

25 August 47-M-ATD-10-1-Maloy (Int. Hildesheimer)

Court 5, Case 7

MR.RAPP: If Your Honors, please, we would like to turn now to Document Book 23. If Your Honors will turn to page 1, please, of the Document Book 23, and this is also on page 1 of the German Document Book. This is a report in the nature of a decision made by the Police Chief in Finmark in the town [blank space] of where the Norwegian Government carried on an intensive investigation of war crimes committed by the 20th Army during that time.

DR. FRITSCH: Mr. President, in order to save time I would like to object now against the submission of these documents. These are not official documents at all, they are just reports of the general atmosphere, without any reference material of any kind, and it is a report which has not been sworn to, and from which nothing becomes evident, and it has no similarity with any acceptable evidence material or any probative value.

MR. RAPP: Most of the documents contained in this document book are similar to this Document No. 1. They were put at our disposal by the liaison officer and representative of the Attorney General 's office in Norway. He has made out the covering certificate which I will offer at the end of this presentation, that all of these affidavits have been submitted to him, they have been taken in his presence or by persons working there in conjunction with and under his authority, and we submit that we would like to have these documents admitted into evidence, and your Honor yourself should decide how far the probative value of these documents should be adjudged.

THE PRESIDENT: First, may I inquire, Mr. Rapp, if the affidavits or depositions are in the form which has been approved by the Tribunals, or the rules for the Tribunals?

MR. RAPP: If Your Honor, please, I would like to pass up to you the affidavit so you may decide yourself as to whether this would meet with your requirements.

THE PRESIDENT: I think then your preliminary proof should be presented first, rather than the affidavits and the supporting certificate.

25 August 47-M-ATD-10-2-Maloy (Int. Hildesheimer)

Court 5, Case 7

MR. RAPP: As [sic] Your Honors will note that many of these affidavits are made at a time, or quite a number of these affidavits were made at a time by the Norwegian Government when Ordinance No. VII was not known either to this Tribunal or to us, and the Norwegian Attorney General has travelled [sic] around extensively in these Northern parts of Norway and has gotten these affidavits on the basis they are used to, that is according to their laws and their regulations, and I do not know whether or not the affidavits as they are today will comply meticulously to the rules laid down in Ordinance No. VII. Nevertheless, I will have Colonel Volestad, who took these affidavits and who is present here and who could also, if the Court so chooses, take the stand in order to give the Court information as to how these affidavits were obtained, and the nature in which they were obtained, and elaborate on that particular rule.

DR. FRITSCH: Your Honor, may I say something to that? The first report which will be submitted with a new exhibit number, is of 14 March 1947. That is a date when doubtlessly the rules of this court were known. These rules have not been kept to. There is no explanation of any kind in these documents that they were made in forms of [sic] affidavits or that they have been sworn to.

MR. RAPP: Your Honor, as I would like to repeat, and I am sure you will appreciate this particular emphasis I am trying to make, these reports were not made by us, they were made by the Norwegian Government, and we are trying to have them submitted for whatever probative value the Tribunal wishes to give these reports.

THE PRESIDENT: You are presenting, Mr. Rapp, an affidavit which is not in the form as has been approved of by the rules laid down for these tribunals, am I correct in that?

MR. RAPP: In some cases it is true, Your Honor.

THE PRESIDENT: That being true, can they be offered with any degree with which you could support them and on which the Tribunal could receive them.

25 August 47-M-ATD-10-3-Maloy (Int. Hildesheimer)

Court 5, Case 7

MR. RAPP: Your Honor, we felt that it was technically not possible for us to bring all the affidants down to Nurnberg, we, therefore, we asked Col. Volestad to be present here and thought if there was any question as to the procedural value of these affidavits, the Tribunal might like to avail itself of the opportunity of talking to Col. Volestad, to see whether or not, as matter of fact, all rules were observed as laid down in Ordinance No. VII.

THE PRESIDENT: It is not for the Tribunal to satisfy itself in that respect. It seems to me it is incumbent upon the prosecution to present affidavits that are in keeping with the rules laid down for the Tribunals.

MR. RAPP: Your Honor, I have pointed out before that though Document Norway No. 1 was possibly made at a time when the rulings were known, I can see about 7 documents which were made at a time when the ordnance was not published or not known. How could we go about after this has been submitted to us to get this changed at this time? Would it be agreeable to the Tribunal if we put them in for identification, and we are trying to get the necessary rules and procedures as laid down under Ordinance VII affixed to these documents?

THE PRESIDENT: You can, number them for identification, and if you wish [to] submit them later in what you think is the proper form to the Tribunal, and we will give consideration to them then.

MR. RAPP: Your Honor, that will be agreeable to us.

DR. FRITSCH: May I just ask, Mr. Rapp, if this applies to all the documents of this document book which are now numbered?

MR. RAPP: The documents which are in this book, although reaching us through the Norwegian government are German reports that is official German Army orders, as for instance, the document Norway No. 4, Norway No. 6, Norway No. 7, Norway No. 8, Norway No. 10, These documents are regular German reports which fell into the hands of the Norwegian Government, and were turned, over to us, and they have the regular certificates saying where they came from, and we believe there is no question as to the authenticity

25 August 47-M-ATD-10-4-Maloy (Int. Hildesheimer)

Court 5, Case 7

of these particular documents, so I feel we could put these in and withhold those which are in the nature of an affidavit but are not at this time admitted by the Tribunal.

THE PRESIDENT: The Tribunal will receive and give consideration to the old captured army documents. If you wish to present them we will consider them one by one when they are presented. As to the others, the Tribunal is not receptive to their consideration at this time in their present form.

MR. RAPP: Your Honor, may I inquire from the Tribunal whether or not it would be acceptable to the Tribunal if the Prosecution would put Col. Volestad on the stand to testify as to the nature of these documents? This is merely in the nature of an inquiry?

DR. FRITSCH: Your Honor, this seems to be a procedure which is not in agreement with the general rules. It is important that each individual man who made these statements was conscious of having made these statements under oath. That is one of the essentials of affidavits, and that cannot be borne out by the witness either.

THE PRESIDENT: If the Prosecution wishes to call the suggested witness he may do so, and we will rule on the matters as they develop.

MR. RAPP: Very well, Your Honor.

THE PRESIDENT: We are not telling you how to submit your case.

MR. RAPP: We appreciate this Your Honor, I would like to in the nature of the existing rule of 24 hours, inform now the defense that we may call this colonel to testify about this.

DR. FRITSCH: Your Honor, I may call your Honors attention to the fact that this witness has been present here since the beginning of the proceedings, and in my opinion therefore he can not be examined as a witness at this point.

THE PRESIDENT: The objection will be overruled.

MR. RAPP : If Your Honor will then mark the following documents for identification only, Norway No. 1 for identification 511-A, Norway No. 2, for identification 5 -----

25 August 47-M-ATD-10-5-Maloy (Int. Hildesheimer)

Court 5, Case 7

Am I going too fast, Your Honor?

THE PRESIDENT: No.

MR. RAPP: 511-A, Norway No. 1.

THE PRESIDENT: Where is 510?

MR. RAPP: 510 was offered, the Norwegian picture we saw last Friday.

THE PRESIDENT: And the script is 509; and 510 is the picture itself?

MR. RAPP: It is the picture itself. Norway No. 1, is 511-A, Norwa,[sic] No. 3, is 513A.

Court V Case VII

25 Aug 47 II-I-M-GW-Stewart (Sachs)

And now if your Honors will turn please, to page 11, there we have a document which is Norway 4, offered as Prosecution 514. This is a report submitted by the Mountain Army Corps, dated the 30th of October, 1944. It was at that time commanded by the previous witness, Jedl [sic]. It is secret, and the subject is: Comment of the Division Commander of the 210th Infantry Division concerning the evacuation.

To

20th (Mountain)Army High Command

Enclosed I am transmitting a comment of the Commanding Officer of the 210th Infantry Division concerning the problem of evacuation with which I concur completely.

1 Enclosure

[same line as "Enclosure"] (initial)

J

This report is dated the 29th of October, 1944, 210 Infantry Division Commanding Officer, Ic.No. 1114/44 Secret. Stamped, Corps Headquarters, XIX Mountain Army Corps, Received 31 December 1944.

This, Your Honor, is as it actually appears on the original document. We understand that this is rather ambiguous, how this report could have been received by the XIX Army Corps on the 31st of December. Yet, on the 30th of October, it is being forwarded to the 20th Army.

If your Honors wish, I could pass this up to the bench so that you could see this yourselves.

Competent Officer : Ic

Diary No. 1479/44 Secret

Court V Caso VII

25 Aug 47 11-2-M-GW-Stewart (Sachs)

Comment concerning the evacuation

1.) The Division has pressed for more than a year

for the evacuation of the Varanger area, Repeatedly the Division approached the office of the Reichs Commissar in Kirkenes requesting it. Again and again Government Councillor Dr. Schaud as well as the present incumbent of the office, Landrat Neven explained that the Reichs Commissar in Oslo did not agree to the evacuation.

When, during the past summer Russian hostilities increased the Division again contacted the office of the Reichs Commissar in Kirkenes with the request to speedily initiate the evacuation. The heavy air combat on Kirkenes, Vadsoe and Vardoe toward the end of August caused me to personally request the speedy evacuation of the population now. The psychological moment seemed to me particularly suitable. Actually I was informed from many levels of the population that at that time they were willing to carry out an evacuation according to plan.

