFELD Camp and only the lucky prisoners had towels which they had brought with them in their kit. When the Working Party fell in in the morning those wishing to go sick would fall in on one side. A German Obergefreiter who was acting as medical orderly would then go through the sick prisoners and remove from their numbers those whom he considered were fit for work and forced them to join the Working Party. Those who were allowed to go sick had to walk to CILLI where they were seen by a civilian doctor who I believe was a Yugoslav. I have read the affidavit of Driver Erbe dated 16 January 1946 and remember the incident referred to in paragraph 2 thereof. I did not know Opl. Sorret but saw the incident and corroborate Driver Erbe's statement of the incident.

6. Towards the end of July 1944 Driver MAGUIRE, Royal Army service Corps and Lance Corporal WARD and Corporal BLAND both of the Royal Tank Regiment planned to escape from the camp. I was invited to join in this plan but as I did not agree with their proposed route of escape I offered to assist them by acting as lookout and warning them when the German Sentry left his beat to go for his breakfast at about 0600 hours and when they could cut the wire and leave the Camp. MAGUIRE, WARD AND BLAND escaped as planned. At about 1830 hours on the day following the escape whilst we were waiting for our evening meal we all heard loud cries, screams and shouts from the Guards hut which was situated up the hill from the camp on a slope and which was reached by a flight of wooden stairs. I saw the door of the hut fly open and MAGUIRE and WARD being manhandled down the stairs by some German Guards. MAGUIRE was forced to the ground by the guards who then proceeded to kick him. One of the guards, who was the medical orderly (Obergefreiter) drew a bayonet and I thought he was going to stab MAGUIRE but he merely hit MAGUIRE with the bayonet and kicked him. The Feldwebel was standing by watching and after a short space of time he too kicked MAGUIRE and a general melee followed. One or two of the German guards had drawn their rifles and were watching us in case we should intervene.

7. MAGUIRE and WARD were then escorted to a small damp brick room in the camp and which was used normally for the storage of vegetables. The roof was so low that a man could not stand upright in it. They were not supplied with blankets or other covering and remained there until the following day.

8. The following day MAGUIRE and WARD were brought to the Working Party where they were made to change their boots with other prisoners whose boots were in a worse condition than their own. I saw them closely. MAGUIRE was in a weak nervous condition and obviously in some pain though no injuries were apparent. WARD was suffering from bruises cuts and abrasions on the back of the head and I believe his right hand was injured. They were then taken to Stalag XVIII B at MARBURG.

9. I saw MAGUIRE again at Stalag XVIII A at WOLFSTERG at the early part of 1945 and he then told me that he had received medical attention at Stalag XVIII B and had then been taken to the German Medical Officer in charge who had apologised for the incident and who informed him that the offenders would be punished.

10. I do not know the names of the Germans concerned in the incident but the description of the Feldwebel is :-

Aged about 45 years, weight about 11 stones, height about 5'9ins, Dark brown or Black hair, Fresh complexion, and of slim build. He was a good looking man of very smart Military appearance and carriage. I believe he was a regular soldier and at the time mentioned was wearing a black moustache of the Hitler type.

The description of the Obergefreiter who was acting as Medical orderly is:-

Age 30 to 35, weight about 11 stones, height about 5'3ins, light brown hair, Florid complexion, clean shaven, bow-legged and broad across the hips, stocky build, he was of a vicious demeanour and bestial nature.

(3)

14. The Senior British rank in the camp was a Company Serjeant-Major in the Royal Engineers whose name was I believe ENGLISH. There was a Serjeant BRYANT of the 3rd Battalion, The Royal Tank Regiment who may be able to give further information about the incidents to which I have referred.

SWORN by the above-named STANLEY JOHN }
WOODS at Salisbury in the County of }
Wilts on the 22nd day of February 1946 } (Signed) S.J. WOODS.

Before me

A. E. STROUD.
A Commissioner for Oaths.

HD/JAG/PS/22/637(1F)
R/GGJ

IN THE MATTER OF GERMAN WAR CRIMES AND IN
THE MATTER OF THE ILL-TREATMENT OF BRITISH
PRISONERS OF WAR IN THIERBERGSPELD CAMP IN
JULY, 1941.

British National Office Charge Number :

United Nations War Crimes Commission Reference :

A F F I D A V I T

I, Leonard Arthur Harold WARD of Sunset Burn Cottage, Sumersham, near Ipswich, formerly Lance Corporal in the 3rd Battalion Royal Tank Regt., make oath and say as follows:-

1. I was captured at KALAMARI, Greece on 29 April 1941. I was taken to various prisoner of war camps and in July 1941 taken to a working camp at THIERBERGSPELD attached to Stalag XVIII D. THIERBERGSPELD is a small village about 4 to 5 miles from GILIX along the road to LAJIRA close to the old Italian-Serbia border.
2. The conditions in the camp were extremely bad. I have read the affidavit of Dvr. H.C. ERBE, sworn the 16th of January 1946 and agree that the conditions as described therein are correct. I have some recollection of the death of Cpl. SCOTT as mentioned in paragraph 2 of the said affidavit but can add no further details.
3. On about 28 July 1941 I escaped from this camp together with Dvr. MAGUIRE and Cpl. V. BLAND, R.T. Regt. After we had escaped Cpl. BLAND got separated from Dvr. MAGUIRE and myself and he was not recaptured for about six weeks and he did not return to the camp at THIERBERGSPELD. Dvr. MAGUIRE and myself were recaptured after about 7 days and we were taken back to the camp at THIERBERGSPELD. We were taken to the guard-room and here we were beaten-up severely with sticks and kicked and generally knocked about. The Germans who did this beating-up were Feldwebel in charge of the camp, a Gefreiter and several other guards. After the beating-up we were placed in a damp cellar and we were given no food nor had we any blankets or amenities of any kind.
4. I cannot give the names of any of the Germans responsible but I agree with the descriptions of the Feldwebel and Gefreiter given in paragraph 6 of the affidavit of Dvr. H.C. ERBE.
5. As a result of this beating-up Dvr. MAGUIRE and myself had to receive medical attention. I had to have my head bound up for a month and also my head had to be bandaged. We both suffered severely from bruises and cuts.

SWORN by the above named Leonard Arthur Harold WARD,)
at 6 Spring Gardens, in the city of Westminster,)
this twenty-third day of January, 1946.) (Sgd) L.A.H. Ward.

Before me

(Signed) E. Beattie,
Captain Legal Staff,

Mil Dept. Office of the Judge Advocate General.

HD/JAG/PS/22/637(1F)
R/GCJ

IN THE MATTER OF GERMAN WAR CRIMES AND IN
THE MATTER OF THE ILL-TREATMENT OF BRITISH
PRISONERS OF WAR IN TREBBERSFELD CAMP IN
JULY, 1941.

