

CASE No. 74

TRIAL OF GAULEITER ARTUR GREISER
SUPREME NATIONAL TRIBUNAL OF POLAND
21ST JUNE—7TH JULY, 1946

*Criminal Organisations—Conspiracy and Aggressive War—
Annexation of Occupied Territory—Genocide—The De-
fence of Superior Orders.*

A. OUTLINE OF THE PROCEEDINGS

1. THE INDICTMENT

Artur Greiser, formerly a citizen of Danzig, was charged with the following offences :

(A) That, between 1930 and May, 1945, within the territories of the Third Reich, of the Free City of Danzig, and of Poland, as one of the leaders of the German National Socialist Workers' Party (NSDAP) he took part in the activities of a criminal organisation, which that party was, its purpose being through violence, waging of aggressive wars and the commission of crimes, to establish in Europe and in particular in the states bordering on Germany, among them that of Poland, the national-socialist régime and to incorporate into Germany foreign territories, in particular some of the territories of which the Polish State was composed by virtue of the Treaty of Versailles.

(B) That, on behalf of the said Nazi Party (NSDAP), he was in charge of its branch acting under the same name in the territory of the Free City of Danzig, and that in this capacity he, between 1933 and 1st September, 1939, conspired with the chief government organs of the German Reich with a view to :

- (1) Causing warlike activities whose purpose was to separate part of the territories of the Polish State, and subsequently to deprive the remaining territories of that State of their independence, which was accomplished by the aggression against Poland begun on 1st September, 1939, and subsequently by means of the military occupation of the whole country carried out in violation of the principles of the law of nations ;
- (2) Arbitrarily depriving the Polish State of the rights to which it was entitled in the territory of the Free City of Danzig by virtue of Article 104 of the Treaty of Versailles and of the Polish-Danzig Agreement concluded in Paris on 9th November, 1920, as well as of the Convention subsequently concluded on the basis of the aforesaid treaty and agreement, and of the legally binding decisions of international bodies ; and also with the purpose of limiting the rights accorded by virtue of those same treaties and agreements to all persons of Polish

origin, or speaking the Polish language, and to all Polish citizens in the territory of the Free City of Danzig, this object having been achieved by the appointment by the Danzig Senate on 23rd August, 1939, of Albert Forster, a subordinate to the *Führer* of the Third Reich and Gauleiter of the National-Socialist Party in Danzig, to the post of *Statthalter* (Governor) of the Free City of Danzig, and who by a law of 1st September, 1939, set aside the constitution of the Free City of Danzig, and arbitrarily incorporated it to the German Reich.

(c) That, during the Second World War, begun as a result of German aggression, in the period from 12th September, 1939, to mid-January, 1945, that is to the time of the withdrawal of the German occupying forces from the territory of the so-called "Wartheland," first as head of the office of the civil administration attached to the German military headquarters in Poznan, and subsequently, from 26th October, 1939, as *Reichstatthalter* (Governor) and simultaneously *Gauleiter* of the N.S.D.A.P. for the Province of Poznan (Posen) and part of those of Lodz and Pomorze (Pomerania) which were incorporated into the Reich by the Decree of the *Führer* of 8th October, 1939, under the name of "Reichsgau Posen" which was later changed to "Wartheland," exceeding the rights accorded to the occupying authority by international law, and in particular violating Articles, 43, 46, 47, 50, 52, 55 and 56 of The Hague Regulations, which were binding upon Poland and upon the German Reich, and contravening the principles of the law of nations and the postulates of humanity and the conscience of nations, both on his own initiative and in carrying out the unlawful instructions of the civil and military authorities of the German Reich, he acted to the detriment of the Polish State and of its citizens, by inciting to, and assisting in the commission of, and by committing personally the following offences :

- (1) Individual and mass murders of civilians and of prisoners of war ;
- (2) Acts of ill-treatment, persecution and bodily harm against such persons, and other acts causing their ill-health ;
- (3) Systematic destruction of Polish culture, robbery of Polish cultural treasures and germanization of the Polish country and population, and illegal seizure of public property ;
- (4) Systematic and illegal deprivation of the Polish population of its private property.

In particular the accused Artur Greiser during the period and in the territories mentioned above :

- (i) Participated in insulting and deriding the Polish nation by proclaiming its cultural and social inferiority ;
- (ii) Participated by various means, from publicly hanging to gradual torturing to death in concentration and extermination camps, in murders of individuals and of whole groups of the Polish population, and particularly of those Poles who, in his opinion, stood in the way to the consolidation of German power and to the germanization of the territory placed under his responsibility, and selecting his victims especially from among the educated classes or politically active members of the peasant and working classes ;

- (iii) Participated in the persecution and wholesale extermination of Polish citizens of Jewish race or origin residing in the territory under his authority, by :
 - (1) murdering them on the spot ;
 - (2) concentrating them in a small number of ghettos, mainly in the Lodz ghetto whence they were being gradually deported and murdered, mainly in the gas-chambers of the extermination camp at Chelmo, to which were also brought Jews from other occupied countries and from the Reich ;
 - (3) submitting the Jewish population from the very beginning of the occupation to every possible kind of vexation and torment, from verbal and physical effronteries to the infliction of the most grievous bodily harm, in a way calculated to inflict the maximum of physical suffering and human degradation ;
- (iv) Participated in ill-treating the Polish civilian population of that area and in persecuting them, by :
 - (1) inflicting grievous bodily harm or causing their health to break ;
 - (2) over a long period, illegally depriving civilians of their freedom by keeping them in jails, prisons and various camps, in particular in the concentration, extermination and forced labour camps set up in the territory of the so-called " Wartheland " or outside it, which deprivation of freedom went hand in hand with torture of the individuals concerned ;
 - (3) deporting to the area of the so-called " General Government " or to forced labour camps in the Reich of people of whole villages and streets, and of families and individuals ;
 - (4) deporting Polish children and youth against the will of their parents and guardians, and placing them in German families or educational institutions in the Reich with the purpose of germanizing them completely, cutting them off from all contact with their families and things Polish, and giving them German christian names and surnames ;
- (v) Acted to the detriment of the civilian population by taking part in widespread robberies and thefts, extortion and appropriation of the movables of Polish citizens, and of all public property in the territories in question (especially of articles of cultural value and works of art), either by seizure, confiscation or by simply depriving of them persons being deported ;
- (vi) In the occupied territory under his authority he caused the inhabitants to suffer inadmissible degradation by reason of their nationality or race, and at the same time gave a privileged position to the German population in that :
 - (1) he introduced and put into effect regulations concerning the " Deutsche Volksliste " (Lists of German Nationals), by which that part of the Polish population which did not apply for inclusion in the lists was deprived of public rights deriving from the Polish citizenship ;

- (2) for the Polish population thus deprived of public rights he created a set of regulations known in National-Socialist jargon as the *Polenstatut*, which completely deprived the Poles of all rights to real property and permitted the confiscation of all undertakings and all movable property ; deprived the Poles of the right to choose their employment, fixed their conditions of employment and wages, of the scale of nourishment, terms of health and other social services for the Poles at a considerably lower level than that for the Germans ; drastically limited the protection of Poles by the civil courts, laid upon the Poles more severe responsibility for crimes, providing the death penalty even for minor offences ; prohibited to form associations of Poles and the entry of Poles into German associations ; forbade their taking any part in cultural life or sport, and compulsorily limited the education of Polish children to its elementary stages only ;
- (3) of his own initiative and will aggravated the harshness of the regulations issued by the central authorities of the Reich for the territory over which he had authority, by increasing the severity of the labour laws for the Poles, by introducing special courts, and by further raising the age for contracting matrimony ;
- (vii) Persecuted the Polish population by exceeding in practice the legal and administrative regulations, and acted in such a way as to :
- (1) keep the population in constant fear of life, health, and personal liberty ; and of losing their remaining property ;
 - (2) degrade the Polish population to a social status of serfs ruled by the *Herrenvolk*, which took the form of constant insults to the Poles on the part of the authorities ; of creating for the Poles extra-legal obligations towards the Germans, from raising the hat to all Germans in uniform and descending off pavements, to prohibiting them from occupying positions in private undertakings, where they would have to give instructions to German employees ; and by allotting to the Germans to the detriment of the Polish population easier conditions of life and better material comforts on the grounds that such were " nur für Deutsche " (for Germans only) ;
 - (3) deprive Poles of all confessions of the means of freely practising their religious cult, especially the Catholics who constituted 90% of the population of that area. This was achieved by :
 - (a) removing the majority of the clergy by killing them *en masse*, either on the spot, in concentration camps or by deporting them to the General Government ;
 - (b) depriving the Poles of so many of their places of worship as to amount in many localities to complete deprivation of the possibility of practising their cult, while at the same time forbidding them to attend places of worship reserved for the Germans ;
 - (c) setting forth the time limit of religious services and forbidding certain kinds of them ;

- (viii) Ruthlessly exploited the Polish labour force of the said area in order to increase the war potential of the German Reich by such a system of payments and allowances, conditions of employment as to cause the gradual wearing out of the people, the only object of which was to increase production needed for the total war of conquest that the Germans had undertaken against Poland and the Allied Nations ;
- (ix) Acted to the detriment of the Polish State and nation, especially of the civilian population of the area under his control, by directing activities intended to destroy the cultural values of the Polish nation by :
 - (1) closing down or destroying all Polish scientific and cultural institutions, the entire press, the wireless, cinemas and theatres ;
 - (2) closing down and destroying the network of Polish schools both elementary, middle and high, and closing down all Polish collections, archives, and libraries ;
 - (3) destroying many of the relics and monuments of Polish culture and art or transforming them so as no longer to serve Polish culture ; and limiting the Poles in their own culture by confining the use of the Polish language to private intercourse and forbidding its use in public life or places of instruction.

2. SPECIFIC CHARGES

In view of the fact that the Supreme National Tribunal did not deal in its Judgment in detail with the specific charges brought forward against the accused Artur Greiser, and in its findings of a general character relied to a very large extent on the Indictment, it was thought necessary to provide on the following pages an extensive summary of the relevant part of the Indictment.

(i) *Aggression*

Under this heading, the Indictment put on record, in the first instance, all the principal events in the development of international law, whereby aggressive war, once one of the essential prerogatives of sovereignty, has come to be regarded as an institution deprived of all legality.

After having recalled the relevant provisions, *inter alia*, of the Covenant of the League of Nations, the Geneva Protocol of 1924 and the Briand-Kellog Pact of 1928, the Indictment stated that in the non-aggression pact signed in Berlin on 26th January, 1934, Poland and Germany undertook not to employ force in their mutual relations and to base them on the principles of the Briand-Kellog Pact. The two countries bound themselves, in the event of a dispute that could not be settled by direct negotiation, to seek other peaceful means of solving it, but in no circumstance to have recourse to the use of force.

This pact was concluded for ten years, with the right of denouncing it six months before the end of that period. Thus Germany in crossing the Polish frontier on 1st September, 1939, violated all her solemn undertakings, and the leaders of the German Reich and their helpers committed a crime against international law by commencing a war of aggression. There was no justification for breaking the obligations they had assumed ; for there

were not even in existence the circumstances that might have entitled Germany to appeal to that more than doubtful clause, which modern international law no longer considers valid, the clause called *rebus sic stantibus*.

After having made reference to the legal principles laid down in the London Agreement and Charter of 1945, the Indictment went on to describe the plans of the Nazi Party to wage an aggressive war. It stated that the aims of the National Socialist Party, and especially of its leaders, were (a) to set aside by force the provisions of the Treaty of Versailles concerning the limitation of armaments accepted by Germany; (b) to recover by force those territories lost by Germany as a result of the World War of 1914-1918 and other areas, allegedly occupied by peoples "racially Germanic"; (c) to obtain by force areas in Europe, and in other parts of the world, proclaimed as Germany's *Lebensraum*. As the means towards those ends they used the stratagem of bad faith in assuming international obligations, and, in the event of States refusing the demands of the Third Reich, the means of aggressive war.

According to the plans of the Nazi party, the invasion of Austria and Czechoslovakia had to be followed by fraudulent incorporation into the Reich of the Free City of Danzig in violation of international treaties, and by the occupation of Poland, which was considered as part of the German *Lebensraum*. Here, for the first time, German plans met with resistance, an event for which the Nazi plan envisaged the use of aggressive war as a means of enforcing its intentions.

The accused, Artur Greiser, was a member of the Nazi Party from the spring of 1930; he then occupied the post of Deputy *Gauleiter* of the party for the Danzig district, and eventually (from May, 1934) he was concurrently President of the Danzig Senate under the one party government of the Nazi. In that capacity, the accused prepared, directed, and later, together with *Gauleiter* Forster and other members of the Nazi Party in the territory of the Free City of Danzig, put into effect the aggressive measures against Poland, which were part of the Party's plan, and, in the territory of the Free City of Danzig, he executed the first stage of that plan in relation to Poland.

(ii) *Seizure of the Free City of Danzig*

In Article 100 of the Treaty of Versailles Germany renounced all rights to the city of Danzig in favour of the Allied and Associated Powers, who undertook to organise that territory as a Free City under the guarantee of the League of Nations, and to put into effect the agreements between Poland and the Free City of Danzig in regard to Poland's rights accorded to her in Article 104 of the Treaty. By a resolution of 17th November, 1920, the Council of the League of Nations accepted the report of the High Commissioner and agreed to the Constitution, which laid down that the Free City should implement its obligations under the Versailles Treaty and other international obligations. No change was to be made in the Constitution of the Free City of Danzig without the agreement of the High Commissioner and of the Council of the League of Nations.

The Constitution of Danzig was subsequently confirmed by the Council of the League of Nations on 14th June, 1922. The international obligations in respect of Poland were based, in the opinion of the Permanent Court of

International Justice, on Article 104 of the Treaty of Versailles and on the Paris Convention of 9th November, 1920. No unilateral alteration of these obligations could have been made.

On 11th March, 1926, the Nazi Party was set up in Danzig and organised itself as the so-called *Gau Danzig*. On 15th October, 1930, Forster became Gauleiter. In 1931 a Nazi newspaper began to appear in Danzig, called *Der Danziger Vorposten*. It was published under a slogan that constituted an open incitement to violate international agreements: "Zurück zum Reich-gegen verträglichke Willkür" (Back to the Reich—against the arbitrariness of treaties).

On 20th June, 1933, the Nazi Party succeeded in assuming authority. On 28th November, 1934, the accused, Artur Greiser, became President of the Senate and took immediate steps to secure the realisation of his Party's plan. In addition, as a member of the Nazi party, he fulfilled the function of Deputy Gauleiter.

In open violation of accepted obligations, a decree forbidding the activities of the Communist Party was issued on 26th May, 1934. Similarly the activities of the Social Democratic Party were forbidden on 14th October, 1936; those of the German National Party on 14th May, 1937, and of the Centre Party on 21st October, 1937.