"However the evacuation measures had to remain half measures since the Reichs Commissar in Oslo rejected any compulsory evacuation. At the occasion of the evacuation of some houses in Kirkenes the Deputy of the Reichs Commissar was informed by Reichs Commissar Terboven that Reichs Commissar Terboven reserved for himself personally the evacuation of each individual house. This directive was issued because the chief of the Organization Todt, Senior Architectural Councillor [sic] Dr. Luehrs during a visit in Oslo called the

Court V Case VII

25 Aug 47 11-3-M-GW-Stewart (SACHS)

attention of the Reichs Commissar to the fact that the Division intended to carry out compulsory evacuation.

When the Commander in Chief of the 20th (Mountain Army) visited the Varanger area on 26 August 1944 I submitted to him the view of the Division according to which the area from Vardoe to Vadsoe would have to be evacuated immediately in any case, if necessary compulsion. I asked him to influence the Reichs Commissar in Oslo to grant the necessary authority. However, a decision as suggested by the Division was not made.

11.) The last minute evacuation measures could not be successful as had been foretold by the Division on the basis of their knowledge of the local situation [sic].

The reasons for that are as follows:

- 1.) Transportation via sea is too dangerous; no civilian can be influ [sic] need to go aboard.
- 2.) Transportation possibilities via land are exhausted excepting minor possibilities, as far as the Division can see."
- 3.) The civilian population does not fear the danger inherent in remaining any more than it does the dangers of transportation of any sort.

111.) At this time compulsory evacuation is to be carried out in the territory still remaining. The troops cannot be employed for this purpose without endangering the defense tasks. However, the Division is ready to round up whatever can be rounded up of the population with the organs of Reichs Commissars, of the SD and of the Secret Field Police, Here however,

Court V Case VII

25 Aug 47 II-4-M-GV-Stewart (Sachs)

one must state frankly that large parts of the population have fled to the barren lands. They no longer can be captured. That is why the Division will limit itself primarily to the settlements along the roads. In as far as that goes, the population will be ordered suddenly to evacuate and a short time limit will be set. In order to compel the evacuation the population will simultaneously be informed that all houses will be burned down. It is the view of the Division that this is the only way by which anything at all can still be accomplished.

At this time Sturmbannfuehrer Baberske and the Secret Field Police by agreement with the Chief of Police (Lensmann) who is reliable, are establishing the parts of the population of the Tana area concerned. This was done at the initiative of the Division. Execution of the operation suddenly after information has been received of the actual space available for transportation. It must be avoided that the operation brings about the assembly of larger parts of the population, who then can not be evacuated.

Permit me to point out that such compulsory measures no matter how successful individually encounter serious objections of the political kind. The short time limit and the limited transport space will make it possible to evacuate only several hundred persons.

The mass of the population which in the Tana area alone 3,000 are still living, can not be removed. One should consider whether the disadvantage arising from the bitterness of the remaining population is

Court 7 Case VII

25 Aug 47 II-5-H-GW-Stewart (Sachs)

not larger than the advantage accruing from the evacuation of several hundred persons. I myself believe it is more valuable to retain the high reputation of the German Wehrmacht here instead of burdening it with compulsory measures.

In addition the effect of compulsory measures can not be foreseen. It is to be feared that partisan and sabotage matters will increase considerably in the rest of Norway to which the Corps will withdraw. Exactly those elements which have been evacuated by compulsion offer themselves for this work. On the other hand it may be advantageous if the German Wehrmacht continues its beneficial attitude [sic] toward the population until the end. It will soon become common knowledge that the Russians employ the population to compulsory labor in the territory occupied by them. With some clever propaganda we might be successful in bringing closer to us the population in the rest of Norway by exactly this procedure.

Finally I wish to state that Sturmbannfuehrer Baberske, the German Political Advisor of the Fylkesmann, who is there by order of the Reichs Commissar shares these objections.

(signed) (illegible)

Court 7 Case VII

25 Aug 47 II-6-M-GW-Stewart (Sachs)

DR. FRITSCH: Your Honors, there is a certificate contained in this document, a certificate of somebody called, "Rolf Schnyder ". According to my knowledge Mr. Schnyder is a member of this division. In this certificate it is certified that it is a true and correct photo copy, and that the original is in Oslo.

I think it my duty to clarify this question, because I do believe that Herr Schnyder as a number of the local prosecution, is not allowed to issue a certificate of this kind.

MR. RAPP: Your Honor, all individuals in the office Chief of Counsel of War Crimes are members of the prosecution staff. There is no independent individual, with the exception of those individuals under the Secretary General, who are not members of General Taylor 's staff, and as such, serve as part of the prosecution. I believe, therefore, that the objection of the defense counsel to this particular certificate is rather irrelevant.

PRESIDENT WENNERSTRUM: May I inquire as to where the certificate is in this document book to which reference has been made.

(Mr. Rapp handed the document to the Tribunal)

PRESIDENT WENNERSTRUM: The Tribunal will give consideration to the objection just made, and during the recess period will study the matter further, and will make the necessary ruling when we reconvene after our noon recess.

The Tribunal will be in recess at this time until one-thirty this afternoon.

25 Aug 47-A-BJ-13-I-Stewart-(Hildescheimer)

Court No. V, Case No. VII.

AFTERNOON SESSION

(The hearing reconvened, at 1330 hours.)

PRESIDENT WENNERSTRUM: The question before the Tribunal at the time of adjournment was to certain of these exhibits, and the Tribunal is of the opinion that until they have met the requirements as set out by Ordinance 7, Article 7, that they should not be admitted.

That particular article and section is very liberal, and it should not have been difficult to have covered that requirement as set out therein.

That indicates the attitude and the rulings of the Tribunal.

MR. RAPP: Your Honors, may I just point something out to the Tribunal, not in any kind of reflection as to the ruling the Tribunal has handed out, out merely in the nature that I believe there is possibly a misunderstanding on the part of defense counsel.

The documents referred to as certified by this individual are in the original here, right in Nurnberg. They were brought to us as originals from Oslo, Norway. They were then photostated, and returned to the Norwegians for their archives. The individual certifying merely states that he has compared the photostatic copy to the original.

I believe that defense counsel was inquiring about that one particular point and we have the originals of these documents right here.

PRESIDENT WENNERSTRUM: There is no question raised as to that part, - that phase, out it is as to the manner of the certification, and as to the jurat, or the swearing. There is nothing of that nature attached to the document.

MR. RAPP: Very well, your Honor.

Your Honors will recall that prior to offering this

25 Aug 47-A-BJ-13-2-Stewart-(Hildescheimer) Court V Case VII.

Document Book 23, I made the statement, which possibly escaped your Honors ' attention, saying that we have a covering affidavit from the Norwegian government, for all of these documents, and that I will submit this ["i" typed over "a" and "s" typed over "i"] particular affidavit at the end of my presentation. I believe that I have made this or a similar remark at the beginning of putting these documents in.

We have this affidavit before us, and if your Honors wish, we could put that in at this time.

PRESIDENT WENNERSTRUM: It is not for the Tribunal ["u" typed over "i"] to say what you should or should not do. If you care to put it in, you may do so. We will rule on it as we see fit.

MR. RAPP: All right, your Honor, Then we will submit this affidavit at this time. We were not prepared to make sufficient copies of it to go all around to defense counsel, and use it as an individual document, so with your Honors 'permission, I would like to mark this for identification, and after the 24-hour period has elapsed, I will see to it that the necessary copies as required will be furnished to all concerned.

I would like to submit this, Your Honor, for identification as No. 155-A.

If your Honors now please, turning to Document Book 23, page 17, this is being offered as Prosecution Exhibit 516. This is in the nature of an official report from the --

PRESIDENT WENNERSTRUM: This is Norway 5?

MR. RAPP: Norway 5, that is correct, your Honor.

This is in the nature of an official report, --

DR. FRISCH: I beg your pardon if I have misunderstood the decision of the Court. Just before the interval, before the recess, my objection to the certificate had not been decided on. It was the certificate referring to the preceding document, that was Norway No. 4.

25 Aug 47-A-BJ-13-3-Stewart-(Hildescheimer) Court V, Case VII.

I pointed out to the Tribunal that there was a certificate on the part [sic] of Mr. Schnyder. I believe I do not have to repeat my argument. The Tribunal had promised the decision concerning this particular case.

PRESIDENT WENNERSTRUM: You may continue with your remarks.

DR. FRISCH: Your Honor, I had pointed out that in this document, Norway No. 4, Exhibit No. -- I don't remember it, -it is 514, it is a certificate of a member of the prosecution staff, Mr. Schnyder. In this certificate it is certified that it is a correct photostat and that the original document is in Oslo.

25 August 47-A-SW-14-1-Stone (Hildesheimer) Court 5 Case 7

THE PRESIDENT: As to this particular objection the same will be overruled.

DR. FRITSCH: Your Honor, in this case perhaps I haven't expressed myself correctly. May I in this case ask whether Herr Schneider did actually see the original document in Oslo, and on account of his actual inspection of the document decided to certify it?

