

22 August 47-A-PM-13-Maloy (Int. Hildesheimer)  
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AFTERNOON SESSION

THE MARSHAL: The Tribunal is again in session.

JUDGE BURKE: Without the necessity of further discussion the Tribunal is prepared to rule upon the matter submitted at the close of the morning session.

The Tribunal has given consideration to the objection made by defense counsel to the admission of Exhibit 499-A. It is our opinion that in its present form the offered exhibit falls far short of the essential qualification to justify its admission for any purpose of probative value. It moreover offends against all properly recognized rules for the admission of evidence, in that it assumes to indicate responsibility on the part of various individuals involved in the hearing now in progress, and such findings, conclusion and presumptions having been made not in the presence of the interested defendants.

With this definite statement of the attitude of the Tribunal as to the competence of the Exhibit it may be admitted for what, if anything, it is worth.

You may proceed, Mr. Denney.

THE PRESIDENT: Before we proceed further, Mr. Denney, at the time Court convened there were two of the German counsel present, and now five of the 11 are present. Possibly there is a good reason or excuse for the absence of the other counsel. The Tribunal feels that it has some responsibility in connection with this matter. Purely by way of suggestion at this present moment we respectfully call the attention of the counsel [sic] that Court convenes usually at the time stated, and that they should be present, at least for the interest of their clients if not out of respect to the Tribunal.

JUDGE BURKE: You may proceed, Mr. Denney.

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MR. DENNEY: If your Honor pleases, the Exhibit 499-A for identification becomes Exhibit 499 in evidence; and that concludes the presentation of this document, and at this time Mr. Rapp will continue with the Norwegian phases of the proceedings.

MR. RAPP: If Your Honors will permit, before I turn to Document Book 22 I would like to make a few general remarks.

We are now turning specifically to Court 29-A of the indictment. These are charges pertaining solely to the defendant Rendulic only. Charges which we submit in his capacity as the then commanding general of the 20th Mountain Army in Finmark, which is a Northern Province of the State of Norway. For the Court, the defense counsel or defendants, and also my own information, I have taken the liberty of putting a map of Norway on the wall. It is not being offered in evidence. I don't think we have to give it an exhibit number. It is merely put there because the Tribunal might, at their convenience and liberty like to glance at it occasionally to locate the places we mention in the document.

I would also like to call Your Honors attention to two charts contained in the basic information booklet. The one chart I have reference to is Chart G, and the other chart I have reference to is Chart E, and that chart is a schematic presentation of the Northern part of Norway. It does not claim to be true to scale. We are not too much concerned [sic] with that. Chart G, Your Honor, however, will give you a general order of battle description [sic] of the units, or of the main units I should say subordinate to the 20th Mountain Army at sometime during its campaign. We do not submit that this chart is 100 per cent, correct. We have

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tried to ask various German experts to try and make it for us as well as they can, but it seems there are no two people who can agree on it exactly, but for our purpose I believe it will help us in the presentation.

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And now with Your Honor's permission I would like to turn to Document Book 22. Your Honors, turning to page 1 of this document book, we are offering NOKW-1776. May I inquire from the Assistant Secretary General what the number is.

MR. STONE: Exhibit 500.

MR. RAPP: NOKW-1776, being offered as Prosecution's Exhibit 500. The first document we have, Your Honors, is a priority teletype message, the entire message is being offered in evidence. However, we have only extracted page 3 of the original, which we shall read into the record at this time:

"WFST/Op. Stamp, Top Secret. Fuehrer Headquarters, 4 October 1944, 17 copies," this being the 8th. "Official stamp, Officer only. Priority teletype. To: 20th Mountain Army."

Then a distribution of other units where it went to, a distribution list, rather, and "for information Naval Command, Norway, and Reich Commissar for Sea Traffic, Attention Gauleiter Kaufmann." That is for information only.

If Your Honors will turn to page 2, still on page 1 of the German book, under paragraph 6 of this particular instrument it reads:

"6) Evacuation and Destruction:

"All installations which might be of use to the enemy are to be destroyed thoroughly, particularly roads and railroad lines, port installations, airports and other installations of the Luftwaffe, industrial plants, Wehrmacht billets and camps. All snow barriers on the through roads are to be burned in time.

"Rations and other Wehrmacht supplies are to be destroyed unless they can be transported.

"The entire population of Norway capable of bearing arms is to be taken along as far as marches permit and to be turned over to the Reich Commissar Norway for compulsory labor employment.

"Finnish hostages are to be taken along as the situation requires.

"Signed, by order, Jodl, OKW/WFST/Op Nor. 77 3608/44 top secret, official."

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DR. FRITSCH (For defendant Rendulic): Your Honors, my attention has been drawn to the fact that the word "allocation" of labor is not translated properly. May I please ask the translator, the interpreter, to retranslate this word?

PRESIDING JUDGE BURKE: That may be done.

DR. FRITSCH: The last paragraph in the German text, the third line from the bottom of page 2 in the English text, where it says, "for compulsory labor employment," Your Honor, the translation is not very good. It should be "allocation of labor".

PRESIDING JUDGE BURKE: I am interested in that error in translation. I have observed the certificate that it has been translated from the German to the English language, and I am a little concerned about the apparent discrepancy in the word "compulsory" and the disposition of it.

MR. RAPP: I quite agree, Your Honor.

PRESIDING JUDGE BURKE: It is inexcusable to me that there should be such a variance in such an ordinary, simple matter of interpretation.

MR. RAPP: Your Honor, I was just about to suggest that we might possibly ask to have the main translation department give us a ruling on the translation of that particular word.

PRESIDING JUDGE BURKE: Very well, that may be done.

MR. RAPP: Your Honors, turning to page 3 of this same document, you will find the distribution of this order, part of which I have just read into the record.

If you will now turn, please, to page 4 of the English document book and page 3 of the German document book, we are offering NOKW-114, Prosecution's Exhibit 501. This is a teletype message from the Commander-in-Chief of the 20th Mountain Army, at that time the defendant Rendulic, and signed by him, to the Corps Headquarters of the XIX Mountain Corps, which was a part of the 20th Mountain Army in Norway.

It is dated the "4th of October 1944, Top Secret, Very Urgent, Officer Courier," and it reads:

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"Corps Headquarters, XIX (Mtn) Corps.

"Ref: Corps Headquarters, XIX (Mtn) Corps, Ia, No. 62/44 Top Secret of 4 Oct 44.

"In the given case, all the military installations, industrial installations, architectural structures, etc. in the former Finnish Petsamo territory are to be destroyed. This area is to be devastated. Preparations for this are to be made through reconnaissance, preparation of explosives (therewith making use of bombs, etc.) and organization of corresponding demolition and blockade forces.

"Cunning mining (blocking the march) render difficult and [illegable] enemy movements considerably.

"The same measures are to be reconnoitered and planned for the Norwegian territory. There too the carrying out of destructions as in the Finnish Petsamo territory is to be reckoned with.

"20 (Mountain) Army, Ia, No. 422/42 Top Secret, Sgd (Rendulic), (Rendulic) General."

The next document, Your Honor, you will find on page 6, NOKW-097, being submitted as Prosecution's Exhibit 502.

JUDGE WENNERSTRUM: May I inquire as to Exhibit 501, NOKW-114, as to whether the signature of Rendulic is a typed signature?

MR. RAPP: It is a signed signature, Your Honor.

JUDGE WENNERSTRUM: In his own handwriting?

MR. RAPP: In his own handwriting.

JUDGE WENNERSTRUM; May it be handed to the Tribunal?

MR. RAPP: Very well, Your Honor.

(Document handed to Court)

May I continue, Your Honor?

PRESIDING JUDGE BURKE: Yes.

MR. RAPP: NOKW-097, Exhibit 502, this is a teletype message to the OKW operations staff, asking for the destruction of industrial plants and the nickel works in Kolosjoki, signed "Rendulic, Top Secret, Handwritten: WB 228. Handwritten: Enclosure 68.

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"Teletype, 5/10/44. By officer only. Stamp, Top Secret, Urgent.

"To: OKW/WFST Chefsache, Armed Forces Hqs Command/Operational Staff. Reference OKW/WFST/Op. No. 773634/44 —

PRESIDING JUDGE BURKE: Just a moment please.

Thank you, you may proceed.

MR. RAPP: "Top Secret Chefsache.

"Army (A.O.K.) considered the following immediate measures necessary in order to insure a coordinated leadership of the operation:

"1) The tactical and supply subordination for the LXXI Infantry Corps under 20th Mountain Army as far as required in the preparatory and introductory withdrawals leading toward the Lyngen positions.

"For the time being, the leadership of the fighting around the north Norwegian coast must remain in the hands of the commander Polar Area under the headquarters of the Wehrmacht Commander Norway.

"2) The regulation of the removal or of the destruction of the Coastal Artillery (including the Army Coastal Batteries) by the Military High Command Norway in agreement with the 20th Mountain Army.

"4) Permit to destroy all war important industrial installations in the north Finnish and the north Norway area; in particular that of the nickel works Kolosjoki and its

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"subsidiary electricity works and of the Syd-Varanger plant on the basis of the orders to be issued by the 20th Mountain Army.

"5. Appointment of the O.Qu. of 20th Mountain Army "Evacuation Commissar" of the entire theatre of operations, east of the Lyngan position. This requires particularly the subordination of all Wehrmacht units and of all non-military organizations because combat and movement of the 20th (Mountain) Army including the LXXI Infantry Corps stands in mutual relation to the evacuation.

"6. The cover name for the withdrawal on the Lyngen position "Nord-licht" (Northern lights).

The Commander in Chief North Finland  
1a/OP. No. 424/44 top secret Chefs.  
signed Rendulic, Colonel General  
Certified a true copy:  
(signed) UBELHACK

(Ubelhack) Lt. Colonel G.S.C."

In this particular case, your Honor, the signature is typed, and not handwritten. However, the signature of Ubelhack is handwritten.

The next document, your Honor is 754-PS, being submitted as Prosecution's Exhibit 503. This is the basic order dated 28 October 1944 from the High-Command of the German Armed Forces, signed, "Jodl", to the 20th Army for the evacuation of Finnmark. It reads:

28 October 1944  
Top Secret

6 copies"

This is the 5th copy

"Priority - Teletype

"1. 20th Mountain Army

"2. For information: KB Norway

"3. For Information: Reich Commissar for the occupied Norwegian territory.



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"4. For Information: Naval High Comman [sic]/Naval Operation Staff

(Koralle)

"Due to the lack of willingness on the part of the North Norwegian population to evacuate (the territory), the Fuehrer has agreed to the suggestion of the Reich Commisar for the occupied Norwegian territory and he has ordered, in the interest of its own security, the compulsory evacuation of the entire Norwegian, population east-ward of the Lyngen Fjords, and the burning down and/or destruction of all habitable dwellings.

"Commander-in-Chief North Finland is responsible for the ruthless execution of the Fuehrer. Only in this way can we prevent the Russians - equipped with strong forces and supported by habitable dwellings and the population which knows the locality - from following our withdrawal movements in the Winter and in a short while appearing before the Lyngen positions. Compassion for the civilian population is uncalled for.

The troops carrying out (this order) must be made to understand that within a few months the Norwegians will be grateful for having been saved from Bolshevism and that the barbarian methods of the aerial war against the German homeland and against its cultural places have brought a thousandfold suffering over our people. The human methods of evacuation and the Destruction of habitable dwellings of North Norway are necessary for our warfare and will have to be paid with blood of German soldiers if they are not carried out.

In addition the population of fishers in North Norway disposes over sufficient shipping space enabling them to withdraw with the mass across the water. A large part of the Norwegian small-ship space, which at present is concealed, may be used for this purpose and may later be used for our own transportation needs.

The peril of a formation of Norwegian bands does not seem to be apparent if the bands no longer have the surport [sic] of shelters.

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signed Jodl  
(signature)  
OKW/WFst/Op (H) North No. 0012887/44

Top Secret"

Distribution :

Chief WFST	1st Copy
Deputy Chief War Diary	2nd Copy
Op (H) Op (H) 1 each	3rd and 4th Copy
Qu and Ic 1 each	5th and 6th Copy"

There is a note of the translator which says:

"Faulty construction of German original should be noted". I am merely passing this on for defense counsels' information.

