

P A R T     C

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Brief Section 3

(Lt Col Herbert F. Krucker)

TRIAL     BRIEF

AGGRESSION AGAINST GREECE AND YUGOSLAVIA

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#### SECTION OF INDICTMENT

COUNT ONE, SECTION IV, F, 5: Expansion of the war into a general war of aggression: Planning and execution of attacks on Yugoslavia and Greece: 1939 to April, 1941.

#### LEGAL REFERENCES

- I. Charter International Military Tribunal, Article 6 (a) Crimes against peace.
- II. Convention for the Pacific Settlement of International Disputes, signed at the Hague, 29 July 1899 (Indictment Appendix C, I).

#### TC-1.

- III. Treaty between Germany and Other Powers providing for Renunciation of War as an Instrument of National Policy, signed at Paris, 27 August 1928, known as the Kellogg-Briand Pact (Indictment Appendix C, XIII).

TC-19.

#### TYPES OF DOCUMENTS

##### Correspondence

2762-PS

1835-PS

##### Interrogation of Defendants

Interrogation of VON RIBBENTROP, 8 October 1945, pp 1-3

##### Military Orders

C-59  
C-60  
C-61  
C-132

444-PS  
448-PS  
1541-PS  
R-95

Official Government Regulations and Orders

2719-PS, from Foreign Office Diplomatic Release

Publications

2448-PS. Volkischer Beobachter Article  
 2449-PS. Volkischer Beobachter Article  
 2450-PS. Volkischer Beobachter Article

Reports of Meetings, Conferences, or Discussions

C-134	2763-PS
C-167	2764-PS
1746-PS	2765-PS
1871-PS	2766-PS

Other Evidence

C-111, Naval High Command Diary

LIST OF INDIVIDUAL DEFENDANTS

GOERING	- C-59, C-60, C-61, 1746-PS
KEITEL	- C-59, C-60, C-61, C-134, 448-PS, 1746-PS, 2764-PS
JODL	- C-59, C-60, C-61, C-132, C-134, 444-PS, 448-PS, 1541-PS, 1746-PS, 2764-PS
RAEDER	- C-59, C-60, C-111, C-132, C-167
VON RIBBENTROP	- C-134, Interrogation of 8 October 1945, pp 1-3, 1746-PS, 1835-PS, 1871-PS, 2450-PS, 2763-PS, 2764-PS

LIST OF CRIMINAL ORGANIZATIONS INVOLVED

## GENERAL STAFF AND HIGH COMMAND:

C-59, C-60, C-61, C-132, C-134, C-167  
 444-PS, 448-PS, 1541-PS, 1746-PS, 2764-PS

STATEMENT OF EVIDENCE

## I

SUMMARY STATEMENT OF MATTERS INVOLVED

The planning and the execution of the aggressions against the Kingdom of Greece and the Kingdom of Yugoslavia consummated by the Nazi conspirators on the 6 April 1941, is evidenced by the assurances and documents referred to herein.

In the aggressive expansion eastward toward the Ukraine and the USSR, security of the southern flank and protection of the line of communication was considered essential by the Nazi conspirators. Plans were made and executed for this regardless of existing treaties and assurances made by Germany in 1938 and 1939.

Italy invaded Greece in October 1940, and it was soon apparent that Germany would have to come to the assistance of Italy. This precipitated the intended German action in the Balkans.

## II

### ASSURANCES

Nazi assurances to Yugoslavia emphasized that Germany had no territorial claims on Yugoslavia and that the Yugoslav frontier would remain untouched. A Foreign Office diplomatic release, 28 April 1938, stated:

"The Yugoslav Government have been informed by competent German authorities that German policy has no aims beyond Austria, and that the Yugoslav frontier would in any case remain untouched. The Fuehrer and Chancellor stated, in his speech at Graz on April 3, that Yugoslavia and Hungary had adopted the same attitude as Italy toward the re-union of Austria. We were happy to have frontiers there which relieved us of all anxiety about their military protection."

2719-PS. Documents on the events preceding the outbreak of the war, German Library of Information. New York, 1940, Page 359, Document No. 337. Dokumente zur Vorgeschichte des Krieges, Auswartiges Amt, 1939, Nr 2, page 324.

Hitler addressing the Reichstag, 28 April 1939, stated:

"The German Government are, nevertheless, prepared to give each of the States named an assurance of the kind desired by Roosevelt on the condition of absolute reciprocity, provided that the State concerned wishes it and itself addresses to Germany a request, together with appropriate proposals, for such an assurance. For quite a number of the States included in Roosevelt's list, this question can probably be regarded as settled from the very start, since we are already either allied with them or at least united by close ties of friendship.



"As for the duration of these agreements, Germany is willing to make terms with each individual State in accordance with the wishes of that State..."