THE PRESIDENT: He certifies to the fact that it is a copy of the original - of a document filed in German archives.

DR. FRITSCH: Yes, and in my opinion it says at the end of the document that the original document is in Oslo.

THE PRESIDENT: Well, it makes no difference where the document is if he certifies that it is the original a copy of the original. The objection will be overruled.

MR. RAPPS: If Your Honors permit, now, we turn to Page 17 in Document Book 23, Page 19 in the German Document Book. This particular document are excerpts from an official report of the Norwegian War Crimes Commission, dated the 20th of April 1945. That is at a time when Norway was not yet liberated, and it states as follows: "The City Engineer of Hammerfest: The devastation of Hammerfest after the compulsory evacuation of the population at the beginning of the month of November 1944. On Sunday 29 October it was proclaimed that 'the population of Finnmark was to be compulsorily evacuated immediately'. The first district of Hammerfest to be evacuated was Fuglenes-Storelven at the latest Monday, 30 October, 1200 hours. On Monday 30 October I called on the then Island Command Major Gaedke, who simultaneously was Evacuation Commissar."

DR. FRITSCH: Your Honor, I would suggest that regarding the question which we talked about, that Mr. Rapp should explain and state whether he wants to use this document only for identification or for evidence.

25 August 47-A-SW-14-2-Stone (Hildesheimer)

Court 5 Case 7

MR. RAPP: May I be permitted to answer this question, Your Honor?

THE PRESIDENT: Yes.

MR. RAPP: This document we submit as evidence. It's an official report from the Norwegian War Crimes Commission. Its not in the nature of an affidavit and, as such, is admissible under the rules of the ordnance. And it was, as a matter of fact, written at the time when Norway was still occupied, I believe that the ruling of one Tribunal this morning pertained only to affidavits. This is not an affidavit but a report.

DR. FRITSCH: Your Honor, in that case I protest. I object against submission of this document. It is a report of some kind of local engineer, and it does not become evidence from the fact that it is an official government report.

THE PRESIDENT: Is there any certificate showing as to ...

MR. RAPP: Yes, that particular certificate is covered in the certificate I have just submitted for identification, made out by Colonel Follestad. In other words, this report was one of many reports submitted to the Norwegian War Crimes Commission and the Attorney General's office, from which they were inturn made a complete report.

THE PRESIDENT: How is this admissible until your certificate can be received properly?

MR. RAPP: Your Honors, we believe that under the rules an official report of any nature by a War Crimes Commission or members thereof are admissible in evidence.

THE PRESIDENT: Yes, but we do not have that certificate.

MR. RAPP: Very well; then we offer this for identification for the time being, but not on the reasons as set out by defense counsel.

THE PRESIDENT: Well, that's all right, but its not acceptable in its present form, and not without a certificate showing as to its authenticity.

25 August 47-A-SW-14-3-Stone (Hildesheimer)

Court V Case VII

MR. DENNEY: Excuse us for a moment, Your Honors.

MR. RAPP: If Your Honors permit, we were justtrying[sic] to find out from defense counsel whether or not they would waive the twenty-four hour rule, but they want to find out whether or not the certificate was official; so we are trying to get them a translation of this certificate. So, if Your Honors permit, I shall take the liberty to go to those documents now about which there seems to be no argument. And the first one I'd like to submit as such is the Norway No. 8. It will be offered as Prosecution's Exhibit No. 517, and if I may call Your Honors' attention to the fact that Norway 5 should now be designated "For identification only" and be called 516.a. This Norway No. 8, which is 517, Your Honors will find on Page 28. This is a report stamped secret, Divisional Combat Post, 4th of January 1945, 230th Infantry Division. Its in German on Page 30. Ic No. 42/45 Secret.

"To

the Command Army unit Narvik

Subject: Evacuation. Counter propaganda

Reference: Your teletype Ic No. 1469/44 Secret of 31

December 44.

Innumerable German women and children have died painfully up to now in burning cellars and under the ruins of their houses because of the air terror started by the Anglo-Americans. The American terror fliers boast of their cruelties calling themselves "Block Busters" and "Murder Incorporated". The neutral press avoids making charges against the English and the Americans for that. However, it picks out the fact of the evacuation of North Norway and of North Finnland[sic] in order to incite against methods of German warfare in the worst way.

To the German Mountain Army situated in North Finnland [sic] and North Norway Finnlands [sic] treason on 3 September 1944 lost

25 August 1947-A-SW-14-4-Stone (Hildesheimer)

Court 5 Case 7

the natural supply road across the Baltic and Finland.[sic] That is why the Mountain Army had to be led back. Finland [sic] and a part of North Norway had to be evacuated, that was a military necessity. It was a matter of withdrawing an entire army so as to avoid its encirclement. Toward the end of October 1944 the Bolsheviks invaded Norwegian territory and occupied Kirkenes. The Norwegian population which by and large had shown itself loyal and more than that even helpful and obliging toward the Germans during the four years of occupation had to be preserved from the grasp of Bolshevism. The procedure of the Bolsheviks in Rumania, Bulgaria, Poland, Finland[sic], Estonia and Lettland shows what kind of fate the Bolsheviks had in store for the Norwegian population also. They would have employed the Norwegians ruthlessly and brutally for their own purposes. They would have killed all Germanophile Norwegians, raped the Women[sic] and brought starvation to the country.

In order to safeguard the German March movements the Soviets had to be prevented in the course of their advance from finding billets and working forces available which might be employed in combat against the Germans. Cases of espionage participated in by individual Norwegians, who had remained in the Finnmarks[sic] show that the Bolshevik would have found supporters also in the indigenous population. North Norway and. North Finland[sic] were evacuated for this reason and all residences and installations were destroyed.

A large part of the sensible Norwegian population gladly and willingly followed the call of the German government in October 1944 to evacuate voluntarily.

THE PRESIDENT: Just a minute, please. Did you mean to read that "German Government"?

MR. RAPP: "The call of the Norwegian Government in October,

25 August 47-A-SW-14-5-Stone (Hildesheimer) Court 5 Case 7

1944".

THE PRESIDENT: You read it "German."

MR. RAPP: Im sorry; Your Honor; it should be "Norwegian."

"Thus cities like Hammerrest and Honningsvaag could be evacuated mainly voluntarily. The following urgent telegram signed by the Norwegian minister Lippestad and the Norwegian Chief of Evacuation Berg was sent to all chiefs of Police (Lensmaenner) in West Finnmark.

"You are herewith ordered to compulsory evacuate the population within your district. Publicize this by posters and via all telephone stations and contact the German authorities for immediate initiation of the compulsory evacuation which has been ordered by the German authorities. Inform us immediately by wire, particularly whether additional transport is required".

On 1 November 1944 red colored eye fetching posters and while [sic] leaflets were distributed containing a proclamation of the Commander in Chief of the German Troops in North Finnland and North Norway and of the Reichs Commissar for occupied Norwegian territories. It stated that all Norwegians again were requested to follow the orders of the evacuation authorities and to move off towards south. The end of this proclamation reads as follows:

"Any person not obeying this order exposes himself and his family by his own fault without possibilities for shelter and food to the perils of the Northern winter"

The contents of this proclamation have become known to all Norwegians in North Norway. All Norwegians of good will had the possibility of evacuating to the south.

The English radio broadcast a proclamation to the Norwegian population in the Norwegian language not to follow the orders of the evacuation authorities but to move off into inaccessible side

25 August 47-A-SW-l4-6-Stone (Hildesheimer)

Court 5 Case 7

valleys. Unfortunately there were a number of Norwegians who fulfilled this demands [sic] with their women and children. As far as the German Command was concerned it could have left the Norwegians to their fate. No doubt they all would have perished in the mountain. But in order to help these misled people and to preserve them from certain death the German Wehrmacht employed patrols to comb through Fjalls [sic] and Fjords to pick up Norwegians there who were full of gratitude to their last hour saviours. This for instance , 212 Norwegians were found during a search operation of a Mountain Jaeger regiment in the area west of the road Lakselv-Kistrand on 5-7 December 1944 in the area north of Kistrand and Repparfjord. These rescue operations were carried, on by the Wehrmacht at a time when the Wehrmacht itself had to accomplish marches of an extraordinary extent. If at present some individual Norwegians still keep hidden in the caves they alone are responsible for their miseries.

The Lapplanders through their leaders had been informed by the German Wehrmacht that they should move off to the west with their reindeer herds. The Lapplanders were promised an ample reward for every reindeer they would drive across the road Skiboth Slilastua. At first the Lapplanders accepted this offer particularly because the German Wehrmacht assured them of special protection for their reindeer herds.

If not withstanding the mass of Lapplanders with their reindeer herds did not move off it is obvious that they acted that way because enemy agents had misled them and caused them not to carry out their intention. Neither Lapplanders nor Norwegians have ever been told by the Germans that they would be shot to death if they did not evacuate.

25 August 47-A-SW-14-7-Stone (Hildesheimer)

Court 5 Case 7

The evacuation of the territory evacuated by the Wehrmacht and the complete destruction of all roads, billets, transportation and food stores prevents the Bolsheviks from a thrust into North Norway. That produces a great disappointment to the Soviets, their planned continued march will have to be delayed for the time being. That is why they agitate against the evacuation of North Finnland and North Norway and why they are trying to incite the neutral countries on this issue. And for all that it was Stalin who during the withdrawal of the Russian troops in 1941 for the first time caused the Russian population to evacuate and all residences to be destroyed.

