

MILITARY TRIBUNALS

CASE No. 7

THE UNITED STATES OF AMERICA

— against —

**WILHELM LIST, MAXIMILIAN VON WEICHS, LOTHAR
RENDULIC, WALTER KUNTZE, HERMANN FOERTSCH,
FRANZ BOEHME, HELMUTH FELMY, HUBERT LANZ,
ERNST DEHNER, ERNST VON LEYSER, WILHELM
SPEIDEL, and KURT VON GEITNER,**

Defendants

**OFFICE OF MILITARY GOVERNMENT FOR GERMANY (US)
NURNBERG 1947**

INDICTMENT

The United States of America, by the undersigned Telford Taylor, Chief of Counsel for War Crimes, duly appointed to represent said Government in the prosecution of war criminals, charges the defendants herein with the commission of War Crimes and Crimes against Humanity, as defined in Control Council Law No. 10, duly enacted by the Allied Control Council on 20 December 1945. These crimes included murder, ill-treatment, and deportation to slave labor of prisoners of war and other members of the armed forces of nations at war with Germany, and of civilian populations of territories occupied by the German armed forces, plunder of public and private property, wanton destruction of cities, towns, and villages, and other atrocities and offenses against civilian populations.

The persons accused as guilty of these crimes and accordingly named as defendants in this case are:

WILHELM LIST — Generalfeldmarschall (General of the Army); Commander-in-Chief Twelfth Army, April 1941 — October 1941; Wehrmachtbefehlshaber Südost (Armed Forces Commander Southeast); June 1941 — October 1941; Commander-in-Chief Army Group A, July 1942 — September 1942.

MAXIMILIAN VON WEICHS — Generalfeldmarschall (General of the Army); Commander-in-Chief Second Army, April 1941 — July 1942; Commander-in-Chief Army Group B, July 1942 — February 1943; Commander-in-Chief Army Group F and Supreme Commander Southeast, August 1943 — March 1945.

LOTHAR RENDULIC — Generaloberst (General); Commander-in-Chief Second Panzer Army, August 1943 — June 1944; Commander-in-Chief Twentieth Mountain Army, July 1944 — January 1945; Wehrmachtbefehlshaber Nord (Armed Forces Commander North), December 1944 — January 1945; Commander-in-Chief Army Group North, January 1945 — March 1945; Commander-in-Chief Army Group Courland, March 1945 — April 1945; Commander-in-Chief Army Group South, April 1945 — May 1945.

WALTER KUNTZE — General der Pioniere (Lieutenant General, Engineers); Acting Commander-in-Chief Twelfth Army, October 1941 — August 1942.

HERMANN FOERTSCH — General der Infanterie (Lieutenant General, Infantry); Chief of Staff Twelfth Army, May 1941 — August 1942; Chief of Staff Army Group E, August 1942 — August 1943; Chief of Staff Army Group F, August 1943—March 1944.

FRANZ BOEHME — General der Gebirgstruppen (Lieutenant General, Mountain Troops); Commander XVIII Mountain Army Corps, April 1941 — December 1941; Plenipotentiary Commanding General in Serbia, September 1941 — December 1941; Commander-in-Chief Second Panzer Army, June 1944 — July 1944; Commander-in-Chief Twentieth Mountain Army and Wehrmachtbefehlshaber Nord (Armed Forces Commander North), January 1945 — May 1945.

HELMUTH FELMY — General der Flieger (Lieutenant General, Air Force); Commander Southern Greece, June 1941 — August 1942; Commander LXVIII Army Corps, June 1943 — October 1944.

HUBERT LANZ — General der Gebirgstruppen (Lieutenant General, Mountain Troops); Commander 1st Mountain Division October 1940 — January 1943; Commander XXII Mountain Army Corps, August 1943 — October 1944.

ERNST DEHNER — General der Infanterie (Lieutenant General, Infantry); Commander LXIX Army Reserve Corps, August 1943 — March 1944.

ERNST VON LEYSER — General der Infanterie (Lieutenant General, Infantry); Commander XV Mountain Army Corps, November 1943 — July 1944; Commander XXI Mountain Army Corps, July 1944 — April 1945.

WILHELM SPEIDEL — General der Flieger (Lieutenant General, Air Force); Commander Southern Greece, October 1942 — September 1943; Military Commander Greece, September 1943 — June 1944.

KURT VON GEITNER — Generalmajor (Brigadier General); Chief of Staff to the Commanding General in Serbia, July 1942 — August 1943; Chief of Staff to the Military Commander of Serbia and Military Commander Southeast, August 1943 — October 1944.

* * *

Reference is hereby made to Appendix "A" of this Indictment for a fuller statement of the positions held by each of the defendants herein:

COUNT ONE

1. Between September 1939 and May 1945, all of the defendants unlawfully, wilfully and knowingly committed War Crimes and Crimes against Humanity, as defined in Article II of Control Council Law No. 10, in that they were principals in, accessories to, ordered, abetted, took a consenting part in, were connected with plans and enterprises involving, and were members of organizations or groups connected with, the murder of hundreds of thousands of persons from the civilian populations of Greece, Yugoslavia and Albania, by troops of the German Armed Forces under the command and jurisdiction of, responsible to, and acting pursuant to orders issued, executed and distributed by, the defendants herein. The victims of these crimes included persons from all walks of life — doctors, lawyers, clergymen, artists, teachers, laborers, farmers — who, regardless of age or sex, were rounded up from the streets, from their homes, or from their places of work, and placed in prison camps and stockades. When attacks by lawfully constituted enemy military forces, and attacks by unknown persons, against German troops and installations took place, these persons were, without benefit of investigation or trial, summarily hanged or shot. They were executed at arbitrarily established ratios varying from 50 to 100 for each German soldier killed and 25 to 50 for each German soldier wounded.