2448-PS. Hitler Speech, 28 April 1939.

Again addressing the Reichstag on 6 October 1939:

"...7. Immediately after the Anschluss I have notified Yugoslavia that also the border of this country--which from now on is also its border with Germany--will be inviolable and that we desire to live with it (their country) in peace and friendship."

2449-PS. Hitler Speech, 6 October 1939  
(No. T.C. 43)

In 1940, Germany made diplomatic overtures to Yugoslavia which resulted on 25 March 1941, in the latter country joining the Tri-Power Pact of Italy, Japan, and Germany, with further assurances by the defendant VON RIBBENTROP upon the signing of the pact.

The German note of guarantees given to Premier Dragisha Cvetkovitch of Yugoslavia stated:

"Mr. Prime Minister:

In the name of the German Government and at its behest I have the honor to inform Your Excellency of the following:

On the occasion of the Yugoslav adherence today to the three-power pact the German Government confirms its determination to respect the sovereignty and territorial integrity of Yugoslavia at all times.

Mr. Prime Minister:

With reference to the conversations that occurred in connection with Yugoslav adherence to the three-power pact I have the honor to confirm to Your Excellency herewith in the name of the Reich Government that in the agreement between the Axis powers and the Royal Yugoslav Government the Axis power governments during this war will not direct a demand to Yugoslavia to permit the march or transportation of troops through the Yugoslav State or territory.

Permit me, Mr. Prime Minister, to express the assurance of my highest respects.

JOACHIM VON RIBBENTROP"

2450-PS. Note of assurance from RIBBENTROP to Premier Cvetkovich of Yugoslavia, 25 March 45.

Interrogation of VON RIBBENTROP, 8 October 1945. Pages 1 - 3 incl.

### III

#### PLANNING, PREPARATION AND EXECUTION OF THE AGGRESSION

It was at all times the intention of the Nazi conspirators to liquidate the Balkan countries and particularly Yugoslavia and Greece. This was indicated in discussions between Hitler and Ciano, 12 August 1939, in the presence of VON RIBBENTROP, wherein Hitler stated that Yugoslavia must be liquidated and that the Axis could be strengthened by the liquidation of Yugoslavia. Hitler further stated that all "false" neutrals were to be liquidated one after another.

1871-PS. Report on Hitler-Ciano meeting  
in presence of RIBBENTROP, 12 August 1939.

In July of 1940, Hitler had stated that he was not in favor of a solution of the Yugoslav problem at that time, showing his continued intention to liquidate that country when conditions were propitious.

2766-PS. Conference, Hitler-Ciano, in  
presence of RIBBENTROP, 7 July 1940.

On 12 November 1940, Hitler issued orders to the Commander-in-Chief of the Army to make preparations for occupation of the Greek mainland and to the Commander-in-Chief of the German Air Force (defendant GOERING) for the use of the Air Force in the southeast Balkans in accordance with intended ground operations.

444-PS. Directive No. 18, 12 November  
1940, signed by Hitler and initialed  
by JODL.

By this time, Hitler had decided to carry out the Greek campaign to assist Italy in its conquest of Greece. In a letter of November or December 1940, Hitler told Mussolini the Greek campaign was ill-timed. To counteract the bad consequences, Yugoslavia is to be made to cooperate in carrying out the Greek campaign.

2762-PS. Letter, Hitler-Mussolini,  
November or December 1940, re Yugoslavia.

In December and January, Hitler issued directives and orders completing the preparations for naval, air and land attacks on Greece. On 13 December, a Hitler order stated that the invasion of Greece was planned and would start as soon as weather became favorable. The composition of combat teams and their routes of march were given. Hitler stated that when the Greek operation was concluded, the mass of the troops involved were to be employed for a new task. Distribution of this order was made to the OKW, OKL, OKH, OKM, and the General Staff. On 11 January, Hitler ordered preparation for German armed intervention in Albania, assisting the Italians against Greece. The Supreme Commander of the Navy was directed to prepare for movement of German troops to Albania. On 20 January, JODL reported in notes of a meeting between Hitler and Mussolini that Hitler stated that one of the purposes of German troop concentrations in Rumania was for use in his plan for the operation against Greece. This was four months prior to the attack on Greece.

1541-PS. Hitler Order, 13 December 1940.

448-PS. Hitler Order No. 22, signed by Hitler, initialled by KEITEL and JODL, dated 11 January 1941.

C-132. Hitler Order, 14 January 1941, signed by Warlimont.

C-134. Report on Meeting, 20 January 1941, between Hitler and Mussolini. Signed by JODL, RIBBENTROP and KEITEL present.

2764-PS. Conference 20 January 1941, Hitler-Mussolini, in the presence of RIBBENTROP, KEITEL and JODL.

