

WAR CRIMES  
and  
CRIMES AGAINST HUMANITY

PART III

COMMON PLAN AND CONSPIRACY IN  
THE ESTABLISHMENT OF CONCENTRATION CAMPS

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TABLE OF ABBREVIATIONS.

NSDAP	:	Nationalsozialistische Deutsche, Arbeiterpartei or National Socialist German Workers' Party.
SD	:	Sicherheitsdienst or Security Service.
GESTAPO	:	Geheime Staatspolizei or Secret State Police.
KRIPO	:	Reichs Kriminalpolizei or Criminal Police.
SIPO	:	Sicherheitspolizei or Security Police. (This was the name given to the GESTAPO and the KRIPO considered jointly.)
SIPO and SD	:	Sicherheitspolizei and Sicherheitsdienst or Security Police and Security Service. (This was the name given to the SIPO and the SD considered jointly).
RSHA	:	Reichssicherheitshauptamt or Reich Security Head Office. (This was the headquarters office of the GESTAPO, KRIPO, and SD. This office was also known as the office of the Chief of the Security Police and SD).
WVHA	:	Wirtschaft and Verwaltungshauptamt, or Economic and Administrative Main Office.

A. References to Indictment.

COUNT ONE - THE COMMON PLAN OR CONSPIRACY

III Statement of the Offense, on page 3.

IV Particulars of the nature and development of the Common Plan or Conspiracy.

(B) The Acquiring of Totalitarian Control of Germany: Political

(b) on page 5.

(d) on page 6.

(G) War Crimes and Crimes Against Humanity Committed in the Course of Executing the Conspiracy for which the Conspirators are Responsible.

2 and 3 on page 10.

and

COUNT THREE - WAR CRIMES

VIII Statement of the Offense

(A) Murder and Illtreatment of Civilian Populations of or in Occupied Territory and on the High Seas.

Paragraphs 5 and 6 on page 12

(C) Murder and Ill-Treatment of Prisoners of War, and of other Members of the Armed Forces of the Countries With Whom Germany was at War and of Persons on the High Seas.

Paragraph 1 on page 17.

and

COUNT FOUR - CRIMES AGAINST HUMANITY

X Statement of the Offense, paragraph 2 on page 25.

(A) Murder, Extermination, Enslavement, Deportation and other Inhumane Acts Committed Against Civilian Populations Before and During the War.

Paragraphs 1 and 2 on page 26.

(B) Persecution on Political, Racial and Religious Grounds in Execution of and in Connection with the Common Plan Mentioned in Count One.

Paragraph 2 on page 26.

Paragraph 11 on page 27.

B. LEGAL REFERENCES.

1. Charter - Article 6 (a):

"CRIMES AGAINST PEACE: namely, planning, preparation, initiation or waging of a war of aggression, or a war in violation of international treaties, agreements or assurances, or participation in a common plan or conspiracy for the accomplishment of any of the foregoing."

2. Charter - Article 6 (b):

"WAR CRIMES: namely, violations of the laws or customs of war. Such violations shall include, but not be limited to, murder, ill-treatment or deportation to slave labor or for any other purpose of civilian population of or in occupied territory, murder or ill-treatment of prisoners of war or persons on the seas, killing of hostages, plunder of public or private property, wanton destruction of cities, towns or villages, or devastation not justified by military necessity."

3. Charter - Article 6 (c):

"CRIMES AGAINST HUMANITY: namely, murder, extermination, enslavement, deportation, and other inhumane acts committed against any civilian populations, before or during the war; or persecutions on political, racial or religious grounds in execution of or in connection with any crime within the jurisdiction of the Tribunal, whether or not in violation of domestic law of the country where perpetrated."

4. Preamble to the 4th Hague Convention, 18 Oct 1907:

"Until a more complete code of the laws of war can be issued the high contracting parties deem it expedient to declare that, in cases not included under the regulations adopted by them, populations and belligerents remain under the protection and rule of the law of nations, as they result from the usages established between civilized nations, from the laws of humanity and the public conscience."

5. Hague Convention No. 4 of 18 Oct 1907, Articles 4, 5, 6, 7, and 46:

a. "Article 4 - Prisoners of war are in the power of the hostile Government, but not of the individuals or corps who capture them.

They must be humanely treated.  
All their personal belongings, except arms, horses, and military papers, remain their property."

b. "Article 5 - Prisoners of war may be interned in a town, fortress, camp, or other place, and bound not to go beyond certain fixed limits; but they cannot be confined except as an indispensable measure of safety and only while the circumstances which necessitate the measure continue to exist."

c. "Article 6 - The State may utilize the labour of prisoners of war according to their rank and aptitude, officers excepted. The tasks shall not be excessive and shall have no connection with the operations of the war.

Prisoners may be authorized to work for the public service, for private persons, or on their own account.

Work done for the state is paid at the rates in force for work of a similar kind done by soldiers of the national army, or, if there are none in force, at a rate according to the work executed.

When the work is for other branches of the public service or for private persons the conditions are settled in agreement with the military authorities.

The wages of the prisoners shall go towards improving their position, and the balance shall be paid them on their release, after deducting the cost of their maintenance."

d. "Article 7 - the Government into whose hands prisoners of war have fallen is charged with their maintenance.

In the absence of a special agreement between the belligerents, prisoners of war shall be treated as regards board, lodging, and clothing on the same footing as the troops of the Government who captured them."

e. "Article 46 - Family honour and rights, the lives of persons, and private property, as well as religious convictions and practice, must be respected.

Private property cannot be confiscated."

6. Preamble to the 6th Hague Convention, 1907:

"It could not be intended by the high contracting parties that the case not provided for should, for want of written provision, be left to the arbitrary judgement of military commanders."

7. Geneva (Prisoners of War) Convention of 27 July 1929, Articles 2, 3, 4, and 66:

a. "Article 2 - Prisoners of war are in the power of the hostile Power, but not



of the individuals or corps who have captured them.

They must at all times be humanely treated and protected, particularly against acts of violence, insults and public curiosity.

Measures of reprisal against them are prohibited."

b. "Article 3 - Prisoners of war have the right to have their person and their honour respected. Women shall be treated with all the regard due to their sex.

Prisoners retain their full status (civil)."

c. "Article 4 - The Power detaining prisoners of war is bound to provide for their maintenance.

Difference in treatment among prisoners is lawful only when it is based on the military rank, state of physical or mental health, professional qualifications or sex of those who profit thereby."

d. "Article 66 - If the death penalty is pronounced against a prisoner of war, a communication setting forth in detail the nature and circumstances of the offense shall be sent as soon as possible to the representative of the protecting Power, for transmission to the Power in whose armies the prisoner served.

The sentence shall not be executed before the expiration of a period of at least three months after this communication."

8. The lack of written law is only a formal deficiency. This view is represented among others in the writings of the following authoritative writers in the field of international law: Spiropoulos, *Theorie Generale du droit international* and Kelsen: *Lehrbuch der Staatslehre und des Völkerrechts* (Tuebingen 1928, 2nd ed.). Anzilotti, *Corso di diritto internazionale* (French translation by Gidel, 1929, pp. 116-120).

9. Article 38 of the statutes of the Permanent Court of International Justice at the Hague explains unwritten law as follows:

"The Court shall apply -

1. International conventions, whether general or particular, establishing rules expressly recognized by the contesting states;

2. International custom, as evidence of a general practice accepted as law;

3. The general principles of law recognized by civilized nations;

4. Subject to the provisions of Article 59, judicial decisions and the teaching of the most highly qualified publicists of the various nations, as subsidiary means for the determination of rules of law."

