

INTERNATIONAL MILITARY TRIBUNAL

THE NUREMBERG TRIALS

VOL. 5

International Military Tribunal

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INTERNATIONAL MILITARY TRIBUNAL

THE UNITED STATES OF AMERICA, THE FRENCH REPUBLIC,
THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN
IRELAND, and THE UNION OF SOVIET SOCIALIST REPUBLICS

— *against* —

HERMANN WILHELM GÖRING, RUDOLF HESS, JOACHIM VON
RIBBENTROP, ROBERT LEY, WILHELM KEITEL, ERNST
KALTENBRUNNER, ALFRED ROSENBERG, HANS FRANK,
WILHELM FRICK, JULIUS STREICHER, WALTER FUNK, HJALMAR
SCHACHT, GUSTAV KRUPP VON BOHLEN UND HALBACH,
KARL DÖNITZ, ERICH RAEDER, BALDUR VON SCHIRACH,
FRITZ SAUCKEL, ALFRED JODL, MARTIN BORMANN, FRANZ
VON PAPEN, ARTHUR SEYSS-INQUART, ALBERT SPEER,
CONSTANTIN VON NEURATH, and HANS FRITZSCHE,
Individually and as Members of Any of the Following Groups
or Organizations to which They Respectively Belonged,
Namely: DIE REICHSREGIERUNG (REICH CABINET); DAS
KORPS DER POLITISCHEN LEITER DER
NATIONALSOZIALISTISCHEN DEUTSCHEN ARBEITERPARTEI
(LEADERSHIP CORPS OF THE NAZI PARTY); DIE
SCHUTZSTAFFELN DER NATIONALSOZIALISTISCHEN
DEUTSCHEN ARBEITERPARTEI (commonly known as the
“SS”) and including DER SICHERHEITSDIENST (commonly

known as the “SD”); DIE GEHEIME STAATSPOLIZEI (SECRET STATE POLICE, commonly known as the “GESTAPO”); DIE STURMABTEILUNGEN DER NSDAP (commonly known as the “SA”); and the GENERAL STAFF and HIGH COMMAND of the GERMAN ARMED FORCES, all as defined in Appendix B of the Indictment,

Defendants.

PREFACE

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Recognizing the importance of establishing for history an authentic text of the Trial of major German war criminals, the International Military Tribunal directed the publication of the Record of the Trial. The proceedings are published in English, French, Russian, and German, the four languages used throughout the hearings. The documents admitted in evidence are printed only in their original language.

The first volume contains basic, official, pre-trial documents together with the Tribunal's judgment and sentence of the defendants. In subsequent volumes the Trial proceedings are published in full from the preliminary session of 14 November 1945 to the closing session of 1 October 1946. They are followed by an index volume. Documents admitted in evidence conclude the publication.

The proceedings of the International Military Tribunal were recorded in full by stenographic notes, and an electric sound recording of all oral proceedings was maintained.

Reviewing sections have verified in the four languages citations, statistics, and other data, and have eliminated obvious grammatical errors and verbal irrelevancies. Finally, corrected texts have been certified for publication by Colonel Ray for the United States, Mr. Mercer for the United Kingdom, Mr. Fuster for France, and Major Poltorak for the Union of Soviet Socialist Republics.

THIRTIETH DAY

Wednesday, 9 January 1946

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Morning Session

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SIR DAVID MAXWELL-FYFE (Deputy Chief Prosecutor for the United Kingdom): If the Tribunal please, when the Tribunal adjourned I had just dealt with the last of the two Norway documents, which I now put in as Exhibits GB-140 and GB-141. Their numbers are 004-PS and D-629.

My Lord, for convenience the first document, to which I shall refer in a few minutes, will be Document Number 1871-PS.

THE PRESIDENT (Lord Justice Sir Geoffrey Lawrence): I have that here.

SIR DAVID MAXWELL-FYFE: My Lord, before I come to that, I just want to say one word about the aggression against the Low Countries—Belgium, the Netherlands, and Luxembourg.

The facts as to the aggression against these countries, during the period when this defendant was Foreign Minister, were stated in full by my friend Mr. Roberts, and I think if I give the Tribunal the reference to the transcript at Pages 1100 to 1125 (Volume III, Pages 289 to 307), I do not need to detain the Tribunal on that part of the case. I only remind

the Tribunal that the action of this defendant as Foreign Minister to which attention may be called is the making of a statement on the 10th of May 1940 to representatives of the foreign press with regard to the reasons for the German invasion of the Low Countries; and these reasons were, in my respectful submission, demonstrated to be false by the evidence called by Mr. Roberts, which appears in that part of the transcript.