Simultaneously and equally in violation of its obligations, the institutions of the Free City of Danzig were brought in line with the corresponding institutions in the Nazi Reich. After an open challenge made by the accused when he appeared before the League of Nations on 4th July, 1936, a law was passed on 1st November, 1937, establishing the so-called *Staatsjugend* in Danzig. This was a name to disguise the Nazi organisation, *Hitlerjugend*. In accordance with paragraph 2, the President of the Senate, the accused Greiser, appointed a certain Goepfert as *Staatsjugendfuhrer*. After 4th May, 1939, this organisation, which was intended to help in realising the Nazi criminal aims, was being openly called *Hitlerjugend*.

On 12th November, 1938, the Senate, presided over by the accused, passed new regulations governing civil service, which were similar to those in the German Reich. Officials were now bound faithfully to serve only the Free City of Danzig and its National Socialist leaders. According to paragraph 4, officials had to take an oath of loyalty to the National Socialist leaders, and according to paragraph 42, they were bound to report any activities injurious to the National Socialist Party.

On 21st November, 1938, the Senate passed a law on the protection of German blood and honour, which was followed on 1st February, 1939, by the anti-Jewish laws. On 5th June, 1938, an *S.S. Heimwehr* was constituted as the militant organ of the National Socialist Party and of the Danzig Senate for preparing the first stage of aggression against Poland and the incorporation of the Free City into the Reich. On 23rd August, 1939, in violation of international obligations, a law was passed, on the strength of which Gauleiter Forster was appointed head of the State of the Free City of Danzig. The signature of the accused figures on this illegal document. On the strength of this a new Constitution for Danzig was passed on 1st September, 1939; this transferred all legislative and executive power into the hands of the Head of State and proclaimed the incorporation of the

Free City of Danzig into the Reich. In accordance with the plan, agreed upon between the members of the National Socialist Party, this act was followed by a law passed that same day by the Reichstag. On 8th September, 1939, there followed the annexation, in violation of treaties and international law, of part of occupied Poland and its incorporation into the so-called Gau Danzig-Westpreussen, of which Forster became the head.

Thus the accused, as deputy Gauleiter and President of the Senate, by combining his party and State functions brought about a similar unification of State and party as existed in the Reich by virtue of the law of 1st December, 1933, the object of this being to further the realisation of the criminal plans of the National Socialists. Forster's speech of 4th October, 1936, made to the leaders of the National Socialist movement of Gau Danzig, showed that he, as leader of the party, and the accused, as deputy Gauleiter, were in full agreement as to the plan of action. The relations between Forster, the *Partei-führer*, and Greiser, the representative of the State, were so close that nothing was done that had not previously been agreed between them.

Thus, it was charged, the accused is guilty not only of preparing an aggressive war on Poland, but also of putting into effect the first phase of that aggression, i.e., the violation of the Statute of the Free City of Danzig and of the rights accorded to Poland in this territory.

(iii) *Incorporation of Western Polish Territories into the German Reich*

On the authority of the Führer's Decree of 2nd October, 1939, concerning the incorporation "of the eastern marches" into the Reich, there was created within the boundaries of the Reich a *Reichsgau Posen*, later called the *Wartheland*, that included the District of Poznan (Posen), the greater part of the District of Lodz and several of the eastern counties of the District of Pomorze (Pomerania). At the same time the so-called *General Gouvernement* was created by the Führer's Decree of 12th October, 1939, on the eastern border of Wartheland. Both these decrees came into force on 26th October, 1939, at the time when the accused Artur Greiser became *Reichsstatthalter* (Governor). Thus he was empowered to give orders and instructions to the entire administration except for the Posts and Railways.

According to the Decree of 8th October, 1939, Polish law was to continue binding in as far as it did not conflict with the German law. In practice, however, the former was always disregarded, and from the very beginning the law of the Reich was adopted in all spheres. German was the only language, and the Poles were at liberty to use their own language only in private contacts.

Under the *Reichsstatthalter* was the Chief of the S.S. and Police, personally responsible to him, who at the same time represented the *Reichsführer* of the S.S. and Police in his capacity as *Reichskommissar für die Festigung der deutschen Volkstums* (The Reich's Commissar for strengthening Germanism), his task being to deport Poles and settle Germans in their place. In principle the Chief of the S.S. and Police for the *Gau* received his instructions through the *Reichsstatthalter*. Subordinated to him were also the Inspector of the Civil Police (Orpo) and an Inspector of the Security Police (Sipo). The *Reichsstatthalter* was also head of the local government organs, themselves very limited in their powers. Thus, this system ensured that all state and

local government administration, and party authority, was being concentrated in the hands of the Reichsstatthalter, who was also in certain respects the legislative authority.

Polish citizens in the western Polish territories were divided into two categories: citizens of the Reich, or such as were to become so under certain conditions, and those remaining under specific protection of the German Reich (*Schutzangehörige des Deutschen Reiches*), the latter category comprising principally persons of Polish nationality. The regulations introducing the Lists of German Nationals were issued by Greiser on his own authority on 28th October, 1939, while in others of the incorporated territories such lists were not introduced till 4th March, 1941. As a consequence of these regulations the Poles lost all rights resulting from their citizenship.

Greiser was also responsible along with Himmler as Reichsführer of the S.S. and Police, for initiating the secret regulation concerning "productive Poles" (*Leistungspolen*). Only Poles included in this category were entitled to the same working conditions, food and clothing as Germans. The idea of these regulations originated from Greiser.

(iv) *Exceptional Legal Status of Poles*

The basic weapon used by Hitlerism in its struggle to exterminate the Polish element in the "incorporated" territories was legislation. The new laws were made partly by Greiser himself and partly by the central authorities of the Reich, and were intended to deprive the Poles of all their rights except those essential to maintain Polish manpower at a minimum physical level. The regulations issued by the German authorities covered various spheres of life and together constituted a set of measures known as *Polenstatut* (Status of Poles) aiming systematically and consistently at one and the same end. These regulations were as follows:

(1) *As regards Property*

The first restrictions were introduced at the very beginning of the occupation, and involved a prohibition of sales of real property and undertakings, and in many cases the seizure and confiscation of the individual's entire estate.

The confiscation of Polish property was based on three enactments: (a) the Decree of 15th January, 1940, on safeguarding the property of the Polish State; (b) the Decree of 12th February, 1940, on the public management of agricultural and forest undertakings and properties; and (c) the Decree of 17th September, 1940, on the manner of treatment of the property of Polish citizens. The first decree sequestered all real and other property of the Polish State; the second, the object of which was to secure the supply of foodstuffs, provided for the seizure of all undertakings and realty which on 1st September, 1939, were not owned by persons of German nationality, or by the State and local government authorities; in other words all Polish private agricultural and forest property was sequestered. The right of management and disposal (except that of alienation) passed to a German company called "Ostland."

The third decree concerning the manner of treatment of the property of Polish citizens was the most far-reaching: except that belonging to *Volks-*

deutschers all property became liable to seizure, management by a commissar, and confiscation. Seizure was obligatory in the case of property belonging to Jews or persons abroad, and optional where dictated by the public interest, especially when in the interest of the defence of the Reich, or of strengthening of germanism. Property taken over could be confiscated. The property of corporate bodies was liable to seizure, if in 1939 Polish citizens had owned the greater portion of the capital or had a decisive influence on the board. Although in the regulation itself there was a pretence of seizure being optional, in practice all Polish real property and undertakings were taken over and confiscated in accordance with secret instructions for implementing the regulation.

Where persons were deprived of their property they were often, and at the beginning always, deported. This same object was also achieved by the so-called "transfer to other quarters," when those involved were obliged to leave all their property behind.

(2) *As regards the Law Regulating Employment*

There were numerous regulations making it impossible for Poles to manufacture or trade, or to engage in the professions or to be civil servants. To start an undertaking required the permission of the Reichsstatthalter or of a department authorised by him, and in practice such permission was never given. Poles could not be civil servants, as they did not possess citizenship of the Reich. Permission to practise in the professions was given until further notice only to doctors, dentists, veterinary surgeons, midwives and nurses, as this lay in the German interest.

The Poles were not entitled to choose their employment, but were bound to accept that allotted to them by the German Labour Offices.

Deportation of Poles to Germany for forced labour began in the earliest days of the occupation. Their wages were limited (Tariff of 8th January, 1940), and they were bound to wear a distinguishing mark: a purple "P" on a yellow background.

Most important, however, were the regulations issued by the German Minister of Labour on 5th October, 1941, governing the treatment of employees of Polish nationality. Their object was to create a sharp dividing line between Polish and German workers. Thus the Poles were deprived of some of the social benefits for workers, although they were under obligation to pay in the normal contributions. The Poles were not able to bring even claims for payments of services before the courts. The regulation governing the legal rights of private individuals (*Ostrechtspflegeverordnung*) provided that if the court was in doubt whether or not the claim of a Pole against a German was contrary to the state or national interests, it should seek a decision from the President of the High Court, who in his turn could refer the matter to the Reichsstatthalter. Their decisions were binding on the court. This same regulation laid it upon the judge, when administering the law, to see to it that his interpretation of the regulation was favourable to the interests of Germany; if not he was at liberty not to implement the regulation, but to decide the case as demanded by the interests of the incorporation of the territories into the Reich. In these circumstances it was almost impossible for any Pole to obtain satisfaction from the courts.

(3) *Penal Code for the Poles*

The Council of Ministers for the Defence of the Reich, considering that it was not enough to increase penal sanctions laid down in the regulation of 6th June, 1940, and introduced into the "incorporated territories" on 4th December, 1941, issued a new decree containing a penal code for Poles and Jews in the "eastern incorporated territories." This code provided for the death penalty (and only in less serious cases imprisonment) to be applied where Poles and Jews showed an unfriendly attitude to the Germans by exhibiting hatred to them or acting in a manner likely to incite hatred of them, especially should they express themselves unfavourably about Germany, tear down official announcements, or otherwise cause harm to the property of the Reich. The term of imprisonment inflicted was usually up to ten years in a concentration camp, or up to fifteen years in a detention camp.

In the hearing of cases the principle was adopted that judge and prosecutor should apply the procedure of German criminal law, but only as they thought fit. Further, this regulation deprived the Poles of the right of defence, in particular they were unable to institute appeals or to bring private cases.

(4) *Education*

That the solution of the question of elementary schools for the Poles was unusual was due to the influence of Greiser and the somewhat different policy he adopted in cultural matters affecting the Poles. Towards the end of September, 1939, an official, acting on the instructions of Greiser, arranged with the competent Minister for the establishment of schools for Poles (Polenschule) in which a minimum of instruction would be given in the German language. When, however, this arrangement was set aside by Minister Rust who in his memorandum of 6th July, 1940, ordered the establishment of Polish elementary schools with Polish teachers and Polish as the language of instruction, in order that the Poles should not acquire too good a knowledge of German, Greiser protested through the intermediary of the President of the Poznan Regency Office. As a compromise it was decided that Polish children should be taught (by unqualified German staff) in German, with the reservation that they should not be allowed to master the German language.

(5) *The Poles' Lingual Rights*

Greiser personally settled the limits within which the Polish language might be used in the territories over which he had authority, and decided that the Poles should be allowed to speak Polish only among themselves and would have to speak German in the presence of Germans.

(v) *The Fight with Religion*

(1) *The Clergy*

The German attempt to destroy everything Polish resulted also in a strong repression of the Church, for in the Western Polish territories the Polish clergy were regarded as the intellectual leaders, especially in country districts. This first took the form of mass arrests of the clergy, who were then

either murdered or placed in concentration camps. The Church's losses in respect of clergy were very serious. According to the estimates submitted by the respective dioceses, they were as follows :

Killed (in camps or shot) :

From the arch-diocese of Gniezno	...	...	...	180
From the arch-diocese of Poznań	...	...	...	212
From the arch-diocese of Włocławek	...	...	...	240
From the arch-diocese of Łódź	...	...	...	120
				<hr/>
				752
				<hr/>

Hundreds of other clergy from the above dioceses were put in prison or in concentration camps ; for example, from the arch-diocese of Poznań alone 147 clergymen were in this way deprived of liberty. The Suffragan Bishop of Włocławek, Michał Kozal, after grievous sufferings in various prisons and concentration camps died under torture in Dachau camp on 26th January, 1943. The Bishop Ordinary of Łódź, Włodzimierz Jasinski, and the Suffragan Bishop of that same diocese, Kazimierz Tomczak, were interned. The Suffragan Bishop of the diocese of Poznań, Walenty Dymek, was put under house arrest and the supervision of the Gestapo.

These arrests were made without grounds or reasons being given. A considerable proportion of the clergy was deported, or else had to go into hiding. This resulted in such a situation that, for example, in the whole arch-diocese of Poznań there were only 28 Polish priests carrying out their duties, where on 1st September, 1929, there had been 681 exclusive of those in monasteries. Similarly all monasteries were dissolved and their members either placed in camps, or sent to forced labour.

(2) *Religious Practices*

The Ordinance of 27th May, 1941, forbade Polish clergy to perform religious services for Germans and *vice versa*. Above every entrance to any Polish church there had to be clearly displayed the words in German : "Polish Church." German churches were to display a notice "Forbidden to Poles." A German clergyman could conduct a service in a Polish church only with the permission of the Gestapo. In such an event a notice was to be displayed "from — o'clock till — o'clock admittance only for Germans."

Religious instruction was regulated by the Ordinance of 26th May, 1941. This was followed by the Ordinance of 19th August, 1941, laying down regulations for the teaching of religion to German youth. These emphasised that religious instruction could be given only by associations recognised by the State, and that of 19th August drew attention to the fact that at that time no such associations existed in the "Wartheland."

(3) *Churches, Cemeteries and Church Property*

As is shown by an official memorandum of 22nd December, 1944, instructions were issued by Greiser as a result of which church property passed under the administration of the German Local Government (Gauselbstverwaltung). According to this memorandum about 1,200 to 1,300 churches

were closed in the Wartheland. Another official memorandum of 19th April, 1941, proved that Greiser reserved to himself the decision as to what was to be done with church property in each individual case. Statistics show that of the 387 churches in the area of the Poznan Regency, Polish Catholics had the use of only 20 ; the others were closed, used as warehouses, or put to some other secular use. Polish statistics show that in this archdiocese 345 of the 371 parish churches were closed, as well as all succursals and chapels. A similar state of affairs existed in other dioceses of the " Wartheland."

The churches closed were despoiled completely. A memorandum from the Gestapo submitted to Greiser, No. II b.1 of 21st March, 1942, informed him that in the action taken for security reasons against the Polish churches at the beginning of October, 1941, money, foreign exchange, script, church books, documents, libraries, and other important written material was removed from the Church offices and from the houses of the priests, while chalices, monstrances, candlesticks, candles and linen were removed from the churches. The candles—about 20 tons—were handed over to the army, and the linen—about 6 tons—to the German Red Cross. The memorandum drew Greiser's attention to the fact that many articles of value, such as pictures, furniture and carpets, still remained in the churches and recommended that they should be taken over.

