

SECTION OF INDICTMENT

APPENDIX A

Statement of Individual Responsibility for Crimes set out in Counts One, Two, Three, and Four

Doenitz:

The defendant DOENITZ between 1932 and 1945 was: Commanding Officer of the Weddigen U-boat flotilla, Commander-in-Chief of the U-boat arm, Vice-Admiral, Admiral, Grossadmiral and Commander-in-Chief of the German Navy, Advisor to Hitler, and Successor to Hitler as head of the German Government. The defendant DOENITZ used the foregoing positions, his personal influence, and his intimate connection with the Fuehrer in such a manner that: he promoted the preparations for war set forth in Count One of the Indictment; he participated in the military planning and preparation of the Nazi conspirators for Wars of Aggression and Wars in Violation of International Treaties, Agreements and Assurances set forth in Counts One and Two of the Indictment; and he authorized, directed and participated in the War Crimes set forth in Count Three of the Indictment, including particularly the crimes against persons and property on the high seas.

LEGAL REFERENCES

1. Charter of the International Military Tribunal (1945)
Articles 6(a) and 6(b) and 6(c)
2. The Hague Regulations (1907)
Articles 4 and 7, and 46 and 50
3. The Hague Convention III Relative to the Opening of Hostilities (1907)
4. Versailles Treaty (1919), and
Treaty Between United States and Germany Restoring Friendly
Relations (Berlin, 1921) Part IV, Section II, Article 181
5. Arbitration Treaty Between Germany and Poland (Locarno, 1925)
6. Convention of Arbitration and Conciliation entered into between
Germany and Denmark (1926)
7. The Kellogg-Briand Pact (Paris, 1928)
8. Prisoners of War Convention (Geneva, 1939)
Articles 2 and 4
9. Declaration of Non-Aggression entered into between Germany
and Poland (1934)
10. Solemn Assurances of Germany not to Violate the Independence
or Sovereignty of the Kingdom of Norway (1939)
11. Treaty of Non-Aggression between Germany and Denmark
(Berlin, 1939)

STATEMENT OF EVIDENCEI. POSITIONS HELD

1935 Commander of Weddigen Submarine Flotilla, Kapitän Zur See

1936 Commander of the Submarine Arm (Fuehrer der Unterseeboote)

1939 Kommodore
Konteradmiral
Commander-in-Chief of the Submarine Arm
(Befehlshaber der Unterseeboote)

1940 Vizeadmiral

1942 Admiral

1943 Grossadmiral
(Jan 30) Commander-in-Chief of the Navy (OKM)
Commander-in-Chief of the Submarine Arm.

1945 Head of the German State (Staatsoberhaupt)
(May 1)

-PS. signed by Doenitz (Certificate of positions held)

II. PROMOTING THE PREPARATIONS AND PARTICIPATING IN THE MILITARY PLANNING
OF THE NAZI CONSPIRATORS FOR WARS OF AGGRESSION

Indictment - Counts I and II

A. Doenitz was instrumental in building a German submarine fleet beyond treaty limitations.

1. From the time Doenitz was given command of the Weddigen Submarine Flotilla in 1935 he was in charge of German submarine activity. He advised construction and technical advances in construction of U-boats. He was elevated to Fuehrer der Unterseeboote and Kommodore. Shortly after the outbreak of war he was promoted to Konteradmiral and Befehlshaber der Unterseeboote. During the war he was elevated progressively to Vizeadmiral, Admiral and on 30 January 1943, Grossadmiral, Oberbefehlshaber der Kriegsmarine (OKM), succeeding Grossadmiral Raeder as Commander-in-Chief of the German Navy. He retained command of the submarine arm until 1 May 1945, when he succeeded Hitler as head of the German state.

1463-PS. Taschenbuch der Kriegsmarine (1944) pp.1-4,
biographical sketch of Doenitz.

2. By treaty limitations no submarines were to be included in the German Navy. However, by September, 1939, Doenitz estimated that he had 48 U-boats in commission and over 80 more in various stages of construction.

-PS, Interrogation of Doenitz (Nurnberg, 3 November 1945)
U-boat strength at start of war.