My Lord, I then proceed to the aggression in southeastern Europe against Greece and Yugoslavia, and the first moment of time in that regard is the meeting at Salzburg in August 1939, at which the Defendant Von Ribbentrop participated, when Hitler announced that the Axis had decided to liquidate certain neutrals. That is Document 1871-PS, which I now put in as Exhibit GB-142, and the passage to which I should like to refer the Tribunal is on Page 2 of the English version, two-thirds down the page in the middle of the fifth paragraph, six lines from the top. Your Lordship will find the words "Generally speaking."

THE PRESIDENT: Yes.

SIR DAVID MAXWELL-FYFE: I desire to quote from there:

"Generally speaking, it would be best to liquidate the pseudo-neutrals one after the other. This is fairly easily done if one Axis partner protects the rear of the other, as the latter finishes off one of the uncertain neutrals. Italy may consider Yugoslavia such an uncertain neutral. At the visit of Prince Regent Paul he (the Führer) suggested, particularly with regard to Italy, that Prince Paul clarify his political attitude towards the Axis by a gesture. He had thought of a closer connection with the Axis and the withdrawal of

Yugoslavia from the League of Nations. Prince Paul agreed to the latter. Recently the Prince Regent was in London and sought reassurance from the Western Powers. The same thing was repeated that happened in the case of Gafencu, who was also very reasonable during his visit to Germany and who denied any interest in the aims of the Western Democracies. Afterwards it was learned that he had later assumed a contrary standpoint in England. Among the Balkan countries the Axis can completely rely only on Bulgaria, which is, in a sense, a natural ally of Italy and Germany.”

Then missing a sentence:

“At the moment of a turn for the worse for Germany and Italy, however, Yugoslavia would join the other side openly, hoping thereby to give matters a final turn to the disadvantage of the Axis.”

That demonstrates the policy with regard to uncertain neutrals.

Then, as early as September 1940 this defendant reviewed the war situation with Mussolini. This defendant emphasized the heavy revenge bombing raids in England and the fact that London would soon be in ruins. It was agreed between the parties that only Italian interests were involved in Greece and Yugoslavia and that Italy could count on German support.

Then Von Ribbentrop went on further to explain to Mussolini the Spanish plan for the attack on Gibraltar and Germany’s participation therein and that he was expecting

to sign the protocol with Spain, bringing the latter country into the war, on his return to Berlin.

This is Document 1842-PS, which is the next document in the book to the one at which the Tribunal has just been looking, and the passage with regard to Greece and Yugoslavia occurs in the middle of the first page—if I might just read a very short extract:

“With regard to Greece and Yugoslavia the Foreign Minister stressed that it was exclusively a question of Italian interests, the settling of which was a matter for Italy alone and in which Italy would be certain of Germany’s sympathetic assistance.”

I don’t think I need trouble the Tribunal with the rest.

THE TRIBUNAL (Mr. Francis Biddle, member for the United States): I think you had better read the next paragraph.

SIR DAVID MAXWELL-FYFE: “But it seemed to us to be better not to touch on these problems for the time being, but instead to concentrate on the destruction of England with all our forces. Where Germany was concerned, she was interested in the northern German districts (Norway, *et cetera*), and this was acknowledged by the Duce.”

I am very grateful to you, Your Honor. That I put in as Exhibit GB-143.

A month or two later, in January 1941, at the meeting between Hitler and Mussolini, in which this defendant participated, the Greek operation was discussed. Hitler had stated that the German troops in Romania were for use in the planned campaign against Greece. That document is C-134, which was put in as Exhibit GB-119, and therefore I do

not propose to give it again but to give the Tribunal the reference to the points which are mentioned at the foot of Page 3 of the English text.

With regard to that meeting there is a cross-reference in Count Ciano's diary, Count Ciano having attended as Italian Foreign Minister, and he recalls his impression of that meeting in the diary for the 20th and 21st of January by saying:

"The Duce is pleased with the conversation on the whole. I am less pleased. Above all, because Ribbentrop, who had always been so boastful in the past, told me, when I asked him outright how long the war would last, that he saw no possibility of its ending before 1942."