On 21st November, 1941, Greiser ordered the removal of all bells from Polish churches, both bronze and steel, and including those recognised as being protected by the law concerning ancient monuments and relics. By the Ordinance issued on 15th October, 1944, all organs in churches whether closed or open, were sequestered. Irreplacable losses were inflicted to Polish culture by the removal or destruction of church archives and libraries. The regulations concerning cemeteries in the " Wartheland " issued on 3rd October, 1941, transferred the ownership of all confessional cemeteries to the local council. There were to be separate cemeteries for the Poles, or, if not, a separate area was to be fenced off in the German cemeteries for them and this was to have an entrance of its own. An order dated 11th March, 1941, required all inscriptions on Polish gravestones to be removed. The insurgents' Memorial in Poznan cemetery was demolished on the orders of the Reichsstatthalter.

Not only the property of the church itself was confiscated, but also that of church institutions and foundations. It is sufficient to mention " Caritas," the various brotherhoods, associations, etc.

(vi) *Measures against Polish Culture and Science*

Gauleiter Greiser's order of 13th December, 1939, on the seizure of all libraries, books, and periodicals in the territories under him, in as far as they were the property of Poles, was a further evidence of the total character of the war against Polish culture.

This war began with the liquidation of the intelligentsia and clergy : the entire Warthegau was denuded of Polish professors, scientists, teachers, judges, advocates, doctors, engineers and other representatives of the classes that constituted the greatest hindrance to the germanization of the country.

The cultural centre of Poznan University was closed immediately on the entry of the Germans, and most of the professors were arrested and either

sent to concentration camps, or imprisoned, or else held as hostages, or deported to the General Government.

In December, 1939, some of the professors were released from prison and deported to the General Government, being deprived not only of their private property, but even of their MSS. and scientific works. Altogether, as a result of these measures, there perished 24 professors, 15 supernumerary professors, 26 assistants, and 20 university officials.

The buildings of Poznan University were taken over by the German authorities and used for various purposes. For example, the buildings of the Anatomical Department were converted to a crematorium in which eight thousand bodies were burned, four thousand of them Poles and the rest Jews, who had been shot or hanged and carefully catalogued by the Gestapo. Gradually the entire organisation for higher education in Poznan ceased to exist, the German institutions were being set up in its place. On 27th April, 1941, a German university was opened in Poznan, which came under the authority of Greiser, as he became its president; all teaching came under the German rector, Dr. Carstens, and he from the beginning laid down that "in this university of the East there will be no place for scientists dealing with problems only from the objective point of view."

All other cultural institutions suffered a fate similar to that of the university. Gauleiter Greiser laid upon the members of the Hitlerjugend the special duty of destroying all the libraries of the Society for People's Libraries, whose premises were demolished and the books burned and destroyed. Similarly school libraries were destroyed.

In Poznan a Book Collecting Point (Buchsammelstelle) was organised in the church of St. Michael to which close on two million volumes taken from public and private libraries were brought from all over the Wartheland. Among these were books from the Scientific Society (about 110 thousand volumes), the library of Poznan diocese (about 100 thousand volumes), the library of the Gniezno chapter (about 9 thousand volumes), that of the Wloclawek chapter and others. These books were sorted in the Collecting Point, after which some were distributed to various German institutions, while the others were sent to a paper-mill for pulping.

The various archives met with a similar fate. Those belonging to the state and church were confiscated and collected in various places; some documents were destroyed, others sent to Germany. Museums and art collections were confiscated, altogether some 30 public museums and more than 100 private collections, among them the Ethnographic Museum in Poznan, the Municipal Museum, the Army Museum, and the Diocesan Museum in Poznan; in Kornik the castle and its collections, the collections in the museums at Goluchow and Rogalin, and also collections, in churches and cathedrals, such as those in Gniezno, Poznan and other towns. In the Wielkopolski Museum in Poznan the collection of monumental sculptures by Wacław Szymanowski called the "Procession to the Wawel" was destroyed. Similarly, in many places, private collections were destroyed by the Selbstschutz, army or other German organisations.

Special care was devoted to the destruction of Polish memorials. In Poznan the Germans demolished the monument of the Heart of Jesus, of the 15th Lancer Regiment, the Wilson memorial, the Slowacki, Chopin,

Moniuszko, and Mickiewicz monuments and in Gniezno the Boleslaw Chrobry monument, and in Lodz the Kosciuszko monument. These monuments were destroyed in an especially insulting manner and the destruction was accompanied by mockery and ridicule. These acts were given great emphasis in the German Press.

The Polish Press and all Polish publishing was destroyed. Not one Polish paper appeared throughout the Wartheland, and the scientific periodicals were confiscated. All Polish printing works were confiscated and given to German undertakings. It was also forbidden to print any kind of books in Polish and all the 397 Polish bookshops in the incorporated territories were closed and their stocks of books confiscated. On 6th April, 1940, the Gestapo forbade the sale of all French and English books, and even the sale of the music of Chopin and other Polish composers. Lending libraries were closed and towards the end of 1940 the Propagandaamt published a list of forbidden Polish books that comprised some 3,000 titles.

All the Polish theatres (in Poznan, Lodz and Kalisz) were closed and their buildings and equipment put at the disposal of German theatres; Polish cinemas were transformed into German ones. The opera and the Music Conservatory in Poznan were put at the disposal of German institutions. Even choral societies were closed, and the famous Poznan Cathedral Choir, that was known all over Europe, was disbanded and its director, Father Giebtrowski, imprisoned.

The broadcasting stations in Poznan and Lodz were made into German stations; all wireless receiving sets belonging to Poles were confiscated, and listening to foreign stations, especially London, was punished with death.

War was even declared on Polish inscriptions not only of the streets, in tramcars, on shops and in public places, but even inside private houses on such things as letter-boxes, lavatories, bread bins or salt-tins. The Order of 17th April, 1940, which was published in the *Ostdeutscher Beobachter* under the aegis of Gauleiter Greiser, required the removal of all Polish inscriptions by 15th May, 1940, and the authorities of the Wartheland did their utmost to banish from that area every slightest trace of Polish life and culture.

(vii) *Economic Exploitation*

The agricultural lands to the East of its frontiers were necessary to a Germany that was setting out to conquer Europe. They were just as necessary as its armaments industry in the West, and its synthetic petrol works or synthetic rubber plants, as necessary as the mines of Silesia.

Just as the riches of these lands in the East were necessary to Germany, so the people inhabiting them were unnecessary, since they were capable of upsetting her calculations. Herein lay the whole significance of Germany's economic and social policy towards the Polish population and resources of the incorporated territories.

(1) *Policy towards the Population*

Ruthless, immediate and complete elimination of both Poles and Jews from economic activity. This policy was to be followed by complete extermination of the Jews and partial extermination of the Poles, at least

of those of the governing classes ; and later in the future complete extermination of all Poles.

The Poles, still largely in the majority, were reduced to the role of dependent labourers without any possibility of social advancement. They were all, irrespective of sex, obliged to work after the age of 14. Young Poles having received some sort of instruction were bound immediately on completing their fourteenth year to report to the Labour Office and were directed to work which often exceeded their strength ; none of the regulations concerning the employment of juveniles were valid, but they were bound by the general regulations concerning the employment of adults, and only distinguished by receiving a lower scale of wages. These were stabilized at the level of 31st August, 1939 (Lohnstop). Greiser then introduced tariffs for the various branches of industry, according to which the Poles were refused the right to remuneration for overtime, Sunday work, night work, or work on holidays. Later, Greiser explicitly decreed lower remuneration for Poles ; this was not to exceed 80 % of that to which a German in the same group would be entitled. No holidays were to be granted to Poles until the end of the war. The working day was to be ten or more hours.

(2) Policy in the Economic Sphere

Germany intended the incorporated territories to be her store-house of grain and potatoes, and that was the role allotted to them even after the conquest of huge fertile expanses in Russia. The land was taken over by Germans, the Poles being left on it as labourers.

Industry was " rationalised." This consisted in arbitrarily shutting down undertakings, combining others without regard for the rights of their owners, and in incorporating the industry of the new territories into the economic plan of Germany. The crafts, to the Germans, were not so much one of the components of the economy, as a political instrument which they could use to germanize the new lands with a German element.

Greiser's prices policy was to keep them at a level lower than that in the neighbouring parts of the Reich, so as to encourage Germans to settle in the East. Thus, these Germans while receiving the same nominal income were able to live more cheaply.

In the first few months of the occupation a start was made in dispossessing large and medium landowners, of whom there were many in the counties of Poznan, Kalisz and Wloclawek. This expropriation of estates and farms affected about 450 thousand families. That the programme was not able to be carried out in its entirety, was due only to the lack of suitable German settlers.

Farms had to work to supply the Reich with foodstuffs and that is why the Poles were turned off the land as German settlers arrived from the Baltic countries, Roumania, Hungary, other parts of Poland, and from the Reich itself. Nevertheless, even those Poles whom it had not been possible to replace, were not the masters of the land they cultivated. They lived under the constant threat of being turned off their land and were not able to dispose of the fruits of their labours.

Expropriation was easier in the towns, to which more Germans came. Besides the institution of *Treuhänder* allowed factories, businesses and workshops to be taken over without interrupting their activities. These *Treuhänder* simply removed the owner and carried on the business on German account. Thus, in Poznan and other towns in the Warthegau Poles were removed from factories, shops, bookshops, printing-works, cinemas, hotels, restaurants, cafes, and even from the larger workshops of artisans. Polish banks were taken over by German institutions and Polish accounts confiscated. In February, 1941, the *Haupttreuhandstelle Ost* was managing 364 large, 9,000 medium, and 76,000 small Polish industrial undertakings, and 9,120 large and 112,000 small Polish trading firms.

(viii) *Deportation of the Polish Population*

In the *Ostdeutscher Beobachter* of 7th May, 1941, there appeared a proclamation by Gauleiter Greiser which contained the following paragraph :

"For the first time in German history we are reaping the political advantage of our military victories. Never again will so much as a centimetre of the land we have conquered belong to a Pole. The Poles may work with us, but not as masters, for which they have shown themselves lacking aptitude, but as hirelings."

The behaviour of the German authorities in the incorporated areas was in accordance with the principles announced in Greiser's proclamation. On Sunday, 22nd October, 1939, the deportation of Poles from Poznan had already begun. It was carried out with the help of the Field Police and the Selbstschutz. The first victims were prosperous Poznan merchants ; they were turned out of their homes, the keys of which were handed over to the *Umsiedlungsamt*, and they were loaded into lorries and taken away.

In this way Poznan, of whose 279 thousand inhabitants before the war some 2% were of German nationality, was gradually depopulated. Up to February, 1940, some 70 thousand of the citizens of Polish nationality had already been deported. In their place came Baltic Germans and a large number of officials and army personnel with their families from the Reich. During 1940 some 36,000 Baltic Germans were settled in this manner, taking over houses, and flats, from which Poles had been driven. These homes still contained all the previous occupants' possessions, for the Poles were only allowed to take hand luggage with them.

These deportations, of course, took place throughout the entire Province of Wartheland. Deportations began with the towns. From the country the landowners were the first to be deported, then the Germans began driving away the peasants.

The city of Lodz received particular attention, for of its 700 thousand inhabitants more than 450 thousand were Poles and some 200 thousand Jews. Deportation of Poles begun in December, 1939, at a time of severe frost. On 21st February, 1940, the newspaper *Grenzzeitung* announced triumphantly that the centre of Lodz had been entirely cleared of Poles and was reserved exclusively for Germans. In September, 1940, the number of those deported from Lodz was estimated at 150,000. The name of the town was changed to Litzmannstadt, all inscriptions in Polish were removed and an attempt was made to give the town a purely German character.

Several thousand children aged between 7 and 14 were removed from orphanages, foster-parents, and even taken from their own parents, and sent into Germany to be brought up as Germans. There were particularly blatant cases in several districts of this seizure of children.

To make it impossible for Poles to avoid deportation an order was published in the *Ostdeutscher Beobachter* of 10th December, 1939, instructing all Poles and Jews in Poznan to remain within their own homes between 9.30 p.m. and 6 o'clock in the morning. During this period the Gestapo would make its appearance and drive people out, often without giving them time to dress. These people were driven out into the streets and taken in lorries. Families were split up ; the strong were sent to work in Germany, as were young lads and girls, and the others were loaded into cattle-trucks, taken to the General Government and turned out there in any chance place and left to their fate.

Those to be deported were obliged to leave their homes in the best order. They were allowed to take with them at the most two changes of underclothes, a blanket and an overcoat, but no article of value, no jewellery, not even such things as gold-rimmed spectacles. In cash they were allowed to take from 20 to 200 zloty (£1-£20.)

People frequently died in the cattle-trucks in which they were deported. The doors of the trucks were shut and no one was allowed out. On 27th January, 1940, 26 corpses were found in a cattle-truck that reached Krakow from Poznan. At another station one truck was found to contain 30 children who had been frozen to death. The bodies of the victims were often frozen to the floor of the trucks.

There were no definite principles governing deportation : one day only lawyers were taken, another day it would be all Poles from a particular street irrespective of profession ; the following day the victims would again be chosen because of their profession.

In place of those who were deported came Germans from various corners of the world. According to the *Litzmannstädter Zeitung* of 17th May, 1940, about 70,000 Germans came from the Baltic States. Of these 30,000 were settled in Poznan itself, and 21,000 in the Warthegau. These Germans were given some 3,000 industrial and trading concerns, and some 1,000 artisans' workshops ; in addition they were given 2,300 farms in the Warthegau. These figures relate to the period prior to May, 1940.

About 135,000 Germans were brought to the Wartheland from Volhynia, South-Eastern Poland and the district of Bialystok. It was officially stated that Germans from Volhynia had occupied more than 1,200 farms in the Warthegau, of these some 6,800 were in the neighbourhood of Lodz, 5,500 round Inowroclaw, and about 200 round Poznan.

In the autumn of 1940 about 35,000 Germans were removed from the districts of Lubelsk and Chelm in Eastern Poland and about half of them settled in the Wartheland. It was at this time, too, the transports began to arrive from Bessarabia and Bukowina, as well as settlers from the Reich.

The German Ministry of Agriculture planned to transfer some two million people from Western Germany to Poland. Up to September, 1940, how-

ever, only 100,000 from the Reich had been settled there, and there were in addition some 75,000 of those Germans who had left Poland after the 1914-1918 war.