Versailles Treaty (1919), and

Treaty between United States and Germany Restoring Friendly Relations (Berlin, 1921)
Part V, Section II, Article 181

B. Doenitz planned and prepared for wars of aggression.

1. Poland, 1 September 1939.

Doenitz took an active part in the preparations for waging war. As early as May, 1939, he received secret orders to prepare for the operation "Fall Weiss" (invasion of Poland) (C-120). On 2 August, 1939, he was ordered to draw plans by the middle of the month for putting his U-boats to sea in readiness (C-126/E). A directive signed by Doenitz explained the operation Fall Weiss, and gave detailed orders for the disposition of U-boats (C-172).

C-120 (Secret orders for invasion of Poland, April-June 1939)

C-126 (Notes on development of plans for the invasion of Poland, June-August, 1939)

C-172, signed by Doenitz (Details for execution of "Fall Weiss")

Arbitration Treaty between Germany and Poland, (Locarno, 1925)

Declaration of Non-Aggression entered into between Germany and Poland (1934)

2. Norway and Denmark, 9 April 1940.

The Naval War Staff proposed to Hitler in October, 1939, that Germany acquire submarine bases in Norway, which were deemed so necessary that if diplomatic pressure failed military might should be used. Doenitz was in agreement with this proposal (C-122), and submitted that Trondheim, Norway, would be more suitable and advantageous than Narvik (C-5). He signed an order describing the execution of the operation "Weseruebung" (invasion of Norway and Denmark). It was to be a simultaneous surprise dawn attack, no preliminary declaration of war, and the first ships were to fly the British colors (C-151).

C-122 (Navy requires Norwegian bases, October 1939)

C-5 Signed by Doenitz (Trondheim base preferable to Narvik, October, 1939)

C-151 Signed by Doenitz in draft (details for execution of Weseruebung, March 1940)

Hague Convention III Relative to the Opening of Hostilities
(1907)

Convention of Arbitration and Conciliation entered into between Germany and Denmark (1926)

Treaty of Non-Aggression between Germany and Denmark (Berlin, 1939)

Solemn Assurances of Germany not to Violate the Independence or Sovereignty of the Kingdom of Norway (1939)

C. Doenitz adopted the doctrines and became an accomplice to the plans of the Nazi conspirators.

1. He adopted the Nazi philosophy wholeheartedly, denounced the political aloofness of military career men, fostered a fanatical belief in Hitler and the Nazi party, and praised the unification of all Germans under Nazism and elimination of racial minorities. He supported the Hitler Youth movement. He requested permission, which was granted by Hitler, for the Navy to use the Nazi party salute in place of the military salute. And he preached blind loyalty and obedience to the genius of the Fuehrer.

-PS, Das Archiv

2. (Aug. 1943) v.113, p.336. (Speech to Hitler Youth Mariners, 1 August 1943.)

3. (March 1944) v.120, p.929. (Speech on Heroes Day, 12 March 1944) in which he said:

"...What would have become of our country today, if the Fuehrer had not united us under National-Socialism! Split into parties, beset with the spreading poison of Jewry, and besides this lacking, as a defence, our present uncompromising world outlook, we would long since have succumbed...." (Also quoted in "Voelkischer Beobachter" Munich, Monday, 13 March 1944, p. 1, col. 5.)

4. (July 1944) v.124, p.260. (Speech denouncing Generals for attempt on Hitler)

5. (July 1944) v.124, p.262. (Hitler's permission requested and obtained, for adoption of Nazi salute.)

2. Hitler personally bestowed upon Doenitz the highest of military decorations, the Oak Leaves of the Knights Cross of the Iron Cross (7 April 1943). He nominated Doenitz to the highest political position in Germany, number two Nazi to succeed the Fuehrer himself as head of Germany.

-PS, Das Archiv

1. (April 1943) v.109, p.24. (Hitler decorates Doenitz, 7 April 1943.)

III. AUTHORIZING, DIRECTING AND PARTICIPATING IN WAR CRIMES INCLUDING PARTICULARLY CRIMES AGAINST PERSONS AND PROPERTY ON THE HIGH SEAS

Indictment; Count III

A. Sinking of neutral ships.

The German U-37 reported sinking the "San Carlos", a Spanish fishing vessel, on 16 December 1940. The neutral Spanish government protested this action. But the German Navy took the following stand:

"We shall continue to maintain to the outside world that there is no question of a German or Italian submarine being in the sea-area in question for the sinkings."

