

INTRODUCTION

The "Hostage Case" was officially designated *United States of America vs. Wilhelm List, et al.* (Case No. 7.) The name "Hostage Case" arises from the fact that the greater part of the trial was concerned with alleged hostage or reprisal actions of one kind or another. Less frequently the case was popularly called the "Southeast Case" because most of the alleged criminal conduct occurred while the defendants were acting as field commanders or chiefs of staff to field commanders in southeastern Europe.

The indictment, under four closely related counts, charged the defendants with the commission of war crimes and crimes against humanity during the period between Germany's invasion of Poland in September 1939 and Germany's unconditional surrender in May 1945. Generally speaking, the specifications of the criminal conduct charged may be summarized as follows: count one, the murder of thousands of persons from the civilian populations of Greece, Yugoslavia, and Albania in connection with alleged hostage or reprisal actions; count two, the plundering, looting, or wanton destruction of private and public property in Norway, Greece, Yugoslavia, and Albania; count three, participation in the initiation, distribution, or execution of illegal orders such as orders directing that enemy troops be denied quarters and the status and rights of prisoners of war; and count four, the illegal treatment of civilian populations by murder, torture, persecution, imprisonment in concentration camps, deportation to slave labor, and other related acts.

The defendant Boehme committed suicide after indictment and prior to arraignment. During the defense case, the case against the defendant von Weichs was severed for reasons of physical disability not permitting him to conclude his defense. Of the remaining 10 defendants who stood trial, the Tribunal found 8 guilty under one or more counts and 2 not guilty under any count.

The Hostage Case was tried in the Palace of Justice in Nuernberg before Military Tribunal V. The Tribunal convened on 117 trial days, and the trial lasted approximately 9 months, as shown by the following schedule:

Indictment filed	10 May 1947
Arraignment	8 July 1947
Prosecution opening statement	15 July 1947
Defense opening statements	15-16 September 1947
Prosecution closing statement	3 February 1948
Defense closing statements	4-7, 9 February 1948
Judgment	19 February 1948

Sentence	19 February 1948
Affirmation of sentences by Military Commander of the United States Zone of Occupation	18 January 1949
Order of the United States Supreme Court denying writs of habeas corpus	2 May 1949

The English transcript of the Court proceedings, including the judgment and the sentences, runs to 10,544 mimeographed pages. The prosecution introduced into evidence 678 written exhibits and the defense 1,025 exhibits. (Some of the exhibits contained several documents.) The Tribunal heard oral testimony of 16 witnesses called by the prosecution and 36 witnesses, excluding the defendants, called by the defense. Each of the 10 defendants who stood trial to the end testified on his own behalf, and each was subject to examination on behalf of the other defendants. The exhibits offered by both the prosecution and defense contained documents, photographs, affidavits, interrogatories, letters, maps, charts, and other written evidence. Most of the defense exhibits were affidavits. The prosecution called only 14 of the defense affiants for cross-examination and only 12 of them appeared in Court and were cross-examined. The Tribunal was in recess between 28 August 1947 and 15 September 1947 to give the defense additional time to prepare its case.

The members of the Tribunal and prosecution and defense counsel are listed in the ensuing pages. Prosecution counsel were assisted in preparing the case by Fred Kaufman and Guillaume Koch, interrogators, and Robert W. Blakesley, Mary Carter, Vincent Czeisler, Viola M. Farmakis, Frank Freudenthal, and Elizabeth Stewart, research and documentary analysts.

Much of the documentary evidence of the prosecution as well as the defense material ordered by the Tribunal was supplied by the Washington Screening Team.

Selection and arrangement of the Hostage Case material published herein was accomplished principally by Arnost Horlik-Hochwald, working under the general supervision of Drexel A. Sprecher, Deputy Chief of Counsel, and Director of Publications Office, U. S. Chief of Counsel for War Crimes. Henry A. Buxbaum, Emilie Evand, Gerhard Fischer, and Dr. Gerhard H. Rauschenbach assisted in selecting, compiling, editing, and indexing the numerous papers.

John H. E. Fried, Special Legal Consultant to the Tribunals, reviewed and approved the selection and arrangement of the materials as the designated representative of the Nuernberg Military Tribunals.

Final compilation and editing of the manuscript for printing was administered by the War Crimes Division, Office of the Judge Advocate General, under the supervision of Richard A. Olbeter, Chief, Special Projects Branch, with Max W. Carr as editor and John W. Mosenthal as research analyst.