10. Georg Schwarzenberger - War Crimes and the Problem of an International Court (Czechoslovak Year Book of International Law, London, 1942, page 70).

The unwritten laws of Warfare authorize the "immediate death penalty" for those guilty of violation of the Laws of Warfare.

C. Statement of Evidence.

I

The Role of Concentration Camps  
in the Nazi Conspiracy.

Concentration camps formed an integral part of the mosaic which constituted the overall plan of the NSDAP to dominate Germany and at a later date Europe without political opposition. The leaders of Nazi Germany immediately after their assumption of power 30 January 1933 started to devise ways and means to terrorize, silence, and eliminate all opposition.

The protective provisions and guarantees of the Weimar Constitution of 1919 were eliminated, enabling the Nazi State to arrest and imprison its political opponents and other objectionable persons. Articles 114, 115, 117, 118, 123, 124 and 153 of the Weimar Constitution which might reasonably be called the Bill of Rights, were suspended. The Nazi Government had a free hand to abridge personal liberty, a step until that time permissible only by authority of law.

1390-PS, Decree for Protection of People and State, 28 February 1933.

The device of "protective custody" was employed to imprison people without judicial process. Persons arrested under this decree were placed in concentration camps.

Concentration camps became a major instrument for the instillation of fear in the minds of the German people, thereby enabling the Nazi conspirators to exterminate potential internal resistance and place the German nation on a military footing.

To consolidate their grip on the German nation, and to promote their plot for complete domination, they placed in concentration camps their political opponents in the Reichstag, particularly Socialists and Communists.

L-325, U.S. State Department Dispatch,  
Berlin, 10 July 1933.

Having forced the dissolution of political opposition, they obtained for the NSDAP a practical monopoly in the political scene, since leaders of other parties were severed from public life through the instrumentality of concentration camps. The defendant GOERING himself claimed that concentration camps had to be created to rid the Nazi system of dangerous opposition.

"Against the enemies of the State, we must proceed ruthlessly. It cannot be forgotten that at the moment of our rise to power, according to the official election figures of March 1933, six million people still confess their sympathy for Communism and eight million for Marxism.....Therefore, the concentration camps have been created, where we have first confined thousands of Communists and Social Democrat functionaries...."

2344-PS, Aufbau Einer Nation. (Reconstruction of a Nation), 1934,  
p. 89. (Statement by Goering).

The defendant FRANK, at the time when he was one of the leaders of the German Bar and Government took up the defense of the concentration camps and justified arrests without warrant of arrest.

2533-PS, article "Gesetzgebung und Recht" in Zeitschrift der Akademie fuer Deutsches Recht (Legislation and Law), in the review of Academy for German Law, 1936,  
p. 141.

The practice of taking people into protective custody increased considerably notwithstanding the

decree of the Reich Minister of Interior that only persons whose conduct immediately endangered public security and order were to be taken into protective custody.

L-301, Das Archiv, April 1934, p. 31.

The power of the Gestapo to order protective custody and confinement into concentration camps is reflected in the official Party publication "Das Archiv". Concentration camps are credited with the accomplishment of protecting the Nazi system from political opposition.

"The most effective preventive measure is without doubt the withdrawal of freedom which is covered in the form of protective custody.....While protective arrests of short duration are carried out in police and court prisons, the concentration camps under the Secret State Police admit those taken into protective custody who have been withdrawn from public life for a longer time."

1956-PS, Das Archiv, Vol. 22-24, January 1936, p. 1342.

On 1 February 1938, immediately following a period of domestic political crisis, the Minister of Interior issued a new order providing that

"Protective custody can be decreed as a coercive measure of the Secret State Police against persons who endanger the security of the people and the state through their attitude, in order to counter all aspirations of enemies of the people and State."

and that the Gestapo had the exclusive right to order protective custody. Protective custody was to be executed in concentration camps.

1723-PS. Extract from Verfüegungen Anordnungen Bekanntgaben, pp. 436-439.

There was no recourse available to seek redress for acts committed against life, liberty or property.

in connection with confinement to concentration camps. The actions and orders of the Gestapo were not subject to judicial review. The decision of the Prussian High Court of Administration, 2 May 1935, held that the status of the Gestapo as a special police authority removed its orders from the jurisdiction of the Administrative Tribunals. The court said that under the law of 30 November 1933 the only redress available was by appeal to the next higher authority within the Gestapo itself.

2347-PS, Reichverswaltungsblatt, 1935,  
p. 577.

The basic law of 10 February 1936 setting forth the powers of the Gestapo provided specifically in Section VII;

"Orders in matters of the Secret State Police are not subject to the review of the Administrative Courts."

2107-PS, Law of Gestapo of 10 February 1936, Preussische Gesetzssammlung 1936, p. 21.



## II

### Establishment of Concentration Camps and authority for confinement.

Concentration camps were originally established and administered by the State through the Gestapo. Only later did they come under the jurisdiction of the SS.

The first concentration camps, which were established in the spring of 1933, were

Dachau, established by Himmler as Head of the Political Police of Bavaria, and

Sachsenhausen (Oranienburg), established by GOERING.

2108-PS, decree for execution of law of 10 February 1936.

2183-PS, statement of ex inmate Helmut Simolka, 3 October 1944, pp. 1, 2, par.s 1 and 2.

L-83, statement of Gerhard Seger, 21 July 1945, p. 1., par. 1.

Four more major camps were established prior to 1 September 1939. They were all kept in operation until the entry of Allied troops. These camps were:

Buchenwald, established in July 1937,  
2171-PS, U.S. Government report on Numerical Expansion of the Buchenwald Concentration Camp, 18 June 1945, p. 1., par. 2.

Flossenburg was established in 1938.  
2309-PS, Report of Investigation by the Judge Advocate Section, Third United States Army. Investigator's report, 21 June 1945, p. 2., par. 8.

Mauthausen (Austria) was in operation prior to January 1939, from which time on the deaths of the inmates were recorded.  
493-PS, Death Books (Totenbuecher) of the Mauthausen Concentration Camp.

Ravensbruck, established on 15 May 1939.  
1063-PS, File of State Police (Leitstelle)  
Branch, Dusseldorf, decrees on  
concentration camps. FS-9760,  
telegram dated 23 May 1939.

Some camps which operated prior to 1939 were  
later discontinued or merged with other camps. For  
instance, on 5 September 1936 the inmates of the  
Esterwegen camp were transferred to the Sachsenhausen  
concentration camp.

1063-PS, supra. Gestapo letter dated 30  
September 1936, signed Buehrmann.

On 15 May 1939 the Lichtenburg concentration camp  
was dissolved, at which time the Ravensbruck camp for  
women was opened up.

1063-PS, supra. FS-9760, Gestapo telegram  
23 May 1939.

With the progress of the war the number of conc-  
entration camps gradually increased.

Gusen concentration camp in Austria existed  
prior to 1 June 1940.  
494-PS, original death books of the Gusen  
concentration camp.

Neuengamme concentration camp was established  
on 4 June 1940 near the city of Hamburg.  
1063-PS, supra. FS-15112, telegram of RSHA  
IV C 2.