Because Germany is fighting this struggle for her existence she must reply to the Russian methods of warfare with the same means unless she wants to lose.

During the evacuation all Norwegians were treated decently. The German soldier knightly has assisted all Norwegians requiring his help and thus he helped to mitigate to a great extent the emergency produced by the evacuation. In individual cases he has shared his rations with Norwegians and he helped the halt [sic] and the woemn [sic] loading their baggage.

The population was evacuated by means of ships or motor trucks. All available shipping space was mobilized. Inorder [sic] to cite one example: two large transports with about 1500 Norwegians each left for Tromsoe in the first half of November from Bille-fjord and Hamnbugt in the Porsangerfjord. The space put at the disposal of the Norwegians was intended, for transportation of German Wehrmacht goods. All German motor vehicles as far as space permitted - took along Norwegians. The young Norwegian capable of marching was permitted to go along on the ship or the motor vehicle only in order not to separate him from his family.

25 August 47-A-SW-14-S-Stone (Hildesheimer)

Court V Case VII

For this the German soldier managed long stretches on foot and had to spend the night outdoors.

If it did happen that in individual cases single family members were separated from their families the Germans did everything in their power to reunite the family.

German Wehrmacht doctors cared for the civilian population while en route and in the interim billets. The troops themselves furnished sufficient rations and established the billets.

And all these measures were carried out at a time during which the Germans themselves carried out one of the most difficult march movements.

In as far as Norwegians had to leave their personal property behind measures were taken to compensate them. As far as the trans[-]port situation permitted the rest of the entire Norwegian posses[-]sions particularly household equipment, clothing, fishing equipment, stoves, lighting fixtures were salvaged and evacuated.

(initials) VaAw

(signature) .emberg. [sic]

25 Aug-A-JP-15-I-Stone (Int. Hildesheimer)

Court V Case VII

MR. RAPP: The next document, Your Honors, Norway No. 9, we offer for identification only, as 518-a, and we then turn to page 60, Norway 10 which is offered as Prosecution's Exhibit No. 519. This is the proclamation to the population of Norway, published by the Reichs Commissar for the Occupied Norwegian Territories, Terboven, and also by the Defendant Rendulic, at that time Commander in Chief of the 20th Mountain Army: "TO THE POPULATION: The evacuation of a part of north Norway has been rendered a military necessity as a result of the treachery of a Finnish Government clique.

THE PRESIDENT: Page 60?

MR.RAPP: That is on page 60, Your Honor--Page six zero.

THE PRESIDENT: The document Norway No. 10?

MR. RAPP: Thats correct. Your Honor.

"The evacuation necessitates the removal of the civilian population as the enemy has proved that, in those territories occupied by him, he ruthlessly and brutally forces the civilian population to give him active assistance in achieving his aims. This means that no shelter or means of existence of any kind can be left to the Bolshevik enemy in the fighting zone. All such installations as housing accommodation, transport facilities and food stocks must be destroyed or removed.

THE POPULATION IN THESE DISTRICTS WILL THEREFORE BE DEPRIVED OF THE BASIS EOR THEIR EXISTENCE, SO THAT IN ORDER TO BE ABLE TO SURVIVE, THEY MUST EVACUATE TO THOSE NORWEGIAN TERRITORIES WHICH ARE STILL PROTECTED BY THE GERMAN WEHRMACHT.

* * * * *

HE WHO DOES NOT COMPLY WITH THESE UNEQUIVOCAL INSTRUCTIONS EXPOSES HIIMSELF AND HIS FAMILY TO POSSIBLE DEATH IN THE ARCTIC WINTER WITHOUT HOUSE OR FOOD."

The next document, Your Honors, is Norway Norway [sic] No. 11, and we

25 Aug-A-JP-I5-2Stone (Int. Hildesheimer)

Court V Case VII

will mark this for identification, 520-A; Norway No. 12 will be 521-A, and then Norway No. 13, which Your Honors will find on page 89. Norway No. 13 on page 89, page 83 in the German document book. It is being submitted as Prosecution's Exhibit No. 522. This, Your Honors, is an Order of the Day, signed in his own handwriting by the Defendant Rendulic, and it reads:

The Commander-in-Chief 20th Mountain Army	Army Headquarters
and Armed forces Commander Norway	18 December 1944

As of today I assure the supreme command over all troops hitherto under High Command Norway.

I welcome at this occasion all Command authorities and Troops Units of the other parts of the Armed forces employed in the Norway Theater. In the coming year of decision I expect smooth cooperation of all Command authorities and Offices.

Our common task [sic] serves only one goal: To help the work of our Fuehrer toward final victory.

Long live the Fuehrer

Signed RENDULIC

COLONEL GENERAL AND

ARMED FORCES COMMANDER

NORWAY."

25 Aug 47-A-AJ-16-I-Urmey-Hildesheimer

Court 5 Case 7

If your Honors please, there is still Norway 6, Document Norway 6. We submit this for identification only. Norway 6. That 523-A. And then Norway 7 we submit in evidence as exhibit 524. Your Honors will find this on page 27 of the document book. I believe it is on page 29 of the German document book. It is: Command Post 19 December 1944 Office

APO No. 02192

Subject: Evacuation of the area

West Bank Lyngonfjord.

Pursuant to the application by the Norwegian evacuation Chief in Lyngon Major Ress the time limit for the end of the evacuation is extended[sic] from 21 December 1944 to 10 January 1945.

	For the Office of APO
	No. 02192
	By order
	Grothe
	Major G S C

I believe, your Honor, this will conclude Document Book 23 but for the submission of the additional proof required by the Tribunal [sic] and after the elapsing of the 24-hour period tomorrow we shall come back to that. There is one additional certificate, your Honor, which we would like to submit at this time for identification only, in order to get the 24 hour time limit in.

It pertains particularly to document No. 9 and I am sure we will talk about that some more tomorrow. So for the time being, if your Honor permit, we will call this particular certificate for identification, 525-A. If your Honors please, we request the Court to instruct the Marshal to summon the witness Arne Dahl.

THE PRESIDENT: The Marshal is directed to present the witness named to the Tribunal.

25 Aug 47-A-AJ-16-2-Urmey-Hildesheimer

Court 5 Case 7

Does the witness speak English?

MR. RAPP: The witness does speak English, your Honor, but there may be occasionally a word which he told me he may not know, so we also would like if your Honors please to swear in the official[sic] Norwegian interpreter in cases of emergency.

THE PRESIDENT: The interpreter will raise his right hand and be sworn.

I do solemnly swear that I will perform my duties as interpreter before this Tribunal according to the best of my ability and skill.

(The interpreter repeated the oath.)

ARNE DAHL, a witness, took the stand and testified as follows:

BY THE PRESIDENT[sic]:

Q. The witness will raise his right hand to be sworn. You do solemnly swear that the testimony you will give before this Tribunal 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.

DIRECT EXAMINATION

BY MR. RAPP:

Q. Witness, would you please give your full name?

A. My full name is Arne Dagfin Dahl.

Q. Witness, how long have you been in the Norwegian army?

A. I have been in the Norwegian army since 1915.

Q. Have you been active since that time?

A. Yes, I am a regular officer from 1915 and I have been active since,[sic]

Q. What is your present rank, witness?

A. My present rank is a major general.

Q. And how old are you, witness?

A. I am 53 years of age.

25 Aug 47-A-AJ-16-3-Urmey-Hildesheimer

Court 5 Case 7

Q. Could you state for us shortly your military career, please?

A. I was promoted to Lieutenant Colonel in 1938, a Colonel in 1944 and a Major General in 1945. I have been commanding officer of the Military College of Oslo, aide-de-camp to the King of Norwar[sic], and commanding officer of the Western Finnmark district since the 1st of January, 1938.

After that, after war broke out in Norwar[sic], I took part in the fighting up in North Norway and had the command of a battalion and then a brigade. Later on, I got over to Great Britain from Norway in 1940 where I commanded the Norwegian troops in Scotland. I got to Scotland in 1940 and commanded the Norwegian troops there. In 1941 I was appointed head of a military mission to the United States and Canada where I stayed until 1943 when I went back to England and in 1944 was appointed head of a military mission to Russia. In 1945, as I said, I was appointed a Major General and am now commanding the Northern District of Norway which is about one-third of Norway.

Q. Witness, where were you located when the Norwegian resistance collapsed?

A. When the Norwegian resistance collapsed, I was not very far from Narvik in th(sic) mountains near the Swedish border.

Q. And you said after that you went to England, you escaped so to speak.

A. Yes, we demobilized our army and I went to England by boat.

Q. Did you have to sign any paper, parole or oath not to fight against the German armed forces?

A. No.

Q. Witness, when was the first time after your escape to England that you re-entered Norwegian territory?

A. I re-entered Norwegian territory on the 10th of November, 1944 after having come to Murmansk on the 6th of November.

Q. What was your mission at that time? What did you do?

25 Aug 47-A-AJ-16-4-Urmey-Hildesheimer

Court 5 Case 7

A. My mission was to cooperate with the Russian forces and at the same time to have command of the Norwegian troops being sent to Finnmark. Besides, I had the mission to reinstall Norwegian authorities in re-occupied territories. For that reason, my mission also consisted of representatives of the different Norwegian government branches such as social affairs, justice and police, finance, information, and so on.

