

AN ABSTRACT OF THE THESIS OF

Darl Cord II for the Master of Arts in World History presented on May 11, 1990.

**Title: THE TREATMENT OF PRISONERS OF WAR IN GERMANY FROM 1871-1945,
AND ITS EFFECT ON THE TRIAL OF GENERAL OBERST HERMANN HOTH**

Abstract approved: _____

Throughout the history of mankind, there has been warfare and prisoners of war. The treatment of prisoners has ranged from torture and loss of limbs, to death. Since the 1800s, attempts have been made to rectify the problem of treatment of prisoners of war and develop laws for their protection.

Germany, since its foundation in 1870 through 1945, has been involved in three wars. During this time, the military policies and directives toward prisoners of war gradually disintegrated. It has gone from just plain neglect caused by the conditions of the war to deliberate neglect ordered by Adolf Hitler.

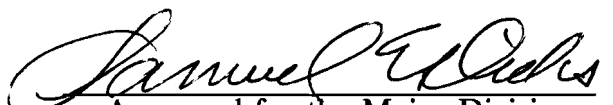
The trial of Hermann Hoth caused difficulty for the defense in establishing the traditional treatment of prisoners of war by the military and showing the court that Hoth was only following orders in his treatment of prisoners of war. The result lead to the sentencing of Hermann Hoth to fifteen years in prison.

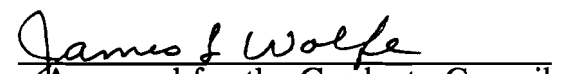
**THE TREATMENT OF PRISONERS OF WAR IN
GERMANY FROM 1871-1945, AND ITS EFFECT
ON THE TRIAL OF GENERAL OBERST HERMANN HOTH**

**A Thesis
Presented to
the Division of Social Sciences
EMPORIA STATE UNIVERSITY**

**In Partial Fulfillment
of the Requirements for the Degree
Master of Arts**

**by
Darl E. Cord II
May 1990**


Approved for the Major Division


Approved for the Graduate Council

ACKNOWLEDGEMENTS

My deepest thanks to Professors Loren Pennington, Samuel Dicks, and Glenn Torrey. Their help in the writing of this thesis will always be greatly appreciated. I would also like to express my sincere gratitude to my parents, sister, and friends in Germany and the United States for their help and encouragement.

Contents

Introduction	1
CHAPTER 1: The Origin of Policy and the Franco-Prussian War	6
CHAPTER 2: Allied Prisoners of War in World War I	13
CHAPTER 3: Destruction of Soviet Prisoners of War	26
CHAPTER 4: Trial of General Hermann Hoth	40
Conclusion	56
Bibliography	62

Introduction

It has been within the last two centuries that society, governments, and nations have taken steps in international law to increase and guarantee the humane treatment of prisoners of war. The most recent endeavor has been the Geneva Convention Relative to the Treatment of Prisoners of War of August 12, 1949, which attempted to increase the standards, regulations, and basic necessities of life and care to be required for prisoners of war. This convention came about as the result of the inadequacies of the Geneva Convention of 1929, and the gross negligences and abuses occurring during the Second World War. This is not to say that this was the only time in history when prisoners of war were mistreated, but it is an instance where nations who had signed agreements concerning the treatment of prisoners renounced their signatures. This type of action, from highly advanced and educated nations, offends and outrages the other endorsers, and delivers a blow to the established rules of conduct among nations.

Throughout the history of warfare, prisoners of war have been treated differently from the slaughtering of those captured to the exchanging of prisoners. During the age of antiquity when warring Greek cities campaigned against each other, the battle would rage until one side was virtually destroyed. The Greek warriors' concept of war was based on the ideology that it was better to die on the battlefield than to be taken into captivity. For a warrior to die on the field of battle meant that he had died with honor, whereas to be taken captive meant personal disgrace. Furthermore, if a warrior was wounded on the battlefield, death occurred as a result of the wounds or immediately by his captors. If by chance a warrior

would be taken prisoner and kept alive, he could expect to have part of his body tortured or mutilated before being put to death.

The legions of the Roman Empire also pursued this line of fighting but realized the importance of prisoners as an economic resource as slaves. The Romans would put them in the galleys of ships, mines, and use them as gladiators in spectator sports. This gave the Roman empire a source of cheap labor and the ability to concentrate on the economic and manpower resources of the Roman empire in securing a dominate position in the Mediterranean basin.

This idea of using prisoners as slaves continued into the Middle Ages, where the basic concept was continued but protective measures and codes were developed, protecting the nobility and knights from death. It became the age of chivalry, a time when a knight or noble could be captured in battle and, instead of being slain on the battlefield, would be held for ransom. This became known as granting quarter and its concept was developed from the sixteenth-century convention between Spain and Holland. The Dutch agreed to spare the lives of prisoners of war in return for a ransom payment of one quarter of their annual salary; those who were not ransomed would be put to death.¹ This development did little for the common foot soldier, who if during the course of battle was wounded or captured, would usually be killed on the field of battle.

Granting quarter was further refined and developed as time went on between nations. It became common practice that when an officer or soldier was captured, he would be placed in a prison and would be asked to give his solemn word that

¹A. J. Baker, Prisoners of War (NY: Universe Press, 1975), 27.

he would not continue to fight. If an officer or soldier agreed, he would either be sent back to his native country to sit out the rest of the conflict or would be given accommodations equivalent to his status in the captor's country. If an officer or soldier breached this agreement in his own country, his own government was bound by the agreement to send him back to his captor's country, where he would sit out the war in a prison and possibly be tried for breaking the agreement. This idea of granting quarter was also attempted in World War I to some extent.

In the seventeenth century, the age of humanistic ideas and individual rights, attempts were initiated to develop regulations and international codes regarding soldiers captured in war. The first attempt at an agreement concerning the treatment of prisoners of war was between the United States and Prussia in the Treaty of Friendship of 1785. The agreement "it forbade confinement in civil convict prisons and the use of fetters, and required that prisoners should have adequate rations on the scale of the captor nation's own troops, and sufficient exercise for good health."² This was followed by numerous international agreements in regards to the treatment of prisoners of war, with the most major being the 1864 Geneva Convention on wounded and sick. There were also other conventions during this period on other subjects relating to war. By the turn of the century, the process of codifying the laws of war accelerated to an unprecedented extent. This resulted in the First Hague Conference of 1899, which led to the conclusion of three conventions (two of which dealt with the laws of land and maritime war) and three declarations. This was followed by the adoption of the Hague Convention of 1904,

²Pat Reid, Prisoners of War (NY: Beaufort Books Publishers, 1984), 35.

dealing with hospital ships, the 1906 Geneva Convention on wounded and sick, and the Second Hague Peace Conference of 1907, which "led to the conclusion of thirteen conventions (ten of which dealt with the laws of land and maritime war) and one declaration (relating to a particular method of conducting warfare)."³ The conclusion of these ratifications indicates that governments were concerned with the conduct of future wars and how prisoners of war and wounded were to be treated. Even with all these conferences and conventions on warfare, when it came down to actual war, it was hard to enforce and interpret the laws' meaning from one nation to another. This led to conflicts and retaliatory measures taken on innocent victims by their captors when each thought their own troops were being mistreated in the other country during a conflict.

One country which fell into this type of situation was Germany. From the unification of Germany in the Franco-Prussian War through World War II, Germany followed a basic policy of harshness and unconditional strictness in its treatment of prisoners of war. With each war, Germany was involved in, the philosophy and conduct of the troops of the German Army kept with this basic policy established by the German government. In each war, situations dictated the severity of the policies (length of war, directives, etc.) the soldiers and officers were bound to follow without question. At the end of World War I, officers and soldiers were brought before German courts and tried. Following the aftermath of World War II, the Allied nations developed and established courts for crimes committed against

³Adam Roberts, Documents on the Law of War. (Oxford: Clarendon Press, 1982), 6.

international law. The Allies dictated the regulations the courts were to follow and the justice that was to be given. The trial of General Hermann Hoth in regards to prisoners of war will be examined to demonstrate the procedure and method the Allies used to try and sentence officers of the German Army for offenses against prisoners of war in World War II. This will also show the development of policies and ideologies in the Germany Army from 1871 through 1945, which formulated the basis for treatment of prisoners of war in Germany. Hermann Hoth was a traditional German officer who had fought in World War I and World War II, a career officer who followed orders as any officer would. His conduct did not differentiate from those of other officers and his treatment of prisoners of war kept with the traditional policies of the German military. The directives of Hitler and the conditions of the front changed the military handling of prisoners and dictated the events and aftermath which followed.

CHAPTER 1: The Origin of Policy and the Franco-Prussian War

It is important to establish 1870 as a prominent date in regard to the overall development of the German Army and nation. It is in this year the various German states and principalities united and fought France in the Franco-Prussian war of 1870-71, resulting in the defeat of France and the creation of the German state. The creation of the German nation created a national pride and bonding of the German people to a national identity, and placed the Prussian king as the leader of the nation. At this point, the German Army was fused into a national organization and a representation of the entire German nation. The loyalty of the people, officers, and soldiers to the nation and the Kaiser developed into an unconditional commitment and absolute obedience to the Reich and Kaiser. This new nationalist fervor spread throughout all aspects of German culture, teaching, and thinking. Its effects were felt directly and indirectly.

During this period, the military philosophy and concept of war did not change significantly. It was still based on the teachings of Karl von Clausewitz and refined and prepared into a strategic plan by General Helmuth von Moltke. Clausewitz's work was heavily revered within the Germany Army and in his book, *Vom Kriege-On War*, he stated that violence is engineered by art and science and restricted by international law. In the true art of war, it had been the goal to subdue the enemy with the least amount of bloodshed. To Clausewitz this idea was false and

dangerous; those who used force ruthlessly would obtain superiority.⁴ This idea of ruthless use of force also seems to have found an important place within the teachings of the German Army between 1870 and 1914, and it took its place in the strategy and actions in the battles of the First World War. It was further emphasized by General von Moltke in his views and ideas on conflict and war. In 1881, General von Moltke stated that war was part of the order of the world and keeps it from losing itself in materialism. The good of war is that it should be ended quickly and in respect to this every possible means must be used. The attacks and weakening of all of the enemies resources is the method which should be adjusted.⁵ The concept of destruction of the whole enemy by whatever means was a major point of importance within the military thinking of the high command and the strategy of the German Army. Within Germany strategy, it is important to note that because of its location in the middle of Europe, in any conflict Germany would most likely have to fight a two-front war. It was, therefore, necessary for the military to take the philosophy that in order for Germany to win in battle, total destruction of the enemy was a necessity. This idea of complete use of force and its application is applied one more step, in the written form of the German War Book, *Kriegsbrauch im Landkriege* of 1902, a guide for officers in the conduct, aims, and measures to be taken during war. It illustrated the type of thinking and ideas that a German officer must hold within himself in order to carry out the orders

⁴The Committee on Public Information, German War Practices (Washington, D.C.: GPO, 1918), 6.