C-105 (Extract from German Naval War Diary, p.252, 21 Dec 1940)

B. Murdering of Prisoners of War.

Hitler's orders of 10 October 1942 and 18 October 1942, to shoot saboteurs and commandos was enforced by the German Navy under Doenitz. An order distributed by the Naval Command on 11 February 1943, just 13 days after Doenitz' appointment to Grossadmiral, Oberbefehlshaber der Kriegsmarine, stated:

"All commanders and officers who have neglected their duty in instructing their unit in the order referring to treatment of saboteurs, are threatened with court martial penalties." (C-178)

498-PS (Hitler's decree to shoot saboteurs, 10 October 1942)

503-PS (Hitler's 2d decree to shoot saboteurs, 18 October 1942)

C-179 (Same as 503-PS)

C-178 (Order for Navy to enforce decrees to shoot saboteurs, 11 February 1943)

The Hague Regulations (1907), Articles 4 and 7

Prisoners of War Convention (Geneva, 1929), Articles 2 and 4

A group of commandos approaching the Norwegian coast was captured by the German authorities (10 May 1943). Ten of them were turned over to the security service (SD) and were later shot. (526-PS). The German Navy under Doenitz was responsible for capturing them and turning them over to the SD. (-PS):

526-PS (Commandos captured and shot in Norway, May 1943)

-PS Interrogation of Falkenhorst and Keitel (Munich, 25 October 1945) Navy responsible for handling commandos in Norway.

Hague Regulations (1907), Articles 4 and 7.

Prisoners of War Convention (Geneva, 1929), Articles 2 and 4

C. Adoption of Terrorism

1. Acts of sabotage and strikes were hampering ship construction and repair in Norway and Denmark during the summer of 1944. Doenitz recommended terroristic methods for compelling loyalty, and concluded to employ 12,000 concentration camp prisoners as additional laborers in the shipyards.

"Since, elsewhere, measures for exacting atonement taken against whole working parties amongst whom sabotage occurred, have proved successful, and, for example, the shipyard sabotage in France was completely suppressed, possibly similar measures for the Scandinavian countries will come under consideration."

"2) 12,000 concentration camp prisoners will be employed in the shipyards as additional labor (Security service (SD) agrees to this)."
(Q-195)

"When the sabotage became a General Strike in Copenhagen, Doenitz conferred with Hitler on the remedy to be adopted. Doenitz reported that Hitler's solution was to use terror in dealing with terror, because "court-martial proceedings create martyrs." (Q-171)

Q-195. signed by Doenitz (Report on remedying shipyard sabotage in Scandinavia, 1944)

Q-171. signed by Doenitz (Minutes of conference with Hitler, on Copenhagen General Strike, 1 July 1944)

The Hague Regulations (1907), Articles 46 and 50

2. Hitler asked Doenitz on 19 February 1945 for his considered opinion on renouncing the Geneva Convention in an effort to deter the enemy and bolster the German's will to resist. The following day Doenitz stated there would be no advantages gained by such a renunciation.

"It would be better to carry out the measures considered necessary without warning, and at all costs to save face with the outer world."

Q-158. initialed by Doenitz (Minutes of Hitler's conferences on proposal to renounce the Geneva Convention, 19 and 20 February, 1945)

-PS. Interrogation of Gerhard Wagner (Nurnberg, 29 October 1945) who identifies Q-158 as expressing the opinion of Doenitz and initialed by him.

Prisoners of War Convention (Geneva, 1929)

ARGUMENT AND CONCLUSION

Doenitz cooperated with the Nazi conspirators, building up the submarine arm of the Navy in violation of existing treaties, and planning aggressive warfare against neutral nations. He adopted and preached Nazi philosophy, encouraging race hatred and spreading belief in the Fuehrerprinzip. Doenitz introduced the Nazi salute into military life, and accepted honors and held positions after knowing the unlawful designs of the Hitler regime.

The order to shoot captured commandos, the proposal to quell strikes and sabotage with a reign of terror, and the advice to violate the Geneva convention without renouncing it, all prove the criminal role that Doenitz played in the Nazi conspiracy.