The next documents, Your Honors, are on page 10, [NOKW 086](#), being submitted as Prosecution's Exhibit 504. This is the order of the 20th Mountain Army, dated the 29th of October, 1944, signed in handwriting by the defendant, Rendulic, passing on the order of the OKW/WFST which we have just read, to the troops subordinate to the 20th Army. It is top secret, teletype:

"29.10.44

To

1. Corps Headquarters XIX Mountain Corps	Urgent(KR)
2. Corps Headquarters LXXI Infantry Corps	Urgent "
3. Corps Headquarters XXXVI Mountain Corps	Urgent "
For information 5. Corps Headquarters XVIII Mountain Corps	Urgent "
6. Commanding General of the German Luftwaffe in Finland	Urgent "
7. Admiral Polar Coastal Area.	Urgent "
8. Wehrmacht Commander Norway	Urgent "
4. Reichs Commissioner for Occupied Norwegian Territories Oslo	Urgent "

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9. Naval High Command/1st Naval Operation Staff (Koralle) Urgent (KR)

Subject: Evacuation of North Norway:

1. Because of the lack of willingness of the north Norwegian population, to evacuate the country voluntarily the Fuehrer has ordered the compulsory evacuation of the population East of the Lyngenfjords in the interest of the security of the population, which is to be preserved from Bolshevism and that all houses be burned down or be destroyed. It is the responsibility of the Commander-in-Chief of Northern Finland that this order is carried out ruthlessly so that the Soviets supported by dwelling places and a population, which knows the country will be prevented from following our withdrawal with strong forces. Pity with the civilian population is out of place.

2. The men will understand the measures to be taken if it is explained that the barbarian methods of the air war against the German homeland and its cultural places have brought a misery on our people surpassing by far that which will follow in the wake of the measures which must be taken now in North Norway in order to prevent an early thrust by the Russians, according to plan.

3. "The evacuation staff North Norway" subordinate to the O.Qu. in his capacity as evacuation commissar is formed as the competent "Page 11 authority." Leader: Colonel Herrmann, Commanding Officer of the Grenadier Regiment 310, Corps Headquarters XXXVI Mountain Corps is to detach Colonel Herrmann immediately to Army/O.Qu.

SS-Obersturmbannfuehrer Neumann joins the evacuation staff as representative of the Reichs Commissar for Occupied Norwegian Territory.

4. The Commanding Generals of the XIX Mountain Corps and of the LXXI Infantry Corps are charged by me with the responsibility of the carrying out of the evacuation. Corps Headquarters XIX Mountain Corps will evacuate the territory East of the East coast of the Porsangerfjord (excluding the fjord).

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Corps Headquarters LXXI Infantry Corps will evacuate the area Porsangerfjord, (inclusive) = Lygenfjord (inclusive)

5. Execution of the Evacuation:

- a. The entire evacuation area is to be emptied of people.
- b. Evacuated settlements are to be destroyed unless they are to be used by troops marching through (that is, at the latest by the rear guards).
- c. The operation must be a sudden one and the officers of the Reichs Commissar of Norway must participate and Norwegian authorities must be harnessed for it; the latter, however, only from the beginning of the operation.
- d. The seized population is to be led to the nearest ports under military guard (also small ports with docks suitable for cutters).
- e. Local and district commanders are to erect reception camps in or near these ports.
- f. Men capable of working and marching and in the western districts women capable of marching also, are to be coupled to the marching units furthest in front and to be taken along.
- g, Inasfar as the population still has small ships available they are to be used for the deportation of the evacuees.

Military cover:

- h. All ships used by the Wehrmacht (freighters and Army transports) are to be loaded additionally with as many evacuees as possible.
- i. Columns on Reichsstrasse 50 to be formed only to an unavoidable degree; invalids, women, and children to be assisted by loading them on trucks. Only men really capable of marching to join the march columns.

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k. Transportation of all evacuees first into the area west of the Lyngenfjords, from there further control by Corp [sic] Headquarters, LXXI Infantry Corps in direct agreement with the Reichskommissar Norway,

1. In the area of the Corps Headquarters XIX Mountain Corps the operations will start immediately; in the area of Corps Headquarters LXXI Infantry Corps on 1-11-44.

m. Mission to be accomplished:

(1) By 9.11.44. in the area Eastward of the line Kistrand - Billejford - Lakselv - Skoganvarre - Karjasjok (including these villages).

(2) By 12.11.44 in the area East of the line Talvik -Kautokeino (including these villages).

(3) By 15.11.44 in the remaining area.

Norwegians found in the respective areas after that period are to be arrested and to be brought to the nearest town headquarters. Directives will be issued concerning their further treatment.

6. It is requested that the Reichskommissar Norway will make available as much shipping space as possible as otherwise numerous casualties among the Norwegians will be unavoidable during the evacuation.

7. I request all offices concerned to carryout this evacuation in the sense of a relief action for the Norwegian population. Though it will be necessary here and there to be severe all of us must attempt to save the Norwegians from Bolshevism and to keep them alive."

Then on page 13, illegible initials. Signed "Rendulic", "Rendulic, Colonel General, Roman Ia/Op. No, 1682/44 top secret."

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MR RAPP: The next document, Your Honors, is on Page 14 of the English, Page 12 of the German Document Book.

Dr. FRITSCH: for Defendant Rendulich [sic], Your Honor, I object to the submission of this document. It is a teletype of the Supreme Commander of the Navy. I may perhaps ask first the Prosecutor how far the probative value of this document is against the Defendant Rendulich [sic].

MR. RAPP: Does the Court permit me, at this time, to state this in the nature of argumentation?

PRESIDING JUDGE BURKE: If it may be stated as a factual outline of what you propose to prove, we have no objection.

MR. RAPP: At that time the Province of Finnmark, in which the 20th Mountain Corps....

PRESIDING JUDGE BURKE: Just a moment, Apparently there's some difficulty with the reception.

MR. HILDESHEIMER (COURT GERMAN\_ENGLISH INTERPRETER): Shall I repeat? Can you hear me?

PRESIDING JUDGE BURKE: Judge Carter is unable to get it. Very well; you may proceed.

MR. RAPP: Your Honor, we submit firstly that this document comes from the Chief of Staff of the Armed Forces of Germany, at that time.

PRESIDING JUDGE BURKE: Are you referring now to.....

MR. RAPP: Document No. C-48.

PRESIDING JUDGE BURKE: C-48?

MR. RAPP: It has not as yet been offered so we have not given it an exhibit number. Signed Keitel, it is a directive of Keitel to the Commander in Chief of the German Navy in Norway and Denmark, and at that time part of Norway, that is the Province of Finnmark [sic], was under the jurisdiction of the Defendant Rendulich [sic]. As part of the evacuation, the part of the German Navy needed in the evacuation or in the accomplishment of his mission was under the command of the Defendant

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Rendulich [sic]. As part of the evacuation, the part of the German Navy needed in the evacuation or in the accomplishment of his mission was under the command of the Defendant Rendullch [sic], we allege. Therefore, we believe that this order has a definite bearing because it pertains both to the Army and the Navy.

DR. FRITSCH: I shall explain my attitude to this when my case comes up.

PRESIDING JUDGE BURKE: Very well.

MR. RAPP: Your Honors, we submit C-48 as Prosecutions Exhibit No. 505. It's a teleprint message to Commander in Chief of the Navy, received 30 November 1944, secret. It is a copy of such message pertaining to the sabotage in Norway and Denmark.

1) C-in-C, Armed Forces, Norway and C-in-C, Armed Forces, Denmark are charged with effecting the proclamation of an order at the offices of the Reich Commissar of the Occupied Norwegian territories, or at the offices of the Reich Plenipotentiary in Denmark, and its carrying out by the BDS (Commander of Security Police). This order shall provide that employees, and if necessary, their families (relatives' liability) (Sippenhaftung) are also held responsible for cases of sabotage occurring in their works. Every ship-yard worker, etc. must know that every case of sabotage occurring in his sphere of work entails the gravest consequences for him personally. And, if he disappears, for his family.

2) C-in-C Norway and C-in-C Denmark, will re-inforce the protection against sabotage which up to the present has been carried out by police, special detachments of the Navy and the Reichs Commissar for shipping. They will re-inforce it with all available means by guard contingents made up of personnel of all arms of the service, in collaboration with (Commander of Security-Police). In Southern Norway, the substantial accumulation of troops in the area around Oslo should be drawn upon for this purpose. If the numerous troops available in this accumulation and the rear units in Oslo and in Denmark

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too are energetically made use of, the guard can be tripled. I can, moreover, not allow acts of sabotage of this kind to be accepted as acts of God and inevitable, without the authorities responsible for security being called to account. Troops of the Armed Forces employed on protection against sabotage are to come under the tactical control of the competent Commander of Secret Police.

Chief of the Supreme Command of the Armed Forces

Keitel Field Marshal

Supreme Command of the Armed Forces/ Armed Forces Ops Staff/Qu 2 (North) NR  
00139/72/44 Most Secret.

On Page 15 is the distribution of this particular document with copies to the Naval War Staff Ia, Naval War Staff Ib. and then received 30 November 1944, a rubber stamp; no signature. If Your Honors turn now please to Page 16, [Document No. NOKW-90](#) is being submitted as Prosecution's Exhibit No. 506. This is a document classified "secret":

Supplement 5

Army Headquarters 25 Nov. 44

War Diary

High Command 20 (Mountain Army)

O. Qu. /Evacuation Staff

No. 31/44 Secret

Evacuation of Northern Norway.

I. Mission.

The intention to induce the population of Finland and East Tromsø to evacuate these territories voluntarily, failed because of the limited willingness to support this demand.

Accordingly, the Fuehrer ordered the forced evacuation of the territory East of the Lyngenfjord, in order to protect the population from Bolshevism. The Fuehrer-order to the Wehrmacht commander, in Chief of North Finland Contains the following demands:

1. The territory is to be emptied of human beings so that the enemy cannot rely on the working potential and local knowledge of the population.



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2. All quarters, traffic and economic installations are to be destroyed so ruthlessly that the enemy is deprived of every possibility of living in this area.

3. What ever can be evacuated in important goods is to be salvaged.

The initial [sic] time period set for evacuation, Porsanger territory by 9 November, Alta/Hammerfest territory by 12 November, and East Tromsø by 15 November 1944 could be prolonged until 20 November 44 as a result could be prolonged until 20 November 44 as a result of a Change in the situation.

"Accordingly a salvaging of economic goods in excess of the first planned amounts was possible.

The territory to be evacuated corresponds to 1 and 1/2 times the size of Denmark. The distances on the single National Highway 50, amount to 1,000 kilometers from Kirkenes to Narvik and from Hammerfest to Tromsø 599 kilometers. Furthermore this highway was occupied by the Marching movement of the Army, so that first of all the sea lane came into the question with regard to deportation." If Your Honors permit me, I would like to show you on this map (Pointing to a wall map), this particular highway, because it will be, we believe, of some importance in this particular phase that we are concerned with.

PRESIDING JUDGE BURKE: In the absence of objection, you may do so.

MR RAPP: (Pointing with pointer to map) This highway here - Highway 50 - I have tried to trace it in red.

PRESIDING JUDGE BURKE: Indicate in the general direction of...

MR. RAPP: Here's the Province of Finnmark, and the troops came from Finland to Finnmark and proceeded in a westerly direction. In other words, the movement is something like this, generally speaking (Indicating movement by means of pointer).

PRESIDING JUDGE BURKE: In a westerly direction?

MR. RAPP: In a westerly direction. And once they have reached

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this crest it is probably [sic] what you can call a westerly and southerly direction.

Accordingly a salvaging of economic goods in excess of the first planned amounts was possible.

The territory to be evacuated corresponds to 1 and 1/2 times the size of Denmark. The distances on the single National Highway, the National Highway 50 amount to 1,000 kilometers from Kirkenes to Narvik and from Hammerfest to Tromsø, 500 kilometers. Furthermore this highway was occupied by the Marching movement of the Army, so that first of all the sea lane come into the question with regard to deportation.

For the purposes of the execution an evacuation staff was formed with the High Command of the 20th (Mountain) Army, to which a representative of the Reichs Commissioner for the occupied Norwegian territories was added.

## II. Means

1. The possibility was merely offered as far as the sea lane was concerned to utilize the unused transport space on ships of the Reich Commissioner for Naval Transport (German Commercial Glad) and on Ships of the Navy (Reich Service Flags and Reich War Flags). Beyond that, Norwegian local ships and numerous cutters were utilized.