British National Office Charge Number :

United Nations War Crimes Commission Reference :

A F F I D A V I T

I, Leonard Arthur Harold WARD of Street Farm Cottage, Somersham, near Ipswich, formerly Lance Corporal in the 3rd Battalion Royal Tank Regt., make oath and say as follows:-

1. I was captured at KALAMARI, Greece on 29 April 1941. I was taken to various prisoner of war camps and in July 1941 taken to a working camp at TREBBERSFELD attached to Stalag XVIII D. TREBBERSFELD is a small village about 4 to 5 miles from OLLIK along the road to LBAJNA close to the old Italian-Serbia border.
2. The conditions in the camp were extremely bad. I have read the affidavit of Dvr. H.G. ERBE, sworn the 16th of January 1946 and agree that the conditions as described therein are correct. I have some recollection of the death of Cpl. SCOTT as mentioned in paragraph 2 of the said affidavit but can add no further details.
3. On about 28 July 1941 I escaped from this camp together with Dvr. MAGUIRE and Cpl. V. BLAND, R.T. Regt. After we had escaped Cpl. BLAND got separated from Dvr. MAGUIRE and myself and he was not recaptured for about six weeks and he did not return to the camp at TREBBERSFELD. Dvr. MAGUIRE and myself were recaptured after about 3 days and we were taken back to the camp at TREBBERSFELD. We were taken to the guard-rooms and here we were beaten-up severely with sticks and kicked and generally knocked about. The Germans who did this beating-up was Feldwebel in charge of the camp, a Gefreiter and several other guards. After the beating-up we were placed in a damp cellar and we were given no food nor had we any blankets or amenities of any kind.
4. I cannot give the names of any of the Germans responsible but I agree with the descriptions of the Feldwebel and Gefreiter given in paragraph 6 of the affidavit of Dvr. H.G. ERBE.
5. As a result of this beating-up Dvr. MAGUIRE and myself had to receive medical attention. I had to have my head bound up for a month and also my head had to be bandaged. We both suffered severely from bruises and cuts.

SWORN by the above named Leonard Arthur Harold WARD,)
at 6 Spring Gardens, in the city of Westminster,)
this twenty-third day of January, 1946.) (Sgd) L.A.H. Ward.

Before us

(Signed) E. Berlin,
Captain Legal Staff,

Mil Dept. Office of the Judge Advocate General.

PARTICULARS OF ALLEGED CRIME

(i) On a parade sometime in July when working parades were being selected, a German Obergefreiter whose name is not known, assaulted Corporal SCOTT, 312 Company RASC and insisted upon his working that day when he was clearly very ill. As a result of this ill-treatment, he died the next day.

(ii) Sometime in August, 1941, Lance Corporal WARD and Driver MASHIRE were recaptured after an unsuccessful attempt to escape, and taken to the guard room where they were severely beaten with sticks and assaulted with kicks by the German Feldwebel and Obergefreiter. They were afterwards placed in a damp cellar and given no food or comfort of any description.

PARTICULARS OF EVIDENCE IN SUPPORT

Particulars of evidence are contained in the statements of the following witnesses:-

- (i) Lance Corporal WARD, Leonard Arthur Harold
- (ii) Driver ERBE, Henry George
- (iii) Lance Corporal WOODS, Stanley John.

NOTES ON THE CASE

(Under this heading should be included the view taken as to (a) the degree of responsibility of the accused in view of his official position, e.g., was offence committed on the offender's own initiative, or in obedience to orders, or in carrying out a system approved by authority or a legal provision ; (b) the probable defence ; (c) whether the case appears to be reasonably complete.)

Details of the alleged murder are not very clear and there appears to be little hope of obtaining any further evidence in the matter. Details of the ill-treatment of WARD and MACQUE are clear and there is sufficient evidence upon which to obtain a conviction, but none of the witnesses can name the accused. Efforts are being made to find the names of the accused, and when this information has been received, they will be listed as wanted.

I. KEITEL

ls 6.

Date Submitted Decision of Committee I

<p>9 MAY 1946</p> <p>26 May 1946</p>	<p>3-4: A</p> <p>5, 6: C</p> <p>1, 2-</p> <p>Adjourn</p> <p>Withdrawn</p>	<p>UK</p> <p>Hit</p>	
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3042/UK/G/533

I. KEITEL
16 6.

Date Submitted Decision of Committee I

<p>9 MAY 1946 26 May 1946</p>	<p>3-4: A 5, 6: C 1, 2 - Adjourn Withdrawn</p>	<p>UK Hit</p>	
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3042/UK/G/533

(For the Use of the Secretariat)

Registered Number.

Date of receipt in Secretariat.

3042/UK/G/533

30 APR 1946

UNITED NATIONS WAR CRIMES COMMISSION

UNITED KINGDOM CHARGES AGAINST GERMAN WAR CRIMINALS

CASE No. UK-G/B 194 *

Name of accused, his rank and unit, or official position.

(Not to be translated.)

- (1) Field Marshall Wilhelm KEITEL, Chief of Staff
- (2) S.S. General BERGER, Inspector General of Prisoners of War Camps.
- (3) The Commandant of Stalag VIII.A at Gorlitz from on or about February 3rd - February 10th 1945.
- (4) Two Officers of the Rank of Captain and one of the rank of Lieutenant who were in charge of a party of about 4,000 British prisoners of war and 1,000 Russian prisoners of war on the march from Stalag VIII.A aforesaid to Eisenach, where the party was divided.
- (5) The same Officers or other the Officers or non-commissioned officers in charge of the party which was destined for Frankfort.
- (6) The Officer or guard who fired the shot which killed Corporal Pett on March 4th near Eisenach or Erfurt.

Date and place of commission of alleged crime.

From 10th February to 9th March 1945 on the road from Gorlitz to Eisenach and thence to Gerstungen.

Number and description of crime in war crimes list.

References to relevant provisions of national law.

No.1. Murder

No.xxix. Ill-treatment of prisoners of war

Breach of the laws and usages of war and in particular Articles 2,10,11 and 54 of the Geneva Convention relating to the Treatment of prisoners of war and Article 1 of the Geneva Convention for the amelioration of the condition of sick and wounded.

Assault and Murder.

SHORT STATEMENT OF FACTS.

Something in the neighbourhood of 4000 British prisoners of war and 1000 Russian prisoners of war were transferred from Stalag 344 at Lamsdorf to Stalag VIII A. at Gorlitz, arriving at Gorlitz February 3rd 1945. They spent a week under very bad conditions at Stalag VIII.A.

From February 10th to March 6th they were marched to Eisenach where the party split up. The conditions of this march and of the further stages, at least as regards one party destined for Frankfort, were appalling. Food and water were insufficient throughout, accommodation was inadequate and, particularly in the later stages, the guards were brutal in the extreme beating, firing upon and setting dogs on the exhausted and starving men. Corporal Pett was shot dead.

TREASURY SOLICITOR.

TRANSMITTED BY.....

* Insert serial number under which the case is registered in the files of the National Office of the accusing State.

Letter of 25 May 1946 from the

J.A.G.

(See letter in file 3.21UK)

"It is desired that the under-mentioned charges, which were adjourned at the meeting of Committee I on 9 May 1946, should be withdrawn

3042/UK/G/533
3043 - 534
3044 - 535

"The events which gave rise to these charges are still being investigated and if sufficient evidence is obtained fresh cases will be submitted."

(Signed) R.C. HALSE

1.

KW 2/4 - 1

R.A. Beaumont Esq.,
Reconstruction Dept.

