

Prosecution now offers as Exhibit 760 document NIK 12052, which is on Page 119 of the English, and 130 of the German, and which show a remark by Schubert, "Krupp Essen. Note. The Hague 28 September 1944. To: Krupp Essen. The firm of Rademakers, Rotterdam, are developing important gear processing machines, Schaerer lathes, etc., and the patents have been dispatched to your firm. If any of these machines cannot be used by your firm the person in charge of machine manufacture, Director Lange, Berlin, Kochstrasse, will dispose of them. A detailed list to follow after shipment of machines." Then there is a note, "Accepted 28 Sep 44 20.40 hours Krupp Essen," marked Krupp two or three times.

PRESIDING JUDGE DALY: That may be marked Exhibit 760.

MR. MANDELLAUB: To identify Mr. Lange, who is mentioned here, he was a responsible German official in the so-called "Machinen-Augleich Stelle" at Berlin, which means machine balancing office. The Prosecution now offers as Exhibit 761 document No. NIK 12137, which is on Page 120 of the English and 131 of the German, containing again a notification of requisition, with the date of 27 October 1944.

PRESIDING JUDGE DALY: It may be marked Exhibit 761.

MR. MANDELLAUB: The Prosecution now offers as Exhibit No. 762 document No. NIK 12053, which you will find on Page 121 a-j of the English and 132 of the German.

PRESIDING JUDGE DALY: It may be marked -- go right ahead.

MR. MANDELLAUB: These exhibits are photo copies regarding the surrender and shipment of Rademaker machinery to Germany, in which you will find the name of Krupp attached to these photo copies so as to identify the direction of these shipments.

PRESIDING JUDGE DALY: It may be marked Exhibit 762.

MR. MANDELLAUB: 762. Prosecution now offers as Exhibit No. 763 document NIK 12055 on Page 122 of the English and 223 of the German. May I explain, for the sake of the German documents, that the English document book contains a more selected amount of photo copies, where the German frequently overlaps,

so as not to confuse the German-reading persons for these document books. They are not exactly the same, they overlap in one or the other. Important are those which we have introduced in the English document books, but the German document books will have a---

PRESIDING JUDGE DALY: Mr. Mandellaub, all that are in the English are in the German?

MR. MANDELLAUB: Yes, Your Honor.

PRESIDING JUDGE DALY: There may be some more, but they are all in there?

MR. MANDELLAUB: They are all there, yes, Your Honor.

PRESIDING JUDGE DALY: It may be marked Exhibit 763.

MR. MANDELLAUB: Prosecution now offers as Exhibit 764 NIK 11991, which will be on Page 143 of the English and Page 264 of the German. It is a photo copy of a letter to Rademaker from the plenipotentiary for the Netherlands of the Reich Minister of Armament for war production in Rotterdam, a branch at Rotterdam, advising Rademakers that all its machinery, its entire inventory, as well as its entire stock of materials, had been sequestered in favor of the branch for South Holland for armament and war production. I shall not go into detail of this document, it is self-explanatory.

PRESIDING JUDGE DALY: It may be marked Exhibit 764.

MR. MANDELLAUB: Prosecution now offers as Exhibit 765 NIK 11929, which you will find on Page 144 of the English and 265 of the German.

PRESIDING JUDGE DALY: Let me see if I have that.

THE PRESIDENT: It is 11992, isn't it?

MR. MANDELLAUB: 11992, Your Honor. This is a confirmation dated Essen, 9th of August 1945, after the occupation of Essen, in which the signatures of Schupp and Hennig, both of the technical bureau of Krupp in Essen, confirmed, "The machines, machine-tools, materials and spare parts, as listed in the statements of 26th, 28th," etc. — "made by Messrs. Rademakers NV of Rotterdam in conjunction with the former Netherlands branch office of the German War Production Board, are the property of The

Netherlands and have been dispatched to Essen. They are stored and cared for by the firm Fried. Krupp Essen. The materials are to be secured against burglary, sabotage and destruction till the transport to Holland has taken place. The Krupp Works will take care for collecting and putting to disposal the missing materials. The missing articles are the following: I would like to call the Court's attention to the present form of this document, speaking of the 9th of August, that these are stored now. The character of these cases, as before, will be the subject of our spoliation count.