2. On land, the population wandered off individually with their own trucks (trucks, omnibusses, and horse drawn vehicles). The Young folk also made use of bicycles frequently for the march to Narvik.

## III. Execution:

1. The inadequate records of the Norwegian resident register were the basis for the seizure of the population. According to them, the territory to be evacuated, including the nomadic Lapps had before the war a population of about 62,000.

The (apparently very restricted) number of those persons who fled the evacuation can accordingly only be estimated.

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2. On account of lack of time the order to the population for evacuation could only take place in the form of an appeal decreed jointly by the Commander & Chief of the 20 (Mountain) Army and by the Reichs Commissioner for the occupied Norwegian territories.

3. Assembly points for the deportation by sea were erected in Billerfjord and Homningsvaag for the area Porsanger and East Finland, in the Hammerfest for the Island territories, and in Alta-Sopnes-Burfjord for the territory Alta with Kaugokeino.

The felder Traffic took place with trucks and omnibusses, from the sea with cutters, or from the Islands and the wastal localities in North Baranger, by units of the Navy

Deportation from the Porsanger area took place in the main through two mass transports with 1700 and 1060 persons on the Steamers "Karal Aarp" and A-dolf Binder" from Billefjord. In Alta, through a mass transport of 750 persons on the supply ship "Dithmarschen". Deportation for the rest, with Norwegian local ships and cutters.

4. Rounding up organizations were set up through civilian offices for quarters and further transport of the deported population in Tromsoe, Narvik, and Harstad.

Forwarding to Mosjoen and Trondheim took place with ships of the Norwegian "Huttigrute". Besides them, the following ships were utilized: the steamers "Brabant", "Dronning", "Sigurd Jarl", "Stella Polarls" as well as the hospital transport ships "Lofotes", "North Star", and "Polar Ice". This forwarding web finished by 25 Nov. 44.

5. Supplies, including quarters and medical help could not be guaranteed by the civilian sector in this wide area to a full extent. The Wehrmacht helped accordingly on a generous scale:

a) through the provision of rations where supplies could not be managed in such bulk by the civilian sector. In the reception stations on land as well as on board the German ships warm rations were given out from field kitchens.

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b) through the provision of barrack camps as quarters at the assembly points, Billefjord and Sopnes.

c) through the help of the unit during transport to the coast, as well as during embarkation, especially by assisting families with children.

d) through large-scale care of sick, injured, pregnant women, and mothers with small children by doctors and medical installations. Admission of women for confinement into hospitals, further transport on hospital ships, provision of small children with milk.

The transport of sick and injured from outlying Homes for the Aged and Homes for tubercular cases whose evacuation was necessary, in order not to afford the enemy propaganda material, required and especial regulation. The deportation from Karasjok, Boerselv, Kautokeine, and TaIvik and/or Korsfjord took place under the responsible leadership of Oberarzt Dr. Gaebler with medical trucks of the Wehrmacht and our own boats used for this.

The population could only take what baggage they could carry, on account of the restrictions of the transport space. The cattle had therefore to be taken over by the Wehrmacht against memoranda receipt, as far as it could not, in individual cases, be taken along.

After extension of the evacuation time an extensive salvaging of important economic goods was also ordered for the civilian [sic] sector. Here the execution was the responsibility of the Wehrmacht. Furthermore, a final search was carried out by the Norwegian police detachments on the islands and outlying localities. Destruction will accordingly only be ordered by the subordinate sector commanders (Unterabschnittskommandeure) and/or rear guard officers in agreement with the evacuation commissioners when the salvaging of valuable economic goods (especially fishery equipment) is finished, or impossible.

Salvaging of the reindeer herds took place by an order to the Lapps to drive their herds to the west over Kautokeino-Helligskogen into a

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reception territory in Tromsfylke. A retreat to the South was prevented by a blockade on the Swedish border, a lock at Helligskogen made possible the driving through of the reindeer herds by the march movements of the unit on to the highway Finland-Skibotn. This action cannot be finished yet, since on account of the slight snowfall, the expedition of the Lapps, could not be put into operation yet to full extent. Where a herd could not be transmitted farther, part of the animals were taken over against memoranda receipts by the Wehrmacht; the Lapps were nevertheless left the minimum necessary for existence.

#### IV Results

In the reception organization, including the fishermen already settled on the Lofotes 36,914 persons were taken all together. About 5,000 persons migrated before the start of the evacuation up till October from East Finland. About 1100 persons have migrated by means of self-aid without passing through the reception organization a smaller residue of workers of the Wehrmacht is to be moved off later with the unit.

About 10,000 persons have remained in the area of Kirkenes, as a result of the war events. In West Finland and East Tromso only 8,500 persons, in the main Lapps, are left behind, whose deportation was only of interest in connection with the finding back of reindeer herds.

The evacuation in the territory between Lyngenfjord and Porsangerfjord could therefore be carried through almost completely. Even voices of the Swedish press had to admit the success of the action and speak of an almost 100% evacuation of the population.

The success [sic] of the action was made possible through the excellent cooperation of all participating offices of the Wehrmacht, the Reichs Commissioner, and the Norwegian administration.

#### Experiences

Orderly evacuation under the conditions imposed is only possible

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if an orderly method of seizure is present in the hands of an administrative medium.

Both were not at hand. The Norwegian citizens were partly the first to leave their realm of their own accord. The administration in Hammerfest and in Talvik worked well.

Even in short periods for evacuation, a frictionless development is possible, if a calendar is also at hand in civilian offices for the evacuation of important goods. Idleness [sic] and avoidable losses of important goods result from improvising.

It contributes in any case to the quieting of the population, if every family can have at their disposal a memorandum with the individual orders for carrying out the evacuation. Such a memorandum was to be issued by Minister Lie according to the suggestion of the Army Hq, [sic] but came too late, to have any great effect on the population.

Some untoward events, such as the execution of the "Law concerning hand and span services" with the separation of the men from their families to be deported and with guarding like prisoners, burning down of houses in the presence of the inhabitants even where an immediate destruction was not necessary and shelling of the locality Kjellefjord by units of the navy, hinder the readiness of the population to follow the officially prescribed way.

(sgd) Herrmann

Col and Leader of the Evacuation Staff

Distribution:

In draft

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MR. RAPP: On page 23, Your Honors, is a breakdown of evacuations as of 25 November 1944. It is an enclosure to the document I was just reading into the record, and it gives a breakdown of people who have been evacuated and people who have not been evacuated, and also how many remained. These, then, added together on page 24 in a grand total of those to be and those which have been evacuated amounts to 62,000 persons; however, there is a better breakdown, if Your Honors turn to page 25. This particular document by itself, NOKW-090-a which is being offered as Prosecution's Exhibit No. 507. This document shows "Table of Evacuation as per: 25 November 1944; Number of inhabitants to be evacuated on 9 April 1940: East Finnmark approximately 25,000, West Finnmark approximately 27,000 Trom, Eastward Lvngenfjord approximately 10,000 amounts to 62,000. And then Execution of Evacuation: Evacuees: Evacuees reported via Tromsoe to the south 29,014, via Narvik approximately 3400."

PRESIDING JUDGE BURKE: Mr. Rapp, I don't quite understand the expression "Execution of Evacuation—Evacuees," Paragraph 2, NOKW-090-a, Exhibit 507.

MR. RAPP: That is right, your Honor, what it pertains to is the population to be evacuated in this operation, based on a count of the population made on the 9th of April 1940. It's probably in somewhat awkward [sic] translation.

PRESIDENT [sic] JUDGE BURKE: Yes, it seems a little ambiguous.

MR. RAPP: In other words, they used the official count of the population of the 9th of April 1940 to reach the figure of 62,000. That is the number they were concerned with an [sic] intended to evacuate.

JUDGE BURKE: Very well.

MR. RAPP: And then below are the figures they have actually evacuated, listed under Execution of Evacuation, I won't read all these figures into the record. It amounts to about 36,914; and then there are a few left, and then it says "Wehrmacht workers, evacuated with the troops, 285, and it amounts to about 43,300 persons, and then under paragraph 2, they have

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a number of persons which weren't evacuated; Unable to leave East Finnmark in time, approximately 10,000, and then the number of Lappanders remaining, and Refugees avoiding evacuation, and both totals together amount to the grand total of 62,000, which was given at the beginning of this document.

The last document, Your Honors, is an excerpt from a War Diary. It is not signed. Under the entry of 1115 hours, it says: "Orientation of the Commander-in-Chief on the situation by the Chief of Staff in the presence of the Ia, and Ic.

1.) Report on the situation at the Corps and this is stated in plural.

Measures of the Army are approved by the Commander-in-Chief

2.) Nickel Mine Kolosjoki:

The Commander-in-Chief requests that Director General Baron Wrede be informed that transporting and loading of the entire Army will require about 5-6 weeks.

Mining the ore during this period is of far-reaching importance to us"

"In case difficulties occur, in view of the.....

PRESIDING JUDGE BURKE: Have you found that document?

MR. RAPP: I'm referring to 2026.

DR. FRITSCH: Your Honor, I object to the submission of this document. I have here before me the photostat copy, and on this photostat copy no notes become obvious at all. There are just two typed notes--slips of paper--which at sometime or other were made by some authority or other, and this proves absolutely nothing, and it does not prove that it is part of a War Diary.

PRESIDING JUDGE BURKE: Is that in reference to Exhibit No. 507 or No. 508?

DR. FRITSCH: The document which was just read by the Prosecution.

MR. RAPP: It has no reference to Exhibit No. 507 or 508; it has a reference to a document which I was about to put in as an exhibit.

PRESIDING JUDGE BURKE: NOKW-064?



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MR. RAPP: 064; that is right.

PRESIDING JUDGE BURKE: And your objection, counsel, is what?

DR. FRITSCH: The document 508, Your Honor, NOKW-064.

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PRESIDING JUDGE BURKE: And will you repeat your objection?

DR. FRITSCH: Your Honor, this is a matter of two typed pages on which there is no reference to any War Diary, to anything coming from a War Diary. The photocopy has not been signed. That has been emphasized already and it also has no head. In my opinion, your Honor, it can have no probative value whatever as such documents can be made any time. Perhaps I may submit this document to the high Tribunal.

PRESIDING JUDGE BURKE: The objection at this time will be overruled.

MR. RAPP: Your Honor, this Document NOKW-064 is being offered as Prosecution Exhibit 508. Under the entry at 1115, it states:

"Orientation of the Commander-in-Chief of the situation by the Chief of Staff in the presence of the 1a and 1c.

"1) Report on the situation at the Corps (plural).

"Measures of the Army are approved by the Commander-in-Chief.

"2) Nickel Mine Kolosjoki:

"The Commander-in-Chief requests that Director General Baron Wrede be informed that transporting and loading of the entire army will require about 5-6 weeks.

"Mining the ore during this period is of far-reaching importance to us.

In case difficulties occur in view of the importance of the plant for the war effort the Chief of Staff proposes to seize Baron WREDE circumstances permitting, and to force him, under threat of being shot to death to issue orders for the handing over of the plant.

The Commander in Chief gives his approval."

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This, your Honors, concludes Document Book No. 22. I would like to inquire from the Tribunal if it would be convenient for the Tribunal, possibly, to recess at this time. We are trying to call a witness and I felt we then would not be interrupted in his testimony by the recess if this is agreeable to your Honors.

PRESIDING JUDGE BURKE: I have always been quite arbitrary in the matter of proceeding right up to the allotted time, but I will make this exception and recess at this time.

(A short recess was taken).

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THE MARSHAL: The persons in the Courtroom will be seated.

The Tribunal is again in session.

PRESIDING JUDGE BURKE: You may proceed, Mr. Rapp.

MR. RAPP: Thank you very much, your Honor. I have a document before me which we would like to submit at this time, for identification only. It is the script of the Norwegian film which we shall see at four-thirty and then in order not to violate the twenty-four hour rule, we will then ask Monday morning that the document as such be admitted in evidence without having to read the whole script again into the record, which all of us will see this afternoon as part of the picture. I have taken this matter up already with the defense counsel and I believe that defense counsel is agreeable to this.

PRESIDING JUDGE BURKE: Is defense counsel in agreement with the statement made by counsel for the prosecution?