Q. Now how did those troops, the Norwegian troops that you speak of -- how did they get into Finnmark?

Court V Case VII

25 Aug 47 W-17-I-GG-Urmey (Hildesheimer)

A. They got to Finnmark in the same way as I did and the mission, by sea from Great Britain. The Norwegian forces to start with were merely a token force. We had very small forces in Scotland or in Great Britain and it was taken aboard a convoy and came to Murmansk on the 6th of November.

Q. Now you say, witness, that you landed and these troops landed in Murmansk. What was the reason that they had to go so far east when they wanted to go into Norway?

A. Well, there were several reasons for that. The first reason perhaps to get into cooperation with our Russian allies by the way, secondly that it was very difficult to land anywhere in North Norway at that time because of the destruction.

Q. Did the Germans in these days command the Coast area?

A. Yes, I think I might say so, not all of it but most of it.

Q. Witness, did you actually engage the Germans up there in Finnmark?

A. No, I can't say so. When we took over from the Russians, which was by the end of November, the German troops had already got such an advance that we did not get into touch with German troops until about the beginning of February and that was only a patrol skirmish. We had some small engagements later on in Western Finnmark but nothing very much.

Q. Now, witness, when you arrived up there in Murmansk and you got in touch with the Russians, were you told at that time what intentions they had in reference to the German forces up there?

A. I was not give any definite plan but I got to know that the Karelian Army under General Retneskop had been sent south, the most part of it, south to the main theater in the Baltic, but as cooperatively a small force was left in North Norway and I had not been there a very long time until I understood that it was not the Russian intention to follow the German forces. When we got to Norway, the eastern part of eastern Finnmark, the most forward patrols of the Russian army were on

Court V Case VII

25 Aug 47 A-17-2-GG-Urmey (Hildesheimer)

the Tana River.

Q If you want to--

A Well, have you got a pointer? Perhaps I might point it out.

Q Yes, we have.

A. As I said, when we got to the eastern part of Eastern Finnmark, the Russian forward patrols were on the Tana River and the last contact which had been between Russian and German troops was on the 6th of November and there is the River Tana (indicating).

We heard the Russians did not try to follow up and there might be several reasons for that. We asked that the Norwegian troops might be put in the frontline as soon as possible. But when we got there, there was no enemy there.

Q What date are you speaking of, witness?

A I am speaking of the --now about the 27th or 26th of November when the Norwegian troops got to the Tana line.

Q Was there fighting or any contact between you and the Russian forces and the Germans around Kirkenes prior to that date?

A No, there was not.

Q Now witness, did you advance in a westerly direction with your brigade?

A Yes. I had not a brigade to start with, but by and by we got troops from Sweden and from Great Britain so that in the spring of 1945 we had a brigade. The advance was very difficult because of the difficulties of time of year, of the roads, and the climate and I might be allowed then to say a few words about the country about which we are speaking.

The area of Finnmark is more that 48,000 square [sic] kilometers. That means it is larger than for instance Switzerland or Denmark. In this area were living about 60,000 people, mostly rather poor people and most of them fisherman. The main part of the population was living along the coast. The climate at that time of year is very, severe, and you might understand that when I show you that the Polar Circle is very

Court V Case VII

25 Aug 47 A-17-3-GG-Urmev (Hildesheimer)

far south of this area. I will point to it now. Here it is (indicating)

The mean temperature in December is about the 70th degree, 14 degrees Fahrenheit in December. In January it is about 11 to 12 degrees. In the inner part of the country it is far colder and the temperature may drop to 40 below, even more. The country is very high, so that the northern winds coming right in from the Arctic Ocean have a tremendous bite. There is not a very great amount of snow.

I might say, generally speaking, about one meter. But because of the heavy storms, especially from the North, this snow is drifting up in large drifts and that again means that it is very difficult to keep the roads open. Not so much because of the amount of snow but because of the drifting snow and I would like to point out that even with the assistance of great number of Russian prisoners of war, the Germans were not able to keep Main Road 50 open all the year around.

There are certain stretches which would be very difficult to keep open and as I said one special part of it just west of the Tana Fjord was not kept open any year as far as I know during the war.

I might also say that there is only really one road leading from east to west. That is Main Road 50 and that is just a road which is so difficult to keep open. There is another road coming from Ivalo in Finland going through Norwegian place called Karasho and joining Main Road 50 at the Possoni Fjord. (indicating)

There is one more road from Finland to Norway and that is south of this area coming into Troms country or territory.

Q General, how far were the German rear guards ahead of you on the average?

A Well, I really don't know but I should think that they were very far ahead because the last contact between Russian troops and German troops and that was only patrols was on the 6th of November and we didn't get there until about the 26th --that means about three weeks. They had a three weeks' advance. I should think personally, sir, that by the end of November, all German main forces would be out of Finnmark

Court V Case VII

25 Aug 47 A-17-4-GG-Urmev (Hildesheimer)

and that only very small rear guards and destruction troops were left behind; the Germans had then been in this territory for four and a half years and of course knew it very well.

They had a great number of fortifications along the Coast, partly belonging to the Navy and partly belonging to the Army and commanded by the Army, but all these bases were destroyed by and by.

Q Now witness, did you generally follow the main route to retreat of the German army, generally speaking?

A Yes, one mountain force of the Norwegian troops followed that main road.

Q And they were under your command?

A They were under my command but not until the beginning of February. Before that date, they were under the command of the Russian troops. According to an agreement which the Norwegian Government had, a similar agreement between the American, British and Russian Governments, according to which the Norwegian forces fighting in Norway should be put under the command of that particular allied commander but in the beginning of February I got command of all the troops up there.

Q, What was your estimate at that time how large the German forces were who were retreating in numbers?

A Well, I had a very good order battle of the German troops. I cannot now remember exactly how many it would be.

Q Roughly.

A But I should think something between 100 and 150 thousand men.

Q Now General, you said that these Norwegian troops which followed up this German retreat or withdrawal were under the over-all command of the Russians until February, 1945. Is that right?

A No, until the 5th of[sic] 6th of February.

Q All right. Now were there substantial Russian forces accompanying these Norwegian forces?

25 Aug 47-A-AJ-18-1-Biolsi

Court 5 Case 7

Q. All right, Now were there substantial Russian forces accompanying those Norwegian forces?

A. There were no Russian forces accompanying the Norwegian forces, and it was quite clear as I have previously stated from the beginning that the Russian forces would not enter Finnmark. It was too difficult proposition at that time of the year to follow up with large forces in a country like that. And besides, the position was not in Norway, and it didnt very much matter to the allied forces if Finnmark was occupied or not.

Q. General, as you were going west with your brigade, between November and February, up there - just what did you see?

A. I saw the scorched earth policy as I have never seen it before. All the communica tions [sic] were destroyed. The roads were blown up and mined; the bridges, the quays, the telephone and telegraph centrals; the telephone poles were either cut down or blown up, and in the craters along the few roads were a great number of both teller mines and personnel mines. Also the housing was destroyed- not everything in the eastern most part of Eastern Finnmark because the Russian attack had prevented that destruction. Otherwise, speaking of the line West- practically speaking- west of the Tana River, everything was completely destroyed. That includes all housing and what I mentioned before; also historical buildings and churches. Not all of them but more than half of the churches were destroyed. And this destruction took place- as far as I know- from October until rather late in the spring of 1945. The destruction took place not always at one particular time. There were places which were raided two or three time.

Q. What do you mean by that, General?

A. That means the place was destroyed, once. Not all of the population was evacuated. Some were left for somereason[sic] or other, and this was, of course, known to the German troops so that they came back for a second and a third time and got away the rest of the population

25 Aug 47-A-AJ-18-2-Biolsi Court 5 Case 7

and destroyed the shacks and huts or what they might have built in the meantime to be able to survive.

Q. General, what was the approximate date - I mean in months -that the subsequent destructions of these towns happened?

A. I think -- well, I am sure - that places like Kjullefyord (witness spells the name) were raided by the end of November and by the middle of December; and there are several other places which are difficult to spell - I think I will drop it - which were raided a couple of times, too.

Q. General, do you have any knowledge as to the date - or the approximate date - that some of the main communication centers were destroyed, going from east to west, from Kirkenes.

A. Well, of course, there were destroyed as the German troops withdrew. And I should think that most of them were destroyed by the end of November. But I cannot tell anything exactly about that.

Q. Now, as the German troops withdrew and the destruction had taken place by the end of November, do you know whether or not other destructions occurred as the German army withdrew which would fall into the months of December and January?

A. Yes, I have just told you that at least two or three places on the coast were raided at a later date; and I also know for certain that some places in western Finnmark were destroyed, for instance, in the month of December. I think I am not wrong, but that can be verified by the official papers, when I was in the town of Hammerfest and Kjullefyord and Upper Alta were destroyed about the middle of December.

Q. General, did you get, at that time that you were up there, these reports that these various towns and hamlets were destroyed?