The *Völkischer Beobachter* of 7th January, 1941, gave the following figures for the Germans from different countries settled in western Poland :

Latvia	...	...	...	...	...	...	...	51,000
Esthonia	...	...	...	...	...	...	...	12,000
Eastern Poland	...	...	...	...	...	...	...	130,000
Chelm and Lublin	...	...	...	...	...	...	...	31,000
Bessarabia	...	...	...	...	...	...	...	490,000
Bukowina	...	...	...	...	...	...	...	90,000
Dobyudza	...	...	...	...	...	...	...	14,000
Total								818,000

The organisation of the transfer and settlement of these thousands was in the hands of a number of institutions, chief of which was the *Einwanderer Zentrale*, with its seat in Berlin. In this latter were representatives of the subordinate organisations from the various towns of the Wartheland. Settlement in the country was conducted by such institutions as *Deutsche Umsiedlungsgesellschaft*, and *Bauernsiedlung* with its multiplicity of offices, which was lavishly financed by the Ministry of Food in the Reich. The supply of agricultural equipment was organised by the *Zentralbeschaffungstelle*.

The territories incorporated into the Reich were before the war inhabited by 10,730,000 people, over 9,500,000 of whom were Poles. They were now to become a purely German country. The German plan envisaged the deportation of at least five million Poles, so that the remaining 4½ million Polish peasants and labourers could be made into Volksdeutsche.

(ix) *Humiliation of the National Dignity*

On 28th October, 1940, Gauleiter Greiser made a speech in Poznan defining the legal position of the Poles in which he stated that naturally only Germans were citizens of the Reich ; the Poles were merely under "protection" and so as a population second-rate. It would, he said, be necessary to have a special set of laws defining this subordinate position of the Polish nation.

The matter was expressed even more explicitly by Regierungspresident Jaeger, who called it "Völkische Schlechterstellung der Polen." Behind these statements was the idea that the German state ought to exploit the Poles as it saw fit, and allow its citizens to do likewise.

In November, 1940, Gauleiter Greiser in a speech made at Gniezno said the following : "Colleagues, as political leaders you must adopt in your work the principle that who is not with us, is against us and will be destroyed in our Wartheland. It is my explicit command that you be brutal, hard and, again, hard."

On 22nd September, 1940, Gauleiter Greiser circulated regulations for a complete segregation of Germans and Poles. It contained the following points :

- (1) Any person belonging to the German community who maintains relations with Poles beyond such as are rendered essential by duty or economic reasons, will be placed in protective custody. In serious cases, especially where the member of the German community has occasioned deeper injury to the interests of the German state through his relations with Poles, he shall be placed in a concentration camp.
- (2) Every case of repeated friendly contact with Poles will be considered an infringement of the order. The only exception is contact with relations of the person's husband or wife who belongs to a foreign national community. Any member of the German community caught by the police in the company of persons of foreign nationality in a public place will have to show that his or her contact with Poles is an economic necessity.
- (3) Members of the German community caught being publicly friendly towards Poles can, if such contact cannot be credibly explained by service necessity, be placed in protective custody.
- (4) Members of the German community who embark on sexual relations with Poles will be placed in preventative arrest. Polish women who permit themselves sexual relations with members of the German community may be sent to a brothel. In cases of lesser gravity it is left to the discretion of the inspectors of the Gestapo, the S.S., or their representatives, whether the object, that is the enlightenment and education of the member of the German community, can or cannot be achieved by instruction and exhortation.
- (5) As regards juveniles of under sixteen, where the above remarks apply to them, the punishments for having relations with Polish women will be inflicted, but will depend on the degree of their education. Those whose duty it is to look after the young must be informed of every juvenile placed in protective custody.
- (6) In supplementation of the principles of repression outlined in points (1)-(5), officials who tolerate the infringement of these rules of conduct, will be liable to disciplinary punishment by the appropriate body. My office must be informed of every such case.

This order was signed by Greiser.

It is worth adding the words of a German official high in the administration of the Warthegau : " There must be no incorrigible apostles of humanitarianism and false sentiment as a result of sympathy for the Polish nation aroused by the deportations."

The policy of segregating Poles from Germans very soon turned into systematic humiliation and insulting of the Polish nation, and at the same time every sort of prohibition and order was employed to lower its standard of living, fertility and strength.

In shops Poles were allowed to be served only after certain hours, during which Germans were served. (Police Regulation in Poznan of 8th November, 1940, published in the *Ostdeutscher Beobachter*). In many towns Poles

were bound to raise their hats to every German in uniform and to make way for him on the pavement. The Poles were only allowed a restricted use of the railway, long-distance buses, taxis, and bicycles, and were even forbidden to use trams between certain hours. (Police Order of 2nd December, 1940, forbade Poles in Poznan to use trams between 7.15 and 8.15 a.m.) Even in public parks, like the Wilson Park in Poznan, there were such signs as : " *Kein Zutritt für Polen,*" or " *Zutritt für Polen verboten*" ; or " *Zutritt nur für Deutsche,*" or " *Spielplatz nur für deutsche Kinder.*" There were notices on the trams in Poznan allotting separate cars to Germans and to Poles.

In Kutno posters with the following notice were put up : " Whoever smiles ironically, glances sideways, or fails to raise his hat on seeing a German in military uniform or with a badge on his sleeve, will receive immediate severe punishment."

In many restaurants, hotels and offices in Poznan and other towns were notices to the effect that there was " No admittance for Poles, Jews and dogs." In December, 1940, the official German paper, *Ostdeutscher Beobachter*, published in Poznan, printed a statement by the chairman of the German Restaurant Keepers Association in Poznan, Reineke, condemning certain restaurants in the city for still admitting Poles. Reineke issued an order that separate rooms must be set aside for Poles.

Sexual relations between Poles and German women were punished with a death for the Pole, while the woman had her hair cut off close, or her head shaved, and was led round the place where she lived with a large placard on her chest announcing the fact of her having had relations with a Pole.

German propaganda which constantly linked Poles, Jews and Gypsies, emphasised the inferiority of these peoples. A typical exponent of this view of German superiority was the Bürgermeister of Lodz, Ubelhör, who had previously been Bürgermeister of Mannheim. On 11th November, 1939, he said in a speech : " We are the masters and we must behave like masters. The Pole is a servant and must only serve. We must have iron in our backbones and never admit even the thought that Poland could ever rise again."

(x) *Concentration Camps*

The setting-up of concentration camps for the Poles was one of the early administrative matters to occupy the German civil authorities. Before they took the charge, the German military commandant in Poznan in a letter dated 7th October, 1939, informed the Department X of the headquarters in Poznan, the head of the civil administration, the chief of police, and the City Commissar that Fort VII had been turned into a concentration camp to hold 1,200 persons and that it was expected to have forts IV-VI, and IVA-VIIIA in a position to receive a further 1,200 and 500 each respectively. In a letter dated 16th October, 1939, addressed to the various mayors, the head of the district civil administration attached to the military commander in Poznan ordered the establishment of other camps for Poles ; for the time being there were to be five labour camps for men, two camps for non-working males ; one labour camp for women, and two camps for non-working women and children. According to the preamble to the order, the purpose of these camps was to regulate conditions in the newly-won province of Poznan by segregating a large number of male Poles and Polish families, who were to be either forced to do useful work, or rendered politically harmless. The

labour camps were to be mostly for the execution of urgent forced labour building roads, railways, getting in the harvest, etc. The camps for non-working males were to be used for persecuting Polish leaders and agitators, and if need be to house the sick and crippled. The local authorities were ordered to look for suitable buildings sufficient to house 3,000 prisoners and their guards.

This order was not immediately put into force, but on 8th November, 1939, the office of the Reichsstatthalter again took up the question of these camps, especially as the Commissar for Justice had asked for the establishment of the "concentration camps" mentioned in the order of 16th October, owing to overcrowding in the prisons.

The question of concentration camps which came under Section I of the Reichsstatthalter's office, that is the section for political and national questions, was continually being brought up until 28th February, 1940. A memorandum then stated that by that time concentration camps had been established in Poznan, Lodz and Mogilna.

(1) *Fort VII*

After 7th October, 1939, a Concentration Camp known officially as "Transit Camp Fort VII" was in operation in Poznan. Here arrested persons, mainly those suspected of political activities, were in fact accommodated only temporarily. They were interrogated by the local section of the secret police and segregated into three categories: those to be tried before a court; those to be sent to concentration camps in the Reich (Dachau, Mauthausen, Oranienburg, Gusen, Buchenwald and others) or else in Silesia (Auschwitz, Gross Rosen); and those to be liquidated straight away by shooting, hanging, torture, etc. In only very few exceptional cases were people released. Arrested persons were unable to lodge complaints about the behaviour of the camp guards, nor had they any means of ameliorating their position by judicial methods.

A great many of those sent to Fort VII were killed without a trial. Many were shot within the precincts of the fort, being tied to posts in the yard, and others were hanged in one of the cells, their terrified fellow-prisoners being forced to act as their executioners.

There were two special ways of killing prisoners used in the camp: drowning them in a deep tank, and throwing a brick repeatedly on the face of a recumbent prisoner and killing him off with a shot from a pistol.

The method by which part of the prisoners were killed when the camp was evacuated before the advance of the Red Army, was particularly brutal. Some 160 of the prisoners, among them some who were sick and incapable of marching, were crowded into one of the wooden huts, drenched in petrol and burned alive.

There was a Concentration Camp in Inowroclaw for prisoners of the local administration and another for those from Lodz district in Radogoszcz. There was also a special extermination camp in Chelmno.

(2) *Radogoszcz Camp*

In December, 1939, the German authorities turned some factory premises in the Radogoszcz suburb of Lodz into a camp. Here, surrounded by a

high wall, made higher still by barbed wire, was a three storied building in which were the halls for the prisoners.

Radogoszcz was not an extermination camp, but mortality in it was high. Insufficient nourishment, the state of the accommodation and lack of sanitation soon sapped the prisoners' strength. Constant beatings with sticks or whips at every roll call (four in the day) ; individual cases of killing for the slightest offence or out of the mere bad temper, or drunkenness, of the commandant or the police, decimation at the least excuse, such was the background of daily life in the camp.

January, 1945, found the camp still concerned with its normal business of killing. On the morning of 17th January, 1941, its prisoners numbered 730-750, and that same evening a transport of some 150 men from the prisons in Lowicz and Skierniewice arrived. During the night of 17th-18th January a roll-call was held. Part of the prisoners were led into the courtyard, where their attention was attracted (the precincts of the camp were strongly guarded) by a number of small barrels standing under the windows of the building, by the unusually large number of guards (Schupo and so-called Volksturm) armed with machine-guns, and by a number of police dogs. After a time the prisoners were ordered back into their halls. There the prisoners, judging by the sounds reaching them, realised that fighting was going on in the approaches of Lodz, and shortly afterwards they realised something else, namely that in the camp prisoners were being executed *en masse* by machine guns, being taken in groups from the different halls and stories. Along the surrounding wall smoke and flames started to issue from the ground floor. The fire spread rapidly from the barrels of combustible liquids. The prisoners began jumping from the windows, but the Germans shot at them as they did so. The chances of escape were of the slightest. The building burned throughout 18th January. Towards evening the Germans stopped firing. The building had burned out completely and only the outside walls were left. The floors had collapsed with their piles of charred bodies, and so had the stairs which were also piled with corpses. Of the 900 prisoners in the camp 15 survived.

(xi) *Summary Executions*

Executions without trial were of constant occurrence throughout the territory governed by Greiser. There is practically no place where such have not been discovered to have taken place, or where graves of the murdered have not been found. The arrangements for these executions was to a large extent the personal work of Greiser.

The formal authority for Greiser's powers in this matter is outlined in his letter, No. P. 2062/41 marked "Geheime Reichsache," and addressed to all higher officials immediately subordinated to him. In this letter, which to a certain extent sanctioned prevailing practice, Greiser stated :

- (1) that Hitler had ordered that Greiser should be given such extraordinary powers in the administration of justice as he should wish ;
- (2) that in implementation of the above Reichsminister Dr. Lamers had on Hitler's orders instructed those concerned that Greiser had, as requested been given full powers to set up summary courts ;
- (3) that in view of this, in the event of any offence being committed

that endangered Germany's work of reconstruction in the Wartheland the decision whether the case was to come before a summary court or not belonged to him, so his instructions were that every case of sabotage with a political character was to be reported to him at once, when he himself would decide how it was to be conducted ;

- (4) that the summary courts thus created had powers to pronounce sentence of death, or of committal to a concentration camp, but that he, Greiser, could always make use of his powers and either personally or by telephone order the death sentence to be changed into detention in a concentration camp, or *vice versa* ;
- (5) that henceforward all Poles sentenced to death in his province by special courts for crimes of a political character would come under him as far as execution of the sentence was concerned ;
- (6) that should he for reasons of political expediency consider it desirable that a death sentence pronounced by an ordinary or special court should be carried out by hanging—he would issue the instructions.

The execution of ten Poles on the sports ground at Sieradz on 17th September, 1941, will serve to illustrate how these orders of Greiser's were put into effect and how such executions were carried out. This execution was carried out on the orders of Greiser by a detachment of S.S. The report submitted that same day by the local Police Commander and handed to Greiser by the Chief Commander of the S.S. and Police, stated that the prisoners were shot for sabotage (arson) and that some 500 Poles of both sexes were forced to witness their execution.

Another example is that of the execution at Tuchorz on 9th August, 1942, when fifteen Poles brought by car from Poznan were hanged in the presence of 200 Poles gathered together from the neighbouring villages. In a speech a Gestapo Officer stated that the fifteen had been sentenced by Gauleiter Greiser for the murder of Policeman Markwitz, so as to deter the Poles from similar deeds. In future 50, or even 100 Poles would be killed for one German.

A further case is that of the 25 Poles shot on 22nd May, 1941, in the village of Mala Gorka as reprisals for the alleged burning by a Pole of a German farm. There was no other proof of this than the bare word of a German, whom local opinion considered capable of having set fire to it himself. The announcement posted up alleged that among the victims were persons close to the incendiary, his accomplices and professional criminals. In fact, the victims were local inhabitants of unblemished reputation taken haphazard and who had nothing whatsoever to do with the incendiary ; and, as a result of statements made by a local Volksdeutscher one of the chosen victims was released, and another, a neighbouring school-teacher, taken in his place.

(xii) *Persecution of the Jewish Population*

One of the objects Germany intended to achieve by the war was, as Adolf Hitler had himself said on many occasions (his speeches on 30th January, 1939 ; 1st September, 1939 ; 8th November, 1940 ; 30th January, 1942 ; 8th November, 1942), the complete extermination of the Jews in Europe. Immediately on their entry into the Vojewodship of Poznan and those parts of Lodz and Pomorze which with it were later to form the Wartheland, the

German army, the S.S. and police, the civil authorities and Nazi party began systematically to exterminate the Jews. According to Polish statistics there were more than 360 thousand Jews living in the territories of the above on 1st September, 1939.