PRESIDING JUDGE DALY: The document may be marked Exhibit 765.

MR. MANDELLAUB: The Prosecution now offers as Exhibit 766 NIK 11593, which you will find on Page 148 of the English and 269 of the German.

PRESIDING JUDGE DALY: Counselor, are you skipping NIK 11987?

MR. MANDELLAUB: No, I am sorry, Your Honor, I missed this one. I would like to call Exhibit 766 NIK 11987, on Page 146 of the English and 267 of the German, which contains a list of machinery, tools, surrendered to Krupp, made up by Rademakers, this list and the evaluation of Dutch guilders given attached to it. This is only the purchase price plus installation costs.

PRESIDING JUDGE DALY: It may be marked Exhibit 766.

MR. MANDELLAUB: I offer as Exhibit 767 NIK 11593, on Page 148 of the English and 269 of the German, which gives a description of the plundering of the NSF, which is the Nederlandsche Seintoestellen Fabriek, as well as of the deportation of Dutch workers to Germany. Prosecution now offers ---

PRESIDING JUDGE DALY: This last one may be marked Exhibit 767.

MR. MANDELLAUB: Prosecution now offers as Exhibit 768 document NIK 11399 on Page 175 of the English and 285 of the German, which is an affidavit of Gottfried H.R. Bonath, a German national, describing Krupp's spoliation in connection with the plundering of the NSF in Holland.

JUDGE WILKINS: What page was that, may I ask? I didn't get it.

MR. MANDELLAUB: NIK 11399.

JUDGE WILKINS: The page?

MR. MANDELLAUB: 175, Your Honor.

JUDGE WILKINS: Thank you.

MR. MANDELLAUB: This affidavit will read by Bonath, who was a responsible man in Holland during the time of the looting, and who explains his position in the first part of the affidavit, and he says, "In September, 1944, I think it was about the end of the month, I, as Leichner's agent, was ordered to put myself at the disposal of a detachment that was coming from Berlin. My work was to arrange the packing and dispatching to Germany of Dutch machines and materials, among which were perhaps also German materials. Towards the end of 1944 a commission came to the N.S.F. (Netherlandsche Seintostellen Fabriek, Hilversum), and Herr Leichner, respectively, which had instructions to select machines in Holland for the Ruhrstahlverband) Steel Association of the Ruhr). Herr Leichner told me that some of the gentlemen who had come to Holland with the commission were from Krupp's. This was one of the first commissions which came to Holland for the purpose of selecting machines, and it was directed by the Military Economic Command (Feldwirtschaftskommando) III, Office 4. I expressly wish to state that the aforesaid commission, which as the gentlemen themselves told me, was partly composed by members of the Krupp firm, independently selected the machines and materials in the NSF factory, marking with chalk those items of material and machinery which were selected for the transport. My work consisted in signing the bills of lading for the material and machinery sent to Germany, at the Hilversum station during the strike of the Dutch railroad workers which lasted from September 1944 until the evacuation of Holland by the Germans."

PRESIDING JUDGE DALY: Excuse me, Mr. Mandellaub, but Judge Wilkins asked a few minutes ago the page. I did not find that I have a copy of this instrument in this book at all, unless it may be in here out of order

MR. MANDELLAUB: 174 - 177.

PRESIDING JUDGE DALY: I thought probably Judge Wilkins had the same difficulty in finding it in his.

JUDGE WILKINS: I finally located mine, 175 and 176. I have mine.

PRESIDING JUDGE DALY: Then I will hope to get those pages, 175 and 176.

MR. MANDELLAUB: Yes, Your Honor. "I have been shown a number of duplicates of Wehrmacht bills of lading, addressed to the firm of Friedrich Krupp, Essen, and I have acknowledged the signature on the photostat copies of these bills to be my own. I can also add that while I worked at the Hilversum station part of the material and machinery were continually shipped from there," and "went to the Firm of Krupp." We showed to this affiant those bills of lading, and he acknowledged the signature and confirmed that.

The Prosecution now offers as Exhibit --

PRESIDING JUDGE DALY: The last one may be marked Exhibit 768.