No. 1630

His Majesty's Minister at Berne presents his compliments to His Majesty's Principal Secretary of State for Foreign Affairs and has the honour to transmit to him the under-mentioned documents.

British Legation,
Berne.

12th April, 1945.

Reference to previous correspondence:

Berne desp. No. 1604 of 11.4.45
No. 1629 of 12.4.45

Description of Enclosure

<u>Name and Date</u>	<u>Subject</u>
From: Federal Political Department. 11.4.45.	Report on transfer of group of P.O.Ws from Stalag 344 Lamsdorf to West Germany

2.

B.52 GBr. (1) 8 B - NL/Dd.

14257

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Le Department Politique federal, Division
des Interets etrangers, a l'honneur de faire tenir
sous ce pli a la Legation de Sa Majeste Britannique
copie du rapport special No.719, redige par un
representant de la Legation de Suisse a Berlin au
sujet des conditions dans lesquelles s'est effectue
le transfert d'un groupe de prisonniers de guerre
britanniques internes au Stalag 344 Lamsdorf vers
l'ouest de l'Allemagne.

Berne, le 11 avril 1945

(L.S.)

Annexe: un rapport (6)

A la Legation de Sa Majeste Britannique
Berne.

CONFIDENTIAL.

NO. 719

BRITISHSPECIAL REPORT

on marching conditions of a group of British P.O.Ws from their former camp, Stalag 344 Lamsdorf, to their new destination in the West of Germany.

When visiting on March 10th 1945 the two Reserve-Lazarets Ober-Massfeld and Meiningen in Wehrkreis IX, the undersigned Delegate of the Protecting Power found at Ober-Massfeld two, and at Meiningen 113 British POWs. unable to continue under the prevailing conditions their march to new camps in the West of Germany. All these men arrived only the night before the visit to the above mentioned Lazarets at these hospitals and were by majority in such a state that they could not be interviewed. The Leader of this group, PSM R.E. Harford, POW No. 15171, reported to the Delegate the following facts :-

We left Stalag 344 Lamsdorf on January 23rd 1945 in various groups of 1000 to 4000 men in the direction of Görlitz arriving there on February 3rd and 5th 1945. These initial stages were quite bearable, partly because the German rations which we received were supplemented by Red Cross food of which we received one parcel on departure and partly because we were well rested and in good condition when we left Lamsdorf. We had our guards from Lamsdorf with us which we knew and which did help us in many ways. Our stay at Stalag VII A. Görlitz was most unpleasant being accommodated in former Russian barracks which were infested by vermin, living on German rations without Red Cross assistance from the day of arrival until the 10th of February 1945 when we left, we had no hot bath or shower and no opportunity to wash our clothing. On the 10th our group of 3000 to 4000 POWs. including 1000 Russians left Görlitz without being told as to where we go. We left the Russians, which were much weaker than we, soon behind, this time being guarded by Hilfsposten, Volksturm-men and only few real soldiers, there were, however, two Captains and a 1st Lieutenant with us. The marching stages varied between 7 and 30 km. per day, on one particular day we marched 38 km. and arrived only at 1 o'clock in the morning in a village where we were most inadequately housed in a church. The usual ration per day was about 1/4 loaf of bread with 1/8 of a tin of meat or some cheese. In the morning we sometimes received some German coffee without milk or sugar and in the evening some thin soup which was sometimes better when stayed over night at barracks. Water for drinking and washing was in general extremely short and there were days when we received nothing to drink at all. On various occasions when civilians offered us water to drink the guards prevented them to do so and it seemed to us that the officers which were accompanying us were particularly severe about it. On February the 17th 1945 we were hurried across the River Elbe at Meissen and continued our march for several days until Disenberg where we stayed two days. After that we had to continue our march and food supplied became more and more difficult. Last Tuesday, March the 6th, the party was divided into 3 groups, we were then in the neighbourhood of Eisenach. The first group of 1100 men was then told that they were due for Stalag IX A. Ziegenhein, the second group of about 1000 men for Stalag IX/ C/Z Muhlhausen and the last one of about 500 men for Francfort on Main (probably Stalag IX B Bad Orb). The last four days on the march were for the Francfort group of which we were members a nightmare. The only food we received was one package of biscuits

(Knackebrot) and some cheese per day but there was an interval of 36 hours without any food at all. Many of my comrades fell down exhausted but the Germans made watchdogs go after these sick men sometimes without result and pushed and struck us with the butt of their rifles and with the bayonets. Most of us were in a state of exhaustion and starvation, many suffered from dysentery, bronchitis and other chest complications. Although several of us were marked by the German doctor as unfit to continue the march we were forced to go by our sentries. I, myself, saw comrades kneeling down and begging the Germans with folded hands to let them behind and rest but these pleas were ignored. On March 9th 1945 I felt unable to continue together with a large group of 113 men, we were passed by a German doctor and our British medical officer McLeod who was with us since Görlitz who, however, had very little to say and were sent by train from Gerstungen to Meiningen where we arrived at 1 o'clock in the morning, on March the 10th 1945. The treatment which we experienced for the whole of this journey was the worst we had for the whole length of our captivity. Small offences against the marching rule were tried by a field-court which punished men by having their hands tied up and bound to a tree or pole for several hours in the open. Men were threatened to be shot for stealing food, i.e. potatoes, sugar beets or carrots from the fields. Cpl. Pett (Details as to No. and Christian name unknown) was shot dead on March 4th 1945 near Eisenach or Erfurt whilst stealing potatoes.

After the interview, the Delegate discussed the general state of health of these men with the Senior British medical officer of the Res. Laz. Meiningen where most of these men are. This British medical officer states that he fears that several of the men who are suffering from severe dysentery, chest complications and other diseases might not survive this ordeal. There is hardly any strength in the men at all. Eleven of the whole group of 113 men at Meiningen are seriously ill of which 3 dangerously, 19 poorly and the rest show bad signs of general starvation. Exactly 54 men of this group suffer from dysentery.

(Sig) A.A. KADLER

1.

KW.2/4

R.A. Beaumont.

No. /872

His Majesty's Minister at Berne presents his compliments to His Majesty's Principal Secretary of State for Foreign Affairs and has the honour to transmit to him the under mentioned documents.

British Legation,
Berne.

25th April 1945.

Reference to previous correspondence:

Description of Enclosure

<u>Name and Date.</u>	<u>Subject.</u>
From: Federal Political Department. 23.4.45	Transfer of POW's. from Stalag 344 & Stalag VIIIA. to Stalag IX.A.

B.52.Gbr. (1) 8 B - RC/cw.

CONFIDENTIAL

Le Departement Politique federal, Division des Interets etrangers, a l'honneur de faire tenir sous ce pli a la Legation de Sa Majeste Britannique le rapport No.746, redige le 3 avril 1945 par un representant de la Legation de Suisse en Allemagne sur les conditions dans lesquelles s'est effectue le transfert des prisonniers de guerre du Stalag VIII A GOERLITZ au Stalag IX A ZIEGENHAIN.

Berne, le 23 avril 1945.

(L.S.)

Annexe: un rapport (6)

A la Legation de Sa Majeste Britannique
Berne.