DR. FRITSCH: Fritsch for Rendulic. Your Honor, it only concerns the Defendant Rendulic whom I represent. I have no objection against this decision on the part of the prosecution.

PRESIDING JUDGE BURKE: It is agreed.

MR. RAPP: Your Honors, this is called Document Norway 13-B and it is offered for identification only as 508-A.

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If the Court pleases, I should like to request that the Marshal be directed to summon the witness Ferdinand Jodl.

PRESIDING JUDGE BURKE: The Marshal will summon the witness, Ferdinand --

MR. RAPP: Jodl.

PRESIDING JUDGE BURKE: Ferdinand Jodl.

You will raise your right hand, please, and solemnly swear that the testimony given in this matter will be the truth, the whole truth and nothing but the truth so help you God.

You solemnly swear that the testimony that you give in this matter will be the truth, the whole truth and nothing but the truth, so help you God.

(The witness repeated the oath.)

You may be seated.

You may proceed, Mr. Rapp.

MR. RAPP: With your Honors' permission, I would like to examine the witness in the German language.

PRESIDING JUDGE BURKE: There being no objection you may proceed.

FERDINAND JODL

DIRECT EXAMINATION

BY MR. RAPP:

Q Please give us your full name?

A My name is Ferdinand Jodl.

Q When were you born?

A On 28 November 1896.

Q Where were you born?

A Outside Landau in Palatinate.

Q Are you a German citizen?

A Yes, I am a German citizen.

Q What was your profession, witness?

A I was an active officer.

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Q Since when did you have this profession?

A I entered the Army on the 2nd of August 1914.

Q And when were you relieved or when did you retire?

A I retired from the Army on 11 June 1947.

Q Are you married?

A Yes, I am married.

Q Have you any children?

A Yes, I have two children.

Q Were you ever a member of the party or it's affiliations?

A No, I was never a member of the Party or any of it's affiliations.

Q Where do you live now, witness?

A I live now in Wiesbaden. However, I retired to Gummersbach in the Rhineland within the British Zone.

Q Are you now free?

A Yes, I am free now.

Q Where were you as prisoner of war at the end of the war?

A I was an English prisoner of war.

Q When were you relieved?

A On the 11th of June 1947.

Q When did you come to Nurnberg [sic] ?

A I arrived at Nurnberg [sic] about ten days ago. That was the first time. The second time was this morning at 4 o'clock.

Q During the first day in Nurnberg [sic] how many times were you cross examined, interrogated, I should say?

A When first I was in Nurnberg [sic] I was three times interrogated.

Q And how long did you stay then on the whole?

A Perhaps five days. I arrived on a Friday and I stayed up until Saturday or Sunday. Sunday we did not work and I stayed another three or four days.

Q Can you describe to us your military career in a few short ters [sic]. Witness, you can take your ear phones off because I think you

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will probably understand me without them.

A In 1914, I joined the Army as an NCO in Augsburg, the 4th Bavarian Artillery Regiment. I became a lieutenant and I left the Reichsheer as a lieutenant. During the first World War I served only in the West and only with this regiment at the front. After the end of the First World War I entered, after a short interval, the Reich Army, the Reichswehr; until about 1922 I served at Landsberg as a 1st and 2nd Lieutenant in the 7th Reichswehr Artillery Regiment and then a short time in Munich.

From 1927 to 1929 I was on a Fuehrer's assistance course in Westphalia. From 1929 to 1934 I was in the Reichswehr Ministry as an assistant Fuehrer. Then afterwards in the Department of Foreign Armies. I was in charge of the Russian group. In 1934 until 1935 --

PRESIDING JUDGE BURKE: Witness, a little slower, please.

A 1934 to 1935 I was Battery Chief in Ansbach. 1935 to 1938 I was a teacher of War Tactics at the War Academy in Berlin. 1938 I joined Command of the 12th Corps as Ia to Wiesbaden. In this position I was still when the war broke out. Then, according to my memory, in May 1940 I became of this particular corps. For about 14 days during the offensive in Yugoslavia I was appointed Chief of the General Staff of the 49 Mountaineer Corps and Chief of the General Staff of the 12th Corps -- I was only in the West, as the Chief of the General Staff of the 49th Corps, I was at various points; that is, in France about a fortnight in the Jugoslavian [sic] offensive and then, just at the beginning of the Russian campaign I was in Slovakia and also in Poland in the area west of Lemberg-Lwow as Chief of-the General Staff of the 49th Mountaineer Corps.

I participated in the offensive against Russia. My unit was at that time in the Donetz Basin and in the vicinity north of the Asow Sea. Approximately on the 10th of January, 1942 I was appointed Chief of the General Staff of the then Army High Command - Lappland which was later the 20th Mountaineer Army. I arrived about the 20th of January,



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1942 in Rovanjemi which is in Finland and I remained there and in the same position until the end of February 1944.

Effective the 1st of February, 1944 I was appointed into the Leader Reserve of the OKH and I was transferred and taken to Wiesbaden, which is my native town, and to wait for further orders for my future command.

At the beginning of April the order reached me there to the effect that I should go back to Rovanjemi in order to take over the leadership of the 19th Mountain Corps at the Ice Sea Fron. On 20th April 1944 I took over the leadership fo [sic] this particular unit. In September 1944 I was appointed commanding general of the Corps. In this capacity I was in the defensive war against the Russian attack on 7 October 1944 where we only succeeded under heavy sacrifices in saving my unit from being kept in a pincer movement by the Superior Russian forces and I managed to take my corps back to Norway.

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Then, until the final capitulation, I held the same position, being the officer in command of this Corps. Then approximately at the end of November 1944, I was given the tactical leadership after being in charge of operations of the Army Department Narvik which consisted, apart from my own units, also of the 71st Corps.

Q. Witness, within what larger unit did the 19th Corps fight? Outside of the 19th Corps, what was subordinated to the 20th Mountain Corps and who was the Supreme Commander of the 20th Mountain Army?

A. The Supreme Commander in command of the 20th Mountain Army was at first General Dietl and later on General Rendulic and in the end it was the General of the mountain troops Boehme.

Q. Witness, did you know General Rendulic? Did you know him personally?

A General Rendulic I met first, as far as remember, in Finland.

Q Did you know him personally, witness?

A Yes, I know him personally.

Q Can you recognize him in here in court?

A Yes, yes.

PRESIDING JUDGE BURKE: You are overlapping the questions and answers. Space the timing between the question and the answer.

Q Witness, will you please leave a small interval between my questions and your answers?

PRESIDING JUDGE BURKE: And more interval between the next question.

MR RAPP: Very well, your Honor.

Q Witness, can you point out to us the then General

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Rendulic, now the defendant Rendulic?

A Yes.

Q Where does he sit?

A General Rendulic is sitting here opposite me,

Q In figures — speaking in figures, where is he sitting from the left?

A He is the sixth.

Q Thank you. Witness, did your army corps under your command take part in the evacuation, or the so-called evacuation of the province of Finmark?

A Yes, my army corps took part in this.

Q Witness, when did you hear for the first time of forced evacuation of Finmark and that such an evacuation was to take place?

A It is not possible for me any longer now to give you a date. I am afraid I do not remember, I can only say for certain that various preludes and considerations occurred before the actual Fuehrer order or Army order came through during the last days of October and arrived at our army corps.

Q Witness, although as you state here, you can't remember any exact date or any time at all in connection with the Finmark evacuation, when you did hear about it, did you take any stops — that is, before you received the actual Fuehrer order?

A I can well remember one discussion which I had with General Hoelter but that was a discussion which took place before the Fuehrer order arrived. It must have taken place before the Fuehrer order arrived. This discussion was to the following effect:

"Herr Hoelter, I intend to make an application in

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Writing to the effect that any destruction and evacuation of Finmark should not take place for the following reasons:

"First, my unit which is absolutely exhausted by the various attacks and offensives has something else to do than to deal with evacuations and destruction, we are glad if we can bring our 5,000 wounded into safety to the West and can get supplies of the most necessary things, materials, et cetera. We have no columns in order to transport population.

"Second, I do not believe that the Russians will proceed to the West and will cross the Tana. We are not in touch with them any longer -- with the Russians that is. We know for certain that the bulk of the Russian units have been transported to the East and even if the Russians should want to pursue us, they would be acting differently.

"Third, if we force the population to evacuate [sic] and if we burn their houses we therewith create miss givings [sic] and ill will amongst the Norwegian population and embitterment and this embitterment can be of no practical use to us. We even have to reckon with the springing in to life of a partisan involvement."

When I told this to General Hoelter, he answered "The A.O.K. is roughly of the same opinion as you but just now the order" -- I do not know exactly what exactly he said it was, a Fuehrer Order or whatever it was -- "has arrived, according to which destruction has to be carried out" -- that destruction, that is, and the evacuation -- "and nothing can be done now. The submission of an application in writing is therefore no longer of any use."

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Q Witness, who was General Hoelter?

A General Hoelter was the Chief of the General Staff of the Mountain A.O.K. 20.

Q And as such General Hoelter was subordinate to General Rendulic?

A He was subordinate to General Rendulic.

Q Witness, the discussion which you had with General Hoelter and the arrival of this so-called Fuehrer order -- were almost simultaneous weren't they?

A So I assume.

Q Did you speak to General Hoelter personally?

A Yes, I spoke to him personally.

Q By telephone?

A Yes, by telephone.

Q Witness, in the last days of October of the year 1944, did you have direct contact with the Russian troops?

A I do not remember the date of the last fighting with the Russians any more but it must have been approximately around the 25th of October when the last fight took place that is in consequence of the Russian pincer movement on the east of the River Tana.

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Q At this time, this date, 25 October 1944, was if I understand you correctly after the time at which the Russians as you said transported larger units to the East, is that correct?

A Yes, this transfer of strong Russian units must have taken, a long time, because the Russians had opposed to my own corps about four or five corps to ours. That is quite a bit of transport, it took a lot of transportation to transfer then, to other parts.

Q Alright, witness, I shall put my question in a different way; was the transport at that time in great part concluded, or was it only just starting?

A It must have been like this, that the persecution of Kirkenes was only carried out by only a few small Russian units, and they were originally directed against my own corps.

Q Witness, in your own Army Corps, did you have a so-called 1-c officer; was he in contact with the 1-C officer of the Army?

A Yes, that is correct.

Q At this date we are speaking about, now what, if you can remember, what did the 1-C officer tell you about the enemy position or the enemy intentions, I should say, referring to the mass pursuit of the 20th German Army?

A I probably misjudged the enemy position at this particular point. In the vicinity of Kirkenes there were only about three corps left, or at least we could only establish the existence of three enemy corps. In the direction of Neiden there were even less enemy troops, and beyond Neiden there advanced only very weak Russian forces which went to the West. Contact with the enemy had been lost more or less. Without doubt the enemy left its strong forces either around Petsamo, or he had already transferred then to the south. During the last days of October, in any case, there was no indication whatsoever that the Russians should keep on pursuing us across the Tana River to the west, or that he intended to do so. An absolute guarantee for this, of course, we did not have, because as I already mentioned before the

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Russians just as at the time when they crossed the Finnish-Norwegian border, also in this case he could stop for sometime at the Tana River in order to wait for the result of some political negotiations with the exiled Norwegian Government.

THE PRESIDENT: Pardon me, just a minute, I do not in anyway wish to direct the prosecution in its questioning, but personally I would be interested in knowing if the prosecutor wishes to present the matter at this time, where this particular river is.

Mr. RAPP: Your Honor, I have just that in mind and have been trying to make arrangements to have one of the representatives of the Norwegian Government to point these places out for us.

THE PRESIDENT: Maybe the witness could do it. However, that is a matter for you to decide.

UNKNOWN GENTLEMAN: (Indicating on map with point) This is the Tana River and the Tana fiord. [sic]

MR RAPP: Would you be so kind as to stay there?

THE PRESIDENT: You are now having a person testify who has not been sworn or called as a witness. The witness can do so or can try to do so. He should be able to.

MR RAPP: I am merely trying to do this for the convenience of the Tribunal. If you wish I can have the witness stand and show it to us.

THE PRESIDENT: That is the proper way to do it, rather than having two witnesses on the stand at one time. It should be suggested that he (the witness) speak into the microphone.

Q Will you please show us the Tana River?