⁵(Committee on Public Information 1918, 6)

expected of him. The handbook helped illustrate the notion that there was no need for emotions of sentimentality in the German Army during the officer's training. It helped explain to the officer that "by steeping himself in military history, an officer will be able to guard himself against excessive humanitarian notions; it will teach him that certain severities are indispensable to war, many more, that the only true humanity very often lies in a ruthless application of them."⁶ By doing so, an officer would be able to carry out the orders expected of him during combat. It indirectly shows the philosophy and attitude which was developing among the leadership of the German military and the type of actions it expected from its troops.

The officers of the German Army were a select group of individuals who had to be intelligent, disciplined, honorable, and duty bound. They also had to live by the standards established by the honor code of the German Army. This code set the officers above the civic laws of the state and bound them to a moral conduct which could be scrutinized by their fellow officers. The code forbade officers from doing anything which would disgrace themselves, the German Army, or the German Reich. If an officer was suspected of committing a disgraceful or dishonorable act, he would be brought before a court of honor. If the officer was found guilty, he was thrown out of the German officer corp and disgraced without a title, never to be allowed to associate with the corp again. If this was the case, the officer in question was given the opportunity of shooting himself and saving his honor, for it was better to

⁶(Committee on Public Information 1918, 9)

be a dead lion than a living dog.⁷ This idea of honor and loyalty carried into the relationship of the officer with his men and their conduct. It was the duty of the officer to set the example for his men by showing them that they should not accept any type of dishonorable action which would not keep them above reproach of any other army in the world. This concept was carried on from the time of Scharnhorst, Clausewitz, and Marmont, who "all agreed that the prime requirement of all is mutual confidence between officers and men. The officer must understand the psychology of his men and gain their sympathy for himself; he must look after their physical and moral health, and the men must respond with willing discipline."⁸ This notion was carried further by the fact that the soldiers had to carry with them the German *Ten Commandments* which told them how they were to behave in combat toward civilians and prisoners of war.

With the characteristics of the German officer and soldier established, it is necessary to examine the German treatment of prisoners of war from the Franco-Prussian War 1870-71, through World War II. Various areas will be reviewed such as the numbers of prisoners, transportation, housing, medical care, food, and camp conditions, along with the changes of military policy and troop conduct during this period of time.

In 1871, the various German states combined their forces to fight France in the Franco-Prussian War. Each of the German states kept their individual staffs and

⁷Poultney Bigelow, "Side Lights on the German Soldier," Harper New Monthly Magazine 72 (June to November 1883): 213-232.

⁸Karl Deneter, The German Officers Corps in Society & State, 1650-1945 (NY: Praeger), 150.

armies but these were combined under one leader, the Kaiser, and the military leadership of General von Moltke. It was during this conflict that, for the first time in history, soldiers numbering over 100,000 were captured in single battles. This was costly to both Germany and France. The following list indicates French prisoners who were captured and interned throughout Europe.⁹

Killed and died of wounds	60,000
Died in prison	17,000
Died in Switzerland and Belgium	2,000
Died of disease or exhaustion	61,000
Total	140,000
Wounded, not fatally	140,000
Total	280,000

This gives a general account of the number of prisoners captured and wounded during the war. It shows the number of prisoners who died from such diseases as typhus fever and small-pox which raged throughout the camps. It illustrates the point that "the proportion between the losses by diseases in any protracted campaign are larger than due to gun-fire," and is due to lack of medical supplies and poor facilities.¹⁰

During this campaign, the German military also encountered forces which were not part of the regular army. They were called Franc-tireurs (partisans), individuals who fought alone or within small groups without association to the military but for the glory and defense of France. German authorities captured Franc-tireurs and questioned them as to whether they had a permit or authorization

⁹Gaston, Bodart, Losses of Life in Modern Wars (Oxford: The Clarendon Press, 1916), 152.

¹⁰(Bodart 1916, 152)

from the French government to fight; if they did not have the proper authorization they were shot.¹¹ This was the case throughout France. In the village of Bazeille, south of Sedan, "in the vicinity the inhabitants of the village took an active part, according to German official history, sparing neither wounded nor stretcher bears. The official history . . . alleged that the villagers poured hot oil over the wounded before carrying them into burning houses to be roasted alive."¹² Another instance was during the capture of Gisors in October, where German troops refused to treat Franc-tireurs as prisoners of war and instead shot five on the spot, and in another instance, twenty-five."¹³

The German government supported its actions by publishing documents which stated that Franc-tireurs were not soldiers but lawless civilians. These publications utilized international law to support their justification, and according to the laws of nations "as defined by the Hague Conference and subscribed to by all civilized peoples, a citizen whose country has been invaded has not the right to protect his property, his family, nor his life unless he belongs to a military organization duly constituted by his government and wears a uniform. In the latter use the invaders may lawfully kill him . . . if he fights without uniform, they may legally kill him after he has been made prisoner."¹⁴ Furthermore, the German general staff issued an order which stated that it was legitimate to shoot prisoners who attempted to escape,

¹¹A. J. Barker, Prisoners of War (NY: Universe Press, 1975), 20.

¹²Charles Frederick Carter, "Atrocities in War," The World Work 13 (1915): 67.

¹³(Carter 1915, 67)

¹⁴(Carter 1915, 67)

as acts of reprisal for hostile acts by the enemy, and when it is impossible to keep prisoners when it is endangering the security of German soldiers.¹⁵ These were circumstances the German Army was facing throughout the war until France surrendered.

¹⁵(Carter 1915, 69)

CHAPTER 2: Allied Prisoners of War in World War I

At the outbreak of World War I, all the involved nations believed the war would be short and a victorious engagement for each. As the war progressed, each of the military machines became bogged down by circumstances. It turned into a war of stalemate with trench warfare, gas and chemical attacks, and the destruction of men and national resources. It also posed a problem for the accommodation and satisfactory care required for the vast numbers of enemy troops captured by the combatants. This resulted in condemnation and accusations of mistreatment, neglect, and abuse of prisoners of war by both sides.

At the beginning of the conflict, the German mind set was on victory and glory of the fatherland. German troops were well trained and disciplined, and the officers leading them were guided by the traditions and codes of the German army. This held true for the soldiers and reservists the officers led as well. In this regard, it would seem that the German troops would uphold their standard of conduct in battle and follow the standards and regulations established by the Hague and the Geneva conventions. The German philosophy on warfare was defined differently than the Allied nations, with the main idea that all means justified the cause and ends to win the war. The German military would not stand for disobedience of military law from civilians or soldiers, and would use retaliatory measures to emphasize to the populace that the German authorities were serious in their laws and occupation of the area. The German military also developed rules and procedures for situations which might occur in occupied areas. They were written

and detailed in the German war book and more precisely in the manual *L'Interprete Militaire, Zum Gebrauch im Feindesland Military Interpreter* of 1906.¹⁶ Within the manual contained ready to use proclamations, forms, and documents which could be utilized during conflicts. An example would be a letter informing a town it was being held for ransom and only the dates and names needed to be filled into the blank spaces.¹⁷

This type of procedure was stressed and executed with additional threats of burning down villages and towns if payments were not fulfilled. There was also the use of hostages to quell and stop hostile reprisals against German troops. If German troops were attacked by citizens of a nearby town, the measures taken were harsh and, at times, brutal. Both the French and Belgium governments emphasized this in complaints to the German government and developed commissions to investigate the accusations. The Bryce Commission was established to investigate the abuses, mistreatment, and killing of innocent people in France and Belgium. This commission went throughout the devastated area, viewing the destruction and devastation, and interviewing thousands of people. Its findings resulted in a report determining four major areas of abuses and breakages of the laws of war, with evidence pointing to the use of civilians and prisoners of war as shields for advancing forces. It also determined there were abuses of the white flag in regards

¹⁶The Committee on Public Information, German War Practices (Washington, D.C.: GPO, 1918), 10.

¹⁷(Committee on Public Information 1918, 10)

to the Red Cross.¹⁸ The Bryce report was followed by a similar commission set up by the Belgium government to accumulate facts on German actions in Belgium. As a result of their findings, the Belgium government became outraged and condemned the actions of the German Army and its troops. It made formal protests to the German government in regards to the use of civilians as a shield for German troops as they marched into villages and towns as a scheme to have Belgium troops shoot at their own people first.

Following a counter attack where a German soldier may have been wounded or killed, German troops would go into an area or village and pick out a number of men and shoot them, and would loot and burn the buildings as a retaliatory measure. The Belgium government stated that these people were protecting their homes and country and had the right to do so since Germany had broken Belgium's neutrality. The German government responded to these accusations by publishing its own report, *The White Book*, and establishing a committee to look into the accusations. The report, *Die Volkerrechtswidrige Fuhung des Belgischen Volkskreig*, attempted to defend the actions of the German troops in Belgium. It explained that the procedures executed by German troops were merely acts of reprisals against hostile attacks started by Belgium citizens. *The White Book* continues by stating that German troops attempted to preserve the rules of war and whenever "it was not against the necessity of war, endeavored to preserve the rules of war, and prisoners,

¹⁸"The Bryce Report on German Atrocities," The Literary Digest 50 (May 29, 1915): 1258.

were, whenever it was in any way possible, shot only after a regular examination or as sentenced by a court martial."¹⁹

The German High Command and government determined that the actions taken within the occupied areas were not heavy handed or cruel but measures justified by law in response to actions taken against German troops. When looking at the diaries of German soldiers and officers, there were instances of astonishment and disgust at the measures and actions taken by German troops, along with accounts of justification and toleration. Numerous letters were sent to the American Ambassador in Germany, along with diaries being captured on soldiers and others taken off dead soldiers which all gave various accounts of what was occurring on the front lines. They gave an accurate picture and examples of German soldiers within the army who denounced the actions ordered by their government and asked another country to step in and help.²⁰

The German military command even took measures which increased the possibility of crimes against civilians and soldiers by allowing commanders to issue proclamations threatening the lives of soldiers if they did not surrender. One such proclamation by von Buow, in Namur in August, 1914, illustrated the attitude and impatience of German commanders of enemy soldiers within the occupied areas by threatening to kill prisoners when they were captured if they did not surrender

¹⁹"Germany as Plaintiff in Atrocity Court," The Literary Digest 50 (June 12, 1915): 1386.

²⁰The Committee on Public Information, German War Practices (Washington, D.C.: GPO, 1918), 19.

immediately.²¹ This example points out the harshness of the German military philosophy and its applied application within the system, emphasizing the necessity of certain severities in war and the indispensability of them. As the Bryce report concluded:

Once troops have been encouraged in a career of terrorism, the more savage and brutal natures, of whom there are some in every large army, are liable to run to wild excess, more particularly in those regions where they are least subject to observation and control.²²

These types of actions by German troops were approved by some officers beyond the point of necessity as are pointed out in the examples of German diaries translated and described by Joseph Bediers. Within his book, he translates such examples as the statements of Unter officer Klent, whose comments were also published in the German newspaper, *Jauersches Tagblatt*, on October 18, 1914, titled "Ein Tag der Ehre fur unser Regiment, September 24, 1914." In it, Unter officer Klent described in detail the account of his soldier's attack on French soldiers and the massacre which followed.²³ It illustrates those within the German Army who tolerated and appreciated extreme actions of brutality. The appalling part of this situation is neither the High Command nor the civilian population protested against these actions or demanded that justice be brought forth upon them.