MR. MANDELLAUB: 769, Document NIK-12563. This is page -- 11633, I beg your pardon. Document NIK-11633 which will be Exhibit 769 on page 177 of the English and 284 of the German.

PRESIDING JUDGE DALY: The document may be marked Exhibit 769.

MR. MANDELLAUB: There are three photostats of a group of 31 of duplicates of the bills of lading addressed to Fried. Krupp in Essen, North, and other documents.

The Prosecution now offers as Exhibit 770 Document Number NIK-12563, which is an affidavit by Leo Broudes; regarding these documents, documents offered below, namely NIK-11633, because we could not photostat all these documents and made a selection of those.

PRESIDING JUDGE DALY: It may be marked Exhibit 770.

MR. MANDELLAUB: This ends Document Book Number 26. We shall now offer Document Book 25.

May it please the Court, the first document in Document Book Number 25 NIK-13222, we offer as Exhibit number --

JUDGE WILKINS: 771.

MR. MANDELLAUB: 771, thank you, your Honor, 771 on page 1 of the English and page 1 of the German. It is a secret report by Johannes Schroede whom we have identified this morning as a direct subordinate, a direct subordinate to Loeser, a report of October 10th, 1940, which is an intelligence report on the economy, military and political report on Yugoslavia 6 months before Germany's attack on that country. The distribution list is set up by Loeser himself in Loeser's own handwriting, and gives the name of Alfred Krupp, Goerens, Von Buelow, etc., Loeser. There is also a letter attached from Fritz Mueller, not the Defendant Erich Mueller here, but Fritz Mueller to Schroeder of October the 18th, 1940, acknowledging receipt of report revealing that Mueller is confidential agent of the SD and SS and that von Buelow is in contact with the SD through him, stating that Mueller will pass the Schroeder report on to the

SD. I should like to read this letter of Fritz Mueller.

PRESIDING JUDGE DALY: Excuse me, the document will be marked 771.

MR. MANDELLAUB: 771, "Attached the Yugoslavia report with many thanks returned. It is so interesting that I should like to ask you to let me have a copy for...." Page 5 of the German and page 5 of the English. "....that I should like to ask you to let me have a copy for handing on. For foreign oil questions I am the representative of the Security Service of the SS and as such have already short-circuited the Security Service with Herr von Buelow. Your report I would send to the competent man at the Security Service in Berlin, Herr SS-Sturmabfuhrer Baubin, 6/o Reichswerke Hermann Goering, Berlin, etc."

PRESIDING JUDGE DALY: Where are you reading from now, what page?

MR. AMDNELLAUB: On page 5 of the English.

JUDGE WILKINS: Bottom paragraph.

MR. MANDELLAUB: The Prosecution now offers as Exhibit number 772 NIK-13383 which is on page 7 of the English and page 6 of the German.

PRESIDING JUDGE DALY: It will be marked 772.

MR. MANDELLAUB: 772. It is a copy of a letter of Sohl to Professor Cissarz of the Reich Office for the Geological Exploration of Berlin, dated the 11th of June 1941 and signed by Sohl. The stamp was initialed by Ballas. Alfred von Bohlen and others are on this distribution list. Sohl insists that in spite of general indifference in Germany, the Krupp firm on its own initiative immediately after the outbreak of the war in '39 has started action to make the Yugoslavian chrome ore deposits available to Germany. Ballas pleads the cause of Krupp's merits in that respect and asks Professor Cissarz to inform the State Secretary Keppler of Krupp's role in Yugoslavia. This document is to show the initiative of Krupp firm in the expansion which took place prior and during the war.

The Prosecution now offers as Exhibit Number 773 NIK-13243 which is a copy of a memorandum --- which is on page 10 of the English and page 8 of the German. It is a copy of a memorandum dated October the 4th, 1940, by the Krupp official Sohl, regarding Krupp Chrome ore mining in Yugoslavia

and Krupp's plans in that country. Sohl has contacted German Consul General Neuhausen in Belgrade on September 24, 1940, prior to the outbreak of the war against Yugoslavia. Krupp is enlisting the assistance of this Nazi official in Yugoslavia, with regard to acquisition of chrome ore deposits. Neuhausen promises that as soon as there is a possibility of taking over the Allatininmines from British control he will give the Yugochem company the opportunity to take over Allatini. The Yugochem company was a corporation owned 50 percent by Krupp and 50 percent by the Hermann Goering Works and which was operating in Yugoslavia for the purpose of exploring possibilities to mine chrome ore and ship it to Germany prior to the outbreak of the war which started against Yugoslavia early in April 1941, and which later on carried out this activity after the occupation of Yugoslavia.