Despite that somewhat pessimistic statement to Count Ciano, a short time later, 3 weeks later, when it was a question of encouraging the Japanese, this defendant took a more optimistic line.

On the 13th of February 1941 he saw Ambassador Oshima, the Japanese Ambassador, and that conversation appears in Document 1834-PS, which is Exhibit USA-129. That was read previously, and again I simply give the reference on Page 3 of the English version.

The second from the last paragraph dealt with the optimistic account of the military position and the position of Bulgaria and Turkey. I do not think I need read it further, but I will give the Tribunal the reference.

Then after that, in March, this defendant put forth his efforts to get Yugoslavia to join the Axis, and on the 25th of March the defendant, in a note to the Prime Minister

Cvetković—and this is Document 2450-PS, which is Exhibit GB-123—gave the assurance:

“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.”

After that, it is only fair to point out that there was the *coup d'état* in Yugoslavia. General Simovic took over the government; and two days after the assurance which I just read, at the meeting of the 27th of March 1941, at which this defendant was present, Hitler outlined the military campaign against Yugoslavia and promised the destruction of Yugoslavia and the demolition of Belgrade by the German Air Force. That is contained in Document 1746-PS, which is Exhibit GB-120; and that was read by my friend, Colonel Phillimore at an earlier stage so I do not need to read it again.

The final action of this defendant with regard to Yugoslavia was that after the invasion of Yugoslavia Von Ribbentrop was one of the persons directed by Hitler to draw up the boundaries for the partition and division of Yugoslavia. The preliminary directive for that is Document 1195-PS, which I now put in as Exhibit GB-144.

We now come to the aggression against the Soviet Union, and the first. . .

THE PRESIDENT: Has that been read, 1195?

SIR DAVID MAXWELL-FYFE: No, it has not. I am much obliged, Your Lordship. I will now read the relevant sentence with regard to this.

On Page 2, Section 2, Your Lordship will see the words “the drawing up of boundaries.” And in Paragraph 1 it says: “Insofar as the drawing up of boundaries has not been laid down in the above Part I, it will be carried out by the Supreme Command of the Armed Forces in agreement with the Foreign Office,”—that is this defendant—“the Delegate for the Four Year Plan,”—the Defendant Göring—“and the Reich Minister of the Interior.”

THE PRESIDENT: Who is the Reich Minister of the Interior?

SIR DAVID MAXWELL-FYFE: I think the Defendant Frick.

THE PRESIDENT: Yes, I think it is.

SIR DAVID MAXWELL-FYFE: My Lord, I am grateful to Your Lordship. I had forgotten that had not been read before.

Now then, as I say, we come to the aggression against the Soviet Union; and the first document which has not been put in so far, which I now put in as Exhibit GB-145, is TC-25, the German-Soviet Non-aggression Pact.

On 23 August 1939 this defendant had signed the German-Soviet Non-aggression Pact. Now the first point at which this defendant seems to have considered special problems of aggression against the Soviet Union was just after the 20th of April 1941, when the Defendant Rosenberg and this defendant met or communicated to consider the problems which were expected to arise in Occupied Eastern Territory. This defendant appointed his Counselor, Grosskopf, to be his liaison man with Rosenberg and also assigned a consul general called Bräutigam, who had many years experience in the U.S.S.R., as collaborator with Rosenberg. That is shown in Document 1039-PS, which is already Exhibit USA-146. I did not propose to read it again, as it had

been read. But the passage to which I have referred is the first paragraph on the top of Page 2, beginning, "After notification to the Reich Foreign Minister." It is that paragraph which I have just mentioned.

That was in April 1941. The following month, on 18 May 1941, the German Foreign Office prepared a declaration setting forth operational zones in the Arctic Ocean, the Baltic and the Black Seas, to be used by the German Navy and the Air Force in the coming invasion of the Soviet Union. That is the next document, C-77, which I now put in as Exhibit GB-146, and it is very short. Therefore I think I should quote it; it has not been read before:

"The Foreign Office has prepared for the use in 'Barbarossa' the attached draft of a declaration of operational zones. The Foreign Office, however, has reserved the decision as to the date when the declaration will be issued as well as the discussion of particulars."