2. Other thousands of non-combatants, arbitrarily designated as "partisans", "communists", "communist suspects", "bandits" and "bandit suspects", also without benefit of investigation or trial, were terrorized, tortured and murdered, in retaliation for attacks by lawfully constituted enemy military forces and attacks by unknown persons against German troops and installations.

3. These acts of collective punishment were part of a deliberate scheme of terror and intimidation, wholly unwarranted and unjustified by military necessity and in flagrant violation of the laws and customs of war, to compel the inhabitants of the aforementioned territories to furnish information concerning the size, strength and disposition of their national armies, to reduce the manpower potential of the armies of resistance, and to decimate for future generations the native populations of these occupied territories.

4. Pursuant to, and in implementation of, this scheme of terror and intimidation, the defendants herein issued, executed, and distributed, to troops under their command and jurisdiction, orders for the execution of 100 "hostages" in retaliation for each German soldier killed, 50 "hostages" in retaliation for each German soldier wounded, 10 "hostages" in retaliation for each person under German protection killed, 5 "hos-

tages" in retaliation for each person under German protection wounded, and up to 100 "hostages" in retaliation for each attack upon any "object" under German protection.

5. The murders and other crimes charged in this Count included, but were not limited to, the following:

a. On or about 28 April 1941, the Commander-in-Chief of the Second Army ordered the execution of 100 Serbs, taken from all classes of the population, in retaliation for the death of one German soldier and the wounding of two others, and publicly announced that "in the future 100 Serbs will be ruthlessly shot for every German harmed as a result of a surprise attack conducted by Serbs".

b. On or about 3 September 1941, in Serbia, troops of the LXV Hoeheres Kommando (Corps Command), under the command and jurisdiction of the Twelfth Army, executed 20 "communists" in reprisal for the death of three German soldiers killed in a surprise attack on the Rtanj mine.

c. On or about 30 October 1941, the Plenipotentiary Commanding General of Serbia, in his ten-day report to the Commander-in-Chief Twelfth Army and Supreme Commander Southeast, stated that the following executions had taken place: "405 hostages in Belgrade (total up to now in Belgrade, 4750), 90 communists in Camp Sabac, 2300 hostages in Krageujevac, and 1700 hostages in Kraljevo."

d. On or about 29 November 1941, in Belgrade, Yugoslavia, troops under the command and jurisdiction of the Commanding General in Serbia executed 100 "hostages" in retaliation for the killing of a German sergeant.

e. On or about 17 March 1943, the Commanding General in Serbia ordered troops under his command and jurisdiction to execute 10 "communists" in retaliation for the destruction of 14 telegraph poles southwest of Topola, Serbia during the night 25—26 February 1943.

f. On or about 27 June 1943, troops under the command and jurisdiction of the Commanding General in Serbia executed 350 "communists" in retaliation for the murder of three German customs officials.

g. On or about 15 August 1943, troops under the command and jurisdiction of the commanding General in Serbia executed 150 hostages in retaliation for the murder, on 9 August 1943, of two German soldiers and the wounding of two others on the road near Pozarevac, Serbia.

h. On or about 15 September 1943, the Military Commander of Serbia and Military Commander Southeast ordered troops under his command and jurisdiction to execute 450 "communist suspects" in retaliation for the attack of 1 September 1943 on a German column near Crkvice, Serbia, as a result of which seven German policemen were killed and four wounded.

- i. On or about 15 September 1943, in Croatia, as a measure of revenge for a railway raid, troops of the 173rd Reserve Division, under the command and jurisdiction of the LXIX Reserve Corps, executed 40 "hostages" at the place of the raid.
- j. On or about 30 September 1943, in retaliation for sabotage on an electric installation, troops under the command and jurisdiction of the XXII Mountain Corps executed 17 civilians.
- k. On or about 28 September 1943, in Croatia, troops of the 173rd Reserve Division, under the command and jurisdiction of the LXIX Reserve Corps, executed 40 "hostages" in retaliation for an attack on a railway.
- l. On or about 3 October 1943, in reprisal for an attack on a motorcycle escort in which a non-commissioned officer was killed, troops under the command and jurisdiction of the XXII Mountain Corps "executed four hostages at once" and reported that "further retaliation measures were continuing".
- m. On or about 10 October 1943, in retaliation for a raid on a freight train 12 km. southeast of Vinkovci, Croatia, troops of the 187th Reserve Division, under the command and jurisdiction of the LXIX Reserve Corps, executed 20 "bandit suspects" taken from near the place of the raid.
- n. On or about 26 November 1943, in retaliation for an attack by "bandits" on the road Tripolis-Sparta, Greece, troops under the command and jurisdiction of the LXVIII Infantry Corps executed 100 "hostages" at the site of the attack.
- o. On or about 2 December 1943, in retaliation for an attack on a railway station southeast of Tripolis, Greece, troops under the command and jurisdiction of the LXVIII Infantry Corps executed 50 "hostages".
- p. On or about 5 December 1943, in Aighion, Greece, troops under the command and jurisdiction of the LXVIII Infantry Corps shot 50 "hostages" in reprisal for recent attacks.
- q. On or about 10 January 1944, troops under the command and jurisdiction of the Military Commander of Greece executed 50 "communists" in retaliation for the murder of two German policemen.
- r. On or about 21 March 1944, troops under the command and jurisdiction of the Military Commander of Greece executed 52 "hostages" in Tripolis, Greece and 44 "hostages" in Sparta, Greece as a retaliation measure.