In February and March 1941, plans and orders for the Greek campaign were completed and issued. On 19 February, an OKW order gave decisions for carrying out the Greek campaign, providing for bridging and crossing the Danube and use of the Air Forces against Greek territory. This order stated that on 26 February, pontoon building would commence and



that the Danube would be crossed on the 2nd of March. The Xth Air Corps was given freedom of action in operations against Greek territory. On 24 February, an order signed by JODL directed Naval action in Greek territorial waters.

"Effective immediately the Fuehrer and Supreme Commander of the Armed Forces has authorized reconnaissance and attack against all naval forces (including Greek forces) within Greek territorial waters surrounding the island of Crete."

On 18 March, defendant RAEDER, in the presence of KEITEL and JODL asked for confirmation that the whole of Greece would have to be occupied even in the event of a peaceful settlement, and Hitler answered that complete occupation was a prerequisite to any settlement.

C-59. Most Secret Order, Hitler Headquarters, 19 February 1941, signed by Warlimont.

C-167. Report of Commander-in-Chief of Navy delivered to Hitler, 18 March 1941.

C-60. Top Secret Hitler Order signed by JODL.

Hitler welcomed the Yugoslav pact in the light of the proposed military operation against Greece and discussed the prospects of immediate success of the Greek operation, stating that the approach march to Greece would be completed by the end of March and that with favorable weather, the campaign would last only a few days.

2765-PS. Conference, Hitler-Ciano, in Vienna, 25 March 1941.

On 27 March 1941, King Peter II of Yugoslavia and General Simovitch effected a coup d'etat and as a result thereof, it was decided by the Nazi conspirators that Yugoslavia would be destroyed as a State, notwithstanding assurances by the Simovitch government that all public and open engagements undertaken in the past by Yugoslavia would be respected. In the presence of GOERING, KEITEL, JODL, and RIBBENTROP, Hitler outlined the operations against Yugoslavia and Greece and sketched the missions of other Axis allies.

1746-PS. Minutes of meeting, 8 February 1941, 27 March 1941, Hitler Order No. 25, 27 March 1941, minutes of Hitler meeting 27 March 1941, and a proposal for coordination of German-Italian operation against Yugoslavia, 28 March 1941.

It is thus apparent that by this time the Nazi conspirators had fully decided to destroy Yugoslavia irrespective of the intentions of that country. The actual plan for military operations, known as Directive No. 25, was issued the same day, 27 March 1941. Among other things, it was stated:

"The military revolt in Yugoslavia has altered the political situation in the Balkans. Even if at first she declares her loyalty Yugoslavia must be regarded as an enemy and must be crushed as soon as possible...The political tension within Yugoslavia will be increased by making political promises to the Croats...As soon as sufficient forces are available and the weather permits the ground organization, the Yugoslav Air Force and the city of Belgrade will be destroyed through continuous day and night attacks by the Air Force."

C-61. Directive No. 25, 27 March 1941, signed by Hitler. (Same as part of 1746-PS).

The Nazi conspirators welcomed the events in Yugoslavia as they facilitated the operation against Greece. Hitler always considered Yugoslavia as a factor most dangerous to the actions in Greece. In an Army High Command order of 30 March 1941, deployment instructions for "Action 25" and supplementary instructions for action "Marita" were issued. In this order it was again stated that Yugoslavia would be considered as an enemy even though declarations of loyalty were made and that that nation must be destroyed as quickly as possible.

2763-PS. Conference, Hitler-Hungarian Minister Sztojoy in presence of RIBBENTROP, 27 March 1941.

C-111. Page 389 of War Diary, Naval High Command, initialled by RAEDER.

1835-PS. Telegram, Hitler to Mussolini, and reply, 28 March 1941.

R-95. Army High Command order, dated 30 March 1941, signed by von Brauchitsch.

At dawn on April 6, 1941, without warning, the German Armed Forces struck by land and by air at Greece and Yugoslavia in a campaign of aggression terminating in the surrender of the Yugoslav Army on April 17, and the surrender of Greece on April 23, 1941.

#### ARGUMENT AND CONCLUSION

It is submitted that the evidence contained in the citations set forth in the Statement of Evidence indicate conclusively and clearly the intention in August of 1939 to subjugate and destroy the neutral nations, including Greece and Yugoslavia.

That in spite of existing treaties and assurances, the Nazi conspirators formulated the plans of destruction, issued the orders and directives to put these plans into effect, and did effect the destruction by aggression and aggressive war of the Greek and Yugoslav Kingdoms.

The evidence submitted implicates the defendants GOERING, KEITEL, JODL, RAEDER, and VON RIBBENTROP, and the OKW, OKH, OKL, OKM, and the GENERAL STAFF, indicating that these defendants and organizations actively participated in and had full knowledge of the formulation and execution of the planned aggression.