Gross Rosen concentration camp, near Jauer,  
Silesia, was established as an independent  
concentration camp on 1 May 1941.  
1063-PS, supra. FS-7182, telegram signed  
Borkmann.

Auschwitz concentration camp, 30 kilometres  
SSE of Cracow, existed prior to 5 July 1941.  
1063-PS, supra. FS-7936, telegram signed  
Mueller.

Niederhagen concentration camp, near Pader-  
born, was in operation prior to 30 April 1942.  
R-129, letter of Obergruppenfuehrer Pohl,  
dated 30 April 1942.

Hinzert SS special camp (Sonderlager), near  
Trier, existed also prior to 30 April 1942.  
R-129, supra.



Stutthof, near Danzig, existed as a special camp (Sonderlager) prior to 20 February 1942, on which date it was officially reclassified as a concentration camp.

1063-PS, supra. Letter of RSHA IV C 2, dated 20 February 1942, signed by Mueller, certified by Bleeck.

Hertogenbosh concentration camp, in Holland, was established on 5 January 1943.

1063-PS supra. RSHA IV C 2 order of 18 January 1943, signed Mueller, certified Bleeck.

Riga concentration camp was established effective 15 March 1943.

1063-PS, RSHA IV C 2, order of 2 April 1943, signed Mueller, certified Bleeck.

Lublin prisoner of war camp was reclassified into a concentration camp on 9 April 1943.

1063-PS, supra. RSHA IV C 2 order of 9 April 1943, signed Mueller, certified Bleeck.

Warsaw concentration camp was established on 15 August 1943.

1063-PS, supra. RSHA IV C 2 order of 22 July 1943, signed Dr. Berndorff, certified Bleeck.

Kauen and Vaivara concentration camps were established on 15 September 1943.

1063-PS, supra. RSHA IV C 2 order of 2 October 1943, signed Mueller, certified Bleeck.

Plaszow labor camp was reclassified into a concentration camp on 14 June 1944.

1063-PS, supra. RSHA IV C 2 order of 14 June 1944.

The camps mentioned above are regarded as major camps. The commanders of these major camps had under them, in addition to the camps listed above, other camps usually referred to as subsidiary or outer camps. For instance 21 such camps belonged to the Mauthausen chain of camps: Quarz, Solvay, Ebensee, St. Valentin, Linz, Graz (Leibnitz), St. Agyd, Peggau, Schlier, Wr. Neudorf, Wr. Neustadt, Sauerweke, Steyr, Gunskirchen,

Hinterbruhl, Loibl-Pass, Amstetten, Florizdorf, Lenzing,  
Wels, Gross Ramming, St. Lambrecht.

2176-PS, Exhibit 21, report of investigation  
by Judge Advocate Section, 3rd  
United States Army, 17 June 1945.

1515-PS, Protocol by the Commander of the  
Mauthausen Concentration Camp, SS  
Standartenfuehrer Franz Ziereis,  
p. 3.

The concentration camp chain sometimes referred to  
as the Nordhausen chain included the following camps:

Artern, Ballenstedt, Blankenburg, Bleicherode, Dora,  
Ellrich, Gross Werther, Harzungen, Hohlstedt, Ilfeld,  
Ilsenburg, Kelbra, Klein Bodungen, Kleissingen,  
Mackenrode, Nixei, Nordhausen (Boelke Kaserne),  
Osterhagen, Osterode, Quedlinburg, Regenstein, Rossla,  
Rottleberode, Sollstedt, Sonderhausen, Tettenborn,  
Trautenstein, Walkenried, Wickerode, Wieda, Woffleben.

2222-PS, report of investigation by the  
Office of the Judge Advocate  
General, Headquarters 12th  
Army Group, 25 May 1945, p. 1.,  
para. 3 of Investigator's report.

The total number of concentration camps reached  
the figure of 400. They were established all over  
Germany and also in territories occupied by Germany.  
Many of them were in armament or industrial centers.

2839-PS, chart on concentration camps  
prepared by the Special Projects  
Division of the Office of U.S.  
Chief of Counsel.

Prior to the setting up of the RSHA (Reichsicherheitshauptamt or Reich Security Main Office) by  
Himmler on 27 September 1939 the establishing of  
concentration camps was ordered by the Gestapo. These  
orders were issued by the Gestapo, then a section of

the Sipo. After 27 September 1939 they originated from Section IV C 2 of the RSHA.

Section IV C 2, having jurisdiction over matters of protective custody, was headed by SS Obersturmbannfuehrer Dr. Berndorff. This was a subdivision of Section IV of the RSHA, being the official designation of the Gestapo.

L-219, Organization plan of the RSHA as of 10 October 1943.

The Gestapo also issued orders transforming prisoner of war camps and labor camps into concentration camps.

1063-PS supra, RSHA order of 9 April 1943, signed Mueller, certified Bleeck.

1063-PS supra, RSHA IV C 2 order of 14 June 1944.

After the establishment of the Gestapo, it was given authority to order "protective custody". Consequently the Gestapo exercised this authority and persons taken into protective custody were sent to concentration camps. The Gestapo also exercised jurisdiction over the release of prisoners and had the authority to issue the necessary regulations.

1723-PS, extract from Verfaegungen, Anordnungen, Bekanntgaben, pp. 436-439.

The jurisdiction of the Gestapo in this connection is clearly stated in the decree to the basic law of 10 February 1936.

2108-PS, decree on law of 10 February 1936, Preussische Gesetzsammlung, 1936, p. 22.

All orders for protective custody other than short term confinements were issued in the name of the Chief

of the Security Police and SD and bore the facsimile stamp of his signature. KALTENBRUNNER was Chief of the Security Police from January 1943.

2477-PS, affidavit of Willy Litzenbarg,  
4 November 1945.

The commandant of Buchenwald concentration camp in his affidavit states:

"With the exception of mass delivery of prisoners from the concentration camps of occupied territories, all prisoners were sent to the concentration camp Buchenwald on orders of the Reichssicherheitshauptamt Berlin. These preventive arrest orders (red blanks) were in most cases signed with the name KALTENBRUNNER. The few other preventive arrest orders were signed with "Foerster".

L-38, affidavit of Hermann Pistor,  
1 August 1945.

The role of the Gestapo in ordering confinement to concentration camps is fully discussed in the brief on the Gestapo and SD.

The Kripo and the courts had jurisdiction to send criminal elements to concentration camps. Himmler, and probably also Hitler exercised the authority to issue direct orders for confinement. Himmler also gave direct orders to concentration camps to execute inmates.

493-PS, Deathbooks (Totenbuecher) of the  
Mauthausen concentration camp.

494-PS, Death books of the Gusen  
concentration camp.

### III

#### Purposes of Concentration Camps and Types of Inmates

##### 1. Political.

a. Concentration camps were used by the Nazi conspirators for various purposes. Prominent among them there was the consideration to eliminate from public life those persons who were suspected of being political enemies or potential political enemies of the Nazi Party and State.

The official publication of the N.S.D.A.P. says:

"The most effective preventive measure is without doubt the withdrawal of freedom which is covered in the form of protective custody.....While protective arrests of short duration are carried out in police and court prisons, the concentration camps under the Secret State Police admit those taken into protective custody who have been withdrawn from public life for a longer time."

1956-PS, Das Archiv, Vol. 22-24, January 1936, p.1342.

GOERING explains the purpose of concentration camps in the same terms.

2344-PS, Aufbau Eine Nation, (Reconstruction of a Nation), 1934, p.89.