First of all there were excesses and acts of violence on the part of individual Germans ; then the local German authorities began ordering action against the Jews on their own initiative and as yet without the instructions of a higher authority. These did come, but sometime later. All excesses, however criminal and illustrative of the "creative" ingenuity of the lower officials, enjoyed the approval of Greiser, who personally directed the entire administrative and party machinery.

The most important methods used were :

- (1) Encouraging and organising local *pogroms* by specially trained bands brought to the places for that purpose ;
- (2) Cruelty to children and old people ;
- (3) Seizing men and young women off the street and taking them by car to unknown destinations, after which all trace of them was lost ;
- (4) Constant visitations by day and night on all sorts of pretexts, during which the victims would be insulted and often robbed ;
- (5) Removing Jews from dwellings, entire streets, or whole districts, without any notice being given ;
- (6) Seizing Jews for immediate compulsory labour, and killing them on its completion ;
- (7) Burning and destruction of synagogues and houses of prayer, often of artistic value, and defiling Jewish cemeteries ;
- (8) Arranging street shows for the army, party members, and the rabble, where Jews were forced to dance, do "gymnastics," and strike each other, or in which they had their beards cut off, etc.

From the western part of the above territories, however, the Jewish population disappeared during this first phase, a proportion of them being expelled under terrible conditions into the General Government. In the eastern parts, where there were many more Jews, the Germans set about creating closed Jewish quarters in the larger towns. At the beginning this was done on the pretext of it being a measure of preventative hygiene, and the name "ghetto" by which they were known, was forbidden to be used ; it was not till the Germans began openly persecuting the Jews that they were referred to as "ghettos."

The living conditions in these ghettos became gradually very bad. Mortality increased and by 1942 had reached 20%. From October, 1942, onwards the Lodz ghetto was nothing less than a forced labour camp. Almost its entire population lived a barrack existence in the places where they worked. In the winter of 1941/42 the first large scale deportations of those not working (old people, children, and the sick) took place. More than 45 thousand were sent to the extermination camp in Chelmno. In May, 1942, about 12 thousand were sent off, and in September, 1942, 20 thousand. While people were thus being sent from ghetto to ghetto foreign Jews were arriving in transit mostly from Austria, Czechoslovakia and

Germany, and shared the fate of those previously removed. In August, 1944, the Lodz ghetto was finally liquidated, and transports were directed to the camp at Auschwitz.

It must be mentioned that Jews in concentration camps were particular objects of torture and died sooner than did the others. They did not enjoy the same rights as the others, such as writing and receiving letters or Red Cross parcels. And in the camps periodical selections were made from the Jewish inmates, and sent to be killed.

(xiii) *Chelmno Extermination Camp*

The extermination camp in Chelmno was typical and excellently organised from the point of view of the "technique of destruction." Lying some 60 km. from Lodz it served the Warthegau. Transport from outside that area, especially from abroad, always came through the Lodz ghetto which was the main collecting point for the camp in Chelmno.

The existence of the camp was kept a strict secret, and no concrete information about it ever reached the ghetto in Lodz. Those condemned to be destroyed were kept in ignorance of the danger up to last moment. The new arrivals were led into a large hall and there told to undress. After that they were taken down a long corridor "to the bath." The corridor ended at an open door against which a long closed lorry had been backed. In most cases the Jews got unresistingly into the lorry that was supposed to be taking them to the bath. Any attempted resistance was repressed by force. The lorries held from 80-90 persons. The doors were closed and the motor started. A special pipe led the exhaust fumes into the body of the lorry, and, after four or five minutes, when the cries and struggling had died down, the lorry drove to a wood some 4 km. away. Here in a specially enclosed and guarded part of the wood the corpses were thrown out of the lorry, thoroughly examined, and then burned in specially constructed furnaces with a capacity of 100 bodies.

The Sonderkommando Kulmhof was active from 8th December, 1941, to 7th April, 1943, when the camp was closed. In 1944 the camp resumed its activities, but for reasons that have not been ascertained, these stopped after destroying ten transports, and the camp was again closed down. A commission was sent from Berlin to see whether all traces had been properly removed.

It must be taken that more than 300,000 persons perished in Chelmno. These were practically all Jews, mostly from the Warthegau, but a small percentage also from the Reich and foreign countries (Czechoslovakia Austria, France, Luxembourg, Italy, etc.). In addition it has been proved that others besides Jews also died in Chelmno.

During excavations at Chelmno a pit 14 foot 6 inches deep containing more than 24,000 spoons and 5,000 scissors was discovered. In it, too, many identity cards, among them some Czechoslovak, were also found.

3. EVIDENCE OF EXPERTS

Apart from evidence given by a number of witnesses who testified as to facts set forth in sections (iv)-(xiii) above, and statements made by witnesses before the Allied authorities in Germany, which were read during the trial,

the case for the Prosecution rested overwhelmingly on legal enactments and administrative orders, and regulations, issued by the accused and other German authorities, as well as on evidence submitted by a number of experts called by the Tribunal. The former were contained in several dozens of volumes placed before the Tribunal, the most important of them having already been briefly referred to in the preceding part, dealing with specific charges.

The evidence given by some of the experts, and on which the Tribunal based to a large extent its findings and judgment, is summarised in the following pages.

(i) *Role assigned to the Annexed Territories*

(Expert : Professor W. Jastrzebowski, University of Lodz)

According to the German *Grossraumwirtschaft* plan, the economic structure of the so-called secondary European countries was to be made incomplete, and the normal functioning of their economies made dependent on collaboration with the German Reich and other countries forming the *Grosseuropa*. At the same time the economy of the Reich was to be organised as a self-supporting unit, which would in war emergency work more or less smoothly, without outside help. In the first place it was planned to attain self-sufficiency in the domain of agriculture and food supplies. This required large areas suitable for agriculture.

Such territories have been found in Poland and that was the origin of the "annexed territories." The plan also provided that those territories were to be populated by the Germans, and that all posts controlling the local economy were to be placed in German hands. The authors of the plan did not want these territories to be inhabited by Poles, as they feared that in war this could make the German economy dependent on their behaviour.

Long-range German plans embraced the whole of the Polish territories, but the immediate plan of colonising Polish areas with the German population applied to the annexed territories only. In their endeavours to remove the Polish population from these territories the national-socialist authors and executors of the plan decided to act quickly, directly and ruthlessly. This course of action was dictated by pre-war experiences with the Polish population in Germany. Since the times of Bismarck a strong pressure, employing all legal and administrative means was applied against the Polish population, with a view to germanizing it. However, the limited protection afforded by law enabled the Polish element within the Reich not only to maintain its position in the economic and social sphere, but even to expand it. These facts were well known to the National Socialists, who came to the conclusion, that this time it was necessary to make an end to half-measures.

Another reason, according to the Nazis of paramount importance, justified the plan in their eyes. New agricultural territories were also required as a breeding ground for the German nation. Despite all efforts made by the Nazis in the years preceding the war, the general trend of the demographic development in Germany remained unsatisfactory. The Germans feared that the population of the Slav countries, and of Poland in particular, would increase so quickly as to become a menace to German plans of expansion.

To counteract this tendency they wanted to raise the number of the German rural population, which they considered would be more prolific, than the inhabitants of towns and industrial areas.

In this respect it is particularly interesting to quote a passage from the article written by the defendant Greiser in 1941, entitled "Wartheland." He said: "The whole of the Wartheland will become a granary as the former province of Poznan had been for more than a century. The only difference will be that, concurrently with the production of German bread, the country will be settled more and more densely in a planned, long-ranging and centrally controlled way, and so the granary shall become at the same time a thriving place for children and thereby an eternal source of blood for the nation." To this Greiser added that: "The eventual settling of these territories exclusively by German people is the condition of attaining the established aims of Greater Germany."

Professor Jastrzebowski further explained that by the "German East" the Germans understood all territories up to the Ural mountains, and even had spoken of regaining for the German race the lands of the Caucasus. The annexed Polish territories, which according to the National Socialists' plans worked out before the war, reached to the well-known Knessebeck line, drawn during the Congress of Vienna, and had been extended by Hitler to the rivers of Rawka and Bzura, were to constitute but the first stage of the plan. They were to be differently treated than the *General Gouvernement*. They were to be completely germanized and integrated into the Reich. They constituted the most prosperous part of Poland, where most of the industry was situated and the land yielded highest crops. That was why, the Germans called it the *Mustergau* (model district), or *Exerzierplatz* (place of exercise).

The amalgamation of these territories with the Reich was made complete. All German political, economic and administrative institutions had been introduced there at once. That made the removing of Poles from these territories and in any case from all key positions in the local economy essential. The German economic régime was based on an autonomous organisation and within that system on the *Führerprinzip*. Wide scope was left to the initiative and creative power of the individual and therefore leading posts could be entrusted to reliable people only. That is why all Poles had been at the very outset, even before any formal regulations were issued, deprived of any influence on the economic life of the country, their property having been confiscated.

The "General Gouvernement" was treated in a different way. It was exploited for the benefit of the Reich, but it had its own separate economic legislation. The Polish population was left there for the time being and had a certain economic freedom and even occupied sometimes leading positions. This was the reason for the Germans to separate the General Government from the Reich and the annexed territories with a customs boundary and to introduce currency restrictions.

Contrary to the economic structure of the General Government, the annexed territories were to become an integral part of the self-sufficient Greater German economic area. The German plan provided for the raising of the living standards of the population inhabiting those territories and in

particular of the farmers. The latter's standard of life was to be maintained at the same level as that of the town population. With this aim in view enormous amounts were to be spent after the war on agricultural investments. The density of the farming population was to be kept at a relatively low level, not exceeding 50 inhabitants per square kilometre. This, and intensive farming were to contribute to the improvement of living conditions.

The Germans were the only ones to benefit under the scheme. At the beginning the planners wanted to remove all Poles from the Wartheland, but later the view prevailed that a certain number of them should be left as agricultural workers confined to barracks, having an entirely different legal status than the Germans, and being completely cut off from normal economic life.

These methods contributed to the sharp drop in the birth rate of the Polish population living in the Wartheland. It was characteristic that, as less harsh methods were used with regard to the Poles living in other territories integrated into the Reich, such as Silesia and Pomerania, the decline of the birth rate in the latter territories was less accentuated.

Poles in the Warthegau were to be treated as objects and not subjects of the economic policy imposed by the German rulers. This is best illustrated by the following words of Greiser : "Germans are the lords and Poles are the servants." The Polish servants were indeed to be exploited to the utmost.

The Nazi plan in the Warthegau was carried out with the greatest speed. The importance attributed to the plan by its authors could be measured by the circumstance that, after the occupation by the German army of certain Soviet territories, they were also bringing in German colonists from the Baltic countries, the Ukraine, and other Soviet lands, and settling them in the Wartheland, although those Germans could have played a great role as outposts of Germandom in Russia.

The expert further stated that the economic plan for the Warthegau was also synchronised with the extermination of the Jewish population. As already stated, the economic plan provided for the setting up of such conditions for Germans that they should attain high living standard. This was to be achieved, *inter alia*, by closing down small industrial enterprises and handicraft workshops, which were considered not productive enough. As small industrial enterprises and crafts were mostly in Jewish hands, the plan of exterminating Jews fitted well into the economic plan for the annexed territories.

Professor Jastrzebowski was also called to express opinion on the report made by German students, who investigated the decline of the natural increase in the Polish population of the Wartheland during the war, and which was produced during the trial. He stated that there was no doubt the Nazi leaders having had a general plan for the extermination of the Polish nation. Several utterances have been made in this respect by German statesmen or leading officials and they were confirmed by subsequent action.

Rauschnig's book published in France at the beginning of the war and entitled "Hitler told me," was most enlightening in that respect. He quoted several conversations with Hitler and his lieutenants on this subject. The German policy in this domain consisted in introducing a high age limit for marriages, in separating forced labour according to sexes, in sponsoring

contraceptives, propagating pornographic publications and in organising prostitution. Consumption of strong alcohol was also promoted by all means. Tuberculosis, venereal diseases, total abolition of all assistance to mothers and children, bad living quarters and lack of protection against high infantile mortality, contributed to the less rapid increase in population. Most, if not all, of those measures were mentioned by Rauschning in his book.

(ii) *Organisation of German Authorities in Wartheland*

(Expert : Dr. M. Pospieszalski, Lecturer, University of Poznan)

This expert outlined the organisation of the German authorities in the Wartheland and in particular the position of Reichsgovernor Greiser. The latter in his capacity of Reichsstatthalter was a superior of the S.S. and police commander. The S.S. commander as head of the so-called *Umwandererzentralstelle* (Central office of migration), was supervising the deportation of Poles from the Wartheland and the settlement there of the Germans. In this capacity he was directly subordinated to the S.S. Reichsführer, Himmler, but close connections existed between his duties and Greiser's activities. The liaison was mainly established through the so-called *politischer Referent* attached to the Reichsgovernor. The former fulfilled at the same time the functions of the leader of the State Police Headquarters in Poznan, and it was through him that Greiser was informed of all steps taken by the S.S. and police commander.

The principle of administrative unity and the Führerprinzip found full application in the Wartheland. Greiser controlled directly all administrative services, with the exception of post and railways. Greiser was also Head of the local government. Finally, the branches of the *Haupttreuhandstelle Ost* in the Wartheland, which as trustees administered the property confiscated from the Poles were also subjected to the authority of the Reichsstatthalter. A still higher degree of concentration of authority in the Reichsgovernors hands was achieved by the actual merging of the public and party administration in the annexed territories. Greiser was appointed Gauleiter of the Warthegau on 21st October, 1939, and Reichsgovernor of the Wartheland on 26th October, 1939. Further down the ladder, *Kreisleiters* were also appointed *Landrats*, and the lowest public administrative units were supervised by special plenipotentiaries appointed by the party. Most matters appertaining to population policy were concentrated in the hands of the party, which settled them through the *Gauamt fuer Volkstumspolitik*, subordinated to the Gauleiter.

Greiser as Reichsstatthalter was also entrusted with legislative powers and could issue laws within the scope of the general German legislation. His first anti-Polish decree was issued on 20th September when he was still at the head of the Civil Administration attached to the Military Command in Poznan. It ordered the confiscation of several large printing works in Poznan on behalf of the Reich. This was done at the time when even from the German point of view the *debellatio* of the Polish State had not yet been achieved. On 28th September, 1939, he issued a decree invalidating all legal transactions in real property carried out from 1st October, 1938, till 30th September, 1939, and requiring administrative confirmation of all such transactions carried out from 1st October, 1918, till 1st October, 1938.

Towards the end of 1941 Greiser took the legislative initiative with regard to Polish marriages in the Wartheland. He decreed that men could not marry before 25 and women before 22. The corresponding German decree applying to all Poles in the Reich and in the annexed territories was issued on 3rd May, 1943, nearly two years later. It also empowered all Reichs-governors to raise the age limit. Greiser made use of those powers by raising on 27th May, 1943, the age limit to 28 years for men and 25 years for women.

