

THE MARSHAL: Persons in the courtroom will please find their seats.
The Tribunal is again in session.

MR. RAGLAND: Your Honors, prosecution is in a bit of difficulty with the document books. We planned after the completion of document book 23 to put on document book 25. We have document book 25 ready and the exhibits are ready. However, a copy was not served until 1 o'clock yesterday, therefore under the rules, it cannot go on until this afternoon.

PRESIDING JUDGE DALY: Let's ask if defense counsel are willing to waive that rule.

DR. POHLE: Does the court expect my opinion concerning this document book?

PRESIDING JUDGE DALY: We expect the opinion of any lawyer who has any thoughts on it.

DR. SCHIEF: Your Honor, I am sorry that the defense has to say that we have to insist on the twenty-four hour time.

PRESIDING JUDGE DALY: All right, if you insist on it, that is all the court wants to know.

MR. RAGLAND: May I complete this? I understand the defense now insists on the twenty-four hour rule.

PRESIDING JUDGE DALY: That is what I understood from what was just said.

MR. RAGLAND: We also have document book 26 which could be put on. Apparently there was some mixed up in the furnishing of exhibits. The books are ready and the exhibits are ready except for the collection of exhibits. I understand from the document room that it will take twenty or twenty-five minutes in order for these exhibits to be collected.

PRESIDING JUDGE DALY: How about these witnesses, that you have? How many witnesses have you waiting to testify?

MR. RAGLAND: We have at least two with respect to whom 24 hour notice has been given. I am not sure whether they are in the building at the moment, but I can check. We did ask them to be here at one o'clock this afternoon, in order that they may go on before a commissioner at one thirty.

PRESIDING JUDGE DALY: My only reason for inquiring was so that we could use the court's time between now and one thirty.

MR. RAGLAND: It would be possible to check in two or three minutes to see whether these witnesses are available, your Honor.

PRESIDING JUDGE DALY: All right.

DR. POHLE: Your Honor, may I use the time available until the witness is brought to go back once again to the question of the commissioner which was discussed once this morning already. The question has to do with cross-examination. For the moment I should just like to say that according to Article IV E of Ordinance No. 7 each of the defendants has the right to cross examine prosecution witnesses by means of his defense counsel in order to substantiate his defense. It is our conception that this regulation means that every defendant has the right to cross-examine each witness by means of his defense attorney. That is, to be represented at such examination and moreover a ---

PRESIDING JUDGE DALY: Just a minute. Is it the plan of counsel for defense that each time a witness is made available for cross-examination, that witness is to be examined by counsel representing these defendants? If that is the attitude of the defendants, we are entitled to know it at this time.

DR. POHLE: Yes, your Honor.

PRESIDING JUDGE DALY: All right, it will be done by commission as already stated. There are enough defense lawyers. I think that the record indicates there are thirty-six names on there. There may have been some duplications, one lawyer may appear for more than one person, but there are twenty odd lawyers in this case. Now there are sufficient lawyers to take care of you. We will proceed as announced.

DR. POHLE: Your Honor, we cannot jeopardize the rights of the defendants in this way. I understand the regulation to mean that the defendant first of all has a right to be present and I ---

PRESIDING JUDGE DALY: This Tribunal determines how it construes and reads these ordinances and it has the responsibility for it. If at any time

your reading of an ordinance is different from ours, we constitute the Tribunal, and you will have to submit to our ruling on it.

DR. POHLE: Judge Daly, I shall do that, of course, and I only should like to express now that several of the defendants told me during the recess that they wanted to be present during cross-examinations before the Commissioner according to their established right. As a matter of fact all twelve said so.

PRESIDING JUDGE DALY: All right, you have your statement on the record. Do you have something to report on the other matter, Mr. Ragland?

MR. RAGLAND: I understand the witnesses have been released until this afternoon. However, we have Document Book 26. Twenty-four hours' notice has been given on that. We have a number of exhibits. Unfortunately, they are exhibits in the latter portion of the book rather than in the first part, but we think with a brief explanation as we go along we can put in the documents somewhat out of order, but I think it's probably better so there won't be any additional delay.

PRESIDING JUDGE DALY: As to the place the commission will sit this afternoon and tomorrow, it will be announced at the beginning of this afternoon's session, if not before the recess this morning.