In an order to the Prussian State Police Department Heydrich stated that it was impossible to defeat illegal movements by means of legal punishment. Preventive measures must predominate. Therefore, persons suspected of Communistic activity will in general be taken into protective custody and transferred to concentration camps.

Communists who have been taken into protective custody for the second time were held for an indefinite period, in accordance with a decree of the Minister of Interior dated 13 December 1934.

D-83, order of Heydrich to all Prussian State Police Departments re putting communists in concentration camps, 29 July 1935.

The Nazi conspirators confined, under the guise of "protective custody" Reichstag Members, Social Democrats, Communists and other opponents and suspected opponents.

L-325, U.S. State Department Dispatch, Berlin, 10 July 1933.

Himmler, in a speech delivered in Poznan before SS leaders, claims credit for the SS for the elimination of the Communist political opposition and confinement of Communists in concentration camps.

1919-PS, Himmler's speech delivered in Poznan on 4 October 1943, pp. 43-44.

The use of concentration camps to eliminate the political opponents of the Nazi system is shown in statements of victims who spent many years in the camps.

L-83, Statement of Gerhard Seger.

2183-PS, Statement of Helmut Simolka, 30 October 1944, p. 1., par. 1.

b. The Nazi conspiracy to gain total control of every phase of life hit also the trade unions, the leaders of which were taken into protective custody and confined in concentration camps.

392-PS, Das soziale Leben im Neuen Deutschland unter besonderer Berücksichtigung der Deutschen Arbeitsfront (The Social Life of New Germany with Special Consideration of the German Labor Front), circular directive of the Political Organization of the NSDAP, 21 April 1933, pp. 51-52.

Further information on the use of concentration camps to complete the destruction of the trade union movement is contained in Section 8 of the brief on trade unions.

c. With the occupation of Austria a new group of political prisoners was sent to concentration camps. Anti-Nazis, political leaders and party members alike were thrown into concentration camps.

L-173, Statement of Dr. Ludwig Soswinski, an Austrian law graduate.



With the successive occupation of other European countries the political enemies of Nazism and German domination began to stream into concentration camps.

2176-PS, Exhibit 5, sworn statement of Premysl Dobias, 12 May 1945.  
Exhibit 16, affidavit of Jean Biondi, 17 May 1945.  
Exhibit 27, affidavit of Lucien Vanherle, 9 May 1945.  
Exhibit 29, statement of Count Anthony Sigray, 11 May 1945.

2223-PS, Exhibit 63, affidavit of Jan Leitner, 21 March 1945.  
Exhibit 76, sworn statement of Kasimier Czyszewski, 22 April 1945.  
Exhibit 100, affidavit of General Otakar Husak, 23 April 1945.

2428-PS, affidavit of Dr. Franz Mis, 1 May 1945.

d. A special group of political prisoners in concentration camps was called "Nacht und Nebel" (Night and Fog) prisoners. They represented a select group of political prisoners from occupied territories.

On 7 December 1941, KEITEL issued a directive, called the "Nacht und Nebel Erlass", under which all civilians charged with offenses, other than those in which the death sentence was certain, were to be taken secretly to Germany and surrendered to the SIPO and SD for trial or punishment in Germany. This decree was approved by Hitler on the theory that to combat terrorization, either capital punishment or a method of keeping relatives ignorant of the action taken was necessary.

L-90, Decrees of 7 December 1941 and 12 December 1941, by KEITEL.

In compliance with the above directive, the military intelligence turned over cases, other than those in which the death sentence was probable, to the Gestapo and the Secret Field Police for secret deporting to Germany. The order applied at first only to Norway, Holland, Belgium and France.

833-PS, Instructions of 2 February 1942 by Admiral Canaris, head of Abwehr.

A surviving "Nacht und Nebel" prisoner explains this type of confinement as follows:

"The prisoners in this group belonged to one of the most severely treated groups. The relatives of these prisoners never knew where they were sent. It was also forbidden that an official statement of the occurred death be sent to the nearest of kin, nor the personal effects returned.

While it was a rule that all prisoners were permitted to write a short letter every 6 weeks and also receive parcels with certain restrictions, for the "Nacht und Nebel" prisoners all those privileges were forbidden. If some letters arrived they were not delivered. Among that group were not solely Frenchmen but prisoners of all nations. The undersigned was also classified in that group."

2176-PS, Supplementary Report No. 1, Exhibit W3, affidavit of the former inmate of the Mauthausen concentration camp Gerhard Kantsack, 18 June 1945, p. 1. par. 3-6.

## 2. Racial.

a. Jews were arrested in large numbers and sent to concentration camps. The number of Jews sent to concentration camps increased after the pogrom of 9-10 November 1938, organized in connection with the shooting of the secretary of the German Legation in Paris, von Rath, by a Polish Jew. Invariably after completion of the arrests the concentration camp affected was to be notified in order to provide for the speediest transfer of the Jews to the camps. In his instructions Muller, the Chief of the Gestapo, stated that preparations had been made for the arrest of some 20,000 to 30,000 Jews.

374-PS, Gestapo orders of 9 November 1938.

1616-PS, Conference conducted by GOERING, 12 November 1938.

L-202, State Department Dispatch from D. H. Buffum, American Consul at Leipzig, 21 November 1938.



b. The roundup of Jews and their transfer to concentration camps gained momentum after the war began. This new drive against the Jews was in line with the professed policy of Hitler to obliterate the Jewish race from the earth in the event of a world war. Hitler in a speech said:

"If the international Jewish financiers succeed in plunging the nations once more into a world war, the result will not be Bolshevization of the world and the victory of Jewry, but the obliteration of the Jewish race from the earth."

2663-PS, Voelkischer Beobachter, 1 February 1939.

For instance immediately after the start of the war several thousand Viennese Jews were sent to Buchenwald.

2429-PS, affidavit of Isaak Egon Ochshorn, 5 September 1945, p. 1., par. 1.

Jews were picked up in large numbers in Holland on 18 November 1941, according to the statement of a Dutch Jew who was himself arrested, together with his mother and sister. The mother and sister were sent to the concentration camp of Auschwitz and gassed, while he landed in the concentration camp of Dachau.

2428-PS, report of investigation of Dachau by Seventh Army, affidavit of Willie Lowenberg, 23 May 1945, p. 2.

Dr. Nikolas Saphir was arrested in Cluj, Roumania, (then Hungary), for being a Jew and taken to a concentration camp.

2428-PS supra, affidavit of Dr. Nikolas Saphir, 22 May 1945, p. 1.

c. Toward the end of the war the German Government operating through the Jewish subsection of the Gestapo, headed by Adolf Eichmann accelerated the speed of sending Jews to concentration camps. By that time Jews were sent directly to extermination camps like Auschwitz.

From Hungary alone between 19 March 1944 and 1 August 1944 more than four hundred thousand Jews were put in wagons and dispatched to extermination camps.

2605-PS, affidavit of Dr. Rudolph Kastner, former President of the Hungarian Zionist Organization, 13 September 1945.

3. Religious.

a. The Nazi Party and the State carried on an extensive campaign against religion. Religious leaders were sent to concentration camps to leave a free hand to the Nazi conspirators to carry out their political schemes. Commanders of various concentration camps were instructed that members of the clergy are to be used for any type of work, except clergymen of Nordic nationalities who are to be given easier tasks. This order was sent to the camp commanders of various camps, among others: Dachau, Sachsenhausen, Buchenwald, Mauthausen, Flossenburg, Neuengamme, Auschwitz, Gross Rosen, Natzweiler, Norderhagen, Stutthof. It is indicated by this list that the confinement of clergymen in concentration camps was a general practice.