²¹(The Committee on Public Information 1918, 37)

²²"The Bryce Report on German Atrocities," The Literary Digest 50 (May 29, 1915): 1258.

²³Raymond Weeks, "French Proof of German Atrocities" The Outlook 109 (March 10, 1915): 574.

Germany was divided into twenty-one military army districts and each was placed in the hands of a trained general and efficient staff. Under this military system, the prisoner was held to the same military laws and discipline under the German system as he would be in his own army. The result could either be harshness or kindness, depending on the commandant.²⁴

These internment camps were located along railroads and were separated into camps for officers and soldiers. There were approximately 105 camps for soldiers, each holding between 10,000 and 20,000 prisoners. For example, a camp with 10,000 prisoners was divided into five blocks, and each block was designated as a battalion and consisted of 2,000 prisoners.²⁵ The camps for the officers were slightly different, comprised of fortresses, hotels, and factories, where prisoners would be given a furnished room. Arrangements for the officers were placed in the control of a committee of officers which determined the meals and other matters concerning the prisoners. Officers were also given various privileges, such as being allowed to take walks in the country and being supplied with money in order to buy goods.

The average soldier did not fare as well. Upon arriving at the camp, they were separated and isolated for three weeks as well as being disinfected and checked for diseases. The prisoners were then integrated among the other prisoners and their time became concerned with food, work, and entertainment. The item which occupied the soldiers' time the most was food. The rations the prisoners were

²⁴Daniel McCarthy, The Prisoner of War in Germany (NY: Moffat, Yard & Company, 1918), 25.

²⁵(McCarthy, 1918, 53-54)

initially allotted by the German military were adequate but, as the war went on, it became impossible to keep the level of the rations equal to the German soldiers. An example of the daily diet of prisoners in camp Doberitz in 1915 consisted of three meals a day, with breakfast consisting of one piece of black bread and cheese or sausage, lunch and dinner of a thick soup, which kept the prisoners alive on a minimum calorie diet.²⁶ This had an affect on the attitude, health, and morale of the prisoners. This lack of food became a major concern to the prisoners and resulted in the development of black markets and various uncommon habits forming among the prisoners. As one British prisoner explained, there was a need for chocolates, tinned fruits, fats and other basics to add diversity to the diet.²⁷ This basic diet cost the German government 750,000 marks (\$187,500) a day, with the first fifteen months of the war costing 350,000,000 marks.

It became the practice of each government to be concerned with the welfare and treatment of their soldiers in captivity and to establish organizations arranging for the sending of food and clothing parcels to their soldiers. Arrangements were made through the International Red Cross for the arrival and distribution of the packages from each country.²⁸

Another aspect of prisoner of war life was work. Under various agreements signed by the belligerents, it was acceptable to have prisoners work, the only

²⁶A. J. Barker, Prisoners of War (NY: Universe Books, 1975), 25.

²⁷Eric Fischer Wood, "Prisoners in Germany," The Outlook 110 (June 9, 1915): 334-336.

²⁸Michael Moynihan, Black Breed & Barbed Wire (London: Cooper), xiii.

problem arising was the type of work permissible. As a result, conflicts arose between nations over the type of work and where it was permissible for the prisoners to work. Various factors led nations to utilize prisoners within their work forces and, for many nations, it was based upon the lack of a labor force in the national industries. For Germany, two factors led the government decision to utilize prisoners within the work force: the British blockade made the production of foodstuffs an urgent matter and the lack of manpower in the industrial sector was the other decisive interest. The use of prisoners did not start in large amounts until 1916, at which time 1,200,000 men were employed throughout Germany. Prisoners worked in the agricultural sector on farms with the family in the fields. Prisoners would eat with the family at the same table and be housed in the same house. The farmer would be the military guard of the prisoners working on his farm.²⁹

There was also work in the industrial sector which was more strenuous and physical upon the prisoners. The prisoners worked in mines and other heavy industries for long hours and were exposed to hazardous conditions. The conditions varied from employer to employer, as did the treatment.

One problem arising for all nations was the use of prisoners along the battle front. Each side accused the other of placing prisoners in dangerous positions and retaliated by placing prisoners along their front in work battalions. Both British and Russian prisoners of war were used along the Russian line by the Germans. One British soldier described the reason why they had been brought to the front lines as,

²⁹Daniel McCarthy, The Prisoner of War in Germany (NY: Moffat, Yard & Company, 1918), 53-54.

that the English had German prisoners working in their trenches and in the firing line, and it was intended that we should carry out the same work.³⁰

The Minister of War, General von Stein, delivered a speech on March 3, 1917, before the Reichstag, where he accounted for the treatment of German prisoners by France. He referred to the type of action being taken by the German military in response to the French treatment of German prisoners. The French government, after hearing the accusations against their treatment of German prisoners inside their lines, made a formal reply with various proposals to the United States Embassy refuting them.³¹ This type of backlashing at each other continued and led to further deterioration in other aspects of prisoner's treatment. It resulted in forced marches, physical abuses, and the maiming of wounded prisoners. There were accounts that German patrols had gone along the side of trains with fixed bayonets and proceeded to thrust them into the sides of the boxcars trying to wound and catch a prisoner off guard.³² Other accounts involve prisoners who had just recently been captured being forced to march long distances in terrible weather. Such is the account of February 25, 1917, where British prisoners of war at Liban were told to march to Kelsan, 36 kilometers away, through snow and ice, taking an entire day. As one of the survivors accounted, "Any one who halted was prodded

³⁰"Appalling Cruelty to Prisoners," Current History Magazine 8 (1918): 288.

³¹"German Reprisals on Prisoners," Current History Magazine 6 (1917): 547-548.

³²"The Hun & His Prisoners; Some Impression on an Army Chaplain," The Nineteenth Century (December 1918): 1057.

on by the Uhlans with their lances. . . . and 90 men out of 200 collapsed on the march."³³

There were also accounts of terrible treatment in the camps, where prisoners were exposed to epidemics, starvation, lack of clothing, and forced labor. In the camp of Schneidemuhl, Sargent T. Duggar described in his personal account what he witnessed in the camp. The camp had all nationalities, with the majority being Russian prisoners, and "in the beginning they lived in holes in the ground without any covering whatever. The whole camp contained 40,000 prisoners and on the average 30 died a day."³⁴ Other conditions the prisoners had to endure were poor sanitation, inadequate food and medical supplies, and death within the camps. The British government was concerned over the treatment of its prisoners and established a committee on the "Treatment by the Enemy of British Prisoners of War" which investigated and filed reports based on statements of repatriated prisoners of war. One such report was directed towards the camp at Wittenburg where a typhus epidemic broke out and raged through the camp during December 1914.³⁵ After concluding its findings, the British government charged the German authorities with abandoning the camp of 15,000 and allowing the prisoners to care for their own fate.

This led to various governments attempting to take measures to ensure necessary care and conditions were provided for seriously wounded and sick prisoners of war. The first step was taken by the Swiss Federal Council, which

³³"Appalling Cruelty to Prisoners," Current History Magazine 7 (1918): 288.

³⁴"Abuses in German Prison Camps," Current History Magazine 7 (1918): 100.

³⁵"The Wittenberg-Camp Charges," The Literary Digest (May 20, 1916): 1445.

offered a proposal to France and Germany to transfer prisoners with various illnesses and wounds to Switzerland to be interned. The conditions for the prisoners to be exchanged was based on a list of diseases, infirmities, and wounds causing complete disability. A commission of Swiss doctors would be sent to each of the belligerent countries to pick out prisoners who would be sent to Switzerland. With the conditions established, both France and Germany agreed, as did England, to the Swiss arrangement. The quartering of the prisoners was in hotels, boarding houses, and sanitariums, and the payment would be made by the soldiers' government or the Red Cross at the cost of six francs for officers and four francs for soldiers. Those interned would have no civil rights but would have various freedoms. Prisoners were allowed to take courses at the universities or secondary and professional schools, which was made possible by the Swiss University Work for Student Prisoners of War. Soldiers who were able were expected to work and the type of work determined the category the men would be divided into. The wages prisoners would earn were comparable to the wages received elsewhere.³⁶

The first exchange took place between March 1915 and November 1916, where 11,000 soldiers and officers were exchanged between France and Germany. Another example took place in January 1916, where 100 French and 100 German soldiers were interned, followed by another 1,200 prisoners.³⁷ Even with these exchanges, there were still vast numbers of wounded prisoners who were subjected to mistreatment and abuse by the belligerents. Prisoners who were seriously

³⁶"War Prisoners in Switzerland," The Survey 40 (March 16, 1918): 672.

³⁷"Sick Soldier Prisoners in Switzerland," The Survey 39 (March 16, 1918): 660.

wounded in hospitals were subject to unnecessary abuse by doctors and nurses, while still trying to recuperate from wounds. The diary of Charles Hennebois describes his conditions and treatment while a seriously wounded prisoner in a German hospital.³⁸ It shows the situation one prisoner of war endured and possibly many others. Wounded prisoners of war were subjected to suffering beyond the pain they already endured with the wounds they suffered in battle. Yet, they were not alone with this pain for there were prisoners who were wounded and not in the hospital, but instead interned in camps and subjected to the hardships of the camps. Various accounts indicated where wounded prisoners of war had been put into work battalions or into situations where they were required to work. Such situations were related by prisoners to an army chaplain in Switzerland, and were later retold in books and articles.³⁹ This is another example of tit for tat that authorities engaged in after hearing their own prisoners of war were being used for labor purposes. When tasks were not carried out to the satisfaction of the guards, the prisoners were punished and the severity of the punishment was dependent on how much punishment their own prisoners were being subjected to.

By 1917, it was apparent to the German government that the entire country was suffering from a severe food shortage. The civilian population was put on rations and had to do without many necessities, as did the soldiers. The prisoners of war also suffered, for their rations were cut as well and, in large part, they had

³⁸Charles Hennebois, In German Hands (London: William Heinemann, 1916), 85, 125.

³⁹"The Hun and His Prisoners; Impression on an Army Chaplain," The Nineteenth Century (December, 1918): 1057.

to rely on supplementary care packages from their respective countries in order to get adequate nutrition and a full meal. The Russian prisoners of war represented the largest group of prisoners and received the least from their government. The problem of transportation and ignorance of the population served as a problem in getting help from their relatives. The Russian government was able to send nurses and some supplies to help its prisoners but, over all, it was inadequate support. With confinement and lack of food, the behavior of prisoners changed and it was observed that confinement led to depression, altered personalities, and the submerging of oneself into games, books, religion, and other activities.⁴⁰

World War I lasted four years and during this time millions of soldiers were killed and many other millions were wounded and made prisoners of war. By 1917, there were 1,690,731 prisoners of war in Germany alone. Such high numbers of captured soldiers had not been encountered before in any war and the inability to take care and feed such a number was as strenuous on Germany as it was on other nations. And when

all of these different accounts of POW's journeys to their places of confinement are compared, it is obvious that however hard or however little the authorities concerned have tried to comply with the international conventions in force or even just the dictates of humanity, local conditions and the local availability of materials, transport and supplies have ultimately determined the prisoners treatment.⁴¹

By 1918, as the armistice was being developed and signed, questions started to be raised in regards to the responsibility and misconduct of personnel during the war.