DR. SCHILF: Dr. Schilf for Dr. Jansen. Your Honor, there is a further difficulty which I consider it proper to submit for discussion.

PRESIDING JUDGE DALY: Is this on the question of the commission?

DR. SCHILF: Yes.

PRESIDING JUDGE DALY: There will be no further discussion on that. We will proceed with the document book. Proceed with the document book, please.

DR. SCHILF: Your Honor --

PRESIDING JUDGE DALY: Proceed with the document book ---

DR. SCHILF: Your Honor, I protest that I am not permitted to go on --

PRESIDING JUDGE DALY: Did you hear me say, counsellor, that there will be no further discussion on the question of the commissioners' hearing?

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DR. SCHILF: Yes, and I protest against this ruling and request that
a decision of another court ---

PRESIDING JUDGE DALY: You will please take your seat or I will order
you removed from the courtroom.

DR. SCHILF: I request that that be done.

PRESIDING JUDGE DALY: All right, you can remove yourself, then.
Proceed.

MR. MANDELLAUB: Your Honors, prosecution is now starting with Document Book ----

PRESIDENT JUDGE DALY: You will have nothing more to say, now.

MR. MANDELLAUB: -- with Document Book 26, which is dealing with the question of lootings in Holland, covering the period of time from 1941 until the end of the war. Document Book 26, as you will see from the index, is divided into two parts, the one dealing with the so-called Lageraktion, and the other dealing with specific cases of lootings, such as the looting at the DeVries Robbe and Company, in Gorinchen, including an affidavit by C.T. Begemann, in Rotterdam, and the Lips' Brandkasten en sloten Fabriken, N.V., Dortrecht. We shall first take up the Lageraktion which took place throughout a period of time after 1941 and covered several months in which this action has been carried out by the Germans. We shall not start with the first NIK number but we shall offer as Exhibit No. 742 NIK 12103, which you find on page 61 of the English and page 61 of the German. This is a photostat of a letter to De Vries Robbe & Company from Krupp Stahlbau Rheinhausen --

PRESIDING JUDGE DALY: Excuse me. Did you say 51 of the English?

PROSECUTION: Page 61 of the English, Your Honor, and 61 of the German, NIK 12103. This photo copy consists of a letter to De Vries Robbe & Company from Krupp Stahlbau Rheinhausen, advising that K. Breitung, the Chief Engineer of Krupp, has been designated as Liaison official for the management and control of the Dutch enterprises.

PRESIDING JUDGE DALY: It may be marked 742.

MR. MANDELLAUB: This subject, as you see, is the subject of sponsorship which Krupp had taken up in Holland by order of the Deputy for the Netherlands of the Reich Minister for Armament and War Production, which had appointed Krupp as becoming the sponsor of this firm.

Prosecution now offers as Exhibit No. 743 Document No. NIK 12141 which you will find on page 63 of the English and 64 of the German. This document relates --

PRESIDING JUDGE DALY: It may be marked 743.

MR. MANDELLAUB: -- to the transport of material to the firm Krupp Stahlbau Rheinhausen, and the firm De Vries Robbe is ordered by Captain Rieder to prepare for shipment of equipment which is listed here, and which shall go to the firm Krupp.

Prosecution now offers as Exhibit 744 NIK 12142, which is on page 65 of the English and 66 of the German.

PRESIDING JUDGE DALY: It may be marked 744.

MR. MANDELLAUB: This is, again, an order for dismantling of the machinery of the firm DeVries Robbe & Co. in Gorinchen. May I shortly explain to the court that this firm was one of the most outstanding firms in its field in Holland and continental Europe for tools and locks.

Prosecution is offering as Exhibit ~~745~~ NIK 12140, which you will find on page 67 of the English and 67 of the German. It is by the Plenipotentiary for Holland of the Reich Minister for Armament and War Production, dated Rotterdam, 27 November 1944, and reading as follows:

"Your firm (DeVries Robbe) is hereby requested to certify on the attached copy of this letter that there are no stocks on the premises owned by your firm which have not been noted down by (Sonderfuehrer) Herr Schumann and Herr Begemann.