PRESIDING JUDGE DALY: It may be marked Exhibit 773.

MR. MANDELLAUB: In this document which is distributed to Freiherr von Wilmowski, and Alfred von Bohlen, Dr. Loeser, Dr. Janssen, and others, we find the sentence: "In answer to my question Herr Neuhausen...." It is on page 10 of the English and page 8 on the bottom of the German. "In answer to my question Herr Neuhausen gave me the positive assurance that Yugochem had a monopoly from the German standpoint on the exploitation of the Yugoslavian chrome ore deposits, and that, in particular, the newly founded Jugomontan does not intend to concern itself with the workings of chrome ore deposits. Herr Neuhausen also informed me with regard to Jugomontan that the required funds would be made available by the Reich Finance Ministry, and that the Gesellschaft fuer Lagerstaettenforschung (research on deposits) (Dr. Brockamp) is the predominant stockholder of Jugomontan." Jugomontan is a state owned corporation which will be mentioned later on incidentally because it went into operation after the occupation of the Balkans and took part of the mineral resources of Yugoslavia for exploitation in favor of Germany and was a competitor to the Krupp AG in the Balkans with reference to certain mines.

The Prosecution now offers as Exhibit Number ---

PRESIDING JUDGE DALY: The last was 773?

MR. MANDELLAUB: 773, your Honor.

PRESIDING JUDGE DALY: This will be 774, is that right?

MR. MANDELLAUB: The Prosecution now offers as Exhibit 744 an affidavit by William Steen, one of the members of our Prosecution staff, on page 12 of the English and 11 of the German, NIK 13319, regarding passages in an authoritative Nazi Book concerning the strategic and military importance of Yugoslavia Chrome ore mining. The book is entitled, "Weltkampf um Rohstoffe" (World Struggle for Raw Materials) by Walter Pahl, Leipzig, 1939, just prior to the outbreak of the war, Wilhelm Goldmann Verlag; and on the pages referred to, 130-131 and 132, it gives a short description of the importance of the chrome for the war industries in general, and Germany's war industry in particular. Chromium is important for ammunition, gun barrels, and the chrome ore deposits in Europe were distributed in such a form that only two mine ore sources were available. The one in Turkey which was from a strategic point of view extremely dangerous and the chrome ore mines in Yugoslavia which were the most important chrome ore mines in Europe. The chrome ores -- the metal content of the Chrome ores in Turkey are of a much better percentage than those of Yugoslavia; however, the chrome ore -- some chrome ore mines in Yugoslavia achieve a fairly high metal content and with specific washing methods and industrial technical means the low grade chrome ores of Yugoslavia can be concentrated up to 35 to 40 percent of chrome oxide content which may be suitable for industrial purposes.

The Prosecution now offers as Exhibit Number 775 NIK-13330 which appears on page 14 of the English and page 12 of the German.

PRESIDING JUDGE DALY: It may be marked Exhibit 775.

MR. MANDELLAUB: This exhibit reveals a particularly interesting point. The Affiant, Georg Ufer, Krupp's representative in the Balkans states: "In May 1940, I was hired by the Krupp firm as assistant to the manager of Yugochrom which was being founded at that time." I omit the next sentence and continue:

"At the end of February 1941, about 5 weeks before the Germans marched into Yugoslavia, I was asked by the German counsul general in Belgrade, at that time Neuhausen, to come to his office. There I was informed by the counsul general that I had to leave for Berlin immediately on a very urgent matter and that I had to report to the Economic and Armament Department of the Supreme Command of the Army (Oberkommando der Wehrmacht), Berlin, Kurfuerstenstrasse. Neuhausen told me that he had received instructions by wire from Berlin to inform me about this urgent trip to Berlin. Thereupon I took the next train, leaving the Belgrade office, to a Mr. Harasin, giving some kind of excuse for my departure from Belgrade.