s. On or about 28 March 1944, while carrying out a mopping-up operation, troops of the 7th SS "Prinz Eugen" Division and detachments of the 369th "Devil's" Division, under the command and jurisdiction of the Second Panzer Army, raided numerous peaceful Croatian villages, burned the inhabitants alive and set fire to their property: 300 persons were killed at Krivodol, five in Smilici, 40 in Legatori, 65 in Grubispici, 80 in Bandovina-Blazevici, 645 in Vostani and 700 in Rudi. In Otok 22 persons and in Ovrlije 150 persons were burned to death; in Sladovici seven persons were shot and the entire village burned to the ground.

t. On or about 5 April 1944, troops of the 4th SS (Polizei) Panzer Grenadier Division, under the command and jurisdiction of the LXVIII Infantry Corps, brutally murdered 215 persons, mostly old men, women and children, in the village of Klissura, Greece, in retaliation for the death of two German soldiers killed in the neighborhood of that village by members of Greek "partisan" units.

u. On or about 10 June 1944, troops of the 4th SS (Polizei) Panzer Grenadier Regiment, under the command and jurisdiction of the LXVIII Infantry Corps, shot and killed, in the village of Distomon, Greece, 300 "bandits" and "bandit suspects" and set the village on fire.

v. On or about 11 August 1944, in reprisal for an attack east of Kukes, Albania in which two cars were set on fire, troops of the 21st SS "Skanderbeg" Division under the command and jurisdiction of the XXI Mountain Corps, hanged six "hostages" at the place of the attack.

w. On or about 15 August 1944, in Athens, Greece, troops under the command and jurisdiction of the Military Commander of Greece executed 200 Greek citizens and 100 "communists" in retaliation for the death of the German General KRECH.

6. The acts and conduct of the defendants set forth in this Count were committed unlawfully, willfully and knowingly, and constitute violations of international conventions, of the Hague Regulations, 1907, of the laws and customs of war, of the general principles of criminal law as derived from the criminal laws of all civilized nations, of the internal penal laws of the countries in which such crimes were committed, and were declared, recognized, and defined as crimes by Article II of Control Council Law No. 10.

COUNT TWO

7. Between September 1939 and May 1945, all of the defendants unlawfully, wilfully and knowingly committed War Crimes and Crimes against Humanity, as defined in Article II of Control Council Law No. 10, in that they were principals in, accessories to, ordered, abetted, took a consenting part in, were connected with plans and enterprises involving, and were members of organizations or groups connected with, the plundering and looting of public and private property, the wanton destruction of cities, towns and villages, frequently together with the murder of the inhabitants thereof, and the commission of other acts of devastation not justified by military necessity, in the occupied territories of Norway, Greece, Yugoslavia and Albania, by troops of the German Armed Forces under the command and jurisdiction of, responsible to, and acting pursuant to orders issued, executed and distributed by, the defendants herein. The defendants ordered troops under their command and jurisdiction to burn, destroy and level to the ground entire villages and towns, and, on numerous occasions, to execute the inhabitants of such villages and towns. Such arbitrary, inhumane and disproportionately harsh measures of reprisal dislocated hundreds of families, made thousands of peaceful non-combatants homeless and destitute, and brought untold suffering, humiliation, misery and death to vast numbers of innocent civilians.

8. This program of wholesale devastation was carried out not only as part of a cruel, senseless pacification-through-terror scheme, wholly unwarranted and unjustified by military necessity and in flagrant violation of the laws and customs of war, but also in furtherance of a long-range plan to despoil and retard for decades the economic and industrial potential of the occupied territories.

9. The acts of destruction and other crimes charged in this Count included, but were not limited to, the following:

a. On or about 10 October 1944, the Commander-in-Chief of the Twentieth Mountain Army, the defendant RENDULIC, issued an order, to troops under his command and jurisdiction, for the complete destruction of all shelter and means of existence in, and the total evacuation of the entire civilian population of, the northern Norwegian province of Finnmark. During the months of October and November 1944 this order was effectively and ruthlessly carried out. For no compelling military reasons, and in literal execution of instructions to show no sympathy to the civilian population, the evacuated residents were made to witness the burning of their homes and possessions and the destruction of churches, public buildings, food supplies, barns, livestock, bridges, transport facilities and natural resources of an area in which they and

their families had lived for generations. Relatives and friends were separated, many of the evacuees became ill from cold and disease, hundreds died from exposure or perished at sea in the small boats and fishing smacks used in the evacuation, while still others were summarily shot for refusing to leave their homeland—in all, the thoroughness and brutality of this evacuation left some 61,000 men, women and children homeless, starving and destitute.

b. On or about 25 September 1941, in Serbia, troops under the command and jurisdiction of the Commanding General in Serbia were ordered to burn, and did burn, villages and farms in and around the plains of Drina and at the bend of the Sava river.