CONFIDENTIAL.

No.746.

BRITISH.

SPECIAL REPORT ON MARCHING CONDITIONS FROM STALAG VIII.A
GOERLITZ to STALAG IX.A ZIEGENHAIN.

On the occasion of the delegate's visit to Stalag IX.A Ziegenhain W/O A.M. Currie POW No. 24806, Serv. No. Aus.407822 reported the following:

A march group comprising approximately 3000 men, who, with the exception of 200 Russians, had just marched 280 kilometers from Stalag 344 Lamsdorf were marched out of Stalag VIII.A on February 10th, 1945, after a brief respite there of 1 to 6 days on minimum rations. The group reached Mellingen on 1st March and on 2nd March were split into 3 parties, one of approx. 560 to proceed to Bad Orb, a second of approx. 1100 for Ziegenhain, and a third, comprising mostly sick, exhausted and bootworne for Stalag IX.C.

The second party, which W/O Currie accompanied, duly reached Stalag IX.A on 12th March 1945 having covered 510 kilometers.

Apparently 4 men died from disease, one man died from shooting and 2 men were wounded by rifle fire, in the course of this march. The name of the man who died as a result of shooting was Pte. Harold PEAT, POW No. 55400, Serv. No. 4612192, shot at Sieleben at approx. 18.00 hours on March 4th, and died at 18.55 hours on the same day in spite of immediate attention by the Medical Officer.

During the course of this march rations were very inadequate, for example, for 4 days, 125 grams of knaeckebrot and a little cheese or fat daily. On one occasion issues were 48 hours and on another 24 hours overdue. Soups were provided at times but generally rations were far too meagre for men marching on the average 20 kilometers daily, with only very occasional rest days, after having already marched from Lamsdorf under severe conditions.

In spite of the fact that approx. 700 sick were from time to time eliminated and left behind in Reviers and Lazarets there can be no doubt that the deaths which occurred can be attributed either directly or indirectly to privation and from starvation and exhaustion.

Treatment by guards was in many cases inconsiderate and brutal and there were innumerable occasions on which rifle butts were used on men known by guards to be sick and exhausted and marching either with a special sick column or riding on waggons provided for sick. Medical personnel were also at times maltreated.

Shootings were unnecessary and in all cases could have been avoided, moreover the men who suffered were in most cases blameless and their injuries were occasioned by guards firing into crowded billets.

Billets consisted mostly of barns and occasionally military barracks and in the former case lights were not generally provided even when the men arrived and had to be billeted after dark.

After leaving Mellingen complaints about conduct of guards addressed to the officer in charge of the IX.A column were disregarded and the brutalities passed off as being necessary for disciplinary purposes.

On many occasions men were compelled to go for periods up to and in excess 48 hours without a hot or cold drink being provided and pleas for drinking water were disregarded with the result that the men were driven to drinking stagnant water, thus amplifying the suffering from dysentery, exhaustion, starvation and vitamin deficiency.

Berlin, April 3rd, 1945.

(Sgd) ALBERT A. KADLER

PARTICULARS OF ALLEGED CRIME

According to a statement made by Reg. Sergt. Major R.E. Harford to Mr. A. Kadler of the Protecting Power, between 1000 and 4000 men left Stalag 344 on January 23rd and marched to Gorlitz which they reached on February 3rd and 5th, and were installed in Russian barracks, infested with vermin. The march from Lamsdorf to Gorlitz was not too hard, the men being rested and well fed and having with them their own guards, whom they knew and who helped them on the road. At Gorlitz, however, no water for washing either their persons or their clothes was made available, and rations began to get short.

On February 10th they left Gorlitz this time under Hilfsposten (assistant guards) and Volkssturm- men, under the command of two captains and a lieutenant of the regular army. The distances marched on the next stage which may be said to have terminated at Eisenburg somewhere about February 20th varied from a minimum of 7 to a maximum of 38 kilos per day. At Eisenburg a two days rest was allowed. Accommodation at this stage was often inadequate, and uniformly so, the average ration being $\frac{1}{4}$ of a loaf of bread plus $\frac{1}{8}$ of a tin of meat or some cheese per man, with some coffee or soup in the morning and evening. Water was often short, and when civilians offered it to the men the guards frequently stopped them.

After Eisenburg the party proceeded to the neighbourhood of Eisenach, where on March 6th it split into three parts, that in which R.S.M. Harford found himself making ultimately for the area of Frankfurt-on-Main. This stage was the worst as food was limited to one packet of Knackebrot (biscuits) per day with a little cheese. Men were falling down all along the road, while the guards tried to drive them on with their rifle-butts and bayonets, and by setting their dogs on them. Small offences against the marching rules were punished with the greatest severity men being tied up in the open for several hours. Men running into the fields to collect fruit or vegetables were fired upon and Corporal Pett was shot dead while stealing potatoes in this way.

At Gerstungen on March 9th Harford and 133 other men were passed as unfit and sent by train to Meiningen, where Mr. Kadler saw them. Mr. Kadler himself adds that practically all the men were utterly exhausted and many suffering from dysentery, chest complications and other diseases attributable to their hardships. Of these sick 3 were dangerously ill and another 8 seriously so.

PARTICULARS OF ALLEGED CRIME

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PARTICULARS OF EVIDENCE IN SUPPORT

A copy of the Report by the Protecting Power is attached.

At the moment R.S.M. R.E. Harford P/W No. 15171 and a British Medical Officer named Macleod are the only witnesses known by name, but it is to be supposed that many others will be available.

The conclusion has been formed that despite differences the account of the march from Stalag 344, which forms the basis of the charge next following, refers to the march which is the basis of the present charge as far as the neighbourhood of Eisenach.

If this inference is correct the statement of W/O. No. 407823 A.M. Currie A.I.F., P/W. No. 24806 to a representative of the protecting power will be available in this case as to events up to the neighbourhood of Eisenach. This is the more important part of the case since it includes the murder of Corporal Pett

It is unfortunate that there was no opportunity to contact this witness and obtain an affidavit from him prior to his return to Australia.

It is to be noted that in the following case the shooting is said to have been of No. 4612192 Pte. Harold Peat, P/W. No. 55400 on March 4th at Siebleben (?Seebergen between Erfurt and Eisenach) which is presumably a more detailed and more correct spelling of the name and of the statement of the rank of the man murdered, reported as Corporal Pett, in the neighbourhood of Eisenach on March 4th. A copy of this statement is attached.

Some corroboration may be derived from the records of Private Peat in the War Office.

NOTES ON THE CASE

(Under this heading should be included the view taken as to (a) the degree of responsibility of the accused in view of his official position, e.g., was offence committed on the offender's own initiative, or in obedience to orders, or in carrying out a system approved by authority or a legal provision; (b) the probable defence; (c) whether the case appears to be reasonably complete.)

The case in its earlier stages does not differ greatly from the others of this series but it shows possibly even more brutal callousness than in some of the other cases towards marching and exhausted men.

As with preceding cases, and as will be seen in subsequent cases, responsibility must rest on the first two of those accused since with knowledge of conditions a policy was prescribed and carried out which in all the circumstances it is submitted cannot be defended.