"After my arrival in Berlin, I reported to the office of the Supreme Command of the Army named by Neuhausen. There I was received by a high ranking officer who was already expecting me. This high ranking officer, whose name I cannot recall, obviously knew who I was. Presumably my travel orders also originated from him. He administered an oath, according to which I had to observe strictest silence. Thereupon he revealed to me that the war against Greece was imminent, and that I should keep myself in readiness to act in the capacity of a war administration counsellor ("Kriegsverwaltungsrat)...." I don't think the translation is so happy. I think it is better as a position which was a semi-military and semi-economic position, and a war administration counsellor does not reflect these two qualifications.

"After that, I was sent back to Belgrade and continued my work as Krupp's representative. On April 1st, a few days before the German troops marched into Yugoslavia, I was evacuated from Belgrade together with the other Germans. After the occupation, about the end of April 1941, I returned to Belgrade after having been appointed a Kriegsverwaltungsrat

on or about 18 April 1941 by the same high ranking officer who made the above-mentioned revelations to me at the end of February. I notified the Krupp firm, that is Dr. Janssen and several other gentlemen, whose names I now no longer recall, of my appointment."

Then he goes on and speaks about his functions as Kriegsverwaltungsrat not in Greece but in Yugoslavia and his function under Colonel Braumueller who was in charge of Yugoslavia at the Economic Staff, "Wehrwirtschaftsstab" East, and simultaneously continued to work and work very actively for the Krupp firm. This Georg Ufer is the man who in the name of Krupp was active in Yugoslavia throughout the German occupation and who was carrying through in connection with the Krupp office and in very close connection with Walter Ballas and one Mr. Kyllmann the Krupp activities in the Balkan area.

The Prosecution now offers as Exhibit Number 776 ---

PRESIDING JUDGE DALY: I am sorry. Sometimes I don't follow you here and I am not sure about the marking of these. I will repeat again if I said it, Document NIK-13330 is marked Exhibit 775. The next one now offered is 776.

MR. MANDELLAUB: Yes, your Honor.

THE PRESIDENT: That is 13333?

MR. MANDELLAUB: That is correct, that is 13333 which is on page 16 of the German and 16 of the English, again an affidavit by Dr. Georg Ufer, dated --- which speaks about Germany's requisitioning all mines in Yugoslavia, and Krupp was put in charge of exploiting the Chromasseo chrome mines, extracting up to September 1944 about 108,000 tons of chrome ore. Krupp also took over 3/8's of the share of the Chromasseo Corporation. There are numerous details given in this affidavit which make clear the circumstances which surrounded Krupp's war-time penetration in the field of Chrome mining in Yugoslavia and the circumstances which accompanied these capital penetrations and the shipment of chrome ore to Germany.

The Prosecution now offers as Exhibit 777 NIK-13331 which appears on page 20 of the English and 25 of the German. It is again an affidavit of Georg Ufer in which he certifies that Germany did not import chrome ore

of any importance from Yugoslavia in 1937, which means before the war, a fact which is relevant and important for future evaluation of Germany's activities in the Balkans and of Krupp's shipment of chrome ores during the war to Germany.

The Prosecution now offers --

PRESIDING JUDGE DALY: The last one on page 20 was marked 777.

MR. MANDELLAUB: Thank you, your Honor.

PRESIDING JUDGE DALY: Now, you are offering the next one in order here as 778?

MR. MANDELLAUB: That's right, your Honor.

PRESIDING JUDGE DALY: 778.

MR. MANDELLAUB: The Prosecution now offers as Exhibit Number 778 which is SSSR Exhibit 135 (IMT) J-80, on page 22 of the English and 27 of the German, which is an order of the military commander in Serbia establishing the Serbian national bank, a German controlled banking institution, and declaring the liquidation of the Yugoslav state bank, the state bank of Yugoslavia being by the Germans declared no longer in existence. We have in the course of Europe's occupation by the Germans two different attitudes which the Germans adopted. In the West, they pro-forma left the states as such in existence. In the case of Poland, Russia, and Yugoslavia, the Germans declared these states ceased to exist and thereupon they based their legality upon these declarations of non-existence.

The Prosecution now offers as Exhibit Number 774....

PRESIDING JUDGE DALY: 779, isn't it?