A The Tana River is this border river which flows into the Tana fiord [sic]. It is a large river, and this is the road by which we retreated, (indicating) and beyond the Tana River, to the west the Russians did not advance.

Q Witness, up to now you spoke of so-called assumptions which at that time you had about the intentions of the Russians; did these

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assumptions actually come true, that is did the Russians actually advance to the west along this line?

A Apart from a few reconnaissance troops the Russians did not actually advance to the west.

Q And when, or at what state, witness, did this take place, and how did it become more and more evident?

A It is very difficult to give a date, because everyday showed more and more that the Russians were for the time being not advancing with stronger forces.

Q Witness, if I understand you correct, that did not become evident until April 1944, when I speak of dates I mean not only just a particular day, but I mean months?

A It was absolutely clear that as far as one could speak of the future at that time the Russians did not intend to advance, unless they intended to start an offensive in the north.

Q From when on did that become evident, witness?

A I could say that from the middle of November it became quite evident that this particular phase of activities had come to an end, and if the Russians intended to advance again that this would be a new campaign, as it was. A date, of course, would be merely arbitrary.

Q Witness, did you receive this order by the 20th Army about the evacuation of Finnmark?

A Yes, I received it.

Q In writing?

A As far as I remember, in teletype.

Q On the basis of this order within your unit, did the compulsory evacuation begin immediately?

A Yes, it had to begin, because we were in a hurry.

Q Witness, how long did this compulsory evacuation take?

A I am not in a position to make any binding statements about this point as it did not concern me until the beginning of November, and later the compulsory evacuation was supervised by a staff which



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exclusively been appointed for this purpose.

Q Then give us the date, at what date or approximately what date did you know about this, directly or personally?

A We had to deal with evacuation measures approximately as from November 1 until at the most the 10 or 15 of November, because when I changed my fighting position later from the Tana River to the west I arrived at villages as a rule which had already been completely or partly evacuated.

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Q. Witness, were these villages absolutely destroyed?

A. No. when I arrived at these villages, they were not destroyed. Nothing had been destroyed, because our whole unit was actually housed and stationed in these villages. We had to find accommodations, because it was winter and we were near the Ice Sea.

Q. Witness, Was the 230th Division within your corps? Was it a unit of your corps?

A. The 230th Division was in my area, but when they came under my command I do not remember anymore in detail.

Q. The evacuation staff which you have just mentioned, which was formed later on, and the main task of which was to supervise the evacuation and carry it out -- now where did this staff receive its troops and men?

A. I should prefer not to say anything about this date, because I had no personal contact with the staff. I had no contact at all, no immediate contact, with them. I never met the staff; therefore I would not like to make just any old statement about something which I do not know for certain.

Q. In other words, witness, the troops of the XIX Corps, which you were in charge of, were never put at the disposal of the staff for evacuation purposes?

A. As far as I know now, and furthermore I don't believe they had any troops, they must have had only columns. It is possible they had columns. It is possible, however, that my quartermaster might have put a column at the disposal of the evacuation staff.

Q. What do you mean, column?

A. Motorized column. If you mean units of any size, regiments, etc., no, that is absolutely out of the question.

Q. Witness, you say you arrived at villages which had been evacuated but which had not been destroyed. Were there any people left in these villages?

A. I have already said that most of the villages were absolutely

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empty, but on occasions I saw one or two civilians who were packing something. I saw people with a cow, and similar things, but those were individual cases. Practically, these villages and little towns were evacuated.

Q. And during your service in Finnmark, after the order had been given for the evacuation of Finnmark you saw no burned villages?

A. No, I saw no burned villages, of course with the exception of Kirkenes, and of course there were villages that had been destroyed during battle.

Q. Did you actually see burning villages, not burned but still burning?

A. I only saw Kirkenes burning on several occasions, in fact. First burned actually by the Russians, and later on through battles, and also through Russian bomber attacks again, and then I saw the barracks which we had built in the vicinity of Kirkenes when we went through.

Q. Witness, did you ever see dead cattle? I mean large amounts, as from a dozen upward.

A. I never saw a dead horse or a dead cow lying about.

Q. Now, witness, let me put it in another way. You said that you called - that you telephoned General Hoelter, and you gave him three reasons against the evacuation- I mean to say that you objected. Do you want to say by that, witness, that after the matter had been issued in the form of an order that you were not of the same opinion any longer, that you changed your attitude?

A. The destruction and evacuation also - this is what I say today and I said it before - was for me a highly unpleasant and awkward matter, but on the basis of this order, and because I could not guarantee for certain that the Russians would not follow us, I carried out this order.

Q. But you said, witness, that actually the Russians did not follow?

A. Yes, that is what I said.

Q. Witness, as commander or commanding general of the 19th Mountaineer Group, did you ever receive daily reports or other reports from

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the Army which dealt with the development of the whole tactical situation in Finnmark and in Norway generally?

A. Do you mean with regard to the situation of the enemy or do you mean with regard to the degree of destruction?

Q. No, I mean the actual degree of destruction, witness. After all, the mountain corps which you were in command of then — did they not have to rely on certain tactical information of the Army?

A. Yes.

Q. The destruction of a country and its evacuation — are these not tactical matters?

A. No.

Q. Did you ever receive any information on that in connection with a tactical matter?

A. I don't think so, because only at the beginning I and my army corps had to deal with the destruction and evacuation. Later on I took over the leadership of the bulk of the troops. I was in charge of the bulk of the troops of the 20th Mountain Army, which I had to lead back to the new positions, and at a comparatively early date I, with my staff, proceeded into this position.

Q. Witness, I understand that from your former statement. The only thing I wanted to ask you was whether you, as the leader of the bulk of the Army, which after all consisted of a number of troops, whether therefore it was not necessary for you to be tactically informed about other matters which happened in this country?

A. I can only say I was not informed about the destruction tasks, because these orders were sent to the chief of the rear forces and at that time that was the commanding general of the XXXVI Corps.

Q. I did not ask you about destruction tasks. I asked you about destruction that had actually been carried out. Witness, was the compulsory evacuation and destruction of Finnmark a military necessity?

A. Yes, it was, if you expected the Russians to proceed to the west. Apart from that I do not see even today how supplies for the population

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which was left behind in north Finnmark could have been procured after all military objects, bridges, roads, and so forth which had to be counted as such would have been destroyed. In this case about 30,000 people would have been living in a kind of "no man's land", of which perhaps a part, that is those who dealt—

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PRESIDING JUDGE BURKE: The Tribunal wishes to inquire whether there is any likelihood of completing the testimony of this witness before half-past four?

MR. RAPP: Yes, there is, Your Honor.

PRESIDING JUDGE BURKE: Will there be cross examination of the witness?

MR. RAPP: I have only one or two other questions, Your Honor.

PRESIDING JUDGE BURKE: Will there be some extensive cross examination?

DR. FRITSCH: I do not think that I could finish with the cross examination today, Your Honor.

PRESIDING JUDGE BURKE: The Tribunal has no desire to hurry you in your cross examination, so with that information at hand it is the feeling of the Tribunal that we will now adjourn to Courtroom No. 1 for the continuation of such phases of the operations as indicated by Mr. Denney.

The Tribunal will adjourn to Tribunal No. 1, to the room, Tribunal No. 1.

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THE MARSHAL: Persons in the courtroom will be seated.

Military Tribunal 5 is again in session.

PRESIDING JUDGE BURKE: You may proceed.

MR. DENNEY: May it please Your Honors, the first film which is being shown will last approximately twenty minutes, and it is a film having to do with the picture in Greece, and is part of the reports of the Office of War Crimes of Greece. It is offered as Prosecutions Exhibit No. 509.

PRESIDING JUDGE BURKE: You may proceed.

MR. DENNEY: May it please Your Honors, the captions are in Greek, so they will be translated into both English and German.

(A film entitled "From the Tragedy of our Country" was shown.)

"From the Tragedy of our Country,

"In order that we may have a picture of the tragedy of our country during the period of the occupation, I decided in spite of the difficulties and the risks involved to take a film, which though historically accurate is artistically inferior due to the conditions under which it was made.

"It may be noted that taking even a simple picture of military units is punishable by death.

"Athens, April 27, 1941, Angelos Papanastasiou, Municipal Councillor of Athens.

"On 6 April 1941 Germany, for the sake of saving the defeated Italian Army on the Albanian front, attacked us from behind. Our heroic army, faced with the overwhelming numerical superiority of the Germans, was forced to withdraw and on 27 April 1941 the German troops entered Athens.

"On 27 April 1941 the German swastika is hoisted on the sacred Rock of the Acropolis and on 6 May 1941 the Italian flag.

"Central buildings of the city are seized by the German and Italian military authorities. Many enterprises are forced to close. Whole blocks of flats, including all furniture, are requisitioned in

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one day in order to billet the army.

"Very few street cars are operating on the lines of Patissia, Ambelokipi, and Callithea - they operate until 7:30 p.m.

"General requisitioning of motor cars, motorcycles, bicycles, etc. disturbs the entire communication system.

"For hours they await the daily distribution of three ounces of bread.

"Continuous undernourishment results in exhaustion of human organisms and leads to skeletonization.

"In Athens alone more than 500 persons die daily from starvation during the winter 1941. They are buried in mass graves which are dug on the previous day. Each cross represents more than 500 victims; the corpses are laid in graves in layers.

"Greek patriots are shot ever day. A firing squad on bicycles.

"Growing indignation of the people compels the occupying forces to take security measures.

"On 25 June 1943 the Greek people protest against the executions by staging a general strike and demonstrations in the streets.

"A huge demonstration with placards bearing the inscription 'Liberty or Death' advances in the streets. The streets are littered with pamphlets. The demonstrators advance despite German and Italian shooting.

"Some of the victims.

"Shops are locked with dozens of heavy padlocks, because thieving Italian soldiers, taking advantage of the strict enforcement curfew at 10 p.m., are ransacking them.

"German brutality is turned against innocent and irresponsible victims, whom they hang by the dozens.

"Victims of German bestiality are brought to the morgue of Athens daily.

"Executions continue. On 3 September 1944, 73 of the detainees are executed by the Germans and are buried in the 3rd Cemetery.



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"The Germans, although they had decided to evacuate Athens, staged the morbid farce of executing 73 to whom they had issued prison release notices on the preceding day.

"They were the last victims of German ferocity in Athens.

"Athens, 16 October 1944, Angelos Papanastasiou."

MR. RAPP: Your Honors, the next picture is offered as Prosecution's Exhibit No, 510. It is a film published under the supervision of the Attorney General's Office, and it was sent to us from the Commission for the Restoration of Devastated Areas in Finnmark.

PRESIDING JUDGE BURKE: We trust that it will be presented with a little more continuity than the one which has just been completed.

MR. RAPP: I hope so too, Your Honor.

(A film entitled "Finnmark", a Norwegian film with English captions, was shown.)

PRESIDING JUDGE BURKE: Is there any further matter to come before the Tribunal at this time?

MR. DENNEY: If Your Honors please, we would appreciate it if we could, after the films have been shown and rewound, withdraw them and return them to the delegation from which they came.

PRESIDING JUDGE BURKE: There is no objection.

MR. DESNEY: Thank you, Your Honor.

PRESIDING JUDGE BURKE: If there is nothing further to present at this time, the Tribunal will adjourn until Monday morning, August 25th.

THE MARSHAL: The Tribunal will be in recess until 0930, Monday morning, August 25th, 1947.

(The Tribunal adjourned until 0930 hours, 25 August 1947.)

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Official Transcript of the American Military Tribunal in the matter of the United States of America, against Wilhelm List, et al, defendants, sitting, at Nurnberg, Germany, on August 25, 1947, 0930-1630, Justice Wennerstrum presiding.

THE MARSHAL: Persons in the Courtroom will please find their seats.

Military Tribunal V is now in session. God save the United States of America and this Honorable Tribunal.

There will be order in the court.

PRESIDENT: Mr. Marshal, you will ascertain whether all defendants are present in the courtroom.

MARSHAL: May it please your Honors, all defendants are present in the Courtroom.

PRESIDENT WENNERSTRUM: You may proceed with the further examination of this witness.