c. During the months of September and October 1941, in the course of so-called "punitive expeditions" (Strafexpeditionen), troops under the command and jurisdiction of the Twelfth Army burned and completely destroyed the following villages in the Valjevo district of Serbia: Grabevica, Divci, Dracic, Jovanja, Selic, Loznica, Lukavac, Petnica, Popucke, Babjic, Susoke, Skela, Grabovac, Zabrizje, Stubline, Pricevic and Beoluzevic.

d. On or about 15 August 1943, during the course of a reprisal raid south of Arilje, Serbia, troops under the command and jurisdiction of the Commanding General in Serbia burned 460 houses.

e. On or about 24 September 1943, during the execution of "Action Kammerhofer", troops of the 173rd Reserve Division, under the command and jurisdiction of the LXIX Reserve Corps, set fire to two Croatian villages.

f. On or about 5 October 1943, in retaliation for the murder of a Regimental Commander and for telephone "sabotage", troops under the command and jurisdiction of the XXII Mountain Corps destroyed the Greek village of Akmotopos and executed its entire population.

g. On or about 16 October 1943, troops of the 187th Reserve Division, under the command and jurisdiction of the LXIX Reserve Corps, arrested the inhabitants of the Croatian villages of Paklonica and Vocarica as "hostages" and then burned the villages to the ground.

h. On or about 15 November 1943, troops of the 187th Reserve Division, under the command and jurisdiction of the LXIX Reserve Corps, burned the village of Jamena, Croatia.

i. On or about 27 November 1943, troops of the 173rd Reserve Division, under the command and jurisdiction of the LXIX Reserve Corps, burned the Croatian village of Grgurevci.

j. On or about 1 December 1943, in the course of retaliation activities against "bandits" in the district of Korca, Greece, troops under

the command and jurisdiction of the XXII Mountain Corps destroyed one village and shot all of the able-bodied male inhabitants found therein.

k. On or about 15 December 1943, in the course of continuing retaliation activities in the district of Kalavriitha, Greece, troops under the command and jurisdiction of the LXVIII Infantry Corps burned four villages, completely leveled Kalavriitha, destroyed two convents, and executed 511 male "hostages".

l. During the period January 1944 — March 1945, troops of the 392nd Infantry Division, under the command and jurisdiction of the XXI Mountain Corps, burned, plundered and looted the Croatian villages of Dreznica, Pisac, Tuzevic and Vojvodersa.

m. On or about 28 March 1944, troops of the 7th SS "Prinz Eugen" Division under the command and jurisdiction of the Second Panzer Army burned, plundered and looted the Dalmatian villages of Otok, Ovrnje, Ruda and Dolac Donji.

n. On or about 15 May 1944, troops under the command and jurisdiction of the LXVIII Infantry Corps burned fifty houses in the village of Kimi, Greece, in retaliation for an attack on a German truck.

o. On or about 11 July 1944, troops of the 369th "Devil's" Division, under the command and jurisdiction of the Second Panzer Army, destroyed by fire the Croatian villages of Zagnjesde and Udora, executing the male population of those villages and transporting the female population to the concentration camp at Stolac, Croatia.

p. On or about 13 August 1944, pursuant to an order of the Commander-in-Chief Army Group F and Supreme Commander Southeast, the defendant WEICHS, the Greek village of Karpenision was burned to the ground.

10. The acts and conduct of the defendants set forth in this Count were committed unlawfully, wilfully and knowingly, and constitute violations of International Conventions, of the Hague Regulations, 1907, of the laws and customs of war, of the general principles of criminal law as derived from the criminal laws of all civilized nations, of the internal penal laws of the countries in which such crimes were committed, and were declared, recognized, and defined as crimes by Article II of Control Council Law No. 10.

COUNT THREE

11. Between September 1939 and May 1945, all of the defendants unlawfully, wilfully and knowingly committed War Crimes and Crimes against Humanity, as defined in Article II of Control Council Law No. 10, in that they were principals in, accessories to, ordered, abetted, took a consenting part in, were connected with plans and enterprises involving, and were members of organizations or groups connected with, the initiation and drafting of certain illegal orders, and their subsequent issuance and distribution to, and execution by, troop units of the German Armed Forces under the command and jurisdiction of, and responsible to, the defendants herein. Such illegal orders directed in *inter alia* that enemy troops be refused quarter and be denied the status and rights of prisoners of war, and that surrendered members of the military forces of nations at war with Germany be summarily executed. Such illegal orders further directed that regular members of the national armies of Greece, Yugoslavia and Italy be designated and treated by troops of the German Armed Forces subordinate to the defendants herein as "partisans", "rebels", "communists" and "bandits", and that the relatives of the members of such national armies be held responsible for said members' lawful acts of warfare. These orders were carried out thoroughly and ruthlessly, and as a result thousands of soldiers and prisoners-of-war were murdered and illtreated.