The conditions at Stalag VIII.A, at Gorlitz, were such as to justify putting the Commandant, who is the third accused, on trial for breach of fundamental articles of the Convention relating to the Treatment of Prisoners of war.

The remainder of those accused, individually and collectively must be held responsible without any possible excuse for the shocking conditions of the stages, in particular the final stages, of the march. Beating and shooting exhausted and starving men, tying them up in the open and setting dogs on them, are atrocities in the most real sense of that word, and one is surprised that no more than one death has, so far as is known, resulted from their conduct.

The officers who are fourthly accused may not have had responsibility beyond Eisenach so far as the Frankfurt party was concerned, but the inference is fair that they were. In any case great complaint is made of them so it is submitted that they are rightly included in respect of the march between Gorlitz and Eisenach.

If they were not in charge from Eisenach others must be identifiable in time as those in charge and responsible for this last stage.

I. KEITEL
to 4.

Date Submitted	Decision of Committee I	
9 MAY 1946	3:4 Adjourn V.C.	Ree
26 May 1946	Withdrawn	Shit

Letter of 25 May 1946 from the

J.A.G.

(See letter in file 3.21UK)

"It is desired that the under-mentioned charges, which were adjourned at the meeting of Committee I on 9 May 1946, should be withdrawn

3042/UK/G/533
3043 - 534
3044 - 535

"The events which gave rise to these charges are still being investigated and if sufficient evidence is obtained fresh cases will be submitted."

(Signed) R.C. HALSE

(For the Use of the Secretariat)

Registered Number.

Date of receipt in Secretariat.

30143/UK/G/534

30 APR 1946

UNITED NATIONS WAR CRIMES COMMISSION

UNITED KINGDOM CHARGES AGAINST GERMAN WAR CRIMINALS

CASE No. UK-G/B 195 *

Name of accused, his rank and unit, or official position. <i>(Not to be translated.)</i>	(1) Field Marshal Wilhelm KEITEL, Chief of Staff. (2) S.S. General BERGER, Chief of Prisoners of War Affairs in Germany at material times. (3) The German Officer or Officers immediately responsible for the dispatch on the 10th February 1945 of about 3,000 prisoners from Mellingen to Stalag IX.A. Ziegenhain and in charge of the march. (4) German guards on the said March.
Date and place of commission of alleged crime.	10th February - 12th March 1945. On the road from Mellingen to Ziegenhain. (Note. Mellingen cannot be found on motoring map, but all the evidence points to its having been in the neighbourhood of Eisenach.)
Number and description of crime in war crimes list. References to relevant provisions of national law.	No.xxix. Ill-treatment of prisoners of war. Breach of Laws and usages of warfare and in particular of Article 2 of the Geneva Convention 1929 relating to the treatment of prisoners of war. Assault. Murder.

SHORT STATEMENT OF FACTS.

A column of men 3,000 strong, already overtired in many cases by previous forced marches, was kept on the road for 30 days with inadequate rations and accommodation, and subjected to brutal treatment by the guards. One man was shot dead and four others died from sickness, due to exposure and malnutrition.

TRANSMITTED BY TREASURY SOLICITOR.

* Insert serial number under which the case is registered in the files of the National Office of the accusing State.

(29655) Wt.P.252/4 5,000 5/45 A.& E.W.Ltd. Gp.685

1.

KW.2/4

R.A. Beaumont.

No. /872

His Majesty's Minister at Berne presents his compliments to His Majesty's Principal Secretary of State for Foreign Affairs and has the honour to transmit to him the under mentioned documents.

British Legation,
Berne.

25th April 1945.

Reference to previous correspondence:

Description of Enclosure

<u>Name and Date.</u>	<u>Subject.</u>
From: Federal Political Department. 23.4.45	Transfer of POW's. from Stalag 344 & Stalag VIIIA. to Stalag IX.A.

B.52.Gbr. (1) 8 B - RC/cw.

CONFIDENTIAL

Le Departement Politique federal, Division des Interets etrangers, a l'honneur de faire tenir sous ce pli a la Legation de Sa Majeste Britannique le rapport No.746, redige le 3 avril 1945 par un representant de la Legation de Suisse en Allemagne sur les conditions dans lesquelles s'est effectue le transfert des prisonniers de guerre du Stalag VIII A GOERLITZ au Stalag IX A ZIEGENHAIN.

Berne, le 23 avril 1945.

(L.S.)

Annexe: un rapport (6)

A. la Legation de Sa Majeste Britannique
Berne.

CONFIDENTIAL.

No. 746.

BRITISH.

SPECIAL REPORT ON MARCHING CONDITIONS FROM STALAG VIII.A
GOERLITZ to STALAG IX.A ZIEGENHAIN.

On the occasion of the delegate's visit to Stalag IX.A Ziegenhain W/O A.M. Currie POW No. 24806, Serv. No. Aus. 407822 reported the following:

A march group comprising approximately 3000 men, who, with the exception of 200 Russians, had just marched 280 kilometers from Stalag 344 Lamsdorf were marched out of Stalag VIII.A on February 10th, 1945, after a brief respite there of 1 to 6 days on minimum rations. The group reached Mellingen on 1st March and on 2nd March were split into 3 parties, one of approx. 560 to proceed to Bad Orb, a second of approx. 1100 for Ziegenhain, and a third, comprising mostly sick, exhausted and bootworne for Stalag IX.C.

The second party, which W/O Currie accompanied, duly reached Stalag IX.A on 12th March 1945 having covered 510 kilometers.

Apparently 4 men died from disease, one man died from shooting and 2 men were wounded by rifle fire, in the course of this march. The name of the man who died as a result of shooting was Pte. Harold PEAT, POW No. 55400, Serv. No. 4612192, shot at Siebleben at approx. 18.00 hours on March 4th, and died at 18.55 hours on the same day in spite of immediate attention by the Medical Officer.

During the course of this march rations were very inadequate, for example, for 4 days, 125 grams of knaeckebrot and a little cheese or fat daily. On one occasion issues were 48 hours and on another 24 hours overdue. Soups were provided at times but generally rations were far too meagre for men marching on the average 20 kilometers daily, with only very occasional rest days, after having already marched from Lamsdorf under severe conditions.

In spite of the fact that approx. 700 sick were from time to time eliminated and left behind in Reviers and Lazarets there can be no doubt that the deaths which occurred can be attributed either directly or indirectly to privation and from starvation and exhaustion.

Treatment by guards was in many cases inconsiderate and brutal and there were innumerable occasions on which rifle butts were used on men known by guards to be sick and exhausted and marching either with a special sick column or riding on waggons provided for sick. Medical personnel were also at times maltreated.

Shootings were unnecessary and in all cases could have been avoided, moreover the men who suffered were in most cases blameless and their injuries were occasioned by guards firing into crowded billets.

Billets consisted mostly of barns and occasionally military barracks and in the former case lights were not generally provided even when the men arrived and had to be billeted after dark.

After leaving Mellingen complaints about conduct of guards addressed to the officer in charge of the IX.A column were disregarded and the brutalities passed off as being necessary for disciplinary purposes.