"In order to obviate misunderstandings, you are requested to instruct your responsible plant managers and storekeepers (Messrs. Gilde and DeBon, if possible) to accompany the above mentioned gentlemen when inspecting the plant and all the storerooms and to state clearly which stocks are located in the localities inspected."

This is directly ordering the firm of DeVries Robbe to give up all the material which they had in store.

PRESIDING JUDGE DALY: That's already been marked. If it hasn't it will be marked 745.

MR. MANDELLAUB: Prosecution now offers as Exhibit No. 746 Document No. 12099, which contains thirty photostats or documents, lists of machinery, evidencing and showing specification of machines, equipment, and material shipped to Krupp Stahlbau Rheinhausen by DeVries Robbe. The

thirty photostats which your Honors will find in our exhibits, will show clearly the material shipped, and shipped to whom through which sources.

We shall now go back to NIK 11372, which you will find on page 1 of the English and page 1 of the German.

PRESIDING JUDGE DALY: I am not sure whether 12099 was marked. If not, it will be marked 746.

MR. MANDELLAUB: It is 746, Your Honor.

I shall offer as Exhibit 747, NIK 11372, which is on page 1 of the English and page 1 of the German. This document consists of an interrogation report made by the Chief Inspector of Police at Rotterdam, and referring to Krupp owned firms and Krupp affiliations in Holland, Mr. Bertus Melles is the inspector who carried through the investigation and the reports on the results of this interrogation.

May I call the court's attention shortly to a few pertinent passages of this report, given on Page 8 of the German and Page 9 of the English.

Jan Jacobus Marie Broens reports:

"I was appointed manager of the N.V. Fried. Krupp's Reederij en Transportbedrijf (Fried. Krupp's Shipping and Transport Company Limited) at Rotterdam, the N.V. Krupp's Erts Handel Maatschappij (Krupp's Ore Trading Company Limited) at Rotterdam, the N.V. Devon Erts Maatschappij (the Devon Ore Company Limited) at Amsterdam and of the branch-office of Krupp Eisenhandel G.M.B.H. (Krupp's Iron Trade Limited) at Essen. Of all these limited companies only the N.V. Fried. Krupp's Reederij en Transportbedrijf (Fried. Krupp's Shipping and Transport Company Limited) at Rotterdam is engaged upon the transport of goods.

"I declare that, during the war, this company assisted to a great extent in the transport of Netherlands goods from the Netherlands to Germany. The goods seized by the Germans were stored up in various places in the Netherlands, from where they were shipped to Germany by the N.V. Fried. Krupp's Reederij en Transportbedrijf (Fried. Krupp's Shipping and Transport Company Limited). For this purpose the limited company chartered

tonnage. "

JUDGE WILKINS: What page are you reading from?

MR. MANDELLAUB: Page 10 of the English now, and page 8 of the German.

The further passage is on the same page 10 of the English, and page 9 of the German.

"These transports were partly kept out of the books and correspondence and partly covertly accounted for, so that I cannot inform you of the extent of these transports, neither to what financial results they have led for the limited company."

The firm Krupp, by keeping out these shipments from the regular books, is obviously trying to hide the extent of the shipment, the amounts which were involved, and the sources.

PRESIDING JUDGE DALY: This last exhibit may be marked 747.

MR. MANDELLAUB: Prosecution now offers as Exhibit No. 748 NIK 11403, which you will find on page 42 of the English and 38 of the German. It consists of an affidavit by one Arie Dirk Riedijk, which contains pertinent facts as to that so-called Lageraktion. Riedijk was director of Krupp's Eisenhandel G.M.B.H., which corporation had its seat in Duesseldorf. He gives a description of the Lageraktion in Holland during which Krupp obtained a large quantity of iron and steel materials from occupied Holland.

I should like to refer shortly to the most pertinent parts of this affidavit, on page 42 of the English, 38 of the German.