12. The murders and other crimes charged in this Count included, but were not limited to, the following:

a. On or about 28 April 1941, the Commander-in-Chief of the Second Army issued and distributed, to troops under his command and jurisdiction, an order stating that "whoever appears in the Serbian uniform with a weapon in his hand transgresses international law and is to be shot to death immediately", that "if in any area (of Serbia) an armed band appears, then even the men capable of bearing arms who are seized are to be shot to death, because they were in the proximity of the band, if it cannot immediately be ascertained with certainty that they were not connected with the band", and, further, "that the bodies of all persons shot to death are to be hanged up and left hanging".

b. During a period of time after June 1941, all of the defendants herein issued, executed and distributed, to troops under their command and jurisdiction, an order for the summary execution of political Commissars, even though such persons were regularly attached to, and wore the recognized uniform of, members of the established military forces of enemy belligerents.

c. On or about 23 July 1941, the Commander-in-Chief Twelfth Army and Supreme Commander Southeast issued and distributed, to troops under his command and jurisdiction, an order to punish resistance in the occupied territories of Greece and Yugoslavia "not by legal prosecution of the guilty, but by spreading terror and applying draconic measures".

d. On or about 2 October 1941, the Plenipotentiary Commanding General in Serbia ordered troops under his command and jurisdiction to execute 2100 Yugoslavian prisoners of war in retaliation for the death of 21 German soldiers.

e. On or about 4 October 1941, the Plenipotentiary Commanding General in Serbia issued an order to troops under his command and jurisdiction to give no quarter to members of the Yugoslav National Army.

f. On or about 14 October 1941, the Plenipotentiary Commanding General in Serbia ordered troops under his command and jurisdiction to arrest all wives, and male relatives aged 15 years and over, of members of the Yugoslav National Army and to confine them in concentration camps.

g. On or about 2 November 1941, the Plenipotentiary Commanding General in Serbia issued an order to troops under his command and jurisdiction to continue the practice of shooting, after a short interrogation, all "partisans" captured in combat.

h. During a period of time after 18 October 1942, all of the defendants herein, except the defendant LIST, issued, executed, and distributed to troops under their command and jurisdiction an order to execute in battle, or within 24 hours after capture, all members of Allied "commando" and "military mission" units, whether or not such persons were regularly attached to, and wore the recognized uniform of, duly authorized members of the established military forces of enemy belligerents.

i. On or about 11 September 1943, the Commander-in-Chief and the Chief of Staff of army Group F and Supreme Command Southeast, the Commander-in-Chief Second Panzer Army, the Commanders of the LXVIII Infantry Corps, XXII Mountain Corps, LXIX Reserve Corps, and XV Mountain Corps and the Military Commander of Serbia and Military Commander Southeast, issued, executed and distributed to troops under their command and jurisdiction an order for the execution of one staff officer and 50 men of each Division of the surrendered Italian Army which, prior to its surrender, had sold, given away, or destroyed its weapons, and for the execution of one officer and 10 men of each such Division which, prior to its surrender, had made a motor vehicle unusable.

j. On or about 24 September 1943, the Commander of the XXII Mountain Corps ordered troops under his command and jurisdiction to execute the captured Italian General Gandini and all officers of his staff.

k. On or about 28 September 1943, in Croatia, troops under the command and jurisdiction of the Second Panzer Army executed 300 captured officers of the Italian "Bergamo" Division.

l. On or about 1 November 1943, troops of the 100th Jaeger Division, under the command and jurisdiction of the Second Panzer Army, executed two captured colonels, the Operations and Supply Officers respectively, of the Italian Ninth Army.

13. The acts and conduct of the defendants set forth in this Count were committed unlawfully, wilfully, and knowingly and constitute violations of international conventions, of the Hague Regulations, 1907, of the Prisoner-of-War Convention (Geneva, 1929), of the laws and customs of war, of the general principles of criminal law as derived from the criminal laws of all civilized nations, of the internal penal laws of the countries in which such crimes were committed, and were declared, recognized and defined as crimes by Article II of Control Council Law No. 10.

COUNT FOUR

14. Between September 1939 and May 1945, all of the defendants unlawfully, wilfully and knowingly committed War Crimes and Crimes against Humanity, as defined in Article II of Control Council Law No. 10, in that they were principals in, accessories to, ordered, abetted, took a consenting part in, were connected with plans and enterprises involving, and were members of organizations or groups connected with, the murder, torture, and systematic terrorization, imprisonment in concentration camps, arbitrary forced labor on fortifications and entrenchments to be used by the enemy, and deportation to slave labor, of the civilian populations of Greece, Yugoslavia and Albania, by troops of the German Armed Forces under the command and jurisdiction of, responsible to, and acting pursuant to orders issued, executed, and distributed by, the defendants herein. Great numbers of citizens—"democrats, nationalists, Jews, and Gypsies"—were arbitrarily seized and thrown into concentration camps where they were systematically beaten, tortured, ill-treated and murdered, while other masses of the civilian population were forcibly conscripted for labor in the Reich and the occupied territories, transported in trains without adequate heat or sanitary conditions, and there, separated from family and friends, were made to labor long hours under inhumane conditions.