2188-PS, order of the chief of Department D of the SS Economic and Administrative Office, 21 April 1942.

According to a Czechoslovak Catholic priest confined in concentration camp of Dachau, 2,540 priests were processed there.

2428-PS, affidavit of Rev. Frederick Hoffman, 18 May 1945, p. 3.

Many Catholic priests were sent to concentration camps because they had been intellectual leaders in their community. Polish priests were in concentration camps in large numbers.

2428-PS, testimony of Rev. Marion Dabrowski and Rev. Leo Michalowski.

b. A directive signed by Heydrich ordered the immediate suppression of certain religious societies and the internment in concentration camps of all persons connected therewith. Severest measures were ordered against Christian Scientists.

D-59, directive signed by Heydrich, Chief of Sipo and SD, 9 June 1944.

c. "Bibelforschern" (Bible research workers) formed a special group of prisoners in concentration camps. General orders had been issued by Gestapo Headquarters to subordinate police offices to place Bibelforschern in protective custody and transfer them to concentration camps.

Such orders were issued since the early years of the Nazi regime. The Berlin Gestapo states that the order to arrest Bibelforschern and place them in protective custody and concentration camps was in agreement with the Reich Ministry of Justice.

D-84, orders against Bibelforschern.

- a. From Gestapo Hq. Berlin to all State Police Headquarters, 5 August 1937.
- b. From Gestapo Hq. Düsseldorf to subordinate headquarters, 27 April 1939

#### 4. Criminal - "Preventive Custody"

Under the German Criminal Code, Section 42e (law of 24 November 1933) courts were empowered to sentence habitual criminals to indefinite terms in "Strafgefängnissenlager") (penitentiary camps). Furthermore by the decrees of the Prussian Prime Minister of 15 November 1933 (II C. II. 31 No. 336/33) and of 10 February 1934 (II. C. II 32 No. 27/34) dangerous habitual criminals who had not necessarily committed new crimes could be taken into "Vorbeugende Polizeihaft" (preventive police custody). Many of these criminals were transferred to concentration camps.

-PS,

A decree of the German Minister of Justice directed that not only German, but also Polish, Ukrainian, Russian and other criminals were to be sent to concentration camps.

648-PS, decree of the German Ministry of Justice on the transfer of convicts, 22 October 1942

Criminals were given supervisory positions over other inmates by the SS. In the concentration camps they were commonly called Capos. It was a policy of the SS to place the worst type of common criminal over political prisoners.

2176-PS, Exhibit 2 of supplementary report No. 3, statement of Johann Folger.  
Exhibit 6 of supplementary report No. 3, statement of Fritz Gunther, 11 July 1945.  
2222-PS, Affidavit of Erile Worgul, 13 April 1945  
Exhibit 3.

#### 5. Antisocial or "Workshy" Elements.

This group represented a numerically important group of inmates in concentration camps.

2309-PS, Vol. IV.

An example of this type of confinement is contained in an order for protective custody issued by the Gestapo (Art IV C 2, RSHA) bearing the facsimile signature of KALTENBRUNNER, to the Gestapo office in Koclin, in the case of a woman whose offense was stated to be failure to work, work sabotage, and anti-social conduct. She was ordered to be confined in the concentration camp at Ravensbruck.

2745-PS, original order for commitment to concentration camp, 7 July 1943, signed KALTENBRUNNER.

#### 6. Prisoners of War.

Prisoners of war were in large numbers in concentration camps, particularly prisoners of war from the Soviet Union.

2176-PS, report of Investigation by Judge Advocate Section, Third United States Army of Mauthausen concentration camp.

2222-PS, report of Investigation by the Office of the Judge Advocate General, Headquarters, 12th Army Group, of Nordhausen Concentration Camp. \* \* \*

2223-PS, report of Investigation by Judge Advocate Section, Third United States Army, of Buchenwald Concentration Camp.

2309-PS, report by Headquarters, Third United States Army, on Flossenburg concentration camp.

British and American officers and enlisted men were in Mauthausen.

2176-PS supra, Exhibit 5, affidavit of Jack H. Taylor, Lieut. USNR, 14 May 1945.

1515-PS, supra, p. 4.

a circular order of the Chief of the Sipo and SD gives instructions on the subject of the transportation to concentration camps of Russian prisoners of war scheduled for execution.

1165-PS, circular orders from Chief of Sipo and SD, signed Mueller, 9 November 1941

In March 1944, pursuant to an order of the OKW (High Command of the Armed Forces), the Chief of the Sipo and SD directed that recaptured prisoners of war should be transported to the Mauthausen concentration camp. The camp commandant is to be informed that the prisoners of war are being handed over under the operation "Kugel". There are two versions of this order.

1650-PS, Circular order 6 March 1944, signed Mueller, SS General, from Wachen Branch Office of Secret State Police to all State Police Directorates except Prague and Brunn.

L-158, Circular order, 28 March 1944, signed Illmer (typed), Commander Sipo and SD for District of Radom.

7. There were also other classes of inmates in concentration camps, such as:

- a. Homosexuals (on the basis of par. 175 of the German Criminal Code).
- b. Emigrants.
- c. Former Wehrmacht members, who were declared guilty of desertion and similar acts.

2309-PS, supra, Vol. I, p. xi, showing insignia worn by various classes of inmates.

d. Others.

Again others were confined for personal reasons or as a result of a special order or action.

On 19 July 1944, the Commander of the Sipo and SD for the District Radom published an order transmitted through the Higher SS and Police Leaders to the effect that in all cases of assassination or attempted assassination of Germans, or where saboteurs had destroyed vital installations, not only the guilty person but also all his (or her) male relatives should be shot and the female relatives over sixteen years of age put into a concentration camp.

L-37, top secret letter dated 19 July 1944 from Illner, Chief of the Sipo and SD of Radom, to subordinates, transmitting order of HSSuPF OST of 28 June 1944.

In the summer of 1944, the Einsatzkommando of the Sipo and SD caused persons to be confined at Sachsenhausen concentration camp because they were relatives of deserters and were, therefore, "expected to endanger the interests of the German Reich if allowed to go free."

L-215, Original dossiers of Luxembourgers committed to concentration camps in 1944.

The Gestapo, ordering arrest and commitment to concentration camps, used such grounds as the following for their action: "working against the Greater German Reich with an illegal resistance organization", "Being a Jew", "strongly working for the detriment of the Reich", "being strongly suspected of aiding desertion", "because as a relative of a deserter he is expected to take advantage of every occasion to harm the German Reich", "refusal to work", "sexual intercourse with a Pole", "religious propaganda", "Working against the Reich", "loafing on the job", "defeatist statements".

L-358, original Haftbuch, Tomaszow-Maz, Poland, year 1943.

L-215, File of original orders for commitments to concentration camps.



#### IV

##### Administration of Concentration Camps.

###### a. Control over Camps

Control over the entire internal administration of concentration camps and of the treatment of inmates was a function exercised by the SS. Originally this function belonged to the Inspector of Concentration Camps.

After March 1942 the function was performed by Department (Amtsgruppe) D of the Economic and Administrative Main Office of the SS (SS Wirtschafts und Verwaltungshauptamt, commonly referred to as WVHA).