"The German authorities declared certain groups of goods, such as bar iron, structural products, sheet metal, etc. as confiscated; as far as I know about 400,000 tons were involved. The Dutch owners had no chance to fix the price for the goods taken from them. This price was fixed by the Rijksbureau voor Ijzer en Staal" (Reich Bureau for Iron and Steel) upon instruction received from the German occupation authorities, and the Dutch owners could not refuse to deliver their goods at the prices fixed, which were warehouse prices. Several German firms, among them also Krupp's

received from the Reich Association Iron in Berlin (Reichsvereinigung Eisen-Berlin) a quota for a certain number of tons of the material confiscated in Holland. Thereupon Director Nebel from Duesseldorf (Nebel was a Krupp man from Duesseldorf) appeared in Holland, together with a Prokurist of Kloeckner & Co., Duisburg, and asked the Reich Bureau for Iron and Steel at The Hague to give him a list, which specified the various kinds and weights of the goods. Then Herr Nebel returned to Duesseldorf with this list and inquired at the various Krupp works what they wished to have of this material. At the same time he also asked the Vereinigte Stahlwerke in which kinds of material they might be interested. After having ascertained all this, he personally rang me up at Rotterdam from Duesseldorf and told me what quantities and what material the Krupp works and the Vereinigte Stahlwerke should use of the confiscated Dutch stocks. Such orders were not given all at the same time, but dragged on for several months; I cannot remember the exact time, but I think it was during 1943."

And further down, "After having received Nebel's orders I contacted the Rijksbureau voor Ijzer en Staal at The Hague and informed them in writing of the wishes of Krupp and the Vereinigte Stahlwerke. Without further discussion the Rijksbureau voor Ijzer en Steel instructed the Dutch warehouse to send the goods selected by these two firms to the Fried. Krupp's Rederij en Transportbedrijf N.V. at Rotterdam, who had been ordered to forward these goods to the different addresses of Krupp's works and to the Vereinigte Stahlwerke.

PRESIDING JUDGE DALY; It will be marked Exhibit 748.

MR. MANDELLAUB: The Prosecution now offers as Exhibit Number 749 the legal report which is on page 44 of the English and 41 of the German, and which has the NIK number 12056. This investigation report contains three affidavits of Messrs. C. T. De Vries, C. P. Gilde, and C. T. Begemann, giving a complete description of the plundering of the De Vries firm by Krupp.

A few passages of these affidavits I may point particular attention to. On page 44 of the English, the affiant says: "I remember that in about July or August 1940, I received an unexpected visit of two gentlemen from Krupp Rheinhausen, one of whom, a certain Dr. Hermann..." This Dr. Hermann was a director at the plant in Rheinhausen. His name came up this morning. He is still in Rheinhausen today. "...was a director of this firm. I received these gentlemen who were interested in the factory, and gave it a cursory inspection. As far as I remember this was their only concern at this time, and no business matters were discussed."

Then after that, numerous other visits came and nothing happened until October of '44. At the firm there were constant rumors that Krupp was about to take over that

firm, but it was not until the 30th of October 1944 that a Fliegerhauptmann Bauer declared to the Technical Manager-Engineer Gilde -- that stocks of this firm would be confiscated; and instead, three days later the German military authorities confiscated and carried away large quantities of zinc wire, bolts and nuts, and compelled the personnel of Lips, the Dutch personnel, to be at the disposal of the Germans and to help the Germans in carrying out actions against their own country.

PRESIDING JUDGE WILKINS: That may be marked Exhibit 749.

MR. MANDELLAUB: The Prosecution now offers as Exhibit Number 750 NTK-12102 which you will find on page 59 of the English and 59 of the German. This is a letter of the Commissioner for the Netherlands of the Reich Minister for Armaments and War Production in charge of the armament in the Netherlands, dated 21 April 1944, and addressed to the De Vries Robbe in Gorinchen. "It will be the duty," the letter says, "of the aforementioned sponsor firm..." which is Stahlbau Fried. Krupp Rheinhausen, "1) To cooperate with you according to your production scheme, with a view to the full utilization of your capacity. 2) To be available to you for all technical advice you might need, as well as for any mutual exchange of experience. 3) To support you, if the case arises, in any negotiations with any German official agencies. To keep me informed (number 4) of everything that you can produce and which might prevent or render more difficult the fulfillment of your obligations. The sponsor firm is entitled to delegate to your firm, a firm commissioner as well as, if necessary, production engineers of other firms which have given you important orders."

In other words, this is the information given to the De Vries Robbe that Krupp is taking care now of the

production in this plant at the De Vries Robbe.