15. The murders, imprisonment in concentration camps, deportation to slave labor and other crimes charged in this Count included, but were not limited to, the following:

a. On or about 23 September 1941, troops of the 342nd Division, under the command and jurisdiction of the XVIII Mountain Corps, were ordered to place the entire male population, between the ages of 14 and 70, of the town of Sabac, Serbia, in a concentration camp.

b. On or about 6 October 1941, the Plenipotentiary Commanding General in Serbia ordered troops of the 342nd Infantry Division, under the command and jurisdiction of the XVIII Mountain Corps, to clear the district south of Mitrovica and northeast of Ravnje of its entire population and to erect in the nearby town of Zasaviza a concentration camp capable of accommodating 30,000 persons.

c. On or about 11 October 1941, the Plenipotentiary Commanding General in Serbia ordered the execution of 2200 Jews from a concentration camp in Belgrade, Yugoslavia.

d. On or about 10 August 1943, the Chief of Staff Army Group E and Supreme Command Southeast issued, executed, and distributed to troops subordinate to that command an order to deport the male population of whole villages in the occupied territories of Greece and

Yugoslavia for forced labor in Germany, and "to answer attacks on German soldiers and damage to German property in all cases by the shooting or hanging of hostages, the destruction of surrounding villages, etc."

e. On or about 30 November 1943, during "Action Hafenfahrt", troops of the 100th Jaeger Division, under the command and jurisdiction of the Second Panzer Army, were ordered to arrest and deport to the concentration camp at Semlin all "communists" in the Albanian cities of Durazzo and Shijeb.

f. On or about 2 December 1943, the Commander-in-Chief of the Second Panzer Army ordered troops under his command and jurisdiction engaged in the operation "Panther" to evacuate the male population of Croatian towns and villages for deportation to forced labor in Germany.

g. On or about 3 December 1943, during Operation "Panther", the Commander of the XVth Mountain Corps ordered troops under his command and jurisdiction to deport the able-bodied population of numerous Croatian villages to Germany for forced labor.

16. The acts and conduct of the defendants set forth in this Count were committed unlawfully, wilfully and knowingly and constitute violations of international conventions, of the Hague Regulations, 1907, of the laws and customs of war, of the general principles of criminal law as derived from the criminal laws of all civilized nations, of the internal penal laws of the countries in which such crimes were committed, and were declared, recognized and defined as crimes by Article II of Control Council Law No. 10.

WHEREFORE, this Indictment is filed with the Secretary General of the Military Tribunals and the charges herein made against the above-named defendants are hereby presented to the Military Tribunals.

TELFORD TAYLOR

Brigadier General, USA

Chief of Counsel for War Crimes

Acting on behalf of the United States of America

Nurnberg, 10 May 1947

APPENDIX A.

Statement of Military Commands Held by Each of the Defendants, September, 1939 to May, 1945

The following is a list of the high military commands held by each of the defendants in the German Armed Forces during the period September 1939 — May 1945. Each of the defendants, in holding and exercising these commands, committed War Crimes and Crimes against Humanity as set forth in this Indictment.

LIST:

The defendant Wilhelm LIST during the period September 1939—May 1945 was: (1939) Commander-in-Chief Fourteenth Army during the campaign against Poland; (1939—1940) Commander-in-Chief Twelfth Army in the West; (1941) Commander-in-Chief Twelfth Army and Supreme Commander Southeast during the campaign against, and subsequent occupation of, Greece; (1942) Commander-in-Chief Army Group "A" on the Eastern Front; retired on 10 September, 1942.

Decorations:

Ritterkreuz (Knight's Cross); Slovakisches Siegerkreuz (Slovakian Victory Cross); Großkreuz des Heiligen Alexander mit Schwert (Grand Cross of the Holy Alexander with Sword); Großkreuz des Ungarischen Militärischen Verdienstordens mit Schwert (Grand Cross of the Hungarian Military Order of Merit with Sword); Michael der Tapfere II. und III. Klasse (Order of Michael the Brave 2nd and 3rd Class); Großoffizier des Orden vom Haus Savoyen mit Schwert (Officer of the Orders of the House of Savoy with Sword).

Promotions:

(1939) Generaloberst (General); (18 July 1940) Generalfeldmarschall (General of the Army).

WEICHS:

The defendant Maximilian von WEICHS during the period September 1939—May 1945 was: (1938—1939) Commanding General XIII Infantry Corps during the occupations of Austria, the Sudetenland, and

Czechoslovakia, and during the campaign against Poland; (1940—1942) Commander-in-Chief Second Army during the campaigns against the Low Countries, France, Yugoslavia and Russia; (1942—1943) Commander-in-Chief Army Group "B" on the Eastern Front; (1943—1945) Commander-in-Chief Army Group "F" and Supreme Commander Southeast during the occupations of Greece, Yugoslavia and Albania; March 1945—May 1945 Fuehrer Reserve.

Decorations:

Spange zum E.K. II und zum E.K. I (**Clasp to the Iron Cross 1st and Cross**); Eichenlaub zum Ritterkreuz des E.K. (**Oak Leaf to the Knight's 2nd Class**); Ritterkreuz des Eisernen Kreuzes (**Knight's Cross of the Iron Cross of the Iron Cross**); Großkreuz zum Ungarischen Verdienstorden (**Grand Cross to the Hungarian Order for Meritorious Service**); Orden der Italienischen Krone (**Order of the Italian Crown**); Bulgarischer St. Alexander Orden (**Bulgarian St. Alexander Order**); Kroatischer Zvonimir Orden (**Croatian Zvonimir Order**).

Promotions:

(1936) General der Kavallerie (Lieutenant General, Cavalry); (1940) Generaloberst (General); (1943) Generalfeldmarschall (General of the Army).