FERDINAND JODL -- Resumed

DIRECT EXAMINATION (continued)

MR, RAPP: Your Honors, I believe on Friday last prior to going to the moving picture, I submitted a document for identification only, being the script of the Norwegian picture, and I believe we identified it as 509A. I had distributed that document already to defense counsel and your Honors, and meanwhile the 24-hour rule has elapsed, so we would like to now submit this particular document in evidence, and it is called Norway Document No. 13—B. That is stenciled on the document - Norway 13—B, is to be submitted as Exhibit 509.

In the examination of this particular witness, I believe we stopped when the witness was testifying as to whether or not the evacuation of Finnmark amounted at that time to a military necessity or not, and with your Honors' permission, I would like to take up from there.

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Witness, before we left to recess Friday, I asked you, in connection with the evacuation of Norway, whether this evacuation was a military necessity. Do you remember that question? Would you please repeat once more for the benefit of all of us here, what you said at that time?

A: On Friday I explained that the evacuation and destruction of the territories of North Finnmark would have been considered a military necessity for those who had to expect the possibility of a Russian invasion of the territory beyond the Tarna. Only if the Russians had concentrated larger formations in those territories, — only if a concentration of Russian forces in that territory in Finnmark would have been possible in the winter time, then would it have been possible for the German forces to create a defense position at the Lyngenfjord.

I also stated, with regard to this question of evacuation, that then as well as today, I did not understand how the population of the North Finnmark could have be on fed, if oil bridges and other military installations had been destroyed, but if we had left thepoptulation[sic] in this no man's land, I stated that a part of the population, — and that is that part of the population which carries on agriculture would have been able to live through the winter on their products, but the great bulk of the population was depending on imports of food, and these imports could not have been secured.

Q: Witness, in connection with this statement, I would like to ask you two or three short questions. First of all when did you first become aware, - because of the 1c report, and because of other things upon which you could draw, — that the Russian forces would not go beyond the river Riva? (Tana?)

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A: If one can state a date at all, I think it would have been right to say that I first understood this rightly in November. It was then becoming clear that the Russian forces would probably not follow us.

Q: Do you mean then that with every day, every month, every week which went by, it became more clear to you that this was the case?

A: Yes, that is correct.

Q: The next question is what did you tell the Norwegian population as the reason for the fact that this forcible evacuation was undertaken in this respect, I do not mean from a military viewpoint, but with regard to all other announcements and notices which you saw; what was the Norwegian population told?

A: I think the most essential part was the contents of the wellknown[sic] announcement, — public announcement, which was signed by the Reich Commissar at Terboven, and the then General Rendulic. I think in that note probably everything was contained which the population was told.

Q: Witness, do you remember whether in this leaflet, the only thing which was said was with regard to the danger of the Bolshevik movement to the Norwegian population?

A: Yes.

Q: Do you remember, witness, whether this leaflet said anything about the fact that the Norwegian population was eminently in danger of starvation because of the destruction of the military installations which had made it impossible to bring in further food?

A: Well, that I cannot say. I do no[sic] remember any details.

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Q You yourself are of the opinion that this was one of the essential reasons?

A Yes, I personally think that was the essential reason.

Q But do you not remember whether this was expressed in the public notice?

A No, I don't think so, but I cannot remember.

Q Witness, do you remember then, whether in this public notice, anything was mentioned that there was no reason to have pity for the population?

A Well, I don't think anything like that would have been said in the public notice.

Q Do you remember whether it said anything to that respect in the order which was issued from the 20th Army to the 19th Corps?

A I have already been asked whether this was contained[sic] in that order. When I saw the OKW order for the first time, in its original wording - which I had not seen until that point - I said then, and that is about 18 months ago, that I cannot remember that this wording -- that these things were mentioned in the order. Even today I cannot say with certainty because in my mind now the memory of the order from the OKW, is confused - that is, this order which I saw 18 months ago - I confuse with the memory of the order by the OKW which I carried out so many years ago.

Q Witness, you mentioned military destructions which had to be carried out if there was any certainty that the Russians would follow. Do you mean by this "military destruction" - do you also mean the destruction of isolated houses, little fishing shacks, and do you also mean churches?

A No, I did not mean churches in that respect, but

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everything else would be considered accommodation. The enemy air force would not mind whether a unit would be accommodated in a house of say three floors or four or five isolated or detached small houses. Some of those in the country, from the military point of view, in the isolated and detached houses, are of more advantage.

Q When you say "detached and isolated houses", do you then mean that the accommodations which were to be tactically and military easy to supervise, but you do not mean when one unit is for instance 10 or 12 kilometers distant from another unit -- you know the neighborhood around there don't you? Isn't it a fact that very often houses are at a great distance, one from the other? Isn't it true that there are isolated houses?

A Yes, that's true. There are houses which are isolated, but usually they are houses which belong to a little settlement.

Q Witness, if I understand you correctly, you fought against the Russians in Finland?

A Yes.

Q At that time, in this fight against your Army, that is against the German army, did the Russian forces have to depend on such accommodations [sic] and food and other commodities which the Finnish population gave to the Russians, or such as they confiscated from the population?

A Yes, in part.

Q Putting it in other words, although you said there were almost five Russian Corps, do you mean to say these five Russian Corps were partly dependant upon using such things as they confiscated there - that is as far as food and accommodations and any other things is concerned?

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A Yes, that is quite correct for one Corps - that is the Russian Corps which came through the Tundra, and continued on the icy straits because that corps carried food only for five days, and as we know from the statements of prisoners of war, they had been told that they would have to find all of the other food from the Germans.

Q That, from the Germans, but not from the Finns?

A I think in this case that was almost the same.

Q Witness how could it be the same, if the Finnish population was -- the native population -- lived in houses and had their own reserves, whereas the German army was so to speak opposed? I do not understand that.

A I only meant to say by that, that at the time, the Finnish population had already been evacuated, and in that territory there were available Finnish accommodations, and such accommodations[sic] as had been erected by the German army.

Q But witness you mean then that four of the Corps were either to fight without essential support of these accommodations[sic] or get food from the Finnish?

A Yes.

Q How did these four Corps live? In Bivouacs?

A Well for the major part they were accommodated[sic] in old positions which they had before, and later in Bivouacs. That is, field camps. Partly, they also lived in such accommodations [sic] as we had been unable to destroy.

A Witness, is it a fact that the Russians, although there was such destruction, were able to progress in Finnmark?

Q No, the Russians did not progress.

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Q Was that because of the destruction that the Russians did not follow?

A That is very difficult to say with absolute certainty today. It is quite possible, although not probable, that the fact that so much had been destroyed [sic] had an influence on the Russian operations.

Q You have already said, I think you said on Friday — that the main fighting formation of the Russians, which was the one which would have been provided for the pursuit of the retreating armies, had gone to east Prussia; is that correct?

A Yes.

Q Witness although you told us on Friday that you yourself except very occasionally, had never seen destroyed villages or houses or slaughtered cattle, did you know, witness, that such destructions not only had taken place, but also had been continued for weeks and months - that is December and January and later?

A Yes, I knew about that, because after all, I had the order by the A ok, and I knew that this order was being carried out. Further, when the retreat started, I and the troops which were under my command, carried out such destruction and ordered it, in the territory of Karlov.

Q That was quite in the beginning?

A Yes, that's right.

Q But even at a later point you knew that destruction went on?

A I knew that the destruction continued.



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Q Witness, did you ever receive an order from the Army at any time - I think that would have been right up to the time when you were taken prisoner in April, 1945 — that this order for the "scorched-earth policy" had been withdrawn?

A No, I don't.

Q Even by telephone, verbally or by any letter?

A No, as up to February, 1945, until April, 1946, I was not in Norway.

Q Would you have been informed of it during your absence, if such an order had been received?

A Yes, I would have.

Q Witness, was it ever mentioned that territories to the west and later to the south should be destroyed, and later also to the south of Finnmark, right up to Norvak and further?

A No, it was never said. I myself, when I was present in Germany, had discussed these questions with my brother. I can almost repeat the exact wording which I used when I told him, and that was in the course of a discussion of the general military position.

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A ... "For God's sake don't send me such an order for scorched earth again, because a second time I could not take part in anything like that. If it should be decided to withdraw from the North of Norway and to withdraw into this space south of Narvik, I would not be prepared to lay waste once more flourishing villages and houses and to destroy everything." My brother's reply to that: "I didn't think you would; I didn't expect you to say anything else, and it's quite out of the question." So, it's only in this very personal connection that we considered the possibility of a further laying waste of the territory to Narvik.

Q After this discussion or on the basis of this discussion with your brother, do I understand you correctly if I draw the conclusion that you discussed the whole point with your brother because you were of the opinion that this destruction was unnecessary or for what other reasons?

A I think I'd rather say for humane considerations. This destruction of the North of Finnmark was one of the hardest tasks I had ever been given throughout the war.

Q Did you have any military considerations in that respect or were you only moved by the humane idea?

A I have already, at the beginning of my statements, expressed that I personally, right from the beginning, did not believe that the Russians would progress beyond the River Tarna.

Q Witness, when did you discuss these points with your brother?

A That was at the end of March, 1945.

Q So that was at a time when there was no invasion from the Russians. Is that correct?

A Yes.

Q So if the scorched-earth policy had been ordered for Narvik, you not only instinctively but also from a military point of view would have protested against it. Is that right?

A It's very difficult to answer this question because one doesn't

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know how the conditions had developed; but what I said to my brother and expressed to him was that for absolutely humane principles I would be quite incapable of carrying out against a country in which I had lived, whose people I had come to value and to respect. And that had no bearing on the fact whether it was military necessity or not. Furthermore, this question of military necessity has always been a much-discussed one. If in this Courtroom I may point this out, even the commander of the enemy forces had to consider the problem whether it would be justified to lay waste and, for instance, to bomb French villages and towns and then invade France. I have read that this question has been debated very intensely. For military reasons it was then decided to further such a policy in order to save human lives, but that one took the risk that through this bombing thousands of French women and children would die. I am quite convinced that there were people in England, as well as in America, but did not agree and did not consider such a policy necessary.

Q Witness, if I understand you correct, do you want to draw a parallel with this explanation or a justification?

A No, I only wanted to state and show that the question of military necessity is always a doubtful consideration. Some people always think any measure is necessary from, a military point of view; other people do not agree. I personally have, for instance, when the North Finnmark was destroyed, held that the disadvantages of such an action were greater than the advantages. That is also in case the Russians had pursued us with part forces only.

CROSS-EXAMINATION BY DR. FRITSCH:

DR. FRITSCH: Your Honor, this is Defense Counsel Fritsch for the Defendant Rendulic.

Q General, your opinion with regard to the pursuit of the Russian Army has been discussed here in detail. May I ask you to answer one question? If it had been considered possible, up till the end of November, that the Russian Army would follow, — would it not have been necessary

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to carry out and decide the evacuation even before that point?

A Yes, that's correct.

Q Was just in the North—was there not another point of great importance? I mean the weather.

A Yes, that's right. Before the withdrawal of the forces they were always faced, I'd say, by a horror that the winter would break out. The position was such that we had extraordinary luck with the weather, if the usual big storms had broken out at this time of the year, not only the army but also the population might have had catastrophic experiences through the weather.

Q General, we talked about the pursuit by the Russians. May I ask you, first of all, what forces and at what strength did the Russian forces have when you faced them at the end of October?

A At the end of October we had more or less lost contact with the Russian forces. The last battles which only took place on the level of Battalions took place on the Neyden-elf. It is very difficult to say, therefore, what forces we faced at the end of October, I can only say that certain formations or formations beyond the strength of regiments did not cross the Neyden-elf, and the greater part of the enemy forces remained in the Kirkenes.

Q Now, this territory around the Kirkenes was under your jurisdiction wasn't it?

A Yes.

Q You have repeatedly said that the contact with the Russians had been lost. Now then when did the German Army lose Kirkenes?

A I think that must have been toward the middle of October. I do not remember the date exactly.

Q Well, if I put it to you, Herr General, that according to my documents it was on the 5th of November, is that possible?

A That sounds a bit late to me, but may I just work it out in my mind? As far as I remember, it must have been around the 20th of October, but I cannot say this with certainty.

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Q Well, anyway the fights took place towards the end of October. Is that correct?

A Yes.

Q When you evacuated was only the pursuit of the Russians of importance as far as military points were concerned?

A No. One also had to be prepared for Norwegian units which were in England at the time—would come to this territory...

Q Do you mean they would land there?

A Yes.

Q Do you think other enemies in the country itself did not play any part?