PRESIDING JUDGE DALY: It may be marked Exhibit 750.

MR. MANDELLAUB: This was Exhibit 750. The Prosecution now offers as Exhibit Number 751 Document Number NIK-11572 which you will find on page 97 of the English and 107 of the German. This report refers to the plundering of the Lips Works. The Lips works, a Dutch Corporation, had been forced to deliver to the Germans machines and material; and as the result of investigations, the following material was shipped away. On page 99 of the English and 109 of the German, you find: "The locks from our Utrecht branch were simply seized without any opportunity for us to invoice them. On the other hand, the locks taken from Dortrecht could well be invoiced, which we did as the articles were finished commercial products. Payment, however, never materialized. After the war, we succeeded in recovering the following goods." And there follows the list of these goods.

On the same page: "Besides these goods requisitioned by way of 'Anforderungsbescheide', numerous other things such as charcoal, tables, chairs, dining utensils, etc., were demanded and taken away by the Germans during the winter 1944-1945."

In order to place these events in the proper historical order, may I briefly refer to the situation at the time. The immediate liberation of Holland seemed to be forthcoming; on the 4th of September 1944, the so-called "Crazy Tuesday" in Holland, many Germans fled from that country thinking that the immediate liberation of Holland was at hand. And shortly before that period of time, the Germans had selected according to certain plans important materials to be shipped to Germany immediately. Then, the

immediate liberation did not materialize at that time, but waited several more months. The Germans recovered from their fright, and they now decided to carry through a looting much greater in scope than they thought they had time to do before, and then as you can see here in these documents, they were taking away everything for which they had means of transportation. The only limitation to their lootings was not their restraint, but their inability to get away more with the available transportation means.

The Prosecution now offers --

PRESIDING JUDGE DALY: I don't know whether the last was marked. That was 751.

MR. MANDELLAUB: 751, Your Honor. The Prosecution now offers as Exhibit Number 752 Document Number NIK-7441 which you find on page 103 of the English and 113 of the German. It is a list of machinery and equipment requisitioned from Lips and shipped to Krupp by freighter "Avontour". The document is signed by Messrs. Deibel and Kind, and by one Wijngaarden. I shall not go into details of these documents. They are self-explanatory. They show the lists of the material and show also that these materials are taken from Lips and shipped to the Fried. Krupp A.G.

PRESIDING JUDGE DALY: It may be marked 752.

MR. MANDELLAUB: The Prosecution now offers as Exhibit number 753 Document Number NIK-7442 which appears on page 105 of the English and 114 of the German. There are additional requisitioning orders addressed to Lips by Viktor Gerosé who was the chief of the branch office for the Plenipotentiary for the Netherlands of the Reich Ministry for Armament and War Production. He ordered the surrender of various machines, material, equipment, etc., and these photo copies will show they were shipped to the Fried.

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Krupp A.G. in Essen.

PRESIDING JUDGE DALY: It may be marked Exhibit 753,
and we will recess at this time.

(The Tribunal recessed until 1345 hours.)

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AFTERNOON SESSION

(The hearing reconvened at 1330 hours, 16 January 1947)

THE MARSHAL: The Tribunal is again in session.

JUDGE WILKINS: The office of the Secretary General has advised us that the mechanical equipment in the courtroom where it was hoped to have the commissioner sit this afternoon is being repaired and that it will not be possible for the commissioner to sit this afternoon, but he will sit in the courtroom No. 295 on Monday morning at nine-thirty a.m.

We will proceed now.

I think you have, Mr. Ragland, the names of the three witnesses you propose to have.

MR. RAGLAND: Yes, they are Richard Wagner, Fritz Luecker, Paul Krueger.

JUDGE WILKINS: Fritz whom?

MR. RAGLAND: We also, in addition to those three, will be in position to, if your Honor desires, to have two additional affiants who will be offered for cross examination, Walter Rohland is one of those. I believe the other was the Voght, V-O-G-H-T, mentioned previously.

JUDGE DALY: You give us the full list of those.

MR. RAGLAND: I think, Judge Daly, the commissioner will sit through Tuesday and Wednesday till all of these.

JUDGE DALY: I think that is right, yes.

