

44.01

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SECTION OF INDICTMENTAppendix A

## Statement of Individual Responsibility for Crimes Set Out in

## Counts One, Two, Three and Four

RAEDER: pp.33-34

The defendant RAEDER between 1928 and 1945 was: Commander-in-Chief of the German Navy, Generaladmiral, Grossadmiral, Admiralinspekteur of the German Navy, and a member of the Secret Cabinet Council. The defendant RAEDER used the foregoing positions and his personal influence in such a manner that: he promoted the preparations for war set forth in Count One of the Indictment; he participated in the political 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; he executed, and assumed responsibility for the execution of the plans 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 war crimes arising out of sea warfare.

#### 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, 1926)
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, 1929)  
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9. Declaration of Non-Aggression entered into between Germany  
and Poland (1934)
10. Anglo-German Naval Treaty (London, 1935)
11. Solemn Assurances of Germany not to Violate the Independence  
or Sovereignty of the Kingdom of Norway (1939)
12. Treaty of Non-Aggression between Germany and Denmark  
(Berlin, 1939)
13. Treaty of Non-Aggression entered into between Germany  
and USSR (1939)

STATEMENT OF EVIDENCE

I Promoting the Preparations and Executing the Plans of the Nazi

Conspirators for Wars of Aggression.

Ref: Indictment, Counts I and II:

A. RADERS built a formidable fighting fleet for Germany.

1. Raeder was appointed Admiral and "Chief of Naval Command" (Chef der Marineleitung der KM) in 1928. At this time under treaty provisions Germany's fleet was limited to little more than a squadron. But under his leadership naval ships and armaments were built secretly and in violation of treaty provisions.

-141. signed by Raeder (Certificate of Positions Held)

C-141. signed by Raeder (Secret torpedo-carrying E-boats under construction, 1932)

C- 32 (Excess of armaments over treaty limits, 1933)

Versailles Treaty (1919) and

Treaty between the United States and Germany

Restoring Friendly Relations (Berlin 1921) Part IV,

Section II, Article 161.

2. Raeder was dubbed the vest-pocket admiral because of his leadership in building vest-pocket battleships. At the launching of the "Tirpitz", the fourth of these German battleships, Hitler bestowed the rank of Grossadmiral on Raeder in recognition of his services rebuilding the Navy and in celebration of his 45th year with the Navy. (1 Apr. 1939) On his retirement as commander-in-chief he issued the following order of the day (20 Jan. 1943):

"I took over the leadership of the Navy in hard times. With all my strength, through the long years of my tenure in office, I strove to develop the Navy from its infancy into the powerful instrument which our Reich demands for the assertion of its interests and performance of its tasks..."

-142. Das Archiv (Apr. 1939) v. 61, p. 42 (Promotion to Grossadmiral)

Das Archiv (Jan. 1943) v. 106, p. 986 (Order of the day).

3. Raeder was determined during his entire regime that the growth of Germany's Navy should continue (C- 10; C-180) and was responsible for

its expansion in violation of the terms of the Anglo-German Naval Treaty (C-23).

C-22, signed by Raeder (Argument for further subsidization of and construction in the armaments and ship-building industries, even by selling the latest developments to foreign countries, 1933)

C-189, in Raeder's handwriting (Hitler and Raeder discuss rearmament, 1934) Hitler: Our shipbuilding program must be kept secret. Raeder: "...the fleet must be developed to keep pace with England..."

C-23 (Displacement tonnages - actual and published, 1938)

Anglo-German Naval Treaty (London, 1935)

B. Raeder planned and prepared for wars of aggression.

4. Poland, 1 Sept. 1939

Raeder received plans for the operation "Fall Weiss", as early as April, 1939 (C-126). Accordingly directives explaining "Fall Weiss" and the part to be played by the Navy were put forth (C-126/A+B). The Supreme Command of the Army objected to some of these preliminary measures which the Navy was planning to effect (C-126/B). On 31 Aug. Hitler directed the execution on the following day of the operation "Fall Weiss" (C-126/B).

C-126 (preliminary plans for "Fall Weiss", 1939)

C-126 (details for execution of "Fall Weiss", 1939)

5. Norway and Denmark, 9 April 1940.

Raeder first proposed in Oct. 1939 that Germany acquire Naval bases in Norway "with the aim of improving our strategic and operational position". He suggested that military force be employed if political pressure should prove inadequate (C-122). By 10 Dec. 1939 Hitler was convinced that operation "Weserübung". (the invasion of Norway and Denmark) was necessary (C-66a). Raeder received Quisling and Hagelin the next day (11 Dec. 1939), was favorably impressed by the Norwegian emissaries, and recommended Quisling to Hitler during a conference which took place the following day. The German Navy then issued orders for executing the operation Weserübung. It was to be a surprise dawn

attack, without any declaration of war, and camouflaged by flying the British flag. (C-115)

C-122 (Raeder proposes to Hitler the acquisition of Norwegian Naval bases, Oct. 1939)

C- 66a (Credit for instigating "Weserübung" belongs to Admirals Carle and Raeder, - historical notes by Raeder, 1944)

C- 64 (Raeder commends Quisling to Hitler - minutes of Hitler's conference with Raeder, 12 Dec. 1939)

C-115 (Details for execution of "Weserübung", 4 Apr. 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)

6. The USSR, 22 June 1941

The Naval command had obtained Keitel's permission to start destroying Soviet submarines in the Baltic Sea one week before the execution of the operation Barbarossa (the invasion of USSR). The pretext to be used was that the Soviet submarines were mistaken for British.