⁴⁰A. J. Barker, Prisoner of War (NY: Universe Books, 1975), 80.

⁴¹Pat Reid, Prisoner of War (NY: Beaufort Book Publisher, 1989), 86.

CHAPTER 3: Destruction of Soviet Prisoners of War

Following the signing of the armistice in 1918, there were questions being asked within Germany about the war, its conduct, and why it happened. As a result, the German government took various measures to investigate and look into certain aspects of the war. On August 20, 1919, the German National Constituent Assembly created a Committee of Inquiry, which had the responsibility of investigating the liability of the war. The committee was divided into four sub-committees dealing with:

- 1) Responsibility for causing war
- 2) Responsibility for not ending it sooner
- 3) Acts of disobedience or disloyalty to responsible political authorities
- 4) Acts of cruel or harsh conduct of war⁴²

Politicians, ministers, industrial leaders, government officials, and military leaders were asked to appear before these committees and were asked questions regarding their responsibility during the war. As a result of these inquiries, numerous individuals were brought to trial for various criminal actions during the war. One such trial was that of Lt. Neumann in Leipzig in 1921 who, during his trial, admitted to the sinking of a British hospital ship and,

⁴²Carnegie Endowment for International Peace, Official German Documents Relating to the World War (NY: Oxford University Press, 1923), vii.

pleading that he was acting under instructions from the German government, as the vessel was not keeping to a special channel designated by Germany.⁴³

The defense utilized this point to its advantage by turning to the regulation 443 of the British Manual of Military Law of 1914 for justification of the actions. This regulation stated that members of a military organization who commit crimes, breaking recognized regulations of warfare as ordered by their government, cannot be punished by the enemy.⁴⁴ This established the legality of Lt. Neumann's actions and determined that they fell clearly within the instructions of the German government. He was found not guilty and acquitted of all charges. The presiding judge added that, in the opinion of the court, there was not the slightest doubt that Lt. Neumann's orders were justified.

There were also other trials against individuals within the German state which illustrate the concern of the German government in establishing responsibility for the war, along with trying to justify itself and appease other countries for the crimes certain members of its armed forces committed on foreign soil.

A further development which took place was another Geneva convention which re-examined the situation of prisoners of war. It attempted to strengthen the rights of the prisoners and the responsibility of the capturing nation for their care and treatment. But, within ten years of the convention's ratification, World War II

⁴³George H. Finch, "Superior Orders & War Crimes," The American Journal of International Law 15 (1921): 440.

⁴⁴(Finch 1921, 440)

began with the German invasion of Poland and, for the next six years, Europe was engulfed in a fierce conflict.

As the countries of Poland, Holland, Belgium and France were overrun by German forces between 1939 and 1941, approximately one million prisoners of war were taken and placed in prisoner of war (POW) camps. These prisoners were treated in accordance to the Geneva convention and allowed to receive Red Cross packages and parcels from their families. This supplemented the allocated ration of 600-1,500 calories a day. The mainstay of their diet was, "5 pounds of bread, nine pounds of potatoes, 2.5 pounds of cabbage and 7 ounces of sausage per week."⁴⁵ With this type of diet, the average Allied prisoners of war lost an average of between forty-five and fifty pounds, which, in some instances, led to malnutrition, illness, and death. Malnutrition accounted for approximately 4% of the deaths among the 260,000 British and American prisoners.⁴⁶

In 1941, a new situation arose concerning the future treatment of prisoners as Germany prepared for the invasion of the Soviet Union. During this time, Hitler held a conference in Berlin with the leaders of the Wehrmacht, where he emphasized his ideas, desires, and the conduct expected from the German troops. General Fritz von Halder, one of the generals present, best summed up the essence of the meeting as conflict of ideologies.⁴⁷ Following the meeting, various top

⁴⁵Ronald Bailey, World War II-Prisoner of War. Alexandria, VA: Time Life Books, 1981), 59.

⁴⁶(Bailey 1981, 59)

⁴⁷Leon Friedman, The Laws of War-A Documentary History. Vol. 2, (NY: Random House, 1972), 1437.

Wehrmacht leaders protested against the proposals by stating that such conduct and exterminations would violate their soldierly principles and destroy unit discipline. Their protest went unheard and Hitler, over the next few months, developed the directives and policies which dictated the actions and treatment to be directed toward the Russian populace and prisoners of war. The major directives conceived by Hitler were the Commissar Order and Barbarossa Jurisdiction Order, which were mainly aimed at Russian prisoners. These were followed by the Commando Order, Bullet Decree, and numerous others, which not only affected Russian prisoners but also Allied ones.

Just before the invasion of June 6, 1941, Hitler issued NOKW-484 "Directive for the Treatment of Political Commissars." This directive is better known as "The Commissar Order," and it stated the actions German troops were to take in the treatment of political commissars of the Russian Army. The mainstay of the directive emphasized that Soviet political commissars would not follow international law and it was out of the question and consideration to be used by German troops. This commissar order was to be carried out immediately upon the invasion of the Soviet Union and the search for commissars was to be carried out by rear and Einsatzgruppe troops and not by front line troops. It was further supplemented by General Walter von Brauchtsch on June 8, 1941, who added two clauses stating:

- 1) Action taken against a political commissar must be based on the fact that the person in question has shown by a special recognizable act or attitude that he opposes or will in future the Wehrmacht.

- 2) Political commissars attached to the troops should be segregated and dealt with by order or an officer, unscrupulously and outside the proper battle zone.⁴⁸

This was an attempt to give some order and maintenance of discipline to the decree and to allow in small measure leeway for not executing someone who was a political commissar.

Another decree ordered before the invasion was the so-called "Barbarossa Jurisdiction Order" issued by General Marshal Wilhelm Keitel on May 13, 1941. Its actual title was "Decree on Exercising Military Jurisdiction in the Area of Barbarossa and Special Measures by the Troops," and had the purpose of eliminating the use of court martials in regards to the civilian population, and instead placing them under the jurisdiction, punishment, and trial by an officer. It also provided for no prosecution by civilians of a Wehrmacht officer who had committed crimes against enemy civilians, except in certain types of offenses.⁴⁹

These two decrees allowed for great leeway in the type of actions taken by German troops and the orders to be followed. These decrees were established because there was a fear of Bolshevism, and the destruction of communists "appeared to be necessary in order to permanently secure Germany's hegemony of leadership in Eastern Europe."⁵⁰ The burden and execution of these orders were laid upon the officers and soldiers of the Wehrmacht, but stressed the importance

⁴⁸(Friedman 1972, 1438-1439)

⁴⁹Gerhard Hirschfeld, The Policies of Genocide: Jews & Soviet Prisoners of War (London: The German Historical Institute, 1986), 8.

⁵⁰Omar Bartou, The Eastern Front, 1941-45: German Troops & the Barbarisation of Warfare (NY: St. Martin Press, 1986), 115.

of the prevention of arbitrary excesses of individual actions upon the Soviet population. At the same time the decrees themselves:

. . . allowed for a very loose definition of the racial and political enemies of the Reich and specifically stressed that the war in the East should not be viewed as an ordinary military confrontation, but rather as a war of ideologies between two *Weltanschauungen* and two racial groups which could never exist side by side nor reach any sort of compromise.⁵¹

Any type of compromise might possibly lead to the jeopardization of security among the German troops. Therefore, the military viewed these decrees as a way of protecting German soldiers. It also meant indoctrinating the officers and soldiers with propaganda and the ideology of the *untermenchen*. This was a means for the leadership to rationalize their ideas and a means of mental reinforcement of the actions and thoughts desired from their troops. Propaganda had been used by the Nazi party and Hitler since the 1930's as a means of stirring emotions and reaction among the people. Soldiers were no different than other persons and could be just as convinced of the aims of the propaganda. Hitler began his *untermenchen* propaganda in the 1940's throughout the SS, and the propaganda ministry began a program picturing the Russian people as sub-human people inferior to the German race. The SS, in particular, viewed the idea favorably and published a fifty page pamphlet, *Der Untermensch*, illustrating the inferiority of the Russian people.⁵² Propaganda such as this was pumped into the German soldiers day in and day out during the war. This had such an effect that, during the first months of the invasion,

⁵¹Alexander Dallin, German Rule in Russia, 1941-45 (Boulder, CO: Westview Press, 1981), 58.

⁵²(Dallin 1981, 75)

the German soldiers totally disregarded the civilian population and had contempt for their enemy counterparts. The order of the day was to first, conquer; second, rule; and third, exploit, and was backed by a decree from the German High Command.⁵³

In the first months of the war, the Russian population and prisoners felt the brunt of such policies and treatment from their German captors as they did for the rest of the war. During 1941, large numbers of Soviet soldiers fell into German hands and problems immediately arose. The Soviet hierarchy was in a precarious position, for it did not recognize the signatures of the previous Russian government regarding the Geneva convention and the International Red Cross. The Russian government also did not claim responsibility for its soldiers captured by the Germans, and held to no obligation to the proper treatment of the prisoners of war it captured. This was common knowledge to the German Wehrmacht and it helped spur on the directives and racist views and actions required of the German troops. For instance, between the months of June and October 1941, two million Russian soldiers were taken prisoner in five major battles. These Russian troops were overrun by the front troops who waited until the rear troops arrived, whereupon the panzer units would be on their way to another objective. The surrounded Soviets would resist and try to break out of the encirclements, but would instead end up sacrificing themselves needlessly.⁵⁴ Once these large numbers of Soviet soldiers were taken as prisoners of war, the next problem was what to do with so many,

⁵³Pat Reid, Prisoner of War (NY: Beaufort Books Publishers, 1984), 104.

⁵⁴Alexander Werth, Russia at War; 1941-45 (NY: E. P. Dutton & Co., 1964), 88.

where to put them, how to transport all of them, and where. The result was that the German army was unable to take care of the sheer numbers, and the prisoners were placed in transit camps until they could be transported to permanent camps. These camps were located in fields with barbed wire around them, with no shelter, and exposed the prisoners to the elements. As one Hungarian officer stated, it sounded as if there were thousands of dogs howling in the distance, but instead it was 80,000 Russian prisoners starving to death.⁵⁵ This is the type of problem the Russian prisoner had to endure if captured, not knowing if he would be transported to a permanent camp or not. For most, this was just one part of a trip into hell and another agonizing and horrible treatment by another government.

The German Army command was faced with supply difficulties and transportation problems, and the overwhelming numbers of Soviet prisoners only added to the problems. As the Quartermaster of Army Group Mitte stated, the German Army was having trouble feeding its own soldiers because of delays and overextended supply routes.⁵⁶ This resulted in the German Army issuing to its soldiers the directive that they must supplement their rations by living off the land. This concept was extended to the Russian prisoners of war as well, for there was no food for them--they had to do without. As the Quartermaster of the Army Command, 17 stated the lack of adequate food and shelter proved to be fatal to many of the Soviet prisoners of war. Disease and epidemics spread throughout the

⁵⁵Pat Reid, Prisoner of War (NY: Beaufort Books Publishers, 1984), 105.

⁵⁶(Reid 1984, 105)

camps and added to the suffering of the prisoners.⁵⁷ On top of this, the Russian prisoners had to deal with the Russian winter, which would kill anyone, no matter what the nationality, if they were not prepared for the cold. It was something to be respected as the German Army would find out in the year to come.