These last two documents show quite clearly that this defendant was again implicated in the preparation for this act of aggression. Then, on the 22d of June 1941, this defendant announced to the world that the German armies were invading the U.S.S.R., as was seen by the Tribunal in the film shown on the 11th of December. And how untrue were the reasons given is shown by the report of his own Ambassador in Moscow who said that everything was being done to avoid a conflict. The Tribunal will find the reference to that in the speech of my learned friend, the Attorney General, the transcript at Page 888 (Volume III, Page 143).

We now come to the aggression which involved Japan and was directed against the United States of America. And

there the initial document is 2508-PS, which I now put in as Exhibit GB-147. That shows that on the 25th of November 1936, as a result of negotiations of this defendant as Ambassador-at-large, Germany and Japan had signed the Anticomintern Pact. I do not think that has been read, but if I might just read the introduction, the recital that gives the purposes of the agreement:

“The Government of the German Reich and the Imperial Japanese Government, recognizing that the aim of the Communist International, known as the Comintern, is to disintegrate and subdue existing states by all the means at its command, convinced that the toleration of interference by the Communist International in the internal affairs of the nations not only endangers their internal peace and social well-being but is also a menace to the peace of the world, desirous of co-operating in the defense against Communist subversive activities, have agreed as follows. . . .”

And then there follow the effective terms of the agreement under which they will act together for 5 years. It is signed by this defendant.

On the 27th of September 1940 this defendant, as Foreign Minister, signed the Tripartite Pact with Japan and Italy, thereby bringing about a full-scale military and economic alliance for the creation of a “New Order” in Europe and East Asia. That is 2643-PS, Exhibit USA-149, and has been read.

Then, on the 13th of February of 1941—that is a month or two later—this defendant was urging the Japanese to attack British possessions in the Far East. And that is shown in Document 1834-PS, which is Exhibit USA-129 and which

has already been read by my friend, Mr. Alderman. That was February.

Then, in April of 1941, at a meeting between Hitler and Matsuoka, representing Japan, at which this defendant was present, Hitler promised that Germany would declare war on the United States in the event of war occurring between Japan and the United States as a result of Japanese aggression in the Pacific. That is shown in Document 1881-PS, Exhibit USA-33, which has already been read and which I did not intend to read again.

Then the next document which reinforces that point is 1882-PS, which is Exhibit USA-153. If I might trouble the Tribunal with just two short paragraphs of that; it is interesting, showing the psychological development of this defendant and his views at that time. They are the first two paragraphs that are quoted, under the heading "Pages 2 and 3," where it begins "Matsuoka"; it is on the first page of the document:

"Matsuoka then spoke of the general high morale in Germany, referring to the happy faces he had seen everywhere among the workers during his recent visit to the Borsig works. He expressed his regret that developments in Japan were not yet as far advanced as in Germany and that in his country the intellectuals still exercised considerable influence.

"The Reich Foreign Minister replied that at best a nation which had realized its every ambition could afford the luxury of intellectuals, some of whom are parasites, anyway."

THE PRESIDENT: It is "most," according to my document.

SIR DAVID MAXWELL-FYFE: Oh, “most”; I beg Your Lordship’s pardon, it is completely my fault, it should be “most,” “most of whom are parasites, anyway.”

“A nation, however, which has to fight for a place in the sun must give them up. The intellectuals ruined France; in Germany they had already started their pernicious activities when National Socialism put a stop to these doings; they will surely be the cause of the downfall of Britain, which is to be expected with certainty.”

Then it continues on the usual lines. That last document was on the 5th of April.

Then, the next stage: Within a month after the German Armies invaded the Soviet Union, the 22d of June 1941, Ribbentrop was urging his Ambassador in Tokyo to do his utmost to cause the Japanese Government to attack the Soviet in Siberia; and that is proved by two documents which have already been put in—2896-PS, which is Exhibit USA-155, a telegram to the German Ambassador, in Tokyo, one Ott; and 2897-PS, USA-156, which is the reply from Ambassador Ott. Both of these were read by my friend, Mr. Alderman, and I won’t trouble the Tribunal again.

But the next document, which is D-656, is a new document which I put in as GB-148. That was captured from the Japanese, and it is a message—intercepted—which was sent by the Japanese Ambassador in Berlin just before the attack on the United States. If I might just read one short extract from this defendant’s speech; on the 29th of November 1941, that is roughly a week before Pearl Harbor, this defendant was saying—it is in Paragraph 1, and I will read it all because it is new:

“Ribbentrop opened our meeting by again inquiring whether I had received any reports regarding the Japanese-United States negotiations. I replied that I had received no official word.