A. Yes, I did.

Q. What did you think at that time, was the reason for these destructions?

A. Well, I thought that it was wanton, and I could not see that

25 Aug 47-A-AJ-18-3-Biolsi

Court 5 Case 7

it was a necessity for the German forces so completely to destroy the country as was done.

Q. Now, you say "so completely"- - do you mean that - do you want to say that not everything represented military targets? What do you mean by that? Will you explain it to us?

A. Well, I can understand that communications were destroyed, but I cannot understand and I cannot see that according to any international law that the housing, for instance, and especially along the coast where there could not be any advantage, were so destroyed as they were[sic]; and monuments and churches, and so on; and hospitals, for instances, were also destroyed.

Q. Now, you stated that the Highway 50 was, so to speak, the crux, the most important part of this entire evacuation.

A. Will you please repeat that question, please?

Q. The Highway 50 was the most important element that has to be taken into consideration both by the forces in retrograde movement as those who were following up, is that right?

A. That is right.

Q. Now, was it possible for either the Germans, or for you, to not follow this Highway 50 and still advance?

A. Yes, It could be done.

Q. To what extent?

A. Well, it could be done, but only with smaller forces and with troops on skis, and it would, in any case, take a very, very long time; and these troops had to live under Arctic conditions, complete darkness; it rained up there for two months, from November to January so that troops which advanced outside of the main Road 50 would be exposed to very great hardships. But I don't doubt that small groups might be able to advance from east to west.

Q. But not in large bodies?

A. No, I think that is the great difference between these two things. Large bodies could not be supplied. This is the main thing.

25 Aug 47-A-AJ-18-4-Biolsi

Court 5 Case 7

They could probable also advance, but as they could not get supplies they could not keep themselves up.

Q. General, have you ever seen, or as it been officially reported to you, that there was substantial destruction away from Highway 50?

A. Yes, as I said, sir, I had on my mission representatives of the Norwegian government, different branches, and they sent in representatives of our government, through me, as I was their head. I read them all and saw the reports. Besides, I get reports from my unit commanders, more of a military nature. So I knew at any time what had been--

Q. You saw them?

A. And reported it.

Q. Now General, in that time that you were up there did you ever converse with the indigenous population of Norway, or Finnmark?

A. I did.

Q. Did these conversations evolve around the subject of the evacuation?

A. Yes, very much so, as these people were in a very poor condition.

As a matter of fact in order to be able to save them we had to concentrate on saving lives instead of trying to kill Germans. We sent out three expeditions; one along the coast, which got rather far along and under the command of a lieutenant colonel, and he actually succeeded in getting back into safety more than 1,000 people. I sent another expedition along the Tana Riber[sic] down to the Sogne Fjord, which I just pointed out on the map, in the center of Finnmark. All these expeditions were equipped with clothing, food medicines, and so on; blankets- to try to help these people who, we heard, were living in great distress. And if we had not been so well prepared with that relief work I think that the destruction would have been nmchgreater[sic] than now happened.

Q. Now, General, you said your forces did not amount to more than three thousand men in February, Is that right?

25 Aug 47-A-AJ-18-5-Biolsi

Court 5 Case 7

A. It did not amount to so much as three thousand men in February, but I think in March.

Q. When did you commence this action, where you helped your country men up there.

A. We started right away. I could see that there was very little chance of capturing any German rear guards. I found it much more the much more [sic] important thing to try to save our countrymen's lives, so I started in November by sending these expeditions along the coast north, and a little later the expeditions inland.

Q. How many men did you have at that time when you commenced?

A. I had about three hundred men.

Q. Was their help effective?

A. Yes, indeed.

Q. Well, how many people did you have to help?

A. Well, they were left there in eastern Finnmark. We hoped to start with fifty thousand people but by and by we found manymore[sic], hidden in most strange place[sic]. They were hidden in the most strange places; and than we got these reports from scouts so I think that if we had not prepared this eventuality we might not have found some people that winter:

THE PRESIDENT: We will take our afternoon recess at this time.

(a recess was taken)

25 Aug-A-MJ-20-I-Maloy (Lea)

Court 5, Case 7

THE MARSHALL: The Tribunal is again in session.

MR. RAPP: If Your Honors, please, I had a talk with the defense counsel for the defendant Rendulic, Dr. Fritsch, and he tells me that he is agreeable that we withdraw Identification 515-A. That was the document which was a certificate by the Norwegian representative here in Nurnberg[sic] giving evidence as to these documents we are trying to put in, but when he made out this original ceetificate[sic] he listed all the documents, including those which have meanwhile been received. I suggested to Dr. Fritsch that we pare this particular document down to include only those which have not been received, and that I will furnish him tonight a copy of such certificate in lieu of 515-A, and that he should consider the 24-hour rule still being covered by that arrangement, and Dr, Fritsch told me that was agreeable to him.

THE PRESIDENT: Very well.

MR. RAPP: If Your Honors, please, I would now ["n" typed over "l"] like to continue the examination of the witness.

THE PRESIDENT: You may proceed.

Q. Witness; prior to the recess we were concerning ourselves with reports or conversations you had in connection with the Norwegian population which you met up here, and I asked you to ["t" and "o"] tell us the nature of this conversation as far as it had any bearing on the evacuation which took place at that time?

A. I think I mentioned that we saved at least 1,000 Norwegians living on the coast, and many more, but I dont know the exact number of people living inland. Now, these people, as I said were living in the greatest distress. First of all, this was at a part of the year where the temperature is very low, and they had no houses. They had no food. It was taken away when the German forces withdrew. They had no means of getting because their boats,

25 Aug-A-MJ-20-2-Maloy (Lea)

Court 5, Case 7

motor boats, and even small going boats, were either destroyed or sunk. So that it was an obvious task for us to try and get hold of these people, and get them back to safety. We got a report from one island west of Hammerfest, - that was in January: that about 1,000 people were living in the greatest distress [sic], and they had to be relieved. We could ["I" typed over "r"] do that because we hadn't got boats enough, therefore we had to send a message to London and ask for a relief expedition from there, and that was accepted on the 15 of February, when about 500 people were brought away to Murmansk, and later on to Scotland.

Q. Did any of these persons that you saved or you administered [sic] medical care, ever mention to you the fact why they did not evacuate?

A. Yes, I cannot remember ["r" typed over "e"] any special remark, but these people had their homes up here. Norwegians have been living in these areas for several hundreds of years, and the way they were evacuated was in such a crude manner, that they thought it would be better to stay there, to stay behind even [e typed over v] when taking the risks of the cold and the scarcity of food so on.

Q. You speak of the way, -- or I believe you said the cruel way of the evacuation; how do you know that?

A. I have read all the reports. They have made a general impression on me, and I do not remember details, but I do remember one instance which was stated in a report to me on the 15th of December 1944 by an Army officer, who had made his escape himself. That was from a place called Berlevaag. When the withdrawal from the Eastern part of Finnmark started in October, the main population of Berlevaag got the orders to [sic] meet at a certain day at a certain hour, and the order went on to say those who did meet would be shot. This man, this Army officer met also, and they were ["e" typed over "r"] ordered to carry ammunition shells from dumps down to the boats. The shells weighed about 35 kilos, and they were also ordered to carry dynamite and gun powder down to the

25 Aug-A-MJ-20-3-Maloy (Lea) Court 5, Case 7

boats, and they did that for about two days. Then the burning started. These [first "e" typed over "i"] people in Berlevaag, as many people in many places, thought they would be in a danger zone, by being in their homes, and therefore they built old shacks and houses of peat outside the place, like these people had done. The burning started by burning down these small houses outside the town, and then the crowd was pushd [sic] forward down the quay, all of them, the old, the sick, and so forth. The cattle was either shot in the open or shot in the ["t" typed over "h"] stables, or burned in the stables. I have seen that myself. I have seen groups of cattle being burned in the stables. That, I mean, accounts for their dislike for being evacuated. Also the ["t" typed over "h"] very rough part of the year, and the voyage in small boats along the coast, which were full of mines and which could be raided at any time.

25 Aug 47-A-BJ-2I-Maloy(Lea)

Court V, Case VII.

Q. Have you, General, ever seen personally any villages or settlements being burned down?

A. No, I haven't seen that, out when we got to Kirkenes part of it was still burning. There was another reason for the population to try to get away. There were epidemic diseases spreading, some cases of typhus, but rather large epidemics of diarrhea and dysentery. The important part of it was that there were no doctors. I have been evacuated, and as far as I know there was only one doctor left in the whole district who had made his escape [sic]. Now, there were epidemic diseases, cold, hunger and so on, and no doctors, no hospitals.

Q. General, did you ever see personally any villages which were actually destroyed or settlements, as a result ["s" typed over "l"] of this evacuation?

A. Yes, I have seen most of the places in Finnmark. I got to the western part of Finnmark about the beginning of April myself.

Q. What was the degree of destruction?

A. Well, I think that the destruction was as complete as it could be. As I think I mentioned in my first remarks, practically all of the territory [sic] west of the Tana line was completely destroyed. There was nothing left.

Q. And, General, these houses and settlements and villages, did they at any time offer your troops any shelter or were they all destroyed before you got there?

A. They were all destroyed before we got there, except in the Easternmost part of Finnmark. As it was, when we got to these places, they could not offer us any shelter. First of all they were burned, and secondly the concrete fundamentals of the buildings were blown up by dynamite [sic], so that building could not even be repaired, and even to this very day there are 7,000 people who have not been able to go back to Finnmark.