1063-PS , mimeograph copy of Himmler's order 3 March 1942 setting up Department D of WVHA.

Reference is made in this connection to the brief on the SS. Section C of this brief describes the various functions of the camp administration, the system of guards and the policies applied in the treatment of inmates.

A chart of the organization of the WVHA and Department D is presented in the official U. S. Government report on Flossen-burg.

2309-PS, Vol. I, p. XV-XVI.

There were frequent conferences between the RSHA and executives of the SS Wirtschaft and Verwaltungshauptamt who had charge of the internal administration of concentration camps. The affidavit of Rudolf MILDNER states with respect to these conferences:

"SS Obergruppenfuehrer KALTENBRUNNER attended personally conferences with SS Obergruppenfuehrer PEHL, Chief of the SS Wirtschaft and Verwaltungshauptamt and Chief of the concentration camps. Due to those conferences and through talks with the Chief of Office Gruppenfuehrer MUELLER of Amt IV and Gruppenfuehrer NEBE of Amt V, the Chief of the Security Police and SD, SS Obergruppenfuehrer Dr. KALTENBRUNNER, must have known the state of affairs in the concentration camps."

I-35, affidavit of Rudolf MILDNER, 1 August 1945.

b. Penal and Disciplinary Regulations.

Lawlessness in concentration camps was officially countenanced and encouraged from the time when the first camps were established. At the very outset of the concentration camp system the guards, members of the NSDAP, illtreated and murdered inmates in their charge.

641-PS, report to Public Prosecutor General in Munich of murder of Dr. Strauss in Dachau by an SS guard. 1 June 1933.

642-PS, same as to murder of Hausmann.

644-PS, same as to murder of Schloss.

645-PS, same as to murder of Nefzger

1216-PS, original typewritten memorandum of Winterberger, Public Prosecutor, re above murders.

Despite the attempts of the local public prosecutors to bring the murderers to justice, the proceedings were frustrated by higher SS and police officials.

1216-PS, original typewritten memorandum of Winterberger, Public Prosecutor.

The regulations issued for the Dachau concentration camp as far back as May 1933 established martial law and gave the camp commander and members of his staff the right to execute inmates for minor infractions. Camp authorities could inflict all punishments without the intervention of any court of justice.

1216-PS, special regulations for the inmates of the Dachau camp.

The disciplinary and penal regulations for the same camp, and service regulations for the camp personnel, show that inmates of the camp were hopelessly exposed to the fancy of the guards. These regulations provided among other punishments for violations of camp rules, twenty-five strokes with a stick, bread and water diet. SS authorities in control of the camp were encouraged in the free use of arms against prisoners.

778-PS, Disciplinary and Penal Measures for Concentration Camp Dachau, and Service Regulations for the Camp Personnel, signed Eicke, 1 October 1933.



Political prisoners were tortured, shot or beaten to death. A series of official autopsy reports taken in the concentration camp Dachau in the years 1933 and 1934 under the auspices of a German State Court (Landesgericht) clearly indicate that the bodies examined suffered severe beatings and tortures which ultimately resulted in their deaths.

2339-PS, original autopsy reports on Dachau inmates, 20 October 1933 and other dates.

After the beginning of the war even stricter regulations were enacted, particularly against political prisoners. Orders sent by RSHA Amt IV to all Gestapo branches, all inspectors of the Sipo and SD, and the Inspector General of the SS Totenkopf regiments, ordered for the duration of the war the transfer of all prisoners in protective custody, i.e. political as distinguished from criminal prisoners, to special penal units in concentration camps. Only prisoners arrested as a preventive measure and those explicitly exempt were excluded.

1531-PS, top secret circular order from Amt IV of the RSHA, 26 October 1939.

The Office of the Chief of the Sipo and SD ordered that third degree methods could be used after preliminary investigations disclosed that the prisoner had information on important subversive facts and refused to talk. Third degree methods could be applied without further permission against Communists, Marxists, Bible students, saboteurs, parachute agents, anti-social elements, Poles and Russians. Examples of third degree methods include bread and water diet, dark cells, deprivation of sleep, drill to exhaustion, and flogging.

1531-PS, top secret circular order from Office of the Chief of Sipo and SD, 12 June 1942.

Even the method of carrying out corporal punishments in concentration camps was used to further the conspiracy to perpetuate the domination of the Germans. Uniform rules for the execution of corporal punishment were prescribed by the Reichsfuehrer SS himself. The purpose of this rule was to create ill

feeling and hatred among members of different national groups and thereby lessen the danger of united resistance against German domination.

For example a letter of the Department D of the Economic and Administrative Main Office refers to the instructions of the Reichsfuehrer SS and Chief of the German Police that the execution of punishment on Russian women should be done by Polish women and on Polish and Ukrainian women by Russian women.

2187-PS, photostat of signed orders from Department D of Economic and Administrative Main Office, 14 July 1943.

This same idea is expressed in an order signed by Richard Gluecks, SS Brigadefuehrer, Chief Department D, Economic and Administrative Main Office, that whipping punishments of female inmates of concentration camps are to be carried out by other inmates. It is forbidden however to carry out the punishment on German inmates by foreign inmates.

2189-PS, photostat copy of orders from Department D of Economic and Administrative Main Office, signed by Richard Gluecks, 11 August 1942.

The policy of the German Government towards the inmates of concentration camps is shown in an order of Pohl, Chief of Economic and Administrative Main Office, calling for the beating of inmates in the following words:

"It is entirely improper to complain about the poor quality of the clothing or perhaps even to feel sorry for an inmate because the poor fellow for example does not have shoes any more, instead of teaching him regularly, if it has to be, by beating him, how to get the most out of his clothing."

2309-PS, report on Flossenburg concentration camp by Hq. Third U.S. Army, Volume I, p. XXIX, order of Pohl, 7 November 1944.

Development in the use of concentration camps  
in line with the change of policy  
of the German Government.

1. The use of concentration camps in the  
interest of political domination.

Concentration camps, when first established, served primarily for the confinement of persons who were regarded as enemies or potential enemies of the Nazi Party and State as explained in "Das Archiv".

1468-PS, "Das Archiv". Vol. 22-24, p. 1342,  
January 1936, "The Meaning and  
Tasks of the Secret State Police".

The policies and purposes which had been prevalent between 1933 and the inception of the war in September 1939 are described in Section III of this brief.

Also in that period the camps were used for the purpose of obtaining slave labor and exterminating objectionable inmates. However ~~these~~ occurrences were incidental and by no means characteristic as they became after 1942.

2. The use of concentration camps as a source  
of Slave Labor.

In 1942 concentration camps were converted into large state economic enterprises. In a letter to Himmler, Pohl, head of the Economic and Administrative Main Office, stated:

"The custody of prisoners for the sole reason of security, education or prevention is no longer the main consideration. The emphasis has shifted to economic considerations."

R-129, letter from Pohl, Chief of WVHA, to Himmler, 30 April 1942.

SS Obergruppenfuehrer Pohl ordered unlimited working hours, subject to the camp commanders alone,

and work to exhaustion, in concentration camps.

R-129, circular order by Pohl to the Chief of Department D of the Economic and Administrative Main Office, to all concentration camp commanders etc.  
30 April 1942.