MR. MANDELLAUB: 779, SSSR-140, IMT, J-78. We omit the document just before which is SSSR Exhibit 206, J-81.

PRESIDING JUDGE DALY: Wouldn't that be 779?

MR. MANDELLAUB: We omit this document.

PRESIDING JUDGE DALY: Oh, you are not going to offer that, I beg your pardon.

MR. MANDELLAUB: We just over this J-78, IMT document just below it which is on page --

PRESIDING JUDGE DALY: Marked 779.

MR. MANDELLAUB: 779 on page 24 of the English and 29 of the German, a proclamation issued by the German Supreme Command of the Army of the 14 April 1941 before the completion of Yugoslave occupation, fixing the enforced lowering of the Yugoslave Dinar in relation to the Reichmark.

The Prosecution now offers as Exhibit Number 780 NIK-5990 which is on page 25 of the English and page 30 of the German.

PRESIDING JUDGE DALY: It may be marked Exhibit 780.

MR. MANDELLAUB: This is a report by Guenter Sohl dated May 17, 1941, initialed by Schroeder, regarding the chrome ore projects in Yugoslavia. This report was made shortly after Yugoslavia had been conquered and Sohl who at that time was still a Krupp employee -- he left several months later -- and was at that time the head of the Krupp Mining Department, reports to his firm on his trip, and he saw consul general Neuhausen on the 29th of April in Belgrade.

This Consul General Neuhausen, who before the war was a German diplomat in Belgrade after the invasion of Yugoslavia, came back to Belgrade immediately following the German troops, and was then appointed Plenipotentiary General for the economy of Yugoslavia, Wehrwirtschaftsstab in Yugoslavia, and he reports of Neuhausen's reactions to Krupp's plans in Yugoslavia and he discusses with Neuhausen the general plan which he and Neuhausen may develop, he as representative of Krupp and Neuhausen as representative of the government, as to the Krupp ore mines in Yugoslavia, especially in the neighborhood of Skoplje. Skoplje is a region in Macedonia not too far from the Greek border which has a number of chrome ore mines, and which contain the most important chrome ore mines of Yugoslavia. There are some more chrome mines in Yugoslavia near the Albanian border, which were later annexed by Albania, some chrome ore mines further north. The most important chrome ore mine in Albania is the chrome ore mine in Skoplje, which will appear later in the document, and the most important chrome ore mines in this Skoplje area belonged to the firm of Chromasseo, a Yugoslavian firm, a corporation of which we will hear later. At any rate, the document shows the interest which Krupp had in those chrome ores, an interest which is rather understandable against the background of the report which we mentioned before, which Dr. Ballas had given to the Reichs Bodenform; and now the time has come that the Krupp representatives can remind Mr. Neuhausen of his promise that if the monopoly meant anything to them, of which they spoke after the Germans occupied Yugoslavia, it was now time to do something about it. Mr. Sohl informs Neuhausen about the remaining other chrome ore mines in Yugoslavia, and about their production which he reports to Essen, about three groups of chrome ore mines, the so-called Allatini or Ljuboten mines, Ljuboten formed part of the Chrome ore mines, other mines, and the Asseo Chrome ore mines; their production, their so-called chrome buddle ore, and their export ore. Note the ore which is directly mined, which is not ready for transport, because it would mean too high transport cost, the ore would be washed and, if possible, to indicate a specific process in order to make it economical to have it

shipped away. We will see that Krupp later is going to have such installation installed in Yugoslavia for that purpose; otherwise, they had to be shipped away under high cost to Germany. He immediately speaks about the question of the ore dressing plant with one Steiger, and the ore dressing plant should be planned for 100,000 tons of this chrome Buddle ore. This will be one of the most important technical problems solved in Yugoslavia, and we shall see how this was solved. Distribution of this document went to Alfried von Bohlen, Dr. Loeser, Dr. Janssen, herr von Wilmowsky, and Schroeder, and others. Herr von Wilmowsky is the uncle of defendant Alfred Krupp, who married the sister of Bertha Krupp, Barbara Krupp. He was also deputy chairman of the Aufsichtsrat.