Another measure the Russian prisoners had to contend with was their use in labor and fighting units. Under the 1929 Geneva convention, the ability to use prisoners for work was legalized. Germany organized the prisoners of war into kommando units which had four main types of areas: maintenance, farming, factory, and professional, and began using these arbeitskommandos within its work force in 1941.⁵⁸ These groups were organized at the stalags in groups of 100 men and sent to various work camps to work on farms, in coal mines and factories, and at other unskilled jobs.

Prisoners who worked received approximately 15,400 calories a week, while those who were not involved in work details received only 14,280 calories, as compared to the 24,203 calories a week the German soldier was allotted.⁵⁹ This resulted in the Russian prisoners of war being gradually worn down and made susceptible to disease and death. This situation began in November of 1941, when Reichmarshall Herman Goering issued various directives stating there should be

⁵⁷(Reid 1984, 105)

⁵⁸Omar Bartou, The Eastern Front, 1941-45, German Troops & the Barbarisation of Warfare (NY: St. Martin Press, 1986), 112.

⁵⁹Alexander Dallin, German Rule in Russia; 1941-45 (Boulder: Westview Press, 1981), 429.

"extensive utilization of Russian manpower in the interest of the Reich."⁶⁰ This was followed by programs encouraging Russian POW's to volunteer for work and training in the Reich. These volunteers (hilfswillige) were used for the building of roads, mine removal, and fortification work. Volunteers were also gradually utilized in Germany's war industries and factories. As each year passed, the need for POWs in the work force increased and, in January of 1942, a massive recruitment drive was started and was followed by orders on February 24, 1942, issuing a full scale Ostarbeiter program. This program was to start in the occupied areas and was to "supply 380,000 laborers for German agriculture and 247,000 for German industry."⁶¹ Of this number, 200,000 were Russian prisoners and by 1944 the number of POWs used in Germany's war industry had risen to 750,000. At first, these work programs met with some success, but as accounts and reports of mistreatment of workers filtered through the population, the response for volunteering for such duty became less enthusiastic and led to further directives and shootings of Russian prisoners. Those prisoners who managed to escape joined partisans groups behind the German lines and continued the war under their own terms. The actions taken by the partisans led to the issuing of the Commando Order and the Bullet Decree which was also developed because of the British Commando raid on Dieppe. Both of these directives affected the prisoners of war who tried to escape or those who had escaped and were recaptured, because the end result in either case was death. The

⁶⁰(Dallin 1981, 429)

⁶¹Leon Friedman, The Laws of War-A Documentary History. Vol. II, (NY: Random House, 1972), 1444-45.

first of these directives, the Commando Order, was issued on October 18, 1942, after the killing of numerous Germans during a Commando raid. It meant the immediate death of captured Commando troops and a death sentence for officers and commanders of the German military who did not carry out this order.⁶²

The situation for prisoners continued to worsen as troublesome prisoners and prisoners who attempted to escape faced further punishment established in the Bullet Decree.⁶³ This decree also helped to increase the mistreatment and indiscriminate shootings of prisoners for any type of transgression and could lead to the possibility of being shipped off and shot. It meant that if prisoners met the established criteria, they would be deprived of their POW status and sent to Mauthausen where they were known as K (Kugel) prisoners and shot in the neck.

For the Russian prisoner, this decree increased the chances of death, which was already extremely high. These decrees did lead to increased amounts of indiscriminate shootings and resulted in the German Wehrmacht attempting to halt such actions by its troops. These attempts were made in the form of various and "numerous orders directed at the troops in which it was repeated time and again that while 'undisciplined' and 'wild' shootings of prisoners were forbidden, organized and orderly executions were not legitimate, but were necessary as they were done according to the expressed wishes of the Fuhrer."⁶⁴

⁶²Gerhard Hirschfeld, The Policies of Genocide: Jews & Soviet Prisoners of War in Nazi Germany (London: The Historical Institute, 1986), 19.

⁶³(Hirschfeld 1986, 19)

⁶⁴Leon Friedman, The Laws of War: A Documentary History. Vol. II, (NY: Random House, 1972), 908-12.

As each of these directives was enforced and followed, each soldier of the Wehrmacht also had in the back of their paybook a list of the soldiers' *Ten Commandments* stating the duties and obligations of the soldier in the German Wehrmacht. These ten commandments followed a moral and honorable code and was to uphold the soldier's conduct and discipline. But these commandments were put secondary as each directive was ordered and demanded a different conduct from the officers and soldiers. As the warfare became increasingly barbarious and cruel, the actions towards prisoners of war became a means of taking out aggressions, anger, and frustration on their enemy, and their deaths would be overlooked.

This course of action, as condoned by Hitler, was carried out by the SS, rear troops and, in a lesser degree, the front line troops, who learned that the mistreatment of the enemy resulted in the hardening of enemy resistance. As a result, of the five million Russian soldiers taken prisoner of war, 3.5 million died in the camps from either mistreatment, starvation, or overwork.

As the war was coming to a close and the Allied armies were moving deeper into the German homeland, Germany was given the offer of unconditional surrender as a means of ending the war. In May 1945, the High Command of the German Army surrendered.

During the war, the allied leaders had met at various conferences and discussed the fate of Germany and its leaders. It had been decided that war criminals were to be judged and punished, and this was put into documentation with the Moscow Declaration of October 30, 1943.⁶⁵ This document listed and stated

⁶⁵(Friedman 1972, 908-12)

what constituted a crime and listed the German atrocities committed. It made it known that once an armistice has been signed with the German government, the officers and men responsible for the atrocities would be sent back to the country where the crime was committed, and be judged and sentenced according to the laws of that country. In cases of major criminals, the offenses had no localized boundary and they would be tried and punished by a decision of the Allied governments.

The next agreement was not finalized until August 8, 1945, when the "London Agreement" was adopted, reaffirming the Moscow Declaration and establishing an International Tribunal. This agreement established a constitution giving the tribunal the ability and jurisdiction for the prosecution of major war criminals. This agreement gave the allied governments the means to try and punish war criminals in a legal manner. The basis for the trial was established and defined in Control Council Law 10, which defined the counts of crimes against peace, war crimes and crimes against humanity, crimes against enemy belligerents and prisoners of war, crimes against civilians, common plan and conspiracy. Anyone found guilty of any of these counts could be sentenced with one or more of the following:

- a) Death;
- b) Imprisonment for life or term of years, with or without hard labor;
- c) Fine, and imprisonment without hard labor, in lieu thereof;
- d) Forfeiture of property;
- e) Restitution of property wrongfully acquired;
- f) Deprivation of some or all civil rights⁶⁶

Other aspects of this agreement consisted of the duties and responsibilities of the Allied governments in their respective zones in regards to the apprehension and

⁶⁶Papers of John C. Young, Nuremburg War Crimes Trials; Case 12; Box 35, Hoth-Exhibits 9-953, Truman Library, 1-3.

prosecution and trial of war criminals in their zone. These agreements were supplemented by orders and directives in each zone by the respective governments. The United States, in order to provide proper representation and organizations for the tribunals, issued Executive Order 9547, which assigned Associate Justice Robert H. Jackson as chief counsel for the representative of the United States. It also provided Justice Jackson with the ability to select personnel to assist him in his duties of preparing and prosecuting those charged with atrocities and war crimes. It was signed by President Harry S. Truman on May 2, 1945, and was amended by Order 9679, which granted powers and ability to the counsel to prosecute cases and organizations declared criminal by the international tribunal. With the legal machinery in place and the definitions and legality established by the Allied governments, on December 30, 1947, Military Tribunal Va, Case No. 12, in the matter of the United States versus the German High Command, was opened by Judge John C. Young.

CHAPTER 4: Trial of General Hermann Hoth

Military Tribunal Va case no. 12 (United States versus German High Command) opened with a reading of the list of defendants. General Oberst Hermann Hoth appeared as one of the names on the docket. The prosecution indicted Hoth on four counts as defined in Control Council Law no. 10, but due to the immensity of the trial and its records, only Count II dealing with the treatment of prisoners will be examined; emphasis will be placed on the trial questions and documents presented.

The trial format followed a prescribed order whereby the prosecution read the indictment against the defendant and present documents supporting the charges. The main objective of the prosecution was to establish that as commanders in the German military system, the defendants were responsible for the actions of their troops. Even when these commanders were given orders from a higher command, they were to be held responsible for these orders being carried out and for the results which followed. The defense would then be allowed to present its case with an opening statement, direct questioning of the defendant, and the calling of witnesses and advocates. The defense objective was to show that Hitler had complete control of the military, and the officers had followed the orders they were given. The defense also took the evidence of the prosecution and broke it into sections in order to refute and discredit each section with counterevidence.

On April 29, 1948, following the testimony of Generalfedlmarschall Georg Karl Friedrich Wilhelm von Kuechler, Judge Hale announced the court would

proceed to the case of Generaloberst Hermann Hoth. Hoth's lawyer, Dr. Mueller Torgow, opened with a protest against the proceedings and continued with an opening statement describing the situation in Germany, the traditions of the German officer, and how Hermann Hoth fitted into these traditions and represented them during the course of his career. Dr. Torgow claimed that there was no equality between the defense and the prosecution before the court, along with mentioning the fact that the prosecution had considerable time to prepare and introduce 1,500 documents within a short period. He also argued that information was being withheld and that there were discrepancies between the German and English document books.⁶⁷

Dr. Torgow then shifted and began discussing the situation within Germany, explaining that the military was not a blind follower of Hitler and the Wehrmacht had no political influence upon the decision making of Hitler. He pointed out that General Hoth attended meetings with Hitler but had no position of influence and received orders from Hitler, as did every officer at these meetings.

Dr. Torgow attempted to refute the prosecution's claim various orders the prosecution of a policy of deliberate extermination, murder, and ill-treatment by the Wehrmacht. He stated that the fighting in the East by the Wehrmacht was not seen in a political-ideological sense but purely as a military matter. The reported shooting of "Communists" was not done because they were communists, but because in their practical application of bolshevist ideology, they had acted in a manner

⁶⁷(Papers of John C. Young, 1) {The English document books only were partial translations of the German documents. Problems also occurred with translation.}

hostile to the Wehrmacht. The military reports filled out in such matters had been taken out of context by the prosecution, for it was necessary to realize that their composition and contents were often prescribed by standard forms. Standard forms were apt to generalize in order to impress the higher authorities. In making reference to the charges, Dr. Torgow pointed out the characteristics of the conditions of the Russian campaign and the excesses and cruelty of the Russian soldier when aroused. His client had to deal with and master them in order to carry out the tasks allotted to him. As a commander, he was at the front, making decisions, upholding discipline, and caring for his soldiers. He made the point that the army sector was a very large area and an Army Commander-in-Chief could not be everywhere and cannot concern himself with everything that went on and with every little detail.

