

XVII. ORDERS OF THE TRIBUNAL PERMITTING THE FILING OF MEMORANDA CONCERNING ALLEGED ERRORS

A. Introduction

On 6 April 1949, shortly before the Tribunal rendered its decision and judgment, the Tribunal on its own motion issued an "Order Permitting the Filing of Memoranda Concerning Alleged Errors" that may be found in its judgment. The order permitted "any defendant whose interests are affected" to file within 15 days after decision and judgment "a memorandum calling to the attention of the Tribunal any matters of fact or law which it is believed are in error, together with citations to the record as to the facts, and authorities as to the law which are relied upon in support thereof." On 14 April 1949, the day on which sentences were pronounced, the Tribunal issued a further order with an identical title which extended the time for filing such memoranda from 15 to 25 days. These two orders are reproduced in sections B and C respectively.

B. Tribunal Order Permitting the Filing of Memoranda Concerning Alleged Errors, 6 April 1949

ORDER PERMITTING THE FILING OF MEMORANDA CONCERNING ALLEGED ERRORS

The Tribunal takes note of the fact that there is at present only one Military Tribunal constituted in the American Zone of Occupation pursuant to Control Council Law No. 10 and Military Government Ordinance No. 7. Accordingly, the provisions of Article V (b) of Ordinance No. 7, as amended by Ordinance No. 11,* will not be applicable when this Tribunal renders judgment, inasmuch as Article V (b) applies only in circumstances where more than one Military Tribunal is in existence. No motion for a joint session of Tribunals will be accepted or considered.

The Tribunal also takes note of the fact that the record of this case is unusually long and presents a multiplicity of issues, legal and factual, and that an opportunity should be afforded, by some appropriate procedure, to draw the attention of the Court to any errors that may be found in its judgment.

IT IS, THEREFORE, ORDERED BY THE TRIBUNAL:

"That any defendant whose interests are affected, may,

* Military Government Ordinances Nos. 7 and 11 are reprinted in full in the introductory parts of volume XII, which is the first volume in this series dealing with the Ministries case.

within 15 days following the rendition of the decision and judgment of the Tribunal, file with the Secretary General a memorandum calling to the attention of the Tribunal any matters of fact or law which it is believed are in error, together with citations to the record as to the facts, and authorities as to the law which are relied upon in support thereof. The memorandum shall specifically refer to the place in the opinion and judgment where it is alleged there is error. Memorandum so filed will be brought to the attention of the Tribunal forthwith for such action as it may deem appropriate to correct such errors. All parties will be notified by the Secretary General of the action taken by the Tribunal with respect thereto. Nothing herein shall be construed to modify the requirement of Regulation Number 1, issued under Ordinance No. 7 as amended by Ordinance No. 11, that petitions for clemency to the Military Governor must be filed within 15 days of the imposition of sentence in open court. No motions to extend the time within which to file such memorandum or to extend the time for which to file petitions for clemency will be considered by the Tribunal."

Nuernberg, Germany

6 April 1949

[Signed] WILLIAM C. CHRISTIANSON

WILLIAM C. CHRISTIANSON

Presiding Judge

Tribunal No. IV

C. Tribunal Order Permitting the Filing of Memoranda Concerning Alleged Errors, 14 April 1949, with Memorandum

ORDER PERMITTING THE FILING OF MEMORANDA CONCERNING ALLEGED ERRORS

The Tribunal takes note of the fact that there is at present only one Military Tribunal constituted in the American Zone of Occupation pursuant to Control Council Law No. 10 and Military Government Ordinance No. 7. Accordingly, the provisions of Article V (b) of Ordinance No. 7, as amended by Ordinance No. 11, will not be applicable when this Tribunal renders judgment, inasmuch as Article V (b) applies only in circumstances where more than one Military Tribunal is in existence. No motion for a joint session of Tribunals will be accepted or considered.

The Tribunal also takes note of the fact that the record of this case is unusually long and presents a multiplicity of issues, legal

and factual, and that an opportunity should be afforded, by some appropriate procedure, to draw the attention of the Court to any errors that may be found in its judgment.

IT IS, THEREFORE, ORDERED BY THE TRIBUNAL:

“(1) That any defendant whose interests are affected, may, within 25 days following the rendition of the decision and judgment of the Tribunal, file with the Secretary General a memorandum calling to the attention of the Tribunal any matters of fact or law which it is believed are in error, together with citations to the record as to the facts, and authorities as to the law which are relied upon in support thereof. The memorandum shall specifically refer to the place in the opinion and judgment where it is alleged there is error. Memorandum so filed will be brought to the attention of the Tribunal forthwith for such action as it may deem appropriate to correct such errors. All parties will be notified by the Secretary General of the action taken by the Tribunal with respect thereto. Nothing herein shall be construed to modify the requirement of Regulation Number 1, issued under Ordinance Number 7 as amended by Ordinance Number 11, that petitions for clemency to the Military Governor must be filed within 15 days of the imposition of sentence in open court. No motions to extend the time within which to file such memorandum or to extend the time for which to file petitions for clemency will be considered by the Tribunal.

Memorandum hereto attached is made a part of this order.
Nuernberg, Germany

14 April 1949

[Signed] WILLIAM C. CHRISTIANSON

WILLIAM C. CHRISTIANSON

Presiding Judge

Tribunal IV

MEMORANDUM

It is intended that the foregoing order shall supersede and take the place of that certain order made by the Tribunal on 6 April 1949 and filed with the Secretary General on 7 April 1949. The said order of 6 April 1949, provided that the defendants might file memoranda calling attention to claimed errors, of fact or law in the judgment in Case No. 11 within 15 days following the rendition of decision and judgment of the Tribunal in said case. The above order is similar in tenor to the order of 6 April, except that the foregoing order gives the defendant 25 days instead of 15 in which to file said memoranda with respect to claimed errors of fact or law.”