



1-12-1942

## NOKW 2095

International Military Tribunal

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OFFICE CHIEF OF COUNSEL FOR WAR CRIMES  
APO-696A U.S. ARMY

AJS

STAFF EVIDENCE ANALYSIS

BY: Steven, Fred R.  
DATE: 11 July 1947

Doc. No. NOKW -2095

Title and/or general nature: From 281st Sich. Div. to subordinate units: "Directive about Executive Power in Occupied Russian Territory"

1 p. (photostat)

Date: 12 January 1942

Source (Location of original, etc.): German Document Center, MID, Rm. MB-863, The Pentagon, Washington, D.C. WB-2642 281st Sich. Div. 37996/9

PERSONS, FIRMS OR ORGANIZATIONS INVOLVED:

LEEB, Wilhelm, v. Genfldm., C. in C. H. Gr. North  
ROQUES, Franz v., Gen. d. Inf., CG Rear Area H. Gr. North  
SCHERER, Theodor, Genlt., CG, 281st Sich. Div.

TO BE FILED UNDER THESE REFERENCE HEADINGS:

IV B 1 b, IV B 1 c

SUMMARY (Indicate page nos.):

Directive refers to H. Gr. North orders of 11 December 1941, passed by 281st Sich. Div. to Feldkommandanturen on 30 December 1941, concerning executive powers in occupied Russian territory.

Para. 2: "The measures taken by officers as punishment for offenses in accordance with the orders quoted above, are purely administrative matters and to be described as such.

Whenever civilians are to be shot, it is to be assumed that this is based upon an administrative decision, put into the hands of the officers by virtue of military sovereignty in order to safeguard the troops. The same is true for punishments other than by shooting.

These decisions may not be put into judicial form. The contents of such decisions have to be arrived at in a purely summary way, exclusively from the point of view of the safety of the troops.

The tasks, given to the officers by the above orders, are therefore to be solved from an administrative point of view; the decisions may not give the impression that they are judicial decisions, neither in form nor in contents."

Edited: G.R. Halkett

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TRANSLATION OF DOCUMENT No. NOKW-2095  
OFFICE OF CHIEF OF COUNSEL FOR WAR CRIMES  
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Copy !

Rubber Stamp: Secret

281th Security Division

Ostrow , 12 January 1942

Ia/ VII - 28/42 - secret.

Subject: Exercise of penal authority in the occupied old  
Russian territories.

Re.: Commanding General Rear Area Army Group North  
File No. III Journal No. 26/41 Top Secret  
of 11 December 1941.

It is decreed <sup>in</sup> implementation of the orders issued concerning  
the exercise of penal authority in the occupied old Russian territory

- 1.) Commanding General Rear Area Army Group North  
Ia/VII/Qu. No. 2289/41 of 19 December 1941, dis-  
seminated to the FKs by letter of the 281  
Security Div. Section VII of 30 December 1941
- 2.) 281. Sec.Div. /Ia of 23 December 1941 number 7 and
- 3.) 281. Sec.Div. / Ia of 6 January 1942, number 2:

The measures, taken by officers pursuant to the above orders  
for the punishment of criminal acts by the Russian civilian  
population, are purely administrative measures and to be presented  
as such.

When shooting of civilians must be carried out it must be  
assumed that these are administrative decisions, the authority for  
which has been transferred to the officers based on military  
sovereignty, for the security of the troops, The same applies  
to other penalties than shooting.

These decisions must not be issued in a legal form. To the  
contrary, the content of the decisions is merely to be figured  
summarily according to the requirements of the military for security  
only.

The tasks which are assigned to the officers by the above  
orders must, therefore, be carried out according to administrative  
requirements; the decisions must never give the impression of  
judicial decisions, neither as to form nor as to content.

signed: SCHERER

Brigadier General (Generalmajor)

Distribution:

A III - D III

Certified true copy.

Signature: WAGNER  
War Administrative Inspector.

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TRANSLATION OF DOCUMENT No. NOKW-2095  
CONTINUED  
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CERTIFICATE OF TRANSLATION  
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14 January 1948

I, Frank FREUDENTHAL, Civ.No. B 242 988, hereby certift that I  
am a duly appointed translator for the Gorman and English languages  
and that the above is a true and correct translation of the  
document No. NOKW-2095.

Frank FREUDENTHAL  
Civ.No. B 242 988.

WB 2642

C O P Y

281. Sich.Div.  
Ia/VII - 28/42 - gehv

Ostrow, am 12.1.1942

S E C R E T

Betr.: Ausuebung der Strafgewalt in den besetzten alt-russischen Gebieten.

Bezug: Befh.i.HGNord Az.III Tgb.Nr. 26/41 g.Ydos.v.11.12.41

In Ergaenzung der ueber die Ausuebung der Strafbefugnis im besetzten altrussischen Gebiet ergangenen Befehle

- 1.) Befh.r.H.Geb.Nord Ia/VII/Qu nr.2289/41 v.19.12.41, den Fh.en durch Schreiben der 281.Sich.Div./Ia v.30.12.41 bekanntgegeben,
- 2.) 281.Sich.Div./Ia v.23.1.42 Ziffer 7 und
- 3.) 281.Sich.Div./Ia v.6.1.1942, Ziffer 2 wird angeordnet:

Die gemaess obiger Befehle zur Ahndung von Straftaten der russischen Zivilbevoelkerung von Offizieren getroffenen Massnahmen sind reine Verwaltungsverfuegungen und als solche darzustellen.

Bei vorzunehmenden Erschiessungen von Zivilisten ist davon auszugehen, dass es sich um verwaltungsmaessige Entscheidungen handelt, die den Offizieren kraft militaerischen Hoheitsrechtes zur Sicherung der Truppe uebertragen sind. Dasselbe gilt hinsichtlich anderer als durch Erschiessung zu verhaengender Strafen.

Diese Entscheidungen duerfen nicht in justizmaessige Form gekleidet werden. Der Inhalt der Entscheidungen ist vielmehr rein summarisch, ausschliesslich nach dem Beduerfnis der Truppe nach Sicherung zu bemessen.

Die den Offizieren durch obige Befehle uebertragenen Aufgaben sind daher nach verwaltungsmaessigen Ermessen zu treffen; die Entscheidungen duerfen weder der Form, noch dem Inhalt nach, den Eindruck gerichtlicher Entscheidungen hervorrufen.

gez. Scherer

Verteiler:  
A iii - D III

Generalmajor.

F.d.R.d.A.

(handschriftl. Wegner)

KV.Insp.

ENDE

A certified true copy.