Initiative was also taken by Greiser with regard to the introduction of the lists of people of German nationality. On 28th October, 1939, Greiser issued a decree introducing such lists in the Wartheland. All people, who considered themselves to be German had to register. They were classified in several categories. This decree was issued two days before the decree on the annexation of the Wartheland into the Reich was published. A similar decree for all territories in the East annexed by Germany was issued on 7th March, 1941.

Greiser made use of powers conferred on all Statthalters by the decree of the Ministers Council for the defence of the Reich of 4th December, 1941, and introduced courts of summary procedure in the Wartheland in August, 1942. These courts consisted of three members, all employees of the State Police. They either acquitted the accused or sentenced them to detainment in concentration camps or to death. Greiser also decreed that all such sentences should be submitted to him for confirmation.

The expert further stated that the party exerted supreme power over the State machinery. Justices and administrators who applied and interpreted existing law were expected to take into account in the first place the political interest of the Reich. If, e.g., the Judge considered that any law was contrary to that interest, he was obliged simply to ignore it and decide in accordance with the interest of the Reich. The interest of the party in the Wartheland was mainly centred round the population problem. Administrators, justices, doctors, all Germans in leading positions in the Wartheland were expected to follow general directives given on these matters by Greiser.

Under the system introduced in the Wartheland, Poles were deprived of all subjective rights but had all the obligations, with the exception of military duty. Their legal and actual status was in every respect worse than the status of the Germans.

(iii) *Losses in Polish Population*

(Expert : Dr. St. Waszak, Director of the Statistical Office in Poznan)

The expert drew the attention of the Tribunal to the importance the Germans always attached to statistics, which resulted that every major action was based on thorough statistical preparation. This was not different with regard to the population policy in the Wartheland and the results achieved were carefully noted and compiled into comprehensive statistics. Special statistics were made by the Germans with regard to all changes within the Polish population and separately with regard to the Germans. This was particularly apparent in the reports of all Landrats. The German population was continuously increasing, because of the influx from the East, while the Polish population became static and resembled the Jewish group, against which the main struggle was waged. Reports showed anxiety if

any symptoms of a favourable evolution within the Polish group could be noticed. Immediately questions were asked what ought to be done to counteract it.

The expert estimated that the Polish population of the territories forming the Wartheland numbered about 5 million before the outbreak of hostilities in 1939. The yearly increase in population amounted before the war to about 60,000 per year. According to German statistics the *total* natural increase in the Polish population in the Wartheland during the 5½ years of German occupation amounted to 60,000 only. According to the expert the natural increase in the number of Poles in the Wartheland would have been higher by some 200,000 during the occupation years, should there be no pressure exerted against the Poles.

The introduction of the age limit for Polish marriages played a great role in these losses. The age limit of 28 years for men and of 25 years for women was chosen by the Germans on the basis of statistical data in their possession. These were showing that total numbers of marriages were depending on marriages concluded in the age groups of from 25 to 29. The birth rate depended in turn on the number of marriages. German statistics were very accurate and enabled them to draw proper conclusions. They also had great positive experience in the rising of the natural increase in the German population and so were able to use the material obtained in reverse with regard to the Polish population.

The expert admitted that the decline of the natural increase in the Polish population was partly due to war conditions. This was the general demographic law of war. But, even allowing for this, the decline should not have exceeded 50%, bringing the natural increase from 60,000 to 30,000 people per year. Instead, the increase was of 10,000-12,000 people per year in spite of the fact that the Wartheland was spared all war operations. Thus the results of the Second World War with regard to the increase in population taken in conjunction with losses caused by direct German actions, were catastrophic and amounted in this part of Poland to about two million people.

It was most enlightening that, at the same time when the natural increase in Polish population was drastically falling down, the natural increase in the German population of the Wartheland was so rapidly rising, that it surpassed the most audacious expectations of the German promoters of the German breeding system. Should this evolution within the German group have continued the Poles in the Wartheland, even without using any more drastic and direct methods of extermination and simply by bringing down the natural increase in the Polish group to zero point, would have been within 20 years on the road to total extinction.

The prosecution, submitted that the accused was personally responsible for the loss to the Polish nation of two million people in the Wartheland, as well as for the loss in the natural increase in population by 200,000.

(iv) *Other Expert Evidence*

The case for the prosecution rested also on evidence submitted to the Tribunal by the following experts :

Dr. A. Peretiatkowicz and Dr. L. Ehrlich, Professors of International Law

in the Universities of Poznan and Cracow respectively, who described the recent developments in the sphere of international criminal law concerning the responsibility and trial of war criminals ; *Dr. E. Taylor*, Professor of Economics in the Poznan University, who described the general German economic policy in war time ; *Dr. J. Deresiewicz* of the University of Poznan, who submitted a report on the treatment of Polish man-power in the Wartheland ; and Professors *St. Dabrowski* and *S. Laguna* of Poznan University, who were heard on other technical matters.

4. THE CASE FOR THE DEFENCE

The accused, who was defended by two counsel appointed by the Tribunal, pleaded not guilty. His general line of defence was the following. He admitted that he was a member of the Nazi Party and the S.S., and had held the highest official positions mentioned in the Indictment. Until the outbreak of war he was substantially in agreement with the Nazi Party programme. However, he was always against war as an instrument of attaining its aims and later, during the war, he found himself in disagreement on certain matters of policy, and even submitted on four occasions his resignation as Gauleiter and Reichsgovernor, but this was never accepted. The accused also admitted that in the capacity of the Reichsstatthalter of the Wartheland his task and aim was to subordinate that part of Poland directly and entirely to the German Reich. In this respect, however, all his activities were based on the Führer's decree of 8th October, 1939, by which the western Polish provinces were incorporated in the Reich, and the series of special regulations that followed were in direct consequence of this law which was binding upon him. Therefore, he claimed, for all matters of policy and measures applied and carried out in this territory the responsibility rested entirely and exclusively with Hitler and Himmler.

In particular, the accused submitted that most of the discriminating decrees and regulations signed by him, or issued under his authority, were enacted and put into effect on express orders of Hitler or Himmler, and that in his actions he, the accused, was always strictly supervised by the central German authorities. This supervision went to such an extent that even his official pronouncements and declarations of policy, which were to be carried out by his subordinates, had been subject to censorship of, or were being in fact drafted for him by government and party officials in Berlin. He also alleged that, although the departments of state administration were concentrated in his office, all of them were receiving orders and directives directly from the respective ministries of the Reich, which he was not in the position to change or disregard.

The accused further defended himself by alleging that neither the ordinary police, nor the security or secret police (the Gestapo), nor the S.S. were ever subordinated to him in any way or measure, and that the chiefs of these and other special services, and offices established in the territory for specific purposes, always took their orders and instructions directly from Berlin, and particularly from Himmler. The accused, therefore, disclaimed any responsibility for anything that had occurred in concentration and other camps, and for what had been done as regards the extermination of Jews, deportation of Poles, expropriation of property, denationalisation, persecution of churches and other incriminating activities, and alleged that he had

no influence whatsoever in these matters. Moreover, in regard to many instances of undoubtedly criminal acts committed by German authorities and officials, which were brought before the Tribunal, the accused denied any knowledge of them.

For instance, the accused stated that the regulations dealing with the establishment of special Courts for Poles were enacted on Hitler's express order in spite of the accused's opposition, and later, after they had been put into force, he always endeavoured to limit the functioning of these courts, and frequently availed himself of the prerogative of mercy in cases where the Poles were sentenced to death. As regards the plan for deportation of Polish population from the annexed territories, the accused submitted that this was a matter entirely with the German police authorities and the Gestapo, and particularly with Himmler, and therefore the responsibility for the measures taken rested exclusively with them. Similarly, the accused insisted that the action taken against the Churches was directed and supervised by the central authorities in Berlin, and particularly by the main office of the Nazi Party, the central office for the security matters, and by the Reichsministry of the Interior.

The accused claimed further that in fact he had only a restricted responsibility for general matters of policy, and inasmuch as various administrative acts were concerned only for those which had been dealt with over his signature and were previously referred to, or discussed with him by his subordinates. He could not accept responsibility for any other such acts in view of the fact that various German offices and lesser authorities were authorised, in accordance with the general practice, to use discretionally in certain cases and matters the signature of the Gauleiter and Reichsstatthalter when issuing orders and regulations.

As regards his activities before the war, in Danzig, the accused admitted that he signed various enactments which brought about changes in the original status of this Free City, but he did not regard these acts or any other steps taken by him in his capacity as President of the Senate as having been in contravention of the Constitution of Danzig. Some of these steps had even been taken with the consent or knowledge of the Polish Government and of the High Commissioner of the League of Nations. In any case they were put into effect on orders received either directly from Hitler or from the central authorities of the Nazi Party. The accused alleged that he was always trying to settle the Danzig problems in a peaceful manner and was consistently opposed to solving them by way of force.

In order to corroborate his line of defence and the allegations referred to above, the accused introduced as chief witness on his behalf August Jäger, who was his deputy and chief of the Reichsstatthalter's office. As will be shown later, the evidence of this witness, who was himself implicated in many activities of the accused and against whom the Prosecution was making investigations in order to bring him to trial as a war criminal, was not accepted by the Tribunal as a *bona fide* evidence.

The defending counsels submitted some further defences and raised a number of legal questions which will be referred to in the second part of this report.

5. THE JUDGMENT OF THE TRIBUNAL

The Supreme National Tribunal found the accused, Artur Greiser, guilty of all the crimes with which he was charged in the Indictment, with the one exception that he did not personally commit any murders or acts of cruelty, or inflict bodily harm. For these crimes the Tribunal sentenced him to death, and in addition pronounced the loss of public and civic rights, and forfeiture of all his property.

The sentence was carried out on 21st July, 1946, in public by hanging.

In passing the above sentence on Artur Greiser, the Supreme National Tribunal was faced with the duty of deciding upon the specific character of the crimes of which he was accused in the Indictment, and then of evaluating the weight and relation of the groups of evidence submitted during the hearing.

In regard to the crimes as a whole, the Tribunal stated that the crimes with which he was charged, although they were committed directly in the territories forming part of the Polish State, or at that time linked with it in a special manner (the Free City of Danzig), yet by their nature they went much further than the sphere of Polish interests. They were directly linked up with the criminal conspiracy initiated by the National-Socialist leader, Adolf Hitler, and during eighteen years directed against the fundamental values of civilisation. In view of this it was necessary for the Tribunal to appraise first and foremost that group of charges specified in parts (A) and (B) of the Indictment, which were directly concerned with the part played by the accused as one of the first, most active and most trusted collaborators of Adolf Hitler in their attempt to realise their plan for German unbounded rule in East Central Europe by way of waging aggressive war, exterminating the neighbouring peoples and destroying their culture.

As regards the evidence presented, the Tribunal stated that it attached particular weight to the opinion of the experts and their explanations on international law, German administrative law and economic law, and to the statistical and medical evidence. Similarly, it attached great importance to the documents of various kinds, speeches, publications, and official correspondence.

Taking into account all this evidence the Tribunal came to the conclusion that the accused, Artur Greiser, in the gradually unfolding plan for aggressive war on a world scale, was one of the chief instruments, and especially in Danzig where conditions were the most delicate. Hitler's aggression against Poland, the Tribunal said, was prepared methodically. In the period from 1934-1938 it was masked behind seeming, hypocritical agreements concluded with Poland, but after that the "criminal invasion" was embarked upon by taking advantage of favourable political conditions and German propaganda and agitation, with a purposeful aggravation of the dispute over the Free City of Danzig. In the plans of Hitler and his fellow conspirators, Danzig was to be the "sally port" through which the avalanche of Hitler's armed might would roll to conquer the territory of the Polish State and to destroy utterly the Polish element, in order to make it a German "Lebensraum" for ever.

To realise this plan, the Judgment says, it was necessary to choose a person who was intelligent, fanatically given over to the idea of a Greater Germany,

and at that time "enthusiastically" (to use the accused's own expression) devoted to his leader, apparently conciliatory, and able hypocritically to mask his aggressive mission, and one who was at the same time without scruples or moral principles in his public life. The choice of Artur Greiser and the conspiratory understanding between the two men explains why a man who during the first World War was a modest officer in the German Navy attained dizzy heights in the Party and State, the moment Adolf Hitler came to power in Germany. The accused was entrusted with one of the main Party functions (deputy chief of the branch of the NSDAP in Danzig) and put in the principal administrative posts (senator for internal affairs, then vice-president and president of the Senate), in order that he might through such long-term activities bring about an internal revolution in the Free City of Danzig when the time came. This took place on 23rd August, 1939, when, as President of the Danzig Senate, Artur Greiser, in violation of international law and agreements (Article 104 of the Treaty of Versailles, and the Polish-German non-aggression pact) on Hitler's orders made Gauleiter Albert Forster Chief of "Danzig State," who in turn illegally incorporated the Free City in the Reich by unilateral act a week later.

The accused, the Tribunal went on, successfully carried out the criminal order of his leader. From first to last all his explanations that he, actuated by "good will," sought to create a *modus vivendi* between Danzig and Poland, were in flagrant contradiction both to the logic of the facts and to the evidence put forward during the hearing. For these reasons the Tribunal considered the charges contained in sections (A) and (B) of the Indictment to be fully justified, and the facts mentioned in the said sections of the Indictment to have been proved by the opinions of the experts, the documents put in and the evidence of trustworthy witnesses.

With regard to section (C) of the Indictment, that is the crimes committed by the accused in his official capacity as Gauleiter and Reichsstatthalter of the so-called Wartheland, the Tribunal considered some specific questions of law relative to the pleas of defence submitted by the accused or his counsels. These questions will be reported upon in the second part of this report.

In respect of this group of charges which were related to crimes committed against the life, health and property of Poles and Jews, and against the freedom of worship, culture and language of the Polish population, said to have been directed by the accused, the Tribunal stated that the documents laid before it and the evidence of the witnesses has proved in their entirety the charges put forward in that part of the Indictment.

Thus, as a result of direct or indirect orders from the accused, said the Tribunal, thousands of Poles and Jews lost their lives, their property was destroyed or removed, Catholic and Protestant churches were ruined, schools and teaching centres shut down. The accused, again on his own initiative, issued such orders as those for severe restriction of Polish fertility, for limitation of the food allowed to sick children and pregnant women. In the opinion of the Tribunal the proceedings had established the accused's guilt in these respects without any possibility of doubt.