In regard to the treatment of Russian prisoners of war, the prosecution also asserted that there was a systemic plan of starvation. According to Dr. Torgow, this was clearly untrue, considering the vast numbers of prisoners and the difficulty of feeding such huge numbers. Dr. Torgow went on to say that his client attempted the best he could to master the problem and to help the prisoners of war. Dr. Torgow summed up:

In any case, General Hoth attempted to stay within those legal and humanitarian limits. I shall prove this in particular with a number of affidavits. His character and personality will become clear through these affidavits. According to this whole personality and character, he is even not capable of having committed the crimes with which the prosecution charges him.

And this is the last and most fundamental questions of this trial, namely if and in how far we are dealing here with the problem of individual and criminal guilt. How many of the facts being discussed here can only be clarified by history and only be judged in their larger context?

However that may be, in the case of the defendant Hoth, the prosecution could not prove in any way the atrocious accusations of a

subjective nature which allegedly alone formed the basis for the charges.⁶⁸

Following this statement, Dr. Torgow began a brief development of the ground work of Hermann Hoth and a brief description of his life, career, and leadership abilities as a commander in the German Army, along with establishing the course of defense and break down of the count on prisoners of war into three areas of concern. Dr. Torgow then called the defendant Hermann Hoth to the stand in his own behalf and proceeded to question him. The questions begin with an inquiry into the career of and general information on General Hoth's life.

Hermann Hoth was born on April 12, 1885, in the town of Neu-Ruppin, where he grew up and received an elementary education. He attended the Gymnasium at Demmin and joined the cadet corp (Potsdamn GrossLichterfelde) until graduation in 1904. Following graduation, Hoth was assigned to the Infantry Regt. 72 at Torgau, where he was trained and established himself as an officer.⁶⁹

During World War I, Hoth was part of the German General Staff and ended the war as a Captain with the 30 Division in the capacity of 1st General Staff officer. After the war, he continued as an officer in the Reichwehr, in the position of company commander with the Landesjaeger Korps in Torgau. He served in this capacity until 1938, when he was transferred to Jena and became commander of the SV Corps and attained the rank of Lt. General. During the inter-war years, he

⁶⁸Papers of John C. Young, Nuremburg War Crimes Trials, Case 12, Box 74, File: Hoth-Opening Statement, Truman Library, 19.

⁶⁹Papers of John C. Young, Nuremburg War Crimes Trials, Case 12, Box 35, Hoth-Exhibits 9-953, Truman Library, 2.

served in the reconstruction of the German airforce, the suppression of communists in Saxony, maneuvers in Switzerland and Russia, and the march into the Sudetenland.

When World War II broke out, Hermann Hoth participated in the invasion of Poland with the XV Army Corps, which advanced into the campaign from Upper Silesia and was engaged in the battle of Radom, near Warsaw. Following the Polish campaign, he led the Panzer Group (XV) under the command of AOK 4 in the attack of France. He was promoted to Generaloberst in July 1940, and his XV Panzer Corps was transformed into Panzer Group III.

Following the collapse of France, Hoth and his new Panzer Group moved back to Jena, where training of the new units and preparation of the next campaign against the Soviet Union began. As the preparations continued, Hoth and his units were assigned to Army Group Center under General Fedor von Bock, and when the invasion of the Soviet Union began, his units and those of General Heinz Guderian broke through the Soviet lines and used pincer movements to capture Soviet armies and cities. This was the strategy and procedure of the German Army until Hitler changed the objectives and moved the various armies around. Hoth was transferred and appointed commander-in-chief of the 17th Army, with the Army Group South in the south Ukraine, in October 1941. He proceeded to acquaint himself with his troops and the situation on the front, and advanced with the 17th Army towards Poltava and the Donez Basin, until May 1942. On May 15, 1942, Hoth was appointed Commander in Chief of the 4th Panzer and was assigned the objective of pushing south and taking the oil region and crossing the Don River and taking

Stalingrad. General Hoth was ordered toward Stalingrad but was halted and sent south to help General Paul L. E. vonKleist across the lower Don. After a few days of delay, he was able to cross the Don on June 29, 1942. Hoth was again given new orders to move northwest and link up with General Friedrich Paulus for a combined assault on Stalingrad. On July 19, 1942, Hoth and his units began their assault, but immediately became engaged in battle with the Soviet 62nd and 64th armies.⁷⁰ Finally, after several battles, Hoth and his units were halted at Tundotova, south of Stalingrad, and had to launch counterattacks in order to keep their front to a narrow position. As a result of the delays, the Sixth Army became encircled on November 23, 1942. Hitler then ordered General Hoth and his Panzer Army to counterattack and re-establish contact with the Sixth Army. This feat was to be accomplished in operation "Wintergewitter," where the remnants of the Fourth Panzer Army, the Rumanian VI and the Rumanian VII Corps, and Sixth and 23rd Panzer Divisions were to advance northeast towards Stalingrad, while Paulus was to concentrate all his armor in the southwest rim of the pocket and prepare to break out. Operation "Wintergewitter" began on December 12, 1942, across the Don-Chin rivers but became short lived when it had to wait for reinforcements. For the next two months, Hoth and his units continued to push towards the pocket and tried to relieve General Paulus. Finally, on February 1, 1943, General Paulus and 91,000 officers and men surrendered.⁷¹

⁷⁰Earl F. Ziembe, Army Historical Series-Stalingrad to Berlin: The German Defeat in the East (Washington, D.C.: Office of the Chief of Military History, 1968), 43.

⁷¹(Ziembe 1968, 62)

Throughout the next year, General Hoth was involved in a series of counter attacks and retreats and was then ordered to be part of the "Panther" operation, a stage of "Zitadelle" operation in the counter attack against Soviet Armies in the capturing of Kursk. General Hoth was ordered to take the Fourth and First Panzer Armies and push the Soviet armies back from the Donets to along the line of Volchansk-Kupyansk-Svatovo-Krasnaya River. Troop fatigue and replacement factors led to changing operation "Zitadelle" to the prime objective, a push on Kursk.⁷² On July 5, 1943, the operation began and Hoth and his XXXXVII Panzer Corps and the II SS Panzer Corps struck forward, becoming involved in ferocious tank battles, but due to the superiority of the Russian army, Hoth and his troops had to fall back. During the Russian summer and fall offensive Hoth continued to fall back to re-establish lines and gather reinforcements.⁷³ Hitler, at this time, was becoming disgusted with his commanders and the way the campaign was being conducted. He, therefore, decided to make various changes within his command. The first to go was Hermann Hoth, who was scheduled for leave in December 1943. When General Hoth went on leave, Hitler ordered "that he was not to return to his army or be given any other command"⁷⁴ This was decided because "Hitler did not want mobility on defensive, he wanted generals who would hold without giving an inch." Hitler went on further to describe Hoth as "a bird of ill-omen and an

⁷²(Ziembe 1968, 62-64)

⁷³(Ziembe 1968, 210)

⁷⁴(Ziembe 1968, 212)

instigator of defeatism of the worst sort."⁷⁵ General Hoth was then transferred to the Feuhrer Reserve, where he stayed until April 1945, when he was assigned as Commanding General, Saale and with the Erzgeirgo under OAK 7, where he stayed until after the surrender in May 1945.

After questioning and gaining a knowledge of General Hoth's life and career background, Dr. Torgow proceeded with questioning and documents pertaining to Count I of the indictment. Following considerable questioning and testimony from General Hoth, Dr. Torgow ended the question on Count I and turned to Count II: Crimes Against Prisoners of War. He begin with introducing NOKW-1076, "The Commissar Order," and asked a series of questions about the intention of the order, General Hoth's relation to it, and its legality in regards to the military penal code.

General Hoth responded by stating that he had heard of the Commissar Order first on March 29, 1941, at the meeting of the top 100 Wehrmacht officers with Hitler. He, along with other officers, protested against it hoping that it would not be put into effect. He stated that in April and May he had met with Field Marshall von Bock to discuss possible measures which could be taken to prevent the issuance of the order. General Hoth and Bock realized there "was not much hope Hitler would deviate from his intentions which he had once voiced. It was certainly not possible for Generals, in whom he had no confidence at all, to make him deviate from his intentions."⁷⁶ As a result, Hitler passed the order and it was signed by

⁷⁵(Ziembe 1968, 212)

⁷⁶Papers of John C. Young, Nuremburg War Crimes Trials; Case 12, Box 62, Proceedings, April 22-May 3, 1948, Truman Library, 3083.

Field Marshal Walter von Brauchitsch, which meant that Hoth was obliged to pass it on. Due to his position as a commander, just to pass it on would not be enough and could have led to a charge of disobedience and a military discharge. It would have also resulted in his being replaced and watched by Hitler and his agencies.

After a few months, Hoth and other field commanders received copies of the directive and ordered it to be relayed to the troops. General Hoth stated that when he received the order it was just before the start of his campaign, whereupon he dictated it to his troops. He mentioned that the order asked a tremendous amount from the troops in regards to prisoners of war. German troops had been trained to treat prisoners of war in reference to the Geneva convention and "taught that prisoners of war after they had been captured were no longer to be regarded as enemies and they had always been dealt with in that manner."⁷⁷ Now they were to treat them without regard to the Geneva convention and instead follow the dictates of the Commissar order. It was also important to inform the troops that political commissars would not recognize or adhere to international laws and to protect themselves. General Hoth went on to say that in regards to the military penal code, specifically paragraph 47, the order was issued by the Supreme Military Commander of the German military, in which at the time he had full confidence. At the time, he did not assume that Hitler issued it with criminal intent. Therefore, "article 47 could not have been applied, because an order of the head of state was involved. Article 47 intended to protect the state against orders or instructions which are against the interest of the state. I have no reason to assume that the order asked

⁷⁷(Papers of John C. Young, 3082)

me to commit a crime."⁷⁸ He went on to say that he did not try to mitigate the order by making the order orally, and relied on his soldiers' ability to interpret the order properly and carry it out without any additions, because they knew how he felt about the order.

The next series of questions dealt with reports from army units who carried out the "Commissar Order" and establishing if these documents were consistent and factual. Dr. Torgow brought forward NOKW-2246, NOKW-2245, NOKW-2412, and NOKW-2283, all reports from units of Panzer Group III, documenting the shootings of political commissars. Each report was read to General Hoth and he was asked to answer on each. General Hoth explained that it was difficult to decide if the facts were consistent because the reports could not be checked and the top command constantly asked for reports and numbers and it was possible to make false reports. In the example of NOKW-2245 where a political commissar with the rank of colonel was taken prisoner and shot, General Hoth responded that he did not remember the particular case and should not be judged on the basis of one sentence. He did go on to speculate "that in this case also the political commissar who ranked as a colonel committed offenses against international law and this forfeited his life."⁷⁹ General Hoth also said that it was possible that an inquiry was made to corps headquarters which justified the killing of the commissar, but he did not know the

⁷⁸(Papers of John C. Young, 3085)

⁷⁹(Papers of John C. Young, 3090)

complete circumstances.⁸⁰ In response to some of the other documents, NOKW-4212 and NOKW-2283, where twenty and fifty commissars were reported shot, General Hoth reported that the report was fictitious and had no support and the command above was pressuring for numbers.⁸¹

Dr. Torgow's next few questions dealt with the diary entries of the 17th Army from May 15 through December 12, 1941. The contents of the document were concerned with the conference the commanding generals held on the treatment of political commissars. This was emphasized with the presenting of document NOKW-1906, which is concerned with the treatment of enemy civilians and the supervision of prisoners of war. On page 5 the document explained the treatment to be directed towards prisoners, and point two stated that the German soldiers were to keep their distance from the Russian prisoners of war. Any type of leniency or fraternization would result in severe punishment. The German military regulation of 1936 could only be applied with limitations. The use of force, when necessary to put down riots, and the killing of escaping prisoners of war was to be condoned. It was mentioned that "the diligent and obedient prisoner of war is to be treated decently. Any one violating the regulations, however, is to be punished according to his offense."⁸²

In reference to this document, General Hoth explained that he never received this order and, at the time, he was still commander of Panzer Group III. His groups

⁸⁰Papers of John C. Young, Nuremburg War Crimes Trials; Case 12, Box 35, Hoth Exhibits 9-953, Truman Library, 1948, 27.