A Well, of course one might consider the danger of Partisans and espionage; but I don't think there would have been any other forces which we had to fear.

Q General, I do not consider the point only from the East, that is yourself, but I also think of the line in the South. I would remind you, therefore, of your relationship with the Finns which had changed. Now, this question: Did they have any bearing on your evacuation for military reasons?

A I must really say that I never considered this problem in any way because these problems did not concern my territory and were not so actual for me as they were for the Army of the 18th Corps or for the 36th Corps. It is quite possible that the Finns forced by the Russians might have been ordered to pursue beyond the South frontiers of Finland. That is quite possible. After all, in the East, also the Bulgarians were forced by the Russians to pursue right into the West.

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Q In this connection, Witness, do you know that the Norwegian Government in exile had permitted the Finns to follow the Germans into the Norwegian territories?

A Yes, I know about that.

Q Well, if you considered this fact, would you not say that the question I put to you "before gained more importance? Did you yourself never hear anything that the Finns actually penetrated?

A Oh, yes, because they even attacked in position of ray forces and. the Lyngen fjord but that only up to the point where we had occupied one little corner of Finland. When we left this little corner at the border the Finns ceased to attack. I cannot remember to have any reports to the effect that the Finns had crossed the Norwegian border.

Q Do you mean then that the Finns did not take part in the actual fighting?

A Yes, they did fight, particularly with the 18th Corps and thee 36th Corps.

Q How, at that time then could you know whether apart from the Russians, the Finns also pursued your army?

A I cannot answer that question because this possibility was not so acute in my district. I was not concerned with such a possibility.

Q Do you know the strength of the Finnish Army?

A Well, at that time I think there was only one division, as far as I remember. At least there was one division confronted by us. I think perhaps the whole of the Finnish army had a strenght [sic] of about six divisions.

Q Witness, I do not mean the territory in which the Finnish Army faced you but I mean the total of the Finnish army.

A The Finnish army was much larger, of course. After all, they had the total front line right from the Varanger botton[sic] down to the Baltic Sea; so they had at least thirty divisions, but I don't remember

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the actual figure.

Q Would you say that the Finnish soldier, as a soldier, would be of the same quality as the Russian soldier?

A I would say that he would be much superior to the Russian soldier.

Q General, do you know anything with respect to the preparations for the evacuation? In your direct examination you were asked with regard, to this point, and you stated then you had received orders to the effect. Now, did you actually know what happened and what was done in order to carry out the evacuation in good order?

A Yes, of course, I know that because, after all, I had my relative orders. The evacuation was a rather big problem. It could only be carried out without any friction if the evacuation plans were strengthened and safeguarded by orders with regard to food and accommodation.

Q I think the roads in the Northern territory were of great importance. Had the roads been prepared for the withdrawal?

A Yes.

Q Can you tell us in detail with regard to this preparation of the roads?

A The disposal of the heavy snow was of great importance. A large organization for the traffic control was necessary and special arrangement had been made to secure the tunnels. Accommodation barracks had been built in the retreat area, military installations had been put up, and medical supplies were ready, and collection and transfer camps had been built.

Q General, you mean all these installations had been built for the evacuation of the civilian population?

A Well, for the civilian population and our own troops,

Q In the area of your supervision, General, did you ever hear of any excesses, riots or cruelties by German troops in the course of the

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evacuation?

A The first time I heard anything like that was in February or April. I do not remember exactly. That was, I heard and read in Swedish, newspapers of an incident which happened in a home for old pensioners. That was a home in Varanger bottom.

Q Witness, I would not like to dwell on rumors or anything which you heard from other sides, but I would like to hear of such incidents which were reported to you because you were the commander of troops.

A Nothing of that kind was ever reported to me in my capacity as commander.

Q Can you tell us anything with regard to the fact whether the demands during the evacuation of the civilian population took preference over the demands of the military troops?

A The position was such that we had to unload munitions and similar materials from our trucks in order to transport the civilian population instead. In some instances we put Red Cross ambulances at the disposal of the civilian population. Although we ourselves had thousands of wounded whom we had to transport into hospitals which lay hundreds of kilometers to the rear. I know of another case where we had a transit camp for wounded which we put at the disposal of the civilian population. This we did although the accommodation for our own troops along the main Route 50 was very limited. The food which we distributed to the civilian population in the area of Tarna — this food did not really mean a sacrifice because these food reserves we could not have taken along with us anyway.

Q But any way the civilian population was supplied with such materials.

A As far as we could possibly do that we did it, but after all this was still during the war. Everybody had to fight until his last strenght[sic], but I can say with my full conviction that everything was done which could humanly be done under the conditions which we had to struggle



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Q Witness, you went from Kirkenes right down to the Lyngon fjord. Will you be good enough to show us this stretch on the map which we have here?

A (Witness rises from witness stand and is given a pointer). Now, here we are at the end of the Varanger bottom. There's Tarna, Mjor elf, there's Alta here, and there's the Lyngen fjord.

Q Thank you. General, how much time did you need to cover this area? I mean just approximately?

A Well, I think I left Kirkenes [sic] about—that means the area around Kirkenes—on the 12th of October, and I arrived beyond the Lyngen fjord, that may have been on the 20th of November.

Q So during this period of the evacuation you were on the way in this territory for about six weeks.

A Well, that means in such a way that I always remained several days in a fighting area.

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Q Do I remember rightly, witness, that you stated in the direct examination that never you never saw a piece of slaughtered cattle or dead cattle?

A No.

Q In this connection, I may ask you the following question. With regard to the position of the German Reich, was supply of food one of the most important tasks of the military operations?

A Yes.

Q In the army, and also in your own command, it was particularly attached to the safeguarding and security of food?

A Yes, definitely. It even went so far that in order to safeguard food in the area Kirkenes, I had the order from the high command to hold this area for a longer period than I thought it possible according to the general position.

Q Now, with regard to this attitude of the high command, would the definite slaughtering of the cattle be punishable by the high command?

A Well, the killing of cattle would not have come into the question at all. I can only think that the Norwegian population were not able to hold and to look after the cattle and they therefore transferred them to German soldiers. A similar thing happened in Finland. I remember for instance, I remember in detail, that my staff, before the Finnish population was evacuated, received from the peasants in Petsamo which came under my command, or rather bought a cow for several thousand Finnish marks because the farmer couldn't take the cattle along with them.

Q General, did you ever hear that cattle was burned to death in barns?

A No, I never heard anything like that at all.

Q General, according to your direct interrogation, you stayed in Norway for about three years. Is that correct?

A No, I was in Finland.

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Q Oh yes, I am sorry — Finland. I think you know how the population was made up. Now, generally speaking, what sort of professions did the Finnish population mainly have?

A You mean the Finns? Oh yes, well the Finns apart from the purely city population consists mainly of farmers, forestry workers and fishermen.

Q Now among the last categories, which one was the predominant?

A Well, the peasants, of course, are the predominant category. There are also timber workers, forestry workers, but, very often they sort of exchange, they run together.

Q Now with regard to the Norwegian population, what is the position there?

A I think most of the Norwegian population was engaged in fishing.

Q So that is a very hard and weather beaten sort of person?

A Yes, that is correct.

Q Now what sort of transport means were used by the Finns?

A Almost exclusively their boats.

Q In that respect, do you mean large boats?

A Oh no, they are usually the little fishing vessels.

Q Now if I leave this particular population out of consideration what makes up the Norwegian-Finmark [sic], as far as territory is concerned?

A The Norwegian—Finnmark consists mainly of desert-like tundra areas, scattered in the valleys there are some smaller settlements with some agriculture, and for the rest there are also the Lapps who mainly pursue reindeer breeding.

Q Would it be easy to walk about this district off the ordinary roads?

A Well, it would not be possible if you had any vehicles, but a single person could easily cross the country.

Q How many roads — that is, in this approximately 800 kilometers long territory from Kirkenes to the Lyngen fjord, how many roads are there?

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A I think that can be shown clearly on the map. In this district there is practically really only the Reich road 50 and into it run the roads which the Germans have built, Yverlaa, Mjr-elf and the other road along the Finnish-Swedish frontier which runs onto the Lyngen fjord.

Q So you mean in the real Finnmark, there is only one road, is that correct?

A Yes, there is only one road which was completed by the German to carry right through.

Q General, would you agree with me if I say that the destruction of parts of this road and the bridges on this road would have been of decisive influence on a pursuing enemy?

A Yes.

Q Those bridges which were on this Reich Road 50 — were they already there when the German army marched into Norway?

A I did not take part in the invasion but I know that the Reichsstrasse 50 only existed in parts. I also know that this road running right through and being negotiable for vehicles of all kinds was only created by the German troops and the OT.

Q General, the houses in Finnmark, what were they like? Were they stone buildings or timber buildings? What material were they made of on an average?

A On an average, they were made, from timber, log cabins.

Q Do you know anything with regard to forests which were destroyed?

A I think the forest around Alta and also the forests in some side valleys around to the coast were cut in order to produce building material for military installations.

Q General, the town Kirkenes came under your supervision, didn't it?

A Yes.

Q When you left this territory, was Kirkenes destroyed then?

A After the fighting was over, just to give you a sort of measure, about 3 or 4 fifths were destroyed.

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Q Do I understand you correctly - you mean that happened in battle?

A Yes, that is in battle. The decisive destruction happened during two Russian air attacks. First of all, half the town, and then in the second attack, essential other parts were destroyed.

Q And you estimate this destruction at about 4/5ths — that means 80 per cent?

A Well, I would say between 3 and 4 fifths.

Q The remaining buildings, were they destroyed by the German troops when they withdrew?

A No, only in part because we hadn't enough time to do anything like that. We succeeded to blow up the quay's but otherwise the withdrawal was carried out under strong Russian pressure.

Q North of Kirkenes in the Varanger territory, there are the towns Vara and Vard. Were these town destroyed through military actions or by evacuation measures?

A I can tell you that exactly, because I visited those towns shortly before we withdrew. At that time, Vara, after the last aerial bombardment by the Russians, gave the impression as I mean on a comparative basis, it looked like Nurnberg looks now. Vard was destroyed slightly less.

Q If I remember rightly, you mentioned that you have 5,000 wounded. When you mentioned that figure, did you mean that is at the time when you started your withdrawal or was that another time?

A These 5,000 wounded fell on at about the 10th of October during the course of the fighting. They were constantly being transported to back lines.

Q Would you say you had sufficient transportation for these wounded?

A Oh no, by far not.

Q In spite of this fact, you say you put your own trucks, at the disposal of the evacuation particularly at that of the medical unit?

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A I wouldn't like to put it that way. Mainly we gave convoys-- that means truck convoys, and only in extreme cases and only when we were particularly asked did we send any ambulances.

Q Today in the direct examination you mentioned the public appeal to the Norwegian population.

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You say this appeal was signed by the Reich Commissioner and also the Supreme Commander of the 20th Mountain Army Corps. Do you know anything about the relationship of the General Rendulic to the Commissar Terboven?

A. Well, the relationship was not a friendly one.

Q. How do you know that?

A. The Supreme Commander, at the end of November, 1944, visited me in our combat position west of the Lyngen fjord. On this occasion, he also reported difficulties with, the Reich Commissioner.

Q. Do you remember any details, any particular remarks from this report?

A. Well, today I do not remember anything in such detail that I could repeat it here.

Q. But you would like—you, mean to say that the relationship between the Reich Commissioner and the Supreme Commander was rather tense?

A. If I may add, I think I can just remember one remark which the Supreme Commander made. He said that he assumed the total responsibility for Norway as Supreme Commander in Chief and he would not allow the Reich Commissioner to interfere with this responsibility.

Q. General, with regard to this appeal, I beg your pardon I don't mean the appeal—but I mean the order which came from the army with regard to the evacuation, do you remember that the word "ruthless" was used?

A. No, I do not remember that.

Q. What was the relationship between the soldiers and the civilian population?

A. The relationship was a very friendly one. Particularly, of course, between those soldiers who had lived in this territory Vanga with the population.

Q. That would mean that in order to prepare the soldiers

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emotionally for the evacuation from their homes of those people with whom they had lived, very definite language had to be used.

MR. RAPP: I object to this type of questioning. I believe defense counsel is getting a conclusion from the witness rather than a testimony,

THE PRESIDENT: Sustained.