On many occasions men were compelled to go for periods up to and in excess 48 hours without a hot or cold drink being provided and pleas for drinking water were disregarded with the result that the men were driven to drinking stagnant water, thus amplifying the suffering from dysentery, exhaustion, starvation and vitamin deficiency.

Berlin, April 3rd, 1945.

(Sgd) ALBERT A. KADLER

PARTICULARS OF ALLEGED CRIME

This would appear to be a narrative of the experiences of a portion of the whole body of prisoners of war from Stalag 344 to the neighbourhood of Eisenach, the treatment of whom forms the subject of the preceding Charge.

According to a statement made to Mr. A. Kadler of the Protecting Power by W/O. A.M. Currie, the party consisting of about 3,000 men (the majority of whom had just completed a march of 280 kilos from Stalag 344, left Stalag VIII A. on February 10th, 1945, some of the men having had as short a period of rest as one day, and the whole having been for some time on minimum rations) split up, after reaching Mellingen on the 1st March, into three parts, that to which W/O. Currie belonged making for Ziegenhain which it reached on March 12th having averaged 20 kilos a day.

During the march the rations were inadequate and their supply spasmodic, in some instances 24 and even 48 hours late. For four days the men lived on 125 grams of knaeckbrot (biscuits) a day plus a little cheese and fats. Soup was provided at irregular intervals. Water often not for 48 hours at a time. As many as 700 sick were left behind at various Lazarets and 4 men whose names are not given died from sickness on the march. The guards behaved with great brutality, frequently beating men with their rifles, even when they knew them to be sick. On occasions also (though why it does not appear) they fired into crowded billets and thus wounded men, and in particular killed Private Harold Peat, who was shot at Siebleden on March 4th. Complaints to the officer in charge of the column were disregarded. Billets were often only reached after dark, no lights were provided (possibly as a precaution against aircraft) and chaotic conditions in consequence prevailed.

It is probable that Private Peat is the same as Private Pett in the preceding case.

The point will be cleared up by reference to the military records of personnel.

PARTICULARS OF EVIDENCE IN SUPPORT

No witnesses other than W/O Currie himself are mentioned but it would seem clear that there must be many others.

Copy of the report by the representative of the Protecting Power is attached.

NOTES ON THE CASE

(Under this heading should be included the view taken as to (a) the degree of responsibility of the accused in view of his official position, e.g., was offence committed on the offender's own initiative, or in obedience to orders, or in carrying out a system approved by authority or a legal provision ; (b) the probable defence ; (c) whether the case appears to be reasonably complete.)

This case and the preceding case will no doubt be taken together and possibly consolidated when more information is available.

They seem to be the same case up to Eisenach and to include the murder of Private Peat.

After Eisenach, where the original party split up, conditions were particularly bad.

Making all allowances for the difficulties confronting the German staff in evacuating many thousands of prisoners from the areas invaded by the Russians, no excuse can be made for the physical brutality of the guards, culminating in the shooting of Private Peat, or for the goading on of men till they died of exhaustion and sickness. The German officer in charge of the column (that is the accused) must have realised what was going on, indeed he received the complaints of W/O. Currie, and however innocent he may personally have been for the lack of food and drink and the scanty accommodation en route, he must be held directly responsible for the deaths of these five men and for much unnecessary suffering among the survivors.

NOTES ON THE CASE

(Under this heading should be included the view taken as to (a) the degree of responsibility of the accused in view of his official position, e.g., was offence committed on the offender's own initiative, or in obedience to orders, or in carrying out a system approved by authority or a legal provision; (b) the probable defence; (c) whether the case appears to be reasonably complete.)

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3044/UK/G/535

I. KEITEL

to 3.

Date Submitted

Decision of Committee I

9 MAY 1946 Adjourn

Rlb

26 May 1946 Withdrawn

Shit

3044/UK/G/535

Letter of 25 May 1946 from the

J.A.G.

(See letter in file 3.21UK)

"It is desired that the under-mentioned charges, which were adjourned at the meeting of Committee I on 9 May 1946, should be withdrawn

3042/UK/G/533
3043 - 534
3044 - 535

"The events which gave rise to these charges are still being investigated and if sufficient evidence is obtained fresh cases will be submitted."

(Signed) R.C. HALSE

(For the Use of the Secretariat)

Registered Number.

Date of receipt in Secretariat.

3044/UK/G/535

30 APR 1946

UNITED NATIONS WAR CRIMES COMMISSION

UNITED KINGDOM

CHARGES AGAINST

GERMAN

WAR CRIMINALS

CASE No. UK-G/B 196 *

Name of accused, his rank and unit, or official position.

(Not to be translated.)

- (1) Field Marshal Wilhelm KEITEL, German Chief of Staff
- (2) SS. General BERGER, Chief of Prisoners of War Affairs in Germany at material times.
- (3) Major BIRCKHOFF, Security Officer in charge of a column of men which left Stalag VIII B, at Teschen, Silesia for Olmutz, Czecho-Slovakia on the 27th January, 1945.

Date and place of commission of alleged crime.

In late January and early February 1945.
On the road from Teschen to Sternberg,
Czecho-Slovakia.

Number and description of crime in war crimes list.

References to relevant provisions of national law.

No.xxix. Ill-treatment of prisoners of war.

Breach of Laws of and Usages of Warfare and particularly of paragraph 1 of the Geneva Convention 1929 for the amelioration of condition of sick and wounded and paragraph 2 of Geneva Convention 1929 relating to the treatment of prisoners of war.

Assault and Manslaughter.

SHORT STATEMENT OF FACTS.

As a result of the total neglect of the welfare of these men, no less than four died on the road, while another 25 had to have amputations as a result of frost-bite.

TRANSMITTED BY TREASURY SOLICITOR.

* Insert serial number under which the case is registered in the files of the National Office of the accusing State.

196.1

R.A. Beaumont Esq.
Reconstruction Dept.

KW.2/4-1

No. 1632

His Majesty's Minister at Berne presents his compliments to His Majesty's Principal Secretary of State for Foreign Affairs and has the honour to transmit to him the undermentioned documents.

British Legation,
Berne.

12th April, 1945.

Reference to previous correspondence:

Berne tel. No. 748 of 17.4.45
Berne desp. No. 1606 of 12.4.45.

Description of Enclosure

<u>Name and Date</u>	<u>Subject</u>
From: Federal Political Department 11.4.45	Report on transfer to Stalag XIII.D of P.O.Ws. from Stalag VIII.B.

B.52.GBr.(1) 8 B - NL/Dd.

14259

Comme suite a sa note B.52.GBr.(1) 1 St.XIII D -
NL/Dd (12034) du 24 mars 1945, le Departement Politique
federal, Division des Interets etrangers, a l'honneur de
faire tenir sous ce pli a la Legation de Sa Majeste Britannique
./.
copie du rapport special No. 721, redige par un representant
de la Legation de Suisse a Berlin au sujet du transfert au
Stalag XIII D Nuremberg-Langwasser de prisonniers de guerre
Britanniques internes au Stalag VIII B Teschen.

Berne, le 11 avril 1945.

(L.S.)

Annexe: un rapport (6)

A la Legation de Sa Majeste Britannique
Berne.