Mueller, Chief of the Gestapo, required the following measures in connection with Himmler's orders of 14 December 1942:

"As of now (so far until 1 February 1943) all Eastern workers or such foreign workers who have been fugitives, or who have broken contracts, and who do not belong to allied, friendly, or neutral States are to be brought by the quickest means to the nearest concentration camp."

1063-PS, circular telegram, 16 December 1942, signed Mueller.

Additional prisoners fit for work were ordered to be transferred to concentration camps to build up a reservoir of labor.

An order of Mueller, Chief of the Gestapo, acting as Chief of the Sipo and SD on the basis of orders of Himmler dated 14 December 1942, calls for at least 35,000 persons fit to work to be sent to concentration camps.

L-41, order of Mueller, Chief of the Gestapo, acting as Chief of the Sipo and SD,  
16 December 1942.

the inmates were utilized by the SS for work in private industry and in industrial establishments of its own.

1584-PS. (1) Doc. II, Report to Himmler, signature of Pohl, as to use of concentration camp inmates in aircraft production program.  
22 February 1944.

(2) Doc. II A, memorandum to Pohl signed by Himmler, 8 March 1944.

- (3) Doc. III, letter to Goering, signed Himmler, 9 March 1944.
- (4) Doc. V, letter to authorities in armament production, Speer's signature, 17 April 1944.

The SS regarded the labor of concentration camp inmates an SS asset. As compensation to the SS for allowing the use of such labor in the armament industry, Hitler authorized the allotment of a 3 to 5 percentage of the products of such labor to the SS.

R-124, Notes of conference with the Fuehrer prepared by Speer.

After the suppression of the Warsaw uprising in 1944, tens of thousands were sent from Warsaw to concentration camps. HANS FRANK and his State Secretary Buehler requested KALTENBRUNNER to release these persons. KALTENBRUNNER refused on the grounds that they were employed in making secret weapons for the Reich.

2476-PS, affidavit of Joser Buehler, 4 November 1945.

The Commander of the Mauthausen concentration camp, in a protocol dictated shortly before his death, describes the use of concentration camp inmates in various enterprises. For example inmates worked in the Messerschmidt factory. Though the management paid 8 marks per day for the inmates to the concentration camp administration at Oranienburg, the latter received



only 50 pfennigs. There was a camp called Schlier in which 1000 prisoners, mostly Jews who were skilled in engraving and printing, were forced to produce forged bank-notes, papers, and seals.

1515-PS, protocol by the commander of the Mauthausen concentration camp, SS Standartenführer Franz Ziereis, p. 3, 1945, p. 4., p. 3.

3. The use of Concentration Camps for Extermination.

a. The program to exterminate the Jews of Europe gained momentum after the German attack on the Soviet Union. The threats against the Jews were reiterated in high government circles. In his speech of 30 January 1942, Hitler said:

"We realize that this war can only end either in the wiping-out of the German nation, or by the disappearance of Jewry from Europe. On 1st September I spoke in the Reichstag.....and I said.....that the result of this war would be the destruction of Jewry.....The hour will come when the worst enemy of the world, of all times, will have finished his part for at least one thousand years to come."

2664-PS, (Voelkischer Beobachter, #32, p. 5., 1 February 1942)

The defendant ROSENBERG, at a meeting of the German Labour Front in Hamburg in November, 1942, said:

"The Jewish problem will only be solved when not a single Jew remains in Europe."

2655-PS, Hamburger Fremdenblatt, 19 November 1942.

Gas chambers were established in several concentration camps after the beginning of the war with the Soviet Union on 22 June 1941.

The arrest of Jews and their shipment to extermination camps was carried out under the direction of Aichmann, head of the section handling Jews in the Gestapo. Heydrich gave the instructions to carry out this program, through Mueller, Chief of the Gestapo, to Aichmann. Aichmann's staff was composed of members of the Sipo, especially the Gestapo. The Jews were shipped on order of the Sipo and SD to extermination camps in the East. Aichmann estimated, and so reported to Himmler, that 4,000,000 Jews were killed in the annihilation camps in the East, in addition to the 2,000,000 Jews shot by the Einsatz Groups. The extermination of Jews in the annihilation camps was accomplished mainly after the beginning of 1943, during the time KALTENBRUNNER was the Chief of the Security Police and SD.

2615-PS, affidavit of Dr. Wilhelm Hoettl,  
5 November 1945.

The gas chambers in Mauthausen were built on orders from Gluecks, Chief of Department D of the Economic and Administrative Main Office.

1515-PS supra. P. 2.

In 1942 the RSHA, through its section IV C 2, directed the removal of Jewish concentration camp inmates to the concentration camps of Auschwitz and Lublin (Majdanek).

1063-PS supra. FS-10579, circular telegram  
signed Mueller, 6 November 1942.

An illustration of the extermination policy of the Nazi conspirators appears in a telegram sent by Mueller,

Chief of the Gestapo, asking for the transportation of 45,000 Jews to the Auschwitz chain of camps, starting from 11 January 1943: These 45,000 Jews to be divided as follows:

30,000 Jews from the Bialystock district.

10,000 Jews from the Theresienstadt Ghetto (from which 5,000 Jews capable of work who thus far performed smaller jobs in the Ghetto, and 5,000 Jews in general incapable of labor, also Jews over 60 years old).

3,000 Jews from the occupied Dutch territories.

2,000 Jews from Berlin.

Total 45,000 This figure includes the appendix of Jews and children incapable of working.

R-91, telegram from Mueller, SS Gruppenfuehrer, to Reichsfuehrer SS, 16 December 1942.

Jews sent to Auschwitz and to its sister camps Birkenau and Lublin were dispatched there for extermination. Section C. 3. of the brief on crimes committed in concentration camps shows that from 4,000,000 to 5,000,000 Jews were murdered in Auschwitz-Birkenau alone. The extent of the extermination policy is contained also in the above section.

b. Jews were by no means the only class of people subjected to extermination. The extermination of large groups of prisoners was ordered by the SS Economic and Administrative Main Office under a procedure known as "Action 14 F 13" and "Action 14 Y 13".

1151-PS, letters and telegrams to and from WVHA as to "Action 14F13" from files of Gross Rosen Concentration Camp.

1515-PS, supra, p. 7.



A large number of inmates in various concentration camps was earmarked for Sonderbehandlung (special treatment), this term being equivalent to extermination. Executions of such "special treatment" were reported regularly by the camp commander to higher Reich authorities. For example in such a report, addressed to Department D of the Economic and Administrative Main Office, the commander of the Gross Rosen concentration camp announces the completion of such "Sonderbehandlung" on 127 inmates.

1234-PS, report of the commander of the  
Gross-Rosen concentration camp,  
3 April 1942.

A telegram from Department D of the Economic Administration Main Office refers to a decree of 10 December 1941 on the "special treatment" of sick persons and persons not capable of working.

1234-PS supra, Fernschreiben (wire) of  
the Amtsgruppe D of Economic  
and Administrative Main Office,  
25 March 1942.

In a secret report from the Gross Rosen concentration camp the execution of 18 Polish political prisoners is announced.

1234-PS supra, secret report from Gross  
Rosen concentration camp,  
28 November 1944.

The international committee of inmates of Mauthausen reports on the presence of Himmler, KALTENBRUNNER, BALDUR VON SCHIRACH, Pohl, and other Party and Government officials during mass executions in gas chambers.

2176-PS supra, Exhibit 2.