In an effort to mitigate the impression of his having hated Poland and the Poles, as was shown by a number of documents laid before the Tribunal

and by the evidence of witnesses, the accused has tried with much effort to prove his correct, even benevolent, attitude by reference to witnesses of a group of Polish men and women employed on building his palace in, or on the staff of Ludwikowo, and also by reference to a former Polish colleague of his schooldays in Inowroclaw. This duality of character, the Tribunal commented, and the fact that a German can have a "public soul" and a "private soul," which the accused had revealed, is typical. No other nation could combine in its psychological make-up the cruelty of a nationally disciplined *Herrenvolk* in its public dealings with others, with specious good naturedness in its family and private life. Here are two attitudes, said the Tribunal, which in the sphere of the emotions are entirely different: the ethical correctness of the "decent person" in private life, and the desire, in public life, to perpetuate Germany's rule over her neighbours, and "through her neighbours" over the world as well, in order to set "Germany above everything," an attitude that often amounted to complete moral insanity. "Thus," said the Tribunal, "the proper attitude of the accused to his 'employees' confirmed by the evidence of certain of them in no way alters or mitigates the fact that the good natured and correct attitude of the Gauleiter to Poles never went any further than the palace gates in Ludwikowo."

B. NOTES ON THE CASE

1. THE COURT AND THE LEGAL BASIS OF THE TRIAL

The Court was the Supreme National Tribunal for trial of war criminals, the jurisdiction and powers of which have been defined in the Decree of 22nd January, 1946, in which changes have, subsequently to the trial, been made by the Decree of 11th April, 1947.⁽¹⁾

The case was tried in Poznan where a short while previously the accused exercised his powers as Reichsgovernor of the Polish Territories incorporated into Germany.

The substantive law applied by the Tribunal was that laid down in the Decrees of 31st August, 1944, and of 16th February, 1945, *concerning the punishment of fascist-hitlerite criminals guilty of murder and ill-treatment of the civilian population and of prisoners of war, and the punishment of traitors to the Polish Nation*. The consolidated text of these Decrees, together with the subsequent changes, have later been promulgated in the Decree of 11th December, 1946.⁽²⁾

2. THE NATURE OF THE OFFENCES

The acts committed by the accused were crimes in violation of Article 1 paragraph 1 (a) and paragraph 2 of the Decrees of 1944/45 mentioned above, the provisions of which are in substance the same as those of Articles 1 and 2 of the Decree of 11th December, 1946, and which are to be found in the Annex to Volume VII of these Reports.

⁽¹⁾ See Vol. VII of this Series, Annex on *Polish Law Concerning Trials of War Criminals*, Part II, Section 1, pp. 91-2.

⁽²⁾ *Ibid*, Part I, pp. 82-91.

Inasmuch as the charges contained in para. (c) of the Indictment are concerned, these acts were also in violation of the corresponding provisions of the Polish Civil Criminal Code of 1932 dealing with complicity in murder, grievous bodily harm, torture and ill-treatment ; further, with infringement of personal liberty and illegal appropriation of property, insulting and deriding of national dignity and that of the State, and slavery (Articles 152, 225, 248, 249, 235, 236, 246, 199, 257, 258, 259, 261 and 262). In addition, all these acts were in violation of the laws and customs of war as laid down in international conventions and established by international usages.

As regards the acts set out under (A) and (B) of the Indictment, the charges preferred against the accused were based on Articles 93, 97 and 99 of the Criminal Code of 1932, which read as follows :

Article 93, Para. 1. " He, who attempts to deprive the Polish State of its independence or to separate part of its territory,—is liable to imprisonment for a period of not less than ten years, or for life, or to the death penalty."

Para. 2. " He, who attempts to change by force the political structure of the Polish State,—is liable to imprisonment for a period of not less than ten years or for life."

Article 97, Para. 1. " He, who enters into conspiracy with other persons in order to commit any of the offences defined in Articles 93, 94, or 95,—is liable to imprisonment."

Article 99. " He, who conspires with persons acting in the interest of a foreign State or an international organisation with a view to causing acts of war or any other hostile acts against the Polish State,—is liable to imprisonment for a period of not less than ten years."

The acts contained in sections (A) and (B) of the Indictment, and to which the above-quoted provisions of the Criminal Code have been made applicable, come within the notions of criminal groups or organisations and that of crimes against peace. They are analysed more fully in the following sections of this report.

Apart from the provisions of the Decrees of 1944 and 1945 already indicated, the Tribunal based its Judgment on the provisions concerning superior orders and duress, and on that providing for additional penalties. The Tribunal also applied the relevant provisions of the Criminal Code dealing with the basic principles of responsibility for criminal acts.

3. MEMBERSHIP IN CRIMINAL ORGANISATIONS

In regard to the charge of membership, it is to be noted that the Judgment in the present case had been delivered on 7th July, 1946, that is before the pronouncement of the Nuremberg Judgment (30th September and 1st October, 1946), and at the time when the Polish war crimes legislation did not contain provisions concerning the membership of criminal organisations. These were promulgated in the Decree of 10th December, 1946, and have already been presented and analysed elsewhere.⁽¹⁾

⁽¹⁾ See Vol. VII of this Series, Annex on *Polish Law Concerning Trials of War Criminals*, Part I, Section 3, pp. 86-7.

As has already been shown in this report,⁽¹⁾ the Polish Tribunal, when dealing with this particular charge, accepted the fact of the accused's membership in a criminal organisation, the NSDAP, and stated that his activities in this capacity were part of the criminal aims of that organisation, namely, the commission of crimes against humanity (genocide) and crimes against peace.

While, in pronouncing its Judgment on this particular charge, the Tribunal had no formal legal basis in the municipal war crimes legislation, it based itself on the London Agreement and Charter of 8th August, 1945,⁽²⁾ and applied subsidiarily Articles 97 and 99 of the Polish Criminal Code, the text of which is quoted in the preceding section.

4. THE CONSPIRACY AND AGGRESSIVE WAR

The facts relating to the seizure of the Free City of Danzig and the aggression against Poland, and the findings of the Tribunal on these points have already been set out in the outline of the proceedings (Part A, sections 1, 2 (i) and (ii), and 5). These findings should be regarded as supplementary to the facts established, a few months after the trial under review had been concluded, by the Nuremberg Tribunal as regards the consolidation of power of the Nazi regime, the common plan or conspiracy to wage aggressive war, and the preparation for, and planning of aggression.⁽³⁾

In its Judgment, after having made general references to the Danzig issue, the Nuremberg Tribunal concluded that it "is fully satisfied by the evidence that the war initiated by Germany against Poland on the 1st September, 1939, was most plainly an aggressive war, which was to develop in due course into a war which embraced almost the whole world, and resulted in the commission of countless crimes, both against the laws and customs of war, and against humanity."⁽⁴⁾

It is not possible to review here in any adequate manner the particular events preceding the seizure of Danzig. This was a problem the legal and factual aspects of which became so complex that it constitutes an immense subject for itself which would require much time and space. We shall therefore refer only to the provisions which are relevant to the very origin of the international legal status of the Free City of Danzig.

By virtue of Articles 100 and 102 of the Versailles Peace Treaty of 1919 Germany renounced in favour of the Principal Allied and Associated Powers all rights and title over the town of Danzig together with the territory around it and comprised within the limits described in Article 101. At the same time the Allied and Associated Powers undertook to establish, and did establish, this town and territory as a Free City of Danzig, which was placed

⁽¹⁾ See Part A, Section 5, p. 104.

⁽²⁾ Article 10 of the Charter of the International Military Tribunal at Nuremberg (Cmd. 6668) reads :

"In cases where a group or organisation is declared criminal by the Tribunal, the competent national authority of any Signatory shall have the right to bring individuals to trial for membership therein before national, military or occupation courts. In any such case the criminal nature of the group or organisation is considered proved and shall not be questioned."

⁽³⁾ See *Judgment of the International Military Tribunal for the Trial of German Major War Criminals*, Cmd. 6964, pp. 7-14.

⁽⁴⁾ *Ibid*, p. 27.

under the protection of the League of Nations. In accordance with Article 103 of that Treaty, a constitution for the City was drawn up by the duly appointed representatives of the City in agreement with the High Commissioner appointed by the League of Nations. This constitution was placed under the guarantee of the League. The High Commissioner, whose permanent residence was at Danzig, was also entrusted with the duty of dealing in the first instance with all differences arising between Poland and the Free City in regard to the provisions of the Treaty of Versailles or any arrangements or agreements made thereunder.

Following the obligation undertaken in Article 104 of the Treaty, the Allied and Associated Powers negotiated a Treaty between the Polish Government and the Free City of Danzig, the so-called Paris Convention of 9th November, 1920, the objects of which were the following : (a) it effected the inclusion of the Free City within the Polish Customs frontiers, and established a free area in the port ; (b) it ensured to Poland without any restriction the free use and service of all waterways and port installations ; the control and administration of the Vistula and, with some exceptions, of the whole railway systems, and of postal, telegraphic and telephonic communications ; and further the right to develop and improve all the means of communication and installations mentioned above ; (c) it provided against any discrimination within the Free City to the detriment of Polish citizens and other persons of Polish origin or speech ; (d) finally, it provided that the Polish Government had to undertake the conduct of the foreign relations of the Free City as well as the diplomatic protection of citizens of that city when abroad.

It should also be noted that in accordance with Articles 105 and 107 of the Treaty of Versailles, and on its coming into force, all German nationals who were residents of the territory which thus became the Free City of Danzig lost *ipso facto* their German nationality and became nationals of the Free City ; and all property situated within this territory and belonging to the German Empire was transferred to the Free City or to the Polish State.

From the foregoing it will be seen that the Free City of Danzig as a separate territorial unit was placed under the protection of the international community, and the authorities of Danzig had no right to pursue a criminal German policy and no obligation to obey orders of the German Government, so much the less of the Nazi Party, as was alleged by the accused during the present trial. In fact, as has been shown, the events developed in quite a different direction, the Danzig authorities from the beginning were always trying to avoid the Treaty obligations, and differences and difficulties constantly increased as time passed on. Finally, after having denounced the German-Polish Non-Aggression Pact of 1934 on false grounds, the Nazi conspirators proceeded to stir up the Danzig issue, to prepare frontier "incidents" with the view to "justify" the attack, and to make demands for the cession of the territory. Upon refusal by Poland to yield, they caused German armed forces to invade Poland on 1st September, 1939, and incorporated the Free City of Danzig into the German Reich in violation of the provisions of Article 100 of the Treaty of Versailles.

When dealing with the charge of preparation, planning and waging of aggressive war, one of the defending counsels submitted that the international treaties and conventions concerning the renunciation of war as a

means for settlement of inter-State disputes, and especially the Briand-Kellog Pact of 1928, cannot be regarded but as a *lex imperfecta*, as they did outlaw the war but did not provide for any penalties in this respect. He also raised the defence of *nullum crimen sine lege poenali, nulla poena sine lege* as far as the Polish municipal law is concerned, but disregarded entirely in his submission the London Agreement and Charter of 8th August, 1945.

As has been shown, the Tribunal rejected these pleas in accordance with the state of international and municipal law at the time of the trial. In this respect the reader is referred to other publications of the United Nations War Crimes Commission where the relevant legal concepts and their development have been further presented and analysed.⁽¹⁾

5. ANNEXATION OF OCCUPIED TERRITORY AND INTERNATIONAL LAW

The Defence claimed that the thesis submitted by Professor Ehrlich, expert on international law, that the annexation of part of Poland into the German Reich and consequently the introduction of German law and orders were contrary to international law, was at least doubtful and controversial, since in modern and total war it is very difficult to draw a line between the complete *debellatio* and a mere occupation of the enemy territory. In any case, the Defence argued, any deduction that such acts are punishable must fail as there is no provision in The Hague Regulations to this effect.

The Supreme National Tribunal did not enter into an analysis of the law regarding the substance of this submission, but stated generally in its Judgment that it regarded the incorporation of the western Polish territories as criminal. In this connection the Tribunal expressed the opinion that the hostilities begun against Poland on 1st September, 1939, did not constitute a war according to international law, but a "criminal invasion" of the territory of a neighbouring state and a violation of a pact of non-aggression concluded with that State. Consequently, the so-called "occupation" of the territories of the Polish State taken by the Third Reich by force of arms was not even an occupation in the true meaning of that word, but "an unlawful seizure of another's territory by force and compulsion." Therefore, such an act should be evaluated in accordance with the well-known maxim of Roman law that *quod ab initio turpe est, non potest tractu temporis convalescere*. But, even if one were to accept the view that it nevertheless was an occupation, though only a *de facto* one, yet it was carried out in violation of all the postulates and rules of The Hague Conventions which Germany herself agreed upon. It was a caricature of military administration as understood by international law, carried out in violation of the rights of the local population.

(1) See (a) *The History of the United Nations War Crimes Commission and the Development of the Laws of War*, published by the Stationery Office, London, 1948, where developments in the law regarding crimes against peace up to the delivery of judgment by the International Military Tribunal are set out.

(b) Vol. VII of the *Law Reports of Trials of War Criminals*, Annex on Polish Law Concerning Trials of War Criminals, Part I, pp. 82-91.

(c) Developments in the law relating to crimes against peace made by Judgments delivered in the Nuremberg "Subsequent Proceedings" trials, reported in Vol. X, pp. 30-40 and 102-30; and Vol. XII, pp. 65-71; and summarised in Vol. XV.

The position in international law regarding the particular issue raised by the Defence can briefly be summarised as follows. There are two essentially different legal concepts which must not be confused. One is the conquest of enemy territory, *i.e.*, taking possession of such territory by military force, which is completed as soon as the territory is effectively occupied. Conquest of part or even of the whole of enemy territory need not necessarily involve subjugation, *debellatio*, for in the first case the enemy may reconquer it, or, in the latter case and when the war is waged between more than two belligerents, the army and government of the conquered territory may evacuate their own country and join the allied army. This was exactly the case in 1939 in regard to the Polish Government and its armed forces. Subjugation is, therefore, an established fact only when one belligerent succeeded in exterminating in war another belligerent through conquering its territory and annihilating the allied enemy forces.⁽¹⁾ Thus, in the case of a mere conquest we are faced with a temporary military occupation which is governed by the rules enacted in The Hague Regulations insofar as they deal with military authority over the territory of the hostile State (Section III of The Hague Regulations).⁽²⁾

The principle underlying these rules is that the occupant in no way acquires sovereignty over the occupied territory, but he actually is entitled to exercise temporarily a military authority over it. This means that the occupant acquires also a temporary right of administration over the territory and its inhabitants ; and all legitimate steps he takes in the exercise of this right must be recognised and obeyed by the inhabitants.

The position thus created imposes, however, on the occupant at the same time certain duties towards the occupied territory and its inhabitants. As the right of administration is strictly limited to a *military* administration, the occupant has no right either to annex the whole or part of the territory while the war continues, or to divide it into new administrative districts for political purposes. The occupant has further no right to introduce its own law, or to make changes in the laws of the land, or in the administration, other than those which are temporarily necessitated by his military interest and the realisation of the purpose of war. Finally, the occupant has the duty to ensure public order and safety, must respect family honour and rights, individual lives, private property, religious convictions and liberty.⁽³⁾ The implications of the non-observance of these principles has been fully demonstrated in the case of Poland by the facts exposed in the present trial.