“Ribbentrop: ‘It is essential that Japan effect the New Order in East Asia without losing this opportunity. There never has been and probably never will be a time when closer co-operation under the Tripartite Pact is so important. If Japan hesitates at this time and Germany goes ahead and establishes her European New Order, all the military might of Britain and the United States will be concentrated against Japan.

“ ‘As Führer Hitler said today, there are fundamental differences in the very right to exist between Germany and Japan, and the United States. We have received advice to the effect that there is practically no hope of the Japanese-United States negotiations being concluded successfully because of the fact that the United States is putting up a stiff front.

“ ‘If this is indeed the fact of the case and if Japan reaches a decision to fight Britain and the United States, I am confident that will not only be to the interest of Germany and Japan jointly but would bring about favorable results for Japan herself.’ ”

Then the Ambassador replied:

“ ‘I can make no definite statement as I am not aware of any concrete intentions of Japan. Is Your Excellency indicating that a state of actual war is to be established between Germany and the United States?’ ”

The Defendant Ribbentrop:

“ ‘Roosevelt’s a fanatic, so it is impossible to tell what he would do.’ ”

Then:

“Concerning this point, in view of the fact that Ribbentrop has said in the past that the United States would undoubtedly try to avoid meeting German troops, and from the tone of Hitler’s recent speech as well as that of Ribbentrop’s, I feel that the German attitude toward the United States is being considerably stiffened. There are indications at present that Germany would not refuse to fight the United States if necessary.”

Then the next part, Section 2, is an extremely optimistic prognosis of the war against the Soviet Union. I do not think, in view of the date in which we are reading it, that I need trouble the Tribunal with that.

There are then a few remarks about the intended landing operations against England, which is also *vieux jeu* at this time.

If the Tribunal would go to Part 3, there again we get the international attitude of mind of this defendant—at the foot of Page 2, Part 3; and I am quoting:

“ ‘In any event Germany has absolutely no intention of entering into any peace with England. We are determined to remove all British influence from Europe. Therefore, at the end of this war, England will have no influence whatsoever in international affairs. The island empire of Britain may remain, but all of her other possessions throughout the world will probably be divided three ways by Germany, the

United States and Japan. In Africa, Germany will be satisfied with, roughly, those parts which were formerly German colonies. Italy will be given the greater share of the African colonies. Germany desires, above all else, to control European Russia.’ ”

And after hearing this defendant, the Ambassador said; and I quote:

“ ‘I am fully aware of the fact that Germany’s war campaign is progressing according to schedule smoothly. However, suppose that Germany is faced with the situation of having not only Great Britain as an actual enemy but also all of those areas in which Britain has influence, and those countries which have been aiding Britain as actual enemies, as well. Under such circumstances, the war area will undergo considerable expansion, of course. What is your opinion of the outcome of the war under such an eventuality?’ ”

The Defendant Ribbentrop:

“ ‘We would like to end this war during next year.’ ”—that is, 1942—“ ‘However, under certain circumstances it is possible that it will have to be continued into the following year.

“ ‘Should Japan become engaged in a war against the United States. . .’ ”

THE PRESIDENT: You are going a little bit too fast.

SIR DAVID MAXWELL-FYFE: If Your Lordship pleases, I am sorry. I will go back to the paragraph I have just finished.

The Defendant Ribbentrop—and I am still quoting:

“ ‘We would like to end this war during next year. However, under certain circumstances it is possible that it will have to be continued into the following year.

“ ‘Should Japan become engaged in a war against the United States, Germany, of course, would join the war immediately. There is absolutely no possibility of Germany’s entering into a separate peace with the United States under such circumstances. The Führer is determined on that point.’ ”

That document associates this defendant with the aggression by Japan against the United States in the closest possible way.

Another new document, which is also an intercepted Japanese diplomatic message, is the next one, D-657, which I put in as Exhibit GB-149; and if I might read the first two sentences that show what it is—and I quote—the Japanese Ambassador says:

“At 1:00 p. m. today”—the 8th of December—“I called on Foreign Minister Ribbentrop and told him our wish was to have Germany and Italy issue formal declarations of war on America at once. Ribbentrop replied that Hitler was then in the midst of a conference at general headquarters, discussing how the formalities of declaring war could be carried out so as to make a good impression on the German people, and that he would transmit your wish to him at once and do whatever he could to have it carried out promptly. At that time Ribbentrop told me that on the morning of the 8th”—that is before the declaration of war—“Hitler issued orders to the entire German Navy to attack American ships whenever and wherever they might meet them.