MR. RAGLAND: We have a number of additional witnesses who have just arrived or who will be here the early part of next week.

JUDGE WILKINS: Let us have a list of these five for Monday morning and the defense can be notified.

MR. RAGLAND: May I merely state for the record before we continue with book 26 to what will be our order of procedure for the remainder of the afternoon. We will complete the presentation of book

26 then we will go to book 25. We also have a witness who has not made an affidavit with regard to whom we would like to offer his testimony to the Tribunal. The twenty-four hour notice will expire at three-thirty this afternoon and we would like to put him on as shortly thereafter as is feasible.

"The transfer from Holland to Germany of machines and material can be divided in two phases. During the first phase it was chiefly specialized machines which were taken away from the Dutch factories and sent to the various German industrial enterprises. This first phase began approximately in September 1944 and lasted about two to three months. At that time it was thought that the allied troops would have freed Holland very soon; and that there would be neither possibility nor time left to have the whole of Holland's industrial machinery and materials taken away. The action was therefore confined to valuable machines and first-class materials.

"I know definitely that at that time machines from Rademakers N.V., Rotterdam, Schaerdijk 145, were sent to Krupp, Essen. These machines were not the property of Krupp; they belonged to the Dutch owner, the firm of Rademaker N.V., I myself had a conversation with the Dutch works manager of Rademaker, who regarded this action as a great misfortune for his firm. Though I am a German and still feel German I must frankly admit that I, too, considered these measures to be very harsh; I do not wish any German firm to suffer a similar fate. However, I had to carry out these measures. All machines and all materials were sent to Krupp, Essen. Director Esmeijer of Rademaker's persistently refused to accept any money in return for these machines and insisted on the replacement of the machines. The representative of Krupp, Althaus, conferred with this Dutch Director, but failed to arrive at any sort of understanding with Esmeijer because these machines had been requisitioned. At any rate the machines were transported to Essen, and Krupp did not pay for them for the reasons given above. I realized, of course, that, should Germany lose the war, Krupp would have to restore the machines and materials."

MR. MANDELLAUB: May it please the court, prosecution offered its last exhibit 753 which is document NIK 7442 on page 105 of the English and 114 of the German. This document contains requisitioning orders addressed to Lips by Victor Gerosa, the Chief of the Rotterdam Branch Office of the Plenipotentiary for the Netherlands of the Reich Minister for Armament and War Production, Richard Fiebig.

We have already quoted from this document a few pertinent phrases and I would like to call the Court's attention to the exact wording of these shipment orders which show that they were ordered according to requests as signed.

Prosecution now offers as exhibit No. 753, 754, I beg your pardon, 754, NIK 11356 on 107 of the English and 115 of the German. This document is an affidavit of Victor Gerosa, whose name was mentioned before as the chief of the Rotterdam branch, which describes the activities of Krupp in plundering the Lips Works and Metaakhedrijf Rademakers N.V. Amsterdam. After having declared his position in Holland the affiant says:

"The transfer from Holland to Germany of machines and material --

MR. MANDELLAUB: I would like to call the Court's attention to the name which was mentioned here. Althaus, a Krupp employee; I do think this name might be corrected later. The affiant must have been mistaking somebody else for Mr. Althaus as will occur in later documents.

JUDGE DALY: This last document will be marked 754.

MR. MANDELLAUB: The prosecution now offers as exhibit No. 755, document NIK 12673 which appears on page 109 of the English and 120 of the German. It is an affidavit of Richard Koch, an engineer of Krupp's technical bureau in Essen. He states that he was sent by Krupp to Holland together with a certain engineer Max Hennig to collect machines from various Dutch firms among them Lips, De Vries Robbe, Rademakers and so on. I shall not read any further detail of this document.

The next document NIK 12766 which you will not find in the index which we added and have distributed in time to the defense is offered as exhibit No. 756, document is NIK 12766. It was distributed separately. I have it as exhibit 756.

JUDGE WILKINS: Which NIK is that?

MR. MANDELLAUB: NIK 12766 which is an affidavit.

THE PRESIDENT: What is that exhibit number, Mr. Mandellaub?

MR. MANDELLAUB: Please?

THE PRESIDENT: What was the exhibit number?