The Prosecution now offers as Exhibit No. 781, document NO. NIK-12890, which is on page 29 of the English, and on page 37 of the German. This letter is a copy of a letter dated January 29, 1942, referring to the acquisition of Ljuboten shares from the Serbian state property.

JUDGE DALY: Excuse me, just a minute, Mr. Mandellaub, please. Go right ahead.

MR. MANDELLAUB: This is referring to the Ljuboten mines which I have mentioned in the Sohl memorandum before, and in which the Krupp firm informs the General Plenipotentiary in Serbia about the situation of the so-called Ljuboten shares which belonged to a corporation owning chrome mines in Yugoslavia. Krupp desires to purchase Ljuboten shares and stresses the importance of these shares and of the mines to Krupp. The German Plenipotentiary in Serbia is of the opinion that no German Commissar can be appointed for Ljuboten Corporation, but Krupp strongly argues that Ljuboten Corporation should be taken over as enemy property by a German Commissar, and this Commissar should then support Krupp to acquire shares of the Ljuboten Corporation. We bring this document for the purpose of showing that the Krupp firm was directly giving advice to the German official as to how to create a possibility for acquiring property during the occupation period. Whether the Krupp firm succeeded or not in obtaining these Ljuboten mines is for this particular purpose irrelevant. It was important to show that the Krupp firm was eager and

was looking for initiative to procure the mines for Krupp.

JUDGE DALY: The document may be marked Exhibit 781.

MR. MANDELLAUB: The Prosecution now offers as Exhibit No. 782, Document No. NIK-12889, which is on page 31 of the English, and 39 of the German. This document is a letter from Krupp official Kyllmann to the Reichs Wirtschafts Minister in Berlin, of April 8, 1942, outlining Krupp's ore mining activities in Yugoslavia since the invasion of that country and stressing the importance in Krupp's interest in acquiring Ljuboten shares and trying to enlist the staff of the Wirtschafts Ministerium for that purpose.

JUDGE DALY: It may be marked Exhibit 782.

MR. MANDELLAUB: The Prosecution now offers as Exhibit 783, document No. NIK-12895, a Krupp directorate letter, which is on page 33 of the English and 41 of the German. The letter is dated May 13, 1942. The General Plenipotentiary in Belgrade calls attention to additional Ljuboten shares which are in the hands of a British control corporation, Chemicos; and also advising that Germany should take over the corporation, appoint a Commissioner, who should fix the numbers of the shares, and then sell them to Krupp.

JUDGE DALY: It may be marked 783.

MR. MANDELLAUB: The Prosecution now offers as Exhibit 784, NIK-12937, which you will find on page 36 of the English, and 43 of the German. It is a copy of a report signed Ballas, October 5, 1943, summarizing Krupp's endeavors to obtain the shares of Chromasseo, since the occupation of Yugoslavia. He enumerates the various difficulties with the Italians, outlining the ways by which Krupp obtained 3,007 shares of a total of 8,000 shares, for 1,000 Dinars each.

JUDGE DALY: It may be marked Exhibit 784.

MR. MANDELLAUB: The Prosecution now offers as Exhibit 785, a letter, NIK-13315, which is on page 38 of the English and page 44 of the German.

JUDGE DALY: It may be marked Exhibit 785.

MR. MANDELLAUB: Which is a letter of Kyllmann, the successor to Sohl in Krupp's mining department, to Georg Ufer, informing Ufer of the details of Krupp's agreement with the Italian corporation Ammi, confirming a report of Ballas, as given in the document NIK-12937, which was document Exhibit No. 784.

The Prosecution now offers as Exhibit No. 786, NIK-13318, which you will find on page 42 of the English and 51 of the German. It is a letter of Krupp directorate signed Kyllmann and Scheibe, transmitting copy of a letter from the German chairman of the governmental Committee Clodius, of March 14, 1942, stipulating the official agreement between the Italian and German governments regarding German-Italian coal ore interest in the territory of Yugoslavia. Also attached is the agreement between the Ammi and Krupp based on this governmental agreement.

JUDGE DALY: It may be marked Exhibit 786.