“It goes without saying that this is only for your secret information.”

Then, as a matter of fact, as the Tribunal are aware, on the 11th of December 1941 this Defendant Ribbentrop, in the name of the German Government, announced a state of war between Germany and the United States.

The next stage concerns his attempt to get Japan to attack the Soviet Union.

In Ribbentrop’s conversations with Oshima, the Japanese Ambassador, in July 1942 and in March and April 1943, he continued to urge Japanese participation and aggression against the Soviet Union. This is shown in Document 2911-PS, which has been put in as Exhibit USA-157 and already read, and Document 2954-PS, which I now put in as GB-150. That is a new document; and if I might just indicate the effect of it by a very short quotation—it is a discussion between the Defendant Ribbentrop and Ambassador Oshima. It begins:

“Ambassador Oshima declared that he has received a telegram from Tokyo; and he is to report, by order of his Government, to the Reich Minister for Foreign Affairs the following:

“The suggestion of the German Government to attack Russia was the object of a common conference between the Japanese Government and the Imperial headquarters, during which the question was discussed in detail and investigated exactly. The outcome is the following: The Japanese Government thoroughly recognize the danger which threatens from Russia and completely understand the

desire of their German ally that Japan on her part also enter the war against Russia. However, it is not possible for the Japanese Government, considering the present war situation, to enter the war. They are rather of the conviction that it would be in the common interest not to start the war against Russia now. On the other hand, the Japanese Government will never lose sight of the Russian question.”

And then, in the middle of the next paragraph, this defendant returns to the attack. The third sentence—it begins on the fourth line—says:

“However, it would be more correct that all powers allied in the Three Power Pact, would combine their forces to strike together at not only England and America, but also Russia. It is not good if one part must fight alone.”

Then the pressure on Japan to attack Russia is shown again in the next document, 2929-PS, which was put in as Exhibit USA-159. And, if I might just close this part of the case, if I might read that—it is very short:

“The Reich Minister for Foreign Affairs then stressed again that without any doubt this year presented the most favorable opportunity for Japan, if she felt strong enough and had sufficient antitank weapons at her disposal to attack Russia, which certainly would never again be as weak as at the moment”—the moment being 18 April 1943.

If the Tribunal please, that concludes my evidence on the second allegation dealing with aggressive war; and I submit that that allegation in the Indictment is more than amply proved.

The third allegation is that the Defendant Ribbentrop authorized, directed, and participated in War Crimes and Crimes against Humanity.

Of course, I am considering this from the point of view of planning these crimes only. The execution of the crimes will be dealt with by my friends and Soviet colleagues, but it is relevant to show how this defendant participated in the planning of such crimes. I deal, first, with the killing of Allied aviators; secondly, with the destruction of peoples in Europe; and thirdly, with the persecution of the Jews.

First, the killing of Allied aviators:

With the increasing air raids on German cities in 1944 by Allied Air Forces, the German Government proposed to undertake a plan to deter Anglo-American fliers from further raids on the Reich cities. In a report of a meeting at which a definite policy was to be established, there is stated what was the point of view that this Defendant Ribbentrop had been urging. That is in Document 735-PS, which I now put in as Exhibit GB-151. That is a discussion of a meeting at the Führer's headquarters on the 6th of June 1944. If I might read the first paragraph:

“Obergruppenführer Kaltenbrunner informed the Deputy Chief of Operations Staff”—WFSt—“in Klessheim on the afternoon of the 6th of June that a conference on this question had been held shortly before by the Reich Marshal”—the Defendant Göring—“the Reich Foreign Minister”—the Defendant Von Ribbentrop—“and the Reichsführer SS.”—Himmler—“Contrary to the original suggestion made by the Reich Foreign Minister, who wished to include every type of terror attack on the German civilian

population, including bombing attacks on cities, it was agreed in the above conference that merely those attacks carried out with aircraft armament aimed directly at the civilian population and their property should be taken as the standard for the evidence of a criminal action in this sense. Lynch law would have to be the rule, there was no mention of trial by court-martial or handing over to the police.”