25 Aug 47-A-EJ-BJ-2I-2-Meloy-(Lea)

Court V, Case VII.

Q. On account of the destruction?

A. Yes.

Q. General, did these destructions, as you saw it at that time in command of a military command, offer a deterrent to the Russians to advance, in other words were the destructions a reason that the Russians did not advance?

A. Of ["o" typed over "i"] course I can't tell you.

Q. Did the Russians ever talk to you about that?

A. No, but I can make my own opinion about it, and that is that it was not possible to advance under those conditions with large forces.

Q. In other words, you say that vhe the destructions that were carried out actually had the effect that they kept the Russian army back from advancing?

A. No, I wouldn't say that. That was, of course, one of the reasons, but in any case, I think, that the Russian Army could not have advanced, because the cold and the climate and the temperature and so on, in Finnmark is not suitable for operations on a large scale in the wintertime. It is completely dark, as I said too, and the decision was not fought in Norway. It was merely a small sideshow which [sic] was going on up there.

Q. But, General, the Germans, as you told us, carried on this destruction for many months to come, and the Russians did not advance, so how did you estimate the situation at that time?

A. I estimated the situation in such a way that the Russians would use their forces at other points, and didn't care about Norway.

Q. But that was information which you had in your position of constant contact with the Russian forces, is that right?

25 Aug 47-A-BJ-21-3-Maloy-(Lea)

Court V, Case VII.

A. That is right.

Q. But you don't know whether or not the Germans were in a position to know that too?

A. Well, I think they knew. There are several reasons why I think so. First of all, the German Intelligence Service was certainly very good. Besides, they had their planes that could easily find out whether their troops were following up or not, and the third point is that after the German Army left there were radio posts which kept them in knowledge of where the advancing troops might have been at any time. We got some of those posts, and they must have given very good information that no troops did follow.

MR. RAPP: I have no further questions, Your Honor.

CROSS-EXAMINATION

BY DR. FRITSCH:

Dr. Fritsch for defendant Rendulic.

Q. First of all, I would like to clarify a few personal doubts; did you say, General, that you were 38 years old?

A. No, I said 53.

Q. I beg your pardon. You are an active officer since the year 1915, an active soldier?

A. Yes.

Q. General, do we agree that on the question of military necessity we can disagree, that we can be of various opinions on the question of military necessity?

A. Of course we can disagree.

Q. You were with the Russians, General?

A. Yes.

Q. Since when?

A. I was head of a military mission to Russia from about the 1st of October 1944.

25 Aug 47-A-BJ-2I-4 --Maloy-(Lea)

Court V, Case VII.

Q. Since that time did you have any special contact with the Tana Front of the Russian Army, on the Tana River?

A. I had no personal contact with the Tana Front, but our troops had.

Q. You listed some reasons which, according to your conviction, speak in favor of the fact that the Russians would not press into Norway; would you tell me whether at the Tana Front and until what time there was fighting contact between the Germans and Russian troops?

A. Yes -- --

THE PRESIDENT: Pardon me, General, just a moment. Let's put this microphone right out in front. Now, if you will just sit back, General, and take it easy, just as though you were visiting. You don't have to use it as though you were talking on a telephone.

THE WITNESS: It is very difficult to hear.

THE PRESIDENT: You say you are not able to hear?

THE WITNESS: I am hearing now.

A. But I can answer that last question. The question was, when the last contact between the Russian and German troops was on the Tana River, and according to the reports which we got it was on the 5th or 6th of November.

Q. Down to that day there were fights with the Russians?

A. Yes, there had been very little fighting since October 24, and the German troops had very rapidly gone back behind west of the Tana River, and it was just very small rear guards being left on that river at that particular time.

25 Aug. 47-A-SG-22-1-Stewart-(Lea)Court V Case VII

Q. For what reason should the German leadership [sic] be sure that the Russians would not follow?

A. As I said to the Prosecutot [sic], the Russians would not follow because they knew very well difficult conditions up in the morth [sic] if Norway at that part of the year, and also they had sent most of their troops down south to fight in the Baltic.

Q. Do you have any basis for this, that the German conmand [sic] was also informed of this.

A . No, I do not now [sic] whether the German command was informed of this.

Q. Ther [sic] German army command had to be, or could assume that the Russians would follow.

A. I donot think they could assume that, because their intelligence service might have told them, or would certainll [sic] have told them that the greater part of the Karelian Army was being sent South, and what was left would not have been sufficient to cope with the German forces which were then in Finnmark.

Q. But these are just assumptions on your part, General. Is that right? You said that Norwegian troops from England, in the winter of 1944-45 were sent to Finnmark?

A . Yes.

Q. Were these troops supposed to land in Finnmark?

A. They were not put ashore in Finnmark; They were put ashore in Murmansk and from there transported in Finnmark.

Q. And the reason why they were not supposed to land in Finnmark; can you give me that?

A . The reason why they were not put ashore in Finnmark, well that would probably be as I said to the prosecutor,-that we must first cooperate with our Allies, and therefore go to a Russian port and see what their plans were.

25 Aug.47-A-SG-22-2-Stewart-(Lea)

Court V Case VI1

Q. Witness, didn't I understand you to have said that they did not land in Finnmark because they knew about the destruction?

A . Well, that was a small reason, I agree to that, but of course a small force of 300 men can be landed almost anywhere from boats [sic].

Q. Witness, you spoke of the Reich Highway No.50 and you described this highway [sic] as the only important [sic] road from east to west in Finnmark; is that correct?

A . That is correct, - the most important road, yes.

Q. Was this highway in the year 1939, before the landing of the German troops, - was this highway fully fit to be traveled on?

A. No, it was not completely finished until after ["t" typed over "s"] the German forces came in Finnmark. There were a few stretches which were not finished before the war.

Q. And this highway was finished by the Germans; is that right?

A. No, that is not right, but small stretches of the highway were finished by Norwegians working under German orders.

Q . Then you spoke of the mining of this highway. Do you [sic] consider this mining as militarily necessary?

A. Yes I do.

Q. If the Russians had had the intention to follow the Germans, we cannot affirm or deny this intention post facte; wasn't it then a military necessity to destroy the housing facilities for the Russians as they would press on?

A. No, that is a great mistake. These houses were very few, and I [sic] cannot imagine how any force which could cope with the strength of the German forces could have any use of those few houses along at highway. As I have told before, the greatest

25 Aug.47-A-SE-22-3-Stewart-(Lea)

Court V Case VII

part of the population in Finnmark were living on the coast, and the advance did not take place and could not take place along the coast.

Q. General, we shall come back to this question later. My question is this. I want to determine by your experiences, whether it was not especially difficult for a military opponemt[sic], if he would come in a country like Finnmark, and find nno [sic]shilter [sic].

A. Would you repeat that question; in succession please? Will you say it in English once again?

Q. Don't you think that it would be very difficult for a military opponent invading Finnmark to find no shilter[sic] there?

A. Yes, that would be difficult.

Q. General, you spoke of the fact that the inhabitants of Finnmark lived mostly on the coast. Aren't there some villages on the highway too?

A. Yes, there are some small villages on Highway 52.

Q. General, during the direct examination you spoke of destruction of towns.

PRESIDENT WENNERSTRUM: Just a minute, General. The young man wants to give you a substitute receiving set.

Now General, may I suggest that you just sit back as though you were visiting in someone's home, and answe[r]e[sic] your question just as though werwere[sic] carrying on a conversation.

You may proceed.

Q. General, I would like to come back to the question of

military necessity. If the German Command had recognized the necessity for evacuating this place, wouldn't it have done some good to the Norwegian inhabitants that it would take them out of a territory which was destroyed, for military reasons?

A. I can see no necessity of destroying the country. As I have said, I do not think that any large forces could advance in this territory and keep themselves up.

[note: this page is actually 2672 but in its original form the page number reads 2673]

25 Aug. 47-A-Se 22-4-Stewart-(Lea)

Court V Case VII

Q. Wasn't the impossibility for the opponent to enter this region only created by the fact [sic] that the housing facilities were destroyed?

A. No. The opponent would have the greatest difficulty of getting into this country [sic] even when the houses were there, and even when the roads [sic] were there. This highway 50, as I said, would not be open in the winter.

Q. Highway 50 was unused [sic] in the winter, wasn't it General,?

A. Yes, in part of the winter, but in not winter, so far as I knew the road [sic] was kept open even with a great number of prisoners of war working on it.

Q. Do you know, General, that the road was filled with tunnels which would keep it from being snowdrifted; partly by woollen tunnels?

A. Yes, I knew that some part of it was equipped with those tunnels, but even do they [sic] were not possible to keep open.

Q. At what time of the winter, 1944-45, did you move on this highway with your troops?

A. The troops moved on this highway [sic] from about the end of November, and until say, March. But they did not exactly move [sic] on the highway because they were on skis and they went outside of the highway [sic].

Q. Couldn't larger units of troops have moved on this road, if the road had been open?

A. They could have moved to a certain extent, but had been stopped at very far eastern place just west [sic] of the Tana Fjord.

Q. General, you spoke [sic] about the [sic] destruction of towns and villages. Was Kirkenes, for example [sic], destroyed, as [sic] a result of the evacuation?