⁸¹(Papers of John C. Young, 31-33)

⁸²(Papers of John C. Young, 59-63)

did not have any "Dulags" for prisoners of war and had nothing to do with the prisoner of war organization. Dr. Torgow then raised the point that the prosecution in the indictment asserted that General Hoth, along with the other defendants, transmitted and executed the order NOKW-2423, which decreed the shooting of prisoners of war. General Hoth stated that the order was similar but he could not recall such an order and that it did not concern his army group.

The General was then asked what, as Commander of a Panzer Group, he had to do with prisoners. His reply was that Panzer Group III has no installations for prisoners of war and prisoners were moved back to support armies when captured. Only when he took over the 17th Army did he have actual contact with prisoners of war. This was in the form of two transit camps. These transit camps received orders from the prisoner of war district commander, who in turn received his orders from Berlin. General Hoth then stated that this did not relieve him of taking care of the prisoners and, in fact, he tried to help them and use them for labor purposes.

Dr. Torgow then asked the General a series of questions in relation to the prosecution assertion of murder and ill-treatment of prisoners of war and his issuing of orders for mistreatment and responsibility of their neglect. General Hoth responded that he never received or ordered any issue for the killing or torture of prisoners of war. The prisoners captured were treated humanely and it was a pleasure to talk with them. The General gave the example that during the battle near Velike-Luki, Russian prisoners attached to the field kitchen defended the kitchen during the battle. When Russian troops were surrounded in pockets, they were totally cut off from supplies and the struggle would continue for days. The

Russians would be starving as the battles ended, and as prisoners would be taken, they would run up to the food dumps and eat everything in sight.

Dr. Torgow then asked General Hoth about document NOKW-2357, which was the war diary of the Oberquartiermeister of the 17th Army, from May 15 to December 12, 1941, and asked him about the entry of August 15 and if he signed the entry.⁸³ The entry explained that the food and water situation in the transit camp was very bad and there was fear of a breakout by the Russian prisoners. The General answered that the place was out of his area of control and that his predecessor had done everything that was possible, and that, at that time, the German Army was itself experiencing a food shortage.

The next question directed towards General Hoth was in reference to NOKW-2213, a report of Headquarters of the 17th Army to the Army Group South about prisoner of war camps. He was asked to respond on Section II, III, and V of the report.⁸⁴ General Hoth stated that he talked with the Oberquartiermeister about the food situation and about a possible solution. The problem was getting the food to the campus and he had suggested that a report be submitted about the prisoners, exaggerating the situation to make to look worse as a means to try to get the upper level command to help with the prisoner situation.

Dr. Torgow then asked the General about the 400 prisoners who were shot as claimed in Section I of the report. Hoth stated that there was little that he could say about it, for during this time he was not yet in command. The General

⁸³(Papers of John C. Young, 44-49)

⁸⁴(Papers of John C. Young, 64-67)

mentioned the previous document as a reference that there were accounts of shootings of mutinying prisoners and this was one reason why arms had to be used severely. If the 400 deaths were distributed throughout the entire report, the figure was regrettable, but it could be explained in light of the conditions of the war.

The next document brought up for discussion was NOKW-2562, a battle report made by the 16th Infantry Division Mott on December 4, 1942, which stated "In the operation on the 3rd of December against Utta, the whole Russian tank workshop was destroyed. The collection of prisoners failed owing to lack of transportation."⁸⁵ Dr. Torgow made the comment that he was confused on what the incrimination is supposed to be, as did the General. General Hoth stated that the prosecution made the assumption that the "prisoners had actually been taken and, for lack of transportation, they were not transferred to the rear area but were killed, but, of course, the report says nothing of the kind."⁸⁶

Dr. Torgow proceeded to announce that he had come to the last point of Count II which he was going to discuss, the employment of prisoners of war. Dr. Torgow then asked General Hoth to make a statement in regards to the use of prisoners in labor. The General stated, "Prisoners had to work, because, after all, they were fed, that was inevitable, and that was a usage of war which was customary in all armies. I issued no orders nor tolerated any orders that prisoners of war were

⁸⁵(Papers of John C. Young, 74)

⁸⁶Papers of John C. Young, Nuremburg War Crimes Trials; Case 12, Box 62, Proceedings April 22-May 3, Truman Library, 3106.

to be used for any work that was dangerous or took place under conditions that were not admissible."⁸⁷

Dr. Torgow then brought up document NOKW-2966, the war diary of the 75th Infantry Division covering the period from the 15th of October until September 1943, in which 218 prisoners of war were mentioned and asked the General to explain what type of work they were employed in.⁸⁸ The General explained that the division was used to build many positions around and through Kiev and on the Knjepr River. These works were mainly trenches and fortifications on the fringe of the city and, at the time, they were not in connection with what was happening on the front lines.

The following series of questions concerned the use of prisoners of war in search of mines in Russian houses. According to the General, the Russians had laid time bombs in the houses when they left, in hopes that German soldiers would use the houses and be blown up. The German Army realized the situation and used civilians who lived in the houses and prisoners of war to go into the houses and look for the mines. This was followed by two questions dealing with the Document NOKW-2689 and the establishment of Turk Battalions which were comprised of special tribes of Turkmenian. These tribes were bitter enemies of the Soviets and volunteered to fight against the Soviet army.⁸⁹ Dr. Torgow then asked General Hoth to briefly summarize and commend upon the assertions of the prosecution

⁸⁷(Papers of John C. Young, 3108)

⁸⁸Papers of John Co. Young, Nuremburg War Crimes Trials; Case 12, Box 35, Hoth Exhibits 9-953, Truman Library, 49-51.

⁸⁹(Papers of John C. Young, 47-48)

contained in the indictment. General Hoth stated,

I have done so before, and I can only say that in Russia we adhered to the principles of International Law as they were laid down in the Geneva Convention and the Hague Rules for Land Warfare, although Russia as is well known, never subscribed to the Geneva Convention. As far as I and my troops are concerned, the prosecution has not brought any proof that German soldiers deliberately tortured Russian prisoners of war. There is also not a trace of an asserted or deliberate plan to murder prisoners of war, apart from the case we dealt within the Commissar order. Not the trace of evidence has been substantiated. We did have food difficulties, but we did whatever we could in order to eliminate these food difficulties. They were not due to our fault, but they arose out of the special conditions in Russia, as I have described.⁹⁰

Following this statement by General Hoth, the questioning then proceeded into Count III of the indictment until March 4, 1948, when Dr. Torgow ended the questioning and the court proceeded into the next case. The cases and testimony continued until August 13, 1948, at which time the defense and the prosecution made their closing statements. The Tribunal then announced their judgments. General Hoth was found guilty on Counts Two and Three of the indictment. As each of the defendants arose to hear their sentence, Hermann Hoth arose and it was read: "Hermann Hoth, on the counts of the indictment on which you have been convicted, the Tribunal sentences you to fifteen years imprisonment. You will retire with the guards."⁹¹

⁹⁰Papers of John C. Young, Nuremberg War Crimes Trials; Case 12, Box 62, Proceedings April 22- May 3, 1948, Truman Library, 3112.

⁹¹Leon Friedman, The Laws of War-A Documentary History. Vol. II (NY: Random House, 1972), 1468-69.

Conclusion

In looking at the trial of Hermann Hoth and the German military policy on prisoners of war from the Franco-Prussian war through World War II, it is clear that policy changed when conditions dictated it and when the situation within Germany became critical.

Between 1871 and 1914, Germany developed a concrete plan and policy in regard to war. It wanted to be seen by the rest of the world as having the best trained, disciplined army in the world. In World War I, Germany was faced with a war lasting four years, a blockade, food shortage, and a Geneva convention it could not observe. This idealized concept of itself fell through after many years of fighting. The philosophy of survival of the nation and the hardening of troops and horrors of war became a realistic notion during World War I. Germany seemed to act like a cat pushed into a corner and surrounded by mad dogs. Its only recourse was to fight in any way to ensure that it survived and won the war. The result was that military policies were changed as needed by directives allowing broader orders and actions of officers and the troops. The result was mistreatment and misconduct by the troops towards civilians and prisoners of war. This, in turn, led to other nations responding in a similar manner with repercussions and reprisals continuing back and forth.

During World War II, Germany was involved in a conflict which lasted six years, subjected to changing military policies, strategic bombing, and a situation where military mobility overwhelmed the enemy and resulted in huge numbers of

prisoners of war. The German government treated the prisoners of war from some of the Allied nations according to the Geneva convention but, when it came to the Russian prisoners of war, a new situation arose. New directives were developed just for the treatment of Russian prisoners out of policies evolved for the invasion of the Soviet Union. As the war continued, these policies and others were expanded to include not only the Soviet prisoners of war but also the Allied ones. The German soldier had been taught one way in his training before the war, but the changing of policies and the type of warfare along the Russian front led to a hardening of the soldiers into cold and bitter warriors. As the atrocities mounted on each side, so did the resentment towards each other, and this was furthered by the development by the Allied governments of the various charters and conventions in determining the fate of Germany. The Allied governments also decided that Germany would not be given terms of peace but instead only unconditional surrender. The establishment of the international tribunals and the military tribunals by each government were a further response to the German action during the war and a means for the Allies to teach Germany a lesson and to appease their own fears that they might act in the same manner as had Germany by showing the rest of the world that they did not condone the actions of Germany and by prosecuting in a civilized manner those who had committed crimes.

When comparing the number of wars Germany has fought since 1871, the number of prisoners of war, length of the conflict, amount of national resources and manpower all increased. Another factor which increased was the threat to Germany if she should lose a war. As a result of this, in each war the policies Germany

adopted in strategy and conduct of its troops loosen and broaden.

In each of these conflicts, the military high command of the head of state during crucial times of the war allowed changes in policy or conduct which it was presumed would lead to victory. In the case of Germany, it seems that through the course of these wars, the policy towards prisoners of war had gradually departed from an established code of conduct and had disintegrated as each of the wars was fought. The situation was made worse with cries of atrocities by other governments, the hardening of the troops, and eventually the policy of taking no prisoners. The ones who suffered were the front line troops, who realized that they might not be given the opportunity to surrender, so it was better to kill all of the enemy, no matter what the situation.