MR. MANDELLAUB: 756, your Honor, which you will find on page which we call 110A of the English and 120A of the German.

This document, exhibit 756, is an affidavit of Max Hennig in which he states:

"At about the end of October or the beginning of November 1944 Herr Kurt Rosenbaum, director of Krupp's Technical Bureau, requested me to undertake a trip to Holland. The purpose of the trip was to select within the scope of the 'Ruhrhilfe-Aktion' (emergency action for the Ruhr industries) machinery, material and equipment in Holland, urgently needed by us because of the enormous bomb damage in Essen. In order to make a suitable selection of the machines, materials etc., I received, upon orders of Mr. Kurt Rosenbaum, a number of lists containing the machines etc. needed by us. Shortly thereafter, I travelled by automobile together with Mr. Richard Koch, of the Technical Bureau 7 --

MR. MANDELLAUB: That is a sub-department of the Ruhrhilfe-Aktion.

"At first to Hengelo in Holland, and thence to the Hague, where we met the directors, Johannes Schroeder and Kurt Rosenbaum. It was decided to call at the German Government Office in the Hague; which we did.

"The Government Office gave us addresses of Branch Offices in Rotterdam, Amsterdam, Utrecht a.o., which we were to visit. We drove first to Rotterdam where we visited the chief of the German Government Office, Victor Gerosa. Mr. Gerosa gave us the names of various shipyards in Rotterdam and other places, as well as of Dutch manufacturing enterprises, where we could inspect machines, materials etc. and decide about their shipment to Germany. I do not recall today the turn of the firms visited by me together with Mr. Koch. I do know, however, that we were at the Lips firm in Dordrecht, where I together with Mr. Koch selected the machines that appeared suitable to us on the basis of my lists."

We will find in the following text how these machines were then selected shipped to Germany, the names of the firms, how the firm Rademaker refused

to give up the machines how Mr. Esmeijer refused to accept any settlement and refused to accept payment because Mr. Esmeijer said he was not on the market to sell his machines. They were his capital and therefore he didn't want to set a price for his machines which were not for sale.

PRESIDING JUDGE DALY: This last exhibit, if it hasn't been marked, will be marked 756.

MR. MANDELLAUB: We now come to the section on the Metaalbedrijf Rademaaker in Rotterdam. Prosecution offers as exhibit No. 757, document NIK 11908 which is on page 110 of the English and 125 of the German.

PRESIDING JUDGE DALY: It may be marked exhibit 757.

MR. MANDELLAUB: The document explains the history of the looting at the factory in Rotterdam and gives, contains three affidavits of Von Den Dosten, Hendrikus T.T. Esmeijer, Carl T. Begemann and gives a complete description of the plundering of the Rademaaker firm by Krupp. Of these documents, I think the affidavit of Begemann appears to be of particular significance because Begemann himself is a German and his testimony as Mr. well as that of Victor Gerosé before, seems to have particular weight to the happenings during the looting actions in Holland in which the Krupp firms was involved.

Prosecution now offers as exhibit No. 758, the document NIK 11985 which is on page 116 of the English and 126 of the German and which consists of a letter by the Commissioner for the Netherlands of the Reich Minister for Armaments and War Production Richard Fiebig, Deputy in charge of the Netherlands, to the Metaalbedrijf Rademaaker in Rotterdam. The date of this letter is the 16th of March 1944.

PRESIDING JUDGE DALY: It may be marked exhibit 758.

MR. MANDELLAUB: I shall now offer as exhibit No. 759, document NIK 11988 which is on page 118 of the English and 129 of the German and it is the reproduction of a requisition slip which reads, dated the 26th of September 1944 by the Commissioner of the War Production. It reads:

"By virtue of the 139th decree of the Reich Commissioner for the occupied Dutch territories of 16 December 1942, I hereby requisition from

the

firm of Rademakers, N. V. Metaalbedrijf
Schaardijk 139 - 145

in favor of the Commissioner for the Netherlands of the Reich Minister for
Armaments and War Production a number of machine tools, according to spe-
cification.

The firm of Rademaker is at the same time requested to carry out the
dismantling and to expedite the shipping with all means."

Head of the Field Office
(Signature) Gerosa."