MR. MANDELLAUB: The situation was approximately as follows; Krupp's endeavors to penetrate Yugoslavia met with the competition of the Italians, the political position and situation in Yugoslavia was extremely confused, the Axis partners were not yet sure which part should become Bulgarian territory, which part should become Italian, and which part should be a so-called independent Serbian state under the puppet government of Nedicz. These chrome ore mines were disseminated throughout these territories, which were not yet officially annexed, and the expansion of the Italians and the Italian sphere of influence was not yet secured and sure, as were the Germans'. The Krupp activities in the Balkan areas were met with the Italian competition, and when Krupp finally obtained the chrome shares or part of them, Krupp found out that the Italian corporation Ammi has been cleared, and the whole matter was solved in a political way, the two Krupp representatives Kyllmann and Ballas, called to come to Rome, and there the differences between the Ammi and Krupp were solved, the Italians represented through Ciano, who was interested in the Italian corporation Ammi, and the German Clodius was an official of the German Berlin office, made Ammi and Krupp agree as to the extent of their influence in Yugoslavia.

The final conclusion was that in fact Krupp obtained the exploitation of the chrome ore in Yugoslavia, and the permission to ship it to Germany, and 3/8ths of the shares of the Chromasseo Share Corporation which Krupp had acquired during that time from various sources, including from the confiscated property of the

THE PRESIDENT: I want to ask you. Was Ciano personally interested, or officially?

MR. MANDELLAUB: He was officially interested, and he also had a position in the corporation of Ammi. He was also represented there.

PRESIDING JUDGE DALY: We will recess at this time.

(A recess was taken)

THE MARSHAL: All persons in the courtroom will please find their seats.

The Tribunal is again in session.

THE PRESIDENT: Are you ready to proceed? Notify the defense counsels we are ready to proceed with this case, Mr. Marshal. They don't seem to be present.

MR. MANDELLAUB: May it please the court, our last exhibit was 786. That was NIK 13318.

THE PRESIDENT: Now, you had better wait until -- Mr. Mandellaub, you had better wait until the defense counsel or representative of the defense counsel gets here. They seem to have absented themselves from the courtroom. We have sent the Marshal out to notify them.

We notice that usually -- there are only a few of them here. There are some twenty odd, and sometimes there are only a few of them present, sometimes two or three. Now there don't seem to be any of them here. They perhaps folded their tents, apparently. We will wait a few moments and give them an opportunity to get in, and if they are not in, we will take the steps that are necessary.

PRESIDENT: The Marshal seems to be having some difficulty in locating the counsel for the defense. We will take a recess and give him a little more time.

The prisoners will remain in the dock until further orders of the Court.

THE MARSHAL: The Tribunal is again in session.

THE PRESIDENT: Before you start, Counselor, the Tribunal has some remarks of its own to make. We noticed, have noticed, from time to time that very frequently there were very few of the counsel for the defendants present during the trial of this case, and we have proceeded upon the assumption that the absence of the other members was occasioned by the necessity of attending to some part of their duties in connection with the representation of these defendants. On this morning, we noticed, or today, rather, we noticed that counsel have not been present in the courtroom. No defense counsel has been present in the courtroom since shortly before noon until we took the afternoon recess. It appears, very clearly appears, apparently by pre-arrangement that counsel deliberately left the bar of this Court and absented themselves from the trial of this case until they were ordered just now by the Court to put in their appearance.

Now, that conduct, it was observed by the Court, as I said, was pre-arranged, apparently, or evidently pursuant to some pre-arranged plan, because there was no consultation among the members of the court. Now, we want to state this thing once and for all, the Tribunal, has tried to accord Counsel for the Defense in this case the consideration that they, as members of a great profession, are entitled to, and as officers of this court are entitled to, but it looks as if the Counsel for the Defense have mistaken the part, that consideration by the Tribunal. We want to notify you once and for all now that no counsel, defense counsel for the Prosecution, is going to run this Tribunal.

Now, every member of the defense counsel who was here this morning and participated in absenting himself in this plan is in contempt of this Tribunal, and it is so adjudged, and none of you will be heard on any subject until you have purged yourselves on that contempt. It is the judgment of the Tribunal that by reason of the contempt, that the Marshal take each of you who was present this morning and

16 Jan 48-A-DC-22-2-Stewart (Horn)
COURT III, CASE X

participated in that plan; taken into custody until the further order of
the Court. Judge Wilkins, have you anything to say?