That is, this defendant was pressing that even where there was an attack on a German city, the airmen should be handed over to be lynched by the crowd. The others were saying that that should be restricted to cases where there were attacks by machine guns, and the like, on the civilian population.

I do not think we need trouble with Paragraph (a) of the statement of the Deputy Chief of WFSt. The importance of (a) goes because Kaltenbrunner says that there were no such cases as were mentioned.

If you look at (b):

“The Deputy Chief of the WFSt pointed out that, besides the lynch law, a procedure must be worked out for segregating such enemy aviators who are suspected of criminal action of this kind by sending them to the reception camp for aviators at Oberursel and, if the suspicion was confirmed, handing them over to the SD for special treatment.”

As I understand that, it is that if they were not lynched under the first scheme, by the crowd, then they were to be kept from prisoners of war, where they would, of course, be subject to the protecting power’s intervention. And if the

suspicion was confirmed, they would be handed over to the SD to be killed.

Then in Paragraph 3 we have what was decided to justify the lynch law. Paragraph 3 says:

“At a conference with Colonel Von Brauchitsch (Colonel of the Air Force) on the 6th of June, it was settled that the following actions are to be regarded as terror actions justifying lynch law:

“Low-level attacks with aircraft armament on the civilian population, single persons as well as crowds.

“Shooting in the air our own (German) men who had bailed out.

“Attacks with aircraft armament on passenger trains in the public service.

“Attacks with aircraft armament on military hospitals, hospitals, and hospital trains, which are clearly marked with the red cross.”

These were to be the subject of lynching and not, as this defendant had suggested, a case where there was the bombing of a city.

Then on the next page, the last page of this document, we have a somewhat curious comment from the Defendant Keitel:

“Remarks by the Chief of the OKW on the agenda dated 6 June 1944.”

The number is that of the document at which the Tribunal has just been looking.

“Most secret; Staff officers only.

“If one allows the people to carry out lynch law, it is difficult to enforce rules.

“Ministerial Director Berndt got out and shot the enemy aviator on the road. I am against legal procedure. It doesn't work out.”—Signed—“Keitel.”

Then the Defendant Jodl's comment appears:

“This conference is insufficient. The following points must be decided quite definitely in conjunction with the Foreign Office:

“1. What do we consider as murder? Is the Foreign Office in agreement with point 3b?

“2. How should the procedure be carried out? a. By the people? b. By the authorities?

“3. How can we guarantee that the procedure will not be also carried out against other enemy aviators?

“4. Should some legal procedure be arranged or not?”—
Signed—“Jodl.”

It is important, I respectfully submit, to note that this defendant and the Foreign Office were fully in on these breaches of the laws and usages of war, and indeed the clarity with which the Foreign Office perceives that there were breaches of the laws and usages of war, is shown by the next document, which is 728-PS, which I now put in as GB-152. That is a document from the Foreign Office, approved of by the Defendant Ribbentrop and transmitted by one of his officials called Ritter; and the fact that it is approved by this defendant is specifically stated in the next Document 740-PS, which I put in as GB-153. I do not think this Document 728-PS has been read before, and therefore, again, I would like to read just one or two passages in it. It begins:

“In spite of the obvious objections, based on international law and foreign policy, the Foreign Office is basically in agreement with the proposed measures.

“In the examination of the individual cases a distinction must be made between the cases of lynching and the cases of special treatment by the SD.

“I. In the cases of lynching, the precise establishment of the facts involving punishment, according to points 1 through 4 of the communication of 15 June, is not very essential. First, the German authorities are not directly responsible, since the death will have occurred before a German official becomes concerned with the case. Furthermore, the accompanying circumstances will be such, that it will not be difficult to represent the case in an appropriate manner upon publication. Hence, in cases of lynching it will be of primary importance correctly to handle the individual case upon publication.

“II. The suggested procedure for special treatment by the SD, including subsequent publication, would be feasible only if Germany would at the same time openly repudiate the commitments of international law, at present in force and still recognized by Germany. When an enemy aviator is seized by the Army or by the Police and is delivered to the reception camp for aviators at Oberursel, he has acquired by this very fact the legal status of a prisoner of war.

“The Prisoner-of-War Agreement of 27 July 1929 established definite rules for the prosecution and sentencing of prisoners of war and the execution of the death penalty, as for example in Article 66: Death sentences may be carried out only 3 months after the Protecting Power has been notified of the sentence. In Article 63: A prisoner of war will be tried only by the same courts and under the same