A former SS guard of the Mauthausen camp stated under oath that some time in 1942 KALTENBRUNNER

personally observed a mass execution in the gas chamber.

2753-PS, affidavit of Alois Hoellriegl,  
7 November 1943.

4. The use of Concentration Camps to Exterminate Prisoners of War.

a. Escaped prisoners of war who had been recaptured, and other persons scheduled for execution under the extermination program were sent to Mauthausen.

2642-PS, affidavit of Uiberreiter,  
9 November 1945.

2478-PS, affidavit of Willy Litzenburg,  
4 November 1945.

The OKW issued an order that, on recapture, every escaped officer and non-working NCO prisoner of war, with the exception of British and American prisoners of war, were to be handed over to the Sipo and SD, with the words "Stufe III." Whether escaped British and American officers and non-working NCOs, upon recapture, should be handed over to the Sipo and SD was to be decided by the "W.Kdos." In connection with this order, the Chief of the Security Police and SD (RSHA) issued instructions that the Gestapo Leitstellen should take over the escaped officers from the camp commandants and take them, in accordance with a procedure theretofore in force, to the Mauthausen concentration camp. The camp commandant was to be informed that the prisoners were being handed over under the operation "Kugel". The prisoners of war sent to Mauthausen concentration camp under this decree were regarded as dead to the outside world. This order was ~~formulated~~ formulated on 2 March 1944 by the Chief of the

Sipo and SD to regional Sipo and SD offices.

L-158, original of order issued by  
District Sipo and SD Commander,  
23 March 1944.

2478-PS, affidavit of Willy Litzenberg,  
4 November 1945.

Prisoners of war under the above policy  
were executed pursuant to orders of the RSHA.

1165-PS, series of memoranda containing  
record of executions 1941-1944.

2285-PS, joint Affidavit by Lt. Col.  
Guivante de Saint Gast and  
Lt. Jean Veith of the French  
Army, 13 May 1945

b. The execution of prisoners of war  
in concentration camps was the established policy  
of the German Government. This is shown in an  
order of Mueller, Head of the Gestapo:

"Russian prisoners of war slated for  
execution in concentration camps are not  
to be included in transport if they are  
already on the verge of death due to  
starvation, typhus and so on. When they  
collapse on the way, as has happened to  
approximately 5 to 10% up till now, the  
German population is bound to notice, and  
usually blames the SS. In reality these  
transports are carried through by the  
Wehrmacht."

1234-PS, circular order from the Chief  
of Sipo and SD, signed by  
Mueller, 9 November 1941.

Several thousand prisoners of war of the  
Soviet Union were exterminated in concentration  
camps. The names of the dead with the alleged  
cause of the death were registered in a "prisoner  
of war death book". When execution was performed  
the death book indicates the source of order. The  
policy to exterminate prisoners of war was adopted  
by the German Government shortly after the inception  
of the war against the Soviet Union. The RSHA  
ordered the execution of prisoners of war of the

Soviet Union turned over by the Army already on 17 July 1941.

495-PS, Prisoner of War Death Book of Mauthausen concentration camp, particularly p. 170-173, order of RSHA IV A, 21 B - 41 G, 17 July 1941.

208 prisoners of war were executed on 10 May 1942 as a result of an order of the Chief of the Sipo and SD.

495-PS, supra, pp. 234-247, order of chief of Sipo and SD IV A 1 C-B, Nr. 2507/B/429, 9 May 1942.

The execution of other prisoners of war is registered also in other death books.

493-C, Vol. III of Deathbooks (Totenbuecher) of Mauthausen concentration camp.

The commander of the Gross Rosen concentration camp reports that on 22 March 1941, a number of Russian prisoners of war were executed. Names of the executed prisoners of war are submitted in the report of the camp commander.

1234-PS, report of the commander of the Gross Rosen concentration camp, 23 March 1941.

D. Argument and Conclusion.

Concentration camps were at the heart of the conspiracy of the Nazis aiming to obtain complete control over Germany. They were the means by which the conspirators intimidated the people of Germany and eliminated their opponents from the political scene. A regime of terror was established, and without sentence from a court of law the conspirators incarcerated there political opponents and other persons objectionable from a Nazi point of view.

After the beginning of the aggressive war launched by Germany the conspirators sent to concentration camps the resistance leaders of the occupied countries. They used concentration camps to exterminate the intellectual strata of occupied countries which were scheduled for permanent subjection by Germany.

They put hundreds of thousands of slave workers, most of them citizens of Allied nations, into concentration camps and exploited them in armament industries, in clear violation of the provisions of international law.

Toward the end of the war concentration camps were used for extermination. Millions of Jews perished in concentration camps, in fulfillment of the Nazi conspiracy to exterminate the Jews. Large groups of other people were also shot, hanged, and gassed in line with the policy to exterminate the enemies of Nazism and Germany.

The establishment and operation of concentration camps formed an integral part of the common plan and conspiracy of the Germans to debase and exterminate their domestic and foreign enemies. Had they been successful in their criminal scheme to subjugate the world, the best and most noble people, also the intellectual and political leaders of the United Nations would have perished in concentration camps.



All the defendants were pillars of the regime that used concentration camps to intimidate the German people, eliminate opposition, enslave the manpower of occupied countries and exterminate individuals, groups, or races objectionable to that regime.

The systematic extermination of millions perpetrated by the Nazis has no parallel in the history of mankind. No national or international law could have foreseen the perpetration of such heinous crimes, particularly under the sponsorship of a so-called civilized government. Yet these acts were in violation of the whole spirit of international law and violated many of its specific provisions.

All the defendants were part of the clique that ruled Germany over the dead bodies of those millions who perished in concentration camps. They and the defendant organizations are individually and jointly responsible for all these acts.



# APPENDIX

## 1. Numerical List of Documents Cited in Brief:

<u>Doc. No.</u>	<u>Description.</u>	<u>Page</u>
<u>D-59</u>	Directive signed by Heydrich, Chief of Sipo and SD, 9 June 1944.	23
<u>D-83</u>	Order of Heydrich to all Prussian State Police Departments re putting communists in concentration camps, 29 July 1935.	17
<u>D-84</u>	Orders against Bibelforschers.	23
<u>L-35</u>	Affidavit of Rudolf Mildner, 1 August 1945.	27
<u>L-37</u>	Top secret letter dated 19 July 1944 from Illmer, Chief of the Sipo and SD of Radom, to subordinates, transmitting order of HSSuPF OST of 23 June 1944.	26
<u>L-38</u>	Affidavit of Hermann Pister 1 August 1945.	16
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2. Documents Pertaining to Individual Defendants.

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KALTENBRUNNER	: L-35, L-38, L-219, 1063-PS, 2176-PS, 2476-PS, 2477-PS, 2615-PS, 2703-PS, 2753-PS.
KEITEL	: L-90
ROSENBERG	: 2655-PS
SPEER	: 1584-PS, R-124
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3. Documents Pertaining to Individual Organizations.

<u>Organization.</u>	<u>Document No.</u>
GESTAPO	: D-59, D-83, D-84, L-37, L-41, L-96, L-158, L-215, L-219, L-358, 374-PS, 495-PS, 833-PS, 1063-PS, 1165-PS, 1531-PS, 1584-PS, 1723-PS, 1956-PS, 2107-PS, 2108-PS, 2344-PS, 2347-PS, 2428-PS, 2605-PS, 2615-PS, 2745-PS, R-91.
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