25 Aug.47-A-SC-23-5-Stewart-(Lea)

Court V Case VII

A. Not all Kirkenes ["k" typed over "ll"], but a great part of Kirkenes was destroyed as the German troops ebacuated [sic].

Q. Do you know that Kirkenes wes[sic] repeatedly bombed by Russian airplanes?

A.I knew that Kirkenes was bombod on several occasions by the Russian airplanes.

Q. Do you know that these bombing and the direct fight around the city destroyed the city about 90 per cent?

A. I think that is completely wrong, because as far as I heard, there was no fighting in Kirkenes whatever.

25 August 47-A-ATD-23-1-Stewart (Int. Lea)

Court 5, Case 7

Q General, didn't you say yourself before, that the last fight took place in the beginning of November around the region of Kirkenes?

A No, I never said that.

Q Witness, in answering a question during direct examination, --- you spoke of the cruel evacuation, and you specified in your statement, --- you mentioned a case, if I remember correctly, it was a matter of the village of Berlevaag; is that correct?

A That's right.

Q Did you investigate this case yourself?

A I did investigate it by witnesses, but I was never there myself, of course, and this person who gave me the report has signed his report.

Q You also said that cattle was burned in stables. Did you yourself see any of these things?

A I have never been in the places which were evacuated by the Germans, but I have seen cattle burned in the stables.

Q And this happened, according to your convictions, not as a result of the usual military actions?

A Yes. This was at a place where there was no action at all. It was at a place called Lakselv.

Q General, you also said that churches and historical buildings were burned down. Could you give me any towns where this happened?

A Yes, I can mention a place called Altagaan, which is the old residence of the cCounty [sic], - well the " ", as we say in Norwegian, built in 1740, and which was . It was a building which could not be - I cannot find the word in English, but it is a building which has a historical value and which was not to be changed in any way or used for any other purpose than a certain one.

There is also another building to the south, at the place called Hamnes, which I could also mention, and at the latter place the Germans had themselves known that this was an historic building.

Q Was this building situated inside a village?

25 August 47-A-ATD-23-2-Steward (Int. Lea) (ATD)

Court 5, Case 7

A It was not situated in, - well not particularly in a village. It was now the building where the commanding officer of the Western Finmark [sic] was living; that means on a training ground, and it was far from other buildings.

Q Could it have served to house troops?

A Yes, it could house troops.

Q General, - of what building material do the houses in Finmark [sic] usually consist?

A They mostly consist of wood.

Q If some of these houses serving as shelter would be burned, then there would hardly remain a building which one would want to save; that is a church or similar building; then there would hardly remain any building unharmed? Is that correct?

A Well if the village was put on fire, and it was a suitable wind, I think the whole village would burn down.

Q General, then you said that you had received various reports according to which Norwegians had escaped evacuation. Did you also get reports from those who had been evacuated?

A Yes, and that is a point.

As we had re-occupied part of Finmark [sic], a lot of people from the occupied area came to Finnmark and they got there because they wanted to assist the population in Finmark [sic] with food, clothing and boats, and all of these people who came in from outside of the re-occupied territory, had to report to my staff, so I knew everything they told me about the evacuation.

Q You then said that the people to be evacuated had to pass through mined waters on boats. Is that correct?

A Yes, that is one way of evacuating people.

Q Do you know, General, that these boats were almost exclusively manned by German soldiers?

A I don't know that.

DR. FRITSCH: I have no further questions, your Honor.

25 August 47-A-ATD-23-3-Stewart (Int. Lea)

Court 5, Case 7

PRESIDENT WENNERSTRUM: Are there any further questions by other counsel?No response.....

Is there any redirect?

RE-DIRECT EXAMINATION

BY.....MR. RAPP: A very short one, your Honor. General, the element of military necessity was raised during the cross-examination, and I would like to ask you if as you stated, it was remote or nonexistent. What other reasons were there for destroying this territory presuming that it was not military necessity?

A I did not quite catch that.

Q I said, assuming that the destruction was not military necessity, what other reasons are given for the destruction?

A Well, we by-and-by saw acts of Germans towards the population which seemed to us to indicate a certain mood of revenge, and one of these raiding parties coming back actually killed six fishermen, and amongst them two boys, and then after that, the German commander went to a small hut which had been erected after the destruction, where a woman lived with her small children, and he asked this woman her name, and then he told her he had killed her husband and her son, and then he raped, her in the presence of her children.

After that exploit, a poster was put on the bodies, and I may be allowed to read that because it is rather significant, I think, I have translated it into English, but it was written in Norwegian, and the contents were this:

"Norwegian Men and Women:

"Point I: We fight and work for you and for a future European state.

"Point II: We do not give away chocolate and tobacco as a bait, but we have shown a friendly attitude toward you during five years of our stay here.

"Point III: We protect your homes against Bolshevik blood terror.

"Point IV: We protect your homes from capitalistic plundering.

"Point V: We grant you fishing grounds for your own personal use.

Court V - Case VII

25 Aug 47-A-24-1-EHM-Stone (Lea)

"Point 6: We get you work and bread.

"The one who opposes us, the one who supports the anti-European powers with English, America, and Soviet Russia as leaders, the one who openly or secretly places himself against us in this for Europe so difficult time, the one who fleeing in fishing boats or escaping across the border opposes our arms, the one who openly or secretly assists the enemy on this or on the other side of the front, he is a traitor to Europe and to his Norwegian homeland, and he will be found and destroyed regardless of where he is hiding. "

That is one example, sir. I have one another one, which/speaks [sic] for itself, I think, and that is the following: After the 8th of May, after the capitulation, the Norwegian authorities sent out expeditions to the devastated areas to find out the conditions and make a report. There were still then German troops in those territories which were otherwise evacuated. At one place a poster was found, which I have brought with me, and which has the following in printing: "As long as there is an enemy within our borders, may hate be my duty and revenge my virtue. " And this is distributed by the 6th German Mountain Division, and it has a stamp date on it, 15 February, which probably is the date when the receiving unit received it from this division. When, therefore, the prosecutor asked me this question [s typed over e], we all had a feeling that there was - they tried to revenge themselves, which was the origin of these acts in Finnmark.

Q. General, in your talks with the Norwegian population or with men under your command, was it ever mentioned to you directly or by insinuation that the population was very glad that the Germans are helping the Norwegians to escape Bolshevism?

A. No, never. That was never said to me. On the contrary, the population in Finnmark was very much upset and used the strongest words of the language to express their feelings towards the German troops. I will add, though, that of course there are some people in Norway belonging to the Nazi Party that have a different opinion.

Court V - Case VII

25 Aug 47-A-24-2-EHM-Stone (Lea)

MR.RAPP: That's all the questions I have, Your Honor.

DR.FRITSCH: Your Honor, I have just two more questions, resulting from the re-direct examination.

RE-CROSS EXAMINATION

BY DR. FRITSCH:

Q. General, you spoke of the shooting of a fisherman and two boys. How do you know that?

A. I had a military patrol out which saw the thing. Besides, I had a report from an intelligence officer, a very complete report taken on the spot.

Q. When was this incident supposed to have taken place?

A. That incident took place on the 6th of May 1945.

Q. On the 6th of May 1945? Where?

A. Where? That was at a place called Hopeidet.

Q. And where is this place?

A. This place is between the town of Tana fjord and Lakse fjord. It's rather far east.

Q. On the 6th of May 1945 were there still German troops there at that time?

A. Yes. They came, as I have told before -- they came continually back with raiding parties along the coast, and also they came inland after having landed.

Q. But at that time you, General, had already your brigade with you and you already had pushed on towards the west.

A. That's right.

Q. How did these German troops come to move in back of you?

A. It's very easy to explain. As I told before, Finnmark is a country of 48,000 square kilometers, and I don't think that 3,000 men would be able to cover that.

Q. Witness, one final question. From where does this piece of paper come which you have read before? Did you yourself receive it or did you take it from a house, or what?

Court V - Case VII

25 Aug 47-A-24-3-EHM-Stone (Lea)

A. This paper I have here in court was taken by one of those Norwegian expeditions being sent out immediately after the capitulation, and found on one of the houses at a place called Birtavarie, and it was taken with the expedition to the 6th Division Command, of which I am the commander.

Q. You yourself never found such a paper, did you?

A. No, everywhere I came everything was burned.

DR. FRITSCH: Thank you very much.

THE PRESIDENT: Perhaps - anything further for this witness?

MR. RAPP [sic]: We have no further questions, Your Honor.

THE PRESIDENT: May the witness be discharged then? Any objection on the part of any defense counsel to the discharge of this witness? The counsel for Rendulic? There being indication that there's no further desire on the behalf of the defense counsel for the retention of this witness, you may be excused, General.

Did you have any other matters this afternoon, Mr. Rapp?

MR. RAPP: I have nothing further this afternoon, Your Honor.

THE PRESIDENT: You had some papers-

MR. RAPP: We could have that postponed until tomorrow if Your Honors desire.

THE PRESIDENT: We have about five minutes before adjournment. We'll adjourn at this time until tomorrow morning.

THE MARSHAL: The Tribunal will be in recess until 9:30 tomorrow morning.

(The Court adjourned at 1625 hours.)