CONFIDENTIAL

No. 721

BRITISHDate of interview:
March 12th, 1945.SPECIAL REPORTof the transfer of British Ps.o.W. from Stalag VIII B.
Teschen to Stalag XIII.D Nürnberg

The following summary was given to the Delegate by RSM. F. Read, Chief Man of Confidence of the previous Stalag VIII.B at Teschen. It deals mainly with conditions experienced by the men from the base-camp Teschen and includes also some informations gathered en route.

The Labour-Detachments of Stalag VIII.B Teschen left their camps during the 4th week in January, all on the road marching under their previous guard-battalions. - Res. Laz. Toet is believed to have moved in the last week in January leaving 3 British M.Os., several sanitators and 60 sick British Ps.o.W. behind. The main camp evacuated on January 27th 1945 under the command of the security officer, Major Birckhoff, in the direction of Olmuetz, C.S. 76 sick British Ps.o.W. and approx. 500 Russians were left at Teschen with one British M.O., the British Padre Major Hiddlestone and some sanitators. They were correctly provisioned for 10 days. RSM Read left Teschen, together with 52 Ps.o.W. who were able to travel, on February 13th 1945 by train, arriving at Sternberg C.S. on the 17th February 1945. Upon arrival there, he found about 300 British sick men from the march in various little buildings not all under medical attention. 126 sick men were at a place called Ober-Langendorf, Mr. Sternberg, without any medical attention except some British sanitators and a Russian M.O. without any medical supply. Four men died there. Their names are:

82980 Pte. Kenneth A.T. Knight	Cause of death	Pneumonia
83918 Pte. E.T. Cameron	" " "	Meningitis
83035 kfm. Torquil Scidmore	" " "	Meningitis
83211 Pte. Lambert Shoup	" " "	Pneumonia

Ober-Langendorf was supposed to be a lazaret but there was nothing there whatsoever and the above mentioned men died through lack of medical attention. All the men there were attended only after strong protests and three weeks after they fell out of the march. Out of the 300 men in and around Sternberg, there were at least 25 amputations due to frost-bites. The remainder, those able to walk (206 men) were then transferred by train, on the 2nd March 1945 to Stalag XIII.B Weiden, where they were not wanted and finally came here on the 10th of March, 1945.

Reports from Kommandos are not at hand but will follow as soon as the men arrive. The last which RSM Read knew of them was that they are being concentrated at Koenigsgraetz, C.S.

(Sgd) A.A. KADLER

PARTICULARS OF ALLEGED CRIME

According to a statement made to Mr. A. Kadler of the Protecting Power by Reg. Sergt. Major F. Read, the Man of Confidence at Stalag VIII.B the camp was evacuated on January 27th under the personal command of accused, the work detachments and their guards having by then all come in. 76 sick British prisoners of war were left behind with a chaplain, a medical officer and some sanitators. They were provisioned for ten days.

Read himself left Teschen by train on February 13th and arrived on the 17th at Sternberg. Here he found 300 men fallen out of the march of the main column, while another 126 were at the neighbouring village of Ober-Langendorf. The vast majority of these men were without any medical assistance whatever. Privates A.T. Knight, and L. Stroup died there of pneumonia, while Privates E.T. Cameron, and T. Scidmore died of meningitis. Furthermore at least 25 amputations for frost bite were necessitated.

PARTICULARS OF EVIDENCE IN SUPPORT

Apart from Read no other witnesses are as yet known by name, but there must in fact be a great many.

Copy of the Report by the representative of the protecting Power is attached.

NOTES ON THE CASE

(Under this heading should be included the view taken as to (a) the degree of responsibility of the accused in view of his official position, e.g., was offence committed on the offender's own initiative, or in obedience to orders, or in carrying out a system approved by authority or a legal provision ; (b) the probable defence ; (c) whether the case appears to be reasonably complete.)

The facts dealt with here are amongst the most distressing yet narrated in this series of cases, and show not merely complete callousness for the men on the march, but a chaotic condition in the German "set-up" for handling prisoners altogether.

Prima facie at least the accused, as the officer in charge of the column from Stalag VIII.B. is responsible for the deaths of Privates Knight, Scidmore, Cameron and Stroup, and for the high incidence of sickness and frost-bite among the men left behind at Ober-Langendorf. It may be that when he went on with the main column he believed that he had done his best for the men left behind, but it will be for him to satisfy a Court that such was the case.

3045/UK/G/536

I. KEITEL
to 4.

Date Submitted

Decision of Committee I

9 MAY 1946

Adjourn

Rec

16 May 46

Withdrawn

Dis

3045/UK/G/536

(For the Use of the Secretariat)

Registered Number.

Date of receipt in Secretariat.

3045/UK/G/536

8 0 APR 1946

UNITED NATIONS WAR CRIMES COMMISSION

UNITED KINGDOM CHARGES AGAINST GERMAN WAR CRIMINALS

CASE No. UK-G/B 197*

Name of accused, his rank and unit, or official position. (Not to be translated.)	(1) Field Marshal Wilhelm KEITEL, German Chief of Staff. (2) SS. General BERGER, Chief of Prisoners of War affairs in Germany at material times. (3) The Chefarzt of the Reserve Lazarettat Cosel in the early part of March 1945. (4) An SS. Officer who ordered sick prisoners of war to parade and march on evacuation of the Reserve Lazarettat Cosel on 5th March 1945.
Date and place of commission of alleged crime.	From January 21st to March 5th 1945. On the journey by road and rail from Cosel to Nurnberg - Langwasser.
Number and description of crime in war crimes list. References to relevant provisions of national law.	No. xxix. Ill-treatment of prisoners of war. Breach of Laws and Usages of warfare and in particular of Article 1 of the Geneva Convention 1929 for the amelioration of the condition of the sick and wounded. Assault.

SHORT STATEMENT OF FACTS.

The occupants of this Lazarett, with the exception of those unable to walk, were compelled to undertake a long and arduous march of 40 days without adequate food supplies or proper provision for attention to the men on the march.

TRANSMITTED BY TREASURY SOLICITOR.

* Insert serial number under which the case is registered in the files of the National Office of the accusing State.

(29655) W.L.P.252/4 5,000 5/45 A.&E.W.Ltd. Gp.685

See letter from J.A.G. dated 15 May, 1946,
(File 3.21UK), requesting the withdrawal
of case 3045/UK/G/536, as further
evidence is not forthcoming.

*See
no action
lit.*

KW.2/4-1

R.A. Beaumont Esq.,
Reconstruction Dept.

No. 1631.

His Majesty's Minister at Berne presents his compliments to His Majesty's Principal Secretary of State for Foreign Affairs and has the honour to transmit to him the undermentioned documents.

British Legation,
Berne.

12th April, 1945.

Reference to previous correspondence:

Berne tel. No. 613 of 26.3.45.
Berne desp. No. 1606 of 12.4.45.

Description of Enclosure

<u>Name and Date</u>	<u>Subject</u>
From: Federal Political Department 11.4.45	Report on transfer to Stalag XIII.D of P.O.Ws. from Res. Laz. Cosel.

B.52.GBr.(1) 8 B - NL/Dd.