MR. RAPP: I believe the witness already has answered, Your Honor to this question. We would like to have this stricken from the record.

THE PRESIDENT: The question may be answered. BY DR. FRITSCH:

Q. Would you answer this question, please?

A. This word "ruthless" I have always considered in that light, that it was to prepare the soldier emotionally because as I have said before, I as well as my soldiers considered this necessity for destruction a very bitter one.

Q. Did you in Norway meet Norwegians who were not Quisling followers!

A. I was hardly ever in Norway. I had my combat position in Petsamo. I only came temporarily to Kivkeneg and in the district of Vard and Vara. After I had lived in those districts, I came to my combat position which was South of Troms. They were very small places. That was the end of November, 1944. I had no personal contact with any Norwegians. That is, neither to Quisling followers nor to anti-Quislings.

Q. Were you not a prisoner of war in Norway?

A. Yes.

Q. During that time of imprisonment, did you talk to Norwegians, particularly did you talk to them with regard to the evacuation?

A. Yes.

Q. Do you remember any remarks which were made by these Norwegians with regard to the success and the carrying out of the evacuation? I mean their remarks which were made to you in this respect?

A. I never heard any remarks in the negative. Generally speaking,

I personally was reproached with having taken part in the destruction of



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the Finnmark.

Q. Witness, I don't think you understood my question quite correctly. What I want to know is while you were a prisoner did you ever talk with any serious Norwegians with regard to the evacuation? Did you have any conversations to this effect while you were a prisoner of war—and I am particularly interested to know how these Norwegian people now reacted and what they thought of the actual facts which >accompanied the evacuation?

A. In no way did I ever find bitterness among the population — at least such people as I talked to.

Q. General, I am coming to the end of my questions. The prosecution maintains that a general plan was in existence according to which the civilian population was supposed to be systematically weakened and broken down. Did you ever hear anything of such a plan?

A. No, it seems to be quite unfeasible to me.

Q. You never knew anything with regard to such a plan?

A. No.

Q. General, did you know the army order which the then Supreme Commander gave by which the transfer of the high command in Norway was announced?

A. No, I cannot remember anything like that.

Q. General, how did these orders finish? I mean what was the >salute?

A. We usually said "Long live the Fuehrer", "Heil Hitler".

Q. Was that quite the usual way of terminating any order?

A. Yes, it was.

DR. FRITSCH: I have at the moment no further questions to the >witness.

THE PRESIDENT: We will take our morning recess at this time,

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THE MARSHAL: The Tribunal is again in session.

DR. FRITSCH: Your Honor, I have just thought of a other two short questions during the interval. May I ask the witness these questions?

THE PRESIDENT: You may proceed.

CROSS EXAMINATION (Continued)  
BY DR. FRITSCH:

Q. General, you said that the carrying out of he order to destroy[sic] the Finnmark was a very difficult task to you. Why did you not resign your office as Commander?

A. What use would[sic] that have been? I would have put my soldiers into a very difficult position and I would have left them there by themselves. If I resigned another man gets my position and the soldiers have to carry out the orders anyway.

Q. Would you have had the possibility of resigning?

A. No, I wouldn't have had this possibility.

Q. Why not, General?

A. I would have had to give a reason for this resignation; I would have had to give a practical[sic] reason why I did not carry out the Wehrmacht orders and I son't[sic]> have to tell here why I did not want to do so.

Q. Is an order known to you, the order hat[sic] there was no such thing as a resignation?

MR. RAPP: Your Honor, we submit that this line of questioning[sic] is entirely outside of the scope of the direct examination and if defense counsel wishes to make the witness their own witness, for this particular line of questioning, we have no objection,

DR. FRITSCH: Your Honor, I cannot agree with these statements.

THE PRESIDENT: The witness may answer.

>BY DR. FRITSCH:

Q. May I ask this question again, General? Is an order known to you according to which it was impossible for officers, especially

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high officers, to resign?

A. I have not seen such order but I have heard about one, and I assume that a resignation of that kind, especially during the war did not exist.

Q. You say that you heard about such an order?

A. Yes.

Q. Now, one other question, witness. General Rendulic, whose defense counsel I am, was in the Balkans, especially in the Balkans and also in Norway. For weeks now the reproach is being made that the German forces, especially in the Balkans, used especially severe fighting methods, and had proceeded[sic] in a very serious and were manner altogether.

Now, you stated that General Rendulio, as Commander-in-Chief in Norway, had done every thing in his power to create good and favorable conditions for the civilian population. How do you account for the difference in the warfare in Norway then? Will you please answer that?

A. I believe that the difference in waging war in Norway and >in the Balkans or in Russia or even in Finland can be very simply explained. The enemy was of an entirely different nature. The Soviet Russian [sic] and the Partisans in the Balkans, as far as I am informed, fought with very brutal attitude and ruthlessness. The German officer and the German soldier could only use the same method of fighting.

DR. FRITSCH: Thank you.

REDIRECT EXAMINATION

BY MR. RAPP:

Q. Witness, were you ever in the Balkans?

A. Yes.

Q. When?

A. At the beginning of the offensive I was in the Balkans.

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Q. Howlong? [sic]

A. During the actual fighting I wasthere[sic] only fourteen days and for the preparations I was there for three weeks.

Q. Thank you. Witness, you said that you have never heard about the possible resignation of a German general.

A. I beg your pardon?

Q. I said that a German general could have resigned. You said you had never heard about such a thing. Is that correct? Did you say that?

A. Well, I had heard about it.

Q. What do you mean "heard"?

A. I have heard that a German officer could not resign, in war.

Q. Witness, my question was, whether you had ever heard that a German officer or general could not resign.

A. Yes, I have heard of that.

Q. You also said that you do not know about such a case in which actually a general ever resigned. Is that correct?

A. Yes.

Q. What do you mean by resignation?

A. By resignation I mean a German general applying for his resignation and says? "I can no longer put my services at the disposal of the Wehrmacht." There were cases, in fact, where this resignation was actually [sic] accepted. I believe I seem to remember General Halder, for instance, in such cases, the wish of the applicant was granted and it coincided [sic] with Hitler's own wish.

Q. That is your assumption?

A. Yes, that is my assumption, but I also know in other cases, for instance, the case of Field Marshal von Rundstedt, that the application for resignation was not granted., My brother, for instance in his case his replacement was refused.

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Q. Witness, at the beginning of your examination, in cross examination, you said that the weather conditions at that time were >most favorable for the German Army. Is that correct?[sic]

A. Yes, that is correct.

Q. Were they also favorable for the Norwegian population?

A. I think I expressed that.

Q. Witness, furthermore, you were asked in the cross examination whether one was ever afraid that Finland, after it had been excluded from the German coalition pact, had ever really been an actual enemy of the 20th Army in Finland or whether it could have been an enemy ever. Witness, did the Finnish General Staff or the Finnish Government report to the Army in Fihland[sic] at the proper time that the Finnish Government was turning away from Germany and did they, through this measure, give the opportunity to the German Army to withdraw from Finland immediately?

A. The information came with a time limit of a fortnight. This time limit of a fortnight was not enough, quite insufficient in fact, to grant us a proper orderly withdrawl[sic] from Finland.

Q. But generally it is a fact, witness, is it not, that the enemy >does> not usually give a fortnightly time limit and then says after that we attack?

A. Well, these were special conditions.

Q. But a fortnight was better than nothing at all, witness, was it not?

A. Yes.

Q. Now, witness, you also spoke about your not having seen any atrocities being carried out on the part of members of the 20th Army and you also said that you saw no vandalism of any kind; is that correct?

A. Yes.

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Q. And that you had never heard of rumors of such vandalism. Now, witness, if I understand you correctly, this negative answer of yours can only refer to the time, as you said on Friday, at which you actually had something to do with the evacuation measures. Is that correct?

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DR. FRITSCH: I object, Your Honor, please, this is a typical case of a leading question.

THE PRESIDENT: He may answer.

A. I repeat my former statement. I heard for the first time of an atrocity in February, or possibly April 1945. The 6th Mountain Division was reproached within or in the neighborhood of an old age home, of having burned a house with an old man inside. On instruction of AOK I at that time cross-examined by court martial those who were supposed to have been in charge of this. I read the affidavit of the man in charge, the engineer platoon leader. I had it in my own hands, in fact, and I read that he himself, before it was burned, that he examined and searched each house, and that he thought it quite impossible that this case had actually happened.

DR. FRITSCH: Your Honor, I have only one question to ask. My attention was drawn to the fact by my colleague, Dr. Laternser, that the word "court martial", which the witness used, was not translated. I would like you to ask the witness to repeat, perhaps in one sentence.

MR. RAPP: I have heard it. I heard it translated.

THE PRESIDENT: In order that there may be no question about whether it was translated or not, the witness will repeat the statement to which reference has just been made concerning the actions in connection with court martials[sic].

THE WITNESS: I repeat, I had the matter in question examined through the competent authorities, which, was in the case a court martial.

Q. Witness, you told us that your brother, who was the Chief of Staff of the defendant Rendulic, and of course you also, were, against this order, is that correct?

A. Yes.

Q. Now, you said, furthermore, witness, that a proclamation was >made directed to the Norwegian population which was to the same effect as the OKW order, which was signed by Rendulic, as well as by Terboven

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is that correct?

A. Yes.

Q. Did you regard this order as a so-called Fuehrer Order?

A. I never thought about this. This red poster I only actually saw once or twice stuck on walls of houses. Otherwise I never had it in my own hands.

Q. Witness, perhaps you haven't understood my question correctly; the poster was not the actual order of which I speak; I mean't [sic] whether the order which you in the 19th Corps received from the 20th Army, and which came from the OKW, whether this order was regarded by you as a Fuehrer order?

A. Yes, for the reason that according to my memory the order contained in the first phrase that "the Fuehrer has ordered." I don't remember exactly, but I think I am almost certain that it was so.

Q. Witness, did you ever in your military career, and you have been asked questions here about Finland, the Balkans, Russia and Norway, — did you ever see a proclamation to the population which was really like an order?

DR. FRITSCH: Your honor, the way he puts this question shows that it is a suggestive question, a leading question, and I protest.

MR. RAPP: Your Honor, I am trying merely to refresh the Witness' memory about what he has been asked here, and I have not at all stated my question.

THE PRESIDENT: You may conclude your question.

Q. Did you ever see such proclamations at all which were signed by a supreme command, and also at the same time by a political personality?

A. I cannot remember having seen such an order or proclamation[sic] anywhere.

Q. Did that mean anything to you?

A. I never thought about this. I was much more interested in the



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general over-all problem than with regard to a proclamation

Q. Witness, do you mean to say that on the basis of the fact that this order was a Fuehrer Order you were bound to carry out this order?

A. Yes.

Q. Would you have carried out a repetition of this order in the sense of this discussion with your brother?

A. I expected this question, and I accept all consequences too. Secondly, then I would not have agreed to the destruction of things and villages probably after I did not see the necessity of them, and I would have taken all consequences in general.

Q. General, what would the consequences have been?

A. I would have been shot immediately.

CROSS-EXAMINATION BY DR.FRITSCH

Q. Witness, I have only two questions which result from the direct examination; Mr. Rapp asked you, General, whether it was usual that the enemy was informed before that you would be attacked in 1/1 days; how was the relationship with the Finnish Army?

A. Our relation with the Finnish Army was excellent.

Q. Did that come out of these very critical days?

A. Partly, yes. I had nothing to do with the Finns. I was not actually a witness, because up there we had no troops in our district; but I do know that those Finns whom I had dealings with were in excellent relationship to us until the last moment, and they regretted the unfortunate development very much.

Q. Do you mean this way, they did not approve of the attitude of your Government?

A. No.

Q. The second question, General, is in connection with the proclamation. The prosecutor asked you whether you saw such a general proclamation at another place or on another date; in any of the occupied

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territories was there a Reichskommissar apart from the supreme commander

A. I believe not.

DR. FRITSCH: Thank you. I have no further questions, Your Honor.

Just one moment, please.

I have no further questions, Your Honor.

MR. RAPP: The Prosecution had no further questions, Your Honor.

THE PRESIDENT: Are there any questions desired to be asked by members of the Tribunal  
— Judge Carter?

JUDGE CARTER: No.

THE PRESIDENT: Judge Burke?

JUDGE BURKE: I have none.

THE PRESIDENT: The witness may be excused.