It is true that there are times in combat where soldiers lose their composure and act in a manner which is hostile. This is also the moment when discipline, training, and codes of conduct play a decisive decision in the actions taken by troops. It is the duty of the officers and the upper enlisted personnel to keep discipline within the ranks and among themselves. During a battle, soldiers are under stress and fatigue and at the edge of death. Things become worse when they see their comrades killed next to them. It is possible to visualize circumstances when men will kill rather than take pity on the enemy who decides to surrender. In the heat of battle, there is not much opportunity for sentiment or pity, and the sight of the dead and dying may weaken a soldier's sense of fairness.⁹²

⁹²A. J. Barker, Prisoners of War (NY: Universe Books, 1975), 27.

After taking this type of situation and thinking into account, it is remarkable during times of war in our modern age that any prisoners of war are ever taken alive and are able to survive in captivity. Those soldiers who do survive a battle and end up as prisoners of war basically know the war is over for them. During this time, the prisoners of war who fall victim to the enemy are in circumstances beyond their control. They are to pay the price of being a victim in captivity, through mistreatment, torture, starvation, and the ultimate price of their lives for no real reason. As one author put it, they are the most unwanted persons on earth!⁹³

In this regard, the establishment of the international tribunals and military tribunals were a necessary evil for the Allied governments. It was a means to show the rest of the world and themselves that they were not going to stand by and just slightly reprimand the German government and its people for the injustice that they had done. It was necessary to establish a precedent for future generations so that this type of action would not be tolerated by the nations of the world and the guilty would have to be tried for their crimes. There was also a need by the Allied governments to prove to themselves that they were right and, to some degree, attempt to show to themselves that they were above such criminal actions and would not condone them from another advanced and civilized nation.

The trial of Hermann Hoth was intended to be fair, but various inconsistencies are evident. The defense lacked time for information and preparation and the presenting of defense documents. There were also problems with the evidence given by the prosecution as documents were often only one

⁹³(Barker 1975, Intro)

sentence in length. This is in reference to the documents presented on the shootings of commissars, where there was a lack of background information into the reasons for the shootings. Another area which is disturbing was that the affidavits presented by the defense as evidence were only received by the court and not reviewed in the court, so Hoth could not utilize them in his behalf during the actual questioning. Putting this aside, when reading the information within them and arranging them in relation to the evidence presented by the prosecution, it would seem that they should have been reviewed in more depth and played a more substantial part in the overall character establishment of Hermann Hoth. As for the overall policy of the German military towards prisoners of war in this case, it seems that there was a breakdown along the line with what is considered moral and ethical, and what is considered doing one's duty. During Hermann Hoth's trial, attempts were made to utilize this line of thinking as part of his defense, but in the end it did not protect him enough.

In each of the past wars there have been attempts to establish and adopt regulations on better treatment of prisoners of war and conduct during war, with each new document being established out of failure of the adopted document before it. As long as human beings continue to fight one another, we shall also continue to strive towards these goals; but it is also a fact that as long as we continue to fight, there will continue to be breakdowns of the laws of warfare. It seems that as soon as a nation begins to lose the war, its treatment of prisoners of war becomes more abusive and atrocious, even though it would seem that a losing nation treating its prisoners better would be advantageous for that nation. For when the war ended, they could utilize that point in their favor by asking for terms of peace. But

mistreatment of prisoners will be the case until we, as a human race, learn to live with each other peacefully, whereupon we will not need the laws of warfare and there will be no mistreatment of prisoners of war. Either that or we will totally destroy ourselves, at which time we will also not need the rules of warfare.

Bibliography

- "Abuses in German Prison Camps." Current History Magazine 7 (July 1918): 100.
- Addington, Larry H. The Blitzkreig Era and the German General Staff, 1865-1941. New Brunswick: Rutgers University Press, 1971.
- Alfoldi, Laszlo. U. S. Army Military History Research Collection Special Bibliographic Series, No. 12, Vol. 1, The Armies of Austria-Hungary and Germany; 1740-1914. Charlisle Barracks: Dept. of Army, 1975.
- "Appalling Cruelty to Prisoners." Current History Magazine 8 (August 1918): 288.
- Bailey, Ronald. World War II-Prisoners of War. Alexandria, VA: Time Life Books, 1981.
- Barker, A. J. Prisoners of War. New York: Universe Books, 1975.
- Bartholdy, Professor Albrecht Mendelssohn. The War and German Society. New Haven: Yale University Press, 1937.
- Bartov, Omar. The Eastern Front, 1941-45: German Troops and the Barbarisation of Warfare. New York: St. Martins Press, 1986.
- Beaufort, J. M. Behind the German Veil. New York: Dodd, Mead and Company, 1917.
- Bigelow, Poultney. "Side Lights on the German Soldier." Harper New Monthly Magazine 87 (June to November 1883): 213-32.
- Bodart, Gaston. Losses of Life in Modern Wars. Oxford: The Clarendon Press, 1916.
- Bradley, Dermot. Walther Wenck. Osnabruck: Biblio, Verlag., 1981.
- "The Bryce Report on German Atrocities." The Literary Digest. 50 (May 29, 1915): 1257-1259.
- Carnegie Endowment for International Peace. Official German documents relating to the World War. Vol. I. New York: Oxford University Press, 1923.
- Carter, Charles Frederick. "Atrocities in War." The World Work 29 (1914): 65-70.

- The Committee on Public Information. Conquest and Kultur. Washington, D. C.: GPO, 1918.
- The Committee on Public Information. Part II-German Treatment of Conquered Territory. Washington, D. C.: GPO, 1918.
- Dallin, Alexander. German Rule in Russia, 1941-45. Boulder, CO: Westview Press, 1981.
- Deist, Wilhelm. The German Military in the Age of Total War. Warwichshire, England: Berg Publisher Ltd., 1985.
- Deneter, Karl. The German Officer-Corps in Society and State 1650-1945. New York: Praeger, 1965.
- "Exchanging Thousands of Prisoners." Current History Magazine 7 (July 1918): 94-97.
- Exner, Lieutenant-Colonel. "The German Army of To-day." Harpers New Monthly Magazine 84 (December 1891-May 1892): 869-894.
- Falkenhayn, General Erich von. The German General Staff and its Decisions. Freeport: Books for Libraries Press, 1920.
- Finch, George H. "Superior Orders and War Crimes." The American Journal of International Law 15 (July 1921): 440-445.
- Friedman, Leon. The Laws of War-A Documentary History. Vol. II. New York: Random House 1972.
- "The Germans of 1870." Blackwood Magazine 198 (July 1915): 139-145.
- "German Atrocities revealed by diaries of Hun Prisoners." The Literary Digest 56 (January-March 1918): 60-63.
- "German Barbarities in France-Official Report of Illegal Treatment Inflicted upon Inhabitants in Occupied Territory." Current History Magazine 8 (August 1917): 340-347.
- "German Reprisals on Prisoners." Current History Magazine 6 (June 1917): 547-550.
- "Germany as Plaintiff in Atrocity Court." The Literary Digest 50 (June 12, 1915): 385-386.
- Goerlitz, Walter. Paulus and Stalingrad. Westport, CT: Greenwood, 1963.

- Hennebois, Charles. In German Hands. London: William Heinemann, 1916.
- Hirschfeld, Gerhard. The Policies of Genocide: Jews and Soviet Prisoners of War in Nazi Germany. London: The German Historical Institute, 1986.
- Hoth, Hermann. Panzeroperationen. Heidelberg: Vorwinckel, 1956.
- Humble, Richard. Hitler's Generals. Garden City, NY: Doubleday, 1974.
- "The Hun and his Prisoners; Some Impressions on an Army Chaplain." The Nineteenth Century (December 1918): 1057.
- Kitchen, Martin. The German Officer Corps 1890-1914. Oxford: Clarendon Press, 1968.
- Levie, Howard S. Prisoners of War in International Armed Conflict. Vol. 59. Newport: Naval War College Press, 1978.
- "Life in a German Prison Camp." The Literary Digest 51 (September 18, 1915): 625.
- Lord Russell of Liverpool. The Scourge of the Swastika. New York: Philosophical Library, 1954.
- Ludenorff, General. My War Memories, 1914-1918. London: Hutchinson and Co., 1919.
- Macksey, Kenneth. Guderian Panzer General. London: Macdonald and James, 1976.
- Moynihan, Michael. Black Bread and Barbed Wire. London: Cooper, 1978.
- Papers of John C. Young. Nuremburg War Crimes Trials, Case 12, Box 35, Hoth-Exhibits 9-953, Truman Library, Independence, MO.
- Papers of John C. Young. Nuremburg War Crimes Trials, Case 12, Box 62, Proceedings April 22-May 3, 1948, Truman Library, Independence, MO.
- Reid, Pat. Prisoner of War. New York: Beaufort Books Publishers, 1984.
- Roberts, Adam. Document on the Law of War. Oxford: Clarendon Press, 1982.
- Rosinski, Herbert. The German Army. London: The Hogarth Press, 1939.
- Seaton, Albert. The Russian-German War, 1941-45. New York: Praeger Publishers, 1971.
- "Sick Soldier Prisoners in Switzerland." The Survey 39 (March 16, 1918): 660.

- "The Soldiers Lack of Hate." The Literary Digest 59 (November 1918): 32.
- Speer, Albert. Inside the Third Reich. New York: The Macmillan Company, 1969.
- Streit, Christian. Keine Kameraden-Die Wehrmacht und die Sowietischen Kriegsgefangen, 1941-1945. Stuttgart: Deutsche Verlags-Anstalt, 1978.
- "Switzerland, The Prisoners Paradise." The Outlook 113 (August 2, 1916): 772-773.
- Trevor-Roper, H. R. Hitlers War Directives, 1939-1945. London: Sidgwick and Jackson, 1964.
- "Torture of Prisoners in Belgium." Current History Magazine 7 (January 1918): 165-166.
- "Treatment of British Prisoners-Shocking Brutalities in German War Prisons revealed in an official report. Current History Magazine 8 (June 1918): 479-483.
- "War Prisoners in Switzerland." The Survey 40 (September 1918): 672.
- Warlimont, Walter. Inside Hitler's Headquarters, 1939-45. New York: Praeger, 1962.
- Werth, Alexander. Russia at War, 1941-45. New York: E. P. Dutton and Co., 1964.
- Wheeler-Bennett, John W. The Nemesis of Power. New York: St. Martin's Press, Inc., 1954.
- "The Wittenburg-Camp Charges." The Literary Digest 52 (May 1916): 1445.
- Zieme, Earl F. Army Historical Series-Stalingrad to Berlin: The German Defeat in the East. Washington, D. C.: Office of the Chief on Military History, 1968.
- Zhukov, Geogi Konstantinovich. The Memoirs of Marshall Zhukov. New York: Delacorte Press, 1971.

I, *Darl E. Cord II*, hereby submit this thesis/report to Emporia State University as partial fulfillment of the requirements for an advanced degree. I agree that the Library of the University may make it available for use in accordance with its regulations governing materials of this type. I further agree that quoting, photocopying, or other reproduction of this document is allowed for private study, scholarship (including teaching) and research purposes of a nonprofit nature. No copying which involves potential financial gain will be allowed without written permission of the author.

Signature of Author

Date

Title of Thesis/Research Project

Signature of Graduate Office Staff Member

Date Received

Distribution: Director, William Allen White Library
Graduate School Office
Author