In connection with the decision made by the Polish National Tribunal in regard to the question under discussion, it should be recalled that the International Military Tribunal at Nuremberg also rejected the submission " that Germany was no longer bound by the rules of land warfare in many of the territories occupied during the war, because Germany had completely subjugated those countries and incorporated them into the German Reich

⁽¹⁾ See Oppenheim-Lauterpacht's *International Law*, Vol. II, Sixth Edition, London, 1940, pp. 466-7.

⁽²⁾ This essential difference between an annexation and a military occupation was emphatically underlined by the United States Military Tribunal which conducted the *Justice Trial*. See Vol. VI, pp. 91-3.

⁽³⁾ See *op. cit.* pp. 337-350, and the Regulations of The Hague Convention No. 4 of 1907.

a fact which gave Germany authority to deal with the occupied countries as though they were part of Germany." The Nuremberg Tribunal expressed the view that it was unnecessary in that case to decide whether such a doctrine of subjugation, dependent as it was upon military conquest, had any application where the subjugation was the result of the crime of aggressive war. The Tribunal said: "The doctrine was never considered to be applicable so long as there was an army in the field attempting to restore the occupied countries to their true owners, and in this case, therefore, the doctrine could not apply to any territories occupied after the 1st September, 1939."⁽¹⁾

6. VIOLATIONS OF THE RIGHTS OF THE INHABITANTS OF THE OCCUPIED TERRITORY, AND GENOCIDE

In its Judgment the Supreme National Tribunal stated in a summary way that the following groups of crimes had been committed against the Polish population:

- (a) Illegal creation of an exceptional legal status for the Poles in respect of their rights of property, employment, education, use of their national language, and in respect of the special penal code enforced against them;
- (b) Repression, genocidal in character, of the religion of the local population by mass murder and incarceration in concentration camps of Polish priests, including bishops; by restriction of religious practices to the minimum; and by destruction of churches, cemeteries and the property of the Church;
- (c) Equally genocidal attacks on Polish culture and learning;
- (d) Ruthless economic exploitation of the Polish population and of economic resources;
- (e) Deportation of the Polish population in implementation of the programme that "not an inch of the conquered territory will belong to a Pole";
- (f) Debasement of the dignity of the nation (degradation of the Poles to citizens of a lower class, *Schutzbefohlene*, in accordance with the distinction drawn between German "masters" and Polish "servants");
- (g) Crimes committed in places of torture and concentration camps like Fort VII, Zabikow and Inowroclaw and Radogoszcz;
- (h) Arbitrary executions and summary sentences by special courts which condemned Poles to death for trivial reasons, or for none at all, and which were practically never mitigated;
- (i) Complete extermination of the Jewish population in special camps and crematoria.

While making this general statement and accepting the substance of the corresponding charges put forward in the Indictment, the Tribunal did not enter into questions of law in regard to any of the specific crimes. In

⁽¹⁾ See the Nuremberg Judgment, 1 cit. p. 65. As regards the plea of *nullum crimen sine lege, nulla poena sine lege*, see *ibid* pp. 38-9 and other publications of the Commission already cited, and particularly Vol. IX of these Reports, pp. 32-9.

appraising the criminal character of the many and various acts involved the Tribunal relied mainly on the documentary evidence submitted to it, which was not available when writing this report. It is therefore not possible to discuss here certain legal aspects in respect of some of the acts contained in the above-described groups of crimes. Although there can be some doubt as to the extent to which some of the specific types of acts alleged in the Indictment could be regarded as clear violations of the laws and customs of war and not justified by military necessity, it can however be said quite generally that the acts for which the accused has been made responsible, were in violation of The Hague Regulations respecting the laws and customs of war (Convention No. 4), namely :

- (a) that forbidding the occupant to enact new laws and change the law of the land, except in cases of absolute necessity (Article 43) ;
- (b) that requiring that the honour and rights of families, the life of individual, private property, religious convictions and worship, be respected (Article 46) ;
- (c) those forbidding confiscation of private property and pillage (Articles 46 and 47) ;
- (d) that forbidding making the population collectively responsible for the acts of individuals (Article 50) ;
- (e) that forbidding requisition of civilian labour except for the needs of the army of occupation (Article 52), and in such conditions as would constitute actual degradation and be a means of exterminating them biologically, or by deporting them for the purpose to enemy country ;
- (f) that forbidding seizure or destruction of historic monuments and works of science and art, and of religious, charitable, scientific and artistic institutions (Article 56).

The Prosecution submitted that most of the offences enumerated in the Indictment were part and parcel of a Nazi plan the aim of which was the biological extermination of whole groups of people. This plan consisted of two phases ; one which aimed at the complete disintegration of the Polish population by destroying its national, social, cultural and economic pattern, as well as personal integrity of individuals ; the other, the imposition of the national pattern of the oppressor. It should be noted that these are exactly the general characteristics of the crime of *genocide* the notion of which has been discussed in some detail in connection with other trials reported in this series.⁽¹⁾

In its Judgment the Tribunal expressed the opinion that such acts as those referred to above constitute crimes which come within the notion of crimes against humanity, and stated :

“Gauleiter and Reichstatthalter Artur Greiser, in accepting during September and October, 1939, from the hands of the leader of the great German conspiracy the posts of his deputy in the organisation of Party and State in the so-called Wartheland, did not intend to be merely the

⁽¹⁾ See Vol. VII of this Series, *Trial of Amon Leopold Goeth*, pp. 7-9 ; and *Trial of Rudolf Franz Ferdinand Hoess*, pp. 24-26.

trusted servant of his leader in the ordinary sense. Of the ' Wartheland ' that was carved during the war out of the live body of Poland and annexed in violation of every law, he wished to make a ' German land,' a model ' Mustergau,' and at the same time criminally to turn it into a parade ground (*Excercierplatz*) for trying out methods of germanizing the country, not in the old fashion of the days before the First World War, but in the absolute sense of what he himself called *Eindeutschung*. There were three ways of arriving at such a germanization of the territory which, despite the methods applied during the invasion, and the war that continued to be waged, still had a population of four and a half million, of whom three and a half were Polish : by deportation of adult Poles and Jews, germanization of Polish children racially suited to it, the new method of mass extermination of the Polish and Jewish population, and complete destruction of Polish culture and political thought, in other words by physical and spiritual genocide. The facts concerning this genocide brought to light during the trial and later arranged and evaluated according to the different groups of accusations in section (c) of the Indictment prove that the supreme head of this Wartheland by no means simply blindly carried out the orders of his leader, Hitler, whom allegedly there was no possibility of opposing, but was an independent, ambitious and cunning instigator and organiser of the cruel methods which led to the mass extermination of the local populations with the aim of completely destroying their powers of national resistance and their physical strength, which was the ultimate objective. . . . Thus, the accused as the supreme authority in the Wartheland, acting with full powers granted to him by Hitler, in the opinion of this Tribunal committed crimes both from the point of view of the municipal, and international law. That is, he ordered, countenanced and facilitated, as is shown by the evidence, criminal attempts on the life, health and property of thousands of Polish inhabitants of the ' occupied ' part of Poland in question, and at the same time was concerned in bringing about in that territory the general totalitarian genocidal attack on the rights of the small and medium nations to exist, and to have an identity and culture of their own."

7. THE DEFENCE OF SUPERIOR ORDERS

With this plea of the accused and his counsel the Tribunal dealt in the following statement :

" Throughout the trial the accused consistently put forward one and the same defence which presumably in his opinion excluded, or at least mitigated, his personal responsibility for the unrefutable and grievous crimes committed in the Wartheland while he was its supreme authority. The accused shifted the responsibility for these crimes to third parties, in particular to those higher than he, the ' imperialist ' Hitler and the ' policeman ruler of the Third Reich ' Himmler, neither of whom are now alive. Then with undiminished stubbornness and complete disregard for the evidence, he laid the responsibility for specific cases at the door of yet others, lower in the Party and State hierarchy, on the organs of the S.S. and Gestapo which he alleged were not subordinate to him, and also on those heads of individual administrative depart-

ments (especially on those concerned with nationality policy, education, food supplies, etc.) who allegedly received orders direct from the Ministries in Berlin. Moreover, the accused did not admit responsibility even for the crimes of his undoubted subordinates in the Party or administration (e.g., the heads of departments who signed official pronouncements in the accused's name), since it is possible that in an organisation of between one and two thousand officials, which the accused has compared to the administration of a small state like Denmark or Switzerland, such abuses of discretionary authority by a subordinate, can occur. Despite repeated direct questions, by the Prosecution, the accused has not had the moral courage to admit responsibility for any one of the crimes. He himself, the supreme party leader and Reichsstatthalter of the model Wartheland had no knowledge of anything. From the time he went from Danzig to the castle in Poznan he was 'as it were in the golden cage' of the castle, his car, or his official railway carriage. He knew nothing about either how the Gestapo tortured its victims before killing them in Fort VII, in the Soldier's Home or in Zabikowo; he had no knowledge of the crematoria for Jews in Chelmno, and for Poles in part of the Poznan University buildings. He knew nothing of the conditions in the Lodz ghetto, never read the proclamations posted in the squares and streets announcing executions that were signed with his name. And, lastly, he had no knowledge of the special methods used then for the utter destruction of Polish culture, faith, science and of Polish books, nor of the brutal extermination of the exponents of that culture, and of its centres and organisation. Of all that the accused, Artur Greiser, knew nothing. He did not even accept responsibility for his own speeches and publications, alleging that they were forced upon him by the central authorities. His plan, as he tried to explain during the trial, was merely the partial germanization of the Wartheland, in order to bring about in this territory conditions more or less as they were before the First World War. . . . Education and teaching deteriorated during the war, in his opinion, mainly owing to the lack of suitable personnel. The abuses were the work of independent units of the Gestapo. He himself was defenceless, when faced with orders from the omnipotent representatives of Himmler. The accused explained during the trial that both in his Danzig post and in Poznan he favoured a reasonable understanding with Poland, the avoidance of war in 1939, and the restoration of the Polish State after the end of the Second World War. . . . All these statements of the accused were in flagrant contradiction to the evidence as a whole, and in the opinion of this Tribunal are not credible.

"Yet, even were the explanations of the accused acceptable as a basis for deciding his case, and if one were to take into consideration not his 'private' but his 'official' soul, as he put it, which carried out the orders of his superior, Hitler, even then such a defence would in no way lessen his responsibility for the crimes committed in the above circumstances. According to the modern theory and practice of comparative penal law, it is not necessarily every order of a superior that the subordinate must carry out. In military law, among others that of

Germany, obedience is the fundamental attitude of the soldier. Yet even in this rigorous military law, discipline and obedience are not to be conceived in the sense of a blind obedience . . . to every order, but only to orders that are in accordance with the law, and not those that call upon him to commit crimes. Any such criminal order from a superior will always constitute a particular crime, *delictum sui generis*, for the execution of which the doer will be equally responsible with the issuer of the order. Thus, the accused, according to his own argument, would answer for all criminal manifestations of his 'official' soul, if he implemented the criminal orders of his *Führer*, as he also would for every manifestation of his criminal superior's 'official soul,' i.e., for every order and instruction issued by him at that time either directly, or indirectly, to his subordinate officials in the party or the administration of the former Wartheland.

"Such responsibility is also in accordance with the proper interpretation of the (Polish) Penal Code, and the corresponding provisions of other modern penal codes, concerning the role of an intellectual offender, i.e., one who incites or prevails upon another person, or a group of persons (associates, subordinates, accomplices, conspirers, etc.) to commit a crime. According to the modern view this is not a question of creating a new kind of collective responsibility for someone else's guilt . . . , nor is it a departure from the fundamental objective view of personal responsibility within the limits of one's own guilt, but a question of taking into consideration the undisputable fact that a large number of modern crimes are committed by larger or smaller groups of criminals, by associations of various kinds with varying degrees of direct complicity (instigators, actual perpetrators, accessories). The various types of public instigation to commit crimes . . . is another specific form of indirect incitement. Thus the accused is responsible not only for all his own orders and instructions, but also for the speeches, lectures, articles and reports made or published by him during the Second World War 'on Hitler's orders' or under pressure from the 'police-ruler' Himmler, such as have been laid before the Tribunal.

"That the accused was legally responsible for the criminal orders of his superior and for his own could not deny even his immediate deputy in the administration of the former Wartheland, the witness August Jaeger, lawyer and former civil judge. Evasive and careful as were the replies of this witness, who is possibly himself jointly responsible for a number of official acts committed in criminal co-operation with the accused, he could nevertheless not deny when questioned by the prosecution, that 'in principle' the accused was responsible for the orders just indicated. What is more, even the accused himself in replying to a question from the Prosecution, said that, if he was to be regarded as an instrument for carrying out criminal orders received from Berlin, he would 'in that sense' be responsible for those orders. From this it can be concluded that even in the light of his own defence and explanations . . . the plea of the accused cannot be taken into consideration either from the practical point of view, or from the fundamental legal point of view."

It should be mentioned that the Tribunal, in rejecting the plea of superior

orders, based its verdict on Article 4 of the Decree of 31st August, 1944, in its former text, which read as follows :

“ The fact that any of the crimes envisaged in Articles 1 and 2 of the Decree was committed while in service of the enemy authority of occupation or on its orders, or under duress, does not exempt from criminal responsibility.”

This provision was later amended and replaced by Article 5 of the new text of the Decree, which now reads (Para. 1) :

“ The fact that an act or omission was caused by a threat or order, or arose out of obligation under municipal law, does not exempt from criminal responsibility.”

In such cases, however, the Court may mitigate the sentence (Para. 2).

8. THE DEFENCES OF NON-APPLICABILITY OF THE LAW, AND OF ACTS OF STATE

One of the defending Counsel submitted that the Decree of 31st August, 1944, was not applicable to the accused in view of his German nationality, and also because he was himself the personification of the German authorities of occupation, while this Decree provided only for punishment of persons who assisted such authorities in the commission of crimes, e.g., of Polish subjects who in this way committed offences against their own co-nationals. This plea could not, however, be upheld in view of the fact that, according to Article 3, para. 1, of the Polish Criminal Code, the Polish Criminal Law is applicable to all persons, irrespective of their nationality, who committed a crime on the territory of the Polish State.⁽¹⁾ The plea was in fact disregarded by the Tribunal.

Jointly with the above plea, the Defence also submitted that the acts committed by the accused were acts of State for which he could only be responsible before a court of his own State and not of another State, as in the latter event this would be contrary to international law. The Tribunal disregarded this plea and did not express any opinion on this point.⁽²⁾

⁽¹⁾ See also Annex to Vol. VII, pp. 84-5.

⁽²⁾ As to the development in the doctrine of acts of State in international law, see the *History of the Commission*, 1 cit., Chapter X, pp. 262-288. See also Vol. VI of these Reports, pp. 60-1.