

Office Chief of Counsel for War Crimes
APO 696A U.S. Army

Staff Evidence Analysis By: Steven, Fred R.
Date: 11 July 1947

Doc. No. NOKW 2095

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

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

Person, Firms or Organizations Involved:
Leeb, Wilhelm, v. Genfldm., C. in C. H. Gr. North
Roques, Franz v., Gen. d. Inf., CG Rear area H. Gr. North
Scherer, Theodor, Genlt., CG, 281st Sich. Div.

To be filed under these reference headings:
IV B11 b, IV b 1 c

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

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

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

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

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

Edited: G.R Halkett

Translation of Document No. NOKW 2095
Office of Chief of Counsel for War Crimes

Copy!

Rubber Stamp: Secret

Subject: Exercise of penal authority in the occupied old Russian territories
Re: Commanding General Rear Area Army Group North
File No. III Journal No. 26/41 Top Secret of 11 December 1941

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

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

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

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

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

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

Signed: Scherer
Brigadier General (Generalmajor)

Distribution: A III- D III

Certified true copy.

Signature: Wagner
War Administrative Inspector

Translation of Document No. NOKW 2095
Continued

Certificate of Translation

14 January 1948

I, Frank Freudenthal, Civ. No. B242 988, hereby certify that I am a duly appointed translator for the German and English languages and that the above is a true and correct translation of the document No. NOKW-2095

Frank Freudenthal

Civ. No. B242 988.