RENDULIC:

The defendant Lothar RENDULIC during the period September 1939—May 1945 was: (1939) Chief of Staff XVII Infantry Corps during the campaign against Poland; (1940) Commanding General 14th Infantry Division during the campaigns against the Low Countries and France; (1940—1942) Commanding General 52nd Infantry Division during the occupation of France and the campaign against Russia; (1942—1943) Commanding General XXXV Army Corps on the Eastern Front; (1943—1944) Commander-in-Chief Second Panzer Army during the occupation of Yugoslavia and Albania; (1944) Commander-in-Chief Twentieth Mountain Army in Finland and Norway and Commander-in-Chief Armed Forces in Norway; (1945) Commander-in-Chief Army Group North in East Prussia, Commander-in-Chief Army Group Courland and Commander-in-Chief Army Group South.

Decorations:

Eisernes Kreuz I and II (**Iron Cross 1st and 2nd Class**); Deutsches Kreuz in Gold (**German Cross in Gold**); Ritterkreuz des Eisernen Kreuzes (**Knight's Cross of the Iron Cross**); Ostmedaille (**Eastern Medal**); Eichenlaub zum Ritterkreuz mit Schwertern (**Oak Leaves with Swords to the Iron Cross**).

Promotions:

(September 1939) Oberst (Colonel); (December 1939) Generalmajor (Brigadier General); (1941) Generalleutnant (Major General); (1942) General der Infanterie (Lieutenant General, Infantry); (1944) Generaloberst (General).

Became a member of the Austrian Nazi Party in 1932.
Austrian Military Attache in Paris, France (1934—1936).

KUNTZE:

The defendant Walter KUNTZE during the period September 1939 to May 1945 was: (1940, 1941) Commanding General of XXIV Infantry Corps during the campaigns against the Low Countries, France and Russia; (1941) Deputy of Field Marshal LIST, Commander-in-Chief Twelfth Army Armed Forces Commander Southeast; (1942—1945) in charge of training of Replacement Army; (Autumn 1944) in charge of work on the West Wall.

Decorations:

Spange zum E.K. II und E.K. I (**Clasp to Iron Cross 2nd Class and Iron Cross 1st Class**); Ritterkreuz des Eisernen Kreuzes (**Knight's Cross of the Iron Cross**); Deutsches Kreuz in Silber (**German Cross in Silver**); Schutzwallehrenzeichen (**Medal of the Atlantic Wall**); Großkreuz zum Bulgarischen Militaerischen Verdienstorden (**Grand Cross to the Bulgarian Order for meritorious Military Service**); Großorden der Krone Koenig Zwonimirs (**Order of the crown of King Zwonimir**).

Promotions:

(1938) General der Pioniere (Lieutenant-General, Engineers).

FOERTSCH:

The defendant Hermann FOERTSCH during the period September 1939—May 1945 was: (1939) Chief of Staff of Wehrkreis (Service Command) VIII; (1939—1940) Chief of Staff of XXVI Infantry Corps in the West; (1940) Commanding Officer of the General Staff Courses in Berlin; (1941) Liaison Officer of OKH (Army High Command) with Twelfth Army in the Balkan campaign against Greece; (1941) Chief of Staff of Twelfth Army; (1942—1943) Chief of Staff of Army Group "E" and later of Army Group "F"; (Summer 1944) Commanding General of the 21st Infantry Division on the Eastern Front; (1944) Commanding General of the X Infantry Corps; (1945) Commander-in-Chief First Army on Western frontier of the Reich.

Decorations:

Spange zum Eisernen Kreuz II. Klasse und I. Klasse (**Clasps to the Iron Cross 2nd Class and 1st Class**); Deutsches Kreuz in Gold (**German Cross in Gold**); Ritterkreuz des Eisernen Kreuzes (**Knight's Cross to the Iron Cross**).

Promotions:

(1938) Oberst (Colonel); (1942) Generalmajor (Brigadier General); (1943) Generalleutnant (Major General); (1944) General der Infanterie (Lieutenant General, Infantry).

Publications:

Most important publications:

Kriegskunst heute und morgen (The Art of Warfare today and tomorrow).

BOEHME:

The defendant Franz BOEHME during the period September 1939—May 1945 was: (1939—1940) Commanding General, 32nd Infantry Division during the campaigns against Poland, the Low Countries and France; (1940-1941) Commanding General XVIII Infantry Corps, and (1941) Plenipotentiary Military Commander in Serbia; (1942-1943) Commanding General XVIII Infantry Corps in Finland; (1944) Commander-in-Chief Second Panzer Army; (1945) Commander-in-Chief Twentieth Mountain Army and Armed Forces Commander Norway.

Decorations:

Eisernes Kreuz I. Klasse und II. Klasse (**Iron Cross 1st and 2nd Class**); Ritterkreuz des Eisernen Kreuzes (**Knight's Cross of the Iron Cross**); Deutsches Kreuz in Gold (**German Cross in Gold**).

Promotions:

(1939) Generalleutnant (Major General); 1940 (General der Gebirgstruppen (Lieutenant General, Mountain Troops).

FELMY:

The defendant Helmuth FELMY during the period September 1939—May 1945 was: (1939—1940) Commander of Luftflotte (Air Fleet) No. II; (1941) Head of the German Military Mission to Iraq; (1941) Military Commander Southern Greece and Commander Special Staff "F" (Staff of former Military Mission Iraq, at that time located in Greece); (1942—1944) Commanding General of LXVIII Infantry Corps on Eastern Front, in Greece, Yugoslavia and Hungary; (1944—1945) Commanding General of XXXIV Infantry Corps in Yugoslavia.