14264

Comme suite a sa note B.52 GBr.(1) 1 St.XIII D -
NL/Dd (12034) du 24 Mars 1945, le Departement Politique
federal, Division des Interets etrangers, a l'honneur
de faire tenir sous ce pli a la Legation de Sa Majeste
./.
Britannique copie du rapport No.722, redige par un
representant de la Legation de Suisse a Berlin au sujet
du transfert au Stalag XIII D Nuremberg-Langwasser de
prisonniers de guerre britanniques qui se trouvaient au
Reserve-Lazarett Cosel.

Berne, le 11 Avril 1945.

(L.S.)

Annexe: un rapport (6)

A la Legation de Sa Majeste Britannique
Berne.

CONFIDENTIAL.No. 722BRITISH/USA.SPECIAL REPORT

of the evacuation of the Reserve-Lazarett Cosel
to Stalag XIII.D Nürnberg-Langwasser.

Date of interview:
March 12th, 1945.

The following summary of the evacuation of Res. Laz. Cosel was given to the Delegate by Capt. R.F. Kaye Webster RALC, SBLO at the above named hospital.

On January 21st 1945 Capt. Kaye Webster was awakened at 7.00 hrs to be told that except the two guards on duty and the Abwehr Unteroffizier, all the Germans had gone away. Pending orders daily work was started as usual when at about 10.00 hrs a Feldwebel arrived informing Capt. Kaye Webster that all the patients who could walk would have to be on the road by 12.00 hrs. Capt. Kaye Webster would not accept an order of this nature by a NCO. and asked for the German Stabsarzt or another German officer. However, he was told that the German Chefarzt had gone away already two days ago and that the order had to be complied with. After lengthy arguments Capt. Kaye Webster was allowed to leave 5 sanitators with the bed-patients, the presence of a M.O. was refused. All Red Cross hospital kit was started to get packed as well as all other Red Cross supplies, except sufficient for the patients and sanitators who were left behind. A fair amount of British Red Cross food had to be distributed to Ps.o.W. patients of other nationalities in order not to leave it in the hands of the Germans. The bed patients were made as comfortable as possible and with grossly inadequate preparations due to the very limited time to prepare, the others were herded on to the road, after having the lazaret inspected by an SS-Officer who turned several patients out of their beds estimating them as fit to walk. Capt. Kaye Webster was told that they would only have to go across the hill and that they would return the next few days. They marched in heavy snow fall and bitter cold to Jeroldsdorf, a matter of 11 kilometres and there settled in two small school rooms for two days. After that they were moved on with the story that they were to open a Lazaret again for the stragglers on the big marches from Stalag and the working parties. So the march went on day by day, sometimes staying a little longer. Every evening upon arrival in the villages, Capt. Kaye Webster, who had on the other officers' request taken temporarily the rank of a Major, went to the Bürgermeister of the locality and requested accommodation for his lazaret which in most cases was always complied with. The German Feldwebel who was with them proved to be most inefficient and useless and Capt. Kaye Webster had the command of the whole party. Lazarets were reopened every evening attending to men from the marches and also to civilians, mostly women and children who were evacuating, even operations were being done. Food was very hard to obtain all along the journey and only with the help of cigarettes, bread and other essentials were available. On February the 29th they arrived at Braunau C.S. and on the 2nd of March 1945 they were put into a train with 3rd class carriages arriving here on March the 5th. The train journey was said to be quite bearable, the Czecho-Slovakian population being very good to them and supplying them with food. Bread was issued.

At Cosel 29 British patients

2 Americans

40 French, and

59 Russians were left behind. Five

British sanitators stayed with them. A list of the British sanitators and patients is attached to this report.

(Sgd) A.A. KADLER.

LIST OF BRITISH Ps.o.W. LEFT IN LAZARET COSEL
ON 21st JANUARY, 1945.

(1) STAFF

Sgt. Austin	24167
Pte. Scales	4936
Cpl. Wall	32025
Dvr. Follas	7648
Pte. Boulden N.Z.E.F.	

(2) BRITISH PATIENTS

Ashby	8080
Abbott	15678
Barber	6375
Ball	15731
Coleman	220487
Cousins	32497
Edwards	220375
Ford	2853
Grob	220636
Howes	220696
Innes	220319
Jennings	16316
Jones	221883
Keith	10685
Murray	33236
MacLellan	15619
Page	21646
Price	221264
Payne	221165
Pendlebury	7873
Sanchez	81657
Stewart	17028
Skelham	3596
Smale	220993
Skrivener	68
Turner	220959
Thomas	220315
Wright	11454
Williams	34118

PARTICULARS OF ALLEGED CRIME

According to a statement made to Mr. A. Kadler of the Protecting Power by Capt. R.F. Kaye-Webster R.A.M.C. he was told at about 10.0 a.m by a Feldwebel that all the Senior German Medical officers had gone and that the men in the Lazarett must be on the road by 12.0. Those unfit to walk were left behind with five sanitators, and a proportion of the medical supplies and food. The remainder was packed and the men finally marched about 11 kilos in the snow to Jeroldsdorf, where they put up in the school house for two days. From there they went on in marches of a day, or every few days, till on February 29th they reached Braunau. The Feldwebel was utterly incompetent and Capt. Kaye-Webster took command of the party. At each stopping place he had to obtain accommodation from the Burgermeister for his Lazarett, whilst in addition to attending to his own men, looking after sick stragglers from the big marches, and even civilians. The whole time food was scarce and inadequate, sometimes only obtainable by exchanging cigarettes for it.

At Braunau they rested two days and were then sent by rail in 3rd class carriages to Nurnberg-Langwasser. No complaints are made as to this last stage of the journey.

PARTICULARS OF EVIDENCE IN SUPPORT

Capt. Kaye-Webster, R.A.M.C., is to date the only witness known, but clearly there must be many others.

Copy of report by representative of the protecting Power is attached.

PARTICULARS OF EVIDENCE IN SUPPORT

Capt. Kaye-Webster, R.A.M.C., is to date the only witness known, but clearly there must be many others.

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NOTES ON THE CASE

(Under this heading should be included the view taken as to (a) the degree of responsibility of the accused in view of his official position, e.g., was offence committed on the offender's own initiative, or in obedience to orders, or in carrying out a system approved by authority or a legal provision ; (b) the probable defence ; (c) whether the case appears to be reasonably complete.)

Compared with very many other cases of forced marches westward this may appear less grave. The men seem to have come by easy stages and the one guard with them was not guilty of any brutality. But the desertion of the Chefartz and the brutality of the SS. Officer in putting the inmates of this Lazarett out on the road under the charge of an incompetent non-commissioned officer and left to find their way back to Germany, or some other area away from the Russians, as best they might, with no provision for their accommodation or feeding en route, should not be overlooked.

The facts of the case add to the accumulation of evidence of the complete disregard of their responsibilities by the German authorities at all levels at this time.

NOTES ON THE CASE

(Under this heading should be included the view taken as to (a) the degree of responsibility of the accused in view of his official position, e.g., was offence committed on the offender's own initiative, or in obedience to orders, or in carrying out a system approved by authority or a legal provision; (b) the probable defence; (c) whether the case appears to be reasonably complete.)

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