C-170 (p. 33. Navy's proposal to sink Soviet U-boats prematurely, 15 June 1941).

C- 38 (Order to attack Soviet submarines, 15 June 1941)

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

Treaty of Non-Aggression entered into between Germany and USSR (1939)

II Authorizing, Directing and Participating in War Crimes

Particularly War Crimes Arising out of Sea Warfare.

Ref: Indictment, Count III

A. Unprovoked infringement of the rights of neutrals.

7. Greece.

Raeder transmitted the orders that "Greek merchant ships in the area around England... are to be treated as enemy vessels". At that time, 30 Dec. 1939, Greece was a neutral power. It also ordered that such attacks should be unobserved in order to preserve the pretense of hits by mines.



C- 12 (Orders to sink neutral shipping near England, Dec.1939)

C- 21 (Intensification of submarine warfare, Jan.1940)

8. Turkey.

The German Navy under Raeder issued orders, "...for the short-term, surprise laying of a minefield in the immediate vicinity of the Bosphorus, without considering territorial waters..." Turkey was a neutral power.

C-117 (Contemplated mining of Bosphorus, July 1941)

9. Sweden.

The German Navy under Raeder issued orders "to prevent the departure of further ships for England "out of Göteborg." ....infringement of Swedish territorial waters, as long as it is necessary in the carrying out of the required measures, cannot be helped. The decisive factor is that the intended result should be obtained. However Group (North) is instructed to avoid a battle with Swedish Naval forces at all costs." Sweden was a neutral power.

C-116 (Order to blockade Norwegian ships, Aug.1941)

10. Spain.

On 16 Dec.1940 the "San Carlos", a Spanish fishing vessel, was sunk by a submarine between Las Palmas and Cape Juey. The German U-37 reported sinking the "San Carlos" by gunfire, but the German admiralty decided that: "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..." Spain was a neutral power,

C-105 (Extracts from German Naval War Diary, p.262, 21 Dec.1940)

B Destruction of entire cities.

11. The German Naval War Staff, under Raeder, circulated the order to have St. Petersburg wiped from the face of the earth. No surrender was to be accepted, and no mercy shown. "The intention is to close in on the city and blast it to the ground by bombardments of artillery of all calibres and by continuous air attacks.

C-124 (Secret letter ordering extinction of St.Petersburg,  
29 Sept. 1941)

The Hague Regulations (1907), Articles 46 and 50

C Murder of Prisoners of War.

12. Hitler's order of 10 October 1942, along with the explanatory order of 18 October 1942, to shoot saboteurs or commandos was enforced by the German Navy while Raeder was still the commander-in-chief (OKM). An instance occurred the following December: two British commandos were taken prisoner by the German Naval authorities near Bordeaux, France, on 8 Dec. 1942. They were ordered to be shot. The shootings were twice postponed, awaiting the conclusion of interrogations. On 11 Dec. the execution was carried out. A signal following this execution reads:

" C-in-c, Navy Group West. Paris, 22.12.42  
" To: F.O.I.C., Western France.  
" Subject: Act of sabotage in Bordeaux harbor  
" Ref: Okdos 6447 of 15.12.42

"According to a previous signal, the shooting of the two saboteurs by a detachment from N.O.I.C., Bordeaux, was carried out at 0030 on 11.12.42.

"As the execution of saboteurs is a matter for the Security Service (SD), it is ordered that in future cases delinquents are to be handed over to the Security Service (SD) to be shot." (C-176)

498-PS (Hitler's decree to shoot commandos, 10 Oct. 1942)

503-PS (Hitler's second decree to shoot commandos, 18 Oct. 1942)

C-172 (Same as 503-PS)

C-176 (Shooting of commandos in Bordeaux, Dec. 1942)

The Hague Regulations (1907), Article 4 and 7

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

#### ARGUMENT AND CONCLUSION

In cooperation with the Nazi leaders and in violation of the restricting treaties Raeder built up the German Navy. He stated that the Reich needed such a powerful instrument... "for the assertion of its interests and performance of its tasks". (par. 2/supra). At this time the "interests" and "tasks" had turned out to be wars of aggression and wars in violation of international treaties, agreements and assurances as set forth in counts one and two of the indictment. Raeder was not just a military puppet carrying out political orders, he was one of the prime planners in formulating and carrying out the conspiracy to wage aggressive wars. He prepared for the attack on Poland, envisaged the invasion of Norway and Denmark, and acquiesced in the double-crossing of the USSR.

As commander-in-chief of the German Navy during more than three years of warfare Raeder was responsible for the official acts of his command. He condoned illegal acts of the German Navy, and sanctioned its illegal orders, such as orders to torpedo Greek ships, to invade the territorial waters of Turkey and Sweden, to sink Soviet submarines, exterminate Soviet cities, and to shoot commandos after they were taken captive. Raeder was responsible for the acquiescent position taken by the Navy, that "execution of saboteurs is a matter for the security service" (SD), that not the Navy but the security service (SD) should shoot these prisoners of war (par. 11 supra). Defendant Raeder is, therefore, guilty as a conspirator in authorizing, directing and participating in war crimes as set forth in count three of the indictment.