Decorations:

Spange zum E.K. II and I (**Clasps to the Iron Cross 2nd Class and 1st Class**); Deutsches Kreuz in Gold (**German Cross in Gold**).

Promotions:

(1938) General der Flieger (Lieutenant General, Air Force).
Became a member of the Nazi Party in 1940.

LANZ:

The defendant Hubert LANZ during the period September 1939—May 1945 was: (1939—1940) Chief of Staff of Wehrkreis (Service Command) V; (1940) Chief of Staff of XVIII Mountain Corps, during the campaigns against the Low Countries and France; (1940—1943) Commanding General of 1st Mountain Division during the campaigns against Yugoslavia and Russia; (1943) Deputy Commander of the XXXIX Mountain Corps in Russia; (1943—1945) Commanding General of XXII Mountain Corps in Greece and Hungary.

Decorations:

Ritterkreuz des Eisernen Kreuzes (**Knight's Cross of the Iron Cross**); Eichenlaub zum Ritterkreuz (**Oak Leaves to the Knight's Cross of the Iron Cross**).

Promotions:

(1939) Oberst (Colonel); (1940) Generalmajor (Brigadier General); (1942) Generalleutnant (Major General); (1943) General der Gebirgstruppen (Lieutenant General, Mountain Troops).

DEHNER:

The defendant Ernst DEHNER during the period September 1939—May 1945 was: (1940) Commander of the 87th Infantry Regiment in Belgium; (1941—1942) Commanding General of the 106th Infantry Division during the campaign against Russia and on occupation duty in Northern France; (1942) Commanding General of the LXXXII Infantry Corps; (1943—1944) Commanding General of LXIX Reserve Corps in Croatia; (1944) Military Commander Southern France.

Decorations:

Silberne Spange zum Preussischen Eisernen Kreuz I. und II. Klasse (**Silver Clasps to Prussian Iron Cross 1st and 2nd Class**), Infanterie-Sturmabzeichen (**Infantry Assault Medal**); Ritterkreuz des Eisernen Kreuzes (**Knight's Cross of the Iron Cross**); Medaille "Winterschlacht im Osten" (**Medal of the Winter Battle in the East**); Orden vom Heiligen Zwonimir (**Order of the Holy Zvonimir**).

Promotions:

(1936) Oberst (Colonel); (1940) Generalmajor (Brigadier General); (1942) Generalleutnant (Major General); (1942) General der Infanterie (Lieutenant General, Infantry).

LEYSER:

The defendant Ernst LEYSER during the period September 1939—May 1945 was: (1939—1940) Commander of 169th Infantry Regiment during the campaign against Poland, the Low Countries and France; (1941) Commanding General of the 269th Infantry Division in Russia; (1942) Commanding General of the XXVI Corps in Russia; (1943—1944) Commanding General of XV Mountain Corps in Croatia; (1944—1945) Commanding General of XXI Mountain Corps in Albania.

Decorations:

Spange zum Eisernen Kreuz I. und II. Klasse (**Clasps to the Iron Cross 1st and 2nd Class**); Ritterkreuz des Eisernen Kreuzes (**Knight's Cross of the Iron Cross**); Deutsches Kreuz in Gold (**German Cross in Gold**).

Promotions:

(1937) Oberst (Colonel); (1941) Generalmajor (Brigadier General); (1942) Generalleutnant (Major General); 1942 General der Infanterie (Lieutenant General, Infantry).

SPEIDEL:

The defendant Wilhelm SPEIDEL during the period September 1939—May 1945, was: (1939) Chief of Staff Luftflotte (Air Fleet) I during the campaign against Poland; (1940) Chief of Staff Luftflotte (Air Fleet) II during the campaigns against Poland, the Low Countries and France; (1940—1942) Commanding General and Commander of the German Air Force Mission in Rumania; (1942) Military Commander Southern Greece; (1943—1944) Military Commander Greece; (1944—1945) Commander of the Liaison Staff OKL (Air Force High Command) Southeast; (1945) Commander, Special Field Police Regiment III.

Decorations:

Spange zum Eisernen Kreuz I. und II. Klasse (**Clasps to the Iron Cross 1st Class and 2nd Class**); various Rumanian and Bulgarian decorations.

Promotions:

(1937) Oberst (Colonel); (1939) Generalmajor (Brigadier General); (1940) Generalleutnant (Major General); (1942) General der Flieger (Lieutenant General, Air Force).

GEITNER:

The defendant Kurt von GEITNER during the period September 1939—May 1945 was: (1939) Commander of an Infantry Replacement Regiment; (1940) Operations Officer of Wehrkreis (Service Command) VIII; (1940) Chief of Staff XXXV Infantry Corps during the occupation of France; (1941) attached to Staff of Army Group Center during the campaign against Russia; (1942) Chief of Staff to the Commanding General and Commander in Serbia; (1943) Chief of Staff to the Military Commander of Serbia and Military Commander South-East.

Decorations:

Spangen zum Eisernen Kreuz I. und II. Klasse (**Clasps to the Iron Cross 1st and 2nd Class**); Kriegsverdienstkreuz II. Klasse (**War Merit Cross 2nd Class**).

Promotions:

(1936) Major der Reserve (Major, Reserve Officer); (1940) Oberstleutnant (Lieutenant Colonel); (1942) Oberst (Colonel); (1944) Generalmajor (Brigadier General).

Became a member of the Nazi Party in Spring, 1938.